

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA
91-5420 Kapolei Parkway, Kapolei, O‘ahu, Hawai‘i, Interactive Conference Technology (ICT)
Monday, October 18, 2021, at 8:30 a.m. to be continued, if necessary, on
Tuesday, October 19, 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, October 14, 2021.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for September 15, 2021 and September 20 & 21, 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 Refinance of Loans (see exhibit)
- D-4 Approval of Streamline Refinance of Loans (see exhibit)
- D-5 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-6 Commission Designation of Successors to Application Rights – Public Notice 2016 & 2020 (see exhibit)
- D-7 Approval to Certify Applications of Qualified Applicants with Application Dates from July 2, 2021 thru August 5, 2021 (see exhibit)
- D-8 Approval to Cancel Applications of Non-Qualified Applicants (see exhibit)
- D-9 Reinstatement of Cancelled Application – **ROBERT K. KAIWI**
- D-10 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- D-11 Approval of Assignment of Leasehold Interest (see exhibit)
- D-12 Approval of Amendment of Leasehold Interest (see exhibit)
- D-13 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-14 Commission Designation of Successor – **CHRISTOPHER K. AIKALA**, Residential Lease No. 9979, Lot No. 174, PKE, Oahu

B. REGULAR AGENDA

Office of the Chairman

- C-1 Approval of Lease Awards for Ka‘uluokaha‘i Residential Subdivision Vacant Lot Kapolei, Oahu; Ka‘uluokaha‘i Residential Subdivision Turnkey Home Kapolei, Oahu; and Kakaina Residential Subdivision Vacant Lot Waimanalo, Oahu (see exhibit)

Land Management Division

- F-1 Approval to Annual Renewal of Right-of-Entry Permits, Kauai Island (see Exhibit)
- F-2 Approval to Annual Renewal of Right-of-Entry Permits, Hawaii Island (see Exhibit)
- F-3 Approval to Annual Renewal of Right-of-Entry Permits, Maui, and Lanai Islands (see Exhibit)
- F-4 Approval to Renewal of Right of Entry Permit No. 685, U.S. Department of Interior, Nanakuli, Lualualéi, & Waianae, O'ahu, Various TMKs
- F-5 Approval to Issuance of a Right of Entry Permit to U.S. Department of Interior, Red Plains Surveying Company & Dudek Hawaii, Waimanalo, O'ahu, Various TMKs

III. 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 Lease Successor Designation Claims

IV. 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

Land Development Division

- E-1 For Information Only – Status Update on Plan Implementation on the Island of Maui to the Hawaiian Homes Commission

B. WORKSHOPS

Office of the Chairman

- C-2 For Information Only – Report of the Public Hearing for Administrative Rules for Supplemental Dwelling Units

Planning Office

- G-1 For Information Only – Status Update on Plan Implementation on the Island of Maui to the Hawaiian Homes Commission
- G-2 For Information Only – Maui Water Issues Update
- G-3 For Information Only – Status Report on Kalaupapa Beneficiary Engagement Process, Kalawao County, Island of Moloka'i

STATE OF HAWAI‘I
DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA

91-5420 Kapolei Parkway, Kapolei, O‘ahu, Hawai‘i, ICT - Zoom
Tuesday, October 19, 2021, at 9:30 a.m.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Public Testimony on Agendized Items

II. ITEMS FOR INFORMATION/DISCUSSION

A. GENERAL AGENDA

Requests to Address the Commission

- J-1 Jeremie Makepa – Anahola Fire Station
- J-2 Velma Mariano – Paukūkalo Park
- J-3 Malia Greaney – Ho‘olehua Water System Improvement Project
- J-4 Homelani Schaedel – Malu‘ōhai Community Safety – Traffic Calming
- J-5 Blossom Feiteira - Various
- J-6 Kekoa Enomoto – Pa‘upena CDC
- J-7 Donna Sterling - Kahikinui
- J-8 Lila Kalai – Waimānalo Lease
- J-9 Kai MacDonald – Waitlist
- J-10 Malama Solomon – Renewable Energy
- J-11 Al Hee – Sandwich Isles Communication

III. ITEMS FOR INFORMATION/DISCUSSION

Planning Office

- G-4 For Information Only -- Progress Report on DHHL General Plan Update
- G-5 For Information Only – Boys and Girls Club of Maui Paukūkalo Clubhouse Draft Environmental Assessment, Paukūkalo, Wailuku, Maui TMK (2)-3-3-005:086 (por.) and 087 (por.)

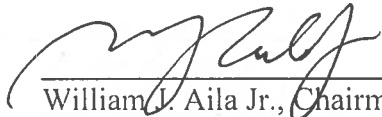
IV. EXECUTIVE SESSION

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. Maui Community Meeting, October 18, 2021, 6:30 p.m., (ICT) Zoom. See below
- B. Ka'u Community Meeting, October 24, 2021, 4:30 p.m., (ICT) Zoom. See below
- C. Next HHC Meeting – November 15 & 16, 2021, (ICT) Zoom
- D. Adjournment



William L. Aila Jr., Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

Randy K. Awo, Maui
Patricia A. Teruya, O'ahu
Pauline N. Namu'o, O'ahu
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 Delta Response, Hawai'i Revised Statutes Chapter 92 regarding public agency meetings and records is currently suspended in part through till November 30, 2021 to the extent necessary to minimize the potential spread of COVID-19 and its variants.

If you need an auxiliary aid/service or other accommodation due to a disability, contact Michael Lowe at 620-9512, or michael.l.lowe@hawaii.gov, as soon as possible, preferably by October 14, 2021. If a response is received after October 14, 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://dhhhl.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://dhhhl.hawaii.gov/hhc/2021-hawaiian-homes-commission-meeting-schedule/>

ITEM C-1 EXHIBITAPPROVAL OF LEASE AWARDS KA'ULUOKAHA'I RESIDENTIAL SUBDIVISION
VACANT LOT, KAPOLEI, OAHU

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
MONA A. LUM KING	05/09/1979	8	(1) 9-1-017-110	12958
ROGEITTE BERNARDINO	03/24/1987	2	(1) 9-1-017-110	12951
MOSES MANNERS	12/19/1975	43	(1) 9-1-017-110	12952

APPROVAL OF LEASE AWARD KA'ULUOKAHA'I RESIDENTIAL SUBDIVISION
TURNKEY HOME, KAPOLEI, OAHU

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
NATHAN L. IOANE	09/19/1986	104	(1) 9-1-017-110	12949

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

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
MARGARITA FLORES	07/09/1972	42	(1) 4-1-041-042	12950

ITEM D-2 EXHIBIT

APPROVAL OF CONSENT TO MORTGAGE

<u>LESSEE</u>	<u>LEASE NO.</u>	<u>AREA</u>
AHUNA, Albert K. A., Jr.	6338	Keaukaha, Hawaii
AHUNA, Gregory M. K. H.	2194	Kewalo, Oahu
AHUNA, William K.	2194	Kewalo, Oahu
AKAO, Iris B. P.	10792	Laiopua, Hawaii
ALBINIO, Peter K. P., Jr.	736	Waimanalo, Oahu
ALVERIO, Joel K. K.	3805	Nanakuli, Oahu
CANDELARIO, Larry S.	8496	Princess Kahanu Estates, Oahu
CARPENTER, Catherine R.	5501	Lualualei, Oahu
COSTA-CARVALHO, Ryan E. K.	12951	Kauluokahai, Oahu
CRIVELLO, Stephanie S. H.	2304A	Kalamaula, Molokai
DE LA NUX, Konaneakamahina A.	9930	Waiehu 3, Maui
DELACRUZ-TELLES, Crystal-Ann	10021	Waianae, Oahu
DEMENT, Bert O.	3125	Waimanalo, Oahu
ELI, Daniel A. M., Jr.	1776	Nanakuli, Oahu
GOMES, Gordon F.	12656	Kanehili, Oahu
GOMES, Melonie K.	12656	Kanehili, Oahu
GONSALVES, Joseph L.	12399	Kauluokahai, Oahu
HANCHETT, Roslyn K.	9566	Kalawahine, Oahu
HANOHANO, Kapiliponoikealohalani T.	11807	Kanehili, Oahu
HANSON, Marcus Allan M.	5054	Keaukaha, Hawaii
HIGA, Robert K.	12507	Kauluokahai, Oahu
JOHNSON, Daryl K.	5450	Paukukalo, Maui
JONES, Pualani	2956	Nanakuli, Oahu
KAEA-MEDLEY, Ronald J.	10124	Waiohuli, Maui
KAHELE, Stanyale L.	5314	Waianae, Oahu
KAIWI, Bruce K.	5461	Anahola, Kauai
KALAMA, Zachary C. K., Jr.	3664	Waimanalo, Oahu
KALAU LI, Georgiana M.	6613	Waiakea, Hawaii

KAMAHELE, Scarlet P.	7475	Waiohuli, Maui
KAMAKAHI, Darling C.	1192A	Keaukaha, Hawaii
KANAHELE, Brett K.	11357	Kekaha, Kauai
KANEAKUA, Tiffany H. K.	5293	Waianae, Oahu
KANUHA, Hilary K., Sr.	4124	Waimanalo, Oahu
KEKUA, Lester P.	7362	Nanakuli, Oahu
KIM-LUNING, Adam K.	10294	Waiohuli, Maui
LOPERFIDO, Desiree S.	11871	Kanehili, Oahu
LOPEZ, Brandon K.	12833	Kauluokahai, Oahu
LUM-KING, Henry M.	3247	Waimanalo, Oahu
MARIA, Edward E. K.	1686	Nanakuli, Oahu
MIRANDA, Lee Ann K. K.	12094	Kaupea, Oahu
MOISA, Melvin H.	12855	Kauluokahai, Oahu
NAIHE, Paul F. L. K.	8524	Princess Kahanu Estates, Oahu
NAWAHINE, Debrah-Mae H.	12948	Kauluokahai, Oahu
NEEDHAM, Kimo W.	12279	Waiehu 4, Maui
PILILAAU, Cameron K.	12060	Kaupea, Oahu
POAIPUNI, Loriann N.	9468	Waiehu 2, Maui
PUAA, Ernest K.	11483	Leialii, Maui
SIMMONS, Joy K.	9776	Maluohai, Oahu
SOFA, Kristy A. K. P.	12033	Kaupea, Oahu
SOUZA, Michele	3833	Paukukalo, Maui
SULLIVAN, Hedy L.	11331	Kekaha, Kauai
TOM, Issac K.	10233	Kaniohale, Oahu
VASQUEZ, Chrystie K.	6010	Kekaha, Kauai
VIELA, Raymond	9788	Maluohai, Oahu
WAIOLAMA, Jerinette L.	4138	Waimanalo, Oahu
WARFIELD, Shadd K.	1525	Keaukaha, Hawaii
WOODE, Abigail A. K.	395	Nanakuli, Oahu
YIM, Sidney K.	9423	Kaniohale, Hawaii

ITEM D-3 EXHIBIT

APPROVAL OF REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
HANOHANO, John I.	8950	Waiakea, Hawaii
KAHALIOUMI, Kristen	9405	Kaniohale, Hawaii

ITEM D-4 EXHIBIT

APPROVAL OF STREAMLINE REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
HOOHULI, Deric G.	1457	Panaewa, Hawaii
RODRIGUES, Julie-Ann L.	8168	Paukukalo, Maui

ITEM D-5 EXHIBIT

HOMSTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
AHINA, Jazzel M.	Kauai IW Agr to Oahu IW Agr
AHINA, Jazzel M.	Kauai IW Res to Oahu IW Res
AKAU, Mahealani M.	Hawaii IW Agr
AUWAE, Teddy K.R.	Oahu IW Agr
AUWAE, Teddy K.R.	Oahu IW Res
BITE-AKEN, Delcie N.K.	Oahu IW Res
CAMARA, Ronald	Oahu IW Res
GIST, Elaine H.	Oahu IW Res
KAM, Henry K.	Waimanalo Area / Oahu IW Res
KAMAKA, Alexandria	Oahu IW Res
KAMAKA, Alexandria	Maui IW Agr
KEA, Kevin K.	Kauai IW Res to Maui IW Res
KILA, Allan L., Jr.	Oahu IW Res
MAHI, Abraham L., Jr.	Hawaii IW Agr
MAKAIWI, Cynthia A.	Hawaii IW Res
MALLOE, James T.	Hawaii IW Agr
MALLOE-STEVENSON, Marilyn K.	Hawaii IW Agr to Oahu IW Agr
MALLOE-STEVENSON, Marilyn K.	Hawaii IW Res to Oahu IW Res
MOKIAO, Kuuipo K.	Hawaii IW Pas to Maui IW Pas
MOKIAO, Kuuipo K.	Hawaii IW Res to Maui IW Res
NAONE, Jeremiah	Maui IW Agr
PALI, Henry K., Jr.	Nanakuli Area / Oahu IW Res
PETERS, Garrett K.	Hawaii IW Agr
VALDEZ, Arick D.	Oahu IW Res

* IW = Islandwide

ITEM D-6 EXHIBIT

COMMISSION DESIGNATION OF SUCCESSORS – PUBLIC NOTICE ,2016 & 2020

APPLICANT	AREA
AKAU, Mahealani M.	Hawaii IW Agr
MAKAIWI, Cynthia A.	Hawaii IW Res
MALLOE, James T.	Hawai IW Agr

* IW = Islandwide

ITEM D-7 EXHIBIT

QUALIFIED HOMESTEAD APPLICANTS FOR APPROVAL

APPLICANT	AREA
AKAU, Keith C.K.	Hawaii IW Agr
AKAU, Keith C.K.	Hawaii IW Res
CHONG, Ryan Kau	Hawaii IW Res
DE VEAS, Shirleen M.	Oahu IW Res
FU, David H.	Kauai IW Agr
FU, David H.	Kauai IW Res
GREEN-MATUTINO, C'ari M.K.K.	Oahu IW Agr
GREEN-MATUTINO, C'ari M.K.K.	Oahu IW Res
HELENIHI, Allen J.H.	Maui IW Agr
HELENIHI, Allen J.H.	Maui IW Res
HOAPILI, Jeffrey S.	Oahu IW Agr
HOAPILI, Jeffrey S.	Oahu IW Res
HUE SING, Aaron P.A.K.	Maui IW Pas
HUE SING, Aaron P.A.K.	Maui IW Res
JOSE, Elizabeth H.	Hawaii IW Res
KAHALE, Georgiana N.	Kauai IW Agr
KAHALE, Georgiana N.	Kauai IW Res
KAMAKANA, Codi-Jase M.	Molokai IW Pas
KAMAKANA, Codi-Jase M.	Molokai IW Res
KAMOKU, Richard S.	Hawaii IW Pas
KAMOKU, Richard S.	Hawaii IW Res
KANAMU, Jason K.	Oahu IW Agr
KANAMU, Jason K.	Oahu IW Res
KIAAINA, Keolamauloa L.	Oahu IW Res
KIM, Valerie A.A.	Oahu IW Res
KUIKAHI-TAGACA, Jacqueline-Andrea N.L.	Hawaii IW Agr
KUIKAHI-TAGACA, Jacqueline-Andrea N.L.	Hawaii IW Res
KUIKAHI-TAGACA, Jaline-Alyssa N.L.	Hawaii IW Agr
KUIKAHI-TAGACA, Jaline-Alyssa N.L.	Hawaii IW Res
KWAN, Kevin Lee K., Jr.	Oahu IW Res
MAKEAKAU, Allen-Sam I	Kauai IW Res
MAKEAKAU, Allen-Sam I	Molokai IW Pas
NAIPO, Glenn K.	Oahu IW Res
REDEROS, Noreen L.	Maui IW Agr
REDEROS, Noreen L.	Maui IW Res
RUIS, Jevon T.K.	Hawaii IW Agr
RUIS, Jevon T.K.	Hawaii IW Res
SILVA, Eulyn N.W.	Oahu IW Agr
SILVA, Eulyn N.W.	Oahu IW Res
SOUZA, Madison A.P.K.	Hawaii IW Agr

SOUZA, Madison A.P.K.	Hawaii IW Res
TAGUPA, Brittany A.	Oahu IW Agr
TAGUPA, Brittany A.	Hawaii IW Res
TANIELU, Ruth Y.	Molokai IW Agr
WAIWAIIOLE, Bryan K.	Hawaii IW Agr
WAIWAIIOLE, Bryan K.	Oahu IW Res
WAIWAIIOLE, Joseph L.	Hawaii IW Agr
WAIWAIIOLE, Joseph L.	Oahu IW Res
WATSON, Shanel M.M.P.	Oahu IW Agr
WATSON, Shanel M.M.P.	Oahu IW Res
WELCH, Frederick, IV	Molokai IW Agr
WELCH, Frederick, IV	Molokai IW Res

* IW = Islandwide

ITEM D-8 EXHIBIT

NON QUALIFIED HOMESTEAD APPLICANTS FOR CANCELLATION

LESSEE	AREA
GALDEIRA, Luana D.K.	Oahu IW Res
HELENIHI, Francis C.	Molokai IW Agr
HELENIHI, Francis C.	Molokai IW Res
KEPOO, Arlyn K.	Oahu IW Res
KEPOO, Arlyn K.	Hawaii IW Agr
KEPOO, Arthur O.K.K.	Hawaii IW Pas
KEPOO, Arthur O.K.K.	Hawaii IW Res
KEPOO, Eric K.	Hawaii IW Pas
KEPOO, Eric K.	Hawaii IW Res
NAKOA, Joseph W.P.	Hawaii IW Pas
WILSON, Carl V.	Oahu IW Res

* IW = Islandwide

ITEM D-10 EXHIBIT

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

LESSEE	LEASE NO.	AREA
JOAO, Elizabeth K.	2988	One Alii, Molokai
KALAUULI, Titus K.K.	5122	Waiakea, Hawaii
KWAN, Momi C.	2243	Waimanalo, Oahu
NAKI, Roger N.	8224	Waimanalo, Oahu
WARFIELD, Velma L.K.	1394	Keaukaha, Hawaii
YOUNG, Germaine I.A.	2120	Kewalo, Oahu

ITEM D-11 EXHIBIT
APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
CHOW, Catherine K.K.	7105	Kawaihae, Hawaii
DE LIMA, Raquel K.S.	9033	Puukapu, Hawaii
GARCIA-BALLARD, Liberta E.	9603	Kalawahine, Oahu
VARGAS, Alberta	9603	Kalawahine, Oahu
GOSHERT, Eloise B.	4231	Nanakuli, Oahu
HALL, Jeffrey W.	3561	Kuhio Village, Hawaii
HAUPU, Hendrick M.	9525	Waiehu Kou II, Maui
HETT, Hannah H.	11508	Leialii, Maui
KAMAI, David E.	4531	Nanakuli, Oahu
KANOA, Maxwell L.K.	8173	Waimanalo, Oahu
KAWAI, Marie E.	8446	PKE, Oahu
LESLIE, Yvonne L.	2943	Keaukaha, Hawaii
MAHELONA, Steven K.	9422	Kaniohale, Hawaii
ARAKI, Stephanie Alana K.	10784	Laiopua, Hawaii
MAHI, Kahuiopuaokalani K.	2698	Kuhio Village, Hawaii
MALUO, Lindy L.	951	Keaukaha, Hawaii
MANINTIN, Jo Ann I.	3010	Kapaakea, Molokai
MANOI, Taryn M.	4091	Waimanalo, Oahu
MAYO, Gregory J.	6656	Waiahole, Oahu
PONTES, Bryann K.	280-A	Nanakuli, Oahu
STEPHENS, Lyla E.	12328	Kapolei, Oahu
DELOS REYES, Lester K.	5863	Kalamaula, Molokai
HUI, Dorothy L.	8022	Puukapu, Hawaii
SOUZA, Dorothy Alo M.	8022	Puukapu, Hawaii
WAMPLER, Joseph A.	5853	Kalamaula, Molokai
PALEKA-KALUA, Nadine L.	5853	Kalamaula, Molokai

ITEM D-12 EXHIBIT
APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
JOAO, Elizabeth K.	2988	One Alii, Molokai
CALARRUDA, Rosebell	4430	Waianae, Oahu
KALEIKULA-VELLESES, Alex K.	4430	Waianae, Oahu
KALUA, Roger I.	1049	Keaukaha, Hawaii
KAMAKELE, Shalia K.	3257	Waimanalo, Oahu
KWAN, Momi C.	2243	Waimanalo, Oahu
MAHI, Keonaona K.	2698	Kuhio Village, Hawaii
PONTES, Bryann K.	280-A	Nanakuli, Oahu
WAMPLER, Joseph A.	5853	Kalamaula, Molokai
WARFIELD, Velma L.K.	1394	Keaukaha, Hawaii
YOUNG, Germaine I.A.	2120	Kewalo, Oahu

ITEM D-13 EXHIBIT**APPROVAL TO ISSUE A NON-EXCLUSIVE LICENSE FOR ROOFTOP PHOTOVOLTAIC
SYSTEMS FOR CERTAIN LESSEES**

LESSEE	LEASE NO.	AREA
AH LO, Earl A., Jr.	5984	Waimanalo, Oahu
GARZA, Ruth K.	11315	Kekaha, Kauai
NOMURA, Nadine M.	359	Nanakuli, Oahu

ITEM F-1 EXHIBIT**RIGHT OF ENTRY PERMITS, KAUAI ISLAND**

NO.	ACRE	USE	PERMITTEE	Date Started
533	11	Agriculture	Don Mahi	10/1/1990
550	0.344	Agriculture	Kuini Contrades	5/1/2003
554	8	Agriculture	Linda Kaauwai-Iwamoto	11/1/2000
558	1.07	Agriculture	Frank S. Rivera, Sr. and Amber Rivera	5/1/2005
543	20	Agriculture	Palahiko Farms	7/28/2009
575	18	Agriculture	Gary Cummings, Jr.	7/23/2013
565	12	Agriculture	Angelina Koli	7/1/2005
540	0.25	Caretaker	Michael J. DeMotta	9/1/2002
549	0.188	Caretaker	William Leleo	9/1/2005
553	0.092	Caretaker	Sunny L. Honda	6/1/1992
560	3.6	Caretaker	Valerie Woods	3/8/2002
536	0.009	Commercial	Patricia Contrades	7/23/2013
564	0.023	Commercial	Woodrow K. Contrades	4/1/1994
475	16.072	Industrial	Honsador Lumber, LLC/Mona Lisa Boyer	10/1/2019
538	0.46	Industrial	Kauai Habitat for Humanity	7/1/1996
542	0.58	Industrial	Kauai Farm Fuels	4/1/2007
574	0.059	Industrial	Paul T. Esaki	2/1/1986
537	0.23	Industrial	Roger Palama	10/1/1995
541	0.344	Industrial	Wallace Rita and Clyde Odo	7/1/2005
544	0.367	Industrial	Akita Enterprises, Ltd.	7/1/1999
546	0.55	Industrial	Akita Enterprises, Ltd.	7/22/2013
566	0.918	Industrial	Jack L. and Margaret C. Phillips	3/1/2001
531	3.264	Pastoral	Solomon Lovell	12/1/1981
532	14.903	Pastoral	Esther K. Medeiros	2/1/1984
535	13	Pastoral	Gordon Rosa	4/1/1994
545	2.866	Pastoral	Clay Kelekoma	4/15/1982
547	50	Pastoral	Patrick Kelekoma and Clay Kelekoma	7/5/2005
552	2.849	Pastoral	Lono K.M. Fu	9/1/2005
556	0.55	Pastoral	Richard and Kuulei Ornellas	8/1/2003
557	173	Pastoral	Tarey Low	4/1/2004
562	21.03	Pastoral	Joseph Borden	7/23/2013
583	80	Pastoral	Edward K Taniguchi	5/23/2016

Denotes Beneficiary

ITEM F-2 EXHIBIT
RIGHT OF ENTRY PERMITS, EAST, CENTRAL, SOUTH, HAWAII ISLAND

NO.	ACRE	USE	PERMITTEE	Date Started
465	280.00	Pastoral	Gilbert Medeiros, Jr.	2/9/1998
469	504.00	Pastoral	Daryl K. Kalua'u	9/7/2000
473	2250.00	Pastoral	Dean Kaniho	7/15/2004
477	2.00	Agricultural	Guy Kaniho	2/26/2007
478	300.00	Pastoral	April Awana-Mattos	2/1/2010
481	2.21	Landscape	Ginger Patch Center	8/2/2010
482	1.00	Community	Keaukaha Panaewa Farmers Association	2/1/2011
610	5000.00	Pastoral	Native Hawaiian General Services	6/1/2004
467	326.76	Pastoral	Parnel Hanoa	1/26/2000
692	0.620	Commercial	Connect Point Church	11/18/2019

Denotes Beneficiary

ITEM F-3 EXHIBIT
RIGHT OF ENTRY PERMITS, MAUI/LANAI, ISLANDS

NO.	ACRE	USE	PERMITTEE	Date Started
493	6.82	Community	Waiohuli Hawaii Homestead Association	10/1/2005
496	69.00	Community	Keokea Homestead Farm Lot Association	2/8/2010
497	3.00	Community	Villages of Lei Alii Association	4/1/2013
510	25.0	Pastoral	Alton & Joelle Aoki	7/1/2006

Denotes Beneficiary

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 2021

TO: Chairman and Members, Hawaiian Homes Commission



Contact & Awards Division

FROM: Michelle Hitzeman, HALE Manager
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

Ka'uluokaha'i Increment B Residential Subdivision -Vacant Lot, Kapolei, Oahu

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
MONA A. LUM KING	05/09/1979	8	(1) 9-1-017-110	12958
ROGEITTE BERNARDINO	03/24/1987	2	(1) 9-1-017-110	12951
MOSES MANNERS	12/19/1975	43	(1) 9-1-017-110	12952

Ka'uluokaha'i Increment B Residential Subdivision – Turnkey Home, Kapolei, Oahu

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
NATHAN L. IOANE	09/19/1986	104	(1) 9-1-017-110	12949

Kakaina Residential Subdivision – Vacant Lot, Waimanalo, Oahu

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
MARGARITA FLORES	07/09/1972	42	(1) 4-1-041-042	12950

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18-19, 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 pre-recorded 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.

RECOMMENDATION:

None. For information only.

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
DEPUTY TO THE CHAIRMAN

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

P. O. BOX 1879
HONOLULU, HAWAII 96805

May 28, 2021

Aloha Homestead Association Leaders,

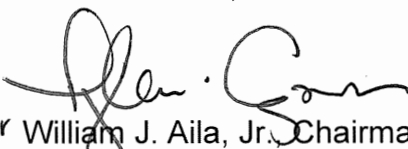
The Department of Hawaiian Home Lands will be conducting a public hearing for the proposed adoption of administrative rules for Supplemental Dwelling Units and the compilation of chapter 10-3, "Native Hawaiian Rehabilitation Program" on June 30, 2021. The public hearing is required by state law for the 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,


for William J. Aila, Jr., Chairman
Hawaiian Homes Commission

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

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.

Written testimony: 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 Oahu: 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; Maui: 655 Kaunualii St., Wailuku, HI 96793; Molokai: 600 Mauna Loa Hwy, Kaunakakai, HI 96748; Kauai: 3060 Ewa 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)

Staff responses in italics were given during the public hearing. Staff responses in regular font are provided after the hearing.

TESTIFIER	COMMENT	STAFF RESPONSE
Live/Oral Testimony Notes		
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?	<i>The SDU can be attached or detached.</i>
	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?	<i>Yes, a 25% spouse qualifies as a successor to a lease. No; 25% is the lowest quantum for successorship to a lease.</i>
	If you want to build another home away from the existing home within your lot, I have about one acre?	<i>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.</i>
	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.	<i>A total of two units would be allowed under the proposal; the original/existing plus one smaller unit.</i>
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?	<i>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.</i>
	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?	<i>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.</i>
	So are you looking to execute an MOU with Maui County since you don't have one here?	<i>No, DHHL has not entered into discussions with Maui County Planning Department at this time.</i>

Staff responses in italics were given during the public hearing. Staff responses in regular font are provided after the hearing.

	Maui County has codes for accessory dwelling unit so can we hop on that instead of waiting for an MOU?	<i>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.</i>
	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?	<i>The proposal does not address that; procedures would need to be put in place for compliance review.</i>
	What would the process be for a lessee to switch from a non-rental SDU to a rental SDU?	<i>The proposal contemplates notice to the Department of the change.</i>
	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.?	<i>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.</i>
	So you're leaving it to the lessee to comply?	<i>Yes. The lessee is responsible for compliance with the obligations of being a landlord.</i>
	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?	<i>Yes, that is what 10-3-40.09 is addressing; the opportunity to bring that lease into compliance.</i>

Staff responses in italics were given during the public hearing. Staff responses in regular font are provided after the hearing.

	Is there a timeframe or is it up to the lessee to make sure that happens?	<i>The procedure would be an enforcement procedure so the timeframes would be set that way, not in the rule.</i>
	Sub-chapter 4 for loans and funds is also here, is that included in the amendments?	<i>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.</i>
	I do support establishing rules for SDUs on homesteads.	
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?	<i>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.</i>
	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	<i>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</i>
	Between the lessee and the people in the unit, can something be in there about carrying insurance for the SDU?	<i>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.</i>
	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?	<i>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</i>

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		<i>building and zoning codes to follow.</i>
	When will the difficulties be ironed out?	<i>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.</i>
	The SDUs are island-wide?	<i>The proposal is for all islands, residential lots.</i>
	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?	<i>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>
	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?	<i>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.</i>
	The county only allows 5 rooms. If we add a second dwelling, could we add another 5 rooms?	<i>In Hawaii County it is called an ohana dwelling and the SDU would have to meet or fall within the county's requirements.</i>
Germaine Balino	<p>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?</p> <p>In general, I do support this move to allow lessees to build SDU. I do have some general concerns. From what I understand there's a waiver of liability and I realize it's a pilot program. But I</p>	<i>Yes, July 9, next week Friday is the deadline to submit testimony.</i>

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	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	On the SDU is there a size restriction?	<i>It will depend on the counties. You need to go thru the county where you live and each county has different size limitations.</i>
	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?	<i>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.</i>
	And which island is land more available now than not? Kauai? Maui? Oahu? So right now, Oahu, Kauai, Big Island; is that Kapolei?	<i>There are developments going on on Oahu, Kauai, Big Island. There are plans for Maui but they are further out. Yes, Kapolei on Oahu.</i>
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

****Staff responses in italics were given during the public hearing.* Staff responses in regular font are provided after the hearing.***

	<p>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.</p> <p>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.</p>	<p>the hearing but did not submit testimony, the other submitted written testimony.</p> <p>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."</p> <p>Staff will reevaluate use of the term "Supplemental Dwelling Unit".</p>
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****Staff responses in italics were given during the public hearing.* Staff responses in regular font are provided after the hearing.***

	<p>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.</p>	<p>The language of HHCA section 208(5) authorizing rentals with department approval is provided above.</p> <p>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.</p> <p>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.</p>
Puni Kekauoha	<p>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?</p> <p>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</p>	<p><i>Yes, that is correct.</i> The City may deny the application based on inadequate infrastructure in Papakolea.</p>

Staff responses in italics were given during the public hearing. Staff responses in regular font are provided after the hearing.

	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%.	<i>Yes, correct. Rent cannot be charged for an ohana SDU.</i>
	But you mentioned she can pay mortgage? So we're not calling that rent?	<i>She [daughter/qualified ohana occupant] can help with the mortgage. The lessee shall remain ultimately responsible for all of those costs.</i>
	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%? I see, so you have to tie to the lessee.	<i>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 cannot be a friend].</i>
	And how does the department plan to confirm that the people under the rental SDU are the small "n" Hawaiians?	<i>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.</i>
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. 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	See response regarding virtual hearings above. 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

****Staff responses in italics were given during the public hearing.* Staff responses in regular font are provided after the hearing.***

	<p>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.</p> <p>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.</p> <p>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</p>	<p>residential lessees on Hawaiian home lands to construct a supplemental dwelling unit, also called "ohana unit" or "accessory dwelling unit" by the various counties."</p> <p>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.</p> <p>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.</p>
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****Staff responses in italics were given during the public hearing.* Staff responses in regular font are provided after the hearing.***

	<p>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.</p> <p>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 the 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.</p>	
Kyle	<p>Aloha. I just joined the meeting so I didn't want to disrupt what was going on. I'm just in favor of it; that would be my testimony.</p>	
Kalae Inoue	<p>I just wanted to ask, am I correct that the SDU is not yet implemented?</p>	<i>That is correct.</i>
	<p>So what is it that we as lessee need to do to actually start applying for SDU and actually get this pilot program up and running?</p> <p>And adopting would be by the Commission?</p> <p>Once governor signs off on it, then the pilot program gets implemented and we can actually get things going with this. Ok, that's all I wanted ask.</p>	<i>This is a public hearing to adopt rules that would allow that process to begin. After the public hearing we have several months ahead of us to see if the rules actually get approved or not. For lessees that are interested in having an SDU, we're looking at probably close to the end of the year, assuming the rules get adopted.</i>

Staff responses in italics were given during the public hearing. Staff responses in regular font are provided after the hearing.

	I am in support of it. Thank you so much for answering. Aloha.	<i>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.</i>
Cora Schnackenberg	<p>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.</p> <p>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.</p> <p>But I have to admit that I'm not going to support this, not as it is written. Mahalo.</p>	<p>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.</p> <p>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.</p>

Written testimonies are attached in order received, the county departments grouped together

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 rider...that 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,

Written testimonies are attached in order received, the county departments grouped together

		and requirements described in 10-3-40.06 and 10-3-40.08.
M. Kapuniai	See attachment 8	<p>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.</p> <p>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.</p> <p>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.</p> <p>10-3-40.03 Staff will consider adding explicit language to address permanency of the SDU program.</p> <p>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.</p>

[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://dttl.hawaii.gov/hhc/hawaii-administrative-rules/dttl-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.dttl.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 Dwelling 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

**Department of Hawaiian Home Lands**

P.O. Box 1879

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 DHHLAdminRules@hawaii.gov

Dear Chairman Aila:

**SUBJECT: PROPOSED 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_ARTIICOZOPR_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."

- 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
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 [REDACTED]
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 [REDACTED]
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 [REDACTED]
Sent: Wednesday, June 30, 2021 6:01 PM
To: DHHL.AdminRules
Subject: [EXTERNAL] SDU

Aloha my Name is Irene Plunkett-Mina
808 [REDACTED]
[REDACTED]

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 [REDACTED]
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

Cindy Freitas

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'iohua 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 discriminatory.

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 only confirms 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 *Pilot Program, if successful, no message to address*
Permanency at SDU.

10-3-40.9 *Revised " or be removed at the lessee's expense "*

ADD: " through the SDU process "

- §10-3-21 Award of leases
- §10-3-22 Award of leases with outstanding indebtedness
- §10-3-23 Awards to previous lessees, when
- §10-3-24 Agricultural and pastoral leases
- §10-3-25 Award of additional acreage
- §10-3-26 Residence permitted on agricultural and pastoral lot
- §10-3-27 Livestock and crops
- §10-3-28 Lease cancellation
- §10-3-29 Repealed
- §10-3-30 Kuleana homestead leases

Subchapter 3 Conditions in Leases

- §10-3-31 Additional conditions, generally
- §10-3-32 Industrial activities
- §10-3-33 Commercial activities
- §10-3-34 Building requirements
- §10-3-35 Contracts covering lease lands
- §10-3-36 Transfer of homestead leases
- §10-3-37 Repealed
- §10-3-38 Subdivision and transfer of a portion of residential lot leasehold
- §10-3-39 Occupancy and other requirements
- §10-3-40 (Reserved)

Subchapter 3.1 Supplemental Dwelling Units

- §10-3-40.01 Purpose
- §10-3-40.02 Definitions
- §10-3-40.03 Pilot program
- §10-3-40.04 SDU application and review
- §10-3-40.05 Lot requirements
- §10-3-40.06 Lessee obligations, generally
- §10-3-40.07 Supplemental dwelling units
- §10-3-40.08 Compliance with housing laws
- §10-3-40.09 Existing structures, non-compliance

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
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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

§10-3-1 Application forms. Applications for residential, agricultural, or pastoral lot leases shall be made on forms provided by the department and shall be made under oath. Deliberate falsification of a material fact on an application form shall be grounds for removal of the applicant's name from the waiting list, or cancellation of any lease awarded the applicant, and may subject the applicant to prosecution for perjury. [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §207)

§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
- (2) A native Hawaiian. [Eff 7/30/81; am 1/20/86; am 3/31/17; comp]
(Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §207)

§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
- (9) Other documents as may be requested by the department. [Eff 3/31/17; comp] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §207)

§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.

(f) A determination regarding parentage by the department is not intended to have evidentiary effect for purposes other than those of the department.
[Eff 3/31/17; comp] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §207)

§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.
- (2) Completion. An application is complete when 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. The 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)

Historical note: §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 filed. An applicant may change the designation of 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. A 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. If the 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.

The department shall place applicants who fail to appear at the lot selection meeting or who fail to select a lot on a deferred status. [Eff 7/30/81; am 1/20/86; comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §207)

§10-3-22 Award of leases with outstanding

indebtedness. No award of a residential, agricultural, or pastoral lot lease shall be made to an applicant who has not submitted sufficient evidence to the satisfaction of the department that the applicant is financially able to assume any indebtedness outstanding against the premises after the lease is awarded. [Eff 7/30/81; am 1/20/86; comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §207)

§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.

(f) In recognition of the shortage of available lands on the island of Oahu in relation to available lands in the State, an award of an agricultural lot on Oahu shall be made to applicants who are residing on the island of Oahu at time of application; provided further that a lessee of an agricultural lot on Oahu shall not be allowed to hold any other homestead lease. [Eff 7/30/81; am 2/3/83; am 8/1/85; am and comp 10/26/98; am 3/31/17; comp] (Auth: HHC Act §222) (Imp: HHC Act §207)

§10-3-25 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.
- (g) 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)

§10-3-34 Building requirements. No building structure or improvement may be constructed on the premises without written approval from the department. Such an approval shall be considered only after submission of a plan as to design, materials, and probable value and use of the structure to be built on the leasehold. Building structures or improvements shall meet building and zoning codes and other ordinances and regulations of the respective counties except as otherwise provided by the department. [Eff 7/30/81; am and 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. [Eff 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

§10-3-40.01 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)

§10-3-40.02 Definitions. As used in this subchapter, unless context clearly provides otherwise,

"Dwelling unit renter" means the native Hawaiian who rents, from the lessee, either the primary dwelling unit or SDU for use as his or her residence.

"Good-standing" means the status of a lessee who is in full compliance with all obligations contained in the residential homestead lease, the act, and this title.

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

"Supplemental dwelling unit (SDU)" means a dwelling unit that is supplementary to the primary dwelling, is attached or detached, is smaller in size, has a separate entry, and includes its own kitchen, bedrooms, and bathroom facilities. SDU includes "ohana dwelling unit" in Hawaii county and "additional dwelling unit" in the city and county of Honolulu, Maui county, and Kauai county. [Eff and

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

§10-3-40.03 Pilot program. Upon promulgation of this subchapter, the SDU program shall commence as a five-year pilot program. The program shall be evaluated by the department after three years. If deemed successful, the department may continue the program, or the program shall terminate at the end of the five-year pilot period. Any SDU completed under the pilot program shall remain subject to this subchapter and any lease amendments made in furtherance of the program, even if the SDU program is discontinued. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §208)

§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;
- (3) 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)

§10-3-40.06 Lessee obligations, generally. (a) To participate in the SDU program, the lessee shall be in good-standing at all times.

(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).

(c) Failure of the lessee to maintain good-standing shall be cause for lease cancellation pursuant to section 10-3-28. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §208)

§10-3-40.07 Supplemental dwelling units. (a) Any SDU shall comply with the respective county's SDU area maximums.

(b) A lessee may apply to the department for one of the following programs at the time of application for an SDU:

- (1) 'Ohana SDU is specifically for non-rental, '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.

- (2) 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;

(B) 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)

§10-3-40.09 Existing structures, non-compliance.

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 §§213, 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)

§10-3-50 Additional funds. The department may make loans at such terms and conditions from any additional funds as the legislature may hereafter provide. In the event such additional funds are made available to the department without any specific terms, conditions, restrictions, such funds shall be subject to the conditions and restrictions imposed by sections 214 and 215 of the act. [Eff 7/30/81; am and 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 §§213, 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
- (2) Ninety-one per cent to the general loan fund. [Eff 7/30/81; am 11/17/84; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §213)

§§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)

§10-3-62 Reversion to the department. Where a lessee dies having failed to designate a qualified successor, the department may select a successor under the procedure provided in section 209 of the act. If no selection can be made, the lease shall be cancelled. As provided in section 209 of the act and in this subchapter, the department shall make any authorized payments to the appropriate recipient. The land subject to the lease shall resume its status as unleased Hawaiian home lands, and the department shall be authorized to lease the land to a native Hawaiian as provided in the act. [Eff 7/30/81; am and comp 10/26/98; 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

in each of four successive weeks in a newspaper of general circulation in the State. The notice shall state briefly that all persons claiming to be relatives of the lessee qualified to succeed to the lease shall present themselves at the department with proof of their qualifications, within four months from the first day of publication of the notice or be forever barred from succeeding to the lease. Those persons failing to present themselves within four months from the first day of publication of the notice shall be forever barred from succeeding to the lease in question. [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §209)

§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;
- (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.

(b) 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: HHC 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

§10-3-67

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)

§§10-3-68 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
 - (5) Identifying newborn calves with ear marks pending branding (Molokai only). [Eff 7/30/81; am and comp 10/26/98; comp] (Auth: HHC Act §222) (Imp: HHC Act §211)

§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.

(e) Fees and charges shall be revised when necessary and approved by the commission during the odd year of the fiscal biennium." [Eff 7/30/81; am 2/3/83; am 11/17/84; am and comp 10/26/98; am 3/31/17; comp] (Auth: HHC Act §222) (Imp: HHC Act §211)

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


HOMESTEAD SERVICES DIVISION
AGENDA

October 18, 2021

DIV.	ITEM NO.	SUBJECT
	D-1	HSD Status Reports Exhibits: A – Homestead Lease & Application Totals and Monthly Activity Reports B - Delinquency Report C – DHHL Guarantees for FHA Construction Loans
ODO/APPL. LOANS		
LOANS	D-2	Approval of Consent to Mortgage (see exhibit)
	D-3	Approval of Refinance of Loans (see exhibit)
	D-4	Approval of Streamline Refinance of Loans (see exhibit)
APPL	D-5	Approval of Homestead Application Transfers / Cancellations (see exhibit)
	D-6	Commission Designation of Successors to Application Rights – Public Notice 2016 & 2020 (see exhibit)
	D-7	Approval to Certify Applications of Qualified Applicants with Application Dates from July 2, 2021 thru August 5, 2021 (see exhibit)
	D-8	Approval to Cancel Applications of Non-Qualified Applicants (see exhibit)
	D-9	Reinstatement of Cancelled Application – ROBERT K. KAIWI
DO	D-10	Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
	D-11	Approval of Assignment of Leasehold Interest (see exhibit)
	D-12	Approval of Amendment of Leasehold Interest (see exhibit)
	D-13	Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
	D-14	Commission Designation of Successor – CHRISTOPHER K. AIKALA , Residential Lease No. 9979, Lot No. 174, PKE, Oahu

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 2021

TO: Chairman and Members, Hawaiian Homes Commission
From: Juan Garcia, HSD Administrator 
SUBJECT: **Homestead Services Division Status Reports**

RECOMMENDED MOTION/ACTION

NONE

DISCUSSION

The following reports are for information only:

- Exhibit A: Homestead Lease & Application Totals and Monthly Activity Reports
- Exhibit B: Delinquency Report
- Exhibit C: DHHL Guarantees for FHA Construction Loans

October 18, 2021

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through September 30, 2021

	As of 8/31/21	Add	Cancel	As of 9/30/21
Residential	8,473	4	3	8,474
Agricultural	1,093	0	0	1,093
Pastoral	413	0	0	413
Total	9,979	4	3	9,980

The cumulative number of Converted Undivided Interest Lessees represents an increase of 534 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 8/31/21	Converted	Rescinded/ Surrendered/ Cancelled	As of 9/30/21
Undivided	788	1	0	787

Balance as of 9/30/2021

Awarded	1,434
Relocated to UNDV	7
Rescinded	111
Surrendered	5
Cancelled	4
Converted	534
Balance to Convert	787

Lease Report For the Month Ending September 30, 2021

	RESIDENCE				AGRICULTURE				PASTURE				TOTAL LEASES			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU																
Kakaina	27	1	0	28	0	0	0	0	0	0	0	0	27	1	0	28
Kalawahine	90	0	0	90	0	0	0	0	0	0	0	0	90	0	0	90
Kanehili	399	0	0	399	0	0	0	0	0	0	0	0	399	0	0	399
Kapolei	180	0	0	180	0	0	0	0	0	0	0	0	180	0	0	180
Kaulaokahai	121	3	0	124	0	0	0	0	0	0	0	0	121	3	0	124
Kaupea	326	0	0	326	0	0	0	0	0	0	0	0	326	0	0	326
Kaupuni	19	0	0	19	0	0	0	0	0	0	0	0	19	0	0	19
Kewalo	249	0	0	249	0	0	0	0	0	0	0	0	249	0	0	249
Kumuhau	52	0	0	52	0	0	0	0	0	0	0	0	52	0	0	52
Lualualei	147	0	0	147	31	0	0	31	0	0	0	0	178	0	0	178
Malu'ohai	226	0	0	226	0	0	0	0	0	0	0	0	226	0	0	226
Nanakuli	1,045	0	0	1,045	0	0	0	0	0	0	0	0	1,045	0	0	1,045
Papakolea	64	0	0	64	0	0	0	0	0	0	0	0	64	0	0	64
Princess Kahanu Estates	271	0	0	271	0	0	0	0	0	0	0	0	271	0	0	271
Waiahole	0	0	0	0	16	0	0	16	0	0	0	0	16	0	0	16
Waianae	421	0	0	421	12	0	0	12	0	0	0	0	433	0	0	433
Waimanalo	720	0	1	719	2	0	0	2	0	0	0	0	722	0	1	721
TOTAL	4,357	4	1	4,360	61	0	0	61	0	0	0	0	4,418	4	1	4,421
MAUI																
Hikina	31	0	0	31	0	0	0	0	0	0	0	0	31	0	0	31
Kahikinui	0	0	0	0	0	0	0	0	75	0	0	75	75	0	0	75
Keokea	0	0	0	0	65	0	0	65	0	0	0	0	65	0	0	65
Leialii	103	0	0	103	0	0	0	0	0	0	0	0	103	0	0	103
Paukukalo	178	0	0	178	0	0	0	0	0	0	0	0	178	0	0	178
Waiehu 1	39	0	0	39	0	0	0	0	0	0	0	0	39	0	0	39
Waiehu 2	109	0	0	109	0	0	0	0	0	0	0	0	109	0	0	109
Waiehu 3	114	0	0	114	0	0	0	0	0	0	0	0	114	0	0	114
Waiehu 4	97	0	0	97	0	0	0	0	0	0	0	0	97	0	0	97
Waiohuli	593	0	0	593	0	0	0	0	0	0	0	0	593	0	0	593
TOTAL	1,264	0	0	1,264	65	0	0	65	75	0	0	75	1,404	0	0	1,404
EAST HAWAII																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamoa	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaumana	42	0	0	42	0	0	0	0	0	0	0	0	42	0	0	42
Keaukaha	474	0	1	473	0	0	0	0	0	0	0	0	474	0	1	473
Kurtistown	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3
Makuu	0	0	0	0	121	0	0	121	0	0	0	0	121	0	0	121
Panaewa	13	0	0	13	260	0	0	260	0	0	0	0	273	0	0	273
Piihonua	17	0	0	17	0	0	0	0	0	0	0	0	17	0	0	17
Puueo	0	0	0	0	12	0	0	12	0	0	0	0	12	0	0	12
University Heights	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	4
Waiakea	286	0	0	286	0	0	0	0	0	0	0	0	286	0	0	286
TOTAL	841	0	1	840	393	0	0	393	25	0	0	25	1,259	0	1	1,258
WEST HAWAII																
Honokala	0	0	0	0	0	0	0	0	24	0	0	24	24	0	0	24
Humuula	0	0	0	0	0	0	0	0	5	0	0	5	5	0	0	5
Kamoku	0	0	0	0	0	0	0	0	16	0	0	16	16	0	0	16
Kantohale	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
Lalopua	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
Puupulehu	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	1	531	46	0	0	46	0	0	0	0	578	0	1	577
Hanapepe	47	0	0	47	0	0	0	0	0	0	0	0	47	0	0	47
Kekaha	117	0	0	117	0	0	0	0	0	0	0	0	117	0	0	117
Puu Opaee	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
TOTAL	696	0	1	695	46	0	0	46	1	0	0	1	743	0	1	742
MOLOKAI																
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	0	0	0	0	3	0	0	3	0	0	0	0	3	0	0	3
One Alii	27	0	0	27	0	0	0	0	0	0	0	0	27	0	0	27
TOTAL	393	0	0	393	418	0	0	418	27	0	0	27	838	0	0	838
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	8,473	4	3	8,474	1,093	0	0	1,093	413	0	0	413	9,979	4	3	9,980

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

September 30, 2021

	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU DISTRICT												
Nanakuli	162	0	0	162	0	0	0	0	0	0	0	0
Waiānae	141	0	0	141	0	0	0	0	0	0	0	0
Luāualei	0	0	0	0	0	0	0	0	0	0	0	0
Papākoale/Kewalo	68	0	1	67	0	0	0	0	0	0	0	0
Waimanalo	560	0	0	560	0	0	0	0	0	0	0	0
Subtotal Area	936	0	1	935	0	0	0	0	0	0	0	0
Islandwide	10,048	19	6	10,061	3,867	9	2	3,874	0	0	0	0
TOTAL OAHU APPS	10,984	19	7	10,996	3,867	9	2	3,874	0	0	0	0
MAUI DISTRICT												
Paukukalo	50	0	0	50	0	0	0	0	0	0	0	0
Kula	0	0	0	0	4	0	0	4	5	0	0	5
Subtotal Area	50	0	0	50	4	0	0	4	5	0	0	5
Islandwide	3,842	2	0	3,844	4,695	1	0	4,696	620	1	0	621
TOTAL MAUI APPS	3,892	2	0	3,894	4,699	1	0	4,700	625	1	0	626
HAWAII DISTRICT												
Keaukaha/Waialea	69	0	0	69	0	0	0	0	0	0	0	0
Panāewa	0	0	0	0	16	0	0	16	0	0	0	0
Huimūla	0	0	0	0	0	0	0	0	0	0	0	0
Kawaihae	16	0	0	16	0	0	0	0	0	0	0	0
Waimea	44	0	0	44	12	0	0	12	46	0	0	46
Subtotal Area	129	0	0	129	28	0	0	28	46	0	0	46
Islandwide	5,830	13	3	5,840	7,282	9	3	7,288	1,907	2	1	1,908
TOTAL HAWAII APPS	5,959	13	3	5,969	7,310	9	3	7,316	1,953	2	1	1,954
KAUAI DISTRICT												
Anāhola	43	0	0	43	3	0	0	3	20	0	0	20
Kekaha/Puu Opae	8	0	0	8	0	0	0	0	7	0	0	7
Subtotal Area	51	0	0	51	3	0	0	3	27	0	0	27
Islandwide	1,652	2	0	1,654	2,250	3	0	2,253	302	0	0	302
TOTAL KAUAI APPS	1,703	2	0	1,705	2,253	3	0	2,256	329	0	0	329
MOLOKAI DISTRICT												
Kalamāula	4	0	0	4	0	0	0	0	0	0	0	0
Hoolēhua	8	0	0	8	17	0	0	17	1	0	0	1
Kapaakea	7	0	0	7	0	0	0	0	0	0	0	0
One Alii	1	0	0	1	0	0	0	0	0	0	0	0
Subtotal Area	20	0	0	20	17	0	0	17	1	0	0	1
Islandwide	819	1	0	820	1,082	2	1	1,083	206	0	0	206
TOTAL MOLOKAI APPS	839	1	0	840	1,099	2	1	1,100	207	0	0	207
LANAI DISTRICT												
Islandwide	74	0	0	74	0	0	0	0	0	0	0	0
TOTAL LANAI APPS	74	0	0	74	0	0	0	0	0	0	0	0
TOTAL AREA ONLY	1,186	0	1	1,185	52	0	0	52	79	0	0	79
TOTAL ISLANDWIDE	22,265	37	9	22,293	19,176	24	6	19,194	3,035	3	1	3,037
TOTAL STATEWIDE	23,451	37	10	23,478	19,228	24	6	19,246	3,114	3	1	3,116

DELINQUENCY REPORT - STATEWIDE

October 18, 2021

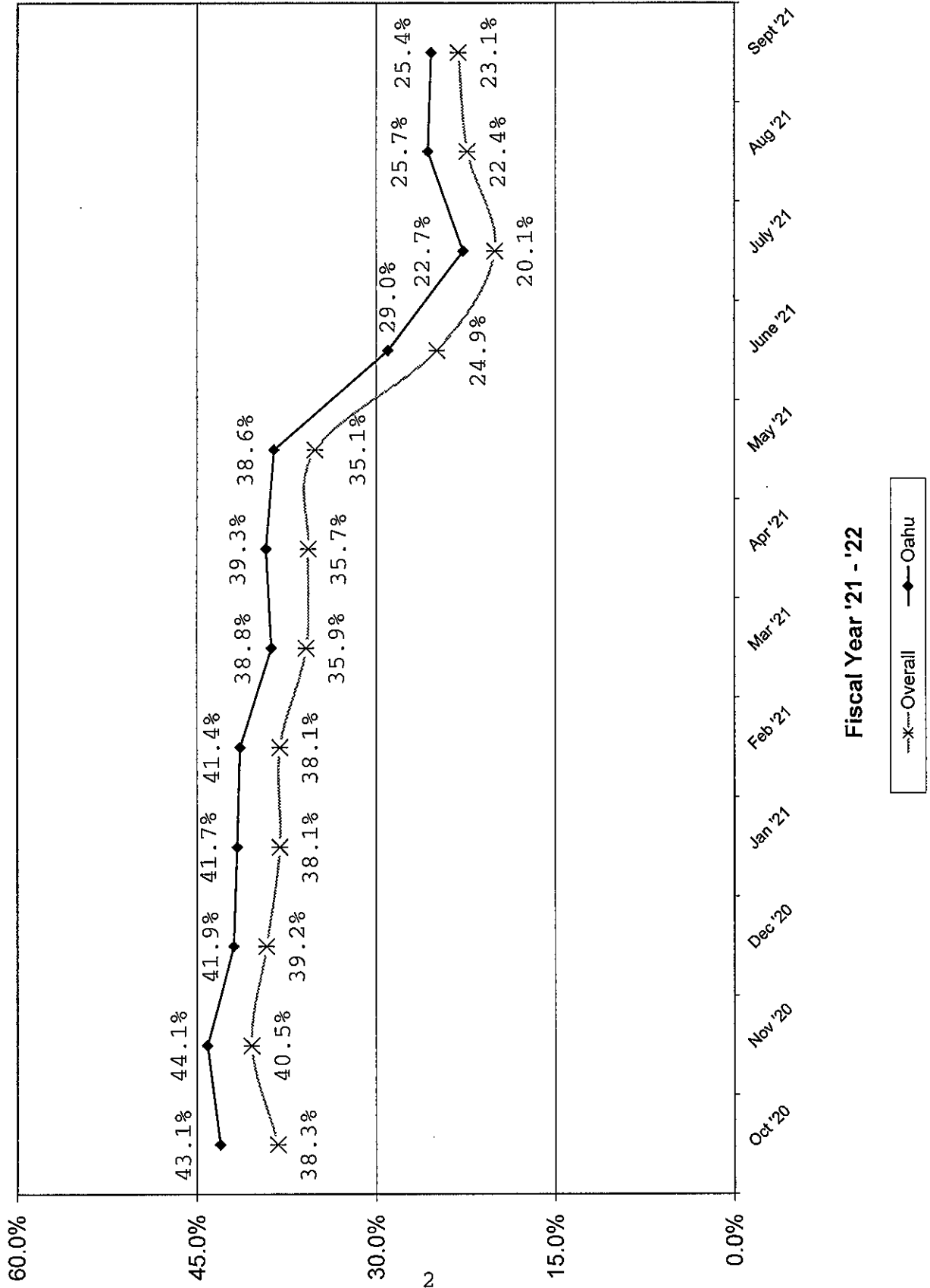
(\$Thousands)

	Total Outstanding (000s)		Total Delinquency (000s)		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)		% of Totals 9/30/2021	
	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	\$
DIRECT LOANS														
OAHU	397	38,910	113	9,876	11	947	18	1,159	24	1,661	60	6,108	28.5%	25.4%
EAST HAWAII	206	12,331	56	4,081	9	380	2	180	5	313	40	3,207	27.2%	33.1%
WEST HAWAII	83	8,663	7	789	2	293	1	132	0	0	4	364	8.4%	9.1%
MOLOKAI	82	7,017	12	433	2	53	2	54	1	23	7	303	14.6%	6.2%
KAUAI	92	7,208	16	1,053	4	269	5	395	1	29	6	360	17.4%	14.6%
MAUI	97	13,043	31	3,915	6	780	4	202	6	396	15	2,537	32.0%	30.0%
TOTAL DIRECT	957	87,171	235	20,146	34	2,722	32	2,123	37	2,421	132	12,880	24.6%	23.1%
	100.0%	100.0%	24.6%	23.1%	3.6%	3.1%	3.3%	2.4%	3.9%	2.8%	13.8%	14.8%		
Advances (including RPT)	231	6,173	231	6,173	0	0	0	0	231	6,173			100%	100%
DHHL LOANS & Advances	1,188	93,345	466	26,319	34	2,722	32	2,123	268	8,594	132	12,880	39.2%	28.2%
LOAN GUARANTEES as of June 30, 2021														
SBA	2	77	0	0	0	0	0	0	0	0			0.0%	0.0%
USDA-RD	279	32,123	49	6,335	0	0	0	0	49	6,335			17.6%	19.7%
Habitat for Humanity	47	1,536	24	733	0	0	0	0	24	733			51.1%	47.7%
Maui County	5	74	0	0	0	0	0	0	0	0			0.0%	0.0%
Nanakuli NHS	1	7	1	7	0	0	0	0	1	7			100.0%	100.0%
City & County	12	284	11	260	0	0	0	0	11	260			91.7%	98.5%
FHA Interim	6	961	0	0	0	0	0	0	0	0			0.0%	0.0%
OHA	2	9	2	9	0	0	0	0	2	9			100.0%	100.0%
TOTAL GUARANTEE	354	35,051	87	7,344	0	0	0	0	87	7,344			24.6%	21.0%
PMI Loans	147	21,111	4	858	1	197	1	202	2	459			2.7%	4.1%
HUD REASSIGNED for Recovery	144	16,948	118	15,346	1	35	0	0	5	483	112	14,828	81.9%	90.5%
FHA Insured Loans	2,873	496,064	273	44,906	0	0	0	0	273	44,906			9.5%	9.1%
TOTAL INS. LOANS	3,164	534,123	395	61,110	2	232	1	202	280	45,848	112	14,828	12.5%	11.4%
OVERALL TOTALS(EXC Adv/RP)	4,475	656,346	717	88,600	36	2,954	33	2,325	404	55,613	244	27,708	16.0%	13.5%
ADJUSTED TOTALS	4,706	662,519	948	94,773	36	2,954	33	2,325	635	61,786	244	27,708		14.3%

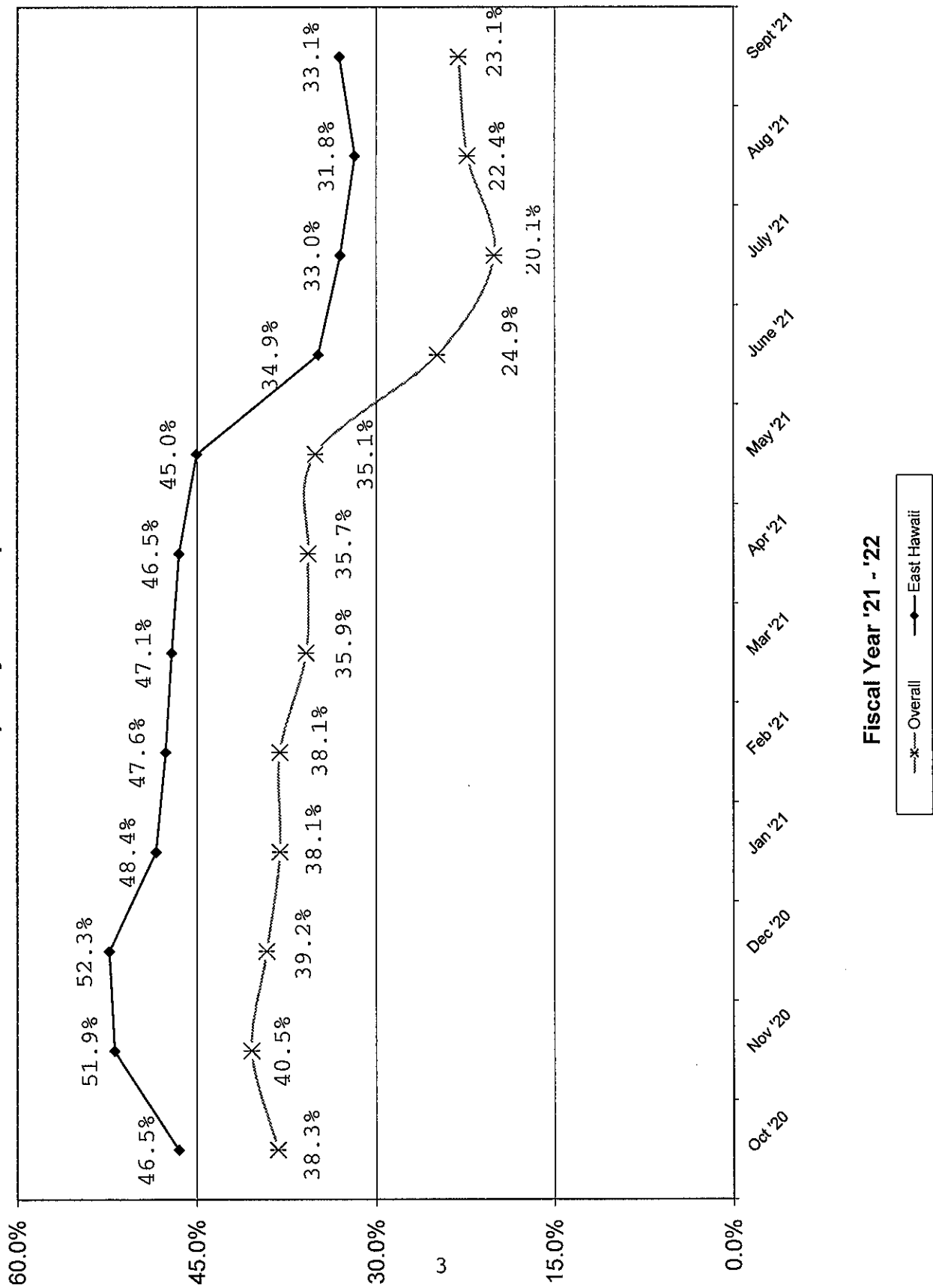
Note: HUD 184A loan program has 507 loans, with a total outstanding principal balance of \$112,122,650 as of June 30, 2021. 27 Loans, totaling \$6,600,376 are delinquent.

The deferred interest for 563 loans comes out to \$2,477,082.80 as of 9/30/2021.

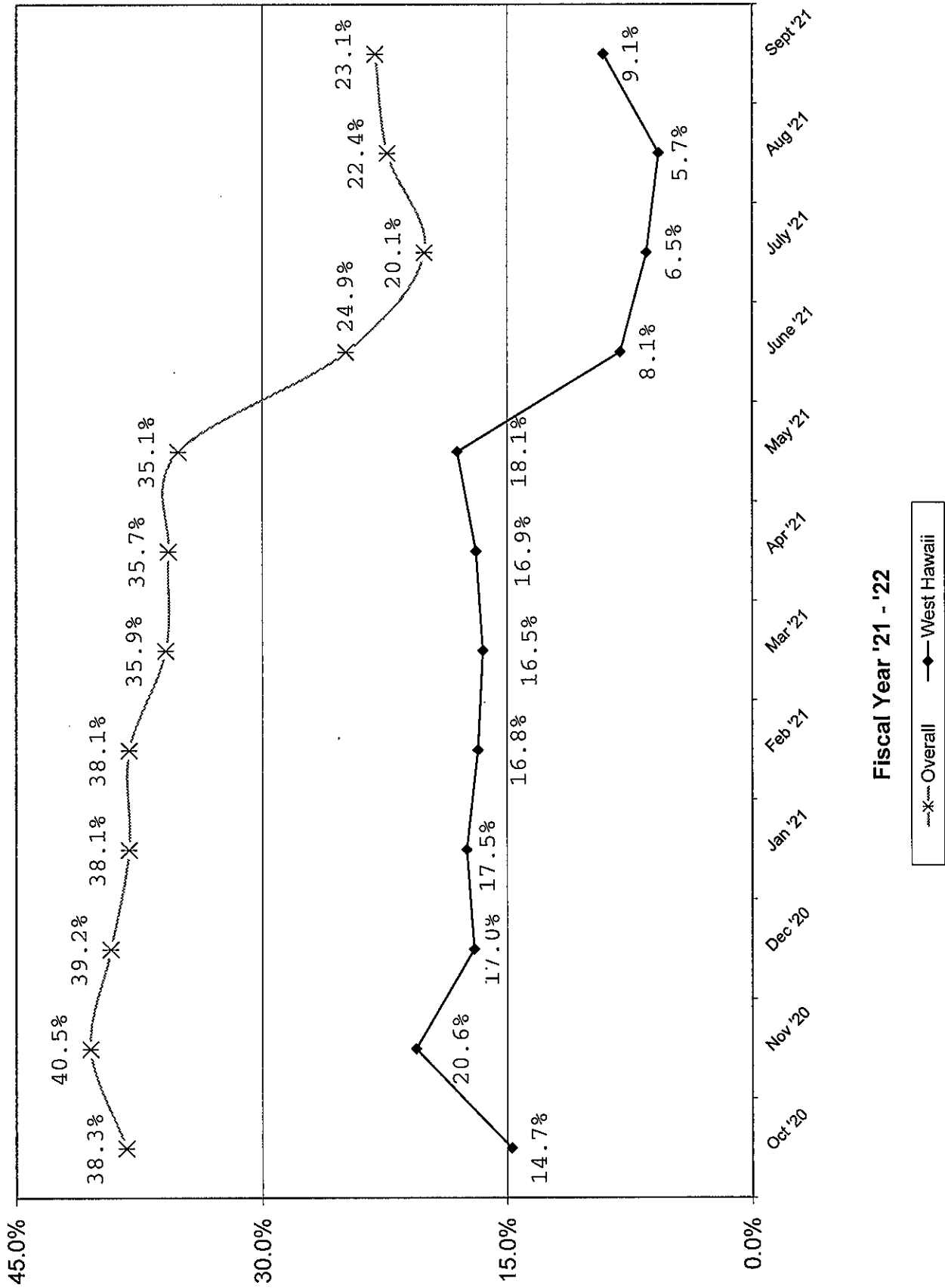
OAHU
Direct Loans
Delinquency Ratio Report



EAST HAWAII Direct Loans Delinquency Ratio Report



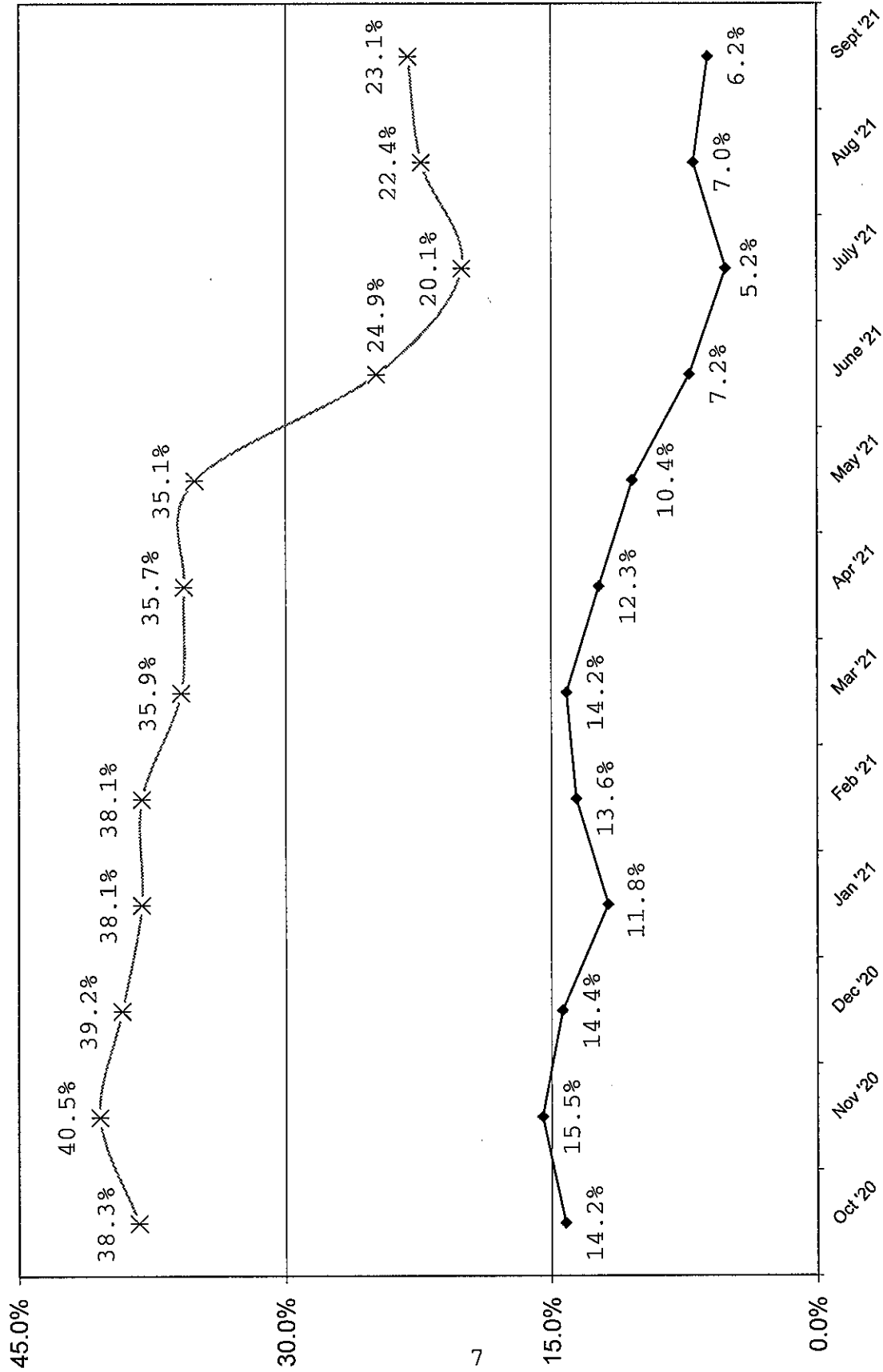
WEST HAWAII
Direct Loans
Delinquency Ratio Report



Fiscal Year '21 - '22

x Overall ♦ West Hawaii

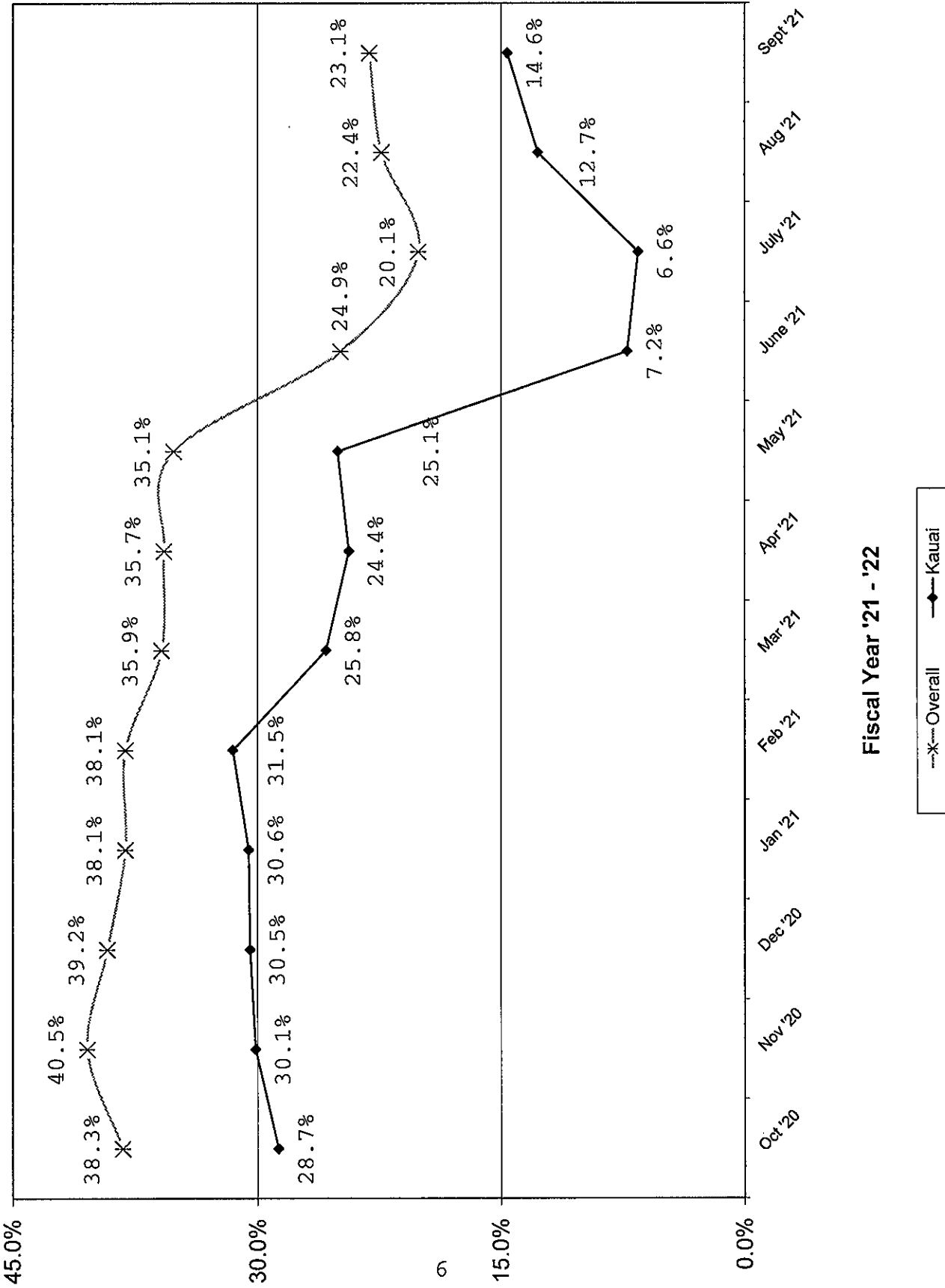
MOLOKAI
Direct Loans
Delinquency Ratio Report



Fiscal Year '21 - '22

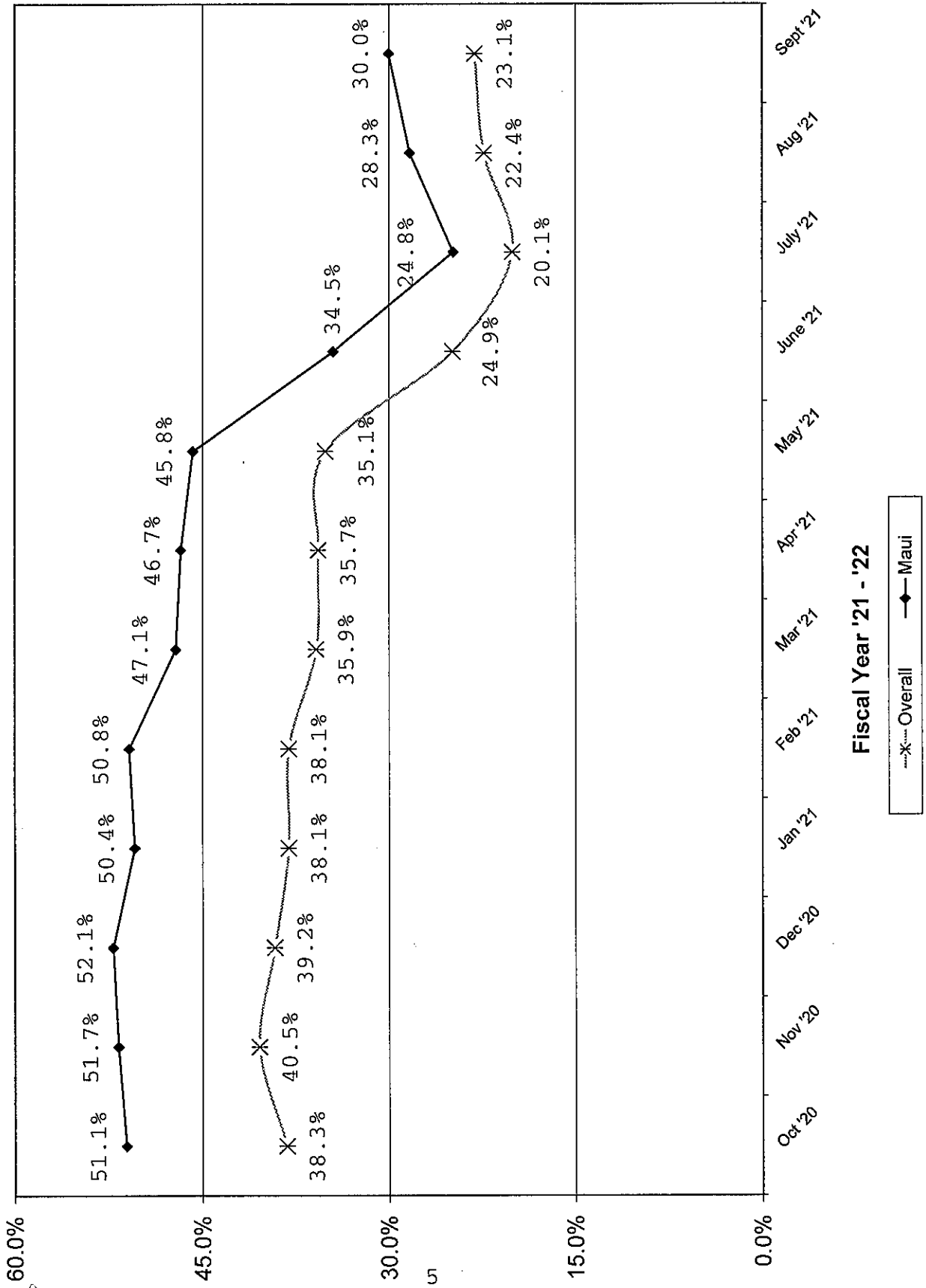
x Overall ◆ Molokai

KAUAI
Direct Loans
Delinquency Ratio Report



Fiscal Year '21 - '22

MAUI
Direct Loans
Delinquency Ratio Report



October 18, 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.

<u>LEASE NO.</u>	<u>AREA</u>	<u>LESSEE</u>	<u>Loan Amount</u>	<u>Date Approved</u>
12954	Kauluokahai	Holt, Marvielena E.	\$360,525	9/17/21

	<u>No.</u>	<u>Balance</u>
FY Ending 6/30/21	7	\$ 1,917,178
Previous Months	2	\$ 709,491
This Month	<u>1</u>	<u>360,525</u>
FY '21-'22 to date	3	\$ 1,770,016

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator
Homestead Services Division

FROM: Dean Oshiro, Loan Services Manager

SUBJECT: **Approval of Consent to Mortgage**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

<u>PROPERTY</u>	<u>LESSEE</u>	<u>LENDER</u>	<u>LOAN AMOUNT</u>
<u>OAHU</u>			
Waianae Lease No. 10021 TMK: 1-8-5-030:050	DELACRUZ-TELLES, Crystal-Ann (Cash Out Refi) HUD 184A	Bank of Hawaii	\$ 162,000
Maluohai Lease No. 9776 TMK: 1-9-1-119:051	SIMMONS, Joy K. (Cash Out Refi) FHA	Bank of Hawaii	\$ 356,000
Kaupea Lease No. 12060 TMK: 1-9-1-140:076	PILILAAU, Cameron K. (Cash Out Refi) FHA	Guild Mortgage	\$ 332,000

OAHU

Kaupea Lease No. 12033 TMK: 1-9-1-140:110	SOFA, Kristy A. K. P. (Cash Out Refi) FHA	Guild Mortgage	\$ 334,000
Kauluokahai Lease No. 12951 TMK: 1-9-1-017:110	COSTA-CARVALHO, Ryan E. K. (Purchase)FHA	HighTechLen- ding Inc.	\$ 382,847
Lualualei Lease No. 5501 TMK: 1-8-6-023:068	CARPENTER, Catherine R. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 325,000
Kewalo Lease No. 2194 TMK: 1-2-5-022:036	AHUNA, William & AHUNA, Gregory M. K. H. (Cash Out Refi) FHA	Guild Mortgage	\$ 390,000
Waianae Lease No. 5314 TMK: 1-8-5-033:025	KAHELE, Stanyale L. (Purchase)FHA	HighTechLen- ding Inc.	\$ 380,634
Kauluokahai Lease No. 12399 TMK: 1-9-1-017:088	GONSALVES, Joseph L. (Cash Out Refi) FHA	HighTechLen- ding Inc.	\$ 394,440
Kaniohale Lease No. 10233 TMK: 3-7-4-023:057	TOM, Issac K. (Cash Out Refi) FHA	HighTechLen- ding Inc.	\$ 350,325
Kauluokahai Lease No. 12855 TMK: 1-9-1-017:110	MOISA, Melvin H. (Rate & Term Refi) FHA	Mid America Mortgage Inc.	\$ 395,000
Kalawahine Lease No. 9566 TMK: 1-2-4-043:063	HANCHETT, Roslyn K. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 167,000

ITEM NO. D-2

OAHU

Waimanalo Lease No. 3664 TMK: 1-4-1-029:046	KALAMA, Zachary C. K., Jr. (Rate & Term Refi) FHA	Guild Mortgage	\$ 450,000
Waimanalo Lease No. 3247 TMK: 1-4-1-020:011	LUM-KING, Henry M. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 201,000
Waimanalo Lease No. 4124 TMK: 1-4-1-031:055	KANUHA, Hilary K., Sr. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 260,000
Maluohai Lease No. 9788 TMK: 1-9-1-120:026	VIELA, Raymond (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 260,000
Waimanalo Lease No. 3125 TMK: 1-4-1-003:022	DEMENT, Bert O. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 156,000
Waimanalo Lease No. 4138 TMK: 1-4-1-031:109	WAIOLAMA, Jerinette L. (Cash Out Refi) FHA	HighTechLen- ding Inc.	\$ 350,325
Waianae Lease No. 5293 TMK: 1-8-5-033:044	KANEAKUA, Tiffany H. K. (Cash Out Refi) FHA	HighTechLen- ding Inc.	\$ 291,937
Kanehili Lease No. 12656 TMK: 1-9-1-151:036	GOMES, Melonie K. & GOMES, Gordon F. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 436,000
Nanakuli Lease No. 1776 TMK: 1-8-9-006:065	ELI, Daniel A. M., Jr. (Cash Out Refi) FHA	HighTechLen- ding Inc.	\$ 350,325

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OAHU

Kauluokahai Lease No. 12948 TMK: 1-9-1-017:110	NAWAHINE, Debrah-Mae H. (Purchase) FHA	HomeStreet Bank	\$ 400,000
Nanakuli Lease No. 395 TMK: 1-8-9-004:018	WOODE, Abigail A. K. (Construction/Perm- anent) USDA, RD	Mid America Mortgage Inc.	\$ 625,000
Nanakuli Lease No. 7362 TMK: 1-8-9-016:079	KEKUA, Lester P. (Cash Out Refi) FHA	HighTechLen- ding Inc.	\$ 467,100
Kauluokahai Lease No. 12507 TMK: 1-9-1-017:080	HIGA, Robert K. (Rate & Term Refi) HUD 184A	Bank of Hawaii	\$ 364,000
Kaupea Lease No. 12094 TMK: 1-9-1-140:090	MIRANDA, Lee Ann K. K. (Cash Out Refi) FHA	loanDepot.c- om, LLC	\$ 300,000
Waimanalo Lease No. 736 TMK: 1-4-4-016:012	ALBINIO, Peter K. P., Jr. (Cash Out Refi) FHA	HomeStreet Bank	\$ 389,250
Nanakuli Lease No. 3805 TMK: 1-8-9-006:042	ALVERIO, Joel K. K. (Cash Out Refi) FHA	SecurityNat- ional Mortg- age Company	\$ 365,000
Nanakuli Lease No. 1686 TMK: 1-8-9-005:063	MARIA, Edward E. K. (Cash Out Refi) FHA	SecurityNat- ional Mortg- age Company	\$ 521,000
Princess Kahanu Estates Lease No. 8524 TMK: 1-8-7-043:097	NAIHE, Paul F. L. K. (Cash Out Refi) FHA	SecurityNat- ional Mortg- age Company	\$ 392,000

ITEM NO. D-2

OAHU

Kanehili Lease No. 11871 TMK: 1-9-1-153:092	LOPERFIDO, Desiree S. (Cash Out Refi) FHA	SecurityNat- ional Mortg- age Company	\$ 428,000
Kauluokahai Lease No. 12833 TMK: 1-9-1-017:110	LOPEZ, Brandon K. (Cash Out Refi) FHA	SecurityNat- ional Mortg- age Company	\$ 417,000
Princess Kahanu Estates Lease No. 8496 TMK: 1-8-7-043:089	CANDELARIO, Larry S. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 152,510
Nanakuli Lease No. 2956 TMK: 1-8-9-006:029	JONES, Pualani (Cash Out Refi) FHA	HomeStreet Bank	\$ 415,200
Kanehili Lease No. 11807 TMK: 1-9-1-152:034	HANOHANO, Kapiliponoikealoha- lani T. (Purchase) FHA	HomeStreet Bank	\$ 415,200

MOLOKAI

Kalamaula Lease No. 2304A TMK: 2-5-2-008:129	CRIVELLO, Stephanie S. H. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 361,000
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MAUI

Waiehu 2 Lease No. 9468 TMK: 2-3-2-022:030	POAIPUNI, Loriann N. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 284,000
Waiehu 3 Lease No. 9930 TMK: 2-3-2-024:065	DE LA NUX, Konaneakamahina A. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 355,000

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MAUI

Waiohuli Lease No. 7475 TMK: 2-2-2-027:023	KAMAHELE, Scarlet P. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 396,000
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Waiohuli Lease No. 10294 TMK: 2-2-2-028:122	KIM-LUNING, Adam K. (Cash Out Refi) FHA	HomeBridge Financial Services, Inc.	\$ 190,000
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Leialii Lease No. 11483 TMK: 2-4-5-036:021	PUAA, Ernest K. (Streamline Refi) FHA	MLD Mortgage Inc.	\$ 235,000
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Paukukalo Lease No. 5450 TMK: 2-3-3-006:031	JOHNSON, Daryl K. (Cash Out Refi) FHA	HomeBridge Financial Services, Inc.	\$ 350,000
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Waiohuli Lease No. 10124 TMK: 2-2-2-028:070	KAEA-MEDLEY, Ronald J. (Streamline Refi) HUD 184A	HomeBridge Financial Services, Inc.	\$ 374,404
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Waiehu 4 Lease No. 12279 TMK: 2-3-2-025:005	NEEDHAM, Kimo W. (Rate & Term Refi) FHA	HomeBridge Financial Services, Inc.	\$ 245,000
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Paukukalo Lease No. 3833 TMK: 2-3-3-005:058	SOUZA, Michele (Cash Out Refi) FHA	HomeStreet Bank	\$ 389,250
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KAUAI

Kekaha Lease No. 11331 TMK: 4-1-2-017:008	SULLIVAN, Hedy L. (Cash Out Refi) FHA	HomeStreet Bank	\$ 415,200
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KAUAI

Kekaha Lease No. 6010 TMK: 4-1-3-002:118	VASQUEZ, Chrystie K. (Rate & Term Refi) HUD 184A	HomeStreet Bank	\$ 190,000
Kekaha Lease No. 11357 TMK: 4-1-2-017:028	KANAHELE, Brett K. (Rate & Term Refi) FHA	SecurityNat- ional Mortg- age Company	\$ 142,000
Anahola Lease No. 5461 TMK: 4-4-8-005:016	KAIWI, Bruce K. (Construction/Perm- nent) HUD 184A	Mid America Mortgage Inc.	\$ 478,740

HAWAII

Laiopua Lease No. 10792 TMK: 3-7-4-027:096	AKAO, Iris B. P. (Rate & Term Refi) FHA	Mid America Mortgage Inc.	\$ 232,000
Keaukaha Lease No. 1192A TMK: 3-2-1-020:087	KAMAKAHI, Darling C. (Cash Out Refi) FHA	Mann Mortgage LLC	\$ 178,000
Keaukaha Lease No. 5054 TMK: 3-2-1-023:162	HANSON, Marcus Allan M. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 231,000
Keaukaha Lease No. 6338 TMK: 3-2-1-023:127	AHUNA, Albert K. A., Jr. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 339,000
Keaukaha Lease No. 1525 TMK: 3-2-1-020:041	WARFIELD, Shadd K. (Cash Out Refi) FHA	HomeStreet Bank	\$ 210,000

ITEM NO. D-2

HAWAII

Waiakea
Lease No. 6613
TMK: 3-2-2-062:015

KALAULI,
Georgiana M. (Cash
Out Refi) FHA

V.I.P. \$ 127,000
Mortgage
Inc.

Kaniohale
Lease No. 9423
TMK: 3-7-4-023:110

YIM,
Sidney K.
(Purchase) HUD 184A

HomeStreet \$ 403,673
Bank

<u>RECAP</u>	<u>NO.</u>	<u>FHA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>VA</u> <u>AMOUNT</u>
FY Ending 6/30/21	535	\$ 172,610,901	26	\$ 8,186,829
Prior Months	129	\$ 41,829,858	3	\$ 1,360,687
This Month	<u>49</u>	<u>15,752,033</u>	<u>0</u>	<u>0</u>
Total FY '21-'22	178	\$ 57,581,891	3	\$ 1,360,687
		<u>HUD 184A</u> <u>AMOUNT</u>		<u>USDA-RD</u> <u>AMOUNT</u>
FY Ending 6/30/21	77	\$ 23,021,162	13	\$ 5,288,000
Prior Months	18	\$ 5,872,794	3	\$ 249,000
This Month	<u>6</u>	<u>2,125,327</u>	<u>1</u>	<u>625,000</u>
Total FY '21-'22	24	\$ 7,998,121	4	\$ 874,000


ITEM NO. D-2


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator 
Homestead Services Division

FROM: Dean Oshiro, Loan Services Branch Manager 

SUBJECT: **Approval of Refinance of Loans**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

There are lessees who are seriously delinquent on their loans, but have been making consistent payments for twelve (12) months or more. These lessees have been trying to pay an additional amount above and beyond the required payment in an effort to reduce their delinquency amount. However, because the delinquency amount is large, it would take years for that amount to be paid in full.

HSD's recommendation for approval is based on actual payment history, at minimum, over the preceding twelve (12) months. If a lessee has demonstrated a conscientious effort to reduce the delinquency amount by making consistent monthly payments for twelve months, HSD will recommend that the lessee's loan balance be refinanced. Loan refinancing will provide a deserving lessee a new start in establishing a credit standing.

The following lessee(s) has met the aforementioned criteria and is recommended for loan refinancing:

<u>LESSEE</u>	<u>LEASE NO. & AREA</u>	<u>REFINANCING LOAN TERMS</u>
Hanohano, John I.	8950, Waiakea	NTE \$17,050, @3% interest per annum, payment NTE \$400 monthly, repayable over 4 years.

Loan Purpose: Refinance OHA Advance No. 17466.
Original advance amount of \$40,580, at 3% per annum. A Contested Case Hearing was held on September 9, 2021, for this account.

Kahalioumi, Kristen	9405, Kaniohale	NTE \$8,700, @3% interest per annum, payment NTE \$133 monthly, repayable over 6 years.
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Loan Purpose: Refinance OHA Advance No. 17647.
Original advance amounts of \$16,691, at 3% per annum. A Contested Case Hearing for this account was first held on March 20, 2008.

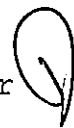
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator 
Homestead Services Division

FROM: Dean Oshiro, Loan Services Branch Manager 

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:

<u>LESSEE</u>	<u>LEASE NO. & AREA</u>	<u>REFINANCING LOAN TERMS</u>
Hoohuli, Deric G.	1457, Panaewa	NTE \$83,400 @4% interest per annum, NTE \$600 monthly, repayable over 16 years.

Loan Purpose: Refinance Contract of Loan No. 18316.
Original loan amount of \$72,335 at 8% per annum, \$594 monthly, repayable over 21 years. A Contested Case Hearing was held on September 9, 2021, for this account.

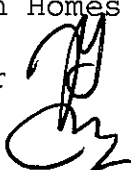
Rodrigues, Julie-Ann L.	8168, Paukukalo	NTE \$194,000 @4% interest per annum, NTE \$927 monthly, repayable over 30 years.
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Loan Purpose: Refinance HUD Buyback Loan No. 19637.
Original loan amount of \$142,932 at 5.5% per annum, \$812 monthly, repayable over 30 years. A Contested Case Hearing was not held for this account.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 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

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

MALLOE-STEVENSON, Marilyn K.	10/17/1995	OAHU	AGR	05/28/2021
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HAWAII ISLANDWIDE PASTORAL LEASE LIST

MOKIAO, Kuuipo K.	09/16/2004	MAUI	PAS	05/03/2021
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

MALLOE-STEVENSON, Marilyn K.	10/17/1995	OAHU	RES	05/28/2021
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MOKIAO, Kuuipo K.	09/16/2004	MAUI	RES	05/03/2021
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KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

AHINA, Jazzel M.	09/10/2013	OAHU	AGR	06/15/2021
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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

AHINA, Jazzel M.	09/10/2013	OAHU	RES	06/15/2021
KEA, Kevin K.	04/10/2017	MAUI	RES	08/05/2021

2. Deceased Applicants

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

AUWAE, Teddy K.R.	PN 11/2013	09/12/2005
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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

AUWAE, Teddy K.R.	PN 11/2013	09/12/2005
KAMAKA, Alexandria M.	PN 11/2012	02/08/2000

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

KAMAKA, Alexandria M.	PN 11/2012	06/04/1986
NAONE, Jeremiah	PN 11/2015	02/27/1986

3. Awards of Leases

NANAKULI AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

PALI, Henry K., Jr.	Assigned Residential Lease #12938, Lot 61 in Ka'uluokaha'i, Oahu dated 09/08/2021. Remove application dated 11/30/1976.
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WAIMANALO AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KAM, Henry K.	Assigned Residential Lease #12945, Lot 96 in Ka'uluokaha'i, Oahu dated 08/31/2021. Remove application dated 02/02/1973.
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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

BITE-AKEN, Delcie N.K.	Assigned Residential Lease #6767, Lot 105 in Waianae, Oahu dated 01/02/2019. Remove application dated 01/24/2012.
CAMARA, Ronald	Assigned Residential Lease #12939, Lot 60 in Ka'uluokaha'i, Oahu dated 09/02/2021. Remove application dated 06/06/1980.
GIST, Elaine H.	Assigned Residential Lease #12955, Lot 48 in Ka'uluokaha'i, Oahu dated 09/10/2021. Remove application dated 10/06/1986.
KILA, Allan L., Jr.	Assigned Residential Lease #12944, Lot 97 in Ka'uluokaha'i, Oahu dated 08/27/2021. Remove application dated 05/22/1986.
VALDEZ, Arick D.	Assigned Residential Lease #12941, Lot 58 in Ka'uluokaha'i, Oahu dated 08/31/2021. Remove application dated 08/24/1984.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

AKAU, Mahealani M.	Succeeded to Hawaii Islandwide Agricultural application of Grandparent, Josephine N. Akiona, dated 03/19/1986. Remove application dated 01/07/2004.
MALLOE, James T.	Succeeded to Hawaii Islandwide Agricultural application of Parent, Mary K. Malloe, dated 05/24/1988. Remove application dated 06/03/1994.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

MAKAIWI, Cynthia A.	Succeeded to Hawaii Islandwide Residential application of Parent, Francis K. Makaiwi, dated 07/06/1995. Remove application dated 07/10/1995.
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7. Additional Acreage

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

MAHI, Abraham L., Jr.	12/01/1986
PETERS, Garrett K.	07/26/2005

8. HHC Adjustments

NONE FOR SUBMITTAL


Last Month's Transaction Total	17
Last Month's Cumulative FY 2021-2022 Transaction Total	124
Transfers from Island to Island	7
Deceased	5
Cancellations:	
Awards of Leases	7
NHQ	0
Voluntary Cancellations	0
Successorship	3
Additional Acreage	2
HHC Adjustments	0
This Month's Transaction Total	24
This Month's Cumulative FY 2021-2022 Transaction Total	148

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 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 2016 & 2020**

RECOMMENDED MOTION/ACTION

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

2. To approve the certification of applications to successorship rights of qualified successors. The Department has verified the native Hawaiian blood quantum requirement of each prospective successor according to section 10-3-2 of the Hawaii Administrative Rules.

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 according to section 10-3-8(b) of the *Hawaii Administrative Rules*. HSD recommends approval of the following designees:

1. Deceased Applicant:	Josephine N. Akiona
Date of death:	June 7, 2011
Successor to app rights:	Mahealani M. Akau

ITEM NO. D-6

Relationship to decedent:	Grandchild
Island:	Hawaii
Type:	Islandwide Agricultural
Date of Application:	March 19, 1986
Date of Public Notice:	November, 2020

2. Deceased Applicant:	Mary K. Malloe
Date of death:	February 10, 2004
Successor to app rights:	James T. Malloe
Relationship to decedent:	Child
Island:	Hawaii
Type:	Islandwide Agricultural
Date of Application:	May 24, 1988
Date of Public Notice:	November, 2020

3. Deceased Applicant:	Francis K. Makaiwi
Date of death:	March 15, 2016
Successor to app rights:	Cynthia A. Makaiwi
Relationship to decedent:	Child
Island:	Hawaii
Type:	Islandwide Residential
Date of Application:	July 6, 1995
Date of Public Notice:	November, 2016


Previous Cumulative Total for Current FY	57
Current Month's Total	3
Fiscal Year Total: July 2021-June 2022	60

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 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 July 2, 2021 thru August 5, 2021**

RECOMMENDED MOTION/ACTION

To approve the certification of applications of qualified applicants with application dates from July 2, 2021 through August 5, 2021. The Department has verified the native Hawaiian blood quantum requirement of each applicant according to section 10-3-2 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. These applicants have been deemed by the Department to have met the native Hawaiian blood quantum requirement through the kumu 'ohanaprocess.

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

KANAMU, Jason K.	07/06/2021
GREEN-MATUTINO, C'ari M.K.K.	07/13/2021
SILVA, Eulyn N.W.	07/15/2021
HOAPILI, Jeffrey S.	07/28/2021

TAGUPA, Brittany A.	07/30/2021
WATSON, Shanel M.M.P.	08/04/2021

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KANAMU, Jason K.	07/06/2021
KWAN, Kevin Lee K., Jr.	07/08/2021
GREEN-MATUTINO, C'ari M.K.K.	07/13/2021
SILVA, Eulyn N.W.	07/15/2021
WAIWAIIOLE, Joseph L.	07/21/2021
DE VEAS, Shirleen M.	07/21/2021
WAIWAIIOLE, Bryan K.	07/21/2021
KIM, Valerie A.A.	07/26/2021
HOAPILI, Jeffrey S.	07/28/2021
NAIPO, Glenn K.	07/30/2021
KIAAINA, Keolamauloa L.	07/30/2021
WATSON, Shanel M.M.P.	08/04/2021

MAUI ISLANDWIDE AGRICULTURALAL LEASE LIST

HELENIHI, Allen J.H.	07/08/2021
REDEROS, Noreen L.	07/23/2021

MAUI ISLANDWIDE PASTORAL LEASE LIST

HUE SING, Aaron P.A.K.	07/21/2021
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

HELENIHI, Allen J.H.	07/08/2021
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HUE SING, Aaron P.A.K.	07/21/2021
REDEROS, Noreen L.	07/23/2021

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

KUIKAHI-TAGACA, Jaline-Alyssa N.L.	07/06/2021
KUIKAHI-TAGACA, Jacqueline-Andrea N.L.	07/06/2021
AKAU, Keith C.K.	07/15/2021
RUIS, Jevon T.K.	07/16/2021
WAIWAIOLÉ, Joseph L.	07/21/2021
WAIWAIOLÉ, Bryan K.	07/21/2021
SOUZA, Madison A.P.K.	08/02/2021

HAWAII ISLANDWIDE PASTORAL LEASE LIST

KAMOKU, Richard S.	08/02/2021
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KUIKAHI-TAGACA, Jaline-Alyssa N.L.	07/06/2021
KUIKAHI-TAGACA, Jacqueline-Andrea N.L.	07/06/2021
AKAU, Keith C.K.	07/15/2021
RUIS, Jevon T.K.	07/16/2021
JOSE, Elizabeth H.	07/20/2021
CHONG, Ryan Kauī	07/23/2021
TAGUPA, Brittany A.	07/30/2021
KAMOKU, Richard S.	08/02/2021
SOUZA, Madison A.P.K.	08/02/2021

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

FU, David H.	07/16/2021
KAHALE, Georgiana N.	07/20/2021

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

MAKEKAU, Allen-Sam I.	07/16/2021
FU, David H.	07/16/2021
KAHALE, Georgiana N.	07/20/2021

MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

WELCH, Frederick, IV	07/07/2021
TANIELU, Ruth Y.	07/19/2021

MOLOKAI ISLANDWIDE PASTORAL LEASE LIST

MAKEKAU, Allen-Sam I.	07/16/2021
KAMAKANA, Codi-Jase M.	08/05/2021

MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

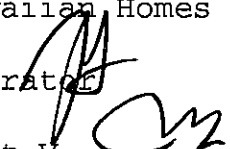
WELCH, Frederick, IV	07/07/2021
KAMAKANA, Codi-Jase M.	08/05/2021

Previous Cumulative Total for Current FY	44,946
Current Month's Total	52
Fiscal Year Total: July 2021-June 2022	44,998

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 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

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

GALDEIRA, Luana D.K.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 4/16/1985.
KEPOO, Arlyn K.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 6/14/1996.
WILSON, Carl V.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 4/15/1980.

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

KEPOO, Arlyn K.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 1/20/1993.
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HAWAII ISLANDWIDE PASTORAL LEASE LIST

KEPOO, Arthur O.K.K.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 9/20/1985.
KEPOO, Eric K.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 10/18/1989.
NAKOA, Joseph W.P., Sr.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 04/30/1979.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KEPOO, Arthur O.K.K.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 9/20/1985.
KEPOO, Eric K.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 10/18/1989.

MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

HELENIHI, Francis C.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 12/13/1999.
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MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

HELENIHI, Francis C.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 10/22/1998.
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Previous Cumulative Total for Current FY	7
Current Month's Total	11
Fiscal Year Total: July 2021-June 2022	18


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 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: **Reinstatement of Cancelled Application - ROBERT K. KAIWI**

RECOMMENDED MOTION/ACTION

To reinstate the August 8, 1962, Nanakuli Area/Oahu Islandwide Residential Lot Lease Application of Robert K. Kaiwi (Mr. Kaiwi) which was cancelled on November 16, 2020.

DISCUSSION

On November 23, 2019, Mr. Kaiwi's name was included in the 2019 Public Notice to Successors for Application Rights. Subsequently, the Department received a Request to Succeed form on November 27, 2019 from Alva A.K.H.M.P. Kaiwi, III (Alva). The information provided on the form indicated Alva is the nephew of Mr. Kaiwi.

After the closing of the six (6) month response period for the 2019 Public Notice, a letter from the Department dated July 14, 2020 was sent to Alva acknowledging the receipt of his request to succeed and instructing him to contact the Department to verify his native Hawaiian blood quantum qualification.

Upon the verification of Alva's blood quantum qualification another letter from the Department dated July 22, 2020 was sent instructing him to fill out and notarize the necessary forms to complete the successorship. The completed paperwork was received on July 31, 2020. While conducting a final review of information to prepare for the Designation of Successor submittal, it was discovered that Alva is in-fact the grandnephew of Mr. Kaiwi. The relationship of grandnephew is not among the eligible relatives named in section 10-3-8(b) of the Hawaii Administrative Rules. As a result, a letter from the Department dated September 21, 2020 was sent to Alva informing him of his ineligibility to succeed.

Alva was the only relative to submit a request to succeed. As a result of Alva's ineligible status, Mr. Kaiwi's application was prepared for and approved by the *Hawaiian Homes Commission* for cancellation on November 16, 2020.

On March 30, 2021 Applications Branch Supervisor was informed of a phone call from Ashley Chandler, the sister of Alva. She called on behalf of her father, Alva H. Kaiwi, who is indeed the nephew of deceased applicant, Mr. Kaiwi, to inquire about the successorship process. It was explained to her that the six (6) month response period was closed and that her granduncle's application was already cancelled. Ashley informed the Department of certain circumstances preventing her father from submitting a request to succeed himself and having the impression that her brother, Alva, was eligible to succeed. Ashley was instructed to have her father write a letter to the Chairman explaining the family's circumstance and to request for her granduncle's application to be reinstated so that her father, Alva H. Kaiwi, may succeed to his application rights.

The Department received a letter addressed to Chairman Aila from Alva H. Kaiwi dated April 7, 2021 (Exhibit A). In this letter, Alva explains of a pending lease award and lease transfer to his daughter which took place during the six (6) month response period of the public notice, which is why the family decided to have his son, Alva submit a request to succeed. The letter also states the family was not aware the relationship between deceased applicant, Mr. Kaiwi and Alva was not eligible for successorship. Had they been aware, perhaps decisions could have been made to assure an eligible relative submitted a request to succeed to prevent the cancellation of Mr. Kaiwi's application.

The Department recommends the reinstatement of Mr. Kaiwi's Nanakuli Area/Oahu Islandwide Residential Lot Lease Application dated August 8, 1962, to allow his nephew, Alva H. Kaiwi the opportunity to succeed to his application rights.

Aloha Chaiman Mr. Aila,

April 7, 2021

I'm writing to you regarding my Uncle Robert K Kaiwi born 8/30/1934 passed away 6/05/2010. I discovered in 2018 that he had been an applicant on the applicant list since 8/08/62. My daughter went back and forth for a few months with your applications branch trying to figure out the process needed to succeed Robert's place on the list. After gathering all the documents needed including his death certificate, we met with Kana'i at DHHL in December 2018 to deliver the packet of information. My daughter was told on January 2019 my uncle's application was incomplete and needed a relative release of info form in order to proceed. I got consent from my dad (Alva "Mahi" Kaiwi) to release info from his file for Robert (His brother). That form was turned in, in January 2019. The next week my daughter called to follow up on status and then was informed also the file was missing his birth certificate. It was ordered and turned over to front desk who informed she will submit documents to Hi'ilei, this was all done in the same month.

I called in March 2019 spoke to Hi'ilei and she said we should expect a letter in the mail regarding the public notice for my uncle Robert in November 2019. In September 2019 we were blessed with receiving a call from Michelle Hitzeman indicating I was chosen as a backup for the Ka'uluokaha'i offering. We excitedly accepted the offer and waited the amazing opportunity of closing in December, especially since my daughter and her family was going to be expecting their 4th daughter. This blessing was going to help our family tremendously. In November 2020 the public notice for my uncle Robert came in but because I was already in transition to obtain the offer in Ka'uluokaha'i, my son Alva K Kaiwi requested for the opportunity to succeed my uncle's applicant spot on the application list. We were later informed that because he is considered the grandnephew of Robert, my son could not be eligible for the successorship. I was already considered a lessee at this point and tried to transfer the house into my daughter's name. However, the process of the loan and lease transfer did not allow us to start until June 2020 due to covid and DHHL being closed. The transfer of my lease to my daughter was not completed until December 2020. I then went back to DHHL to meet with Carole from applications branch to be placed back on the applicants list on December 28, 2020 to try again for my uncle Robert's spot. I was finally placed back on the list to then be informed I could not try for successorship for my uncle Robert's spot because the timeframe for the public notice has expired. After all the efforts in going back and forth with the department in getting the necessary documents and being informed when paperwork was turned in that it would be ok for my son to try for successorship was very frustrating.

I would like to humbly ask for your exception in this case to please allow me to succeed my uncles spot on the list. I really appreciate it if you could grant this request and allow my uncles legacy to live on in the chance, we would be able to succeed his applicant spot on the list.


Mahalo for your time in review this case and letter, Alva H. Kaiwi


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 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.

Leasehold Interest:

Ratified for October 2021	6
Previous FY 2021 - 2022	<u>25</u>
FY 2021 - 2022 Total to Date	31

Ratified for FY '20 - '21	92
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Net Proceeds

Ratified for October 2021	0
Previous FY 2021- 2022	<u>0</u>
FY 2021 - 2022 Total to Date	0

Ratified for FY '20 - '21	0
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**LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR
LEASEHOLD INTEREST
FOR MONTH OF OCTOBER 2021**

<u>Deceased Lessee</u>	<u>Designated Successor</u>
1. Elizabeth K. Joao Lot No.: 10 Area: One Alii, Molokai Res. Lease No. 2988	<u>PRIMARY: Tenants in Common</u> Russ K. Joao, Grandson De-Ann M. Joao-Dudoit, Granddaughter <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
2. Titus K. K. Kalauli Lot No.: 3 Area: Waiakea, Hawaii Res. Lease No. 5122	<u>PRIMARY:</u> Chandon Chesebro, Nephew <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
3. Momi C. Kwan Lot No.: 3 Area: Waimanalo, Oahu Res. Lease No. 2243	<u>PRIMARY: Joint Tenants</u> Melvalyn Hudgens, Daughter Melvin Kwan, Jr., Son Vernon Kwan, Son <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A

4. Roger N. Naki
Lot No.: 49
Area: Waimanalo, Oahu
Res. Lease No. 8224

PRIMARY:
Chardell A. Naki Aina,
Daughter

ALTERNATE:
N/A

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

5. Velma L. K. Warfield
Lot No.: 104-A
Area: Keaukaha, Hawaii
Res. Lease No. 1394

PRIMARY:
Richard H. P. Warfield,
Husband

ALTERNATE:
Dedra Warfield, Daughter

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

6. Germaine I. A. Young
Lot No.: 222-A
Area: Kewalo, Oahu
Res. Lease No. 2120

PRIMARY:
Kiley Esprecion, Daughter

ALTERNATE: Joint Tenants
Courtney Esprecion, Son*
Nicole Esprecion, Daughter*
*Omit due to lack of
genealogy documents to
determine eligibility to
successorship


DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

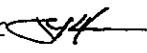
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 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-six (26) assignments of lease.

1. Lessee Name: Catherine K. K. Chow
Res. Lease No. 7105, Lot No. 51
Lease Date: 11/1/1999
Area: Kawaihae, Hawaii
Property Sold & Amount: No, N/A
Improvements: 2 bedroom, 1-1/2 bath dwelling

Transferee Name: Koa P. Paulo
Relationship: Nephew
Loan Assumption: No
Applicant: Yes, Hawaii IW Res., 4/26/2021

Reason for Transfer: "Giving lease to relative."

2. Lessee Name: Raquel K. S. De Lima
Pas. Lease No. 9033, Lot No. 159
Lease Date: 2/1/1991
Area: Puukapu, Hawaii
Property Sold & Amount: No, N/A
Improvements: Fencing

Transferee Name: Gail K. S. Enos
Relationship: Mother
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

3. Lessee Name: Liberta E. Garcia-Ballard
Res. Lease No. 9603, Lot No. 50
Lease Date: 10/15/2000
Area: Kalawahine, Oahu
Property Sold & Amount: Yes, \$650,000.00
Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: Alberta Vargas
Relationship: None
Loan Assumption: No
Applicant: No

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

4. Lessee Name: Alberta Vargas
Res. Lease No. 9603, Lot No. 50
Lease Date: 10/15/2000
Area: Kalawahine, Oahu
Property Sold & Amount: Yes, \$650,000.00
Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: RaniaLisa K. Vargas Omo
Relationship: Daughter
Loan Assumption: No
Applicant: No

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

5. Lessee Name: Eloise B. Goshert
Res. Lease No. 4231, Lot No. 217-B
Lease Date: 11/1/1976
Area: Nanakuli, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Ahlisha K. Goshert
Relationship: Daughter
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

6. Lessee Name: Jeffrey W. Hall
Res. Lease No. 3561, Lot No. 55
Lease Date: 1/22/1965
Area: Kuhio Village, Hawaii
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Ryler W. Hall
Relationship: Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

7. Lessee Name: Hendrick M. Haupu
Res. Lease No. 9525, Lot No. 87
Lease Date: 11/1/2000
Area: Waiehu Kou II, Maui
Property Sold & Amount: Yes, \$225,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Hendrick M. Haupu, Jr.
Relationship: Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Sale." Transferee to obtain funds to pay purchase price.

8. Lessee Name: Hannah H. Hett
Res. Lease No. 11508, Lot No. 76
Lease Date: 6/29/2007
Area: Leialii, Maui
Property Sold & Amount: Yes, \$159,852.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Peter K. Hett & Hannah H. Hett
Relationship: Son & Lessee
Loan Assumption: No
Applicant: Yes, Maui IW Res., 3/2/2004-Peter

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

9. Lessee Name: David E. Kamai
Res. Lease No. 4531, Lot No. 56
Lease Date: 6/19/1978
Area: Nanakuli, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Kevin K. K. S. Chung
Relationship: Nephew
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 2/12/2018

Reason for Transfer: "Giving lease to relative."

10. Lessee Name: Maxwell L. K. Kanoa
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: Robert K. Kanoa, Jr.
Relationship: Brother
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

11. Lessee Name: Marie E. Kawai
Res. Lease No. 8446, Lot No. 155
Lease Date: 8/1/1995
Area: PKE, Oahu
Property Sold & Amount: No, N/A
Improvements: 4 bedroom, 2-1/2 bath dwelling

Transferee Name: Shavone M. K. Lave
Relationship: Granddaughter
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

12. Lessee Name: Yvonne L. Leslie
Res. Lease No. 2943, Lot No. 206-B
Lease Date: 3/11/1955
Area: Keaukaha, Hawaii
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: Olinda L. Fisher
Relationship: None
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 4/1/1991

Reason for Transfer: "Want to be closer to family members."

13. Lessee Name: Steven K. Mahelona
Res. Lease No. 9422, Lot No. 109
Lease Date: 11/1/1999
Area: Kaniohale, Hawaii
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Stephanie Alana K. Araki
Relationship: Daughter
Loan Assumption: No
Applicant: No

Reason for Transfer: "Medical reasons." See simultaneous transfer below.

14. Lessee Name: Stephanie Alana K. Araki
Res. Lease No. 10784, Lot No. UNDV158
Lease Date: 12/3/2005
Area: Laiopua, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Laurie A. L. Mahelona
Relationship: Mother
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

15. Lessee Name: Kahuiopuaokalani K. Mahi
Res. Lease No. 2698, Lot No. 8
Lease Date: 10/10/1957
Area: Kuhio Village. Hawaii
Property Sold & Amount: No, N/A
Improvements: 4 bedroom, 1 bath dwelling

Transferee Name: Keonaona K. Mahi
Relationship: Sister
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

16. Lessee Name: Lindy L. Maluo
Res. Lease No. 951, Lot No. 133
Lease Date: 9/19/1951
Area: Keaukaha, Hawaii
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Peter K. Paulo, Jr. & Elgin K. Calles
Relationship: Cousin & Uncle
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 5/3/2001-Elgin

Reason for Transfer: "Giving lease to relative."

17. Lessee Name: Jo Ann I. Manintin
Res. Lease No. 3010, Lot No. 17
Lease Date: 6/25/1956
Area: Kapaakea, Molokai
Property Sold & Amount: No, N/A
Improvements: 2 bedroom, 1 bath dwelling

Transferee Name: Phillip M. I. Pelekane
Relationship: None
Loan Assumption: No
Applicant: Yes, Molokai IW Res., 7/7/2016

Reason for Transfer: "Giving lease to relative."

18. Lessee Name: Taryn M. Manoi
Res. Lease No. 4091, Lot No. 17
Lease Date: 12/27/1973
Area: Waimanalo, Oahu
Property Sold & Amount: No, N/A
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Lorrin E. Manoi
Relationship: Brother
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

19. Lessee Name: Gregory J. Mayo
Agr. Lease No. 6656, Lot No. 67
Lease Date: 9/18/2001
Area: Waiahole, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Rhonda M. K. Akima Mayo
Relationship: Sister
Loan Assumption: No
Applicant: No

Reason for Transfer: "Return back to lessee Rhonda Akima Mayo."

20. Lessee Name: Bryann K. Pontes
Res. Lease No. 280-A, Lot No. 48-A-2
Lease Date: 5/12/1930
Area: Nanakuli, Oahu
Property Sold & Amount: No, N/A
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Theodora P. Auwae
Relationship: Cousin
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

21. Lessee Name: Lyla E. Stephens
Res. Lease No. 12328, Lot No. UNDV009
Lease Date: 12/6/2008
Area: Kapolei, Oahu
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Liana E. Medeiros
Relationship: Sister
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 7/6/1995

Reason for Transfer: "Giving lease to relative."

22. 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: Yes, Oahu IW Res., 6/8/2021

Reason for Transfer: "Giving lease to relative."

23. Lessee Name: Dorothy L. Hui
Pas. Lease No. 8022, Lot No. 47
Lease Date: 2/1/1991
Area: Puukapu, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Dorothy Alo M. Souza
Relationship: Cousin
Loan Assumption: No
Applicant: No

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

24. Lessee Name: Dorothy Alo M. Souza
Pas. Lease No. 8022, Lot No. 47
Lease Date: 2/1/1991
Area: Puukapu, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Letecia K. Hoopai
Relationship: Daughter
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

25. Lessee Name: Joseph A. Wampler
Res. Lease No. 5853, Lot No. 43
Lease Date: 8/1/1985
Area: Kalamaula, Molokai
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Nadine L. Paleka-Kalua
Relationship: None
Loan Assumption: No
Applicant: Yes, Molokai IW Res., 3/30/2007

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

26. Lessee Name: Nadine L. Paleka-Kalua
Res. Lease No. 5853, Lot No. 43
Lease Date: 8/1/1985
Area: Kalamaula, Molokai
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Lori-Lynn Pedro-Kalua
Relationship: Daughter
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."


Assignments for the Month of October `21	26
Previous FY '21 - '22 balance	<u>70</u>
FY '21 - '22 total to date	96
Assignments for FY '20 - '21	201

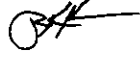
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 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

Ten (10) amendments of lease.

1. Lessee: Elizabeth K. Joao
Res. Lease No.: 2988
Lot No., Area, Island: 10, One Alii, Molokai
Amendment: To amend the lease title and lessor's name, to update the property description, and to incorporate the currently used terms, covenants and conditions in the lease.
2. Lessee: Rosebell Calarruda and Alex K. Kaleikula-Velleses
Res. Lease No.: 4430
Lot No., Area, Island: 89, Waianae, Oahu
Amendment: To amend the tenancy to reflect tenant in severalty due to the death of a joint tenant.

3. Lessee: Roger I. Kalua
 Res. Lease No.: 1049
 Lot No., Area, Island: 21, Keaukaha, Hawaii
 Amendment: To amend the lease title and
 lessor's name, to update the
 property description, to
 incorporate the currently used
 terms, covenants and conditions in
 the lease, and to extend the lease
 term to an aggregate term of 199
 years.
4. Lessee: Shalia K. Kamakele
 Res. Lease No.: 3257
 Lot No., Area, Island: 71-A, Waimanalo, Oahu
 Amendment: To amend the lease title and
 lessor's name, to amend the tenancy
 due to tenancy in severalty due to
 the death of a joint tenant, and to
 extend the lease term to an
 aggregate term of 199 years.
5. Lessee: Momi C. Kwan
 Res. Lease No.: 2243
 Lot No., Area, Island: 3, Waimanalo, Oahu
 Amendment: To amend the lease title and
 lessor's name, to incorporate the
 currently used terms, covenants and
 conditions in the lease, and to
 extend the lease term to an
 aggregate term of 199 years.
6. Lessee: Keonaona K. Mahi
 Res. Lease No.: 2698
 Lot No., Area, Island: 8, Kuhio Village, Hawaii
 Amendment: To extend the lease term to an
 aggregate term of 199 years.

7. Lessee: Bryann K. Pontes
 Res. Lease No.: 280-A
 Lot No., Area, Island: 48-A-2, Nanakuli, Oahu
 Amendment: To update the property description.

8. Lessee: Joseph A. Wampler
 Res. Lease No.: 5853
 Lot No., Area, Island: 43, Kalamaula, Molokai
 Amendment: To update the property description and commencement date due to final subdivision.

9. Lessee: Velma L. K. Warfield
 Res. Lease No.: 1394
 Lot No., Area, Island: 104-A, Keaukaha, Hawaii
 Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.


10. Lessee: Germaine I. A. Young
 Res. Lease No.: 2120
 Lot No., Area, Island: 222-A, Kewalo, Oahu
 Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.


Amendments for the Month of October '21	10
Previous FY '21 - '22 balance	<u>44</u>
FY '21 - '22 total to date	54
 Amendments for FY '20 - '21	 112

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 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

Three (3) non-exclusive licenses.

1. Lessee: Earl A. Ah Lo, Jr.
Res. Lease No.: 5984
Lot No., Area, Island: 36, Waimanalo, Oahu
Permittee: Sunnova Energy International

2. Lessee: Ruth K. Garza
Res. Lease No.: 11315
Lot No., Area, Island: 17, Kekaha, Kauai
Permittee: SunRun, Inc.


3. Lessee: Nadine M. Nomura
Res. Lease No.: 359
Lot No., Area, Island: 47, Nanakuli, Oahu
Permittee: Vivint Solar Developer, LLC


Non-Exclusive License for the Month of October '21	3
Previous FY '21 - '22 balance	<u>23</u>
FY '21 - '22 total to date	26
 Non-Exclusive License for FY '20 - '21	 64

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 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: **Commission Designation of Successor -
CHRISTOPHER K. AIKALA, Residential Lease No. 9979,
Lot No. 174, PKE, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Joseph Kaleo Aikala (Joseph), as successor, to Residential Lease No. 9979, Lot No. 174, PKE, Oahu, for the remaining term of the lease, subject to payment to the Department within 90 days from the completion of the lease successorship for the appraised value of \$230,500; and

2. To approve and accept that Joseph Kaleo Aikala, is no less than the required 25% Hawaiian ancestry and therefore is a qualified successor pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920;

3. To stipulate that Joseph's right and interest in the Lease does not vest until Joseph has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Joseph does not sign all such documents on or before **December 31, 2021** (the Deadline) that the Commission's selection of Joseph as a successor is automatically revoked;

4. To authorize the Department to extend the Deadline up to 90 days for good cause;

5. To declare that if Joseph's selection as a successor 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."

DISCUSSION

Christopher K. Aikala (Decedent) received the Lease by way of an Assignment of Lease and Consent on September 22, 2005.

On November 24, 2005, the Decedent designated his wife, Sophia, to receive the net proceeds.

On October 23, 2016, the Decedent passed away.

On June 7, 2017, the Department received the Decedent's death certificate.

Upon receiving the Decedent's death certificate, the Department confirmed that Sophia was of non-Hawaiian ancestry and meets the criteria to receive net proceeds.

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

The Department received a successorship claim from the Decedent's brother, Joseph, who has been determined to be at least 25% Hawaiian ancestry and eligible for successorship to the Lease.

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

1. Husband or wife; or
2. If there is no husband or wife, then the children;
or
3. If there is no husband, wife, or child, then the grandchildren; or

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

Prior to his passing, the Decedent made unpermitted improvements to the home and later attempted but did not secure after-the-fact permits for the work. The Decedent's widow, Sophia, continued these efforts but severe financial difficulties and health complications hampered the attempt and she, too passed away before completing the overdue task.

Ultimately, a third and final appraisal was greatly delayed because the Department could not secure half the cost of the appraisal from Sophia per Section 10-3-64(b)(3) of the Hawaii Administrative Rules and the Department's efforts were further frustrated by a lack of communication from her despite repeated Department attempts to contact her, particularly over the last year of her life due to her failing health. She had intended to have the improvements properly permitted beforehand to improve the appraised value of the home.

Sophia passed away on October 16, 2020.

Improvements to the homestead lot consist of a 3-bedroom and 2-bath, single family dwelling, which was constructed in 1995.

The improvements have been appraised at a value of \$230,500 by Mary E. Mau, Second Opinion Hawaii, Inc., dated August 24, 2021. The net proceeds amount will be paid to Sophia.

There are no outstanding loans. The Lease rent account reports a credit balance of \$81.00. The real property taxes have an outstanding balance of \$312.18, and the association dues are currently due in the amount of \$3,585.00.

The Department requests approval of its recommendation.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18-19, 2021

TO: Chairman and Members, Hawaiian Homes Commission
FROM: Stewart Matsunaga, Acting Administrator, Land Development Division
SUBJECT: Maui Project Updates



RECOMMENDED MOTION/ACTION

None – for information only



HAWAIIAN HOME LANDS

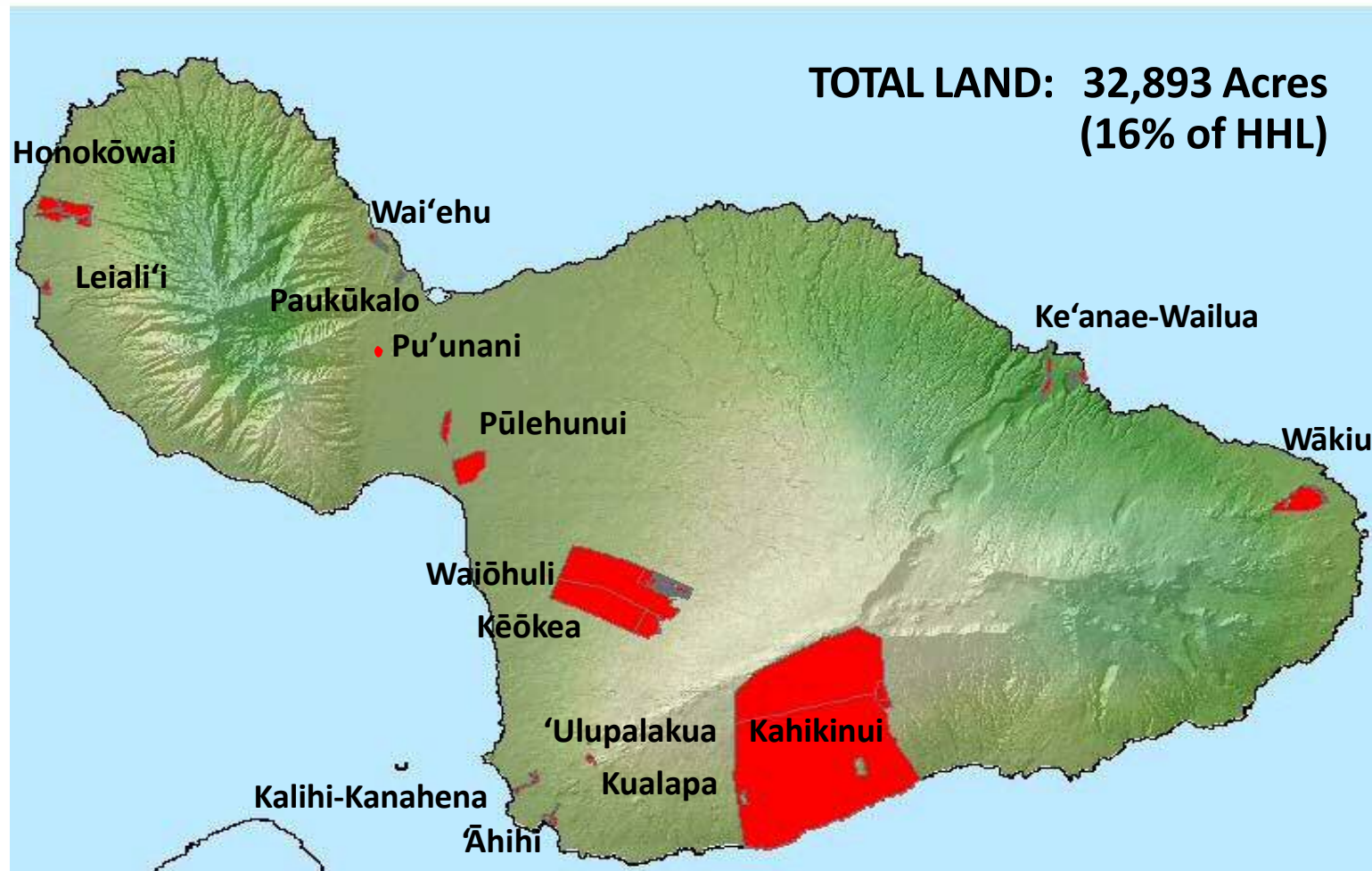
HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

Maui Project Updates

**LAND DEVELOPMENT DIVISION
Item E-1 (FOR INFORMATION ONLY)
October 18-19, 2021**



Island of Maui



DEPARTMENT OF HAWAIIAN HOME LANDS

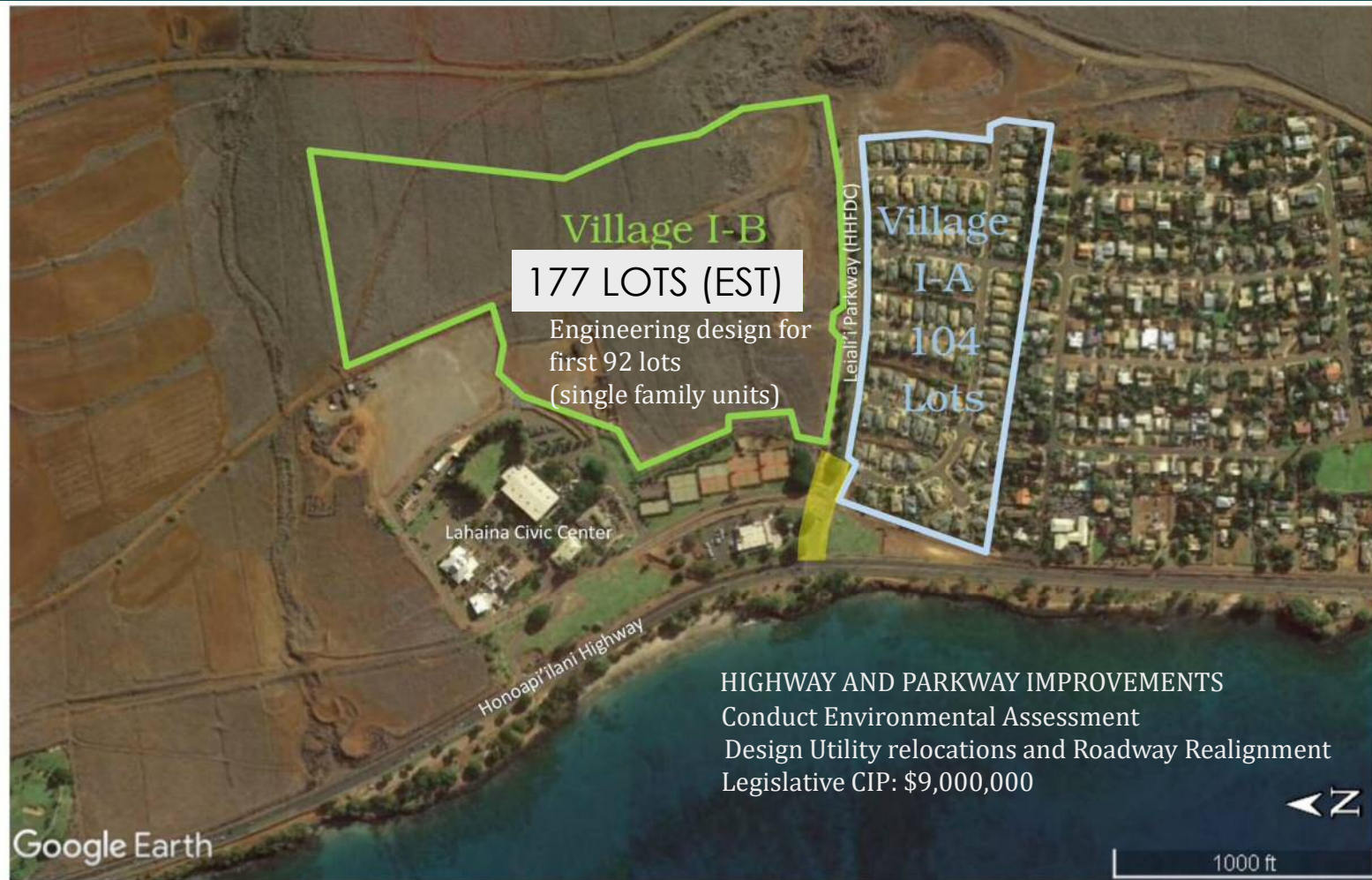


Honokōwai – Villages of Leiali'i



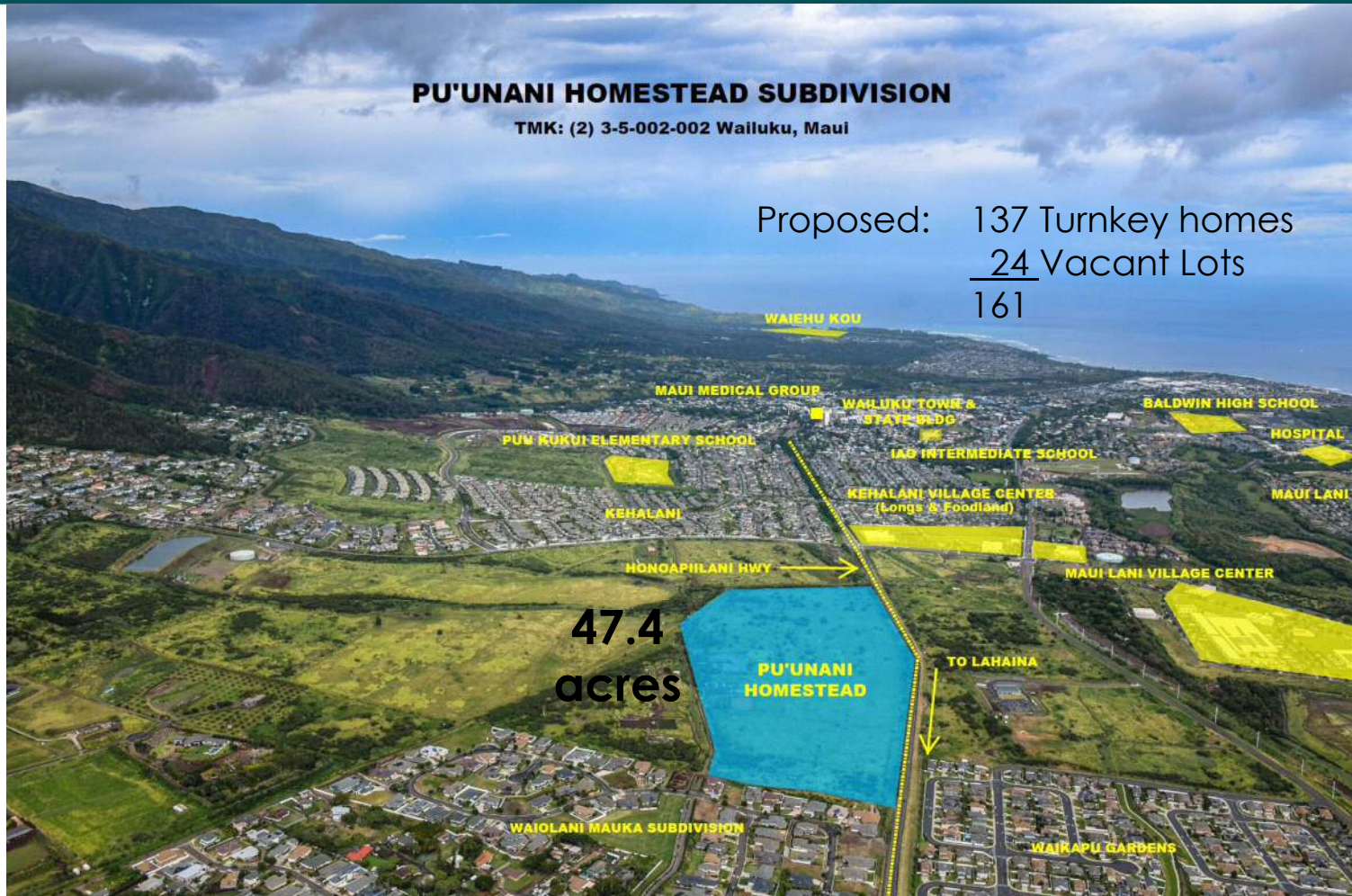


Villages of Leiali'i Development





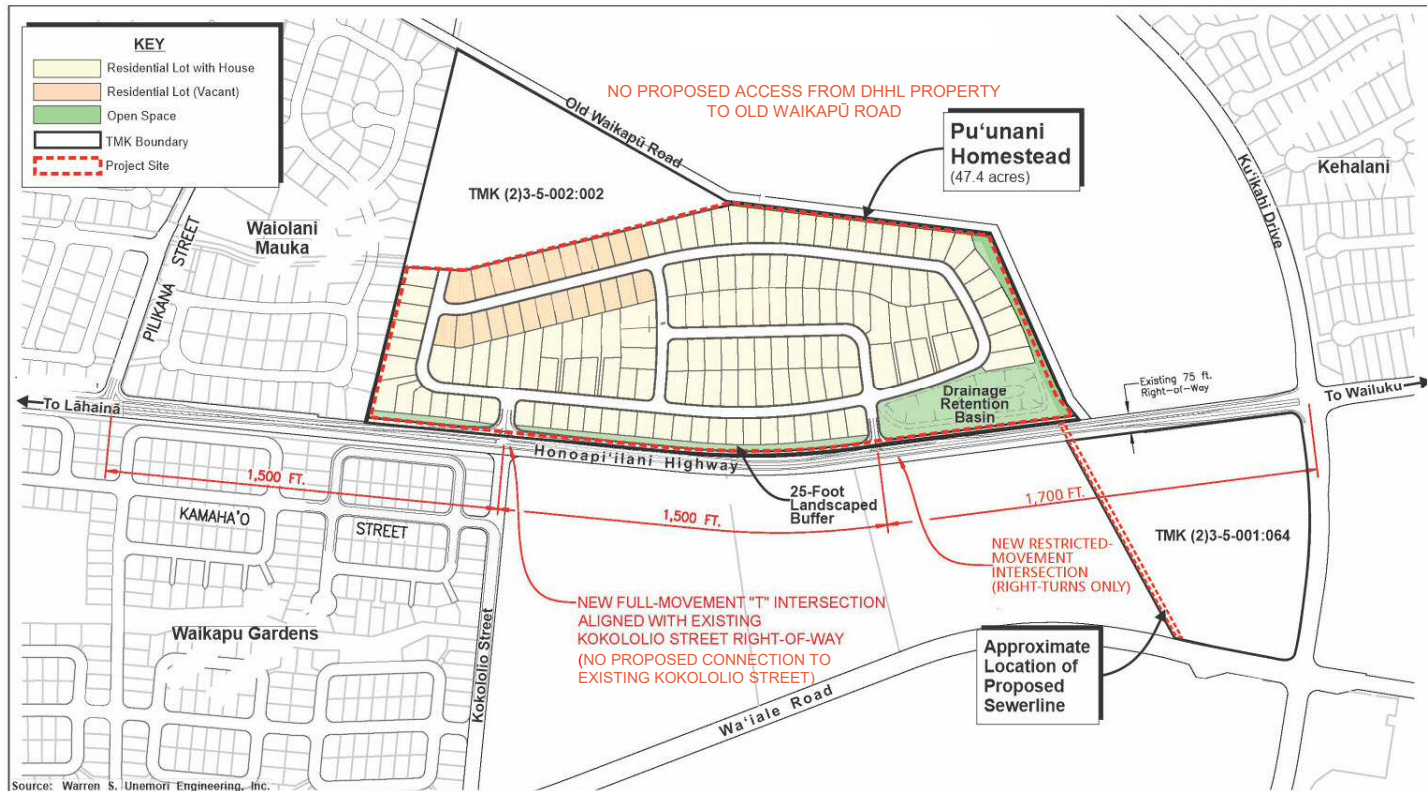
Pu'unani Homestead Subdivision



DEPARTMENT OF HAWAIIAN HOME LANDS



Pu'unani Site Plan



- Environmental Assessment Complete – Fall 2020
- Negotiating water source and storage
- Begin Sitework Construction – Summer 2022
- Begin Home Construction – Winter 2022
- Project Completion – Winter 2024

PŪLEHUNUI REGIONAL INFRASTRUCTURE MASTER PLAN



DESIGN AND CONSTRUCTION OF WASTEWATER SYSTEM

PRIOR LEGISLATIVE CIP:

\$ 4,000,000 FOR PLANNING AND DESIGN

\$17,500,000 FOR CONSTRUCTION

NEW APPROPRIATION:

Act 88, SLH 2021 - \$17,000,000

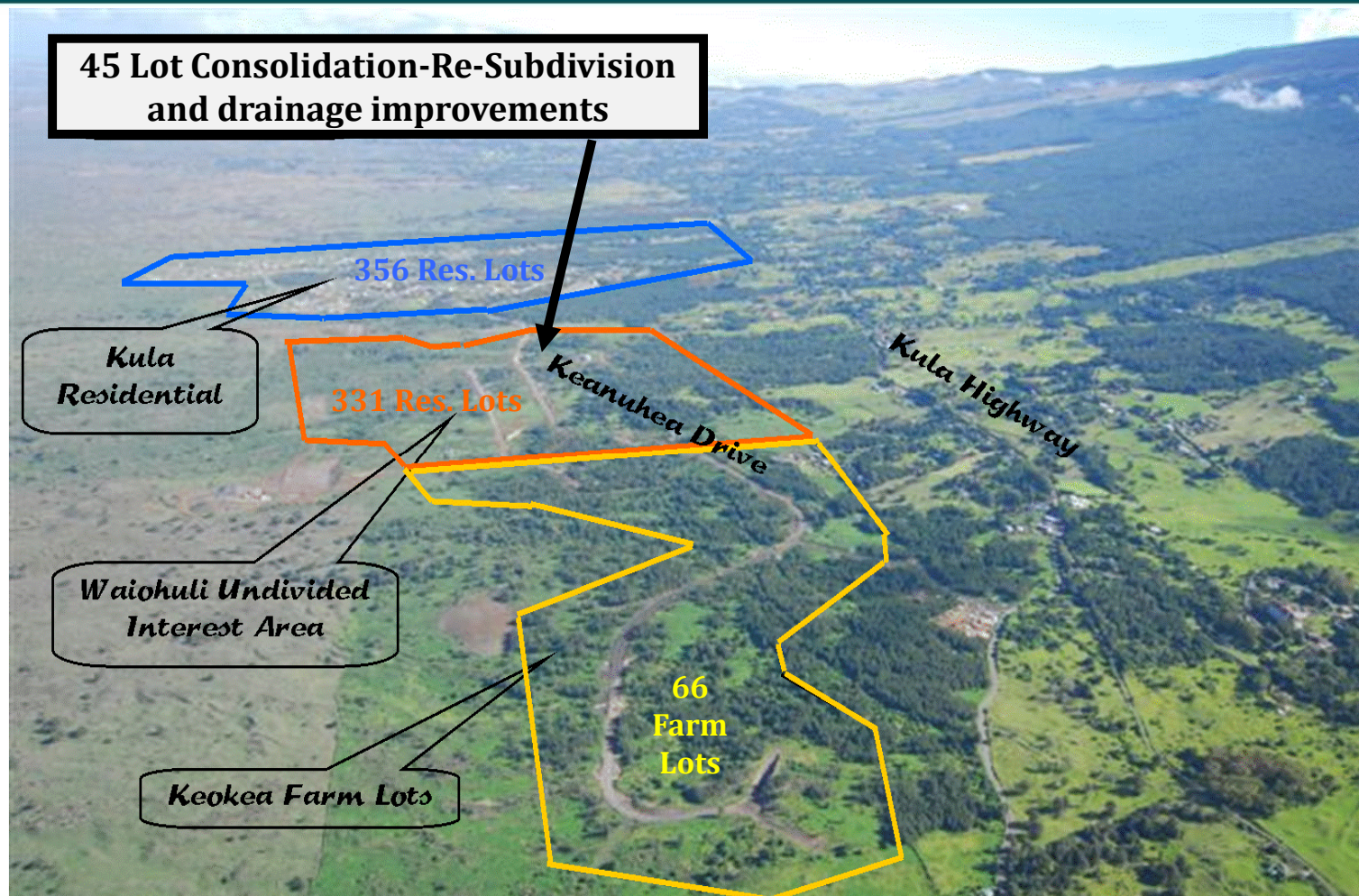
Connection to new County of Maui Wastewater Treatment Plant in Waikapu.

Figure 1-2:
Aerial Photograph
PŪLEHUNUI REGIONAL
INFRASTRUCTURE MASTER PLAN



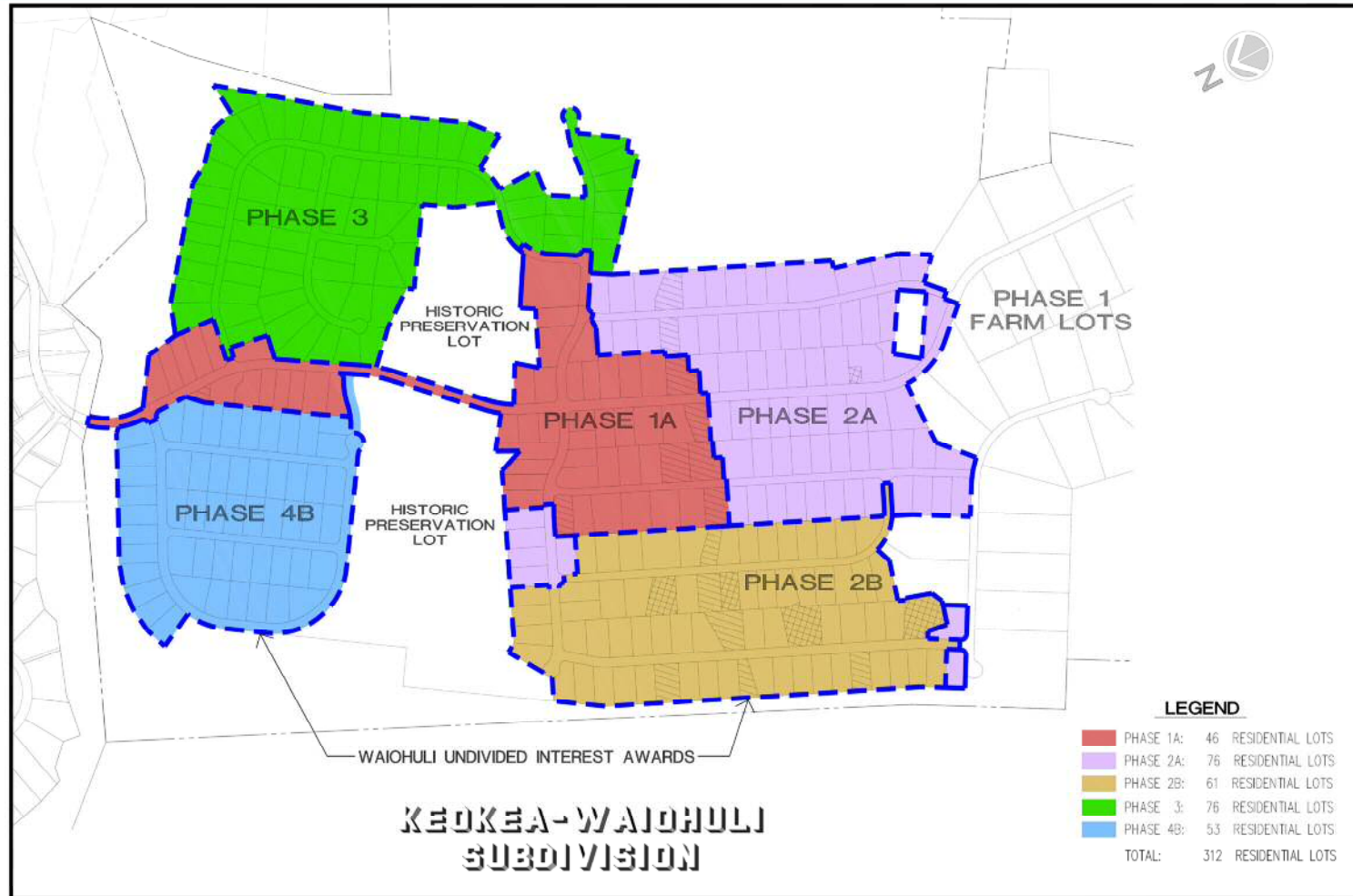


Kula – Waiohuli - Kēōkea Development





Kēōkea – Waiohuli Development

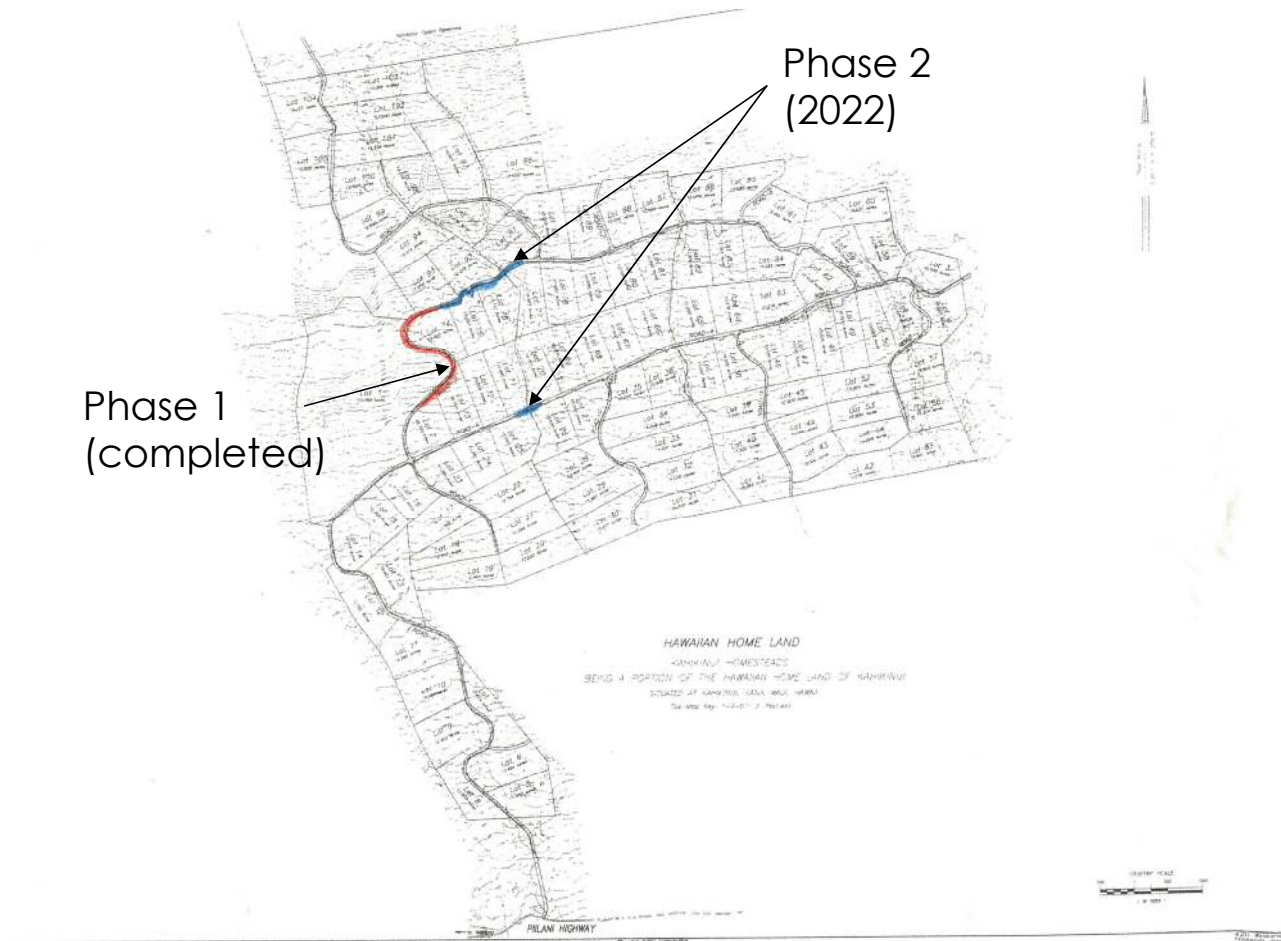


- Phase 2A – Contract awarded to Mira Image Construction; construction to begin early 2022
- Phase 2B – In design; Bid offering, late 2022



Kahikinui

- Road Improvements, Phase 1
Completed November 2020
- Road Improvements, Phase 2
Bid early 2022





Kahikinui

Kahikinui Road Improvements, Phase 1 (completed)





Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

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STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18-19, 2021

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Approval of Annual Renewal of Right of Entry Permit(s), Kaua'i Island

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) approve the following actions while developing a process to making short-term agricultural and pastoral land dispositions available to beneficiaries:

- A) Renew all Kaua'i Island Right of Entry Permit(s) as listed on Exhibit "A" and identified by approximate location on the Kaua'i Island Map Exhibit "A-1" that are in compliance and issued temporary approvals, as of September 1, 2021.
- B) The annual renewal period, shall be on a month-to-month basis, for up to twelve (12) months, but no longer than August 31, 2022, or at the next scheduled HHC meeting on Kauai island whichever occurs sooner.
- C) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

DISCUSSION

This submittal represents annual renewals for all Kaua'i Island ROE permit(s) only, which effectively expired on August 31, 2021. As a means of maintaining a process by which PERMITEE'S can be assured that their permits have been renewed, notification letters will be transmitted accordingly.

For information purposes Exhibit "A" references all Right of Entry Permits on Kaua'i Island by order of commencement date, land use, then by acreage. While Right of Entry Permits generate additional revenue to the Trust, its primary purpose provides DHHL the ability to efficiently manage its lands through the issuance of these short-term dispositions which are typically not needed for longer-term dispositions (such as homesteading or general leases) over a 20-year time period or as dictated by DHHL's respective island plans. DHHL's total Kaua'i Island land inventory covers approximately 20,565.0 acres¹ or 10% of DHHL's statewide inventory. The short-term disposition(s) within the Kaua'i Island inventory cover approximately 698.0 acres or 3% of its inventory.

Right of Entry Permits help in having presence on DHHL lands thereby reducing costs for land management activity functions (i.e. signage, landscaping, fencing, removing trash and derelict

¹ DHHL Kaua'i Island Plan – Final Report, Group 70 International, June 2004

vehicles, and prevents trespassing on unencumbered lands) that DHHL would bear if the lands were to sit vacant. Permittees are required to assume responsibility for the land, post insurance, indemnify the department, and manage and maintain the land.

Until improvements to the Revocable Permit Program can be implemented, this process will be used for Annual Renewals of these month-to-month ROE Permit dispositions.

The table below reflects the revenue generated from ROE permit(s) on Kaua'i Island, which is approximately 4.0% (\$94,332) of the ROE total revenues (\$2,575,985) that DHHL receives statewide. Kaua'i Island holds 29 of the 145 ROE permits Statewide. The permits fall under a variety of land use purposes.

FY 2021		Total	FY 2022		Total
Agriculture	\$4,740	7	Agriculture	\$4,740	7
Caretaker/Landscape	\$1,464	4	Caretaker/Landscape	\$1,464	4
Commercial	\$965	2	Commercial	\$965	2
Community	\$0	-	Community	\$0	-
Industrial	\$76,519	9	Industrial	\$76,519	9
Office	\$0	-	Office	\$0	-
Pastoral	\$10,644	10	Pastoral	\$10,644	10
Preservation	\$0	-	Preservation	\$0	-
Recreation	\$0	-	Recreation	\$0	-
Research	\$0	-	Research	\$0	-
Stabling	\$0	-	Stabling	\$0	-
	\$94,332	32		\$94,332	32

Unfortunately, LMD was unable to find any Kauai real estate research comparable to that of Colliers International for reference as reported in its Annual ROE Permit renewals for Oahu. Therefore, in consideration of the current COVID-19 global pandemic, LMD recommends maintaining its current rental rates without any increase.

Rental fees for agricultural and pastoral use permits vary and are typically established at less than fair market rates (discounted) but not less than \$240/annum due to various site issues such as, insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc. In regards to ROE Permits that reflect a delinquency LMD staff will proceed with issuing its Notice of Revocation/Cancellation to said permittees'

AUTHORITY / LEGAL REFERENCE:

§171-55, Hawaii Revised Statutes, as amended, a "permit on a month-to-month basis may continue for a period not to exceed one year from the date of issuance; provided that the commission may allow the permit to continue on a month-to-month basis for additional one-year periods."

RECOMMENDATION:

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

RIGHT OF ENTRY PERMITS - KAUAI ISLAND, as of AUGUST 2021

Denotes Beneficiary								Denotes Delinquent	
NO.	ACRE	USE	PERMITTEE	LOCATION	TMK	Date Started	Current Annual Rent	Proposed Annual Rent	Comments: rent amount and reasons (site issues - insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.)why no long-term disposition
533	11	Agriculture	Don Mahi	Anahola	(4) 4-8-018:031	10/11/1990	\$1,488.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
550	0.344	Agriculture	Kuini Contrades	Anahola	(4) 4-8-008:001 (p)	5/1/2003	\$264.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
554	8	Agriculture	Linda Kaauwai-Iwamoto	Anahola	(4) 4-8-005:042 (p)	11/1/2000	\$576.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
558	1.07	Agriculture	Frank S. Rivera, Sr. and Amber Rivera	Anahola	(4) 4-8-003:020 (p)	5/1/2005	\$264.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
543	20	Agriculture	Palahiko Farms	Kekaha	(4) 1-2-002:023 (p)	7/28/2009	\$1,200.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
575	18	Agriculture	Gary Cummings, Jr.	Anahola	(4) 4-8-008:049 (p)	7/23/2013	\$240.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
565	12	Agriculture	Angelina Koli	Anahola	(4) 4-8-005:038 & .044	7/1/2005	\$708.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
540	0.25	Caretaker	Michael J. DeMotta	Hanapepe	(4) 1-8-007:021 (p)	9/1/2002	\$408.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
549	0.188	Caretaker	William Leleo	Anahola	(4) 4-8-003:018 (p)	9/1/2005	\$264.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
553	0.092	Caretaker	Sunny L. Honda	Anahola	(4) 4-8-009:010 (p)	6/1/1992	\$264.00	-	Account is delinquent - \$220 = (\$22.00/mo x 10)
560	3.6	Caretaker	Valerie Woods	Anahola	(4) 4-8-006:046 (p)	3/8/2002	\$528.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
536	0.009	Commercial	Patricia Contrades	Anahola	(4) 4-8-011:045 (p)	7/23/2013	\$396.00	-	Rent is current; portion of a larger parcel that is designated for Commercial use. Insufficient infrastructure, irregular shape.
564	0.023	Commercial	Woodrow K. Contrades	Anahola	(4) 4-8-011:045 (p)	4/1/1994	\$569.00	-	Rent is current; portion of a larger parcel that is designated for Commercial use. Insufficient infrastructure, irregular shape.
475	16.072	Industrial	Honsador Lumber, LLC/Mona Lisa Boyer	Kapaa	(4) 4-5-015:003 (p) & 034		\$36,641.00	-	Rent is current; portion of a larger parcel that is designated for Industrial use
538	0.46	Industrial	Kauai Habitat for Humanity	Hanapepe	(4) 1-8-008:035 (p)	7/1/1996	\$568.00	-	Rent is current; portion of a larger parcel that is designated for Industrial use
542	0.58	Industrial	Kauai Farm Fuels	Hanapepe	(4) 1-8-008:081 (p)	4/1/2007	\$10,798.00	-	Account is delinquent - \$13,497.75 (rent)
574	0.059	Industrial	Paul T. Esaki	Kapaa	(4) 4-5-015:048	2/1/1986	\$514.00	-	Rent is current; portion of a larger parcel that is designated for Industrial use
537	0.23	Industrial	Roger Palama	Hanapepe	(4) 1-8-008:035 (p)	10/1/1995	\$1,414.00	-	Rent is current; portion of a larger parcel that is designated for Industrial use
541	0.344	Industrial	Wallace Rita and Clyde Odo	Hanapepe	(4) 1-8-008:035 (p)	7/1/2005	\$7,160.00	-	Account is delinquent - \$2,386.80 (rent)
544	0.367	Industrial	Akita Enterprises, Ltd.	Hanapepe	(4) 1-8-008:035 (p)	7/1/1999	\$5,797.00	-	Rent is current; portion of a larger parcel that is designated for Industrial use
546	0.55	Industrial	Akita Enterprises, Ltd.	Kapaa	(4) 4-5-005:006 (p)	7/22/2013	\$5,566.00	-	Rent is current; portion of a larger parcel that is designated for Industrial use
566	0.918	Industrial	Jack L. and Margaret C. Phillips	Kapaa	(4) 4-5-005:006 (p)	3/1/2001	\$8,061.00	-	Rent is current; portion of a larger parcel that is designated for Industrial use
531	3.264	Pastoral	Solomon Lovell	Anahola	(4) 4-8-006:004	12/1/1981	\$528.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.

532	14,903	Pastoral	Esther K. Medeiros	Anahola	(4) 8-011:005, 006, 011, 013 & 049	2/1/1984	\$1,704.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
535	13	Pastoral	Gordon Rosa	Anahola	(4) 4-8-005:038 (p)	4/1/1994	\$636.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
545	2,866	Pastoral	Clay Kelekoma	Anahola	(4) 4-8-015:024 to 026	4/15/1982	\$336.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
547	50	Pastoral	Patrick Kelekoma and Clay Kelekoma	Anahola	(4) 4-7-004:022 (p)	7/5/2005	\$1,392.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
552	2,849	Pastoral	Lono K.M. Fu	Anahola-Kamalomaloo	(4) 4-8-003:020 (p)	9/1/2005	\$264.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
556	0.55	Pastoral	Richard and Kuulei Ornellas	Anahola/ Kamalomaloo	(4) 4-8-011:063 (p)	8/1/2003	\$2,184.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
557	173	Pastoral	Tarey Low	Anahola/ Kamalomaloo	(4) 4-7-002:004 (p)	4/1/2004	\$2,400.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
562	21.03	Pastoral	Joseph Borden	Anahola/ Kamalomaloo	(4) 4-8-003:004 (p)	7/23/2013	\$960.00	-	Account is delinquent - \$2,805.81 (rent)
583	80	Pastoral	Edward K Taniuchi	Anahola/ Kamalomaloo	(4) 4-7-002:004 (p)	5/23/2016	\$240.00	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.

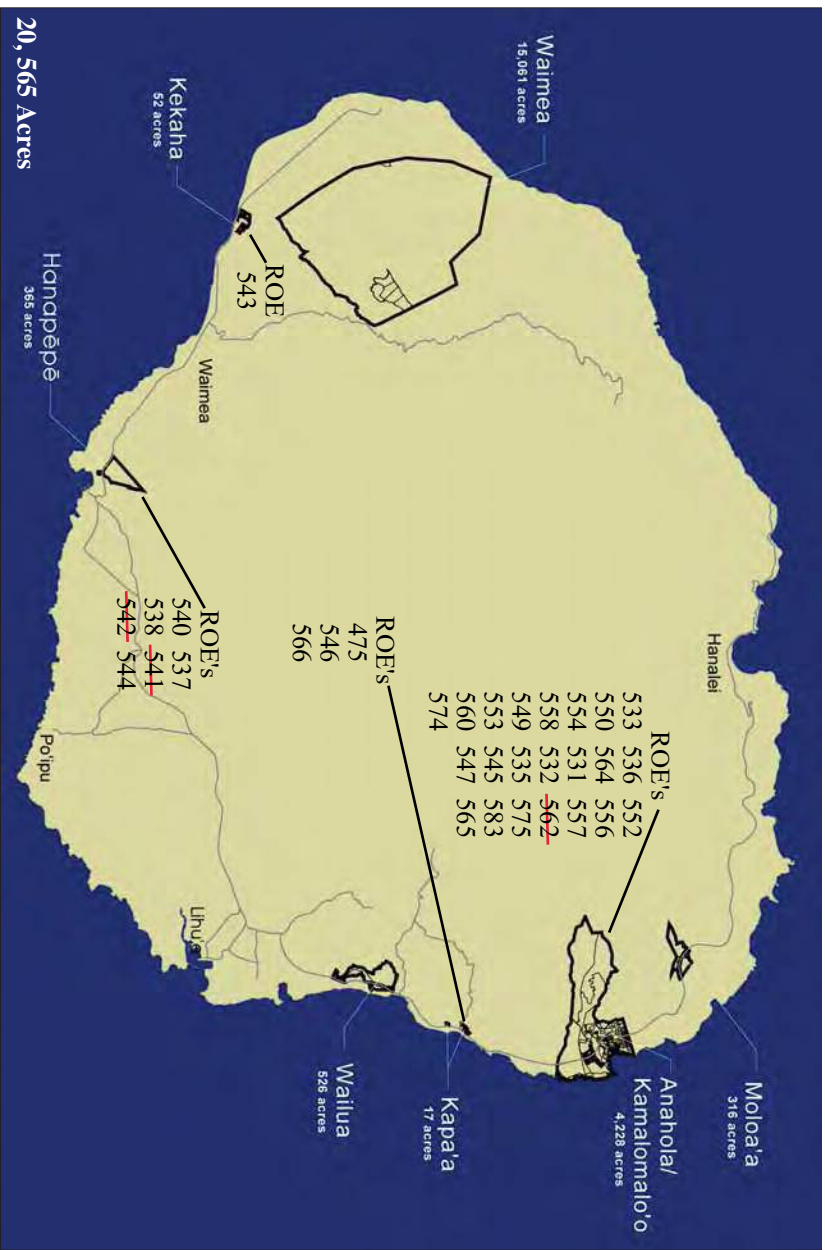


Figure ES.1

DHHL's Kaula'i Lands


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



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18-19, 2021

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Annual Renewal of Right of Entry Permits, East, Central and South Hawaii Island

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) approves the following actions while developing a process to making short-term agricultural and pastoral land dispositions available to beneficiaries:

- A) Renew all East, Central and South Hawaii Island Right of Entry Permits as listed on Exhibit "A" and identified by approximate location on the Hawaii Island Map Exhibit "A-1" that are in compliance and issued temporary approvals, as of November 1, 2021.
- B) The annual renewal period, shall be on a month-to-month basis, for up to twelve (12) months, but no longer than October 31, 2022 or at the next scheduled HHC meeting on East Hawaii island whichever occurs sooner.
- C) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

DISCUSSION

This submittal represents annual renewals for all East, Central and South Hawaii Island ROE permit(s) only, which shall effectively expire on October 31, 2021. As a means of maintaining a process by which PERMITEE'S can be assured that their permits have been renewed, notification letters will be transmitted accordingly.

For information purposes Exhibit "A" references all Right of Entry Permits in East, Central and South Hawaii Island by order of commencement date, land use, then by acreage. While Right of Entry Permits generate additional revenue to the Trust, its primary purpose provides DHHL the ability to efficiently manage its lands through the issuance of these short-term dispositions which are typically not needed for longer-term dispositions (such as homesteading or general leases) over a 20-year time period or as dictated by DHHL's respective island plan. DHHL's total Hawaii Island land inventory covers approximately 127,000 acres¹ or 63% of DHHL's statewide inventory. The short-term disposition(s) within the Eastern, Central, and Southern portions cover approximately 8,670.0 acres or approximately 7.0% of its inventory.

¹ DHHL Hawaii Island Plan – Final Report, PBR Hawaii, May 2002

Right of Entry Permits help in having presence on DHHL lands thereby reducing costs for land management activity functions (i.e. signage, landscaping, fencing, removing trash and derelict vehicles, and prevents trespassing on unencumbered lands) that DHHL would bear if the lands were to sit vacant. Permittee's are required to assume responsibility for the land, post insurance, indemnify the department, and manage and maintain the land.

Until improvements to the Revocable Permit Program can be implemented, this process will be used for Annual Renewals of these month-to-month ROE Permit dispositions. The table below reflects the revenue generated from ROE permits on Hawaii Island, which is almost 2.0% (\$49,862) of the ROE total revenues (\$2,575,985) that DHHL received statewide. The Eastern, Central, and Southern portions of Hawaii Island holds 10 of the 145 ROE permits Statewide. These permittees fall under a variety of land use purposes with the most being pastoral.

FY 2021		Total	FY 2022		Total
Agriculture	\$264	1	Agriculture	\$264	1
Caretaker/Landscape	\$1,508	1	Caretaker/Landscape	\$1,508	1
Commercial	\$30,240	1	Commercial	\$30,240	1
Community	\$240	1	Community	\$240	1
Industrial	\$0	-	Industrial	\$0	-
Office	\$0	-	Office	\$0	-
Pastoral	\$17,610	6	Pastoral	\$17,610	6
Preservation	\$0	-	Preservation	\$0	-
Recreation	\$0	-	Recreation	\$0	-
Research	\$0	-	Research	\$0	-
Stabling	\$0	-	Stabling	\$0	-
	\$49,862	10		\$49,862	8

According to research done by Colliers International, (See Exhibit "B") "the Hawaii Industrial Market vacancy rate was up near 2.0%... during the past year, with an average asking base rent of \$0.85 per square foot per month ("psf/mo"). Considering this research, and the current COVID-19 global pandemic, LMD respectfully recommends maintaining its current rental rates without any increase.

For FY 2022, renewals for the 10 Right of Entry Permits located in East, Central, and South Hawaii Island will total an annual rent revenue of \$49,862 as referenced in the table above. Rental fees for agricultural and pastoral use permits vary and are typically established at less than fair market rates (discounted) but not less than \$240/annum due to various site issues such as, insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.

AUTHORITY / LEGAL REFERENCE:

§171-55, Hawaii Revised Statutes, as amended, a "permit on a month-to-month basis may continue for a period not to exceed one year from the date of issuance; provided that the commission may allow the permit to continue on a month-to-month basis for additional one-year periods."

RECOMMENDATION:

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

RIGHT OF ENTRY PERMITS - EAST, CENTRAL, & SOUTH HAWAII ISLAND, as of October 2021

RIGHT OF ENTRY PERMITS - EAST, CENTRAL, & SOUTH HAWAII ISLAND, as of October 2021						Denotes Beneficiary		Denotes Delinquent	
NO.	ACRE	USE	PERMITTEE	LOCATION	TMK	Date Started	Current Annual Rent	Proposed Annual Rent	Comments: rent amount and reasons (site issues - insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.) why no long-term disposition
465	280.00	Pastoral	Gilbert Medeiros, Jr.	Kamoa-a-Pueo	(3) 9-3-001:002(P)	2/9/1998	\$504	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
469	504.00	Pastoral	Daryl K. Kalua'u	Kau	(3) 9-3-001:002(P)	9/7/2000	\$942	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
473	2250.00	Pastoral	Dean Kaniho	Kamoa-a-Pueo	(3) 9-3-001:002(P)	7/15/2004	\$3,156	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
477	2.00	Agricultural	Guy Kaniho	Humu'uila	(3) 3-8-001:007(P)	2/26/2007	\$264	-	Rent is current; portion of a larger parcel that is designated for General Ag use.
478	300.00	Pastoral	April Awana-Mattos	Honomu	(3) 2-8-011:011 (P)	2/1/2010	\$5,220	-	Rent is current; portion of a larger parcel that is designated for General Ag use.
481	2.21	Landscape	Ginger Patch Center	Waiakea	(3) 2-2-060:001	8/2/2010	\$1,508	-	Rent is current; portion of a larger parcel that is designated for Industrial use. Insufficient infrastructure, irregular shape.
482	1.00	Community	Keaukaha Panaewa Farmers Association	Panaewa	(3) 2-1-025:091 (P)	2/1/2011	\$240	-	Rent is current; portion of a larger parcel that is designated for Commercial use. Insufficient infrastructure, irregular shape.
610	5000.00	Pastoral	Native Hawaiian General Services	Kamoa-a-Pueo	(3) 9-3-001:002(P)	6/1/2004	\$6,300	-	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
467	326.76	Pastoral	Parnel Hanao	Waiohinu	(3) 9-5-019:016 & 9-5-005:002	1/26/2000	\$1,488	-	Rent is current; parcel designated for General Ag Use. Insufficient infrastructure, irregular shape
692	0.620	Commercial	Connect Point Church	Waiakea	(3) 2-2-060:049	11/18/2019	\$30,240	-	Rent is current; parcel designated for Industrial Use. Offering for Industrial use forthcoming.

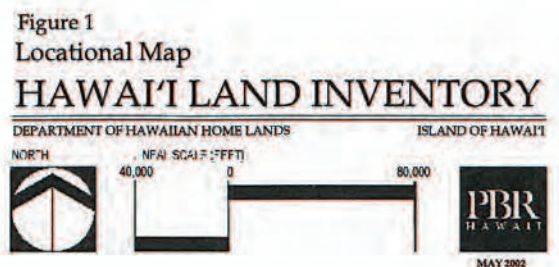
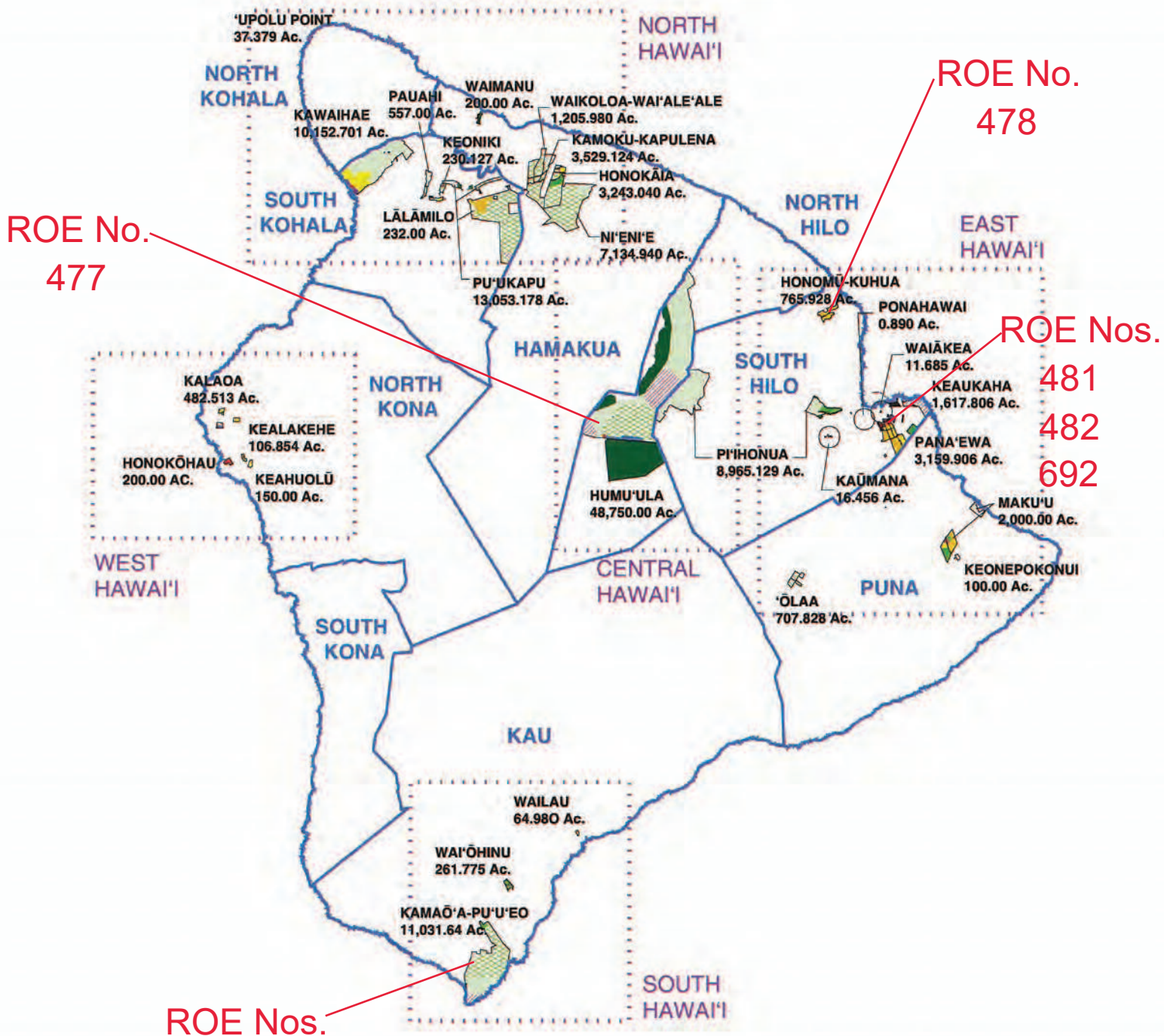


Exhibit "A-1"
Item No. F-2



Research & Forecast Report

Hawaii Island Market

Year-End 2020 | Hawaii

Measuring Success

Hawaii Island Commercial Real Estate Sectors Hit by Pandemic



Economic Slowdown Widespread

As the global COVID-19 pandemic spread around the world, Hawaii felt its immediate impact. Virtually no employment sector was spared by the wrath of the pandemic as Hawaii Island's economy suffered from the near shutdown of its travel sector and fell into a recession. Air passenger arrival counts, which had reached a record high of 1.78 million in 2019, dropped dramatically when the State of Hawaii instituted travel quarantines and COVID-19 testing requirements. Between April and December 2020, the average monthly air passenger arrival count dropped to just 11,354 and by year-end 2020, total air passenger arrivals declined by an alarming 72.3%. As a result, Hawaii Islands hotel occupancy rates fell to 23% from last year's healthy 77% and the December average daily room rate declined from \$265.65 in 2019 to \$222.71 in 2020.

During the past year, Hawaii Island's unemployment rate rose from 3.0% to 8.9%, equating to a loss of 9,100 jobs. Despite this decline in jobs, it is an improvement from the start of the pandemic in April 2020, when unemployment rates rose to 23.3%, a loss of 13,200 jobs. The hardest hit industry was the island's accommodations sector, which lost 3,200 jobs for a 55% decline in positions since December 2019.

"Our Big Island economy continues to show its resilience through the pandemic. While resort properties have experienced the largest setbacks, resident-based businesses have proven their ability to navigate through the challenges and emerge with a bright future!"

- Debbie Parry, BOCCIM Vice President

Hawaii Island Visitor Arrivals December YTD



Market Indicators

Unemployment Rate	8.9%
Non-EE Wage and Salary jobs	62,400
Visitor Arrival Count	402,325

Office Market

Vacancy	12.1%
Net Absorption (sf)	8,829 sf
Avg Asking Base Rent (qstr/mo)	\$1.40

Retail Market

Vacancy	14.8%
Net Absorption (sf)	151,460
Avg Asking Base Rent (qstr/mo)	\$3.00

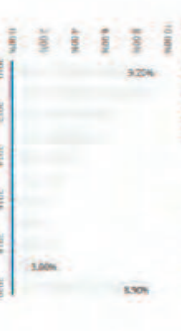
Industrial Market

Vacancy	1.60%
Net Absorption (sf)	15,023
Avg Asking Base Rent (qstr/mo)	\$1.21

Investment Market

Sales Volume (trillion)	\$20.9
Sales Counts	9


Hawaii Island Unemployment Rate As of December 2020



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18-19, 2021

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Approval of Annual Renewal of Right of Entry Permits, Maui and Lanai Islands

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) approve the following actions while developing a process to making short-term agricultural and pastoral land dispositions available to beneficiaries:

- A) Renew all Maui and Lanai Island Right of Entry Permits as listed on Exhibit "A" and identified by approximate location on the respective Maui and Lanai Island Maps Exhibit "A-1" that are in compliance and issued temporary approvals, as of September 1, 2021.
- B) The annual renewal period, shall be on a month-to-month basis, for up to twelve (12) months, but no longer than August 31, 2022 or at the next scheduled HHC meeting on Maui and Lanai islands whichever occurs sooner.
- C) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

DISCUSSION

This submittal represents annual renewals for all Maui and Lanai Island ROE permit(s) only, which expired on August 31, 2021. As a means of maintaining a process by which PERMITEE'S can be assured that their permits have been renewed, notification letters will be transmitted accordingly.

For information purposes Exhibit "A" references all Right of Entry Permits on Maui and Lanai Islands by order of commencement date, land use, then by acreage. While Right of Entry Permits generate additional revenue to the Trust, its primary purpose provides DHHL the ability to efficiently manage its lands through the issuance of these short-term dispositions which are typically not needed for longer-term dispositions (such as homesteading or general leases) over a 20-year time period or as dictated by DHHL's respective island plans. DHHL's total Maui Island land inventory covers approximately 31,000 acres¹ or 15% of DHHL's statewide

¹ DHHL Maui Island Plan –PBR Hawaii, September 2004

inventory. The short-term disposition(s) issued to Beneficiary Homestead Organizations within the Maui Island inventory cover approximately 73.0 acres or .002% of its inventory.

DHHL's total Lanai Island land inventory covers approximately 50 acres². The short-term disposition(s) issued cover approximately 25.0 acres or 50.0% of Lanai Island inventory.

Right of Entry Permits help in having presence on DHHL lands thereby reducing costs for land management activity functions (i.e. signage, landscaping, fencing, removing trash and derelict vehicles, and prevents trespassing on unencumbered lands) that DHHL would bear if the lands were to sit vacant. Permittee's are required to assume responsibility for the land, post insurance, indemnify the department, and manage and maintain the land.

Until improvements to the Revocable Permit Program can be implemented, this process will be used for Annual Renewals of these month-to-month ROE Permit dispositions.

The table below reflects the revenue generated from ROE permits on Maui and Lanai Islands respectively, which is less than 1.0% (\$1,416) of the ROE total revenues (\$2,575,985) that DHHL received statewide for FY 2021. Maui and Lanai Islands holds 4 of the 145 ROE permits Statewide. These permittees fall under a variety of land use purposes with the most being community use.

Maui Island

FY 2020		Total
Agriculture	\$0	-
Caretaker	\$0	-
Commercial	\$0	-
Community	\$720	3
Industrial	\$0	-
Office	\$0	-
Pastoral	\$0	-
Preservation	\$0	-
Recreation	\$0	-
Research	\$0	-
Stabling	\$0	-
	\$720	3

FY 2021		Total
Agriculture	\$0	-
Caretaker	\$0	-
Commercial	\$0	-
Community	\$720	3
Industrial	\$0	-
Office	\$0	-
Pastoral	\$0	-
Preservation	\$0	-
Recreation	\$0	-
Research	\$0	-
Stabling	\$0	-
	\$720	3

² DHHL Lanai Island Regional Plan, June 2010

Lanai Island

FY 2021		Total
Agriculture	\$0	-
Caretaker	\$0	-
Commercial	\$0	-
Community	\$720	-
Industrial	\$0	-
Office	\$0	1
Pastoral	\$696	-
Preservation	\$0	-
Recreation	\$0	-
Research	\$0	-
Stabling	\$0	-
	\$696	1

FY 2022		Total
Agriculture	\$0	-
Caretaker	\$0	-
Commercial	\$0	-
Community	\$0	-
Industrial	\$0	-
Office	\$0	-
Pastoral	\$696	1
Preservation	\$0	-
Recreation	\$0	-
Research	\$0	-
Stabling	\$0	-
	\$696	1

According to research done by Colliers International, (See Exhibit “B”) “the Maui Market vacancy rate was up near 2.0%... during the past year, with an average asking base rent of \$1.21 per square foot per month (“psf/mo”). Considering this research, and the current COVID-19 global pandemic, LMD respectfully recommends maintaining its current rental rates without any increase.

For FY 2022, renewals for the 4 Right of Entry Permits located Maui and Lanai Islands will total an annual rent revenue of \$1,416 as referenced in the table above. .

AUTHORITY / LEGAL REFERENCE:

§171-55, Hawaii Revised Statutes, as amended, a “permit on a month-to-month basis may continue for a period not to exceed one year from the date of issuance; provided that the commission may allow the permit to continue on a month-to-month basis for additional one-year periods.”

RECOMMENDATION:

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

RIGHT OF ENTRY PERMITS - MAUI ISLAND as of SEPTEMBER 2021							Denotes Beneficiary		Denotes Delinquent
NO.	ACRE	USE	PERMITTEE	LOCATION	TMK	Date Started	Current Annual Rent	Proposed Annual Rent	Comments: rent amount and reasons (site issues-insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.) why no long-term disposition
493	6.820	Community	Waiohuli Hawaiian Homesteaders Association	Kula	(2) 2-2-002:056(P)	10/1/2005	\$240	-	Rent is current - Community Use
496	69.000	Community	Keokea Homestead Farm Lot Association	Keokea	(2) 2-2-002:055	2/8/2010	\$240	-	Rent is current - Community Use
497	3.000	Community	Village of Lei Alii Association	Leialii	(2) 4-5-021:020 (P)	4/1/2013	\$240	-	Rent is current - Community Use

RIGHT OF ENTRY PERMITS - Lanai ISLAND as of SEPTEMBER 2021							Denotes Beneficiary		Denotes Delinquent
NO.	ACRE	USE	PERMITTEE	LOCATION	TMK	Date Started	Current Annual Rent	Proposed Annual Rent	Comments: rent amount and reasons (site issues-insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.) why no long-term disposition
510	25.000	Pastoral	Alton & Joelle Aoki	Kahikinui	(2) 1-9-001:008	3/19/1982	\$696	-	Account is delinquent - \$870 (rent)

Exhibit "A "

Item No. F-3

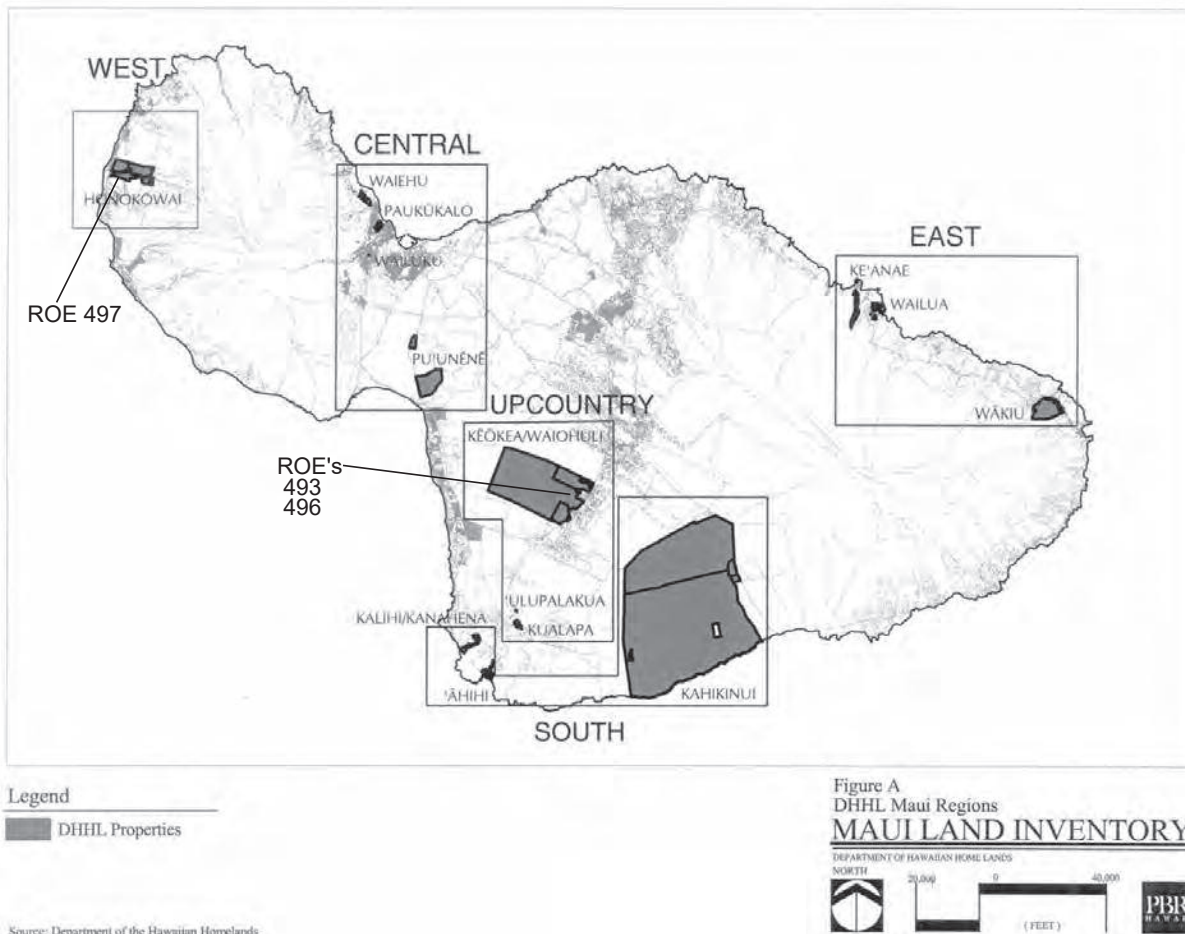


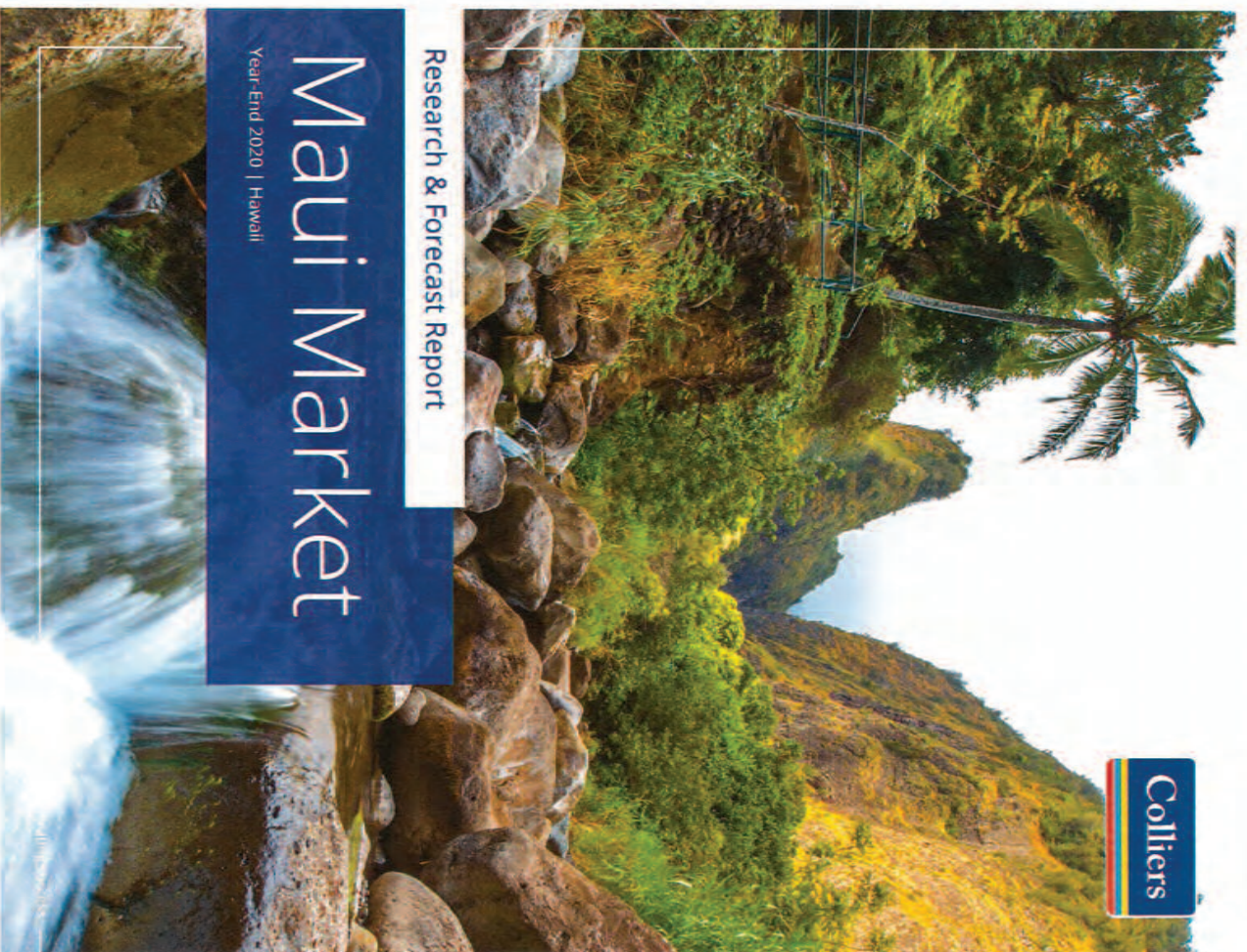
Exhibit "A-1"

Item No F-3

Research & Forecast Report

Maui Market

Year-End 2020 | Hawaii

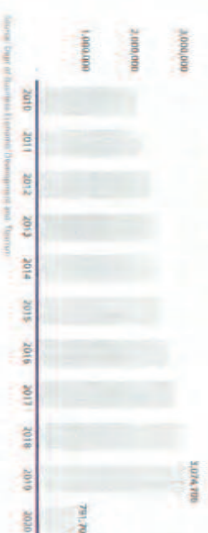


Pandemic Adversely Affects Maui's Economy

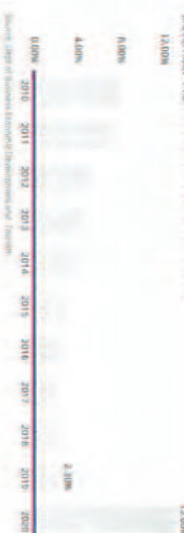
Maui's vulnerable tourism-based economy suffered direct hits by the COVID-19 induced global recession this past year. Air passenger arrival counts, which averaged roughly 244,000 per month pre-COVID, dropped to a miniscule 1,900 per month for the eight months following the April 2020 shutdown. This reflected a 74.3% drop in air passenger arrivals for 2020. This decline in visitors in turn adversely affected 2020 hotel occupancy rates which fell from 77.7% to 33.9% during the past year. Unable to operate profitably, many of Maui's hotels were forced to curtail operations as they waited out the pandemic's wrath.

As a result of 16.2% of the island's workforce being employed by the accommodations industry, Maui's unemployment rate hit a record high of 34.6% in April 2020 and by December 2020 this rate declined to 13.0% as employers started to rehire previously laid off staff. During the past year Maui lost 16,800 jobs, of which, nearly half (7,800) were attributed to the hotel sector and an additional 40% (6,500) attributed to retail job losses.

Maui County Air Passenger Arrivals



Maui County Unemployment Rate



"We remain optimistic that Maui's commercial real estate market will overcome its COVID-19 induced challenges as its tourism sector begins the long road to recovery."

Chantay, Indragunam, D.S. Vice President

Market Indicators

Indicator	Value	4Q2019 vs 4Q2020
Unemployment Rate	13.0%	↓
Non-Ag Wage and Salary Jobs	62,800	↓
Visitor Arrival Counts	791,200	↓

Retail Market

Vacancy	20.07%	↓
Net Absorption (sq ft)	(100,013) sq ft	↓
Avg Asking Base Rent (qsf/mo)	\$4.01	↓

Office Market

Vacancy	13.3%	↓
Net Absorption (sq ft)	4,652	↓
Avg Asking Base Rent (qsf/mo)	\$1.60	↓

Industrial Market

Vacancy	1.60%	↓
Net Absorption (sq ft)	(6,171) sq ft	↓
Avg Asking Base Rent (qsf/mo)	\$1.27	↓

Investment Market

Sales Volume (millions)	\$5.6	↓
Sales Counts	19	↓

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18-19, 2021

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Approval to Renewal of Right of Entry Permit No. 685, Department of Interior,
Nanakuli, Lualualei, & Waianae, O'ahu, Various TMK's

APPLICANT:

U.S. Department of Interior "PERMITEE"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) authorize the renewal of Right of Entry Permit No. 685 (ROE 685) (see Exhibit "A" attached) issued to the U.S. Department of Interior, covering the subject area as described below to complete its series of land surveying field activities which include but is not limited to traverse/location surveys and data collection, and boundary survey monumentation.

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

1. Authorize the extension and amendment of ROE 685 to U.S. Department of Interior 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 premises shall be utilized strictly for boundary survey and monumentation activities as described 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;
2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR this project will probably have minimal or no significant effect on the environment.

LOCATION:

Portion of Hawaiian Home Lands situated in Nanakuli, Lualualei, & Waianae, Island of O'ahu, as identified and delineated by bold white outline in Nanakuli Map ("A-1"), and red outline in Lualualei and

Waianae maps (“ covering various TMK’s out as Tax Map Key: (3)6-1-001:003(por.) (See Exhibit “A-2” and “A-3”)

AREA:

Approximately 9 miles of ungulate proof fence to create a around 7,800 acre Honokoa ecological restoration unit encompassing the Honokoa Watershed.

DISCUSSION:

Due to the COVID-19 pandemic the work activities as described under this submittal ceased. The Permittee has indicated that they are ready to re-start and initiate its work on this matter.

The U.S. Department Interior Office of Native Hawaiian Relations presented its Federal Survey of Hawaiian Home Lands Project (See Exhibit “B”) under a workshop to the Hawaiian Homes Commission at regular monthly meeting held on November 19, 2018 at DHHL Kapolei office. The Presentation provided the HHC with insight as to the task for which DOI is required to conduct pursuant to and in accordance with the 1995, Hawaiian Home Lands Recovery Act.

Therefore, given the requirement to survey all HHL based on the report entitled, ‘Survey Needs for the Hawaiian Home Lands’, issued by the Bureau of Land Management of the Department of Interior, dated July 21, 1991, U.S. DOI has a procured professional services contract with local surveying consultants Control Point Surveying, Inc. to support and assist in the necessary survey work to be conducted pursuant to and in accordance with the 1995, HHLRA. This initial ROE request will cover boundaries located in the Nanakuli, Lualualei, & Waianae areas on Oahu Island.

According to its informational workshop info as presented the Benefits of the Federal Survey will provide the following:

- A genealogical history of the lands going back prior to 1920 by compiling the legal authority for the transfer of lands to the Trust and the boundary lines of those lands
- Place boundary monumentation in place where none exists
- Where boundary monumentation currently exists, the survey can, through the use of modern technology, provide greater accuracy and resolve discrepancies between earlier surveys and maps
- Create a Federal Records Base that will be a powerful land management tool for current and future land development and dispositions
-

PLANNING AREA:

Nanakuli, Lualualei, & Waianae

LAND USE DESIGNATION:

Various residential, special district Oahu Island Plan (2014), Figure 4.3 – Waianae Planning Area, and Figure 4.5 – Nanakuli Planning Area

CURRENT STATUS:

DHHL, Residential Subdivision

CHARACTER OF USE:

Residential Purposes

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. 2, "Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced."

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 Planning Office has reviewed the proposed action and determines it 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 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.

RECOMMENDATION:

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

Exhibit "A"
Item No. F-4

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
RIGHT-OF-ENTRY PERMIT NO. 685

This Right of Entry Permit is dated this 31st day of May, 2011, by and between the State of Hawaii, DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL), whose place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, and whose mailing address is P. O. Box 1879, Honolulu, Hawaii, 96805, hereinafter referred to as "PERMITTOR"; and the U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT CADASTRAL SURVEY (US DOI), whose place of business and mailing address is 1201 Bird Center, Palm Springs, California 92262 and CONTROLPOINT SURVEYING, INC. whose place of business and mailing address is 615 Piikoi Street #700, Honolulu, Hawaii 96814, who together are hereinafter referred to as "PERMITTEES."

PERMITTOR hereby grants to PERMITTEES a Right-of-Entry (ROE) upon portions of certain parcels of Hawaiian home lands where the boundaries identified on the attached location maps are described as follows:

- Nanakuli, island of Oahu, as identified and delineated by the bold white outline as shown in the Nanakuli DHHL Map (Exhibit "A-1") covering approximately 5.42 linear miles;
- Lualualei, island of Oahu, as identified and delineated by the red outline as shown in the Lualualei DHHL Map (Exhibit "A-2") covering approximately 6.58 linear miles; and
- Waiānae, island of Oahu, as identified and delineated by the red outline in the Waiānae DHHL Map (Exhibit "A-3") covering approximately 6.06 linear miles;

For the primary purpose of conducting a series of land surveying field activities that include, but is not limited to, traverse/location surveys, data collection, and boundary survey monumentation, subject to the following general and special conditions:

1. TERM. The term for the ROE shall be for a one (1) year period effectivly commencing on the date that this document is fully executed by the parties. This ROE may be cancelled by PERMITTOR upon 30 days advance notice in writing to PERMITTEES at its sole discretion and for any reason whatsoever.

2. Permitted Use. This Right-of-Entry allows the PERMITTEES access to and through those portions of certain parcels of Hawaiian home lands as described above and as specified in the attached location maps in Exhibits "A-1 - A-3," primarily to conduct a series of land surveying field activities that include, but is not limited to, traverse/location surveys, data collection, and boundary survey monumentation ("Project"). No other uses shall be permitted without the express written approval of PERMITTOR. PERMITTEES'S use shall comply with all applicable governmental laws, regulations, rules, and permitting requirements, pertaining to such use.

3. FEE. The fee for the term of this ROE shall be gratis.

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

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

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

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

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

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

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

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

11. SPECIAL CONDITIONS.

A. PERMITTEES and staff of not more than twelve (12) participants (researcher(s), consultant(s), contractor(s))

included) shall be permitted to go on Hawaiian home lands as identified above;

B. PERMITTEES shall remove all equipment and litter brought onto the premises in conjunction with the Project within five (5) days from the completion of the Project, or the expiration of this Right-of-Entry, or if PERMITTOR decides to cancel this Right-of-Entry, five (5) days from the cancellation date.

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

D. PERMITTEES shall not cause or permit the escape, disposal, or release of any hazardous materials. PERMITTEES 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 PERMITTEES'S business, and then only after written notice is given to the PERMITTOR of the identity of such materials and upon PERMITTOR'S consent, which consent may be withheld at the PERMITTOR'S sole and absolute discretion. If any lender or government agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by PERMITTEES, then PERMITTEES shall be responsible for the costs thereof. In addition, PERMITTEES shall execute affidavits, representations and the like from time to time at PERMITTOR'S request concerning PERMITTEES'S best knowledge and belief regarding the presence of hazardous materials on the premises placed or released by the PERMITTEES.

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



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

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

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

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

G. This Right of Entry may be signed in counterparts, each such counterpart being deemed to be an original instrument, and all such counterparts shall together constitute the same original instrument as ROE No. 685.

[Remainder of Page Intentionally left blank]



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

APPROVED BY THE HHC
AT ITS MEETING HELD ON
December 17-18, 2018

APPROVED AS TO FORM:

Deputy Attorney General
State of Hawaii

State of Hawaii
DEPARTMENT OF HAWAIIAN HOME LANDS

By
William J. Allen, Jr.,
Acting Chairman
Hawaiian Homes Commission

PERMITTOR

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CADASTRAL SURVEY

By
Ralph E. Patton,
Supervisory Land Surveyor

PERMITEE

CONTROLPOINT SURVEYING, INC.

By
Yue-Hong Yeh,
President

PERMITEE



STATE OF HAWAII
CITY AND COUNTY OF HONOLULU

)
) ss.

On this 31st day of May, 2019, before me personally appeared
Yue Hong Yen, to me personally known or proved to me on the basis of
satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the
foregoing instrument 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.



Signature: ADA K. COOKE
Print Name: ADA K. COOKE
Notary Public, State of Hawaii
My commission expires: 8-3-22

(Official Stamp or Seal)

NOTARY CERTIFICATE STATEMENT

Document Identification or Description: RIGHT OF ENTRY PERMIT NO. 685

☐ Doc. Date: 28 or ☒ Undated at time of notarization.
No. of Pages: 28
Jurisdiction: First Circuit (in which notarial act is performed)

Signature of Notary: ADA K. COOKE
Date of Notarization & Certification Statement: 5-31-19

Printed Name of Notary: ADA K. COOKE



(Official Stamp or Seal)

STATE OF HAWAII
CITY & COUNTY OF HONOLULU

)
) ss.

On June 4, 2019, in the First Circuit, State of Hawaii, before me appeared STEWART T.
MATSUNAGA, to me personally known, who, being by me duly sworn or affirmed, did say that
he is the Acting Chairman to Hawaiian Homes Commission Chairman WILLIAM J. ALLA, JR.,
and who executed the foregoing instrument identified or described as RIGHT-OF-ENTRY
PERMIT NO. 685, 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 May 31, 2019 and contained twenty-nine (29) pages at the
time of this acknowledgment/certification.



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



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

APPROVED BY THE HHC
AT ITS MEETING HELD ON
December 17-18, 2018

APPROVED AS TO FORM:

[Signature]
Deputy Attorney General
State of Hawaii

State of Hawaii
DEPARTMENT OF HAWAIIAN HOME LANDS

By [Signature]
William A. Allen Jr.,
Acting Chairman
Hawaiian Homes Commission

PERMITTOR

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CADASTRAL SURVEY

By [Signature]
Ralph E. Patton,
Supervisory Land Surveyor

PERMITTEE

CONTROLPOINT SURVEYING, INC.

By [Signature]
Yeh-Hong Yeh,
President

PERMITTEE

ROE No. 685



STATE OF HAWAII
CITY AND COUNTY OF HONOLULU } ss.

On this ____ day of _____, 2019, before me personally appeared _____, to me personally known or proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument 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.

Signature: _____

Print Name: _____
Notary Public, State of Hawaii

SEE ATTACHED
CERTIFICATE
June 10, 2019

My commission expires: _____

(Official Stamp or Seal)

NOTARY CERTIFICATE STATEMENT

Document Identification or Description: RIGHT OF ENTRY PERMIT NO. 685

☐ Doc. Date: ____ or ☒ Undated at time of notarization.

No. of Pages: 29 Jurisdiction: First Circuit (in which notarial act is performed)

[Signature] Date of Notarization & Certification Statement

Date of Notarization & Certification Statement

[Signature] Printed Name of Notary

(Official Stamp or Seal)



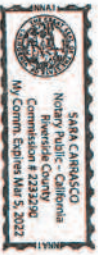
California Jurat Loose Certificate

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

Subscribed and sworn to (or affirmed) before me on this 10 day of June, 2019 by Ralph E. Patton proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature Sara Carrasco
(Signature of Notary Public)

Document Title: State of Hawaii Department of Hawaiian Home Lands Right-Of-Entry Permit No. 685

STATE OF HAWAII)
CITY & COUNTY OF HONOLULU) ss:

On July 1, 2019, in the First Circuit, State of Hawaii, before me appeared WILLIAM J. ALA, JR., to me personally known, who, being by me duly sworn or affirmed, did say that such person is the ACTING CHAIRMAN of the HAWAIIAN HOMES COMMISSION, and the person executed the foregoing instrument identified or described as RIGHT-OF-ENTRY NO. 685, 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 May 31, 2019 and contained thirty (30) pages at the time of this acknowledgment/certification.



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

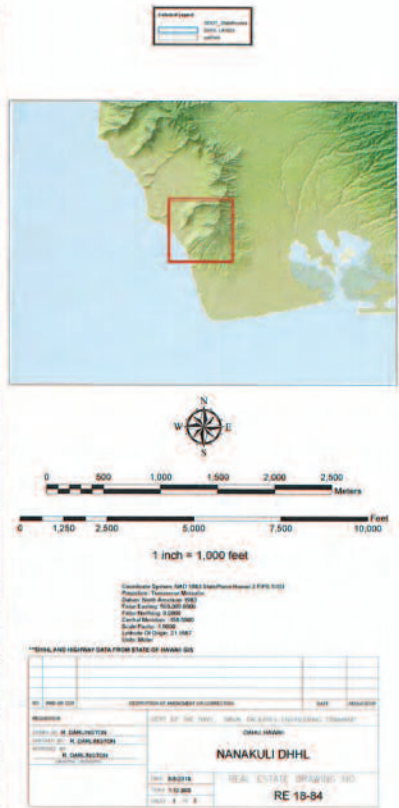


Exhibit "A-1"

Land Surveyor Report Hawaiian Home Lands, Nanakuli Tract

Final Determination by the Certified DOI Land Surveyor:

Boundary Survey of the Hawaiian Home Lands, Nanakuli Tract, as recommended in the 1991 BLM Report on the Survey Needs for the Hawaiian Home Lands, and authorized in the Inter-Agency Agreement No. 4500117875, dated February 9, 2018, between the BLM California and Hawaii Branch of Cadastral Survey, and the U.S. Department of the Interior, Office of Native Hawaiian Relations.

A review of the above request has been completed and the following determinations have been made by the DOI Land Surveyor or Certified Federal Surveyor:

(Check one)

<input type="checkbox"/>	The land surveys are acceptable for the stated purpose, see comments below.
<input type="checkbox"/>	The [land description / land surveys] has/have potential problems as noted below; however, the risk appears minor and the action within the stated purpose should not be affected.
<input type="checkbox"/>	The [land description / land surveys] has/have potential problems and should not be used for the stated purpose. The following errors and/or concerns as noted below need to be corrected/addressed before this/these [land description / land surveys] should be used.
<input checked="" type="checkbox"/>	A boundary survey is required.

Recommendations/Comments/Concerns/Corrections:

Introduction

This Land Surveyor Report recommends a boundary survey of the Nanakuli Tract, in order to preserve and protect the physical location of the exterior boundary and the boundaries of the inholdings, determine the existence and extent of potential encroachments, and to provide updated measurements, areas, and survey records for future management and protection of the Hawaiian Home Lands.

Significant changes to the lands contained in the Hawaiian Home Lands Trust have occurred since the passage of the Hawaiian Homes Commission Act of 1920, and the 1991 BLM Report on the Survey Needs for the Hawaiian Home Lands. This Land Surveyor Report on the current exterior boundary of the Nanakuli Tract, and the boundaries of the inholdings, is based on information provided by the State of Hawaii, Department of Hawaiian Home Lands, Department of Accounting and General Services (DACS) Survey Office, Bureau of Conveyances, and the County of Honolulu. A comprehensive study of the changes to the lands contained in the Hawaiian Home Lands Trust that have occurred since the passage of the Hawaiian Homes

Commission Act of 1920, and the 1991 BLM Report, is beyond the scope of this Land Surveyor Report.

History of Pertinent Official Surveys

- 1912: Walter E. Wall, Hawaii Territory Surveyor, surveyed the inland area of the Hawaiian Home Lands, Nanakuli Tract, as depicted on Register Map (RM) No. 2535, Hawaii Territory Survey of Nanakuli Government Land, dated February 1912, with additions dated December 1929, containing 1,308 acres. A portion of this boundary is described by metes-and-bounds in document Copy Survey Furnished (CSF) No. 2366, Nanakuli Forest Reserve, per map RM No. 2535, dated August 5, 1912. This boundary is shown on map File with CSF No. 2366/2367, Tracing of Hawaii Territory Survey, Nanakuli Pasture Land and Forest Reserve, per map RM No. 2535, dated July 1912, and revised August 4, 1927, with pasture land containing 2,319 acres, and Forest Reserve land containing 1,010 acres. Map RM No. 2535 also depicts the general location of the U.S. Military Reservation (Camp Andrews), established by Presidential Order No. 2564, dated March 28, 1917, containing 31.36 acres, as an exclusion from the Nanakuli Tract.
- 1928: Charles K. Reeves, Assistant Government Surveyor, surveyed a portion of the seaward boundary of the Hawaiian Home Lands, Nanakuli Tract, as depicted on the map CSF No. 4985, Survey of Addition to Nanakuli Beach Park, Parts A and B, dated February 15, 1928, with metes-and-bounds description in document CSF No. 4985, dated February 20, 1928. Map CSF No. 4985 also depicts the general location of the U.S. Military Reservation of Nanakuli (Camp Andrews).
- 1930: Thomas J. K. Evans, Assistant Government Surveyor, surveyed a portion of the exterior boundary of the Hawaiian Home Lands, Nanakuli Tract, as depicted on map RM No. 2851, Survey of Nanakuli Residence Lots, First Series, dated March-July 1930. Map RM No. 2851 also includes the survey of the boundary of the U.S. Military Reservation (Camp Andrews).
- 1930: That portion of the Hawaiian Home Lands, depicted on map RM No. 2535, was returned to the State of Hawaii, Commissioner of Public Lands, per Resolution No. 12, Hawaiian Homes Commission, dated May 29, 1930, and per Governor's Proclamation No. 1687, dated October 17, 1930, as depicted on map CSF No. 5525, Survey of Addition to Nanakuli Forest Reserve, dated December 13, 1929, with metes-and-bounds description in document CSF No. 5525, dated December 14, 1929, and revised metes-and-bounds description in document CSF No. 9989, dated May 10, 1944.
- 1941: Thomas J. K. Evans, Assistant Government Surveyor, surveyed a portion of the exterior boundary of the Hawaiian Home Lands, Nanakuli Tract, as depicted on map CSF No. 9614, Survey of Portions of Government (Crown) Land of Nanakuli, dated December 17, 1941, revised March 23, 1943, and February 8, 1945, with metes-and-bounds description in document CSF No. 9614, dated December 17, 1941, and revised metes-and-bounds description in document CSF No. 9845, dated March 20, 1943, revised February 8, 1945.



- 1962: The United States of America conveyed the former U.S. Military Reservation of Nanakuli (Camp Andrews) to the State of Hawaii, in Deed dated December 18, 1962, and recorded in Liber 4427, Page 279 (Land Office Deed No. S-19823).
- 1964: The State of Hawaii exchanged the former U.S. Military Reservation (Camp Andrews), described as the former Nanakuli High School Lot, with the Department of Hawaiian Home Lands, as depicted on map CSF No. 14297, dated May 28, 1964, amended November 11, 1971, containing 30.05 acres, with metes-and-bounds description in document CSF No. 14297, dated May 28, 1964.
- 1975: A portion of the lands depicted on map RM No. 2535, was returned to the Hawaiian Home Lands, as depicted on map CSF No. 17486, dated June 17, 1975, with metes-and-bounds description in document CSF No. 17486, dated June 17, 1975.
- 1977: A portion of the Hawaiian Home Lands, Nanakuli Tract, was surveyed for the Nanakuli Multi-School Complex, as depicted on map CSF No. 18184, Survey of Nanakuli Multi-School Complex, dated December 7, 1977, with metes-and-bounds description in document CSF No. 18184, dated December 7, 1977.
- 1986: The Department of Hawaiian Home Lands conveyed the Nanakuli Multi-School Complex to the State of Hawaii in 1986, in Exchange Deed, recorded March 25, 1986, in Book No. 20578, Page 52, (Land Office Deed No. S-27687).
- 1996: The State of Hawaii, Survey Division, surveyed a portion of the former U.S. Military Reservation (Camp Andrews), as depicted on map CSF No. 22527, dated November 1, 1996, containing 13.57 acres, with metes-and-bounds description in document CSF No. 22527, dated November 1, 1996.
- 1997: The State of Hawaii conveyed that portion of the former U.S. Military Reservation (Camp Andrews), as depicted on map CSF No. 22527, to the Department of Hawaiian Home Lands by Quitclaim Deed, recorded July 21, 1997, in Document No. 97-096574.
- 2000: The State of Hawaii, Survey Division, corrected the location of that parcel shown on map CSF No. 22527, as depicted on map CSF No. 23051, dated November 28, 2000, containing 14.98 acres, with metes-and-bounds description in document CSF No. 23051, dated November 28, 2000. The remainder of the former U.S. Military Reservation (Camp Andrews), was depicted on map CSF No. 23049, dated November 28, 2000, with metes-and-bounds description in document CSF No. 23049, dated November 28, 2000.
- 2000: The State of Hawaii corrected the conveyance to the Department of Hawaiian Home Lands, of that parcel described in Quitclaim Deed, recorded July 21, 1997, in Document No. 97-096574, by conveying that parcel depicted on Map CSF No. 23049, in Correction Deed, recorded September 10, 2001, in Document No. 2001-143658 (Land Office Deed No. S-28201).



The boundaries described above are highlighted in yellow on the maps included herein as Attachment No. 1. Copies of the referenced land survey records and land title documents are included herein as Attachment No. 2. In addition to the above boundary surveys, there have been numerous subdivision surveys within the Nanakuli Tract, and the adjoining parcels, which have added many monuments on the exterior boundary of the Nanakuli Tract and the boundaries of the inholdings. Over 90 additional survey records were evaluated during the preparation of this Land Surveyor Report, that provide additional boundary survey data on the exterior boundary of the Nanakuli Tract and the boundaries of the inholdings. A list of all survey records evaluated is included herein as Attachment No. 3. This list is not intended to contain every record associated with the tract; only the most relevant documents are included.

Unless otherwise noted, all land survey records are filed in the State of Hawaii, Department of Accounting and General Services, Land Survey Office, in Honolulu, Hawaii, and available online at <http://dhs.hawaii.gov/survey/>, and all land title documents are recorded in the State of Hawaii, Bureau of Conveyances, and available online at <https://rec.ehawaii.gov/>.

Conclusions

The boundary surveys described herein contain courses and distances, with monument descriptions at angle points, and are sufficient to locate the exterior boundary of the Nanakuli Tract and the boundaries of the inholdings. However, due to the passage of time since the original surveys, and the number of improvements along portions of the exterior boundary and the boundaries of the inholdings, a significant number of the original monuments are expected to be lost, obliterated, or in poor condition. A new boundary survey is recommended, in order to preserve and protect the physical location of the exterior boundary and the boundaries of the inholdings, determine the existence and extent of potential encroachments, and to provide updated measurements, areas, and survey records for future management and protection of the Hawaiian Home Lands.

Recommendations

1. Conduct a boundary survey of the exterior boundary of the Nanakuli Tract, and the boundaries of all inholdings within the tract.
2. Locate & document all encroachments on the exterior boundary of the Nanakuli Tract, and on the boundaries of the inholdings within the tract.

The acreage of the parcel described on the attached documents will be determined during the course of this survey.

This report correctly represents the records and documents evaluated by me or under my direct supervision in conformance with the requirements of the Department of the Interior *Standards for Federal Lands Boundary Evidence*, of the parcel(s) of land identified.

4



Name: DOI Cadastral Land Surveyor <i>R. EDWARD PATTON JR.</i>	Office, Title and Contact Information:	Date:
[Signature]	Supervisory Land Surveyor, Hawaiian Islands Field Unit, Oahu, Hawaii	Dec. 18, 2018
<i>R. Edward Patton Jr.</i>		

This report correctly represents the records and documents evaluated under my direction and control and in conformance with the requirements of the Department of the Interior *Standards for Federal Lands Boundary Evidence*, of the parcel(s) of land identified.

Name: Certified DOI Land Surveyor <i>Mr. D. M.</i>	Contact Information:	Date:
[Signature]	916-978-4323	7/13/2019
<i>DR. L. KENNER</i>		

Authorized Officer:

☐ I concur with the above recommendation(s) and:

☐ Additional funding is not required.

☐ Funding for the recommended action(s) is authorized in the amount of \$ _____
Cost code: _____

☐ Funding for the recommended action(s) will be provided at a later date.

☐ I do not accept the above recommendation(s) for the following reason(s):

Comment:

Authorized Officer Name:	Office, Title and Contact Information:	Date:
[Signature]		

This report is to be retained in the official case file.

5



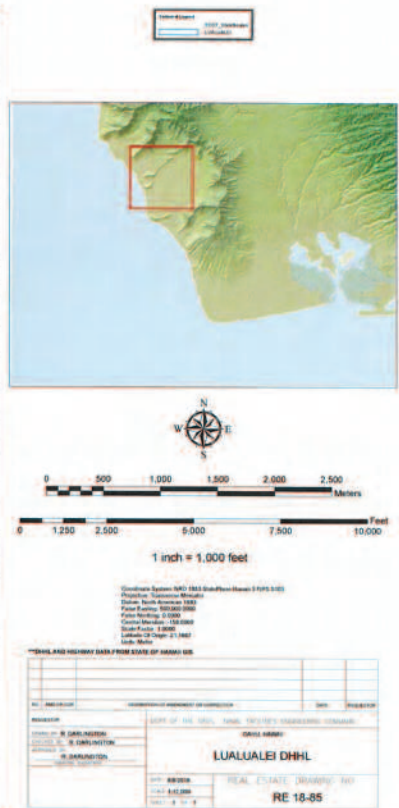


Exhibit "A-2"

Land Surveyor Report Hawaiian Home Lands, Lualualei Tract

Final Determination by the Certified DOI Land Surveyor:

Boundary Survey of the Hawaiian Home Lands, Lualualei Tract, as recommended in the 1991 BLM Report on the Survey Needs for the Hawaiian Home Lands, and authorized in the Inter-Agency Agreement No. 4500117875, dated February 9, 2018, between the BLM California and Hawaii Branch of Cadastral Survey, and the U.S. Department of the Interior, Office of Native Hawaiian Relations.

A review of the above request has been completed and the following determinations have been made by the DOI Land Surveyor or Certified Federal Surveyor:

<i>(Check one)</i>	
<input type="checkbox"/>	The land surveys are acceptable for the stated purpose, see comments below.
<input type="checkbox"/>	The [land description / land surveys] has/have potential problems as noted below; however, the risk appears minor and the action within the stated purpose should not be affected.
<input type="checkbox"/>	The [land description / land surveys] has/have potential problems and should not be used for the stated purpose. The following errors and/or concerns as noted below need to be corrected/addressed before this/these [land description / land surveys] should be used.
<input checked="" type="checkbox"/>	A boundary survey is required. (See cost/time estimate below)

Recommendations/Comments/Concerns/Corrections:

Introduction

This Land Surveyor Report recommends a boundary survey of the Lualualei Tract, in order to preserve and protect the physical location of the exterior boundary, determine the existence and extent of potential encroachments, and to provide updated measurements, areas, and survey records for future management and protection of the Hawaiian Home Lands.

Significant changes to the lands contained in the Hawaiian Home Lands Trust have occurred since the passage of the Hawaiian Homes Commission Act of 1920, and the 1991 BLM Report on the Survey Needs for the Hawaiian Home Lands. This Land Surveyor Report on the current exterior boundary of the Lualualei Tract, and the boundaries of the inholdings, is based on information provided by the State of Hawaii, Department of Hawaiian Home Lands, Department of Accounting and General Services (DAGS) Survey Office, Bureau of Conveyances, and the County of Honolulu. A comprehensive study of the changes to the lands contained in the

Hawaiian Home Lands Trust that have occurred since the passage of the Hawaiian Homes Commission Act of 1920, and the 1991 BLM Report, is beyond the scope of this Land Surveyor Report.

History of Pertinent Official Surveys

- 1901: J.S. Emerson, Hawaii Territory Surveyor, surveyed the Government Reserve Lot, & Public Lands General Lease No. 535, as depicted on Register Map (RM) No. 2040, Hawaii Territory Survey of Portion of Luahalei, dated October 1901, with additions dated June 1907. A portion of this boundary is described by metes-and-bounds in document Copy Survey Furnished (CSF) No. 1079, A Portion of the Government Land of Luahalei, Waianae, Oahu, Proposed to be Leased to the Waianae Plantation, dated October 9, 1901, per map RM No. 2040.
- 1906: Fred E. Harvey, Assistant Government Surveyor, surveyed the Limestone Lot, Grant 5006 to Willard E. Brown, as depicted on RM No. 2345, Hawaii Territory Survey of Portion of Luahalei, Waianae, Oahu, dated March 1906. A portion of this boundary is described by metes-and-bounds in document CSF No. 1768, Limestone Lot, Luahalei, Waianae, Oahu, Grant 5006 to Willard E. Brown, dated March 21, 1906.
- 1906: George F. Wright, Assistant Government Surveyor, surveyed the Luahalei Cane Lands, Waianae, Oahu, as depicted on RM No. 2359, dated May 1906.
- 1911: S.W. Toy, Assistant Government Surveyor, surveyed the Waianae Homesteads, Waianae, Oahu, as depicted on Hawaii Territory Survey (HTS) No. 2030, dated September 1911.
- 1911: H.H. Allen, Assistant Government Surveyor, surveyed the Luahalei Homesteads, Third Series, Waianae, Oahu, as depicted on Hawaii Territory Survey (HTS) No. 2027, dated November 1911.
- 1912: The Territory of Hawaii, Survey Department, compiled a map of the Luahalei Reservoir Site, Luahalei, Waianae, Oahu, as depicted on map CSF No. 3302, and described by metes-and-bounds in document CSF No. 3302, Luahalei Reservoir Site, Portion of Government Land, Luahalei, Waianae, Oahu, dated January 17, 1912.
- 1912: The Territory of Hawaii, Survey Department, compiled a map of the Luahalei Camp Site No. 2, Luahalei, Waianae, Oahu, as depicted on map CSF No. 2385, and described by metes-and-bounds in document CSF No. 2385, Luahalei Camp Site No. 2, Luahalei, Waianae, Oahu, dated January 25, 1912.
- 1919: George T. Wright, Surveyor, surveyed the Luahalei Reservoir Site, Luahalei, Waianae, Oahu, as depicted on map CSF No. 2386, and described by metes-and-bounds in document CSF No. 2386, Luahalei Reservoir, Luahalei, Waianae, Oahu, dated November 24, 1919.
- 1921: The Territory of Hawaii, Survey Department, compiled a map of the Government Reserve Lot, Luahalei, Waianae, Oahu, as depicted on map CSF No. 3701, and described by

metes-and-bounds in document CSF No. 3701, Government Reserve Lot, Luahalei, Waianae, Oahu, dated December 13, 1921.

1923: The Territory of Hawaii, Survey Department, compiled a map of the Government Remainder, Parcel A, Palheeche Ridge, Waianae, Oahu, as depicted on map CSF No. 4025, and described by metes-and-bounds in document CSF No. 4025, Government Remainder, Parcel A, Palheeche Ridge, Waianae, Oahu, dated September 17, 1923.

1923: The Territory of Hawaii, Survey Department, compiled a map of the Government Remainder, Parcel B, Kuwale Pali, Waianae, Oahu, as depicted on map CSF No. 4026, dated July 17, 1923, and described by metes-and-bounds in document CSF No. 4026, Government Remainder, Parcel B, Kuwale Pali, Waianae, Oahu, dated September 17, 1923.

1923: The Territory of Hawaii, Survey Department, compiled a map of the Government Remainder, Parcel C, Kaaopuu Pali, Waianae, Oahu, as depicted on map CSF No. 4027, dated July 17, 1923, and described by metes-and-bounds in document CSF No. 4027, Government Remainder, Parcel C, Kaaopuu Pali, Waianae, Oahu, dated September 17, 1923.

1923: The Territory of Hawaii, Survey Department, compiled a map of the Government Remainder, Parcel D, Puia, Waianae, Oahu, as depicted on map CSF No. 4028, dated July 16, 1923, and described by metes-and-bounds in document CSF No. 4028, Government Remainder, Parcel D, Puia, Waianae, Oahu, dated September 17, 1923.

1923: The Territory of Hawaii, Survey Department, compiled a map of the Government Remainder, Parcel E, Lots 21 to 25 and 28 to 32 Inclusive, Waianae Homesteads, Waianae, Oahu, as depicted on map CSF No. 4029, dated July 19, 1923, and described by metes-and-bounds in document CSF No. 4029, Government Remainder, Parcel E, Lots 21 to 25 and 28 to 32 Inclusive, Waianae Homesteads, Waianae, Oahu, dated September 17, 1923.

1923: The Territory of Hawaii, Survey Department, compiled a map of the Government Remainder, Parcel F, Luahalei, Waianae, Oahu, as depicted on map CSF No. 4030, dated July 23, 1923, and described by metes-and-bounds in document CSF No. 4030, Government Remainder, Parcel F, Luahalei, Waianae, Oahu, dated September 17, 1923.

1925: The Territory of Hawaii, Survey Department, compiled a map of the Government Remnants adjoining Luahalei Reservoir, Luahalei, Waianae, Oahu, as depicted on map CSF No. 4304, dated May 7, 1925, and described by metes-and-bounds in document CSF No. 4304, Government Remnants, Luahalei, Waianae, Oahu, dated May 8, 1925.

1935: The Territory of Hawaii, Survey Department, compiled a map of Camp Site No. 2, Luahalei Homesteads, Third Series, Luahalei, Waianae, Oahu, as depicted on map CSF No. 7446, and described by metes-and-bounds in document CSF No. 7446, Camp Site No. 2, Luahalei Homesteads, Third Series, Luahalei, Waianae, Oahu, dated December 13, 1921.

1940: The Territory of Hawaii, Survey Department, compiled a map of the Mount Kuwale Quarry Site and Railroad Right-of-Way, Waianae Kai and Luahalei, Waianae, Oahu, as depicted



on map CSF No. 9318-9319, dated August 26, 1940, and described by metes-and-bounds in document CSF No. 9318, Mount Kuwale Quarry Site, Lualualei, Waianae, Oahu, dated September 27, 1940, and described by metes-and-bounds in document CSF No. 9319, Railroad Right-of-Way, Lualualei, Waianae, Oahu, dated September 27, 1940.

1944: The Territory of Hawaii, Survey Department, compiled a map of Government Tracts in Waianae and Lualualei, Waianae, Oahu, as depicted on map CSF No. 10085, dated September 27, 1944, and described by metes-and-bounds in document CSF No. 10085, Government Tracts in Waianae and Lualualei, Waianae, Oahu, dated October 6, 1944.

1951: The Territory of Hawaii, Survey Department, compiled a map of a portion of the Hawaiian Home Land of Lualualei, as depicted on map CSF No. 11185, Portion of the Hawaiian Home Land of Lualualei, on the southeasterly slope of Pahoeche Ridge across Pahoeche Road from Lots 134 and 148, Lualualei Homesteads, 3rd Series, Lualualei, Waianae, Oahu, dated March 7, 1951, and described by metes-and-bounds in document CSF No. 11185, Portion of the Hawaiian Home Land of Lualualei, on the southeasterly slope of Pahoeche Ridge across Pahoeche Road from Lots 134 and 148, Lualualei Homesteads, 3rd Series, Lualualei, Waianae, Oahu, dated March 8, 1951.

1962: The State of Hawaii, Survey Division, compiled a map of the Lualualei Reservoir Site, Lualualei, Waianae, Oahu, as depicted on map CSF No. 13879, dated October 24, 1962, and described by metes-and-bounds in document CSF No. 13879, Lualualei Reservoir, Lualualei, Waianae, Oahu, dated October 24, 1962.

1963: The State of Hawaii, Survey Division, compiled a map of the Lualualei Reservoir Site and Adjacent Government Land, Piece 2, Lualualei, Waianae, Oahu, as depicted on map CSF No. 13913, dated January 29, 1963, and described by metes-and-bounds in document CSF No. 13913, Lualualei Reservoir Site and Adjacent Government Land, Piece 2, Lualualei, Waianae, Oahu, dated January 29, 1963.

1968: The State of Hawaii, Survey Division, compiled a map of the Hawaiian Home Lands of Waianae and Lualualei, Parcel 4, Waianae Valley and Lualualei, Waianae, Oahu, as depicted on map CSF No. 15451, dated February 5, 1968, and described by metes-and-bounds in document CSF No. 15451, Hawaiian Home Lands of Waianae and Lualualei, Parcel 4, Waianae Valley and Lualualei, Waianae, Oahu, dated February 5, 1968.

1973: The State of Hawaii, Survey Division, compiled a map of the Hawaiian Home Land of Lualualei, being a portion of the former Lualualei Reservoir Site, Lualualei, Waianae, Oahu, as depicted on map CSF No. 16871, dated May 7, 1973, and described by metes-and-bounds in document CSF No. 16871, Hawaiian Home Land of Lualualei, Lualualei, Waianae, Oahu, dated May 7, 1973.

1975: Jerry S. Nakagawa, Registered Professional Land Surveyor No. 1698, William Hee and Associates, Inc., surveyed the Pokai Bay Estates – Unit II, Lualualei, Waianae, Oahu, as depicted on map File Plan (FP) No. 1429, filed January 22, 1975.

1975: Jerry S. Nakagawa, Registered Professional Land Surveyor No. 1698, William Hee and Associates, Inc., surveyed the Pokai Bay Estates – Unit II-A, Lualualei, Waianae, Oahu, as depicted on map File Plan (FP) No. 1471, filed October 20, 1975.

1994: Ronald Casuga, Registered Professional Land Surveyor No. 4332, Community Planning, Inc., surveyed the Village Pokai Bay Subdivision – Phase II, Lualualei, Waianae, Oahu, as depicted on map File Plan (FP) No. 2113, filed April 8, 1994, and described by metes-and-bounds in Recorded Document No. 1994-061696.

2004: Ryan M. Suzuki, Registered Professional Land Surveyor No. 10059, R.M. Towill Corporation, surveyed the Pahoeche Ridge Subdivision, Lualualei, Waianae, Oahu, as depicted on map File Plan (FP) No. 2365, filed January 12, 2004, and described by metes-and-bounds in Recorded Document No. 2004-006055. Other than as noted, there is no description of monuments either recovered or set during the course of this survey.

2005: Russell Figueiroa, Registered Professional Land Surveyor No. 4729, R.M. Towill Corporation, surveyed the Pahoeche Ridge Subdivision (Amended), Lualualei, Waianae, Oahu, as depicted on map File Plan (FP) No. 2389, filed April 23, 2005, and described by metes-and-bounds in Recorded Document No. 2005-080873. Other than as noted on the map, there is no description of monuments either recovered or set during the course of this survey.

2007: Gary S. Takamoto, Registered Professional Land Surveyor No. 7946, ControlPoint Surveying, Inc., surveyed the Keola O Pokai Bay Subdivision, Lualualei, Waianae, Oahu, as depicted on map File Plan (FP) No. 2443, filed July 31, 2007, and described by metes-and-bounds in Recorded Document No. 2007-136457. The map includes the note: Property corners not staked on ground. Pipes shown were found and accepted.

2019: Wilfred Y.K. Chin, Registered Professional Land Surveyor No. 3499, ControlPoint Surveying, Inc., surveyed the Lualualei Homestead Subdivision, Lualualei, Waianae, Oahu, as depicted on map File Plan (FP) No. (not filed as of February 5, 2019). This portion of the exterior boundary of the Lualualei Tract is fully documented and monumented, & needs no additional survey work. The map includes the note: All boundary corners marked with pipes unless otherwise noted.

The boundaries described above are highlighted in yellow on the maps included herein as Attachment No. 1. Copies of the referenced land survey records and land title documents are included herein as Attachment No. 2. A complete list of the survey records evaluated is included herein as Attachment No. 3. This list is not intended to contain every record associated with the tract; only the most relevant documents are included.

Unless otherwise noted, all land survey records are filed in the State of Hawaii, Department of Accounting and General Services, Land Survey Office, in Honolulu, Hawaii, and available online at <http://dags.hawaii.gov/survey/>, and all land title documents are recorded in the State of Hawaii, Bureau of Conveyances, and available online at <https://doc.hawaii.gov/>.



Conclusions

The boundary surveys described herein are sufficient to locate the exterior boundary of the Luahalei Tract. However, due to the passage of time since the original surveys, and the number of improvements along portions of the exterior boundary, a significant number of the original monuments are expected to be lost, obliterated, or in poor condition. A new boundary survey is recommended, in order to preserve and protect the physical location of the exterior boundary, determine the existence and extent of potential encroachments, and to provide updated measurements, areas, and survey records for future management and protection of the Hawaiian Home Lands.

Recommendations

I recommend the following:

1. Conduct a boundary survey of the exterior boundary of the Luahalei Tract.
2. Locate & document all encroachments on the exterior boundary of the Luahalei Tract.

The acreage of the parcels described on the attached documents will be determined during the course of this survey.



This report correctly represents the records and documents evaluated by me or under my direct supervision in conformance with the requirements of the Department of the Interior Standards for Federal Lands Boundary Evidence, of the parcel(s) of land identified.

Name: DOI Cadastral Land Surveyor R. EDWARD ARROW JR. [Signature]	Office, Title and Contact Information: Supervisory Land Surveyor, Hawaiian Islands Field Unit, Oahu, Hawaii	Date: Feb. 2, 2019
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This report correctly represents the records and documents evaluated under my direction and control and in conformance with the requirements of the Department of the Interior Standards for Federal Lands Boundary Evidence, of the parcel(s) of land identified.

Name: Certified DOI Land Surveyor [Signature] J. L. KETLER	Contact Information: 916-978-4323	Date: 2/13/2019
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Authorized Officer:

☐ I concur with the above recommendation(s) and:

☐ Additional funding is not required.

☐ Funding for the recommended action(s) is authorized in the amount of \$ _____
Cost code: _____

☐ Funding for the recommended action(s) will be provided at a later date.

☐ I do not accept the above recommendation(s) for the following reason(s):

Comment:

Authorized Officer Name: [Signature]	Office, Title and Contact Information:	Date:
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This report is to be retained in the official case file.



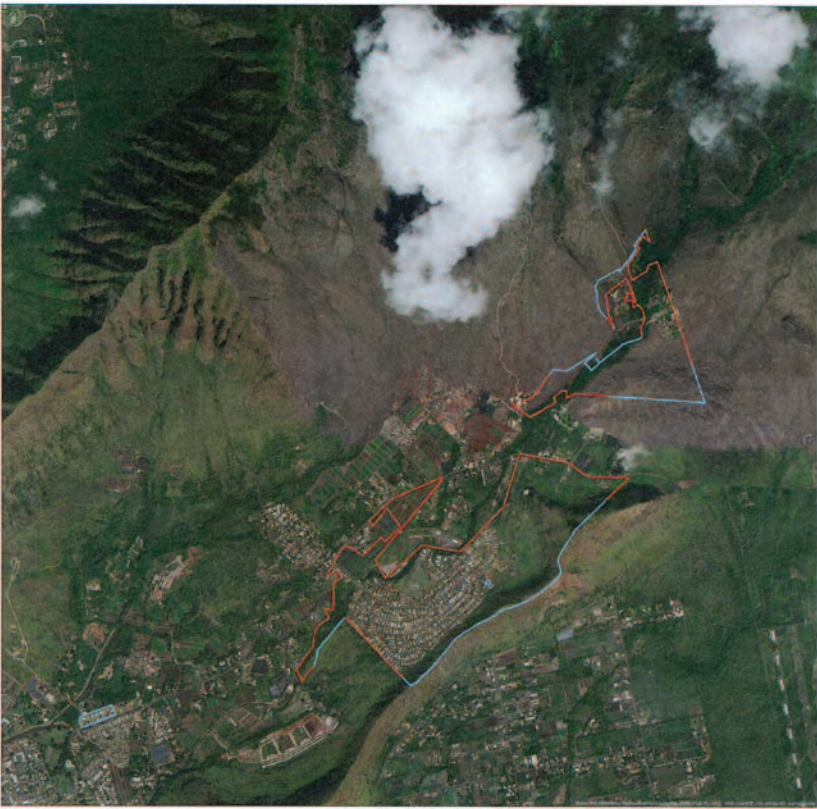


Exhibit "A-3"

Land Surveyor Report
Hawaiian Home Lands, Waianae Tract

Final Determination by the Certified DOI Land Surveyor:

Boundary Survey of the Hawaiian Home Lands, Waianae Tract, as recommended in the 1991 BLM Report on the Survey Needs for the Hawaiian Home Lands, and authorized in the Inter-Agency Agreement No. 4500117875, dated February 9, 2018, between the BLM California and Hawaii Branch of Cadastral Survey, and the U.S. Department of the Interior, Office of Native Hawaiian Relations.

A review of the above request has been completed and the following determinations have been made by the DOI Land Surveyor or Certified Federal Surveyor:

(Check one)	
<input type="checkbox"/>	The land surveys are acceptable for the stated purpose, see comments below.
<input type="checkbox"/>	The [land description / land surveys] has/have potential problems as noted below; however, the risk appears minor and the action within the stated purpose should not be affected.
<input type="checkbox"/>	The [land description / land surveys] has/have potential problems and should not be used for the stated purpose. The following errors and/or concerns as noted below need to be corrected/addressed before this/these [land description / land surveys] should be used.
<input checked="" type="checkbox"/>	A boundary survey is required. (See cost/time estimate below)

Recommendations/Comments/Concerns/Corrections:

Introduction

This Land Surveyor Report recommends a boundary survey of the Waianae Tract, in order to preserve and protect the physical location of the exterior boundary, determine the existence and extent of potential encroachments, and to provide updated measurements, areas, and survey records for future management and protection of the Hawaiian Home Lands.

Significant changes to the lands contained in the Hawaiian Home Lands Trust have occurred since the passage of the Hawaiian Homes Commission Act of 1920, and the 1991 BLM Report on the Survey Needs for the Hawaiian Home Lands. This Land Surveyor Report on the current exterior boundary of the Waianae Tract is based on information provided by the State of Hawaii, Department of Hawaiian Home Lands, Department of Accounting and General Services (DAGS) Survey Office, Bureau of Conveyances, and the County of Honolulu. A comprehensive study of the changes to the lands contained in the Hawaiian Home Lands Trust that have occurred since

the passage of the Hawaiian Homes Commission Act of 1920, and the 1991 BLM Report, is beyond the scope of this Land Surveyor Report.

History of Pertinent Official Surveys

- 1901: J.S. Emerson, Hawaii Territory, Surveyor, surveyed the Government Reserve Lot, & Public Lands General Lease No. 535, as depicted on Register Map (RM) No. 2040, Hawaii Territory Survey of Portion of Lualualei, dated October 1901, with additions dated June 1907. A portion of this boundary is described by metes-and-bounds in document Copy Survey Furnished (CSF) No. 1079, A Portion of the Government Land of Lualualei, Wai'anae, Oahu, Proposed to be Leased to the Wai'anae Plantation, dated October 9, 1901, per map RM No. 2040.
- 1906: George F. Wright, Assistant Government Surveyor, surveyed the Lualualei Cane Lands, Wai'anae, Oahu, as depicted on RM No. 2359, dated May 1906.
- 1911: S.W. Tay, Assistant Government Surveyor, surveyed the Wai'anae Homesteads, Wai'anae, Oahu, as depicted on Hawaii Territory Survey (HTS) No. 2030, dated September 1911.
- 1923: The Territory of Hawaii, Survey Department, compiled a map of the Government Remainder, Parcel B, Kuwale Pali, Wai'anae, Oahu, as depicted on map CSF No. 4026, dated July 17, 1923, and described by metes-and-bounds in document CSF No. 4026, Government Remainder, Parcel B, Kuwale Pali, Wai'anae, Oahu, dated September 17, 1923.
- 1923: The Territory of Hawaii, Survey Department, compiled a map of the Government Remainder, Parcel D, Paea, Wai'anae, Oahu, as depicted on map CSF No. 4028, dated July 16, 1923, and described by metes-and-bounds in document CSF No. 4028, Government Remainder, Parcel D, Paea, Wai'anae, Oahu, dated September 17, 1923.
- 1923: The Territory of Hawaii, Survey Department, compiled a map of the Government Remainder, Parcel E, Lots 21 to 25 and 28 to 32 inclusive, Wai'anae Homesteads, Wai'anae, Oahu, as depicted on map CSF No. 4029, dated July 19, 1923, and described by metes-and-bounds in document CSF No. 4029, Government Remainder, Parcel E, Lots 21 to 25 and 28 to 32 inclusive, Wai'anae Homesteads, Wai'anae, Oahu, dated September 17, 1923.
- 1923: The Territory of Hawaii, Survey Department, compiled a map of the Government Remainder, Parcel F, Lualualei, Wai'anae, Oahu, as depicted on map CSF No. 4030, dated July 23, 1923, and described by metes-and-bounds in document CSF No. 4030, Government Remainder, Parcel F, Lualualei, Wai'anae, Oahu, dated September 17, 1923.
- 1928: The Territory of Hawaii, Survey Department, surveyed the Wai'anae House Lots, Wai'anae, Oahu, as depicted on map RM No. 2807, dated October 1928.
- 1936: The Territory of Hawaii, Survey Department, compiled a map of Parcel H, Wai'anae Government Reminders, Wai'anae Valley, Wai'anae, Oahu, as depicted on map CSF No. 4714, dated November 14, 1936, and described by metes-and-bounds in document CSF No. 4714,

Parcel H, Wai'anae Government Remainder, Wai'anae Valley, Wai'anae, Oahu, dated November 17, 1936.

- 1940: The Territory of Hawaii, Survey Department, compiled a map of the Mount Kuwale Quarry Site and Railroad Right-of-Way, Wai'anae Kai and Lualualei, Wai'anae, Oahu, as depicted on map CSF No. 9318-9319, dated August 26, 1940, and described by metes-and-bounds in document CSF No. 9318, Mount Kuwale Quarry Site, Lualualei, Wai'anae, Oahu, dated September 27, 1940, and described by metes-and-bounds in document CSF No. 9319, Railroad Right-of-Way, Lualualei, Wai'anae, Oahu, dated September 27, 1940.
- 1943: The Territory of Hawaii, Survey Department, compiled a map of the Wai'anae Kai Forest Reserve, Wai'anae Kai, Oahu, as depicted on map CSF No. 9940, dated November 16, 1943, and described by metes-and-bounds in document CSF No. 9940, Wai'anae Kai Forest Reserve, Wai'anae Kai, Oahu, dated November 16, 1943.
- 1944: The Territory of Hawaii, Survey Department, compiled a map of Government Tracts in Wai'anae and Lualualei, Wai'anae, Oahu, as depicted on map CSF No. 10085, dated September 27, 1944, and described by metes-and-bounds in document CSF No. 10085, Government Tracts in Wai'anae and Lualualei, Wai'anae, Oahu, dated October 6, 1944.
- 1951: The Territory of Hawaii, Survey Department, compiled a map of a portion of the Hawaiian Home Land of Lualualei, as depicted on map CSF No. 11185, Portion of the Hawaiian Home Land of Lualualei, on the southeasterly slope of Pahoehee Ridge across Pahoehee Road from Lots 134 and 148, Lualualei Homesteads, 3rd Series, Lualualei, Wai'anae, Oahu, dated March 7, 1951, and described by metes-and-bounds in document CSF No. 11185, Portion of the Hawaiian Home Land of Lualualei, on the southeasterly slope of Pahoehee Ridge across Pahoehee Road from Lots 134 and 148, Lualualei Homesteads, 3rd Series, Lualualei, Wai'anae, Oahu, dated March 8, 1951.
- 1953: The Territory of Hawaii, Survey Department, compiled a map of a Portion of Wai'anae Kai Forest Reserve, Wai'anae Kai, Oahu, as depicted on map CSF No. 11655, dated April 10, 1953, and described by metes-and-bounds in document CSF No. 11655, Wai'anae Kai Forest Reserve, Wai'anae Kai, Oahu, dated April 15, 1953.
- 1955: The Territory of Hawaii, Survey Department, compiled a map of a Portion of Wai'anae Kai Forest Reserve, Wai'anae Kai, Oahu, as depicted on map RM No. 4113, dated 1955.
- 1962: The State of Hawaii, Survey Division, compiled a map of Exchange, State of Hawaii to Hawaiian Homes Commission, Parcels 1, 2 and 3, Wai'anae Valley, Wai'anae, Oahu, as depicted on map CSF No. 13642, dated March 5, 1962, and described by metes-and-bounds in document CSF No. 13642, Exchange, State of Hawaii to Hawaiian Homes Commission, Parcels 1, 2 and 3, Wai'anae Valley, Wai'anae, Oahu, dated March 5, 1962. Exchange recorded in Liber 4301, Page 469 (Land Office Deed S-19168), on May 21, 1962.



1966: The State of Hawaii, Survey Division, compiled a map of Hawaiian Home Land of Waiānae, Waiānae Valley, Oahu, as depicted on map RM No. 4143, dated October 1966.

1966: The State of Hawaii, Survey Division, compiled a map of Hawaiian Home Lands of Waiānae, Parcels 1-A, 1-B, 2-A, 2-B, 3-A and 3-B, Waiānae Valley, Waiānae, Oahu, as depicted on map CSF No. 15094-15099, dated November 22, 1966, and described by metes-and-bounds in documents CSF No. 15094, Parcel 1-A, dated November 22, 1966, CSF No. 15095, Parcel 1-B, dated November 22, 1966, CSF No. 15096, Parcel 2-A, dated February 5, 1968, CSF No. 15097, Parcel 2-B, dated November 22, 1966, CSF No. 15098, Parcel 3-A, dated November 22, 1966, and CSF No. 15099, Parcel 3-B, dated November 22, 1966.

1968: The State of Hawaii, Survey Division, compiled a map of the Hawaiian Home Lands of Waiānae and Lualualei, Parcel 4, Waiānae Valley and Lualualei, Waiānae, Oahu, as depicted on map CSF No. 15451, dated February 5, 1968, and described by metes-and-bounds in document CSF No. 15451, Hawaiian Home Lands of Waiānae and Lualualei, Parcel 4, Waiānae Valley and Lualualei, Waiānae, Oahu, dated February 5, 1968.

1977: Walter F. Thompson, Registered Professional Land Surveyor No. 218, surveyed the Waiānae Residence Lots, Unit 1, Waiānae Valley, Waiānae, Oahu, as depicted on map File Plan (FP) No. 1516, filed March 22, 1977, and described by metes-and-bounds in Recorded Document No. Luber 12085, Pages 157-167.

1995: Lester T. Shimabukuro, Registered Professional Land Surveyor No. 2723, Towill, Shigeoka and Associates, Inc., surveyed the Waiānae Residence Lots, Unit 2A-2, Waiānae Valley, Waiānae, Oahu, as depicted on map File Plan (FP) No. 2153, filed September 1, 1995, and described by metes-and-bounds in Recorded Document No. 1995-113476.

2002: Wilfred Y.K. Chin, Registered Professional Land Surveyor No. 3499, ControlPoint Surveying, Inc., surveyed the Freitas Dairy Subdivision, Waiānae Valley, Waiānae, Oahu, as depicted on map File Plan (FP) No. 2325, filed July 3, 2002, and described by metes-and-bounds in Recorded Document No. 2002-117501.

2003: Wilfred Y.K. Chin, Registered Professional Land Surveyor No. 3499, ControlPoint Surveying, Inc., surveyed the Carlos Dairy Subdivision, Waiānae Valley, Waiānae, Oahu, as depicted on map File Plan (FP) No. 2362, filed November 25, 2003, and described by metes-and-bounds in Recorded Document No. 2003-258984.

2004: Ryan M. Suzuki, Registered Professional Land Surveyor No. 10059, R.M. Towill Corporation, surveyed the Pāheche Ridge Subdivision, Lualualei, Waiānae, Oahu, as depicted on map File Plan (FP) No. 2365, filed January 12, 2004, and described by metes-and-bounds in Recorded Document No. 2004-060605. Other than as noted, there is no description of monuments either recovered or set during the course of this survey.

2005: Russell Figueiroa, Registered Professional Land Surveyor No. 4729, R.M. Towill Corporation, surveyed the Pāheche Ridge Subdivision (Amended), Lualualei, Waiānae, Oahu,

as depicted on map File Plan (FP) No. 2389, filed April 25, 2005, and described by metes-and-bounds in Recorded Document No. 2005-080873. Other than as noted, there is no description of monuments either recovered or set during the course of this survey.

The boundaries described above are highlighted in yellow on the maps included herein as Attachment No. 1. Copies of the referenced land survey records and land title documents are included herein as Attachment No. 2. A complete list of the survey records evaluated is included herein as Attachment No. 3. This list is not intended to contain every record associated with the tract; only the most relevant documents are included.

Unless otherwise noted, all land survey records are filed in the State of Hawaii, Department of Accounting and General Services, Land Survey Office, in Honolulu, Hawaii, and available online at <http://dags.hawaii.gov/survey/>, and all land title documents are recorded in the State of Hawaii, Bureau of Conveyances, and available online at <https://luc.ehawaii.gov/>.

Conclusions

The boundary surveys described herein are sufficient to locate the exterior boundary of the Waiānae Tract. However, due to the passage of time since the original surveys, and the number of improvements along portions of the exterior boundary, a significant number of the original monuments are expected to be lost, obliterated, or in poor condition. A new boundary survey is recommended, in order to preserve and protect the physical location of the exterior boundary, determine the existence and extent of potential encroachments, and to provide updated measurements, areas, and survey records for future management and protection of the Hawaiian Home Lands.

Recommendations

- I recommend the following:
1. Conduct a boundary survey of the exterior boundary of the Waiānae Tract.
 2. Locate & document all encroachments on the exterior boundary of the Waiānae Tract.

The acreage of the parcels described on the attached documents will be determined during the course of this survey.



This report correctly represents the records and documents evaluated by me or under my direct supervision in conformance with the requirements of the Department of the Interior *Standards for Federal Lands Boundary Evidence*, of the parcel(s) of land identified.

Name: DOI Cadastre Land Surveyor R. EDWARD PATRICK	Office, Title and Contact Information:	Date:
[Signature] <i>R. Edward Patrick</i>	Supervisory Land Surveyor, Hawaiian Islands Field Unit, Oahu, Hawaii	Feb. 8, 2019

This report correctly represents the records and documents evaluated under my direction and control and in conformance with the requirements of the Department of the Interior *Standards for Federal Lands Boundary Evidence*, of the parcel(s) of land identified.

Name: Certified DOI Land Surveyor [Signature] <i>J. R. M.</i>	Contact Information:	Date:
	916-978-4323	2/13/2019

Authorized Officer:

☐ I concur with the above recommendation(s) and:

☐ Additional funding is not required.

☐ Funding for the recommended action(s) is authorized in the amount of \$ _____
Cost code: _____

☐ Funding for the recommended action(s) will be provided at a later date.

☐ I do not accept the above recommendation(s) for the following reason(s):

Comment:

Authorized Officer Name:	Office, Title and Contact Information:	Date:
[Signature]		

This report is to be retained in the official case file.



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18-19, 2021

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Approval to Issuance of Right of Entry Permit to U.S. Department of Interior, Red Plains Surveying Company, & Dudek Hawaii, Waimanalo, O'ahu, Various TMK's

APPLICANT:

U.S. DEPARTMENT OF INTERIOR, RED PLAINS SURVEYING COMPANY, & DUDEK HAWAII
"PERMITEE"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) authorize the issuance of a Right of Entry Permit, covering the subject area as described below to conduct a series of land surveying field activities which include but is not limited to traverse/location surveys and data collection, and boundary survey monumentation.

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

1. Authorize the issuance of a Right-of-Entry permit to U.S. Department of Interior covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. The premises shall be utilized strictly for boundary survey and monumentation activities as described 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;
2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR this project will probably have minimal or no significant effect on the environment.

LOCATION:

Portions of Hawaiian Home Lands situated in Waimanalo, Island of O'ahu, as identified on the table (See Exhibit "A" and delineated on the maps covering various TMK's (See Exhibit "A-1" - "A-8")

AREA:

The boundaries identified on the location maps described above covers approximately: 2,200 acres.

DISCUSSION:

The U.S. Department Interior Office of Native Hawaiian Relations presented its Federal Survey of Hawaiian Home Lands Project under a workshop to the Hawaiian Homes Commission at regular monthly meeting held on November 19, 2018 at DHHL Kapolei office. The Presentation provided the HHC with insight as to the task for which DOI is required to conduct pursuant to and in accordance with the 1995, Hawaiian Home Lands Recovery Act.

Therefore, given the requirement to survey all HHL based on the report entitled, ‘Survey Needs for the Hawaiian Home Lands’, issued by the Bureau of Land Management of the Department of Interior, dated July 21, 1991, U.S. DOI has a procured professional services contract with local surveying consultants Control Point Surveying, Inc. to support and assist in the necessary survey work to be conducted pursuant to and in accordance with the 1995, HHLRA. This initial ROE request will cover boundaries located in the Nanakuli, Lualualei, & Waianae areas on Oahu Island.

According to its informational workshop info as presented the Benefits of the Federal Survey will provide the following:

- A genealogical history of the lands going back prior to 1920 by compiling the legal authority for the transfer of lands to the Trust and the boundary lines of those lands
- Place boundary monumentation in place where none exists
- Where boundary monumentation currently exists, the survey can, through the use of modern technology, provide greater accuracy and resolve discrepancies between earlier surveys and maps
- Create a Federal Records Base that will be a powerful land management tool for current and future land development and dispositions
-

PLANNING AREA:

Waimanalo

LAND USE DESIGNATION:

Various uses Oahu Island Plan (2014), Figure 7.3 – Waimanalo Ahupuaa, and Figure 4.5 – Nanakuli Planning Area

CURRENT STATUS:

DHHL, Residential Subdivision

CHARACTER OF USE:

Land Boundary Survey

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. 2, "Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced."

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 Planning Office has reviewed the proposed action and determines it 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 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.

RECOMMENDATION:

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

Exhibit "A"
Agenda Item No. F-5

TMK	Description	Corresponding Area for Map & Scheduling
4-1-014:002	Makapu'u Beach Park	1
4-1-014:005	Kaupō Beach Park	1
4-1-014:006	Waimānalo Beach Park, Parcel E	2
4-1-003:039	Waimānalo Beach Park, (Kaiona Beach Park)	2
4-1-003:040	Waimānalo Beach Park, Parcels A-1, A-2, A-3, and B	2
4-1-011:001	Waimānalo Forest Reserve	3
4-1-008:002, 079,093-097, 099-100,104	Waimānalo Quarry and Waimānalo Hawaiian Homes Association	4
4-1-010:031- 048,076,102	Waimānalo Farm Lots	5
4-1-040:010- 055	Kumuhau (residential)	6
4-1-041:001- 049	Kaka'ina (residential)	6
4-1-003:010- 014,017-018, 021-022	8 lots east of Nakini Street to 4 lots west of Huli Street (residential)	7
4-1-016:001- 023,081-088	3 lots west of Huli Street to Bell Street (residential)	7
4-1-017:002- 014,022,024, 025	East of Bell Street (residential)	7
4-1-019:001, 032	2 lots west of Nakini Street (residential)	7
4-1-019:033	Waimānalo Kūpuna Housing (residential)	7
4-1-003:029 4-1-016:051- 054 4-1-031:019- 028,031-039	Adjacent to Blanche Pope Elementary (residential)	7
4-1-037:004, 058-061,076- 077	Nakini Street to 7 lots east (residential)	7
4-1-014:007- 008	Waimānalo Forest Reserve	7
4-1-009:271, 281, 284	Fronting Honolulu Polo Club	8
4-1-009:263, 287	East of Honolulu Polo Club, behind residential lots fronting Kalaniana'ole Highway, adjacent to State Dept. of Ag property	8
4-1-019:007- 012, 021-022, 027-031	Between Alaihi Street and Wailea Street, (residential), lots fronting Kalaniana'ole Highway and lots adjacent to State Dept. of Ag property	8
4-1-020:001- 008, 019-037,	Between Hinalea Street and Alaihi Street (residential), lots fronting Kalaniana'ole	8

048-057	Highway and lots adjacent to State Dept. of Ag and other State property	
4-1-021:001-004, 010-021, 023-030	From Aloiloi Street to Hinalea Street (residential), lots fronting Kalaniana'ole Highway and lots adjacent to Church of Jesus Christ LDS and State Dept. of Ag property	8
4-1-021:031	Hawaiian Telcom lease	8

Exhibits "A1 - A8"
Agenda Item No. F-5



SOURCE: Dudek



Exhibit "A-1"

Survey Line
Waimanalo Hawaiian Homelands

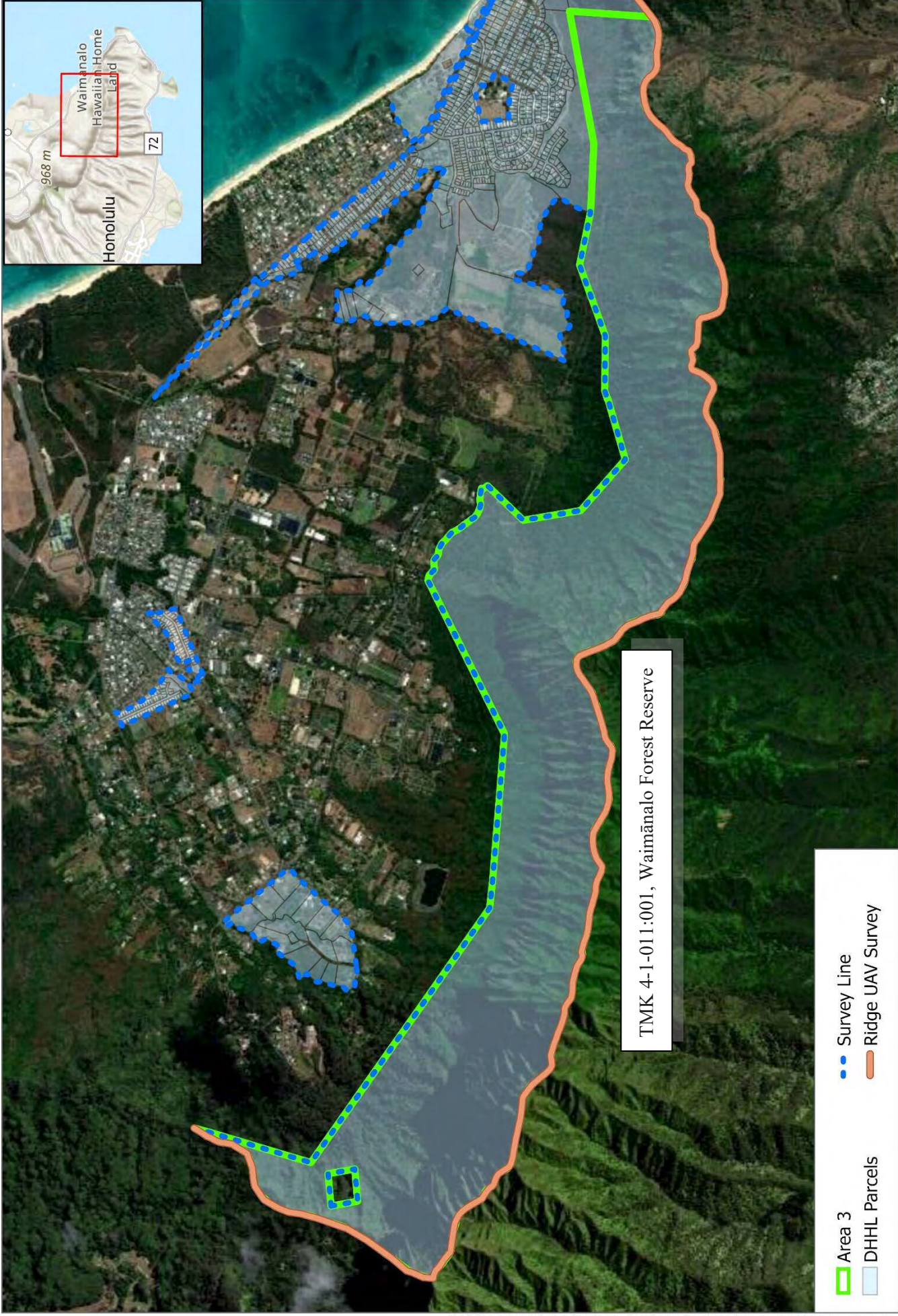


SOURCE: Dudek



Exhibit "A-2"

Survey Line
Waimanalo Hawaiian Homelands



SOURCE: Dudek



Exhibit "A-3"

Survey Line
Waimānalo Hawaiian Homelands

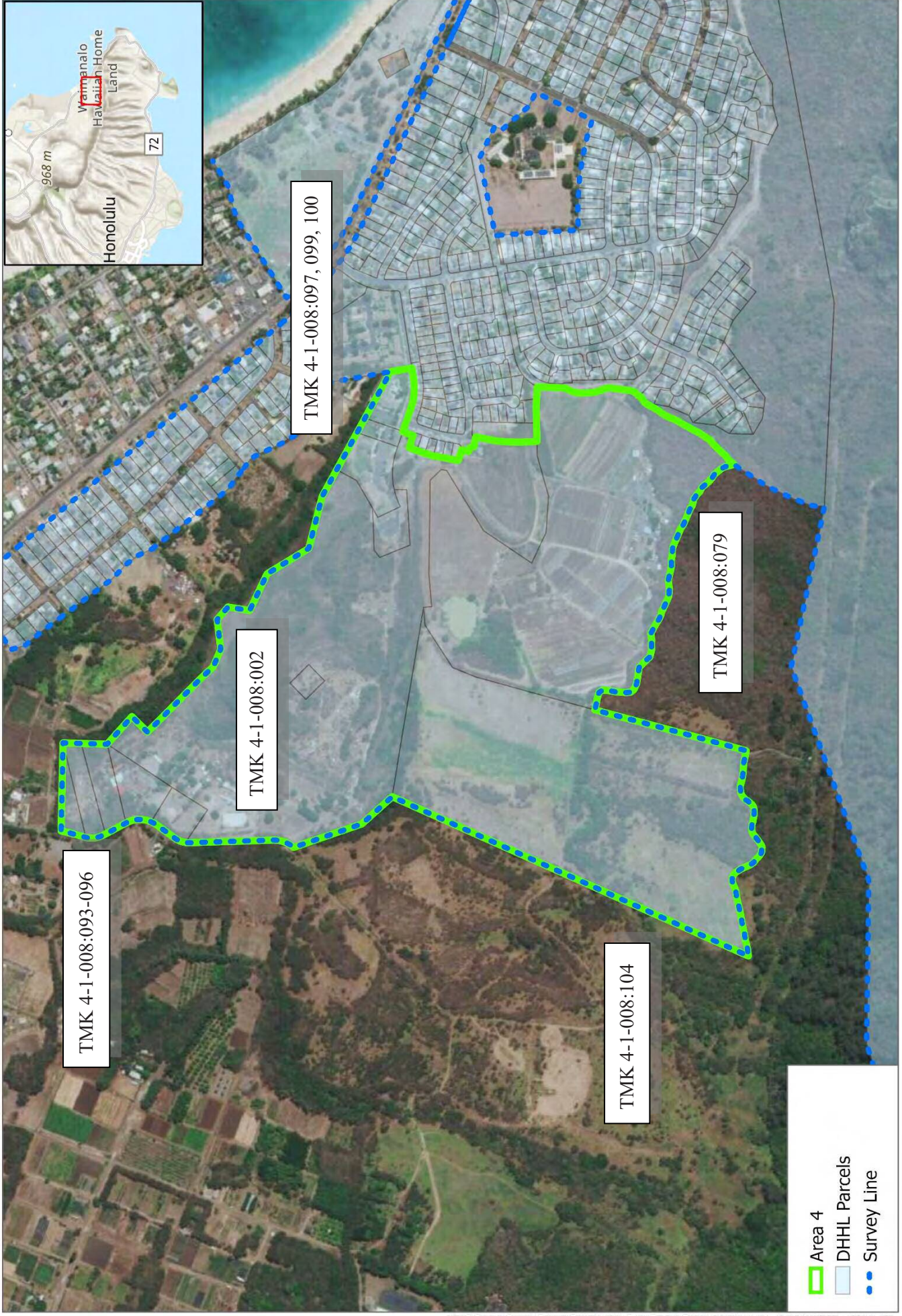


Exhibit "A-4"



SOURCE: Dudek



Exhibit "A-5"

Survey Line
Waimanalo Hawaiian Homelands

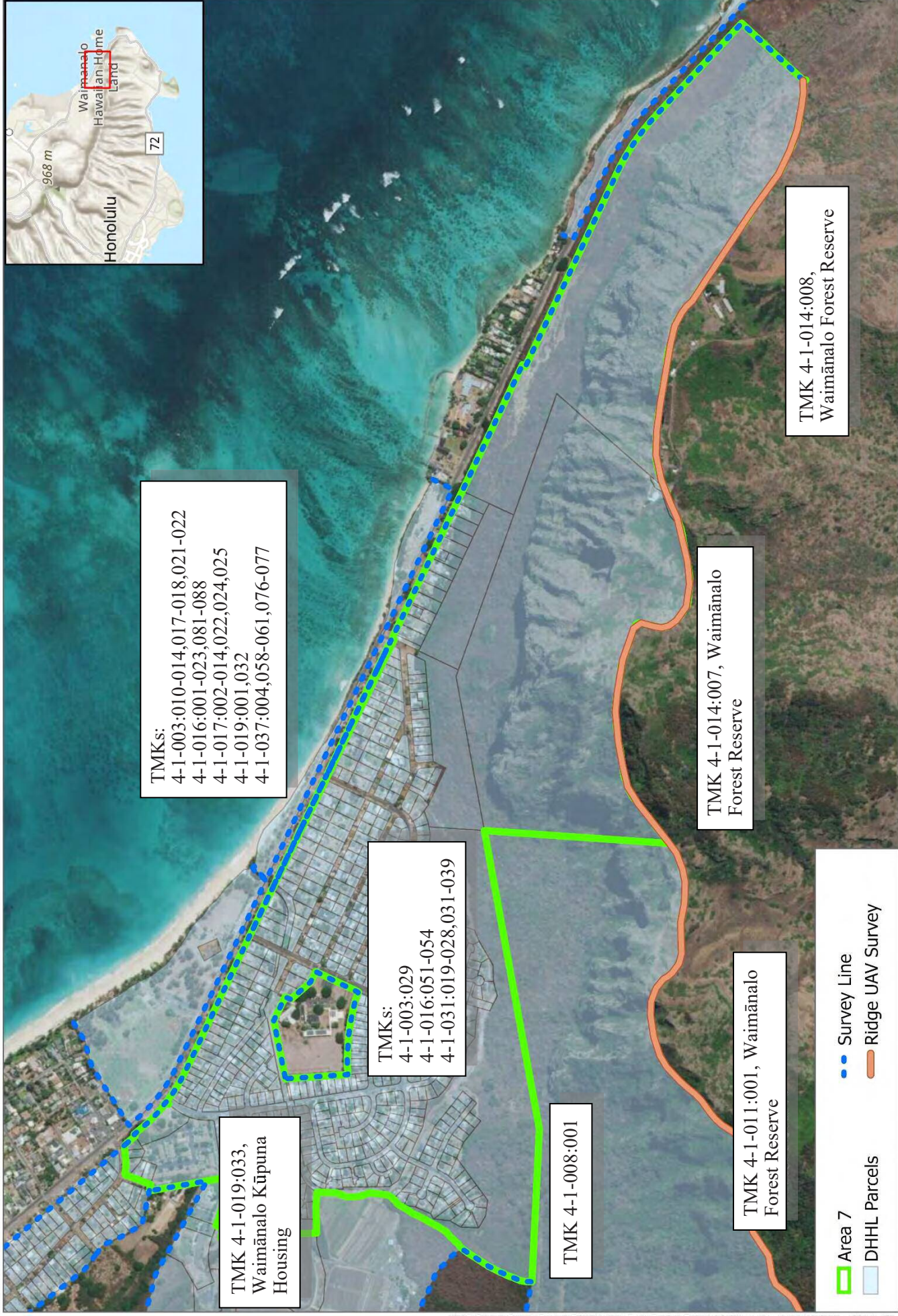


SOURCE: Dudek



Exhibit "A-6"

Survey Line
Waimanalo Hawaiian Homelands



SOURCE: Dudek

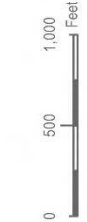


Exhibit "A-7"

Survey Line
 Waimānalo Hawaiian Homelands



SOURCE: Dudek



Exhibit "A-8"

Survey Line
Waimanalo Hawaiian Homelands

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18-19, 2021

TO: Chairman and Members, Hawaiian Homes Commission
FROM: Andrew Choy, Acting Planning Manager
SUBJECT: G-1 For Information Only – Status Update on Plan Implementation on the Island of Maui to the Hawaiian Homes Commission

RELEVANT MATERIAL WILL BE DISTRIBUTED UNDER SEPARATE COVER.

ITEM NO. G-1

STATE OF HAWAII`I
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18 - 19, 2021

To: Chairperson and Members, Hawaiian Homes Commission
From: Andrew Choy, Acting Planning Program Manager
Subject: For Information Only - Maui Water Issues and Projects

I. RECOMMENDED MOTION/ ACTION

None; for information only.

II. INTRODUCTION

This submittal to the Hawaiian Homes Commission ("HHC") provides an update of water issues and projects of significance to beneficiaries and the Department of Hawaiian Home Lands ("DHHL") on the island of Maui. 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 August 2019.

This submittal first reviews pending and existing water reservations from the Commission on Water Resource Management (CWRM), the latter of which were largely approved in 2018 but not fully addressed in the 2019 update to the HHC. The submittal next addresses pending legislation and administrative rule changes being considered by Maui County which could significantly facilitate the provision of water to DHHL lands. Finally, we update other key developments by tract. Thus, the remainder of the submittal is as follows:

III. Water Reservations for Maui Island

IV. County Ordinance and Rule Changes

V. Other Water Updates by Tract

- (1) Kēōkea-Waiohuli (Upcountry);
- (2) Honokōwai-Leiali'i;

- (3) Pūlehunui;
- (4) East Maui tracts Ke'anae, Wailua, and Wākiu;
- (5) Kahikinui; and
- (6) Central Maui (Waiehu, Paukūkalu)

VI. CONCLUSION

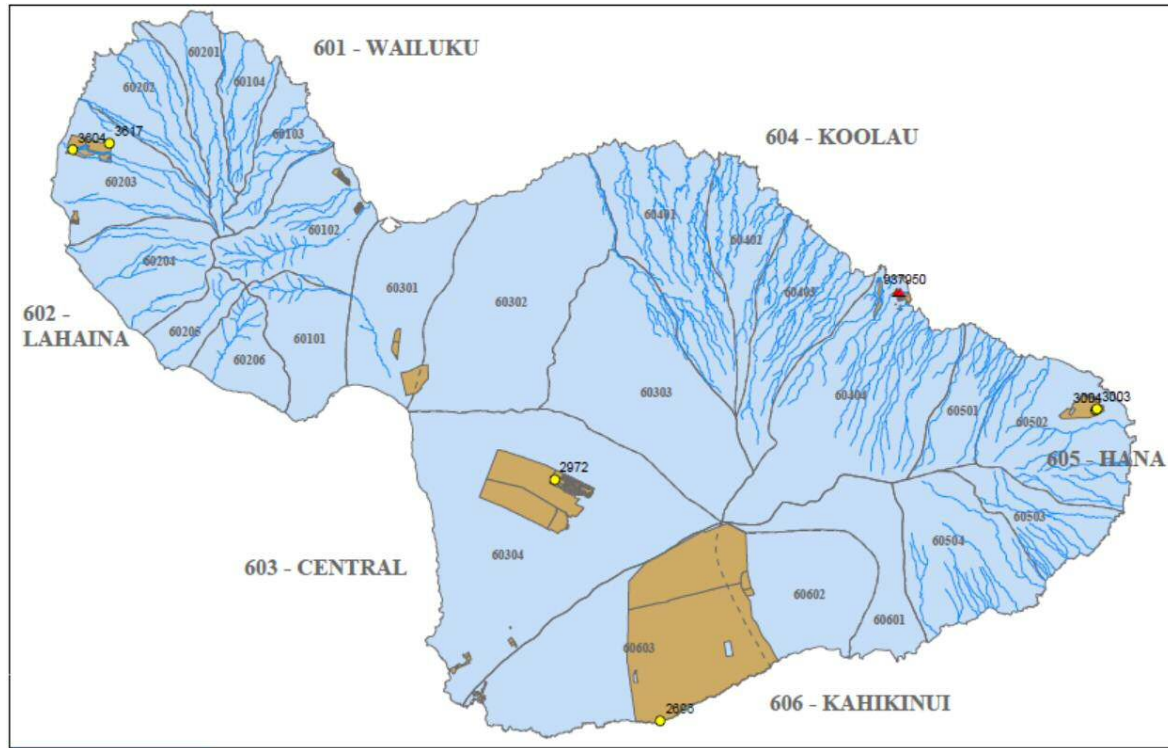


Fig. 1. Existing DHHL Tracts on Maui in relation to groundwater aquifers

III. DHHL WATER RESERVATIONS ON THE ISLAND OF MAUI

DHHL water reservations made by the CWRM are an important policy tool available to protect DHHL, HHC, and beneficiary water rights. Additional Goal 6 of the HHC Water Policy Plan is to "Secure adequate and enforceable reservations of water for current and foreseeable future needs for all of its lands across the islands."

What are water reservations?

Water can be "reserved" - held and not allocated to other users - by the CWRM, implementing its powers under the state Water Code, HRS 174C. It can take years between the HHC determining a proposed use of land and the land being developed

for that use, due primarily to the lack of capital funds needed for development. Absent water reservations, other competing public and private sector developers could develop all the available water in an area, either precluding DHHL development or significantly increasing the costs of water development.

There are two distinct methods by which CWRM can reserve water. In Water Management Areas (WMAs) - parts of the state which are subjected to a higher level of permitting scrutiny for surface or ground water allocation - water reservations are adopted through rule making. Currently all of O`ahu except for the Wai`anae Aquifer Sector Area, all ground water on the island of Molokai, and the `Īao Aquifer of Maui are designated as Ground WMAs. Only the surface waters of Nā Wai `Ehā, Maui have been designated as a Surface WMA.

Because of this rule making requirement as well as the permitting requirements in WMAs - which require that all water use permits are subject to the rights of DHHL - the protection of DHHL water rights are more robust in WMAs.

In non-WMAs, the CWRM can simply take action to vote, by a majority of its seven members, to reserve water for DHHL. Reservations by rule and by simple CWRM action are supposed to be included in all elements of the Hawai`i Water Plan, including the Water Resources Protection Plan and the County Water Use and Development Plans.

Limits to reservations

While water reservations are an important policy tool available to DHHL, CWRM, and the HHC, they have limitations. Some of these include:

- Reservations do not provide immediate access to "wet water"
- Previously, reservation requests by DHHL have been delayed or denied by CWRM staff for unclear reasons
- Developing water will still require:
 - CIP funds
 - Developing source, storage, transmission
 - Detailed design
 - Agreement w/county or others for operation
- In geographically large aquifer systems, locations to develop water can still be remote from DHHL tracts
- The enforceability of reservations, particularly in non-WMAs, has not been legally tested

- DHHL along with CWRM will need to monitor other developments potential impact on DHHL reservations

Existing water reservations on Maui Island

Existing water reservations for Maui are described in Table 1, below. All existing reservations are outside WMAs on Maui.

Hydrologic Unit	Quantity Reserved (MGD)	Effective Date
Honokōwai	0.770	September 18, 2018
Kamaole	2.547	September 18, 2018
Ke`anae	0.003	September 18, 2018
Kawaipapa	0.118	September 18, 2018
Lualaiula	0.063	September 18, 2018
Honokōhau and Kaluanui Streams in the Surface Water Hydrologic Unit of Honokōhau, Honolua Stream in the Surface Water Hydrologic Unit of Honolua	2.00	May 18, 2021

Table 1. Existing DHHL water reservations on Maui

Pending water reservations on Maui Island

On December 16, 2020, following HHC action including approval of a Beneficiary Consultation Report on the same issue, DHHL submitted a reservation petition to CWRM for waters related to East Maui Irrigation System. That Petition for Reservation was for 11,177,500 gallons per day ("gpd") originating from the watersheds of East Maui and diverted by the East Maui Irrigation ("EMI") system for the current and foreseeable development and use of the Pūlehunui and Kēōkea-Waiohuli Hawaiian Home Lands, under the State Water Code. CWRM has not taken nor scheduled action on that petition.

IV. POSSIBLE COUNTY ORDINANCE AND RULE CHANGES

On Maui as on all other islands, the provision of water is a major barrier to the provision of new homestead lots. DHHL has pursued through advocacy various efforts statewide and by county to help ensure the counties fulfill their state Constitutional duties towards the successful implementation of the Hawaiian Homes Commission Act.

On July 14, 2021, Councilmember Rawlins-Fernandez of the Maui County Council transmitted two bills to the Council Chair,

one of which would exempt DHHL projects from the County's Water Availability Ordinance (the "show me the water" law), and the other of which would add a DHHL representative to the County Board of Water Supply.

In September 2021, DHHL representatives met with Maui Department of Water Supply (DWS) director and staff who suggested that the first matter, which would allow the DWS to more easily provide water to the DHHL for projects, could also be accomplished through administrative rule making. DHHL staff and consultants have prepared proposed language for the same and will be transmitting it to the County in the near future.

IV. OTHER WATER UPDATES BY TRACT

1) Water needs and projects in Kēōkea-Waiōhuli

DHHL holds in trust 6,112 acres of the Upcountry Kula region lands on the slopes of Haleakalā. Three homestead areas are currently under development at Kēōkea-Waiōhuli: the Kula Residence Lots subdivision; (2) the Waiōhuli Undivided Interest subdivision; and (3) the Kēōkea Farm Lots. The Kēōkea-Waiōhuli subdivision consists of 320 residential lots and 66 Kēōkea Farm Lots, and DHHL has long range plans to construct another 1,100 residential lots below this subdivision. The Kēōkea-Waiōhuli tract includes future Residential, Subsistence Agriculture, and Community Use areas, which will require water in the mauka half of the tract.

Kēōkea-Waiōhuli is part of DHHL's Upcountry planning region, which also includes 'Ulupalakua and Kualapa. It is also part of the County's Makawao-Pukalani-Kula Community Plan region, which is primarily supplied by surface water sources. In the last century, the area has been used predominately for ranching and farming. This region is generally dry, with an annual rainfall of 20-30 inches.

This tract has ongoing significant water needs beyond existing water reservations and the remaining portion of a December 9, 1997 Water Credits Agreement with the Maui DWS for 0.5 million gallons a day (mgd) to DHHL for homesteading use in exchange for DHHL improvements to the water system (State Water Projects Plan [SWPP]- DHHL Update). The water reservation request mentioned above would directly relate to providing necessary water for these lands. Significant additional infrastructure may be needed to deliver reserved water to these lands.

2) Honokōwai - Leiali'i

DHHL plans to develop 50 acres of commercial and industrial lands on the Honokōwai tract. The Leali'i tract and the remainder of the Honokōwai tract include Residential, Subsistence Agricultural, and Community Use lands. The existing MDWS Lāhainā Water System cannot accommodate increased potable water demand from DHHL planned developments. DHHL is therefore developing a potable water well mauka of the Honokōwai tract and examining water transmission alternatives to integrate this well with the MDWS system, which will then be able to service the Honokōwai and Leali'i tracts, as well as some MDWS demands in the area. Total potable demand for this area from DHHL lands will be 0.7696 mgd. A revised Well Construction and Pump Installation Permit Application was submitted by DHHL in July 2018 for a 700 gpm pump. The well is to be operated by the County of Maui Department of Water Supply and the proposed amount of withdrawal is 680,000 gpd. An environmental assessment for the new well is currently being prepared by the Land Development Division and will be covered in more detail at subsequent HHC meetings in the near future.

Mauka portions of these tracts require irrigation water for agricultural uses of up to 2.0808 mgd. Maui County's Lāhainā Wastewater Reclamation Facility is located adjacent to the makai boundary of the Honokōwai tract and can produce up to 9.0 mgd of R-1 recycled water; however, the facility currently only receives an average of 4 mgd. Maui County plans to modify and expand the distribution system for this plant. The reservation of water from the Honokohau and Honokowai surface water systems, discussed above, will help to provide surface water to be blended with this treated water to provide the necessary nonpotable water for this tract.

3) Pūlehunui water needs and development

DHHL holds in trust 831 acres of lands at Pūlehunui, also known as Pu'unene, in Central Maui. Pūlehunui is located within the Kahului Aquifer System Area, which has a sustainable yield of 1 mgd of heavily brackish water. These lands were acquired in two different transactions from the Department of Land and Natural Resources (DLNR) over the last few years.

Multiple possible water source alternatives exist for Pūlehunui lands, ranging from continued diversions from East Maui streams and altering their use (by crop type or from agricultural to commercial), to pumping and desalinating

underlying brackish water. These possible alternatives differ from each other in multiple ways including:

- Short and long-term development and maintenance costs
- Capacity and potential yield
- Impacts on other stakeholders and Native Hawaiian users and rights
- Source resiliency to climate change

In September 2018, the CWRM reserved ground water for DHHL lands in Pūlehunui. As was the case with reservations from the same aquifer for Kēōkea-Waiohuli these reservations do not fully provide for our future needs. This is in part because they relied on the SWPP as the basis for calculating needs, and the timeframe for that document is the next twenty years, and the time frame specified in the water code for reservations is "foreseeable" needs (HRS 174C-101(a)); one result of that is that the reservations do allocate water for general agricultural lands. The reservation request for water related to the East Maui Irrigation system, discussed above in the section on reservations and referenced for our upcountry lands, would also provide necessary water for this area.

4) Wailua, Wākiu, and Keʻanae (East Maui)

DHHL holds in trust 91.4 acres at Wailua, 150.6 acres at Keʻanae, and 743 acres at its Wākiu tract, all of which are located in East Maui. In a 1994 settlement with DLNR, DHHL acquired approximately 93 acres in Wailua Valley. The 16 parcels that make up the tract have lot sizes ranging from 0.5 to 60 acres and are spread throughout the existing Wailua Homesteads.

Total domestic (potable) water demand in the East Maui region is projected to increase from 0.2 mgd in 2001 to 0.33 mgd by the year 2020, reflecting an overall increase of 0.13 mgd or about 65 percent of the present consumption. The greatest demand for increased potable water resources is for single-family residential use (MIP at 6-1, 6-2). DHHL Development plans, however, primarily consist in proposed agricultural/ aquaculture lots. Keʻanae and Wailua tracts are primarily planned for use a general agricultural and loʻi kalo uses. Loʻi kalo cultivation is possible through utilization of surface waters and ambient rainfall in Keʻanae and in Wailua. Currently, potable needs are served by the MDWS.

No streams run through the 743 acres of DHHL's Wākiu lands. These lands have potential for a mix of uses and of the three tracts in the East Maui region, Wākiu was Maui beneficiaries' first choice for residential use. Approximately 200 acres located in the lower portion of the tract are readily developable; high slopes in upper elevations are the primary development constraint. Western portions of Wākiu have soils that are suitable for producing food, feed, fiber, and forage crops. Average annual rainfall is high enough that water catchment could be used for crop irrigation. The area has an existing access road connecting to Hāna Highway.

MDWS maintains a 0.5 MG storage tank on the Hāna side of the Wākiu tract and this tank is fed by two wells (Wākiu Well B and Hāmoa Well) capable of supplying 1 mgd. This storage tank supplies a 12-inch water line along Hāna Highway and into Hāna town. A second, 6-inch line runs to Wai'ānapanapa Road. Wākiu Well A is not being used and a surface water source at Wailua stream is not being used currently. DWS is adding a well at Hāmoa and the county water system could provide water to Wākiu developments.

Proposed land uses for Wākiu include 80 half-acre residential lots on 46 acres; 22 three-acre subsistence agricultural lots on 75 acres; five acres of community use; three acres of commercial use; five acres of industrial; and five hundred twenty-two acres of general agriculture use. DHHL planned the Wākiu tract as a small Residential and Subsistence Agricultural community located mauka of Hāna Highway. MDWS' Hāna Water system could service DHHL's planned developments. SWPP Update at 4-26. DHHL intends to negotiate an agreement to receive water credits sufficient for potable water needs in exchange for the use of DHHL land.

Ke'anae is composed of two properties (mauka and makai) totaling approximately 150.6 acres. The mauka property is composed of 148.7 acres and the makai property is 1.9 acres and is composed of two contiguous parcels. Both properties are fairly flat. Mauka portions of the Ke'anae tract are adjacent to Palauhulu stream, leads to Ke'ākū Falls, 'Ōhi'a Spring, and Pi'ina'au Stream within Ke'anae. Both streams are perennial and subjects of the CWRM contested case. Water service to the Ke'anae properties is currently provided through a DWS line off of Hāna Highway. Ke'anae's development plan proposed to use catchment to develop new lots.

Proposed uses of the Ke'anae tracts do not include

residential use. The mauka parcel is suited for pastoral and agricultural use due to its soils, high rainfall, and an existing pasture on a portion of the property. The makai portion of the Ke'anae tract is not suitable for residential use due to its designation as a flood plain and is more suited to community and cultural uses, including ocean access. Proposed use of Ke'anae properties includes two acres of community use on the makai property, three-acre subsistence agricultural lots on 57 acres of the mauka property, with the remaining acres are designated for general agriculture.

5) Kahikinui water needs and projects

Future water needs for the Kahikinui tract are entirely for Pastoral uses. Long term potable water needs are 0.063 mgd and non-potable needs are 0.0135 mgd. SWPP Update at 4-27. Ambient annual rainfall is 20-50 inches per year, insufficient to support water catchment, however DHHL is exploring fog drip catchment systems supplemented by truck hauling to provide fire protection. The existing MDWS Kula Water System previously extended to Kahikinui but now ends at Kanaio. This line could be reinstated to deliver potable water to Kahikinui, but a cost analysis is needed to assess the feasibility of this alternative. SWPP Update. DHHL awarded a Regional Plan Priority Project Grant of \$100,000 to Ka 'Ohana o Kahikinui to plan, design, and construct a pilot fog drip catchment system to provide water to the community and homestead lessees of Kahikinui. The grant is in the process of being implemented.

6) Paukūkalo and Wai'ehu water needs and development

The remaining tracts on Maui that will require water are within the service area of the MDWS Central Maui system. The MDWS system supplies Waihe'e, Wai'ehu, Waikapū, Paukūkalo areas, as well as to the areas of Wailuku, Kahului, Pā'ia, and Kihei.

The county ordinance and administrative rule changes discussed above would significantly assist the DHHL in securing water for its tracts.

VII. CONCLUSION

Maui Island faces significant water issues that must be addressed in order for the goals of the Maui Island Plan to be fulfilled. In a few cases, such as in parts East Maui, the primary obstacles to achieve these goals are securing

sufficient funding to provide infrastructure. Across most of the remainder of the island, however, securing water supplies for DHHL lands will not only require sufficient funding but also significant assertions of the rights of the Department and beneficiaries, as these source waters are subject to significant competing demands and long running contention and litigation.

RECOMMENDED MOTION/ACTION:

None; for information only.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18-19, 2021

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Acting Planning Program Manager
From: Nancy M. McPherson, Planner, Planning Office *NMM*
Subject: For Information Only - Status Report on Kalaupapa
Beneficiary Engagement Process, Kalawao County, Island
of Molokai

Recommended Action

For information only. No action required.

Background

In response to beneficiary and Hawaiian Homes Commission (HHC) requests, the Planning Office (PO) has been providing the HHC with regular status updates on planning and management efforts focused on the planning region of Kalaupapa and Pālā'au (Apana 3), in the Counties of Maui and Kalawao, Island of Molokai. Two status reports on Kalaupapa were presented to the HHC in 2020, one in August (Item G-3) and a second one in December (Item G-1). The Kalaupapa Beneficiary Working Group engagement initiative was formulated in response to beneficiary concerns and requests, and to HHC comments and feedback given to staff during the submittal discussions.

The National Park Service (NPS) completed the Section 106 Consultation's Programmatic Agreement (PA) on the General Management Plan (GMP) for the Kalaupapa National Historic Park (NHP) in June 2021 and finalized the GMP in August 2021. As NPS will now be turning its focus toward implementation of the GMP, it is an opportune time to be conducting the Kalaupapa Beneficiary Working Group meetings.

History

In the late 1970's, in part in response to requests from the Hansen's Disease patients at Kalaupapa, the process to create a National Historic Park (NHP) at Kalaupapa was initiated. Public

Law 96-565 establishing the Kalaupapa NHP and the Kalaupapa National Historical Park Advisory Commission was passed by Congress on Dec. 22, 1980. The enabling legislation states that the principle purposes of the Park are

(1) to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations.

(2) to provide a well-maintained community in which the Kalaupapa leprosy patients are guaranteed that they may remain at Kalaupapa as long as they wish; to protect the current lifestyle of these patients and their individual privacy; to research, preserve, and maintain the present character of the community; to research, preserve, and maintain important historic structures, traditional Hawaiian sites, cultural values, and natural features: and to provide for limited visitation by the general public and

(3) to provide that the preservation and interpretation of the settlement be managed and performed by patient and Native Hawaiians to the extent practical, and that training opportunities be provided such person in management and interpretation of the settlement's culture, historical, educational and scenic resources.

In 1992, DHHL and NPS entered into General Lease No. 231 for a term of fifty (50) years, commencing on July 15, 1991, for TMK (2)6-1-01:01, which is 1,247 acres in area and includes the cliff, trail and the Kalaupapa Settlement. In 2009, the NPS initiated a planning process to develop a General Management Plan for the Kalaupapa NHP. A GMP is required under the National Parks and Recreation Act of 1978 (PL 95-625), which mandates "the preparation and timely revision of general management plans for each unit of the national park system. NPS Management Policies (2006) call for each GMP to '...set forth a management concept for the park [and] establish a role for the unit within the context of regional trends and plans for conservation, recreation, transportation, economic development and other regional issues...'"¹.

Discussion

Of the five agencies with kuleana in Kalaupapa (DHHL, DLNR, State DOT-Airports, DOH and NPS), only DHHL and NPS have developed land use policy plans with regards to the area. Please refer to the 2020 Kalaupapa updates for more detailed information on DHHL's land use policy language for Kalaupapa.

¹ Draft General Management Plan and Environmental Impact Statement, Kalaupapa National Historic Park, USDOI-NPS, April 2015.

The Molokai Island Plan, adopted by the HHC in 2005, delineated Kalaupapa-Pālā'au (Apana 3) as a planning district and gave it three designations, with the following general intentions:

- Special District (will require additional planning and beneficiary input): establish a pu'uhonua - native Hawaiian health, healing and wellness center
- Community Use: create gathering spaces that provide a native Hawaiian cultural presence and foster stewardship and reconnection of the place and 'ohana/lineal descendants
- Commercial (Pālā'au State Park, Topside): development of a cultural community center

The DHHL Planning Office determined that due to the Settlement's status as a NHP and the contractual lessor-lessee relationship with NPS, the best strategy for successful implementation of the Molokai Island Plan's intent for Kalaupapa would be to participate in the NPS' GMP planning process. It was thought that facilitating input from beneficiaries in the NPS planning process would help shape the GMP and promote collaborative implementation of both the GMP and the Molokai Island Plan in a way that balances responsiveness to beneficiary needs and concerns and faithfulness to the HHCA, respect for the wishes of the patients and their 'ohana, and NPS requirements for operation of a NHP.

After a twelve year-long planning process that incorporated Molokai Topside community input as well as some of the feedback and recommendations coming out of DHHL's Beneficiary consultations, the National Park Service (NPS) completed the planning process to develop a General Management Plan for the Kalaupapa NHP in 2020. Beneficiaries, however, have expressed dissatisfaction with the extent of responsiveness to beneficiary and DHHL concerns, with the perceived lack of transparency during the NPS' GMP planning process, and with the Section 106 process and Programmatic Agreement intended to protect and mitigate impacts to cultural resources and historic properties in Kalaupapa. There are still discussion items extant that DHHL beneficiaries requested be handled via some sort of consultation process. Beneficiaries have consistently requested more transparency and outreach regarding the NPS GMP and more effective vehicles for participation in planning for the long-term future of Kalaupapa, as well as more ongoing participation in management of the NHP.

In addition, there is beneficiary interest in more transparency and opportunities to provide input into the State Department of Health, Hansen's Disease Branch's (DOH-HDB) multi-agency transition planning process for Kalaupapa, the Kalaupapa Transition Interagency Working Group (KTIWG). The group has worked on getting to a point where recommendations for public engagement can be made, because it is clear that a larger public process led by a statewide body will be needed at some point to inform and make ultimate governance decisions. As landowner and lessor, and as an advocate for the needs of its beneficiaries, DHHL will continue to participate in these discussions while working to provide more transparency and engage stakeholder beneficiaries more actively in the conversation about Kalaupapa's future.

DHHL Beneficiary Consultation and Outreach Efforts

The Planning Office has acted on beneficiary requests to form a Kalaupapa Stakeholder Beneficiary Working Group by retaining the facilitation services of the Hawaii Alliance for Community-Based Economic Development (HACBED). A series of up to six meetings has been proposed, and the first meeting was held in early September of this year, with seven beneficiary participants that were invited based on the criteria previously shared with the HHC:

- Beneficiaries of the HHL who are on the Molokai Island wait list. These applicants will be impacted by any decisions relating to Kalaupapa.
- Beneficiaries of the HHL who have family members buried in Kalaupapa.
- Lineal descendants of Native Hawaiian 'ohana who were displaced from Kalaupapa in 1865.
- DHHL beneficiaries who have participated consistently in the NPS General Management Plan and Section 106 Consultation processes.
- A beneficiary representative of Ka 'Ohana O Kalaupapa.

The proposed agenda for the first meeting was as follows:

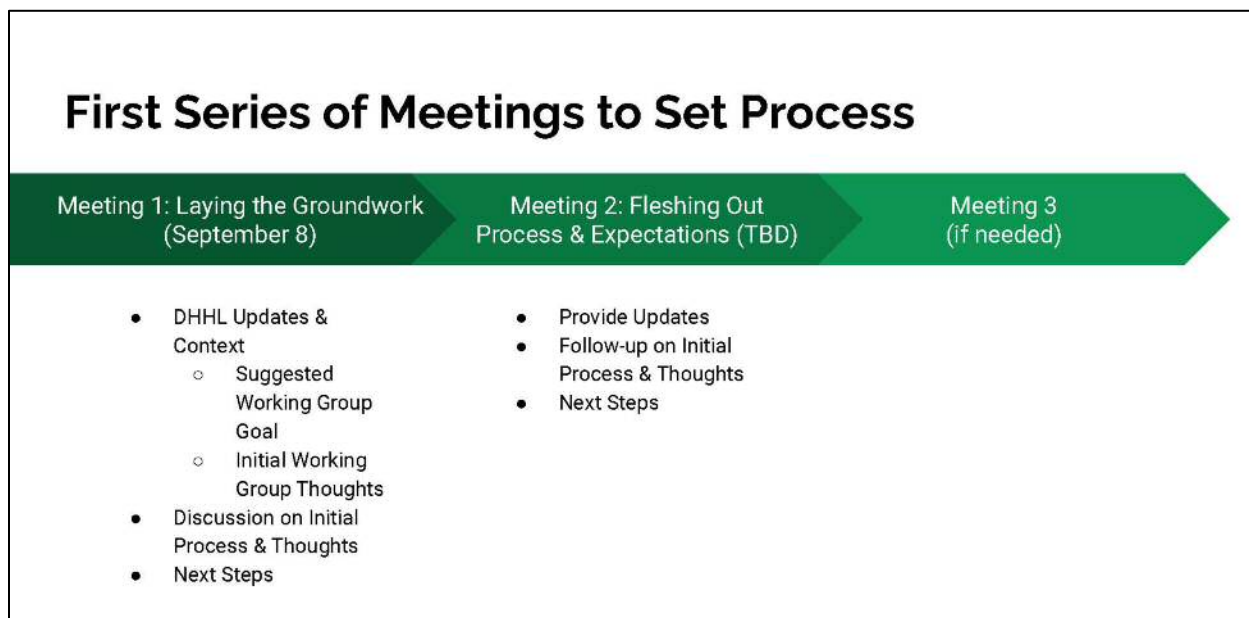
- Introductions
- Background and Commitments from the Department
- Suggested Working Group Goals
- Projected Process
- Discussion

- Suggested Goals, Potential Participants, Projected Process
- Potential Areas of Agreement and Non-Agreement
- Other Helpful Information Regarding Kalaupapa that the Department Can Provide
- Looking Ahead

The suggested Working Group goal to provide a DHHL-initiated process for beneficiary input on cooperative agreements between DHHL and NPS related to (1) use and settlement of DHHL lands, including community use areas, and (2) revenue producing services / economic opportunities for DHHL beneficiaries was critiqued by the group. It was felt that it was too early in the process to determine the specific vehicle that would best serve the beneficiaries, and that more information was needed. Discussions must also include several of the “parking lot” issues raised by beneficiaries during the NPS Section 106 consultation process, as well as additional issues regarding long term plans for Kalaupapa.

Next Steps

While the process is highly iterative and interactive, therefore will be subject to additional adjustments, the following schedule was proposed for two consecutive sets of meetings, with three meetings in each session:



Second Series of Meetings Focused on Feedback for the Cooperative Agreements

Meeting 1: Feedback on Substance

- Introductions
- Updates + Goals for the Process
- Initial Thoughts on Cooperative Agreement Language
- Next Steps

Meeting 2: Feedback on Implementation

- Recap of Feedback
- Suggested Cooperative Agreement Language
- Additional Discussion
- Next Steps

Meeting 3 Finalize Cooperative Agreement

- Recap of Feedback
- Finalize Cooperative Agreement Language
- Next Steps


It is anticipated that meetings will occur once a month, depending on the schedules of participants. The second meeting has been scheduled for October 25, 2021.

Recommendation

For information only. No action required.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18-19, 2021

To: Chairman and Members, Hawaiian Homes Commission
From: Andrew H. Choy, Acting Planning Program Manager 
Subject: For Information Only – Beneficiary Consultation
Meetings Regarding the DHHL General Plan Update

Recommended Action

For information only. No action required.

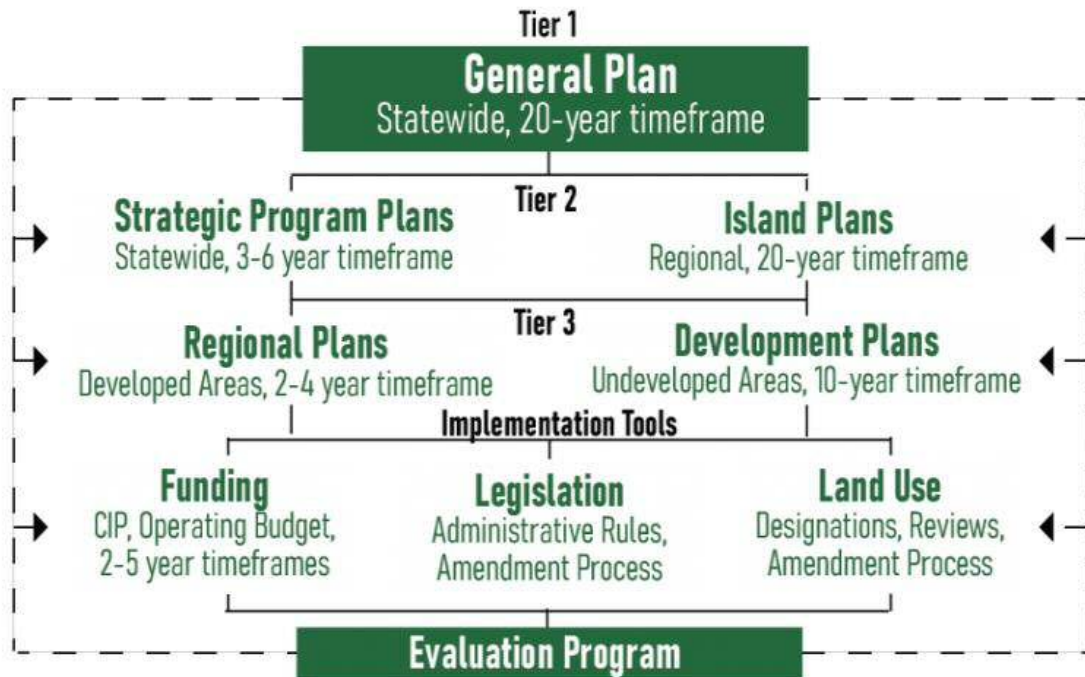
Purpose

The purpose of this informational submittal is to update the Commission on the status of the DHHL General Plan Update process, share results from the first round of beneficiary consultation, summarize input from the General Plan Investigative Committee, and inform the members of the next round of beneficiary consultation meetings, which will take place between November 2021 and February 2022. The HHC was last briefed on the General Plan Update process at its February 2021 Regular meeting (Exhibit A).

Background

Hawaii Administrative Rules (HAR) 10-4-51 establishes the DHHL Planning System. These rules took effect in August 2018. The purpose of the DHHL Planning System is to further the objectives of the Hawaiian Homes Commission Act (HHCA) by systematically coordinating the management of Hawaiian Home Lands and programs in a manner that is comprehensive, consistent, and collaborative. The Planning System establishes a three-tier hierarchy of plans. Tier 1 is the top tier consisting of the DHHL General Plan. Tier 2 and Tier 3 are the lower tiers that are guided by the General Plan and have more specific geographic and/or programmatic focusses.

Figure 1 DHHL Planning System



Tier 1 of the Planning System contains the General Plan, which identifies long-term goals, articulates vision, and organizes priorities for DHHL and the Hawaiian Homes Commission. The General Plan sets the foundation for all the programs, policies, and plans of the Department which are then implemented by available funding, federal and state legislation, and DHHL Island Plan Land Use Designations.

Per HAR 10-4-55, the General Plan at a minimum shall:

1. Establish a uniform system of **Land Use Designations** that all **Island Plans** shall use;
2. Establish the relationship between land use designations and the applicable types of land dispositions;
3. Establish criteria to identify suitable lands for homesteading;
4. Establish criteria to determine available lands not required for homesteading within the planning period;
5. Establish criteria to identify lands for revenue generation;

6. Establish criteria to identify lands for community use and policies to govern how the community could manage such lands for community building;
7. Establish level of service standards for infrastructure and community facilities, or specify a program plan or methodology to develop such standards; and
8. Specify indicators to measure progress and evaluate effectiveness in meeting policy goals.

LAND USE DESIGNATIONS

DHHL Island Plans articulate the HHC's policy of how DHHL lands should be utilized on an island. Table 1 below gives an overview of the existing Land Use Designations in the DHHL Oahu Island Plan and corresponding definition of the designation. It should be noted that the definition of Land Use Designations vary slightly across the different DHHL Island Plans. Through this General Plan Update, staff hopes to bring more uniform consistency to Land Use Designation definitions across all DHHL Island Plans.

Table 1 – Land Use Designation Definitions in the Oahu Island Plan

Land Use Designation	Definition
Homestead Uses	
Residential	Residential lot subdivisions built to County standards in areas close to existing infrastructure. Residential waiting list.
Subsistence Agriculture	Small lot agriculture. Lifestyle areas intended to allow for home consumption of agricultural products. Agriculture waiting list.
Supplemental Agriculture	Large lot agriculture. Intended to provide opportunities for agricultural production for supplemental income and home use. Agriculture waiting list
Pastoral	Large lot specifically for pastoral uses. Ranch plan and fencing required. Pastoral waiting list.
Non-Homesteading Uses	
General Agriculture	Intensive or extensive farming or ranching allowed. May serve as interim use until opportunities for higher and better uses become available.
Special District	Areas requiring special attention because of unusual opportunities and / or constraints, e.g. natural hazard areas, open spaces, cultural resources, raw lands far from infrastructure, mixed use areas, and greenways.
Community Use	Common areas for community uses and public facilities, includes space for parks and recreation, cultural activities, community based economic development, utilities, and other public facilities.
Conservation	Environmentally sensitive areas. Lands with watersheds, endangered species, critical habitats, historic and cultural sites, other environmental factors. Very limited uses.
Commercial	Lands suitable for retail, business, and commercial activities.
Industrial	Lands suitable for processing, construction, manufacturing, transportation, wholesale, warehousing, and other industrial activities.

The DHHL General Plan Update process provides an opportunity to re-examine this list of Land Use Designation categories and suggest meaningful amendments. This is an important opportunity as DHHL Island Plan Land Use Designations are the mechanism in which the HHC sets major policy direction on each island by directing DHHL on how it should utilize trust lands. While DHHL can utilize its lands for various purposes and land uses, moving forward through this update process each Land Use Designation definition should articulate how a Land Use Designation will benefit current beneficiaries and/or sustain the DHHL Trust for the benefit of future generations of beneficiaries yet to come.

GENERAL PLAN UPDATE PROCESS AND SCHEDULE

The HHC adopted the first DHHL General Plan in 2002. Per HAR 10-4, the DHHL General Plan must be updated at least once every 20-years. Additionally, the existing 2002 DHHL General Plan does not meet the new requirements of HAR 10-4 (enacted August 2018). As such, DHHL initiated the process to update its General Plan in the fall of 2020. The update process is anticipated to take a period of approximately 20 months inclusive of beneficiary consultation beginning in September 2020 with anticipated conclusion in Fall of 2022. Updates to the project schedule are summarized herein.

An investigative committee of the Hawaiian Homes Commission was appointed on August 18, 2020 (Exhibit D). The members of the permitted interaction group include Randy K. Awo, Russell K. Kaapu, Zachary Z. Helm, and William Aila, Jr., Chair. Initially, the group's work was expected to be completed over a series of five meetings spread out over the course of a 20-month planning process. The initial assumption of five meetings was based on conducting five full-day meetings. However, the committee will meet more often for shorter two-hour durations per meeting. To date, the investigative committee has met four times in November 2020, December 2020, January 2021, and July 2021. During the committee meetings, members provided feedback and input on the following topics:

- Review and provide feedback on the overall framework and process for the General Plan update;
- Review and provide feedback on assumptions of a vision statement;
- Review and provide feedback on major historical watershed events in DHHL's history that have had major implications on HHC and DHHL policy;
- Review and provide feedback on a "report card" evaluation assessment of DHHL's progress towards achieving the 2002 DHHL General Plan goals and policies. The assessment was conducted by DHHL consultant SSFM International;
- Review and provide feedback on beneficiary consultation process and meeting content;
- Review and provide feedback on draft vision statement and guiding principles;
- Review and provide feedback on General Plan Update outline; and
- Review and provide feedback on the draft Land Use Designations and Framework.

BENEFICIARY CONSULTATION

Two rounds of beneficiary consultation were originally scoped for the process. The first Round was completed in March and April 2021 as described below. The second round was planned to coincide with the release of the draft plan. The interest and participation in the first round of meetings evidenced the need for additional beneficiary consultation to inform the development of specific policy recommendations for the General Plan. The approach and schedule for remaining beneficiary consultation is discussed below.

Round 1 Beneficiary Consultation Results

Traditionally, beneficiary consultation meetings on statewide initiatives such as the General Plan have been conducted via in-person meetings held on each island. However, due to COVID-19 restrictions, initial beneficiary consultation meetings were conducted virtually via Zoom. In addition, DHHL hosted a virtual "open-house" that

provided an overview of the information presented during the beneficiary meetings and opportunities for beneficiaries to provide feedback on General Plan topics. The virtual "open-house" was hosted on the project website, which is linked to from DHHL website.

The first round of beneficiary consultation meetings were conducted two parts. Part 1 was hosted in Zoom meetings on March 3rd, 8th, and 9th and covered the following topics:

- Team and project introduction;
- Overview of the General Plan & Update Process;
- Present "report card" evaluation assessment of DHHL progress to meet 2002 General Plan goals and policies and collect beneficiary feedback on the evaluation;
- Collect beneficiary feedback on desired vision for the DHHL trust in 2040.

Part 2 beneficiary consultation web meetings were hosted on Zoom on April 1st, 5th, and 7th. The April meetings covered the following topics with beneficiaries:

- Re-cap feedback from the March meetings on Vision for 2040;
- Present a draft Vision statement for beneficiary review and feedback;
- Provide informational overview of DHHL Land Use Designations;
- Collect beneficiary feedback on potential types of Land Use Designations they would like to see on Hawaiian Home Lands in the future.

The first round of six beneficiary consultation meetings were attended by a total of 299 people. The meeting utilized Mentimeter live polling to capture additional feedback and information; the 165 attendees who participated in the live polling identified themselves as 72 people on the waitlist, 65 lessees, 6 people with undivided interest not yet converted, and 22 who identified their beneficiary status as "other".

The part one meetings provided beneficiary input

related to a shared vision for 2040. The input was synthesized into four vision elements that became the basis for the draft vision statement. The four vision elements are: Self-Sufficiency, Healthy & Sustaining Beneficiaries; Connecting Beneficiaries to the Land; and Sufficient Funding & Resources.

In addition to the Draft Vision, Draft Guiding Principles were also developed. These principles are broad themes that articulate the key values that the plan should uphold and advance, which will be referenced throughout the General Plan to show how goals and policies support them. The Draft Vision and Guiding Principles are attached as Exhibit B.

Part two of the Round 1 Beneficiary Consultation focused on gathering input from beneficiaries on desired land uses and how Hawaiian Home Lands can benefit beneficiaries. The process built from the visioning discussion from part 1 meetings to begin identifying land uses that support the range of needs and benefits for the Trust and/or beneficiaries.

Input from the HHC Investigative Committee articulated that uses of Hawaiian Home Lands must first support the purposes of the Hawaiian Homes Commission Act as outline in Title 1A, Section 101 of the Act and under Article XII, Section 1 of the Hawai'i State Constitution. Based on this and input gathered through beneficiary consultation, the project team identified four goals that land use designations also seek to advance:

1. A Sustainable Trust
2. Healthy land & water
3. Strong Communities
4. Empowered Beneficiaries

Investigative Committee members also requested that the General Plan make clear that the HHC holds the authority to direct implementation of land use designations. A member also highlighted the challenge that the land use framework to come out of the General Plan Update must strike a balance between the Trust's

obligation to provide leases and benefits to those currently on the waitlist and use land and resources to support existing lessees and homestead communities.

Round 2 Beneficiary Consultation

Four sets of beneficiary consultation meetings are scheduled for November 2021, December 2021, January 2022, and February 2022 as the second round of beneficiary consultation for the General Plan update. Each set includes two virtual meetings. Two General Plan topic areas will be covered per meeting.

Table 2 - Round 2 Beneficiary Consultation Schedule/Topics

Topics Covered	Timing
Land Use & Water Resources Infrastructure	November 2021 (2 meetings)
Housing Food Production	December 2021 (2 meetings)
Healthy Communities Natural & Cultural Resource Management	January 2022 (2 meetings)
Revenue Generation Economic Development	February 2022 (2 meetings)

Round 3 Beneficiary Consultation

Round 3 beneficiary consultation is anticipated to take place in summer of 2022, and to coincide with the release of the draft Plan for beneficiary review. It is anticipated that these meetings will take place in person and will include seven meetings (two on Hawai'i Island, one each on O'ahu, Maui, Kaua'i, Moloka'i, and Lāna'i).

Recommended Action

For information only. No action required.

EXHIBIT A -- ITEM G-4 NOV. HHC MTG

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

February 16-17, 2021

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: For Information Only – Beneficiary Consultation
Meetings Regarding the DHHL General Plan Update

Recommended Action

For information only. No action required.

Purpose

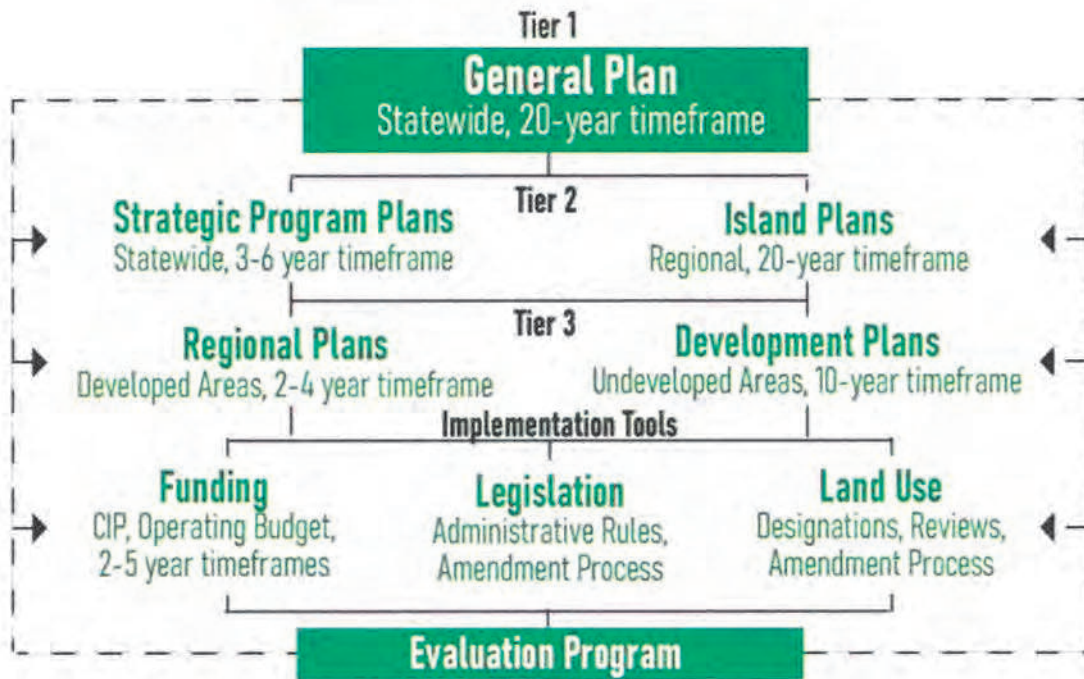
The purpose of this informational submittal is to update the Commission on the status of the DHHL General Plan Update process and inform the members of upcoming beneficiary consultation meetings in March and April of 2021.

Background

Hawaii Administrative Rules (HAR) 10-4-51 establishes the DHHL Planning System (Exhibit A). These rules took effect in August 2018. The purpose of the DHHL Planning System is to further the objectives of the Hawaiian Homes Commission Act (HHCA) by systematically coordinating the management of Hawaiian Home Lands and programs in a manner that is comprehensive, consistent, and collaborative. The Planning System establishes a three-tier hierarchy of plans. Tier 1 is the top tier consisting of the DHHL General Plan. Tier 2 and Tier 3 are the lower tiers that are guided by the General Plan and have more specific geographic and/or programmatic focusses.

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EXHIBIT A -- ITEM G-4 NOV. HHC MTG

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EXHIBIT A -- ITEM G-4 NOV. HHC MTG

The DHHL General Plan Update process provides an opportunity to re-examine this list of Land Use Designation categories and suggest meaningful amendments. This is an important opportunity as DHHL Island Plan Land Use Designations are the mechanism in which the HHC sets major policy direction on each island by directing DHHL on how it should utilize trust lands. While DHHL can utilize its lands for various purposes and land uses, moving forward through this update process each Land Use Designation definition should articulate how a Land Use Designation will benefit current beneficiaries and/or sustain the DHHL Trust for the benefit of future generations of beneficiaries yet to come.

GENERAL PLAN UPDATE PROCESS AND SCHEDULE

The HHC adopted the first DHHL General Plan in 2002. (Exhibit B) Per HAR 10-4, the DHHL General Plan must be updated at least once every 20-years. Additionally, the existing 2002 DHHL General Plan does not meet the new requirements of HAR 10-4 (enacted August 2018). As such, DHHL has initiated the process to update its General Plan in the fall of 2020. The update process is anticipated to take a period of approximately 20 months inclusive of beneficiary consultation beginning in September 2020 with anticipated conclusion in summer of 2022 (Exhibit C).

An investigative committee of the Hawaiian Homes Commission was appointed on August 18, 2020 (Exhibit D). The members of the permitted interaction group include Randy K. Awo, Russell K. Kaapu, Zachary Z. Helm, and William Aila, Jr., Chair. Initially, the group's work was expected to be completed over a series of five meetings spread out over the course of a 20-month planning process. The initial assumption of five meetings was based on conducting five full-day meetings. However, the committee will meet more often for shorter two-hour durations per meeting. To date, the investigative committee has met three times in November 2020, December 2020, and January 2021. During the committee meetings, members provided feedback and input on the following topics:

- Review and provide feedback on the overall framework

EXHIBIT A -- ITEM G-4 NOV. HHC MTG

- and process for the General Plan update;
- Review and provide feedback on assumptions of a vision statement;
- Review and provide feedback on major historical watershed events in DHHL's history that have had major implications on HHC and DHHL policy;
- Review and provide feedback on a "report card" evaluation assessment of DHHL's progress towards achieving the 2002 DHHL General Plan goals and policies. The assessment was conducted by DHHL consultant SSFM International;
- Review and provide feedback on beneficiary consultation process and meeting content.

Beneficiary Consultation

Traditionally, beneficiary consultation meetings on statewide initiatives such as the General Plan have been conducted via in-person meetings held on each island. However, due to COVID-19 restrictions, initial beneficiary consultation meetings will be conducted virtually via Zoom. In addition, DHHL will be hosting a virtual "open-house" that will allow beneficiaries to provide feedback on General Plan topics should they be unable to participate in virtual meetings. The virtual "open-house" will be hosted on the DHHL website.

The first round of beneficiary consultation meetings is scheduled for March 3rd, 8th, and 9th. The first-round of meetings will cover the following topics with beneficiaries:

- Introduce the project to beneficiaries;
- Provide an overview of the General Plan & Update Process;
- Present "report card" evaluation assessment of DHHL progress to meet 2002 General Plan goals and policies and collect beneficiary feedback on the evaluation;
- Collect beneficiary feedback on desired vision for the DHHL trust in 2040.

A subsequent second round of beneficiary consultation meetings is tentatively scheduled for April 1st, 5th, and

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7th. The April meetings will cover the following topics with beneficiaries:

- Re-cap feedback from the March meeting on Vision and provide a draft Vision statement for beneficiary review and feedback;
- Provide informational overview of DHHL Land Use Designations;
- Collect beneficiary feedback on potential types of Land Use Designations they would like to see in the future.

Subsequent beneficiary consultation meetings will be scheduled later in 2021. Meeting format and schedule is to be determined based on COVID-19 conditions.

Recommended Action

For information only. No action required.

SUBCHAPTER 4

PLANNING SYSTEM

§10-4-51 Purpose. The purpose of the planning system is to further the objectives of the act by systematically coordinating the management of Hawaiian home lands and programs in a manner that is comprehensive, consistent, and collaborative. [Eff and comp **AUG 25 2018**] (Auth: HHC Act §222) (Imp: HHC Act, all)

§10-4-52 Definitions. As used in this subchapter, unless context clearly provides otherwise: "Beneficiary consultation" means the department's direct outreach to lessees, applicants, and native Hawaiians as defined by the act as part of the department's or commission's decision-making process.

"Implementing action" means those actions that implement the plans and the overall planning strategy of the department, including but not limited to, budgeting, legislation, rulemaking, adoption of procedures, and land dispositions.

"Plans" mean the general plan, island plans, program plans, development plans, regional plans, and special area plans. [Eff and comp **AUG 25 2018**] (Auth: HHC Act §222) (Imp: HHC Act, all)

§10-4-53 General framework. The planning system shall consist of a three-tier hierarchy of plans. Tier 1 is the top tier consisting of the general plan and shall establish overall policy. Tier 2 and Tier 3 are the lower tiers and shall be guided by the general plan. Tier 2 and Tier 3 focus with increasing specificity on programs or geographic areas. The

planning system shall also include implementation mechanisms that link with the plans, as well as evaluation mechanisms to refine the plans and implementing actions. [Eff and comp
(Auth: HHC Act §222) (Imp: HHC Act, all)

AUG 25 2018

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§10-4-54 Adoption and amendment procedures. (a)

Adoption. All plans in each of the three tiers shall be adopted by a majority vote of the commission. Any comprehensive update or interim amendment requires a majority vote of the commission to be effective. Beneficiary consultation shall be required as part of any comprehensive update or interim amendment.

(b) Comprehensive update. Comprehensive updates to plans provide an opportunity to refine or refocus based on changes in conditions, new trends, emerging issues, or past performance. Unless otherwise specified, an adopted comprehensive update shall supersede and void the entire previous plan.

- (1) Tier 1. The general plan in tier 1 shall be updated at least every twenty years. The department at its discretion may initiate the update sooner than the twenty years;
- (2) Tier 2. The plans in tier 2 shall be reviewed every eight years and updated at the discretion of the department if an update is justified.
- (3) Tier 3. The plans in tier 3 shall be reviewed every four years and updated at the discretion of the department if an update is justified.

(c) Interim amendments. Between comprehensive updates, tier 1 and tier 2 plans may be amended upon beneficiary consultation appropriate to the plan as set forth in section 10-4-60, and a majority vote by the commission. Initiation of the amendment shall be as follows:

- (1) The chairman may propose, in writing, interim amendments to any of the plans by first notifying the commission and then

- initiating beneficiary consultation appropriate to the plan as set forth in section 10-4-60; or
- (2) A beneficiary may submit an application form requesting the chairman to initiate an interim amendment. The application form shall include information prescribed by the department. Upon receipt of a completed application form, the department shall have ninety days to respond to the application. Should the department initiate an amendment, the department shall prepare a report of its recommendation and initiate beneficiary consultation appropriate to the plan as set forth in section 10-4-60.
 - (d) Consistency and conflicts.
 - (1) Where conflicts exist among plans, the higher tier shall prevail over the lower tier.
 - (2) Implementation actions set forth in section 10-4-58 shall be consistent with applicable plans. A commission member, beneficiary, or interested member of the public, may request the commission review a proposed or past action by the department for consistency. The request must detail the disputed action and describe why the petitioner believes disputed action is inconsistent with a particular plan. The commission may direct the chairman to prepare a response to the request.
 - (3) Upon declaration of an emergency by the governor or mayor, the department may proceed with an action that is inconsistent with a plan, provided that the chairman has notified the commission. The chairman shall propose an amendment to the relevant plan or plans at the earliest practicable time to restore consistency.
 - (e) Repository. The department shall make available to the public through its website all current adopted plans as may be amended. [Eff and

comp **AUG 25 2018**] (Auth: HHC Act §222) (Imp:
HHC Act, all)

§10-4-55 General plan (tier 1). Based on the act, the general plan shall establish statewide policies that guide land management and programs. At a minimum, the general plan shall:

- (1) Establish a uniform system of land use designations that all island plans shall use;
- (2) Establish the relationship between land use designations and the applicable types of land dispositions;
- (3) Establish criteria to identify suitable lands for homesteading;
- (4) Establish criteria to determine available lands not required for homesteading within the planning period;
- (5) Establish criteria to identify lands for revenue generation;
- (6) Establish criteria to identify lands for community use and policies to govern how the community could manage such lands for community building;
- (7) Establish level of service standards for infrastructure and community facilities, or specify a program plan or methodology to develop such standards; and
- (8) Specify indicators to measure progress and evaluate effectiveness in meeting policy goals. [Eff and comp **AUG 25 2018**]
(Auth: HHC Act §222) (Imp: HHC Act, all)

§10-4-56 Island and program plans (tier 2). (a) Island plans. Island plans shall be prepared for islands where there are over one hundred acres of Hawaiian home lands. If the landholdings are less

than one hundred acres, the department may initiate a tier 3 plan. At a minimum, island plans shall:

- (1) Apply the criteria from the general plan to identify suitable homestead lands, including areas for new development, infill, and redevelopment;
- (2) Apply criteria to determine available lands not required for homesteading, including areas for revenue generation, community use, and other non-homesteading uses designated in the general plan;
- (3) Prioritize the development or redevelopment of designated homestead lands based on defined criteria;
- (4) Identify infrastructure requirements; and
- (5) Analyze state and county plans to identify potential impact on department land use and infrastructure.

(b) Program plans. Program plans are statewide plans that inform or carry out general plan policies and priorities for specific functional areas, such as but not limited to affordable housing, native Hawaiian development, energy, disaster preparedness, community resiliency, agriculture, and water resources. Program plans may be specified in the general plan or initiated by the chairman. To initiate a program plan, the chairman shall propose the subject matter of the plan to the commission, and upon a majority vote in favor, proceed with the preparation of the plan.
[Eff and comp **AUG 25 2018**] (Auth: HHC Act §222)
(Imp: HHC Act, all)

§10-4-57 Development, regional, and special area plans (tier 3). (a) Development plans. Development plans provide more detail for specific projects identified in island plans for purposes of establishing feasibility, budget, and schedule. To assess feasibility, the development plan shall consider a diversity of housing types and prices appropriate for the target wait list, estimate

development costs, and estimate the costs to be respectively borne by the department and the prospective lessees or licensees as the case may be. The budget presented in the adopted development plan shall be the basis for CIP budget requests. The chairman may select the projects identified in the island plan that require a development plan, and proceed with the preparation of the development plan upon notice to the commission.

(b) Regional plans. Regional plans build a sense of community and capacity, stimulate partnerships for development and improvements, facilitate beneficiary participation in issues and areas of concern, and identify priority projects within existing and planned homestead areas. The plan may focus on a particular homestead community or several homestead communities in the region. At a minimum, the regional plan shall document current conditions and trends, analyze state and county plans to identify potential impact on homestead areas, and identify a prioritized list of projects important to the community and the department. The chairman may prepare a regional plan with the support of a majority vote of the commission.

(c) Special area plans. Where an island plan designates special districts, the chairman may prepare a special area plan with the support of a majority vote of the commission. [Eff and comp **AUG 25 2018**] (Auth: HHC Act §222) (Imp: HHC Act, all)

§10-4-58 Implementation. (a) Budgets, legislation, rules, procedures, land dispositions and other implementing actions shall be guided by the plans. The chairman shall develop a rational overall strategy to prioritize and allocate resources and present this strategy to the commission in the first year of the chairman's term, which the chairman may amend and present to the commission as needed from time to time. The overall strategy should: link

budgets to policies, programs, and plans; establish homestead and revenue-generation development priorities; identify disposition strategies for unencumbered lands; and identify high priority regional plan projects that are likely to be implemented within the timeframe covered by the strategy.

(b) Fiscal implementation. The department shall maintain a multi-year capital improvement program to be updated annually and approved by a majority vote of the commission. The funded projects shall be consistent with the plans and overall strategy. The budget shall identify existing and potential funding sources that would be considered. The operational budget shall be reasonably consistent with the plans and overall strategy.

(c) Legal implementation. Legal implementation mechanisms include, without limitation, legislative amendments to the act; adoption, amendment, or repeal of administrative rules; and adoption of internal procedures. The chairman may pursue any of these mechanisms guided by the plans and overall strategy, with final approval by a majority vote of the commission.

(d) Land dispositions. The land dispositions issued by the department and approved by a majority vote of the commission shall be guided by the general plan, island plans, overall strategy, and any other applicable plan or policy adopted by the commission, and aligned with the land uses identified in the island lands. [Eff and comp **AUG 25 2018**] (Auth: HHC Act §222) (Imp: HHC Act, all)

§10-4-59 Evaluation. The purpose of an evaluation system is to improve the planning system and implementation effectiveness. The chairman shall present an evaluation report to the commission, which may be combined with the report required under section 222 of the act. The general plan shall specify evaluation indicators, and the department shall

collect and analyze pertinent data in the evaluation report. The chairman may include other measures of performance and effectiveness. The evaluation report shall include recommendations for improvements as applicable. The chairman shall bring to the attention of the commission development plans that are completed or outdated, and a majority vote of the commission shall void or update such plans. [Eff and comp HHC Act, all] (Auth: HHC Act §222) (Imp: HHC Act, all)

AUG 25 2018

§10-4-60 Beneficiary consultation. (a)

Meaningful and timely consultation with beneficiaries promotes trust, partnership, and civic engagement. The type of consultation shall be appropriate to the potential impact of the decision or action.

(b) Types of consultation. The type of consultation is determined by the type of plan or implementing action:

- (1) Comprehensive. Comprehensive consultation is statewide. Notice shall be provided to all existing homesteaders, all waiting lists applicants, and other native Hawaiians who have registered with the department. The notice shall describe the proposed action and the date, time, and place of a public meeting to be held on each island. Comprehensive consultation shall apply to the preparation and amendment of Tier 1 plans, preparation and amendment of program plans, and promulgation of administrative rules.
- (2) Place-based. Place-based consultation is geographically specific. Notice shall be provided to existing homesteaders, waiting lists applicants, and other native Hawaiians who have registered with the department and who are associated with a geographic area impacted by the proposed action. The chairman shall determine the appropriate

scope of the notice. The notice shall describe the proposed action and the date, time, and place of a public meeting to be held within the geographic area. Place-based consultation shall apply to the preparation and amendment of island plans, preparation and amendment of tier 3 plans, and proposed projects that require an environmental assessment or environmental impact statement.

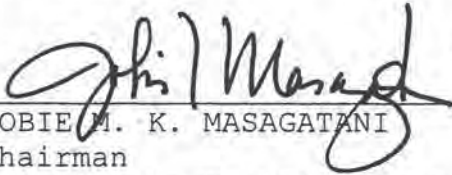
- (3) Ad hoc. Ad hoc consultation consists of the formation of an advisory body to provide input to the department for the preparation and amendment of any plan or implementing action. The chairman may select the advisory body, subject to consultation and ratification by the commission, for the preparation or amendment of any plans. Such ad hoc consultation for the preparation and amendment of plans shall supplement and not replace comprehensive or targeted consultation. The chairman may select an ad hoc body for an implementing action and provide a report to the commission.

(c) Consultation methods. The department shall use its best effort to employ diverse and creative notification and participation methods that reach the intended audience in the most effective yet efficient manner. [Eff and comp **AUG 25 2010**] (Auth: HHC Act §222) (Imp: HHC Act, all)

EXHIBIT A -- ITEM G-4 NOV. HHC MTG

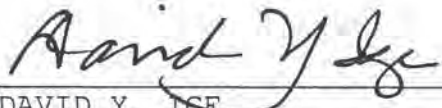
Amendments and compilation of chapter 10-4, Hawaii Administrative Rules, on the Summary page dated [**AUG 25 2018**], were adopted on [**AUG 25 2018**], following a public hearing held on April 7, 2018, after public notice was given in the Honolulu Star Advertiser, Hawaii Tribune-Herald, West Hawaii Today, the Maui News, and the Garden Island News on March 4 and March 7, 2018, and in the Molokai Dispatch on February 28, 2018 and March 7, 2018.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.


JOBIE M. K. MASAGATANI
Chairman
Hawaiian Homes Commission

APPROVED AS TO FORM:


Deputy Attorney General

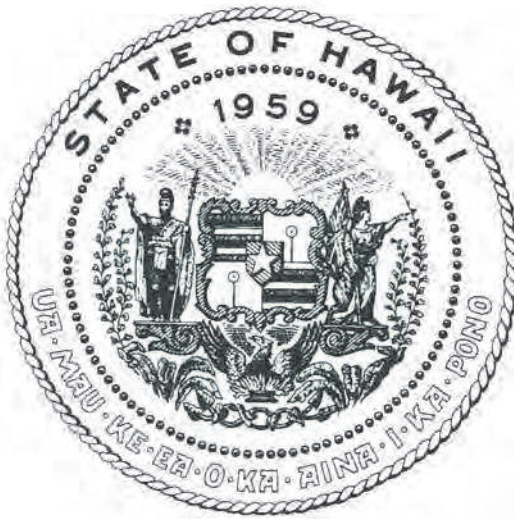

DAVID Y. IGE
Governor
State of Hawaii

Date: 08-14-2018

Filed

EXHIBIT "A"

3288



Department of Hawaiian Home Lands

General Plan

Approved by the Hawaiian Homes Commission
February 26, 2002

EXHIBIT "B"

GENERAL PLAN

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.

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.
- Encourage a balanced pattern of contiguous growth into urban and rural growth centers.
- 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.
- Direct urban growth to priority development areas based on infrastructure availability, feasible site conditions, beneficiary preferences and job opportunities.
- Develop improved relationships with the Counties to ensure reliable and adequate delivery of services to homesteaders.
- Consider opportunities to acquire or exchange for lands best suited for purposes of the Hawaiian Homes Commission Act.

Residential Uses

Goals:

- Substantially increase the number of residential homesteads awarded each year.
- Provide a mix of housing opportunities that reflect the needs and desires of native Hawaiian beneficiaries.

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- Provide residential homesteads, financing, and other housing opportunities, especially to those most in need.
- Develop integrated residential communities that are reflective of the diverse socio-economic profiles of the native Hawaiian community.
- Ensure existing homestead neighborhoods are maintained as healthy and attractive communities for future generations.
- Increase the potential for beneficiaries to qualify for residential housing financing.

Objectives:

- Devote a significant share of time and resources to serve applicants with income below 80% of the median family income level.
- Provide a variety of residential types to meet the needs of beneficiaries in terms of construction procedures (owner-builder, turnkey, self-help), types of housing units (single-family, multi-family, kupuna housing, rental, etc.) and financing.
- Ensure the availability of housing with a range of types and affordability to accommodate persons and families of all income levels and in locations that are convenient to employment and quality public and private facilities.
- Deliver an average of 500 new residential housing opportunities per year in proportion to the number of applicants on the residential waiting list for each island.
- Facilitate education in home ownership, financing, maintenance and long-term financial resource management.
- Work with homestead associations to identify opportunities to revitalize existing neighborhoods.

Agricultural and Pastoral Uses

Goals:

- Increase the number of agricultural and pastoral leases awarded each year.
- Provide infrastructure, technical assistance and financial support commensurate with the intended uses of agricultural and pastoral lots.
- Provide agriculture and pastoral commercial leasing opportunities for beneficiaries.
- Conserve the most productive agriculture lands for intensive agriculture and pastoral use.

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Objectives:

- Assist existing and future lessees in acquiring technical, marketing and financial assistance to increase productivity, economic efficiency and markets for their products.
- Provide agriculture and pastoral homestead lots for subsistence and supplemental purposes.
- Provide general lease agriculture and pastoral lots of adequate size for commercial farming or ranching business purposes by native Hawaiians.
- Establish minimum infrastructure requirements for agricultural and pastoral leases.

Water Resources

Goals:

- Provide access to quality water in the most cost-effective and efficient manner.
- Ensure the availability of sufficient water to carry out Hawaiian Home Lands' mission.
- Aggressively exercise and protect Hawaiian home land water rights.

Objectives:

- Establish water partnership arrangements.
- Identify and establish a clear understanding of existing water resources available to the Hawaiian Home Lands Trust.
- Implement State water use plans, rules and permits to ensure access to water resources for current and future uses on Hawaiian home lands.

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:

- 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.

- Allow native Hawaiian use of natural resources on Trust lands for traditional and cultural purposes.
- 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.
- Provide economic opportunities for beneficiaries within areas designated for their use.

Objectives:

- Generate \$30 million in land revenues annually (adjusted for inflation) by 2014.
- Use no more than 1.0% of Hawaiian home lands for Commercial and Industrial Uses by 2014.
- Assist native Hawaiian entrepreneurs by supporting opportunities for business education, training, financing, planning and leasing.
- Acquire land that expands opportunities for revenue generation.
- Create a professionally-managed investment portfolio with a well-balanced mix of assets.

Building Healthy Communities

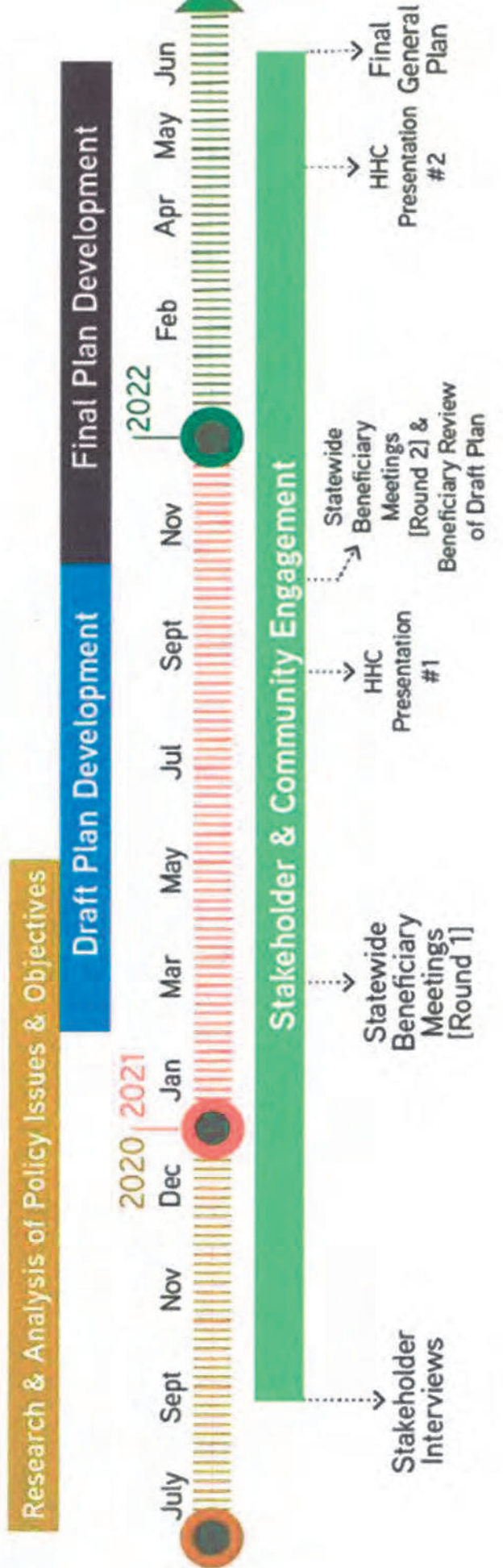
Goals:

- Empower the homestead associations to manage and govern their communities.
- Establish self-sufficient and healthy communities on Trust lands.

Objectives:

- Build partnerships with public and private agencies to ensure reliable and adequate delivery of services to homesteaders.
- Establish and implement a planning system that increases beneficiary participation in the development and use of Hawaiian home lands and improves communications between DHHL and the beneficiary community.

EXHIBIT C – GENERAL PLAN UPDATE SCHEDULE (Tentative, subject to change)



*Project timeline subject to change.

EXHIBIT A -- ITEM G-4 NOV. HHC MTG

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

August 18, 2020

To: Members, Hawaiian Homes Commission

From: William J. Aila, Jr., Chairman

Subject: Appointment of an investigative committee pursuant to HRS section 92-2.5 and HAR section 10-2-16(b)(1) to participate in permitted interaction group meetings for the update of the DHHL General Plan statewide.

RECOMMENDED ACTION:

For information only. No action required.

DISCUSSION:

A investigative committee of the Hawaiian Homes Commission is appointed effective August 18, 2020. The purpose of this group is to participate in permitted interaction group meetings related to the update of the DHHL General Plan. Per HAR 10-4-55, the General Plan shall establish statewide policies that guide land management and DHHL programs. The committee shall engage on a more frequent basis with DHHL staff on beneficiary outreach methods and policy considerations that are based on feedback from DHHL beneficiaries.

The members of the permitted interaction group include Randy K. Awo, Russell K. Kaapu, Zachary Z. Helm, and William Aila, Jr., Chair. The group's work is expected to be completed over a series of five meetings spread out over the course of a 20-month planning process beginning in September 2020 with anticipated conclusion in May 2022. A draft General Plan Update and final General Plan Update will be presented to the full Commission at regularly scheduled Commission meetings for review and ultimate approval.

DHHL Revised Vision Statement & Guiding Principles v4 – September 2021

The General Plan is a vision-based document and as such, the first round of beneficiary meetings focused on collecting input and developing a shared vision for 2040. Beneficiaries were asked to describe what success looks like in 20 years if the vision is achieved and what principles are needed to guide us there. After one round of meetings, a draft vision statement was developed and shared with beneficiaries. The second round of comments from beneficiaries and the DHHL General Plan Investigative Committee led to the following vision statement:

Vision

In the year 2040, the Hawaiian Home Lands Trust and its beneficiaries will be thriving, self-sufficient, and connected to one another and to the ‘āina.

Trust Lands will nurture and sustain beneficiary communities through an array of uses and activities on homestead and non-homestead lands. Active partnerships will be in place to responsibly steward the natural and cultural resources.

Beneficiary Communities will be self-sufficient, healthy, prosperous, and grounded in cultural knowledge and traditions. Values of mālama ‘āina will be passed on from kūpuna to ‘ōpio to nourish the land and future generations.

Beneficiaries will be thriving on the land and engaged in activities that support the rehabilitation and self-determination of all Hawaiians. Education, resources, and technical support will be available to promote greater economic opportunity, choice, and control.

DHHL will be sufficiently funded by the State Legislature to support the continued advancement of native Hawaiians. Beneficiaries, DHHL, and the Hawaiian Homes Commission will communicate transparently with aloha as they collaborate toward achieving a shared Vision. Beneficiary voices will remain vital to advocate for funding and resources and guide decision-making by the DHHL and HHC.

All of Hawai‘i will support the continued implementation of the Hawaiian Homes Commission Act and the rehabilitation of native Hawaiians as provided in Article XII Section 2 of the State Constitution.

Guiding Principles

Guiding principles were also drafted based on beneficiary comments during the first round of consultation. The Guiding Principles come after the Vision in the General Plan and are intended to be broad themes woven through the plan that articulate the key beneficiary values that the plan should uphold and advance. All are considered equally important and are not listed in order of priority. In the General Plan, the Guiding Principles will be represented with icons and short descriptions.

1. **‘Auamo Kuleana** – Acknowledge the shared kuleana of the department, beneficiaries, state, federal and county agencies, Hawaiian serving organizations, and all of Hawai‘i toward fulfilling the mission of the Hawaiian Home Lands Trust. Foster communication, trust, and transparency among all parties to work toward the shared Vision.
2. **Fair and sufficient funding** – Secure sufficient funding to ensure the financial well-being of the Trust and its beneficiaries. Advocate for the State legislature, government agencies, and other partners to support the department to access funding and implement projects in accordance

with the State Constitution. Explore alternative revenue streams for the department to achieve the Trust mission and Vision.

3. **Returning Hawaiians to the land** – Actively facilitate returning native Hawaiians to their lands to support self-sufficiency and self-determination. Maintain a primary focus on using and acquiring lands suited to developing homesteads, while exploring other opportunities for beneficiaries to connect with and use Trust lands and resources.
4. **Legacy and succession** – Cultivate opportunities and spaces on Trust lands to share and pass down ancestral wisdom and practices. Enable beneficiaries to pass their lands and legacy on to future generations by providing a pathway to succession.
5. **Homestead choice and diversity** – Offer a variety of homesteading opportunities to meet diverse beneficiary needs and desires. Explore creative models and innovative ideas for getting Hawaiians onto the land and cultivating healthy, thriving beneficiary communities.
6. **Mālama ‘āina** – Cultivate reciprocity and shared kuleana to mālama ‘āina (and kai) through providing access to Trust lands for the practice of Hawaiian knowledge, skills, and values. Manage and steward Trust lands to sustain health, resilience, and abundance for future generations.
7. **Water resources** – Protect and steward water resources on Trust lands. Enhance access to water to support homesteading and other uses that support beneficiary well-being and self-sufficiency.
8. **Economic opportunity** – Provide for the Trust, beneficiaries, and beneficiary organizations to prosper and grow through economic opportunity on Hawaiian Home Lands. Support community-based economic development and reinvestment through planning, capacity-building, and support services.
9. **Cultural grounding and education** – Support the teaching and practice of cultural traditions including ‘ōlelo Hawai‘i, traditional agriculture, hula, healing practices, and sustainable management of the ‘āina. Preserve and perpetuate cultural resources and wahi pana on Trust lands.
10. **Social and physical well-being** – Create safe and healthy communities for keiki, mo‘opuna, adults, and kupuna to thrive. Foster relationships between the department, law enforcement, and community partners that support the social, physical and mental health of beneficiaries.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18-19, 2021

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: For Information Only -- Boys and Girls Club of Maui Paukūkalo Clubhouse Draft Environmental Assessment, Paukūkalo, Wailuku, Maui TMK (2)-3-3-005:086 (por.) and 087 (por.)

RECOMMENDED ACTION

None; for information only.

PURPOSE

The purpose of this informational briefing is to provide the Hawaiian Homes Commission (HHC) with an update on the Boys & Girls Clubs of Maui (BGCM) Paukūkalo Clubhouse Project in Paukūkalo, Maui; to present summary highlights of the Draft Environmental Assessment (EA); and notify Commissioners of the Draft EA prior to publication in the Environmental Review Program's (ERP) Environmental Notice bulletin. A copy of the preliminary Draft EA has been provided for the Commissioners' review prior to this meeting.

PROJECT DESCRIPTION

The BGCM currently holds land use License No. 743 (See **Exhibit A**) granted by the HHC to operate its Paukūkalo Clubhouse at the Department of Hawaiian Home Lands' (DHHL) Paukūkalo Community Center, located at 657 Kaumuali'i Street in Wailuku, on a portion of a parcel identified by Tax Map Key (TMK) (2)3-3-005:087 (Parcel 87), owned by DHHL. In addition to the community center, the BGCM also utilizes the neighboring Paukūkalo Park, including a covered open air playcourt on portions of Parcel 87 and TMK (2)3-3-005:086 (Parcel 86), also owned by the DHHL. See **Exhibit B**.

The Paukūkalo Clubhouse is the second largest BGCM clubhouse on Maui in terms of membership; pre-COVID, it provided an after school space for approximately 330 children between the ages of 9 and 17. The current facilities are not considered adequate for the club's programs and operations. Because of shared uses that occur within the Paukūkalo Community Center, BGCM must set-up and break-down their furniture and equipment used for their operations daily. It is noted that the Paukūkalo Clubhouse, in particular, serves a large number of native

Hawaiian children, due partly to its location within the Paukūkalo Hawaiian Homes community and its proximity to Paukūkalo Park, which serves as a bus stop for those children attending Hawaiian language immersion schools at Pā‘ia Elementary, Kalama Intermediate, and King Kekaulike High School.

BGCM has selected Riecke Sunnland Kono Architects, Ltd. (RSK) to design a new permanent clubhouse facility at Paukūkalo. The proposed action will repurpose the existing playcourt structure into a two-story building, the first floor of which will encompass staff offices and meeting rooms, game and lounge areas, a cooking classroom with kitchen, a fitness room, storage areas, restrooms, and covered lanais. The second floor will be used as an attic and retained for future expansion of the club uses to be developed as a second, later phase of the proposed project. The second floor, when developed, will encompass additional game and lounge areas, classroom spaces, and restrooms. The project will also include the provision of related site improvements, such as infrastructure connections, parking, which will be constructed in phases according to the number of stalls required for each of the two (2) phases, and landscaping improvements. See **Exhibit C**.

In addition, the proposed project also involves the consolidation of Parcels 86 and 87 into a single lot, as the current playcourt structure straddles the property line between Parcels 86 and 87. Because of this, any improvements to the structure will require conformance to the County zoning code and thus, require that the parcels be consolidated. It is noted that an analysis was done to determine whether a consolidation and resubdivision of the parcels would be more appropriate, however the infrastructural improvements associated with a simple consolidation were determined to be less onerous, and as such, a simple consolidation action was selected as the preferred alternative. In light of this, an amendment to the area covered under License No. 743 will also need to be sought to account for the new clubhouse area.

DRAFT EA SUMMARY

A Draft EA is currently being prepared to assess the technical characteristics of the proposed project, any potential environmental and/or socio-economic impacts which may result from the proposed project, as well as any proposed measures to mitigate potential impacts. The Draft EA will include a number of technical studies which will largely inform the analysis. A list of the studies, their current status, and their preparers is provided in the table below.

STUDY	STATUS	PREPARER
Conceptual Architecture Plans	Complete	RSK
Preliminary Engineering and Drainage Report (PEDR)	Complete	Austin, Tsutsumi & Associates, Inc. (ATA)
Traffic Impact Analysis Report (TIAR)	Complete	ATA
Archaeological Documentation and Hawai‘i Revised Statutes (HRS), Chapter 6E Consultation	In Progress	‘Āina Archaeology
Cultural Impact Assessment	In Progress	‘Āina Archaeology

INFRASTRUCTURE

The proposed project will require the provision of certain infrastructural improvements to service the project. A summary of the proposed improvements is provided below.

PROPOSED INFRASTRUCTURE	
Parking	A parking analysis has been prepared and reviewed by the County of Maui, Department of Planning and a total number of required parking stalls to be provided for the project has been determined. A total of 15 new parking stalls will be added to the site and will be constructed in phases according to the number of stalls required for each of the two (2) project phases.
Roadways	A TIAR was prepared to evaluate the traffic impacts which may result from implementation of the proposed project. The TIAR noted that all movements at the study intersections are expected to continue operating similar to base year 2023 conditions (without buildout of the project) during the peak hours of traffic following completion of the project. Although certain turning movements at the Waiehu Beach Road and Kuhio Place/Kaae Road intersection are expected to operate at a Level of Service F upon completion of the project during the peak hours of traffic, the project is not anticipated to add trips to this movement and as such, no roadway improvements are recommended as a result of the proposed project.
Water	<p>There are currently four (4) existing water meters located along Kaumuali'i Street servicing the subject properties, which include a 1-inch meter for the Paukūkalo Community Center, a 1.5-inch meter for the Kamehameha Schools Paukūkalo Preschool, a 0.75-inch meter for the DHHL Maui District Office building, and a 2-inch meter for the Paukūkalo Park. The existing playcourt building does not have a water system in place.</p> <p>The total domestic water demand for the project is estimated to be approximately 5,085 gallons per day (gpd). The required fire flow for the project site based on the property's County zoning designation of "R-2, Residential" is 1,000 gallons per minute (gpm) for a duration of two (2) hours.</p> <p>The new water system for the clubhouse will connect to the existing 1.5-inch waterline that is servicing the existing Paukūkalo Community Center building. The building is being</p>

PROPOSED INFRASTRUCTURE	
	<p>served by an existing 1-inch water meter. The existing 8-inch detector check assembly for the facility will serve for fire protection for the new clubhouse. The existing fireline will be extended to provide the appropriate fire hydrant placement for the new clubhouse to meet fire code requirements.</p>
Wastewater	<p>The existing playcourt structure currently does not generate any wastewater flow. Around the project site, there is an existing 8-inch gravity sewer main on Waihona Street and an existing 12-inch sewer main on Kawanānakoā Street. Existing 6-inch and 8-inch sewerlines are also present within Kaumuali‘i Street and currently provide a lateral connection to the facilities of the subject properties.</p> <p>The total wastewater contribution for the project is estimated to be approximately 3,435 gpd.</p> <p>Although an onsite sewer system exists, a new sewerline will be installed to provide wastewater collection to the new clubhouse. The new sewerline will be a gravity system, which will connect to the sewer system within the property servicing the existing facilities. This existing sewerline within the property connects to the County’s 8-inch sewerline within Kaumuali‘i Street. A new sewer property manhole or cleanout will be installed to meet County requirements if one is not provided where the sewer system for the facility connects to the County’s sewer main.</p>
Drainage	<p>The existing stormwater runoff generated from the properties flows in various directions, however, drainage around the proposed clubhouse, in the area of the existing playcourt, flows in an easterly direction toward Paukūkalō Park. The total pre-development flow, from onsite areas is calculated to be 3.00 cubic feet per second (cfs) based on a 50-year, 1-hour storm interval.</p> <p>The post-development runoff is calculated to be approximately 3.91 cfs, an increase of 0.91 cfs over existing conditions. The onsite proposed drainage system improvements for the project may include grated inlets, manholes, drainlines, vegetative swales, and underground retention/detention chambers where runoff will be collected by drain inlets located around the clubhouse structure. The runoff will then be conveyed through underground piping and connected to an underground detention system where the</p>

PROPOSED INFRASTRUCTURE	
	<p>increase in runoff will be retained and allowed to percolate into the ground.</p> <p>In addition to reducing peak flow rates, the proposed stormwater management system will provide water quality treatment and reduce the discharge of pollutants to meet County of Maui stormwater quality standards. The project will incorporate natural Best Management Practices (BMPs) to control stormwater quality which may include grass swales and landscaped areas and detention/infiltration basins.</p>
Electric, Telephone, Internet, and Cable	<p>There are existing overhead electrical, telephone, and cable transmission lines which currently service the project site.</p> <p>Coordination will be undertaken with Hawaiian Electric Company, Hawaiian Telcom, Sandwich Isles Communications, and/or Spectrum Cable to provide electrical, telephone, internet, and cable television services, respectively, for the proposed project.</p>

IMPACTS AND MITIGATION

An assessment of construction-related impacts and potential impacts on the physical and socio-economic environment following implementation of the project was carried out as part of the environmental assessment process. The proposed development will have limited, unavoidable construction-related impacts on the environment. Based on the analysis in the Draft EA, the summarized mitigation measures below have been put forth to address anticipated adverse impacts to the physical and socio-economic environment which may result from implementation of the proposed project. In the long-term, significant adverse impacts upon the surrounding physical and socio-economic, environs are not anticipated.

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
Topography and Soils	<p>The project site has been previously graded to enable construction of existing structures and grassed and paved areas. Implementation of the project will involve excavation and embankment for the construction of the new parking areas, sidewalk, and utilities. BMPs will be implemented during construction in an effort to maintain a balance between excavation and embankment (cut and fill) quantities to reduce the import and/or export of earthwork materials to the extent feasible. In addition, temporary erosion control measures will be incorporated during construction to minimize soil loss and erosion hazards which may include temporary sediment basins, temporary diversion berms and swales to intercept</p>

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
	runoff, silt fences, dust fences, inlet protection, slope protection, stabilized construction entrances and truck wash-down areas. Periodic water spraying of loose soils will be implemented to minimize air-borne dirt particles from reaching adjacent properties.
Flood, Tsunami, and Sea Level Rise	The project site is not located within a Special Flood Hazard Area or the projected sea level rise hazard area. However, it is noted that the project site is located within the Extreme Tsunami Evacuation Zone, which is inland of the Tsunami Evacuation Zone and is identified as areas where inundation by tsunami is highly unlikely.
Flora and Fauna	The proposed project is not located in an area which hosts habitats for rare, threatened, or endangered species of flora and fauna. The project will involve the repurposing of an existing structure and related improvements in the midst of a developed area. New landscape improvements will be of the same palette as the existing landscaping in the area.
Archaeological and Cultural Resources	<p>Archaeological investigations were undertaken and documentation, including an HRS, Chapter 6E consultation package and an archaeological literature review report are currently being prepared for submittal to the State Historic Preservation Division (SHPD) to determine the appropriate level of mitigation for implementation of the project. The literature review report stated that it is clear the area has undergone widespread ground alteration associated with residential development, however, the project area is located in proximity to culturally sensitive soil associations and previously identified sites, although no sites are located within the project site. As such, the report recommended that archaeological monitoring be undertaken for all ground altering activities.</p> <p>It is further noted that a Cultural Impact Assessment (CIA) is currently being carried out to determine what impact, if any, implementation of the proposed project may have on any cultural practices which may occur in the area. The CIA will be included in the Final EA for the project.</p>
Air Quality	In the short term, construction-related activities for the proposed project will be the primary source of airborne pollutants affecting the surrounding area. Site work involving clearing and grading operations will generate fugitive dust. Appropriate BMPs, such as frequent watering of exposed surfaces and regular maintenance of construction equipment

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
	will be utilized to minimize air quality impacts associated with project construction.
Noise Quality	Ambient noise conditions may be temporarily affected by construction activities. Heavy construction machinery, such as dump trucks, front-end loaders, and material-transport vehicles are anticipated to be the dominant noise-generating sources during the construction period of the proposed project. In order to mitigate noise impacts, construction will be limited to daylight hours. Project-related noise will be minimized through use of applicable BMPs, such as proper maintenance of construction equipment, use of properly muffled equipment, and adherence to State Department of Health construction noise limits and curfew times.

CONSISTENCY WITH DHHL PLANNING PROGRAM

The Draft EA addresses the project's consistency with existing land use plans and applicable policies. Specifically, the Draft EA addresses the project's consistency with the DHHL General Plan, Maui Island Plan (MIP), and Wai'e hu Kou-Paukūkalo Regional Plan.

The DHHL MIP designates the subject parcels for "Community Use", a designation used for common areas for community uses, including space for parks and recreation, cultural activities, community-based economic development, and other public amenities. The proposed clubhouse use is permitted under the DHHL's "Community Use" designation.

Following the adoption of the MIP, the DHHL re-engaged with its beneficiaries in Paukūkalo to develop a Regional Plan to create specific goals for the region. The HHC adopted the Wai'e hu Kou-Paukūkalo Regional Plan in 2006 and its update in 2010. The proposed BGCM clubhouse project was identified in the 2010 Regional Plan update process as an opportunity to meet the beneficiaries' community and educational priorities.

ANTICIPATED FINDING OF NO SIGNIFICANT IMPACT

The "Significance Criteria", Hawai'i Administrative Rules (HAR), Title 11, Chapter 200.1-13, Environmental Impact Statement Rules, were reviewed and analyzed to determine whether the proposed project will have significant impacts to the environment.

1. Irrevocably commit a natural, cultural, or historic resource.

There are no known rare, threatened, or endangered species of flora, fauna, avifauna, or important habitats located within the project site. As mentioned previously, archaeological investigations for the project site have been conducted and an HRS, Chapter 6E consultation package and an archaeological literature review report are

being prepared for submittal to SHPD to determine the appropriate level of mitigation. Should archaeological features, cultural artifacts, or human burials be located during construction activities, work in the immediate area of the find shall be promptly halted and the find protected from further disturbance. The SHPD will be immediately contacted to determine the significance of the find and establish appropriate mitigative measures, as necessary.

2. Curtail the range of beneficial uses of the environment.

The proposed action is located adjacent to existing recreational and community uses, and the commitment of land resources for the proposed action will not curtail the range of beneficial uses of the environment. The proposed project will be implemented within an already developed area, making efficient use of infrastructure systems already in existence. Furthermore, the project will be located in proximity to related recreational and community uses and facilities. The proposed project allows the BGCM to maintain employment opportunities at their Paukūkalo Clubhouse which supports and fosters enrichment programs for Maui's youth.

3. Conflict with the State's environmental policies or long-term environmental goals established by law.

The proposed action does not conflict with the policies and guidelines of Chapter 344, HRS. An environmental assessment is being carried out to ensure the proposed project will not have adverse impacts on the environmental resources.

4. Have a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State.

In the short term, the proposed action will provide jobs in the construction industry during build out. In the long term, the proposed project allows the BGCM to maintain employment opportunities at their Paukūkalo Clubhouse which supports and fosters enrichment programs for Maui's youth.

5. Have a substantial adverse effect on public health.

No adverse impact to public health or welfare is anticipated as a result of the proposed project. Appropriate mitigation measures will be implemented to address anticipated temporary noise and air quality impacts in the area, resulting from construction.

6. Involve adverse secondary impacts, such as population changes or effect on public facilities.

The proposed project is located in close proximity to existing infrastructure, public services, and facilities and will not extend existing services nor contribute to urban sprawl. The proposed project will be complimentary to the neighboring park and

community uses and help to meet the need for a permanent BCGM clubhouse facility to continue providing services for Maui's youth.

7. Involve a substantial degradation of environmental quality.

No substantial degradation of environmental quality resulting from the action is anticipated. BMPs and appropriate erosion control measures will be utilized during the construction period to ensure that surface runoff will not have an adverse effect on adjacent or downstream properties. Any potential short-term impacts to air and noise quality during the construction phase of the project, will be mitigated through employing BMPs.

8. Be individually limited but cumulatively have substantial effect upon the environment or involves a commitment for larger actions.

The proposed action is a stand-alone project, and does not represent a commitment to a larger action. There are no anticipated cumulative impacts associated with the proposed action.

9. Have a substantial effect on a rare, threatened, or endangered species, or its habitat.

No rare, threatened, or endangered species of flora, fauna, avifauna, or important habitats were identified on the property. The project site is an existing developed property. The project will not substantially affect rare, threatened, or endangered species, or its habitat.

10. Have a substantial effect on air or water quality or ambient noise levels.

Construction activities may pose a temporary short-term impact on air and noise quality; however, impacts will be mitigated through the use of BMPs. Dust control measures, such as regular watering and sprinkling, will be implemented to minimize wind-blown emissions. Noise impacts will be mitigated by limiting construction to daylight work hours. Utilizing approved BMPs, significant impacts to water quality are not anticipated. Furthermore, appropriate erosion control measures will be utilized during the construction period to ensure that surface runoff will not have an adverse effect on adjacent or downstream properties.

In the long term, with appropriate mitigative measures in place, the proposed action is not anticipated to have a significant impact on air and water quality or ambient noise levels.

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.

According to the Federal Emergency Management Agency Flood Insurance Rate Map currently in effect for the area, the project site falls within Zone X, an area of minimal flooding. The project site is located outside of the projected 3.2-foot sea level rise exposure area for Hawai'i. Although the project site lies within the Extreme Tsunami Evacuation Zone for the County of Maui, risks related to tsunami inundation are not anticipated.

The project site is situated inland and is not anticipated to have any adverse impact upon coastal waters or resources, beaches, estuaries, or other fresh water bodies. Drainage improvements will be designed to retain runoff in accordance with County drainage and stormwater rules and regulations. During construction, recommended BMPs will be implemented for erosion and sedimentation control to minimize potential impacts to water quality.

12. Have a substantial adverse effect on scenic vistas and viewplanes, day or night, identified in County or State plans or studies.

The proposed development will not block established scenic vistas, viewplanes, or corridors. The project is located inland away from coastal and open space areas and will not substantially affect coastal scenic or open space resources. The project will repurpose an existing structure without substantially increasing the building profile.

13. Require substantial energy consumption or emit substantial greenhouse gasses.

The proposed action will involve the short-term commitment of fuel for equipment, vehicles, and machinery during construction activities. However, this use is not anticipated to result in a substantial consumption of energy resources or emit substantial greenhouse gasses. In the long term, the project may create an additional demand for electricity. However, any increases in demand will not be substantially or excessively more than the energy already expended by the current clubhouse operations.

Based on the foregoing analysis, it is anticipated that the proposed action qualifies for a Finding of No Significant Impact (FONSI) determination.

OUTREACH

The BGCM and its project team has met on several occasions with DHHL staff to discuss the project. In addition, the team held a meeting with the Paukūkalo Hawaiian Homes Community Association Board of Directors on August 4, 2020 to discuss the proposed project, ahead of initiating the early consultation process for the Draft EA.

Other opportunities for public input will be provided through the EA process and through meetings before the HHC for review of the EA.

ANTICIPATED DRAFT EA SCHEDULE

The target date for publication of the Draft EA is late 2021. A preliminary project schedule is provided below:

EVENT	DATE
Informational Briefing on Preliminary Draft EA to HHC	October 18-19, 2021
Publication of Draft EA	Q4 2021
Presentation on Preliminary Final EA to HHC	Q1 2022
Publication of Final EA	Q1-Q2 2022

LIST OF EXHIBITS

- Exhibit A. Land Use License No. 743
- Exhibit B. Property Location Map
- Exhibit C. Conceptual Plans

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

Todd V. Gray, Land Agent
Land Management Division
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway
Kapolei, HI 96707

Affects Tax Map Key: Second Division, 3-3-005:087 (por.)

LICENSE AGREEMENT NO. 743

between

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
as Licensor

and

BOYS AND GIRLS CLUBS OF MAUI, INC.
as Licensee

ITEM G-5 -- EXHIBIT A

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

LICENSE AGREEMENT NO. 743

THIS LICENSE AGREEMENT NO. 743 ("License") made and issued this 7th day of July, 2011, by and between the State of Hawaii by its DEPARTMENT OF HAWAIIAN HOME LANDS, whose place of business and mailing address is Hale Kalaniana'ole, 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, and whose mailing address is P.O. Box 1879, Honolulu, Hawaii 96805 hereinafter called "LICENSOR", and Boys and Girls Clubs of Maui, Inc., a Hawaii non-profit 501(c)(3), whose mailing address is 100 Kanaloa Avenue, Kahului, Hawaii 96732, 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, LICENSEE has requested a license to use Hawaiian home lands to operate an after school and summer youth community service program within the Paukukalo Community Center gym; and

NOW THEREFORE, in consideration of the terms and conditions 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", attached hereto and incorporated herein, and further identified by Tax Map Key No. (2) 3-3-005:087 (por.), hereinafter referred to as "Premises" and situate within the Paukukalo gym, Paukukalo homestead, Island of Maui.

THE TERMS AND CONDITIONS upon which LICENSOR grants the aforesaid right and privilege are as follows:

1. Term. The term of this License is for thirty-five (35) years, or until such time as LICENSEE ceases to operate the Boys and Girls Clubs of Maui, Paukukalo Club or other permitted use, whichever occurs sooner, unless this License is sooner terminated as hereinafter provided. LICENSOR may extend the term of this License at its sole discretion.

2. License Fee. The license fee shall be gratis for the initial five (5) years of this License. For the remaining term, the Chairman of the Hawaiian Homes Commission shall determine the

ITEM G-5 -- EXHIBIT A

annual license fee to be charged based on staff's review and evaluation of the extent of LICENSEE'S activities on the Premises. For the remainder of the term, the license fee shall not exceed \$1,000.00 per month.

3. Use. LICENSEE may not use the Premises for any purpose other than to operate the Boys and Girls Clubs of Maui, Paukukalo Club, an after school and summer youth community service program within the Paukukalo Community Center gym. No other uses are permitted without the prior written consent of LICENSOR.

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.

5. Maintenance and Repair. During the term of this License, LICENSEE shall at its expense repair and maintain the Premises including without limitation, water, gas, plumbing, piping, electrical wiring, glass and all other fixtures in or on the Premises with all necessary reparations and amendments whatsoever. LICENSEE shall also 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 Federal, State, County or municipal governments that are applicable to the Premises and improvements. LICENSEE shall further 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. LICENSEE 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.

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 business, 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 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.

LICENSEE shall indemnify, defend, and hold harmless 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 under LICENSEE. These covenants shall survive the expiration or earlier termination of this License.

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

Prior to the termination of this License, LICENSEE 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 LICENSOR.

7. Approval of Construction. All plans and specifications for any improvements, modifications, alterations, or additions to be constructed on the land, to include, clearing, grading, grubbing, fencing, building construction, parking and signage now or hereafter erected on the Premises, must be submitted to and approved by the Chairman of the Hawaiian Homes Commission prior to commencement.

8. Construction Standards. LICENSEE shall undertake no construction until LICENSOR has reviewed and approved the plans. 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. 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 County governments.

9. Ownership/Right to Remove Improvements. All buildings or structures or other major improvements of whatever kind that the LICENSEE constructs or erects on the Premises shall remain the property of the LICENSEE during the term of this License. LICENSEE shall have the right, prior to the termination of this License, or within such additional period as LICENSOR in its reasonable discretion may allow, to remove its property from the Premises. 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 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 LICENSEE'S quiet enjoyment of the Premises provided LICENSEE agrees to attorn 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 Premises as set out in this License. LICENSOR will not voluntarily transfer its rights to such transferee without written assurance from transferee that transferee will not interfere with LICENSEE'S rights under this License.

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, or any 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 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 or 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.

13. Assignment. Except as expressly provided in this License, this License is not transferable. At no time during the term of this License, 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 life of this License, a general comprehensive public liability insurance policy, with limits of not less than \$1,000,000.00 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 this License.

LICENSEE shall, at its own expense maintain and keep in force Automobile Insurance, covering all owned, non-owned and hired automobiles in the following amounts: Bodily Injury: \$1,000,000.00 per person and \$1,000,000.00 per occurrence; Property Damage: \$1,000,000.00 per accident; or a combined single limit of \$1,000,000.00.

ITEM G-5 -- EXHIBIT A

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.

LICENSEE shall provide to LICENSOR certificate(s) of insurance necessary to evidence compliance with the insurance provisions required under this License. LICENSEE shall keep such insurance in effect and the certificate(s) on deposit with LICENSOR during the entire term of this License. In addition:

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.

b. The procuring of such required insurance policies shall not be construed to limit LICENSEE's indemnification under this License.

c. LICENSOR, DEPARTMENT OF HAWAIIAN HOME LANDS, is a self insured State agency. LICENSEE's insurance shall be primary. Any insurance maintained by LICENSOR and/or the State of Hawaii shall apply in excess of, and shall not contribute with, insurance provided by LICENSEE.

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 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 LICENSEE, its officers, agents, employees, invitees or licensees in connection with LICENSEE'S use or occupancy of the Premises.

LICENSEE shall insure during the term of this License 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 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 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 furnish like certificates upon each renewal thereof. In the 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 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 License.

15. Surrender. Upon the expiration of this License, or its sooner termination as herein provided, LICENSEE shall peaceably 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 Hawaiian traditional and customary rights have been exercised on the property and has found no evidence of such exercise.

17. Costs of Litigation. In case either party shall, 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.

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 as nearly as is reasonably possible to the condition existing immediately prior to the time of installation or construction of its improvements, if any, the LICENSOR hereby consenting and agreeing to such removal. 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 LICENSOR by certified mail at LICENSEE'S last known address, will constitute a breach and LICENSOR may remove LICENSEE'S appliances, equipment 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. 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 therefor, such consent or approval shall be presumed to have been given.
- b. Bind and Inure. This License shall be binding upon and inure to the benefit of LICENSOR and LICENSEE and their respective personal representatives, successors, successors-in-trust, legal representatives, directors, officers 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 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.

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 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.

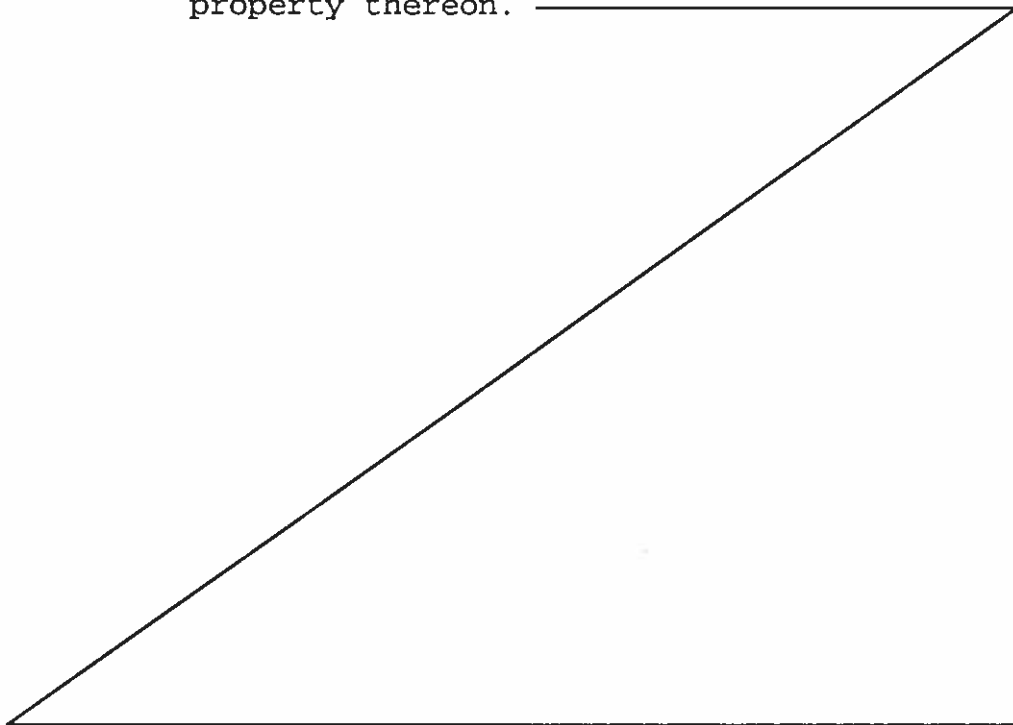
21. Special Conditions:

- a. Upon completion of its construction project, LICENSEE shall remove its appliances, equipment, and improvements from the Paukukalo Community Hall and adjacent office and restore the Premises as nearly as is reasonably possible to the condition existing immediately prior to its occupancy and use of the Premises;
- b. LICENSEE agrees to consult with LICENSOR and the Paukukalo Hawaiian Homestead Community Association, Inc. in planning the renovation and construction of the proposed improvements;
- c. LICENSEE shall not sub-license the Premises or any part of the Premises except those sub-license agreements as reviewed and approved by LICENSOR;
- d. LICENSEE agrees to accept the parcel "as is". LICENSEE shall pay all infrastructure costs associated with development, construction, maintenance and operation of the Premises, including utility connections and services and shall be responsible for mitigating any impacts, such as security, noise, health and safety, dust, drainage, etc., that developing and operating their program may have on neighboring properties;
- e. LICENSEE shall be required to sub-meter and pay for all utility expenses associated with the Premises;
- f. LICENSEE shall complete the implementation and operation of this project without any implied or

guaranteed financial participation (loan, grant, or other monetary contribution) by LICENSOR. The lack of LICENSOR'S financial participation cannot be used as a reason for not adhering to the terms and conditions in this License;

If the delay in meeting the terms and conditions of this License is caused by events or reasons beyond the control of LICENSEE and LICENSOR, then LICENSOR agrees to consider extending the term of this License by the period of such delay;

- g. No residential use of the Premises will be permitted;
- h. LICENSEE shall obtain all applicable governmental permits and shall comply with federal, state, and county laws, regulations, codes, and ordinances, particularly those pertaining to health and safety;
- i. LICENSEE shall pay a non-refundable processing fee of \$200.00 and documentation fee of \$75.00, totaling \$275.00;
- j. LICENSEE shall be responsible for the security of the Premises and all of LICENSEE'S personal property thereon. _____



ITEM G-5 -- EXHIBIT A

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
March 23, 2010

State of Hawaii
DEPARTMENT OF HAWAIIAN HOME LANDS


APPROVED AS TO FORM:

By



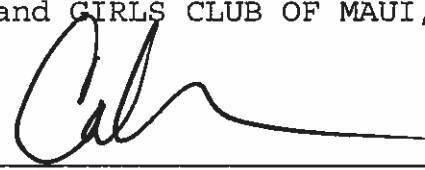

Albert "Alapaki" Nahale-a, Chairman
Hawaiian Homes Commission

LICENSOR


Deputy Attorney General
State of Hawaii

BOYS and GIRLS CLUB OF MAUI, INC.

By


Colin Hanlon,
Chief Professional Officer

LICENSEE

STATE OF HAWAII
COUNTY OF MAUI

)
) SS.
)

On this 7th day of July, 2011 before me appeared Colin Haulon, to me personally known, who, being by me duly sworn, did say that he is the Chief Professional Officer of the BOYS & GIRLS CLUBS OF MAUI, INC. and the person who executed the foregoing instrument and acknowledged to me that he executed the same freely and voluntarily for the use and purposes therein set forth.



Regina M. McLain
Notary Public, State of Hawai'i
Printed Name: REGINA M. McLAIN
My commission expires: May 27, 2015

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:

License Agreement # 743. Dept. of Hawaiian Home Lands and Boys + Girls Clubs of Maui

Doc. Date: _____ or ☒ Undated at time of notarization.

No. of Pages: 14 + Exhibit "A" (1 page)

Jurisdiction: Second Circuit
(in which notarial act is performed)

Regina M. McLain
Signature of Notary

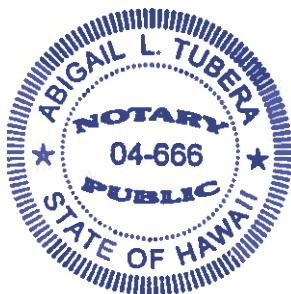
July 7, 2011
Date of Notarization and
Certification Statement

REGINA M. McLAIN
Printed Name of Notary



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

On this 7th day of September, 2011, before me personally appeared MICHELLE KA'UHANÉ, to me known, who, being duly sworn, did say that she is the Deputy to the Chairman of the Hawaiian Homes Commission and to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.



Abigail L. Tubera
 Notary Public, State of Hawaii

ABIGAIL L. TUBERA
 Print Name of Notary Public

My commission expires: 11/21/2012

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:

LA 743 between DHHL &
Boys & Girls Clubs of Maui, Inc.

Doc. Date: _____ or ☒ Undated at time of notarization.

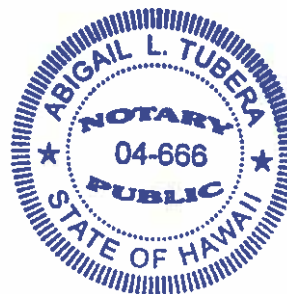
No. of Pages: 15

Jurisdiction: 1st Circuit
 (in which notarial act is performed)

Abigail L. Tubera
 Signature of Notary

9/7/11
 Date of Notarization and
 Certification Statement

ABIGAIL L. TUBERA
 Printed Name of Notary



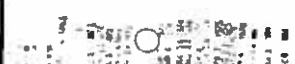


EXHIBIT B -- PROPERTY LOCATION MAP



Figure 2 Boys & Girls Clubs of Maui Paukūkalo Clubhouse
 Property Location Map



Prepared for: Boys & Girls Clubs of Maui

MUNEKIYO HIRAGA

RM\BGC_Paukukalo_CHI\Applications\Figures\PropLocationMap.DEA

EXHIBIT C CONCEPTUAL PLANS

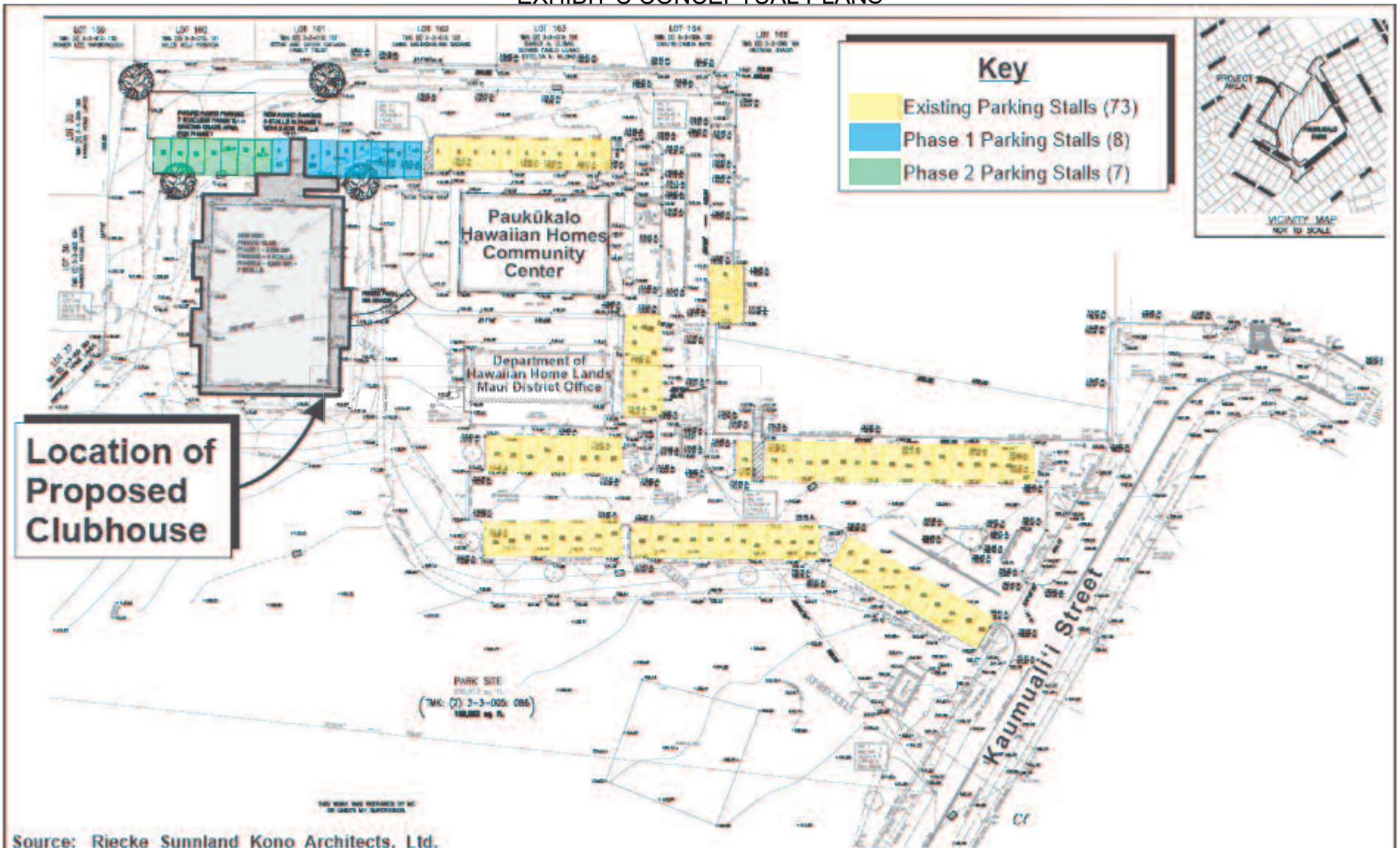


Figure 3 Boys & Girls Club of Maui Paukūkalo Clubhouse Site Plan Map

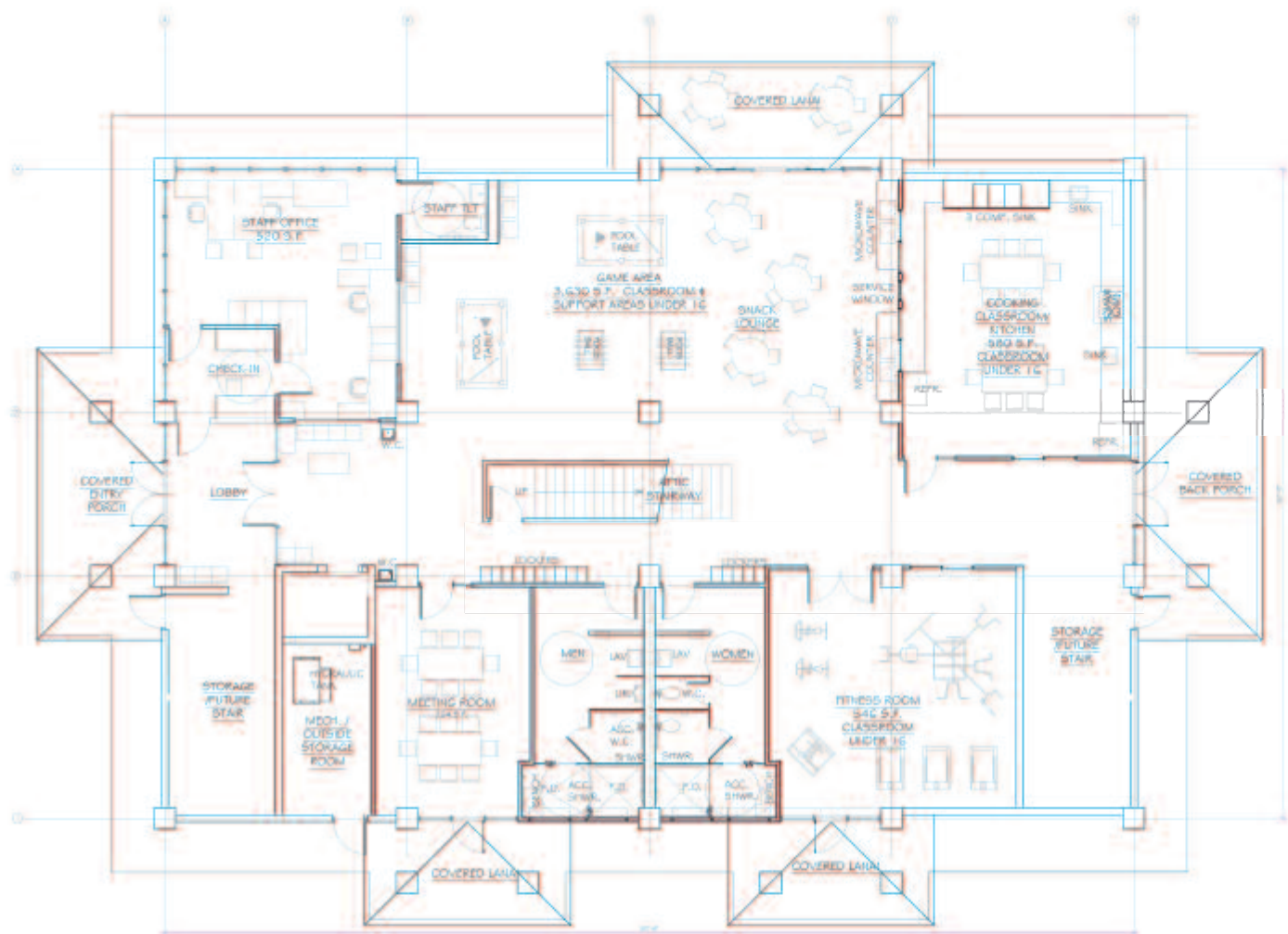
NOT TO SCALE



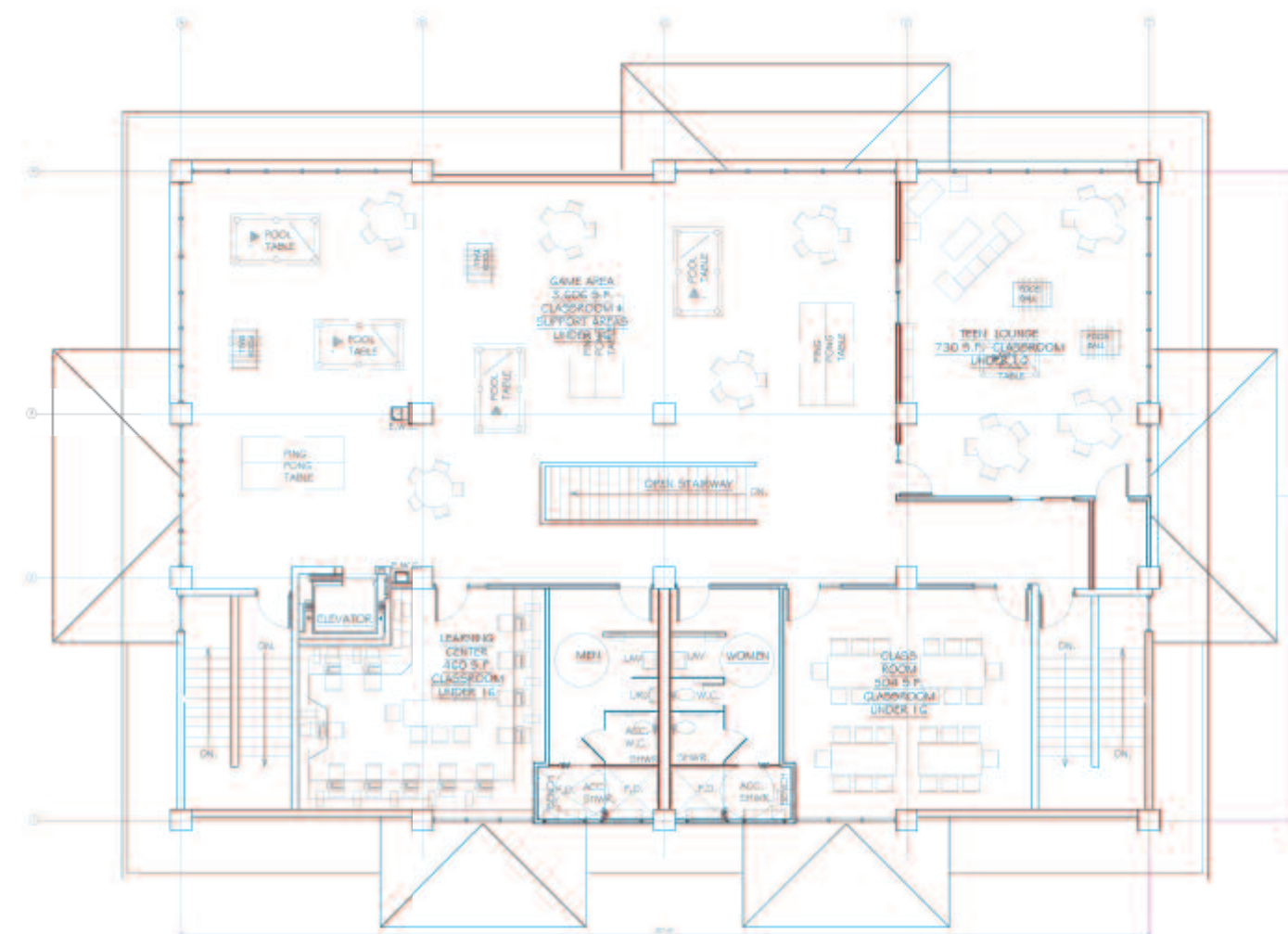
Prepared for: Boys & Girls Clubs of Maui

MUNEKIYO HIRAGA

BOH/SGC Paukūkalo CH/Applications/Figures/Site Plan



Preliminary Ground Floor Plan



Preliminary Future Second Floor Plan

Source: Riecke Sunnland Kono Architects, Ltd.

Figure 4

Boys & Girls Clubs of Maui Paukūkalo Clubhouse
Conceptual Floor Plans

NOT TO SCALE

