

HAWAIIAN HOMES COMMISSION

Minutes of November 15, 2021 via Interactive Conferencing Technology (ICT)

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

PRESENT

William J. Ailā Jr., Chairman
Randy K. Awo, Maui Commissioner (via ICT)
Zachary Z. Helm, Moloka‘i Commissioner (via ICT)
David B. Ka‘apu, West Hawai‘i Commissioner (arrived 11:15 am)
Michael L. Kaleikini, East Hawai‘i Commissioner (via ICT)
Russell K. Ka‘upu, O‘ahu Commissioner (via ICT)
Pauline N. Namu‘o, O‘ahu Commissioner (via ICT)
Dennis L. Neves, Kauai Commissioner (via ICT)
Patricia A. Teruya, O‘ahu Commissioner (via ICT)

COUNSEL

Katie Lambert, Deputy AG

STAFF

Tyler I. Gomes, Deputy to the Chairman
Leah Burrows-Nuuanu, Secretary to the Commission
Andrew Choy, Acting Planning Manager
Kahana Albinio, Acting Land Management Division Administrator
Juan Garcia, Homestead Services Division Administrator
Cedric Duarte, Information & Community Relations Officer
Stewart Matsunaga, Acting Land Development Division Administrator
Paula Ailā, Acting Contact and Awards Division Administrator
Jamilia Pacheco, Information Specialist
Michael Lowe, Information Specialist

ORDER OF BUSINESS

CALL TO ORDER

Chair Ailā called the meeting to order at 9:32 a.m. eight (8) members were present via ICT at roll call.

Pursuant to the Governor’s emergency proclamation, related to COVID-19 Emergency, Hawai‘i Revised Statutes (“HRS”) Chapter 92 regarding public agency meetings and records are currently suspended through November 30, 2021, to the extent necessary to enable boards to conduct business without holding meetings open to the public and to allow state agencies the ability to effectively and efficiently provide emergency relief and engage in emergency management functions.

Chair Ailā reminded Commissioners that although Act 220 does not take effect until January 2022, meetings via interactive conference technology have specific rules. Commissioners must say who else is present for open meetings if anyone is in the room with you. Cameras must be kept “on” unless you are excusing yourself from the meeting. A quorum of Commissioners must be visible during the meeting. No one can be in the room with you or hear the conversation in the executive session. You will need to confirm this with the Chairman. You don’t need to be visible during the executive session, and cameras can be turned off.

Chair Ailā noted three beneficiaries signed up for the virtual Public Testimony. The Commission will recess around noon for lunch and convene into executive session.

Chair Ailā stated Items D-6 and D-15 would be moved later in the agenda and taken up before executive session.

APPROVAL OF AGENDA

MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES FOR OCTOBER 11, 12, & 13, 2021, AND OCTOBER 18 & 19, 2021

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the October 11, 12, & 13, 2021 Minutes. Motion carried unanimously.

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Neves, to approve the October 18 & 19, 2021 Minutes. Motion carried unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Moses Haia, Item D-6

M. Haia testified that DHHL is seeking to approve the cancellation of his O'ahu residential application and his Hawai'i island pastoral application, both applications being dated June 9, 1988. According to DHHL staff, "the applicant cannot substantiate native Hawaiian ancestry." His father was determined to be 100% Hawaiian, and in 1988, based on that determination, his father filed beneficiary applications for each of his six biological children. Based on his dad being 100% native Hawaiian, DHHL awarded his dad a Waimanalo lease in 1992. In 1996, he was awarded a residential lease 1996 at the Kalawahine Streamside; all this was based on his father being 100% Hawaiian and him being at least 50% Hawaiian.

M. Haia testified that the DHHL staff revisited the public record and relied on a pre-existing 1953 record to overturn its official ruling and actions to find him unqualified. He stated the situation stemmed from DHHL's failure of due diligence to search for the record resulting in the official record that his father and his siblings were qualified beneficiaries of the Hawaiian Homes Act. The lack of due diligence is solely responsible for the current situation and position that the Department seeks to take.

M. Haia stated he did not know that the proposed action relative to him would be considered at today's meeting. He found out about it from a friend who was reviewing the plan. He wonders if any other named beneficiaries of Item D-6 were provided with official notice of the proposed action, so they can address the Commission. Taking official action by an agency whose decision would impact one's legal rights, absent of official notice to that person, is a clear violation of one person's right to due process. He is left with no choice but to seek legal redress should any action be taken on this agenda item before being given a chance to work with the Commission and DHHL on this issue.

Chair Ailā asked if M. Haia was seeking to request a contested case. M. Haia stated if the decision was to unqualify him. Chair Ailā stated request for a contested case is required in writing, and the Commission may consider taking his testimony as a written request for a contested case hearing.

Commissioner Awo stated this is a recurring concern regarding due process, proper notification, and the right and fairest path of notifying a beneficiary that they no longer meet the blood quantum. It is more appropriate to notify the beneficiary before the Commission renders a disqualification decision. Not everyone looks at the agenda or knows that their blood quantum is questioned. The Department approves someone to qualify as a lessee, and then years later, new information reduces that lessee's blood quantum. What happens when the Department fails to act properly? The Department failing to act properly always falls on the beneficiary, which is life-changing for the beneficiary with no accountability to the Department. It is alarming that the Department can act with impunity for their failures and impose consequences on the beneficiary who has invested in constructing a home. When homes in Hawai'i cost \$1 million, no compensation can make that beneficiary whole again.

Commissioner Neves stated he agrees with Commissioner Awo. He stated he is not advocating for a lawsuit but to make things clear. There should be a notice to the beneficiaries before the Commission addresses the matter.

Commissioner Namu'o stated this is a policy that the Commission needs to review. Commissioner Kaleikini stated he thinks that staff has put in hard work, and time should be given to look at things, if there is an error, to share their thoughts on how they came to where it is at.

M. Haia stated if the Department can prove that his family hid the information or knew about it and did not say anything, that is a different story. If the Commission can prove that the only way staff would have run into this information is if he and his family were the only ones who had the information and did not disclose it. That is the other side of the coin where the Commission starts to determine if the information is "newly discovered."

PT-2 Blossom Feiteira, Various Agenda Items

B. Feiteira stated for Item D-6, she found a Maui beneficiary on the waitlist whose application rights are on the list for disqualification. He was contacted and informed by the Department that he would be disqualified, and when asked why, he was told by staff that they received new information from another applicant. He asked who it was and was denied the information because it was confidential. His sister is on the same list. B. Feiteira stated that she would assist them in filing for a formal request for a contested case hearing. The beneficiary received his lease as a transfer from his mother, and because of his blood quantum in question, his future for his children, grandchildren, and future generations are lost. She asked that the Commission take a step back and look at the risk and loss to the beneficiaries. For Item F-1 she supports Kukulu Kumu Hana and encourage the Commission to approve. For Item, C-3 B. Feiteira stated this topic had been discussed for over 15-years about how the land can generate the revenue needed to move the beneficiary entitlements forward.

PT-3 Cynthia Wong, Item D-6

C. Wong is a practicing attorney and has no personal relationship or factual knowledge of anyone on the Item D-6 list. Her experiences with the Department have been negative, and navigating the

system has been difficult. At this level, she does not know how the beneficiaries have managed to deal with the Department. C. Wong stated if it has to go to litigation, she believes that the Department is not fulfilling its fiduciary duties to the beneficiaries. If those fiduciary duties are not fulfilled, in legal, it is a breach of duty whether it causes financial harm, emotional harm, or any harm. She does not think there will be qualified immunity for the Department to say it can do what it is doing to the detriment of the people without having some oversight.

Commissioner Awo asked if it is within the realm of the Department to properly address the concerns brought up by M. Haia versus going to a contested case hearing. Chair Ailā stated it is a good question to ask in the executive session.

Note: Testimonies are attached.

ITEMS FOR DECISION MAKING

CONSENT AGENDA

HOMESTEAD SERVICES DIVISION

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

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:

Motion to approve the Consent Agenda items listed for the Commission's consideration.

MOTION

Moved by Commissioner Teruya, seconded by Commissioner Helm, to approve the Consent Agenda minus Item D-8. Motion unanimously passed.

DISCUSSION

Commissioner Neves asked about Item D-7. J. Garcia stated they are on the waitlist but have been inactive. Due to recent contact, they are now active and applicants on the waitlist for Item D-13 regarding Commission designation. J. Garcia stated this went through Public Notice, and the Department is asking for approval of designation and extension.

For Item D-17, the extension of the deadline for signature. Commissioner Neves stated that the process needs to be extended from 30 days to 60 days, so the Department does not have to return to the Commission to ask for another extension. Chair Ailā asked if anyone objects to moving the deadline to 60-days rather than 30-days. Seeing none, the process would be extended to 60-days.

Commissioner Ka'upu stated that he would recuse himself from voting on Item D-14 as he has a relationship. Chair Ailā pulled Item D-14 from the Consent Agenda for a separate vote.

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Helm, to approve Items D-2 thru D-5, D-7 thru D-11, D-12, D-13, and D-17 thru D-20 in the Consent Agenda.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka'upu						X
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves			X			
Commissioner Teruya	X		X			
Chairman Ailā			X			
TOTAL VOTE COUNT			8			1
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- eight(8) Yes votes.						

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve Item D-14 of the Consent Agenda.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm	X		X			
Commissioner Ka'apu						X
Commissioner Kaleikini			X			
Commissioner Ka'upu					X	
Commissioner Namu'o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			7		1	1
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed - seven (7) Yes votes.						

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-1 Approval of 2022 Hawaiian Homes Commission Meeting Schedule

RECOMMENDED MOTION/ACTION

Deputy to the Chairman Tyler Gomes presented the following:

Motion that the Hawaiian Homes Commission approve the 2022 Hawaiian Homes Commission Meeting Schedule

MOTION

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

DISCUSSION

Commissioner Teruya asked if the neighbor-island trips would resume for 2022. Deputy Gomes stated that it depends on guidance received from the Governor and the Attorney General. If the restrictions lift, the Commission will travel to those areas.

MOTION/ACTION

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

ITEM C-2 Adoption of Proposed Amendments Related to Supplemental Dwelling Units and Compilation of Hawai'i Administrative Rules Chapter 10-3

RECOMMENDED MOTION/ACTION

Administrative Rules Officer Hokulei Lindsey presented the following:

Motion that the Hawaiian Homes Commission adopt the proposed amendments related to Supplemental Dwelling Units and the Compilation of the Hawai'i Administrative Rules, Chapter 10-3

MOTION

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

H. Lindsey stated the Beneficiary Consultation was done in 2018. There were a few recommended changes from the public hearing. Each county has different rules and standards that must be met. The changes are underlined in the submittal. This is a 5-year pilot program on the islands for residential lots only.

DISCUSSION

Commissioner Awo asked when the genetic testing rules occur. H. Lindsey stated the amendment was finalized in 2016. The genetic testing rules were inserted in the compilation of Chapter 10-3.

Commissioner Neves stated that the evaluation should include comments from the community. He stated there are two types of dwelling units: an Ohana dwelling unit and a rental unit. Will the lessee be required to give the Department a rental agreement for approval, or is it between the lessee and the renter. H. Lindsey stated the rental agreement for the rental SDU would be an agreement between the lessee and the renter. The rental agreement would not be approved by the Commission. The Act allows the rental of a home or a portion of the home with the approval of the Commission. A lease addendum would be attached and for the Ohana SDU as well.

H. Lindsey stated the Ohana SDU was a way to address overcrowding for multi-generational families living in one household. Rent cannot be charged if the Ohana is not 50% Hawaiian

because the Act limits rent to 50% Hawaiian. The two categories were thought to be the best approach to allow the rental and address what many families face.

Commissioner Helm asked if the SDU is not an Ohana, one can charge rent to a 50% beneficiary. H. Lindsey stated that if your Ohana is 50% and you want to rent to them and agree, you can.

H. Lindsey stated the SDU is tied to the Act and, those qualified as 25% relative; child, grandchild, spouse, and sibling. Commissioner Neves asked if people are in the process, will they continue to move on forward when the program is stopped to evaluate. Chair Ailā stated he thinks it will come back to the Commission for any modifications to the program.

H. Lindsey stated after the Commission approves, it gets sent to the Governor for signature. It'll then goes to the Lt. Governor for filing, and the Rules become effective ten days afterward.

MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the motion stated in the submittal.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo	X		X			
Commissioner Helm			X			
Commissioner Ka'apu						X
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			8			1
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed unanimously- eight (8) Yes votes.						

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to Issue a License Agreement, Kukulu Kumuhana O Anahola (KKOA), Ulupono Project, Anahola, Island of Kaua'i, 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 issuing a License Agreement to Kukulu Kumuhana O Anahola (KKOA), Ulupono Project, Anahola, Island of Kaua'i, TMK Nos. (4) 4-8-003:019

K. Albinio introduced the Executive Director of KKO A Rachael Nam, G70 Consultant Kawika MacGeage and HHC Land Agent Kaipo Duncan.

MOTION

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

R. Nam briefed the Commission with a PowerPoint presentation of Ulupono Anahola. The hope is to be approved for a 5-year lease.

Note: Slide Presentation attached

DISCUSSION

Commissioner Neves stated he would like to see a quarterly report to the Commission, maybe in March or June. Chair Ailā stated he is looking forward to the quarterly reports.

Commissioner Teruya stated she is glad that the license is gratis and hopes to see a 10-year, 20-year to a 25-year lease and not just a 5-year lease.

Commissioner Neves stated he requested a 5-year lease because the Commission did not have enough information to say it should go any farther than 5-years. He wanted to make sure that KKOA was successful first.

Commissioner Ka'apu asked for an annual report on what has been accomplished. An annual report could be given on a qualitative and quantitative basis on how KKOA is coming along so the Commission can see what KKOA has accomplished. He stated the first point was to reduce suicide within the community. He asked about the co-op that was mentioned in her presentation. R. Nam stated it is a place for the community to sell their items and benefit from their work.

Commissioner Ka'apu asked about the exemptions, whether it comes to the Commission, or is it done by the Chair. Chair Ailā stated that the Chair was authorized in the past, but could go to the Commission.

DAG K. Lambert stated there are administrative procedures delegated to the Chair; anything requiring the exercise of judgment or discretion continues to reside with the Commission. Commissioner Ka'apu stated the Commission should have that discussion at some point.

Chair Ailā stated the anniversary date of the execution would be the target date for the annual report.

ACTION

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

RECESS
RECONVENED

11:31 AM
11:46 AM

HOMESTEAD SERVICES DIVISION

Chair Ailā stated Items D-15 and D-16 would be taken in open session.

ITEM D-15 Request for Relocation – LEIF K. MOKUAHI, Residential Lease No. 2518, Lot No. 90, Kewalo, Oahu

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:

Motion that the Hawaiian Homes Commission deny the relocation request. The lessee's home's uninhabitable conditions are attributed to the lessee's failure to maintain the home as required by the terms and conditions of the lease.

MOTION

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

J. Garcia clarified that Leif Mokuahi is the lessee. Chair Ailā asked if the lessee was available. K. Mokuahi responded he is on a job site. Kimberly Mokuahi is the lessees' spouse. She asked if the denial was due to the failure to maintain the home.

Chair Ailā stated that if the Commission agrees with the Department, then the lessee can request a contested case. K. Mokuahi asked that she should wait for another notice. Chair Ailā stated depending on what the Commission does; the Department will send a notice either way, with information on how to request a contested case.

DISCUSSION

Commissioner Helm asked what kind of maintenance problems the home has. J. Garcia stated the lessee vacated the two-story home because of roof damages which deteriorated the home due to rain and rendered the home inhabitable. Commissioner Helm asked why maintenance was not done. K. Mokuahi stated maintenance was done multiple times, and her husband is an actual roofer. She stated they did not have the means to repair the wood under it. Puni Kekauoha looked at the house and told K. Mokuahi that she would condemn the house; it is not livable. K. Mokuahi stated they came before the Commission before and got denied. They have been away from home for about 6-years and rent a place in Salt Lake.

Commissioner Teruya asked if the house's condition is a failure of the Department or the lessee. J. Garcia stated the lease terms and conditions place the obligation on the lessee to do necessary repairs and maintenance and to make certain that the home is in livable condition.

Commissioner Teruya asked K. Mokuahi if the house was livable when they moved into it. K. Mokuahi stated they lived in the house for many years, and the house was not like that when they moved into it. Commissioner Teruya stated she does not understand the ask for a relocation. K. Mokuahi stated that the ask for a relocation is because her health and her mother-in-law's health are bad.

Commissioner Teruya asked what year they moved into the home. K. Mokuahi stated her husband was born and raised in the home, so it has been 53-years. Commissioner Teruya stated

that the house was okay to live in during that time and is unsure if it is the Department's responsibility or the lessees. K. Mokuahi stated the house was never completed and was built by her father-in-law and his cousins. It was an open but livable situation. Commissioner Teruya asked K. Mokuahi did her husband know that the matter would be on the agenda and how important it was. K. Mokuahi stated yes, but because he is the supervisor, he is on the job site and would not be able to stay online.

Chair Ailā stated the facts of the case could be ironed out in a contested case process.

Commissioner Neves stated he read the submittal and the house was permitted but not finalized. He asked if they had homeowners' insurance on the house. K. Mokuahi stated the insurance was canceled. Commissioner Neves asked if there were any outstanding debts on the home. K. Mokuahi stated there are none. The contractors would not put their stamp on it because they could not find the permits and the blueprints.

Commissioner Awo asked about the home's condition when Leif and Rachael received the lease in 1998, 23-years ago. K. Mokuahi stated it was livable. Commissioner Awo stated that if it was livable, it is a kuleana issue, the lessee is responsible for maintaining the home. He asked how it went from livable to unlivable. K. Mokuahi stated financially is the best answer she can give.

Commissioner Awo read the submittal and stated letters were sent out. The letters were complaints filed with the Department, the lessee did not attend the first meeting, a second notification for a meeting was sent and it looks like it was for non-occupancy. The lessee did not show up, and again today, the lessee did not show up. K. Mokuahi stated they never had letters of compliance, and it is the first time she is hearing of the two meetings due to complaints. Commissioner Awo stated he would expect the lessee to be at the meeting for something this important, even though he is a supervisor on a job site.

Commissioner Helm asked about the first floor if it was livable and if they ever thought of renovating the first floor and living in that. K. Mokuahi stated that the first floor is a living room and a kitchen unfinished. They never thought of renovating the first floor. Commissioner Helm asked if they got a quote of what it would cost to renovate the house. K. Mokuahi stated it was almost \$900,000.

Commissioner Awo asked about the address in question and could understand why they would not have received the notices. Chair Ailā stated it is the lessee's responsibility to provide the Department with a change of address if they move.

Commissioner Teruya asked if the house was declared dangerous. Are the residents of the area complaining to the Department about the house's condition? J. Garcia stated in 2019, the Department's enforcement team and Puni Kekauoha thoroughly inspected the Papakōlea-Kewalo area. It resulted in about a dozen abandoned homes, and Mokuahi's property was one of those listed. The danger of those abandoned homes was raised by the community.

ACTION

Moved by Commissioner Ka'apu , seconded by Commissioner Awo, to approve the motion to deny the request for revocation as stated in the submittal.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Helm			X			
Commissioner Ka'apu	X		X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves			X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- nine (9) Yes votes.						

ITEM 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, Nanakuli, O'ahu, and Approval of Assignment and Amendment of Leasehold Interest – HO'OLEHUA WRIGHT, Residential Lease No. 5684, Lot No. C, Nanakuli, O'ahu

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:

J. Garcia asked to amend the recommended motion by deleting paragraph No. 5 of the agenda.

Motion is that the Hawaiian Homes Commission

1. Approve the designation of Ho'olehua Wright as successor to George Naone's tenant in common interest to lease No. 708-A.
2. Approve and accept that Ho'olehua is no less than 25% Hawaiian and is therefore qualified to succeed to the lease, and
3. To stipulate that Ho'olehua's successorship rights and interests in the lease do not vest until Ho'olehua has signed the necessary documentation on or before January 31, 2022.
4. To authorize the Department to extend the deadline up to 60-days for good cause
5. To approve the assignment of Darin O. Wright's tenant in common interest to 708-A to his mother, Ho'olehua Wright
6. To approve the assignment of Ho'olehua's residential lease No. 5684, Lot No. C to her son Darin O. Wright
7. To approve the amendment of leasehold interest 708-A and to approve the amendment of the leasehold interest of 5684.

MOTION ACTION

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

MOTION

Moved by Commissioner Neves, seconded by Commissioner Helm to convene in an executive session pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities; and

To convene in an executive session pursuant to Section 92-J-1, HRS, relating to government records maintained by the Department of Hawaiian Home Lands that are not required to be publicly disclosed. Motion carried unanimously.

EXECUTIVE SESSION IN

12:35 PM

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

1. Kalaoa Community-Based Renewable Energy Solar Project
2. Kawaihae Community-Based Renewable Energy Solar Project
3. ITEM D-6 Approval to Cancel Applications of Non-Qualified Applicants

The Commission anticipates convening an executive session pursuant to Section 92-J-1, HRS, relating to government records maintained by the Department of Hawaiian Home Lands that are not required to be publicly disclosed. Motion carried unanimously.

EXECUTIVE SESSION OUT

3:06 PM

5:37:43

ITEM D-6 Approval to Cancel Applications of Non-Qualified Applicants (see exhibit)

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:

J. Garcia requested to make a change on Item D-6 to remove Moses Haia, III, on the first page and at the bottom of the second page.

Motion that the Hawaiian Homes Commission approve the Cancellation of Applications from the application waiting list due to native Hawaiian qualifications. The Department has been unable to verify the following applicants' native Hawaiian blood quantum requirement for the Hawaiian Homes Commission Act of 1920 as amended.

MOTION

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

DISCUSSION

Commissioner Awo acknowledged M. Haia for bringing it to the Commission's attention and C. Wong for weighing in on some legal considerations. He is going to support the motion to disqualify for two reasons:

1. He does not want to engage in an action that defers this matter because it will only slow down an applicant's ability to contest or challenge the decision of the Department, and he does not want to get in the way of that; and
2. There is an agreement that notification to anybody who will be up on the agenda will be made to those people whose names will appear on the agenda

Commissioner Teruya stated she was going to support Commissioner Awo's recommendation. She stated she appreciates the staff's diligence and hard work. Commissioner Helm also will support the motion. Commissioner Namu'o also supports the motion.

Commissioner Awo thanked J. Garcia and his crew. Chair Aila stated it is not easy for staff to bring forward and not easy for the Commissioners to vote on.

ACTION

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

ITEMS FOR INFORMATION/DISCUSSION

HOMESTEAD SERVICES DIVISION

ITEM 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**

DISCUSSION

Commissioner Kaleikini asked for clarification on what does the area waiting list consists of. J. Garcia explained that prior applicants could select an area where they wanted their lease to be. New applicants are now placed on the island-wide application list. Those individuals on the area waitlist have priority over the island-wide waitlist when there are openings in that specific area. Area Supervisor for the O`ahu District Office Kanai Kapeliela stated the area waitlist ended in 1977. The blood quantum priority list and the area list are on the island-wide list's highest ranking.

Commissioner Ka`apu noticed on the delinquency ratio report that the numbers are going down, is this post moratorium, and has this normalized? J. Garcia stated Homestead Loans Services Manager Dean Oshiro and the loan officers are back visiting lessees and doing collection efforts on the neighbor islands and O`ahu.

Commissioner Kaleikini asked if the Department has analyzed why there are delinquencies. He is asking because he sees the East Hawai`i is the highest. D. Oshiro stated years ago, there was a survey done, and a lot of the delinquencies were due to many social and economic issues. When DHHL got audited severely, especially the loan services branch, there were issues with the East Hawai`i District office and the individual assigned to collect. The audit did a scathing report that nothing was being done, so all the collection efforts have been reverted to the O`ahu staff.

WORKSHOPS

PLANNING OFFICE

ITEM G-1 For Information Only – In-Depth Update on Climate Change and Resilience Planning Affecting Hawaiian Home Lands, Statewide

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Manager Andrew Choy presented the following: He introduced Planner Nancy McPherson, who gave the in-depth update Part 1.

Climate change is happening now. Steps to take:

- Continue to include climate change-related policies in General Plan updates
- Schedule cross-training on climate change and community resilience planning
- Include considerations of sea-level rise
- Conduct workshops for the Commission to generate a recommendation
- Get a community resilience and capacity building grant for Moloka`i homesteads

DISCUSSION

Commissioner Awo stated it was frightening that there are irreversible impacts like the melting of the ice sheets and the rising oceans.

Commissioner Helm asked if N. McPherson would get a meteorologist to come to the next workshop to explain what he would predict for the next 5-years, like El Nino and La Nina. N. McPherson stated she could try to get some folks to come in either December or January, and there are also folks from Sea Grant and the Climate Commission who have a lot of information.

Note: Slide presentation attached

ITEM G-2 For Information Only – Draft Kapolei Regional Plan Update

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Manager Andrew Choy presented the following: Planner Pearlyn Fukuba presented the PowerPoint on the Kapolei Regional Plan Update.

P. Fukuba stated that the Commission adopted the Kapolei Regional Plan in 2010 as one of the 23 regional plans across the state. The DHHL Regional Plan provides an important foundation and means for beneficiaries to have a voice. There are 1,015 acres of DHHL lands in the Kapolei region. 150-acres are used for residential inclusive of Kanehili, Kaupe‘a, Ka‘uluokaha‘i, and Malu‘ōhai. 200-acres are identified for future residential lots, 35-acres are set aside for community use, and 80-acres for commercial use. In Kalaeloa, there are 555-acres designated for industrial use. DHHL is a major stakeholder in Kapolei. Five guiding principles and 14 potential projects emerged from the second beneficiary consultation. The five guiding principles are:

1. Natural Cultural and agricultural resources
2. Wahi Pana
3. Treasure our kupuna
4. Keiki
5. Self-sufficiency

There were 14 projects, and beneficiaries voted on 5 top priority projects.

The draft vision statement was taken from the five guiding principles:

“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 kupuna to build a strong foundation for our Hawaiian homestead communities. Kanaka embrace the area’s rugged climate and terrain, motivating them to be resilient and self-sufficient. The wahi pana and kipuka of this place are celebrated and stewarded for future generations.”

Note: Slide presentation attached

RECESS

4:16 PM

HAWAIIAN HOMES COMMISSION
Minutes of November 16, 2021 via ICT
DHHL Main Office, Hale Pono'i, Kapolei, O'ahu, Hawai'i

PRESENT William J. Ailā Jr., Chairman (Arrived 1:30 p.m.)
Randy K. Awo, Maui Commissioner (via ICT)
Zachary Z. Helm, Moloka'i Commissioner (via ICT)
David B. Ka'apu, West Hawai'i Commissioner (via ICT)
Michael L. Kaleikini, East Hawai'i Commissioner (via ICT)
Russell K. Ka'upu, O'ahu Commissioner (via ICT)
Pauline N. Namu'o, O'ahu Commissioner (via ICT)
Dennis L. Neves, Kauai Commissioner (via ICT)
Patricia A. Teruya, O'ahu Commissioner (via ICT)

COUNSEL Katie Lambert, Deputy AG (via ICT)

STAFF Tyler I. Gomes, Deputy to the Chairman
Leah Burrows-Nuuanu, Secretary to the Commission
Andrew Choy, Acting Planning Manager
Kahana Albinio, Acting Land Management Division Administrator
Juan Garcia, Homestead Services Division Administrator
Cedric Duarte, Information & Community Relations Officer
Stewart Matsunaga, Acting Land Development Division Administrator
Paula Ailā, Acting Contact and Awards Division Administrator
Jamilia Pacheco, Information Specialist
Michael Lowe, Information Specialist

ORDER OF BUSINESS

CALL TO ORDER

Vice Chairman David Kaapu called the meeting to order at 9:40 a.m. eight (8) members were present via ICT at roll call. He noted that Chair Aila was testifying before a congressional committee and would join the meeting when he was finished.

Pursuant to the Governor's emergency proclamation, related to COVID-19 Emergency, Hawai'i Revised Statutes ("HRS") Chapter 92 regarding public agency meetings and records are currently suspended through November 30, 2021, to the extent necessary to enable boards to conduct business without holding meetings open to the public and to allow state agencies the ability to effectively and efficiently provide emergency relief and engage in emergency management functions.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

None.

ITEMS FOR INFORMATION/DISCUSSION

GENERAL AGENDA

REQUESTS TO ADDRESS THE COMMISSION

ITEM J-2 Allen Cardines – Nanakuli Neighborhood Community Watch

A. Cardines stated one more person was served a writ by DHHL Enforcement and removed from the premises. The agencies that showed up were respectful to the people. If the Department would utilize the new lease agreement, which states, “to be able to faithfully and fully maintain a premises-of-quiet-enjoyment,” it would help the community, and the different agencies to work together. There was a 7-year-old girl on one of the properties, and they were able to put her in a safe shelter where she and her mom would be able to get help.

A. Cardines mentioned that he submitted a request for a contested case hearing for two properties on Keaulana which have been a problem for a long time. Vice-Chair Ka‘apu stated he would pass that information on to Chair Aila.

Commissioner Teruya stated that it was expressed by the community that the 911 reports be brought up to the Commission to get a contested case hearing and asked J. Garcia for the status and the next step.

ITEM J-6 Blossom Feiteira – Maui Concerns

B. Feiteira stated the Maui community is pushing for the County Council to exempt DHHL from the water availability ordinance to allow DHHL to secure water directly from the County. The community advocates for including infrastructure funds for the Honokowai and Leiali‘i water projects. A key item that keeps coming up in the general planning meetings is the request to reinstate the undivided interest lessee program for Honokowai and Leiali‘i, Maui. Seven kupuna on the waitlist have passed away, and their successors are not eligible. There are still eight or nine kupuna on the top of the waitlist in the same situation who want to secure their lessee rights for their children and grandchildren. B. Feiteira stated this was brought to the Commission before and would like to revisit this discussion. There are new undivided interest lessees in Waiohuli. They are having issues with their Sandwich Isles telecommunications service regarding connectivity issues like dropped calls and inability to connect to the internet, making it hard for the kids to do their homework. B. Feiteira stated Kahikinui is worse than it was.

Vice-Chair Ka‘apu stated he would make sure he relays the undivided interest program and the Kahikinui and Waiohuli connectivity issues with Sandwich Isles to Chair Aila. B. Feiteira stated it is complicated for Waiohuli because, in the Waiohuli Phase 1, Sandwich Isles was not in existence, so those lessees have access to Spectrum and Hawaiian Telcom and other telecommunication companies. It is not the same for the Waiohuli lessees with Sandwich Isles, and the lessees do not have access to Spectrum or Hawaiian Telcom and other providers. The lessees were told that for Spectrum to take it to the new section, the customer must pay for the conduit extension. B. Feiteira stated they would find out and bring that information to the Department to see what could be done.

Acting Administrator for the Land Development Division Stewart Matsunaga stated his understanding with connectivity in Kula, Waiohuli, and Kēōkea, there are SIC conduits in all of those subdivisions. There is overhead electrical in those subdivisions, and there could be an opportunity for other carriers to come in overhead. He stated that one person’s cost in requesting Spectrum’s service was roughly \$5,000. It might be worthwhile to consider if it is for the subdivision.

Commissioner Neves asked to expand on the water exemption. B. Feiteira stated developers were using water indiscriminately, so the County created an ordinance. For a developer to do a project, the developer must identify, locate, and access a water source outside the County. If a project is 100% affordable, the developer is exempt from the water ordinance. DHHL is unable to meet the affordable housing criteria, but because the representation of the HHL beneficiaries is high on the economic scale, the County recognizes the Department's fiduciary obligation to its beneficiaries. They initiated a resolution to exempt Hawaiian Homes from that water availability bill. It saves the Department \$5 to \$17 million every time it has to find, locate and build a water system.

B. Feiteira stated she was one of the first undivided interest lessees, and the challenge was they knew the Department did not have the money at the time. Hence, the recommendation from the community was for the Department not to repeat the accelerated awards program. The recommendation now is the undivided interest program can be identified to those areas where there are projects on the ground moving forward with a definitive timeline and the area, the number of lots, and the size of the lots. B. Feiteira stated the need is to give priority to those kupuna highest on the waitlist

ITEM J-3 Kekoa Enomoto – Pa'upena CDC

K. Enomoto advocated on three subjects; undivided interest lessees, cultural reserves on Trust lands, and beneficiary water rights. She thanked Councilwoman Tamara Carlton for presenting a resolution to support the Hawaiian Homes undivided interest lease program. She proposed that the Department offer 1,100 Maui wait for listers to become undivided interest lessees.

K. Enomoto thanked Dr. Jonathan Scheuer for meeting with beneficiaries, via Zoom, regarding a \$2 million Legislative appropriation to extend the upcountry non-potable agricultural water line to the Kēōkea farm lots.

K. Enomoto stated DHHL wants to contract the consultants to use the \$900,000 to instruct about nine Kēōkea lessees on the archaeological features on their homesteads and how to care for them. The consultants are proposing to use the balance for drainage assessment. She feels there should be an archaeological firm hired and not an engineering firm, and the \$900,000 should be utilized as intended by the Legislature. She would like to see beneficiary consultation to use the \$900,000 legislative appropriation.

Vice-Chair Ka'apu asked where the non-potable water system ends. K. Enomoto stated at lower Kimo Drive, about 10-miles away. Vice-Chair Ka'apu asked if it services farms till it ends. K. Enomoto stated that is correct, and it serves Hawaiian and non-Hawaiians, and beyond that, the people are using potable water to irrigate their crops and livestock. She is advocating that the water line be extended.

S. Matsunaga stated he would look at the original appropriation language and intent for the \$900,000. He would share his findings with K. Enomoto, Commissioner Awo, and Chair Aila.

S. Matsunaga stated LDD's focus is developing the lots and getting to the undivided interest list. He stated the \$2 million K. Enomoto mentioned is burdened in a designed contract. The news of DHHL's AMI, potentially a reservation if approved, would be the source for ag water resources that can provide for Kēōkea. S. Matsunaga stated the information was not available to LDD when they hired community planning and engineering to design the water system. At that time, DOH said there was no source.

Vice-Chair Ka'apu asked if the \$2 million is sufficient for the transmission line. S. Matsunaga stated he is not sure if the distance is 10-miles. They will have to re-scope the contract.

ITEM J-4 Cora Schnackenberg – Ahonui Homestead Association

C. Schnackenberg presented a PowerPoint for the 'Ualapu'e Kuleana Homestead Ag-Subsistence Project by the Ahonui Homestead Association 2019.

C. Schnackenberg stated there are times the Department violates its own rules. She asked if there an appeal process that the beneficiaries can submit to have things re-heard and re-addressed correctly. She was referring to beneficiary consultation in which their voices are not heard. She expressed the Kalaupapa process and stated she does not think there was a 4 to 5-year license. When the Department had the general plan process, it did not include Kalaupapa because the Kalaupapa license was up for renewal. This never came up to the community, so she felt their voices were not heard.

Acing Planning Manager Andrew Choy stated for context, the Department and the Commission approved the Beneficiary Consultation in 2009. The policy requires beneficiary consultation for four instances: the long-term disposition for Hawaiian Home Lands. The beneficiary consultation was enacted after the Commission's long-term disposition to the National Parks Service in the early 90s. What C. Schnackenberg and the Moloka'i beneficiaries have been voicing is that the NPS's process was inadequately incorporating the beneficiaries' voices, and there was not as much oversight as is needed to make sure their voices are heard in the management of Kalaupapa.

Vice-Chair Ka'apu stated he would ask Chair Aila what the process is going forward to include the beneficiaries' voices regarding Kalaupapa. A. Choy stated there are no administrative rules related to the requirement of conducting a beneficiary consultation. The planning system administrative rules mention the types of beneficiary consultation that the Department can engage in.

Commissioner Teruya stated the beneficiary consultation does not benefit the beneficiaries. She stated the beneficiary consultation always comes after the fact. The Commission talks about it, votes on it, and then plans a beneficiary consultation, but the Commissioners already took a position. The Commissioners need to listen to what the community feels about the projects. The Administrative Rules do not benefit the beneficiaries, but it benefits the Department.

Vice-Chair Ka'apu stated his experience has been before the Commission acts on a disposition of property. It goes out for beneficiary consultation. It comes to the Commission a month before the Commission acts, so the Commission does review. That is why there is a motion to accept the beneficiary consultation, which is done before acting on the item.

Commissioner Teruya stated she thinks Vice-Chair Ka'apu voted for the renewable energy project. Nanakuli was in it, so she couldn't believe he did not know about it. Vice-Chair Ka'apu stated did not recall it but normally they come to the Commission to accept it.

Commissioner Ka'upu asked A. Choy to provide context on the timing of consultation if required in the policy or rules to happen before the Commissioner's approval or following the approval. A. Choy stated the policy requires the Department to notify the beneficiaries prior to the consultation meeting. After the meeting, beneficiaries have an additional 30-days comment period to submit comments on the topic of the consultation meeting. After that, the Department submits a beneficiary consultation report for the Commission to accept the report as the record of

beneficiary comments for the particular subject matter. After that, the Commission acts on the subject matter. That is the timing and process for the beneficiary consultation policy. Commissioner Ka'upu asked, in general consultation is first, then action is taken? A. Choy responded that is the general flow.

A. Choy stated regarding the renewable energy solicitation, in August 2020, the Department brought an action to the Commission to authorize the Chairman to solicit proposals for renewable energy developers. After the approval of the authorization of the Chair to solicit, the Department conducted beneficiary information meetings letting the community know the Department's intent to solicit the parcels for renewable energy developers to give the Department a proposal. The Department received one proposal from a developer, and for Nanakuli, the developer has not given the Department sufficient information to take back to the community.

Commissioner Teruya stated I-Cast is the developer, and they have drones going over the Nanakuli Ranch, and the community does not know, which is alarming. DHHL has the developer in place, and the Department had one consultation in August 2020. She stated that the Department (Planning) said it would come back to the community for a beneficiary consultation to share and discuss more. Nothing has developed, and this is going to be a year that the Planning Department did not come back. When the Department does activity in a site without community knowledge, it is very insulting and very sneaky. That is why the beneficiaries don't trust the Department; the Department is too sneaky. You have a developer, and you heard the community. Commissioner Teruya stated that when you see somebody excavating next door to your property; you will wonder why they are excavating; it is because they will develop. The community does not know, and the community does not hear from the Department.

Commissioner Teruya stated she received a text from the Department's Chairman. When she asked him the question, the text stated, "it is part of due diligence."

Vice-Chair Ka'apu stated the Department would come to the Commission and ask for a right-of-entry, which may be approved so people can go and do their due diligence. Maybe the developer did not come back to the Department with information about Nanakuli, which may be the gap. Vice-Chair asked if A. Choy could check if there was a right-of-entry and get back to the Commission. Vice-Chair stated he would talk with Chair Aila about whether beneficiary consultation can come up on the agenda in another meeting and follow up with Kahana.

J. Cachola stated that there is no right-of-entry with I-Cast, but they were working closely with the Nanakuli Ranch. J. Cachola stated they needed a layout and plans from I-Cast so they could present them back to the community. The drone work was to map out and get details of the slopes and the impact on the community.

Vice-Chair Ka'apu questioned if a long-term lessee has the authority to bring in developers for something that will benefit the Department. He thinks it is worth a deeper dive, but not today.

J. Cachola stated they have short-term right-of-entries, like 1-week and for specific days. It is something K. Albinio of the HHL Land Management Division can issue. J. Cachola remembered that they did have dates that the contractors were going to be on-site. They did have a 1-year right-of-entry where they go in to do specific projects. Commissioner Neves stated that the process needs to be looked at. Vice-Chair Ka'apu stated he agreed with Commissioner Neves.

Commissioner Awo stated the remedy for the over-flights is better communication, as Commissioner Teruya pointed out to advise her community on what is occurring and why.

Commissioner Namu‘o supports Commissioner Teruya and what Commissioner Awo stated.

Vice-Chair stated if staff has authority to issue a short-term ROE and it extends longer, he believes the matter should come back to the Commission. He stated he would seek clarity from the Chair regarding the process to understand it better.

Note: Slide Presentation attached

Vice-Chair stated the time is 11:40 am and recommended a 5-minute recess.

RECESS

11:40 A.M.

2:05:00

RECONVENED

11:47 A.M.

ITEM J-5 Donna Sterling – Kahikinui

D. Sterling stated she appreciated the Commissioners' beneficiary consultation and proposed going beyond the court litigation of Hawaiian Telcom and Sandwich Isles and being creative with other technology, specifically with SpaceX.

D. Sterling stated Kawika Davidson and Earl Kalawaia requested the Commission relocate their existing lease lots to another vacant lot. She stated Paula Aila of DHHL CAD presented her with a PowerPoint regarding relocation. D. Sterling stated she sent it out to the lessees of Kahikinui, so they know the process.

Commissioner Awo asked if P. Aila's response was satisfactory? D. Sterling stated it is, and now the lessees have a better tool from the Awards Department.

MOTION

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

EXECUTIVE SESSION IN

12:02 PM

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

1. Update on issues related to 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 the *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

EXECUTIVE SESSION OUT

1:36 PM

4:01:29 1-hr on the tape

Note: Chair Aila arrived at the meeting at 1:30 PM.

ITEM J-8 Al Hee – Waimana

A. Hee addressed the concerns brought up earlier regarding service in the Waiohuli, Kēōkea, Kula, and the new homestead developments on Maui. A. Hee stated DHHL solicits Spectrum and Hawaiian Telcom to violate Sandwich Isles' license. When he calls the Department, specifically Stewart Matsunaga, no one takes his call, and he can provide the Commissioners with emails that he sent to the Department. He stated that Kahikinui was one of the first areas to which Sandwich Isles brought service, with only 12 customers there. Sandwich Isles spent \$12 million putting in underground conduits to serve the entire area Kahikinui.

A. Hee stated he understands the Windfarm extended the road that Sandwich Isles started to give out more homes. DHHL hired SSFM to be the project manager, and the contractor was Goodfellow. A. Hee stated Goodfellow broke Sandwich Isles' conduits in five places and still refuses to fix it the way the County's ordinances require. The County ordinances are clear that if you break a utility infrastructure, you repair it to the utility's standards. He stated that S. Matsunaga told the project manager not to get involved because it is a dispute between Sandwich Isles and Goodfellow. A. Hee stated letting them break all the infrastructure for communications works against the desire for DHHL to build more homes.

A. Hee stated there was no beneficiary consultation before the Commission gave Hawaiian Telcom the right of entry.

A. Hee stated the November 1st Bankruptcy Court Hearing came down to Hawaiian Telcom's request, under the guise of the Paniolo bankruptcy, for Sandwich Isles to turnover information regarding how Sandwich Isles serves "critical service providers," such as the 911, schools, hospitals. It did not ask how Sandwich Isles served the homesteaders. A. Hee stated the attorney representing the Hawaiian Homes Commission, pleaded with the bankruptcy court about why the judge should force Sandwich Isles to turn over the information.

ITEM J-7 Naomi Mitchell – Various Concerns (unable to connect)

N. Mitchell stated she came from a family where both parents were pure Hawaiian and chief and chiefesses. The Applications Department told that only the Chairman could back the data. She stated the Department took away her documents and gave them to her son. When she tried to resolve the issue with the application date, she was denied. N. The Department said her mother only applied for agriculture, but she knows her mother applied for residential, but not in the year 2000. The Applications Supervisor told her that everything needs to be addressed to the Chairman. She had three meetings with the Chairman but did not get anywhere. Her other concern is the letter she received from Sandwich Isles stating that the Department of Hawaiian Home Lands will let somebody use her identity to be licensed, and they are called Hawaiian Telcom. She stated she opposed that and nobody has the right to violate her in any way.

Commissioner Ka'upu asked the Chair to summarize what N. Mitchell is asking for. Chair Aila stated the Department has no evidence in the file for her mother's residential application. The Department does have an agricultural application, which was issued to her son in Waianae, and Naomi Mitchell has a lease in Malu'ōhai. N. Mitchell is a successor to her mother's application. The Department told her that she could not have two leases, and if she is offered the mother's application that is converted into a lease, she would have to give up one of them.

Chair Aila stated a copy has been made of her mother's complete file and given to N. Mitchell gratis and still insists that something is missing.

The Kalaeloa issue that she mentions has to do with a claim, not on DHHL lands, but a claim on Navy lands that her mother filed a land court case many years ago, and Chair Aila believes the Navy had it dismissed.

Chair Aila has told N. Mitchell that the Department has no jurisdiction over the Kalaeloa lands. Commissioner Ka'upu asked if the Department could refer her to formulate her claim. She is a beneficiary.

ITEM J-1 Richard Malaki – Nanakuli Neighborhood Community Watch (unavailable)

OFFICE OF THE CHAIRMAN

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

RECOMMENDED MOTION/ACTION

None. For information only. Executive Assistant Jobie Masagatani presented the following: J. Masagatani stated that Item C-3 was put together on behalf of the Chair of the Permitted Interaction Group, Commissioner Ka'upu .

J. Masagatani stated she is announcing the Permitted Interactive Group and are open to questions.

DISCUSSION

Commissioner Ka'upu stated he would contact the other members of the Permitted Interactive Group to set up a meeting probably in the first week of December. Commissioner Teruya asked for clarification on the start date from December 2021 through March 2022. Commissioner Ka'upu is hopeful that the group finishes their work before the finish date and present its recommendation to the Commission.

ITEM C-4 For Information Only – Update on Telecommunications and Broadband services on Hawaiian Home Lands.

RECOMMENDED MOTION/ACTION

None. For information only. Executive Assistant Jobie Masagatani presented the following: J. Masagatani stated Item C-4 was placed on the agenda because some of the Commissioners requested if there was information that could be shared in an open session if it could be so.

J. Masagatani stated in response to the executive session, she asked to defer this item and apply the information in the formats that were discussed.

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING

The next meeting will be held on December 20 & 21, 2021, (ICT) Zoom

MOTION/ACTION

MOTION/ACTION

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


ADJOURNMENT

2:45 PM

Respectfully submitted:



William V. Ailā Jr., Chairman
Hawaiian Homes Commission



Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

Attachments:

- 1) Public Testimony - Early Kalawaia, Kanani Kapuniai, Kawika Davidson, Moses Haia, III
- 2) G-2 Slide Presentation
- 3) J-4 Slide Presentation

Public Testimony on Agendized Items

P-1 -Earl Kalawaia

P-2 - Kanani Kapuniai

P-3 - Kawika Davidson

P-4 - Moses Haia III

From: dhhl.icro1@hawaii.gov
Sent: Friday, November 12, 2021 7:36 AM
To: Burrows-Nuuanu, Leatrice W
Subject: New submission from Submit Agendized Testimony

Name

Earl Kalawai'a

Email

ekalawaia@yahoo.com

Please Identify Agenda Item(s):

November 15, 2021 Regular meeting agenda, page 2, Section B of Regular agenda under Homestead Services Division D-15.

Pick One

Written Only - Submit Testimony Below

Message

Aloha Piha,

I am refer to the November 15, 2021 Regular meeting agenda, page 2, Section B of Regular agenda under Homestead Services Division D-15.

I am requesting the DHHL commissioners to review and approve my request for relocation of Earl Kalawaia Jr., submitted on January 20, 2021, pastoral lot lease #83, located at Kahikinui, Maui to a vacant, un-awarded Lot #43, Kahikinui, Maui.

A copy of a January 20,2021 letter to Mr. William Aila is attached:

Earl V. Kalawai'a Jr. 100 Likeke Street Hilo, HI 96720 ekalawaia@yahoo.com 808-895-7111 January 20, 2021
DHHL Chair William Aila Commissioner Randy Awo Toni Eaton Wailuku District Office Mona Kapaku Aloha mai Kākou: I am writing to you to request the process of Relocation of Lots in the Kahikinui Homestead. I am Presently the lessee for lot #83 on Manukani Road which was passed on to me by my late mother, Melvia Leilani Kalawaia, preceded by the late Benjamin Keau Jr. I am requesting to relocate to a vacant, un-awarded lot #43 on Nawini Road which is one of the lots not selected during the 1999 awards. Recently receiving lot #83, I have made plans to build as well as work the land for sustainable farming for food and medicinal plants. Unfortunately the grounds do not facilitate such action. Elevation as well as poor soil quality on Lot #83 limits it's productivity that is consistent with the cultural practice of mahi'ai as well as 'ai pono. The 1990s United States Geological Survey done by David Sherod provided various lava flow dates and specific areas, including Lot #43 being on one of the oldest flows thus providing fertile grounds for sustainable farming and La'au Lapaau.

Another reason and most important for this request to relocate from Lot #83 to Lot #43 is SAFETY. The threat of fire and a safe evacuation is a constant concern for Kahikinui residents. Evacuation from Lot #83 will increase that threat as traversing the pathway of Manukini then to its paved portion then to Kahikinui roadway is time consuming and may be unsafe during an emergency situation. Lot #43 is situated with two exits, one being a main roadway and the other being a well traveled jeep/trail. I appreciate your consideration for my relocation from Lot #83 to a vacant and un-awarded Lot # 43 and the potential to have a contributing homestead to our lāhui o Maui.

Mālama Pono,

Earl Kalawaia Jr.

Marion K A Kapuniai
P. P. Box 6753
Kamuela, Hawaii 96743

November 12, 2021

Hawaiian Homes Commission
At regular Meeting November 15th and 16th

Regarding: **C-2 10-3-40 SDU application and review**

I submit my testimony and comments on this agenda item:

1) 10-3-40.04

- a) **Rephrase third sentence**; conflicts with amended 10-3-40.09

Please rephrase to include

- d) **Delete (within one year)**

Amend to include “within one year after Building Permit approval”

The lessee shall proceed with the SDU after receiving notice that Commission approval has been granted. The lessee shall then initiate the process for acquiring Financing and an approved County Building Permit. The lessee shall then complete the construction of the SDU within one year.

Rationale for this suggestion:

Hawaii County has instituted a new permitting system without clearing the numerous backlog of permit applications and then receiving new applications; contractors are not pleased, to say the least. County Planning is in a mess.

My request for completion of SDU construction within one year of receiving Building Permit approval is very appropriate.

Thank you,

M Kapuniai 936-0157

David Davidson
133 Lauie Street
Kula HI. 96790
Email:Kahiwad@gmail.com
Cell: 808-269-0699

November 12, 2020

Department of Hawaiian Home Lands
Chairman William Aila
Maui Commissioner Randy Awo
District Manager Toni Eaton Wailuku District Office
Operations Manager Mona Kapaku Wailuku Office
Stewart Matsunaga, Land Management Division

Request to relocate **FROM TMK: 2-1-9-001-057-0000 Lot #57**
TO TMK: 2-1-9-001-042-0000 Lot #42

Aloha all:

I am writing to you to request the process of relocation of a lot in Kahikinui. I am presently the lessee for lot #57 on Naka'aha Road, I would like to relocate to a vacant Lot #42 on Nawini Road which was one of the lots not selected during the 1999 awards.

I have attempted to build twice on our lot #57 and have had my structure and materials burned in the last 20 years. Other lessees have experienced the same loss of materials by fires. Now, for a third time, we want to start construction on our lot. However, given my age of 64

years old and after reviewing our assessment of our lot, we have decided to relocate to lot #42 Nawini Road. One of the benefits of selecting lot 42 is Nawini Road intersects with two ingress and egress roads both leading to Piilani Highway. It all comes down to safety issues.

Here is our observation and evaluation of lot #57:

1. Ingress road to my lot is unsafe (steep loose cinder large rocks, crawling speed only)
2. Egress road from my lot is unsafe (unable to exit lot 57 going uphill to meet with the regular access trail without destroying my vehicle).
3. Lack of safe access roads for firefighting crew
4. Lack of a safe evacuation access roads
5. Lack of multiple access roads into and out of the homestead area
6. One Fire Break access road which intersecting with the Pi'ilani Hwy road servicing the lower lots to main highway has been locked without homesteaders accessibility.
7. In 2003, in a post fire meeting, MFD recommendation was to have multiple roads leading out to Pi'ilani Hwy and should be homesteader accessible.

We recommend that DHHL not award any vacant lots 52, 53, 54, 55 on Naka'aha Road (including awarded lots 56 and 57). Kahikinui Hawaiian Homestead Association will be contacting lot #56 Lessee, Beneficiary to update them on my relocation decision based on the evidence in this letter which deems unsafe with potential of being death traps. We recommend that DHHL not award any vacant lots 52, 53, 54, 55 on Naka'aha Road (including 56 and 57).

Kahikinui Hawaiian Homestead Association will be contacting lot #56 Lessee, Beneficiary to update them on my relocation decision.

Further studies need to be done for land utilization in this area. We also ask that homesteaders in the nearby lots and KHHA Kahikinui Hawaiian Homestead Association be a part of the discussion on future uses including the request to have a lock to lock given to all lessees to the Fire Break Road to Pi'ilani Hwy around the 25 Mile Marker and the access gate at 21 Mile Marker Lua'lua area.

We appreciate DHHL in beginning the relocation process and let us know what we can expect.

Sincerely,

David Kawika Davidson
Lessee Lot #57 Naka'aha

NOVEMBER 15, 2021 HAWAIIAN HOMES COMMISSION TESTIMONY

Testimony of Moses K. N. Haia III on Agenda Item D-6

Aloha kakou. My name is Moses K. N. Haia III. I learned that DHHL staff will be recommending/seeking Commission approval to cancel my Oahu Island Wide Residential Application and my Hawaii Islandwide Pastoral Lot Application, both dated June 9, 1988, as, according to DHHL staff, Applicant is unable to "substantiate native Hawaiian ancestry."

Brief background: Based upon a search and review of the relevant public record for the State of Hawaii, DHHL and the Commission officially determined and confirmed that my biological father, Moses K. N. Haia Jr., was 100% Hawaiian. In 1988 and based upon this determination, my father filed DHHL beneficiary applications for each of his six (6) biological children. Based upon the Department's determination/ruling that my father was full blooded Hawaiian, he received a residential lease award on or about 1992 for a Waimanalo lot. He built a home on that lot where he and my mother (who passed in 1997) lived until his passing in 1998. On or around 1996, I was awarded a lease, qualified for a home loan, and signed a Hawaiian Homes lease agreement for a residential lot located at Kalawahine Streamside. Before my father's passing, he met with his children and sought their assurance that our other family home would remain in the family after his passing. My siblings agreed to sell their interests in that home to my wife and me. Given this change in circumstances, I requested and received authorization to return my homestead lease back to DHHL so that the next person on the waitlist would be provided with the same opportunity I received; i.e, become a Hawaiian Homes lessee.

Subsequent to the facts and circumstances outlined above (the official ruling that my father was 100% Hawaiian and entitled to a lease and the subsequent ruling that I was at least 50% Hawaiian and entitled to a lease), DHHL apparently revisited the public record and now seeks to rely upon a pre-existing (since at least the 1950's) public record to overturn its earlier official rulings and actions to now find me unqualified. This current situation stems from nothing less than a failure to engage in due diligence with respect to the Department's previous searches of the record which resulted in the Department's official position that my father and, as such, his biologic children were qualified beneficiaries of the Hawaiian Homes Act. This lack of due diligence is solely responsible for the current situation and position the Department now seeks to take.

I liken this current situation to one in which a court, after receiving and reviewing all relevant evidence, enters its ruling based upon the evidence received and now one of the parties to which the ruling applies claims it has "newly discovered evidence" which controverts the court's ruling.

However, the document the Department seeks to rely upon now in no way meets the standard of "newly discovered evidence" as it was already a part of the public record when the Department ruled my father and then I were qualified applicants. As confirmed by Hawaii case law on this issue, "[a]ssuming, arguendo, the [newly discovered] evidence is material to the issue in question," a circuit

court will deny a motion for a new trial when "the [movant] has failed to demonstrate due diligence in the discovery of the evidence." Orso, 56 Haw. at 250, 534 P.2d at 495; see also Deponte v. Ulupalakua Ranch, Ltd., 49 Haw. 672, 672-73, 427 P.2d 94, 95 (1967) (affirming a trial court's denial of a motion for a new trial under HRCF Rule 59(a) where "[t]he trial court found that the plaintiff-appellant *1101 could have obtained the evidence by diligent search prior to the conclusion of the trial"); Clement v. Cartwright, 7 Haw. 676, 678 (1889) (confirming the denial of a motion for a new trial where "[t]he plaintiff's showing of diligence [in procuring evidence wa]s not satisfactory"); Matsumoto, 5 Haw.App. at 631, 706 P.2d at 1313 (affirming a trial court's denial of a motion for a new trial pursuant to HRCF Rule 60(b)(2) where the trial court apparently agreed with the defendants' assertion "that if [the plaintiff] had exercised due diligence she would have been able to discover the new evidence prior to trial").

The above logic and Hawaii legal precedent must apply/be applied to situations such as this lest one's more than reasonable reliance upon an agency's legal ruling/determination of that individual's legal right/standing is, while clearly detrimental to one's legal rights and welfare, worthless because the official agency has is in no way compelled to engage in any semblance of initial due diligence so long as it suffers no consequences as a result!

I did not learn that this proposed action relative to me by the Department would be considered at this meeting. I found out about it because a friend of mine learned about it while she was reviewing the agenda. I wonder if any other person named in Item D-6 was provided with sufficient official notice of this proposed action so that it might seek to address the Commission. For someone with a legal background, the taking of an official action by an agency whose decisions will clearly impact one's legal rights absent official notice to that person is a clear violation of one's right to due process.

Given my concerns, I will be left with no choice but to seek legal redress should any action be taken on this agenda item and I am not limiting this to just me. This applies to every single person identified in agenda item D-6.

Sincerely,

Moses K. N. Haia III



HAWAIIAN HOME LANDS

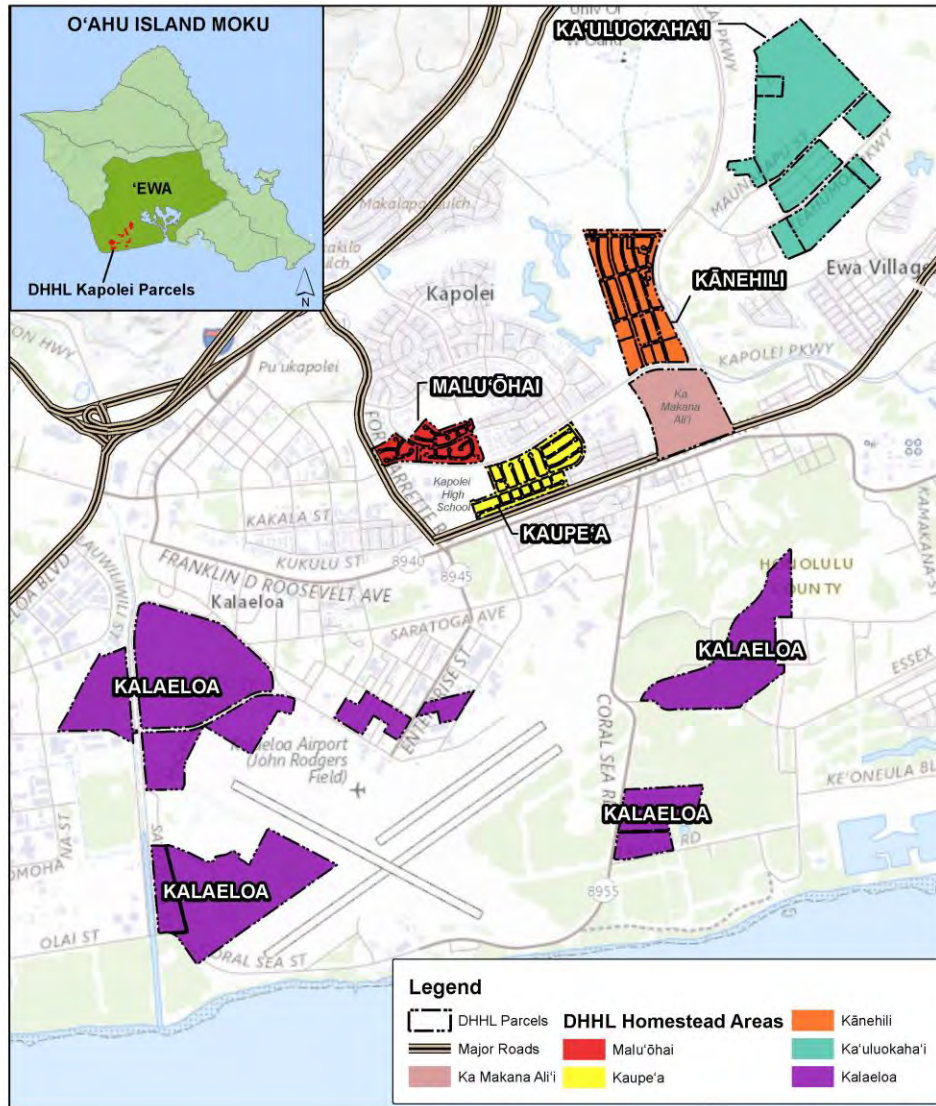
HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

G-2

DRAFT KAPOLEI REGIONAL PLAN UPDATE

November 15-16, 2021

Kapolei Planning Area Map



Existing Land Uses:

- Residential
- Community Use
- Commercial
- Industrial



Plan Activities Completed to Date

Date	Activity	Intended Outcome
October 2020	Met with regional leadership: <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

GUIDING PRINCIPLES:

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

DRAFT VISION STATEMENT:

“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.”



Results of Priority Projects On-line Voting

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 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



Next Steps

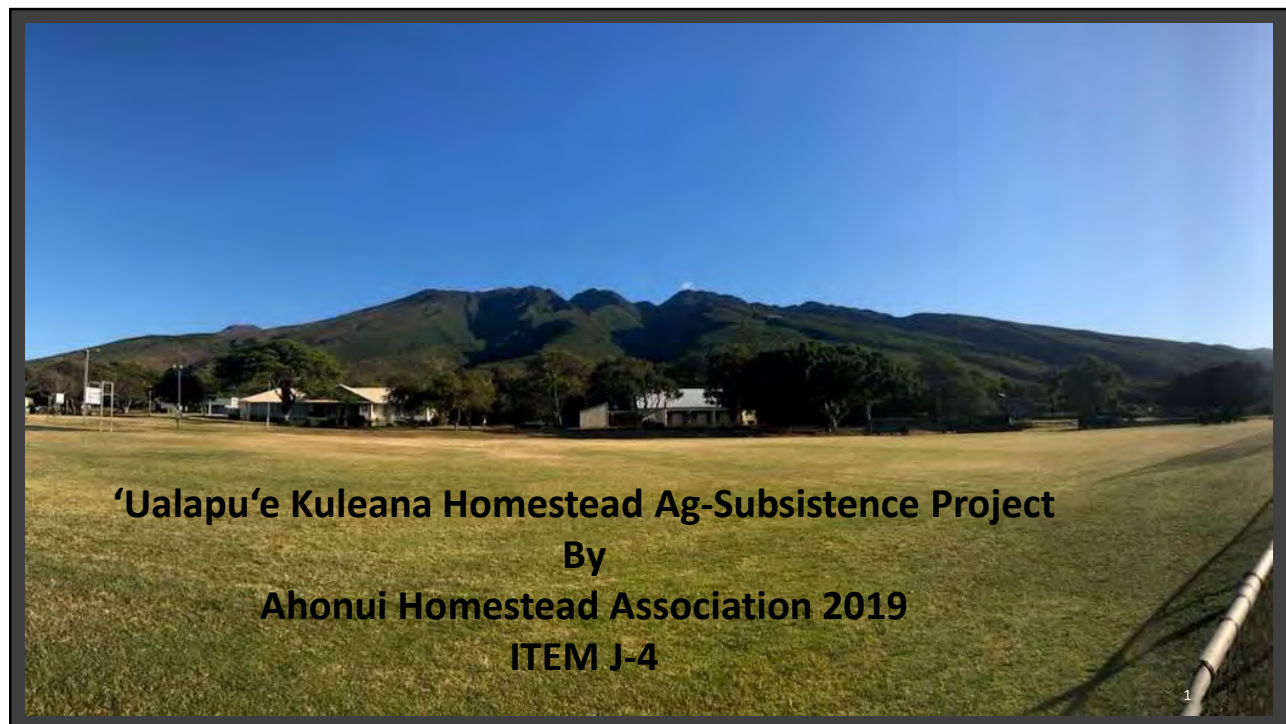
- 1) Finalize a draft regional plan for review
- 2) Conduct Beneficiary Consultation #3 on December 9, 2021 via Zoom to get beneficiary input and comments on the draft regional plan
- 3) Revise draft plan per comments received at the Beneficiary Consultation #3 and finalize the plan
- 4) Seek HHC approval of the plan during Spring 2022

Mahalo

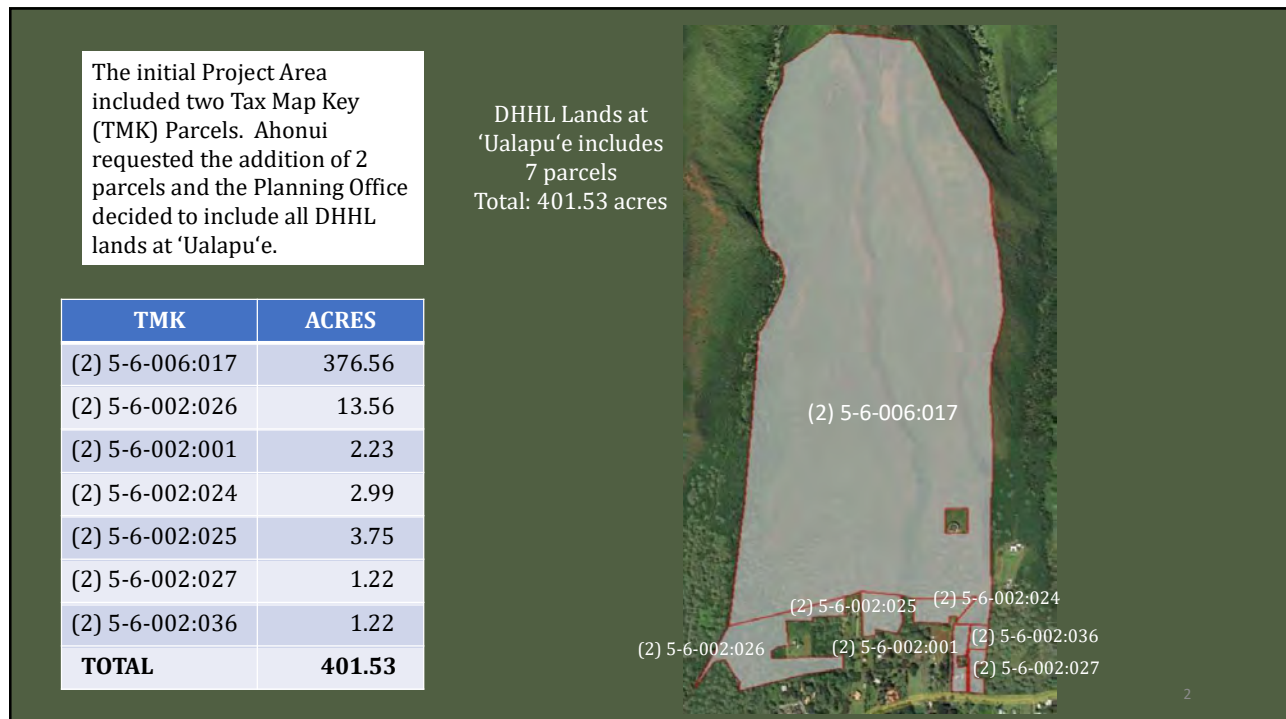


DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov



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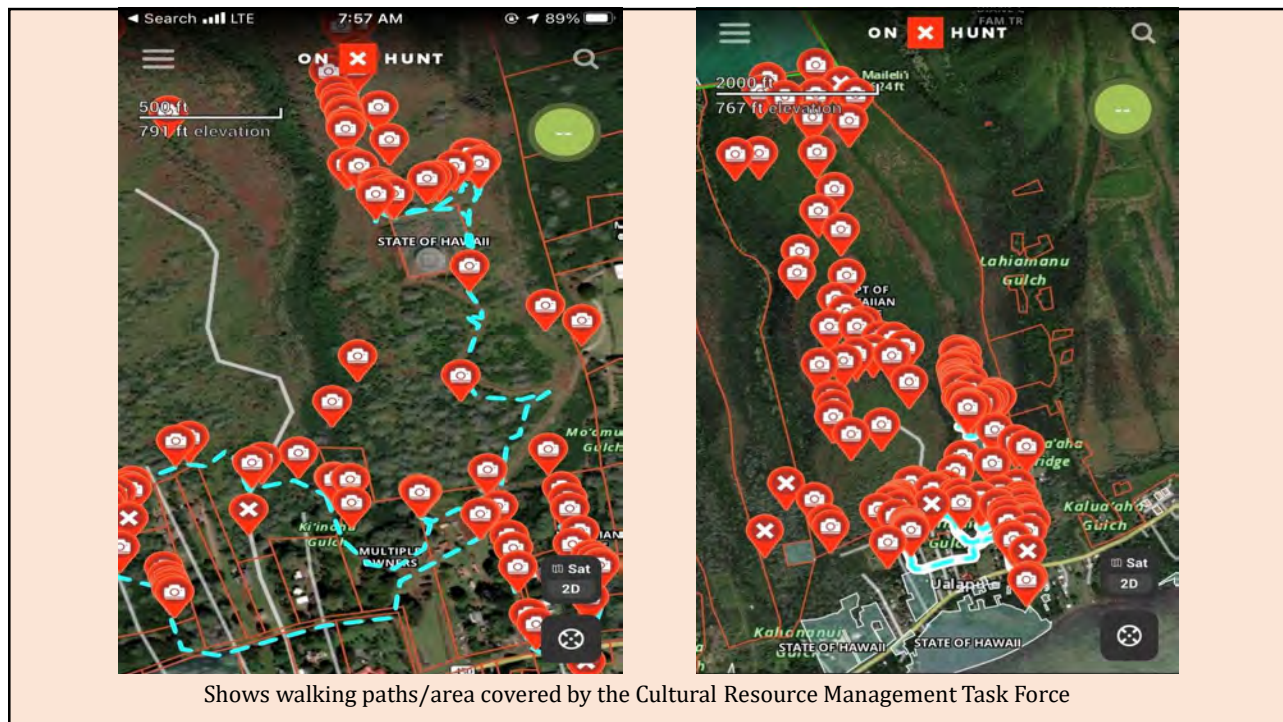
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Cultural Resource Management Task Force

- Task Force: Dickenson Stone
- Christopher Chang
- William (Kupuna Kekauoha)
- Gavin Pelekane-Tamashiro
- Phillip "Mango" Stephens
- Antonette Yamamoto
- Sybil Lopez
- Sam Pedro
- Pat Tamashiro
- Cora Schnackenberg
- Members/Volunteers



4



5

Evidence of Extreme Soil Erosion--Water Run-Off Problem

only 8-12-inches of a 6-foot fence is visible; the other side of the fence clears 5-6 feet



6

Early stages of soil erosion where roads become waterways
which start to erode...



7

...and continues to erode until you end up with gullies and hard
pan soil which would be difficult to farm



8



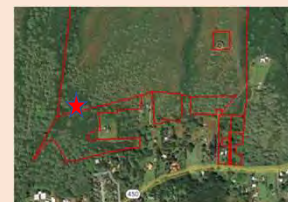
Access Road



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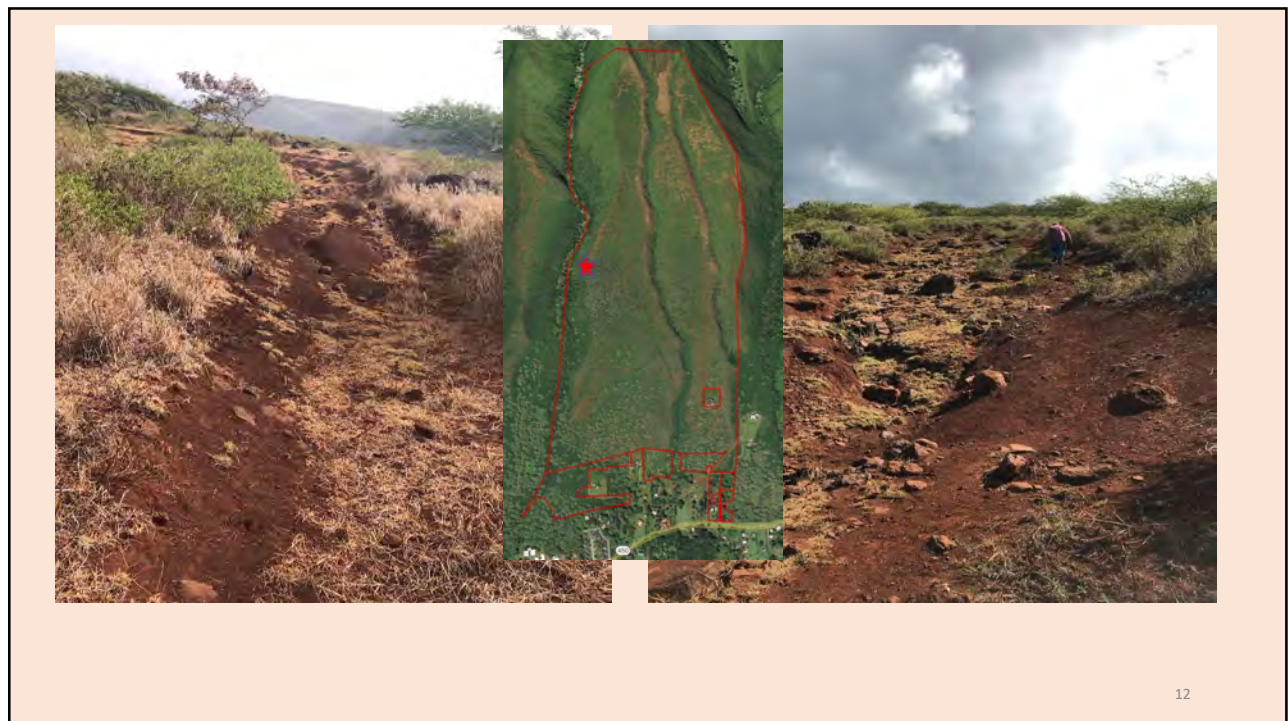
Stream bed that must be crossed to get from one DHHL parcel to another



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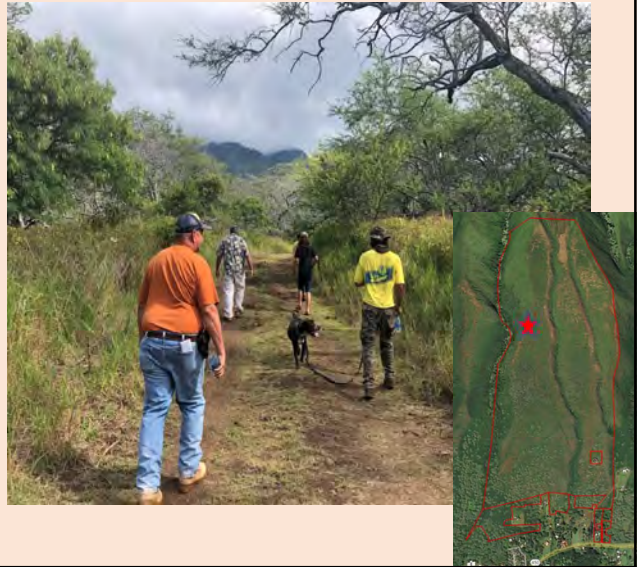


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Examples where the land levels off



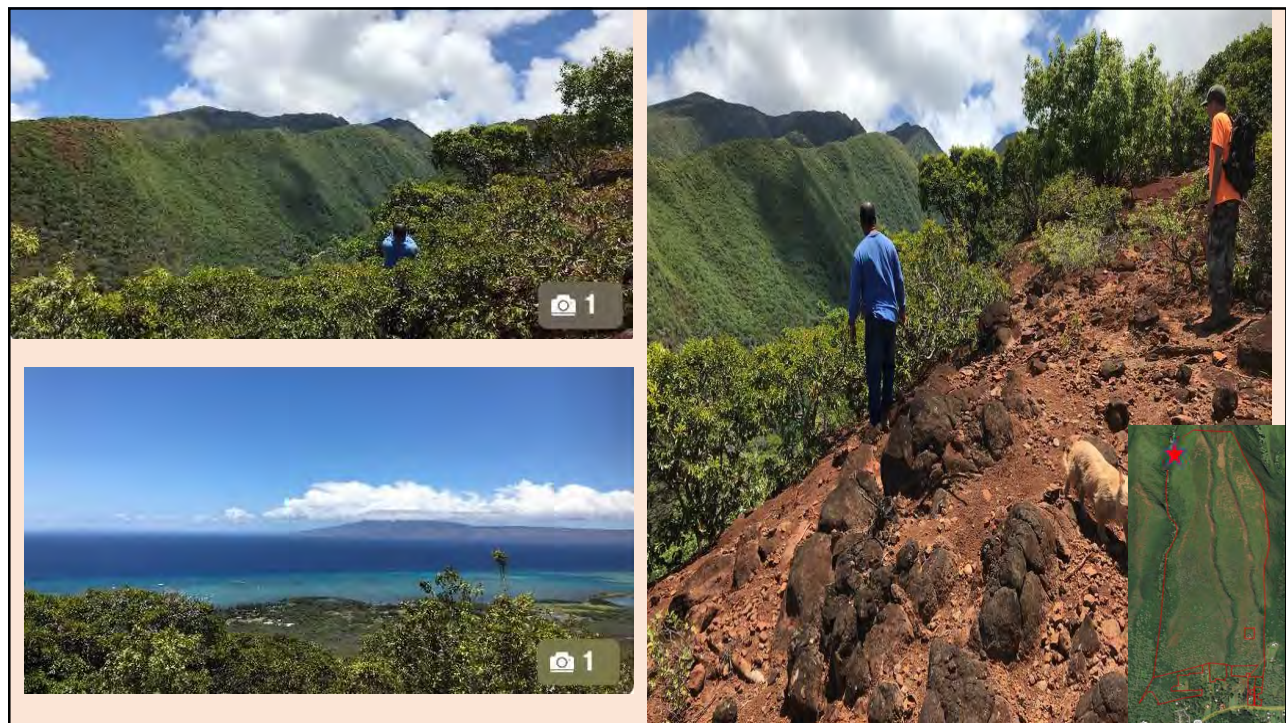
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Where plants grow, soil is retained

17



Invasive

Plant name: Common lantana (*Lantana camera*)

Elevation: beach zone - 1000+ ft.

Description:

- native to Central and South Africa
- shrub
- can grow 6 feet tall or more
- poisonous to livestock *
- birds disperse seed

Management:

- physical - cut
- chemical - herbicide

18

18



Invasive

Plant name: Balloon cottonbush (*Asclepias physocarpa*)

Elevation: low elevation, dry habitats, occasionally up to 1,830 m

Description:

- grows in waste places, disturbed sites, open woodlands, grasslands, wetlands, and along roadsides
- seeds spread by wind
- invades active pastures, sugarcane plantations, coastal and dry forests

Management:

- physical - hand pull seedlings
- chemical - Mature plants may be herbicide-tolerant. Higher, unstated rates of metsulfuron reported effective

19

19

Native Plants

Plant name: 'Ūlei / Eluehe (Moloka'i) (*Osteomeles anthyllidifolia*) Hawaiian hawthorn / Hawaiian rose

Elevation: sea level - 7,600 ft.

Description:

- indigenous
- found in dry to mesic forests
- needs full sun
- shrub/tree (~2 ft-30 ft)
- flowers are slightly fragrant (like a rose)

Uses:

- wood used for 'ō'ō (digging sticks), ihe (spears for lu'u he'e)/games and sports, kapa beater, 'ūkēkē (musical instrument), 'auamo (carrying poles for water and food)
- short tapered sticks used for pahe'e
- fruit used to dye kapa
- branches used for making round fish nets
- flowers and fruit used for lei-making
- medicine: laxative for babies & deep cuts



20

Native

Plant name: 'Ākia (*Wikstroemia uva-ursi*)

Elevation: 10ft-1375ft

Description:

- endemic *
- shrub (2-6 ft)
- can grow up to 5 ft in width
- companion plants - 'Ilima, 'a'ali'i, kupukupu, pōhinahina, 'ilie'e, 'ūlei, and kulūi
- salt, wind, drought, heat tolerant

Uses:

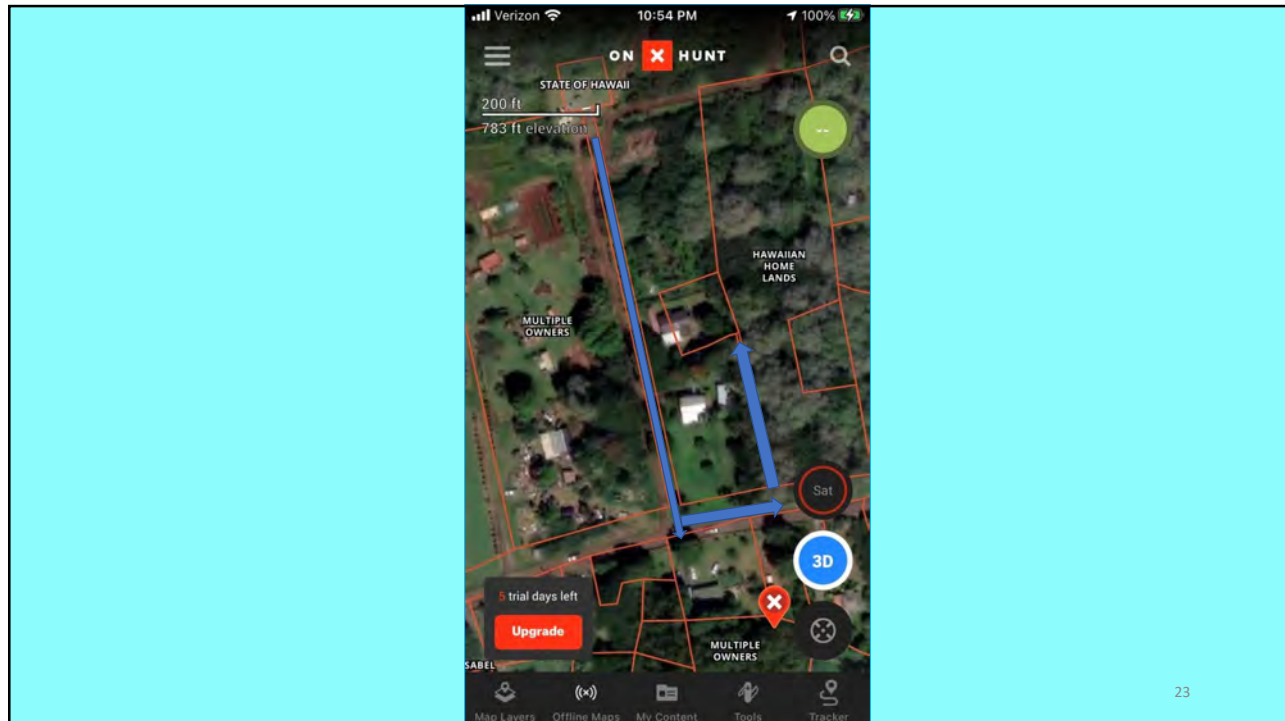
- ground cover
- fish poison
- fiber material for ropes
- wood used for 'auamo (carrying sticks)
- medicine - laxative & nae kūlou (shortness of breath)
- lei-making



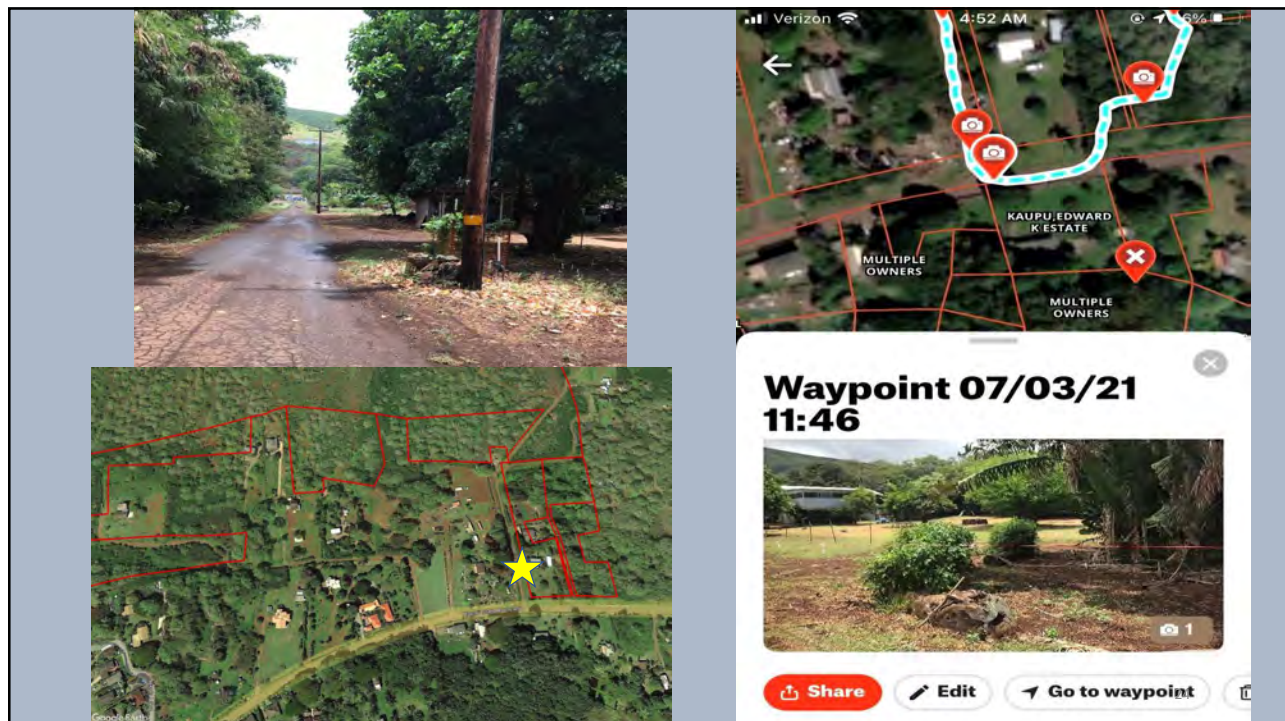
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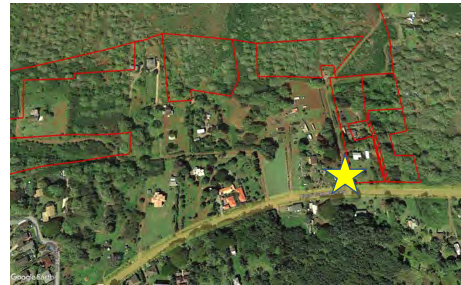
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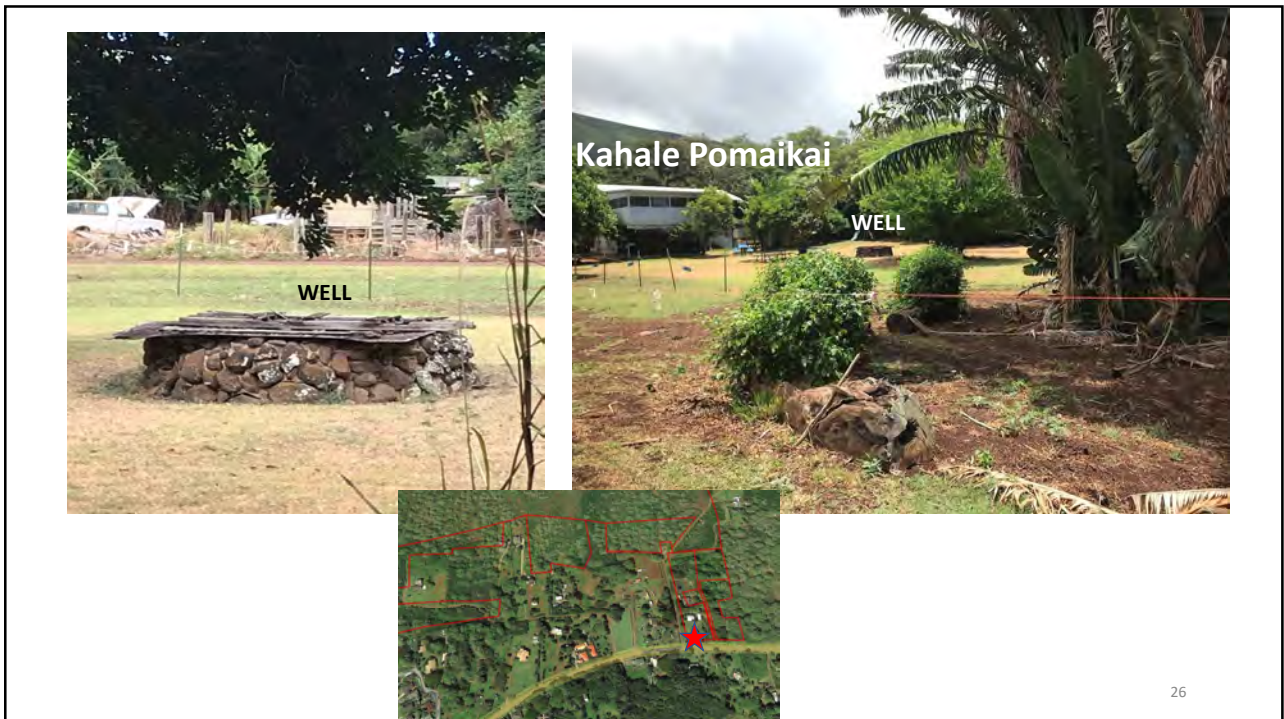
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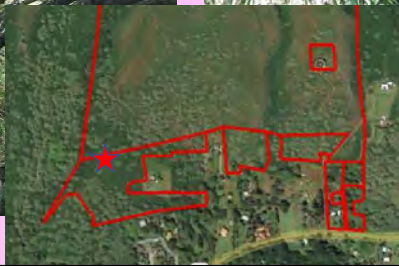


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JAC2

Significant Sites



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Oct 25, 2021—G70 Site Visit with 'Ualapu'e Cultural Practitioners



28

28

JAC2 make map inset to id where we are
Julie-Ann Cachola, 11/11/2021

Oct 25, 2021—G70 Site Visit with 'Ualapu'e Cultural Practitioners



29

Oct 25, 2021—G70 Site Visit with 'Ualapu'e Cultural Practitioners



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Oct 25, 2021—G70 Site Visit with 'Ualapu'e Cultural Practitioners



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Oct 25, 2021—G70 Site Visit with 'Ualapu'e Cultural Practitioners



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Oct 25, 2021—G70 Site Visit with 'Ualapu'e Cultural Practitioners



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Oct 25, 2021—G70 Site Visit with Cultural Resource Management Task Force



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Oct 25, 2021—G70 Site Visit with Cultural Resource Management Task Force



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Oct 25, 2021—G70 Site Visit with Cultural Resource Management Task Force



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Oct 25, 2021—G70 Site Visit with Cultural Resource Management Task Force

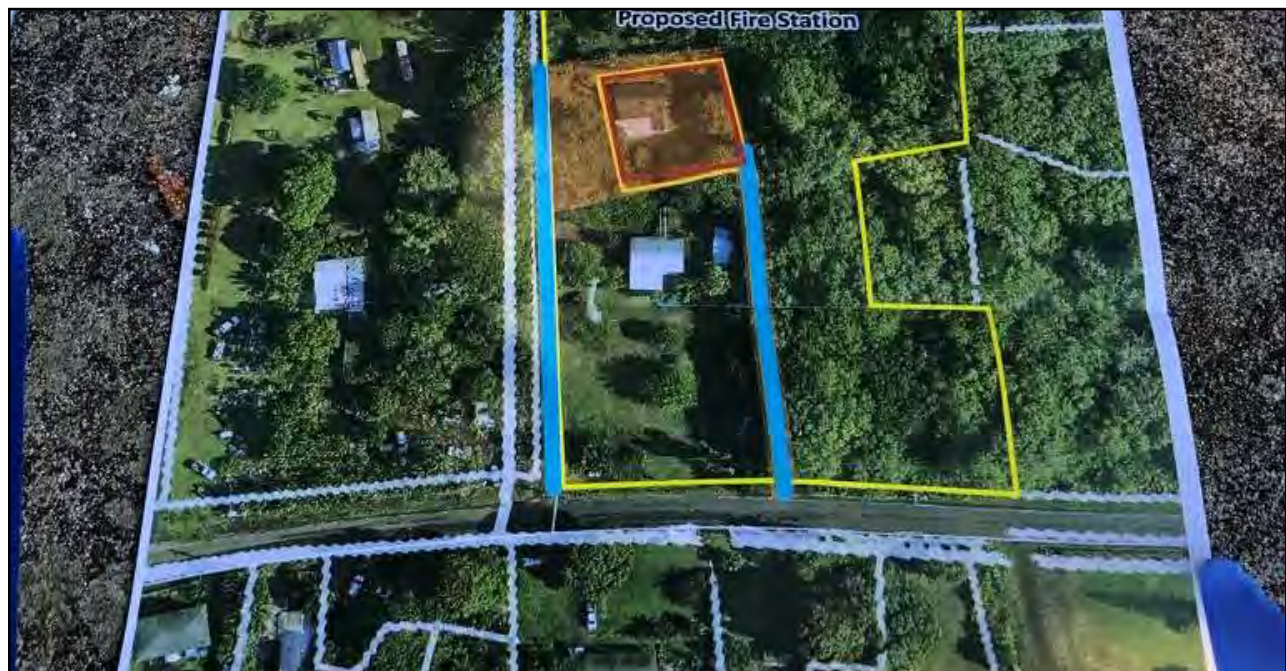


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Oct 25, 2021—G70 Site Visit with Cultural Resource Management Task Force



38



Oct 25, 2021—G70 Site Visit with Maui County Fire Department

41



Oct 25, 2021—G70 Debriefing with Ahonui

42

Oct 25, 2021—G70 Debriefing with Ahonui



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