

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
**HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA**

Courtyard King Kamehameha's Kona Beach Hotel Ballroom #4  
75-5660 Palani Road, Kailua-Kona, Hawai'i 96740, and Interactive Conference Technology (ICT)  
Monday, May 16, 2022, at 9:30 a.m. to be continued, if necessary, on  
Tuesday, May 17, 2022, at 9:30 a.m.  
*Livestream available at [www.dhhl.hawaii.gov/live](http://www.dhhl.hawaii.gov/live)*

*Note: Commission Meeting Packets will be available at [dhhl.hawaii.gov](http://dhhl.hawaii.gov) by Thursday, May 12, 2022.*

**I. ORDER OF BUSINESS**

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for April 18 & 19, 2022
- D. Public Testimony on Agendized Items – see information below

Public testimony on any item **relevant to this agenda** shall be taken at this time.

**II. ITEMS FOR DECISION MAKING**

**A. CONSENT AGENDA**

Homestead Services Division

- D-2 Approval of Consent to Mortgage (see exhibit)
- D-3 Ratification of Loan Approvals (see exhibit)
- D-4 Approval of Streamline Refinance of Loans (see exhibit)
- D-5 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-6 Commission Designation of Successors to Application Rights – Public Notice 2010 & 2020 (see exhibit)
- D-7 Approval to Certify Applications of Qualified Applicants for the Month of April 2022 (see exhibit)
- D-8 Reinstatement of Cancelled Application – **JAMILENE M.L.K. KANE**
- D-9 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- D-10 Approval of Assignment of Leasehold Interest (see exhibit)
- D-11 Approval of Amendment of Leasehold Interest (see exhibit)
- D-12 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-13 Commission Designation of Successor – **MANLY K. KANOA, JR.**, Residential Lease No. 7767, Lot No. A, Waimanalo, Oahu
- D-14 Commission Designation of Successor – **ELIZABETH H. NAHOLOWAA.**, Residential Lease No. 3769, Lot No. 305, Nanakuli, Oahu
- D-15 Commission Designation of Successor – **CAROL K. KANEAKUA.**, Residential Lease No. 2516, Lot No. 106, Kewalo, Oahu
- D-16 Commission Designation of Successor – **FLORENCE KEALOHA.**, Residential Lease No. 12932, Lot No. 106, Ka'uluokaha'i, Oahu
- D-17 Commission Designation of Successor – **ALLAN L. KILA.**, Residential Lease No. 12944, Lot No. 97, Ka'uluokaha'i, Oahu
- D-18 Commission Designation of Successor – **CAROLDEAN K. JACKSON**, Residential Lease No. 8385, Lot No. 94, PKE, Oahu

- D-19 Commission Designation of Successor – **BEATRICE P. KALAI**, Residential Lease No. 3665, Lot No. 64, Waimānalo, Oahu
- D-20 Cancellation of Tenant-In-Common Leasehold Interest – **ALFRED G. KUMALAE, JR.**, Agricultural Lease No. 6887, Lot No. 18, Pana‘ewa, Hawaii
- D-21 Cancellation of Lease – **CLEVIS AIONA AKA**, Residential Lease No. 3097, Lot No. 27, Waiakea, Hawaii
- D-22 Commission Designation of Successor – **THERESA M DUCRET**, Residential Lease No. 6841, Lot No. 29, Waiakea, Hawaii
- D-23 Cancellation of Lease – **HARRY K. KAMALII, JR.**, Agricultural Lease No. 6982, Lot No. 38, Maku‘u, Hawaii
- D-24 Commission Designation of Successor – **RICHARD ALAN LOVELL**, Residential Lease No. 3253, Lot No. 65, Anahola, Kauai
- D-25 Commission Designation of Successor – **POHAIKEALOHA DYMOND**, Residential Lease No. 11042, Lot No. UNDV041, Anahola, Kauai
- D-26 Cancellation of Tenant-In-Common Leasehold Interest – **DONALD W. NIHIPALI**, Residential Lease No. 6486, Lot No. 61, Anahola, Kauai
- D-27 Commission Designation of Successor – **JOHN KANUI**, Residential Lease No. 09301, Lot No. 88, Kaniohale, Hawaii

## B. REGULAR AGENDA

### Land Management Division

- F-1 Approval to Issue Annual Renewal of Right of Entry Permit(s), North & West Hawai‘i Island
- F-2 Approval to Issue Master Benefit License to Hawaii Electric Light Company, Inc., (HELCO), for Homestead Developments, County of Hawaii (Various TMKs)
- F-3 Approval to Issue Temporary Six (6) Month Right of Entry Permit to Special Olympics Hawaii, Inc., Kapolei, Island of Oahu, TMK No.: (1) 9-1-017:161(por.)
- F-4 Approval to Issue Right of Entry Permit to Ka‘u Hawaiian Homelands Association, Wai‘ōhinu, Island of Hawaii, TMK No. (3) 9-5-005:003(por.)

## 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. Application of Part I of Chapter 92, Hawaii Revised Statutes (the Sunshine Law) to Commission meetings
2. Discussion regarding negotiations pertaining to Lease No. 12569, Lot No. 18336, Kanehili, O‘ahu

## IV. ITEMS FOR INFORMATION/DISCUSSION

### A. REGULAR ITEMS

#### Office of the Chairman

- C-1 For Information Only – Summary of Legislative Session 2022
- C-2 For Information Only - Appointment of ‘Waitlist Reduction Act’ (HB 2511 HD2 SD 2 CD 1) Permitted Interaction Group pursuant to Hawaii Revised Statutes Section 92-2.5 and Hawaii Administrative Rules section 10-2-16(b)(1)

Homestead Services Division

D-1 HSD Status Reports

A.-Homestead Lease and Application Totals and Monthly Activity Reports

B.-Delinquency Reports

Land Development Division

E-1 For Information Only - West Hawaii Project Updates

E-2 For Information Only - Update on “Rental Housing in the Villages of La‘i‘Ōpua”

E-3 For Information Only - Acquisition of Property from the Hawaii Housing Finance and Development Corporation, Kapolei, Island of O‘ahu, Tax Map Key No. (1) 9-1-140:159

Planning Office

G-1 For Information Only – Update on the Hawaiian Electric Company DLNR Water License Application Under HRS 171-58 for Hydroelectricity Generation from the Wailuku River, Hilo, Hawai‘i Island

G-2 For Information Only – Status Update on Plan Implementation in West Hawai‘i

G-3 For Information Only – West Hawai‘i Water Projects Update

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DEPARTMENT OF HAWAIIAN HOME LANDS  
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Tuesday, May 17, 2022, at 9:30 a.m.

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**I. ORDER OF BUSINESS**

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

Public testimony on any item **relevant to this agenda** shall be taken at this time..

**II. ITEMS FOR INFORMATION/DISCUSSION**

**A. GENERAL AGENDA**

Requests to Address the Commission

- J-1 Al Hee – Telecommunications
- J-2 Velma Mariano- Paukūkalo Park
- J-3 Jojo Tanimoto- Proposed renewable energy lot configuration. Lease Boundary
- J-4 Bo Kahui - Various
- J-5 Malia Greaney - Moloka'i Water System Improvements
- J-6 Kaleo Cullen – Ulupalakua Lot
- J-7 Yvette Nakaahiki – Kaivin Farm Educational Programs
- J-8 Blossom Feiteira - Various
- J-9 Bill Brown – Project Kamoleao
- J-10 Mahana Keakealani – Hui Aloha Pu'ukapu
- J-11 Aulani Freitas – Papakōlea Beach
- J-12 Kawehi Correa and Malama Solomon – Waikā Consulting Geothermal Undersea Power Cable

**III. EXECUTIVE SESSION**

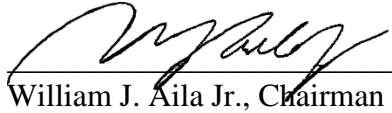
The Commission anticipates convening an executive meeting pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities on the following matters:

1. Discussion on *Kalima, et al. v. State of Hawai'i*, Civil No. 99-4771-12
2. Update on issues related to Telecommunications and Broadband services on Hawaiian Home Lands;
3. Discussion on *In re Paniolo Cable Company, LLC*, Case No. 18-01319 (RJF) before the U.S. Bankruptcy Court, District of Hawai'i; and
4. 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



#### IV. ANNOUNCEMENTS AND ADJOURNMENT

- A. Community Meeting – La‘i‘Ōpua Community Center, Monday, May 16, 2022, 6:30 p.m.
- B. Next HHC Meeting – June 20 & 21, 2022, Monday & Tuesday, Kapolei, Oahu
- C. 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

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 May 12, 2022. If a response is received after then, 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) in person at the meeting location, by filling out a form at the reception table, (2) written testimony mailed to *Commission Testimony, P.O. Box 1879, Honolulu, HI, 96815*, or emailed to [dhhl.icro@hawaii.gov](mailto:dhhl.icro@hawaii.gov) by May 13, 2022, or (3) live, oral testimony online by submitting a form **at least 24 hours prior**, at <https://dhhl.hawaii.gov/hhc/testimony/>, with your name, phone number, email address, and the agenda item on which you would like to testify. Once your request has been received, you will receive an email with the Zoom link via which to testify. You will need a computer with internet access, video camera and microphone to participate. If you require access by phone only, please indicate that in your request. Testimony will be limited to a maximum of three (3) minutes per person.

**ITEM D-2 EXHIBIT****APPROVAL OF CONSENT TO MORTGAGE**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
BRIGHT, Jason K. K.	9889	Malu‘ōhai, Oahu
CALIZAR, Jennifer	3932	Waimānalo, Oahu
COLLO, Brianna K.	9542	Waiehu 2, Maui
DISTAJO, Alex K.	2932A	Nānākuli, Oahu
DURAN, Monica K.	3947	Waimānalo , Oahu
ELI, Clyde K. M., Jr.	3299	Nānākuli, Oahu
FIGUEROA, James C., Jr.	11890	Kanehili, Oahu
HALE, Kenneth L., Jr.	12552	Kanehili, Oahu
JOHNSON, Theodore K.	2276	Waimānalo, Oahu
JUAN, Wendall	9662	Kawaihae, Hawaii
KAHALE, Gaylord D. C.	5601	Lualualei, Oahu
KAIWI, Bruce K.	5461	Anahola, Kauai
KALEIKINI, Melvin K.	12780	Malu‘ōhai, Oahu
KAMALANI-OLIVER, Leiola	6568	Anahola, Kauai
KANE, Claude H.	3115	Waimānalo, Oahu
KAPELE, Almadine G. M.	8898	Nānākuli, Oahu
KAWAHARA, Judith	3932	Waimānalo, Oahu
KELLY, Kolani B.	5335	Waianae, Oahu
KOAPUIKI, William K.	9216	Kaniohale, Hawaii
MALANI, Leslie K.	4911	Kuhio Village, Hawaii
MEYER, Mary F. K. M.	3990	Waimānalo, Oahu
NAKI, Nadine E. L.	4079	Waimānalo, Oahu
PAHIO, Thomas K.	7190	Kawaihae, Hawaii
PAIKAI, Kawailehua K. H.	12566	Kanehili, Oahu
PALAKIKO, Leslie A.	681	Nānākuli, Oahu
PERRY, Joseph F. K.	8802	Waimānalo, Oahu
PRUETT, Julieann M.	8183	Nānākuli, Oahu
ROBINS MATTHEWS, Shirleen M.	9963	Waianae, Oahu
SOARES, Alice N. P.	8883	Hanapepe, Kauai
VELASCO, Pedro K.	2205	Kewalo, Oahu
VIERRA, Cynthia K.	2460	Waimānalo, Oahu
VIERRA, Robert A.	2460	Waimānalo, Oahu
YUEN, Daniel C.	12189	Waiehu 4, Maui
ZOLLER, Colvena	9729	Malu‘ōhai, Oahu

**ITEM D-3 EXHIBIT****RATIFICATION OF LOAN APPROVALS**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
KAILIMAI, Billy Jo	8003	Pu‘ukapu, Hawaii
KAMMERER, Heitiare K.	12976	Waiakea, Hawaii

**ITEM D-4 EXHIBIT**

**APPROVAL OF STREAMLINE REFINANCE OF LOANS**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
KALEIKINI, Douglas R.	12193	Waiehu 4, Maui

**ITEM D-5 EXHIBIT**

**APPROVAL OF HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS**

<b>APPLICANT</b>	<b>AREA</b>
CORPUZ, Karen M.B.	Oahu IW Agr
CORPUZ, Karen M.B.	Oahu IW Res
FORSYTHE, Edward W.	Oahu IW Agr
KAHALE, Guy K.	Hawaii IW Res to Oahu IW Res
KAOPUA, Sherwood K.	Oahu IW Res to Hawaii IW Res
KAUHANE, Charlene L.	Maui IW Res
KAUHANE, Michael K.W.	Kauai IW Agr
KELLY, Edward H., Jr.	Oahu IW Res
KOANI, Jordan D.K.	Hawaii IW Agr to Kauai IW Pas
KOANI, Jordan D.K.	Oahu IW Res to Kauai IW Res
LUULO, Henry H.	Kapa'akea Area/Molokai IW Res
PUNG, Kelby K.	Hawaii IW Agr

\* IW = Islandwide

**ITEM D-6 EXHIBIT**

**COMMISSION DESIGNATION OF SUCCESSORS TO APPLICATION RIGHTS - PUBLIC  
NOTICE 2010 & 2020**

<b>APPLICANT</b>	<b>AREA</b>
BAILEY, Terilee K.	Waimanalo Area/ Oahu IW Res
GASPAR, Donovan E.K.	Waimanalo Area/ Oahu IW Res
KAUHANE, Charlene L.	Maui IW Res
KAUHANE, Michael K.W.	Kauai IW Agr

\* IW = Islandwide

**ITEM D-7 EXHIBIT**

**APPROVAL TO CERTIFY APPLICATIONS OF QUALIFIED APPLICANTS FOR THE MONTH OF  
APRIL 2022**

<b>APPLICANT</b>	<b>AREA</b>
AHUNA, Wailana K.K.	Hawaii IW Agr
AHUNA, Wailana K.K.	Hawaii IW Res
AKIONA, Aaron K.	Oahu IW Res
ANAKALEA-HALEAMAU, Kawehi M.	Hawaii IW Agr
ANAKALEA-HALEAMAU, Kawehi M.	Hawaii IW Res
ASPILI, Elizabeth P.	Maui IW Agr

ASPILI, Elizabeth P.	Maui IW Res
GUTIERREZ, Ashley K.	Kauai IW Res
GUTIERREZ, Ashley K.	Kauai IW Agr
HERROD, Anuhea	Kauai IW Res
IRVINE-PULE, Hiilani A.L.N.M.	Oahu IW Res
JEREMIAH, Ewalina K.	Hawaii IW Agr
JEREMIAH, Ewalina K.	Hawaii IW Res
JEREMIAH, Jeuel K.	Hawaii IW Agr
JEREMIAH, Jeuel K.	Maui IW Res
KALUHIWA-CABRAL, Brandi-Marie K.	Maui IW Res
KAUAAHIKAUA, Rylee-Ann K.	Maui IW Agr
KAUAAHIKAUA, Rylee-Ann K.	Maui IW Res
KAULIA, Abraham K., IV	Hawaii IW Agr
KAULIA, Abraham K., IV	Hawaii IW Res
KAWAA, Kamalei K.H.	Maui IW Agr
KAWAA, Kamalei K.H.	Maui IW Res
KINIMAKA KUEHU, Tyshan Lalee L.P.	Kauai IW Agr
KINIMAKA KUEHU, Tyshan Lalee L.P.	Kauai IW Res
LUULOAA-KEALAIKI, Myra P.	Molokai IW Res
NAKOA, Sanae I.K.	Maui IW Agr
NAKOA, Sanae I.K.	Maui IW Res
NUUHIWA, David Kealohalani	Kauai IW Res
OLIVEIRA, William Joseph K.	Maui IW Agr
OLIVEIRA, William Joseph K.	Maui IW Res
PLACE, Marie K.K., III	Maui IW Res
POAIPUNI, Terry L.N.	Maui IW Pas
POAIPUNI, Terry L.N.	Maui IW Res
PULE, Jeremiah R.L.K.	Maui IW Agr
PULE, Jeremiah R.L.K.	Oahu IW Res
WAA, Stacey N.	Oahu IW Res

\* IW = Islandwide

#### **ITEM D-9 EXHIBIT**

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

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
COOMBS, Alicia J.	4249	Keaukaha, Hawaii
INSILLIO, Henrietta	8371	PKE, Oahu
MAKANUI, Charles K., Jr.	10881	La‘i‘Ōpua, Hawaii

**ITEM D-10 EXHIBIT****APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
GUSMAN-CAMPANIA, Dalelynn M. L.	2144	Kewalo, Oahu
HEICK, Iris Roxann K.	12978	Ka'uluokaha'i, Oahu
JEREMIAH, Herman H. K., Jr.	3301	Nānākuli, Oahu
KAHAWAI, Jo-Ann L.	8883	Hanapepe, Kauai
KALANIOPIO, Gordon K.	9654	Kawaihae, Hawaii
NAKOA, Daniel H.	6927	Pu'ukapu, Hawaii
LOO, Widmarke K.	6927	Pu'ukapu, Hawaii
SILVA, Marla G. K.	8665	Anahola, Kauai
DIANA, Sally Ann H.	8669	Anahola, Kauai
TREMAINE, Mary Ann P. L.	10766	La'i'Ōpua, Hawaii

**ITEM D-11 EXHIBIT****APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
ELI, Clyde K. M., Jr.	3299	Nanakuli, Oahu
KEAHI, Bruce K.	10324	Waiohuli, Maui

**ITEM D-12 EXHIBIT****APPROVAL TO ISSUE A NON-EXCLUSIVE LICENSE FOR ROOFTOP PHOTOVOLTAIC SYSTEMS FOR CERTAIN LESSEES**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
AKIONA, Wilma E. P.	11198	Anahola, Kauai
HAHN, Liliana O.	8576	Nānākuli, Oahu
HARRIS, Chris N. K.	5063	Keaukaha, Hawaii
LORENZO, Elizabeth K.	12926	Ka'uluokaha'i, Oahu

**ITEM F-1 EXHIBIT****RIGHT OF ENTRY PERMITS, North and West Hawaii ISLAND**

<b>NO.</b>	<b>ACRE</b>	<b>USE</b>	<b>PERMITTEE/ADDRESS</b>	<b>TMK</b>	<b>Date Started</b>
461	0.54	Commercial	Edward J. Laau/Naomi K. Peck	(3) 6-1-003:018	7/1/1989
462	0.67	Commercial	Kawaihae Spirits	(3) 6-1-002:066 and:068	2/20/1990
464	50.00	Pastoral	Marian Kapuniai	(3) 6-4-038:007 (p)	12/29/2012
466	105.73	Pastoral	Malama Solomon	(3) 6-5-001:010 (p)	1/1/2000
483	0.56	Commercial	Guy Startzman	(3) 6-1-003:003	2/14/2011
484	1420.00	Pastoral	Kahua Ranch	(3) 6-1-001:002 (p)	2/1/2011
485	7600.00	Pastoral	Palekoki Ranch, Inc.	(3) 6-1-001-003 (p)	6/1/2011
599	381.00	Pastoral	Parker Ranch	(3) 6-5-001:011 & :019	7/1/1977
683	9mi	Pastoral	The Kohala Center "TKC"	(3) 9-1-001:003	3/12/2018
684	72.00	Community	Kailapa Community Association	(3) 6-1-001:007	4/24/2019

Denotes Beneficiary

**HAWAIIAN HOMES COMMISSION  
MAY 16 & 17, 2022  
FACE-TO-FACE &  
INTERACTIVE CONFERENCE  
TECHNOLOGY**

**C – ITEMS  
OFFICE OF THE CHAIRMAN**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 16-17, 2022

To: Chairman and Members, Hawaiian Homes Commission  
From: Lehua Kinilau-Cano, HHL Legislative Analyst *Lehua Kinilau-Cano*  
Subject: For Information Only - Summary of Legislative Session 2022

RECOMMENDATION/ACTION:

None; For information only.

DISCUSSION

*Historic Infusion of Funding*

The Hawaii State Legislature appropriated \$600 million to the Department to pursue a multi-pronged approach to eliminating its waitlist in HB2511, HD2, SD2, CD1 attached as Exhibit 'A'. This historic infusion of funding comes at a critical time as we recognize the centennial year of the Hawaiian Homes Commission Act. Furthermore, the Legislature noted in the measure that the State and its people adopted the Hawaiian Homes Commission Act, 1920, as amended (HHCA) as a provision of the Hawaii State Constitution and agreed to faithfully carry out the spirit of the HHCA for the rehabilitation of the Hawaiian race as required by the Admission Act and as a compact with the United States.

*The State Budget*

The Hawaii State Legislature appropriated funds to the Department in the State Budget reflected in HB1600, HD1, SD2, CD1. The Legislature authorized funding for FY 23 in line with the Governor's Operating Funds request for DHHL of \$15,795,216 in general funds allowing DHHL to maintain its position count at 200. In addition, the Legislature appropriated \$10 million in general funds for services to existing homesteads since the \$600 million is intended to assist those on the waitlist. With regard to the Governor's CIP request of \$30 million for lot development and \$5 million for R&M for existing infrastructure for FY 23, the Legislature kept in place \$20 million for lot development and \$5 million for R&M for existing infrastructure

for FY 23. The Legislature also appropriated \$3 million for Pulehunui improvements and infrastructure and \$9 million for Leialii Parkway and Highway improvements. Separate from DHHL's budget, the Legislature appropriated \$41.5 million as a cash infusion for the Rental Housing Revolving Fund for DHHL affordable housing to finance the redevelopment of DHHL property at 820 Isenberg St in Honolulu for rental housing for native Hawaiian beneficiaries. A chart highlighting the budget information is attached as Exhibit 'B'.

#### *DHHL's Legislative Proposals*

The Hawaiian Homes Commission approved 10 legislative proposals to be included in the Governor's Package for the 2022 Regular Session. Following this approval, the legislative proposals were reviewed by the Department of the Attorney General, the Governor's Policy Office, and the Governor, and 5 were included in the Administration's legislative package. 1 of the 5 legislative proposals were enacted into law. SB879, SD1, HD2, CD1 requires the counties to maintain infrastructure within sixty days and under specified conditions, as part of any housing development for DHHL. Other State agencies or legislators introduced similar legislation or different measures to address topics similar to DHHL's legislative proposals and 2 became law. HB2195, HD2, SD1, CD1 appropriates \$5 million for a cesspool compliance pilot grant project with a maximum grant award of \$20,000 to assist low- and moderate-income property owners, including lessees on Hawaiian home lands with the costs of upgrading, converting, or connecting certain cesspools. HB2171, HD2, SD1, CD1 establishes a Department of Law Enforcement to consolidate and administer criminal law enforcement and investigations functions of the State and includes among the Director of Law Enforcement's statutory duties the deployment of adequate resources and coordination with county police departments to protect the health and safety of homestead communities on Hawaiian home lands.

#### *Other DHHL Related Measures*

The Legislature also passed 4 DHHL related measures as follows:

HB1179, HD1, SD1, CD1 establishes a pilot program within the Aina Mauna legacy program of DHHL to remove and harvest gorse from Mauna Kea to develop it as a marketable product to expand opportunities for native Hawaiians.



HB2288, HD2, SD2, CD1 authorizes the negotiation of the transfer of certain land to DHHL.

SB2623, SD2, HD2, CD1 excludes from any waiting list maintained by DHHL any lessee or successor who sells or transfers their lease on a tract of Hawaiian home lands for personal gain.

SB3195, SD2, HD1, CD1 appropriates \$500,000 to DHHL for the investigation, exploration, and identification of geothermal resources on Hawaiian home lands.

A Concurrent Resolution was enacted as follows:

SCR46, SD1, Requesting the Department of Hawaiian Home Lands to Conduct a Feasibility Study on the Creation of an Enforcement Division for the Department of Hawaiian Home Lands

RECOMMENDED MOTION/ACTION

None; For information only.

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# A BILL FOR AN ACT

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RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

1       SECTION 1. The legislature finds that the mission of the  
2 department of Hawaiian home lands is to develop and deliver land  
3 to native Hawaiians. The trust, created by Congress through the  
4 Hawaiian Homes Commission Act, 1920, as amended (HHCA), set  
5 aside lands to be used for the benefit of native Hawaiians.

6       As required by the Admission Act and as a compact with the  
7 United States, the State of Hawaii and the people of Hawaii  
8 adopted the HHCA as a provision of the Hawaii State Constitution  
9 and agreed to faithfully carry out the spirit of the HHCA for  
10 the rehabilitation of the Hawaiian race. These trust  
11 responsibilities remain to this day.

12       The legislature also finds that today, the department of  
13 Hawaiian home lands is responsible for the management of 203,500  
14 acres of trust lands, 9,959 homestead leases statewide, and  
15 44,096 lease applications. However, over 28,700 applicants  
16 remain on the waitlist for residential, agricultural, or  
17 pastoral leases.



1       The challenges faced by the department of Hawaiian home  
2   lands in fulfilling its mission are multi-faceted, and include  
3   but are not limited to:

4       (1)   Availability of beneficiary-preferred land.   The  
5            greatest demand, and subsequently, the longest waiting  
6            list, is for residential property on Oahu.   However,  
7            the department of Hawaiian home lands' land holdings  
8            on Oahu represent only three per cent of its total  
9            lands;

10      (2)   Cost of infrastructure.   Preparing the department's  
11            lands for homesteading with adequate roads, water,  
12            sewer drainage, electrical, and other necessities  
13            requires a steady source of funding to ensure that  
14            environmental compliance, planning, design, and  
15            construction phases are coordinated; and

16      (3)   Capital for mortgage financing.   With one of the  
17            highest costs of living in the nation, department of  
18            Hawaiian home lands beneficiaries also face the  
19            challenging issue of obtaining capital for mortgages  
20            to build homes and reside on trust lands.



1       The legislature further finds that the revenues collected  
2 by the State as of fiscal year 2021 provide an unprecedented  
3 opportunity to ensure critical long term access to adequate  
4 funding for the department of Hawaiian home lands to meet its  
5 challenges. Accordingly, the purpose of this Act is to provide  
6 a multi-pronged approach to eliminating its waitlist.

7       SECTION 2. The department of Hawaiian home lands may  
8 expend the funds appropriated pursuant to section 6 of this Act  
9 to:

- 10       (1) Develop lots or units;
- 11       (2) Purchase available land or units;
- 12       (3) Provide funding for an applicant on the waiting list  
13           or a qualified relative of the applicant similar to  
14           the qualified relative of a lessee as referenced in  
15           section 208(5) of the Hawaiian Home Commission Act of  
16           1920, as amended, who does not own a principal  
17           residence to purchase;
- 18       (4) Provide a mortgage or rental subsidy to the applicant  
19           on the waiting list for the applicant's principal  
20           residence in the State; and



1           (5) Other services as necessary to address the waiting  
2           list.

3           SECTION 3. The department of Hawaiian home lands is  
4 authorized to prioritize and determine the amount of assistance  
5 under this Act according to the income or receipt of other funds  
6 by the applicant or qualified relative, including wages,  
7 litigation settlement proceeds, and other moneys received by the  
8 applicant or qualified relative.

9           SECTION 4. (a) The department of Hawaiian home lands  
10 shall develop a strategic plan to address the following  
11 applicant preferences reflected in the 2020 Beneficiaries Study  
12 Applicant Report:

13           (1) Seventy-six per cent of individuals on the department  
14 of Hawaiian home lands waiting list who prefer a lot  
15 with a single-family home or a vacant lot for a house;  
16 and

17           (2) Sixteen per cent of individuals on the department of  
18 Hawaiian home lands waiting list who prefer to rent or  
19 rent-to-own a single-family home, duplex, apartment,  
20 or townhouse, with the option to buy in the future.



1 (b) The strategic plan shall be divided by county and  
2 include recommended waiting list policies detailing when  
3 homeowner-applicants receive mortgage or down payment assistance  
4 from the department of Hawaiian home lands and renter-applicants  
5 who opt to continue to reside in their existing rental housing  
6 or future rental housing developed for the department of  
7 Hawaiian home lands.

8 (c) The department of Hawaiian home lands shall submit the  
9 strategic plan, including findings, recommendations, and any  
10 proposed legislation, to the legislature no later than  
11 December 10, 2022.

12 SECTION 5. The department of Hawaiian home lands shall  
13 submit an annual report to the legislature on the first day of  
14 each regular session that includes:

15 (1) An accounting of the expenditures for the purposes of  
16 this Act in the previous fiscal year; and

17 (2) The number of applicants on the waiting list assisted.

18 SECTION 6. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$600,000,000 or so  
20 much there of as may be necessary for fiscal year 2021-2022 for  
21 the purposes of this Act; provided that any moneys not



1 encumbered for specific purposes shall lapse to the general fund  
2 on June 30, 2025.

3 The sum appropriated shall be expended by the department of  
4 Hawaiian home lands for the purposes of this Act.

5 SECTION 7. The expenditure of funds, and programs to  
6 expend funds, under this Act shall be exempt from any rulemaking  
7 requirements of chapter 91, Hawaii Revised Statutes.

8 SECTION 8. If any provision of this Act, or the  
9 application thereof to any person or circumstance, is held  
10 invalid, the invalidity does not affect other provisions or  
11 applications of the Act that can be given effect without the  
12 invalid provision or application, and to this end the provisions  
13 of this Act are severable.

14 SECTION 9. This Act shall take effect upon its approval.



H.B. NO. 2511  
H.D. 2  
S.D. 2  
C.D. 1

**Report Title:**

DHHL; Report; Appropriation

**Description:**

Provides funds to the department of Hawaiian home lands to pursue a multi-pronged approach to eliminating its waitlist. Requires the department of Hawaiian home lands to develop a strategic plan to address applicant preferences. Requires an annual report. (CD1)

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





# DHHL's "Sufficient Funds" & Executive Supplemental Budget FY 2023 – Operating

	FY2023 DHHL	FY2023 GOV	FY2023 HB1600, CD1
A & O Budget Request (A)	(206) \$30,023,876	(200) \$15,795,216	(200) \$15,795,216
Services to Existing Homesteads			\$10,000,000
Operating R&M for Existing Infrastructure (A)	\$4,323,000		
Loan Capitalization (A)		\$5,000,000	
Rehab Projects (A)	^\$14,704,100		
Total HHC A & O Budget Request	\$49,050,976	\$20,795,216	\$25,795,216

^ Includes \$1,960,000 requested by homestead leaders.



Exhibit B

# DHHL's "Sufficient Funds" & Executive Supplemental Budget FY 2023 – CIP

	FY2023 DHHL	FY2023 GOV	FY2023 HB1600, CD1
CIP R&M for Existing Infrastructure (C)	\$47,650,000	\$5,000,000	\$5,000,000
Lot Development (C)	\$86,300,000	\$30,000,000	\$32,000,000
Loans (C)	\$73,100,000		
Rehab Projects (C)	*\$56,440,000		
Total	\$263,490,000	\$35,000,000	\$37,000,000

\*Total reflects projects requested by homestead leaders.



Exhibit B

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
MAY 16 & 17, 2022

TO: Chairman and Members, Hawaiian Homes Commission  
FROM: Jobie Masagatani, Executive Assistant  
SUBJECT: Item C-2 – For Information Only – Appointment of “Waitlist  
Reduction Act” (HB 2511 HD2 SD2 CD1) Permitted Interaction Group  
pursuant to Hawai‘i Revised Statutes Section 92-2.5 and Hawai‘i  
Administrative Rules section 10-2-16(b)(1)

This submittal will be sent under separate cover.


ITEM NO. C-2 Dummy

**HAWAIIAN HOMES COMMISSION  
MAY 16 & 17, 2022  
FACE-TO-FACE &  
INTERACTIVE CONFERENCE  
TECHNOLOGY**

**D – ITEMS  
HOMESTEAD SERVICES DIVISION**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

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

May 16, 2022

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through April 30, 2022

	As of 3/31/22	Add	Cancel	As of 4/30/22
Residential	8,476	3	1	8,478
Agricultural	1,091	1	1	1,091
Pastoral	413	0	0	413
<b>Total</b>	<b>9,980</b>	<b>4</b>	<b>2</b>	<b>9,982</b>

The cumulative number of Converted Undivided Interest Lessees represents an increase of 539 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 3/31/22	Converted	Rescinded/ Surrendered/ Cancelled	As of 4/30/22
Undivided	776	1	0	775

Balance as of 4/30/2022

Awarded	1,434
Relocated to UNDV	7
Rescinded	117
Surrendered	6
Cancelled	4
Converted	<u>539</u>
Balance to Convert	775

**Lease Report For the Month Ending March 31, 2022**

	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
<b>OAHU</b>																
Kakaina	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
Kalawahine	90	0	0	90	0	0	0	0	0	0	0	0	90	0	0	90
Kanehili	399	0	0	399	0	0	0	0	0	0	0	0	399	0	0	399
Kapolei	177	0	1	176	0	0	0	0	0	0	0	0	177	0	1	176
Kauuokahai	142	2	0	144	0	0	0	0	0	0	0	0	142	2	0	144
Kaupea	325	0	0	325	0	0	0	0	0	0	0	0	325	0	0	325
Kaupuni	19	0	0	19	0	0	0	0	0	0	0	0	19	0	0	19
Kewalo	248	0	0	248	0	0	0	0	0	0	0	0	248	0	0	248
Kumuahu	51	0	0	51	0	0	0	0	0	0	0	0	51	0	0	51
Luahale	147	0	0	147	31	0	1	30	0	0	0	0	178	0	1	177
Maluohai	225	0	0	225	0	0	0	0	0	0	0	0	225	0	0	225
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	1	0	17	0	0	0	0	16	1	0	17
Waianae	421	0	0	421	12	0	0	12	0	0	0	0	433	0	0	433
Waimanalo	716	0	0	716	2	0	0	2	0	0	0	0	718	0	0	718
<b>TOTAL</b>	<b>4,369</b>	<b>2</b>	<b>1</b>	<b>4,370</b>	<b>61</b>	<b>1</b>	<b>1</b>	<b>61</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,430</b>	<b>3</b>	<b>2</b>	<b>4,431</b>
<b>MAUI</b>																
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	64	0	0	64	0	0	0	0	64	0	0	64
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
<b>TOTAL</b>	<b>1,264</b>	<b>0</b>	<b>0</b>	<b>1,264</b>	<b>64</b>	<b>0</b>	<b>0</b>	<b>64</b>	<b>75</b>	<b>0</b>	<b>0</b>	<b>75</b>	<b>1,403</b>	<b>0</b>	<b>0</b>	<b>1,403</b>
<b>EAST HAWAII</b>																
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	472	0	0	472	0	0	0	0	0	0	0	0	472	0	0	472
Kuristown	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3
Makuu	0	0	0	0	120	0	0	120	0	0	0	0	120	0	0	120
Panaewa	13	0	0	13	260	0	0	260	0	0	0	0	273	0	0	273
Piihonua	17	0	0	17	0	0	0	0	0	0	0	0	17	0	0	17
Pueo	0	0	0	0	12	0	0	12	0	0	0	0	12	0	0	12
University Heights	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	4
Waiakea	286	0	0	286	0	0	0	0	0	0	0	0	286	0	0	286
<b>TOTAL</b>	<b>839</b>	<b>0</b>	<b>0</b>	<b>839</b>	<b>392</b>	<b>0</b>	<b>0</b>	<b>392</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>25</b>	<b>1,256</b>	<b>0</b>	<b>0</b>	<b>1,256</b>
<b>WEST HAWAII</b>																
Honokala	0	0	0	0	0	0	0	0	24	0	0	24	24	0	0	24
Humuula	0	0	0	0	0	0	0	0	5	0	0	5	5	0	0	5
Kamoku	0	0	0	0	0	0	0	0	16	0	0	16	16	0	0	16
Kariohale	223	0	0	223	0	0	0	0	0	0	0	0	223	0	0	223
Kawaihae	192	0	0	192	0	0	0	0	1	0	0	1	193	0	0	193
Laiopua	277	0	0	277	0	0	0	0	0	0	0	0	277	0	0	277
Lalamilo	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Nienie	0	0	0	0	0	0	0	0	21	0	0	21	21	0	0	21
Puukapu/Waimea/Kuhio VII	117	0	0	117	110	0	0	110	218	0	0	218	445	0	0	445
Puupulehu	33	0	0	33	0	0	0	0	0	0	0	0	33	0	0	33
<b>TOTAL</b>	<b>872</b>	<b>0</b>	<b>0</b>	<b>872</b>	<b>110</b>	<b>0</b>	<b>0</b>	<b>110</b>	<b>285</b>	<b>0</b>	<b>0</b>	<b>285</b>	<b>1,267</b>	<b>0</b>	<b>0</b>	<b>1,267</b>
<b>KAUAI</b>																
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 Opaee	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
<b>TOTAL</b>	<b>695</b>	<b>0</b>	<b>0</b>	<b>695</b>	<b>46</b>	<b>0</b>	<b>0</b>	<b>46</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>742</b>	<b>0</b>	<b>0</b>	<b>742</b>
<b>MOLOKAI</b>																
Hoolehua	153	0	0	153	345	0	0	345	21	0	0	21	519	0	0	519
Kalamaua	166	1	0	167	70	0	0	70	3	0	0	3	239	1	0	240
Kapaakea	47	0	0	47	0	0	0	0	3	0	0	3	50	0	0	50
Moomomi	0	0	0	0	3	0	0	3	0	0	0	0	3	0	0	3
One Alii	27	0	0	27	0	0	0	0	0	0	0	0	27	0	0	27
<b>TOTAL</b>	<b>393</b>	<b>1</b>	<b>0</b>	<b>394</b>	<b>418</b>	<b>0</b>	<b>0</b>	<b>418</b>	<b>27</b>	<b>0</b>	<b>0</b>	<b>27</b>	<b>838</b>	<b>1</b>	<b>0</b>	<b>839</b>
<b>LANAI</b>																
Lanai	44	0	0	44	0	0	0	0	0	0	0	0	44	0	0	44
<b>TOTAL</b>	<b>44</b>	<b>0</b>	<b>0</b>	<b>44</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>44</b>	<b>0</b>	<b>0</b>	<b>44</b>
<b>STATEWIDE TOTAL</b>	<b>8,476</b>	<b>3</b>	<b>1</b>	<b>8,478</b>	<b>1,091</b>	<b>1</b>	<b>1</b>	<b>1,091</b>	<b>413</b>	<b>0</b>	<b>0</b>	<b>413</b>	<b>9,980</b>	<b>4</b>	<b>2</b>	<b>9,982</b>

**HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING**  
**April 30, 2022**

**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	1	935	0	0	0	0	0	0	0	0
Maui District	50	0	0	50	4	0	0	4	5	0	0	5
Hawaii District	129	0	0	129	28	0	0	28	46	0	0	46
Kauai District	51	0	0	51	3	0	0	3	27	0	0	27
Molokai District	20	0	0	20	17	0	0	17	1	0	0	1
<b>TOTAL</b>	<b>1,186</b>	<b>0</b>	<b>1</b>	<b>1,185</b>	<b>52</b>	<b>0</b>	<b>0</b>	<b>52</b>	<b>79</b>	<b>0</b>	<b>0</b>	<b>79</b>
												<b>1,316</b>

**ISLANDWIDE WAITING LIST**

ISLAND	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
Oahu	10,059	25	4	10,080	3,891	10	1	3,900	0	0	0	0
Maui	3,854	1	0	3,855	4,700	2	0	4,702	623	0	0	623
Hawaii	5,844	6	4	5,846	7,273	8	4	7,277	1,904	1	0	1,905
Kauai	1,844	4	2	1,846	2,254	4	0	2,258	303	0	0	303
Molokai	821	0	0	821	1088	0	0	1088	206	0	0	206
Lanai	74	0	0	74	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>22,296</b>	<b>36</b>	<b>10</b>	<b>22,322</b>	<b>19,206</b>	<b>24</b>	<b>5</b>	<b>19,225</b>	<b>3,036</b>	<b>1</b>	<b>0</b>	<b>3,037</b>
												<b>44,584</b>

**AREA AND ISLANDWIDE LISTS**

AREA	RES				AG				PAS				TOTAL			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU	11,015	3,900	0	14,915	3,900	4,706	0	8,606	0	0	0	0	58	0	0	58
MAUI	3,905	4,706	628	9,239	4,706	7,305	1,951	13,962	628	0	0	628	3	0	0	3
HAWAII	5,975	7,305	1,951	15,231	7,305	2,261	330	9,896	1,951	0	0	1,951	0	0	0	0
KAUAI	1,697	2,261	330	4,288	2,261	1,105	207	3,573	330	0	0	330	0	0	0	0
MOLOKAI	841	1,105	207	2,153	1,105	0	0	1,105	207	0	0	207	0	0	0	0
LANAI	74	0	0	74	0	0	0	0	0	0	0	0	61	0	0	61
<b>TOTAL</b>	<b>23,507</b>	<b>19,277</b>	<b>3,116</b>	<b>45,900</b>	<b>19,277</b>	<b>24</b>	<b>5</b>	<b>19,225</b>	<b>3,036</b>	<b>1</b>	<b>0</b>	<b>3,037</b>	<b>3,036</b>	<b>1</b>	<b>0</b>	<b>3,037</b>
																<b>44,584</b>



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

April 30, 2022

	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
<b>OAHU DISTRICT</b>												
Nanakuli	160	0	0	160	0	0	0	0	0	0	0	0
Waianae	140	0	0	140	0	0	0	0	0	0	0	0
Lualualei	0	0	0	0	0	0	0	0	0	0	0	0
Papakolea/Kewalo	66	0	0	66	0	0	0	0	0	0	0	0
Waimanalo	553	0	1	552	0	0	0	0	0	0	0	0
Subtotal Area	936	0	1	935	0	0	0	0	0	0	0	0
Islandwide	10,059	25	4	10,080	3,891	10	1	3,900	0	0	0	0
<b>TOTAL OAHU APPS</b>	<b>10,995</b>	<b>25</b>	<b>5</b>	<b>11,015</b>	<b>3,891</b>	<b>10</b>	<b>1</b>	<b>3,900</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>MAUI DISTRICT</b>												
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	3,854	1	0	3,855	4,700	2	0	4,702	623	0	0	623
<b>TOTAL MAUI APPS</b>	<b>3,904</b>	<b>1</b>	<b>0</b>	<b>3,905</b>	<b>4,704</b>	<b>2</b>	<b>0</b>	<b>4,706</b>	<b>628</b>	<b>0</b>	<b>0</b>	<b>628</b>
<b>HAWAII DISTRICT</b>												
Keaukaha/Waiakea	69	0	0	69	0	0	0	0	0	0	0	0
Panaewa	0	0	0	0	16	0	0	16	0	0	0	0
Humuula	0	0	0	0	0	0	0	0	0	0	0	0
Kawaihae	16	0	0	16	0	0	0	0	0	0	0	0
Waimea	44	0	0	44	12	0	0	12	46	0	0	46
Subtotal Area	129	0	0	129	28	0	0	28	46	0	0	46
Islandwide	5,844	6	4	5,846	7,273	8	4	7,277	1,904	1	0	1,905
<b>TOTAL HAWAII APPS</b>	<b>5,973</b>	<b>6</b>	<b>4</b>	<b>5,975</b>	<b>7,301</b>	<b>8</b>	<b>4</b>	<b>7,305</b>	<b>1,950</b>	<b>1</b>	<b>0</b>	<b>1,951</b>
<b>KAUAI DISTRICT</b>												
Anahola	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	1,644	4	2	1,646	2,254	4	0	2,258	303	0	0	303
<b>TOTAL KAUAI APPS</b>	<b>1,695</b>	<b>4</b>	<b>2</b>	<b>1,697</b>	<b>2,257</b>	<b>4</b>	<b>0</b>	<b>2,261</b>	<b>330</b>	<b>0</b>	<b>0</b>	<b>330</b>
<b>MOLOKAI DISTRICT</b>												
Kalamaula	4	0	0	4	0	0	0	0	0	0	0	0
Hoolehua	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	821	0	0	821	1,088	0	0	1,088	206	0	0	206
<b>TOTAL MOLOKAI APPS</b>	<b>841</b>	<b>0</b>	<b>0</b>	<b>841</b>	<b>1,105</b>	<b>0</b>	<b>0</b>	<b>1,105</b>	<b>207</b>	<b>0</b>	<b>0</b>	<b>207</b>
<b>LANAI DISTRICT</b>												
Islandwide	74	0	0	74	0	0	0	0	0	0	0	0
<b>TOTAL LANAI APPS</b>	<b>74</b>	<b>0</b>	<b>0</b>	<b>74</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL AREA ONLY</b>	<b>1,186</b>	<b>0</b>	<b>1</b>	<b>1,185</b>	<b>52</b>	<b>0</b>	<b>0</b>	<b>52</b>	<b>79</b>	<b>0</b>	<b>0</b>	<b>79</b>
<b>TOTAL ISLANDWIDE</b>	<b>22,296</b>	<b>36</b>	<b>10</b>	<b>22,322</b>	<b>19,206</b>	<b>24</b>	<b>5</b>	<b>19,225</b>	<b>3,036</b>	<b>1</b>	<b>0</b>	<b>3,037</b>
<b>TOTAL STATEWIDE</b>	<b>23,482</b>	<b>36</b>	<b>11</b>	<b>23,507</b>	<b>19,258</b>	<b>24</b>	<b>5</b>	<b>19,277</b>	<b>3,115</b>	<b>1</b>	<b>0</b>	<b>3,116</b>

ITEM NO. D-1  
EXHIBIT A

DELINQUENCY REPORT - STATEWIDE

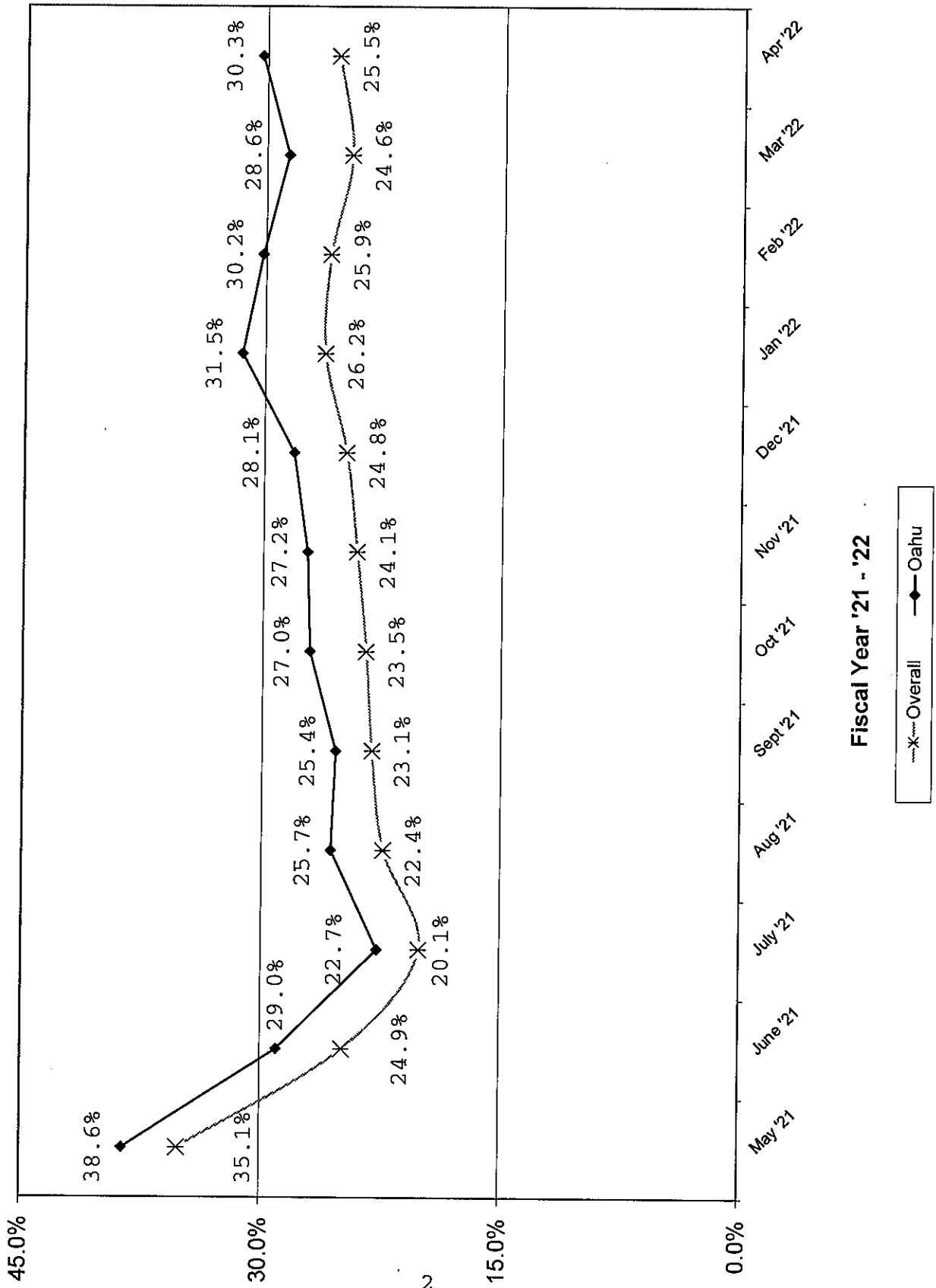
May 16, 2022  
(\$Thousands)

DIRECT LOANS OAHU	Total Outstanding				Total Delinquency				30 Days (low)				60 Days (Medium)				90 Days (High)				180 Days (Severe)				% of Totals 4/30/2022	
	(000s)		(000s)		(000s)		(000s)		(000s)		(000s)		(000s)		(000s)		(000s)		(000s)		(000s)					
	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	\$		
	388	37,458	126	11,354	24	2,045	9	807	20	1,852	73	6,650											32.5%	30.3%		
EAST HAWAII	203	12,033	57	4,101	8	510	3	115	5	148	41	3,328											28.1%	34.1%		
WEST HAWAII	80	7,895	8	693	1	133	2	196	1	0	4	364											10.0%	8.8%		
MOLOKAI	83	7,279	17	686	4	89	1	9	3	131	9	457											20.5%	9.4%		
KAUAI	92	7,228	15	771	7	390	1	30	1	27	6	324											16.3%	10.7%		
MAUI	98	13,334	30	4,104	4	505	5	654	6	883	15	2,063											30.6%	30.8%		
TOTAL DIRECT	944	85,226	253	21,711	48	3,674	21	1,811	36	3,041	148	13,185											26.8%	25.5%		
	100.0%	100.0%	26.8%	25.5%	5.1%	4.3%	2.2%	2.1%	3.8%	3.6%	15.7%	15.5%														
Advances (including RPT)	256	6,444	256	6,444	0	0	0	0	256	6,444													100%	100%		
DHHL LOANS & Advances	1,200	91,671	509	28,155	48	3,674	21	1,811	292	9,485	148	13,185											42.4%	30.7%		
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	130	18,446	5	991	4	696	0	0	1	295													3.8%	5.4%		
HUD REASSIGNED for Recovery	135	15,948	112	14,391	0	0	0	0	5	470													107	13,922	83.0%	90.2%
FHA Insured Loans	2,916	515,341	219	32,689	0	0	0	0	219	32,689														32,689	6.3%	
TOTAL INS. LOANS	3,181	549,735	336	48,071	4	696	0	0	225	33,454													107	13,922	7.5%	8.7%
OVERALL TOTALS(EXC Adv/RP)	4,479	670,012	676	77,126	52	4,370	21	1,811	348	43,839													255	27,107	15.1%	11.5%
ADJUSTED TOTALS	4,735	676,457	932	83,571	52	4,370	21	1,811	604	50,283													255	27,107		12.4%

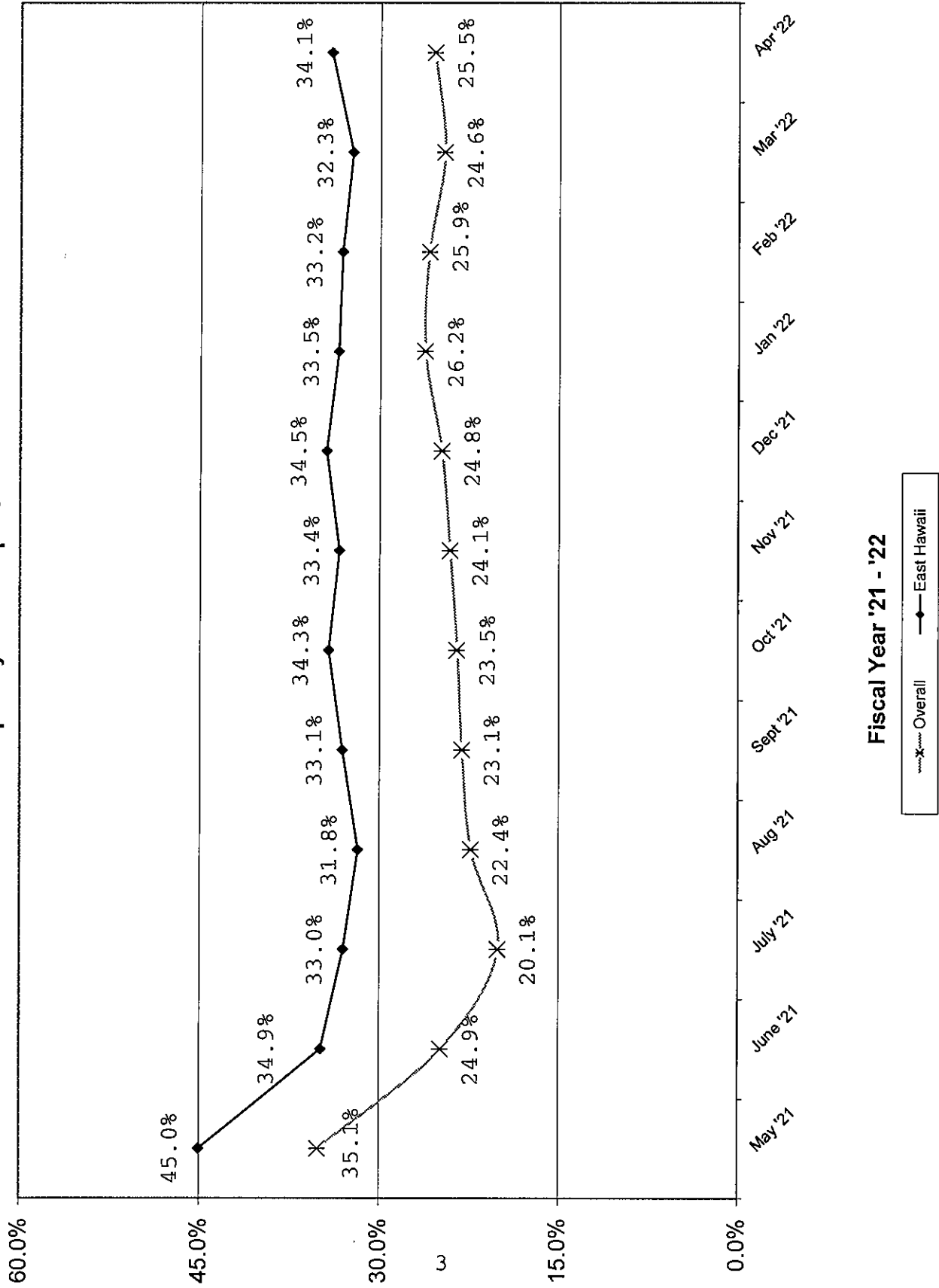
Note: HUD 184A loan program has 507 loans, with a total outstanding principal balance of \$112,122,650 as of June 30, 2021. 27 Loans, totaling \$6,600,376 are delinquent.

The deferred interest for 500 loans comes out to \$2,335,704.54 as of 4/30/2022.

**OAHU**  
**Direct Loans**  
**Delinquency Ratio Report**



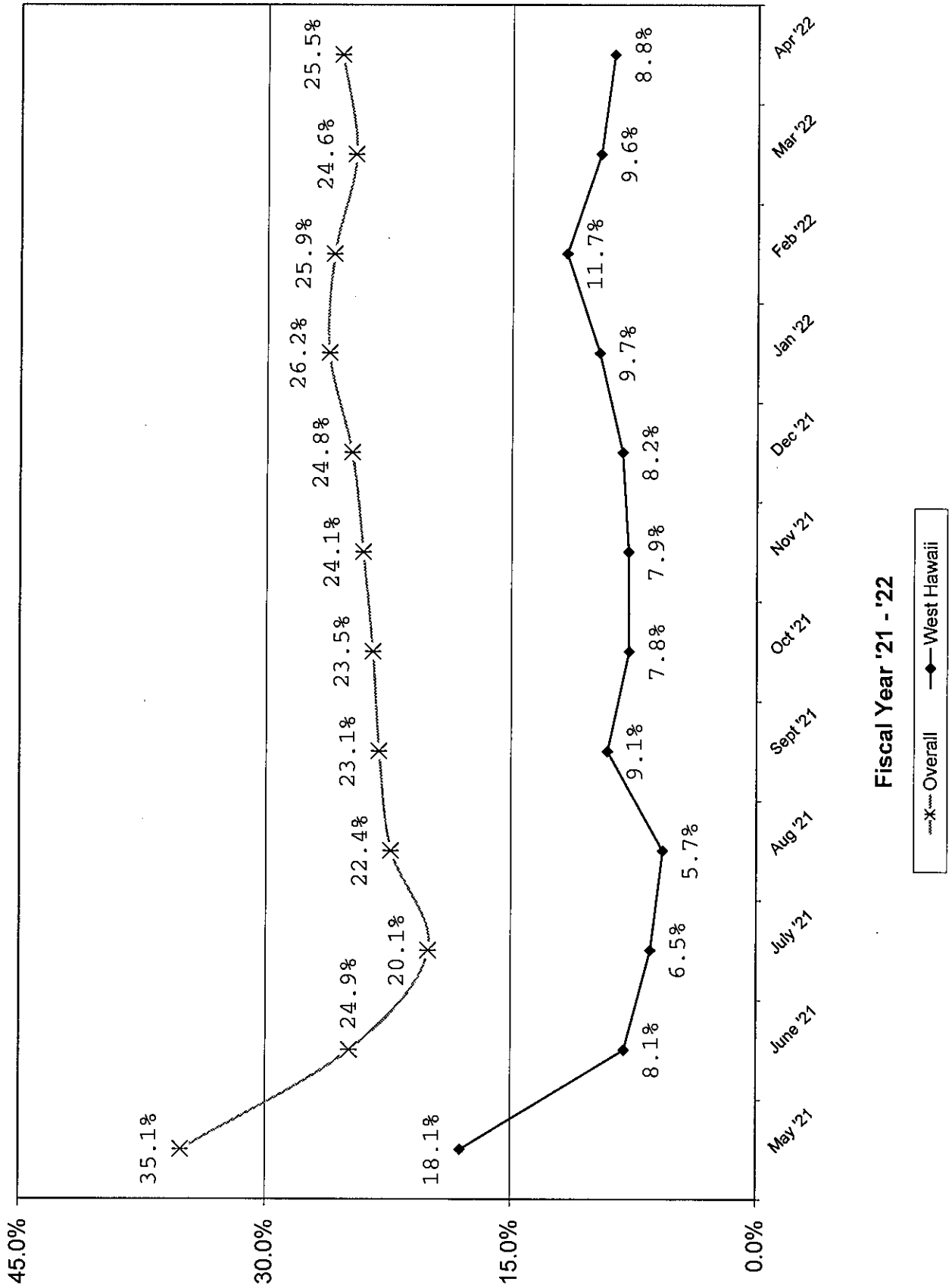
**EAST HAWAII  
Direct Loans  
Delinquency Ratio Report**



**Fiscal Year '21 - '22**

Overall East Hawaii

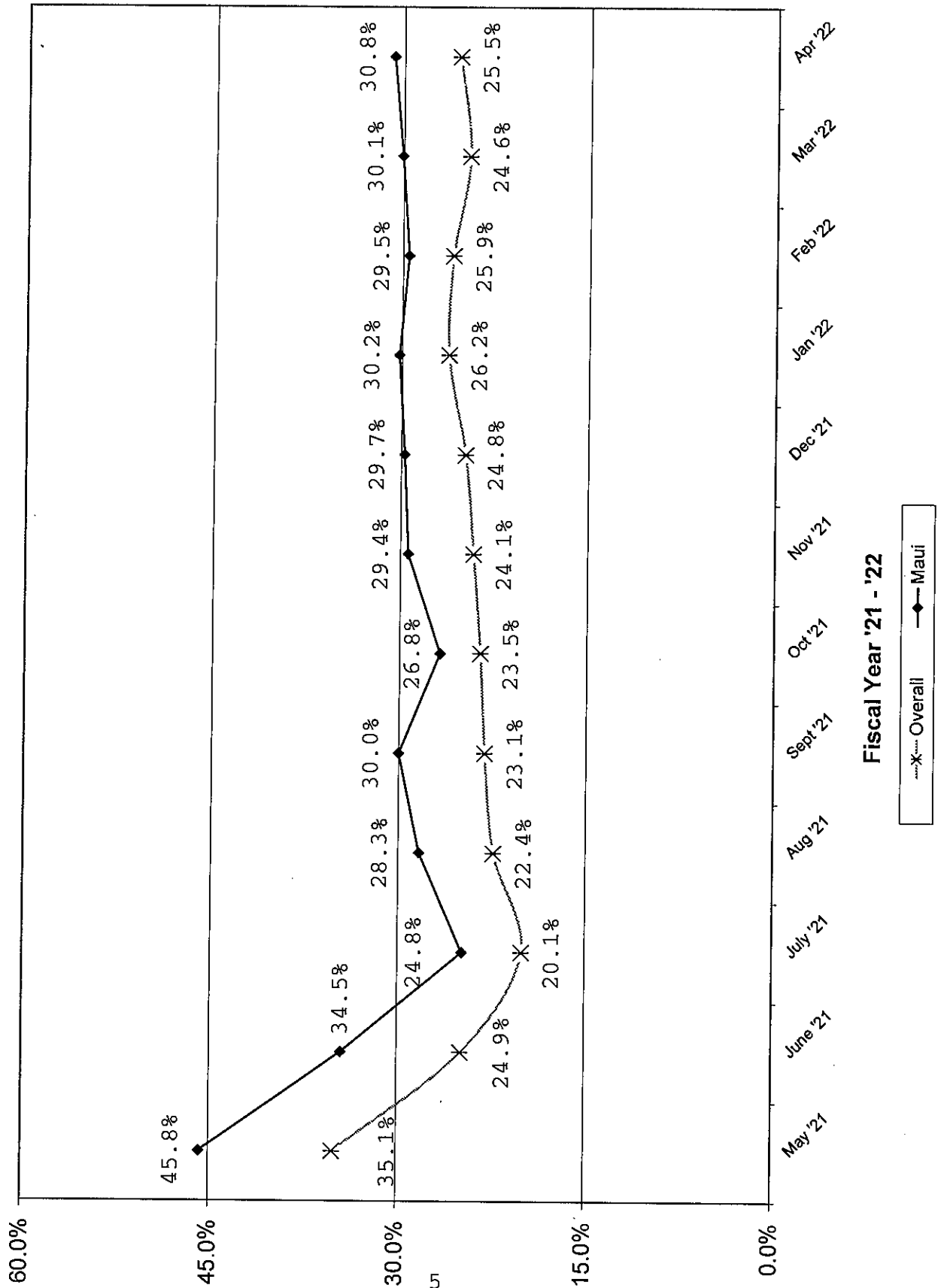
**WEST HAWAII**  
**Direct Loans**  
**Delinquency Ratio Report**



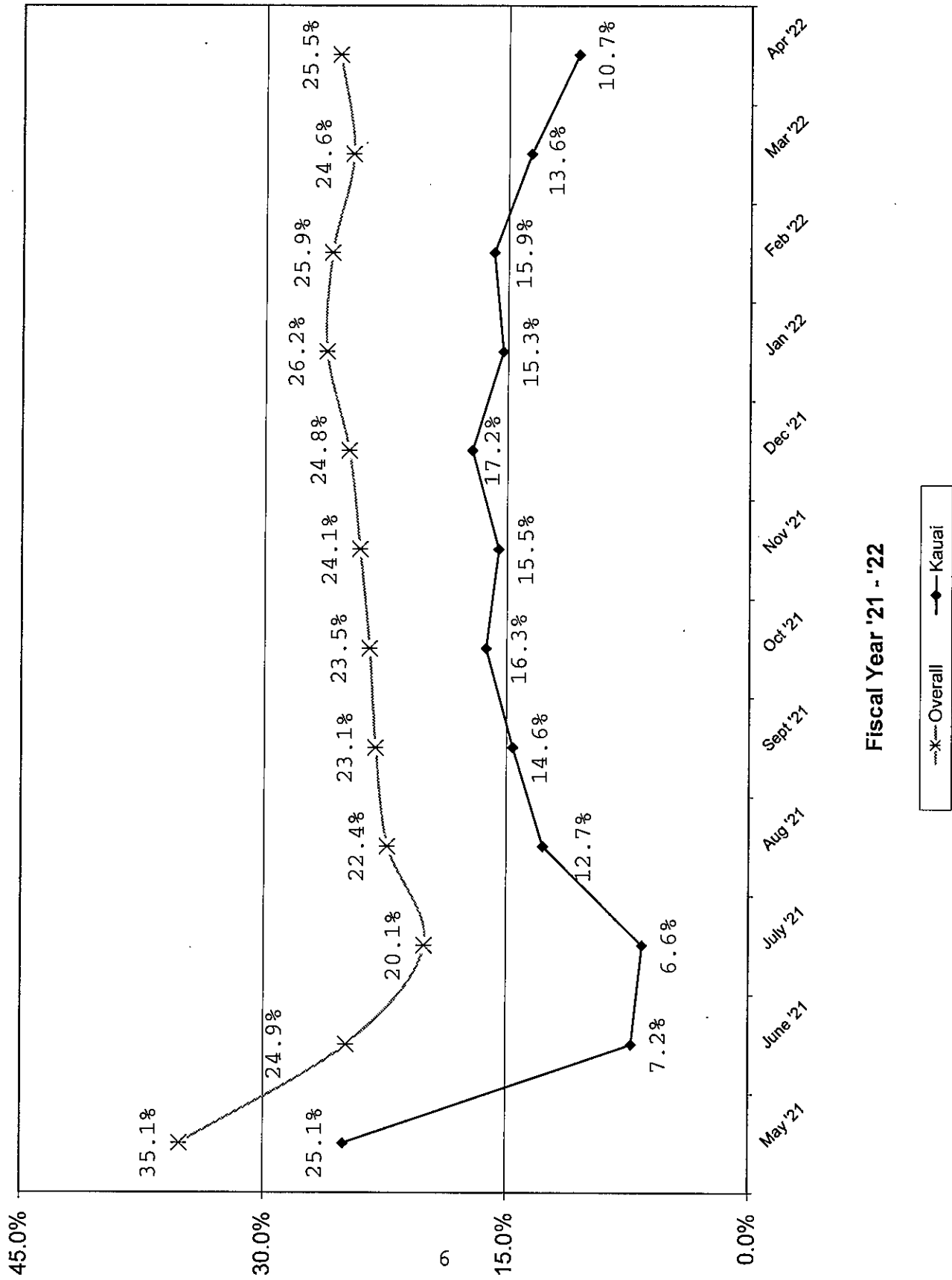
Fiscal Year '21 - '22

x Overall    ♦ West Hawaii

**MAUI**  
**Direct Loans**  
**Delinquency Ratio Report**

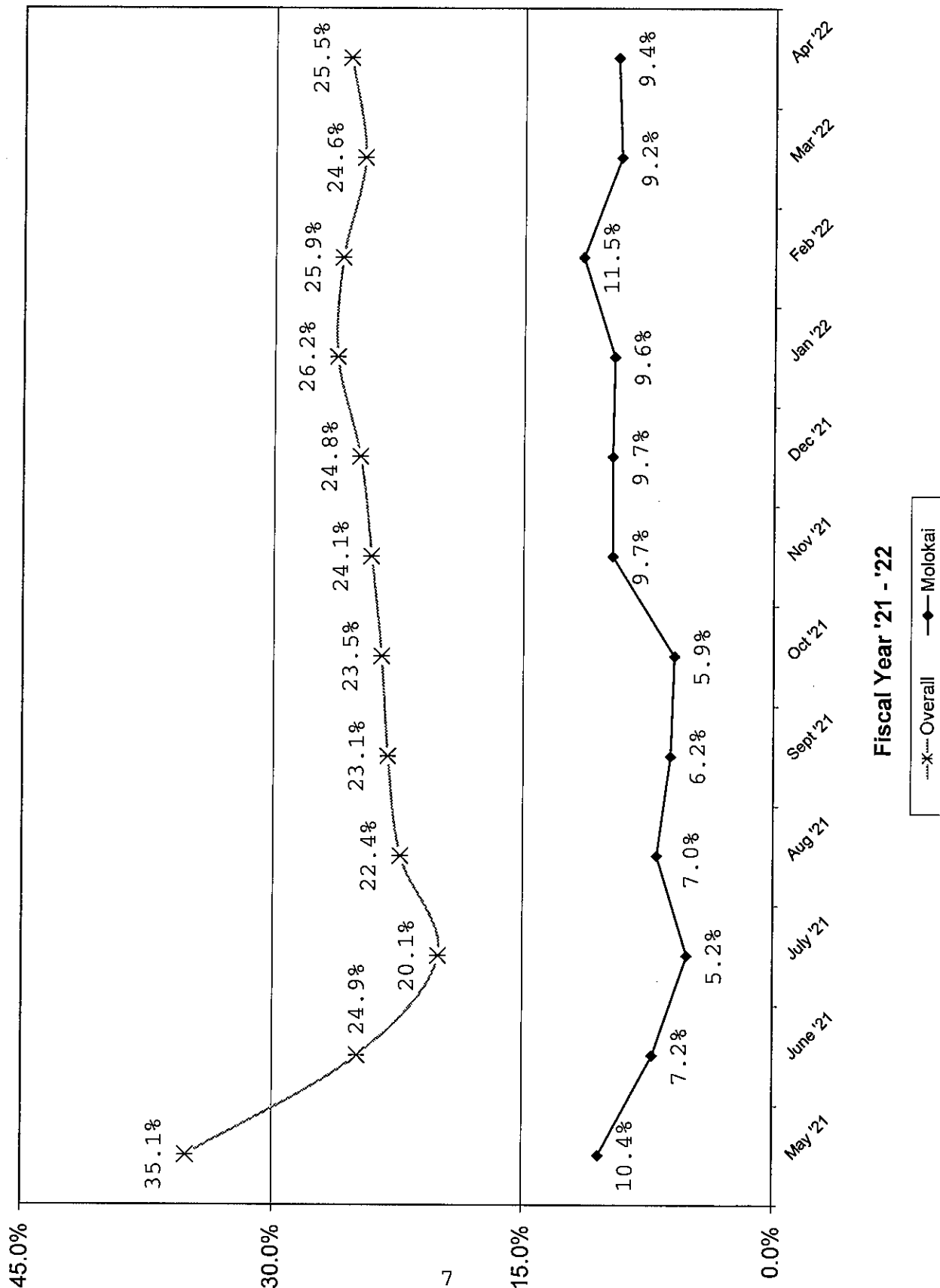


**KAUAI**  
**Direct Loans**  
**Delinquency Ratio Report**



Fiscal Year '21 - '22

**MOLOKAI**  
**Direct Loans**  
**Delinquency Ratio Report**





STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

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>			
Kanehili Lease No. 12566 TMK: 1-9-1-153:128	PAIKAI, Kawailehua K. H. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 369,155
Kanehili Lease No. 11890 TMK: 1-9-1-152:032	FIGUEROA, James C. Jr. (Rate/Term Refi) HUD 184A	Bank of Hawaii	\$ 230,000
Nanakuli Lease No. 8183 TMK: 1-8-9-015:030	PRUETT, Julieann M. (Cash Out Refi) FHA	Mann Mortgage LLC	\$ 210,000

OAHU

Nanakuli Lease No. 2932A TMK: 1-8-9-003:061	DISTAJO, Alex K. (Cash Out Refi) FHA	HomeStreet Bank	\$ 320,880
Waimanalo Lease No. 3990 TMK: 1-4-1-031:042	MEYER, Mary F. K. M. (Cash Out Refi) FHA	HighTechLen- ding Inc.	\$ 544,950
Maluohai Lease No. 9889 TMK: 1-9-1-120:034	BRIGHT, Jason K. K. (Cash Out Refi) HUD 184A	Bank of Hawaii	\$ 462,000
Waimanalo Lease No. 3932 TMK: 1-4-1-030:021	CALIZAR, Jennifer & KAWAHARA, Judith (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 182,000
Waimanalo Lease No. 4079 TMK: 1-4-1-031:075	NAKI, Nadine E. L. (Cash Out Refi) FHA	Bank of Hawaii	\$ 218,000
Nanakuli Lease No. 8898 TMK: 1-8-9-016:068	KAPELE, Almadine G. M. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 365,000
Waianae Lease No. 9963 TMK: 1-8-5-036:015	ROBINS MATTHEWS, Shirleen M. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 151,000
Waimanalo Lease No. 2460 TMK: 1-4-1-020:007	VIERRA, Cynthia K. & VIERRA, Robert A. (Cash Out Refi) FHA	loanDepot.c- om, LLC	\$ 290,000
Waimanalo Lease No. 8802 TMK: 1-4-1-038:038	PERRY, Joseph F. K. (Cash Out Refi) FHA	HomeStreet Bank	\$ 467,100

ITEM NO. D-2

OAHU

Waimanalo Lease No. 2276 TMK: 1-4-1-019:028	JOHNSON, Theodore K. (1 Step Construction) FHA	HomeStreet Bank	\$ 373,750
Nanakuli Lease No. 3299 TMK: 1-8-9-005:093	ELI, Clyde K. M., Jr. (203k Rehab) FHA	HomeStreet Bank	\$ 588,930
Waianae Lease No. 5335 TMK: 1-8-5-033:046	KELLY, Kolani B. (Cash Out Refi) FHA	HomeStreet Bank	\$ 447,378
Kewalo Lease No. 2205 TMK: 1-2-4-040:036	VELASCO, Pedro K. (Purchase)FHA	HighTechLen- ding Inc.	\$ 550,918
Maluohai Lease No. 12780 TMK: 1-9-1-120:101	KALEIKINI, Melvin K. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 236,000
Waimanalo Lease No. 3947 TMK: 1-4-1-030:043	DURAN, Monica K. (1 Step Construction) FHA	HomeStreet Bank	\$ 373,750
Kanehili Lease No. 12552 TMK: 1-9-1-153:055	HALE, Kenneth L., Jr. (Purchase)FHA	HomeStreet Bank	\$ 567,000
Nanakuli Lease No. 681 TMK: 1-8-9-004:109	PALAKIKO, Leslie A. (Construction/Perm- anent) FHA	HomeStreet Bank	\$ 373,750

ITEM NO. D-2

OAHU

Maluohai Lease No. 9729 TMK: 1-9-1-119:087	ZOLLER, Colvena (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 396,000
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Lualualei Lease No. 5601 TMK: 1-8-6-023:077	KAHALE, Gaylord D. C. (Cash Out Refi) FHA	Celebrity Home Loans	\$ 155,285
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Waimanalo Lease No. 3115 TMK: 1-4-1-037:061	KANE, Claude H. (Cash Out Refi) FHA	Mann Mortgage LLC	\$ 210,000
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MAUI

Waiehu 4 Lease No. 12189 TMK: 2-3-2-025:040	YUEN, Daniel C. (Cash Out Refi) HUD 184A	Bank of Hawaii	\$ 183,000
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Waiehu 2 Lease No. 9542 TMK: 2-3-2-023:049	COLLO, Brianna K. (Cash Out Refi) FHA	HomeBridge Financial Services, Inc.	\$ 375,000
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KAUAI

Hanapepe Lease No. 8883 TMK: 4-1-8-018:022	SOARES, Alice N. P. (Purchase)FHA	SecurityNat- ional Mortg- age Company	\$ 353,000
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Anahola Lease No. 5461 TMK: 4-4-8-005:016	KAIWI, Bruce K. (Construction/Perm- anent) HUD 184A	Mid America Mortgage Inc.	\$ 497,289
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Anahola Lease No. 6568 TMK: 4-4-8-018:016	KAMALANI-OLIVER, Leiola (Cash Out Refi) FHA	Mann Mortgage LLC	\$ 106,000
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ITEM NO. D-2

HAWAII

Kuhio Village Lease No. 4911 TMK: 3-6-4-007:035	MALANI, Leslie K. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 126,000
Kaniohale Lease No. 9216 TMK: 3-7-4-022:057	KOAPUIKI, William K. (Cash Out Refi) FHA	Bank of Hawaii	\$ 177,000
Kawaihae Lease No. 9662 TMK: 3-6-1-009:024	JUAN, Wendall (Purchase) FHA	V.I.P. Mortgage Inc.	\$ 475,000
Kawaihae Lease No. 7190 TMK: 3-6-1-007036	PAHIO, Thomas K. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 131,000

<u>RECAP</u>	<u>NO.</u>	FHA	<u>AMOUNT</u>	<u>NO.</u>	VA <u>AMOUNT</u>
FY Ending 6/30/21	535	\$	172,610,901	26	\$ 8,186,829
Prior Months	357	\$	117,899,422	10	\$ 4,610,852
This Month	<u>27</u>		<u>8,764,691</u>	<u>0</u>	<u>0</u>
Total FY '21-'22	384	\$	126,664,113	0	\$ 4,610,852
			HUD 184A <u>AMOUNT</u>		USDA-RD <u>AMOUNT</u>
FY Ending 6/30/21	77	\$	23,021,162	13	\$ 5,288,000
Prior Months	51	\$	15,143,483	5	\$ 1,134,606
This Month	<u>5</u>		<u>1,741,444</u>	<u>0</u>	<u>0</u>
Total FY '21-'22	56	\$	16,884,927	5	\$ 1,134,606


ITEM NO. D-2


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator   
Homestead Services Division

FROM: Dean Oshiro, Loan Services Branch Manager 

SUBJECT: **Ratification of Loan Approvals**

RECOMMENDED MOTION/ACTION

To ratify the approval of the following loan previously approved by the Chairman, pursuant to section 10-2-17, Ratification of Chairman's action, of the Department of Hawaiian Home Lands Administrative Rules.

<u>LESSEE</u>	<u>LEASE NO. &amp; AREA</u>	<u>LOAN TERMS</u>
Kailimai, Billy Jo	8003, Puukapu	NTE \$238,625 @ 4% interest per annum, NTE \$1,766 monthly, repayable over 15 years

Loan Purpose: Refinance existing HUD buyback Loan No. 18936 and to reduce interest rate. Original loan amount of \$299,474 @ 4.875% per annum, \$1,585 monthly, repayable over 30 years. A contested case hearing was held on March 25, 2014 for this account.

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<u>LESSEE</u>	<u>LEASE NO. &amp; AREA</u>	<u>LOAN TERMS</u>
Kammerer, Heitiare K.	12976, Waiakea	NTE \$103,000 @ 4% interest per annum, NTE \$492 monthly, repayable over 30 years

Loan Purpose: Purchase existing improvements in conjunction  
with lease award.

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<u>REFINANCE</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/21	7	\$ 823,100
Prior Months	4	692,000
This Month	<u>1</u>	<u>238,625</u>
Total FY '21-'22	5	\$ 930,625

<u>REPAIR</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/21	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '21-'22	0	\$ -0-

<u>HOME CONSTRUCTION</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/21	3	\$ 814,195
Prior Months	1	250,000
This Month	<u>0</u>	<u>-0-</u>
Total FY '21-'22	1	\$ 250,000

<u>FARM</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/21	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '21-'22	0	\$ -0-

<u>TRANSFER WITH LOAN</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/21	0	\$ -0-
Prior Months	1	133,000
This Month	<u>0</u>	<u>-0-</u>
Total FY '21-'22	1	\$ 133,000

<u>AWARD</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/21	4	\$ 290,000
Prior Months	2	366,550
This Month	<u>1</u>	<u>103,000</u>
Total FY '21-'22	3	\$ 469,550


<u>OTHER</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/21	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '21-'22	0	\$ -0-


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

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. &amp; AREA</u>	<u>REFINANCING LOAN TERMS</u>
Kaleikini, Douglas R.	12193, WK-IV	NTE \$226,965 @4% interest per annum, NTE \$1,084 monthly, repayable over 30 years.

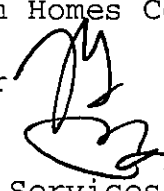
Loan Purpose: Refinance existing ASB buyback  
Contract of Loan No. 18712. Original  
loan amount of \$231,684 at 5.75% per  
annum, \$1,096 monthly, repayable over  
30 years. A Contested Case Hearing was  
held on August 20, 2013 for this  
account.

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STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Juan Garcia, HSD Administrator   
FROM: Nicole F. Bell, Specialist V  
Application Branch, Homestead Services Division  
SUBJECT: **Approval of Homestead Application Transfers/Cancellations**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

1. Requests of Applicants to Transfer

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KAOPUA, Sherwood K.	02/18/1981	HAWAII	RES	12/02/2021
KOANI, Jordan D.K.	03/13/2007	KAUAI	RES	03/11/2022

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

KOANI, Jordan D.K.	03/13/2007	KAUAI	PAS	03/11/2022
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KAHALE, Guy K.	05/23/2017	OAHU	RES	12/20/2021
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2. Deceased Applicants

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

FORSYTHE, Edward W.	PN 11/2014			04/12/1996
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### 3. Awards of Leases

#### OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

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KELLY, Edward H., Jr.	Assigned Residential Lease #8378, Lot 87 in Princess Kahanu Estates, Oahu dated 03/29/2022. Remove application dated 04/13/2005.
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#### KAPAAKEA AREA / MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

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LUULOA, Henry H.	Assigned Residential Lease #12974, Lot 11-A in Kalamaula, Molokai dated 04/08/2022. Remove application dated 03/07/1963.
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### 4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

### 5. Voluntary Cancellation

NONE FOR SUBMITTAL

### 6. Successorship

#### OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

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CORPUZ, Karen M.B.	Succeeded to Hawaii Islandwide Agricultral application of Sibling, Roxanne N. Bertelmann, dated 04/09/1983. Remove application dated 08/01/2019.
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#### OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

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CORPUZ, Karen M.B.	Succeeded to Hawaii Islandwide Residential application of
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Sibling, Roxanne N. Bertelmann,  
dated 10/01/1985. Remove  
application dated 08/01/2019

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

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KAUHANE, Charlene L.	Succeeded to Maui Islandwide Residential application of parent, Frederick K.K. Kauhane, Sr., dated 02/24/1992. Remove application dated 12/27/2010.
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KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

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KAUHANE, Michael K.W.	Succeeded to Kauai Islandwide Agricultural application of parent, Frederick K.K. Kauhane, Sr., dated 02/24/1992. Remove application dated 10/21/2010.
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7. Additional Acreage

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

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PUNG, Kelby K.	06/30/1987
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8. HHC Adjustments

NONE FOR SUBMITTAL


Last Month's Transaction Total	10
Last Month's Cumulative FY 2021-2022 Transaction Total	261
Transfers from Island to Island	4
Deceased	1
Cancellations:	
Awards of Leases	2
NHQ	0
Voluntary Cancellations	0
Successorship	4
Additional Acreage	1
HHC Adjustments	0
This Month's Transaction Total	12
<b>This Month's Cumulative FY 2021-2022 Transaction Total</b>	<b>273</b>

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator 

FROM: Nicole F. Bell, Specialist V  
Application Branch, Homestead Services Division

SUBJECT: **Commission Designation of Successors to Application Rights - Public Notice 2010 & 2020**

RECOMMENDED MOTION/ACTION

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

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

DISCUSSION

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




1. Deceased Applicant: Eric P.K. Gaspar  
 Date of death: August 16, 2020  
 Successor to app rights: Donovan E.K. Gaspar  
 Relationship to decedent: Child  
 Island: Waimanalo Area / Oahu  
 Type: Islandwide Residential  
 Date of Application: May 20, 1977  
 Date of Public Notice: November, 2020
  
2. Deceased Applicant: Arthur Solomon  
 Date of death: September 24, 2020  
 Successor to app rights: Terilee K. Bailey  
 Relationship to decedent: Child  
 Island: Waimanalo Area / Oahu  
 Type: Islandwide Residential  
 Date of Application: September 9, 1974  
 Date of Public Notice: November, 2020
  
3. Deceased Applicant: Fredrick K. Kauhane  
 Date of death: May 19, 2007  
 Successor to app rights: Charlene L. Kauhane  
 Relationship to decedent: Child  
 Island: Maui  
 Type: Islandwide Residential  
 Date of Application: February 24, 1992  
 Date of Public Notice: November, 2010
  
4. Deceased Applicant: Fredrick K. Kauhane  
 Date of death: May 19, 2007  
 Successor to app rights: Michael K.W. Kauhane  
 Relationship to decedent: Child  
 Island: Kauai  
 Type: Islandwide Agricultural  
 Date of Application: February 24, 1992  
 Date of Public Notice: November, 2010

Previous Cumulative Total for Current FY	71
Current Month's Total	4
<b>Fiscal Year Total: July 2021-June 2022</b>	<b>75</b>

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

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 April 2022**

RECOMMENDED MOTION/ACTION

To approve the certification of applications of qualified applicants for the month of April 2022. 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 RESIDENTIAL LEASE LIST

AKIONA, Aaron K.	01/12/2022
PULE, Jeremiah R.L.K.	02/04/2022
IRVINE-PULE, Hiilani A.L.N.M.	02/07/2022
WAA, Stacey N.	02/10/2022

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

NAKOA, Sanae I.K.	10/26/2021
ASPILI, Elizabeth P.	12/14/2021
KAUAHIKAUA, Rylee-Ann K.	01/12/2022
OLIVEIRA, William Joseph K.	02/04/2022
KAWAA, Kamalei K.H.	02/04/2022
PULE, Jeremiah R.L.K.	02/04/2022

MAUI ISLANDWIDE PASTORAL LEASE LIST

POAIPUNI, Terry L.N.	12/09/2021
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

NAKOA, Sanae I.K.	10/26/2021
POAIPUNI, Terry L.N.	12/09/2021
ASPILI, Elizabeth P.	12/14/2021
PLACE, Marie K.K., III	01/05/2022
JEREMIAH, Jeuel K.	01/12/2022
KAUAHIKAUA, Rylee-Ann K.	01/12/2022
OLIVEIRA, William Joseph K.	02/04/2022
KAWAA, Kamalei K.H.	02/04/2022
KALUHIWA-CABRAL, Brandi-Marie K.	02/09/2022

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

JEREMIAH, Jeuel K.	01/12/2022
JEREMIAH, Ewalina K.	01/12/2022
ANAKALEA-HALEAMAU, Kawehi M.	01/25/2022

KAULIA, Abraham K., IV	02/22/2022
AHUNA, Wailana K.K.	04/06/2022

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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

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JEREMIAH, Ewalina K.	01/12/2022
ANAKALEA-HALEAMAU, Kawehi M.	01/25/2022
KAULIA, Abraham K., IV	02/22/2022
AHUNA, Wailana K.K.	04/06/2022

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KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

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GUTIERREZ, Ashley K.	01/11/2022
KINIMAKA KUEHU, Tyshan Lalee L.P.	02/17/2022

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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

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NUUHIWA, David Kealohalani	01/07/2022
HERROD, Anuheia	01/11/2022
GUTIERREZ, Ashley K.	01/11/2022
KINIMAKA KUEHU, Tyshan Lalee L.P.	02/17/2022

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MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

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LUULOA-KEALAIKI, Myra P.	12/03/2021
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Previous Cumulative Total for Current FY	45,227
Current Month's Total	36
<b>Fiscal Year Total: July 2021-June 2022</b>	<b>45,263</b>




STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator 

FROM: Nicole F. Bell, Specialist V  
Application Branch, Homestead Services Division

SUBJECT: **Reinstatement of Cancelled Applications - JAMILENE  
M.L.K. KANE**

RECOMMENDED MOTION/ACTION

To reinstate the August 6, 1987, Kauai Islandwide Agricultural & Residential Lot Lease Applications of Jamilene M.L.K. Kane which was cancelled on January 28, 1997.

DISCUSSION

Ms. Kane's applications were included in the cancellation submittal of agenda item B-9 for the January 28, 1997 Hawaiian Homes Commission (HHC) meeting. The Commission approved the cancellation of Ms. Kane's application due to her ineligible blood quantum status.

An official Department correspondence dated October 24, 1996 (Exhibit A) was delivered via certified mail to Ms. Kane informing her of her ineligible blood quantum status and instructions to submit additional documentation to substantiate her blood quantum eligibility within thirty (30) days from the date of the letter, otherwise the Department will recommend the cancellation of her applications to the HHC.

Ultimately, the HHC approved the cancellation of Ms. Kane's applications. An official Department correspondence dated February 25, 1997 (Exhibit B) informs Ms. Kane of the HHC's action and of her available options to contest.

On April 6, 2022 the Applications Branch received a message from Ms. Kane requesting to speak with someone from the Department because she could not locate her name on the waitlist. Further research into Ms. Kane's file revealed the cancellation of her applications, however, her sibling, Mr.

Lindsay Kane, who applied a few months after her, remained on the waitlist. A review of Mr. Kane's file shows that although at one time he had a "pending" or "P" status, his blood quantum was verified to meet the minimum eligibility on August 14, 2013. Mr. Kane's blood quantum was updated as a result of research and documents submitted for another relative. Arguably, Ms. Kane would have been afforded the same opportunity as her brother, if her applications were not cancelled.

The Department recommends the reinstatement of Ms. Kane's Kauai Islandwide Agricultural & Residential Lot Lease Applications dated August 6, 1986

BENJAMIN J. CAVETANO  
GOVERNOR  
STATE OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
P.O. BOX 1119  
HONOLULU, HAWAII 96811

KALI WATSON  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

JOBIE M. K. M. YAMAGUCHI  
DEPUTY TO THE CHAIRMAN

October 24, 1996

CERTIFIED MAIL - 2449166990  
RETURN RECEIPT REQUESTED

Ms. Jamilene M. L. K. Kane  
P. O. Box 216  
Pilot Hill, CA 95664

Dear Ms. Kane:

SUBJECT: Applications for Hawaiian Home Lands Lease

The department is in the process of reviewing all applications on record to verify that the applicants have sufficient documentation to substantiate their native Hawaiian qualifications.

As a result of internal research of your family's bloodline and a review of the documents you submitted indicates the following:

1. Your father, James L. W. Kane, is documented to be only 62.50% Hawaiian; therefore, your mother, Gladys M. Berinobis, must be documented to be 37.50% Hawaiian for you to be 50% Hawaiian.

2. Gladys M. Berinobis cannot be documented to be 37.50% Hawaiian because her father is non-Hawaiian and mother, Frances Peters, is only 59.375% Hawaiian. Your mother is only 29.685% Hawaiian.

Based on the above findings, we regret to inform you that you and your brother, Lindsay T. Y. K. Kane, have not met one of the basic requirements to qualify as a native Hawaiian within the meaning of the Hawaiian Homes Commission Act, 1920, as amended.

If you have additional documents verifying your great grandfather, Henry Peters, to be pure Hawaiian, please forward documents to the department within thirty (30) days from the date of this letter; otherwise, a recommendation will be

ITEM NO. D-8  
EXHIBIT A



Ms. Jamilene M. L. K. Kane  
Page 2  
October 24, 1996

forwarded to the Hawaiian Homes Commission to cancel your applications from the Kauai Islandwide Residential and Agricultural Lists dated August 6, 1987.

Should you have any questions or need assistance, please contact Ms. Irene Clark of the Applications Branch, telephone (808) 586-3830.

Sincerely yours,



Jeannette Hiapo  
Homestead Application Clerk  
Applications Branch

cc: Applicant File

ITEM NO. D-8  
EXHIBIT A

BENJAMIN J. CADETANO  
GOVERNOR  
STATE OF HAWAII



KALI WAISON  
CHAIRMAN  
HAWAIIAN HOME LANDS COMMISSION

ZOBIE M. K. M. YAMAGUCHI  
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
P.O. BOX 1119  
HONOLULU, HAWAII 96808

February 25, 1997

Ms. Jamilene M. L. K. Kane  
P. O. Box 216  
Pilot Hill, California 95664

Dear Ms. Kane:

SUBJECT: Cancellation of Hawaiian Home Lands  
Applications

On October 24, 1996, the department informed you it was unable to verify your native Hawaiian qualification based upon the documents on record and gave you the opportunity to submit additional documents to substantiate your claim. To be eligible for the award of a Hawaiian home lands homestead lease, an applicant must be at least fifty percent (50%) Hawaiian. You failed to provide such additional documentation.

Having determined your ineligibility, the Hawaiian Homes Commission at the meeting of January 28, 1997, cancelled your residential and agricultural applications on the Kauai Islandwide Lists, dated August 5, 1987.

Subsection 10-3-3(b) of the Department's Administrative Rules states in pertinent part:

An applicant who disagrees with any action taken by the department shall have thirty days from receipt of written notice of such action within which to petition the department for appearance before the next regular meeting of the commission concerning the action taken on the application.

You are further advised that you may also request a contested case hearing. Subsection 10-5-31(a) of the Administrative Rules states in pertinent part:

(a) Any person . . . may request a contested case hearing and shall have the right and full opportunity to assert a claim provided that the claim is based on a law or rule over which the commission has jurisdiction.

ITEM NO. D-8  
EXHIBIT B

Ms. Jamilene M. L. K. Kane  
Page 2  
February 25, 1997

If you are able, you may still provide the department with additional information or evidence establishing your native Hawaiian qualification.

If you have any questions or need assistance, please contact Ms. Irene Clark of the Applications Branch, telephone (808) 586-3830.

Warmest aloha,



Kali Watson, Chairman  
Hawaiian Homes Commission


KW:JH

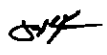
ITEM NO. D-8  
EXHIBIT B

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator   
Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor   
Homestead Services Division

SUBJECT: **Approval of Designation of Successors to Leasehold  
Interest and Designation of Persons to Receive the Net  
Proceeds**

RECOMMENDED MOTION/ACTION

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

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

\*See attached list of Lessee.

Leasehold Interest:

Ratified for May 2022	3
Previous FY 2021 - 2022	<u>77</u>
FY 2021 - 2022 Total to Date	80
 Ratified for FY '20 - '21	 92

Net Proceeds

Ratified for May 2022	0
Previous FY 2021- 2022	<u>0</u>
FY 2021 - 2022 Total to Date	0
 Ratified for FY '20 - '21	 0

**LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR  
LEASEHOLD INTEREST  
FOR MONTH OF MAY 2022**

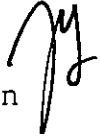
<u>Deceased Lessee</u>	<u>Designated Successor</u>
1. Alicia J. Coombs Lot No.: 400 Area: Keaukaha, Hawaii Res. Lease No. 4249	<u>PRIMARY:</u> Bradley Jeremiah, Brother  <u>ALTERNATE:</u> N/A  <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
2. Henrietta Insillio Lot No.: 80 Area: PKE, Oahu Res. Lease No. 8371	<u>PRIMARY:</u> Antonio Insillio, Jr., Son  <u>ALTERNATE:</u> Ann K. Insillio, Daughter* *Omit due to lack of genealogy documents to determine eligibility to successorship  <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
3. Charles K. Makanui, Jr. Lot No.: 54 Area: Laiopua, Hawaii Res. Lease No. 10881	<u>PRIMARY:</u> Kalena I. Makanui, Daughter  <u>ALTERNATE:</u> Melelani K. Makanui, Daughter* *Omit due to lack of genealogy documents to determine eligibility to successorship  <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator   
Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor   
Homestead Services Division

SUBJECT: **Approval of Assignment of Leasehold Interest**

RECOMMENDED MOTION/ACTION

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

2. To approve and accept that the 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

Ten (10) assignments of lease.

1. Lessee Name: Dalelynn M. L. Gusman-Campania  
Res. Lease No. 2144, Lot No. 239  
Lease Date: 6/29/1949  
Area: Kewalo, Oahu  
Property Sold & Amount: Yes, \$215,000.00  
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Shawlea K. Aona  
Relationship: None  
Loan Assumption: N/A  
Applicant: Yes, Oahu IW Res., 10/20/2011

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

2. Lessee Name: Iris Roxann K. Heick  
Res. Lease No. 12978, Lot No. 103  
Lease Date: To be determined  
Area: Kauluokahai, Oahu  
Property Sold & Amount: Yes, \$422,300.00  
Improvements: 4 bedroom, 3 bath dwelling

Transferee Name: Celon K. McCloskey  
Relationship: Son  
Loan Assumption: N/A  
Applicant: No

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

3. Lessee Name: Herman H. K. Jeremiah, Jr.  
Res. Lease No. 3301, Lot No. 233-B  
Lease Date: 5/31/1960  
Area: Nanakuli, Oahu  
Property Sold & Amount: No, N/A  
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Herman H. K. Jeremiah, Jr. & Geraldine U. Eli  
Relationship: Lessee & Sister  
Loan Assumption: N/A  
Applicant: Yes, Oahu IW Res., 12/20/1993 (Geraldine)

Reason for Transfer: "Adding relative to lease."

4. Lessee Name: Jo-Ann L. Kahawai  
Res. Lease No. 8883, Lot No. 42  
Lease Date: 1/1/1999  
Area: Hanapepe, Kauai  
Property Sold & Amount: Yes, \$350,000.00  
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Alice N. P. Soares  
Relationship: None  
Loan Assumption: N/A  
Applicant: Yes, Kauai IW Res., 4/13/2018

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

5. Lessee Name: Gordon K. Kalaniopio  
Res. Lease No. 9654, Lot No. 190  
Lease Date: 11/15/2000  
Area: Kawaihae, Hawaii  
Property Sold & Amount: No, N/A  
Improvements: 1 bedroom, 2 bath dwelling

Transferee Name: Gordon K. Kalaniopio, Jr.  
Relationship: Son  
Loan Assumption: N/A  
Applicant: Yes, Hawaii IW Res., 6/10/2008

Reason for Transfer: "Giving lease to relative."

6. Lessee Name: Daniel H. Nakoa  
Agr. Lease No. 6927, Lot No. 58  
Lease Date: 12/1/1986  
Area: Puukapu, Hawaii  
Property Sold & Amount: No, N/A  
Improvements: Boundary fence

Transferee Name: Widmarke K. Loo  
Relationship: None  
Loan Assumption: N/A  
Applicant: No

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

7. Lessee Name: Widmarke K. Loo  
Agr. Lease No. 6927, Lot No. 58  
Lease Date: 12/1/1986  
Area: Puukapu, Hawaii  
Property Sold & Amount: No, N/A  
Improvements: Boundary fence

Transferee Name: Kamaha'o N. Loo  
Relationship: Son  
Loan Assumption: N/A  
Applicant: No

Reason for Transfer: "Giving lease to relative."



8. Lessee Name: Marla G. K. Silva  
Res. Lease No. 8665, Lot No. 35  
Lease Date: 7/15/1996  
Area: Anahola, Kauai  
Property Sold & Amount: No, N/A  
Improvements: 4 bedroom, 2 bath dwelling
- Transferee Name: Crystal D. K. S. Bristol & Evan K. Silva  
Relationship: Daughter & Son  
Loan Assumption: N/A  
Applicant: No
- Reason for Transfer: "Giving lease to relatives."
9. Lessee Name: Sally Ann H. Diana  
Res. Lease No. 8669, Lot No. 25  
Lease Date: 7/15/1996  
Area: Anahola, Kauai  
Property Sold & Amount: Yes, \$345,000.00  
Improvements: 3 bedroom, 1-1/2 bath dwelling
- Transferee Name: Marla G. Silva  
Relationship: Sister  
Loan Assumption: N/A  
Applicant: No
- Reason for Transfer: "Moving off island." Special  
Condition: Transferee to obtain funds to pay purchase  
price.
10. Lessee Name: Mary Ann P. L. Tremaine  
Res. Lease No. 10766, Lot No. UNDV140  
Lease Date: 12/3/2005  
Area: Laiopua, Hawaii  
Property Sold & Amount: No, N/A  
Improvements: None
- Transferee Name: Clayton D. Tremaine, Jr.  
Relationship: Husband  
Loan Assumption: N/A  
Applicant: No
- Reason for Transfer: "Giving lease to relative."

Assignments for the Month of May `22	10
Previous FY '21 - '22 balance	<u>186</u>
FY '21 - '22 total to date	196
Assignments for FY '20 - '21	201

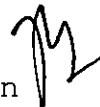



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

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

Two (2) amendments of lease.

1. Lessee: Clyde K. M. Eli, Jr.  
Agr. Lease No.: 3299  
Lot No., Area, Island: 102-B-1, Nanakuli, Oahu  
Amendment: To amend the lease and to extend the lease to an aggregate term of 199 years.
2. Lessee: Bruce K. Keahi  
Res. Lease No.: 10324  
Lot No., Area, Island: UNDV027, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.

Amendments for the Month of May '22	2
Previous FY '21 - '22 balance	<u>120</u>
FY '21 - '22 total to date	122

Amendments for FY '20 - '21	112
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ITEM NO. D-11





STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

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

Four (4) non-exclusive licenses.

1. Lessee: Wilma E. P. Akiona  
Res. Lease No.: 11198  
Lot No., Area, Island: 5, Anahola, Kauai  
Permittee: Project Solar, LLC
  
2. Lessee: Liliana O. Hahn  
Res. Lease No.: 8576  
Lot No., Area, Island: 17, Nanakuli, Oahu  
Permittee: Sunrun Installation Services, Inc.

3. Lessee: Chris N. K. Harris  
 Res. Lease No.: 5063  
 Lot No., Area, Island: 337-A, Keaukaha, Hawaii  
 Permittee: Sunrun Installation Services, Inc.
  
4. Lessee: Elizabeth K. Lorenzo  
 Res. Lease No.: 12926  
 Lot No., Area, Island: 157, Kauluokahai, Oahu  
 Permittee: Sunrun Installation Services, Inc.


Non-Exclusive License for the Month of May '22	4
Previous FY '21 - '22 balance	<u>44</u>
FY '21 - '22 total to date	48
 Non-Exclusive License for FY '20 - '21	 64

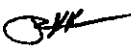
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

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 -  
MANLY K. KANOA, JR., Residential Lease No. 7767,  
Lot No. A, Waimanalo, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Derek K. Kanoa (Derek), as successor to Residential Lease No. 7767, Lot No. A, Waimanalo, Oahu, for the remaining term of the lease;

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

4. To authorize the Department to extend the Deadline up to 60 days for good cause; and

5. To declare that if Derek's selection as successor 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

By way of a Transfer Through Successorship, Manly K. Kanoa, Jr. (Decedent) received Lease No. 7767 for Waimanalo Residential Lot No. A, dated February 13, 1989 (Lease).

On November 13, 2018, the Decedent passed away without having named a qualified successor to his lease.

The Department received the Decedent's death certificate on November 2, 2021.

As the Decedent did not name a qualified successor prior to his passing, pursuant to Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star-Advertiser, the Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island newspapers on December 6, 13, 20, and 27, 2021, calling for all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the Lease.

In response to the notices, on July 7, 2021, the Department received a successorship claim from the Decedent's brother, Derek, who is of no less than the required 25% 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.

Improvements to the homestead lot consist of a 3-bedroom, 2-bath, single family dwelling constructed in 1992.

There is an outstanding mortgage attached to the lease in the amount of \$149,500. Real property taxes are delinquent in the amount of \$346.71 and the lease rent is \$18 in arrears. Derek has been apprised of the outstanding loan.

The Department respectfully requests approval of its recommendation.




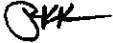
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator   
Homestead Services Division

FROM: Ross K. Kapeliela, Oahu District Office Supervisor   
Homestead Services Division

SUBJECT: **Commission Designation of Successor -  
ELIZABETH H. NAHLOWAA, Residential Lease No. 3769,  
Lot No. 305, Nanakuli, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Kiana Kaleonahe Naholowaa (Kiana) as successor to Residential Lease No. 3769, Lot No. 305, Nanakuli, Oahu (Lease), for the remaining term of the Lease;

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

4. To authorize the Department to extend the Deadline up to 60 days for good cause; and

5. To declare that if Kiana'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;"

#### DISCUSSION

Elizabeth H. Naholowaa (Decedent) received the Lease by way of Transfer Through Successorship and Amendment to Lease dated September 28, 2018.

On February 26, 2021, the Decedent passed away without naming a qualified successor.

The Department received the Decedent's death certificate on September 14, 2021.

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 6, 13, 20, and 27, 2021, notifying 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 child, Kiana, who has been determined to be of at least 25% Hawaiian ancestry and is therefore eligible for successorship to the Lease.

Pursuant to Section 209 of the Hawaiian Homes Commission Act, 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 consists of a 4-bedroom and 2-bath, single family dwelling, which was constructed in 1975.

There is an outstanding mortgage with Nationstar Mortgage dated September 1, 2000, with an original amount of \$49,300 and the real property taxes are in arrears in the amount of \$340.38. The lease rent is current. Kiana is aware of the outstanding balances and has agreed to accept the obligations should she be designated as the successor.

The Department requests approval of its recommendation.





STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator   
Homestead Services Division

FROM: Ross K. Kapeliela, Acting District Supervisor   
Oahu District Office  
Homestead Services Division

SUBJECT: **Commission Designation of Successor -  
CAROL K. KANEAKUA, Residential Lease No. 2516,  
Lot No. 106, Kewalo, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Sharon Poniala Morales (Sharon) as successor to Residential Lease No. 2516, Lot No. 106, Kewalo, Oahu (Lease), for the remaining term of the Lease;

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

4. To authorize the Department to extend the Deadline up to 60 days for good cause; and

5. To declare that if Sharon'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 amend the lease to incorporate a new 10-foot wide sewer easement located on the backside of the property.

#### DISCUSSION

Carol K. Kaneakua (Decedent) received the Lease by way of a Transfer Through Successorship and Amendment to Lease on July 1, 2020.

On July 31, 2020, the Decedent passed away without naming a successor to her lease.

On September 30, 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 December 6, 13, 20, and 27, 2021, notifying 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 sister, Sharon, who has been determined to be of at least 25% Hawaiian ancestry and is therefore eligible for successorship to the Lease.

Pursuant to Section 209 of the Hawaiian Homes Commission Act, 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 1 bath, single family dwelling, which was constructed in 1953.

There are no outstanding loans. The real property tax is current, and the next assessment will be due August 20, 2022. The lease rent account reports a credit balance of \$2.

The Department requests approval of its recommendation.





STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator   
Homestead Services Division

FROM: Ross K. Kapeliela, Acting District Supervisor   
Oahu District Office  
Homestead Services Division

SUBJECT: **Commission Designation of Successor -  
FLORENCE KEALOHA, Residential Lease No. 12932,  
Lot No. 106, Kauluokahai, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Jeidi Kahealani Kealoha (Jeidi) as successor to Residential Lease No. 12932, Lot No. 106, Kauluokahai, Oahu (Lease), for the remaining term of the Lease;

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

4. To authorize the Department to extend the Deadline up to 60 days for good cause; and

5. To declare that if Jeidi'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;"

#### DISCUSSION

Florence Kealoha (Decedent) was awarded the Lease commencing on June 23, 2021.

On June 23, 2021, the Decedent passed away without naming a successor to her lease.

On October 14, 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 December 6, 13, 20, and 27, 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, Jeidi, who has been determined to be of 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.

Improvements to the homestead lot consist of a 4-bedroom and 3-bath, single family dwelling, which was constructed in 2021.

There is an outstanding mortgage with Planet Home Lending, LLC dated June 14, 2021, with an original amount of \$424,156. Jeidi has been apprised of the outstanding loan.

The lease rent account reports a credit balance of \$97 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

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator   
Homestead Services Division

FROM: Ross K. Kapeliela, Acting District Supervisor   
Oahu District Office  
Homestead Services Division

SUBJECT: **Commission Designation of Successor -  
ALLAN L. KILA, JR., Residential Lease No. 12944,  
Lot No. 97, Kauluokahai, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Jasmine Hauoli Kila (Jasmine) as successor to Residential Lease No. 12944, Lot No. 97, Kauluokahai, Oahu (Lease), for the remaining term of the Lease;

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

4. To authorize the Department to extend the Deadline up to 60 days for good cause; and

5. To declare that if Jasmine'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;"

#### DISCUSSION

Allan L. Kila, Jr. (Decedent) was awarded the Lease commencing on August 27, 2021.

On September 14, 2021, the Decedent passed away without naming a successor to his lease.

On November 18, 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 December 6, 13, 20, and 27, 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, Jasmine, who has been determined to be of at least 25% 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.

Improvements to the homestead lot consist of a 3-bedroom and 2-bath, single family dwelling, which was constructed in 2021.

There is an outstanding mortgage with Bank of Hawaii dated August 19, 2021, with an original amount of \$362,590. Jasmine has been apprised of the outstanding loan.

The lease rent account reports a credit balance of \$97 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

May 16, 2022

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: **Cancellation of Lease - CAROLDEAN K. JACKSON**  
**Residential Lease No. 8385, Lot No. 94, PKE, Oahu**

RECOMMENDED MOTION/ACTION

To approve the cancellation of Residential Lease No. 8385, Lot No. 94, pursuant to the Hawaiian Homes Commission Act, 1920, as amended, as there were no claimants to the Lease interest.

DISCUSSION

Caroldean K. Jackson (Decedent) was awarded Residential Lot Lease No. 8385, Lot No. 94, located in Princess Kahanu Estates Subdivision, situated at Lualualei, Waianae, commencing on September 1, 1995.

On December 15, 2017, Decedent designated her brother, Peter Kama (Peter), as the successor to the Lease.

On July 27, 2020, the Decedent passed away.

On September 16, 2020, the Department received the Decedent's death certificate.

On December 8, 2020, the Department received the Successorship to Lease Response Form from Peter who indicated his intent to proceed with successorship to the above lease.

The Department sent Peter a letter dated December 10, 2020, apprising him that as his wife, Elaine A. Kim-Kama, is currently a Waimanalo residential lessee,

he can succeed to the Decedent's residential lease provided that he simultaneously transfers the lease to an individual who is at least 18 years of age and qualified to receive the lease under the Hawaiian Homes Commission Act, 1920, as amended (Act).

On March 15, 2021, and again on June 18, 2021, the Department contacted Peter to inquire whether he had found a qualified individual to purchase the Decedent's lease. In both instances, Peter indicated that he had yet to find a buyer.

On June 17, 2021, the Transfer Through Successorship document and the Lease Addendum ("Prohibition of Illegal Activity or Nuisance") were drafted and following staff review, were subsequently sent to the Department of the Attorney General on June 24, 2021, for their review.

On July 9, 2021, the Department received the approved documents back from the Department of the Attorney General.

On July 12, 2021, staff informed Peter that the documents were ready for his review and signature. He indicated that he would call the Department to schedule an appointment to do so.

On August 16, 2021, staff placed a follow-up call to Peter, however, his wife answered the phone and apprised staff that Peter had passed away on August 13, 2021.

On September 24, 2021, the Department received the death certificate for Peter Kama.

During the last portion of her life ending with her passing, the Decedent had her caregivers living at her Princess Kahanu residential homestead. After her passing, however, Peter allowed the former caregivers to remain in the house in exchange for monthly rent while he was searching for an individual to purchase the Decedent's lease. After Peter's passing, however, a family member apprised the Department of this arrangement and the fact that the caregivers still remain in the house

On or about November 1, 2021, the Department mailed a *Notice of Trespass and Demand to Vacate* to the former caregivers, Joseph and Edwina Seden at the Decedent's address. On November 4, 2021, the Department's Enforcement Team spoke with Joseph at the lot and gave him a copy of the November 1, 2021, notice. The Department is currently pursuing a writ to evict the unauthorized occupants from the property.

Peter's passing left no remaining successors to the Decedent's homestead lot.

Pursuant to the Hawaii Administrative Rules Section 10-3-63, the Department published legal notices in the Honolulu Star Advertiser, The Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island newspapers on December 6, 13, 20 and 27, 2021, to notify all interested, eligible and qualified heirs of the Decedent, to submit their lease successorship claims.

Furthermore, pursuant to Section 209 of the Act, when a lessee fails to designate a successor, the Commission is authorized to terminate the lease or to continue the lease by designating a successor. Section 209 states in part that the Department may select from only the following qualified relatives in priority order:

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 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.

No claims were received by the Department before the closing of the Public Notice to succeed to the Lease.

Also pursuant to Section 209 of the Act, where there are no qualified relatives to succeed to the Lease, "the land subject to the lease shall resume its status as unleased Hawaiian homelands and the department is authorized to lease the land to another qualified native Hawaiian as provided in [the] Act."

Improvements to the homestead lot consist of a 5 bedroom and 3 bath, single family dwelling consisting of 6,367 square feet constructed in 1996.

There is an outstanding mortgage loan with Wells Fargo Bank NA in the amount of \$63,996. 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

May 16, 2022

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 -  
BEATRICE P. KALAI, Residential Lease No. 2864,  
Lot No. 41-A-1, Waimanalo, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Relda S. Palenapa (Relda), as successor to Residential Lease No. 2864, Lot No. 41-A-1, Waimanalo, Oahu, for the remaining term of the lease;
2. To approve and accept that Relda 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 Relda's right and interest in the Lease do not vest until Relda has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Relda does not sign all such documents on or before **July 31, 2022** (the Deadline), that the Commission's selection of Relda as successor is automatically revoked;
4. To authorize the Department to extend the Deadline up to 60 days for good cause;
5. To declare that if Relda's selection as 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 and the department is authorized to lease the land to a native Hawaiian as provided [by the] Act."

6. To amend the lease to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.

#### DISCUSSION

By way of an award, Beatrice P. Kalai (Decedent) received Lease No. 2864 for Waimanalo Residential Lot No. 41-A-1, dated February 10, 1954 (Lease).

On June 12, 2020, the Decedent filed a *Designation of Successor* with the Department naming her son, Milton Kalai (Milton), as successor to the lease.

On September 25, 2020, the Decedent passed away and the Department received her death certificate on November 2, 2020.

As Milton was a Waiakea residential lessee at the Decedent's passing, he was required to transfer his Waiakea lease prior to succeeding to the Decedent's Waimanalo lease.

Milton chose to transfer his Waiakea lease to his mother-in-law, Alice Harbottle; however, Milton also expressed a desire to pay off the existing loan before transferring the lease to Alice. Milton passed away on May 16, 2021, before the transfer to Alice could be completed.

The Department has since received confirmation of Milton's passing and is currently in the process of obtaining a copy of his death certificate from the family.

With Milton's passing, the Decedent's lease was without a named successor and accordingly, pursuant to Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star-Advertiser, the Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island newspapers on December 6, 13, 20, and 27, 2021, calling for all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the Lease.

In response to the notices, the Department received a successorship claim on December 16, 2021, from the Decedent's daughter, Relda, who has been determined to exceed the required

25% Hawaiian ancestry and is therefore eligible for successorship to the Lease. Claims were also received from the Decedent's grandchildren: Joseph Palenapa, Heidi Kalua, and Pohaikealoha Hayashida.

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, 2-bath, single family dwelling.

There is no mortgage attached to the lease, the real property tax is current, and the lease rent is delinquent in the amount of \$17.

The Department respectfully requests approval of its recommendation.




STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Juan Garcia, Administrator   
Homestead Services Division

FROM: Olinda L. Fisher, EHDO District Supervisor  
Homestead Services Division

SUBJECT: **Cancellation of Tenant-In-Common Leasehold Interest -  
ALFRED G. KUMALAE JR., Agricultural Lease No. 6887  
Lot No. 18, Panaewa, Hawaii**

RECOMMENDED MOTION/ACTION

1. To approve the cancellation of the late Alfred G. Kumalae Jr.'s (Decedent) tenant-in-common leasehold interest in Agricultural Lease No. 6887, Lot No. 18, Panaewa, Hawaii (Lease); and
2. To approve to dispense with the awarding of Decedent's tenant-in-common leasehold interest in the lease; and
3. To approve that Kehaunani E.K. Masaki (Kehaunani) and Georgianna L.K. Leitch (Georgianna), respectively hold 50% tenant-in-common interest for the remaining term of the Lease.

DISCUSSION

By way of the Department of Hawaiian Home Lands Transfer Through Successorship Lease document, dated July 31, 1996, the Decedent, Kehaunani, and Georgianna received the Lease as tenants in common.

On October 5, 2019, the Decedent passed away without naming a successor.

In compliance with the Administrative Rules 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 6, 13, 20, and 27, 2021, to notify all interested, eligible and qualified heirs of the Decedent, to submit their Lease successorship claims.

The Department did not receive any successorship claims for the Decedent's tenant-in-common interest to the Lease.

Section 209(a) of the Hawaiian Homes Commission Act (Act) states "In the case of the death of a lessee leaving no designated successor or successors, husband, wife, children, grandchildren, or relative qualified to be a lessee of Hawaiian Home Lands, 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 in this Act."

Also, Section 209(d) of the Act states that "After the cancellation of a lease by the Department in accordance with sections 210 and 216 of this title, or the surrender of a lease by a lessee, the Department may transfer the lease or issue a new lease to any qualified Native Hawaiian regardless of whether that person is related in any way by blood or marriage to the previous lessee.

Although there were no qualified claimants to designate as successor to the Decedent's tenant-in-common leasehold interest, it would be unreasonable for the lease to "resume its status as unleased." Furthermore, it would be unreasonable to offer Alfred's tenant-in-common interest to another Native Hawaiian from the application waitlist. It would be inappropriate that an unrelated beneficiary be awarded a one-half interest in the lease and be expected to reside in the home with the co-lessee.

There are no outstanding loans, and the lease rent is delinquent in the amount of \$25 and real property tax is delinquent in the amount of \$4,631.88. There are no other debts attached to this lease.


The Department requests the approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Juan Garcia, Administrator   
Homestead Services Division

FROM: Olinda L. Fisher, EHDO District Supervisor  
Homestead Services Division

SUBJECT: **Cancellation of Lease - CLEVIS AIONA AKA.,  
Residential Lease No. 3097, Lot No. 27,  
Waiakea, Hawaii**

RECOMMENDED MOTION/ACTION

To approve the cancellation of Lease No. 3097, Lot No. 27, Waiakea, Hawaii, pursuant to the Hawaiian Homes Commission Act of 1920, as amended, as there is no qualified successor to the Lease interest.

DISCUSSION

By way of the Department of Hawaiian Home Lands Transfer through Successorship and Amendment to Lease No. 3097, dated August 5, 1977, Clevis Aiona Aka (Decedent) received the Lease.

On March 28, 2008, the Decedent named his step-granddaughter Heidi Aiona Aka Whitney as successor.

On April 17, 2009, the Decedent passed away and the Department received a death certificate on June 1, 2009.

The Department has made numerous attempts by way of phone calls and letters to contact Heidi and inform her of the successorship and was unsuccessful. On November 6, 2020, Heidi submitted her successorship to lease response form indicating her acceptance. However, Heidi was deemed to be ineligible as she was the step-granddaughter of the decedent.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star Advertiser, the Garden Isle, the Hawaii Tribune Herald, West Hawaii today, and The Maui News on December 06, 13, 20, and 27, 2021, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the lease.

No successorship claims were received by the Department.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), "the land subject to the lease shall resume its status as unleased Hawaiian home lands and the Department is authorized to lease to another qualified native Hawaiian as provided in the Act."

There is an existing dwelling that is permitted on the property and valued at \$447,100 by the County of Hawaii. The Lease rent is delinquent in the amount of \$2 and real property tax is delinquent in the amount of \$43,479.23. There are no other debts attached to this lease.

The Department will order an appraisal of the improvements to determine whether any net proceeds are to be paid to the Decedent's estate.


The Department request the approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator   
Homestead Services Division

FROM: Olinda L. Fisher, East Hawaii Supervisor  
Homestead Services Division

SUBJECT: **Commission Designation of Successor -  
THERESA M. DUCRET, Residential Lease No. 6841,  
Lot No. 29, Waiakea, Hawaii**

RECOMMENDED MOTION/ACTION

1. To approve the designation of William K. Meyers (William), as successor to Residential Lease No. 6841, Lot No. 29, Waiakea, Hawaii, for the remaining term of the lease;

2. To approve and accept that William 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 William's rights and interest in the Lease do not vest until William has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if William does not sign all such documents on or before **July 31<sup>st</sup>, 2022** (the Deadline), that the Commission's selection of William as successor is automatically revoked;

4. To authorize the Department to extend the Deadline up to 60 days for good cause;

5. To declare that if William's selection as 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 and the department is authorized to lease the land to a native Hawaiian as provided [by the] Act."



## DISCUSSION

By way of a Transfer Through Successorship, Theresa M. Ducret (Decedent) received Lease No. 6841 for Waiakea Residential Lot No. 29, dated August 10, 1988 (Lease).

On August 11, 2021, the Decedent passed away without naming a successor to her Lease.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star-Advertiser, the Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island newspapers on December 6, 13, 20, and 27, 2021, calling for all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the Lease.

On February 16, 2022, the Department received a successorship claim from the Decedent's son, William, who is determined to be at least 25% 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.

Improvements to the homestead lot consist of a 2-bedroom, 2-1/2 bath, single family dwelling constructed in 1992.

There is an outstanding mortgage attached to the lease in the amount of \$149,000, real property taxes and the lease rent are current.

The Department respectfully requests approval of its recommendation.




STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Juan Garcia, Administrator   
Homestead Services Division

FROM: Olinda L. Fisher, EHDO District Supervisor  
Homestead Services Division

SUBJECT: **Cancellation of Lease - HARRY K. KAMALII JR.,  
Agricultural Lease No. 6982, Lot No. 38, Makuu, Hawaii**

RECOMMENDED MOTION/ACTION

To approve the cancellation of Lease No. 6982, Lot No. 38, Makuu, Hawaii, pursuant to the Hawaiian Homes Commission Act of 1920, as amended, as there is no qualified successor to the Lease interest.

DISCUSSION

Harry K. Kamalii Jr. (Decedent) was awarded Department of Hawaiian Home Lands Agricultural Lot Lease No. 6982, commencing on October 1, 1986 (Lease).

On December 28, 2017, the Decedent named his brother, Henry Kamalii, as the primary successor.

On November 19, 2018, the Decedent passed away and the Department received a death certificate on February 25, 2019.

On September 6, 2020, Henry Kamalii denied acceptance of his successorship right to the Lease.

The Department proceeded with the alternate successor, Barry Kamalii. However, on October 22, 2021, he denied acceptance of his successorship right to the Lease.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star Advertiser, the Garden Isle, the Hawaii Tribune Herald, West Hawaii today, and The Maui News on December 06, 13, 20, and 27, 2021, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the lease.

No successorship claim was received by the Department.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), "the land subject to the lease shall resume its status as unleased Hawaiian home lands and the Department is authorized to lease to another qualified native Hawaiian as provided in the Act."


There is an existing dwelling that is permitted on the property and valued at \$52,300 by the County of Hawaii. The Lease rent and real property tax are current. There are no other debts attached to this lease.

The Department request the approval of its recommendation.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

MAY 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator   
Homestead Services Division

FROM: Erna Kamibayashi, Kauai District Office Supervisor  
Homestead Services Division

SUBJECT: **Commission Designation of Successor**  
**RICHARD ALAN LOVELL, Residential Lease No. 3253**  
**Lot No. 65, Anahola, Kauai**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Ruth Leimomi Martin as successor to Residential Lease No. 3253, Lot No. 65, Anahola, Kauai (Lease) for the remaining term of the lease.
2. To approve and accept that Ruth is of no less than the required 25% Hawaiian ancestry and therefore is a qualified successor pursuant to Section 209 of the Hawaiian Homes Commission Act 1920, as amended;
3. To stipulate that Ruth's right and interest in the Lease does not vest until Ruth has signed that: (i) transfer through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Ruth does not sign all such documents on or before **July 31, 2022** (the deadline) that the Commission's selection of Ruth as a successor is automatically revoked;
4. To authorize the Department to extend the Deadline up to 60 days for good cause; and
5. To declare that if Ruth'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

Richard Alan Lovell (Decedent) succeeded to Residential Lot Lease No. 3253, Lot No. 65, located in Anahola Unit 1, Anahola, Kauai on June 29, 2018. The lease had previously been award to his father, Castro Lovel on April 17, 1959, and upon his passing the Hawaiian Homes Commission approved the transfer through successorship to Richard.

On February 13, 2021, the Decedent passed away without naming a successor to his Lease.

In compliance with the Administrative Rules 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island newspapers on December 6, 13, 20 and 27, 2021, to notify all interested, eligible and qualified heirs of the Decedent, to submit their lease successorship claims.

On March 10, 2022, the Department received a successorship claim from the Decedent's sister, Ruth Leimomi Martin.

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

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 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 1-bath single family dwelling consisting of 814 square feet built in 1959.

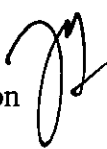
Kauai County is exempt from real property tax, however are assessed a charge for trash pickup fees. As of April 30, 2022, all trash pickup fees are current. Lease rent has a credit of \$36.00. There is no outstanding mortgage attached to this lease.

The Department requests approval of its recommendation.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

MAY 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator   
Homestead Services Division

FROM: Erna Kamibayashi, Kauai District Office Supervisor  
Homestead Services Division

SUBJECT: **Commission Designation of Successor  
POHAIKEALOHA DYMOND, Residential Lease No. 11042  
Lot No. UNDV041, Piilani Mai Ke Kai Subdivision (PMKK) Anahola, Kauai**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Nicole Doversola and Kollett Doversola as tenant in common successors to Residential Lease No. 00142, Lot No. UNDV041, located in the Piilani Mai Ke Kai Subdivision (PMKK), Anahola, Kauai (Lease) for the remaining term of the lease.
2. To approve and accept that Nicole and Kollett are of no less than the required 25% Hawaiian ancestry and therefore are qualified successors pursuant to Section 209 of the Hawaiian Homes Commission Act 1920, as amended;
3. To stipulate that Nicole and Kollett's right and interest in the Lease does not vest until Nicole and Kollett have signed that: (i) transfer through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Nicole and Kollett does not sign all such documents on or before **July 31, 2022** (the deadline) that the Commission's selection of Nicole and Kollett as successors are automatically revoked;
4. To authorize the Department to extend the Deadline up to 60 days for good cause; and
5. To declare that if Nicole and Kollett's selection as successors are 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

Pohaikealoha Dymond (Decedent) was awarded Residential Lot Lease No. 11042, Lot No. UNDV41, located in PMKK, Anahola, Kauai on May 13, 2006.

On May 14, 2018, the Decedent passed away without naming a successor to her Lease.

In compliance with the Administrative Rules 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island newspapers on December 6, 13, 20 and 27, 2021, to notify all interested, eligible and qualified heirs of the Decedent, to submit their lease successorship claims.

On December 9, 2021, the Department received a successorship claim from the Decedent's daughter, Kollett Doversola. On February 14, 2022, the Department received a second successorship claim from Decedent's daughter, Nicole Doversola.

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

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 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.


This is a UNDV lease. No improvements have been made to this lease. Lease Rent has a credit of \$82.00. There is no outstanding mortgage attached to this lease.

The Department requests approval of its recommendation.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Juan Garcia, Administrator   
Homestead Services Division

FROM: Erna A. Kamibayashi, Kauai District Supervisor  
Homestead Services Division

SUBJECT: **Cancellation of Tenant-In-Common Leasehold Interest -  
DONALD NIHIPALI, Residential Lease No. 6486  
Lot No. 61, Anahola, Kauai**

RECOMMENDED MOTION/ACTION

1. To approve the cancellation of the late Donald Nihipali (Decedent) tenant-in-common leasehold interest in Residential Lease No. 6486, Lot No. 61, Anahola, Kauai (Lease); and
2. To approve to dispense with the awarding of Decedent's tenant-in-common leasehold interest in the lease; and
3. To approve that Vilma Maycong, hold 100% interest for the remaining term of the Lease.

DISCUSSION

On July 1, 1986 (amended to June 30, 1994) Amy Nihipali (Amy) was awarded Residential Lease No. 6486, Lot No. 61 located in Anahola, Kauai.

On February 14, 2003, Amy elected to share her lease with her husband Donald Nihipali (Donald) and her sister Vilma Maycong (Vilma) as Tenants in Common.

On November 17, 2020, Amy passed away. She designated her portion of her lease to her sister, Vilma.

On February 23, 2021, Donald (decedent) passed away without leaving a qualified successor to his portion of the lease.

In compliance with the Administrative Rules 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 6, 13, 20, and 27, 2021,

to notify all interested, eligible and qualified heirs of the Decedent, to submit their Lease successorship claims.

The Department did not receive any successorship claim for the Decedent's tenant-in-common interest to the Lease by the response deadline on April 6, 2022.

Section 209 (a) of the Hawaiian Homes Commission Act of 1920 (Act), as amended, states "in the case of the death of a lessee leaving no designated successor or successors, husband, wife, children, grandchildren, or relative qualified to be a lessee of Hawaiian Home Lands, 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 in this Act."

Also, Section 209 (d) of the Act states that "After the cancellation of a lease by the Department in accordance with sections 210 and 216 of this title, or the surrender of a lease by a lessee, the Department may transfer the lease or issue a new lease to any qualified Native Hawaiian regardless of whether that person is related in any way by blood or marriage to the previous lessee.

Although there was no qualified claimant to designate as successor to the Decedent's tenant-in-common leasehold interest, it would be unreasonable to offer Donald's tenant-in-common interest to another Native Hawaiian from the application waitlist. It would be inappropriate that an unrelated beneficiary be awarded a one-half interest in the lease and be expected to reside in the home with the co-lessee.

Improvements to the lease include a 4-bedroom, 2-bath home consisting of 1,248 square feet built in 1997.

There are no outstanding loans. Kauai County is exempt from real property tax, however, are assessed a charge for trash pick-up fees. As of April 30, 2022, trash pick-up fees due to Kauai County is \$122.36. Lease rent has a credit of \$2. There are no other debts attached to this lease.

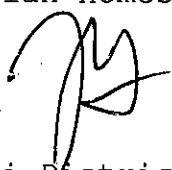
The Department requests the approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Juan Garcia, Administrator   
Homestead Services Division

FROM: James W. DuPont, West Hawaii District Office  
Supervisor, Homestead Services Division

SUBJECT: Commission Designation of Successor -  
**JOHN KANUI**, Residential Lease No. 09301, Lot No. 88,  
Kaniohale, Hawai'i

RECOMMENDED MOTION/ACTION

1. To approve the selection of Margaret Makanohea Hill (Margaret) to succeed to the lease of John Kanui and simultaneous transfer of Residential Lease No. 09301, Lot No. 88, Kaniohale, Hawaii (Lease), to Erica Ann Hill (Erica) for the remaining term of the Lease.

2. To approve and accept that Margaret 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 the successor rights and interest in the Lease does not vest until Margaret and Erica have signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Margaret and Erica do not sign all such documents on or before **August 31, 2022** (the Deadline) that the Commission's selection of Margaret, as 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 Margaret's selection as 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

On December 8, 1998, John Kanui (Decedent) received Department of Hawaiian Home Lands Assignment of Lease and Consent to Lease No. 09301, Lot No. 88, Kaniohale, Hawaii (Lease).

On November 2, 2020, the Decedent's death certificate was received informing the Department of his passing on September 28, 2020. As there were no named successor to the lease, the Department proceeded with a public notice.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star Advertiser, the Garden Isle, the Hawaii Tribune Herald, West Hawaii today, and The Maui News on 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 one successorship claim from the Decedent's sister, Margaret, who is deemed eligible for successorship to the Lease.

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

1. Husband or wife; or
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 2-bedroom, 1- bath, single family dwelling, which was constructed in 1998.

There is an outstanding mortgage with BSI Financial in the amount of approximately \$51,340 and association dues in the amount of \$1,292.99. Erica agreed to pay off the mortgage and bring association dues current upon approval of her successorship interest. The lease rent and real property tax are current.

The Department requests approval of its recommendation.

**HAWAIIAN HOMES COMMISSION  
MAY 16 & 17, 2022  
FACE-TO-FACE &  
INTERACTIVE CONFERENCE  
TECHNOLOGY**

**E – ITEMS  
LAND DEVELOPMENT DIVISION**



# **West Hawai'i Project Updates**

**ITEM E-1 - For Information Only**

May 16, 2022



# CURRENT DEVELOPMENT VILLAGES OF LA'I 'ŌPUA, KEALAKEHE, HAWAII

## La'i 'Ōpua Rent with Option to Purchase (RWOTP)

- Village 4 'Akau 118 lots
- Village 5 45 lots
- Additional rental offerings subject to developer obtaining LIHTC

## La'i 'Ōpua Village 4 Hema

- 125 vacant lots
- Start construction early 2022
- Complete construction late 2023, subject to change.

## La'i 'Ōpua Village 5

- 42 Turnkey occupied
- 20 Habitat homes occupied
- 45 RWOTP
- 10 Vacant lots for Offer 2022



# Rent with Option to Purchase at Village 4 'Akau

OPTION TO PURCHASE AFTER 15-YEAR RENTAL COMPLIANCE



60 RENTAL HOUSES UNDER CONSTRUCTION BY  
IKAIKA OHANA AND COASTAL CONSTRUCTION



# Rent with Option to Purchase at Village 4 'Akau

- Subdivision of 118 Residential Lots
- Infrastructure Cost: \$10,346,493.00



- Housing Developer: Ikaika Ohana
- Rent with Option to Purchase program for 30%, 40% and 60% Area Median Income qualifying families
- 15 year rental compliance period
- First 60 homes – Occupied early 2022
- 24 homes estimated to start in Late 2022



# Rent with Option to Purchase at Village 4 'Akau



DEPARTMENT OF HAWAIIAN HOME LANDS - LAND DEVELOPMENT DIVISION

# La'i 'Ōpua Village 4 Subdivision - Phase 2 - Hema

## 125 Residential Lot Subdivision

- **Scope:** Infrastructure
  - Lot grading and Construction of Roads and Utilities
- **Funding:**
  - \$2,789,304 in USDA grant funds obligated for water, sewer and storm water improvements.
  - Up to \$12.2M in Legislative appropriations to fund infrastructure construction.
- **Schedule:**
  - **Advertisement for bids:** November 2020
  - **Bid Opening:** March 2021 – Low Bid: Nan, Inc. - \$13,887,249
  - **Construction Start:**
    - Blessing Ceremony – 3/23/2022
    - Notice to Proceed – 3/27/2022
    - Actual construction start - pending reapproval of plans and issuance of grading permit
  - **Completion Time of Construction:** 426 calendar days







# La'i 'Ōpua Village 4 Subdivision - Phase 2 - Hema

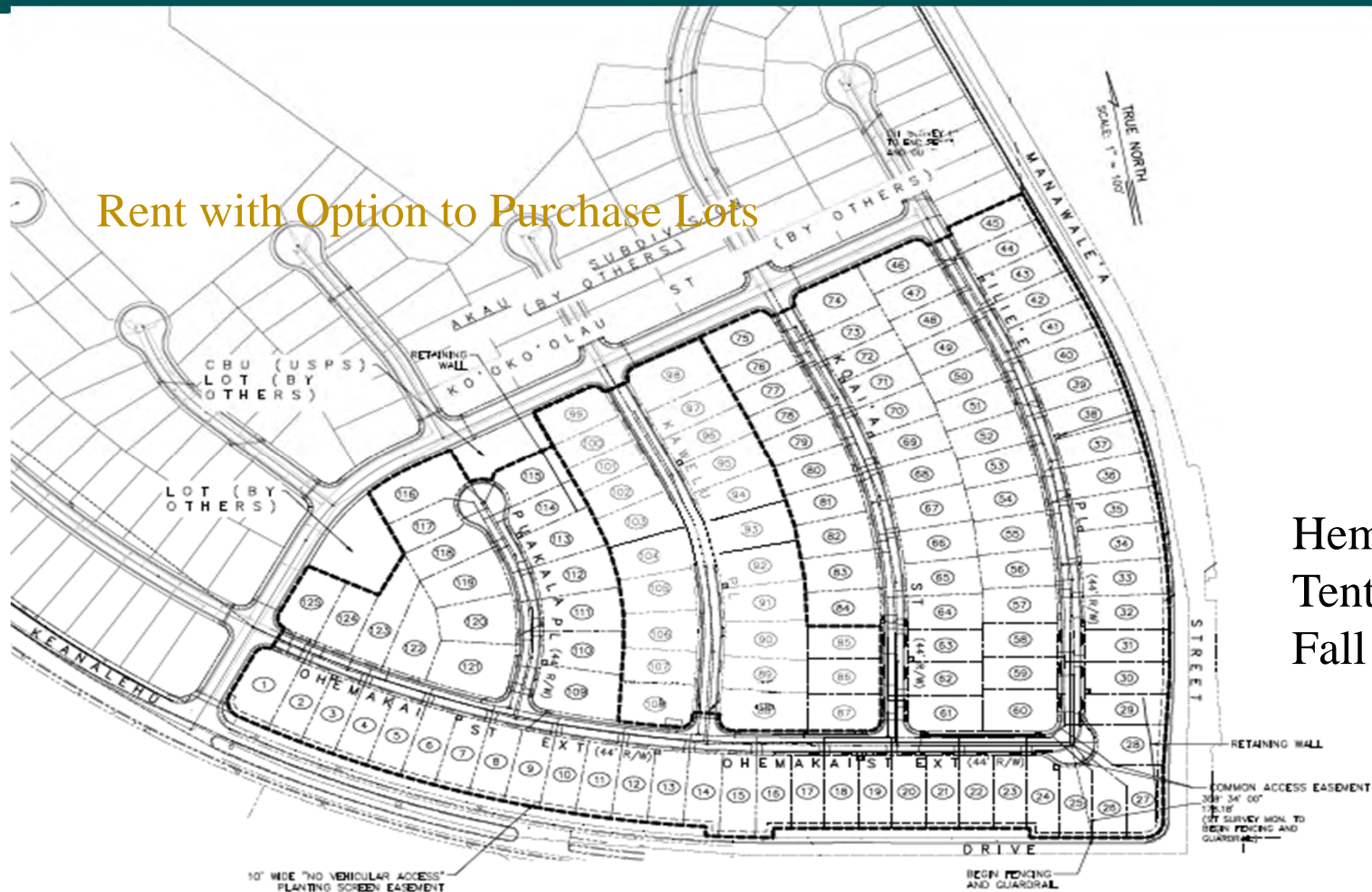
Blessing Ceremony held on  
March 23, 2002



Subject to receipt of County of Hawaii  
permits by end of May 2022, construction  
completion scheduled for Summer 2023.

# La'i 'Ōpua Village 4, Phase 2 - Hema Subdivision Layout

Rent with Option to Purchase Lots



Hema Subdivision  
Tentative completion:  
Fall 2023



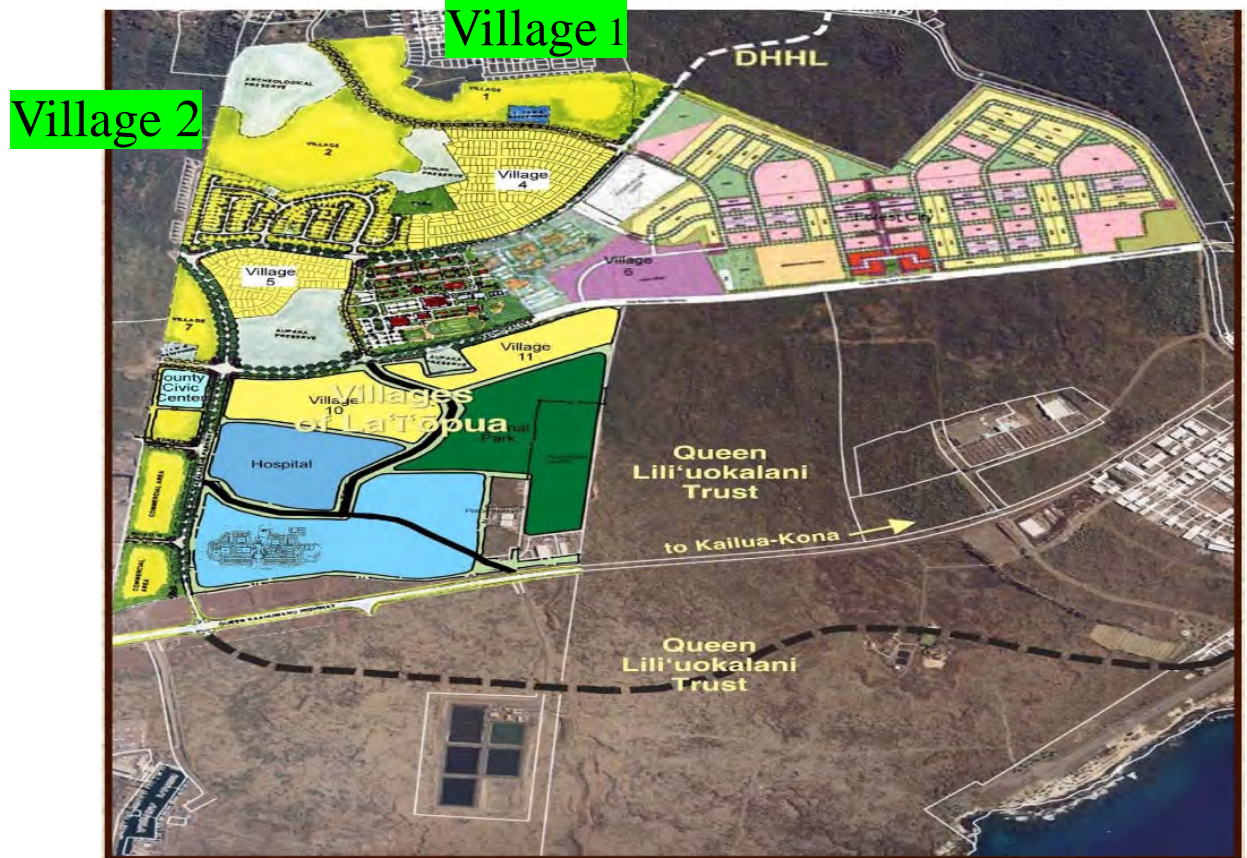
# Future La'i 'Ōpua Residential Development

## La'i 'Ōpua Village 2

- Start Environmental Compliance and Engineering Designs, subject to funding
- Approximately 200 lots

## La'i 'Ōpua Village 1

- Start Environmental Compliance and Engineering Designs, subject to funding
- Approximately 200 lots







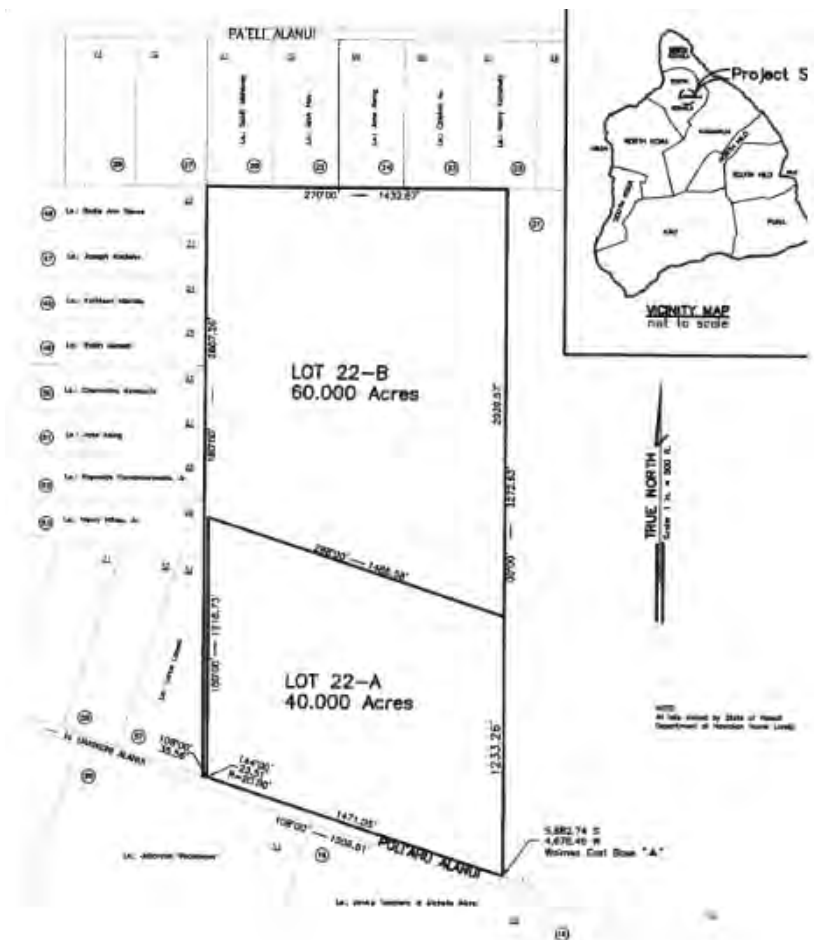
# Kūhiō Village Subdivision of Lot 7

- **Scope:**
  - Subdivision of Lot 7 into Lot 7-A and 7-B
  - Installing water laterals
  - Installing new fire hydrant
- **Construction Cost:**
  - **Low Bid:** \$74,140 – Nan, Inc.
  - **Final Cost:** \$45,582
- **Schedule:**
  - Construction Completed
    - August 3 – 6, 2020
  - Final Subdivision
    - Recorded on June 10, 2021
  - Contact and Awards Division to schedule lot selection.



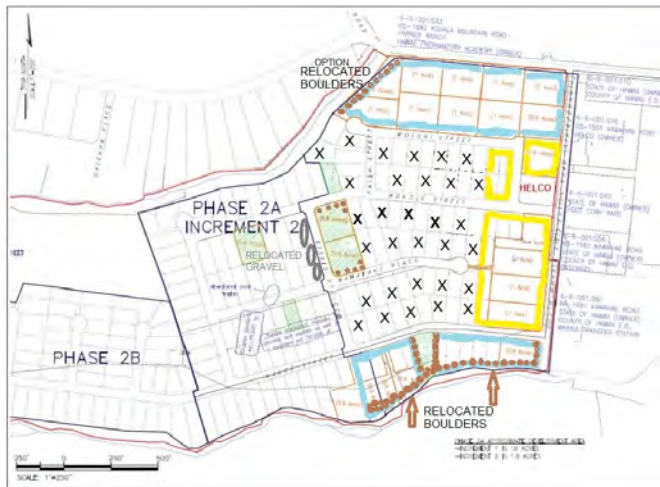
# Pu'ukapu Pasture Lot Subdivision of Lot 22

- **Scope:**
  - Subdivision Mapping
  - Water Lateral Improvements
- **Cost:**
  - **Design/Subdivision:** \$31,964.00 – R.M. Towill Corporation
  - **Construction:** \$37,147.00 – Isemoto Contracting Co. Ltd.
- **Schedule:**
  - **Advertisement for Bid:** February 10, 2022
  - **Bid Opening:** March 4, 2022
  - **Construction:** estimating June 2022
    - Completion Time: 30 calendar days from Notice to Proceed
  - **Final Subdivision:** following construction completion



# LALAMILO PHASE 2 – INCREMENT 1

- LALAMILO SOIL TESTING COMPLETED BY ELEMENT ENVIRONMENTAL
- LAB RESULTS REVIEWED BY DOH COMMERCIAL AREA, OPEN SPACE AND RESIDENTIAL LOTS – RESULTS INDICATE NO SIGNIFICANT CONTAMINANTS
- CONTRACTOR GOODFELLOW BROS. LLC HAS BEEN ON HOLD SINCE 2015
- NEGOTIATIONS WILL BE SCHEDULED SOON ON DELAY CLAIMS

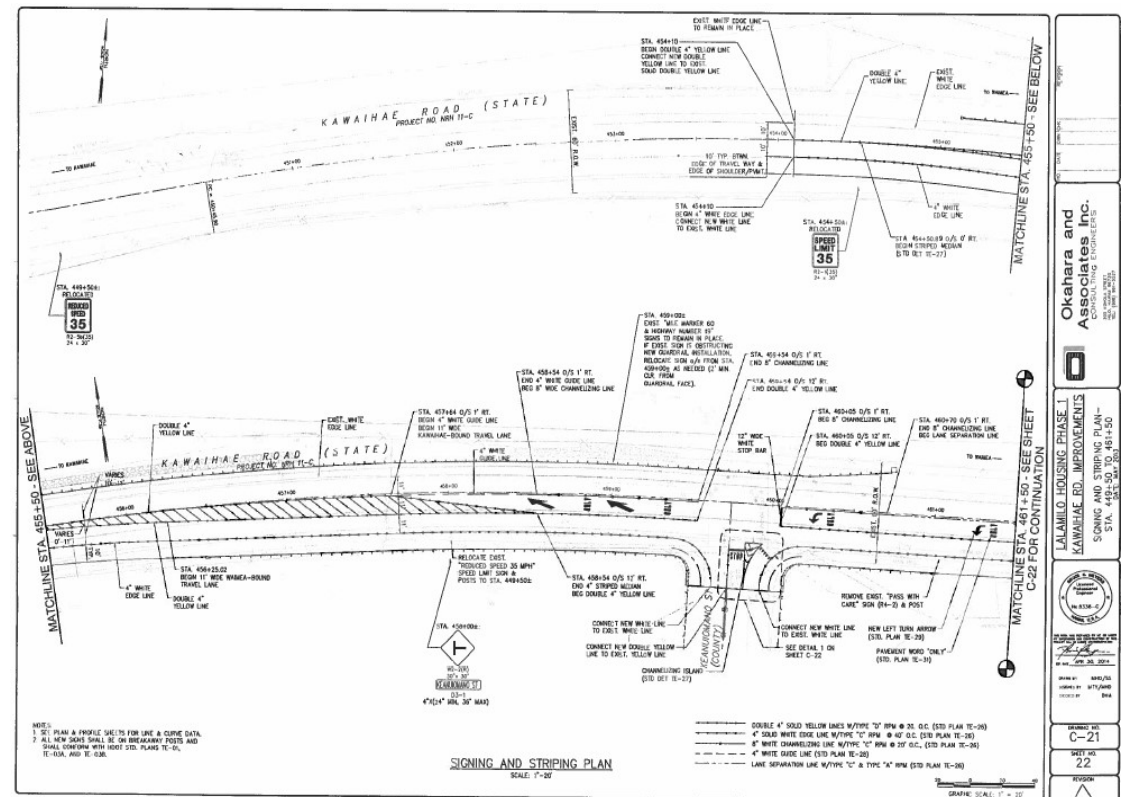


# LALAMILO PHASE 2 – UXO SURVEYS

- USACE Contract with ERRG is nearly complete with the nearly 200 acres of TMK: (3) 6-6-001:077 with a few ordinances found (MK-2 Hand Grenades) and destroyed on site
- A second contract with HGL will start soon to survey the remnant portion of land along the streams.
- Soil investigation for contaminants in Increment 1 has been completed and is under review by DOH.

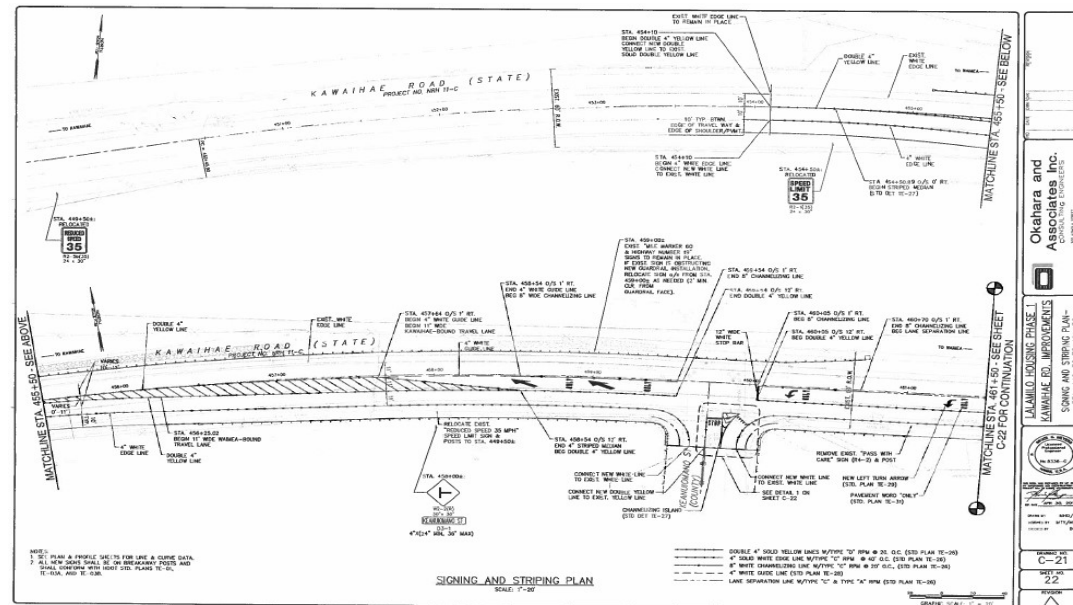






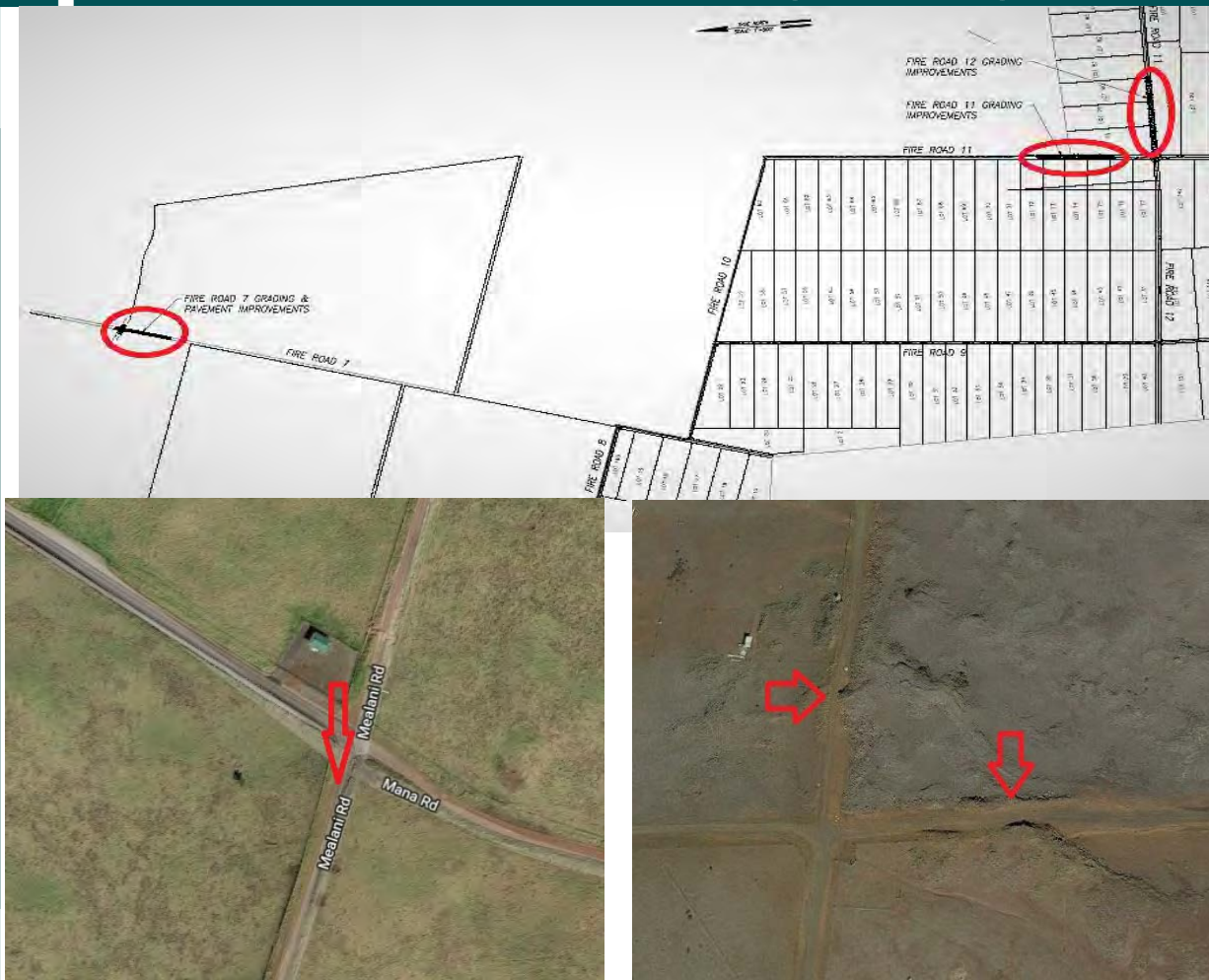
# LALAMILO PHASE I - KAWAIHAE ROAD IMPROVEMENTS

- CONTRACT WITH GOODFELLOW BROS. LLC HAS BEEN ON HOLD SINCE 2014
- RELOCATION OF HAWAIIAN TELCOM POLES BEING NEGOTIATED
- HTC HAS UNRESOLVED ISSUE WITH FIBER OPTIC LINE PURCHASED THRU SIC
- DELAY CLAIMS BY CONTRACTOR TO BE NEGOTIATED



DEPARTMENT OF HAWAIIAN HOME LANDS - LAND DEVELOPMENT DIVISION

# PUUKAPU PASTORAL LOTS ADDITIONAL ROAD IMPROVEMENTS



- Construction to improve line of sight and widen the narrow passage due to rock outcroppings
- Bidding in May 2022 with Bids open in June 2022
- Construction Cost Est.: \$450,000.00
- Estimated construction completion November 2022



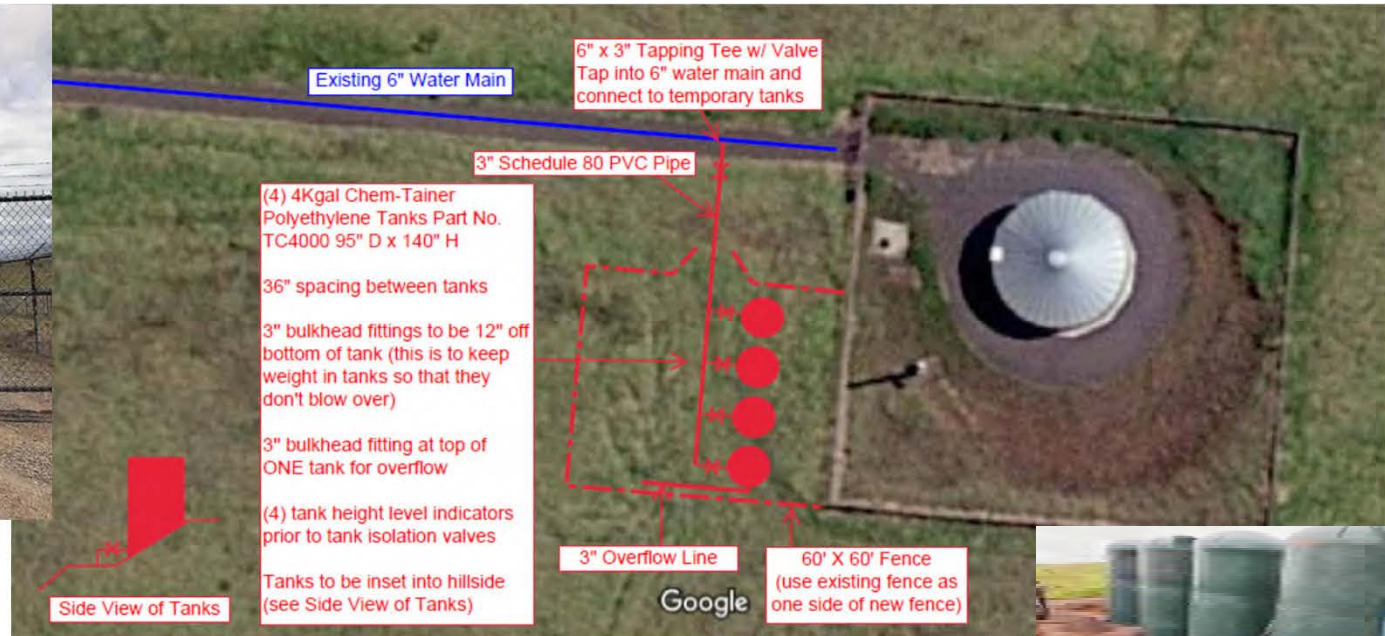


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# PU'UKAPU NON-POTABLE WATER SYSTEM

REPAIRS/IMPROVEMENTS TO DIESEL PUMP, SOLAR PV AND TANK 3 LINER AND BYPASS TANK ARRAY.



System Assessment by  
Rider, Levitt, Bucknall  
in process

- Resolve PV setback requirements
- Tank 3 Liner replacement in progress
  - Bypass tanks completed
- Procure additional liners for other tanks.





# Lālāmiilo Phase 1

## STANDING INVENTORY AND VACANT LOTS AT LĀLĀMILO PHASE 1







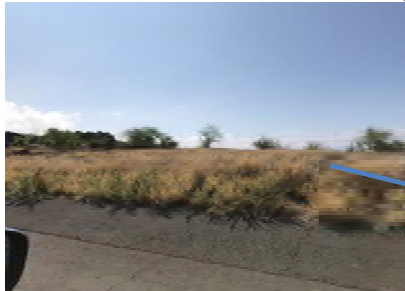
# Kawaihae Residential Habitat Lots

Lot 66  
Under construction



Environmental requirements cleared.  
Habitat & families will build homes in phases; two lots under construction.  
Three financial applications pending NAHASDA review.

Lot 111



Lot 128  
Under construction




Lot 127



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2022

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Stewart Matsunaga, Acting Administrator  
Land Development Division 

SUBJECT: For Information Only  
Update of "Hawaiian Home Lands Rental Housing in the Villages of Laiopua"

RECOMMENDED MOTION/ACTION

For information only

DISCUSSION

1. On August 25, 2017, DHHL awarded Ikaika Ohana rights to develop 163 affordable rental housing units in Villages 4 and 5 of the Villages of Laiopua, pursuant to Request for Proposals (RFP) 16-HHL-004. The project concept provides for affordable rentals to Hawaii Island Islandwide Residential list over a 15-year rental compliance period with first rights to an option to purchase the home in which they reside. Families whose incomes do not exceed 60% of the Area Median Income (AMI) can rent a unit for 15 years, after which, if financially qualified, can purchase their unit. Upon the sale of the homes, tenants would be granted a 99-year homestead residential leases.
2. The project is funded through a combination of Low Income Housing Tax Credits, developer's debt, Rental Housing Trust Fund and \$5,000,000 in DHHL Trust Funds, pursuant to the subject RFP.
3. On February 12, 2019, DHHL and Ikaika Ohana executed a Development Agreement. On April 30, 2020, Ikaika Ohana assigned its rights to develop the first phase of 60 units in Village 4 Akau Subdivision to its limited partner, A0597 Kona L.P. Then, on July 9, 2020, A0597 Kona L.P. was granted additional LIHTC financing to bridge a gap in their financing, and was awarded an additional \$811,944 each in Federal and State LIHTC.
4. Under the Development Agreement, DHHL granted the necessary land rights to the developer on the closing of financing. DHHL also negotiated the final terms and conditions of the repayment of its \$5,000,000 contribution to the financing of the project, with repayment to be made at the end of the 15-year rental compliance period.

5. On January 9, 2021, Contact and Awards Division held a virtual Orientation Meeting. Attached as Exhibit “A” is an abbreviated version of the powerpoint presentation. Interested applicants worked with developer’s financing and management team to obtain preliminary financial qualification based on median income. This affordable rental project is offered to applicants at 30%, 40% and 60% Area Median Income. Then on April 17, 2021, Contact and Awards Division coordinated a live Lot Selection at the Laiopua 2020 complex, where financially qualified applicants were called in application rank order to select lots/houses fitting their financial qualification.
6. House construction started in Summer 2021 and the end of calendar 2021 nearly all 60 houses were occupied. Shortly after occupancy various issues with water bills related to landscaping, electrical system, height of sewer risers, and internet connection arose. These home construction and occupancy issues are solely the responsibility of developer and its managing entity. In response to these complaints, Ikaika Ohana has scheduled a community meeting on May 10, 2022, inviting all 60 tenants to share their construction and utility issues. Land Development Division plans to attend to share an overview of this affordable rental project.
7. Ikaika Ohana plans to pursue LIHTC financing for the remaining 103 lots in Village 5 (45 lots) and Village 4 Akau Subdivision (43 lots); however, the acquisition of LIHTC is currently highly competitive. Ikaika Ohana has received additional LIHTC in 2021, without DHHL assistance, and plans to construct a minimum of 24 additional affordable rental units under the Rent with Option to Purchase program. These houses will be situated mauka of the existing rentals within the Akau Subdivision. Ikaika Ohana is currently negotiating the construction contract and is hampered with rising construction costs due to supply chain issues and increased cost of materials and labor. DHHL faces similar cost of construction challenges with all its projects procured due to pandemic.

## RECOMMENDATION

For Information Only.



# HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS



Villages of La'i 'Ōpua  
Presentation by Ikaika 'Ohana

ITEM NO. E-2  
EXHIBIT A

DEPARTMENT OF HAWAIIAN HOME LANDS – CONTACT AND AWARDS DIVISION

# Villages of La'i 'Ōpua

## Introduction



- Nonprofit 501(c)(3) affordable housing developer
- Development Agreement with DHHL for Village 4-Akau and Village 5
- Extensive experience developing, construction, and operating affordable housing projects

ITEM NO. E-2  
EXHIBIT A





# Villages of La'i 'Ōpua

## Introduction

A0597 Kona, L.P.

- Single-Purpose Limited Partnership formed to be the owner/DHHL lessor and operator of the rental project
- Ikaika 'Ohana is the managing general partner
- A0597 Kona, L.P. contracts with the property management company

ITEM NO. E-2  
EXHIBIT A





# Villages of La'i 'Ōpua

## Introduction

### ThirtyOne50 Management LLC

- Property management company contracted with A0597 Kona, L.P.
- Full-service organization specializing in operations and social service coordination in affordable housing
- Responsible for compliance with DHHL and funding program requirements

ITEM NO. E-2  
EXHIBIT A



# Villages of La'i 'Ōpua

## Project Criteria

### Participants and Requirements

- Dept. of Hawaiian Home Lands
- Villages of La'i 'Ōpua Association
- Lender and Investor
- Property Management
- IRC Section 42 9% LIHTC
- State of Hawaii Rental Housing Revolving Funds Program
- Affordable Home Sales Calculation

### Applicant Qualification Criteria

- Household Income up to 30%, 40%, or 60% of Area Median Income
- Household Size from 2 to 9 people
- Credit History
- Background Check
- Rent to Income Ratio
- and more...

ITEM NO. E-2  
EXHIBIT A



# Villages of La'i 'Ōpua

## Project Criteria

### Allowable Income

- Allowable income limit is determined by HUD
- Income limits change over time
- Income is adjusted for household size

### Calculation of Rent

- Based on HUD income limits and County of Hawaii utility allowances
- Rents change over time as changes are made to income limits and utility allowance schedules

ITEM NO. E-2  
EXHIBIT A



# Villages of La'i 'Ōpua

## Current Income Limits (2020)

Household Size	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person	9 Person
% of AMI								
30%	\$20,010	\$22,500	\$24,990	\$27,000	\$29,010	\$30,990	\$33,000	\$34,980
40%	\$26,680	\$30,000	\$33,320	\$36,000	\$38,680	\$41,320	\$44,000	\$46,640
60%	\$40,020	\$45,000	\$49,980	\$54,000	\$58,020	\$61,980	\$66,000	\$69,960

Note: Income limits typically change on an annual basis in April of each year

ITEM NO. E-2  
EXHIBIT A



# Villages of La'i 'Ōpua

## Rents and Available Units

### Rent excluding Utilities

% of AMI	2 Bed	3 Bed	4 Bed
30%	\$340	\$376	\$400
40%	\$528	\$593	\$642
60%	\$903	\$1,026	\$1,125

### Number of Homes Available

% of AMI	2 Bed	3 Bed	4 Bed
30%	3	2	1
40%	2	3	1
60%	22	21	4

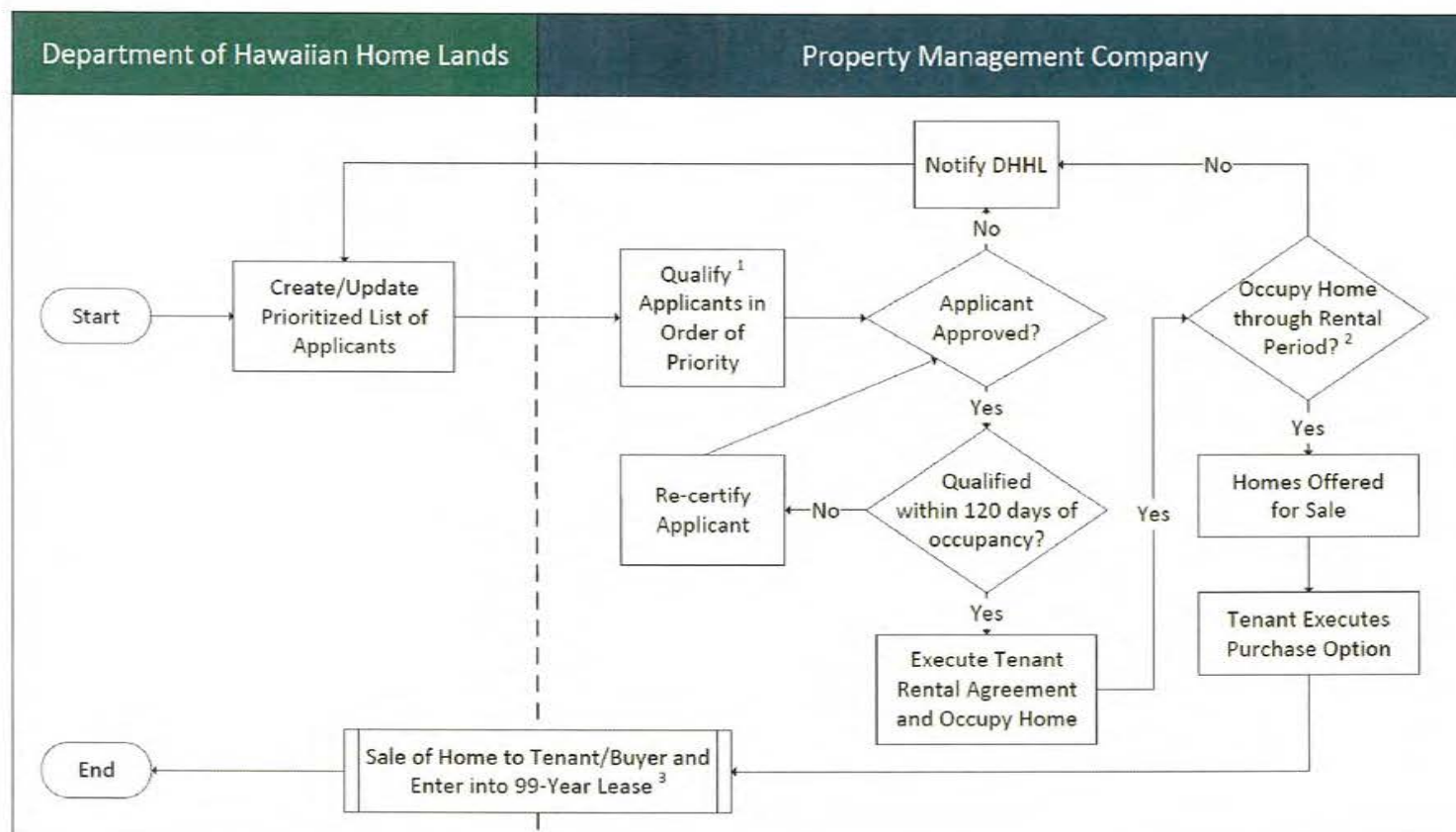
**Note:** Rents are based on current income limits and utility allowances which are subject to change. Tenants are responsible for all utility payments.

ITEM NO. E-2  
EXHIBIT A



# Villages of La'i 'Ōpua

## Tenant / Home Buyer Process



### NOTES:

1) Qualifications include household income, household size, background and credit checks, etc.

2) The project must operate as a rental property during the 15-year compliance period.

3) The termination of the tenant rental agreement, creation of a 99-year lease, and sale of the home will take place concurrently.

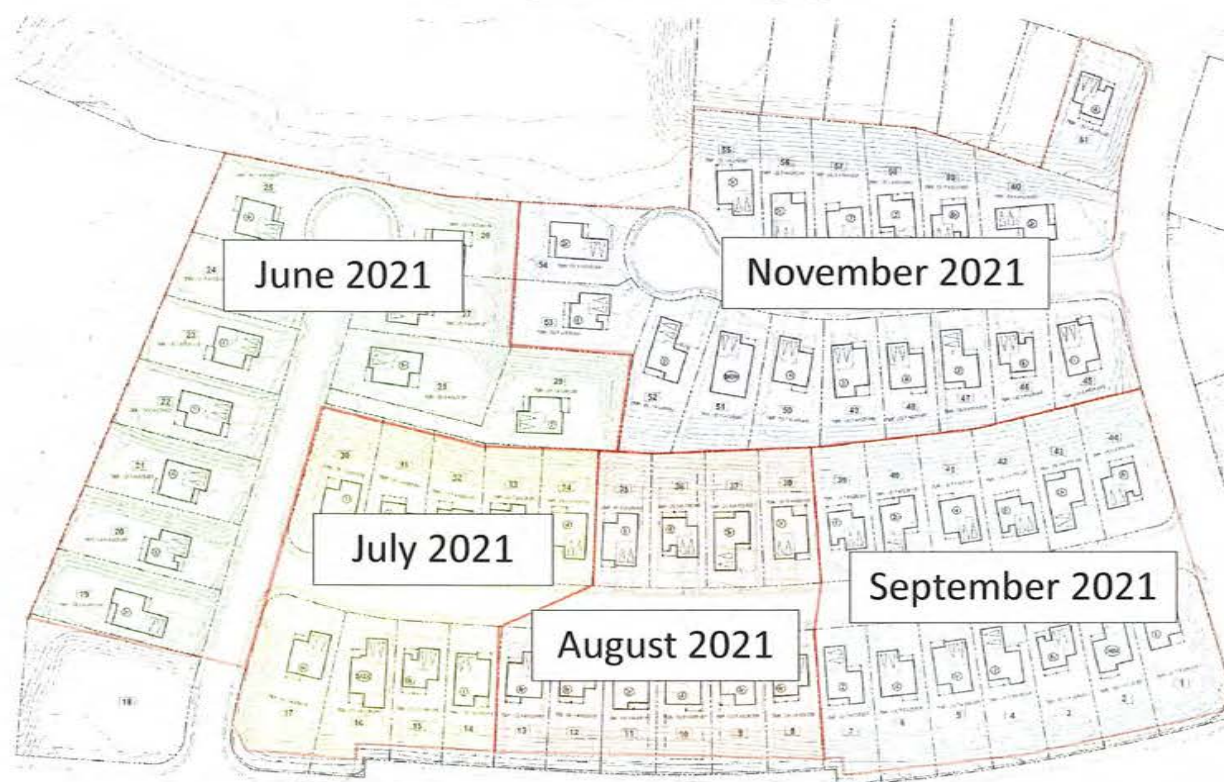
ITEM NO. E-2  
EXHIBIT A





# Villages of La'i 'Ōpua

Anticipated Move-In Schedule  
(subject to change)



ITEM NO. E-2  
EXHIBIT A



# Villages of La'i 'Ōpua

Construction Status – Dec 2020



Lot 29 Framing

Site Aerial



ITEM NO. E-2  
EXHIBIT A





# Villages of La'i 'Ōpua

## Home Ownership

- Home ownership education and support programs will be provided to tenants
- Tenants will purchase their home after the 15-year rental compliance period
- Tenant/Home Buyer will enter into a 99-year lease with DHHL



ITEM NO. E-2  
EXHIBIT A



# Villages of La'i 'Ōpua

## Preparing for Home Ownership

### Service Providers

- Ikaika 'Ohana
- American Savings Bank
- Hawaiian Community Assets
- and more...

### Programs

- Home care courses
- Home buying and training courses
- Periodic tenant/home buyer evaluations
- Education, health, and wellness

ITEM NO. E-2  
EXHIBIT A



# Villages of La'i 'Ōpua

## Calculating the Home Sales Price

- Sales price is the higher of (i) the “Affordable Sales Price” or (ii) IRC Section 42 minimum purchase price
- Affordable Sales Price is based on factors at the time of sale such as the household income limit and associated AMI designation, anticipated principal and interest payments, etc.
- IRC Section 42 minimum purchase price is the sum of outstanding debt and all federal, state, and local taxes
- See HHFDC July 9, 2020 For-Action for the full formula for calculating the home sales price

ITEM NO. E-2  
EXHIBIT A



# Villages of La'i 'Ōpua

## Sample Home Sales Prices

### Current Income Limits

- 2-bedroom 30% AMI 3 person home: **\$116,800**
- 4-bedroom 60% AMI 6 person home: **\$301,300**

### Estimated Year 15 Income Limits

- 2-bedroom 30% AMI 3 person home: **\$157,200**
- 4-bedroom 60% AMI 6 person home: **\$405,500**


Note: Sales prices assumes 30 year loan, 4.50% interest, 5% down payment, and home expense of 30% of adjusted AMI. 15 year income limits assume 2% annual increases.


ITEM NO. E-2  
EXHIBIT A

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 16-17, 2022

To: Chairman and Members, Hawaiian Homes Commission

Thru: Stewart Matsunaga, Acting Land Development Division Administrator   
Andrew H. Choy, Planning Program Manager

From: Darrell Ing, Real Estate Development Specialist   
Pearlyn Fukuba, Planner *plf*

Subject: For Information Only - Acquisition of Property from the Hawaii Housing Finance and Development Corporation, Kapolei, Island of O'ahu, Tax Map Key No. (1) 9-1-140:159

**For Information Only**

**BACKGROUND INFORMATION/SUMMARY**

The purpose of this informational item is to brief the Hawaiian Homes Commission (HHC) on the opportunity for property acquisition of the above-referenced parcel on O'ahu from the Hawaii Housing Finance and Development Corporation (HHFDC).

As noted in past HHC meetings, DHHL's longest waiting list has consistently been the O'ahu Residential List. As of March 31, 2022, there were 10,994 residential applications on the wait list for the island. However, the existing amount of O'ahu acreage within the DHHL's current land holdings is relatively small and is approximately three percent (3%) of DHHL's total land inventory. In essence, O'ahu has the most beneficiaries waiting for homesteads and the least amount of land.

The need to pursue homestead development is flagged as the highest priority in the 2014 O'ahu Island Plan (OIP). The OIP notes that Kapolei and Waimānalo are the two priority areas for residential development. The OIP also recommends that DHHL acquire additional lands on O'ahu to address the needs of the waiting list and that DHHL should consider lands on O'ahu where offsite infrastructure: (1) is already in place; (2) is under development; and (3) requires limited resources to connect to existing infrastructure.

Kapolei beneficiaries also reiterated their desire for multi-family and rental housing developments in West O'ahu during the beneficiary consultation process for the Kapolei Regional Plan Update that was recently adopted in March 2022. Their sentiment is included in the "Final Project Ideas List."

On January 7, 2022, HHFDC's Executive Director and staff met with the DHHL Chairperson and staff to discuss their agency's proposed Request for Proposal (RFP) to

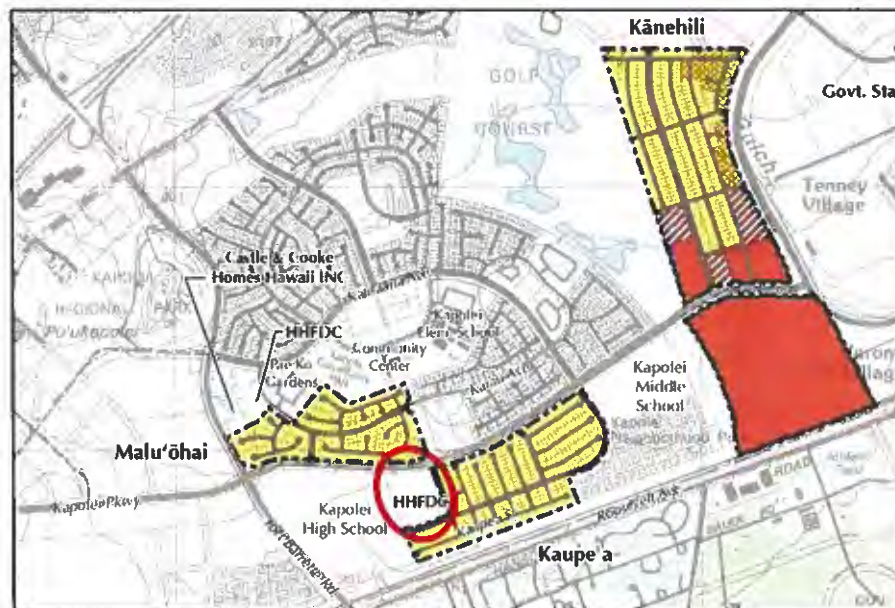


develop affordable housing on the subject parcel. DHHL inquired if it would be possible to purchase units within the development. However, this was determined not to be feasible because State agencies do not conform to the definition of “eligible buyer” in HHFDC’s administrative rules.

Subsequently, on April 27 and 29, 2022, HHFDC and DHHL held meetings to continue discussion and propose alternative(s) that would allow both agencies to fulfill their mandates. DHHL expressed a desire to acquire the vacant parcel to develop homes for its beneficiaries. The HHFDC is amenable to DHHL’s request but noted that time is of essence since they were set to issue the RFP in April 2022 and face political pressure from the Legislature to show results. HHFDC expressed that an acquisition by DHHL would need to be completed by the end of the 2022 calendar year. The HHFDC presented DHHL’s property acquisition request at their Board of Directors’ meeting on May 12, 2022.

#### SITE CHARACTERISTICS:

TMK:	(1) 9-1-140:159
Area:	9.105 acres
Land Owner:	HHFDC
State Land Use:	Urban
Zoning:	R 3.5
Existing Condition:	Vacant, undeveloped, non-ceded land



The 9.105-acre parcel is one of the few remaining vacant parcels in the Villages of Kapolei. The parcel is directly west of DHHL’s Kaupe’a Homestead, south of the Malu’ohai Homestead and approximately 1.2 miles from the department’s administrative offices on Kapolei Parkway.

HHFDC transferred the original Kaupe'a Homestead lands to DHHL in March 2006. HHFDC retained the 9.105 acre parcel to develop a park as identified in the master plan, however, HHFDC subsequently determined that park and community facilities would be consolidated at the Villages of Kapolei Recreation Center.

The parcel is relatively flat and centrally located within Kapolei. Based on the average DHHL single-family lot size of 5,000 sq. ft., it is estimated that roughly 60 single-family homes could be developed. The HHFDC noted that it has secured sewer connection for up to 70 single-family units as they intended to develop the property at a higher density with smaller lot sizes. The Environmental Impact Statement for The Villages of Kapolei, including the subject parcel, was accepted by the Governor in May 1988.



#### INTERGOVERNMENTAL AGREEMENT PROCESS

It is expected that the conveyance can be conducted through an intergovernmental Memorandum of Understanding (MOU). A summary of potential obligations are as follows:

##### HHFDC Obligations:

1. Seek approval from the HHFDC Board to allow the Executive Director to negotiate and effectuate transfer of the parcel to DHHL;
2. Make available documents and information for DHHL to conduct due diligence;
3. Delay issuance of an RFP for development of affordable housing while the MOU remains in effect; and,
4. Transfer title of the parcel to the DHHL upon receipt of to be negotiated consideration.

##### DHHL Obligations:

1. Seek approval from the HHC to allow the Chairman to negotiate and effectuate the transfer of the parcel from HHFDC;

2. Cause homeowners to pay for monthly association and maintenance fees to the Villages of Kapolei Association for all units constructed on the parcel;
3. Be solely responsible for roadway improvements to Puainako Street required by the City and County of Honolulu;
4. Be solely responsible for installation of a traffic signal at the intersection of Kapolei Parkway and Puainako Street;
5. Seek approval for release of funds within 60 days of execution of the MOU; and,
6. Pay to HHFDC a to be negotiated consideration for the parcel within 90 days of the execution of the MOU, unless extended by mutual agreement

#### NEXT STEPS

The expected next steps for the parcel acquisition are:

1. Conduct a Beneficiary Information Meeting with existing Kapolei lessees
2. Seek HHC authorization to delegate authority to the DHHL Chairman to negotiate Terms of Acquisition of Property with the HHFDC
3. Execute an intergovernmental MOU with the HHFDC
4. Commence engineering design, including: verification of existing utility connections and capacities; street and lot layout; and subdivision application (approximately 12 months).
5. Pursue City and County of Honolulu (C&C) tentative subdivision approval (approximately 9 months).
6. Produce construction drawings / C&C review and approval (approximately 12 months).
7. Bid and award contract (approximately 6 months)
8. Commence infrastructure construction (approximately 12 months)

#### RECOMMENDATION

None, for information only.




**HAWAIIAN HOMES COMMISSION  
MAY 16 & 17, 2022  
FACE-TO-FACE &  
INTERACTIVE CONFERENCE  
TECHNOLOGY**

**F – ITEMS  
LAND MANAGEMENT DIVISION**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 16 - 17, 2022

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Approval to Annual Renewal of Right of Entry Permit(s), North & West Hawai'i Island

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

- A) Renew all North & West Hawaii Island Right of Entry Permit(s) as listed on Exhibit "A" and identified by approximate location on the North & West Hawai'i Island Map Exhibit "A-1" that are complying and issued temporary approvals, as of June 1, 2022.
- B) The annual renewal period shall be on a month-to-month basis, for up to twelve (12) months, but no longer than May 31, 2023 or at the next scheduled HHC meeting in North or West Hawai'i island whichever occurs sooner.
- C) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

DISCUSSION

This submittal represents annual renewals for all North & West Hawai'i Island ROE permit(s) only, which shall effectively expire on May 31, 2022. As a means of maintaining a process by which PERMITEE'S can be assured that their permits have been renewed, notification letters will be transmitted accordingly.

For information purposes Exhibit "A" references all Right of Entry Permits in North & West Hawai'i Island by order of commencement date, land use, then by acreage. While Right of Entry Permits generate additional revenue to the Trust, its primary purpose provides DHHL the ability to efficiently manage its lands through the issuance of these short-term dispositions which are typically not needed for longer-term dispositions (such as homesteading or general leases) over a 20-year time period or as dictated by DHHL's respective island plans. DHHL's total North & West Hawai'i Island land inventory covers approximately 40,282.0 acres<sup>1</sup> or 20% of DHHL's statewide inventory. The short-term disposition(s) cover approximately 9,508.0 acres or 24% of its inventory.

Right of Entry Permits help in having presence on DHHL lands thereby reducing costs for land management activity functions (i.e. signage, landscaping, fencing, removing trash and derelict vehicles, and prevents trespassing on unencumbered lands) that DHHL would bear if the lands were to sit vacant.

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<sup>1</sup> DHHL Hawaii Island Plan – Final Report, PBR Hawaii, May 2002

Permitees are required to assume responsibility for the land, post insurance, indemnify the department, and manage and maintain the land.

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

The table below reflects the revenue generated from ROE permit(s) on North & West Hawaii Island, which is approximately 3.0% (\$77,025) of the ROE total revenues (\$2,758,221) that DHHL receives statewide. Hawaii Island holds 8 of the 145 ROE permits Statewide which are used for various purposes outside of industrial/commercial use.

<b>FY 2022</b>		Total
Agriculture	\$0	-
Caretaker/Landscape	\$0	-
Commercial	\$33,015	3
Community	\$0	1
Industrial	\$0	-
Office	\$0	-
Pastoral	\$44,010	5
Preservation	\$0	1
Recreation	\$0	-
Research	\$0	-
Stabling	\$0	-
	\$77,025	10

<b>FY 2023</b>		Total
Agriculture	\$0	-
Caretaker/Landscape	\$0	-
Commercial	\$26,803	3
Community	\$0	1
Industrial	\$0	-
Office	\$0	-
Pastoral	\$44,317	5
Preservation	\$0	-
Recreation	\$3	-
Research	\$0	-
Stabling	\$0	-
	\$77,918	10

According to research done by Colliers International, (See Exhibit “B”) “the Hawaii Island Market Statistics reflects direct weighted average asking base rent for Big Island Industrial is at \$1.36 per square foot per month (“psf/mo”). Considering this research, LMD respectfully recommends maintaining current rental rates without any increase for beneficiaries. However, a modest increase would be applied to non-beneficiary rental rates by 3.0%.

Rental fees for agricultural and pastoral use permits vary and are typically established at less than fair market rates (discounted) but not less than \$240/annum due to various site issues such as, insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.

#### **AUTHORITY / LEGAL REFERENCE:**

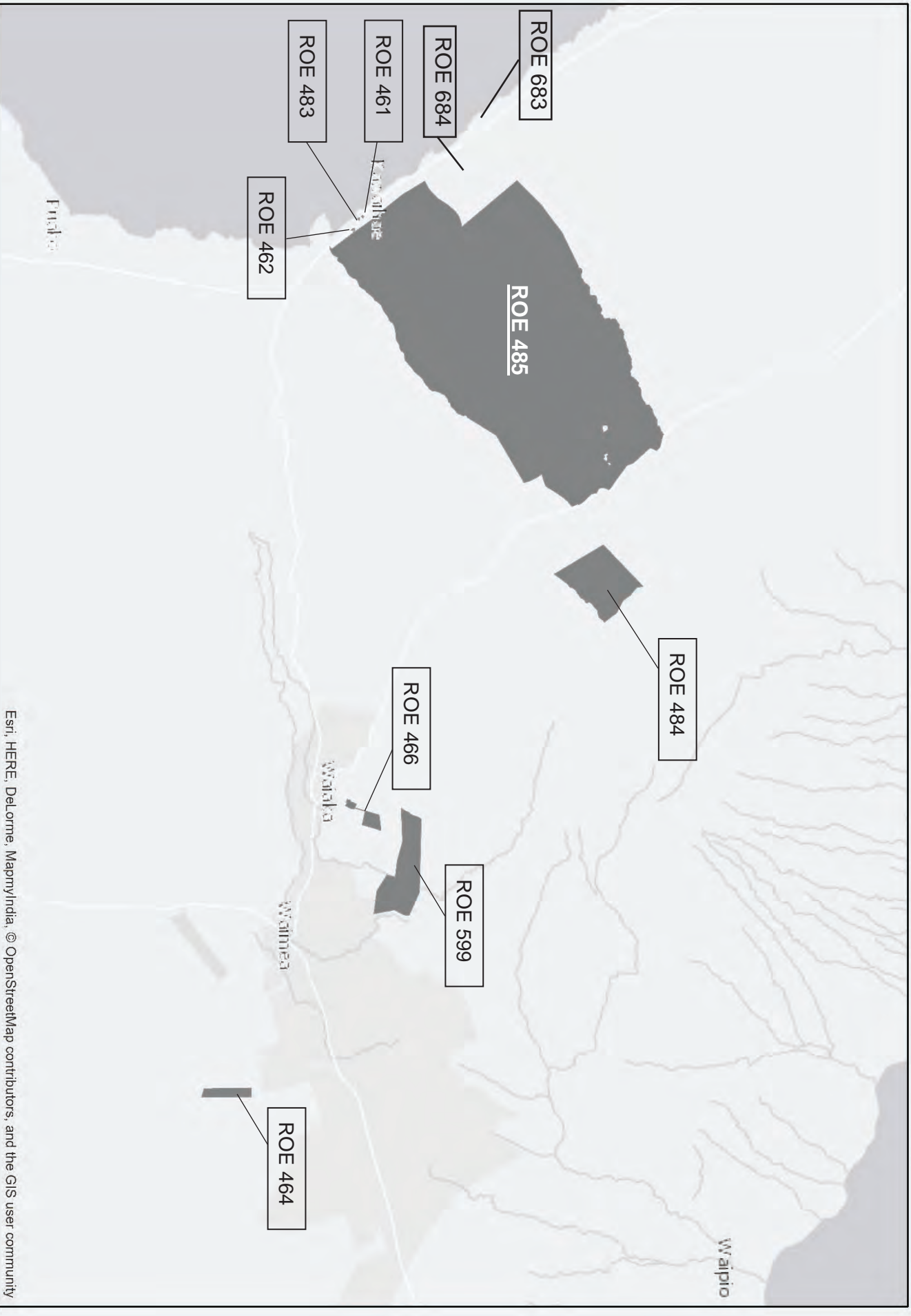
§171-55, Hawaii Revised Statutes, as amended, a “permit on a month-to-month basis may continue for a period not to exceed one year from the date of issuance; provided that the commission may allow the permit to continue on a month-to-month basis for additional one year periods.”

#### **RECOMMENDATION:**

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

RIGHT OF ENTRY PERMITS - NORTH & WEST HAWAII ISLAND, as of MAY 2021					Denotes Beneficiary			Denotes Delinquent	
NO.	ACRE	USE	PERMITTEE/ADDRESS	TMK	Date Started	Current Annual Rent	Proposed Annual Rent	Comments: rent amount and reasons (site issues - insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.)why no long-term disposition	
461	0.54	Commercial	Edward J. Laau/Naomi K. Peck	(3) 6-1-003:018 Kawaihae	7/1/1989	\$13,497	-	Rent is current; portion of a larger parcel that is designated Special District Use. Insufficient infrastructure.	
462	0.67	Commercial	Kawaihae Spirits	(3) 6-1-002:066 and:068 Kawaihae	2/20/1990	\$12,918	\$13,306	Rent is current; portion of a larger parcel that is designated Subsistence Agricultural Use. Insufficient infrastructure.	
464	50.00	Pastoral	Marian Kapuniai	(3) 6-4-038:007 (p) Puukapu	12/29/2012	\$900	-	Rent is current; portion of a larger parcel that is designated Special District Use. Insufficient infrastructure.	
466	105.73	Pastoral	Malama Solomon	(3) 6-5-001:010 (p) Waimea	1/1/2000	\$1,260	-	Rent is current; parcel that is designated Community Use.	
483	0.56	Commercial	Guy Startzman	(3) 6-1-003:003 Kawaihae	2/14/2011	\$6,600	\$6,798		
484	1420.00	Pastoral	Kahua Ranch	(3) 6-1-001:002 (p) Kawaihae	2/1/2011	\$6,000	\$6,180	Rent is current; parcel that is designated Community Use.	
485	7600.00	Pastoral	Palekoki Ranch, Inc.	(3) 6-1-001-003 (p)	6/1/2011	\$31,620	-	Rent is current; portion of a larger parcel that is designated General Agriculture & Special District Use. Insufficient infrastructure.	
599	381.00	Pastoral	Parker Ranch	(3) 6-5-001:011 & :019	7/1/1977	\$4,230	\$4,357	Rent is current; portion of a larger parcel that is designated General Agricultural Use. Insufficient infrastructure.	
683	9mi	Pastoral	The Kohala Center "TKC"	(3) 9-1-001:003	3/12/2018	\$0	\$0	Installation of Fence line ongoing	
684	72.00	Community	Kailapa Community Association	(3) 6-1-001:007	4/24/2019	\$0	\$0	Continued natural/cultural resource management efforts in conjunction with the planning pprocess for a wellness park.	

# Exhibit "A" Agenda Item No. F-1



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

## Exhibit "A-1"

### Agenda Item No. F-1





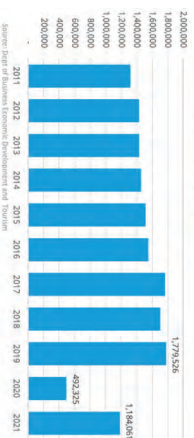
## Key Takeaways

- Hawaii Island enjoys steady economic progress since the start of the pandemic in 2020.
- Office market posts positive net absorption as vacancy rates drift downward.
- Retail vacancy jumps to record high as Sears closure impacts marketplace.
- Rental rates projected to spike for industrial sector as tight conditions persist.
- U.S. mainland investors boosted Hawaii Island CRE investment activity for 2021.

As we near the start of the third year of the global COVID-19 pandemic, it appears that each new coronavirus variant placed a crimp in our return to normalcy. The Delta and Omicron variants pushed back our return to the office workplace, curtailed our dining-out habits, and postponed vacations for many. Immunization passports, masks, temperature checks, and hand sanitation became accepted norms for nearly every activity outside our homes.

Hawaii Island's economic vulnerability to shifts in travel behavior resulted in immediate declines to hotel, airline, and travel service sales with the drop in visitor arrival counts and a reduction in tourism expenditures. Despite having achieved a record-high in 2019, air passenger arrivals in 2020 fell 72.3% to its lowest level in more than thirty years.

### Visitor Arrivals (December YTD)



Source: Dept of Business Economic Development and Tourism

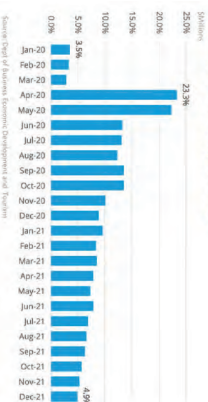
While 2021 visitor counts enjoyed a rebound, the total visitor arrival count remains 33.4% below pre-pandemic 2019 levels. Occupancy levels of Hawaii Island's hotels, which dipped to 26.3% for December 2020, recovered strongly with a 73.5% occupancy rate for December 2021. While this upward trajectory in hotel occupancy provides optimism that Hawaii's tourism is poised to recover, there remains concern about whether future coronavirus variants would impede the pace.

The combination of fewer jobless claims coupled with the addition of 300 new non-agricultural wage and salary jobs contributed to the steady improvement to Hawaii Island's unemployment rate. As a result, the unemployment rate fell from a record high of 23.3% for April 2020 to 4.3% for December 2021. The island's retail sector was the hardest hit and lost 1,600 jobs during the past year, whereas the accommodations jobs category gained 2,200 positions since December 2020.

### Market Indicators 4Q2020 vs 4Q2021

Market Indicators	4Q2020 vs 4Q2021
Unemployment Rate	4.9%
Non-Ag Wage and Salary Jobs	62,700
Visitor Arrival Counts	1,184,061
Office Market	
Vacancy	11.49%
Net Absorption (\$)	7,033K
Avg Asking Base Rent (psf/mo)	\$1.52
Retail Market	
Vacancy	17.94%
Net Absorption (\$)	-103.683
Avg Asking Base Rent (psf/mo)	\$3.07
Industrial Market	
Vacancy	1.00%
Net Absorption (\$)	48,346
Avg Asking Base Rent (psf/mo)	\$1.36
Investment Market	
Sales Volume (millions)	\$155.7
Sales Counts	21

### Hawaii Island Unemployment Rate



Source: Dept of Business Economic Development and Tourism



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**Nathan A. Fong (B) \*\*\*\***  
Senior Vice President

**Brandon Bera (S) CCIM,**  
Vice President

**Andy Kazama (S)**  
Vice President

## About Colliers

Colliers (NASDAQ: TSC, CICI) is a leading diversified professional services and investment management company, with operations in 68 countries, our more than 15,000 enterprising professionals work collaboratively to provide expert advice to maximize the value of property for real estate occupiers, owners and investors. For more than 25 years, our experienced leadership, owning approximately 40% of our equity, has delivered compound annual investment returns of almost 20% for shareholders. In 2019, corporate revenues were more than \$3.0 billion (\$3.5 billion including affiliates), with \$3.3 billion of assets under management in our investment management segment.



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Honolulu, Hawaii 96813  
808 524 2666  
colliers.com

# Exhibit "B"


## Agenda Item No. F-1


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 16 - 17, 2022

To: Chairman and Members, Hawaiian Homes Commission

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

From: Mark K. Yim, Land Agent  
Land Management Division 

Subject: Approval to Issue Master Benefit License to Hawaii Electric Light Company, Inc. (HELCO), for Homestead Developments, County of Hawaii (Various TMKs)

**RECOMMENDED MOTION/ACTION:**

That the Hawaiian Homes Commission approve the following:

1. The issuance of a Master Benefit License to Hawaii Electric Light Company, Inc., for the right and privilege to build, construct, reconstruct, rebuild, repair, maintain, operate or remove poles, anchors, guy wires, pull boxes, handholes, transformer vaults, switch gears, and overhead and/or underground lines, appliances and/or equipment over, across, under and through portions of Hawaiian Home Lands parcels under homestead development in the County of Hawaii for the sole purpose of providing electrical service to the homestead parcels; and
2. Authorize the Chairman to approve addendums to the Master License to add additional Homestead Subdivisions and lots.

**DISCUSSION:**

The Department of Hawaiian Home Lands (DHHL) staff and Hawaii Electric Light Company (HELCO) along with DHHL Deputy Attorney General and HELCO attorney, have been working on drafting a Master Benefit License with HELCO in order to streamline the license process for the electric companies that service DHHL homestead Lessees. This Master Benefit License will grant HELCO enter Hawaiian Home Lands in order to facilitate the electrical service distribution for the homestead Lessees and subdivisions. A copy of the Master Benefit License is attached as Exhibit "A".

Addendums to this Master Benefit License will be drafted to include existing homestead developments that do not have an executed agreement with HELCO to document the electrical easements necessary to energize the project. All future new requests for electrical service will also be addressed by this License through addendums along with appropriate engineering drawings, survey maps, file plans, etc., as they pertain to each specific site. This process is for benefit licenses only.

On May 18, 2015, at its regular meeting, the Hawaiian Homes Commission (HHC) granted its approval to issuance of a Master Benefit License to Hawaiian Electric Company, Inc. (HECO) for homestead developments for the island of Oahu that was fully executed and recorded. A copy of Master Benefit License No. 794 is attached as Exhibit "B".

On November 16 - 17, 2015, HHC granted its approval to issuance of a Master Benefit License to Maui Electric Company, Ltd. (MECO) for homestead developments for Maui County which was fully executed and recorded. With the exception of minor revisions to clarify definition and inclusion of provision No. 18(ii), addressing the approval of enclosing the utility site, the MECO Master Benefit License is consistent with the language used in the HECO Master Benefit License. A copy of Master Benefit License No. 812 is attached as Exhibit "C".

Previously, all requests for benefit licenses for electrical easements were addressed separately through multiple licenses for each specific project. This Master Benefit License would place all electrical easements into one single document. This would significantly improve the speed and efficiency of the current process for both DHHL and HELCO to provide electrical service to beneficiaries.

DHHL is currently operating under a May 31, 1985, HHC approval, in which the Chairman was granted authority to issue benefit licenses, in accordance with Department Administrative Rules, for easements over, under, and across Hawaiian Home Lands for utilities and improvements servicing DHHL lands. Because DHHL has historically granted separate, individual licenses, Staff is requesting additional approval of this Master License out of an abundance of caution.

RECOMMENDATION:

Land Management Division recommends approval of the requested motion/action as stated.



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After Recordation Return By: Mail (X) Pickup ( ) To:

Hawaii Electric Light Company, Inc.

9 pages

Land Department, HHL-SL

P. O. Box 1027

Hilo, Hawaii 96721

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Affects Tax Map Keys: (3) Various

Land Doc No. H2021-031

**MASTER BENEFIT LICENSE NO. \_\_\_\_\_**  
(Exclusive Right)  
(Utility Company)

between

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
as LICENSOR

and

HAWAII ELECTRIC LIGHT COMPANY, INC.  
as LICENSEE



**EXHIBIT "A"**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

MASTER BENEFIT LICENSE NO. \_\_\_\_  
(Utility Company)

THIS LICENSE, made and issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the State of Hawaii, its DEPARTMENT OF HAWAIIAN HOME LANDS, whose principal place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, and whose mailing address is P. O. Box 1879, Honolulu, Hawaii 96805, hereinafter called "LICENSOR," and HAWAII ELECTRIC LIGHT COMPANY, INC., a Hawaii corporation, whose principal place of business is 1200 Kilauea Avenue, Hilo, Hawaii 96720, and whose mailing address is P. O. Box 1027, Hilo, Hawaii 96721-1027, hereinafter called "LICENSEE."

WITNESSETH THAT:

LICENSOR, pursuant to the authority granted to it by Section 207(c)(1) of the Hawaiian Homes Commission Act, 1920, as amended (HHCA), is authorized to grant licenses as easements for railroads, telephone lines, electric power and light lines, gas mains and the like.

LICENSOR has determined that the easement established herein is essential in order to provide electrical services to LICENSOR'S beneficiaries in LICENSOR'S subdivisions on the island of Hawaii, State of Hawaii.

NOW, THEREFORE, LICENSOR, for good and sufficient consideration, does hereby grant and convey unto LICENSEE, its successors and approved assigns, a right and privilege to build, construct, reconstruct, rebuild, repair, maintain, operate and remove poles, anchors, guy wires, pull boxes, handholes, transformer vaults, switchgears, and overhead wire lines and/or underground lines, appliances and/or equipment over, across, under and through a portion of those certain parcels of land situate on Hawaiian home lands as described on the Addendums attached hereto on the Island of Hawaii, County of Hawaii, State of Hawaii, for the sole purpose of providing electrical services to the parcels, the LICENSE herein granted being over, across, under and through a portion of said land, said portion being shown and/or described on the Addendums, annexed hereto, hereinafter collectively referred to as the "easement area," including the right but not the obligation to trim and keep trimmed any vegetation, shrubbery, bushes or trees in the way of its lines and appurtenances, and including also the right of entry upon the "easement area" and adjoining land of LICENSOR for the construction, maintenance, operation and removal of LICENSEE'S lines and appurtenances over, across, under and through the "easement area".

TO HAVE AND TO HOLD the same unto LICENSEE, its successors and approved assigns, in perpetuity, commencing on the dates as shown on the Addendums attached hereto, unless sooner terminated as hereinafter provided.

AND the LICENSEE hereby covenants and agrees with LICENSOR that:

1. NON-EXCLUSIVE LICENSE. LICENSOR reserves unto itself, and its successors, the full use and enjoyment of the easement area, and the right to

grant to others rights and privileges for any and all purposes affecting the easement area, provided however that the rights herein reserved shall not be exercised by the LICENSOR or any agent, representative or assign of the LICENSOR, in a manner which interferes unreasonably with the LICENSEE's use of the "easement area" for the purposes for which this License is granted.

2. DUE CARE AND DILIGENCE. LICENSEE shall use due care and diligence in the construction, installation, modification, operation, repair, renewal, maintenance and removal of its improvements and shall keep its appliances, equipment and improvements in good and safe condition and repair, and will exercise its rights hereunder in such a manner as to occasion as little interference as is reasonably necessary with the use of the "easement area" by the owner and occupants thereof, and should the appliances, equipment or improvements cause any damage or nuisance or waste or spoil the "easement area" the LICENSEE shall repair and restore the "easement area" within a reasonable time period thereafter.

3. INDEMNITY. LICENSEE shall, except as may be prohibited by law, indemnify, and hold harmless the LICENSOR, its officers and employees for any and all claims occasioned in whole or in part by LICENSEE's, its officers, employees, contractors and/or assigns actions or omissions arising out of the exercise of this License, including but not limited to, all claims and demands for loss, damage, injury or death to persons or property that may arise by reason of the construction, maintenance, operation, renewal and removal of any appliances, equipment and improvements, not caused by the negligence of LICENSOR, its agents, servants or employees acting within the scope of their employment, and from and against all damages, costs, counsel fees, expenses or liabilities incurred or resulting from any such claim or demand or any action or proceeding brought thereon. This obligation shall survive the termination of this LICENSE.

4. CONDEMNATION. If at any time the "easement area" across which the License extends, or any part thereof, shall be condemned or taken for any public project by any governmental authority, LICENSEE shall have the right to claim and recover from the condemning authority, but not from LICENSOR, such compensation as is payable for the LICENSE and for LICENSEE'S appliances, equipment and improvements, if any, used in connection with this LICENSE, which shall be payable to LICENSEE as its interests appears.

5. ABANDONMENT. In the event all or a portion of the "easement area" hereby granted, shall be abandoned or shall remain unused by LICENSEE for the purpose granted for a continuous period of two (2) years, all rights granted hereunder shall terminate, and LICENSEE shall remove its appliances, equipment, and improvements and restore the land as nearly as is reasonably possible to the condition existing immediately prior to the time of installation or construction of such appliances, equipment and improvements, LICENSOR hereby consenting and agreeing to such removal. Failure of LICENSEE to remove its appliances, equipment and improvements and/or restore the "easement area" within ninety (90) days after notification to do same from LICENSOR by personal service, registered or certified mail to LICENSEE at its last known address, will constitute a breach and LICENSOR may remove LICENSEE'S appliances, equipment and improvements and/or restore the land to a condition similar to that existing immediately prior to the time of installation and LICENSEE shall reimburse LICENSOR for all reasonable costs in connection with the removal and/or restoration.



6. RELOCATION. If LICENSOR shall determine that the continued exercise of the LICENSE rights granted herein constitutes undue interference with a subdivision or development of the land over which the "easement area" crosses, LICENSOR shall have the right to terminate the LICENSE granted to the extent necessary to eliminate such interference, provided, that it shall grant to LICENSEE, time being of the essence and as a precondition thereto, a substitute easement within the reasonable vicinity to permit LICENSEE to effect relocation of any facility or portion thereof, which substitute easement shall be subject to the same terms and conditions as contained in this License. The cost of any such relocation shall be borne by LICENSOR.

7. ASSIGNMENT. This LICENSE or any rights granted herein shall not be sold, assigned, conveyed, leased, mortgaged or otherwise transferred or disposed of, directly or by operation of law, except with the prior written consent of the LICENSOR, which consent will not be unreasonably withheld.

8. PREMISES LICENSED AS-IS. LICENSOR is licensing the "easement area" to License "as-is". The LICENSEE has inspected the "easement area" and knows the conditions thereof and fully assumes all risks incident to its use.

9. COMPLIANCE WITH APPLICABLE LAWS. The LICENSEE, in the exercise of the rights granted herein, shall comply with all of the requirements of the municipal, state, and federal authorities and observe all municipal ordinances and state and federal laws, pertaining to the "easement area", now in force or which may hereinafter be in force.

10. HAZARDOUS MATERIAL. The LICENSEE shall not cause or authorize the escape, disposal, or release of any hazardous materials except as permitted by law. LICENSEE shall not authorize the storage or use of such materials in any manner not sanctioned by law nor authorize to be brought onto the "easement area" any such materials except to use in the ordinary course of LICENSEE'S business. If any lender or governmental agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by LICENSEE, then the LICENSEE shall be responsible for the reasonable costs thereof. In addition, LICENSEE shall execute affidavits, representations and the like from time to time at LICENSOR'S request, regarding the presence of hazardous materials on the "easement area" placed or released by LICENSEE.

The LICENSEE agrees to indemnify, defend, and hold LICENSOR harmless from any damages and claims resulting from the release of hazardous materials on the easement area, including their migration to other areas, caused by LICENSEE or persons acting under LICENSEE. These covenants shall survive the expiration or earlier termination of this License.

For the purpose of this License, "hazardous material" shall mean any pollutant, toxic substance, hazardous waste, hazardous material, hazardous substance, or oil as defined in or pursuant to the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, and the Federal Clean Water Act, or any other federal, state or local environmental law, regulation, ordinance, rule, or by law, whether existing as of the date hereof, previously enforced, or subsequently enacted.

11. BREACH. If LICENSEE shall fail to observe or perform any of the covenants, terms and conditions herein contained, and on its part to be observed and performed, LICENSOR shall deliver written notice of the breach or default by service as provided by Section 634-35, or 634-36, Hawaii Revised Statutes, or by registered mail or certified mail to LICENSEE at its last known address, making demand upon LICENSEE to cure or remedy the breach or default within sixty (60) days from the date of receipt of notice. Upon failure of LICENSEE to cure or remedy the breach or default within the time period provided herein or within such additional period as LICENSOR may allow for good cause, LICENSOR may terminate this License without prejudice to any other remedy or right of action.

In the event the LICENSE is terminated at the reasonable discretion of LICENSOR, LICENSEE shall remove its appliances, equipment and improvements and restore the land as nearly as is reasonably possible to the condition existing and immediately prior to the time of installation or construction of such appliances, equipment and improvements, LICENSOR hereby consenting and agreeing to such removal. Failure of LICENSEE to remove its appliances, equipment and improvements and/or restore the "easement area" within one hundred eighty (180) days after notification to do same from LICENSOR by personal service, registered or certified mail to LICENSEE at its last known address, will constitute a breach and LICENSOR may remove LICENSEE's appliance, equipment and improvements and/or restore the land to a condition similar to that existing immediately prior to the time of installation, and LICENSEE shall reimburse LICENSOR for all reasonable costs in connection with the removal and/or restoration.

12. RIGHT TO ENTER. LICENSOR or any other governmental entity, and the agents or representatives thereof, shall have the right to enter and cross any portion of said "easement area" for the purposes of performing any public or official duties, provided, that in the exercise of such rights, LICENSOR or any other governmental entity shall not interfere unreasonably with LICENSEE'S use and enjoyment of the "easement area."

13. EXTENSION OF TIME. That notwithstanding any provision contained herein to the contrary, wherever applicable, LICENSOR may for good cause shown, allow additional time beyond the time or times specified herein to LICENSEE, in which to comply, observe and perform any of the terms, conditions and covenants contained herein.

14. SEVERABILITY. Whenever possible, each provision of this License shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this LICENSE should be prohibited, or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity without invalidating the remaining provisions of this LICENSE.

15. SINGULAR/PLURAL. The singular or plural depends on its appropriate use.

16. AGREEMENT. This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and approved assigns.

17. ADDENDUMS. The individual parcels subject to this License are set forth in the attached Exhibits and any future Addendums attached hereto and incorporated herein. No Addendum shall be valid or effective unless approved individually, in writing, by both parties to this License.

18. ENCLOSURE OF UTILITY SITES. LICENSEE requires 24 hours per day access to all existing or new utility sites to maintain and operate its equipment for services to LICENSOR'S lessees. In times of emergencies, the enclosing of a utility site may compromise LICENSEE'S ability to provide reliable and timely services to LICENSOR'S lessees, but LICENSEE is willing to consider any request to enclose a LICENSEE'S utility site on the condition the requester submits an enclosure plans for review and comments. LICENSEE will not unreasonably withhold approval provided (i) the costs for such enclosure is borne by the requester, and (ii) the enclosure in LICENSEE'S opinion, does not materially impair LICENSEE'S ability to access its facilities contained within the utility site or its ability to service said facilities. Should LICENSEE take more than thirty (30) days to review and respond, the request would automatically be approved with no condition being imposed by LICENSEE."

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IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed the day and year first above written.

Approved by the Hawaiian  
Homes Commission on

Approved as to Form:

Deputy Attorney General  
State of Hawaii

State of Hawaii  
DEPARTMENT OF HAWAIIAN HOME LANDS

By \_\_\_\_\_  
William J. Aila, Jr., Chairman  
Hawaiian Homes Commission

LICENSOR

<p><b>APPROVED</b></p> <p>HAWAII ELECTRIC LIGHT COMPANY, INC.</p> <p>Land &amp; Rights of Way</p> <p>By _____ Land Agent</p>
--

HAWAII ELECTRIC LIGHT COMPANY, INC.,  
a Hawaii corporation

By \_\_\_\_\_

Name Erin P. Kippen

Its Vice President and Secretary

LICENSEE



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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me appeared WILLIAM J. AILA, JR., to me personally known, who, being by me duly sworn, did say that he is Chairman of the Hawaiian Homes Commission and the person who executed the foregoing instrument acknowledged to me that he executed the same freely and voluntarily for the use and purposes therein set forth.

Notary Public, State of Hawaii

Printed Name of Notary Public

My commission expires: \_\_\_\_\_

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: \_\_\_\_\_

Doc. Date: \_\_\_\_\_ or ☐ Undated at time of notarization.

No. of Pages: \_\_\_\_\_ Jurisdiction: \_\_\_\_\_ Circuit  
(in which notarial act is performed)

Signature of Notary

### Date of Notarization and Certification Statement

Printed Name of Notary





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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared ERIN P. KIPPEN, to me personally known, who, being by me duly sworn, did say that such person is the VICE PRESIDENT AND SECRETARY of HAWAII ELECTRIC LIGHT COMPANY, INC., a Hawaii corporation and the foregoing 9 page instrument entitled MASTER BENEFIT LICENSE NO. \_\_\_\_\_ (Utility Company) dated \_\_\_\_\_, was signed on behalf of said corporation by authority of its Board of Directors, and said Officer acknowledged said instrument to be the free and act and deed of said corporation. This acknowledgement is deemed to include my Notary Certification.

\_\_\_\_\_  
Notary Public, State of Hawaii

\_\_\_\_\_  
Printed Name of Notary Public

My commission expires: \_\_\_\_\_

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:

\_\_\_\_\_  
\_\_\_\_\_

Doc. Date: \_\_\_\_\_ or ☐ Undated at time of notarization.

No. of Pages: \_\_\_\_\_ Jurisdiction: \_\_\_\_\_ Circuit  
(in which notarial act is performed)

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Date of Notarization and  
Certification Statement

\_\_\_\_\_  
Printed Name of Notary



This is a copy of Bureau of Conveyances  
Document No. SL 440440, and / or  
Land Court Document No. ---  
affecting Certificate of Title No. ---  
recorded on 6/5/5 at 8:01 o'clock PM.  
WITNESSETH THE HAWAIIAN HOME LANDS, INCORPORATED

After Recordation Return By: Mail ( ) Pickup ( X ) To: 1

Affects Tax Map Keys: (1) Various 9 pages 7645072066 HECO RW 2001-014

MASTER BENEFIT LICENSE NO. 794  
(UTILITY COMPANY)

between

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
as LICENSOR

and

HAWAIIAN ELECTRIC COMPANY, INC.  
as LICENSEE



EXHIBIT "B"

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

MASTER BENEFIT LICENSE NO. 794  
(Utility Company)

THIS LICENSE, made and issued this 28th day of May, 2015 by the State of Hawaii, its DEPARTMENT OF HAWAIIAN HOME LANDS, whose principal place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, and whose mailing address is P. O. Box 1879, Honolulu, Hawaii 96805, hereinafter called "Licensor," and HAWAIIAN ELECTRIC COMPANY, INC., a Hawaii corporation, whose principal place of business is 900 Richards Street, Honolulu, Hawaii 96813, and whose mailing address is P. O. Box 2750, Honolulu, Hawaii 96840-0001, hereinafter called "Licensee."

WITNESSETH THAT:

Licensor, pursuant to the authority granted to it by Section 207(c)(1) of the Hawaiian Homes Commission Act, 1920, as amended (HHCA), is authorized to grant licenses as easements for railroads, telephone lines, electric power and light lines, gas mains and the like.

Licensor has determined that the easement established herein is essential in order to provide electrical services to Licensor's beneficiaries in Licensor's subdivisions on the island of Oahu, State of Hawaii.

NOW, THEREFORE, Licensor, for good and sufficient consideration, does hereby grant and convey unto Licensee, its successors and approved assigns, a right and privilege to build, construct, reconstruct, rebuild, repair, maintain, operate and remove poles, anchors, guy wires, pull boxes, handholes, transformer vaults, switchgears, and overhead wire lines and/or underground lines, appliances and/or equipment over, across, under and through a portion of those certain parcels of land situate on Hawaiian home lands as described on the Addendums attached hereto on the island of Oahu, City and County of Honolulu, State of Hawaii, for the sole purpose of providing electrical services to the parcels, the license easements herein granted being over, across, under and through a portion of said land, said portion being shown and/or described on the Addendums, annexed hereto, hereinafter collectively referred to as the "easement area," including the right but not the obligation to trim and keep trimmed any vegetation, shrubbery, bushes or trees in the way of its lines and appurtenances, and including also the right of entry upon the "easement area" and adjoining land of Licensor for the construction, maintenance, operation and removal of Licensee's lines and appurtenances over, across, under and through the "easement area".

TO HAVE AND TO HOLD the same unto Licensee, its successors and approved assigns, in perpetuity, commencing on the dates as shown on the Addendums attached hereto, unless sooner terminated as hereinafter provided.



EXHIBIT "B"

AND the Licensee hereby covenants and agrees with Licensor that:

1. **NON-EXCLUSIVE LICENSE.** Licensor reserves unto itself, and its successors, the full use and enjoyment of the easement area, and to grant to others rights and privileges for any and all purposes affecting the easement area, provided however that the rights herein reserved shall not be exercised by the Licensor or any agent, representative or assign of the Licensor, in a manner which interferes unreasonably with the Licensee's use of the "easement area" for the purposes for which this License is granted.

2. **DUE CARE AND DILIGENCE.** Licensee shall use due care and diligence in the construction, installation, modification, operation, repair, renewal, maintenance and removal of its improvements and shall keep its appliances, equipment and improvements in good and safe condition and repair, and will exercise its rights hereunder in such a manner as to occasion as little interference as is reasonably necessary with the use of the "easement area" by the owner and occupants thereof, and should the appliances, equipment or improvements cause any damage or nuisance or waste or spoil the "easement area" the Licensee shall repair and restore the "easement area" within a reasonable time period thereafter.

3. **INDEMNITY.** Licensee shall, except as may be prohibited by law, indemnify, and hold harmless the Licensor, its officers and employees for any and all claims occasioned in whole or in part by Licensee's, its officers, employees, contractors and/or assigns actions or omissions arising out of the exercise of this license, including but not limited to, all claims and demands for loss, damage, injury or death to persons or property that may arise by reason of the construction, maintenance, operation, renewal and removal of any appliances, equipment and improvements, not caused by the negligence of Licensor, its agents, servants or employees acting within the scope of their employment, and from and against all damages, costs, counsel fees, expenses or liabilities incurred or resulting from any such claim or demand or any action or proceeding brought thereon. This obligation shall survive the termination of this License.

4. **CONDEMNATION.** If at any time the "easement area" across which the license extends, or any part thereof, shall be condemned or taken for any public project by any governmental authority, Licensee shall have the right to claim and recover from the condemning authority, but not from Licensor, such compensation as is payable for the license and for Licensee's appliances, equipment and improvements, if any, used in connection with this license, which shall be payable to Licensee as its interests appears.

5. **ABANDONMENT.** In the event all or a portion of the "easement area" hereby granted, shall be abandoned or shall remain unused by Licensee for the purpose granted for a continuous period of two (2) years, all rights granted hereunder shall terminate, and Licensee shall remove its appliances, equipment, and improvements and restore the land as nearly as is reasonably possible to the condition existing immediately prior to the time of installation or construction of such appliances, equipment and improvements. Licensor hereby consenting and agreeing to such removal. Failure of Licensee to remove its appliances, equipment and improvements and/or restore the "easement area" within ninety (90)

days after notification to do same from Licensor by personal service, registered or certified mail to Licensee at its last known address, will constitute a breach and Licensor may remove Licensee's appliances, equipment and improvements and/or restore the land to a condition similar to that existing immediately prior to the time of installation and Licensee shall reimburse Licensor for all reasonable costs in connection with the removal and/or restoration.

6. **RELOCATION.** If Licensor shall determine that the continued exercise of the license rights granted herein constitutes undue interference with a subdivision or development of the land over which the "easement area" crosses, Licensor shall have the right to terminate the license granted to the extent necessary to eliminate such interference, provided, that it shall grant to Licensee, time being of the essence and as a precondition thereto, a substitute easement within the reasonable vicinity to permit Licensee to effect relocation of any facility or portion thereof which substitute easement shall be subject to the same terms and conditions as contained in this license. The cost of any such relocation shall be borne by Licensor.

7. **ASSIGNMENT.** This license or any rights granted herein shall not be sold, assigned, conveyed, leased, mortgaged or otherwise transferred or disposed of, directly or by operation of law, except with the prior written consent of the Licensor, which consent will not be unreasonably withheld.

8. **PREMISES LICENSED AS-IS.** Licensor is licensing the "easement area" to Licensee "as-is". The Licensee has inspected the "easement area" and knows the conditions thereof and fully assumes all risks incident to its use.

9. **COMPLIANCE WITH APPLICABLE LAWS.** The Licensee, in the exercise of the rights granted herein, shall comply with all of the requirements of the municipal, state, and federal authorities and observe all municipal ordinances and state and federal laws, pertaining to the "easement area", now in force or which may hereinafter be in force.

10. **HAZARDOUS MATERIAL.** The Licensee shall not cause or authorize the escape, disposal, or release of any hazardous materials except as permitted by law. Licensee shall not authorize the storage or use of such materials in any manner not sanctioned by law nor authorize to be bought onto the "easement area" any such materials except to use in the ordinary course of Licensee's business. If any lender or governmental agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by Licensee, then the Licensee shall be responsible for the reasonable costs thereof. In addition, Licensee shall execute affidavits, representations and the like from time to time at Licensor's request, regarding the presence of hazardous materials on the "easement area" placed or released by Licensee.

The Licensee agrees to indemnify, defend, and hold Licensor harmless from any damages and claims resulting from the release of hazardous materials on the easement area, including their



migration to other areas, caused by Licensee or persons acting under licenses. These covenants shall survive the expiration or earlier termination of this License.

For the purpose of this License, "hazardous material" shall mean any pollutant, toxic substance, hazardous waste, hazardous material, hazardous substance, or oil as defined in or pursuant to the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, and the Federal Clean Water Act, or any other federal, state or local environmental law, regulation, ordinance, rule, or by law, whether existing as of the date hereof, previously enforced, or subsequently enacted.

11. BREACH. If Licensee shall fail to observe or perform any of the covenants, terms and conditions herein contained, and on its part to be observed and performed, Licensor shall deliver written notice of the breach or default by service as provided by Section 634-35, or 634-36, Hawaii Revised Statutes, or by registered mail or certified mail to Licensee at its last known address, making demand upon Licensee to cure or remedy the breach or default within sixty (60) days from the date of receipt of notice. Upon failure of Licensee to cure or remedy the breach or default within the time period provided herein or within such additional period as Licensor may allow for good cause, Licensor may terminate this License without prejudice to any other remedy or right of action.

In the event the License is terminated at the reasonable discretion of Licensor, Licensee shall remove its appliances, equipment and improvements and restore the land as nearly as is reasonably possible to the condition existing and immediately prior to the time of installation or construction of such appliances, equipment and improvements. Licensor hereby consenting and agreeing to such removal. Failure of Licensee to remove its appliances, equipment and improvements and/or restore the "easement area" within one hundred eighty (180) days after notification to do same from Licensor by personal service, registered or certified mail to Licensee at its last known address, will constitute a breach and Licensor may remove Licensee's appliance, equipment and improvements and/or restore the land to a condition similar to that existing immediately prior to the time of installation, and Licensee shall reimburse Licensor for all reasonable costs in connection with the removal and/or restoration.

12. RIGHT TO ENTER. Licensor or any other governmental entity, and the agents or representatives thereof, shall have the right to enter and cross any portion of said "easement area" for the purposes of performing any public or official duties, provided, that in the exercise of such rights, Licensor or any

other governmental entity shall not interfere unreasonably with Licensee's use and enjoyment of the "easement area."

13. EXTENSION OF TIME. That notwithstanding any provision contained herein to the contrary, wherever applicable, Licensor may for good cause shown, allow additional time beyond the time or times specified herein to Licensee, in which to comply, observe and perform any of the terms, conditions and covenants contained herein.

14. SEVERABILITY. Whenever possible, each provision of this License shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this License should be prohibited, or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity without invalidating the remaining provisions of this License.

15. SINGULAR/PLURAL. The singular or plural depends on its appropriate use.

16. AGREEMENT. This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and approved assigns.

17. ADDENDUMS. The individual parcels subject to this License are set forth in the attached Exhibits and any future Addendums attached hereto and incorporated herein. No Addendum shall be valid or effective unless approved individually, in writing, by both parties to this License.

18. ENCLOSURE OF UTILITY SITES. Licensee requires 24/7 access to all existing or new utility sites located on homestead lands to maintain and operate its equipment for services to the surrounding DHHL homesteaders. In times of emergencies, the enclosing of a utility site may compromise Licensee's ability to provide reliable and timely services to those homesteaders, but Licensee is willing to consider any request to enclose a HECO utility site on the condition the requester submits an enclosure plans for review and comments. Licensee will not unreasonably withhold approval provided the costs for such enclosure is borne by the requester and should Licensee take more than thirty (30) days to review and respond, the request would automatically be approved with no condition being imposed by Licensee."

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed the day and year first above written.

Approved by the Hawaiian  
Homes Commission on  
May 18, 2015

State of Hawaii  
DEPARTMENT OF HAWAIIAN HOME LANDS

By *Jobie M. K. Masagatani*  
Jobie M. K. Masagatani, Chairman  
Hawaiian Homes Commission

LICENSOR

HAWAIIAN ELECTRIC COMPANY, INC.  
a Hawaii corporation

By *Susan A. U*  
Name SUSAN A. U  
Its VICE PRESIDENT

LICENSEE

Approved as to Form:

*C. O.*  
Deputy Attorney General  
State of Hawaii

APPROVED  
Land & Rights of May  
By *Stephen A. King*

STATE OF HAWAII

)  
) SS.  
)

CITY & COUNTY OF HONOLULU

On this 5th day of June, 2015, before me appeared WILLIAM J. AILA, JR., to me personally known, who, being by me duly sworn, did say that he is Deputy to Chairman Jobie M. K. Masagatani, and he executed the foregoing instrument on behalf of Chairman Jobie M. K. Masagatani and acknowledged to me that he executed the document freely and voluntarily for the use and purposes therein set forth.



*Abigail L. Tubera*  
Notary Public, State of Hawaii  
Printed Name: **ABIGAIL L. TUBERA**  
My commission expires: 11/1/16

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: *Master Budget*  
*License No. 794*

Doc. Date: *05.28.15* or ☐ Undated at time of notarization.

No. of Pages: *89* Jurisdiction: *1st* Circuit  
(in which notarial act is performed)

*Abigail L. Tubera*  
Signature of Notary Date of Notarization and Certification Statement

**ABIGAIL L. TUBERA**  
Printed Name of Notary

License No. 794

EXHIBIT "B"

EXHIBIT "B"

STATE OF HAWAII  
CITY AND COUNTY OF HONOLULU

)  
) SS.  
)

On this        day of MAY 28 2015, 2015, before me appeared  
SUSANA U, to me personally known, who, being by me  
duly sworn, did say that such person is the VICE PRESIDENT of  
HAWAIIAN ELECTRIC COMPANY, INC., a Hawaii corporation and the  
foregoing 8 page instrument entitled MASTER BENEFIT  
LICENSE NO. 794 (Utility Company) dated undated, was signed  
on behalf of said corporation by authority of its Board of  
Directors, and said Officer acknowledged said instrument to be the  
free and act and deed of said corporation. This acknowledgement  
is deemed to include my Notary Certification.



Robyn Kono  
Notary Public, State of Hawaii  
Printed Name of Notary Public  
My commission expires: 11-13-15

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:

Master Benefit License No 794

Doc. Date:        or ☒ Undated at time of notarization.  
No. of Pages: 89 Jurisdiction: 1st Circuit  
(in which notarial act is performed)

Robyn Kono  
Signature of Notary

MAY 28 2015  
Date of Notarization and  
Certification Statement

Robyn Kono

Printed Name of Notary



PK N.P



EXHIBIT B



THE ORIGINAL OF THE DOCUMENT  
RECORDED AS FOLLOWS:  
STATE OF HAWAII  
BUREAU OF CONVEYANCES  
DOCUMENT NO. De A-5861062  
DATE - TIME April 27, 2016 3:28 PM

After Recordation Return By: Mail (XX) Pickup ( ) To:  
MAUI ELECTRIC COMPANY, LIMITED  
P. O. BOX 398  
KAHULUI, HAWAII 96733-6898

Affects Tax Map Key: Second Division. Various Parcels  
This LICENSE contains 9 pages

MASTER BENEFIT LICENSE NO. 812  
(Non-Exclusive Right)  
(UTILITY COMPANY- Benefit [B])  
AS LICENSE

Between

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
AS LICENSOR

And

MAUI ELECTRIC COMPANY, LIMITED  
COUNTY OF MAUI  
AS LICENSEE

EXHIBIT "C"



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
MASTER BENEFIT LICENSE NO. 812  
(Utility Company)

THIS LICENSE, made and issued this 17th day of December, 2015 by the State of Hawaii, its DEPARTMENT OF HAWAIIAN HOME LANDS, whose principal place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, and whose mailing address is P. O. Box 1879, Honolulu, Hawaii 96805, hereinafter called "LICENSOR," and MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation, whose principal place of business is 210 West Kamehameha Avenue, Kahului, Hawaii 96732, and whose mailing address is P. O. Box 398, Kahului, Hawaii 96733-6898, hereinafter called "LICENSEE."

WITNESSETH THAT:

LICENSOR, pursuant to the authority granted to it by Section 207(c)(1) of the Hawaiian Homes Commission Act, 1920, as amended (HHCA), is authorized to grant licenses as easements for railroads, telephone lines, electric power and light lines, gas mains and the like.

LICENSOR has determined that the easement established herein is essential in order to provide electrical services to LICENSOR'S beneficiaries in LICENSOR'S subdivisions in the County of Maui, State of Hawaii.

NOW, THEREFORE, LICENSOR, for good and sufficient consideration, does hereby grant and convey unto LICENSEE, its successors and approved assigns, a right and privilege to build, construct, reconstruct, rebuild, repair, maintain, operate and remove poles, anchors, guy wires, pull boxes, handholes, transformer vaults, switchgears, and overhead wire lines and/or underground lines, appliances and/or equipment over, across, under and through a portion of those certain parcels of land situate on Hawaiian home lands as described on the Addendums attached hereto on the Islands of Maui, Molokai, and Lanai, County of Maui, State of Hawaii, for the sole purpose of providing electrical services to the parcels, the LICENSE herein granted being over, across, under and through a portion of said land, said portion being shown and/or described on the Addendums, annexed hereto, hereinafter collectively referred to as the "easement area," including the right but not the obligation to trim and keep trimmed any vegetation, shrubbery, bushes or trees in the way of its lines and appurtenances, and including also the right of entry upon the "easement area" and adjoining land of LICENSOR for the

1 Master Benefit License No. 812

EXHIBIT "C"

construction, maintenance, operation and removal of LICENSEE'S lines and appurtenances over, across, under and through the "easement area".

TO HAVE AND TO HOLD the same unto LICENSEE, its successors and approved assigns, in perpetuity, commencing on the dates as shown on the Addendums attached hereto, unless sooner terminated as hereinafter provided.

AND the LICENSEE hereby covenants and agrees with LICENSOR that:

1. NON-EXCLUSIVE LICENSE. LICENSOR reserves unto itself, and its successors, the full use and enjoyment of the easement area, and the right to grant to others rights and privileges for any and all purposes affecting the easement area, provided however that the rights herein reserved shall not be exercised by the LICENSOR or any agent, representative or assign of the LICENSOR, in a manner which interferes unreasonably with the LICENSEE'S use of the "easement area" for the purposes for which this LICENSE is granted.

2. DUE CARE AND DILIGENCE. LICENSEE shall use due care and diligence in the construction, installation, modification, operation, repair, renewal, maintenance and removal of its improvements and shall keep its appliances, equipment and improvements in good and safe condition and repair, and will exercise its rights hereunder in such a manner as to occasion as little interference as is reasonably necessary with the use of the "easement area" by the owner and occupants thereof, and should the appliances, equipment or improvements cause any damage or nuisance or waste or spoil the "easement area" the LICENSEE shall repair and restore the "easement area" within a reasonable time period thereafter.

3. INDEMNITY. LICENSEE shall, except as may be prohibited by law, indemnify, and hold harmless the LICENSOR, its officers and employees for any and all claims occasioned in whole or in part by LICENSEE'S, its officers, employees, contractors and/or assigns actions or omissions arising out of the exercise of this License, including but not limited to, all claims and demands for loss, damage, injury or death to persons or property that may arise by reason of the construction, maintenance, operation, renewal and removal of any appliances, equipment and improvements, not caused by the negligence of LICENSEE, its agents, servants or employees acting within the scope of their employment, and from and against all damages, costs, counsel fees, expenses or liabilities incurred or resulting from any such claim or demand or any action or proceeding brought thereon. This obligation shall survive the termination of this LICENSE.

EXHIBIT "C"

4. CONDEMNATION. If at any time the "easement area" across which the LICENSE extends, or any part thereof, shall be condemned or taken for any public project by any governmental authority, LICENSEE shall have the right to claim and recover from the condemning authority, but not from LICENSOR, such compensation as is payable for the LICENSE and for LICENSEE'S appliances, equipment and improvements, if any, used in connection with this LICENSE, which shall be payable to LICENSEE as its interests appears.

5. ABANDONMENT. In the event all of a portion of the "easement area" hereby granted, shall be abandoned or shall remain unused by LICENSEE for the purpose granted for a continuous period of two (2) years, all rights granted hereunder shall terminate, and LICENSEE shall remove its appliances, equipment, and improvements and restore the land as nearly as is reasonably possible to the condition existing immediately prior to the time of installation or construction of such appliances, equipment and improvements. LICENSEE hereby consenting and agreeing to such removal. Failure of LICENSEE to remove its appliances, equipment and improvements and/or restore the "easement area" within ninety (90) days after notification to do same from LICENSOR by personal service registered or certified mail to LICENSEE at its last known address, will constitute a breach and LICENSOR may remove LICENSEE'S appliances, equipment and improvements and/or restore the land to a condition similar to that existing immediately prior to the time of installation and LICENSEE shall reimburse LICENSOR for all reasonable costs in connection with the removal and/or restoration.

6. RELOCATION. If LICENSOR shall determine that the continued exercise of the LICENSE rights granted herein constitutes undue interference with a subdivision or development of the land over which the "easement area" crosses, LICENSOR shall have the right to terminate the LICENSE granted to the extent necessary to eliminate such interference, provided, that it shall grant to LICENSEE, time being of the essence and as a precondition thereto, a substitute easement within the reasonable vicinity to permit LICENSEE to effect relocation of any facility or portion thereof, which substitute easement shall be subject to the same terms and conditions as contained in this LICENSE. The cost of any such relocation shall be borne by LICENSOR.

7. ASSIGNMENT. This LICENSE or any rights granted herein shall not be sold, assigned, conveyed, leased, mortgaged or otherwise transferred or disposed of, directly or by operation of law, except with the prior written consent of the LICENSOR, which consent will not be unreasonably withheld.

8. PREMISES LICENSED AS-IS. LICENSOR is licensing the "easement area" to LICENSEE "as-is". The LICENSEE has inspected

EXHIBIT "C"



the "easement area" and knows the conditions thereof and fully assumes all risks incident to its use.

9. COMPLIANCE WITH APPLICABLE LAWS. The LICENSEE, in the exercise of the rights granted herein, shall comply with all of the requirements of the municipal, state, and federal authorities and observe all municipal ordinances and state and federal laws, pertaining to the "easement area", now in force or which may hereinafter be in force.

10. HAZARDOUS MATERIAL. The LICENSEE shall not cause or authorize the escape, disposal, or release of any hazardous materials except as permitted by law. LICENSEE shall not authorize the storage or use of such materials in any manner not sanctioned by law nor authorize to be brought onto the "easement area" any such materials except to use in the ordinary course of LICENSEE'S business. If any lender or governmental agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by LICENSEE, then the LICENSEE shall be responsible for the reasonable costs thereof. In addition, LICENSEE shall execute affidavits, representations and the like from time to time at LICENSOR'S request, regarding the presence of hazardous materials on the "easement area" placed or released by LICENSEE.

The LICENSEE agrees to indemnify, defend, and hold LICENSOR harmless from any damages and claims resulting from the release of hazardous materials on the easement area, including their migration to other areas, caused by LICENSEE or persons acting under LICENSEE. These covenants shall survive the expiration or earlier termination of this License.

For the purpose of this License, "hazardous material" shall mean any pollutant, toxic substance, hazardous waste, hazardous material, hazardous substance, or oil as defined in or pursuant to the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, and the Federal Clean Water Act, or any other federal, state or local environmental law, regulation, ordinance, rule, or by law, whether existing as of the date hereof, previously enforced, or subsequently enacted.

11. BREACH. If LICENSEE shall fail to observe or perform any of the covenants, terms and conditions herein contained, and on its part to be observed and performed, LICENSOR shall deliver written notice of the breach or default by service as provided by Section 634-35, or 634-36, Hawaii Revised Statutes, or by registered mail or certified mail to LICENSEE at its last known address, making demand upon LICENSEE to cure or remedy the breach or default within sixty (60) days from the date of receipt of notice. Upon failure of LICENSEE to cure or remedy the breach or

default within the time period provided herein or within such additional period as LICENSOR may allow for good cause, LICENSOR may terminate this license without prejudice to any other remedy or right of action.

In the event the LICENSE is terminated at the reasonable discretion of LICENSOR, LICENSEE shall remove its appliances, equipment and improvements and restore the land as nearly as is reasonably possible to the condition existing and immediately prior to the time of installation or construction of such appliances, equipment and improvements. LICENSEE hereby consenting and agreeing to such removal. Failure of LICENSEE to remove its appliances, equipment and improvements and/or restore the "easement area" within one hundred eighty (180) days after notification to do same from LICENSOR by personal service, registered or certified mail to LICENSEE at its last known address, will constitute a breach and LICENSOR may remove LICENSEE'S appliance, equipment and improvements and/or restore the land to a condition similar to that existing immediately prior to the time of installation, and LICENSEE shall reimburse LICENSOR for all reasonable costs in connection with the removal and/or restoration.

12. RIGHT TO ENTER. LICENSOR or any other governmental entity, and the agents or representatives thereof, shall have the right to enter and cross any portion of said "easement area" for the purposes of performing any public or official duties, provided, that in the exercise of such rights, LICENSOR or any other governmental entity shall not interfere unreasonably with LICENSEE'S use and enjoyment of the "easement area."

13. EXTENSION OF TIME. That notwithstanding any provision contained herein to the contrary, wherever applicable, LICENSOR may for good cause shown, allow additional time beyond the time or times specified herein to LICENSEE, in which to comply, observe and perform any of the terms, conditions and covenants contained herein.

14. SEVERABILITY. Whenever possible, each provision of this LICENSE shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this LICENSE should be prohibited, or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity without invalidating the remaining provisions of this LICENSE.

15. SINGULAR/PLURAL. The singular or plural depends on its appropriate use.

16. AGREEMENT. This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and approved assigns.

17. ADDENDUMS. The individual parcels subject to this License are set forth in the attached Exhibits and any future Addendums attached hereto and incorporated herein. No Addendum shall be valid or effective unless approved individually, in writing, by both parties to this License.

18. ENCLOSURE OF UTILITY SITES. LICENSEE requires 24 hours per day access to all existing or new utility sites to maintain and operate its equipment for services to LICENSOR'S lessees. In times of emergencies, the enclosing of a utility site may compromise LICENSEE'S ability to provide reliable and timely services to LICENSOR'S lessees, but LICENSEE is willing to consider any request to enclose LICENSEE'S utility site on the condition the requester submits an enclosure plan for review and comments. LICENSEE will not unreasonably withhold approval provided (i) the costs for such enclosure is borne by the requester, and (ii) the enclosure in LICENSEE'S opinion, does not materially impair LICENSEE'S ability to access its facilities contained within the utility site or its ability to service said facilities. Should LICENSEE take more than thirty (30) days to review and respond, the request would automatically be approved with no condition being imposed by LICENSEE.

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Master Benefit License No. 812

EXHIBIT "C"

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed the day and year first above written.

Approved by the Hawaiian  
Homes Commission on  
November 16, 2015

State of Hawaii  
DEPARTMENT OF HAWAIIAN HOME LANDS

By *[Signature]*  
Jobie M. K. Mesegatani, Chairman  
Hawaiian Homes Commission

LICENSOR

MAUI ELECTRIC COMPANY, LIMITED  
A Hawaii Corporation

By *[Signature]*  
Name Cyd Kau'i Avai-Dickson  
Its Assistant Secretary

LICENSEE

Approved as to Form:

*[Signature]*  
Deputy Attorney General  
State of Hawaii

MECO APPROVED

Land & Rights of Way

By *[Signature]*

Master Benefit License No. 812

EXHIBIT "C"



STATE OF HAWAII )  
) SS.  
CITY AND COUNTY OF HONOLULU )

On this 19<sup>th</sup> day of January, 2016, before me appeared WILLIAM J. AILA, JR., to me personally known, who, being by me duly sworn, did say that he is the Deputy to Chairman JOBIE M. K. MASAGATANI, and the person who executed the foregoing instrument ON behalf of Chairman JOBIE M. K. MASAGATANI and acknowledged to me that he executed the same freely and voluntarily for the use and purposes therein set forth.



Abigail L. Tubera  
Notary Public, State of Hawaii  
**ABIGAIL L. TUBERA**  
Print Name of Notary Public  
My commission expires: 11.21.16

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Master Benefit License No. 812

Doc. Date: \_\_\_\_\_ or ☒ Undated at time of notarization.

No. of Pages: 10 Jurisdiction: 1<sup>st</sup> Circuit  
(in which notarial act is performed)

Abigail L. Tubera  
Signature of Notary

**ABIGAIL L. TUBERA**  
Printed Name of Notary

STATE OF HAWAII )  
) SS.  
County of Maui )

On this 17th day of December, 2015, before me appeared Cyd Kau'i Awa-Dickson, to me personally known, who, being by me duly sworn, did say that such person is the Assistant Secretary of MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation and the foregoing 10 page instrument entitled MASTER BENEFIT LICENSE NO. 812 (Utility Company) dated undated, was signed on behalf of said corporation by authority of its Board of Directors, and said Officer acknowledged said instrument to be the free and act and deed of said corporation. This acknowledgement is deemed to include my Notary Certification.



Craig Yamasaki  
Notary Public, State of Hawaii  
**Craig Yamasaki**  
Printed Name of Notary Public  
My commission expires: November 10, 2017

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: MASTER BENEFIT LICENSE NO. 812 (Utility Company)

Doc. Date: \_\_\_\_\_ or ☒ Undated at time of notarization.

No. of Pages: 10 Jurisdiction: Second Circuit  
(in which notarial act is performed)


Craig Yamasaki  
Signature of Notary

**Craig Yamasaki**  
Printed Name of Notary

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 16 – 17, 2022

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Approval to Issue Temporary “Six (6) Month” Right of Entry Permit to Special Olympics Hawaii, Inc., Kapolei, Island of Oahu, TMK No.: (1) 9.1.017:161(por.)

APPLICANT:

SPECIAL OLYMPIC HAWAII, INC. “SOHI”

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) authorize the issuance of a Temporary “Six (6) Month” Right of Entry Permit, to “SOHI” covering the subject area identified by Tax Map Key No. (1) 9.1.017:161(por.) delineated more specifically on Exhibits “A-1” & “A-2” attached hereto consisting of approximately 20,000 square feet, more or less, of Hawaiian home lands situated at Kapolei, Island of Oahu for the purpose of temporarily storing construction materials and heavy machinery during its construction of an outdoor play court and 5,000 sq. ft. building for fitness programs and storage facility to support its operations under License No. 741 situated directly to the south.

Approval and issuance of this Temporary “Six (6) Month” Right of Entry Permit (ROE) shall be subject to the following conditions:

1. Authorize the issuance of a Temporary “Six (6) Month” Right-of-Entry permit to “SOHI” covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
  - B. The premises shall be utilized strictly for storing construction materials and heavy machinery purposes ONLY and for no other purposes whatsoever; and
  - C. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interests of the Hawaiian Home Lands Trust;

2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR this project will probably have minimal or no significant effect on the environment.

LOCATION:

Hawaiian Home Lands situated at Kapolei, Island of Oahu, identified as TMK No.: (1) 9-1-017:161 (por.)

AREA:

Containing approximately 20,000 square feet, more or less

DISCUSSION:

SOHI submitted a request to use a 20,000 square foot portion of DHHL land identified by TMK No.: (1)-9-1-017:161, as identified in Exhibit “A-1 and A-2”, for temporary storage of construction materials and heavy machinery purposes. MHA expressed that the temporary six (6)-month period would suffice while they construct its outdoor play court and 5,000 sq. ft. building for fitness programs and storage facility.

SOHI agrees and understands the following: 1) The temporary parking lot area will not exceed 20,000 square feet with a base monthly rental rate established at ONE HUNDRED EIGHTY-FOUR AND NO/DOLLARS (\$184.00) see Exhibit “B” for calculation; 2) will provide Liability Insurance naming DHHL additionally insured if requested; and 3) upon completion of the project, the area will be restored to a condition as good as or better than that which existed prior to it’s use.

PLANNING AREA:

Kapolei, Island of Oahu

LAND USE DESIGNATION:

Community Use, Oahu Island Plan (July, 2014), Figure 5.4 – Honouliuli Ahupua’a – Kapolei Land Use Designations,

CURRENT STATUS:

Vacant

CHARACTER OF USE:

Community Use

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

## Use of State Lands

In accordance with Hawaii Administrative Rule Sections 11-200.1 and the revised Exemption List for the Department of Hawaiian Home Lands reviewed and concurred by the Environmental Council on April 6, 2021, (See Exhibit “C”) the subject request is exempt from the preparation of an environmental assessment pursuant to **General Exemption Type 1**, Operations, repairs, or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

1. Fertilizing, sprinkling, mowing, weeding, trimming, brush cutting, clearing, grubbing, aerating, road cleaning and patching, sweeping, removal of debris, and other routine maintenance of the following agency maintained lands and facilities:
  - a. Ditches, channels, and common areas
  - b. Streets, roads, highways, bike paths, pedestrian ways, trails, parking lots and appurtenances
  - c. Flood control, erosion control, and drainage facilities
  - d. Parks
  - e. Landscaped areas

Applicant also confirms that if any koʻoloaʻula plants are discovered by its botanist, they would not disturb or remove the plants.

## CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

### **DHHL General Plan (2002)**

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

### **Land and Resource Management**

Goals:

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

Objectives:

- Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.

### **Kapolei Regional Plan (2010)**

The site is designated for Community Use consistent with the Kapolei Regional Plan (November 2010)

**AUTHORIZATION / LEGAL REFERENCE:**

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

**RECOMMENDATION:**

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

## Albinio Jr, Peter K

---

**From:** Dan Epstein <depstein@SOHawaii.org>  
**Sent:** Thursday, March 10, 2022 8:24 PM  
**To:** Shirley Swinney; Albinio Jr, Peter K  
**Subject:** [EXTERNAL] RE: ROE Request for Special Olympics  
**Attachments:** SOHI construction site -requested support site.png

Kahana,

We are planning on building the next phase of the SOHI Sports and Wellness Center this summer, beginning in mid-June. We plan to build an outdoor playcourt and a 5,000 sq ft. building to be used for our fitness programs and for storage. Access to the building will be from Maweke St. This is part of the master plan for the site.

We have secured the support of the DOD Innovative Readiness Training Program. Military personnel will be providing both skilled and unskilled labor to support the project as part of their training. They will also be securing heavy machinery to support construction. Nordic PCL is the GC on the project.

We are requesting DHHL's support for the project by providing space to store materials and heavy machinery. Per our construction managers, we'd like to request a space of approx. 200' by 100' on the adjacent property (mauka) to SOHI. The space will be used primarily to stockpile any material and for equipment parking. We are hoping that we can park heavy equipment along Maweke St. during the day and pull it into the site for overnight parking/security. Please see attached diagram of the requested location.

We hope that the project would be complete by the end of the year.  
Thanks so much for your help and consideration of our request!

Mahalo,  
Dan



### Dan Epstein

President and CEO | Special Olympics Hawai'i

P.O. Box 3295 \* Honolulu \* Hawai'i \* 96801

**t:** 808-943-8808 ex. 26 | **m:** 808-386-5232 | **fax:** 808-943-8814

**Learn more:** [www.SOHawaii.org](http://www.SOHawaii.org)

**Exhibit "A-1"**  
**Item No. F-3**





**Exhibit "A-2"**  
**Item No. F-3**



**Exhibit "A-2"**  
**Item No. F-3**





Parcel Number 910171610000  
Location Address FARRINGTON HWY  
Project Name  
Legal Information LOT 19895 200.329 AC MAP 1667 LCAPP 1069 TOG/ESMT, SUBJ/ESMT  
Property Class AGRICULTURAL  
Land Area (approximate sq ft) 8,726,331  
Land Area (acres) 200.3290

[Plat Map PDF](#) [GIS Parcel Map](#)

Email us at [bfsrmailbox@honolulu.gov](mailto:bfsrmailbox@honolulu.gov) regarding Supplemental Plat Map PDFs.

**Owner Information**

Owner Names  
STATE OF HAWAII Fee Owner

**Assessment Information**

[Show Historical Assessments](#)

Assessment Year	Property Class	Assessed Land Value	Dedicated Use Value	Land Exemption	Net Taxable Land Value	Assessed Building Value	Building Exemption	Net Taxable Building Value	Total Property Assessed Value	Total Property Exemption	Total Net Taxable Value
2022	AGRICULTURAL	\$12,220,100	\$0	\$12,220,100	\$0	\$0	\$0	\$0	\$12,220,100	\$12,220,100	\$0

2022 amended values not to be posted until new tax rates are processed on or after July 20.

[How to calculate real property taxes](#)

**Map**



**Based on the figures the base monthly rental fee is established as follows:**

$\$12,220,100 \text{ (ALV)} / 8,726,331 \text{ (LA)} = \$1.40/\text{sf/annum}$

$\$1.40/\text{sf/annum} \times 8.0\% \text{ (Market Rtrn Rate)} = \$0.11/\text{sf/annum}$

$\$0.11 \times 20,000/\text{sf} = \$2,200/\text{per annum}$

$\$2,200/12 = \underline{\$184/\text{mo}}$

No data available for the following modules: Condominium/Apartment Unit Information, Appeal Information, Agricultural Assessment Information, Residential Improvement Information, Residential Additions, Commercial Improvement Information, Sketches, Other Building and Yard Improvements, Current Tax Bill Information, Historical Tax Information.

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**Exhibit "B"**  
**Item No. F-3**

DEPARTMENT OF HAWAIIAN HOME LANDS  
Planning Office  
May 9, 2022

TO: William J. Ailā, Jr., Chairman  
Hawaiian Homes Commission PO-22-128

FROM: Andrew H. Choy, Planning Program Manager

SUBJECT: LMD Grant of Right-of-Entry Permit to the Special Olympics of Hawaii  
TMK (1) 9-1-017:161 (por.) for Temporary Storage of Construction Equipment  
from HRS Chapter 343 Environmental Assessment Preparation  
for De Minimis Action

Recommended Action

That the Chairman exempt LMD Grant of Right of Entry Permit to the Special Olympics Hawaii on TMK (1) 9-1-017:161 (por.) for Temporary Storage of Construction Equipment, a de minimis action from preparation of an environmental assessment per HRS Chapter 343.

Discussion

To ensure that all activities on DHHL lands are in compliance with Federal, State and County regulations, Planning Office offers the following recommendation to the Chairman on whether or not to exempt the proposed projects on DHHL lands from HRS Chapter 343. Per the statute, certain projects are exemptible from the environmental review process if the projects meet certain requirements as stated in Hawaii Administrative Rules (HAR) Section 11-200.1-8 subchapter 8 "Exempt Actions, List and Notice Requirements." HAR Section 11-200.1 also states that State and County agencies can prepare their own Chapter 343 exemption list. Activities on agency exemption lists must be consistent with Section 11-200.1 HAR exemption requirements and be approved by the state Environmental Council. In addition, Pursuant to HAR §11-200.1-16, DHHL considers activities listed in Part I of the approved exemption list to be de minimis, that by their nature do not have the potential to individually or cumulatively adversely affect the environment more than negligibly.

The proposed action meets the criteria for the following de minimis activity:

**Type 4 Minor alternation in the conditions of land, water, or vegetation**

**Item #4** Minor vegetation clearing and management, including mowing, pruning, and trimming.

Based upon HAR Section 11-200.1 exemption criteria and DHHL's approved exemption list, the Planning Office concluded that the LMD Grant of the Special Olympics Hawaii on TMK (1) 9-1-017:161 (por.) for Temporary Storage of Construction Equipment for KHHLA Agriculture Education Program on is a de minimis action eligible for exemption from the environmental assessment process and an exemption declaration is not required.

☒ Concur

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

**Exhibit "C"**  
**Item No. F-3**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 16 – 17, 2022

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Approval to Issue Temporary Right of Entry Permit to Ka'u Hawaiian Homelands Association, Waiohinu, Island of Hawaii, TMK No.: (3) 9.5.005:003(por.)

APPLICANT:

KA'U HAWAIIAN HOMELANDS ASSOCIATION "KHHA"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) authorize the issuance of a Right of Entry Permit, to "KHHA" covering the subject area identified by Tax Map Key No. (3) 9.5.005:003(por.) delineated more specifically on Exhibits "A-1" & "A-2" attached hereto consisting of approximately five (5)-acres or 217,800 square feet, more or less, of Hawaiian home lands situated at Waiohinu, Island of Hawaii for the purposes of establishing the Waiohinu Ahupua'a Agricultural Project program to educate our KHHA members and beneficiaries on creating a garden to grow kalo, uala, olena, maia, and other crops for subsistence farming. PERMITEE will prepare the aina and utilize the mahina cycle for guidance in planting, weeding, and fertilizing until crops are ready to harvest.

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

1. Authorize the issuance of a Right-of-Entry permit to "KHHA" covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
  - B. The premises shall be utilized strictly for agricultural purposes as proposed and described above ONLY and for no other purposes whatsoever; and
  - C. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interests of the Hawaiian Home Lands Trust;

2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR this project will probably have minimal or no significant effect on the environment.

LOCATION:

Hawaiian Home Lands situated at Waiohinu, Island of Hawaii, identified as TMK No.: (3) 9-5-005:003 (por.)

AREA:

Containing approximately five (5)-acres/217,800 square feet, more or less

DISCUSSION:

KHHA submitted a request to use a five (5)-acres portion of DHHL land identified by TMK No.: (3)-9-5-005:003, as identified in their 2016 written request see Exhibits “A-1 and A-2”, for its Waiohinu Ahupua’a Agricultural project purposes. KHHA expressed that the ROE would provide its members and beneficiaries an educational tool for subsistence farm living.

KHHA agrees and understands the following: 1) The Ag farm area will not exceed five (5)-acres with a base monthly rental rate established at TWENTY AND NO/DOLLARS (\$20.00); 2) will provide Liability Insurance naming DHHL additionally insured if requested; and 3) will provide bi-annual (2x’s/yr) progress updates on its program.

PLANNING AREA:

Ka’u, Island of Hawaii

LAND USE DESIGNATION:

Subsistence Agricultural Use, Hawaii Island Plan (July, 2014), Figure 7 – South Hawaii – Hawaii Land Inventory

CURRENT STATUS:

Vacant

CHARACTER OF USE:

Subsistence Agricultural Use

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

In accordance with Hawaii Administrative Rule Sections 11-200.1 and the revised Exemption List for the Department of Hawaiian Home Lands reviewed and concurred by the Environmental Council on April 6, 2021, (See Exhibit “B”) the subject request is exempt from the preparation of an environmental assessment pursuant to **General Exemption Type 1**, Operations, repairs, or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

1. Fertilizing, sprinkling, mowing, weeding, trimming, brush cutting, clearing, grubbing, aerating, road cleaning and patching, sweeping, removal of debris, and other routine maintenance of the following agency maintained lands and facilities:
  - a. Ditches, channels, and common areas
  - b. Streets, roads, highways, bike paths, pedestrian ways, trails, parking lots and appurtenances
  - c. Flood control, erosion control, and drainage facilities
  - d. Parks
  - e. Landscaped areas

Applicant also confirms that if any koʻoloaʻula plants are discovered by its botanist, they would not disturb or remove the plants.

#### **CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS**

##### **DHHL General Plan (2002)**

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

##### **Land and Resource Management**

Goals:

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

Objectives:

- Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.

##### **Ka’u Regional Plan (2012)**

The site is designated for Subsistence Agricultural Use consistent with the Ka’u Regional Plan (May 2012)

**AUTHORIZATION / LEGAL REFERENCE:**

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

**RECOMMENDATION:**

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





**Exhibit "A-1"**  
**Agenda Item No. F-4**



**Ka'u Hawaiian Home Lands Association**

**Waiohinu Ahupua'a Ag Project Proposal**

**August 16, 2016**

**Exhibit "A-2" Agenda**  
**Item No. F-4**

Ka'u Hawaiian Home Lands Association was organized and formed in 2011 by a group of people who felt the need to represent the interests of the beneficiaries and lessees of the Department of Hawaiian Home Lands in Ka'u and the Ka'u community at large. We hope to improve and enhance the lives of our Native Hawaiians, other communities on Hawaii Island and in the State of Hawaii. KHHLA members consist of more than 80% beneficiary applicants and lessees.

Our association will work with DHHL to uphold the HHCA which in turn will help our beneficiaries to become homesteaders. Prince Jonah Kuhio Kalaniana'ole and the HHCA avowed purpose is to rehabilitate native Hawaiians and return them to the land in order to fully support self-sufficiency by pursuing strategies to enhance economic self-sufficiency.

Agricultural leases are one of the priority projects of the 2012 DHHL Ka'u Regional Plan that DHHL beneficiaries and the Ka'u Community were involved in. Another priority project in the DHHL Ka'u Regional Plan, which was combined to agriculture homestead leases at Waiohinu, is to create a partnership with DLNR for Hawaiian Homesteading.

Currently in Ka'u there is only one major grocery store in Ocean View which is 13 miles away from Naalehu and 26 miles from Pahala. There is a need to grow our own fresh fruits and vegetables. The Ka'u CDP Section 6.3 also supports local farms and strengthening local agriculture. By KHHLA members pursuing strategies in sustainability and having access to healthy food, they will not only feed their ohana, but it will connect them educationally, culturally, assist them economically and nurture their ohana.

Ka'u HHLA would like to move forward in obtaining land on DHHL inventory in the Waiohinu Ahupua'a for a non-homesteading Ag project at a 2 year timeline with a possible extension. The "Waiohinu Ahupua'a Ag Project" will create subsistence farming opportunities for our members and the community. It will benefit the Trust and beneficiaries to work towards sustainability. At our June 22, 2016 Annual membership meeting, 15 members present agreed to be participants of this proposal. Paul Makuakane who is a member of KHHLA will serve as the Ag Project Manager. He has over 20 years of experience in farm related work. He has been employed as a laborer/landscaper, worked with herbicides and pesticides, previously owned a 5 acre coffee farm and propagated, planted and maintained a 2 acre taro and sweet potato farm.

Our other land interests, with help from DHHL, are to secure lands inventoried under DLNR for beneficiary agriculture opportunities. TMK: 3<sup>rd</sup>/9-5-05 portion 3.

Ka'u Hawaiian Home Lands Association and The Waiohinu Ahupua'a Ag Project, with the assistance of the Dept. of Hawaiian Home Lands, will educate our youth and instill in them the pride and historic significance of Ka'u so they may promote and preserve our Hawaiian culture and natural resources for future generations.

**Ka'u Hawaiian Home Lands Association  
Directors and Officers**

<b>President/Director:</b>	Jeffrey Kekoa P. O. Box 785 Pahala, HI. 96777
<b>Vice-President/Director:</b>	Elizabeth Kuluwaimaka P. O. Box 6808 Ocean View, HI. 96737
<b>Treasurer/Director:</b>	Stephanie Tabbada P. O. Box 194 Naalehu, HI. 96772
<b>Secretary/Director:</b>	Janice Javar P. O. Box 524 Naalehu, HI. 96772
<b>Board Members:</b>	William Kekoa Melvin Davis

**Ka'u Hawaiian Homelands Association  
List of Members as of June 22, 2016**

*Jeffrey Kekoa	*Paul Makuakane
Donna Kekoa	*Winona Makuakane
*Adrienne Kekoa-Davis	#*William Kekoa
Gary Davis	Lani Kekoa
*Daniel Davis	*Bernadette Kailiawa
*Jolie Burgos	*Kathy Hashimoto
*Kristi Kekoa	#*Louis Hao
*Beatrice Kailiawa	*Leifi Hao
*Anna Cariaga	*Darlene Vierra
Jaime Kawauchi	
*DHHL Beneficiaries	
#DHHL Lessee	

**"Waiohinu Ahupua'a Ag Project"**  
**Ka'u Hawaiian Home Lands Association Ag Proposal**

**Organization:**

Ka'u Hawaiian Home Lands Association is a 501c3 corporation established in May 2014 whose principal office is located at P. O. Box 153, Pahala, HI. 96777.

**President/Director:** Jeffrey Kekoa  
96-1322 Ilima St.  
Pahala, HI. 96777  
(808)928-0320

**Project Manager:** Paul Makuakane  
94-6538 Ahi Road  
Waiohinu, HI. 96777  
(808)929-7558

**Description of Project:**

Waiohinu Ahupua'a Ag Project is a program for KHHLA members to create a garden to grow kalo, uala, olena, maia, and other crops for subsistence farming. Members will prepare the aina and use the mahina cycle for guidance in planting, weeding, and fertilizing until crops are ready to harvest.

**Goal:**

Our main goal of this project is to assist KHHLA members in becoming self-sufficient and sustainable.

**Benefits:**

Members will be able to uphold the HHCA by returning to the land to fully support themselves by being self-sufficient and sustainable thus promoting and preserving our Hawaiian culture and natural resources for future generations.

**Location Requested:**

Requesting a minimum of 5 acres with right of entry to locate suitable aina within the 262 acres that DHHL holds in trust lands in the Waiohinu Ahupua'a. Other land interests are inventoried under DLNR TMK: 3<sup>rd</sup>/9-5-05 portion 3.

Minimum land request of 5 acres which will be divided upon all interested members with a month to month revocable permit or lease.

**Water:**

Water from the County of Hawaii Dept. Of Water Supply with a 10,000 gallon water tank.

**Infrastructure:**

A farm shed would be needed to store tools and equipment.

**Agricultural Training:**

Potential training from University of Hawaii CTAHR program or assistance from DHHL.

**Equipment Needed:**

Equipment requested would be a mower and tiller, hand tools for farming ( shovels, hoes, rakes, shifters, sickles, weed eater, wheel barrow etc.) plants and fertilizer.

**Cost:**

Estimated cost of \$5,000.

**Potential Partnerships / Collaborations:**

UH Hilo

Dept. Of Hawaiian Home Lands

U.S. Dept. Of Agriculture

Dept. Of Land and Natural Resources

Pacific Quest

GHA

KSBE

Paul Makuakane 2 acre taro and sweet potato farm.











Harvested taro for poi and taro chips.



Harvested sweet potato used in many different ways of cooking.





# DCCA State of Hawaii

Downloaded on May 9, 2022.

The information provided below is not a certification of good standing and does not constitute any other certification by the State.

Website URL: <http://hbe.ehawaii.gov/documents>

## Business Information

MASTER NAME	KA`U HAWAIIAN HOME LANDS ASSOCIATION
BUSINESS TYPE	Domestic Nonprofit Corporation
FILE NUMBER	243171 D2
STATUS	Active
PURPOSE	TO IMPROVE LIVES AND PROMOTE THE PERSONAL EXCELLENCE OF OUR NATIVE HAWAIIAN AND OTHER COMMUNITIES IN THE STATE OF HAWAII AND ON HAWAII ISLAND...PLEASE SEE ARTICLES FOR FURTHER INFORMATION
PLACE INCORPORATED	Hawaii UNITED STATES
INCORPORATION DATE	May 13, 2014
MAILING ADDRESS	PO BOX 153 NAALEHU, Hawaii 96772 UNITED STATES
TERM	PER
AGENT NAME	JEFFREY KEKOA
AGENT ADDRESS	96-1322 ILIMA ST PAHALA, Hawaii 96777 UNITED STATES

## Annual Filings

FILING YEAR	DATE RECEIVED	STATUS
2022		Not Filed
2021	May 28, 2021	Processed
2020	May 18, 2020	Processed
2019	May 14, 2019	Processed
2018	May 24, 2018	Processed
2017	May 22, 2017	Processed
2016	Apr 26, 2016	Processed
2015	May 18, 2015	Processed

## Officers

NAME	OFFICE	DATE
KEKOA,JEFFREY	P/D	Apr 1, 2015
HASHIMOTO,KATHERINE	V/D	Apr 1, 2017
JAVAR,JANICE	S/D	Apr 1, 2017
BAJI,CYNTHIA	T/D	Apr 1, 2017

**HAWAIIAN HOMES COMMISSION  
MAY 16 & 17, 2022  
FACE-TO-FACE &  
INTERACTIVE CONFERENCE  
TECHNOLOGY**

**G – ITEMS  
PLANNING OFFICE**

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

MAY 16 & 17, 2022

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Andrew Choy, Acting Planning Manager

SUBJECT: Item G-1 For Information Only – Update on the Hawaiian Electric Company DLNR Water License Application Under HRS 171-58 for Hydroelectricity Generation from the Wailuku River, Hilo, Hawai'i Island

This submittal will be sent under separate cover.

ITEM NO. G-1 Dummy

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 16-17, 2022

To: Chairman and Members, Hawaiian Homes Commission  
From: Andrew H. Choy, Planning Program Manager  
Subject: Status Update on Plan Implementation in West  
Hawaii Plans

Recommended Action

For information only. No action required.

Background

Per the directive of the Chairman, Planning Office will be providing the Hawaiian Homes Commission (HHC) with updates of the respective DHHL geographic region in which the HHC conducts its monthly community meeting. The purpose of the monthly update is to provide the HHC with information related to prior policies and/or plans specific to that previously adopted by the HHC specific to that particular geographic region.

A status report of DHHL's progress in implementing these policies/plans is also included for the HHC's consideration. For May 2021, Planning Office will be providing an update to the HHC for West Hawaii.

Discussion

EXISTING PLANS & IMPLEMENTATION STATUS

Hawaii Island Plan Policies Related to West Hawaii.

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island, (2) establish land use goals and objectives of the General Plan specific to each island, and (3) identify island-wide needs, opportunities, and priorities. The Hawaii Island Plan was adopted by the HHC in 2002. The 2002 Hawaii

Island Plan delineated five planning regions on Hawaii Island, North, East, South, West, and Central. (see maps, Exhibit A). For the purposes of this informational submittal, Planning Office will be focusing on the lands in the North and West regions.

Subsequently, an update of the island plan was adopted by the HHC in 2009 for DHHL lands in West Hawaii as approximately 600 acres were added to the DHHL land inventory in the Kealakehe and Kalaoa Tracts (see map, Exhibit B). The 2002 Hawaii Island Plan and subsequent 2009 West Hawaii Update identifies the following land use designations and acreage amounts.

Land Use Designation	Acres	Percent of Total
Residential	1,608	4.1%
Subsistence Agriculture	540	1.3%
Supplemental Agriculture	1,113	2.9%
Pastoral	24,101	62.4%
Community Use	258*	0.6%
General Agriculture	10,747*	27.8%
Commercial	230	0.5%
Industrial	384	0.9%
Conservation	391	1%
Special District	266	0.6%
<b>TOTAL</b>	<b>38,638</b>	<b>100%</b>

\* Does not reflect the Land Use Designation amendment of 161 acres from General Agriculture to Community Use discussed below.

#### Hawaii Island Plan Implementation Status

Since the West Hawaii Island Plan was updated in 2009, there was one additional land use designation amendment made to the Island Plan for TMK (3)-6-4-038:011 (por.), in Waimea. The land use designation was amended from "General Agriculture" to "Community Use". The island plan land use amendment was approved by the HHC in May of 2015.

#### *Kealakehe-La'i'Ōpua Regional Plan*

The *Kealakehe- La'i'Ōpua* Regional Plan was recently updated and adopted by the HHC in May, 2020. The update process began in January 2019 and concluded in August 2020. Outreach with beneficiaries in the region through the

planning process identified the following priority projects:

- (1) North Kona Water Source Development Project
- (2) Provide homestead Opportunities for Beneficiaries in the "Gap Group"
- (3) Initiate Commercial Development of DHHL Lands Near Honōkohau Harbor
- (4) Establish a DHHL Kona District Office
- (5) Renewable Energy Initiative - PV Farm in `O`oma

#### *Kawaihae Regional Plan*

The Kawaihae Regional Plan was adopted by the HHC in September, 2010. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Kailapa Resource Center
- (2) Kawaihae Water and Energy Research and Development
- (3) Kawaihae Bypass Highway
- (4) Improve the Marine Water at Pelekane Bay
- (5) Management and Maintenance of Kawaihae Reinternment Site

#### *Waimea Nui Regional Plan*

The Waimea Nui Regional Plan was adopted by the HHC in January, 2012. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Waimea Hawaiian Homestead Community Complex - Planning
- (2) Evaluate and Revise Agriculture/Pastoral Program Waimea Nui

- (3) Support/Plan Development of Affordable Homestead Alternatives in Waimea Nui
- (4) Assess the Implications of Eliminating Requirement to Pay Property Taxes
- (5) Assess the Implications of a Non-Standard Building Code

*Implementation Status of West Hawaii Regional Plans*

The following tables identify the "project champions" of each regional plan priority project as well as summarizes the status of each regional plan priority project.



Table 2: LAIOPUA REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
North Kona Water Source Development and Storage	DHHL	In-Progress. DHHL is in process of developing two EA reports for two potential well sites in North Kona (1) Gianulias property and (2) KS well site. DHHL is also in process of negotiating water credit agreements with one of the landowners and the County DWS during the EA process. One of the landowners has contemplated selling its property in the last month. DHHL received \$12M from the <b>2021 Legislature</b> for water source development and lot development.
Provide Homestead Opportunities for Beneficiaries in the "Gap Group"	DHHL	In-Progress. DHHL is in process of developing infrastructure for Village 4 Phase II Hema. Lots from this development could go to beneficiaries who do not meet low-income requirements.
Renewable Energy Initiative	DHHL	In-Progress. DHHL is participating in the HECO RFP process and solicited DHHL Kalaoa lands for potential development. DHHL initiated a RFP its Kalaoa lands in fall of 2020 and has selected a developer. Beneficiary consultation meetings and public hearings were conducted in summer 2021. HHC approval is still required.
Establish a DHHL Kona District Office	DHHL	Not Started.
Initiate Commercial Development of DHHL Lands Near Honōkohau Harbor	DHHL	Not Started.

Table 3: KAWAIHAE REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Kailapa Resource Center	Kailapa Community Association	In-Progress. The HHC approved a FONSI for KCA's FEA in February 2016 for KCA's plans on the 14-acre parcel. KCA has completed the construction of its pavilion and playground area.
Kawaihae Water and Energy Research and Development	DHHL	In-Progress. DHHL completed a Kawaihae Water Assessment Study in June 2015. The assessment identified potential options for water development in the Kawaihae region. More information in "West Hawaii Water Issues Update submittal".
Kawaihae Bypass Highway	DOT	DOT reports that it has postponed its planning and feasibility study of the project due to the lack of construction funding in the foreseeable future.
Improve the Marine Water at Pelekane Bay	DHHL / Kailapa Community Association / Kohala Mountain Watershed Partnership	In-Progress. The Kohala Mountain Watershed Partnership received ROEs to install ungulate fences on DHHL property. Fence installation is almost complete. The Kailapa Community Association has also completed its Resilient Hawaiian Community Plan that looks at improved stewardship of the mauka portion of the ahupua'a. DHHL LMD and Planning Staff conducted two consultation meetings on ungulate management in 2021.
Management and Maintenance of Kawaihae Reinternment Site		Not started.

Table 4: WAIMEA NUI REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Waimea Hawaiian Homestead Community Complex -- Planning	Waimea Hawaiian Homestead Association (WHHA)	In-Progress. HHC approved FONSI of WHHA final EA in and approved 65-Year general lease to WHHA in 2015. DOA has completed construction of the internal road network. WHHA is soliciting other funding sources for future development phases.
Evaluate and Revise Agriculture/Pastoral Program Waimea Nui	DHHL / WHHA	In-Progress. DHHL awarded a \$100k agriculture peer-to-peer technical assistance grant to WHHA to promote more farming on Waimea homestead areas.
Support/Plan Development of Affordable Homestead Alternatives in Waimea Nui	DHHL	In-Progress. State-wide, DHHL has been contemplating alternative affordable homestead options for its beneficiaries. This could result in alternatives applicable to Waimea Nui.
Assess the Implications of Eliminating Requirement to Pay Property Taxes	DHHL	Not Started.
Assess the Implications of a Non-Standard Building Code	DHHL	In-Progress. In 2017, DHHL attended Hawaii Building Code Council meetings to research and learn the process of building code development and approval. However, due to staffing turnover and competing priorities, progress on this initiative has stalled.

### Recommendation

For information only. No action required.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 16-17, 2022

To: Chairman and Members, Hawaiian Homes Commission  
From: Andrew H. Choy, Planning Program Manager  
Subject: West Hawai'i Water Projects Update

RECOMMENDED MOTION/ACTION

None; for information only.

DISCUSSION

This submittal provides an update on Department of Hawaiian Home Lands (DHHL) related water projects and issues in West Hawai'i. It provides background information on planned water needs in three planning regions on Hawai'i island and ongoing efforts to address those needs: (1) Waimea Nui; (2) Kawaihae; and (3) Kealakehe-La'i 'Ōpua.

Since the May 2019 update to the HHC on these matters, the most significant development has been exploring options for water source for Kealakehe-La'i 'Ōpua from the Ota Well and private landowners in North Kona and (b) Other steps to develop and manage water in these areas have been undertaken by homestead organizations.

In addition, we describe reservations of groundwater that were made by the Commission on Water Resource Management (CWRM) in September 2018. The existing DHHL water reservations for Hawai'i Island lack the enforcement mechanisms under the state Water Code (HRS Ch. 174C) that exist in Water Management Areas. DHHL shall continue to work cooperatively with CWRM to seek enforceable reservations to turn "paper water" in to "wet water" to be utilized on Department lands.

## I. Introduction

The Department updated the estimates of its planned water needs for its tracts as part of adoption of the State Water Projects Plan (SWPP) Update in May 2017. The numbers in the SWPP Update, repeated here, are estimates based on land use designations; projected water use amounts remain approximations that will be further refined as proposed land uses are realized. However, they indicate where needs exist and the general potential volumes of those needs. Values for all DHHL lands on the island are identified in Table 1.A.

Overall water demand projections in Table 1.A. are an aggregate of demands calculated for each of the tracts on the island. More specific information for the basis of each calculation, and the water issues related from those needs, are provided in the discussion below.

TABLE 1.A. Hawai'i Water Demand Projections (high)<sup>1</sup> in million gallons per day (mgd)

	Year 2016	Year 2021	Year 2026	Year 2031
Potable	2.617	4.164	5.209	10.174
Nonpotable	1.367	5.266	5.266	39.221
Total	3.984	9.430	10.475	49.395

*Source: SWPP Update (2016).*

## II. Planned Water Needs by Planning Region

### 1) Waimea Nui (29,385 ac).

Waimea Nui includes the following tracts: Waimanu, 'Upolu, Kamoku-Kapulena-Waikoloa-Wai'ale'ale, Ni'eni'e, Lālāmilo, Pauahi, Keoniki, Pu'ukapu 1, 2, 3, and Honokāia. Waimea Nui Regional Plan at 13-14, 24 (January 2012). Homesteaders in the Waimea Nui region identified the need to exercise Native Hawaiian water rights as their first priority water issue. Waimea Nui Regional Plan at 31.

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<sup>1</sup> High, medium, and low demand scenarios were developed for each tract in the SWPP Update (2016).

**Land Summary**

Lālāmilo	232 acres
Pu'ukapu 1-3	13,053 acres
Pauahi	557 acres
Waimanu	200 acres
Keoniki	230 acres
Kamoku-Kapulena-	4,735 acres
Waikoloa-Wal'ale'ale	
Honokāia	3,243 acres
Ni'en'e	7,135 acres
<b>TOTAL</b>	<b>29,385 acres</b>

*Acreages are approximate.*

**LEGEND**

**Land Use Categories**

- Commercial
- Community Use
- Conservation
- General Agriculture
- Industrial
- Pastoral
- Residential
- Special District
- Subsistence Agriculture
- Supplemental Agriculture
- Major Roads

The map displays the Waimanalo area with various land use categories and acreages. The districts are numbered 1 through 8. The map also shows the Pacific Ocean, Waikoloa-Wal'ale'ale, Honokāia, and Ni'en'e. Major roads are indicated by red lines. The map includes a legend for land use categories and a small inset map of the island of Hawaii.

i. Waimanu

ii. 'Upolu

HHC ITEM G-3



County Department of Water Supply's (HDWS) 6-inch Hawi-Kokoiki water line. *Id.* The 1.5-inch waterline may need to be replaced with a larger one to meet long term potable water demand of 0.148 mgd. *Id.* On September 18, 2018, the CWRM approved a groundwater reservation for DHHL of 0.148 mgd in the Hawi Aquifer to meet this long-term demand.

*iii. Kamoku-Kapulena-Waikoloa-Wai'ale'ale & Ni'eni'e*

Kamoku-Kapulena is a 3,529-acre tract. The Waikoloa-Wai'ale'ale tract (1,206 acres) lies adjacent to Kamoku-Kapulena tract. Twelve pastoral leases have been awarded for the Kamoku tract. Waimea Nui Regional Plan at 14. Eleven pastoral leases have been awarded for Ni'eni'e and another 600 acres were set aside for the Hāmākua Forest Preserve in 1928. *Id.* All these tracts lie within the East Mauna Kea ASA, have been designated for pastoral agricultural use, and DHHL has not proposed any additional water demands for these tracts. Hawai'i WUDP at 802-24.

*iv. Lālāmilo & Pauahi & Keoniki*

Lālāmilo is a priority tract with at least 30 residential lessees and 442 residential lots planned. Pauahi consists in 557 acres all which have been designated for pastoral uses. Waimea Nui Regional Plan at 13-14. Keoniki consists in 230 acres, which have been designated for pastoral, general agricultural, and conservation uses. *Id.* All three tracts lie within the Kohala ASA and the HDWS Kawaihae-Lālāmilo-Puako water system. Hawai'i WUDP at 801-34.

TABLE 2.B: LĀLĀMILO LAND USE DESIGNATIONS

LAND USE DESIGNATION	TOTAL ACRES
Residential (422 lots)	214
Community Use (3 lots)	19
Industrial	38
Commercial	4
Total	275

*Source: Hawai'i Island Plan at 30 (May 2002).*

Future water demands associated with the Lālāmilo-Keoniki tracts are 0.214 mgd (potable) and 0.229 mgd (nonpotable). SWPP Update at 4-30. The Department has an agreement with HDWS dated June 5, 2013, under which HDWS will provide 441 units plus a 300-unit entitlement from DLNR for contribution to well development based on average

daily demand of 400 gpd per unit (total 0.296 mgd). SWPP Update at 4-30.

v. *Honokāia.*

The Honokāia tract consists of 3,243 acres proposed primarily for agricultural and pastoral use and lies within the East Mauna Kea ASA. Hawai'i WUDP at 802-24. Projected potable water needs to 2031 estimate 0.396 mgd in potable water needs. SWPP Update at 4-31. On September 18, 2018, CWRM approved a groundwater reservation for DHHL of 0.396 mgd in the Honoka'a Aquifer to meet the DHHL's long-term demand for Honokāia. Waimea Nui homesteaders identified as their second water priority the evaluation and assessment of HDWS systems in Honokāia and Ni'eni'e. Waimea Nui Regional Plan at 31. Department plans to meet potable water need overage by drawing on the HDWS Haina water system. SWPP Update at 4-29. Also, the Department met with Honokāia lessees to finalize the design of a supplemental stock water system as part of a legal settlement agreement (for a project status, see LDD's May 2019 HHC Agenda Item E-3, "Honokāia Non-Potable Water System Construction Contract Award and Budget Authorization"). As part of the legal settlement agreement, the plaintiffs (consisting of some of the Honokāia lessees) agreed to operate and maintain the water system. DHHL has been in conversation with the Plaintiff's on trying to develop a business plan to operate and maintain the system over-time.

TABLE 2.C: HONOKĀIA LAND USE DESIGNATIONS

LAND USE DESIGNATION	TOTAL ACRES
Pastoral homestead	2,336
Subsistence agriculture	538
General agriculture	93
Residential, community, conservation, commercial	276
Total	3,243

*Source: Waimea Nui Regional Plan (2012).*

vi. *Pu'ukapu.*

Two of the three Pu'ukapu tracts lie within the Kohala ASA. Pu'ukapu 2 (493 acres) and Pu'ukapu 3 (476 acres) are north of Māmalahoa Highway. Hawai'i WUDP at 801-34. Pu'ukapu 1 (10,979 acres) lies below Māmalahoa Highway. Pu'ukapu 2 and 3 tracts are inaccessible for any type of development. Waimea Nui Regional Plan at 13. Pu'ukapu 1 is

primarily designated for pastoral use; there were 454 Pu'ukapu lessees in 2011. *Id.* Long term water demands to 2031 are 0.610 mgd (potable). SWPP Update at 4-31. Long term nonpotable needs (0.8114 mgd) will be delivered through the Hawai'i State Department of Agriculture (DOA) Waimea Irrigation System. *Id.*

All Pu'ukapu tracts lie within the HDWS Waimea water system. SWPP Update at 4-32. Under the Waimea Well Agreement, HDWS allocates 198 units of water at 400 gpd per unit to the Department. SWPP Update at 4-32. In 2002, the Pu'ukapu Pasture Lot Water Strategy, prepared by Engineering Surveyors Hawai'i, Inc, concluded a non-DWS or "hybrid" system would be most feasible to develop due to cost factors. The Pu'ukapu hybrid system was designed to have a production capacity of 0.120 mgd of water, which will service the lower part of the Pu'ukapu tract consisting in potable water delivery for domestic and stock watering use for 184 ranch lots.<sup>2</sup> SWPP Update at 2-16.

In addition, the operation and maintenance contract for the Pu'ukapu system was awarded to Waimea Nui CDC in October 2018 representing the first time a homestead association became responsible for operating a DHHL water system. However, the term of that contract expired. DHHL subsequently solicited bids for a new operation and maintenance contract from prospective contractors in spring of 2020. Unfortunately, Waimea Nui CDC was not the lowest bidder during that procurement solicitation and another vendor was awarded the contract. Waimea Nui CDC's participation in the procurement process for this contract did reduce the operation and maintenance costs for the system considerably as they forced competing bidders to lower their fee.

Waimea Nui homesteaders identified as a priority water issue a determination as to whether DOA reservoirs lie on Department lands and if homesteaders can access these waters. Waimea Nui Regional Plan at 31. The Department leases lands upon which DOA maintains its 60 MG Pu'ukapu Reservoir (HI00042), constructed in 1957 at TMK No. (3) 6-4-002:125.<sup>3</sup>

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<sup>2</sup> FEA-FONSI for the Pu'ukapu Hybrid Water System, prepared for the Dep't of Hawaiian Home Lands at 1 (March 23, 2010).

<sup>3</sup> Dep't of Agriculture, State of Hawai'i, "Application for a DLNR Dam Safety Construction/ Alteration Permit No. 53 - Waimea 60 MG Reservoir (HA-0042) Dam Safety Improvement, Waimea, Hawai'i," at 1

DOA's Waimea Irrigation System (WIS) runs through the top portion of Pu'ukapu 1. SWPP Update at 4-30. Water sources for DOA's WIS include diverted flows from five streams, which are channeled into a series of open ditches and tunnels comprising the Upper Hamakua Ditch. *Id.* These flows supply the concrete-lined 60 MG Waimea Reservoir also called the Pu'ukapu Reservoir), with excess flowing to the 100 MG Pu'u Pulehu reservoir. *Id.* The 2004 Agricultural Water Use Development Plan (AWUDP) adopted recommendations from a 1997 Waimea-Pa'auilo Watershed Plan and Environmental Impact Statement, which identified future cropland areas to be irrigated by the WIS, including Pu'ukapu 1. *Id.* The 2016 legislature allocated funding to conduct planning and engineering studies to look at additional storage and system improvements to the WIS. Whether the WIS will be able to supply Pu'ukapu tract nonpotable needs depends on determinations in the forthcoming AWUDP and the aforementioned study.

2) Kawaihae.

The Kawaihae tract consists in 10,153 acres on the dry western side of Hawai'i.

TABLE 3.A: KAWAIHAE LAND USE DESIGNATIONS

LAND USE DESIGNATION	TOTAL ACRES
General agriculture	7,502
Residential	2,223
Community Use	72
Industrial/ Commercial	356
Total	10,153

*Source: Kawaihae Regional Plan 2010.*

Long term plans for the Kawaihae tract require potable water for 1,185 acres, with the other 7,046 acres put to agricultural uses requiring nonpotable water. The already developed Phase I consists of 199 residential lots (180 acres). Future homestead development in Kawaihae is constrained due to the lack of an additional water source.

Future water needs are projected to be 2.1768 mgd (potable) and 35.93 mgd (non-potable). SWPP Update at 4-31. On September 18, 2018, CWRM approved a groundwater

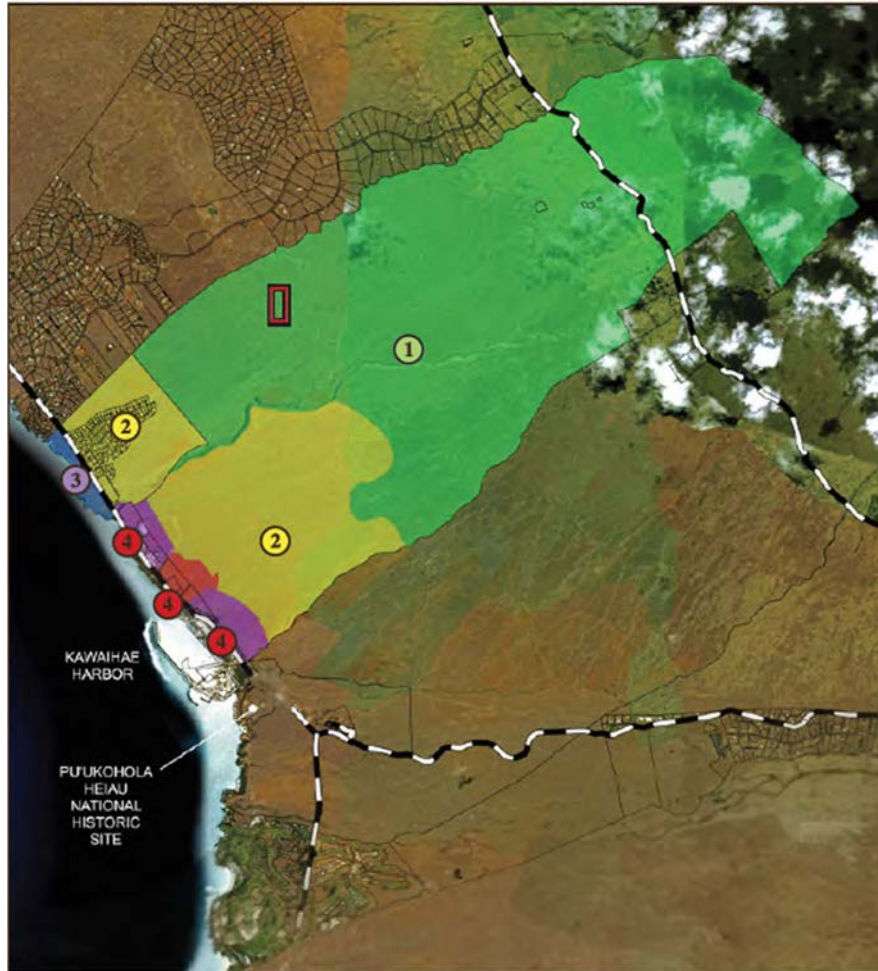
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(Sep. 14, 2012) available at: <http://hawaii.gov/dlnr/chair/meeting/submittals/120914/L-ENG-Submittals-L2.pdf>.

reservation for DHHL for 3.014 mgd from the Māhukona Aquifer to meet the DHHL's demand for Kawaihae (2.1768 mgd), Lālāmilo and Pauahi (0.2140 mgd), Keoniki (0.0152) and Pu'ukapu (0.6099). The ability to utilize this allocation in this dry area is challenging and may be additionally affected by a proposed redrawing of aquifer boundaries that CWRM is considering which is still pending.

In the 2010 DHHL Kawaihae Regional Plan, the high cost of water was identified as one of the priority issues by existing Kawaihae homestead lessees. Lessees in the region pay some of the highest water rates in the State, despite DHHL subsidizing a portion of their water bills. Potable water is provided to the lessees by DHHL's Kawaihae Water System (Public Water System No. 164) which has a capacity of 0.125 MGD and maximum daily demand of 0.081 MGD. The Kawaihae Water System source is supplied by a well that is owned and operated by Kohala Ranch, the neighboring landowner to the north.

FIGURE 2. Overview of the Kawaihae tract.



Source: Kawaihae Regional 2010

(Green = general agriculture; yellow = residential; purple = community use; red = industrial/ commercial).

Currently, the Department has an agreement with Kohala Ranch Water Co. ("Kohala Ranch") to supply water to its Kawaihae system. The agreement provides for a "temporary potable water commitment of 177,600 gpd for use by DHHL to provide domestic water to 196 lots designated Kawaihae Residence Lots, Unit 1." See Towill Study, Appx. "C" (*In the Matter of Kohala Ranch Water Co.*, Hawai'i Public Utilities Comm'n Dkt. No. 96-0388 (Decision & Order No. 15331, Jan. 23, 1997) ("Kohala Ranch agreement"). The agreement with Kohala Ranch can be terminated with two years notice by either party, although Kohala Ranch "agree[d] not to issue a notice of termination until [Kohala Ranch's] consumption reaches 1.5 mgd." *Id.* at 78. The Kohala Ranch agreement further provided that if the

Department was unable to obtain an alternate source of potable water within the two-year termination period, the Department would provide Kohala Ranch with potable water from the Kawaihae Exploratory Well A (Well No. 6448-01) in an amount equal to the amount used by the Kawaihae Residence Lots. Id. The Kawaihae Exploratory Well A, however, was later determined to be unable to produce potable water. Towill Study at Appx. "A" (Tom Nance Water Resource Engineering, "Assessment of Water Supply Alternatives for DHHL's Kawaihae Property" (revised Feb. 2014)). Development of a new water source takes approximately three to five years. Towill Study at 1. The rate that Kohala Ranch charges homesteaders for delivery of water to the DHHL system is very expensive and restricts homesteaders use of water to potable domestic uses only. Non-potable irrigation uses of this water under the terms of the agreement is not permitted. Violations of these restrictions risk cancellation of the agreement.

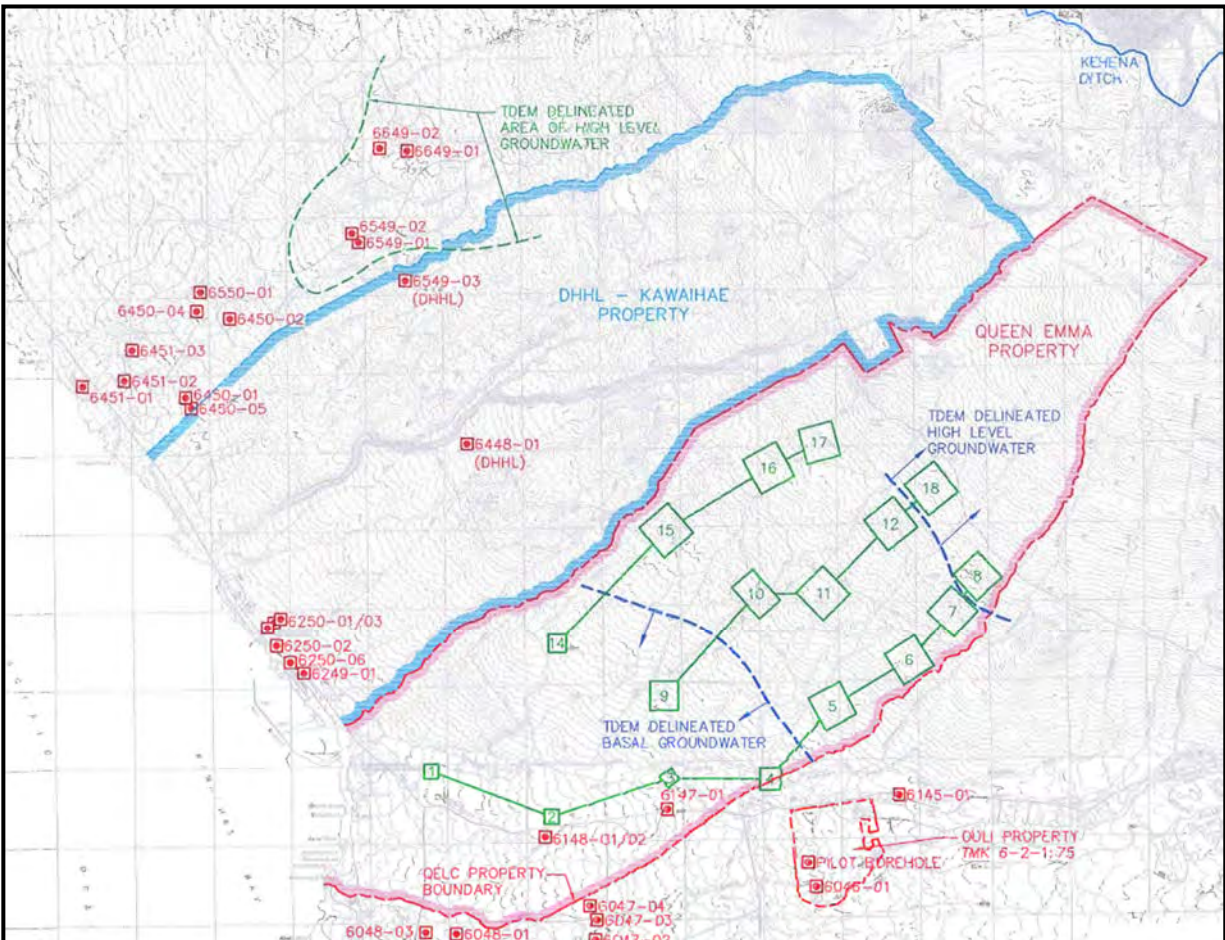
In 2015, DHHL commissioned a water source development feasibility study, conducted by the R.M. Towill Corp. The purpose of the study was to identify potential potable water source development options for the Kawaihae tract. Table 3.B summarizes the options identified in the study, a brief description, and rough order of magnitude cost for each option.



Table 3.B  
Water Development Options 2015 R.M. Towill Study

Option	Description	Cost (2013 Dollars)
Develop existing exploratory well on DHHL land	An existing exploratory well is located at higher elevation on DHHL lands. But, water produced from the well is near the upper limit of salinity levels and desalinization would be required	\$14.9M
Develop existing exploratory well on DHHL land and connect to Kohala Ranch Water System	Similar to the above option, but involves connecting to the Ranch system and expanding the Ranch's service area. However, water rates would still be controlled by the Ranch and desalinization may still be required to connect to the Ranch system. The Ranch has not indicated any interest in this option.	\$6.6M
Capture Surface Water from Kehena Ditch	Kehena Ditch is located mauka of the DHHL Kawaihae tract and traverses through DLNR and private property. The source is not constant. Improvements needed include transmission lines, 60 MG open reservoir, treatment facility, and 0.50 MG tank. DHHL would need approvals from CWRM and also enter into agreements with Kahua Ranch.	\$27M
Extend DWS System Along Akoni Pule Hwy.	DWS system ends near the DHHL industrial lots south of the Kailapa Homestead Subdivision. Extension of the County system would have to go through Honokoa Gulch and additionally County has indicated a new well would need to be developed. Easements through private property may also be needed to extend the County line to DHHL property.	\$18.5M to \$28.1M not including land acquisition
Development of Kawamata Well and transmission lines	The well is located 8 miles from the Kailapa subdivision on private property. The well is drilled and cased but has not been pump tested. DHHL would need to purchase the well and develop transmission lines to DHHL property.	\$24M not including land acquisition costs

FIGURE 3. Well locations in Kawaihae area



Source: Towill Study, Appx. "A"

The options identified in the study are all cost prohibited. The Hawaii Island Plan has prioritized DHHL lands in North Kona for future development based on waitlist beneficiary preferences to live closer to jobs in Kona. Subsequently, DHHL resources for water development in Kawaihae have been minimal.

Kailapa Community Association Initiatives to Develop Water

Subsequent investigation and planning studies initiated by the Kailapa Community Association regarding

water development have occurred over the years. Individual homesteaders are interested in developing their own wells for use on their lot. The well development process includes the lessee (well operator), a certified well driller, the Department as the landowner, and the Commission on Water Resource Management. The first well construction/pump installation permit application by a homesteader under the new draft DHHL procedures was submitted by a Kailapa lessee in 2018.

In its Community Resilience Plan (Jan 2019), the Kailapa Association has taken the initiative to identify options for an affordable potable water system and nonpotable source by exploring the Kehena Ditch option. Their Plan suggests the Department take the lead to petition CWRM for a surface water reservation in Kehena, which DHHL may consider once the capacity of the ditch and its source waters is established as part of efforts to identify sustainable, affordable water sources for this community.

Subsequent options the Association has had with regards to water development included looking at the potential to develop the well on DHHL leased lands to Millennium Carbon. However, the productive capacity of the well to serve the Kailapa community has not been confirmed and subsequently, DHHL was unable to reach an agreement with the company to continue its lease.

The Kailapa Community Association is now currently investigating the first option in the 2015 Feasibility study to develop the existing exploratory well on DHHL lands. The Association has had conversations with a local company that has developed more cost-efficient desalinization technology. However, before the option can be further investigated, more recent pump tests of the exploratory well are needed to determine the current salinity level of water from the well and needed level of desalinization treatment needed. In February 2022, the HHC approved staff recommendation to award the Kailapa Community Association a little less than \$50,000 to do pump tests.

The Kailapa Community Association has formed a water committee which has been meeting monthly. At the request of committee members, DHHL staff have also been attending these monthly meetings. Current discussions relate to

identifying potential source options in part based on the 2015 Feasibility Study and identifying information gaps needed to for the Association and DHHL to pursue a preferred option. The meeting has also served to share information among association members as well as DHHL staff.

As part of the information sharing, Association members alerted DHHL to the introduction of Bill 112 & 115 at the Hawaii County Council relating to the "Kumu Hou Housing Project at Waikoloa Village." The proposed project would provide a mix of affordable housing and timeshare units near Waikoloa Village. An amendment to the bill was proposed that would require that two percent of the gross-sale or re-sale of proceeds be donated to the Waikoloa Foundation and at least 25% of the funds donated to the Waikoloa Foundation would support water resource development for Native Hawaiian communities in the district of South Kohala. At the Council's April 5, 2022 hearing on the matter, DHHL provided written testimony in support on these bills as the Kailapa community would be a direct benefactor for future funds set-aside for this purpose.

3) Kealakehe, Keahuolū, Honokōhau, and Kalaoa.

The Kealakehe-La'i 'Ōpua planning region consists in: (1) Kealakehe - Keahuolū where the Department's portion (722 acres) of the over 1,000-acre master planned Villages of La'i 'Ōpua community is situated; (2) Kalaoa (483 acres), consisting in four non-contiguous parcels; and (3) Honokōhau (200 acres) in the makai portion, reserved for commercial uses. Hawaii'i Island Plan, at 25-26 (2002); Kealakehe-La'i 'Ōpua Regional Plan, at 11 (Nov. 18, 2009). Homesteaders in the Kealakehe- La'i 'Ōpua planning region identified North Kona water quality and availability for developments as an issue and priority. West Hawaii'i Island Plan Update, at 28 (Jan. 2009).

This planning region made up of approximately 1,500 acres is within the Keauhou ASA, which was the subject of a petition for designation as a groundwater management area (WMA) before the Water Commission. CWRM rejected the WMA petition on February 14, 2017, and instead placed eight conditions on future water development in the area. On August 17, 2015, CWRM approved a reservation request by the Hawaiian Homes Commission for water resource rights under

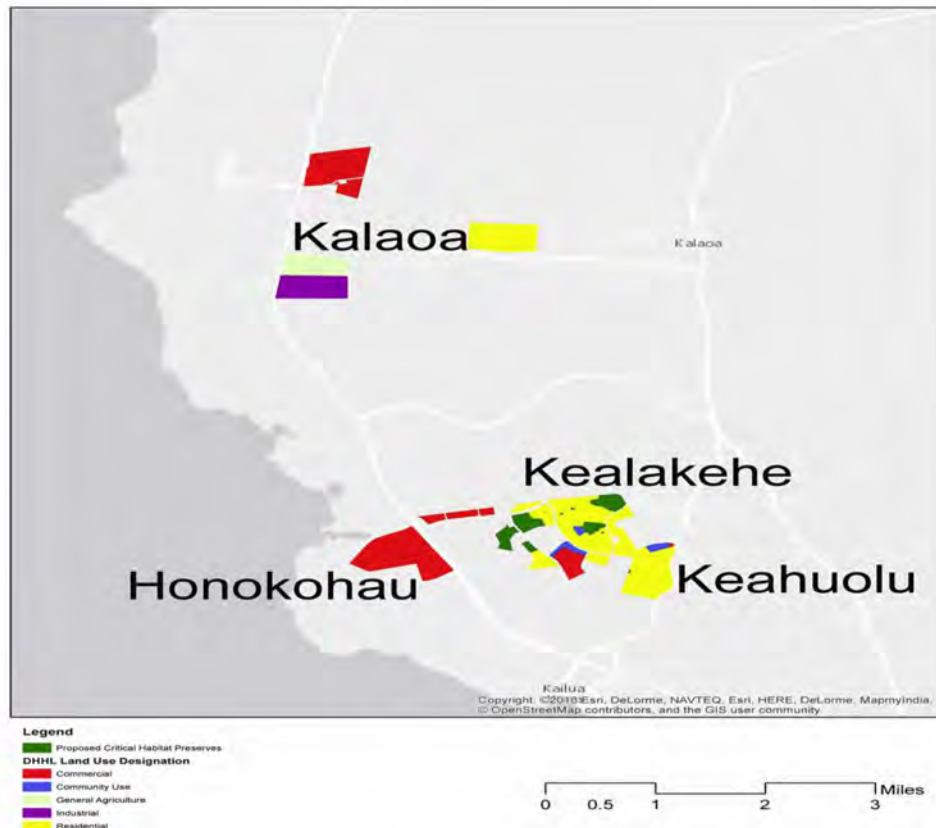
Hawai'i Revised Statutes § 174C-101(a) in the Keauhou ASA in the amount requested, 3.398 mgd.

TABLE 4.A: WEST HAWAI'I LAND USE DESIGNATIONS

LAND USE DESIGNATION	TOTAL ACRES
Residential	600
Community Use	30
General Agriculture	100
Commercial	667
Industrial	100
Total	1,497

*Source: HIP 2002 & WHIP 2009*

Figure 4: Overview of West Hawai'i Region



*Source: West Hawai'i Island Plan Update*

The Department holds 392 water credits (based on 400 gpd/unit), which were received in connection with acquisition of its lands in the Keauhou ASA.<sup>4</sup> A balance of 221 credits remains and has been applied to La'i 'Ōpua Village 4 Phase I (118 lots) and Phase II (103 out of 120 planned lots). Although 3.398 mgd of water resources have been secured through the CWRM water reservation, source development, storage, and transmission are required for the full build-out of the Villages of La'i 'Ōpua. Kealahou-La'i 'Ōpua Regional Plan, at 29. Following the rejection of the Keauhou ASA designation petition, how the reservation is transformed into "wet water" remains unclear.

In 2018, DHHL contracted a consultant to prepare an Environmental Assessment and Preliminary Engineering Report for two (2) potential water sources in the North Kona Region located on private lands. If these well sites can successfully produce water, these wells will assist

<sup>4</sup> See Hawaiian Homes Commission Meeting, Submittal for Item No. G-1: "Authorize the Chairman to Request and Pursue a Water Reservation in Keauhou, Kona, Hawaii," at 4-6 (Nov. 17-18, 2014) ("Keauhou Reservation Submittal").

the Department in meeting some of the water needs of its North Kona land holdings, which is described below in further detail. These updates are also addressed in Planning Office West Hawai'i Regional Update. DHHL is in the process of negotiating water credit agreements with the private landowners and County DWS. Subsequently, one of the landowners indicated that they were going to pursue a sale of the property on which DHHL was interested in developing source. DHHL has been in conversation with the landowner's representative about potential acquisition from DHHL. As of this writing, talks have been preliminary and the landowner's representative has indicated his client would be sending a preliminary written offer to DHHL in the coming weeks.

In December 2018, the Department commented on a Well Construction / Pump Installation Permit Application for Ota Well (Well No. 8-3557-006), which is in the Keauhou Aquifer System Area (KASA). DHHL formally requested CWRM to place conditions on the permit to accommodate the Department's reservation of water in the KASA which are protected public trust uses of water. The well is funded by and will be operated for the benefit of two State entities (Hawaii Housing Finance and Development Corporation (HHFDC) and Natural Energy Laboratory of Hawaii Authority (NELHA) and will primarily provide significant water for commercial and industrial(non-public trust uses). DHHL advocated that the permit should be conditioned on the applicant providing a small percentage of the proposed yield to DHHL in the form of County water credits following successful dedication of the well to the County. In 2020, HHFDC and NELHA agreed to provide DHHL with 18,000 gallons of water per day from the Ota well. Subsequently, an MOA was drafted to formalize an agreement between the agencies. In September 2020, the HHC authorized the Chairman to enter into an agreement with HHFDC and NELHA regarding water credits from the Ota Well.

Approval of the Ota well construction permit was considered by CWRM at their April 2021 meeting but was unanimously deferred with a request to the staff to address concerns from community members and others regarding potential impacts from the well. The CWRM Deputy Director communicated to all parties involved with the Ota Well that CWRM would like to resume meetings in the near future to address these concerns.



*i) Kealakehe- Keahuolū*

Long term water needs for Kealakehe and Keahuolū consist in 0.9098 mgd of potable water, which may be supplied through improved HDWS infrastructure. SWPP Update at 4-37 and 4-38. The HDWS 20-Year Water Master Plan (2005) recommended several CIP projects within the system including transmission waterlines. Since the finalization of the 20-Year Water Master Plan, DHHL added over 600 acres of land inventory and total water demands from West Hawai'i tracts are significant. *Id.*

The state Commission on Water Resource Management has recently been successful at isolating a fresh water source that underlies salt water in certain areas of North Kona, at the Keōpū Well sites. While the long-term sustainable production from this site is unknown, it could be a possible source of water. The County of Hawai'i is pursuing further exploration of this source of water.

TABLE 4.B: DEPARTMENT'S KEAUAHOU ASA WATER DEMANDS

AREA	LAND USE DESIGNATION	ACRES	WATER SYSTEM STANDARDS	EXISTING/ PLANNED UNITS OR ACRES	TOTAL WATER DEMAND (MGD)
Kalaoa	Commercial	384	3,000 gpd/acre	384 acres	1.152
Kalaoa	Industrial	100	4,000 gpd/acre	100 acres	0.400
Kalaoa**	General Ag	100	3,400 gpd/acre	100 acres	0.340
Kalaoa	Residential	130	400 gpd/unit	283 units	0.113
Honokōhau	Commercial	200	3,000 gpd/acre	200 acres	0.600
Kealakehe 1	Residential	50	400 gpd/unit	260 units	0.104
Kealakehe 2	Residential	50	400 gpd/unit	256 units	0.102
Kealakehe 3*	Residential	50	400 gpd/unit	225 units	0.090
Kealakehe 4*	Residential	55	400 gpd/unit	220 units	0.088
Kealakehe 5*	Residential	23	400 gpd/unit	116 units	0.046
Kealakehe 6*	Community Use	26	4,000 gpd/acre	26 acres	0.104
Kealakehe 6	Commercial	26	3,000 gpd/acre	26 acres	0.078
Kealakehe 7	Residential	11	400 gpd/unit	61 units	0.024
Kealakehe 8	Commercial	34	3,000 gpd/acre	34 acres	0.102
Kealakehe 11	Residential	24	400 gpd/unit	126 units	0.050
Kealakehe*	Preserves	97	-	97 acres	0.002
Keahuolū	Residential	140	400 gpd/unit	732 units	0.293
Keahuolū	Community Use	10	4,000 gpd/acre	10 acres	0.040
Total		1,510		2,279 units 977 acres	3.728

Source: Keauhou Reservation Submittal at 5 (2014).

\*Areas with existing water allocations or construction.

\*\*Non-potable water demand.

The Department's Villages of La'i 'Ōpua Water Master Plan (approved by HDWS on October 26, 2006) (La'i 'Ōpua Master Plan) identified potential sources of water and required water distribution system improvements to serve the Villages of La'i 'Ōpua located in Kealakehe and Keahuolū. The La'i 'Ōpua Master Plan recognized four wells as potential sources for potable water: Kealakehe Well (State Well No. 4057-04), North Keopū Well (site only), North Keopū Well (State Well No. 3957-02), and Keopū Well (State Well No. 3957-05). The wells are all owned by HDWS, except the State-

owned Keopū Well.<sup>5</sup> The La'i 'Ōpua Master Plan included service to a portion of the State of Hawai'i Housing Finance and Development Corporation's (HHFDC) former Keahuolū project. Since 2006, Forest City Hawai'i Kona, LLC and HHFDC partnered to develop Kamakana Villages, which was originally called the Keahuolū project. Forest City plans to develop Keopū Well No. 4, which would produce 1.5 mgd for the Kamakana project with a surplus, then dedicate the well to HDWS. FEA-FONSI Keōpū Well #4 Pump and Transmission Lines Project, prepared for Forest City Hawai'i Kona, LLC, at 1-1 (Jun. 2015) (Keopū well FEA). The Department proposed access to available water sources, such as Keopū well excess capacity pumpage, during the environmental assessment preparation process for the Keopū Well by comment letter dated February 12, 2015 ("[t]his remaining allocation of water credits or source could and should be available to provide water for public purposes, including the Public Trust water uses of the [Department]."). Access to Keopū well surplus would be one way of implementing a portion of the existing Keauhou water reservation. The Department is interested in partnerships to develop additional water source in the region, but those opportunities are still being investigated.

*ii) Kalaoa*

The Kalaoa tract consists in four discontinuous parcels that border the University of Hawai'i Palamanui campus. Long term water needs consist in 0.9032 mgd of potable water, which may be supplied through existing HDWS infrastructure. SWPP Update at 4-37 and 4-38.

*iii) Honokōhau*

The Honokōhau tract is designated entirely for commercial use. Long term water needs consist in 0.600 mgd of potable water, which may be supplied through existing HDWS infrastructure. SWPP Update at 4-37 and 4-38.

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<sup>5</sup> Draft Environmental Assessment for Keopu Well, Reservoir, and Water Transmission Lines Hienaloli 1-6, North Kona, Hawai'i, prepared for Hawai'i Housing Finance & Development Corp., State of Hawai'i, at 7 (Sep. 2009) ("Keopu Well DEA").[http://oeqc.doh.hawaii.gov/Shared%20Documents/EA\\_and\\_EIS\\_Online\\_Library/Hawaii/2000s/2009-10-08-HA-DEA-Keopu-Well-Reservoir.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Hawaii/2000s/2009-10-08-HA-DEA-Keopu-Well-Reservoir.pdf)

RECOMMENDATION

None; for information only.

**HAWAIIAN HOMES COMMISSION  
MAY 16 & 17, 2022  
FACE-TO-FACE &  
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, May 17, 2022

**J AGENDA INDEX**

- J-1 Al Hee – Telecommunications**
- J-2 Velma Mariano- Paukulalo Park**
- J-3 Jojo Tanimoto- Proposed renewable energy lot configuration. Lease Boundary**
- J-4 Bo Kahui - Various**
- J-5 Malia Greaney - Moloka‘i Water System Improvements**
- J-6 Kaleo Cullen – Ulupalakua Lot**
- J-7 Yvette Nakaahiki – Kaivin Farm Educational Programs**
- J-8 Blossom Feiteira - Various**
- J-9 Bill Brown – Project Kamoleao**
- J-10 Mahana Keakealani – Hui Aloha Puukapu**
- J-11 Aulani Freitas – Papakolea Beach**
- J-12 Kawehi Correa and Malama Solomon – Waikā Consulting Geothermal Undersea Power Cable**

**From:** [dhhl.icro1@hawaii.gov](mailto:dhhl.icro1@hawaii.gov)  
**To:** [Burrows-Nuuuanu, Leatrice W](#)  
**Subject:** New submission from Submit J-Agenda Testimony  
**Date:** Monday, April 18, 2022 1:18:09 PM

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**J-1**

**Name**

Albert Hee

**Email**

[alhee@waimana.com](mailto:alhee@waimana.com)

**Message**

I request this be put on the May Agenda meeting.

DHHL has been violating the terms of License 372. I have been requesting a meeting with DHHL to iron out these problems but have been forced to appeal directly to the commission because I do not receive any response. I have been told that SIC's lawyer must talk to DHHL's lawyer. There is no legal action pending between DHHL, HHC and Waimana or any of its affiliates that necessitates this. I am trying to develop a dialog to prevent both DHHL and Waimana from incurring unnecessary legal expenses. DHHL's lawyer continues to run up legal expenses by interjecting himself and DHHL into legal proceedings to which it is not a party by submitting statements in support of Hawaiian Telcom's positions and in contravention of License 372. I would like this to stop.



**From:** [Vmariano728@gmail.com](mailto:Vmariano728@gmail.com)  
**To:** [Burrows-Nuuanu, Leatrice W](#)  
**Subject:** RE: [EXTERNAL]  
**Date:** Wednesday, April 13, 2022 8:25:56 AM  
**Attachments:** [image002.png](#)

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**J-2**

Mahalo Lea Yes May will be much better. I will talk to Blossom and Commissioner God bless you.

Sent from [Mail](#) for Windows

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**From:** [Burrows-Nuuanu, Leatrice W](#)  
**Sent:** Tuesday, April 12, 2022 9:22 AM  
**To:** [Velma Mariano](#)  
**Subject:** RE: [EXTERNAL]

Aloha Aunty,  
Maybe we wait until May. Did you still need your testimony?

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](mailto:Leatrice.W.Burrows-Nuuanu@hawaii.gov)

---

**From:** Velma Mariano <[vmariano728@gmail.com](mailto:vmariano728@gmail.com)>  
**Sent:** Monday, April 11, 2022 5:57 AM  
**To:** Burrows-Nuuanu, Leatrice W <[leatrice.w.burrows-nuuanu@hawaii.gov](mailto:leatrice.w.burrows-nuuanu@hawaii.gov)>  
**Subject:** [EXTERNAL]

Aloha Lea my submission is so scattered! So much to do and I need you mana'o in proceeding and not waste commissioners time.

Perhaps I should reconsider my request, get it more aligned with prioritizing and come back to Commission in May. I will work with Blossom and Commissioner Awo.

Also didn't save my testimony can you resend to me . Auwe. God bless you. Thank you

**From:** [Jojo Tanimoto](#)  
**To:** [Burrows-Nuuanu, Leatrice W](#)  
**Subject:** [EXTERNAL] Re: HCC Contact:  
**Date:** Wednesday, April 27, 2022 1:24:08 PM  
**Attachments:** [image002.png](#)

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**J-3**

Yes.

1-I testified regarding my request to amend my daughter's lease; by restoring the original lease boundaries.

Why is it taking so long?

2-I testified regarding the Proposed Renewable Energy lot configuration. What is happening because

The state Highways has looked into using DHHL lands across the harbor and did 2 surveys, but DHHL has still not identified the alignment.

3-Kailapa subdivision is located between 2 gulches and only one entrance/exit. Population, natural hazards-fire, wind, tsunami. Earthquakes, etc. restrict our evacuation. The county is willing to work with the community to provide an emergency route. Can the department assign someone to provide this exit.

mahalo

Sent from my iPhone

On Apr 27, 2022, at 1:02 PM, Burrows-Nuuanu, Leatrice W <[leatrice.w.burrows-nuuanu@hawaii.gov](mailto:leatrice.w.burrows-nuuanu@hawaii.gov)> wrote:

Aloha Jojo,

Are you requesting to be on the J Agenda? Can you briefly list your concerns? If you want to submit written testimony to be included in the meeting packets, please email them to me by Monday, May 9<sup>th</sup>.

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](mailto:Leatrice.W.Burrows-Nuuanu@hawaii.gov)

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**From:** dhhl.icro1@hawaii.gov <[dhhl.icro1@hawaii.gov](mailto:dhhl.icro1@hawaii.gov)>

**Sent:** Wednesday, April 27, 2022 12:07 PM

**To:** Burrows-Nuuanu, Leatrice W <[leatrice.w.burrows-nuuanu@hawaii.gov](mailto:leatrice.w.burrows-nuuanu@hawaii.gov)>

**Subject:** HCC Contact:

**From:** [Craig Bo Kahui](#)  
**To:** [Burrows-Nuuanu, Leatrice W](#)  
**Subject:** Re: [EXTERNAL] Re: Confirmation of Request to Address the Hawaiian Homes Commission - Tuesday, April 19, 2022, 10:00 AM  
**Date:** Tuesday, April 19, 2022 1:30:46 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)

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Aloha Lea,

Thanks for the opportunity for allowing me to present to the Commission.

I want to make my request to present before the Commission at the next Commission meeting which will be held in Kona.

I will be present if you have live Commission hearing.

Mahalo

Bo Kahui

On Tue, Apr 19, 2022 at 12:09 PM Burrows-Nuuanu, Leatrice W <[leatrice.w.burrows-nuuanu@hawaii.gov](mailto:leatrice.w.burrows-nuuanu@hawaii.gov)> wrote:

Mahalo! sorry, this is the veterans portion of J-5. You're next! Mahalo for your patience



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](mailto:Leatrice.W.Burrows-Nuuanu@hawaii.gov)

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**From:** Craig Bo Kahui <[bokahui65@gmail.com](mailto:bokahui65@gmail.com)>

**Sent:** Tuesday, April 19, 2022 12:08 PM

**To:** Burrows-Nuuanu, Leatrice W <[leatrice.w.burrows-nuuanu@hawaii.gov](mailto:leatrice.w.burrows-nuuanu@hawaii.gov)>

**Subject:** [EXTERNAL] Re: Confirmation of Request to Address the Hawaiian Homes Commission - Tuesday, April 19, 2022, 10:00 AM

I'm waiting on the link

**From:** [dhl1.icro1@hawaii.gov](mailto:dhl1.icro1@hawaii.gov)  
**To:** [Burrows-Nuuuanu, Leatrice W](#)  
**Subject:** HCC Contact:  
**Date:** Monday, April 25, 2022 3:53:32 PM

---

**First Name**

Malia

**Last Name**

Greaney

**Email**[mgreaney2002@yahoo.com](mailto:mgreaney2002@yahoo.com)**Subject**

To Commission Secretary

**Message**

Please add me to the J Agenda for the May Commission Meeting. Mahalo, Malia

**From:** [dhhl.icro1@hawaii.gov](mailto:dhhl.icro1@hawaii.gov)  
**To:** [Burrows-Nuuuanu, Leatrice W](#)  
**Subject:** New submission from Submit J-Agenda Testimony  
**Date:** Tuesday, April 19, 2022 5:43:16 AM

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**Name**

Kaleo Cullen

**Email**

[Kaleoc67@gmail.com](mailto:Kaleoc67@gmail.com)

**Message**

Aloha Chair and members of the Commission,  
I wanted to talk about the 2 acre parcel that's owned by DHHL ,located in Ulupalakua.

**From:** [dhl.icro1@hawaii.gov](mailto:dhl.icro1@hawaii.gov)  
**To:** [Burrows-Nuuanu, Leatrice W](#)  
**Subject:** New submission from Submit J-Agenda Testimony  
**Date:** Wednesday, April 20, 2022 1:00:45 PM

---

**Name**

Yvette Nakaahiki

**Email**

[yvette\\_nakaahiki@yahoo.com](mailto:yvette_nakaahiki@yahoo.com)

**Message**

I would like the opportunity to introduce myself and my program to the committee and answer questions anyone might have. KAIVIN FARM EDUCATIONAL PROGRAMS  
Mahalo

**From:** [dhl.icro1@hawaii.gov](mailto:dhl.icro1@hawaii.gov)  
**To:** [Burrows-Nuuanu, Leatrice W](#)  
**Subject:** New submission from Submit J-Agenda Testimony  
**Date:** Tuesday, May 03, 2022 8:59:17 AM

---

**Name**

Blossom Feiteira

**Email**

[blossom96708@yahoo.com](mailto:blossom96708@yahoo.com)

**Message**

Request to testify on Item J for May 18, 2022 HHC agenda.

Mahalo,

Blossom Feiteira

**From:** [dhl.icro1@hawaii.gov](mailto:dhl.icro1@hawaii.gov)  
**To:** [Burrows-Nuuanu, Leatrice W](#)  
**Subject:** New submission from Submit J-Agenda Testimony  
**Date:** Tuesday, May 03, 2022 3:06:35 PM

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**Name**

BILL BROWN

**Email**

[pca\\_5202013@aol.com](mailto:pca_5202013@aol.com)

**Message**

SUMMARY OF TESTIMONY

1. INTRODUCTION
2. HISTORY
3. AGREEMENTS
4. HISTORY OF KAMOLEAO
5. INFRACTION OF AGREEMENT
6. RESOLVE TO AGREEMENT



**From:** [dhhl.icrol@hawaii.gov](mailto:dhhl.icrol@hawaii.gov) <[dhhl.icrol@hawaii.gov](mailto:dhhl.icrol@hawaii.gov)>

**Sent:** Monday, May 02, 2022 10:17 AM

**To:** Burrows-Nuuanu, Leatrice W <[leatrice.w.burrows-nuuanu@hawaii.gov](mailto:leatrice.w.burrows-nuuanu@hawaii.gov)>

**Subject:** New submission from Submit J-Agenda Testimony

**J-10**

Mahana Keakealani

**Email**

[huialohapuukapu@gmail.com](mailto:huialohapuukapu@gmail.com)

**Message**

Aloha mai,

I would like to submit a virtual J-Agenda testimony during the upcoming May 17, 2021 Commission Meeting. Testimony: Follow up to Request for Right of Entry following the Mana Road Fire.

Mahalo,

Mahana Keakealani

**Name**

**From:** [Aulani Freitas](#)  
**To:** [Yim, Mark K](#)  
**Cc:** [Laura Sode-Matteson](#); [Timmy Locations](#); [Pono Guerrero](#); [808yenedakine@gmail.com](#); [Burrows-Nuuanu, Leatrice W](#); [Duncan, Kaipo](#); [Albinio Jr, Peter K](#)  
**Subject:** Re: [EXTERNAL] EONTBEI - Papakolea Beach - and other DHHL land  
**Date:** Wednesday, May 04, 2022 10:16:50 AM

---

Aloha Mark,

Thank you for getting back to me! I look forward to hearing back from Leah Burrows-Nuuanu the HHC Secretary as I'm certain we both have questions for each other. It's nice to see familiar faces on email.

Mahalo,  
Aulani Freitas  
[aulanifreitas@gmail.com](mailto:aulanifreitas@gmail.com)  
808-391-8570  
Assistant Location Manager - Eye On The Ball Enterprises, Inc.  
1001 Bishop Street  
ASB Tower - Suite 2350  
Honolulu, HI 96813

On Tue, May 3, 2022 at 1:32 PM Yim, Mark K <[mark.k.yim@hawaii.gov](mailto:mark.k.yim@hawaii.gov)> wrote:

Aloha Aulani,

You may wish to present this request to the Hawaiian Homes Commission (HHC) for consideration at their next live meeting at the King Kamehameha Hotel on May 16 & 17, 2022. As we discussed, there is no guaranty that a Right of Entry can be given, due to the present situation in Papakolea. However, your company may certainly address the Commission with this request.

Please contact Leah Burrows-Nuuanu, HHC Secretary as soon as possible if your company would like to speak to the Commission on the Public agenda. She is included on this email chain. So is the agent for Kauai, Kaipo Duncan, and Kahana.

Aloha, Mark

Mark K. Yim  
Land Agent, Land Management Division  
Department of Hawaiian Home Lands  
Phone 808-620-9453



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---

**From:** Aulani Freitas <[aulani.freitas@gmail.com](mailto:aulani.freitas@gmail.com)>  
**Sent:** Friday, April 29, 2022 11:32 AM  
**To:** Yim, Mark K <[mark.k.yim@hawaii.gov](mailto:mark.k.yim@hawaii.gov)>  
**Cc:** Laura Sode-Matteson <[lauramatteson@mac.com](mailto:lauramatteson@mac.com)>; Timmy Locations <[timmylocations@gmail.com](mailto:timmylocations@gmail.com)>; Pono Guerrero <[Ponoyg@gmail.com](mailto:Ponoyg@gmail.com)>; [808yenedakine@gmail.com](mailto:808yenedakine@gmail.com)  
**Subject:** [EXTERNAL] EONTBEI - Papakolea Beach - and other DHHL land

Aloha Mark,

Thank you for taking my phone call earlier today. I spoke to my Location Manager Laura Sode Matteson who is cc'd on the email. The area of interest in Papakolea Beach (Green Sand Beach). The project is with [Jason Momoa](#) who is playing a big role in this production both behind the scenes and as one of the main characters. We are slated to start filming in August and are currently finding locations. You had made a mention that we would need to go in front of the DHHL board for approval which may be coming up soon. We are also looking into areas on Kauai and if you have Kaipo's contact that would be great! Let me know what the best approach would be moving forward. "Happy Aloha Friday" and look forward to hearing back with any questions.

--

Mahalo,

Aulani Freitas

[aulanifreitas@gmail.com](mailto:aulanifreitas@gmail.com)

**From:** [Burrows-Nuuanu, Leatrice W](#)  
**To:** [Robbie Cabral](#)  
**Cc:** [Kawehi Correa](#); [Malama Solomon](#); [Gomes, Tyler I](#); [Aila Jr, William J](#)  
**Subject:** RE: [EXTERNAL] May 16 & 17 Hawaiian Homes Commission Meeting Agenda  
**Date:** Monday, May 09, 2022 2:02:00 PM  
**Attachments:** [image002.png](#)

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Aloha e Robbie,

Mahalo, for your request. You are confirmed to testify virtually on the Commission's J Agenda scheduled for May 17, 2022, beginning at 9:30 a.m. If you have written testimony or documents for the Commission packets, please forward them to me by 10 a.m. tomorrow morning.

Please watch your email on the evening of May 10, and I'll email the filed agenda and the Zoom link (with instructions) you'll need to join the meeting.

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](mailto:Leatrice.W.Burrows-Nuuanu@hawaii.gov)

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**From:** Robbie Cabral <idghawaii@gmail.com>  
**Sent:** Monday, May 09, 2022 1:22 PM  
**To:** Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>  
**Cc:** Kawehi Correa <kawehecorrea@gmail.com>; Malama Solomon <malama\_solomon@yahoo.com>; Gomes, Tyler I <tyler.i.gomes@hawaii.gov>; Aila Jr, William J <william.j.ailajr@hawaii.gov>  
**Subject:** [EXTERNAL] May 16 & 17 Hawaiian Homes Commission Meeting Agenda

Aloha mai Ms. Burrows-Nu'uanu,

I am writing to request a confirmation if Waikā Consulting, Inc. has been included in the May 16 - 17 Hawaiian Homes Commission Meeting to present the Geothermal - Undersea Power Cable Industrial project.

We look forward to hearing from you on our request.

Mahalo,  
Robbie Cabral

--

**I Ka Wā Ma Mua, I Ka Wā Ma Hope**  
The future is in the past

*Robbie Le'a Kapi'olani Cabral*