

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, November 15, 2021, at 9:30 a.m. to be continued, if necessary, on
Tuesday, November 16, 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 Wednesday, November 10, 2021.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for October, 11, 12, & 13, 2021; October 18 & 19, 2021
- D. Public Testimony on Agendized Items – see information below

II. ITEMS FOR DECISION MAKING

A. CONSENT AGENDA

Homestead Services Division

- D-2 Approval of Consent to Mortgage (see exhibit)
- D-3 Approval of Streamline Refinance of Loans (see exhibit)
- D-4 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-5 Approval to Certify Applications of Qualified Applicants for the Month of October 2021 (see exhibit)
- D-7 Reinstatement of Deferred Application – **JORDAN AKAU & FRANCIS A. MAKAI**
- D-8 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- D-9 Approval of Assignment of Leasehold Interest (see exhibit)
- D-10 Approval of Amendment of Leasehold Interest (see exhibit)
- D-11 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-12 Commission Designation of Successor – **FLORENCE I. KOANUI**, Residential Lease No. 12826, Lot No. 37, Ka‘uluokaha‘i, O‘ahu
- D-13 Commission Designation of Successor – **HAZEL W. PU**, Residential Lease No. 5518, Lot No. 117, Lualualei, O‘ahu
- D-14 Commission Designation of Successor – **JOANKA K. KAUPU**, Residential Lease No. 4385, Lot No. 81, Nānākuli, O‘ahu
- D-17 Request for Extension of Deadline to Sign Successorship Documents – **PEARL U. GARMON**, Residential Lease Lot No. 25A1, Lease No. 4899, Kuhio Village, Hawai‘i
- D-18 Request for Extension of Deadline to Sign Successorship Documents – **JOANN I. MAIO**, Residential Lease Lot No. 111, Lease No. 12822, Kawaihae, Hawai‘i
- D-19 Request to Approve Third Party Agreement – **WILLIAM K. MILLS**, Pastoral Lease Lot No. 17, Lease No. 09045, Pu‘ukapu, Hawai‘i
- D-20 Request for Extension of Deadline to Sign Successorship Documents – **MAHINALANI JERROLD ANN DOLOR KEALAKAI**, Pastoral Lease No. 9139, Lot No. 38, Kahikinui, Maui

B. REGULAR AGENDA

Office of the Chairman

- C-1 Approval of 2022 Hawaiian Homes Commission Meeting Schedule
- C-2 Adoption of Proposed Amendments Related to Supplemental Dwelling Units and Compilation of Hawaii Administrative Rules Chapter 10-3

Homestead Services Division

- D-6 Approval to Cancel Applications of Non-Qualified Applicants (see exhibit)
- D-15 Request for Relocation – **LEIF K. MOKUAHI**, Residential Lease No. 2518, Lot No. 90, Kewalo, O‘ahu
- D-16 Commission Designation of Successor – **GEORGE L. NAONE** and Approval of Assignment and Amendment of Leasehold Interest – **DARIN O. WRIGHT, JR.**, Residential Lease No. 708-A, Lot no. 130-A-2, Nānākuli, O‘ahu, and Approval of Assignment and Amendment of Leasehold Interest – **HOOLEHUA WRIGHT**, Residential Lease No. 5684, Lot No. C, Nānākuli, O‘ahu

Land Management Division

- F-1 Approval to Issue a License Agreement, Kūkulu Kumuhana O Anahola (KKOA), Ulupono Project, Anahola, Island of Kauai, TMK Nos. (4)4-8-003:019

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. Kalaoa Community-Based Renewable Energy Solar Project
2. Kawaihae Community-Based Renewable Energy Solar Project

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

B. WORKSHOPS

Planning Office

- G-1 For Information Only – In-Depth Update on Climate Change and Resilience Planning Affecting Hawaiian Home Lands, Statewide
- G-2 For Information Only – Draft Kapolei Regional Plan Update

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, November 16, 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 Richard Malaki – Nānākuli Neighborhood Community Watch
- J-2 Allen Cardines – Nanakuli Neighborhood Community Watch
- J-3 Kekoa Enomoto – Paupena CDC
- J-4 Cora Schnackenberg – Ahonui Homestead Association
- J-5 Donna Sterling – Kahikinui
- J-6 Blossom Feiteira – Maui Concerns
- J-7 Naomi Mitchell – Various Concerns
- J-8 Al Hee - Waimana

III. ITEMS FOR INFORMATION/DISCUSSION

Office of the Chairman

- C-3 For Information Only – Appointment of Right of Entry Market Rent Comparables Permitted Interaction Group pursuant to Hawaii Revised Statutes section 92-2.5 and Hawaii Administrative Rules section 10-2-16 (b) (1)

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. ITEMS FOR INFORMATION/DISCUSSION

Office of the Chairman

- C-4 For Information Only -Update on issues related to Telecommunications and Broadband services on Hawaiian Home Lands;

VI. ANNOUNCEMENTS AND ADJOURNMENT

- A. Next HHC Meeting – December 20 & 21, 2021, (ICT) Zoom
B. Adjournment



William J. 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 November 12, 2021. If a response is received after November 12, 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://dhhf.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://dhhf.hawaii.gov/hhc/2021-hawaiian-homes-commission-meeting-schedule/>

ITEM D-2 EXHIBIT
APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
HOWARD, Timothy J.	9598	Kalawahine, Oahu
ALBORO, Darylene K.	7346	Nanakuli, Oahu
ANDRADE, Kelley K.	10405	Waiohuli, Maui
CHING, Shelby N. L.	11397	Kaupea, Oahu
COX, Clarence W., III	2896A	Panewa, Hawaii
CROWELL, Harold K., III	3697	Waimanalo, Oahu
FARLEY, Michael W.	6645	Waiahole, Oahu
GASPAR, Patricia L.	1768	Nanakuli, Oahu
GUILLERMO, Keoni W.	11822	Kanehili, Oahu
IOANE, Nathan L.	12949	Kauluokahai, Oahu
JOSIAH, Chanel-Marie K.	3057	Anahola, Kauai
KAAHANUI, Isaiah K. J.	9762	Maluohai, Oahu
KAHAE, Lisa	7474	Waiohuli, Maui
KAHANU, Paul K.	9245	Kaniohale, Hawaii
KAHOOHANO, Kristallee M.	3491	Paukukalo, Maui
KAHUE, Heston R.	12104	Kaupea, Oahu
KALAMAU, Heather L.	5313	Waianae, Oahu
KALEIKULA-KELE, Malisa M.	3799	Nanakuli, Oahu
KALIMA, Glenn H. A., Jr.	2205	Kewalo, Oahu
KALIMA, Mitchell M.	12102	Kaupea, Oahu
KAWAMOTO, Emily L.	4931	Kuhio Village, Hawaii
KEKUEWA, Susan R. N.	9877	Maluohai, Oahu
KUAILANI, Melanie P.	7726	Waiohuli, Maui
KUANONI, Samson K.	12231	Waiehu 4, Maui
KUKAHIKO, Tiare	11479	Leialii, Maui
KUMUHONE, Uilani H. K.	11897	Nanakuli, Oahu
MAHI, Kalani J.	7553	Waiohuli, Maui
MAKANANI-PILILAAU, Terralyn P.	11332	Kekaha, Kauai
MAKAOKALANI-SATOT, Tyrone K. L.	12608	Kanehili, Oahu
MALAMA-KELLER, Kamaehu K. K.	10244	Waianae, Oahu
MAUNU-HENDRIX, Carolyn H.	9592	Kalawahine, Oahu
MCSHANE, Raylynn K.	4398	Nanakuli, Oahu
NAHINA, Solomon K.	11868	Kanehili, Oahu
ONEKEA, Edward, K., III	11688	Kanehili, Oahu
PADEKEN-PASIGAN, Arlett	11774	Kanehili, Oahu
RIVERA, Granatanne K.	4683	Kekaha, Kauai
SILVA, Louise K. W.	12839	Kauluokahai, Oahu
SPENCER-KENNEDY, Daniel K.	7029	Puupulehu, Hawaii
VICKERS, Vernon A., Jr.	8319	Princess Kahanu Estates, Oahu
WAIPA, Duwayne K.	3565A	Keaukaha, Hawaii
WARREN, Van K.	11336	Kekaha, Kauai
WILHELM, Richard D.	8889	Nanakuli, Oahu

ITEM D-3 EXHIBIT

APPROVAL OF STREAMLINE REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
GUNDERSON, Cheryl K.	9279	Kaniohale, Hawaii
KAHUMOKU, Sharleen U.	9279	Kaniohale, Hawaii
KAMOKU, Paul K., Sr.	9379	Kaniohale, Hawaii
THOMAS, Kimberly Keith	9909	Anahola, Kauai

ITEM D-4 EXHIBIT

HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
CARPENTER, Raelynn K.	Hawaii IW Agr
CHOY FOO, Ted H.	Oahu IW Res
DEFRIES, Victor P.K.	Oahu IW Res
HOLT, Marvielena E.	Oahu IW Res
KAIALAU, Pat M.	Oahu IW Res
KALAMA, Trudylei M.	Maui IW Res
KEKINO, Lovelyn M.	Waimanalo Area / Oahu IW Res
KEOHUHU, Hank K.	Oahu IW Res
KOLO, Rebecca K.	Oahu IW Res
PAAKAULA, Joachim R.	Kauai IW Res
PAAKAULA, Solomon K., Jr.	Oahu IW Res
PAULO, Peter K., Jr.	Hawaii IW Res
TUPUA, Annette L.	Oahu IW Res

*IW = Islandwide

ITEM D-5 EXHIBIT

QUALIFIED HOMESTEAD APPLICANTS FOR APPROVAL

APPLICANT	AREA
ADAMS, Lilia P.	Oahu IW Agr
ADAMS, Lilia P.	Oahu IW Res
ANGCO, Orianne H.	Molokai IW Agr
ANGCO, Orianne H.	Molokai IW Res
BERARD, Brucella H.	Kauai IW Agr
BERARD, Brucella H.	Kauai IW Res
ESTOY, Emily N.	Hawaii IW Res
FERREIRA, Ginger G.L.	Oahu IW Agr
FERREIRA, Ginger G.L.	Oahu IW Res
GARCIA, Nelissa K.	Oahu IW Agr
GARCIA, Nelissa K.	Oahu IW Res
GOODMAN, Mercy	Oahu IW Agr

GOODMAN, Mercy	Oahu IW Res
HAILI BARAWIS, Kealoha K.K.	Hawaii IW Agr
HEW-LEN LII, Moanikealanomikinia A.	Oahu IW Agr
HEW-LEN LII, Moanikealanomikinia A.	Oahu IW Res
KAALOA, Randy S.K.	Oahu IW Res
KALAMA, Lauren R.H.	Maui IW Agr
KALAMA, Lauren R.H.	Maui IW Res
KANE, Blaze E.O.K.W.	Oahu IW Res
KANE, Kealii H.C.	Oahu IW Res
KANE, Nelson M., Jr.	Oahu IW Res
KANEHAILUA, David K.	Hawaii IW Res
KANIAUPIO, Gene M.	Hawaii IW Agr
KANIAUPIO, Gene M.	Hawaii IW Res
KAUPU, Aaron H.	Hawaii IW Res
KAWAA, Lynette K.	Oahu IW Res
KENOI, Harry Keith K.	Hawaii IW Agr
KENOI, Harry Keith K.	Hawaii IW Res
KIHE, Herman K., Sr.	Hawaii IW Res
KIHE, Stephanie K	Hawaii IW Res
LYMAN, Herbegail	Hawaii IW Agr
LYMAN, Herbegail	Hawaii IW Res
MAHOE, Jonas J.K.C.	Hawaii IW Agr
MAHOE, Jonas J.K.C.	Hawaii IW Res
MANINI, Dawn K.	Oahu IW Res
MCCOLGAN, Dean W.	Hawaii IW Agr
MELENDEZ, Pekelo K.K.	Oahu IW Res
MENDONSA, Stacilynn K.	Hawaii IW Agr
MENDONSA, Stacilynn K.	Hawaii IW Res
PHILLIPS, June N.	Molokai IW Agr
PHILLIPS, June N.	Molokai IW Res
QUIDACHAY, Kahealani C.	Oahu IW Agr
QUIDACHAY, Kahealani C.	Oahu IW Res
RAMOS, Precious	Hawaii IW Agr
RAMOS, Precious	Hawaii IW Res
SAFFERY, Shaun K.	Oahu IW Res
SAFFERY, Shaun K.	Kauai IW Agr
SHIDAKI, Albert K., Jr.	Oahu IW Res
TANDAL, Rhonda A.	Kauai IW Agr
TANDAL, Rhonda A.	Kauai IW Res

*IW = Islandwide

ITEM D-6 EXHIBIT**NON QUALIFIED HOMESTEAD APPLICANTS FOR CANCELLATION**

APPLICANT	AREA
CORREA, Esther K.	Oahu IW Res
GLENDON, Henry V.	Maui IW Agr
GLENDON, Henry V.	Maui IW Res
HAIA, Moses K.N., III	Oahu IW Res
HAIA, Moses K.N., III	Hawaii IW Pas
JACKSON, Paulette P.	Hawaii IW Agr
KEPOO, Ardie K.	Maui IW Agr
KEPOO, Ardie K.	Hawaii IW Res
NAMAUU, Naomi I.	Hawaii IW Agr
NAMAUU, Naomi I.	Hawaii IW Res
SILVA, Rowena L.	Hawaii IW Agr
SILVA, Rowena L.	Hawaii IW Res
TOKI, Laverne M.K.	Hawaii IW Agr
TOKI, Laverne M.K.	Hawaii IW Res
WEISE, Aileen C.	Kauai IW Agr
WEISE, Aileen C.	Kauai IW Res
WRIGHT, Arleen L.	Maui IW Pas
WRIGHT, Arleen L.	Maui IW Res
WRIGHT, Wayne W.	Maui IW Pas

* IW = Islandwide

ITEM D-8 EXHIBIT**APPROVAL OF DESIGNATION OF SUCCESSORS TO LEASEHOLD INTEREST AND
DESIGNATION OF PERSONS TO RECEIVE THE NET PROCEEDS**

LESSEE	LEASE NO.	AREA
HANO HANO, Joseph, III	413	Nanakuli, Oahu
KAINOA, David R.L., Jr.	3782	Nanakuli, Oahu
REQUILMAN, Alfredo	5284	Waianae, Oahu

ITEM D-9 EXHIBIT**APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST**

LESSEE	LEASE NO.	AREA
AWANA-SCANLAN, Taryn K.	11897	Nanakuli, Oahu
HUSSEY, Loretta O.L.	9423	Kaniohale, Hawaii
YIM, Joycelyn L.A.	9423	Kaniohale, Hawaii
KAOHI, Su Yen M.	8885	Hanapepe, Kauai
FU, David H.	8885	Hanapepe, Kauai
OGAWA, Maile D.	10208	Kawaihae, Hawaii
REGIDOR, Nathan K.	10874	Laiopua, Hawaii
BELANIO, Anita H.	10874	Laiopua, Hawaii
THOMPSON, Florence K.	11728	Kanehili, Oahu

ITEM D-10 EXHIBIT

APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
COX, Clarence W., III	2896-A	Panaewa, Hawaii
GUTOWSKI, Miriam L.	4231	Nanakuli, Oahu
KAINOA, David R.L., Jr.	3782	Nanakuli, Oahu
KAMAKANA-JUARIO, Elizabeth-Rose M.	8-A	Kalamaula, Molokai
KONG KEE, John C.K.	7547	Waimanalo, Oahu
UAHINUI, Yolanda H.K.	13	Kalamaula, Molokai

ITEM D-11 EXHIBIT

**APPROVAL TO ISSUE A NON-EXCLUSIVE LICENSE FOR ROOFTOP PHOTOVOLTAIC
SYSTEMS FOR CERTAIN LESSEES**

LESSEE	LEASE NO.	AREA
AKO, James A.	9360	Kaniohale, Hawaii
SANTOS, Wayne S.	7085	Kawaihae, Hawaii

**HAWAIIAN HOMES COMMISSION
NOVEMBER 15 & 16, 2021
INTERACTIVE CONFERENCE
TECHNOLOGY**

C – ITEMS

OFFICE OF THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 15 & 16, 2021

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Tyler I Gomes, Deputy to the Chairman

SUBJECT: C-1 Approval of 2022 Hawaiian Homes Commission Meeting Schedule.

The Hawaiian Homes Commission (HHC) meetings are the third Monday and Tuesday of the month except for January and February when Monday is a holiday.

Location: Commission meetings on O‘ahu are held in Hale Pono‘i (the annex building) at the DHHL Main Office in Kapolei, 91-5420 Kapolei Parkway, Kapolei, O‘ahu. Neighbor Island meetings are subject to internet capabilities for streaming and hybrid meetings.

ITEM NO. C-1



HAWAIIAN HOMES COMMISSION 2022 MEETING SCHEDULE

January 18, 2022(Tue)	HHC Mtg, Kapolei – (No Community Mtg)
January 19, 2022(Wed)	HHC Mtg, Kapolei, O‘ahu
February 22, 2022 (Tue)	HHC Mtg, Kapolei, Community Mtg - Kapolei
February 23, 2022 (Wed)	HHC Mtg, Kapolei, O‘ahu
March 21, 2022	HHC Mtg, Community Mtg – Waimānalo
March 22, 2022	HHC Mtg, Kapolei, O‘ahu
April 18, 2022	HHC Mtg, Community Mtg – Moloka‘i
April 19, 2022	HHC Mtg, Lanikeha, Moloka‘i
May 16, 2022	HHC Mtg, Community Mtg –Kona
May 17, 2022	HHC Mtg, Kailua-Kona, Hawai‘i
June 20, 2022	HHC Mtg, Kapolei – (No Community Mtg)
June 21, 2022	HHC Mtg, Kapolei, O‘ahu
July 18, 2022	HHC Mtg, Community Mtg – Papakōlea
July 19, 2022	HHC Mtg, Kapolei, Hawai‘i
August 15, 2022	HHC Mtg, Community Mtg – Kaua‘i
August 16, 2022	HHC Mtg, Līhue, Kaua‘i
September 19, 2022	HHC Mtg, Community Mtg – West Maui
September 20, 2022	HHC Mtg, Lahaina, Maui
October 17, 2022	HHC Mtg, Community Mtg – Hilo
October 18, 2022	HHC Mtg, Hilo, Hawai‘i
November 21, 2022	HHC Mtg, Community Mtg – Central/Upcountry
November 22, 2022	HHC Mtg, Wailuku, Maui
December 19, 2022	HHC Mtg, Community Mtg – Nānākuli/Wai‘anae
December 20, 2022	HHC Mtg, Kapolei, O‘ahu


O‘ahu meetings are held at Hale Pono‘i, DHHL, 91-5420 Kapolei Parkway, Kapolei, O‘ahu.

Community meetings are held in the evenings. No community meetings scheduled for O‘ahu in January and June.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 15-16, 2021

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Hokulei Lindsey, Administrative Rules Officer 

SUBJECT: Adoption of Proposed Amendments Related to Supplemental Dwelling Units and
Compilation of Hawaii Administrative Rules Chapter 10-3

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission adopt Proposed Amendments Related to Supplemental Dwelling Units and Compilation of Hawaii Administrative Rules Chapter 10-3, and Approve Proceeding to Promulgation

DISCUSSION:

In January 2018, the Department of Hawaiian Home Lands (DHHL) began its process for administrative rulemaking for proposed rules related to supplemental dwelling units. The chart below contains a summary of the important actions taken by the Hawaiian Homes Commission (HHC) and DHHL in that process.

January 2018	Item C-3; Approval to proceed to beneficiary consultation
April-July 2018	Statewide beneficiary consultation
September 2018	Item C-1; Acceptance of the beneficiary consultation report for proposed rules; and Item C-2; For information: presentation of the beneficiary consultation report for proposed rules
January 2019	Item C-1; Approval of recommendations and to proceed with rulemaking under Ch. 91, HRS
September 2020	Item C-6; For information: update on administrative rules for SDUs
May 2021	Item C-6; For information: update on administrative rules for SDUs
May 26, 2021 (The Maui News republished May 27, 2021)	Publication of statewide notice for public hearing under Ch.91, HRS
June 30, 2021	Public hearing (via video conferencing technology)
October 2021	Item C-2; For information: report of public hearings

Based upon comments received during the public hearing process, staff recommends changes for clarification and consistency. Staff believes these changes are not substantive nor do they alter the meaning or impact of the proposed rules. Rather, the changes are administrative in nature and respond to comments by clarifying existing language. Staff recommends the following changes:

- **Table of contents.** Update the Table of Contents for compilation. Although the impacted sections were correctly included in the text as part of the compilation, the changes were not reflected in the Table of Contents. The Table of Contents will be updated to reflect:

§10-3-2.1 Documentation

§10-3-2.2 Genetic tests

§10-3-3 Repealed

§10-3-3.1 Application processing

§10-3-26 Residence permitted on agricultural and on pastoral lots, when

- **§ 10-3-40.02 Definitions.** Correcting the definition of SDU with respect to Maui County. The terminology used in Maui County is “accessory dwelling”, not “additional dwelling unit”. To be adjusted as follows:

““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, and “accessory dwelling” in Maui county.”

- **§ 10-3-40.05 Lot requirements.** Item (5) on the list of requirements be clarified by adding “on a residential lot.” Although the rules refer to residential lots throughout, a comment was received that specificity here would add clarity for the counties in their review and approval processes because their codes may provide different requirements for residential lots than for agriculture zoned lots. To read as follows:

“(5) Respective county requirements for an additional dwelling unit on a residential lot. 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.”

- **§ 10-3-40.07 Supplemental dwelling units.**

- Add “residential lot” to subsection (a) for clarity and consistency with 10-3-40.05(5). To read as follows:

“(a) Any SDU shall comply with the respective county’s SDU area maximums for residential lots.”

- Subsection (b)(2)(A) be made explicit by adding “Short term rentals shall be prohibited.” The current language in effect would prohibit short term rentals because it provides that the minimum rental period is six months. A comment was received that suggested explicit language prohibiting short term rentals would eliminate any question about the issue.

“(A) Short term rentals shall be prohibited. The minimum rental period agreement on the unit shall be six months”

- **§ 10-3-40.09 Existing structures, non-compliance.** Adding “through the SDU process” for clarity. To read as follows:

“Any structures on the lot that have not been approved by the department or are unpermitted, or both, shall be brought into compliance through the SDU process or be removed at the lessee’s expense.”

Chapter 10-3, showing the SDU amendments and recommended changes discussed above, is attached as Exhibit A.

After HHC adoption, the proposal will be finalized and sent to DHHL’s Deputy Attorney Generals for approval as to form then to Governor for signature. The rules become effective ten days after filing with the Lieutenant Governor’s Office.

RECOMMENDATION:

Staff respectfully requests approval of the motion as stated above.

Amendment and Compilation of Chapter 10-3
Hawaii Administrative Rules

[]

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

"HAWAII ADMINISTRATIVE RULES

TITLE 10

DEPARTMENT OF HAWAIIAN HOME LANDS

CHAPTER 3

NATIVE HAWAIIAN REHABILITATION PROGRAM

Subchapter 1 Applications for Homestead Leases

- §10-3-1 Application forms
- §10-3-2 Qualifications of applicants
- §10-3-2.1 Documentation
- §10-3-2.2 Genetic tests
- §10-3-3 ~~Application processing~~ Repealed
- §10-3-3.1 Application processing
- §10-3-4 Residential lot application
- §10-3-5 Agricultural or pastoral lot application
- §10-3-6 Island-wide waiting lists
- §10-3-7 Priority and preference for award of leases
- §10-3-8 Transfer of application rights
- §10-3-9 Posting lease awards
- §10-3-10 Requirement for current information;
placement on deferred status
- §10-3-11 Lanai awards

§§10-3-12 to 20 (Reserved)

Subchapter 2 Leases to Native Hawaiians

- §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 on
pastoral lots, when
- §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
- \$10-3-51 Operation of funds
- \$10-3-52 Hawaiian home receipts fund
- \$\$10-3-53 to 60 (Reserved)

Subchapter 5 Successors to Lessees

- \$10-3-61 Designation of successor
- \$10-3-62 Reversion to the department
- \$10-3-63 Notice to successors
- \$10-3-64 Appraisals
- \$10-3-65 Payments
- \$10-3-66 Cancellation and surrender
- \$10-3-67 Cancellation of lease when tract is
abandoned
- \$\$10-3-68 to 70 (Reserved)

Subchapter 6 Community Pastures, Fees, and Charges

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

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

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

SUBCHAPTER 1

APPLICATIONS FOR HOMESTEAD LEASES

§10-3-1 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. [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. [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, and

"accessory dwelling" in Maui 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 on a residential lot. 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 for residential lots.

(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) Short term rentals shall be prohibited. 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 through the SDU process 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.

- (3) 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
- (5) 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
- (2) 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 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

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 15-16, 2021

TO: Members, Hawaiian Homes Commission

THROUGH: William J. Aila, Jr. Chairman

FROM: David Kaapu, Vice Chair, Hawaiian Homes Commission

SUBJECT: Appointment of Right of Entry Market Rent Comparables Permitted Interaction Group pursuant to Hawaii Revised Statutes section 92-2.5 and Hawaii Administrative Rules section 10-2-16 (b) (1)

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION:

An investigative committee of the Hawaiian Homes Commission is appointed effective November 16, 2021. The purpose of the committee is to research and recommend to the Commission the current market land rental rates for comparable properties adjacent or near to Department of Hawaiian Home Lands' (DHHL) properties that are currently unencumbered with a long term land disposition but occupied by a Right of Entry holder.

The Committee may also recommend alternative methodologies to establish the market fee for a Right of Entry, taking into consideration location, land use, and other relevant criteria.

The members of the Committee include David Kaapu, Russell Kaapu, Patricia Teruya, and Dennis Neves. Vice Chair Kaapu will serve as Chair of the Committee. The Committee's work is expected to be completed by March 1, 2022 with a report to the Hawaiian Homes Commission of the Committee's findings and recommendations to follow at the next regular meeting.

**HAWAIIAN HOMES COMMISSION
NOVEMBER 15 & 16, 2021
INTERACTIVE CONFERENCE
TECHNOLOGY**

D – ITEMS

HOMESTEAD SERVICES DIVISION

HOMESTEAD SERVICES DIVISION
AGENDA

November 15, 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 Streamline Refinance of Loans (see exhibit)
APPL	D-4	Approval of Homestead Application Transfers / Cancellations (see exhibit)
	D-5	Approval to Certify Applications of Qualified Applicants for the month of October 2021 (see exhibit)
	D-6	Approval to Cancel Applications of Non-Qualified Applicants (see exhibit)
	D-7	Reinstatement of Deferred Application – JORDAN AKAU & FRANCIS A. MAKAI
DO	D-8	Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
	D-9	Approval of Assignment of Leasehold Interest (see exhibit)
	D-10	Approval of Amendment of Leasehold Interest (see exhibit)
	D-11	Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
	D-12	Commission Designation of Successor – FLORENCE I. KOANUI , Residential Lease No. 12826, Lot No. 37, Ka‘uluokaha‘i, O‘ahu
	D-13	Commission Designation of Successor – HAZEL W. PU , Residential Lease No. 5518, Lot No. 117, Lualualei, O‘ahu
	D-14	Commission Designation of Successor – JOANKA K. KAUPU , Residential Lease No. 4385, Lot No. 81, Nānākuli, O‘ahu
	D-15	Request for Relocation – LEIF K. MOKUAHI , Residential Lease No. 2518, Lot No. 90, Kewalo, O‘ahu
	D-16	Commission Designation of Successor – GEORGE L. NAONE and Approval of Assignment and Amendment of Leasehold Interest – DARIN O. WRIGHT, JR. , Residential Lease No. 708-A, Lot No. 130-A-2, Nānākuli, O‘ahu; and Approval of Assignment and Amendment of Leasehold Interest – HOOLEHUA WRIGHT , Residential Lease No. 5684, Lot No. C, Nānākuli, O‘ahu
WHDO	D-17	Request for Extension of Deadline to Sign Successorship Documents – PEARL U. GARMON , Residential Lease Lot No. 25A1, Lease No. 4899, Kuhio Village, Hawai‘i
	D-18	Request for Extension of Deadline to Sign Successorship Documents – JOANN I. MAIO , Residential Lease Lot No. 111, Lease No. 12822, Kawaihae, Hawai‘i
	D-19	Request to Approve Third Party Agreement – WILLIAM K. MILLS , Pastoral Lease lot No. 17, Lease No. 09045, Pu‘ukapu, Hawai‘i
Maui DO	D-20	Request for Extension of Deadline to Sign Successorship Documents – MAHINALANI JERROLD ANN DOLOR KEALAKAI , Pastoral Lease No. 9139, Lot No. 38, Kahikinui, Maui

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(Without Exhibit)


ITEM NO. D-1

(With Exhibit)

ITEM NO. D-1
EXHIBIT A

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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

November 15, 2021

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through October 31, 2021

	As of 9/30/21	Add	Cancel	As of 10/31/21
Residential	8,474	7	1	8,480
Agricultural	1,093	0	0	1,093
Pastoral	413	0	0	413
Total	9,980	7	1	9,986

The cumulative number of Converted Undivided Interest Lessees represents an increase of 536 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 9/30/21	Converted	Rescinded/ Surrendered/ Cancelled	As of 10/31/21
Undivided	787	2	0	785

Balance as of 10/31/2021

Awarded	1,434
Relocated to UNDV	7
Rescinded	111
Surrendered	5
Cancelled	4
Converted	<u>536</u>
Balance to Convert	785

Lease Report For the Month Ending October 31, 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	28	1	0	29	0	0	0	0	0	0	0	0	28	1	0	29
Kalaiahine	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	1	179	0	0	0	0	0	0	0	0	180	0	1	179
Kaulaokahai	124	6	0	130	0	0	0	0	0	0	0	0	124	6	0	130
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
Kumuahu	52	0	0	52	0	0	0	0	0	0	0	0	52	0	0	52
Luahale	147	0	0	147	31	0	0	31	0	0	0	0	178	0	0	178
Maluohai	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	719	0	0	719	2	0	0	2	0	0	0	0	721	0	0	721
TOTAL	4,360	7	1	4,366	61	0	0	61	0	0	0	0	4,421	7	1	4,427
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
Kaunana	42	0	0	42	0	0	0	0	0	0	0	0	42	0	0	42
Keaukaha	473	0	0	473	0	0	0	0	0	0	0	0	473	0	0	473
Kurdistown	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
Piipihoua	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
Waieka	286	0	0	286	0	0	0	0	0	0	0	0	286	0	0	286
TOTAL	840	0	0	840	393	0	0	393	25	0	0	25	1,258	0	0	1,258
WEST HAWAII																
Honokaia	0	0	0	0	0	0	0	0	24	0	0	24	24	0	0	24
Humuia	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
Kanohale	224	0	0	224	0	0	0	0	0	0	0	0	224	0	0	224
Kawaihae	192	0	0	192	0	0	0	0	1	0	0	1	193	0	0	193
Laiopua	283	0	0	283	0	0	0	0	0	0	0	0	283	0	0	283
Lalamilo	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Nienle	0	0	0	0	0	0	0	0	21	0	0	21	21	0	0	21
Puukapu/Waimea/Kuhio Vil	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	531	0	0	531	46	0	0	46	0	0	0	0	577	0	0	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 Opae	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
TOTAL	695	0	0	695	46	0	0	46	1	0	0	1	742	0	0	742
MOLOKAI																
Hoolehua	153	0	0	153	345	0	0	345	21	0	0	21	519	0	0	519
Kalamauia	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 Aili	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	8,474	7	1	8,480	1,093	0	0	1,093	413	0	0	413	9,980	7	1	9,986

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING
September 30, 2021

AREA WAITING LIST

DISTRICT AREA	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
Oahu District	936	0	2	934	0	0	0	0	0	0	0	934
Maui District	50	0	0	50	4	0	0	4	5	0	0	59
Hawaii District	129	0	0	129	28	0	0	28	46	0	0	203
Kauai District	51	0	0	51	3	0	0	3	27	0	0	81
Molokai District	20	0	0	20	17	0	0	17	1	0	0	38
TOTAL	1,186	0	2	1,184	52	0	0	52	79	0	0	1,315

ISLANDWIDE WAITING LIST

ISLAND	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
Oahu	10,061	16	7	10,070	3,874	6	1	3,879	0	0	0	13,949
Maui	3,844	4	0	3,848	4,696	1	2	4,695	621	2	0	9,166
Hawaii	5,840	8	3	5,845	7,288	6	5	7,289	1,908	2	1	15,043
Kauai	1,654	0	2	1,652	2,253	0	1	2,252	302	0	0	4,206
Molokai	820	1	0	821	1,083	1	0	1,084	206	0	0	2,111
Lanai	74	0	0	74	0	0	0	0	0	0	0	74
TOTAL	22,293	29	12	22,310	19,194	14	9	19,199	3,037	4	1	44,549

AREA AND ISLANDWIDE LISTS

	ADDITIONS				CANCELLATIONS			
	RES	AG	PAS	TOTAL	New Lease Awards	Application Transfers	Succ'd and Cancel Own	TOTAL
OAHU	11,004	3,879	0	14,883	40	7	7	7
MAUI	3,898	4,699	628	9,225	7	0	3	3
HAWAII	5,974	7,317	1,955	15,246	0	0	0	0
KAUAI	1,703	2,255	329	4,287	0	0	0	0
MOLOKAI	841	1,101	207	2,149	0	0	0	0
LANAI	74	0	0	74	0	0	0	0
TOTAL	23,494	19,251	3,119	45,864	47	7	5	24

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

October 31, 2021

	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU DISTRICT												
Nanakuli	162	0	1	161	0	0	0	0	0	0	0	0
Waiānae	141	0	0	141	0	0	0	0	0	0	0	0
Luālualei	0	0	0	0	0	0	0	0	0	0	0	0
Papaikōlea/Kewalo	67	0	0	67	0	0	0	0	0	0	0	0
Waimanalo	560	0	1	559	0	0	0	0	0	0	0	0
Subtotal Area	936	0	2	934	0	0	0	0	0	0	0	0
Islandwide	10,061	16	7	10,070	3,874	6	1	3,879	0	0	0	0
TOTAL OAHU APPS	10,997	16	9	11,004	3,874	6	1	3,879	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	3,844	4	0	3,848	4,696	1	2	4,695	621	2	0	623
TOTAL MAUI APPS	3,894	4	0	3,898	4,700	1	2	4,699	626	2	0	628
HAWAII DISTRICT												
Keaukaha/Waiākea	69	0	0	69	0	0	0	0	0	0	0	0
Pānaeā	0	0	0	0	16	0	0	16	0	0	0	0
Huānui	0	0	0	0	0	0	0	0	0	0	0	0
Kaunāhā	16	0	0	16	0	0	0	0	0	0	0	0
Wailānae	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	5,840	8	3	5,845	7,288	6	5	7,289	1,908	2	1	1,909
TOTAL HAWAII APPS	5,969	8	3	5,974	7,316	6	5	7,317	1,954	2	1	1,955
KAUAI DISTRICT												
Anāhā	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	1,654	0	2	1,652	2,253	0	1	2,252	302	0	0	302
TOTAL KAUAI APPS	1,705	0	2	1,703	2,256	0	1	2,255	329	0	0	329
MOLOKAI DISTRICT												
Kalaupā	4	0	0	4	0	0	0	0	0	0	0	0
Hoolāhā	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	820	1	0	821	1,083	1	0	1,084	206	0	0	206
TOTAL MOLOKAI APPS	840	1	0	841	1,100	1	0	1,101	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	2	1,184	52	0	0	52	79	0	0	79
TOTAL ISLANDWIDE	22,293	29	12	22,310	19,194	14	9	19,199	3,037	4	1	3,040
TOTAL STATEWIDE	23,479	29	14	23,494	19,246	14	9	19,251	3,116	4	1	3,119

DELINQUENCY REPORT - STATEWIDE

November 15, 2021

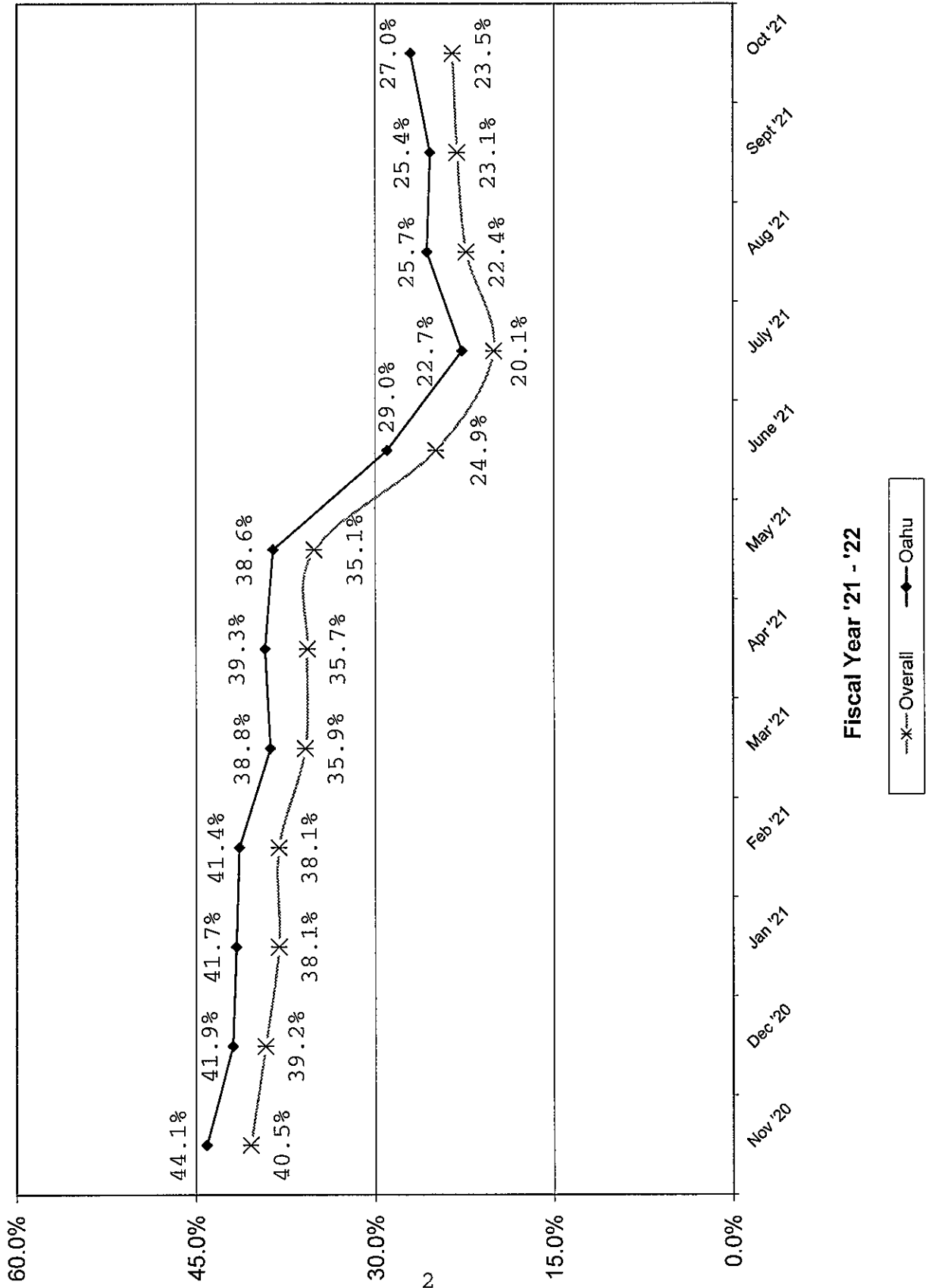
(\$Thousands)

	Total Outstanding (000s)		Total Delinquency (000s)		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)		% of Totals 10/31/2021	
	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	\$
DIRECT LOANS														
OAHU	397	38,495	114	10,411	16	1,490	9	742	32	2,161	57	6,018	28.7%	27.0%
EAST HAWAII	205	12,277	59	4,205	7	323	5	185	7	493	40	3,205	28.8%	34.3%
WEST HAWAII	83	8,637	8	673	3	178	1	132	0	0	4	364	9.6%	7.8%
MOLOKAI	82	6,995	12	415	3	62	0	0	2	50	7	303	14.6%	5.9%
KAUAI	92	7,182	17	1,170	5	386	1	130	5	294	6	360	18.5%	16.3%
MAUI	97	13,043	28	3,489	8	756	2	446	5	281	13	2,007	28.9%	26.8%
TOTAL DIRECT	956	86,630	238	20,364	42	3,196	18	1,633	51	3,279	127	12,256	24.9%	23.5%
	100.0%	100.0%	24.9%	23.5%	4.4%	3.7%	1.9%	1.9%	5.3%	3.8%	13.3%	14.1%		
Advances (including RPT)	230	6,159	230	6,159	0	0	0	0	230	6,159			100%	100%
DHHL LOANS & Advances	1,186	92,788	468	26,523	42	3,196	18	1,633	281	9,438	127	12,256	39.5%	28.6%
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	264	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	146	20,944	4	841	1	197	1	202	2	442			2.7%	4.0%
HUD REASSIGNED for Recovery	143	16,933	118	15,338	0	0	1	35	5	481	112	14,821	82.5%	90.6%
FHA Insured Loans	2,873	496,064	273	44,906	0	0	0	0	273	44,906			9.5%	9.1%
TOTAL INS. LOANS	3,162	533,941	395	61,085	1	197	2	237	280	45,829	112	14,821	12.5%	11.4%
OVERALL TOTALS(EXC Adv/RP)	4,472	655,621	720	88,793	43	3,393	20	1,871	418	56,452	239	27,077	16.1%	13.5%
ADJUSTED TOTALS	4,702	661,780	950	94,952	43	3,393	20	1,871	648	62,611	239	27,077		14.3%

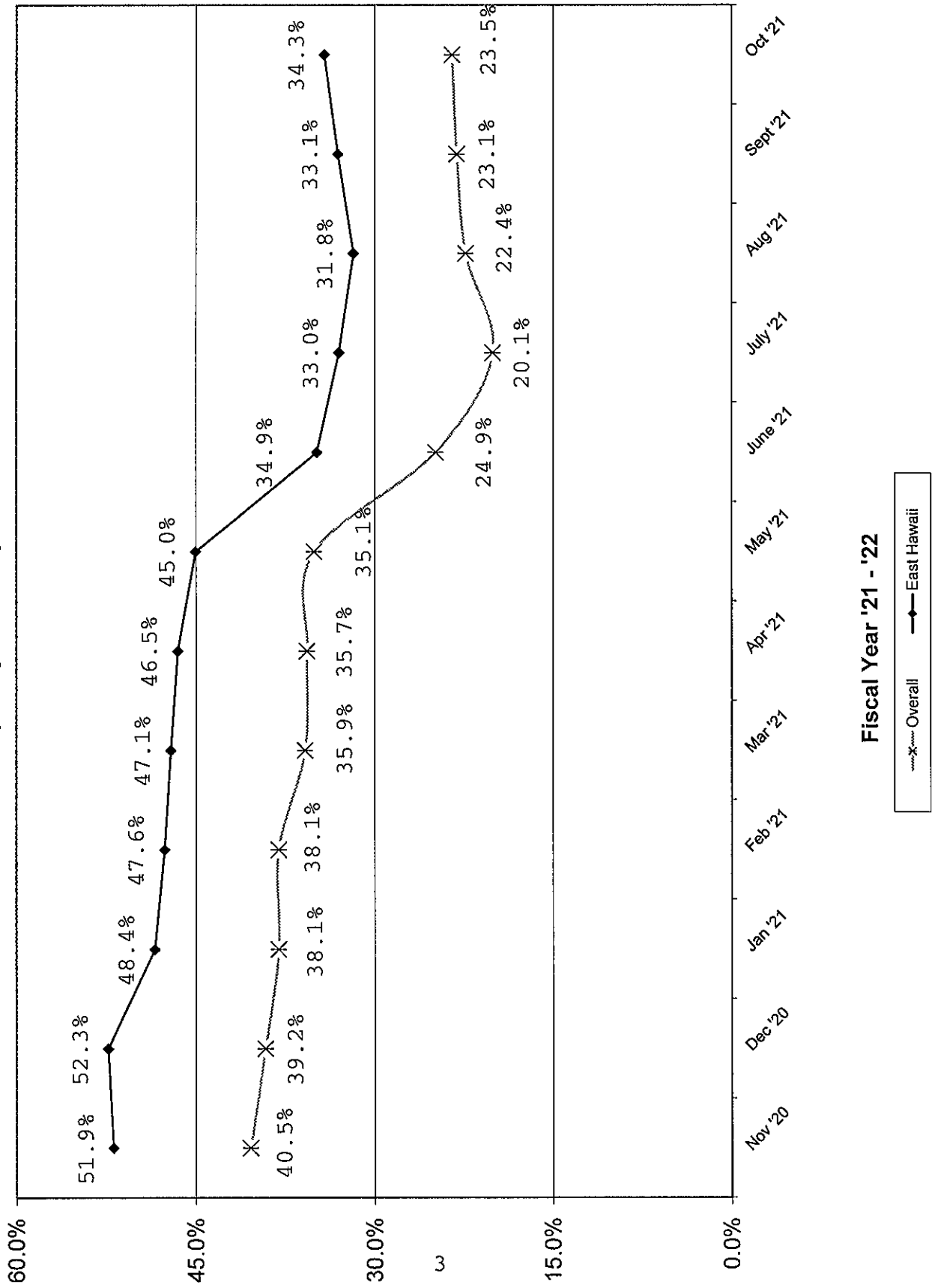
Note: HUD 184A loan program has 507 loans, with a total outstanding principal balance of \$112,122,650 as of June 30, 2021. 27 Loans, totaling \$6,600,376 are delinquent.

The deferred interest for 510 loans comes out to \$2,473,022.78 as of 10/31/2021.

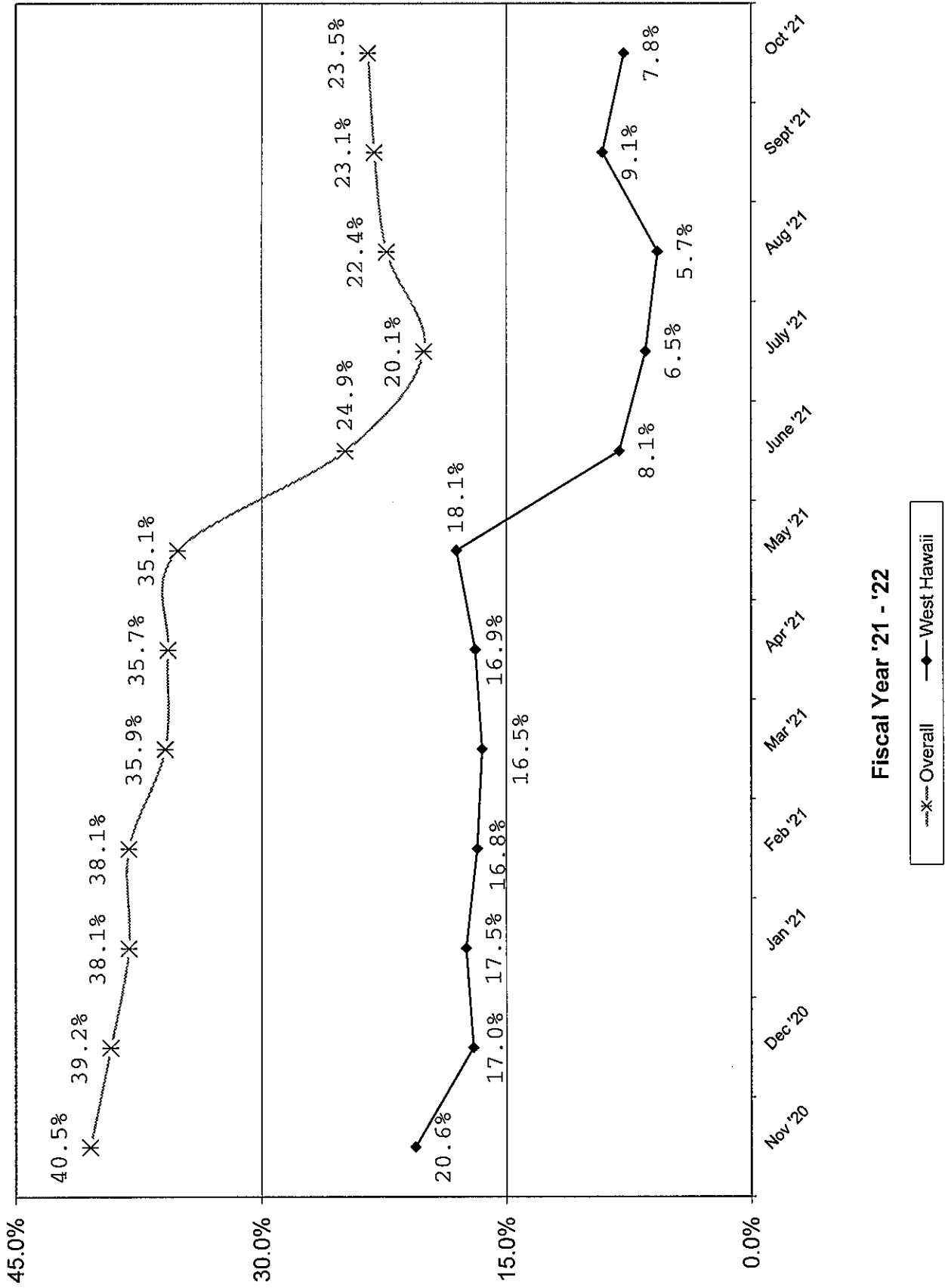
OAHU
Direct Loans
Delinquency Ratio Report



EAST HAWAII Direct Loans Delinquency Ratio Report



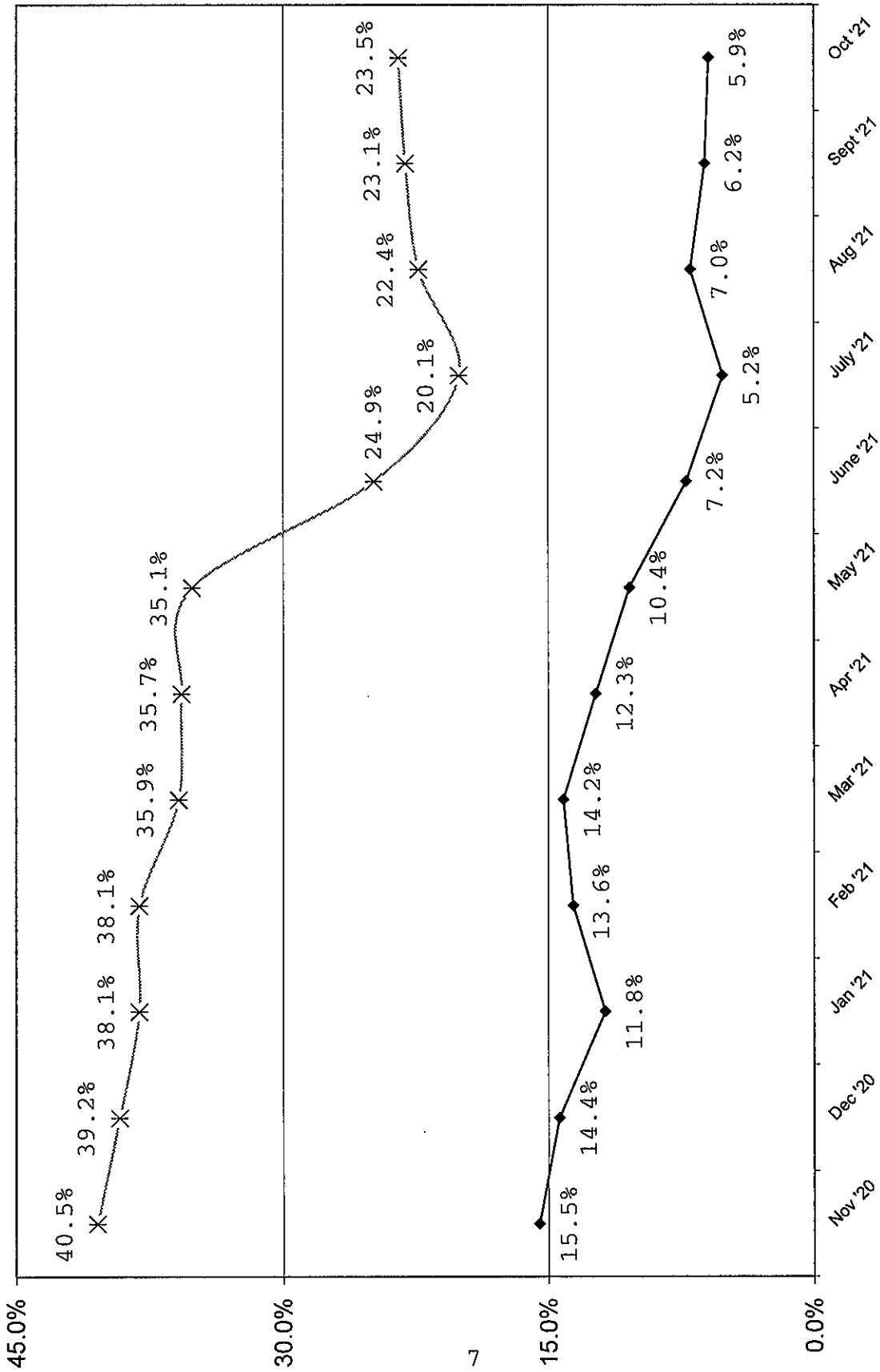
WEST HAWAII
Direct Loans
Delinquency Ratio Report



Fiscal Year '21 - '22

---X--- Overall —◆— West Hawaii

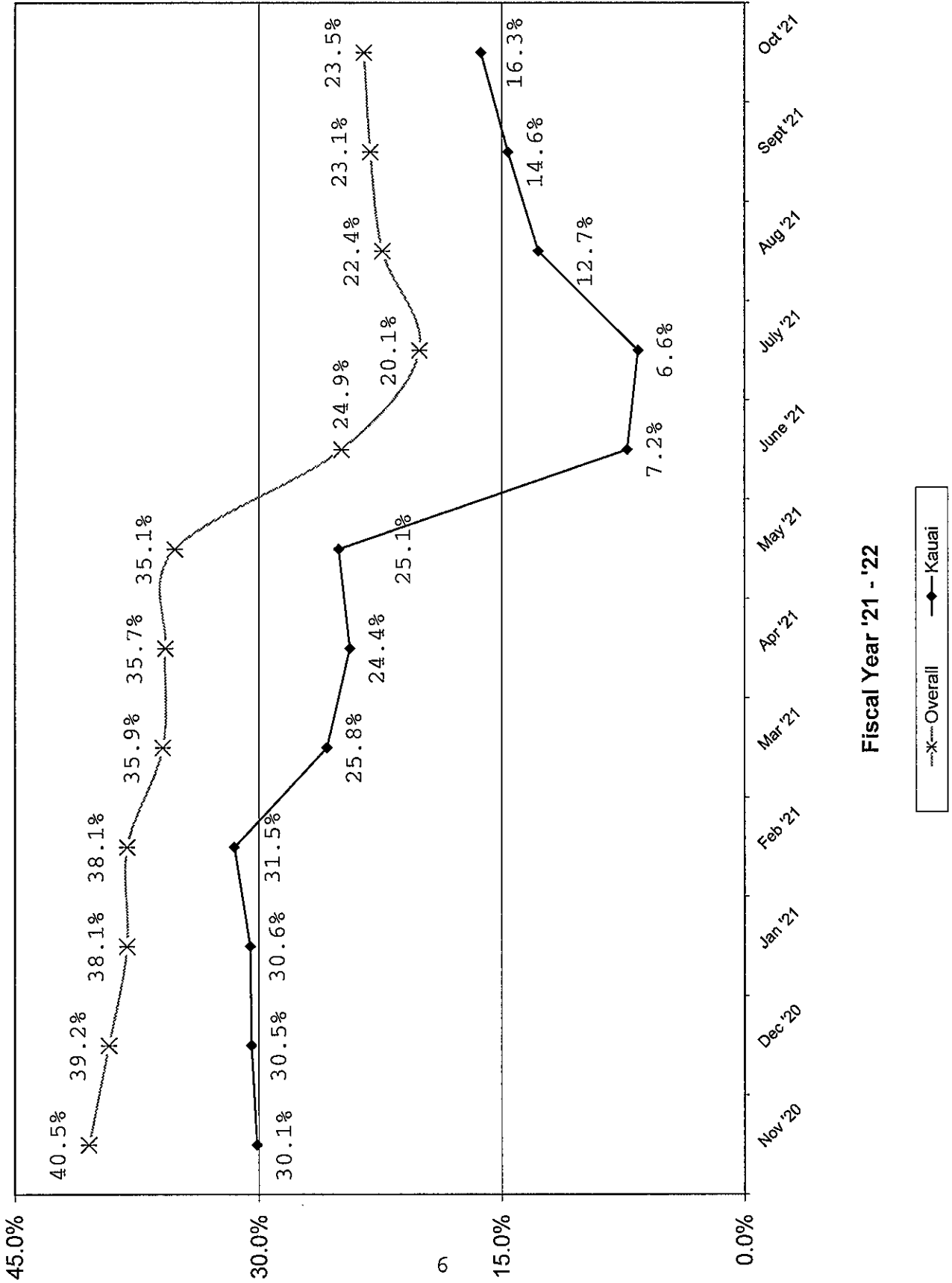
MOLOKAI
Direct Loans
Delinquency Ratio Report



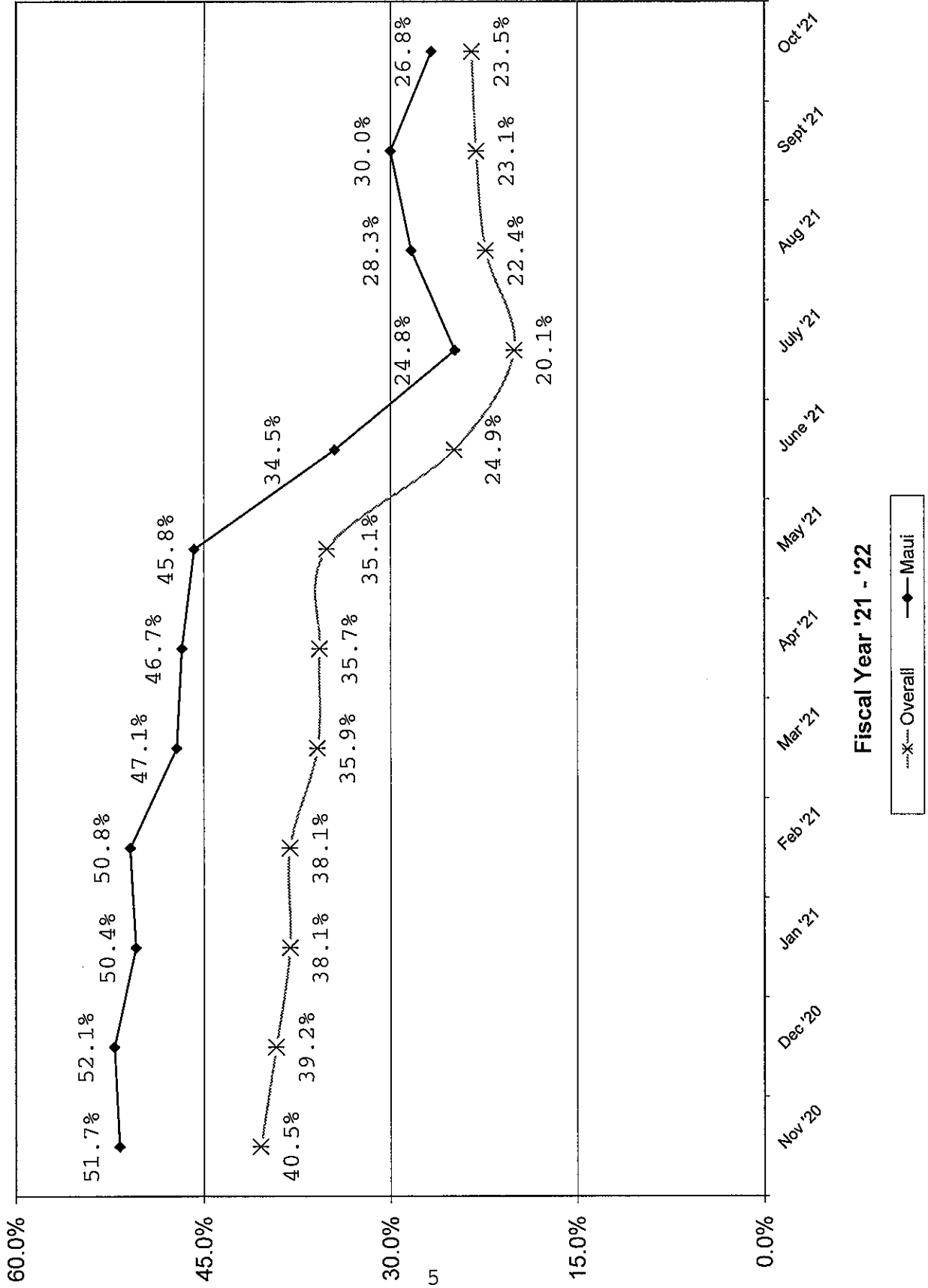
Fiscal Year '21 - '22

---x--- Overall —◆— Molokai

KAUAI Direct Loans Delinquency Ratio Report



MAUI
Direct Loans
Delinquency Ratio Report



November 15, 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>
1211-A	Keaukaha	Hutchinson, Bella L.	\$200,715	10/14/21

	<u>No.</u>	<u>Balance</u>
FY Ending 6/30/21	7	\$ 1,917,178
Previous Months	3	\$ 1,070,016
This Month	<u>1</u>	<u>200,715</u>
FY '21-'22 to date	4	\$ 1,270,731

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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>			
Kalawahine Lease No. 9598 TMK: 1-2-4-043:053	HOWARD, Timothy J. (Cash Out Refi) FHA	Mid America Mortgage, Inc.	\$ 340,000
Kaupea Lease No. 12104 TMK: 1-9-1-140:040	KAHUE, Heston R. (Rate & Term Refi) FHA	HomeStreet Bank	\$ 392,000
Kauluokahai Lease No. 12949 TMK: 1-9-1-017:110	IOANE, Nathan L. (Purchase) FHA	HomeStreet Bank	\$ 355,000

OAHU

Kanehili Lease No. 11868 TMK: 1-9-1-152:120	NAHINA, Solomon K. (Cash Out Refi) FHA	Mid America Mortgage, Inc.	\$ 409,000
Maluohai Lease No. 9762 TMK: 1-9-1-119:063	KAAHANUI, Isaiah K. J. (Purchase)FHA	Mid America Mortgage, Inc.	\$ 450,000
Nanakuli Lease No. 8889 TMK: 1-8-9-016:088	WILHELM, Richard D. (Rate & Term Refi) HUD 184A	HomeStreet Bank	\$ 180,000
Waianae Lease No. 10244 TMK: 1-8-5-036:029	MALAMA-KELLER, Kamaehu K. K. (Purchase)FHA	Guild Mortgage	\$ 144,240
Kanehili Lease No. 11822 TMK: 1-9-1-151:032	GUILLERMO, Keoni W. (Cash Out Refi) FHA	HomeStreet Bank	\$ 279,770
Kauluokahai Lease No. 12839 TMK: 1-9-1-017:110	SILVA, Louise K. W. (Cash Out Refi) FHA	HighTechLen- ding Inc.	\$ 447,637
Princess Kahanu Estates Lease No. 8319 TMK: 1-8-7-042:028	VICKERS, Vernon A., Jr. (Cash Out Refi) FHA	HighTechLen- ding Inc.	\$ 272,475
Nanakuli Lease No. 4398 TMK: 1-8-9-002:062	MCSHANE, Raylynn K. (Cash Out Refi) FHA	HighTechLen- ding Inc.	\$ 181,650
Kaupea Lease No. 12102 TMK: 1-9-1-140:037	KALIMA, Mitchell M. (Cash Out Refi) FHA	Bank of Hawaii	\$ 390,000

ITEM NO. D-2

OAHU

Waimanalo Lease No. 3697 TMK: 1-4-1-029:075	CROWELL, Harold K., III (Cash Out Refi) FHA	Mid America Mortgage, Inc.	\$ 183,000
Nanakuli Lease No. 7346 TMK: 1-8-9-016:058	ALBORO, Darylene K. (Cash Out Refi) FHA	Mid America Mortgage, Inc.	\$ 236,000
Nanakuli Lease No. 1768 TMK: 1-8-9-004:097	GASPAR, Patricia L. (Cash Out Refi) FHA	Guild Mortgage	\$ 200,000
Maluohai Lease No. 9877 TMK: 1-9-1-120:062	KEKUEWA, Susan R. N. (Cash Out Refi) HUD 184A	Bank of Hawaii	\$ 194,000
Waiahole Lease No. 6645 TMK: 1-4-8-009:025	FARLEY, Michael W. (Cash Out Refi) HUD 184A	HomeBridge Financial Services, Inc.	\$ 315,250
Kanehili Lease No. 12608 TMK: 1-9-1-152:106	MAKAOKALANI-SATOT, Tyrone K. L. (Cash Out Refi) FHA	HomeStreet Bank	\$ 477,480
Kaupea Lease No. 11397 TMK: 1-9-1-139:132	CHING, Shelby N. L. (Purchase)FHA	Mid America Mortgage, Inc.	\$ 403,000
Kanehili Lease No. 11688 TMK: 1-9-1-153:097	ONEKEA, Edward, K., III (Purchase)VA	Department of Veterans Affairs	\$ 455,625
Nanakuli Lease No. 11897 TMK: 1-8-9-015:026	KUMUHONE, Uilani H. K. (Purchase)FHA	Celebrity Home Loans	\$ 450,511

ITEM NO. D-2

OAHU

Nanakuli Lease No. 3799 TMK: 1-8-9-009:016	KALEIKULA-KELE, Malisa M. (Purchase)FHA	Mid America Mortgage, Inc.	\$ 77,000
Kalawahine Lease No. 9592 TMK: 1-2-4-043:003	MAUNU-HENDRIX, Carolyn H. (Cash Out Refi) FHA	HomeStreet Bank	\$ 259,500
Kewalo Lease No. 2205 TMK: 1-2-4-040:036	KALIMA, Glenn H. A., Jr. (Purchase)FHA	HomeStreet Bank	\$ 622,800
Kanehili Lease No. 11774 TMK: 1-9-1-153:133	PADEKEN-PASIGAN, Arlett (Cash Out Refi) FHA	SecurityNat- ional Mortg- age Company	\$ 521,000
Waianae Lease No. 5313 TMK: 1-8-5-033:024	KALAMAU, Heather L. (Purchase)FHA	Guild Mortgage	\$ 122,000

MAUI

Waiohuli Lease No. 7474 TMK: 2-2-2-027:022	KAHAE, Lisa (Cash Out Refi) FHA	HomeBridge Financial Services, Inc.	\$ 415,000
Waiehu 4 Lease No. 12231 TMK: 2-3-2-025:013	KUANONI, Samson K. (Purchase)FHA	Mid America Mortgage, Inc.	\$ 553,000
Waiohuli Lease No. 7553 TMK: 2-2-2-027:029	MAHI, Kalani J. (Cash Out Refi) FHA	Guild Mortgage	\$ 350,000

ITEM NO. D-2

MAUI

Leialii Lease No. 11479 TMK: 2-4-5-036:029	KUKAHIKO, Tiare (Cash Out Refi) FHA	HomeBridge Financial Services, Inc.	\$ 228,360
Paukukalo Lease No. 3491 TMK: 2-3-3-005:042	KAHOOHANO HANO, Kristallee M. (Cash Out Refi) FHA	HomeBridge Financial Services, Inc.	\$ 285,000
Waiohuli Lease No. 7726 TMK: 2-2-2-027:105	KUAILANI, Melanie P. (Cash Out Refi) HUD 184A	HomeBridge Financial Services, Inc.	\$ 220,000
Waiohuli Lease No. 10405 TMK: 2-2-2-028:105	ANDRADE, Kelley K. (Cash Out Refi) FHA	Mann Mortgage LLC	\$ 324,000

KAUAI

Kekaha Lease No. 11336 TMK: 4-1-2-017:004	WARREN, Van K. (Rate & Term Refi) FHA	Mid America Mortgage, Inc.	\$ 229,000
Kekaha Lease No. 11332 TMK: 4-1-2-017:044	MAKANANI-PILILAAU, Terralyn P. (Cash Out Refi) FHA	HomeStreet Bank	\$ 190,880
Anahola Lease No. 3057 TMK: 4-4-8-015:008	JOSIAH, Chanel-Marie K. (Purchase) FHA	HomeBridge Financial Services, Inc.	\$ 393,531
Kekaha Lease No. 4683 TMK: 4-1-3-002:078	RIVERA, Granatanne K. (203k Rehab) FHA	HomeStreet Bank	\$ 534,762

ITEM NO. D-2

HAWAII

Kuhio Village Lease No. 4931 TMK: 3-6-4-007:074	KAWAMOTO, Emily L. (Cash Out Refi) FHA	Mid America Mortgage, Inc.	\$ 333,000
Puupulehu Lease No. 7029 TMK: 3-6-4-032:002	SPENCER-KENNEDY, Daniel K. (Rate & Term Refi) HUD 184A	Bank of Hawaii	\$ 356,000
Keaukaha Lease No. 3565A TMK: 3-2-1-024:076	WAIPA, Duwayne K. (Cash Out Refi) HUD 184A	HomeBridge Financial Services, Inc.	\$ 250,000
Panewa Lease No. 2896A TMK: 3-2-2-061:022	COX, Clarence W., III (Construction)VA	Department of Veterans Affairs	\$ 520,000
Kaniohale Lease No. 9245 TMK: 3-7-4-022:032	KAHANU, Paul K. (Cash Out Refi) FHA	Mid America Mortgage, Inc.	\$ 292,000

<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	178	\$ 57,581,891	3	\$ 1,360,687
This Month	<u>34</u>	<u>11,342,596</u>	<u>2</u>	<u>975,625</u>
Total FY '21-'22	212	\$ 68,924,487	5	\$ 2,336,312

		<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	24	\$ 7,998,121	4	\$ 874,000
This Month	<u>6</u>	<u>1,515,250</u>	<u>0</u>	<u>0</u>
Total FY '21-'22	30	\$ 9,513,371	4	\$ 874,000


ITEM NO. D-2


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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>
Kamoku, Paul K. Sr.	9379, Kaniohale	NTE \$180,300 @4% interest per annum, NTE \$952 monthly, repayable over 25 years.

Loan Purpose: Refinance Contract of Loan No. 19587.
Original loan amount of \$189,076 at 4.5% per annum, \$959 monthly, repayable over 30 years. A Contested Case Hearing was not held for this account.

Kahumoku, Sharleen U. & Gunderson, Cherilyn K.	9279, Kaniohale	NTE \$119,697 @4% interest per annum, NTE \$986 monthly, repayable over 13 years.
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Loan Purpose: Refinance Contract of Loan No. 19729.
Original loan amount of \$128,818 at 4.5% per annum, \$986 monthly, repayable over 15 years. A Contested Case Hearing was not held for this account.



Thomas, Kimberly Keith	9909, Anahola	NTE \$55,765 @4% interest per annum, NTE \$616 monthly, repayable over 9 years.
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Loan Purpose: Refinance Contract of Loan No. 19050.
Original loan amount of \$88,999 at 4.5% per annum, \$652 monthly, repayable over 16 years. A Contested Case Hearing was not held for this account.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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

NONE FOR SUBMITTAL

2. Deceased Applicants

NONE FOR SUBMITTAL

3. Awards of Leases

WAIMANALO AREA /OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KEKINO, Lovelyn M.

Assigned Residential Lease #12964,
Lot 35 in Kakaina, Oahu dated
10/06/2021. Remove application
dated 10/12/1970.

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

CHOY FOO, Ted H.	Assigned Residential Lease #8358, Lot 67 in Princess Kahanu Estates, Oahu dated 09/21/2021. Remove application dated 07/29/1994.
DEFRIES, Victor P.K.	Assigned Residential Lease #12953, Lot 100 in Ka'uluokaha'i, Oahu dated 10/26/2021. Remove application dated 01/10/1978.
HOLT, Marvielena E.	Assigned Residential Lease #12954, Lot 9 in Ka'uluokaha'i, Oahu dated 10/25/2021. Remove application dated 04/29/1986.
KAIALAU, Pat M.	Assigned Residential Lease #12940, Lot 59 in Ka'uluokaha'i, Oahu dated 10/07/2021. Remove application dated 08/02/1985.
KEOHUHU, Hank K.	Assigned Residential Lease #7961, Lot 93 in Nanakuli, Oahu dated 09/09/2021. Remove application dated 05/22/2008.
KOLO, Rebecca K.	Assigned Residential Lease #12937, Lot 62 in Ka'uluokaha'i, Oahu dated 10/25/2021. Remove application dated 09/01/1982.
PAAKAULA, Solomon K., Jr.	Assigned Residential Lease #11976, Lot 17089 in Kaupea, Oahu dated 08/25/2021. Remove application dated 11/02/2020.
TUPUA, Annette L.	Assigned Residential Lease #12943, Lot 98 in Ka'uluokaha'i, Oahu dated 10/25/2021. Remove application dated 03/11/1985.

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

KALAMA, Trudylei M.	Assigned Residential Lease #11976, Lot 17089 in Kaupea, Oahu dated 08/25/2021. Remove application dated 12/28/2017.
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HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

CARPENTER, Raelynn K.	Assigned Agricultural Lease #2891- A, Lot 127 in Panaewa, Hawaii dated 02/14/2020. Remove application dated 11/02/1998.
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

PAULO, Peter K., Jr.	Assigned Residential Lease #951, Lot 133 in Keaukaha, Hawaii dated 03/21/2019. Remove application dated 05/14/2004.
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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

PAAKAULA, Joachim R.	Assigned Residential Lease #11976, Lot 17089 in Kaupea, Oahu dated 08/25/2021. Remove application dated 01/02/1991.
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4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

NONE FOR SUBMITTAL

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL

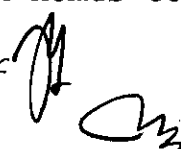
Last Month's Transaction Total	24
Last Month's Cumulative FY 2021-2022 Transaction Total	148
Transfers from Island to Island	0
Deceased	0
Cancellations:	
Awards of Leases	13
NHQ	0
Voluntary Cancellations	0
Successorship	0
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	13
This Month's Cumulative FY 2021-2022 Transaction Total	161

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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 for the month of October 2021**

RECOMMENDED MOTION/ACTION

To approve the certification of applications of qualified applicants for the month of October 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 'ohana process.

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

HEW-LEN LII, Moanikealanomikiniolia A.	8/23/2021
GARCIA, Nelissa K.	8/26/2021
FERREIRA, Ginger G.L.	9/9/2021
ADAMS, Lilia P.	9/9/2021

GOODMAN, Mercy	9/14/2021
QUIDACHAY, Kahealani C.	9/21/2021

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

SHIDAKI, Albert K., Jr.	8/13/2021
SAFFERY, Shaun K.	8/16/2021
KANE, Kealii H.C.	8/18/2021
HEW-LEN LII, Moanikealanomikinalia A.	8/23/2021
GARCIA, Nelissa K.	8/26/2021
KAWAA, Lynette K.	9/8/2021
FERREIRA, Ginger G.L.	9/9/2021
ADAMS, Lilia P.	9/9/2021
GOODMAN, Mercy	9/14/2021
MANINI, Dawn K.	9/15/2021
KAALOA, Randy S.K.	9/17/2021
KANE, Nelson M., Jr.	9/20/2021
KANE, Blaze E.O.K.W.	9/20/2021
MELLENDEZ, Pekelo K.K.	9/20/2021
QUIDACHAY, Kahealani C.	9/21/2021

MAUI ISLANDWIDE AGRICULTURALAL LEASE LIST

KALAMA, Lauren R.H.	8/13/2021
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

KALAMA, Lauren R.H.	8/13/2021
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HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

HAILI BARAWIS, Kealoha K.K.	8/18/2021
LYMAN, Herbegail	8/19/2021
RAMOS, Precious	8/19/2021
KENOI, Harry Keith K.	8/13/2021
MCCOLGAN, Dean W.	9/10/2021
MENDONSA, Stacilynn K.	9/10/2021
KANIAUPIO, Gene M.	9/14/2021
MAHOE, Jonas J.K.C.	9/16/2021

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KENOI, Harry Keith K.	8/13/2021
LYMAN, Herbegail	8/19/2021
RAMOS, Precious	8/19/2021
KAUPU, Aaron H.	8/23/2021
KIHE, Stephanie K	8/26/2021
KIHE, Herman K., Sr.	8/26/2021
MENDONSA, Stacilynn K.	9/10/2021
KANIAUPIO, Gene M.	9/14/2021
MAHOE, Jonas J.K.C.	9/16/2021
ESTOY, Emily N.	9/20/2021
KANEHAILUA, David K.	9/22/2021

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

BERARD, Brucella H.	9/3/1987
SAFFERY, Shaun K.	8/16/2021

TANDAL, Rhonda A.

8/30/2021

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

BERARD, Brucella H.

9/3/1987

TANDAL, Rhonda A.

8/30/2021

MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

PHILLIPS, June N.

8/13/2021

ANGCO, Orianne H.

8/24/2021

MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

PHILLIPS, June N.

8/13/2021

ANGCO, Orianne H.



8/24/2021

Previous Cumulative Total for Current FY	44,998
Current Month's Total	51
Fiscal Year Total: July 2021-June 2022	45,049

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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

CORREA, Esther K.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 5/12/1999.
HAIA, Moses K.N., III	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 6/9/1988.

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

GLENDON, Henry V.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 1/7/1986.
KEPOO, Ardie K.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 3/2/1993.

MAUI ISLANDWIDE PASTORAL LEASE LIST

WRIGHT, Arleen L.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 9/12/1996.
WRIGHT, Wayne W.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 8/12/1996.

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

GLENDON, Henry V.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 1/7/1986.
WRIGHT, Arleen L.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 9/12/1996.

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

JACKSON, Paulette P.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 10/28/1986.
NAMAUU, Naomi I.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 12/21/1987.
SILVA, Rowena L.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 6/2/1987.
TOKI, Laverne M.K.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 2/7/1986.

HAWAII ISLANDWIDE PASTORAL LEASE LIST

HAIA, Moses K.N., III	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 6/9/1988.
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KEPOO, Ardie K.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 3/2/1993.
NAMAUU, Naomi I	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 12/21/1987.
SILVA, Rowena L.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 6/2/1987.
TOKI, Laverne M.K.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 3/19/1982.

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

WEISE, Aileen C.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 7/28/1987.
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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

WEISE, Aileen C.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 7/28/1987.
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Previous Cumulative Total for Current FY	18
Current Month's Total	19
Fiscal Year Total: July 2021-June 2022	37

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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 Deferred Application - JORDAN AKAU & FRANCIS A. MAKAI**

RECOMMENDED MOTION/ACTION

To reinstate an application that was deferred due to the applicant not responding to two successive contacts as required by the department's administrative rules.

DISCUSSION

Section 10-3-10(b) of the *Hawaii Administrative Rules* states in part that "Whenever an applicant does not respond to any two successive requests from the department for updated information, the department shall place such applicant on a deferred status until such time as updated information is received."

The following applicants were deferred and has since contacted the department with updated information:

WAIMANALO AREA/ OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

<u>APPLICANT</u>	<u>APPLICATION DATE</u>	<u>HHC ACTION TO DEFER</u>	<u>CONTACT DATE WITH DEPARTMENT</u>
MAIKAI, Francis A.	07/06/1970	08/29/1995	10/28/2020

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

<u>APPLICANT</u>	<u>APPLICATION DATE</u>	<u>HHC ACTION TO DEFER</u>	<u>CONTACT DATE WITH DEPARTMENT</u>
AKAU, Jordan	12/15/1977	02/28/1986	02/24/2021

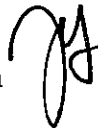
Previous Cumulative Total for Current FY	0
Current Month's Total	2
Fiscal Year Total: July 2021-June 2022	2


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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 Lessees.

Leasehold Interest:

Ratified for November 2021	3
Previous FY 2021 - 2022	<u>31</u>
FY 2021 - 2022 Total to Date	34

Ratified for FY '20 - '21	92
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Net Proceeds

Ratified for November 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 NOVEMBER 2021**


<u>Deceased Lessee</u>	<u>Designated Successor</u>
1. Joseph Hanohano, III Lot No.: 186-A-2 Area: Nanakuli, Oahu Res. Lease No. 413	<u>PRIMARY:</u> Joseph M. Hanohano, IV, Son <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
2. David R. L. Kainoa, Jr. Lot No.: 357 Area: Nanakuli, Oahu Res. Lease No. 3782	<u>PRIMARY:</u> Evalani L. Kainoa, Wife* *Omit due to death on December 6, 2020 <u>ALTERNATE: Joint Tenants</u> Roy V. K. Kainoa, Son Carlyann P. Kainoa, Granddaughter <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
3. Alfredo Requilman Lot No.: 33 Area: Waianae, Oahu Res. Lease No. 5284	<u>PRIMARY:</u> Kazuaki H. R. McArthur, Grandson <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: Ross 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

Nine (9) assignments of lease.

1. Lessee Name: Taryn K. Awana-Scanlan
Res. Lease No. 11897, Lot No. 26
Lease Date: 3/1/2007
Area: Nanakuli, Oahu
Property Sold & Amount: Yes, \$409,000.00
Improvements: 3 bedroom, 3 bath dwelling

Transferee Name: Uilani H. K. Kumuhone
Relationship: None
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 7/12/2019

Reason for Transfer: "Moving off island; new job." Special Condition: Transferee to obtain funds to pay purchase price.

2. Lessee Name: Loretta O. L. Hussey
Res. Lease No. 9423, Lot No. 110
Lease Date: 3/1/2000
Area: Kaniohale, Hawaii
Property Sold & Amount: Yes, \$390,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Joycelyn L. A. Yim
Relationship: None
Loan Assumption: No
Applicant: Yes, Hawaii IW Res., 10/10/2003

Reason for Transfer: "Moving off island." Special
Condition: Transferee to obtain funds to pay purchase
price. See simultaneous transfer below.

3. Lessee Name: Joycelyn L. A. Yim
Res. Lease No. 9423, Lot No. 110
Lease Date: 3/1/2000
Area: Kaniohale, Hawaii
Property Sold & Amount: Yes, \$390,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Sidney K. Yim
Relationship: Son
Loan Assumption: No
Applicant: No

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

4. Lessee Name: Su Yen M. Kaohi
Res. Lease No. 8885, Lot No. 44
Lease Date: 5/1/2004
Area: Hanapepe, Kauai
Property Sold & Amount: Yes, \$350,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: David H. Fu
Relationship: Cousin
Loan Assumption: No
Applicant: No

Reason for Transfer: "Selling lease to relative." Special
Condition: Transferee to obtain funds to pay purchase
price. See simultaneous transfer below.

5. Lessee Name: David H. Fu
Res. Lease No. 8885, Lot No. 44
Lease Date: 5/1/2004
Area: Hanapepe, Kauai
Property Sold & Amount: Yes, \$350,000.00
Improvements: 3 bedroom 2 bath dwelling

Transferee Name: Rhonda M. K. F. Gadingan
Relationship: Daughter
Loan Assumption: No
Applicant: No

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

6. Lessee Name: Maile D. Ogawa
Res. Lease No. 10208, Lot No. 72
Lease Date: 5/8/2009
Area: Kawaihae, Hawaii
Property Sold & Amount: Yes, \$133,000.00
Improvements: 2 bedroom, 2-1/2 bath dwelling

Transferee Name: Ronnie K. Fergerstrom
Relationship: Daughter
Loan Assumption: No
Applicant: No

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

7. Lessee Name: Nathan K. Regidor
Res. Lease No. 10874, Lot No. 95
Lease Date: 5/28/2010
Area: Laiopua, Hawaii
Property Sold & Amount: Yes, \$250,000.00
Improvements: 2 bedroom, 2 bath dwelling

Transferee Name: Anita H. Belanio
Relationship: None
Loan Assumption: No
Applicant: Yes, Hawaii IW Res., 6/5/2019

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

8. Lessee Name: Anita H. Belanio
Res. Lease No. 10874, Lot No. 95
Lease Date: 5/28/2010
Area: Laiopua, Hawaii
Property Sold & Amount: Yes, \$250,000.00
Improvements: 2 bedroom, 2 bath dwelling

Transferee Name: Rory K. Belanio
Relationship: Son
Loan Assumption: No
Applicant: No

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

9. Lessee Name: Florence K. Thompson
Res. Lease No. 11728, Lot No. 18511
Lease Date: 8/15/2011
Area: Kanehili, Oahu
Property Sold & Amount: Yes, \$329,348.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Kevin L. Thompson
Relationship: Son
Loan Assumption: No
Applicant: No

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

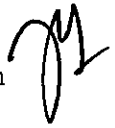
Assignments for the Month of November `21	9
Previous FY '21 - '22 balance	<u>96</u>
FY '21 - '22 total to date	105
 Assignments for FY '20 - '21	 201


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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

Six (6) amendments of lease.

1. Lessee: Clarence W. Cox, III
Agr. Lease No.: 2896A
Lot No., Area, Island: 165, Panaewa, Hawaii
Amendment: To amend the lease to extend the term to and aggregate term of 199 years.
2. Lessee: Miriam L. Gutowski
Res. Lease No.: 4231
Lot No., Area, Island: 217-B, Nanakuli, Oahu
Amendment: To amend the lease to update the property description.
3. Lessee: David R. L. Kainoa, Jr.
Res. Lease No.: 3782
Lot No., Area, Island: 357, Nanakuli, Oahu
Amendment: To amend the lease to incorporate the currently used terms, covenants and conditions in the lease.

ITEM NO. D-10

4. Lessee: Elizabeth-Rose M. Kamakana-Juario
 Res. Lease No.: 8A
 Lot No., Area, Island: 12-A3, Kalamaula, Molokai
 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
 conditional to lease violation
 corrected within a year of
 execution of lease.

5. Lessee: John C. K. Kong Kee
 Res. Lease No.: 7547
 Lot No., Area, Island: 24-A, Waimanalo, Oahu
 Amendment: To amend the lease to update the
 property description.

6. Lessee: Yolanda H. K. Uahinui
 Agr. Lease No.: 13
 Lot No., Area, Island: 4A-1, Kalamaula, Molokai
 Amendment: To amend the lease title and
 lessors name, to incorporate the
 currently used terms, covenants,
 and conditions to the lease, and to
 extend the lease term to an
 aggregate term of 199 years.


Amendments for the Month of November '21	6
Previous FY '21 - '22 balance	<u>55</u>
FY '21 - '22 total to date	61
 Amendments for FY '20 - '21	 112


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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

Two (2) non-exclusive licenses.

1. Lessee: James A. Ako
Res. Lease No.: 9360
Lot No., Area, Island: 47, Kaniohale, Hawaii
Permittee: Sunrun Installation Services, Inc.
2. Lessee: Wayne S. Santos
Res. Lease No.: 7085
Lot No., Area, Island: 28, Kawaihae, Hawaii
Permittee: Sunrun Installation Services, Inc.


Non-Exclusive License for the Month of November '21	2
Previous FY '21 - '22 balance	<u>26</u>
FY '21 - '22 total to date	28
Non-Exclusive License for FY '20 - '21	64


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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 -
FLORENCE I. KOANUI, Residential Lease No. 12826,
Lot No. 37, Kauluokahai, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Kaiaokamalie Napualeihua Puahi-Kapopololu (Kaia) as successor to Residential Lease No. 12826, Lot No. 37, Kauluokahai, Oahu (Lease), for the remaining term of the Lease;

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

3. To stipulate that Kaia's successorship right and interest in the Lease do not vest until Kaia has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Kaia does not sign all such documents on or before **January 31, 2022** (the Deadline), that the Commission's selection of Kaia as a successor is automatically revoked;

4. To authorize the Department to extend the Deadline up to 30 days for good cause; and

5. To declare that if Kaia's selection as a successor is revoked; then under Section 209(a) of the Hawaiian Homes Commission Act, 1920, as amended, "...the land subject to the lease shall resume its status as unleased Hawaiian home lands and the department is authorized to lease the land to a native Hawaiian as provided by the Act;"

DISCUSSION

Florence I. Koanui (Decedent) was awarded the Lease commencing on December 14, 2018.

On October 1, 2020, the Decedent passed away without naming a successor to her lease.

On March 19, 2021, the Department received the decedent's death certificate.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star-Advertiser, the Hawaii Tribune Herald, the West Hawaii Today, The Maui News, and The Garden Island newspapers on June 7, 14, 21, and 28, 2021, to notify all interested, eligible and qualified heirs of the Decedent to submit their successorship claims to the Lease.

The Department received a successorship claim from the Decedent's daughter, Raylene Haunani Puahi (Raylene), who has been determined to be of at least 96% Hawaiian ancestry and eligible for successorship to the Lease.

The Department also received a successorship claim from the Decedent's granddaughter, Kaia, who has been determined to be of at least 90% 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 fails to designate a successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
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 brothers and sisters, or nieces and nephews.

Pursuant to Section 209, Raylene has priority to succeed to the leasehold interest; however, on November 3, 2021, Raylene rescinded her claim leaving Kaia as the sole claimant to succeed.

Improvements to the homestead lot consist of a 4 bedroom and 3 bath, single family dwelling, which was constructed in 2018.

There is an outstanding mortgage with HomeStreet Bank dated December 13, 2018, with an original amount of \$343,071.00. Kaia is aware of the outstanding loan and has agreed to accept the obligation should she be designated as successor.

The lease rent account reports a credit balance of \$95.00 and the real property tax is still within the seven years exemption period and not being assessed.


The Department requests approval of its recommendation.


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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 - HAZEL W. PU,
Residential Lease No. 5518, Lot No. 117,
Lualualei, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the selection of Christopher G. Farias (Christopher), and Cathleen C. Rodrigues (Cathleen) to succeed to the interest of Hazel W. Pu, as Tenants in Common Interest in Residential Lease No. 5518, Lot No. 117, Lualualei, Oahu (Lease) for the remaining term of the Lease;

2. To approve and accept that Christopher and Cathleen are of no less than the required 25% Hawaiian ancestry and are therefore qualified successors pursuant to Section 209 of the Hawaiian Homes Commission Act, 1920, as amended;

3. To stipulate that Christopher's and Cathleen's rights and interest in the Lease do not vest until Christopher and Cathleen have signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Christopher and Cathleen do not sign all such documents on or before **January 31, 2022** (the Deadline), that the Commission's selection of Christopher and Cathleen as Tenants in Common Interest successors is automatically revoked;

4. To authorize the Department to extend the Deadline up to 30 days for good cause; and

5. To declare that if Christopher's and Cathleen's selection as Tenants in Common Interest successors is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, as amended, "...the land subject to the lease shall resume its status as unleased Hawaiian home lands and the department

is authorized to lease the land to a native Hawaiian as provided [by the] Act."

DISCUSSION

Hazel W. Pu (Decedent) was awarded the Lease commencing on June 3, 1985.

On February 15, 2018, the Decedent passed away without naming a successor to her lease.

On March 21, 2018, the Department received the Decedent's death certificate.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star-Advertiser, the Hawaii Tribune Herald, the West Hawaii Today, The Maui News, and The Garden Island newspapers on December 1, 8, 15, 22, and 29, 2019, to notify all interested, eligible and qualified heirs of the Decedent to submit their successorship claims to the Lease.

The Department received successorship claims from the Decedent's son, Christopher and from the Decedent's daughter, Cathleen, both of whom have been determined to be of at least 25% Hawaiian ancestry and eligible for successorship to the Lease.

The Department recently received an October 25, 2021, phone call from Carol Farias, a sibling to Christopher and Cathleen, apprising the Department that Christopher recently passed away on October 19, 2021. It is anticipated that Christopher's government-issued death certificate will not be available for another six (6) to eight (8) weeks, hence the Department does not yet have formal confirmation of his passing and there has likewise been no published death notice as of the writing of this submittal. In light of these circumstances however, as proof of Christopher's passing, the family has provided a copy of an October 22, 2021, paid statement of services provided by the mortuary for "Farias, Christopher" whose date of death appears on the form as "10/19/2021."

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee fails to designate a successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor.

Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
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 brothers and sisters, or nieces and nephews.

Improvements to the homestead lot consist of a 3 bedroom and 2 bath, single family dwelling, which was constructed in 1990.

There is no outstanding mortgage to the lease.

The lease rent account reports an outstanding balance of \$16.00 and the real property tax is current.


The Department requests approval of its recommendation.


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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 -
JOANKA K. KAUPU
Residential Lease No. 4385, Lot No. 81, Nanakuli, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Joseph U. Kaupu, Jr. (Joseph) and Jason T.H. Kaupu (Jason) as successors with tenant in common interests to Residential Lease No. 4385, Lot No. 81, Nanakuli, Oahu (Lease), for the remaining term of the Lease;

2. To approve and accept that Joseph and Jason, are of no less than the required 25% Hawaiian ancestry and are therefore qualified successors pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920;

3. To stipulate that Joseph and Jason's successorship rights and interest in the Lease do not vest until Joseph and Jason have signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Joseph and Jason do not sign all such documents on or before **January 31, 2022** (the Deadline) that the Commission's selection of Joseph and Jason as successors is automatically revoked;

4. To authorize the Department to extend the Deadline up to 30 days for good cause; and

5. To declare that if Joseph and Jason's selection as successors is revoked; then under Section 209(a) of the Hawaiian Homes Commission Act, 1920, as amended, "...the land subject to the lease shall resume its status as unleased Hawaiian

home lands and the department is authorized to lease the land to a native Hawaiian as provided [by the] Act;"

DISCUSSION

Joanka K. Kaupu (Decedent) received the lease by way of Transfer Through Successorship dated April 18, 2016.

On December 12, 2020, the Decedent passed away without naming a qualified successor.

On March 15, 2021, a death certificate was received notifying the Department that the Decedent passed away.

In compliance with Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star-Advertiser, the Hawaii Tribune Herald, the West Hawaii Today, The Maui News, and The Garden Island newspapers on June 7, 14, 21, and 28, 2021, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the Lease.

The Department received successorship claims from the Decedent's siblings, Joseph and Jason, who have been determined to be of at least 62.5% Hawaiian ancestry and are therefore eligible for successorship to the Lease.

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

1. Husband or wife; or
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 brothers and sisters, or nieces and nephews.

Improvements to the homestead lot consist of a 3 bedroom and 2 bath, single family dwelling, which was constructed in 1978.

There is no outstanding mortgage attached to the lease, the real property taxes are in arrears in the amount of \$135.35, and the lease rent is current. Joseph and Jason are aware of the outstanding balance and have agreed to accept the obligation should they be designated as successors.

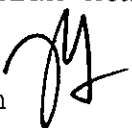
The Department requests approval of its recommendation.


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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: Request for Relocation - **LEIF K. MOKUAHI**,
Residential Lease No. 2518, Lot No. 90,
Kewalo, O'ahu

RECOMMENDED MOTION/ACTION

To deny the request for relocation as the uninhabitable condition of the Lessee's home is largely attributable to the Lessee's failure to maintain the home as required by the terms and conditions of his lease.

DISCUSSION

Leif K. Mokuahi and Racquel W. Mokuahi received the lease as tenants in common through an Assignment of Lease & Consent dated October 20, 1998.

Racquel W. Mokuahi transferred her interest in the lease to Leif K. Mokuahi (Lessee) to hold as tenant in severalty through an Assignment of Lease & Consent dated July 24, 2013.

The Lessee's lot was identified as one of a number of abandoned lots in the Kewalo, Papakolea, and Kalawahine areas and the Department sent a July 5, 2019, letter to the Lessee regarding the non-occupancy violation (EXHIBIT A). The letter further advised the Lessee to attend a July 25, 2019, meeting at the DHHL to address the issue. The Lessee did not attend.

The Department sent a follow-up August 18, 2020, letter apprising the Lessee again of the non-occupancy violation

with a response deadline of August 31, 2020 (EXHIBIT B). The Lessee did not respond.

The Department received an April 15, 2021, request for relocation from the Lessee (EXHIBIT C) stating that he and his family vacated the home in 2015 because of family health issues, maintenance issues with the second story of the house, and the number of steps required to access the first and second floors due to the topography of the lot.

The letter further states that after researching his options, the Lessee estimates that due in part to the topography of the lot, the required work to return the house to a habitable state will cost nearly \$1,000,000 which he says he cannot afford.

As part of its research efforts, the Department's September 24, 2021, reply to the Lessee's request for relocation (EXHIBIT D) inquired in part as to how exactly the second story of his homestead residence deteriorated to the point of being uninhabitable.

In a portion of his relocation request letter, the Lessee states in general terms, *"The 2nd floor of our living area became completely demolished due to rain, wind and sun exposure. As a result, the walls developed a dangerous mold."*

In a September 28, 2021, e-mail reply to the Department's question (EXHIBIT E), the Lessee stated, *"...I don't know what else I can say or explain about my 2nd floor being deemed uninhabitable. Our house was built in the 70's by my father and family and the materials that was used were good at the time but over time and due to the 40+ days of rain in 2008 our roof became damaged. I was not financially able to pay for a new roof. I did what I could to patch it up myself, to keep the outside element's from hurting my family but the damage was too great. Other problems within our home include mold and wood rot to the point of having to move."*

The Lessee is petitioning for relocation based upon Section 10-3-23(3) of the Hawaii Administrative Rules (HAR) which states in pertinent part:

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.

A portion of the Lessee's justification for his relocation request is based in part upon the ill health of family members who lived with him in the now abandoned house. The physical challenges of the lot's steep topography undoubtedly pose a danger to the health, safety and welfare of these individuals as does the persistent presence of mold.

Subsection (A) above, however, makes specific reference to the health, safety and welfare of **the lessee** and is silent on whether the considerations of the section also apply to occupants of the lot who are not lessees.

While the deteriorated second story of the house and the presence of other factors such as black mold are indeed threats to the health, safety and welfare of the Lessee himself, Subsection (A) specifically states that the adverse conditions eligible for remedy must be "...due to circumstances beyond the control of and not caused by the lessee."

Based upon the Lessee's explanation, the poor condition of the home rendering it uninhabitable appears attributable to the Lessee's failure to maintain the structure—a violation of the terms and conditions of the Lease.

Likewise, Subsection (A) also provides that where an emergency situation exists due to circumstances beyond the Lessee's control and through no fault of the Lessee, relocation is an option if "further rehabilitation of the lessee is highly improbable without relocation to another residence lot." Again, the Department believes the adverse conditions exist because the home was not maintained properly.

The Department is concerned with the dilapidated condition of the home (EXHIBIT F), its contribution to the adverse living conditions cited as a reason for requesting

relocation and the basic responsibility of lessees to maintain improvements on their homestead lots.

The anticipated high cost of repairing the home in its present state, for example, is likely due to the absence of periodic maintenance intended, in part, to avoid the increased cost of large repairs in time.

While the Department understands the Lessee abandoned the lot in 2015 for the reasons discussed above, the Lessee also has a duty to occupy the lot. Non-occupancy is also a violation of the Lease.

The Department believes the Lessee's relocation request does not comport with the conditions for relocation set forth in Section 10-3-23(3) HAR, as it appears a significant portion of the Lessee's adverse situation was brought about largely as a result of not having maintained the house as the Lease requires. Accordingly, the Department's position is that the Lessee's present circumstances do not constitute an emergency situation within the context of Section 10-3-23(3)(A) HAR.

The Department requests approval of its recommendation to deny the request for relocation.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSE GREEN
LT GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

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

P O BOX 1879
HONOLULU, HAWAII 96825

July 5, 2019

Mr. Leif K. Mokuahi
732 Iaukea Street
Honolulu, Hawaii, HI 96813

Dear Lessee(s):

The Department of Hawaiian Home Lands (DHHL) have received complaints regarding your Residential Lease No. 2518, Lot No. 90, located at 732 Iaukea Street, Honolulu, Hawaii. The complaints are associated with your homestead lot being vacant and unoccupied, which are considered violations to the terms and conditions of your lease. We would like to discuss this very serious matter with you and inform you of options that are available to you.

You are therefore being summoned to attend an information meeting regarding this urgent matter. Failure to do so may result in the DHHL pursuing action to cancel your leasehold interest.

Date: Thursday, July 25, 2019
Location: DHHL Hale Pono 'i
91-5420 Kapolei Parkway, Kapolei, 96707
Time: 10:00 a.m.

If you have any questions, please contact Lloyd Pagaduan, Homestead Assistant, at 620-9252.

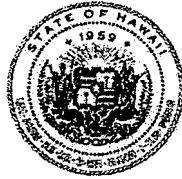
Aloha,


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

C: Lease File
ODO/LP
ET

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**

August 18, 2020

Mr. Leif K. Mokuahi
732 Iaukea Street
Honolulu, HI 96813

Dear Lessee(s):

The Department of Hawaiian Home Lands (DHHL) continues to receive complaints regarding your Residential Lease No. 2518, Lot No. 90, located at 732 Iaukea Street, Honolulu, Hawaii. The complaints are associated with your homestead lot being vacant and unoccupied, which are considered violations to the terms and conditions of your lease.

DHHL previously sent you a letter on July 5, 2019 regarding this issue and advised you to attend a meeting to be held at DHHL on July 25, 2019. You were not present at this meeting.

You are therefore being notified that this is an urgent matter that needs to be addressed. Failure to respond to this letter by August 31, 2020 will result in the DHHL pursuing action to cancel your leasehold interest.

Please contact Alex Beaulac, Homestead Assistant, at 620-9254.

Aloha,

A handwritten signature in black ink, appearing to read "Juan Garcia", is written over the typed name.

Juan Garcia, Administrator,
Homestead Services Division,
Department of Hawaiian Homelands

Leif K Mokuahi Sr.
3516 Ala Aloalo pl
Honolulu, Hi 96818
(808) 389-0403
lmokuahi@gmail.com
4/15/2021

William J. Ailā, Jr.,
Chairperson
Department of Hawaiian Homelands Commission
P.O. Box 1879
Honolulu, Hi 96805

Dear William J. Ailā, Jr., :

I am writing you this letter to formally request for an exchange of leased property, Parcel Number: 240400240000 (732 IAUKEA ST Honolulu, Hi 96813), to another property due to extensive physical and medical hazards that deem the property unlivable and a danger to my family's lives.

First off, our leased property is a 3 generation home. Originally leased to my grandfather, passed down to my father, and then myself. I have been raised and have raised 3 children and 1 grandson on this land. Our family is very active in the community and supporters of community programs. We have done everything, with-in our means, to maintain the property but over the years the up-keep had proved to be too much.

In 2015 we were forced to vacate the premises and rent elsewhere while we began plans to rebuild our home. Reasons for the vacancy are as follows:

- My wife, 53 yrs. old, became disabled due to renal failure. She is currently on dialysis, has glaucoma, chronic neuropathy and pain. She has been battling for 13 years. (attached is a letter from my wife's PCP to confirm the ailments)
- My mother, 80 years old, is hemiplegic to her right side due to a stroke.
- The 2nd floor of our living area became completely demolished due to rain, wind and sun exposure. As a result, the walls developed a dangerous mold.
- Due to the topography of the parcel, there is 30+ external steps to the 1st floor of the living quarters. Additionally, there is 15 internal steps to the 2nd floor which contains the 3 sleeping quarters and the 1 and only working full bathroom.

Our home had become a danger to my love one's physical wellbeing. Over the years, we have gone as far as meeting with a few contractors, completed a ground survey and met with Home Street Bank for a rehabilitation loan. In conclusion, due to the topography of the land, all the work needed to make my home livable and return my family back to the land I grew up on would cost us close to \$1,000,000. I am currently paying \$30,000+ a year to rent and a \$1,000,000 mortgage, on top of that, is near impossible for a blue collar worker.

As much as I would love to remain on this parcel of land and pass this down to my son, I am getting older myself and a \$1,000,000 30-year mortgage would not be prudent for our family's future.

In closure, I would like to thank you for your time, consideration, and reiterate my request to obtain a transfer of leased Parcel Number: 240400240000 (732 IAUKEA ST Honolulu, Hi 96813) to another parcel, preferably Papakolea (If available, Parcel Number: 240400340000 – 739 IAUKEA ST. Honolulu, Hi 96813). I want to return my family back to the land that I was raised on and was set aside for our rehabilitation as native people.

Sincerely,

Leif K Mokuahi Sr.
3516 Ala Aloalo pl
Honolulu, Hi 96818
(808) 389-0403
lmokuahi@gmail.com



KAISER
PERMANENTE

MRN: [REDACTED]

4/7/2021

Regarding:

[REDACTED]
Honolulu HI 96818-2201

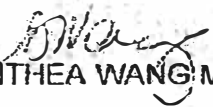
To whom it may concern,

[REDACTED] is my patient at the Kaiser Permanente Honolulu Clinic. She has multiple chronic medical problems including diabetes with complications

- retinopathy and glaucoma causing significant vision impairment
- peripheral neuropathy and peripheral vascular disease causing significant imbalance, pain, and weakness
- kidney disease s/p failed transplant, now back on dialysis
- coronary artery disease and heart failure
- lumbar disc disease causing leg pain and weakness.

As a result of the conditions above, she is unable to climb stairs safely. She also needs accommodations to ensure her safety given her vision and other medical problems. She is sensitive to mold since her immune system is compromised.

Feel free to let me know if you have any questions or concerns.

Electronically Signed by:  ANTHEA WANG MD, 4/7/2021

ANTHEA WANG MD

HONOLULU MEDICAL OFFICE
INTERNAL MEDICINE
1010 PENSACOLA STREET
HONOLULU HI 96814
Dept Phone: 808-432-2000
kp.org

MRN: [REDACTED]

4/13/2021

[REDACTED]

Honolulu HI 96818-2201

To whom it may concern,

This letter is to certify that my patient is seen for the following medical problems.
She requires a brace and cane for ambulation.
She has chronic difficulty ambulating with a history of fall.

Patient Active Problem List

Diagnosis	Code
• HTN (HYPERTENSION)	I10
• HYPERLIPIDEMIA	E78.5
• CKD STAGE 2 (GFR 60-89)	N18.2
• PPD POSITIVE	R76.11
• OSTEOPOROSIS	M81.0
• SCREENING FOR ISCHEMIC HEART DISEASE	Z13.6
• SCREENING FOR COLON CANCER	Z12.11
• HEMIPLEGIA & HEMIPARESIS, LATE EFFECT OF CEREBROVASCULAR DISEASE.	I69.959
• DM SCREENING	Z13.1
• DECLINES BLOOD PRODUCTS FOR REASONS OF RELIGION OR CONSCIENCE	Z53.1
• ADVANCE DIRECTIVE ON FILE	Z78.9
• CASE / CARE MGMT, PANEL SUPPORT SERVICE	Z76.89
• RIGHT CAROTID ARTERY OCCLUSION	I65.21
• LEFT CAROTID ARTERY STENOSIS	I65.22
• PREDIABETES	R73.03
• POLST FORM ON FILE FOR DNR/DNI, LIMITED ADDITIONAL INTERVENTIONS	Z78.9
• THORACIC VERTEBRAL OSTEOPOROTIC FX	M80.08XA
• CAROTID ARTERY DISEASE,	I77.9



KAISER
PERMANENTE®

UNSPECIFIED

Sincerely,

ELIZABETH G QUINN MD

MAPUNAPUNA MEDICAL OFFICE
INTERNAL MEDICINE
2828 PAA STREET
HONOLULU HI 96819
Dept Phone: 808-432-5700
kp.org

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

September 24, 2021

Mr. Leif K. Mokuahi, Sr.
3516 Ala Aloalo Place
Honolulu, Hawaii 96818

Dear Mr. Mokuahi:

Subject: Request for Relocation
Lease No. 2518, Kewalo Residential Lot No. 90
732 Iaukea Street, Honolulu
TMK: (1) 2-4-040:024

Thank you for your relocation request dated April 15, 2021. The Department is currently compiling background information on your relocation request. We are currently seeking clarification on two issues:

- 1) Although your request mentions an attached letter from your wife's primary care physician attesting to her medical issues, the Department did not find the attachment. **At your earliest convenience, please provide us with a copy of the physician's letter for our files;** and
- 2) Your request also states that, "The 2nd floor of our living area became completely demolished due to rain, wind and sun exposure. As a result, the walls developed a dangerous mold."

Please provide the Department a written explanation of how the second floor of your house deteriorated to the point where it was no longer habitable.

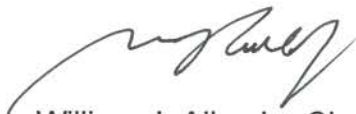
As we are preparing to possibly present the Department's recommendation on your relocation request to the Hawaiian Homes Commission at its October 18, 2021, regular meeting, we would appreciate your response no later than Friday, October 1, 2021.

If you have any questions regarding the foregoing matter, please call Homestead Assistant II Rowena Kaulia at (808) 620-9251 or Acting District Office Supervisor Ross K. Kapeliela at (808) 620-9247 and refer to the contents of this letter.

ITEM NO. D-15
EXHIBIT D

Mr. Leif K. Mokuahi, Sr.
September 24, 2021
Page 2

Aloha and mahalo,

A handwritten signature in black ink, appearing to read 'William J. Aila, Jr.', written in a cursive style.

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

Att: Mokuahi Letter Dated April 15, 2021

Kapeliela, Ross K

From: Kimberly Mokuahi [REDACTED]
Sent: Tuesday, September 28, 2021 5:29 PM
To: Kapeliela, Ross K
Cc: [REDACTED]@gmail.com; Braddah; Lief M; Katrell Mokuahi; Puni Kekauoha
Subject: Re: [EXTERNAL] Medical relocation of property

Today 9/28/2021 at 3:30pm I recieved a DHHL letter stating you have lost my wife's PCP medical disability letter. I had emailed multiple departments and people with copies of request letter along with my wife's and my mother's disability documents (Michelle Brown, contact center, leatrice Burrows-Nuuanu)
But I will email you Mr. Kapeliela a copy.

For the 2nd issue, I don't know what else I can say or explain about my 2nd floor being deemed uninhabitable. Our house was built in the 70's by my father and family and the materials that was used were good at the time but over time and due to the 40+ days of rain in 2008 our roof became damaged. I was not financially able to pay for a new roof. I did what I could to patch it up myself, to keep the outside element's from hurting my family but the damage was too great. Other problems within our home include mold and wood rot to the point of having to move.

I also showed my home to the head of PCDC at the time to get help in repairs (Puni Kekauoha) and she vouched that our home is a danger to live in.

Would a letter from her deeming our house not livable and a danger to our family be needed?

I will send another email with my wife's disability letter.

Sincerely concerned for our livelihood
Mokuahi ohana



ITEM NO. D-15
EXHIBIT F





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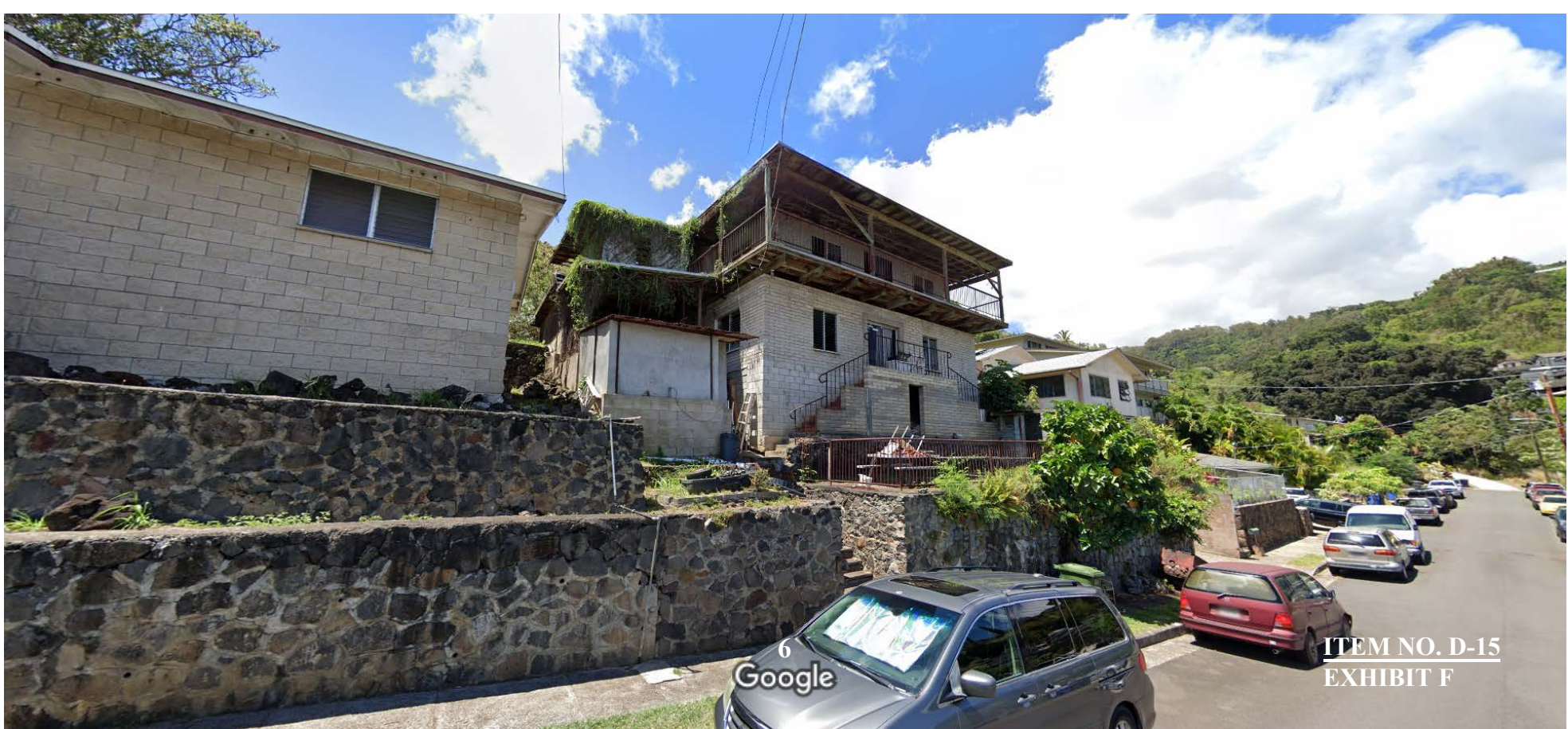
ITEM NO. D-15
EXHIBIT F





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ITEM NO. 0-15
EXHIBIT F



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ITEM NO. D-15
EXHIBIT F



ITEM NO. D-15
EXHIBIT F



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ITEM NO. D-15
EXHIBIT C



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ITEM NO. D-15
EXHIBIT F



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ITEM NO. D-15
EXHIBIT F

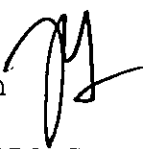



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 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:

- 1) **Commission Designation of Successor -
GEORGE L. NAONE and Approval of Assignment and
Amendment of Leasehold Interest -
DARIN O. WRIGHT, JR.
Residential Lease No. 708-A, Lot No. 130-A-2
Nanakuli, Oahu**
- 2) **Approval of Assignment and Amendment of Leasehold
Interest -
HOOLEHUA WRIGHT
Residential Lease No. 5684, Lot No. C
Nanakuli, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Hoolehua Wright (Hoolehua) as successor to George L. Naone's (Decedent) tenant in common interest to Residential Lease No. 708-A, Lot No. 130-A-2 situate at Nanakuli, on the island of Oahu, Hawaii, (Lease 708-A) for the remaining term of the Lease;

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

3. To stipulate that Hoolehua's successorship rights and interest in the Lease do not vest until Hoolehua has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Hoolehua does not sign all such documents on or before

January 31, 2022 (the Deadline), that the Commission's selection of Hoolehua as successor is automatically revoked;

4. To authorize the Department to extend the Deadline up to 30 days for good cause;

5. To declare that if Hoolehua's selection as successor is revoked; then under Section 209(a) of the Hawaiian Homes Commission Act, 1920, as amended, "...the land subject to the lease shall resume its status as unleased Hawaiian home lands and the department is authorized to lease the land to a native Hawaiian as provided [by the] Act;"

6. To approve the assignment of Darin O. Wright, Jr.'s (Darin) tenant in common interest to Lease 708-A to Hoolehua, 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;

7. To approve the assignment of Hoolehua's Residential Lease No. 5684, Lot No. C situated at Nanakuli, on the island of Oahu, Hawaii (Lease No. 5684) 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;

8. To approve the amendment of the leasehold interest to Lease No. 708-A; and

9. To approve the amendment of the leasehold interest to Lease No. 5684.

DISCUSSION

On October 1, 1996, the Decedent and Darin received Lease No. 708-A by way of Transfer Through Successorship Rescission of Lease No. 4202 and Amendment to Lease No. 708 dated April 26, 2002 as tenants in common.

On July 21, 2007, the Decedent passed away without naming a qualified successor.

Although the death certificate was received on or about September 10, 2007, a transfer through successorship for the Decedent's interest was not processed by the Department.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star Advertiser, the Hawaii Tribune Herald, the West Hawaii Today, The Maui News, and The Garden Island newspapers on June 7, 14, 21, and 28, 2021, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the Lease.

The Department received a successorship claim from the Decedent's daughter, Hoolehua, who has been determined to be of at least 89.0625% Hawaiian ancestry and is therefore eligible for successorship to the Lease.

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

1. Husband or wife; or
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 brothers and sisters, or nieces and nephews.

On June 22, 2020, Darin requested to transfer his tenant in common interest in Lease No. 708-A to his mother, Hoolehua.

The Department and parties desire to amend Lease No. 708-A to incorporate the currently used terms, covenants, and conditions and to extend the lease term to an aggregate term of 199 years.

Improvements to the homestead lot Lease No. 708-A consist of a 4 bedroom and 2 bath, single family dwelling, which was constructed in 1976.

Additionally, on June 22, 2020, Hoolehua requested to transfer her tenant in severalty interest in Lease No. 5684 to her son, Darin.

The Department and parties desire to amend Lease No. 5684 to update the property description to reflect the correct tax map key, 1-8-9-005-074.

Improvements to the homestead lot Lease No. 5684 consist of a 4 bedroom and 2 bath, single family dwelling, which was constructed in 1996.

There are no outstanding mortgages attached to Lease No. 708-A and Lease No. 5684, the real property taxes and the lease rent are current.


The Department requests approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

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

SUBJECT: **Request for Extension of Deadline to Sign
Successorship Documents - PEARL U. GARMON,
Residential Lot Lease No. 4899, Lot No. 24A1,
Kuhio Village, Hawaii**

RECOMMENDED MOTION/ACTION

To approve the **extension** of the Deadline for Pumau'u O Puna Cutter Garmon ("Pumau'u O Puna") to sign that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; on or before **December 31, 2021**.

DISCUSSION

The Commission approved Pumau'u O Puna as successor to Residential Lease No. 4899, Lot No. 24A1, Kuhio Village, Hawaii (Lease,) for the remaining term of the Lease. See Exhibit A.


Pumau'u O Puna failed to sign the aforementioned documents on or before the Deadline of July 31, 2021. The Department is requesting an extension of the Deadline to December 31, 2021.

Pumau'u O Puna signed the aforementioned documents on October 6, 2021.

The Department requests approval of its recommendation.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
May 17, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: James W. DuPont, WHDO District Supervisor
Homestead Services Division

SUBJECT: Commission Designation of Successor - Pearl U. Garmon,
Residential Lease No. 4899, Lot No. 25A 1,
Kuhio Village, Hawaii

RECOMMENDED MOTION/ACTION

1. To approve the selection of Pumau'u O Puna C. Garmon, to succeed to the interest of Pearl U. Garmon to Residential Lease No. 4899, Lot No. 25A 1, Kuhio Village, Hawaii (Lease) for the remaining term of the Lease;

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

3. To authorize the Department to extend the Deadline up to 30 days for good cause; and

4. To declare that if Pumau'u O Puna'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

Pearl U. Garmon (Decedent) was awarded the Lease, commencing on October 20, 1978.

ITEM NO. D-16

ITEM NO. D-17
EXHIBIT A

On November 9, 1978, the Decedent designated her daughter, Mary Callie Puaala Garmon (Mary), as her successor. Unfortunately, Mary predeceased her mother as she passed away on June 16, 2014.

The Decedent passed away On May 10, 2018, leaving no named successors to the lease.

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 2, 9, 16, 23, 2020 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 grandson, Pumau'u O Puna, 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 this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
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.

Improvements to the homestead lot consist of a 4-bedroom, 2-bath single family dwelling, in which Pumau'u O Puna is currently residing in.

There is no mortgage and lease rent and property taxes are current.


The Department requests approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission
Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator 
Homestead Services Division

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

SUBJECT: **Request for Extension of Deadline to Sign
Successorship Documents - JOANN I. MAIO, Residential
Lease No. 12822, Lot No. 111, Kawaihae, Hawaii**

RECOMMENDED MOTION/ACTION

To approve the **extension** of the Deadline for Cynthia Leilani Vakauta ("Cynthia") to sign that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; on or before **December 31, 2021**.

DISCUSSION

The Commission approved the Cynthia as successor to Pastoral Lease No. 12822, Lot No. 111, Kawaihae, Hawaii (Lease), for the remaining term of the Lease. See Exhibit A.


Cynthia failed to sign the aforementioned documents on or before the Deadline of July 31, 2021. The Department is requesting an extension of the Deadline to December 31, 2021.

Cynthia signed the aforementioned documents on October 12, 2021.

The Department requests approval of its recommendation.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
May 17, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: James W. Du Pont, WHDO District Supervisor
Homestead Services Division

SUBJECT: Commission Designation of Successor -
Joann I. Maio, Residential Lease No. 12822,
Lot No. 111, Kawaihae, Hawaii

RECOMMENDED MOTION/ACTION

1. To approve the selection of Cynthia L. Vakauta (Cynthia), to succeed to the interest of Joann I. Maio to Residential Lease No. 12822, Lot No. 111, Kawaihae, Hawaii (Lease) for the remaining term of the Lease;

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

3. To authorize the Department to extend the Deadline up to 30 days for good cause; and

4. To declare that if Cynthia'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

Joann I. Maio (Decedent) was awarded the Lease, commencing on September 14, 2018.

ITEM NO. D-17

ITEM NO. D-18
EXHIBIT A -

On August 21, 2020, the Decedent passed away without naming a successor.

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 2, 9, 16, 23, 2020 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 sister, Cynthia, 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 this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
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.

There are no improvements on this lot. Lease rent and real property tax are paid current.

There is an outstanding Department NAHASDA interim construction loan, in the amount of \$135,000, however, no funds

have yet been dispersed. If Cynthia is approved as successor to the Lease, she will need to qualify under the terms of the NAHASDA income eligibility requirements, otherwise, the loan will be cancelled.


The Department requests approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission
Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator 
Homestead Services Division

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

SUBJECT: **Request to Approve Third Party Agreement -
WILLIAM K. MILLS, Pastoral Lease No. 09045,
Lot No. 17, Pu'ukapu, Hawaii**

RECOMMENDED MOTION/ACTION

To approve a request for a Third-Party Agreement for Pastoral Lot Lease No. 09045, Lot No. 17, situated at Pu'ukapu, Hawaii, for William K. Mills ("Mr. Mills").

DISCUSSION

Mr. Mills submitted a Third-Party Agreement (TPA) for grazing purposes dated September 1, 2020, and received by the Department on September 29, 2021. See Exhibit A.

Mr. Mills is requesting approval of the TPA to Stanton I. Loo ("Mr. Loo"). Mr. Loo is a pastoral lessee and has been determined to be native Hawaiian. Mr. Loo will be grazing cattle.

The Department's Administrative Rule 10-3-35 Contracts covering lease lands states "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 raising of livestock."

The Department requests approval of its recommendation.

THIRD-PARTY PLANTING / GRAZING AGREEMENT

THIS AGREEMENT ("Agreement"), made this 1 day of SEPTEMBER 20 20, by and between William K Mills, whose mailing address is [REDACTED], hereinafter the "Licensor," and Stanton I Leo, whose mailing address is [REDACTED], hereinafter the "Licensee."

WITNESSETH:

WHEREAS, the Licensor is the lessee to State of Hawaii Department of Hawaiian Home Lands Pastoral / Agricultural (circle one) Lot Lease No. 9045, dated _____, demising unto the Licensor Lot No. 17, Hawaiian Home Lands, situate at Puukapu, Hawaii, hereinafter the "Lot;" and

WHEREAS, the Licensor desires to allow the Licensee non-exclusive and concurrent use of the Lot; and

WHEREAS, the Licensee is a "native Hawaiian" as defined in the Hawaiian Homes Commission Act, 1920, as amended ("HHCA"); and

WHEREAS, the Licensee desires to use the Lot, non-exclusively and concurrently with the Licensor; and

WHEREAS, the Licensee agrees to pay the Licensor for the non-exclusive and concurrent use of the Lot; and

WHEREAS, the Licensor and the Licensee understand and agree that there is no term to this Agreement, that this Agreement is "at will" and may be terminated at any time by the Licensor upon written notice and without entitlement to compensation by the Licensee for such termination; and

WHEREAS, the Licensor and the Licensee understand and agree that this Agreement is neither, nor is it intended to be, a sublease or other transfer of the Licensor's possessory interest in the Lot, and that no interest whatsoever in the Lot is expressly or impliedly created by way of this Agreement; and

WHEREAS, the Licensor and the Licensee understand and agree that this Agreement is not assignable; and

WHEREAS, the Licensor and the Licensee desire and agree that this Agreement shall govern their relationship; and

WHEREAS, the Licenser and the Licensee understand and agree that, while this Agreement is subject to the approval of the Hawaiian Homes Commission ("Commission"), neither the Commission nor the Department of Hawaiian Home Lands ("Department") is a party to this Agreement.

NOW THEREFORE, the Licenser permits the Licensee use of the Lot, subject to the following terms and conditions:

1. Use of Lot - The Licenser and the Licensee shall jointly enjoy use of the Lot with the Licensee's use being for the exclusive purpose of RAISE CATTLE HORSE;
2. Term - This Agreement is revocable at the will of the Licenser upon written notice to the Licensee at any time and for any reason.
3. Use Fee - The Licensee agrees to pay the Licenser \$100.00 per month;
4. Compliance with Laws and Lease Conditions - The Licensee shall comply with the following:
 - a. The HHCA as may be amended;
 - b. The Department's administrative rules, as amended, or as may be amended; and
 - c. All federal, state and county laws, ordinances, regulations and rules.

Further, the Licensee shall not do or permit any act on the Lot that may subject the Licenser to any liability or interfere with the Licensee's performance of all duties required under the Licensee's homestead lease.

5. Assignment - This Agreement may not be assigned or transferred in whole or in part.
6. Vacation Upon Revocation - The Licensee shall, upon termination or revocation of this Agreement, at the request of the Licenser, immediately vacate the Lot and leave the Lot in as good condition as it was at the beginning of the Agreement, reasonable use and wear and concurrent use excepted.
7. Amendments to Agreement - This Agreement shall not be amended in any way without the mutual consent of the Licenser and the Licensee; any such consent shall be evidenced by a written amendment to the Agreement executed by the Licenser and the Licensee and approved by the Commission.

8. Indemnity - The Licensor and the Licensee will indemnify, defend and hold the Commission and Department, and its officers, agents and employees harmless from and against (a) any claim or demand for loss, liability or damage, including claims for property damage, personal injury or death, arising out of this Agreement and (b) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms, covenants and conditions herein or the rules, regulations, ordinances and laws of the federal, state or county governments.

9. Costs of Litigation - If the Commission or the Department is, without any fault on its part, made a party to any litigation commenced by or against the Licensor or Licensee, the Licensor and Licensee shall jointly and severally pay all attorneys' fees, costs and expenses incurred by or imposed on the Commission and/or the Department.

10. Special Conditions - _____

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the date first written above.

William K. Mills 9/26/21 Stanton I Loo
Printed Name: William K Mills Printed Name: Stanton I Loo 9-26-21
Licensor Licensee

APPROVED:

Chairman, Hawaiian Homes Commission

Hawaiian Homes Commission ratification date: _____

21 SEP 29 P 3:47

DEPT OF
HAWAIIAN HOME LANDS
WEST HAWAII OFFICE

ITEM NO. D-19
EXHIBIT A

**REQUEST FOR APPROVAL OF
THIRD-PARTY PLANTING / GRAZING AGREEMENT**

HOMESTEAD LESSEE'S INFORMATION:

Name(s): William K Mills

Mailing address: _____

Telephone numbers: Res. _____ Bus. _____ Cellular _____

Email address: _____

DHHL Pastoral / Agricultural (circle one) Lot Lease No. 9045, Lot No. 17

Island: Hawaii Area: Puukapu

PROPOSED LICENSEE'S INFORMATION:

Name(s): Stanton I Loo

Mailing address: _____

Telephone numbers: Res. _____ Bus. _____ Cellular _____

Email address: _____

DHHL homestead lessee? Yes / No

If "yes," DHHL Lease No. _____, Lot No. _____, Area: KANOKU

Native Hawaiian blood quantum ("NHQ"): 62.50 %

Verified by DHHL? Yes / No (if "no," must submit certified vital records sufficient to establish 50% or greater NHQ)

Proposed use of Lot: 9045, #17 Raise Cattle & Horse

William K Mills

Homestead lessee signature

9-26-21

Date

Send this completed form along with the original Third-Party Planting / Grazing Agreement to:

Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, Hawaii 96805
Attention: Homestead Services Division

or deliver to the DHHL District Office on your island

ITEM NO. D-19
EXHIBIT A

21 SEP 29 PM


DEPT OF
HAWAIIAN HOME
LANDS
WEST HAWAII
DISTRICT
OFFICE

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator
Homestead Services Division 

FROM: Toni Eaton, Maui District Supervisor
Homestead Services Division

SUBJECT: **Request for Extension of Deadline to Sign
Successorship Documents
MAHINALANI JERROLD ANN DOLOR KEALAKAI,
Pastoral Lease No. 9139, Lot No. 38, Kahikinui, Maui**

RECOMMENDED MOTION/ACTION

To approve the **extension** of the Deadline for Earleen Kawahinealiiokahoku Sato ("Earleen") to sign that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Earleen does not sign all such documents on or before **December 31, 2021** (the Deadline) that the Commission's selection of Earleen as a successor is automatically revoked.

DISCUSSION

The Commission approved the Earleen as successor to Pastoral Lease No. 9139, Lot No. 38, Kahikinui, Maui (Lease) for the remaining term of the Lease. See Exhibit A.

Earleen failed to sign the aforementioned documents on or before the Deadline of August 31, 2021. The Department is requesting an extension of the Deadline to December 31, 2021.


The Department requests approval of its extension recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 21, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator
Homestead Services Division 

FROM: Toni Eaton, Maui District Supervisor
Homestead Services Division

SUBJECT: **Commission Designation of Successor**
MAHINALANI JERROLD ANN DOLOR KEALAKAI, Pastoral
Lease No. 9139, Lot No. 38, Kahikinui, Maui

RECOMMENDED MOTION/ACTION

1. To approve the selection of Earlene Kawaihinealiiokahoku Sato ("Earlene") to succeed to the interest of Mahinalani Jerrold Ann Dolor Kealakai ("Decedent"), in Pastoral Lease No. 9139, Lot No. 38, Kahikinui, Maui (Lease), for the remaining term of the Lease;

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

3. To authorize the Department to extend the Deadline up to 30 days for good cause; and

4. To declare that if Earlene'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."

ITEM NO. D-15

ITEM NO. D-20
EXHIBIT A

DISCUSSION

The Decedent succeeded to the Lease by way of Transfer through Successorship made on January 23, 2018.

On December 3, 2019, the Decedent passed away without naming a successor to her Lease.

In compliance with the Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, the Hawaii Tribune Herald, the West Hawaii Today, The Maui News, and The Garden Island newspapers on December 1, 8, 15, 22 and 29, 2019, 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 daughter, Earlene, 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 fails to designate a successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
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 brothers and sisters, or nieces and nephews.

There are no improvements to the homestead lot. However, if Earlene is approved as the successor, she will be allowed a period of one year from the time she accepts the Lease, to build and occupy a dwelling on the homestead lot, as required by the Kuleana Homestead Lot Lease Agreement dated May 29, 1999.

There is no outstanding loan and the real property tax is current. The lease rent has credit balance of \$76.

The Department requests approval of its recommendation.

**HAWAIIAN HOMES
COMMISSION NOVEMBER 15 &
16, 2021
INTERACTIVE CONFERENCE
TECHNOLOGY**

**F – ITEMS
LAND MANAGEMENT DIVISION**

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

November 15-16, 2021

To: William J. Aila, Jr., Chairman
Hawaiian Homes Commission

Through: Peter “Kahana” Albinio, Jr., Acting Administrator
Land Management Division

From: Kaipo Duncan, Land Agent
Land Management Division

Subject: Issuance of License Agreement, Kūkulu Kumuhana O Anahola (KKOA),
Ulupono Farm Plan, Island of Kaua‘i, TMK Nos. (4)4-8-003:019

APPLICANT:

Kūkulu Kumuhana O Anahola (KKOA)

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) authorize the issuance of a five (5) year License Agreement, covering the subject area as identified and described below:

Approval and issuance of this License Agreement shall be subject to the following conditions:

1. The License term shall be for a period of five (5) years, and effectively commence as of the date that the license document is fully executed.

LICENSEE must apply for a License extension six (6) months prior to expiration of the term and the approval shall be subject to the Hawaiian Homes Commission review, evaluation, and approval of LICENSEE’s operation status;

2. The License fee shall be Gratis;
3. Licensee currently uses ten (10) acres of DHHL lands for their phase 1 due diligence. Any request for additional acreage up to a total of 30 acres for phases 2 and 3 shall be subject to the DHHL Anahola Regional Plan update to be completed in 2022. Furthermore, any additional acreage shall require the Hawaiian Homes Commission review and approval;
4. The Licensed area shall be used for the Ulupono Farm Plan only. No other use shall be allowed without DHHL’s prior written approval;
5. Licensee’s Ulupono Farm Plan shall conform to Federal, State, and County (government agencies) standards. Licensee shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals;

6. Licensee is required to complete an Environmental Assessment (EA) for the Project within the next two (2) years. Prior to completion of the EA, activities on the site shall be limited to those listed in the DHHL EA exemption list;
7. The Licensee will employ all necessary Best Management Practices (BMP's) for managing soil erosion, stormwater runoff, and fugitive dust as necessary during clearing and agricultural activities.
8. DHHL shall issue one (1) 5/8-inch water meter at no cost to the Licensee. Licensee shall be allowed to use four (4) DHHL water credits. One (1) for a 5/8-inch meter and three (3) for a 3/4-inch meter.
9. Licensee shall pay a \$275.00 processing and documentation fee;
10. Any permanent construction or significant alteration of the premises shall not be done until the Environmental Assessment(EA) is complete;
11. The License document shall be subject to other standard terms and conditions of similar licenses issued by DHHL;
12. Review and approval by the State of Hawaii, Department of the Attorney General; and
13. Such other terms and conditions deemed prudent and reasonable by the Chairman of the Hawaiian Homes Commission and/or the Hawaiian Homes Commission to serve the best interests of the trust and its beneficiaries.

LOCATION:

Portion of Hawaiian Home Lands situated in Anahola, Island of Kaua'i, identified as TMK Nos.: (4)4-8-003:019

AREA:

10 acres

DISCUSSION:

At its meeting held on September 20, 2021 the Hawaiian Homes Commission requested KKOA return to the Commission at its November 2021 meeting with milestones, schedules, and timelines for their current Right of Entry (ROE 698) to be converted to a five (5) year License (See Exhibits A and B). KKOA has produced the said timeline schedule (See attached timeline).

At its meeting held on September 16, 2019 the Hawaiian Homes Commission issued a Right of Entry permit to KKOA for a two (2) year due diligence period prior to the issuance of a long-term License Agreement. KKOA has conducted significant due diligence over the last two (2) years,

however, the Environment Assessment (EA) is yet to be completed. KKOA has started the EA process, which will take them approximately 10 to 12 months to complete.

DHHL staff is recommending no new permanent building or construction be initiated by KKOA within their Licensed area until the EA is complete. Activities shall be limited to those eligible for EA exemption per DHHL's approved exemption list.

Lastly, KKOA is requesting one (1) [5/8 inch] water meter credit be issued to them at no cost to KKOA. DHHL has available water credits from the County Department of Water for the County water tank located on DHHL lands in Anahola. Staff recommends one (1) [5/8 inch] water credit be issued to KKOA at no cost and three (3) additional (4 total) credits be issued to them at cost for a second 3/4-inch meter.

PLANNING AREA:

Anahola, Island of Kaua'i

LAND USE DESIGNATION:

Community Use, Kaua'i Island Plan (2004), Figure 8.2--Anahola/Kamalomalo'o Land Use Plan, page 8-4

CURRENT STATUS:

Vacant land with hog wire fencing surrounding the current ten (10) acre site.

CHARACTER OF USE:

Community Use Purposes

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands.

Licensee is required to do an Environmental Assessment (EA) and has started the process.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

Consistency with DHHL General Plan (2001) and Kaua'i Island Plan (2004)

The applicable goals and objectives in the General Plan that support this use of the land are as follows:

Land Use Planning

Goals:

- Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.

- Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Land and Resource Management

Goal: Be responsible, long-term stewards of the Trust’s lands and the natural, historic and community resources located on these lands.

Objective: Allow native Hawaiian use of natural resources on Trust lands for traditional and cultural purposes.

Economic Development

Goal: Provide economic opportunities for beneficiaries within areas designated for their use.

Objective: Assist native Hawaiian entrepreneurs by supporting opportunities for business education, training, financing, planning and leasing.

Building Healthy Communities

Goal: Establish self-sufficient and healthy communities on Trust lands.

Per the Kaua’i Island Plan’s Land Use Plan for Anahola, the DHHL Land Use designation for the area is “Community Use.” Allowable land uses within this designation include “...space for parks & recreation, cultural activities, CBED, & other public amenities.”

BENEFICIARY CONSULTATION

Since the proposed project was not a Priority Project in the current Anahola Regional Plan, the Planning Office was required to conduct a Beneficiary Consultation meeting on the Ulupono land use request. A Beneficiary Consultation Meeting was held in Anahola on August 7, 2019. The Ulupono Initiative by KKOA in partnership with the Pi’ilani Mai Ke Kai Community Association was one of the projects consulted on. Information on the project was presented to the beneficiaries, and feedback was collected. The Beneficiary Consultation Report for this consultation was accepted by the HHC at its regular meeting on Sept. 16-17, 2019 in Līhu‘e, Kaua’i. While overall community support for the project was very strong, the following comments and responses were recorded for the project:

Topic	Comments/Questions	Response/Recommendation
Liability	Who will assume liability?	ROE Holder/Licensee must maintain liability insurance of \$1 million
DCC&R’s	Do the Homeowner’s Association Rules apply to this site?	The site was identified for community use and was not included in the DCC&R’s for PMKK
Homeless in coastal area	Need to remove homeless individuals living makai of Pi’ilani Mai Ke Kai, near the lighthouse	DHHL in partnership with County of Kaua’i and State DOT-Highways is working to clear out homeless encampments in the unencumbered lands

Chapter 343, HRS, Environmental Review Compliance

Staff has been working with KKOA to scale down the project so that agricultural and educational activities can commence while KKOA continues its due diligence and environmental assessment-related activities. All activities that are allowed prior to the preparation of an Environmental Assessment have been evaluated and are either “de minimis” or eligible for exemption per DHHL’s revised Exemption List. Applicable exemption categories include:

- Exemption Type #1: Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing
- Exemption Type #3: Construction and location of single, new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small equipment or facilities and the alteration and modification of the equipment or facilities
- Exemption Type #4: Minor alterations in the conditions of land, water, or vegetation
- Exemption Type #5: Basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that do not result in a serious or major disturbance to an environmental resource

The activities eligible for exemption have been listed in the Letter sent to the Office of Hawaiian Affairs by the Chairman dated August 25, 2021. All appropriate BMP’s for the management of fugitive dust, erosion and stormwater will be employed by KKOA on the site during agricultural activities. The Exemption is in preparation and will be included in the next available Environmental Notice.

AUTHORITY / LEGAL REFERENCE:

Section 207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, and Sections 10-4-21 and 10-4-22 of the Department of Hawaiian Home lands Administrative Rules, as amended.


RECOMMENDATION:


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

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

To: William J. Aila, Jr., Chairman
Hawaiian Homes Commission

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

From: Kaipo Duncan, Land Agent
Land Management Division 

Subject: Issuance of License Agreement, Kūkulu Kumuhana O Anahola (KKOA),
Ulupono Project, Island of Kaua'i, TMK Nos. (4)4-8-003:019

APPLICANT:

Kūkulu Kumuhana O Anahola (KKOA)

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) authorize the issuance of a five (5) year License Agreement, covering the subject area as identified and described below:

Approval and issuance of this License Agreement shall be subject to the following conditions:

1. The License term shall be for a period of five (5) years, and effectively commence as of the date that the license document is fully executed.

The term of the license may be extended for two (2) additional ten (10)-year periods at the option of the Chairman of the Hawaiian Homes Commission. Should LICENSEE consider this option, then LICENSEE must apply for the extension six (6) months prior to expiration of the term and the approval shall be subject to the Hawaiian Homes Commission review and evaluation of LICENSEE's operation status;
2. The License fee shall be Gratis;
3. Licensee currently uses ten (10) acres of DHHL lands for their phase 1 due diligence. The Chairman of the Hawaiian Homes Commission has the authority to add acreage up to a total of 30 acres for phase 2 and 3 should KKOAA request more lands. Upon DHHL staff recommendation and an amendment to the Kauai Island.
4. The Licensed area shall be used for the Ulupono Project only. No other use shall be allowed without DHHL's prior written approval;

ITEM NO. F-1

Item No. F-7

EXHIBIT "A"

5. Licensee's Ulupono Project plan shall conform to Federal, State, and County (government agencies) standards. Licensee shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals;
6. Licensee is required to complete an Environmental Assessment (EA) for the Project within the next two (2) years. Prior to completion of the EA, activities on the site shall be limited to those listed in the DHHL EA exemption;
7. The Licensee will employ all necessary Best Management Practices (BMP's) for managing soil erosion, stormwater runoff, and fugitive dust as necessary during clearing and agricultural activities.
8. DHHL shall issue one (1) 5/8-inch water meter at no cost to the Licensee.
9. Licensee shall pay a \$275.00 processing and documentation fee;
10. Licensee shall work with DHHL within the next 60 days to formulate a schedule of milestones to assist the Licensee in achieving regular progress in environmental review and regulatory compliance;
11. Any permanent construction or significant alteration of the premises shall not be done until the Environmental Assessment(EA) is complete;
12. The License document shall be subject to other standard terms and conditions of similar licenses issued by DHHL;
13. Review and approval by the State of Hawaii, Department of the Attorney General; and
14. Such other terms and conditions deemed prudent and reasonable by the Chairman of the Hawaiian Homes Commission and/or the Hawaiian Homes Commission to serve the best interests of the trust and its beneficiaries.

LOCATION:

Portion of Hawaiian Home Lands situated in Anahola, Island of Kaua'i, identified as TMK Nos.: (4)4-8-003:019 See Exhibit "A"

AREA:

10 acres

DISCUSSION:

At its meeting held on September 16, 2019 the Hawaiian Homes Commission issued a Right of Entry permit to KKOA for a two (2) year due diligence period prior to the issuance of a long-term License Agreement (See Exhibit "B"). KKOA has conducted significant due diligence over the

last two (2) years, however, the Environment Assessment (EA) is yet to be completed. KKOAA has started the EA process, which will take them approximately ten (10) to 12 months to complete.

DHHL staff is recommending no new permanent building or construction be initiated by KKOAA within their Licensed area until the EA is complete. Activities shall be limited to those eligible for EA exemption per DHHL's approved exemption list.

KKOAA is requesting a 30-year License however, DHHL staff is recommending a ten (10) year License be issued.

Lastly, KKOAA is requesting one (1) [5/8 inch] water meter credit be issued to them at no cost to KKOAA. DHHL has available water credits from the County Department of Water for the County water tank located on DHHL lands in Anahola. Staff recommends one (1) [5/8 inch] water credit be issued to KKOAA at no cost.

PLANNING AREA:

Anahola, Island of Kaua'i

LAND USE DESIGNATION:

Community Use, Kaua'i Island Plan (2004), Figure 8.2--Anahola/Kamalomalo'o Land Use Plan, page 8-4

CURRENT STATUS:

Vacant land with hog wire fencing surrounding the current ten (10) acre site.

CHARACTER OF USE:

Community Use Purposes

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands.

Licensee is required to do an Environmental Assessment(EA) and has started the process.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

Consistency with DHHL General Plan (2001) and Kaua'i Island Plan (2004)

The applicable goals and objectives in the General Plan that support this use of the land are as follows:

Land Use Planning

	Pi'ilani Mai Ke Kai, near the lighthouse	encampments in the unencumbered lands
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Chapter 343, HRS, Environmental Review Compliance

Staff has been working with KKOA to scale down the project so that agricultural and educational activities can commence while KKOA continues its due diligence and environmental assessment-related activities. All activities that are allowed prior to the preparation of an Environmental Assessment have been evaluated and are either “de minimis” or eligible for exemption per DHHL’s revised Exemption List. Applicable exemption categories include:

- Exemption Type #1: Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing
- Exemption Type #3: Construction and location of single, new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small equipment or facilities and the alteration and modification of the equipment or facilities
- Exemption Type #4: Minor alterations in the conditions of land, water, or vegetation
- Exemption Type #5: Basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that do not result in a serious or major disturbance to an environmental resource

The activities eligible for exemption have been listed in the Letter sent to the Office of Hawaiian Affairs by the Chairman dated August 25, 2021 (See Exhibit D). All appropriate BMP’s for the management of fugitive dust, erosion and stormwater will be employed by KKOA on the site during agricultural activities. The Exemption is in preparation and will be included in the next available Environmental Notice.

AUTHORITY:

Section 207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, and Sections 10-4-21 and 10-4-22 of the Department of Hawaiian Home lands Administrative Rules, as amended.

RECOMMENDATION:

Land Management Division respectfully requests approval of the motion as stated

Exhibit "A"
Item No. F7



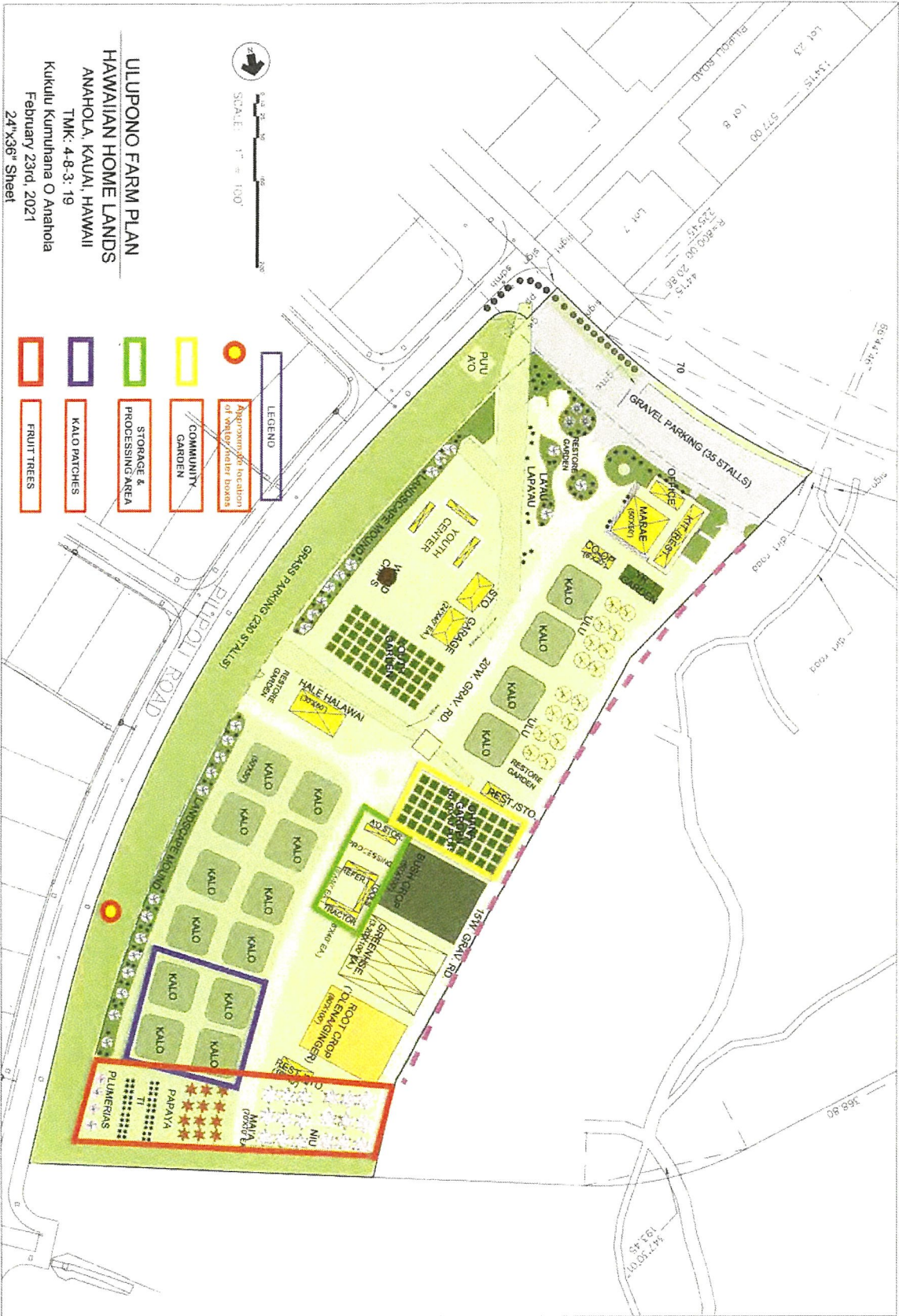


Exhibit "B"
Item No. F7

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

RIGHT-OF-ENTRY NO. 698

This RIGHT-OF-ENTRY NO. 698 (ROE), dated November 19, 2020, (Effective Date) is made by and between the State of Hawaii, DEPARTMENT OF HAWAIIAN HOME LANDS, whose place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii, 96707 (PERMITTOR) and KUKULU KUMUHANA O ANAHOLA (KKOA), a Hawaii non-profit corporation, whose mailing address is P.O. Box 30891, Anahola, Hawaii 96703 (PERMITTEE).

1. **GRANT**. PERMITTOR grants to PERMITTEE, its employees, invitees, agents, and representatives (collectively, *Permittee's Representatives*), a non-exclusive, revocable right to enter the portion of that certain parcel of Hawaiian home lands located near the Piilani Mai Ke Kai Subdivision in Anahola, Island of Kauai, identified as Tax Map Key No. (4) 4-8-003:019 (por.) and depicted in the cross-hatched portion of the map attached hereto as Exhibit "A", being approximately 10 acres, together with any improvements existing or permitted thereon (collectively, the *Premises*).

2. **TERM**. This ROE commences on the Effective Date and will continue thereafter on a month-to-month basis until terminated as provided in this instrument; provided, however, that the total term of this ROE shall not to exceed one (1) year. PERMITTOR may in its sole discretion, for any reason or no reason whatsoever, terminate this ROE on thirty 30 days written notice to PERMITTEE.

3. **PERMITTED USE**. PERMITTEE understands and acknowledges that its use of the Premises is strictly limited to only those due diligence and investigative activities that are expressly exempt under HRS Chapters 343 and 6E.

4. **FEES**. PERMITTEE will bear its own costs, expenses, and liabilities arising from its use of the Premises. PERMITTEE will pay PERMITTOR a non-refundable processing and documentation fees of \$175.00 on or before the Effective Date.

5. **MAINTENANCE; SECURITY**. PERMITTEE shall keep the Premises in a strictly clean and sanitary and orderly condition, and shall not cause, make, permit, or suffer any waste, spoil, nuisance, nor any unlawful, improper, illegal, or offensive use of or on the Premises. PERMITTEE shall be solely responsible for the security of the Premises and all of PERMITTEE'S property that PERMITTOR may permit PERMITTEE to keep in or on the Premises.

6. **CONSTRUCTION AND IMPROVEMENTS.** PERMITTEE may not construct, alter, amend, place, or install any improvements or fixtures on the Premises except with PERMITTOR's prior written approval.

7. **COMPLIANCE WITH LAWS.** PERMITTEE shall comply with all rules, regulations, ordinances and laws of the State of Hawaii and any other municipal and federal authority applicable to the Premises and improvements thereon.

8. **RIGHT TO ENTER.** PERMITTOR, its agents, and representatives may at all reasonable times freely access and enter the Premises for the purpose of, but not limited to, examining the same or for the performance of any public or official duties; provided that PERMITTOR shall not interfere unreasonably with PERMITTEE'S permitted use(s) of the Premises.

9. **NO ASSIGNMENT OR SUBLEASE.** PERMITTEE may not in any manner transfer, assign, mortgage, pledge, sublease, or sublet any rights in or to the Premises, in whole or part, or otherwise hold or agree so to do for the benefit of any other person or persons or organization of any kind.

10. **NO LIENS OR ENCUMBRANCES.** PERMITTEE shall not by any act or omission, directly or indirectly, create, incur, assume, cause, or suffer to exist any liens or encumbrances on or with respect to its interests and rights of use in the Premises. PERMITTEE shall promptly notify PERMITTOR of any such liens and encumbrances and, at its own expense, take such action as may be necessary to immediately and fully discharge or release any such lien or encumbrance.

11. **SURRENDER.** Upon termination of this ROE, PERMITTEE shall peaceably and quietly surrender and deliver to PERMITTOR possession of the Premises and within thirty (30) days thereof, restore, at its own cost and risk, the Premises to a condition similar to that which existed prior to the Effective Date (or at PERMITTOR'S election, prior to PERMITTEE'S first occupancy of the Premises), reasonable and ordinary wear and tear and damage by acts of God excepted. PERMITTEE shall remove all fixtures and personal property belonging to PERMITTEE; provided that in any such fixture can be safely removed without damage to the Premises or any improvements thereon. If PERMITTEE fails to effectuate such restoration of the Premises, PERMITTOR reserves the right to accomplish the same on PERMITTEE'S behalf and shall assess PERMITTEE the total costs thereof. Any improvements, fixtures, or personal property remaining on or in the Premises shall revert to and be deemed PERMITTOR's property, with which PERMITTOR may dispose in its sole discretion.

12. **INSURANCE.** PERMITTEE shall provide proof of a comprehensive public liability insurance policy of no less than \$2,000,000.00 for each occurrence, naming the Department of Hawaiian Home Lands (DHHL) as an additional insured prior to commencement of work and throughout the term of this ROE. The specification of these

limits as contained herein shall not be construed in any way to be a limitation on the amount of liability of PERMITTEE for fees, interest or other charges under this ROE.

PERMITTEE shall provide certificate(s) of insurance necessary to evidence compliance with the insurance provisions of this ROE. PERMITTEE shall keep such insurance in effect and the certificate(s) on deposit with PERMITTOR during the entire term of this ROE.

In addition:

- a. Failure of PERMITTEE to provide and keep in force such insurance shall be regarded as material default under this ROE. PERMITTOR shall be entitled to exercise any or all of the remedies provided in this ROE for default of PERMITTEE.
- b. The procuring of such required insurance policies shall not be construed to limit PERMITTEE'S indemnification obligations under this ROE.
- c. PERMITTOR is a self insured State agency. PERMITTEE'S insurance shall be primary. Any insurance maintained by PERMITTOR and/or the State of Hawaii shall apply in excess of, and shall not contribute with, insurance provided by PERMITTEE.

Such insurance policy shall (a) be issued by an insurance company or surety company authorized to do business in the State of Hawaii or approved in writing by the Chairman, Hawaiian Homes Commission; (b) name the State of Hawaii and its DEPARTMENT OF HAWAIIAN HOME LANDS as an insured; (c) provide that the DEPARTMENT OF HAWAIIAN HOME LANDS shall be notified at least thirty (30) days prior to any termination, cancellation or material change in the insurance coverage; and (d) cover all injuries, losses or damages arising from, growing out of or caused by any acts or omissions of PERMITTEE, its officers, agents, employees, invitees or licensees in connection with PERMITTEE'S use or occupancy of the Premises.

PERMITTEE shall insure during the term of this ROE the entire Premises, including all buildings now existing and hereafter built or located on the Premises, improvements and grounds, and all roadways and sidewalks on or adjacent to the Premises in the control or use of the PERMITTEE. The insurance shall cover loss or damage by fire and other hazards, casualties and contingencies, including vandalism and malicious mischief. The insurance shall be for the full insurable value of such improvements.

PERMITTEE shall furnish to PERMITTOR upon the execution of this ROE, certificates showing such insurance policy or policies to be in favor of PERMITTOR and

to be in force, and shall furnish like certificates upon each renewal thereof. In the event of loss, damage or destruction, PERMITTOR shall retain from the proceeds of the policies such amounts deemed by it to be necessary to cover the loss, damage or destruction of or to the improvements and the balance of such proceeds, if any, shall be delivered to PERMITTEE.

The procuring of this policy shall not release or relieve PERMITTEE of its responsibility under this ROE as set forth herein or limit the amount of its liability under this ROE.

PERMITTEE shall provide proof of liability insurance satisfactory to PERMITTOR within a reasonable time before the Effective Date.

13. DEFENSE AND INDEMNITY. PERMITTEE shall release, defend, indemnify and hold harmless PERMITTOR, its officers, employees, and agents from and against all liability, loss, damage, cost, and expense, including all attorneys' fees, and all claims, suits, and demands therefore, arising out of or resulting from the acts or omissions of PERMITTEE and/or PERMITTEE'S officers, employees, agents, or contractors occurring during or in connection with the exercise of this ROE. The provisions of this paragraph shall remain in full force and effect notwithstanding the expiration or early termination of this ROE.

14. HAZARDOUS MATERIAL. PERMITTEE shall not cause or permit the escape, disposal, or release of any hazardous materials. PERMITTEE shall not allow the storage or use of such materials in any manner not sanctioned by law or by the highest standards prevailing in the industry for the storage and use of such materials, nor allow to be brought onto the premises any such materials except to use in the ordinary course of PERMITTEE'S business, and then only after written notice is given to the PERMITTOR of the identity of such materials and upon PERMITTOR'S consent, which consent may be withheld at the PERMITTOR'S sole and absolute discretion. If any lender or governmental agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by PERMITTEE, then PERMITTEE shall be responsible for the costs thereof. In addition, PERMITTEE shall execute affidavits, representations and the like from time to time at PERMITTOR'S request concerning PERMITTEE'S best knowledge and belief regarding the presence of hazardous materials on the Premises placed or released by PERMITTEE.

PERMITTEE agrees to indemnify, defend, and hold harmless PERMITTOR, its officers, employees, and agents from and against all liability, loss, damage, cost, and expense, including all attorney's fees, and all claims, suits, and demands therefore, arising out of or resulting from any use or release of hazardous materials on the premises occurring while PERMITTEE is in possession, or elsewhere if caused by PERMITTEE or persons acting under PERMITTEE. These covenants shall survive the expiration or earlier termination of the ROE.

For the purpose of this ROE, the term "hazardous material" as used herein shall include any substance, waste or material designated as hazardous or toxic or radioactive or other similar term by any present or future federal, state or local statutes, regulation or ordinance, such as the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, and the Federal Clean Water Act, as amended from time to time, and also including but not limited to petroleum, petroleum based substances, asbestos, polychlorinated-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 the ROE, PERMITTEE may be required to conduct a Level One (1) Hazardous Waste Evaluation and conduct a complete abatement and disposal, if necessary, satisfactory to the standards required by the Federal Environmental Protection Agency, the Department of Health and PERMITTOR.

15. **ENTIRE AGREEMENT.** This ROE contains all of the terms and agreements between the parties relating to the subject matter hereof and supersedes and cancels any and all other conflicting prior agreements, promises, and negotiations between them. Nothing contained herein shall limit any claims by PERMITTOR against PERMITTEE arising under prior agreements, nor limit PERMITTEE'S continuing obligations under prior agreements, including insurance, indemnity, and hazardous waste obligations.

16. **PERMITTEE REPRESENTATIONS.** PERMITTEE currently uses and occupies the Premises and is familiar with the quality and condition of the Premises, has had an opportunity to inspect the Premises, and to evaluate and determine for itself the suitability of the Premises for its intended purposes; and PERMITTEE accepts the Premises as-is, where-is, with all faults, defects, and conditions, whether known or unknown.

17. **SPECIAL CONDITIONS.**

- A. **Daylight Hours.** PERMITTEE may only use the Premises during daylight hours.
- B. **Services.** PERMITTEE has inspected or has had a reasonable opportunity to inspect the Premises. PERMITTOR does not represent or warrant that the Premises are fit for PERMITTEE's intended purposes or the permitted uses under this ROE. PERMITTEE understands and acknowledges that there are no services or utilities installed on the Premises. All utilities required or used shall be paid by the PERMITTEE. No service or utility may be installed on the Premises except with DHHL's prior written approval.

- C. **Trash Removal.** PERMITTEE will not keep, store, or accumulate any trash, rubbish, or refuse of any kind on the Premises overnight. PERMITTEE will remove any trash, rubbish, or refuse from the Premises at the end of each day. PERMITTEE understands this requirement is necessary to deter flies and bad odors from being a nuisance to adjacent and proximate properties.
- D. **Minimization of Impacts.** PERMITTEE will take all reasonable precautions to minimize the disturbance of the Premises and to any areas immediately surrounding the Premises. If any activities or uses of the Premises require substantial construction, excavation, drilling, grading, grubbing, or other similar work, PERMITTEE will contact PERMITTOR in advance for any review or written approval to proceed with such work.
- E. **Restrictions on Private and Public Funds.** PERMITTEE will not cause, suffer, or permit any obligation, covenant, or restriction that PERMITTEE may accept or assume in connection with the receipt or use of any private or public funds to attach to, encumber, or otherwise be imposed on the Premises.
- F. **Waivers of Liability.** Except for Permittee's Representatives, PERMITTEE will condition any third-party's entry or activity on the Premises with reasonable written waivers of liability, in a form and content acceptable to PERMITTOR, holding and saving PERMITTOR harmless from all injury, death, or damage to persons and property. PERMITTEE will maintain appropriate written procedures or guidelines for the safe entry and use of the Premises and will promptly produce copies of the same to PERMITTOR on its request.
- G. **Growing Crops.** Notwithstanding the generality of Paragraph 11, any crop, grass, or emblement growing on the Premises, whether seasonal, annual, or perennial will become the property of PERMITTOR on the date this ROE expires or otherwise terminates (a **Growing Crop**). PERMITTOR may permit PERMITTEE such reasonable time after the expiration or termination of this ROE to take or remove any Growing Crop, upon the terms and conditions PERMITTOR and PERMITTEE will mutually agree in writing.
- H. **No Option.** Nothing in this ROE creates any offer, promise, option, right of first refusal, agreement, or obligation on the part of PERMITTOR to give, grant, convey, or negotiate or enter into any other ROE, license, lease, or other agreement with PERMITTEE or any third-party for the use or occupancy of the Premises.


- I. **Security Fence.** Notwithstanding the generality of Paragraph 6, Permittee will at its sole cost and expense install a chain link fence around the perimeter of the Premises as depicted in Exhibit "A".

IN WITNESS WHEREOF, PERMITTOR and PERMITTEE have caused this ROE to be executed by the duly authorized officers/individuals as of the day and year first above written.

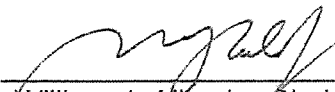
APPROVED BY THE HHC
AT ITS MEETING HELD ON
September 16, 2019

State of Hawaii
DEPARTMENT OF HAWAIIAN HOME LANDS

APPROVED AS TO FORM:



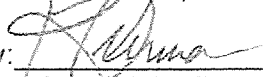
Deputy Attorney General
State of Hawaii

By 

William J. Aia, Jr., Chairman
Hawaiian Homes Commission

PERMITTOR

KUKULU KUMUHANA O ANAHOLA
a Hawaii non-profit corporation

By: 

Kuleialoha Punua
Its: Board President

PERMITTEE

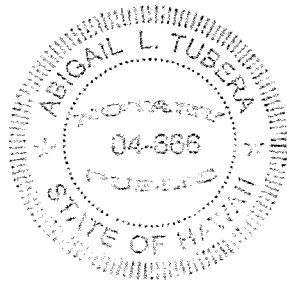
EXHIBIT "A"
(Premises)



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

On November 25, 2020, in the First Circuit, State of Hawaii, before me appeared WILLIAM J. AILA, JR., to me personally known, who, being by me duly sworn or affirmed, did say that such person is the CHAIRMAN of the HAWAIIAN HOMES COMMISSION, and the person executed the foregoing instrument identified or described as RIGHT-OF-ENTRY NO. 698, as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

The foregoing instrument is dated November 19, 2020 and contained ten (10) pages at the time of this acknowledgment/certification.



Bill L. Tubera

Print Name: Abigail L. Tubera

Notary Public, State of Hawaii

My commission expires: November 21, 2024

STATE OF HAWAII

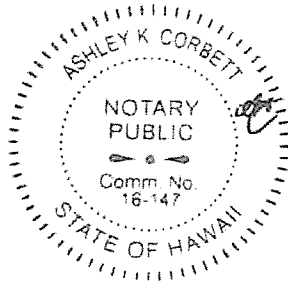
)

) SS.

COUNTY OF KAUAI

)

On this 19th day of November, 2020, before me appeared Kuuleialoha Panua, and _____, to me personally known, who, being by me duly sworn, did say that ~~he~~/she is the person who executed the foregoing instrument and acknowledged to me that ~~he~~/she executed the same freely and voluntarily for the use and purposes therein set forth.



Ashley K Corbett

Notary Public, State of Hawaii

Printed Name: Ashley K Corbett

My commission expires: 04/21/2021

Document Date:	<u>undated</u>	# of Pages:	<u>10</u>
Notary Name:	<u>Ashley K Corbett</u>		<u>5th</u> Circuit
Doc. Description:	<u>Right of Entry</u>		
	<u>NO. 698</u>		
<u>Ashley K Corbett</u>			
Notary Signature			
NOTARY CERTIFICATION			

A circular notary seal for Ashley K. Corbett, Notary Public, State of Hawaii. The seal includes the text "ASHLEY K. CORBETT", "NOTARY PUBLIC", and "Comm. No. 16-147". There is a handwritten mark next to the seal.

Motion that the Hawaiian Homes Commission authorizes the issuance of License Agreement, Kalalea/Anahola Farmer's Hui, Anahola Farm Lots Farmer's Market, Anahola, Island of Kaua'i, Tax Map Key No. (4) 4-8-005:026 (por.)

MOTION

Moved by Commissioner Teruya, seconded by Commissioner Ka'apu, to approve the motion as stated in the submittal. Commissioner Neves recused himself.

DISCUSSION

Agnes Keaulani Marti-Kini stated that they are the only Farmer's Market in Anahola.

ACTION

Motion carried unanimously.

ITEM F-8 Issuance of a Right of Entry Permit Ulupono Anahola Agricultural Garden Training Site and Youth Center, Kukulu Kumuhana O Anahola (KKOA) and Pi'ilani Mai Ke Kai (PMKK) Subdivision, Anahola, Kauai, Tax Map Key No.: (4)4-8-003:019 (por.) & 21 (por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:
Motion that the Hawaiian Homes Commission authorizes the issuance of a Right of Entry Permit to KKOA and PMKK covering the subject area as identified and described below to use as the Ulupono Anahola Agricultural Garden Training Site and Youth Center (UAAG).

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Ka'apu, to approve the motion as stated in the submittal. Motion carried unanimously.

ITEM F-9 Issuance of a Right of Entry Permit, Green Energy Team LLC, One Time Albizia Removal/Cleanup with No Replanting, Anahola Mauka, Anahola, Tax Map Key Nos.: (4)4-7-002:004 and (4)4-8-002:001 and (4)4-8-003:006, 007, & 022 and (4) 4-8-005:006 & 011

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:
Motion that the Hawaiian Homes Commission authorize the issuance of a Right of Entry Permit to Green Energy Team LLC covering the subject area as identified and described below for the one-time removal of Albizia trees with no replanting at Anahola Mauka, Anahola, Kaua'i. Approval and issuance of this Right of Entry shall be subject to the conditions stated in the submittal.

MOTION

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

DISCUSSION

Former Mayor Bernard Carvalho, Jr. testified in support of the Green Energy Team. He stated that this is an opportunity to clear the land of the albizia trees.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Issuance of a Right of Entry Permit, Kukulu Kumuhana O Anahola (KKOA) and the Piilani Mai Ke Kai (PMKK) Association, Ulupono Anahola Agricultural Garden Training Site and Youth Center, Anahola, Island of Kaua'i, TMK No.: (4)4-8-003:019 (por.) & 021 (por.)

APPLICANT:

KKOA and PMKK (See Exhibit "A")

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) authorize the issuance of a Two (2) year Right of Entry Permit to KKOA/PMKK covering the subject area as identified and described below to use as the Ulupono Anahola Agricultural Garden Training Site and Youth Center (UAAG).

Approval and issuance of this Two (2) year Right of Entry (ROE) shall be subject to the following conditions:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment (EA).
2. Authorize the issuance of a 2-year ROE Permit to KKOA/PMKK, covering the subject area for use as the Ulupono Anahola Agricultural Garden Training Site and Youth Center (UAAG) under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current ROE Permit form, as may be amended from time to time;
 - 1) Permittee shall use the Premises for the Ulupono Anahola Agricultural Garden Training Site and Youth Center (UAGG). No other use shall be allowed without DHHL's prior written approval.
 - 2) KKOA/PMKK shall use approximately ten (10) acres of DHHL land to be used under this ROE permit for phase 1. An additional 20 acres or 30 total acres may be used for phases 2 and 3.

EXHIBIT "A"

- 3) Monthly fee shall be gratis with the possibility of the future conversion of this ROE to a DHHL License.
 - 4) Permittee shall pay non-refundable processing and documentation fees totaling \$175.00.
3. This ROE shall conform to federal, state and county (government agencies) standards. Permittee shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals;
 4. Any construction or alteration of the permit area shall require DHHL approval;
 5. All utilities shall be paid by the KKOA/PMKK. Approval by the DHHL Main Kapolei Office and the County of Kauai is needed to access potable water and address sewer requirements. Electricity needs the approval of Kauai Island Utility Cooperative (KIUC).
 6. All trash and debris accumulated shall be removed immediately from the site the same day or at the latest the next day. This is to deter the presence of flies and bad odors from being a nuisance to area neighbors. Furthermore, any bad odors from animals or any other entity shall be addressed immediately.
 7. The ROE document shall be subject to other standard terms and conditions of similar ROE's issued by DHHL;
 8. Review and approval by the State of Hawaii, Department of the Attorney General; and
 9. Such other terms and conditions deemed prudent and reasonable by the Chairman of the Hawaiian Homes Commission (HHC) and/or the HHC to serve the best interests of the trust and its beneficiaries.

LOCATION:

Hawaiian Home Lands situated East of Pilipoli Road Makai of the PMKK Subdivision in Anahola, Island of Kaua'i, identified as tax map key no.: (4)4-8-003:019 (por.) and 021 (por.)

AREA:

Approximately ten (10) acres for Phase 1. A total of 30 acres to include Phases 2 and 3 built out in the future.

DISCUSSION:

Mrs. Kahanu Keawe, PMKK submitted a Land Use Request Form (LURF) dated January 17, 2019, for the UAGG located Makai of PMKK at TMK No. (4)4-8-003:019 (por.) and 021 (por.), in Anahola, Kauai.

The current status of this land has been plagued with multiple fires that have been dangerous to the residential area of the PMKK Community and the Anahola Community at large. This Project would deter illegal dumping and provide a safe and productive environment for current and future beneficiaries.

The goal of PMKK is to partner with KKOAA a well-respected non-profit organization in Anahola. Every summer KKOAA puts on free movie nights at the Anahola Clubhouse to bring the Anahola Community together. The UAGG will provide an Agricultural Garden Training Center and youth facility providing education, skill building, and cultural practices.

Like the DHHL Hale Program which provides Homebuyer Education classes and Foreclosure Prevention Management, this training and youth facility would equip beneficiaries (lessees and applicants) with skills to choose the most effective method that would provide sustainability for their land and family (current and future).

An Agricultural training center and youth facility would provide skill-building, education and continued learning of cultural practices. Education referring to academics is only one aspect of learning. Providing resources, life skills and programs for youth and their families have the potential for lessee's and applicants to make choices to choose a meaningful and productive future.

DHHL staff has developed procedures, processing criteria, and the required documentation necessary to conduct a thorough due diligence review based on the Hawaiian Home Commission's (HHC) discussions and approvals of the Waimea Homestead Association's Waimea Nui Project.

Process/Procedure Work Flow

1. Applicant submits LURF
2. DHHL sends Acknowledgement letter, notification that additional documents will be required pending HHC submittal, and that other applicants may also be requesting use which will trigger a community meeting to insure a fair opportunity to use the land and so that the best project is selected for the property based on homestead community needs.
3. DHHL submits HHC submittal (September 16-17, 2019) which starts due diligence review sends checklist to applicant to collect all the documentation required for the disposition.
4. Applicant submits supporting documents to allow DHHL Divisions to conduct review and report to LMD.
5. LMD packages disposition for HHC approval.
6. LMD letter to applicant commencement of the disposition.

Proposed due Diligence Review Checklist:

1. Land Use Request Form (LURF)
2. Land Use Request Assessment Worksheet(consistency)
3. Governing Documents, Mission Statement, DCCA
4. Number of members who are homesteaders from the affected homestead community (controlling interest)
5. Business/Project Plan review (feasibility)
6. Financial Plan Review (sustainability)
7. Project development schedule and timeline
8. Verification experience, track record and homestead acceptance explain relationship to homestead community (consultation, letters of support, partnerships)
9. Environmental Review and Community Benefits if applicable.

DHHL staff has held discussions with PMKK/KKOAA during 2018-2019 and they have provided the necessary documentation as follows:

September 16-17, 2019

1. Land Use Request Form (LURF) requests the use of a 30-acre property for the UAGG education training site and youth center a central place for the Anahola Community to gather and share crops and products. (January 17, 2019)
2. Land Use Request Assessment Worksheet was completed by DHHL staff. The use will not change and should not require an environmental assessment. (September 2019)
3. Governing Documents, Mission Statement, DCCA and IRS documents were submitted and are on file. (September 2019)
4. Business/Project Plan was submitted and is on file.
5. Financial Plan and Pro-forma were submitted and reviewed to assure sustainability for the first five years of operation. (September 2019)
6. Project development schedule and timeline will be further detailed during right of entry period and presented prior to consultation for long term lease or license.
7. Verification experience, track record and homestead acceptance explain and relationship to the Anahola DHHL Homestead community will be developed during right of entry period prior to consultation and disposition approval.
8. Environmental Review and Community Benefits, environmental not applicable, serves farm community and provides benefit to farmers to market their products.

PLANNING AREA:

PMKK Subdivision, Makai of Pilipoli Road, Anahola, Kauai (See Exhibit "B")

LAND USE DESIGNATION:

Community Use (CU) and Residential (R), Kaua'i Island Plan (2004), Figure 8.2 – Anahola/Kamalomalo'o Land Use Plan, pg. 8-2

CURRENT STATUS:

The site is vacant with grass and shrubbery. In the last five (5) years many fires have burned in this vicinity causing panic to the area residents. Also, the site is prone to heavy illegal dumping.

CHARACTER OF USE:

Ulupono Anahola Education Center and Youth Training Facility

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

Exemption Class No. & Description:

In accordance with the "Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands, as Reviewed and Concurred Upon by the Environmental Council on June 30, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption List Class No. 5, "Resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. Any grubbing will be required to have erosion control measures in place."

Exemption Item Description from Agency Exemption List:

The direct, cumulative, and potential impacts of the action described have been considered pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules. Since the action as proposed is determined to have minimal or no significant impact on the environment it would therefore be exempt from the preparation of an environmental assessment. The DHHL Planning Office (PO) has documented the action as being eligible for exemption from the preparation of an Environmental Assessment under the Exemption Class as referenced above.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

The recommended disposition is consistent with the following General Plan goals and objectives:

Land Use Planning

Goals:

- Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.
- Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Objectives:

- Provide space for and designate a mixture of appropriate land uses, economic opportunities and community services in a native Hawaiian-friendly environment.

Kauai Island Plan (2004)

The recommended disposition is consistent with the following elements of the Kauai Island Plan:

The site is designated for Community Use (CU) and Residential (R) consistent with the Kauai Island Plan. Table 2.1 DHHL Land Use Designations page 2-7 and Figure 8.2 Anahola/Kamalomalo'o Land Use Plan page 8-4.

RECOMMENDATION:

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

Exhibit "C"
Item No. F7



GoFARM
HAWAII
UNIVERSITY OF HAWAII

03/09/2021

Re: Letter of Support for Resilient Leaders and Food Security" program and Kukulu Kumuhana O Anahola.

To Whom It May Concern,

On behalf of the Go Farm Hawai'i program, I am writing in support of Kukulu Kumuhana O Anahola (KKOA)'s Resilient Leaders and Food Security program.

Go Farm Hawai'i, is a statewide program, that provides science-based instruction and hands-on training in agriculture and business topics geared to develop our participants into viable commercial farmers for Hawai'i. Go Farm has intentions to collaborate and partner with KKOA. Once our program is open to the public again, pending COVID-19 guidelines, we will to open our "doors" to KKOA to provide the opportunity to view the teaching area, hear about and view some of the materials used to teach the agricultural program, and view some of the farmer plots.

The mission of KKOA is in line with mission of Go Farm to provide more food security and community self-reliance. In order to promote the next generation of Hawaii's farmers we must cultivate the youth and show them opportunities in Agriculture. The partnership between KKOA and Go Farm is a perfect match. Go Farm has for several years been working already with KKOA. Since 2017 we have been helping with site planning with Aunty Rae Nam and others for the future, Ulupono Anahola, farm site. We have spent many hours donating our time to help Kukulu Kumuhana O Anahola and will continue to do so.

Go Farm looks forward to collaborating with KKOA and being a part of seeing our youth and their families being educated, resilient and providing food security for their future. Should you have additional questions please feel free to contact me 808- 896-2793 or ewhansen@hawaii.edu.

Sincerely,

Eric Hansen
Go Farm Hawai'i Kaua'i Program Coordinator



KANUIKAPONO

PUBLIC CHARTER SCHOOL

March 4, 2021

Grants Program Committee
Office of Hawaiian Affairs
560 North Nimitz Highway, Suite 200
Honolulu, HI 96817

Aloha to the Grants Program Committee,

KanuiKapono Public Charter School provides a culture-based education to 204 students in grades K-12 that is significantly different from other educational opportunities available on the island. Located in the middle of the Anahola Hawaiian Homestead community, our school is committed to Native education and community renewal for Anahola and the island of Kaua'i.

Our school is identified as Title I (52% student population). Title I students face additional challenges to learning due to hunger, untreated medical conditions, poor sleep, and the general heightened insecurity posed by the lack of basic resources. More than 5,200 students (49.8%) on Kauai are considered Title I students, who come from low-income homes, where basic necessities such as shelter, healthcare, and food are often challenging. Native Hawaiians are amongst the highest at 28% of this population. In general, the four Hawaiian-focused and immersion schools on Kauai have a higher proportion of Native Hawaiian/Pacific Islander students (2018, Kauai Youth Report).

According to a recent survey by Kauai Resiliency Project (2020) found that 28% of high school students reported feeling sad and worthless for at least two weeks at a time. One in 11 youths between the ages of 15 to 24 attempt suicide every year on Kauai.

Kauai's annual suicide count has varied over the last five years from 11 suicides in 2019 to 25 suicides in 2017. With an average of 16 suicide deaths per year, Kauai has the highest suicide rate per capita among the state's counties. In the most recent past there have been five suicides on Kauai and a very recent attempted suicide in Anahola.

As the Deputy Director of Academic Achievement at a Hawaiian Focused Charter School educational and 'āina-based programs such as Kūkulu Kumuhana O Anahola (KKOA) "Resilient Leaders and Food Security" are valuable resources for our haumana. The KKOA program and curriculum responds to the mental health and wellness needs within our school and the Anahola community. It also promotes and incorporates cultural values that are aligned to our school vision, mission and curricular framework. We see this program as an opportunity to expand resources to our haumana through partnerships with community organizations like KKOA.

PO Box 12, 4333 Kukuihale Road, Anahola, Hawaii 96703
Phone (808) 823-9160 ♦ Fax (808) 482-3055 ♦ info@kanuikapono.k12.hi.us ♦ kanuikapono.org



Resilient Leaders and Food Security program will meet several needs of our school, including building foundational knowledge and application in agriculture and sustainability, mental health and wellness and enabling resources to our students and their families and moreover the Anahola community in local food production and distribution. The Resilient Leaders and Food Security have identified the following focus area needs:

- a water system (irrigation and well) for the 7-acres that will allow interns to learn the installation, maintenance of these systems and importance to providing a healthy irrigation and food system for the Anahola community;
- growing of native plants for consumption and medicinal use;
- programs that will provide cultural practices that can be taught to future generations like making papa ku'ia'i (poi boards) and pohaku ku'ia'i (poi pounders) for every Native Hawaiian household in the community;
- agricultural program that supports mental health and wellness for middle and high school students.

Overall the Resilient Leaders and Food Security program will benefit our keiki, their 'ohana and the Anahola community and we look forward to a partnership with Kūkulu Kumuhana O Anahola such resources. Please do not hesitate to contact me at (808) 823-9160 if you have any questions.

Mahalo,

A handwritten signature in black ink, appearing to read "Lois Ann Ell".

Lois Ann Ell, M.Ed.

Academic Officer

Acting Deputy Director for Academic Achievement

Kanuikapono Public Charter School

PO Box 1023, Kilauea, HI 96754
info@ainahookupuokilauea.org



April 6, 2021

To Whom it May Concern:

'Aina Ho'okupu o Kilauea (AHK) has been working with KKOA since 2017 when they reached out to AHK for inspiration and support. KKOA has been persistent in fulfilling their mission to help at-risk youth and identifying the social problems that youth experience on Kaua'i. AHK and KKOA have been collaborating to provide the community of Anahola with a center that will bring the community together, feed the community, and provide a safe space for the youth, similar to what AHK has built for the past 5 years with the Kilauea Community Agricultural Center (KCAC).

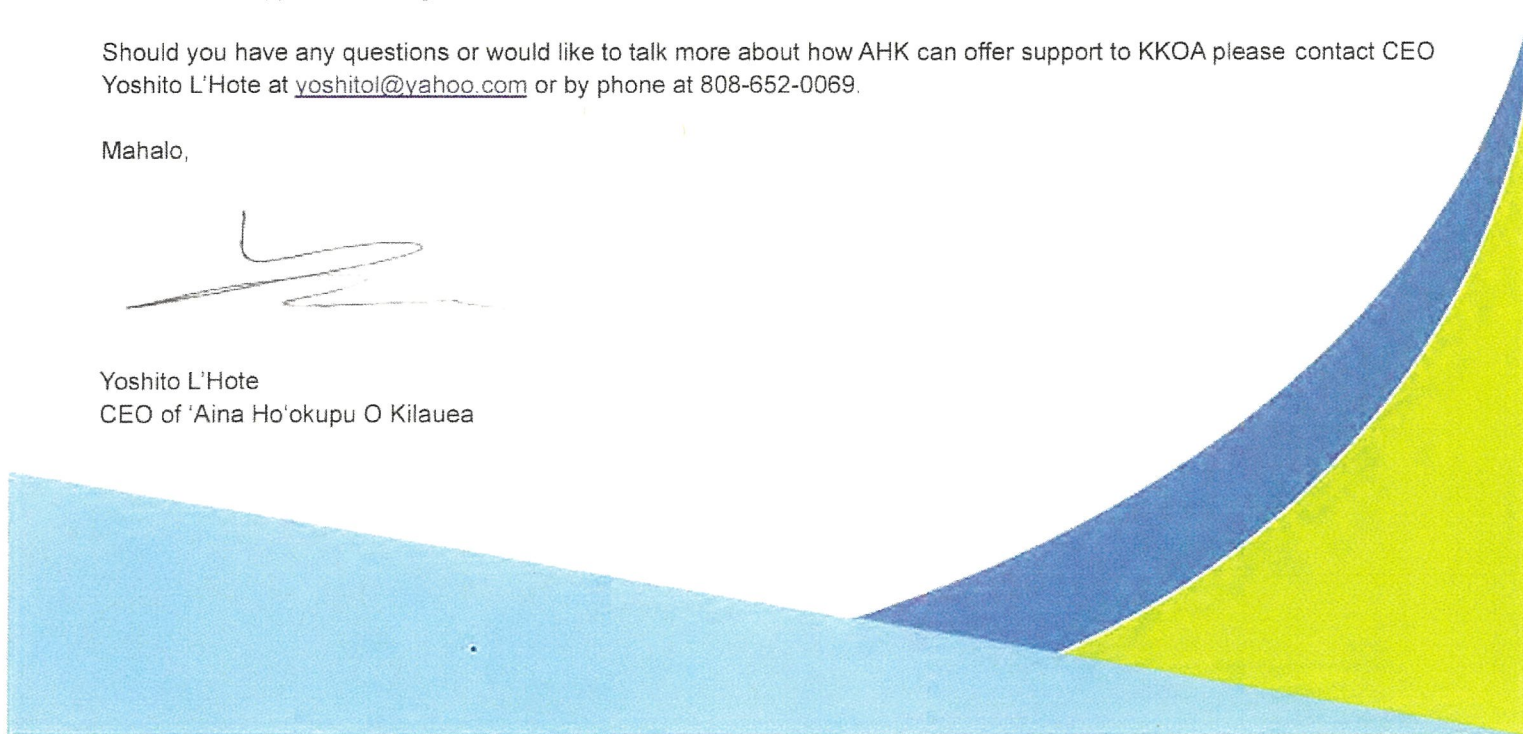
KKOA has the capacity to expand their educational programs as well as their farm operation. Our island's youth benefits so immensely from projects like KKOA's, and in order to expand these programs they require additional funding for curriculum development as well as for supplies and materials to grow their farming and processing facilities. It is with these trusted partners that we were able to distribute 2,000 produce boxes a week for 15 weeks to feed the communities around the island, KKOA focusing on Anahola to promote and make available fresh produce and vegetables at no cost to the community. We plan to work closely with them in the development of their center and other programs which help support our respective communities.

AHK plans to support KKOA to bring the Anahola youth to observe and learn about small to medium-sized farming operations at our Kilauea Community Agricultural Center (KCAC) site. Additionally, AHK supports KKOA as we employ youth from Anahola in our internship program, offering the ability to learn and grow in small agriculture. We can do this through small, socially-distanced lessons on the farm, observing the operations (including machinery and irrigation) on a 1-acre plot. We believe that educating our island's youth and building a sustainable food system in our community is crucial, and support KKOA's goal to do so in Anahola.

Should you have any questions or would like to talk more about how AHK can offer support to KKOA please contact CEO Yoshito L'Hote at yoshitol@yahoo.com or by phone at 808-652-0069.

Mahalo,

Yoshito L'Hote
CEO of 'Aina Ho'okupu O Kilauea





COOPERATIVE EXTENSION

UNIVERSITY OF HAWAII AT MĀNOA
COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES

29 March 2021

Aloha,

This letter is to affirm my support for the Kukulu Kumahana O Anahola (KKOA) Ulupono Anahola project and their Resilient Leaders and Food Security curriculum that will be used to guide and train youth, Native Hawaiians and the Anahola community in civic agriculture.

I am an extension agent with the University of Hawaii at Manoa, College of Tropical Agriculture and Human Resources (CTAHR) based on the island of Kauai. In my role with CTAHR Extension working closely with the community here since 2017, I have observed time and again the acute need for engaging more local youth in agriculture. KKOA is uniquely situated to be the catalyst for this engagement as they are well supported and respected in the community, and they have the clear vision to make a significant impact where it is needed.

Through partnering with KKOA for the Resilient Leaders and Food Security program, I will host participating students to tour the CTAHR Kauai Agricultural Research and Extension Station in Wailua, where they will be able to see our on-going field research projects and plant germplasm collections. I will work with my colleagues to provide an educational experience tailored to the age and specific interests of the group. Our team includes expertise in soil science, agronomy, entomology, plant breeding, and weed science.

I fully support this project to create new opportunities to engage local youth in agriculture and will support it in any way possible. Please feel free to contact me with any questions:
erkirk@hawaii.edu

Many thanks for your time and consideration,

A handwritten signature in blue ink, appearing to read "Emilie Kirk".

Emilie Kirk

Assistant Extension Agent – Sustainable and Organic Agriculture
Kaua'i County Cooperative Extension

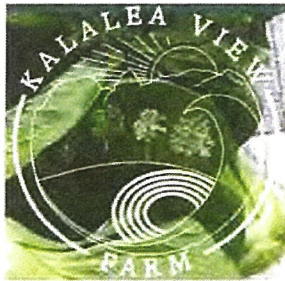
KAUAI COOPERATIVE EXTENSION OFFICE

State Office Building / 3060 Eiwa Street, Room 210 / Lihue, HI 96766

Ph: (808) 274-3471 Fax: (808) 274-3474

lihue@ctahr.hawaii.edu www.ctahr.hawaii.edu/site/ContactKauai.aspx

An Equal Opportunity and Affirmative Action Institution



March 25, 2021

To Whom It May Concern,

Aloha! My name is Brian Miller, owner of Kalalea View Farm in Anahola, Kaua'i. This is a letter of commitment for Kalalea View Farm to participate in the Kūkulu Kumuhana O Anahola (KKOA) program by giving farm tours and experiences for KKOA participants on our 4 acre home stead in Anahola in support of the "Resilient Leaders and Food Security" program.

Participants would be able to learn about farming and sustainability while touring and participating in farm activities that may include planting, harvesting, or prepping food from our farm. Kalalea View Farm looks forward to collaborating with KKOA and being a part of seeing our youth and their families being educated, resilient and providing food security for their future. If you have any questions about our farm, please feel free to contact me at: kalaleaviewfarm@gmail.com

Thank you!

Brian Miller
Owner - Kalalea View Farm

Kauai Kunana Dairy

Goat Milk Products ~ Organic Fruits and Vegetables ~ Farm Kitchen Specialties ~ Bee Hive Products

March 25, 2021

Re: Kūkulu Kumuhana O Anahola —“Resilient Leaders and Food
Security” Program

To Whom It May Concern,

I am Ryan Wooton, farm manager of Kauai Kunana Dairy Farm on the island of Kaua'i. Kunana Dairy Farm is excited to hear and partner with Kūkulu Kumuhana O Anahola (KKOA) and the “Resilient Leaders and Food Security” program they are launching this fall of 2021.

I am writing this letter in support of partnering with KKOAs work with youth and 'ohana in our community. Kauai Kunana Dairy Farm is willing to provide the educational experience on our 8 acre farm that will allow students to tour a goat dairy farm, milk and cheese production, as well as the 20 beehives that produces honey, beeswax and pollination. Our simple methods of making our organic farm sustainable will inspire them. They will also see the value-added products that we produce and provide to a long list of restaurants, cafes, juice bars, Chefs and caterers.

I hope you consider investing in KKOAs program will provide positive impact for the youth through this partnership. Should you have additional questions, please feel free to email me at: kauaikunandairy@gmail.com.

Sincerely,

Ryan Wooton, Farm Manager
Kauai Kunana Dairy Farm



March 25, 2021

Re: Letter of Support for Kūkulu Kumuhana O Anahola ~ “Resilient Leaders and Food Security” Program

Aloha to the Grants Program Committee,

My name is Lei Wann, Director of Limahuli Garden & Preserve on the island of Kauaʻi. On behalf of Limahuli Garden, it is a privilege to have this partnership with Kūkulu Kumuhana O Anahola (KKOA) and support the “Resilient Leaders and Food Security” program that will be starting in the fall of this year.

Limahuli is a perfect place to provide an educational experience and understanding about native plants for food, resources, and medicines. Students attending the KKOA “Resilient Leaders and Food Security” will also view the Limahuli stream and reflect on the ahupuaʻa system of resource management. They will also be given a deeper understanding of the delicate balance of the ecosystem in both ancient and modern times, and how today’s stewardship of the land is modeled after the traditional practices of its earliest inhabitants. The Hawaiian history, culture, natural history and plants are so inextricably woven together which can stir a new found connection between their past, present and future.

We look forward to this partnership and hope you will consider KKOA for this grant. There is a great need to teach the next generation the importance of how their culture is inseparable from the plants that sustain them. Should you have additional questions, please feel free to contact me at (808)826-1053 or email me at: LWANN@ntbg.org.

Sincerely,

Lei Wann, Director
Limahuli Garden & Preserve

March 4, 2021

Aloha kama.

'O wau o Kahanu Keawe. No Anahola, Ko'olau, Kaua'i mai au. Kako'o makou keia palapala noi (application). I am the President of the Pi'ilani Mai Ke Kai (PMKK) Homeowners Association. I am writing to express my support of the Ulupono Anahola project that is currently being led by Kūkulu Kumuhana O Anahola (KKOA). We have enjoyed working with KKOA over these past 5 years in the community on various projects to serve our community. We look forward to continuing to work with them specifically on this Ulupono project.

When I was first approached by Rachelle "Rae" Nam and Ku'uleialoha Punua to partner in this Ulupono project, I had several questions since the 10-acres where this project would reside is directly across from the PMKK subdivision. That conversation was approximately 2 years ago and since then, I have witnessed their continued care and perseverance for our community here in Anahola.

When COVID19 hit our island, they called upon the community to help one another and several people including myself responded to that call. They have been selflessly organizing teams to distribute much needed food to our kūpuna and those in the community who needed it. Their commitment is real. Their desire to serve the community and overcome every obstacle in that path has shown consistency through their dedication to continue their mission and vision through these programs.

They had the foresight to design a safe place in an area that for many years has been a present danger because of fires being set that threatened the homes of our subdivision. This safe place would create a location to provide educational programs that incorporate our cultural values and be a gathering place for our youth and 'ohana. Their "Resilient Leaders and Food Security" curriculum will benefit our community now as well as the next generation of beneficiaries and lessees of Hawaiian Home Lands. Within these programs they will offer our community garden plots.

We are excited to see Ulupono begin on the land where the agricultural community garden and youth center is planned for. We also know that part of their plan is to develop the water systems. Water is vital to the success of their project. Funding provided by the Garden Club of Honolulu through this grant will assist in bringing this design and much needed project to life on the land it was meant to be provided on. We are looking forward to seeing this long awaited project become a reality for our community. If you have any questions, please feel free to contact me at (808) 392-6119.

Mahalo.

A handwritten signature in black ink, appearing to read 'KK S', is written over a large, faint, light-gray watermark of the same signature.

Kahanu Keawe, President
Pi'ilani Mai Ke Kai Homeowners Association
3879 Aopo'onui Place
Anahola HI 96703



March 25, 2021

Aloha to the Grants Program Committee,

My name is Christy Wong and I am the founder of Kauai Animal Education Center (KAEC) and I am writing in support of Kūkulu Kumuhana O Anahola's (KKOA) "Resilient Leaders and Food Security" program.

I have been working with KKOA for several years now with different projects and with every project they seek to help our children and families reach their full potential by building self-confidence through the practice of Native Hawaiian values and traditions. The "Resilient Leaders and Food Security" program they are introducing this fall is another deeply connected and necessary program for the Anahola community.

By partnering with KKOA and allowing the youth to visit KAEC, they will view our goats, sheep, pigs, chickens, turkeys, calves, learn about hoof trimming, and participate in a volunteer day. Farm animals provide a valuable onsite source for manure. Manure management is a vital skill to learn, as is animal husbandry. The knowledge and experience will be a positive impact for the middle and high school students attending this program through KKOA.

Should you have any questions or concerns, please contact me at (808)822-0881 or email at christy@kauaianimaleducationcenter.org

Mahalo,

Christy Wong
Owner and Founder of KAEC



March 25, 2021

Re: Kūkulu Kumuhana O Anahola ~ "Resilient Leaders and Food Security" Program

To Whom It May Concern,

Aloha! My name is Cody Lee Meyer and I am the Farm Manager of "The Farm at Hokuala" at Timbers Resort on the island of Kaua'i. I was excited to hear that Kūkulu Kumuhana O Anahola (KKOA) is expected to begin their "Resilient Leaders and Food Security" program in the fall of this year. Reaching out to middle and high school students is very critical for them to have this opportunity that I hope will inspire them to see the value of our valuable food systems here on Kaua'i.

I am writing this letter of support of this program on behalf of The Farm at Hokuala and Timbers Resort as this partnership and educational experience will provide the students first hand experience to identify farm plants used in making meals at a first class resort and restaurant, which is always fun. I am also committed to share my perspective of why "Farm to Table" is a viable business strategy as well as an excellent approach that builds a strong local food system.

I hope you consider investing in KKOA, their program and the youth whose future can be positively impacted through this partnership. Should you have additional questions, please feel free to email me at: cmeyer@hokualakauai.com.

Sincerely,

Cody Meyer, Farm Manager
The Farm at Hokuala

Exhibit "D"
Item No. F7

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER L. GOMES
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1879
HONOLULU, HAWAII 96845

August 25, 2021

Ref: PO-21-255

Strather Ing, Grants Specialist
Miki Cachola Lene, Grants Specialist
Office of Hawaiian Affairs
560 N. Nimitz Highway, Suite 200
Honolulu, Hawaii 96817

Aloha Mr. Ing and Ms. Lene,

Subject: Homestead Community Grant Awarded to Kūkulu Kumuhana O Anahola for the
Ulupono Anahola ~ Resilient Leaders and Food Security Program and Water
Systems

I am writing on behalf of Kūkulu Kumuhana O Anahola (KKOA), a non-profit organization that has been serving the native Hawaiian community in Anahola since 2008. We congratulate them and thank you for the recent award to KKOAA of \$75,000 from the Office of Hawaiian Affairs (OHA).

I would like to confirm that KKOAA currently has a Right of Entry (ROE No. 698) from the Department of Hawaiian Home Lands (DHHL) to the 10-acre property adjacent to the Pi'ilani Mai Ke Kai homestead in Anahola, Kaua'i where the Ulupono Anahola Project is currently in its planning stages. This Right of Entry gives them permission to conduct all agricultural activities that are eligible for an EA Exemption, which include the following for Phase 2 of their project:

- The installation of water meter(s) necessary to irrigate all areas where they are growing food and plants (ag water)
- The installation of water meter(s) necessary for a processing station to clean foods before distribution (potable water)
- The clearing of land for the planting and production of food and plants as designated on their conceptual site plan (see attached)
- The placement of three 40-foot storage containers for the purposes of storing heavy equipment, tools, refrigeration for food with a processing area and an office/storage area, as they are all ancillary to the planned agricultural activities and programs.

Mr. Strather Ing and Ms. Miki Cachola Lene
August 25, 2021
Page 2

It has also been brought to my attention that you are requiring an assurance from DHHL that KKO A will receive a license for this property. DHHL's Kaua'i Land Agent, Kaipo Duncan, and Kaua'i Planning Liaison, Nancy McPherson, are working diligently to help KKO A to acquire a license for this property. While KKO A's plan to install a well is definitely a more frugal source of water, authorization from DHHL to drill and install it will require completion of an Environmental Assessment (EA).

KKO A's acknowledgement that they will complete the EA prior to installing the well provides us with an assurance of compliance with HRS Chapter 343 and will give us the ability to provide a conditional license to KKO A. This decision must have the approval of the Hawaiian Homes Commission, which will be meeting on September 20-21, 2021. Once a decision is made and the length of the license is determined, KKO A will be able to communicate the Commission's decision to you.

In the meantime, a well will still be a part of their plans, without hindering them from proceeding with an alternate plan for a water system and implementation of their programs. We believe their revised plan will fulfill their obligations to OHA for the grant and, more importantly, their representations to the people in the Anahola community.

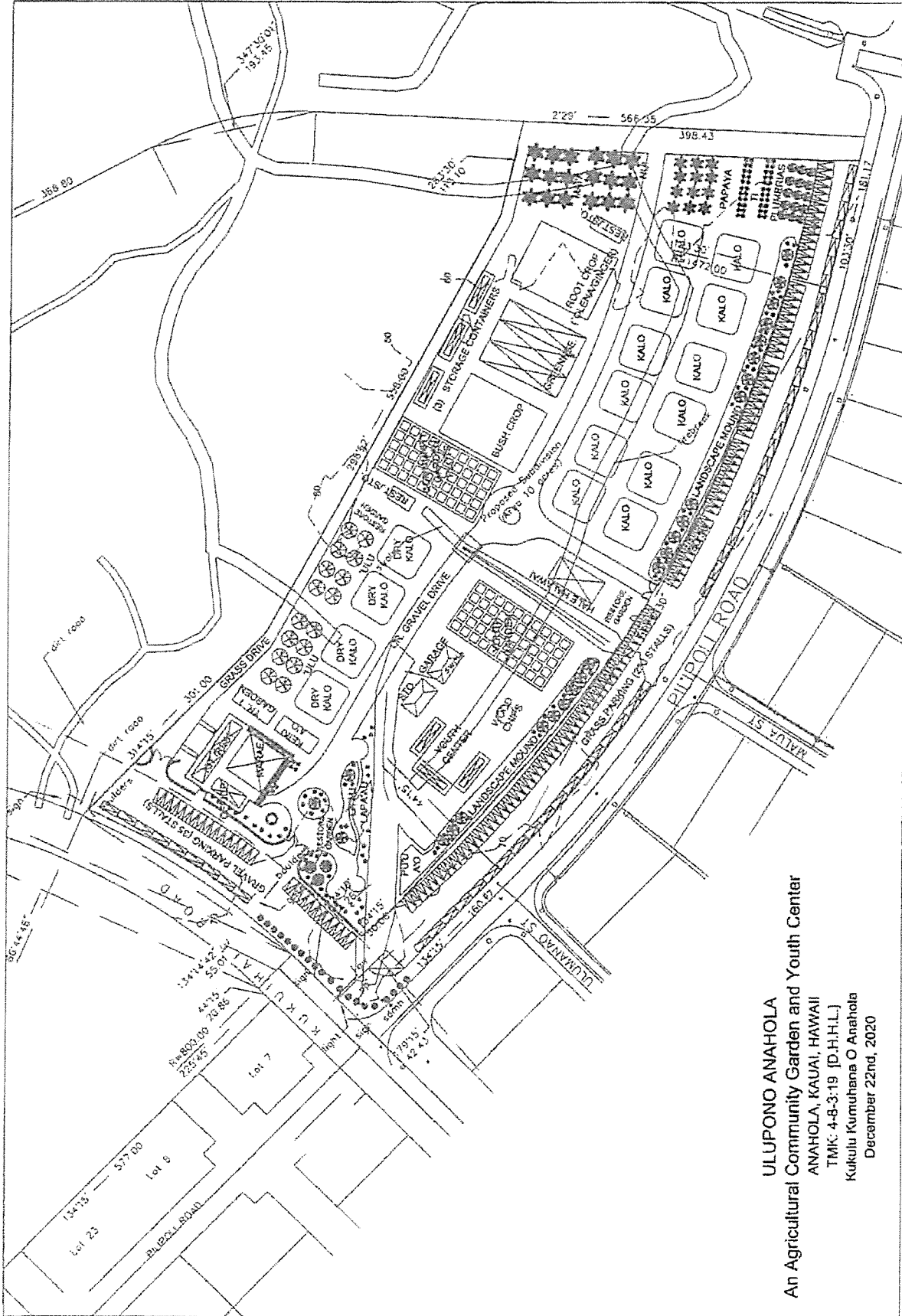
I hope this letter meets your requirements and assures you that we are in support of this project and confident of KKO A's leadership abilities to follow through with their commitments. Please feel free to contact Nancy McPherson at nancy.m.mcpherson@hawaii.gov or Kaipo Duncan at kaipo.duncan@hawaii.gov if you have any further questions.

Aloha,

A handwritten signature in black ink, appearing to read 'William J. Ailā, Jr.', written in a cursive style.

William J. Ailā, Jr., Chairman
Hawaiian Homes Commission

Enclosure



ULUPONO ANAHOLA
 An Agricultural Community Garden and Youth Center
 ANAHOLA, KAUAI, HAWAII
 TMK: 4-8-3-19 [D.H.H.L.]
 Kukulu Kumuhana O Anahola
 December 22nd, 2020

**ITEM F-5 Approval to Issue a Right of Entry, Alpha, Inc., Honokowai, Maui,
TMK: (2) 4-4-002:018 (por.)**

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:
Motion that the Hawaiian Homes Commission approve to Issue a Right of Entry, Alpha, Inc.,
Honokowai, Maui, TMK: (2) 4-4-002:018 (por.)

MOTION/ACTION

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

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

**ITEM F-7 Approval to Issue a License Agreement, Kūkulu Kumuhana O
Anahola (KKOA), Ulupono Project, Anahola, Island of Kauai, TMK
Nos. (4)4-8-003:019**

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:
Motion that the Hawaiian Homes Commission approve to Issue a License Agreement, Kūkulu
Kumuhana O Anahola (KKOA), Ulupono Project, Anahola, Island of Kauai, TMK Nos. (4)4-8-
003:019

MOTION

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

DISCUSSION

Land Agent Kaipo Duncan stated Kūkulu Kumuhana O Anahola has done all their due diligence
over the last 2-years with the right of entry. KKOAA wants to build a comfort station and storage
on the property. The permanent building triggered the need for an environmental assessment.

Commissioner Neves asked if there is a schedule and timeline for the long-term lease or license. Planner Nancy McPherson stated they want to work with KKOA in the next 60-days to work on milestones, a timeline, and a schedule.

Commissioner Neves stated he is concerned over the change in the scope which was initially for a garden. He wants to make sure it is a successful process. He supports the organization. He would like any request for additional acreage come back to the Commission, and that DHHL confirms the completion of the due diligence.

N. McPherson stated right now they have a grant from the Office of Hawaiian Affairs and are a beneficiary formed organization. Rae Nam stated they are not an association but a non-profit. All five members are beneficiaries.

Commissioner Ka'apu stated it would be more appropriate to establish the milestones before the Commission issues a 5-year license agreement.

Chair Aila asked if there is a deadline connected to the grant from the Office of Hawaiian Affairs. R. Nam stated the project is not an OHA project and there are several grantors. She stated the license is very critical.

Chair Aila stated the normal process is you get the disposition then you get the grant. This puts the Commission in a challenging situation. Commissioner Ka'apu stated it looked like the project had to be scaled down to fit it into an EA. He stated normally the due diligence is done in the 2-years and then come for the disposition. The submittal says KKOA is going to continue to do due diligence. Commissioner Ka'apu stated he is not sure how it fits into the overall picture. You don't continue doing due diligence for the next 5-years.

N. McPherson stated if you are a priority project in the Regional Plan, you can avail yourself of DHHL grants. In this case, KKOA got grants to continue to implement the mala plan, but they kept proposing things that DHHL could not exempt. Planning put the breaks on and had to section out the activities that could be done without any permanent structures, then issue an exemption and they can continue to do the studying of the site as part of their educational activities.

Commissioner Ka'apu stated he would consider a conditional.

Chair Aila asked if removing the language authorizing the Chairman in the 2nd paragraph of No. 1, would address the concern, as it would require KKOA to come back to the Commission. Commissioner Awo stated it would.

Commissioner Neves stated the 3rd paragraph on page 3 is requesting a 30-year license and staff recommends 10-years; that should be 5-years.

Commissioner Ka'apu stated item No. 8 in the recommendation that stated "DHHL should issue 1-5/8 -inch water meter at no cost, and the discussion talked about a water meter credit to be issued. Is it talking about the physical equipment or the entitlement to the water from the credits that DHHL has? K. Albinio stated correct it is a credit.

Commissioner Ka'apu stated he is okay with the Chair's suggestion to approving the license subject to working out the milestones. He is also okay with the non-standard process that it is

going through because it sounds like Commissioner Neves knows they have the right people and the right mission in mind.

Commissioner Teruya asked if the grant from OHA is to provide for a water system for 7-acres. R. Nam stated the grant from OHA will end in 2022 and KKOA will lose it if they don't use it, so KKOA has 9-months to use the \$75,000 from OHA.

Chair Aila stated he believes they could request an extension of the grant if they show progress moving forward. Commissioner Neves stated it is important to get the scheduled amounts out in 60- days.

Commissioner Namu'o stated she is not in support because there is no plan, but she does support in everything that Commissioner Neves said.

Chair Aila suggested the language for the amended motion be, the Hawaiian Homes Commission authorize the issuance of a 5-year license agreement covering the subject areas identified and described in the corrected submittal, i.e. removing the Chairman from conditions 1 and 3, conditioned on establishing milestones with the Department within 60-days.

Chair Aila stated the condition approval will allow them to deal with their OHA issue and coming back within 60-days with a plan will allow to remove the condition. Commissioner Ka'apu stated if the milestones have not been laid out or approved by the Commission, then it may not go forward.

Chair Aila stated KKOA is asking to partner with DHHL, and it appears that KKOA has lots of good ideas and phased plans. The Commission asks that she works with staff in the next 60-days and come up with the milestones to initiate settlement of the 10-acres.

AMENDED MOTION/ACTION

Moved by Commissioner Namu'o, seconded by Commissioner Helm, , the Hawaiian Homes Commission authorize the issuance of a 5-year license agreement covering the subject areas identified and described in the corrected submittal, i.e. removing the Chairman from conditions 1 and 3, conditioned on establishing milestones with the Department within 60-days.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o	X		X			
Commissioner Neves			X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			9			
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED Motion passed unanimously- nine (9) Yes votes.						

RECESS
RECONVENED

4:15 PM
4:24 PM

Chair Aila asked DAG Kanaka`ole for his advice to recess the regular Commission meeting, go into the one Contested Case that the Commission has, and come back to the regular meeting. DAG Kanaka`ole stated it would not be an adjournment but a recess.

RECESS
RECONVENED

4:26 PM
4:59 pm

Note: Commissioner Ka`apu left for the airport at 5:00 p.m.

ITEMS FOR INFORMATION/DISCUSSION

WORKSHOPS

PLANNING OFFICE

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

RECOMMENDED MOTION/ACTION

Acting Planning Manager Andrew Choy presented the following:
None. For information only.

A. Choy introduced Leslie McLane of TetraTex who provided the environmental assessment. L. McLane presented a PowerPoint, Building A Better World With Renewable Energy, Barbers Point Solar Project. The purpose of the briefing is to:

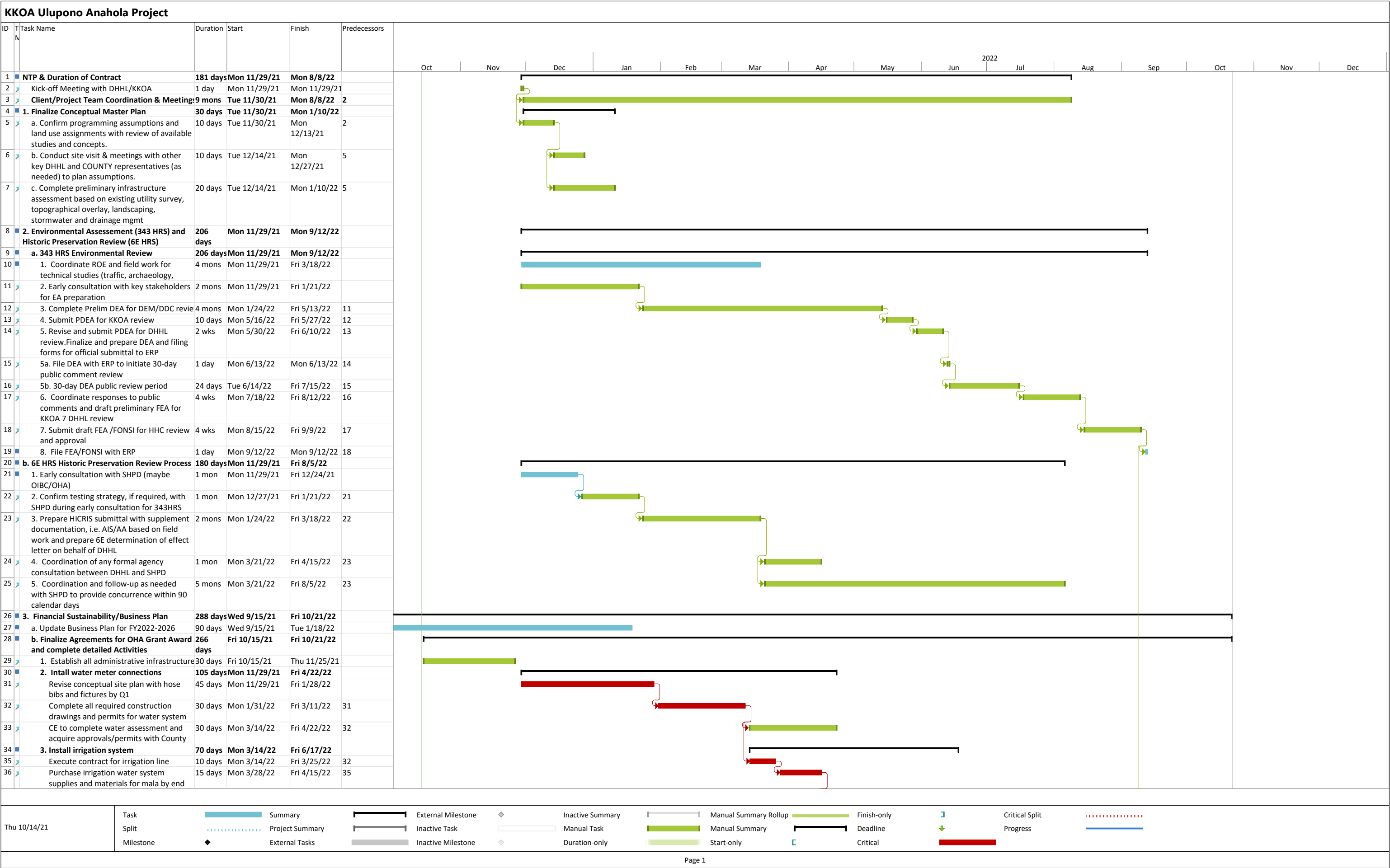
- Update the Hawaiian Homes Commission (HHC) on the proposed Barbers Point Solar Project located on DHHL owned lands in East Kalaeloa
- Present summary highlights of the Draft Environmental Assessment (DEA)
- Notify the HHC prior to the publication of the DEA for public comment next month.

DISCUSSION

Commissioner Ka`apu asked how the cultural sites would be protected. L. McLane stated her guess is the sites are going to be outside of the solar ray fence line and not close to the point of disturbance. They have made recommendations which include preservation of the majority of the site. She stated they will develop a preservation plan as a next step and for all the Hawaiian sites the recommendation is a buffer of 10-meters from any project.

Commissioner Teruya asked about the pu`eo. L. McLane stated they did see a pu`eo one early morning and have been working with DOFAW (State of Hawai`i Department of Forestry and Wildlife) for nests before construction. If a nest is found they will stop construction and have a biologist check the nest.

Note: Commission Teruya left the meeting at 5:25 p.m.





**HAWAIIAN HOMES COMMISSION
NOVEMBER 15 & 16, 2021
INTERACTIVE CONFERENCE
TECHNOLOGY**

**G – ITEMS
PLANNING OFFICE**

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 15-16, 2021

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Acting Planning Program Manager
From: Nancy M. McPherson, Planner *NMM*
Subject: For Information Only - In-Depth Update on Climate Change
and Resilience Planning Affecting Hawaiian Home Lands,
Statewide

RECOMMENDED ACTION

None; for information only.

BACKGROUND

Context

This informational submittal is in response to a request from the Hawaiian Homes Commission (HHC) for a Climate Change "Deep Dive" information submittal to supplement recent updates from the Planning Office regarding Department of Hawaiian Home Lands (DHHL) initiatives and activities in the areas of climate change adaptation (CCA) and sea level rise mitigation (SLR), community resilience planning (CRP) and hazard mitigation (HazMit), framed within the general category of sustainability. See Table 1, "CCA/SLR/CRP/CZM Info Submittals", below, listing all informational submittals on these topics provided to the HHC to date.

This in-depth update is focused on the most recent data on climate change impacts and responses by governmental and non-governmental entities, a high level of activity driven in part by the internationally significant event of the twenty-sixth United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties (COP26), held in Glasgow, Scotland from October 31 to November 12 of this year to be discussed in the next section. Additional information may be viewed and/or downloaded via the weblinks provided in this submittal and Exhibits.

HHC Meeting	Item No. & Title	Topics/Description
July 19-20, 2021 (Virtual)	Item No. G-3, Update on Statewide Initiatives and Actions Related to Climate Change and Resilience	Reviewed federal, state & county activities July 2019 to July 2021; summarized DHHL initiatives re: community resilience planning, wetland restoration, and cesspool conversion; discussed climate justice and climate adaptation ideas for natural and working lands.
June 17-18, 2019 (O'ahu)	Item No. G-1, Update on DHHL Efforts: Climate Change and Sea Level Rise Adaptation, Community Resilience and Hazard Mitigation on Hawaiian Home Lands, Statewide	Reviewed federal, state & county activities June 2018 to June 2019. Emphasis placed on best practices and integration of coastal zone management, community resilience, disaster preparedness, vulnerability analysis & hazard mitigation planning.
April 15-16, 2019 (Moloka'i)	Item No. G-3, Moloka'i Planning Projects Status (pages 5-15)	So. Molokai Shoreline Erosion Management Plan (SM-SEMP) Phase I; CCA & SLR planning activities at federal, state & county levels.
June 18-19, 2018 (O'ahu)	Item No. G-4, Update on DHHL Efforts: Climate Change & Sea Level Rise Adaptation, Community Resilience & Hazard Mitigation on Hawaiian Home Lands, Statewide	First update, per HHC request at April 2018 meeting. Reviewed federal, state & county activities Sept. 2016 to June 2018. Continued to recommend integrated, ahupua'a based approach.
September 19-20, 2016 (Maui)	Item G-6, Planning for our Makai Communities - Integrating Coastal Zone Management, Community Resilience & Hazard Mitigation on Hawaiian Home Lands Along the Shoreline, Statewide	Outlined CZM jurisdictional issues, DHHL CZM reviews, CZM, CCA, CRP & disaster preparedness efforts at state, county & homestead community levels; listed potential funding sources.

Table 1 - CCA/SLR/CRP/CZM Info Submittals

Since the July 2021 informational update, the pace of governmental responses and initiatives at national, state and county levels of government to plan for and adapt to climate change and sea level rise impacts has accelerated, as governments prepared for COP26 and as the reality of the sobering data in the Sixth Assessment Report ("The Physical Science Basis") of the Intergovernmental Panel on Climate Change (IPCC) (2021)¹ begin to register with policy advisors, elected officials, NGO's and the general public.

This submittal's discussion of climate change will begin at the International/United Nations level, then drill down into national, state and local initiatives that have implications for Hawaiian Home Lands, DHHL beneficiaries, and the Hawaiian Homes Commission.

DISCUSSION

International-level Activities

The United Nations (UN) has taken a leading role in facilitating action on climate change on a global scale, mainly via the United Nations Framework Convention on Climate Change (UNFCCC). The UNFCCC entered into force in 1994. Today, it has near-universal membership. The 197 countries that have ratified the Convention are called Parties to the Convention. Preventing "dangerous" human interference with the climate system is the ultimate aim of the UNFCCC.²

The ultimate objective of the Convention is to stabilize greenhouse gas concentrations "at a level that would prevent dangerous anthropogenic (human induced) interference with the climate system." It states that "such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened, and to enable economic development to proceed in a sustainable manner."

In order to provide a factual, scientific basis for tangible climate change mitigation goals and effective policies, the Intergovernmental Panel on Climate Change (IPCC) has been preparing regular reports containing state of the science research. The IPCC is currently in its Sixth Assessment cycle, during which the IPCC will produce the Assessment reports of its three Working Groups, three Special Reports, a refinement to the methodology report and the

¹ <https://www.ipcc.ch/report/ar6/wg1/>

² <https://unfccc.int/process-and-meetings/the-convention/what-is-the-united-nations-framework-convention-on-climate-change>

Synthesis Report. Completion of the second and third Working Group Reports has been delayed due to COVID, but they and the Synthesis Report will be available in 2022.³

According to IPCC procedures the Synthesis Report (SYR) should “synthesize and integrate materials contained within the Assessment Reports and Special Reports” and “should be written in a non-technical style suitable for policymakers and address a broad range of policy-relevant but policy-neutral questions approved by the Panel”. It is composed of two parts, a Summary for Policymakers (SPM) of 5 to 10 pages and a longer Report of 30 to 50 pages.

The AR6 SYR is based on the content of the three Working Groups Assessment Reports:

- WGI – The Physical Science Basis (Aug. 2021),
- WGII – Impacts, Adaptation and Vulnerability (in process),
- WGIII – Mitigation of Climate Change (in process),

and the three Special Reports:

- Global Warming of 1.5°C (Oct. 2018),
- Climate Change and Land (Aug. 2019),
- The Ocean and Cryosphere in a Changing Climate (Sept. 2019).

The first Working Group Report, The Physical Science Basis, was released to worldwide attention and solidifies the scientific foundation for climate change and its impacts by outlining our scientific understanding of the current state of the climate, including how it is changing and the role of human influence, the state of knowledge about possible climate futures, climate information relevant to regions and sectors, and limiting human-induced climate change. Each finding is grounded in an evaluation of underlying evidence and agreement. A level of confidence is expressed using five qualifiers: very low, low, medium, high and very high.

The major takeaways from the WGI Report are outlined in Exhibit A, “Headline Statements from the Summary for Policymakers.” One major statement is that “human-induced climate change is already affecting many weather and climate extremes in every region across the globe. Evidence of observed changes in extremes such as heatwaves, heavy precipitation, droughts, and tropical cyclones, and, in particular, their attribution to human influence, has strengthened” since issuance of the last Assessment Report (AR5). Of particular importance for Hawai‘i, the Report states that “Many changes due to past and future greenhouse gas emissions are irreversible for centuries to millennia,

³ <https://www.ipcc.ch/reports/>

especially changes in the ocean, ice sheets and global sea level." The complete Summary for Policymakers, and the full Report, can be downloaded from the IPCC website.⁴

Nobel Laureates Statement for G7 Summit

In advance of the G7 summit of world leaders held in Cornwall, England in June 2021, a scientific statement signed by an unprecedented 126 Nobel Laureates was delivered to summit leaders.⁵ The statement said, "'Without transformational action this decade, humanity is taking colossal risks with our common future. Societies risk large-scale, irreversible changes to Earth's biosphere."

- The statement calls on leaders to take action to halve greenhouse gas emissions and reverse loss of nature by 2030
- Nobel Prize laureates from around the world and other experts stress the need to for humanity to establish a new relationship with the planet and offer seven proposals
- The statement was issued by the steering committee of the first Nobel Prize summit, "Our Planet, Our Future"

The statement, signed by Nobel laureates including Brian Schmidt, the Dalai Lama, Steven Chu, Shirin Ebadi, Jennifer Doudna, Alice Munro and Paul Nurse, implores leaders to act:

"Time is running out to prevent irreversible changes. The long-term potential of humanity depends upon our ability today to value our common future. Ultimately, this means valuing the resilience of societies and the resilience of Earth's biosphere."

The UN Climate Change Conference of the Parties (COP26)

COP26 in Glasgow, Scotland has been anticipated to be the most well-attended COP to date, with at least 20,000 attendees. Originally scheduled for 2020, the COP was delayed a year due to COVID concerns. The Conference, which runs from October 31 to November 12, 2021, consists of almost two weeks of plenaries, various tracks with educational sessions and discussion panels, and high level negotiations regarding countries' Nationally Determined Contributions (NDC's) to Greenhouse Gas (GHG) emissions, commitments to funding climate adaptation and mitigation strategies, and levels of assistance provided to countries with developing economies. Several important reports were issued just prior to or during COP26.

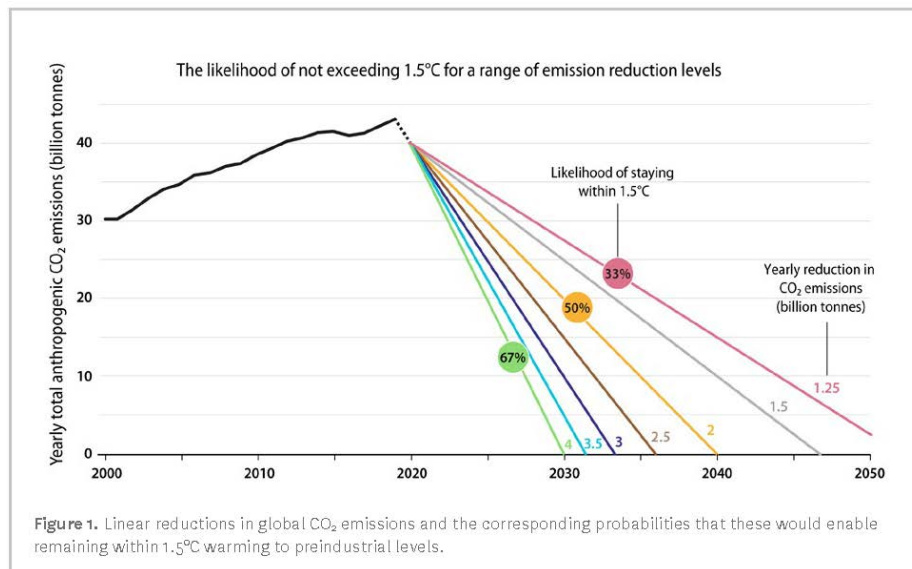
⁴ <https://www.ipcc.ch/report/sixth-assessment-report-working-group-i/>

⁵ <https://www.nationalacademies.org/news/2021/04/nobel-prize-laureates-and-other-experts-issue-urgent-call-for-action-after-our-planet-our-future-summit>

Released just prior to the start of the COP, the UN Environment Programme's (UNEP) latest Emissions Gap Report⁶ found that the new and updated climate commitments fall far short of what is needed to meet the goals of the Paris Agreement (adopted by 196 Parties at COP 21 in Paris, December 2015), leaving the world on track for a global temperature rise of at least 2.7°C this century. Annual GHG reductions of 30 per cent are needed to stay on the least-cost pathway for 2°C and 55 per cent for 1.5°C. Net-zero pledges – and their effective execution – could make a big difference, the report's authors find, but current plans are vague and not reflected in NDCs. If strengthened and fully implemented, net-zero targets could shave an extra 0.5°C off global warming, bringing the predicted temperature rise down to 2.2°C. However, many of the national climate plans delay action until after 2030, raising doubts over whether net-zero pledges can be delivered.⁷

Announced during COP26, "10 Insights in Climate Science 2021" summarizes where we are currently and gives us some hope that limiting climate change to levels that we can deal with as a species are still achievable. Produced by Future Earth, The Earth League, and the World Climate Research Programme, the document scans what the latest findings and most important new emerging fields are and summarizes this in 10 important scientific insights:⁸

1. Stabilizing at 1.5°C (2.7°F) warming is still possible, but immediate and drastic global action is required

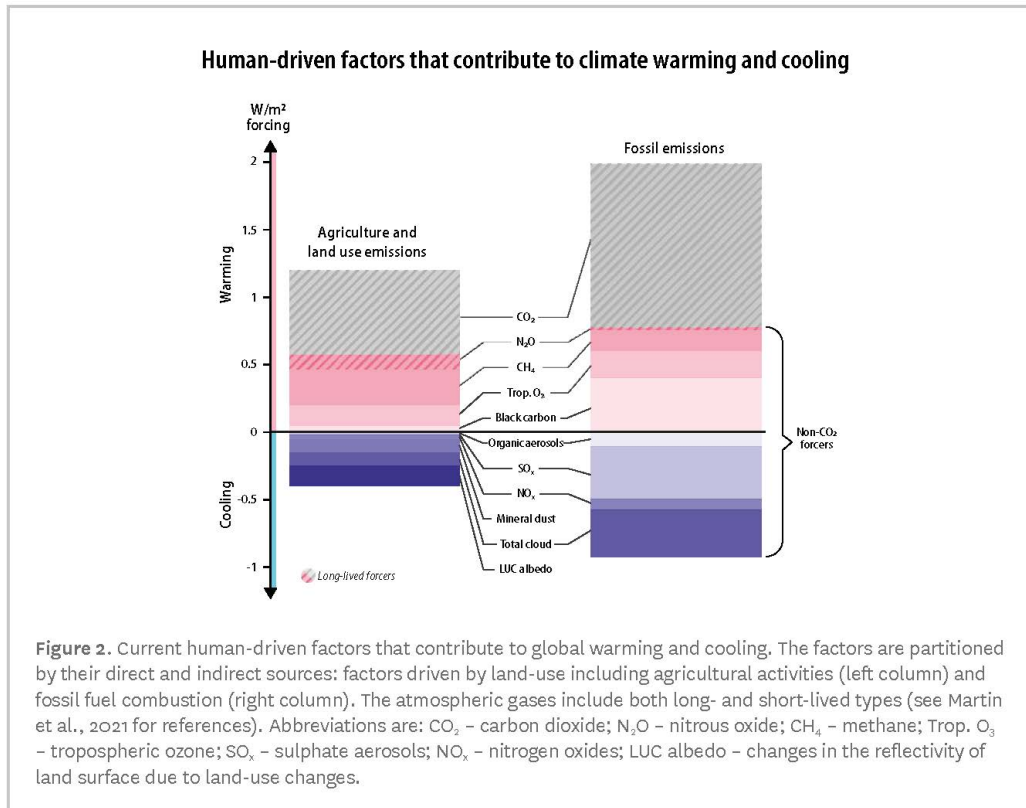


⁶ <https://www.unep.org/resources/emissions-gap-report-2021>

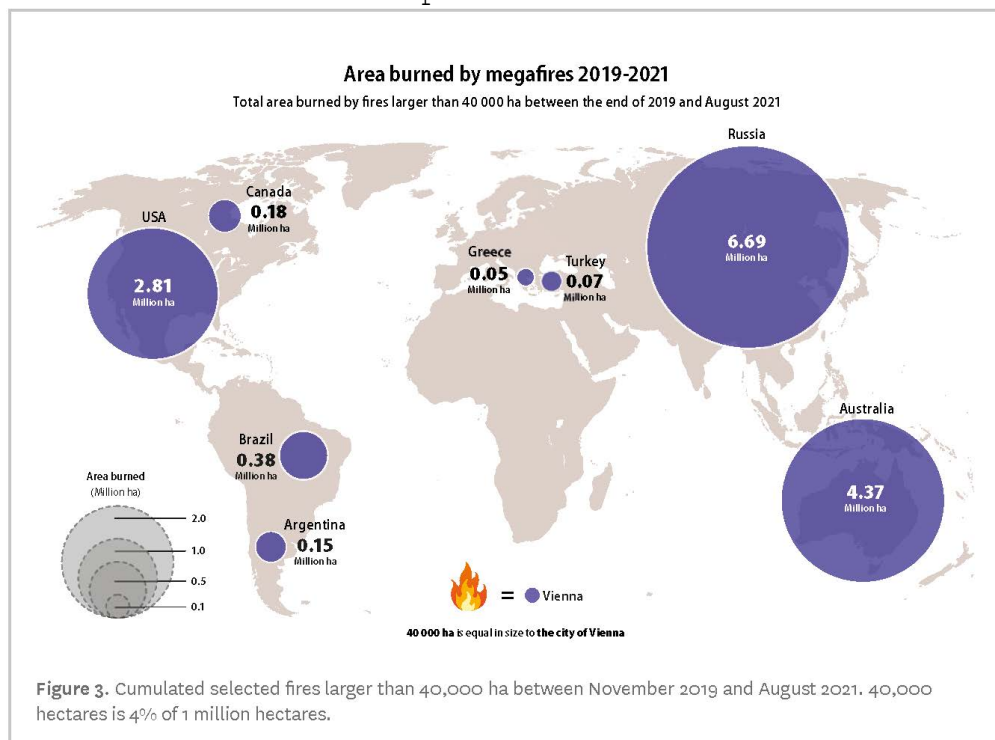
⁷ <https://unfccc.int/news/updated-climate-commitments-ahead-of-cop26-summit-fall-far-short-but-net-zero-pledges-provide-hope>

⁸ <https://10insightsclimate.science/>

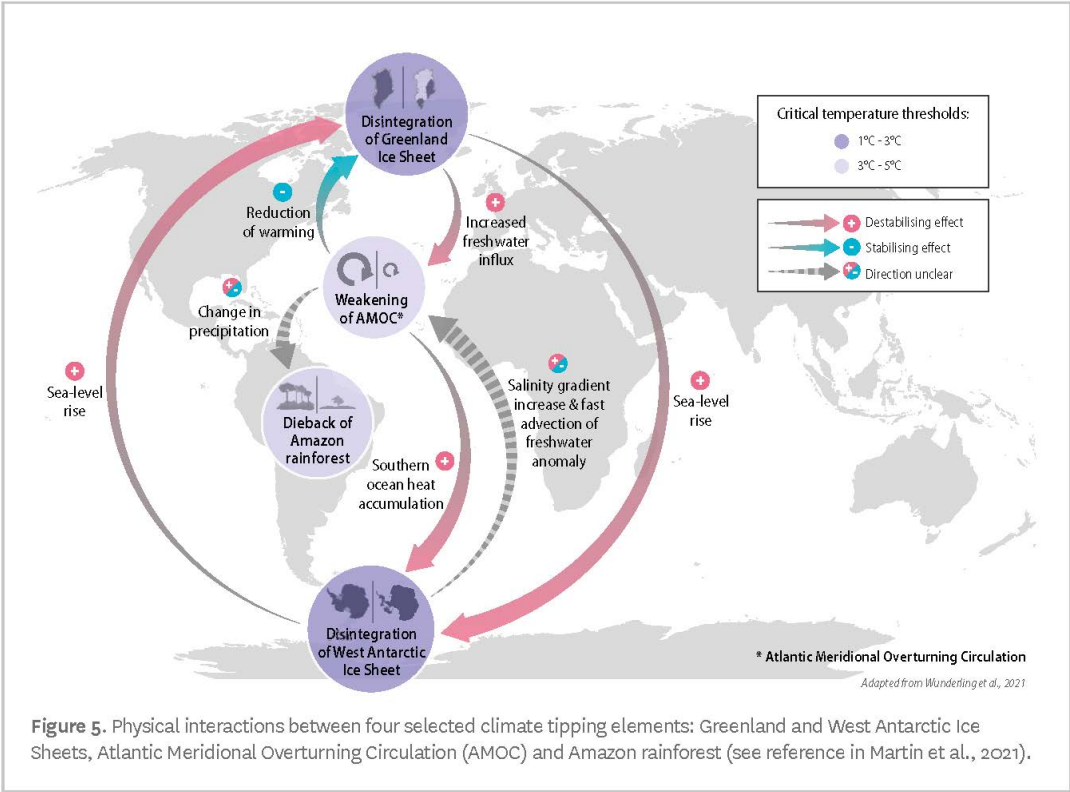
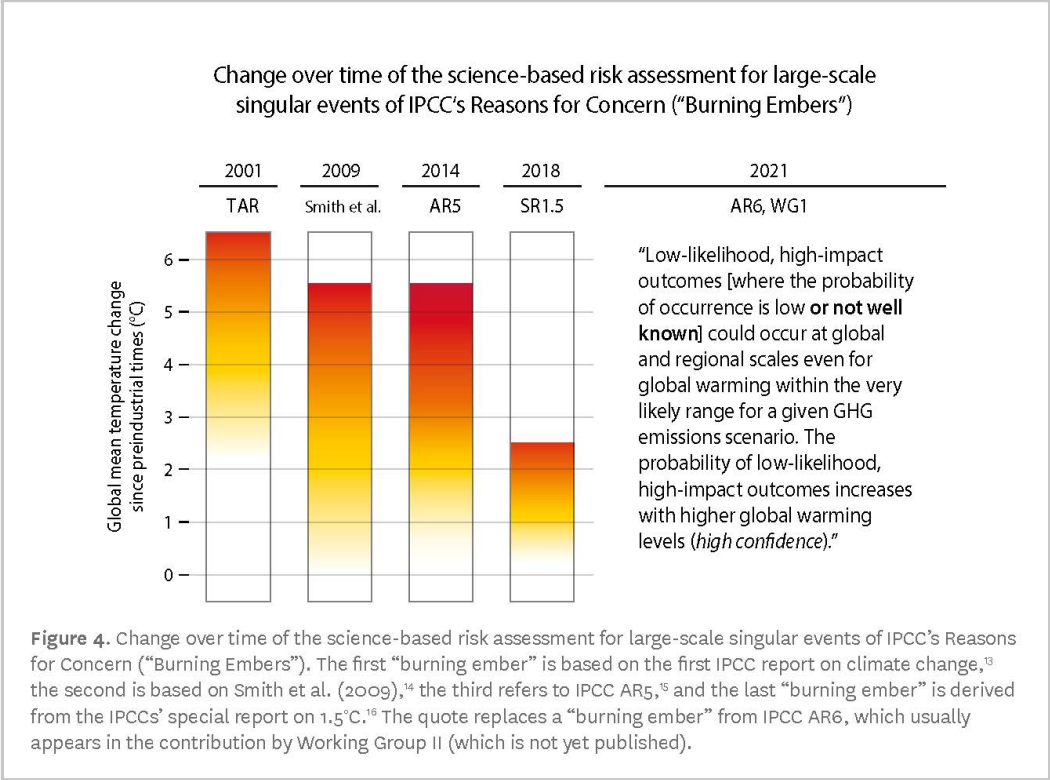
2. Rapid growth in methane and nitrous oxide emissions put us on track for 2.7°C (4.8°F) warming



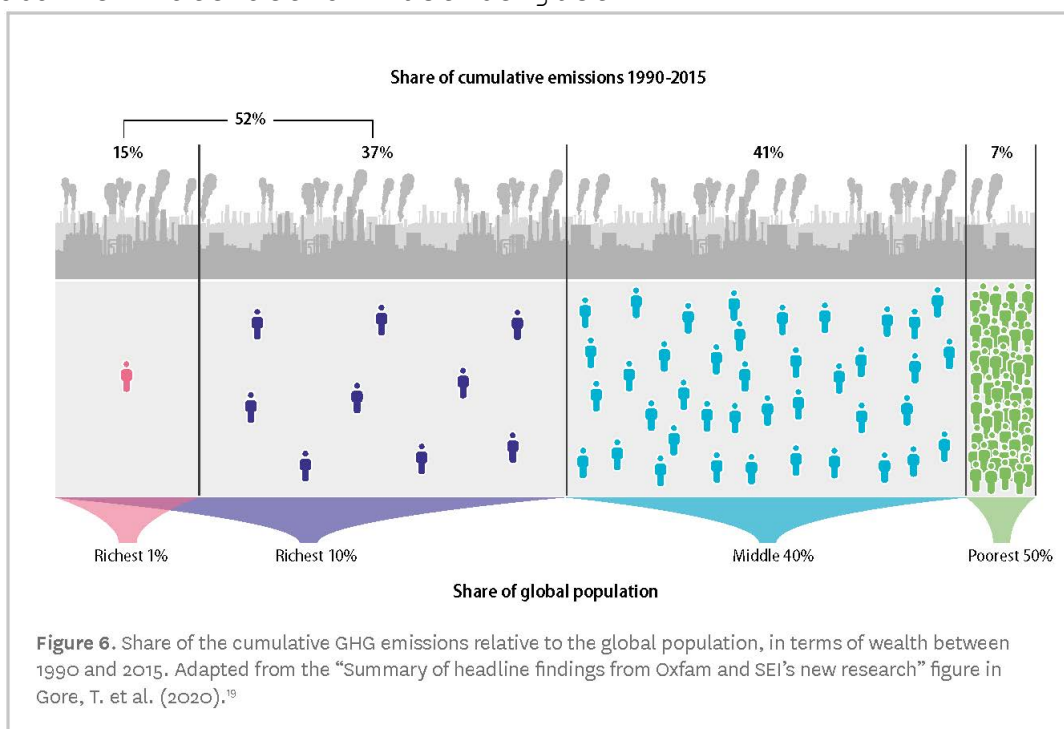
3. Megafires – Climate change forces fire extremes to reach new dimensions with extreme impacts



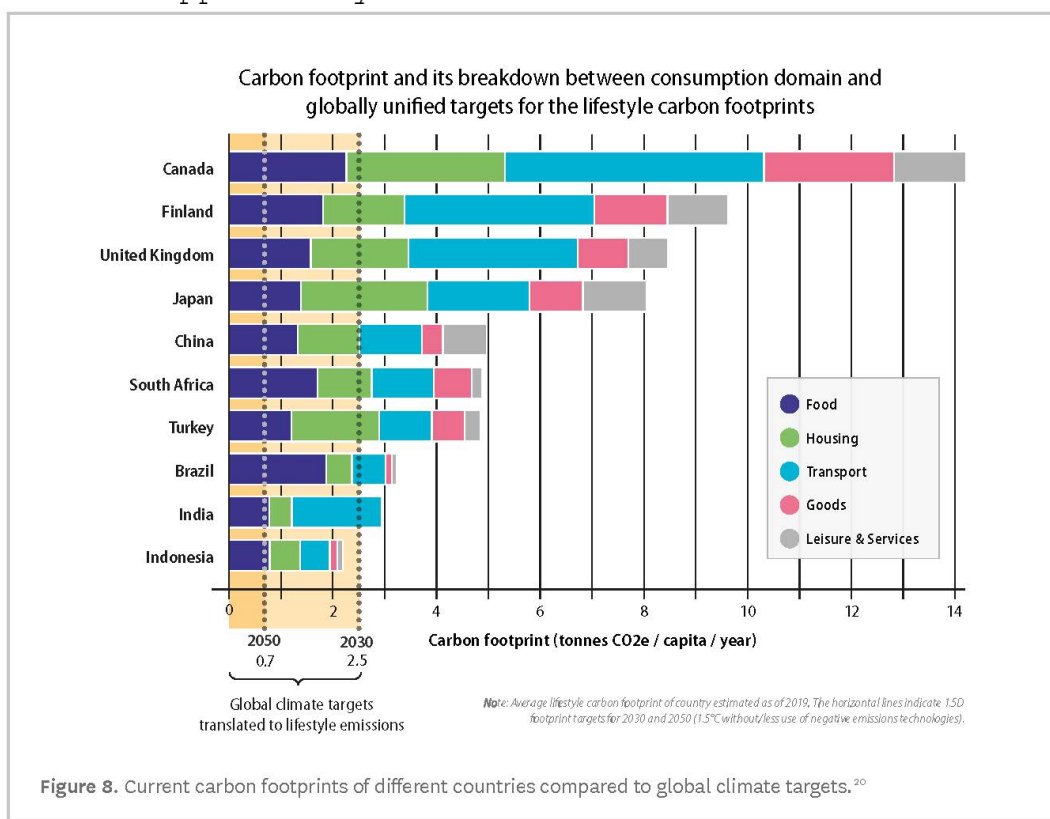
4. Climate tipping elements incur high-impact risks



5. Global climate action must be just



6. Supporting household behavior changes is a crucial but often overlooked opportunity for climate action



7. Political challenges impede effectiveness of carbon pricing

61 countries have set a price on carbon

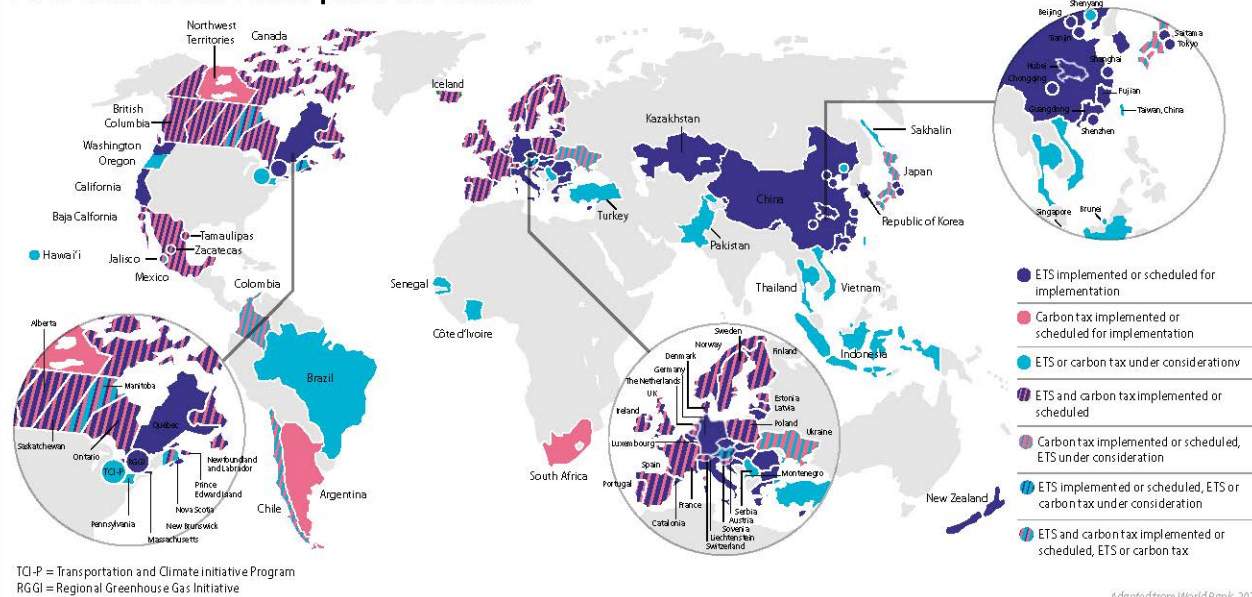


Figure 9. The map shows territories that have implemented or plan to implement a price on carbon, as a carbon tax, emissions trading scheme (ETS) or a combination of both.²²

8. Nature-based Solutions are critical for the pathway to Paris – but look at the fine print

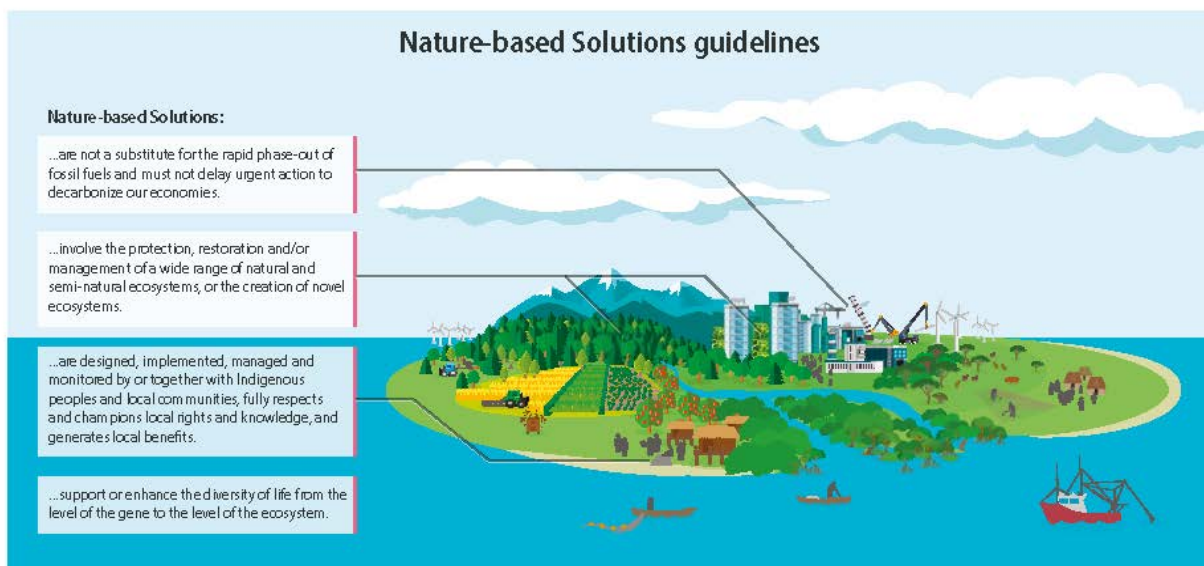
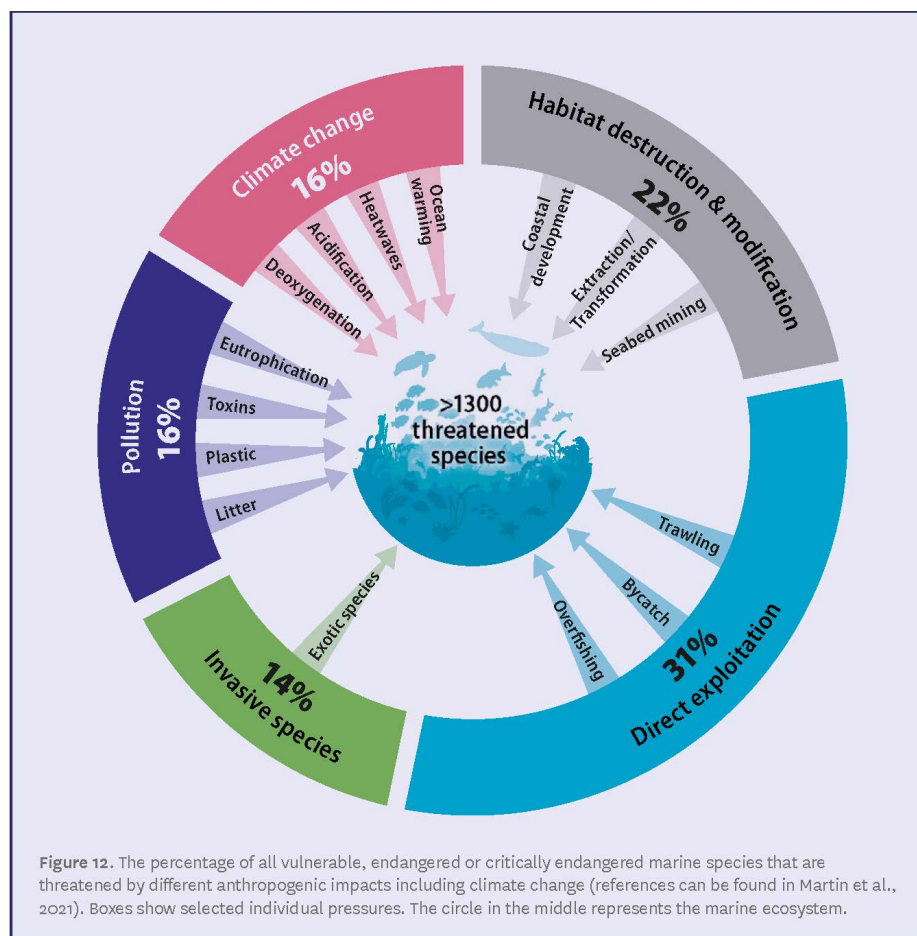
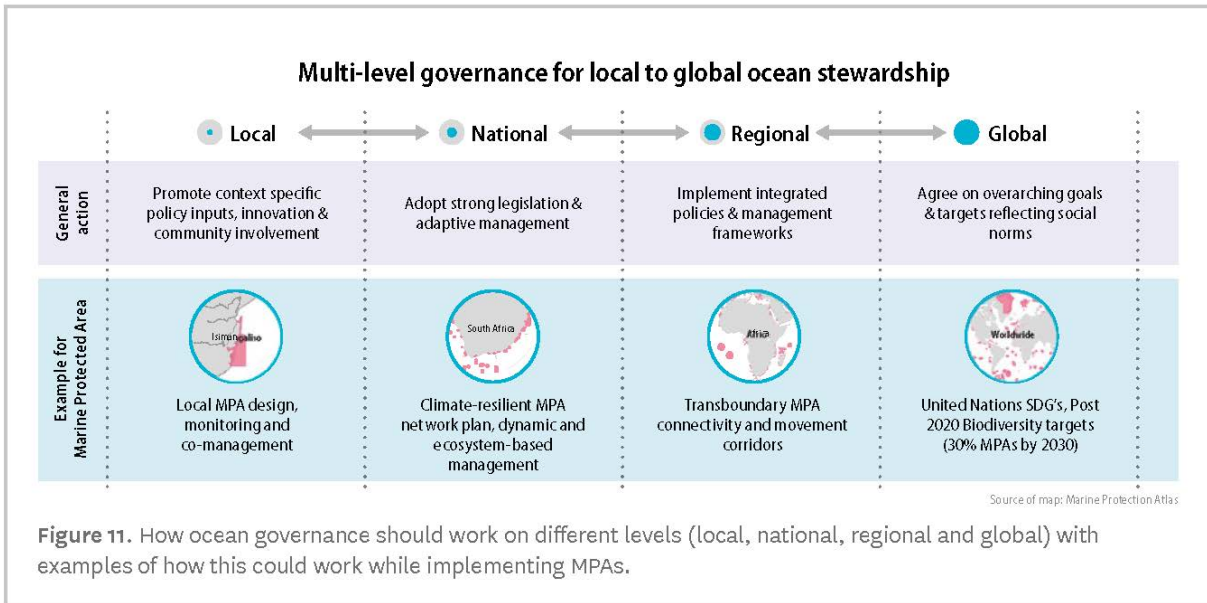
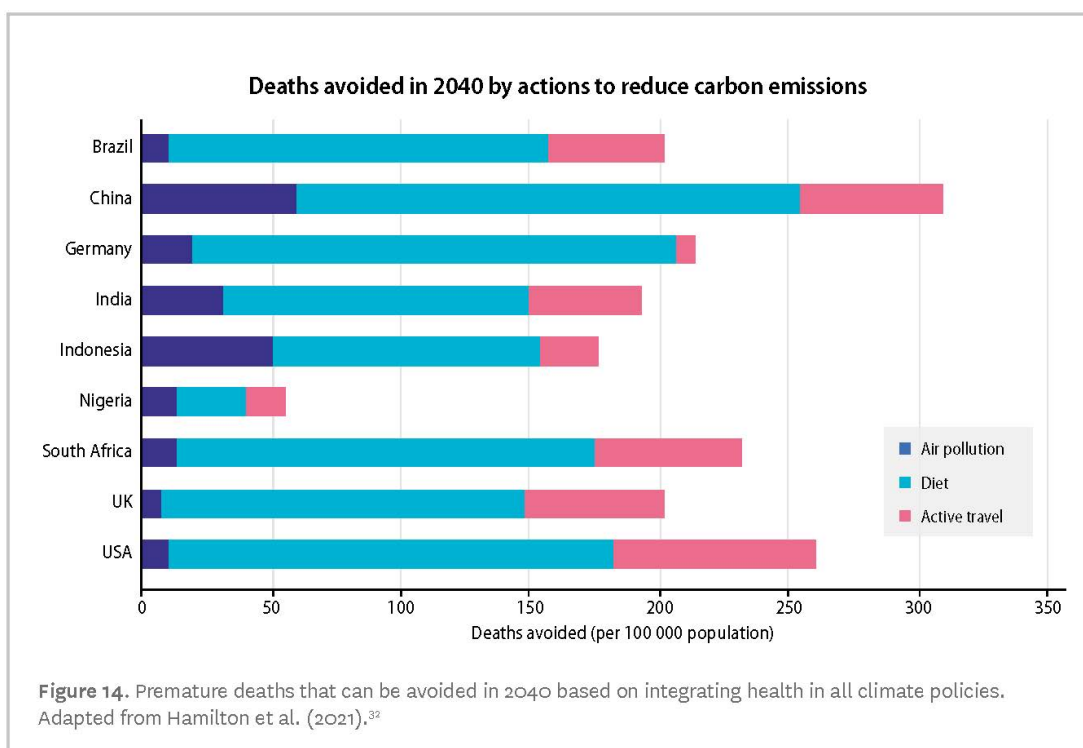
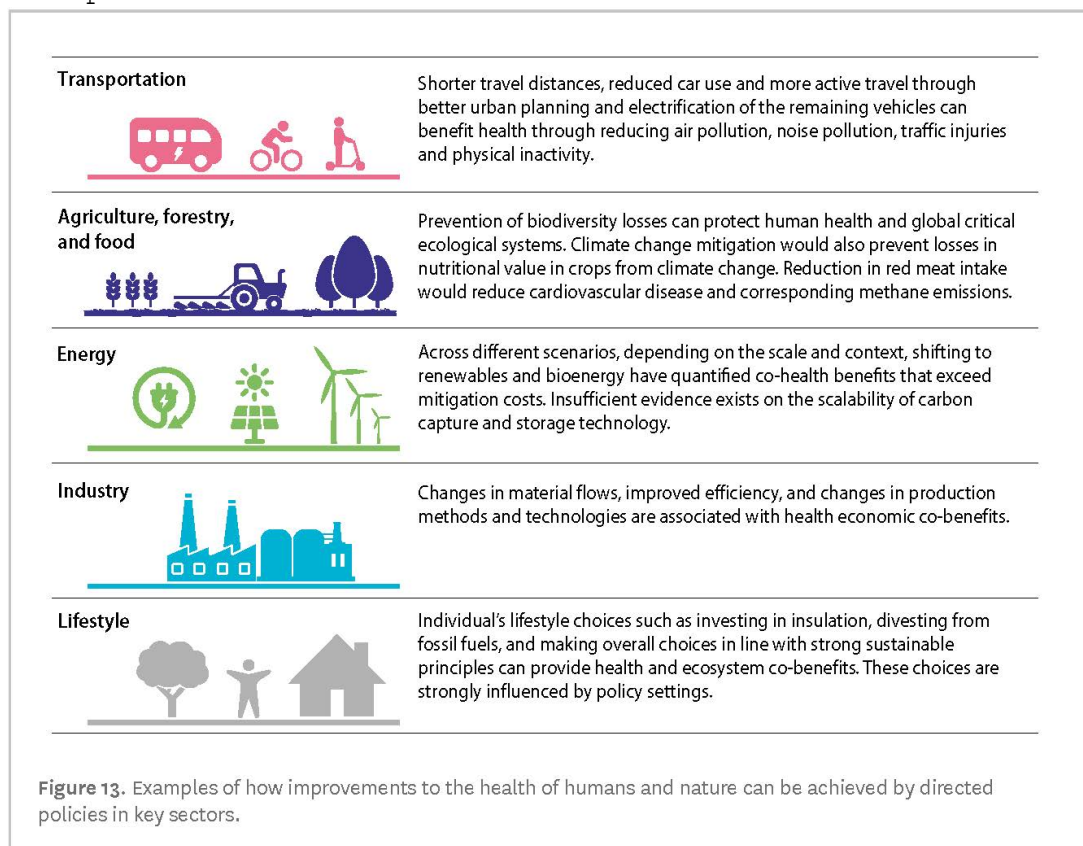


Figure 10. Four guidelines for Nature-based Solutions.²⁷

9. Building resilience of marine ecosystems is achievable by climate-adapted conservation and management, and global stewardship



10. Costs of climate change mitigation can be justified by the multiple immediate benefits to the health of humans and nature



Given these sobering yet oddly empowering facts, the stakes for COP26 couldn't be higher, although the leaders of China and Russia, two of the largest emitters, have declined to attend. By the time of this writing, a number of achievements had been reported, such as commitments to reduce emissions of other GHG's such as methane, commitments by major financial investors to no longer invest in new extraction and production of fossil fuels, and monetary commitments to the Adaptation Fund totaling \$232.6 million in new support to fund concrete actions on the ground for the most vulnerable communities and most innovative programs.⁹

The second week of COP26 is where the serious negotiations take place, so conclusions can't be drawn until the dust has settled at the end of the conference. Many countries are still trying to recover, both health-wise and economically, from the COVID pandemic, so it will take cooperation and collaboration on an international scale to address climate justice issues and reassure developing countries that economic assistance will be available to assist in addressing climate change via GHG reduction.

However the COP26 negotiations turn out, we will have seen an unprecedented level of communication and discussion of the most up to date information on climate change and the measures that will be necessary in order for the planet's atmosphere to not cross over into extreme, catastrophic effects. Unfortunately, significant sea level rise is inevitable due to the amount of CO2 already in the atmosphere and the rate of melting of glaciers and ice caps around the world. Continued research and modeling will produce increasingly specific and predictable projections for the Central and Eastern Pacific, which the Planning Office staff will provide to the HHC as they become available. Recent modeling of the Pacific suggests that there may be widely varying impacts across the Pacific.

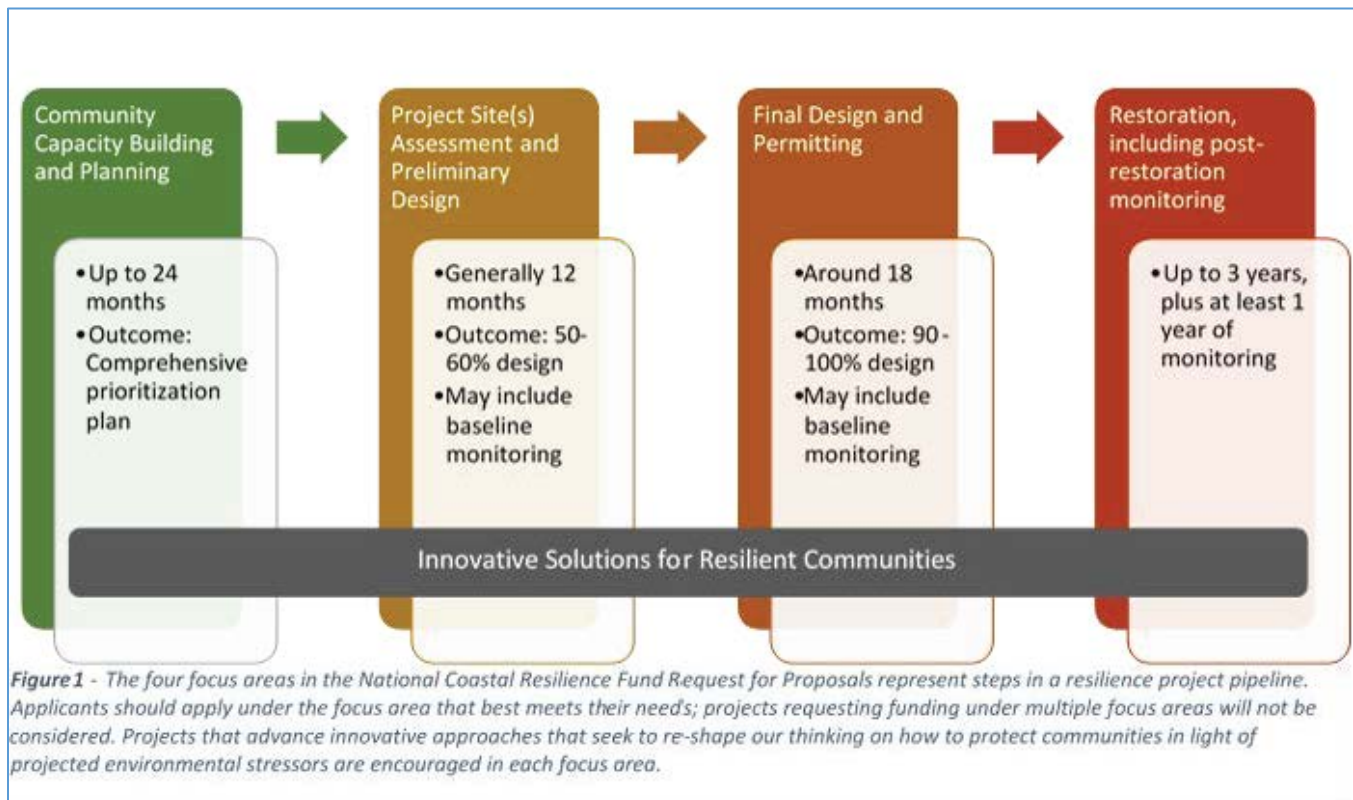
Federal-level Planning Activities

The National Climate Assessment, last issued in 2017, is in the process of being updated, with participation by University of Hawai'i professors such as Victoria Keener in the drafting of the chapter on Hawaii and the Pacific. DHHL staff have participated in the process in the past and intend to continue to be involved.

DHHL staff continue to investigate various federal programs and grant opportunities, mainly in the areas of community resilience planning, wetland restoration, and cesspool conversion. These efforts

⁹ <https://unfccc.int/news/adaptation-fund-raises-record-us-2326-million-in-new-pledges-at-cop26>

are currently locating funding sources and are anticipated to secure funding sometime in 2022. The HHC has been briefed on cesspool conversion initiatives in 2021. The Planning Office has completed the application process for a National Fish and Wildlife Foundation (NFWF) National Coastal Resilience Fund (NCRF) Community Capacity Building and Planning grant and anticipates notification of whether the grant will be awarded in the next few weeks. If awarded, the project, titled "Building Community Resilience for Molokai Coastal Homesteads," will start in May 2022.



State-Level Initiatives

There has continued to be significant activity at the state level since the July 2021 HHC update regarding climate change adaptation, sea level rise mitigation and community resiliency planning. Much of the activity of the State Climate Commission related to preparations for the State of Hawai'i's contingent traveling to the COP26. Several bills related to climate change mitigation and adaptation and shoreline erosion were passed in the 2021 legislative sessions. Legislation implementing recommendations of the Sea Level Rise Report and guidance from the State Climate Commission was considered, and legislation modernizing the state's coastal zone management law was passed (SB 2060).

Hawai'i Climate Change Mitigation and Adaptation Commission

DHHL has continued to provide input into the Climate Ready Hawaii discussions to advocate for the long-term well-being of our beneficiaries.

Greenhouse Gas Sequestration and Carbon Farming

DHHL Planning Office staff have continued to participate in these discussions and various surveys and interviews for the Climate Ready Hawai'i's Natural & Working Lands Hui. The DHHL Planning Office is meeting with the Land Management Division (LMD) to explore ways to facilitate climate-friendly land stewardship opportunities for beneficiaries on unencumbered DHHL lands.

Climate Justice

DHHL staff have contributed to ongoing discussions on issues of Climate Justice as they may impact our beneficiaries, including participation in the Climate Ready Hawai'i's project to develop a Social and Climate Vulnerability Framework that supports the Climate Commission's Mission:



The project's scope is as follows:

- Review best practices in vulnerability data and indicators related to climate change
- Identify appropriate social and economic vulnerability indicators for Hawai'i
- Recommend climate change vulnerability assessment priorities

Relationship to DHHL Planning System

The Planning Office is now looking at all plans and programs with a climate change lens and will be initiating plan updates over the next few years to incorporate this new policy direction.

DHHL General Plan -- Update

The Planning Office initiated an update to the DHHL General Plan in 2020. A white paper on Climate Change with policy recommendations is being finalized by the consultants with input from Planning Office staff.

Island Plans and Regional Plans

The Planning Office will incorporate best practices in integrated coastal zone management, community resilience, disaster preparedness, vulnerability analysis and hazard mitigation planning in future Island Plan updates. Once the General Plan Update is approved by the HHC, it is recommended that the Island Plans be updated to incorporate climate change and sea level rise mitigation measures and revised Land Use Plans as rapidly as possible, therefore budget allocation for this effort will need to be approved by the HHC.

Regional Plans

Regional Plan updates should continue to prioritize disaster preparedness and hazard mitigation projects for emergency shelters, drainage and flooding, climate change and shoreline erosion, and overall disaster preparedness and response strategies.

DHHL Water Policy Plan and DHHL Energy Policy - Ho'omalūō

These plans should be revised in the near future to incorporate the latest information on climate change mitigation and adaptation strategies.

Coastal Zone Management (CZM) and Shoreline Erosion

The DHHL Planning Office will continue to pursue opportunities to proactively plan for shoreline erosion and other coastal hazards, such as flooding and inundation, via community-involvement projects to produce shoreline erosion management plans and community resilience plans.

Next Steps

- Continue to include climate change-related policies in the General Plan update process, then implement via the Island Plan updates.
- Continue to work on a more coordinated approach to DHHL representation and involvement in various disaster preparedness and community resilience planning processes, policies, and implementation activities at the federal, state and county levels.
- Schedule cross-training on climate change and community resilience planning for the Planning Office, Land Management, and Land Development Division staff.
- Continue to include considerations of sea level rise, climate change and hazard vulnerability in the criteria for evaluating land exchanges and acquisitions
- Conduct a workshop for the Commission in early 2022 to generate recommendations and direction on prioritization of DHHL efforts for the above – to include a summary of CC-related legislation in 2021 and proposed legislation for 2022
- With grant approval, conduct a Community Resilience and Capacity Building Planning process for Molokai's coastal homestead communities.

RECOMMENDATION

None; for information only.

Headline Statements from the Summary for Policymakers

9 August 2021 (subject to final copy-editing)

A. The Current State of the Climate

- A.1** It is unequivocal that human influence has warmed the atmosphere, ocean and land. Widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred.
- A.2** The scale of recent changes across the climate system as a whole and the present state of many aspects of the climate system are unprecedented over many centuries to many thousands of years.
- A.3** Human-induced climate change is already affecting many weather and climate extremes in every region across the globe. Evidence of observed changes in extremes such as heatwaves, heavy precipitation, droughts, and tropical cyclones, and, in particular, their attribution to human influence, has strengthened since the Fifth Assessment Report (AR5).
- A.4** Improved knowledge of climate processes, paleoclimate evidence and the response of the climate system to increasing radiative forcing gives a best estimate of equilibrium climate sensitivity of 3°C, with a narrower range compared to AR5.

B. Possible Climate Futures

- B.1** Global surface temperature will continue to increase until at least the mid-century under all emissions scenarios considered. Global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in carbon dioxide (CO₂) and other greenhouse gas emissions occur in the coming decades.
- B.2** Many changes in the climate system become larger in direct relation to increasing global warming. They include increases in the frequency and intensity of hot extremes, marine heatwaves, and heavy precipitation, agricultural and ecological droughts in some regions, and proportion of intense tropical cyclones, as well as reductions in Arctic sea ice, snow cover and permafrost.
- B.3** Continued global warming is projected to further intensify the global water cycle, including its variability, global monsoon precipitation and the severity of wet and dry events.
- B.4** Under scenarios with increasing CO₂ emissions, the ocean and land carbon sinks are projected to be less effective at slowing the accumulation of CO₂ in the atmosphere.
- B.5** Many changes due to past and future greenhouse gas emissions are irreversible for centuries to millennia, especially changes in the ocean, ice sheets and global sea level.

C. Climate Information for Risk Assessment and Regional Adaptation

- C.1** Natural drivers and internal variability will modulate human-caused changes, especially at regional scales and in the near term, with little effect on centennial global warming. These modulations are important to consider in planning for the full range of possible changes.
- C.2** With further global warming, every region is projected to increasingly experience concurrent and multiple changes in climatic impact-drivers. Changes in several climatic impact-drivers would be more widespread at 2°C compared to 1.5°C global warming and even more widespread and/or pronounced for higher warming levels.
- C.3** Low-likelihood outcomes, such as ice sheet collapse, abrupt ocean circulation changes, some compound extreme events and warming substantially larger than the assessed *very likely* range of future warming cannot be ruled out and are part of risk assessment.

D. Limiting Future Climate Change

- D.1** From a physical science perspective, limiting human-induced global warming to a specific level requires limiting cumulative CO₂ emissions, reaching at least net zero CO₂ emissions, along with strong reductions in other greenhouse gas emissions. Strong, rapid and sustained reductions in CH₄ emissions would also limit the warming effect resulting from declining aerosol pollution and would improve air quality.
- D.2** Scenarios with low or very low greenhouse gas (GHG) emissions (SSP1-1.9 and SSP1-2.6) lead within years to discernible effects on greenhouse gas and aerosol concentrations, and air quality, relative to high and very high GHG emissions scenarios (SSP3-7.0 or SSP5-8.5). Under these contrasting scenarios, discernible differences in trends of global surface temperature would begin to emerge from natural variability within around 20 years, and over longer time periods for many other climatic impact-drivers (*high confidence*).

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 15, 2021

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew Choy, Acting Planning Program Manager
From: Pearlyn Fukuba, Planner V *plf*
Subject: For Information Only – Draft Kapolei Regional Plan Update

RECOMMENDED ACTION

None. For information only.

Discussion

PURPOSE

The purpose of this informational briefing is to update the Hawaiian Homes Commission (HHC) on the status of the Department of Hawaiian Home Lands (DHHL) update of the Kapolei Regional Plan on the island of O‘ahu.

BACKGROUND

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 plans document current conditions and trends and identify a prioritized list of projects important to the community and the DHHL.

The DHHL Kapolei Regional Plan was adopted by the HHC in 2010. The outlook of a regional plan is typically 3-5 years. Because it has been more than five years since the adoption of the plan and because several priority projects have been implemented or are in-progress, there is a need to re-evaluate and update the regional plan for the Kapolei region in West O‘ahu.

Due to the COVID-19 pandemic, the planning process has been mostly conducted through virtual means to ensure compliance with health and safety rules and guidelines. The process began in October 14, 2020. Subsequent beneficiary

consultation meetings were conducted. A draft plan is expected to be completed by Spring 2022. (See Exhibit A)

OUTREACH, PROCESS & METHODOLOGY

The planning process began in October of 2020. Using the virtual platform Zoom, DHHL staff met with representatives from all of the Kapolei homestead associations and organization leaders to introduce the regional plan update projects and to ask for their insight and guidance on the planning process with respect to the pandemic health and safety rules. Subsequent to that meeting, a site visit and two beneficiary consultation meetings have been conducted.

Table 1 highlights the following plan activities that have been completed to date:

Date	Activity	Intended Outcome
October 2020	Met with leadership from: <ul style="list-style-type: none"> • Kānehili Homestead Association • Ka‘uluokaha‘i Homestead Association • Kaupe‘a Homestead Association • Malu‘ōhai Homestead Association • Kapolei Community Development Corporation 	Introduce project. Obtain insight, guidance and support for the planning process.
October 2020	Site visit	Visit DHHL land holdings in the region. Obtain information from people who are knowledgeable about the sites to enhance better understanding about community issues.
December 2020	Beneficiary Consultation #1	Explain purpose and identify the planning schedule with Kapolei beneficiaries. Obtain input for a long-term vision and community values, issues and opportunities.
May 2021	Beneficiary Consultation #2	Review/edit a draft vision statement. Identify potential project ideas to address community vision.
May 2021	On-line Survey	Allow beneficiaries to vote for their top five priorities from 14 potential project ideas.

Results of Beneficiary Consultation to Date

Through the beneficiary consultation planning process, participants identified the following values and guiding principles:

Guiding Principles

The vision statement was based on the following values and guiding principles:

- Natural, Cultural and Agricultural Resources
- Wahi Pana
- Kūpuna
- Keiki
- Self-sufficiency

Natural, Cultural and Agricultural Resources

Preserve Kapolei's rich natural, cultural, and agricultural history within new land uses and programs. Kapolei is a town that has grown in what was once country. That country-feel should be incorporated wherever appropriate.

Wahi Pana

Traditional place names and wahi pana are of great value. Mo'olelo and histories are shared with homesteaders and the extended community of Kapolei to ensure that these celebrated places are respected, protected, and remembered into the future. Wahi pana, of old and new, throughout the region should be used by the community to gather and practice the native culture.

Kūpuna

Traditionally, kūpuna held an important role and place in native Hawaiian society. Facilities and resources in Kapolei should be used to create full and healthy lives for kūpuna as they age in place.

Keiki

Resources for 'ōpio and keiki in Kapolei are a priority. There should be safe places for youth to spend their time and programs for them to learn and play near their homes.

Self-Sufficiency

Kapolei is a place where people can live, work and play. All the things that homesteaders need to have a healthy, thriving community should be found within the region. Kapolei should offer an affordable lifestyle where people have time to enjoy their homes and their 'ohana.

PRIORITY PROJECT RECOMMENDATIONS

Based on the above characteristics, subsequent discussions with beneficiaries and an on-line poll, priority projects were identified based on the community's vision and guiding principles. Several projects received the same number of votes and are therefore labelled as #1/#2 and #4/#5.

Table 2 contains the priority project results:

Priority Project	Action Steps	Required Resources
#1/#2: Create More Open Spaces, Park Spaces, and Recreation Spaces to support the Homestead Community	<ul style="list-style-type: none"> • Community partnership with DHHL for open space/park development • Request for Right of Entry permit for due diligence studies • Master/Special Area Plan & HRS Chapter 343 Compliance • Issuance of Finding of No Significant Impact (FONSI) • Long-term disposition • Planning & Permitting • Design & Construction • Operation & Maintenance 	<ul style="list-style-type: none"> • Technical Assistance • Funding (Planning, Design & Construction) • HHC Approval
#1/#2: Create a Kūpuna Living Community	<ul style="list-style-type: none"> • Identify potential locations • Due diligence studies • Master/Special Area Plan & HRS Chapter 343 Compliance • Issuance of Finding of No Significant Impact (FONSI) • Planning & Permitting • Design & Construction • Operation & Maintenance 	<ul style="list-style-type: none"> • Technical Assistance • Funding (Planning, Design & Construction) • HHC Approval
#3 : Support the Heritage Center and Community Commercial Development	<ul style="list-style-type: none"> • Completion of Ho‘omaka Marketplace to generate revenue • Permitting • Design & Construction • Monitoring & Reporting 	<ul style="list-style-type: none"> • Technical Assistance • Funding (Planning, Design & Construction)
#4/#5 : Support the Development of a Hawaiian-Focus School/Hawaiian Immersion School	<ul style="list-style-type: none"> • Partner with DHHL, City & State agencies, other organizations • Identify potential locations • Secure site control • Planning & Permitting • Design & Construction • Program implementation • Operation & Maintenance • Monitoring & Reporting 	<ul style="list-style-type: none"> • Technical Assistance • Funding (Planning, Design & Construction)

#4/#5: Provide More Options for Telecommunications Service to Homesteads	<ul style="list-style-type: none"> • Beneficiaries can start to document service issues/requests/outcomes that can be provided to regulatory authorities 	<ul style="list-style-type: none"> • Assistance and Coordination as needed • HHC Approval

A more thorough description of these priority projects will be found in the forthcoming draft plan that will be available on the DHHL website:

<https://dhhl.hawaii.gov/po/oahu/kapolei-regional-plan-update-2020-2021/>

NEXT STEPS FOR KAPOLEI REGIONAL PLAN UPDATE COMPLETION:

- Finalize a draft regional plan for review;
- Conduct Beneficiary Consultation #3 to get beneficiary input and comments on the draft regional plan. Kapolei leadership has requested an in-person meeting if possible, therefore the date is pending at this time;
- Revise draft plan per comments received at the Beneficiary Consultation #3 and finalize the plan;
- Seek HHC approval of the plan during Spring 2022.

RECOMMENDED ACTION

None, for information only.

Executive Summary

Regional plans build a sense of community and capacity, they stimulate partnerships for development and improvements, and give beneficiaries within the region an opportunity to have a voice in planning for their future. The Hawaiian Homes Commission's approval of 23 Regional Plans across the state means that all homestead communities have the same opportunity. The 23 Regional Plans provide a platform for beneficiaries to talk to each other about their common issues and concerns. The Regional Plans empower beneficiaries with a recurring opportunity to convene as a community in order to identify and solve their own problems. Regional Plans ensure that beneficiaries are an integral part of the solutions to the issues that they have identified. Working with the Department of Hawaiian Home Lands (DHHL) Planning Office staff and consultants, the community identifies priority projects to respond to issues and areas of concern within existing and planned homestead areas. At a minimum, the Regional Plan documents current conditions and trends and identifies a prioritized list of projects important to the community and the department.

Vision. The vision provides a unified direction for homestead, Departmental and Commission actions in Kapolei. The vision statement is as follows:

"From the Pu'u in the uplands to the shores of Kualaka'i, Kapolei is a growing region that looks to its history, mo'olelo, 'āina and kūpuna to build a strong foundation for our Hawaiian homestead communities. Kānaka embrace the area's rugged climate and terrain, which motivates them to be resilient and self-sufficient. The wahi pana and kīpuka of this place are celebrated and stewarded for future generations."

Planning Area. All the lands in the Kapolei region are located within the ahupua'a of Honouliuli in the moku of 'Ewa on the southwest side of the moku of O'ahu. There are four existing DHHL homesteads in the region, Malu'ōhai, Kaupe'a, Kānehili and Ka'uluokaha'i. The DHHL O'ahu Island Plan (2014) land use designations include:

Land Use	Total Lots/Parcels	Total Acreage
Residential	880 lots	150 acres
Proposed Residential	1,190 lots	200 acres
Community Use	7 parcels	35 acres
Commercial	4 parcels	80 acres
Industrial	10 parcels	555 acres
Total:	2,017	1,015 acres

Planning Process. This plan updates the 2010 Kapolei Regional Plan. The planning process took place during the COVID-19 pandemic with serious concerns for public health. Due to ongoing restrictions from COVID-19, the planning process was conducted virtually wherever possible, and any in-person activity followed State and County guidance such as, social distancing, masking, and limitations of the number of persons present.

The process began with a virtual meeting with Kapolei homestead association and organization leaders on October 14, 2020. This meeting introduced the Regional Plan Update project and gathered guidance from the leadership on how the process could be tailored to best fit the Kapolei community. Leadership was able to advise on the format and schedule for beneficiary consultations and offered assistance with publicity for the meetings. Beneficiary Consultation #1 was a virtual meeting hosted via Zoom on December 9, 2020. This meeting introduced the Regional Plan Update project to the community and facilitated participants in developing a list of community values as well as a vision statement for the Kapolei region.

Beneficiary Consultation #2 was a virtual meeting hosted via Zoom on May 4, 2021. In this meeting, participants reviewed and revised the draft community values and a draft vision statement developed from Beneficiary Consultation #1. Participants also reviewed and revised a draft list of project ideas into a final project ideas list with a total of 14 project ideas. The top five priority projects for the Kapolei region were selected from this final list.

Selection of the priority projects was conducted via an online polling process. A link to the online poll was posted on the project website following Beneficiary Consultation #2, and Kapolei beneficiaries were asked to participate in the poll to select the top five priority projects to be included in the update to the Kapolei Regional Plan. The online poll was open for Kapolei beneficiary participation from May 5, 2021 to May 19, 2021. A total of 60 beneficiaries participated in the poll. The results of the poll included two sets of project ideas which received the same number of votes. The top two projects received 32 votes and are therefore numbered as projects #1./#2. The next project received 31 votes and is project #3. And last two projects in the top five both received 30 votes, making them projects #4./#5.

An information submittal and draft of the update to the Kapolei Regional Plan was presented to the Hawaiian Homes Commission (HHC) for feedback on November 15 & 16, 2021. Beneficiary Consultation #3 was held virtually via Zoom on December XX, 2021 to gather feedback from the community on the draft of the plan as well. Feedback was incorporated into the final document, and a final draft of the Regional Plan Update was presented to the HHC in March 2022 for acceptance and adoption.

Priority Projects. The priority projects summarized in the table to follow reflect the projects that the community identified as priorities for the Kapolei region. The action steps and required resources for these projects to be implemented are listed below.

Priority Project	Action Steps	Required Resources
#1/#2 Create More Open Spaces, Park Spaces, and Recreation Spaces to support the Homestead Community	<ul style="list-style-type: none"> • Community partnership with DHHL for open space/park development • Request for Right of Entry permit for due diligence studies • Master/Special Area Plan & HRS Chapter 343 Compliance • Issuance of Finding of No Significant Impact (FONSI) • Long-term disposition • Planning & Permitting • Design & Construction • Operation & Maintenance 	<ul style="list-style-type: none"> • Technical Assistance • Funding (Planning, Design & Construction) • HHC Approval
#1/#2 Create a Kūpuna Living Community	<ul style="list-style-type: none"> • Identify potential locations • Due diligence studies • Master/Special Area Plan & HRS Chapter 343 Compliance • Issuance of Finding of No Significant Impact (FONSI) • Planning & Permitting • Design & Construction • Operation & Maintenance 	<ul style="list-style-type: none"> • Technical Assistance • Funding (Planning, Design & Construction) • HHC Approval

Priority Project	Action Steps	Required Resources
#3 Support the Heritage Center and Community Commercial Development	<ul style="list-style-type: none"> • Completion of Ho‘omaka Marketplace for revenue generation • Permitting • Design & Construction • Monitoring & Reporting 	<ul style="list-style-type: none"> • Technical Assistance • Funding (Planning, Design & Construction)
#4/#5 Support the Development of a Hawaiian-Focus School/Hawaiian Immersion School	<ul style="list-style-type: none"> • Partner with DHHL, City & State agencies, other organizations • Identify potential locations • Secure site control • Planning & Permitting • Design & Construction • Program implementation • Operation & Maintenance • Monitoring & Reporting 	<ul style="list-style-type: none"> • Technical Assistance • Funding (Planning, Design & Construction)
#4/#5: Provide More Options for Telecommunications Service to Homesteads	<ul style="list-style-type: none"> • Beneficiaries can start to document service issues/requests/outcomes that can be provided to regulatory authorities 	<ul style="list-style-type: none"> • Assistance and Coordination as needed • HHC Approval

Table of Contents

Executive Summary.....	i
Glossary of Hawaiian language terms	1
Introduction.....	2
Purpose of a Regional Plan	2
Planning System	2
Regional Planning Process.....	3
Stakeholders and Partners	4
DHHL Master Planning Process and Community Development Goals.....	4
Methods and Approach.....	12
Vision and Values	15
Guiding Principles.....	15
Planning Area.....	17
Location.....	17
Regional History	20
Ahupua'a.....	20
Wahi Pana and Additional Places of Importance	21
Existing Land Uses	23
Total Lots and Acreage	23
Homestead Uses	23
Community Uses.....	26
Commercial Uses.....	26
Industrial Uses	27
State and County Land Use Designations	27
State Land Use Districts.....	27
Kalaheo Community Development District	27
City and County Zoning.....	27
Surrounding Land Ownership and Uses.....	28
Regional Revenue Generation	28
Infrastructure.....	34
City and County Wastewater System	34
Other Wastewater Infrastructure.....	34
Electrical Infrastructure.....	34
Road System – Existing and Planned	35
Kalaheo Airport	36
Project List	40
Previous Priority Projects.....	40
Final Project Ideas List	41
Priority Projects.....	42
1./2. Create more open spaces, park spaces, and recreation spaces to support the Homestead Community	42
PROJECT DESCRIPTION	42
PAST ACTIONS.....	45
COMMUNITY INPUT.....	45
OBJECTIVE.....	45
IMPLEMENTATION ACTION STEPS.....	45
1./2. Create a Kūpuna Living Community.....	48

PROJECT DESCRIPTION	48
PAST ACTIONS.....	49
COMMUNITY INPUT.....	49
OBJECTIVE.....	49
IMPLEMENTATION ACTIONS STEPS.....	49
3. Support Heritage Center and Community Commercial Development (Previous Priority Project).....	51
PROJECT DESCRIPTION	51
PAST ACTIONS.....	51
COMMUNITY INPUT.....	52
OBJECTIVE.....	52
IMPLEMENTATION ACTIONS STEPS.....	52
4./5. Support the development of a Hawaiian-Focus School/Hawaiian Immersion School	53
PROJECT DESCRIPTION	53
PAST ACTIONS.....	53
COMMUNITY INPUT.....	53
OBJECTIVE.....	54
IMPLEMENTATION ACTIONS STEPS.....	54
4./5. DHHL should provide more options for communication in the homesteads other than Sandwich Isles Communications (SIC) contract	55
PROJECT DESCRIPTION	55
COMMUNITY INPUT.....	55
OBJECTIVE.....	55
IMPLEMENTATION ACTION STEPS.....	55

Appendices

Appendix A	Beneficiary Consultation #1 – Meeting Recap
Appendix B	Beneficiary Consultation #2 – Meeting Recap
Appendix C	Beneficiary Consultation #3 – Meeting Recap
Appendix D	Leadership Meeting & Site Visit Recap

Figures

Figure 1: DHHL's Planning System.....	2
Figure 2: The Regional Plan Development and Update Process	3
Figure 3: Community Organization & Development	8
Figure 4: Master Planning and Land Development Process on Hawaiian Home Lands	10
Figure 5 Project Area Map.....	18
Figure 6 Ahupua'a Map.....	19
Figure 7- DHHL Land Use Designation Map	25
Figure 8 - State land Use Districts Map.....	29
Figure 9 - Kalaeloa Community Development District Zoning Map	30
Figure 10 - County Zoning map.....	31
Figure 11 - Large Landowners Map	32
Figure 12 - Roadways Map.....	37
Figure 13 - Wastewater Infrastructure Map	38
Figure 14 - Parks/Open Space Map.....	43

Glossary of Hawaiian language terms

‘āina	land, earth
ahupua‘a	traditional Hawaiian land section that typically ran from the mountains to the sea and included coastal and nearshore resources
keiki	child
kānaka	people (references in this document to kānaka are shortened references to the term kānaka maoli meaning the native or indigenous people of Hawai‘i)
kīpuka	a space that is a variation or change of form from surrounding spaces, like a clearing in the forest, an oasis in an arid place (references in this document to kīpuka are identifying spaces or pockets of natural or cultural resources that can be found in the built environment of Kapolei)
Kualaka‘i	place name of the shoreline seaward of the former Barbers Point Naval Air Station, the beach that stretches from Hilo One in front of Campbell Industrial to One ‘Ula in ‘Ewa Beach
kūpuna	grandparents, ancestors or elders of the grandparent generation
mo‘olelo	traditional stories, tales, myths, histories and legends
‘ohana	family
‘ōpio	youth or young person
pu‘u	hills or mountain peaks (refers to the many hills and mountain peaks found in the uplands of the ahupua‘a or traditional land division of Honouliuli)
Pu‘uokapolei	place name of a heiau located in Honouliuli ahupua‘a in the moku of ‘Ewa, near the present day Kapolei Regional Park
wahi pana	celebrated places, places of importance

Introduction

Purpose of a Regional Plan

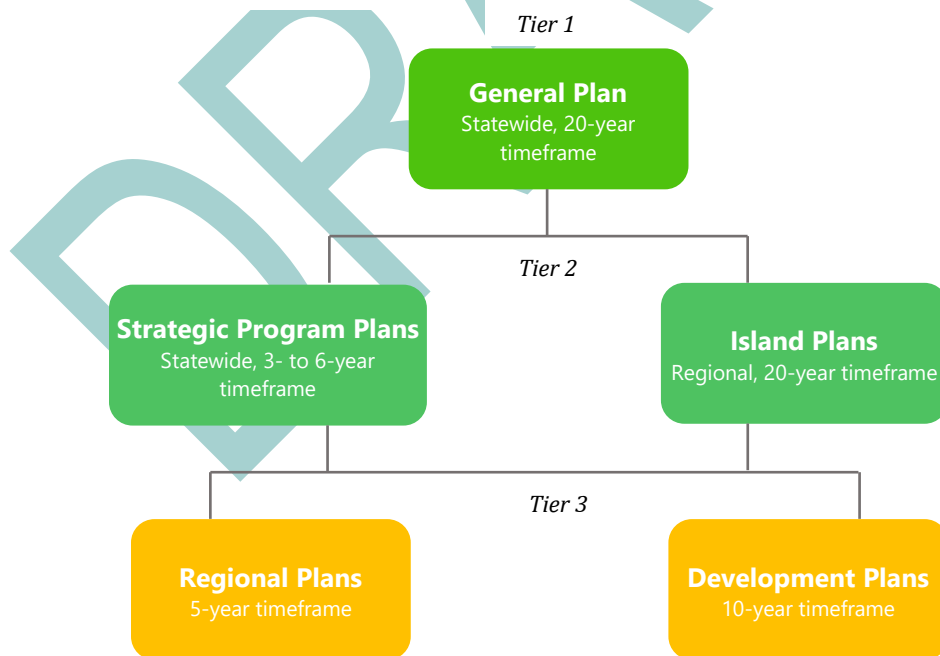
The mission of the Department of Hawaiian Home Lands (DHHL) is to build vibrant homestead communities. Regional Plans provide an opportunity for DHHL to work closely with existing lessees and native Hawaiian beneficiaries to clarify a vision for their community and to build partnerships with government agencies, private landowners, non-profit organizations, homestead associations, and other community groups to achieve that vision.

This Regional Plan is one of 23 Regional Plans that DHHL has helped Hawaiian homesteads to formulate statewide. These Regional Plans assess land use development factors, document issues and opportunities, and identify the region's top priority projects slated for implementation within the next five years.

Planning System

Regional Plans are part of DHHL's three-tiered Planning System (see Figure 1). At Tier 1 is the General Plan which articulates long-range goals and objectives for the Department. At the second tier, there are Program Plans that are statewide in focus, covering specific topic areas such as the Native Hawaiian Housing Plan and a Native Hawaiian Development Program Plan. Also, at this second tier are the Department's Island Plans that identify the Department's land use designations for each island and which have a function similar to the counties' land use designations. The Regional Plans are located at the third tier in the Department's Planning System which focuses on communities and regions. Development plans carry out second-tier planning recommendations and contain the information necessary to implement area-wide development, such as off-site infrastructure systems and improvements, utilities, estimated costs, and phased implementation.

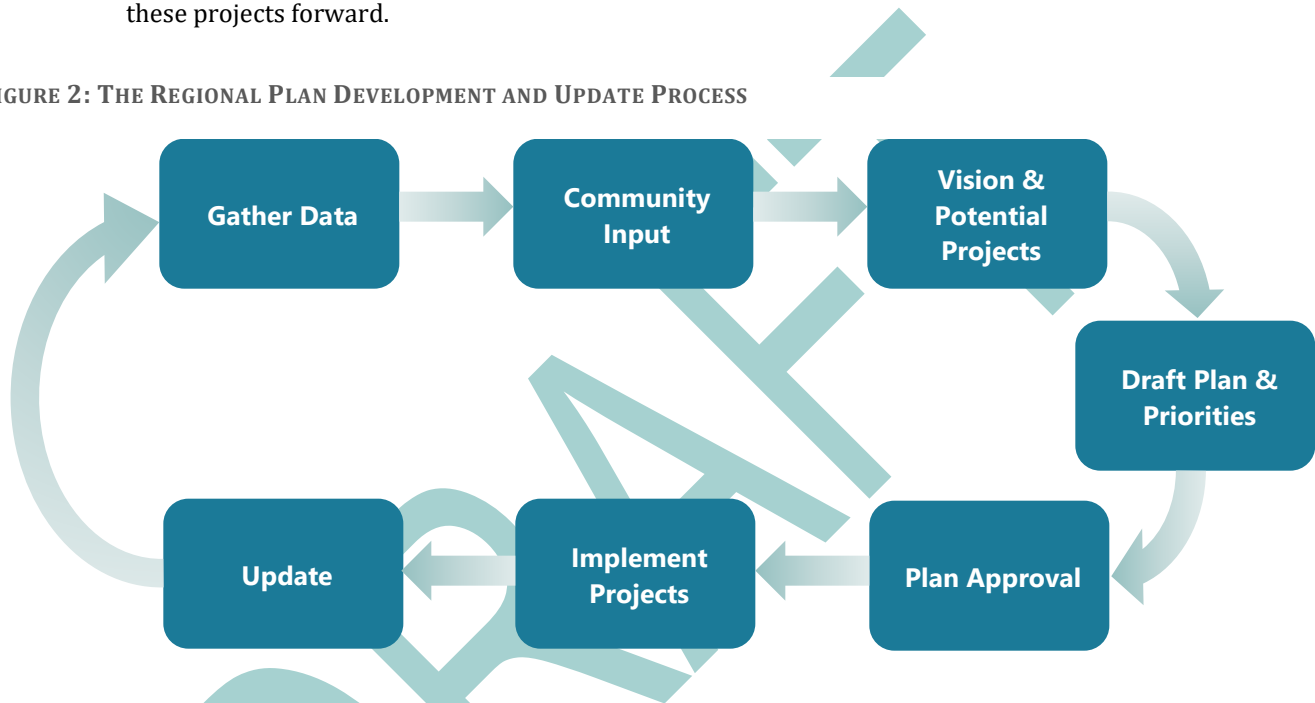
FIGURE 1: DHHL'S PLANNING SYSTEM



The roles of the Regional Plans within the Planning System are to:

- Apply the goals, policies, and land use designations of the General Plan, Program Plans, and applicable Island Plan to specific geographic regions;
- Directly involve the community in planning for their region;
- Compile comprehensive information about the region to provide a factual basis on which to identify needs and opportunities;
- Evaluate changes needed, if any, to the Island Plan as it applies to the region;
- Identify potential resources (e.g., partners, funding sources) to facilitate implementation; and
- Identify priority projects that are important to the community and implementation steps to move these projects forward.

FIGURE 2: THE REGIONAL PLAN DEVELOPMENT AND UPDATE PROCESS



Regional Planning Process

The development of Regional Plans involves seven steps (see Figure 2, The Regional Plan Development and Update Process):

1. **Gather Data.** Pertinent data describe existing conditions and trends, including history of the homestead, land use, infrastructure, natural features, historic/cultural features, surrounding uses, and development trends.
2. **Gather Community Input to Identify Issues and Opportunities.** Existing homesteaders, native Hawaiian beneficiaries, and other stakeholders are invited to a facilitated meeting to discuss issues and opportunities for the region.
3. **Create a Long-Term Vision and Identify Potential Projects.** The input from the community on issues and opportunities provides the basis to craft a draft vision statement that is reviewed and modified, as necessary, to the satisfaction of the community. Potential projects consistent with this vision are identified and prioritized by community consensus.
4. **Review a Draft Plan and Priorities.** Project details, budget estimates, and other pertinent project planning information are written up as part of a draft plan for review by the community.

5. **Approve the Plan.** Draft Regional Plans are then subject to the approval of the Hawaiian Homes Commission, which means that the Commission and Department officially support the priorities identified in the regional plan.
6. **Implement Priority Projects.** Upon approval, the homestead community, the Department, and other development partners can seek necessary funding and pursue the implementation of Priority Projects.
7. **Update.** Finally, since DHHL knows that regional development is a dynamic process with constantly changing opportunities and emerging issues, regular Regional Plan updates are built into the planning process.

Stakeholders and Partners

DHHL is working in partnership with other government agencies, the private sector, and community organizations to develop its lands and improve community life. DHHL believes that partnerships are an effective way to leverage resources and capital investments, mitigate undesirable impacts of development, coordinate area growth, reduce risks associated with large scale community projects, and create broad community benefits.

These partnerships allow for better prioritization and coordination of infrastructure improvements and the development of regional and public residential facilities. This coordination helps individual organizations achieve their goals while bringing long-term benefits to the community and region.

DHHL Master Planning Process and Community Development Goals

Homestead associations are frequently interested in developing capital improvement projects within their communities in order to provide needed social services and enrichment opportunities. The need for these desired projects is often captured in DHHL Regional Plans. While the characteristics of projects proposed are as diverse and unique as the DHHL communities in each region across the state, the overall planning and development process for these projects is the same in most instances.

Successfully implementing any type of land development project requires several basic foundational elements prior to project initiation. A strong organization that has a membership that works well together and has high levels of participation in regular association business ensures that (1) projects are selected based upon agreed upon criteria rather than individual preferences, (2) project plans are created, and (3) large amounts of social capital are built within and outside of the community. Figure 3, Community Organization & Development, briefly describes these elements of organizational capacity and project planning in more detail. The top level represents the steps that the homestead association (project proponent) should complete.

Most organizations go through five main stages of an organization's developmental lifecycle:

1. **Stage One: Imagine and Inspire.** The organization is not yet formalized, but individuals are inspired and united by a common vision or idea.
2. **Stage Two: Found and Frame.** The organization becomes formalized. Governing documents have been drafted and adopted by its members. The organization receives its non-profit status.
3. **Stage Three: Ground and Grow.** Organizations in this stage focus on establishing systems of accountability to its members as well as growing its internal capacity to provide more services or a higher quality of service to its members.
4. **Stage Four: Produce and Sustain.** This is the stage in which the organization is at its peak and is primarily concerned with how it can sustain its level of service over time.

5. **Stage Five: Review and Renew.** The organization re-invents itself in order to adapt to evolving conditions. The primary question the organization is concerned with at this stage is: "How can we do it better?" The organization revisits its mission, vision, services, and management structure.

Social capital can be defined as the networks of relationships among people who live and work in a particular society, enabling that society to function effectively. From time to time, a homestead association should assess its social capital both internally among its members as well as among external stakeholders and potential partners in order to determine the level of potential support for and/or opposition to a proposed land development project. Figure 3 illustrates the various social circles that should be engaged to support a land development project. Often, a development idea starts with a core group of individuals on an association board. Gradually that idea is shared with, and incorporates the ideas of, others in larger social circles in order to grow social capital and build support for a development project.

Lastly, Figure 3 illustrates that the association's assessment of its life cycle and existing social capital should be incorporated into a program plan. A program plan clearly articulates a community vision or need, identifies criteria for selecting programs or projects to fulfill that vision or need, and selects appropriate projects and programs based on those criteria. Programs/projects should be selected based on strong community support for the initiatives and the association's organizational capacity.

Once an association has done outreach with its community to identify its vision and goals, established criteria for selecting projects that help them accomplish their vision and goals, and selected project(s) that have strong community support, then the association can begin with the actual physical master planning and development of the project(s). Figure 4, Master Planning and Land Development Process on Hawaiian Home Lands, illustrates the process of master planning and land development on Hawaiian Home Lands.

Project Proponent Tasks:

- The project proponent should focus their time and attention to ensure that the community's vision and needs are integrated into the project.
- The project proponent should conduct a site and infrastructure assessment of the location in which they would like to implement the project in order to ensure that the location is appropriate for what they would like to do.
- A master plan should integrate and synthesize the community's vision and needs with the site and infrastructure assessment. A master plan should also include a financial plan that forecasts initial development costs, long-term operational costs, and how those costs will be financed over time.
- An Environmental Assessment (EA) or Environmental Impact Statement (EIS) needs to be prepared for the Master Plan in accordance with Hawaii Revised Statutes (HRS) Chapter 343. If federal funds are used for the project, then a federal EA or EIS may need to be completed in accordance with the rules and standards of the federal funding agency.
- Once Chapter 343 and federal environmental regulations are complied with, then the project proponent can proceed with obtaining the necessary permits and approvals and proceed with construction.

The next steps after the Project Proponent Tasks in Figure 4 include various DHHL staff reviews and HHC approvals that the Project Proponent will need to obtain.

Requests by Non-Profit Organizations for Long-Term Use of DHHL Lands

DHHL has begun implementing a process for Internal Revenue Code (IRC) § 501(c)(1) or IRC § (501)(c)(3) non-profit organizations that are interested in long-term utilization of DHHL land for the purposes of providing programs and services to DHHL beneficiaries to further their rehabilitation and well-being. This process implements the Hawaiian Homes Commission Act (HHCA), Sections 204(2) and 207(c), which

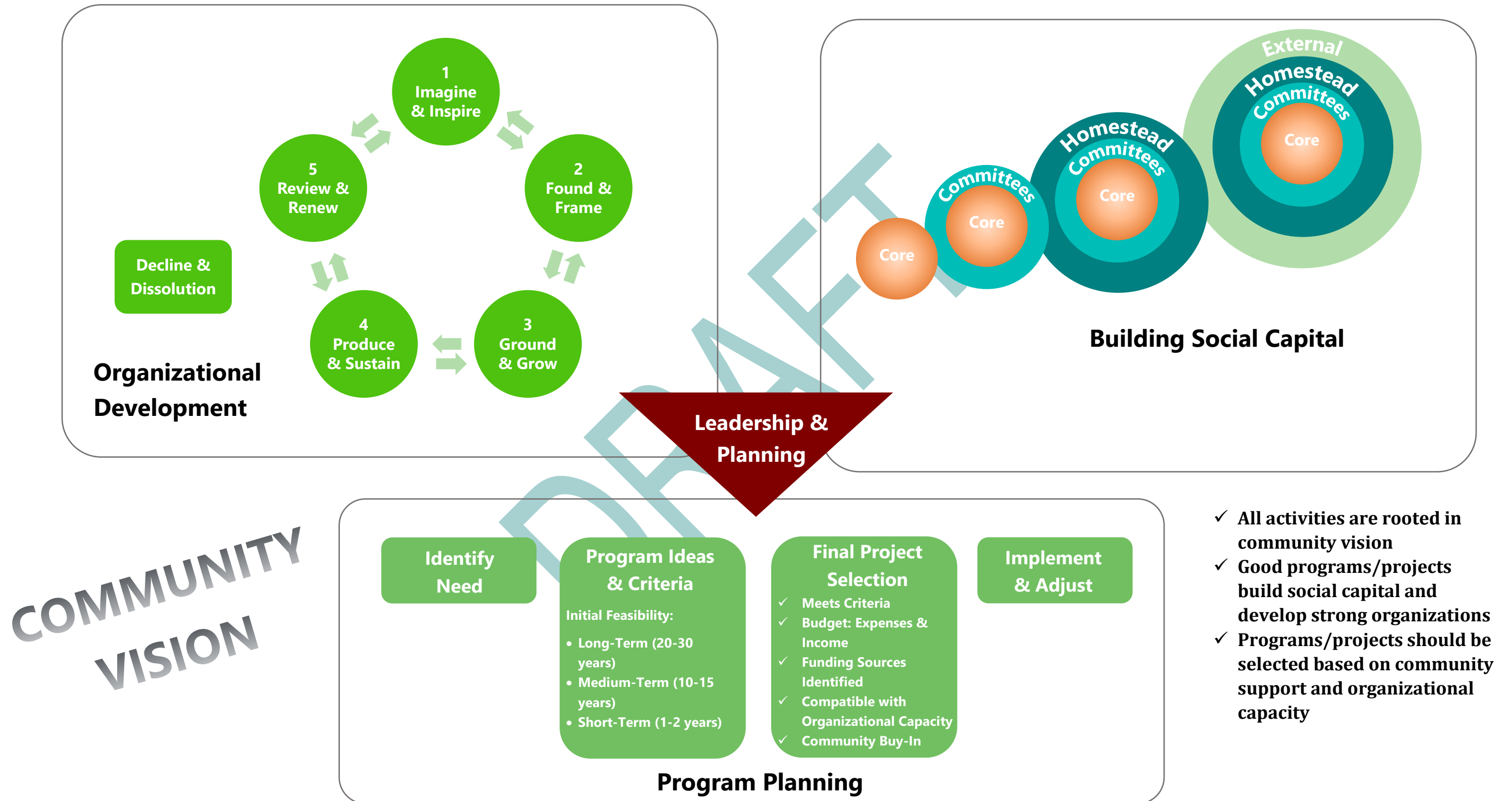
authorize DHHL to lease or license lands for non-homesteading purposes on the same terms, conditions, restrictions, and uses applicable to the disposition of public lands as provided in HRS Chapter 171. HRS 171-43.1 authorizes DHHL to dispose of lands to eleemosynary organizations by direct negotiation without requiring a competitive solicitation process. The application process is designed to provide an opportunity for non-profit organizations to conduct due diligence on the project site and vet their conceptual plans in consultation with DHHL prior to requesting HHC approval of a long-term disposition. See “Implementation Action Steps” under “Priority Projects” for a more detailed list of steps and requirements for these types of land use requests.

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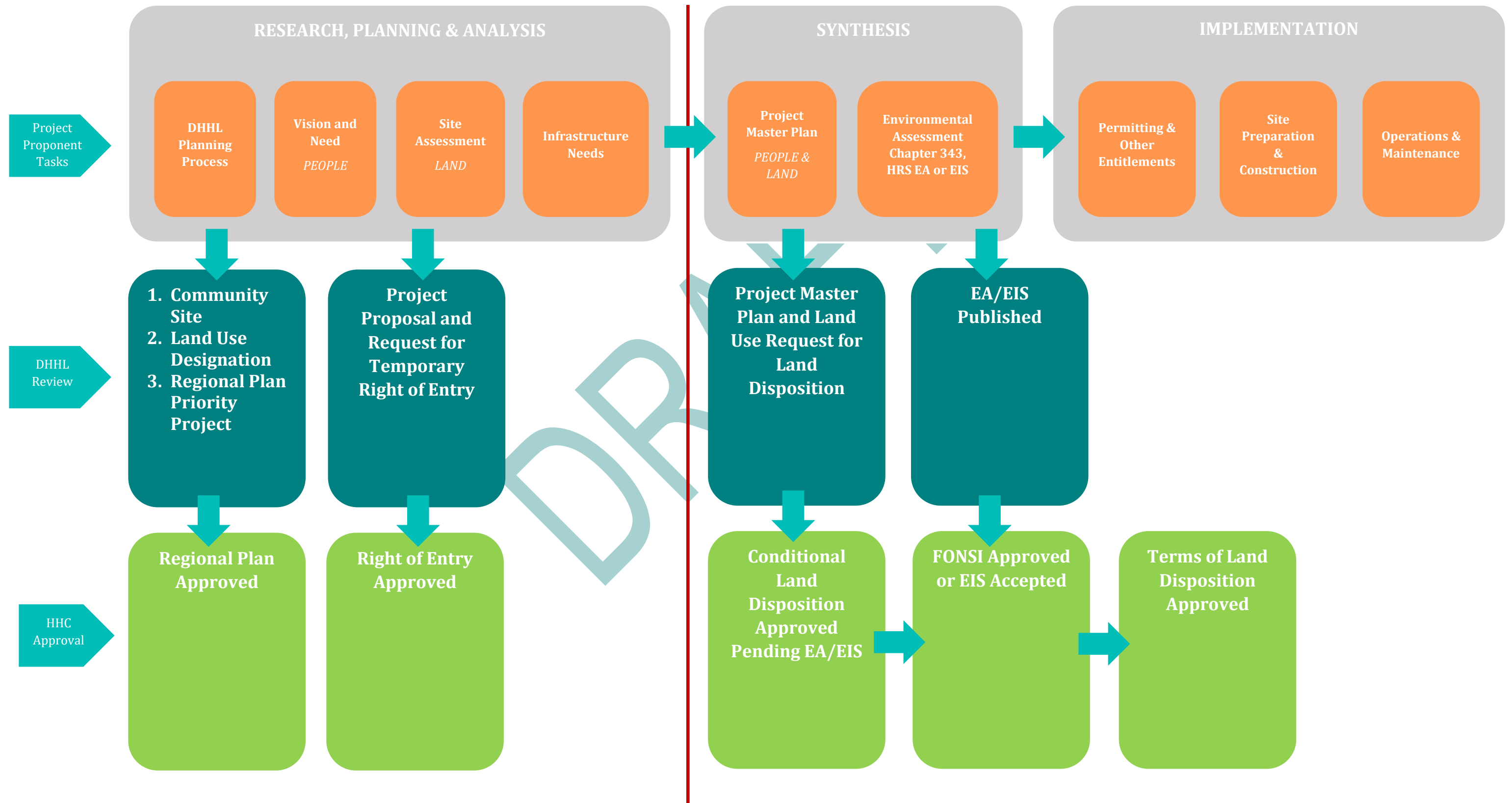
FIGURE 3: COMMUNITY ORGANIZATION & DEVELOPMENT



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FIGURE 4: MASTER PLANNING AND LAND DEVELOPMENT PROCESS ON HAWAIIAN HOME LANDS



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Methods and Approach

The Kapolei Regional Plan Update began with a meeting with local leadership for insight and guidance on a planning process that would best fit the Kapolei beneficiary community. In light of the public health risks and various mandates from the State and City & County governments from the COVID-19 pandemic, in-person gatherings were not possible during this planning process. Instead, meetings were hosted virtually via Zoom. The selection of the days and times for each of the beneficiary consultations was guided by input from the homestead leadership.

Broad publicity of the community meetings was accomplished through mail-outs of meeting notices via postal mail and distribution of digital meeting invitations and reminders with assistance from the various homestead associations.

The approach for the community meetings included large group discussion and break-out rooms for small groups to facilitate more in-depth sharing on topics related to community values and a long-term vision. Detailed notes were captured at all meetings and were posted online on the project website which is hosted by DHHL. A meeting recap for each Beneficiary Consultation can be found in the appendices of this document.

The timeline for the Regional Plan update was as follows:

October 14, 2020: Leadership Meeting. The purpose of this meeting was to introduce the Regional Plan Update project to the leadership of the various homestead associations and organizations and to ask for their insight and guidance on the planning process. The meeting took place virtually via Zoom. Leaders from the following community/homestead organizations were asked to attend:

- Malu'ohai Homestead Association
- Kaupe'a Homestead Association
- Kānehili Homestead Association
- Ka'uluokaha'i Homestead Association
- Kapolei Community Development Corporation

Leaders from each organization were asked to assist with guiding the planning process for the regional plan update. Leaders assisted with selecting a tentative schedule for the beneficiary consultations. Representatives of each organization helped in guiding the site visit for the project consultants. And leaders also provided support in the distribution and publicity of meeting announcements and invitations for the various beneficiary consultations throughout the planning process.

October 27, 2020: Site Visit. The site visit included representatives of the various homestead and community organizations in the Kapolei region and project consultants. The site visit began at the Kapolei Heritage Center and proceeded throughout the region visiting most of the DHHL land holdings in the region. Some of the locations visited include: Kapolei Heritage Center, Kānehili Homestead, Kānehili Community Association Park, Ho'omaka Marketplace site, Ka'uluokaha'i Homestead, East Kapolei lots, Ka Makana Ali'i Shopping Center, Kaupe'a Homestead, Malu'ohai Homestead and Kalaeloa lots.

December 9, 2020: Beneficiary Consultation #1. The objective of this meeting was to explain the purpose and objective of regional plans in the DHHL planning system and the reason for the update to the Kapolei Regional Plan and to discuss the planning process and schedule with Kapolei beneficiaries. Additionally, this

meeting was meant to gather input from beneficiaries regarding their long-term vision for Kapolei, a list of important community values, and information about issues and opportunities in the region.

The beneficiary consultation was conducted online via Zoom. After some introductory presentations, beneficiaries engaged in small group discussions in virtual break-out rooms. They participated in a visioning exercise and were asked to answer questions such as:

1. What special things about this place do you want to preserve about Kapolei for the future generations?
2. What things do you want to create in this community, in this place?
3. What things do you want to change in this community, in this place?

Responses from break-out room discussions were recorded and shared with the larger group after reconvening. The major ideas and themes that came out of this meeting were used to develop a list of community values and to craft a vision statement for the region. See Appendix A for more information about this meeting.

May 4, 2021: Beneficiary Consultation #2. The purpose of this meeting was to present the draft vision statement and values to the community for feedback. This meeting also reviewed the issues and opportunities in the region and identified fourteen potential project ideas that might address those issues. Meeting participants helped refine the project descriptions and combine projects that complimented each other. A final list of proposed projects was posted to an online poll for prioritization. See Appendix B for a more detailed record of the meeting.

May 5, 2021 to May 19, 2021: Online Polling. Kapolei beneficiaries were asked to participate in an online poll to select the top five priority projects for the region. This poll was linked to the project website, and was open for participation from Wednesday, May 5, 2021 to Wednesday, May 19, 2021. A total of 60 responses was collected, and the top five priority projects were chosen from the responses in this polling process. See Appendix B for more details.

*FUTURE STEPS

November 15 & 16, 2021: HHC Meeting. An informational submittal on the Regional Plan Update was presented to the Hawaiian Homes Commission for feedback at their regular meeting. Input from the Commission was incorporated into the draft of the Regional Plan Update.

December XX, 2021: Beneficiary Consultation #3. A draft of the Regional Plan Update was presented to beneficiaries for feedback. Input from participants was incorporated into the final draft that was prepared for adoption by the Commission.

March 21 & 22, 2022: HHC Meeting. Planning Office staff recommended HHC approval and adoption of the final draft of the update to the Kapolei Regional Plan at the February HHC Meeting.

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Vision and Values

"From the Pu'u in the uplands to the shores of Kualaka'i, Kapolei is a growing region that looks to its history, mo'olelo, 'āina and kūpuna to build a strong foundation for our Hawaiian homestead communities. Kānaka embrace the area's rugged climate and terrain, which motivates them to be resilient and self-sufficient. The wahi pana and kīpuka of this place are celebrated and stewarded for future generations."

This vision statement was written based on the ideas and discussion of homesteaders that attended Beneficiary Consultations #1 and #2. At Beneficiary Consultation #2, drafts of the vision statement and community values were shared with attendees. Participants refined each of the community values and the vision statement to ensure that they best reflect beneficiaries of the Kapolei region.

Guiding Principles

The vision statement was based on the following values and guiding principles:

- Natural, Cultural and Agricultural Resources
- Wahi Pana
- Kūpuna
- Keiki
- Self-sufficiency

Natural, Cultural and Agricultural Resources

Preserve Kapolei's rich natural, cultural, and agricultural history within new land uses and programs. Kapolei is a Town that has grown in what was once Country. That Country-feel should be incorporated wherever appropriate.

Wahi Pana

Traditional place names and wahi pana are of great value. Mo'olelo and histories are shared with homesteaders and the extended community of Kapolei to ensure that these celebrated places are respected, protected, and remembered into the future. Wahi pana, of old and new, throughout the region will be used by the community to gather and practice the native culture.

Kūpuna

Traditionally, kūpuna held an important role and place in native Hawaiian society. Spaces and resources in Kapolei will be used to create full and healthy lives for kūpuna as they age in place.

Keiki

Resources for 'ōpio and keiki in Kapolei are a priority. There will be safe places for youth to spend their time and programs for them to learn and play near their homes.

Self-Sufficiency

Kapolei is a place where people can live, work and play. All the things that homesteaders need to have a healthy, thriving community can be found within the region. Kapolei offers an affordable lifestyle where people have time to enjoy their homes and their 'ohana.

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Planning Area

Location

The Kapolei Region is located in the ahupua'a of Honouliuli, in the moku of 'Ewa on the mokupuni of O'ahu. This region includes four existing homestead communities: Malu'ohai, Kaupe'a, Kānehili and Ka'uluokaha'i. Also included in the Kapolei Region Plan are lands located in East Kapolei and Kalaeloa. There are currently 1,115 residential homestead lots constructed, 130 residential homestead lots have been awarded as undivided interest lots within the region. Of the 1,115 homestead residential lots constructed in the region, Malu'ohai has 226, Kaupe'a has 326, Kānehili has 403, and Ka'uluokaha'i II-B has 160. Approximately 155 acres within the region are in long-term contracts, approximately 235 acres in short-term contracts, and approximately 200 acres unconstrained for future development. At full build-out of the proposed residential homesteads, the Kapolei Region aims to be the largest concentration of native Hawaiians in the world with nearly 2,000 homestead lots planned.

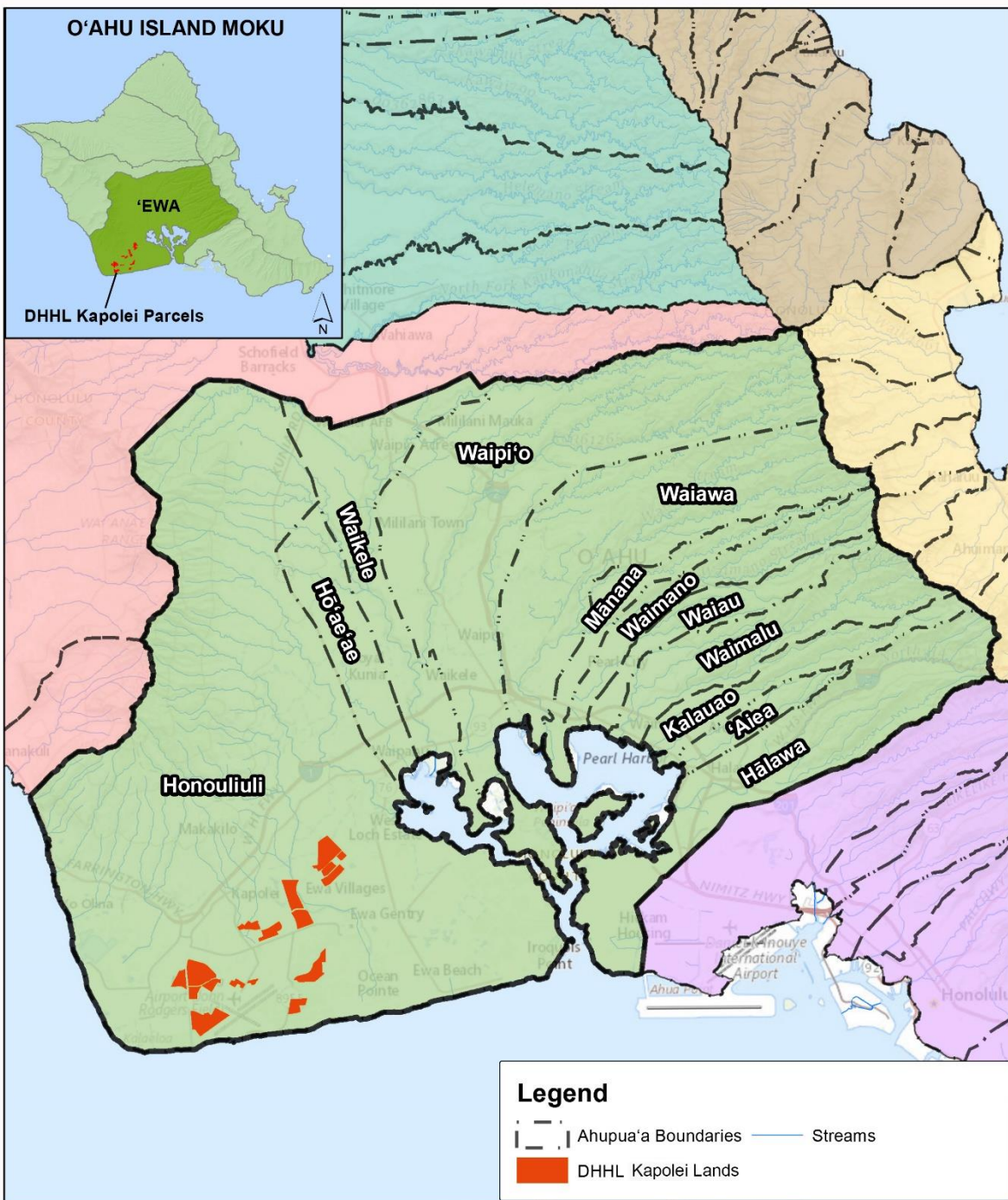
The moku of 'Ewa includes total DHHL landholdings of approximately 1,095 acres with 1,019 acres in the ahupua'a of Honouliuli and 76 acres in the ahupua'a of Waiawa. The DHHL Waiawa lands are located near the West Loch of Pearl Harbor and are all designated for Industrial Use. As there are no homesteading opportunities within the Waiawa lands, these lands are not included in the Kapolei Region and are subsequently not a part of the Kapolei Regional Plan. The planning area for this regional planning effort focuses on all the DHHL land holdings within the ahupua'a of Honouliuli.

The DHHL O'ahu Island Plan (2014) designated the following land uses within this Planning Area:

- Residential,
- Community Use
- Commercial, and
- Industrial.

It is important to note that of the existing DHHL landholdings in the Kapolei Region are the result of Act 14, enacted by the Legislature of the State of Hawai'i in 1995. Prior to Act 14, the Hawaiian Home Lands Trust did not include lands located in the Kapolei Region. Act 14 settled past land claims and provided \$600 million to DHHL in \$30 million annual installments, with the last payment received in June 2015. Act 14, in settling past land claims, found that thousands of acres of Hawaiian home lands were allegedly used, disposed of, or withdrawn from the Hawaiian Home Lands Trust by territorial or State executive actions since the Hawaiian Homes Commission Act was passed in 1920 by the US Congress. The landholdings in the Kapolei Region were transferred to DHHL as a part of the overall settlement with the State government to account for the lands removed from the Hawaiian Home Lands Trust. Since 2000, DHHL has focused on planning and development of these lands to meet the growing demand for residential homesteading opportunities on the island of O'ahu. The homesteads in the Kapolei Region are some of the most recent and fastest growing homesteads within the State.

FIGURE 6 AHUPUA'A MAP



Kapolei Regional Plan Update
AHUPUA‘A
June 2021

This graphic has been prepared for general planning purposes only and should not be used for boundary interpretation or other spatial analysis.



Regional History

The Kapolei Region is located on the southwest side of the mokupuni of O'ahu. The moku of 'Ewa covers the southcentral portion of the island. This moku borders the moku of Wai'anae to the west and to the north, Ko'olaupoko to the east and Kona to the southeast.

'Ewa translates to mean crooked, out of shape or ill fitting. It is said that the akua Kāne and Kanaloa threw stones to determine the boundaries of the moku. The boundary stone for the moku of 'Ewa was lost but later was found at Pili o Kahe, two hills north of the area that is now called Kahe Point, and the westernmost boundary of the moku. The moku of 'Ewa stretches north to include part of the Central O'ahu plains near what is now called Schofield and Wahiawā and extends to the top of the Ko'olau mountains where it borders the moku of Ko'olaupoko to the east. The southeast border of the moku runs along the boundary of the ahupua'a of Hālawā and Moanalua. The entirety of Pu'uloa or Pearl Harbor, is located within the moku of 'Ewa.

Ahupua'a

There are a total of 15 ahupua'a found within the moku of 'Ewa. The easternmost ahupua'a is Hālawā, which translates to mean curve, as in a road or along a beach. North of Hālawā is the ahupua'a of 'Aiea. 'Aiea literally means the *Nothocestrum latifolia* tree which is an endemic tree belonging to the Solanaceae or the Nightshade family, which once grew in the area. Next to 'Aiea is the ahupua'a of Kalauao, which means the multitude of clouds and is also the name of a stream in the same ahupua'a. There is a famous waterfall found in this stream that is named Kahuawai, and was a favored resting place used by ali'i. The ahupua'a of Waimalu bounds Kalauao to the north and this name means sheltered water. Next to Waimalu is the ahupua'a of Waiau, which means swirling water. Waimano is the name of the ahupua'a to the north of Waiau. Waimano means many waters and is also the name of a stream in the ahupua'a that was the bathing place of the shark demigoddess Ka'ahupāhau. Next to Waimano are the ahupua'a of Mānana, Mānana iki, Mānana Uka and Mānana Nui. Mānana means buoyant, iki means small, uka means upland and nui means large or plenty. Today these four ahupua'a are often group together as one ahupua'a simply called Mānana, however in the Index of Land Commission Awards, all four were listed as separate ahupua'a. Next to Mānana is Waiawa which is named for the milkfish. North of Waiawa is the ahupua'a of Waipi'o which stretches from Pu'uloa to the south to the ahupua'a of Wai'anae Uka located in Central O'ahu. This ahupua'a continues along the ridges to the top of the Ko'olau mountains and borders the moku of Ko'olaupoko to the east. Waipi'o is the second largest ahupua'a in the moku of 'Ewa. West of Waipi'o is the ahupua'a of Waikele, which means muddy water. Next to Waikele is the small ahupua'a of Hō'ae'ae which literally means to make soft or fine. There is a famous stone called Pōhakupili that is on the edge of the cliff on the boundary of Hō'ae'ae and Waikele which belonged to the akua Kāne and Kanaloa.

The last and largest of the ahupua'a in the moku of 'Ewa is Honouliuli which means dark bay. This ahupua'a reaches from just north of Kahe Point power plant and the Waimānalo Gulch and follows the mauka ridgeline to the mountains above Camp Pālehua. It continues along the ridgeline passed the many pu'u of the southern Wai'anae Mountains to just passed Pu'u Hāpapa near the border of the moku of Wai'anae. The ahupua'a of Honouliuli continues towards Central O'ahu to the Schofield Barracks area and then follows a path near Kunia Road south to the West Loch area of Pu'uloa. Makakilo and the Kunia Camp residential developments are all located within Honouliuli. Honouliuli also includes all the lands west of Pu'uloa, from Iroquois Point to Kalaeloa. All the residential developments in Kapolei, 'Ewa and 'Ewa Beach are a part of the ahupua'a of Honouliuli.

Wahi Pana and Additional Places of Importance

There are many wahi pana or places of importance that are found within the Kapolei Region. One of the most significant places is Pu'uokapolei, the name of a hill and heiau located in the center of the Kapolei area near the current Kapolei Regional Park. Pu'uokapolei means Hill of (the) beloved Kapo, Kapo being the sister of Pele. This heiau was the largest and most sacred of all the heiau in Honouliuli. It was used for solar observation, was a place of governance during ancient times, and was also the residence of Kamaunuanoho, the konohiki of this area. Today, this Pu'uokapolei is protected and maintained by The Ulu A'e Learning Center.

Another famous landmark in this area is the famed bay Pu'uloa, which means long hill. It is the site of the current military harbor called Pearl Harbor. This area was referred to as Ke'awa lau o Pu'uloa, meaning the many channels or lochs of Pu'uloa. Pu'uloa is also the name of the salt ponds that were located to the east of the harbor. These salt ponds were used to establish Pu'uloa Salt Works, a commercial salt operation located near Keahi Point. These salt ponds were used for commercial salt production from the mid 1800's to the early 1900's. Other salt ponds were located along the shoreline in the West Loch area. Also, in the West Loch area were well-known kalo lands. Today the salt ponds and much of the traditional kalo lands have been covered with residential development.

There are many pu'u located in the uplands of Honouliuli. The tallest is Pu'u Hāpapa at approximately 2,800 feet above sea level. Other well-known pu'u in this area are: Pu'u Kānehōa, Pu'u Kaua, Mauna Kapu, Pālehua, Pu'u Kapua'i, Pu'u Makakilo, and Pu'u Pālailai.

Kahe is a land section found within Honouliuli nearest the boundary line of the moku of Wai'anae. Kahe means to flow, as of water. South of Kahe is an area called Ko'olina. Ko'olina means delightful or lovely and refers to the beaches and lagoons in the area now known as Ko'olina Resort. Kalaeloa is the name of the southwestern-most point of the island of O'ahu, the moku of 'Ewa and the ahupua'a of Honouliuli. This point has also been called Barbers Point. Kalaeloa is also the name used to refer to the lands that were conveyed to the State and County from the decommissioning of the old Barbers Point Naval Air Station. One'ula means red sand and is the name of a well-known beach park located makai of Ocean Pointe development between White Plains Beach or Kualaka'i to the west and the 'Ewa Beach area to the east. Kualaka'i is the traditional name of the famous White Plains Beach. Kualaka'i means sea cucumber and is also the name of the large mauka to makai access road in Kapolei, Kualaka'i Parkway.

Also located within the ahupua'a of Honouliuli is the Honouliuli National Historic Site. This site is the location of a former Japanese Internment Camp that was established during World War II following the attack on Pearl Harbor. It was in operation from 1943 to 1946 and was the largest and longest-used confinement site in the Hawaiian Islands. This internment camp housed Japanese-Americans, German Americans, Americans of other European ancestry and non-combatant labor conscripts from Japan, Korea, Okinawa, Taiwan and Italy. Though it is not currently open to the public, it is a recognized National Historic Site and is managed by the US National Park Service.

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Existing Land Uses

DHHL has established land use designations for their lands across all islands. These land use designations are established in the Island Plans. The following are descriptions of the land use designations that are found within the Kapolei region according to the DHHL O'ahu Island Plan (2014).

- **Residential:**
 - Residential lot subdivisions built to County standards in areas close to existing infrastructure.
 - Lots awarded to applicants on the residential waiting list.
 - Higher densities allowed on O'ahu. Minimum lot size of 5,000 square feet. Infrastructure is built to County standards and includes potable water, all utilities, and paved roads.
 - Recently enacted administrative rules permit the development of multi-family units.
- **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 and amenities.
 - No lot size restrictions at present. Infrastructure must meet County standards.
- **Commercial:**
 - Lands suitable for retail, business, and commercial activities.
- **Industrial:**
 - Lands suitable for processing, construction, manufacturing, transportation, wholesale, warehousing, and other industrial activities.

Total Lots and Acreage

Land Use	Total Lots/Parcels	Total Acreage
Residential	1,115 lots	164 acres
Proposed Residential	1,190 lots	200 acres
Community Use	7 parcels	35 acres
Commercial	4 parcels	80 acres
Industrial	10 parcels	555 acres
Total:	2,017	1,015 acres

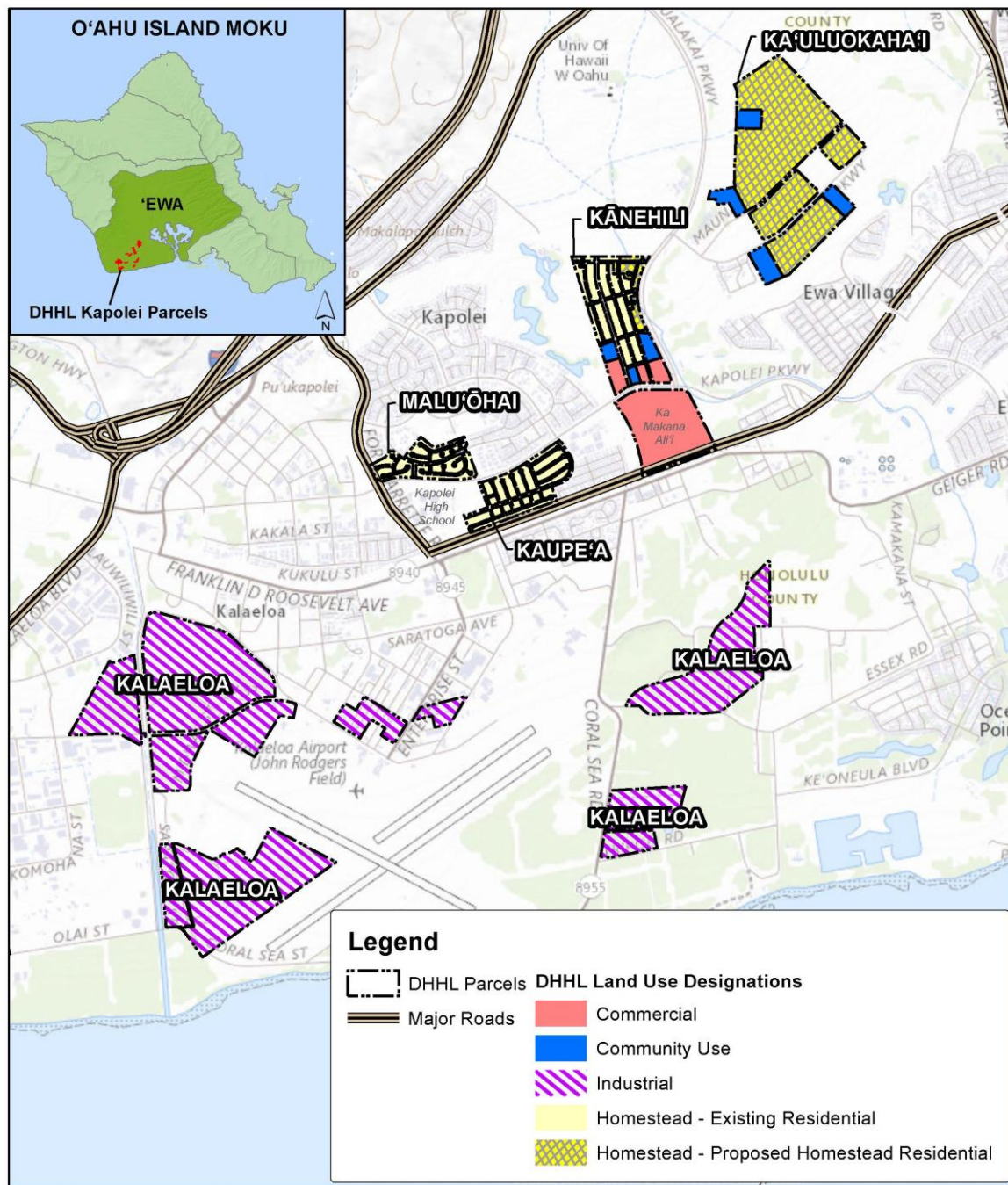
Homestead Uses

Malu'ohai is the first homestead to be built in the Kapolei Region and consists of 226 lots developed on approximately 37 acres of land. This homestead is located mauka of Kapolei Parkway across from Kapolei High School in Village 6 of the Villages of Kapolei. Malu'ohai is a part of the Villages of Kapolei Master Association. Of the 226 homesteads in Malu'ohai, 70 were built as a part of the Kapolei Ho'olimalima rent-to-own project that was developed by Mark Development, Inc. Ho'olimalima was an affordable rental project that targeted beneficiaries on the waitlist who made less than 50% and 60% of the Honolulu median income. Initial rent-up and income certifications began in 2001 and full occupancy was achieved by January 2002. This project allowed beneficiaries to rent at affordable rental prices and offered the option to purchase the home after 15 years. Renters were given financial counseling support and assistance during their time as renters in preparation for the end of the 15-year rental term. As of January 2018, all the homes in

Ho'olimalima were converted to homeownership. The remaining 156 homestead lots in Malu'ohai are a mix of turnkey and self-help homes.

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FIGURE 7- DHHL LAND USE DESIGNATION MAP



Kapolei Regional Plan Update
DHHL LAND USE DESIGNATIONS
 June 2021

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Kaupe'a is the second homestead in the Kapolei region and is also located in the Villages of Kapolei and is a part of the Villages of Kapolei Master Association. This homestead includes 326 turnkey homes constructed in three phases on 52 acres located between Kapolei High School and Kapolei Middle School makai of Kapolei Parkway.

Kānehili is the third homestead developed in Kapolei and is located on 92 acres mauka of the intersection of Kualaka'i Parkway and Kapolei Parkway. This homestead includes 403 homestead residential lots. Gentry Kapolei Development, LLC completed 249 turn-key lots which are now occupied. A total of 18 self-help or owner-builder houses have been completed and are occupied, with five owner-builder lots in progress.

Ka'uluokaha'i is the fourth homestead to be developed in the Kapolei Region and the name of the East Kapolei master planned community. Increment IIB of Ka'uluokaha'i are the first homesteads built in this homestead and are located east of Kualaka'i Parkway, between Keahumoa Parkway and Maunakapu Street. This development includes 102 turn-key homes that will be complete and occupied by early 2022 and 21 vacant lots selected by owner-builders in progress. These homestead lots are located near the planned Rail Transit Station along Kualaka'i Parkway. A planned elementary school will be built to the east of Ka'uluokaha'i, and a planned middle school is currently under construction to the west of the homestead. Additional homestead development is planned for the surrounding DHHL lands, so far still referred to as East Kapolei II.

Community Uses

Kānehili Community Association Park is a 4.59-acre parcel that has been developed as a community park. This park features a playground and open green space and is intended to serve the surrounding beneficiary community. Some of the funding for the construction of the park came from a community benefit package agreement with DeBartolo Development, LLC who built Ka Makana Ali'i Shopping Center. The Kānehili Community Association is currently working on planning and design of future phases of the park construction as well as securing additional funding to complete full build out of the remaining acreage of the parcel.

Kapolei Heritage Center is a community building that is located mauka of the DHHL Offices on Kinoiki Street on a parcel of land that is called Kīpuka, meant to offer space for use by community organizations. The Council for Native Hawaiian Advancement is also located on a portion of the Kīpuka parcel. The Heritage Center is managed by the Kapolei Community Development Corporation (KCDC), whose board consists of community leaders from the various DHHL Kapolei homesteads. KCDC began a capital campaign in 2013 and received over \$2 million in state and private funds to begin construction on the Heritage Center. Phase I of the construction was completed in July 2016 and includes a certified community kitchen, two classrooms, and restrooms. Phase II of the Heritage Center will include a hālau or large gathering space. Phase III will include offices and a gallery to honor Prince Jonah Kūhiō Kalaniana'ole and the Hawaiian Homes Commission Act of 1921.

Commercial Uses

Ka Makana Ali'i Shopping Center is a 1.4 million square foot commercial development located on the makai corner of the intersection of Kualaka'i Parkway and Kapolei Parkway. This parcel is 67.7 acres and is designated in the DHHL O'ahu Island Plan (2014) for commercial use. At the end of 2014, a General Lease agreement was signed by DHHL with DeBartolo Development, LLC for a lease period of 65-years. The lease agreement is expected to generate more than \$200 million in rent revenue. According to the 2019 DHHL Annual Report, this lease generated approximately \$4.7 million in annual lease rent for DHHL.

Ho'omaka Marketplace is a community commercial development that is located on a 1.05-acre parcel at the corner of Kualaka'i Parkway and Kapolei Parkway, directly across from Ka Makana Ali'i Shopping Center. This

Marketplace will be anchored by Longs Drugs, Hele Gas Station, 7-Eleven and Chick-fil-A, and will be developed by KCDC in partnership with KZ Development. Groundbreaking is currently anticipated for early 2022.

Industrial Uses

All of the DHHL lands located in Kalaeloa are designated for Industrial use according to the O'ahu Island Plan (DHHL 2014). There are approximately 224 acres in short- and long-term dispositions. Land uses in Kalaeloa include alternative energy, industrial base yards, commercial operations, stabling, office space, public service uses, and recreation.

State and County Land Use Designations

In general, the DHHL Island Plan land use designations are consistent with State Land Use Districts, and County Zoning. Where they may be inconsistent, DHHL may exempt itself from the State Land Use Law and County land use regulations pursuant to the HHCA, Section 204.

State Land Use Districts

The State Land Use Agricultural District includes lands for the crop cultivation; aquaculture; raising livestock; wind energy facilities; timber cultivation; agriculture-support activities, such as mills, employee quarters, etc.; and land with significant potential for agricultural uses. Only one parcel out of the DHHL land holdings in the Kapolei Region is located in the State Land Use Agricultural District. This parcel is located mauka of Malakole Street near the intersection of Saratoga Avenue and is currently undeveloped. There is a portion of Agriculture District land located east of Ka Makana Ali'i Shopping Center that includes the makai parcel of "Varona Village," part of the 'Ewa Villages development. They are not currently a part of the DHHL land holdings, but could potentially be transferred to the land inventory in the future.

The State Land Use Urban District is generally for lands characterized by "city-like" concentrations of people, structures, or services and includes vacant lands for future development. All DHHL land holdings, other than the one parcel within the Agricultural District, are located in the State Land Use Urban District. Please refer to Figure 8, State Land Use Districts Map, below.

Kalaeloa Community Development District

The Kalaeloa lands were formerly zoned F-1 Federal and Military Preservation District while under Federal ownership and used as Barbers Point Naval Air Station. However, the County zoning was amended following the decommissioning and official closure of Barbers Point Naval Air Station in 1999. Approximately 550 acres of land formerly a part of the Naval Air Station were transferred to the DHHL land inventory. These lands are currently a part of what is called the Kalaeloa Community Development District (CDD). Effective 2012, the Kalaeloa CDD Rules and Reserved Housing Rules supercede the Kalaeloa Community Redevelopment Plan (2001) and other County Zoning designations. Most of the DHHL land holdings in the Kalaeloa CDD are zoned T-3 General Urban Zone with one portion of a parcel zoned T-2 Rural/Open Space Zone. The T-3 General Urban zone is characterized by mixed use projects with a commercial emphasis. T-2 Rural/Open Space zones shall consist primarily of open space, parks and limited agricultural use. Cultural, archaeological and environmental uses and sites shall also be located within the T-2 zone. It should be noted that HCDA is currently updating its Kalaeloa Master Plan and Rules, and this may affect the zoning of DHHL lands in Kalaeloa. Please refer to Figure 9, Kalaeloa Community Development District Zoning Map, below for current zoning in Kalaeloa.

City and County Zoning

Malu'ohai is zoned R-5 Residential use. Kaupe'a is zoned R-3.5 Residential use, A-1 Low-Density Apartment, and P-2 General Preservation. Both of these homesteads are used primarily for single-family residential

housing. Kānehili is zoned AG-1 Agricultural Cluster by the County, but is used as a mixture of Residential, Commercial and Community Uses. Ka'uluokaha'i homestead and the remaining East Kapolei II lands are designated AG-1 Agricultural Cluster by the County but are currently used for mixed use Residential, Proposed Residential, and Community Use. Please refer to Figure 10, County Zoning Map.

Surrounding Land Ownership and Uses

There are a mix of public and private large landowners in the Kapolei Region. Makaiwa Hills, LLC and D.R. Horton Schuler Homes are two large private landowners who own lands in the Makakilo area. Hunt Development is a large private landowner and master developer who owns over 500 acres of land in the Kalaeloa area. The State of Hawai'i owns large parcels of land surrounding the DHHL homesteads of Malu'ohai, Kaupe'a and Kānehili. These State-owned lands are used for Kapolei High School, Kapolei Middle School, and Kapolei Elementary School as well as 500 acres for the University of Hawai'i West O'ahu campus. The East Kapolei II lands are bordered to the north and east by the Ho'opili Development. Ka'uluokaha'i also includes State of Hawai'i land that is under development for use for a new Middle School and another parcel that will be used to develop a new Elementary School. In addition to the State of Hawai'i lands that will be used for schools, the Hawai'i Housing and Finance Development Corporation (HHFDC), an agency of the State of Hawai'i, owns two parcels in Ka'uluokaha'i. One is the Ko'oloa'ula Apartments and Keahumoa Place. There is also a large parcel in Ka'uluokaha'i that is the KROC Community Center, owned and operated by the Salvation Army. Please refer to Figure 11, Large Landowners Map.

Regional Revenue Generation

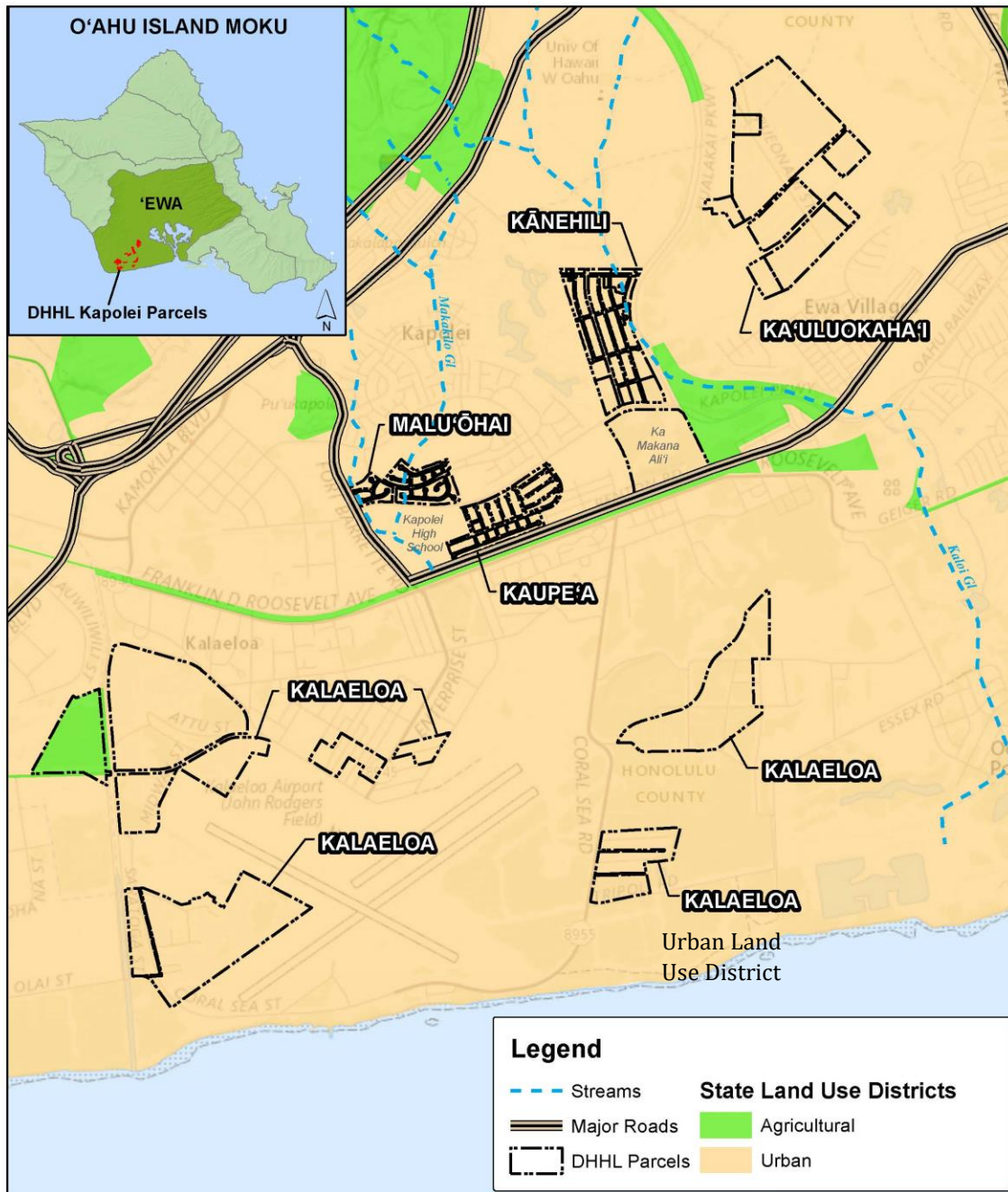
The DHHL land inventory in the Kapolei region is the largest source of DHHL's revenue from leases, licenses and permits in the State. There are a variety of land uses that generate revenue through annual lease rent payments to the Department. The following table lists the types of land uses, respective acreages and annual lease rents included in the 2019 DHHL Annual Report. This table excludes revenue and acreage from homestead residential uses, as well non-revenue generating acreage for lands used for community use, easements, and public service. This table only includes lands that generated revenue for the Department according to the DHHL Annual Report for 2019. Approximately 296 acres of the DHHL land inventory in the Kapolei region generated a total of \$7,568,231. The total land inventory for General Leases and Licenses on O'ahu is 6,059.88 acres, with Kapolei's 296 acres making up approximately 5% of the lands generating revenue on the island. Total revenue from all DHHL General Leases and Licenses Statewide is \$9,756,889.32, with Kapolei generating approximately 77.5% of this revenue.

TABLE 1 - KAPOLEI REGIONAL REVENUE IN 2019

Land Use	Acres	Annual Lease Rent
Agricultural	78.64	\$18,540
Alternative Energy	69.85	\$376,480
Commercial	72.96	\$4,853,806
Industrial	58.64	\$2,135,564
Office	0.31	\$12,578
Public Service	10.11	\$168,383
Recreation	0.51	\$480
Stabling	5	\$2,400
TOTAL	296.02	\$7,568,231

Source: 2019 DHHL Annual Report

FIGURE 8 - STATE LAND USE DISTRICTS MAP



Kapolei Regional Plan Update
STATE LAND USE DISTRICTS
 June 2021

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FIGURE 9 - KALAELOA COMMUNITY DEVELOPMENT DISTRICT ZONING MAP

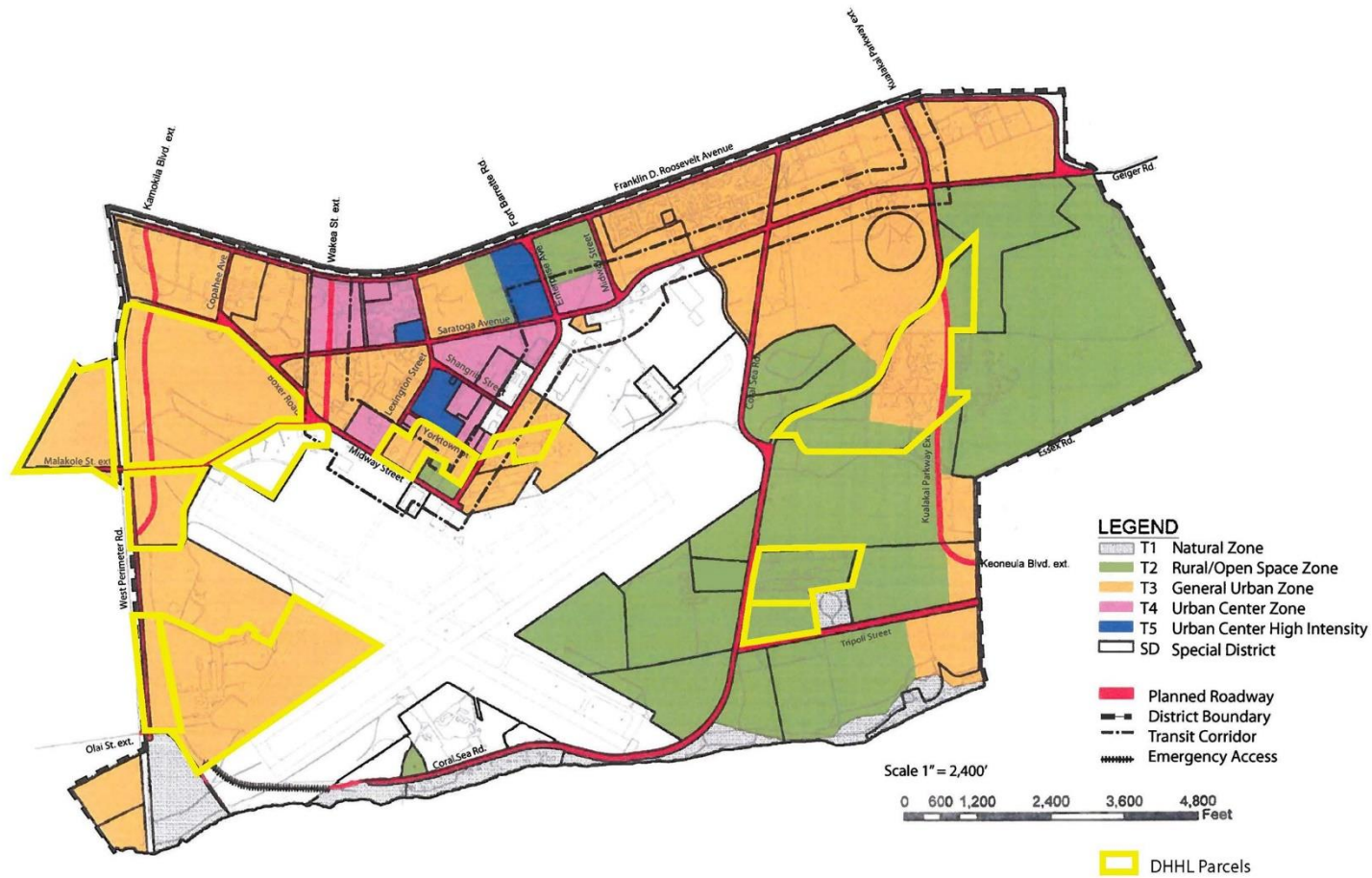
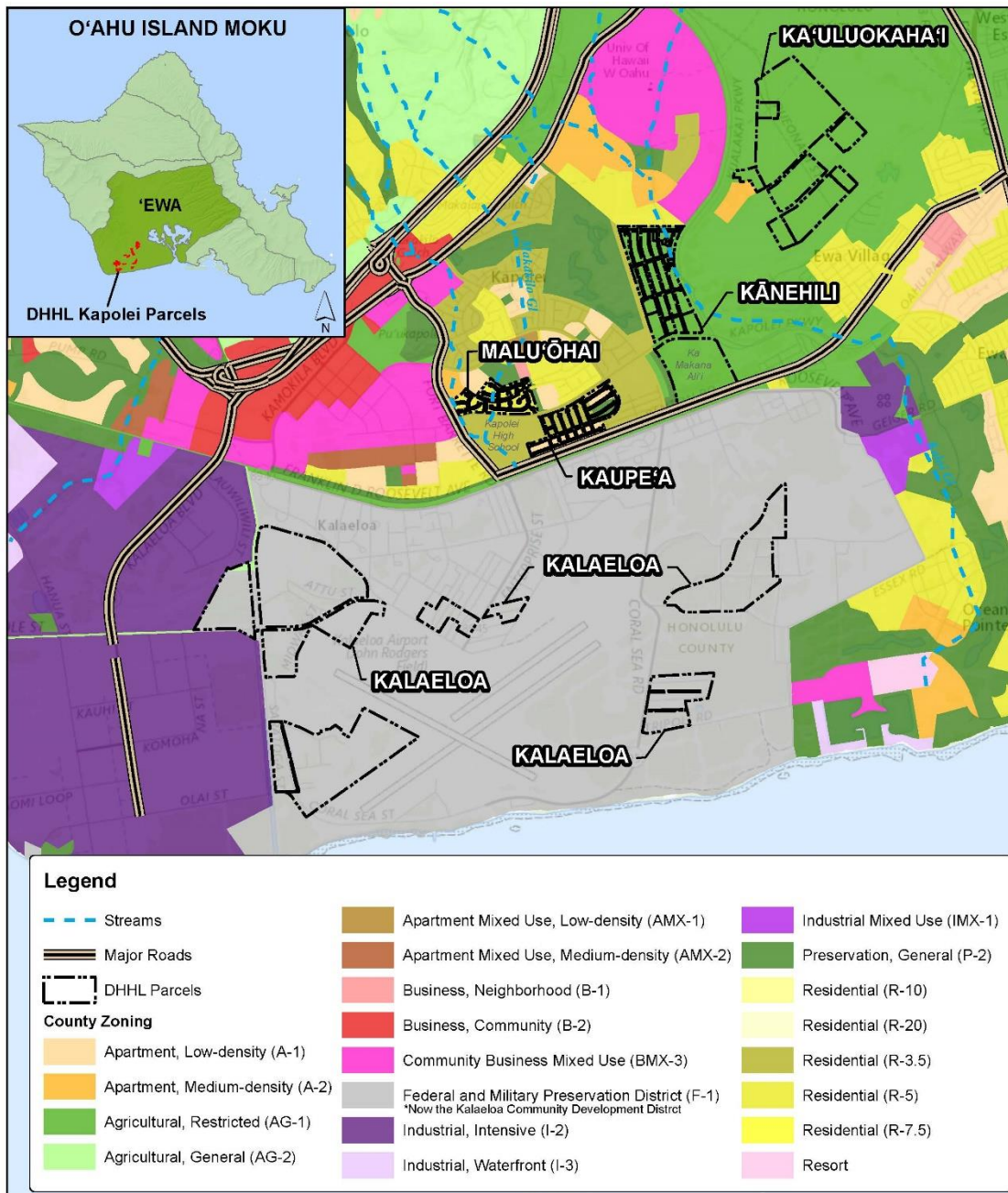


FIGURE 10 - COUNTY ZONING MAP



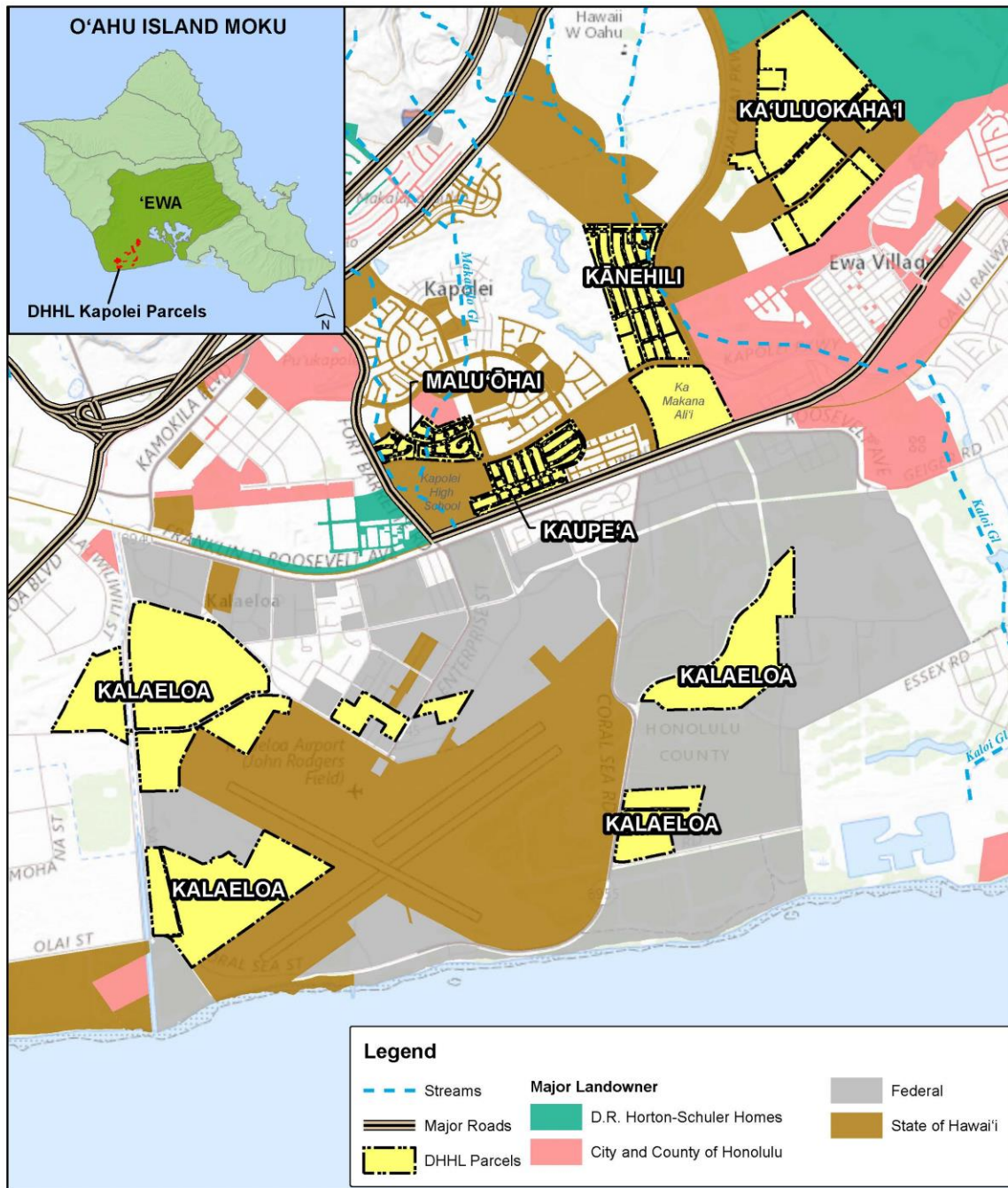
Kapolei Regional Plan Update
COUNTY ZONING
August 2021

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Gov't County of
Honolulu Lands

FIGURE 11 - LARGE LANDOWNERS MAP



Kapolei Regional Plan Update
LARGE LANDOWNERS
 June 2021

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Infrastructure

City and County Wastewater System

Malu'ōhai, Kaupe'a, Kānehili, Ka'uluokaha'i, and Ka Makana Ali'i Shopping Center are serviced by the City wastewater system, though the City has yet to accept them for operation and maintenance. DHHL is responsible for the maintenance of the pipes and intakes until the City accepts these duties. Much of Ka'uluokaha'i's infrastructure has been constructed, with the infrastructure for utilities for each increment that will be installed during construction of the roads and grading of the lots. Much of the undeveloped DHHL lands in Kalaeloa do not have wastewater infrastructure and will need to have it developed to support future uses.

There are three Wastewater Pump Stations located in the Kapolei Region: Makakilo City Pump Station, Kapolei Business Park Pump Station, and an additional Pump Station located in the Kapolei Region makai of the Kalaeloa Airfield that is currently owned by Hawai'i Water Company, LLC. Honouliuli Wastewater Treatment Plant, the regional wastewater treatment plant, and Honouliuli Water Recycling Facility, the City's largest water recycling facility, are also located in the 'Ewa plain near the Kapolei region.

Other Wastewater Infrastructure

There are a number of cesspools located on DHHL lands in Kalaeloa, and near the Kaupe'a and Malu'ōhai homesteads. See Figure 13, Wastewater Infrastructure Map, below. No cesspools are located in the Kānehili homestead, community use lots or commercial lots. No cesspools are located in E. Kapolei parcels or Ka'uluokaha'i homestead. There are approximately 88,000 cesspools statewide, most of which are small capacity cesspools. The Hawai'i State Department of Health Wastewater Branch oversees and permits all wastewater systems in the islands, including cesspools. Current regulations require that all cesspools be upgraded, converted or closed by January 1, 2050 due to the environmental impacts associated with cesspools. Property owners, operators and lessees will need to comply with all federal and state requirements for cesspools.

Water and wastewater systems located in the Kalaeloa area have been privatized into the Kalaeloa Water Company (KWC) which is owned by Hawaii Water Company, LLC and operated by Pural.

Electrical Infrastructure

All of the DHHL land inventory located in Kapolei and East Kapolei is connected to the Hawaiian Electric Company (HECO) power grid, which supplies electrical power to most of O'ahu island. In Kalaeloa, the majority of the electrical system is still owned by the United States Navy. There are several sectors that are connected to the HECO grid. The Coral Sea Road is energized and connected to HECO. DHHL land holdings along Coral Sea Road can request electrical service directly from HECO.

The Enterprise Energy Corridor Project is a project in partnership with the Hawaii Community Development Authority (HCDA) and the Department of Transportation (DOT). The HCDA portion of the project was completed in January 2020 and included installation of underground duct work between Kapolei Parkway and Midway Road fronting the Kalaeloa Airport. The DOT portion of the project to energize the duct lines is still in the design phase and HECO has a contract to complete this portion of the project by Summer 2021.

Hunt Development is pursuing the development of a Department of Veteran's Affairs Multi-Specialty Outpatient Clinic located their lands on the west side of Kalaeloa near Kamokila Boulevard by the developer VA Aloha, LLC. In order to complete this project, new electrical power from the HECO grid will need to be routed to the west side of Kalaeloa.

Road System – Existing and Planned

The Kapolei Region has extensive roadway networks developed in the central area. Vehicular access to this side of the island is primarily from the H1 freeway system which travels from the moku of 'Ewa to the moku of Kona, where the primary urban center is located. Another major roadway in the Kapolei Region is Farrington Highway, which stretches from the moku of 'Ewa to the moku of Waialua on the North Shore of the island.

Kapolei Parkway and Franklin D. Roosevelt Avenue are major east-west access roadways in the region. Makakilo Drive/Ft. Barrette Road, Kualaka'i Parkway and Fort Weaver Road are major mauka-makai access roadways. Much of the Kalaeloa roadway network is underdeveloped and underused. Current major roadways in Kalaeloa include Coral Sea Road, Roosevelt Avenue, and Enterprise Street. Future increased use and development in the Kalaeloa area will require additional roadway infrastructure.

Hunt Development is pursuing development of a Veteran's Affairs Multi-Specialty Clinic located on its lands in the west side of Kalaeloa. This development will require construction of an extension to Kamokila Boulevard. Plans for this project show the extension of Kamokila Boulevard into the west side of the Kalaeloa Community Development District. VA Aloha, LLC is the developer for this project.

In consultation with the State of Hawai'i Department of Transportation, there are several planned projects within the Kapolei region which will have impacts on DHHL land holdings and Kapolei beneficiaries. These projects are listed below.

Short-range Planned Projects:

- **Interstate Route H-1, Kapolei Interchange Complex, Phase 3.** The project would widen Farrington Highway, enlarge the H-1 Freeway loop offramp to Kalaeloa Boulevard, construct the Mauka Frontage Road from Makakilo Drive to Kapolei Interchange, and construct Pālailai Interchange.
- **Fort Barrette Road Railroad Crossing Improvements.** The project includes upgrading the existing railroad crossing from asphalt to concrete, replacing existing wooden tracks and ties, and installing new automated crossing gates and signals which will be synced to the new traffic signal at Franklin D. Roosevelt Avenue.
- **Harbor Access Road.** The scope of this project could include, but is not limited to, the design and construction of a new four-lane divided concrete roadway, auxiliary lanes, sidewalks, bike lanes, traffic signals, intersections, associated utilities, grading, landscaping, and connections to future Department of Transportation roadways and drainage canal bridge crossing.

Mid-range Planned Projects:

- **Interstate Route H-1, New Interchange, Kapolei Interchange.** This project is for the construction of a new interstate route H-1 Kapolei Interchange between Pālailai Interchange and Makakilo Interchange. This project is proposed to be constructed in multiple phases.

Long-range Planned Projects:

- **Fort Barrette Road (Route 901).** This project is for the widening of Fort Barrette Road from two- to four-lanes between Farrington Highway and Barbers Point Gate.
- **Kualaka'i Parkway (Route 8930) Extension, Interstate Route H-1 to Franklin D. Roosevelt Avenue.** This phase of this project is for the extension of Kualaka'i Parkway between Franklin D. Roosevelt Avenue and Saratoga Road.
- **Kualaka'i Parkway (Route 8930) Extension, Interstate Route H-1 to Franklin D. Roosevelt Avenue.** This phase of this project would widen and extend Kualaka'i Parkway as follows: 1) Expand

from three- to six-lanes between Kapolei Parkway and Interstate Route H-1, and 2) Extend Kapolei Parkway to Franklin D. Roosevelt Avenue (six-lanes).

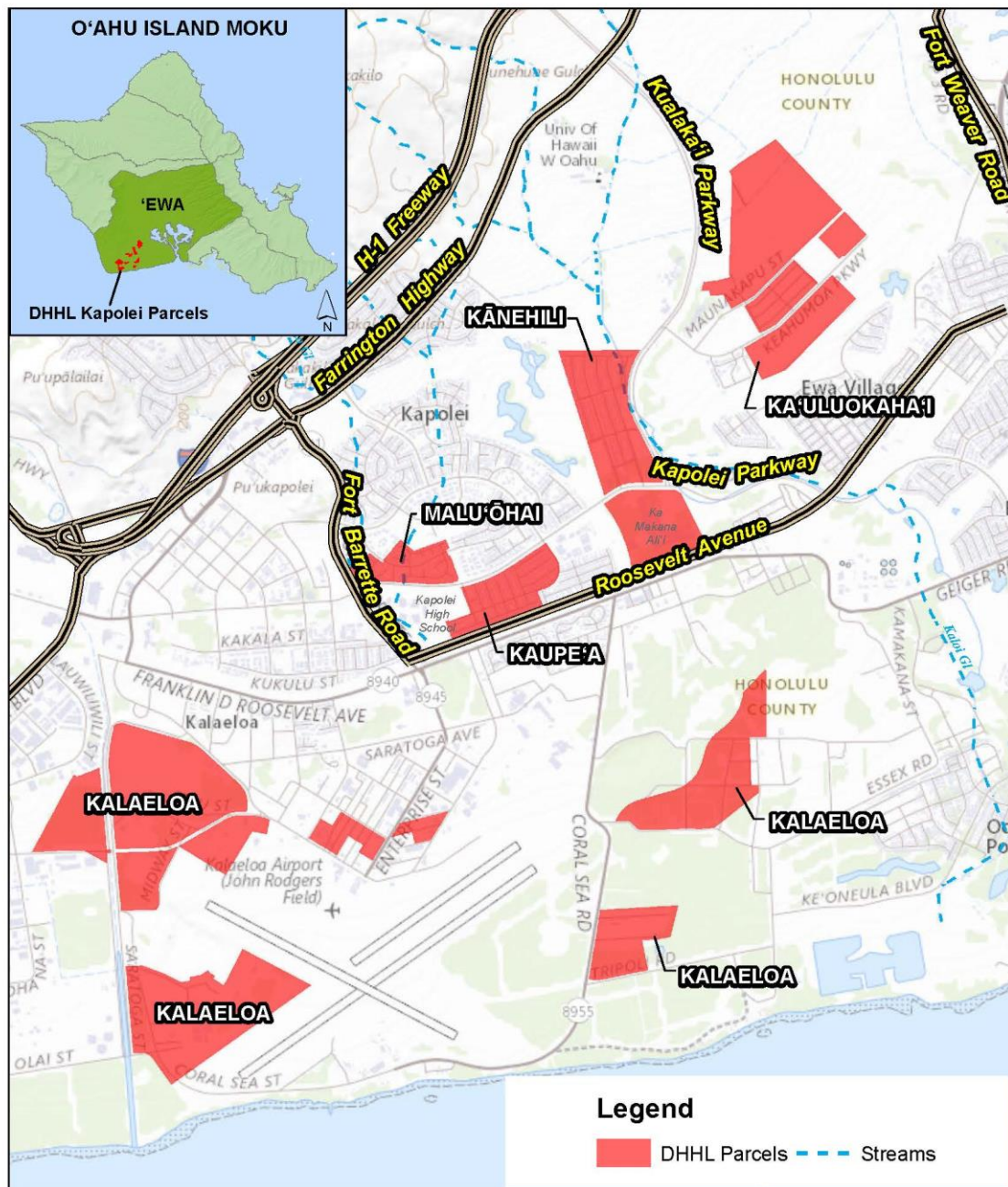
Kalaeloa Airport

The Kalaeloa Airport is approximately 750 acres which was originally a part of the Barbers Point Naval Air Station and has been owned and operated by the O'ahu District of State Airports System since 1999. The airport functions as a general aviation reliever airport for the Daniel K. Inouye International Airport. It has air traffic control functions from 6:00am to 10:00pm daily. Major users of Kalaeloa Airport include the US Coast Guard, Hawaii National Guard and the general aviation community. This airport acts as a launch site for Coast Guard Search and Rescue operations, aviation training, emergency response, and as an alternate landing site for airlines and the military.

In consultation with the State of Hawai'i Department of Transportation, the Airports Division advised that any planned projects located within 5 miles of Kalaeloa Airport may have restrictions on development and use and may require further review and permits. This could have impacts on future use and development for DHHL land holdings in the surrounding area.

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FIGURE 12 - ROADWAYS MAP

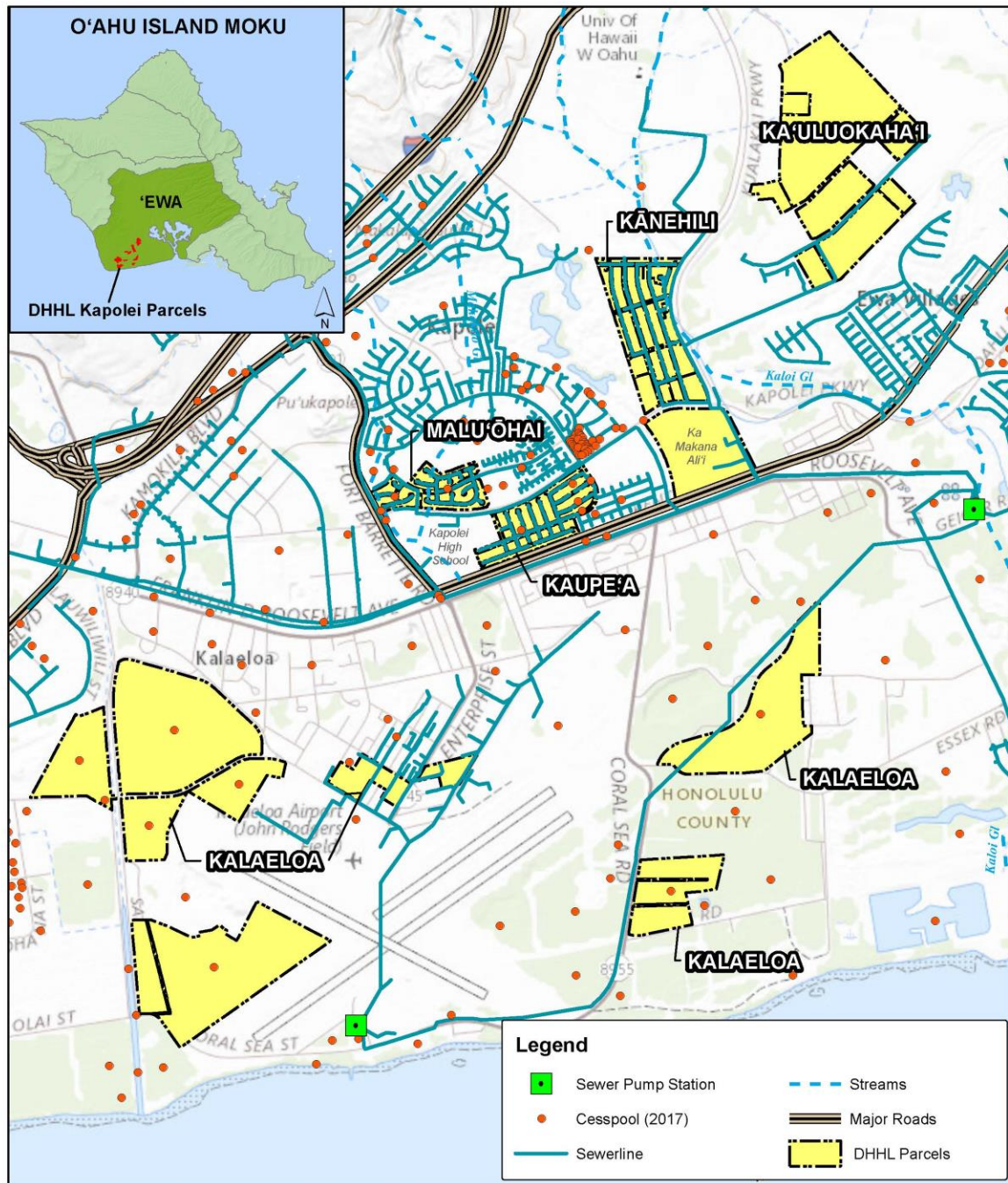


Kapolei Regional Plan Update
ROADWAYS
August 2021

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FIGURE 13 - WASTEWATER INFRASTRUCTURE MAP



Kapolei Regional Plan Update
WASTEWATER INFRASTRUCTURE
 June 2021

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Project List

Projects identified by the community are meant to address the issues and concerns that were expressed by the participants in Beneficiary Consultation #1. Priority projects identified in the 2010 Kapolei Regional Plan were discussed by participants in Beneficiary Consultation #2 in order to determine the relevance those priority projects to the community today. In addition to the previously identified priority projects, the community discussed issues that were not addressed by the existing list of projects and suggested additional projects that might address those issues. All project ideas considered by the community are described in the following two sections.

Previous Priority Projects

The first Regional Plan for Kapolei was completed in 2010. The five priority projects identified in that plan and their status updates are described below.

Kapolei Regional Plan Priority Project	Project Champion	Status
Support Heritage Center and Community Commercial Development	KCDC	<p>This item remains a priority. Phase I of the Kapolei Heritage Center was completed in 2016 and is open for community use. This space includes two classrooms, restrooms, and a certified kitchen. Phase II and III of the Heritage Center are yet to be completed.</p> <p>Planning and design for the Community Commercial Development, called Ho'omaka Marketplace, is complete. The project is in the permitting phase and is expected to break ground in 4th quarter 2021, barring further delays from the COVID-19 pandemic. Ho'omaka Marketplace includes commitments from the following vendors: Long's, Hele gas Station, 7-Eleven, and Chick-Fil-A. The construction phase is anticipated to take approximately 12 months.</p> <p>The completion of the Kapolei Heritage Center including full build-out of Phase II and III are contingent on revenue generation from Ho'omaka Marketplace. This commercial development is meant to provide an on-going funding source to the community for community-based development, and the operation and maintenance of community spaces.</p>
Support New School Development	DOE	<p>This item remains a priority. Plans for a new elementary located near Ka'uluokaha'i will help to accommodate the growing population in Kapolei. Phase I of a new middle school have been completed and is operational.</p>

Kapolei Regional Plan Priority Project	Project Champion	Status
Engage Beneficiaries in a Planning Charette Process	DHHL	This project was completed in 2012. A design charette with the homestead community discussed development in E. Kapolei.
Develop Pedestrian/Bike Path Network to Community Resources	City & County of Honolulu	The O'ahu Bike Plan update was completed in December 2019. This plan is meant to guide future planning to better integrate bicycling into the islands transportation system.
Preserve and Develop Parks to Service the Homestead Community	DHHL/Community organizations	This item remains a priority. A 4.59 acre parcel located near Kānehili homestead is licensed to Kānehili Community Association for use as a park. Phase I of this park was completed in 2019. Future phases are in the planning process. A total of 13 acres is designated for open space/parks within the Ka'uluokaha'i master planned community.

Final Project Ideas List

The following project ideas list came from the discussions in Beneficiary Consultation #1 and #2. These project ideas are meant to address the needs and concerns of the community. A draft project list was refined by participants at Beneficiary Consultation #2. This project list was shared in an online survey on the project website, and beneficiaries were asked to select their top five priority projects for the Kapolei Regional Plan Update from this list of 14 items.

- **Support Heritage Center and Community Commercial Development**
- **Support the Development of a Hawaiian Focus/Immersion School**
- **Create More Open Spaces, Park Spaces, and Recreation Spaces to Support the Homestead Community**
- **Create a Kūpuna Living Community**
- **Establish a Place of Worship and a Place of Rest/Cemetery for the Homestead Community**
- **Create a Community Garden/Agricultural Space/Farmer's Market for Homesteaders**
- **Create Multi-Family and Rental Housing Developments for Homesteaders in Kapolei**
- **Hawaiian Culture Center**
- **Create Entrepreneurial and Business Opportunities**
- **Support Music**
- **Nurture Kapolei-Based Community Health Workers and Build Partnerships and Community Capacity to Help Address the Findings of Recently Completed Kapolei Homestead Health Survey**
- **DHHL to Address Post-build Issues in the Homesteads**
- **DHHL to Provide More Options for Communication in the Homesteads instead of only Sandwich Isles Communication**
- **Establish and Grow Inclusive Housing Programming for native Hawaiians with disabilities**

Priority Projects

The community was asked to select five priority projects from the above list of project ideas. The selection process consisted of an online survey link that was available on the project website where beneficiaries could choose the five projects that they felt should be priorities for the region. The survey was open for beneficiary participation between Wednesday, May 5 and Wednesday May 19, 2021 following Beneficiary Consultation #2 on Tuesday, May 4, 2021. A total of 60 responses to the survey were collected.

The top two projects and last two projects out of the top five priority projects that were selected received the same number of votes from participants in the selection poll. These projects will appear as “1./2.” and “4./5.” as they are tied in votes. The top two projects each received 32 votes each, the third project received 31 votes, and the final two projects of the top five priority projects received 30 votes each.

The following projects were selected by participants as the top five priority projects for the region.

1./2. Create more open spaces, park spaces, and recreation spaces to support the Homestead Community

PROJECT DESCRIPTION

The Kapolei homesteaders desire more open space for parks and recreation throughout the region. These spaces would provide safe environments to support programs and activities for youth and leisure spaces for ‘ohana to gather and enjoy the outdoors. Open spaces for parks and recreation are key to a thriving and healthy homestead community.

Currently, the park and recreation space available to the homesteaders in the region are as follows:

- Kānehili Community Association Park
- Kapolei Heritage Center
- Villages of Kapolei Association (VOKA) common spaces (available to homesteaders in Malu’ōhai and Kaupe’a who pay dues to VOKA)
- The Salvation Army Kroc Community Center (available to the general public through memberships)

According to the O’ahu Island Plan (DHHL 2014), a total of 35 acres of the DHHL land inventory has been identified for Community Use in the Kapolei region. This includes parcels located on DHHL lands in Kānehili and East Kapolei. Some of these parcels have been licensed to community organizations for use and are in varying stages of development. Approximately 15 acres on three separate parcels in East Kapolei are currently vacant and additional planning and design will be needed for future development of these lands.

Kānehili Community Association Park is located on a 4.59-acre parcel in the Kānehili Homestead at the corner of Kekāhili Street and Kamakahelei Street. It is maintained by the Kānehili Community Association (KCA). This parcel is a part of the DHHL land inventory and is licensed to and managed by the KCA. Phase I of Kānehili Community Association Park includes a basketball/volleyball court, keiki play area, picnic tables, benches, bicycle rack, trash receptacles, landscaped areas, irrigation system and native trees for the community to enjoy. Phase I of the park opened for use in July 2020.

The Association has partnered with SHADE institute and their collaborators at G70 and Ki Concepts to design Phase II of the park. A community design workshop was hosted virtually in May 2021 to discuss a working concept site plan for Phase II of the park and to form small working groups for the ongoing design of park programs and amenities. A survey was conducted in June 2021 to gather feedback from Kānehili Community

O'AHU ISLAND

DHHL Kapolei Parcels

Legend

- Park/Open Space
- DHHL Kapolei Lands
- Major Roads

KĀNEHILI

KĀ'ULUOKAHA'I

KALAELOA

KALAELOA

KAUPE'A

MALU'OHA'I

Kapolei

A'eolo Park

Kapolei Community Park

Kapolei Regional Park

Kapolei Heritage Center

Kānehili Community Park

Kroc Center

Designated Community Use Land

Ewa Villages

HONOLULU COUNTY

KAMAKANA ST

ESSEX RD

KE'ONEULA BLVD

CORAL SEA RD

SARATOGA AVE

KUKULU ST

KALOALEA AVE

FRANKLIN D ROOSEVELT AVE

KALAELOA Airport (John Rodgers Field)

MOHANNA ST

OLAI ST

SALEWA ST

MAUNALOA ST

KAPOLEI PKWY

MAKALA ST

8940

8945

8955

USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed August, 2021.

This graphic has been prepared for general planning purposes only and should not be used for boundary interpretation or other spatial analysis.



0 1 Miles



residents to better understand the needs and wants of the community for the park space. A second design workshop took place in August 2021. Some features of the proposed Phase II design concept include: a community center facility, splash pad, imu, imu shed, playfield, hula mound, lei garden, crafts pavilion, and parking lot. Once the design and planning for Phase II are complete, KCA will then need to focus on fundraising for the permitting and construction to complete Phase II.

Another gathering and recreation space available to Kapolei homesteaders is the Kapolei Heritage Center. This space is licensed to Kapolei Community Development Corporation (KCDC) and has completed Phase I of three planned phases for development and construction. Phase I was completed in 2016 and includes a commercial kitchen, two classrooms, restrooms, and some parking. Phase II is the hālau space or gathering space. Phase III is office space and a gallery dedicated to Prince Jonah Kūhiō Kalanianaʻole. The Kapolei Heritage Center is located adjacent to the DHHL administrative building. Upon completion, the Heritage Center will provide space for gathering and recreation. Utilizing the spaces available with Phase I, the Heritage Center currently hosts programming such as Alu Like and Keiki o ka ʻĀina. With further construction, the Heritage Center will be able to increase their capacity for programming space and services provided to the homestead community.

The Villages of Kapolei Recreation Center 1 and Recreation Center 2 are private recreation centers that are on parcels owned by the Villages of Kapolei and are approximately 4 acres and 2 acres in size respectively. These recreation centers are located in the heart of the Villages of Kapolei and are open to use by members of the association. Each center has a recreation hall that includes indoor and outdoor gathering/event space and a kitchen area. These spaces are a part of the amenities available to VOKA members, which includes Maluʻōhai and Kaupeʻa homesteaders who pay monthly dues to VOKA.

Kapolei Community Park is a public park that is located on 12 acres of City and County of Honolulu lands that is adjacent to the Villages of Kapolei Recreation Centers. This park features a large open grass space, athletic courts, restrooms and playground area.

Aʻeloa Park is a private park owned by the VOKA and located on a 1.89 acre parcel in Village 2/Aʻeloa. This park features open space and has a small restroom facility.

Kapolei Regional Park is a 73 acre park that was donated to the City and County of Honolulu from the James Campbell Estate. This park features large open spaces, restroom facilities, and an archery facility, and is also the location of Puʻuokapolei, a heiau and important historical space in native history.

The Kauluokahaʻi master-planned community is an ongoing development on DHHL lands, located east of Kualakaʻi Parkway surrounding Keahumoa Parkway to the north and south. This development includes three planned park spaces. Two of the planned park spaces are located on Keahumoa Parkway to the south and are 4.3 acres and 2.8 acres in size, respectively. A third park space is located north of Maunakapu Street and is 5.9 acres in size. Combined, these planned park spaces will provide 13 acres of open space and park space on DHHL lands to serve the East Kapolei homestead communities.

The Salvation Army Kroc Community Center is located on a 12-acre parcel within Kauluokahaʻi. Recreational facilities include an athletic center with an NCAA-regulation gymnasium; a state-of-the-art health and wellness center with workout equipment and facilities for individual and group fitness; an aquatics center featuring a competition pool and a recreation pool with giant water slides; and a 3-acre multipurpose field for outdoor programs. Membership is open to the general public and scholarships for reduced rates are available.

Potential sites for these types of spaces, as discussed by participants in beneficiary consultations, could include: an open lot adjacent to Kapolei High School and Kaupeʻa Homestead that is currently owned by the HHFDC, the “Varona parcels” adjacent to Ka Makana Aliʻi Shopping Center which may potentially be

transferred to the DHHL land inventory (a transfer that is currently under review by the Department of the Interior), and East Kapolei undeveloped parcels owned by DHHL.

PAST ACTIONS

Kānehili Community Association Park

- 2018 – Licensing to KCA for the Kānehili Community Association Park for planning, design and construction.
- 2020 – Kānehili Community Association Park Phase I completed and opened for use by Kānehili homesteaders in “good standing” with the Association.
- 2021 – KCA partnered with SHADE Institute for the design of Phase II of the park.

Kapolei Heritage Center

- 2008 – Licensing to KCDC for the Kapolei Heritage Center for planning, design and construction.
- 2013 – KCDC launched a funding campaign to support the completion of Phase I of the Heritage Center.
- 2014 – Fundraising completed for Phase I of the Heritage Center, permitting and construction began.
- 2016 – Phase I of the Heritage Center completed and the facility opened for community use.

East Kapolei/Kauluokaha'i Planned Parks

- 2021 – The Kauluokaha'i master-planned community includes three planned park spaces for community use totaling 13 acres. Development of these parks will require partnerships.

COMMUNITY INPUT

Beneficiaries that participated in the Kapolei RPU Beneficiary Consultations #1 and #2 indicated that spaces are needed for keiki and youth to recreate, participate in programming and organized sports and enjoy safe areas to play. Parks and open spaces are important for 'ohana to safely access and enjoy. There is a need for spaces for the community and 'ohana to gather outdoors. Having safe spaces for walking and exercising that are nearby to the homesteads is a priority. According to the Trust for Public Land, their park program looks to provide park spaces located within a 10-minute walk for all residents. This metric of a 10-minute walk or a half a mile distance may be a good reference for homesteaders access to park or open spaces.

OBJECTIVE

Development of open spaces, parks and recreation spaces within the Kapolei Region helps to fulfill the Community Values of preserving “Natural, Cultural and Agricultural Resources”, and prioritizing “Keiki” and “Kūpuna.” This project idea also helps the region to reach its vision of establishing “*wahi pana and kīpuka...[that can be] celebrated and stewarded for future generations.*”

IMPLEMENTATION ACTION STEPS

- 1) **Establish a parks committee.** A committee of members of the various community associations/organizations is needed to explore development of park spaces in Kapolei to serve the homesteads. An new organization will need to be established or an existing organization or partnership of organizations will need to champion this project in order to move it forward. An established nonprofit organization is needed in order to engage in discussions with DHHL regarding licensing, operation and management of designated park space within the homestead. Also, having a recognized community organization/entity allows access to legislative funding to support planning and construction, as opposed

to only relying on DHHL trust funds. DHHL trust funds are primarily meant to fund the development of homestead lots for beneficiaries in accordance with its mission. Use of funds for projects other than this primary need are limited. It may take DHHL an extended period of time to be able to respond to funding needs outside of homestead development uses. Other funding sources are available such as: OHA, State and County GIA funds, etc.

- 2) **Survey the community.** Confirm the types of programs and uses that community members would like to see as a part of this project by reaching out to community members.
- 3) **Develop planned park space.** If park space is already planned for a parcel on DHHL lands, then these are the steps for the development of the planned park space:
 - a) Funding. Funding is needed for planning and design for the space. Potential funding sources include: the Legislature, DHHL grants, and/or private funding sources.
 - b) Pre-application process. A project proposal and an application for a Right of Entry Permit for the parcel will be submitted to DHHL for review. This project proposal will include a description of the applicant organization, the project, benefits to beneficiaries and DHHL, project implementation and potential timeline for implementation.
 - c) DHHL HHC approves Right of Entry permit. This approval is for a one-year limited right of entry for due diligence, including: preliminary site assessment research such as a biological review, archaeological review, etc. This information is needed for the preparation of a Master Plan and an Environmental Assessment. Prior studies may be updated if needed.
 - d) Master Plan/Special District Plan & Environmental Assessment prepared. The Applicant will prepare due diligence studies of the site, including a master plan and an environmental assessment. The environmental assessment will be published based on HRS Chapter 343 requirements.
 - e) HHC approves FONSI; and then long-term disposition. The Hawaiian Homes Commission will review the Final EA, issue a Finding of No Significant Impact, and approve the license or lease.
 - f) Permitting and other entitlements. The Applicant will secure all necessary permits and approvals as determined by DHHL in consultation with the appropriate agencies.
 - g) Site Preparation and Construction. All Best Management Practices (BMP's) and mitigation measures as outlined in the Final EA are to be followed during site preparation and construction.
 - h) Operations and Maintenance. The project is to be operated and maintained as described in the Master Plan and Final EA.
 - i) Monitoring & Reporting. This includes site visits and periodic reporting of site use.
- 4) **Identify potential locations outside of planned parks.** Locations within the homestead community located on lands not currently designated for community use or on available adjacent lands that are not a part of the DHHL land inventory should be identified as potential sites for a park.
- 5) **Land Use Designation Amendment.** Depending on the location identified and the needs of the program(s), a land use designation amendment may be necessary. The steps to achieve this change are as follows:
 - a) Select a lot.
 - b) Propose a change to the land use designation from homestead residential use to community use or commercial use (depending on services and programs identified).
 - c) Approach Commissioner(s) to garner support for the proposed change.
 - d) Submit a proposal to the Planning Office and the Chairman to amend the O'ahu Island Plan.
 - e) Departmental review of the proposal.

- f) Beneficiary Consultation. This is required for any change to existing land use designation. Previous beneficiary consultation through the Regional Plan Update process may meet the beneficiary consultation requirement for the project. This beneficiary consultation is required specifically for a change to the land use designation in the O'ahu Island Plan.
 - g) Departmental recommendation to HHC.
 - h) HHC Approval needed to change Land Use Designation and amend the O'ahu Island Plan.
- 6) **Develop park space on non-DHHL lands.** For locations that are outside of the DHHL land inventory, these are the steps to develop park space for homesteaders in these locations.
- a) The Community and the Landowner will need to reach an access agreement.
 - b) Is this land on State/County lands? Private lands? Identify the specific permitting and other entitlements needed to use non-DHHL lands.
 - c) Project Planning and Design.
 - i) Establish long-term administration and community management of the site.
 - ii) Develop budgets for acquisition, development and maintenance of the site.
 - d) Funding: Potential funding sources:
 - i) Legislature
 - ii) DHHL grants
 - iii) Private funding
 - e) Develop the amenities of the space.
 - f) Conduct on-going operation, maintenance, and security.

1./2. Create a Kūpuna Living Community

PROJECT DESCRIPTION

Kapolei homesteaders would like to see an alternative living option for kūpuna within the region so that they may have access to all the facilities and services needed for them to comfortably age in place. As kūpuna age, they may wish to leave their larger home and downsize to a living space that is more suited for their needs. The development of a vibrant kūpuna living community that provides not just residential spaces, but also support facilities and services for kūpuna would allow beneficiaries to live out their lives in Kapolei, surrounded by their families and community.

One model for the envisioned Kūpuna Living Community in Kapolei is the Waimānalo Kūpuna Project, Kūlanakauhale Maluhia o Nā Kūpuna. This project is an 8-acre development that consists of 85 apartments, a resident manager's apartment, and common areas. This housing development is located on DHHL lands off of 'Ilaule Street in Waimānalo. Rental apartments are available to elderly or senior (55 years of age or older) DHHL beneficiaries at rates affordable to low or moderate income families. The project cost approximately \$11.5 million and was financed by a combination of funds from the Office of Hawaiian Affairs (OHA), Federal Home Loan Bank of Seattle grants, Low Income Housing Tax Credits, the State Rental Housing Trust Fund, private lenders and loans from DHHL. Pacific Housing Assistance Corporation was selected to both develop and manage the rental project. Construction began in September 2000 and was completed in March 2002, with the first tenants able to move-in the following month in April 2002.

Another potential model for the Kapolei Kūpuna Living Community is the planned DHHL development in Mō'ili'ili on the site of the Old Stadium Bowl-o-Drome. This project is for a 23-story high-rise building and accompanying low-rise townhomes that will offer a total of 270 units. This project will include: an apartment tower with studios, one-bedroom, two-bedroom and three-bedroom units; seven three-bedroom townhouse units; and a parking structure. The project will also include 4,680 square feet of commercial space at ground level with at-grade parking stalls. This commercial/retail component will help to subsidize the costs of operating and maintaining of the development. Part of this development includes units available to kūpuna beneficiaries. Stanford Carr Development was selected by DHHL as the developer for this project in early 2020. Construction is likely to be completed in mid-2024. This project is estimated to cost \$137 million in total.

A 2014 report completed for DHHL by PlanPacific, Inc. looks at alternative housing development models, including Kūpuna Housing. This report mentions that there is a strong preference for living in extended family/multi-generational households. Staff at Lunalilo Home shared that the care home model is an unsustainable model due to the difficulty in raising money to develop, operate and maintain the facility, and also because smaller-scale facilities or in-home care are more desirable, especially for those of modest means. There is a preference to integrate care into families and communities rather than separating elders from their families and communities. Lunalilo Home staff mentioned establishing a physical hub in Kapolei or the leeward region to provide support services such as meal preparation and delivery, eldercare training, nursing assistance, licensing assistance, housekeeping, and substitutes when primary home-based caretakers are on vacation or leave.

This report also looked at options for kūpuna who may wish to live independently but would like to be in a community with age-peers and nearby family and friends. A housing community designed to accommodate kūpuna aged 55 years of age and above could help to reach beneficiaries who do not have the financial means to purchase a single-family dwelling in a DHHL homestead.

The Kūpuna Living Community in Kapolei is envisioned to have small residential units designed for single or double occupancy. These may potentially be affordable rental units, similar to the Kūpuna Rental Units that are located in Waimānalo or the units that are planned for Mō'ili'ili. Support facilities may include a

commissary to shop, a cafeteria to eat, outdoor spaces to garden, and on-site laundry facilities. Spaces for indoor and outdoor recreation would be found throughout the Kūpuna Living Community. This place ideally would be located within the Kapolei region and would provide long-term living opportunities for kūpuna beneficiaries. Additional facilities may include a place of worship and a place of rest or cemetery.

PAST ACTIONS

- 2002 – Kūlanakauhale Maluhia o Nā Kūpuna (Waimānalo Kūpuna Project) completed & first tenants occupy units.
- December 2014 – PlanPacific, Inc. completed a report on Alternative Housing Development Models for DHHL, including Kūpuna Housing options.
- 2020 – Stanford Carr Development selected for Mō'ili'ili Affordable Rental project to include kūpuna housing options.
- January 2020 – Beneficiary Consultation for Kauluokaha'i TOD station with Kapolei beneficiaries. Participants discussed a need for kūpuna housing options in Kapolei.

COMMUNITY INPUT

At Beneficiary Consultations #1 and #2, participants discussed the importance of kūpuna in the region and in the community and identified a need for a community and housing development to serve kūpuna needs. The vision for this Kūpuna Living Community includes a vibrant community with housing and support facilities that allows kūpuna to age in place within their community in Kapolei. This development would serve kūpuna such as, (1) those who wish to downsize from a larger single-family dwelling into something smaller and more manageable and convenient and (2) kūpuna beneficiaries on the waitlist who do not have the financial resources to secure financing for a single-family dwelling.

OBJECTIVE

This project helps to fulfill the community value of Kūpuna: *“Traditionally, kūpuna held an important role and place in native Hawaiian society. Spaces and resources in Kapolei are used to create full and healthy lives for kūpuna as they age in place.”* Creation of a Kūpuna Living Community would help to create full and healthy lives for Kapolei kūpuna to age in place. This project also helps to achieve part of the vision for the region: *“Kapolei is a growing region that looks to its history, mo'olelo, 'āina and kūpuna to build a strong foundation for the homestead communities.”* This vision prioritizes kūpuna within the Kapolei community and identifies how important kūpuna are to building strong foundations for homestead communities.

IMPLEMENTATION ACTIONS STEPS

- 1) **A project champion is identified.** The Waimānalo Kūpuna Housing project was initiated by the Waimānalo Community and OHA, and was developed by DHHL. The Bowl-o-Drome redevelopment project is not explicitly a kūpuna housing project. This project was initiated by DHHL. A developer was hired by DHHL to design, build, finance and manage the facilities. The Ho'omaka Marketplace is licensed to KCDC, and KCDC secured a developer to partner with its organization for the design, development and funding of the project. A community organization or DHHL may be the project champion for this project.
- 2) **Outreach with kūpuna.** It is important to outreach to kūpuna beneficiaries in order to confirm the physical and programmatic components of this project. A commercial component may be included in order to off-set the rental income needed for on-going maintenance of the facilities.

- 3) **Develop criteria.** Criteria is needed to identify the types of spaces that would best fit the proposed physical and programmatic needs for the kūpuna living community as identified by kūpuna beneficiaries.
- 4) **Identify potential locations.** Locations within the homestead community or on available adjacent lands should be identified as potential sites for a kūpuna living community.
- 5) **Land Use Designation Amendment.** Depending on the location identified and the needs of the program(s), a land use designation amendment may be necessary. The steps to achieve this change are as follows:
 - a) Select a lot.
 - b) Propose a change to the land use designation from homestead residential use to community use or commercial use (depending on services and programs identified).
 - c) Approach Commissioner(s) to garner support for the proposed change.
 - d) Submit a proposal to the Planning Office and the Chairman to amend the O'ahu Island Plan.
 - e) Departmental review of the proposal.
 - f) Beneficiary Consultation. This is required for any change to existing land use designation. Previous beneficiary consultation through the Regional Plan Update process may meet the beneficiary consultation requirement for the project. This beneficiary consultation is required specifically for a change to the land use designation in the O'ahu Island Plan.
 - g) Departmental recommendation to HHC.
 - h) HHC Approval needed to change Land Use Designation and amend the O'ahu Island Plan.
- 6) **Acquire Lands.** If no location within the homestead can be identified, an adjacent location could be acquired and added to the Hawaiian Home Lands inventory. The process for land acquisition is as follows:
 - a) Select a lot.
 - b) Beneficiary consultation is required to discuss the acquisition of lands and designation of land use in the O'ahu Island Plan.
 - c) Approach Commissioner(s) to garner support for the land acquisition.
 - d) Consultation with the U.S. Department of Interior.
 - e) HHC Approval needed to acquire lands.

3. Support Heritage Center and Community Commercial Development (Previous Priority Project).

PROJECT DESCRIPTION

The Kapolei Heritage Center is operated and managed by the KCDC. This project was developed to fulfill the community's need for space for programming, gathering, cultural practices and more. Support for the Heritage Center and a community commercial development was selected by Kapolei beneficiaries as a priority project in the 2010 Kapolei Regional Plan and remains a priority in the region today.

A funding campaign began in 2013 to secure funds for the development of the first phase of the Kapolei Heritage Center. Phase I of the Heritage Center includes two classrooms, restrooms, a small parking area, and a commercial kitchen space. Phase I was completed in 2016 and the Heritage Center opened for community use in July of that same year. Phase II and Phase III of the Heritage Center are planned to include a hālau, or large covered gathering space, and an administrative building which will provide more classrooms and a gallery dedicated to celebrating Prince Jonah Kūhiō Kalanianaʻole.

Funding for Phases II and III are planned to come from revenue generated from a community commercial development that will also be located in Kapolei. KCDC has a license agreement for a five-acre parcel at the corner of Kualakaʻi Parkway and Kapolei Parkway. This site is adjacent to the Kānehili Community Association Park and located mauka of Ka Makana Aliʻi Shopping Center. This commercial development is called Hoʻomaka Marketplace, and is expected to feature the following anchor businesses: Longs Drugs, Chic-fil-A, 7-Eleven, and Hele gas station. There will be other retail spaces available in the marketplace, as well as an eleemosynary space for community use. Revenue generated from the tenants of Hoʻomaka Marketplace will be used to fund the build out of Phases II and III of the Heritage Center. It is important to understand that these two spaces go hand in hand; revenue generated from the community commercial development is critical for the on-going development of the Kapolei Heritage Center.

The projected cost for design and construction of Phase II and Phase III of the Kapolei Heritage Center will be \$3-\$5 million for each phase. The projected timeline for the build out of these phases is linked to the completion and successful operation of Hoʻomaka Marketplace. The Hoʻomaka Marketplace is expected to break ground in 4th quarter of 2021. Construction is estimated to take approximately 12 months to complete. Hoʻomaka Marketplace could be open for operation as early as late 2022.

The Kapolei beneficiaries would like the Heritage Center to continue its ongoing and planned programming and would also like to see additional programming such as: youth and young adult education programs, cultural and historical education programs, a program to make the built environment more reflective of Kapolei's unique native roots (ex: murals, art, native landscaping, etc.), support for cultural celebrations in common spaces, and programs to support economic development for homesteaders.

PAST ACTIONS

- 2008 – KCDC established. KCDC acts as champion for the development of the Kapolei Heritage Center and Community Commercial Development (Hoʻomaka Marketplace). Licensing agreement for Kapolei Heritage Center and Hoʻomaka Marketplace.
- 2010 – “Support Heritage Center and Community Commercial Development” selected as a priority project in the 2010 Kapolei Regional Plan.
- 2013 – Funding campaign to support Phase I planning, design, development and construction.
- 2015 – Construction of Phase I of the Heritage Center.
- 2016 – Kapolei Heritage Center Phase I completed featuring classrooms, restrooms, parking and a commercial kitchen.

COMMUNITY INPUT

- Supporting the Heritage Center supports programming in the region. The Heritage Center should provide these types of programs in addition to the resources and programming that is already available:
 - Create youth and young adult education programs
 - Support programs that provide cultural and historical education
 - Create a program to make the built environment more reflective of Kapolei's unique native roots (ex: murals, art, native landscaping, etc.)
 - Support cultural celebrations in common spaces
 - Support economic development for homesteaders

OBJECTIVE

This project helps to fulfill the community values of wahi pana and self-sufficiency. "Wahi pana, of old and new, throughout the region are used by the community to gather and practice their culture." The Kapolei Heritage Center is a wahi pana in the region and completion of the Center's planned phases helps the region to reach its goal of having wahi pana available to the homesteads. "All the things that homesteaders need to have a healthy, thriving community can be found within the region" is a part of the value of self-sufficiency. Completion of the Ho'omaka Marketplace and the Kapolei Heritage Center helps to further the community's goal for self-sufficiency. Ho'omaka Marketplace offers commercial and retail spaces and services for the community, and revenue generated from this commercial development will be used to help develop the Kapolei Heritage Center fully and to fund necessary programming to support the homestead communities.

IMPLEMENTATION ACTIONS STEPS

- 1) **Permitting and construction.** KCDC to complete the permitting and construction of Ho'omaka Marketplace, Kapolei homesteads' community commercial development.
- 2) **Open Ho'omaka Marketplace.** KCDC to open Ho'omaka Marketplace to the public including retail spaces, restaurants/food vendors, gas stations, etc.
- 3) **Funding.** Development of Phase II and Phase III of the Heritage Center is contingent on collecting revenue generated from the Ho'omaka Marketplace. Potential other funding sources include:
 - a) Legislative Grant-in-Aids
 - b) DHHL grants
 - c) OHA grants
 - d) Federal grants
 - e) Private funding (grants and/or financial products)
- 4) **Permitting and other entitlements.** The Applicant will secure all necessary permits and approvals as determined by DHHL in consultation with the appropriate agencies.
- 5) **Site Preparation and Construction.** All Best Management Practices (BMP's) and mitigation measures as outlined in the Final EA, EIS or EA Exemption are to be followed during site preparation and construction.
- 6) **Operations and Maintenance.** The project is to be operated and maintained as described in the Master Plan and Final EA, EIS or EA Exemption.
- 7) **Monitoring & Reporting.** This includes site visits and periodic reporting of site use.

4./5. Support the development of a Hawaiian-Focus School/Hawaiian Immersion School

PROJECT DESCRIPTION

Kapolei homesteaders would like to see the creation of a Hawaiian-Focus/Immersion School for children and youth in the region. This school could be a part of the Department of Education (DOE) current or planned schools in the Kapolei region and would include a partnership with the DOE for development and operation. Currently phase 1 of the new middle school located in East Kapolei is operational, and phase 2 is in designs. There are parcels designated for a new elementary school in the Kauluokaha'i Master Plan. The Hawaiian-Focus School/Hawaiian Immersion School could also be a public charter school which focuses on native language and culture as pillars of the curriculum. This may include a partnership with or creation of an educational entity capable of establishing and operating such a school.

There are currently no educational opportunities for Hawaiian language immersion or Hawaiian culture-focused schools within the Kapolei region. The nearest Hawaiian Language immersion schools are for grades K-6 at Nānākuli Elementary in Nānākuli/Wai'anae and Waiau Elementary in Pearl City. Pū'ōhala Elementary in Kāne'ohe offers immersion from grade K-8. There are two immersion schools that offer high school education on O'ahu: Kahuku High & Intermediate in Kahuku on the North Shore and 'Ānuenue located in Honolulu. The nearest Hawaiian-focused charter schools are Ka Waihona o ka Na'auao and Kamaile Academy, both located on the Wai'anae Coast.

The Kapolei Heritage Center is interested in supporting the development of a Hawaiian Immersion/focused school to serve the homestead communities. In recent conversations with Pūnana Leo, the Hawaiian immersion program for pre-k students, the Kapolei Heritage Center facilities were found to be unable to meet the needs of the program at this time. There is not enough space for added programming during weekday/daytime hours. Completion of Phase II of the planned development for the Heritage Center will double and triple the programming space available. Once Phase II is completed, the Kapolei Heritage Center may have enough space to support a Pūnana Leo program at its facilities.

As a growing community with native Hawaiian families, Kapolei should provide more educational opportunities to support native Hawaiian youth in education. Kapolei is projected to be the largest concentration of native Hawaiians in the world at full build-out with 2,000 homesteads currently planned in the region. A school to provide curriculum to educate native students in the region is critical in building a thriving native community.

PAST ACTIONS

- n/a

COMMUNITY INPUT

There is a critical need for a school in Kapolei that can offer focused curriculum on 'ike and 'ōlelo Hawai'i, or Hawaiian culture and language. This would offer benefits to the community in Kapolei and offer more support for native keiki and youth. This project is envisioned to be a full school with a Hawaiian immersion/focused curriculum, and not just a class or small program offered in the community. This would be an option for students in the region who would rather seek this type education rather than the traditional public schools that offer a standard curriculum.

OBJECTIVE

This project will fulfill the community value of Keiki. “Resources for ‘ōpio and keiki are a priority. There are... programs for them to learn...near their homes.” This project would help to create a place for homestead children to be educated in their native language and culture. This project also helps to fulfill the vision for Kapolei: “Kapolei is a growing region that looks to its history, mo‘olelo, ‘āina and kūpuna to build a strong foundation for the homestead communities.” A Hawaiian immersion/focused school would be a part of the strong foundation needed for homestead communities in the region.

IMPLEMENTATION ACTIONS STEPS

- 1) **Form a committee.**
- 2) **Identify potential partnerships.** Organization/committee to identify potential partnerships to support the development of this project in Kapolei.
- 3) **Develop criteria.** Criteria is needed to identify the types of spaces that would best fit the proposed physical and programmatic needs for the kūpuna living community as identified by kūpuna beneficiaries.
- 4) **Identify potential locations.** Locations within the homestead community or on available adjacent lands should be identified as potential sites for a kūpuna living community.
- 5) **Locate at the Kapolei Heritage Center.** If located at Kapolei Heritage Center, then the following steps should be followed:
 - a) KCDC to formalize partnership agreement with Pūnana Leo to provide educational opportunities at the Kapolei Heritage Center.
 - b) KCDC to complete Phase II of its Heritage Center Development.
- 6) **Select a site.** If a different site is selected, these are the steps to be followed:
 - a) The Community and the Landowner will need to reach an access agreement.
 - b) Review specific permitting and entitlements needed for compliance with use of selected lands.
 - c) Funding. Potential funding sources include:
 - i) DOE funding
 - ii) Legislature
 - iii) DHHL grants
 - iv) OHA grants
 - v) Kamehameha Schools
 - vi) Private funding
 - d) Planning and construction.
 - e) Operation and maintenance.

4./5. DHHL should provide more options for communication in the homesteads other than Sandwich Isles Communications (SIC) contract

PROJECT DESCRIPTION

Homesteaders in Kapolei have expressed that they are dissatisfied with the quality of their telecommunications service from Sandwich Isles Communication. They would like to solicit service from other telecommunications providers on-island such as Hawaiian Telcom, Spectrum, etc. Kapolei homesteaders would like the option to seek telecommunications services elsewhere to better fit their needs.

COMMUNITY INPUT

At Beneficiary Consultation #2, participants identified service issues with SIC. Homesteaders stated that the quality of their service from SIC is poor, and they would prefer to seek service from other telecommunications providers who are better able to meet their needs.

OBJECTIVE

This project helps to fulfill the community value of self-sufficiency, “Kapolei is a place where people can live, work and play. All the things that homesteaders need to have a healthy, thriving community can be found within the region.” The ability to obtain quality telecommunications services in Kapolei would further the objective of having what is needed to have a healthy, thriving community. Access to good quality telecommunications services is a critical need for Kapolei homesteaders.

IMPLEMENTATION ACTION STEPS

For Commercial Lessees:

- 1) Abide by the terms of the lease agreement, including limitations to telecommunications providers until a resolution to the constraints of the *perpetual license agreement with exclusivity jurisdiction* is implemented.

For Homestead Lessees:

- 1) Beneficiaries can start to keep a diary and/or documentation of service issues, requests and outcomes to illustrate their communication needs and challenges and share such information with regulatory authorities like the Public Utilities Commission or Federal Communications Commission that may have jurisdiction over telecommunication or broadband services and providers like Sandwich Isles Communications.

**HAWAIIAN HOMES COMMISSION
NOVEMBER 15 & 16, 2021
INTERACTIVE CONFERENCE
TECHNOLOGY**

**J – ITEMS
REQUESTS TO ADDRESS THE
COMMISSION**

STATE OF HAWAI‘I
DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP
Tuesday, November 16, 2021

J AGENDA INDEX

- | | |
|-----|---|
| J-1 | Richard Malaki – Nānākuli Neighborhood Community |
| J-2 | Allen Cardines – Nānākuli Neighborhood Community |
| J-3 | Kekoa Enomoto – Pa‘upena CDC |
| J-4 | Cora Schnackenberg – Ahonui Homestead Association |
| J-5 | Donna Sterling - Kahikinui |
| J-6 | Blossom Feiteira - Various |
| J-7 | Naomi Mitchell - Various |
| J-8 | Al Hee – Waimana |

From: richard malaki <richardmalaki85@yahoo.com>
Sent: Wednesday, October 20, 2021 9:27 PM
To: Burrows-Nuuanu, Leatrice W
Subject: [EXTERNAL] RE: New submission from Submit J-Agenda Testimony

Hi, my name is Richard Malaki. I reside at 89-1143 NANIAHIAHI PL. I'm currently a Block Captain of the Nanakuli Neighborhood Security Watch (NSW) Team.

Here's a brief NSW report for October:

89-1137 Naniahiahiahi Place, Nanakuli, Oahu

Our NSW Team realized that the current lessee is deceased and there has yet to be a successor named. In the meantime, unwelcomed squatters were occupying this residential lot and conducting drug activity and other combative and confrontational situations on the premises that ultimately led to one of the squatters setting the house of fire on March 10, 2021.

Thanks to HPD, Juan Garcia and Chair Aila for taking swift action and issuing a NOTICE OF TRESPASS instructing squatters to vacate the property IMMEDIATELY and we no longer have problems with squatters.

Unfortunately, as time passed this home that was destroyed by the fire and residential lot is now a fire hazard due to the overgrown vegetation and is also infested with rats and mice. We look forward to the ongoing support from Juan Garcia and Chair Aila to resolving this issues.

89-136 Naniahiahiahi Street, Nanakuli, Oahu

Our NSW Team discovered that the current lessee is deceased and there has yet to be a successor named. We believe the successor is Leina'ala Iokua.

Nauseous smell of chemical is coming from alleged illegal and nuisance activities on the property.

The family at 98-144 Naniahiahiahi Street needs help to resolve this situation. The nuisance is interfering with the right to enjoy her property and home she is losing sleep and afraid to be home by herself.

89-217 Pua Avenue, Nanakuli, Oahu

Our NSW Team has recently learned that the current lessee is deceased and there has yet to be a successor named.

Resident Of Complaint: Jesse Olaguera

Here's a summary of infractions we have witnessed that has been ongoing dating back to January 1, 2020 at the stated above residency.

1. High volume of which appears to be drug trafficking used and distributed by above name (Jesse Olaguera) and associates during ALL hours. (Crystal Meth and Glass Pipes).
2. Mass rotation of squatters entering, departing and sleeping in abandoned vehicles and pop up tents on said property.
3. Threats and assault by associates of above residency towards other Pua Avenue Residence.
4. Domestic violence amongst associates camping on property.
5. Nuisance to Pua Avenue community.
6. Known sex Offenders on the property. (Robert "Bobby" Caspino)
7. Ruanacy: Female Teenagers on property during school hours.
8. Abandoned (cars, trucks, vans, mopeds etc.,)
9. Property is Potholed and Fire Hazardous with filth which endangers the Pua Avenue Community.
10. Property has NO electricity for years.
11. Property has NO water for years.

We the residence of Pua Avenue humbly request that Department Of Hawaiian Homeland would consider activating a NO Trespassing to the 89-217 Pua Avenue property until further investigation is completed. Please help us to create a Safe and Peaceful community at Pua Avenue.

We hope DHHL can issue a NOTICE OF TRESPASS instructing squatters, drug users, teenagers, and troublemakers to vacate the property IMMEDIATELY.

89-435 Keaulana Avenue, Nanakuli, Oahu

Our NSW Team is working to confirm recent reports.

89-49 Laumania Avenue, Nanakuli, Oahu

From: dhhl.icro1@hawaii.gov
Sent: Saturday, October 09, 2021 5:22 PM
To: Burrows-Nuuanu, Leatrice W
Subject: New submission from Submit J-Agenda Testimony

Name
Allen Cardines
Email
acardinesjr@gmail.com
Message
Nanakuli Neighborhood Security Watch (NSW) Update

From: Kekoa <kenomoto1@hawaii.rr.com>
Sent: Monday, November 01, 2021 1:48 PM
To: Burrows-Nuuuanu, Leatrice W
Cc: Aila, Paula; Randy Awo; Liko Wallace NA`IWA; Kainoa Lei MacDonald AHHL; Kealapono (Donna Dean) Sterling KAHIKINUI; The Rev. Velma Mariano PAUKUKALO; Kekaialoha Keahi HONOKOWAI; Tamara Paltin COUNCIL; Christi A. Keli`ikoa COUNCIL
Subject: [EXTERNAL] Maui undivided-interest list

Aloha mai e Leah,

Ke `olu`olu, may I pls RSVP to advocate, on behalf of the Maui/Lana`i Mokupuni Council, on the J Agenda during the 11/15/21 Hawaiian Homes Commission meeting at/after 11 a.m. that day via Zoom.

I w/reiterate Commissioner Randy Awo's and the Mokupuni Council's requests that DHHL provide an updated Maui undivided-interest list; so beneficiary leaders can prepare the top 240 Valley Isle UI lessees about 161 Pu`unani lot selections to start in mid-2023.

Also, I w/propose that DHHL fill an estimated 60 Waiohuli undivided-interest empty slots, to preserve as many entitlements as possible of successor beneficiaries w/less than 50 percent Hawaiian blood quantum.

Mahalo,

-`Anake Kekoa

From: dhh1.icro1@hawaii.gov
Sent: Monday, November 01, 2021 11:18 AM
To: Burrows-Nuuanu, Leatrice W
Subject: New submission from Submit J-Agenda Testimony

Name
Cora Schnackenberg
Email
cora.schnackenberg@yahoo.com
Message
Will be emailed.

From: donna sterling <dhelekunihi44@protonmail.com>
Sent: Monday, November 01, 2021 11:27 AM
To: Burrows-Nuuanu, Leatrice W
Subject: [EXTERNAL] J agenda November 2021 commission mtg

Aloha Leah

Please put my name on the j agenda item for the upcoming commission mtg.

Mahalo

Donna Dean Sterling

Sent from ProtonMail for iOS

From: Blossom Feiteira <blossom@hawaiiancouncil.org>
Sent: Tuesday, May 11, 2021 1:11 PM
To: Burrows-Nuuanu, Leatrice W
Subject: [EXTERNAL] Re: Testimony for the Packets.

On May 11, 2021, at 12:02 PM, Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov> wrote:

Please add me to the HHC J Agenda

Mahalo,

Aloha Naomi,

The form to sign up for public testimony and J Agenda testimony is on this link: <https://dhhhl.hawaii.gov/hhc/testimony>.

Mahalo, Michelle for noting the 2 week deadline for J Agenda requests. The dates of our meetings, deadlines for J agenda requests, and the difference between the types of testimonies are also found on the testimony page.

Mahalo,

Leah Burrows-Nuuanu
Hawaiian Homes Commission
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway
Kapolei, HI 96707
Phone: 808 620 9503/ Fax: 808 620 9529
Email: Leatrice.W.Burrows-Nuuanu@hawaii.gov

From: Brown, Michelle W <michelle.w.brown@hawaii.gov>

Sent: Thursday, October 14, 2021 1:24 PM

To: naomi mitchell <kalaeloa1@gmail.com>; Omi Mitch <kalaeloa10@gmail.com>

Subject: Request to be placed on the Commission Meeting Agenda

<https://dhhhl.hawaii.gov/hhc/hhc-contact/>

Aloha Naomi

It was so nice to hear your voice and per part of our conversation requesting to address the commission.

Click on the link above and it will take you directly to the Hawaiian Homes Commission meeting site you can fill in the form and Commission Secretary Leah Burrows-Nuuanu will be in touch with you regarding your request.

Just please keep in mind request need to be submitted at least 2 weeks prior to Commission Meeting which fall on every 3rd Monday and Tuesday of each month unless if a Monday falls on State Holiday.

You may request for November 15 & 16, 2021 meeting.

From: alhee@waimana.com <alhee@waimana.com>

Sent: Tuesday, November 2, 2021 3:14:09 PM

To: Aila Jr, William J <william.j.ailajr@hawaii.gov>; leah.burrows-nuuanu@hawaii.gov <leah.burrows-nuuanu@hawaii.gov>

Cc: Patricia Teruya <pattyteruya@gmail.com>; Dennis Neves <dneves71@gmail.com>; Pauline Namuo <pnamuo@gmail.com>; rkaupu808@gmail.com <rkaupu808@gmail.com>; Zachary Helm <zackhelm@yahoo.com>; David Kaapu <makaliu@aol.com>; Randy Awo <randyawo@gmail.com>; Michael Kaleikini <mkaleikini@ormat.com>; Kawaihae, Niniau <niniau.kawaihae@hawaii.gov>; Brown, Michelle W <michelle.w.brown@hawaii.gov>; Masagatani, Jobie K <jobie.k.masagatani@hawaii.gov>; Duarte, Cedric R <cedric.r.duarte@hawaii.gov>

Subject: [EXTERNAL] RE: Request to address the Commission

[Aloha Chairman Aila!](#)

Now that the November 1, Court hearing has taken place and the extent of HHL involvement in seeking to enrich Hawaiian Telcom while preventing Sandwich Isles from fulfilling its License requirements and jeopardizing service to Homesteaders was made public, I again request a meeting with you to find out what changes need to be made to License 372 in order for the HHC and DHHL to once again fully support it.

I also request to address the HHC at the November meeting to give the Commissioners another view point then they will be receiving in executive session of what occurred at the November 1, 2021 Bankruptcy Court hearing. The attorney representing the HHC made an impassioned plea during that hearing. I will have excerpts from the hearing that show the HHL's attorney remarks reflecting concern for continued service do not extend to the Homesteaders. Your support of Hawaiian Telcom's motion has resulted in the Court not enforcing the agreements Sandwich Isles negotiated which required FREE capacity on the Paniolo network for the use of continued service to Homesteaders. **Homesteaders may soon be faced with an increase in the amount they are required to pay because of your support unless the HHC acts to require Hawaiian Telcom to honor those agreements.** This can easily be done by rejecting Hawaiian Telcom's Right of Entry. HHL is supposed to be used for the benefit of beneficiaries not to let Hawaiian Telcom make hundreds of millions of dollars.

Finally, I request the HHC order DHHL to stop violating License 372. DHHL's violations which I have detailed in the three previous hearings is detrimental to Homesteaders receiving service. The License is a contract which requires DHHL's support in order for the beneficiaries to receive its benefits.

Pau,
al