STATE OF HAWAI'I

DEPARTMENT OF HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA

91-5420 Kapolei Parkway, Kapolei, Oʻahu, Hawaiʻi, Interactive Conference Technology (ICT) Monday, September 20, 2021, at 9:30 a.m. to be continued, if necessary, on Tuesday, September 21, 2021, at 9:30 a.m.

Livestream available at www.dhhl.hawaii.gov/live

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov by Thursday, September 16, 2021.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for August 10, 2021, and August 16 & 17, 2021
- D. Public Testimony on Agendized Items see information below

II. ITEMS FOR DECISION MAKING

A. CONSENT AGENDA

Homestead Services Division

- D-2 Approval of Consent to Mortgage (see exhibit)
- D-3 Approval of Streamline Refinance of Loans (see exhibit)
- D-4 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-5 Commission Designation of Successors to Application Rights Public Notice 2015, 2019 & 2020 (see exhibit)
- D-6 Approval to Certify Applications of Qualified Applicants with Application Dates between April 30, 2021 thru July 1, 2021 (see exhibit)
- D-8 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- D-9 Approval of Assignment of Leasehold Interest (see exhibit)
- D-10 Approval of Amendment of Leasehold Interest (see exhibit)
- D-11 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-12 Request to Surrender Residential Lease No. 6499, Lot No. C-1, Anahola, Kauai **LORRIN E.K. MANOI**
- D-13 Conditional Approval of Subdivision, Transfer of a Portion of Lease and Amendment to Lease No. 6913, Lot No. 44, Pu'ukapu, Hawai'i **OLIVER C.I. SHIMAOKA, III**
- D-14 Commission Designation of Successor **STEPHANIE KANANI REAVIS**, Residential Lease No. 6306, Lot No. 51B, Keaukaha, Hawai'i

B. REGULAR AGENDA

Office of the Chairman

- C-1 Approval of 2022 Legislative Proposals
- C-2 Approval of Lease Award Kakaina Subdivision Residential Vacant Lot, Waimanalo, Oahu, Approval of Lease Award Nanakuli Subdivision-First and Second Series Wai'anae, Oahu and Approval of Lease Awards Ka'uluokaha'i Residential Subdivision Vacant Lot, Kapolei, Oahu, (see exhibit)

C-3 Approval of Rescission of Homestead Lease Award and Reinstatement of Application La'i'Ōpua Villages 4 & 5, which commenced on December 3, 2005 (see exhibit)

Homestead Services Division

D-7 Approval to Cancel Applications on Non-Qualified Applicants (see exhibit)

Land Management Division

- F-1 Approval to Issuance of License to Aha Pūnana Leo, Inc., Waimea, Island of Hawaii, TMK No.: (3) 6-4-001:059(por.)
- F-2 Approval to Issuance of License to Kamehameha Schools, Keaukaha, Island of Hawaii, TMK Nos.: (3) 2-1-023:157(por.) & :158(por.)
- F-3 Approval to Issuance of Right of Entry Permit, State of Hawaii Department of Agriculture, Waimanalo, Island of O'ahu, TMK No.: (1) 4-1-011:001 (por.)
- F-4 Approval to Issue a License to Ka Hale Pōmaika'i, 'Ualapu'e, Molokai, TMK: (2) 5-6-002:001 (por.)
- F-5 Approval to Issue a Right of Entry, Alpha, Inc., Honokowai, Maui, TMK: (2) 4-4-002:018 (por.)
- F-6 Approval to First Amendment to Right of Entry No. 704, Hawaiian Telcom, Inc., Portions of Various Tax Map Keys, Islands of Kauai, Oahu, Molokai, Maui, Hawaii, State of Hawaii
- F-7 Approval to Issue a License Agreement, Kūkulu Kumuhana O Anahola (KKOA), Ulupono Project, Anahola, Island of Kauai, TMK Nos. (4)4-8-003:019

Planning Office

- G-1 Accept the Beneficiary Consultation Report for the Aha Pūnana Leo Inc. Request to Utilize DHHL Land for a Hawaiian Language Pre-School, Waimea, Hawai'i Island, TMK No. (3)-6-4-001:059
- G-2 Accept the Beneficiary Consultation Report for the Kamehameha Schools' Request to Utilize DHHL Land for a Pre-School, Keaukaha, Hilo, Hawai'i Island, TMK No. (3)-2-1-013:157 (por.) & 158 (por.)

III. ITEMS FOR INFORMATION/DISCUSSION

A. GENERAL AGENDA

Requests to Address the Commission

- J-1 Gil Campbell Waimānalo Lease
- J-2 Homelani Schaedel Malu'ōhai Community Safety Concerns
- J-3 Lani Olsen Successorship Issue
- J-4 Cora Schnackenberg Ahonui Homestead Association
- J-5 Al Hee Paniolo Bankruptcy
- J-6 Blossom Feiteira Maui Concerns
- J-7 Donna Sterling Kahikinui Concerns
- J-8 Ainaaloha Ioane Kings Landing
- J-9 John Kaohelaulii Anahola Kuleana Homestead Project
- J-10 Allen Cardines Keaulana Avenue

IV. EXECUTIVE SESSION

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 the following matters:

- 1. Discussion on *Duncan v. DHHL*, Civ. No. 19-1-0037 JKW, before the Fifth Circuit Court of the State of Hawaii
- 2. Update on *Tacub v. Hawaiian Homes Commission*, et al., CAAP-20-0000665, before the Hawaii Intermediate Court of Appeals

V. ITEMS FOR INFORMATION/DISCUSSION

A. REGULAR ITEMS

Homestead Services Division

- D-1 HSD Status Reports
 - A.-Homestead Lease and Application Totals and Monthly Activity Reports
 - **B.-Delinquency Reports**
 - C.-DHHL Guarantees for FHA Construction Loans

B. WORKSHOPS

Administrative Services Office

H-1 For Information Only – Workshop on DHHL Supplemental Budget Requests for Fiscal Year 2023 (Sufficient Sums Budget)

Land Development Division

- E-1 For Information Only East Hawaii Project Update
- E-2 For information Only Workshop on Wastewater Disposal on Hawaiian Home Lands Focus on Cesspools

Planning Office

- G-3 For Information Only Status Update on Plan Implementation in the East Hawai'i Region to the Hawaiian Homes Commission
- G-4 For Information Only East Hawai'i Water Issues Update

STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA

91-5420 Kapolei Parkway, Kapolei, Oʻahu, Hawaiʻi, ICT - Zoom Tuesday, September 21, 2021, at 9:30 a.m.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Public Testimony on Agendized Items see information below

II. ITEMS FOR DECISION MAKING

Planning Office

- G-5 Accept Beneficiary Consultation Report for Long-Term Lease with Nexamp Inc. for Proposed Community-Based Renewable Energy Project, Kalaoa, North Kona, Island of Hawai'i, TMK No. (3) 7-3-010:007
- G-6 Accept Beneficiary Consultation Report for Long-Term Lease with Nexamp Inc. for Proposed Community-Based Renewable Energy Project, Kawaihae, South Kohala, Island of Hawai'i, TMK No. (3) 6-1-006:003

Administrative Services Offices

- H-1 Approval of DHHL Supplemental Budget Requests for Fiscal Year 2023 (Sufficient Sums Budget)
- H-2 Transfer of Hawaiian Home Receipts Fund at the End of the First Quarter, FY 2022

III. ITEMS FOR INFORMATION/DISCUSSION

Office of the Chairman

- C-4 For Information Only Presentation on Activities Submitted for the National Telecommunications & Information Administration Tribal Broadband Connectivity Program
- C-5 For Information Only Presentation on the Impact of COVID-19 on Native Hawaiians
- C-6 For Information Only Report of the Public Hearing for Administrative Rules for Supplemental Dwelling Units

Planning Office

G-7 For Information Only--Draft Environmental Assessment for the Barbers Point Solar Project, East Kalaeloa, 'Ewa District, O'ahu, and Anticipated Finding of No Significant Impact (AFONSI), TMK Nos. (1) 9-1-013:038, (1) 9-1-013:040, and (1) 9-1-016:027.

Administrative Services Office

H-3 For Information Only – Report on FY 2020 Audit Management Letter

IV. EXECUTIVE SESSION

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 the following matters:

- 1. Update on issues related to Telecommunications and Broadband services on Hawaiian Home Lands;
- 2. Discussion on *In re Paniolo Cable Company, LLC*, Case No. 18-01319 (RJF) before the U.S. Bankruptcy Court. District of Hawai'i; and
- 3. Discussion on *United States of America vs. Sandwich Isles Communications, Inc., et al.*, Case No. 18-00145 (JMS-RT) before the U.S. District Court for the District of Hawai'i

V. ANNOUNCEMENTS AND ADJOURNMENT

- A. East Hawai'i Community Meeting
- B. Next Meeting October 18 & 19, 2021, (ICT) Zoom
- C. Adjournment

William J. Kila Jr., Chairman Hawaiian Homes Commission

COMMISSION MEMBERS

Randy K. Awo, Maui Patricia A. Teruya, Oʻahu Pauline N. Namuʻo, Oʻahu Michael L. Kaleikini, East Hawai'i Zachary Z. Helm, Moloka'i David B. Ka'apu, West Hawai'i Dennis L. Neves, Kaua'i Russell K. Ka'upu, O'ahu

Pursuant to the Governor's Proclamation Relating to the COVID-19 Response, Hawai'i Revised Statutes Chapter 92 regarding public agency meetings and records is currently suspended in part through till October 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. If you need an auxiliary aid/service or other accommodation due to a disability, contact Michael Lowe at 620-9512, or michael Llowe hawaii.gov, as soon as possible, preferably by September 17, 2021. If a response is received after September 17, 2021, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate formats.

Public Testimony on Agendized Items can be provided either as: (1) written testimony or (2) live, oral testimony online by submitting a form at least 24 hours prior, at https://dhhl.hawaii.gov/hhc/testimony/, with your name, phone number, email address, and the agenda item on which you would like to testify. Once your request has been received, you will receive an email with the Zoom link via which to testify. You will need a computer with internet access, video camera and microphone to participate. If you require access by phone only, please indicate that in your request. Testimony will be limited to a maximum of three (3) minutes per person.

Community Meeting Link available via the Department of Hawaiian Home Lands website at https://dhhl.hawaii.gov/hhc/2021-hawaiian-homes-commission-meeting-schedule/

ITEM C-2 EXHIBIT

APPROVAL OF LEASE AWARD KAKAINA SUBDIVISION RESIDENTIAL VACANT LOT WAIMANALO, Oʻahu

<u>NAME</u>	APPL DATE	LOT NO	TAX MAP KEY	LEASE NO
LOVELYN M. KEKINC	12/20/1971	35	(1) 4-1-041-035	12964

APPROVAL OF LEASE AWARD NANAKULI SUBDIVISION-FIRST AND SECOND SERIES, WAIANAE, Oʻahu

NAME_	APPL DATE	LOT NO	TAX MAP KEY	LEASE NO
ELIZABETH L. KAMA	11/17/1977	56B	(1)-8-9-002-069	12965

APPROVAL OF LEASE AWARD KAULUOKAHAI RESIDENTIAL SUBDIVISION-VACANT LOT KAPOLEI, Oʻahu

<u>NAME</u>	APPL DATE	LOT NO	TAX MAP KEY	LEASE NO
TRACY K. KEA	08/02/1990	41	(1)-9-1-017-110	12966
JESSIE D. DAVID	06/22/1990	44	(1)-9-1-017-110	12967

ITEM C-3 EXHIBIT

APPROVAL OF RESCISSION OF HOMESTEAD LEASE AWARD AND REINSTATEMENT OF APPLICATION – LAIOPUA VILLAGES 4 & 5, UNDIVIDED INTEREST

<u>NAME</u> KALINO, BRUCE K.	LEASE INFO Lease No. 10712 Commencement Date: 12/03/05 Area: Laiopua Village 4&5	APP INFO Hawaii IW Res Area Code: 393 App Date: 02/22/1989
SPENCER, TYRAN K.	Lease No. 10757 Commencement Date: 12/03/05 Area: Laiopua Village 4&5	Hawaii IW Res Area Code: 393 App Date: 11/15/1994
TINA, PHILIP K.	Lease No. 10805 Commencement Date: 12/03/05 Area: Laiopua Village 4&5	Hawaii IW Res Area Code: 393 App Date: 04/27/1999
WONG, BERNADETTE K.	Lease No. 10743 Commencement Date: 12/03/05 Area: Laiopua Village 4&5	Hawaii IW Res Area Code: 393 App Date: 08/18/1992
AKAU-SONOGNINI, MIKIAI	LA M. Lease No. 10887 Commencement Date: 12/03/05 Area: Laiopua Village 4&5	Hawaii IW Res Area Code: 393 App Date: 02/19/2003
ENRIQUES IWALANI S,	Lease No. 10816 Commencement Date: 12/03/05 Area: Laiopua Village 4&5	Hawaii IW Res Area Code: 393 App Date: 09/09/1999

ITEM D-2 EXHIBIT

APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
AKEN, Gordon K., Jr.	8924	Lualualei, Oahu
APANA, Mathew K.	938	Kewalo, Oahu
ARIAS, Netti	12946	Kauluokahai, Oahu
ARTHUR, Shanna K.	4248	Keaukaha, Hawaii
BALAURO, Kimberly	6644	Waiahole, Oahu
BELANIO, Rory K.	10874	Laiopua, Hawaii
BENANUA, Gordon F.	12622	Kanehili, Oahu
BOBILES, Dawn E.	5503	Lualualei, Oahu
CHOY, Avery K.	8562	Princess Kahanu Estates, Oahu
ELLIS, Bryan G. K.	9378	Kaniohale, Hawaii
GADINGAN, Rhonda M. K. F.	8885	Hanapepe, Kauai
GARCIA, Elizabeth G.	2192	Kewalo, Oahu
GARSO, Lahela L.	7743	Waiohuli, Maui
GRACE, Richard K.	7123	Kawaihae, Hawaii
JOHNSON, Melissa K. K.	2718Z	Waimanalo, Oahu
KAAIALII, Andrea J. K. Y.	5918	Nanakuli, Oahu
KANEKOA, James K.	11443	Leialii, Maui
KEALOHA, Pauline	6768	Waianae, Oahu
KEAUNUI, Gay K.	11818	Kanehili, Oahu
KEKAHUNA, Gordon E. N.	11530	Leialii, Maui
KELA, Samson I., Jr.	4067	Waiakea, Hawaii
KELIIPULEOLE, Michael-Daniel K.	9695	Kalawahine, Oahu
KELLY, Kolani B.	5335	Waianae, Oahu
KEOLANUI, Anna	12952	Kauluokahai, Oahu
KONG, Cherly	10288	Waiohuli, Maui
KUALII, Ikaika H.	10273	Keaukaha, Hawaii
KWON, Waynette L. H.	7048	Puupulehu, Hawaii
LESLIE, Gordon K.	11867	Kanehili, Oahu
LOPES, Wesley K.	8382	Princess Kahanu Estates, Oahu
MAN, Jan-Maxine P.	8748	Nanakuli, Oahu
MATHIAS, Robin Rose H.	12345	Kanehili, Oahu
MILLER, Kimberly N.	11773	Kanehili, Oahu
MONTEZ, Ryan P.	5700	Nanakuli, Oahu
NAHINA, Solomon K.	11868	Kanehili, Oahu
NG, Devin D. H.	12359	Kauluokahai, Oahu
OSBORNE, Shawnette K.	12334	Kauluokahai, Oahu
PUAOI, William K.D.	5012	Hoolehua, Molokai
ROBINS, Roy G. M., Sr.	10251	Waianae, Oahu
ROWLAND, Charlene	4424	Waianae, Oahu
SANG, John K.	7487	Waiohuli, Maui
SOARES, Wayne R.	11217	Kumuhau, Oahu
STEVENS, Sydney Lee M.	2705B	Puukapu, Hawaii
STORER, Kalikolehua	11523	Leialii, Maui
TEIXEIRA, Genevieve K.	12139	Kaupea, Oahu
Valdez, Pebbles K.	12747	Maluohai, Oahu

VICTOR, Vaughn E. L.	2624	Nanakuli, Oahu
VON OELHOFFEN, Tatiana J. K.	8610	Nanakuli, Oahu

ITEM D-3 EXHIBIT

APPROVAL OF STREAMLINE REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
GIFFORD, Carylee N.	9825	Anahola, Kauai
MURAOKA, Lyle H.	11325	Kekaha, Kauai
PALEKA, Allen K.H.	11454	Leialii, Maui
YUNG, Jacob A.C.K.	6333	Keaukaha, Hawaii

ITEM D - 4 - EXHIBIT

HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
AIONA, Leonard	Oahu IW Res
AMARAL, Selmajean L.	Oahu IW Res
FUJIOKA, Melanie K.	Hawaii IW Agr to Oahu IW Agr
FUJIOKA, Melanie K.	Hawaii IW Res to Oahu IW Res
HANSEN, Elizabeth L.	Oahu IW Res
KALILIKANE-BOCOBOC, Jody A.	Molokai IW Agr
KAUPU, Brandon K.N.	Oahu IW Res to Hawaii IW Res
LEAO, Leolani S.	Hawaii IW Agr to Oahu IW Agr
MEDEIROS, Rosemary L.	Hawaii IW Res
NIHEU, Kealiikauila H.	Hawaii IW Res
PAALUHI, Florine M.	Oahu IW Agr
PAHIA, Adriana K.	Oahu IW Res
ROBERTSON, Junelehua K.	Oahu IW Agr
SILVA, Cecelia	Oahu IW Res
WANA, Walter L.	Hawaii IW Pas
WHITFIELD, Lorraine K.	Hawaii IW Agr
YOUNG, Lloyd Jr.	Waimanalo Area / Oahu IW Res

ITEM D - 5 - EXHIBIT

COMMISSION DESIGNATION OF SUCCESSORS - PUBLIC NOTICE 2015, 2019 & 2020

APPLICANT	AREA
BROWN, Kulamanu L.	Maui IW Agr
KALILIKANE-BOCOBOC, Jody A.	Molokai IW Agr
KAMAKEA, Titus K.	Oahu IW Agr
KAMAKEA, Titus K.	Oahu IW Res
KANEI, Waonette R.	Oahu IW Res
KANEI, Waonette R.	Hawaii IW Agr
MALANI, Clement K., Jr.	Hawaii IW Res
MEDEIROS, Rosemary L.	Hawaii IW Res
PAALUHI, Florine M.	Oahu IW Agr
PAALUHI, Florine M.	Oahu IW Res
PAHIA, Adriana K.	Oahu IW Agr

PAHIA, Adriana K.

WAINUI, Taiva J.K.

Oahu IW Res
WALLACE, Precious K.

WANA, Walter L.

WHITFIELD, Lorraine K.

YOUNG, Christie P.

Maui IW Agr

ITEM D - 6 - EXHIBIT

QUALIFIED HOMESTEAD APPLICANTS FOR APPROVAL

APPLICANT	AREA
AH LEE SAM, Dancette K.P.	Oahu IW Agr
AH LEE SAM, Dancette K.P.	Oahu IW Res
AKAO, Wayne K.	Hawaii IW Agr
AMADEO, Jahlove R.I.	Oahu IW Res
AMADEO, Jahlove R.I.	Hawaii IW Pas
ANDRADE, Troy P.S.	Hawaii IW Pas
ANDRADE, Troy P.S.	Hawaii IW Res
ASAI, Mervelee K.	Kauai IW Agr
ASAI, Mervelee K.	Kauai IW Res
BRIGOLI, John K.K.	Oahu IW Agr
BRIGOLI, John K.K.	Oahu IW Res
CHANDLER, Samuel S.P.	Oahu IW Agr
CHANDLER, Samuel S.P.	Oahu IW Res
CHOY FOO, Gail P.	Oahu IW Agr
COLIN, Chalyssa K.N.	Oahu IW Agr
COLIN, Chalyssa K.N.	Oahu IW Res
COLIN, Kevin K.	Oahu IW Agr
COLIN, Kevin K.	Oahu IW Res
COSIER, David P., Jr.	Oahu IW Agr
DELOS REYES, Eddie A.	Oahu IW Res
DOCTOLERO, Loriann V.	Oahu IW Res
DUVAUCHELLE, Scott A.K.	Oahu IW Res
DUVAUCHELLE, Scott A.K.	Hawaii IW Agr
EASON, Jaline K.M.	Oahu IW Agr
ENOS, Richard J.M., Jr.	Maui IW Res
FREITAS, Brandzie K.	Oahu IW Res
GALDEIRA, Kaanapali K.K.	Oahu IW Res
GALDEIRA, Kaanapali K.K.	Hawaii IW Agr
GLISSON, Patricia L.	Oahu IW Agr
GLISSON, Patricia L.	Oahu IW Res
GRACE, Abraham A.K., III	Maui IW Agr
GRACE, Abraham A.K., III	Maui IW Res
GRACE, Alicia M.	Maui IW Agr
GRACE, Alicia M.	Maui IW Res
HALEAMAU, Kaivin K.	Hawaii IW Agr
HALEAMAU, Kaivin K.	Hawaii IW Res
HANOHANO, Cecilia K.	Oahu IW Res
HAOLE-KEAHI, Carlene K.	Maui IW Agr

HAOLE-KEAHI, Carlene K. Maui IW Res HARTWELL, Gerry N.L. Hawaii IW Agr HARTWELL, Gerry N.L. Hawaii IW Res HONDA, Ehukai I. Oahu IW Res HONDA, Ehukai I. Hawaii IW Agr HONDA, Kalahoikeola K.N. Oahu IW Res HONDA, Kalahoikeola K.N. Hawaii IW Pas HONDA, Paiea L.S. Oahu IW Res HONDA, Paiea L.S. Kauai IW Agr HONOKAUPU, Jeffrey Lee K. Maui IW Agr HONOKAUPU, Jeffrey Lee K. Maui IW Res KAAIHUE, Alden Lee K. Oahu IW Res KAHUI, Mei-Lin K.K.W. Oahu IW Res KAINA, Noel K. Maui IW Agr KAINA, Noel K. Maui IW Res KAINA, Phillip Jr. Oahu IW Res KALEIKINI, KC K.K. Oahu IW Agr KALEIKINI, KC K.K. Oahu IW Res KALUAU-INGRAM, Sharon K. Hawaii IW Pas KALUAU-INGRAM, Sharon K. Hawaii IW Res KANEKOA, Kamuela K. Oahu IW Res KANOA, Valentino H. Oahu IW Res KANOA, Vicson H. Oahu IW Agr KANOA, Vicson H. Oahu IW Res Hawaii IW Agr KAPELIELA, Kalvin K. KAPELIELA, Kalvin K. Hawaii IW Res KAWASHIMA, Sueichi Hawaii IW Res KEALOHA, Dayton K. Oahu IW Agr KEALOHA, Dayton K. Oahu IW Res KEKAWA, Miriam K. Maui IW Agr KEKUEWA, Daniel Francis K.K. Oahu IW Agr KEKUEWA, Daniel Francis K.K. Oahu IW Res KELIIKOA, Bobbie A. Hawaii IW Agr KELIIKOA, Bobbie A. Hawaii IW Res KELIIKOA, Vanessa K.M. Hawaii IW Res KIHE, Herman K., III Hawaii IW Agr KIHE, Herman K., III Hawaii IW Res KONOHIA, Lester A. Oahu IW Agr KONOHIA, Lester A. Oahu IW Res KU, Kortney K. Hawaii IW Agr KU, Kourtney K. Oahu IW Res KUNIPO, Edward K. Oahu IW Res KUPIHEA, Sierrah K.A. Hawaii IW Agr KUPIHEA, Sierrah K.A. Hawaii IW Res KUPO, Kala K.A. Oahu IW Agr KUPO, Kala K.A. Oahu IW Res KUPO, Karen K Oahu IW Agr KUPO, Karen K. Oahu IW Res KUPO, Kristina A. Oahu IW Res

LINDSEY, Jonathan K.	Hawaii IW Pas
LORENZO, Cedric K.	Oahu IW Res
LORENZO, Cedric K.	Hawaii IW Agr
MAHAULU, Bertram K.	Maui IW Res
MEDEIROS, Riley K.	Oahu IW Res
NAKOA, David K.	Oahu IW Res
NIAU-OLIGO, Jay-Jeen N.	Kauai IW Pas
NIAU-OLIGO, Jay-Jeen N.	Kauai IW Res
NIIHAU, Emmanuel Jr.	Hawaii IW Res
OHIA, Eddie N.	Oahu IW Agr
ORIAN, Nathanael L.	Oahu IW Agr
ORIAN, Nathanael L.	Oahu IW Res
PACHECO, Jason K.	Hawaii IW Pas
PACHECO, Jason K.	Hawaii IW Res
PAHUWAI-MAKEKAU, Kailee-Lynn K.	Maui IW Agr
PAHUWAI-MAKEKAU, Kailee-Lynn K.	Maui IW Res
PAKAKI, Anson E.	Maui IW Res
PAPAIA, Jolynne K.	Oahu IW Agr
PAPAIA, Jolynne K.	Oahu IW Res
PAPAIA, Keone K.	Oahu IW Agr
PAPAIA, Keone K.	Oahu IW Res
PAULO, Kekuanoni K.	Kauai IW Agr
PAULO, Kekuanoni K.	Kauai IW Res
PEA, Tshaquille K.	Hawaii IW Agr
PEA, Tshaquille K.	Hawaii IW Res
POWELL, Lucy K.	Oahu IW Res
QUARTERO, Kamalani K.	Oahu IW Res
REIS, Zachary K.S.	Oahu IW Agr
REIS, Zachary K.S.	Oahu IW Res
SAFFERY-DOI, Sadie K.	Oahu IW Res
SARAGOSA, Nohea K.L.	Oahu IW Agr
SARAGOSA, Nohea K.L.	Oahu IW Res
SHARPE, Russell H., Jr.	Oahu IW Res
SHIMADA, Taylor-Jordan B.L.L.T.	Kauai IW Agr
SHIMADA, Taylor-Jordan B.L.L.T.	Kauai IW Res
STEVENS, LanceKamuela K.	Hawaii IW Pas
STEVENS, LanceKamuela K.	Hawaii IW Res
THORNTON, Mark Troy	Hawaii IW Pas
THORNTON, Mark Troy	Hawaii IW Res
TRUGILLO, Ivan W.	Maui IW Res
TRUGILLO, Ivan W.	Kauai IW Agr
TRUGILLO, Nathaniel L.K.	Oahu IW Res
TRUGILLO, Nathaniel L.K.	Kauai IW Agr
VIVEIROS, William Kenui	Hawaii IW Agr
VIVEIROS, William Kenui	Hawaii IW Res
WONG, Wallis K.	Oahu IW Res
WONG, Wallis K. WOOLSEY, Dave C.K.	Maui IW Agr
	Hawaii IW Agr
WOOLSEY, Dave C.K.	Hawaii IW Res

YASSO, Sierra-Lillia K.	Maui IW Agr
YASSO, Sierra-Lillia K.	Maui IW Res
ZABLAN, Lyman P., Jr.	Oahu IW Agr
ZABLAN, Lyman P., Jr.	Oahu IW Res

<u>ITEM D - 7 - EXHIBIT</u>

NON-QUALIFIED HOMESTEAD APPLICANTS FOR CANCELLATION

APPLICANT	AREA
GOHIER, Charlene E.	Waimanalo Area / Oahu IW Res
GRAHAM, Bernadette I.	Maui IW Res
GUMBS, Barbara G.	Maui IW Agr
GUMBS, Barbara G.	Maui IW Res
WILSON, Carl V.	Oahu IW Res
WONG, Rollin K.	Oahu IW Res
YNIGUES, Thomas	Hawaii IW Agr
YNIGUES, Thomas	Hawaii IW Res

ITEM D-8 EXHIBIT

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

LESSEE	LEASE NO.	AREA
HUIHUI, Melba K.	6975	Makuu, Hawaii
II, Marion L.	5960	Waimanalo, Oahu
KAHALEWAI, David K.	6218	Panaewa, Hawaii
KAM, Henry K. T., Jr.	11298	Kumuhau, Oahu
NAKOA, Darrel C.	10237	Waianae, Oahu
OKU, Rita I.	4982	Kewalo, Oahu

ITEM D-9 EXHIBIT

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
AWEAU, Michael S.	4552	Nanakuli, Oahu
BEZILLA, Allysyn A.	2612-A	Keaukaha, Hawaii
ELI, Tasha Ann L.	8938	Waianae, Oahu
FILSON, Rebecca K. M.	3806	Nanakuli, Oahu
HOOMANAWANUI, Sarah K.	3611	Waimanalo, Oahu
KAAHANUI, Michael K.	3959	Waimanalo, Oahu
WONG, Serrylee K.	3959	Waimanalo, Oahu
KAWEWEHI, Rhonda L.	8173	Waimanalo, Oahu
KELIIHOOMALU, Karla K.	6934	Kauluokahai, Oahu
KEOHOKAPU, Glenn J. K.	4135	Waimanalo, Oahu
KEOHUKAPU-MERIA, Madona A. A.	4135	Waimanalo, Oahu
KUMAI, Samuel K., Jr.	8257	Lualualei, Oahu
MADELA, Wanda L.	4835	Hoolehua, Molokai
MARKHAM, Richard	2482	Waimanalo, Oahu
REDONGO, John H.	2482	Waimanalo, Oahu

MARTINEZ, Samuel A.	2495	Waimanalo, Oahu
MOO, Lori L. S.	11954	Kaupea, Oahu
SALIS, Makaea R.	2205	Kewalo, Oahu
SALIS, Shea K.	2205	Kewalo, Oahu
SALIS, Keone K.	2205	Kewalo, Oahu
HING, Joseph K.	10820	Laiopua, Hawaii
ALQUIZA, Oddetta K.	6508	Anahola, Kauai
LOPEZ, Faith L.	6508	Anahola, Kauai
DELOS REYES, Lester K.	5863	Kalamaula, Molokai
OSORIO, Alida L. D.	6133	Kalamaula, Molokai
SAKUMA, Pamela A.	8134	Puukapu, Hawaii

<u>ITEM D-10 EXHIBIT</u> APPROVAL OF AMENDMENT TO LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
AH SING, Delfin	7375	Nanakuli, Oahu
BEZILLA, Allysyn A.	2612-A	Keaukaha, Hawaii
ISAACS, Donnalyn H.	4726	Waianae, Oahu
KAILIKEA, Eleanor M.	544	Nanakuli, Oahu
KAM, Ernest K.	964	Hoolehua, Molokai
KAUHANE, Oliver M., Jr.	3320	Nanakuli, Oahu
KAUHANE, Evelyn L.	3320	Nanakuli, Oahu
KEOHOKAPU, Glenn J. K.	4135	Waimanalo, Oahu
KINIMAKA-DAVIS, Anita N.	12461	Kapolei, Oahu
MARTINEZ, Samuel A.	2495	Waimanalo, Oahu
OKU, Rita I.	4982	Kewalo, Oahu
RODRIGUES, Shirlene B.	12431	Kapolei, Oahu
SALIS, Makaea R.	2205	Kewalo, Oahu
SALIS, Shea K.	2205	Kewalo, Oahu
SALIS, Keone K.	2205	Kewalo, Oahu

<u>ITEM D-11 EXHIBIT</u> APPROVAL TO ISSUE A NON-EXCLUSIVE LICENSE FOR ROOFTOP PHOTOVOLTAIC SYSTEMS FOR CERTAIN LESSEES

LESSEE	LEASE NO.	AREA
BELTRAN, Davina M.	5535	Lualualei, Oahu
BURCH, Nelson Noa	4508	Nanakuli, Oahu
IOPA-ELI, Albertina L.	8580	Nanakuli, Oahu
KAUWALU, Victoria K.	5526	Lualualei, Oahu
KEOHOKAPU-MERIA, Kahokulani M.	4135	Waimanalo, Oahu
MARTINEZ, Samuel A.	2495	Waimanalo, Oahu
MARTIN, Simone Jon K.	2495	Waimanalo, Oahu
SHIMODA, Jo-Ann M.	5201	Nanakuli, Oahu

HAWAIIAN HOMES COMMISSION SEPTEMBER 20 & 21, 2021 INTERACTIVE CONFERENCE TECHNOLOGY 9:30 A.M.

C – ITEMS OFFICE OF THE CHAIRMAN

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

To:

Chairman and Members, Hawaiian Homes Commission

From:

Lehua Kinilau-Cano, HHL Legislative Analyst

Subject:

Approval of 2022 Legislative Proposals

RECOMMENDED ACTION/MOTION:

That the Hawaiian Homes Commission approve the legislative proposals to be recommended for inclusion in the Administration's legislative package for the 2022 Regular Session.

DISCUSSION

The Department of Hawaiian Home Lands has prepared draft legislative proposals to be recommended for inclusion in the next Administration's legislative package. The draft legislative proposals, upon submission, will be under review by the Department of the Attorney General, the Department of Budget & Finance, and the Governor. The proposals are pending final approval and no proposal is considered part of the package until final approval is granted. In this phase of the review process, the department may amend or withdraw measures.

The department solicited recommendations for legislative proposals and received 16 proposals. Here's a summary of the proposals:

Issue	Submitted by	Result
Use of DNA and possibility of all	Stakeholder	Admin Rules allow DNA tests to
Polynesian and indigenous ancestry for		establish family ties in order to
acceptance of certain or limited HHL		qualify for Hawaiian Home Lands
benefits		program
Funding to bring potable water from the	Lessee	Sufficient Sums Budget included
Ouli well fields to Kailapa		\$750k for Planning & Design for
		Kawaihae Water: Production,
		Storage & Transmission
Funding to help with asbestos removal	Lessee	Consider for inclusion in Sufficient
from structures in Nanakuli leased or		Sums Budget
licensed for public purposes		
Relocate Ka Waihona to DHHL land	Lessee	More review
mauka of Farrington Highway or to DHHL		
lands in Kapolei, Kalaeloa or Ewa		

Issue	Submitted by	Result
A spouse on the mortgage and not the	Lessee	More review
beneficiary/successor is responsible for		
the mortgage while the successor is		
allowed to live in the house for free		
Transfer the Molokai Irrigation System	Lessee	More review
from the State Department of		
Agriculture to DHHL		
Determine who has the superior rights to	Lessee	The State Water Code already
water, DHHL or DLNR/CWRM		includes provision for Native
		Hawaiian Water Rights under HRS
		174C-101
Add a DHHL representative to CWRM	Lessee	Included
Add DHHL representative on the County	Lessee	SB1122, SD2 pending in the House
Water Boards		
Petition Congress to reverse federal	Lessee	More review
amendment to the HHCA that removed		
water free of charge		
Make irrigation water available to every	Lessee	Consider for inclusion in Sufficient
homestead in Kalamaula and Hoolehua		Sums Budget
by completing the Molokai Irrigation		
System infrastructure		
Proposal to commit a percentage of TAT	Lessee	More review
for administration of the HHCA		
Permitted improvements are not given	Lessee	DHHL appraisals value lot
the same valuation as fee simple lots		improvements, but does not give
when refinance of home to reduce		value to infrastructure costs as
interest rates or pull equity for home		these costs are borne by DHHL.
improvement or expansion		
Interim Administrative Rules	Staff	Included
Compliance and Enforcement Program	Beneficiary	Included
Recognize biological relationship in	Staff	Included
adoptions to allow the transfer or		
successorship of a beneficiary interest		

After considering the responses received, the summary of the ten draft legislative proposals are presented below and the actual draft of the bills and justification sheets are enclosed in Exhibit 'A'.

PROPOSAL SUMMARIES

Proposal HHL-01(22)
RELATING TO INDEPENDENT LEGAL COUNSEL

This proposal allows the Department to retain independent legal counsel to be paid by the State and use the services of the attorney general as needed when the interests of the State and the department are aligned.

The Department has a trust duty to its beneficiaries and in the fulfillment of its trust obligations, the department may at times be at odds with the interests of the State. It is at these times that the department must be assured that its counsel provides legal guidance strictly in the interest of its client. Independent counsel that is hired and retained by the department eliminates any cloud of uncertainty that there is a conflict of interest that the department is represented by the Attorney General's office that also represents the State.

This measure has not been part of the Administration's legislative package, but has been introduced by several legislators over the past few years and has not passed.

Proposal HHL-02(22)
RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT

This proposal adds the Chairman of the Hawaiian Homes Commission or the Chairman's designee to the Commission on Water Resource Management.

The Water Code requires that planning decisions of the Commission on Water Resource Management ensure that sufficient water remain available for current and foreseeable development and use of Hawaiian Home Lands. In order to further the interest of beneficiaries, the Chairman of the Hawaiian Homes Commission or the Chair's designee should serve as an ex officio voting member of the Commission on Water Resource Management.

This measure has not been part of the Administration's legislative package, but has been introduced and has not passed.

Proposal HHL-03(22)
RELATING TO TAX EXEMPTION

This proposal exempts any homestead development for the Department of Hawaiian Home Lands from general excise taxes.

The Department provides homesteads for native Hawaiians at affordable rates when compared to similar development available in Hawaii. In order to further the interest of beneficiaries, any homestead development for the Department should be exempt from general excise taxes.

A similar measure was included in the Administration's legislative package, but may continue to be impacted by provisions in the American Rescue Plan Act of 2021.

Proposal HHL-04(22)
RELATING TO CESSPOOLS

This proposal establishes a low interest loan program to offer financial assistance for lessees on Hawaiian Home Lands with cesspools to be upgraded or converted to septic systems or aerobic treatment unit systems, or connected to existing sewer systems or any other wastewater treatment systems approved by the Department of Health.

Cesspools are a nonpoint contamination source of great concern. Collectively, the State's cesspools release more than 53 million gallons of untreated sewage into the ground each day. In response to the State's cesspool pollution problem, legislation was enacted in 2017 that requires all cesspools not excluded by the Director of Health to be upgraded or converted to septic systems or aerobic treatment unit systems, or connected to sewage systems by January 1, 2050. In order to work toward meeting this deadline, cesspools on Hawaiian Home Lands could be a good place to start.

This measure was approved by the Commission, but withdrawn after discussion with the Department of Health to await recommendations from the Cesspool Conversion Working Group. Nevertheless, beneficiaries are being impacted with increasing costs to upgrade, convert, or connect to existing sewer systems in the meantime.

WITHDRAW Proposal HHL-05(22)
RELATING TO THE COUNTY BOARDS OF WATER SUPPLY

This proposal requires County Boards of Water Supply to provide an accounting of water credits to and to reserve credits for the Department of Hawaiian Home Lands and requires Boards to develop policies that reduce nonpublic trust uses before other uses in cases of emergency.

The lack of available water has been and remains a significant barrier to the State's ability to develop Hawaiian Homes projects. Working with the Department of Hawaiian Home Lands, the Commission on Water Resource Management has set some ground water and surface water reservations for Hawaiian Homes projects on each island with lands set aside for homesteading purposes. Nevertheless, some Counties treat the Department of Hawaiian Home Lands like any other developer without differentiating or prioritizing water for Hawaiian Homes projects.

This measure was included in the Administration's legislative package, but has not passed. The recommendation from subject matter experts is to withdraw this proposal and use SB1122, SD2 pending in the House as the preferred vehicle for this measure.

WITHDRAW Proposal HHL-06(22) RELATING TO THE COUNTY BOARDS OF WATER SUPPLY

This proposal designates a certain number of board members to represent interests for water allocation on Hawaiian home lands.

This measure was included in the Administration's legislative package, but has not passed. The recommendation from subject matter experts is to withdraw this proposal and use SB1122, SD2 pending in the House as the preferred vehicle for this measure.

Proposal HHL-07(22)
RELATING TO COUNTIES

This proposal requires the Counties to maintain infrastructure on Hawaiian Home Lands that were built to County standards.

The Department of Hawaiian Home Lands complies with County requirement when developing subdivisions, yet the maintenance of roads, sewers, sidewalks, and other improvements are often still the responsibility of the Department.

This measure was included in the Administration's legislative package, but has not passed.

Proposal HHL-08(22)
RELATING TO HISTORIC PRESERVATION REVIEWS

This proposal allows the Department of Hawaiian Home Lands to assume review of the effect of any proposed project on historic properties or burial sites for lands under its jurisdiction.

Instead of requiring the Department of Hawaiian Home Lands to consult with the Department of Land and Natural Resources regarding the effect of a project upon historic properties or burial sites, this proposal would streamline the process by allowing the Department of Hawaiian Home Lands to assume this review.

This measure was included in the Administration's legislative package, but has not passed.

Proposal HHL-09(22)
RELATING TO GAMING

This proposal authorizes the Department of Hawaiian Home Lands to commission a study to guide decision-making on gaming-related issues including projected revenues, the impact on vulnerable populations and surrounding communities, and issues to be considered when deciding on the location of an integrated resort property.

Propasal HHL-10(22)
RELATING TO INTERIM RULES

This proposal creates a new section of the HRS that allows DHHL after consultation with beneficiaries and organizations representing beneficiaries to issue interim rules which shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of Chapter 91 as long as the interim rules shall be effective for not more than eighteen months.

The department is currently authorized to adopt rules in accordance with Chapter 91, HRS, which can be a lengthy and time consuming process when you factor in that the Department conducts consultation with beneficiaries and organizations representing beneficiaries prior to initiating the rule making process. This amendment will enable the Department to move quickly in issuing interim rules after consultation with beneficiaries and organizations representing beneficiaries on important programs and services, while preserving public access by ensuring that the interim rules will be made available on the website of the Office of Lieutenant Governor. The eighteen-month limitation on the life of the interim rules will further ensure that the Department has adequate time to adopt permanent rules through formal rulemaking procedures.

This measure was approved by the Commission, but has not been part of the Administration's legislative package.

Proposal HHL-11(22)
RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED

This proposal establishes a compliance and enforcement program within the Department to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder.

Illegal activity occurring on Hawaiian Home Lands threatens the health and safety of the community, this proposal is modeled after HRS Chapter 199 (Conservation and Resources Enforcement Program) as a means to respond to the concerns raised by beneficiaries about criminal activity impacting the community.

Proposal HHL-12(22) RELATING TO ADOPTION

This proposal allows an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent in a disposition or other designation provided for in accordance with the Hawaiian Homes Commission Act, 1920, as amended or administrative rules while also allowing the adopted individual and individual's natural family to continue to have the same familial relationship.

The effect of adoption impacts the ability for an adopted individual to succeed to a homestead lease or the applicant's application rights on the DHHL Applicant Waiting List, so this proposal is aimed at resolving this by allowing the adopted individual to benefit from both adoptive and natural relationships.

RECOMMENDED ACTION/MOTION:

Staff respectfully requests approval of the motion as recommended.

.B.	NO.	

A BILL FOR AN ACT

RELATING TO INDEPENDENT LEGAL COUNSEL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 Section 28-8.3, Hawaii Revised Statutes, is SECTION 1. 2 amended as follows: 3 By amending subsection (a) to read as follows: 4 "(a) No department of the State other than the attorney general may employ or retain any attorney, by contract or 5 6 otherwise, for the purpose of representing the State or the 7 department in any litigation, rendering legal counsel to the 8 department, or drafting legal documents for the department; 9 provided that the foregoing provision shall not apply to the 10 employment or retention of attorneys: 11 By the public utilities commission, the labor and 12 industrial relations appeals board, and the Hawaii 13 labor relations board; 14 (2) By any court or judicial or legislative office of the 15 State; provided that if the attorney general is 16 requested to provide representation to a court or 17 judicial office by the chief justice or the chief 18 justice's designee, or to a legislative office by the

__.B. NO.__

1		speaker of the house of representatives and the
2		president of the senate jointly, and the attorney
3		general declines to provide such representation on the
4		grounds of conflict of interest, the attorney general
5 ,		shall retain an attorney for the court, judicial, or
6		legislative office, subject to approval by the court,
7.		judicial, or legislative office;
8	(3)	By the legislative reference bureau;
9	(4)	By any compilation commission that may be constituted
10		from time to time;
11	(5)	By the real estate commission for any action involving
12		the real estate recovery fund;
13	(6)	By the contractors license board for any action
14		involving the contractors recovery fund;
15	(7)	By the office of Hawaiian affairs;
16	(8)	By the department of commerce and consumer affairs for
17		the enforcement of violations of chapters 480 and
18		485A;
19	(9)	As grand jury counsel;
20	(10)	By the Hawaii health systems corporation, or its
21	•	regional system boards, or any of their facilities;
22	(11)	By the auditor;

1	(12)	By the office of ombudsman;
2	(13)	By the insurance division;
3	(14)	By the University of Hawaii;
4	(15)	By the Kahoolawe island reserve commission;
5	(16)	By the division of consumer advocacy;
6	(17)	By the office of elections;
7	(18)	By the campaign spending commission;
8	(19)	By the Hawaii tourism authority, as provided in
9		section 201B-2.5;
10	(20)	By the division of financial institutions;
11	(21)	By the office of information practices; [ex]
12	(22)	By the department of Hawaiian home lands; provided
13		<pre>that:</pre>
14		(A) The department of Hawaiian home lands may use the
15		services of the attorney general as needed and
16		when the interests of the State and the
17		department of Hawaiian home lands are aligned;
18		and
19		(B) Legal fees owed to independent counsel shall be
20		paid by the State; or
21	[(22)]	(23) By a department, if the attorney general, for
22		reasons deemed by the attorney general to be good and

1	sufficient, declines to employ or retain an attorney
2	for a department; provided that the governor waives
3	the provision of this section."
4	(2) By amending subsection (c) to read as follows:
5	"(c) Every attorney employed by any department on a full-
6	time basis, except an attorney employed by the public utilities
7	commission, the labor and industrial relations appeals board,
8	the Hawaii labor relations board, the office of Hawaiian
9	affairs, the Hawaii health systems corporation or its regional
10	system boards, the department of commerce and consumer affairs
11	in prosecution of consumer complaints, insurance division, the
12	division of consumer advocacy, the University of Hawaii, the
13	Hawaii tourism authority as provided in section 201B-2.5, the
14	office of information practices, the department of Hawaiian home
15	lands, or as grand jury counsel, shall be a deputy attorney
16	general."
17	SECTION 2. Statutory material to be repealed is bracketed
18	and stricken. New statutory material is underscored.
19	SECTION 3. This Act shall take effect upon its approval.
20	
21	INTRODUCED BY:
22	BY REQUEST

.B.	NO.	

Report Title:

Department of Hawaiian Home Lands; Legal Counsel

Description:

Allows the Department of Hawaiian Home Lands to retain independent legal counsel as needed. Authorizes the Department of Hawaiian Home Lands to use the services of the Attorney General as needed and when the interests of the State and the Department of Hawaiian Home Lands are aligned. Provides that funds owed to independent legal counsel shall be paid by the State.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT:

Hawaiian Home Lands

TITLE:

A BILL FOR AN ACT RELATING TO INDEPENDENT

LEGAL COUNSEL.

PURPOSE:

Allows the Department of Hawaiian Home Lands to retain independent legal counsel to be paid by the State and also use the services of the Attorney General as needed when the interests of the State and the Department of Hawaiian Home Lands

are aligned.

MEANS:

Amend section 28-8.3(a) and (c), Hawaii Revised Statutes.

JUSTIFICATION:

The department has a trust duty to its beneficiaries and in the fulfillment of its trust obligations, the department may at times be at odds with the interests of the State. It is at these times that the department must be assured that its counsel provides legal guidance strictly in the interest of its client. Independent counsel that is hired and retained by the department eliminates any cloud of uncertainty that there is a conflict of interest that the department is represented by the Attorney General's office that also represents the State of Hawaii.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing the department to retain independent legal counsel.

Impact on the department and other agencies: This proposal could reduce the legal services provided by the Attorney General's office.

GENERAL FUND:

\$500,000.

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OTHER FUNDS:

None.

PPBS PROGRAM

DESIGNATION:

HHL 625.

OTHER AFFECTED

AGENCIES:

None.

EFFECTIVE DATE:

Upon approval.

.B.	NO	

A BILL FOR AN ACT

RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the requirements of section 174C-101(a), Hawaii Revised Statutes, providing that 2 3 adequate reserves of water for current and foreseeable 4 development of Hawaiian home lands be incorporated and protected - 5 decisions of the commission on water resource management can be 6 improved through representation on the commission on water 7 resource management. The purpose of this Act is to add the 8 chairman of the Hawaiian homes commission or the chairman's 9 designated representative to the commission on water resource 10 management similar to the director of health or the director's 11 designee. 12 SECTION 2. Section 174C-7, Hawaii Revised Statutes, is 13 amended by amending subsections (a) and (b) to read as follows: 14 There is established within the department a 15 commission on water resource management consisting of [seven] 16 eight members which shall have exclusive jurisdiction and final 17 authority in all matters relating to implementation and

1	administration of the state water code, except as otherwise
2	specifically provided in this chapter.
3	(b) Five members shall be appointed by the governor
4	subject to confirmation by the senate in the manner prescribed
5	in subsection (d). Each [member] of these five members shall
6	have substantial experience in the area of water resource
7	management; provided that at least one member shall have
8	substantial experience or expertise in traditional Hawaiian
9	water resource management techniques and in traditional Hawaiian
10	riparian usage such as those preserved by section 174C-101. The
11	chairperson of the board of land and natural resources shall be
12	the chairperson of the commission. The director of health or
13	the director's designee shall serve as an ex officio[,] voting
14	member. The chairman of the Hawaiian homes commission or the
15	chairman's designated representative shall also serve as an ex
16	officio, voting member."
17	SECTION 3. Statutory material to be repealed is bracketed
18	and stricken. New statutory material is underscored.
19	SECTION 4. This Act shall take effect upon its approval.
20	
21	INTRODUCED BY:
22	BY REQUEST

.B.	NO.	

Report Title:

Water Commission; Membership; Chairman of the Hawaiian Homes Commission or Designee

Description:

Adds the Chairman of the Hawaiian Homes Commission or the Chairman's designated representative to the Commission on Water Resource Management.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT:

Hawaiian Home Lands

TITLE:

A BILL FOR AN ACT RELATING TO THE COMMISSION

ON WATER RESOURCE MANAGEMENT.

PURPOSE:

Adds the Chairman of the Hawaiian Homes Commission or the Chairman's designated representative to the Commission on Water

Resource Management.

MEANS:

Amend section 174C-7(a) and (b), Hawaii

Revised Statutes.

JUSTIFICATION:

The Water Code requires that planning decisions of the Commission on Water Resource Management ensure that sufficient water remain available for current and foreseeable development and use of Hawaiian Home Lands. In order to further the interest of beneficiaries of the Hawaiian Homes Commission Act, the Chairman of the Hawaiian Homes Commission or the Chairman's designated representative should serve as an ex officio voting member of the Commission on Water Resource Management.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing the Chairman of the Hawaiian Homes Commission or the Chairman's designated representative to serve as an ex officio voting member of the Commission on Water Resource Management.

Impact on the department and other agencies:
An additional member would now serve on the
Commission on Water Resource Management.

GENERAL FUND:

None.

OTHER FUNDS:

None.

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PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES: Commission on Water Resource Management.

EFFECTIVE DATE: Upon approval.

.B.	NO.	
	_	

A BILL FOR AN ACT

RELATING TO TAX EXEMPTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. The legislature finds that lands utilized by
2	the department of Hawaiian home lands to provide homesteads for
3	native Hawaiians are offered at affordable rates when compared
4	to similar development available in Hawaii. The purpose of this
5	Act is to exempt any homestead development for the department of
6	Hawaiian home lands from general excise taxes.
7	SECTION 2. Chapter 237, Hawaii Revised Statutes, is
8	amended by adding a new section to be appropriately designated
9	and to read as follows:
-	
10	"§237- Exemptions for any homestead development for the
	"§237- Exemptions for any homestead development for the department of Hawaiian home lands. (a) There shall be exempted
10	
10 11	department of Hawaiian home lands. (a) There shall be exempted
10 11 12	department of Hawaiian home lands. (a) There shall be exempted from the measure of the taxes imposed by this chapter, all gross
10 11 12 13	department of Hawaiian home lands. (a) There shall be exempted from the measure of the taxes imposed by this chapter, all gross proceeds arising from the planning, design, financing, or
10 11 12 13 14	department of Hawaiian home lands. (a) There shall be exempted from the measure of the taxes imposed by this chapter, all gross proceeds arising from the planning, design, financing, or construction of any homestead development for the department of
10 11 12 13 14 15	department of Hawaiian home lands. (a) There shall be exempted from the measure of the taxes imposed by this chapter, all gross proceeds arising from the planning, design, financing, or construction of any homestead development for the department of Hawaiian home lands as provided in this section.

1	moderatel	y or substantially rehabilitated project that is
2	developed	<u>!:</u>
3	(1)	For the department of Hawaiian home lands;
4	(2)	Under a government assistance program approved by the
5		department of Hawaiian home lands;
6	(3)	Under the sponsorship of a nonprofit organization
7		providing home rehabilitation or new homes for
8		qualified families in need of decent, low-cost
9		housing; or
10	(4)	To provide affordable rental housing where at least
11		fifty per cent of the available units are for
12		households with incomes at or below eighty per cent of
13		the area median family income as determined by the
14		United States Department of Housing and Urban
15		Development.
16	<u>(c)</u>	The allowable general excise tax and use tax costs
17	shall app	ly to contracting only and shall not exceed \$30,000,000
18	per year	in the aggregate for all projects approved and
19	certified	by the department of Hawaiian home lands; and
20	<u>(d)</u>	All claims for exemption under this section shall be
21	filed wit	h and certified by the department of Hawaiian home
22	lands and	forwarded to the department of taxation by the

- claimant. Any claim for exemption that is filed and approved,shall not be considered a subsidy.
- 3 (e) The department of Hawaiian home lands may establish,
- 4 revise, charge, and collect a reasonable service fee, as
- 5 necessary, in connection with its approvals and certifications
- 6 of the exemption under this section. The fees shall be
- 7 deposited into the department of Hawaiian home lands
- 8 administration account.
- **9** (f) For purposes of this section:
- "Homestead development" means development of residential,
- 11 agricultural, or pastoral lots to be awarded as homestead leases
- 12 pursuant to the Hawaiian Homes Commission Act or 1920, as
- 13 amended, including, but not limited to, on- and off-site
- 14 infrastructure requirements, and dwelling units upon those lots.
- "Moderately rehabilitated" means rehabilitation to upgrade
- 16 a dwelling unit to a decent, safe, and sanitary condition, or to
- 17 repair or replace major building systems or components in danger
- 18 of failure.
- "Substantially rehabilitated":
- 20 (1) Means the improvement of a property to a decent, safe,
- 21 and sanitary condition that requires more than routine

___.B. NO.____

1	or minor	repairs or improvements. It may include but
2	shall no	et be limited to:
3	(A) The	gutting and extensive reconstruction of a
4	dwe	elling unit; or
5	(B) <u>Cos</u>	metic improvements coupled with the curing of
6	<u>a s</u>	substantial accumulation of deferred
7	<u>mai</u>	ntenance; and
8	(2) Includes	renovation, alteration, or remodeling to
9	convert	or adapt structurally sound property to the
10	designa	nd condition required for a specific use, such
11	as conve	rsion of a hotel to housing for elders."
12	SECTION 3. N	ew statutory material is underscored.
13	SECTION 4. 1	his Act shall take effect upon its approval.
14		
15	1	
16	i	INTRODUCED BY:
17		BY REQUEST

|--|

Homestead Development; General Excise Tax Exemption

Description:

Exempts any homestead development for the Department of Hawaiian Home Lands from general excise taxes.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

HHL-03(22)

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO TAX EXEMPTION.

PURPOSE: Exempts any homestead development for the

Department of Hawaiian Home Lands from

general excise taxes.

MEANS: Adds a new section to Chapter 237, Hawaii

Revised Statutes.

JUSTIFICATION: The Department of Hawaiian Home Lands

provides homesteads for native Hawaiians at affordable rates when compared to similar development available in Hawaii. In order to further the interest of beneficiaries of the Hawaiian Homes Commission Act, any homestead development for the Department of Hawaiian Home Lands should be exempt from

general excise taxes.

Impact on the public: This proposal further
protects the interest of beneficiaries of

the Hawaiian Homes Commission Act by

exempting any homestead development for the

Department of Hawaiian Home Lands from

general excise taxes.

Impact on the department and other agencies: More funding could be allocated toward the development of homesteads instead of taxes.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES: None.

EFFECTIVE DATE: Upon approval.

.B.	NO.

RELATING TO CESSPOOLS.

18

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the State's streams, 2 groundwater, and ocean are being harmed by nonpoint 3 contamination sources that flow directly off the land, rather 4 than through pipes or ditches. Cesspools are a nonpoint 5 contamination source of great concern. These substandard 6 systems are essentially holes in the ground that do not treat 7 wastewater but merely dispose of it. 8 The legislature further finds that there are approximately 9 88,000 cesspools in the State, with nearly 50,000 on Hawaii 10 island, approximately 14,000 on Kauai, over 12,000 on Maui, over 11 11,000 on Oahu, and approximately 1,400 on Molokai. 12 Collectively, the State's cesspools release more than 53,000,000 13 gallons of untreated sewage into the ground each day. Hawaii 14 relies on groundwater for ninety per cent of its drinking water. 15 In response to the State's cesspool pollution problem, legislation was enacted in 2017 that requires all cesspools not 16 17 excluded by the director of health to be upgraded or converted

to septic systems or aerobic treatment unit systems, or

.B. NO.

- connected to sewage systems by January 1, 2050. In order to
 work toward meeting this deadline, cesspools on Hawaiian home
 lands could be a good place to start.

 The purpose of this Act is to establish a low interest loan
 program to offer financial assistance for lessees on Hawaiian
 home lands with cesspools to be upgraded or converted to septic
 systems or aerobic treatment unit systems, or connected to
- $oldsymbol{8}$ existing sewer systems or any other wastewater treatment systems
- 9 approved by the department of health.
- 10 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
- 11 amended by adding a new section to be appropriately designated
- 12 and to read as follows:
- 13 "§342D- Cesspool remediation and conversion loan
- 14 program. (a) There is established the cesspool remediation and
- 15 conversion loan program to be administered by the department in
- 16 coordination with each county water and sewage department. The
- 17 program may provide low interest loans to lessees of the
- 18 <u>department of Hawaiian home lands who:</u>
- 19 (1) Upgrade or convert a cesspool to:
- 20 (A) A septic system; or

1	<u>(B</u>	An aerobic treatment unit system, as defined in	
2		section 342D-72 and approved by the department;	
3		<u>or</u>	
4	<u>(2)</u> <u>Co</u> :	nnect a cesspool to:	
5	<u>(A</u>	An existing sewer system; or	
6	<u>(B</u>	Any wastewater treatment system approved by the	
7		department	
8	(b) The	e loan program may include an on-bill financing	
9	option suppo	rted by the water pollution control revolving fund	
10	<u>established</u>	in section 342D-83."	
11	SECTION	3. Section 342D-83, Hawaii Revised Statutes, is	
12	amended by amending subsection (b) to read as follows:		
13	"(b) T	ne purpose of the revolving fund is to provide	
14	financial assistance to eligible parties for projects or		
15	activities to	o:	
16	(1) En	able counties and state agencies to plan, design,	
17	an	d construct publicly owned wastewater treatment	
18	WO	rks in accordance with title 33 United States Code	
19	se	ctions 1381 to 1387;	
20	(2) Ena	able eligible parties to implement management	
21	pr	ograms established under title 33 United States Code	
22	se	ction 1329;	

__.B. NO.____

1	(3)	Enable eligible parties to implement conservation and
2		management plans established under title 33 United
3		States Code section 1330;
4	(4)	Enable eligible parties to construct, repair, or
5		replace a privately owned decentralized wastewater
6		treatment system and individual wastewater system that
7		treats municipal wastewater or domestic sewage under
8		title 33 United States Code section 1383;
9	(5)	Enable eligible nonprofit entities to provide
10		assistance to small and medium sized publicly owned
11		treatment works for training activities, planning,
12		design, and associated preconstruction activities
13		under title 33 United States Code section 1383;
14	(6)	Enable eligible parties to manage, reduce, treat, or
15		recapture stormwater or subsurface drainage water
16		under title 33 United States Code section 1383;
17	(7)	Enable eligible parties to develop and implement
18		watershed projects meeting the criteria under title 33
19		United States Code section 1274;
20	(8)	Enable counties and state agencies to reduce the
21		demand for publicly owned treatment works capacity

22

1		through water conservation, efficiency, or reuse under
2		title 33 United States Code section 1383;
3	(9)	Enable counties and state agencies to reduce the
4		energy consumption needs for publicly owned treatment
5		works under title 33 United States Code section 1383;
6	(10)	Enable eligible parties to reuse or recycle
7		wastewater, stormwater, or subsurface drainage water
8		under title 33 United States Code section 1383; [and]
9	(11)	Enable eligible parties to increase the security of
10		publicly owned treatment works under title 33 United
11		States Code section 1383[+]; and
12	(12)	Enable the department to coordinate with each county
13		agency responsible for wastewater to establish a low
14		interest loan program to upgrade or convert cesspools
15		for lessees on Hawaiian home lands to septic systems
16		or aerobic treatment unit systems, or to connect
17		cesspools to existing sewer systems or any other
18		wastewater treatment systems approved by the
19		department. "
20	SECT	ION 4. Statutory material to be repealed is bracketed
21	and stric	ken. New statutory material is underscored.

1	SECTION 5.	This Act shall tak	e effect upon its approval.	
2			•	
3		INTRODUCED BY:_		
4			BY REQUEST	

.B.	NO.	

Cesspools; Upgrade and Conversion; Low Interest Loan Program

Description:

Authorizes the Department of Health to coordinate with each county wastewater agency to establish a low interest loan program for lessees on Hawaiian Home Lands to upgrade or convert cesspools to septic systems or aerobic treatment unit systems, or to connect cesspools to existing sewer systems or other wastewater treatment systems approved by the department.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO CESSPOOLS.

PURPOSE: Establishes a low interest loan program

to offer financial assistance for lessees on Hawaiian Home Lands with cesspools to

be upgraded or converted to septic systems or aerobic treatment unit

systems, or connected to existing sewer systems or any other wastewater treatment

systems approved by the Department of

Health.

MEANS: Adds a new section to Chapter 342D, Hawaii

Revised Statutes.

JUSTIFICATION: Cesspools are a nonpoint contamination

source of great concern. Collectively, the State's cesspools release more than 53 million gallons of untreated sewage into the ground each day. In response to the State's cesspool pollution problem, legislation was enacted in 2017 that requires all cesspools not excluded by the Director of Health to be upgraded or converted to septic systems or aerobic treatment unit systems, or connected to sewage systems by January 1, 2050. In order to work toward meeting this deadline, cesspools on Hawaiian Home Lands could be a good place to start.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by establishing a low interest loan program to offer financial assistance for lessees on Hawaiian Home Lands with cesspools to be upgraded or converted to septic systems or aerobic treatment unit systems, or connected to existing sewer systems or any other wastewater treatment systems approved by the Department of Health.

Page 2

Impact on the department and other agencies:
Reduce the number of cesspools across the

State.

GENERAL FUND:

None.

OTHER FUNDS:

None.

PPBS PROGRAM

DESIGNATION:

HHL 625.

OTHER AFFECTED

AGENCIES:

Department of Health.

EFFECTIVE DATE:

Upon approval.

.B.	NO.	
 •		

RELATING TO COUNTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that lands utilized by 2 the department of Hawaiian home lands to provide housing for native Hawaiians are offered at affordable rates when compared 3 4 to similar housing available in Hawaii. The purpose of this Act 5 is to require counties to provide for the maintenance of 6 infrastructure for any housing development for the department of 7 Hawaiian home lands within a specified time and under certain 8 conditions. 9 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended 10 by adding to Part I a new section to be appropriately designated 11 and to read as follows: 12 "§46- Infrastructure maintenance; housing development 13 for the department of hawaiian home lands. (a) Notwithstanding 14 any other provision to the contrary, infrastructure for any 15 housing development for the department of Hawaiian home lands 16 shall be maintained by the county in which the housing **17** development is located commencing sixty days after the receipt

1	by the ap	propriate county council of a completed application for
2	maintenan	ce request; provided that:
3	(1)	Applicable meter and connection fees and utility costs
4		relating to the infrastructure have been paid;
5	<u>(2)</u>	The infrastructure conforms to applicable county
6		standards in effect at the time of construction; and
7	<u>(3)</u>	The completion of the improvements of the
8		infrastructure is granted approval by the county.
9	<u>(b)</u>	For the purposes of this section:
10	<u>"Inf</u>	rastructure" includes waterlines and appurtenances,
11	storm dra	inage, including catch basins, sewerlines and
12	appurtena	nces, waste disposal and waste treatment systems,
13	roadway i	mprovements including pavement, gutters, curbing,
14	sidewalks	, street trees, and street lighting that connect to
15	county in	frastructure."
16	SECT	ION 3. New statutory material is underscored.
17	SECT	ION 4. This Act shall take effect upon its approval.
18	,	
19		INTRODUCED BY:
20		BY REQUEST

.B.	NO.	

Counties; Department of Hawaiian Home Lands; Infrastructure

Description:

Requires counties within sixty days to maintain infrastructure, under specified conditions, as part of any housing development for the Department of Hawaiian Home Lands.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

DEPARTMENT:

Hawaiian Home Lands

TITLE:

A BILL FOR AN ACT RELATING TO COUNTIES.

PURPOSE:

Requires the counties within $60~\mathrm{days}$ to maintain infrastructure, under specified

conditions, as part of any housing development for the Department of

Hawaiian Home Lands.

MEANS:

Add a new section to part I of chapter 46,

Hawaii Revised Statutes.

JUSTIFICATION:

The Department of Hawaiian Home Lands complies with County requirements when developing subdivisions, yet the maintenance of infrastructure is often still the responsibility of the Department.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by requiring the Counties to maintain infrastructure as part of any housing development for the Department of Hawaiian Home Lands.

Impact on the department and other agencies: More funding could be allocated toward the development of housing instead of maintenance of infrastructure.

GENERAL FUND:

None.

OTHER FUNDS:

None.

PPBS PROGRAM

DESIGNATION:

HHL 625.

OTHER AFFECTED

AGENCIES:

None.

EFFECTIVE DATE:

Upon approval.

B.	NO.	

RELATING TO HISTORIC PRESERVATION REVIEWS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that section 6E-8, Hawaii 2 Revised Statutes, plays an important role in the protection and management of the State's historic properties and burial sites. 3 4 Section 6E-8(b) requires the department of Hawaiian home lands, 5 prior to any proposed project relating to lands under its 6 jurisdiction, to consult with the department of land and natural 7 resources regarding the effect of the project upon historic 8 property or a burial site. The purpose of this Act is to allow 9 the department of Hawaiian home lands to assume review of the 10 effect of any proposed project on historic properties or burial 11 sites for lands under its jurisdiction. 12 SECTION 2. Section 6E-8, Hawaii Revised Statutes, is 13 amended by amending subsection (b) to read as follows: 14 The department of Hawaiian home lands [region to] 15 may assume review of any proposed project relating to lands 16 under its jurisdiction[, shall consult with the department] 17 regarding the effect of the project upon historic property or a 18 burial site."

___.B. NO.____

1	SECTION 3. Statutory material to be repealed is bracketed
2	and stricken. New statutory material is underscored.
3	SECTION 4. This Act shall take effect upon its approval.
4	
5	INTRODUCED BY:
6	BY REQUEST

.B.	NO.	
	_	

DHHL; Project Reviews of Proposed State Projects

Description:

Allows the Department of Hawaiian Home Lands to assume review of the effect of any proposed project on historic properties or burial sites for lands under its jurisdiction.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

DEPARTMENT:

Hawaiian Home Lands

TITLE:

A BILL FOR AN ACT RELATING TO HISTORIC

PRESERVATION REVIEWS.

PURPOSE:

Allow the Department of Hawaiian Home Lands to assume review of the effect of

any proposed project on historic

properties or burial sites for lands

under its jurisdiction.

MEANS:

Amend section 6E-8(b), Hawaii Revised

Statutes.

JUSTIFICATION:

Instead of requiring the Department of Hawaiian Home Lands to consult with the Department of Land and Natural Resources regarding the effect of a project upon historic properties or burial sites, this proposal would streamline the process by allowing the Department of Hawaiian Home

Lands to assume this review.

Impact on the public: This proposal advances the interest of beneficiaries of the Hawaiian Homes Commission Act by streamlining the review process for any proposed project on Hawaiian Home Lands.

Impact on the department and other agencies: The Department of Hawaiian Home Lands would assume this function for lands under its jurisdiction freeing up those resources for the Department of Land and Natural Resources to service other agencies.

GENERAL FUND:

None.

OTHER FUNDS:

None.

PPBS PROGRAM

DESIGNATION:

HHL 625.

Page 2

OTHER AFFECTED

AGENCIES:

Department of Land and Natural Resources.

EFFECTIVE DATE: Upon approval.

.B.	NO	

RELATING TO GAMBLING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. The legislature finds that gambling is now
2	legal in 48 out of 50 states. For the people of Hawaii,
3	gambling is as popular as it is in the rest of the country, but
4	it remains illegal within its borders. With no local venues or
5	tax for gambling, Hawaii is a target market for a growing number
6	of jurisdictions where gambling is legal. Hawaii generates
7	hundreds of millions of dollars, perhaps billions, in economic
8	activity for other jurisdictions and in return, receives no
9	benefit. Hawaii residents take a total of about 500,000 total
10	trips to Las Vegas, and other gambling destinations each year
11	with many taking multiple trips per year. In 2011, it was
12	reported that Boyd Gaming, a Nevada-based gaming corporation,
13	earns about \$600 million from Hawaii annually. In 2021, the CEO
14	of Boyd Gaming disclosed on an investor call that the company
15	relies heavily on gamblers coming from Hawaii. Gaming revenues
16	for Boyd Gaming from downtown Las Vegas, where locals often
17	visit, declined 63 percent to \$257.7 million as a result of
18	COVID travel restrictions. A longtime lobbyist for gambling

- 1 interests in Hawaii testified to the Committee on Tourism in
- 2 2012 that the "prohibition of that which is legal nearly
- 3 everywhere else costs Hawaii \$1 billion each year in outgoing
- 4 dollars and returns none."
- 5 Even with prohibition, Hawaii also carries an economic
- 6 burden from gambling. A 2009 study by the National Council on
- 7 Problem Gambling estimated that the social costs of gambling
- 8 addiction in Hawaii from twenty thousand problem gamblers and
- 9 ten thousand pathological gamblers was \$26.3 million; however,
- 10 no public funding was provided for gambling treatment and
- 11 prevention. Although the Honolulu Police Department only
- 12 reported fifty-one arrests in 2020 and thirty-four arrests in
- 13 2019 for gambling offense, there are believed to be
- 14 approximately seventy to one hundred illegal gambling rooms in
- 15 Oahu alone.
- 16 Legislation introduced last year proposed to authorize
- 17 limited casino gaming in the form of a single integrated resort
- 18 property on Hawaiian home lands designated for commercial use on
- 19 the island of Oahu excluding lands west of Ko Olina in order to
- 20 address historic funding shortfalls to the department of
- 21 Hawaiian home lands. With over twenty-eight thousand native
- 22 Hawaiians awaiting homestead leases, the department of Hawaiian

___.B. NO.____

- 1 home lands struggles to develop land and lots. Current costs
- 2 for infrastructure development, borne by the department, are in
- 3 excess of \$150,000 per lot. In order to fulfill the needs of
- 4 the current waitlist, the department requires over \$6 billion
- 5 for infrastructure costs alone to serve its beneficiaries. This
- 6 significant sum is separate and apart from costs for maintenance
- 7 of existing lessee communities housing nearly ten thousand
- 8 beneficiaries, upkeep of several utility systems, and other
- 9 costs. Over the last decade, the legislature has funded the
- 10 department at levels higher than in years past, which has
- 11 provided increased opportunity for the department of Hawaiian
- 12 home lands to increase its reach. However, by conservative
- 13 estimates, it will take the department at least another hundred
- 14 years to meet the needs of its beneficiaries at current funding
- 15 levels.
- 16 In response to this legislation, the Hawaii state
- 17 commission on the status of women released a gender impact
- 18 statement titled "Gambling With Women's Safety: A Feminist
- 19 Assessment of Proposed Resort-Casino" essentially concluding
- 20 that gambling is a public health issue that is tied to
- 21 significant community harm and linked to sex trafficking and
- 22 other gender-based violence.

___.B. NO.____

1 The purpose of this Act is to require the department of 2 Hawaiian home lands to study the feasibility and revenue to be generated by limited casino gaming, address the public health 3 4 concerns, and determine ideal factors for the siting of an integrated resort property that would minimize the social impact 5 or even provide a mechanism for host communities to bid for such 6 7 a resort. SECTION 2. The department of Hawaiian home lands shall 8 9 conduct a study on the feasibility and revenue to be generated by limited gaming, address the public health concerns, and 10 11 determine ideal factors for the siting of an integrated resort 12 property that would minimize the social impact or even provide a 13 mechanism for host communities to bid for such a resort. 14 The department shall submit a report of its findings and recommendations, including any proposed legislation, to the 15 legislature no later than twenty days prior to the convening of 16 **17** the regular session of 2023. SECTION 3. There is appropriated out of the general 18 19 revenues the sum of \$500,000 or so much thereof as may be 20 necessary for fiscal year 2022-2023 for the purpose of funding 21 this study.

.B.	NO.	

1	The sum appropriated shall be expended by the department of
2	Hawaiian home lands for the purposes of this Act.
3	SECTION 4. This Act shall take effect upon its approval.
4	
5	INTRODUCED BY:
6	BY REOUEST

.B.	NO	•
		

Gambling; Study; Appropriation

Description:

Appropriates funding for the Department of Hawaiian Home Lands to study the feasibility and revenue to be generated by limited casino gaming, address the public health concerns, and determine ideal factors for the siting of an integrated resort property that would minimize the social impact or even provide a mechanism for host communities to bid for such a resort.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

DEPARTMENT: Hawaiian Home Lands

A BILL FOR AN ACT RELATING TO GAMBLING. TITLE:

PURPOSE: Appropriates funding for the Department

> of Hawaiian Home Lands to study the feasibility and revenue to be generated by limited casino gaming, address the public health concerns, and determine ideal factors for the siting of an integrated resort property that would minimize the social impact or even provide a mechanism for host communities

to bid for such a resort.

MEANS: Amend section 28-8.3(a) and (c), Hawaii

Revised Statutes.

JUSTIFICATION: The department has a trust duty to its

> beneficiaries and in the fulfillment of its trust obligations, the department may at times be at odds with the interests of the State. It is at these times that the department must be assured that its counsel

interest of its client. Independent counsel that is hired and retained by the department eliminates any cloud of uncertainty that there is a conflict of interest that the department is represented by the Attorney General's office that also represents the

provides legal guidance strictly in the

State of Hawaii.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing the department to retain independent legal counsel.

Impact on the department and other agencies: This proposal could reduce the legal services provided by the Attorney General's office.

Page 2

GENERAL FUND: \$500,000.

OTHER FUNDS:

None.

PPBS PROGRAM

DESIGNATION:

HHL 625.

OTHER AFFECTED

AGENCIES:

None.

EFFECTIVE DATE: Upon approval.

.B.	NO.	

RELATING TO INTERIM RULES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. Chapter 91, Hawaii Revised Statutes, is amended
2	by adding a new section to be appropriately designated and to
3	read as follows:
4	"§91- Interim rules; department of Hawaiian home lands.
5	Notwithstanding any other law to the contrary, the department of
6	hawaiian home lands may issue interim rules after beneficiary
7	consultation as provided for in administrative rules and upon
8	approval by the hawaiian homes commission. The interim rules
9	shall be effective for not more than eighteen months and shall
10	be exempt from the public notice, public hearing, and
11	gubernatorial approval requirements of chapter 91."
12	SECTION 3. New statutory material is underscored.
13	SECTION 4. This Act shall take effect upon its approval.
14	
15	INTRODUCED BY:
16	BY REQUEST

.E	3.	NO	•

Interim rules; Department of Hawaiian Home Lands

Description:

Allows the Department of Hawaiian Home Lands after beneficiary consultation and upon approval by the Hawaiian Homes Commission to issue interim rules that shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of chapter 91, Hawaii Revised Statutes, as long as the interim rules shall be effective for not more than eighteen months.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

DEPARTMENT: Hawaiian Home Lands

JUSTIFICATION:

TITLE: A BILL FOR AN ACT RELATING TO INTERIM RULES.

PURPOSE: Allows the Department of Hawaiian Home Lands

> after beneficiary consultation and upon approval by the Hawaiian Homes Commission to issue interim rules which shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of chapter 91, Hawaii Revised Statutes (HRS), as long as the interim rules shall be

effective for not more than eighteen months.

MEANS: Add a new section to chapter 91, HRS.

The Department of Hawaiian Home Lands is currently authorized to adopt rules in accordance with chapter 91, HRS, which can be a lengthy and time-consuming process when the Department conducts beneficiary consultation prior to initiating the rule making process. This amendment will enable the Department to move quickly in issuing interim rules after beneficiary consultation and upon approval by the Hawaiian Homes Commission on important programs and services. The eighteen-month limitation on the life of the interim rules will further ensure that the Department has adequate time to adopt permanent rules through formal rulemaking procedures.

Impact on the public: This proposal advances the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing the Department to issue interim rules on important programs and services that can be implemented soon after beneficiary consultation and upon approval by the Hawaiian Homes Commission.

Impact on the department and other agencies: Interim rules will allow the Department to better serve its beneficiaries.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES: None.

EFFECTIVE DATE: Upon approval.

B.	NO		
		_	

RELATING TO COMPLIANCE AND ENFORCEMENT ON HAWAIIAN HOME LANDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. The legislature finds that illegal activity
2	occurring on Hawaiian home lands threatens the health and safety
3	of the community. The purpose of this Act is to establish a
4	compliance and enforcement program within the department of
5	Hawaiian home lands to investigate complaints, conduct
6	investigations, and cooperate with enforcement authorities to
7	ensure compliance with the Hawaiian Homes Commission Act, 1920,
8	as amended and the rules adopted thereunder.
9	SECTION 2. The Hawaii Revised Statutes is amended by
10	adding a new chapter to be appropriately designated and to read
11	as follows:
12	"CHAPTER
13	COMPLIANCE AND ENFORCEMENT ON HAWAIIAN HOME LANDS
14	§ -1 Compliance and enforcement program on Hawaiian
15	home lands; established. The department of Hawaiian home lands
16	shall establish a compliance and enforcement program on Hawaiian
17	home lands to enforce the Hawaiian Homes Commission Act, 1920,
18	as amended and rules adopted thereunder, and shall employ or

- 1 appoint, and remove, the following persons, subject to chapter
- 2 76 and section 78-1, who shall be provided with suitable badges
- 3 or insignia of office by the department of Hawaiian home lands:
- 4 (1) An enforcement chief of the department of Hawaiian
- 5 home lands, who shall be the head of the compliance
- 6 and enforcement program and shall have charge,
- direction, and control, subject to the direction and
- 8 control of the chairman, of all matters relating to
- 9 the enforcement of the Hawaiian Homes Commission Act,
- 10 1920, as amended and rules adopted thereunder and such
- 11 other matters as the chairman may from time to time
- 12 direct. The enforcement chief shall be an
- administrator experienced in law enforcement and
- management; and
- 15 (2) Personnel and enforcement officers of the conservation
- and resources enforcement program, including but not
- 17 limited to enforcement officers on a voluntary basis
- and without pay.
- 19 § -2 Compliance and enforcement program on Hawaiian
- 20 home lands special fund; established. (a) There is hereby
- 21 established in the state treasury a special fund known as the
- 22 compliance and enforcement program on Hawaiian home lands

- 1 special fund, which shall be administered by the department of
- 2 Hawaiian home lands.
- 3 (b) The following shall be deposited into the compliance
- 4 and enforcement program on Hawaiian home lands special fund:
- 5 (1) Grants, awards, donations, gifts, transfers or moneys
- 6 derived from public or private sources for the
- 7 purposes of enforcing the provisions of the Hawaiian
- 8 Homes Commission Act, 1920, as amended or any rule
- 9 adopted thereunder;
- 10 (2) Fees, reimbursements, administrative charges, and
- 11 penalties collected for activities related to the
- 12 enforcement of the Hawaiian Homes Commission Act,
- 13 1920, as amended and rules, except as otherwise
- 14 provided by law that provides for deposits into other
- 15 special funds administered by the department of
- 16 Hawaiian home lands;
- 17 (3) Moneys derived from interest, dividends, or other
- income from the above-mentioned sources; and
- 19 (4) Appropriations by the legislature to the special fund.
- 20 (c) The compliance and enforcement program on Hawaiian
- 21 home lands special fund shall be used for expenditures,
- 22 including but not limited to:

```
1
         (1)
              Training;
 2
         (2) Research;
 3
         (3) Equipment;
 4
         (4)
              Preparation and dissemination of information to the
 5
              public;
6
         (5)
              Data collection and development;
7
         (6)
              Information technology;
8
         (7)
              Safety;
9
         (8)
              Wireless communication;
10
         (9)
              Management;
11
        (10) Travel;
12
        (11) Equipment rental;
13
        (12) Maintenance and repairs;
14
        (13) Planning;
15
        (14) Information;
16
        (15) Education;
17
        (16) Operations;
18
        (17) Maintenance functions authorized and deemed necessary
19
    by the department of Hawaiian home lands;
20
         (18) Funding for consultants or contractual hires related
21
    to the enforcement of:
```

1	(A) The Hawaiian Homes Commission Act, 1920, as
2	amended;
3	(B) Any rule adopted thereunder; and
4	(19) Work performed in cooperation with enforcement
5	authorities of the State, the counties, and the federal
6	government.
7	(d) The fund shall be held separate and apart from all
8	other moneys, funds, and accounts in the department of Hawaiian
9	home lands, except that any monies received from the federal
10	government or from private contributions shall be deposited and
11	accounted for in accordance with conditions established by the
12	department of Hawaiian home lands or persons from whom the
13	moneys are received. Any balance remaining in the fund at the
14	end of any fiscal year shall be carried forward in the fund for
15	the next fiscal year.
16	§ -3 Compliance and enforcement program on Hawaiian
17	home lands enforcement officers; other law enforcement officers.
18	(a) The compliance and enforcement program on Hawaiian home
19	lands enforcement officers, with respect to all Hawaiian home
20	lands shall:
21	(1) Enforce the Hawaiian Homes Commission Act, 1920, as
22	amended and rules adopted thereunder;

1	(2)	Investigate complaints, gather evidence, conduct
2		investigations, and conduct field observations and
3		inspections as required or assigned;
4	(3)	Cooperate with enforcement authorities of the State,
5		counties, and federal government in development of
6		programs and mutual aid agreements for compliance
7		enforcement activities within the State;
8	(4)	Check and verify all homestead leases, general leases,
9		permits, and licenses and all other land dispositions
10		issued by the department of Hawaiian home lands;
11	(5)	Enforce the laws relating to firearms, ammunition, and
12		dangerous weapons contained in chapter 134; and
13	(6)	Carry out other duties and responsibilities as the
14		department of Hawaiian home lands from time to time
15		may direct.
16	(b)	Every state and county officer charged with the
17	enforceme	nt of laws and ordinances shall enforce and assist in
18	the enfor	cement of the Hawaiian Homes Commission Act, 1920, as
19	amended a	nd rules adopted thereunder.
20	§	-4 Department of Hawaiian home lands; police powers.
21	(a) The de	epartment of Hawaiian home lands shall have police
22	nowers and	d may appoint and commission enforcement officers

- 1 within the compliance and enforcement program on Hawaiian home
- 2 lands. Persons appointed and commissioned under this section
- 3 shall have and may exercise all of the powers and authority of a
- 4 police officer, including the power of arrest, and in addition
- 5 to enforcing the Hawaiian Homes Commission Act, 1920, as amended
- 6 and rules adopted thereunder, may enforce all other state laws
- 7 and rules, and county ordinances within Hawaiian home lands;
- 8 provided that such powers shall remain in force and effect only
- 9 while in actual performance of their duties, which shall include
- 10 off-duty employment when such employment is for other state
- 11 departments or agencies. These enforcement officers shall
- 12 consist of personnel whose primary duty will be the enforcement
- 13 of the Hawaiian Homes Commission Act, 1920, as amended and the
- 14 rules adopted thereunder within the areas under the jurisdiction
- 15 of the department of Hawaiian home lands.
- 16 (b) An enforcement officer, upon arresting any person for
- 17 violation of the Hawaiian Homes Commission Act, 1920, as amended
- 18 or any rule thereunder, may immediately take the person arrested
- 19 to a police station or before a district judge, or take the name
- 20 and address and note the violation of the law or rule by the
- 21 person, and issue the person a summons or citation, printed in
- 22 the form described in section -5, warning the person to appear

- 1 and to answer the charge against the person at a certain place
- 2 and time within seven days after the arrest.
- 3 § -5 Summons or citation. There shall be a form of
- 4 summons or citation for use in citing violators of the Hawaiian
- 5 Homes Commission Act, 1920, as amended and rules adopted
- 6 thereunder, which do not mandate the physical arrest of the
- 7 violators. The summons or citation shall be printed in a form
- 8 commensurate with form or other summons or citation used in
- 9 modern methods of arrest and shall be so designed to include all
- 10 necessary information to make it valid and legal within the laws
- 11 and rules of the State. The form and content of the summons or
- 12 citation shall be adopted or prescribed by the district courts.
- In every case where a summons or citation is issued, the
- 14 original of the same shall be given to the violator; provided
- 15 that the district courts may prescribe the issuance to the
- 16 violator of a carbon copy of the summons or citation and provide
- 17 for the disposition of the original and any other copies. Every
- 18 summons or citation shall be consecutively numbered and each
- 19 carbon copy shall bear the number of its respective original.
- 20 § -6 Search. Any police officer or agent of the
- 21 department of Hawaiian home lands that has been conferred powers

1 of police officers, shall have the authority to conduct searches 2 on probable cause as provided by law. -7 Alternative dispute resolution. Any violation of 3 4 the Hawaiian Homes Commission Act, 1920, as amended and rules 5 adopted thereunder may allow for alternative dispute resolution 6 such as mediation, arbitration, or a culturally appropriate 7 mechanism for dispute resolution to be deployed." 8 SECTION 3. This Act shall take effect upon its approval. 9 **10** INTRODUCED BY: 11 BY REQUEST

.B.	NO.	
		_

Report Title:

Compliance and Enforcement; Hawaiian Home Lands

Description:

Establishes a compliance and enforcement program within the department of Hawaiian home lands to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE COMPLIANCE

AND ENFORCEMENT PROGRAM.

PURPOSE: Establishes a compliance and enforcement

program within the Department of Hawaiian

Home Lands to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with the Hawaiian Homes Commission Act, 1920, as amended and

rules adopted thereunder.

MEANS: Adds a new chapter to the Hawaii Revised

Statutes.

JUSTIFICATION: Criminal activity that is threatening the

health and safety of the community must be

addressed.

Impact on the public: This proposal

protects the health and safety of

communities.

Impact on the department and other agencies:

Additional resources will be needed to

implement this program.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES: None.

EFFECTIVE DATE: Upon approval.

.B.	NO.	

A BILL FOR AN ACT

RELATING TO ADOPTION

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. The legislature finds that the effect of
2	adoption as provided for under state law impacts the ability for
3	an adopted individual or the individual's natural family to
4	succeed to a homestead lease or application on the department of
5	Hawaiian home lands applicant waiting list. The purpose of this
6	Act is to allow an adopted individual to benefit both by
7	relationship through a natural parent and through an adoptive
8	parent while also allowing the adopted individual and member of
9	the individual's natural family to continue to have the same
10	familial relationship. This Act does not affect the other
11	requirements under the Hawaiian Homes Commission Act, 1920, as
12	amended or administrative rules beyond relationship between
13	individuals.
14	SECTION 2. Section 578-16, Hawaii Revised Statutes, is
15	amended to read as follows:
16	"§578-16 Effect of adoption. (a) A legally adopted
17	individual shall be considered to be a natural child of the

- 1 whole blood of the adopting parent or parents as provided in the
- 2 Uniform Probate Code, relating to the descent of property.
- 3 (b) The former legal parent or parents of an adopted
- 4 individual and any other former legal kindred shall not be
- 5 considered to be related to the individual as provided in the
- 6 Uniform Probate Code except as provided in this section.
- 7 (c) An adopted individual and the individual's adopting
- 8 parent or parents shall sustain towards each other the legal
- 9 relationship of parents and child and shall have all the rights
- 10 and be subject to all the duties of that relationship, including
- 11 the rights of inheritance from and through each other and the
- 12 legal kindred of the adoptive parent or parents, the same as if
- 13 the individual were the natural child of the adopting parent or
- 14 parents.
- (d) Except as provided in subsection (e), all legal duties
- 16 and rights between the individual and the individual's former
- 17 legal parent or parents shall cease from the time of the
- 18 adoption; provided that if the individual is adopted by a person
- 19 married to a legal parent of the individual, the full reciprocal
- 20 rights and duties which theretofore existed between the legal
- 21 parent and the individual, and the rights of inheritance as
- 22 between the individual and the legal parent and the legal

- 1 relatives of the parent, as provided in chapter 560, shall
- 2 continue, notwithstanding the adoption, subject only to the
- 3 rights acquired by and the duties imposed upon the adoptive
- 4 parents by reason of the adoption.
- 5 (e) Notwithstanding subsections (b) and (d), if an
- 6 individual is adopted before that individual attains the age of
- 7 majority and:
- **8** (1) The individual is adopted by a spouse of a natural
- 9 parent of the individual; or
- 10 (2) The individual is adopted by a natural grandparent,
- 11 aunt, uncle, or sibling of the individual or the spouse of a
- 12 natural grandparent, aunt, uncle, or sibling;
- 13 then for the purposes of interpretation or construction of a
- 14 disposition in any will, trust, or other lifetime instrument,
- 15 whether executed before or after the order of adoption, and for
- 16 purposes of determining heirs at law, the rights of the adopted
- 17 individual and the individual's descendants with respect to the
- 18 individual's natural family shall not be affected by the
- 19 adoption, and they shall be included in any determination of
- 20 heirs or members of any class, unless specifically excluded by
- 21 name or class.

- 1 (f) An adopted individual, who by reason of subsection (e)
- 2 would be a member of two or more designation or classes pursuant
- 3 to a single instrument, both by relationship through a natural
- 4 parent and through an adoptive parent, shall be entitled to
- 5 benefit by membership in only one of these designations or
- 6 classes, which shall be the larger share.
- 7 (g) Notwithstanding any other provision of law in this
- 8 section, the effect of adoption for the purposes of
- 9 interpretation or construction of a disposition or other
- 10 designation provided for in accordance with the Hawaiian Homes
- 11 Commission Act, 1920, as amended or administrative rules and for
- 12 the purposes of determining heirs at law, shall allow any
- 13 adopted individual to benefit both by relationship through a
- 14 natural parent and through an adoptive parent while also
- 15 allowing for the adopted individual and member of the
- 16 individual's natural family to continue to have the same
- 17 familial relationship.
- 18 [(g)] (h) For purposes of this section, if a person has been
- 19 adopted more than once, the term "natural parent" includes an
- 20 adopting parent by an earlier adoption.
- 21 [(h)] (i) An individual legally adopted under the laws of any
- 22 state or territory of the United States or under the laws of any

1	nation shall be accorded the same rights and benefits in all
2	respects as an individual adopted under this chapter."
3	SECTION 3. New statutory material is underscored.
4	SECTION 4. This Act shall take effect upon its approval.
5	
6	INTRODUCED BY:
7	BY REQUEST

B.	NO.	

Report Title:

Adoption

Description:

Allows an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent in a disposition or other designation provided for in accordance with the Hawaiian Homes Commission Act, 1920, as amended or administrative rules while also allowing the adopted individual and individual's natural family to continue to have the same familial relationship.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT:

Hawaiian Home Lands

TITLE:

A BILL FOR AN ACT RELATING TO ADOPTION.

PURPOSE:

Allows an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent in a disposition or other designation provided for in accordance with the Hawaiian Homes Commission Act, 1920, as amended or administrative rules while also allowing the adopted individual and individual's natural family to continue to have the same familial relationship.

MEANS:

Amend section 578-16, Hawaii Revised Statutes.

JUSTIFICATION:

The effect of adoption could impact the ability for an adoptive individual to succeed to a homestead lease or to the applicant's application rights on the waiting list. This proposal allows an adopted individual to benefit both by relationship through a natural parent and an adoptive parent while also allowing for the adopted individual and member of the individual's natural family to continue to have the same familial relationship.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent.

Impact on the department and other agencies: This proposal could minimize any amendments that could have a detrimental impact to the general public while addressing the nuances specific to the Department.

GENERAL FUND:

None.

OTHER FUNDS:

None.

PPBS PROGRAM

DESIGNATION:

HHL 625.

OTHER AFFECTED

AGENCIES:

None.

EFFECTIVE DATE:

Upon approval.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Paula Aila, Acting Administrator,

Contact & Awards Division

FROM: Michelle Hitzeman, HALE Manager

> Kaila Bolton, Case Management Specialist Moana Freitas, Case Management Specialist

Contact & Awards Division

SUBJECT: Approval of Lease Award

RECOMMENDED MOTION/ACTION

Approve the awards of Department of Hawaiian Home Lands Residence Lot Leases to the applicants listed below for ninety-nine (99) years, subject to the purchase of the existing improvements on the lot by way of a loan or cash.

DISCUSSION

Kakaina Subdivision Residential Vacant Lot, Waimanalo, Oahu

<u>NAME</u>	APPL DATE	<u>LOT NO</u>	TAX MAP KEY	LEASE NO
LOVELYN M. KEKINO	12/20/1971	35	(1) 4-1-041-035	12964

Nānākuli Subdivision - First and Second Series, Wai'anae, HI

<u>NAME</u>	APPL DATE	<u>LOT NO</u>	TAX MAP KEY	<u>LEASE NO</u>
ELIZABETH L. KAMA	11/17/1977	56B	(1) 8-9-002-069	12965

Ka'uluokaha'i Residential Subdivision Vacant Lot, Kapolei, Oahu

NAME	APPL DATE	LOT NO	TAX MAP KEY	<u>LEASE NO</u>
TRACY K. KEA	08/02/1990	41	(1) 9-1-017:110	12966
JESSIE DAVID	06/22/1990	44	(1) 9-1-017-110	12967

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

Chairman and Members, Hawaiian Homes Commission TO:

THROUGH: Paula Aila, Acting Administrator,

Contact & Awards Division

FROM: Moana Freitas, Case Management Specialist

Contact & Awards Division

Rescission of Homestead Lease Award and Reinstatement SUBJECT:

of Application - Laiopua Villages 4 & 5, Undivided

Interest

MOTION/ACTION

To approve the rescission of six (6) Undivided Interest Residential Lease, Laiopua Villages 4 & 5, which commenced on December 3, 2005.

To reinstate six (6) residential lease applications to 2. the Hawaii Island Residential Waitlist according to the original date of application.

DISCUSSION

On October 29, 2005, at the Laiopua Villages 4 & 5 Undivided Interest Selection Meeting, Bruce K. Kalino, Tyran K. Spencer, Philip K. Tina, Bernadette K. Wong, Mikiala M. Akauand Iwalani S. Enriques executed the selection agreement and the lease award was approved on December 3, 2005.

The following Lessees have decided to rescind their lease at this time to participate in the Lai Opua Village 4 - Akau Subdivision - Rent with Option to Purchase. They will return to the Hawaii Island Residential Application Waitlist according to their original date of application.

LEASE APPLICATION NAME INFORMATION INFORMATION

Kalino, Bruce K Lease No. 10712 Hawaii IW Res Commencement Date: 12/03/05 Area Code: 393

Area: Laiopua Village 4&5 App Date: 02/22/1989

ITEM NO. C-3

Spencer, Tyran K Lease No. 10757 Hawaii IW Res

Commencement Date: 12/03/05 Area Code: 393

Area: Laiopua Village 4&5 App Date: 11/15/1994

Tina, Philip K Lease No. 10805 Hawaii IW Res

Commencement Date: 12/03/05 Area Code: 393

Area: Laiopua Village 4&5 App Date: 04/27/1999

Wong, Bernadette K Lease No. 10743 Hawaii IW Res

Commencement Date: 12/03/05 Area Code: 393

Area: Laiopua Village 4&5 App Date: 08/18/1992

Akau-Sonognini,

Mikiala M Lease No. 10887 Hawaii IW Res

Commencement Date: 12/03/05 Area Code: 393

Area: Laiopua Village 4&5 App Date: 02/19/2003

Enriques,

Iwalani S Lease No. 10816 Hawaii IW Res

Commencement Date: 12/03/05 Area Code: 393

Area: Laiopua Village 4&5 App Date: 09/09/1999

STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS September 21, 2021

To: Chairman and Members, Hawaiian Homes Commission

From: Tyler I. Gomes, Deputy to the Chairman

Niniau Kawaihae, Special Assistant

Office of the Chairman

Subject: Presentation on Activities Submitted for the National

Telecommunications & Information Administration Tribal

Broadband Connectivity Program

RECOMMENDED MOTION:

None; for information only.

DISCUSSION:

The Consolidated Appropriations Act ("CAA") was passed by the U.S. Congress and signed by former President Donald J. Trump at the end of December 2020. The CAA authorizes the creation of the Tribal Connectivity Program ("TCP") under the National Telecommunications and Information Administration ("NTIA") of the U.S. Department of Section 905(a)(8)(III) sets aside no less than \$30 million to the Department of Hawaiian Home Lands ("DHHL")on behalf the Native Hawaiian Community, including Native Hawaiian On June 3, 2021, the NTIA released its Notice Education Programs. of Funding Opportunity ("NOFO") for the TCP and since February 2021 DHHI staff and its consultants have met. with various broadband/telehealth/distance education stakeholders as well as state agencies. This broadband survey of every county and across professional disciplines was used to identify digital gaps; assess existing broadband infrastructure and broadband adoption programs; and analyze strengths in current community networking project areas that address affordable access.

Broadband Infrastructure Deployment

The Department of Hawaiian Home Lands requested \$49,614,000 for a one-year project to support a bilateral intervention composed of both infrastructure implementation and network management capacity-building, and a digital equity initiative to directly ameliorate the digital divide across the entirety of DHHL's land trust.

The infrastructure deployment consists of 4 inter-related

architectures: inter-island fiber transit, complete with local Internet exchange point; intra-island transit where localized fiber assets exist; inter-Home Land point-to-point wireless, when needed to interconnect remote locations where fiber is infeasible; and intra-Home Land point-to-multipoint wireless where fiber-to-the-home is infeasible. This infrastructure will provide connectivity to local residents, businesses, community anchor institutions, and the surrounding coverage areas. Together, this infrastructure enables both localized services and applications, as well as direct regional data streams. By enabling demand aggregation, this network will enable bulk bandwidth and transit purchasing that will dramatically lower the cost of connectivity.

DHHL will utilize both traditional unlicensed frequencies such as the 2.4GHz and 5GHz Wi-Fi band and recently acquired spectrum assets including the five 2.5GHz licenses secured as a part of the Federal Communications Commission's 2020 "Tribal Priority Likewise, 3.5GHz (CBRS) and 12GHz point-to-point and point-tomultipoint equipment will be deployed for some of the mid-range links. Together, the combination of licensed, lite-licensed, and unlicensed frequencies provides an array of wireless connectivity for navigating Hawaii's complex RFand topological environment and will help ensure a resilient network that can operate reliably within the unique biomes where Hawaiian home lands are situated.

While extensive due diligence was conducted in the lead-up to this proposal, Phase One of the proposed implementation will necessitate a more in-depth vertical asset inventory (including towers, buildings, and topographical high points) to determine the optimal wireless citing and specifics of the band management plan for this infrastructure.

The wireline infrastructure for this initiative is composed mainly of regional (inter-island and intra-island) transit lines. addition to bolstering these assets (for example, via "infilling" current gaps in regional fiber buildouts), ensuring that large capacity fiber is locally available to Hawaiian Home Land residents is essential to achieve in-home 1Gb+ connectivity. DHHL anticipates joint partnerships with both the Hawai'i Department Transportation and the Department of Education to best leverage already-existing infrastructure (both wireline fiber and vertical assets). DHHL also sees these agencies as "anchor tenants" who will bolster the ongoing sustainability of the project (for example, DHHL infrastructure will provide the only option for 1Gb+ connectivity to many remote Home Land educational buildings).

Initial inventory mapping of pre-existing fiber assets document substantial areas where this initiative will prove transformative — both in providing fiber where none exists, but also enabling the interconnection of pre-existing fiber assets that currently operate as a network topographical archipelago. Furthermore, this initiative will provide much-needed resilience of mission-critical connectivity provided via the Pacific Island Research and Educational Network (PIREN) to remote astronomy research stations and University of Hawai'i assets and will likewise provide additional transit options for hospitals and community clinics who currently have few-to-no fiber providers.

DHHL takes a holistic approach to solving the digital divide and believes that the sustainability of an initiative serving Hawaiian home lands necessitates developing a Native Hawaiian workforce with the expertise to build, maintain, and extend these network offerings. Thus, in addition to outsourcing implementation and operations work, whenever needed, DHHL will support a robust workforce development effort that will both speed implementation as well as bolster community buy-in and the economic health of the communities these networks will serve. In essence, this initiative will train Native Hawaiians on fiber and wireline implementation to create an in-house workforce that will be able to administer the physical assets of the network. These training programs will utilize the Digital Stewards pedagogies that have been successfully utilized for over 15 years in places like New York, Detroit, Philadelphia, and via the Tribal Digital Village -- and most recently with the Tribal Wireless Bootcamp held in Summer 2021. Likewise, NOC and system administration training may be added if local home lands determine that this is necessary. Given the boom in broadband infrastructure and 5G deployment taking place over the next several years, these in-house assets are likely to provide ongoing revenue and will support a variety of potential Native Hawaiian telecom implementation start-up enterprises.

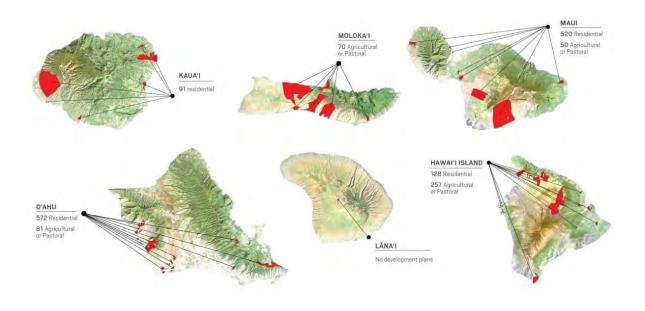
Finally, DHHL proposed a series of digital equity initiatives to supplement existing initiatives (e.g., the Emergency Broadband Benefit; local equipment loans by community anchor institutions) and ensure that no Hawaiian Home Land households are without broadband access. These initiatives include subsidized and free baseline connectivity, low-cost equipment disbursement and free equipment loans, and digital literacy training.

Together, DHHL's broadband initiatives will provide connectivity and the skills to maintain and extend existing infrastructure, equipment, connectivity, and training tailored by and for local Hawaiian Home Lands. This initiative represents a holistic intervention that will serve the entire Hawaiian Home Land footprint

and provide the foundation for permanently addressing and eliminating the digital divide within its coverage area.

The NTIA's Map of Broadband Need identifies the number of households in trust land areas with fixed broadband speeds below 25/3 as well as the percentages of households without 1) internet access and 2) internet connectivity devices, by county.

Area Name	Households	Percent without Internet	Percent withoutDevice			
County of Hawaii	County of Hawaii					
Keaukaha	474	18.5%	12.5%			
Panaewa	273	18.5%	12.5%			
Makuu	121	23.6%	13.7%			
Kamaoa-Puueo	30	32.3%	22.3%			
County of Maui						
Kahikinui	75	28.1%	20.1%			
Lanai	44	40.8%	29.6%			
Hoolehua	519	27.6%	23.1%			
Kalamaula	239	38.3%	24.1%			
Kapaakea	50	38.3%	24.1%			
City and County of I	Honolulu					
Waimanalo	723	16.6%	9.8%			
County of Kauai						
Anahola	578	19.0%	18.1%			
Kekaha	117	20.7%	15.3%			
Hanapepe	47	19.8%	16.4%			



BUDGET:

Cost Classification	Su	btotals	Project
1. Administrative and legal expenses	\$	2,386,950.00	
2. Land, structures, rights-of-way, appraisals, etc.	\$	4,173,900.00	
3. Relocation expenses and payments	\$	-	
4. Architectural and engineering fees	\$	7,454,325.00	
5. Other architectural and engineering fees	\$	1,493,475.00	
6. Project inspection fees	\$	2,386,950.00	
7. Site work	\$	8,347,800.00	
8. Demolition and removal	\$	-	
9. Construction	\$	16,695,600.00	
10. Equipment	\$	6,675,000.00	
11. Miscellaneous	\$	-	
12. SUBTOTAL (sum of lines 1-11)	\$	49,614,000.00	
13. Contingencies	\$	-	
14. SUBTOTAL w/ Contingencies	\$	49,614,000.00	
15. Project (program) income	\$	-	
16. TOTAL PROJECT COSTS	\$	49,614,000.00	
Administrative Expenses	\$	-	
TOTAL PROJECT COSTS w/ Administrative Expenses	\$ 4	49,614,000.00	

Broadband Use & Adoption

The Department of Hawaiian Home Lands' oversight of the land trust serves three classes of beneficiaries: 1) those Native Hawaiians of 50% blood quantum or greater who have already received a lease from the Commission and currently resides on Hawaiian home lands, numbering approximately 10,000 households; 2) those Native Hawaiians of 50% blood quantum or greater who have not yet received a lease, are on the Department's waiting list, and live both on and off Hawaiian home lands, numbering approximately 28,000 individuals; and 3) those Native Hawaiians of 50% blood quantum or greater who have not applied for a homestead with the Department.

The department also has a fourth, expanded, definition of its beneficiary class for the specific purposes of Title VIII of NAHASDA (25 U.S.C. 4221) and the Consolidated Appropriations Act of 2021, Division N, Title IX, Section 905(c) which authorizes the Tribal Broadband Connectivity Program under the NTIA. The aforementioned definition allows any Native Hawaiian able to trace their genealogy back to pre-1778, without regard for current blood quantum, to be eligible for assistance under both Acts.

The proposed broadband use and adoption project will target all four beneficiary classes.

The Department of Hawaiian Home Lands requested \$18,163,021 for a one-year project to fund multiple areas of need as it relates to digital equity, digital inclusion, and telehealth. The COVID-19 pandemic of the past 18 months brought to the forefront the lack of access to sufficient internet bandwidth for telehealth, distance learning and teleworking for Native Hawaiian households. activities identified in the following pages document the Department of Hawaiian Home Lands' (DHHL) response to the need it saw in its Native Hawaiian communities statewide over the past year and a half of the global pandemic. Isolated in the middle of the Pacific Ocean, transpacific undersea cables provide critical access to broadband infrastructure. The geographic isolation also means Hawai'i must import all of its goods - from household supplies to food to building materials, leading our families to experience one of the highest costs of living in the United States. In an attempt to provide sufficient internet access, defined here at 1 GBPS, the application considers a provision to provide one year of prepaid internet for Native Hawaiian families across the island chain. Also addressed are the improvements to Native Hawaiian charter schools who are not included in the State of Hawaii's Department of Education (DOE) eRate program by upgrading existing networks and equipment to accelerate Native student learning to gain parity with those students in the DOE system.

Telehealth devices and equipment for Native Hawaiian-serving medical facilities and hospitals that saw an increased need for such over the course of the pandemic, will assist Native Hawaiian families navigating a devastating illness and isolation while providing critical care in the safety and comfort of home. Lastly, digital mapping of rural areas with high concentrations of Native Hawaiians will provide concrete data for subsequent assessments of need as well as provide quantitative data for evaluation purposes on the effectiveness of DHHL's efforts to promote digital equity, inclusion, and access for Native Hawaiians.

BUDGET:

Cost Classification	Expenses		Subtotals	
a. Personnel			\$	100,000.00
Community Networks & Broadband Mapping	\$	30,000.00		
Telehealth Library	\$	70,000.00		
b. Fringe Benefits			\$	-
N/A	\$	-		
c. Travel			\$	85,000.00
Community Networks & Broadband Mapping	\$	15,000.00		
Telehealth Library	\$	70,000.00		
d. Equipment			\$	7,295,000.00
Hawaiian Charter Schools	\$	1,030,000.00		
Community Networks & Broadband Mapping	\$	1,045,000.00		
Telehealth Libray	\$	420,000.00		
Statewide Telehealth	\$	4,800,000.00		
e. Supplies			\$	660,000.00
Community Networks & Broadband Mapping	\$	60,000.00		
Statewide Telehealth	\$	600,000.00		
f. Contractual			\$	9,283,021.00
One Year of Prepaid Consumer Internet	\$	9,000,000.00		
Non-Project Costs	\$	283,021.00		
g. Construction			\$	-
N/A	\$	-		
h. Other			\$	740,000.00
Telehealth Library	\$	140,000.00		
Statewide Telehealth	\$	600,000.00		
12. SUBTOTAL (sum of lines 1-11)			\$	18,163,021.00
Administrative Expenses (2%)	\$	-		
TOTAL PROJECT COSTS w/ Administrative Expenses			\$:	18,163,021.00

STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS

September 21, 2021

To: Chairman and Members, Hawaiian Homes Commission

Through: Tyler I. Gomes, Deputy to the Chairman

From: Niniau Kawaihae, Special Assistant

Office of the Chairman

Subject: Presentation on the Impact of COVID-19 on Native

Hawaiians

RECOMMENDED MOTION:

None; for information only.

DISCUSSION:

For over the past year, DHHL has been working with members of the state's Native Hawaiian/Pacific Islander COVID-19
Response, Recovery and Resilience Team led by Dr. Keawe'aimoku Kaholokula, Chair of the Department of Native Hawaiian Health at the John A. Burns School of Medicine and Dr. Sherri Daniels of Papa Ola Lōkahi. Subcommittees the department participates on are Data & Research; Testing, Tracing, & Vaccinations; and Social Support & Recovery. Medical providers, healthcare professionals as well as the state's Department of Health and the Office of Hawaiian Affairs also participate in addressing the disparate testing, tracing and vaccination rates that have been plaguing our communities.

The COVID-19 pandemic has struck the Native Hawaiian community in disproportionately large numbers. In the past 14 days (as of 09/14/21), the Wai'anae/Nānākuli area have a 16.3% positive test rate (as per the Department of Health's dashboard, https://health.hawaii.gov/coronavirusdisease2019/current-situation-in-hawaii/#top).

Today's workshop will feature Dr. Josh Quint, PhD, state epidemiologist and Ms. Chantelle Matagi, lead contact tracer, both with the DOH. Dr. Quint will go over the data in the DOH dashboard that he updates daily, and Ms. Matagi will share her experiences with our community's resistance to contact tracing and vaccine hesitancy.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Hokulei Lindsey, Administrative Rules Officer

SUBJECT: For Information Only – Report of the Public Hearing for Administrative Rules for

Supplemental Dwelling Units

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION:

Following approval of the Hawaiian Homes Commission (HHC) at its January 2019 regular meeting, and informational updates at the September 2020, October 2020, and May 2021 HHC regular meetings, and approval of the Governor, the Department of Hawaiian Home Lands (DHHL) conducted a remote public hearing pursuant to Chapter 91, Hawaii Revised Statutes, by interactive conference technology regarding proposed administrative rules related to Supplemental Dwelling Units (SDU) on Hawaiian Home Lands. Public notice was published statewide pursuant to section 91-3, HRS, on May 26, 2021 (Exhibit A) and, pursuant to section 10-5-22, HAR, copies were sent to the homestead associations with valid addresses on file (Exhibit B). A dedicated page was created on the DHHL's website with information about the SDU proposal, including the proposal itself, the public notice, past HHC submittals, FAQs, and a short informational video, (at https://dhhl.hawaii.gov/hhc/hawaii-administrative-rules/dhhl-administrative-rules-supplemental-dwelling-units/).

Informational Briefing and Public Hearing

The public hearing was held on June 30, 2021; an informational briefing was held immediately before the hearing. The briefing and the hearing were open to participants by internet link and livestreamed for viewing. The informational briefing consisted of a prerecorded powerpoint presentation reviewing the process undertaken to date and highlighting significant provisions of the proposal. Time was allotted for questions. Questions about the proposal that were received by email during the hearing are included in Exhibit C. The presiding officer opened the formal hearing at 6:05 p.m. and testimony was received, the hearing was closed at 7:34 p.m.

Testimony

Multiple methods to submit testimony were available, whether in attendance as a participant giving live testimony or providing written comments by email or mail. Comments were solicited from each county planning department and Maui County Department of Public Works. Eight written comments were received; eleven participants gave oral testimony during the hearing. Three participants in the hearing had connectivity issues which could not be resolved despite multiple attempts to troubleshoot. Staff was able to communicate with two of the three participants after the hearing; one requested the link to the recorded hearing but did not submit written testimony, the other indicated written testimony would be submitted but none was received.

Exhibit C is the testimony received and the staff responses, as needed, to matters directly related to the proposal. Pursuant to HAR 10-5-23(e), Exhibit C reflects staff notes of the oral testimony; email and written testimony is attached in the order listed on the spreadsheet.

Exhibit D is the proposal, including compilation of Chapter 10-3 and the SDU proposal. The SDU proposal is underlined to indicate changes in the text of Chapter 10-3.

2

RECOMMENDATION:

None. For information only.

ITEM NO. C-6

DAVID Y. IGE GOVERNOR STATE OF HAWAII

JOSH GREEN LT. GOVERNOR STATE OF HAWAII



WILLIAM J. AILA, JR
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879 HONOLULU, HAWAII 96805

May 28, 2021

Aloha Homestead Association Leaders,

The Department of Hawaiian Home Lands will be conducting a public hearing for the proposed adoption of administrative rules for Supplemental Dwelling Units and the compilation of chapter 10-3, "Native Hawaiian Rehabilitation Program" on June 30, 2021. The public hearing is required by state law for the adoption of administrative rules. The notice for the hearings will be published in newspapers statewide and a copy is enclosed for your association. Also enclosed are two copies of the proposed rule amendments. Copies of the proposal are also available for reading at all Department offices and on DHHL's website.

The hearing will be held using video conferencing technology because of COVID-19 public health dangers associated with in-person gatherings. Even though we will not be gathering in person, there are multiple ways to participate and submit any comments you may have about the proposal; you can participate live, watch the livestream, or watch the hearing after the fact because it will be recorded and made available on the DHHL website. If you cannot participate live but you want to comment on the proposal, the Department is accepting written comments. Please be sure to submit (or postmark) your written comments to the Department no later than July 9, 2021.

You may remember beneficiary consultation meetings were held in 2018 about these proposed rule amendments. The Commission submittals that include beneficiary consultation information as well as the proposed rules are available on the Department's website. We were able to incorporate into the proposal some of the comments offered during beneficiary consultation and believe it is a better proposal thanks to beneficiary input! Your mana'o and participation is much appreciated.

If you have any questions, please contact Hokulei Lindsey at (808) 620-9280 or Hokulei.Lindsey@hawaii.gov.

Mahalo nui loa,

William J. Aila, Jr. Chairman

Hawaiian Homes Commission

Exhibit A ITEM NO. C-6

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

NOTICE OF PUBLIC HEARINGS ON PROPOSED HAWAII ADMINISTRATIVE RULES

Pursuant to Hawaii Revised Statutes (HRS) chapter 91, notice is hereby given that the Department of Hawaiian Home Lands (DHHL) will hold a statewide online public hearing to afford all interested persons an opportunity to submit data, views, or arguments, orally or in writing on the proposed amendment and compilation of Chapter 10-3, under Hawaii Administrative Rules (HAR) Title 10, Department of Hawaiian Home Lands, entitled "Native Hawaiian Rehabilitation Program." The proposed amendment would add a new subchapter 3.1 relating to supplemental dwelling units (SDU). Proposed subchapter 3.1 creates a five-year pilot program for residential lessees on Hawaiian home lands to construct a supplemental dwelling unit, also called "ohana unit" or "accessory dwelling unit" by the various counties. An SDU application process, general lot requirements, and lessee obligations are outlined in the proposal. Terms for use of the SDU are also detailed. An informational briefing will be held immediately before the public hearing. Due to COVID-19 public health dangers associated with in-person gatherings, the public hearing and informational session will be held entirely online via video conferencing technology.

All interested persons may view a pre-recorded presentation describing the proposed rules and access background information about the proposal, including relevant Hawaiian Homes Commission submittals on the DHHL website at https://dhhl.hawaii.gov/hhc/hawaii-administrative-rules/dhhl-administrative-rules-supplemental-dwelling-units/.

There are two ways to participate in the public hearing: online via the internet or by telephone, or by written testimony. All interested persons are urged to participate to present relevant information and individual opinion for the DHHL to consider. The hearing will be held on the following date and time:

Wednesday, June 30, 2021 Informational briefing: 5:30 – 6:00 p.m. Public hearing: 6:00 – 7:00 p.m.

Online: Persons may present live video/oral testimony via internet or telephone during the online public hearing. To participate, you will need either a computer with internet access, video camera, and microphone, or a telephone. To sign up please email your request to: DHHL.AdminRules@hawaii.gov at least 48

Exhibit B ITEM NO. C-6

hours in advance. Please include your email address, full name, and phone number. A confirmation will be sent to you with instructions and the meeting link and call-in number. You can livestream the public hearing on the DHHL website: dhhl.hawaii.gov/live. The hearing will be recorded and will be available for viewing on the DHHL website within 24 hours after the hearing.

<u>Written testimony:</u> Any person may file written testimony to the proposed rulemaking by email or mail postmarked by July 9, 2021 to: ATTN: Administrative Rules, Department of Hawaiian Home Lands, P.O. Box 1879, Honolulu, HI 96805 or DHHL.AdminRules@hawaii.gov.

All oral and written testimony is public information. Please do not include information in your testimony that you do not want disclosed to the public.

The Hawaiian Homes Commission shall take final action on this rulemaking at a future regularly scheduled commission meeting.

The proposed rule amendments are currently available for review through July 9, 2021 online at https://dhhl.hawaii.gov/hhc/hawaii-administrative-rules/ and between the hours of 8:00 a.m. and 4:00 p.m. at the DHHL Main Office on Qahu: 91-5420 Kapolei Pkwy, Kapolei, HI 96707; and at any DHHL District Office: East Hawaii: 160 Baker Ave., Hilo, HI 96720; West Hawaii: 64-756 Mamalahoa Hwy, Kamuela, HI 96743; Mauli: 655 Kaumualii St., Wailuku, HI 96793; Molokai: 600 Mauna Loa Hwy, Kaunakakai, HI 96748; Kauai: 3060 Eiwa St, Rm 203, Lihue, HI 96766. A copy of the proposed rule amendments will be mailed to any person who requests a copy in writing. The request must state the requestor's name and mailing address, and be delivered to the DHHL Main Office, P.O. Box 1879, Honolulu, HI 96805. For more information, email DHHL.AdminRules@hawaii.gov or call (808) 620-9280.

To request a sign language interpreter, please contact the DHHL Information and Community Relations Office on Oahu at 808-620-9590 at least seven days in advance of the public hearing.

William J. Aila, Jr., Chairman Hawaiian Homes Commission May 26, 2021 (SA1328067 5/26/21)

Exhibit B ITEM NO. C-6

TESTIFIER	COMMENT	STAFF RESPONSE
	Live/Oral Testimony Notes	1
Lawrence Mollena	If you already have a home, what is the new arrangement to add a home, do you have to join to the existing home?	The SDU can be attached or detached.
	To qualify for Hawaiian Homes you have to be half but if my wife is 25% can she qualify if something happens to me? My grandson is less than quarter Hawaiian, can he qualify?	Yes, a 25% spouse qualifies as a successor to a lease. No; 25% is the lowest quantum for successorship to a lease.
	If you want to build another home away from the existing home within your lot, I have about one acre?	The proposal would allow a second dwelling on your residential lot. As long as you have residential lot, this proposal would allow a second unit on that lot.
	It's really nice to see Hawaiian Homes allowing the second dwelling unit to go one because the kupuna all getting up there in ages and I can see the family members. It's good to have a second unit is a good arrangement; but it's only one unit or two units? But you can always expand your house.	A total of two units would be allowed under the proposal; the original/existing plus one smaller unit.
Blossom Feiteira	Thanks for the opportunity. I have several questions. 10-3-40.04 application review, (d) allows one year after HHC approval for construction to be completed. A building permit in Maui County can take 6 months on average 6 to 8 months. So is there opportunity for some leeway in the process?	HHC approval will come after the county permitting process. The process that's outlined is that you apply to DHHL, then you go to the county, and after the county is HHC approval; HHC approval is last before construction.
	10-3-40.05 lot requirements, (5) talks about a MOA with the respective county so you guys are looking at negotiating the MOA after the rules are passed?	DHHL has an MOA with Hawaii County and one in process with the City and County of Honolulu. Those MOAs are broader than just SDUs but they cover how the county will review things like county zoning requirements on HHL. That provision is a reference to applications being reviewed according to the provisions of the MOU.
	So are you looking to execute an MOU with Maui County since you don't have one here?	No, DHHL has not entered into discussions with Maui County Planning Department at this time.

Maui County has codes for accessory dwelling unit so can we hop on that instead of waiting for an MOU?	Yes, certain counties we have MOUs which provide some protocol as to how the DHHL and the county will work together and certain counties we do not have an MOU so the language about MOUs would only apply where an MOU exists.
Under 10-3-40.07 there are two options for the lessee, the ohana SDU, which is not for rental and then there is the rental SDU. How does the DHHL intend to verify that the lessee is in compliance with landlord tenant code and the county rules governing rentals, and compliance to determine that the person approved as the tenant is actually the tenant? If a lessee with an SDU comes before the HHC with a tenant who is verified as native Hawaiian and is approved but 6 months later, the native Hawaiian tenant is now not there and a non-native Hawaiian is. Is there compliance review or anything to monitor compliance with the rules when it comes to rentals?	The proposal does not address that; procedures would need to be put in place for compliance review.
What would the process be for a lessee to switch from a non-rental SDU to a rental SDU?	The proposal contemplates notice to the Department of the change.
10-3-40.08, talking about compliance. Is there a process in place to ensure compliance with landlord tenant code and other laws for rentals. With a rental it's not just residential anymore, its income generating and there will be impact on property taxes. Is there a way the Department can ensure the lessee is in compliance; registered as a landlord, got their GE license, etc.?	The proposal does not go into those matters. Previous discussion with the HHC was for the lessee to be the landlord and to be responsible for those things.
So you're leaving it to the lessee to comply?	Yes. The lessee is responsible for compliance with the obligations of being a landlord.
10-3-40.09 for existing structures and noncompliance. Is there consideration to approve after-the-fact? We know that SDUs exist and may be rented out. So instead of hitting them with a violation, is there any way that they can have an after-the-fact approval to ensure that they are in compliance?	Yes, that is what 10-3-40.09 is addressing; the opportunity to bring that lease into compliance.

	Is there a timeframe or is it up to the lessee to make sure that happens? Sub-chapter 4 for loans and funds is also here, is that included in the amendments? I do support establishing rules for SDUs on homesteads.	The procedure would be an enforcement procedure so the timeframes would be set that way, not in the rule. No. In the proposal, only the underlined portions are being amended, so all the SDU provisions. But Chapter 3 of our rules is being compiled at the same time.
Cindy	SDUs is a great thing but I have questions. 10-3-40.07(2)(a) says minimum rental is 6 months. Does that mean we can only rent for 6 months? In the same section, part (c) says each rental shall carry a "rider." My understanding is that "rider" has to do with insurance for the SDU Between the lessee and the people in the unit, can something be in there about carrying insurance for the SDU?	Six months is the minimum rental period so you can rent for a term longer than 6 months but the rental period cannot be shorter than 6 months. The "rider" described in 10-3-40.07(c) is a lease amendment provided by the department. That amendment will concern the general responsibilities of the department, a waiver of liability, and guarantees made by the lessee The agreement between the lessee and who is occupying the SDU, whether ohana or rental, is between the lessee and that person. The rider referred to in the rules will be attached to your lease and is between the lessee and the department. What is created is almost like a triangle; the lessee becomes a landlord to the tenant living in the SDU with agreements between the lessee and the tenant; and then separately there's the department and the lessee, and the rider is between the department and the lessee.
	Looking at the County requirements, when an ohana unit is added, whether attached or detached, you have to add two parking. Most of the lots in Kona are only 6000 sq ft., and on a slope. How can we build an SDU and add two parking when the lot is as small as it is?	We know there will be some difficulties but we are requiring county review and approval because the department does not have the staff necessary to do the type of review required; and the department does not have it's own

		building and zoning codes to follow.
	When will the difficulties be ironed out?	The rules establish a 5-year pilot program. This window gives the department time to understand how much interest there is, as well as what are the common problems that come up with the counties, and to find solutions for those problems.
	The SDUs are island-wide?	The proposal is for all islands, residential lots.
	You guys will be giving out lots within the 5 years. Does this apply to that within the 5 years? If there's a vacant lot somewhere down the line, we can bring the SDU if we choose to?	Yes, this could apply to a new award if the lessee has an appropriate plan, meaning the blueprints and approvals. If the new award was a vacant lot award, and the lessee is planning to build their home, these rules do not prohibit the lessee from also planning to build the SDU
	I have concerns with ironing out as we go. This will cost us out of pocket. If we get to the point where we see the problem, how can i be ensured by the department that it won't come out of my pocket because it's unforeseen?	The financial burden is on the lessee to complete all improvements necessary and meet county requirements. Under the rules, the department is not guaranteeing any financial aspect, it is up to the lessee. A number of the counties have a "pre-check" process where they check zoning, infrastructure, etc. and that is done before you spend any money on blueprints and plans. The initial check on your lot to determine if the lot qualifies under the county rules, is done free of charge by many of the counties.
	The county only allows 5 rooms. If we add a second dwelling, could we add another 5 rooms?	In Hawaii County it is called an ohana dwelling and the SDU would have to meet or fall within the county's requirements.
Germaine Balino	Aloha, my name is Germaine Balino. I'm calling from Waiohuli, Maui. I've read the document but not in detail and I have some questions. Is there a deadline, can I submit more testimony in writing? In general, I do support this move to allow lessees to build SDU. I do have some general concerns. From what I	Yes, July 9, next week Friday is the deadline to submit testimony.
	understand there's a waiver of liability and I realize it's a pilot program. But I	

	think the idea is that the lessees will be developing improvements and also providing additional inventory for newer or additional beneficiaries should they decide to rent it out to another native Hawaiian. The portion where I may want to propose some language is where I think that there should be some shared liability to some degree whether thru some course of mitigation should the lessee fall in to a foreclosure scenario due to unexpected circumstances and there are also so some possible issues with tax, property taxes to come with the market shifting. That in general is my thought on the general concept. But I do appreciate your folks effort and I do support it in general. Mahalo.	
Loke Kanehe	I have 2 sons, one already has his place on Maui and he has his house there and he wants to build something for me there. And I have my other son, Sarge, who doesn't have his. He signed up in 2002. But how do we find out where he is at? I know this isn't the same but where can we find out information on where he is at so he can start getting his property? How does this work?	It will depend on the counties. You need to go thru the county where you live and each county has different size limitations. The waitlist is available on the DHHL website. You can look up according to which list you signed up on and it'll show you what number you are at.
	And which island is land more available now than not? Kauai? Maui? Oahu? So right now, Oahu, Kauai, Big Island; is that Kapolei?	There are developments going on on Oahu, Kauai, Big Island. There are plans for Maui but they are further out. Yes, Kapolei on Oahu.
Patrick Kahawailoaa	Aloha. I'm just going to be the devil's advocate. It's no reflection on the work that's been done. COVID has dealt everyone a bad hand. Promulgation of the rules may be, and that's my own assessment, promulgation of these rules may have some conflict with the mandatory rulemaking of these rules that are going especially when we can't communicate clearly based on COVID and these Zoom meetings that we're trying to do. I was completely taken aback by the fact that we've had several public	Virtual hearings were authorized by the Governor's Twenty-First Emergency Proclamation Related to the COVID-19 Emergency, which was in effect at the time of the public hearing. Although virtual meetings have been a learning process, staff was able to communicate by email after the hearing with two of the three participants whose audio connection failed. One requested the link to the video recording of

hearings using Zoom and the process seems to change every time the department uses Zoom. The case that we had one with Andrew and Julie having a consultant that kind of went off without a hitch. Now we have something with Hokulei and we're having issues with people getting in and people being able to articulate the reasons they are here.

the hearing but did not submit testimony, the other submitted written testimony.

I'm not clear on the research that was done that clearly says that native Hawaiians can rent on Hawaiian homes. And it seems like we're creating small little dynasties where we can rent. I understand rent for the purpose of taking care of ohana like the zoning that's in several counties when we're talking about ohana. And it's confusing when we use terms for native Hawaiians such as "supplemental" if we have to follow the county, whatever county, why don't we use, they use ohana zoning as the process that they're using. And if this is a pilot project and we have only a little time to. Hopefully, this pandemic is over and we can meet in person or in a much better place than thru this process of Zoom in trying to have people come on line and have issues with connectivity. I would say I would be able to appreciate the work that Hokulei's been doing but I am going to, for the sake of these meetings, object to the promulgation of this rulemaking. And I will further send my testimony out also that I think we need to get a better idea of how these types of, I don't even know what to call it, Zoom meeting, because even the post card that was sent is different from the post card that was set for the consultation for the people in Hilo than the post card that Andrew and Julie sent out. We clearly, or I am, maybe because I'm old, connectivity is a problem and we can't seem to get many of our people aren't able to articulate what they want to see and how we must follow the county rules.

HHCA section 208(5) provides, "The lessee shall not sublet the lessee's interest in the tract or improvements thereon; provided that a lessee may be permitted, with the approval of the department, to rent to a native Hawaiian or Hawaiians, lodging either within the lessee's existing home or in a separate residential dwelling unit constructed on the premises."

Staff will reevaluate use of the term "Supplemental Dwelling Unit".

I'm truly taken aback by Hokulei mentioned everything about how the Act and the creation of the Act and she cited section 208(5) really and 209. But there are clearly some inconsistent legislation that's been promulgated before that's being used now that may be in violation of Title 4 of the Act. I think the idea of a pilot project to put more of our people on the land but I would object to the fact that this pilot project would be a way to, if it's going to enhance the individual lessee that has land already the he would become a landlord? It's a matter that we gotta deal with. I'm not prepared to see where Kuhio gave us the land so we can now become landlords. He said go in, rehabilitate, take care of your family. He never tell you to go in and become a landlord. And this is where I have a problem. Again, thank you for having this; I'll not take up anymore of your time. Thank you.

The language of HHCA section 208(5) authorizing rentals with department approval is provided above.

The use of the 25% blood quantum qualified successors found in HHCA section 209 for the ohana SDU occupant, acknowledges living situations that already exist for beneficiary families or may become desirable, and attempts to alleviate some of that crowding by providing an option for additional, separate living space.

In Title 4 of the HHCA, section 401 appears to be a repeal clause applicable to law inconsistent with the HHCA. Repeal clauses typically apply to law enacted before the law containing the clause.

Puni Kekauoha

Aloha everybody. First off, thank you for the time you took today to go over this. For me I support this addition to Title 10, this subsection. Papakolea notably had been asking about this particular project for some time. I would like to clarify something. When we asked the previous chair about building these units, we were told that our infrastructure, we were unable to build because the infrastructure in Papakolea couldn't handle the additional units on these lots. So as you're explaining process, are we to assume that this project or the project that we send to the County of Honolulu may be stopped because of infrastructure in Papakolea? Is that what were saying? There's no guarantee because we have to go to the city and county for them to check all our lines. And if they check then we come to you. Right?

Yes, that is correct. The City may deny the application based on inadequate infrastructure in Papakolea.

I just want to make sure so there's been no changes to infrastructure. There are improvements being done now in our community but it's a long way more to complete. That's my concern. For us it's still infrastructure, we're an older community. I just want to make sure

		T
	people understand that for us we may get stopped at the City.	
	Second question, on subchapter 3, -40.07, page 36 of title 10. So ohana SDU, you mentioned that the person in this category can be a successor, 25% koko. And that person, as the lessee, I cannot charge my daughter rent, she's 25%.	Yes, correct. Rent cannot be charged for an ohana SDU.
	But you mentioned she can pay mortgage? So we're not calling that rent?	She [daughter/qualified ohana occupant] can help with the mortgage. The lessee shall remain ultimately responsible for all of those costs.
	Is the ohana SDU successor required to be the successor or anyone of 25%? So it can be a friend, as long as they are 25%?	Anyone of the qualified 25% relationships [in the Act]. It doesn't have to be the successor but it does have to be one of those 25% [blood quantum relatives]: spouse, child, grandchild. No, they have to be related to the lessee, [the ohana SDU occupant
	I see, so you have to tie to the lessee.	cannot be a friend].
	And how does the department plan to confirm that the people under the rental SDU are the small "n" Hawaiians?	The department will have to verify just like if you applied to Hawaiian Homes. There is also additional language in that section which says if you are proposing a tenant that is already on the waitlist then it makes it easier and the department will prioritize that SDU application.
Sybil Lopez	Aloha everyone. My name is Sybil Lopez and I speak on my own behalf.	
	I'm going to echo what Uncle Pat was talking about previously. It was a very hard time getting on and I agree with him on the process for beneficiary consultation meetings such as this and it being harder to get on to speak our manao and say what we have to say, especially with something as important as this.	See response regarding virtual hearings above.
	I really appreciate Hokulei and the department trying their best to come up with a solution to help beneficiaries who are on the land and those who are on the waitlist to supplement their income and utilize the supplemental dwelling as a	The public notice did not limit application of the proposal to Oahu and Hawaii Island. The notice accurately described the proposal: "Proposed subchapter 3.1 creates a five-year pilot program for

vehicle to help our beneficiaries. Although I do object as to what Uncle Pat was stating. These are administrative rules and when I was reviewing that although you guys state in the public notice that this will only pertain to Hawaii Island and Oahu, thru the pilot program, I do not see that embedded in the administrative rules so that may affect the rest of the Pae Aina who are not involved thru that pilot program. Plus, the conversation you had earlier with Maui county not being a part of that and I would have something to say about that as well.

I agree with the inconsistencies in legislation and with following the HHCA as stated with what Price Kuhio wanted as his legacy and the intent and purpose of what the HHCA is all about. First and foremost, we're rounding out our centennial, it's been almost hundred years. It's long overdue after a year after it was signed our Prince passed away without having the notion to help promulgate federal regulations so that things like this that come down to the state level wouldn't impose and adversely impact our beneficiaries as such the questions that you are being asked right now. Because of the complexities and perplexities of each county and the burden will be upon beneficiaries deal with the county by making an amendment to the Hawaii administrative rules just going to allow beneficiaries to do such things. Until they get into the county's realm it will be a different ball game that I don't think a lot of our beneficiaries and lessees understand their process. So it feels like you're kind of leading us to the water but the water is kind of empty because now we have to fill up our own water to drink.

So I think first of all we have to deal with federal regulations in order to stipulate these types of arbitrary and capricious decisions to change Hawaii administrative rules without looking at the repercussions residential lessees on Hawaiian home lands to construct a supplemental dwelling unit, also called "ohana unit" or "accessory dwelling unit" by the various counties."

The original draft, which was taken to beneficiary consultation limited the proposed pilot program to Hawaii County and the City and County of Honolulu. That limitation was deleted based on feedback received during beneficiary consultation. The current version, which was taken to public hearing is available on the administrative rules page of the department's website; a link is also provided on the page dedicated to the SDU public hearing process.

The counties are the best option to ensure the safety of the SDU structure as well as the wellbeing and safety of the surrounding homes and community. The department does not currently have that kind of capacity.

	and adverse impacts that will pose upon	
	our beneficiaries and lessees. You're	
	looking at after the fact structures.	
	You're looking at building codes. How	
	do they know in Kona that you can build	
	within 6000 sq feet? Maui County code	
	does not tell you that. We can do better.	
	does not ten you mat. We can do better.	
	If the department can blend more with the	
	beneficiaries so that you guys can	
	understand what is our strife on the land	
	and the waitlisters who want to get on the	
	land, I think we can work better in	
	achieving he ultimate goal of what Prince	
	Kuhio wanted this Act to be. Please no	
	come into Maui County because Molokai	
	going to have another fight. Because	
	majority of our homestead associations	
	and homestead lands are on the south	
	shore and are special management area	
	and on top of understanding county code	
	they're going to have to understand	
	coastal zones and SMAs and it'll just be	
	piles and piles of bureaucracy that will	
	just be on the burden of our people. I'm	
	all for trying to make it better but	
	sometimes when we're trying to make it	
	better we don't know what will happen in	
	the future that would maybe make it	
	worse off. Mahalo for this time and	
	allowing me to express my testimony.	
Kyle	Aloha. I just joined the meeting so I	
11/10	didn't want to disrupt what was going on.	
	I'm just in favor of it; that would be my	
	testimony.	
Kalae Inoue	I just wanted to ask, am I correct that the	That is correct.
	SDU is not yet implemented?	
	So what is it that we as lessee need to do	This is a public hearing to adopt
	to actually start applying for SDU and	rules that would allow that process
	actually get this pilot program up and	to begin. After the public hearing
	running?	we have several months ahead of us
		to see if the rules actually get
	And adopting would be by the	approved or not. For lessees that
	Commission?	are interested in having an SDU,
	Once governor signs off on it, then the	we're looking at probably close to
	pilot program gets implemented and we	the end of the year, assuming the
	can actually get things going with this.	rules get adopted.
	Ok, that's all I wanted ask.	, mes ger anopieu.
	on, man ban i wantou abi.	<u> </u>

	I am in support of it. Thank you so much for answering. Aloha.	The commission would need to approve it then it goes to the Governor for signature. And Governor's signature is the final piece of the puzzle.
Cora Schnackenberg	Aloha. My name is Cora Schnackenberg and I'm calling from Molokai. I wanted to testify. Sybil Lopez had described it so eloquently. I wanted to say that Aha Nui Homestead Association, who are waitlisters, we have a positive relationship working with the department. I was hoping that future projects would have the same experience we are having working with the Planning Office. Currently, it doesn't seem like it. I would hope that the department would take what they have done working with Aha Nui as a model and implement it in other projects, that it is a partnership working with the beneficiaries. And I have to agree with Uncle Pat as well that the whole purpose of our Prince was that the legacy that was left was that it is the beneficiaries that are involved in the process. And so I just wanted to state that at the very get go.	Statewide beneficiary consultation was done for the SDU proposal from April through July 2018. Several ideas and suggestions from those meetings were incorporated into the proposal as much as possible, including the concept of the ohana SDU. However, staff acknowledges that there was a significant delay between consultation and the public hearing due in part to scheduling meetings with the counties to better understand their processes as well as COVID-19 lockdowns and subsequent operational adjustments. In hindsight, the delay had a greater impact on continuity than originally considered.
	On the Big Island, as a side note, they were looking for renters in these units, rent to own, and I have a major concerns with that. It was a process of how the beneficiaries would actually rent for 15 years and the money that was in putted as part of the rent if they wanted to purchase they had to start all over again and none of the mortgage money would be going toward the ownership and I had a problem with that. I know it's just something I wanted to bring forward because this is a proposal and that is something that would need to be considered. But I have to admit that I'm not going to support this, not as it is written. Mahalo.	The rent with option to purchase offerings are different from the rental SDU proposed here. In this proposal, a lessee may build an SDU and rent to another native Hawaiian, as defined in the HHCA.

TESTIFIER	COMMENT	STAFF RESPONSE
	Written Testimony	
County of Kauai Planning Department Kaaina Hull, Director	See attachment 1	The six-month lease requirement is intended to prohibit short term rentals but an explicit ban may be an appropriate addition.
County of Hawaii Planning Department Zendo Kern, Director	See attachment 2	
Maui County Planning Department Michele McLean, Director	See attachment 3	Maui County Planning provided several detailed suggestions which staff is evaluating. As suggested by Director McLean, the department reached out to Maui County Department of Public Works but did not receive a response.
Enid Liua	See attachment 4	The only requirement [for the tenant of a rental SDU] under the proposed rules is that the renter be native Hawaiian under the Hawaiian Homes Commission Act.
Irene Plunkett	See attachment 5	
Lilian Akuna	See attachment 6	The department is seeking guidance from HUD on whether it recognizes only one unit per lot and would not approve a loan based on an additional unit.
Cindy Freitas	See attachment 7	1. The lot requirements under the proposal, 10-3-40.05, are general so as not to expressly conflict with any county's requirements. Like any resident of any county, building an additional unit is dependent on individual lot conditions and individual financial ability. 2. The provisions of the rider are described in 10-3-40.07(b)(2)(C): "shall carry a riderthat provides the general obligations of the department, waiver of liability, and guarantees made by the lessee" and in various sections of the proposal, for example, the renter shall be native Hawaiian under the HHCA,

		and requirements described in 10-3-40.06 and 10-3-40.08.
M. Kapuniai	See attachment 8	The definition of "ohana occupant" was revised to be similar to the definition of "lessee" and "homesteader" under 10-1-5, which is specific to the person who is named in the lease document. This does not preclude immediate family of the lessee or of the ohana occupant from also living in the dwelling.
		10-3-40.04(a) provides 30 days for the lessee to address lease compliance matters. It is expected that as long as there is communication with the department and progress is being made on the compliance matters, the department will continue the practice of working with the lessee. A timeframe helps ensure accountability.
		10-3-40.07(b)(2) speaks to the process of verifying a renter's native Hawaiian qualification under the Act. If the proposed renter is already on the waitlist, it is easier and faster to verify that person than someone who needs to provide kumu ohana. Those tenant requests can therefore be expedited. It also creates incentive to rent to someone on the waitlist.
		10-3-40.03 Staff will consider adding explicit language to address permanency of the SDU program.
		10-3-40.09 "or be removed at the lessee's expense" is necessary to provide for the possibility that the unpermitted structure cannot be brought into compliance. Adding "[into compliance] though the SDU process" will be taken into consideration.

[EXTERNAL] RE: Supplemental Dwelling on Hawaiian Home Lands

Kaaina Hull <khull@kauai.gov>

Mon 6/14/2021 9:19 AM

To: Lindsey, Hokulei < hokulei.lindsey@hawaii.gov>

Cc: Choy, Andrew H <andrew.h.choy@hawaii.gov>; McPherson, Nancy M <nancy.m.mcpherson@hawaii.gov>

Aloha Lindsey,

Mahalo for the opportunity to comment on the draft rules. Everything looks good. I do know that in our web enforcement of short term vacation rentals being advertised online we do occasionally come across some that are on DHHL lands. While you folks are probably already covered with the 6 month lease requirement, you folks may want to consider explicit language prohibiting short term vacation rentals. Other than that, looks great. Have a great week. Mahalo!

Ka`āina Hull Director of Planning County of Kaua`i 4444 Rice Street, Suite A473 Lihu`e, Hawai`i 96766 (808)-241-4050

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From: Lindsey, Hokulei < hokulei.lindsey@hawaii.gov>

Sent: Thursday, June 10, 2021 9:54 AM To: Kaaina Hull <khull@kauai.gov>

Cc: Choy, Andrew H <andrew.h.choy@hawaii.gov>; McPherson, Nancy M <nancy.m.mcpherson@hawaii.gov>

Subject: Supplemental Dwelling on Hawaiian Home Lands

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha Director Hull, Exhibit C; Attachment 1

ITEM NO C-3

It's been about a year and a half since we met to discuss DHHL's draft rules for Supplemental Dwelling Units and we're scheduled for public hearing on June 30, 2021. Attached is a copy of the proposal in Ramseyer format. If you have any comments, please send them to DHHL.AdminRules@hawaii.gov by July 9, 2021.

Here is a link for additional information about the proposal and public hearing: https://dhhl.hawaii.gov/hhc/hawaii-administrative-rules/dhhl-administrative-rules-supplemental-dwelling-units/

Thank you, Hokulei

R. Hokulei Lindsey

Administrative Rules Officer

Email: Hokulei.Lindsey@hawaii.gov

Office Phone: 808-620-9280



Department of Hawaiian Home Lands

P.O. Box 1879

Honolulu, HI 96805

http://www.dhhl.hawaii.gov

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Exhibit C; Attachment 1

ITEM NO. C-6

[EXTERNAL] RE: Supplemental Dwelling on Hawaiian Home Lands

Kern, Zendo <Zendo.Kern@hawaiicounty.gov>

Tue 6/22/2021 7:32 AM

To: Lindsey, Hokulei < hokulei.lindsey@hawaii.gov>

Cc: Choy, Andrew H <andrew.h.choy@hawaii.gov>; McPherson, Nancy M <nancy.m.mcpherson@hawaii.gov>

Aloha Hokulei,

Thank you for the opportunity to review the proposed administrative rule amendments. I fully support the intent to provide more housing options for families.

Please let me know if the Planning Dept can be of assistance now or in the future.

Have a great day!

Zendo

From: Lindsey, Hokulei < hokulei.lindsey@hawaii.gov>

Sent: Friday, June 18, 2021 2:02 PM

To: Kern, Zendo <Zendo.Kern@hawaiicounty.gov>

Cc: Choy, Andrew H <andrew.h.choy@hawaii.gov>; McPherson, Nancy M <nancy.m.mcpherson@hawaii.gov>

Subject: Supplemental Dwelling on Hawaiian Home Lands

Aloha Director Kern,

The Department of Hawaiian Home Lands is proposing administrative rules for Supplemental Dwellling Units on Hawaiian Home Lands. We had some early discussions about 18 months ago with some staff from your planning department and are scheduled for public hearing on June 30, 2021. Attached is a copy of the proposal in Ramseyer format. If you have any comments, please send them to DHHL.AdminRules@hawaii.gov by July 9, 2021.

Also, here is a link for additional information about the proposal and public hearing: https://dhhl.hawaii.gov/hhc/hawaii-administrative-rules/dhhl-administrative-rules-supplemental-dwelling-units/

Thank you Hokulei

R. Hokulei Lindsey

Administrative Rules Officer

Email: Hokulei.Lindsey@hawaii.gov

Office Phone: 808-620-9280

Exhibit C; Attachment 2 ITEM NO. C-6



Department of Hawaiian Home Lands

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Honolulu, HI 96805

http://www.dhhl.hawaii.gov

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MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP Director

JORDAN E. HART Deputy Director





DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

July 6, 2021

William J. Aila, Jr., Chairman Hawaiian Homes Commission Department of Hawaiian Home Lands State of Hawaii P.O. Box 1879 Honolulu, Hawaii 96805

Submitted to <u>DHHL.AdminRules@hawaii.gov</u>

Dear Chairman Aila:

SUBJECT: PROPSED AMENDMENTS TO HAWAII ADMINISTRATIVE RULES TO ALLOW SUPPLEMENTAL DWELLING UNITS

Thank you for your June 10, 2021 letter and for this opportunity to provide testimony in support of the proposed amendments to your Hawaii Administrative Rules (HAR) to allow supplemental dwelling units (SDUs) on Hawaiian Home Lands.

As you may know, Maui County now allows all residential and rural lots to be developed with one main dwelling and one accessory dwelling. Residential lots of 7,500 square feet or larger can be developed with two accessory dwellings. The size of the accessory dwelling is limited by the size of the lot. For example, a 6,000-square-foot lot can have one 500-square-foot accessory dwelling, while a 10,000-square-foot-lot can have two 720-square-foot accessory dwellings. These regulations can be found in Chapter 19.35, Maui County Code, which can be found at: https://library.municode.com/hi/county_of_maui/codes/code_of_ordinances?nodeId=TIT19ZO_A RTIICOZOPR_CH19.35ACDW. Similarly, agricultural lots are allowed to be developed with two "farm dwellings," one of which cannot exceed 1,000 square feet; both have to be accessory to a principal agricultural use on the property.

As these dwellings are allowed elsewhere in Maui County, and given the need for housing for our residents, the Planning Department supports the proposed amendments to allow these uses on Hawaiian Home Lands.

We wish to offer several specific comments on the proposed language:

• Sec. 10-3-40.02, Definitions – the term used in Maui County is "accessory dwelling" not "additional dwelling unit."

Exhibit C; Attachment 3

- Sec. 10-3-40.03 Pilot program the three-year review and the five-year pilot periods may not be long enough to truly evaluate the success of the program.
- Sec. 10-3-40.04 (b) SDU application and review Maui County currently does not exercise
 authority over Hawaiian Home Lands that are used for homesteading purposes, so it seems
 incongruous to require building permits for SDUs. You may wish to ask for input from the
 County Department of Public Works, which administers building permits. Similarly, as
 noted above, most Hawaiian Home Lands are in the County Agricultural zoning district,
 which does not allow "accessory dwellings," though two "farm dwellings" are allowed as
 accessory uses to agriculture.
- Sec. 10-3-40.04 (d) SDU application and review one year seems to be a very short amount of time for a lessee to complete construction of a SDU after receiving approval, especially if the lessee has other permitting requirements to fulfill before construction can begin.
- Sec. 10-3-40.05 (5) Lot requirements as noted above, in Maui County, residential lots larger than 7,500 square feet can build two accessory dwellings, while agricultural lots can build two farm dwellings, one of which cannot exceed 1,000 square feet. The proposed rules appear to allow one SDU but also refer to the respective County requirements. Clarification may be needed in this section to specify that only one SDU is allowed on any lot, and if any (and which) County size limits are imposed.

Again, the Maui County Planning Department supports the proposed rule amendments to allow more housing opportunities on Hawaiian Home Lands.

Thank you for your consideration of this testimony. Should you have any questions, please feel free to contact me.

Sincerely,

MICHELE MCLEAN, AICP

mullem

Planning Director

xc: Mayor Michael P. Victorino (PDF)

Rowena Dagdag-Andaya, Director of Public Works (PDF)

R. Hokulei Lindsey, Administrative Rules Officer, DHHL (PDF)

S:\ALL\Michele\DHHL HAR comments.docx

Lindsey, Hokulei

From: Enid Liua Sent: Wednesday, June 30, 2021 6:05 PM

To: DHHL.AdminRules

Subject: Re: [EXTERNAL] Questions for Public Hearing SDU June 30, 2021

Mahalo Nui Loa! i am watching from the youtube connection. I don't have the zoom information.

On Wed, Jun 30, 2021 at 6:02 PM DHHL.AdminRules < DHHL.AdminRules@hawaii.gov> wrote:

The only requirement in the proposed rules is that the renter be native Hawaiian under the Hawaiian Homes Commission Act.

From: Enid Liua

Sent: Wednesday, June 30, 2021 5:58 PM

To: DHHL.AdminRules < DHHL.AdminRules@hawaii.gov>

Subject: [EXTERNAL] Questions for Public Hearing SDU June 30, 2021

Aloha!

I have a question for you. Is section 8 allowed for the renter? Whether they rent the main living area or the SDU?

Mahalo,

Enid

Lindsey, Hokulei

From: irene plunkett

Sent: Wednesday, June 30, 2021 6:01 PM

To: DHHL.AdminRules
Subject: [EXTERNAL] SDU

Aloha my Name is Irene Plunkett-Mina



I will be submitting my testimony in my support of SDU on DHHL. It's has been a long time coming. We need to make this happen for family members.

Mahalo, Irene

Get Outlook for iOS

Lindsey, Hokulei

From: Lillian Akuna

Sent: Wednesday, June 30, 2021 8:30 PM

To: DHHL.AdminRules

Subject: [EXTERNAL] June 30 SDU Public Hearing

Something has to be done about these meetings that seem to me to be just a waste of time. At times, I felt like pulling my hair out and screaming at my screen. Just imagining the work that went into preparing for this meeting and seeing the participation had me shaking my head. I was frustrated just listening, amazed at how people jump on a meeting without preparation and ask stupid questions that they could have avoided.

I'm confused as to the actual agenda. I thought I heard that the meeting would start with participants testifying and a Q&A to follow, but all I heard was Q&A with a couple exceptions. When I realized that half of the participants had testified before, it baffles me that this continues to happen.

Each participant should at least have the consideration to test their equipment in advance and start at 5:30 for the briefing so that we don't have to listen to the same thing over and over and over again. We were asked to state our names and island counties and if we represented an organization, but no. Maybe the moderators can ask each participant to state their island or county because I wondered where these people were from to get their perspective. And let them know if they drift into areas not covered by the meeting. At my job, we all join a meeting at the same time, and the host calls on us to speak. There were only 15 potential participants, so that could have saved a lot of connection time. What is the limit on how many times you ask somebody if they can hear or see us? Enough already. Maybe you could run the meeting like a TV show where they have somebody helping to add and prepare the speakers.

Hokulei and the unnamed moderator were the epitome of patience and restraint. I'm guessing that they're used to this, and that if not for these participants, nobody would be at the hearing. So sad. Waste money.

I support the SDU program as I initially thought it was to help move family off the waitlist. Because I saw it on the website a couple years ago, I thought it was already happening, but it sounded like its still a pilot program. I think they'll be problems with the renting aspect, and I don't believe that to be necessary. I appreciated Puni Kekauoha letting us know that Papakolea was previously denied the opportunity for SDU units based on lack of infrastructure. A friend told me that HUD only recognizes one unit per lot and would not approve a loan based on an additional unit. So for me, this meeting was a waste of my time, but I just had to say something.

Sincerely,

Lillian Pauahi Akuna Papakolea July 6, 2021

Department of Hawaiian Home Lands DHHL.AdminRules@hawaii.gov

RE: Testimony for DHHL Supplemental Dwelling Units

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I will OPPOSE DHHL Supplemental Dwelling Units at this time for the following reasons:

- 1. As a Beneficiary who need to take into consideration on the County of Hawaii Planning Department Rules of Practice and Procedure that there are some issues that does not meet the Ohana Units with DHHL SDU.
- 2. I'm concern about the carry rider that the department will provided (its like a blank check) it needs to be transparent before adding this in the HAR.
- 3. The DHHL need to lobby the Legislation for a rule like Real Property Tax Chapter 8 for County of Honolulu Section 8-11.1(g) states
- (g) Notwithstanding any provision to the contrary, a minimum real property tax of \$300.00 a year is levied upon each individual parcel of real property taxable under this chapter, except for properties exempt under Section 8-10.27 and except as provided in Section 8-10.28(b)(2). Papakolea Home Stead is one that pays \$300.00 cap tax on their property tax. Due to a ohana unit the Beneficiary will have the burden to pay more taxes under the County of Hawaii Real Property tax law.
- 4. The Language needs to be more open and transparent is seems to me that this SUBCHAPTER 3.1 SUPPLEMENTAL DWELLING UNITS, fits the departments issues and not the BENEFICIARY, in all do respect the department should be concentrating on giving lots out (10,000. sf lots) so the BENEFICIARY and the family can build their own house under County of Hawaii Planning Department Code.

A lot of the BENEFICIARY has ties to contracting in that field and it will reduce their mortgages that is what the DHHL should be doing for the BENEFICIARY and not the investors (La'iopua village 4 Akua, rent to own, not good for the BENEFICIARY).

Mahalo	
/s/	
Cindy Freitas	

TO: DHHL Administrative Rules Officer

FROM: M Kapuniai July 9, 2021

COMMENTS ON PROPOSED RULES DHHL SUPPLEMENTAL DWELLING UNITS

Purpose:and Definitions Suggsted Rules "to provide qualified" residential lessees . . ." does not meet the need to help ease housing issues by "deleting "or with the ohana occupant's immediate family".

Therefore limiting 'Ohana occupant to section 209 (a) is descriminatory.

10-3-40.04

Is unnessarily punitive - 3 days to address lease compliance is absolutely unreasonable.

10-3-40.07. DHHL shall not prioritize applicant occupant.
DHHL onlyconfirms that applicant occupant is an applicant on the wait list.

Talk story for not allowing SDU on farm or ranch is faulty! Read the Admin Rules for Workers' Quarters

10-3-40.3 Pilat Program, if successful, no merhiage to address Resonancy of 5DW.

10.3-40.9 Meleter " or be removed at the lesses expense"

Exhibit C; Attachment 8 " through the SDU process"

ITEM NO. C-6

Amendment and Compilation of Chapter 10-3 Hawaii Administrative Rules

[]

1. Chapter 10-3, Hawaii Administrative Rules, entitled "Native Hawaiian Rehabilitation Program", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 10

DEPARTMENT OF HAWAIIAN HOME LANDS

CHAPTER 3

NATIVE HAWAIIAN REHABILITATION PROGRAM

Subchapter 1 Applications for Homestead Leases

§10-3-1	Application forms
§10-3-2	Qualifications of applicants
§10-3-3	Application processing
§10-3-4	Residential lot application
§10-3-5	Agricultural or pastoral lot application
§10-3-6	Island-wide waiting lists
§10-3-7	Priority and preference for award of leases
§10-3-8	Transfer of application rights
§10-3-9	Posting lease awards
§10-3-10	Requirement for current information;
	placement on deferred status
§10-3-11	Lanai awards
§§10-3-12	to 20 (Reserved)

Subchapter 2 Leases to Native Hawaiians

	Award of leases Award of leases with outstanding indebtedness
§10-3-23 §10-3-24 §10-3-25 §10-3-26	Awards to previous lessees, when Agricultural and pastoral leases Award of additional acreage Residence permitted on agricultural and pastoral lot
§10-3-27 §10-3-28 §10-3-29 §10-3-30	Livestock and crops Lease cancellation Repealed Kuleana homestead leases
Subcl	napter 3 Conditions in Leases
\$10-3-31 \$10-3-32 \$10-3-33 \$10-3-34 \$10-3-35 \$10-3-36 \$10-3-37 \$10-3-38 \$10-3-39 \$10-3-40	Additional conditions, generally Industrial activities Commercial activities Building requirements Contracts covering lease lands Transfer of homestead leases Repealed Subdivision and transfer of a portion of residential lot leasehold Occupancy and other requirements (Reserved)
Subch	napter 3.1 Supplemental Dwelling Units
\$10-3-40.0 \$10-3-40.0 \$10-3-40.0 \$10-3-40.0 \$10-3-40.0	Definitions Defini
$\frac{\$10-3-40.0}{\$10-3-40.0}$	Compliance with housing laws

Subchapter 4 Loans and Funds

§10-3-41 Funds and accounts

```
§10-3-42 Purposes of loans
§10-3-43 Authorized actions
§10-3-44 Loan applications
§10-3-45 Application processing
§10-3-46 Loan standards
§10-3-47 Loan conditions
§10-3-48 Farm loans
§10-3-49 Borrowed funds
§10-3-50 Additional funds
§10-3-51 Operation of funds
§10-3-52 Hawaiian home receipts fund
§§10-3-53 to 60
                   (Reserved)
    Subchapter 5 Successors to Lessees
§10-3-61 Designation of successor
```

- §10-3-62 Reversion to the department
- §10-3-63 Notice to successors
- §10-3-64 Appraisals
- §10-3-65 Payments
- §10-3-66 Cancellation and surrender
- §10-3-67 Cancellation of lease when tract is abandoned
- §§10-3-68 to 70 (Reserved)

Subchapter 6 Community Pastures, Fees, and Charges

- §10-3-71 Location of community pastures
- §10-3-72 Records
- §10-3-73 Responsibilities
- §10-3-74 Liability for loss
- §10-3-75 Community pasture terms and conditions
- §10-3-76 Fees and charges

Historical Note: Chapter 3 of Title 10, Hawaii Administrative Rules, is based substantially upon Parts IV, V, VI, VII, VIII, and XI, Rules and Regulations, Department of Hawaiian Home Lands. [Eff

8/18/72; am 10/25/73; am 4/10/76; am 11/14/77; am 11/18/79; 4/15/79; R 7/30/81]

SUBCHAPTER 1

APPLICATIONS FOR HOMESTEAD LEASES

- §10-3-2 Qualifications of applicants. Applicants for residential, agricultural, or pastoral lot leases shall provide the department with documented proof that the applicant is:
 - (1) At least eighteen years of age; and
- §10-3-2.1 Documentation. (a) Applicants shall provide the department with birth certificates or certifications issued by the department of health, or responsible government agency if the record is an out-of-state or foreign birth record. Out-of-state and

foreign birth records shall be accompanied by a notarized affidavit from at least one named parent attesting to knowledge of the facts contained in the birth record and the veracity and accuracy of the contents of the record, as required by the department.

- (b) If qualifications cannot be determined by birth records, the department may consider the following secondary documents:
 - (1) Certified marriage certificates;
 - (2) Certified death certificates;
 - (3) Family history charts and documents such as marriage, divorce, and death records from the State of Hawaii Archives, state courts, public libraries or United States Census records;
 - (4) Official baptismal records or other church documents identifying the race of applicant or applicant's ancestors;
 - (5) Official records from the files of military services, schools, or hospitals;
 - (6) Employment records;
 - (7) Written statement from a physician knowledgeable of the facts or, in the case of a relative's death, a written statement from the mortuary which handled the burial;
 - (8) Newspaper clippings from Obituaries and Vital Statistics sections; and

§10-3-2.2 Genetic tests. (a) "Genetic test" or "'ohana test" means the testing of inherited or genetic characteristics (genetic markers) for the purpose of establishing biological parentage.

(b) If after submittal and processing of documentation described in section 10-3-2.1, there remains uncertainty regarding the applicant's

biological parentage because, for example, the appropriate space on the applicant's birth certificate is blank or the listed parent is not the biological parent, the applicant may choose to obtain genetic testing to establish maternity or paternity. The following types of relationship testing shall be accepted:

- (1) Parent-child testing. The testing utilized must have a power of exclusion greater than ninety-nine per cent and a minimum combined paternity or maternity index of five hundred to one.
- (2) Maternal or paternal lineage evaluation.
 - (i) Maternal lineage evaluation. If the alleged biological mother is deceased or unavailable, testing of the alleged mother's living sibling may be accepted as long as they share the same biological mother. Testing utilized must demonstrate shared mitochondria; or
 - (ii) Paternal lineage evaluation. If the alleged biological father is deceased or unavailable and the applicant is genetically male, testing of the alleged father's living brother may be accepted as long as they share the same biological father. Testing utilized must demonstrate shared Y chromosome.
- (3) Avuncular testing. If the alleged biological parent is deceased or unavailable and maternal or paternal lineage evaluation is not applicable, testing of the alleged parent's living full sibling may be accepted. The testing utilized must have likelihood ratio of no less than 50.0.

If the alleged biological parent is deceased, the applicant shall submit the death certificate. If the alleged biological parent is unavailable, the applicant shall submit an affidavit establishing the reason for the alleged biological parent's unavailability, such as the person being incarcerated,

homeless, or having no known location or contact information. To add to the accuracy of the analysis, where the applicant has a known, living biological parent, that person shall also participate in the testing. The department shall accept only notarized and certified genetic test results with proper chain of custody directly from a relationship testing facility nationally accredited by the American Association of Blood Banks (AABB). All costs of testing and any related expenses shall be borne by the applicant.

- (c) Documentation submitted directly to the department from the testing facility shall include the original laboratory-certified and notarized genetic test results and chain of custody documents reflecting an acceptable and reliable chain of custody. Applicant shall submit an affidavit from the alleged parent or alleged parent's sibling setting forth facts establishing a reasonable possibility of parentage by the alleged parent.
- (d) Genetic testing is entirely voluntary and is not required by the department. Undergoing genetic testing does not guarantee acceptance of the application.
- (e) The department shall treat genetic test results as information related to medical history, diagnosis, condition, treatment, or evaluation protected under section 92F-14(b)(1), HRS. The department shall not disclose genetic test results to third parties without the prior written consent of those tested.

§10-3-3 REPEALED. [R 3/31/17]

§10-3-3.1 Application processing. (a) Applications are processed in multiple stages, each with a different purpose and effect, as follows:

- (1) Receipt. Applications shall be date and time stamped upon receipt by the department. This first date and time stamp shall be used only to certify receipt by the department. An applicant may submit an application by any method acceptable as provided by the instructions on the application form.
- Completion. An application is complete when (2) the application form has been filled in, signed by the applicant and notarized as required, and, following initial review by the department, it appears as though sufficient documentation has been provided to substantiate that the applicant meets or does not meet the Hawaiian home lands program qualifications. A complete application shall be date and time stamped a second time. This second date and time stamp shall be used to determine order on the waiting list should the application ultimately be accepted. An incomplete application shall be returned to the applicant with instructions necessary to complete the application properly.
- (3) Acceptance. Upon completion, the department shall review and investigate an application to verify documentation and determine whether the applicant is qualified. determination shall be based upon the application form and birth certificates, as well as any secondary documents, and additional documentation as may be submitted to the department for verification and qualification. If the department determines, based upon the application form and documentation provided, that the applicant is qualified, the application shall be accepted and signed by an authorized department representative. An

accepted application shall be assigned a numerical designation and filed in order of completion, as determined by the second date and time stamp. The department shall notify the applicant in writing of the acceptance and provide the applicant with a copy of the accepted application. If the department determines that there is reasonable uncertainty regarding an application, the department shall request additional documentation in writing. The department shall, within thirty business days after the application is deemed complete, make an acceptance determination or give notice to the applicant of an extended determination date of thirty business days and the reason or reasons therefor. Failure to render a decision within a thirty day period, as may be extended, shall not result in automatic determination or acceptance by the department.

- (b) The department shall maintain written communication with the applicant regarding the status of the application and any time extensions.
- (c) An applicant who disagrees with the determination by the department shall have thirty business days from the postmark or e-mail time stamp on the written notice of the determination within which to contest the determination. [Eff 3/31/17; comp] (Auth: HHC Act §222) (Imp: HHC Act §207)

<u>Historical note</u>: §10-3-3.1 is based substantially upon §10-3-3. [Eff 7/30/81; am 10/26/98; R 3/31/17]

- §10-3-4 Residential lot application. (a) The department shall establish and maintain an island-wide residential lot waiting list for each of the islands of Hawaii, Kauai, Lanai, Maui, Molokai, and Oahu.
 - (b) A person may submit only one application for

a residential lot lease.

(c) A person may apply for a residential lot lease and an agricultural or pastoral lot lease, but not for both agricultural and pastoral lot leases. [Eff 7/30/81; am 1/20/86; comp 10/26/98; am 8/6/04; comp] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §207)

§10-3-5 Agricultural or pastoral lot application.

- (a) Applications for an agricultural or pastoral lot lease may be made for any island of the State where lands are designated for those purposes. For application purposes, the department shall establish and maintain an island-wide agricultural lot waiting list for each of the islands of Hawaii, Kauai, Maui, Molokai, and Oahu, and an island-wide pastoral lot waiting list for each of the islands of Hawaii, Kauai, Maui, and Molokai.
- (b) A lessee of a residence lot may apply for an agricultural or pastoral lot lease only on the island on which the lessee resides. [Eff 7/30/81; am 8/1/85; am and comp 10/26/98; comp] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §207)
- §10-3-6 Island-wide waiting lists. (a) The department shall maintain area waiting lists until the lists are exhausted. Applicants on a waiting list for any area will be placed on the respective island-wide residential lot, agricultural lot, or pastoral lot waiting list according to the date and time stamp described in section 10-3-3.1(a)(2). Applicants on a waiting list for an area will be considered first for award of any lots in the area. Applicants on the island-wide waiting list shall be considered for award according to the date and time stamp described in section 10-3-3.1(a)(2).
- (b) Applicants wishing to transfer their completed application on one island-wide waiting list

to another island-wide waiting list may do so. Upon the completion of the transfer, the transfer date will replace the original date of application. No applications will be accepted for any area waiting list. [Eff 7/30/81; am and comp 10/26/98; am 3/31/17; comp] (Auth: HHC Act §222) (Imp: HHC Act §207)

- §10-3-7 Priority and preference for award of leases. (a) Except as otherwise provided in section 10-3-11 relating to Lanai awards, applicants shall be considered for award in the order in which their completed applications were received by the department; provided that awards shall first be made according to ranking in existing priority I, II, and III waiting lists in that order until those waiting lists are exhausted. Thereafter, awards shall be based on numerical designation by date of completed application on the area waiting list, then on the island-wide waiting list, except as otherwise provided in this chapter.
- (b) In making awards, the department shall give preference to an applicant who is not a lessee, or whose spouse is not a lessee.
- (c) An applicant who is a lessee, or whose spouse is a lessee, shall be placed on a deferred status until each applicant given preference as provided by subsection (b) has been offered a lot; provided that an applicant who is a lessee, or whose spouse is a lessee, shall not be placed on a deferred status and may be offered a lot if the applicant or the applicant's spouse states in writing that the applicant or the applicant's spouse, as the case may be, will transfer an existing lease or surrender an existing lease to the department before, and as a condition for, the award of a new lease.
- (d) An exception to subsection (c) may be made if the lessee of a residential lot or the spouse of a lessee of a residential lot is awarded a new

agricultural or pastoral lot which is unimproved and on which a residence cannot be constructed. In this case, the transfer or surrender of the residential lease may be postponed until such time as the new agricultural or pastoral lot is improved and a residence can be constructed on the new lot. [Eff 7/30/81; am 1/20/86; am and comp 10/26/98; am 8/6/04; comp] (Auth: HHC Act §222) (Imp: HHC Act §207)

§10-3-8 Transfer of application rights. (a) An applicant may designate an individual relative who is at least eighteen years of age and a native Hawaiian from among the following to succeed to the applicant's application rights upon the death of the applicant:

- (1) Husband or wife;
- (2) Child;
- (3) Grandchild;
- (4) Father or mother;
- (5) Widow or widower of a child;
- (6) Brother or sister;
- (7) Widow or widower of a brother or a sister; or
- (8) Niece or nephew.

To the extent possible, applicants shall designate a successor at the time that the application is filed at the department; provided that the designation shall be filed in writing at the department and the department shall acknowledge the designation in order for the designation to be deemed An applicant may change the designation of filed. successor at any time; provided that the applicant shall file the change of designation in writing at the department and the department shall acknowledge the change of designation in order for the change of designation to be deemed filed. The department shall determine whether a designated successor is qualified to be an applicant for a Hawaiian home lands lease. designated successor shall be required to provide proof to the department that the individual is at

least eighteen years of age, a native Hawaiian, and a relative as identified in this subsection.

- (b) If an applicant dies without designating a successor as provided in subsection (a), the commission may designate a successor applicant from only the following relatives of the applicant who are at least eighteen years of age, native Hawaiian, and who made a request to succeed to the application rights as provided in subsection (d):
 - (1) Husband or wife; or
 - (2) If no husband or wife requests, then a child; or
 - (3) If no husband, wife, or child requests, then a grandchild; or
 - (4) If no husband, wife, child, or grandchild requests, then from among the following relatives of the applicant who are native Hawaiian and at least eighteen years of age: father and mother, widows or widowers of the children, brothers and sisters, widows or widowers of brothers and sisters, or nieces and nephews.

Any individual who requests to succeed to the decedent's application rights shall provide proof to the department that the individual is at least eighteen years of age, a native Hawaiian, and a relative as identified in this subsection.

- (c) Once every calendar year, the department shall publish a notice setting forth a list of the names of all applicants whom the department has reason to believe have died without designating a successor and whose names do not appear in a list previously published by the department. The notice shall also state briefly that individuals requesting to succeed to the application shall submit a request within the deadline established in subsection (d). The notice shall be published in a newspaper of general circulation in the State, once in each of two successive weeks.
- (d) Requests for succession to application rights shall be made to the department in writing not later than one hundred eighty days after the date of

the last publication of the applicant's name; otherwise, the application will be canceled and the applicant's name shall be removed from the respective waiting list or lists, as the case may be. The commission, for good cause, may extend the time beyond one hundred eighty days in which requests for succession to an application may be made.

- (e) The department shall determine whether an individual is qualified to succeed to the applicant's application not later than three hundred sixty five days following the one hundred eighty days after the date of the last publication of the applicant's name. The department shall submit a recommendation to the commission regarding the designation of a successor. If an individual who has requested to succeed to an application disagrees with the commission's designation of a successor, the individual may request a contested case hearing as provided in section 10-5-31. The department, for good cause, may extend the time beyond three hundred sixty five days in which it is to determine whether an individual is qualified to succeed to an application.
- (f) An alleged qualified relative of an applicant may obtain genetic testing under section 10-3-2.2 to aid in establishing qualification as a successor to application rights. [Eff 7/30/81; am 8/1/85; am and comp 10/26/98; am 3/31/17; comp] (Auth: HHC Act §222) (Imp: HHC Act §207)
- §10-3-9 Posting lease awards. The department shall post in district offices in the area where awards are made, the names and application dates of all who receive lease awards within two weeks after awards are made. The notice shall remain posted for a period of two months. [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §207)

- §10-3-10 Requirement for current information; placement on deferred status. (a) An applicant for a homestead lease shall notify the department, in writing or electronically, of any change in address within thirty calendar days of such change. applicant fails to notify the department and the department receives mail returned undeliverable as addressed with an official change of address label from the United States post office, the department shall attempt to reach the applicant at that new address. Whenever the department initiates action to award leases, all applicants whose addresses are not current and who cannot be contacted by mail shall be placed on deferred status.
- (b) The department shall contact applicants at least once every two years to request updated information. Whenever an applicant does not respond to any two successive requests from the department for updated information, the department shall place the applicant on a deferred status until such time as updated information is received.
- (c) A list of all applicants placed on deferred status and the reasons therefor shall be submitted to the commission, which shall act upon the matter at the meeting next following. [Eff 7/30/81; am and comp 10/26/98; am 3/31/17; comp] (Auth: HHC Act §222) (Imp: HHC Act §207)
- §10-3-11 Lanai awards. (a) Except as hereinafter provided, in the making of Lanai homestead awards, preference shall be given to applicants then residing on the island of Lanai.
- (b) In the making of the initial (hereafter Phase I) homestead award, the department will use the names of all applicants on any residential waiting list as of April 30, 2002 with a Lanai mailing address to form the first Lanai waiting list arranged as follows:
 - (1) Priority I Kupuna applicants shall be

ranked by the following sub-priority preferences:

- (A) Applicants with documented genealogy to biological or legal ancestors who resided on the island of Lanai prior to 1900, ranked by age, are Lanai Kupuna.
- (B) Those kupuna who are children of Lanai kupuna and ranked by age; and
- (C) Those kupuna who fail to meet the above criteria in subparagraphs (A) and (B) will be ranked by age.
- (2) Priority II are Lanai resident families, under the age of 62, as of April 30, 2002, who are descendants of Lanai ancestors ranked by earliest source documents, then by age.
- (3) Priority III are applicants who do not meet the criteria in paragraphs (1) and (2) ranked by date of application.
- (c) As used in this section:

"Kupuna" means any applicant who is at least 62 years of age.

"Resident" means an eligible applicant who resides on the island and can verify his or her residency acceptable to the department.

- (d) In making subsequent awards, until the initial Lanai waiting list is exhausted, applicants will be considered in the order of preference established in subsection (b), provided:
 - (1) Lanai residents registered on other application lists who accept a Lanai residential lease award in Phase I are presumed to have transferred their existing application to the Lanai Residence List.

 Upon lease award approval their residential application will be cancelled.
 - (2) All other Lanai residents who fail to receive a lease award in Phase I and are currently registered on other established residential waiting lists must request to transfer their applications to the Lanai Island-wide Residential List in accordance

with section 10-3-6 no later than sixty days after Phase I lot selection to be eligible for future Lanai lease offerings. Further, failure to submit a request to transfer their application will result in the removal of their names from the Lanai Island-wide Residential List and the resumption of their respective residential application. [Eff 8/6/04; comp] (Auth: HHC Act §222) (Imp: HHC Act §207(b))

§§ 10-3-12 to 10-3-20 (Reserved)

SUBCHAPTER 2

LEASES TO NATIVE HAWAIIANS

- §10-3-21 Award of leases. (a) Whenever homestead lots are available, the department shall award leases to applicants who meet the qualification requirements of section 10-3-2 and are selected in accordance with section 10-3-7.
- (b) The department may hold an orientation meeting to inform applicants of the lots to be awarded and the lot selection procedures, before the lot selection meeting. The department shall notify applicants of the date, time, and place of the orientation meeting and of the lot selection meeting.

§10-3-22 Award of leases with outstanding

§10-3-23 Awards to previous lessees, when. No award of a residence lot lease shall be made to an applicant who at the time of application has previously been a lessee of a Hawaiian home lands residence lot; or who at the time of consideration for award had become a lessee of a Hawaiian home lands residence lot through transfer or successorship; provided, that exceptions to this limitation may be made in the following conditions:

- (1) Award of a residence lot lease to an applicant who had been a lessee may be made if the department determines that the transfer or surrender of the previous lease was made under compelling circumstances and that denial of award of another residence lot lease would be unreasonably unfair to the applicant.
- (2) Transfer of a residence lot lease through successorship may be made to an otherwise qualified designated successor who had been a lessee if at the time of the designation the former lessee had already transferred or surrendered the lease and if the designation was filed with and approved by the department.
- (3) Award of a residence lot lease may be made to a present lessee of a residence lot if the department determines an emergency situation as follows:
 - (A) Due to circumstances beyond the control

- of and not caused by the lessee, the lessee's health, safety, and welfare are endangered by continued occupancy of the premises, or the further rehabilitation of the lessee is highly improbable without relocation to another residence lot;
- (B) The lessee has agreed to surrender the present lease and has waived all rights to the appraisal value of all improvements on the presently leased residence lot;
- (C) The lessee has agreed and is financially able to pay all expenses for the move to the residence lot to be leased;
- (D) The lessee is financially able to assume:
 - (i) The indebtedness outstanding against the residence lot to be leased; or
 - (ii) The indebtedness that must be incurred to enable the lessee to occupy the residence lot within one year after the lease is awarded; or
- (E) The circumstances of the present lessee indicate sufficient need for relocation to justify the department's withholding of the residence lot to be leased from availability to qualified applicants, if any, for leases in that area and the department's awarding of a lease of that residence lot to the relocating lessee.
- (4) Exceptions to this limitation shall be made only after notice of the department's consideration of such action has been given through the posting of the agenda and after full disclosure of the material facts has

been made in a public meeting. [Eff 7/30/81; comp 10/26/98; comp (Auth: HHC Act §222) (Imp: HHC Act §207)

- §10-3-24 Agricultural and pastoral leases. (a) When agricultural or pastoral lots become available for award, the applicant shall be contacted in accordance with section 10-3-7.
- (b) The department shall notify applicants of the date, time, and place of lot selection. The department shall defer applicants who fail to appear or select.
- (c) Except for agricultural awards of not more than three acres and UXO lands, the applicant shall submit a plan for the development of the lot no later than three months following lot selection. The plan shall include but not be limited to:
 - (1) Crops to be grown or livestock to be raised;
 - (2) Estimated expenses;
 - (3) Estimated gross income;
 - (4) Method of financing;
 - (5) Market plan;
 - (6) Timetable for operation;
 - (7) Purpose of farm subsistence, supplemental, commercial, or otherwise; and
 - (8) Other assistance needed in terms of:
 - (A) Labor, number of individuals, tasks to be performed; and
 - (B) Technical assistance.
- (d) Decision for award of agricultural lots of
 more than three acres and pastoral lots shall be based
 upon:
 - (1) Review and acceptance of the plan's feasibility; and
 - (2) Evaluation of the general knowledge and experience of the applicant or the experienced individual who will assist in the development of the lot. That general knowledge or experience or combination

thereof may include but not be limited to the following:

- (A) Member of the Hawaii young farmer association or a future farmer of America graduate with two years of training with farming projects;
- (B) Satisfactory vocational agriculture course in high school;
- (C) Satisfactory completion of an agricultural curriculum at a university or community college leading to a bachelor of science or an associate degree in agriculture;
- (D) One year full-time work experience on a farm or ranch;
- (E) Completion of study at classes conducted by the University of Hawaii extension service; or
- (F) Persons who have had at least two years of experience as part-time farmers or ranchers.
- (e) For agricultural awards of not more than three, lot size shall be determined in accordance with the current island plan as approved by the commission and lot quality factors such as topography, natural resource availability, and soil quality.

§10-3-25 Award of additional acreage. (a) A lessee of an agricultural or pastoral lot may make a

written request for additional acreage of the same class.

- (b) A lessee shall be contacted for an award in accordance with section 10-3-24(a).
- (c) A lessee shall be eligible for lot selection provided the lessee has actively cultivated and used the agricultural or pastoral lot and is in compliance with all terms and conditions of existing leases.
- (d) Following determination that a lessee is eligible for lot selection, the lessee shall be notified as provided in section 10-3-24(b).
- (e) Following lot selection, the lessee shall submit a plan as required in section 10-3-24(c) incorporating into the plan, all existing acreage.
- (f) Decision for award shall be based upon the
 provisions of section 10-3-24(d). [Eff 7/30/81;
 am and comp 10/26/98; am 3/31/17; comp
 (Auth: HHC Act §222) (Imp: HHC Act §207)
- §10-3-26 Residence on agricultural and on pastoral lots, when. (a) Upon award of an agricultural or pastoral lot, the applicant shall reside on the island on which the leasehold is located or move to that island within three years.
- (b) A lessee of an agricultural lot of not more than three acres shall within three years:
 - (1) Reside and cultivate subsistence agriculture on the lot. Additional dwelling units shall be subject to department approval and infrastructure capacity. Residential and additional dwelling units shall be subject to the following:
 - (A) The residence or any additional dwelling units shall be built to county code; or
 - (B) The residence or any additional dwelling units may be exempted from county codes by the department provided that:

- (i) The plans for any non-conforming portion or portions are submitted to the department for approval;
- (ii) Any non-conforming portion or portions are certified as meeting industry standards for health and safety by a subject matter appropriate State of Hawaii licensed structural engineer or architect; and
- (iii) The units are in compliance with applicable laws and regulations including but not limited to environmental compliance, water, clean water, wastewater, and catchment,

provided further that the department shall not be held liable for any risk, loss, damage, or injury of any kind associated with undisclosed, unpermitted, or dwelling units exempted from conformance with county codes under this section.

- (C) Non-conforming and unpermitted dwellings and improvements that have not been exempted as provided above shall not be appraised for valuation by the department and shall not be included in the calculation of net proceeds pursuant to section 209 of the Act; or
- (2) Actively cultivate food crops or raise small livestock or both for subsistence agriculture purposes.
- (c) Subject to subsection (d), one residence shall be permitted on agricultural lots of more than three acres or on pastoral lots. In addition, a workers' quarters may be permitted per lessee on agricultural lots of more than three acres and pastoral lots subject to the following conditions:
 - (1) The lessee has actively cultivated or developed at least two-thirds of the

- agricultural or pastoral tracts at all times;
- (2) The lessee shall submit a plan justifying the construction of a workers' quarters including but not limited to production processes and projections, number of workers and labor requirements, jobs to be performed, site and plot plan, house construction plans, and benefits accrued by the addition of a workers' quarters;
- (3) Approval by the commission;
- (4) Conformance to all state and county zoning and building requirements;
- (5) Adequate infrastructure, i.e., water, power, etc., shall be available to service the workers' quarters;
- (6) The lessee shall finance the construction of the workers' quarters and the department shall not loan or guarantee funds for construction of workers' quarters;
- (7) Removal of workers' quarters and related access and utility improvements at the expense of the lessee upon cancellation or surrender of agricultural or pastoral leases;
- (8) Upon transfer of agricultural or pastoral leases with workers' quarters, the transferee must justify the continued use of the workers' quarters, otherwise, removal of the workers' quarters and related access and utility improvements will be required at the expense of the transferor;
- (9) Not more than one workers' quarters shall be allowed per lessee, notwithstanding the size of the lot or lots, or the number of leases; and
- (10) Workers' quarters shall not be allowed for subsistence farming operations.
- (d) A lessee possessing a residential lot lease may construct a residence on the lessee's agricultural lot or pastoral lot provided that the lessee complies with the following conditions:

- (1) The lessee makes prior arrangements to surrender or transfer the resident lot lease upon the completion of construction of the residence on the lessee's agricultural or pastoral lot. Should it be feasible, the lessee may relocate the present house;
- (2) The lessee is financially able to assume the cost of relocation or construction of the new residence plus any related expenses necessary to maintain the agricultural or pastoral lot. The department may assist the lessee under sections 10-3-41 to 10-3-52; and
- (3) In the event the lessee surrenders the residence lot lease, the net proceeds thereof shall be first credited to any loan granted by the department for the construction of a home on the agricultural or pastoral lot; and all other conditions imposed by this section and section 10-3-34.
- (e) The department shall not be liable for expenses incurred by the lessee for amenities brought to the lot. The department shall not provide nor be required to provide any amenities, except as it may determine in the planned development of its lands.
- (f) Upon cancellation or surrender of the agricultural or pastoral lot, the lessee shall relinquish the entire leasehold interest including the residence.
- (g) Subdivision and transfer of a portion of an agricultural lot lease of more than one acre or pastoral lot lease may be permitted upon commission approval for the remaining term of the lease to any individual who qualifies under the act, subject to the following conditions:
 - (1) Upon such transfer, each resultant subdivided lot meets department criteria for designation as agricultural or pastoral and available infrastructure capacity;
 - (2) The lessee or transferee shall finance the construction of a residence on any transferred portion;

- (3) Plans for all residences to be constructed on transferred portions of leases shall be submitted to and approved by the department before construction thereof;
- (4) The lessee or transferee shall pay for any costs incurred in the processing and obtaining of the subdivision;
- (5) The department shall not be liable for expenses incurred by the lessee for amenities brought to the lot. The department shall not provide nor be required to provide any amenities except as it may determine in the planned development of its lands; and
- (6) A farm plan may be required of transferees for all transfers involving the subdivided agricultural lots of more than three acres or pastoral lots. Where required, the farm plan shall be submitted to, reviewed and accepted by the department. [Eff 7/30/81; am 9/24/83; am 11/17/84; am and comp 10/26/98; am 3/31/17; comp] (Auth: HHC Act §222) (Imp: HHC Act §208)
- §10-3-27 Livestock and crops. (a) Lessees may raise animals intended for consumption on their agricultural leasehold to supply immediate family needs.
- (b) Lessees may raise animals on a commercial basis on their agricultural leasehold only after the following conditions are met:
 - (1) Submission of a plan for commercial production of animals which shall include, but not be limited to, projections for production, methods of production, sanitation control measures, and proximity to surrounding residences;
 - (2) Approval by the commission;
 - (3) Conformance to all state and county zoning and health laws and rules; and

- (4) The operation is restricted to confined feeding and not for open grazing.
- (c) Lessees with pastoral lots may raise crops for fodder to be used only for animals on the lot. A portion of the lot may be utilized to raise vegetables or fruit crops for consumption by the lessee's immediate family. [Eff 7/30/81; am 2/3/83; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §§207, 208)
- §10-3-28 Lease cancellation. (a) The department may cancel a lease issued to a homesteader for the following reasons:
 - (1) Violation by the lessee of a condition enumerated in sections 208 or 209 of the act;
 - (2) Violation of a condition enumerated in a lease document;
 - (3) Violation of a condition enumerated in this title; or
 - (4) Intentional falsification of material information by the lessee on application for loan forms submitted to the department.
- (b) No lease shall be cancelled without first affording the lessee the right to a hearing as prescribed in chapter 5. [Eff 7/30/81; comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §210, 216)
 - **§10-3-29 Repealed.** [Eff 7/30/98; R 10/26/98]
- §10-3-30 Kuleana homestead leases. (a) The commission may establish a homestead program for settlement on unimproved available Hawaiian home lands to be known as the kuleana homestead program.
 - (b) The commission may set aside a tract or

tracts of unimproved "available lands" as defined in section 203 of the Act, for award under the kuleana homestead program. All lots awarded under this program shall be known as kuleana homestead lots.

- (c) In determining whether a tract should be set aside for award as kuleana homestead lots, the commission shall consider the following:
 - (1) Physical and environmental characteristics of the land;
 - (2) Excessive cost to develop the tract for any reason including: the physical characteristics of the land, the distance of the land from existing electrical, water, waste water disposal, communications, and other utility systems;
 - (3) Department land management plans and programs;
 - (4) Applicant interest or proposals identifying tracts of land; and
 - (5) Suitability for use by lessees who wish immediate access to the land for subsistence uses and who are willing to live on the land and accept an unimproved lot.
- (d) The commission shall determine which homestead waiting list, or combinations thereof, may be used to make the awards and what list, or combinations thereof, may be used if the original list used to make the awards is exhausted.
- (e) The department, together with interested applicants, shall develop a plan for settlement and development of the designated tract. All settlement plans shall be subject to approval by the commission. The plan shall include, but not be limited to the following:
 - (1) Location and description of the tract of land;
 - (2) Approximate size and number of lots to be awarded;
 - (3) Approximate location of community center and common areas;
 - (4) Preliminary conceptual proposals for

- community management and economic development of adjacent department lands, if applicable;
- (5) Plan for the identification, protection and preservation of all significant historical, archaeological, and biological sites; and
- (6) Settlement timetable to commence after the award of the lots.
- (f) The department shall provide the following for the kuleana homestead lots:
 - (1) Metes and bounds descriptions of lots; and
 - (2) An unpaved right-of-way to the awarded lots.
- (q) A lessee of a kuleana homestead lot shall be subject to all applicable state codes, county ordinances, and departmental rules and policies governing land use, building, health, and safety unless and until the kuleana homestead association's building, health, and safety codes and permitting process become effective for that particular tract. The kuleana homestead association for that particular tract, in consultation with a licensed architect, registered in the State, may develop, adopt, and enforce its own zoning, building, and permitting process on the condition that standards contained in state health codes and health and safety sections and provisions contained in the Uniform Building Code are met and that a licensed architect, registered in the State, is willing to certify all building plans as part of the community developed permitting process. No kuleana homestead association developed zoning, building, health and safety codes and permitting processes shall be effective unless and until they are approved by the commission.
- (h) All leases awarded by the department pursuant to the kuleana homestead program shall comply with this subchapter and subchapter 3 unless otherwise superseded by the settlement plan approved by the commission for a particular tract. In addition, all lessees shall comply with the following conditions:
 - (1) Lessee agrees to participate as an active member in the kuleana homestead association for that particular tract and to comply with

- rules developed and agreements entered into by the kuleana homestead association;
- (2) Lessee agrees to accept the lot in its "as is" condition with no expectation of additional improvements beyond those specified in subsection (f); and
- (3) Lessee agrees to participate in the maintenance of the right-of-way to the kuleana homestead tract and lots. [Eff and comp 10/26/98; comp]
 (Auth: HHC Act §§ 207, 219.1, 222) (Imp: HHC Act §§ 207, 219.7)

SUBCHAPTER 3

CONDITIONS IN LEASES

- §10-3-31 Additional conditions, generally. In addition to the conditions in leases set forth in section 208 of the act, and in the lease document, all lessees shall be subject to the restrictions set forth in this subchapter. [Eff 7/30/81; comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §208)
- §10-3-32 Industrial activities. No industrial activities shall be allowed on homestead leaseholds. [Eff 7/30/81; comp 10/26/98; comp]
 (Auth: HHC Act §222) (Imp: HHC Act §208)
- §10-3-33 Commercial activities. Except as may be otherwise provided, no homestead leasehold or portion thereof shall be used for commercial activities of such a nature as to constitute a nuisance or threat to health, safety, and environment. [Eff 7/30/81; am

2/3/83; comp 10/26/98; am 3/31/17; comp]
(Auth: HHC Act §222) (Imp: HHC Act §208)

§10-3-35 Contracts covering lease lands. No lessee may, without written approval from the commission, enter into any contract, joint venture, agreement or other arrangement of any sort with a third person on lands covered by lessee's lease for the cultivation of crops or the raising of livestock. [Eff 7/30/81; comp 10/26/98; comp]
(Auth: HHC Act §222) (Imp: HHC Act §208)

- §10-3-36 Transfer of homestead leases. (a) A lessee, with the written approval of the commission, may transfer the leasehold to any individual who is at least eighteen years old and qualified under the act provided that leases for vacant or undeveloped lots and undivided interests, or any interest therein, shall not be sold but may be transferred for no consideration or by succession.
- (b) Lease transfers to qualified relatives of a lessee or to beneficiaries on a waitlist shall have

priority for processing over transfers to beneficiaries not on a waitlist.

- (c) The transferee shall immediately occupy the residence lot or use or cultivate the agricultural, pastoral, or kuleana lot. Failure to occupy or use the lot within sixty days from date of transfer shall constitute grounds for cancellation of the lease.
- (d) A transferee may own an interest in non-Hawaiian home lands real property, regardless of degree of ownership. [Eff 7/30/81; am 2/3/83; am 9/24/83; am and comp 10/26/98; am 3/31/17; comp] (Auth: HHC Act §222) (Imp: HHC Act §208)

§10-3-37 REPEALED. [Eff 7/30/81; R 1/20/86]

§10-3-38 Subdivision and transfer of a portion of residential lot leasehold. A lessee of a residential lot, with the approval of the commission, may subdivide and transfer a portion of the lot for the remaining term of the lease to any individual who is a native Hawaiian and is at least eighteen years old; provided that after the transfer, each lot conforms to county zoning standards. The department shall not be required to finance the construction of the house on the transferred portion. Plans for construction of the house shall be subject to the approval of the department. The department shall not be required to pay for any costs incurred in the processing and obtaining of the subdivision. 7/30/81; am 1/20/86; am and comp 10/26/98; am 3/31/17; comp] (Auth: HHC Act §222) (Imp: HHC Act §208)

§10-3-39 Occupancy and other requirements. (a)

The time period by which a lessee is required to occupy a residential lot or to commence to use or to cultivate an agricultural or pastoral lot shall be stipulated in the lease.

- (b) Except as otherwise provided in the lease, the department may require a lessee of an agricultural lot of more than three acres or pastoral lot to have under development, cultivation, or use at least two-thirds of the useable acreage at all times.
- (c) Lessees shall be responsible for maintaining their premises secure from fire, theft, and vandalism and shall comply with the requirements of their lease at all times.
- (d) A lessee shall provide the department with a current mailing address and such other information as the department may require. The department shall be notified of a change of address in accordance with section 10-3-10(a). [Eff 7/30/81; am 1/20/86; comp 10/26/98; am 3/31/17; comp] (Auth: HHC Act §222) (Imp: HHC Act §208)

§10-3-40 (Reserved)

SUBCHAPTER 3.1

SUPPLEMENTAL DWELLING UNITS

S10-3-40.01 Purpose. The purpose of this subchapter is to provide qualified residential lessees with the option to build a supplementary dwelling unit that could help ease certain housing issues facing native Hawaiian families like need, overcrowding, and financial strain. [Eff and comp]

(Auth: HHC Act §222) (Imp: HHC Act §208)

"'Ohana occupant" means the qualified relative under section 209(a) of the act who resides in either the primary dwelling or the 'ohana SDU.

 $\underline{\$10-3-40.04}$ SDU application and review. (a) The lessee shall complete the department's SDU

- application. Within 30 days, the department shall notify the lessee to proceed with the respective county SDU application or if lease compliance matters must first be addressed. If the lessee fails within 30 days to address the lease compliance matters with the department, the application shall be cancelled.
- (b) The SDU structure and related improvements shall be permitted by and meet all building codes or other ordinances and regulations of the respective counties, except as otherwise provided by the commission. Commission approval is required before construction may begin. The department shall notify the lessee of placement on the commission agenda.
- (c) The department shall not be required to finance construction of the SDU nor shall the department be liable for any cost or expense incurred in the processing and obtaining of the necessary county permits and approvals.
- (d) The lessee shall complete construction of the SDU within one year after receiving notice that commission approval has been granted. Failure shall result in cancellation of department approval of the SDU application. [Eff and comp]

 (Auth: HHC Act §222) (Imp: HHC Act §208)

§10-3-40.05 Lot requirements. A residential lot may qualify for the SDU program if it meets the following requirements:

- (1) Constructing an SDU on the lot is compatible with the island plan and the area plan;
- (2) The lot is not landlocked;
- The lot does not have more than one dwelling unit, attached or detached, already existing on the property;
- (4) Private covenants, conditions, and restrictions do not prohibit SDUs; and
- (5) Respective county requirements for an additional dwelling unit. Unless otherwise provided in a memorandum of agreement with the respective county, the department may,

with the approval of the chairman, authorize a case-by-case waiver of certain county regulatory requirements based upon specific area conditions, unique site characteristics, or other constraints related to the lot. [Eff and comp | (Auth: HHC Act §222) (Imp: HHC Act §208)

- (b) The lessee shall reside in either the primary dwelling or in the SDU. If the lessee moves into the SDU, the lessee shall provide the department with an updated mailing address in accordance with section 10-3-10(a).

- (b) A lessee may apply to the department for one of the following programs at the time of application for an SDU:
 - 'Ohana SDU is specifically for nonrental, 'ohana use purposes. The 'ohana
 occupant shall establish the required
 biological relationship to the lessee to the
 satisfaction of the department before taking
 occupancy. The 'ohana occupant may
 contribute toward household expenses such as
 utilities and mortgage payments, if
 applicable, but rent shall not be charged.

- The lessee shall be ultimately responsible for the mortgage payments, utility charges, maintenance, and repairs of the SDU.
- Rental SDU is specifically for rental purposes, to supplement income for the lessee and potentially help to provide housing for native Hawaiians. The dwelling unit renter shall be qualified under the act by the department but is not required to establish a biological relationship to the lessee. The department shall prioritize rental SDU requests from lessees with a verifiable potential tenant currently on the applicant waitlist for a homestead.
 - (A) The minimum rental period agreement on the unit shall be six months;
 - The lessee shall provide a lease agreement to the tenant that includes a prohibition on sublet and assignment unless to another native Hawaiian as verified and authorized by the department; and
 - (C) Each agreement shall carry a rider provided by the department and signed by the lessee and dwelling unit renter that provides the general obligations of the department, waiver of liability, and guarantees made by the lessee.
- (c) The lessee shall submit a request to the department if the lessee wants to change the program use of the unit. The department shall provide a response to the lessee within 30 days of receipt of the request. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §208)

§10-3-40.08 Compliance with housing laws. Lessees participating in the SDU program shall comply

with all applicable federal, state, and local laws related to the provision or rental of housing including, but not limited to, the residential

landlord and tenant code, HRS ch. 521, and section 804 of the fair housing act, 42 U.S.C. § 3604. Failure to comply with all applicable federal, state, and local laws shall be cause for lease cancellation pursuant to section 10-3-28. [Eff and comp]

(Auth: HHC Act §222) (Imp: HHC Act §208)

Any structures on the lot that have not been approved by the department or are unpermitted, or both, shall be brought into compliance or be removed at the lessee's expense. [Eff and comp]

(Auth: HHC Act §222) (Imp: HHC Act §208)

SUBCHAPTER 4

LOANS AND FUNDS

§10-3-41 Funds and accounts. There shall be established in the treasury of the State such revolving funds, special, and other funds as set forth in the act. [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §§213, 214)

- §10-3-42 Purposes of loans. The department may make loans from any loan fund to lessees, and where applicable, to any cooperative association all of whose members are lessees. Such loans may be made for the following purposes:
 - (1) The repair, maintenance, purchase, or erection of dwellings on Hawaiian home lands, and the undertaking of other permanent improvements thereon;

- (2) The purchase of livestock, swine, poultry, fowl, and farm equipment; and
- (3) Otherwise assisting in the development of tracts, and farm and ranch operations;
- (4) The cost of:
 - (A) Breaking up, planting, and cultivating land and harvesting crops;
 - (B) Purchase of seeds, fertilizers, feeds, insecticides, medicines, and chemicals for disease and pest control for animals and crops, and related supplies required for farm and ranch operations;
 - (C) The erection of fences and other permanent improvements for farm or ranch purposes; and
 - (D) Marketing farm or ranch products; and
- (5) To assist lessees in the operation or erection of theaters, garages, service stations, markets, stores, and other mercantile establishments, all of which shall be owned by lessees of the department or by organizations formed and controlled by lessees. [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §214)

§10-3-43 Authorized actions. For purposes authorized under the act, the department may:

(1) Use moneys in the operating fund, with the prior approval of the governor, to match federal, state, or county funds available for the same purposes and to that end, to enter into such undertaking, agree to such conditions, transfer funds therein available for such expenditure, and to do and perform such other acts and things, as may be necessary or required, as a condition to securing matching funds for such projects or works;

- (2) Use available funds, except moneys from the Hawaiian home loan fund, to secure, pledge, or otherwise guarantee the repayment of moneys borrowed by the department from government agencies or private lending institutions and to pay the interim interest or advances required for loans;
- (3) Contract private agencies to service loans made by the department to lessees or cooperative associations, the fees for such servicing shall be assumed by the lessee or cooperative association, or from a portion of the interest charged by the department on loans to lessees or cooperative associations;
- (4) Guarantee the repayment of loans made to homestead lessees of Hawaiian home lands by other governmental agencies or private lending institutions as provided by the act;
- (5) Combine available moneys from various revolving funds to make loans to lessees for the purposes enumerated in section 10-3-42; and
- (6) Exercise such other powers as authorized by
 the act. [Eff 7/30/81; am and comp
 10/26/98; comp] (Auth: HHC
 Act §222) (Imp: HHC Act §214)
- §10-3-44 Loan applications. (a) Applications for a loan or a loan guarantee shall be made on forms provided by the department. All applications shall be filed with the department. The filing may be made with district offices of the department.
- (b) The applicant shall not be required to pay any fees in connection with the filing of an application but shall be charged for the cost incurred by the department in obtaining credit reports and other financial information deemed necessary by the department.

- (c) A holder of a homestead lease may apply to the department for the approval of a loan to be made by other government agencies or private lending institutions. Upon receipt of an application, the department shall review the application, and determine whether or not to guarantee the loan based on loan standards set forth in section 10-3-46. [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §\$213, 214)
- §10-3-45 Application processing. Applications approved by the department shall be submitted to the commission within sixty working days of receipt by the department together with a summary of the applicant's financial situation including gross and net monthly income, outstanding indebtedness, and the number of dependents. [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §8213, 214)
- §10-3-46 Loan standards. Loans may be made to applicants who are residential lessees, based on the following criteria:
 - (1) Income ratio: the relation that gross monthly income bears to monthly payment of principal and interest;
 - (2) Family size: each person supported from the income of the lessee and co-applicant shall be counted as a family member for the purpose of computing and qualifying for a loan and term. The lessee shall submit to the department a notarized statement to this effect.
 - (2) Applications for loans for any family receiving public assistance from the department of human services will be considered for approval if:
 - (A) The monthly payment for the loan is

within the amount that is available for housing--shelter allowance minus anticipated utilities--in accordance with current department of human services standards; and

- (B) The applicant is able to assume the financial obligation imposed by a loan;
- (4) Credit standing: the applicant shall have satisfactory credit standing in the community as determined by the department. The department may waive this requirement if upon consideration of all the circumstances surrounding the applicant's financial condition, it finds that the applicant will be able to repay the loan in accordance with the loan contract; and
- (3) If the loan applicant is found by the department to have sufficient resources or credit to secure financing from nondepartmental sources to undertake the purpose for which the loan is sought, no departmental loan shall be made. [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §\$213, 214)

§10-3-47 Loan conditions. (a) Generally, in determining the term of loans, the department shall consider the following:

- (1) The applicant's financial capacity; and
- (2) Age and condition of dwelling or building, based on the estimated expected remaining life span. The term of a loan shall be determined by the department, but in no event be longer than the term as may be authorized by the act.
- (b) Loans shall be made in an amount to be determined by the commission, but in no event be more than the amount authorized by the act.
 - (c) Loans shall bear interest at the rate

authorized by the act and rules.

- (d) Loan interest rates shall be determined based on the availability and source of funds as well as the current interest rate for such loans in the private sector; provided that the department, on a case-by-case basis, may establish such rates as it shall determine best effectuate the purposes of the individual borrower, and to offer loans of comparable interest rates to all borrowers.
- (e) Interest on loans made by the department shall commence to accrue on the disbursed amount on the twentieth day of the month or on the day of actual disbursement following the twentieth day of the month in which the first disbursement of funds is made.
- (f) Repayment of loans made by the department shall commence on the nineteenth day of the month following the month in which the first disbursement of funds is made.
- (g) The borrower may be required to pay a monthly service fee when loan payments are made payable to, or collected by a private lending institution.
- (h) The payment of any installment due may be postponed in whole or in part by the department for reasons as it deems good and sufficient and until such later date as it deems advisable. Postponed payments shall continue to bear interest on the unpaid principal at the rate established for the loan.
- (i) Whenever a borrower is delinquent with loan repayments, the department may demand that the borrower assign wages in part or all moneys due or to become due to such borrower by reason of any agreement or contract to which the borrower is a party, to the department to assure repayment of the loan.
- (j) Whenever a borrower is more than one hundred twenty days delinquent on loan repayments, the department may start garnishment proceedings in accordance with the applicable statute, or start cancellation proceedings as authorized under the act. [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §213, 214, 215, 216)

- §10-3-48 Farm loans. (a) Farm loans shall be governed by sections 213, 214 and 215 of the act.
- (b) The maximum loan for an individual agricultural lot lessee shall be determined by the commission, but in no event be more than the amount authorized by the act. For an agricultural cooperative association, the maximum amount shall be determined by the commission on the basis of proposed operations of the cooperative and the available security. Farm loans shall bear interest at the rates authorized by the act or these rules.
- (c) Cost estimates from the supplier or material house for labor and for building requirements, materials, machinery, equipment, seed, etc., must be submitted to the department within thirty days after application for a farm loan is made for items or services to be purchased with the proceeds of the loans. An annual or monthly projected income for return of investment shall also be submitted along with the cost estimates.
- (d) A feasibility study of repayment schedules to projected income from operations shall be submitted to applications for review and recommendation for loan approval. The department may establish repayment schedules that vary based on projected income from operations, the type of loan, and the amount of the loan.
- (e) Each farm loan shall be subject to whatever concurrently executed security agreement is in current use by the department pursuant to HRS, chapter 490. [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §213, 214)
- §10-3-49 Borrowed funds. The department may borrow funds for the purpose of making loans to lessees of residence lots for purchasing, repairing, maintaining, erecting or improving homes on Hawaiian home lands. Such loans shall bear interest at the same rate of interest as that paid by the department to the lender, plus one-half of one percent per year. The

term of such loans shall not exceed thirty years. [Eff 7/30/81; comp 10/26/98; comp]
(Auth: HHC Act §222) (Imp: HHC Act §§213, 214)

§10-3-51 Operation of funds. The department may invest and reinvest any of its funds, not otherwise immediately needed for the purposes of the funds, in such bonds and securities as authorized by state law for the investment of sinking fund moneys. Any interest or other earnings arising out of such investment shall be credited to and deposited in such funds as may be authorized by the act. [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §8213, 225)

§10-3-52 Hawaiian home receipts fund. (a) At the end of each quarter, all moneys in the Hawaiian home receipts fund shall be transferred as authorized by the act. At the commission meeting immediately before or at the end of each quarter, the department or commission on its own motion may recommend for commission approval a plan for transfer of all moneys in the Hawaiian home receipts fund for that respective

quarter. The plan for transfer shall take into consideration the department's budget projections as well as priorities established by the commission for the moneys.

- (b) If the commission fails to approve a plan for transfer, all moneys in the Hawaiian home receipts fund shall be transferred at the end of that respective quarter as follows:
 - (1) Nine per cent to the operating fund; and

§§10-3-53 to 10-3-60 (Reserved)

SUBCHAPTER 5

SUCCESSORS TO LESSEES

- §10-3-61 Designation of successor. (a) As provided in section 209 of the act and in this section, the lessee shall designate the relative or relatives to whom the lessee directs the interest in the tract to vest upon the lessee's death from among the following relatives:
 - (1) Husband, wife, children, or grandchildren who are at least one-quarter Hawaiian; or
 - (2) Father, mother, widows or widowers of the children, brothers and sisters, widows or widowers of the brothers and sisters, or nieces and nephews who are native Hawaiian.

A lessee may designate a successor or successors at the time of execution of the lease; provided that the lessee shall file the designation in writing at

the department and the department shall acknowledge the designation in order for the designation to be deemed filed. A lessee may change the designation of successor or successors at any time; provided that the lessee shall file the change of designation in writing at the department and the department shall acknowledge the change of designation in order for the change of designation to be deemed filed.

The lessee or designated successor shall provide documentation to establish eligibility of the designated successor and the department shall determine whether a designated successor is qualified to be a lessee of Hawaiian home lands.

(b) An alleged qualified relative of a lessee may obtain genetic testing under section 10-3-2.2 to aid in establishing qualification as a successor to the lease. [Eff 7/30/81; am and comp 10/26/98; am 3/31/17; comp] (Auth: HHC Act §222) (Imp: HHC Act §209)

§10-3-63 Notice to successors. Upon the death of a lessee leaving no designated successor, the department shall publish a public notice at least once

§10-3-64 Appraisals. (a) As provided in the act and in this section, the department shall appraise the value of all improvements of the tract or tracts and growing crops and stock including aquacultural improvements or stock, if any, if:

- (1) A lessee surrenders his lease;
- (2) A lessee dies leaving no person or persons qualified to be successor lessee or lessees;
- (3) The department is unable to designate a successor; or
- (4) The department cancels a lease.
- (b) An appraisal made pursuant to this section shall be made by one of the following methods:
 - (1) By a disinterested appraiser hired and paid by the department;
 - (2) By a disinterested appraiser mutually agreed to by the department and the lessee or the deceased lessee's legal representative; provided that the cost of the appraisal shall be borne equally by the two parties; or,
 - (3) By not more than three disinterested appraisers of which the first shall be hired

and paid by the department. If the lessee or the deceased lessee's legal representative does not agree with the appraised value, the lessee or the deceased lessee's legal representative shall hire and pay for the services of a second appraiser. The second appraiser's report shall be submitted to the department not later than ninety days from the date of the first appraisal report. The first appraisal shall be used if the second appraiser is not hired within thirty days from the date the department transmits the first appraisal report to the lessee or the deceased lessee's legal representative. The first appraisal shall also be used if the second appraiser does not submit an appraisal report to the department within ninety days from the date of the first appraisal report. If the values of the first and second appraisals are different and the two parties do not agree to a compromise value between the first and second appraisals, a third appraisal shall be made. An appraiser who shall be appointed by the first two appraisers not later than ninety days from the date of the second appraisal report shall make the third appraisal. The third appraiser shall determine the final value. The cost of the third appraisal shall be borne equally by the two parties.

(c) The lessee or the deceased lessee's legal representative shall indicate, on a form provided by the department, which of the three appraisal methods described in subsection (b) shall be followed. The selection of appraisal method shall be made not later than thirty days from the date the form is provided to the lessee or the deceased lessee's legal representative by the department. If no selection of appraisal method is made in thirty days, the department shall hire and pay for the services of a disinterested appraiser whose appraisal shall be used.

[Eff 7/30/81; am and comp 10/26/98; comp (Auth: HHC Act §222) (Imp: HHC Act §209)

§10-3-65 Payments. (a) The department shall pay to the appropriate recipient as specified in section 209 of the act or to the previous lessee, as the case may be, the appraisal value less:

- (1) Any indebtedness to the department;
- (2) Taxes;
- (3) Any other indebtedness the payment of which has been assured by the department;

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- (4) Any costs incurred by the department for the upkeep and cleaning of the leased premises; and
- (4) Any costs incurred by the department for the removal of any crops or improvements.
- (b) Payments provided in subsection (a) shall be made out of the loan funds and shall be considered an advance therefrom, reimbursable out of payments by the transferee or new lessee to the tract involved.
- (c) The department may make the payment only after a new lessee is found and upon commencement of the new lease. [Eff 7/30/81; am 2/3/83; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §209)
- §10-3-66 Cancellation and surrender. (a) Upon receipt of written notification of a lessee's intent to surrender the lessee's leasehold interest, the department shall process the same. The department may forego acceptance of a surrender until a new lessee is found and it is determined by the department that sufficient funds are available to meet the payments required. At all times until acceptance of surrender the lessee shall remain responsible for the demised leasehold together with any improvements thereon, and shall remain liable for all taxes, assessments and charges of whatever kind and nature, on said tract and

improvements thereon, and shall keep insured any structures thereon.

Upon the cancellation or surrender of a homestead lease, if the department determines that any structure on the premises is in such disrepair that demolition of the structure is required, the lessee shall be allowed to sell the structure within ninety days from the date of the cancellation or acceptance of surrender; provided that any proceeds be first used to satisfy any indebtedness to the department, taxes, or any other indebtedness the payment of which has been assured by the department, or any costs incurred by the department for upkeep and cleaning of the leased premises. If the lessee does not sell or remove the structure, the department shall demolish the structure and the cost thereof shall be assessed the lessee. [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: Act §209)

§10-3-67 Cancellation of lease when tract is abandoned. If a lessee has abandoned the tract by failing to use or occupy the premises or cannot be located after at least two attempts to contact the lessee by certified mail, the department shall publish a public notice at least once in each of four successive weeks in a newspaper of general circulation in the State. The notice shall direct the lessee to present himself or herself at the department within one hundred twenty days from the first day of publication of the notice. The notice shall also state that the lease will be canceled in accordance with sections 210 and 216 of the act and that the department shall appraise the value of the improvements and growing crops and stock, if any, if the lessee fails to respond by the date set by the public notice. In addition, the department shall post a public notice on the abandoned tract. After cancellation of the lease and completion of the appraisal, the department shall make the payment

in accordance with section 10-3-65 if there are any net proceeds and if the previous lessee is located. [Eff and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §209)

 $\S\S10-3-68$ to 10-3-70 (Reserved).

SUBCHAPTER 6

COMMUNITY PASTURES, FEES, AND CHARGES

§10-3-71 Location of community pastures. The department when practicable and as authorized by the act may maintain community pastures in such locations as it may determine. [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §211)

§10-3-72 Records. A record of all stock in the community pastures shall be kept by the department. [Eff 7/30/81; comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §211)

§10-3-73 Responsibilities. (a) The lessee shall be responsible for:

- (1) Permanently branding all animals with a registered brand of the lessee;
- (2) Worming, and testing all animals and confirming district origin;
- (3) Removing sick, diseased, or severely injured animals; and
- (4) Arranging for removal of animals at least

forty-eight hours in advance of the move with the district manager.

- (b) The department shall be responsible for:
 - (1) Managing and supervising the operation;
 - (2) Providing and maintaining adequate fence, locked gates, water, salt and forage;
 - (3) Providing adequate facilities for working cattle;
 - (4) Notifying lessee of any disease, injury, theft, sickness or loss of weight with regard to any animal; and

§10-3-74 Liability for loss. The department shall not be held liable for any death, loss, injury, theft, sickness, or loss of weight to any animal. [Eff 7/30/81; am and comp 10/26/98; comp [Auth: HHC Act §222) (Imp: HHC Act §211)

§10-3-75 Community pasture terms and conditions.

- (a) The approximate number of heads to be carried in the community pastures shall be set by the chairman from time to time according to the carrying capacity of the pastures.
- (b) Until further action by the department, four head of cattle of any age per lessee shall be considered the maximum number of cattle in any community pasture.
- (c) In the case of extreme shortage of feed or the imminent lack of stock feed, all persons utilizing the pasture shall be required to remove the market stock to the amount designated by the chairman, within ten days after notice.
 - (d) Holders of agricultural leases shall have

first priority of running stock in community pastures. Other lessees may use residual quotas as determined by the department.

- (e) Each lessee shall have one, and only one, brand which shall be registered with the department of agriculture. Lessee shall supply the department with a facsimile of the brand and shall brand cattle belonging to the lessee. All animals on community pastures shall be owned by lessees and shall be branded with the lessee's brand before entering the community pasture.
- (f) Only one type of ear mark or tag shall be used by lessee; this ear mark or tag shall be registered with the department.
- (g) At no time shall any of the lessees or their representatives be allowed to enter community pastures for purposes of removing or inspecting stock without first obtaining written permission from the authorized agent of the department. This written permission shall be presented to the pasture keeper, who shall then accompany the permit holder. Only such authority as is contained in the permit may be exercised by the holder thereof.
- (h) One general drive shall be conducted in July on Molokai for the purpose of branding, castrating, counting and testing. Branding shall be allowed in the pasture only during this period. All stock owners shall assist in drives and properly identify stock belonging to them, either in person or by duly authorized representatives. All owners of livestock shall be notified one week in advance of each drive. Owners failing to attend shall be bound by the count of the department. [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §211)
- §10-3-76 Fees and charges. (a) The department shall assess fees for scaling services commensurate with local industry standard except that lessees may pay a reduced fee.

- (b) To recover costs, the department may establish rental fees and service charges for the use of meeting rooms or halls, park facilities, and resource management areas subject to approval by the commission.
 - (1) Fees and charges for use of meeting rooms or halls, and park facilities shall be based on:
 - (A) Actual operating costs including utilities, maintenance and repair, custodial services, and security; and
 - (B) Current capital costs, provided that recognized homestead community associations may use meeting rooms or halls, and park facilities to conduct association business for a rental fee of \$50 per twenty-four hours or fraction thereof, and a discounted fee schedule may be set for lessees. The department shall have priority use of department meeting rooms or halls even over prior existing reservations with at least fourteen calendar days notice.
 - (2) As applied to resource management areas, a resource management plan shall be developed in consultation with beneficiaries to:
 - (A) Identify resource management area issues, concerns, and opportunities;
 - (B) Identify management actions to address resource management area issues, concerns and opportunities;
 - (C) Identify capital or operational costs or both to implement management actions;
 - (D) Calculate needed fees or service charges, or both, based on estimated capital or operational costs, or both, of identified management actions. The department shall monitor the area to determine whether the management actions have been successful under the management plan. Future management

prescriptions including re-evaluation of a fee schedule shall be based on evaluations of whether management actions have been successful.

- (c) Patrons who have outstanding accounts, have provided false information when applying to use department facilities, or have previously misused the department's property, grounds, or facilities may be denied use of department facilities and resource management areas.
- (d) Water from department systems shall be sold at rates established by the commission. The department shall establish the frequency of billing and may determine a minimum monthly charge.
- - 2. New material is underscored.
- 3. Additions to update source notes and other notes to reflect these amendments and compilation are not underscored.
- 4. These amendments to and compilation of chapter 10-3, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

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

WILLIAM J. AILA, JR., Chairman Hawaiian Homes Commission

APPROVED AS TO FORM:

Deputy Attorney General

HAWAIIAN HOMES COMMISSION SEPTEMBER 20 & 21, 2021 INTERACTIVE CONFERENCE TECHNOLOGY 9:30 A.M.

D – ITEMS HOMESTEAD SERVICES DIVISION

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO:

Chairman and Members, Hawaiian Homes Commission

From:

Juan Garcia, HSD Administrator

SUBJECT:

Homestead Services Division Statu Reports

RECOMMENDED MOTION/ACTION

NONE

DISCUSSION

The following reports are for information only:

Exhibit A:

Homestead Lease & Application Totals and Monthly Activity

Reports

Exhibit B:

Delinquency Report

Exhibit C:

DHHL Guarantees for FHA Construction Loans

September 20, 2021

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through August 31, 2021

	As of			As of
_	7/31/21	Add	Cancel	8/31/21
Residential	8,468	6	1	8,473
Agricultural	1,093	0	. 0	1,093
Pastoral _	413	0	0	413
Total	9,974	6	1	9,979

The cumulative number of Converted Undivided Interest Lessees represents an increase of 533 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 7/31/21	Converted	Rescinded/ Surrendered/ Cancelled	As of 8/31/21
Undivided	789	1	0	788
Balance as of 8/31/2021				
Awarded Relocated to UNDV Rescinded Surrendered Cancelled Converted	_	1,434 7 111 5 4 533		
Balance to Convert		788		

Lease Report For the Month Ending August 31, 2021

CAHU Kakaina Kalawahine Kanehili Kapolei Kauluokahai Kaupea Kaupuni Kewalo Kumuhau Lualualei Malu'ohai Nanakuli Papakolea Princess Kahanu Estates Walahole Walanae Walmanalo TOTAL MAUI Hikina Kahikinui Keokea Leialii Paukukalo Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiohuli TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Kaukaha Kurdistown Makuu Panaewa Pilhonua Puueo University Heights	25 90 399 180 117 326 19 249 52 147 226 1,045 64 271 0 0 421 4,352 31 10 9 103 178 39 109 114 97 593 1,264 22 474 3	Add C2 2 0 0 0 0 4 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	707AL 27 90 399 180 121 326 19 249 52 147 226 64 271 0 421 720 4,357 31 0 0 103 178 39 109 114 97 593 1,264	Last Month 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Add 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	70TAL 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Last Month 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Add C2 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	70TAL 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Last Month 25 90 399 180 117 326 26 19 249 52 178 266 1,045 64 271 16 433 723 4,413 31 76 65 103 178 39 109 114 97 593 1,404	2 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	70TAL 277 90 399 180 121 3226 19 249 52 178 226 1,045 64 271 16 433 722 4,418 311 75 65 103 178 39 109 114 97 593 1,404
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Malu'ohai Nanakuli Papakolea Princess Kahanu Estates Waiahole Waianae Waimanalo TOTAL MAUI Hikina Kahikinul Keokea Lelaili Paukukalo Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiohuli TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kurtistown Makuu Panaewa Piihonua Puueo	226 1,045 64 271 0 421 721 4,352 31 0 0 103 178 39 109 114 97 593 1,264	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 1 1 1	226 1,045 64 271 0 421 720 4,357 31 0 0 103 178 39 109 114 97 593 1,264	0 0 0 0 16 12 2 2 5 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 16 12 2- 61 0 0 65 0 0 0 0 0 0	0 0 0 0 0 0 0 0 75 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 75 0 0 0 0	226 1,045 64 271 16 433 723 4,413 31 76 65 103 176 09 114 97 593 1,404	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 1 1 1	226 1,045 64 271 16 433 722 4,418 31 75 65 103 178 39 109 114 97 593 1,404
Nanakuli Papakolea Princess Kahanu Estates Walahole Walahole Walamanalo TOTAL MAUI Hikina Kahikinul Keokea Lelali Paukukalo Walehu 1 Walehu 2 Walehu 3 Walehu 3 Walehu 4 Walehu 3 Walehu 4 Walehu 3 Walehu 4 Walehu 3 Walehu 4 Walehu 5 Walehu 4 Walehu 5 Walehu 6 Walehu 7 Walehu 8 Walehu 9 Walehu 9 Walehu 9 Walehu 1 Papanaeu Panaeua Pilhonua Puueo	1,045 64 271 0 421 721 4,352 31 0 0 0 103 178 39 109 114 97 593 1,264	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 1 1 1	1,045 64 271 0 421 720 4,357 31 0 0 103 178 39 109 114 97 593 1,264	0 0 0 166 122 2 61 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 16 12 2 2 61 0 0 65 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 75 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 75 0 0 0 0	1,045 64 271 16 433 723 4,413 31 76 65 103 170 39 109 114 97 593 1,404	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 1 1 1 0 0 0 0 0 0 0 0 0 0 0 0	1,045 64 271 16 433 722 4,418 31 75 65 103 178 39 109 114 97 593 1,404
Papakolea Princess Kahanu Estates Waiahole Waianae Waimanalo TOTAL MAUI Hikina Kahikinui Keokea Lelalii Paukukalo Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiohuii TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kurtistown Makuu Panaewa Piihonua Puueo	64 271 0 421 721 4,352 31 0 0 0 103 178 39 109 114 97 593 1,264	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 1 1 1	64 271 0 421 720 4,357 31 0 0 103 178 39 109 114 97 593 1,264	0 0 16 12 2 61 0 0 0 65 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 16 12 2- 61 0 0 65 0 0 0 0 0 0 65	0 0 0 0 0 0 75 0 0 0 0 0 0 0 0 75 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 75 0 0 0 0 0	64 271 16 433 723 4,413 31 76 65 103 170 39 109 114 97 593 1,404	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 1 1 1	64 271 16 433 722 4,418 31 75 65 103 178 39 109 114 97 593 1,404
Princess Kahanu Estates Walahole Walanae Walmanalo TOTAL MAUI Hikina Kahikinui Keokea Lelalii Paukukalo Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiehu 4 Waiohuti TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kurtistown Makuu Panaewa Piihonua Puueo	271 0 421 721 4,352 31 0 0 103 178 39 109 114 97 593 1,264	0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 1 1 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0	271 0 421 720 4,357 31 0 0 103 108 39 109 114 97 593 1,264	0 16 12 2 2 61 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	16 12 2- 61 0 0 0 65 0 0 0 0 0 0 0 0 0	0 0 0 0 0 75 0 0 0 0 0 0 0 0 0 75 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 75 0 0 0 0 0	271 16 433 723 4,413 31 76 65 103 176 39 109 114 97 593 1,404	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 1 1 1 0 0 0 0 0 0 0 0 0	271 16 433 722 4,418 31 75 65 103 1788 39 109 114 97 593 1,404
Waianae Waimanalo TOTAL MAUI Hikina Kahikinui Keokea Lelalii Paukukalo Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiohuii TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kurtistown Makuu Panaewa Piihonua Puueo	421 721 4,352 31 0 0 103 178 39 109 114 97 593 1,264	0 6 0 0 0 0 0 0 0 0 0 0	0 1 1 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	421 720 4,357 31 0 0 103 178 39 109 114 97 593 1,264	12 2 2 61 0 0 0 65 0 0 0 0 0 0 0 65 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	12 2~ 61 0 0 65 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 75 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 75 0 0 0 0 0 0	433 723 4,413 31 76 65 103 170 39 109 114 97 593 1,404	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 1 1 0 0 0 0 0 0 0 0 0	16 433 722 4,418 31 75 65 103 178 39 109 114 97 593 1,404
Waimanalo TOTAL MAUI Hikina Kahikinul Keokea Lelalii Paukukalo Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiohuli TOTAL EAST HAWAII Discovery Harbour Kamanoa Kaumana Keaukaha Kuristown Makuu Panaewa Piihonua Puueo	721 4,352 31 0 0 103 178 39 109 114 97 593 1,264	0 6 6 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1 1 0 0 0 0 0 0 0 0 0 0	720 4,357 31 0 103 178 39 109 114 97 593 1,264	2 61 0 0 0 655 0 0 0 0 0 0 0 0 0 655	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	2- 61 0 0 65 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 75 0 0 0 0 0 0 0 0 0 75	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0	0 0 75 0 0 0 0 0 0	433 723 4,413 31 76 65 103 170 39 109 114 97 593 1,404	0 6 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1 1 0 0 0 0 0 0 0 0 0 0	433 722 4,418 31 75 65 103 178 39 109 114 97 593 1,404
TOTAL MAUI Hikina Kahikinui Keokea Lelalii Paukukako Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiohuii TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kurtistown Makuu Panaewa Piihonua Puueo	4,352 31 0 0 103 39 109 114 97 593 1,264	0 0 0 0 0 0 0 0 0 0	1 0 0 0 0 0 0 0 0 0 0	4,357 31 0 0 103 178 39 109 114 97 593 1,264	00 00 65 00 00 00 00 00 65 65	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 55 0 0 0 0 0 0 0 0 0	0 75 0 0 0 0 0 0 0 0 0 75	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 75 0 0 0 0 0 0	4,413 31 76 65 103 178 39 109 114 97 593 1,404	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	722 4,418 31 75 65 103 178 39 109 114 97 593 1,404
MAUI Hikina Kahikinui Keokea Lelalii Paukukalo Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiohuli TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kurtistown Makuu Panaewa Piihonua Puueo	31 0 0 103 178 39 109 114 97 593 1,264	0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0	31 0 0 103 108 39 109 114 97 593 1,264	0 0 65 0 0 0 0 0 0 0 65	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 65 0 0 0 0 0 0 55	0 75 0 0 0 0 0 0 0 0 0 0 0 75	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0	0 75 0 0 0 0 0 0 0	31 76 65 103 176 39 109 114 97 593 1,404	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0	31 75 65 103 178 39 109 114 97 593 1,404
Hikina Kahikinui Keokea Lelalii Paukukako Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiohuii TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kurtistown Makuu Panaewa Piihonua Puueo	0 0 103 170 39 109 114 97 593 1,264	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0	0 0 103 178 39 109 114 97 593 1,264	0 655 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 85 0 0 0 0 0 0 0 55	75 0 0 0 0 0 0 0 0 0 75	0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0	75 0 0 0 0 0 0 0 0 75	75 65 103 178 39 109 114 97 593 1,404	0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	75 65 103 178 39 109 114 97 593 1,404
Hikina Kahikinui Keokea Lelalii Paukukako Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiohuii TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kurtistown Makuu Panaewa Piihonua Puueo	0 0 103 170 39 109 114 97 593 1,264	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0	0 0 103 178 39 109 114 97 593 1,264	0 655 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 85 0 0 0 0 0 0 0 55	75 0 0 0 0 0 0 0 0 0 75	0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0	75 0 0 0 0 0 0 0 0 75	75 65 103 178 39 109 114 97 593 1,404	0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	75 65 103 178 39 109 114 97 593 1,404
Kahikinul Keokea Lelaiii Paukukalo Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiohuli TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kurtistown Makuu Panaewa Piihonua Puueo	0 0 103 170 39 109 114 97 593 1,264	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0	0 0 103 178 39 109 114 97 593 1,264	0 655 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 85 0 0 0 0 0 0 0 55	75 0 0 0 0 0 0 0 0 0 75	0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0	75 0 0 0 0 0 0 0 0 75	75 65 103 178 39 109 114 97 593 1,404	0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	75 65 103 178 39 109 114 97 593 1,404
Keokea Leialii Paukukalo Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiohuli TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kurtistown Makuu Panaewa Piihonua Puueo	0 103 176 39 109 114 97 593 1,264	0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0	0 103 178 39 109 114 97 593 1,264	65 0 0 0 0 0 0 0 65	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	65 0 0 0 0 0 0 0 0 5 5	0 0 0 0 0 0 0 0 0 0 75	0 0 0 0 0 0 0	0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 75	65 103 176 39 109 114 97 593 1,404	0 0 0 0 0 0 0	0 0 0 0 0 0 0	65 103 178 39 109 114 97 593 1,404
Leialii Paukukalo Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiohuli TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kurtistown Makuu Panaewa Piihonua Puueo	103 176 39 109 114 97 593 1,264	0 0 0 0 0 0 0	0 0 0 0 0 0 0	103 178 39 109 114 97 593 1,264	0 0 0 0 0 0 0 0 65	0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 65	0 0 0 0 0 0 0 0 75	0 0 0 0 0 0	0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 75	103 178 39 109 114 97 593 1,404	0 0 0 0 0 0 0 0	0 0 0 0 0 0	103 178 39 109 114 97 593 1,404
Paukukalo Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiohuli TOTAL EAST HAWAII Discovery Harbour Karnaoa Kaumana Keaukaha Kurtistown Makuu Panaewa Piihonua Puueo	178 39 109 114 97 593 1,264 2 0 42 474 3	0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	178 39 109 114 97 593 1,264	0 0 0 0 0 0 65	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 65	0 0 0 0 0 0 75	0 0 0 0	0 0 0 0 0	0 0 0 0 0 0 0 75	176 39 109 114 97 593 1,404	0 0 0 0 0	0 0 0 0 0 0	178 39 109 114 97 593 1,404
Waiehu 1 Waiehu 2 Waiehu 3 Waiehu 4 Waiohuli TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kurdstown Manaewa Piihonua Puueo	39 109 114 97 593 1,264 2 0 42 474 3	0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	39 109 114 97 593 1,264	0 0 0 0 0 65	0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 65	0 0 0 0 0 75	0 0 0 0	0 0 0 0	0 0 0 0 0 75	39 109 114 97 593 1,404	0 0 0 0	0 0 0 0 0	39 109 114 97 593 1,404
Waiehu 2 Waiehu 3 Waiehu 4 Waiohuli TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kuristown Makuu Panaewa Piihonua Puueo	109 114 97 593 1,264 2 0 42 474 3	0 0 0 0 0	0 0 0 0 0 0 0 0	109 114 97 593 1,264 2 0 42	0 0 0 0 65	0 0 0 0 0	0 0 0 0	0 0 0 0 65	0 0 0 0 75	0 0 0 0 0	0 0 0 0	0 0 0 0 75	109 114 97 593 1,404	0 0 0 0	0 0 0 0	109 114 97 593 1,404
Waiehu 3 Waiehu 4 Waiohuli TOTAL EAST HAWAII Discovery Harbour Kamaoa Kamaoa Kaumana Keaukaha Kuristown Makuu Panaewa Piihonua Puueo	114 97 593 1,264 2 0 42 474 3	0 0 0 0	0 0 0 0 0	114 97 593 1,264 2 0 42	0 0 0 65	0 0 0	0 0 0	0 0 0 65	0 0 0 75	0 0 0 0	0 0 0 0	0 0 0 75	114 97 593 1,404	0 0 0	0 0 0 0	114 97 593 1,404
Waiehu 4 Waiehuli TOTAL EAST HAWAII Discovery Harbour Kamaoa Kamana Keaukaha Kurtistown Makuu Panaewa Pilhonua Puueo	97 593 1,264 2 0 42 474 3	0 0 0	0 0 0 0	97 593 1,264 2 0 42	0 0 65 0 0	0 0 0	0 0 0	0 0 65 0	0 0 75	0 0 0	0 0	0 0 75	97 593 1,404 . 2 25	0 0	0 0 0	97 593 1,404 2
Waiohuli TOTAL EAST HAWAII Discovery Harbour Karnaoa Kaumana Keaukaha Kurdistown Makuu Panaewa Piihonua Puueo	593 1,264 2 0 42 474 3	0 0 0 0 0	0 0 0 0 0	593 1,264 2 0 42	0 65 0 0	0 0 0	0 0 0	0 65 0 0	0 75	0	0	0 75	593 1,404 . 2 25	0 0 0	0	593 1,404 2
TOTAL EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kuröstown Makuu Panaewa Piihonua Puueo	1,264 2 0 42 474 3	0 0 0 0	0 0 0	1,264 2 0 42	0 0 0	0 0	0 0	65 0 0	75	0	0	75	1,404 . 2 25	0 0	0	1,404
EAST HAWAII Discovery Harbour Kamaoa Kaumana Keaukaha Kurdstown Makuu Panaewa Piihonua Puueo	2 0 42 474 3	0 0 0 0	0 0	2 0 42	0 0	0	0	0	0	0	0	0	. 2	0	0	2
Discovery Harbour Kamaoa Kaumana Keaukaha Kurdistown Makuu Panaewa Pilhonua Puueo	0 42 474 3	0 0 0	0	0 42	0	0	0	0					25	0		
Kamaoa Kaumana Keaukaha Kuröstown Makuu Panaewa Pilhonua Puueo	0 42 474 3	0 0 0	0	0 42	0	0	0	0					25	0		
Kaumana Keaukaha Kuristown Makuu Panaewa Piihonua Puueo	42 474 3	0	0	42	0				25	D	D	25			a	25
Keaukaha Kurtistown Makuu Panaewa Pilhonua Puueo	474 3	0				11	U									
Kurdstown Makuu Panaewa Pilhonua Puueo	3		U				-	0	0	0	0	0		0	0	42
Makuu Panaewa Piihonua Puueo	-	, u	0		0	0	0	0	0	0	0	0	474	0	0	474
Panaewa Pilhonua Puueo				3	0	0	0	0	0	-	0	0	3	0	0	3
Piihonua Puueo	0	0	0	0	121	0	0	121	0	0	0	0	121	0	0	121
Puveo	13 17	0	0	13 17	260 0	0	0	260 0	0	0	0	0	273	0	0	273
	0	0	0	0	12	0	0	12	0	0	0	0	17 12	0	0	17
Louisetails treiding	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	12
Walakea	286	Ö	0	286	0	0	0	0	0	0	0	0	286	0	0	286
TOTAL	841	ŏ	0	841	393	ō	ő	393	25	o	Ö	25	1,259	0	0	1,259
	•11	_					_	030		<u>.</u>			1,200		····	1,200
WEST HAWAII								,								
Honokaia	0	0	0	0	0	0	0	0	24	0	0	24	24	0	0	24
Humouta	0	0	0	0	0	0	0	0	5	0	0	5	5	0	0	5
Kamoku	0	0	0	0	0	0	0	0	16	0	0	16	16	0	0	16
Kaniohale	224	0	0	224	0	0	0	0	0	0	0	0	224	0	0	224
Kawaihae	192	0	0	192	0	0	0	0	1	0	0	1	193	0	0	193
Laiopua	283	0	0	283	0	0	0	0	0	0	0	0	283	0	0	283
Lalamilo	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Nienie	0	0	0	0	0	0	0	0	21	0	0	21	21	0	0	21
Puukapu/Waimea/Kuhio Vii	116	0	0	116	110	0	0	110	218	0	0	218	444	0	0	444
Puopolehu	33	0	0	33	0	0	0	0	0	0	0	0	33	0	0	33
TOTAL	878	0	0	878	110	0	0	110	285	0	0	285	1,273	0	0	1,273
KAUAI																
Anahola	532	0	0	532	46	0	0	48	0	0	0	0	578	0	0	578
Hanapepe	47	0	Õ	47	Õ	ŏ	ŏ	0	ŏ	Ö	ŏ	Ō	47	ō	ŏ	47
Kekaha	117	ō	ŏ	117	ō	ŏ	ŏ	Ö	ŏ	ŏ	Ö	Ŏ	117	ō	Õ	117
Puu Opae	0	0	Ō	0	0	Ö	Ö	Ö	i	Ö	Ö	1	1	Ō	0	1
TOTAL	696	0	Ó	696	46	0	0	46	1	ō	Ō	1	743	0	0	743
MOLOKAI	400	c	•	4-0	^*-			***	6.4				-14	^	•	-/-
Hoolehua	153	0	0	153	345	0	0	345	21	0	0	21	519	0	0	519
Kalamaula	166	0	0	166	70	0	0	70	3	0	0	3	239	0	0	239
Kapaakea	47	0	0	47	0	0	0	0	3	0	0	3	50	0	0	50
Moomomi One Alii	0	0	0	0 27	3 0	0	0	3	0	0	0	0	3	0	0	3
One Alii TOTAL	27 393	0	0	21 393		0		0 418	0 27	0	0	0 27	27 838	0	0 0	27 838
IUIAL	333	v	v	393	418	<u> </u>	0	418		U	0	21	636		<u> </u>	- 638
LANAI																
Lanai	44	0	0	44	0	0	0	0	0	0	0	0	44	0	0	44
TOTAL	44	0	. 0	44	0	0	0	0	0	0	0	0	44	0	0	44
STATEWIDE TOTAL	8,468	6	1	8,473	1,093	0	0	1,093	413	0	0	413	9,974	6	1_	9,979

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING August 31, 2021

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AREA WAITING LIST

Name			RESIDENCE	NCE			AGRICULTURE	TURE			PASTURE	JRE			
Sign	DISTRICT AREA	Last Month	Add	Cancel	TOTAL	Last Month	Add	Sancel	TOTAL	Last Month	Add	Cancel	TOTAL	۱	OTAL
128	istrict	936	-	N G	934 450	۰ د	0	o 6	۰,	0 1	0 (0 (0 1		934
123 0 0 513 28 0 0 28 46 0 0 46 1	SINCI	ਨ <u>:</u>	-	o '	<u>ا</u>	4	>	0	ব	c.	5	0	ņ		23
1,186	District	129	0	0	129	28	0	0	78	46	0	0	46		203
The color of the	listrict	5	0	0	51	ო	0	0	ო	27	0	0	27		81
1,186	i District	20	0	0	20	18	0	0	18	-	0	0	-		33
RESIDENCE AGRICULTURE PASTURE TOTAL Last Month Add Cancel TOTAL Addition Transfers Last Rescisions Last Rescis	TOTAL	1,186	0	2	1,184	53	0	0	53	6/	0	0	62		1,316
RESIDENCE AGRICULTURE PASTURE PASTURE PASTURE															
Last Month Add Cancel TOTAL Add Cancel	WIDE WAITING LIST														
Last Month Add Cancel TOTAL Last Month Add Cancel TOTAL Last Month Add Cancel TOTAL 10,051 7 5 10,053 3,864 5 0 4,696 619 1 0 <td></td> <td></td> <td>RESIDE</td> <td>NCE</td> <td></td> <td></td> <td>AGRICUL</td> <td>TURE</td> <td></td> <td></td> <td>PAST</td> <td>Æ</td> <td></td> <td></td> <td></td>			RESIDE	NCE			AGRICUL	TURE			PAST	Æ			
10 051 7 5 10 053 3.864 5 0 3.869 0 0 0 0 0 3,835 8 1 3,842 4,691 5 0 7,250 1908 1 0 1,909 1,649 3 0 1,652 2,248 2 0 2,250 301 1 0 302 1,649 3 0 1,652 2,248 2 0 1,082 205 1 0 302 1,649 3 0 1,652 2,248 2 0 1,082 205 1 0 302 1,649 3 0 1,652 2,248 2 0 1,082 205 1 0 206 1,649 3 0 1,652 2,248 2 0 1,082 205 1 0 206 1,735 3,869 0 14,865 15,236 14,844 3,033 4 0 3,037 1,703 2,253 3,29 4,285 4,285 Application Transfers 0 Voluntary Cancellations 0	SLAND	Last Month	Add	Cancel	TOTAL	Last Month	Add	Sancel	TOTAL	Last Month	Add	Cancel	TOTAL	ř	OTAL
3,835 8 1 3,842 4,691 5 0 4,696 619 1 0 620 5,830 7 0 5,837 7,287 1,908 1 0 1,999 1,649 3 0 1,652 2,246 2 0 1080 2 0 1 0 1,909 17 2 3,17 1080 2 0 108 0 <t< td=""><td></td><td>10,051</td><td>7</td><td>5</td><td>10,053</td><td>3,864</td><td>5</td><td>0</td><td>3,869</td><td>0</td><td>0</td><td>0</td><td></td><td>+</td><td>3,922</td></t<>		10,051	7	5	10,053	3,864	5	0	3,869	0	0	0		+	3,922
5,830 7 6,837 7,283 4 0 7,287 1,908 1 0 1,909 1,649 3 0 1,652 2,248 2 0 2,250 301 1 0 302 1,649 3 0 1,652 2,248 2 0 1082 205 1 0 206 75 0 1 0<		3,835	œ	-	3,842	4,691	υ	0	4,696	619	-	0	620	٠,	9,158
1,649 3 0 1,652 2,248 2 0 2,250 301 1 0 302 817 2 2 1,680 2 0 1082 205 1 0 <	Hawaii	5,830	7	0	5,837	7,283	4	0	7,287	1,908	-	0	1,909	¥	5,033
New Lease Awards 1,100 1		1,649	ო	0	1,652	2,248	2	0	2,250	301	τ	0	302	•	4,204
75 0 1 74 0 0 0 0 0 0 0 0 0	Molokai	817	7	7	817	1080	7	0	1082	205	τ-	0	206	••	2,105
22,257 27 9 22,275 19,166 18 0 19,184 3,033 4 0 3,037 RES AG PAS TOTAL New Applications 49 New Lease Awards 10,987 3,869 0 14,856 New Applications 49 New Lease Awards 3,892 4,700 625 9,217 Application Transfers 0 Application Transfers 5,966 7,315 1,955 15,236 Lease Rescissions 0 Succd and Cancel Own Public Notice Cancel 1,703 2,253 329 4,285 App Reinstatements 0 Voluntary Cancellations 837 1,100 207 2,144 HHC Adjustments 0 Voluntary Cancellations 74 0 0 74 45,812 TOTAL 45,812 Additional Acreage 23,459 19,237 3,116 45,812 Additional Acreage		75	٥	-	74	0	٥	0	0	0	٥	0	0		74
RES AG PAS TOTAL ADDITIONS New Applications Application Transfers Application Transfers CANCELLATIONS 10,987 3,869 0 14,856 New Applications 49 New Lease Awards 3,892 4,700 625 9,217 Application Transfers 0 Application Transfers 5,966 7,315 1,955 15,236 Lease Rescissions 0 Public Notice Cancel Own 1,703 2,253 329 4,285 App Reinstatements 0 Voluntary Cancellations 1,703 207 2,144 HHC Adjustments 0 Voluntary Cancellations 1,700 207 2,144 HHC Adjustments 0 Voluntary Cancellations 1,100 207 2,144 HHC Adjustments Decid No Successor 23,459 19,237 3,116 45,812 Additional Acreage	TOTAL	22,257	27	o	22,275	19,166	8	0	19,184	3,033	4	0	3,037	4	4,496
RES AG PAS TOTAL ADDITIONS CANCELLATIONS 10.987 3,869 0 14,856 New Applications 49 New Lease Awards 3,892 4,700 625 9,217 Application Transfers 0 Application Transfers 5,966 7,315 1,955 15,236 Lease Rescissions 0 Succh and Cancel Own 1,703 2,253 329 4,285 App Reinstatements 0 Voluntary Cancellations 837 1,100 207 2,144 HHC Adjustments 0 Voluntary Cancellations 74 0 74 45,812 TOTAL 49 HHC Adjustments 23,459 19,237 3,116 45,812 Adjustments Dect No Successor	ND ISLANDWIDE LISTS	ø													
10,967 3,869 0 14,856 New Applications 49 New Lease Awards 3,892 4,700 625 9,217 Application Transfers 0 Application Transfers 5,966 7,315 1,955 15,236 Lease Rescissions 0 Succid and Cancel Own 1,703 2,253 329 4,285 App Reinstatements 0 Public Notice Cancel 837 1,100 207 2,144 HHC Adjustments 0 Voluntary Cancellations 74 0 0 74 45,812 HHC Adjustments Deck No Successor 23,459 19,237 3,116 45,812 Activity Adjustments Additional Acreage NHQ Unqualified NHQ Unqualified		RES		AG	PAS	TOTAL	L		ADDITION	S	L		CANCELLA	NOIL	Γ
3,892 4,700 625 9,217 Application Transfers 0 Application Transfers 5,966 7,315 1,955 15,236 Lease Rescissions 0 Succh and Cancel Own 1,703 2,253 329 4,285 App Reinstatements 0 Public Notice Cancel 837 1,100 207 2,144 HHC Adjustments 0 Voluntary Cancellations 74 0 0 74 HHC Adjustments Deck No Successor 23,459 19,237 3,116 45,812 A5,812 Additional Acreage NHQ Unqualified NHQ Unqualified		10,987		3,869	0	14,856	JΖ	ew Applica	ations	49] <u>~</u>	lew Lease	Awards]∞
5,966 7,315 1,955 15,236 Lease Rescissions 0 Succ'd and Cancel Own 1,703 2,253 329 4,285 App Reinstatements 0 Public Notice Cancel 837 1,100 207 2,144 HHC Adjustments 0 Voluntiary Cancellations 74 0 74 HC Adjustments HC Adjustments 23,459 19,237 3,116 45,812 Bec'd No Successor Additional Acreage NHQ Unqualified		3,892		4,700	625	9,217	⋖	pplication	Transfers	0	1	pplication	Transfers		0
1,703 2,253 329 4,285 App Reinstatements 0 Public Notice Cancel 837 1,100 207 2,144 HHC Adjustments 0 Voluntary Cancellations 74 0 0 74 HHC Adjustments Bease Successorships 23,459 19,237 3,116 45,812 Bec'd No Successor Additional Acreage NHQ Unqualified	HAWAII	5,966		7,315	1,955	15,236		ease Resc	issions	0	υ,	ucc'd and	Cancel Own		7
837 1,100 207 2,144 HHC Adjustments 0 Voluntary Cancellations 74 0 0 74 Lease Successorships 23,459 19,237 3,116 45,812 Dec'd No Successor Additional Acreage NHQ Unqualified	KAUAI	1,703		2,253	329	4,285	⋖	pp Reinsta	stements	0	_	ublic Notic	e Cancel		0
74 0 0 74 TOTAL 49 Lease Successorships 23,459 19,237 3,116 45,812 Dec'd No Successor Additional Acreage Additional Acreage NHQ Unqualified	MOLOKAI	837		1,100	207	2,144	I	HC Adjust	ments	0	_	oluntary C	ancellations		0
23,459 19,237 3,116 45,812 HHC Adjustments Dec'd No Successor Additional Acreage NHQ Unqualified	LANAI	74		0	0	74	ľ				_	ease Succ	essorships		0
sor Je	TOTAL	23,459		19,237	3,116	45,812					_	IHC Adjust	ments		0
Эе												S oN p.oe	uccessor		-
											•	dditional A	creage		0
											_	HQ Unqua			0

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

					Augu	August 31, 2021	21						
		RESIDENCE	ENCE			AGRICULTURE	TURE			PASTURE	묊		
OAHU DISTRICT	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add (Cancel	TOTAL	TOTAL
Nanakuli	162	0	0	162	0	0	0	0	0	0	0	0	162
Waianae	. 141	0	0	141	0	0	0	0	0	0	0	0	141
Lualualei	0	0	0	0	0	0	0	0	0	0	0	0	0
Papakolea/Kewalo	89	0	-	29	0	0	0	0	0	0	0	0	29
Waimanalo	260	0	-	559	0	0	0	0	0	0	0	0	559
Subtotal Area	936	0	8	934	0	0	0	0	0	0	0	0	934
Islandwide	10,051	7	ഗ	10,053	3,864	Ŋ	0	3,869	0	0	0	0	13,922
TOTAL OAHU APPS	10,987	7	7	10,987	3,864	2	0	3,869	0	0	0	0	14,856
MAUI DISTRICT													
Paukukalo	20	0	0	50	0	0	0	0	0	0	0	0	20
Kula	0	0	0	0	4	0	0	4	S	0	0	S	6
Subtotal Area	20	0	0	20	4	0	0	4	5	0	0	ß	59
Islandwide	3.835	ထ		3.842	4.691	Ŋ	0	4.696	619		0	620	9.158
TOTAL MAUI APPS	3,885	8	-	3,892	4,695	5		4,700	624	-	0	625	9,217
HAWAII DISTRICT				•	•			•					•
Kearkaha/Wajakea	69	c	c	69	C	0	C	C	c	-	c	c	69
	? ~	· c		3	. τ	· c) C	ά	• c	· c	· c) C	3 4
Langewa	.	> 0	o (.	2 0	.	o (2 (> (.	.	.	<u>o</u> (
Humuula	9	o	o :	o :	o '	.	.	o .	o '	.	.	o '	o ;
Kawaihae	16	0	0	16	0	0	0	0	0	0	0	0	16
Waimea	4	0	0	44	12	0	0	12	46	0	0	46	102
Subtotal Area	129	0	0	129	5 8	0	0	28	46	0	0	46	203
Islandwide	5,830	7	0	5,837	7,283	4	0	7,287	1,908	-	0	1,909	15,033
TOTAL HAWAII APPS	5,959	7	0	5,966	7,311	4	0	7,315	1,954	-	•	1,955	15,236
VALIAL DICTORT													
	•	•	ć	Ş	•	•	ď	•	ć	•	ć	ć	Č
Ananola 7		> (-	ž.	n (> 0	5 6	? (1 5	-	-	1 6	99
Kekana/Puu Opae	יי ני	-	- (x 0 ;	o (-	> () (- 10	- (-	- [<u>د</u> :
Subtotal Area	5	o (o (51	n ;	5 (o (8	77	o ·	o (72	81
Islandwide	1,649	က	0	1,652	2,248	2	٥	2,250	301	-	0	302	4,204
TOTAL KAUA! APPS	1,700	e	0	1,703	2,251	7	0	2,253	328	-	0	329	4,285
MOLOKAI DISTRICT													
Kalamaula	4	0	0	4	0	0	0	0	0	0	0	0	4
Hoolehua	80	0	0	æ	18	0	0	£,	-	0	0	•	27
Kapaakea	7	0	0	7	0	0	0	0	0	0	0	0	7
One Alii	-	0	0	-		0	0	0	0	0	0	0	-
Subtotal Area	20	0	0	20	18	0	0	18	-	0	0	-	39
Islandwide	817	8	8	817	1,080	2	0	1,082	205	τ-	0	206	2,105
TOTAL MOLOKAI APPS	837	2	2	837	1,098	7	0	1,100	206	-	0	207	2,144
LANAI DISTRICT													
Islandwide	75	0	-	74	0	0	0	0	0	0	0	0	74
TOTAL LANAI APPS	75	0	1	74	0	0	0	0	0	0	0	0	74
TOTAL AREA ONLY	1.186	0	7	1,184	23	0	0	23	62	0	0	79	1,316
TOTAL ISLANDWIDE	22,257	27	σ ι	22,275	19,166	18	0	19,184	3,033	4	0	3,037	44,496
TOTAL STATEWIDE	23,443	27	£	23,459	19,219	18	0	19,237	3,112	4	0	3,116	45,812
"													

DELINQUENCY REPORT - STATEWIDE September 20, 2021 (\$Thousands)

tals 121	\$ 25.7%	31.8%	5.7%	7.0%	12.7%	28.3%	22.4%	100%	27.5%	0.0% 71.2% 0.0% 96.3% 0.0% 4.0% 90.5% 91.1% 13.5%	
% of Totals 8/31/2021	No. 28.5%	25.6%	7.1%	14.6%	17.4%	29.2%	23.8%	400%	38.6%	0.0% 60.0% 0.0% 92.3% 0.0% 22.2% 25.1% 2.7% 82.2% 12.5% 16.0%	
Severe)	Amt. 5,927	3,210	364	304	214	2.538	12,557 14.4%		12,557	15,202 15,202 27,760 27,760	
180 Days (Severe)	No. 57	40	4	7	4	15	127 13.3%		127	115 115 242 242	
(Amt. 1,999	614	0	23	226	641	3,502 4.0%	6,194	9,697	0 986 0 7 260 8,052 44906 44,906 45,848 63,597	•
S K 90 Days (High)	30 30	œ	0	_	4	7	50 5.2%	231	281	0 27 27 12 12 12 280 273 273 4 4 8 659	
R I Medium)	Amt, 0	0	0	0	0	Ol	0 0.0%	0	0	20 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	
R 60 Days (Medium)	oN O	0	0	0	0	01	0.0%	0	0	000000000 F00H FF	
Ū	Amt. 2,011	112	134	164	481	207	3,408 3.9%	0	3,408	0 0 0 0 197 197 3,605 3,605	
30 Days (low)	No. 26	£	2	4	80	ဖျ	5.3%	0	55	52 11001 1000000000000000000000000000000	
nquency	Amt. 9,937	3,936	498	490	922	3,686	19,468 22.4%	6,194	25,662	6,790 986 986 0 7 7 260 8,052 15,686 44,906 61,450 88,970 95,164	
Total Delinquency	113 113	53	9	12	16	28	228 23.8%	231	459	56 27 11 120 227 39 37 37 35 37	
tanding (000s)	Amt. 38,741	12,373	8,696	7,031	7,233	13.005	87,078 100.0%	6,194	93,273	102 33,639 1,385 7 7 2,531 22 38,030 21,434 17,334 496,064 534,832 659,940	
Total Outstanding	396	207	84	82	95	<u>96</u>	957 100.0%	231	1,188	2020 2 300 45 5 113 146 2.873 3.168 4,515 4,746	
	DIRECT LOANS OAHU	EAST HAWAII	WEST HAWAII	MOLOKAI	KAUAI	MAUI	TOTAL DIRECT	Advances (including RPT)	DHHL LOANS & Advances	SBA USDA-RD Habitat for Humanity Maui County Nanakuli NHS City & County FHA Interim OHA TOTAL GUARANTEE PMI Loans HUD REASSIGNED for Recovery FHA Insured Loans TOTAL INS. LOANS OVERALL TOTALS(EXC Adv/RP 4, ADJUSTED TOTALS	

Note: HUD 184A loan program has 531 loans, with a total outstanding principal balance of \$116,367,560 as of June 30, 2020. 45 Loans, totaling \$10,558,792 are delinquent.

The deferred interest for 571 loans comes out to \$2,496,989.05 as of 8/31/2021.

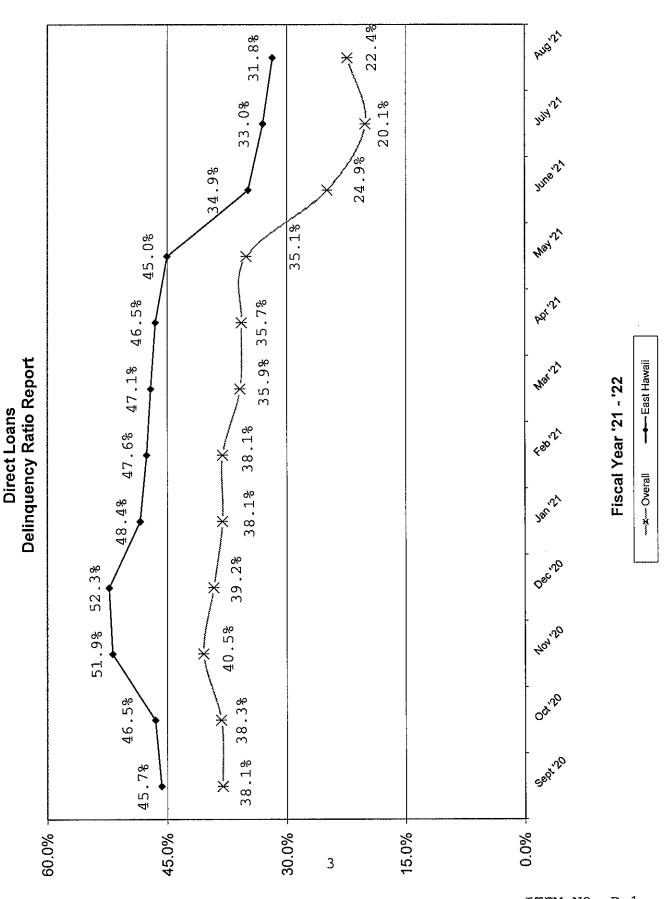
<u>ITEM NO. D-1</u> EXHIBIT B

Mid 27 22.48 25.78 MH-57 22.78 20.1% 29.0% mue,57 24.9% 1424.21 35.1% 38.6% 39.3% 35.7% Mar. 21 **Delinquency Ratio Report** 35.9% 38.8% --Oahu Fiscal Year '21 - '22 38.1% 41.48 41.78 38.1% Osc. 20 41.9% 39.2% 401.20 44.18 40.58 Oct.20 43.18 38.3% Sept 10 43.1% 38.1% 45.0% %0.09 30.0% 15.0% 0.0% 2

Direct Loans

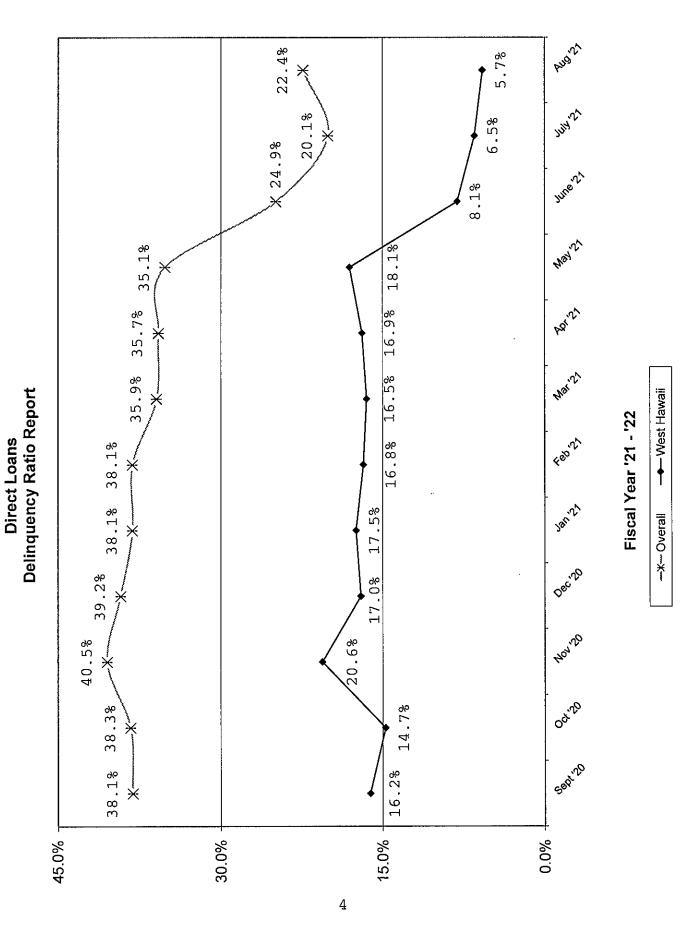
OAHO

ITEM NO. D-1 EXHIBIT B



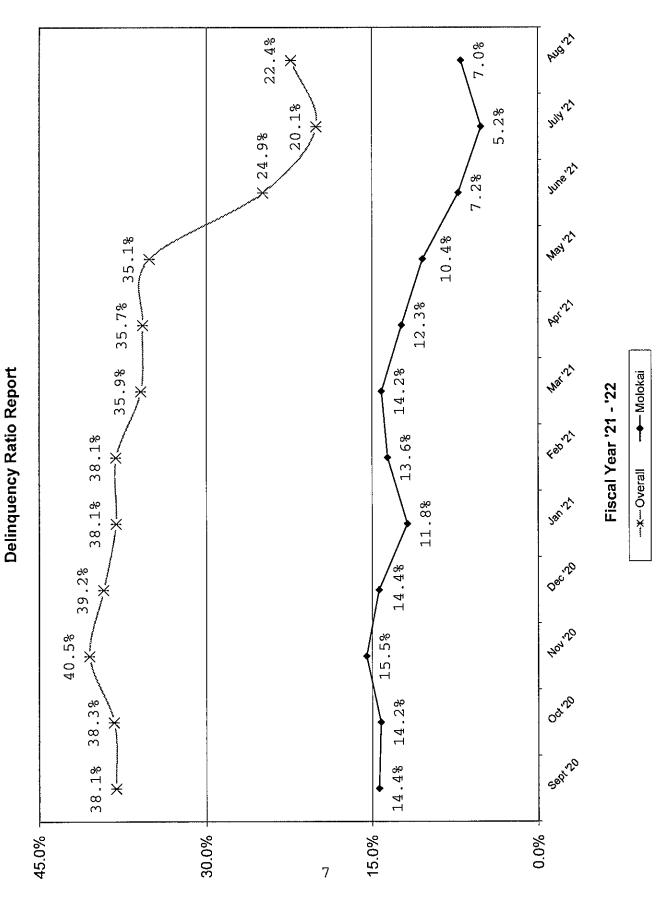
EAST HAWAII

ITEM NO. D-1 EXHIBIT B



WEST HAWA!!

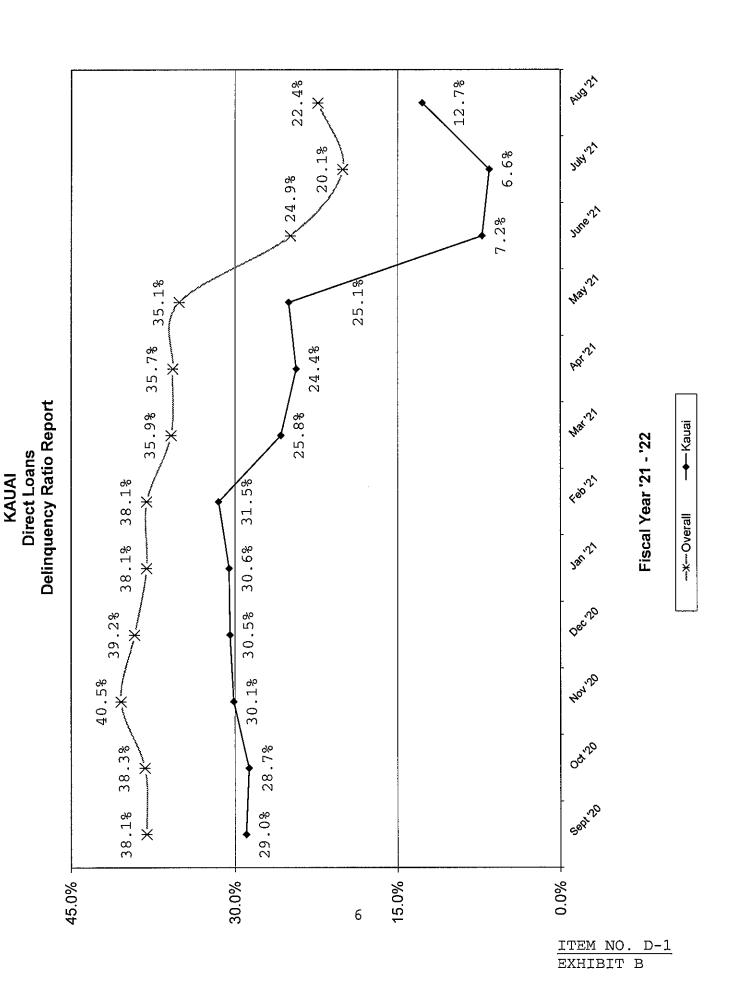
ITEM NO. D-1 EXHIBIT B



Direct Loans

MOLOKAI

ITEM NO. D-1 EXHIBIT B



22.48 28.3% 24.8% 20.1% 34.5% 24.98 May 21 45.8% 35.1%46.78 35.7% 47.18 35.9% Direct Loans Delinquency Ratio Report → Maui Fiscal Year '21 - '22 keping, 50.8% 38.1% 50.48 38.1% Oec.20 52.1% 39.2% 51.7% 40.5% 51.1% 38.3% 49.2% 38.1% %0.09 15.0% 45.0% 30.0% 0.0% 5

MAUI

ITEM NO. D-1 EXHIBIT B

September 20, 2021

SUBJECT: DHHL Guarantees for FHA Construction Loans

DISCUSSION: The Department issues guarantees to FHA lenders

during the construction period of a home, as FHA does not insure the loan until the home is completed. The loan term for these loans do not exceed fifteen (15) months from the date of loan signing. The following

FHA Interim Construction loans were issued

guarantees:

*Note: FHA loans are insured by the U.S. Department of

Housing and Urban Development (HUD) and do not impact

the State's guaranty ceiling.

LEASE NO.	AREA	<u>LESSEE</u>	Loan <u>Amount</u>	Date Approved
11116	Anahola	Kaaihue, Lisa L.	\$348,966	8/27/21

	No.	Balance
FY Ending 6/30/21	7	\$ 1,917,178
Previous Months This Month	1 1	\$ 360,525 348,966
FY '21-'22 to date	2	\$ 709,491

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator /

Homestead Services Division

FROM: Dean Oshiro, Loan Services Manage:

SUBJECT: Approval of Consent to Mortgage

RECOMMENDED MOTION/ACTION

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

DISCUSSION

PROPERTY	LESSEE	LENDER	LOAN AMOUNT
OAHU			
Kanehili Lease No. 12345 TMK: 1-9-1-151:025	MATHIAS, Robin Rose H. (Cash Out Refi) FHA	HighTechLen- ding Inc.	\$ 448,387
Waianae Lease No. 4424 TMK: 1-8-5-030:052	ROWLAND, Charlene (Cash Out Refi) FHA	Guild Mortgage	\$ 272,475
Kewalo Lease No. 2192 TMK: 1-2-4-040:027	GARCIA, Elizabeth G. (Streamline Refi) FHA	Guild Mortgage	\$ 337,000

OAHU

Waianae Lease No. 5335 TMK: 1-8-5-033:046	KELLY, Kolani B. (Cash Out Refi) FHA		\$ 340,000
Waianae Lease No. 6768 TMK: 1-8-5-031:075	KEALOHA, Pauline (Cash Out Refi) FHA	HomeStreet Bank	\$ 180,000
Waiahole Lease No. 6644 TMK: 1-4-8-009:019	BALAURO, Kimberly (Cash Out Refi) FHA	HomeBridge Financial Services, Inc.	\$ 263,911
Kaupea Lease No. 12139 TMK: 1-9-1-140:031	TEIXEIRA, Genevieve K. (Cash Out Refi) FHA		\$ 302,000
Kalawahine Lease No. 9695 TMK: 1-2-4-043:036	KELIIPULEOLE, Michael-Daniel K. (Cash Out Refi) HUD 184A		\$ 345,420
Kauluokahai Lease No. 12359 TMK: 1-9-1-017:110	NG, Devin D. H. (Rate Term Refi) FHA	Bank of Hawaii	\$ 362,000
<pre>Kanehili Lease No. 11867 TMK: 1-9-1-153:151</pre>	LESLIE, Gordon K. (Rate Term Refi) FHA	Mid America Mortgage Inc.	\$ 392,000
Kanehili Lease No. 11773 TMK: 1-9-1-153:125	MILLER, Kimberly N.(Cash Out Refi) VA	Department of Veterans Affairs	\$ 475,000
Nanakuli Lease No. 5700 TMK: 1-8-9-015:006	MONTEZ, Ryan P. (Purchase) FHA	Guild Mortgage	\$ 174,290
		ITEM NO	. D-2

<u>OAHU</u>

Maluohai Lease No. 12747 TMK: 1-9-1-120:084	Valdez, Pebbles K. (Purchase) FHA	Guild Mortgage	\$ 514,141
Nanakuli Lease No. 8610 TMK: 1-8-9-017:045	VON OELHOFFEN, Tatiana J. K. (Cash Out Refi) FHA		\$ 432,000
Kanehili Lease No. 11818 TMK: 1-9-1-152:014	KEAUNUI, Gay K. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 325,000
Kanehili Lease No. 12622 TMK: 1-9-1-151:014	BENANUA, Gordon F. (Cash Out Refi) FHA		\$ 266,240
Princess Kahanu Estates Lease No. 8562 TMK: 1-8-7-033:032	CHOY, Avery K. (Rate Term Refi) FHA	HomeStreet Bank	\$ 300,000
Kumuhau Lease No. 11217 TMK: 1-4-1-040:006	SOARES, Wayne R. (Cash Out Refi) FHA	Guild Mortgage	\$ 450,000
Kewalo Lease No. 938 TMK: 1-2-5-021:007	APANA, Mathew K. (Cash Out Refi) FHA	HighTechLen- ding Inc.	\$ 544,950
Lualualei Lease No. 5503 TMK: 1-8-6-023:054	BOBILES, Dawn E. (Cash Out Refi) FHA	Bank of Hawaii	\$ 251,000
Kauluokahai Lease No. 12334 TMK: 1-9-1-017:088	OSBORNE, Shawnette K. (Cash Out Refi) FHA	HighTechLen- ding Inc.	\$ 412,500

<u>OAHU</u>

Kauluokahai Lease No. 12952 TMK: 1-9-1-017:110	KEOLANUI, Anna (Purchase) FHA	· · · · · · · · · · · · · · · · · · ·
Kauluokahai Lease No. 12946 TMK: 1-9-1-017:110	ARIAS, Netti (Purchase) FHA	Guild \$ 381,000 Mortgage
Nanakuli Lease No. 8748 TMK: 1-8-9-017:012	MAN, Jan-Maxine P. (Cash Out Refi) FHA	HomeStreet \$ 259,500 Bank
Princess Kahanu Estates Lease No. 8382 TMK: 1-8-7-043:025	LOPES, Wesley K. (Cash Out Refi) FHA	Mann \$ 262,000 Mortgage LLC
Waianae Lease No. 10251 TMK: 1-8-5-036:028	ROBINS, Roy G. M., Sr. (Cash Out Refi) FHA	HighTechLen- \$ 350,325 ding Inc.
Nanakuli Lease No. 5918 TMK: 1-8-9-013:025	KAAIALII, Andrea J. K. Y. (Cash Out Refi) FHA	HighTechLen- \$ 311,400 ding Inc.
Lualualei Lease No. 8924 TMK: 1-8-6-023:124	AKEN, Gordon K., Jr. (Cash Out Refi) HUD 184A	
Kanehili Lease No. 11868 TMK: 1-9-1-152:120	NAHINA, Solomon K. (Rate Term Refi) FHA	Mid America \$ 365,000 Mortgage Inc.
Waimanalo Lease No. 2718Z TMK: 1-4-1-019:005	JOHNSON, Melissa K. K. (Cash Out Refi) FHA	Mid America \$ 302,000 Mortgage Inc. ITEM NO. D-2

OAHU

Nanakuli Lease No. 2624 TMK: 1-8-9-006:079	VICTOR, Vaughn E. L. (Cash Out Refi) FHA		\$ 200,000
MOLOKAI			
Hoolehua Lease No. 5012 TMK: 2-5-2-023:024	PUAOI, William K. D. (Cash Out Refi) FHA	Guild Mortgage	\$ 126,000
MAUI			
Waiohuli Lease No. 7487 TMK: 2-2-2-028:010	SANG, John K. (Rate Term Refi) HUD 184A	HomeBridge Financial Services, Inc.	\$ 217,150
Leialii Lease No. 11530 TMK: 2-4-5-036:103	KEKAHUNA, Gordon E. N. (Cash Out Refi) FHA	_	\$ 265,000
Waiohuli Lease No. 10288 TMK: 2-2-2-028:051	KONG, Cherly (Purchase) FHA	loanDepot.c- om, LLC	\$ 451,000
Leialii Lease No. 11523 TMK: 2-4-5-036:003	STORER, Kalikolehua (Cash Out Refi) FHA	HomeStreet Bank	\$ 340,880
Waiohuli Lease No. 7743 TMK: 2-2-2-028:133	GARSO, Lahela L. (Cash Out Refi) FHA	Bank of Hawaii	\$ 384,000
Leialii Lease No. 11443 TMK: 2-4-5-036:034	KANEKOA, James K. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 290,000

KAUAI

Hanapepe Lease No. 8885 TMK: 4-1-8-018:024	GADINGAN, Rhonda M. K. F. (Purchase) FHA	SecurityNat- ional Mortg- age Company	
<u>HAWAII</u>			
Keaukaha Lease No. 10273 TMK: 3-2-1-020:047	KUALII, Ikaika H. (Purchase) FHA	V.I.P. Mortgage Inc.	\$ 253,000
Puupulehu Lease No. 7048 TMK: 3-6-4-032:021	KWON, Waynette L. H. (Cash Out Refi) FHA	Mann Mortgage LLC	\$ 152,000
Kaniohale Lease No. 9378 TMK: 3-7-4-023:065	ELLIS, Bryan G. K. (Streamline Refi) FHA	V.I.P. Mortgage Inc.	\$ 142,000
Keaukaha Lease No. 4248 TMK: 3-2-1-024:042	ARTHUR, Shanna K. (Cash Out Refi) FHA	HomeBridge Financial Services, Inc.	\$ 205,000
Kawaihae Lease No. 7123 TMK: 3-6-1-008:027	GRACE, Richard K. (Cash Out Refi) FHA	HomeBridge Financial Services, Inc.	\$ 311,400
Laiopua Lease No. 10874 TMK: 3-7-4-027:095	BELANIO, Rory K. (Purchase) FHA	V.I.P. Mortgage Inc.	\$ 253,000
Waiakea Lease No. 4067 TMK: 3-2-2-059:052	KELA, Samson I. Jr. (Cash Out Refi) FHA	Mann Mortgage LLC	\$ 158,000

HAWAII

Puukapu STEVENS, Mid America \$ 158,000

Lease No. 2705B Sydney Lee M. (Cash Mortgage

TMK: 3-6-4-004:060 Out Refi) FHA Inc.

RECAP	NO.	FHA AMOUNT	NO.	VA AMOUNT
FY Ending 6/30/21	535	\$ 172,610,901	26	\$ 8,186,829
Prior Months This Month	86 43	\$ 28,616,959 13,212,899	2 1	\$ 885,687 475,000
Total FY '21-'22	129	\$ 41,829,858		\$ 1,360,687
		HUD 184A AMOUNT		USDA-RD AMOUNT
FY Ending 6/30/21	77	\$ 23,021,162	13	\$ 5,288,000
Prior Months This Month	15 3	\$ 4,805,224 1,067,570	3 0	\$ 249,000 0
Total FY '21-'22	18	\$ 5,872,794	3	\$ 249,000

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator

Homestead Services Division

FROM: Dean Oshiro, Loan Services Branch Managek

SUBJECT: Approval of Streamline Refinance of Loans

RECOMMENDED MOTION/ACTION

To approve the refinancing of loans from the Hawaiian Home General Loan Fund.

DISCUSSION

The following lessees have met the "Streamline/Interest rate reduction loan" criteria, which was approved by the Hawaiian Homes Commission at its August 19, 2013 meeting. This criteria includes twelve (12) consecutive monthly payments, borrower's current interest rate is higher than the current DHHL interest rate, current with their Homeowners Insurance, Real Property Tax, Lease Rent, county sewer/refuse fees, and does not have any advances made by DHHL on the borrowers behalf.

HSD's recommendation for approval is based on actual payment history, over the past twelve (12) months and the review of the above-mentioned criteria. Streamline/Interest Rate Loan refinancing will provide lessees a chance to simply reduce their interest rate and payments without DHHL having to credit and/or income qualify the borrower.

The following lessee(s) has met the aforementioned criteria and is recommended for Streamline/Interest rate reduction loan refinance program:

LESSEE LEASE NO. & AREA REFINANCING LOAN TERMS

Muraoka, Lyle H. 11325, Kekaha NTE \$158,350 @4% interest

per annum, NTE \$1,172

monthly, repayable over 15

years.

Loan Purpose: Refinance Contract of Loan No. 18970.

Original loan amount of \$198,975 at

4.5% per annum, \$1,106 monthly,

repayable over 25 years. A Contested Case Hearing was not held for this

account.

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Paleka, Allen K.H. 11454, Leialii NTE \$267,500 @4% interest

per annum, NTE \$1,300 monthly, repayable over 30

years.

Loan Purpose: Refinance ASB Buyback Loan No. 18715.

Original loan amount of \$256,918 at 5.875% per annum, \$1,520 monthly, repayable over 30 years. A Contested Case Hearing was held on October 23,

2012 for this account.

Yung, Jacob A.C.K. 6333, Keaukaha

NTE \$61,757 @4% interest per annum, NTE \$1,138 monthly, repayable over 5

years.

Loan Purpose: Refinance Contract of Loan No. 17424.

Original loan amount of \$95,951 at 6% per annum, \$576 monthly, repayable over 30 years. A Contested Case

Hearing was not held for this account.

LESSEE LEASE NO. & AREA REFINANCING LOAN TERMS

Gifford, Carylee N. 9825, Anahola NTE \$29,756 @4% interest

per annum, NTE \$329

monthly, repayable over 9

years.

Loan Purpose: Refinance Contract of Loan No. 19481.

Original loan amount of \$38,628 at

4.5% per annum, \$348 monthly,

repayable over 12 years. A Contested Case Hearing was not held for this

account.

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STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO:

Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator

FROM:

Nicole F. Bell, Specialist V

Application Branch, Homestead Services Division

SUBJECT: Approval of Homestead Application Transfers/Cancellations

RECOMMENDED MOTION/ACTION

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

DISCUSSION

1. Requests of Applicants to Transfer

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST						
KAUPU, Brandon K.N.	09/18/2000	HAWAII	RES	05/07/2021		
HAWAII ISLANDWIDE AGRICULT	URAL LEASE LIST	n -				
FUJIOKA, Melanie K.	12/09/1986	OAHU	AGR	07/28/2021		
LEAO, Leolani S.	09/22/1989	OAHU	AGR	05/13/2021		
HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST						
FUJIOKA, Melanie K.	12/09/1986	OAHU	RES	07/28/2021		

2. Deceased Applicants

NONE FOR SUBMITTAL

3. Awards of Leases

WAIMANALO AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

YOUNG, Lloyd Jr.

Assigned Residential Lease #12956, Lot 30 in Kakaina, Oahu dated 08/23/2021. Remove application dated 07/07/1972.

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

AIONA, Leonard

Assigned Residential Lease #12935, Lot 92 in Ka'uluokaha'i, Oahu dated 07/29/2021. Remove application dated 09/01/1978.

AMARAL, Selmajean L.

Assigned Residential Lease #12934, Lot 94 in Ka'uluokaha'i, Oahu dated 07/27/2021. Remove application dated 02/13/1986.

HANSEN, Elizabeth L.

Assigned Residential Lease #9597, Lot 9 in Kalawahine, Oahu dated 07/04/2021. Remove application dated 09/12/2002.

SILVA, Cecelia

Assigned Residential Lease #12933, Lot 95 in Ka'uluokaha'i, Oahu dated 08/25/2021. Remove application dated 10/18/1978.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

ROBERTSON, Junelehua K.

Cancel application dated 04/14/1986 at the request of applicant received on 08/18/2021.

6. Successorship

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

PAALUHI, Florine M.

Succeeded to Oahu Islandwide Agricultural application of Sibling, Ramona N. Lii, dated 10/28/1987. Remove application dated 09/28/1994.

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

PAHIA, Adriana K.

Succeeded to Maui Islandwide Residential application of Uncle, Frank M. Pahia, dated 02/13/1995. Remove application dated 04/30/2009.

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

WHITFIELD, Lorraine K.

Succeeded to Hawaii Islandwide Agricultural application of Sibling, William K. Haupu III, dated 11/19/1985. Remove application dated 03/30/1988.

HAWAII ISLANDWIDE PASTORAL LEASE LIST

WANA, Walter L.

Succeeded to Hawaii Islandwide Agricultural application of Sibling, Devin K. Wana, dated 04/15/1991. Remove application dated 02/19/1999.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

MEDEIROS, Rosemary L.

Succeeded to Hawaii Islandwide Residential application of Sibling, Marvin K. Medeiros, dated 04/14/1978. Remove application dated 10/14/2019.

NIHEU, Kealiikauila H.

Succeeded to Hawaii Islandwide Residential application of Parent, Henry Niheu Jr., dated 01/28/1980. Remove application dated 01/19/2010.

MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

KALILIKANE-BOCOBOC, Jody A.

Succeeded to Molokai Islandwide Agricultural application of Parent, John I. Kalilikane Jr., dated 06/18/1985. Remove application dated 08/29/1994.

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL

This Month's Cumulative FY 2021-2022 Transaction Total	124
This month is fransaction focal	<u> </u>
This Month's Transaction Total	1.7
HHC Adjustments	0
Additional Acreage	0
Successorship	7
Voluntary Cancellations	1
NHQ	0
Awards of Leases	5
Cancellations:	
Deceased	0
Transfers from Island to Island	4
Last Month's Cumulative FY 2021-2022 Transaction Total	107
Last Month's Transaction Total	107

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator

FROM: Nicole F. Bell, Specialist V

Application Branch, Homestead Services Division

SUBJECT: Commission Designation of Successors to Application

Rights - Public Notice 2015, 2019 & 2020

RECOMMENDED MOTION/ACTION

To designate the following individuals as successors to the application rights of deceased applicants who did not name a qualified successor.

DISCUSSION

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

1a. Deceased Applicant:

Date of death:

Successor to app rights: Relationship to decedent:

Island:

Type:

Date of Application:

George K. Kamakea Jr.

December 1, 2019

Titus K. Kamakea

Child

0ahu

Islandwide Agricultural

December 26, 2007

ITEM NO. D-5

Date of Public Notice:

1b. Island: Type:

Date of Application:

2a. Deceased Applicant:

Date of death:

Successor to app rights: Relationship to decedent:

Island:

Type:
Date of Application:

Date of Public Notice:

2b. Island:

Type:

Date of Application:

3a. Deceased Applicant:

Date of death:

Successor to app rights: Relationship to decedent:

Island:

Type:

Date of Application:

Date of Public Notice:

3b. Island:

Type:

Date of Application:

4. Deceased Applicant:

Date of death:

Successor to app rights:

Relationship to decedent:

Island:

Type:

Date of Application:

Date of Public Notice:

5a. Deceased Applicant:

Date of death:

Successor to app rights:

Relationship to decedent:

Island:

November, 2020

Oahu

Islandwide Residential

December 26, 2007

Ramona N. Lii

July 11, 2013

Florine M. Paaluhi

Sibling

Oahu

Islandwide Agricultural

October 28, 1987

November, 2020

Oahu

Islandwide Residential

October 10, 2002

Frank M. Pahia

April 3, 2020

Adriana K. Pahia

Niece

Oahu

Islandwide Agricultural

February 13, 1995

November, 2020

Maui

Islandwide Residential

February 13, 1995

Patsy L. Haupt

May 17, 2010

Taiva J.K. Wainui

Child

Oahu

Islandwide Residential

October 25, 1978

November, 2015

Milton K. Kanei June 10, 2010

Waonette R. Kanei

Spouse

Oahu

Type:

Date of Application:
Date of Public Notice:

5b. Island:

Type:

Date of Application:

6. Deceased Applicant:

Date of death:

Successor to app rights: Relationship to decedent:

Island:

Type:

Date of Application:
Date of Public Notice:

7. Deceased Applicant:

Date of death:

Successor to app rights: Relationship to decedent:

Island:

Type:

Date of Application:

Date of Public Notice:

8. Deceased Applicant:

Date of death:

Successor to app rights:

Relationship to decedent:

Island:

Type:

Date of Application:

Date of Public Notice

9. Deceased Applicant:

Date of death:

Successor to app rights:

Relationship to decedent:

Island:

Type:

Date of Application:

Date of Public Notice:

Islandwide Residential

March 15, 1985

November, 2020

Hawaii

Islandwide Agricultural

March 15, 1985

Carlson L. Wallace

August 23, 2018

Precious K. Wallace

Child

0ahu

Islandwide Residential

February 29, 1996

November, 2020

Harold Hale Kaniho

November 9, 2019

Kulamanu L. Brown

Child

Maui

Islandwide Agricultural

September 19, 2005

November, 2020

Dannette A.W. Young

August 2, 2015

Christie P. Young

Child

Maui

Islandwide Agricultural

October 30, 1985

November, 2019

William K. Haupu III

December 20, 2018

Lorraine K. Whitfield

Sibling

Hawaii

Islandwide Agricultural

November 19, 1985

November, 2019

)

10. Deceased Applicant:
 Date of death:
 Successor to app rights:
 Relationship to decedent:
 Island:
 Type:

Date of Application:
Date of Public Notice:

11. Deceased Applicant:
 Date of death:
 Successor to app rights:
 Relationship to decedent:
 Island:
 Type:
 Date of Application:
 Date of Public Notice:

12. Deceased Applicant:
 Date of death:
 Successor to app rights:
 Relationship to decedent:
 Island:
 Type:
 Date of Application:
 Date of Public Notice:

13. Deceased Applicant:
Date of death:
Successor to app rights:

Relationship to decedent: Island: Type:

Date of Application:
Date of Public Notice:

Devin K. Wana
July 22, 2019
Walter L. Wana
Sibling
Hawaii
Islandwide Agricultural
April 15, 1991
November, 2020

Clement K. Malani Sr. February 6, 2020 Clement K. Malani Jr. Child Hawaii Islandwide Residential July 11, 1985 November, 2020

Marvin K. Medeiros December 13, 2019 Rosemary L. Medeiros Sibling Hawaii Islandwide Residential April 14, 1978 November, 2020

John I. Kalilikane Jr.
August 25, 2014
Jody A. KalilikaneBocoboc
Child
Molokai
Islandwide Agricultural
June 18, 1985
November, 2020

Previous Cumulative Total for Current FY	40
Current Month's Total	17
Fiscal Year Total: July 2021-June 2022	57

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator

FROM: Nicole F. Bell, Specialist V (

Application Branch, Homestead Services Division

SUBJECT: Approval to Certify Applications of Qualified Applicants

with Application Dates from April 30, 2021 thru July 1, 2021

RECOMMENDED MOTION/ACTION

To approve the certification of applications of qualified applicants with application dates from April 30, 2021 through July 1, 2021. The Department has verified the native Hawaiian blood quantum requirement of each applicant according to section 10-3-8(b) of the Hawaii Administrative Rules.

DISCUSSION

At its October 2020 regular meeting, the Hawaii Homes Commission adopted the recommendation of the HHC Investigative Committee on the Native Hawaiian Qualification Process to recall to the HHC, pursuant to Hawaii Administrative Rules § 10-2-16(a), the authority to accept the Native Hawaiian Quantum (NHQ) determination for an individuals as a function requiring the exercise of judgement or discretion. The recommendation included a process to implement the Commission's review and acceptance of NHQ determinations. The applicants have been deemed by the Department to have met the native Hawaiian blood quantum requirement through the kumu 'ohana process.

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

EASON, Jaline K.M.	4/30/2021
KUPO, Kala K.A.	5/3/2021
REIS, Zachary K.S.	5/4/2021
KONOHIA, Lester A.	5/11/2021

OHIA, Eddie N.	5/11/2021
CHOY FOO, Gail P.	5/12/2021
ORIAN, Nathanael L.	5/20/2021
KUPO, Karen K	5/25/2021
PAPAIA, Jolynne K.	5/25/2021
PAPAIA, Keone K.	2/25/2021
COLIN, Kevin K.	6/3/2021
COLIN, Chalyssa K.N.	6/3/2021
ZABLAN, Lyman P., Jr.	6/4/2021
KEKUEWA, Daniel Francis K.K.	6/7/2021
AH LEE SAM, Dancette K.P.	6/7/2021
SARAGOSA, Nohea K.L.	6/8/2021
CHANDLER, Samuel S.P.	6/9/2021
KANOA, Vicson H.	6/9/2021
KALEIKINI, KC K.K.	6/14/2021
KEALOHA, Dayton K.	6/18/2021
COSIER, David P., Jr.	6/22/2021
GLISSON, Patricia L.	6/25/2021
BRIGOLI, John K.K.	6/30/2021
OAHU ISLANDWIDE RESIDENTIAL LEASE LIST	
KUPO, Kala K.A.	5/3/2021
REIS, Zachary K.S.	5/4/2021
KAAIHUE, Alden Lee K.	5/4/2021
DOCTOLERO, Loriann V.	5/6/2021

LORENZO, Cedric K.	5/6/2021
KANEKOA, Kamuela K.	5/7/2021
KONOHIA, Lester A.	5/11/2021
HONDA, Ehukai I.	5/11/2021
SHARPE, Russell H., Jr.	5/12/2021
HANOHANO, Cecilia K.	5/19/2021
ORIAN, Nathanael L.	5/20/2021
KU, Kourtney K.	5/21/2021
NAKOA, David K.	5/24/2021
KUPO, Karen K.	5/25/2021
KUPO, Kristina A.	5/25/2021
PAPAIA, Jolynne K.	5/25/2021
PAPAIA, Keone K.	5/25/2021
TRUGILLO, Nathaniel L.K.	5/25/2021
HONDA, Kalahoikeola K.N.	5/28/2021
QUARTERO, Kamalani K.	6/1/2021
HONDA, Paiea L.S.	6/2/2021
COLIN, Kevin K.	6/3/2021
COLIN, Chalyssa K.N.	6/3/2021
GALDEIRA, Kaanapali K.K.	6/3/2021
POWELL, Lucy K.	6/3/2021
ZABLAN, Lyman P., Jr.	6/4/2021
KEKUEWA, Daniel Francis K.K.	6/7/2021
AMADEO, Jahlove R.I.	6/7/2021
WONG, Wallis K.	6/7/2021

AH LEE SAM, Dancette K.P.	6/7/2021
SARAGOSA, Nohea K.L.	6/8/2021
DELOS REYES, Eddie A.	6/8/2021
CHANDLER, Samuel S.P.	6/9/2021
KANOA, Vicson H.	6/9/2021
KUNIPO, Edward K.	6/10/2021
KALEIKINI, KC K.K.	6/14/2021
FREITAS, Brandzie K.	6/14/2021
KANOA, Valentino H.	6/15/2021
SAFFERY-DOI, Sadie K.	6/18/2021
KEALOHA, Dayton K.	6/18/2021
KAHUI, Mei-Lin K.K.W.	6/24/2021
GLISSON, Patricia L.	6/25/2021
KAINA, Phillip Jr.	6/28/2021
MEDEIROS, Riley K.	6/30/2021
BRIGOLI, John K.K.	6/30/2021
DUVAUCHELLE, Scott A.K.	7/1/2021
MAUI ISLANDWIDE AGRICULTURALAL LEASE LIST	
KEKAWA, Miriam K.	5/10/2021
KAINA, Noel K.	5/21/2021
PAHUWAI-MAKEKAU, Kailee-Lynn K.	5/21/2021
WONG, Wallis K.	6/7/2021
HONOKAUPU, Jeffrey Lee K.	6/15/2021
GRACE, Alicia M.	6/22/2021

YASSO, Sierra-Lillia K.	6/18/2021
HAOLE-KEAHI, Carlene K.	6/30/2021
GRACE, Abraham A.K., III	7/1/2021
MAUI ISLANDWIDE RESIDENTIAL LEASE LIST	
MAHAULU, Bertram K.	5/14/2021
KAINA, Noel K.	5/21/2021
PAHUWAI-MAKEKAU, Kailee-Lynn K.	5/21/2021
ENOS, Richard J.M., Jr.	5/25/2021
TRUGILLO, Ivan W.	5/25/2021
PAKAKI, Anson E.	6/7/2021
HONOKAUPU, Jeffrey Lee K.	6/15/2021
YASSO, Sierra-Lillia K.	6/18/2021
GRACE, Alicia M.	6/22/2021
HAOLE-KEAHI, Carlene K.	6/30/2021
GRACE, Abraham A.K., III	7/1/2021
HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST	
KAPELIELA, Kalvin K.	4/30/2021
LORENZO, Cedric K.	5/6/2021
PEA, Tshaquille K.	5/7/2021
HONDA, Ehukai I.	5/11/2021
KELIIKOA, Bobbie A.	5/12/2021
HALEAMAU, Kaivin K.	5/13/2021
KU, Kortney K.	5/21/2021
KUPIHEA, Sierrah K.A.	5/26/2021

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KIHE, Herman K., III	5/26/2021
HARTWELL, Gerry N.L.	6/2/2021
GALDEIRA, Kaanapali K.K.	6/3/2021
WOOLSEY, Dave C.K.	6/9/2021
VIVEIROS, William Kenui	6/14/2021
AKAO, Wayne K.	6/18/2021
DUVAUCHELLE, Scott A.K.	7/1/2021
HAWAII ISLANDWIDE PASTORAL LEASE LIST	
STEVENS, LanceKamuela K.	5/7/2021
KALUAU-INGRAM, Sharon K.	5/19/2021
PACHECO, Jason K.	5/21/2021
HONDA, Kalahoikeola K.N.	5/28/2021
AMADEO, Jahlove R.I.	6/7/2021
LINDSEY, Jonathan K.	6/8/2021
ANDRADE, Troy P.S.	6/15/2021
THORNTON, Mark Troy	6/25/2021
HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST	
KAPELIELA, Kalvin K.	4/30/2021
STEVENS, LanceKamuela K.	5/7/2021
PEA, Tshaquille K.	5/7/2021
KELIIKOA, Bobbie A.	5/12/2021
HALEAMAU, Kaivin K.	5/13/2021
KALUAU-INGRAM, Sharon K.	5/19/2021
KELIIKOA, Vanessa K.M.	5/21/2021

PACHECO, Jason K.	5/21/2021
KUPIHEA, Sierrah K.A.	5/26/2021
KIHE, Herman K., III	5/26/2021
HARTWELL, Gerry N.L.	6/2/2021
WOOLSEY, Dave C.K.	6/9/2021
KAWASHIMA, Sueichi	6/9/2021
NIIHAU, Emmanuel Jr.	6/14/2021
ANDRADE, Troy P.S.	6/15/2021
VIVEIROS, William Kenui	6/14/2021
THORNTON, Mark Troy	6/25/2021
KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST	
TRUGILLO, Nathaniel L.K.	5/25/2021
TRUGILLO, Ivan W.	5/25/2021
SHIMADA, Taylor-Jordan B.L.L.T.	5/25/2021
HONDA, Paiea L.S.	6/2/2021
PAULO, Kekuanoni K.	6/15/2021
ASAI, Mervelee K.	6/15/2021
KAUAI ISLANDWIDE PASTORAL LEASE LIST	
NIAU-OLIGO, Jay-Jeen N.	7/1/2021
KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST	
SHIMADA, Taylor-Jordan B.L.L.T.	5/25/2021
PAULO, Kekuanoni K.	6/15/2021
ASAI, Mervelee K.	6/15/2021

Previous Cumulative Total for Current FY	44813
Current Month's Total	133
Fiscal Year Total: July 2021-June 2022	44,946

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator

FROM: Nicole F. Bell, Specialist V

Application Branch, Homestead Services Division

SUBJECT: Approval to Cancel Applications of Non-Qualified Applicants

RECOMMENDED MOTION/ACTION

To approve the cancellations of applications from the Application Waiting Lists due to Native Hawaiian Qualification. The Department has been unable to verify the following applicant's native Hawaiian blood quantum requirement per the Hawaiian Homes Commission Act, 1920, as amended.

DISCUSSION

WAIMANALO AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

GOHIER, Charlene E.

Applicant unable to substantiate her native Hawaiian ancestry, cancel application dated 7/24/1968.

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

WILSON, Carl V.

Applicant unable to substantiate his native Hawaiian ancestry, cancel application dated 4/15/1980.

WONG, Rollin K.

Applicant unable to substantiate his native Hawaiian ancestry, cancel application dated 4/22/1985.

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

GUMBS, Barbara G.

Applicant unable to substantiate her native Hawaiian ancestry, cancel application dated 6/4/1986.

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

GRAHAM, Bernadette I.

Applicant unable to substantiate her native Hawaiian ancestry, cancel application dated 12/18/1984.

GUMBS, Barbara G.

Applicant unable to substantiate her native Hawaiian ancestry, cancel application dated 6/4/1986.

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

YNIGUES, Thomas

Applicant unable to substantiate his native Hawaiian ancestry, cancel application dated 10/9/1984.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

YNIGUES, Thomas

Applicant unable to substantiate his native Hawaiian ancestry, cancel application dated 10/9/1984.

Previous Cumulative Total for Current FY	0
Current Month's Total	8
Fiscal Year Total: July 2021-June 2022	8

LORENZO, Cedric K.	5/6/2021
KANEKOA, Kamuela K.	5/7/2021
KONOHIA, Lester A.	5/11/2021
HONDA, Ehukai I.	5/11/2021
SHARPE, Russell H., Jr.	5/12/2021
HANOHANO, Cecilia K.	5/19/2021
ORIAN, Nathanael L.	5/20/2021
KU, Kourtney K.	5/21/2021
NAKOA, David K.	5/24/2021
KUPO, Karen K.	5/25/2021
KUPO, Kristina A.	5/25/2021
PAPAIA, Jolynne K.	5/25/2021
PAPAIA, Keone K.	5/25/2021
TRUGILLO, Nathaniel L.K.	5/25/2021
HONDA, Kalahoikeola K.N.	5/28/2021
QUARTERO, Kamalani K.	6/1/2021
HONDA, Paiea L.S.	6/2/2021
COLIN, Kevin K.	6/3/2021
COLIN, Chalyssa K.N.	6/3/2021
GALDEIRA, Kaanapali K.K.	6/3/2021
POWELL, Lucy K.	6/3/2021
ZABLAN, Lyman P., Jr.	6/4/2021
KEKUEWA, Daniel Francis K.K.	6/7/2021
AMADEO, Jahlove R.I.	6/7/2021
WONG, Wallis K.	6/7/2021

AH LEE SAM, Dancette K.P.	6/7/2021
SARAGOSA, Nohea K.L.	6/8/2021
DELOS REYES, Eddie A.	6/8/2021
CHANDLER, Samuel S.P.	6/9/2021
KANOA, Vicson H.	6/9/2021
KUNIPO, Edward K.	6/10/2021
KALEIKINI, KC K.K.	6/14/2021
FREITAS, Brandzie K.	6/14/2021
KANOA, Valentino H.	6/15/2021
SAFFERY-DOI, Sadie K.	6/18/2021
KEALOHA, Dayton K.	6/18/2021
KAHUI, Mei-Lin K.K.W.	6/24/2021
GLISSON, Patricia L.	6/25/2021
KAINA, Phillip Jr.	6/28/2021
MEDEIROS, Riley K.	6/30/2021
BRIGOLI, John K.K.	6/30/2021
DUVAUCHELLE, Scott A.K.	7/1/2021
MAUI ISLANDWIDE AGRICULTURALAL LEASE LIST	
KEKAWA, Miriam K.	5/10/2021
KAINA, Noel K.	5/21/2021
PAHUWAI-MAKEKAU, Kailee-Lynn K.	5/21/2021
WONG, Wallis K.	6/7/2021
HONOKAUPU, Jeffrey Lee K.	6/15/2021
GRACE, Alicia M.	6/22/2021

YASSO, Sierra-Lillia K.	6/18/2021
HAOLE-KEAHI, Carlene K.	6/30/2021
GRACE, Abraham A.K., III	7/1/2021
MAUI ISLANDWIDE RESIDENTIAL LEASE LIST	
MAHAULU, Bertram K.	5/14/2021
KAINA, Noel K.	5/21/2021
PAHUWAI-MAKEKAU, Kailee-Lynn K.	5/21/2021
ENOS, Richard J.M., Jr.	5/25/2021
TRUGILLO, Ivan W.	5/25/2021
PAKAKI, Anson E.	6/7/2021
HONOKAUPU, Jeffrey Lee K.	6/15/2021
YASSO, Sierra-Lillia K.	6/18/2021
GRACE, Alicia M.	6/22/2021
HAOLE-KEAHI, Carlene K.	6/30/2021
GRACE, Abraham A.K., III	7/1/2021
TARANT TOTANDUTDE AGDICATE MANDAY TEAGE TIOM	
HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST	
KAPELIELA, Kalvin K.	4/30/2021
LORENZO, Cedric K.	5/6/2021
PEA, Tshaquille K.	5/7/2021
HONDA, Ehukai I.	5/11/2021
KELIIKOA, Bobbie A.	5/12/2021
HALEAMAU, Kaivin K.	5/13/2021
KU, Kortney K.	5/21/2021
KUPIHEA, Sierrah K.A.	5/26/2021

KIHE, Herman K., III	5/26/2021
HARTWELL, Gerry N.L.	6/2/2021
GALDEIRA, Kaanapali K.K.	6/3/2021
WOOLSEY, Dave C.K.	6/9/2021
VIVEIROS, William Kenui	6/14/2021
AKAO, Wayne K.	6/18/2021
DUVAUCHELLE, Scott A.K.	7/1/2021
HAWAII ISLANDWIDE PASTORAL LEASE LIST	
STEVENS, LanceKamuela K.	5/7/2021
KALUAU-INGRAM, Sharon K.	5/19/2021
PACHECO, Jason K.	5/21/2021
HONDA, Kalahoikeola K.N.	5/28/2021
AMADEO, Jahlove R.I.	6/7/2021
LINDSEY, Jonathan K.	6/8/2021
ANDRADE, Troy P.S.	6/15/2021
THORNTON, Mark Troy	6/25/2021
HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST	
KAPELIELA, Kalvin K.	4/30/2021
STEVENS, LanceKamuela K.	5/7/2021
PEA, Tshaquille K.	5/7/2021
KELIIKOA, Bobbie A.	5/12/2021
HALEAMAU, Kaivin K.	5/13/2021
KALUAU-INGRAM, Sharon K.	5/19/2021
KELIIKOA, Vanessa K.M.	5/21/2021

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PACHECO, Jason K.	5/21/2021
KUPIHEA, Sierrah K.A.	5/26/2021
KIHE, Herman K., III	5/26/2021
HARTWELL, Gerry N.L.	6/2/2021
WOOLSEY, Dave C.K.	6/9/2021
KAWASHIMA, Sueichi	6/9/2021
NIIHAU, Emmanuel Jr.	6/14/2021
ANDRADE, Troy P.S.	6/15/2021
VIVEIROS, William Kenui	6/14/2021
THORNTON, Mark Troy	6/25/2021
KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST	
TRUGILLO, Nathaniel L.K.	5/25/2021
TRUGILLO, Ivan W.	5/25/2021
SHIMADA, Taylor-Jordan B.L.L.T.	5/25/2021
HONDA, Paiea L.S.	6/2/2021
PAULO, Kekuanoni K.	6/15/2021
ASAI, Mervelee K.	6/15/2021
KAUAI ISLANDWIDE PASTORAL LEASE LIST	
NIAU-OLIGO, Jay-Jeen N.	7/1/2021
KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST	
SHIMADA, Taylor-Jordan B.L.L.T.	5/25/2021
PAULO, Kekuanoni K.	6/15/2021
ASAI, Mervelee K.	6/15/2021

Previous Cumulative Total for Current FY	44813
Current Month's Total	133
Fiscal Year Total: July 2021-June 2022	44,946

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator '

Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor

Homestead Services Division

SUBJECT: Approval of Designation of Successors to Leasehold

Interest and Designation of Persons to Receive the Net

Proceeds

RECOMMENDED MOTION/ACTION

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

2. To approve and accept that designated successors are of no less than the required 25% or 50% Hawaiian ancestry as appropriate pursuant to Section 209, Hawaiian Homes Commission Act, 1920 as amended.

*See attached list of Lessee.

<u>Leasehold Interest:</u> Ratified for September 2021 Previous FY 2021 - 2022 FY 2021 - 2022 Total to Date	6 19 25
Ratified for FY '20 - '21	92
Net Proceeds Ratified for September 2021 Previous FY 2021- 2022 FY 2021 - 2022 Total to Date	0 0
Ratified for FY '20 - '21	0

LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR LEASEHOLD INTEREST FOR MONTH OF SEPTEMBER 2021

Deceased Lessee

Designated Successor

1. Melba K. Huihui
Lot No.: 31
Area: Makuu. Hawa

Area: Makuu, Hawaii Agr. Lease No. 6975 PRIMARY:
Burton I. K. Huihui, Son

 $\frac{ALTERNATE:}{N/A}$

DESIGNEE TO RECEIVE NET PROCEEDS:

2. Marion L. Ii
 Lot No.: 48
 Area: Waimanalo, Oahu
 Res. Lease No. 5960

PRIMARY: Joint Tenants
Solomon Ii, Son
Sam Ramos, Son
Shi Ramos, Daughter

ALTERNATE: N/A

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

3. David K. Kahalewai Lot No.: 67-A Area: Panaewa, Hawaii Agr. Lease No. 6218 PRIMARY:
Hiiaka Kahalewai,
Daughter

ALTERNATE: N/A

DESIGNEE TO RECEIVE NET PROCEEDS:

- 4. Henry K. T. Kam, Jr.
 Lot No.: 24
 Area: Kumuhau, Oahu
 Res. Lease No. 11298
- DESIGNEE TO RECEIVE NET PROCEEDS:
 Florita Kam, Wife

Sarah A. Holler, Daughter

- 5. Darrel C. Nakoa
 Lot No.: 18
 Area: Waianae, Oahu
 Res. Lease No. 10237
- PRIMARY:
 Michelle Nakoa, Daughter
- $\frac{\texttt{ALTERNATE:}}{\texttt{N/A}}$

PRIMARY:

ALTERNATE:

N/A

DESIGNEE TO RECEIVE NET PROCEEDS:

- 6. Rita I. Oku
 Lot No.: 132
 Area: Kewalo, Oahu
 Res. Lease No. 4982
- PRIMARY: Joint Tenants
 Leona L. K. U. Strong-Balora,
 Daughter
 *Richard I. Strong-Balora,
 Grandson
 *Omit, does not meet the
 minimum 25 percent Hawaiian
 ancestry quantum requirement
 for a grandchild to succeed.

ALTERNATE: N/A

DESIGNEE TO RECEIVE NET PROCEEDS:

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator /

Homestead Services Division

FROM:

Ross K. Kapeliela, Acting ODO Supervisor

Homestead Services Division

SUBJECT: Approval of Assignment of Leasehold Interest

RECOMMENDED MOTION/ACTION

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

2. To approve and accept that transferees are of no less than the required 25% or 50% Hawaiian ancestry as appropriate pursuant to Section 208, Hawaiian Homes Commission Act, 1920, as amended

DISCUSSION

Twenty-three (23) assignments of lease.

1. Lessee Name: Michael S. Aweau

Res. Lease No. 4552, Lot No. 59

Lease Date: 6/1/1978 Area: Nanakuli, Oahu

Property Sold & Amount: No, N/A

Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Michael S. Aweau, Micah C. K. Aweau &

Michael S. Aweau, Jr.

Relationship: Lessee & Sons

Loan Assumption: No

Applicant: No

Reason for Transfer: "Adding relatives to lease."

2. Lessee Name: Allysyn A. Bezilla

Res. Lease No. 2612-A, Lot No. 208B-1

Lease Date: 3/1/1952 Area: Keaukaha, Hawaii

Property Sold & Amount: No, N/A

Improvements: 4 bedroom, 3 bath dwelling

Transferee Name: Jean Bezilla

Relationship: Daughter Loan Assumption: No

Applicant: No

Reason for Transfer: "Giving lease to relative."

3. Lessee Name: Tasha Ann L. Eli Res. Lease No. 8938, Lot No. 104

> Lease Date: 1/15/1999 Area: Waianae, Oahu

Property Sold & Amount: Yes, \$47,000.00 Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Taylor P. Eli

Relationship: Son Loan Assumption: No

Applicant: Yes Oahu IW Res., 7/11/2014

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

4. Lessee Name: Rebecca K. M. Filson Res. Lease No. 3806, Lot No. 320

Lease Date: 11/21/1969 Area: Nanakuli, Oahu

Property Sold & Amount: No, N/A

Improvements: 4 bedroom, 1 bath dwelling

Transferee Name: Maizelette M. Tandal

Relationship: Sister Loan Assumption: No

Applicant: Yes, Hawaii IW Res., 1/30/1987

Reason for Transfer: "Giving lease to relative."

5. Lessee Name: Sarah K. Hoomanawanui Res. Lease No. 3611, Lot No. 104

Lease Date: 9/24/1965 Area: Waimanalo, Oahu

Property Sold & Amount: Yes, \$305,000.00 Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Emil M. Osorio, III

Relationship: None Loan Assumption: No

Applicant: Yes, Oahu IW Res., 4/5/1994

Reason for Transfer: "Don't live on Oahu." Special

Condition: Transferee to obtain funds to pay purchase price.

6. Lessee Name: Michael K. Kaahanui & Serrylee K. Wong

Res. Lease No. 3959, Lot No. 36

Lease Date: 2/25/1972 Area: Waimanalo, Oahu

Property Sold & Amount: No, N/A

Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Neillian R. H. Kaahanui

Relationship: Sister Loan Assumption: No

Applicant: No

Reason for Transfer: "Giving lease to relative."

7. Lessee Name: Rhonda L. Kawewehi Res. Lease No. 8173, Lot No. 42

Lease Date: 2/15/1993 Area: Waimanalo, Oahu

Property Sold & Amount: No, N/A

Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Maxwell L. K. Kanoa & Robert K. Kanoa, Jr.

Relationship: Brothers Loan Assumption: No

Applicant: No

Reason for Transfer: "Giving lease to relatives."

8. Lessee Name: Karla K. Keliihoomalu Res. Lease No. 6934, Lot No. 99

Lease Date: 10/1/1986 Area: Kauluokahai, Oahu

Property Sold & Amount: Yes, \$354,600.00 Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Karla K. Keliihoomalu & Kahikinaokalalani

Brandy Perry

Relationship: Lessee & Daughter

Loan Assumption: No

Applicant: Yes, Oahu IW Res., 6/8/2010

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

9. Lessee Name: Glenn J. K. Keohokapu Res. Lease No. 4135, Lot No. 62

> Lease Date: 2/15/1974 Area: Waimanalo, Oahu

Property Sold & Amount: Yes, \$400,000.00 Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Madona A. A. Keohukapu-Meria

Relationship: Sister Loan Assumption: No

Applicant: Yes, Oahu IW Res., 11/29/2005

Reason for Transfer: "Giving lease to relative." See simultaneous transfer below.

10. Lessee Name: Madona A. A. Keohukapu-Meria

Res. Lease No. 4135, Lot No. 62

Lease Date: 2/15/1974 Area: Waimanalo, Oahu

Property Sold & Amount: Yes, \$400,000.00 Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Miriam K. Keohokapu-Meria

Relationship: Daughter Loan Assumption: No

Applicant: No

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

11. Lessee Name: Samuel K. Kumai, Jr. Res. Lease No. 8257, Lot No. 32

Lease Date: 8/30/1993 Area: Lualualei, Oahu

Property Sold & Amount: Yes, \$200,000.00 Improvements: 3 bedroom, 1-1/2 bath dwelling

Transferee Name: Doris K. Komomua

Relationship: None Loan Assumption: No

Applicant: Yes, Oahu IW Res., 5/25/2011

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

price.

12. Lessee Name: Wanda L. Madela Res. Lease No. 4835, Lot No. 10-B

Lease Date: 7/22/1978
Area: Hoolehua, Molokai

Property Sold & Amount: No, N/A

Improvements: 4 bedroom, 1 bath dwelling

Transferee Name: Ameron John K. Madela

Relationship: Son Loan Assumption: No

Applicant: No

Reason for Transfer: "Giving lease to relative."

13. Lessee Name: Richard Markham

Res. Lease No. 2482, Lot No. 14

Lease Date: 11/13/1950 Area: Waimanalo, Oahu

Property Sold & Amount: Yes, \$825,000.00 Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: John H. Redongo

Relationship: None Loan Assumption: No

Applicant: Yes, Kauai IW Res., 1/6/1988

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

14. Lessee Name: John H. Redongo Res. Lease No. 2482, Lot No. 14

Lease Date: 11/13/1950 Area: Waimanalo, Oahu

Property Sold & Amount: Yes, \$825,000.00 Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: Candace M. P. Cox

Relationship: Daughter Loan Assumption: No

Applicant: No

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

15. Lessee Name: Samuel A. Martinez Res. Lease No. 2495, Lot No. 97

Lease Date: 11/13/1950 Area: Waimanalo, Oahu

Property Sold & Amount: No, N/A

Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Samuel A. Martinez & Simone Jon K. Martin

Relationship: Lessee & Brother

Loan Assumption: No

Applicant: No

Reason for Transfer: "Adding relative to lease."

16. Lessee Name: Lori L. S. Moo

Res. Lease No. 11954, Lot No. 17241

Lease Date: 10/19/2007 Area: Kaupea, Oahu

Property Sold & Amount: Yes, \$700,000.00 Improvements: 4 bedroom, 3 bath dwelling

Transferee Name: Elzadia P. Kaina & Gavin P. M. Kaina

Relationship: None Loan Assumption: No

Applicant: Yes, Oahu IW Res., 1/14/2019-Elzadia

Yes, Oahu IW Res., 4/9/2021-Gavin

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

17. Lessee Name: Makaea R. Salis, Shea K. Salis & Keone K. Salis

Res. Lease No. 2205, Lot No. 21.

Lease Date: 9/28/1949 Area: Kewalo, Oahu

Property Sold & Amount: Yes, \$725,000.00 Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Glenn H. A. Kalima, Jr.

Relationship: None Loan Assumption: No

Applicant: Yes, Oahu IW Res., 12/6/2001

Reason for Transfer: "Moving off island." Special

Condition: Transferee to obtain funds to pay purchase price.

18. Lessee Name: Joseph K. Hing

Res. Lease No. 10820, Lot No. UNDV194

Lease Date: 12/3/2005 Area: Laiopua, Hawaii

Property Sold & Amount: No, N/A

Improvements: None

Transferee Name: Nolan T. Hing

Relationship: Son Loan Assumption: No

Applicant: No

Reason for Transfer: "Giving lease to relative."

19. Lessee Name: Oddetta K. Alquiza

Res. Lease No. 6508, Lot No. G&G1 6

Lease Date: 7/1/1986 Area: Anahola, Kauai

Property Sold & Amount: No, N/A

Improvements: None

Transferee Name: Faith L. Lopez

Relationship: Sister Loan Assumption: No

Applicant: No

Reason for Transfer: "Giving lease to relative." See simultaneous transfer below.

20. Lessee Name: Faith L. Lopez

Res. Lease No. 6508, Lot No. G&G1 6

Lease Date: 7/1/1986 Area: Anahola, Kauai

Property Sold & Amount: No, N/A

Improvements: None

Transferee Name: Kaeo F. Lopez

Relationship: Son Loan Assumption: No

Applicant: No

Reason for Transfer: "Giving lease to relative."

21. Lessee Name: Lester K. Delos Reyes

Res. Lease No. 5863, Lot No. 48

Lease Date: 4/10/2001 Area: Kalamaula, Molokai

Property Sold & Amount: No, N/A

Improvements: None

Transferee Name: Eddie A. Delos Reyes

Relationship: Son Loan Assumption: No

Applicant: No

Reason for Transfer: "Giving lease to relative."

22. Lessee Name: Alida L. D. Osorio Agr. Lease No. 6133, Lot No. 150

Lease Date: 10/1/1985
Area: Kalamaula, Molokai

Property Sold & Amount: No, N/A

Improvements: None

Transferee Name: Shirley N. Vasquez

Relationship: Sister Loan Assumption: No

Applicant: No

Reason for Transfer: "Giving lease to relative."

23. Lessee Name: Pamela A. Sakuma Pas. Lease No. 8134, Lot No. 7

Lease Date: 6/1/1992 Area: Puukapu, Hawaii

Property Sold & Amount: No, N/A

Improvements: None

Transferee Name: Pamela A. Sakuma & Keith S. Aweau

Relationship: Lessee & Brother

Loan Assumption: No

Applicant: No

Reason for Transfer: "Adding relative to lease."

Assignments for the Month of September `21	23
Previous FY '21- '22 balance	<u>47</u>
FY '21 - '22 total to date	70
Assignments for FY '20 - '21	201

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator

Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor

Homestead Services Division

SUBJECT: Approval of Amendment of Leasehold Interest

RECOMMENDED MOTION/ACTION

To approve the amendment of the leasehold interest listed below.

DISCUSSION

Thirteen (13) amendments of lease.

1. Lessee: Delfin Ah Sing

Res. Lease No.: 7375

Lot No., Area, Island: 151, Nanakuli, Oahu

Amendment: To amend the lease to update the

property description to reflect the

correct lot number.

2. Lessee: Aukai K. U. Arce

Agr. Lease No.: 808-A

Lot No., Area, Island: 72-B, Hoolehua, Molokai

Amendment: To amend the lease title and

lessor's name, to release life interest, to incorporate the currently used terms, covenants, and conditions to the lease, and to

extend the lease term to an aggregate term of 199 years.

3. Lessee:

Res. Lease No.:

Lot No., Area, Island:

Amendment:

Allysyn A. Bezilla

2612-A

208-B-1, Keaukaha, Hawaii To amend to lease title and

lessor's name, to update the

property description due to final subdivision, to incorporate the currently used terms, covenants, and conditions to the lease, and to

extend the lease term to an aggregate term of 199 years.

4. Lessee:

Res. Lease No.:

Lot No., Area, Island:

Amendment:

Donnalynn H. Isaacs

4726

102, Waianae, Oahu

To amend the lease to update the

property description to reflect the

correct tax map key.

5. Lessee:

Res. Lease No.:

Lot No., Area, Island:

Amendment:

Eleanor M. Kailikea

544

52, Nanakuli, Oahu

To amend the lease title and

lessor's name, to update the

property description, to

incorporate the currently used terms, covenants, and conditions to

the lease, and to extend the lease term to an aggregate term of 199

vears.

6. Lessee:

Agr. Lease No.:

Lot No., Area, Island:

Amendment:

Ernest K. Kam

964

34-D-1&2, Hoolehua, Molokai To amend the lease title and lessor's name, to release life interest, to incorporate the

currently used terms, covenants, and conditions to the lease, and to

extend the lease term to an aggregate term of 199 years.

7. Lessee: Oliver M. Kauhane, Jr., & Evelyn L.

Kauhane 3320

Res. Lease No.:

Lot No., Area, Island:

Amendment:

68-B, Nanakuli, Oahu

To amend the lease tenancy to reflect tenant in severalty due to

the death of a tenant by the entirety and incorporate the

currently used terms, covenants, and

conditions to the lease.

8. Lessee: Glenn J. K. Keohokapu

Res. Lease No.: 4135

Lot No., Area, Island:

Amendment:

62, Waimanalo, Oahu

To amend the lease to incorporate the currently used terms, covenants,

and conditions to the lease.

9. Lessee: Anita N. Kinimaka-Davis

Res. Lease No.: 12461

Lot No., Area, Island:

Amendment:

UNDV142, Kapolei, Oahu

To amend the commencement date, lot number, and property description due

to final subdivision approval.

10. Lessee: Samuel A. Martinez

Res. Lease No.:

Lot No., Area, Island:

Amendment:

97, Waimanalo, Oahu

2495

To amend the lease title and

lessor's name, and to incorporate the currently used terms, covenants, and conditions to the lease and to

extend the lease term to an aggregate term of 199 years.

ll. Lessee: Rita I. Oku

Res. Lease No.: 4982

Lot No., Area, Island:

Amendment:

132, Kewalo, Oahu

To amend the property description to

incorporate the new 10 feet wide

sewer easement.

	Lot No., Area, Island: Amendment:	UNDV112, Kapolei, Oahu To amend the commencement date, lot number, and property description due to final subdivision approval.
13.	Lessee:	Makaea R. Salis, Shea K. Salis & Keone K. Salis
	Res. Lease No.:	2205
	Lot No., Area, Island:	
	Amendment:	To amend the lease to extend the lease to an aggregate term of 199 years.
Ame	ndments for the Month of S	September '21 13
Previous FY '21 - '22 balance		-
FY	'21 - '22 total to date	45
Ame	ndments for FY '20 - '21	112

12431

Shirlene B. Rodrigues

12. Lessee:

Res. Lease No.:

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator

Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor

Homestead Services Division

SUBJECT: Approval to Issue a Non-Exclusive License for Rooftop

Photovoltaic Systems for Certain Lessees

RECOMMENDED MOTION/ACTION

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

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

DISCUSSION

Seven (7) non-exclusive licenses.

Lessee: Davina M. Beltran

Res. Lease No.: 5535

Lot No., Area, Island: 140, Lualualei, Oahu

Permittee: Sunnova Energy International

2. Lessee: Nelson Noa Burch

Res. Lease No.: 4508

Lot No., Area, Island: 1, Nanakuli, Oahu

Permittee: SunRun, Inc.

3.	Lessee: Res. Lease No.: Lot No., Area, Island: Permittee:	Albertina L. Iopa-Eli 8580 4, Nanakuli, Oahu Vivint Solar Developer, LLC	
4.	Lessee: Res. Lease No.: Lot No., Area, Island: Permittee:	Victoria K. Kauwalu 5526 115, Lualualei, Oahu SunRun, Inc.	
5.	Lessee: Res. Lease No.: Lot No., Area, Island: Permittee:	Kahokulani M. Keohokapu-Mer 4135 62, Waimanalo, Oahu Vivint Solar Developer, LLC	
6.	Lessee: Res. Lease No.: Lot No., Area, Island: Permittee:	Samuel A. Martinez & Simone Martin 2495 97, Waimanalo, Oahu Vivint Solar Developer, LLC	
7.	Lessee: Res. Lease No.: Lot No., Area, Island: Permittee:	Jo-Ann M. Shimoda 5201 70, Nanakuli, Oahu Vivint Solar Developer, LLC	
Previ	xclusive License for the ous FY '21 - '22 balance 1 - '22 total to date		7 <u>16</u> 23
Non-E	xclusive License for FY	'20 - '21	64

3.

Lessee:

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO:

Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator Homestead Services Division

FROM:

Erna Kamibayashi, Kauai District Office Supervisor EK

Homestead Services Division

SUBJECT:

Request to Surrender Residential Lease No. 6499, Lot No. C-1, Anahola, Kauai,

Lorrin E K Manoi

RECOMMENDED MOTION/ACTION

To approve the surrender of Department of Hawaiian Home Lands (DHHL) Residential Lease No. 6499 (Lease), Lot No. C-1, situated at Anahola, Kauai and further identified as Tax Map Key: 4-8-011-016.

DISCUSSION

On July 1, 1986, Residential Lease 6499, Lot No. C-1 located in Anahola, Kawaihau, Kauai was awarded to Lorrin E K Manoi (Mr. Manoi) during the DHHL's accelerated lease award program.

On September 24, 1986, Mr. Manoi received correspondence from DHHL Chairman Georgiana Padeken congratulating him on his receipt of an accelerated lot with no improvements (EXHIBIT A).

As of August 12, 2021, the lot has not been developed with infrastructure and Mr. Manoi has been offered options to relocate but has declined.

On August 12, 2021, the Department receive a Notice of Surrender of Residential Lease No. 6499 from Mr. Lorrin, Manoi. He stated in his request that he has an option to receive a Waimanalo, Oahu residential lease identified as Residential Lease No. 4091, Lot 17 from his sister Taryn Manoi (EXHIBIT B)

The Department request approval of its recommendation to approve the surrender of Mr. Manoi's request to surrender his accelerated Residential Lease No. 6499.

GEORGE R. ARIYOSHI GOYERMOR OF MAWAN

PROJECT OFFICES

WAIMER OFFICE P. O. BOX 125 KAMUELA. HAWAII 88743

P. O. BOX 833 HILD. HAWAII 94720



STATE OF HAWA!! DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879 HONOLULU, HAWAII 18805

September 24, 1986

PROJECT OFFICES

MAUI OFFICE P. O. BOX 22 XAMULUI, MAUI 16732

MOLOKAI OFFICE F. O. BOX 188 HOOLEHUA, MOLOKAI 64728

> RAUAI OFFICE P: O. BOX 332 LIHUE. KAUAI 36784

Lorrin E.K Manoi

Dear Homestead Lessee:

SUBJECT: Accelerated Awards Fiscal Year 1985-1986

Congratulations on your new award and thank you for participating in the Department's accelerated awards program. Your willingness to accept awards without infrastructure and financing was a contributing factor in the Department exceeding its goal to award 1,500 new leases by June 30, 1986.

We have enclosed your copies of the Hawaiian Home Lands Lease and your Designation of Successor to the lease. These documents should be kept in a secured file for your future reference.

Being a lessee on Hawaiian Home Lands does not impose any peculiar responsibilities, execept that perhaps, you may find it difficult to obtain financing to improve your lot until additional sources of financing are developed. Please rest assured the Department is continuing to seek such funding possibilities. However, one of the benefits of your award is that real property taxes will not need to be paid until the eighth year.

Any fixed improvements on the land must be registered with the Department as a check on quality and compliance with County ordinances. Otherwise, you are on your own. However, if you have any questions, please feel free to contact our Planning and Construction Branch in Honolulu or the District Office on the island where you live.

While lessees such as you enjoy the benefits of the Hawaiian Home Lands Program, there are three times as many applicants on the Department's Waiting Lists. We encourage you to use these benefits in a way that not only enhances the quality of your life but also reflects the Program's workability. This will support the Department's efforts in obtaining assistance from the larger community in accelerating the distribution of lands to more native Hawaiians.

Again, we extend our Aloha and best wishes to you from the members of the Hawaiian Homes Commission and the staff of the Department.

Sincerely yours.

GEORGIANA K. PADEKEN

Chairman

GKP/JR:kc

Enclosures

DAVID Y, IGE GOVERNOR STATE OF HAWAII

JOSH GREEN LT.GOVERNOR STATE OF HAWAII



WILLIAM J. AILA, JR. Chairman Hawaiian Hones Condession

TYLER I. GOMES DEPUTY TO THE CHAIRMAN

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

3060 EIWA STREET. ROOM 203 LIHUE, HAWAII 96766

NOTICE OF SURRENDER OF LEASE

I,	Lorrin	E K Manoi	, hereby freely and voluntarily submit
my notice of su	rrender	of my interest in and to I	Department of Hawaiian Home Lands
Agricultural/Pas	storal	esidential Circle one) I	ot Lease No. 6499 , demising Lot No. C-1,
situate at	Anahol	<u>a</u> , on the island	of <u>Kauai</u> , Hawaii
			·
I have been giv	en an c	pportunity to receive 1	ny father's original lease in Waimanalo, Oahu
			or of this lease is my sister Taryn Manoi who is willing
			ve this lease, I must surrender the current lease I have
on Kauai.		:	,
I unders	stand th	at the surrender of my in	terest in and to the Lease is not effective until:
	1.	The surrender is accepted	ed by the Chairman of the Hawaiian Homes Commission
		("Commission");	
	2.	The surrender is ratified	by the Hawaiian Homes Commission; and
	3.	A Surrender of Lease In	nterest document is executed by the Department of
		Hawaiian Home Lands	("Department") and me.
Because	this is	a relocation lot there are	no outstanding debts owed.
I further	r unders	stand that, if I desire to re	scind this Notice of Surrender, any such rescission will
			ssion. If the Commission allows me to rescind this
			pay the Department, upon demand, all costs incurred with
the processing o			
			- C-4 111 .
			Loview EK Maris
			Lessee
			Lease No. 6499 Lot No. C-1
			Date: 12 aug 21

William Aila, Jr. Chairman, Hawaiian Homes Commission Date: Ratified by the Hawaiian Homes Commission On STATE OF HAWAII On this 12 day of August 2021, before me appeared LORRIN E K MANOI, to me personally known, who, being by me duly sworn, did say that he/she is the person who executed the foregoing instrument and acknowledged to me that he/she executed the same freely and voluntarily for the use and purposes therein set forth. What D. Ambaush Notary Public, State of Hawaii Printed Name: Erna A. Kamika ugsh My commission expires: 3/(a/2022) NOTARY CERTIFICATION STATEMENT Document Identification or Description: Notice of Surrender of Lags (b + 9 Anahola Kana Document Date: 8/12/2021 Date of Notarization and Certification Statement Erna A. Kamika ussh Printed Name of Notary	Surrender Accepted/Rejected	
On this 12 day of August 202 before me appeared LORRIN E K MANOI, to me personally known, who, being by me duly sworn, did say that he/she is the person who executed the foregoing instrument and acknowledged to me that he/she executed the same freely and voluntarily for the use and purposes therein set forth. On this 12 day of August 202 Day On The University of the use and purposes therein set forth.	Chairman, Hawaiian Homes Commission Date: Ratified by the Hawaiian Homes Commission	
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Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi My commission expires: 3/6/2022 Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi My commission expires: 3/6/2022 Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi My commission expires: 3/6/2022 Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi My commission expires: 3/6/2022 Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi Notary Public, State of Hawaii Notary Public, State of Hawaii Notary Public, State of Hawaii Notary Pu		
Notary Public, State of Hawaii Printed Name: Erna A. Kamilanyashi My commission expires: 3/6/2022 NOTARY CERTIFICATION STATEMENT Document Identification or Description: Notice of Surrender of Lease (0494) Anahola Kana Document Date: 8/12/2021 No of pages: 2 Jurisdiction: (in which notarial act is performed) Signature of Notary Date of Notarization and Certification Statement Erna A. Kamibayushi	say that he/she is the person who executed the foregoing instrument and acknowledged to me	
Document Identification or Description: Notice of Surrender of Loase to 499 Anahola Kana Document Date: 8/12/2021 No of pages: 2 Jurisdiction: 5th Circuit (in which notarial act is performed) Signature of Notary Date of Notarization and Certification Statement Erna A. Kamibayushi	Notary Public, State of Hawaii Printed Name: Erna A. Kamibayashi	- 1
Notice of Surrender of Lease 649 Case Anahola, Kanan Document Date: 8/12/2021 No of pages: 2 Jurisdiction: 5th Circuit (in which notarial act is performed) Signature of Notary Date of Notarization and Certification Statement Erna A. Kamibayashi	NOTARY CERTIFICATION STATEMENT	Wayn.
	Notice of Surrender of Lease 6499 Anahola Kanar Document Date: 8/12/2021 No of pages: 2 Jurisdiction: 5th Circuit (in which notarial act is performed) Signature of Notary Date of Notarization and Certification Statement Erna A. Kamibayushi	NAME OF THE PARTY

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO: Chairman and Member, Hawaiian Homes, Commission

THROUGH: Juan Garcia, HSD Administrator

Homestead Services Division

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

Homestead Services Division

SUBJECT: Conditional Approval of Subdivision, Transfer of a

Portion of Lease and Amendment to Lease No. 6913,

Lot No. 44, Pu'ukapu, Hawaii Oliver C.I. Shimaoka, III

RECOMMENDED MOTION/ACTION

- 1. To approve the request of Oliver C.I. Shimaoka, III (Oliver), to subdivide Department of Hawaiian Home Lands Agricultural Lease No. 6913, Lot No. 44, Pu'ukapu, Hawaii, consisting of 5.01 acres, and further identified as TMK (3) 6-4-033:020, into 2 lots, proposed Lot "1" and Lot "2 (see Exhibit A), provided that Oliver shall be responsible for all cost incurred in the processing and obtaining of the subdivision, including but not limited to surveying fees, fees imposed by the County of Hawaii, fees for utility (electric, water, etc.) and other fees associated with the subdivision of Lot No. 44.
- 2. To approve the amendment of Lease No. 6913, to reflect the subdivision of Lot No. 44; update the property description of original Lot No. 44.
- 3. To approve the designation of Agricultural Lease No.6913, demising proposed Lot "1".
- 4. To approve the designation of Agricultural Lease No. 6913-A, demising proposed Lot "2".
- 5. To approve the transfer of Agricultural Lease No. 6913-A, to Oliver's daughter, Nalani G. Gray (Nalani).

- 6. The above are subject to the completion of the survey work done by a licensed surveyor, including but not limited to the surveying and staking of boundary corners of the lots, submitting the required number of final subdivision maps to the County, preparing and submitting the legal description of the lots to the Department of Hawaiian Home Lands (Department), applying to the County for subdivision approval, obtaining the tax map keys for the lots, and final subdivision approval by the County of Hawaii.
- 7. This subdivision and transfer of lease is subject to the servicing Lender, Mid America Mortgage, consenting to the amendment of the Lease.

DISCUSSION

Department Agricultural Lease No. 6913, Lot No. 44, located in Pu'ukapu, Hawaii (Lease), was transferred to Oliver by way of the Assignment of Lease and Consent instrument, dated May 4, 2009.

Oliver resides on the lot and is requesting Department's approval to subdivide Lot No. 44 into 2 lots. Proposed Lot "1" will be approximately 2 acres in size, and Lot "2" will be approximately 3 acres in size. Oliver is to retain and continue to reside on the proposed Lot "1", consisting of a permitted dwelling.

Oliver will transfer proposed Lot "2" to Nalani, who has been determined to be not less than 50% Hawaiian ancestry.

As the proposed lots will be less than 3 acres in size, pursuant to section 10-3-26 of the Administrative Rules, the respective lots will be considered subsistence agricultural lots.

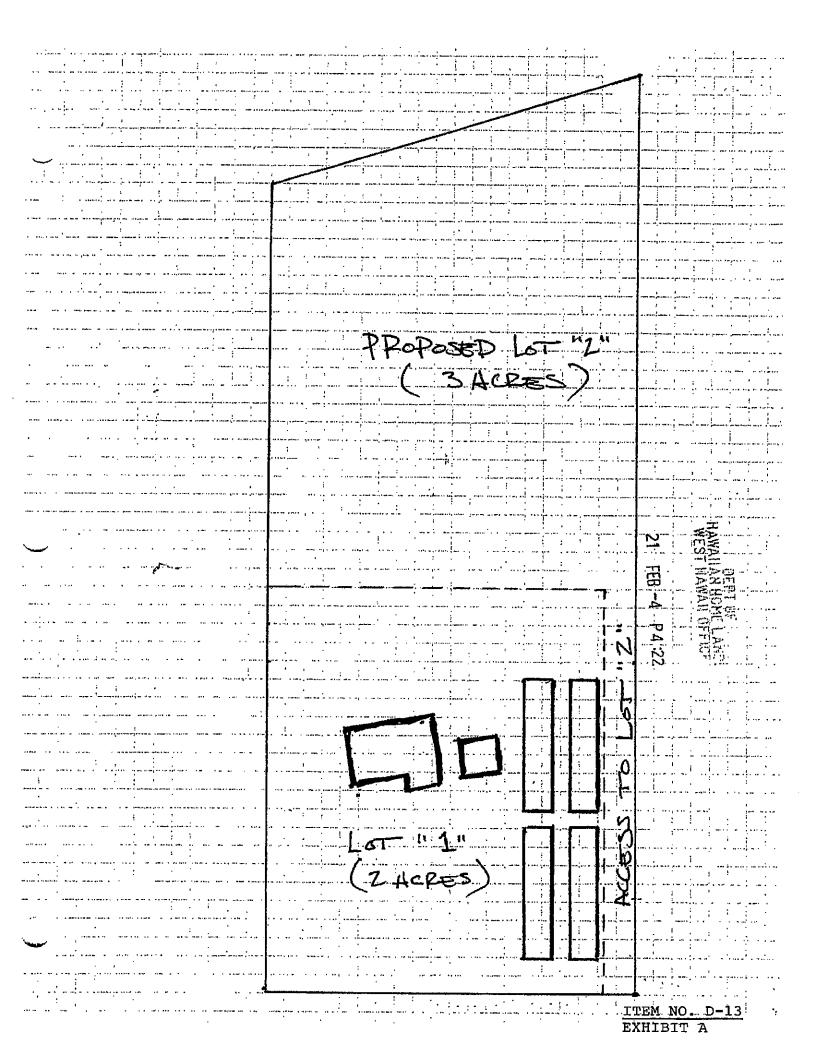
Oliver is currently cultivating tomatoes on the lot.

Nalani submitted a farm development plan, which shows that she intends to cultivate fruits and vegetables.

There is an outstanding mortgage with Mid America Mortgage, in the amount of approximately \$370,400. This outstanding lien will be attached only to the proposed Lot "1", subject to the approval of the servicing lender.

The lease rent and real property tax are current.

The Department recommends the approval of its recommendations.



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

Juan Garcia, Administrator Homestead Services Division THRU:

FROM: Olinda L. Fisher, EHDO District Supervisor

Homestead Services Division

SUBJECT: Commission Designation of Successor -

STEPHANIE KANANI REAVIS, Residential Lease No. 6306,

Lot No. 51-B, Keaukaha, Hawai'i

RECOMMENDED MOTION/ACTION

- To approve the selection of Tyson Peter Keone Reavis (Tyson), Teresa Jane Leimomi Reavis (Teresa), Douglas Owen Reavis, Jr. (Douglas) to succeed to the interest of Stephanie Kanani Reavis in Residential Lease No. 6306, Lot No. 51-B, Keaukaha, Hawaii (Lease) for the remaining term of the Lease;
- To stipulate that the successors rights and interest in the Lease does not vest until Tyson, Teresa, and Douglas has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Tyson, Teresa, and Douglas do not sign all such documents on or before November 30, 2021 (the Deadline) that the Commission's selection of Tyson, Teresa, and Douglas as successors is automatically revoked;
- 3. To authorize the Department to extend the Deadline up to 30 days for good cause; and
- To declare that if any of the successors selection as successors is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, as amended, "the lease shall resume its status as unleased Hawaiian home lands the department is authorized to lease the land to a native Hawaiian as provided by the Act.";
- To amend the Lease document, to incorporate the currently used conditions, covenants and terms, and to build and

occupy the homestead lot within one (1) year from the execution of the lease document.

DISCUSSION

By way of the Department of Hawaiian Home Lands Assignment of Lease and Consent to Lease No. 6306, dated December 1, 1985, Stephanie Kanani Reavis (Decedent) received the Lease.

On April 28, 1986, the Decedent named her children Walter, Teresa, Douglas, and Tyson Reavis as net proceed recipients, as they were less than the 50% Hawaiian and not qualified to succeed to the lease interest.

On October 17, 1996, the Decedent passed away and the Department received a death certificate on September 27, 1999.

On April 19, 2000, a letter was sent to the Decedent's children and advised that the designation had been determined to be invalid, because of the October 1986 amendments to the Hawaiian Homes Commission Act reducing the required Hawaiian blood quantum from 50% to 25%. The Department had determined that the children were at least one-quarter Hawaiian and therefore, qualified to succeed to the lease and proceeded with a public notice.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star Advertiser, the Garden Isle, the Hawaii Tribune Herald, West Hawaii today, and The Maui News on April 24, May 1, 8, and 15, 2000, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the lease.

The Department received three successorship claims from the Decedent's sons, Tyson and Douglas, and Decedent's daughter, Theresa, who were all deemed eligible for successorship to the Lease.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee designates an ineligible successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or

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

By letter dated March 8, 2001, the claimants were informed of the conditions of the successorship and that they would need to finance and construct a home within one year of receiving the lease.

By letter dated October 16, 2002, the claimants were notified that they were unable to demonstrate financial capability to build a home on the lot as required by the conditions of the lease, and were given until November 6, 2002, to prove their financial capability. There was no response from the successors, and the Department was unable to put in the successorship for commission recommendation.

In 2003, the claimants contacted the Department to inquire if they were still eligible to build a home on the lot. The Department informed the claimants that the lease was not cancelled and if they could submit the necessary documents, they would be allowed to build. No further action was taken by the claimants.

In 2010, the claimants inquired again with the Department about building a home. The Department again informed the claimants to submit the required documents to proceed with the successorship. No further action was taken again by the claimants.

On November 28, 2014, the Department sent a letter and response form to the claimants. There was no reply.

A second attempt by the Department on February 11, 2015, was done to send letters and successorship response forms out to the successors. A response and return were received from Teresa on

March 2, 2015, and from Douglas on March 10, 2015. The Department did not get a returned response from Tyson.

On October 19, 2017, the Department emailed Teresa and Douglas in an attempt to get a hold of Tyson, and to have him contact the Department.

On November 30, 2017, Tyson completed the successorship response form confirming his interest in the lease.

As there no longer is a requirement for the claimants to prove their financial capability to be able to succeed to the lease, they are still required to build and occupy the homestead lease within one (1) year of the Chairman executing the lease.

There are no improvements to the homestead lot.

There are no outstanding loans with the Department and the Lease rent and real property tax are paid current.

The Department requests approval of its recommendation.

HAWAIIAN HOMES COMMISSION SEPTEMBER 20 & 21, 2021 INTERACTIVE CONFERENCE TECHNOLOGY 9:30 A.M.

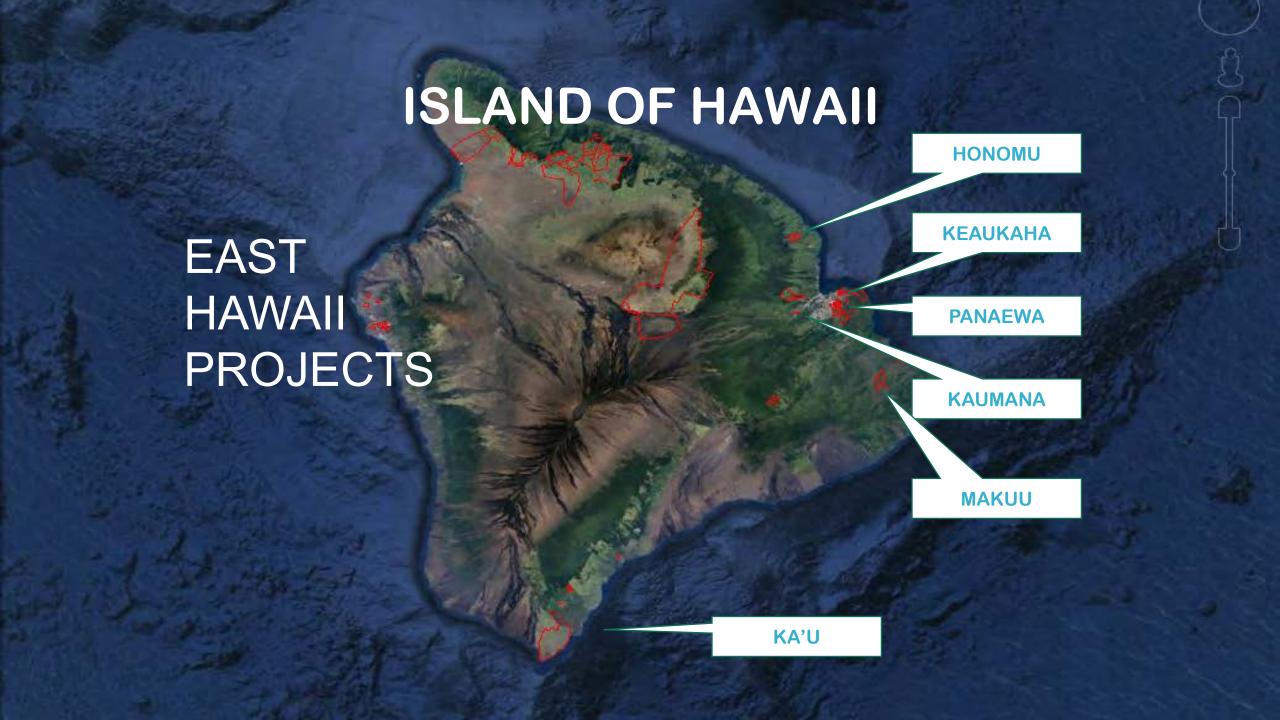
E – ITEMS LAND DEVELOPMENT DIVISION





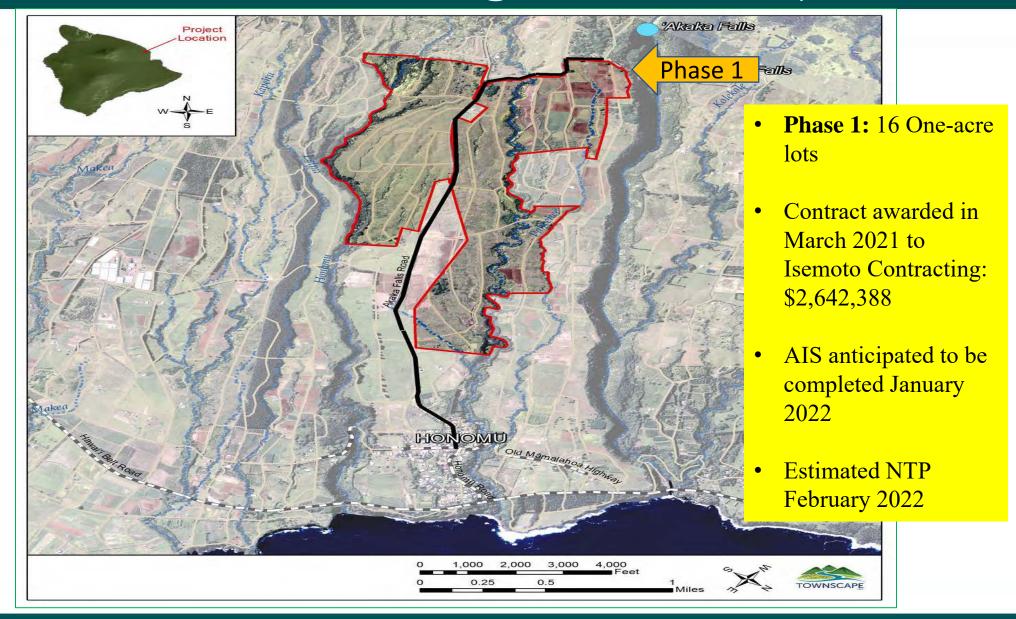
EAST HAWAII Project Updates

LAND DEVELOPMENT DIVISION Item E-1 Workshop September 20-21, 2021





Honomu Subsistence Agriculture Project Area





Keaukaha Phase 1 Sewer Improvements



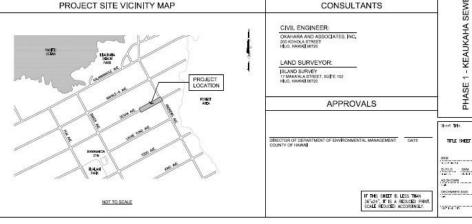
COH existing sewer lines

SHT, NO, DWG, NO, DESCRIPTION
1 T-1.0 TITLE SHEET AND DRAWING INDEX 2 C-1.0 CIVIL NOTES 3 C-1.1 CIVIL NOTES 4 C-1.2 CIVIL NOTES
2 C-1.0 CIVIL NOTES 3 C-1.1 CIVIL NOTES 4 C-1.2 CIVIL NOTES
3 C-1.1 CIVIL NOTES 4 C-1.2 CIVIL NOTES
4 C-1.2 CIVIL NOTES
5 C-1,3 CIVIL NOTES, ABBREVIATIONS AND BMP DETAILS
6 C-2.0 SEWERLINE 'A" PLAN AND PROFILE STA, 0+00 TO STA, 3
7 C-3,0 CIVIL DETAILS
8 C-3.1 CIVIL DETAILS

PHASE 1 - KEAUKAHA **SEWERLINE**

DESHA AVENUE CONNECT TO ANDREWS AVENUE 10" SEWERLINE HILO, HAWAII 96720

DEPARTMENT OF HAWALAN HOME LANDS LAND DEVELOPMENT DIVISION 91-5420 KAPOLEI PARKWAY KAPOLEI, HI 96707



Okahara and Associates, Inc



Schedule for Bidding in Fall - 2021 COST EST. \$300,000

Scope of Work:

Instead of

installing

Septic Tanks, the new sewer

line will allow

for connection

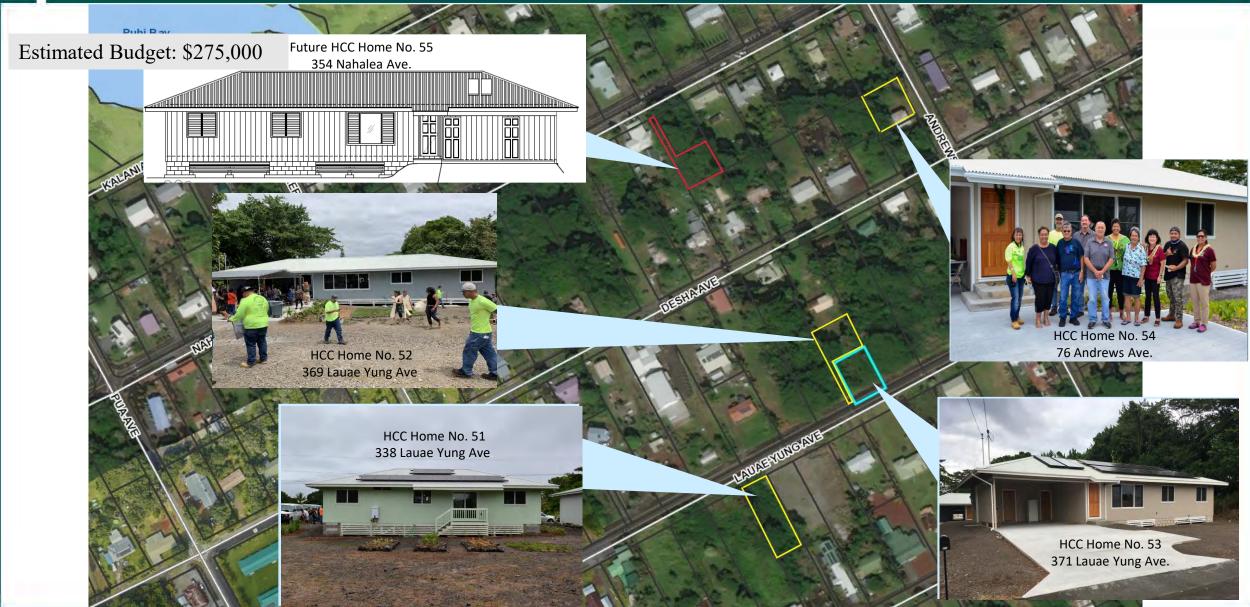
and assist with the closure of

cesspools.

10 Affected lots – 4 vacant DHHL lots



Hawaii Community College Model Homes Project





Panaewa Subsistence Agricultural Lots







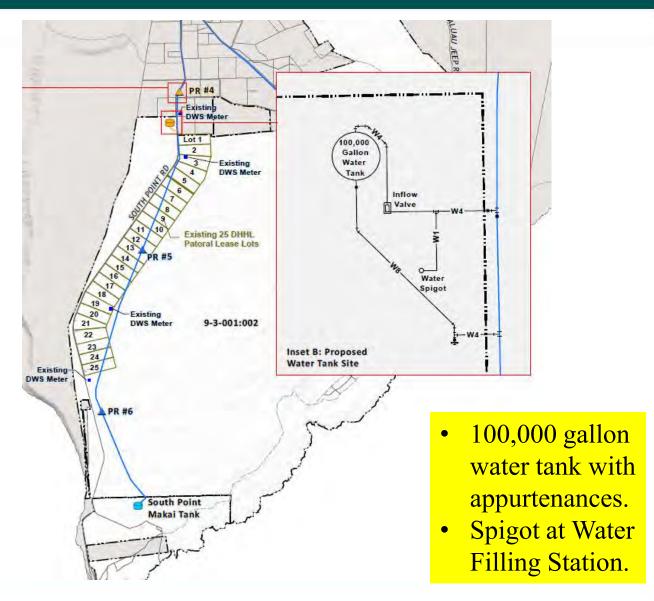
Kaumana Subdivision Lot Rehabilitation





Ka'ū Water System - Phase 1

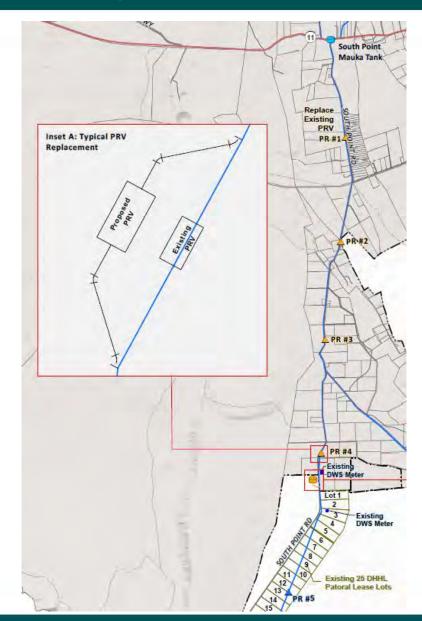
- 100,000 gallon water storage tank and appurtenances, including a water filling station with spigot, on Hawaiian Home Lands.
- Construction Contract
 - Executed: 6/1/2021
 - Isemoto Contracting Co., Ltd.
 - \$2,736,327.00
- Construction Pending
 - AIS Revision and Approval by SHPD
 - Archaeological Monitoring Plan Submittal and Approval by SHPD
 - County Re-Approval of Plans





Ka'ū Water System - Phase 2

- Replacement/upgrade of Pressure Regulating Valve Stations (PRV/PR)
 - PR #1
 - PR #2
 - PR #3
 - PR #4
- DHHL received \$1,000,000.00 in Trust Funds.
- Design/Consulting contract, including Archaeological work – currently being negotiated with Group 70 International, Inc.

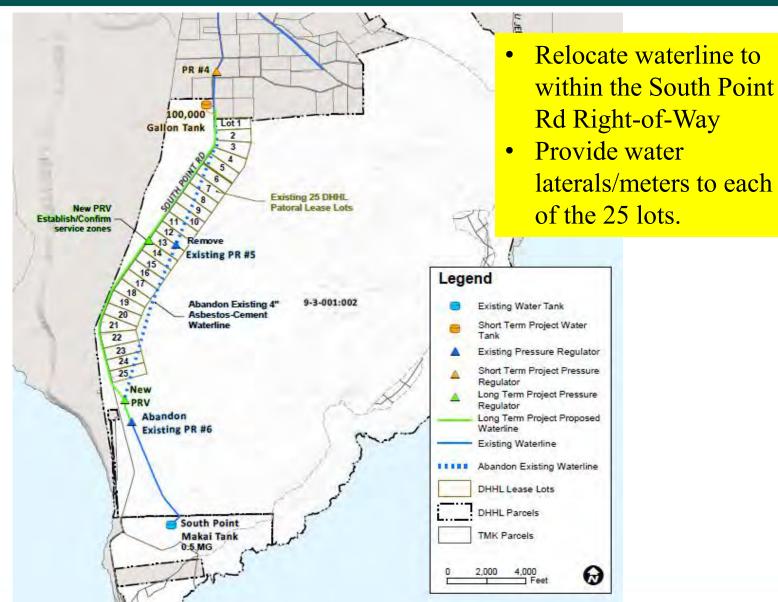


PRV
Upgrade/
Replacement



Ka'ū Water System-Future Phase(s)

- Relocate existing waterline from within lots, to the South Point Road right-ofway.
- Install water laterals for water meters to each of the 25 Pastoral Lots.
- Estimated cost: \$20,000,000.00
- Proposed request to Legislature in Fiscal Biennium Budget 2021-2023





Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

To: Chairman and Members, Hawaiian Homes Commission

From: Stewart Matsunaga, Acting Administrator, Land Development Division

Andrew Choy, Acting Planning Program Manager, Planning Office

Subject: Item E-2: For Information Only

Wastewater Disposal on Hawaiian Home Lands: Focus on Cesspools

RECOMMENDED MOTION/ACTION:

For Information only

DISCUSSION:

1. Methods for wastewater disposal from homesteads include:

- a. Cesspools
- b. Septic systems
- c. Sanitary sewer systems

This submittal will focus on the use of cesspools, its environmental concerns, statutory requirements, collaborative activities, community surveys, assessments and potential funding resources.

2. Up until the mid-1990's the use of cesspools have been the primary wastewater disposal method. Urban areas like Papakolea have been constructed with sanitary sewer systems. Since the mid-90's homestead areas not connected to a municipal sanitary sewer system are required to construct Individual Wastewater Systems (IWS).

Within the State of Hawai'i it is estimated that there are over 88,000 cesspools, with nearly 50,000 located on Hawai'i Island, almost 14,000 on Kauai, over 12,000 on Maui, over 11,000 on Oahu and over 1,400 on Molokai. These substandard systems discharge over 53 million gallons a day of raw sewage into Hawai'i's ground water and coastal waters. Cesspools concentrate the wastewater in one location, often deep within the ground and in direct contact with groundwater, causing groundwater contamination. This groundwater flows into drinking water wells, streams and the ocean, harming public health and the environment, including beaches and coral reefs.

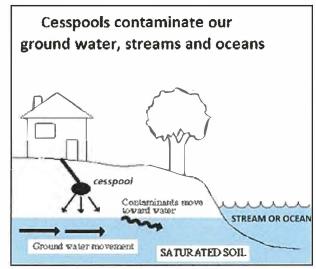


Image courtesy of DOH

3. Within DHHL properties the following numbers of cesspools are estimated, based on 2015 State DOH records and subject to change:

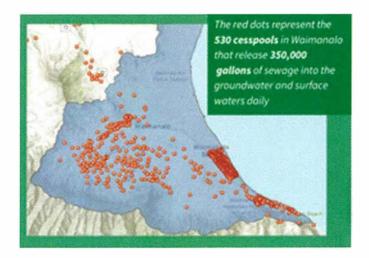
a. Hawaii Island: 932 cesspools
b. Maui: 319 cesspools
c. Molokai: 483 cesspools
d. Lanai: 0 cesspools
e. Oahu: 358 cesspools
f. Kauai: 420 cesspools
Total: 2,512 cesspools

- 4. The Hawaii State Legislature enacted Act 132, Session Laws Hawaii 2017 requiring the replacement of all cesspools, statewide by 2050. Replacement of cesspools can take many forms dependent upon the location of the existing cesspool. More information on this legislation can be found at: <a href="https://enact.nlm.nego/beats-negotic-negotics-negotic-ne
- 5. When converting cesspools to better technologies, time is of the essence. Gradual sea level rise is causing water tables to rise, and episodic tidal flooding is causing cesspools near shorelines to overflow with increasing frequency. See **Exhibit A**, "Rising Seas Compromise Coastal Cesspools."
- 6. On a statewide level, the following studies and reports have been conducted and provided:
 - a. The State Dept. of Health (DOH) submitted a report on cesspools and prioritization for replacement in Dec. 2017 to the 28th Legislature: health.hawaii.gov/opppd/files/2017/12/Act-125-HB1244-HD1-SD3-CD1-29th-Legislature-Cesspool-Report.pdf

- b. As mandated by Act 132, the Cesspool Conversion Working Group (CCWG) was convened and first met in Sept. 2018 (health.hawaii.gov/wastewater/ccwg/); six reports have been generated for the group by UH researchers and others
- c. UH-WRRC and Sea Grant currently are completing analysis of data to refine criteria for prioritization of areas for conversion, using an expanded set of criteria. The draft report will be presented to the CCWG at its next meeting on Sept. 21, 2021.
- d. Molokai was not included in the analysis due to problems with obtaining data. However, DHHL has included its Molokai lands, particularly its coastal properties in Kalama'ula, Kapa'akea, One Ali'i as priority areas for assessment. More discussion below.
- e. DOH completed an update to the State Water Quality Plan in 2019, with cesspool conversion one of the top three priorities in the plan: health.hawaii.gov/water/files/2019/03/FINAL-DOH-Water-Quality-Plan-2019.pdf

7. Current Assessments, Efforts, and Activities

a. DHHL was invited to participate in the CCWG Meetings, and staff attends as time permits. In addition, PO & LDD staff has been meeting with WAI (Wastewater Alternatives and Innovations) – a non-profit dedicated to facilitating conversion of cesspools and failing septic systems to better technologies. Staff learned more about their mission, CCWG, WRRC and GIS mapping work; worked on improving DOH's data for cesspools on HHL. Cesspools have been mapped, statewide, with existing Priority Areas designated per the criteria in the 2017 DOH report, and DHHL has reviewed WRRC data and provided feedback and corrections: waicleanwater.maps.arcgis.com/apps/View/index.html?appid=4640aa4060bb41 8ebe8c1326687d4eba



b. DHHL has also been approached by ITT/Tiger Biofilter Solutions to consider participating in a pilot project on Hawaiian Home Lands for cesspool conversions to the Tiger Biofilter: transformativetechnologies.org/tbf/ ITT, in partnership with the Hawai'i Dept of Health, is launching an ambitious initiative to use this system to solve at least a portion of the state's sewage problems, with independent testing by the University of Hawai'i. Tiger Biofilter is one of the most widely-deployed natural, decentralized sanitation/sewage treatment technologies in the world. In just 4 years it has scaled to treat the waste of over 100,000 people in India.

8. Potential Means and Methods to Dispose

a. WAI is exploring multiple alternatives, including incinerating toilets that use a small propane tank or electricity to incinerate waste, leaving only ash. One of these is currently installed in Coconut Island at the UH research facility there.



- 9. DHHL and Engineering Consultants to Conduct Wastewater Surveys & Field Assessments
 - a. DHHL to mail survey instrument to lessees in locations of known cesspools and to inform lessees of field investigations led by engineering consultants.
 - Fukunaga and Associates, Inc. to conduct field assessments in Waimanalo, Nanakuli and Wai'anae to ground truth existing and abandoned cesspools.
 See Exhibit B for Fukunaga and Associates, Inc's presentation of the assessment program for O'ahu.
 - c. Hawaii Engineering Group to conduct field assessments on Neighbor Islands, with priority on Molokai, then Maui, then Kaua'i.
 - d. An engineering consultant will be procured to conduct field assessment on Hawai'i Island, with priority in Keaukaha, East Hawai'i.

10. Potential opportunities for conversion

- a. Work-4-Water Initiative (WAI)
 - This partnership proposes a pilot project with a total of 400 conversions for lots not able to connect to a municipal wastewater treatment system, potentially on all islands except Lāna'i.
 - Wai is working with Cambrian (<u>www.cambrianinnovation.com/</u>) on vetting various technologies that would be appropriate for Hawai'i.
 - A key component of project is providing technical assistance and support for workforce training through UH Community Colleges and small new business formation, which will stimulate economic development opportunity for beneficiaries.
 - After assessment, solutions will be appropriate and designed specifically for each lot; up to a \$20,000 cost subsidy will be provided.
 - DHHL has provided a Letter of Interest as a partner and will assist in recruitment of lessee participants in pilot project once funding is secured.

b. Tiger Biofilter

- The model is similar to Work-4-Water's, except that only the vermiculture technology (Tiger Biofilter) will be offered, albeit in a number of configurations that can be customized to each site.
- If approved, the pilot program will be located on O'ahu in locations where it may not be cost effective to connect to the City's municipal sewer system.

- 11. Funding considerations (Federal grants/loans, State Leg/DHHL, Lessees/sliding scale)
 - a. In its Legislative Proposal package to the State Legislature, HHL-04 (22) Relating to Cesspools. The purpose of HHL-04 (22) is to establish a low interest loan program to offer financial assistance for lessees on Hawaiian home lands with cesspools to be upgraded or converted to septic systems or aerobic treatment unit systems, or connected to existing sewer systems or any other wastewater treatment systems approved by the State Department of Health.

Cesspool conversion to various IWS can range in cost from \$10,000 to over \$30,000, depending upon the type of IWS and the substrate and whether the lot is deep soil or bedrock. Other costs will include the closing and abandonment of existing cesspool and repiping costs.

Abandoning cesspools and connection to a sanitary sewer system could cost from \$5,000 to \$20,000 per hook up to an existing sanitary sewer system. An order of magnitude estimate for remediating all 2,500+ cesspools could reach \$75,000,000. This amount does not take into consideration additional capital costs to extend sewerlines to DHHL properties or construct package plants or new technologies where not feasible to extend sewerlines.

- b. The Planning Office and Land Development Division are exploring various federal funding opportunities, given the COVID-19 Response economic stimulus funding that may be coming Hawaii's, and DHHL's way. One potential source is the FY 2021 American Rescue Plan Act Indigenous Communities grant from the Economic Development Administration (EDA), U.S. Department of Commerce (DOC). The application should be submitted by the end of March 2022.
- c. Explore partnerships for alternative approaches and opportunities
 - The Planning Office is continuing to work with WAI on securing funding for the Work-4-Water Initiative pilot of 400 homestead lots and LDD is coordinating with WRRC on improving and validating cesspool assessment data
 - Molokai data still needs to be included. LDD has contracted with Hawaii Engineering Group to conduct surveys and ground truthing. The Planning Office will continue to work with University of Hawaii researchers when the ground truthing data is obtained.
 - Develop a long range wastewater treatment program using Legislative appropriations to develop private package plants and/or alternative technologies.
 - Continue efforts with all Counties to expand the reach of existing sewer systems to DHHL communities.

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Rising Seas Compromise Coastal Cesspools, Deliver Sewage to Nearshore Ecosystems

► posted in: April 2021 | 🗣 0

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Contamination of coastal waters caused by sewage from cesspools and other onsite sewage disposal systems (OSDS) as well as sewage infrastructure will only increase with the rise in sea level over the next few decades.

In fact, it is already occurring, especially at spring and king tides.

Two University of Hawai'i researchers have been studying just how this contamination occurs: Dr. Shellie Habel, a Sea Grant agent with the University of Hawai'i working with the state Department of Land and Natural Resources' Office of Conservation and Coastal Lands, and Dr. Trista McKenzie, a post-doctoral researcher at UH's School of Ocean and Earth Science and Technology.

Both described their recent work at a webinar hosted by the university's Water Resource Research Center and the 'Ike Wai project.

Habel has modeled the impact that rising sea levels will have on cesspools in the Honolulu urban core. Although the area is served by the city's Sand Island wastewater treatment plant, the largest in the state, processing an average of 65 million gallons a day of sewage, hundreds of homes and businesses continue to dispose of wastewater by means of cesspools or other OSDS.

In This Issue



September 2021 PDF



Board Talk: Land **Board Seeks**

Multimillion Dollar Bond For Undedicated Infrastructure at Sand Island



Board Talk: House Blesses Auction of

Lands Used By Yacht Club



Board Talk: Sierra Club Finally Gets Contested Case Hearing



Board Talk: Board Issues Large Fine For

Kona Site Damages



Board Talk: Overbuilt Revetment Draws

Fines, Removal Order



New & Noteworthy: Honokohau

Headache, Staph Alert, and a Correction



Two Important New Acts Address Statute of Limitations, Ag CPRs



Actions September 4, 2021 (Asked why there remain so many unsewered buildings in Honolulu, Habel said, "Lots of folks in the primary urban core area might not even know what their system is." In addition, digging new laterals – connections between buildings and sewer mains – is difficult in Waikiki especially, given the likelihood of disturbing 'iwi bones, other cultural assets, and buried infrastructure.)

Habel presented a map of OSDS from Kapiʻolani Park in the east to the airport in the west, with each known OSDS color-coded red, yellow, or green as to whether it was already flooded at the ground surface, partially submerged in groundwater, or whether it was presumed to meet Department of Health guidelines, with at least 15 feet of unsaturated soil between the surface and the water table, based on current sea levels and the assumed elevation of groundwater head.

Nearly all – 86 percent – of the identified systems are already compromised (yellow), with a few already completely inundated (red). Only those furthest mauka were presumed to be compliant with DOH guidelines.

With sea level rise and eroding coasts, even more cesspools and other OSDS will fail, Habel said. To model this, Habel overlaid rising sea level scenarios – of 32, 60, 98, 122, and 152 centimeters, representing reasonable predictions of increasing sea levels from 2030 up to the end of the century – on the OSDS maps.

By century's end, the map was dominated by red symbols.

Arbitrary Setbacks

Outside the urban core of Honolulu, coastal erosion and sea level rise are already exposing cesspools on beaches next to homes that are themselves being threatened by encroaching seas.

Habel gave an example of a house in Pupukea, on O'ahu's North Shore, where oceanfront homes have often resorted to extreme measures – sand burritos or illegal and often jerry-rigged defenses – in an effort to halt erosion.

In December, the house was relocated to an area further from the shore on the same lot, the kind of shoreline retreat that generally is praised by planners. In connection with the move, the cesspool that had served the house was closed, replaced by a septic system with a leach field, which requires a minimum 50-foot setback from the coast.

"But there are two problems with relying on a 50-foot setback," Habel noted. "One is evident here: as the distance between the [onsite sewage disposal system] and shoreline decreases with erosion, systems can end up very near to the shoreline or directly on the shoreline, on the public beach."

"The second issue is the distance used to measure the setback when authorizing an OSDS. It isn't measured from the actual shoreline but from the tax-map-key boundary," a boundary that rarely reflects actual shorelines in areas where erosion has occurred, as in Pupukea.

"For major changes, counties require shoreline surveys to be made, but authorization for installation of OSDS might not follow that same requirement," she said.

In the case of the Pupukea house, the distance of the new septic tank from the shore was 69 feet, as measured from the TMK boundary. However, as aerial photos clearly show, the actual distance is much less than the 50-foot setback, Habel said.

"When you look at how erosion is predicted to affect an area, both the leachfield and septic tank, as well as the relocated house itself, will be directly affected by erosion with as little as half a foot to one foot of sea level rise," she said.

Confirmation

"It's one thing to run models and simulate these issues... but it's another to actually confirm it," Habel said as she introduced McKenzie.





To determine the ways in which rising sea levels compromise sewage infrastructure, McKenzie looked at how groundwater flows shift in response to seawater. There are two ways in which rising seas can lead to sewage contamination of coastal areas, McKenzie explained: the direct way, with inundated cesspools or fractured sewer lines releasing contaminants as the water table rises.

Then there's the indirect means, with the flooding of storm drains that flow to the coast. "This pathway becomes a vector for wastewater transport when OSDS are in the vicinity or compromised sewer lines," they explained.

To confirm direct and indirect transport of contaminants, McKenzie sampled water in two low-lying areas of Honolulu, Waikiki and Mapunapuna, at spring, high, mid-, and low tides, with spring tides used as a proxy for conditions under higher sea levels.

Waikiki was marshland until the Ala Wai canal was dug. There, the suspected contamination in the Ala Wai canal is direct, coming from cesspools that are compromised as sea levels rise. Here McKenzie took samples at two sites along the Ala Wai and one near the small-boat harbor.

At Mapunapuna, near the Honolulu airport, the area regularly floods at high tides and in heavy rains as seawater rushes in through manholes, an example of the indirect means of contamination. Here, the samples were taken from water rising in three storm drains and again at a nearby coastal site.

To detect the extent of groundwater in the samples, McKenzie tested them for radon (a naturally occurring element in groundwater but not seawater), nutrients (signs of fertilizers and sewage), and other chemicals (including caffeine and pharmaceuticals).

As expected, storm drains in Mapunapuna quickly overflowed with seawater at spring tides, carrying into the streets contaminants from compromised sewage infrastructure – "which is not great," McKenzie said.

Samples from the Ala Wai also showed tidally influenced changes in groundwater and pharmaceutical signals, confirming that as sea levels rise, contamination from wastewater will be an increasing issue.

Among the disturbing findings were the high levels of unregulated contaminants, called contaminants of emerging concern (CECs), in the sampled water.

More than 94 percent of the samples had at least one CEC, with caffeine and carbamazepine, an anticonvulsant drug, the most frequently detected, McKenzie said. Again, the presence of CECs and the fluctuation in their concentrations with the tides "provides concrete evidence of tidally influenced inundation of wastewater infrastructure," they added.

At Waikiki, CEC scores increased with rising tides, showing increased infiltration of groundwater. The opposite occurred at Mapunapuna, where seawater intrusion through the storm drain network, which already has contaminated water in it, leads to dilution of the sewage effluent.

"CECs are really interesting," McKenzie said, providing "a lot of potential to use in research." Yet, they added, "even in trace quantities, they're demonstrated to have negative impacts on the ecosystem."

The risk quotients for CECs are calculated based on the extent to which they exceed the Predicted No-Effect Concentration, or PNEC, and anything greater than a risk quotient above 1 poses a high risk for the ecosystem.

Sixty-two percent of the samples had risk quotients exceeding 1 for carbamazepine and caffeine. Samples taken at the Ala Wai and in both coastal sampling areas showed no presence of fluoroquinolones (antibiotics, including Cipro), which, McKenzie explained, degrade quickly in the presence of sunlight. At two of the storm drain sites in Mapunapuna, however, the fluoroquinolone risk quotients were 21 and 26.

McKenzie wrote up the results of the study in an article published in *Limnology and Oceanography Letters*, coauthored with Habel and Henrietta Dulai ("Sea-level rise drives wastewater leakage to coastal waters and storm drains"). In recognition of the high quality of the research, McKenzie was awarded the L&O Letters Early

Carpor	Duh	lication	Honor

— Patricia Tummons

Learn More:

The webinar featuring Habel and McKenzie's work is available through the Water Resources Research Center website: www.wrrc.hawaii.edu.

For more information, see McKenzie, Habel, and Dulai: "Sea-Level rise drives wastewater leakage to coastal waters," at https://doi.org/10.1002/lol2.10186

For more on sewage-related contaminants of emerging concern in Hawai'i's environment, see our June 2016 cover story, "Several Common Drugs Are Apt to Leach Into O'ahu's Groundwater, Study Finds," and sidebar, "Emerging Contaminants in the Ocean," available on our website, environment-hawaii.org.

▶Teresa Dawson

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Contact Us

Environment Hawai`i

⋄ 421 Kaanini St. Hilo HI 96720

DHHL Oahu Cesspool Assessment

For
State of Hawaii, Department of Hawaiian Home Lands
By Fukunaga and Associates, Inc.

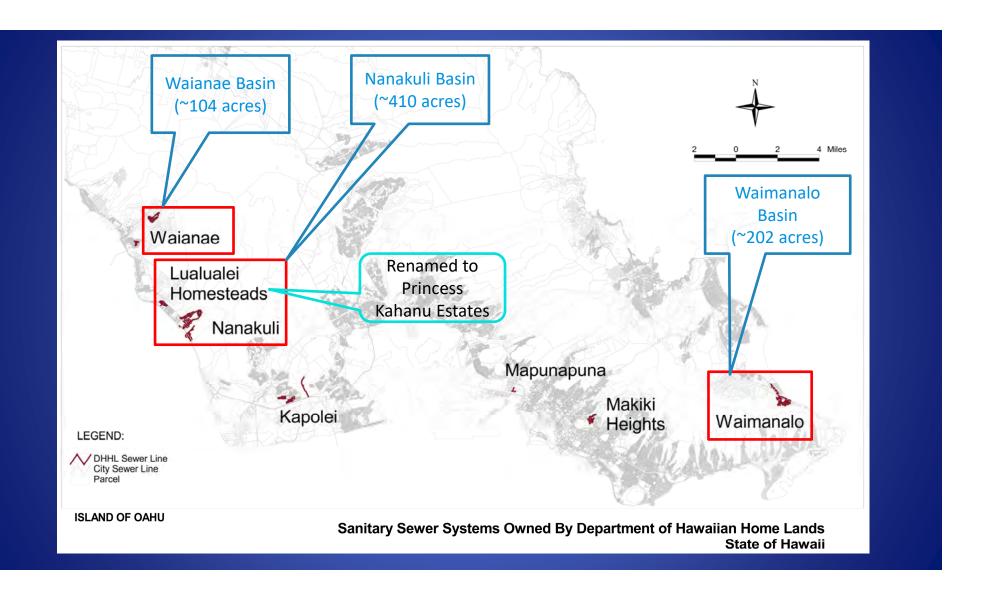
July 22, 2021 Updated August 24, 2021

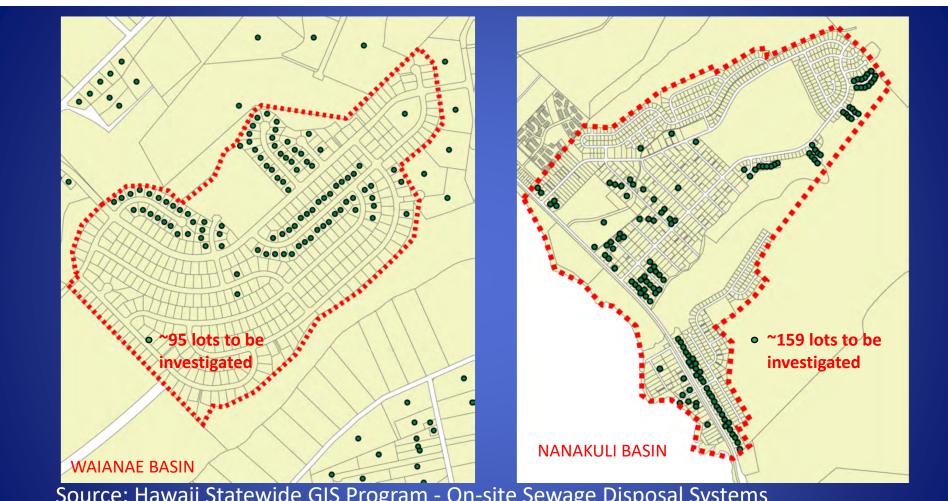
Meeting Agenda

- Project Description
- Project Approach
- Phase I Survey
- Phase II Survey
- Conversion Option Assessment
- Preliminary Schedule and Budgetary Estimates
- Future Work

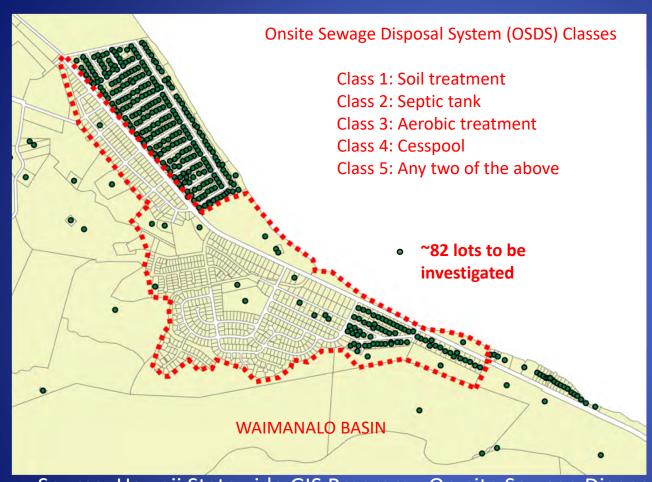
Project Description

- Background: Act 125 requires upgrade, conversion, or sewer connection of all cesspools by 2050 unless exempted
- Project Objectives:
 - 1) Confirm the existing lots with cesspools
 - 2) Assess options of connections to the public sewer
- Scope of Work:
 - Identification and survey of the DHHL lots with cesspools in three basins at Waianae, Nanakuli and Waimanalo
 - Assessment report





Source: Hawaii Statewide GIS Program - On-site Sewage Disposal Systems Lots without dot: connected to public sewers or undeveloped



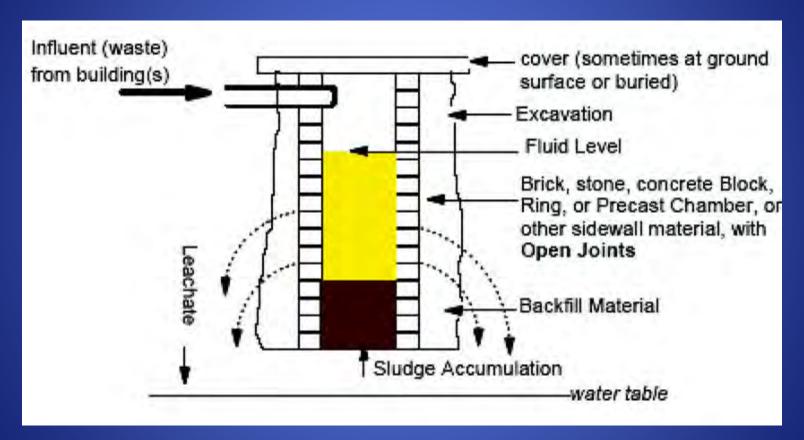
Project Area Categories per HDOH:

Waimanalo: Priority 3 (Potential to impact sensitive waters)

Waianae and Nanakuli: Priority 4 (Impacts to be fully analyzed)

Source: Hawaii Statewide GIS Program - On-site Sewage Disposal Systems Lots without dot: connected to the public sewer or undeveloped

Typical Cesspool



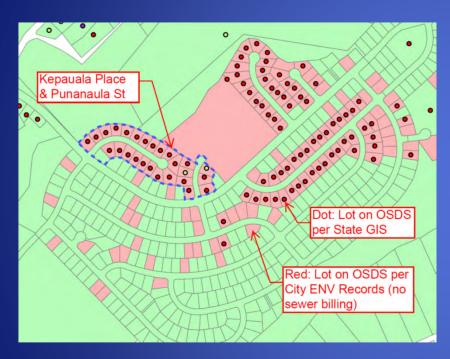
Project Approach

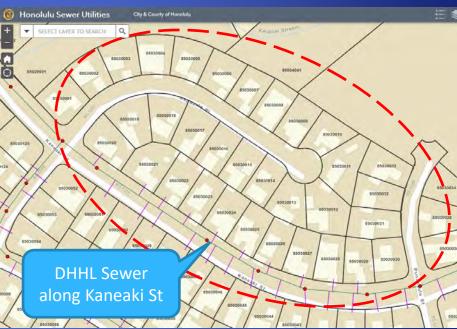
- Phase I
 - Background research
 - Public notification
 - Field verify OSDS lots and identify cesspools
- Phase II
 - Phase II topographical survey of cesspool lots
 - Connection option assessment
 - Design for sewer connection: gravity sewer or low pressure sewer system (LPSS) connection - not in scope yet

Phase I Survey

- Pre-survey desktop research to identify OSDS lots
 - State GIS database
 - State DOH records
 - City GIS database
 - BWS billings
- Phase I Field Survey to verify cesspool lots
- HDOH is updating its database, so actual numbers of cesspool lots could be much different from what the State GIS map shows

Pre-survey Desktop Research





Waianae Subdivision Results

Kepauala Pl & Punanaula St

Pre-survey Desktop Research

Notes:

- 1. A parcel with a sewer lateral installed doesn't mean that parcel is connected to the sewer system
- 2. State GIS Map is dated 2008
- 3. No sewer billing could also be due to vacant land or government owned facilities
- 4. Field verification is necessary

Nanakuli and Waimanalo Results



Phase I Field Survey

- Public Notification Letter: inform lessees of the project
- Questionnaire:
 - OCheck boxes for preliminary OSDS information
 - Contact information for survey scheduling
 - ORight of entry agreement
- Phase I Field visit after receiving the questionaire back from the lessees
- Successful project progress is highly dependent on cooperation from the lessees

Notification Letter

Dear Lessee:

Subject: DHHL Oahu Cesspool Assessments

Survey Notification, Questionnaire, and Right of Entry Agreement

85-1076 Kepauala Place, TMK: 85030001

Hawaii State Act 125 requires upgrade, conversion or sewer connection of all cesspools in the State before 2050 unless exempted. The Department of Hawaiian Home Lands (DHHL) plans to conduct a cesspool assessment in your area for feasible options to connect the existing cesspooled lots to a public sanitary sewer system. After they are connected, existing cesspools will be disconnected, and the sewage discharged from those lots will be collected and transported to a public wastewater treatment plant for treatment and disposal. This will significantly improve public health, water quality and the environment. DHHL will install the sewer pipe from the homestead property line to a public sewer nearby at no cost to the lessees.

This letter is to inform you that our project team has determined that your homestead property is not currently connected to a public sewer system and may be served by cesspool(s) or other type of onsite sewage disposal system (OSDS). A Phase I field survey will be performed at your property to identify the locations of cesspool(s) and the location of sewer pipes connecting the dwelling units to the cesspool. Phase I survey may take about 15 to 30 minutes, including walk around the property and interview with the lessees.

After the Phase I survey is done, a Phase II topographic survey will be performed to determine feasible connection options to a public sewer nearby. The DHHL requests you to grant our survey team the right of entry into your property for both phases and provide a safe and unobstructed access allowing passage of equipment and personnel to perform the required survey. Phase II field survey may take up to 2 hours. Please clear any obstacles that may prevent or delay the completion of the survey. Design and construction will follow the Phase II survey.

Please fill out the attached pre-survey questionnaire. Please check proper boxes, provide the contact information, indicate the best days/time for the survey team to visit your property, sign and return the questionnaire to DHHL within 30 days of receiving this letter. The information provided will be used by the project team to arrange/schedule both Phase I and Phase II field surveys.

If you have any questions, please call Mitchell Kawamura, Project Manager, Land Development Division, at 620-9278.

Mahalo for your cooperation.

Sincerely.

Stewart T. Matsunaga, Acting Administrator Land Development Division

Questionnaire

CESSPOOL QUESTIONNAIRE

1. Check applicable boxes My property doesn't have active cesspool(s) or other onsite sewage disposal system (OSDS). SKIP the following if you check the box above. Go to 2 directly. My property has active cesspool(s) or other type of OSDS. I don't know what type of OSDS I have at my property. Concurrence for DHHL and Consultant Team to access property for the OSDS survey. (for both Phase I and Phase II field survey) a. OSDS location (check one): ☐ Front yard ☐ Back yard ☐ Side yard ☐ I don't know b. My property has (check those applicable): ☐ Fence/Wall ☐ Gate ☐ No gate ☐ Watchdog(s) 2. Information for Field Survey Schedule Arrangement a. Contact person's name: b. Property street address: c. Mailing Address: (if it is different from the property street address) e. Best day and time to visit: *During the visit the survey team will interview the lessee, asking questions relating to cesspools. 3. Owner Grants the project team the right of entry to perform the required survey

Check boxes

Contact information

Entry agreement

Phase I Field Visit

- Confirm/verify the information provided by the lessees
- Determine the general location of the cesspools (backyard, front yard, etc.). The information will be used to plan the Phase II Field Survey
- Entry assistance from DHHL is very critical for a successful cesspool survey based on the experience from the previous sewer cleanout survey

Entry Assistance from DHHL

- Experience from the previous sewer cleanout survey
 - Undeliverable mails
 - Dogs and/or locked gates (inaccessible)
 - Lack of response from the lessees resulted in multiple trips
 - Low percentage of sewer cleanouts being surveyed
- DHHL Assistance: Hand deliver the letter and/or accompany the survey team to visit the lots with access issues

Phase II Survey

- Topographical survey of cesspool lots
 - Critical information: lateral inverts at the cesspool and all cleanouts in the property, especially the ones next to the building
- Phase II field survey form
 - Interview lessees
 - Pictures
- Entry assistance from DHHL required

Phase II Field Survey Form

	Existing On-site Sewer Disposa	al System (OS	SDS) Field Survey	/
Date/Time:			R	ecord No.:
TMK:	Location (circle one):	Waianae	Nanakuli	Waimanalo
Property Owner:			Contact Info _	
Property Address: _			City:	
Engineer:		Contra	ctor:	
Lot Occupied? (cir OSDS Found? (cir Number of Access OSDS Location (cir Right of Entry Issue Questions for Homas this property on If OSDS is found, in Number of Living Found Does your house of How many sewer of Solids pumped out Does the OSDS upos Type (circle Best Day/Time for	e): Sunny Clear Cloudy cle one) Yes Vacant cle one) Yes No If Yes, cle one) Port Size (in): cricle all that apply): Frontyard ce (circle all that apply): None cleaned to Answer OSDS or on Public Sewer? (circle cospos Still in service? (circle cleaned to Answer cleaned to Answer OSDS or on Public Sewer? (circle cleaned to Answer cleane	No House Access Port F Backyard Fenced G cole one) Yes units: Tota If Yes, does (Please 12 12-24 > olic sewer? (ci k Aerobic U	Other_ Provided? (circle of Next to Bldg ated Dogs SDS Public Se No (Abandone at volume: it have sink or toil e open all to mease 24 Other (morcle one) Yes Unit Other	Other
Contact (name/pho	one)/		Email	
ivialling Address				

Notes:

- 1. Sample data form to reflect the information to be collected.
- 2. Form to be filled out electronically and stored in a Cloud server
- 3. Some data fields will be prefilled using the data collected from the Phase I Survey

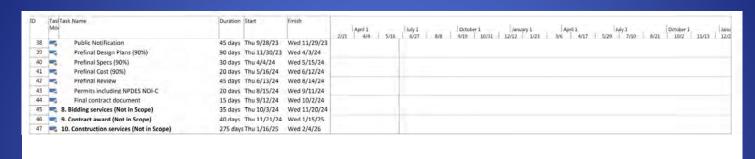
Conversion Option Assessment

- Evaluation of connection options
 - Gravity sewer connection to the public sewer
 - Small lift (packaged) pump station
 - LPSS connection to the public sewer (for the lots located lower than the public sewer)
 - Individual wastewater systems (not in scope and more study required; will discuss briefly)

Waianae Schedule - Preliminary



Waianae Schedule - Preliminary



- Estimated Time (subject to change pending access to property)
 - Research + Public Notifications + Phase I Survey: 7 months
 - Phase II Survey: 7 months
 - Assessment: 12 months
 - Design: 12 months (not in scope)
 - Construction: 12 months



HAWAIIAN HOMES COMMISSION SEPTEMBER 20 & 21, 2021 INTERACTIVE CONFERENCE TECHNOLOGY 9:30 A.M.

F – ITEMS LAND MANAGEMENT DIVISION

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

To:

Chairman and Members, Hawaiian Homes Commission

From:

Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division

Subject:

Approval to Issuance of License to, Aha Punana Leo, Inc., Waimea, Island of

Hawaii, TMK No.: (3) 6-4-001:059 (por.)

APPLICANT:

AHA PUNANA LEO O WAIMEA "APL"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) approves the issuance of a license agreement to AHA PUNANA LEO, INC. "APLI", a domestic non-profit corporation, hereinafter referred to as "APLI" for the right and privilege to enter and use a portion of land within the West Hawaii District Office parcel in Waimea, identified by Tax Map Key No. (3) 6-4-001:059 (por.) (See Exhibit "A") containing approximately 10,000 square feet in land area together with a building, approximately 3,000 square feet in size, for the purpose of operating and maintaining its Hawaiian language family-based Waimea preschool program

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

- 1. The term of the license shall be for ten (10) years, retroactively commencing as of June 1, 2021, and expiring effectively on May 31, 2031.
- 2. The term of the license can be extended for one (1) additional ten-year period at the option of the Chairman of the Hawaiian Homes Commission. LICENSEE must apply for the extension six (6) months prior to expiration of the term and the approval shall be subject to the Chairman's review and evaluation of its financial and operation status.
- 3. Monthly rent shall be set at \$900.00 per month for the term of the license. Rent for the extended period shall be adjusted based on the fair market rent for similar facility.
- 4. The use of the premises shall be limited to the purpose of operating, maintaining, and related use as a Hawaiian language preschool ONLY.

- 5. LICENSEE is responsible for its portion of expenses, such as electricity, water, telecommunication services, and ground maintenance. Payments for building related expenses shall be due from the first month of the license term.
- 6. The premise is licensed in an "as is" condition. LICENSEE shall be responsible for any interior renovation, repair, and maintenance for the use of its building space.
- 7. NO RESIDENTIAL USE SHALL BE PERMITTED, including temporary, overnight occupancy of the premises.
- 9. LICENSEE shall procure an insurance policy in an amount of not less than \$2 million in liability, including fire coverage on the premises, and naming the Department of Hawaiian Home Lands (DHHL) as additional insured, or provide evidence from the State Insurance Program that the charter school is covered under the state program.
- 10. The processing fee of \$200.00 and the documentation fee of \$75.00 shall be waived.
- 11. LICENSEE shall be responsible for all costs to secure the licensed premises and to keep the licensed space in a neat, clean, and sanitary condition.
- 12. The license agreement document shall contain Department of Hawaiian Home Lands standard terms and conditions and shall be subject to the review and approval of the Department of the Attorney General.
- 13. All other terms and conditions deemed prudent and necessary by the Chairman of Hawaiian Homes Commission.

LOCATION:

Hawaiian Home Lands situated at Keauakaha, Island of Hawaii, identified as TMK No.: (3) 6-4-001:059 (por.) (See Exhibit "A")

AREA:

Containing approximately 10,000 square feet in land area together with a building, approximately 3,000 square feet in size

DISCUSSION:

The site was licensed under License Agreement No. 488 to Aha Punana Leo since June 1st, 2001. The initial 10-year license term expired in May 2011, then amended for an additional 10-year period pursuant to the terms and conditions of the license, which expired effectively as of May 31 2021. (See Exhibit "B")

Based on the terms and conditions of License No. 488, the term of the license has been exhausted and no further extension can be considered. Therefore, this request for issuance of a new license is being presented for consideration.

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

The monthly license fee as proposed is derived as follows;

2021 Tax Assessed Value of Property (See Exhibit "C") \$536,600.00/annum

Property Area 352,488/sf Rate per sf (\$536,600/352,488sf) \$1.52/sf

Rate of Return Value (6.0%) (\$1.52*.06) \$0.09/sf

Proportionate Rate for 10,000/sq ft per month at \$0.09/sf \$900.00/mo or \$10,800.00/yr

PLANNING AREA:

Waimea, Island of Hawaii

LAND USE DESIGNATION:

Community Use, Hawaii Island Plan (2002), Figure 3 – North Hawaii – Hawaii Land Inventory Designations,

CURRENT STATUS:

Office/Building-Classroom Facilities

CHARACTRER OF USE:

Community Use

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

None since there is no plans for new construction

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

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

Land Use Planning

Goals:

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

Objectives:

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

Waimea Nui Regional Plan (2012)

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

The site is designated for Community Use consistent with the Waimea Nui Regional Plan (2012)

AUTHORIZATION:

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

RECOMMENDATION:

Land Management Division respectfully requests approval of the motion as stated

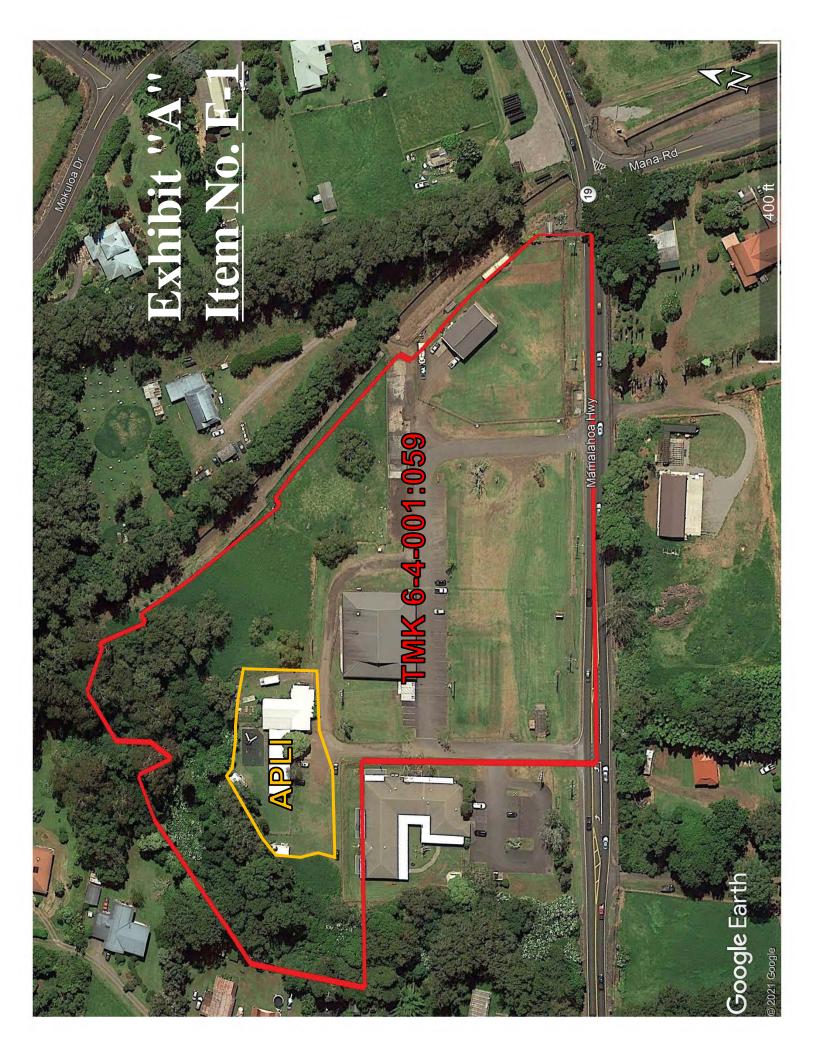


Exhibit "B" Item No. F-1

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

Affects Tax Map Key: Third Division, 6-4-01:59 (por.)

ACENSE AGREEMENT NO. 448

between

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
as Licensor

and

AHA PUNANA LEO, INC. a Hawaii non-profit corporation as Licensee

STATE OF HAWALL DEPARTMENT OF HAWAIIAN HOME LANDS

LICENSE AGREEMENT NO. 448

THIS LICENSE made and issued this 11th day of 1th Eate of Hawaii, but effective as of June 1, 2001, by and between the State of Hawaii, by its DEPARTMENT OF HAMAIIAN HOME LANDS, whose place of business is Alii Place, Suite 2000, 1099 Alakea Street, Honolulu, Hawaii 96813, and whose mailing address is P. O. Box 1879, Honolulu, Hawaii 96805, hereinafter called "LICENSOR," and AMA PUNANA LEO, INC., Attn. Ms. Ekekela Aiona, a Hawaii non-profit corporation, whose place of business and mailing address is 1744 Kinoole Street, Hilo, Hawaii 96720, hereinafter called "LICENSEE."

WITNESSETH:

WHEREAS, under Section 207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, and Section 10-4-22 of the Administrative Rules of the Department of Hawaiian Home Lands, as amended, LICENSOR is authorized to grant licenses for the use of Hawaiian home lands for public purposes;

WHEREAS, pursuant to the provisions under Section 10-4-21, DHHL Administrative Rules, LICENSOR may allow the rental for licenses to be nominal should the use benefit LICENSOR or native Hawaiians;

WHEREAS, LICENSEE has requested a license for the purpose of operating and maintaining a Hawaiian Language Preschool known as "Punana Leo O Waimea;" and

WHEREAS, LICENSEE provides beneficial educational, social and related services to LICENSOR'S beneficiaries that LICENSOR deems will fulfil the purpose of advancing the rehabilitation and the cultural welfare of native Hawaiians.

NOW THEREOFRE, in consideration of the terms and conditions herein contained to be observed and performed by LICENSEE, LICENSOR hereby grants to LICENSEE this License to operate and maintain its Hawaiian language preschool, on the land shown in red on the map marked as Exhibit "A," attached hereto and incorporated herein, and further identified by Tax Map Key No. (3) 6-4-01:59 (por.), containing a land area of approximately 10,000 square feet, together with a building, approximately 1,900 square feet in size, hereinafter referred to as "premises"

and situate within the DHHL West Hawaii District Office parcel, County and island of Hawaii.

THE TERMS AND CONDITIONS upon which LICENSOR grants the sforesaid right and privilege are as follows:

1, Term. The term of this License is for ten (10) years, commencing on June 1, 2001 and terminating on May 31, 2011, or until such time as LICENSEE ceases to operate the Hawaiian language preschool or other permitted use, whichever occurs provided.

The term can be extended for another ten (10) years, provided that LICENSEE apply for the extension six (6) months prior to expiration of the term and the approval shall be subject to the review and evaluation of LICENSEE'S operation status by the Chairman, Hawaiian Homes Commission.

- this License Fee. The license fee for the initial term of this License shall be gratis. For any extended term of the license, the Chairman of the Hawaiian Homes Commission shall determine if tent is to be charged based on the review and evaluation of LICENSEE'S operation status.
- 3. Use. LICENSEE shall use the premises for the operation and maintenance of a Hawaiian language preschool known as "Punana Leo O Waimea," and other school-related activities.
- 4. Taxes, Assessments and Utilities. LICENSEE shall pay, when due, all taxes, rates, assessments, charges, and other outgoings of every nature and kind whatsoever, including all charges for utility services, which shall during the term of this License be lawfully charged, assessed, imposed, or become due and payable upon or on account of the premises and the improvements now on or hereafter erected thereon.
- License, LICENSEE shall at its expense repair and maintain any and all buildings on the premises including water, gas, plumbing, piping, electrical wiring, glass and all other fixtures in or on the premises with all necessary reparations and amendments whatsoever; shall keep the premises and all improvements thereon in a strictly clean and sanitary condition and shall comply with all laws, ordinances, rules and regulations of the Pederal, State, County or municipal governments that are applicable to the premises and

improvements, and shall allow LICENSOR or its agents, at all reasonable times, free access to the premises for the purpose of examining the same or determining whether the conditions herein are being fully observed and performed, and shall make good, or commence to make good, at its own cost and expense all defects within sixty (60) days after the mailing of written notice by registered mail to the last known address of LICENSEE.

- specifications for building construction. All plans and specifications for building construction must be submitted to and approved by the Chairman of the Hawaiian Homes Commission prior to construction. Building renovations under \$50,000.00 need not be submitted for approval.
- titize only new materials and be in full compliance with all laws, codes, ordinances, rules and regulations of the Federal, State and County governments, including Chapter 343, Hawaii State and County governments, including Chapter 343, Hawaii Revised Statues, except that LICENSEE shall not be required to comply with such State land use law and County zoning code and County subdivision code requirements as LICENSOR may exempt. DICENSOR'S letters to the County planning director describing such exemptions shall be attached to and made a part of this License by reference. LICENSEE shall be required to comply with the County building code except insofar as any such code congliance with County zoning code or subdivision code requirements as to be described in such letter. LICENSOE acknowledges that LICENSEE is relying upon the nonapplicability of such zoning code and subdivision code in entering into the License. Although LICENSOR makes no warranty with respect to their nonapplicability, LICENSOR makes no warranty with respect to tent an operformance of any covenants under this License without further liability for payment of rent or performance of any covenants under this License without support LICENSEE is delayed in constructing its improvements on the premises by reasons of any covenants under this License with the foregoing. Upon request by LICENSEE, LICENSEE's deforts to remedy and remove the causes of delay, provided that LICENSER shall not be required to expend any funds in the effort.
- 8. Ownership/Right to Remove Improvements. All buildings or structures or other major improvements of whatever kind that LICENSEE constructs or erects on the premises shall remain the property of LICENSEE during the term of the License. LICENSEE shall have the right, prior to the termination of this License, or within such additional period as LICENSOR in its reasonable

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discretion may allow, to remove its property from the premises; provided that after ninety (90) days written notice to remove, LICENSOR may at its option retain the property or remove the same and charge the cost of removal and storage, if any, to the Licensee. All insurance and condemnation proceeds pertaining to improvements on the premises shall be the sole property of LICENSEE. In the event ownership of the premises is transferred from LICENSOR to another governmental or quasi-government agency, including but not limited to any sovereign government or entity having as its citizens or beneficiaries Native Hawaiians who are beneficiaries under the Hawaiian Homes Commission Act, the transferce will assume all rights, duties and obligations of LICENSOR under this license and will agree to not interfere with LICENSEE'S quiet enjoyment of the premises provided LICENSEE agrees to attorn to the transferce.

premises will occur, LICENSOR will promptly notify LICENSEE and will take diligent action to insure that the transferee will not interfere with LICENSEE'S use of the premises as set out in this license. LICENSOR will not voluntarily transfer its rights to such transferee without written assurance from such transferee with the such transferee will not interfere with LICENSEE'S rights under this License.

- 9. Waste: Unlawful Use. LICENSEE shall not do or commit or permit or suffer to be done, any willful or voluntary waste or destruction in and upon the premises, any nuisance, or any unlawful or improper use of the premises.
- 10. Mon-Discrimination. LICENSEE shall not use the premises, nor permit the premises to be used in support of any policy that unlawfully discriminates against anyone based upon creed, color, national origin, sex or a physical handicap. LICENSEE shall not practice any unlawful discrimination based upon creed, color, national origin, sex or a physical handicap.
- li. Default of Licensee. It is expressly agreed that this License is contingent upon the continuing condition that if LICENSEE after a thirty (30) day demand, fails to observe or perform substantially the provisions contained herein, and if LICENSEE does not commence to cure, and diligently continue to attempt to cure, such default within sixty (60) days after delivery by LICENSOR of a written notice of such failure by personal service or by certified mail to LICENSEE; or if the LICENSEE becomes bankrupt, insolvent or files any debtor proceedings of takes or has taken against it for good cause any

proceedings of any kind or character whatsoever under any provision of the Federal Bankruptcy Act seeking readjustment, rearrangement, postponement, composition or reduction of LICENSEE'S debts, liabilities or obligations; then in any such event LICENSOR may at its option cancel this License and thereupon take immediate possession of the premises, after a reasonable time or right of action which LICENSOR may have.

- 12. Assignment. Except as expressly provided in this License, this License is not transferable. At no time during the term of the License, shall LICENSEE assign, moxtgage or pledge its interest in this License or its interest in the improvements now or hereafter erected on the premises without the prior written consent of LICENSOR, which consent will not be withheld unreasonably.
- 13. Insurance. LICENSEE shall, within thirty (30) days from the date of execution of this License, provide the LICENSOR with evidence of a general comprehensive public liability insurance policy covering the premises in an amount of not less than One Million Dollars (\$1,000,000.00) and Fifty Thousand Dollars (\$50,000) for property loss or damages, naming LICENSOR as additional insured.
- 14. Surrender. Upon the expiration of this License, or peaceably and quietly leave, surrender and deliver to LICENSEE shall possession of the premises. Without limiting LICENSEE'S rights to insurance and condemnation proceeds, LICENSEE shall have the option to surrender this License where the portion damaged or taken renders the remainder unsuitable for the use or uses for which the premises were licensed.
- 15. Native Hawaiian Rights. LICENSOR warrants that it has made a good faith effort to determine whether native Hawaiian traditional and customary rights have been exercised on the property and has found no evidence of such exercise.
- without any fault on its part, be made a party to any litigation commenced by or against the other (other than condemnation proceedings), the party at fault shall pay all costs, including reasonable attorney's fees and expenses incurred by or imposed on the other, the prevailing party in any dispute between the parties shall be entitled to recover its attorney's fees.

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17. Definition of Premises. The word "premises" when it appears herein includes and shall be deemed to include the lands described above and all buildings and improvements whenever and wherever erected or placed thereon.

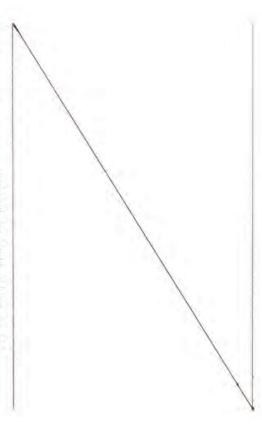
18. Miscellaneous.

- be required, such consent or approval shall not be If the party such been License the consent or approval of either party shall neceiving any request or consent or approval shall fail to act upon such request within sixty-five (65) 40 presumed to have days after receipt of written request therefor, terms the unreasonably or arbitrarily withheld. Whenever under consent or approval shall be Consents. given.
- b. Bind and Inure. This License shall be binding upon and inure to the benefit of LICENSOR and LICENSES and their respective personal representatives, successors, successors-in-trust and assigns.
- c. Applicable Law; Severability. This License shall be governed by and interpreted in accordance with the laws of the State of Hawaii. If any provision of this License is held to be invalid or unenforceable, the validity or enforceablity of the other provisions shall remain unaffected.
- d. Paragraph Headings. The headings of paragraphs in this License are inserted only for convenience and shall in no way define, describe or limit the scope or intent or any provision of this License.
- relating to the subject matter hereof, and supersedes License parties not any agreements or understandings relating to the subject matter hereof. by instrument in writing signed by the parties hereto. the This License may not be modified or amended, except This Agreements. q other prior oral or written letters, waived, agreements hereof 90 the provisions Incorporation incorporates
- f. Counterparts. The parties hereto agree that this License may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement,

chis binding all of the parties hereto, notwithstanding all to produce or purposes, including, without limitation, recordation to the original account for more than one such counterpart, For and delivery of this License, duplicate unexecuted discarded and the remaining pages assembled as pages of the counterparts proof it shall not be necessary making of the parties are not signatory In counterparts. unacknowledged same document. License,

19. Special Conditions.

- a. The licensed area shall not be used for residential purposes.
- b. LICENSEE shall be responsible for all cost and expense related to the surveying and the preparation of the map and the metes and bounds description for the licensed area.
- c. The processing fee of \$200.00 and documentation fee of \$75.00 shall be waived.



IN WINNESS WHEREOF, the parties hereto have caused these presents to be duly executed the day and year first above written.

Approved by the HHC at its meeting held on June 26, 2001

APPROVED AS TO FORM

TTY:

State of Hawaii DEPARTMENT OF HAWAIIAN HOME LANDS

By Rayhard C. Soon, Chairman Hawaiipn Homes Commission

LICENSOR

AHA PUNANA LEO, INC. a Hawaii non-profit corporation

Deputy Attorney General State of Hawaii By J. Drack Jowlens Its Director

By "or Its Fish officer

LICENSEE

STATE OF HAWAII

COUNTY OF HAWAII

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Wendy M Whiph

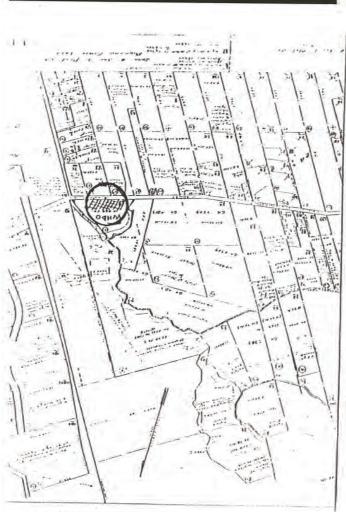
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Notary Bublic, State of Hawaii

My commission expires: 20 whill 1005

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Haveilan Homes Commission Minutes - June 25-26, 2001 Honolulu, Oshu

MOTION/ACTION (Item D-3)

Moved by W. Agpalsa, seconded by J. Tomoso. Motion carried unanimously.

STEPS NO: D-4 STEAMOR OF License Agreement, Ahs Punans Leo Incorporated

MOTION/ACTION

Moved by H. Kalua, seconded by J. Tomoso. Motion carried unanimously.

ITEM NO: D-5 SUBJECT: General Lease No. 246, Kamehameha Schools, Keaukaha, Hawaii

MOTION/ACTION

Moved by H. Kalua, seconded by J. Tomoso. Motion carried unanimously.

SUBURY: Termination of General Lesse No. 207, Vincente B. 6 Exte K. Bragado, Kawaihse, Hawaii

THIS AGENDA ITEM WAS WITHDRAWN AT THE MEETING.

ITEM NO: D-7 SUBJECT: Ratification of Consents and Approval by the Chairman, Hawaiian Homes Commission

MOTION/ACTION

Moved by J. Tomoso, seconded by H. Kalua. Motion carried unanimously.

SUBJECT: Notices of Default/Ru

NOIL

Moved by J. Tomoso, seconded by H. Kalua.

DISCUSSION

Chairman Soon noted that it has been a long while since Hokuloa, Inc. has been on the delinquency list. Ms. Linda Chinn explained that Hokuloa recently completed another warehouse and this may be causing the delinquency.

-9-

ITEM NO. D-4

STATE OF HAWAII

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DEPARTMENT OF HAWAIIAN HOME LANDS

June 26, 2001

Chairman and Members, Hawaiian Homes Commission 10:

Mike McElroy, Administrator From:

To me Land Management Division

Issuance of License Agreement, Aha Punana Leo

Subject:

Incorporated, Waimea, Hawaii

RECOMMENDED MOTION/ACTION

a itcense agreement to Aha Punana Deo Incorporated, a Hawaii non-profit corporation (hereinafter "Punana Leo"), to use a portion of land within the West Hawaii District Office parcel in Waimea, identified by Tax Map KNO. (3) 6-4-01:59 (por.) (See Exhibit "A"), contending approximately 10,000 square feet in land area together with a building, approximately 1,900 square That the commission grants its approval to the issuance of feet in size, for the purpose of operating and maintaining a Hawsiian language preschool, Punana Leo O Waimea.

This approval is subject to the following:

- The term of the license shall be for ten (10) years, commencing upon completion of the survey.
- The Chairman of the Hawaiian Homes Commission has the option to extend the term of license for an additional tenyear period.
- The Licensee must apply for the extension six (6) months prior to expiration of the term and the approval shall be subject to the Chairman's review and evaluation of Licenses's operation status.
- Rent for the initial term of the license shall be gratis; thereafer, for any extended term of the license, the Chairman is authorized to conduct an evaluation of the operation to determine if rent is to be charged.

related to the surveying and the preparation of the map and meres description for the licensed area. The Licensee shall be responsible for all cost and expense

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The Licensee shall procure and obtain an insurance policy in an amount acceptable to the department in providing sufficient liability and fire coverage on the premises and naming the department as an additional insured. 6

The use of the premises shall be limited to the operating, maintaining, and related use as a Hawaiian language preschool 7

The processing fee of \$200.00 and the documentation fee of \$75.00 shall be waived.

the The license agreement document shall contain the department's standard terms and conditions and shall be subject to the review and approval of the Department of Attorney General. 6

All other terms and conditions deemed prudent and necessary by the Chairman of the Hawaiian Homes Commission. 10

DISCUSSION

At its regular monthly meeting of February 23, 1993, the Hawaiian Homes Commission granted approval to the issuance of a month-to-month revocable permit for Aha Punana Leo, Inc. to operate a preschool on Hawaiian home lands in Waimea. Revocable Permit No. 154 was issued with the effective date of The monthly rent is \$500.00. February 23, 1994.

Hawaiian language immersion preschool. The expended funds were mostly for supplies for the renovation projects at this site. Members and families of Punana Leo donated most of the labor to Since the award of the revocable permit, Aha Funana Leo, Inc. had expended in excess of \$12,000.00 to fix up the building, including partial re-roofing, re-wiring of the electrical system; installing a brand new septic system; compliance with the Americans with Disability Act (ADA) by putting in a wheelchair ramp to the building; and generally upgrading the building for the intended use, to operate a do the renovation projects.

Funana Leo O Waimes officially opened in July, 1995. This is the first Hawaiian language immersion program in the Waimes are and services approximately 20 preschoolers on the premises The program starts from 7:00 a.m. and ends around 5:00 p.m. The support of the community has strengthened the program and the enrollment has increased yearly. The children can only converse in Hawaiian.

future. In order to provide for a safe working and learning environment, Punana Leo O Waimea must securing the necessary funding for these two major renovation projects. The re-roofing project will cost \$8,803.17 and Punana Leo is receiving Now Punana Leo O Waimea is faced with two major renovation projects. Lead based paint testing proved positive and requires encapsulation. Also, an inspection revealed that the roof needs to be replaced and must be done prior to the lead paint encapsulation project to prevent damage to the new paint in the proposals for the painting project.

agreement so that they can secure funding for these projects.

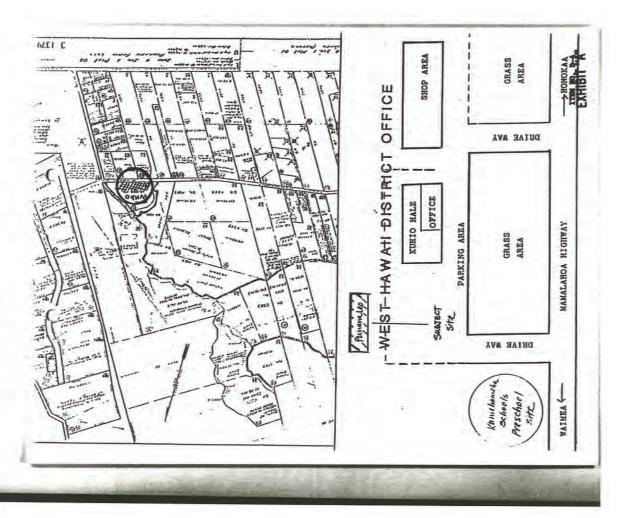
The Commission recently approved issuance of a license agreement to a Charter School at nominal fee. The Kamehameha Schools Waimes Preschool also has an endicterm lesse at nominal rate.
Staff recommends that the same consideration be granted to Aha Staff has been working with Punana Leo to convert the revocable permit to a longer-term license Punana Leo, Inc. month-to-month

AUTHORIZATION

of a license as it deems prudent, reasonable, and proper. Section 10-4-21 (d) & (e) provide for the waiver of the non-refundable processing fee and rental rate set at nominal should that the license benefits native that the department may negotiate the issuance of and conditions Section 10-4-21(b) of the Administrative Rules stipulates department determines Hawaiians.

RECOMMENDATION

Land Management Division requests approval of the motion as stated.



TEM NO. D-4

DEPARTMENT OF HAWALIAN HOME LANDS STATE OF HAWAII

FIRST AMENDMENT TO LICENSE AGREEMENT NO. 488

whose place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, and whose mailing address is P. O. Box 1879, Honolulu, Hawaii 96805, hereinafter referred to as "LICENSOR," and AHA PUNANA LEO, INC., a Hawaii non-profit corporation, Attn: Ms. Ekekela Aiona, its Executive Director, whose place of business, and mailing address is 96 Puuhonu Place, Hilo, Hawaiı DEPARTMENT OF HAWAIIAN HOME LANDS, 96720 (Ph.#808.969.9513), hereinafter referred to as "LICENSEE." June day of THIS AMENDMENT, executed this 14 2012, by the State of Hawaii, DEPARTMENT WHOSE THE TENTON TO THE TABLE THE THE TABLE THE TABL

WITNESSETH THAT

No. (3) 6.4.001.059 (por.), covering 10,000 square feet, together with a building approximately 1,900 square feet in size for the WHEREAS, License Agreement No. 488 was issued and made effective as of June 1, 2001, authorizing LICENSEE to utilize a portion of Hawaiian home lands parcel identified by Tax Map Key Hawaiian language purpose of operating and maintaining its Preschool known as "Punana Leo O Waimea;" and WHEREAS, LICENSEE desires an extended ten (10)-year term retroactively commencing as of June 1, 2011 and expiring as of May 31, 2021 under said License Agreement No. 488. and on behalf of hereby agree to for do themselves, their successors and assigns, NOW THEREFORE, LICENSOR AND LICENSEE, amend License Agreement No. 488 as follows:

- June 1, 2011 and expiring on May 31, 2021, or until such time as LICENSEE ceases its early childhood education services, additional ten (10) year period, commencing retroactively as of sooner 1.5 The term of this License shall be extended License whichever occurs sooner, unless this Lice terminated or revoked as provided in the license. early its LICENSEE ceases whichever
- established at a rate of NINE HUNDREDE AND NO/100 DOLLARS (\$900.00) per month. The license fee shall be due without demand and payable in monthly installments on the $1^{\rm st}$ day of every month for the remainder of the amended license term, unless it is terminated or revoked as provided in the license. The license fee for the extended term shall be



Except as amended herein, all of the terms, conditions

488 shall covenants, and provisions of License Agreement No. continue and remain in full force and effect.



IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day and year first above

Approved by the HHC, Chairman on April 19, 2012

APPROVED AS TO FORM:

Deputy Attorney General State of Hawaii

State of Hawaii DEPARTMENT OF HAWAIIAN HOME LANDS

Chairman HaWaiian Homes Commission By NW Assign

LICENSOR

a Hawaii non-profit corporation AHA PUNANA LEO, INC.

By I much

By

LICENSEE

before me appeared MMM COUNTY OF HAWAII STATE OF HAWAII On this

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to me personally known, say that he day of Whe did who, being by me duly sworn, $|\!| \bigwedge \!\! \bigwedge$

is the

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and acknowledged to me that he executed the same freely foregoing instrument voluntarily for the use and purposes therein set forth. who executed the person the



Public State of Hawaii My commission expires: Print Name



First Amendment to Lic. No. 488

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OMP-THIND

SS. CITY AND COUNTY OF HONOLULU STATE OF HAWAII

March

the Hawaiian Homes Commission and the person who executed the me duly sworn, did say that he is the Deputy to the Chairman of foregoing instrument on behalf of the Chairman of the Hawaiian Homes Commission and acknowledged to me that he executed the same freely and voluntarily for the use and purposes therein set , before me to me personally known, who, being by day of appeared DARRELL T. YOUNG, forth.

A PARTE OF HPWE THOMAS A PUBLIC

Notary/Public, State of Hawaii

ABIGAIL L. TUBERA

Print Name of Notary Public

11.21.16 My commission expires:

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: 3424 of Hawley Dyartment - Hawaiian Home Lands or Undated at time of notarization. 06.07.12 Doc. Date:

Amendment to License Apaconent No.

(in which notarial act is performed) Jurisdiction: War L Taler 0 No. of Pages: _

Signature of Notary

Printed Name of Notary

ABIGAIL L. TUBERA





DEPARTMENT OF HAWAIIAN HOME LANDS STATE OF HAWAII

April 17, 2012

Albert "Alapaki" Nahale-a, Chairman Hawaiian Homes Commission To:

Linda Chinn, Administrator Through:

Rahana Albinio, Property Development Agent K Offiniu 1 cust Land Management Division

From:

Extension Term for License Agreement Nos. 488 & 612, Aha Punana Leo, Inc., Waimea, Island of Hawaii, Subject:

RECOMMENDED ACTION

Commission to extend the terms of License Agreement Nos. 488 & 612 respectively, situated in Waimea, Island of Hawaii and Nanakuli, Island of Oahu issued to Aha Punana Leo, Inc. "APL" as authorized pursuant to the terms and conditions of said respective Licenses, That approval be granted by the Chairman of the Hawaiian Homes subject to the following conditions:

- The extended term for the respective subject Licenses are as follows:
- License Agreement No. 488, shall be extended for an additional ten (10)-year period, retroactively effective as of June 1, 2011 and expire effectively as of May 31, 2021; A.
- utcense Agreement No. 612, shall be extended for an additional five (5)-year period, retroactively effective as of September 1, 2009 and expire effectively as of August 30, 2014. m.
- monthly license fee for the respective extended terms is established at a monthly rate as follows: The řį
- 40 shall be set at an established rate . This fee as proposed is derived as follows: shall LA No. 488 : A.

352,488/sf \$1.32/sf \$0.09/sf \$465,500.00/annum Rate per sf (\$465,500,352,488) Rate of Return Value (7,0%) (\$1.32*,07) Proportionate Rate for 10,000/sf per month at \$0,09/sf 2012 Tax Assessed Value of Property

S900,000/mo

Memo to Albert "Alapaki" Nahale-a, Chairman April 17, 2012 Page 2 of 3

- LA No. 612 shall be set at an established rate (\$323.00/month, This fee as proposed is derived as follows; \$1,819,600.00/annum 786,345/sf \$2.31/sf 2012 Tax Assessed Value of Building (as of 10/2011) Rate per sf (\$1,819,600/786,345)
 - \$323.00/mo \$0.16/sf Proportionate Rate for 2,020/sf per month at \$0.16/sf Rate of Return Value (7.0%) (\$2.31*,07)
- All other terms and conditions of License Agreement Nos. 488 & 612 shall continue and remain in full force and effect; The Chairman of the Hawaiian Homes Commission is authorized to set forth any additional terms and conditions which shall ensure and promote the purposes of the demised premises, and
- is subject to ratification by the Hawaiian Homes This action Commission.

DISCUSSION

provides to the Hawaiian immersion community, the Land Management In an effort to maintain the educational services that "API" the respective License Agreements, recommends that extended accordingly. Division

Through its efforts, "API" provides a nurturing place where Hawaiian language is fed into the ears of 3-and 4- year old students. The students are immersed in a rich and stimulating educational environment where all must observe the kapu of "Hawaiian language Hawaiian quickly. Many, if not all, Punana Leo preschoolers are able This observance helps families and their children learn classrooms are warm, nurturing places that value and stimulate young minds and prepare them for life long learning. to speak the Hawaiian language within three to four months. ". vluo

"API" has been responsible tenants and remains in good standing with regards to remitting its rental & utility payments in a timely manner.

Authorization

With respect to License Agreement No. 488, a term extension is authorized under the submittal of June 26, 2001, Item No. D-4, as submitted by the tand Management Division and approved by the Hawaiian Homes Commission. The license document further states in part under Item No. 1. Term, "The term can be extended for another ten (10)

LIC Agmt. Nos. 488 & 612

Memto to Albert "Alapaki" Nahale-a, Chairman April 17, 2012 Page 3 of 3

years, provided that LICENSEE apply for the extension six (6) months prior to expiration of the term and the approval shall be subject to the review and evaluation of LICENSEE'S operation status, by the Chairman, Hawailan Homes Commission. with respect to License Agreement No. 612, a term extension is submitted under the submittal of August 24, 2004, Item No. D-1, as submitted by the Land Management Division and approved by the Hawaiian Homes Commission. The license document further states in part that... "the LICENSOR may extend the tem of the License from year to year, but not to exceed an additional five (5) years beyond the initial term of the License, based upon satisfactory evaluation of the LICENSEE'S use of the Premises.

RECOMMENDATION

Land Management Division requests approval be granted as stated.

APPROVED AS RECOMMENDED

Albert "Alapaki" Nahale-a,

Hawaiian Homes Commission

4/19/2012

Chairman

LIC Agmt. Nos. 488 & 612

Page 1 of 1 Hawaii County

PARID: 640010590000 HAWAIIAN HOME LANDS

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City and County of Honolulu " blic Access

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89-185 PARRINGTON HWY

2012 Assessed Values as of October 1, 2011 TMK Property Class

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Total Property Assessed Value	stal Property Exemption	Total Property Net Taxable Assessed Value	ind Assessed Value	Dedicated/Use Value	ind Exemption	Net Taxable Land Value	ulding Assessed Value	Building Exemption	Net Taxable Building Value

890010040000 RESIDENTIAL \$11,208,600 \$9,389,000 \$9,389,000 \$1,819,600 \$1,819,600 \$1,819,600

KAKANIHIARD

Exhibit "C" Item No. F-1

Net Taxable Land Value Land Exemption

Situs/Physical Address 64-754 MAMALAHOA HIGHWAY Mailing Address HAWAIIAN HOME LANDS

Class AGRICULTURAL Parcel ID 640010590000

Acreage 8.092

Assessed Building Value \$2,066,000
Building Exemption \$2,066,000
Net Taxable Building Value \$0
Total Taxable Value \$2602600 Dedicated Use Value Market Land Value

 Date
 Price
 Reason
 Qual

 12/28/2000
 0
 LEASE INTEREST ONLY
 U

 n/a
 0
 n/a
 n/a
 Last 2 Sales Date P \$536,600

Brief Tax Description

n/a

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

To:

Chairman and Members, Hawaiian Homes Commission

From:

Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division

Subject:

Approval to Issuance of License to, Kamehameha Schools, Keaukaha, Island of

Hawaii, TMK Nos.: (3)2.1.023:157(por.) & :158(por.)

APPLICANT:

KAMEHAMEHA SCHOOLS "KS"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) grant approval to the issuance of a License to Kamehameha Schools, to continue its preschool operation and related services in Keaukaha, Hawaii, consisting of 5,589 square feet, more or less, of space together with a storage facility covering 1,304 square feet on a portion of Hawaiian home lands situated at Keaukaha, Island of Hawaii, further identified by Tax Map Key Nos. (3)2.1.023:157(por.) & :158(por.) delineated in gray-shade on Exhibit "A" attached hereto.

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

1. The term of the license shall be for five (5) years, retroactively commencing as of July 1, 2021, and expiring effectively on June 30, 2026.

The term of the license can be extended for one (1) additional five-year period at the option of the Chairman of the Hawaiian Homes Commission. LICENSEE must apply for the extension six (6) months prior to expiration of the term and the approval shall be subject to the Chairman's review and evaluation of its financial and operation status.

- 3. Monthly license fee shall is established at TWO THOUSAND NINE HUNDRED SIXTY-FOUR AND NO/100 DOLLARS (\$2,964.00) and, shall not in any event, during the term of this license, be less than the established rate of \$2,964.00. The license fee for the extended period shall be adjusted based on the fair market rent for similar facility and shall not be less than the fee as determined for the preceding term. Payment for all associated building related expenses shall be due from the first month of the license term;
- 4. The purpose of this license and use of the site is strictly for LICENSEE to continue is preschool operation and related services which directly benefits Hawaiian homestead beneficiaries and the broader native Hawaiian community

- 5. LICENSEE shall be responsible for its portion of building-related expenses, such as electricity, water and ground maintenance. This shall be adjusted annually on July 1st.
- 6. The premise is licensed in an "as is" condition. LICENSEE shall be responsible for any interior renovation, repair, and maintenance for the use of its building space.
- 7. NO RESIDENTIAL USE SHALL BE PERMITTED, including temporary, overnight occupancy of the premises.
- 9. LICENSEE shall procure an insurance policy in an amount of not less than \$2 million in liability, including fire coverage on the premises, and naming the Department of Hawaiian Home Lands (DHHL) as additional insured, or provide evidence from the State Insurance Program that the charter school is covered under the state program.
- 10. LICENSEE shall remit a processing fee of \$200.00 and documentation fee of \$75.00;
- 11. LICENSEE shall be responsible for all costs to secure the licensed premises and to keep the licensed space in a neat, clean, and sanitary condition.
- 12. The license agreement document shall contain Department of Hawaiian Home Lands standard terms and conditions and shall be subject to the review and approval of the Department of the Attorney General.
- 13. All other terms and conditions deemed prudent and necessary by the Chairman of Hawaiian Homes Commission.

LOCATION:

Hawaiian Home Lands situated at Keaukaha, Island of Hawaii, identified as TMK No.: (3) 2-1-023:157 (por.) & :158(por.) (See Exhibit "A")

AREA:

Containing approximately 5,589 square feet, more or less, together with a storage facility covering 1,304 square feet

DISCUSSION:

The site is licensed under License Agreement No. 759 to KS since June 1st, 2001. The initial 10-year license term expired in May 2011, then amended for an additional 10-year period pursuant to the terms and conditions of the license, which expired effectively as of May 31 2021. (See Exhibit "B")

Based on the terms and conditions of License No. 759, the term of the license has been exhausted and no further extension can be considered. Therefore, this request for issuance of a new license is being presented for consideration.

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

Fee Calculation

The parcels are zoned Residential. The County's tax assessed value for the respective parcels (See Exhibits "C-1" and "C-2") reflects as follows:

Assessment Year	TMK	Property Class	Land Area (approx. sq ft)	Land Area (acres)	Market Land Value
2021	21023157	Residential	22,808	0.5236	\$177,900
2021	21023158	Residential	28,749	0.66	\$193,700

Licensee uses a combined usable building and open-space area of approximately 6,893 square feet. Based on the county tax assessed value as referenced, the annual fee for 51,557 square feet or 1.18 acres would be valued at approximately \$371,600. To determine a fair market annual fee to use the combined usable building and open-space area (6,893- square feet or 0.158-acres) for its educational programs the monthly license fee for the five (5)-year period is derived at by the following calculation:

2021 Tax Assessed Value of Property (See Exhibit "C") \$371,600.00/annum

Property Area 51,557/sf

Rate per sf (\$371,600/51,557) \$7.21/sf

Rate of Return Value 6.0% (\$7.21*.06) \$0.43/sf

Proportionate Rate for 6,893/sq ft per month at \$0.43/sf \$2,964.00/mo

Further, KS has been a responsible tenant and remains in good standing with regards to meeting its obligation pursuant to its current license agreement.

PLANNING AREA:

Keaukaha, Island of Hawaii

LAND USE DESIGNATION:

Community Use, Hawaii Island Plan (2002), Figure 4 – <u>East Hawaii – Hawaii Land Inventory</u> Designations,

CURRENT STATUS:

Office/Building-Classroom Facilities

CHARACTRER OF USE:

Community Use

<u>CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:</u>

Triggers:

Use of State Lands - None since there is no plans for new construction

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

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

Land Use Planning

Goals:

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

Objectives:

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

Keaukaha Regional Plan (2010)

The recommended disposition is consistent with the following elements of the Keaukaha Regional Plan: The site is designated for Community Use consistent with the Hualani Park Complex – Keaukaha's "Piko", Keaukaha Regional Plan (2010)

AUTHORIZATION:

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

RECOMMENDATION:

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

Exhibit "A" Item No. F-2

Exhibit "B" Item No. F-2

NEIL VBERCROMBIE COVERNOR STATE OF HAWARI



ALBERT "ALAPAKI" NAHALE-A CHARMAN HAWAZAN FOMES COUNISSION MICHELLE K. KAUHANE DEPUTY TO THE CHARMAN

M. WALALEALE SARSONA EXECUTIVE ASSISTANT

April 27, 2012

DEPARTMENT OF HAWAIIAN HOME LANDS

HONOLULU, HAWAIT 95805 P O. BOX 1879

STATE OF HAWAI'I

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Cynthia Ching, Senior Counsel 567 S. King Street, Ste. 310 Endowment Legal Division Honolulu, Hawaii 96813 Kamehameha Schools

Aloha Ms. Ching:

Subject: Execution of License Agreement No. 759, KSBE, Reaukaha, Island of Hawaii

Enclosed and being transmitted herewith is one (1) original fully executed document of License No. 759 for your record and filing.

Please be advised, the current Certificate of Liability Insurance Policy that our office has on file is expired. Therefore, please update and obtain said insurance policy that meets the requirements as described and stated in paragraph 14. $\underline{Insurance}$., on pages 6-7 of License Agreement No. 759 and have your insurance carrier send us a copy of the updated certificate. Further, please remit a check made payable to the Department of Hawaiian Home Lands in the amount of TWO HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$275.00) for standard processing and documentation

If you have any questions, contact Peter "Kahana" Albinio, Jr., property Development Agent, Land Management Division at 808.620.9454 or by email peter.k.albinio.jr@hawaii.gov.

/chinn, Administrator Lihda (chinn, Administrate Land Management Division Me ke aloha,

DEPARTMENT OF HAWAIIAN HOME LANDS STATE OF HAWAII

759 LICENSE NO.

this 26 to day of April , 2012, by and between the State of Hawaii by its DEPARTMENT OF HAWAIIAN HOME LANDS, whose place of business is Hale Kalanianaole, 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, and whose mailing address is P.O. Box 1879, Honolulu, Hawaii 96805, hereinafter called "LICENSOR", and TRUSTEES OF THE ESTATE OF BERNICE PAUAHI BISHOP, THIS LICENSE AGREEMENT NO. 759 ("License") made and issued whose place of business and mailing address is 567 South King Street, Honolulu, Hawaii 96813, hereinafter called "LICENSEE".

WITNESSETH:

WHEREAS, under Section 207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, and Section 10-4-22 of the Administrative Rules of the Department of Hawaiian Home Lands, as amended, LICENSOR is authorized to grant licenses for the use of Hawaiian home lands for public purposes.

existing early childhood education program and provide related services on Hawaiian home lands situated in LICENSOR'S Keaukaha complex, located at 162-B Baker Street, Hilo, Hawaii (the WHEREAS, LICENSEE has requested a license to operate its "Complex"); and WHEREAS, LICENSEE provides beneficial service to the community and services the Hawaiian Home Lands benerficires and greater East Hawaii native Hawaiian coummunity at large. herein contained to be observed and performed by the LICENSEE, LICENSOR hereby grants to LICENSEE this License to use that parcel of Hawaiian home lands shown on the map as Exhibit "A", and more particularly described in Exhibit "B", attached hereto and incorporated herein, and further identified by Tax Map Key Nos. (3)2.1.023.157(por.), & :158(por.), containing a land area of approximately 6,893/sf, more or less, hereinafter referred to as "Premises" and situated within Keaukaha, Island of Hawaii.

THE TERMS AND CONDITIONS upon which LICENSOR grants aforesaid right and privilege are as follows:

commencing retroactively and shall expire on the earliest to occur of (a) July 1, 2011, (b) the date that Licensee ceases to years, The term of this License is for five (5) Term.

use the Premises for its permitted use, or (c) the termination of this License as provided in Section 12.

- the Term for one (1) five (5) year period, on the terms and conditions set forth in this paragraph. LICENSEE must apply for such extension on or before December 30, 2015. LICENSOR shall deliver to LICENSEE, not later than February 29, 2016, the amount of the monthly license fee for the extension period, which shall be equal to the fair market value of the Premises as determined by LICENSOR, together with LICENSOR'S calculations thereof. LICENSEE may accept or reject such amount, then LICENSEE may withdraw its application for extension, and the Licensee may withdraw its application for extension, and the Licensee shall expire in accordance with its terms. If LICENSEE accepts such amount, then LICENSEE'S application for extension, shall remain in effect and shall be subject to the reasonable review and evaluation of LICENSEE'S financial and operation status, bu the LICENSOR and LICENSEE may agree to extend Chairman of the Hawaiin Homes Commission (the "Chairman"). Extension.
- of this DOLLARS The monthly license fee for the term ${\tt TWENTY-TWO}$ ${\tt HUNDRED}$ ${\tt AND}$ ${\tt NO/100}$ License Fee. Th License sha (\$2,200.00).
- 3. Use. LICENSEE may not use the Premises for any purpose other than for the operation of its early childhood education program as it currently exists and the provision of related services and for no other purpose. No residential use shall be LICENSEE shall have sole authority regarding the of any preschool on the premises and regarding overnight occupancy selection and admission of the students. permitted, including temporary operation of
- proportionate share being based upon a fraction, the numerator of which is the square footage of the Premises and the denominator of which is the total leasable area of the Complex. LICNESES shall pay when due its proportionate share of electrical service provided to the Premises directly to the provider and will not share the cost of electricity provided to other occupants of the Complex. Licensee shall not be required to pay any other costs or expenses incurred by LICENSOR on account of the ownership, operation, cleaning, maintenance, repair, safety, management and security of the Complex. Taxes, Assessments and Utilities. LICENSEE shall, pay, when due its proportionate share of water provided to the Premises and the cost of maintaining the grounds surrounding the Complex, such
- 5. Maintenance and Repair. During the term of this License, LICENSEE shall at its expense be responsible for any renovation, repair and maintenance of the Premises for its intended use,

Furthermore, during the Term (as the same may be extended). LICENSEE shall at its expense repair and maintain any water, gas, plumbing, piping, electrical wiring, glass and all other fixtures in or on the Premises, except that LICENSOR shall at is expense maintain, repair and replace all utility mains and other facilities located within the Premises and serving other portions of the Complex. LICENSEE shall keep the Premises and all improvements thereon in a strictly clean and sanitary condition; shall comply with all laws, ordinances, rules and regulations of the federal, state and county governments that are applicable to the Premises and such improvements; shall allow LICENSOR or its conditions herein are being fully observed and performed, so long as LICENSOR does not unreasonably interfere with LICENSEE'S operations in the Premises; and shall make good, or commence to make good, at its cost and expense, all defects required to be repaired by LICENSEE, within sixty (60) days after the mailing of written notice from LICENSOR sent by certified mail to the last agents, at all reasonable times, free access to the Premises for the purpose of examining the same or determining whether the except that LICENSOR shall at is expense maintain, repair and and Complex, beams of the support all structural elements walls, known address of LICENSEE. columns, foundations,

ever require testing to ascertain whether or not there has been any release of hazardous materials by LICENSEE, then LICENSEE shall be responsible for the costs thereof. In addition, LICENSEE shall execute affidavits, representations and the like from time to time at LICENSOR'S request concerning LICENSEE'S best knowledge and belief regarding the presence of hazardous materials on the Premises placed or released by LICENSEE. 6. Hazardous Materials. LICENSEE shall not cause or permit the escape, disposal, or release of any hazardous materials'. LICENSEE shall not allow the storage or use of such materials in any manner not sanctioned by law or by the highest standards prevailing in the industry for the storage and use of such materials, nor allow to be brought onto the Premises any such materials except to use in the ordinary course of LICENSEE'S and then only after written notice is given to the LICENSOR of the identity of such materials and upon LICENSOR'S consent, which consent may be withheld at the LICENSOR'S sole and absolute discretion. If any lender or governmental agency shall business,

LICENSOR, its officers, employees, and agents from and against all liability, loss, damage, cost, and expense, including all attorney's fees, and all claims, suits, and demands therefor, arising out of or resulting from any use or release of hazardous materials on the Premises occurring while LICENSEE is in possession, or elsewhere, if caused by LICENSEE or persons acting and hold harmless LICENSEE shall indemnify, defend,

LICENSE NO.

Or These covenants shall survive the expiration earlier termination of this License. under LICENSEE.

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

required to conduct a Level One (1) Hazardous Waste Evaluation and conduct a complete abatement and disposal, if necessary, satisfactory to the standards required by the Federal Prior to the termination of this License, LICENSEE may be Environmental Protection Agency, the Department of Health and

- 7. Approval of Construction. All plans and specifications for any improvements, modifications, alterations, or additions to be constructed within the Premises in excess of FIFTY THOUSAND AND MO/100 DOLLARS (\$50,000.00) must be submitted to and approved by the Chairman of the Hawaiian Homes Commission, prior to commencement. If such plans and specifications are not approved within forty-five (45) days of submission, that shall be deemed approved.
- shall remain the property of LICENSEE. LICENSEE shall have the right, prior to termination of this License, or within such additional period as LICENSOR in its discretion may allow, to remove its property from the Premises. In the event LICENSEE fails to remove such property within thirty (30) days after written notice to remove, LICENSOR may at its option retain said property or remove the same and charge the cost of removal and storage, if any, to LICENSEE. Any new construction must utilize only new materials and be in full compliance with all laws, ordinances, rules and regulations of the Federal, State and All buildings or structures or other major improvements of whatever kind that LICENSEE constructs or erects on the Premises shall undertake no 8. Construction Standards. LICENSEE shall undertake no construction until LICENSOR has reviewed and approved the plans. overnments including Chapter 343, Hawaii Revised except that LICENSEE shall not be required to comply governments Statutes, County

and code subdivision requirement from which LICENSOR may be exempt. zoning and county law nse State land such

property of LICENSEE, all insurance and condemnation proceeds pertaining to such improvements shall be the sole property of LICENSEE; and LICENSEE shall have the right, prior to termination of the License or within such additional period as LICENSOR in its reasonable discretion may allow, to remove its furniture and other personal property from the Premises, provided that LICENSEE replaces and repairs all damage to the Premises caused by such removal. Ninety (90) days after written demand for removal sent by LICENSEE, LI 9. Ownership/Right to Remove Improvements. All improvements that LICENSEE constructs or erects on the Premises during the Term (as the same may be extended) shall at all times remain the

LICENSOR to another governmental or quasigovernmental agency, including but not limited to any sovereign government or entity having as its citizens or beneficiaries Native Hawaiians who are beneficiaries under the Hawaiian Homes Commission Act, the transferee will assume all rights, duties and obligations of LICENSOR under this License and shall agree to not interfere with LICENSOR under this License and shall agree to not interfere with LICENSOR under to the transferee. If LICENSOR becomes aware that a transfer of the Premises will occur, LICENSOR will promptly notify LICENSEE and will take diligent action to insure that the transferee will not interfere with LICENSEE'S use of the In the event ownership of the Premises is transferred from Premises as set out in this License. LICENSOR will not voluntarily transfer its rights to such transferee without that transferee interfere with LICENSEE'S rights under this License. transferee written assurance from Premises

- 10. Waste: Unlawful Use. LICENSEE shall not do or commit or permit or suffer to be done, any willful or voluntary waste or destruction in and upon the Premises, any nuisance, unlawful or improper use of the Premises.
- 11. Non-Discrimination. LICENSEE shall not use the Premises, nor permit the Premises to be used in support of any policy that unlawfully discriminates against anyone based upon creed, color, national origin, sex or a physical handicap. LICENSEE shall not practice any unlawful discrimination based upon creed, color, national origin, sex or a physical handicap.
- 12. Default of Licensee. It is expressly agreed that this License is contingent upon the continuing condition that if fails to observe or LICENSEE after a thirty (30) day demand,

this License is not transferable. At no time during the Term shall LICENSEE assign, mortgage or pledge its interest in this License or its interest in the improvements now or hereafter erected on the Premises without the prior written consent of LICENSOR, which consent will not be withheld unreasonably.

14. Insurance. LICENSEE shall, at its own expense, effect, maintain and keep in force throughout the Term, a general comprehensive public liability insurance policy, with limits of not less than TWO MILLION DOLLARS (\$2,000,000.00) for each occurrence, including property damage, personal injury and advertising injury; \$100,000.00 for fire damages to the Premises for any one fire; \$10,000.00 in medical expenses for any one person, and an aggregate limit of \$2,000,000.00 per policy year. The specification of these limits as contained herein shall not be construed in any way to be a limitation on the amount of liability of LICENSEE for fees, interest or other charges under

LICENSEE at its own expense shall maintain and keep in force Workers Compensation Insurance to include Employer's Liability. Such coverage shall apply to all of LICENSEE's employees.

insurance necessary to evidence compliance with the insurance provisions required under this License. LICENSEE shall keep such LICENSOR during the entire term of this License. In addition: LICENSOR certificate(s) provisions required under this License. LICENSEE shall keep insurance in effect and the certificate(s) on deposit provide to shall LICENSEE

a. Failure of LICENSEE to provide and keep in force such insurance shall be regarded as material default under this License. LICENSOR shall be entitled to exercise any or all of the remedies provided in this License for default of LICENSEE.

- The procuring of such required insurance policies shall construed to limit LICENSEE'S indemnification under this
- LICENSOR, DEPARTMENT OF HAWAIIAN HOME LANDS, is a self red State agency. LICENSEE'S insurance shall be primary. insurance maintained by LICENSOR and/or the State of Hawaii and shall not contribute with, insurance provided by LICENSEE. in excess of, insured State agency. shall apply

Such insurance policy shall (a) be issued by an insurance company or surety company authorized to do business in the State of Hawaii or approved in writing by the Chairman, Hawaiian Homes Commission; (b) name the State of Hawaii, DEPARTMENT OF HAWAIIAN HOWE LANDS, as an insured; (c) provide that the DEPARTMENT OF HAWAIIAN HOWE LANDS shall be notified at least thirty (30) days prior to any termination, cancellation or material change in the insurance coverage; and (d) cover all injuries, losses or damages arising from, growing out or caused by any acts or omissions of LICENSEE, its officers, agents, employees, invitees or licensees in connection with LICENSEE'S use or occupancy of the

hereafter built or located on the Premises, improvements and grounds, and all roadways and sidewalks on or adjacent to the Premises in the control or use of the LICENSEE. The insurance shall cover loss or damage by fire and other hazards, casualties and contingencies, including vandalism and malicious mischief. The insurance shall be for the full insurable value of such LICENSEE shall insure during the term of this License improvements.

LICENSEE shall furnish to LICENSOR upon the execution of this License, certificates showing such insurance policy or policies to be in favor of LICENSOR and to be in force, and shall event of loss, damage or destruction, LICENSOR shall retain from the proceeds of the policies such amounts deemed by it to be necessary to cover the loss, damage or destruction of or to the improvements and the balance of such proceeds, if any, shall be furnish like certificates upon each renewal thereof. delivered to LICENSEE. The procuring of any insurance policy shall not release or relieve LICENSEE of its responsibility under this License as set forth herein or limit the amount of its liability under this

LICENSEE shall peaceably 15. Surrender. Upon the expiration of this License, or sooner termination as herein provided, LICENSEE shall peacea

and quietly leave, surrender and deliver to LICENSOR possession of the Premises. Without limiting LICENSEE'S rights to insurance and condemnation proceeds, LICENSEE shall have the option to surrender this License where the portion damaged or taken renders the remainder unsuitable for the use or uses for which the Premises were licensed.

16. Native Hawaiian Rights. LICENSOR warrants that it has made a good faith effort to determine whether native Hwaiian traditional and customary rights have been exercised on the property and has found no evidence of such exercise.

any fault on its part, be made a party to any litigation commenced by or against the other (other than condemnation proceedings), the party at fault shall pay all costs, including reasonable attorney's fees and expenses incurred by or imposed on the other. The prevailing party in any dispute between the parties shall be entitled to recover its attorney's fees.

18. Abandonment. In the event the easement area, hereby granted, shall be abandoned or shall remain unused for the purpose granted for a continuous period of one year, all rights granted hereunder shall terminate, and the LICENSEE shall remove its appliances, equipment, and improvements and restore the land so nearly as is reasonably possible to the condition existing immediately prior to the time of installation or construction of its improvements, if any, the LICENSEE hereby consenting and agreeing to such removel. Failure of LICENSEE to remove its appliances, equipment and improvements and/or to restore the land within ninety (90) days after notification to do same from LICENSEB by cause from LICENSEB by a breach and LICENSEE's last known address, will constitute a breach and improvements and/or restore the land to a condition similar to that existing immediately prior to the time of installation and LICENSEE shall reimburse LICENSOR for all reasonable costs in connection with the removal and/or restoration.

19. Definition of Premises. The word "Premises" when it appears herein includes and shall be deemed to include the lands described above and all buildings and improvements whenever and wherever erected or placed thereon.

20. Federal Financial Assistance. The parties intend that LICENSEE shall not receive Federal Financial Assistance in connection with this License, and LICENSOR will not receive any funds from any federal grant or cher compensation that will benefit LICENSEE under this License. In the event that LICENSEE determines that the terms of this License may result in receipt

by LICENSEE of Federal Financial Assistance, LICENSEE reserves the right to terminate its participation in this License immediately without notice. Nothing in this paragraph shall affect LICENSEE's obligations under other federal and state laws and regulations, including without limitation to, Title VII of the Civil Rights Act of 1964, Executive Order 11246, the Americans with Disabilities Act, and Hawai'i nondiscrimination

For purposes of this License, "Federal Financial Assistance" shall have the same meaning set forth in Title VI of the Civil Rights Act of 1964, as amended, and the applicable implementing regulations. As of the date of this License, regulations of the U.S. Department of Education implementing Title VI define "Federal Financial Assistance" to include "(1) grants and loans of Federal Financial Assistance" to include "(1) grants and loans of Federal Financial Assistance" to include "(1) grants and loans of Federal Inoperty and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement or other contract which has as one of its purposes the provision of assistance." LICENSOR understands that federal assistance could include grants from state and private entities which receive funding from the federal government.

21. No State Action. LICENSEE is entering into this License voluntarily, and is not, under the License, acting under the direction or compulsion of any governmental agency or performing a public function that such agency would otherwise be required to perform, and is thus not a state actor or acting under color of the state or federal law.

22. Commissions. LICENSOR or LICENSEE each represent that they have not retained a real estate broker for the purpose of locating the Premises nor in any capacity as their respective representative, and that there will be no claims for brokerage commissions or finder's fees in connection with the execution of this License.

23. Trustees' Approval; No Personal Liability. This License has been approved or executed by the Trustees of the Estate of Bernice Pauahi Bishop in their fiduciary capacities as said Trustees, and not in their individual capacities. No personal liability or obligation under this License shall be imposed or assessed against said Trustees in their individual capacities. Furthermore, the liability of LICENSEE under this License shall

LICENSE NO.

10

LICENSEE have no right to proceed against any other property of LICENSEE or to recover any deficiency from LICENSEE or any trustee, officer, agent or employee of License.

24. Miscellaneous

- a. Consents. Whenever under the terms of this License the consent or approval of either party shall be required, such consent or approval shall not be unreasonably or arbitrarily withheld. If the party receiving any request or consent or approval shall fail to act upon such request within sixty-five (65) days after receipt of written request therefore, such consent or approval shall be presumed to have been given.
- This License shall be binding upon and inure to the benefit of LICENSOR and LICENSEE and their respective personal representatives, successors, successors-intrust, legal representatives, directors, officers and assigns. Bind and Inure. ρ.
- c. Applicable Law; Severability. This License shall be governed by and interpreted in accordance with the laws of the State of Hawaii. If any provision of this License is held to be invalid or unenforceable, the validity or enforceability of the other provisions shall remain unaffected.
- d. Paragraph Headings. The headings of paragraphs in this License are inserted only for convenience and shall in no way define, describe or limit the scope or intent or any provision of this License.
- e. Incorporation of Agreements. This License incorporates all agreements between the parties relating to the subject matter hereof, and supersedes all other prior oral or written letters, agreements or understandings relating to the subject matter hereof. This License may not be modified or amended, nor any of the provisions hereof waived, except by an instrument in writing signed by the parties hereto.
- the original or the same counterparts. In making proof of this License, it shall not be necessary to produce or account for more than one such counterpart. For all purposes, including, without limitation, recordation and delivery of this License, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document. f. Counterparts. The parties hereto agree that this License may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to

delayed or hindered in or prevented from the performance of any act required hereunder by reason of strikes, lockouts, labor troubles or industrial disturbance, inability to procure materials, failure of power, delays in the issuance of permits, restrictive governmental laws or regulations, riots, plague, acts of God or other similar industry-wide or buildingwide causes beyond the control of such party and/or not the fault of the party delayed in performing work or doing acts required under the terms of this License, then performance of such act shall be excused for the period of such delay, provided that the provisions hereof shall not operate to excuse Licensee from prompt payment of monthly license fees, or any other payments required by LICENSEE under the terms of this LICENSE.

Special Conditions:

NONE

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed the day and year first above .. written.

Approved by the HHC at its meeting held on August 15, 2011

State of Hawaii DEPARTMENT OF HAWAIIAN HOME LANDS

Shipull - Jag.

Deputy Attorney General State of Hawaii

APPROVED, AS TO FORM;

By Albert "Alapaki" Nahale-a, Chairman Hawaiian Homes Commission

LICENSOR

TRUSTEES OF THE ESTATE OF BERNICE PAUAHI BISHOP

- Breezen M. Reserv

Theresa M. Kelly, Associate Director

By

STATE OF HAWAII

CITY & COUNTY OF HONOLULU

SS

to me personally known, April day of before me appeared Theresa M. Kelly On this 16th

2012

say that she is the did who, being by me duly sworn,

Associate Director

the person who executed the foregoing instrument and acknowledged to me that she executed the same freely and voluntarily for the use and purposes therein set forth.

2 m Cm.

3

LESUE M. YAMASHITA
Notary Public, State of Hawaii 2017
My commission expires Sept. 27.

Wotary Public, State of Hawaii Print Name Leslie M. Yamashita

My commission expires: 9/27/201

Notary Name: Leslie M. Yamashita First Circuit State of Hawail, Department of Hawailan Doc. Description: Home Lands, License No. 759 15 # of Pages: Document Date: Undated at the Time of notarization

m Cu

NOTARY CERTIFICATION Notary Signature

759

13

LICENSE NO. 759

1.2

EXHIBIT "A"

 $\frac{70^{12}}{}$, before me appeared MICHELLE KAUHANE, to me personally known, who, being by me duly sworn, did say that she is the Deputy to the Chairman of the Hawaiian Homes Commission and the person who executed the foregoing instrument on behalf of the Chairman of the Hawaiian Homes Commission and acknowledged to me that she executed the same freely and voluntarily for the use and purposes therein set SS. day of _ CITY AND COUNTY OF HONOLULU 264 STATE OF HAWAII On this forth.



NOTARY CERTIFICATION STATEMENT

Notary public, State of Hawaii

ABIGAIL L TUBERA
Print Name of Notary Public My commission expires:_

	THINING TO THE P. TOWN	TOTAR P	STREET STREET	THE OF HEATH		
Document Identification or Description: Lieuse #759 behave-	1	or Undated at time of notarization.	Jurisdiction: /st Circuit	(in which notarial act is performed) $\frac{4}{4}\kappa / L_2$	Date of Notarization and	Certification Statement
Document Identification or	DWH + Trustees of to	Doc. Date: 4/x/12	No. of Pages: /6	Righ L Sel-	Signature of Notary	`

ABIGAIL L. TUBERA

Printed Name of Notary

Subject Properties	
Little Con-	
	ī . p
AAA333	SERT POWER NECOMMENT LOS
Eine Plat 2	Colombia traffic

Hawaiian Homes Commission Minutes - August 15, 2011 Kailus-Kona, Hawai'i

-17

2:10 p.m.

RECONVENE

F-1 General Leasing ITEM NO: SUBJECT:

MOTION/ACTION

Submittal Withdrawn,

ITEM NO: F-2
SUBJECT: Issuance of Right-of-Entry Permit, The Honolulu Authority for Rapid
Transportation (HART), Waiawa, O ahu

EXISTING FENCE

TRAILER TOLET TO BE REMOVED

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GRADE 2 (1.056 S.F.)

TO BE REPLACED
THEN
TENT
STRUCTURE
STRUCTURE
(1,302 S.F.)

D.H.H.L. EAST HAWAI DISTRICT OFFICE (1,296.5.F)

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NIMOA (3.2 572)

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To grant authority issuance of a Right-of-Entry (ROE) to HART to use a piece of Hawaiian Home Lands property in Waiawa, known as Ewa Drum site, for environmental field investigation and potential construction of the Honolulu High-Capacity Transit Corridor Project guideway and maintenance and storage system.

MOTTON

Moved by Commissioner H. Tancayo, seconded by Commissioner L. DaMate

DISCUSSION

(1,056 S.F.)

department for a 52 acre Ewa Drum site relinquished by the federal government to Hawaiian home lands in exchange for a 52 acre parcel known as the Varonna Village site. Anticipation is to finalize the exchange within two (2) years. Once this land exchange is complete, DHHL will own all four comers of the Kapoloi Parkway (North - South Road) intersection. HART will continue its due diffigence to maintain its efforts to continue this project although a new lawsuit has been filed to prevent the project from materializing. Should the suit be works for an eventual land exchange between the City and County of Honolulu and the successful, the property would be reclaimed by the department. A license agreement is in the

ACTION

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8 30ARO (1,056 S F.)

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Motion carried unanimously.

TEM NO: SUBJECT:

F.3 Issuance of License, Kamehameha Schools, Keaukaha, Hawai'i

EXHIBIT "B"

BAKER AVENUE

GRACE 3 (1,056 S.F.) (363 S.F - 20 foot setback АDМІИ, ВUILDING (960 S.F.) D.H.H.L. **B**LDG. 8LDG. (960 S.F.)

RECOMMENDATION

Hawaiian Homes Commission Minutes - August 15, 2011

RECOMMENDATION

Approve issuance of an extension of license for an addition five (5) years.

MOTION/ACTION

Moved by Commissioner K. Hopkins, seconded by Commissioner H. Tancayo. Motion carried unanimously.

SUBJECT: App

Approval of Payment Plan, License No. 607, Mahalo Broadcasting LLC, Humu'ula, Hawai'

MOTION

Moved by Commissioner K. Hopkins, seconded by Commissioner I. Aiu.

COMMENT

Should this license agreement default, the department will reclaim the property. The department is interested in working with these lessees to establish a workable monthly payment plan.

ACTION

Motion carried unanimously.

ITEM NO: F-5 SUBJECT: For Information Only: Request from Waimea Hawaiian Homestead Association for Park and Cemetery Use

MOTTON

None. For Information Only.

DISCUSSION

project, one of the requirements is to be certified under the Kulia ika Nu'n program. Steps would be taken to have members trained to become certified and qualified under a 501c3 non-profit entity. DHHL Planner Gigi Cairel single handedly provides resources and support for the "Külia" program. There is no fast-track process to quicken the course, noted Chairman Nahale-a. Waimea Hawaiian Homesteaders Association is interested in mapping out an area in Pu'ukapu near the Kanu O Ka Aina Charter School for its priority project. To move forward on this

STATE OF HAWAII

DEPARTMENT OF HAMAILAN HOME LANDS

August 15, 2011

Chairman and Members, Hawaiian Homes Commission To:

Linda Chinn, Administrator Land Management Division Through:

Kahana Albinio, Property Development Agent Land Management Division (L. M.) From:

Issuance of License Agreement, Kamehameha Schools, Keaukaha, Island of Hawaii Subject:

RECOMMENDED MOTION/ACTION

5,589 square feet, more or less, of space together with a storage facility covering 1,304 square feet on a portion of Hawaiian home issuance of a License to Kamehameha Schools, to continue its preschool operation and related services in Keaukaha, Hawaii, consisting of That the Hawaiian Homes Commission (HHC) grant approval to the lands situated at Keaukaha, Island of Hawaii, further identified by Tax Map Key Nos, (3)2.1.023:157(por.) & :158(por.) delineated in gray-shade on Exhibit "A" attached hereto, subject to the following conditions:

- LICENSEE to continue is preschool operation and related services which directly benefits Hawaiian homestead beneficiaries and the The purpose of this license and use of the site is strictly for broader native Hawaiian community;
- commencing The license term shall be for five (5)-years, retroactively as of July 1, 2011 through June 30, 2016. License C

then LICENSEE must apply for the extension six (6) months prior the Chairman's review and evaluation of LICENSEE's financial and The term of the license can be extended for one (1) additional Should LICENSEE consider this option, to expiration of the term and the approval shall be subject the Chairman of five (5)-year period at the option of Hawaiian Homes Commission. Should LICENSEE operation status; The monthly license fee shall be established at TWENTY-TWO HUNDRED AND NO/100 DOLLARS (\$2,200.00) and, shall not in any event, during the term of this license, be less than the established rate of \$2,200.00. Payment for all associated building related expenses shall be due Erom the first month of be less than

Item No. F-3

- LICENSEE shall be responsible for its portion of building-related expenses, such as electricity, water and ground maintenance. This shall be adjusted annually on July 1st. Telecommunication services shall continue to be provided by Sandwich Isle Communications, Inc.
- The use of the premises shall be limited to LICENSEE's preschool operation and related services and for no other purpose;
- The premises is licensed in an "as is" condition. LICENSEE is responsible for any renovation, repair, and maintenance for the use of the space;
- LICENSEE shall undertake no construction until LICENSOR has reviewed and approved the plans (which approval shall not be unreasonably withheld or delayed.) All improvements constructed on the licensed area shall conform to federal, state and courty (government agencies) standards. LICENSEE shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals.
- 8, LICENSEE shall remit a processing fee of \$200.00 and documentation fee of \$75.00;
- LICENSEE will exercise due care and diligence to prevent injury to persons and damages to or destruction of property belonging to DHHL and;
- O, LICENSEE shall keep and maintain the Premises and any and all equipment and personal properties of LICENSEE upon the Premises in a strictly clean, neat, orderly and sanitary condition, free of waste, rubbish and debris and shall provide for the safe and sanitary handling and disposal of all trash, garbage and other refuse resulting from its activities on the Premises;
- 11. LICENSEE shall provide proof of and keep in full force a general liability insurance policy of no less than \$2,000,000,000, including fire coverage on the premises and name the Department of Hawaiian Home Lands (DHHL) as additional insured on the
- 12. LICENSEE shall comply with all applicable governmental laws, rules, regulations, and procedures relating to the operation and activities under this LICENSE. Upon termination of this LICENSE, LICENSE, shall be responsible for environmental testing and subsequent cleanup of any gontamination or hazardous materials found on the site that may have been caused by LICENSEE's use;
- 13. The LICENSE document shall be subject to other standard terms and conditions of similar licenses issued by DHHL and will be subject to the review and approval by the Office of the Attorney General,

2 Item No. P-3

State of Hawaii; and

14. The LICENSE shall be subject to other terms and conditions deemed prudent and necessary by the Chairman of the Hawaiian Homes Commission.

DISCUSSION/HISTORY

On behalf of Ramehameha Schools, Mr. Neil Nihei, Facility and Project Coordinator of its Community-Based Barly Childhood Education submitted a written request dated July 26, 2011 (attached hereto as Exhibit. 18'), which indicates their desire to continue the use of the premises for its preschool operations and related services. DHHL's continued support of early education programs in homestead communities and partnership with Kamehameha Schools has facilitated the consistent delivery of quality educational programs to native Hawaiian children and families throughout the State.

Since exhausting its one (1) option to extend the license term under License Agreement No. 528 which has expired effective as of June 30, 2011, LMD recommends that a new License Agreement be issued to Kamehameha Schools subject to the same terms, covenants, conditions, and provisions under License Agreement No. 528.

Authorization

This action is authorized under Section $207(c)(1)(\lambda)$ of the Hawaiian Homes Commission Act, 1920, as amended, and Section 10-4-22 of the Administrative Rules of the Department of Hawaiian Home Lands. Section 207(c)(3), allows for any license issued under this subsection shall be subject to such terms, conditions, and restrictions as the department shall determine and shall not restrict the areas required by the department in carrying on its duties, nor interfere in any way with the department's operation or maintenance activities.

RECOMMENDATION

Land Management Division recommends approval of the requested motion/action as stated.

EXHIBIT "A"

DEPARTMENT OF HAWAIIAN HOME LANDS STATE OF HAWAII

FIRST AMENDMENT TO LICENSE AGREEMENT NO. 759

THIS AMENDMENT, executed this /Ort4 ay of October 2016, by the State of Hawaii, DEPARTMENT OF HAWAIIAN HOME LANDS, whose place of business is 91–5420 Kapolet Parkway, Kapolet, Hawaii 96707, and whose mailing address is P. O. Box 1879, Honolulu, Hawaii 96805, hereinafter referred to as "LICENSOR," and TRUSTEES OF THE ESTATE OF BERNICE PAUAHI BISHOP, whose place of business, and mailing address is 567 South King Street, Honolulu, Hawaii 96813, hereinafter referred to as "LICENSEE."

WITNESSETH THAT

WHEREAS, License Agreement No. 759 was issued and made effective as of April 26, 2012 authorizing LICENSEE to utilize available office space containing approximately 6,893 square feet, for its early childhood education services on a portion of the of the parcel identified as Tax Map Key No.:(3)2-1-023:157(por.) & 158(por.); and WHEREAS, LICENSEE desires a five (5)-year extension retroactively commencing as of July 1, 2016 and expiring as of June 30, 2021;

NOW THEREFORE, LICENSOR AND LICENSEE, for and on behalf of themselves, their successors and assigns, do hereby agree to amend License Agreement No. 759 as follows:

- commencing retroactively as of July 1, 2016 and expiring on June 30, 2021, or until such time as The term of this License shall be extended for an additional five (5) year period, LICENSEE ceases its early childhood education services, whichever occurs sooner, unless this License is sooner terminated as the License terms and conditions hereinafter provides
- The license fee for the extended term is established at a rate of TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$2,500.00) per month. The license fee shall be due without demand and payable in monthly installments on the 1st day of every month for the remainder of the amended license term, unless it is terminated or revoked as provided in the license

Except as amended herein, all of the terms, conditions, covenants, and provisions of License Agreement No. 759 shall continue and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

Approved by the Deputy to the Chairman on August 5, 2016

State of Hawaii DEPARTMENT OF HAWAIIAN HOME

LANDS

APPROVED AS TO FORM AND LEGALITY:

WAGMASA MALI Deputy Attorney General State of Hawaii

By Jobie M. K. Masagatani, Chairman Jobie M. K. Masagatani, Chairman

LICENSOR

TRUSTEES OF THE ESTATE OF BERNICE PAUAHI BISHOP

Theresa M. Kelly By

Head of Preschools

LICENSEE

First Amendment to Life No. 759



00	
STATE OF HAWAII	CITY AND COUNTY OF HONOLULU

On this 10th day of October, before me personally appeared THERESA M. KELLY, to executed the foregoing instrument as the free act and deed of such person, and if applicable in me personally known, who, being by me duly sworn or affirmed, did say that such person the capacity shown, having been duly authorized to execute such instrument in such capacity.

In and for the above-named state and county Print Name: Michelle M. Frias Notary Public

My commission expires: 6/26/2019

(Official Stamp or Seal)

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: FIRST AMENDMENT TO LICENSE AGREEMENT NO. 759

Doc. Date: [undated at time of notarization]

(in which notarial act is performed) Jurisdiction: First Circuit

No. of Pages: 3

NACAUL IN From Signature of Notary

and Certification Statement Date of Notarization 10/10/16

MICHELLE M. FRIAS Printed Name of Notary

(Official Stamp or Seal)

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

, 20 16 , before me being by me duly sworn, did say that he is the Deputy to the Chairman of the Hawaiian Homes Commission and the person who executed the foregoing instrument on behalf of the Chairman of JR., to me personally known, who, the Hawaiian Homes Commission and acknowledged to me that he executed the same freely and voluntarily for the use and October day of appeared WILLIAM J. AILA, purposes therein set forth. On this



Notary Public, State of Hawaii My commission expires: //2//2 Print Name of Notary Public ARICANT L. IUBERA

NOTARY CERTIFICATION STATEMENT

Document Identification of Description: 1st Innendment to Wounse Agreement No. 759 or D Undated at time of notarization. Jurisdiction: /st Circuit (in which notarial act is performed) No. of Pages: Doc. Date:

Date of Notarization and Certification Statement Will I Salun-Signature of Notary

10.19.16

ABICALL TOLLING Printed Name of Notary

DETWICK! S OF HE PARCE OF STREET 04-668







KAMEHAMEHA SCHOOLS

LETTER OF TRANSMITTAL

1	
TO	Peter "Kahana" Albinio, Jr.
	Acting Administrator
	DHHL - Land Management Divisio
	P.O. Box 1879
	1

Cindy Ching, Senior Counsel FROM:

Endowment Legal Division

April 17, 2012

DATE:

Keaukaha Preschool (DHHL License No. 759), #13303 RE:

COPIES	DATE	DESCRIPTION
2 partially signed originals	undated	SOH, DHHL First Amendment to License Agreement No. 759 (signed by KS only)
The above is/are transmitted For your information and For signature and comment For review and comment For review and follow-up	transmitted herey formation and files re and return and comment and follow-up	with: For necessary action Per your request Per our conversation See remarks below

REMARKS:

For signature by DHHL. Thereafter, please provide us with a fully executed original for our files. Thank you.

DEPARTMENT OF HAWAIIAN HOME LANDS STATE OF HAWAII

August 3, 2016

Jobie M. K. Masagatani, Chairman To:

Hawaiian Homes Commission

Kahana Albinio, Acting Administrator Land Management Division MA From:

License Agreement No. 759, Kamehameha Schools Bishop Estate (KSBE), Keaukaba, Island of Hawaii Subject:

RECOMMENDED ACTION

That approval be granted by the Chairman of the Hawaiian Homes Commission to exercise the option to extend the term of License Agreement No. 759 issued to KSBE, subject to the following conditions:

- The term shall be extended for an additional five (5)-year period effectively commencing retroactively as of July 1, 2016 and expiring as of June 30, 2021; T:
- The monthly license fee for the extended term shall be established at \$2,500; ci
- All other terms and conditions of License Agreement No. 759 shall continue and remain in full force and effect; and 3
- The Chairman of the Hawaiian Homes Commission is authorized to set forth any additional terms and conditions which shall ensure and promote the purposes of the demised premises.

DISCUSSION

February 1, 2016 (attached hereto as Exhibit "A") seeking DHHL's approval to extend the term of LIC No. 759 for an additional five (5) year period covering July 1, 2016 – June 30, 2021. The extension will provide for KSBE's continued support of its early education program in homestead communities. The partnership between KSBE and DHHL has facilitated a consistent delivery of quality educational programs to Native Hawaiian children and families throughout the State. On behalf of KSBE, Facilities and Project Coordinator, Mr. Neil Nihei, submitted a letter dated

The original five (5)-year term under LIC No. 759 (attached hereto as Exhibit "B") is scheduled to expire on June 30, 2016. Therefore, prior to its expiration, KSBE seeks to exercise the Extension option as provided under Condition No. 1. a. Extension on page 2 of LIC No. 759.

Memo to Jobie M. K. Masagatani, Chairman August 3, 2016

Page 2

Fee Calculation

The parcels are zoned Residential. The County's tax assessed value for the respective parcels (See Exhibits "C-1" and "C-2") reflects as follows:

Assessment	TMK	Property Class	(approx. sq ft)	Land Area	Market Land
2016	21023157	Residential	22,808	0.5236	\$69 100
2016	21023158	Residential	28 740	0.66	\$75 KAN

Licensee uses a combined usable building and open-space area of approximately 6,893 square feet. Based on the county tax assessed value as referenced, the annual fee for \$1,557 square feet or 1.18 acres would be valued at approximately \$144,700. To determine a fair market annual fee to use the combined usable building and open-space area (6,893-square feet or 0.158-acres) for its educational programs the monthly license fee for the extended five (5)-year period is derived at by the following calculation:

22,808	6,893 sq ft (used by licensee)
+28,749	*\$0.244
51,557 - total sq. ftg.	\$1,681 / per annum
\$69,100	\$144,700/51,557 = \$2.8/sq ft.
+\$75,600	\$2.80
\$144,700 - total marker land value	\$0.244 / sq ft.

Since the annual license fee as established is less than the current annual license fee of \$26,400, LMD recommends an annual increase of \$3,600 or approximately thirteen and one/half percent (13.5%) for the extended five-year period as requested. Therefore the annual fee of \$30,000 (\$26,400 x 1.135) as established is prudent and reasonable for the licensee to continue its early childhood education program and related services which provide beneficial service to the Hawaiian home lands beneficiaries and greater East Hawaii Hawaiian community at large. Further, LICENSEE has been a responsible tenant and remains in good standing with regards to meeting its obligation pursuant to the license agreement.

Authorization

An extended term is authorized pursuant to the license term, more particularly described and referenced on pages 1-2, in Condition No. 1. a. Extension., of License Easement No. 759.

Memo to Jobie M. K. Masagatani, Chairman August 3, 2016

RECOMMENDATION

Land Management Division requests approval be granted as stated.

APPROVED AS RECOMMENDED

Jobie M. K. Masagatani, Chairman

Hawaiian Homes Commission

Date

LIC No. 759

LIC No. 759

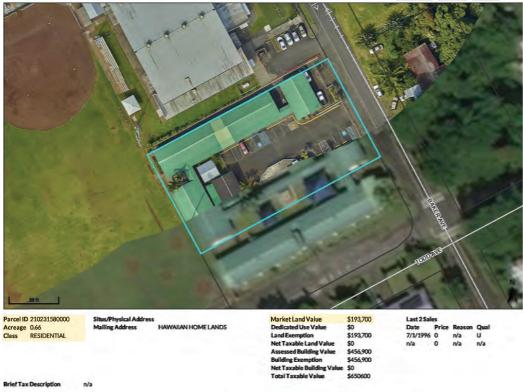
Exhibit "C-1"

Item No. F-2



Exhibit "C-2"

Item No. F-2



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division

Subject: Approval to Issuance of Right of Entry Permit, State of Hawaii Department of

Agriculture, Waimanalo, Island of O'ahu, TMK No.: (1) 4-1-011:001 (por.)

APPLICANT:

STATE OF HAWAII DEPARTMENT OF AGRICULTURE "HDOA"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) authorize the issuance of a Right of Entry Permit, covering the subject area identified by Tax Map Key No. (1) 4-1-011:001 (See Exhibit "A") containing approximately 1,306 acres, for the purpose of conducting coqui frog (coqui) search, control, and eradication efforts ONLY. The request for access to the subject area would fall between the hours of 8:00 AM and 12:00 AM and include access permission for up to a total of ten (10) HDOA employees and/or collaborators.

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

- Authorize the issuance of a Right-of-Entry permit to HDOA covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. The premises shall be utilized strictly for conducting coqui frog (coqui) search, control, and eradication purposes ONLY and for no other purposes whatsoever; and
 - C. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interests of the Hawaiian Home Lands Trust;
- Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR this project will probably have minimal or no significant effect on the environment.

LOCATION:

Hawaiian Home Lands situated at Waimanalo, Island of O'ahu, identified as TMK No.: (1) 4-1-011:001 (See Exhibit "A")

AREA:

Containing approximately 1,306 acres.

DISCUSSION:

In March 2021, HDOA's Plant Quarantine Branch (PQB) received report of Coqui frogs calling on or around the subject parcel. HDOA contacted LMD and requested access to conduct a search of the area. The search detected a sizeable coqui population. To date approximately 11 surveys and control responses have resulted in the capture of approximately 130 coqui frogs on or around the subject parcel.

The control and eradication of this coqui population is of critical importance to HDOA's stakeholders in Waimanalo. If this population is not subjected to control or eradication efforts, or farmers' ability to export and move their products locally will be significantly impacted. Furthermore, this population, if left unchecked, could be the seed for widespread establishment of coqui throughout the eastern side of O'ahu.

Therefore, the request is intended for HDOA to access the subject parcel and initiate a general coqui control plan consisting of 5 phases as identified and described in Attachment I of HDOA's September 9, 2021, letter attached hereto as Exhibit "B". This is a general plan that is subject to adjustment in response to the unique circumstances that are encountered during each response. Phase 3 has been postponed due to the Hawaiian Hoary Bat pupping season. This response is currently in the preliminary stages of Phase 4.

PLANNING AREA:

Waimanalo, Island of Hawaii

LAND USE DESIGNATION:

Conservation, Oahu Island Plan (2014), Figure 7.3 – <u>Waimanalo Ahupua'a –Land Use Designations</u>

CURRENT STATUS:

Conservation

CHARACTRER OF USE:

Conservation - These lands primarily consist of the steep pali along the Koʻolau as well as two stream/drainage channels

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

None since there is no plans for new construction

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

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

Land and Resource Management

Goals:

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

Objectives:

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

Waimanalo Regional Plan (2011)

The site is designated for Conservation with the Waimanalo Regional Plan (2011)

AUTHORIZATION:

HRS §171.55 Permits., as amended

RECOMMENDATION:

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



Acreage 1305.583
Class PRESERVATION

Parcel ID 410110010000

Situs/Physical Address WAIKUPANAHAST

Assessed Land Value \$1,697,300
Assessed Building Value \$0
Total Property Assessed Value \$1,697,300
Total Net Taxable Value \$0

Last 2Sales

Date Price Reason Qual n/a 0 n/a n/a n/a n/a

Exhibit "A" Item No. F-3

Brief Tax Description

(Note: Not to be used on legal documents)

Exhibit "B" Item No. F-3

Governor

JOSH GREEN



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture
MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii (9814-2512
Phone: (909) 973-9900 FAX: (909) 973-9819

September 9, 2021

Chairperson William J. Alla, Jr Department of Hawaiian Homelands P.O. Box 1879 Honolulu, Hawaii 96805

Subject: Limited Right of Entry Permit Request for property TMK 4-1-011-001

Aloha Chairman Aila,

The Hawaii Department of Agriculture (HDOA) is requesting a one-year Limited Right of Entry (LROE) Permit to access Department of Hawaiian Homelands (DHHL) property TMK 4-1-011-001, for the purpose of conducting coqui frog (coqui) search, control and eradication efforts, HDOA's request for access to the area would fall between the hours of 8:00 AM and 12:00 AM and include access permission for up to a total of 10 HDOA employees and/or collaborators for the purposes stated below.

In March of this year, the HDOA's Plant Quarantine Branch (PQB) received a report of coqui frogs calling on or around the aforementioned DHHL property. On March 5, 2021, a team of PQB inspectors conducted a search of the area and detected a sizeable coqui population. PQB staff have conducted approximately 11 surveys and control responses since the initial detection, capturing approximately 130 coqui frogs on or around property TMK 4-1-011-001.

Due to the remoteness of the site, size of the coqui population, and the discovery of coqui in various live stages, we believe that this population has been established in this area for an extended period of time. Established coqui detection and capture techniques utilize teams of trained individuals to triangulate the calls of adult male coqui between dusk and dawn. These frogs are either hand-captured or subjected to spot treatments of a citric acid solution. Unfortunately, coqui juveniles and eggs are not audible and cannot be detected utilizing this technique. To control coqui eggs and juvenile life stages, area-wide citric acid sprays are typically used in conjunction with hand-capture techniques. The majority of the terrain throughout DHHL property TMK 4-1-011-001 is not suitable for access by our tank sprayers that are on a truck and trailer.



Chairperson William J. Alia, Jr DHHL LROE Request Property TMK 4-1-011-001 September 9, 2021

In addition to requesting access to property TMK 4-1-011-001, a general coqui control plan consisting of 5 phases is included with this request as Attachment 1. This is a general plan that is subject to adjustment in response to the unique circumstances that are encountered during each response. Phase 3 has been postponed due to the Hawaiian Hoary Bat pupping season. This response is currently in the preliminary stages of Phase 4.

The control and eradication of this coqui population is of critical importance to HDOA's stakeholders in Waimanalo. If this population is not subjected to control or eradication efforts, our farmers' ability to export and move their products locally will be significantly impacted. Furthermore, this population, if left unchecked, could be the seed for widespread establishment of coqui throughout the eastern side of Oahu.

Thank you, in advance, for your consideration of this LROE. In addition, any other support DHHL can provide to bolster HDOA's efforts in tackling this situation will be greatly appreciated.

Sincerely,

Physics Mumabrileuro Denos

Phyllis Shimabukuro-Geiser Chairperson, Hawaii Board of Agriculture

N

Property TMK 4-1-011-001

Attachment 1

Coqui Control Phasing

Phase 1: Detection and Delimiting

infestation exists, the next step is to determine the extent of the infestation, mark determine if an infestation exists, and if so, then what life stages are present. If an extent of the coqui infestation. A search for various stages of coqui is conducted to (flag/GPS) and map the boundaries of the infestation. This phase is dedicated to the detection of coqui and delimitation to determine the

Phase 2: Planning (ICS), Site Scouting and Preparation

operations. Additionally, scouting, assessment, and preparation will occur for the Incident Command System (ICS) is ideal for clarifying responsibilities and coordination infestations where multiple agencies/organizations are involved, the utilization of the establishment of objective timelines, as well as site scouting and preparation. For large Phase 2 involves the preparation of a plan of action to identify needs and goals, the

- Safety hazards and risks
- Environmental conditions
- Habitat modification Access points and pathways
- Staging areas for equipment
- Basecamp area

Phase 3: Habitat Modification Planning and Execution

the boundaries of the infested area. either render a habitat inhospitable for a target pest, or to make conditions at an Habitat modification in a control/eradication project refers to the altering of a habitat to sites, and to create a physical buffer to reduce the likelihood of coqui dispersing beyond will be used to facilitate the capture of coqui, to reduce inaccessible breeding/harborage infestation site conducive to control and/or eradication. In this case, habitat modification

- The Department of Land and Natural Resources (DLNR) and Oahu Invasive infested area Species Committee may conduct habitat modification by felling trees within the
- DLNR will provide guidance for regulations pertaining to conservation laws/rules semotus) protection). (e.g. felling of trees on conservation lands and Hawaii Hoary Bat (Lasiurus

1 of 2

Property TMK 4-1-011-001

Attachment 1

Phase 4: Treatment, Assessment and Capture

well-documented, and additional information can be provided, if requested *Note: Phase 4 may be implemented before, during, or after Phase 3, depending on the circumstances. The effectiveness of citric acid for the control of all coqui life stages is

to assess efficacy and to determine if there are areas that may require re-treatment and harborage sites. Treatments for large areas are applied by zones to manage equipment and materials will be transported to treatment staging area(s) and prepared fatigue, man-hours, and supplies. After a treatment is completed, a survey is conducted focus on sufficient spray volume, and thorough coverage of all potential coqui breeding for use. Treatments with food-grade citric acid will be applied systematically, with a During Phase 4, setup for treatment of the infested area will commence. Spray

Phase 5: Efficacy and Eradication Surveys

survey period, the situation will be assessed to determine the appropriate control declaration of eradication can be made. If a detection is made during the eradication in 14-17 days, and newly hatched frogs require approximately 8 months to mature and ceased. After control measures have been ceased, routine periodic surveys of the When coqui frogs are no longer detected in the infested area, control measures are measures that are required, and the negative detection clock (9 months) is restarted. stages of coqui remain in the area. Once this threshold has been reached, a become audible. Therefore, negative detections for 9 months will ensure that no life Surveys will occur for a minimum of 9 months. Research shows that coqui eggs hatch infested area will be conducted to determine the effectiveness of the control measures

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

To:

Chairman and Members, Hawaiian Homes Commission

Through:

Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division \

Kalei Young, Supervising Land Agent

Land Management Division

From:

Shelly Carreira, Land Agent

Land Management Division

Subject:

Approval to Issue a License to Ka Hale Pomaikai, Ualapue, Molokai,

TMK: (2) 5-6-002:001 (portion)

APPLICANT:

Ka Hale Pomaikai "LICENSEE"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) grant its approval to issue a License to Ka Hale Pomaikai for approximately 1.927 acres (more or less) of Hawaiian home lands TMK: (2) 5-6-002:001 (portion) for the purpose of operating a residential substance abuse treatment center and garden.

- 1. Authorize the issuance of a License to LICENSEE covering the subject area under the terms and conditions cited below, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current License form, as may be amended from time to time;
 - B. The term of the License shall be two (2) years commencing on October 1, 2021 and terminating on September 30, 2023, or until such time LICENSEE ceases to operate a substance abuse treatment center, whichever occurs sooner. The License may be extended for up to maximum three (3) years by and at the sole discretion of the Chairman of the Hawaiian Homes Commission;
 - C. The monthly rent for the premises shall be set at \$500.00;
 - D. The LICENSEE shall pay the processing and documentation fee, \$275.00;
 - E. LICENSEE acknowledges and understands that the Premises and all improvements thereon are licensed in "as is" condition;
 - F. LICENSEE shall be required to manage and maintain the Premises and the existing improvements in a neat, clean, and safe condition at its own expense;

- G. LICENSEE shall be responsible to pay all taxes, assessments, utility service and other charges;
- H. LICENSEE shall submit for approval all plans and specifications for any improvements, modifications, alterations, or additions constructed on the land; to include clearing, grading, grubbing, fencing, building construction now or hereafter erected on the Premises to the Chairman of the Hawaiian Homes Commission prior to commencement;
- I. LICENSEE shall obtain all applicable governmental permits and shall comply with federal, state, and county laws and regulations, codes, and ordinances, particularly those pertaining to health and safety in the operation of this substance abuse facility;
- J. LICENSEE is aware that a ground well exists on the Premises. LICENSEE agrees and understands that they are responsible to maintain the well and prevent any dumping from occurring into the well. LICENSEE agrees to build and maintain a lockable covering which would prevent anyone from falling into the well;
- K. The License shall be subject to the review and approval of the Department of the Attorney General; and
- L. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interest of the Hawaiian Home Lands Trusts;

LOCATION:

Portion of Hawaiian home lands situated in Ualapue, Island of Molokai, identified as a portion of TMK: (2) 5-6-002:001 (See Exhibit "A")

<u>AREA</u>:

Approximately 1.927 acres (more or less)

BACKGROUND/DISCUSSION

Ka Hale Pomaikai is a non-profit Hawaii corporation whose mission is to provide housing, educational and supportive services to restore people suffering from alcohol and other drug misuse. Ka Hale Pomaikai operates a residential substance abuse treatment center on Hawaiian home lands in Ualapue, Molokai under License Agreement No. 667, which was approved by the Hawaiian Homes Commission at it June 20, 2006 meeting. The term license term commenced on October 1, 2006 and will expire on September 30, 2021. Ka Hale Pomaikai is seeking a new license to continue its operations including expand areas to accommodate their garden component crucial to the recovery process.

On March 1, 2018 the Department of Hawaiian Home Lands held a beneficiary consultation meeting on the island of Molokai regard three separate request for new licenses, Ka Hale Pomakai, Ierusalema Pomaikai Church, and the Congregation of Jehovah's Witnesses (see Exhibit "B"). The comments received during the consultation process showed overwhelming support for issuance of the licenses to these organization. The HHC unanimously accepted the beneficiary consultation report at its April 16, 2018 meeting under Planning Office's Item G-2 (see Exhibit "C"). During this time, the HHC was informed that Ka Hale Pomaikai's license request would go before the HHC at a later date.

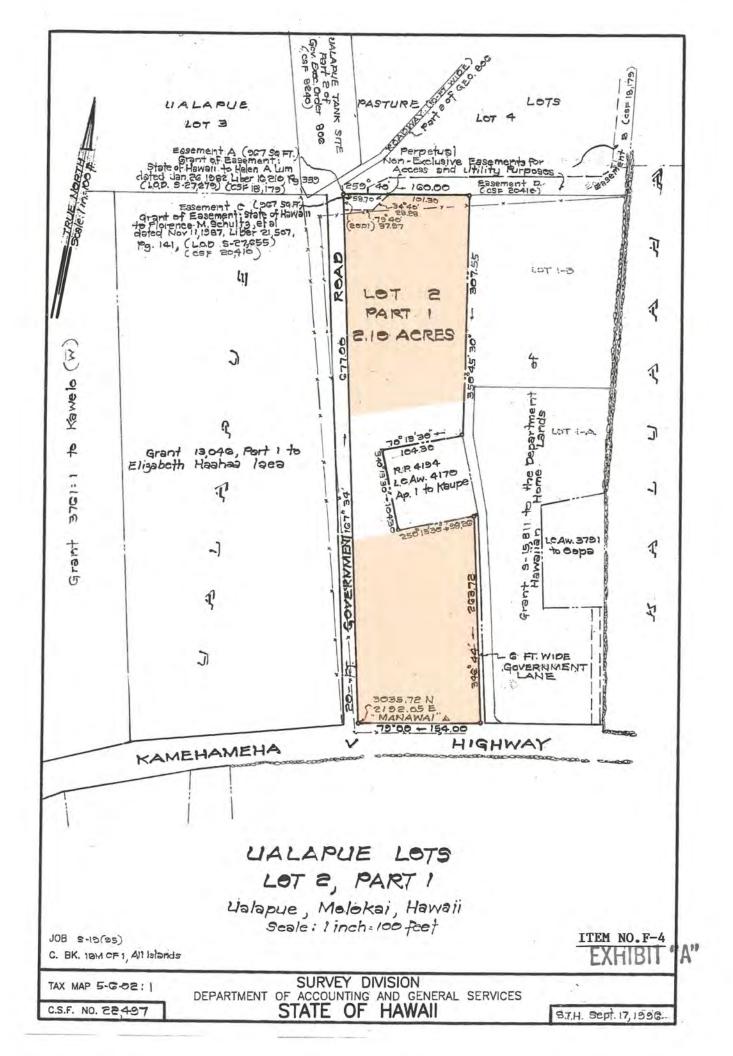
DHHL's future plans for this parcel and the surrounding vacant Hawaiian home lands parcels will be determined upon completion of the Ualapue Settlement Plan and Environmental Assessment. Approval on this new license will allow Ka Hale Pomaikai to continue services to the people of Molokai while DHHL continues planning for this region.

<u>AUTHORITY</u>

§207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, authorizes the department to grant licenses for the use of Hawaiian Home Lands for public purposes.

RECOMMENDATION

Land Management Division recommends approval of the requested motion/action as stated.



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SHANS, ESCESIO A GENERALR ATEUR MAWAR



JOHIE M. B. MASAGATANI CHARMAN HAWAHAN O MES CONTROLIN

WHILE ME I ATEA, IR. DESTITY TO THE CHAIRMAN

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1- 9 HONOLULE HAW III Reads

February 2, 2018

Dear Molokai Beneficiaries:

The Department of Hawaiian Home Lands (DHHL) invites you to attend a beneficiary consultation meeting to discuss new and amended terms for the following three licensees currently under consideration by DHHL:

- Molokai Congregation of Jehovah's Witnesses, License No. 269, Kalama'ula TMK (2)5-2-009:20; 0.52 acres; new church license
- Ierusalema Pomaika'i Church, License No. 261, Kalama'ula TMK(s) (2)5-2-009:017, -26, -27; 1.033 acres; new church license
- * Ka Hale Pomaika'i "The Blessed House," License No. 667, 'Valapu'e TMK (2)5-6-002:001; 2.1 acres; new license for substance abuse and treatment center, and expansion to area

This beneficiary consultation meeting is to provide you with more detailed information on the Land Management Division's licensing process and to allow you an opportunity for input on the proposed long term licenses. The meeting will be held at:

> Place: DHHL/OHA Conference Room

> > Kūlana 'Ōiwi Multi-Service Center

600 Maunaloa Highway, Kalama'ula

Date: Mar. 1, 2018

6:00 p.m. to 8:00 p.m. Time:

We hope you will make time to attend and participate. Should you have any questions or require further information, please contact Nancy McPherson, Planner, DHHL Planning Office, at telephone: (808) 620-9519, or via e-mail at nancy.m.mcpherson@hawaii.gov.

Aloha,

Jobke M. K. Masagafani, Chairman

Hawaiian Homes Commission

ITEM NO. F-4

PLANNING OFFICE

ITEM G-2 Acceptance of Beneficiary Consultation Report for Various Moloka'i Licenses

RECOMMENDED MOTION/ACTION

Acting Planning Program Manager Kaleo Manuel and Planner Nancy McPherson presented the following:

That the Hawaiian Homes Commission (HHC) accepts this Beneficiary Consultation Report as the public record of beneficiary input and feedback relative to DHHL long term licenses and amendments for lerusalema Pōmaika'i Church, License No. 261 (Church); Moloka'i Congregation of Jehovah's Witnesses, License No. 269 (Church); and Ka Hale Pōmaika'i, License No. 667 (Public Service); Kalama'ula and Ualapu'e, Kona, Moloka'i.

MOTION

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

DISCUSSION

N. McPherson stated the beneficiary consultation was done for three long-term licenses, however Ka Hale Pōmaika'i license will go before the Commission at a later date. The licenses for the two churches mentioned in the beneficiary consultation are on this agenda for approval.

The comments received during the beneficiary consultation were overwhelmingly in support of the issuance of new licenses for the two churches in Kalama'ula and expansion of land for the substance abuse recovery program in Ualapu'e. Beneficiaries recognized that these institutions provide important functions that benefit Molokai families, particularly those who live on homestead. The consultation meeting offered a safe environment for sharing and aloha between beneficiaries who may not usually be able to comfortably discuss what they do with each other. Several of the participants stated that they thought the dialogue that took place during the meeting would be of benefit to the participants moving forward into the future. Such sentiments served to reinforce the level of caring for their community that the three organizations share, which was a blessing to all who were present.

<u>ACTION</u>

Motion carried unanimously

LAND MANAGEMENT DIVISION

ITEM F-2 Approval to Terminate Church License No. 261 and Issuance of a New Church License to Ierusalema Pōmaika'i Church, Kalama'ula, Molokai, TMK No. (2)5-2-009:017,026,027

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Peter Albinio and Land Agent Shelly Carreira presented the following:

That the Hawaiian Homes Commission (HHC) grant its approval to terminate Church License No. 261 and issuance of a new Church License to Ierusalema Pōmaika'i Church, for the purpose of conducting religious activities on the subject parcel.

Approval of the Church License is subject, but not limited to the conditions in the submittal.

MOTION

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

APRIL 16-17, 2018

To: Chairman and Members, Hawaiian Homes Commission (HHC)

Through: Kaleo Manuel, Acting Planning Program Manager

From: Nancy McPherson, Planner WMW

Subject: Acceptance of Beneficiary Consultation Report for

Various Molokai Licenses, Kalama'ula and 'Ualapu'e,

Kona, Molokai, Multiple TMK's

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) accepts this Beneficiary Consultation Report as the public record of beneficiary input and feedback relative to DHHL long term licenses and amendments for Ierusalema Pomaikai Church, License No. 261 (Church); Molokai Congregation of Jehovah's Witnesses, License No. 269 (Church); and Ka Hale Pomaika'i, License No. 667 (Public Service); Kalama'ula and 'Ualapu'e, Kona, Molokai.

DISCUSSION

Background

Under Section 207(c)(1) of the Hawaiian Homes Commission Act of 1920, as amended, the Department of Hawaiian Home Lands (DHHL, Department) is authorized to grant licenses as easements for railroads, telephone lines, electric power and light lines, gas mains, and the like. The Department is also authorized to grant licenses for lots within a district in which lands are leased, under the provisions of subsection (A), for churches, hospitals, public schools, post offices, and other improvements for public purposes.

In Kalama'ula, Molokai, church licenses have been granted by the Hawaiian Homes Commission going back to the beginnings of the program in the 1920's. As important spiritual institutions of native Hawaiian homestead society, churches have historically played a central, supportive role in the lives of homesteaders and are part of the social fabric. The long term (30 years) church licenses do not have provisions for renewal, therefore new licenses must be issued from time to time by the Department, as is the case for the two churches that are the subject of this Beneficiary Consultation.

Licenses for public benefit uses on land not immediately needed for homesteading, particularly those that benefit native Hawaiians, are authorized under section 204(2) and section 207(c)(1) of the HHCA and Chapter 171, HRS, upon such terms and conditions as DHHL may deem fair and reasonable. Because of their long-term nature, it has been determined that formal Beneficiary Consultation prior to issuance of new licenses with a term greater than five years is warranted.

		0.60	667
Lic. No.	261	269	667
Lic. Type	Church	Church	Public Service
Licensee	Ierusalema Pomaikai Church	Molokai Congregation of Jehovah's Witnesses	Ka Hale Pomaika'i
Land Area	1.033 acres	0.54 acre	1 acre
TMK(s)	(2)5-2-009:17, 26 & 27	(2)5-2-009:020	(2)5-6-002:001
Lot No.(s)	54, 55, 56	88	Acquired via Act 14 Settlement
Ahupua 'a	Kalama'ula	Kalama'ula	'Ualapu'e
# structures	4	1	2
Comm. Dt.	4/1/1990	7/1/1990	10/1/2006
Term. Dt.	3/31/2020	6/30/2020	9/30/2021
License Fee	\$225/annum	\$200/annum	\$6,000/annum
Comments	Original License No. 71 issued in 1928	Original License No. 78 issued in 1955	Extended - original license term was 9/30/2016

Table 1. Summary Info on Existing Licenses

Beneficiaries were notified by mail, and homestead leaders were notified by email, of the upcoming opportunity to consult on February 2, 2018. See Exhibit 'A', Invitation Letter & Maps.

This submittal constitutes the formal Beneficiary Consultation Report describing beneficiary input and feedback obtained during the Beneficiary Consultation meeting held on Molokai on March 1, 2018, as well as comments received during the subsequent 30-day comment period that ended March 30, 2018, and is hereby submitted to the HHC for acceptance.

Beneficiary Consultation

The Department's Beneficiary Consultation Policy, approved in January 2009, recognizes that meaningful, timely and effective beneficiary consultation is essential to the successful implementation of Hawaiian Homes Commission policies, programs, and projects. The purpose of this DHHL consultation was to collect beneficiary feedback and input on activities relates to the issuance of or modifications to long term licenses (terms greater than five years).

STEP 1. THE PROPOSED ACTION IS DESCRIBED (See Exhibits A & B):

Efforts to provide beneficiaries with information and collect their mana'o on two church licenses and one public benefit license were initiated when the invitation letter for beneficiary consultation was mailed on February 2, 2018.

The Beneficiary Consultation (BC) was intended to elicit comments on the issuance of two new licenses for existing churches and modification of terms for a third license for a substance abuse recovery center. The consultation meeting was held at Kūlana 'Ōiwi, Kalama'ula, Molokai on March 1, 2018. Twenty-five (25) persons signed in for the meeting, with fifteen (15) beneficiaries in attendance. A slide presentation was prepared to describe the proposed actions and explain the licensing process. A handout provided by the Molokai Congregation of Jehovah's Witnesses on the history of their church was distributed at the meeting and additional materials such as the DHHL General Plan were provided as reference material. See Exhibit 'B', Agenda, Exhibit 'C' Presentation Slides, Exhibit 'D' Sign in Sheets, and Exhibit 'E', History of Jehovah's Witnesses on Molokai

STEP 2. BENEFICIARIES ARE NOTIFIED OF OPPORTUNITIES TO CONSULT (See Exhibit 'A'):

A letter inviting Moloka'i beneficiaries to attend the Beneficiary Consultation Meeting was mailed out to 640 lessees on February 2, 2018.

The invitation letter was posted in the Molokai District Office, and follow up email reminders were sent to homestead association leaders.

STEP 3. PRESENTATION MATERIALS FOR ALL MEETINGS ARE AVAILABLE FOR FEEDBACK: (See Exhibits 'C' and 'E')

Presentation materials in the form of handouts were available at the meetings, and extras were left at the Molokai District Office front counter.

STEP 4: COMMENTS ARE COMPILED INTO MEETING REPORTS (See Exhibits 'F' through 'H'):

This submittal constitutes the formal Beneficiary Consultation report describing beneficiary input and feedback obtained before and during the Beneficiary Consultation meeting held on Molokai on March 1, 2018 as well as comments received during the subsequent 30-day comment period, and is hereby submitted to the HHC for acceptance.

STEP 5: A 30 DAY REVIEW AND COMMENT PERIOD IS PROVIDED:

The 30-day review and comment period ran from March 1, 2018 (date of the Beneficiary Consultation Meeting) to March 30, 2018.

- STEP 6: THE INFORMATION AND RECOMMENDATIONS ARE COMPILED INTO A FINAL REPORT; AND
- STEP 7: THE FINAL REPORT IS PROVIDED TO THE HAWAIIAN HOMES COMMISSION PRIOR TO DECISION-MAKING

This Final Report is transmitted to the Hawaiian Homes Commission for its meeting on April 16, 2018

<u>Summary of Beneficiary Consultation Comments and Staff</u> Recommendations

The comment deadline given to beneficiaries at the consultation meeting was March 30, 2018. Twenty-seven (27) comment letters or emails were received either at the Beneficiary Consultation Meeting or during the 30-day comment period, and are broken down as follows: Sixteen (16) in support of the license for the Molokai Congregation of Jehovah's Witnesses (MCJW), and eleven (11) in support of Ka Hale Pomaika'i (KHP). One phone call was received from an applicant, advocating for new residential lots in 'Ualapu'e. The following table summarizes all comments received during the beneficiary

consultation meeting and the 30-day comment period, and sorts them by subject or topic, as well as provides any responses from DHHL.

See Exhibit 'F', Meeting Notes, Exhibit 'G', Molokai Congregation of Jehovah's Witnesses Comment Letters, and Exhibit 'H', Ka Hale Pomaika'i Comment Letters.

Subject	Question/Comment	Response/Key point
MCJW		
Central location	Appreciate ideal location in central part of the island. Location is convenient for island residents, and visible for visitors.	Church Row is an important focal point of island life on Molokai, and has been identified in the Molokai Island Plan for Community Use.
Serving beneficiaries	Many lifelong MJW members & most of bible study students are beneficiaries.	DHHL recognizes that MJW serves our beneficiaries.
Social benefits to the community	Strengthening families improves the quality of life on Molokai. Bible education helps Molokai families deal with life's challenges. Theocratic school teaches public speaking skills.	DHHL recognizes the benefit of services that support families
'Ōlelo Hawai'i	Teaching the language to our members. JW translating literature into 'Ōlelo Hawai'i.	Important for perpetuation of culture.
Mālama 'āina	Property has been improved over the years.	Property is very neat and clean.
IPC		
History & Tradition	IPC one of the first churches (1928) in Kalanianaole Settlement. Traditional Hawaiian churches linked to founding of homesteads. Services continuously conducted in 'Ōlelo Hawai'i since 1920's	DHHL recognizes the significance of this church to the history of Kalama'ula.

Subject	Question/Comment	Response/Key point
Serving	Long time homestead	DHHL recognizes the
beneficiaries	families are members.	service to
	Conduct ho'oponopono for	beneficiaries.
	'ohana	
'Ōlelo Hawai'i	Still conducting services	Important for
	and writing reports in	perpetuation of
	'Ōlelo Hawai'i.	culture.
KHP		
Good standing	What would prevent renewal	Non-compliance with
	of license?	license terms &
		conditions,
		complaints etc. HHC
		has final say.
'Ualapu'e Res	Applicants on the waiting	Challenge for
Lots	list for this area have	subdivision is the
	been waiting for decades.	need to identify
	When are these lots going	additional source
	to get developed? Would	of potable water.
	like to see the area	
	settled like Kahikinui.	
Food garden	Improving diet w/fresh food	DHHL supports
	for clients & teaching	subsistence ag
	gardening part of recovery	activities on HHL
	program	
Mālama 'āina	Want to care for the land	DHHL needs a
	so it doesn't get abused.	presence to prevent
	Reconnecting w/land is	dumping & supports
	therapeutic for clients.	rehabilitation of
		native Hawaiians
Serving	Substance abuse is a big	DHHL supports
beneficiaries	problem on Molokai. Only	rehabilitation of
	recovery program on island.	native Hawaiians
	Need to keep it going. Lack	
	of services on Molokai	
	makes work done at KHP	
	crucial for sustaining	
	health & wellness for	
	Native Hawaiians.	
Rehabilitation	80 percent of clients are	DHHL supports
	(n) Native Hawaiian. Turning	rehabilitation of
	their lives around because	native Hawaiians
	of this program.	

Subject	Question/Comment	Response/Key point
ALL		
Social	Churches and recovery	DHHL recognizes the
benefits to	program offer many services	value of these
the community	that assist Molokai	services to the
	families in crisis/need.	community.
Use of HHL	Grateful that DHHL allows for church use and recovery program on HHL.	As long as churches are active and complying with lease terms, they can continue to use lands. Eventually, when residential subdivision process is initiated in 'Ualapu'e, KHP may have to relocate.
License fees	Will fees remain the same?	For churches, yes - how fees are calculated is in Rules. For KHP, there's a method.

Table 2. Summary of Comments

Consistency with DHHL Planning System

DHHL Planning System

The DHHL Planning System consists of three tiers of plans (the General Plan; Island Plans and Strategic Program Plans; Regional Plans and Development Plans) and implementation tools such as administrative rules, infrastructure development projects, and land dispositions (leases and licenses).

DHHL General Plan (2002)

The DHHL General Plan is intended as a high-level policy document that implements the Hawaiian Homes Commission Act. The Land Use Planning goals that support the church and public benefit licenses are:

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

Land Use Planning objectives that are achieved are as follows:

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

The licenses are supported by the Land and Natural Resource Management goal:

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

and these Land and Natural Resource Management objectives:

- Preserve and protect significant natural, historic and community resources on Trust lands.
- Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.

Molokai Island Plan (2005)

Kalama'ula

Church Row, located just mauka of Maunaloa Highway in Kalama'ula, consists of nine churches that have 30-year church license agreements with the Department on lots that range from 1 to 4 acres in area. Churches have historically been the backbone of the Molokai community, and Church Row, because of its central location, has been a focal point during development of homesteading on Molokai. Existing churches are encouraged to continue and new churches should be encouraged to locate in the Community Use-designated lots to heighten the identity of this area. See Exhibit 'I' Lower Kalama'ula Land Uses

'Ualapu'e

The Department owns 412 acres in 'Ualapu'e, which is located on the eastern end of the island. As part of a 1994 settlement that awarded DHHL approximately 16,500 acres statewide, the Department was deeded over the lands of 'Ualapu'e. However, the land transfer did not occur until 1999.

Development in Ualapu'e will be centered on residential homesteads and community uses in the lower mauka areas to take advantage of existing topography and proximity to roads and

utilities. Development of new residential lots cannot proceed until potable water resource issues have been resolved.

Two areas of Community Use totaling 2.9 acres have been identified, one for a new cemetery adjacent to the existing 'Ualapu'e Cemetery, and another for either a park or a community center just east of the Ka Hale Pomaika'i location. See Exhibit 'J' Lower 'Ualapu'e Land Uses

While the tax map key being used by Ka Hale Pomaika'i has been designated for Residential land use and deemed an Island Plan priority, because of the water availability constraint, development of residential lots involving that parcel is not anticipated within the next ten years.

Molokai Regional Plan (2010)

Church Row was mentioned as a community use area, but no issues or opportunities for Church Row or 'Ualapu'e were identified in the Molokai Regional Plan.

CONCLUSIONS AND NEXT STEPS

The comments received during this beneficiary consultation were overwhelmingly in support of the issuance of new licenses for the two churches in Kalama'ula and expansion of land for the substance abuse recovery program in 'Ualapu'e. Beneficiaries recognize that these institutions provide important functions that benefit Molokai families, particularly those who live on homestead. The consultation meeting itself offered a safe environment for sharing and aloha between beneficiaries who may not usually be able to comfortably discuss what they do with each other. Several of the participants stated that they thought the dialogue that took place during the meeting would be of benefit to the participants moving forward into the future. Such sentiments served to reinforce the level of caring for their community that the three organizations share, which was a blessing to all who were present.

Acceptance of the Beneficiary Consultation Report will support the actions being requested by the Land Management Division in their submittal for issuance of new licenses, to be submitted separately to the Hawaiian Homes Commission.

RECOMMENDED MOTION / ACTION

Staff respectfully requests approval as recommended.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

To: Chairman and Members, Hawaiian Homes Commission

Through: Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division

Kalei Young, Supervising Land Agent

Land Management Division

From: Shelly Carreira, Land Agent 4

Land Management Division

Subject: Approval to Issue a Right of Entry, Alpha, Inc., Honokowai, Maui, TMK: (2) 4-4-

002:018 (por.)

APPLICANT:

Alpha, Inc. "PERMITTEE"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) authorize the issuance of a Right of Entry, covering the subject area described below for the purpose of staging area and to stockpile aggregates and trench spoils for County of Maui projects Napili 3 and Napili 4 Force Main replacements.

Approval and issuance of this Right of Entry is subject, but not limited to the following conditions:

- 1. Authorize the issuance of a Right of Entry permit to Alpha, Inc. covering the subject area under the terms and conditions cited below, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right of entry permit form, as may be amended from time to time;
 - B. The term of the ROE shall be month to month, up to twelve (12) months commencing upon full execution of the Right of Entry document;
 - C. The fee for the term shall be in the form of in-kind services. In-kind services further defined as removal of abandon vehicles, trash and debris from the permitted area and install 2-12' wide by approximately 50" tall ranch style swing gate at the property boundary in area shown on Exhibit "A":
 - D. All associated cost under this ROE shall be borne solely by the PERMITTEE and shall not, in any case, be reimbursable by PERMITTOR;

- E. PERMITTEE shall exercise best management practices to mitigate dust or hazards resulting from PEMITTEES use of the Premise;
- F. The Right of Entry document shall be subject to the review and approval of the Department of the Attorney General; and
- G. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interest of the Hawaiian Home Lands Trusts.

LOCATION:

Portion of Hawaiian home lands situated in Honokowai, Island of Maui, identified as Tax Map Keys: (2) 4-4-002:018 (por.) (See Exhibit "A")

AREA:

Approximately 0.9 acre (more or less)

BACKGROUND/DISCUSSION

Alpha, Inc. is the contractor for the County of Maui's Napili 3 and Napili 4 Force Main Replacement Project. Alpha, Inc. is seeking access to Hawaiian home lands' Honokowai parcel for staging purposes and to stockpile aggregates and trench spoils. The area is frequented by trespassers dumping trash, debris, and abandon vehicles and appliances. Therefore, Alpha's presence will deter trespassing at the site.

Based on County of Maui Real Property Assessment Division and Land Management Division in-house rent calculation, the proposed fee would be established at \$0.17, see Figure No. 1.

Figure No. 1

X 15 (1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.					
TMK: 2	TMK: 244002018 - County of Maui Real Property Assessment				
Assessn	nent Information				
Year	Property Class	Assessed Land Value	Land Area		
2021 Agriculture		\$100.00	22,222,787		
Fee Cal	culation	\$100.00	/ 22,222,787 =		
Per Sq. Ft. Value			\$0.000004x		
Amount of land requested		39,204			
Fee Val	ue Per Sq. Ft.	\$0.17			

The proposed in-kind services consisting of removal of trash, debris, abandon vehicles and installation of 2-12'W x 50'H ranch style swing gate is valued at approximately \$20,000.00, which far exceeds a fee proposed based on assessed land value.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

The recommended disposition is consistent with the following plans, policies, and programs:

1) DHHL General Plan (2002) goals and objectives:

Land and Resource Management

Goals:

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

Objectives:

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

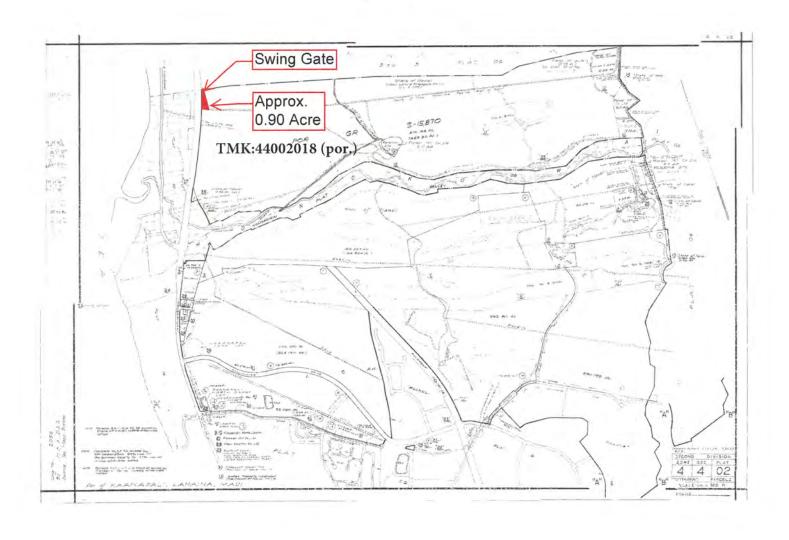
AUTHORITY

Hawaii Revised Statues §171-55 Permits.

RECOMMENDATION

Land Management Division recommends approval of the requested motion/action as stated.

Hawaiian Home Lands



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

To:

Chairman and Members, Hawaiian Homes Commission

Through:

Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division \

Kalei Young, Supervising Land Agent

Land Management Division

From:

Shelly Carreira, Land Agent W

Land Management Division

Subject:

Approval to First Amendment to Right of Entry No. 704, Hawaiian Telcom, Inc.,

Portions of Various Tax Map Keys, Islands of Kauai, Oahu, Molokai, Maui, Hawaii,

State of Hawaii

APPLICANT:

Hawaiian Telcom, Inc., "PERMITTEE"

RECOMMENDED MOTION/ACTION:

1. That the Hawaiian Homes Commission (HHC) grant its approval to the First Amendment to Right of Entry No. 704 for the purpose of amending the exhibit to reflect all Hawaiian home lands parcels, as shown and described in Exhibit "A".

Approval of this First Amendment to Right of Entry No. 704 is subject to the following conditions:

- A. The attached Exhibit "A" shall be in effect;
- B. The processing and documentation fee for this amendment, \$150.00 shall be waived;
- C. Except as amended herein, all of the terms, conditions, covenants, and provisions of Right of Entry No. 704 shall continue and remain in full force and effect;
- D. The Amendment document shall be subject to review and approval of the Office of the Attorney General, State of Hawaii.

LOCATION:

Portions of Hawaiian home lands situated on the islands of Kauai, Oahu, Molokai, Maui, Hawaii, State of Hawaii, and described in Exhibit "A".

BACKGROUND/DISCUSSION:

On August 16, 2021, the Hawaiian Homes Commission approved the issuance of a right of entry to Hawaiian Telcom, Inc. for non-exclusive access for the purpose of conducting due diligence related to acquiring, maintaining and operating submarine and terrestrial communication assets situated on portions

of Hawaiian home lands. At the time, the exhibit provided to the Department was incomplete. This amendment will provide an administrative correction to update the exhibit to represent all Hawaiian home lands where assets are situated.

Staff is recommending the processing and documentation be waived for this administrative correction.

RECOMMENDATION

Land Management Division recommends approval of the requested motion/action as stated.

Location	Function	TMK / Description
Anahola (Kauai)	Terminal Building	(4) 4-18-15 (Parcel 22 and 23) and access easement adjacent*
Kekaha (Kauai)	Terminal Building / CLS	7743 Iwipolena Rd, Kekaha, HI 96752 (Parcel ID 120170050000)*
Nanakuli (Oahu)	Terminal Building / CLS	8-9-7 Portion 2 (Lot A)*
Waimanalo (Oahu)	Terminal Building / CLS	4-1-08: Portion 3 (Lot 55 Waimanalo Resident Lots, Unit 9)*
Oneali'i (Molokai)	Cable Landing	2-5-4-6:19 (parcel ID 540060190000)*
Kalamaula (Molokai)	Terminal Building / CLS	2 nd Div 5-2-032: Portion 68*
Puunene (Maui)	Terminal Building / CLS	Northwest portion of parcel ID 380080360000 (Near 1350 Mehameha Loop, Kahului, HI 96753)*
Waiehu (Maui)	Terminal Building	2nd Div 3-2-21:42 (Portion of Lot 14 Waiehu Kou Subdivision)*
Kawaihae (Hawaii)	Cable Landing/Beach MH	3-6-1-4:20 (Parcel ID 610040200000)*
Puukapu (Hawaii)	Terminal Building / CLS	3rd 6-4-38:011 portion (Lot 23-C Puukapu Pasture Lots Section I-B) and land between Puukapu Pasture Lots Section I and Kuhio Village*
Laiopua (Hawaii)	Terminal Building	Lot 102 - Kaniohale at the Villages of La'i 'Opua Phase I*
Hilo (Hawaii)	Terminal Building	2-1-025:090 - Portion of Lot 89 Panaewa House & Farm Lots Section 1*

*The "Premises" shall include the portions of PERMITTOR's land described above and other portions of PERMITTOR's land where other Assets are located, such as, but not limited to above-ground and underground conduits, lines, poles, boxes, and cables, which connect to a terminal building or cabinets located on or off of PERMITTOR's land.

Near Ka Waihona O Ka Nanakuli Terminal Bidg for the lines to connect to the main site.* Near-Me Cabinet for Waihona O Ka Hawaiian Telcom Meet-Me Cabinet for Waihwa St and Mauna Co at 41— Waimanalo Terminal Bidg for the lines to connect to the main site.* NE of intersection of Kahiwa St and Mauna Kalamaula Terminal Bidg for the lines to connect to the main site.* NE of intersection of Kahiwa St and Mauna Kalamaula Terminal Bidg for the lines to connect to the main site.* NE of intersection of Kahiwa St and Mauna Kalamaula Terminal Bidg for the lines to connect to the main site.* NE of intersection of Kahiwa St and Mauna Kahekii Hwy just NW building on Kahekii Hwy just NW Building Channa St intersection Abong Farrington Ave. on DLC Cabinet for Building Charmala Terminal Building.* NE of waithor a Chainat for Includes cabinet located on Parcel ID 520150470000 and the area for the lines for onnect to the main site. 2.1.163671.157.09869, Airport 2210 Farrington Ave. on DLC Cabinet for Building Charmala Terminal Building.* NE of waithon O Ka Waithon O Camput Rail Mauna Campus in hut, 21.379356. Neat-Me Cabinet for Includes cabinet located on Parcel ID 520150470000 and the area for the lines for onnect to the Kekaha Terminal Building.* Neat-Me Cabinet for Includes cabinet located on Parcel ID 520150470000 and the area for the lines to connect to the Kekaha Terminal Building.* Non Ka Waithona O K			
Meet-Me Cabinet for Nanakuli Terminal Bldg Meet-Me Cabinet for Waimanalo Terminal Bldg Meet-Me Cabinet for Kalamaula Terminal Building DLC Cabinet for Kalamaula Terminal Building DLC Cabinet for Cabinet Cabinet	Location	Function	TMK / Description
Meet-Me Cabinet for Waimanalo Terminal Bldg Bldg Meet-Me Cabinet for Kalamaula Terminal Bldg Waiehu Terminal Building DLC Cabinet for Kalamaula Terminal Building DLC Cabinet Cabinet	Near Ka Waihona O Ka Naauao PCS at 89-195 Farrington Hwy		Includes cabinet located on Parcel ID 890010040000 and the area for the lines to connect to the main site.*
Meet-Me Cabinet for Kalamaula Terminal Bldg Meet-Me Cabinet for Waiehu Terminal Building DLC Cabinet for Kalamaula Terminal Building DLC Cabinet	Near Hawaiian Telcom Waimanalo CO at 41- 1032 Kalanianaole Hwy	Meet-Me Cabinet for Waimanalo Terminal Bldg	Includes cabinet located on Parcel ID 410210310000 and the area for the lines to connect to the main site.*
Meet-Me Cabinet for Waiehu Terminal Building DLC Cabinet for Kalamaula Terminal Building DLC Cabinet	NE of intersection of Kahiwa St and Mauna Loa Hwy	Meet-Me Cabinet for Kalamaula Terminal Bldg	Includes cabinet located on the parcel to be identified and the area for the lines to connect to the main site.*
DLC Cabinet for Kalamaula Terminal Building DLC Cabinet DLC Cabinet	Southernmost corner of Parcel ID 320230550000 on Kahekili Hwy just NW of Hoauna St intersection	Meet-Me Cabinet for Waiehu Terminal Building	Includes cabinet located on Parcel ID 320230550000 and the area for the lines to connect to the main site.*
DLC Cabinet	Along Farrington Ave. on TMK (2) 5-2-15-47 at 2210 Farrington Ave.		Includes cabinet located on Parcel ID 520150470000 and the area for the lines to connect to the main site. 21.163671, -157.051542, and also the area for the lines from 21.157690, -157.098609, Airport Loop at Keonelele Ave., TMK (2) 5-2-4-84, to connect to the Kalamaula Terminal Building.*
DLC Cabinet	Behind Lot 20 off Moi Rd., cross street at Ali'i Rd. TMK (4) 1-8-7-21.	DLC Cabinet	Includes cabinet located on Parcel ID 520150470000 and the area for the lines to connect to the Kekaha Terminal Building and/or Anahola Terminal Building. 21.924254, -159.588958*
	On Ka Waihona O Ka Naauao PCS campus in hut, 21.379356, - 158.144289. TMK (1) 8- 9-1-4.	DLC Cabinet	Includes cabinet located on Parcel ID 890010040000 and the area for the lines to connect to the Nanakuli Meet-Me Cabinet and Terminal Building.*

*The "Premises" shall include the portions of PERMITTOR's land described above and other portions of PERMITTOR's land where other Assets are located, such as, but not limited to above-ground and underground conduits, lines, poles, boxes, and cables, which connect to a terminal building or cabinets located on or off of PERMITTOR's land.

Location	Function	TMK / Description
Along Maluokalani Street, TMK (3) 6-1-6-10. Cabinet 20.049585, -155.836845	Meet-Me and DLC Cabinet	Includes cabinet located on Parcel ID 610060100000 and the area for the lines to connect to the Puukapu Terminal Building.*
At 138 Amau Road, 19.684416, -155.142871. DLC Cabinet TMK (3) 2-5-4-38.	DLC Cabinet	Includes cabinet located on Parcel ID 250040380000 and the area for the lines to connect to the Hilo Terminal Building.*
At 162 Baker Avenue, Bldg. 3, Rm. C, Hilo, Hawaii. 19.726836, - 155.043768. TMK (3) 2- 1-23-157	DLC Cabinet	Includes cabinet located on Parcel ID 210231570000 and the area for the lines to connect to the Hilo Terminal Building.*
At about 320 Punahele St., 19.715052, - 155.105446. TMK (3) 2- 3-25-14	DLC Cabinet	Includes cabinet located on Parcel ID 230250140000 and the area for the lines to connect to the Hilo Terminal Building.*
157 Nene St. 19.730385, -155.021849. TMK (3) 2- DLC Cabinet 1-17-46.	DLC Cabinet	Includes cabinet located on Parcel ID 210170460000 and the area for the lines to connect to the Hilo Terminal Building.*

*The "Premises" shall include the portions of PERMITTOR's land described above and other portions of PERMITTOR's land where other Assets are located, such as, but not limited to above-ground and underground conduits, lines, poles, boxes, and cables, which connect to a terminal building or cabinets located on or off of PERMITTOR's land.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

To:

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

Through:

Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division V

From:

Kaipo Duncan, Land Agent

Land Management Division

Subject:

Issuance of License Agreement, Kūkulu Kumuhana O Anahola (KKOA),

Ulupono Project, Island of Kaua'i, TMK Nos. (4)4-8-003:019

APPLICANT:

Kūkulu Kumuhana O Anahola (KKOA)

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) authorize the issuance of a five (5) year License Agreement, covering the subject area as identified and described below:

Approval and issuance of this License Agreement shall be subject to the following conditions:

1. The License term shall be for a period of five (5) years, and effectively commence as of the date that the license document is fully executed.

The term of the license may be extended for two (2) additional ten (10)-year periods at the option of the Chairman of the Hawaiian Homes Commission. Should LICENSEE consider this option, then LICENSEE must apply for the extension six (6) months prior to expiration of the term and the approval shall be subject to the Hawaiian Homes Commission review and evaluation of LICENSEE's operation status;

- The License fee shall be Gratis;
- Licensee currently uses ten (10) acres of DHHL lands for their phase 1 due diligence. The
 Chairman of the Hawaiian Homes Commission has the authority to add acreage up to a
 total of 30 acres for phase 2 and 3 should KKOA request more lands. Upon DHHL staff
 recommendation and an amendment to the Kauai Island.
- The Licensed area shall be used for the Ulupono Project only. No other use shall be allowed without DHHL's prior written approval;

- 5. Licensee's Ulupono Project plan shall conform to Federal, State, and County (government agencies) standards. Licensee shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals;
- 6. Licensee is required to complete an Environmental Assessment (EA) for the Project within the next two (2) years. Prior to completion of the EA, activities on the site shall be limited to those listed in the DHHL EA exemption;
- 7. The Licensee will employ all necessary Best Management Practices (BMP's) for managing soil erosion, stormwater runoff, and fugitive dust as necessary during clearing and agricultural activities.
- 8. DHHL shall issue one (1) 5/8-inch water meter at no cost to the Licensee.
- 9. Licensee shall pay a \$275.00 processing and documentation fee;
- 10. Licensee shall work with DHHL within the next 60 days to formulate a schedule of milestones to assist the Licensee in achieving regular progress in environmental review and regulatory compliance;
- 11. Any permanent construction or significant alteration of the premises shall not be done until the Environmental Assessment(EA) is complete;
- 12. The License document shall be subject to other standard terms and conditions of similar licenses issued by DHHL;
- 13. Review and approval by the State of Hawaii, Department of the Attorney General; and
- 14. Such other terms and conditions deemed prudent and reasonable by the Chairman of the Hawaiian Homes Commission and/or the Hawaiian Homes Commission to serve the best interests of the trust and its beneficiaries.

LOCATION:

Portion of Hawaiian Home Lands situated in Anahola, Island of Kaua'i, identified as TMK Nos.: (4)4-8-003:019 See Exhibit "A"

AREA:

10 acres

DISCUSSION:

At its meeting held on September 16, 2019 the Hawaiian Homes Commission issued a Right of Entry permit to KKOA for a two (2) year due diligence period prior to the issuance of a long-term License Agreement (See Exhibit "B"). KKOA has conducted significant due diligence over the

2 <u>Item No. F-7</u>

last two (2) years, however, the Environment Assessment (EA) is yet to be completed. KKOA has started the EA process, which will take them approximately ten (10) to 12 months to complete.

DHHL staff is recommending no new permanent building or construction be initiated by KKOA within their Licensed area until the EA is complete. Activities shall be limited to those eligible for EA exemption per DHHL's approved exemption list.

KKOA is requesting a 30-year License however, DHHL staff is recommending a ten (10) year License be issued.

Lastly, KKOA is requesting one (1) [5/8 inch] water meter credit be issued to them at no cost to KKOA. DHHL has available water credits from the County Department of Water for the County water tank located on DHHL lands in Anahola. Staff recommends one (1) [5/8 inch] water credit be issued to KKOA at no cost.

PLANNING AREA:

Anahola, Island of Kaua'i

LAND USE DESIGNATION:

Community Use, Kaua'i Island Plan (2004), Figure 8.2–Anahola/Kamalomalo'o Land Use Plan, page 8-4

CURRENT STATUS:

Vacant land with hog wire fencing surrounding the current ten (10) acre site.

CHARACTRER OF USE:

Community Use Purposes

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands.

Licensee is required to do an Environmental Assessment(EA) and has started the process.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

Consistency with DHHL General Plan (2001) and Kaua'i Island Plan (2004) The applicable goals and objectives in the General Plan that support this use of the land are as follows:

3

Land Use Planning

Item No. F-7

Goals:

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

Land and Resource Management

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

Objective: Allow native Hawaiian use of natural resources on Trust lands for traditional and cultural purposes.

Economic Development

Goal: Provide economic opportunities for beneficiaries within areas designated for their use. Objective: Assist native Hawaiian entrepreneurs by supporting opportunities for business education, training, financing, planning and leasing.

Building Healthy Communities

Goal: Establish self-sufficient and healthy communities on Trust lands.

Per the Kaua'i Island Plan's Land Use Plan for Anahola, the DHHL Land Use designation for the area is "Community Use." Allowable land uses within this designation include "...space for parks & recreation, cultural activities, CBED, & other public amenities."

BENEFICIARY CONSULTATION

Since the proposed project was not a Priority Project in the current Anahola Regional Plan, the Planning Office was required to conduct a Beneficiary Consultation meeting on the Ulupono land use request. A Beneficiary Consultation Meeting was held in Anahola on August 7, 2019. The Ulupono Initiative by KKOA in partnership with the Pi'ilani Mai Ke Kai Community Association was one of the projects consulted on. Information on the project was presented to the beneficiaries, and feedback was collected. The Beneficiary Consultation Report for this consultation was accepted by the HHC at its regular meeting on Sept. 16-17, 2019 in Līhu'e, Kaua'i. While overall community support for the project was very strong, the following comments and responses were recorded for the project (See Exhibit C):

Topic	Comments/Questions	Response/Recommendation
Liability	Who will assume liability?	ROE Holder/Licensee must maintain
		liability insurance of \$1 million
DCC&R's	Do the Homeowner's Association	The site was identified for community
	Rules apply to this site?	use and was not included in the
		DCC&R's for PMKK
Homeless in	Need to remove homeless	DHHL in partnership with County of
coastal area	individuals living makai of	Kaua'i and State DOT-Highways is
		working to clear out homeless

4

Pi'ilani Mai Ke Kai, near the	encampments in the unencumbered
lighthouse	lands

Chapter 343, HRS, Environmental Review Compliance

Staff has been working with KKOA to scale down the project so that agricultural and educational activities can commence while KKOA continues its due diligence and environmental assessment-related activities. All activities that are allowed prior to the preparation of an Environmental Assessment have been evaluated and are either "de minimis" or eligible for exemption per DHHL's revised Exemption List. Applicable exemption categories include:

- Exemption Type #1: Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing
- Exemption Type #3: Construction and location of single, new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small equipment or facilities and the alteration and modification of the equipment or facilities
- Exemption Type #4: Minor alterations in the conditions of land, water, or vegetation
- Exemption Type #5: Basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that do not result in a serious or major disturbance to an environmental resource

The activities eligible for exemption have been listed in the Letter sent to the Office of Hawaiian Affairs by the Chairman dated August 25, 2021 (See Exhibit D). All appropriate BMP's for the management of fugitive dust, erosion and stormwater will be employed by KKOA on the site during agricultural activities. The Exemption is in preparation and will be included in the next available Environmental Notice.

AUTHORITY:

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

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RECOMMENDATION:

Land Management Division respectfully requests approval of the motion as stated

Exhibit "A" Item No. F7





Exhibit "B" Item No. F7

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

RIGHT-OF-ENTRY NO. 698

This RIGHT-OF-ENTRY NO. 698 (ROE), dated November 19 2020, (Effective Date) is made by and between the State of Hawaii, DEPARTMENT OF HAWAIIAN HOME LANDS, whose place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii, 96707 (PERMITTOR) and KUKULU KUMUHANA O ANAHOLA (KKOA), a Hawaii non-profit corporation, whose mailing address is P.O. Box 30891, Anahola, Hawaii 96703 (PERMITTEE).

- 1. **GRANT**. PERMITTOR grants to PERMITTEE, its employees, invitees, agents, and representatives (collectively, **Permittee's Representatives**), a non-exclusive, revocable right to enter the portion of that certain parcel of Hawaiian home lands located near the Piilani Mai Ke Kai Subdivision in Anahola, Island of Kauai, identified as Tax Map Key No. (4) 4-8-003:019 (por.) and depicted in the cross-hatched portion of the map attached hereto as **Exhibit "A"**, being approximately 10 acres, together with any improvements existing or permitted thereon (collectively, the **Premises**).
- 2. <u>TERM</u>. This ROE commences on the Effective Date and will continue thereafter on a month-to-month basis until terminated as provided in this instrument; provided, however, that the total term of this ROE shall not to exceed one (1) year. PERMITTOR may in its sole discretion, for any reason or no reason whatsoever, terminate this ROE on thirty 30 days written notice to PERMITTEE.
- 3. **PERMITTED USE**. PERMITTEE understands and acknowledges that its use of the Premises is strictly limited to only those due diligence and investigative activities that are expressly exempt under HRS Chapters 343 and 6E.
- 4. **FEES**. PERMITTEE will bear its own costs, expenses, and liabilities arising from its use of the Premises. PERMITTEE will pay PERMITTOR a non-refundable processing and documentation fees of \$175.00 on or before the Effective Date.
- 5. MAINTENANCE; SECURITY. PERMITTEE shall keep the Premises in a strictly clean and sanitary and orderly condition, and shall not cause, make, permit, or suffer any waste, spoil, nuisance, nor any unlawful, improper, illegal, or offensive use of or on the Premises. PERMITTEE shall be solely responsible for the security of the Premises and all of PERMITTEE'S property that PERMITTOR may permit PERMITTEE to keep in or on the Premises.

- 6. <u>CONSTRUCTION AND IMPROVEMENTS</u>. PERMITTEE may not construct, alter, amend, place, or install any improvements or fixtures on the Premises except with PERMITTOR's prior written approval.
- 7. <u>COMPLIANCE WITH LAWS</u>. PERMITTEE shall comply with all rules, regulations, ordinances and laws of the State of Hawaii and any other municipal and federal authority applicable to the Premises and improvements thereon.
- 8. <u>RIGHT TO ENTER</u>. PERMITTOR, its agents, and representatives may at all reasonable times freely access and enter the Premises for the purpose of, but not limited to, examining the same or for the performance of any public or official duties; provided that PERMITTOR shall not interfere unreasonably with PERMITTEE'S permitted use(s) of the Premises.
- 9. **NO ASSIGNMENT OR SUBLEASE**. PERMITTEE may not in any manner transfer, assign, mortgage, pledge, sublease, or sublet any rights in or to the Premises, in whole or part, or otherwise hold or agree so to do for the benefit of any other person or persons or organization of any kind.
- 10. <u>NO LIENS OR ENCUMBRANCES</u>. PERMITTEE shall not by any act or omission, directly or indirectly, create, incur, assume, cause, or suffer to exist any liens or encumbrances on or with respect to its interests and rights of use in the Premises. PERMITTEE shall promptly notify PERMITTOR of any such liens and encumbrances and, at its own expense, take such action as may be necessary to immediately and fully discharge or release any such lien or encumbrance.
- and quietly surrender and deliver to PERMITTOR possession of the Premises and within thirty (30) days thereof, restore, at its own cost and risk, the Premises to a condition similar to that which existed prior to the Effective Date (or at PERMITTOR'S election, prior to PERMITTEE'S first occupancy of the Premises), reasonable and ordinary wear and tear and damage by acts of God excepted. PERMITTEE shall remove all fixtures and personal property belonging to PERMITTEE; provided that in any such fixture can be safely removed without damage to the Premises or any improvements thereon. If PERMITTEE fails to effectuate such restoration of the Premises, PERMITTOR reserves the right to accomplish the same on PERMITTEE'S behalf and shall assess PERMITTEE the total costs thereof. Any improvements, fixtures, or personal property remaining on or in the Premises shall revert to and be deemed PERMITTOR's property, with which PERMITTOR may dispose in its sole discretion.
- 12. **INSURANCE**. PERMITTEE shall provide proof of a comprehensive public liability insurance policy of no less than \$2,000,000.00 for each occurrence, naming the Department of Hawaiian Home Lands (DHHL) as an additional insured prior to commencement of work and throughout the term of this ROE. The specification of these

limits as contained herein shall not be construed in any way to be a limitation on the amount of liability of PERMITTEE for fees, interest or other charges under this ROE.

PERMITTEE shall provide certificate(s) of insurance necessary to evidence compliance with the insurance provisions of this ROE. PERMITTEE shall keep such insurance in effect and the certificate(s) on deposit with PERMITTOR during the entire term of this ROE.

In addition:

- a. Failure of PERMITTEE to provide and keep in force such insurance shall be regarded as material default under this ROE. PERMITTOR shall be entitled to exercise any or all of the remedies provided in this ROE for default of PERMITTEE.
- The procuring of such required insurance policies shall not be construed to limit PERMITTEE'S indemnification obligations under this ROE.
- c. PERMITTOR is a self insured State agency. PERMITTEE'S insurance shall be primary. Any insurance maintained by PERMITTOR and/or the State of Hawaii shall apply in excess of, and shall not contribute with, insurance provided by PERMITTEE.

Such insurance policy shall (a) be issued by an insurance company or surety company authorized to do business in the State of Hawaii or approved in writing by the Chairman, Hawaiian Homes Commission; (b) name the State of Hawaii and its DEPARTMENT OF HAWAIIAN HOME LANDS as an insured; (c) provide that the DEPARTMENT OF HAWAIIAN HOME LANDS shall be notified at least thirty (30) days prior to any termination, cancellation or material change in the insurance coverage; and (d) cover all injuries, losses or damages arising from, growing out of or caused by any acts or omissions of PERMITTEE, its officers, agents, employees, invitees or licensees in connection with PERMITTEE'S use or occupancy of the Premises.

PERMITTEE shall insure during the term of this ROE the entire Premises, including all buildings now existing and hereafter built or located on the Premises, improvements and grounds, and all roadways and sidewalks on or adjacent to the Premises in the control or use of the PERMITTEE. The insurance shall cover loss or damage by fire and other hazards, casualties and contingencies, including vandalism and malicious mischief. The insurance shall be for the full insurable value of such improvements.

PERMITTEE shall furnish to PERMITTOR upon the execution of this ROE, certificates showing such insurance policy or policies to be in favor of PERMITTOR and

to be in force, and shall furnish like certificates upon each renewal thereof. In the event of loss, damage or destruction, PERMITTOR shall retain from the proceeds of the policies such amounts deemed by it to be necessary to cover the loss, damage or destruction of or to the improvements and the balance of such proceeds, if any, shall be delivered to PERMITTEE.

The procuring of this policy shall not release or relieve PERMITTEE of its responsibility under this ROE as set forth herein or limit the amount of its liability under this ROE.

PERMITTEE shall provide proof of liability insurance satisfactory to PERMITTOR within a reasonable time before the Effective Date.

- 13. <u>DEFENSE AND INDEMNITY.</u> PERMITTEE shall release, defend, indemnify and hold harmless PERMITTOR, its officers, employees, and agents from and against all liability, loss, damage, cost, and expense, including all attorneys' fees, and all claims, suits, and demands therefore, arising out of or resulting from the acts or omissions of PERMITTEE and/or PERMITTEE'S officers, employees, agents, or contractors occurring during or in connection with the exercise of this ROE. The provisions of this paragraph shall remain in full force and effect notwithstanding the expiration or early termination of this ROE.
- 14. HAZARDOUS MATERIAL. PERMITTEE shall not cause or permit the escape, disposal, or release of any hazardous materials. PERMITTEE shall not allow the storage or use of such materials in any manner not sanctioned by law or by the highest standards prevailing in the industry for the storage and use of such materials, nor allow to be brought onto the premises any such materials except to use in the ordinary course of PERMITTEE'S business, and then only after written notice is given to the PERMITTOR of the identity of such materials and upon PERMITTOR'S consent, which consent may be withheld at the PERMITTOR'S sole and absolute discretion. If any lender or governmental agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by PERMITTEE, then PERMITTEE shall be responsible for the costs thereof. In addition, PERMITTEE shall execute affidavits, representations and the like from time to time at PERMITTOR'S request concerning PERMITTEE'S best knowledge and belief regarding the presence of hazardous materials on the Premises placed or released by PERMITTEE.

PERMITTEE agrees to indemnify, defend, and hold harmless PERMITTOR, its officers, employees, and agents from and against all liability, loss, damage, cost, and expense, including all attorney's fees, and all claims, suits, and demands therefore, arising out of or resulting from any use or release of hazardous materials on the premises occurring while PERMITTEE is in possession, or elsewhere if caused by PERMITTEE or persons acting under PERMITTEE. These covenants shall survive the expiration or earlier termination of the ROE.

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

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

- 15. **ENTIRE AGREEMENT**. This ROE contains all of the terms and agreements between the parties relating to the subject matter hereof and supersedes and cancels any and all other conflicting prior agreements, promises, and negotiations between them. Nothing contained herein shall limit any claims by PERMITTOR against PERMITTEE arising under prior agreements, nor limit PERMITTEE'S continuing obligations under prior agreements, including insurance, indemnity, and hazardous waste obligations.
- 16. PERMITTEE REPRESENTATIONS. PERMITTEE currently uses and occupies the Premises and is familiar with the quality and condition of the Premises, has had an opportunity to inspect the Premises, and to evaluate and determine for itself the suitability of the Premises for its intended purposes; and PERMITTEE accepts the Premises as-is, where-is, with all faults, defects, and conditions, whether known or unknown.

17. SPECIAL CONDITIONS.

- Daylight Hours. PERMITTEE may only use the Premises during daylight hours.
- B. Services. PERMITTEE has inspected or has had a reasonable opportunity to inspect the Premises. PERMITTOR does not represent or warrant that the Premises are fit for PERMITTEE's intended purposes or the permitted uses under this ROE. PERMITTEE understands and acknowledges that there are no services or utilities installed on the Premises. All utilities required or used shall be paid by the PERMITTEE. No service or utility may be installed on the Premises except with DHHL's prior written approval.

- C. Trash Removal. PERMITTEE will not keep, store, or accumulate any trash, rubbish, or refuse of any kind on the Premises overnight. PERMITTEE will remove any trash, rubbish, or refuse from the Premises at the end of each day. PERMITTEE understands this requirement is necessary to deter flies and bad odors from being a nuisance to adjacent and proximate properties.
- D. Minimization of Impacts. PERMITTEE will take all reasonable precautions to minimize the disturbance of the Premises and to any areas immediately surrounding the Premises. If any activities or uses of the Premises require substantial construction, excavation, drilling, grading, grubbing, or other similar work, PERMITTEE will contact PERMITTOR in advance for any review or written approval to proceed with such work.
- E. Restrictions on Private and Public Funds. PERMITTEE will not cause, suffer, or permit any obligation, covenant, or restriction that PERMITTEE may accept or assume in connection with the receipt or use of any private or public funds to attach to, encumber, or otherwise be imposed on the Premises.
- F. Waivers of Liability. Except for Permittee's Representatives, PERMITTEE will condition any third-party's entry or activity on the Premises with reasonable written waivers of liability, in a form and content acceptable to PERMITTOR, holding and saving PERMITTOR harmless from all injury, death, or damage to persons and property. PERMITTEE will maintain appropriate written procedures or guidelines for the safe entry and use of the Premises and will promptly produce copies of the same to PERMITTOR on its request.
- G. Growing Crops. Notwithstanding the generality of Paragraph 11, any crop, grass, or emblement growing on the Premises, whether seasonal, annual, or perennial will become the property of PERMITTOR on the date this ROE expires or otherwise terminates (a Growing Crop). PERMITTOR may permit PERMITTEE such reasonable time after the expiration or termination of this ROE to take or remove any Growing Crop, upon the terms and conditions PERMITTOR and PERMITTEE will mutually agree in writing.
- H. No Option. Nothing in this ROE creates any offer, promise, option, right of first refusal, agreement, or obligation on the part of PERMITTOR to give, grant, convey, or negotiate or enter into any other ROE, license, lease, or other agreement with PERMITTEE or any third-party for the use or occupancy of the Premises.

 Security Fence. Notwithstanding the generality of Paragraph 6, Permittee will at its sole cost and expense install a chain link fence around the perimeter of the Premises as depicted in Exhibit "A".

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

APPROVED BY THE HHC AT ITS MEETING HELD ON September 16, 2019

State of Hawaii
DEPARTMENT OF HAWAIIAN HOME LANDS

APPROVED AS TO FORM:

Deputy Attorney General

State of Hawaii

Ву

William J. Alfa, Jr., Chairman Hawaiian Homes Commission

PERMITTOR

KUKULU KUMUHANA O ANAHOLA a Hawaii non-profit corporation

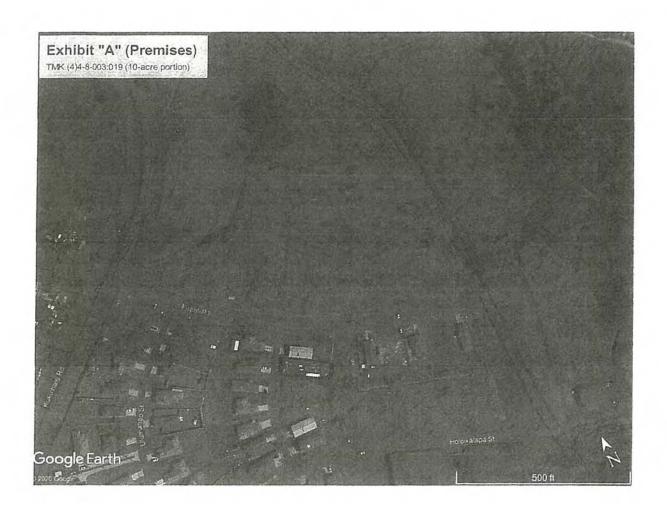
Kuuleialoha Punua

Its: Board President

PERMITTEE



EXHIBIT "A" (Premises)



STATE OF HAWAII)
) ss:
CITY & COUNTY OF HONOLULU)

On November 25, 2020, in the First Circuit, State of Hawaii, before me appeared WILLIAM J. AILA, JR., to me personally known, who, being by me duly sworn or affirmed, did say that such person is the CHAIRMAN of the HAWAIIAN HOMES COMMISSION, and the person executed the foregoing instrument identified or described as RIGHT-OF-ENTRY NO. 698, as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

The foregoing instrument is dated November 19, 2020 and contained ten (10) pages at the time of this acknowledgment/certification.

Print Name: Abigail L. Tubera Notary Public, State of Hawaii

My commission expires: November 21, 2024

Dis L. Tubera

STATE OF HAWAII)		
) SS.		
COUNTY OF KAUAI)		
on this 19 Cuuleialoha Pani) vember		fore me appeared personally known,
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Motion that the Hawaiian Homes Commission authorizes the issuance of License Agreement, Kalalea/Anahola Farmer's Hui, Anahola Farm Lots Farmer's Market, Anahola, Island of Kaua'i, Tax Map Key No. (4) 4-8-005:026 (por.)

MOTION

Moved by Commissioner Teruya, seconded by Commissioner Ka'apu, to approve the motion as stated in the submittal. Commissioner Neves recused himself.

DISCUSSION

Agnes Keaulani Marti-Kini stated that they are the only Farmer's Market in Anahola. ACTION

Motion carried unanimously.

ITEM F-8 Issuance of a Right of Entry Permit Ulupono Anahola Agricultural Garden Training Site and Youth Center, Kukulu Kumuhana O Anahola (KKOA) and Pi'ilani Mai Ke Kai (PMKK) Subdivision, Anahola, Kauai, Tax Map Key No.: (4)4-8-003:019 (por.) & 21 (por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission authorizes the issuance of a Right of Entry Permit to KKOA and PMKK covering the subject area as identified and described below to use as the Ulupono Anahola Agricultural Garden Training Site and Youth Center (UAAG).

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Ka'apu, to approve the motion as stated in the submittal. Motion carried unanimously.

ITEM F-9 Issuance of a Right of Entry Permit, Green Energy Team LLC, One Time Albizia Removal/Cleanup with No Replanting, Anahola Mauka, Anahola, Tax Map Key Nos.: (4)4-7-002:004 and (4)4-8-002:001 and (4)4-8-003:006, 007, & 022 and (4) 4-8-005:006 & 011

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission authorize the issuance of a Right of Entry Permit to Green Energy Team LLC covering the subject area as identified and described below for the one-time removal of Albizia trees with no replanting at Anahola Mauka, Anahola, Kaua'i. Approval and issuance of this Right of Entry shall be subject to the conditions stated in the submittal.

MOTION

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

DISCUSSION

Former Mayor Bernard Carvalho, Jr. testified in support of the Green Energy Team. He stated that this is an opportunity to clear the land of the albizia trees.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division

Subject: Issuance of a Right of Entry Permit, Kukulu Kumuhana O Anahola (KKOA) and the

Piilani Mai Ke Kai (PMKK) Association, Ulupono Anahola Agricultural Garden Training Site and Youth Center, Anahola, Island of Kaua'i, TMK No.: (4)4-8-

003:019 (por.) & 021 (por.)

APPLICANT:

KKOA and PMKK (See Exhibit "A")

<u>RECOMMENDED MOTION/ACTION</u>: That the Hawaiian Homes Commission (HHC) authorize the issuance of a Two (2) year Right of Entry Permit to KKOA/PMKK covering the subject area as identified and described below to use as the Ulupono Anahola Agricultural Garden Training Site and Youth Center (UAAG).

Approval and issuance of this Two (2) year Right of Entry (ROE) shall be subject to the following conditions:

- Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment (EA).
- 2. Authorize the issuance of a 2-year ROE Permit to KKOA/PMKK, covering the subject area for use as the Ulupono Anahola Agricultural Garden Training Site and Youth Center (UAAG) under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - The standard terms and conditions of the most current ROE Permit form, as may be amended from time to time;
 - Permittee shall use the Premises for the Ulupono Anahola Agricultural Garden Training Site and Youth Center (UAGG). No other use shall be allowed without DHHL's prior written approval.
 - KKOA/PMKK shall use approximately ten (10) acres of DHHL land to be used under this ROE permit for phase 1. An additional 20 acres or 30 total acres may be used for phases 2 and 3.



- Monthly fee shall be gratis with the possibility of the future conversion of this ROE to a DHHL License.
- Permittee shall pay non-refundable processing and documentation fees totaling \$175.00.
- 3. This ROE shall conform to federal, state and county (government agencies) standards. Permittee shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals;
- 4. Any construction or alteration of the permit area shall require DHHL approval;
- All utilities shall be paid by the KKOA/PMKK. Approval by the DHHL Main Kapolei Office and the County of Kauai is needed to access potable water and address sewer requirements. Electricity needs the approval of Kauai Island Utility Cooperative (KIUC).
- 6. All trash and debris accumulated shall be removed immediately from the site the same day or at the latest the next day. This is to deter the presence of flies and bad odors from being a nuisance to area neighbors. Furthermore, any bad odors from animals or any other entity shall be addressed immediately.
- The ROE document shall be subject to other standard terms and conditions of similar ROE's issued by DHHL;
- 8. Review and approval by the State of Hawaii, Department of the Attorney General; and
- Such other terms and conditions deemed prudent and reasonable by the Chairman of the Hawaiian Homes Commission (HHC) and/or the HHC to serve the best interests of the trust and its beneficiaries.

LOCATION:

Hawaiian Home Lands situated East of Pilipoli Road Makai of the PMKK Subdivision in Anahola, Island of Kaua'i, identified as tax map key no.: (4)4-8-003:019 (por.) and 021 (por.)

AREA:

Approximately ten (10) acres for Phase 1. A total of 30 acres to include Phases 2 and 3 built out in the future.

DISCUSSION:

Mrs. Kahanu Keawe, PMKK submitted a Land Use Request Form (LURF) dated January 17, 2019, for the UAGG located Makai of PMKK at TMK No. (4)4-8-003:019 (por.) and 021 (por.), in Anahola, Kauai.

The current status of this land has been plagued with multiple fires that have been dangerous to the residential area of the PMKK Community and the Anahola Community at large. This Project would deter illegal dumping and provide a safe and productive environment for current and future beneficiaries.

The goal of PMKK is to partner with KKOA a well-respected non-profit organization in Anahola. Every summer KKOA puts on free movie nights at the Anahola Clubhouse to bring the Anahola Community together. The UAGG will provide an Agricultural Garden Training Center and youth facility providing education, skill building, and cultural practices.

Like the DHHL Hale Program which provides Homebuyer Education classes and Foreclosure Prevention Management, this training and youth facility would equip beneficiaries (lessees and applicants) with skills to choose the most effective method that would provide sustainability for their land and family (current and future).

An Agricultural training center and youth facility would provide skill-building, education and continued learning of cultural practices. Education referring to academics is only one aspect of learning. Providing resources, life skills and programs for youth and their families have the potential for lessee's and applicants to make choices to choose a meaningful and productive future.

DHHL staff has developed procedures, processing criteria, and the required documentation necessary to conduct a thorough due diligence review based on the Hawaiian Home Commission's (HHC) discussions and approvals of the Waimea Homestead Association's Waimea Nui Project.

Process/Procedure Work Flow

- 1. Applicant submits LURF
- DHHL sends Acknowledgement letter, notification that additional documents will be required
 pending HHC submittal, and that other applicants may also be requesting use which will trigger
 a community meeting to insure a fair opportunity to use the land and so that the best project is
 selected for the property based on homestead community needs.
- 3. DHHL submits HHC submittal (September 16-17, 2019) which starts due diligence review sends checklist to applicant to collect all the documentation required for the disposition.
- Applicant submits supporting documents to allow DHHL Divisions to conduct review and report to LMD.
- 5. LMD packages disposition for HHC approval.
- 6. LMD letter to applicant commencement of the disposition.

Proposed due Diligence Review Checklist:

- 1. Land Use Request Form (LURF)
- 2. Land Use Request Assessment Worksheet(consistency)
- 3. Governing Documents, Mission Statement, DCCA
- 4. Number of members who are homesteaders from the affected homestead community (controlling interest)
- 5. Business/Project Plan review (feasibility)
- 6. Financial Plan Review (sustainability)
- 7. Project development schedule and timeline
- Verification experience, track record and homestead acceptance explain relationship to homestead community (consultation, letters of support, partnerships)
- 9. Environmental Review and Community Benefits if applicable.

DHHL staff has held discussions with PMKK/KKOA during 2018-2019 and they have provided the necessary documentation as follows:

- 1. Land Use Request Form (LURF) requests the use of a 30-acre property for the UAGG education training site and youth center a central place for the Anahola Community to gather and share crops and products. (January 17, 2019)
- Land Use Request Assessment Worksheet was completed by DHHL staff. The use will not change and should not require an environmental assessment. (September 2019)
- Governing Documents, Mission Statement, DCCA and IRS documents were submitted and are on file. (September 2019)
- 4. Business/Project Plan was submitted and is on file.
- 5. Financial Plan and Pro-forma were submitted and reviewed to assure sustainability for the first five years of operation. (September 2019)
- Project development schedule and timeline will be further detailed during right of entry period and presented prior to consultation for long term lease or license.
- Verification experience, track record and homestead acceptance explain and relationship to the Anahola DHHL Homestead community will be developed during right of entry period prior to consultation and disposition approval.
- 8. Environmental Review and Community Benefits, environmental not applicable, serves farm community and provides benefit to farmers to market their products.

PLANNING AREA:

PMKK Subdivision, Makai of Pilipoli Road, Anahola, Kauai (See Exhibit "B")

LAND USE DESIGNATION:

Community Use (CU) and Residential (R), Kaua'i Island Plan (2004), Figure 8.2 – <u>Anahola/Kamalomalo'o Land Use Plan</u>, pg. 8-2

CURRENT STATUS:

The site is vacant with grass and shrubbery. In the last five (5) years many fires have burned in this vicinity causing panic to the area residents. Also, the site is prone to heavy illegal dumping.

CHARACTRER OF USE:

Ulupono Anahola Education Center and Youth Training Facility

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

Exemption Class No. & Description:

In accordance with the "Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands, as Reviewed and Concurred Upon by the Environmental Council on June 30, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption List Class No. 5, "Resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. Any grubbing will be required to have erosion control measures in place."

Exemption Item Description from Agency Exemption List:

The direct, cumulative, and potential impacts of the action described have been considered pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules. Since the action as proposed is determined to have minimal or no significant impact on the environment it would therefore be exempt from the preparation of an environmental assessment. The DHHL Planning Office (PO) has documented the action as being eligible for exemption from the preparation of an Environmental Assessment under the Exemption Class as referenced above.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

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

Land Use Planning

Goals:

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

Objectives:

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

Kauai Island Plan (2004)

The recommended disposition is consistent with the following elements of the Kauai Island Plan:

The site is designated for Community Use (CU) and Residential (R) consistent with the Kauai Island Plan. Table 2.1 <u>DHHL Land Use Designations</u> page 2-7 and Figure 8.2 <u>Anahola/Kamalomalo'o Land Use Plan</u> page 8-4.

5

RECOMMENDATION:

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

Exhibit "C" Item No. F7



03/09/2021

Re: Letter of Support for Resilient Leaders and Food Security" program and Kukulu Kumuhana O Anahola.

To Whom It May Concern,

On behalf of the Go Farm Hawai'i program, I am writing in support of Kukulu Kumuhana O Anahola (KKOA)'s Resilient Leaders and Food Security program.

Go Farm Hawai'i, is a statewide program, that provides science-based instruction and hands-on training in agriculture and business topics geared to develop our participants into viable commercial farmers for Hawai'i. Go Farm has intentions to collaborate and partner with KKOA. Once our program is open to the public again, pending COVID-19 guidelines, we will to open our "doors" to KKOA to provide the opportunity to view the teaching area, hear about and view some of the materials used to teach the agricultural program, and view some of the farmer plots.

The mission of KKOA is in line with mission of Go Farm to provide more food security and community self-reliance. In order to promote the next generation of Hawaii's farmers we must cultivate the youth and show them opportunities in Agriculture. The partnership between KKOA and Go Farm is a perfect match. Go Farm has for several years been working already with KKOA. Since 2017 we have been helping with site planning with Aunty Rae Nam and others for the future. Ulupono Anahola, farm site. We have spent many hours donating our time to help Kukulu Kumuhana O Anahola and will continue to do so.

Go Farm looks forward to collaborating with KKOA and being a part of seeing our youth and their families being educated, resilient and providing food security for their future. Should you have additional questions please feel free to contact me 808-896-2793 or ewhansen@hawaii.edu.

Sincerely,

Eric Hansen

Go Farm Hawai'i Kaua'i Program Coordinator



March 4, 2021

Grants Program Committee Office of Hawaiian Affairs 560 North Nimitz Highway, Suite 200 Honolulu, HI 96817

Aloha to the Grants Program Committee,

Kanuikapono Public Charter School provides a culture-based education to 204 students in grades K-12 that is significantly different from other educational opportunities available on the island. Located in the middle of the Anahola Hawaiian Homestead community, our school is committed to Native education and community renewal for Anahola and the island of Kaua'i.

Our school is identified as Title I (52% student population). Title I students face additional challenges to learning due to hunger, untreated medical conditions, poor sleep, and the general heightened insecurity posed by the lack of basic resources. More than 5,200 students (49.8%) on Kauai are considered Title I students, who come from low-income homes, where basic necessities such as shelter, healthcare, and food are often challenging. Native Hawaiians are amongst the highest at 28% of this population. In general, the four Hawaiian-focused and immersion schools on Kauai have a higher proportion of Native Hawaiian/Pacific Islander students (2018, Kauai Youth Report).

According to a recent survey by Kauai Resiliency Project (2020) found that 28% of high school students reported feeling sad and worthless for at least two weeks at a time. One in 11 youths between the ages of 15 to 24 attempt suicide every year on Kauai.

Kauai's annual suicide count has varied over the last five years from 11 suicides in 2019 to 25 suicides in 2017. With an average of 16 suicide deaths per year, Kauai has the highest suicide rate per capita among the state's counties. In the most recent past there have been five suicides on Kauai and a very recent attempted suicide in Anahola.

As the Deputy Director of Academic Achievement at a Hawaiian Focused Charter School educational and 'āina-based programs such as Kūkulu Kumuhana O Anahola (KKOA) "Resilient Leaders and Food Security" are valuable resources for our haumana. The KKOA program and curriculum responds to the mental health and wellness needs within our school and the Anahola community. It also promotes and incorporates cultural values that are aligned to our school vision, mission and curricular framework. We see this program as an opportunity to expand resources to our haumana through partnerships with community organizations like KKOA.



Resilient Leaders and Food Security program will meet several needs of our school, including building foundational knowledge and application in agriculture and sustainability, mental health and wellness and enabling resources to our students and their families and moreover the Anahola community in local food production and distribution. The Resilient Leaders and Food Security have identified the following focus area needs:

 a water system (irrigation and well) for the 7-acres that will allow interns to learn the installation, maintenance of these systems and importance to providing a healthy irrigation and food system for the Anahola community;

growing of native plants for consumption and medicinal use;

 programs that will provide cultural practices that can be taught to future generations like making papa ku'ia'i (poi boards) and pohaku ku'ia'i (poi pounders) for every Native Hawaiian household in the community;

agricultural program that supports mental health and wellness for middle and high school students.

Overall the Resilient Leaders and Food Security program will benefit our keiki, their 'ohana and the Anahola community and we look forward to a partnership with Kūkulu Kumuhana O Anahola such resources. Please do not hesitate to contact me at (808) 823-9160 if you have any questions.

Mahalo,

Lois Ann Ell, M.Ed. Academic Officer

Acting Deputy Director for Academic Achievement

Kanuikapono Public Charter School



April 6, 2021

To Whom it May Concern:

'Aina Ho'okupu o Kilauea (AHK) has been working with KKOA since 2017 when they reached out to AHK for inspiration and support. KKOA has been persistent in fulfilling their mission to help at-risk youth and identifying the social problems that youth experience on Kaua'i. AHK and KKOA have been collaborating to provide the community of Anahola with a center that will bring the community togethe/r, feed the community, and provide a safe space for the youth, similar to what AHK has built for the past 5 years with the Kilauea Community Agricultural Center (KCAC).

KKOA has the capacity to expand their educational programs as well as their farm operation. Our island's youth benefits so immensely from projects like KKOA's, and in order to expand these programs they require additional funding for curriculum development as well as for supplies and materials to grow their farming and processing facilities. It is with these trusted partners that we were able to distribute 2,000 produce boxes a week for 15 weeks to feed the communities around the island, KKOA focusing on Anahola to promote and make available fresh produce and vegetables at no cost to the community. We plan to work closely with them in the development of their center and other programs which help support our respective communities.

AHK plans to support KKOA to bring the Anahola youth to observe and learn about small to medium-sized farming operations at our Kilauea Community Agricultural Center (KCAC) site. Additionally, AHK supports KKOA as we employ youth from Anahola in our internship program, offering the ability to learn and grow in small agriculture. We can do this through small, socially-distanced lessons on the farm, observing the operations (including machinery and irrigation) on a 1-acre plot. We believe that educating our island's youth and building a sustainable food system in our community is crucial, and support KKOA's goal to do so in Anahola.

Should you have any questions or would like to talk more about how AHK can offer support to KKOA please contact CEO Yoshito L'Hote at yoshitol@yahoo.com or by phone at 808-652-0069.

Mahalo,

Yoshito L'Hote

CEO of 'Aina Ho'okupu O Kilauea



29 March 2021

Aloha.

This letter is to affirm my support for the Kukulu Kumahana O Anahola (KKOA) Ulupono Anahola project and their Resilient Leaders and Food Security curriculum that will be used to guide and train youth, Native Hawaiians and the Anahola community in civic agriculture.

I am an extension agent with the University of Hawaii at Manoa, College of Tropical Agriculture and Human Resources (CTAHR) based on the island of Kauai. In my role with CTAHR Extension working closely with the community here since 2017, I have observed time and again the acute need for engaging more local youth in agriculture. KKOA is uniquely situated to be the catalyst for this engagement as they are well supported and respected in the community, and they have the clear vision to make a significant impact where it is needed.

Through partnering with KKOA for the Resilient Leaders and Food Security program, I will host participating students to tour the CTAHR Kauai Agricultural Research and Extension Station in Wailua, where they will be able to see our on-going field research projects and plant germplasm collections. I will work with my colleagues to provide an educational experience tailored to the age and specific interests of the group. Our team includes expertise in soil science, agronomy, entomology, plant breeding, and weed science.

I fully support this project to create new opportunities to engage local youth in agriculture and will support it in any way possible. Please feel free to contact me with any questions: erkirk@hawaii.edu

Many thanks for your time and consideration,

Emilie Kirk

Assistant Extension Agent - Sustainable and Organic Agriculture

Kaua'i County Cooperative Extension



March 25, 2021

To Whom It May Concern,

Aloha! My name is Brian Miller, owner of Kalalea View Farm in Anahola, Kaua'i. This is a letter of commitment for Kalalea View Farm to participate in the Kūkulu Kumuhana O Anahola (KKOA) program by giving farm tours and experiences for KKOA participants on our 4 acre home stead in Anahola in support of the "Resilient Leaders and Food Security" program.

Participants would be able to learn about farming and sustainability while touring and participating in farm activities that may include planting, harvesting, or prepping food from our farm. Kalalea View Farm looks forward to collaborating with KKOA and being a part of seeing our youth and their families being educated, resilient and providing food security for their future. If you have any questions about our farm, please feel free to contact me at: kalaleaviewfarm@gmail.com

Thank you!

Brian Miller Owner - Kalalea View Farm

Kauai Kunana Dairy

Goat Milk Products ~ Organic Fruits and Vegetables ~ Farm Kitchen Specialties ~ Bee Hive Products

March 25, 2021

Re: Kūkulu Kumuhana O Anahola — "Resilient Leaders and Food

Security" Program

To Whom It May Concern,

I am Ryan Wooton, farm manager of Kauai Kunana Dairy Farm on the island of Kaua'i. Kunana Dairy Farm is excited to hear and partner with Kūkulu Kumuhana O Anahola (KKOA) and the "Resilient Leaders and Food Security" program they are launching this fall of 2021.

I am writing this letter in support of partnering with KKOA's work with youth and 'ohana in our community. Kauai Kunana Dairy Farm is willing to provide the educational experience on our 8 acre farm that will allow students to tour a goat dairy farm, milk and cheese production, as well as the 20 beehives that produces honey, beeswax and pollination. Our simple methods of making our organic farm sustainable will inspire them. They will also see the the value-added products that we produce and provide to a long list of restaurants, cafes, juice bars, Chefs and caterers.

I hope you consider investing in KKOA as their program will provide positive impact for the youth through this partnership. Should you have additional questions, please feel free to email me at: kauaikunanadairy@gmail.com.

Sincerely,

Ryan Wooton, Farm Manager Kauai Kunana Dairy Farm



March 25, 2021

Re: Letter of Support for Kūkulu Kumuhana O Anahola ~ "Resilient Leaders and Food Security" Program

Aloha to the Grants Program Committee,

My name is Lei Wann, Director of Limahuli Garden & Preserve on the island of Kaua'i. On behalf of Limahuli Garden, it is a privilege to have this partnership with Kūkulu Kumuhana O Anahola (KKOA) and support the "Resilient Leaders and Food Security" program that will be starting in the fall of this year.

Limahuli is a perfect place to provide an educational experience and understanding about native plants for food, resources, and medicines. Students attending the KKOA "Resilient Leaders and Food Security" will also view the Limahuli stream and reflect on the ahupua'a system of resource management. They will also be given a deeper understanding of the delicate balance of the ecosystem in both ancient and modern times, and how today's stewardship of the land is modeled after the traditional practices of its earliest inhabitants. The Hawaiian history, culture, natural history and plants are so inextricably woven together which can stir a new found connection between their past, present and future.

We look forward to this partnership and hope you will consider KKOA for this grant. There is a great need to teach the next generation the importance of how their culture is inseparable from the plants that sustain them. Should you have additional questions, please feel free to contact me at (808)826-1053 or email me at: <u>LWANN@ntbg.org</u>.

Sincerely,

Lei Wann, Director Limahuli Garden & Preserve

Aloha kaua,

'O wau o Kahanu Keawe. No Anahola, Ko'olau, Kaua'i mai au. Kako'o makou keia palapala noi (application). I am the President of the Pi'ilani Mai Ke Kai (PMKK) Homeowners Association. I am writing to express my support of the Ulupono Anahola project that is currently being led by Kūkulu Kumuhana O Anahola (KKOA). We have enjoyed working with KKOA over these past 5 years in the community on various projects to serve our community. We look forward to continuing to work with them specifically on this Ulupono project.

When I was first approached by Rachelle "Rae" Nam and Ku'uleialoha Punua to partner in this Ulupono project, I had several questions since the 10-acres where this project would reside is directly across from the PMKK subdivision. That conversation was approximately 2 years ago and since then, I have witnessed their continued care and perseverance for our community here in Anahola.

When COVID19 hit our island, they called upon the community to help one another and several people including myself responded to that call. They have been selflessly organizing teams to distribute much needed food to our kūpuna and those in the community who needed it. Their commitment is real. Their desire to serve the community and overcome every obstacle in that path has shown consistency through their dedication to continue their mission and vision through these programs.

They had the foresight to design a safe place in an area that for many years has been a present danger because of fires being set that threatened the homes of our subdivision. This safe place would create a location to provide educational programs that incorporate our cultural values and be a gathering place for our youth and 'ohana. Their "Resilient Leaders and Food Security" curriculum will benefit our community now as well as the next generation of beneficiaries and lessees of Hawaiian Home Lands. Within these programs they will offer our community garden plots.

We are excited to see Ulupono begin on the land where the agricultural community garden and youth center is planned for. We also know that part of their plan is to develop the water systems. Water is vital to the success of their project. Funding provided by the Garden Club of Honolulu through this grant will assist in bringing this design and much needed project to life on the land it was meant to be provided on. We are looking forward to seeing this long awaited project become a reality for our community. If you have any questions, please feel free to contact me at (808) 392-6119.

Mahalo.

Kahanu Keawe, President

Pi'ilani Mai Ke Kai Homeowners Association

3879 Aopo onui Place Anahola, HI 96703



March 25, 2021

Aloha to the Grants Program Committee,

My name is Christy Wong and I am the founder of Kauai Animal Education Center (KAEC) and I am writing in support of Kūkulu Kumuhana O Anahola's (KKOA) "Resilient Leaders and Food Security" program.

I have been working with KKOA for several years now with different projects and with every project they seek to help our children and families reach their full potential by building self-confidence through the practice of Native Hawaiian values and traditions. The "Resilient Leaders and Food Security" program they are introducing this fall is another deeply connected and necessary program for the Anahola community.

By partnering with KKOA and allowing the youth to visit KAEC, they will view our goats, sheep, pigs, chickens, turkeys, calfs, learn about hoof trimming, and participate in a volunteer day. Farm animals provide a valuable onsite source for manure. Manure management is a vital skill to learn, as is animal husbandry. The knowledge and experience will be a positive impact for the middle and high school students attending this program through KKOA.

Should you have any questions or concerns, please contact me at (808)822-0881 or email at christy@kauaianimaleducationcenter.org

Mahalo,

Christy Wong

Owner and Founder of KAEC



March 25, 2021

Re: Kūkulu Kumuhana O Anahola ~ "Resilient Leaders and Food

Security" Program

To Whom It May Concern,

Aloha! My name is Cody Lee Meyer and I am the Farm Manager of "The Farm at Hokuala" at Timbers Resort on the island of Kaua'i. I was excited to hear that Kūkulu Kumuhana O Anahola (KKOA) is expected to begin their "Resilient Leaders and Food Security" program in the fall of this year. Reaching out to middle and high school students is very critical for them to have this opportunity that I hope will inspire them to see the value of our valuable food systems here on Kaua'i.

I am writing this letter of support of this program on behalf of The Farm at Hokuala and Timbers Resort as this partnership and educational experience will provide the students first hand experience to identify farm plants used in making meals at a first class resort and restaurant, which is always fun. I am also committed to share my perspective of why "Farm to Table" is a viable business strategy as well as an excellent approach that builds a strong local food system.

I hope you consider investing in KKOA, their program and the youth whose future can be positively impacted through this partnership. Should you have additional questions, please feel free to email me at: cmeyer@hokualakauai.com.

Sincerely,

Cody Meyer, Farm Manager

The Farm at Hokuala

Exhibit "D" Item No. F7

DAVID Y, IGE GOVERNOR STATE OF HAWAII

JOSH GREEN LT GOVERNOR STATE OF HAWAII



WILLIAM J. AILA, JR CHARMAN HAWAIIAN HOMES COMMISSION

TYLER I. GOMES

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

P O BOX 1879 HONOLULU HAWAII 96805

August 25, 2021

Ref: PO-21-255

Strather Ing, Grants Specialist Miki Cachola Lene, Grants Specialist Office of Hawaiian Affairs 560 N. Nimitz Highway, Suite 200 Honolulu, Hawaii 96817

Aloha Mr. Ing and Ms. Lene,

Subject:

Homestead Community Grant Awarded to Kükulu Kumuhana O Anahola for the

Ulupono Anahola - Resilient Leaders and Food Security Program and Water

Systems

I am writing on behalf of Kūkulu Kumuhana O Anahola (KKOA), a non-profit organization that has been serving the native Hawaiian community in Anahola since 2008. We congratulate them and thank you for the recent award to KKOA of \$75,000 from the Office of Hawaiian Affairs (OHA).

I would like to confirm that KKOA currently has a Right of Entry (ROE No. 698) from the Department of Hawaiian Home Lands (DHHL) to the 10-acre property adjacent to the Pi'ilani Mai Ke Kai homestead in Anahola, Kaua'i where the Ulupono Anahola Project is currently in its planning stages. This Right of Entry gives them permission to conduct all agricultural activities that are eligible for an EA Exemption, which include the following for Phase 2 of their project:

- The installation of water meter(s) necessary to irrigate all areas where they are growing food and plants (ag water)
- The installation of water meter(s) necessary for a processing station to clean foods before distribution (potable water)
- The clearing of land for the planting and production of food and plants as designated on their conceptual site plan (see attached)
- The placement of three 40-foot storage containers for the purposes of storing heavy
 equipment, tools, refrigeration for food with a processing area and an office/storage area,
 as they are all ancillary to the planned agricultural activities and programs.

Mr. Strather Ing and Ms. Miki Cachola Lene August 25, 2021 Page 2

It has also been brought to my attention that you are requiring an assurance from DHHL that KKOA will receive a license for this property. DHHL's Kaua'i Land Agent, Kaipo Duncan, and Kaua'i Planning Liaison, Nancy McPherson, are working diligently to help KKOA to acquire a license for this property. While KKOA's plan to install a well is definitely a more frugal source of water, authorization from DHHL to drill and install it will require completion of an Environmental Assessment (EA).

KKOA's acknowledgement that they will complete the EA prior to installing the well provides us with an assurance of compliance with HRS Chapter 343 and will give us the ability to provide a conditional license to KKOA. This decision must have the approval of the Hawaiian Homes Commission, which will be meeting on September 20-21, 2021. Once a decision is made and the length of the license is determined, KKOA will be able to communicate the Commission's decision to you.

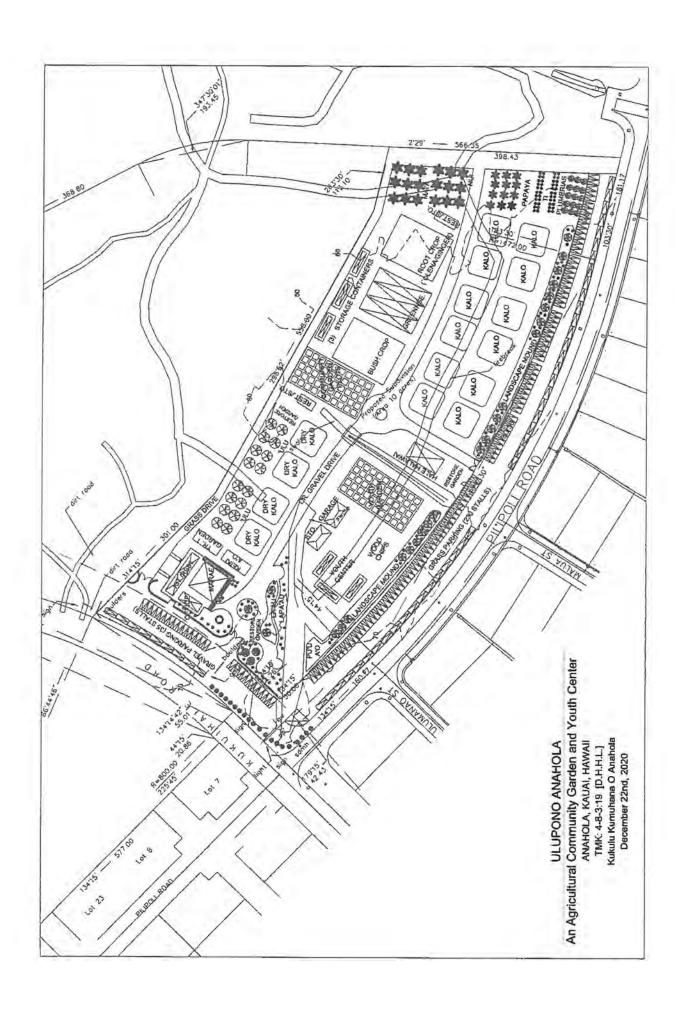
In the meantime, a well will still be a part of their plans, without hindering them from proceeding with an alternate plan for a water system and implementation of their programs. We believe their revised plan will fulfill their obligations to OHA for the grant and, more importantly, their representations to the people in the Anahola community.

I hope this letter meets your requirements and assures you that we are in support of this project and confident of KKOA's leadership abilities to follow through with their commitments. Please feel free to contact Nancy McPherson at nancy.m.mcpherson@hawaii.gov or Kaipo Duncan at kaipo.duncan@hawaii.gov if you have any further questions.

Aloha,

William J. Ailā, Jr., Chairman Hawaiian Homes Commission

Enclosure



HAWAIIAN HOMES COMMISSION SEPTEMBER 20 & 21, 2021 INTERACTIVE CONFERENCE TECHNOLOGY 9:30 A.M.

G – ITEMS PLANNING OFFICE

PLANNING OFFICE DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Andrew H. Choy, Acting Planning Program Manager Ac

SUBJECT: Accept the Beneficiary Consultation Report for the Aha Pūnana Leo Inc. Request to Utilize DHHL Land for a

Hawaiian Language Pre-School, Waimea, Hawaii Island

(TMK No. (3)-6-4-001:059)

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) accept this Beneficiary Consultation Report as the official public record of beneficiary input and feedback relative to the Aha Pūnana Leo, Inc., request to utilize Hawaiian Home Lands for a Hawaiian Language Pre-School, Waimea, Hawaii Island.

DISCUSSION

Background

Aha Pūnana Leo Inc. is seeking a new long-term license agreement with DHHL to continue to operate its Waimea Hawaiian Language Pre-School at the current location on DHHL land adjacent to the DHHL West Hawai`i District Office (EXHIBIT A Location Map). The site was licensed under License Agreement No. 488 to Aha Pūnana Leo since June 1, 2001. The previous license agreement had an initial 10-year license term expired in May 2011, then amended for an additional 10-year period which expired in May 2021. The HHC approved a month-to-month ROE at is June 2021 HHC meeting and directed DHHL staff to conduct a beneficiary consultation on a new long-term license per DHHL's Beneficiary Consultation Policy.

The DHHL recognizes that meaningful, timely, and informative beneficiary consultation is necessary for the successful formulation and implementation of its policies, programs, and projects. In 2009, the HHC adopted a Beneficiary Consultation (BC) Policy (Policy). The purpose of the Policy is to ensure that appropriate beneficiary consultation processes

and activities are incorporated into DHHL's planning and decision-making. The Policy requires BC for four types of proposals: 1) Statewide Policy Issues, 2) Amendments to Land Use Designations, 3) Development of DHHL Plans and 4) Proposed long-term use of DHHL lands for non-homesteading uses.

The request by Aha Pūnana Leo Inc. for a long-term license to utilize DHHL land for a Hawaiian Language Pre-School constitutes a proposed long-term use of DHHL lands for a non-homesteading use. Beneficiary Consultation is required prior to the HHC taking action on the organization's request. Subsequently, a beneficiary consultation meeting was held on July 21, 2021 with DHHL beneficiaries that reside in the Waimea region on Hawaii Island. Because of the COVID-19 pandemic, the meeting was held on the Zoom virtual meeting platform.

Beneficiary Consultation Process

The proposed use of Hawaiian Home Lands went through the following steps prior to the BC to ensure that beneficiaries were informed about the opportunity to provide feedback on the legislative proposal.

STEP 1. THE PROPOSED ACTION IS DESCRIBED:

Aha Pūnana Leo Hawaiian Language Pre-School of Waimea is requesting a new long-term license from DHHL to continue its pre-school program that is currently located on DHHL lands in Waimea next to the DHHL West Hawaii District Office.

STEP 2. BENEFICIARIES WERE NOTIFIED OF OPPORTUNITIES TO CONSULT

Due to health and safety precautions from the COVID-19 pandemic, the Department conducted a beneficiary consultation meeting utilizing the Zoom virtual meeting platform with DHHL beneficiaries that reside in Waimea on the island of Hawaii.

1. Approximately 450 postcards were mailed to all homestead lessees in the Waimea Nui Region. [Exhibit B]

2. Approximately 375 postcards were mailed to all waitlist applicants that have a 96796 zipcode in their mailing address. [Exhibit B]

STEP 3. PRESENTATION MATERIALS FOR ALL MEETINGS ARE AVAILABLE FOR FEEDBACK:

DHHL created a webpage to disseminate information and provide easy access to information related to this request, including:

- 1. Weblink to the BC meeting and recording;
- 2. Meeting notes from the July 21, 2021 beneficiary consultation meeting

The webpage for this consultation meeting can be found here:

https://dhhl.hawaii.gov/po/hawaii-island/waimea-aha-Punana-leo-preschool-request/

STEP 4. COMMENTS ARE COMPILED INTO MEETING REPORTS:

The following table and data below captures the level of participation and engagement at the July 21, 2021 consultation and subsequent 30-day comment period:

Table 1: Summary of Beneficiary Participation

Beneficiary Consultation Meeting	Estimated Attendance	No. Self-ID as DHHL Beneficiaries	No. of Questions and/or Comments
July 21, 2021	12	6	25
Written Comments Submitted during the 30-Day Comment Period		- -	2
TOTAL	12	6	27

BC attendees did not sign a physical sign-in sheet due to their participation via a virtual online platform. Instead, attendees were asked to sign-in to the "Chat-box" on Zoom and self-identify whether or not they were a DHHL beneficiary. However, it is uncertain whether all attendees complied with the request to sign-in. Also, there may have been multiple people participating from a single computer or mobile device. Therefore it is difficult to determine the exact amount of participants during the meeting.

As reflected in Table 1, approximately 12 people attended the virtual meeting on July 21st. Approximately 50 percent of the meeting participants self-identified as a DHHL beneficiary. In addition to comments received at the beneficiary consultation meeting, two additional comments were received from two individuals during the 30-day comment period.

The following exhibits reflect BC meeting notes, participant opinions and/or comments:

- 1. Exhibit D July 21, 2021 Meeting Notes
- 2. Exhibit E July 21 August 20, 2021:
 Correspondence submitted during the 30-day Comment
 Period

Summary of Beneficiary Comments:

In summary, all of the beneficiaries that participated in the consultation process supported Aha Pūnana Leo Inc.'s request to utilize DHHL land for a Hawaiian Language Pre-school. Further, beneficiaries commented that DHHL should reduce the rent that it is charging to Aha Pūnana Leo Inc. as the organization provides a valuable service to the beneficiary community in Waimea. In addition, there were other specific terms and conditions that beneficiaries would like to see in the new license agreement. There was no opposition voiced from beneficiaries during the consultation process on Aha Pūnana Leo's license request. A comment was submitted over the 30-day comment period related to the Kanu O Ka `Āina Charter School and its programs. The comment was submitted to clarify a comment made about Kanu O Ka `Āina Charter School during the beneficiary consultation meeting. However, the comment was not directly related to Aha Pūnana Leo Inc.'s land use request.

Support for granting Aha Pūnana Leo Inc.'s License Request

Beneficiaries that expressed support for Aha Pūnana Leo Inc.'s request to continue to utilize DHHL land for a Hawaiian Language pre-school supported the land use request because the educational service they provide to beneficiary families reinstills cultural values and knowledge. Beneficiaries also felt that the utilization of Hawaiian language is an essential part of native Hawaiian rehabilitation.

"One school stands out like a sore thumb in the process of rehabilitation and that's Pūnana Leo, started 30 years ago. These are the entities that we as Hawaiians and organizations, including DHHL, was tasked with the task of helping to rehabilitate us, bring us back to what we once were, a sovereign people."

DHHL should reduce the rent that it is charging to Aha Pūnana Leo Inc.

There were several comments during the meeting that DHHL should not be charging the organization rent for the use of DHHL lands because the pre-school provides a service that is highly valued by beneficiaries in the region. Further, beneficiaries cited that other schools located in on DHHL lands in Waimea were charged a lower rent amount than Aha Pūnana Leo Inc. and felt that DHHL was not treating the organization equitably.

"They should not be paying \$10,800 annually. They should be gratis. What is a higher value use than education or kupuna housing which have people actually servicing them?"

"To hear Aha Pūnana pays a certain amount of money and our neighboring schools on the Aina Hoopulapula pay close to nothing, that's kind of eha."

"No fees, gratis. Emergence of our culture and language is paramount to the success of our rehabilitation in Waimea Nui."

DHHL Should Inform Beneficiaries when Considering Providing Additional Lands to Aha Pūnana Leo Inc.

In addition to the current request to continue to utilize the current space that the pre-school is located, Aha Pūnana Leo Inc. had expressed interest in expanding its campus and previously sought additional lands from DHHL. Beneficiaries would like to be kept informed of future utilization of additional DHHL lands by the school.

"It's important before we consider using any lands, whether it be in Waimea or any other homestead area, that deep research needs to be made with the community, with the beneficiaries to see if there are plans out there."

Additional Terms and Conditions Recommended

Comments were also made during the meeting related to other terms and conditions DHHL should consider including in a new license agreement with Aha Pūnana Leo Inc. These terms and conditions include:

- 1. At least 30 percent of enrollees of the school must be a beneficiary or from a beneficiary family;
- 2. The license should not be for more than 10-years and no additional lands.

Comments related to the suggested 10-year term of the license were made to better ensure that beneficiaries would have more frequent opportunities to input into the use of DHHL lands by Aha Pūnana Leo Inc. Meeting participants felt that a longer-term disposition to any organization does not give beneficiaries any say in the organization and how the organization provides services to beneficiaries.

The terms of a future license agreement are more fully discussed in the corresponding Land Management Division Agenda Item for the HHC's consideration.

Recommendation

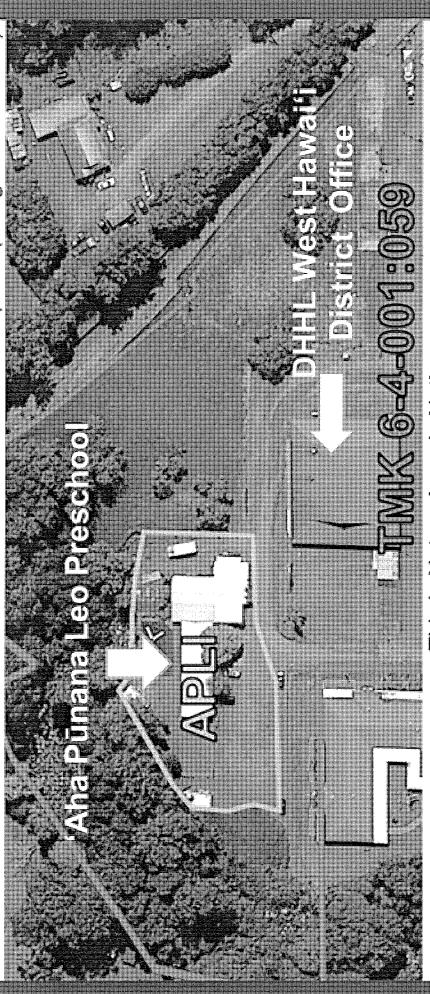
Staff respectfully requests that the Hawaiian Homes Commission approves the recommended motion as stated.

Palapala 'Āina





Waimea 'Aha Pūnana Leo Preschool Request (Long-Term Lease)



This is Not an Awards Notice

dhhl.hawaii.gov/po/hawaii-island

Beneficiary Consultation Virtual Meeting

Waimea 'Aha Pūnana Leo Preschool Request (Long-Term Lease)

Wednesday, July 21, 2021 6:00 p.m. to 7:30 p.m.

Meeting Purpose:

Collect beneficiary mana'o on the 'Aha Pūnana Leo Preschool request for long-term license to use DHHL land.

Join the Virtual Meeting:

dhhl.hawaii.gov/po/hawaii-island

Questions? dhhl.planning@hawaii.gov



US POSTAGE PAID

PRESORTED STANDARD HONOLULU, HI PERMIT NO. 574

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

Jamilia

___ Michael

____Marjorie

Cedric

Please initial after review for accuracy.



'Aha Pūnana Leo, Inc. Request

to Utilize DHHL Land for Hawaiian Language

Preschool

July 21, 2021

Meeting will start at 6:00pm

1

Meeting purpose

 To collect DHHL beneficiary feedback on proposed long-term use of DHHL land by the 'Aha Pūnana Leo Hawaiian Language Pre-school

2



3

Meeting Kuleana

- Be respectful of the person talking please do not interrupt the person that is talking;
- Wait for the facilitator to call on you or type your question into the chat box;
- When addressing other participants (verbally or in the chat box), be respectful, show aloha, treat others how you would like to be treated;
- Agree to disagree accept that others may have different perspectives and opinions;
- Have an open mind take home new ideas or new information.

4

DHHL Beneficiary Consultation Policy

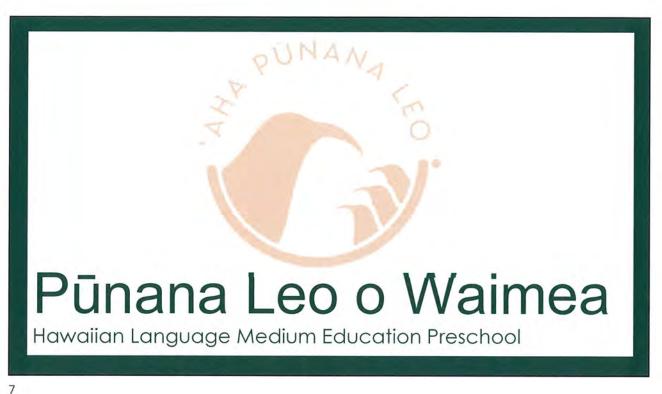
- Beneficiary Consultation is required for four types of proposals that require Hawaiian Homes Commission approval
 - Statewide Policy Issues
 - Amendments to Land Use Designations
 - Development of DHHL Plans
 - Long-term use of DHHL land for a non-homestead use

5

Tonight's Agenda

- · Welcome & Introductions
- Presentation by 'Aha Pūnana Leo, Inc. Hawaiian Medium Education
 Preschool Pūnana Leo o Waimea
- Beneficiary Questions on Presentation
- Beneficiary Mana'o on Proposed Use of DHHL Lands
- Next-Steps

6



/

Background of 'Aha Pūnana Leo

- · Founded in 1983
- . Nonprofit 501(c)(3) tax exempt
- · Hawaiian language revitalization
- . 13 Pūnana Leo preschools statewide
- Accredited by the World Indigenous Nations Higher Education Consortium (WINHEC)

Pūnana Leo means "Language Nest" and just as young fledglings are fed directly from the mouths of their mothers, Hawaiian language is fed into the ears of 3 to 5 year-old students from the mouths of the Hawaiian language speakers around them.



8

Pūnana Leo o Waimea

- · Opened in 1995
- Founding organizations: Kūpuna Program at Waimea Elementary, Nā Kālai Wa'a, Hālau Hula o Kealaonāmaupua, Nā 'Aikane o Pu'ukoholā
- 431 keiki and their families educated through our Waimea site in Hawaiian Medium Education (Service keiki from Pa'auhu to Kapa'au)
- Only Hawaiian Medium Education School in Kohala/North Hawaii
- Served 9 (at minimum) beneficiary 'ohana last year and will serve 15 (at minimum) this year (21 haumāna).
- Provides employment for beneficiaries, currently 4 of 10 staff are beneficiaries and many past teachers are beneficiaries

9

Pūnana Leo o Waimea 2019 2020

10



11

Activities to be conducted on site

The Pūnana Leo programs are designed for individuals, and families, who choose to speak Hawaiian and are in the process of establishing it as a primary language.

'Aha Pūnana Leo focuses on educating the whole 'ohana

- Hawaiian Medium Education Preschool (2.8yrs-under 6 yrs)
- Hui Kīpaepae (Family engagement classes)
- Lā 'Ohana (Family days)
- 'Alo Kēhau o ka 'Āina Mauna (κ-10th grade)

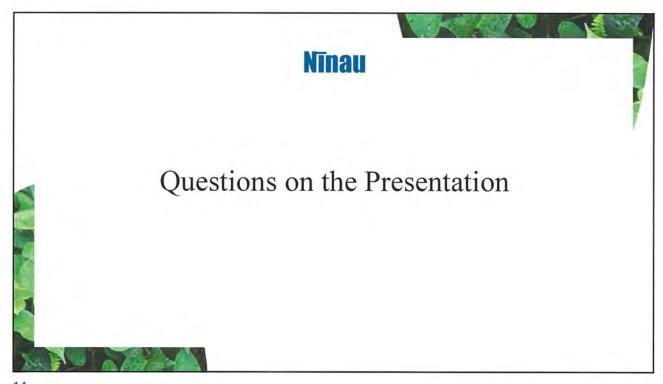


12

How does the Pūnana Leo o Waimea benefit beneficiaries?

- The 'APL services an average of 95% Native Hawaiians
- Opportunity for beneficiaries to choose Hawaiian Language Medium Education for their keiki/'ohana, the ONLY Hawaiian language school in Kohala/North Hawai'i.
- Beneficiaries are able to participate in Hui Kīpaepae (Hawaiian language classes).
- Waimea Nui and Ka Ua Paliloa have worked together to provide free meals to the community over the past year
 and have collaborated in the past on events such as the Paniolo Parade and Christmas Celebration to increase
 interaction between students and beneficiaries and provide opportunities to hear and practice 'ōlelo Hawai'i.
- Approximately 33% of student body comes from beneficiary 'ohana.

13



14

Mana'o

Comments and Feedback on the Proposed Use of DHHL Land as a Hawaiian Language Preschool by 'Aha Pūnana Leo, Inc.

15

Next-Steps

 30-Day Beneficiary Consultation Comment Period (July 21 to August 20)

Email comments to: dhhl.planning@hawaii.gov

 Beneficiary Consultation Report to the Hawaiian Homes Commission and Seek Commission Approval License Request (September)

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Beneficiary Consultation: Waimea 'Aha Pūnana Leo Preschool Request Virtual Beneficiary Consultation Meeting July 21, 2021, 6:00 pm to 7:30 pm

Background

DHHL will be holding a beneficiary consultation meeting regarding the Aha Pūnana Leo Hawaiian Language Preschool's request for a new long-term license from DHHL to continue their preschool program. The preschool is currently located on DHHL lands in Waimea next to the DHHL West Hawaii District Office. The purpose of the meeting is to provide information to beneficiaries about Aha Punana Leo Hawaiian Language Preschool's request for a new license and provide beneficiaries an opportunity to provide input and feedback on the license request.

Notes of Q&A (Beginning at 20:15 of recording)

- Auntie Kanani: Pictures shown of the land that encompasses the current or to be the new license, is that all within the 0.42 acres?
 - Andrew Choy: Question is, is this land the .42 acres?
 - Kahana: Correct, that is the current site and that is the existing site they have right now and the site we hopefully will continue with the new license
 - Auntie Kanani: That portion marked within the yellow line?
 - o Kahana: Correct, Auntie, and it's not survey, it's approximate measurement
 - Andrew Choy: Auntie, you have another question?
 - o Auntie Kanani: I have another question or a statement
 - They should not be paying \$10,800 annually
 - They should be gratis
 - What is a higher value use than education or kūpuna housing which have people actually servicing them?
 - I would like that decreased to \$100 a year
 - Thank you very much
 - o Andrew Choy: Mahalo, Auntie, for your comments and question
 - Any questions on the presentation you folks received
- Ku'ulei Keakealani: (Introduction in Hawaiian)
 - o Privilege and honor to be a part of this this evening and something such as this technological advance, Zoom, brings us together
 - One of my questions is, as one of the original staff and group of people who came together to ho'okumu, ho'omaka and dig in to start 'Aha Pūnana Leo o Waimea, I recall the pasture
 - On the map you will see it, a little holding for sheep (hipa),
 - The sheep certainly helped some of our kamali'i in the mornings with separation anxiety who didn't want to leave their mommy or daddy or whomever dropped them off
 - Most of our children came from Waimea and was very ma'a to seeing sheep outside the window
 - Helped to ease for the children who had separation anxiety, looking out and peering out to the hipa or walking them out to the fence to see the sheep helped in their transition and ease into school

- Knowing the expansion and the need for potential expansion as the children numbers increase which is a blessing, is there a potential to assume a portion or all, not sure, Maluhia, if still is a hipa pen
- Before was John Bore, it was his sheep and others along the years have utilized that
- Any possibility or thought to be able to utilize some of what was that sheep pen?
 - Kahana: From Land Management Division (LMD) side, I don't want to say yes or no
 - Something we can explore
 - Bring to the commission and have them make the consideration whether to allow for that
 - o That's where we are with that
 - Right now, it's getting the license through
 - If and when it gets through and issued, then we can continue that discussion and explore that opportunity
- Mahalo a nui
- Andrew Choy: Mahalo Ku'ulei
 - o Auntie Kanani, you have your hand up
- Auntie Kanani: The license that just ended was for 20 years
 - o Our license is only for 20 years?
 - o I see other schools have much longer licenses and even don't pay
 - o What is being considered?
 - When you go to the commission, Kahana, you need to go with a recommendation
 - Kahana: Correct, our recommendation is to continue as the initial license was for 10 years, with an additional 10 year period
 - Total of 20 years
- Andrew Choy: Maluhia, you have your hand up
- Maluhia: Mahalo Ku'ulei for your mana'o and for sharing
 - o It is a 10 year
 - o The last lease we had was 10 years lease
 - o Kahana: And we extended an additional 10 years, Maluhia, is that right
 - Maluhia: I don't have the paperwork
 - I just have what was in the past
 - o Mike Hodson: I do
 - The piece of land Kuulei was asking about, we had asked for, at least as early as 2018, we had attended a commission meeting at Hapuna Prince Hotel and had requested at that time, the use of that land
 - Maluhia: My understanding, I was told that was about ¾ acre of land which is not much for us for expending
 - It was something that would be a temporary help
 - It is my understanding that Hawaiian Homes, whoever the powers that be were, didn't want to put any infrastructure into that area and that's why there was no response
 - Since 2018, we have not gotten any response

- We did ask as well if there was any other property in Waimea we might be able to use as we continue to expand because as we add more grades, we do need more space
 - This particular site, we can't add any more bathrooms to so that is the issue that if we add more students, we can't add more bathrooms
 - So we need somewhere bigger
- To be able to grow our language we would need much more acreage
- o Kahana: More space
- Andrew Choy: Other questions on the presentation at this time?
 - o If not, there was one comment in the chat from Jojo Tanimoto
 - She agrees on a minimum amount of rent
 - \$100
 - School needs more land for space for growing schools
 - o Other comments folks on the call would like to make?
- Maluhia: My only comment or question is when will we be able to get an answer as to if there is somewhere in Waimea that would be able to switch properties that might be able to accommodate a growing Hawaiian language school
 - o Andrew Choy: I meant any comments from our beneficiaries on the request
 - o Maluhia: Kalamai
 - Andrew Choy: To address your question, Maluhia, we'd have to look at our inventory and see what is designated for homesteading and what areas are not that might be suitable for you folks' needs
 - For that, we'd have to do another beneficiary consultation
- Kalaokahaku Akima-Akau: In consideration, just some mana'o that Pūnana Leo is the oldest preschool and school outside of Kamehameha Schools (KS) and Kanu O Ka 'Āina (KKA) in Waimea so please consider that we being the eldest school on 'Āina Ho'opulapula in Waimea that a place either we be allowed to use what was that community pasture to the Hāmākua side of the existing hale or we find a space just like how DHHL was able to give KS preschool an area and KKA a bigger area
 - o Pūnana Leo is the eldest of those schools on 'Āina Ho'opulapula in Waimea
 - Mahalo
- Andrew Choy: Mahalo for that comment
 - Other comments, other mana'o people would like to share at this time?
- Leilani Whittle: Just want to mahalo Pūnana Leo because we are on Hawaiian Home Lands and all our keiki have attended Pūnana Leo and it's been such a blessing
 - Mahalo nui
- Andrew Choy: Mahalo for that comment
- Auntie Kanani: Kahana, what are the steps you gonna take to be able to initiate the new license?
 - o Kahana: Have to get through this beneficiary consultation
 - Present to the commission next month
 - o Andrew Choy: Per our beneficiary consultation process, there's a 30-day period after this meeting to allow beneficiaries ample opportunity to comment on that
 - So the 30-day comment period actually goes beyond when the August Commission meeting
 - o Auntie Kanani: What date would that be?
 - o Andrew Choy: The soonest the Commission will take action on this would be September

- o Auntie Kanani: But you will receive comments until August 20th?
- o Andrew Choy: Yes, August 20th, that would be 30 days
- Auntie Kanani: Kahana, September when you preparing to present to the Commission, I
 assume you gonna be talking to Pūnana Leo regarding what you're going to be offering
- o Kahana: Yes and those terms and conditions will be in the submittal also
- o Auntie Kanani: Our licenses going by reading the annual report, your license is
 - Need more space to be able to have more students
 - Add the years, need more space and would be nice to have more time
 - Maluhia, how long a term would you folks like
- o Maluhia: Mahalo nui for asking that, Auntie Kanani
 - Certainly 10 years would be enough because like we've been saying, we're growing out of this space
 - The major concern at this time is having something until we can find another piece of land
 - Another piece of property actually
 - Not just land, we need property that we can work with
- Kahana: Along those lines, LMD was considering a 10 year, with a one-time 10 year extension on top of that
 - Total would be 20 years
- Auntie Kanani: If you plan to give them additional land or another space, will they have to have infrastructure in that space to consider to give them additional land
- Kahana: We would have to go back to the Commission to get that additional land or consider larger land
- Auntie Kanani: How do we hear where you're looking at
- Kahana: Again, as Andrew had mentioned we gotta look at land inventory and see what is available
 - I'm sure there's land available but have to figure out the priorities as far as homesteaders and community use
 - Andrew, if you can add to that
- Andrew Choy: I think Auntie was asking is how would the beneficiaries be informed of areas that the Department would be potentially considering for the school
 - Answer would be we would have to do another consultation meeting to inform everyone about a future potential area the Department might consider to bring to the school
- o Auntie Kanani: That could happen shortly
 - They need the space now
 - They've been doing good work
 - There's no question
 - Mike Hodson, how bout you speak up?
- o Mike Hodson: Not my turn, Auntie
 - I'm next on the agenda
 - Is that true, Andrew
- o Andrew Choy: You can speak when you feel comfortable speaking
- o Mike Hodson: After you pau with the presentation
- Andrew Choy: I noticed other folks on the call right now have questions

- o We are taking mana'o on your opinion on the school's request for use of Hawaiian Home Lands
- For those of you who haven't had an opportunity to talk or type into the chat, now is your opportunity
- Maluhia: Andrew, I did type in the chat, just to you, about this inventory and what might be available in
 Waimea and how long we can expect that to take
 - o That would be useful information
 - o Like I said, we went to the Commissioners in 2018 and haven't gotten a response since then
 - o Something to give us a timeline would be helpful
 - What are the next steps for us?
 - o Andrew Choy: What Kahana was saying, let's get the license for this existing site first
 - Then let's take a look at what might be available given that what we do use for a school is lands that won't be used for homesteading
 - What that means is that for lands that are close to infrastructure, the Department would prioritize that for homesteading
 - For lands that might be not serviced with infrastructure, that might be sites we might consider but would also mean there would be added costs for schools to develop the site
 - It's a conversation, would be a back and forth conversation between the Department, which would be Land Management Division (LMD), Planning, along with Kahana and myself what might be suitable lands that would not impact our ability to address the request as well as lands that might be of interest to you
 - Ksean Kekina: Mahalo for bringing that up Maluhia and we definitely look forward to having that conversation in the future after securing what is in front of us and then also looking at how we can maximize our benefit in terms of how much we're paying
 - Looking at lands that are close to infrastructure and things that are more closely ready to move into or turn key are definitely things we'd like to see so we look forward to seeing the inventory list
 - Mahalo nui
 - Andrew Choy: Just to point out, lands that are close to infrastructure, the Department would take a good look at it for homesteading opportunities first, prior to non-homesteading opportunities
- Mike Hodson: I ready
 - Andrew Choy: Okay, go ahead Mr. Hodson
- Mike Hodson: Mahalo, thank you for getting us involved
 - I appreciate the fact that as President of Waimea Hawaiian Homestead Association, obviously lands having to do within our region should be addressed by our organization
 - If you don't know, I'm the President of Waimea Homestead Association
 - I've been asked by our executive board and numerous divisional board members to address this issue
 - Everybody got it in the mail
 - Several were going to be on the call but had previous engagements
 - They not on the call, I looked who's on the call
 - I've been in communication with board members of our Association and consolidated most of the opinions and concerns they have
 - o Six major things was addressed in the two weeks of conversations I had

- July 21, 2021, 6:00 pm to 7:30 pm
 - The history of our land and the building Pūnana Leo occupies
 - They felt that was an important thing that not realizing the 'āina, not realizing the uses of our 'āina and the history of that 'āina we possess
 - o That's really important when we looking at it
 - o This is their concerns
 - Address beneficiary benefits as a condition for a license to use our regional lands
 - Percentage of beneficiary or beneficiary children in attendance
 - No longer than a 10 year license
 - No additional lands and any additional lands must be in line with the Homestead's Master Plan of Waimea Nui, an entity registered with the Department of the Interior as the first homestead association that identified lands within our region as territory lands under the ahupua'a of Waimea Nui
 - No fees, gratis
 - Emergence of our culture and language is paramount to the success of our rehabilitation in Waimea Nui
 - Hawaiian Homes Commission should be fair and equitable in comparison with other schools and / or churches using our lands
 - o Give me the time to explain what they asked me to do
 - I'm going over the history
 - The history of that land, Civilian Conservation Corp (CCC) Camp administered by the Department of the Interior and National Park Services
 - The Civilian Conservation Corp (CCC) was a work relief program that gave millions of young men employment in environmental projects during the Great Depression
 - Considered by many to be one of the most successful of President Roosevelt's New Deals
 - Started in 1933, the CCC planted more than 3 billion trees and constructed trails and shelters in more than 800 national parks nationwide during its 9 years of existence
 - Hawaiian Homes Commission Act Lands administered by the Department of Interior prior to Statehood used these lands presently occupied by Department of Hawaiian Home Lands known as Kūhiō Hale Hall
 - CCC Camp by recall of our eldest kūpuna in the village, Auntie lwa Kealamakia,
 99. told me this
 - o She was 12 when they built the camp in 1934
 - The camp consisted of quonset hut cottages in the front , an office and hall in the middle, in the back an infirmary
 - When the war broke out, the military took over the facilities in the mid 1940's
 - The late 1940's and early 1950's the cottages were used to house future lessees who were waiting for their homes to be build in Kūhiō Village
 - o The cottages were used well into the 60's

- Personal information on that, my wife's grandpa and her dad stayed at the cottages for almost 3 years before their house was built in Kūhiō Village so my wife also has personal information on that
- o The cottages have since been torn down
- The office and hall were demolished and a new office and hall built in 1975 for \$350K
 - Believe the demolition started in 1971
- The infirmary was left vacant and in 1981 Kamuela Congregational Jehovah Witness leased the property for \$400 a year
 - In 1990, it went up to \$408
 - In 1993, \$456
 - This was the last year they leased the property with the use of the infirmary building of 0.4 acres
 - Timeframe of 12 years
- In 1994, Pūnana Leo decided to expand to Waimea and lease the building for \$6000 / year
 - It stayed that way until 2001
 - In 2001, they signed a 5 year license for gratis
 - The license was extended to 2014
 - 13 years at gratis
 - In 2014, the license was extended to 2021 at a fee of \$10,800 / year or \$900 / month and this is where it stands today
- o Over the years, Pūnana Leo invested over \$100K
 - Invested over \$100K in costs with volunteer labor fixing and refurbishing the very old building, 1934 built
 - Making it useful for the education of children attending Hawaiian language school
 - An asset to our Native Hawaiian Community
 - I got that information, much of which was on the County website
 - Pulled up permits and estimated costs of construction
- Benefits
 - The Homestead is asking that a condition be placed on the license that at least 30% of enrollees of the school must be a beneficiary or from a beneficiary family
 - It's obvious that the school meets this condition every year anyway, but it's nice to have that condition in the license
 - They felt that was important
 - It shouldn't be a problem with Pūnana Leo because they meet over and beyond that condition
- o Terms and condition
 - The license should not be for more than 10 years and no additional lands
 - The beneficiary association should have a means for redress in giving a longer term lease like Kanu, 50 years
 - Gives us no say with the organization and no recourse
 - Ex: Kanu had a condition in the license that they would provide a space for the Homestead Association to have their monthly meetings

- This went on fine for the first 2 years then KKA decided to charge the Homestead \$300 / night for use of their facilities
- Statements provided to our board, we are providing a space but we didn't say it was for free in the license
- Need to make sure the license are clearly stated
- They circumvented the license and that's what happened
- We have to wait until 2061, 50 years, to address this issue
- That sounds kind of ridiculous
- No license beyond 10 years
- We can deal with 10 year increments
- The 50 year license with Kanu, that's 2 generations will be lost before the beneficiaries have a say on that land
- That's not pono
- Area comparison
 - Comparison issues brought up by Board Members
 - Pūnana Leo pays \$10,800 / year for 0.4 acres with a very old building left by the Department of the Interior and the Department of Defense, not by Department of Hawaiian Homes
 - KKA Learning 'Ohana presently has a 50 year license as of 2007 for 30 acres at gratis, free
 - KKA Learning 'Ohana has a 10 year license as of 2001 for 4.62 acres in Puu Pulehu for \$600 / year
 - KS Preschool as of 2000 has a 65 year general lease for 2 acres at gratis
- Education and Funding
 - KS is funded by the wealthiest entity in Hawai'i, Bishop Estates
 - They have more money and more land than the Hawaiian Homes Commission Trust
 - 2 acres at gratis, a Protestant school that continues to educate westernization
 - KKA operates a private charter school funded through the DOE in the arena of \$1M \$2M / year, 30 acres at gratis and follows the state educational system, the same system that indoctrinated our grandparents, our great grandparents that they were American citizens
 - KKA utilizes an additional 4.62 acres at a different Hawaiian Homes Commission Act property in Puu Pulehu for \$50 / month
 - Pūnana Leo Hawaiian immersion school is a struggling nonprofit of Native Hawaiians, initiated by Homesteaders like Kamaka Rawlins from Keohokaa Panahewa, focused on reestablishing our language and the perpetuation of our Native Hawaiian culture
 - 0.4 acres at \$900 / month
 - Like most Native Hawaiians in the community, 3 of my now adult children attended KS Kapalama so I'm not trashing them
 - One went to KKA
 - 3 of 7 grandchildren went to Pūnana Leo
 - 1 went to KS Preschool
 - These schools are utilized by our beneficiaries here in Waimea

- I point out the discrepancies in the way Pūnana Leo has been treated financially over the past 7 years, \$900 / month, is not very much to the Hawaiian Homes Commission Trust
 - o But \$900 to a struggling school, a nonprofit, is a lot
 - The school is well maintained, landscaped, and well kept at their cost
- This is my testimony
 - Why charge the preschool anything at all
 - If the purpose of your act is for the rehabilitation of Native Hawaiians, are they not a major player in that purpose
 - Is Pūnana Leo not a major player in our purpose
 - We establishing that the rehabilitation of our people starts with health, language, and culture
 - The problem with our Hawaiian people including the Commission and Department of Hawaiian Homes, we don't understand what rehabilitation means
 - The definition of rehabilitation restore someone to health or normal life by training or therapy after imprisonment, addiction, or illness
 - #2 Restore to former privileges or reputations after a period of critical or official disfavor
 - Rehabilitation don't fall within those 2 categories when you dealing with the Hawaiian Homes Commission Act
 - #3 Return, especially environment future, to its former condition
 - This is why we fought
 - Why is it that 26 years after the white community in our Kingdom, dismantled our government, restricted our language and the practice of our culture, took over the educational system in an all out effort to indoctrinate our people to make us believe that we were American citizens, took or stole everything of value in our kingdom including our lands, then abolished our government and created a new government excluding the Native Hawaiians from it, that we need to be rehabilitated
 - Now the Federal Government and also the Department of Justice concludes that
 we as Hawaiians are sovereign people because that government never included
 the Native Hawaiians and that is the government we know of today
 - Provisional government, Republic of Hawai'i, Territory of Hawai'i, State of Hawai'i
 - That government never included us
 - The question about the need to rehabilitate, were we criminals or needed to be reinserted as normal, productive citizens in our community?
 - Were we drug or alcohol addicts needed to help to conquer our addictions?
 - We're talking 26 years after the overthrow, Prince Jonah Kūhiō goes to Congress and talks about the rehabilitation of his people
 - Did we lose our reputation for something that we did wrong and needed to make amends
 - o Or was Kūhiō talking about the returning us back to who we were
 - 5 areas of rehabilitation, this coming out of the Hawaiian Homes Commission Act

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- Also created a series of funds, the purpose of one of these funds is the rehabilitation of Native Hawaiians, Native Hawaiian families and Native Hawaiian homestead communities which shall include education, economic, political, social, cultural process by which the general welfare and conditions of Native Hawaiians are thereby improved and perpetuated
- o Who were we?
 - We were socially accepted, communal people, an ahupua'a
 - We're free to practice our culture and cultural beliefs
 - We're economically solvent within our Kingdom
 - We were educated in our ways and western ways simultaneously
 - We were politically sovereign and were represented by our Kingdom of Hawaii, constitution and Kingdom government
- This is the purpose of the Act
 - You can see 26 years later, Kūhiō is talking about rehabilitating us, bringing us back to what we once were, a sovereign people, a sovereign government
 - This is what we were prior to the overthrow of the Hawaiian government
 - That is the rehabilitation that our Prince was talking about
 - Is this not obvious, the colonization and indoctrination of a foreign system being forced on our people continues today
 - 1905, they took over the educational system
 - They did this indoctrination of American citizens forcing the Hawaiian people, banning the language and the culture, forcing us to believe we're American citizens, pledging allegiance to the flag
 - Very document historical information that I don't care to go over right now but the realization is that we were never American citizens and were indoctrinated into that
- This is how I feel
 - Not personal to you, Andrew and Kahano
 - But to understand the history of our people
- The Hawaiian Homes Commission perpetuates this colonization and indoctrination process
- The repression of our people continues today
- DHHL perpetuates this colonization, indoctrination, and repression of our people even today
- The sadness I have truly is the State appointments and employees of Hawaiian Homes and the Commission are Native Hawaiians and they're pushing you to do their dirty work of colonization, indoctrination
- As Hawaiians, you can choose not to perpetuate this injustice
- I gave you the statistics and looking at the history of these schools, one school stands out like a sore thumb in the process of rehabilitation and that's Pūnana Leo
 - Bringing back our culture, bringing back our language
 - Started 30 years ago

- These are the entities that we as Hawaiians and organizations, including DHHL, was tasked with the task of helping to rehabilitate us, bring us back to what we once were, a sovereign people
- We only can do that if we continue with taking care of our health, bring back our culture, get our language spoken on a regular basis, and it's not until then that our people will not rise from this 'āina and become a sovereign people
- That is the statement of our Homestead Association
- Andrew Choy: Mahalo Mike
 - o I hope you were reading that and can send a copy of your comments to us
 - That will save us time taking notes
- Mike Hodson: Yes, I put it in writing
- Andrew Choy: Thank you
 - Other comments especially for those of you who haven't had the opportunity to share your mana'o
 - o If you're like me and a little shy, you can type in the chat box
- Kalaokahaku Akima-Akau: I wanna comment as a 3rd generation lessee of the 'Āina Ho'opulapula
 - o My grandparents were one of the first ones in Hawaiian Homes, just like Michael's in-laws
 - o 1952 lessees
 - o I was one of the women who sat in a circle how we were going to bring, restore rehabilitation, the Hawaiian language, the culture into our Waimea community
 - Also a granddaughter of a Waimea leader, Elaine Flores, who at one time, the Waimea
 Hawaiian Civic Club had the lease on that Sylva Tan Building
 - It was through them with their efforts that supported us in getting this building
 - I'm kaumaha to hear... I sat around in Pūnana Leo helping to hoʻokumu KKA
 - I went to KKA taught there for 12 years and went back to nest, Pūnana Leo
 - To hear Aha Pūnana pays a certain amount of money and our neighboring schools on the 'Āina Ho'opulapula pay close to nothing
 - o That's kind of eha
 - Mahalo Mike for bringing all of this to light
 - Inside of me is just eha loa
 - That our babies, the babies we sit with daily, look at this logo of the 'Aha Pūnana Leo, how that manu hanais, that's what we do there and we seem to be paying the most in Waimea
 - Shame, shame, shame
 - The kūpuna would say shame on you
 - o Hilahila
 - That is why we have animosity going on with some of you sitting there
 - o That's hilahila
 - I would think, now that I'm older, why wouldn't you stand pa'a behind what 'Aha Pūnana Leo wants for the betterment, for the rehabilitation of their people, what the Prince wanted
 - Mike, when I was listening to you tears came down and all I can say is pa'i kalima because you
 are right my brother, you are right
 - o I mahalo Auntie Kanani for being here because Auntie Kanani she kupa'a, she stands

- Here we have representatives of Waimea Hawaiian Civic Club too because how they stood and supported us, 'Aha Pūnana Leo stood behind KKA too
 - I'm sure big eye opener what we're paying and what KKA paying and their lease goes to what, 2061?
 - My grandmother would say shame on you guys
- Mahalo
- Andrew Choy: Other comments?
- Auntie Kanani: Question for Kahana, what's the justification for charging \$10,800 / year for 0.42 acres, for an organization that does service, rehabilitate per Mike's excellent presentation?
 - o Kahana: I'd have to look at the paperwork as far as the justification for the increase in rent
 - This was somewhere around 2011
 - I believe it wasn't gratis
 - They were paying rent before it was stepped up or extended back in 2011 for that additional 10 years if I'm not mistaken
 - Don't want to put my foot in my mouth and say something that I shouldn't have or say something that is incorrect
 - I'd like to look at the paperwork
 - o Mike Hodson: I did that, Kahana
 - I looked at the Hawaiian Homes Annual Report for the last 30 years
 - Went through every annual report looking at licenses, general leases, how it transitions
 - In the years from 2011, '12, '13, and '14, there was no report of the license, the lease, general lease or right of entry
 - Nothing was inserted about that information so that kind of was left vague and the first time it came back up was in 2014 with lease rent at 2008
 - I'm taking it from the Annual Reports so you probably have better information in your office
 - o Kahana: I can share that information once I get it
 - Mike Hodson: It was just for knowledge
 - I wanted everybody to understand where the building came from, how it started, how it came to life
 - This was an old building
 - I talked to the general contractor, Shawn Murphy, another homesteader you know
 - Denise Murphy, her husband general contractor, helped with the license and initial fixing up of a run down, broken down place
 - It's not like the Department had invested any money into that building
 - This was done by the school and the community
 - Most of the everything dedicated and volunteered, put into this 1934 building
 - You looking at 90 something year old building that the school has kept alive
 - Just wanted to make sure that we understood that
 - Kahana: Thank you, understand

- Kalaokahaku Akima-Akau: Mike, mahalo for that because you need to know the community came together, makali'i came together, nā kou puu o kala came together 1:03:25, nā kūpuna o... the DOE program, they all came together
 - And Mike is right, Shawn Murphy was the contractor said we could do what we needed to do
 - My son was one of the first students
 - We also had families in Waimea that came to help but because it took us over 2 years to get that building together and approved or licensed for children, some of these kids never even made it
 - Yes, I'm here to kako'o your mana'o, Mike
- o Maluhia: I just wanted to mahalo you, Anakala, for bringing that up and sharing with us all of that information
 - I was not aware of that as well about the other schools
 - I want to reiterate what he said
 - Pūnana Leo is the only school that is for the olelo Hawai'i and for keiki to be educated through the Hawaiian perspective
 - Based in Hawaiian values which includes our traditional knowledge, our lawena, our spirituality
 - All of those things are included in what we teach our keiki not only at Pūnana Leo but at Alo Kehau
 - Wanted to reiterate that is the difference between this school and that is a
 difference than the other schools he's talking about, not to bad mouth the other
 schools or say there's anything wrong with those schools but to show that is the
 difference, that is what sets 'Aha Pūnana Leo apart from the other schools is that
 our keiki not only learn through 'Ōlelo Hawai'i
 - They are learning perspective
 - They are learning about all of those other things, spirituality, traditional knowledge, all of that is encompassed like I talked about in the presentation, all of those groups came together to see that these students, as they continue on would be well rounded kānaka to do all of those things through 'Ōlelo Hawai'i to be even more pa'a
 - Just to clarify the question brought up about the lease
 - o Signed June 7, 2012
 - That's what I have as start of \$900 / month, where that came from
 - Mahalo
- Andrew Choy: For those of you who haven't had an opportunity to share your mana'o or ask a question, now's your opportunity
 - You don't have to, but this is a space to share your mana'o and this requested use of land so
 please, I urge you to take advantage of this opportunity
 - o If there are no other comments or questions...
- Mike Hodson: If I could address everybody once more
 - o I know we've talked about he lands with the hipa

- During this process of investigation, it's what I do, I've learned Uncle Alex, Uncle Andrew Akau, Uncle Clem Kaniho, Uncle John Kealanui, a few others was very instrumental 25-30 years ago, the land where the hipa stay, they had designed almost like a park
 - Engineered with imu, banana, ti leaves, all the things needed for the hall when people make parties and making it a Native Hawaiian Cultural Park
 - Planting our indigenous plants
 - They had a plan like that and it never came into fruition and I brought this up and as I polled our members this topic came up
 - The land you talk about has a plan
 - It's funny when I investigate and when I dig into the community, it's just amazing what pops out
 - I'm in the process of obtaining this plan that was engineered for that small piece of property, right behind the kitchen door which is adjacent to Pūnana Leo
- When I first took over the homestead about 12 years ago, they asked me to lead our people, I
 reached out into the community and asked them what they wanted me to do
 - You tell me what you want me to do
- They wanted different things
- o In our process of doing the survey, plans came out
 - I heard of plans in the 1960's for our community lands
 - There was a plan in 1979 that Auntie Kanani gave me from Jackie Pung of our community lands
 - There was a plan in 1994 by another one of our past presidents, Dan Kaniho Jr.
 - In the process of developing and looking at our community lands and identifying the needs of our community, a Hawaiian community not just beneficiaries, but our entire Hawaiian community, I found that these plans exist out there but because fell on deaf ears or we didn't know how to move it forward, these plans get pushed aside then you get situations like Kanu O Ka 'Āina
 - Not trashing the school
 - I'm a factual person, I don't take sides
 - KKA comes in with a plan without knowing there was a previous plan for our community lands and gets a 50 year general lease or 50 year license to build a school which interferes with the community plans that was done in '64, '79, '94, and now in 2011 when we came up with that
 - It's important before we consider using any lands, whether it be in Waimea or any other homestead area, that deep research needs to be made with the community, with the beneficiaries to see if there are plans out there
 - Not every homesteader, very few actually, look how much beneficiaries on this meeting
 - We get 400 members, beneficiary members on our homestead association
 - You get 536 lessees that you mailed out to and how many beneficiaries are on this call
 - Our Hawaiian people are not ma'a to this system
 - Not ma'a to speak

Beneficiary Consultation: Waimea 'Aha Pūnana Leo Preschool Request Virtual Beneficiary Consultation Meeting July 21, 2021, 6:00 pm to 7:30 pm

- We need to take time to investigate, inquire, and research and do what I just did
 - Seek out our kūpuna
 - Gather that information and knowledge so that we don't rush into this is what we like do so we going put up this
 - Understand where the community comes from
 - Maybe you interfering with other ideas and that's why you get hakaka
- That's not how a Hawaiian community should be
 - As an ahupua'a we all supposed to be one
 - Waimea Nui, through the homestead, is in the process of making us one, one ahupua'a with different divisions or arms of the one entity so that all Hawaiian organizations within Waimea Nui know what everybody doing so instead of us clashing, arguing, or stepping on top of each other, we actually work together and collaborate with one another so we pono in our community the way ahupua'a's was before
 - We talk about being Hawaiian but we live the colonization of the western system and we fail to realize that we need to be pono with one another and know what everyone in the Hawaiian community is doing so we can collaborate and work with each other
 - Every Hawaiian organization in Waimea should've been on this call because that's another Hawaiian organization that is perpetuating the rehabilitation of our people, to bring us back to what we once were, was sovereign people
 - All the Hawaiian organization throughout Waimea, I can count 20 25 of them, all should be on this call because we should have all the same mission on what Kūhiō stated on rehabilitation, bring us back to what we once were
 - Socially acceptable
 - Free to practice our culture
 - Economically sound
 - Most highly educated people
 - Politically sovereign
 - We not going do that if we fighting with each other, if we just focused on ourselves and not focused on everyone around us
 - I not going be waha nui and just say that, that's why I'm on this call because this is a Hawaiian organization, grassroots, came from homesteaders to perpetuate our culture, perpetuate our language, the very mission of the beneficiary organization of the homestead
 - Same mission
 - We gotta stand together
- That's what I wanted to finish with
- Mahalo everybody

Beneficiary Consultation: Waimea 'Aha Pūnana Leo Preschool Request Virtual Beneficiary Consultation Meeting July 21, 2021, 6:00 pm to 7:30 pm

- Andrew Choy: Mahalo for that, Mike
 - o If there are no other comments, I can't think of a better way to end the meeting
 - Next steps
 - 30 day comment period that we allow beneficiaries additional time to comment on a proposal
 - That comment period starts tonight and ends on August 20, 2021
 - For those of you in the Waimea community who know of other people interested in this topic and wanted to weigh in but were unable to participate on zoom tonight due to competing priorities, please let them know there is still additional opportunities to comment and share their mana'o on this topic
 - Email comments to dhhl.planning@hawaii.gov
 - We will be receiving comments via email up until August 20th
 - This meeting will be posted on the DHHL website
 - Same location as the page you used to log into the meeting
 - If people didn't have the opportunity to participate tonight wanted to watch tonight's conversation, they can do so on the DHHL website
 - After the comment period is pau, we'll be taking a Beneficiary Consultation Report, which is just a fancy way of saying that we will be summarizing the comments we heard tonight for the Hawaiian Homes Commission so they have information about what beneficiaries in the region are thinking about regarding this proposal so they will take that into consideration when the Department seeks Commission approval for 'Aha Pūnana Leo's license request
 - We hope to take both the Consultation report and ask for Commission approval in September of this year
 - With that I'd like to mahalo nui everyone for taking time from their busy schedules to share your mana'o on this proposed use of HHL
 - o Auntie Kanani, you had your hand up
- Auntie Kanani: I'd like to thank you for the hand and the Department for making this consultation available
 - o It's very valuable
 - I enjoy attending and participating
 - I really appreciate the opportunity to hear others and the mana'o from each one that has presented
 - It's very valuable
 - o I'm happy to see others that have not participated have the opportunity to watch on the website
 - o Thank you very much
- Andrew Choy: Thank you Auntie and it's nice to see you
 - o Haven't seen you as much in the last year because I haven't travelled
- Auntie Kanani: Thank you
 - Nice to see you
- Andrew Choy: On that note, thank you everyone again and have a good evening
- Michael: Andrew, can you text me to make sure you got my email
 - Andrew Choy: Okay

Beneficiary Consultation: Waimea 'Aha Pūnana Leo Preschool Request

Virtual Beneficiary Consultation Meeting

July 21, 2021, 6:00 pm to 7:30 pm

Chat

- Kuulei Keakealani 24:48
 - o Aloha mai, 'O au 'o Ku'ulei Keakealani. I am a DHHL beneficiary as well as one of the original staff members of Punana Leo o Waimea.
- Peter Albinio 25:16
 - Kahana Albinio DHHL LMD
- Edith Kawai & Maulili Dickson 29:05
 - Please mute
- iPadiojo 46:37
- I agree on the \$100: School needs more land space for population of growing school. Mahalo.Good job on the presentation!.
- Kalaokahaku Akima-Akau 01:10:18
 - Auwē!
- Kalaokahaku Akima-Akau 01:29:37
 - He aha kāna?
- Kalaokahaku Akima-Akau 01:36:13
 - On point Mike!!
- Kalaokahaku Akima-Akau 01:37:36
 - Mahalo iā 'oe e Mike
- Edith Kawai & Maulili Dickson 01:38:33
 - Mahalo for allowing us to attend this crucial meeting.
- OHANA WHITTLE 01:41:11
 - o Mahalo nui

Synthesis

Community Member Questions & Answers from the Department

- Q: Pictures shown of the land that encompasses the current or to be the new license, is that the 0.42 acres?
 - Correct, that is the current site and that is the existing site they have right now and the site we hopefully will continue with the new license. It's not survey, it's approximate measurement.
- Q: One of my questions is, as one of the original staff and group of people who came together to ho'okumu, ho'omaka and dig in to start 'Aha Pūnana Leo o Waimea, I recall the pasture. On the map you will see it, a little holding for sheep (hipa). The sheep certainly helped some of our kamali'i in the mornings with separation anxiety who didn't want to leave their mommy or daddy or whomever dropped them off. Most of our children came from Waimea and was very ma'a to seeing sheep outside the window. Helped to ease for the children who had separation anxiety, looking out and peering out to the hipa or walking them out to the fence to see the sheep helped in their transition and ease into school. Knowing the expansion and the need for potential expansion as the children numbers increase which is a blessing, is there a potential to assume a portion or all, not sure, Maluhia, if still is a hipa pen. Before was John Bore, it was his sheep

Beneficiary Consultation: Waimea 'Aha Pūnana Leo Preschool Request

Virtual Beneficiary Consultation Meeting

July 21, 2021, 6:00 pm to 7:30 pm

and others along the years have utilized that. Any possibility or thought to be able to utilize some of what was that sheep pen?

- From Land Management Division (LMD) side, I don't want to say yes or no. Something we can explore; bring to the commission and have them make the consideration whether to allow for that. That's where we are with that. Right now, it's getting the license through. If and when it gets through and issued, then we can continue that discussion and explore that opportunity.
- Q: The license that just ended was for 20 years. Our license is only for 20 years? I see other schools have much longer licenses and even don't pay. What is being considered?
 - Our recommendation is to continue as the initial license was for 10 years, with an additional 10 year period -- total of 20 years.
- Q: When will we be able to get an answer as to if there is somewhere in Waimea that would be able to switch properties that might be able to accommodate a growing Hawaiian language school?
 - We'd have to look at our inventory and see what is designated for homesteading and what areas are not that might be suitable for you folks' needs. For that, we'd have to do another beneficiary consultation.
- Q: What are the steps you gonna take to be able to initiate the new license?
 - Per our beneficiary consultation process, there's a 30-day period after this meeting to allow beneficiaries ample opportunity to comment until August 20. So the 30-day comment period actually goes beyond the August Commission meeting. The soonest the Commission will take action on this would be September. We will be in contact with Pūnana Leo regarding the terms and conditions we are offering and those will also be in the submittal.
- Q: How would the beneficiaries be informed of areas that the Department would be potentially considering for the school?
 - Answer would be we would have to do another consultation meeting to inform everyone about a future potential area the Department might consider to bring to the school
- Q: What inventory might be available in Waimea and how long we can expect that to take? We
 went to the Commissioners in 2018 and haven't gotten a response since then. Something to
 give us a timeline would be helpful. What are the next steps for us?
 - Let's get the license for this existing site first. Then let's take a look at what might be available given that what we do use for a school is lands that won't be used for homesteading. What that means is that for lands that are close to infrastructure, the Department would prioritize that for homesteading. For lands that might be not serviced with infrastructure, that might be sites we might consider but would also mean there would be added costs for schools to develop the site. It's a conversation, would be a back and forth conversation between the Department, which would be Land Management Division (LMD) and Planning regarding might be suitable lands that would not impact our ability to address the request as well as lands that might be of interest to you.
- Q: What's the justification for charging \$10,800 / year for 0.42 acres, for an organization that does service, rehabilitate?
 - o I'd have to look at the paperwork as far as the justification for the increase in rent. This was somewhere around 2011. I believe it wasn't gratis. They were paying rent before it was stepped up or extended back in 2011 for that additional 10 years if I'm not mistaken. I can share that information once I get it.

Beneficiary Consultation: Waimea 'Aha Pūnana Leo Preschool Request Virtual Beneficiary Consultation Meeting July 21, 2021, 6:00 pm to 7:30 pm

Community Member Feedback

- Concern About the Rent that 'Aha Pūnana Leo is Paying -- rent that the school is paying should be free or heavily decreased, especially given the fact that neighboring schools pay close to nothing.
- Desire for More Space -- current site does not allow for a desired increase in students, including an expansion in grades, due to space and bathroom limitations.
- Interest in Current Inventory and Availability -- requests regarding other options have gone unanswered and an ongoing interest in what might be possible given other potential lands under the Department's purview, which should align with current regional, departmental, and homestead plans.
- Increased Term -- ask for more time for the school's license, potentially ten years, to allow time for a search for a new space and property.
- Gratitude for 'Aha Pūnana Leo -- as a school that teaches in 'Ōlelo Hawai'i from a Hawaiian perspective and based in Hawaiian values, traditional knowledge, and spirituality.
- Benefits to Waimea Beneficiaries -- consideration for lease conditions given the current location on Waimea beneficiary lands, such as percentage of beneficiary or beneficiary children in attendance.
- Acknowledgment of Community Investment -- existing building and site benefited from volunteer time and labor from the community over the years.
- Alignment with Existing Beneficiary Plans and Needs -- steps going forward and interactions with other entities in a homestead beneficiary region should understand where the community is coming from and align with current regional, departmental, and homestead plans and related needs of beneficiaries from the region to avoid interfering with the community's vision for itself.
- Opportunity for Rehabilitation -- this situation is one opportunity for Hawaiian organizations throughout the region to come together, stand together, and collaborate to pursue a shared mission to bring Hawaiians back to being sovereign people.

From: Michael Hodson
To: DHHL.Planning

Subject:[EXTERNAL] Punana Leo LicenseDate:Wednesday, July 21, 2021 7:24:36 PMAttachments:Ben Consultaion punanaleo 7-20-21.docx

See Attached

mike Hodson

Aloha Hawaiian Homes Commission!

I am Mike Hodson, President of Waimea Hawaiian Homesteaders' Association. I have been asked by our executive board, and numerous divisional boards to address this issue. I have been in communication with our board members and members of our association and have consolidated most of the opinions and concerns they have.

- 1. History of our land and the building that Punana Leo occupies.
- 2. Address Beneficiary benefit as a condition for a license to use our Regional Lands. (% of beneficiary or beneficiary children in attendance)
- 3. No longer than a 10 year License
- 4. No additional lands must be in line with WHHA master plan of WN, registered with DOI as the first HBA, identifying lands within our region as territorial lands under the Ahupuaa of WN.
- 5. No fees "Gratis". The emergence of our culture and language is paramount to the success of our rehabilitation in Waimea Nui!
- 6. HHC should be fair and equitable in comparison with other schools and or churches using our lands.

HISTORY:

CCC Camp Administered by DOI - NPS

The Civilian Conservation Corps (CCC) was a work relief program that gave millions of young men employment on environmental projects during the Great Depression. Considered by many to be one of the most successful of Roosevelt's New Deal programs started in 1933, the CCC planted more than three billion trees and constructed trails and shelters in more than 800 parks nationwide during its nine years of existence. HHCA lands administered by the DOI used these lands presently occupied by DHHL known as Kuhio Hale Hall.

CCC Camp by recall of our eldest Kupuna in the village, Aunty Eva Kealamakia, 99, stated that she was twelve when they built the camp in 1934. The camp consisted of Quonset hut cottages in the front, an office and Hall in the middle, and to the back an infirmary. When the war broke out, the military took over the facilities until the mid 40's. In the late 40's and early 50's, the cottages were used to house future

lessees who were waiting for their homes to be built in Kuhio Village. The cottages were used well into the 60's.

The cottages have since been torn down, the Office and Hall was demolished and a new office and hall built in 1975 for 350k dollars. The infirmary was left vacant, and in 1981, Kamuela Congregation of Jehovah Witness leased the property for \$400 a year and in 1990 it went up to \$408., then in 1993 to \$456. This was the last year they leased the property with the use of the infirmary building (.4 acres).

In 1994 Punana Leo decided to expand to Waimea and leased the building for \$6,000 a year, and it stayed that way until 2001. In 2001 they signed a 5-year license for gratis! The license was extended until 2014 (13 years at gratis). In 2014 the license was extended to 2021 at a fee of \$10,800 a year or \$900 a month and this is where it stands today.

Over the years, the school invested over \$100,000 in cost with volunteer labor fixing and refurbishing the very old building, making it useful for the education of the children attending the Hawaiian language school. An asset to our Native Hawaiian Community!

BENEFITS:

The homestead is asking that a condition be placed on the license that at least 30% of enrollees of the school must be a beneficiary or from a beneficiary family. (I believe the school meets this condition every year anyway)

TERMS & CONDITIONS:

This License should not be for more than 10 years and no additional lands. The Beneficiary Association should have a means for redress, and giving a longer term license like Kanu O Ka Aina (50 years) gives us no say with the organization and no recourse! Example: Kanu had a condition in the license that they would provide a space for the homestead association to have their monthly meeting. This went on fine for the first two years, then Kanu decided to charge the homestead \$300.00 a night for the use of their facility. Statement provided "We are providing the space, but we didn't say it was for free in the License"

We have to wait until 2061 to address this issue! Doesn't that sound ridiculous! "No License beyond 10 years"!!!

COMPARISON:

Lease Rent:

Punana Leo pays \$10,800 a year for the use of .4 acres with a very old building left by the Dept of Interior and Dept of Defense.

Kanu o Ka Aina Learning Ohana presently has a 50 year license as of 2007 for 30 acres at **GRATIS**.

Kanu o Ka Aina Learning Ohana has a 10 year license as of 2001 for 4.62 acres in Puu Pulehu for \$600 a year.

Kamehameha Preschool as of 2000, has a 65 year general lease for 2 acres for **gratis**

Education & Funding:

Kamehameha Schools is funded by the wealthiest entity in Hawaii, Bishop Estates. They have more money and more land than the HHC Trust. 2 acres at "gratis", a protestant school that continues the education of westernization.

Kanu O Ka Aina Ohana operates a Public Charter school and is funded through the Department of Education in the arena of 1 to 2 million a year. 30 acres at "gratis" and follows the State Education system, the same system that indoctrinated our grandparents and great-grandparents that they were American Citizens

Kanu O Ka Aina Ohana utilizes an additional 4.62 acres at a different HHCA property in Puu Pulehu for **\$50 a month**

Punana Leo Hawaiian emergence school is a struggling nonprofit, of Native Hawaiians, focused on re-establishing our language and the perpetuation of our native Hawaiian culture .4 acres at \$900 a month.

Like most native Hawaiians in the community, 3 of my now adult children attended Kapalama Kamehameha Schools, and one went to Kanu O ka Aina. 3 of 7 grandchildren went to Punana Leo, and one went to Kamehameha pre-school. These schools are utilized by our beneficiaries here in Waimea Nui!

I point out the discrepancy in the way Punana Leo has been treated financially over the past 7 years. \$900 a month is not very much to the HHC trust, but \$900 to a struggling school is a lot! The school is well maintained and the landscape is well kept at their cost!

TESTIMONY of President Mike Hodson

WHY?

Why charge the pre-school anything at all!

If the purpose of the ACT is for the rehabilitation of the native Hawaiians, are they not a major player in the purpose.

What is rehabilitation:

- 1. restore (someone) to health or normal life by training and therapy after imprisonment, addiction, or illness.
- 2. restore (someone) to former privileges or reputation after a period of critical or official disfavor.
- 3. return (something, especially an environmental feature) to its former condition.

Why is it that 26 years after the white community in our Kingdom, dismantled our government, restricted our language and the practice of our culture, took over the education system and in an all-out effort to indoctrinate our people to make us believe that they were American citizens, took (stole) everything of value from our kingdom, and then abolished our government and created a new government excluding the native Hawaiians from it, that we needed to be rehabilitated?

Were we criminals and needed to be reinserted as normal productive citizens in the community?

Were we drug or alcohol attics and needed help to conquer our addictions?

Did we lose our reputation for something we did wrong, and needed to make amends?

OR, was Kuhio talking about returning us back to who we were?

Five areas of rehabilitation:

The HHCA also created a series of funds. The purpose of one of these trust funds is the "rehabilitation of native Hawaiians, native Hawaiian families, and Hawaiian homestead communities," which shall include "the educational, economic, political, social, and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved and perpetuated."

Choy, Andrew H

From:

Kanani Kapuniai dakkapuniai@gmail.com>

Sent:

Monday, August 23, 2021 5:34 PM

To:

Choy, Andrew H

Subject:

[EXTERNAL] Fwd: Kauhale 'Ōiwi o Pu'ukapu program info to share with Homestead

Attachments:

Kauhale Oiwi o Puukapu Final.pdf

FYI

To include in the Consultation Packet, for general information.

Please let me know whether you received everything, including the pictures.

Thank you!

K Kapuniai

----- Forwarded message -----

From: Kanoa Castro Date: Mon, Aug 23, 2021 at 4:52 PM

Subject: Kauhale 'Ōiwi o Pu'ukapu program info to share with Homestead

To: Kanani Kapuniai Contaka a like Octra keeni

Cc: Taffi Wise (Company), Keomailani Case

Aloha Aunty Kanani,

Please see the attached PDF to share with the homestead association.

Mahalo

Kanoa Castro

Po'okumu, Kanu o ka 'Āina NCPCS

808-690-2542

(2010) (2010) (2010) (C)

TENNISH SELECTION SELECTION OF THE SELEC

64-1043 Hiiaka St., Kamuela, Hi. 96743

M. Kanani Kapuniai Friends of the Future

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a 501c3 nonprofit organization dedicated to creating trust and harmony

Exhibit E

PLANNING OFFICE DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Andrew H. Choy, Acting Planning Program Manager

SUBJECT: Accept the Beneficiary Consultation Report for the Kamehameha Schools' Request to Utilize DHHL Land for a Pre-School, Keaukaha, Hilo, Hawai`i Island (TMK No.

(3)-2-1-013:157 (por.) & 158 (por.)

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) accept this Beneficiary Consultation Report as the official public record of beneficiary input and feedback relative to the Kamehameha Schools' request to utilize Hawaiian Home Lands for a Pre-School, Keaukaha, Hilo, Hawai`i Island.

DISCUSSION

Background

Kamehameha Schools is seeking a new long-term license agreement with DHHL to continue to operate its Keaukaha Pre-School at the current location on DHHL land adjacent to the DHHL East Hawai`i District Office (EXHIBIT A Location Map). The site was licensed under License Agreement No. 759 to Kamehameha Schools since July 1, 2011. The previous license agreement had an initial 5-year license term expired in June 30, 2016, then amended for an additional 5-year period which expired on June 30, 2021. The HHC approved a month-to-month ROE at is June 2021 HHC meeting and directed DHHL staff to conduct a beneficiary consultation on a new long-term license per DHHL's Beneficiary Consultation Policy.

The DHHL recognizes that meaningful, timely, and informative beneficiary consultation is necessary for the successful formulation and implementation of its policies, programs, and projects. In 2009, the HHC adopted a Beneficiary Consultation (BC) Policy (Policy). The purpose of the Policy is to ensure that appropriate beneficiary consultation processes

and activities are incorporated into DHHL's planning and decision-making. The Policy requires BC for four types of proposals: 1) Statewide Policy Issues, 2) Amendments to Land Use Designations, 3) Development of DHHL Plans and 4) Proposed long-term use of DHHL lands for non-homesteading uses.

The request by Kamehameha Schools' for a long-term license to utilize DHHL land for its Pre-School in Keaukaha constitutes a proposed long-term use of DHHL lands for a non-homesteading use. Beneficiary Consultation is required prior to the HHC taking action on the organization's request. Subsequently, a beneficiary consultation meeting was held on July 28, 2021 with DHHL beneficiaries that reside in Hilo on Hawai`i Island. Because of the COVID-19 pandemic, the meeting was held on the Zoom virtual meeting platform.

Beneficiary Consultation Process

The proposed use of Hawaiian Home Lands went through the following steps prior to the BC to ensure that beneficiaries were informed about the opportunity to provide feedback on the legislative proposal.

STEP 1. THE PROPOSED ACTION IS DESCRIBED:

Kamehameha Schools' is requesting a new long-term license from DHHL to continue its pre-school program that is currently located on DHHL lands in Keaukaha next to the DHHL East Hawai'i District Office.

STEP 2. BENEFICIARIES WERE NOTIFIED OF OPPORTUNITIES TO CONSULT

Due to health and safety precautions from the COVID-19 pandemic, the Department conducted a beneficiary consultation meeting utilizing the Zoom virtual meeting platform with DHHL beneficiaries that reside in Hilo on the island of Hawai`i.

- 1. Approximately 1,025 postcards were mailed to all homestead lesses in the Hilo area. [Exhibit B]
- 2. Approximately 1,400 postcards were mailed to all waitlist applicants that have a 96720 zipcode in their mailing address. [Exhibit B]

STEP 3. PRESENTATION MATERIALS FOR ALL MEETINGS ARE AVAILABLE FOR FEEDBACK:

DHHL created a webpage to disseminate information and provide easy access to information related to this request, including:

- 1. Weblink to the BC meeting and recording;
- 2. Meeting notes from the July 28, 2021 beneficiary consultation meeting

The webpage for this consultation meeting can be found here:

https://dhhl.Hawai`i.gov/po/Hawai`i-island/keaukaha-kamehameha-school-preschool-request-long-term-lease/

STEP 4. COMMENTS ARE COMPILED INTO MEETING REPORTS:

The following table and data below captures the level of participation and engagement at the July 28, 2021 consultation and subsequent 30-day comment period:

Table 1: Summary of Beneficiary Participation

Beneficiary	Estimated	No. Self-ID	No. of
Consultation	Attendance	as DHHL	Questions
Meeting		Beneficiaries	and/or
			Comments
July 28,			
2021	15	6	5
Written			
Comments			
Submitted			
during the			1
30-Day			
Comment			
Period			
TOTAL	15	6	6

BC attendees did not sign a physical sign-in sheet due to their participation via a virtual online platform. Instead, attendees were asked to sign-in to the "Chat-box" on Zoom and self-identify whether or not they were a DHHL beneficiary. However, it is uncertain whether all attendees complied with the request to sign-in. Also, there may have been multiple people participating from a single computer or mobile device. Therefore it is difficult to determine the exact amount of participants during the meeting.

As reflected in Table 1, approximately 15 people attended the virtual meeting on July 28th. Approximately 40 percent of the meeting participants self-identified as a DHHL beneficiary. In addition to comments received at the beneficiary consultation meeting, one additional comment was received from one individual during the 30-day comment period.

The following exhibits reflect BC meeting notes, participant opinions and/or comments:

- 1. Exhibit D July 28, 2021 Meeting Notes
- 2. Exhibit E July 28 August 27, 2021:
 Correspondence submitted during the 30-day Comment
 Period

Summary of Beneficiary Comments:

In summary, all of the beneficiaries that participated in the consultation process supported Kamehameha Schools' request to utilize DHHL land for a Pre-school in Keaukaha. In addition, there was one specific comment about the need for more commercial areas within the Keaukaha community to support community economic development. There was no opposition voiced from beneficiaries during the consultation process regarding Kamehameha School's license request.

Support for granting Kamehameha School's License Request

Beneficiaries that expressed support for Kamehameha School's request to continue to utilize DHHL land for a Preschool supported the land use request because of the early childhood educational opportunities Kamehameha Schools has provided to DHHL beneficiaries families over the course of many years.

"I am a lessee in Keaukaha and my grandchildren and children have attended Kamehameha. I love it. Wonderful program, wonderful teachers / kumus that have taken care of my children throughout the years, so thank you so much."

DHHL should consider commercial areas within the Keaukaha community to support community economic development

There was one comment from a Keaukaha lessee regarding the need for more opportunities within the Keaukaha community for commercial activities to foster community economic development. The comment was not related to the Kamehameha Schools' land use request.

"Some of my thoughts going into this meeting, thought of what the land was used for before. You said was for non-residential lease. Growing up, Keaukaha Store was there and they had a Rec Center along with Hawaiiian Homes Office. That was all next to the gym. Listening to Uncle Pat and what he talked about, they

used to have the store there and it was a community money generating venture that the community had going at one point."

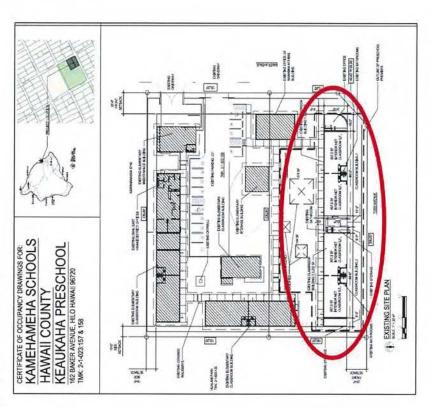
The terms of a future license agreement are more fully discussed in the corresponding Land Management Division Agenda Item for the HHC's consideration.

Recommendation

Staff respectfully requests that the Hawaiian Homes Commission approves the recommended motion as stated.

Map of Area Requesting

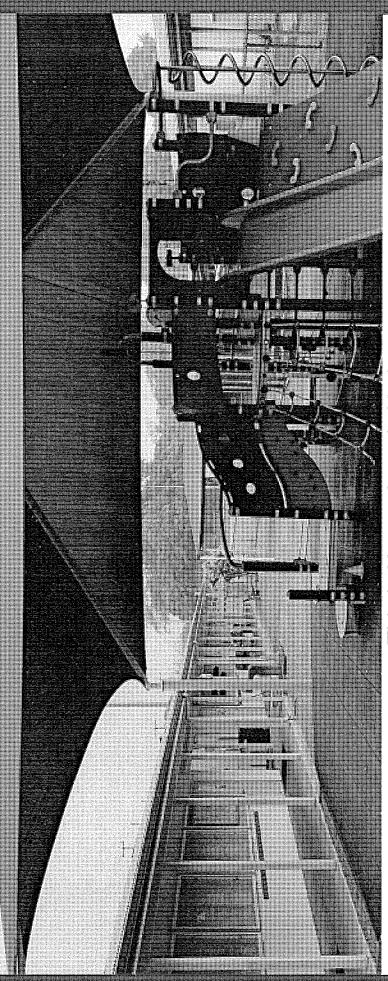




DOLOU ARY COLOUR



Kamehameha Schools Preschool License Request to Use DHHL Lands, Keaukaha, Hawai'i Island



This is Not an Awards Notice

dhhl.hawaii.gov/po/hawaii-island

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Beneficiary Consultation Virtual Meeting

Kamehameha Schools Preschool request for long-term license Hilo, Hawai'i Island

Wednesday, July 28, 2021 6:00 p.m. to 7:30 p.m.

Meeting Purpose:

Collect beneficiary mana'o on the Kamehameha Schools Preschool request for long-term license to use DHHL land.

Join the Virtual Meeting:

dhhl.hawaii.gov/po/hawaii-island

Questions? dhhl.planning@hawaii.gov



Department of Hawaiian Home Lands P.O. Box 1879 Hon, HI 96805



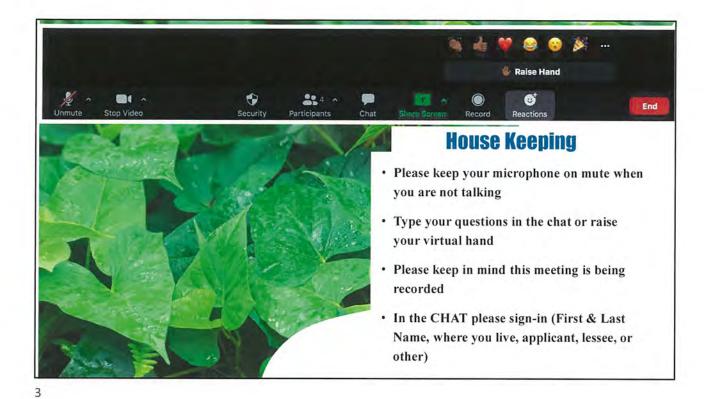
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Meeting purpose

• To collect DHHL beneficiary feedback on proposed long-term use of DHHL land by the Kamehameha Schools for a Pre-school

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ITEM G-2 EXHIBIT C



Meeting Kuleana

- Be respectful of the person talking please do not interrupt the person that is talking;
- Wait for the facilitator to call on you or type your question into the chat box;
- When addressing other participants (verbally or in the chat box), be respectful, show aloha, treat others how you would like to be treated;
- Agree to disagree accept that others may have different perspectives and opinions;
- Have an open mind take home new ideas or new information.

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DHHL Beneficiary Consultation Policy

- Beneficiary Consultation is required for four types of proposals that require Hawaiian Homes Commission approval
 - Statewide Policy Issues
 - Amendments to Land Use Designations
 - Development of DHHL Plans
 - Long-term use of DHHL land for a non-homestead use

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Tonight's Agenda

- Welcome & Introductions
- · Presentation by Kamehameha Schools
- Beneficiary Questions on Presentation
- Beneficiary Mana'o on Proposed Use of DHHL Lands
- Next-Steps

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Meeting purpose

• To collect DHHL beneficiary feedback on proposed long-term use of DHHL land by Kamehameha Schools

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Our Background and Context

Princess Bernice Pauahi Bishop

 Carry out Pauahi's will in perpetuity through the education of the Native Hawaiian people.

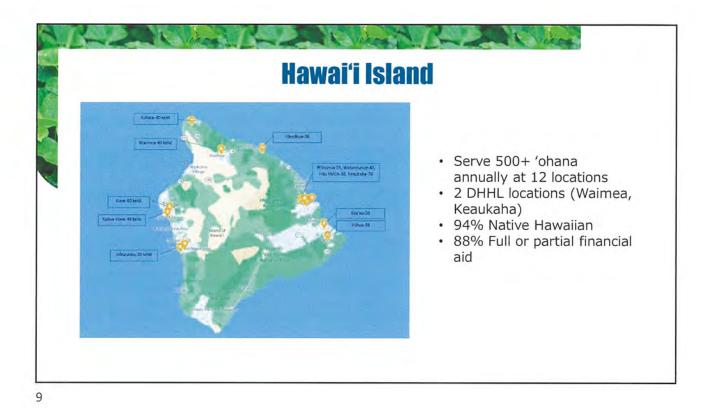
Preschool Education

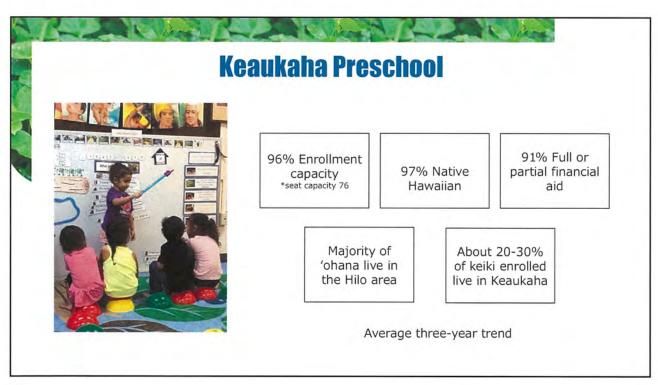
 Nā Kula Kamali'i builds 'ōiwi leaders by providing a strong educational foundation delivered through Hawaiian Culture-Based Education that achieves E Ola!

'Ohana we serve

- Serve about 1600 annually in 29 locations across the state
 - 8 DHHL locations
- · 78%+ are on financial aid
- · 95% Native Hawaiian

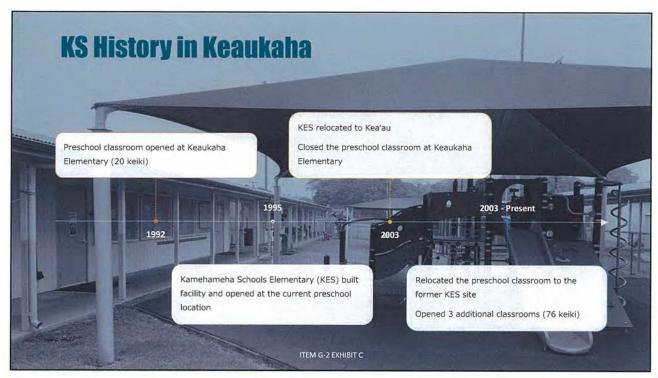
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Activities to be Conducted on Site

Preschool program for keiki 3-4 years old

- Program hours 7:00am 5:00pm, Monday through Friday
- · Occasional after hours and weekend

'Ohana engagement activities

 Parent-child activities, parent meetings, parent-teacher conference, workshops

Special events

- Founder's Day, Aloha Ceremony
 Staff activities
- · Training and professional development

For health and safety, 'ohana activities and special events will be virtual until further notice.



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Benefit to Beneficiaries

- Provide high quality, culture-based preschool experience that supports the development of the whole child (physical, social and emotional, cognitive, spiritual, cultural).
 - Support connection to culture
 - o Academic readiness for kindergarten
 - Social and emotional well-being of keiki and 'ohana
- Affordable and accessible preschool education in the community.
- Full day preschool program for working 'ohana.
- Staff participation and engagement with other community programs.
- · Maintenance and upkeep of the facility.

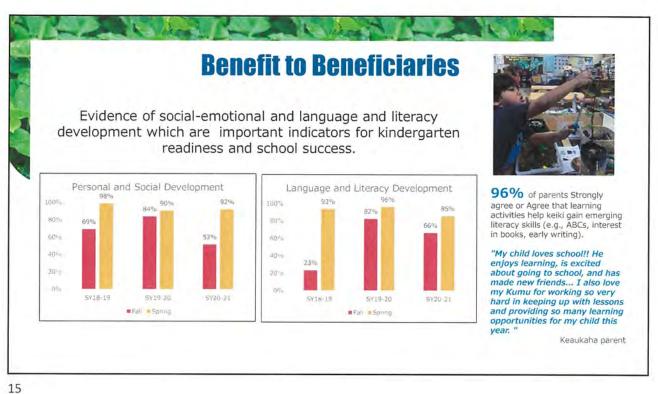


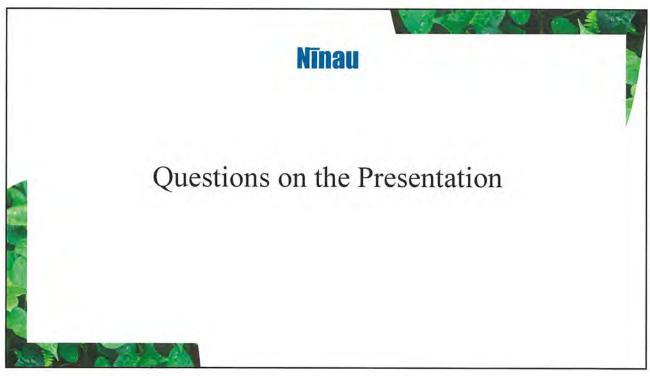
97% of parents Strongly Agree or Agree that the program is teaching keiki about their cultural identity through sense of place.

"Just being able to do preschool at home during this COVID time was the biggest takeaway. In the short time keiki met in zoom, they learned what it means to be alaka"i, mele, stories, alphabets, math, art, and more. We really enjoyed it..."

Keaukaha parent

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Mana'o

Comments and Feedback on the Proposed
Use of DHHL Land as a Pre-school by
Kamehameha Schools

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Next-Steps

 30-Day Beneficiary Consultation Comment Period (July 28 to August 27)

Email comments to: dhhl.planning@hawaii.gov

 Beneficiary Consultation Report to the Hawaiian Homes
 Commission and Seek Commission Approval on License Request (September)

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ITEM G-2 EXHIBIT C

Beneficiary Consultation: Keaukaha Kamehameha School Preschool Land Use Request Virtual Beneficiary Consultation Meeting July 28, 2021, 6:00 pm to 7:30 pm

Background

Background information: The Department of Hawaiian Home Lands (the Department or DHHL) will be holding a beneficiary consultation meeting regarding the Kamehameha Schools Preschool's request for a new long-term license from the Department to continue their preschool program. The preschool is currently located on DHHL lands in Keaukaha next to the DHHL East Hawai'i District Office. The purpose of the meeting is to provide information to beneficiaries about the Kamehameha Schools Preschool's request for a new license and provide beneficiaries an opportunity to provide input and feedback on the license request.

Notes of Q&A (Beginning at 24:08 of recording)

- Hans Mortensen: My name is Hans Mortensen
 - I am a lessee in Keaukaha and my grandchildren and children have attended Kamehameha High School here
 - o I love it
 - Wonderful program, wonderful teachers / kumus that have taken care of my children throughout the years so thank you so much
 - Question: how long is the long term lease being asked for at this time?
- Andrew Choy: Thank you for that question, Hans
 - The question is how long is the lease that Kamehameha Schools (KS) and the Department is looking at
 - We haven't finalized everything, until we get through the beneficiary consultation
 - Kahana, did you have any opening thoughts on what the terms of the preliminary license would be?
 - Kahana: Looking at 5 years for the initial term, with a 5 year extension, so total 10 years
- Andrew Choy: Thank you, Kahana
 - Other questions?
 - o If you don't have questions, you can share your mana'o like Hans
 - Please feel free to talk
- Hans Mortensen: I have another thought
 - Some of my thoughts going into this meeting, thought of what the land was used for before
 - You said was for non-residential lease
 - Growing up, Keaukaha Store was there and they had a Rec Center along with Hawaiiian Homes
 Office
 - That was all next to the gym
 - Listening to Uncle Pat and what he talked about, they used to have the store there and it was a community money generating venture that the community had going at one point
 - o I'm not here to advocate for Keaukaha Community Association or Ke Ana La'ahana (KAL) or Ka 'Umeke Kā'eo (KAK) or other nonprofit groups that may be in the community
 - My initial thought coming into the meeting was several things
 - KS is doing a great job for our children and community there
 - The thought that comes to my mind is these other entities in the community may not have easy time

Beneficiary Consultation: Keaukaha Kamehameha School Preschool Land Use Request Virtual Beneficiary Consultation Meeting

July 28, 2021, 6:00 pm to 7:30 pm

- Being able to find non-residential land use within your community is very difficult because it's more residential lease options
- Lease would be out in Waikia area, Kanoelehua Industrial Area by Walmart those areas
- Within community it's jammed
- I'm not saying that's what other entities could use, but that is an option for other groups
- I believe Ke Ana has a few rooms over there
 - KAL just did 7 years and I'm not sure who else was looking to possibly put in a bid to use the facilities because its become availab
 - For example, KAK, other non profits
 - KCA had property they could use
- My thoughts is KS has lands here and there and they have money vs other entities within the Hawn community may not have access lands and want to build something in the area or use the property to benefit the community
- That was some of my thoughts
- Not trying to push for any group, just leaving that open but at same time think the school is doing a wonderful job
 - Just thought of those things
 - If there were opportunities for the community to do something with it
- Andrew Choy: Mahalo, Hans, for sharing your mana'o
 - Other folks that would like to share their mana'o or ask a question at this time?
- Waialeale Sarsona: Hans, I appreciate your comment and wasn't sure if you were aware that we've been supporting charter schools for about 20 years
 - That's something else I do besides supporting preschools at KS
 - Particularly supporting KAK as well as KAL
 - We definitely support community based organizations
 - I love charter schools
 - My kids are from charter school world
 - Anyway we can support them to see them thrive because those are what maybe your grandchildren might attend if not Keaukaha Elementary so we want to continue to support them as well in the community
- Andrew Choy: Mahalo, Waialeale
 - o I might have to start calling on people
 - Angie did you have any comments or questions
 - Going in alphabetical order
- Angie Cabreira: I'm a kumu at the preschool
 - I just want to say is one thing I really love about having the school in the community is we have families that walk to our school or their caregivers / family members all live in that area so it's easy for them to bring their keiki to school or pick them up from school
 - Before COVID hit, there was a lot of community happening when parents would drop off or pickup their keiki and it's just a beautiful thing to see and I'm honored to work there and blessed to be in that community
 - o That's all
- Andrew Choy: Mahalo, Angie

Beneficiary Consultation: Keaukaha Kamehameha School Preschool Land Use Request Virtual Beneficiary Consultation Meeting

July 28, 2021, 6:00 pm to 7:30 pm

- Kahana: I'm taking my DHHL hat off and speaking as 4th generation lessee out here in Waimānalo
 - Speaking about KS preschool out here in Waimānalo and sorry to say, but have to mention Shelli Kim was my daughter's teacher back in early 2000's when Waimānalo preschool opened up here
 - I, too, so appreciate the opportunity for my two oldest children to have been students and attend the preschool
 - They flourished through the preschool program KS has offered
 - Just wanted to give my full on support
 - Again taking off my DHHL hat and putting on my lessee hat as community member out here in Waimanalo
 - Mahalo again
- Andrew Choy: Thank you, Kahana
 - CK, do you have anything to add to the conversation tonight
 - Any mana'o or questions
 - If not, that's ok
 - Chelsea Pamarang, do you have anything to add tonight
- Chelsea Pamarang: Same like Angie, I'm a kumu down at the Keaukaha site since 2008, but with KS
 prior to that
 - o I just really appreciate the opportunity to work with all the keiki that has come into our classroom
 - I reconnect with all of my classmates and their keiki and my classmates, their parents when they come to pick up keiki
 - o Although I'm not from Keaukaha, I spent a big chunk of my childhood in Keaukaha
 - A lot of people thought I was from there
 - I spent time at the beach everyday and at the softball park as my dad coached and played softball
 - I just wanted to say thank you so much for giving us the opportunity to be part of the community and to work with your keiki or grand keiki in the classroom
- Andrew Choy: Mahalo for that
 - Darissa Kekuawela, you have anything to add?
- Darissa Kekuawela: Aloha, I too work at KS
 - I kākoʻo everything our kumu have said
 - o I'm just so grateful for being there in our Keaukaha community
 - Mahalo
- Andrew Choy: Mahalo
 - NFN Kawailele o Hi'ilawe, you have anything to add tonight
 - Any questions or mana'o on the proposed use of Hawaiian Home Lands
 - That's fine if you...
 - o Let me go over what the next steps are in the beneficiary consultation process
 - Our beneficiary consultation process, in addition to the meeting we are having tonight allows for 30 day comment period for beneficiaries who weren't able to attend tonight as well as beneficiaries who did attend but have new mana'o to share
 - Still have opportunity to send in comments
 - The comment period is from tonight to August 27th
 - Can email comments to dhhl.planning@hawai'i.gov

Beneficiary Consultation: Keaukaha Kamehameha School Preschool Land Use Request Virtual Beneficiary Consultation Meeting

July 28, 2021, 6:00 pm to 7:30 pm

- Received phone call from kūpuna requesting copy of tonight's presentation
 - Can also mail into to the District Office or Kapolei, but prefer if you email to us
- After 30 day comment period, the Department will be preparing the Beneficiary Consultation Report (BCR), which is a fancy way of saying we are going to summarize everyone's comments from tonight as well as the comments we receive over the next 30 days and we're going to give that report to the Commission as it makes a decision on whether or not to approved a license request
- One of the things the Commission takes into strong consideration is the opinion and mana'o of beneficiaries so the BCR is a information document that the Commission uses in its decision making process
- We hope to give the BCR to the Commission and request the Commission approval for the license request at the Hawaiian Homes Commission September meeting in a couple months
- Those are the next steps in this process
- If there are no other questions or comments, again feel free to email us at dhhl.planning@hawai'i.gov
- This meeting video will be posted on the same website you used to get to the meeting tonight so if you know of other community members, neighbors in your homestead community that weren't able to participate tonight but were interested in sharing their mana'o, please let them know they still can do that and they can watch tonight's video presentation for more information
- Last call
- OK, mahalo everyone, especially to KS staff and to our beneficiaries for taking the time out of their busy lives
- o Thank you so much for joining us and take care
- o Aloha

Synthesis

Community Member Questions & Answers from the Department

- Q: How long is the long term lease between Kamehameha Schools and the Department being asked for at this time?
 - We haven't finalized everything, until we get through the beneficiary consultation, but looking at 5 years for the initial term, with a 5 year extension, so a total of 10 years.

Community Member Feedback

- Supportive of the School -- wonderful program and kumu that are connected to the community and the school's location in the community is in walking distance to homes in the community, which makes drop offs and pick ups easy.
- Land Use Considerations -- non-residential land use on lands near communities that are held by the Department is difficult to find and so Hawaiian groups that do not have access to land and resources and want to build something could benefit the community should be considered over entities that have access to land and resources.

Choy, Andrew H

From:

Sera De Reis spuakalehua900yahoo com

Sent:

Thursday, July 29, 2021 8:59 AM

To:

DHHL.Planning

Subject:

[EXTERNAL] Keaukaha Kamehameha Preschool Site

Aloha,

Question: When does the current lease end for Kamehameha Preschool in Keaukaha and how many more years will the new lease carry over if approved?

Mahalo, Sera

FW: [EXTERNAL] Keaukaha Kamehameha Preschool Site

Choy, Andrew H <andrew.h.choy@hawaii.gov>

Thu 7/29/2021 2:34 PM

To: Pruet, Kealaonalani A <kealaonalani.a.pruet@hawaii.gov> You can add my response to the comment folder too.

From: Choy, Andrew H

Sent: Thursday, July 29, 2021 2:34 PM

To: Sera De Reis (majorité no asi @ Walisongon 20)

Cc: Albinio Jr, Peter K <peter.k.albinio.jr@hawaii.gov>

Subject: FW: [EXTERNAL] Keaukaha Kamehameha Preschool Site

Aloha Sera,

The current license to Kamehameha Schools for the Keaukaha Pre-school expired on June 30, 2021. In the interim, KS has a month-to-month permit from DHHL to be on the site until a new license agreement is approved by the Hawaiian Homes Commission. For the new lease, DHHL is seeking a five year term with an option to extend for another 5 years – so a total of 10 years.

Please let me know if you have further questions. Mahalo nui for your question!

Andrew

From: Sera De Reis

Sent: Thursday, July 29, 2021 8:59 AM

To: DHHL.Planning < dhhl.planning@hawaii.gov>

Subject: [EXTERNAL] Keaukaha Kamehameha Preschool Site

Aloha,

Question: When does the current lease end for Kamehameha Preschool in Keaukaha and how many more years will the new lease carry over if approved?

Mahalo, Sera

STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

To: Chairman and Members, Hawaiian Homes Commission

From: Andrew H. Choy, Acting Planning Program Manager

Subject: For Information Only - Status Update on Plan

Implementation in the East Hawai`i Region to the

Hawaiian Homes Commission

Recommended Action

For information only. No action required.

Background

Per the directive of the Chairman, Planning Office will be providing the Hawaiian Homes Commission (HHC) with updates of the respective DHHL geographic region in which the HHC conducts its monthly community meeting. The purpose of the monthly update is to provide the HHC with information related to prior policies and/or plans specific to that previously adopted by the HHC specific to that particular geographic region.

A status report of DHHL's progress in implementing these policies/plans is also included for the HHC's consideration.

For September 2021, Planning Office will be providing an update to the HHC for East Hawai`i.

Discussion

EXISTING PLANS & IMPLEMENTATION STATUS

Hawai`i Island Plan Policies Related to East Hawai`i.

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island, (2) establish land use goals and objectives of the General Plan specific to each island, and (3) identify island-wide needs,

opportunities, and priorities. The Hawai`i Island Plan was adopted by the HHC in 2002. The 2002 Hawai`i Island Plan delineated five planning regions on Hawai`i Island, North, East, South, West, and Central. (see maps, Exhibit A). For the purposes of this informational submittal, Planning Office will be focusing on the lands in the East and South regions.

Land Use Designation	Acres	Percent of Total
Residential	1,001	4.5%
Subsistence Agriculture	1,968	9.1%
Supplemental Agriculture	3,019	13.8%
Pastoral	7,832	35.7%
Community Use	90	0.4%
General Agriculture	4,970	22.7%
Commercial	346	1.5%
Industrial	364	1.6%
Conservation	240	1.2%
Special District	2,058	9.5%
TOTAL	21,888	100%

Hawai`i Island Plan Implementation Status

The Hawai`i Island Plan identified seven priority tracts for homestead development across the entire island. The priority tracts were further broken down into two development phases, a Phase I (priority) and Phase II. In the East and South Region, only the Lower Pi`ihonua tract was identified as a Phase I priority for new homestead development. The Pana`ewa tract in the East Region and the Wailau tract in the South region were identified as Phase II priorities for new homestead development.

DHHL has initiated the planning and development process for new agriculture homesteads in its Honomū Tract in 2017. A Honomū Master Plan & Final Environmental Assessment was completed in 2019. Staff also requested HHC approval to amend the Hawai`i Island Plan land use designation for the DHHL Honomū tract. The original designation in the 2002 Hawai`i Island Plan for the Honomū tract was Supplemental Agriculture (756 acres) and was amended from Supplemental Agriculture to a mix of land use designations including Subsistence Agriculture (417 acres), Community Use (10 acres), Conservation (250

acres), Commercial (3 acres) and Special District use (40 acres).

Implementation of Phase I of the Honomū Subsistence Agriculture lots is anticipated in 2022 and is covered in more detail in Land Development Division's HHC Update.

DHHL Regional Plans Implementation Status

There are five DHHL regional plans in the East Hawai`i region. The implementation status of each of these plans is described below.

Keaukaha Regional Plan

The *Keaukaha* Regional Plan was adopted by the HHC in December, 2010. Outreach with beneficiaries in the region through the planning process identified one priority project, the Keaukaha Hawaiian Community Pavilion.

Maku`u Regional Plan

The Maku`u Regional Plan was adopted by the HHC in December, 2010. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Maku`u Farmers' Association Community Center
- (2) Maku`u Offsite Water System Phase 2
- (3) Sustainability & Renewable Energy Initiatives
- (4) Farm Plans, Capacity Building & Promotion of Agriculture
- (5) Lease Enforcement Provisions

Pana`ewa Regional Plan

The Pana'ewa Regional Plan Update was adopted by the HHC in January, 2017. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Project Kamoleao (12-acre community parcel)
- (2) Pana'ewa Park & Family Center Management
- (3) Agricultural Capacity Building Marketing & Training Center
- (4) Traffic Calming & Safety Improvements on Railroad Avenue and Auwae Avenue
- (5) Hawai`i Island Plan Update for East Hawai`i

Ka`ū Regional Plan

The Ka'ū Regional Plan was adopted by the HHC in May 2012. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Create a Ka`ū Homestead Community Association
- (2) Obtain Additional Water for Homestead Lots in Kamaoa, Puueo, and Waiohinu
- (3) Protect and Preserve Cultural Sites & Natural Resources in Kamaoa
- (4) Agriculture Homestead Leases at Waiohinu and Pursue Partnership with DLNR for Hawaiian Homesteading

Kaūmana-Pi`ihonua Regional Plan

The Kaūmana-Pi`ihonua Regional Plan was adopted by the HHC in May, 2017. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Kaūmana-Pi`ihonua Community Center
- (2) Agriculture Sustainability Community Pasture
- (3) Community Tool Shed and Work Days
- (4) Pest-Control Mitigation and Removal (Kaūmana Only)

East Hawai`i Regional Plan Implementation Statuses

Tables 2-6 below identify the "project champion" as well as summarizes the status of each regional plan priority project.

Table 2: KEAUKAHA	PROJECT	STATUS
REGIONAL PLAN PRIORITY	CHAMPION	
PROJECT		
Keaukaha Hawaiian	KCA	In-Progress. Conceptual
Community Pavilion		design and drawings have
		been completed. NAHASDA
		assisted with NEPA EA. KCA
		would like to proceed with
		pavilion by Puhi Bay as a
		first-step. DHHL to provide
		technical assistance as
		needed for pavilion.

Table 3: MAKU`U REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Maku`u Farmers' Association Community Center - Site Preparation	MFA	In-Progress. Completed HRS 343 EA in 2011. MFA is fundraising for community center construction.
Maku`u Offsite Water System Phase 2	DHHL	Project no longer being pursued because of 2015 lava flow.
Sustainability and Renewable Energy Initiatives	MFA	Not started.
Farm Plans, Capacity Building, and Promotion of Agriculture	MFA	CTAHR technical assistance is available to Maku`u lessees via a CTAHR Extension Agent.
Lease Enforcement Provisions	DHHL	In-Progress. DHHL in partnership with County initiated clean-up of abandoned vehicles on homestead lot. Further enforcement of non-compliant lessees and state-wide enforcement has been challenging due to shortage in staffing.

Table 4: PANA`EWA REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Project Kamoleao	PHHLCA	In-Progress. HHC approved project FEA FONSI September 2018.
Pana`ewa Park & Family Center	PHHLCA /DHHL / County Parks	In-Progress. HHC approved issuance of license with County Parks and Recreation in 2016 subject to the County working out a park use agreement with PHHLCA. County, DHHL, and PHHLCA held initial meeting in March 2017 to discuss agreement.
Agricultural Capacity Building Marketing and Training Center	KPFA / DHHL	In-Progress. UH-CTAHR CES agent has provided technical assistance and training to Pana'ewa agriculture homestead lessees. KPFA received a DHHL Regional Plan Priority Project Grant in FY 21 to develop master plan for Farmer's market site.
Traffic Calming & Safety Improvements on Railroad Avenue and Auwae Avenue	DHHL / County / KPFA	KPFA conducted a meeting with County DPW-Traffic Division to assess options in addressing issue.
Hawai`i Island Plan Update for East Hawai`i	DHHL	Not Started.

Table 5: KA`Ū	PROJECT	STATUS
REGIONAL PLAN	CHAMPION	SIAIUS
PRIORITY	CHAMPION	
ł		
PROJECT	Ka`ū	Completed. The Ka`ū Hawaiian
Create a Ka`ū		_
Homestead	Beneficiaries	Homestead Association was created
Community		in 2013 and received IRS 501c3
Association		status.
Obtain	DHHL	In-Progress. DHHL completed Ka`ū
Additional		Water Assessment. DHHL received
Water for		\$1.5 million in CIP funds from
Homestead Lots		legislature in FY 19 for plan,
in Kamaoa,		design, and construction. DHHL
Puueo, and		has proposed phase 1 improvements
Waiohinu		including storage tank and water
		spigot. DHHL set to construct
		improvements in 2022 pending
		completion of SHPD requirements
		and water agreement with County
		DWS.
Protect and	DHHL/Ka`ū	In-Progress. South Point
Preserve		Resources Management Plan was
Cultural Sites		adopted October 2016. HHC
and Natural		approved FONSI for plan May 2018.
Resources in		HHC approved \$100k for South
Kamaoa		Point management in FY 22 budget.
		DHHL issued a procurement
		solicitation for security
		services at South Point in 2019 &
		2020. No interested offerors
		submitted proposals for the
		solicitation. DHHL contracted
		archaeological firm in 2021 to
		assist with developing a Standard
		Operating Procedure for community
		stewardship of Pu`u Ali`i Burial
		Mound. SOP expected to be
		completed in 2022.
Agriculture	DHHL	In-Progress. The BLNR approved
Homestead		transfer of 380-acre Waiohinu
Leases at		parcel to DHHL via executive
Waiohinu		order in February 2018.
Waldilliu		Executive Order transfer to DHHL
		from DLNR has been completed and
		DHHL assumed day-to-day
		management of parcel at the
		conclusion of 2021 Legislative
		Session.
		DESSIUII.
	1	

Table 6: KAŪMANA- PI`IHONUA REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Kaūmana-Pi`ihonua Community Center	Kaūmana & Pi`ihonua Associations and DHHL	In-progress. Kaūmana and Pi`ihonua communities looking at pursuing funding opportunities.
Agriculture Sustainability - Community Pasture	Kaūmana & Pi`ihonua Associations and DHHL	In-progress. Pi`ihonua association has been consulting with the Molokai community pasture group. Kaūmana and Pi`ihonua may submitted land use request to DHHL in 2021 for community pasture area identified in the regional plan. Request being reviewed by Land Management Division.
Community Tool-Shed and Work Days	DHHL	Not Started.
Pest-Control Mitigation and Removal (Kaūmana Only)	Kaūmana Association	Not Started.

Recommendation

For information only. No action required.

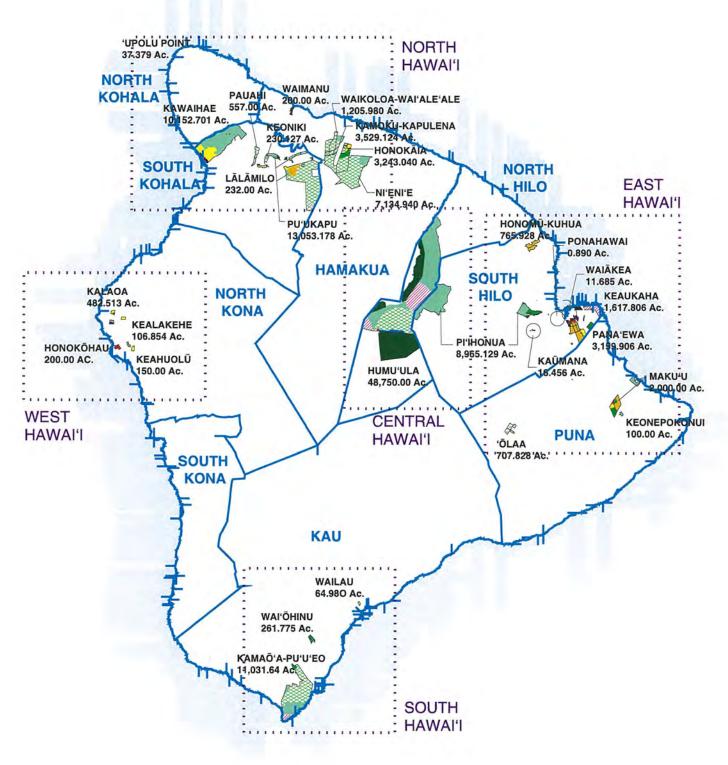


Figure 1
Locational Map
HAWAI'I LAND INVENTORY

DEPARTMENT OF HAWAIIAN HOME LANDS

ISLAND OF HAWAIIAN NORTH

ANGEL SCALE (FFFT)

40,000

80,000

PER
HAWAIIAN ANGEL SCALE (FFFT)

MAY 2002

STATE OF HAWAI`I DEPARTMENT OF HAWAIIAN HOME LANDS September 20 - 21, 2021

To: Chairperson and Members, Hawaiian Homes Commission

From: Andrew Choy, Acting Planning Program Manager

Subject: For Information Only - Update on East Hawai`i Water

Issues and Projects

RECOMMENDED MOTION/ ACTION

None; for information only.

DISCUSSION

This submittal to the Hawaiian Homes Commission (HHC) provides an overview and update on water issues and projects significant to beneficiaries and the Department of Hawaiian Home Lands (DHHL) in the East of the island of Hawaii. It is submitted in furtherance of the HHC Water Policy Plan (WPP) Goal 1, to "Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights on a regional and annual basis.

The annual reports by region were disrupted due to the COVID-19 pandemic, and this is the first updated report for this region since October 2019.

The DHHL planning regions and tracts discussed are: (1) Honomū - Kuhua; (2) Pana`ewa - Keaukaha; (3) Lower Pi`ihonua; (4) Maku`u - Keonepoko; (5) `Ōla`a; and (6) Ka`ū. Water development, management, and policy issues are addressed.

Priority tracts in East Hawai'i are located in Pana'ewa and Lower Pi'ihonua. In South Hawai'i, Wailau (part of the Ka'ū planning region) is the priority tract. See, DHHL, Hawai'i Island Plan (2009) (HIP).

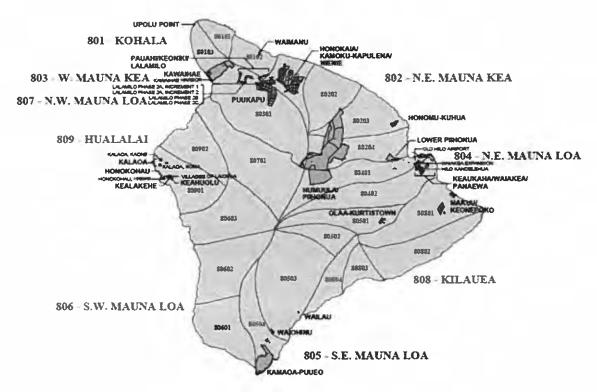


Fig. 1. Existing DHHL Tracts on Hawai`i island in relation to groundwater aquifers

1) Honomū - Kuhua tract water needs

The Honomū - Kuhua tract is the northernmost DHHL tract in East Hawai`i. It consists of 766 acres adjacent to Akaka Falls State Park in South Hilo. HIP at 18. The tract has recently been the focus of a beneficiary planning process for the development of a Honomū Subsistence Agricultural Homestead and Community. The Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) was published on November 8, 2019 and the challenge period for the EA expired on December 8, 2019.

A water reservation for this tract was awarded by the Commission on Water Resource Management (CWRM) on September 18, 2018 for 0.083 million gallons a day (mgd) from the Hakalau Aquifer System Area.

As contemplated in above referenced EA, "Water will be provided via catchment system to be constructed by lessees. The high rainfall in Honomū is expected to provide most, if not all, of the irrigation needs for subsistence agriculture cultivation. Catchment tanks will be necessary

for those lessees who choose to build a house on their lot or want to provide for back-up or supplemental irrigation water for their crops." See, Draft Environmental Assessment for the Honomū Subsistence Agricultural Homestead Community, Honomū, District of South Hilo, Island of Hawai`i, at 8).

Construction of the initial phase of this project was expected to begin in later 2021.

2) <u>Pana'ewa and Keaukaha planning regions and water</u> systems

DHHL holds approximately 3,717 acres in the Pana`ewa planning region, located in the Waiākea ahupua`a, South Hilo District, Island and County of Hawai`i. It is in close proximity to urban services. Land use designations are as follows: Residential Homestead (425 acres), Supplemental Agriculture Homestead (1,500 acres), Subsistence Agriculture Homestead (446 acres), Community Use (40 acres), Commercial (235 acres), and industrial (365 acres).



Fig.2. Pana'ewa tracts map & potable water infrastructure, DHHL Pana'ewa Regional Plan at 18.

In addition, DHHL holds 1,670 acres in the Keaukaha area, which are divided into the Keaukaha Tract-1 and the King's Landing Tract-2. HIP at 19.



Fig. 3. Keaukaha & King's Landing tracts and potable water infrastructure, Keaukaha Regional Plan at 18.

Both the Pana'ewa and Keaukaha tracts are serviced by the Hawai'i Department of Water Supply (HDWS) Hilo system (DHHL Keaukaha Regional Plan at 17). The long-term potable water demand for the Pana'ewa-Keaukaha area is 1.688 million gallons per day (mgd). The long-term non-potable water demand is 1.3838 mgd. Ambient annual rainfall in Pana'ewa is approximately 160 inches, which is sufficient to satisfy non-potable irrigation requirements for this subsistence agricultural homestead area. SWPP at 4-31.

Despite the ability for most agricultural uses to be met by rainfall, DHHL secured a ground water reservation for this tract on September 18, 2018 from CWRM. A reservation of .525 mgd was secured from the Hilo and Kea'au Aquifer System Areas.

3) Lower Pi`ihonua tract water issues and developments, including proposed state water leases

DHHL's Lower Pi`ihonua tract is comprised of 1,882 acres located in South Hilo on the lower slopes of Mauna

Kea. The long-term potable water demand is 0.14 mgd and long-term non-potable demand is 1.5946 mgd. Land use designations consist of Residential and Subsistence Agriculture, the potable needs of which will be supplied by the HDWS Hilo Water System; the non-potable needs may be met through ambient annual rainfall. The Lower Pi`ihonua tract is adjacent to Ho`okele gulch, the Waiau gulch, and the Wailuku River. HIP at 18. The Wailuku River is a potential source of water as well, as explained more fully below.

The Hawai`i Electric Light Company (HELCO) owns and operates the Waiau hydroelectric plant on the Wailuku River. Two registered diversions convey surface waters to an offsite ditch system which has a total declared use of 9.6 mgd. SWPP at 4-32.

Lower Pi`ihonua is a test site for exercising DHHL rights in water. HELCO currently holds an easement over DHHL lands for access purposes to its hydroelectric plant. In January 2016, representatives of HELCO contacted DHHL because it planned to propose to the Board of Land and Natural Resources ("BLNR") conversion of its revocable permit for water resource use to a sixty-five-year general lease per HRS § 171-58.

The DHHL and its beneficiaries have three distinct interests when proposed water leases under HRS § 171-58 are sought by private parties and considered by the BLNR.

First, HRS section 171-58 (g) requires that "The department of land and natural resources shall notify the department of Hawaiian home lands of its intent to execute any new lease, or to renew any existing lease of water rights. After consultation with affected beneficiaries, these departments shall jointly develop a reservation of water rights sufficient to support current and future homestead needs. Any lease of water rights or renewal shall be subject to the rights of the department of Hawaiian home lands as provided by section 221 of the Hawaiian Homes Commission Act."

This part of Hawai`i law has not been fully implemented since its passage by the Legislature in 1991, as the state has yet to issue a water lease under HRS section 171-58. However, DHHL staff and consultants have

been working closely for at least the last two years with our beneficiaries, staff from the Department of Land and Natural Resources (DLNR), and other potential lessors in order to efficiently implement this requirement. Together, DLNR and DHHL staff have determined that reservation requests for surface and/or groundwater associated with a proposed lease will be made by the Commission on Water Resource Management (CWRM). requests are based on the water demands associated with DHHL lands, if any, that could foreseeably use some portion of the demised water. DHHL first holds a formal consultation process with its beneficiaries prior to requesting the reservation from CWRM and the inclusion of any related lease provisions from the Board of Land and Natural Resources (BLNR).

On August 15, 2017, a Beneficiary Consultation Meeting was held in Hilo to discuss HELCO's desire to continue to use the water to operate the two hydroelectric plants at lower Pi`ihonua. Pursuant to HRS § 171-58(g), the DLNR and DHHL are required to jointly develop a "reservation" of water as part of the leasing process. A water reservation set aside is a set aside of water for current and foreseeable development and use, in this case by DHHL. The Water Leasing Process is as follows:



Fig. 4. Water Leasing Process; image from DLNR staff.

Consultation with DHHL beneficiaries focused on DHHL's water needs for lands at lower Pi`ihonua for purposes of establishing a water reservation. Information provided included the Hawai`i Island Plan, Kaūmana - Pi`ihonua Regional Plan and the SWPP regarding water demands. The potential DHHL water reservation for lower Pi`ihonua potable and non-potable water needs are as follows: Potable (140,000 gpd) + Non-Potable (1,600,000 gpd) = DHHL Lower Pi`ihonua combined water needs of 1,740,000 gpd. Questions discussed with beneficiaries included:

- (1) Should DHHL's water reservation include both potable and non-potable water needs for Lower Pi`ihonua? Why?
- (2) Where should this water come from to meet those water needs? Wailuku River? Aquifer? Rainfall?; and
- (3) Are there any water needs that DHHL did not account for? If so, what are they?

The Beneficiary Consultation Report & Recommendations for DHHL's water reservation was approved by the HHC at its October 2017 meeting.

This surface water reservation, which was handled separately by CWRM from its consideration of ground water reservations, and was approved on March 17, 2020, for 1.6 mgd.

DHHL has also discussed with HELCO how DHHL is entitled by Constitutional provision to 30% of the revenue generated by state water leases (Hawai`i Constitution Article XII Section I). Funds from this source are devoted exclusively to the Native Hawaiian Rehabilitation Fund (NHRF), which supports projects on DHHL lands and for beneficiaries. Awarded as both grants in support of regional priority projects, they fund agricultural training and other related projects (such as training on farm lot preparation, commercial farm development, and related matters) across Hawai`i. DHHL has advocated for a costsavoided method whereby charge for the license would be a function of the amount HELCO saves by using hydroelectric sources rather than another source.

Discussions with HELCO, while respectful, have not come to any common agreement over the rate of compensation that HELCO may agree to pay to the state, and hence (30%)

thereof) to DHHL. One rate suggested by the lease applicant was 1 mil (a mil is \$0.001, or 1/10 of one cent) per Kilowatt hour (kWh) generated. According to documents shared with staff, this rate proposed by HELCO would result in a lease payment to the state of approximately \$17,566 / year (with 30%, or \$5,270/yr. to DHHL in the NHRF). ("Report on the Analysis of the Federal Energy Regulatory Commission ("FERC") Rate Hawai'i Electric Light Company, Inc. October 8, 2020"). As of June 1, 2020, HELCO estimated the avoided cost if this project proceeds are approximately 9.39 cents per kWh. The same analysis concluded a "Shared Net Benefit" rate, where the benefit of the avoided fuel costs is shared between the developer and lessee, which would generate an estimated \$264,538.66/year or \$79,361 to DHHL (NHRF) (attachment 9 to above report).

Finally, we note that in addition to the rights to seek reservations to state water leases, DHHL beneficiaries may conduct traditional and customary practices associated with the waters that entities may seek to lease from the state. In the particular case of the water lease sought, DHHL is currently unaware of any such practices, or rights associated with these practices, that could be affected in relationship to the significant abundance of water in this River, and does not anticipate any particular actions in this instance on that issue.

4) Maku`u - Keonepoko Planning Region water needs and issues.

The Maku'u planning region consists of 2,000 acres split into a 1,500-acre mauka section and a 500-acre makai section. The makai parcel is recommended for non-priority general agricultural use and the mauka tract has been developed into agricultural homestead lots. Due to lava flow threats, the following description reflects both the status of water demands and planned development prior to the emergence of these threats and actions taken since then.

Current potable needs of 0.056 mgd for the mauka tract were expected to increase to 0.660 mgd by 2031. Similarly, the Non-potable water demand was expected to grow to 3.383 mgd in that same time. SWPP at 4-33. Ambient annual rainfall within this region is approximately 120 inches and sufficient to satisfy the non-potable irrigation

requirements of Subsistence and Supplemental Agricultural lands uses.

The Maku'u Farm and Agricultural lots (Maku'u Subdivision) would require additional water if developed as previously planned. Existing reservoir facilities can provide adequate water through the HDWS Pāhoa system at or below the 523-foot elevation. For higher elevation lots, new water system improvements were proposed. Maku'u Regional Plan at 18. The proposed water system was to include an exploratory and production well, and a 1.0-million-gallon reservoir.

Delays in water improvements construction occurred partly attributed to land ownership issues. Pursuant to Executive Order 4143, DLNR had set aside over 3.7 acres of lands for Maku'u water system improvements to the Water Board of the County of Hawai`i (WBCOH). In 2006, the HDWS agreed to cancel E.O. 4143 so that DHHL could continue with its infrastructural improvements for the proposed Maku'u development. In 2009, BLNR approved the E.O. cancellation with support from DHHL.2 The United States Department of Agriculture (USDA) and DHHL attempted a joint venture agreement to develop a new Maku'u well and waterline to connect to the existing HDWS Pāhoa system, which would be dedicated to HDWS. However, funding for the project has been de-obligated. SWPP at 4-33. Lava threat in Puna came within feet of the exploratory well, so any future use now not planned for; the well has been capped, the location noted, and any further use is subject to many additional future steps to be determined.

5) 'Ōla'a tract water needs

DHHL's `Ōla`a tract is a 708-acre parcel located in the district of Puna that is recommended for homestead pastoral use. HIP at 21. Potable water demand for domestic

Dep't of Water Supply, Hawai`i Island, Water Board Meeting Item 5.A "Cancellation Of Governor's Executive Order No. 4143 (Setting Aside Lands; Situated At Halona, Puna, Island Of Hawai`i, Hawai`i) Tax Map Key 1-5-008: Portion 001" (Dec. 16, 2008).

Board of Land and Natural Resources, State of Hawai`i, Meeting Item No. D-1 "Cancellation of Governor's Executive Order No. 4143 and Reset-Aside to Department of Hawaiian Home Lands for Maku`u Well and Reservoir Site and Access and Utility Easement Purposes, Ka`ohe, Puna, Hawai`i, TMK: (3) 1-5-008:001 por." (April 24, 2009).

use is 0.0252 mgd. The non-potable demand is 0.0125 mgd, which will provide for stock pastoral land uses. No public or private water systems exist in the vicinity and extending the nearest HDWS 'Ōla'a-Mountain View system would not be feasible. SWPP at 4-33. Area residents meet their potable water needs with catchment and ambient rainfall which is adequate. Proposed new DHHL development in 'Ōla'a will likewise rely on supplies from individual rainwater catchment systems. SWPP at 4-33.

6) Ka'ū Planning Region water issues and needs

The Ka'ū planning region includes the Kamā'oa Pu'u'eo, Wailau, Wai'ōhinu, and Discovery Harbor tracts located in South Hawai'i. DHHL Ka'ū Regional Plan (May 2012).

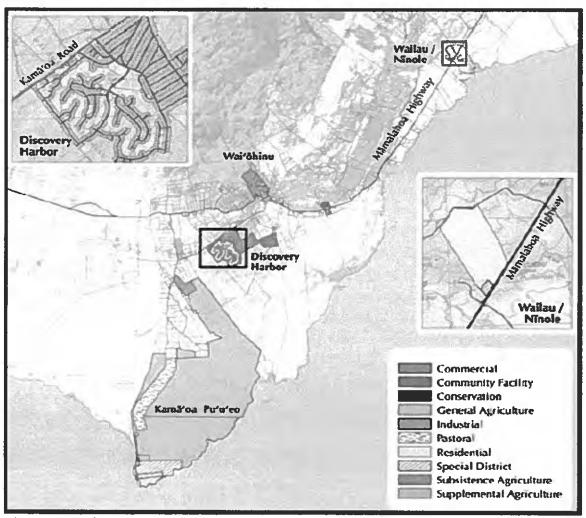


Fig. 5. Ka'ū planning region land use designations. DHHL Ka'ū Regional Plan at 12.

a. Wailau water needs

Wailau is a 65-acre Residential and Special District use priority tract located above Māmalahoa Highway in Ka'ū. Future long term potable water demand is 0.005 mgd. No HDWS systems are located in the area. Sea Mountain Resort operates a private, Punalu'u water system nearby, and likely has sufficient capacity for future potable needs. At greater cost, development of a new DHHL system is also possible to ensure DHHL's full control over the water supply. SWPP at 4-34. A state-owned non potable water system developed during the plantation era (the Moaula system), currently being pursued for a long-term water lease by Ka'ū Mahi, extends to within one half mile of the If the proposed uses of this tract were agricultural and water needs non-potable, seeking of a water reservation may be appropriate. This issue should be noted if the HHC changes future land use designations for this tract.

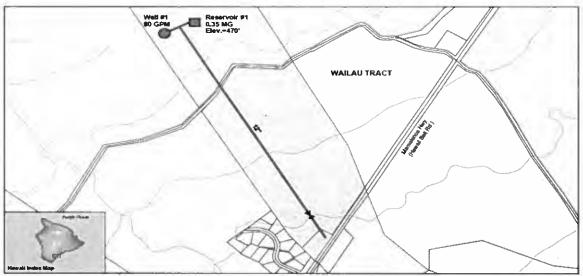


Fig. 6. Proposed DHHL Wailau water system. SWPP at 4-34 (Appendix G, Figure G.5).

b. Wai `ohinu and Discovery Harbor water systems

Wai`ōhinu is a 262-acre tract recommended for Homestead Subsistence Agricultural use. Discovery Harbor consists of 40 scattered lots (approximately 13 acres) within a planned residential community. Ka`ū Regional Plan at 12. The long-term potable water needs for Wai`ōhinu are 0.0304 mgd and the long term non-potable water needs are 0.7752 mgd. SWPP at 4-35. Potable water needs for Wai`ōhinu

and Discovery Harbor tracts are supplied by HDWS Wai`ōhinu - Nā`ālehu system, however households outside these areas either use water catchment or haul water to their residences. Ka`ū Regional Plan at 22. The HDWS acquired the Wai`ōhinu - Nā`ālehu system via dedication from a former sugar plantation. Hawai`i Water Use & Development Plan Update, 805-16 (Aug. 2010) (Hawai`i WUDP). This water system primarily depends on the Mountain House Tunnel Spring and Hā`ao Spring for its supply. The Nā`ālehu Well supplements the tunnel and spring sources during dry weather. Hawai`i WUDP at 805-16. Further water needs and issues related to this system are discussed more below.

c. Kamā`oa Pu`u`eo water needs and issues

Kamā`oa Pu`u`eo is an 11,031-acre tract recommended for Homestead Pastoral, General Agricultural and Special District Use. HIP at 24. The long-term potable water needs for Kamā`oa Pu`u`eo is 0.1046 mgd and long term non-potable need is 0.4701 mgd. SWPP at 4-35. Although a water main connects Kamā`oa Pu`u`eo to the HDWS Wai`ōhinu - Nā`ālehu system, HDWS believes it is too small to accommodate additional connections without affecting service to existing water users. The southerly portion of the HDWS Water System passes through lands owned by DHHL. None of the 12 agricultural homestead lots at Kamā`oa Pu`u`eo have water service and only four meters service a portion of the 25 existing pastoral lots.

DHHL is working with its contractor G70 and the HDWS on ways to resolve this pressing, critical issue. Currently there is a conceptual agreement that certain steps will be taken to improve storage on the system, move the water line, which could result in the issuance of meters to lessees by the HDWS.

A Memorandum of Agreement is still being negotiated between the DWS and the Department to implement initial improvements.

G70 developed the following figure showing the DWS water lines extending southward away from South Point Road, passing through DHHL lands and towards an Army-built water tank at the tip of Ka Lae. The HDWS 20-Year Water Master

Plan recommends a new well to service the South Point area, but did not specify location or capacity. SWPP at 4-34.

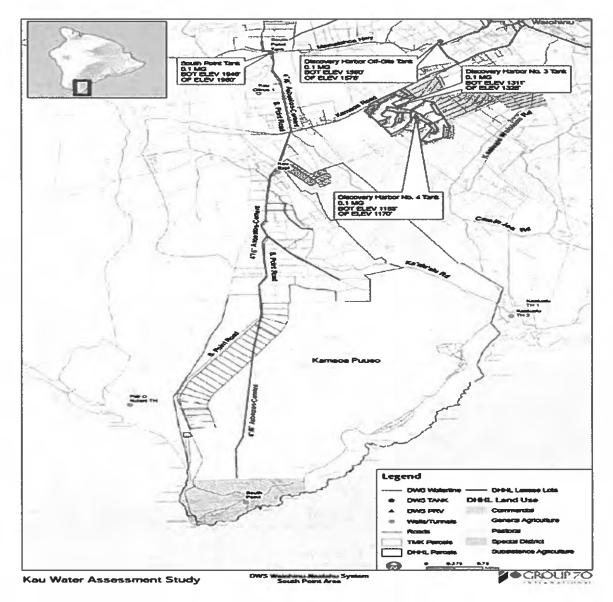


Fig. 7. G70 Ka'ū Water Assessment Study diagram (2013)

d. Proposed issuance of Ka`ū irrigation systems water licenses, and transfer of portions of the Mountain House / Hā'ao Springs system to the HDWS

Ka`ū landowners, farmers and residents have been working to address the management of and legal access to plantation water systems since the closure of sugar operations by C. Brewer decades ago. Beginning over a decade ago, efforts were begun to transfer these systems to

the state Agribusiness Development Corporation (ADC). By letter dated June 1, 2016, DHHL wrote to DLNR and objected to its proposed grant of a perpetual non-exclusive easement to ADC for an irrigation water system and a transfer of various revocable permits. DHHL stated it may be required to call for a contested case against the proposed transfer to ADC and identified six objections:

- 1. The proposed conveyances were not being executed by BLNR, in violation of HRS §171-58;
- 2. Non-compliance with processes required by HRS §171-58 meant obviating procedural protections provided to DHHL and its beneficiaries;
- DHHL has unmet water needs in the South Point area;
- 4. Water resources at issue constituted "state owned" water within the meaning of section 221 of the Hawaiian Homes Commission Act (HHCA) and subject to DHHL's rights;
- 5. "[s]elling the state-owned irrigation improvements to ADC, who would then presumably convey them or some rights to them to a private water cooperative, would render DHHL's rights to these waters meaningless. DHHL would have no state-owned infrastructure in place to convey these waters to its lands[;];" and
- 6. The proposed conveyance to ADC at no cost impermissibly delegates the state's fiduciary duties to ADC.

The plans to transfer these lands to ADC have been suspended, and instead the state is seeking to issue long term water leases under 171-58 is being pursued, directly in accordance with previous DHHL and HHC advocacy. A plan for addressing DHHL reservations in this process is discussed elsewhere in this HHC October 2019 agenda in the acceptance of a beneficiary consultation report.

A remaining, unaddressed issue will exist if the DLNR and BLNR seek to transfer portions of the Mountain House Tunnel Spring and Hā`ao Springs system to the HDWS. DHHL and beneficiary entitlements to water reservations and NHRF revenue from state systems dedicated to the counties have

³ See Letter from Jobie M. K. Masagatani, Chairman, HHC to Kevin E. Moore, State Lands Ass't Administrator, Land Division, Dep't Land and Natural Resources (Jun. 1, 2016).

not been established by legal decision or practice. However, consistent with the HHC WPP, continuous, aggressive advocacy on this issue is required and will be implemented.

III. CONCLUSION

East and South Hawai`i continue to face significant water issues that must be addressed in order for the goals of the Hawai`i Island Plan to be fulfilled. The Lower Pi`ihonua tract in East Hawai`i merits particular attention both because it is an HHC priority tract and because it is the site of current precedent-setting negotiations over the nature of DHHL rights in water licenses and methods for enforcing those rights (HELCO Wailuku River water reservation).

In addition, the Ka'ū planning region is also an important site due to the continued negotiation with DLNR over water rights and the ongoing efforts to improve the existing HDWS Wai'ōhinu - Nā'ālehu water system in order to deliver water to meet the potable and non-potable needs of the 25 pastoral lots at Kamā'oa Pu'u'eo with the potential to provide additional water for the needs for the general ag lots in the area.

V. RECOMMENDED MOTION/ACTION

None; for informational only.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20 & 21, 2021

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Rodney Lau, Administrative Services Officer

SUBJECT: G-5 Accept Beneficiary Consultation Report for Long-Term Lease with Nexamp Inc. for Proposed Community-Based Renewable Energy Project, Kalaoa, North

Kona, Island of Hawai'i, TMK No. (3) – 7-3-010:007

G-6 Accept Beneficiary Consultation Report for Long-Term Lease with Nexamp Inc. for Proposed Community-Based Renewable Energy Project, Kawaihae, South Kohala, Island of Hawai'i, TMK No. (3) – 6-1-006:003

RELEVANT MATERIAL WILL BE DISTRIBUTED UNDER SEPARATE COVER.

STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS

September 13, 2021

To:

Chairman and Members, Hawaiian Homes Commission

From:

Andrew H. Choy, Acting Planning Program Manager

Subject:

For Information Only--Draft Environmental Assessment for the Barbers Point Solar Project, east Kalaeloa, 'Ewa District, O'ahu, and Anticipated Finding of No Significant Impact (AFONSI) TMKs (1) 9-1-013:038, (1) 9-1-013:040, and (1) 9-

1-016:027.

Recommended Action

None-for information only

Discussion

PURPOSE OF INFORMATIONAL BRIEFING

In July 2019, the HCC authorized the Chairman to issue a Right-of-Entry permit (ROE) to Innergex Renewables USA LLC to conduct due diligence activities to assess the potential of developing a solar project in Kalaeloa, Island of Oʻahu (Exhibit A). The completion of the Draft Environmental Assessment (DEA) report is part of the due diligence activities that the company has been undertaking over the last two years. The purpose of this informational briefing is to update the Hawaiian Homes Commission (HHC) on the proposed Barbers Point Solar Project on Department of Hawaiian Home Lands (DHHL) land in east Kalaeloa; to present summary highlights of the DEA; and to notify Commissioners of the Draft Environmental Assessment (DEA) prior to publication in the Office of Planning-Environmental Review Program's *The Environmental Notice (TEN)* periodical.

The main body of the DEA is attached as Exhibit B

PROJECT DESCRIPTION

Barbers Point Solar, LLC¹ is proposing to build and operate the Barbers Point Solar Project (Project) located in east Kalaeloa, within the ahupua'a of Honouliuli in the 'Ewa District,

¹ Barbers Point Solar, LLC is a Delaware limited liability company and a wholly owned subsidiary of Innergex Renewables USA, LLC, which is a wholly owned subsidiary of Innergex Renewable Energy Inc. (Innergex). Innergex is a Canadian independent renewable power producer which develops, acquires, owns, and

on the island of O'ahu. The Project will consist of a 15 megawatt (MW) solar photovoltaic (PV) system coupled with a 15 MW, 4-hour (60 MW-hour) photovoltaic coupled battery energy storage system (PV-Coupled ESS) as well as ancillary support infrastructure. The Project area encompasses approximately 163 acres and is bordered by Tripoli Road to the south, Coral Sea Road to the west, the Barbers Point Golf Course and Kalaeloa Renewable Energy Park to the east, and vacant land and Roosevelt Avenue/Geiger Road on the north. The Project area is primarily composed of three parcels, two are owned by DHHL: TMK 9-1-013:038 and TMK 9-1-013:040. The third parcel, TMK 9-1-013:027, is owned by a private landowner, Kapolei Infrastructure, LLC. Barbers Point Solar, LLC anticipates that the total combined footprint of the Project components located on DHHL lands will be less than 100 acres, of which the solar panels will cover approximately 45 acres. However, linear areas for access roads, collector lines, and a generation-tie line are located within ROWs owned by HDOT (Coral Sea Road, Roosevelt Avenue, and Roadway Lot 13083-B). Access to the Project will be via Coral Sea Road. See Figure 1 for a map of the Project area and layout.

The Project includes the following major components: (1) solar PV system, (2) direct current (DC) electrical collector lines, (3) power conversion systems including PV-Coupled ESS units and step-up transformers, (4) alternating current (AC) electrical collector lines, (5) Project collector substation, (6) a generation-tie line (combination overhead and underground), (7) communication equipment, (8) access roads and fencing, and (9) temporary laydown areas. Each of these components is described in detail in the DEA (Exhibit A). All major components will be located within the Project fence line with the exception of the generation-tie line, select access roads, and portions of the collector lines. The preliminary site plan is included in Figure 2-1 of the DEA and schematics of the Project components are shown in Figures 2-2 through 2-8 of the DEA.

The Project will interconnect to the Hawaiian Electric Company (Hawaiian Electric) island-wide grid via an approximately 1.2-mile generation-tie line that would extend from the Project's collector substation to a new interconnection point on an existing transmission line near the intersection of Franklin D. Roosevelt Avenue and Coral Sea Road. The power generated by the Project would be sold to Hawaiian Electric under a new 25-year power purchase agreement (PPA).

Estimated construction start is the fourth quarter of 2022 with commercial operations commencing at the end of 2023. Typical maintenance of the solar PV panels will include surface cleaning to remove accumulated dust and dirt to optimize performance. Based on environmental conditions and rainfall, it is anticipated cleaning cycles will be every 18 months. Vegetation

operates hydroelectric facilities, wind farms, and solar farms in Canada, the United States, France, and Chile. For over 30 years, Innergex and its employees (collectively, Innergex) have built strong, long-term relationships with the communities that host its projects and have seen firsthand how renewable energy projects can make positive, long-term impacts on society, economics, and the environment. Innergex achieves these positive community relationships through its commitment to conducting itself with integrity, transparency, and respect. Beginning with extensive pre-development consultations and community outreach, Innergex takes the time to engage the local community to learn about their needs and oftentimes work with them to ensure Innergex designs the best possible project, where commercially reasonable.

within the Project fence line and along the generation-tie line will be managed throughout the life of the Project.

Based on the Project's PPA with Hawaiian Electric, the Project is expected to operate for approximately 25 years (through 2048). At the end of the PPA term, the Project may be repowered under a renegotiated PPA or other contract (with subsequent permits/approvals) or decommissioned. Decommissioning will involve removal of all equipment associated with the Project and returning the area to substantially the same condition as existed prior to Project development. Decommissioning plans will be communicated with the landowner, the public and the regulatory agencies, prior to and during the decommissioning phase, as appropriate.

Current Land Uses

After the closure of the Naval Air Station Barbers Point (NASBP), TMK parcels 9-1-013:038 and 9-1-013:040 were transferred from the U.S. Navy to DHHL in 1996 as part of a settlement agreement under the Hawaiian Home Lands Recovery Act (1996). Extensive ground disturbance has occurred in the Project area from past commercial agriculture use followed by military development. Many remnants of traditional use in the Project area that may have existed are most likely disturbed, if not destroyed. However, structures from the military era, such as aircraft revetments and associated structures, are still preserved. Some of these structures are recognized in the National Register of Historic Places (NRHP) and the northern portion of TMK 9-1-013:038 is located within the 'Ewa Battlefield Historical District and the central portion of TMK 9-1-013:038 is located in the proposed Revetment Historic District (see Figure 2). The Project's Archaeological Inventory Survey resulted in the identification and documentation of 17 historic properties containing a total of 438 archaeological features (more information provided in the Draft Environmental Assessment Summary below). The 17 historic properties consist of limestone structures or modified limestone pits used for Hawaiian habitation, agriculture, and ceremonial activities; unmodified limestone pits of an undetermined function; and intact historical buildings and remnant infrastructure associated with Marine Corps Air Station (MCAS) 'Ewa and NASBP military bases that date from the 1940s to the late 1950s.

The majority of the two DHHL parcels are currently vacant and overgrown by kiawe and koa haole; however, there are large cleared, concrete and asphalt paved areas, as well as debris and abandoned vehicles and equipment. However, some of the historic revetments are being reused by DHHL tenants. An approximately 0.25-acre area located in the revetments area on TMK 9-1-013:038 is leased to FPS Painting Contractors and this area would be avoided by the Project. Approximately 9 acres of TMK 9-1-013:040 are leased to two tenants: Ihilani Miller-Cummings for agricultural purposes and to Hawai'i Explosives & Pyrotechnics, Inc for commercial/industrial purposes. Barbers Point Solar, LLC is working with DHHL and the existing tenants occupying approximately 9 acres on TMK 9-1-013:040 to explore alternative unencumbered areas within the Project parcels and/or off site locations to minimize impacts to the existing tenants so as to allow for safe construction or operation of the solar project.

A private horse stable business operates in revetments located on TMK 9-1-013:164 immediately adjacent to and east of TMK 9-1-013:038. Other surrounding land uses include the

Kalaeloa Airport and industrial development to the west, several golf courses to the east and north, residential and urban development to the north and east and the Kalaeloa Renewable Energy Park located directly adjacent and to the west of the northern portion of TMK 9-1-013:038.

DHHL Land Use Designations

The DHHL 2014 Oahu Island Plan is a comprehensive development plan that required extensive beneficiary consultations and public meetings. This plan provides land use designations for all DHHL landholdings on Oahu. There are four homesteading designations and five non-homesteading designations. Non-homesteading designations are assigned to lands better suited for non-residential purposes due to location, adjacent land uses, existing and former uses, natural resources, revenue generating opportunities, or other conditions. Revenues from lands used for commercial, industrial, and other income-producing purposes support administration of the homestead program.

According to the DHHL 2014 Oahu Island Plan, the lands makai of Roosevelt Avenue within Kalaeloa have been primarily designated for industrial uses. The lands mauka of Roosevelt Avenue have been designated for homestead residential, commercial, and community uses. The two DHHL parcels in the Project area are designated as "Industrial" in the Oahu Island Plan (see **Figure 3** below). Activities envisioned in the industrial land use include energy production.

In addition to the Oahu Island Plan, DHHL has completed regional plans to identify issues and opportunities that affect specific regions. The Regional Plans are developed through a series of meetings with beneficiaries and stakeholders. The 2010 Kapolei Regional Plan guides development in Kalaeloa. And has designated the two DHHL parcels in the Project area as "Mixed Use" and intended for revenue generation as the parcels lack infrastructure for residential development.

Consistency with DHHL Plans and Benefits to DHHL and Homesteaders

Based on both the DHHL Oahu Island Plan and Kapolei Regional Plan, lands in the Kalaeloa area are not intended for residential development but rather are intended for revenue generation. Solar development therefore complies with this land use requirement and the Project will provide valuable revenue stream to DHHL over the 25-year term of the Project. As noted in DHHL's approval of the Project's right-of-entry, the Project is in the best interests of the DHHL Trust as it will generate a substantial revenue stream over at least 25 years on land that lacks infrastructure, had use restrictions and limitations for [residential] development, and has not generated much revenue in the past (DHHL 2019). Furthermore, the Project will directly support Objective 2 of the Ho'omaluō Energy Policy through the leasing of DHHL lands for production of solar energy and in support of DHHL's Ho'omaluō Energy Policy, the DHHL and HECO entered into an Energy Partnership Charter in August 2009 agreeing to work together to achieve

energy self-sufficiency and sustainability, specifically including the leasing of lands owned by DHHL for renewable energy projects.

The mission of DHHL is to effectively manage the Hawaiian Home Lands Trust and to develop and deliver lands to native Hawaiians. The DHHL has identified lands not suitable for homestead leasing, that can be leased for renewable energy projects with the objective of generating revenue from these lands and providing benefits for the impacted communities (DHHL 2018). The Project site was identified in DHHL's 2014 Island Plan as having desirable conditions for solar energy generation (DHHL 2014). DHHL may use revenues developed from industrial leasing of these available lands in east Kalaeloa to develop new homesteads in suitable residential areas throughout the state.

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Figure 1- Project Area

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Figure 2- Historic Districts

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Figure 3- DHHL Oahu Island Plan

BENEFICIARY AND STAKEHOLDER CONSULTATION

Beneficiary Consultation

As discussed above, the result of the DHHL 2014 Oahu Island Plan process, which included extensive beneficiary consultations and public meetings, was to designate DHHL lands in Kalaeloa as not suitable for homesteading due to their proximity to a nearby airport as well as their remote locations, physical characteristics, and lack of infrastructure for residential development. While all DHHL lands in Kalaeloa are zoned for Industrial use, several parcels were designated for renewable energy production in 2014 through the Department's beneficiary consultation process and in accordance with DHHL's 2009 Ho'omaluō energy policy. In 2018 and in 2019, DHHL ran consecutive competitive solicitation processes for the disposition of these sites by general leases for renewable energy projects. The DHHL RFP was widely advertised and all qualified applicants were welcomed to bid. Innergex/Barbers Point Solar, LLC was selected by DHHL as the final applicant for the proposed project site and to continue with the leasing process that included consultation meetings with DHHL's beneficiaries and public hearings.

On March 21, 2019, DHHL and Innergex hosted a beneficiary consultation meeting on the proposed Project from 6:00 pm – 8:00 pm at the Kapolei Middle School. The meeting was advertised through DHHL mailed invitation letters to 1,453 Lessees and Applicants that reside in the Kapolei (96707) area and a notice on DHHL's website. Ten (10) beneficiaries participated in the consultation meeting and one (1) beneficiary emailed written comments. The public comment period for the Project ran until April 5, 2019 (2 weeks).

A non-exclusive Right-of-Entry was issued on August 1, 2019 for an initial period of two years with the option to extend for three additional one-year periods to conduct due diligence activities and investigation related to the development of a solar project. Innergex sought a 25-year term lease to match the power purchase agreement. At the end of the PPA, Innergex is committed to remove the solar equipment and return the site to its previous condition.

Stakeholder Consultation

Barbers Point Solar, LLC began conducting community engagement and public outreach activities during the early stages of the Project's development process and continues to engage with the community with Project updates and coordination on community benefits. Barbers Point Solar, LLC and its consultants have held nearly 100 meetings with individuals, community organizations, businesses, and government official and also held two public open houses. A description of the Project's community engagement approach and a detailed description of stakeholder consultation conducted to date and feedback received is included in the Project's Community Outreach and Engagement Report in Appendix I of the DEA.

Both beneficiaries and stakeholders will have additional opportunities to engage in the consultation process. The public will have an opportunity to comment on the draft EA once

published in *The Environmental Notice*. DHHL anticipates publication in *The Environmental Notice* in October 2021.

COMMUNITY BENEFITS

As discussed above, the Project will contribute to DHHL's Hoʻomaluō Energy Policy (DHHL 2009), will accommodates DHHL's long-term plans for commercial/industrial development in east Kalaeloa, and will provide a long-term (25 year or more) revenue stream to DHHL that can be used to support homestead development on other DHHL lands designated for residential development.

In addition to the above stated Project benefits, the Project will also provide direct community benefits through the development of a community benefit package. The community benefit package is under development; however, the initial components of the package include the following. More detailed information is provided in Appendix I of the DEA.

- Dedicated Funding to Kapolei Heritage Center. Innergex has committed dedicated funds (1 percent of the actual gross project revenues) for the Kapolei Heritage Center, which will provide funds for the operations and maintenance of the center. The Innergex team will also work with the Kapolei Heritage Center Board to provide in-kind services to implement this financial support for the expansion plans for the center.
- Support Solar Training Program. Conversations with the Center for Native Hawaiian Advancement (CNHA) President and the Innergex team have taken place to outline creative ways to help the native Hawaiian community benefit from renewable energy projects. One of CNHA's priorities is to train its constituents so that they can become employable in new and expanding fields (e.g., solar project installation) and further career advancement in areas requiring skilled trades. In October 2019, Innergex connected the CNHA Training Program Manager with the President of Makaha Learning Center, which teaches apprenticeship and certificate programs primarily to native Hawaiians in the Makaha-Waianae communities. In 2020, Makaha Learning Center developed a focused curriculum for this course in collaboration with the CNHA team and held their first solar training program. Innergex has provided support for this program and sponsored a job fair for the graduating students at the conclusion of the program where they could directly meet and talk with solar contractors. To watch a video on the solar training program please visit the project website. Partnership with Wai'anae Gold to generate local food opportunities. Innergex has partnered with Wai'anae Gold to make the kiawe pods on the project site available to be collected so that they can be turned into kiawe bean pod flour and 'Āina Bars. To watch a video where Wai'anae Gold's Vince Kana'i Dodge shows the behind the scenes of kiawe bean pod flour production and discusses the importance of partnerships like with Barbers Point to generate local food opportunities please visit the project website.
- Working in Collaboration with Existing Tenants & DHHL. Innergex is working in collaboration with DHHL and the existing tenants to explore alternative unencumbered areas within the parcels (e.g., revetment area) and/or off site locations to minimize impacts to the three existing tenants so as to allow for safe construction or operation of

the solar project.

- Local Employment & Contracting. Construction and operation phases will create benefits in terms of new employment opportunities, as well as the use of local suppliers. Preference would be given to retaining local persons, consultants, businesses and contractors throughout the development of the project.
- Sponsorships and memberships to various community organizations. Innergex is committed to evaluating sponsorships annually and providing support to a variety of events and causes. Through memberships in various community organizations, Innergex will participate in specific programs that support the missions of the organization and help to advance mutually held values and goals.

As a renewable energy project, the Barbers Point Solar Project will provide benefits to the climate by reducing greenhouse gas emissions through the replacement of a portion of electricity that is currently generated by burning fossil fuels. In total, the Project is expected to offset approximately 1,139,396 barrels of fossil fuel consumption by Hawaiian Electric's generating units and reduce net lifecycle greenhouse gas emissions by approximately 455,598 metric tons of carbon dioxide equivalents over its lifecycle (Hawaiian Electric 2020). The Project will also lessen Hawaii's reliance on imported fuels, thus improving the state's energy stability and grid resilience.

DRAFT ENVIRONMENTAL ASSESSMENT SUMMARY

The Project is proposed on DHHL and HDOT lands, thus triggering the preparation of an environmental assessment as prescribed by Hawai'i Revised Statutes, Chapter 343.As part of the draft EA preparation the following technical studies were conducted:

- An Archaeological Inventory Survey (AIS), a draft of which has been submitted and is pending review by the SHPD in compliance with HRS Chapter 6E and HAR §13-284 (see Appendix A of DEA for copy of Draft AIS);
- A Cultural Impact Assessment (CIA) to evaluate the potential effect of the Project on cultural beliefs, practices, and resources, including traditional cultural properties (see Appendix E of DEA for copy of CIA);
- A Biological Resources Survey and Supplemental 'Akoko Survey (see Appendix C of DEA);
- A Visual Impact Assessment Report (see Appendix F of DEA);
- A Glare Analysis Report (see Appendix G of DEA); and
- A Transportation Impact Analysis (see Appendix H of DEA).

The below sections summarize the potential project effects that require avoidance, minimization, or mitigation measures to avoid or minimize potential impacts. Only the resources with the potential for significant impact are summarized below. For more details and a

comprehensive discussion of all resources and potential project effects on those resources, please see the DEA (Exhibit A).

Biological Resources

Several biological surveys have been conducted in the Project area including a general plant and wildlife survey (conducted June 3, 9, and 11, 2020), a pueo or Hawaiian short-eared owl (*Asio flammeus sandwichensis*) specific survey conducted on the morning of June 11, 2020 and the evenings of August 17, October 8, and November 16, 2020, and a wet season survey for the endangered 'akoko (*Euphorbia skottsbergii var. skottsbergii*) in April 2021. The 'akoko survey included appropriate portions of the Project area, as well as a 328-foot (approximately 100-meters) buffer from the Project's limits of disturbance in areas with suitable habitat. Finally, Tetra Tech conducted a general plant and wildlife survey of the Coral Sea Road ROW on May 5, 2021.

In general, the biological surveys found that the Project area has been extensively disturbed and modified by the previous military use, current activities, and the introduction of invasive species, which has resulted in a reduction of native species and suitable habitats for native species. Below is a summary of the findings from the Project's biological surveys.

Description of Biological Resources in Project Area

Plants

- A total of 138 plant species were recorded during the biological surveys; of the species observed, 12 plant species are native to the Hawaiian Islands. None of the plant species observed in the Project area are federal or state listed threatened, endangered, proposed listed, or candidate plant species. No portion of the Project area has been designated as critical habitat for any listed plant species.
- Eleven wiliwili (*Erythrina sandwicensis*) trees were recorded in the Project area during the biological survey; however, wiliwili is not a federal or state listed species but is considered a keystone species in lowland dry forests and is culturally important to Hawaiians. None of the other native plants observed in the Project area are considered rare throughout the Hawaiian Islands.
- The primary vegetation type within the Project area is kiawe (*Prosopis pallida*)/buffelgrass (*Cenchrus ciliaris*) forest. The Koa Haole Scrub is the second most common vegetation type and is scattered in areas on TMK 9-1-013:038.
- As stated above, no federal or state listed plant species were recorded in the Project area during the surveys. However, the endangered 'akoko has been recorded adjacent to the Project area within TMK 9-1-013:039 (the U.S. Navy's former Northern Trap and Skeet Shooting Range). The April 2021 wet season survey recorded a total of 36 'akoko plants in three locations outside of the Project area within the northern portion of the Navy owned TMK 9-1-013:039. All of the 'akoko individuals recorded during the April 2021 survey are more than 100 meters from the Project's limits of disturbance and more than 100 meters from the closest TMK boundary of TMK 9-1-013:039.

Wildlife

- The majority of the animal species recorded in the Project area are not native to the Hawaiian Islands.
- Most of the bird species recorded are non-native to the Hawaiian Islands and are commonly found in rural or agricultural areas; however, two listed bird species—the state and federally endangered ae'o or Hawaiian stilt (*Himantopus mexicanus knudseni*) and the state listed pueo—were recorded within the Project area. In addition, endangered 'alae ke'oke'o or Hawaiian coots (*Fulica alai*) were detected immediately adjacent to the Project area at Ordy Pond.
- Twenty-four invertebrate species were observed during the biological surveys. Of these species, only the globe skimmer (*Pantala flavescens*) and green darner (*Anax junis*) are native to the Hawaiian Islands.
- The biological surveys for the Project did not include focused surveys for the Hawaiian hoary bat (e.g., acoustic bat detectors or night vision goggles). USFWS and DOFAW recognize all woody vegetation greater than 15 feet tall as potential bat roosting habitat. Numerous trees in the Project area (kiawe, ironwood, Ficus spp.) may provide suitable roosting habitat. Given the species' wide range of foraging habitat, it is also likely that bats forage in or near the Project area.

Potential Effects and Avoidance and Minimization Measures

Plants

The Project is expected to have a total combined footprint of less than 100 acres on DHHL lands, of which the solar panels will cover approximately 45 acres. However, the Project area has been extensively disturbed by previous military operations and the introduction of invasive species, and the existing vegetation is largely comprised of non-native species and no federally or state listed endangered, threatened, or candidate plant species have been identified within the Project area. No Project components are planned in the areas where the wiliwili trees were mapped during the surveys; therefore, the 11 recorded wiliwili trees within the Project area will not be directly impacted by the Project. The remainder of the native plant species identified within the Project area are not considered rare throughout the Hawaiian Islands.

Although the endangered 'akoko occur adjacent to the Project area, the Project would maintain a buffer of at least 328 feet (100 meters) from the known 'akoko plants on TMK 9-1-013:039, as recommended by DOFAW and USFWS. The Project would incorporate multiple layers of fire prevention and suppression measures and other measures to minimize direct or indirect impacts to the nearby endangered 'akoko including establishing an environmental education and observation program to educate all construction and operational personnel about the nearby endangered 'akoko and to take appropriate steps if the species is found.

Measures would be implemented to avoid the unintentional introduction or transport of new invasive species to the area. Following construction, all temporarily disturbed areas would be revegetated to stabilize soil and prevent erosion. It is anticipated that revegetation would involve application of hydroseeding using a suitable mix of non-invasive grasses and/or species

that are currently found throughout the site. In addition to revegetation of temporarily disturbed areas, landscaping may also be installed to provide visual screening of Project equipment from adjacent areas to the extent practicable.

In summary, as the Project area is dominated by non-native vegetation, measures would be implemented to avoid or minimize impacts to the wiliwili trees on the site and the endangered 'akoko known to occur nearby (off site), implementation of the Project is not expected to have a significant impact on vegetation.

Wildlife

Most of the wildlife in the Project area is non-native to the Hawaiian Islands, and native habitats have been disturbed by previous activities and the introduction of invasive species, which has reduced the presence of native wildlife. As mentioned above, the state listed pueo was observed within the Project area, and Hawaiian stilts were seen flying over the Project area during the biological surveys. Several other threatened and endangered wildlife species could occur within or traverse over the Project area. Potential impacts and associated mitigation measures specific to listed wildlife species are discussed in the subsections below.

Pueo:

- Pueo could be directly impacted by the Project, primarily if a nest is disturbed or removed during construction. The Project would minimize potential impacts to pueo nests by conducting pre-construction nest surveys within areas of suitable nesting habitat. In addition, site workers (particularly heavy equipment operators) would be trained to identify pueo and take appropriate steps if a pueo (or pueo nest) is found.
- o Indirect impacts to pueo may include habitat loss and temporary disturbance. As discussed above, the Project is expected to have a total combined footprint of less than 100 acres on DHHL lands, of which the solar panels will cover approximately 45 acres. Similar habitat as what will be impacted in the Project area is known to occur in the Project vicinity. It is expected that the pueo would readily use other nearby similar habitat, such that temporary displacement or habitat loss would not be expected to significantly affect the species.
- During operations, the Project is not expected to significantly impact pueo.
 Similar to construction workers, operations personnel would be trained to identify pueo and take appropriate steps if found. Pueo collision with solar PV panels is not known to have been documented at any utility-scale solar project in Hawai'i.

• Listed Waterbirds:

O Hawaiian stilts were observed flying over the Project area, and both Hawaiian stilts and Hawaiian coots are known to occur and nest at nearby Ordy Pond. Although no suitable habitat for listed Hawaiian waterbirds occurs within the Project area, it is likely Hawaiian stilts and coots could traverse the Project area while moving to and from Ordy Pond. Direct impacts to listed waterbirds are not anticipated during construction as the Project does not currently contain suitable habitat for waterbird species, nor would suitable waterbird habitat be created as a

result of the Project.

Ouring operation, there is limited potential for Project features to attract listed waterbirds to the area. Listed waterbird species that occur in Hawai'i have not been documented to collide with PV arrays.

• Listed Seabirds

Although unlikely, it is possible that the three listed Hawaiian seabird species could fly over the Project area in transit between the ocean and upland breeding sites during the breeding, nesting, and fledging seasons (March to December).
 Seabirds may be attracted and disoriented by lights at night, which could result in fallout. Measures that are intended to avoid and minimize the potential seabird impacts from artificial night lights would be implemented as part of the Project.

• Hawaiian Hoary Bat

- Based on the existing vegetation, Hawaiian hoary bats could forage in the Project area, or roost in woody vegetation 15 feet or taller. During construction, impacts to the Hawaiian hoary bat could occur as a result of removing or disturbing roost trees that contain young bats. During the birthing and pupping season (June 1 through September 15), there is a risk that juvenile bats that cannot yet fly on their own could inadvertently be harmed or killed. To avoid this potential impact, the Project will not remove or disturb woody vegetation during the birthing and pupping season. In addition, no barbed wire would be installed on the Project fence to prevent entanglement.
- o Indirect impacts to the Hawaiian hoary bat could include temporary displacement and/or permanent loss of foraging and roosting habitat. However, construction activities would generally occur during daylight hours when bats are not typically foraging; therefore, the potential for disturbance to foraging would be minimal. Given the low bat activity rates recorded at the nearby bat detectors, and the extent of similar roosting and foraging habitat available in the vicinity, the potential for bat impacts associated with permanent habitat loss is also expected to be minimal.

In summary, the Project is not expected to have a significant impact on native or listed wildlife.

Historic Properties

Description of Historic Resources in Project Area

To identify, document and assess the significance of historic properties within the Project area, Pacific Legacy, Inc. conducted an AIS of approximately 163 acres of lands owned by the DHHL as well as a corridor within the HDOT Coral Sea Road ROW. The AIS resulted in the identification and documentation of 17 historic properties containing a total of 438 archaeological features. See Table 1 and **Figure 4**. The 17 historic properties consist of limestone structures or modified limestone pits used for Hawaiian habitation, agriculture, and ceremonial activities; unmodified limestone pits of an undetermined function; and intact historical buildings and remnant infrastructure associated with MCAS 'Ewa and NASBP military

bases that date from the 1940s to the late 1950s.

Table 1. Summary of Historic Properties Documented in Barbers Point Solar Project Area

SIHP No. (50-80-12-)	Temp Site No.	No of Features	Site Type	Possible Function	Possible Temporal Period
01729	-	2	Unmodified limestone pits	Undetermined	Undetermined
01733	_	18	Walls, mounds, and C-shapes, and limestone pits	Habitation-agriculture complex	Pre-Contact to early Post-Contact
01745	_	18	Modified and unmodified limestone pits	Agriculture	Pre-Contact to early Post-Contact
05094	-	5	Unmodified limestone pits	Undetermined	Undetermined
05099	-	27	Structural remains of Navy Seabee Camp	U.S. military	World War II era
05100	-	24	Mounds, platforms, C-shapes, enclosures, walls, mounds, and limestone pit	Pre-Contact/early post- Contact habitation and agriculture	Pre-Contact to early Post-Contact
05106		99	Walls, enclosures, platform, mounds, modified/ unmodified limestone sinks, berm, stone-masoned channel	Pre-Contact/early post- Contact habitation, ceremony, agriculture, recreation/U.S. military training	Pre-Contact to early Post-Contact/World War II and after
05107	- -	7	Modified and unmodified limestone pits	Pre-Contact/early post- Contact agriculture	Pre-Contact to early Post-Contact
· · · · · · · · · · · · · · · · · · ·	T-01	7	Bunkers and building foundation	U.S. military	World War II era
	T-02	57	Aircraft revetments and related infrastructure	U.S. military	World War II era
-	T-03	160	Modified and unmodified limestone pits	Undetermined	Undetermined
-	T-07	1	L-shaped wall	Habitation	Pre-Contact to early post-Contact
-	T-08	4	MCAS 'Ewa Airfield features	Runways, aprons, taxiways, tie-down rings, utility box, irrigation ditch	1942-1944 World War II era
-	T-09	6	Concrete structures for utilities, foundation	U.S. Military	1942, World War II and after
-	T-10	1	Unmodified limestone pit	Undetermined	Undetermined
-	T-11	1	Unmodified limestone pit	Undetermined	Undetermined
	T-12	1	Cultural deposit	Habitation	Pre-Contact to early post-Contact

Given the substantial land modifications undertaken during construction of the U.S. military facilities in the Project area, the current distribution of archaeological features shows

only a fragmented picture of the Pre-Contact and early Post-Contact archaeological record. Two concentrations of traditional Hawaiian historic properties are located in the Project area: one in the southern portion of TMK 9-1-013:040 (SIHP 50-80-12-01733, -05106, and -05107) and another in the southeastern portion of TMK 9-1-013:038 (SIHP 50-80-12-05100). Both site clusters are on exposed reef (limestone). The remaining historic properties include concentrations of unmodified limestone pits (SIHP 50-80-12-01729, -05094, T-10, and T-11), concentrations of limestone pits with a few modified pits (Sites -01745 and T-03), an isolated traditional Hawaiian habitation feature (Site T 07), a subsurface cultural deposit (T-12), and five U.S. military sites (SIHP 50-80-12-05099 and T-01, T-02, T-08, and T-09). A portion of historic property T-02 is included in the proposed Revetment District (Yoklavich 1997). No historic properties were documented within the portion of the NRHP-listed 'Ewa Battlefield Historic District located within the northern-most extent of the Project area.

The density of traditional Hawaiian features indicates the lower half of the Project area (TMK 9-1-013:040) was intensively used during the pre-Contact and early post-Contact era, with settlement clusters established around concentrations of agricultural mounds and limestone pits that provided natural planting venues with good soil retention and irrigation through groundwater. The largest settlement cluster (SIHP 50-80-12-05106) is located on the most makai (southern) portion of the project area with nearby access to the freshwater source at Ordy Pond and Honouliuli's coastal resources. In total, the AIS documented eight sites in the Project area that contain pre-Contact or early post-Contact habitation, agricultural, and possibly ceremonial features. The ceremonial features are described below.

- SIHP 50-80-12-05100, Feature 1 is located in southeastern portion of TMK 9-1-013:038 and includes a permanent habitation enclosure with a raised surface that might represent an altar for ceremonial activities. The enclosure is also interpreted as being part of traditional kauhale. The presence of the possible altar in combination with its large size might indicate it functioned as a hale mua or men's house.
- SIHP 50-80-12-05106, Feature 34 is located in the southern portion of TMK 9-1-013:040 and was identified, after consultation with cultural practitioner Shad Kane, as a kahua (an open place for sports) used during the makahiki. The makahiki began around the middle of October and lasted about four months with sports and religious festivities and a kapu (taboo/prohibition) on war.
- SIHP 50-80-12-05106, Feature 33 and 93 are also located in the southern portion of TMK 9-1-013:040. Feature 93 is a substantially built platform that likely included Feature 33 (a C-shaped wall) as a separate ceremonial space or possible living area. The irregular-shaped Feature 93 platform appears to have been truncated by previous land clearing and road building. The platform surface contains a few depressions, possibly marking posts or a foundation for sacred objects.

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Figure 4- Locations of Archaeological Features identified during the AIS

Potential Effects and Avoidance and Minimization Measures

Of the 438 total documented features in the Project area, 348 will be preserved (see **Figure 5**). These include most of the traditional Hawaiian features (n=110), including all 8 ceremonial features, and most of the limestone pits (n=191) in the Project area. Full-time archaeological monitoring is recommended during all ground-disturbing activities to ensure that all sites slated for preservation will be protected in accordance with an accepted Preservation Plan.

The Project will potentially impact 90 of the 438 total documented features. The impacts to 42 of these 90 features will be mitigated through data recovery (see **Figure 5**). These sites include:

- 34 limestones pits with undetermined age and function
- 1 modified limestone pit associated with pre-contact agricultural use
- 2 limestone mounds associated with pre-contact agricultural use
- 2 walls associated with military land modification in the 20th century and 1 post contact wall associated with possible military training
- 1 enclosure associated with pre-contact temporary habitation (Feature 70 at SIHP 50-80-12-05106).
 - This feature is a roughly circular remnant enclosure located in the southwestern edge of TMK 9-1-013:040.
 - o The walls of the enclosure are collapsed and consist of roughly piled limestone cobbles and small boulders. The feature is in poor condition due to disturbance by historic and modern landscape modifications indicated by bulldozer push in the vicinity. Feature 70 might have functioned as a habitation feature.
- 1 feature at T-12 which is a subsurface cultural layer associated with pre-contact to early post-contact era habitation.
 - The single feature at site T-12 is located in the shoulder on the west side of Coral Sea Road near the intersection with San Juacinto Street.
 - The feature consists of a remnant cultural layer located between 80 and 110 cm below surface observed in the central portion of the test trench excavated at this site. The cultural layer consists of a charcoal-stained, gravelly silt loam that yielded charcoal, kukui (*Aleurites moluccana*; candlenut tree) endocarp, faunal bone (small mammal, fish), sea urchin, crab, and marine mollusks. The cultural layer is likely associated with a traditional Hawaiian habitation site that existed at this location prior to historic and modern development of the area.

Data recovery investigations will be carried out to recover any significant archaeological or paleontological deposits from the features. The limestone pits are also culturally sensitive for the Native Hawaiian community, as previous investigations have identified limestone pits that contain human remains near the Project area. Data recovery in these instances will ensure that no human remains are adversely impacted by the proposed project. Data recovery will include hand-

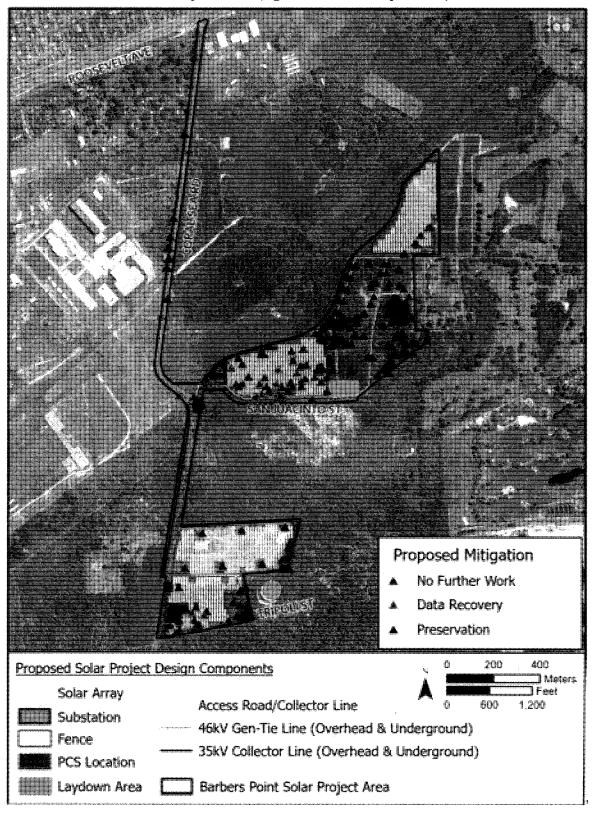
excavating a limestone pit (Feature 160) that was partially excavated during the testing phase of the project (Trench 5). Data recovery at Site T-12 will consist of hand excavations in the vicinity of Test Trench 4 to determine the horizontal and vertical extent of the documented cultural layer.

No further work is recommended for the remaining 48 historic property features potentially impacted by the project (see **Figure 5**). These sites are all associated with military infrastructure from the mid-20th century.

Archaeological monitoring is recommended for the Project. Before initiation of any ground-disturbing activities related to Project construction, approval will be obtained from SHPD, including approval of a Project-specific Archaeological Monitoring Plan. The features recommended for No Further Work shall be called out in the Archaeological Monitoring Plan.

Pursuant to HAR §13-284-7 and subject to review and concurrence by SHPD, the effect determination for the Project is anticipated to be "effect, with proposed mitigation commitments."

Figure 5- Proposed Mitigation Measures for Individual Features of the Historic Properties in the Barbers Point Solar Project Area (figure 24 from Project AIS)



Cultural Resources

As part of the HRS Chapter 343 process, Pacific Legacy conducted a Cultural Impact Assessment (CIA) to evaluate the potential effect of the Project on cultural beliefs, practices, and resources, including traditional cultural properties. The methodology used in the preparation of the CIA followed the OEQC's Guidelines for Assessing Cultural Impacts and included archival research as well as ethnographic interviews.

Scoping letters were sent to 15 individuals who are affiliated with a range of organizations. Contacted individuals included representatives of Native Hawaiian Organizations (NHOs) including the Office of Hawaiian Affairs (OHA), as well as local NHOs based in the moku of 'Ewa and the city of Kapolei. A total of six out of 15 people responded, with one providing e-mail correspondence and two kama'āina (Native-born) and/or kūpuna (elders) participating in formal interviews, as follows:

- Mr. Shad Kane member of Kapolei Hawaiian Civic Club, Chair of the O'ahu Council of Hawaiian Civic Clubs Committee on the Preservation of Historic Sites and Cultural Properties, Ali'i Ai Moku of the Kapuāiwa Chapter of the Royal Order of Kamehameha Ekahi, and 'Ewa Moku Representative on the State Aha Moku Advisory Committee
- Ms. Keala Norman- kama'āina knowledgeable about 'Ewa
- Mr. Mana Caceres- 'Ewa representative on the O'ahu Island Burial Council

On June 17, 2021, a site visit was organized. Three CIA participants came together to visit significant archaeological sites in portions of the project area. In addition, Pacific Legacy delivered an informational presentation to the Oʻahu Island Burial Council as part of the outreach for both the AIS and CIA for this project.

A summary of the discussion contained in the CIA report is provided below; a copy of the CIA report is contained in Appendix E of the DEA (Exhibit A).

Archival research indicated that a major feature of pre-Contact and early Contact Honouliuli, the Kualaka'i Trail, passed near to the Project area. This prominent trail once connected Honouliuli Village to the coastal settlements of One'ula and Kualaka'i, and would have been crucial to life on the 'Ewa Plain and its coast. Though the trail is no longer discernable within the Project area, cultural resources, such as archaeological features attributed to this trail, may exist beneath the plantation era soil. Numerous archaeological and architectural studies have been conducted within the Project area and surrounding region, and these studies highlight the intensive use of this area during the Pre-Contact period as well as the Post-Contact period, including extensive military development during the 20th century.

Collectively, those interviewed through the CIA shared important mo'olelo (oral traditions) specific to the region and emphasized significant archaeological features, including the presence of trails, the use of limestone sinks/pits for the interment of iwi kupuna (human ancestral remains), gathering of limu (seaweed) and other coastal resources, and traditional agricultural practices that were carried out in the area. They also emphasized the dramatic changes to the landscape during the recent past. Based on information shared by Shad Kane,

portions of the project area were used by Hawaiians for a variety of activities. For example, sinkholes in the larger general area were utilized as natural planters for kalo (taro, dry-land variety), temporary shelters, storage features, and sources of water. Shad Kane also recalls the existence of a kahua (an open place for sports), or makahiki grounds, as well as numerous trails in the area that connected to trails in the Kalaeloa Heritage Park.

No evidence was found of ongoing cultural practices in the Project area and the CIA participants did not identify and direct or indirect impacts that the Project will have on traditional or customary practices in the area. Cultural practices, including caring for archaeological features and natural resources, do occur adjacent to the Project area in the Kalaeloa Heritage Park. Ethnographic accounts suggest that iwi kupuna burial locations are present in the Project area vicinity in Honouliuli in karst or underground caves, and on the ground surface, covered with coral cobbles.

As a result of information gathered from the archival research and community outreach interviews, it has not been demonstrated that any cultural practices have been occurring presently in the Project area from the Pre-Contact era or Post-Contact era periods. Therefore, the Project is unlikely to affect cultural practices within the Project area. Community outreach interviews and extensive archaeological studies document significant archaeological features in the vicinity of the Project area, dating to the pre-Contact period (also Historic Properties section above and Draft AIS Report, Appendix A of DEA). The potential for limestone pit features in the area to contain ancestral burials (iwi kupuna) was a shared primary concern of those interviewed during community outreach efforts for the AIS and CIA. Archaeological monitoring during construction and development of an archaeological data recovery program is recommended. The cultural descendants who participated in the CIA should be further consulted to develop protocols for the appropriate protection and preservation of sites, and these protocols should be recognized in future land uses and transactions. Their mana'o (thoughts, ideas, opinions) on procedures for clearing, caring for, and reactivating the kahua would be invaluable as well. Given the existence of Hawaiian burials in close proximity to the Project area, there is potential for natural limestone pit features to contain burials. Should a burial be identified during the construction of the Barbers Point Solar Project, an appropriate protocol for treatment will be developed in close consultation with DHHL, SHPD, the Oahu Island Burial Council and other key stakeholders. This protocol will be developed as part of an archaeological monitoring plan for the Project prior to its construction.

Visual Resources

Based on an initial field assessment of various viewsheds from different distances from the Project, Barbers Point Solar determined the Project would be discernable at locations adjacent or near the Project site but would not be viewable from surrounding areas due to the Project area's flat terrain and surrounding vegetation. Therefore, the visual assessment prepared for the Project primarily focuses on potential impacts to viewsheds near the Project (i.e., the viewshed assessment area). The following specific viewpoint locations were identified for detailed visual assessment and creation of photo simulations. Four viewpoints represent views from public viewsheds, see Figures 3-9 through 3-12 of the DEA for simulations from each of these viewpoints:

- Viewpoint 1: 'Ewa Battlefield Proposed Visitor Center
- Viewpoint 2: 'Ewa Battlefield 1941 Runway
- Viewpoint 3: Coral Sea Road south of the intersection of Coral Sea Road and Casablanca Street
- Viewpoint 4: Coral Sea Road at Intersection of Coral Sea Road and HDOT ROW

The visual impact analysis shows that in many cases the Project will be partially or fully screened by existing vegetation. The Project is anticipated to be completely screened by terrain and existing vegetation at Viewpoint 1. The Project will introduce weak contrast to the landscape setting at Viewpoints 2 and 4 and a moderate contrast at Viewpoint 3. After decommissioning, the Project site will be returned to substantially the same condition as existed prior to Project development. Considering all features, the Project is expected to have minimal or no significant impact on the City and County of Honolulu's scenic and visual resources.

Glare

In addition to introducing new elements into the visual landscape, the Project also has the potential to produce glare.² In general, solar modules are designed to absorb rather than reflect sunlight and incorporate a surface material that allows sunlight to pass with minimal reflection. The modules also have an anti-reflective coating that further reduces reflectivity. Regardless, solar facilities still have the potential to result in some degree of glare.

To evaluate the potential for glare associated with the Project, Tetra Tech completed a glare analysis using the Solar Glare Hazard Analysis Tool (SGHAT) software through an online tool (GlareGauge) developed by Sandia National Laboratories and hosted by ForgeSolar. A copy

² As an industry standard, the term "glint and glare" analysis is typically used to describe an analysis of potential ocular impacts to defined receptors. As a point of clarification, ForgeSolar defines glint and glare in the following statement: "Glint is typically defined as a momentary flash of bright light, often caused by a reflection off a moving source. A typical example of glint is a momentary solar reflection from a moving car. Glare is defined as a continuous source of bright light. Glare is generally associated with stationary objects, which, due to the slow relative movement of the sun, reflect sunlight for a longer duration." Based on the ForgeSolar definitions of glint and glare and the stationary nature of the solar photovoltaic modules (fixed tilt), the potential reflectance from the Project is referred to as glare.

of the Project's Glare Analysis Report is included in Appendix G of the DEA. The analysis included six 2-mile final approach flight paths and one Airport Traffic Control Tower (ATCT) associated with Kalaeloa Airport, which is approximately 0.5 miles to the west of the Project, and eight 2-mile final approach flight paths and one ATCT associated with Daniel K. Inouye International Airport, which is approximately 6.5 miles to the east of the Project.

Based on the SGHAT results, no glare was predicted for the observation points or for Daniel K. Inouye International Airport. Limited amounts of green glare are predicted at Kalaeloa Airport Runways 22L and 22R and the potential occurrence of glare is limited (less than 7.2 percent of annual daylight hours). No yellow or red glare is predicted at any of the receptors. Glare impacts associated with the Project are expected to be minimal.

As recommended by the FAA Notice Criteria Tool, the Project filed a request for a Determination of No Hazard to Air Navigation with the FAA Obstruction Evaluation Group (OEG) for the Project's solar arrays and substation infrastructure. A copy of the Project's glare report was included in the submittal to FAA. In response, the FAA conducted an aeronautical study and concluded that the proposed structures do not exceed obstruction standards and would not be a hazard to air navigation provided the FAA Form 7460-2, Part 2 if filed within 5 days after construction reaches its greatest height (see FAA Determination of No Hazard forms in Appendix G of DEA).

Transportation and Traffic

A network of state, county, and privately-owned roadways provide access to the Project Study Area and surrounding areas. The primary access route to the Project is anticipated to be via Coral Sea Road. Barbers Point Solar estimates a maximum of 65 vehicles would be expected to operate or make deliveries at the Project area each day. This maximum represents peak construction traffic, including trucks and commuting vehicles.

A Traffic Impact Analysis Report was prepared and is included in Appendix H of the DEA. Project construction is not expected to measurably affect overall level of service at the signalized intersections adjacent to the Project area. However, construction could result in minor, localized impacts to traffic and the roadway network. To reduce any potential impact on roadways and traffic, a traffic management plan for the Project's construction phase will be developed, with implementation of appropriate measures to minimize traffic-related impacts. During the operational phase of the Project, impacts on traffic are expected to be negligible given the low frequency and volume of vehicles accessing the Project Study Area for operations and maintenance. Therefore, the Project is anticipated to have a minimal effect on traffic and public roads from Project construction and no effect from Project operations and maintenance.

Anticipated Public Comments/Concerns

As discussed above, on March 21, 2019, DHHL and Innergex hosted a beneficiary consultation meeting on the proposed Project. Ten (10) beneficiaries participated in the consultation meeting and one (1) beneficiary emailed written comments. The Beneficiary

Consultation Report, including presentation, can be found in Appendix I of the DEA. The questions from the beneficiaries were mostly focused on understanding how the Project will benefit the beneficiaries. As noted earlier, the primary benefit of the Project to the beneficiaries is providing a revenue stream to DHHL that can be used to help fund the development of new homesteads in suitable residential areas throughout the state.

In addition to the general community outreach and agency coordination conducted by Barbers Point Solar, LLC, additional consultation has been conducted specifically for the HRS Chapter 343 environmental review process. These efforts included the mailing of pre-assessment scoping letters to various agencies, elected officials, community organizations and interested individuals. A total of 21 comment letters were received in response to the pre-assessment scoping letters and the substantive comments are summarized in Table 2 below, with copies of the comment letters and the responses provided in Appendix K of the DEA. In accordance with the intent of HAR §11-200.1, the information and input received through the pre-assessment process was considered in the preparation of the Draft EA.

Table 2. Summary of Comments Received in Response to Scoping Request

Commenting Party	Date of Comment	Summary of Comments
Aha Moku 'Ewa Representative Shad Kane	Email dated June 1, 2021	There are excellent Hawaiian cultural structures in the area.
John Bond	Email dated June 3, 2021	 Where will the main electrical facilities, batteries, etc. be located. Is there now no plan to use any part of the 1941-42 MCAS Ewa Field properties? Will the project use any part of the 1942 aircraft revetments? Will the project use any part of the 1944-1965 Navy SeaBee Camp and Navy interim housing facility? Are there specific diagrams of solar arrays? How will the historic and cultural sites be protected? Is the project considering putting the Coral Sea Road powerline underground?
City and County of Honolulu Dept. of Community Services	Letter dated June 4, 2021	States the Project will not impact any of the Department's activities or project in the surround neighborhood.
City and County of Honolulu Dept. of Planning and Permitting	Letter dated June 7, 2021	States that they have no comments at this time, but they look forward to reviewing the Draft EA.
City and County of Honolulu Police Department	Letter dated June 8, 2021	States that they recommend safety equipment be installed and maintained by the contractor during the construction phase of the project to avoid impacts to vehicular traffic.
State of Hawai'i Dept. of Accounting and General Services	Letter dated June 8, 2021	No comment at this time as Project does not impact any of the Department's projects or existing facilities.
Jan Becket	Email dated June 14, 2021	Asks that best practices be observed and that none of the pre-contact structures near Ordy Pond or in other parcels be impacted by the solar project.
Honolulu Fire Department	Letter dated June 14, 2021	Summarizes requirements for fire department access roads, water supply to provide fire flow, fire apparatus access roads, and fire code requirements for photovoltaic and battery storage systems; requests submittal of civil drawings for review by Honolulu Fire Department
DLNR Division of Forestry and Wildlife	Letter dated June 24, 2021	Recommends surveys for endangered plant species and buffer zones if they occur.

Commenting Party	Date of Comment	Summary of Comments
		 Recommends twilight pre-construction pueo surveys prior to clearing vegetation; if pueo nests are present, a buffer zone should be established in which no clearing occurs until nesting ceases, and DOFAW staff should be notified. Recommend coordinating with Hawai'i Wildfire Management Organization on wildfire prevention. All construction activities within 100 feet of State listed waterbirds should cease until bird leaves of its own accord. If a nest is discovered, contact the O'ahu DOFAW. Recommends avoidance of removing or disturbing woody vegetation during the birthing and pupping season and avoidance of installation of
		 barbed wire. 6. Recommends measures to minimize impacts to seabirds: (1) all lights be fully shielded and directed to avoid reflecting off the panels; and (2) nighttime work that requires outdoor lighting should be avoided during the fledging season. 7. Recommends minimizing the movement of plant or soil material
Board of Water Supply	Letter dated June 15, 2021	between worksites, such as in fill. States they don't have water facilities in the proposed project area. Water service and fire protection should be provided by the private water system.
City and County of Honolulu Dept. of Facility Maintenance	Letter dated June 15, 2021	States during construction and upon completion of the project, any damages/deficiencies along the roadway on Tripoli Street shall be repaired to City standards and accepted by the City and at no cost to the City and County of Honolulu.
Hawaii Community Development Authority	Letter dated June 15, 2021	 The Project will require a development permit and the contested case public hearing process. The Project may require variances regarding fencing, landscaping, irrigation, frontages and setbacks. HAR 15-215, Kalaeloa Rules require new electrical infrastructure to be underground unless it will be installed on the existing electrical poles.
State of Hawai'i Department of Transportation	Letter dated June 16, 2021	 Airports Division Project should read the Technical Assistance Memorandum (TAM) for guidance with development and activities that may require further review and permits. Project requires the submittal of FAA Form 7460-1 Notice of Proposed Construction or alteration. A glint and glare analysis must be attached to the PV submittal of FAA Form 7460-1. Owner of the PV system shall be prepared to immediately mitigate the RFI hazard upon notification by the HOOT-A and/or FAA. Due to the proximity to the airport, the developer should be aware of potential noise and air pollution from aircraft operations Project shall have sufficient firefighting/fire suppressant ability to prevent potential smoke obstruction in the protected air space.
		 Highways Division Any work within State ROW requires a Permit to Perform Work Upon State Highways and a Traffic Management Plan. Submit construction plans to HDOT-HWY O'ahu District for review and approval. The HOOT-HWY ROW Branch review and consultation of proposed changes to the existing Innergex Use and Occupancy Permit required. Include a discussion of potential construction-phase and decommission-phase impacts on regional traffic. The operational impacts of the solar facility on State roads would not be significant; however, the EA should include a discussion of existing and future traffic, transit, pedestrian routes, and bikeways in the vicinity.

Commenting Party	Date of Comment	Summary of Comments
		 Describe other proposed Kalaeloa Master Plan development sharing the project's access driveways or require additional access driveways on Coral Sea Road. HDOT-HWY encourages joint-use, single-pole construction at locations where more than one utility or type of facility is involved. Recommend consulting with the USCG on the status of their project, and opportunities for co-location of overhead facilities. Describe the existing utility infrastructure, any proposed removal/decommissioning of existing electrical infrastructure, and Project consistency with Kalaeloa Master Plan utility infrastructure. HDOT-HWY permit is required to transport oversized and/or overweight vehicles and loads on HDOT roadways. No additional discharge of surface water run-off onto State ROW is
Historic Hawai'i Foundation	Letter dated June 30, 2021	 permitted The HRS 343-5 triggers for environmental review including the proposed use within any historic site as designated in the National or Hawai'i Registers of Historic Places. Portions of TMK: 9-1-013:038, Area 1 is contained within the 'Ewa Plain Battlefield. Also within the DHHL parcel, between Areas 1 and 2, is an eligible historic district of World War II aircraft revetments ('Ewa Field South Revetment Dispersal Area). Historic Hawai'i Foundation is generally supportive of Hawaii's Renewable Energy Mandate in cases where such improvements are located, designed and implemented to avoid, minimize or mitigate effects to historic properties and cultural resources. HHF expects that the scope of the Draft Environmental Assessment will include discussion, evaluation and recommendations for project components located within and/or adjacent to both the 'Ewa Plain Battlefield District and the WWII Revetment District. HHF also expects to see identification and evaluation of any other cultural resources that may be present, including properties to which Native Hawaiians attach religious and cultural significance.
Hawaii State Energy Office	Letter dated June 30, 2021	 HSEO recommends the DEA state how the Project would contribute to the State's and O'ahu's renewable energy portfolio and support the retirement of these fossil fuel units. The DEA should identify any other benefits such as grid stabilization, long-term resiliency, and energy self-reliance; incorporate the Hawai'i Greenhouse Gas Emissions Report for 2017; provide the projected estimated value of the Project including the estimated savings to Hawaiian Electric customers over the Project lifetime; identify the public outreach activities conducted by Innergex for the Project, summarize the public input received, and identify the responses to this input including appropriate Project modifications and/or mitigation measures; identify all community benefit commitments associated with the Project; consultation with the DOH Solid and Hazardous Waste Branch regarding the appropriate disposal of the solar panels, as well as other electronic items and batteries, at their end of life; identify how the Project will directly benefit DHHL beneficiaries.
City and County of Honolulu Department of Transportation Services	Letter dated June 30, 2021	 Area representatives should be kept apprised of the details and status throughout the project and the impacts that the project may have on the adjoining local street area network. A street usage permit from the Department of Transportation Services should be obtained for any construction-related work that may require the temporary closure of any traffic lane or pedestrian mall on a City

Commenting Party	Date of Comment	Summary of Comments
		street. 3. Construction materials and equipment should be transported to and from the project site during off-peak traffic hours (8:30 a.m. to 3:30 p.m.). 4. Any existing pedestrian, bicycle and vehicle access/crossing shall be
		maintained with the highest safety measures during construction. 5. Project plans should be reviewed and approved by DCAB to ensure full compliance with Americans with Disabilities Act requirements.
DLNR Land Division	Letter dated July 2, 2021	The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project and comply with applicable rules and regulations related to flood hazards.
DLNR Division of Forestry and Wildlife	Letter dated July 15, 2021	1. If any <i>Euphorbia skottsbergii</i> var. <i>Skottsbergii</i> are observed during the construction and operation of the proposed solar project, DOFAW supports the U.S. Fish and Wildlife guidelines and 100 meters avoidance buffer.
		Recommend coordinating with Hawai'i Wildfire Management Organization on wildfire prevention.
		3. Avoid and do not damage any Wiliwili (<i>Erythrina sanwichensis</i>) trees.
		4. Recommends twilight pre-construction pueo surveys prior to clearing vegetation; if pueo nests are present, a buffer zone should be established in which no clearing occurs until nesting ceases, and DOFAW staff should be notified.

Anticipation of Findings of No Significant Impact

Based upon the analysis completed in the DEA, the staff anticipates a finding of no significant impact for the Project. This determination is based upon the 13 criteria of significance that approving agencies must consider as specified in Hawai'i Administrative Rules 11-200.1-13. An analysis of the 13 criteria of significance is presented below:

(1) Irrevocably commit a natural, cultural, or historic resource

Natural, cultural, and historical resources have been documented in Project specific studies including a Biological Resources Survey Report and Supplemental 'Akoko Survey (Appendix C of DEA), an AIS (Appendix A of DEA), and CIA (Appendix E of DEA).

The Project area is dominated by non-native vegetation and has been disturbed by past military use. At the end of its useful life, the Project would be decommissioned, with all Project-related equipment removed and the Project area returned to substantially the same condition as existed prior to development. As detailed in Section 3.4.2 of the DEA, measures would be implemented during construction and operations to avoid or minimize impacts to natural resources.

With respect to historic resources, the AIS identified 17 historic properties within the Project area, containing 438 component features. Based on the conclusions regarding the significance and documentation to date, pursuant to HAR §13-284-7 and subject to review and

concurrence by SHPD, the effect determination for the Project is anticipated to be "effect, with proposed mitigation commitments."

As detailed in Section 3.6 of the DEA, the CIA did not identify any cultural practices as currently existing within the Project area. Therefore, the Project is unlikely to affect cultural practices within the Project area. Based on this analysis, implementation of the Project would not be expected to result in an irrevocable commitment to loss or destruction of important natural, historical, or cultural resources.

(2) Curtail the range of beneficial uses of the environment

The range of beneficial uses of the environment is determined by the physical setting and the land use controls that define its use. The majority of the Project area is currently vacant and overgrown by kiawe and koa haole. In DHHL's approval of the Project's right-of-entry, it notes that it believes the Project is in the best interests of the DHHL Trust as it will generate a substantial revenue stream for the DHHL Trust over at least 25 years on land that lacks infrastructure, has use restrictions and limitations for [residential] development, and has not generated much revenue in the past (DHHL 2019). Furthermore, the Project is compatible with DHHL's General Plan, Oahu Island Plan, Kapolei Regional Plan and Ho'omaluo Energy Policy.

The Project would be decommissioned at the end of its useful life, with Project-related equipment removed and the Project area returned to substantially the same condition as existed prior to development, thus preserving the full range of potential future land uses. As the Project would provide clean renewable energy while allowing for ongoing agricultural activities and would not preclude any future land use following decommissioning, it would not be expected to curtail the range of beneficial uses of the environment.

(3) Conflict with the State's environmental policies or long-term environmental goals established by law;

The Project would not conflict with the State's environmental policies or long-term environmental goals, which are specified in HRS Chapter 344.

(4) Have a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State;

The Project would be expected to positively impact the economic and social welfare of the community by creating local employment opportunities, as well as providing a source of revenue for the DHHL Trust. Based on information gathered from the cultural and historical background, as well as community consultation conducted as part of the CIA, with implementation of biological avoidance and minimization measures listed in the DEA, the Project would not be expected to significantly affect cultural or natural resources identified as existing within the Project area. Contemporary cultural practices occur in the adjacent Kalaeloa Heritage Park parcel, which involve caring for archaeological features and natural resources. The Project would not interfere with these, or other cultural practices in the Project area vicinity. As

such, Project implementation would not result in a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State.

(5) Have a substantial adverse effect on public health;

The Project would be consistent with existing land uses and would not be expected to directly affect public health. Over the long term, operation of the Project would generate clean renewable energy that would replace a portion of electricity that is currently generated by burning fossil fuels, thus reducing greenhouse gas emissions and other forms of pollution that are detrimental to human health.

(6) Involve adverse secondary impacts, such as population changes or effects on public facilities;

While the construction and operation expenditures associated with the Project may provide a direct benefit to the local economy, the amounts are relatively too small to cause significant secondary effects in the local economy. The Project would not induce changes in land use, development, or population size in the 'Ewa District. Public facilities would not be adversely affected, nor would additional use of public facilities occur as a result of Project implementation.

(7) Involve a substantial degradation of environmental quality;

The Project would not involve substantial degradation of environmental quality. The Project area has been extensively modified by previous activities and is dominated by non-native habitat. Noise levels and airborne dust would likely increase as a result of Project construction and decommissioning, but these effects would be short term and minimized through implementation of BMPs such that impacts would be minimal. BMPs would also be implemented to minimize the potential discharge of pollutants associated with stormwater runoff during both construction and throughout operations, as well as during decommissioning. Following decommissioning, the Project area would be returned to substantially the same condition as existed prior to development. All aspects of Project implementation would comply with applicable federal, state and local environmental regulations.

(8) Be individually limited but cumulatively have substantial adverse effect upon the environment or involves a commitment for larger actions;

The proposed Project does not involve a commitment to a larger action; although it would provide electricity for the island of Oʻahu and would replace energy that is currently generated by fossil fuels. However, it would not be a precursor for other future projects. When considered in combination with other actions, the Project could potentially contribute to cumulative impacts, including those related to stormwater, noise, air quality, and traffic. However, avoidance and

minimization measures would be implemented, such that cumulative impacts would be less than significant.

(9) Have a substantial adverse effect on a rare, threatened, or endangered species, or its habitat;

None of the plant species observed in the Project area are federal or state listed threatened, endangered, proposed listed, or candidate plant species. As the Project area is dominated by non-native vegetation, measures would be implemented to avoid or minimize impacts to the wiliwili trees on the site and the endangered 'akoko known to occur nearby (off site), implementation of the Project is not expected to have a significant impact on vegetation.

Most of the wildlife in the Project area is non-native to the Hawaiian Islands, and native habitats have been disturbed by previous activities and the introduction of invasive species, which has reduced the presence of native wildlife. The state listed pueo was observed within the Project area, and Hawaiian stilts were seen flying over the Project area during the biological surveys. Several other threatened and endangered wildlife species could occur within or traverse over the Project area. Consistent with recommendations provided by DOFAW, the Project would incorporate measures specifically intended to avoid and minimize impacts to these species. With implementation of these measures, the Project would not be expected to have a substantial adverse effect on these listed species or their habitat.

(10) Have a substantial adverse effect on air or water quality or ambient noise levels;

Project implementation would result in minimal, short term impacts related to air and water quality, as well as ambient noise levels; mitigation measures would be implemented to minimize these impacts. The Project would also include permanent BMPs to provide long term retention and filtration of stormwater within the Project area. No substantial adverse water quality or air quality impacts are anticipated over the long term. Operation of the Project would generate some noise, primarily associated with the inverters and transformers within the solar arrays and substation; however, operational noise is expected to fall below the maximum permissible sound levels and is not expected to significantly impact any noise sensitive receptors, especially in the context of the airport activities in the Project vicinity.

(11) Have a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;

As the Project area is not located within a flood hazard zone or a tsunami evacuation zone, it is extremely unlikely that conditions associated with flood or tsunami inundation would occur within the site, nor would the Project contribute to increased risk of flooding or inundation. The Project is in an extreme tsunami evacuation zone, but extreme tsunamis are rare, and the Project is likely to not be affected. The Project would be designed and constructed in compliance with all applicable federal, state, and local environmental protection, design, and

building standards and regulations, including the Federal Flood Insurance Program, and would not contribute to coastal flooding. Implementation of the Project would not affect any environmentally sensitive area, nor would the Project be affected by environmental hazards associated with any such area.

(12) Have a substantial adverse effect on scenic vistas and viewplanes, during day or night, identified in county or state plans or studies; or

Based on a viewshed assessment (which considers terrain only and not existing vegetation or structures that may obstruct the view), it is anticipated that views of the Project would be primarily from areas immediately adjacent to the Project site. The Project will not block mountain or ocean views. From viewpoints from the adjacent public roadways and from locations within the 'Ewa Battlefield, the visual impact analysis shows that in many cases the Project will be partially or fully screened by existing vegetation. Where the Project is visible along Coral Sea Road, the visual contrast will be mitigated with the addition of Project landscaping. After decommissioning, the Project site will be returned to substantially the same condition as existed prior to Project development. Considering all features, the Project is expected to have minimal or no significant impact on the City and County of Honolulu's scenic and visual resources.

(13) Require substantial energy consumption or emit substantial greenhouse gases.

Construction of the Project would use some energy for site preparation and equipment installation. However, once installed, the Project would function to generate clean renewable energy, thus providing a net increase in energy and reducing emissions of GHG by replacing a portion of the electricity that is currently generated by burning fossil fuels.

DETERMINATION

Based upon the preliminary analysis and findings presented in this document, implementation of the Project is not expected to result in a significant adverse direct, indirect, or cumulative impact on the quality of the environment. As such, a FONSI is anticipated in accordance with HRS Chapter 343. This assessment is based on an evaluation of the Project impacts in relation to the significance criteria specified in HAR §11-200.1-13, as detailed above.

The anticipated determination is based on the preliminary analysis and findings of the environmental review process to date, as presented herein. Additional information and input obtained through the Draft EA public review process will be considered in finalizing the EA. A final determination will be made based on the analysis in the Final EA and published accordingly.

NEXT STEPS FOR EA COMPLETION

The following is a list of anticipated next steps and milestones in the completion of the EA.

• DEA anticipated to be published in the October 8, 2021, Environmental Review Program's publication of the *Environmental Notice*.

- 30-day public comment period on the DEA ends November 8, 2021.
- Public Open House during public comment period to be held virtually on October 20, 2021.
- Revise DEA per public comments and complete Final Environmental Assessment (FEA) (December 2021).
- Present FEA to HHC; HHC issues Finding of No Significant Impact (FONSI) declaration for the project (December 2021).
- HHC FONSI declaration for the project and FEA submitted to the Environmental Review Program for publication in the *Environmental Notice*. (January 2022)

NEXT STEPS FOR OVERALL PROJECT IMPLEMENTATION

In addition to the completion of the FEA and HHC declaration of FONSI for the project in accordance with Hawaii Revised Statutes Chapter 343 and HAR 11-200.1, the following actions permits, approvals, and coordination are needed.

Table 3. Anticipated Permits and Approvals Required for Project

Permit/Approval	Regulating Agency	Status
HRS Chapter 343 Compliance	DHHL (approving agency)	Draft EA published for public review
Development Permit	HCDA	Application to be submitted following HRS Chapter 343 EA process
Variance	HCDA	Application to be submitted following HRS Chapter 343 EA process
CUP	HCDA	Application to be submitted following HRS Chapter 343 EA process
HRS Chapter 6E Compliance (Historic Preservation Review)	State Historic Preservation Division (SHPD)	Draft AIS submitted to SHPD for review on September 8, 2021
NPDES Permit	Department of Health (DOH), Clean Water Branch	To be obtained prior to construction
Community Noise Permit	DOH, Indoor and Radiological Health Branch	To be obtained prior to construction
Building Permit	DPP	To be obtained prior to construction
Grading and Grubbing Permit	DPP	To be obtained prior to construction
Use and Occupancy Permit	HDOT	To be obtained prior to construction, as applicable
Permit to Perform Work Upon State Highways	HDOT	To be obtained prior to construction, as applicable
Weekly Lane Closure Form	HDOT	To be obtained prior to construction, as applicable
Permit to Operate or Transport Oversize and/or Overweight Vehicles and Loads	HDOT	To be obtained prior to construction, as applicable
Movement of Oversize and/or Overweight Vehicles and Loads Permit	DTS	To be obtained prior to construction, as applicable
Notice of Proposed Construction or Alteration (Form 7460-1)	Federal Aviation Administration (FAA)	To be submitted prior to construction
Notice of Actual Construction or Alteration (Form 7460-2, Part 2)	Federal Aviation Administration (FAA)	To be submitted within 5 days after construction reaches its greatest height

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 M.J. Tomonari Tuggle. Prepared by International Archaeological Research Institute,
 Inc., Honolulu for Belt Collins Hawaii, Honolulu.

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

July 9, 2019

To:

Chairman and Members, Hawaiian Homes Commission

Through:

Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division

From:

Allen G. Yanos, Property Development Agent 5

Land Management Division

Subject:

Approval to Issue a Right-of-Entry Permit and Conditional Approval for a General Lease to Innergex Renewables USA LLC and Delegate to the HHC Chairman the Authority to Negotiate the Final Terms and Conditions of the Lease at Kalaeloa, Island of Oahu, Tax

Map Key Nos. (1) 9-1-013:038 and 040

APPLICANT:

Innergex Renewables USA LLC, a Delaware limited liability company ("Innergex")

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission ("HHC") authorizes the following:

- 1. Issuance of a Right-of-Entry permit ("ROE") to Innergex for two parcels as shown highlighted in Exhibit "A" attached hereto. The ROE shall be for due diligence activities to assess the potential of developing an estimated 20MW solar project ("project") on Hawaiian home lands in Kalaeloa, Island of Oahu;
- Conditional approval of the General Lease to Innergex or its authorized assignee for the
 development, construction, operations, management, and maintenance of the project on the two
 parcels, to be more fully described in a metes and bounds survey, and necessary non-exclusive
 licenses for access, maintenance, and other project purposes upon exercising the option for the
 General Lease;
- 3. Issuance of the ROE and the General Lease shall be upon the proposed terms and conditions attached hereto as Exhibit "B";
- 4. Delegate authority to the HHC Chairman to negotiate the final terms and conditions of the ROE and a General Lease with Innergex, and ancillary documents reasonably necessary or contemplated in connection with the Project; and
- 5. Prescribe such terms and conditions deemed prudent and necessary by the HHC.

LOCATION:

Hawaiian home lands in Kalaeloa, Island of Oahu, identified as Tax Map Key No. (1) 9-1-013:038, consisting of 97.538 acres, and (1) 9-1-013:040, consisting of 49.177 acres, shown on the attached Exhibit "A".

DISCUSSION/HISTORY

On December 21, 2018, the Department of Hawaiian Home Lands ("DHHL") solicited developers for renewable energy projects in Kalaeloa, on the Island of Oahu through a competitive process. Through the public solicitation, DHHL will offer the land under a ROE for due diligence activities with the option for a long-term general lease to develop, construct, operate, manage, and maintain the project. The project would generate revenue for the Hawaiian Home Lands Trust and provide community benefits for the impacted community. The primary authority for this process is Section 171-95.3, HRS, which permits DHHL to lease land for a renewable energy project and to negotiate directly with a renewable energy producer.

There were four applicants that responded to DHHL's solicitation by the January 18, 2019 deadline to be considered for selection to develop the project. Following evaluation of their proposals, Innergex was ranked first pursuant to the process for selecting the finalist that would enter into negotiations to proceed with the leasing process. A schedule of the selection and leasing process is attached in Exhibit "C". Following negotiations with Innergex, DHHL confirmed Innergex's selection as the developer to proceed with the leasing process.

Innergex's parent company, Innergex Renewable Energy Inc., was founded in 1990 and is a developer, acquirer, owner, and operator of utility-scale renewable power-generating facilities of solar power, wind power, and hydroelectric power in Canada, the United States, France, Chile, and Iceland. As an independent power producer, it owns interest in 68 operating facilities with an aggregate gross installed capacity of 3,072 MW. As of September 30, 2018, the parent company had \$4.39 billion in total assets. Innergex is also the same developer that received final awards for its 15 MW Ulupalakua, Maui and 30 MW Waimea, Hawaii Island solar projects under HECO's 2018 RFP.

DHHL conducted a beneficiary consultation meeting on March 21, 2019 at the Kapolei Middle School, on Oahu, where DHHL and Innergex presented background information and details about the project at Kalaeloa. Invitations to attend the beneficiary consultation meeting were mailed to 1,453 DHHL lessees and applicants residing in the Kapolei 96707 zip code area where the project would be located.

The HHC accepted the beneficiary consultation report providing the official public record of beneficiary issues, questions, concerns, and comments made at the March 21, 2019 beneficiary consultation meeting in Kapolei, Oahu at its April 16, 2019 meeting.

The HHC will conduct two public hearings on Oahu where the project will be located, in satisfaction of one of the requirements under Section 171-95.3(c), HRS. The hearings, scheduled for July 8 and 9, 2019, at the Hale Ponoi conference facility at DHHL's headquarters in Kapolei, Oahu, will be held just prior to decision-making by the HHC scheduled for July 9, 2019. As this request for approval is being submitted prior to the conclusion of the public hearings at which the HHC will be present, feedback from those hearings are not included in this discussion.

Notices of the public hearings were published in the newspapers statewide on June 24, 2019. An outline of Innergex's proposal for the project will be distributed to the attendees at the two public hearings where the HHC will receive oral and written testimony from the general public.

Developers are hesitant to expend funds and resources to develop a project under circumstances where there is uncertainty. DHHL's attempt to reduce this uncertainty has been provided through the ROE and option for a general lease where, upon the satisfaction of all terms and conditions set forth now, the developer will have the certainty of obtaining a long-term lease for the development, construction, operations and maintenance of its project and, more importantly, satisfy HECO's RFP requirement for site control. Otherwise, undertaking due diligence first for the development of the project under a short-term ROE and then applying separately for a long-term lease of the land that may not materialize would involve substantial developer risk. The term sheet attached to the ROE reflects the key commercial terms and conditions of Innergex's offer for a general lease. The final terms and conditions of a general lease, however, must be negotiated. For that reason, Land Management Division respectfully requests that the HHC Chairman be delegated the authority to negotiate the final terms and conditions of a general lease, and, if necessary, the ROE.

DHHL's selection and leasing process schedule coincides well with the upcoming HECO RFP anticipated for July 2019; thus, timely approval by the HHC of Innergex's request for the ROE would greatly enhance its ability to respond to HECO's RFP and satisfy HECO's site control requirement. Otherwise, Innergex would need to wait for another RFP to develop its project, resulting in delay of the revenue generation and community benefits that DHHL is seeking.

Land Management Division believes that Innergex's proposed project is in the best interests of the Hawaiian Home Lands Trust for the following reasons:

- The project will generate a substantial revenue stream for the Hawaiian Homes Land Trust over at least twenty-five (25) years on lands that lack infrastructure, have use restrictions and limitations for development, and have not typically generated much revenue in the past.
- The Kapolei community and specifically, the Kapolei Community Development Corporation, a regional Hawaiian homestead association to provide community-based economic development opportunities, support the project because if the lease option is exercised, the community benefits will help partially fund the Heritage Center expansion and overhead costs that will serve the region's homestead communities.
- Innergex has developed a reputation for earning the respect of the communities that host its projects due to its core values of transparency, integrity, responsibility, and collaboration. The Kapolei community will be encouraged to work closely with Innergex and its team to fully understand the project and its potential impacts and overall benefits during the entire term of the lease.
- The project will be another renewable energy resource for Oahu and be DHHL's contribution to help achieve the State's commitment to clean energy by having the utility companies generate 100% of their electricity sales from renewable energy resources by the Year 2045.

PLANNING AREA:

Kalaeloa, Oahu

LAND USE DESIGNATION:

Industrial (per the Oahu Island Plan 2014)

CURRENT STATUS:

The two parcels are flat, undeveloped land, with karst topography, and characterized by tall grass, shrubs, and trees featuring historical revetments (concrete aircraft shelters) and concrete bunkers from World War II. There is a tenant under a short-term ROE on Parcel 38 and two tenants under short-term ROEs on Parcel 40.

CHARACTER OF USE:

Due diligence studies to assess the potential for a solar project under a ROE and if the option for the long-term general lease is exercised, for the eventual development, construction, operations, management, and maintenance of a solar production facility. The project would be built around the existing historical structures that will be preserved and not used.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT

Issuance of the ROE:

Upon issuance of the ROE permit, Innergex will be conducting due diligence studies including studies related to the preparation of an HRS Chapter 343 environmental assessment for the renewable energy project.

Issuance of the General Lease:

The issuance of the General Lease is subject to the terms and conditions of the ROE, including, but not limited to, compliance with HRS Chapter 343 and HAR Chapter 11-200, and is not exemptible under DHHL's exemption list. Innergex will be preparing an environmental assessment in accordance with HRS Chapter 343 for this renewable energy project.

CONSISTENCY WITH DHHL PLANS, POLICIES, AND PROGRAMS

General Plan (2002)

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

Land Use Planning

Goals:

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

Objectives:

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

• Direct urban growth to priority development areas based on infrastructure availability, feasible site conditions, beneficiary preferences and job opportunities.

Land and Resource Management

Goals:

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

Objectives:

- Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.
- Enforce governmental health and safety standards and protect life and property from the effects of natural hazards and disaster on Hawaiian home lands.

Economic Development

Goals:

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

Objectives:

Create a professionally managed investment portfolio with a well-balanced mix of assets.

Oahu Island Plan (2014)

The recommended action is consistent with the Oahu Land Use "Industrial" designation for the parcels which recognized that some of the lands were being utilized for energy production and were in long-term dispositions for the purposes of revenue generation.

Kapolei Regional Plan (2010)

The Kapolei Regional Plan identified support for the Heritage Center as a priority project of the Kapolei community which the community benefits generated while the project is operation will help partially fund.

Beneficiary Consultation Policy (2009)

This project is compliant and consistent with the Beneficiary Consultation Policy.

Program Plans

Ho'omaluō Energy Policy (2009)

Objective 2 of the *Ho'omaluō* Energy Policy is "Ko'o: Facilitate the use of diverse renewable energy resources" and the second listed activity for that objective is to:

Pursue the leasing of those lands that are identified as suitable for renewable energy projects. (First priority should be given to entities that would provide "firm" renewable energy power such as garbage-to-energy (mass-burn), geothermal, pump-storage hydropower, solar-thermal and second priority to "as-available" renewable energy power such as wind, solar-photovoltaic, and wave.

AUTHORITY

Section 204(a)(2) of the Hawaiian Homes Commission Act, 1920, as amended, reads in part... "In the management of any retained available lands not required for leasing under Section 207(a), the department

may dispose of such lands to the public, including native Hawaiians, on the same terms, conditions, restrictions and uses applicable to the disposition of public lands as provided in Chapter 171, Hawaii Revised Statutes, provided that the Department may not sell or dispose of such land in fee simple..."

Section 10-4-1 of the Department's Administrative Rules, as amended, states in part that... "The department may lease, license or otherwise deal with any available lands as may not be immediately needed for the purposes of the Act as provided by Section 204(a)(2) of the act and Chapter 171, HRS, upon such terms and conditions as to it may deem fair reasonable."

Pursuant to §171-55, Hawaii Revised Statutes, as amended, a permit may be issued "...for the temporary occupancy of state lands or an interest therein on a month-to-month basis by direct negotiation without public auction, under conditions and rent which will serve the best interests of the State, subject, however, to those restrictions as may from time to time be expressly imposed by the board. A permit on a month-to-month basis may continue for a period not to exceed one year from the date of its issuance; provided that the board may allow the permit to continue on a month-to-month basis for additional one-year periods."

Section 171-95, HRS, as amended, authorizes disposition to public utilities and renewable energy producers of public lands for terms up to, but not in excess of, sixty-five years at such rental and on such other terms and conditions as the Board may determine. For the purposes of this section, "renewable energy producer" means "any producer or developer of electrical or thermal energy produced by wind, solar energy hydropower, geothermal resources, landfill gas, waste-to-energy; ocean thermal energy conversion, cold seawater, wave energy, biomass, including municipal solid waste...that sell all of the net power produced from the demised premises to an electric utility company regulated under Chapter 269...."

Section 171-95.3, HRS, authorizes the lease or renewal of a lease of public lands "to renewable energy producers, as defined in section 171-95, without public auction only pursuant to a public process that includes public notice under Section 1-28.5 providing other interested renewable energy producers opportunity to participate in the process...."

RECOMMENDATION

Land Management Division recommends approval of the requested motion/action as stated.

Draft Environmental Assessment

For the proposed

Barbers Point Solar Project Department of Hawaiian Home Lands Property 'Ewa District, O'ahu, Hawai'i

Prepared for:

Barbers Point Solar, LLC 888 Dunsmuir Street, Suite 1100 Vancouver, BC V6C3K4 Canada

Prepared by:



Tetra Tech Inc. 737 Bishop St., Suite 2340 Mauka Tower Honolulu, Hawai'i 96813-3201

October 2021

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PROJECT SUMMARY

Project Name:	Barbers Point Solar Project
Applicant:	Barbers Point Solar, LLC
Project Overview:	Construction and operation of up to 15-megawatt (MW) solar photovoltaic (PV) and 60 MW-hour (MWh) battery energy storage system (BESS)
Location:	Kalaeloa, 'Ewa District, O'ahu, Hawai'i South of the Kapolei Parkway and east of the Kalaeloa Airport
Tax Map Key (TMK):	TMKs 9-1-013:038 and 9-1-013:040 (PV array areas) and 9-1-016:027 (electrical transmission line)
Land Ownership:	Department of Hawaiian Home Lands (DHHL) (TMKs 9-1-013:038 and :040) Kapolei Infrastructure, LLC (TMK 9-1-016:027) Hawai'i Department of Transportation (Coral Sea Road, Franklin D. Roosevelt
Project Area:	Avenue, and Roadway Lot 13083-B Rights-of-Way; no TMK) Approximately 163 acres¹ (Project footprint on DHHL parcels estimated to be less than 100 acres)
State Land Use District:	Urban District
Kalaeloa Community Development District (Land Use Designations):	TMK 9-1-013:038: Transect Zone T2 – Rural/Open Space Zone (portion) and Transect Zone T3 – General Urban Zone (portion) TMK 9-1-013:040: Transect Zone T2 – Rural/Open Space Zone
HCDA Kalaeloa Master Plan (Land Use Designations):	TMK 9-1-013:038: Eco-Industrial (Open Space Overlay) (portion) and Recreation/Cultural (portion). TMK 9-1-013:040: Recreation/Cultural
County Zoning:	TMKs 9-1-013:038 and :040, (F-1) Military and Federal Preservation District TMK 9-1-016:027: AG-1 Restricted Agricultural
Development Plan (Land Use Classification):	'Ewa Development Plan TMK 9-1-013:038 and :040 (Industrial) TMK 9-1-016:027 (Residential and Low Density Apartment)
Special Management Area:	Outside Special Management Area
Required Permits and Approvals:	 Federal National Pollutant Discharge Elimination System (NPDES) Permit Federal Aviation Administration (FAA) Notice of Proposed Construction or Alteration and FAA Notice of Actual Construction or Alteration State/County Hawai'i Revised Statutes (HRS) Chapter 343 Review (EA) Hawaii Community Development Authority (HCDA) Conditional Use Permit (CUP), Development Permit, and Variance HRS Chapter 6E Compliance (Historic Preservation Review) Hawai'i Department of Health Community Noise Permit City and County of Honolulu Building Permit and Grading and Grubbing Permit

HRS Chapter 343	Use of State Lands (HRS Chapter 343-5(1))
Trigger:	Use within a historic site as designated in the National Register or Hawaii Register
	(HRS Chapter 343-5(4))
Approving Agency:	Department of Hawaiian Home Lands
Anticipated Determination:	Anticipated Finding of No Significant Impact
Contact Information:	Applicant:
	Barbers Point Solar, LLC
	888 Dunsmuir Street, Suite 1100
	Vancouver, BC V6C3K4 Canada
	Attn: Julia Mancinelli
	JMancinelli@innergex.con
	Approving Agency:
	Department of Hawaiian Home Lands
	P.O. Box 1879
	Honolulu, Hawaiʻi 96805
	Attn: Andrew H. Choy
	andrew.h.choy@hawaii.gov
	Agent:
	Tetra Tech
	737 Bishop Street, Suite 2340 Mauka Tower
	Honolulu, Hawaiʻi 96813-3201
	Attn: Leslie McClain
	Leslie.mcclain@tetratech.com

NOTES:

¹ Based on the current preliminary design, the Project layout is not expected to occupy the entire 163 acres of the Project area (see Figure 1-2). Barbers Point Solar, LLC anticipates that the total combined footprint of the Project components located on DHHL lands will be less than 100 acres, of which the solar panels will cover approximately 45 acres. The final area secured for the Project through agreements with DHHL, HDOT, Kapolei Infrastructure, LLC and sought for approval through the permitting process is anticipated to be a subset of the 163-acre Project area. Any such reduction in the Project area would not substantively change the size, scope, intensity, use, location or timing of the Project itself, as described herein.

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- C Biological Resources Survey Report and Supplemental 'Akoko Survey
- D Correspondence from U.S. Fish and Wildlife Service and State of Hawai'i Department of Land and Natural Resources Division of Forestry
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- H Traffic Impact Analysis Report
- I Community Outreach and Engagement Report
- J Pre-Assessment Scoping Letter
- K Pre-Assessment Scoping Comments and Responses

Acronyms and Abbreviations

AC alternating current

AIS Archaeological Inventory Survey
ATCT Airport Traffic Control Tower
BMP Best Management Practice
BESS battery energy storage system

CIA Cultural Impact Assessment
CFR Code of Federal Regulations

CNHA Center for Native Hawaiian Advancement

CSP concentrated solar power
CUP Conditional Use Permit
CZM Coastal Zone Management

dBA A-weighted decibels

DC direct current

DC-ESS direct current coupled energy storage system

DOFAW Division of Forestry and Wildlife

DLNR Department of Land and Natural Resources

DOH State of Hawai'i Department of Health

EA environmental assessment

EPA U.S. Environmental Protection Agency

FAA Federal Aviation Administration

FCC Federal Communications Commission

GHG greenhouse gases

HAR Hawai'i Administrative Rules

HCDA Hawai'i Community Development Authority

HCEI Hawai'i's Clean Energy Initiative

HDOT Hawai'i Department of Transportation

HRS Hawai'i Revised Statutes

Innergex Renewable Energy Inc.

KCDC Kapolei Community Development Corporation
KCDD Kalaeloa Community Development District

kV kilovolts

LID low impact design
LOS level of service

MCAS 'Ewa Marine Corps Air Station 'Ewa

mph miles per hour MW megawatts

MWh megawatt hours

NAAQS National Ambient Air Quality Standards

NASBP Naval Air Station Barbers Point

NCT Notice Criteria Tool
NEC National Electric Code

NPDES National Pollution Discharge Elimination System

NRHP National Register of Historic Places

OP observation point

PCS power conversion systems

PPA Power Purchase Agreement

Project Barbers Point Solar Project

PSIP Power Supply Improvement Plan

PUC Public Utilities Commission

PV photovoltaic

PV-Coupled-ESS photovoltaic coupled battery energy storage system

RF radio frequency

RFP Request for Proposal

ROW right-of-way

RPS Renewable Portfolio Standard

SHPD State Historic Preservation Division

TIAR Traffic Impact Analysis Report

TMK Tax Map Key

USFWS U.S. Fish and Wildlife Service

1.0 PROJECT OVERVIEW

Barbers Point Solar, LLC is proposing to build and operate the Barbers Point Solar Project (Project) located in east Kalaeloa, 'Ewa District, on the island of O'ahu. The Project will consist of a 15-megawatt (MW) solar photovoltaic (PV) system coupled with a 15 MW, 4-hour (60 MW-hour) photovoltaic coupled battery energy storage system (PV-Coupled ESS) as well as ancillary support infrastructure. The Project area encompasses approximately 163-acres¹ primarily located within tax map keys (TMKs): 9-1-013:038 and 9-1-013:040, both owned by Department of Hawaiian Home Lands (DHHL). Barbers Point Solar, LLC anticipates that the total combined footprint of the Project components located on DHHL lands will be less than 100 acres, of which the solar panels will cover approximately 45 acres. Project electrical transmission lines will also be located on portions of TMK 9-1-016:027 (owned by Kapolei Infrastructure, LLC) and within rights-of-way (ROW) owned by Hawai'i Department of Transportation (HDOT). The Project location, land ownership, and TMK boundaries, are shown in Figures 1-1 through 1-3, respectively.

The Project will assist DHHL in meeting Objective 2 of the Hawaiian Homes Commission 2009 Hoʻomaluō Energy Policy, which instructs DHHL to pursue the leasing of lands identified as suitable for renewable energy projects (DHHL 2009). Also, in 2009 DHHL and Hawaiian Electric Company (Hawaiian Electric) entered into an Energy Partnership Charter² where the two organizations agreed to collaborate on achieving critical energy objectives including the leasing of DHHL owned lands for renewable energy projects. All DHHL lands in Kalaeloa are designated "Industrial" in the Oʻahu Island Plan (DHHL 2014) and are intended for revenue generation as they were considered not suitable for residential development. Furthermore, the two DHHL owned Project parcels were identified in DHHL's 2014 Island Plan as having desirable conditions for solar energy generation (DHHL 2014). In 2018 and in 2019, DHHL ran consecutive competitive solicitation processes for the disposition of the DHHL lands in Kalaeloa by general leases for renewable energy projects. The DHHL request for proposal (RFP) was widely advertised and all qualified applicants were welcomed to bid. The Project was selected by DHHL to continue with the leasing process that included consultation meetings with DHHL's beneficiaries and public hearings. DHHL will use revenues developed from industrial leasing of these available lands in east Kalaeloa to develop new homesteads in suitable residential areas throughout the State.

The Project is also envisioned to help the State of Hawai'i achieve its Renewable Portfolio Standard (RPS) energy goals of generating 100 percent of the State's energy from renewable sources. Once operating, the Project will be capable of generating up to 37,014 MW-hours (MWh) per year, enough energy to

¹ Based on the preliminary design, the Project layout is not expected to occupy the entire 163-acre Project area (see Figure 1-2). The final area secured for the Project through an agreement with DHHL, HDOT, and Kapolei Infrastructure, LLC, and sought for approval through the permitting process is anticipated to be a subset of the 163-acre Project area. Any such reduction in the Project area would not substantively change the size, scope, intensity, use, location, or timing of the Project itself, as described herein.

² https://dhhl.hawaii.gov/wp-content/uploads/2011/05/DHHL-HECO-Energy-Partnership-Charter-082709.pdf.

power approximately 6,200 O'ahu households with clean, renewable energy. The Project will interconnect to the Hawaiian Electric island-wide grid via an approximately 1.2-mile generation-tie line (combination of overhead and underground transmission line) that would extend from the Project's collector substation on TMK 9-1-013:038 to a new interconnection point on an existing 46-kilovolt (kV) Hawaiian Electric transmission line near the intersection of Franklin D. Roosevelt Avenue and Coral Sea Road on TMK 9-1-016:027. The Project area would be secured for use through land agreements with DHHL, HDOT, and Kapolei Infrastructure, LLC. The power generated by the Project would be sold to Hawaiian Electric under a new 25-year power purchase agreement (PPA).

The Project will be owned and operated by Barbers Point Solar, LLC, a Delaware limited liability company and a wholly owned subsidiary of Innergex Renewables USA, LLC, which is a wholly owned subsidiary of Innergex Renewable Energy Inc. (Innergex). Innergex is a Canadian independent renewable power producer which develops, acquires, owns, and operates hydroelectric facilities, wind farms, and solar farms in Canada, the United States, France, and Chile. For over 30 years, Innergex and its employees (collectively, Innergex) have built strong, long-term relationships with the communities that host its projects and have seen firsthand how renewable energy projects can make positive, long-term impacts on society, economics, and the environment. Innergex achieves these positive community relationships through its commitment to conducting itself with integrity, transparency, and respect. Beginning with extensive pre-development consultations and community outreach, Innergex takes the time to engage the local community to learn about their needs and oftentimes work with them to ensure Innergex designs the best possible project, where commercially reasonable. Innergex remains driven by the belief that the three pillars of sustainability – environmental protection, social development, and economic development – are mutually reinforcing. Therefore, Innergex has adopted a Sustainable Development Policy that articulates its commitment to integrating sustainable development considerations in all aspects of its business.

1.1 Background Information

Hawai'i is the most petroleum-dependent state in the nation (U.S. EIA 2021) and is vulnerable to resource availability and price fluctuations. In 2008, the state of Hawai'i and the Department of Energy signed a Memorandum of Agreement to collaborate on the reduction of Hawaii's heavy dependence on imported fossil fuels (DBEDT 2019). This Memorandum of Agreement launched the Hawai'i Clean Energy Initiative (HCEI), a regulatory framework that is supported by a diverse group of stakeholders working to transform various systems that govern energy planning and delivery within Hawai'i (DBEDT 2019). In 2015, as part of the HCEI, the State increased the RPS³ to require electric utility companies that sell electricity for consumption in Hawai'i to use renewable energy for the equivalent of 30 percent of net electricity sales by 2020, 40 percent by 2030, 70 percent by 2040, and 100 percent by 2045. Hawai'i became the first state in the nation to have a 100 percent RPS goal by the year 2045.

³ The RPS is codified in HRS Chapter 269-92.

In response to the RPS, Hawaiian Electric issued its 2016 Power Supply Improvement Plan (PSIP; Hawaiian Electric 2016) to provide a detailed 5-year plan with specific actions to accelerate the achievement of Hawai'i's renewable energy goals. The plan assumes there will be strong growth in distributed energy resources including an assumption that 100 percent of all single-family homes and 20 to 25 percent of commercial customers will have rooftop solar PV producing the same amount of PV energy as they consume (net zero) by 2045. However, even with these high forecasts of distributed PV energy resources, the PSIP concluded that additional grid-scale PV generation would be required. Specific to the island of O'ahu, the PSIP identified approximately 352 MW of new grid-scale solar energy and 64 MW of grid-scale wind energy by 2021 (Hawaiian Electric 2016). To meet these resource requirements Hawaiian Electric established a process for solicitation and procurement of grid-scale renewable dispatchable generation.

Hawaiian Electric issued its Stage 2 Request for Proposals for Variable Renewable Dispatchable Generation and Energy Storage for the Island of O'ahu (RFP; Hawaiian Electric 2019) in August 2019. The RFP established a competitive bidding process for Hawaiian Electric to acquire grid-scale renewable generation, thus contributing to the state's RPS. Based on responses to the RFP, Hawaiian Electric (and its subsidiaries Maui Electric and Hawai'i Electric Light) selected a total of 16 solar plus storage projects (Hawaiian Electric 2020a), each of which required subsequent approval of a PPA by the Hawai'i Public Utilities Commission (PUC). The Barbers Point Solar Project was one of the six O'ahu-based projects selected by Hawaiian Electric (Hawaiian Electric 2020b); the PPA for the Project was executed with Hawaiian Electric on September 3, 2020 and is pending approval by the PUC under Docket No. 2020-0143.

1.2 Purpose and Need

The purpose of the Project is to construct and operate a renewable energy facility on the DHHL property that would generate and store electricity derived from solar resources, thereby providing clean, renewable energy for the island of O'ahu.

The HCEI and Hawai'i's RPS establish the need to reduce the State's dependence on imported fossil fuels and increase the State's locally produced energy capacity. In response to these statewide needs, Hawaiian Electric's PSIP and associated RFPs establishes the need for development and implementation of new renewable energy projects on O'ahu (Hawaiian Electric 2019). The Project directly responds to this need as it will help meet the State's RPS and Hawaiian Electric's PSIP by providing up to 15 MW of solar energy and 60 MWh of battery energy storage. In doing so, the Project will fulfill an average of 0.56 percent of Hawaiian Electric's RPS over the 25-year term of the PPA and 0.43 percent to Hawaiian Electric's consolidated RPS (Hawaiian Electric 2020c).

Solar energy from the Project will replace a portion of electricity that is currently generated by burning fossil fuels, thus substantially reducing greenhouse gas emissions and other forms of pollution that are detrimental to the environment and human health. In total, the Project is expected to offset approximately 1,139,396 barrels of fossil fuel consumption by Hawaiian Electric's generating units and reduce net lifecycle greenhouse gas emissions by approximately 455,598 metric tons of carbon dioxide

equivalents over its lifecycle (Hawaiian Electric 2020c). Furthermore, it is estimated that the renewable energy supplied by the Project will potentially save Hawaiian Electric, and therefore customers, millions of dollars in total avoided fuel costs over the term of the PPA. The avoided fuel use and changes to Hawaiian Electric's system costs due to the addition of the Project will result in a significant reduction in the net present value of revenue requirement for Hawaiian Electric (Hawaiian Electric 2020c). Specifically, Hawaiian Electric presented uncontroverted evidence that the updated Company system net present value with the Project (versus without the Project), will result in a reduction of Hawaiian Electric's revenue requirement over the 25-year contract term of \$21,691,462 (Hawaiian Electric 2020c). These savings will result in bill savings to the customers over the 25-year term of the PPA. A reduction in fossil fuel consumption due to the Project will in turn reduce the need for fuel imports, reduce fuel supply reliability risk and increase the state of Hawai'i's and Honolulu County's energy independence. The Project would also help to improve electric grid stability by enabling Hawaiian Electric to utilize stored solar energy to meet peak demand. As an additional benefit, the Project will provide a valuable revenue stream for DHHL over the next 25 years or more and will assist DHHL in meeting Objective 2 of the Hawaiian Homes Commission 2009 Ho'omaluo Energy Policy (DHHL 2009). As noted earlier, the two DHHL owned Project parcels are designated "Industrial" in DHHL's O'ahu Island Plan (DHHL 2014) and are intended for revenue generation as they were considered not suitable for residential development. DHHL may use revenues developed from the Project's land lease to develop new homesteads in suitable residential areas throughout the state.

1.3 Project Area

The Project area is located within the ahupua'a of Honouliuli in the 'Ewa District on the island of O'ahu. As shown in Figure 1-1, the Project is located south of the Kapolei Parkway and east of the Kalaeloa Airport. The Project area encompasses approximately 163 acres and is bordered by Tripoli Road to the south, Coral Sea Road to the west, the Barbers Point Golf Course and Kalaeloa Renewable Energy Park to the east, and vacant land and Roosevelt Avenue/Geiger Road on the north. The Project area is primarily composed of two parcels owned by DHHL: TMK 9-1-013:038 and TMK 9-1-013:040. However, linear areas for access roads, collector lines, and a generation-tie line located within ROWs owned by HDOT (Coral Sea Road, Roosevelt Avenue, and Roadway Lot 13083-B⁴) and one privately owned parcel (TMK 9-1-016:027) are also included in the Project area (Figure 1-2). Table 1-1 lists the TMKs and ROWs within the Project area and their respective owners and the Project components proposed to be located on each parcel or ROW. Figure 1-3 shows land ownership within and adjacent to the Project area.

⁴ The Applicant originally understood Roadway Lot 13083-B to be owned by HCDA. However, during the preassessment scoping process (see Section 7.2) it was clarified that Roadway Lot 13083-B is owned by HDOT.

Table 1-1. TMKs, ROWs, and Ownership Within Study Area

TMK Parcel # or ROW	Owner	Project Components Sited on Parcel	
9-1-013:038	DHHL	PV arrays, PV-Coupled ESS, Project substation	
9-1-013:040	DHHL	PV arrays, PV-Coupled ESS	
9-1-016:027	Kapolei Infrastructure, LLC	Generation-tie line and new interconnection to existing Hawaiian Electric 45-kV line	
Coral Sea Road	HDOT	Generation-tie line and collector lines	
Roosevelt Ave	HDOT	Generation-tie line	
Roadway Lot 13083-B	HDOT	Access road and collector lines	

Much of the Project area was developed during the mid-twentieth century into the Marine Corps Air Station 'Ewa (MCAS 'Ewa) and later the Naval Air Station Barbers Point (NASBP). MCAS 'Ewa was used by the Marine Corps during World War II as a training facility, was decommissioned in 1949, and was absorbed into the NASBP which closed in 1999 (see Appendix A). Except for a few leased parcels, much of the portion of the NASBP that is within the Project area has been vacant since the closure of NASBP and is presently overgrown with vegetation. There is a historic district as well as two proposed historic districts within portions of the Project area. The northern portion of the Project area (see Figure 1-4) is located within the southern portion of the 'Ewa Plain Battlefield Historic District which was one of the sites attacked by Japanese Imperial Navy forces on December 7, 1941. As shown in Figure 1-4, the central portion of the Project area within TMK 9-1-013:038 is located in the Proposed Revetment District (Yoklavich 1997) which was nominated for the National Register of Historic Places (NRHP) in 1997 by Yoklavich because of the "half-dome" aircraft revetments' association with the change in airplane parking protocol after the December 7, 1941 attack and for the unique architecture of the revetments (see Appendix A for more details). Following Yoklavich's 1997 study, a portion of the revetment area outside of the current Project area (within the current U.S. Navy parcel, immediately east of the central portion of TMK 9-1-013:038, see Figure 1-4) was nominated for inclusion on the NRHP as the 'Ewa Field South Revetment Historic District (Resnick et al. 2018). See Section 3.5 and the Project's Archaeological Inventory Survey (AIS) in Appendix A for more information on the existing and proposed historic districts.

Since the closure of the NASBP, the U.S. Navy has disposed of or is in the process of disposing of many parcels that made up the NASBP to non-federal agencies. TMK parcels 9-1-013:038 and 9-1-013:040 were transferred from the U.S. Navy to DHHL in 1996 as part of a settlement agreement under the Hawaiian Home Lands Recovery Act (P.L. 1-4-42). The Project area contains no lands owned by the federal government.

Some areas of the DHHL-owned parcels are leased to tenants for commercial and agricultural purposes. There are large cleared, concrete and asphalt paved areas, as well as debris and abandoned vehicles and equipment in the Project area. Historic bunkers, aircraft revetments and associated structures located on the DHHL-owned parcels are actively re-used for other purposes. The majority of the Project area is vacant and overgrown by kiawe and koa haole. A private horse stable business operates in revetments located on TMK 9-1-013:164, immediately adjacent to and east of the Project area. The existing Kalaeloa Renewable Energy Park is located on TMK 9-1-013:096, immediately adjacent and east of the Project area on lands currently being transferred from the U.S. Navy to Hunt Companies, Inc. The U.S. Navy's

former Northern Trap and Skeet Range and Southern Trap and Skeet Range are located on U.S. Navyowned TMKs 9-1-013:039 and 9-1-013:042, which are located north and east of Project TMK 9-1-013:040.

The Project's solar arrays will include three areas: Area 1 in the northern portion of TMK 9-1-013:038, Area 2 in the southern portion of TMK 9-1-013:038, and Area 3 located on TMK 9-1-013:040 (see Figure 2-1). Access to Areas 1 and 2 on TMK 9-1-013:038 will be provided by a new driveway off of Coral Sea Road. This driveway will be located within an existing HDOT ROW associated with Roadway Lot 13083-B. Access to Area 3 on TMK 9-1-013:40 will be off Coral Sea Road via a previously disturbed hard-packed soil surface in the vicinity of the former military's Casablanca Street.

1.4 Hawai'i Revised Statutes Chapter 343 Compliance

Hawai'i Revised Statutes (HRS) Chapter 343 environmental review is required for any action that requires one or more approvals (defined as discretionary consent from an agency, see Hawai'i Administrative Rules (HAR) Section (§)11-200.1-2) prior to implementation and includes one or more triggers identified in HRS Chapter 343-5(a). These requirements are further detailed in HAR §11-200.1, the implementing rules for compliance with HRS Chapter 343.

As the Project will involve the use of lands owned by DHHL and HDOT, and as the northern portion of the Project area is located within the 'Ewa Battlefield Historical District, and as the Project requires discretionary review from Hawai'i Community Development Authority (HCDA) (see Section 5.9 for more details), compliance with HRS Chapter 343 is required. In accordance with HAR §11-200.1-7, DHHL was determined to be the approving agency for the purposes of HRS Chapter 343 compliance because they will be the agency hosting the majority of the Project components on their lands. Based on the scope and scale of the Project and consistent with HAR §11-200.1-14, DHHL determined an environmental assessment (EA) to be the appropriate level of environmental review. As such, a Draft EA was prepared in compliance with HRS Chapter 343 and HAR §11-200.1 and submitted to the Environmental Review Program⁵ for publication in the *Environmental Notice*. Comments received during the required 30-day public review period will be incorporated into a Final EA, which will be provided to DHHL and published in the *Environmental Notice*. Based on their review of the Final EA and application of the significance criteria in HAR §11-200.1-13, DHHL will issue a determination notice of either a "Finding of No Significant Impact" or an "Environmental Impact Statement Preparation Notice". Based on preliminary information, it is currently anticipated that a Finding of No Significant Impact will be issued for the Project.

2.0 DESCRIPTION OF PROPOSED PROJECT

The Project consists of construction and operation of a 15-MW solar PV system coupled with a 15 MW, 4-hour (60 MWh) PV coupled battery energy storage system (PV-Coupled ESS) as well as related interconnection and ancillary support infrastructure. Specifically, it includes the following major

⁵ Formally called the Office of Environmental Quality Control

components: (1) solar PV system, (2) direct current (DC) electrical collector lines, (3) power conversion systems including PV-Coupled ESS units and step-up transformers, (4) alternating current (AC) electrical collector lines, (5) Project collector substation, (6) a generation-tie line (combination overhead and underground), (7) communication equipment, (8) access roads and fencing, and (9) temporary laydown areas. Each of these components is described in the following subsections. Barber's Point Solar, LLC anticipates that the total combined footprint of the Project components located on DHHL lands will be less than 100 acres, of which the solar panels will cover approximately 45 acres. All major components will be located within the Project fence line with the exception of the generation-tie line, select access roads, and portions of the collector lines. The preliminary site layout is shown in Figure 2-1 and schematics of the Project components are shown in Figures 2-2 through 2-8. An overview of the Project's associated construction, operations and maintenance activities is also described in the following subsections.

2.1 Project Components

2.1.1 Solar Photovoltaic System

The solar PV system will consist of a series of solar PV panels mounted on a solar tracker racking system and related electrical equipment. The final number of panels will be determined by power ratings (in watts) of the specific panels chosen prior to construction. The panels in portrait orientation will be organized in rows (or "tables") within several solar array areas (or "blocks"). The row-to-row spacing will be approximately 36 feet (with approximately 21 feet of open space between adjacent rows). The panels themselves will be approximately 6.6 feet long by 3.5 feet wide and 2 inches thick.

The racking system will be on a single axis, oriented south which will allow the panels to follow the sun in order to maximize power output. The racking system will be designed to support the panels as well as prevent wind uplift and will include steel posts, spaced approximately every 16 feet (varies) and installed to a depth of approximately 6–10 feet (depending on specific soil conditions). Once mounted on the racking system, the highest point of the panels is expected to extend approximately 9–14 feet above the ground surface, with an average of approximately 2 feet of ground clearance below the panels.

The Project's solar arrays will include three areas: Area 1 in the northern portion of TMK 9-1-013:038, Area 2 in the southern portion of TMK 9-1-013:038, and Area 3 located on TMK 9-1-013:040. A schematic drawing of the solar PV panel and racking system is included in Figure 2-2a.

2.1.2 Direct Current Electrical Collector Lines

The PV panels will produce DC electricity at a low voltage. Within each solar array area, the DC electricity from the panels will be transmitted via racking mounted and underground electrical wiring to one of the power conversion systems distributed throughout the solar array areas. The underground DC electrical wiring will be installed within trenches approximately 3 feet wide and 4 feet deep, however

final trench design will be determined by thermal resistivity studies. In areas where the desired depth cannot be achieved (due to basalt rock or other prohibitive subsurface conditions), the collector lines may be housed in above ground cable trays or covered with concrete slurry in accordance with the applicable National Electric Code (NEC) provisions.

2.1.3 Power Conversion Systems

The Project layout includes six power conversion systems (PCS) distributed throughout the solar array areas. Each PCS includes up to four PV-Coupled ESS units and a step-up transformer. A PV-Coupled ESS unit is a self-contained and standalone unit that combines a lithium-ion battery system, inverter, and controller that can either store DC electricity for future use, or convert DC electricity to AC electricity and send the AC electricity to the step-up transformer, as required based on grid demand. Each PV-Coupled ESS unit is approximately 11 feet (height) by 6 feet (width) by 30 feet (length) and will be positioned in groups of up to four around a single step-up transformer, which is approximately 12 feet (height) by 11 feet (width) by 16 feet (length). The step-up transformer increases the AC voltage from the DC-ESS units to 34.5 kV where it will then be conveyed via AC medium voltage collector lines and combiner boxes to the Project's collector substation where it is transformed to grid voltage. To ensure the Project maintains 100 percent storage capacity during its operation period, battery augmentation blocks will be added to the PV-Coupled ESS units during operations. Up to three battery augmentation blocks for each ESS unit can be added, with each block approximately 11 feet (height) by 6 feet (width) by 12 feet (length). All components of the PCSs will be mounted on concrete pads or beam foundations. Each PCS unit will include and incorporate multiple layers of protection to avoid failures and risks of fire. Figure 2-2b contains a schematic of the PV-Coupled ESS unit; Figure 2-2c contains a schematic drawing of the typical PCS layout. Figure 2-3 contains a schematic of the step-up transformer.

2.1.4 Alternating Current Medium Voltage Collector Network

The AC medium voltage (35 kV) collector network will convey the electricity from the medium voltage step-up transformers located at each PCS to the Project's collector substation where the electricity will be transformed to 46 kV by the main power transformer for final distribution to the grid via the Project's generation-tie line. Similar to the underground DC electric collector lines, the AC medium voltage collector lines will primarily be installed underground within a trench approximately 3 feet wide and 4 feet deep, with final design determined by thermal resistivity studies. The AC 35 kV collector line connecting the PCSs on TMK 9-1-013:040 to the collector substation on TMK 9-1-013:038 will run along Coral Sea Road. Portions of this line may need to be overhead depending on coordination with HDOT. Also, in cases where subsurface conditions make it difficult or too costly to trench, other portions of the collection system may go overhead similar to a transmission line. In total, it is anticipated that the Project will include approximately 8,000 to 10,000 linear feet of AC electrical collector lines.

2.1.5 Collector Substation

The collector substation will function to further increase the voltage in order to match the voltage of the Hawaiian Electric electrical grid of 46 kV. The Project collector substation and associated interconnection infrastructure will include equipment such as free-standing steel switch-rack structures, a main power transformer, breakers, power meters, and associated electrical lines. This infrastructure will be separately fenced for electrical safety, constructed within the Project solar area fence line will occupy a total of approximately 25,000 square feet (0.6 acres) and will include concrete foundations. The substation equipment will generally range in height from 15 feet to 25 feet above ground level, but at all times below the Kalaeloa airport height restrictions. Schematic drawings of the collector substation layout and profile are included in Figures 2-4 and 2-5.

2.1.6 Overhead Generation-Tie Line

An approximately 1.2-mile generation-tie line (combination of overhead and underground) will extend from the Project's collector substation to a new interconnection point into the existing Hawaiian Electric 46 kV overhead transmission line located near the intersection of Roosevelt Avenue and Coral Sea Road. The first approximately 0.5 mile of the generation-tie line extending west and north from the collector substation along Coral Sea Road is expected to be placed underground to comply with Federal Aviation Administration (FAA) clearance requirements/height restriction for placing structures within the runway approaches to the Kalaeloa Airport. The remaining approximately 0.7 mile of generation-tie line along Coral Sea Road to Roosevelt Avenue is anticipated to be overhead. At the intersection of Coral Sea Road and Roosevelt Avenue, the generation-tie line is anticipated to cross Roosevelt Avenue via overhead lines and will connect to the existing Hawaiian Electric 46 kV overhead transmission line at a point located on TMK 9-1-016:027.

It is intended that the overhead portions of the generation-tie line will consist of three sections of 46 kV aluminum conductor steel reinforced cable and one fiber optic cable. These lines will be supported by approximately 55-to 75-foot-tall mono-pole structures (i.e., poles) in order to incorporate the existing Hawaiian Electric owned 12 kV distribution line on the same poles. A schematic drawing of a typical mono-pole structure is included in Figure 2-6a while a schematic drawing of a typical section of the 46-kV duct for the underground portion of the gen-tie line is included in Figure 2-6b.

2.1.7 Access Roads and Fencing

Access to Areas 1 and 2 on TMK 9-1-013:038 will be provided by a new driveway off of Coral Sea Road. This driveway will be located within an existing HDOT ROW associated with Roadway Lot 13083-B. Access to Area 3 on TMK 9-1-013:040 will be provided by a previously disturbed hard-packed soil surface in the vicinity of the former military's Casablanca Street, off Coral Sea Road.

The Project proposes to construct a new driveway off Coral Sea Road onto the HDOT Roadway Lot 13083-B to access the southern portion of DHHL's parcel 9-1-013:038. Roadway Lot 13083-B extends

north from Coral Sea Road along the western boundary of TMK 9-1-013:038 and eventually joins with Roadway Lot 13076 to connect with Roosevelt Avenue (see Figure 1-2). These roadway lots were created during the U.S. Navy's disposal and transfer of these lands to HDOT and DHHL after the closure of NASBP in 1999. However, no roadways have been constructed on these roadway lots. Access within TMK 9-1-013:038 from Area 2 to Area 1 will be provided through a network of existing and new on-site access roads located on DHHL property.

Improvements to existing roads may include drainage upgrades, smoothing, and graveling as needed to accommodate construction vehicles. New access roads may require excavation and fill to achieve acceptable grades. Access roads will have a compacted gravel surface, with a width of approximately 16 feet or 20 feet as well as the required clearance and turning radius needed for emergency response vehicles, in accordance with fire code. The access roads will provide primary access to each of the solar array blocks, including each PCS, as well as the Project's collector substation. The spacing between the rows of panels will allow for localized access within each of the solar array areas. A schematic drawing of the typical access road design is included in Figure 2-7.

Fencing will be installed around the perimeter of the Project for general security purposes and public safety. The fence is expected to be an approximately 7-foot-tall chain link (or similar); no barbed wire will be installed on the perimeter fence. Gates will be installed for approved pedestrian and vehicular access. A schematic drawing of the typical fence design is included in Figure 2-8.

2.1.8 Temporary Laydown Areas

An approximately 2-acre temporary laydown (i.e., staging) area will be established in the southern portion of TMK 9-1-013:038. Other laydown areas may be established within the solar array footprint as the Project is built out. Some grading may be needed to level the ground surface, with geotextile materials and compacted gravel installed as needed.

2.2 Construction Activities

The construction phase of the Project is expected to include transport and delivery of Project equipment and materials, site preparation, equipment installation, and revegetation and landscaping. Each of these activities is generally described below.

2.2.1 Construction Staff

During construction, an estimated average of 70 people will be employed at the Project, with an estimated maximum of 140 employees. Most construction workers will be employees of construction and equipment manufacturing companies under contract to Barbers Point Solar. The construction workers would consist of a majority of locally hired workers and a limited number of specialized workers for specific construction tasks (for example, construction management). Barbers Point Solar, LLC will primarily solicit experienced Hawai'i-based contractors with the intention of a proportionally high locally hired workforce. All employees hired directly by Barbers Point Solar may go through U.S.-wide

background checks, including criminal record check, credit rating check, and employment/professional references, as applicable. Contractors for the Project will be subject to Innergex's "know your client" corporate requirements.

2.2.2 Transport and Delivery

Heavy vehicles delivering equipment and materials are expected to travel from the harbor on Sand Island Access Road to the Project site using the H-1 Freeway and exiting the Makakilo Interchange, then go southbound on Fort Barrette Road, eastbound on Roosevelt Avenue and southbound onto Coral Sea Road. It is anticipated that approximately 65 vehicles/day (including worker vehicles⁶ and truck deliveries⁷) will be added to the roadway network during construction and commissioning (a 12–15-month period).

Minor public roadway improvements at the Project's two site entrances (driveways) off Coral Sea Road are expected to be required to accommodate the equipment transport. As further described in Section 3.12, a Traffic Impact Analysis Report (TIAR) was prepared to study existing traffic conditions, future traffic conditions without the Project, and future traffic conditions with the Project, and to determine if Project would have impacts to the roadway network. The TIAR identified operational mitigation measures such as staggering the times of the inbound and outbound construction related vehicles, but no road improvements are anticipated to be needed along the Project's anticipated roadway network. A traffic management plan will be developed, with implementation of appropriate measures to minimize traffic-related impacts.

2.2.3 Site Preparation

Initial site preparation will involve grubbing and vegetation clearing within the Project area, along with installation of best management practices (BMPs) as described below. Clearing and grubbing will be phased, and soil will be temporarily stabilized. Following clearing and grubbing, laydown/staging areas and access roads will be established. Some grading may be needed to level the ground surface of the laydown/staging areas and geotextile materials and compacted gravel will be installed as needed. Similarly, installation of new access roads will also involve grading, subgrade preparation and compacted gravel. Clearing, grubbing, and grading will be conducted using equipment such as bulldozers, excavators, compactors, graders, and front-end loaders. Water trucks will be used to provide moisture for compaction as well as dust control during construction as required. Depending on the moisture levels, upwards of 9 million gallons of water could be used throughout the construction phases. As there is no water available on site, water will be purchased from the Board of Water Supply or other supplier.

⁶ The traffic analysis assumes workers would ride share and assumes a maximum of two workers per vehicle. In addition, due to construction activity phasing, the maximum number of workers anticipated on site on any single work day would be 114 (or 57 worker vehicles).

⁷ The traffic analysis assumes eight average daily truck deliveries.

Barbers Point Solar will consider using R-1 recycled water for dust control during construction; however, the use of R-1 water will depend on availability and costs.

Project implementation will incorporate BMPs to avoid and minimize potential impacts to the surrounding environment. In particular, BMPs will include various procedures, practices, treatments, structures and/or devices designed to eliminate and minimize the potential discharge of pollutants to downstream waters. The City and County of Honolulu Best Management Practice Manual (City and County of Honolulu 2011) identifies five low impact design (LID) site design strategies for new development and redevelopment areas. Those strategies that are applicable will be implemented as described below.

- Conserve Natural Areas, Soils and Vegetation. There are no existing wetlands, riparian buffers, sensitive environmental areas, or natural streams on-site to be protected or preserved. Natural drainage patterns will be preserved as grading activities will not alter the overall flow patterns on the site. Vegetation will only be cleared and grubbed where required for grading and access road or equipment installation. Existing trees will be removed inside the fenced area and the remaining vegetation mowed to allow installation of the trackers. The vast majority of the site will be vegetated following construction.
- Minimize Disturbances to Natural Drainages. There are no existing water bodies on-site to be
 maintained. The site design limits grading to the smallest areas necessary to install the Project
 infrastructure and basins. Existing stormwater drainage patterns will be maintained so that the
 flow to adjacent properties is not impacted. Construction storage will be controlled by use of
 the laydown yard and BMPs. Fencing will be used to prevent disturbances to the unused
 portions of the property and the other areas identified to be avoided and protected.
- Minimize Soil Compaction. Some construction traffic throughout the site will be required to
 install the Project infrastructure, however traffic will be restricted to the site access roads to the
 extent possible to limit the amount of compaction. Topsoil stripping will be minimized on-site.
- Minimize Impervious Surfaces. The proposed impervious surfaces have been minimized to the
 extent possible, and only include the electrical equipment and foundations required for the site.
 Access roads will be constructed of coarse gravel to allow infiltration (i.e., semi-permeable
 surfaces). Solar panels will be raised above the proposed vegetation and will therefore not be
 considered impervious.
- Direct Runoff to Landscaped Areas. The impervious inverter pads are distributed throughout the
 interior of the site and will drain to the adjacent vegetated areas. During construction,
 stormwater from the proposed substation will sheet flow through the site and will be treated by
 a sediment basin (formed by detention berms) before discharging through a culvert discharge
 pipe within the site boundary. The sediment basin will be converted to a permanent detention
 basin once on-site vegetation has been established.

In compliance with the water quality criteria specified in the City and County of Honolulu's Post-Construction Water Quality Requirements (City and County of Honolulu 2019), the vast majority of the site will be vegetated post construction, including the area under the solar panels. Non-vegetated areas

will consist of a network of semi-pervious gravel access roads, isolated inverter pads, and the substation area. Areas outside the fence will remain as existing condition with the addition of 0.4 acres of additional roadway. In addition to BMPs, the Project will also incorporate, where deemed required and applicable based on latest design, a series of rock berms/swales and retention areas to temporarily capture and treat stormwater in areas with increased impervious surfaces associated with the Project infrastructure (see Figure 2-1 for proposed detention berms and infiltration basins). Temporary berms are proposed for construction conditions to provide water quality treatment before water leaves the site. Following stabilization and Project completion these berms will be altered for permanent conditions. The north section of the site will have an infiltration basin as it has soils conducive to infiltration. The central and south sections of the site will have detention basins to meet the runoff reduction and water quality treatment requirements for the site. The size and design of the stormwater management infrastructure will be based on site-specific conditions as well as the requirements of the City and County of Honolulu's Rules Relating to Water Quality and Rules Relating to Storm Drainage Standards (Administrative Rules Section 14-12.31). The retention areas will be designed to drain within 48 hours of the end of a storm event and will be kept free of emergent vegetation to avoid attracting waterbirds. Vegetation along the perimeter of the retention areas and adjacent areas will be kept as low as possible to discourage waterbirds from nesting.

The final BMPs to be implemented will be determined in accordance with applicable regulatory requirements, including those associated with the National Pollutant Discharge Elimination System (NPDES) program and the City and County of Honolulu's Rules Relating to Water Quality (Administrative Rules Section 20-3-63), which require approval of a stormwater pollution prevention plan and erosion and sediment control plan prior to construction. No ground disturbing activities would occur until BMPs have been properly implemented.

Barbers Point Solar, LLC will develop an emergency response plan with the appropriate agencies, including Honolulu Fire Department. The emergency response plan will establish protocols for minimizing risk of fire ignition and providing fire response (should it be needed) during construction and/or operations and maintenance. In the event of an emergency, local fire and police stations will be notified immediately.

2.2.4 Installation of Project Equipment

Following site preparation activities, the general sequence for construction will involve installation of the following equipment: foundations, the racking system, solar PV panels and associated wiring, electrical collector lines, concrete equipment pads and substation foundations, PV-Coupled ESS units, step-up transformers, collection substation equipment, and underground and overhead generation-tie transmission line segments and interconnection switch at the existing 46 kV transmission line.

Overall, the extent of ground disturbance associated with the solar array areas is expected to be relatively minimal, as the single axis tracking system will be installed using structural steel posts (as opposed to larger foundations) and can tolerate slopes up to 13 percent (based on the manufacturers'

specifications). The Project is being designed to accommodate as much as possible the existing topography of the site in order to minimize the amount of earthwork needed. In general, grading for the Project will primarily occur in areas where new access roads, concrete equipment pads, retention areas, and the Project collector substation will be sited.

The foundation posts for the racking system will be installed using a hydraulic pile driver and/or auger for pre-drilling to depths of approximately 6 to 10 feet (depending on soil conditions). In areas where the desired depth cannot be achieved, foundations will be pre-drilled and supported with concrete slurry or cast in place concrete spread footings. Gas pressure blasting may be used where rock is encountered. If blasting were necessary, the extent of the blasting would be minimized as feasible, and a blasting procedure would be developed and implemented. The procedure would include BMPs such as pre-blast surveys, safe work procedures, use of blast mats, and monitoring of the potential effects of blasting, to minimize noise and vibration to surrounding land uses. Prior to blasting activities, Barbers Point Solar would notify and consult with adjacent landowners to discuss and mitigate concerns related to blasting. Required permits for blasting activities would be obtained from Honolulu Fire Department Bureau prior to construction. A blasting schedule would be established and coordinated with adjacent landowners to specify times for blasting work. Blasting may only be required on occasion during the early stages of construction and therefore have a limited noise impact.

The panel frames and other components of the racking system will be bolted to the posts, with the solar PV panels affixed to the frames. For any electrical wiring or collector lines to be installed belowground, trenches will be excavated with track-mounted excavators (or similar) or specific trenching machines and will be approximately 3 feet wide and 4 feet deep; following placement of the electrical lines, the excavated soil will be backfilled into the trench and tamped back to the appropriate level of compaction per the design specifications. In areas where the desired depth cannot be achieved (due to basalt rock or other prohibitive subsurface conditions), the collector lines may be placed in above ground cable trays in accordance with the applicable NEC provisions. In cases where adequate space for undergrounding the collector lines is limited (i.e., within public ROW), the collection system may go overhead similar to a generation-tie line.

The equipment pads and collector substation foundation will involve excavation up to approximately 6 feet in depth and installation of concrete. Excavated soil will either be used elsewhere within the Project area or hauled to an approved offsite facility. Concrete for the pads and foundations will be delivered in ready-mix concrete trucks; the Project will not include a concrete batch plant. Once the concrete equipment pads and collector substation foundation have been installed, the PV-Coupled ESS units, transformers and various electrical equipment will be installed. All electrical equipment and wiring will be installed and inspected in accordance with applicable code requirements and best industry practices.

2.2.5 Revegetation, Landscaping, and Post-Construction Site Control

Following construction, areas that have been temporarily disturbed will be revegetated for soil stabilization and erosion control purposes. It is anticipated that revegetation will involve application of

hydroseeding, with a suitable mix of non-invasive grass species and/or species currently found throughout the site. Landscaping will also be installed, as required, to provide and/or supplement the visual screening provided by the existing vegetation. It is anticipated that the landscaping will incorporate trees and shrubs in key locations along the Coral Sea Road and Tripoli Road frontage along TMK 9-1-013:040 (per HCDA requirements) and will include drought tolerant species from the HCDA preferred plant species list or otherwise approved by HCDA (see HAR §15-215). Species selected for landscaping will not require long-term irrigation; irrigation during the initial establishment period following planting will likely be provided via temporary water tanks (filled using water trucks). A detailed landscaping plan, including selection of appropriate species, would be developed prior to construction. All proposed landscaping would need to be approved by DHHL and HCDA.

In addition to revegetation of temporarily disturbed areas, permanent BMPs will be implemented to address long-term stormwater requirements. Accordingly, it is expected that the Project would comply with the City and County of Honolulu's Rules Relating to Water Quality and Storm Drain Standards, as well as the State's water quality standards, which establishes basic water quality criteria and requires that water quality be maintained to protect existing uses as specified in HAR §11-54.

2.3 Operations and Management Activities

Following construction and commissioning, the Project will generally involve passive operations and maintenance. Normal operation of the Project will not require on-site personnel and, therefore, the Project will not be manned daily. The site will be continuously monitored, in real time, remotely and with the support of a local response team. Approved technicians will service electrical equipment, primarily the PV-Coupled ESS units and transformers, on average once per month. A performance audit and inspection to assess the quality of equipment will be conducted annually. If any equipment needs replacing before the Project's end-of-life, Barbers Point Solar would seek the most environmentally responsible route for reuse, recycling, or disposal.

Periodic maintenance and inspection of the infrastructure will occur intermittently over the course of Project operations. Typical maintenance would follow basic monthly inspections, preventative quarterly inspections, and an in-depth annual maintenance program. Personnel at site are expected to range from two man-days per month to 32 man-days depending on the type of maintenance scheduled per month. However, the average number of employees to access the site on a monthly basis for maintenance is assumed to be two to four (i.e., two to four man-days per month).

Typical maintenance of the solar PV panels will include surface cleaning to remove accumulated dust and dirt to optimize performance. Based on environmental conditions and rainfall, it is anticipated cleaning cycles will be every 18 months. A variety of equipment is available on the market for cleaning solar panels. Typical utility-scale solar projects utilize water trucks with an assortment of hoses and support personnel to scrub down panels with heavier soiling. A mild, biodegradable detergent may be used in conjunction with the water for cleaning. The amount of water needed for cleaning will be dependent on the extent of the soiling but is not anticipated to be significant. Other more innovative water-less and dry brushing techniques will be explored as an option.

Vegetation within the Project fence line and along the generation-tie line will be managed throughout the life of the Project. A vegetation management plan will be followed during operation to ensure that vegetation does not overgrow the PV panels, preventing solar radiation from reaching them. The vegetation management plan will also establish and maintain fire breaks around each solar array, PCS, the collector substation, and along the Project's fence line. The plan will employ BMPs and techniques that are most appropriate for the local environment. A draft vegetation management plan is included in Appendix B. Mechanical vegetation control such as mowing, trimming, and pruning will be the primary means for vegetation management. In rare circumstances, herbicides may be utilized for vegetation control. However, an effort will be made to minimize use and only apply bio-degradable, U.S. Environmental Protection Agency (EPA) registered, organic solutions that are non-toxic to wildlife and used in a manner that fully complies with all applicable laws and regulations.

2.4 Decommissioning

Based on the Project's PPA with Hawaiian Electric, the Project is expected to operate for approximately 25 years (through 2048). At the end of the PPA term, the Project may be repowered under a renegotiated PPA or other contract (with subsequent permits/approvals) or decommissioned. Decommissioning will involve removal of all equipment associated with the Project and returning the area to substantially the same condition as existed prior to Project development. Decommissioning would include consideration of local environmental factors to minimize effects such as erosion during the removal process, and the recycling of materials demolished or removed from the site to the extent feasible. The activities that may occur as part of decommissioning are summarized below.

- Decommissioning will commence once the Project has been fully de-energized and isolated from all external electrical connections, in coordination with Hawaiian Electric.
- Consistent with the measures described for construction and operation of the Project, BMPs will
 be implemented and maintained throughout the decommissioning phase as needed to avoid
 and minimize potential impacts to the surrounding environment, particularly those related to
 dust, erosion and stormwater.
- Once the site has been adequately prepared for decommissioning, the following equipment will be removed: solar PV panels and racking system, including steel piles, power conversion systems (including DC-ESS units and step-up transformers), electrical wiring and connections, Project collector substation components, communication equipment, and fencing. All above grade foundations will be removed or as agreed upon by the landowner. The extent of which access roads will be removed will be coordinated with the landowners at the time of decommissioning.
- Equipment and materials will be salvaged or recycled to the extent feasible and in coordination with licensed subcontractors, local waste haulers and/or other facilities that recycle construction/demolition waste; the remaining materials will be disposed of by the contractor at authorized sites on O'ahu, in accordance with applicable laws. Reuse or recycling of materials would be prioritized over disposal. Recycling is an area of great focus in the solar industry, and programs for both batteries and solar panels are advancing every year. Panels and batteries

- would most likely be shipped to recycling facilities on the mainland. All waste requiring special disposal (e.g., transformers) will be handled according to regulations that are in effect at the time of disposal.
- Following removal of Project equipment, site restoration will be conducted such that the
 physical conditions of the area are returned to substantially the same condition as existed prior
 to Project development. These activities will include removal of gravel and other aggregate
 material, localized grading and disking to match surrounding elevations, replacement of topsoil
 from on-site stockpiles, and revegetation of disturbed areas with an appropriate hydroseed
 mix.
- Decommissioning will occur within 12 months of the conclusion of Project operation.
 Decommissioning plans will be communicated with the landowner, the public and the regulatory agencies, prior to and during the decommissioning phase, as appropriate.⁸

2.5 Project Schedule and Costs

It is anticipated that construction and commissioning would require approximately 12–15 months. Estimated construction start is the fourth quarter of 2022 with commercial operations commencing at the end of 2023. The construction schedule will be part of the construction request for proposal and contract negotiation process with contractors. The construction sequence and timeline are anticipated as outlined in Table 2-1.

Table 2-1. Estimated Construction Milestone Dates

Milestone	Estimated Date ¹
Obtain all required permits and approvals	End of Quarter 3 2022
Begin construction	Quarter 4 2022
End construction, start commissioning	Quarter 4 2023
Begin commercial operations	End of 2023

¹ Estimated dates are subject to Interconnection Requirements Study.

3.0 AFFECTED ENVIRONMENT, POTENTIAL IMPACTS, AND MITIGATION MEASURES

This section describes the affected environment and potential impacts of the Project relative to applicable environmental resources. Mitigation measures or BMPs that would be implemented to avoid or minimize potential impacts are identified, where relevant. In accordance with HRS Chapter 343 and HAR §11-200.1, the description of the affected environment focuses on those resources and conditions

⁸ Decommissioning activities will be conducted in accordance with all relevant ordinances and regulatory requirements that are in place at the time of decommissioning. Because decommissioning will not be expected to occur for many years, and given that regulatory requirements could change, the applicable permitting and regulatory requirements will be reviewed with the appropriate county and state agencies prior to decommissioning activities to ensure compliance.

potentially impacted by the Project, with the level of detail commensurate with the importance of the impact; resources that are not present (or otherwise do not apply) are not discussed.

3.1 Climate

3.1.1 Affected Environment

The Hawaiian Islands have a semi-tropical climate, characterized by mild temperatures and moderate humidity throughout the year (except at high elevations), persistent northeasterly trade winds, and infrequent, severe storms. The two primary seasons recognized are summer and winter. The summer or dry season (May through September) is characterized by warmer temperatures, drier conditions, and trade winds are prevalent 80 to 90 percent of the time. During the winter or wet season (October through April) temperatures are cooler, winds are more variable, and rainfall is higher compared to the summer (Juvik and Juvik 1998; WRCC 2021). Local climate conditions in Hawai'i are influenced by its rugged, mountainous topography, and winds.

The climate in the area of the proposed Project is characterized as arid and sunny (Price et al. 2012). In this area of O'ahu, dry weather is prevalent, with the exception of sporadic trade wind showers and short-duration storms. According to the Online Rainfall Atlas of Hawai'i (Giambelluca et al. 2013), the area receives a mean annual rainfall of approximately 21 inches. Rainfall is typically highest in November–January and lowest in June–July (Giambelluca et al. 2013). The mean annual air temperature for the area is 75 degrees Fahrenheit (Giambelluca et al. 2014). Annual wind speed ranges from 6 to 7 miles per hour (mph), and the prevailing wind direction is from the east.

Climate Change

Climate change is a result of greenhouse gas (GHG) emitted all around the world from sources such as the combustion of fuel for transportation and heat, cement manufacture, and refrigerant emissions. GHG trap heat in the atmosphere, thus affecting the earth's temperature. Scientific evidence indicates a trend of increasing global temperatures and other related climatic changes caused by an increase in global GHG emissions.

In the absence of GHG emissions abatement, climate change impacts will include rising sea levels, increasing air temperatures and associated heat waves, declining trade winds and rainfall levels, increasing intensity of storms and frequency of extreme weather events, increasing ocean temperature and acidification, and exposure of native plants and animals to risk of extinction (ICF and UHERO 2021a).

Area sources of GHG include emissions from natural gas combustion, landscaping equipment, consumer products, and architectural coatings. Indirect sources include emissions from energy consumption and water conveyance. Mobile sources include emissions from passenger vehicles and delivery trucks. Typically, mobile sources are the primary contributor of GHG emissions.

In Hawai'i, total GHG emissions increased approximately 13 percent from 1990 to 2007 but have been declining since that time. In 2007, the state of Hawai'i passed Act 234 to establish the state's policy

framework and requirements to address GHG emissions. The law aimed to achieve emission levels at or below Hawaii's 1990 GHG emissions by January 1, 2020 (excluding emissions from airplanes). Compared to 1990, total GHG emissions for 2017 were estimated to be approximately 21.5 million metric tons of carbon dioxide equivalent, roughly 6 percent lower than 1990 levels. It is projected that total emissions will continue to decline, largely driven by the projected trend in emissions from energy industries (i.e., electric power plants and petroleum refineries), which are expected to decrease between 2017 and 2030 (ICF and UHERO 2021b).

In 2020, the City and County of Honolulu adopted Ordinance 20-47, establishing "a Climate Action Policy for the city to transition to 100 percent renewable energy within the city and achieve net-negative carbon emissions for emissions related to activities within the city no later than 2045, consistent with state law." The One Climate One O'ahu, Climate Action Plan 2020-2025, presents nine climate strategies and 47 actions for the City to pursue in the next five years to substantially reduce GHG emissions from ground transportation, electricity, and waste sectors — a reduction of 45 percent by 2025 relative to 2015, an additional 16 percent relative to an estimated baseline (ICF and UHERO 2021a).

3.1.2 Potential Impacts and Mitigation Measures

Construction of the Project would not be expected to have a measurable effect on local climate conditions including temperature, rainfall, humidity, or wind patterns. Construction of the Project would result in a limited amount of GHG emissions, including the use of construction equipment and vehicles. Published data from the EPA indicate that 22.4 pounds of carbon dioxide are produced for every gallon of diesel fuel burned, and 19.6 pounds are produced for every gallon of gasoline used (EPA 2021). Impacts from Project construction emissions would be temporary and localized and would not substantially affect regional or global GHG levels. In order to minimize GHG emissions associated with Project construction, Project vehicles and equipment will be maintained in proper working order and in compliance with federal and state emissions standards. As such, construction of the Project would be expected to have a negligible, short-term impact on GHG emissions and climate change.

Once constructed, solar energy from the Project will replace a portion of electricity that is currently generated by burning fossil fuels, thus substantially reducing GHG emissions. In total, the Project is expected to offset approximately 1,139,396 barrels of fossil fuel consumption by Hawaiian Electric's generating units and reduce net lifecycle GHG emissions by approximately 455,598 metric tons of carbon dioxide equivalents over its lifecycle (Hawaiian Electric 2020c). A small amount of GHG emissions would occur from Project operation activities, such as employee vehicle use and vegetation maintenance. The amount of these emissions would be very minor in comparison to the reductions in GHG emissions provided by the Project. As such, the Project would be expected to provide a net benefit relative to GHG emissions and climate conditions; no mitigation measures are proposed.

3.2 Geology, Topography, and Soils

3.2.1 Affected Environment

The island of O'ahu was formed by two ancient shield volcanoes that erupted between 1.3 and 2.2 million years ago: the Wai'anae volcano in the west, and the Ko'olau volcano in the east. Over millennia, erosion of the Ko'olau and Wai'anae volcanoes created the existing Wai'anae and Ko'olau mountain ranges resulting in the formation of the island's characteristic ridges, valleys, gullies, and gulches (Juvik and Juvik 1998). The Project area is located approximately 3.5 miles south of the foot of the Wai'anae Mountains on the 'Ewa Plain, which formed when the lavas from the two volcanoes merged. The coastal portion of the 'Ewa Plain consists of exposed coral reef (Moberly et al. 1963).

The topography in the Project area is relatively flat and generally slopes gently to the southeast over 1.5 miles toward the ocean. Elevations within the Project area range approximately 50 feet above mean sea level on the northern extent to 10 feet above mean sea level at the southwestern extent. Slopes in the Project area range about 0–15 percent. Within portions of the Project area the microtopography is uneven due to numerous coral reef limestone outcroppings and sinkholes (also referred to as limestone pits) scattered throughout the area. Sinkholes are openings in the surface created by rainwater corroding the coral ground surface (Ziegler 2002).

Soil cover across nearly the entire Kalaeloa area consists of a thin layer of friable, red material present in cracks and crevices on coral outcrop. As shown in Figure 3-1, the Natural Resources Conservation Service identifies three soil types in the Project area (NRCS 2019). Approximately 87 percent of the Project area is identified as coral outcrop, which consists of coral and cemented calcareous sand. The northern portion of the Project area (Area 1) is defined as fill land, mixed; this soil type occurs in areas that were filled by materials dredged from the ocean or hauled from nearby areas. A very small portion of the Project area near the intersection of Coral Sea Road and Roosevelt Avenue is classified as Mamala stony silty clay loam, 0 to 12 percent slopes. Coral rock fragments are common in this soil type, and it is moderately permeable with slight to modern erosion potential (Foote et al. 1972).

The soils underlaying the northern portion of the Project area (Area 1) are classified by the Natural Resources Conservation Service as Type B Hydrologic Soils which have moderate infiltration and runoff potential. The southern portions of the Project area (Area 2 and Area 3) contain Type D Hydrologic Soils, which have little infiltration and high runoff potential (Westwood 2020).

3.2.2 Potential Impacts and Mitigation Measures

As described in Section 2.2, the Project has been designed to follow the existing topography of the Project area to minimize soil and ground disturbance. Grading is limited to smoothing existing topography in limited areas for installation of solar PV equipment, substation foundation, gravel roads, and equipment pads. Other forms of ground disturbance would include trenching for installation of electrical wiring and collector lines that would connect the solar arrays with the power conversion stations and substation and trenching for portions of the generation-tie line.

Although soil disturbance would be minimized to the extent possible, Project construction would result in small topographic changes and disturbance of soils. The affected soils have previously been extensively disturbed by fill, as well as military and agricultural activities. Therefore, the Project would not disturb or otherwise modify any native soil formations. Nevertheless, soil disturbance related to Project construction activities would increase the potential for soil erosion in the form of fugitive dust and suspended sediment in stormwater runoff. Stormwater and erosion control BMPs would be implemented to minimize the potential for construction-related erosion. BMPs related to water quality and air quality are discussed in Sections 3.3.2 and 3.9.2, respectively.

After construction is completed, operations and maintenance of the Project would involve little to no ground disturbance. The potential for erosion during operations will be minimized through the incorporation of rock berms/swales and retention areas described in Section 2.2. Therefore, operation of the Project would not be expected to contribute to soil erosion or sedimentation. At the end of its useful lifetime, the Project components would be removed, as detailed in Section 2.4. Project decommissioning would involve some ground disturbance which may result in soil erosion. The BMPs discussed for construction would be implemented again during decommissioning to minimize the potential for erosion.

With implementation of BMPs discussed in this section and Section 2.2, construction and operation of the Project would not be expected to result in significant impacts to soils, geology, and topography. Therefore, the Project is expected to have minor, less than significant impacts to these resources.

3.3 Water Resources

3.3.1 Affected Environment

The Project is in the Kalo'i Gulch watershed, which encompasses roughly 10.9 square miles (Parham et al. 2008). Hydrology in this area of O'ahu is influenced by low rainfall (see Section 3.1 above) and high evapotranspiration rates.

Groundwater

Groundwater resources on Oʻahu have been distributed into six hydrologic units, primarily based on geologic and hydrologic characteristics. Each hydrologic unit is further split into aquifer systems. The Project area is located within the Puʻuloa aquifer system, one of several aquifer systems in the Pearl Harbor hydrologic unit. The Puʻuloa aquifer system is also located in the 'Ewa Caprock Aquifer System Area. In this area of Oʻahu, groundwater generally flows to the ocean through volcanic material, but is impeded by the 'Ewa caprock. This caprock consists of a thick wedge of marine and terrestrial sediments that were deposited on the flanks of the Koʻolau and Waiʻanae volcanoes during sea level changes. Below the upper layers, the caprock is a relatively impermeable barrier that restricts seaward flow of freshwater (Stearns and Chamberlain 1967; Bauer 1996).

Because the 'Ewa Caprock Aquifer System Areas overlie basal groundwater bodies of other aquifer sectors and systems (such as Pu'uloa), and because the dynamics of groundwater communication between the caprock and basal aquifers is unclear, the Hawai'i Commission on Water Resource Management established sustainable yields for the 'Ewa Caprock Aquifer System Areas based on the chloride content of groundwater in individual irrigation wells rather than on average daily pumping rates across the aquifer system area, as was done for the basal aquifers (CWRM 2019). A sustainable yield of 1,000 milligrams per liter of chloride was adopted for all three 'Ewa Caprock Aquifer System Areas including Pu'uloa (CWRM 2019). The Pearl Harbor hydrologic unit has been designated a Groundwater Management Area, meaning groundwater use and development is regulated by the Commission on Water Resource Management (CWRM 2019).

No groundwater was encountered during geotechnical investigation borings conducted in the Project area in November 2020 (Geolabs 2021); however, groundwater levels in the area likely change in response to various factors including rainfall and surface runoff.

As discussed in Section 3.11, prior to the closure of NASBP and disposal of real properties, the U.S. Navy was required to identify contaminated and uncontaminated areas of the NASBP and therefore conducted environmental baseline surveys at the NASBP from August to November 1993 and documented their findings in the *Environmental Baseline Survey (ESB) Report, NAS Barbers Point, Oahu, Hawaii* (Ogden 1994). The Navy identified a base wide Point of Interest (POI-49) associated with the regional groundwater quality below the former NAS Barbers Point. During the remedial investigation conducted in 1999 (Ogden 1999), hazardous substances (arsenic, atrazine, bis(2-ethylhexyl)phthalate, 4,4'-DDE [dichlorodiphenyldichloroethylene], 4,4'-DDT [dichlorodiphenyltrichloroethane], lead, lindane, and thallium) were detected in base wide groundwater at low concentrations that posed no threat to human health or the environment (Ogden 2001). Due to the low concentrations of hazardous substances, a no further action decision was decided by the U.S. Navy and concurred with by EPA and DOH in 1999 as presented in the Record of Decision (Department of Navy 1999a).

Surface Water

There are no wetlands, streams, or other surface water bodies within the Project area vicinity likely due to the highly permeable substrate. Water resources identified in the vicinity by the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory data (NWI 2019), the U.S. Geological Survey topographic and National Hydrography Dataset (2020), and the State of Hawai'i Division of Aquatic Resources dataset (DAR 2008) are shown in Figure 3-2. The closest surface water body to the Project area is Ordy Pond which is less than 130 feet (40 meters) southeast of the Project area, north of Tripoli Road on TMK 9-1-013:041. This pond is identified as a freshwater forested/shrub wetland by National Wetlands Inventory (NWI 2019) and a perennial land/pond by National Hydrography Dataset (2020). According to the U.S. Navy, Ordy Pond is a brackish water filled sinkhole that was previously hydrologically connected to the ocean prior to sediment accumulation (Department of Navy 2011). The Pacific Ocean is less than 0.4 miles to the south of the Project area.

3.3.2 Potential Impacts and Mitigation Measures

Groundwater

During Project construction, no direct interaction with groundwater is anticipated from the construction activities described in Section 2.2. This includes the installation of foundation posts for the racking system to depths of approximately 6–10 feet and undergrounding the collector and generation-tie lines. In addition, no local groundwater resources would be utilized within the Project area by wells or other means.

Potential indirect impacts to groundwater include decreased recharge, reduced availability, or degraded quality due to stormwater runoff associated with the creation of impervious surfaces. As discussed below, the Project would result in the addition of minimal amounts of impervious surfaces. However, the Project area vicinity contains sufficient permeable ground surface to allow for natural infiltration. The Project would incorporate stormwater retention features to increase groundwater infiltration within the Project area. Therefore, no negative impacts to groundwater recharge are anticipated. The Project's total water consumption for construction and operations would be minimal. Therefore, the Project would not significantly affect groundwater availability.

During construction, some hazardous materials, such as diesel fuel, gasoline, and lubricants would be used within the Project area. If not properly handled, accidental spills or releases of these materials could adversely affect groundwater quality. As discussed in Section 3.11, quantities of these materials would be limited, and BMPs would be implemented to minimize the potential for release. Adequate sanitation facilities would be provided. With implementation of these measures, no adverse impacts to groundwater are expected.

Surface Water

No surface water resources occur within the Project area; therefore, the Project would not result in indirect impacts to surface waters. Indirect impacts to surface water can include changes in drainage patterns, increased stormwater runoff volume or velocity, and discharge of pollutants to downstream waters via sedimentation. As discussed in Section 2.2, proposed impervious surfaces have been minimized to the extent possible, and only include the electrical equipment and foundations required for the site. Access roads will be constructed of coarse gravel to allow infiltration. Solar panels will be raised above the proposed vegetation and will therefore not be considered impervious. Impervious surfaces can increase stormwater runoff volume and velocity. The Project would utilize mitigation measures to protect and limit indirect impacts to surface waters, including but not limited to:

- Minimizing grubbing and disturbance of soils by limiting tree removal and grading activities.
- Revegetating the site following construction for soil stabilization.
- Maintaining natural stormwater drainage patterns and utilizing LID techniques.
- Minimizing soil compaction by limiting traffic to established gravel roads.

- Minimizing creation of impervious surface by utilizing permeable ground vegetation around solar panels.
- Directing stormwater runoff to vegetated areas by means of vegetated stormwater infiltration basins, water detention basins, and planned vegetation management.
- Utilizing LID measures and BMPs such as groundwater infiltration basins and sedimentation basins.
- Avoiding earthwork during adverse weather conditions and revegetating or stabilizing disturbed areas as soon as possible.
- Preparing a Spill Prevention, Containment, and Countermeasure Plan prior to construction, to include measures for the safe transport, handling, and storage of hazardous materials.
- Preparing an Erosion Sediment Control Plan, which will include more specific BMPs.
- Obtaining an NPDES Construction Stormwater Permit.

With the implementation of these BMPs, minor increases in impervious surface are expected to have negligible, less than significant effects on surface waters in the vicinity of the Project area.

3.4 Biological Resources

3.4.1 Affected Environment

Several biological surveys have been conducted in the Project area (Tetra Tech 2021a, 2021b). Tetra Tech conducted a general plant and wildlife survey within the Project area on June 3, 9, and 11, 2020. The purpose of this survey was to characterize the existing plant and animal habitat and determine whether federally or state-listed endangered or threatened species (pursuant to the federal Endangered Species Act or HRS Chapter 195D), or otherwise rare plants or animals have the potential to occur and could be impacted by construction or operation of the Project. In addition, specific surveys to detect the state listed pueo or Hawaiian short-eared owl (Asio flammeus sandwichensis) were conducted on the morning of June 11, 2020 and the evenings of August 17, October 8, and November 16, 2020. The pueo survey methods followed the Pueo Project Survey Protocol (Price and Cotin 2018) but were adjusted to stay within the boundaries of the Project area. Because the June 2020 biological survey was conducted during the dry season and the endangered 'akoko (Euphorbia skottsbergii var. skottsbergii) is known to occur nearby, a supplemental survey for the endangered 'akoko was conducted by Tetra Tech and LeGrande Biological Surveys Inc. during the wet season in April 2021. The 'akoko survey included appropriate portions of the Project area, as well as a 328-foot (approximately 100-meters) buffer from the Project's limits of disturbance in areas with suitable habitat. Finally, Tetra Tech conducted a general plant and wildlife survey of the Coral Sea Road ROW on May 5, 2021.

In general, the biological surveys found that the Project area has been extensively disturbed and modified by the previous military use, current activities, and the introduction of invasive species, which has resulted in a reduction of native species and suitable habitats for native species. The results of the biological surveys are summarized in the sections below. Additional detail is provided in the Biological

Resources Survey Report (Tetra Tech 2021a) and Supplemental 'Akoko Survey Report (Tetra Tech 2021b), which is contained in Appendix C.

Vegetation

A total of 138 plant species were recorded during the biological surveys; a complete list is provided in the Biological Resources Survey Report (Appendix C). Of the species observed, 12 plant species are native to the Hawaiian Islands (Table 3-1). None of the plant species observed in the Project area are federal or state listed threatened, endangered, proposed listed, or candidate plant species. Eleven wiliwili (*Erythrina sandwicensis*) trees were recorded in the Project area during the biological survey; however, wiliwili is not a federal or state listed species but is listed as Vulnerable in the International Union for Conservation of Nature's Red List (IUCN 2021). Wiliwili trees are relatively rare on O'ahu but are more abundant on other Hawaiian Islands. It is considered a keystone species in lowland dry forests and is culturally important to Hawaiians (Kaufman et al. 2020). None of the other native plants observed in the Project area are considered rare throughout the Hawaiian Islands (Wagner et al. 1999). Details about the endangered 'akoko that occurs outside the Project area are provided in the subsection below.

Table 3-1. Native Plant Species Recorded in the Project Area During the Surveys

Common/Hawaiian Name	Scientific Name	Status
ʻānunu	Sicyos pachycarpus	E
hoary abutilon	Abutilon incanum	I
ʻiliahiʻaloʻe	Santalum ellipticum	Е
ʻilieʻe	Plumbago zeylanica	I
ʻilima	Sida fallax	I
kauna'oa pehu	Cassytha filiformis	I
kīpūkai, seaside heliotrope	Heliotropium curassavicum	I
pā'ū-o-Hi'iaka	Jacquemontia sandwicensis	Е
pololei	Ophioglossum polyphyllum	I
pōpolo	Solanum americanum	I
wiliwili	Erythrina sandwicensis	Е
ʻuhaloa	Waltheria indica	I

Status: E = Endemic (native only to the Hawaiian Islands); I = Indigenous (native to the Hawaiian Islands and elsewhere). Species highlighted in grey were observed immediately outside of the Project Area.

The primary vegetation type within the Project area is kiawe (*Prosopis pallida*)/buffelgrass (*Cenchrus ciliaris*) forest, which is characterized by large kiawe trees, roughly 15 to 30 feet (5 to 9 meters) tall. The kiawe canopy ranges from open to dense thickets. In general, dense mats of buffelgrass occur in the understory. In areas with denser canopy cover, Guinea grass (*Megathyrsus maximus*), Chinese violet (*Asystasia gangetica*), and Zulu giant (*Stapelia gigantea*) are common in the understory. The non-native koa haole (*Leucaena leucocephala*) and 'opiuma (*Pithecellobium dulce*) trees are also widely scattered in this vegetation type. Sisal (*Agave sisalana*) also occurs in dense patches. Three native species—'ilima (*Sida fallax*), hoary abutilon (*Abutilon incanum*), and 'uhaloa (*Waltheria indica*)—are common. The native kauna'oa pehu (*Cassytha filiformis*) grows down from the canopy of kiawe trees in some areas, and the native 'ilie'e (*Plumbago zeylanica*) is also present (Tetra Tech 2021a).

The Koa Haole Scrub is the second most common vegetation type and is scattered in the area located between array Areas 1 and 2, as well as in Area 2, and along the outer edges of the Coral Sea Road ROW. It is characterized by open to dense stands of non-native koa haole trees, ranging from 4 to 10 feet (1 to 2.5 meters) in height. Buffelgrass and Guinea grass are the most abundant plants in the understory, although the native 'uhaloa and 'ilima, along with non-native Sida acuta, Chinese violet, and Zulu giant are also common in the understory. 'Opiuma and kiawe trees are sparsely scattered throughout this vegetation type (Tetra Tech 2021a).

Other vegetation types in the Project area include: Ruderal Vegetation on fallow land, along the edges of roads, in mowed or cleared areas, surrounding existing facilities, or in previously disturbed areas; Non-Native Grassland occurs in the central portion of Area 3; and small areas of Mixed Non-Native Forest are in Areas 1 and 2 (Tetra Tech 2021a).

Federally and State Listed Species

The Endangered Species Act provides protection for species listed as threatened or endangered and their habitats, specifically those areas that have been designated as "critical habitat." The Endangered Species Act defines an endangered species as one that is "in danger of extinction throughout all or a significant portion of its range" and a threatened species as one that "is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Critical habitat includes areas containing essential habitat features for threatened or endangered species, regardless of whether those areas are currently occupied by the species (16 United States Code § 1532). Endangered and threatened species are also protected under state law, pursuant to HRS Chapter 195D. HRS Chapter 195D-4 specifies that any species listed as endangered or threatened under the Endangered Species Act shall also be listed as such under state law; other species may also be state listed as endangered or threatened based on habitat impacts, overutilization, disease or predation, or other specified factors. The Endangered Species Act and HRS Chapter 195D are administered by the USFWS and state of Hawai'i Department of Land and Natural Resources (DLNR) Division of Forestry and Wildlife (DOFAW), respectively.

As stated above, no federal or state listed plant species were recorded in the Project area during the surveys. However, the endangered 'akoko (*Euphorbia skottsbergii* var. *skottsbergii*) has been recorded adjacent to the Project area within TMK 9-1-013:039 (the U.S. Navy's former Northern Trap and Skeet Shooting Range) (Department of Navy and Isla Botanica 2012; USFWS 2019b). The April 2021 survey by Tetra Tech and LeGrande Biological Surveys Inc. recorded a total of 36 'akoko plants in three locations outside of the Project area within the northern portion of TMK 9-1-013:039, which is south of Area 2 (Tetra Tech 2021b). All of the 'akoko individuals recorded during the April 2021 survey are more than 100 meters from the Project's limits of disturbance and more than 100 meters from the closest TMK boundary of TMK 9-1-013:039.

In addition, critical habitat for the endangered 'akoko and 16 other listed species has been designated by USFWS adjacent to the Project area on TMKs 9-1-013:039 and 9-1-013:042 (USFWS 2012; see

Figure 3-3). This 166-acre critical habitat area, referred to as O'ahu Lowland Dry – Unit 11, is occupied by the endangered 'akoko, but none of the other 16 listed plant species are known to occur in the unit.

Wildlife

The majority of the animal species recorded in the Project area are not native to the Hawaiian Islands (see Table 3-2). A total of 33 bird species were recorded during the biological surveys. Warbling white-eye (*Zosterops japonicus*), common myna (*Acridotheres tristis*), and red-vented bulbul (*Pycnonotus cafer*) were the most commonly observed avian species recorded during the surveys. Most of the bird species recorded are non-native to the Hawaiian Islands and are commonly found in rural or agricultural areas; however, two listed bird species—the state and federally endangered ae'o or Hawaiian stilt (*Himantopus mexicanus knudseni*)⁹ and the state listed pueo—were recorded within the Project area. In addition, endangered 'alae ke'oke'o or Hawaiian coots (*Fulica alai*) were detected immediately adjacent to the Project area at Ordy Pond. Listed species are discussed in further detail below. One native migratory bird species—the kōlea or Pacific golden-plover (*Pluvialis fulva*)—was seen in the Project area and is protected by the Migratory Bird Treaty Act. A complete list of the bird species observed is provided in the Biological Resources Survey Report (Appendix C).

Table 3-2. Native Wildlife Species Recorded in the Project Area During the Surveys

Common/Hawaiian Name	Scientific Name	Status
Birds		
'Alae ke'oke'o, Hawaiian coot**	Fulica alai	Е
Ae'o, Hawaiian stilt**	Himantopus mexicanus knudseni	Е
Pacific-golden plover	Pluvialis fulva	M
Pueo, Hawaiian short-eared owl*	Asio flammeus sandwichensis	Е
Invertebrates		
Globe skimmer	Pantala flavescens	I
Green darner	Anax junis	I

Status: E = Endemic (native only to the Hawaiian Islands); I = Indigenous (native to the Hawaiian Islands and elsewhere); M = Migrant.

Species highlighted in grey were seen or heard immediately outside of the Study Area.

Several non-native terrestrial mammalian species were detected in the Project area. Cats (*Felis catus*), small Indian mongoose (*Herpestes javanicus*), horses (*Equus ferus caballus*), goats (*Capra aegagrus hircus*), a single cow (*Bos taurus*), dogs (*Canis lupus familiaris*), and sheep (*Ovis aries*) were all observed within the Project area. According to a resident in the area, feral pigs (*Sus scrofa*) have also been seen within the area (J. Bond, pers. comm., January 2021). Although not observed, other introduced mammals, such as house mice (*Mus musculus*) and rats (*Rattus* spp.), are likely to occur in the Project area.

^{** =} Federal and state listed species.

^{*=} State listed species

⁹ USFWS (2021) recently proposed to reclassify the Hawaiian stilt from an endangered species to a threatened species.

Twenty-four invertebrate species were observed during the biological surveys. Of these species, only the globe skimmer (*Pantala flavescens*) and green darner (*Anax junis*) are native to the Hawaiian Islands. A complete list of the invertebrate species observed is provided in the Biological Resources Survey Report (Appendix C).

Federally and State Listed Species

As stated above, two listed wildlife species—the Hawaiian stilt and the pueo—were recorded in the Project area. In addition, Hawaiian coots were detected immediately outside of the Project area at Ordy Pond, and could transit through the Project area. Several other federally or state listed species also have the potential to occur within or traverse over the Project area. These species include 'ōpe'ape'a or Hawaiian hoary bat (*Lasiurus cinereus semotus*), 'ua'u or Hawaiian petrel (*Pterodroma sandwichensis*), 'ake'ake or band-rumped storm petrel (*Oceanodroma castro*), 'a'o or Newell's shearwater (*Puffinis auricularis newelli*), and 'alea 'ula or Hawaiian common gallinule (*Gallinula galeata sandvicensis*). Listed species are briefly described below.

Pueo

Pueo or Hawaiian short-eared owl, are not federally listed, but are listed as endangered by the state of Hawai'i only for the island of O'ahu. It is a culturally significant endemic subspecies of the widespread short-eared owl (*Asio flammeus*) and is believed to have colonized the Hawaiian Islands after the arrival of Polynesians (Price and Cotín 2018).

Pueo are found on all of the main Hawaiian Islands, at elevations ranging from sea level to 8,000 feet (2,438 meters). On Oʻahu, pueo occupy a variety of habitats, including agricultural lands, grasslands, wetlands, shrublands, and native forests. It is suggested their habitat use may be influenced by food availability (Price and Cotín 2018). Pueo are active during the day, with increased activity levels at dawn and dusk, and are commonly seen hovering or soaring over open areas. There is limited information regarding breeding of this species, but nests have been found throughout the year. Nests are made of scrapes in the ground lined with grasses and feather down (DLNR 2015; Price and Cotín 2018). Threats to the pueo include loss and degradation of habitat, predation by introduced mammals, and disease; other concerns relate to pesticides and other contaminants, food shortages, nest predation, and human interaction (Pueo Project 2019).

A single Hawaiian short-eared owl was observed in the Project area on the morning of June 11. The pueo was observed flying into the non-native grassland in Area 3. No additional Hawaiian short-eared owl were detected on the subsequent three evening surveys. Given the pueo sighting and habitat present, pueo could forage, roost, or nest in and around the Project area.

Listed Waterbirds

Listed waterbird species that occur on O'ahu include the Hawaiian stilt, Hawaiian coot, and Hawaiian common gallinule (collectively referred to as listed waterbirds). ¹⁰ Listed Hawaiian waterbirds are primarily found in and around fresh and brackish-water marshes and natural or man-made ponds. Hawaiian stilts may also be found in fields, and wherever ephemeral or persistent standing water may occur (Kawasaki et al. 2019). No suitable habitat for listed waterbirds occurs in the Project area. However, suitable habitat does occur immediately adjacent to the Project area at Ordy Pond, which is approximately 130 feet from Area 3. Tetra Tech detected the Hawaiian stilt flying over the Study Area, and Hawaiian coots were detected immediately outside the Project area at Ordy Pond. Both listed waterbirds have been reported to regularly occur at and nest at Ordy Pond (C. Carnes/NAVFAC Hawaii, pers. comm., March 2021); therefore, these two waterbird species could traverse the Project area.

Listed Seabirds

Federally and state listed seabird species that occur in Hawai'i include the Hawaiian petrel, band-rumped storm petrel, and Newell's shearwater (collectively referred to as listed seabirds). Both petrel species are federally and state listed as endangered, and Newell's shearwater is federally and state listed as threatened.

Hawaiian petrels are known to breed on Kaua'i, Maui, Hawai'i, Lāna'i, and possibly Moloka'i and Kaho'olawe (Pyle and Pyle 2017). Although previously thought to be extirpated from O'ahu, this species was recently detected at Mt. Ka'ala and Poamoho (Young et al. 2019) and appear to be regularly prospecting for nesting sites and potentially breeding on O'ahu (Pacific Rim Conservation 2019). Hawaiian petrels spend most of their life at sea, and rarely return to land outside of the breeding season (March to December). During the non-breeding season, they are found far offshore, primarily in equatorial waters of the eastern tropical Pacific. They nest in colonies, returning to the same nest site each year. Colonies are typically located in high elevation, xeric habitats, or wet, dense forests. Nesting occurs in burrows, crevices, or cracks in lava tubes (DLNR 2015).

Band-rumped storm petrels breed on islands in the subtropical Pacific and Atlantic Oceans, with Pacific populations found in Hawai'i, Japan, and the Galapagos Islands. Historically, this species is believed to have commonly occurred on all of the main Hawaiian Islands, but its' population size and range have significantly decreased over time. In Hawai'i, the breeding population is believed to be very small with scarce breeding sites, including remote cliff locations on Kaua'i and Lehua Island, and steep cliffs and high-elevation lava fields on Hawai'i Island (KESRP 2019a; USFWS 2016). Although historically known from O'ahu, no known breeding population occurs on O'ahu and observations of band-rumped storm petrels on O'ahu are very rare (USFWS 2016; Price 2020).

¹⁰ The Hawaiian duck is not included in this discussion because genetic studies indicate that the Oʻahu population is heavily compromised by hybridization with feral mallards (*Anas platyrhynchos*) and few ducks with predominantly Hawaiian duck characteristics remain (Browne et al. 1993; Fowler et al. 2009; USFWS 2011).

Newell's shearwaters breed primarily on Kaua'i, but small populations also occur on Maui and Hawai'i. The species also possibly breeds on Moloka'i. Similar to Hawaiian petrels, Newell's shearwaters were recently detected in two locations on O'ahu—Mount Ka'ala in the Wai'anae Mountains and at Poamoho in the Ko'olau Mountains (KESRP 2019b; Young et al. 2019). Evidence suggests Newell's shearwaters are regularly prospecting for nesting sites and potentially breeding on O'ahu (Pacific Rim Conservation 2019). Newell's shearwaters remain at sea during the non-breeding season. Breeding colonies are typically located on steep mountain slopes and cliffs, with nesting in burrows, generally beneath ferns and tree roots. During the breeding season (April—November), adults forage at sea during the day and return to the colony at night (DLNR 2015; KESRP 2019b).

Seabirds have not been documented in the Project area and suitable nesting habitat does not exist in the Project area. However, suitable nesting habitat may exist in upper elevations of the Wai'anae and Ko'olau Mountains, suggesting the potential for these birds to fly over the Project area at night while transiting between nest sites and the ocean.

Hawaiian Hoary Bat

The Hawaiian hoary bat is the only extant native land mammal present in the Hawaiian archipelago. It is federally and state listed as endangered due to apparent population declines and a lack of knowledge concerning its distribution, abundance, and habitat needs (USFWS 1998). Recent studies have found that Hawaiian hoary bats are more abundant across the Hawaiian Islands than previously believed (USGS 2019). It is widely distributed across the Hawaiian Islands, with breeding populations known to occur on Oʻahu, Maui, Molokaʻi, Kauaʻi, and Hawaiʻi Island (Gorresen et al., 2013; Bonaccorso et al. 2015).

Hawaiian hoary bats are tree-roosting bats and roost in native and non-native vegetation over 15 feet in height, including 'ōhi'a (*Metrosideros polymorpha*), hala (*Pandanus tectorius*), coconuts (*Cocos nucifera*), kukui (*Aleurites moluccana*), kiawe, avocado (*Persea americana*), mango (*Mangifera indica*), shower trees (*Cassia javanica*), pūkiawe (*Leptecophylla tameiameiae*), ironwood (*Casuarina equisetifolia*), macadamia trees (*Macadamia* spp.), and fern clumps (USFWS 1998; Gorresen et al. 2013; DLNR 2015, 2021a). Hawaiian hoary bats are primarily solitary roosters; however, mothers and pups roost together with young left alone in roost trees during foraging (USFWS 1998). Foraging occurs in open and semicluttered landscapes in a wide range of habitats and vegetation types, including open pastures, forest gaps and edges, and above forest canopies (Bonaccorso et al. 2015). Hawaiian hoary bats feed at night on a variety of night-flying insects, primarily aerial beetles and moths (Todd 2012).

The biological surveys for the Project did not include focused surveys for the Hawaiian hoary bat (e.g., acoustic bat detectors or night vision goggles). As USFWS and DOFAW recognize all woody vegetation greater than 15 feet tall as potential bat roosting habitat (USFWS 2019a; DLNR 2021a), Tetra Tech noted the presence of any such trees or shrubs within the Project area which could be used for roosting. Numerous trees in the Project area (kiawe, ironwood, *Ficus* spp.) may provide suitable roosting habitat. Given the species' wide range of foraging habitat, it is also likely that bats forage in or near the Project area.

Systematic surveys for Hawaiian hoary bats are currently being conducted across Oʻahu as part of an island-wide occupancy and distribution study. The detector deployed near the Kroc Center as part of this study, approximately 1.4 miles from the Project area, has recorded bats (WEST 2020). This is the nearest known bat detector, and therefore nearest recorded detection of a Hawaiian hoary bat to the Project area. This station has documented low bat activity compared to other detector sites on Oʻahu (WEST 2020).

3.4.2 Potential Impacts and Mitigation Measures

This section discusses potential impacts to biological resources. A list of measures that would be implemented to avoid and minimize impacts to vegetation and wildlife is provided at the end of each section. The list of measures incorporates recommendations provided by USFWS and DOFAW in response to a request for input regarding potential impacts to listed species; copies of the correspondence with USFWS and DOFAW are contained in Appendix D.

Vegetation

Direct impacts to vegetation would occur primarily as a result of clearing and ground disturbance during construction. The Project is expected to have a total combined footprint of less than 100 acres on DHHL lands, of which the solar panels will cover approximately 45 acres. However, as described above, the Project area has been extensively disturbed by previous military operations and the introduction of invasive species, and the existing vegetation is largely comprised of non-native species. No federally or state listed endangered, threatened, or candidate plant species have been identified within the Project area, and no portion of the Project area has been designated as critical habitat for any listed plant species.

As stated above, wiliwili trees are present in the Project area. Although wiliwili is not listed by USFWS or DOFAW, the species is considered vulnerable and is culturally important. No Project components are planned in the areas where the wiliwili trees were mapped during the surveys; therefore, the 11 recorded wiliwili trees within the Project area will not be directly impacted by the Project. The remainder of the native plant species identified within the Project area are not considered rare throughout the Hawaiian Islands.

Although the endangered 'akoko and plant critical habitat occur adjacent to the Project area, the Project would maintain a buffer of at least 328 feet (100 meters) from the known 'akoko plants on TMK 9-1-013:039, as recommended by DOFAW and USFWS (USFWS 2018). The Project would incorporate multiple layers of fire prevention and suppression measures as described in Section 3.13.2; this would include on-going vegetation management, fire breaks, a fire detection and suppression system specifically designed for lithium-ion battery energy storage systems, and alarms and sensors that would alert staff and emergency personnel in the event of a system issue. Additional measures to minimize direct or indirect impacts to the nearby endangered 'akoko and nearby critical habitat are listed in the subsection below.

Ground disturbance, as well as the movement of construction and operation equipment and personnel in the Project area, could also indirectly impact vegetation through the further introduction or spread of invasive species. Although non-native and invasive species are already abundant or common in the area, measures to avoid the unintentional introduction or transport of new invasive species, or spread invasive species further, are provided below.

Following construction, all temporarily disturbed areas would be revegetated to stabilize soil and prevent erosion. As described in Section 2.2.5, it is anticipated that revegetation would involve application of hydroseeding using a suitable mix of non-invasive grasses and/or species that are currently found throughout the site. In addition to revegetation of temporarily disturbed areas, landscaping may also be installed to provide visual screening of Project equipment from adjacent areas to the extent practicable, and as required by HCDA. It is anticipated that the landscaping would incorporate suitable plant material in key locations and would include native species appropriate for this location, as practicable.

During Project operations, little to no ground disturbance is anticipated. As stated in Section 2.3, vegetation within the Project area would be routinely managed under and in the areas between the solar panels, primarily through mechanical control such as mowing, trimming, and pruning. In rare circumstances, herbicides may be utilized for vegetation control. However, an effort will be made to minimize use and only apply biodegradable, EPA-registered, organic solutions that are nontoxic to wildlife and used in a manner that fully complies with all applicable laws and regulations. Details on vegetation control during operations will be provided in the Project's Vegetation Management Plan (Appendix B). Decommissioning of the Project, at the end of its useful life, would involve removal of the Project facilities and returning the site to the same condition (or similar) as existed prior to Project development, including revegetation with a suitable mix of species.

In summary, as the Project area is dominated by non-native vegetation, measures would be implemented to avoid or minimize impacts to the wiliwili trees on the site and the endangered 'akoko known to occur nearby (off site), implementation of the Project is not expected to have a significant impact on vegetation.

Impact Avoidance and Minimization Measures

The measures listed below would be implemented to avoid and minimize potential Project-related impacts to vegetation. With implementation of these measures, the Project would not be expected to result in significant adverse impacts to vegetation, including federally and state-listed species.

- The Project would maintain a 328-foot (100-meter) buffer from the remaining 'akoko individuals recorded in TMK 9-1-013:039, as recommended by DOFAW and USFWS (USFWS 2018).
- The Project would establish an environmental education and observation program to educate all
 construction and operational personnel about the nearby endangered 'akoko and critical
 habitat. Staff would be trained to identify the 'akoko and to take appropriate steps if the species
 is found.

- If landscaping is installed along the perimeter of the Project for visual screening or due to HCDA requirements, non-invasive plants will be used and native plant species will be incorporated to the maximum extent practicable.
- The Project will develop an Emergency Response Plan and Vegetation Management Plan to reduce potential fire risk to/from the Project.
- The following measures would be implemented to avoid the unintentional introduction or transport of new invasive species to the area: utilize on-site gravel, rock, soil when practicable, or purchase raw materials (e.g., gravel, rock, soil) from a local supplier when practicable; utilize certified, weed-free seed mixes; and wash and/or visually inspect (as appropriate) construction materials or equipment arriving from outside O'ahu for excessive debris, plant materials, and invasive or harmful non-native species before transport to the Project area.
- The Project would coordinate with HDOT on their efforts to control the invasive rubbervine (*Cryptostegia grandiflora*) known to occur along Coral Sea Road and Tripoli Road.

Wildlife

As described in Section 3.4.1, most of the wildlife in the Project area is non-native to the Hawaiian Islands, and native habitats have been disturbed by previous activities and the introduction of invasive species, which has reduced the presence of native wildlife. As previously stated, the state listed pueo was observed within the Project area, and Hawaiian stilts were seen flying over the Project area during the biological surveys. Several other threatened and endangered wildlife species could occur within or traverse over the Project area. Potential impacts and associated mitigation measures specific to listed wildlife species are discussed in the subsections below.

Direct impacts to wildlife as a result of the Project could occur as a result of collision with equipment or vehicles during construction or operation. In addition, there is potential for native and non-native birds to collide with the Project facilities, particularly the solar PV modules. However, based on avian mortality data from various sources in the United States, avian mortality rates at utility-scale solar projects are estimated to be considerably lower than that associated with other types of energy projects (wind facilities, fossil fuel power plants), roads, and buildings (Walston et al. 2016).

Indirect impacts to wildlife may include habitat loss and temporary disturbance. Due to vegetation clearing, the Project would result in some wildlife habitat loss. As detailed in Section 2.2, the Project is expected to have a total combined footprint of less than 100 acres on DHHL lands, of which the solar panels will cover approximately 45 acres. This would reduce the availability of wildlife habitat within the Project area; however, the affected habitat is highly disturbed and dominated by non-native species. Furthermore, a substantial amount of habitat would remain intact within the Project area and similar habitat is present in the surrounding vicinity. It is expected that wildlife species would readily occupy the remaining habitat in the Project area and similar habitat in the vicinity, such that temporary displacement or habitat loss would not be expected to measurably affect the size or stability of any wildlife populations.

In addition to habitat loss, temporary disturbance of wildlife within the Project area would occur throughout the construction period due to increased activity and noise levels, including the use of construction vehicles and equipment. Following construction, activity and noise levels within the Project area would generally be limited to occasional facility maintenance and vegetation control. As detailed in Section 3.10, operation of the electrical equipment would also generate some sound. It is expected that wildlife would exhibit avoidance behavior and relocate to avoid Project-related activity and noise, both during the construction and operational phases of the Project, as needed.

Federally and State Listed Species

Pueo

The Project area includes suitable foraging, roosting, and nesting habitat for the state listed pueo, and as previously described, a single pueo was detected during surveys within the Project area. Pueo could be directly impacted by the Project, primarily if a nest is disturbed or removed during construction. The Project would minimize potential impacts to pueo nests by conducting pre-construction nest surveys within areas of suitable nesting habitat. In addition, site workers (particularly heavy equipment operators) would be trained to identify pueo and take appropriate steps if a pueo (or pueo nest) is found. These impact minimization measures are described in further detail in the subsection below and are expected to avoid direct impacts to pueo.

Indirect impacts to pueo may include habitat loss and temporary disturbance. As discussed above, the Project is expected to have a total combined footprint of less than 100 acres on DHHL lands, of which the solar panels will cover approximately 45 acres. Similar habitat as what will be impacted in the Project area is known to occur in the Project vicinity. It is expected that the pueo would readily use other nearby similar habitat, such that temporary displacement or habitat loss would not be expected to significantly affect the species.

During operations, the Project is not expected to significantly impact pueo. Similar to construction workers, operations personnel would be trained to identify pueo and take appropriate steps if found. To prevent secondary poisoning from toxins in pueo prey, no rodent baiting would occur as part of the Project. Although it has been generally suggested that solar panels could reflect sunlight, moonlight, or artificial light and therefore disorient pueo, there is no evidence regarding this potential impact to pueo. Solar modules are specifically designed to absorb light; they include a surface material that allows light to pass with minimal reflection, as well as an anti-reflective coating that further reduces reflectivity.

Avian mortality (including owls) has been recorded at solar projects outside of Hawai'i; while panel collision has been reported, the cause of avian death at these projects is typically unknown (Kagan et al. 2014; WEST 2014; Walston et al. 2016; Kosciuch et al. 2020). Pueo collision with solar PV panels is not known to have been documented at any utility-scale solar project in Hawai'i.

Listed Waterbirds

Hawaiian stilts were observed flying over the Project area, and both Hawaiian stilts and Hawaiian coots are known to occur and nest at nearby Ordy Pond. Although no suitable habitat for listed Hawaiian

waterbirds occurs within the Project area, it is likely Hawaiian stilts and coots could traverse the Project area while moving to and from Ordy Pond. Direct impacts to listed waterbirds are not anticipated during construction as the Project does not currently contain suitable habitat for waterbird species, nor would suitable waterbird habitat be created as a result of the Project.

During operation, there is limited potential for Project features to attract listed waterbirds to the area. At solar facilities in the continental United States, water dependent birds (e.g., grebes, loons, rails, coots, shorebirds, and waterfowl) have been documented to collide with PV arrays (Kosciuch et al. 2020). It has been hypothesized that some waterbirds may perceive the panel arrays to be bodies of water and collide with the panels while attempting a water landing (Kagan et al. 2014; WEST 2014; Walston et al. 2016). This hypothesis has been termed the "lake effect." However, no studies have found a causal link for the source of waterbird mortalities observed in the continental United States.

Listed waterbird species that occur in Hawai'i have not been documented to collide with PV arrays. Hawai'i currently has over 1,000 MW of installed solar (HECO 2020; KIUC 2021) and utility-scale solar has existed in Hawai'i since 2008; yet there are no public records indicating endangered birds are colliding with solar panel arrays in Hawai'i. Waterbird activity and abundance varies regionally and may result in variation in avian mortality risk across different landscapes. There have been no reports to date of the "lake effect" from operating solar facilities in Hawai'i or information to indicate listed birds are colliding with solar panel arrays in Hawai'i.

Listed Seabirds

Although unlikely, it is possible that the three listed Hawaiian seabird species could fly over the Project area in transit between the ocean and upland breeding sites during the breeding, nesting, and fledging seasons (March to December). Seabirds may be attracted and disoriented by lights at night, which could result in fallout (Telfer et al. 1987; Ainley et al. 1997). Juvenile seabirds are particularly vulnerable to light attraction and can become exhausted from circling the light sources, resulting in collision with nearby structures or grounding. Once grounded, the birds are vulnerable to collision with vehicles and predation by small mammals (Rodríguez et al. 2017). Measures that are intended to avoid and minimize the potential seabird impacts from artificial night lights would be implemented as part of the Project, as described below.

Similar to owls, it has been generally suggested that solar PV panels could reflect moonlight, which could disorient seabirds; however, there is no known evidence regarding this potential impact to listed Hawaiian seabirds.

Seabirds have been documented colliding with overhead powerlines in Hawai'i, particularly on Kaua'i Island (Raine et al. 2017); however, given that the sections of the Project's overhead generation tie-line would be replacing an existing overhead line along a busy road, this line is not anticipated to create a new collision risk for seabirds.

Hawaiian Hoary Bat

Based on the existing vegetation, Hawaiian hoary bats could forage in the Project area, or roost in woody vegetation 15 feet or taller. During construction, impacts to the Hawaiian hoary bat could occur as a result of removing or disturbing roost trees that contain young bats. During the birthing and pupping season (June 1 through September 15), there is a risk that juvenile bats that cannot yet fly on their own could inadvertently be harmed or killed. To avoid this potential impact, the Project will not remove or disturb woody vegetation during the birthing and pupping season, as described below. In addition, no barbed wire would be installed on the Project fence to prevent entanglement.

Indirect impacts to the Hawaiian hoary bat could include temporary displacement and/or permanent loss of foraging and roosting habitat. However, construction activities would generally occur during daylight hours when bats are not typically foraging; therefore, the potential for disturbance to foraging would be minimal. Given the low bat activity rates recorded at the nearby bat detectors (WEST 2020), and the extent of similar roosting and foraging habitat available in the vicinity, the potential for bat impacts associated with permanent habitat loss is also expected to be minimal.

During operations, the Project would not include any activities that would be expected to disturb or otherwise impact Hawaiian hoary bats. It has been generally suggested that bats could mistake solar PV panels for waterbodies, or artificial lighting at night could attract insect prey to the panels which could in turn attract bats to forage near infrastructure (Horváth et al. 2010; Harrison et al. 2016); however, there is no experimental, observational, or scientific literature regarding this potential impact to bats (Harrison et al. 2016; Taylor et al. 2019; Bennun et al. 2021). In addition, measures (as listed at the end of this section) would be implemented to avoid and minimize potential impacts associated with artificial night lighting to the extent possible.

Impact Avoidance and Minimization Measures

The measures listed below would be implemented to avoid and minimize potential Project-related impacts to wildlife. With implementation of these measures, the Project would not be expected to result in significant adverse impacts to wildlife, including federally and state listed species.

- The Project would establish an environmental education and observation program for all
 construction and regular on-site staff. Staff would be trained to identify listed species that may
 be found on-site or the vicinity (including 'akoko, pueo, listed Hawaiian waterbirds, listed
 Hawaiian seabirds, and the Hawaiian hoary bat) and to take appropriate steps if these species
 are observed.
- If downed listed species are observed during construction or operations, USFWS and DOFAW would be notified using the standard protocol (USFWS 2020).
- Prior to clearing vegetation or ground-disturbing activities with heavy machinery within areas of suitable pueo nesting habitat within the Project area, pre-construction ground pueo nest surveys would be conducted by a qualified biologist to confirm pueo are not nesting in the area.

- If a pueo is observed in the Project area at any time (prior to construction, during construction, or during operation), all activities in the immediate vicinity would stop immediately. The location of the bird would be reported to a designated representative, and a qualified biologist would check the area for the presence of a pueo nest.
- If a ground nest or a pueo nesting on the ground is observed at any time (prior to construction, during construction, or during operation), an approximately 100-foot (30-meter) buffer would be established around the nest and marked in the field by a qualified biologist. DOFAW would be notified immediately. If the nest is confirmed as a pueo nest, no work would occur in the buffer until pueo nesting is complete.
- No rodent baiting would occur as part of the Project to prevent secondary poisoning from toxins in pueo prey.
- No surface water features would be created by the Project during construction or operation.
 Stormwater retention areas would drain within 48 hours and would be kept free of emergent vegetation to avoid attracting listed waterbirds to areas with sub-optimal habitat.
- If listed waterbirds are found in the Project area during active construction, all activities within 100 feet (30 meters) of the bird(s) will cease, and a biological monitor that is familiar with the species' biology will conduct Hawaiian waterbird nest surveys where appropriate habitat occurs. The surveys would be repeated again after any subsequent delay of work of 3 days or more (during which birds may attempt nesting). If a nest of a listed waterbird is not discovered, work may continue after the listed waterbird leaves the area of its own accord. If a nest of a listed waterbird is discovered, USFWS and DOFAW will be contacted and a 100-foot (30-meter) buffer will be established around all active nests and/or broods until the chicks/ducklings have fledged.
- Construction activities would be restricted to daylight hours as much as possible during the seabird peak fallout period (September 15–December 15) to avoid the use of nighttime lighting that could attract seabirds.
- Should nighttime construction be required during the seabird peak fallout period, a biological
 monitor would be present in the construction area from approximately 0.5-hour before sunset
 to 0.5-hour after sunrise to watch for the presence of seabirds. Should a seabird (or other listed
 species) be observed and appear to be affected by the lighting, the monitor would notify the
 construction manager to reduce or turn off construction lighting until the individual(s) move out
 of the area.
- During operation, any on-site lighting would be fully shielded, triggered by motion detector, and
 fitted with light bulbs having a correlated color temperature of four thousand Kelvin or less, to
 the extent possible. Lighting would also be directed away from the solar arrays to minimize the
 potential for reflection and would only be used when necessary.
- No trees or shrubs greater than 15 feet tall would be disturbed, trimmed, or removed during the Hawaiian hoary bat birthing and pupping season (June 1 through September 15).
- Fencing erected as part of the Project would not have barbed wire to prevent entanglements of the Hawaiian hoary bat, except as required for safety and code compliance around the Project collector substation.

3.5 Historical Properties

3.5.1 Affected Environment

To identify, document and assess the significance of historic properties within the Project area, Pacific Legacy, Inc. conducted an AIS of approximately 163 acres of lands owned by the DHHL as well as a corridor within the HDOT Coral Sea Road ROW.

During the literature and historic map research for this Project, several repositories were visited. Relevant archaeological reports were obtained from the library of the Hawai'i State Historic Preservation Division (SHPD). Historic documents, maps, and reference volumes were found in the Hawai'i State Archives, the University of Hawai'i Library system, Bishop Museum Archives, and private collections. Online sources of information included the United States Department of Agriculture, the State of Hawai'i Department of Accounting and General Services, the Office of Hawaiian Affairs Kīpuka and Papakilo Databases, the Hawai'i Office of Planning Statewide Geographic Information System Program, Waihona 'Āina, and AVA Konohiki. The field component included a 100 percent pedestrian inspection of the Project area, including the solar array and associated infrastructure areas, access corridors, and generation tie-line corridor, to identify any potential historic properties within the Project area. The results of the background research and field investigation were documented in a Draft AIS Report, which has been submitted and is pending review by the SHPD in compliance with HRS Chapter 6E and HAR §13-284. The findings of the AIS are summarized below; a copy of the Draft AIS Report is provided in Appendix A.

The Barbers Point Solar Project is located in the traditional land division of Honouliuli Ahupua'a, in the 'Ewa District. The traditional name for Barbers Point is Kalaeloa. Honouliuli is the largest ahupua'a on the island of O'ahu and forms a portion of the 'Ewa Plain. In general, an ahupua'a is a land division that extends from mountain to sea, so that people residing there have access to the range of resources in those environments, from marine resources to upland agriculture and everything in between (Alexander 1882:4).

The numerous named places, myths, and proverbs associated with Honouliuli intimate that in the pre-Contact period, the region was populated and traversed. This is further shown by the many kuleana land claims ¹¹ that were submitted during the Māhele ¹² by the residents who were living on and cultivating the land. During the post-Contact period, as Western influence in the islands grew, Honouliuli Ahupua'a was utilized for agricultural purposes from the late nineteenth to early twentieth centuries when it transitioned to use for sugarcane and ranching.

¹¹ Per the Kuleana Act of 1850, common Hawaiian people were allowed to petition for land titles for land they cultivated and lived on. Land claims of native tenants were presented to the Land Commission.

¹² The Māhele was the Hawaiian land division proposed by King Kamehameha III in 1848. Land was divided into three classifications: Crown Lands (lands retained by the king), Konohiki Lands (lands given to ali'i [royalty] and konohiki [landlords]), and maka'āinana (common people) lands.

In the 1930s, in the northern portion of the Project area, the Ewa Mooring Mast Field was developed, which would eventually be expanded into the MCAS 'Ewa airfield, which was later subsumed under the NASBP. This was a result of the air station being targeted in the 1941 Japanese attack, which led to the United States' engagement in World War II. Plans morphed into an air station with greater capacity because of the involvement in the war. The U.S. Coast Guard remained in Honouliuli, but the U.S. Navy closed the air station in 1999, and the John Rodgers airfield became Kalaeloa Airport, as it remains today.

Extensive ground disturbance has occurred in the Project area from past commercial agriculture use followed by military development. Many remnants of traditional use in the Project area that may have existed are most likely disturbed, if not destroyed. However, structures from the military era, such as revetments, and remnants from the 1941 attack are still preserved. Some of these are recognized in the NRHP.

The AIS resulted in the identification and documentation of 17 historic properties containing a total of 438 archaeological features, see Table 3-3 and Figure 3-4. The 17 historic properties consist of limestone structures or modified limestone pits used for Hawaiian habitation, agriculture, and ceremonial activities; unmodified limestone pits of an undetermined function; and intact historical buildings and remnant infrastructure associated with MCAS 'Ewa and NASBP military bases that date from the 1940s to the late 1950s.

Table 3-3. Summary of Historic Properties Documented in Barbers Point Solar Project Area

SIHP No. (50-80-12-)	Temp Site No.	No of Features	Site Type	Possible Function	Possible Temporal Period
01729	-	2	Unmodified limestone pits	Undetermined	Undetermined
01733	-	18	Walls, mounds, and C-shapes, and limestone pits	Habitation-agriculture complex	Pre-Contact to early Post-Contact
01745	-	18	Modified and unmodified limestone pits	Agriculture	Pre-Contact to early Post-Contact
05094	-	5	Unmodified limestone pits	Undetermined	Undetermined
05099	-	27	Structural remains of Navy Seabee Camp	U.S. military	World War II era
05100	-	24	Mounds, platforms, C-shapes, enclosures, walls, mounds, and limestone pit	Pre-Contact/early post- Contact habitation and agriculture	Pre-Contact to early Post-Contact
05106	-	99	Walls, enclosures, platform, mounds, modified/ unmodified limestone sinks, berm, stone-masoned channel	Pre-Contact/early post- Contact habitation, ceremony, agriculture, recreation/U.S. military training	Pre-Contact to early Post- Contact/World War II and after
05107	-	7	Modified and unmodified limestone pits	Pre-Contact/early post- Contact agriculture	Pre-Contact to early Post-Contact
-	T-01	7	Bunkers and building foundation	U.S. military	World War II era
-	T-02	57	Aircraft revetments and related infrastructure	U.S. military	World War II era
-	T-03	160	Modified and unmodified limestone pits	Undetermined	Undetermined
-	T-07	1	L-shaped wall	Habitation	Pre-Contact to early post-Contact

SIHP No. (50-80-12-)	Temp Site No.	No of Features	Site Type	Possible Function	Possible Temporal Period
-	T-08	4	MCAS 'Ewa Airfield features	Runways, aprons, taxiways, tie-down rings, utility box, irrigation ditch	1942-1944 World War II era
-	T-09	6	Concrete structures for utilities, foundation	U.S. Military	1942, World War II and after
-	T-10	1	Unmodified limestone pit	Undetermined	Undetermined
-	T-11	1	Unmodified limestone pit	Undetermined	Undetermined
-	T-12	1	Cultural deposit	Habitation	Pre-Contact to early post-Contact

Given the substantial land modifications undertaken during construction of the U.S. military facilities in the Project area, the current distribution of archaeological features shows only a fragmented picture of the Pre-Contact and early Post-Contact archaeological record. Two concentrations of traditional Hawaiian historic properties are located in the Project area: one in the southern portion of TMK 9-1-013:040 (SIHP 50-80-12-01733, -05106, and -05107) and another in the southeastern portion of TMK 9-1-013:038 (SIHP 50-80-12-05100). Both site clusters are on exposed reef (limestone). The remaining historic properties include concentrations of unmodified limestone pits (SIHP 50-80-12-01729, -05094, T-10, and T-11), concentrations of limestone pits with a few modified pits (Sites -01745 and T-03), an isolated traditional Hawaiian habitation feature (Site T-07), a subsurface cultural deposit (T-12), and five U.S. military sites (SIHP 50-80-12-05099 and T-01, T-02, T-08, and T-09). A portion of historic property T-02 is included in the proposed Revetment District (Yoklavich 1997). No historic properties were documented within the portion of the NRHP-listed 'Ewa Battlefield Historic District located within the northern-most extent of the Project area.

3.5.2 Potential Impacts and Mitigation Measures

Significance Assessment

The State of Hawai'i has developed a system for evaluating significance of historic properties under HAR Title 13 Chapter 284 (HAR §13-284-6, Rules Governing Procedures for Historic Preservation Review to Comment on projects subject to review pursuant to Hawai'i Revised Statutes [HRS] Section 6E-42). This system is patterned after Federal Regulations 36 CFR §60.4 and is meant to provide a framework for the evaluation of significance.

For a historic property to be considered significant, it must possess integrity of location, design, setting, materials, workmanship, feeling, and/or association and meet one or more of the following cultural/historic criteria as defined by HAR §13-284-6:

Criterion "a" Be associated with events that have made an important contribution to the broad patterns of our history;

Criterion "b" Be associated with the lives of persons important in our past;

- Criterion "c" Embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; or possess high artistic value;
- Criterion "d" Have yielded, or is likely to yield, information important for research on prehistory or history;
- Criterion "e" Have an important traditional cultural value to the native Hawaiian people or to another ethnic group of the state because of associations with traditional cultural practices once carried out, or still carried out, at the property or because of associations with traditional beliefs, events or oral accounts—these associations being important to the group's history and cultural identity.

The significance of each of the 17 historic properties that were identified in the AIS has been assessed pursuant to HAR §13-275-6. All of the recorded sites are assessed as significant under Criterion "d" and some were assessed as significant under additional criteria (see Table 3-4). Table 11 in the AIS Report (Appendix A) provides the significance assessment and recommended treatment for features documented during the AIS.

Table 3-4. Significance and Integrity Assessments for Historic Properties in the Barbers Point Solar Project Area

Site SIHP No. Significance (50-80-12-)		Integrity	Recommendation ¹	
01729	d	location, setting, materials, feeling, and association	Preservation	
01733	d	location, design, setting, materials, workmanship, feeling, and association	Preservation / Data Recovery	
01745	d	location, setting, materials, feeling, and association	Preservation / Data Recovery	
05094	d	location, setting, materials, feeling, and association	Preservation/ Data Recovery	
05099	d	location, setting, feeling, association	No Further Work	
05100	c, d, e	location, design, setting, materials, workmanship, feeling, and association	Preservation	
05106	d, e	location, design, setting, materials, workmanship, feeling, and association	Preservation / Data Recovery, No Further Work	
05107	d	location, setting, materials, feeling, and association	Preservation	
XXXX (T-01)	d	location, design, setting, materials, workmanship, feeling, and association	Preservation / No Further Wor	
XXXX (T-02)	a, c, d	location, design, setting, materials, workmanship, feeling, and association	Preservation / No Further Wor	
XXXX (T-03)	d	location, setting, materials, feeling, and association	Preservation / Data Recovery	
XXXX (T-07)	d	location, design, setting, materials, workmanship, feeling, and association	Preservation	
XXXX (T-08)	a, d	location, design, setting, materials, workmanship, feeling, and association	No Further Work	
XXXX (T-09)	a, c, d	location, design, setting, materials, workmanship, feeling, and association	Preservation	
XXXX (T-10)	d	location, setting, materials, feeling, and association	Data Recovery	

Site SIHP No. (50-80-12-)	Significance	Integrity	Recommendation ¹
XXXX	d	location, setting, materials, feeling, and	Data Recovery
(T-11)		association	
XXXX	d	location, setting, materials, feeling, and	Data Recovery
(T-12)		association	

¹ Each historic property site has one or more features associated with it. See Table 12 in the AIS (Appendix A) for a detailed list of features for each site and the associated significance assessment and recommended mitigation for each feature. Each feature is assigned one of three recommendations for mitigation (preservation, data recovery, or no further work) and detailed mitigation plans will be developed prior to Project construction.

The eight traditional Hawaiian historic properties (SIHP 50-80-12-01733, -01745, -05100, -05106, -05107, T-03, T-07, and T-12) are assessed as significant under Criterion "d", for providing information regarding patterns of pre-Contact and early post-Contact settlement and subsistence strategies related to seasonal farming on the lower and mid-elevations of the 'Ewa Plain. All unmodified limestone pits are also evaluated as significant under Criterion "d" for their potential to yield paleoenvironmental information important to the Hawaiian pre-Contact era. Specific features at SIHP 50-80-12-05100 are also assessed as significant under Criterion "c" because of the "vaulted" mounds and platform that embody a method of construction unique to this area. This historic property is also assessed as significant under Criterion "e" due to the ceremonial component to the site. Three possible ceremonial features at SIHP 50-80-12-05106 are also assessed as significant under Criterion "e" because these features (especially Feature 34), also assessed as significant under Criterion "c," is believed to be associated with the makahiki ¹³, and cultural practices once conducted at the site features are of great significance to Native Hawaiians.

All five of the U.S. military historic properties (Sites -05099, T-01, T-02, T-08, T-09) and U.S. military features included in SIHP 50-80-12-05106 are assessed as significant under Criterion "d" because the historic properties have the potential for yielding important information associated with the Navy's Carrier Aircraft Service Unit support facilities represented at Sites T-01 and T-02, T-08, T-09, and Cold War occupation and training on the 'Ewa Plain represented by archaeological features at SIHP 50-80-12-05106. Tuggle and Tomonari-Tuggle (1997, Appendix A:168) evaluated SIHP 50-80-12-05099 (the Seabee Camp) as lacking integrity. The site's diminished integrity was confirmed during the AIS fieldwork by the presence of only remnant utility features and a large berm on the eastern edge of the historic property that suggests the former Seabee Camp was nearly completely dismantled and a portion of the construction debris was consolidated into the berm or pushed into limestone pits. However, the location of this former camp near the revetments (Site T-02), its association with the development and dismantling of MCAS Ewa, and the setting and feeling of this location remain.

A selection of revetments and buildings included in Site T-02 are also assessed as significant under Criterion "a," for their associations with "a landmark historic event as the revetments were built specifically for the protection of aircraft following the December 7, 1941 attack," and under Criterion

¹³ The makahiki began around the middle of October and lasted about four months with sports and religious festivities and kapu (prohibition) on war (see Appendix A for more information).

"c," because it "contains revetments and other structures that are important to the history of military engineering during World War II" (NRHP nomination form, Resnick et al. 2018). The sub-grade chambers at Site T-09 are also assessed as significant under Criterion "a," for their associations with post-December 7, 1941 activities and communications, and under Criterion "c" because they also reflect the history of military engineering relating to communications during the WWII era.

Project Effects

The Project will potentially impact 90 of the 438 total documented features. The following mitigation measures will be subject to review and concurrence by SHPD. The measures listed below would be implemented to avoid and minimize potential Project-related impacts to historical properties. With implementation of these measures, the Project would not be expected to result in significant adverse impacts to historical properties.

1) Historic Properties Recommended for Preservation

A total of 348 features from 12 historic properties are recommended for preservation. Five historic properties will be completely avoided and preserved (see Table 3-4) while features included in seven additional historic properties will also be avoided and preserved. Properties/features recommended for preservation include most of the traditional Hawaiian features (n=110) and limestone pits (n=188) in the Project area, six U.S. military bunkers in TMK 9-1-013:040 (T-01), the majority of buildings and contributing elements included in the proposed Revetments Area Historic District (Site T-02), and the underground chambers and associated features that make up Site T-09. The makahiki grounds (Feature 34 of Site 05106) is a significant cultural feature located outside the Project's proposed fence line (but within the Project area) and will be avoided and preserved. Opportunities for community engagement as part of the preservation of this site will be explored during the preparation of the Preservation Plan. All the aircraft revetments associated with Site T-02 are recommended for preservation and will be avoided and preserved by the Project. Full-time archaeological monitoring will be conducted during all ground-disturbing activities to ensure that all sites slated for preservation will be protected in accordance with an accepted Preservation Plan.

2) Historic Properties Recommended for Data Recovery

Data recovery is recommended for 42 features from seven of the historic properties. These include 34 unmodified limestone pits (SIHP 50-80-12-01733, -01745, -05094, -05106, T-03, T-10, and T-11), one modified limestone pit (SIHP 50-80-12-05106, Feature 2), two limestone mounds (SIHP 50-80-01733, Feature 6 and SIHP 50-80-12-05106, Feature 8), a limestone enclosure (SIHP 50-80-12-80-05106, Feature 70), three limestone wall sections (SIHP 50-80-12-05106, Feature 43, 71, and 99), and a subsurface cultural layer (T-12). These 42 features are recommended for data recovery because they will be impacted by the Project and data recovery investigations will be carried out to recover any significant archaeological or paleontological deposits from the features. The limestone pits are also culturally sensitive for the Native Hawaiian community, as previous investigations have identified limestone pits

that contain human remains near the project area. Data recovery in these instances will ensure that no human remains are adversely impacted by the proposed project.

3) Historic Properties Recommended for No Further Work

The remaining 48 potentially impacted features from six historic properties are recommended for no further work because sufficient archaeological data have been collected from the features during previous investigations and the current AIS. The documented features recommended for no further work consist of:

- All 27 structural remnants associated with the former U.S. Navy Seabee camp (SIHP 50-80-12-05099). These structures include mainly concrete features and metal elements representing underground utilities (sewer, water, and drainage) and asphalt surfaces once serving as roads and a tennis court (Feature 26). One of the features is a large soil and debris berm (Feature 23) formed during dismantlement and demolition of the former camp.
- 13 military training features included in SIHP 50-80-12-05106. These features consist of stone features, including one stone-masoned feature (Feature 28), associated with training and land modification that were once part of an active training area at NASBP. All military features in SIHP 50-80-12-05106 have been fully documented during the current AIS and the more obvious features (Features 1, 8, and 28) were recorded during previous investigations (Tuggle and Tomonari-Tuggle 1997; Wickler and Tuggle 1997; Beardsley 2001) and included subsurface testing and surface artifact collection at Feature 28. Feature 69 is a pre-Contact or early post-Contact modified sink that was previously excavated and all contents from within the sink were removed and analyzed (Beardsley 2001). Thus, all site data have been collected from the sink feature.
- One concrete curb associated with a military building foundation at Site T-01.
- The two military features at Site T-02 including a training C-shaped wall built into a revetment (Feature 56), and a quarry pit from which limestone was extracted to build the surrounding revetments.
- The four aviation-related features that comprise Site T-08 and were part of the former MCAS 'Ewa airfield that postdate the December 7, 1941 attack. These four features consist of two parking aprons built between 1942 and 1944 (Feature 1), two plane tie-downs on the parking apron (Feature 2), a concrete utility box (Feature 3), and an irrigation ditch between the parking aprons (Feature 4).
- One concrete foundation at Site T-11.

Archaeological monitoring is recommended for the Project. Before initiation of any ground-disturbing activities related to Project construction, approval will be obtained from SHPD, including approval of a Project-specific Archaeological Monitoring Plan. The features recommended for No Further Work shall be called out in the Archaeological Monitoring Plan. Full-time archaeological monitoring is recommended during all ground-disturbing activities.

Pursuant to HAR §13-284-7 and subject to review and concurrence by SHPD, the effect determination for the Project is anticipated to be "effect, with proposed mitigation commitments."

3.6 Cultural Resources

3.6.1 Affected Environment

As part of the HRS Chapter 343 process, Pacific Legacy conducted a Cultural Impact Assessment (CIA) to evaluate the potential effect of the Project on cultural beliefs, practices, and resources, including traditional cultural properties. The methodology used in the preparation of the CIA followed the Environmental Review Program's Guidelines for Assessing Cultural Impacts and included archival research as well as ethnographic interviews.

Pacific Legacy, Inc. conducted extensive archival research including the compilations of historic maps from the Hawai'i State Survey office, previous archaeological studies from the Hawai'i State Historic Preservation Division Office, relevant cultural impact studies from the Environmental Review Program's online library. Information on mid-nineteenth-century Land Commission Awards (LCAs) was obtained from Waihona 'Aina Corporation's database (Waihona 'Aina 2000).

Scoping letters were sent to 15 individuals who are affiliated with a range of organizations. Contacted individuals included representatives of Native Hawaiian Organizations including the Office of Hawaiian Affairs, as well as local Native Hawaiian Organizations based in the moku of 'Ewa and the city of Kapolei. A total of six out of 15 people responded, with one providing e-mail correspondence and two kama'āina (Native-born) and/or kūpuna (elders) participating in formal interviews, as follows:

- Mr. Shad Kane member of Kapolei Hawaiian Civic Club, Chair of the O'ahu Council of Hawaiian
 Civic Clubs Committee on the Preservation of Historic Sites and Cultural Properties, Ali'i Ai Moku
 of the Kapuāiwa Chapter of the Royal Order of Kamehameha Ekahi, and 'Ewa Moku
 Representative on the State Aha Moku Advisory Committee
- Ms. Keala Norman- kama'āina knowledgeable about 'Ewa
- Mr. Mana Caceres- 'Ewa representative on the O'ahu Island Burial Council

On June 17, 2021, a site visit was organized. Three CIA participants came together to visit significant archaeological sites in portions of the project area. In addition, Pacific Legacy delivered an informational presentation to the O'ahu Island Burial Council as part of the outreach for both the AIS and CIA for this project.

A summary of the discussion contained in the CIA report is provided below; a copy of the CIA report is contained in Appendix E.

The Barbers Point Solar Project area is within the ahupua'a of Honouliuli, in the moku of 'Ewa. The traditional name for Barbers Point is Kalaeloa. The results of archival research indicate that the general area of 'Ewa Plain has a long and rich cultural history. From the archaeological record, traditional stories and myths, and historic documents attributed to the vast plain, it is evident that these lands have been

the backdrop to many significant acts in Oʻahu's Pre- and Post-Contact history. Archival research indicated that a major feature of pre-Contact and early Contact Honouliuli, the Kualakaʻi Trail, passed near to the Project area. This prominent trail once connected Honouliuli Village to the coastal settlements of Oneʻula and Kualakaʻi, and would have been crucial to life on the 'Ewa Plain and its coast. Though the trail is no longer discernable within the Project area, cultural resources, such as archaeological features attributed to this trail, may exist beneath the plantation era soil. Numerous archaeological and architectural studies have been conducted within the Project area and surrounding region, and these studies highlight the intensive use of this area during the Pre-Contact period as well as the Post-Contact period, including extensive military development during the twentieth century.

Collectively, those interviewed through the CIA shared important mo'olelo (oral traditions) specific to the region and emphasized significant archaeological features, including the presence of trails, the use of limestone sinks/pits for the interment of iwi kupuna (human ancestral remains), gathering of limu (seaweed) and other coastal resources, and traditional agricultural practices that were carried out in the area. They also emphasized the dramatic changes to the landscape during the recent past. Based on information shared by Shad Kane, portions of the project area were used by Hawaiians for a variety of activities. For example, sinkholes in the larger general area were utilized as natural planters for kalo (taro, dry-land variety), temporary shelters, storage features, and sources of water. Shad Kane also recalls the existence of a kahua (an open place for sports), or makahiki grounds, as well as numerous trails in the area that connected to trails in the Kalaeloa Heritage Park.

No evidence was found of ongoing cultural practices in the Project area and the CIA participants did not identify and direct or indirect impacts that the Project will have on traditional or customary practices in the area. Cultural practices, including caring for archaeological features and natural resources, do occur adjacent to the Project area in the Kalaeloa Heritage Park. Ethnographic accounts suggest that iwi kupuna burial locations are present in the Project area vicinity in Honouliuli in karst or underground caves, and on the ground surface, covered with coral cobbles.

3.6.2 Ka Pa'akai Analysis

The archaeological record within the Project area provides insights into pre-Contact and post-Contact use of this area for dryland agricultural, habitation, and ceremonial activities. Many of the sites that have been identified in this area are reflective of the traditional land use practices. The identification of a kahua (makahiki grounds) within the project area and the wider region of the 'Ewa Plain in the Ahupua'a of Honouliuli provides a rare window into the annual makahiki ceremony in traditional Hawaiian culture as a highly significant ceremonial space. Flora and fauna that were identified in the Project area through the biological survey (Tetra Tech 2021a) may have been used for lā'au lapa'au in the past, but as of this writing, there are no known individuals who are currently engaged in traditional or customary gathering practices in the area.

The 'Ewa Plain and Honouliuli Ahupua'a hold much significance for Native Hawaiians, as demonstrated by ethnographic data as well as the archaeological record. Numerous mo'olelo attest to the traditional and

historic significance of the region, and cultural uses of the wider area continue to the present day. There are active initiatives to restore and reactivate many of the wahi kūpuna (ancestral sites), including those located within the Kalaeloa Heritage Park, directly adjacent to the Barbers Point Solar Project area. Although access to the wider area within which the Project is situated was limited due to the presence of NASBP during much of the twentieth century, cultural traditions centered on the care of archaeological sites, burial places, and natural resources in the area adjacent to the project area and throughout the *ahupua'a* reflect a continued connection to the land by cultural descendants in the area. The Project would not interfere with these activities or other cultural practices in the Project area vicinity.

3.6.3 Potential Impacts and Mitigation Measures

As a result of information gathered from the archival research and community outreach interviews, it has not been demonstrated that any cultural practices have been occurring presently in the Project area from the Pre-Contact era or Post-Contact era periods. Therefore, the Project is unlikely to affect cultural practices within the Project area. Community outreach interviews and extensive archaeological studies document significant archaeological features in the vicinity of the Project area, dating to the pre-Contact period (also see Draft AIS Report, Appendix A). The potential for limestone pit features in the area to contain ancestral burials (iwi kupuna) was a shared primary concern of those interviewed during community outreach efforts for the AIS and CIA. Archaeological monitoring during construction and development of an archaeological data recovery program is recommended. The cultural descendants who participated in the CIA should be further consulted to develop protocols for the appropriate protection and preservation of sites, and these protocols should be recognized in future land uses and transactions. Their mana'o (thoughts, ideas, opinions) on procedures for clearing, caring for, and reactivating the kahua would be invaluable as well. Given the existence of Hawaiian burials in close proximity to the Project area, there is potential for natural limestone pit features to contain burials. Should a burial be identified during the construction of the Barbers Point Solar Project, an appropriate protocol for treatment will be developed in close consultation with DHHL, SHPD, the O'ahu Island Burial Council and other key stakeholders. This protocol will be developed as part of an archaeological monitoring plan for the Project prior to its construction.

3.7 Land Use

3.7.1 Affected Environment

General Land Use

Since the closure of the NASBP, TMK parcels 9-1-013:038 and 9-1-013:040 were transferred from the U.S. Navy to DHHL in 1996 as part of a settlement agreement under the Hawaiian Home Lands Recovery Act (1996). The majority of the Project area is currently vacant and overgrown by kiawe and koa haole. There are large cleared, concrete and asphalt paved areas, as well as debris, bunkers, aircraft revetments and associated structures, and abandoned vehicles and equipment in the Project area. The

northern portion of the Project area is located within the 'Ewa Battlefield Historical District and a portion of the Project area within TMK 9-1-013:038 is located in the proposed 'Ewa Field Aircraft Revetment Historic District (see Figure 1-4). The majority of TMK 9-1-013:038 is currently unused by DHHL; however, an approximately 0.25-acre area located in the revetments is leased to FPS Painting Contractors. Portions of TMK 9-1-013:040 are leased to Ihilani Miller-Cummings for agricultural purposes and to Hawai'i Explosives & Pyrotechnics, Inc for commercial/industrial purposes. The existing tenants currently have short-term rights-of-entry on approximately 9 acres (DHHL 2019). The Project site also encompasses portions of several existing road rights-of-way including Coral Sea Road, Roosevelt Avenue, and an unnamed right-of-way owned by HCDA.

A private horse stable business operates in revetments located on TMK 9-1-013:164 immediately adjacent to and east of the Project area and the U.S. Navy's former Northern Trap and Skeet Range and Southern Trap and Skeet Range are located on U.S. Navy owned parcels TMK 9-1-013:039 and 042 located north and east of TMK 9-1-013:040. Other surrounding land uses include the Kalaeloa Airport and industrial development to the west, several golf courses to the east and north, residential and urban development to the north and east and the Kalaeloa Renewable Energy Park located directly adjacent and to the west of the northern portion of TMK 9-1-013:038. The Kapolei community is located approximately 1 mile north of the Project area and encompasses a diverse mix of land uses, including residential, commercial, and recreational.

Project TMK 9-1-013:038 is located 0.4 miles east of Kalaeloa Airport's Runway 22. Land uses adjacent to active runways are subject to FAA guidelines. FAA must be notified of any construction that may affect the National Airspace System under provisions of 14 CFR 77. Construction of structures require approval it they are over 200 feet tall or structures under 200 feet tall and near an airport (i.e., within 10,000 to 20,000 feet of a public use or military airport which exceeds a 50:1 to 100:1 surface from any point on the runway or within 5,000 feet of a public use heliport which exceeds a 25:1 surface).

Land Use Controls

Land use in Hawai'i is generally controlled by state land use and county land use designations. As the Project area lies within the HCDA Kalaeloa Community Development District (KCDD), the Project would be under land use jurisdiction of HCDA rather than City and County of Honolulu. However, DHHL lands are not subject to the land use controls of state or county agencies because the federal Hawaiian Homes Commission Act of 1921 (Act of July 9, 1921, c 42, 42 Stat 108) gives the Hawaiian Homes Commission exclusive land use authority over DHHL lands. As the Project is primarily located on DHHL land, it is not subject to state or county land use authority unless the Hawaiian Homes Commission voluntarily decides to subject itself to state or county land use controls for health and safety reasons. For the purposes of this Project, DHHL directed the Applicant to show compliance with and seek land use permits and approvals from the appropriate state and county agencies including KCDD. With this in mind, the relevant state land use designations are briefly described below and are further discussed in Section 5 along with an evaluation of the Project's consistency with relevant planning documents including DHHL's planning documents.

DHHL

DHHL has developed a three-tiered planning system to guide planning of its land holdings and policies for resource management. The planning system includes:

- Tier 1 over-arching General Plan;
- Tier 2 Strategic Program Plans and Island Plans, including the O'ahu Island Plan; and
- Tier 3 Regional and Development Plans, such as the Kapolei Regional Plan for the Project area.

The Project area is designated as "Industrial" in the O'ahu Island Plan (Figure 3-5, DHHL 2014) and "Mixed Use" in the Kapolei Regional Plan (DHHL 2010). Lands in the Kalaeloa area are not intended for residential development but rather are intended for revenue generation (DHHL 2010). The DHHL Ho'omaluō Energy Policy presented in the Kapolei Regional Plan consists of five objectives. Objective 2 encourages DHHL's facilitation of diverse renewable energy resources (DHHL 2010).

State Land Use District

The Hawai'i State Land Use Law (HRS § 205) established the State Land Use Commission and granted the authority to classify all lands in the state into one of four land use districts: urban, rural, agricultural, and conservation. The entire Project area lies within the State Urban Land Use District (Figure 3-6). The Project area is unclassified by the Land Study Bureau's Detailed Classification System because it is not in the State Agricultural Use District. Per HRS § 205-2(b) the State Urban District shall include activities or uses as provided by ordinances or regulations of the county within which the urban district is situated. As the Project is located within the HCDA's KCDD, the State Land Use Commission relies on HCDA to determine allowed uses in the Project area.

HCDA

In July 2002, Act 184 of the Hawai'i State Legislature assigned the responsibility of redevelopment of the 3,700-acre KCDD to the HCDA. The KCDD includes all of the lands associated with the former NASBP which was closed in 1999. HCDA prepared a Kalaeloa Master Plan for redevelopment of the KCDD that was approved by the HCDA Board and the Governor in 2006 (Ewa Development Plan 2013, HCDA 2006). In 2012, HAR Chapter 15-215 was adopted for HCDA to carry out the visions and concepts of the Kalaeloa Master Plan by classifying and regulating the types and intensities of development and land uses allowed within the KCCD.

As discussed earlier, the Hawaiian Homes Commission has exclusive land use authority over DHHL lands and DHHL is not subject to the land use controls of other state or county agencies, including HCDA, unless it decides to subject itself to those controls for health and safety reasons. For the purposes of this Project, DHHL directed the Applicant to comply with and seek land use permits and approvals from HCDA.

As specified in the KCDD and shown in Figure 3-7, TMK 9-1-013:040 and the southern portion (Area 2) of TMK 9-1-013:038 are located within Transect Zone T2: Rural/Open Space Zone while the northern

portion of TMK 9-1-013:038 (Area 1) is located with Transect Zone T3: General Urban Zone. As discussed further in Section 5.9, the Project will require a Development Permit because it constitutes a man-made change on a lot greater than 40,000 square feet (0.92 acres) (per HAR § 15-215-78 of the CDD Rules). In addition, the Project will require a Conditional Use Permit (CUP) per HAR §15-215-79 of the CDD Rules, as solar facilities are within Zone T3 are an allowed use with an approved CUP (HCDA 2012).

3.7.2 Potential Impacts and Mitigation Measures

While the current land use would change to accommodate the solar energy generation and storage components, the Project would not have a significant adverse impact on land use.

In DHHL's approval of the Project's right-of-entry, it notes that it believes the Project is in the best interests of the DHHL Trust as it will generate a substantial revenue stream for the DHHL Trust over at least 25 years on land that lacks infrastructure, had use restrictions and limitations for [residential] development, and has not generated much revenue in the past (DHHL 2019). Furthermore, the Project is compatible with DHHL's General Plan (2002), O'ahu Island Plan (DHHL 2014), Kapolei Regional Plan (DHHL 2010) and Ho'omaluō Energy Policy. See Section 5.2 for more detailed discussion of the Project's compatibility with these plans. Barbers Point Solar, LLC is working in collaboration with DHHL and the existing tenants occupying portions of the Project area to explore alternative unencumbered areas within the Project parcels (e.g., revetment area) and/or off site locations to minimize impacts to the existing tenants so as to allow for safe construction or operation of the solar project. Therefore, any impacts to existing land use would be negligible.

The Project is also anticipated to be considered consistent with HCDA's Kalaeloa Masterplan and associated KCDD rules. See Section 5.9 for more detailed discussion of the Project's compatibility with these plans/rules.

The Project is not anticipated to impact (in short or long term) the current land uses in the areas adjacent to the Project area, because the neighboring land uses would not change or be limited in their current activities. FAA requires that land uses adjacent to or in the immediate vicinity of an airport be compatible with normal airport operations, including land and takeoff of aircraft (FAA Order 5190.6B). The Project's above ground infrastructure is located outside of the Runway Protection Zone for Runway 22 (HDOT 1998). The Applicant submitted a request for a Determination of No Hazard to Air Navigation to the FAA for the solar arrays and substation in compliance with 14 CFR 77. Project above ground components will be below the Kalaeloa airport height restrictions including the substation. An approximately 1.2-mile generation-tie line will extend from the Project's collector substation to the Project's interconnection point on an existing Hawaiian Electric 46-kV overhead transmission line located near the intersection of Roosevelt Avenue and Coral Sea Road. The first 0.5 mile of the generation-tie line extending west and north from the collector substation along Coral Sea Road is expected to be placed underground to comply with FAA clearance requirements/height restriction for placing structures within the runway approaches to the Kalaeloa Airport. A glint and glare analysis was

also conducted to support the Determination of No Hazard, see additional discussion in Section 3.12 Hazards. No significant impacts to airport operations are anticipated.

With the decommissioning and removal of Project facilities at the end of the Project's useful life (estimate 25 year) the land would be restored back to its existing use and would therefore have no long-term impacts. As a result, short-term impacts to land use would be minor and long-term impacts would be negligible.

3.8 Visual Resources

3.8.1 Affected Environment

The Project area is located on the lower slopes of the southern Wai'anae Mountains and is surrounded by the 'Ewa Plain, which is an expansive plain extending from the base of the Wai'anae Mountains to the shoreline. It is bordered by Tripoli Road to the south, Coral Sea Road to the west, and Geiger Road on the north. The Kalaeloa airport is located immediately west of the Project area and the Kalaeloa Renewable Energy Park utility scale solar facility borders the northeast portion of the Project area.

The majority of the Project area is vacant and overgrown by kiawe and koa haole. Some areas of the Project area are leased by DHHL to tenants for commercial and agricultural purposes. There are large cleared, concrete and asphalt paved areas, as well as debris, bunkers, aircraft revetments and associated structures, and abandoned vehicles and equipment in the Project area. A private horse stable business operates in revetments located on TMK 9-1-013:164 immediately adjacent to and east of the Project area and the U.S. Navy's former Northern Trap and Skeet Range. The former Northern and Southern Trap and Skeet Ranges are located on U.S. Navy owned parcels TMK 9-1-013:039 and TMK 9-1-013:042 located north and east of Project parcel TMK 9-1-013:040. These are vacant lands overgrown by kiawe, koa haole, buffel grass, and other weedy species (Department of Navy and Isla Botanica 2012).

The Project site is located approximately 0.35 miles north of the Pacific Ocean. The topography of the Project site is gently sloping in a south-westerly direction with elevations ranging between approximately 38 feet (12 meters) above mean sea level at the northeastern extent to approximately 10 feet (3 meters) above mean sea level at the southwestern extent of the Project site.

Despite the extent of urban development in the vicinity of the Project area, the visual setting of this region includes views of the Wai'anae Mountains and the Pacific Ocean. Important public views and vistas in this region are identified in Table 3.2 of the 'Ewa Development Plan¹⁴ (City and County of Honolulu 2020). These include:

• Views of the shoreline from the H-1 Freeway above the 'Ewa Plain;

¹⁴ The 'Ewa Development Plan was originally adopted by the City Council in 1997 and was most recently revised in 2020 (Ordinance 20-46). It serves as the community development plan for the 'Ewa region and guides public policy, infrastructure investment and land use decision making over a 25-year planning horizon.

- Views of the ocean from Farrington Highway between Kahe Point and the boundary of the Wai'anae Development Plan Area;
- Views of the Wai'anae Range from H-1 Freeway between Kunia Road and Kalo'i Gulch and from Kunia Road;
- Views of Nā Pu'u at Kapolei, Pālailai, and Makakilo;
- Mauka and makai views; and
- Views of central Honolulu and Diamond Head, particularly from Pu'u O Kapolei, Pu'u Pālailai, and Pu'u Makakilo.

The public views and vistas identified in the 'Ewa Development Plan most applicable to the Project area are views of the shoreline from the H-1 Freeway above the 'Ewa Plain and potential mauka (mountain) and makai (ocean) view planes from public access points that may have views of the Project.

3.8.2 Potential Impacts and Mitigation Measures

Visual

Visual impacts are generally defined in terms of a project's physical characteristics and potential visibility, as well as the extent to which the project's presence would change the perceived visual character and quality of the environment in which it would be located. To assess potential impacts on the visual character and quality of the environment, Barbers Point Solar, LLC contracted Tetra Tech to conduct a Visual Impact Analysis (see Appendix F). The analysis identified the viewsheds potentially affected by the Project (i.e., the viewshed assessment area), selected viewpoints within the viewshed assessment area to capture existing views (including existing vegetation and structures), created visual simulations of the proposed conditions view from each selected viewpoint, and analyzed potential visual impacts from each viewpoint.

As the DHHL, HCDA, and the City and County of Honolulu do not have a visual assessment guide or formal visual resource management system, Tetra Tech followed the contrast rating system used by the U.S. Bureau of Land Management to objectively measure potential changes to the visual environment¹⁵. The U.S. Bureau of Land Management's contrast rating system is commonly used by federal agencies to assess potential visual resource impacts from proposed projects.

Methodology

The viewshed is generally defined as the area that is visible from an observer's viewpoint and includes the screening effects of intervening vegetation, terrain, and/or structural features. The degree of visibility would depend on distance and view angle. Distance is only one of the factors that determine visibility of a site from a viewpoint. Terrain, vegetation, and structural features can obscure views that might otherwise be available at a certain distance. A detailed visual assessment considers intervening structures, vegetation, and terrain from selected viewpoints to assess where project components may

¹⁵ See BLM Visual Resource Management System (BLM 1986).

be potentially visible and noticeable to the casual observer. The "casual observer" is considered an observer who is not actively looking or searching for the project components, but who is engaged in activities at locations with potential views of the project, such as walking or driving along a scenic road. If the project components are not noticeable to the casual observer, visual impacts can be considered minor to negligible.

Based on an initial field assessment of various viewsheds from different distances from the Project, Tetra Tech determined the Project would be discernable at locations adjacent or near the Project site but would not be viewable from surrounding areas due to the Project area's flat terrain and surrounding vegetation. Therefore, the visual assessment primarily focuses on potential impacts to viewsheds near the Project (i.e., the viewshed assessment area).

The detailed visual assessment includes the collection of photographs from selected viewpoints to capture existing views, a qualitative assessment of whether the view may or may not have an unobstructed view, and where appropriate, the creation of photo-realistic simulations. Viewpoints were selected:

- within the viewshed assessment area in locations where the Project components may be visible and noticeable to the casual observer,
- from public viewsheds (i.e., from public right of ways, parks), and
- based on spatial distribution.

The following specific viewpoint locations were identified for detailed visual assessment and creation of photo simulations. Four viewpoints represent views from public viewsheds (Figure 3-8 also see Appendix F):

- Viewpoint 1: 'Ewa Battlefield Proposed Visitor Center
- Viewpoint 2: 'Ewa Battlefield 1941 Runway
- Viewpoint 3: Coral Sea Road south of the intersection of Coral Sea Road and Casablanca Street
- Viewpoint 4: Coral Sea Road at Intersection of Coral Sea Road and HDOT ROW

Potential visual impacts were characterized by determining the level of visual contrast introduced by the Project based on comparing existing conditions and photo simulations. Visual contrast is a means to evaluate the level of modification to existing landscape features. Existing landscape is defined by the visual characteristics (form, line, color, and texture) associated with the landform (including water), vegetation, and existing development. The level of visual contrast introduced by a project can be measured by changes in the visual characteristics that would occur as a result of project implementation. The greater the difference between the character elements found within the existing landscape and with a proposed project, the more apparent the level of visual contrast. The following general criteria ¹⁶ were used when evaluating the degree of contrast:

¹⁶ These criteria are based on the BLM Visual Resource Management System, a process using the concept of "contrast" to objectively measure potential changes to the landscape features.

- None The contrast is not visible or perceived.
- Weak The contrast can be seen but does not attract attention.
- *Moderate* The element contrast begins to attract attention and begins to dominate the characteristic landscape.
- *Strong* The element contrast demands attention, would not be overlooked, and is dominant in the landscape.

Construction Impacts

Short term visual effects would occur during construction activities on the Project site and the presence of equipment and crews. As described in Section 2.2, construction activities would include transport and delivery of Project equipment and materials, site preparation, equipment installation, and revegetation and landscaping. These activities would be visible to varying degrees from surrounding locations, including nearby roadways (such as Coral Sea Road).

In many areas intervening structures and vegetation screen views toward the Project area resulting in views that are either fragmented or blocked; however, unobstructed views would occur along Coral Sea Road Construction activities would be visible from these locations, but these impacts would be short term for travelers because they would only be paralleling the Project site for a limited time and their focus would be on the road ahead. Furthermore, visual impacts associated with construction activities would be short term, as construction equipment and crews would be removed from the Project area once construction is complete.

Scenic Vistas

The Project would not change visual landmarks and significant vistas identified in the 'Ewa Development Plan (City and County of Honolulu 2020). These include panoramic views of the distant shoreline from the H-1 Freeway above the 'Ewa Plain and mauka and makai views. Views from the H-1 Freeway were analyzed to determine if the Project would be visible from a public viewpoint. The Project is located approximately 3.4 miles south of the H-1 Freeway. Views of the Project to the casual observer from this location would be limited because of the distance and screening by terrain and vegetation. Where views of the Project are visible to the casual observer, the Project would blend in with the existing land use patterns and would not attract attention and would be a subordinate feature in the landscape setting. As the contrast is anticipated to be weak from H-1 Freeway, the visual impacts are considered minor.

Viewpoints

This section presents the results of the site-specific impact evaluation based on the visual simulations prepared in the Visual Impact Assessment Report (Appendix F also see Figures 3-9 through 3-12) for the 25-year operational span of the Project. Thereafter, decommissioning would include removal of all equipment associated with the Project and returning the Project area to substantially the same condition as existed prior to Project development, as required by HRS Chapter 205-4.5(a)(21). The discussion for each representative viewpoint includes a brief introduction identifying the representative

viewpoint location and setting, a description of the existing landscape conditions, and a summary of the Project conditions.

Ewa Battlefield Proposed Visitor Center (Viewpoint 1) – This viewpoint is located on the 'Ewa Battlefield Proposed Visitor Center site (Louis Berger 2020). The photograph was taken from the Proposed Visitor Center site, looking southeast. The existing landscape setting is characterized by flat terrain with dense vegetation, limiting views to the immediate foreground. The primary vegetation includes dense stands of large kiawe trees with an understory of grasses and shrubs. The vegetation consists of irregular, organic forms: grasses are continuous with irregular clumps and dense irregular shaped trees. Existing structural features are limited to the remnants of the mooring apron and concrete barriers, consisting of horizontal lines and gray color.

The Project would introduce dark gray color, geometric shapes, and horizontal lines into the landscape setting. This viewpoint reflects the views of visitors to the 'Ewa Battlefield looking southeast. The Project would not be visible from this location by a casual observer because of the screening of the Project site by existing vegetation (see Figure 3-9); therefore, there would be no visual impacts from Viewpoint 1.

Ewa Battlefield 1941 Runway (Viewpoint 2) – This viewpoint is located on the 'Ewa Battlefield 1941 Runway. The photograph was taken from the 1941 Runway, looking southwest. The existing landscape setting is characterized by flat terrain with dense vegetation lining the remnants of the 1941 Runway, limiting views to either side of the runway. The primary vegetation includes dense stands of large kiawe trees with an understory of grasses and shrubs. The vegetation consists of irregular, organic forms: grasses are continuous with irregular clumps and dense irregular shaped trees. Existing structural features are limited to the 1941 Runway, consisting of horizontal lines and gray color.

The Project would introduce dark gray color, geometric shapes, and horizontal lines into the landscape setting; the colors, regular geometric forms and horizontal lines associated with the solar arrays and associated infrastructure would result in a visual contrast with the irregular, organic forms, and colors of the existing vegetation. However, views of the Project from this location by a casual observer would be limited because of the screening of the Project site by existing vegetation (see Figure 3-10). The portions of the Project that are visible would not attract attention and would be a subordinate feature in the landscape setting. This viewpoint reflects the views of visitors to the 'Ewa Battlefield 1941 Runway looking southwest. As the contrast is anticipated to be weak from Viewpoint 2, the visual impacts are considered minor.

Coral Sea Road south of the intersection of Coral Sea Road and Casablanca Street (Viewpoint 3) — This viewpoint is located at Coral Sea Road near the intersection of Coral Sea Road and Casablanca Street where the Project's southern site entrance will be constructed. The photograph was taken from the west side of Coral Sea Road, looking east. The existing landscape setting is characterized by flat terrain with dense vegetation limiting views to the immediate foreground. The primary vegetation includes dense stands of large kiawe trees with an understory of grasses and shrubs. Existing structural features include the roadway, fencing, and utility poles and lines. Dominant colors for the landscape are tans and greens while the structures are gray and brown. The vegetation consists of irregular, organic forms:

grasses are continuous with irregular clumps and dense irregular shaped trees. The linear and horizontal lines associated with the structures are visible and prominent from this viewpoint.

The Project would introduce dark gray color, geometric shapes, and horizontal lines into the landscape setting; the colors, regular geometric forms and horizontal lines associated with the solar arrays and infrastructure would result in a visual contrast with the irregular, organic forms, and colors of the existing vegetation. However, the structures in the vicinity, also possess gray color (roadway and fencing) and horizontal and vertical lines (roadway, fencing, and utility poles and lines). Additionally, views of the Project from this location by a casual observer would be limited because of the proposed screening of the Project site by Project landscaping. Note the contrast between the simulations of Viewpoint 3 with no landscaping (Figure 3-11a) and with proposed landscaping (Figure 3-11b). The portions of the Project that are visible would attract attention and would be a co-dominate feature in the landscape setting. This viewpoint reflects the views of drivers looking east from Coral Sea Road. As the contrast is anticipated to be moderate from Viewpoint 3, the visual impacts are considered moderate. These impacts would be short term for travelers because they would only be paralleling the Project site for a limited time and their focus would be on the road ahead.

Coral Sea Road at Intersection of Coral Sea Road and HDOT ROW (Viewpoint 4) — This viewpoint is located at Coral Sea Road at the intersection of Coral Sea Road and the HDOT Roadway Lot 13083-B. The photograph was taken from the west side of Coral Sea Road, looking northeast. The existing landscape setting is characterized by flat terrain with dense vegetation limiting views to the immediate foreground. The primary vegetation includes dense stands of large kiawe trees with an understory of grasses and shrubs. Large white rocks line the edge of the stand of trees. Dominant colors for the landscape are tans and greens. The vegetation consists of irregular, organic forms: grasses are continuous with irregular clumps and dense irregular shaped trees.

The Project would introduce dark gray color, geometric shapes, and horizontal lines into the landscape setting; however, the existing dense vegetation would screen views of the Project from this location. The Project would also introduce light gray color and horizontal lines associated with the Project access road into the landscape setting. A small portion of this access road would be visible from Coral Sea Road, however, this visual element would be similar to the existing Coral Sea Road, would not attract attention and would be a subordinate feature in the landscape setting (see Figure 3-12 and Appendix F). This viewpoint reflects the views of drivers looking east from Coral Sea Road. These impacts would be short term for travelers because they would only be paralleling the Project site for a limited time and their focus would be on the road ahead. As the contrast is anticipated to be weak from Viewpoint 4, the visual impacts are considered minor.

Summary of Impacts

During construction and operation, where visible and noticeable, the Project may introduce visual contrast and have the potential to create visual effects within the surrounding areas for the casual observer. If the Project components are not visible or perceived, no visual impact would occur. Based on a viewshed assessment (which considers terrain only and not existing vegetation or structures that may

obstruct the view), it is anticipated that views of the Project would be primarily from areas immediately adjacent to the Project site. The Project will not block mountain or ocean views.

The visual assessment includes an impact analysis of specific viewpoints from the adjacent public roadways and from locations within the 'Ewa Battlefield. The visual impact analysis shows that in many cases the Project will be partially or fully screened by existing vegetation.

The Project is anticipated to be completely screened by terrain and existing vegetation at Viewpoint 1. The Project will introduce weak contrast to the landscape setting at Viewpoints 2 and 4 and a moderate contrast at Viewpoint 3.

After decommissioning, the Project site will be returned to substantially the same condition as existed prior to Project development. Considering all features, the Project is expected to have minimal or no significant impact on the City and County of Honolulu's scenic and visual resources.

Glare

In addition to introducing new elements into the visual landscape, the Project also has the potential to produce glare. ¹⁷ In general, solar modules are designed to absorb rather than reflect sunlight and incorporate a surface material that allows sunlight to pass with minimal reflection. The modules also have an anti-reflective coating that further reduces reflectivity. Regardless, solar facilities still have the potential to result in some degree of glare.

To evaluate the potential for glare associated with the Project, Tetra Tech completed a glare analysis using the Solar Glare Hazard Analysis Tool (SGHAT) software through an online tool (GlareGauge) developed by Sandia National Laboratories and hosted by ForgeSolar. A copy of the Project's Glare Analysis Report is included in Appendix G. The SGHAT software is considered an industry best practice and a conservative model that effectively models the potential for glare at defined receptors from solar energy generating facilities. It provides a quantitative assessment of (1) when and where glare has the potential to occur throughout the year for a defined solar array polygon, and (2) potential effects on the human eye at locations where glare is predicted. Based on the predicted retinal irradiance (intensity) and subtended angle (size/distance) of the glare source to receptor, GlareGauge categorizes potential glare where it is predicted by the model to occur in accordance with three tiers of severity (ocular hazards) that are shown by different colors in the model output. Red glare is glare that is predicted with a potential for permanent eye damage (retinal burn). Yellow glare is glare that is predicted with a potential for temporary after-image. Green glare is glare that is predicted with a low potential for

¹⁷ As an industry standard, the term "glint and glare" analysis is typically used to describe an analysis of potential ocular impacts to defined receptors. As a point of clarification, ForgeSolar defines glint and glare in the following statement: "Glint is typically defined as a momentary flash of bright light, often caused by a reflection off a moving source. A typical example of glint is a momentary solar reflection from a moving car. Glare is defined as a continuous source of bright light. Glare is generally associated with stationary objects, which, due to the slow relative movement of the sun, reflect sunlight for a longer duration." Based on the ForgeSolar definitions of glint and glare and the stationary nature of the solar photovoltaic modules (fixed tilt), the potential reflectance from the Project is referred to as glare.

temporary after-image. These categories of glare are calculated using a typical observer's blink response time, ocular transmission coefficient (the amount of radiation absorbed in the eye prior to reaching the retina), pupil diameter, and eye focal length (the distance between where rays intersect in the eye and the retina).

The Project Layout inputted into the GlareGauge model consists of six separate "PV Array Areas" (see Figure 1 of Appendix G), which are segmented polygons generally representative of the proposed Project layout. Segmentation of the Project layout allows GlareGauge to accurately represent potential ocular impacts as a result of the Project.

The glare analysis was conducted to analyze glare from different receptor characteristics and associated observation points. The analysis modeled the impact of potential glare on the Kalaeloa Airport Runways 22R and 22L that bisect PV Arrays 4 and 5 and on representative observations points (OP) from the Hoakalei Country Club (OP 1), Kalaeloa Rental Homes (OP 2), and Ka Makana Ali'i Mall (OP 3); and two segmented vehicular routes along the nearby Coral Sea Road and Tripoli Road (see Figure 2 of Appendix G). The OP locations were selected from Tetra Tech's comprehensive viewshed and line-of-sight analysis of representative proximal receptors. For the OPs, associated glare was analyzed at a first-floor view height (6 feet above ground surface) and for the vehicular traffic routes, glare was analyzed at 5 feet above ground surface (i.e., typical commuter vehicle receptor height).

The analysis also included six 2-mile final approach flight paths and one Airport Traffic Control Tower (ATCT) associated with Kalaeloa Airport, which is approximately 0.5 miles to the west of the Project, and eight 2-mile final approach flight paths and one ATCT associated with Daniel K. Inouye International Airport, which is approximately 6.5 miles to the east of the Project (see Figure 3 of Appendix G).

Based on the SGHAT results, no glare was predicted for the observation points or for Daniel K. Inouye International Airport. Limited amounts of green glare are predicted at Kalaeloa Airport Runways 22L and 22R and the potential occurrence of glare is limited (less than 7.2 percent of annual daylight hours). No yellow or red glare is predicted at any of the receptors. **Error! Reference source not found.** represents the glare summary in annual minutes of glare predicted for Analysis Scenario 1. For these reasons, glare impacts associated with the Project are expected to be minimal.

As recommended by the FAA Notice Criteria Tool, the Project filed a request for a Determination of No Hazard to Air Navigation with the FAA Obstruction Evaluation Group for the Project's solar arrays and substation infrastructure. A copy of the Project's glare report was included in the submittal to FAA. In response, the FAA conducted an aeronautical study and concluded that the proposed structures do not exceed obstruction standards and would not be a hazard to air navigation provided the FAA Form 7460-2, Part 2 if filed within 5 days after construction reaches its greatest height (see FAA Determination of No Hazard forms in Appendix G). Once the Project is operational, in the unlikely event that it is determined that the Project is creating a hazardous condition for pilots, Barbers Point Solar, LLC would immediately mitigate the hazard upon notification by FAA and/or HDOT Airports Division. The glare analysis results are further discussed relative to applicable FAA requirements in Section 3.12.2.

Table 3-5. Analysis Scenario 1 Annual Minutes of Glare Summary

Receptor	Location	Green Glare	Yellow Glare	Red Glare
OP 1	Hoakalei Country Club	0	0	0
OP 2	Kalaeloa Rental Homes	0	0	0
OP 3	Ka Makana Ali'i Mall	0	0	0
Coral Sea Rd-1	-	0	0	0
Tripoli Road-1	-	0	0	0
JRF RWY 11	Kalaeloa Airport	0	0	0
JRF RWY 22L	Kalaeloa Airport	14,249	0	0
JRF RWY 22R	Kalaeloa Airport	4,653	0	0
JRF RWY 29	Kalaeloa Airport	0	0	0
JRF RWY 4L	Kalaeloa Airport	0	0	0
JRF RWY 4R	Kalaeloa Airport	0	0	0
5-ATCT	Kahului Airfield	0	0	0
HNL RWY 8L	Daniel K Inouye Intl Airport	0	0	0
HNL RWY 8R	Daniel K Inouye Intl Airport	0	0	0
HNL RWY 22L	Daniel K Inouye Intl Airport	0	0	0
HNL RWY 22R	Daniel K Inouye Intl Airport	0	0	0
HNL RWY 26L	Daniel K Inouye Intl Airport	0	0	0
HNL RWY 26R	Daniel K Inouye Intl Airport	0	0	0
HNL RWY 4L	Daniel K Inouye Intl Airport	0	0	0
HNL RWY 4R	Daniel K Inouye Intl Airport	0	0	0
5-ATCT	Kahului Airfield	0	0	0

3.9 Air Quality

3.9.1 Affected Environment

Air quality in the vicinity of the Project area is relatively good, due in part to trade winds which help disperse emissions. Pollutant air emissions in the vicinity of the Project are associated with airplane emissions at Kalaeloa Airport, industrial activities at Campbell industrial park, vehicles on Interstate H-1 and other nearby roadways, as well as dust and other air pollutants associated with construction and agricultural activities.

Under the Clean Air Act, the EPA has established nationwide air quality standards to protect public health and welfare. These National Ambient Air Quality Standards (NAAQS) represent the maximum allowable atmospheric concentrations for six criteria pollutants: carbon monoxide (CO), nitrogen dioxide (NO2), SO2, ozone, lead, and two types of particulate matter (respirable particulate matter that measures up to 10 micrometers in diameter [PM10] and respirable particulate matter that measures up to 2.5 micrometers in diameter [PM2.5]). NAAQS are based primarily on evidence of acute (short-term) and chronic (long-term) health effects. NAAQs are applicable to outdoor locations to which the general public has access. Primary standards relate to limits for protection of public health, whereas secondary standards relate to limits for protection of public welfare. The EPA designates attainment areas as having air quality equal to or better than NAAQS, based on measurements of ambient criteria pollutant

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data. Areas with air quality worse than NAAQS are designated non-attainment. Hawai'i has attainment status for all criteria pollutants¹⁸ (DOH 2018).

Pursuant to HRS Chapter 342B (Air Pollution Control), the Clean Air Branch of the State of Hawai'i Department of Health (DOH) is responsible for implementing air pollution control in the State. DOH has established Hawai'i ambient air quality standards, which are sometimes more stringent than the NAAQS, or address pollutants that are not covered by the NAAQS. The Hawai'i ambient air quality standards are based primarily on health effects data, but also reflect other considerations, such as protection of crops, protection of materials, or avoidance of nuisance conditions (such as objectionable odors). Both the federal and state ambient air quality standards are listed in Table 3-6.

Table 3-6. Federal and State Ambient Air Quality Standards

		Ambient Air Quality Standards			
Air Pollutant	Averaging Time	Hawai`i State Standard (ppm)	Federal Primary Standard (ppm)	Federal Secondary Standard	
Carban Manarida (CO)	1-hour	9 ppm	35 ppm		
Carbon Monoxide (CO)	8-hour	4.4 ppm	9 ppm		
Nitus con Diavida (NO.)	1-hour		0.1 ppm		
Nitrogen Dioxide (NO ₂)	Annual	0.04 ppm	0.053 ppm	0.053 ppm	
D14	24-hour	150 μg/m ³	150 μg/m ³		
PM ₁₀	Annual	50 μg/m ³			
DM .	24-hour		35 μg/m ³	35 μg/m ³	
PM _{2.5}	Annual		12 μg/m ³	15 μg/m ³	
Ozone (O ₃)	8-hour	0.08 ppm	0.07 ppm	0.07 ppm	
	1-hour		0.075 ppm		
Sulfur Dioxide (SO ₂)	3-hour	0.5 ppm		0.5 ppm	
Sullui Dioxide (SO ₂)	24-hour	0.14 ppm			
	Annual	0.03 ppm			
Lead (Pb)	3-month (rolling)	1.5 μg/m ³	0.15 μg/m ³	0.15 μg/m ³	
Hydrogen Sulfide	1-hour	0.025 ppm			

ppm = parts per million by volume; $\mu g/m^3$ = micrograms per cubic meter of air SOURCE: HAR §11-59 and *Code of Federal Regulations* (CFR), Title 40, Part 50.

DOH and EPA maintain air quality monitoring stations throughout Hawai'i. The station nearest to the project is in Kapolei. This air quality monitoring station is located inside the Kapolei Business Park, south of Malakole Street, about 3.5 miles southwest of the Project site. The Kapolei station was established in 2002 to monitor community exposure to air pollutants. All NAAQS and Hawai'i ambient air quality standards pollutants are monitored at this station. Recent available data from the Kapolei station indicate that criteria pollutants do not exceed either the federal or State ambient air quality standards (DOH 2021).

 $^{^{18}}$ Air quality monitoring stations near Kilauea on the Island of Hawai'i often measure exceedances in the NAAQS for SO₂ and occasionally measure exceedances of the NAAQS for PM_{2.5}. The volcano is a natural event; therefore, the State requests exclusion of these exceedances from the determination of attainment.

3.9.2 Potential Impacts and Mitigation Measures

During the construction phase, the Project would result in limited, short-term impacts to air quality, primarily from powered equipment, vehicle exhaust, and fugitive dust from soil disturbance. Construction activities that would generate air emissions at the Project include operating powered equipment, driving vehicles within the Project site, commuting to the Project site, and delivering construction materials and components to the Project site. These activities would result in emissions of air pollutants including carbon dioxide, nitrogen oxides, sulfur oxides, PM10, and PM2.5.

Construction-related emissions and impacts to air quality would be temporary and limited to the approximately 12 to 15-month construction period. Construction emissions would represent a small portion of the overall emissions in the region and would likely not affect attainment of the federal or state ambient air quality standards.

HAR §11-60.1, Air Pollution Control requires that the best practicable operation or treatment measures be employed during construction activities, so that no discharge of visible fugitive dust occurs beyond the property lot line. BMPs would be implemented to minimize adverse effects on air quality. With implementation of the BMPs listed below, construction-related impacts to air quality are expected to be less than significant.

- To the extent practicable, off-road and portable diesel-powered equipment would be fueled with motor vehicle diesel fuel (#2 diesel fuel). Examples of equipment include bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, and auxiliary power units.
- Construction vehicles and equipment would be routinely maintained according to the manufacturer's specifications.
- To the extent practicable, the quantity of vehicles commuting to and operating within the project area would be limited.
- Construction site and access would be limited. Vehicle speeds would not exceed 25 mph on gravel, dirt, or other unpaved roads within the Project area.
- Idle times for vehicles and equipment would be limited so that unnecessary emissions would be reduced. A maximum idle time would be established (e.g., no more than 15 minutes idle time).
- All trucks hauling soil or other loose materials would be covered for containment purposes.
- Water trucks or sprinkler systems would be used to control fugitive dust within the Project area.
 No chemical additives would be used in the water trucks or sprinklers.
- Carpooling would be encouraged among construction workers to minimize emissions from commuting.
- Soils that have been temporarily disturbed during construction would be revegetated. The vegetation would be maintained to minimize the potential for erosion and fugitive dust.

Project operations would generate minor emissions associated with vehicle exhaust and fugitive dust from vehicles and equipment used to perform operation and maintenance activities in the Project area.

As described in Section 3.12 (Transportation and Traffic), it is estimated that four or fewer vehicle trips would be made per month for routine operations and maintenance of the solar facilities over the lifetime of the Project. None of the equipment associated with the solar facilities generate air emissions. The Project equipment includes solar arrays, battery units, inverters, control equipment, transformers, and switches. Therefore, it is anticipated that emissions associated with Project operations and maintenance would be low and effects to air quality would be less than significant. As discussed in Section 1.2 (Purpose and Need), the Project would provide a net benefit to air quality by offsetting energy generated by burning fossil fuels with renewable energy, thereby reducing emissions of air pollutants in the form of greenhouse gases.

At the end of its useful operational lifetime, the Project would be decommissioned. Upon decommissioning, Project equipment would be removed, and the site would be returned to a safe, useful condition that is similar to its original condition. Decommissioning activities would generate short-term impacts to air quality as a result vehicle exhaust, equipment emissions, and fugitive dust from disturbed soils. BMPs referenced in this section for construction would be implemented again for decommissioning to minimize these emissions. Decommissioning activities would be temporary. Impacts to air quality would be limited to the duration of decommissioning and mitigated with implementation of BMPs. Therefore, impacts to air quality during decommissioning are anticipated to be less than significant.

3.10 Noise

3.10.1 Affected Environment

The degree to which sound can be heard is dependent upon the relative level of sound in the existing acoustic environment. Existing noise sources in the vicinity of the Project area include traffic noise from the surrounding roads (Coral Sea Road, Tripoli Road, and Roosevelt Avenue/Gieger Road), aircraft noise from Kalaeloa Airport, and farm equipment noise from the nearby horse stables and onsite farm activities on Project TMK 9-1-013:040. TMK 9-1-013:038 is aligned with the Kalaeloa Airport runway approach path for Runways 22R and 22L and therefore aircraft passing overhead generates a significant amount of noise.

The Project area is immediately surrounded primarily by open space with the Kalaeloa Renewable Energy Park bordering the northeast portion of the Project area. Noise sensitive receptors in the immediate vicinity of the Project include the private horse stable located on TMK 9-1-013:164 (located adjacent to and east of TMK 9-1-013:038) and the Barber's Point Golf Course located east of the Project. The closest residential areas include Kalaeloa Rental Homes apartment complex (approximately 0.5 miles northwest of the closest solar array area) and the Ocean Pointe Neighborhood (approximately 0.5 miles east and southeast of the closest solar array area). The closest residential structure is located about 0.5 miles from the Project area. Other potential sensitive receptors in the vicinity of the Project area include Kapolei middle school (1 mile north of the nearest solar arrays) and the Hampton Inn & Suites Oʻahu/Kapolei (0.7 mile north of the nearest solar arrays).

The 'Ewa Battlefield Historical District is located north of the Project area and encompasses a small portion of the northernmost point of the Project area. No public access is currently allowed in the 'Ewa Battlefield Historical District and therefore there are no existing sensitive receptors in this area. On behalf of the American Veteran Hawai'i Service Foundation Corporation, conceptual plans for public access and installation of interpretive signs in the historic district were developed in 2020 (Berger 2020); however, no specific timeline of securing funding and implementing these plans have been identified.

Noise Standards

The State of Hawai'i noise standards in HAR §11-46 (Community Noise Control) are administered by DOH. The purpose of the Hawai'i noise standards is to provide noise prevention, control, and abatement from stationary noise sources and powered equipment. These standards establish maximum permissible sound levels per zoning district (Table 3-7). These noise limits are absolute (i.e., not relative to ambient conditions), are prescribed by receiving zoning class and time period, and are enforceable at the facility property boundaries. Zoning districts are determined by ordinances adopted by the applicable local, county or state government agencies. For mixed zoning districts, the primary land use designation is used to determine the applicable zoning district class and maximum permissible sound level. For instance, if a residential structure is surrounded by agricultural land, it may be considered Class A use on Class C land.

Table 3-7. Hawai'i Noise Standards

	Maximum Permissible Sound Level (dBA)		
Receiving Zoning District	Daytime (7:00 am-10:00 pm)	Nighttime (10:00pm-7:00 am)	
Class A: All areas equivalent to lands zoned residential, conservation, preservation, public space, or similar type	55	45	
Class B: All areas equivalent to lands zoned for multi-family dwellings, apartment, business, commercial, hotel, resort, or similar type	60	50	
Class C: All areas equivalent to lands zoned agriculture, country, industrial, or similar type	70	70	

Source: HAR §11-46, Community Noise Control.

The Project area and adjoining parcels are within the DHHL Industrial Land Use District, the State Urban district and KCDD T3 general urban or KCDD T2 rural/open space zoning districts (see Figure 3-7). Per HAR § 15-215-23, the T3 general urban zone is characterized by mixed use projects with a commercial interest and per HAR § 15-215-23, the T2 rural/open space zone shall consist primarily of open space, parks, and limited agricultural use. As the KCDD zoning districts allow a mix of uses, and the existing uses are either vacant, industrial, commercial, or agricultural, this assessment assumes, the areas immediately adjacent to the Project fall within either the Class B or Class C Receiving Zoning Districts. The nearest noise sensitive receptors are the horse stables immediately east of the Project area, the golf course 400 feet east of the Project area and multi-family residential homes 0.5 miles northwest of the Project area; these qualify as a Class B Receiving Zoning District. Noise levels in these Class B locations

cannot exceed 60 dBA during the day or 50 dBA at night, respectively, at the property limits. Industrial areas adjacent to and around the Project Area, including Kalaeloa Airport and the Kalaeloa Renewable Energy Park, qualify as the Class C Receiving Zoning District. Noise levels received in these Class C locations cannot exceed 70 dBA during the day or night at the property limits. Although there are currently no public uses in the 'Ewa Battlefield Historical District is located north of the Project area, if future public amenities/access were constructed in this district, it could be considered a Class A Receiving Zoning District.

The noise standards are assumed to be independent of the existing acoustic environment; therefore, no baseline sound survey was conducted to assess conformity. Pursuant to HAR §11-46-7, a permit may be obtained for operation of an excessive noise source (e.g., construction equipment) beyond the maximum permissible sound levels. Under HAR § 11-46-7(j), noise permits for construction allow for activities emitting noise in excess of the limits but restrict these activities to the hours of 7:00 a.m. to 6:00 p.m. during weekdays and 9:00 am to 6:00 pm on Saturdays (no exceedances allowed on Sundays or holidays).

3.10.2 Potential Impacts and Mitigation Measures

Construction Impacts

The Project would have minor, short-term impacts on ambient noise levels during the construction period. However, construction activities would comply with State noise control regulations and no work that exceed the noise limits is anticipated outside the permitted working hours under HAR § 11-46-7(j).

Construction noise levels vary according to the type of powered equipment utilized, the equipment specifications, the operations being performed, and the age or condition of the equipment. Construction noise sources were evaluated based on data compiled for the Project from the EPA and the Federal Highway Administration Construction Noise Handbook (FHWA 2006). As shown in Table 3-8, various equipment that is typically used for construction of solar energy facilities was considered for each phase of construction.

Table 3-8. Summary of Anticipated Construction-Related Noise

Phase	Duration	Equipment Type	Model (Recommended)	L _{max} @ 50 feet (dBA, slow)
Construction Startup	Month 1-3 of	Water Truck	-	84
	Construction	Excavator	Case 470	85
		Rock Truck	Cat 773	85
		Dozer	Cat D6	85
		Loader	Cat 980	80
		Grader	Cat 14H	85
		JLG	G10-55a	80
		Drill Rig	-	85
		Flat Deck Truck	-	84
		Rock Breaker Hammer	-	84
		Rock Screen	Chieftan Warrior Screen	105

Phase	Duration	Equipment Type	Model (Recommended)	L _{max} @ 50 feet (dBA, slow)
Construction Excavation	Month 2-7 of	Trencher	Vermeer	82
	Construction	Excavator	Case 470	85
		Roller		85
		Rock Truck	Cat 773	85
		Water Truck	-	84
		Grader	Cat 14H	85
		Rock Breaker Hammer	-	90
		Rock Screen	Chieftan Warrior Screen	105
		Pile Driver	Vermeer PD10	84
		Drill Rig	-	85
		Blasting	-	94
		JLG	G10-55a	80
		Skid Steer	Cat 259b3	80
		Flat Deck Truck	-	85
		Concrete Mixer	-	85
Array Installation	Month 4-10 of	Water Truck	-	84
-	Construction	JLG	G10-55a	80
		Skid Steer	Cat 259b3	80
		Crane	RT 60	85
		Pile Driver	Vermeer PD10	84
		Flat Deck Truck	-	85
Cleanup/Commissioning/	Month 10-12 of	Grader	Cat 14H	85
Demobilization	Construction	Loader	Cat 980	80
		Flat Deck Truck	-	85

Construction sound for all equipment considered would attenuate with increased distance from the equipment. Other factors that were not included in this analysis can affect sound attenuation. These factors include vegetation, terrain, and structures that would act to further increase sound attenuation, thereby limiting the impact of construction noise. Noise levels would range depending on a variety of factors, including the type of construction activity, the type equipment used, and the distance between source and receiver. The power and usage of equipment also varies, creating further complexity in characterizing construction noise levels. This analysis assumes a scenario where all construction equipment is operating simultaneously within each construction phase. Equipment is not typically operated simultaneously or continuously, but this conservative assumption considers the cumulative noise impact.

Based on the anticipated construction-related noise levels listed in Table 3-8, construction noise would be intermittently audible at adjacent property locations and could potentially exceed HAR §11-46 Class A maximum permissible sound limits. However, increased noise levels are expected to be comparable to noise produced by other adjacent land uses, including airport activity at Kalaeloa Airport, traffic on Coral Sea Road/Tripoli Road/Roosevelt Ave, and construction activity from other development projects in the vicinity. Project-related traffic during construction from trucks and heavy equipment, would also generate noise and contribute to cumulative noise levels. However, as discussed in Section 3.12, construction related traffic would be minimal. Noise generated by traffic associated with the Project would be temporary and similar to existing noise levels on Kapolei Parkway, the H-1 Freeway, and other nearby road networks.

Construction activities would generate noise that would intermittently exceed ambient noise levels potentially cause a temporary and short-term disturbance. Efforts would be made to minimize the noise levels associated with Project construction to the extent practicable, including measures such as those listed below.

- Construction activities would occur on weekdays and Saturday between 7:00 am and 7:00 pm.
- Speed limits would be established and enforced during the construction period
- Using electrically-powered equipment instead of pneumatic or internal combustion powered equipment, where feasible;
- Loud procedures would be restricted to weekdays during daylight hours to minimize noise impacts;
- Material stockpiles, mobile equipment staging, parking, and maintenance areas would be located as far as practicable from noise-sensitive receptors;
- Noise-producing signals, including horns, whistles, alarms, and bells, would be used solely for safety or warning purposes; and
- Noise-producing construction equipment and vehicles would utilize mufflers, air-inlet silencers, and any other shrouds, shields, or other noise-reducing features, ensuring these items are in good operating condition that meet or exceed original factory specification.

Implementation of the measures listed above would mitigate significant construction related noise impacts and no long-term or otherwise significant noise impacts are anticipated as a result of Project construction. If necessary, a noise permit would be obtained during construction to allow for exceedances of the maximum permissible sound levels.

Operational Impacts

Noise sources considered in the acoustic analysis for Project operations include inverters and transformers associated with the solar arrays and the substation. The principal noise sources include the cooling fans on the PV-Coupled ESS units and transformers, the electrical components of the inverters, the step-up transformer associated with each power conversion station, and the main power transformer at the collector substation. Step-up transformers and power inverters like the ones proposed for the Project are considered a low-level source of sound. The solar modules are expected to generate low-level sound from the trackers but this sound is not expected to be detectable beyond the Project area boundary.

Transmission lines generate sound referred to as corona. The level of corona noise generated by a transmission line is highly dependent on weather conditions (i.e., foul weather), electrical gradient, altitude and condition of the conductor wires. The corona effect is initiated where the conductor's electric field is concentrated by imperfections in the conductor surface such as nicks or scratches, or by substances on the lines such as water droplets, dirt or dust, and/or bird droppings. Corona activity increases with increasing altitude, and with increasing voltage in the line, but is generally not affected by

system loading. Since the Project generation-tie line is only rated at 46 kV, it will produce minimal sound even during foul weather conditions.

Inverters at the PV-Coupled ESS Unit are estimated to produce a noise level of about 75 dBA, as heard at a distance of 50 feet. Transformers at the power conversion stations are estimated to produce a noise level of about 80 dBA, as heard at a distance of 50 feet. The location of the Project's power conversion systems and PV-Coupled ESS Units relative to noise sensitive receptors makes it unlikely that either the adjacent Class B or Class C Receiving Zoning District would be impacted by noise levels above the maximum permissible sound levels listed in Table 3-7. The closest noise sensitive receptor (the private horse stable) is approximately 450 feet from the closest power conversion system. At this distance inverter and transformer sound is anticipated to be below the 50/60 dBA Class B maximum permissible sound level. The 'Ewa Battlefield Historical District is located north of the Project area and the closest power conversion system to the portion of the District located outside the Project area and outside the Kalaeloa Renewable Energy Park is approximately 640 feet. At this distance inverter and transformer sound is anticipated to be below the 45/55 dBA Class A maximum permissible sound level.

The transformer at the Project substation is anticipated to produce a noise level of about 70/72 dBA at 50 feet. The location of the substation relative to noise sensitive receptors makes it unlikely that either the adjacent Class B or Class C Receiving Zoning District would be impacted by noise levels above the maximum permissible sound levels listed in Table 3-7. The closest noise sensitive receptor (the private horse stable) is approximately 2,700 feet from the substation and the closest residential noise sensitive receptor (Kalaeloa Rental Homes) is over 0.5 miles from the substation. At this distance transformer sound is anticipated to be below the 50/60 dBA Class B maximum permissible sound level.

Noise from Project operations is not expected to significantly impact any noise sensitive receptors, especially in the context of the existing acoustic environment, such as the Kalaeloa Airport. Operational noise impacts associated with the Project are expected to be below the maximum permissible sound levels for the Class A, B, and C Receiving Districts. Within the Project area, noise would be mitigated by health and safety controls such as hearing protection. Therefore, it is anticipated that noise impacts associated with the Project would be less than significant.

3.11 Hazardous Materials

3.11.1 Affected Environment

The Project area was historically used by the United States military, first as MCAS 'Ewa and later as NASBP. Prior to the closure of NASBP and disposal of real properties, the U.S. Navy was required to identify contaminated and uncontaminated areas of the NASBP in compliance with the Community Environmental Response Facilitation Act of 1992 (CERFA), Pub. L. 102-426, and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601 *et seq*. The U.S. Navy conducted environmental baseline surveys at the NASBP from August to November 1993 and documented their findings in the *Environmental Baseline Survey (ESB) Report, NAS Barbers Point, Oahu, Hawaii* (Ogden 1994). Prior to the transfer of TMK 9-1-013:038 and TMK 9-1-013:040 to DHHL, the

U.S. Navy conducted all remedial actions necessary to protect human and health and the environments with respect to any hazardous substances remaining on the properties (Bureau of Conveyances 2003 and 2008). However, hazardous substances may still be present on the Project parcels and hazardous waste materials may be in use as some of the DHHL's currently leased areas. According to the quitclaim deeds associated with the property transfers from the U.S. Navy to DHHL, the asbestos-containing material and lead-based paint may be present in buildings on TMKs 9-1-013:038 and 9-1-013:040 (Bureau of Conveyances 2003 and 2008).

3.11.2 Potential Impacts and Mitigation Measures

The Project will not require extremely hazardous materials as defined by 40 CFR §355 – List of Extremely Hazardous Substances and Their Threshold Planning Quantities; no such substances will be produced, used, stored, transported, or disposed of as part of Project construction, operations and maintenance, or decommissioning phases. During the construction phase of the Project, some hazardous fuels (e.g., gasoline and diesel fuel) and lubricants, will be onsite. However, only a limited amount of these materials will be onsite and implementation of BMPs (e.g., proper storage procedures with secondary containment, routine inspection of vehicles for leaks, fueling vehicles and equipment offsite or within designated areas with secondary containment, etc.) will ensure there will be minimal or no significant effect on surface, underground and marine water resources and neighboring properties and surrounding flora and fauna. A spill prevention plan will be developed that describes measures that will be taken to avoid and minimize potential impacts associated with refueling, handling and storage of hazardous materials. Development and execution of the plan will reduce potential impacts to a less than significant level.

During operations, the Project does not require fuel or chemicals for the generation of electricity with the exception of an emergency backup generator as required by Hawaiian Electric in case utility back feed power is disrupted and the photovoltaic and battery system is not operating. The backup generator will have a double-wall fuel containment system. Oil-based products will also be stored within the Project area during operations as the transformers use oil for insulation and cooling. Although transformer oil is typically mineral oil or seed oil that is considered nontoxic and a non-hazardous substance, secondary containment measures will be put in place to ensure the potential for oil-related spills is minimal. Safety features will be integrated to prevent, detect, and suppress fires. Adherence to the applicable regulatory requirements will minimize potential hazards related to use, handling, transport, and disposal of batteries throughout Project operations and decommissioning. In the event a lithium-ion battery requires replacement (and at decommissioning), the battery system would be disconnected and de-energized to allow for battery removal and replacement; the old battery would be properly packaged and transported to an approved recycling facility. All stages of this process would be conducted in accordance with all relevant regulatory requirements in place at the time of replacement. In particular, transportation of the lithium-ion batteries would be conducted in accordance with U.S. Department of Transportation Pipeline and Hazardous Material Administration regulations, including 49 CFR 173.185 (Lithium Cells and Batteries). This regulation includes requirements related to

testing, proper packaging (such that the batteries are completely enclosed and are separated from contact from other equipment, devices, or conductive materials), and safety measures (including those related to preventing rupture, external short circuits, and reverse current flow).

No chemicals are expected to be used for ongoing maintenance of the solar panels. Solar arrays will be cleaned with a mild, biodegradable detergent, if or when necessary. Other more innovative water-less and dry brushing techniques will be explored as an option.

No existing buildings on TMKs 9-1-013:038 and 9-1-013:040 that may contain asbestos-containing material and lead-based paint will be altered or demolished; therefore, no abatement of these materials is anticipated to be needed.

Vegetation will be managed during operations to ensure vegetation does not overgrow the photovoltaic panels, preventing solar radiation from reaching them and to reduce fire risk. Vegetation control will employ BMPs and techniques that are most appropriate for the local environment based on factors such as compatibility with grazing and existing ranch operations and preventing runoff – thus reducing the need to use chemical herbicides. In rare circumstances where it is necessary to use herbicides, an effort will be made to minimize use and only apply bio-degradable, EPA-registered, organic solutions that are non-toxic to wildlife. Sustainable, long-term management practices and the promotion of healthy biodiversity within local ecosystems is a priority. Any herbicides used for vegetation management on the site will be selected and used in a manner that fully complies with all applicable laws and regulations. Herbicides, if used, will be governed by the Vegetation Management Plan. See Appendix B.

At the end of its operational life, the Project would be decommissioned, including removal of all Project equipment and returning the Project area to substantially the same condition as existed prior to Project development. As such, Project implementation would not be expected to result in any significant impacts related to hazardous materials.

3.12 Transportation and Traffic

3.12.1 Affected Environment

Harbors

There are two deep-draft harbors in O'ahu that can accommodate container ships and associated bulk cargo: Honolulu Harbor and Kalaeloa Barbers Point Harbor (HDOT 2008). The Project area is located approximately 4 miles southeast of Kalaeloa Barbers Point Harbor and approximately 12 miles west of Honolulu Harbor. Both harbors are heavy lift facilities that can accommodate delivery, unloading, and temporary storage of equipment and materials for the Project.

Roadways

Roadway access is available to the Project area and its surrounding state, county, and privately-owned roadways. The key roadways used to access the Project area include the following.

Interstate H-1 Freeway:

Operated by the HDOT, Highways Division, the H-1 Freeway is generally an east-west, two-way divided freeway which begins to the west of the Palailai Interchange then extends 27.1 miles through Kapolei, 'Ewa, Waipahu, Airport Industrial Area, and Central Honolulu before terminating in East Honolulu, where it meets with Kalaniana'ole Highway. In the Project are vicinity, the H-1 Freeway is a two-way, six-lane divided highway which provides three lanes in each direction. The H-1 Freeway in the vicinity of the Project has a posted speed limit of 60 mph.

Fort Barrette Road:

Operated by HDOT, Highways Division, Fort Barette Road is a state-owned roadway, which extends from Makakilo Drive in the north to Roosevelt Avenue in the south. From Makakilo Drive to Farrington Highway, Fort Barrette Road is a 4-lane undivided roadway with turn lanes at Farrington Highway. South of Farrington Highway, Fort Barrette Road transitions into a two-way, undivided roadway. Fort Barrette Road is signalized at all intersections. The posted speed limit is 25 mph near Roosevelt Avenue and 40 mph near Farrington Highway.

Roosevelt Avenue:

Operated by HDOT, Highways Division, Roosevelt Avenue is a two-way, two-lane undivided, state-owned roadway extending from Kamokila Boulevard in the west to Geiger Road in the east. Roosevelt Avenue is signalized at the Ka Makana Alii driveway. All other intersections along Roosevelt Avenue are stop-controlled and have turn lanes. The posted speed limit is 25–35 mph.

Coral Sea Road:

Coral Sea Road is a two-way, undivided, state-owned roadway extending from Roosevelt Avenue to the north to just past Kalaeloa Airport to the south. All intersections are stop-controlled. There are no crosswalks or sidewalks along Coral Sea Road in the vicinity of the Project area, with the exception of a crosswalk at Bougainville Avenue. There are no bike facilities provided. The posted speed limit is 25 mph.

Nimitz Highway (Route 36):

Operated by the State of Hawaii, Nimitz Highway is a principal arterial road extending from Pearl Harbor Interchange to the west and transitioning into Ala Moana Boulevard to the east. Nimitz Highway runs beneath the H-1 Freeway between the Pearl Harbor Interchange and the Keehi Interchange. Most of the intersections along Nimitz Highway are signalized in the Project area vicinity. Near Sand Island Access Road, Nimitz Highway is a six-lane divided roadway. An eastbound lane is used in the morning peak hour to facilitate a contraflow lane to allow for four Honolulu-bound lanes. The morning contraflow lane uses the inside westbound lane until just past Alakawa Street. Left turns are prohibited in the westbound direction at certain intersections during the morning peak hour

Sand Island Access Road:

Operated by the State of Hawaii, Sand Island Access Road is a four-lane, divided roadway extending from Nimitz Highway in the north, transitioning to Sand Island parkway south of the bridge to Sand Island. Crosswalks and sidewalks are intermittently located along Nimitz Highway. A striped bicycle lane is available for use. Posted speed limits range from 25–35 mph.

Existing Traffic

A TIAR (Appendix H) prepared for the Project collected data regarding existing traffic volumes. Based on the traffic data, the weekday morning and afternoon peak hours of traffic were between 7:15am and 8:15am and between 3:15pm and 4:15pm, respectively. The TIAR established levels of service (LOS) for six existing intersections in the vicinity of the Project area: Fort Barette Road at Farrington Highway, Fort Barette Road at Kamaaha Avenue, Fort Barette Road at Kapolei Parkway, Fort Baratte Road at Roosevelt Avenue, Roosevelt Avenue at Coral Sea Road, and Nimitz Highway at Sand Island Access Road. LOS is a qualitative analysis system used to describe the effectiveness of traffic flow and roadway conditions. LOS values range from free-flow conditions with little to no delays (LOS A) to congested conditions with heavy delays (LOS F). LOS values are summarized below in Table 3-9 for the six study intersections surveyed in the TIAR (SSFM 2021).

TIAR Intersection LOS Morning Peak LOS Evening Peak C Fort Barrette Rd at Farrington Hwy Е С C Fort Barrette Rd at Kamaaha Ave В В Fort Barrette Rd at Kapolei Pkwy Fort Barrette Rd at Roosevelt Ave Unsignalized Unsignalized Unsignalized Unsignalized Roosevelt Ave at Coral Sea Rd Nimitz Hwy at Sand Island Access Rd C C

Table 3-9. Level of Service Values

Public Transit

Public transit services on O'ahu include TheBus and TheHandi-Van, both of which are operated by a contractor for the City and County of Honolulu, O'ahu Transit Services, Inc. TheBus provides service to the Project vicinity via Bus Route 41, which runs between Kapolei and 'Ewa Beach. The closest bus stop to the Project area is located at intersection of Roosevelt Avenue and Coral Sea Road. TheHandi-Van, which is a public transit service for persons with disabilities, provides all-day service in areas located within 0.75 mile of Bus Route 40.

Honolulu Rail Transit, a rapid transit system that will connect West Oʻahu with downtown Honolulu and Ala Moana Center, is in the process of being constructed. The system will include approximately 20 miles of elevated guideway and 21 rail stations. The route runs along Kualakaʻi Parkway and parallel to Farrington Highway, approximately one mile north of the Project area. The nearest station to the Project area will be the East Kapolei Station, approximately 1 mile north of the Project area adjacent to

Kualaka'i Parkway. These facilities are currently under construction; the segment from East Kapolei to Aloha Stadium is expected to open for passenger service in December 2021 (KITV 2021).

Bicycle and Pedestrian Facilities

There are currently no designated bicycle or pedestrian crosswalk facilities in the immediate vicinity of the Project area. The nearest crosswalk is located at the intersection of Coral Sea Road and Bougainville Avenue. During the TIAR traffic counts, bicyclists and pedestrians were observed using the sidewalk and/or shoulder lane during the morning and evening peak hours at the TIAR's study intersections including: Fort Barrette Road at Farrington Highway, Fort Barrette Road at Kamaaha Avenue, Fort Barrette Road at Kapolei Parkway, Fort Barrette Road at Roosevelt Avenue, Roosevelt Avenue at Coral Sea Road, and Nimitz Highway at Sand Island Access Road. Two bicycles were observed in the AM peak hours at Coral Sea Road at San Juacinto Street (SSFM 2021).

The 2019 O'ahu Bike Plan Update shows planned improvements for shared use bicycle paths in the vicinity of the Project area along Coral Sea Road and non-motorized travel in the vicinity of the Project, including a buffered bike lane along Makakilo Loop (a proposed extension of Makakilo Drive connecting to Kualaka'i Parkway), and a bike lane and shared used path extending from H-1 Freeway south along Kualaka'i Parkway (DTS 2019). These projects are identified as Priority 2 projects; however, the timing for implementation is unknown.

Airports

The nearest airport to the Project area is Kalaeloa Airport (JRF), located approximately west of the Project area, on the west side of Coral Sea Road. As part of the airport system for the State of Hawai'i, Kalaeloa Airport serves as a general aviation reliever airport for the Daniel K. Inouye International Airport. Kalaeloa Airport provides air traffic control from 6:00am to 10:00pm daily but is always available as an alternate facility. Daniel K. Inouye International Airport (HNL), the state's largest airport, is located approximately 5 miles southeast of the Project area (HDOT 2021). There are no privately-owned runways on O'ahu. Several military airfields are located outside the Project area vicinity on O'ahu, including Wheeler Army Airfield, Hickam Air Force Base, and Marine Corps Base Hawai'i Kaneohe Bay, and Dillingham Airfield.

3.12.2 Potential Impacts and Mitigation Measures

Harbors

It is anticipated that the equipment and materials required for Project construction would be transported by container barge to Honolulu Harbor. The equipment and materials would be offloaded from the barges and transferred to trucks for delivery to the Project area. In general, the equipment and materials required for the Project would be expected to be handled as general containerized bulk cargo and would not be expected to place an unusual demand on the harbor facilities.

Roadways/Traffic

Construction

A maximum of 65 vehicles would be expected to operate or make deliveries at the Project area each day. This maximum represents peak construction traffic, including trucks and commuting vehicles. Trucks would access the Project site after morning peak hours, where possible. If necessary, heavy load trucks and wide load trucks would access the Project outside of daily peak hours of traffic, and would have negligible to no effect on commuter traffic. The future roadway lane configuration during construction will remain the same as the existing condition with the addition of the driveways to the Project area. A detailed comparison of the anticipated future LOS at each study intersection under a "future without-Project conditions" scenario and a "future with project construction conditions" scenario for the year 2021 is provided in the TIAR (see Appendix H). During construction, all movements at the studied intersections would operate at a LOS of D or better; however, some individual movements at the studied intersections would operate at LOS E or F under both with-Project and without-Project future conditions (See Appendix H). At some intersections, a few individual movements would operate under a reduced level of service under future with-Project conditions compared to future without-Project conditions, as described below.

The intersection of Fort Barrette Road and Farrington Highway would operate at LOS C or E in the morning and evening, respectively, under both future without-Project, and future with-Project conditions. Individual movements at this intersection would have the same LOS in both future scenarios.

The intersection of Fort Barrette Road and Kamaaha Avenue would operate at LOS D during the morning and evening peak hours under both with-Project and without-Project future conditions. Three individual movements would have a reduced level of service under the with-Project condition, compared to the without Project condition in the evening peak hours; Fort Barette Road Northbound through would change from LOS B to E, Kamaaha Avenue Eastbound through would change from LOS E to F and Kamaaha Avenue Westbound left turn would change from LOS E to F. All other individual movements would have the same LOS under both future conditions.

Fort Barrette Road at Kapolei Parkway would operate at LOS C during the morning peak hours under both with-Project and without Project future conditions. During the evening Peak hours, the LOS at this intersection is reduced from B to C under the with-Project condition. Two individual movements would have reduced level of service under the with-Project condition compared to the without-Project condition; However, all individual movements at this intersection would operate at LOS C or better.

The intersection of Fort Barrette Road and Roosevelt Avenue is unsignalized. Individual movements would operate at LOS C to F under both with-Project and without-Project future conditions. There would be no reduction in LOS as a result of the project for any individual movements at this intersection. A future roadway widening improvement and traffic improvements project along Fort Barrette Road from Farrington Highway to Roosevelt Avenue is planned at this intersection but is not expected to begin before Project construction.

The Roosevelt Avenue intersection with Coral Sea Road is unsignalized. Individual movements at this intersection would have the same LOS under both with-Project and without Project future conditions. LOS for individual movements at this intersection ranges from A to F. Nimitz Highway at Sand Island Access Road would operate at LOS C during the morning and evening peak hours under both with-Project and without-Project future conditions. Individual movements at this intersection would have the same LOS under both with-Project and without Project future conditions. LOS for individual movements at this intersection ranges from B to F.

To mitigate delays during construction, vehicles would be staggered to depart and arrive at the Project area at different times. Truck access to the Project area would be limited during peak hours, thereby causing less vehicular delay. At the Coral Sea Road driveway access points, stop signs and stop bars would be added to improve safety and traffic flow.

Based on the results of the TIAR, Project construction is not expected to measurably affect overall LOS at the signalized intersections adjacent to the Project area. However, construction could result in minor, localized impacts to traffic and the roadway network. A Traffic Management Plan would be prepared prior to construction, which would describe the potential impacts to the surrounding roadway network and would detail the measures that would be implemented to avoid, minimize and mitigate potential impacts based on Complete Streets principles. It is expected that the measures would include the following:

- Scheduling delivery of construction materials and equipment in oversized or overweight trucks during off-peak traffic hours. Other deliveries of construction materials and equipment would be scheduled for off-peak traffic hours to the extent practicable.
- Timing of deliveries would be coordinated to minimize cumulative traffic-related impacts. If any construction projects are planned to occur on nearby properties during the same time frame, deliveries would be coordinated and staggered to reduce impacts to traffic.
- Notification of necessary parties regarding Project construction and potential traffic impacts would be conducted. Local area representatives, the neighborhood board, area residents, businesses, emergency personnel, and public transit services would be notified as appropriate.
- Repair of existing roadways or sidewalks, as applicable to the Project. Any roads or sidewalks
 damaged by the Project construction would be repaired in accordance with current design
 standards.
- Maintenance of existing pedestrian, bicycle and vehicle facilities shall be safely maintained. If roadway, sidewalk, or crosswalk closures are necessary, alternate routes would be provided for vehicles, pedestrians, and bicyclists. Alternate routes would be clearly marked for increased safety.
- Coordination with local agencies would be conducted. The Traffic Management Plan would be submitted to HDOT, the City and County of Honolulu Department of Transportation Services, and City and County of Honolulu Department of Planning and Permitting for review and approval prior to Project construction.
- Installation of stop signs and stop bars at Project driveway entrances, as required.

With implementation of these mitigation measures, construction-related impacts to traffic and the roadway network are expected to be less than significant.

Operations and Maintenance Activities

Once operational, it is anticipated that the Project would have up to four employees regularly visiting the site for operations activities. Therefore, the Project would generate up to four trips during the morning and evening peak hours of operation. However, the Project does not require full-time staff to be on-site every day. Upon completion of the Project, the two studied signalized intersections in the Project area vicinity are projected to operate at the same overall and individual movement LOS as the baseline without-project conditions as described in this section. Therefore, Project operations would not be expected to measurably impact traffic on roads within the Project area vicinity. Additional detail regarding the LOS for the without-Project conditions and with-Project conditions for the year 2023 is provided in the TIAR (see Appendix H).

Decommissioning Activities

The Project is expected to operate for approximately 25 years (through 2048). At the end of the PPA term, the Project may be repowered under a renegotiated PPA or other contract (with subsequent permits/approvals) or decommissioned. Decommissioning will involve removal of all equipment associated with the Project and returning the area to substantially the same condition as existed prior to Project development. Decommissioning will occur within 12 months of the conclusion of Project operation. Transportation routes to and from the Project site are anticipated to be the same as during construction and similar to the construction phase, a maximum of 65 vehicles would be expected to operate at the Project area each day. Similar to the evaluation of construction impacts, decommissioning activities are not expected to measurably affect overall LOS at the signalized intersections adjacent to the Project area. However, construction could result in minor, localized impacts to traffic and the roadway network. A Traffic Management Plan would be prepared prior to decommissioning, which would describe the potential impacts to the surrounding roadway network and would detail the measures that would be implemented to avoid, minimize and mitigate potential impacts based on Complete Streets principles.

Public Transit

Public transit services in the vicinity of the Project include TheBus, TheHandi-Van and the future Honolulu Rail Transit. The nearest public transit facilities include a bus stop 0.5 miles north of the Project area and rail transit station 2.5 miles northwest of the Project area. Implementation of the Project is not expected to affect these facilities or transit services directly or indirectly.

Bicycle and Pedestrian Facilities

As there are currently no pedestrian facilities in the vicinity of the Project area, no Project-related impacts would occur. Bicycle facilities planned in the vicinity of the Project area would not be affected by access on Coral Sea Road.

Airports

As required by FAA, land uses adjacent to or in the immediate vicinity of an airport must be compatible with normal airport operations, including land and takeoff of aircraft (FAA Order 5190.6B). The State of Hawai'i Office of Planning issued a Technical Assistance Memorandum (TAM-2016-1) to provide guidance for development and activities that may pose hazards including wildlife attraction hazards, glint and glare hazards, or aerial obstruction hazards. This guidance identifies specific concerns related to the potential hazards posed by solar photovoltaic facilities to flight paths, including:

- Physical penetrations of navigable airspace from power towers that extend into imaginary surfaces, terminal instrument procedures surfaces, or the path of radio emitting navigational aids;
- Potential glare and glint caused by parabolic troughs and heliostats, which may cause temporary loss of vision to pilots on arrival or departure, or to Air Traffic Control personnel in the control tower;
- Electromagnetic interference with airport radar systems that may pick up a false signal from the metal components of the mirrors with impacts that can vary based on solar tracking activity; and
- Thermal plumes emitted by the power tower that produce unexpected upward moving air columns into navigable air space.

The Project would not include parabolic troughs, heliostats, mirrors or tall structures that would impede imaginary surfaces. Therefore, none of the identified concerns would occur as a result of the Project. However, the Project will follow TAM-2016-1 recommendations for filing Form 7460-1 with the FAA pursuant to CFR Title 14 Part 77.9 if the Project is within 3 nautical miles of an airport or has a footprint approaching 1 acre. On August 17, 2021, the Applicant received no hazard determinations from the FAA for each of the solar arrays and for the substation. See Determination of No Hazard to Air Navigation forms in Appendix G.

Glare

The FAA has determined that "glint and glare from solar energy systems could result in an ocular impact to pilots and/or air traffic control (ATC) facilities and compromise the safety of the air transportation system" (78 FR 63276). FAA recommends glare analyses be performed for solar facilities on a site-specific basis using SGHAT as the standard for measuring potential ocular impact as a result of solar facilities (78 FR 63276;). The FAA has developed criteria for analysis of solar energy projects located on jurisdictional airports as follows: (1) no potential for glint or glare in the existing or planned ATCT cab; and (2) no potential for glare or "low potential for after-image" along the final approach path. This

guidance specifically applies to solar facilities located on federally-obligated airport property, and is not mandatory for proposed solar installations that are not within an airport. Consultation with FAA via Form 7460 is considered an industry best practice for solar facilities near airports.

The FAA Notice Criteria Tool (NCT) reports whether a proposed structure is in proximity to a jurisdictional air navigation facility and whether a formal submission to the FAA Obstruction Evaluation Group under CFR Title 14 Part 77.9 (Safe, Efficient Use, and Preservation of the Navigable Airspace) is recommended. The NCT also identifies approach flight paths that may be considered vulnerable to impacts to navigational signal reception from a proposed structure. The FAA NCT was utilized to determine that the Project is located within an FAA-identified impact area based on the Project boundaries and height above ground surface. The FAA NCT Report referenced Kalaeloa Airport and Daniel K. Inouye International Airport (Honolulu International). Based on this information, these airport facilities were included in the SGHAT analysis conducted for the Project (see Section 3.8.2.1).

The SGHAT analysis included six 2-mile final approach flight paths and one ATCT associated with Kalaeloa Airport, which is approximately 0.1 miles to the southwest of the Project, and eight 2-mile final approach flight paths and one ATCT associated with Daniel K Inouye International Airport, which is approximately 5 miles to the east of the Project. The analysis was conducted under two scenarios for the tracking specifications of the arrays: one with no backtracking and one with backtracking at 5 degrees.

No glare was predicted for the observation points or for Daniel K. Inouye International Airport. Limited amounts of green glare are predicted at Kalaeloa Airport Runways 22L and 22R. However, the potential occurrence of glare is extremely limited to less than 7.2% of the annual daylight hours (Appendix G Glare Analysis Report). Therefore, the Project was expected to meet the FAA criteria and this was confirmed by the FAA in the issuance of Determination of No Hazard to Air Navigation forms for each solar array (see Appendix G).

Radio Frequency Interference

Solar photovoltaic systems may emit radio frequency interference to aviation-dedicated radio signals, which can disrupt the reliability of air-to-ground communications. The Federal Communications Commission (FCC) regulates radio frequency (RF) devices contained in electronic-electrical products that are capable of emitting radio frequency energy. These products can cause interference to radio services operating within 9 kHz to 3000 GHz RF range.

Nearly all electronic-electrical devices are capable of emitting radio frequency energy. Most, of these products must be tested to demonstrate compliance to the FCC rules for each type of electrical function by the device. Typically, devices that are designed to contain circuitry that operates in the RF spectrum need to demonstrate compliance using the applicable FCC equipment authorization procedure. Compliance is demonstrated by means of a Supplier's Declaration of Conformity or Certification, as specified in the FCC rules for each type of device. An RF device must be approved using the appropriate equipment authorization procedure before it can be imported, marketed, or used in the United States.

Regulatory responsibility for radio spectrum allocation is divided between the FCC (for non-Government uses) and the National Telecommunications and Information Administration (for use by Government agencies). As of 2021, only frequency bands between (1) 9 kHz and 275 GHz and (2) 2200–2290 have been allocated for restricted use by terrestrial or space radiocommunication services. FCC's Table of Frequency Allocations, which is a compilation of allocations, is codified at Section 2.106 of the Commission's Rules.

All RF devices associated with the Project would comply with FCC regulations. Project RF devices would operate only within designated frequency bands. No interference with aviation communication frequency is expected due to use of Project RF devices. In the extremely unlikely event of an unexpected radio frequency interference situation and notification by either FAA or HDOT Airports Division, the Project's wireless communication system would be disabled and investigated to ensure it does not create a hazardous condition.

3.13 Natural Hazards

3.13.1 Affected Environment

Natural hazards that can affect O'ahu include flooding, tsunami inundation, and wildfire. Flood hazard areas are identified by the Federal Emergency Management Agency (FEMA) National Flood Insurance Program and are mapped on the Flood Insurance Rate Maps (FIRM). The maps classify land into zones according to the potential for flood inundation. The FIRM flood zone classification for the proposed Project site was obtained from the Hawai'i National Flood Insurance Program (NFIP) Flood Hazard Assessment Tool (DLNR 2021b). Based on NFIP information, the Project area and vicinity is located entirely within an area that has been designated as Flood Zone D, where analysis of flood hazards has not been conducted and flood hazards are undetermined (Figure 3-13). No portion of the Project area is within a special flood hazard zone.

Tsunami evacuation maps prepared by the City and County of Honolulu, Hawai'i Emergency Management Agency identify the hazard risk associated with tsunami inundation throughout Hawai'i (DEM 2015). These maps define both the tsunami and extreme tsunami evacuation zones. Tsunami evacuation zones are based on tsunami events that have impacted Hawai'i during the past 100 years. Extreme tsunami evacuation zones are planned for a tsunami that may exceed the historic distant events. As shown on Figure 3-14, the Project area is outside the tsunami evacuation zone (which ends at Tripoli Street). Solar Areas 2 and 3 are located within the Extreme Tsunami Evacuation Zone while Area 1 is located within the Safe Zone.

Wildfires occur throughout Hawai'i and have been on the rise in recent years due to increased ignition events. Human activity is the primary cause of wildfires, but they may also be caused by natural events such as lightning strikes. Effects of wildfires include damage to people, property, and the environment. Hawai'i's native ecosystems are not adaptive to wildfire, which can result in extinction of native species and increased coverage of nonnative or invasive species. Other environmental effects include soil erosion, increased runoff and decreased water quality (Pacific Fire Exchange 2014).

3.13.2 Potential Impacts and Mitigation Measures

The Project would not affect geologic or natural processes and would not result in an increased risk of natural hazards in the Project vicinity. As the Project area is not located within a flood hazard zone or a tsunami evacuation zone, it is extremely unlikely that conditions associated with flood or tsunami inundation would occur within the site, nor would the Project contribute to increased risk of flooding or inundation. The Project is in an extreme tsunami evacuation zone, but extreme tsunamis are rare, and the Project is likely to not be affected.

The Project would incorporate fire prevention and suppression measures designed in accordance with the National Fire Protection Association (NFPA) and NEC requirements for fire prevention. Fire prevention mitigation measures to be employed at the Project area include installation of fire breaks and vegetation management in the Project area. Consultations with the Honolulu Fire Department regarding the Project's approach for fire code compliance has occurred as evidenced by the cover letter to the Project's Vegetation Management Plan in Appendix B. As described in Appendix B, operations staff would manage vegetation growth on a regular schedule.

Electrical wiring would be elevated or enclosed to prevent interaction between circuits and flammable materials, and battery systems would be fully contained. Each PCS unit will include and incorporate multiple layers of protection to avoid failures and risks of fire. Battery containers would be equipped with fire mitigation equipment, including temperature, smoke, and fire sensors, alarms, as well as a fire suppression system. Alarms and sensors would alert staff and emergency personnel in the event of a system issue. Consultation with the Honolulu Fire Department would be continued as part of the Project planning and design process. Barbers Point Solar, LLC will develop an emergency response plan with the appropriate agencies, including Honolulu Fire Department. The emergency response plan will establish protocols for minimizing risk of fire ignition and providing fire response (should it be needed) during construction and/or operations and maintenance. In the event of an emergency, local fire and police stations will be notified immediately.

With implementation of the mitigation measures in this section, Project impacts associated with natural hazards are considered to be less than significant.

3.14 Public Facilities and Service

3.14.1 Police, Medical, and Fire Protection Services

Affected Environment

Police and fire services on O'ahu are provided by the City and County of Honolulu. The Project area obtains police protection from the Honolulu Police Department, District 8 Kapolei Station, located about 2.5 miles from the Project solar array area. Fire control services would be provided by the Honolulu Fire Department, Fire Station 43 East Kapolei or Fire Station 24 Ewa Beach, located about 1 mile and 2 miles, respectively, from the Project solar array area.

The primary health service provider in the vicinity of the Project area is Queen's Medical Center-West O'ahu, approximately 4 miles northeast of the Project solar array area. Emergency services are provided at this facility. Other medical health centers and clinics in the vicinity of the Project area include Kapolei Health Care Center and Kaiser Permanente Kapolei Clinic in Kapolei. Honolulu Emergency Medical Services has 20 advanced life support ambulances, one of which is stationed in the East Kapolei Fire Station.

Potential Impacts and Mitigation Measures

The Project could result in short-term impacts to public safety services during construction, as the transport of equipment and materials to and from the site, the increased activity at the site and on surrounding roads, and the increased presence and activity of site personnel would increase the potential for traffic accidents, injuries, and fires, which would require police, medical, and/or fire protection services. However, these short-term impacts are expected to be minor with the implementation of BMPs.

The long-term operation of the solar Project would not be expected to significantly impact the current service levels. Consistent with requirements articulated by the Honolulu Fire Department, the existing access road as well as service roads within the Project site would be able to accommodate fire apparatus; it is anticipated that the Project does not need to provide water supply for fire flow as no occupied buildings would be constructed within the Project site. Furthermore, as discussed in Section 3.13, the Project would incorporate multiple layers of fire prevention and suppression measures. It is being designed in accordance with the National Fire Protection Association (NFPA) 1 and NEC requirements for fire prevention for large-scale solar, including installation of fire breaks throughout the Project area. The Honolulu Fire Department was initially consulted as part of the pre-assessment scoping process (see Appendix B and Appendix K) and consultation will continue during the design of the Project, with on-site training and orientation prior to commercial operation. Additionally, maintenance (e.g., servicing, inspection and repair) of mechanical and electrical systems will be conducted on a routine basis to decrease the risk of an emergency, including fire.

The Project is also not expected to create additional demand for police or emergency medical services. During operations, the facilities would be adequately secured and are not expected to require additional security on a regular basis. With the implementation of these measures and observance of safe working practices during operations, impacts to public safety services from operation of the Project would be negligible.

3.14.2 Educational Facilities

Affected Environment

The nearest school to the Project area is Kapolei Middle School, which is approximately 0.9 miles to the northwest of the solar array areas. Several other schools occur within a larger radius, primarily to the

north and east of the Project area; these include Kapolei Elementary School, Kapolei High School, Ho'okele Elementary School, Barbers Point Elementary School, 'Ewa Makai Middle School, 'Ewa Beach Elementary School, 'Ilima Intermediate School, among others.

Potential Impacts and Mitigation Measures

Some short-term indirect impacts to educational facilities in the vicinity of the Project site may occur due to Project-related traffic during construction; however, this impact would be temporary and minor. See Section 3.12 for discussion of mitigation measures for minimizing traffic impacts from construction. The Project would not directly impact the existing educational facilities, nor would it increase the need for educational facilities, therefore, no mitigation is proposed.

3.14.3 Recreational Facilities

Affected Environment

There are no existing recreational areas within the Project area. The Project area is located west of a private horse stables, the Barbers Point Golf Course, the Hoakalei Country Club and is north of the Kalaeloa Beach Park and White Plains Beach. Recreational activities in the vicinity of the Project include swimming, surfing, fishing, boating, fishing, golfing, horseback riding, running and walking. The Kalaeloa Master Plan identifies Coral Sea Road as a potential bicycle trail that would connect the coastline to Roosevelt Avenue and Kapolei Parkway.

Potential Impacts and Mitigation Measures

Some short-term indirect impacts to recreational resources in the vicinity of the Project site may occur due to Project-related traffic during construction; however, this impact would be temporary and minor. Construction of the Project would also create noise that may affect nearby recreational facilities including the private horse stables located on TMK 9-1-013:164, Barbers Point Golf Course, Hoakalei Country Club, Kalaeloa Beach Park, and White Plains Beach. Construction noise, however, would be temporary, intermittent, and would likely have a minor to negligible effect on these recreational resources.

The Project will coordinate with HCDA regarding conformance with the Kalaeloa Master Plan guidelines, as applicable, for any Project improvements along Coral Sea Road, including considerations for a potential future bicycle trail. No Project infrastructure would be placed within any existing recreation resource area. No long-term direct or indirect impacts to recreational resources are anticipated from construction or operations of the proposed Project, therefore, no mitigation is proposed.

3.15 Utility Infrastructure

3.15.1 Affected Environment

The affected environment of utility infrastructure includes services such as electric, gas, telephone, sanitary sewer, domestic water, stormwater, and solid waste management.

Electricity and Telecommunications

TMK 9-1-013:038 is currently undeveloped and no existing electrical or telecommunication utility connections are located on the parcel. TMK 9-1-013:040 is generally undeveloped with the exception of the two sub-lease areas associated with DHHL's current tenants. No existing electrical or telecommunication utility connections are located on the parcel outside of these subleased areas. An existing 46-kV sub-transmission line jointly owned by the U.S. Coast Guard and Aloha Solar is located near the Project area along Coral Sea Road.

Water and Wastewater

No water nor wastewater systems currently service the Project area. The existing water and wastewater systems in the KCDD is owned by the U.S. Navy. The water distribution system is currently operated by the U.S. Navy but is in a relatively poor state. New development will require installation of new water infrastructure that meets current City and County of Honolulu Bureau of Water Services standards (HCDA 2006). The existing wastewater system is operated, under license, by the City and County of Honolulu Department of Environmental Services. An existing 18-inch sewer force main along the western edge of Coral Sea Road conveys wastewater from Kalaeloa Airport to the City treatment plant two (2) miles northeast of the Project (Department of Navy 1999b). The existing wastewater system is not intended to serve development in the general area.

Stormwater Drainage

Stormwater runoff within Kalaeloa is discharged into an extensive system of more than 250 drywells, most of which are located in the downtown area of Kalaeloa (HCDA 2006). These drywells, though permitted through the State DOH, do not currently conform to City standards (HCDA 2006). There are no permitted discharges to surface waters within Kalaeloa. Runoff is also allowed to pond in various locations, where it eventually infiltrates into the coral underlayer (HCDA 2006). No stormwater drainage facilities or dry wells are located within or adjacent to the Project area.

Solid Waste

Solid waste on O'ahu is handled at one of two landfills – Waimanalo Gulch Sanitary Landfill, which is managed by the City and County of Honolulu Department of Environmental Services, and the PVT Landfill, which is privately owned. The Waimanalo Sanitary Landfill is the island's only municipal solid

waste landfill. The PVT Landfill is designated exclusively for construction and demolition waste (City and County of Honolulu 2021).

3.15.2 Potential Impacts and Mitigation Measures

Electricity and Telecommunications

As described in Section 2.1.4, the Project would interconnect with the existing Hawaiian Electric grid via an approximately 1.2-mile generation-tie line (combination of overhead and underground) extending from the Project's collector substation to a new interconnection point into the existing Hawaiian Electric 46 kV overhead transmission line located near the intersection of Roosevelt Avenue and Coral Sea Road. Once operational, the Project would provide up to 15 MW of solar energy and 60 MWh of battery storage, which is enough electricity for approximately 6,200 O'ahu homes (Hawaiian Electric 2020c). The Project battery storage would improve electric grid stability by enabling solar energy to be dispatched as needed. Overall, the Project would provide a benefit by directly contributing to the state's renewable energy goals, fulfilling approximately 0.56 percent of Hawaiian Electric's RPS, and 0.43 percent to Hawaiian Electric's consolidated RPS over the PPA term (Hawaiian Electric 2020c).

The Project would require telecommunication circuits (via fiber optic cable in the overhead generation tie line) to connect the Project with the existing Hawaiian Electric grid. Communications circuits would include primary and back-up lines for SCADA, primary and back-up lines for protective relaying and direct transfer trip (if applicable), primary and back-up lines for fault recording and power quality metering and an analog telephone line for metering. Coordination with Hawaiian Electric and Hawaiian Telecommunications will continue through design and construction.

Water and Wastewater

Water would be required during Project construction and operation for dust control and temporary landscape irrigation. Total water consumption for both construction and operation of the Project would be minimal. Water trucks would provide water to the Project site and water would be purchased from the Board of Water Supply or other supplier. No connection to the domestic water system is expected to be required.

The Project facilities would not generate any sanitary wastewater, as operation of the facilities would not require full-time, on-site staff. No sanitary wastewater system would be installed. Instead, portable sanitation units would be used on-site during construction, and as needed. Therefore, the Project is not expected to affect either the domestic water system or the municipal wastewater system.

Stormwater Drainage

No stormwater drainage facilities are located within or adjacent to the Project area. As discussed in Section 3.3.2, the Project would result in the addition of minimal amounts of impervious surfaces. However, the Project area vicinity contains sufficient permeable ground surface to allow for natural

infiltration. The Project would incorporate stormwater retention features to temporarily capture and treat stormwater in areas with increased impervious surfaces associated with the Project infrastructure to increase groundwater infiltration within the Project area. The Project would incorporate multiple stormwater BMPs both during construction and throughout operation. As the Project would not contribute stormwater flows to the stormwater drainage system and would minimize the potential for increased discharge of sediment or other pollutants through BMPs, significant impacts to the stormwater drainage system are not anticipated. Accordingly, it is expected that the Project would be in compliance with the City and County of Honolulu's Rules Relating to Water Quality and Storm Drain Standards. No significant impacts to stormwater drainage facilities are anticipated.

Solid Waste

Project construction would not generate a significant amount of solid waste. During construction, all waste would be temporarily stored on-site and periodically transported and properly disposed of in a permitted landfill. Materials would be recycled to the greatest extent possible.

Little to no waste would be generated during Project operations. Waste generated during operations would be handled in accordance with applicable regulations including HAR §11-273, and disposed of at authorized landfills, such as the PVT landfill.

At the end of its useful lifetime, the Project would be decommissioned. Prior to decommissioning Barbers Point Solar LLC will assess the remaining useful life in order to determine the viability of the equipment being reused or repurposed near the Project location. Decommissioning would involve removal of Project equipment from the Project site. As described in Section 2.4, decommissioning would be conducted according to industry standards. All equipment and materials would be managed according to the highest and best use. Reuse and recycling of equipment and materials will be prioritized over disposal to retain the most recycled value from the core materials. Recycling programs, especially for PV and battery energy storage system (BESS)-related equipment, are advancing every year as it is an area of great focus in the solar industry. As Hawai'i does not currently have a facility for recycling or processing PV panels and BESS, nor is one of a suitable capacity anticipated to be in place during the operating term of the Project, all equipment, batteries, and chemicals will be shipped, likely to the mainland, for recycling or disposal in accordance with applicable federal and state laws. Remaining materials would be disposed of at authorized landfills on O'ahu, in accordance with applicable laws including HAR §11-273. Only a small portion of the Project components would be disposed of as solid waste; therefore, Project impacts related to solid waste disposal are expected to be less than significant.

3.16 Economic Resources

3.16.1 Affected Environment

The Project area is located on undeveloped land within the 'Ewa region of O'ahu and is surrounded by urban, residential, and recreational development to the north and east and the Kalaeloa Airport and

James Campbell Industrial Park to the west. The closest communities to the Project site include Kapolei, 'Ewa Villages, Ocean Pointe, Kalaeloa, and 'Ewa Beach. Employment in the region is largely industrial, commercial and retail.

According to the 2019 American Community Survey, the resident population of people in 2019 in Kapolei numbered 21,674, 'Ewa Villages numbered 6,585, Ocean Pointe Beach numbered 14,989, Kalaeloa numbered 6, and 'Ewa Beach numbered 14,479. Combined, this is approximately 5.9 percent of the total population of the City and County of Honolulu, which was estimated at 984,821 in 2019 (U.S. Census Bureau 2021).

Most of the approximately 163-acres Project area is currently unused by DHHL, with 9 acres leased to tenants for commercial and agricultural purposes (DHHL 2019). All DHHL lands in Kalaeloa, including the DHHL lands in the Project area, are designated "Industrial" in the O'ahu Island Plan (DHHL 2014) and are not intended for residential homestead use due to the lack of infrastructure and abundance of other DHHL land in Kapolei for residential development. Rather these lands are intended for revenue generation (DHHL 2010).

3.16.2 Potential Impacts and Mitigation Measures

Short-term impacts to socio-economics would result from the conversion of the approximately 9 acres of land leased on TMK 9-1-013:040 for commercial and agricultural purposes, to a solar energy facility use. Barbers Point Solar, LLC is working in collaboration with DHHL and the existing tenants occupying approximately 9 acres on TMK 9-1-013:040 to explore alternative unencumbered areas within the Project parcels (e.g., revetment area) and/or off site locations to minimize impacts to the existing tenants so as to allow for safe construction or operation of the solar project. Therefore, any impacts to existing industry would be negligible.

The Project will have positive direct and indirect economic impacts for DHHL, the City and County of Honolulu, and the State of Hawai'i. The Project will employ Hawaii-based workers during construction, as well as provide secondary (induced ¹⁹) benefits elsewhere in the regional economy. During construction, an estimated average of 70 people will be employed for the Project, with an estimated maximum of 140 employees. Most construction workers will be employees of construction and equipment manufacturing companies under contract with Barbers Point Solar, LLC. The construction workers will comprise of a majority of locally-hired workers, including a limited number of specialized workers as required for specific construction tasks (for example, construction management). Barbers Point Solar, LLC will primarily solicit experienced Hawai'i-based contractors with the intention of recruiting a proportionally high local workforce. During operations, the Project will hire local contractors to assist with operations and maintenance activities such as vegetation management and equipment inspection or repair.

¹⁹ Induced economic benefits are generated by household spending (e.g., use of worker incomes to purchase groceries and other household goods and services).

It is estimated that the renewable energy supplied by the Project will potentially save Hawaiian Electric, and therefore customers, millions of dollars in total avoided fuel costs over the term of the PPA. The Project will also put downward pressure on electricity rates and, as a locally produced energy source, will help Hawai'i to avoid the negative economic effects of volatile oil prices.

The mission of DHHL is to effectively manage the Hawaiian Home Lands Trust and to develop and deliver lands to native Hawaiians. The DHHL has identified lands not suitable for homestead leasing, that can be leased for renewable energy projects with the objective of generating revenue from these lands and providing benefits for the impacted communities (DHHL 2018). The Project site was identified in DHHL's 2014 Island Plan as having desirable conditions for solar energy generation (DHHL 2014). DHHL may use revenues developed from industrial leasing of these available lands in east Kalaeloa to develop new homesteads in suitable residential areas throughout the state.

The Kalaeloa Master Plan identifies the land in the Project area and the relatively arid climate and proximity to ocean as offering the potential for alternative energy development including solar, aimed at reducing Hawai'i's dependence on fossil fuels (HCDA 2006). The City and County of Honolulu General Plan (City and County of Honolulu 2002) includes development polices to support the development of new, economical, and environmentally sound energy supplies using renewable resources, including solar energy. The Project supports HCDA's and City and County of Honolulu's economic goals and policies.

Indeed, the Project's economic contribution through job creation, tax payments, and other secondary benefits are increasingly important to the State of Hawai'i considering the current COVID-19 pandemic and associated economic downturn. The Public Utility Commission provided a statement on March 24, 2020 stating that "clean energy development can accelerate Hawai'i's recovery from [the COVID-19] crisis" (PUC 2020).

Overall, Project construction and operation will have a positive economic impact on the City and County of Honolulu and the State of Hawai'i, and no adverse economic effect is anticipated as a result of the Project's construction, operations and maintenance, or decommissioning.

3.17 Indirect and Secondary Impacts

Indirect and secondary impacts are defined in HAR §11-200.1-2 as those which are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Potential indirect effects of the Project are generally described throughout Section 3. The environmental resources that could be indirectly impacted by implementation of the Project include (1) water resources as a result of erosion and sedimentation, (2) air quality as a result of temporary construction activities, (3) noise as a result of temporary construction activities, and (4) traffic as a result of temporary construction activities. However, with implementation of BMPs (as described in the respective sections), these indirect impacts are all expected to be less than significant.

The Project will employ workers from Hawai'i during construction, as well as provide secondary (induced) benefits elsewhere in the regional economy. While the construction and operation expenditures associated with the Project would provide a direct economic benefit, employees are expected to be existing Hawaiian residents and nor result in population growth in the 'Ewa District; therefore, the Project would not result in adverse secondary impact.

3.18 Cumulative Impacts

The ongoing and reasonably foreseeable actions considered in the cumulative impacts analysis are those that would overlap in time and space with the effects of construction and/or operation of the Project. The 'Ewa Development Plan (City and County of Honolulu 2020) describes actions related to the development of a second urban center for O'ahu in the Kapolei area that includes: the City of Kapolei becoming a nucleus; development of new residential areas; job centers created in resort areas and industrial areas nearby; and promotion of tourism at Ko Olina and Ocean Pointe. Additionally, the Kapolei Regional Plan notes that Kapolei is the "fastest growing region in the State of Hawai'i (DHHL 2010) and the Kalaeloa Master Plan describes actions related to the development of the KCDD, such as residential and commercial development, improvements to the road network, and development of bicycle trails and a mass transit corridor (HCDA 2006).

Specific past, present and foreseeable future actions in the Project Area include Kalaeloa Barbers Point Harbor Fuel Pier & Harbor Improvements; Kalaeloa Barbers Point Harbor dredging; Kapolei Harborside Industrial Park; Kapolei Business Park; Kapolei West; Ko Olina, Makaiwa Hills; Kalaeloa Harbor Access Road; Kapolei Interchange Complex; Kapolei Parkway Improvements; Kalaeloa Boulevard Improvements; Honolulu Rail Transit project- East Kapolei Station; the Western Kapolei Regional Drainage; the Hawaiki Submarine Fiber Optic cable; the Kalaeloa Renewable Energy Park solar facility; the Aloha Solar project; and the University of Hawai'i West O'ahu Campus.

The resources and issues that have been evaluated for potential cumulative impacts in this section include: air quality; biology; climate; noise; roadways and traffic; socioeconomics; aesthetic/visual resources; hazardous materials and solid waste; water quality; public safety; and recreation. The resource and issues that are considered to not create impacts outside the Project footprint are not discussed further in this section and include: land uses; topography and geology; soils; and natural hazards. In all resource areas evaluated, minor cumulative impacts are anticipated to result from construction and operations of the proposed Project.

Air pollutant and GHG emissions may increase in the Kapolei region due to higher vehicle traffic, construction equipment and addition of homes and tourist developments. The increases in emissions may be ameliorated by improved operational efficiencies, equipment, and technology; use of cleaner-burning fuels; adherence to pollution control rules and regulations. While the Project would increase emissions associated with air quality and GHG impacts during construction, these impacts would be temporary and localized and would not substantially affect regional or global greenhouse gas levels. During operation, the Project would have a beneficial effect on climate change and air quality by

reducing the use of fossil fuels and GHG emissions, as such would not contribute negatively to cumulative impacts on climate and air quality.

Noise due to non-Project traffic in the Kapolei region may increase in the future. As construction noise would be temporary in nature, and with implementation of the measures listed in Section 3.10.2, no long-term or otherwise significant noise impacts are anticipated as a result of Project construction. During operation, the Project would not create significant noise impacts. The Project will not contribute significantly to cumulative noise impacts in the Project Area.

Traffic volumes in the Kapolei region will likely increase over time due to population, recreational, and business growth in the area. The Project will not increase traffic beyond a temporary increase during construction and will not contribute significantly to cumulative impacts to roadways and traffic.

Solid waste from development and construction sites on the island of O'ahu including in the Kapolei region will place additional demands on construction debris disposal facilities on the Island. Construction waste from the Project will contribute to demand on solid waste management temporarily, but is not expected to contribute significantly to cumulative impacts.

The visual and aesthetic character of the Kapolei region has been rapidly changing from sugarcane fields, as late as the mid-1990s, to urban and industrial development. The proposed Project will change the visual character of the Project Area from largely undeveloped land to fields supporting solar arrays, but as the Project is largely screened by existing vegetation, the visual impact will be minor, the Project's contribution to cumulative impact on visual resources will be minor.

Hazardous material impacts in the Kapolei region may increase with continued growth in the region. Given strict adherence to rules and regulations, hazardous materials handling rules, BMPs, and a Spill Prevention, Containment, and Countermeasure Plan, the Project's contribution to cumulative impacts will be minor.

Water quality may be affected by the continued development of the Kapolei region as there will be an increase in impervious surfaces, reduced infiltration through the soils, in combination with potentially increasing storm water runoff and introducing sediment and other pollutants to the nearshore environment. The Project will implement BMPs to control, treat, or reduce runoff before entering nearby surface waters and the ocean as such the Project's contribution to cumulative impacts will be minor.

The cumulative demands on public safety services of developments in the Kapolei region over time will generate the need for additional police, fire and medical services. However, increases in public services and related facilities have been and continue to be planned for in accordance with these developments. As the Project is not expected to have any long-term impacts on public services, it will not contribute to the cumulative impact created by other projects in the region.

Demand on recreational facilities in the Kapolei region will likely increase due the future development of resort and residential communities. The Project will not eliminate any recreational facilities or affect demand for or access to recreational facilities and as such will not contribute to cumulative impact.

Socio-economics in the Kapolei region have and will continue to change due to past, present and future actions, specifically planned residential, tourism, commercial development and population growth. The project will not adversely impact socio-economic components, instead will create benefits through temporary employment opportunities during construction and long-term through reduction of electricity rates and provision of revenue to DHHL for DHHL projects.

Terrestrial and marine biological resources, including vegetation, birds, invertebrates, mammals, and their habitats, coral reef resources, and sea turtles are continuously being negatively impacted by anthropogenic and natural activities throughout the Hawaiian Islands. The growth and development in the Kapolei region will contribute to impacts to sensitive biological resources through such factors as decreases in quality of habitat, increases in noise, and direct injury. However, impacts from any given project are not easily measurable, and many impacts are likely minor. The Project's contribution to the cumulative impacts to biological resources in the area is anticipated to be minor, especially considering the Project's commitment to implement avoidance and minimization measures outlined in Section 3.4.2.

4.0 ALTERNATIVES TO THE PROPOSED PROJECT

This section discusses alternatives to the proposed Project described in Section 2. The range of alternatives addressed include the following: (1) No Action Alternative, (2) use of alternative technologies, (3) alternative Project locations, and (4) alternative Project size. Each of these alternatives were eliminated from further consideration; a summary of the rationale for dismissing each alternative is provided in the discussion below.

4.1 No Action Alternative

The No Action Alternative is the baseline against which other alternatives are measures. This alternative represents the probable future site conditions that would likely result should the Project not proceed.

Under the No Action alternative, the proposed solar photovoltaic and battery energy storage system would not be constructed at the DHHL property. As it is unknown if DHHL would pursue other potential uses at this site in the future, it is assumed that the site would remain predominately vacant and overgrown by vegetation, with a small amount of acreage leased for commercial and agricultural purposes.

In the absence of constructing the solar photovoltaic and battery energy storage facility, the No Action alternative would not result in the production of clean, renewable energy for the island of Oʻahu, and thus would not support the goals of the HCEI nor contribute to the state's RPS. The other benefits of the Project, including reducing greenhouse gases and other pollutants, minimizing long-term volatility in energy prices, increasing stability of the electric grid, and providing a revenue stream for DHHL to develop new homesteads in suitable residential areas throughout the state, would not be realized. As such, the No Action alternative would not achieve the Project's purpose and need and would not be consistent with the state's renewable energy policies and goals.

4.2 Alternative Location

As described in Section 1.1, Hawaiian Electric issued an RFP in 2019, which established a competitive bidding process for projects to provide grid-scale renewable generation to their electrical system. Barbers Point Solar, LLC proposed the development of a 15 MW solar photovoltaic and 60 MW-hour battery energy storage system on DHHL land located in east Kalaeloa. The proposal was one of the six O'ahu based projects selected by Hawaiian Electric.

The Project site was identified in DHHL's 2014 Island Plan as having desirable conditions for solar energy generation and as intended for revenue generation as the land was considered not suitable for residential development. DHHL will use revenues developed from industrial leasing of the available lands in east Kalaeloa to develop new homesteads in suitable residential areas throughout the state. At this time, there are no other alternative site option within the Kalaeloa district that would provide the opportunity to create a public-private partnership between Barbers Point Solar, LLC and DHHL as the landowner.

4.3 Alternative Technology

Concentrated solar power (CSP) is an alternative technology to PV. CSPs generate power by using mirrors to concentrate, or focus, the sun's light energy and convert it into heat to create steam to drive a turbine that generates electrical power. There are various CSP systems including parabolic troughs, reflectors, solar dishes, or a solar power tower. The CSP technology is not a viable option economically because the cost of building PV facilities is much less than that of CSP facilities as the price of PV modules continues to decrease.

Wind-based power generation uses airflows to run wind turbines and drive electrical generators. As the wind speed rises, power output increases up to the maximum capacity of the turbine. Wind turbines range in height, with typical multi megawatt turbines have tubular steel towers with a height of 70 meters to 120 meters, well above Kalaeloa airport height restrictions, making wind generated energy infeasible in this location.

Geothermal energy (heat from the earth) taps the volcanically-heated water and steam that occurs naturally in certain areas in Hawaii, particularly the younger islands of Maui and Hawai'i where volcanic activity has been most recent. Three things are needed to produce geothermal energy: heat; a working fluid such as water or steam; and permeable rocks which allow the working fluid to move within the geothermal reservoir, picking up heat which can be brought to the surface through a geothermal well. The Kilauea East Rift Zone, thus far the only region developed for geothermal energy in Hawaii, has all three of these attributes. Sufficient geothermal energy resources have yet to be found near O'ahu, and it is not currently a feasible alternative for renewable energy development (Hawai'i State Energy Office 2021a).

Ocean energy created by ocean thermal energy conversion or marine hydrokinetics are still in the developmental stages and not currently a feasible alternative for renewable energy development (Hawai'i State Energy Office 2021b).

4.4 Delayed Implementation

As part of the RFP process, Hawaiian Electric required that all selected renewable energy projects for the island of O'ahu commence commercial operation by 2025. Furthermore, the Project's PPA with Hawaiian Electric requires Barbers Point Solar, LLC to establish a commercial operation date no later than December 2023. As such, Barbers Point Solar, LLC is not considering a delayed development schedule for the project.

5.0 CONSISTENCY WITH APPLICABLE PLANS, POLICIES AND RULES

5.1 Hawai'i State Planning Act, Chapter 226, HRS

The Hawai'i State Planning Act (HRS Chapter 226) establishes a set of goals, objectives, and policies that serve to guide the long-term growth and development of the State. The Project supports the state's stated goals under HRS § 226-4 which relate to achieving a strong economy, a desired physical environment, and individual and family physical, social, and economic wellbeing. In particular, the Project would serve to provide a clean source of renewable energy that reduces the state's use of fossil fuels, while providing economic benefits to Honolulu City & County and the state at-large.

There are three Parts to the Hawai'i State Planning Act:

- Part I. Overall Theme, Goals, Objectives and Policies (HRS § 226-1 through 27);
- Part II. Planning Coordination and Implementation (HRS § 226-51 through 65); and
- Part III. Priority Guidelines (HRS § 226-101 through 109).

Only Parts I and III have applicability to the Project as Part II concerns the state's administrative functions and implementation process. Table 5-1 and Table 5-2 provide an assessment of the Project's applicability to and consistency with Parts I and III of the Hawai'i State Planning Act (respectively). For a discussion of the applicable state functional plans, see Section 5.1.1.

5.1.1 Functional Plans

In addition to establishing goals, objectives, and policies for the State of Hawai'i, HRS § 226 also directs state agencies to prepare state functional plans for statewide priority issues. A total of 13 functional plans have been developed related to: agriculture, conservation lands, education, employment, energy, health, higher education, historic preservation, housing, human services, recreation, tourism and transportation. The plan most relevant to the Project is the energy functional plan; a brief discussion of the Project's consistency with this plan follows.

Table 5-1. Project Consistency with the Objectives and Policies of the Hawai'i State Planning Act

Objectives	Assessment of Consistency with Objectives and Policies
226-5. Population: It shall be the objective in planning for the State's population to guide population growth to be consistent with the achievement of physical, economic, and social	Although the Project is not anticipated to affect population growth, it would be consistent with HRS § 226-5, particularly with the following policies:
objectives contained in this chapter.	(2) Encourage an increase in economic activities and employment opportunities on the neighbor islands consistent with community needs and desires.
	(3) Promote increased opportunities for Hawai'i's people to pursue their socio-economic aspirations throughout the islands.
	The Project will have positive direct and indirect economic impacts for the City and County of Honolulu and the State of Hawai'i through job creation, tax payments, and other secondary benefits. See Section 3.16.2 for a discussion of the Project's economic benefits.
226-6. Economy - In General: Planning for the State's economy in general shall be directed toward achievement of the following objectives:	The Project would be consistent with the stated objectives and policies of HRS § 226-6, particularly the following policies:
(1)Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawai'i's people, while at the same	(7) Expand existing markets and penetrate new markets for Hawai'i's products and services.
time stimulating the development and expansion of economic activities capitalizing on defense, dual-use, and science and technology assets, particularly on the neighbor islands	(12) Encourage innovative activities that may not be labor-intensive, but may otherwise contribute to the economy of Hawai'i.
re employment opportunities may be limited. steadily growing and diversified economic base that is not overly dependent on a few stries and includes the development and expansion of industries on the neighbor islands.	The Project would contribute to Hawai'i's growing renewable energy market and would provide employment opportunities for Hawai'i residents, particularly during construction. Although operations would not include many labor-intensive activities, the Project would positively contribute to Hawai'i's economy, by potentially saving Hawaiian Electric, and therefore customers, millions of dollars in total avoided fuel costs over the term of the PPA and through putting downward pressure on electricity rates and, as a locally produced energy source, will help Hawai'i to avoid the negative economic effects of volatile oil prices.
	See Section 3.16.2 for a discussion of how the Project will have positive direct and indirect economic impacts for the City and County of Honolulu and the State of Hawai'i.
 226-7. Economy – Agriculture: Planning for the State's economy with regard to agriculture shall be directed towards achievement of the following objectives: (1) Viability of Hawai'i's sugar and pineapple industries. (2) Growth and development of diversified agriculture throughout the State. (3) An agriculture industry that continues to constitute a dynamic and essential component of Hawai'i's strategic, economic, and social well-being. 	This objective is not applicable, as the Project would not have an effect on agriculture. Most of the approximately 163 acre Project area is currently unused by DHHL, with 9 acres leased to tenants for commercial and agricultural purposes. Barbers Point Solar, LLC is working in collaboration with DHHL and the existing tenants occupying approximately 9 acres on TMK 9-1-013:040 to explore alternative unencumbered areas within the Project parcels (e.g., revetment area) and/or off site locations to minimize impacts to the existing tenants so as to allow for safe construction or operation of the solar project. In addition, DHHL's long term plan for the two Project parcels is industrial use.
226-8. Economy – Visitor Industry: Planning for the State's economy with regard to the visitor industry shall be directed towards the achievement of the objective of a visitor industry that constitutes a major component of steady growth for Hawai'i's economy.	This objective is not applicable as the Project would not have any effect on the economy as it relates to the visitor industry.

- Objectives	Assessment of Consistency with Objectives and Policies
226-9. Economy – Federal Expenditures: Planning for the State's economy with regard to federal expenditures shall be directed towards achievement of the objective of a stable federal investment base as an integral component of Hawai'i's economy.	This objective is not applicable as the Project does not involve any federal expenditure.
226-10. Economy - Potential Growth and Innovative Activities: Planning for the State's economy with regard to potential growth and innovative activities shall be directed towards achievement of the objective of development and expansion of potential growth and innovative activities that serve to increase and diversify Hawai'i's economic base.	The Project would be consistent with the stated objective and policies of HRS § 226-10, particularly the following policies: (1) Facilitate investment and employment growth in economic activities that have the potential to expand and diversify Hawai'i's economy, including but not limited to diversified agriculture, aquaculture, renewable energy development, creative media, health care, and science and technology-based sectors. (8) Accelerate research and development of new energy-related industries based on wind, solar, ocean, underground resources, and solid waste. (9) Promote Hawai'i's geographic, environmental, social, and technological advantages to attract new or innovative economic activities into the State. The Project would contribute to and further diversify Hawai'i's economy through its contribution to Hawai'i's renewable energy market. See Section 3.16.2 for a discussion of how the Project will have positive direct and indirect economic impacts for the City and County of Honolulu and the State of Hawai'i.
226-10.5. Economy - Information Industry: Planning for the State's economy with regard to telecommunications and information technology shall be directed toward recognizing that broadband and wireless communication capability and infrastructure are foundations for an innovative economy and positioning Hawai'i as a leader in broadband and wireless communications and applications in the Pacific Region.	This objective is not applicable as the Project would not have any effect on the economy as it relates to telecommunication and information technology.
226-11. Physical Environment - Land-based, Shoreline, and Marine Resources: Planning for the State's physical environment with regard to land-based, shoreline, and marine resources shall be directed towards achievement of the following objectives: (1) Prudent use of Hawai'i's land-based, shoreline, and marine resources. (2) Effective protection of Hawai'i's unique and fragile environmental resources.	The Project would be consistent with the stated objectives and policies of HRS § 226-11, particularly the following policies: (1) Exercise an overall conservation ethic in the use of Hawai'i's natural resources. (3) Take into account the physical attributes of areas when planning and designing activities and facilities. (4) Manage natural resources and environs to encourage their beneficial and multiple use without generating costly or irreparable environmental damage. (5) Consider multiple uses in watershed areas, provided such uses do not detrimentally affect water quality and recharge functions. (8) Pursue compatible relationships among activities, facilities, and natural resources. The Project area is composed of highly disturbed land dominated by non-native plant and wildlife species. Previous military activities and current commercial and agricultural activities have reduced the number and abundance of native species and habitats suitable for native species. However, despite the dominance of non-native species, some native plant species and listed and native animal species are present. The Project has been designed to avoid sensitive biological resources to the extent practicable. BMPs will be

Objectives	Assessment of Consistency with Objectives and Policies
	implemented to minimize stormwater run-off and impacts to land-based, shoreline, and marine resources. See Section 3.4 for more information regarding the Project's protection of sensitive environmental resources.
226-12. Physical Environment - Scenic, Natural Beauty, and Historic Resources: Planning for the State's physical environment shall be directed towards achievement of the objective of enhancement of Hawai'i's scenic assets, natural beauty, and multicultural/historical resources.	The Project would be consistent with the stated objective and policies of HRS § 226-12, particularly the following policies: (1) Promote the preservation and restoration of significant natural and historic resources. (3) Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes, and other natural features. Barbers Point Solar, LLC has conducted an AIS (Appendix A) and CIA (Appendix E) and is coordinating with SHPD. Seventeen historic properties were identified within the Project area and included features used for habitation, agriculture, ceremonial, and recreational activities, as well as historic buildings and features used for a variety of military activities from World War II onwards. Using the information in the AIS, the Project will be carefully sited to avoid or minimize impacts to historic resources. See Section 3.5 for a discussion of archaeological and historic resources. A visual impact analysis of the Project shows that in many cases the Project will be partially or fully screened by existing vegetation. Where the Project is visible from certain viewpoints, the Project infrastructure would introduce new visual elements within the landscape but would not attract attention and would be a subordinate feature in the landscape setting. The Project would not block mauka-to-makai and makai-to-mauka view
226-13. Physical Environment - Land, Air, and Water Quality: Planning for the State's	planes, or significant vistas or landmarks in the 'Ewa Development Plan. See Section 3.8 for a discussion of visual impacts. The Project would be consistent with the stated objectives and policies of HRS § 226-13,
physical environment - Land, Air, and water Quality: Planning for the State's physical environment with regard to land, air, and water quality shall be directed towards achievement of the following objectives: (1) Maintenance and pursuit of improved quality in Hawai'i's land, air, and water resources. (2) Greater public awareness and appreciation of Hawai'i's environmental resources.	particularly the following policies: (2) Promote the proper management of Hawai'i's land and water resources. (3) Promote effective measures to achieve desired quality in Hawai'i's surface, ground, and coastal waters. (4) Encourage actions to maintain or improve aural and air quality levels to enhance the health and well-being of Hawai'i's people.
	BMPs would be implemented to avoid and minimize impacts to land, air, and water quality during Project construction and operation. Solar energy produced by the Project will replace a portion of electricity that is currently generated by burning fossil fuels, thus substantially reducing greenhouse gas emissions and other forms of pollution that are detrimental to the environment and human health. See Sections 3.1, 3.3, 3.7, and 3.9 for more information and discussion regarding the Project's potential impacts to climate, water, land, and air and how these impacts will be less than significant.

- Objectives	Assessment of Consistency with Objectives and Policies
226-14. Facility Systems – In General: Planning for the State's facility systems in general shall be directed towards achievement of the objective of water, transportation, waste disposal, and energy and telecommunication systems that support statewide social, economic, and physical objectives.	The Project would be consistent with the stated objectives and policies of HRS § 226-14, particularly the following policies: (2) Encourage flexibility in the design and development of facility systems to promote prudent use of resources and accommodate changing public demands and priorities. (3) Ensure that required facility systems can be supported within resource capacities and at reasonable cost to the user.
	The Project will help Hawai'i meet its renewable energy demands by providing up to 15 MW of solar energy and 60 MWh of battery energy storage. Furthermore, it is estimated that the renewable energy supplied by the Project will potentially save Hawai'i Electric, and therefore customers, millions of dollars in total avoided fuel costs over the term of the PPA. Additionally, the Project will also help to improve electric grid stability by enabling Hawai'i Electric to utilize stored solar energy to meet peak demand. See Section 1.2 for a more detailed discussion of the Project's benefits to the state's energy system.
 226-15. Facility Systems – Solid and Liquid Wastes: Planning for the State's facility systems with regard to solid and liquid wastes shall be directed towards the achievement of the following objectives: (1) Maintenance of basic public health and sanitation standards relating to treatment and disposal of solid and liquid wastes. (2) Provision of adequate sewerage facilities for physical and economic activities that alleviate problems in housing, employment, mobility, and other areas. 	The Project would be consistent with the stated objectives and policies of HRS § 226-15, particularly the following policy: (2) Promote reuse and recycling to reduce solid and liquid wastes and employ a conservation ethic. Construction and operation of the Project would generate very little waste. At the end of operations, the Project would be decommissioned, and as much material removed from the site will be recycled as feasible. See Sections 3.15 for more information regarding the Project's minimal solid and liquid wastes.
226-16. Facility Systems – Water: Planning for the State's facility systems with regard to water shall be directed towards achievement of the objective of the provision of water to adequately accommodate domestic, agricultural, commercial, industrial, recreational, and other needs within resource capacities.	This objective is not applicable as the Project would not have an effect on Hawai'i's facility systems related to water. The Project will require water during construction primarily for dust control and will only use a negligible amount of water during operations. See Section 3.3 for more information regarding the Projects minimal use of water.
226-17. Facility Systems – Transportation: Planning for the State's facility systems with regard to transportation shall be directed towards the achievement of the following objectives: (1) An integrated multi-modal transportation system that services statewide needs and promotes the efficient, economical, safe, and convenient movement of people and goods. (2) A statewide transportation system that is consistent with and will accommodate planned growth objectives throughout the State.	This objective is not applicable as the Project would not have an effect on Hawai'i's facility systems related to transportation. See Section 3.12 for a discussion of the Project's potential impacts to roadways and traffic; no significant adverse impacts are anticipated.
226-18. Facility Systems – Energy: Planning for the State's facility systems with regard to energy shall be directed toward the achievement of the following objectives, giving due consideration to all: (1) Dependable, efficient, and economical statewide energy systems capable of supporting the needs of the people;	The Project would be consistent with the stated objectives and policies of HRS § 226-18, particularly the following policies: (1) Support research and development as well as promote the use of renewable energy sources. (2) Ensure that the combination of energy supplies and energy-saving systems is sufficient to support the demands of growth;

Objectives

- (2) Increased energy security and self-sufficiency through the reduction and ultimate elimination of Hawai'i's dependence on imported fuels for electrical generation and ground transportation;
- (3) Greater diversification of energy generation in the face of threats to Hawai'i's energy supplies and systems;
- (4) Reduction, avoidance, or sequestration of greenhouse gas emissions from energy supply and
- (5) Utility models that make the social and financial interests of Hawai'i's utility customers a priority.

Assessment of Consistency with Objectives and Policies

- (3) Base decisions of least-cost supply-side and demand-side energy resource options on a comparison of their total costs and benefits when a least-cost is determined by a reasonably comprehensive, quantitative, and qualitative accounting of their long-term, direct and indirect economic, environmental, social, cultural, and public health costs and benefits:
- (5) Ensure, to the extent that new supply-side resources are needed, that the development or expansion of energy systems uses the least-cost energy supply option and maximizes efficient technologies.
- (8) Support actions that reduce, avoid, or sequester greenhouse gases in utility, transportation, and industrial sector applications;

The Project will help Hawai'i meet the state's need for renewable energy by providing up to 15 MW of solar energy and 60 MWh of battery energy storage. Hawaiian Electric's energy planning consists of the analysis of supply-side and demand-side resources, where candidate plans are compared relative to their long-term economic benefit (net present value of revenue requirements over the 25-year planning period), as well as analysis of indirect, tangible and intangible benefits, environmental benefits, and other benefits. The planning process was approved by the PUC and directly addresses state policy objective HRS § 226-18(c)(3). In addition, Hawaiian Electric's energy plan, the PSIP in this case, has been reviewed and approved by the PUC. The need for more renewable energy supplyside resources was identified in the PSIP. Hawaiian Electric based its competitive procurement process on the PSIP, and the Project was selected by Hawaiian Electric based on its alignment with the PSIP and compliance with the competitive RFP criteria. As a renewable energy project, the Project will promote the use of renewable energy sources in Hawaiian Electric estimates that the Project will fulfill an average of 0.56% of Hawaiian Electric's RPS over the 25-year term of the PPA. The Project is expected to offset approximately 1,139,396 barrels of fossil fuel consumption by Hawaiian Electric's generating units and reduce net lifecycle greenhouse gas emissions by approximately 455,598 metric tons of carbon dioxide equivalents over its lifecycle. Furthermore, it is estimated that the renewable energy supplied by the Project will potentially save Hawaiian Electric, and therefore customers, millions of dollars in total avoided fuel costs over the term of the PPA. See Section 1.2 for a more detailed discussion of the Project's benefits to the state's energy system.

226-18.5. Facility Systems – Telecommunications: Planning for the State's telecommunications facility systems shall be directed towards the achievement of dependable, efficient, and economical statewide telecommunications systems capable of supporting the needs of the people.

This objective is not applicable as the Project would not have any effect on facility systems related to telecommunications.

226-19. Socio-Cultural Advancement - Housing: Planning for the State's socio-cultural advancement with regard to housing shall be directed toward the achievement of the following objectives:

The Project would be consistent with the stated objectives and policies of HRS § 226-19, particularly the following policies:

(1) Effectively accommodate the housing needs of Hawaii's people.

Ohiostivos	Accompany of Consistency with Objectives and Ballains
Objectives (1) Greater opportunities for Hawai'i's people to secure reasonably priced, safe, sanitary, and livable homes, located in suitable environments that satisfactorily accommodate the needs and	Assessment of Consistency with Objectives and Policies This Project is not located in an area zoned for residential uses and would not involve the loss of housing or the generation of population resulting in a demand for housing;
desires of families and individuals, through collaboration and cooperation between government and nonprofit and for-profit developers to ensure that more rental and for sale affordable housing is made available to extremely low-, very low-, lower-, moderate-, and above moderate-income segments of Hawai'i's population.	therefore, will not impact housing. The Project will assist DHHL's mission to effectively manage the Hawaiian Home Lands Trust and to develop and deliver lands to native Hawaiians. The DHHL has identified lands not suitable for homestead leasing, that can be leased for renewable energy projects with the objective of generating revenue from these lands and providing benefits for the impacted communities (DHHL 2018). The Project site
(2) The orderly development of residential areas sensitive to community needs and other land uses.(3) The development and provision of affordable rental housing by the State to meet the housing needs of Hawai'i's people.	was identified in DHHL's 2014 Island Plan as having desirable conditions for solar energy generation (DHHL 2014). DHHL will use revenues developed from industrial leasing of these available lands in east Kalaeloa to develop new homesteads in suitable residential areas throughout the state.
226.20. Socio-Cultural Advancement – Health: Planning for the State's socio-cultural advancement with regard to health shall be directed towards achievement of the following objectives:	This objective is not applicable, as the Project would not have an effect on health.
(1) Fulfillment of basic individual health needs of the general public.	
(2) Maintenance of sanitary and environmentally healthful conditions in Hawai'i's communities.	
(3) Elimination of health disparities by identifying and addressing social determinants of health.	
226-21. Socio-Cultural Advancement – Education: Planning for the State's socio-cultural advancement with regard to education shall be directed towards achievement of the objective of the provision of a variety of educational opportunities to enable individuals to fulfill their needs, responsibilities, and aspirations.	This objective is not applicable, as the Project would not have an effect on education.
226-22. Socio-Cultural Advancement – Social Services: Planning for the State's socio-cultural advancement with regard to social services shall be directed towards the achievement of the objective of improved public and private social services and activities that enable individuals, families, and groups to become more self-reliant and confident to improve their well-being.	This objective is not applicable, as the Project would not have an effect on social services.
226-23. Socio-Cultural Advancement – Leisure: Planning for the State's socio-cultural advancement with regard to leisure shall be directed towards the achievement of the objective of the adequate provision of resources to accommodate diverse cultural, artistic, and recreational needs for present and future generations.	This objective is not applicable, as the Project would not have any effect on leisure activities.
226-24. Socio-Cultural Advancement – Individual Rights and Personal Well-Being: Planning for the State's socio-cultural advancement with regard to individual rights and personal well-being shall be directed towards achievement of the objective of increased opportunities and protection of individual rights to enable individuals to fulfill their socioeconomic needs and aspirations.	This objective is not applicable, as the Project would not have an effect on individuals' rights and personal well-being as it relates to increasing (or decreasing) an individual's ability to fulfill their socio-economic needs and aspirations.

Objectives	Assessment of Consistency with Objectives and Policies
226-25. Socio-Cultural Advancement – Culture: Planning for the State's socio-cultural advancement with regard to culture shall be directed toward the achievement of the objective of enhancement of cultural identities, traditions, values, customs, and arts of Hawai'i's people.	This objective is not applicable, as the Project would not have an effect on culture. With regard to traditional cultural practices, Barbers Point Solar, LLC has conducted a CIA (Appendix E) to assess the potential direct and indirect effects of the proposed Project on the traditional cultural practices within the Honouliuli ahupua'a. The CIA involved extensive consultation with community members. Knowledgeable individuals were identified and contacted via email, mailed letters, and phone calls. With implementation of identified avoidance and mitigation measures, impacts to cultural resources are expected to be negligible. See section 3.6 for more information.
226-26. Socio-Cultural Advancement – Public Safety: Planning for the State's socio-cultural advancement with regard to public safety shall be directed towards the achievement of the following objectives:	This objective is not applicable, as the Project would not have any effect on state's public safety programs. See Sections 3.11 and 3.14 for more information regarding the Project's BMPs for ensuring public safety.
(1) Assurance of public safety and adequate protection of life and property for all people.	
(2) Optimum organizational readiness and capability in all phases of emergency management to maintain the strength, resources, and social and economic well-being of the community in the event of civil disruptions, wars, natural disasters, and other major disturbances.	
(3) Promotion of a sense of community responsibility for the welfare and safety of Hawai'i's people.	
226-27. Socio-Cultural Advancement – Government: Planning the State's socio-cultural advancement with regard to government shall be directed towards the achievement of the following objectives:	This objective is not applicable, as the Project would not have any effect on government.
(1) Efficient, effective, and responsive government services at all levels in the State.	
(2) Fiscal integrity, responsibility, and efficiency in the state government and county governments.	

Table 5-2. Project Consistency with the Priority Guidelines of the Hawai'i State Planning Act

Priority Guidelines	Assessment of Consistency with Priority Guidelines
HRS § 226-103. Economic Priority Guidelines	
(a) Priority guidelines to stimulate economic growth and encourage business expansion and development to provide	The Project would be consistent with HRS § 226-103(a) priority guidelines to stimulate economic growth, particularly the following:
needed jobs for Hawaiʻi's people and achieve a stable and diversified economy.	(1) Seek a variety of means to increase the availability of investment capital for new and expanding enterprises. (A) Encourage investments which:
	(i) reflect long-term commitments to the State.
	(iii) diversify the economy.
	(v) are sensitive to community needs and priorities.
	The Project would accelerate the State of Hawai'i's growing renewable energy industry, helping to both diversify Hawai'i's economy and provide job opportunities to residents. The power generated by the Project would be sold to Hawaiian Electric and will potentially save Hawaiian Electric, and therefore customers, millions of dollars in total avoided fuel costs over the term of the Project's 25-year PPA. See Section 1.2 and 3.16 for more information regarding the Project's economic benefits to the state.
	Barbers Point Solar, LLC has conducted extensive community outreach and is sensitive to the community's concerns. See Section 7.1 for a summary of the community outreach efforts conducted to date.
(b) Priority guidelines to promote the economic health and quality of the visitor industry.	This guideline is not applicable as the Project will have no effect on the visitor industry.
(c) Priority guidelines to promote the continued viability of the sugar and pineapple industries.	This guideline is not applicable as the Project will have no effect on the sugar and pineapple industries.
(d) Priority guidelines to promote the growth and development of diversified agriculture and aquaculture.	This guideline is not applicable as the Project area is not zoned for agricultural use. Most of the approximately 163 acres Project area is currently unused by DHHL, with 9 acres leased to tenants for commercial and agricultural purposes. Barbers Point Solar, LLC is working in collaboration with DHHL and the existing tenants occupying approximately 9 acres on TMK 9-1-013:040 to explore alternative unencumbered areas within the Project parcels (e.g., revetment area) and/or off site locations to minimize impacts to the existing tenants so as to allow for safe construction or operation of the solar project.
(e) Priority guidelines for water use and development.	This guideline is not applicable as the Project will have no effect on water use and development as no connection to the domestic water system is expected to be required. See Section 3.3 for more information.
(f) Priority guidelines for energy use and development.	The Project would be consistent with the HRS § 226-103(f) priority guidelines for energy use and development, particularly the following:
	(1) Encourage the development, demonstration, and commercialization of renewable energy sources.
	The Project will help Hawai'i meet the state's need for renewable energy by providing up to 15 MW of solar energy and 60 MWh of battery storage. Furthermore, it is estimated that the renewable energy supplied by the Project will potentially save Hawaiian Electric, and therefore customers, millions of dollars in total avoided fuel costs over the term of the PPA. See Section 1.2 for a more detailed discussion of the Project's benefits to the state's energy system.

Priority Guidelines	Assessment of Consistency with Priority Guidelines
(g) Priority guidelines to promote the development of the information industry.	This guideline is not applicable as the Project will have no effect on the information industry.
HRS § 226-104. Population Growth and Land Resources Priority Gu	uidelines
(a) Priority guidelines to effect desired statewide growth and distribution.	This guideline is not applicable as the Project will have no effect on statewide growth and distribution.
(b) Priority guidelines for regional growth distribution and land resource utilization.	The Project would be consistent with HRS § 226-104(b) priority guidelines for regional growth distribution and land resource utilization, particularly the following guidelines:
	(2) Make available marginal or nonessential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district.
	(3) Ensure that adequate support services and facilities are provided to accommodate the desired distribution of future growth throughout the State.
	(9) Direct future urban development away from critical environmental areas or impose mitigating measures so that negative impacts on the environment would be minimized.
	The Project is consistent with priority guideline HRS § 226-104(b)(2) as the Project does not propose using lands in the agricultural district or removing agricultural land of importance from the agricultural district.
	The Project is consistent with priority guideline HRS § 226-104(b)(3) as it provides additional renewable energy capacity to the Hawaiian Electric grid thus supporting future growth in the county and state.
	The Project is consistent with priority guideline HRS § 226-104(b)(9) as the area the Project is sited on is composed of highly disturbed land dominated by non-native plant and wildlife species. Some native plant species and listed and native animal species are present and the Project has been designed to avoid sensitive biological resources to the extent practicable. BMPs will be implemented to minimize impacts to land-based, shoreline, and marine resources. See Section 3.4 for more information regarding the Project's protection of sensitive environmental resources.
HRS § 226-105. Crime and Criminal Justice Priority Guideline	
Priority guidelines in the area of crime and criminal justice	This guideline is not applicable as the Project will have no effect on crime and criminal justice.
HRS § 226-106. Affordable Housing Priority Guideline	
Priority guidelines for the provision of affordable housing	The Project would be consistent with HRS § 226-106 priority guidelines for the provision of affordable housing, particularly the following guidelines:
	(1) Seek to use marginal or nonessential agricultural land, urban land, and public land to meet housing needs of extremely low-, very low-, lower-, moderate-, and above moderate-income households.
	This Project is not located in an area zoned for residential uses and would not involve the loss of housing or the generation of population resulting in a demand for housing; therefore, will not impact housing. The Project will assist DHHL's mission to effectively manage the Hawaiian Home Lands Trust and to develop and deliver lands to native Hawaiians. The DHHL has identified lands not suitable for homestead leasing, that can be leased for renewable energy projects with the objective of generating revenue from these lands and providing benefits for the impacted communities (DHHL 2018). The Project site was identified in DHHL's 2014 Island Plan as having desirable conditions for solar energy generation (DHHL 2014). DHHL will use revenues developed from industrial leasing of these available lands in east Kalaeloa to develop new homesteads in suitable residential areas throughout the state.

Priority Guidelines	Assessment of Consistency with Priority Guidelines
HRS § 226-107. Quality Education Priority Guidelines	
Priority guidelines to promote quality education	This guideline is not applicable as the Project will have no effect on quality education.
HRS § 226-108. Sustainability Priority Guidelines	
Priority guidelines to promote sustainability.	The Project would be consistent with HRS § 226-108 priority guidelines to promote sustainability, particularly the following:
	(1) Encouraging balanced economic, social, community, and environmental priorities.
	(2) Encouraging planning that respects and promotes living within the natural resources and limits of the State. (3) Promoting a diversified and dynamic economy.
	(4) Encouraging respect for the host culture.
	(5) Promoting decisions based on meeting the needs of the present without compromising the needs of future generations.
	The Project supports the state's guideline for balancing economic, social, community, and environmental priorities by providing clean, renewable solar energy with minimal adverse effects on the environment and archaeological and cultural resources. The Project will have positive direct and indirect economic impacts for the City and County of Honolulu and the State of Hawai'i through job creation, tax payments, and other secondary benefits.
HRS § 226-109. Climate Change Adaptation Priority Guidelines	
Priority guidelines to prepare the State to address the impacts of climate change, including impacts to the areas of agriculture; conservation lands; coastal and nearshore marine areas; natural and cultural resources; education; energy; higher education; health; historic preservation; water resources; the built environment, such as housing, recreation, transportation; and the economy	The Project would be consistent HRS § 226-109 priority guidelines concerning impacts to climate change, particularly the following:
	(10) Encourage planning and management of the natural and built environments that effectively integrate climate change policy.
	The Project would involve generation and storage of clean, renewable solar energy, thus reducing the state's dependence on imported fossil fuels and increase the state's locally produced energy capacity. In response to these statewide needs, Hawaiian Electric's PSIP and associated RFP process establishes the need for development and implementation of new renewable energy projects on O'ahu. The Project directly responds to the state's need as it will help meet the State's RPS and Hawaiian Electric's PSIP by providing up to 15 MW of solar energy and 60 MWh of battery energy storage, which is enough to provide electricity for approximately 6,200 O'ahu homes. In doing so, the Project will fulfill an average of 0.56 percent of Hawaiian Electric's RPS over the 25-year term of the PPA and 0.43 percent to Hawaiian Electric's consolidated RPS (Hawaiian Electric 2020c).

Energy Functional Plan. The energy functional plan was published in 1991 and describes an overall objective of achieving dependable, efficient and economical statewide energy systems capable of supporting the needs of the people and increasing energy self-sufficiency. The plan specifically identifies the need to reduce dependence on imported fossil fuels such as oil and the state's vulnerability to supply disruptions (DBEDT 1991). The plan establishes policies and actions to promote energy conservation and efficiency, displace fossil fuel consumption, support public education and legislation on energy, improve the development and management of energy, and assist with energy emergency preparedness. The following polices and actions are applicable to the Project:

- **Policy B(1):** Displace oil and fossil fuel consumption through the application of appropriate alternate and renewable energy resources and technologies.
- Action B(1)(I): Expand upon the existing 20 kW photovoltaic utility-scale application²⁰

The Project would provide up to 15 MW of solar energy and 60 MWh of battery storage, which is enough electricity for approximately 6,200 O'ahu homes, thus offsetting the use of approximately 1,139,396 fewer barrels of fuel (Hawaiian Electric 2020c). The Project is directly responsive to the need for development of renewable energy sources and displacement of fossil fuel consumption; as such, the Project is consistent with the Energy State Functional Plan.

5.2 DHHL Plans

DHHL has developed a three-tiered planning system to guide planning of its land holdings and policies for resource management. The planning system includes:

- Tier 1 over-arching General Plan;
- Tier 2 Strategic Program Plans (such as the Hoʻomaluō Energy Policy) and Island Plans (such as the Oʻahu Island Plan); and
- Tier 3 Regional and Development Plans (such as the Kapolei Regional Plan).

DHHL's General Plan (DHHL 2002) provides the following mission statement:

Our mission is to manage the Hawaiian Home Lands trust effectively and to develop and deliver lands to native Hawaiians. We will partner with others towards developing self-sufficient and healthy communities.

Barbers Point Solar, LLC is partnering with DHHL to help it achieve this mission by providing a valuable revenue stream over the 25-year term of the Project. In DHHL's approval of the Project's right-of-entry, DHHL notes that the Project is in the best interests of the DHHL Trust as it will generate a substantial revenue stream over at least 25 years on land that lacks infrastructure, had use restrictions and limitations for [residential] development, and has not generated much revenue in the past (DHHL 2019).

²⁰ The application referred to in this action is a 20kW PVUSA system on Maui that was designed to demonstrate photovoltaics in a utility setting.

The DHHL General Plan also lists goals and objectives. Table 5-3 provides a list of the goals and objectives applicable to the Project and an assessment of how the Project is consistent with each.

Table 5-3. Project Consistency DHHL General Plan

Goal and Objective Assessment of Consistency Land Use Planning Goals: The Project will assist DHHL's mission to effectively manage the Utilize Hawaiian Home Lands for uses most Hawaiian Home Lands Trust and to develop and deliver lands to native Hawaiians. The DHHL has identified lands not suitable appropriate to meet the needs and desires of the for homestead leasing, that can be leased for renewable energy beneficiary population. projects with the objective of generating revenue from these Objectives: lands and providing benefits for the impacted communities Provide space for and designate a mixture of (DHHL 2018). The Project site was identified in DHHL's 2014 appropriate land uses, economic opportunities, Island Plan as having desirable conditions for solar energy and community services in a native Hawaiiangeneration (DHHL 2014). DHHL will use revenues developed friendly environment. from industrial leasing of these available lands in east Kalaeloa to develop new homesteads in suitable residential areas throughout the state. **Land and Resource Management** Goals: Barbers Point Solar, LLC has conducted an AIS (Appendix A) Be responsible, long-term stewards of the Trust's and CIA (Appendix E) and is coordinating with SHPD. Seventeen lands and the natural, historic, and community historic properties were identified within the Project area and resources located on these lands. included features used for habitation, agriculture, ceremonial, Objectives: and recreational activities, as well as historic buildings and Preserve and protect significant natural, historic features used for a variety of military activities from World War and community resources on Trust lands. II onwards. Using the information in the AIS, the Project will be Manage interim land dispositions in a manner that carefully sited to avoid or minimize impacts to historic is environmentally sound and does not jeopardize resources. A preservation plan for the 352 historic features that their future uses. are recommended for preservation will be developed and Allow native Hawaiian use of natural resources on submitted to SHPD prior to the commencement of project Trust lands for traditional and cultural purposes construction. Access for traditional and cultural practices will be determined in collaboration with DHHL and access Enforce governmental health and safety standards procedures will be outlined in the preservation plan. See and protect life and property from the effects of Section 3.5 for a discussion of archaeological and historic natural hazards and disaster on Hawaiian home resources and Section 3.6 for a discussion of Cultural Resources. lands. The Project area is composed of highly disturbed land dominated by non-native plant and wildlife species. Previous military activities and current commercial and agricultural activities have reduced the number and abundance of native species and habitats suitable for native species. However, despite the dominance of non-native species, some native plant species and listed and native animal species are present. The Project has been designed to avoid sensitive biological resources. BMPs will be implemented to minimize impacts to land-based, shoreline, and marine resources. See Section 3.4 for more information regarding the Project's protection of sensitive environmental resources. The Project area is not within a floodplain zone and is not subject to coastal hazards. The Project is in an extreme tsunami evacuation zone, but extreme tsunamis are rare, and the Project is likely to not be affected. The Project would be designed and constructed in compliance with all applicable Federal, State, and local environmental protection, design, and building standards

and regulations, including the Federal Flood Insurance Program, and would not contribute to coastal flooding.

Goal and Objective	Assessment of Consistency
Economic Development	
Goals: • Generate significant revenue to provide greater financial support towards fulfilling the Trust's mission.	The Project will provide a valuable revenue stream to DHHL over the 25-year period of the Project's operations.

DHHL's Ho'omaluō Energy Policy (DHHL 2009) is a strategic program plan that consists of five objectives:

- Objective 1. Mālama 'āina: Respect and protect our native home lands.
- Objective 2. Ko'o: Facilitate the use of diverse renewable energy resources.
- Objective 3. Kūkulu pono: Design and build homes and communities that are energy efficient, self-sufficient and sustainable.
- Objective 4. Kōkua nō i nā kahu: Provide energy efficiency, self-sufficiency, and sustainability opportunities to existing homesteaders and their communities.
- Objective 5. Ho'ona'auao: Prepare and equip beneficiaries to promote a green, energy efficient lifestyle in and around communities.

The Project will directly support Objective 2 of the Hoʻomaluō Energy Policy through the leasing of DHHL lands for production of solar energy. Furthermore, in support of DHHL's Hoʻomaluō Energy Policy, DHHL and Hawaiian Electric signed an Energy Partnership Charter in 2009 memorializing an agreement between the two entities to collaborate and achieve critical energy objectives. One of the action items listed in this charter is "Identifying suitable renewable energy projects for the Department's available lands" (DHHL, Hawaiian Electric 2009). In direct response of this charter and in support of the Hoʻomaluō Energy Policy, DHHL issued a public notice for disposition of Hawaiian Home Lands by general leases for renewable energy projects on Oʻahu and Maui on December 21, 2018 (DHHL 2018) and TMKs 9-1-013:038 and :040 were included in this notice. DHHL selected the Barbers Point Solar, LLC Project for lease of these two parcels.

DHHL's O'ahu Island Plan (DHHL 2014) provides recommendations for the future uses of the lands owned by DHHL on O'ahu to meet beneficiary and department needs over a 20-year planning period. The O'ahu Island Plan categorizes the DHHL lands into ten land uses, four associated with homesteading designations and six associated with non-homesteading designations utilized to generate revenue in support of DHHL. The DHHL parcels that make up the Project area are designated as "Industrial" in the O'ahu Island Plan (see Figure 3-5, DHHL 2014). The O'ahu Island Plan notes that lands acquired from the former NASBP were automatically excluded for residential designation due to the proximity to active runways at Kalaeloa Airport restricting long-term occupancy residential development.

The Kapolei Regional Plan (DHHL 2010) provides DHHL and the affected homestead community opportunities to assess land use development factors, identify issues and opportunities, and identify the region's top priority projects slated for implementation within the next three (3) years. The Kapolei Regional Plan designates the Project DHHL parcels as "Mixed Use" and notes that the lands in the Kalaeloa area are not intended for residential development but rather for revenue generation (DHHL

2010). The Project complies with the land use designations in both the O'ahu Island Plan and Kapolei Regional Plan as it is a non-residential use that will generate revenue in support of DHHL.

5.3 Land Use Commission Rules, Chapter 205, HRS

The Hawai's State Land Use Law (HRS § 205) established the State Land Use Commission and granted the authority to classify all lands in the state into one of four land use districts: urban, rural, agricultural, and conservation. The entire Project area lies within the State Urban Land Use District (Figure 3-6). The Project area is unclassified by the Land Study Bureau's Detailed Classification System because it is not in the State Agricultural Use District. Per HRS § 205-2(b) the State Urban District shall include activities or uses as provided by ordinances or regulations of the county within which the urban district is situated. As the Project is located within the HCDA's KCDD, the State Land Use Commission relies on HCDA to determine allowed uses in the Project area. However, it should be noted that per the federal Hawaiian Homes Commission Act of 1921, DHHL is not subject to the land use controls of other state or county agencies unless it decides to subject itself to those controls for health and safety reasons. For the purposes of this Project, DHHL directed the Applicant to comply with and seek land use permits and approvals from HCDA.

5.4 Coastal Zone Management Program, Chapter 205A, HRS

Under the authority of the federal Coastal Zone Management Act (16 U.S.C. 1451-1456), the Hawai'i Coastal Zone Management (CZM) Program was enacted as HRS § 205A and is administered by the Hawai'i Department of Business, Economic Development and Tourism (DBEDT) Office of Planning. The purpose of the Hawai'i CZM program is to provide for the effective management, beneficial use, protection, and development of the coastal zone. It is designed to integrate decisions made by state and county agencies to provide greater coordination and compliance with existing laws and rules. The CZM area encompasses the entire state. The objectives of the Hawai'i CZM Program are listed in Table 5-4 with a brief statement regarding the consistency of the Project with each of the objectives and associated policies.

Table 5-4. Project Consistency with the Objective and Policies of the Hawai'i CZM Program

Objectives	Assessment of Consistency
Recreational Resources: Provide coastal recreational opportunities accessible to the public.	The Project Area does not support coastal nor any other type of recreational resources. The Project would not impair access to the shoreline, degrade the quality of coastal waters, or otherwise affect coastal recreational opportunities.
Historic Resources: Protect, preserve, and where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.	An AIS was conducted for the Project, including detailed background research and a 100 percent pedestrian inspection of the Project area. The AIS identified 17 historic properties within the Project area, containing 438 component features. Identified historic properties included features used for habitation, agriculture, ceremonial, and recreational activities, as well as historic buildings and features used for a variety of military activities from World War II onwards. Recommendations for the treatment of each of these features are summarized in the AIS. Of the 17 historic properties that were identified, six will be completely avoided and preserved. Features included in six additional historic properties will also be avoided and preserved. In total, 352 of the features documented during this study are recommended for preservation.

Objectives	Assessment of Consistency
	The proposed project design will potentially impact 88 of the 438 documented features. The impacts to 39 of these 86 features will be mitigated through data recovery prior to construction. Archaeological monitoring is recommended during construction and the remaining 48 features that will be impacted and these will be called out in the monitoring plan. The AIS adequately documents the informational content of these 48 features and, therefore, any impacts to these features have been adequately mitigated. Barbers Point Solar, LLC intends to obtain SHPD's review of the AIS and concurrence with the effect determination prior to the HCDA hearing for the CUP application.
Scenic and Open Space Resources: Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.	As discussed in Section 3.8, the Project would be visible to varying degrees from surrounding areas; however, it would not block mauka-to-makai and makai-to-mauka view planes, or significant vistas or landmarks in the 'Ewa Development Plan. The visual impact analysis shows that in many cases the Project will be partially or fully screened by existing terrain or vegetation. Portions of the Project that will be visible would appear as a subordinate feature in the landscape setting.
Coastal Ecosystems: Protect valuable coastal ecosystems, including reefs, from disruption and to minimize adverse impacts on all coastal ecosystems.	The Project would not involve work within any valuable coastal ecosystems. Ground disturbance during construction could temporarily increase the amount of sediment and other pollutants in stormwater runoff, which could affect water quality in receiving waters. However, BMPs would be implemented such that no adverse impacts to coastal ecosystems are anticipated. In addition to the typical stormwater management BMPs, Project design will implement LID techniques to minimize stormwater runoff. The Project will meet City and County of Honolulu requirements for stormwater management and drainage and minimize adverse impacts to coastal ecosystems.
Economic Uses: Provide public or private facilities and improvements important to the State's economy in suitable locations.	The Project is not a coastal-dependent development. It would involve construction and operation of a solar energy generation facility, within the State urban land use district. The Project will assist DHHL's mission to effectively manage the Hawaiian Home Lands Trust and to develop and deliver lands to native Hawaiians. The DHHL has identified lands not suitable for homestead leasing, that can be leased for renewable energy projects with the objective of generating revenue from these lands and providing benefits for the impacted communities (DHHL 2018). The Project site was identified in DHHL's 2014 Island Plan as having desirable conditions for solar energy generation (DHHL 2014). DHHL will use revenues developed from industrial leasing of these available lands in east Kalaeloa to develop new homesteads in suitable residential areas throughout the state.
Coastal Hazards: Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.	The Project area is not within a floodplain zone and is not subject to coastal hazards. The Project is in an extreme tsunami evacuation zone, but extreme tsunamis are rare, and the Project is likely to not be affected. The Project would be designed and constructed in compliance with all applicable Federal, State, and local environmental protection, design, and building standards and regulations, including the Federal Flood Insurance Program, and would not contribute to coastal flooding.
Managing Development: Improve the development review process, communication, and public participation in the management of coastal resources and hazards.	Barbers Point Solar, LLC began conducting community engagement and public outreach activities during the early stages of the Project's development process and continues to engage with the community with Project updates and coordination on community benefits. Barbers Point Solar, LLC and its consultants have held nearly 100 meetings with individuals, community organizations, businesses, and government officials. Barbers Point Solar, LLC has also held two public open houses. The discretionary permitting process for the HCDA Conditional Use Permit will also include opportunities for public participation.
Public Participation: Stimulate public awareness, education, and participation in coastal management.	The Project does not contain a public participation component for programmatic coastal management issues. Project-specific input has and will continue to be sought through the permitting and Project development process.

Objectives	Assessment of Consistency
Beach Protection: Protect beaches for public use and recreation.	The Project would be located inland and would not involve placement of any structures within the shoreline setback area or otherwise affect erosion or natural shoreline processes.
Marine Resources: Promote the protection, use, and development of marine and coastal resources to assure their sustainability.	The Project would not be located near the shoreline and would not directly or indirectly affect any marine resources.

Key components of the Hawai'i CZM Program include (1) regulation of development within the Special Management Area, a designated area extending inland from the shoreline, (2) restrictions within the shoreline setback area, which serves as a buffer against coastal hazards and erosion and to protect viewplanes, and (3) a Federal Consistency provision, which requires that federal activities, permits, and financial assistance be consistent with the enforceable policies of the Hawai'i CZM program, to the maximum extent practicable. The Project area is not within either the Special Management Area or the shoreline setback area, nor would it involve a federal activity or permit requiring federal consistency review.

5.5 Hawai'i State Environmental Policy, Chapter 344, HRS

HRS Chapter 344 establishes a state policy to encourage productive and enjoyable harmony between people and their environment, promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of humanity, and enrich the understanding of ecological systems and natural resources important to the people of Hawai'i. Table 5-5 summarizes the Project's consistency with the specific guidelines identified in HRS Chapter 344.

Table 5-5. Project Consistency with Hawai'i State Environmental Policy

Guideline	Assessment of Consistency
Population	
Recognize population impact as a major factor in environmental degradation and adopt guidelines to alleviate this impact and minimize future degradation; Recognize optimum population levels for counties and districts within the State, keeping in mind that these will change with technology and circumstance, and adopt guidelines to limit population to the levels determined.	The Project would not have any effect on population.
Land, Water, Mineral, Visual, Air, and Other Natural Re	sources
Encourage management practices which conserve and fully utilize all natural resources;	The Project has been designed to minimize ground disturbance and maintain natural open space surrounding the Project facilities. Impacts to natural resources would be avoided and minimized to the extent possible through implementation of BMPs.
Promote irrigation and waste water management practices which conserve and fully utilize vital water resources;	This guideline is not applicable as the Project will have no effect on domestic water system or the municipal wastewater system. as no connection to these systems are expected to be required. See Section 3.3 for more information.
Promote the recycling of waste water;	The Project would not generate any waste water.
Encourage management practices which conserve and protect watersheds and water sources, forest, and open space areas;	The Project will avoid surface water features and will implement BMPs to control, treat, or reduce runoff before entering nearby surface and nearshore waters and minimize the potential discharge of pollutants to nearshore waters.

Guideline	Assessment of Consistency
Establish and maintain natural area preserves, wildlife preserves, forest reserves, marine preserves, and unique ecological preserves;	The Project would not involve any activities within a natural area preserve, wildlife preserve, forest reserve, marine preserve, or unique ecological preserve.
Maintain an integrated system of state land use planning which coordinates the state and county general plans;	The Project would be consistent with relevant state and county plans, as discussed in Section 5 of this EA.
Promote the optimal use of solid wastes through programs of waste prevention, energy resource recovery, and recycling so that all our wastes become utilized.	Construction and operation of the Project would generate very little waste. As part of Project decommissioning, all Project equipment would be removed; it is anticipated that most materials would be either salvaged or recycled. Only a small portion of the Project equipment would be disposed of as solid waste; disposal would be at authorized sites in accordance with applicable laws.
Flora and Fauna	
Protect endangered species of indigenous plants and animals and introduce new plants or animals only upon assurance of negligible ecological hazard	The Project area is composed of highly disturbed land dominated by non-native plant and wildlife species. Previous military activities and current commercial and agricultural activities have reduced the number and abundance of native species and habitats suitable for native species. However, despite the dominance of non-native species, some native plant species and listed and native animal species are present. The Project has been designed to avoid sensitive biological resources. BMPs will be implemented to minimize impacts to land-based, shoreline, and marine resources. See Section 3.4 for more information regarding the Project's protection of sensitive environmental resources.
Foster the planting of native as well as other trees, shrubs, and flowering plants compatible to the enhancement of our environment	Landscaping would be installed for soil stabilization and erosion control purposes and to provide visual screening of Project equipment from adjacent areas to the extent practicable. It is anticipated that the landscaping would incorporate suitable plant material in key locations, and would include native species that are ecologically and culturally appropriate for this location.
Parks, Recreation, and Open Space Guidelines	• • •
Establish, preserve and maintain scenic, historic, cultural, park and recreation areas, including the shorelines, for public recreational, educational, and scientific uses Protect the shorelines of the State from encroachment of artificial improvements, structures, and activities Promote open space in view of its natural beauty not only as a natural resource but as an ennobling, living environment for its people	The Project area does not support coastal nor any other type or recreational resources, nor would it affect recreational opportunities. The Project is not located along the shoreline, nor would it affect shoreline structures or processes. Barbers Point Solar, LLC has conducted an AIS (Appendix A) and CIA (Appendix E) and is coordinating with SHPD. Seventee historic properties were identified within the Project area and included features used for habitation, agriculture, ceremonial, and recreational activities, as well as historic buildings and features used for a variety of military activities from World Wa II onwards. Using the information in the AIS, the Project will be carefully sited to avoid or minimize impacts to historic resources. See Section 3.6 for a discussion of archaeological an historic resources. A visual impact analysis of the Project shows that in many case the Project will be partially or fully screened by existing vegetation. Where the Project is visible from certain viewpoint the Project infrastructure would introduce new visual element within the landscape but would not attract attention and woul be a subordinate feature in the landscape setting. The Project would not block mauka-to-makai and makai-to-mauka view planes, or significant vistas or landmarks in the 'Ewa Development Plan. See Section 3.8 for a discussion of visual impacts.

Guideline	Assessment of Consistency
Economic Development Guidelines	
Encourage industries in Hawai'i which would be in harmony with our environment Promote and foster the agricultural industry of the State; and preserve and conserve productive agricultural lands; Encourage federal activities in Hawai'i to protect the environment; Encourage all industries including the fishing, aquaculture, oceanography, recreation, and forest products industries to protect the environment; Establish visitor destination areas with planning controls which shall include but not be limited to the number of rooms; Promote and foster the aquaculture industry of the State; and preserve and conserve productive aquacultural lands.	The Project would contribute to the growing renewable energy industry in Hawai'i by providing solar energy for the island of O'ahu, with minimal environmental impacts. It would be expected to positively impact the economy by creating local employment opportunities, as well as providing a source of revenue for the State. In addition to generating and storing renewable energy, the Project would incorporate compatible agricultural activities. It would not include any aquacultural activities, nor involve a visitor destination area.
Transportation Guidelines	m
Encourage transportation systems in harmony with the lifestyle of the people and environment of the State Adopt guidelines to alleviate environmental degradation caused by motor vehicles Encourage public and private vehicles and transportation systems to conserve energy, reduce pollution emission, including noise, and provide safe and convenient accommodations for their users	Transportation system improvements are not included as part of the Project. As discussed in Section 3.12, the Project would not significantly contribute to traffic congestion. Recognizing that construction could result in minor, localized impacts to traffic and the roadway network, recommendations in the Project's TIAR (Appendix H) would be implemented to avoid, minimize and mitigate potential impacts.
Energy Guidelines	
Encourage the efficient use of energy resources	The Project would help to meet the state's need for renewable energy by providing up to 15 MW of solar energy and 60 MWh of battery storage. Further, the Project includes a battery storage system that would allow Hawaiian Electric to dispatch energy as needed to offset night-time customer demand.
Community Life and Housing Guidelines	
Foster lifestyles compatible with the environment; preserve the variety of lifestyles traditional to Hawai'i through the design and maintenance of neighborhoods which reflect the culture and mores of the community Develop communities which provide a sense of identity and social satisfaction in harmony with the environment and provide internal opportunities for shopping, employment, education, and recreation Encourage the reduction of environmental pollution which may degrade a community Foster safe, sanitary, and decent homes Recognize community appearances as major economic and aesthetic assets of the counties and the State; encourage green belts, plantings, and landscape plans and	This Project is not located in an area zoned for residential uses. The Project will assist DHHL's mission to effectively manage the Hawaiian Home Lands Trust and to develop and deliver lands to native Hawaiians. The DHHL has identified lands not suitable for homestead leasing, that can be leased for renewable energy projects with the objective of generating revenue from these lands and providing benefits for the impacted communities (DHHL 2018). The Project site was identified in DHHL's 2014 Island Plan as having desirable conditions for solar energy generation (DHHL 2014). DHHL will use revenues developed from industrial leasing of these available lands in east Kalaeloa to develop new homesteads in suitable residential areas throughout the state. The Project would benefit community life by generating clean, renewable energy to replace a portion of electricity that is currently generated by burning fossil fuels, thus reducing greenhouse gas emissions and other forms of pollution that are detrimental to the environment and human health. The Project would represent Hawaii's commitment to achieving of 100 percent renewable energy sources by 2045.
designs in urban areas; and preserve and promote mountain-to-ocean vistas Education and Culture Guidelines	
Foster culture and the arts and promote their linkage to the enhancement of the environment	The Project would not affect existing or future educational or cultural programs.
Encourage both formal and informal environmental education to all age groups	

Guideline	Assessment of Consistency
Citizen Participation Guidelines	
Encourage all individuals in the State to adopt a moral ethic to respect the natural environment; to reduce waste and excessive consumption; and to fulfill the responsibility as trustees of the environment for the present and succeeding generations	The HRS Chapter 343 environmental review process provides opportunity for public input at various stages, including preassessment consultation and public review of the Draft EA. In addition, the land use permitting process under HCDA also includes opportunity for public input regarding the Project.
Provide for expanding citizen participation in the	_
decision-making process so it continually embraces more	
citizens and more issues	

5.6 2050 Sustainability Plan

The Hawai'i 2050 sustainability plan serves as the State's climate and sustainability action plan to determine future actions guiding the coordination and implementation of Hawai'i's sustainability and climate adaptation goals, principles, and policies, and to define and implement state goals, objectives, policies, and priority guidelines based on the objectives and guidelines established in HRS Chapter 226.

The long-term strategy in the Hawai'i 2050 Sustainability Plan is based on the definition of sustainability as respect for culture, character, beauty, and history of the State's island communities; balance among economic, community, and environmental priorities; and an effort to meet the needs of the present without compromising the future generations to meet their own needs. The plan identifies five goals toward a sustainable Hawai'i accompanied by strategic actions for implementation and indicators to measure success or failure. The goals relate to way of life, the economy, environment and natural resources, community and social well-being, and Kanaka Maoli culture and island values. Strategic actions that are applicable to the Project include:

- Goal 2, Strategic Action 1: Develop a more diverse and resilient economy
 - Provide incentives that foster sustainability-related industries, which include, but aren't limited to renewable energy, innovation and science-based industries, and environmental technologies.
- Goal 3, Strategic Action 1: Reduce reliance on fossil (carbon-based) fuels
 - Expand renewable energy opportunities

The Project would help to meet the state's need for renewable energy by providing up to 15 MW of solar energy and 60 MWh of battery storage, which is enough electricity for approximately 6,200 homes on O'ahu (based on average energy use). It is expected to offset the use of approximately 1,139,396 barrels of fuel and reduce net lifecycle greenhouse gas emissions by approximately 455,598 metric tons of carbon dioxide equivalents over its lifecycle (Hawaiian Electric 2020c). As such, the Project is directly responsive to the strategic actions identified in the 2050 Sustainability Plan.

5.7 Hawai'i Clean Energy Initiative

The HCEI was launched in 2008 when the State of Hawai'i and U.S. Department of Energy signed a Memorandum of Understanding to collaborate on the reduction of Hawai'i's heavy dependence on imported fossil fuels. In 2008, the state estimated that 60-70 percent of future energy needs could be fulfilled by local, clean, renewable energy sources. In 2014, HCEI renewed Hawai'i's commitment to setting clean energy goals that include:

- Achieving the nation's first-ever 100 percent RPS by the year 2045.
- Reducing electricity consumption by 4,300 gigawatt-hours by 2030, enough electricity to power every home on Oʻahu, Maui, Molokai, Lanai and Hawaiʻi Island for more than two years
- Reducing petroleum use in Hawaii's transportation sector which accounts for two-thirds of the state's overall energy usage (HCEI 2021).

The Project will help Hawai'i meet the state's need for renewable energy by providing up to 15 MW of solar energy and 60 MWh of battery energy storage. As a renewable energy project, the Project will promote the use of renewable energy sources in Hawai'i. Hawaiian Electric estimates that the Project will fulfill an average of 0.56% of Hawaiian Electric's RPS over the 25-year term of the PPA. The Project is expected to offset approximately 1,139,396 barrels of fossil fuel consumption by Hawaiian Electric's generating units and reduce net lifecycle greenhouse gas emissions by approximately 455,598 metric tons of carbon dioxide equivalents over its lifecycle. Furthermore, it is estimated that the renewable energy supplied by the Project will potentially save Hawaiian Electric, and therefore customers, millions of dollars in total avoided fuel costs over the term of the PPA. See Section 1.2 for a more detailed discussion of the Project's benefits to the state's energy system.

5.8 State of Hawai'i Office of Planning, Technical Assistance Memorandum-2016-1 / HRS Chapter 262, Airport Zoning Act

The Office of Planning Technical Assistance Memorandum (TAM)-2016-1 provides technical assistance to state and county agencies in administering FAA Order 5190.6B, to address the compatibility of land uses adjacent to or in the immediate vicinity of Hawai'i's airports. TAM-2016-1 identifies specific land uses that may attract hazardous wildlife and may also be a glint/glare hazard or an aerial obstruction hazard to existing flight paths. These land uses include photovoltaic solar panels and utility poles and lines.

Per HRS Chapter 262, the Airport Zoning Act, the creation, maintenance, or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; therefore, it is necessary in the interest of the public health, public safety, and general welfare that the creation, maintenance, or establishment of airport hazards be prevented.

The Project has been designed to comply with FAA Order 5190.6B, TAM-2016-1, and HRS Chapter 262, and will not create an airport hazard. See Section 3.12.2 for further discussion.

5.9 HCDA Plans

As noted in Section 3.7, Act 184 of the Hawai'i State Legislature assigned the responsibility of redevelopment of the 3,700-acre KCDD to the HCDA. The KCDD includes all of the lands associated with the former NASBP which was closed in 1999. HCDA prepared a Kalaeloa Master Plan for redevelopment of the KCDD that was approved by the HCDA Board and the Governor in 2006 (HCDA 2006). In 2012, HAR Chapter 15-215 was adopted for HCDA to carry out the visions and concepts of the Kalaeloa Master Plan by classifying and regulating the types and intensities of development and land uses allowed within the KCCD. The Project's compliance with the Kalaeloa Master Plan and the KCDD rules under HAR Chapter 15-215 are discussed below.

5.9.1 Kalaeloa Master Plan

The Kalaeloa Master Plan serves as the principal policy and planning document for HCDA's use in coordinating with federal, state, and county government agencies, developers, private landowners, and the community. The Kalaeloa Master Plan (1) reviews the closure of NASBP and past planning efforts; (2) provides a conceptual land use plan; (3) describes desired land uses and provides design guidelines; and (4) discusses the issues surrounding the successful implementation of the Master Plan (HCDA 2006).

The Kalaeloa Master Plan identifies opportunities that define the conceptual framework for the area's future land use plan, including creating social value, providing new economic development and employment opportunities, balancing development, addressing regional traffic congestion, protecting open space and cultural and natural resources, and integrating the possibility of military reuse. Renewable energy development and specifically solar is identified as having development potential in Kalaeloa.

The Project would meet the objectives of the Kalaeloa Master Plan through providing environmentally compatible development that provides renewable energy for Oʻahu, protects open space and cultural and natural resources, and provides new economic development and employment opportunities.

The Project area's land use designations under the Kalaeloa Master Plan for TMK 9-1-013:038 are Eco-Industrial (Open Space Overlay) (portion) and Recreation/Cultural (portion) and for TMK 9-1-013:040 is Recreation/Cultural.

The Eco-Industrial land use is defined as: "... environmentally compatible industries that benefit the entire population of Oʻahu. Potential industries such as solar or hybrid energy generation, bio-filtration, or other such technologies are compatible in these parcels. These industries require large land areas and are located within the airport's accident potential zones where height restrictions limit development" (HCDA 2006). As a solar development, the Project is compatible with the Eco-Industrial land use designation. The northernmost portion of the Project area (solar array Area 1) is within the "Eco-Industrial (Open Space Overlay)". Under Section 4.1.8.1 of the Kalaeloa Master Plan, it calls out this area as being previously designed as regional open space and therefore there remains potential that all or part of these areas may be accepted by the City and County of Honolulu as a regional park and the plan's designation accommodates this use. As the Project will be decommissioned at the end of its

useful life, future use as a regional park would not be excluded and therefore the Project is compatible with this land use designation in the Kalaeloa Master Plan.

The remainder of the Project area is designated by the Kalaeloa Master Plan as Recreation/Cultural. This land use designation indicates that this area as a relatively high density of cultural and archaeological sites that may limit active recreational uses and may function well for passive open space opportunities. The Project's protection of historical, archeological, cultural and natural resources (see Sections 3.4, 3.5, and 3.6), complies with the intent of land use designation.

5.9.2 KCDD Land Use Designations and Permit Requirements

In 2012, HCDA adopted the KCDD Rules under HAR §15-215. The KCDD Rules include land use regulations which implement the Kalaeloa Master Plan by classifying and regulating the types and intensities of development and land uses within the KCDD.

As specified in the KCDD Rules and shown in Figure 3-7, TMK 9-1-013:040 and the southern portion (Area 2) of TMK 9-1-013:038 are located within Transect Zone T2: Rural/Open Space Zone and the northern portion of TMK 9-1-013:038 (Area 1) is located with Transect Zone T3: General Urban Zone. Because the Project constitutes a man-made change on a lot greater than 40,000 square feet (0.92 acres) within the KCDD, it will require a Development Permit within any zone, per § 15-215-78 of the KCDD Rules (HCDA 2012). Per HAR §15-215-79 of the KCDD Rules, within Zone T2, solar facilities are "permitted by right" such that a Conditional Use Permit (CUP) is not required. Within Zone T3, solar facilities are an allowed use with an approved CUP (HCDA 2012). Therefore, Barbers Point Solar, LLC will be requesting a Development Permit and CUP from HCDA.

Per Figure 1.3 Development Standards Summary in the KCDD Rules (HCDA 2012), the following development standards apply to the T2 and T3 Transect Zones.

- Front Yard Setback: 5' to 15" in both T2 and T3
- Side and Rear Yard Setback: 0' in both T2 and T3
- Maximum Height: 28' in T2; 60' in T3

The KCDD Rules (HCDA 2012) also include a Thoroughfare Plan. A copy of this plan is shown in Figure 5-1. Per the Thoroughfare Plan in the KCDD Rules (HCDA 2012), a future extension of the Kualakai Parkway is envisioned to extend south from Roosevelt Avenue, through a portion of the Project area on TMK 9-1-013:038, connecting to Keoneula Boulevard. However, Barbers Point Solar LLC understands HCDA has no current funding to design, permit, and construct this parkway extension and the timing of such a road infrastructure project is not determined. In addition, the road alignment may conflict with the 'Ewa Battlefield Historical District (which was officially listed on the NRHP in 2016) and may impact listed 'akoko plants on TMK 9-1-013:039. These potential impacts to historic properties and listed species would likely extend the permitting process for the proposed road extension and may require the road extension alignment to be reconsidered. Therefore, Barbers Point Solar LLC anticipates that the Project's operational period would conclude prior to the potential implementation of the

Keoneula Boulevard extension shown in the KCDD Rules Thoroughfare Plan (Figure 5-1). Additionally, HCDA is currently undergoing a review of the Kalaeloa Master Plan and discussion regarding potential historical and biological conflicts with the parkway alignment has been raised. Barbers Point Solar will continue to consult with HCDA regarding the thoroughfare plan prior to and during the Project's CUP and Development Permit process.

Additional development standards applicable to the Project include:

- Per HAR §15-215-44, all required yards shall be landscaped; new plantings should be selected from the preferred plant species list. Landscaping will have automatic irrigation system.
- Per HAR §15-215-46, all parcels in the district shall provide 10% of the lot as open space.
- Per HAR §15-215-43(c), fence heights are restricted to 3 feet in front yard, 6 feet in side/rear yard.
- Per HAR §15-215-43(f), in the T3, T4, and T5 transect zones, utilities and service elements that are visible from thoroughfares shall not be visually intrusive and shall be incorporated in the building structure through use of the following strategies:
 - A. Burying the utilities and service elements underground
 - B. Constructing a utility room to enclose the utilities and service elements
 - C. Screening the utilities and service elements behind the building; or
 - D. Clustering the utilities and service elements on the roof within a mechanical enclosure.

The Project anticipates meeting all of these development standards with the exception of the yard fence height requirements. As noted in Section 2.1, the Project's DC and AC collector lines will primarily be installed underground. Portions of the AC line along Coral Sea Road may need to be overhead depending on coordination with HDOT. Also, in cases where subsurface conditions make it difficult or too costly to trench, other portions of the collection system may go overhead similar to a transmission line. Portions of the Project gen-tie line will be overhead but will be combined with an existing transmission line along Coral Sea Road. In addition, the anticipated Project overhead lines along Coral Sea Road are not in the T3, T4, or T5 transect zones and are therefore not subject to the design standard under HAR §15-215-43(f). Barbers Point Solar, LLC anticipates seeking a variance from this standard to allow for a fence height of 7 feet. Barbers Point Solar, LLC may also seek relieve through a variance to the irrigation requirement for landscaping as it intends to plant drought tolerant species that will not require irrigation once established.

5.10 City and County of Honolulu Plans

5.10.1 General Plan

Adopted by resolution in October 2002 (Resolution 02-205), the revised edition of the General Plan for the City and County of Honolulu is a policy guidance document that presents the long-range objectives

for the island of O'ahu (City and County of Honolulu 2002). It is the foundation of a comprehensive planning process that addresses the physical, cultural, social, economic and environmental concerns, and is intended to provide direction for future growth on O'ahu.

Overall, the proposed Project is consistent with the various objectives and policies contained in the proposed revised General Plan. The proposed Project would not impact objectives and policies related to population, housing and communities, transportation and utilities, public safety and community resilience, health and education, and government operations and fiscal management. As a result, these objectives and policies are not discussed further. The proposed Project is consistent with the applicable objectives and policies of the City and County of Honolulu General Plan described below.

Economy

- Objective A To promote economic opportunities that enable all the people of O'ahu to attain meaningful employment and a decent standard or living.
 - Policy 1 Support a strong, diverse and dynamic economic base resilient to changes in global conditions.
 - Policy 3 Pursue opportunities to grow and strategically develop non-polluting industries such as trade, communications, media, medical, life sciences, and technology in appropriate locations that contribute to Oʻahu's long-term environmental, economic, and social sustainability.

Discussion: The Project would contribute to Hawai'i's growing renewable energy market and would provide employment opportunities for Hawai'i residents, particularly during construction. Although operations would not include many labor-intensive activities, the Project would positively contribute to Hawai'i's economy, by potentially saving Hawaiian Electric, and therefore customers, millions of dollars in total avoided fuel costs over the term of the PPA and through putting downward pressure on electricity rates and, as a locally produced energy source, will help Hawai'i to avoid the negative economic effects of volatile oil prices. See Section 3.16.2 for a discussion of how the Project will have positive direct and indirect economic impacts for the City and County of Honolulu and the State of Hawai'i.

Natural Environmental and Resource Stewardship

Objective A To protect and preserve the natural environment.

- Policy 1 Protect O'ahu's natural environment, especially the shoreline, valleys, ridges, and watersheds, from incompatible development.
- Policy 4 Require development projects to give due consideration to natural features and hazards such as slope, inland and coastal erosion and flood hazards, water-recharge areas, and existing vegetation, as well as to plan for coastal hazards that threaten life and property.

- Policy 6 Design and maintain surface drainage and flood-control systems in a manner which will help preserve natural and cultural resources.
- Policy 7 Protect the natural environment form damaging levels of air, water, and noise pollution.
- Policy 8 Protect plants, birds, and other animals that are unique to the State of Hawai'i and O'ahu, and protect their habitats.
- Policy 12 Plan and prepare for the impacts of climate change on the natural environment, including strategies of adaptation.
- Objective B To preserve and enhance natural landmarks and scenic views of O'ahu for the benefit of both residents and visitors as well as future generations.
 - Policy 1 Protect the Island's significant natural resources: its mountains and craters; forests and watershed areas; marshes, rivers, and streams; shorelines, fishponds, and bays; and reefs and offshore islands.
 - Policy 2 Protect O'ahu's scenic views, especially those seen from highly developed and heavily traveled areas.
 - Policy 3 Locate and design public facilities, infrastructure, and utilities to minimize the obstruction of scenic views.

Discussion: The Project area is composed of highly disturbed land dominated by non-native plant and wildlife species. Previous military activities and current commercial and agricultural activities have reduced the number and abundance of native species and habitats suitable for native species. However, despite the dominance of non-native species, some native plant species and listed and native animal species are present. The Project has been designed to avoid sensitive biological resources to the extent practicable. BMPs will be implemented to minimize stormwater run-off and impacts to land-based, shoreline, and marine resources. See Section 3.4 for more information regarding the Project's protection of sensitive environmental resources.

A visual impact analysis of the Project shows that in many cases the Project will be partially or fully screened by existing vegetation. Where the Project is visible from certain viewpoints, the Project infrastructure would introduce new visual elements within the landscape but would not attract attention and would be a subordinate feature in the landscape setting. The Project would not block mauka-to-makai and makai-to-mauka view planes, or significant vistas or landmarks in the 'Ewa Development Plan. See Section 3.8 for a discussion of visual impacts.

Energy

- Objective A To increase energy self-sufficiency and maintain an efficient, reliable, resilient, and cost-efficient energy system.
 - Policy 1 Encourage the implementation of a comprehensive plan to guide and coordinate energy conservation and renewable energy development and utilization programs.

- Policy 2 Support and encourage programs and projects, including economic incentives, regulatory measures, and educational efforts, which will reduce O'ahu's dependence on fossil fuels as its primary source of energy.
- Policy 7 Manage our resources and the development of our communities in line with the longterm goals of net zero to net positive performance in areas of energy, carbon emissions, waste streams, all utilities, and food security.
- Policy 9 Consider health, safety, environmental, cultural, and aesthetic impacts, as well as resource limitations, land use patterns, and relative costs in all major decisions on renewable energy.
- Objective B To conserve energy through the more efficient management of its use and through more energy-efficient technologies.
 - Policy 5 Encourage the implementation of an adaptable and reliable electrical grid, energy transmission, energy storage, and energy generation technologies.
- Objective C To foster an ethic of energy conservation that inspires residents to engage in sustainable practices.
 - Policy 4 Provide communities with timely, relevant, and accurate information concerning renewable energy facilities proposed in their area.

Discussion: The Project would help to meet the state's goal of 100 percent renewable energy sources by 2045 by providing up to 15 MW of solar energy and 60 MWh of battery storage, which is enough electricity for approximately 6,200 O'ahu homes (Hawaiian Electric 2020c). Hawaiian Electric estimates that the Project will fulfill an average of 0.56% of Hawaiian Electric's RPS over the 25-year term of the PPA. The Project is expected to offset approximately 1,139,396 barrels of fossil fuel consumption by Hawaiian Electric's generating units and reduce net lifecycle greenhouse gas emissions by approximately 455,598 metric tons of carbon dioxide equivalents over its lifecycle. Furthermore, it is estimated that the renewable energy supplied by the Project will potentially save Hawaiian Electric, and therefore customers, millions of dollars in total avoided fuel costs over the term of the PPA.

The EA review process would inform the public of the proposed renewable energy facility and provide opportunity for input at various stages, including the pre-assessment consultation process and the Draft EA 30-day public comment period. Additional opportunities for input would occur during the subsequent discretionary permitting process.

Physical Development and Urban Design

- Objective A To coordinate changes in the physical environment of O'ahu to ensure that all new developments are timely, well-designed, and appropriate for the areas in which they will be located.
 - Policy 10 Discourage uses which are major sources of noise, air, and light pollution.

- Policy 11 Encourage siting and design solutions that seek to reduce exposure to natural hazards, including those related to climate change and sea level rise.
- Policy 13 Promote opportunities for the community to participate meaningfully in planning and development processes, including new forms of communication and social media.

Discussion: The Project would be designed to minimize impacts related to noise, air, and light pollution during construction and operation, and is not anticipated to be a major source of these pollutants. As detailed in Section 3.13 and as shown in Figures 3-13 and 3-14, the Project would not be located in a flood hazard zone or tsunami evacuation zone, and would not be expected to increase exposure to natural hazards. Once constructed, the Project would generate clean renewable energy which would replace the burning of fossil fuel for the production of electricity, thus offsetting greenhouse gas emissions and providing a beneficial impact relative to climate change. As noted above, the EA and discretionary permitting processes include opportunities for meaningful community input.

Culture and Recreation

- Objective B To protect, preserve, and enhance O'ahu's cultural, historic, architectural, and archaeological resources.
 - Policy 2 Identify and, to the extent possible, preserve and restore buildings, sites, and areas of social, cultural, historic, architectural, and archaeological significance.

Discussion: An AIS was conducted for the Project, including detailed background research and a 100 percent pedestrian inspection of the Project area. The AIS identified 17 historic properties within the Project area, containing 438 component features. Identified historic properties included features used for habitation, agriculture, ceremonial, and recreational activities, as well as historic buildings and features used for a variety of military activities from World War II onwards. Recommendations for the treatment of each of these features are summarized in the AIS. Of the 17 historic properties that were identified, five will be completely avoided and preserved. Features included in seven additional historic properties will also be avoided and preserved. In total, 348 of the features documented during this study are recommended for preservation.

The proposed project design will potentially impact 90 of the 438 documented features. The impacts to 42 of these 90 features will be mitigated through data recovery prior to construction. Archaeological monitoring is recommended during construction and the 48 features that are recommended for no further work will be called out in an archaeological monitoring plan that will be approved by SHPD prior to construction. The AIS adequately documents the informational content of these 48 features and, therefore, any impacts to these features have been adequately mitigated.

Barbers Point Solar, LLC intends to obtain SHPD's review of the AIS and concurrence with the effect determination prior to the HCDA hearing for the CUP application.

5.10.2 'Ewa Development Plan

The General Plan for the City and County of Honolulu requires that community development plans be adopted by the City Council for each of the eight planning areas in the City and County. These development plans are intended to provide detail for the elements presented in the General Plan and emphasize those elements most relevant to the issues and conditions of the specific area plan in order to guide public policy, infrastructure investment and land use decision making over the next 25 years. The 'Ewa Development Plan was originally adopted by the City Council in 1997 and was most recently revised in 2020 (Ordinance 20-46).

The revised 'Ewa Development Plan (City and County of Honolulu 2020) maintains the vision for:

- Providing a secondary employment center with its nucleus in the City of Kapolei to supplement the Primary Urban Center and divert commuter traffic from the Primary Urban Center;
- Concentrating primary employment activities at industrial and resort areas and at government service and higher education centers around the City of Kapolei so that regional office and retail activities are attracted to the City of Kapolei;
- Providing significant residential development throughout 'Ewa, consistent with the General Plan, to meet the needs of O'ahu's citizens;
- Providing for a variety of housing types from affordable units and starter homes to mid-size and larger multi-family and single-family units;
- Promoting diversified agriculture on prime agricultural lands along Kunia Road and surrounding the West Loch Naval Magazine in accordance with the General Plan policy to support agricultural diversification in all designated agricultural areas on O'ahu;
- Providing a secondary resort area at Ko Olina;
- Helping relieve urban development pressures on rural and urban fringe Sustainable
 Communities Plan (SCP) areas (Wai'anae, North Shore, Ko'olau Loa, Ko'olau Poko, and East
 Honolulu) so as to preserve the "country" lifestyle of the rural areas and sustain the stable, low density residential character of the urban fringe areas; and
- Providing, along with the PUC, a focus for directed and concentrated public and private infrastructure investment to support growth.

The Ewa Development Plan identifies the former NASBP as Kalaeloa and designates it as a Special Area. After the closure of the former NASBP in 1999, the Kalaeloa Redevelopment Plan was prepared for Kalaeloa in December 2000 by the Barbers Point Naval Air Station Redevelopment Commission and accepted as the Kalaeloa Special Area Plan by the City Council (Res. 01-86, April 2001). The 'Ewa Development Plan acknowledges that HCDA prepared the Kalaeloa Master Plan, which was approved by the HCDA Board and Governor in 2006, but notes that the Kalaeloa Master Plan still needs to be submitted for acceptance by the City Council as the Special Area Plan for Kalaeloa (replacing the 2000 Kalaeloa Redevelopment Plan) (City and County of Honolulu 2020). Formal adoption is still pending.

The Project site land use classifications under the 'Ewa Development Plan for TMK 9-1-013:038 and :040 is Industrial. Kalaeloa is designated as a Special Area under the 'Ewa Development Plan. In 2002, the State Legislature transferred redevelopment responsibility for Kalaeloa to the HCDA. Approval for all development projects in Kalaeloa should be based on the extent to which the Project supports the polices and guidelines of the 'Ewa Development Plan but is ultimately guided by the Kalaeloa Master Plan and regulated by the KCDD. The Project is consistent with the 'Ewa Development Plan land use classification and is compliant with the Kalaeloa Master Plan, see discussion in Section 5.9.

5.10.3 Land Use Ordinance

The City & County of Honolulu's Land Use Ordinance (Revised Ordinances of Honolulu Chapter 21) regulates land use by identifying the uses that are considered appropriate in each zoning district and the minimum standards and conditions that must be met if those uses are to be permitted. The purpose of the Land Use Ordinance is to regulate land use in a manner that will encourage orderly development in accordance with adopted land use policies, including the Oʻahu General Plan and community development plans.

However, it should be noted that per the federal Hawaiian Homes Commission Act of 1921, DHHL is not subject to the land use controls of other state or county agencies unless it decides to subject itself to those controls for health and safety reasons. In addition, as the Project is located within the HCDA's KCDD, HCDA determines allowed uses in the Project area rather than City and County of Honolulu. For the purposes of this Project, DHHL directed the Applicant to comply with and seek land use permits and approvals from HCDA.

5.11 Permits Anticipated to be Required

Table 5-6 provides a list of the permits and approvals that are expected to be required for construction and operation of the Project, along with the current status of each item.

Table 5-6. Anticipated Permits and Approvals Required for Project

Permit/Approval	Regulating Agency	Status
HRS Chapter 343 Compliance	DHHL (approving agency)	Draft EA published for public review
Development Permit	HCDA	Application to be submitted following HRS Chapter 343 EA process
Variance	HCDA	Application to be submitted following HRS Chapter 343 EA process
CUP	HCDA	Application to be submitted following HRS Chapter 343 EA process
HRS Chapter 6E Compliance (Historic Preservation Review)	State Historic Preservation Division (SHPD)	Draft AIS submitted to SHPD for review on September 8, 2021
NPDES Permit	Department of Health (DOH), Clean Water Branch	To be obtained prior to construction
Community Noise Permit	DOH, Indoor and Radiological Health Branch	To be obtained prior to construction

Permit/Approval	Regulating Agency	Status
Building Permit	Department of Planning and Permitting	To be obtained prior to construction
Grading and Grubbing Permit	Department of Planning and Permitting	To be obtained prior to construction
Use and Occupancy Permit	HDOT	To be obtained prior to construction, as applicable
Permit to Perform Work Upon State Highways	HDOT	To be obtained prior to construction, as applicable
Weekly Lane Closure Form	HDOT	To be obtained prior to construction, as applicable
Permit to Operate or Transport Oversize and/or Overweight Vehicles and Loads	HDOT	To be obtained prior to construction, as applicable
Movement of Oversize and/or Overweight Vehicles and Loads Permit	Department of Transportation Services	To be obtained prior to construction, as applicable
Notice of Proposed Construction or Alteration (Form 7460-1)	Federal Aviation Administration (FAA)	To be submitted prior to construction
Notice of Actual Construction or Alteration (Form 7460-2, Part 2)	Federal Aviation Administration (FAA)	To be submitted within 5 days after construction reaches its greatest height

6.0 SUMMARY OF FINDINGS AND ANTICIPATED DETERMINATION

6.1 Significance Criteria

The HRS Chapter 343 environmental review process requires that the sum of the effects of a proposed action on the quality of the environment be considered as part of the determination of significance. In determining whether the action may have a significant effect on the environment, specific significant criteria are identified in HAR §11-200.1-13. These significance criteria are listed below, with an assessment of the Project relative to each criterion. As detailed throughout this document, the Project would incorporate a variety of mitigation measures such that no significant impacts are anticipated for the identified environmental resources.

(1) Irrevocably commit a natural, cultural, or historic resource

Natural, cultural, and historical resources have been documented in Project specific studies including a Biological Resources Survey Report and Supplemental 'Akoko Survey (Appendix C), an AIS (Appendix A), and CIA (Appendix E).

The Project area is dominated by non-native vegetation and has been disturbed by past military use. At the end of its useful life, the Project would be decommissioned, with all Project-related equipment removed and the Project area returned to substantially the same condition as existed prior to development. As detailed in Section 3.4.2, measures would be implemented during construction and operations to avoid or minimize impacts to natural resources.

With respect to historic resources, the AIS identified 17 historic properties within the Project area, containing 438 component features. Identified historic properties included features used for habitation, agriculture, ceremonial, and recreational activities, as well as historic buildings and features used for a

variety of military activities from World War II onwards. Of the 17 historic properties that were identified, five will be completely avoided and preserved. Features included in seven additional historic properties will also be avoided and preserved. In total, 348 of the features documented during this study are recommended for preservation. Implementation of the Project would potentially impact 90 of the 438 documented features; however, impacts to 42 of these 90 features will be mitigated through data recovery prior to construction. Archaeological monitoring is recommended during construction and the 48 features that are recommended for no further work will be called out in an archaeological monitoring plan that will be approved by SHPD prior to construction. The AIS adequately documents the informational content of these 48 features and, therefore, any impacts to these features have been adequately mitigated. Based on the conclusions regarding the significance and documentation to date, pursuant to HAR §13-284-7 and subject to review and concurrence by SHPD, the effect determination for the Project is anticipated to be "effect, with proposed mitigation commitments."

As detailed in Section 3.6, the CIA did not identify any cultural practices as currently existing within the Project area. Therefore, the Project is unlikely to affect cultural practices within the Project area. Based on this analysis, implementation of the Project would not be expected to result in an irrevocable commitment to loss or destruction of important natural, historical, or cultural resources.

(2) Curtail the range of beneficial uses of the environment

The range of beneficial uses of the environment is determined by the physical setting and the land use controls that define its use. The majority of the Project area is currently vacant and overgrown by kiawe and koa haole. There are large cleared, concrete and asphalt paved areas, as well as debris, bunkers, aircraft revetments and associated structures, and abandoned vehicles and equipment in the Project area. The northern portion of the Project area is located within the 'Ewa Battlefield Historical District and a portion of the Project area within TMK 9-1-013:038 is located in the proposed 'Ewa Field Aircraft Revetment Historic District. The majority of TMK 9-1-013:038 is currently unused by DHHL; however, small portions are leased for agricultural and commercial/industrial purposes.

In DHHL's approval of the Project's right-of-entry, it notes that it believes the Project is in the best interests of the DHHL Trust as it will generate a substantial revenue stream for the DHHL Trust over at least 25 years on land that lacks infrastructure, has use restrictions and limitations for [residential] development, and has not generated much revenue in the past (DHHL 2019). Furthermore, the Project is compatible with DHHL's General Plan (DHHL 2002), O'ahu Island Plan (DHHL 2014), Kapolei Regional Plan (DHHL 2010) and Ho'omaluo Energy Policy. The Project is also anticipated to be considered consistent with HCDA's Kalaeloa Masterplan and associated KCDD rules. See Section 5.9 for more detailed discussion of the Project's compatibility with these plans. Barbers Point Solar, LLC is working in collaboration with DHHL and the existing tenants occupying portions of the Project area to explore alternative unencumbered areas within the Project parcels (e.g., revetment area) and/or off site locations to minimize impacts to the existing tenants so as to allow for safe construction or operation of the solar project.

Furthermore, the Project would be decommissioned at the end of its useful life, with Project-related equipment removed and the Project area returned to substantially the same condition as existed prior to development, thus preserving the full range of potential future land uses. As the Project would provide clean renewable energy while allowing for ongoing agricultural activities and would not preclude any future land use following decommissioning, it would not be expected to curtail the range of beneficial uses of the environment.

(3) Conflict with the State's environmental policies or long-term environmental goals established by law;

The Project would not conflict with the State's environmental policies or long-term environmental goals, which are specified in HRS Chapter 344. A detailed discussion of the Project's consistency with these policies and goals is provided in Section 5.5.

(4) Have a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State;

As discussed in Section 3.16, the Project would be expected to positively impact the economic and social welfare of the community by creating local employment opportunities, as well as providing a source of revenue for the DHHL Trust. The Project's economic contribution through job creation, tax payments, and other secondary benefits are increasingly important to the State of Hawai'i considering the current COVID-19 pandemic and associated economic downturn. In addition, the energy produced by the Project would be sold over the 25-year PPA term at a fixed price that is less than the current cost of fossil fuel power, thus helping to hedge against long-term price volatility. It would also help to improve electric grid stability by enabling Hawaiian Electric to utilize stored solar energy to meet peak demand.

Based on information gathered from the cultural and historical background, as well as community consultation conducted as part of the CIA, with implementation of biological avoidance and minimization measures listed in Section 3.4.2 and BMPs listed in Section 3.3.2 for protection of surface and groundwater resources, the Project would not be expected to significantly affect cultural or natural resources identified as existing within the Project area. Contemporary cultural practices occur in the adjacent Kalaeloa Heritage Park parcel, which involve caring for archaeological features and natural resources. The Project would not interfere with these, or other cultural practices in the Project area vicinity. As such, Project implementation would not result in a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State.

(5) Have a substantial adverse effect on public health;

The Project would be consistent with existing land uses and would not be expected to directly affect public health. Project implementation would result in short term impacts related to air quality as a result of dust emissions and noise from construction vehicles and equipment; these impacts would be minimized through BMPs in compliance with State and County requirements. Over the long term, operation of the Project would generate clean renewable energy that would replace a portion of

electricity that is currently generated by burning fossil fuels, thus reducing GHG emissions and other forms of pollution that are detrimental to human health.

(6) Involve adverse secondary impacts, such as population changes or effects on public facilities;

While the construction and operation expenditures associated with the Project may provide a direct benefit to the local economy, the amounts are relatively too small to cause significant secondary effects in the local economy. The Project would not induce changes in land use, development, or population size in the 'Ewa District. Public facilities would not be adversely affected, nor would additional use of public facilities occur as a result of Project implementation.

(7) Involve a substantial degradation of environmental quality;

The Project would not involve substantial degradation of environmental quality. The Project area has been extensively modified by previous activities and is dominated by non-native habitat. Noise levels and airborne dust would likely increase as a result of Project construction and decommissioning, but these effects would be short term and minimized through implementation of BMPs such that impacts would be minimal. BMPs would also be implemented to minimize the potential discharge of pollutants associated with stormwater runoff during both construction and throughout operations, as well as during decommissioning. Following decommissioning, the Project area would be returned to substantially the same condition as existed prior to development. All aspects of Project implementation would comply with applicable federal, state and local environmental regulations.

(8) Be individually limited but cumulatively have substantial adverse effect upon the environment or involves a commitment for larger actions;

The proposed Project does not involve a commitment to a larger action; although it would provide electricity for the island of O'ahu and would replace energy that is currently generated by fossil fuels. However, it would not be a precursor for other future projects. When considered in combination with other actions, the Project could potentially contribute to cumulative impacts, including those related to stormwater, noise, air quality, and traffic. However, avoidance and minimization measures would be implemented, such that cumulative impacts would be less than significant.

(9) Have a substantial adverse effect on a rare, threatened, or endangered species, or its habitat;

None of the plant species observed in the Project area are federal or state listed threatened, endangered, proposed listed, or candidate plant species. As the Project area is dominated by non-native vegetation, measures would be implemented to avoid or minimize impacts to the wiliwili trees on the site and the endangered 'akoko known to occur nearby (off site), implementation of the Project is not expected to have a significant impact on vegetation.

Most of the wildlife in the Project area is non-native to the Hawaiian Islands, and native habitats have been disturbed by previous activities and the introduction of invasive species, which has reduced the presence of native wildlife. The state listed pueo was observed within the Project area, and Hawaiian stilts were seen flying over the Project area during the biological surveys. Several other threatened and

endangered wildlife species could occur within or traverse over the Project area. Consistent with recommendations provided by DOFAW, the Project would incorporate measures specifically intended to avoid and minimize impacts to these species. With implementation of these measures, the Project would not be expected to have a substantial adverse effect on these listed species or their habitat.

(10) Have a substantial adverse effect on air or water quality or ambient noise levels;

Project implementation would result in minimal, short term impacts related to air and water quality, as well as ambient noise levels; mitigation measures would be implemented to minimize these impacts. The Project would also include permanent BMPs to provide long term retention and filtration of stormwater within the Project area. No substantial adverse water quality or air quality impacts are anticipated over the long term. Operation of the Project would generate some noise, primarily associated with the inverters and transformers within the solar arrays and substation; however, operational noise is expected to fall below the maximum permissible sound levels and is not expected to significantly impact any noise sensitive receptors, especially in the context of the airport activities in the Project vicinity.

(11) Have a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;

As the Project area is not located within a flood hazard zone or a tsunami evacuation zone, it is extremely unlikely that conditions associated with flood or tsunami inundation would occur within the site, nor would the Project contribute to increased risk of flooding or inundation. The Project is in an extreme tsunami evacuation zone, but extreme tsunamis are rare, and the Project is likely to not be affected. The Project would be designed and constructed in compliance with all applicable federal, state, and local environmental protection, design, and building standards and regulations, including the Federal Flood Insurance Program, and would not contribute to coastal flooding. Implementation of the Project would not affect any environmentally sensitive area, nor would the Project be affected by environmental hazards associated with any such area.

(12) Have a substantial adverse effect on scenic vistas and viewplanes, during day or night, identified in county or state plans or studies; or

Based on a viewshed assessment (which considers terrain only and not existing vegetation or structures that may obstruct the view), it is anticipated that views of the Project would be primarily from areas immediately adjacent to the Project site. The Project will not block mountain or ocean views. From viewpoints from the adjacent public roadways and from locations within the 'Ewa Battlefield, the visual impact analysis shows that in many cases the Project will be partially or fully screened by existing vegetation. Where the Project is visible along Coral Sea Road, the visual contrast will be mitigated with the addition of Project landscaping. After decommissioning, the Project site will be returned to substantially the same condition as existed prior to Project development. Considering all features, the

Project is expected to have minimal or no significant impact on the City and County of Honolulu's scenic and visual resources.

(13) Require substantial energy consumption or emit substantial greenhouse gases.

Construction of the Project would use some energy for site preparation and equipment installation. However, once installed, the Project would function to generate clean renewable energy, thus providing a net increase in energy and reducing emissions of GHG by replacing a portion of the electricity that is currently generated by burning fossil fuels.

6.2 Determination

Based upon the preliminary analysis and findings presented in this document, implementation of the Project is not expected to result in a significant adverse direct, indirect, or cumulative impact on the quality of the environment. As such, a FONSI is anticipated in accordance with HRS Chapter 343. This assessment is based on an evaluation of the Project impacts in relation to the significance criteria specified in HAR §11-200.1-13, as detailed above.

The anticipated determination is based on the preliminary analysis and findings of the environmental review process to date, as presented herein. Additional information and input obtained through the Draft EA public review process will be considered in finalizing the EA. A final determination will be made based on the analysis in the Final EA and published accordingly.

7.0 COORDINATION AND CONSULTATION

Barbers Point Solar, LLC began conducting community engagement and public outreach activities during the early stages of the Project's development process and continues to engage with the community with Project updates and coordination on community benefits. Barbers Point Solar, LLC and its consultants have held nearly 100 meetings with individuals, community organizations, businesses, and government official and also held two public open houses. The Project's overall community outreach and agency coordination activities are described further in Section 7.1. A description of the Project's community engagement approach and a detailed description of stakeholder consultation conducted to date and feedback received is included in the Project's Community Outreach and Engagement Report in Appendix I. Consultation conducted specifically for the HRS Chapter 343 environmental review process is described in Section 7.2.

7.1 Community Outreach and Agency Coordination

The Project's goal for community outreach and engagement is to achieve open, two-way communication between the Barbers Point Solar, LLC and its parent company Innergex and community members, stakeholders, regulators, and policy makers. The engagement process helps Barbers Point Solar, LLC share information with the local communities, understand local values, and discover areas of mutual interest. It also provides an opportunity to work through an iterative process with local

communities to identify opportunities and concerns and take measures to address them in a cooperative way where commercially reasonable and possible.

In order to gain an understanding of the local area that surrounds the Project site, a process was undertaken in 2019 to identify and group the local stakeholders into several different "Local Communities" that are differentiated based on the anticipated level of interest (stake) that they have in, and impact that the proposed Project may have on them. Throughout the early engagement process, Barbers Point Solar continually worked to increase the awareness of the Project and provide information and channels to have discussions with the Project team.

Barbers Point Solar has engaged in extensive outreach and engagement with community members and organizations by conducting one-one-one and small group meetings and attending and speaking at various organization meetings.

In January 2019, Innergex responded to an RFP issued by DHHL for a solar project to be located on two parcels of its industrial land in Kalaeloa. DHHL selected Innergex's Barbers Point Solar Project proposal and initiated the steps to sign a Right of Entry to develop the parcels and bid into the pending Hawaiian Electric Company RFP. On March 21, 2019, DHHL and Innergex hosted a beneficiary consultation meeting on the proposed Project from 6:00 pm – 8:00 pm at the Kapolei Middle School. The meeting was advertised through DHHL mailed invitation letters to 1,453 Lessees and Applicants that reside in the Kapolei (96707) and a notice on DHHL's website. Ten (10) beneficiaries participated in the consultation meeting and one (1) beneficiary emailed written comments. Refer to Appendix I for more details on this meeting and for a summary of feedback received from the community.

In accordance with the terms of the Hawaiian Electric RFP, a Public Open House was held on July 8, 2020. Due to COVID-19 restrictions, the meeting was held virtually via the WebEx platform. The meeting was advertised through the Project website, newspaper advertisements (refer to Section 2.3 above), and email and letter invites to various stakeholders and area homesteaders. Approximately 32 people attended the virtual the open house. The Public Open House was attended by a broad cross-section of Oʻahu residents and stakeholders. Attendees included residents of Oʻahu, DHHL, PUC, and Hawaiian Electric. Refer to Appendix I for more details on this meeting and for a summary of feedback received from the community.

Kapolei Community Development Corporation (KCDC) and the Kapolei Homestead Associations in collaboration with Barbers Point Solar hosted a Kapolei Homestead Project Update Meeting on November 10, 2020. Due to COVID-19 restrictions, the meeting was held virtually via the WebEx platform. The meeting was advertised through the KCDC website and Facebook page, Project website, and invites to various stakeholders and area homesteaders. The Community Update Meeting included information on the State of Hawaii's renewable energy and Project information, including timelines, preliminary study results, permitting, equipment/construction, visual simulations, decommissioning, and benefits presented by Barbers Point Solar including a PowerPoint presentation. Barbers Point Solar and its consultants were also in attendance to answer questions. Refer to Appendix I for more details on this meeting and for a summary of feedback received from the community.

Table 7-1 includes a list of Local Communities that have been engaged throughout the consultation process the community engagement activities conducted to date. In addition to the meetings listed in Table 7-1, the Project's outreach team has been coordinating with elected official and other stakeholders through phone calls, emails, and other communication methods. See Appendix I for a detailed list of key stakeholders and outreach methods conducted as part of the overall Project community engagement efforts.

Based on the feedback received to date, the broader community of Kapolei residents remain supportive of the Project. In regard to the Kapolei homestead communities, the KCDC Board has been consulted with extensively. The KCDC Board consists of community leaders from the Kapolei homestead communities — Malu'ohai, Kaupe'a, Kauluokaha'i and Kānehili. The President of the KCDC has provided a letter of support and reconfirmed support for the Project during the November 10, 2020 community virtual Project update meeting to the KCDC board and Kapolei homesteaders, which states.

"KCDC supports the solar project at Kalaeloa, because it aligns with DHHL's guiding documents but more importantly because this project provides DHHL, its beneficiaries, KCDC and the Kapolei homesteads with the resources for a sustainable future." Scott Abrigo – President of Kapolei Community Development Corporation.

A copy of this letter is included in an appendix to the Project Community Consultation Report (Appendix I).

Table 7-1. Summary of Community Stakeholders Engaged with to Date

Local Community Type	Stakeholder	Date	Description of Engagement
Public Open House	Public Meeting	July 8, 2020	Virtual open house
	Public Meeting	November 10, 2020	Virtual community update meeting
Government Agencies	DHHL	March 21, 2019	Beneficiary consultation meeting hosted by DHHL and Innergex (held virtually)
		July 8 – 9, 2019	Hawaiian Homes Commission Meeting /Public Hearing
		Aug-Sept 2019	Meeting with DHHL Site Tenants at Project area
		September 16, 2019	Hawaiian Homes Commission meeting
		February 5, 2020	Meeting with DHHL
		April – May 2020	Meeting with DHHL Site Tenants at Project area (ongoing consultations occurring, not every correspondence listed in table)
		May 26, 2020	Meeting with DHHL & SHPD Staff
		July 1, 2020	Meeting with DHHL & SHPD
		October 2, 2020	Meeting with HCDA and DHHL
		October 28, 2020	Meeting with DHHL Chair and Planning Staff
		January 21, 2021	Meeting with DHHL Chair and Planning Staff
		January 29, 2021	Site visit with DHHL tenant manager.
		February 18, 2021	Meeting with DHHL & SHPD
		March 18, 2021	Meeting with DHHL Land & Planning Staff
		March 31, 2021	Meeting with DHHL Land & Planning Staff
		April 20, 2021	Meeting with DHHL staff
		May 5, 2021	Meeting with DHHL Chair and Land & Planning Staff
		June 10, 2021	Meeting with SHPD (Administrator and staff) and DHHL (Chair and Land & Planning Staff)
		June 29, 2021	Meeting with DHHL staff
	Hawaii Community Development	October to present	Meetings with HCDA to provide project updates and request input on Project
	Authority	June 10, 2021	Participated in HCDA Kalaeloa Stakeholders meeting
		July 14, 2021	Attended HCDA Master Plan & Rules Update meeting
	State Historic Preservation Division	May 26, 2020	Meeting with DHHL & SHPD Staff
		July 1, 2020	Site visit with DHHL & SHPD
		September 11, 2020	Meeting with SHPD
		October 28, 2020	Site Visit with Branch Chief Dr. Susan Lebo and Architectural Historian Julia Flauaus
		January 22, 2021	Meeting with SHPD Staff

Local Community Type	Stakeholder	Date	Description of Engagement
		February 18, 2021	Meeting with DHHL & SHPD staff
		April 19, 2021	Meeting with SHPD staff
		June 10, 2021	Meeting with SHPD (Administrator and staff) and DHHL (Chair and Land & Planning Staff)
	Department of Land & Natural	October 30, 2020	Meeting with DOFAW and USFWS staff
	Resources- Division of Forestry and Wildlife (DOFAW)	November 13, 2020	Meeting with DOFAW staff
	U.S. Fish and Wildlife Services - Pacific Islands Fish and Wildlife Office (USFWS)	October 30, 2020	Meeting with DOFAW and USFWS staff
	Hawaii Department of Transportation	August 26, 2020	Meeting with Airport Manager – Kalaeloa Airport (JRF) & Kawaihapai-Dillingham Airfield (HDH) -State of Hawaii DOTA O'ahu District and Civil Air Patrol members
		September 26, 2020	Meeting with Kalaeloa Airport, Airport Manager & Pilots
	Neighborhood Board #34 (Makakilo, Kapolei, Honokai Hale)	August 27, 2020	Attended meeting with Chair and Board Members, Neighborhood Board #34 (Makakilo/Kapolei)
		September 26, 2020	Presentation to Neighborhood Board #34, Board
Neighboring and	Kapolei Community Development	October 18, 2018	Community meeting with President of KCDC
Adjacent Property			Community meeting with President of KCDC
Owners/Lessees	leaders from the Kapolei homestead	August 21, 2019	Meeting with President and Board Members of KDCD
	communities – Malu'ohai, Kaupe'a, Kauluokaha'i and Kānehili)	October 7, 2019	Meeting with Board Members and DHHL Ewa Homestead Association Boards leadership, KCDC
	,	June 25, 2020	Meeting with President of KCDC
		July 6, 2020	Meeting with Kaupe'a Homestead Association Representative, KCDC
		October 1, 2020	Meeting with President of KCDC
		October 23, 2020	Meeting with President of KCDC
		November 10, 2020	Presentation to KCDC board and Kapolei homesteaders
		November 13, 2020	Meeting with Co-founder and member of KCDC / President of Malu'ohai Homestead, Aunty Homelani Schneider
		January 29, 2021	Meeting with KCDC board representatives
		June 11, 2021	Meeting with KCDC, President
	DHHL Lessee on Project parcel: Kalaeloa Ranch	November 18, 2020	Site visit Kalaeloa Ranch, President – Ihilani Cummings
	DHHL Lessee on Project parcel: Hawaii Explosive & Fireworks	November 23, 2020	Site visit with Hawaii Explosives & Fireworks (Stephanie Pascua)
	DHHL Lessee on Project parcel: FPS Painting	July 7 and 9, 2021	Site visit with FPS Painting

Local Community Type	Stakeholder	Date	Description of Engagement
	Barbers Point Riding Club	December 9, 2020	Site visit with Riding Academy Manager
		April 30, 2021	Meeting with Riding Academy, Manager
	Hunt Company	December 28, 2020	Meeting with HUNT Development and DHHL tenants
		January 22, 2021	Meeting with HUNT Development
		January 27, 2021	Meeting with HUNT Development and Navy
	Ewa Beach Community Based Development Organization	September 28, 2020	Meeting with Ewa Beach Community Based Development Organization
	US Navy/ NAVFAC	January 27, 2021	Meeting with HUNT Development and Navy
		February 24, 2021	Meeting with Navy staff
		March 4, 2021	Meeting with Navy staff
	Kalaeloa Heritage Park (HCDA)	November 9, 2020	Meeting with 'Aha Moku 'Ewa Representative / Kalaeloa Heritage Park & Legacy Foundation, Director
Environmental and	Earth Justice	August 18, 2020	Meeting with Managing Attorney, Earth Justice
Conservation Groups	Sierra Club	August 18, 2020	Meeting with Chapter Director, Sierra Club
Other Community and	Council for Native Hawaiian	September 23 – 24, 2019	Meeting with staff and convention
Business Organizations	Advancement (CNHA)	October 3, 2019	Meeting with Program Manager, CNHA and President, Mākaha Hawaiian Cultural & Training Center
		November 2019 –	CNHA and Mākaha Learning Center - curriculum development and scheduling of the
		February 2020	solar training course
		June 26, 2020	Meeting with Office Manager, CNHA
		June 27, 2020	Meeting with President & CEO, CNHA
		August 17, 2020	Meeting with Program Manager, CNHA
		September 21, 2020	Discussion with Mākaha Learning Center, President
		September 22, 2020	Meeting with CNHA Program Manager, Rona Kekauoha
		October 26, 2020	Meeting with president of Mākaha Learning Center
		January 12, 2021	Attend Solar Training Program class to talk to students re Job Fair and CNHA, Programs Manager
		February 4, 2021	Supported a Solar Job Fair for graduates of the CNHA Solar Trades Academy
		March 26, 2021	Meeting with Makaha Learning Center Staff
	'Ahahui Siwila Hawai'i O Kapolei (Kapolei Hawaiian Civic Club)	July 28, 2020	Meeting with Former President, 'Ahahui Siwila Hawai'i O Kapolei (Kapolei Hawaiian Civic Club)/ President of the Board for CNHA
	Prince Kuhio Hawaiian Civic Club	July 29, 2020	Meeting with Member, Prince Kūhiō Hawaiian Civic Club
	Rotary Club of Kapolei	July 7, 2020	Meeting with Board Members & Community Members, Rotary Club of Kapolei
		September 6, 2020	Meeting with Rotary Club of Kapolei, Club Members

Local Community Type	Stakeholder	Date	Description of Engagement
	Rotary Club of Kapolei Sunset	August 6, 2020	Meeting with President and Members, Rotary Club of Kapolei Sunrise
		September 28, 2020	Meeting with Rotary Club of Kapolei Sunset, Club members
	Wai'anae Gold 'Āina Bars	August 17, 2020	Meeting with founder Vince Dodge
		September 15, 2020	Meeting with founder
		October 17, 2020	Meeting with founder
	Ka Makana Aliʻi Mall	August 5, 2020	Meeting with Mall Manager
	Pacific Links – Hawaii	July 7, 2020 and July 29, 2020	Meeting with former COO Pacific Link Hawaii/CEO of Hawaii Community Foundation
Cultural Groups and	Aha Moku 'Ewa Representative Shad	November 9, 2020	Interview for CIA; shared project design and AIS findings
Leaders	Kane	June 17, 2021	Site visit with 'Aha Moku 'Ewa Representative/ Kalaeloa Heritage Park and Legacy Foundation Director, Shad Kane, and other CIA participants
	Oʻahu Island Burial Council	September 9, 2020	Presentation to Burial Council
		June 17, 2021	Site visit with 'Ewa representative, Mana Caceres, and other CIA participants
	Office of Hawaiian Affairs	June 16, 2021	Meeting with Office of Hawaiian Affairs staff
	Correspondences with Cultural	September 24-27, 2020	Correspondences with Cultural Descendant Carolyn Keala Norman
	Descendant	June 17, 2021	Site visit with Cultural Impact Assessment participants
Historical Groups	Mr. John Bond, MCAS Ewa Field	July 15, 2019	Meeting
	Historian	January 8, 2020	Meeting
		December 21, 2020	Site visit with John Bond, Kanehili Cultural Hui; Daniel Martinez, Pearl Harbor National Memorial, and staff
		January 25, 2021	Site visit with John Bond, Kanehili Cultural Hui and Ross Stephenson, Hawaiian Railway Society
		March 5, 2021	Site visit with John Bond, Kanehili Cultural Hui
	Kanehili Cultural Hui (Save Ewa Field) Hawaiian Cultural	December 21, 2020	Site visit with John Bond, Kanehili Cultural Hui; Daniel Martinez, Pearl Harbor National Memorial, and staff
	Consultants	January 25, 2021	Site visit with John Bond, Kanehili Cultural Hui and Ross Stephenson, Hawaiian Railway Society
		March 5, 2021	Site visit with John Bond, Kanehili Cultural Hui
	Hawaiian Railway Society	January 25, 2021	Site visit with John Bond, Kanehili Cultural Hui and Ross Stephenson, Hawaiian Railway Society
	Historic Hawaii Foundation	July 7, 2020	Meeting with Executive Director, Kirsten Faulkner, Historic Hawaii Foundation
	Pearl Harbor National Memorial	December 21, 2020	Site visit with John Bond, Kanehili Cultural Hui; Daniel Martinez, Pearl Harbor National Memorial, and staff
	Hoakalei Cultural Foundation	October 6, 2020	Site visit with Kimberly Kalama, Hoakalei Cultural Foundation

Local Community Type	Stakeholder	Date	Description of Engagement
Education & Schools	Kapolei Charter School	July 17, 2020	Instructor, Trainer focus, Kapolei Charter School
	Kapolei High School	August 21, 2020	Principal, Kapolei High School
	University of Hawaii - West Oʻahu	August 3, 2020	Instructor – Facilities Management Program, University of Hawaii West Oʻahu
		September 3, 2020	UH West O'ahu, Instructor, Facilities Management

7.1.1 Community Benefits

As discussed in Section 1.2, the Project will contribute to DHHL & Hawaii's renewable energy goals as called out in the DHHL Ho'omaluō Energy Policy (DHHL 2009) and the State's RSP and will potentially offer benefits listed below:

- Lower Cost, More Equitable, Stable-Priced Energy Feeding the Grid. Early community feedback from residents emphasized that the cost of electricity is a prevalent concern. Projects like the Barbers Point Solar Project are intended to contribute to lowering electricity bills over the long term. The proposed price is less than Hawaiian Electric's current cost of generating power with fossil fuel and the price will be fixed for 25 years.
- Battery Energy Storage Can Reduce Curtailment. The recently publicized curtailment of other
 wind and solar projects has been viewed by residents as a waste of energy generation—and
 investment—by the utility. These concerns underscore the importance of energy storage
 systems for projects like Barbers Point Solar in reducing curtailment. The stored power can be
 dispatched in the morning or evening—when rooftop solar is not available—can help meet
 demands of residents returning home to deal with dinner, baths, washing, and other tasks or
 during emergencies.
- Experience and Capacity. As a mature and experienced global company, Barbers Point Solar LLC's parent company Innergex brings necessary resources, capital, and expertise in the field of renewable solar energy. In addition, Innergex has a track record of working with indigenous and multi-cultural communities and shaping a win-win outcome with them. As captured in its core values, Innergex engages with a community, not as a developer, but as a long-term community partner for the life of the project.
- An Opportunity for Workforce and Local Business. Throughout the life of the project, Innergex
 commits to using the local workforce and local companies wherever feasible, maximizing the
 investment in O'ahu. These opportunities provide invaluable experiences for workers and
 companies in an ever-expanding energy sector in Hawaii.
- A Clean Power Future with Less Vulnerability. A great deal of concern exists among residents
 regarding O'ahu's vulnerability to external threats because of its reliance on imported fuel.
 Harsh memories of shipping strikes, world oil prices, and geo-political forces stoke fears of the
 disruption these events could again cause to daily lives. Knowing that the sun is a readily
 available reliable resource, O'ahu residents are supportive of the utility harnessing a renewable
 resource to improve the island's energy stability and grid resiliency.
- Project location. The Project is sited in a relatively remote and industrial area that has already
 been determined by Hawaiian Electric to be a prime site for energy generation. The Project is
 located in an area of Kalaeloa that is not immediately adjacent to any existing or planned
 residential communities. DHHL selected these two industrial sites because they do not have
 infrastructure or facilities required for commercial development. Leasing this land to a solar
 project accommodates DHHL's long-term plans for commercial/industrial development. The

Project is compatible with zoning and land use classifications, including KCDD/KCDA rules and standards. The Project Area is designated as "Industrial" in the Oʻahu Island Plan (DHHL 2014) and "Mixed Use" in the Kapolei Regional Plan (DHHL 2010). Lands in the Kalaeloa area are not intended for residential development but rather are intended for revenue generation (DHHL 2010). Solar development therefore complies with this land use requirement.

In addition to the above stated Project benefits, the Project will also provide direct community benefits through the development of a community benefit package. Barbers Point Solar, LLC and its parent company Innergex is committed to applying its expertise, resources, and dedication to the good of the planet in actively addressing O'ahu's unique challenges. The community benefit package is under development; however, the initial components of the package include the following. More detailed information is provided in Appendix I.

- Dedicated Funding to Kapolei Heritage Center. Innergex has committed dedicated funds (1
 percent of the actual gross project revenues) for the Kapolei Heritage Center, which will provide
 funds for the operations and maintenance of the center. The Innergex team will also work with
 the Kapolei Heritage Center Board to provide in-kind services to implement this financial support
 for the expansion plans for the center.
- Support Solar Training Program. Conversations with the Center for Native Hawaiian Advancement (CNHA) President and the Innergex team have taken place to outline creative ways to help the native Hawaiian community benefit from renewable energy projects. One of CNHA's priorities is to train its constituents so that they can become employable in new and expanding fields (e.g., solar project installation) and further career advancement in areas requiring skilled trades. In October 2019, Innergex connected the CNHA Training Program Manager with the President of Makaha Learning Center, which teaches apprenticeship and certificate programs primarily to native Hawaiians in the Makaha-Waianae communities. In 2020, Makaha Learning Center developed a focused curriculum for this course in collaboration with the CNHA team and held their first solar training program. Innergex has provided support for this program and sponsored a job fair for the graduating students at the conclusion of the program where they could directly meet and talk with solar contractors. To watch a video on the solar training program please visit the project website. Partnership with Wai'anae Gold to generate local food opportunities. Innergex has partnered with Wai'anae Gold to make the kiawe pods on the project site available to be collected so that they can be turned into kiawe bean pod flour and 'Āina Bars. To watch a video where Wai'anae Gold's Vince Kana'i Dodge shows the behind the scenes of kiawe bean pod flour production and discusses the importance of partnerships like with Barbers Point to generate local food opportunities please visit the project website.
- Working in Collaboration with Existing Tenants & DHHL. Innergex is working in collaboration with DHHL and the existing tenants to explore alternative unencumbered areas within the parcels (e.g., revetment area) and/or off site locations to minimize impacts to the three existing tenants so as to allow for safe construction or operation of the solar project.

- Local Employment & Contracting. Construction and operation phases will create benefits in terms
 of new employment opportunities, as well as the use of local suppliers. Preference would be
 given to retaining local persons, consultants, businesses and contractors throughout the
 development of the project.
- Sponsorships and memberships to various community organizations. Innergex is committed to
 evaluating sponsorships annually and providing support to a variety of events and causes.
 Through memberships in various community organizations, Innergex will participate in specific
 programs that support the missions of the organization and help to advance mutually held values
 and goals.

7.2 HRS Chapter 343 Scoping and Public Review Process

In addition to the general community outreach and agency coordination described in Section 7.1, additional consultation has been conducted specifically for the HRS Chapter 343 environmental review process. These efforts have included consultation with DHHL as the approving agency for the EA, as well as pre-assessment scoping and distribution of the Draft EA for public comment, in accordance with the requirements of HRS Chapter 343 and HAR §11-200.1. The various agencies, elected officials, community organizations and interested individuals contacted as part of the pre-assessment scoping and Draft EA public review process are listed in Table 7-2. Additional detail regarding the pre-assessment scoping and the Draft EA review process, including the comments received, is provided the following sections.

Table 7-2. Agencies, Organizations and Individuals Involved in HRS Chapter 343 Scoping and Public Review Process

Stakeholder		essment g Letter	Draft EA		Final EA	
Stakenoidei	Letter Sent ¹	Comment Received ¹	Notice of Availability	Comment Received	Notice of Availability	
Federal Agencies						
U.S. Geological Survey	•		•			
U.S. Fish and Wildlife Service	•		•			
National Marine Fisheries Service	•		•			
National Parks Service	•		•			
National Resources Conservation Service	•		•			
U.S. Army Corps of Engineers	•		•			
Department of the Navy	•		•			
Federal Aviation Administration	•		•			
Federal Transit Administration	•		•			
Federal Highways Administration	•		•			
U.S. Coast Guard	•		•			
U.S. Coast Guard, Air Station Barbers Point	•		•			
Environmental Protection Agency	•		•			
State Agencies						
Department of Agriculture	•		•			

Stakeholder		sessment ng Letter	Draf	t EA	Final EA
Stakenoluei	Letter Sent ¹	Comment Received ¹	Notice of Availability	Comment Received	Notice of Availability
Dept. of Accounting and General Services (DAGS)	•	•	•		
DAGS Archives Division	•		•		
Dept. of Business, Economic Development and Tourism (DBEDT)	•		•		
DBEDT Research Division Library	•		•		
DBEDT Strategic Industries Division	•		•		
DBEDT Office of Planning	•		•		
Land Use Commission	•		•		
Hawai'i State Energy Office	•	•	•		
Hawaiʻi Community Development Authority	•	•	•		
Hawaiʻi Emergency Management Agency	•		•		
Department of Education	•	•	•		
Department of Hawaiian Homelands	•		•		
Department of Health (DOH) Environmental Health Administration	•		•		
DOH Solid and Hazardous Waste Branch	•2		•		
Department of Land and Natural Resources (DLNR) - Chairperson	•		•		
DLNR Land Division	•	•	•		
DLNR Engineering Division	•		•		
DLNR Division of Forestry and Wildlife (DOFAW)	•	•	•		
DLNR Commission on Water Resource Management	•		•		
State Historic Preservation Division	•		•		
Dept. of Transportation Highway Division	•	•	•		
Dept. of Transportation Airports Division	•	•	•		
UH Office of Capital Improvement	•		•		
UH Water Resources Research Center	•	•3			
UH Environmental Center	•	•3			
Office of Hawaiian Affairs	•		•		
City & County of Honolulu Agencies					
Board of Water Supply	•	•	•		
Department of Customer Services Municipal Library	•		•		
Department of Design and Construction	•	•	•		
Department of Environmental Services	•		•		
Department of Facilities Maintenance	•	•	•		
Honolulu Fire Department	•	•	•		
Department of Community Services	•	•	•		
Department of Accounting and General Services	•	•	•		
Department of Planning and Permitting	•	•	•		
Department of Parks and Recreation	•	•4			
Honolulu Police Department	•	•	•		

Stakeholder		essment g Letter	Draft	t EA	Final EA
Stakenowei	Letter Sent ¹	Comment Received ¹	Notice of Availability	Comment Received	Notice of Availability
Department of Transportation Services	•	•	•		
Office of Climate Change, Sustainability and Resiliency	•		•		
Oahu Transit Services, Inc (The Bus and Handi-Van)			•		
Elected Officials					
U.S. Senator Brian Schatz	•		•		
U.S. Senator Mazie Hirono	•		•		
U.S. Representative Ed Case	•		•		
State Senator Kurt Fevella	•		•		
State Senator Mike Gabbard	•		•		
State Representative Maile S.L. Shimabukuro	•		•		
State Representative Stacelynn K.M. Eli	•		•		
Mayor Rick Blangiardi	•		•		
Councilmember Andria Tupola	•		•		
Jack Legal, Makakilo/Kapolei/Honokai Hale			•		
Neighborhood Board No. 34 Chair Mitchelle Tynanes, Ewa Neighborhood Board No. 23					
Chair	•		•		
Organizations and Interested Individuals					
Hunt Companies Hawaii	•		•		
Barbers Point Riding Club	•		•		
Kapolei Chamber of Commerce	•		•		
National Trust for Historic Preservation	•		•		
Tom Berg	•		•		
John Bond	•	•	•		
Villages of Kapolei Community Association	•		•		
Hoakalei Country Club at Ocean Pointe	•		•		
Haseko Development, Inc.	•		•		
Goodwill Hawaii	•		•		
Hoakalei Cultural Foundation	•		•		
Easter Seals Hawaii- Kapolei Home & Community Based Services, Early Intervention Program, ABA Program	•		•		
Habitat for Humanity- Leeward Oʻahu & ReStore	•		•		
Prince Kuhio Hawaiian Civic Club	•		•		
Hawaii Chamber of Commerce	•		•		
Aha Moku 'Ewa Representative Shad Kane	•	•	•		
Council for Native Hawaiian Advancement (CNHA)	•		•		
Rotary Club of Kapolei	•		•		
Historic Hawaii Foundation	•	•	•		
Kalaeloa Heritage Park & Legacy Foundation	•		•		
Sierra Club	•		•		
Earth Justice	•		•		

Stakeholder		sessment ng Letter	Draft EA		Final EA	
StateHolder	Letter Sent ¹	Comment Received ¹	Notice of Availability	Comment Received	Notice of Availability	
Ewa by Gentry Community Association	•		•			
Pacific War Memorial Association	● 5					
Kapolei Community Development Corporation	•		•			
Sovereign Council of Hawaiian Homestead Associations (SCHHA)			•			
Kaupe'a Homestead Association	•		•			
Kānehili Homestead Association			•			
Malu'ohai Homestead Association			•			
Kauluokaha'i Homestead Association			•			
Hawaiian Railway Society	•		•			
Hawaiian Aviation Preservation Society	•		•			
O'ahu Island Burial Council	•		•			
Native Hawaiian Church	•		•			
Carolyn Keala Norman	•		•			
Kepo'o Keli'ipa'akaua	•		•			
Jan Becket	•	•	•			
Manuel Kuloloio	•		•			
Leina'ala Vedder	•		•			
Keona Mark	•		•			
Daniel Martinez	•		•			
McD Philpotts	•		•			
Hawaii Wildfire Management Organization			•			
Libraries						
Hawaiʻi State Library, Hawaiʻi Documents Center			•			
Kapolei Public Library			•			
UH West Oʻahu James & Abigail Campbell Library			•			
Legislative Reference Bureau Library			•			
Kapolei High School			•			
Kapolei Charter School			•			
Island Pacific Academy			•			
Kapolei Middle School			•			
Kapolei Elementary			•			
American Renaissance Academy			•			
Kalaeloa Youth Challenge Academy			•			
Barbers Point Elementary School			•			
Kalaeloa Preschool Kamaaina Kids			•			
University of Hawaiʻi, West Oʻahu			•			
News Media						
Honolulu Star Advertiser			•			
Honolulu Civil Beat			•			

Stakeholder	Pre-Assessment Scoping Letter		Draft EA		Final EA
	Letter Sent ¹	Comment Received ¹	Notice of Availability	Comment Received	Notice of Availability
Honolulu Magazine			•		
Pacific Business New			•		
Howzit Kapolei			•		
The Voice of Kapolei			•		
Westside Stories			•		

NOTES:

7.2.1 Pre-Assessment Scoping

HAR §11-200.1-18 requires early consultation seeking the advice and input of the county agency responsible for implementing the county's general plan and other agencies having jurisdiction or expertise, as well as those citizen groups and individuals that may be affected by the proposed action. Pursuant to these requirements, as part of the scoping process for the Draft EA, the governmental agencies, elected officials, organizations and individuals that may have a specific interest or could otherwise be affected by the Project were identified. These parties, which are listed in Table 7-3, were sent a scoping letter containing preliminary Project information and were asked to provide comments and related information for consideration in preparing the Draft EA. A copy of the pre-assessment scoping letter is provided in Appendix J.

A total of 21 comment letters were received in response to the pre-assessment scoping request. The comments are summarized in Table 7-3, with copies of the comment letters and the responses provided in Appendix K. In accordance with the intent of HAR §11-200.1, the information and input received through the pre-assessment process was considered in the preparation of the Draft EA.

Table 7-3. Summary of Comments Received in Response to Scoping Request

Commenting Party	Date of Comment	Summary of Comments
Aha Moku 'Ewa Representative Shad Kane	Email dated June 1, 2021	There are excellent Hawaiian cultural structures in the area.
John Bond	Email dated June 3, 2021	1. Where will the main electrical facilities, batteries, etc. be located.2. Is there now no plan to use any part of the 1941-42 MCAS Ewa Field properties?
		3. Will the project use any part of the 1942 aircraft revetments?4. Will the project use any part of the 1944-1965 Navy SeaBee Camp and Navy interim housing facility?
		5. Are there specific diagrams of solar arrays?6. How will the historic and cultural sites be protected?

¹ Copies of the pre-assessment scoping letter and comments received are provided in Appendices J and K.

² Consultation letter sent July 9, 2021 in response to comments from Hawaii State Energy Office.

³ The University of Hawaii Environmental Center has been discontinued and the Water Resources Research Center no longer has ability to review environmental documents.

⁴City and County of Honolulu Parks and Recreation Department requested to be removed from the distribution list for the remainder of the Project's EA process.

⁵Pre-consultation letter returned; organization dissolved in June 2021.

Commenting Party	Date of Comment	Summary of Comments
		7. Is the project considering putting the Coral Sea Road powerline underground?
City and County of Honolulu Dept. of	Letter dated June 4, 2021	States the Project will not impact any of the Department's activities or project in the surround neighborhood.
Community Services		
City and County of Honolulu Dept. of Planning and	Letter dated June 7, 2021	States that they have no comments at this time, but they look forward to reviewing the Draft EA.
Permitting City and County of Honolulu Police Department	Letter dated June 8, 2021	States that they recommend safety equipment be installed and maintained by the contractor during the construction phase of the project to avoid impacts to vehicular traffic.
State of Hawai'i Dept.	Letter dated June 8,	No comment at this time as Project does not impact any of the
of Accounting and General Services	2021	Department's projects or existing facilities.
Jan Becket	Email dated June 14, 2021	Asks that best practices be observed and that none of the pre-contact structures near Ordy Pond or in other parcels be impacted by the solar project.
Honolulu Fire Department	Letter dated June 14, 2021	Summarizes requirements for fire department access roads, water supply to provide fire flow, fire apparatus access roads, and fire code requirements for photovoltaic and battery storage systems; requests submittal of civil drawings for review by Honolulu Fire Department
DLNR Division of Forestry and Wildlife	Letter dated June 24, 2021	 Recommends surveys for endangered plant species and buffer zones if they occur. Recommends twilight pre-construction pueo surveys prior to clearing vegetation; if pueo nests are present, a buffer zone should be established in which no clearing occurs until nesting ceases, and DOFAW staff should be notified. Recommend coordinating with Hawai'i Wildfire Management Organization on wildfire prevention. All construction activities within 100 feet of State listed waterbirds should cease until bird leaves of its own accord. If a nest is discovered, contact the O'ahu DOFAW. Recommends avoidance of removing or disturbing woody vegetation during the birthing and pupping season and avoidance of installation of barbed wire. Recommends measures to minimize impacts to seabirds: (1) all lights be fully shielded and directed to avoid reflecting off the panels; and (2) nighttime work that requires outdoor lighting should be avoided during the fledging season. Recommends minimizing the movement of plant or soil material between worksites, such as in fill.
Board of Water Supply	Letter dated June 15, 2021	States they don't have water facilities in the proposed project area. Water service and fire protection should be provided by the private water system.
City and County of Honolulu Dept. of Facility Maintenance	Letter dated June 15, 2021	States during construction and upon completion of the project, any damages/deficiencies along the roadway on Tripoli Street shall be repaired to City standards and accepted by the City and at no cost to the City and County of Honolulu.
Hawaii Community Development Authority	Letter dated June 15, 2021	 The Project will require a development permit and the contested case public hearing process. The Project may require variances regarding fencing, landscaping, irrigation, frontages and setbacks. HAR 15-215, Kalaeloa Rules require new electrical infrastructure to be underground unless it will be installed on the existing electrical
State of Hawaiʻi Department of Transportation	Letter dated June 16, 2021	poles. Airports Division

Commenting Party	Date of Comment	Summary of Comments
Commenting Party	Date of Comment	 Project should read the Technical Assistance Memorandum (TAM) for guidance with development and activities that may require further review and permits. Project requires the submittal of FAA Form 7460-1 Notice of Proposed Construction or alteration. A glint and glare analysis must be attached to the PV submittal of FAA Form 7460-1. Owner of the PV system shall be prepared to immediately mitigate the RFI hazard upon notification by the HOOT-A and/or FAA. Due to the proximity to the airport, the developer should be aware of potential noise and air pollution from aircraft operations Project shall have sufficient firefighting/fire suppressant ability to prevent potential smoke obstruction in the protected air space. Highways Division Any work within State ROW requires a Permit to Perform Work
		 Upon State Highways and a Traffic Management Plan. Submit construction plans to HDOT-HWY O'ahu District for review and approval. The HOOT-HWY ROW Branch review and consultation of proposed changes to the existing Innergex Use and Occupancy Permit required.
		3. Include a discussion of potential construction-phase and decommission-phase impacts on regional traffic.4. The operational impacts of the solar facility on State roads would not be significant; however, the EA should include a discussion of existing and future traffic, transit, pedestrian routes, and bikeways in the vicinity.
		5. Describe other proposed Kalaeloa Master Plan development sharing the project's access driveways or require additional access driveways on Coral Sea Road.6. HDOT-HWY encourages joint-use, single-pole construction at locations where more than one utility or type of facility is involved.
		 Recommend consulting with the USCG on the status of their project, and opportunities for co-location of overhead facilities. Describe the existing utility infrastructure, any proposed removal/decommissioning of existing electrical infrastructure, and Project consistency with Kalaeloa Master Plan utility infrastructure. HDOT-HWY permit is required to transport oversized and/or
		overweight vehicles and loads on HDOT roadways. 10. No additional discharge of surface water run-off onto State ROW is permitted
City and County of Honolulu Dept. of Design and Construction	Letter dated June 24, 2021	No comment at this time
State of Hawai'i Dept. of Education	Letter dated June 24, 2021	States that Project will not impact any Department of Education schools or facilities
Historic Hawai'i Foundation	Letter dated June 30, 2021	 The HRS 343-5 triggers for environmental review including the proposed use within any historic site as designated in the National or Hawai'i Registers of Historic Places. Portions of TMK: 9-1-013:038, Area 1 is contained within the 'Ewa Plain Battlefield. Also within the DHHL parcel, between Areas 1 and 2, is an eligible historic district of World War II aircraft revetments ('Ewa Field South Revetment Dispersal Area). Historic Hawai'i Foundation is generally supportive of Hawaii's Renewable Energy Mandate in cases where such improvements are

Commenting Party	Date of Comment	Summary of Comments
		located, designed and implemented to avoid, minimize or mitigate effects to historic properties and cultural resources. 5. HHF expects that the scope of the Draft Environmental Assessment will include discussion, evaluation and recommendations for project components located within and/or adjacent to both the 'Ewa Plain Battlefield District and the WWII Revetment District. 6. HHF also expects to see identification and evaluation of any other cultural resources that may be present, including properties to which Native Hawaiians attach religious and cultural significance.
Hawaii State Energy Office	Letter dated June 30, 2021	HSEO recommends the DEA 1. state how the Project would contribute to the State's and O'ahu's renewable energy portfolio and support the retirement of these fossil fuel units. The DEA should identify any other benefits such as grid stabilization, long-term resiliency, and energy self-reliance; 2. incorporate the Hawai'i Greenhouse Gas Emissions Report for 2017; 3. provide the projected estimated value of the Project including the estimated savings to Hawaiian Electric customers over the Project lifetime;
		 4. identify the public outreach activities conducted by Innergex for the Project, summarize the public input received, and identify the responses to this input including appropriate Project modifications and/or mitigation measures; 5. identify all community benefit commitments associated with the Project; 6. consultation with the DOH Solid and Hazardous Waste Branch regarding the appropriate disposal of the solar panels, as well as other electronic items and batteries, at their end of life; 7. identify how the Project will directly benefit DHHL beneficiaries.
City and County of Honolulu Department of Transportation Services	Letter dated June 30, 2021	 Area representatives should be kept apprised of the details and status throughout the project and the impacts that the project may have on the adjoining local street area network. A street usage permit from the Department of Transportation Services should be obtained for any construction-related work that may require the temporary closure of any traffic lane or pedestrian mall on a City street. Construction materials and equipment should be transported to and from the project site during off-peak traffic hours (8:30 a.m. to 3:30 p.m.). Any existing pedestrian, bicycle and vehicle access/crossing shall be maintained with the highest safety measures during construction. Project plans should be reviewed and approved by DCAB to ensure full compliance with Americans with Disabilities Act requirements.
DLNR Land Division	Letter dated July 2, 2021	The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project and comply with applicable rules and regulations related to flood hazards.
DLNR Division of Forestry and Wildlife	Letter dated July 15, 2021	 If any Euphorbia skottsbergii var. Skottsbergii are observed during the construction and operation of the proposed solar project, DOFAW supports the U.S. Fish and Wildlife guidelines and 100 meters avoidance buffer. Recommend coordinating with Hawai'i Wildfire Management Organization on wildfire prevention. Avoid and do not damage any Wiliwili (Erythrina sanwichensis) trees. Recommends twilight pre-construction pueo surveys prior to clearing vegetation; if pueo nests are present, a buffer zone should be established in which no clearing occurs until nesting ceases, and DOFAW staff should be notified.

Commenting Party	Date of Comment	Summary of Comments
University of Hawai'i, Mānoa	Letter dated July 22, 2021	The Environmental Center at the University of Hawai'i at Mānoa, which for a time was linked to the Water Resources Research Center (WRRC), has been discontinued. As a result of the closure of the Environmental Center, WRRC no longer has the capacity to review environmental documents.
City and County of Honolulu Department of Parks & Recreation	Letter dated July 29, 2021	The Department of Parks and Recreation has no comment. As the proposed project will have no impact on any program or facility of the Department, you may remove us as a consulted party to the balance of the Environmental Assessment process.

7.2.2 Public Review of Draft EA

HAR §11-200.1 requires publication of a Draft EA in the Environmental Review Program's bimonthly bulletin, *The Environmental Notice*, followed by a 30-day public review period. In accordance with these requirements, the Draft EA was published in The Environmental Notice on October 8, 2021, with the 30-day public review period running from the publication date through November 8, 2021. Notice of the Draft EA publication and public review period, including instructions for submitting comments was sent to the entities listed in Table 7-2. Comments received on the Draft EA (postmarked on or before November 8, 2021) will be considered and incorporated into the Final EA, as appropriate.

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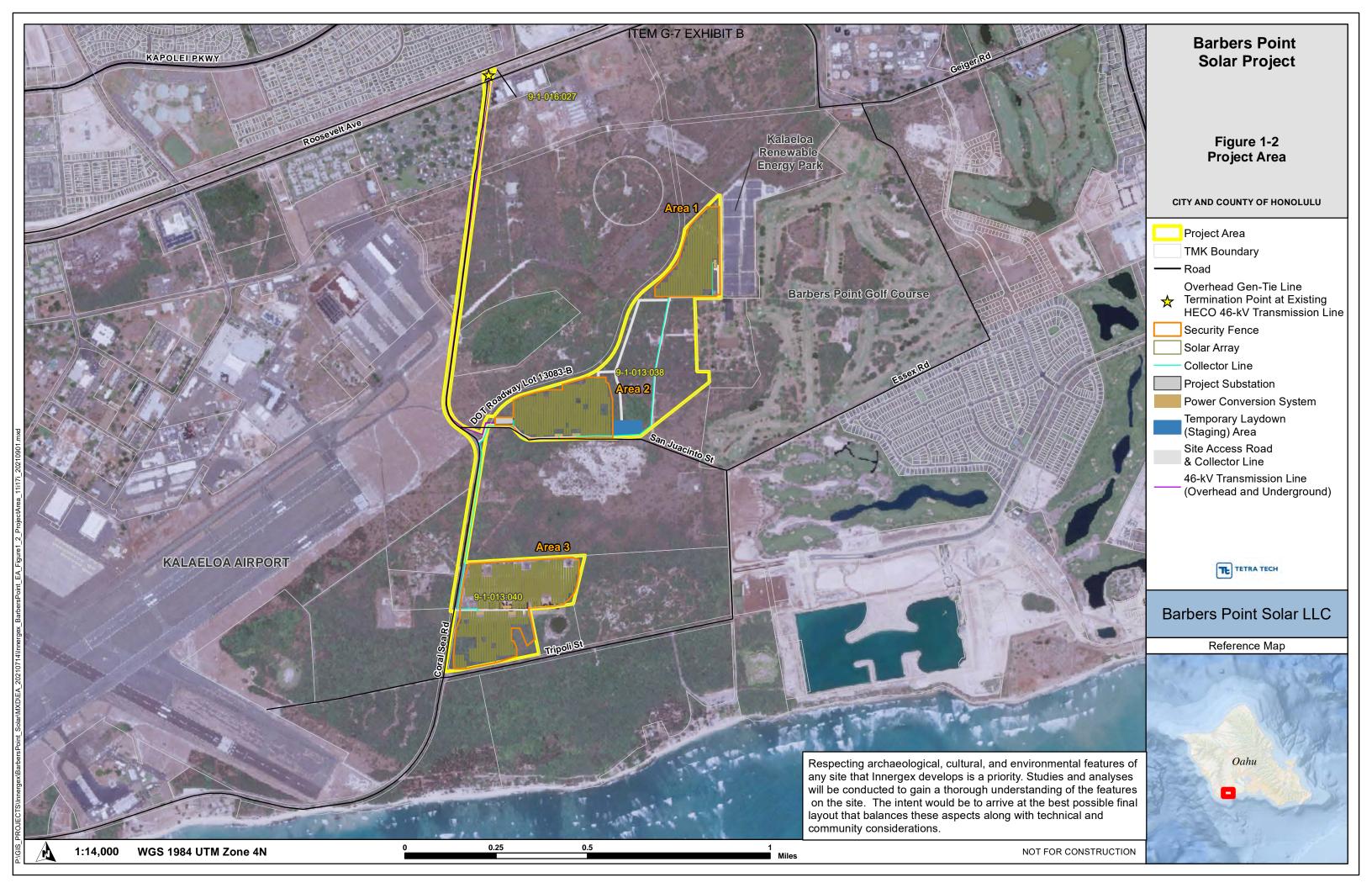
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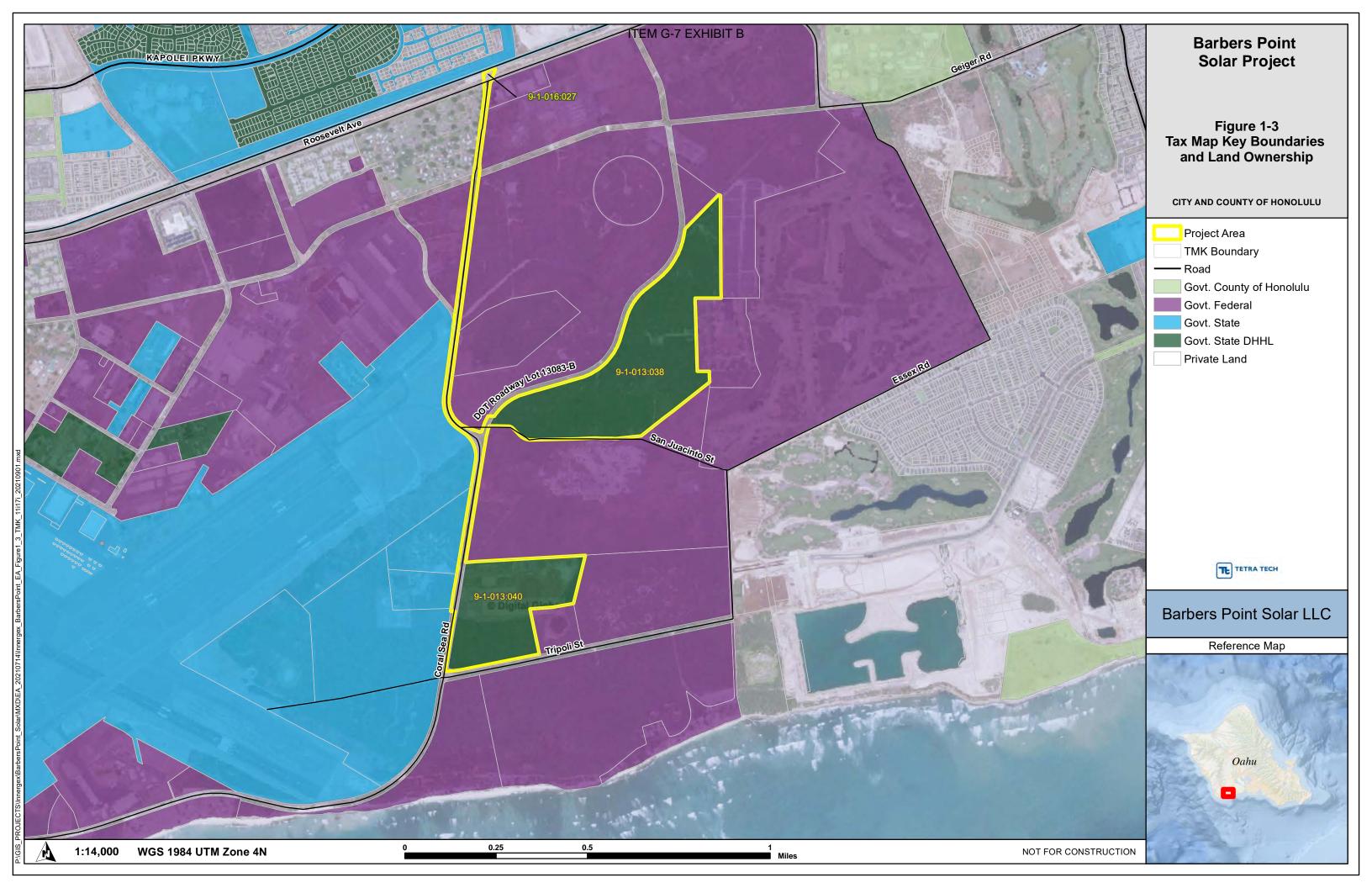
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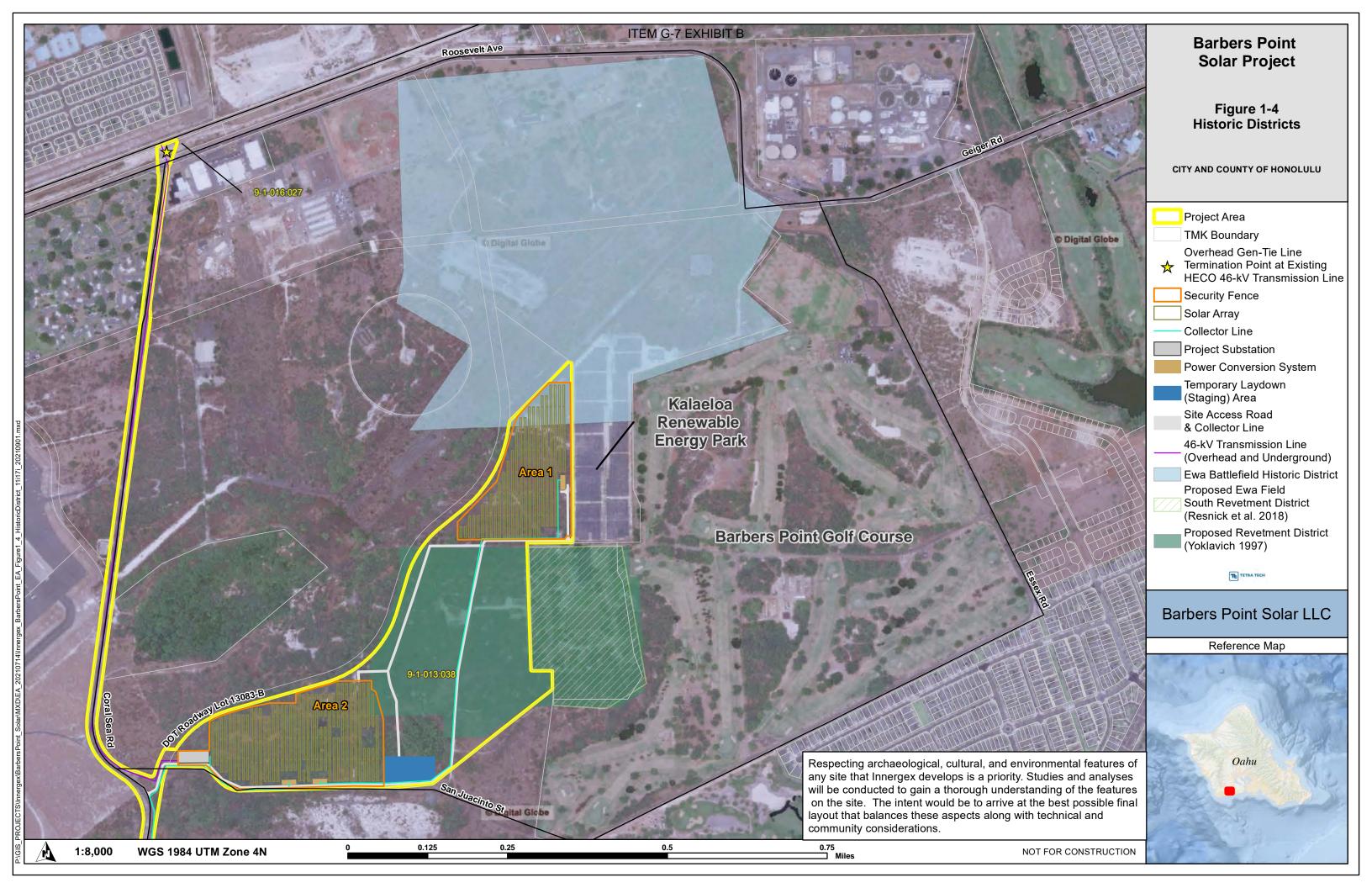
FIGURES

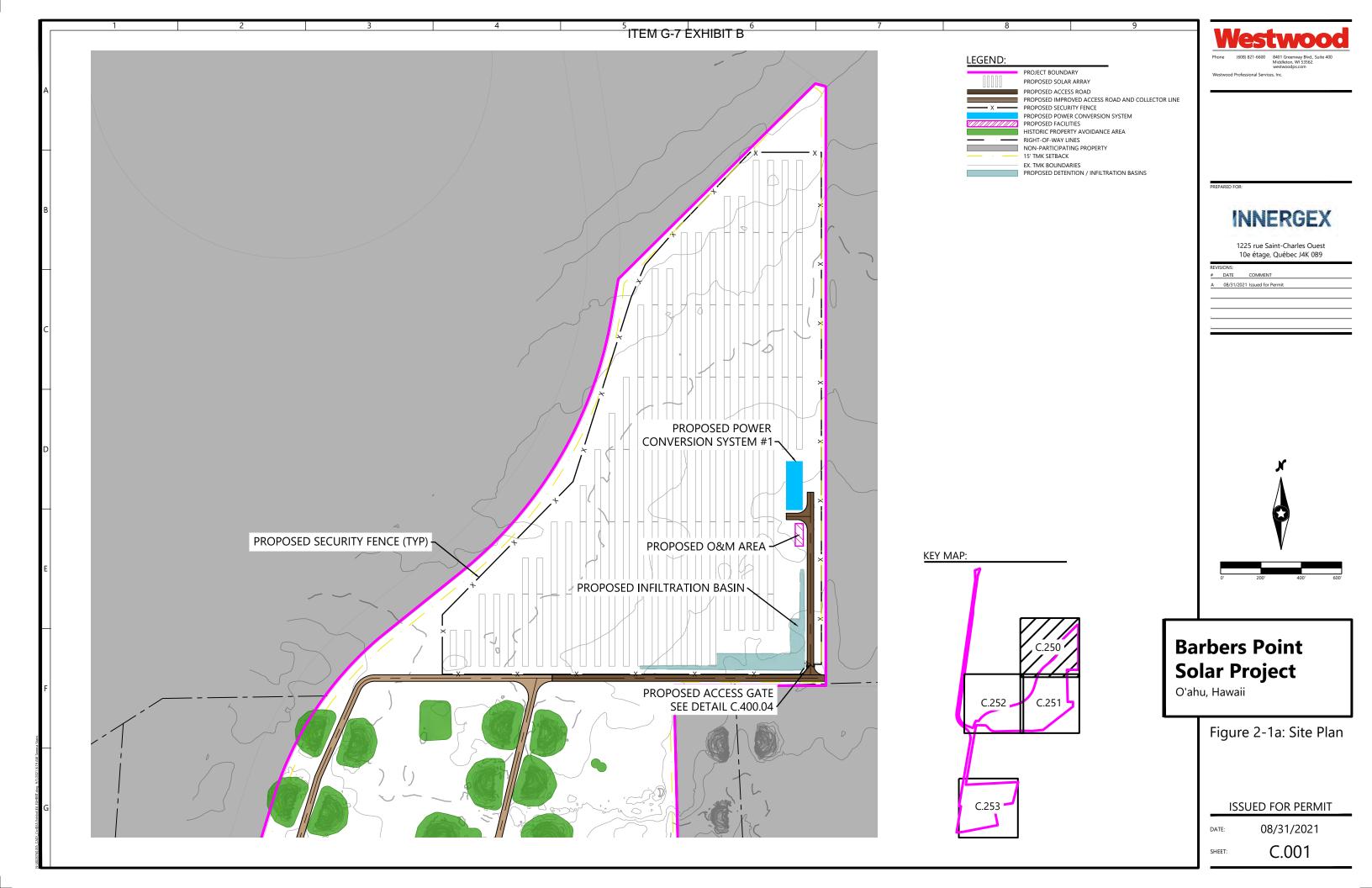
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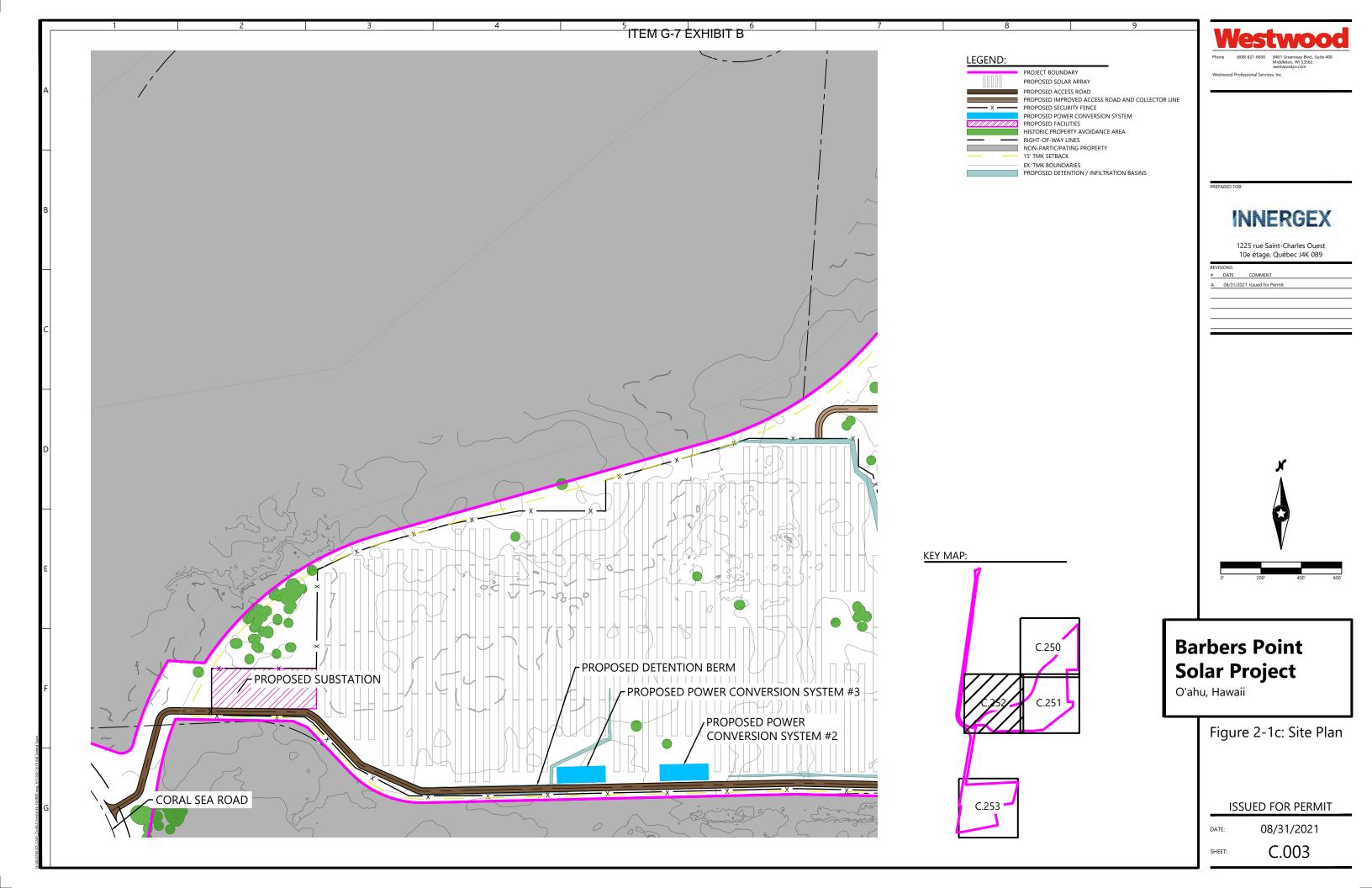


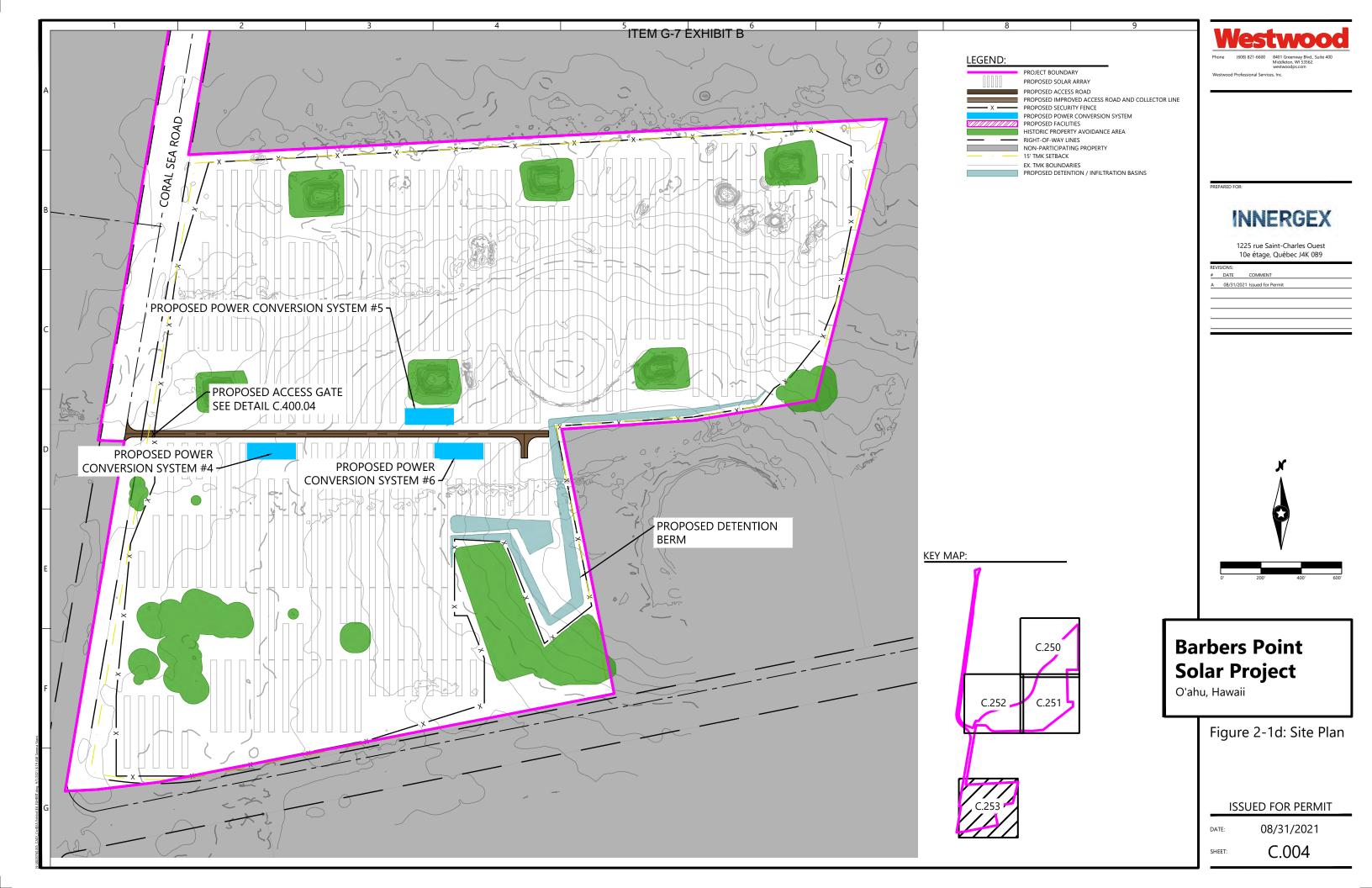












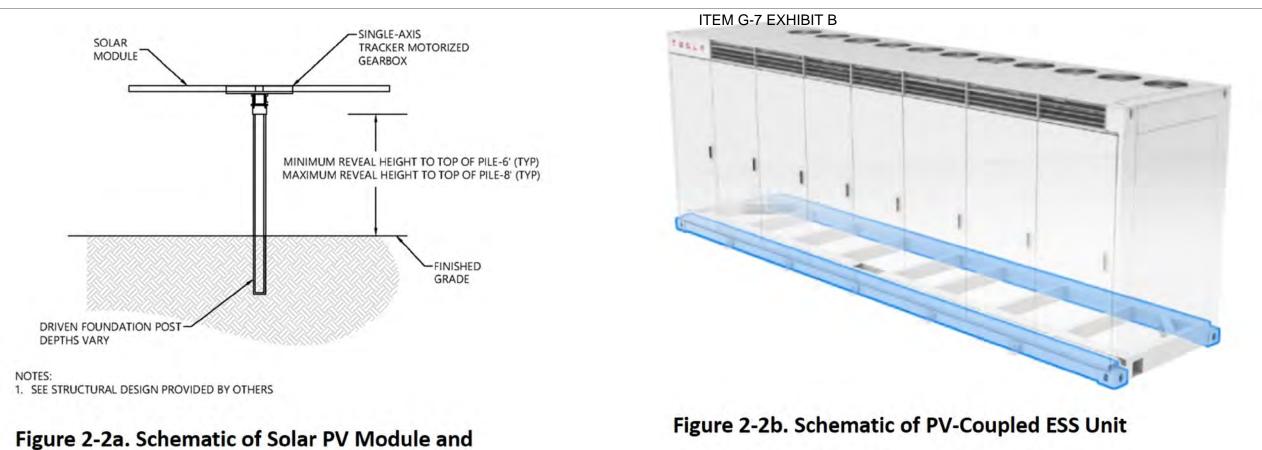
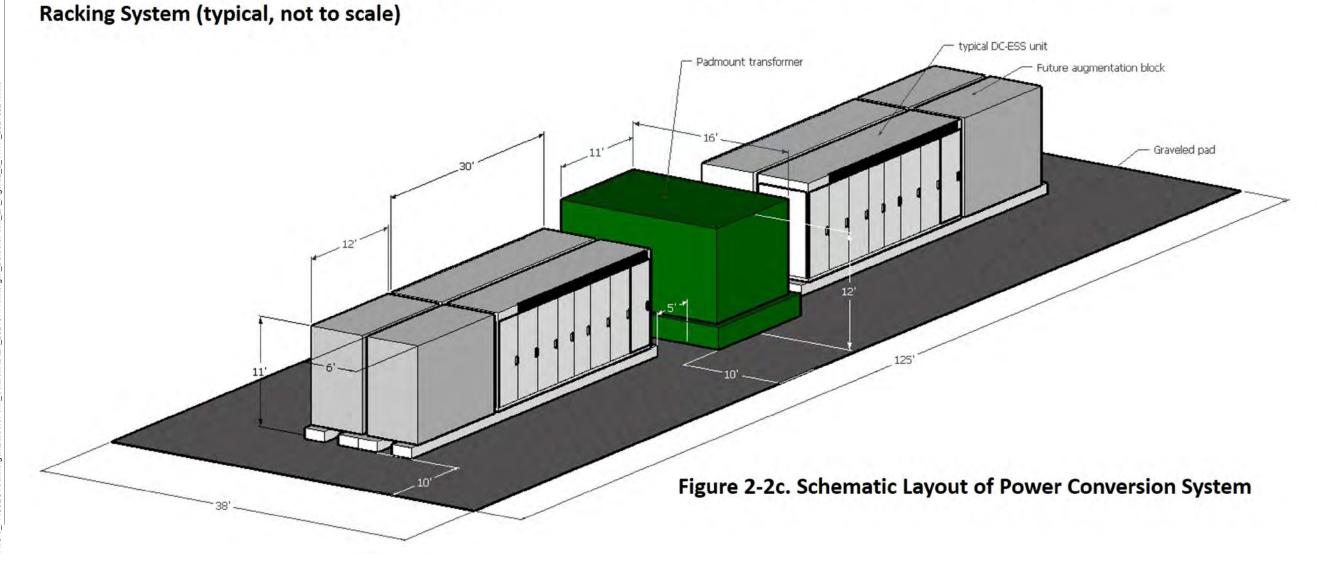


Figure 2-2b. Schematic of PV-Coupled ESS Unit



Barbers Point Solar Project

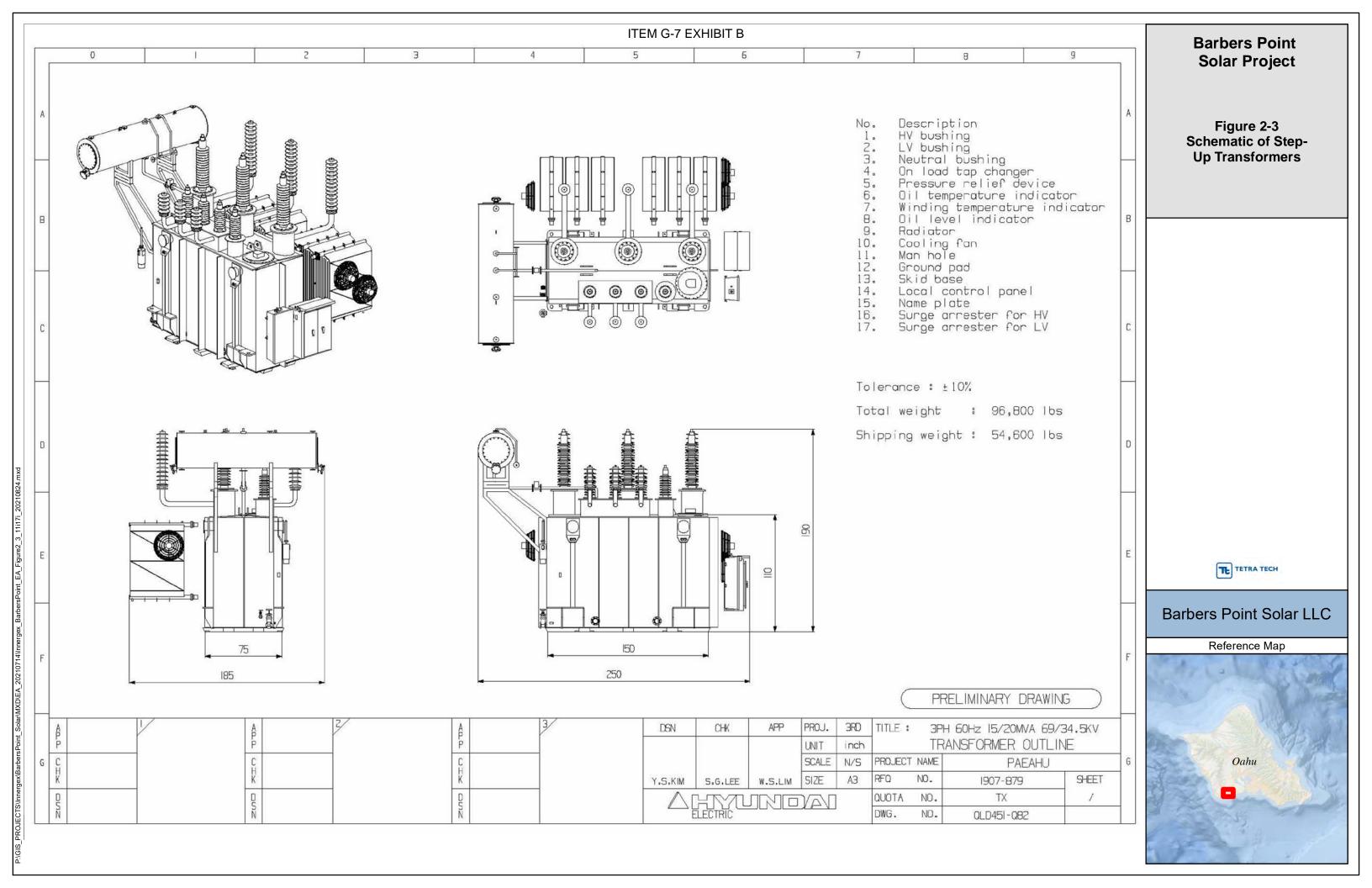
Figure 2-2 Schematics of **Project Components**

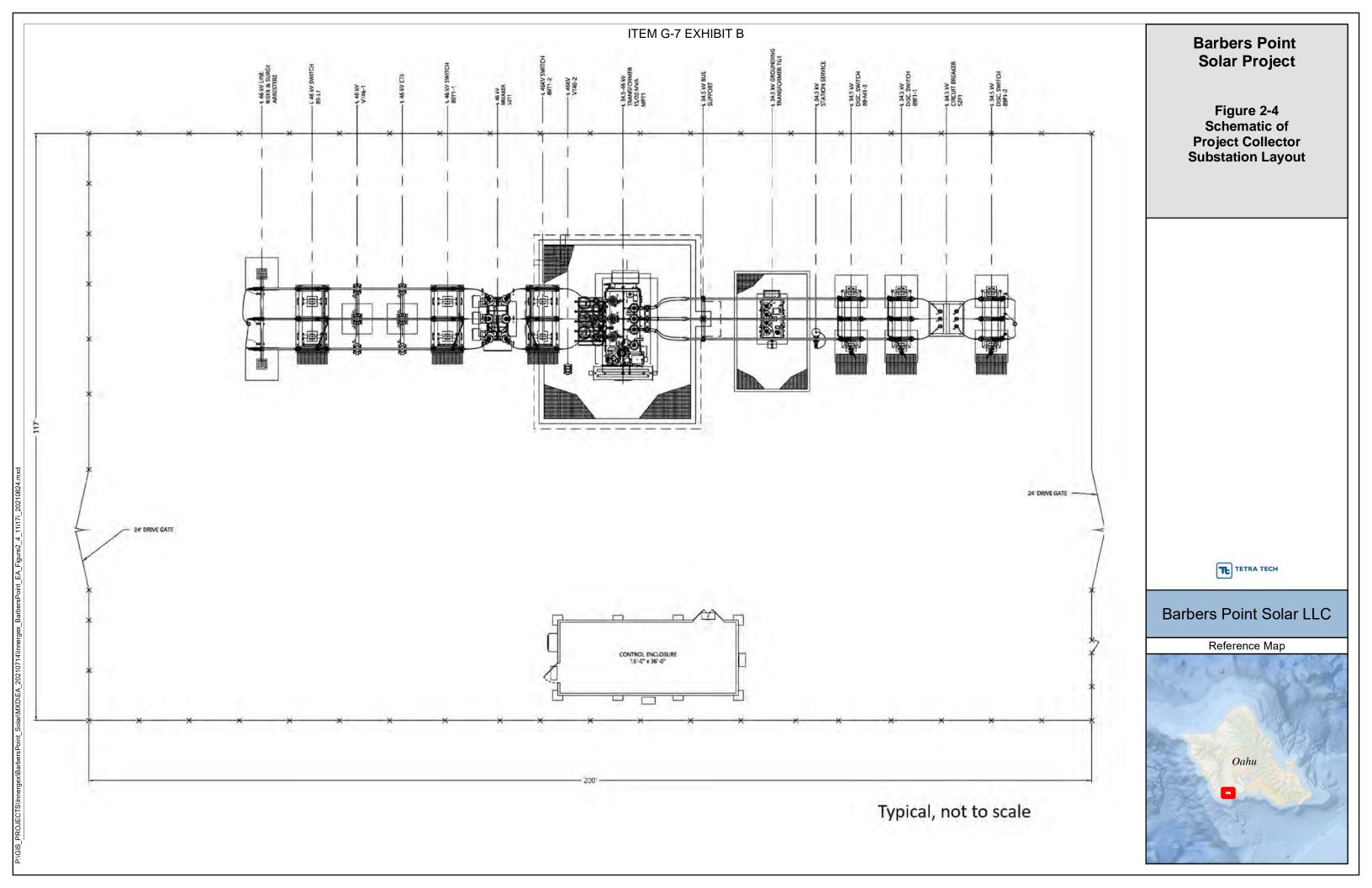


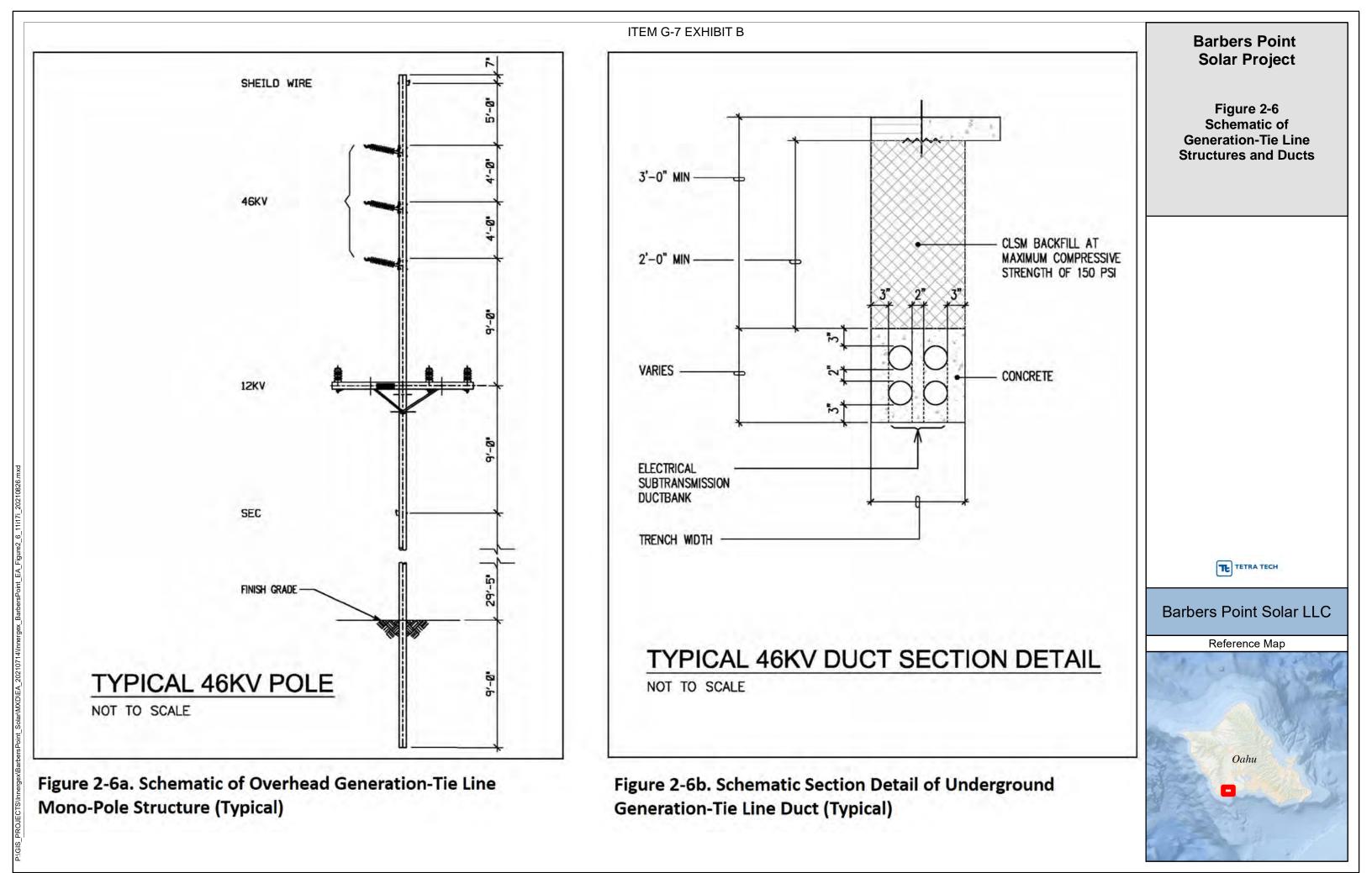
Barbers Point Solar LLC

Reference Map



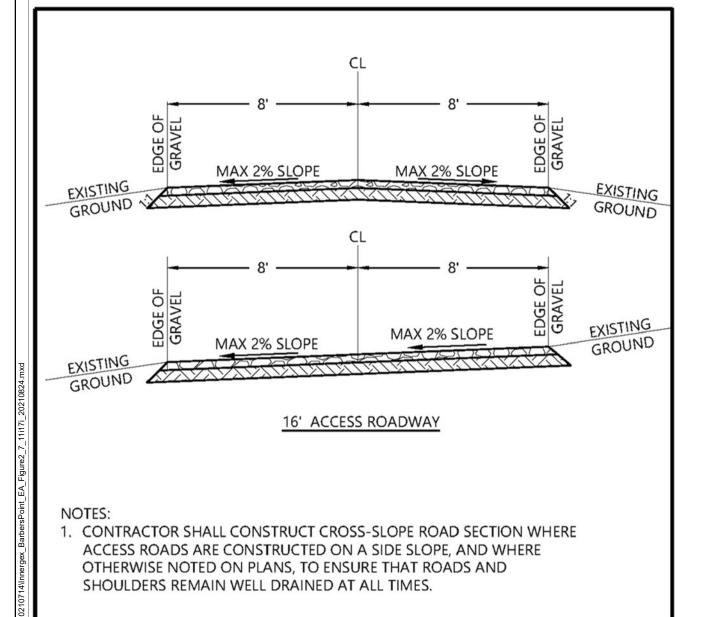






Barbers Point Solar Project

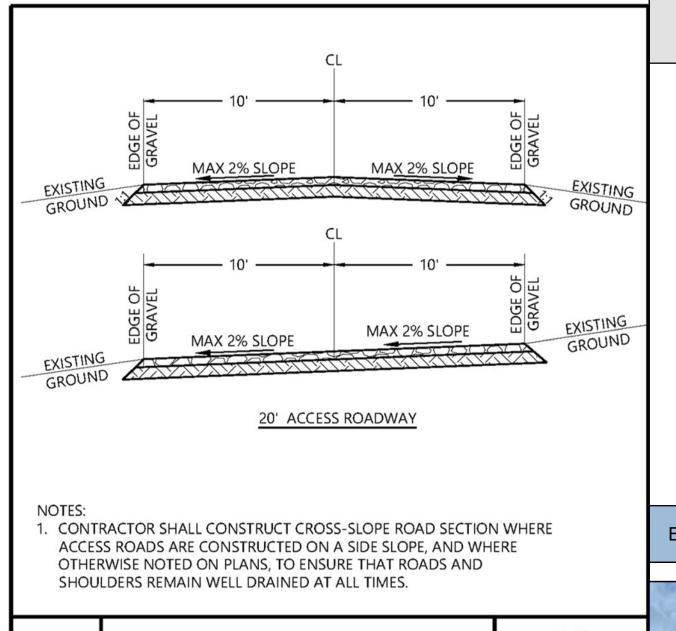
Figure 2-7
Schematic of Typical
Access Road



TYPICAL SOLAR ACCESS ROAD

Westwood

05



Westwood TYPICAL SOLAR SUBSTATION ACCESS ROAD 06



Barbers Point Solar LLC

Reference Map



Barbers Point Solar Project

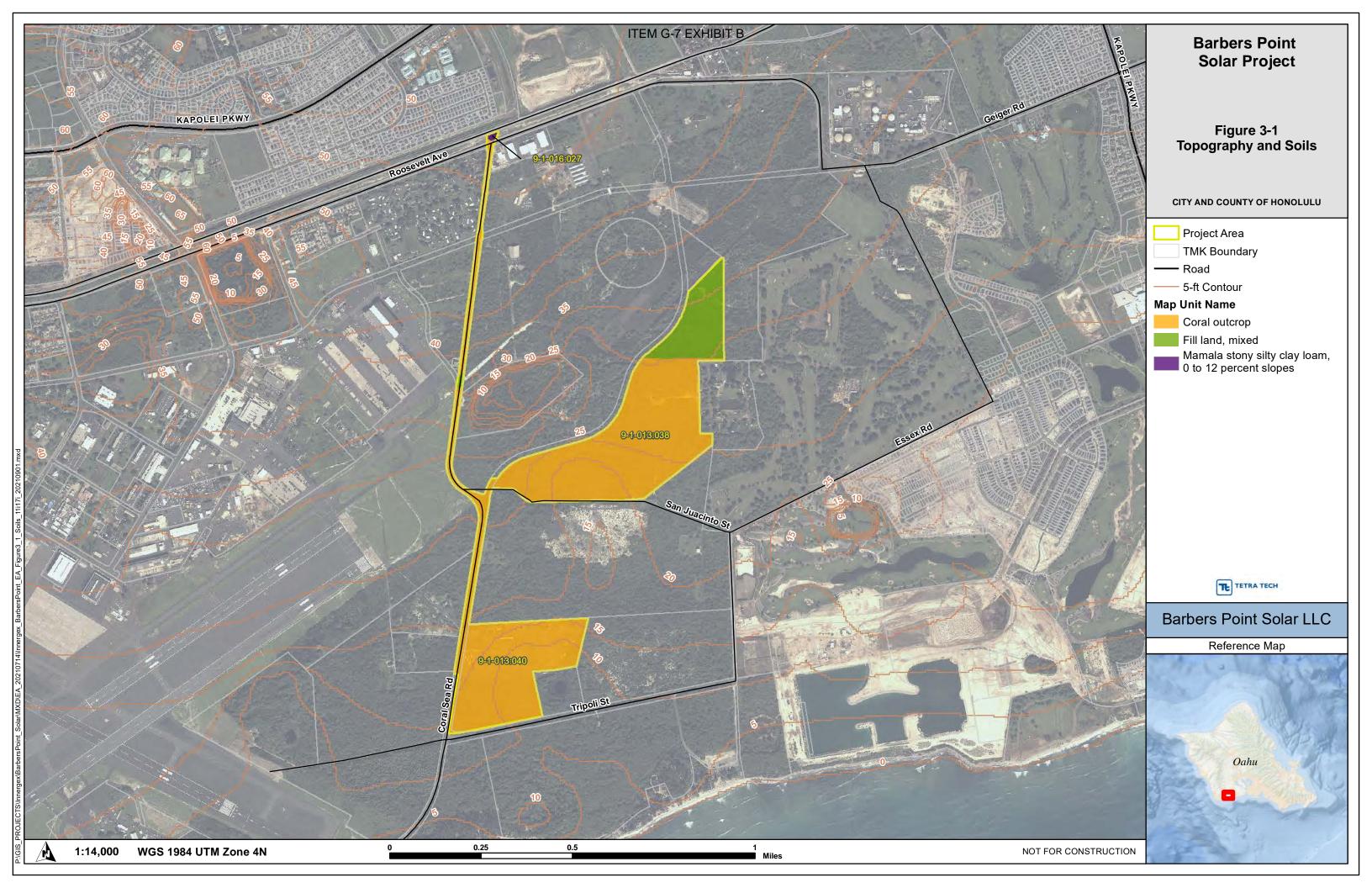
Figure 2-8 Schematic of Typical Fence Design

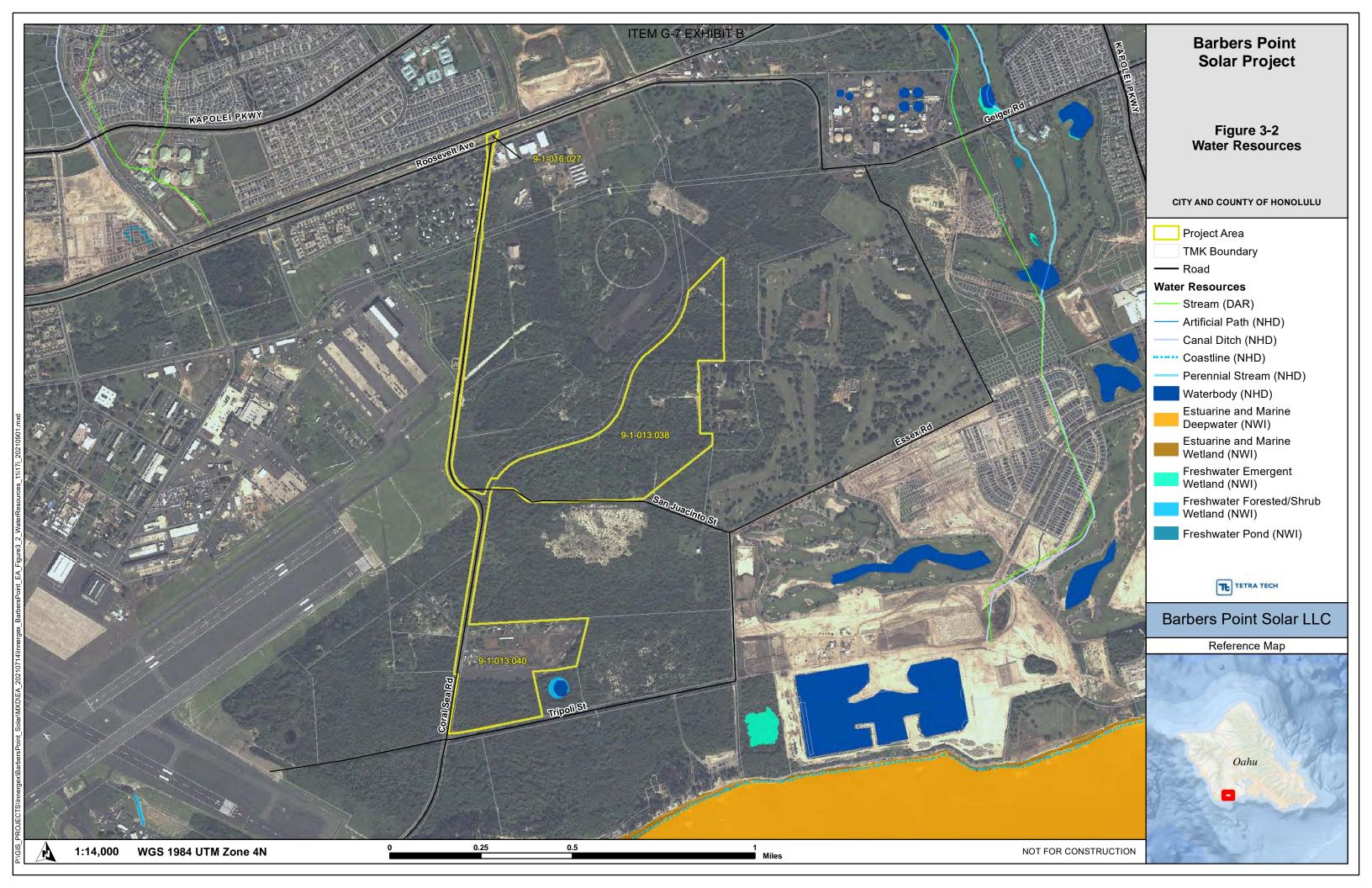
TETRA TECH

Barbers Point Solar LLC

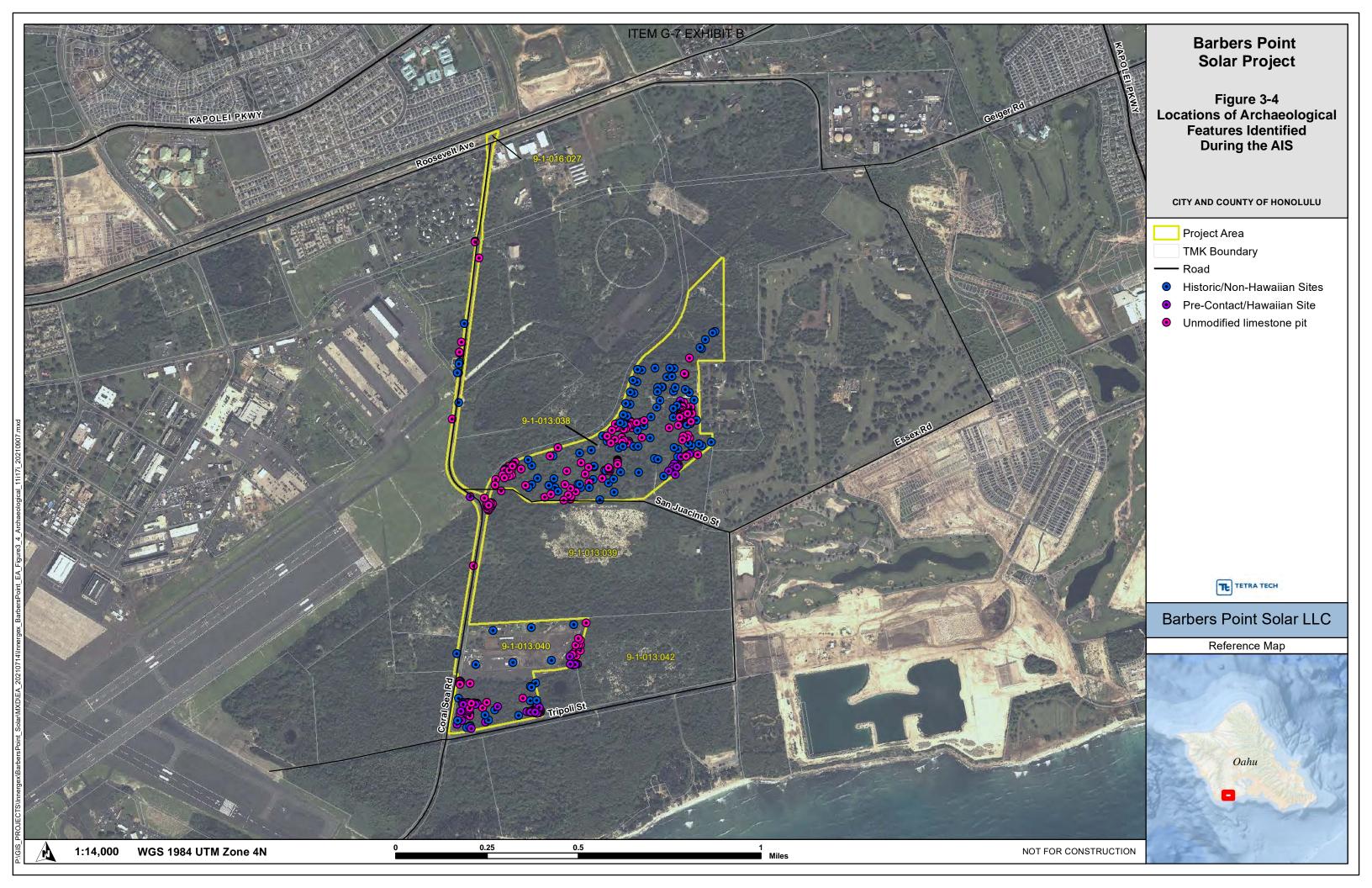
Reference Map



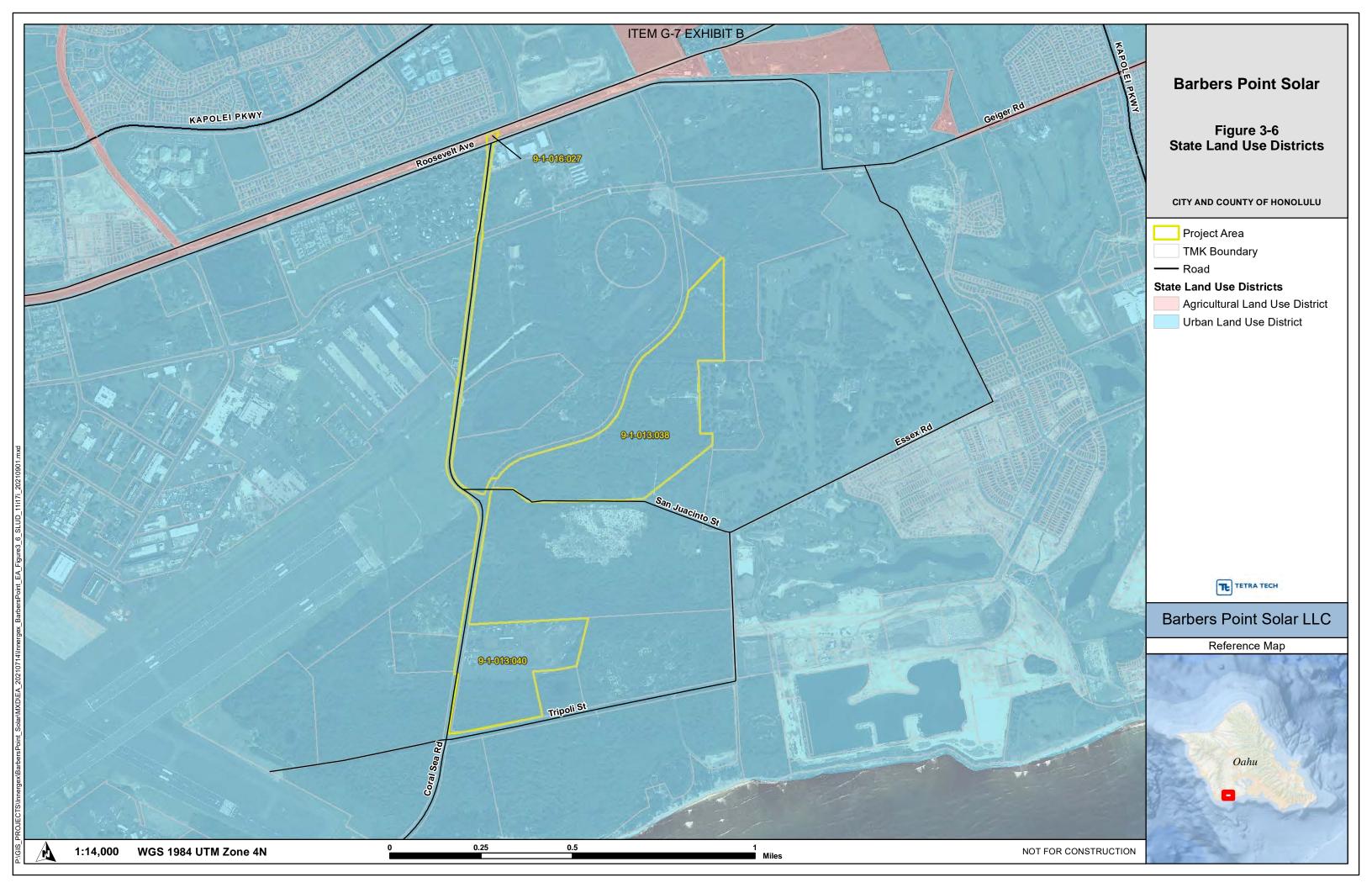


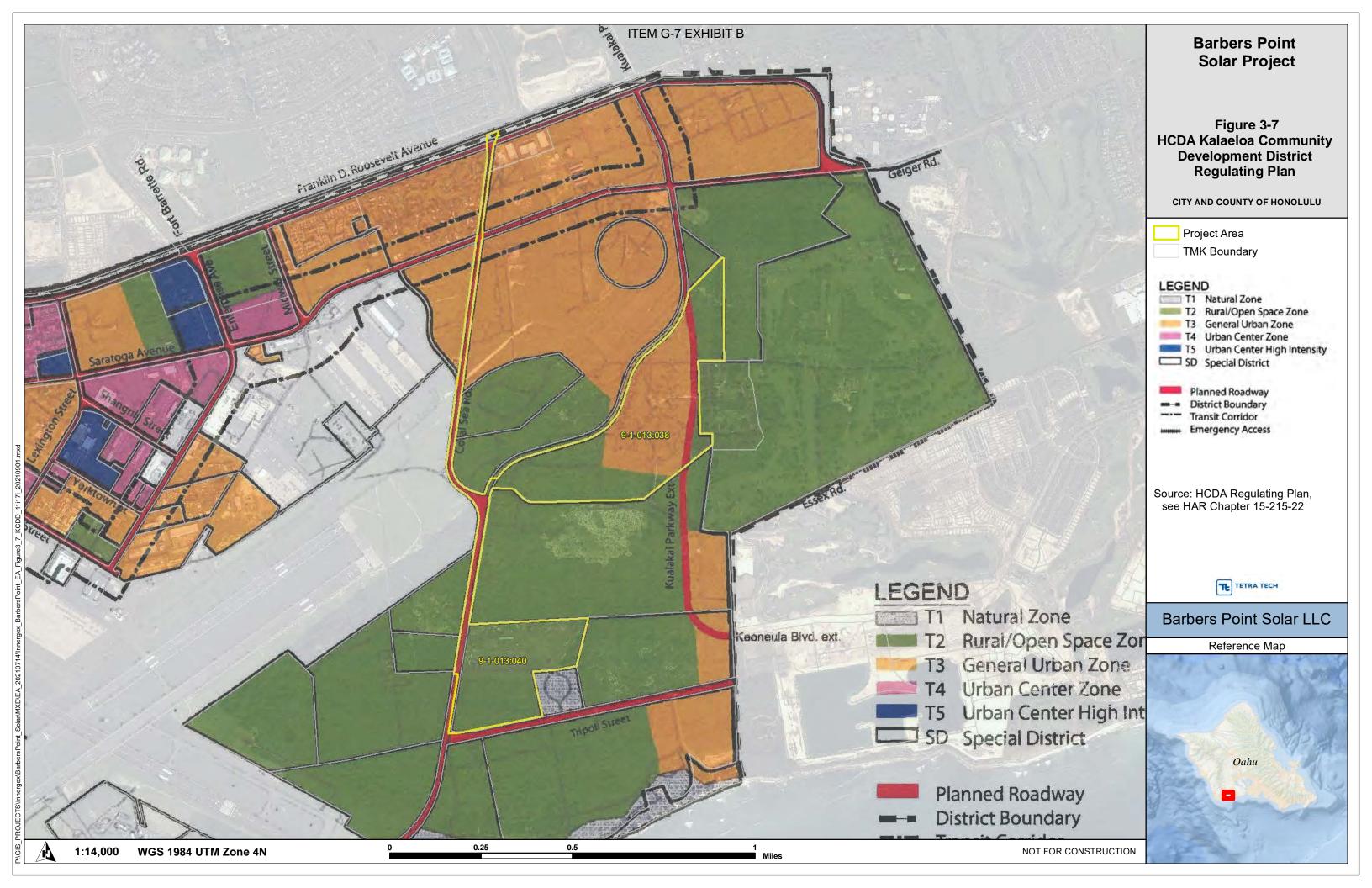


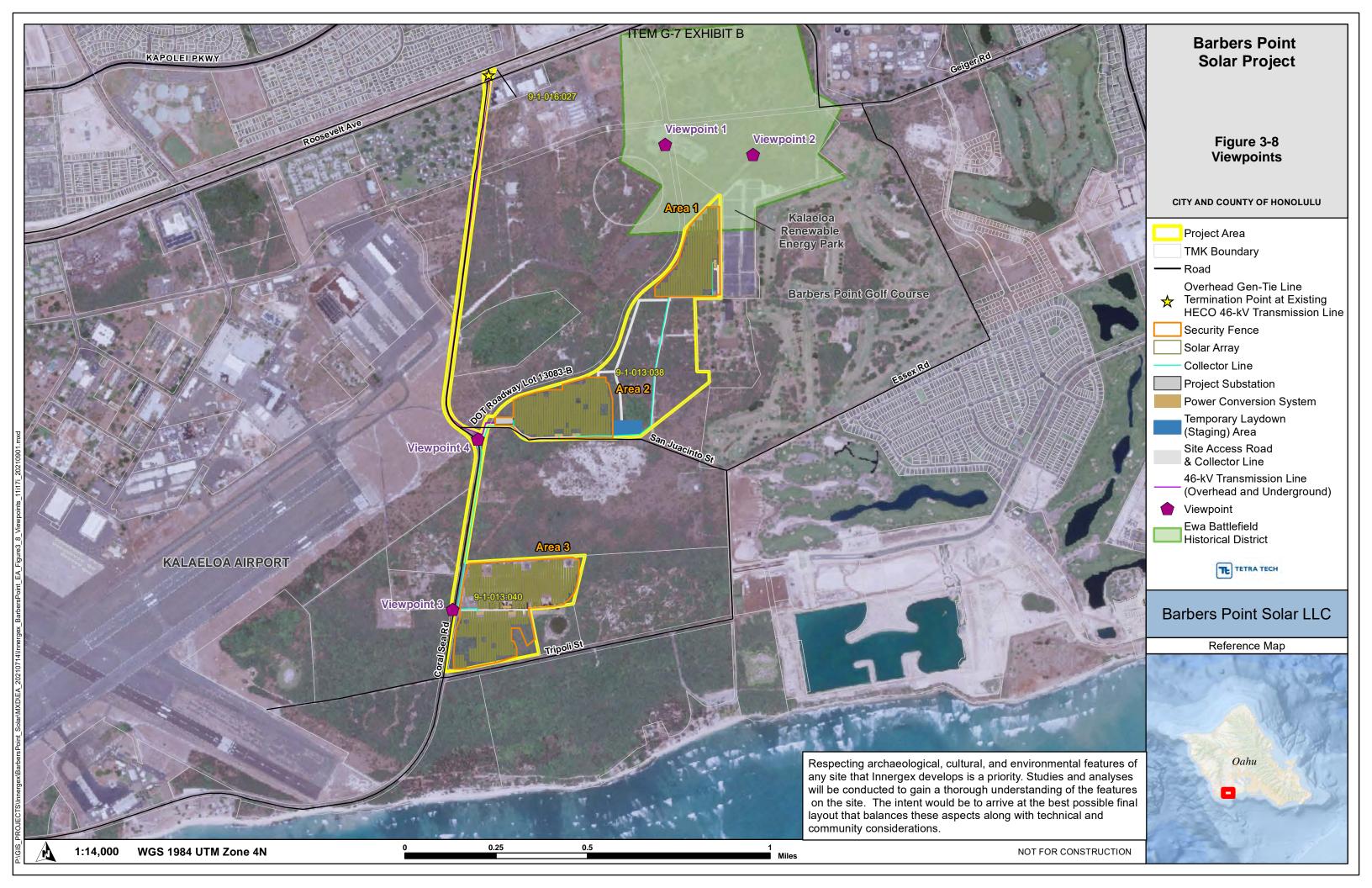


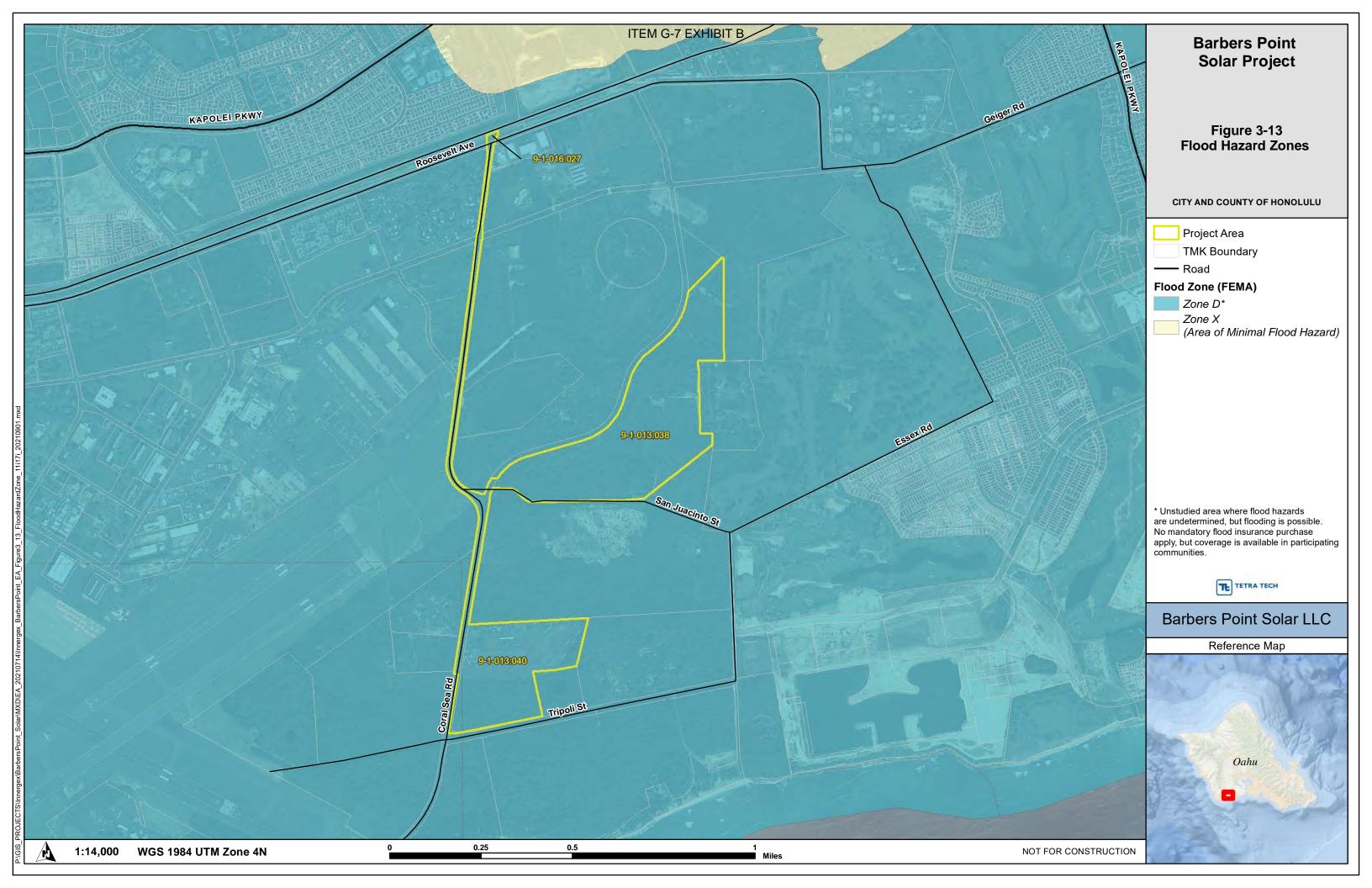


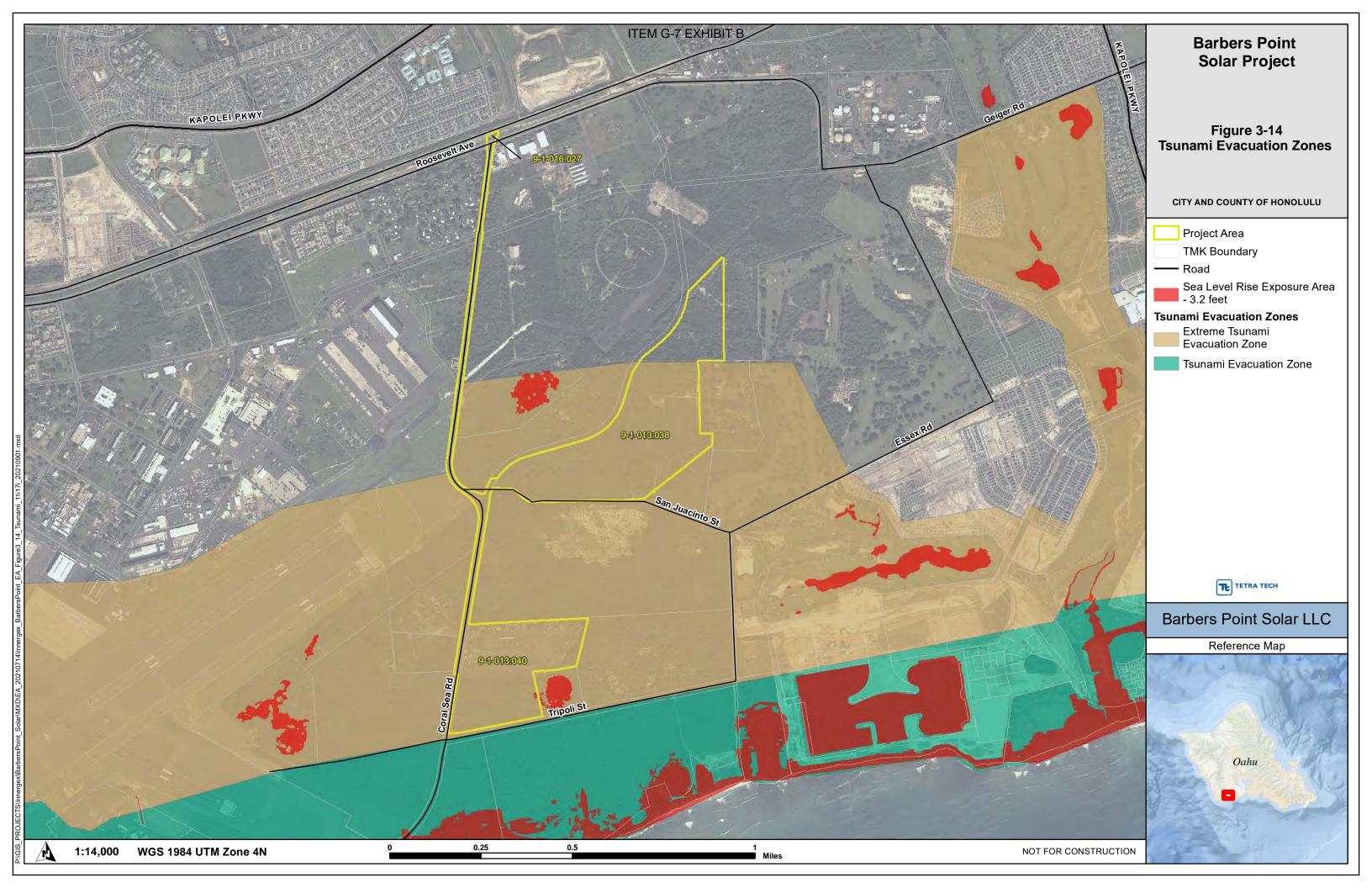


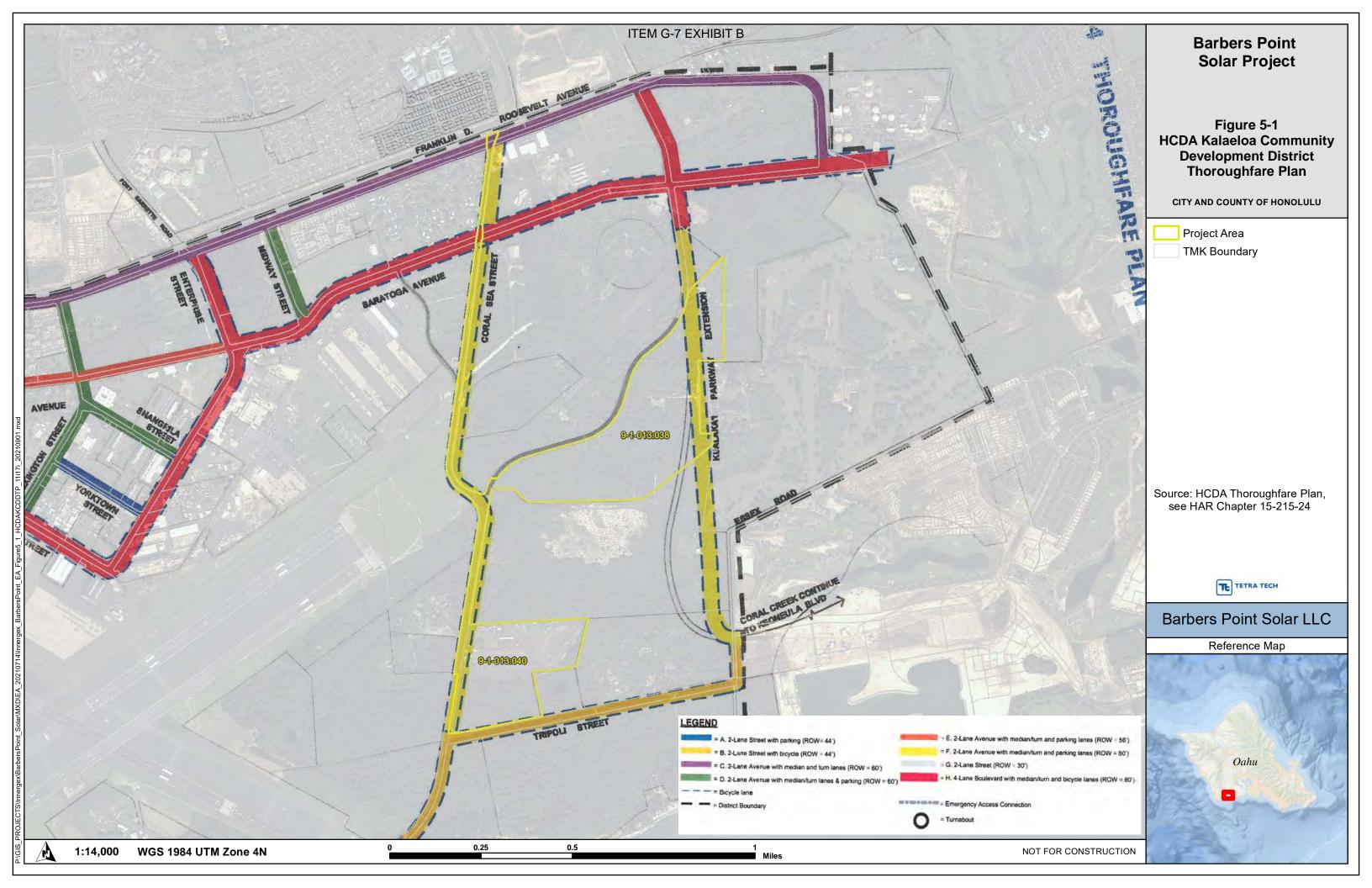












APPENDICES		

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Barber's Point Solar Project		

HAWAIIAN HOMES COMMISSION SEPTEMBER 20 & 21, 2021 INTERACTIVE CONFERENCE TECHNOLOGY 9:30 A.M.

H – ITEMS ADMINISTRATIVE SERVICES OFFICE

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20 & 21, 2021

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Hokulei Lindsey, DHHL Administrative Rules Officer

SUBJECT: C-6 For Information Only – Report of the Public Hearing for Administrative Rules

for Supplemental Dwelling Units

RELEVANT MATERIAL WILL BE DISTRIBUTED UNDER SEPARATE COVER.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 21, 2021

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Rodney K. M. Lau, Administrative Services Officer

SUBJECT: Transfer of Hawaiian Home Receipts Money at the End

Of the First Quarter, FY 2022

RECOMMENDED MOTION/ACTION

That the Commission approve the transfer of the entire receipts deposited in the Hawaiian Home Receipts Fund as of September 30, 2021 to the Hawaiian Home General Loan Fund.

DISCUSSION

Section 213 (g) of the Hawaiian Homes Commission Act, 1920, as amended, reads in part as follows:

"(3) Hawaiian home receipts fund. All interest moneys from loans or investments received by the department from any fund except as provided for in each respective fund, shall be deposited into this fund. At the end of each quarter, all moneys in this fund may be transferred to the Hawaiian home operating fund, the Hawaiian home administration account, the Hawaiian home trust fund, and any loan fund in accordance with rules adopted by the department."

Section 10-3-52(b) of Title 10, DHHL Administrative rules, provides that:

"If the Commission fails to approve a plan for transfer, all moneys in the Hawaiian home receipts fund shall be transferred at the end of that respective quarter as follows:

- (1) Nine per cent to the operating fund; and
- (2) Ninety-one per cent to the general loan fund."

As of September 30, 2021, the estimated balance in the Hawaiian Home Receipts Fund will be approximately \$500,000. Based on the

on-going loan requirements for fiscal year 2022, it is recommended that cash receipts in the Hawaiian Home Receipts Fund for the quarter ending September 30, 2021 be transferred to the Hawaiian Home General Loan Fund.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 20 & 21, 2021

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Rodney Lau, Administrative Services Officer

SUBJECT: H-3 For Information Only – Report on FY 2020 Audit Management Letter

RELEVANT MATERIAL WILL BE DISTRIBUTED UNDER SEPARATE COVER.

HAWAIIAN HOMES COMMISSION SEPTEMBER 20 & 21, 2021 INTERACTIVE CONFERENCE TECHNOLOGY 9:30 A.M.

J – ITEMS REQUESTS TO ADDRESS THE COMMISSION

STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP Monday, September 20, 2021

JAGENDA INDEX

- J-1 Gil Campbell Waimānalo Lease
- J-2 Homelani Schaedel Malu'ōhai Community Safety Concerns
- J-3 Lani Olsen Successorship Issue
- J-4 Cora Schnackenberg Ahonui Homestead Association
- J-5 Al Hee Paniolo Bankruptcy
- J-6 Blossom Feiteira Maui Concerns
- J-7 Donna Sterling Kahikinui Concerns
- J-8 Ainaaloha Ioane Kings Landing
- J-9 John Kaohelaulii Anahola Kuleana Homestead Project
- J-10 Allen Cardines Keaulana Avenue

From: Wil akana <wilakana@yahoo.com>
Sent: Friday, July 30, 2021 10:23 AM
To: Burrows-Nuuanu, Leatrice W

Subject: [EXTERNAL] HHL Meeting, August 16th and 17th, 2021

Gil Campbell,

Requesting to be on the HHL August 16th and 17th, 2021 J - Agenda.

Thank you,

Gil Campbell

From: Homelani Schaedel homelani Schaedel homelani Schaedel homelani Schaedel homelani Schaedel homeschaedel@hawaii.rr.com

Sent: Tuesday, August 10, 2021 11:46 AM

To: Burrows-Nuuanu, Leatrice W

Subject: [EXTERNAL] Request to be placed on J-Agenda

Aloha e Leah:

I am requesting to be placed on Hawaiian Homes Commission J-Agenda this month to address Malu'ohai community safety concerns.

Please advise/confirm.

Mahalo piha, Aunty Home From: Lani Olsen <olsenchong@gmail.com>
Sent: Tuesday, August 31, 2021 9:39 AM
To: Burrows-Nuuanu, Leatrice W
Subject: [EXTERNAL] SEPTEMBER AGENDA

Aloha Leah:

RE: DHHL LEASE NO. 2679-A LOT NO. 64 KUHIO VILLAGE, WAIMEA HI

Sorry to bother you as I know you are a very busy person. I was wondering, would it be possible for us to get on the September agenda for the Commission meeting? We would like to provide additional testimony to hopefully strengthen our case.

I am trying to understand the process. I "hear" there is a contested case hearing in the works but have not seen any paperwork or notifications and maybe it's not the way it's done. Don't mean to be a thorn in anyone's side, just trying to get a clear understanding of the process.

With a holiday coming up on Monday, if it's possible to be on the agenda to provide additional testimony, we would be grateful.

Mahalo for your time Leah. Take good care. Stay positive and test negative. With aloha,
Lani Olsen-Chong

From: Burrows-Nuuanu, Leatrice W

Sent: Friday, September 03, 2021 11:56 AM

To: Cora Schnackenberg

Subject: RE: New submission from Submit J-Agenda Testimony

From: dhhl.icro1@hawaii.gov <dhhl.icro1@hawaii.gov>

Sent: Thursday, September 02, 2021 10:41 PM

To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>

Subject: New submission from Submit J-Agenda Testimony

Name

Cora Schnackenberg

Email

cora.schnackenberg@yahoo.com

Message

I will also be submitting my written testimony. There maybe Kupunas at my location to testify. Mahalo,

Cora

From: Brown, Michelle W

Sent: Monday, August 23, 2021 6:51 AM
To: Burrows-Nuuanu, Leatrice W
Subject: Fwd: AG filing in Paniolo

From: alhee@waimana.com <alhee@waimana.com>

Sent: Friday, August 20, 2021 12:20:42 PM

To: Aila Jr, William J <william.j.ailajr@hawaii.gov>

Cc: Brown, Michelle W <michelle.w.brown@hawaii.gov>

Subject: [EXTERNAL] AG filing in Paniolo

Aloha Chairman Aila,

I was shocked and dismayed by the filing made in Bankruptcy Court in the name of DHHL. I will be responding but I think giving me a heads up would have been pono. I was not even given a copy of the filing. I know the Governor is pushing this but as you know he is not allowed to determine the disposition of the DHHL.

I would appreciate a phone call and being placed on the agenda for the next commission meeting.

Mahalo,

al

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From: Burrows-Nuuanu, Leatrice W

Sent: Friday, September 03, 2021 4:16 PM

To: Blossom Feiteira

Subject: RE: [EXTERNAL] J Agenda testimony

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

From: Blossom Feiteira <blossom96708@yahoo.com>

Sent: Friday, September 03, 2021 3:47 PM

To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>

Subject: [EXTERNAL] J Agenda testimony

Aloha Lea!!

Since Monday is a holiday, would like to submit request to be on the Jagenda for the Hawaiian Homes Commission meeting scheduled for September 20-21.

Mahalo and have a great weekend!!!

Aloha,

Blossom

Sent from my iPhone

From: donna sterling <dhelekunihi44@protonmail.com>

Sent: Saturday, September 04, 2021 8:03 AM

To: Burrows-Nuuanu, Leatrice W

Subject: [EXTERNAL] Request to be put on Monday 9/20/21 DHHL Commisson Mtg J Agenda

Aloha Leah

I realize it is early in September, however, lots to share this next September 20, 2021.

Please reserve a spot for me on the J Agenda for 9/20 Monday.

Will look for your email confirmation and link.

Mahalo,

Donna Sterling Lot 41 Nawini Road Kahikinui Hawaiian Homestead Sent with ProtonMail Secure Email.

Āinaaloha Waikaalulu Ioane9/20/2021DHHL Community MeetingPublic Testimony

Aloha oe a nui loa, e nā kia'āina o ka ho'oilina Aina pulapula o Kalanianaole.

Aloha to our DHHL commissioners, who oversee and ensure the protection of Kalanianaole's legacy.

My name is Ainaaloha Waikaalulu Ioane. I was born in the forest region of Kane, in the coastal bay of Waikaalulu adjacent to the ocean of Kai Ai Kanaka, on the homesteading lands in the Village of King's Landing.

I am here today to share with you my experiences growing up in the Village of King's Landing and to also share with you our dire need for security within our homeland.

In our most recent discussion, when the Special Committee of the Commissioners came to visit us in King's Landing, I was prompted to read Kalanianaole speeches to understand his intentions for Aina pulapula.

In Ka Nupepa Kuokoa, printed on November 1918, titled "HAIOLELO KA ELELE KUHIO MA KAWAIHAO. HOEUEU OIA I NA HANA E NOHO AI KA HANOHANO MALUNA O KA AINA A ME KA LAHUI. Prince Johna Kuhio Kalanianaole calls upon his people to return to their lands and restore their pride by restoring the dignity within our traditional connections to our earth. He says:

He mea ano nui maoli no ka hanohano o ka aina a ua pilipu no hoi ia hanohano i ke ola lahui ana. It is a very important thing to be proud of our lands, and it is directly related to the health of our lahui.

O ka lokahi ma na hana pono me na hana maikai ka mea e hanohano ai. By working honorably side by side and together with our community, we restore honor and dignity within ourselves, and therefore within our lāhui.

Our Prince Kuhio was right. This is how I remember growing up in the Village of King's Landing. As a child, I loved my forest, I loved my beaches and ponds, and I loved my village neighbors and community 'ohana. I felt absolutely safe at home and within my community. My siblings, I, and neighborhood friends would walk along the road from

one pond near Uncle James Iopa's house to Waiakaua bay near Uncle Bill Pakani's house. We would gather as a community for meetings, it was like PTA for us kids, that's when we got to play while the adults discussed community concerns and events. I remember community fundraisers, where we sold kalua pig tickets, and I remember community imus where the adults worked side by side, as we keiki hid above them in the trees.

I remember preparing for concession stands at the Mud derbies held at the race tracks behind the mulching station in Hilo. My father encouraged our Village to participate in these community events because he wanted to instill in our Village that we can be a self-sustaining subsistence village. My parents, aunties, and uncles truly protected us, kids, because all we did was play chase master and climb trees.

I didn't know then that they were trying to secure leases to protect our 'ohana multigenerational living and experiences in our Village. I didn't realize we only had an ROE understanding with the Department. I never had the opportunity to thank some of my uncles and aunties before they passed for their hard work and dedication to our village life. And I announced and proclaimed to my spirit that this is a priority in my life. To secure leases for our village beneficiaries, ensuring prince Kuhio's legacy, of ka hanohano o ka aina.

Along with community togetherness, Kuhio further explains how we can continue as a lahui to restore pride within ourselves.

O ko kakou hoala hou ana i na oihana mahiai a lawaia paha maluna o ko kakou aina, he mea no ia e hoi hou mai ai ka hanohano maluna o ko kakou aina aloha. By restoring our traditional ways of farming, agriculture, and fishing on our ancestral lands, we restore pride and honor to our lands and our people.

This is what called my father into King's Landing in 1980. The na'au is one way our ancestors reach us. And it is through his na'au that my father heard the call of his prince Kalanianaole, during a time when the Hawaiian people were becoming brave enough to want to be Hawaiian again. As a people, we suffered multiple generations of genocide and stereotypical washing of our Hawaiian values, especially Hawaiian nationalistic pride. Having his first keiki, my father wanted to raise her away from the mainstream advances upon our peoples demeanor and behaviorisms.

He wanted to raise her in a kauhale village setting, as close and likeness as possible to his ancestors. The rustic, isolated environment of King's Landing provided my father

with a place where he could hear the whispers of Mama 'āina call to him through the rustling of the trees and the pounding of the surf.

The subsistence life of gathering his 'ohana's meals from the ocean and the nearby ulu tree that he planted upon the birth of his second daughter encouraged his Hawaiian self-identity, self-determination, and nationalistic pride to spark and grow within him.

Today, as I ponder this speech, I wonder if the word rehabilitation does justice in describing Kuhio's wishes. Restoring the honor and pride within community and self by returning to the lands of our ancestors to reawaken, hoala our means in which to be self-governing and self-sufficient by continuing our Hawaiian practices of mahia'ai and lawaia, is ka hanohano o ka aina. By ensuring that the families of King's Landing are awarded leases to continue these practices is Ka hanohano o ka aina.

In addition, today, our village way of life is threatened not only by the insecurity of an ROE, but by non-Hawaiian beneficiaries, non-MAHA members encroaching upon our community.

Growing up, I knew everyone around me. If I was walking on the road to an uncles house to call on my friends, I knew every car passing me. When we would ride our bikes from pond to beach, we trusted every person on the coastline. It hurts to me to say that this idealistic life is no longer there. A group of people who are not Hawaiian homes Lands beneficiaries awaitting leases, and are Not MAHA members have pushed their way into our Village. And because of them, I am not allowed to offer my keiki the sense of security I had in my Village while growing up. I cannot take them to our community fishing village site for fear that this group may be there. I cannot have them ride a bike along the main road because I do not trust these non-Village, Non-MAHA members.

This group of non-beneficiaries, non MAHA members is diluting our community association's governance power because they do not follow MAHA's governing rules. On several occasions, they have broken our gate, demanded a key for access, and their group size is constantly growing. Like all invasive things, they start as one couple who later brings in another to join them. There are now more than 7 of them, and if you compare this to 20 village 'ohana, they are nearing half of us. Soon there will be more non-Hawaiian beneficiaries within our King's Landing Homestead. We have already communicated this to the Department, and yet we continue to see them in our community. I'm saddened that this matter wasn't taken cared of earlier. As the commissioners stand safely from afar when this group is removed, it is not to the

commissioners that they will defend their allowed upon livelihood, but to us, the King's Landing villagers and our 'ohanas.

And therefore, the commissioners' lack of response in removing these non-Hawaiian beneficiaries and non-MAHA members has created a state of emergency and a real sense of duress within our Village. So I ask you again today to please remove from the Village of King's Landing, Hawaiian Homestead Track II these non-Hawaiian beneficiaries, Non-MAHA member trespassers from within our Village.

Lastly, I will like to acknowledge, My mother Carol Ioane, the one who married the famous Skippy Ioane. She is a brave woman. She gave birth to 5 of her 6 children in our family home in the Village of King's Landing.

When I was young, I thought my mother crazy for giving birth at home and in the Village. I now realize, after having my own keiki, what sacrifice she gave then, and what that sacrifice has matured into. By being born within the whelm of Kane, my mother ensured us a secured an instant connection, relationship, and responsibility to our homeland and Village. It is this relationship to mama aina, and my alii Kuhio's words Ka hanohano o ka aina, that calls me here today, and that has sent me on this path back home to MAHA.

My sister, myself, and two childhood friends who grew up in King's Landing have ascended too and now sit on the MAHA Board of Directors. We are proud of our work and are committed to ensuring the health and longevity of MAHA as a self-governing body and the prosperity of our Village life.

I am also excited to share, that at our most recent monthly MAHA community meeting held on the second Saturday of this month, that the villagers of King's Landing have discussed and show interest in the pursuit of Kuleana Subsistence Homesteading for the King's Landing Track II parcel, with MAHA being its community association. Their is also overwhemling interest in aquaculture farming by all of the current village families utilizing King's Landing's unique freshwater resources.

The current MAHA 'ohanas' in good Standing share a combined 42 years of vested multigenerational interset in the lands of King's Landing spanding back to the current village origination in 1980, with its most recent 'ohana's still under Probation of completing their structures within 4 years. The villagers of King's Landing have been living subsistently on the lands of King's Landing Track II for 3 generations spaning over

those 42 years, and we have come to an era in our village life that requires a political sense of security.

And I will end with my own chiefs quote, my father. "Mai ka po mai makou," from the depth and spark of life within my mother's womb to the depth and spark of life within my Village of King's Landing. Let us join together as a lahui to hoala and hoi'iho'i i ka hanohano o ka aina.

Aloha nui 'oe.

From: dhhl.icro1@hawaii.gov

Sent: Friday, September 03, 2021 8:48 AM

To: Burrows-Nuuanu, Leatrice W

Subject: HCC Contact:

First Name

John

Last Name

Kaohelaulii

Email

kauaitourdriver@yahoo.com

Subject

To Commission Secretary

Message

Aloha,

Can I be placed on the agenda to speak to the Commission on Sep 21 meeting.

I wanted an update on the sustainable community agricultural project in Anahola/ Kamalomalo`o area and to talk about going forward with this project.

Mahalo,

John Kaohelaulii

From: dhhl.icro1@hawaii.gov

Sent: Wednesday, August 25, 2021 11:04 AM

To: Burrows-Nuuanu, Leatrice W

Subject: New submission from Submit J-Agenda Testimony

Name

Allen Cardines

Email

acardinesjr@gmail.com

Message

Looking forward to working with HHC in creating a respectful, productive, positive, solution-oriented pathway to a Nanakuli Homestead of "quite enjoyment."