

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

Waiola Church Hall, 535 Waianae Street, Lahaina, HI 96761,
and Zoom: Meeting ID: 958 3528 7158, Passcode: 202489
Monday, September 19, 2022, at 9:30 a.m. to be continued, if necessary, on
Tuesday, September 20, 2022, at 9:30 a.m.
Livestream available at www.dhhl.hawaii.gov/live

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov by Wednesday, September 14, 2022.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes: August 15 & 16, 2022 Regular Meeting, August 25, 2022 Special Meeting
- D. Public Testimony on Agendized Items – see information below

Public testimony on any item **relevant to this agenda** may be taken at this time, or a testifier may wait to testify at the time the agenda item is called for discussion. Pursuant to section 92-3, Hawaii Revised Statutes, and section 10-2-11(c), Hawaii Administrative Rules, the Chair of the Commission has the authority to impose reasonable conditions to ensure an orderly and efficient meeting.

II. ITEMS FOR DECISION MAKING

A. CONSENT AGENDA

Homestead Services Division

- D-2 Approval of Consent to Mortgage (see exhibit)
- D-3 Approval of Streamline Refinance of Loans (see exhibit)
- D-4 Ratification of Loan Approvals (see exhibit)
- D-5 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-6 Approval to Certify Applications of Qualified Applicants for the Month of August 2022 (see exhibit)
- D-7 Reinstatement of Deferred Application – **IDA P. OLIVERA**
- D-8 Approval of Assignment of Leasehold Interest (see exhibit)
- D-9 Approval of Amendment of Leasehold Interest (see exhibit)
- D-10 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)

B. REGULAR AGENDA

Office of the Chairman

- C-1 Approval of Lease Award Anahola Pre-Owned Residential Home-Anahola, Kauai.
Approval of Lease Award Maku‘u Farm Lot Unit 1, Agricultural Lot- Maku‘u, Hawaii.
Approval of Lease Award Kaumana Subdivision Residential Lot- Hilo, Hawaii (see exhibit)
- C-2 Approval of 2023 Legislative Proposals

Land Development Division

- E-1 Approval of Finding of No Significant Impact and Final Environmental Assessment, Maili Residential Development (former Voice of America site); TMK: (1) 8-7-010: 30 & 31, Maili, Waianae, Oahu, Hawaii
- E-2 Approval of Finding of No Significant Impact and Final Environmental Assessment, Pu'unani Homestead Subdivision Water Storage Improvements, Waikapu, District of Wailuku, Maui Island. TMK: (2)3-5-002:003 (por.)

Land Management Division

- F-1 Approval of Annual Renewal of Right of Entry Permits, Maui and Lanai Islands (see exhibit)
- F-2 Approval to First Amendment to Right of Entry No. 689, Ka Ohana O Kahikinui, Kahikinui Island of Maui, TMK No. (2) 1-9-001:003(por)
- F-3 Authorization to conduct due diligence to the Hawaiian Community Development Board, a Hawaii Non-Profit Corporation, Kalaeloa, Island of Oahu, TMK No. (1) 9-1-013:001

Planning Office

- G-1 Approve Proposed Processes for the Allocation of Water Credits and Water Meters on Water Systems Serving DHHL

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. Update on the status of discussions with the National Telecommunications and Information Administration on DHHL's pending application for Tribal Broadband Connectivity Program funds

IV. ITEMS FOR INFORMATION/DISCUSSION

A. REGULAR ITEMS

Homestead Services Division

D-1 HSD Status Reports

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

Land Development Division

- E-3 For Information Only – Progress Report on Honokowai Water System Improvements and Draft Environmental Assessment, District of Lahaina, Maui Island, Hawai'i; TMK Nos. (2) 4-4-002:008 (por.), 009 (por.), 010 (por.), 012 (por.), 016 (por.), 018 (por.), (2) 4-4-003:013 (por.), and (2) 4-4-004:002 (por.)
- E-4 For Information Only – Progress Report on Villages of Leialii, Village 1B, Leialii Parkway and Honoapiilani Highway Improvements and Draft Environmental Assessment; Wahikuli, District of Lahaina, Maui Island; TMK Nos. (2) 4-5-

021:010(por.), 014(por.), 020, 021(por.), (2)4-5-036:019, 110, 112 (por.), and
Honoapiʻilani Highway Right-of-Way (por.)

E-5 For Information Only – West Maui Project Updates

Land Management Division

F-4 For Information Only - Waiohuli Hawaiian Homesteaders Association, Inc., Waiohuli-
Keokea, Maui, TMK: (2) 2-2-028:181(portion), (2) 2-2-002:014 (portion)

F-5 For Information Only – Implementation of Act 236 SLH 2021 and request for extension
of General Lease No. 202, Prince Kuhio Plaza, LLC, Waiakea, Hawaii Island, TMK
No. (3) 2-2-047:006: 066: & :073

B. WORKSHOPS

Planning Office

G-2 For Information Only – DHHL Grants Program Status Update

G-3 For Information Only – Annual Written Update from Pūlama Lānaʻi to the Hawaiian
Homes Commission Regarding Its Public Activities, Programs, and Developments

G-4 For Information Only - Maui Water Projects and Issues Update

G-5 For Information Only – Draft Kuleana Homestead Program Procedures and
Considerations

Administrative Services Office

H-1 For Information Only – Workshop on DHHL Biennium Budget Requests for Fiscal Years
2024 and 2025 (Sufficient Sums Budget)

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

Waiola Church Hall, 535 Wainee Street, Lahaina, HI 96761,
and Zoom: Meeting ID: 926 5756 6791, Passcode: 516020

Tuesday, September 20, 2022, at 9:30 a.m

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

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** may be taken at this time, or a testifier may wait to testify at the time the agenda item is called for discussion. Pursuant to section 92-3, Hawaii Revised Statutes, and section 10-2-11(c), Hawaii Administrative Rules, the Chair of the Commission has the authority to impose reasonable conditions to ensure an orderly and efficient meeting.

II. ITEMS FOR DECISION MAKING

Administrative Services Office

H-1 Approval of DHHL Biennium Budget Requests for Fiscal Year 2024
and 2025 (Sufficient Sums Budget)

H-2 Transfer of Hawaiian Home Receipts Fund at the End of the First Quarter, FY
2023

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. Request from Kapolei Hawaii Property Company LLC (KHPC) to restructure general lease No. 276 (Ka Makana Alii).

IV. ITEMS FOR INFORMATION/DISCUSSION

A. GENERAL AGENDA

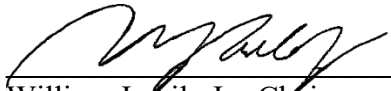
Requests to Address the Commission

- J-1 Roy Oliveira – Waiehu Kou III
- J-2 Blossom Feiteira – Various Concerns
- J-3 Donna Sterling – Water to Kahikinui and Revocable Permit Ulupalakua Parcel
- J-4 Kaleo Cullen – Kahikinui Right of Entry Extension
- J-5 Liliana Napoleon – Naiwa Agricultural Subdivision Alliance
- J-6 Bo Kahui – La'iohua Development Corporation
- J-7 Allen Cardines – Nanakuli Neighborhood Security Watch
- J-8 Gracey Gomes & Janice Herrick – Paukukalo Hawaiian Homes Community Association
- J-9 Maimiti Ho – Lease Transfer Process

- J-10 Germaine Meyers - \$600 Million Appropriation
J-11 Brandon Makaawaawa & Ian Chan Hodges – Bank of America

V. ANNOUNCEMENTS AND ADJOURNMENT

- A. Community Meeting Monday, September 19, 2022, 6:30 p.m. Lahaina Civic Center, Lahaina Civic Center, 1840 HI-30, Lahaina, HI 96761
B. Next HHC Meeting – October 17 & 18, 2022, Hilo, Hawaii
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
Vacant, 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 September 15, 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* by September 15, 2022, or (3) live, oral testimony online by joining the Zoom meeting and relabeling your profile to include the agenda item you wish to testify on. Please keep your computer muted and your camera off until you are called. You will need a computer with internet access, video camera and microphone to participate. Testimony maybe limited to a maximum of three (3) minutes per person.

ITEM C-1 EXHIBIT

APPROVAL OF LEASE AWARD ANAHOLA PREOWNED RESIDENTIAL HOME-ANAHOLA,
KAUAI

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
CAROL H APANA	10/12/1976	1	(4) 4-8-021-001	12987

APPROVAL OF LEASE AWARD MAKU‘U FARM LOT UNIT 1 AGRICULTURAL LOT- MAKU‘U,
HAWAII

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
BEATRICE N BLOCK	04/05/1972	66	(3) 1-5-121-018	12988

APPROVAL OF LEASE AWARD KAUMANA SUBDIVISION RESIDENTIAL LOT- HILO,
HAWAII

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
WILHELMINA KAMAHELE	08/26/1963	1	(3) 2-5-005-138	12986

ITEM D-2 EXHIBIT

APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
AUNA, Aaron K.	7972	Waiakea, Hawaii
CHAR, David K. F.	727	Waimanalo, Oahu
CHAR, Jacqueline L.	2167	Kewalo, Oahu
CHAR, Kelsie K.	2167	Kewalo, Oahu
CHU HING, William A. S.	5659	Keaukaha, Hawaii
COYLE, Robert	3252	Nanakuli, Oahu
DANNER, Robin P.	6529	Anahola, Kauai
KAHIAMOE, Daniel K.	10103	Waiehu Kou III, Maui
LEE, Daphne K.	3496	Paukukalo, Maui
LOO, Stanton I.	2702	Kamoku, Hawaii
LOPES, Puahone K.	12557	Kanehili, Oahu
SANBORN, Rhonda K.	2677A	Kuhio Village, Hawaii
SILVA, Marla G. K.	8669	Anahola, Kauai
VIENA, Kaleikamaile K.	6841	Waiakea, Hawaii

ITEM D-3 EXHIBIT

APPROVAL OF STREAMLINE REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
AKAU, Edward J., Jr.	11884	Kanehili, Oahu
HELEKAHI, Joe-Ann K.	773	Papakolea, Oahu
ORZECOWSKI, Shawn U.	5218	Nanakuli, Oahu

ITEM D-4 EXHIBIT
RATIFICATION OF LOAN APPROVALS

LESSEE	LEASE NO.	AREA
KANEAKUA, Harry K., Jr.	6519	Anahola, Kauai

ITEM D-5 EXHIBIT
APPROVAL OF HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
AONA, Shawlea K.	Oahu IW Res
HEICK, Iris R.	Oahu IW Res
KAMAKA, Charles K.	Maui IW Res
KAMAKAHI, Luana L.	Maui IW Agr
KAMAKELE, James K.	Hawaii IW Agr
KAMELAMELA, Adams K.	Hawaii IW Agr
KAMELAMELA, Adams K.	Hawaii IW Res
KANEAKUA, Joseph K., Jr.	Maui IW Agr
KANEKOA, William K., Jr.	Maui IW Agr
KANEKOA, William K., Jr.	Maui IW Res
KANUI, William Jr.	Hawaii IW Res
KAUPU, Joanka K.	Molokai IW Pas
KEALOHA, Frank	Waimanalo Area / Oahu IW Res
KIM, Moses S.C., Jr.	Kauai IW Res
KU, Edward	Hawaii IW Agr
KU, Edward	Hawaii IW Res
KULOLOIO, Ruth Ann N.	Maui IW Agr
LEE, Henrietta W.	Hawaii IW Agr
LEE, Walter Y.	Oahu IW Agr
LONG, Chesjoy K.	Hawaii IW Agr
LONG, Chesjoy K.	Hawaii IW Res
LONO, Maydean H.	Oahu IW Res
LONO, Maydean H.	Kauai IW Pas
LORENZO, Richard Jr.	Hawaii IW Res
LORENZO, Richard Jr.	Molokai IW Pas
MAIHUI, Benjamin N.	Waianae Area / Oahu IW Res
MALDONADO, Beverly K.	Maui IW Agr
MAUZERAL-WOLFE, Esther K.	Hawaii IW Agr
NAHOLOWAA, Elizabeth H.	Kauai IW Agr
OLAZABAL, Alice M.S.	Maui IW Agr
OLAZABAL, Alice M.S.	Maui IW Res
PATRICK, Katherine E.	Oahu IW Res
PATRICK, Katherine E.	Molokai IW Pas
PETERS, Samuel L.	Anahola Area / Kauai IW Res
POOMAIHEALANI, Edward T.	Hawaii IW Agr
PRAIS, Clifford	Maui IW Agr
REICHERT, Hester-Anne L.	Maui IW Agr
REICHERT, Hester-Anne L.	Hawaii IW Res
ROSS, Dorothy H.	Keaukaha-Waiakea Area / Hawaii IW Res

SCHUMACHER, Gene L.	Kauai IW Pas
SPENCER, Wesley K.	Kauai IW Agr
STEVENS, Louise L.	Keaukaha-Waiakea Area / Hawaii IW Res
SUPE, Helene M.K.	Hawaii IW Pas
SUPE, Helene M.K.	Hawaii IW Res
TSAL, Iwalani N.	Hawaii IW Agr
VENTURA, Jerome J.	Hawaii IW Agr
VENTURA, Jerome J.	Hawaii IW Res
VIDINHA, Kehaulani H.M.	Maui IW Res to Kauai IW Res
WOO, Merlene A.	Oahu IW Res
WOO, Merlene A.	Hawaii IW Agr
YOUNG, Lowell W.K.	Hawaii IW Agr
YOUNG, Lowell W.K.	Hawaii IW Res

* IW = Islandwide

ITEM D-6 EXHIBIT

APPROVAL TO CERTIFY APPLICATIONS OF QUALIFIED APPLICANTS FOR THE MONTH OF
August 2022

APPLICANT	AREA
AHANA, Eric L.	Oahu IW Agr
AHANA, Eric L.	Oahu IW Res
AHANA, Isaac K.	Oahu IW Agr
AHANA, Isaac K.	Oahu IW Res
AHANA, Willynn	Oahu IW Agr
AHANA, Willynn	Oahu IW Res
AKINA, John H. Jr.	Oahu IW Res
BAYBAYAN, Krist L.	Maui IW Pas
BAYBAYAN, Krist L.	Maui IW Res
BELT, Janice L.A.	Hawaii IW Res
BELT, Janice L.A.	Hawaii IW Agr
BISSSEN, Wesley K., Jr.	Maui IW Res
BISSSEN, Wesley K., Jr.	Maui IW Agr
BROWN, Mary-Ann M.	Hawaii IW Res
CARDEN-KIAHA, Kaisten H.K.	Oahu IW Agr
CARDEN-KIAHA, Kaisten H.K.	Oahu IW Res
CARVALHO, Lee L.K.	Oahu IW Agr
CARVALHO, Lee L.K.	Oahu IW Res
CHRISTENSON, Charlene N.K.	Hawaii IW Agr
CHRISTENSON, Charlene N.K.	Oahu IW Res
DECANTO, Dvette T.K.	Hawaii IW Res
DECANTO, Dvette T.K.	Hawaii IW Pas
DELEON, Justin K.	Maui IW Res
DELEON, Justin K.	Maui IW Agr
DEMOTTA, Nelson A.	Hawaii IW Res
DEMOTTA, Nelson A.	Hawaii IW Agr

DUDOIT, John L., Jr.	Oahu IW Res
FAATEA, C'mare P.K.	Oahu IW Agr
FAATEA, C'mare P.K.	Oahu IW Res
GILMAN, Kamakana	Hawaii IW Agr
GILMAN, Kamakana	Oahu IW Res
GILMAN, Kealakaikulaemaikalani K.	Oahu IW Res
HAILI, Danny H.	Kauai IW Agr
HAILI, Danny H.	Kauai IW Res
HEEN, Tai-Chung K.	Kauai IW Agr
HEEN, Tai-Chung K.	Kauai IW Res
HOOHULI, Shane A.	Kauai IW Pas
HOOHULI, Shane A.	Oahu IW Res
HOOPAI, Chyson K.K.K.	Oahu IW Agr
HOOPAI, Chyson K.K.K.	Oahu IW Res
KAHALE, Jasmine K.	Oahu IW Agr
KAHALE, Jasmine K.	Oahu IW Res
KAHALEHOE, Tyris Shey-Lynn	Maui IW Agr
KAHALEHOE, Tyris Shey-Lynn	Maui IW Res
KAHAPEA, Alexander A.H.	Oahu IW Agr
KAHAPEA, Alexander A.H.	Oahu IW Res
KAHOANO, Harry W.K.	Oahu IW Agr
KAHOANO, Harry W.K.	Oahu IW Res
KAILI, Matthew K., Jr.	Hawaii IW Res
KALAMAU, Heather L.	Oahu IW Agr
KALAMAU, Heather L.	Oahu IW Res
KALANUI, Kamakaokalani C.M.	Oahu IW Res
KALEIKINI, Bryanna	Oahu IW Res
KALUNA, John K.	Hawaii IW Agr
KALUNA, John K.	Hawaii IW Res
KANAE, Jeremiah K.	Hawaii IW Agr
KANAE, Jeremiah K.	Oahu IW Res
KASSEBEER, Jessie H.A.	Oahu IW Agr
KASSEBEER, Jessie H.A.	Oahu IW Res
KAY-MALINA-SIMMONS, Xavier K.	Hawaii IW Pas
KAY-MALINA-SIMMONS, Xavier K.	Hawaii IW Res
KEA, Pihanakealoha R.	Oahu IW Res
KELIIOKA, Christina N.P.	Maui IW Agr
KELIIOKA, Christina N.P.	Oahu IW Res
KELIIOKA, Donovan K.E., Jr.	Hawaii IW Agr
KELIIOKA, Donovan K.E., Jr.	Oahu IW Res
KELIIOKA-STRICKLAND, Kathleen I.	Kauai IW Agr
KELIIOKA-STRICKLAND, Kathleen I.	Oahu IW Res
KEMA, Edward C., Jr.	Oahu IW Agr
KEMA, Edward C., Jr.	Oahu IW Res
KOKI, Kainoa D.	Maui IW Agr

KOKI, Kainoa D.	Oahu IW Res
KOKI, Kaulana B.	Maui IW Agr
KOKI, Kaulana B.	Oahu IW Res
KOKI, Makapena R.	Kauai IW Agr
KOKI, Makapena R.	Oahu IW Res
KOKI, Nayton K.	Kauai IW Agr
KOKI, Nayton K.	Oahu IW Res
LAWELAWE, Crystal K.	Kauai IW Agr
LAWELAWE, Crystal K.	Kauai IW Res
LONZAGA, Beverly A.	Maui IW Agr
LOPEZ, Edward K.K.V.	Oahu IW Res
MAILOU, Barry L.	Maui IW Res
MAILOU, Barry L.	Maui IW Agr
MARASCO, Thomas N.	Oahu IW Agr
MARASCO, Thomas N.	Oahu IW Res
NAAUAO, Vernon K.	Oahu IW Agr
NAAUAO, Vernon K.	Oahu IW Res
NAEOLE, Kaimana K.A.	Hawaii IW Agr
NAEOLE, Kaimana K.A.	Oahu IW Res
NAONE, Abraham L.L., Jr.	Oahu IW Res
NAVARRO, Luis C., Jr.	Oahu IW Res
NIHIPALI, Byee H.A.	Hawaii IW Agr
ORTIZ, Kristy K.K.	Oahu IW Res
PAAKAULA-CABRAL, Jazimin K.	Oahu IW Res
PAAKAULA-CABRAL, Jazimin K.	Hawaii IW Agr
PARK, Kaikoo K.	Oahu IW Agr
PARK, Kaikoo K.	Oahu IW Res
PENEKU, Kaikaina H.	Kauai IW Agr
PENEKU, Kaikaina H.	Oahu IW Res
PERALTA, Wilfred L.	Kauai IW Agr
PERALTA, Wilfred L.	Kauai IW Res
RAINT, Lucille M.M.	Oahu IW Res
RAMOS, Johnalynn K.	Hawaii IW Agr
RAMOS, Johnalynn K.	Hawaii IW Res
RICHARDSON, Reygene A.M.K.	Hawaii IW Res
SEPTIMO, Elaine L.	Maui IW Agr
SEPTIMO, Elaine L.	Oahu IW Res
SIMMONS, Shorene P.	Hawaii IW Pas
SIMMONS, Shorene P.	Hawaii IW Res
SPINNEY-TAKETA, Shanice-Tiara K.	Hawaii IW Res
SPINNEY-TAKETA, Shanice-Tiara K.	Hawaii IW Agr
STALLWORTH, Edi Anne L.	Oahu IW Res
TRIPP-CARVALHO, Ashton K.	Hawaii IW Res
TRIPP-CARVALHO, Ashton K.	Hawaii IW Agr
TRIPP-CARVALHO, Salichaann K.	Hawaii IW Res

TRIPP-CARVALHO, Salichaann K.
 TRIPP-CARVALHO, Trayson K.
 TRIPP-CARVALHO, Trayson K.
 UMIAMAKA, Gregory K.
 VISORIA, Nadine U.
 WILLING, Cordell K.
 WILLING, Cordell K.
 WISE, David K., Jr.
 WRIGHT, Valerie A.L.K.
 WRIGHT, Valerie A.L.K.

Hawaii IW Pas
 Hawaii IW Res
 Hawaii IW Agr
 Oahu IW Res
 Oahu IW Res
 Molokai IW Pas
 Kauai IW Res
 Oahu IW Agr
 Oahu IW Agr
 Oahu IW Res

* IW = Islandwide

ITEM D-8 EXHIBIT

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
GUARNA, Lenae L.	9603	Kalawahine, Oahu
VARGAS, Alberta K.	9603	Kalawahine, Oahu
JEREMIAH, Cindy K.	4597	Waianae, Oahu
KAN HAI, John K.	10053	Waiehu Kou III, Maui
GOMES, Melvyna K.	10053	Waiehu Kou III, Maui
LEE, Caroline L.	8722	Waianae, Oahu
MACOMBER, John	9249	Kaniohale, Hawaii
MEDEIROS, David A.	778	Papakolea, Oahu
MEDEIROS, Naomi L.	778	Papakolea, Oahu
KAAKIMAKA, Rhoda Ann K.	778	Papakolea, Oahu
PIA, Teresa L.	6529	Anahola, Kauai
SINCLAIR, Ethel P.	8648	Waianae, Oahu
NUGENT, Chessine E. O.	10728	Laipua, Hawaii
PAGAN, Robert A., Jr.	10798	Laipua, Hawaii

ITEM D-9 EXHIBIT

APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
COYLE, Robert	3252	Nanakuli, Oahu
FERGERSTROM, Irene L.	2675	Kamoku, Hawaii
KAMAKA, Charles K., Jr.	2210	Kewalo, Oahu
KUKAHIKO, Levonne L.	3412	Kewalo, Oahu
MEDEIROS, David A.	778	Papakolea, Oahu
MENDONCA, Ilona K.	923	Papakolea, Oahu
WRIGHT, Esther N.	923	Papakolea, Oahu
NE, Gerald I.	15	Kalamaula, Molokai
NE, Gerald I.	15	Kalamaula, Molokai
SHEA, Carrie	2154	Kewalo, Oahu

ITEM D-10 EXHIBIT

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

LESSEE	LEASE NO.	AREA
GREGORY, Valerie Y.	10085	Waiehu Kou III, Maui
HALEAKALA, Anthony M.	9529	Waiehu Kou II, Maui
HOOKANO, Stephanie A.	3450	Paukukalo, Maui
HOKOANA, Jerome D. P.	3450	Paukukalo, Maui
KAILIEHU-LEAL, Robyn G. N.	10036	Waiehu Kou III, Maui
KAN HAI, Tanya Jolene K. L. H.	10053	Waiehu Kou III, Maui
NOHARA, Randolyn L.	3949	Waimanalo, Oahu
PALI, Wesley K.	9923	Waiehu Kou III, Maui
REMMERS, Lesly M. S.	9912	Waiakea, Hawaii
UBEDEI, Mona M. L.	5060	Keaukaha, Hawaii
WALKER, Samuel F., Sr.	9255	Kaniohale, Hawaii

ITEM F-1 EXHIBIT

ANNUAL RENEWAL OF RIGHT OF ENTRY PERMITS – MAUI AND LANAI ISLANDS

NO.	ACRE	USE	PERMITTEE	LOCATION	TMK	Date Started
493	6.820	Community	Waiohuli Hawaiian Homesteaders Association	Kula	(2) 2-2-002:056(P)	10/1/2005
496	69.000	Community	Keokea Homestead Farm Lot Association	Keokea	(2) 2-2-002:055	2/8/2010
497	3.00	Community	Villages of Lei Alii Association	Leialii	(2) 4-5-021:020(p)	4/1/2013
510	25.000	Pastoral	Alton & Joelle Aoki	Lanai City	(2) 4-9-002:057	3/19/1982

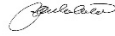
**HAWAIIAN HOMES COMMISSION
SEPTEMBER 19 & 20, 2022
FACE-TO-FACE &
INTERACTIVE CONFERENCE
TECHNOLOGY**

**C – ITEMS
OFFICE OF THE CHAIRMAN**

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 19, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Paula Aila, Acting Administrator, 
Contact & Awards Division

FROM: Michelle Hitzeman, HALE Manager
Moana Freitas, Case Management Specialist
Contact & Awards Division

SUBJECT: Approval of Lease Award

RECOMMENDED MOTION/ACTION

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

DISCUSSION

Anahola Pre-Owned Residential Home – Anahola, Hawaii

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
CAROL H APANA	10/12/1976	1	(4) 4-8-021-001	12987

Maku'u Farm Lots Unit 1 Agricultural Lot – Hilo, Hawaii

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
BEATRICE N BLOCK	04/05/1972	66	(3) 1-5-121-018	12988

Kaumana Subdivision Residential Lots – Hilo, Hawaii

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
WILHELMINA KAMAHELE	08/26/1963	1	(3) 2-5-005-138	12986

ITEM NO. C-1

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 19-20, 2022

To: Chairman and Members, Hawaiian Homes Commission

From: Oriana Leao, NAHASDA Government Relations Program Specialist *Oriana Leao*

Subject: Approval of 2023 Legislative Proposals

RECOMMENDED ACTION/MOTION:

That the Hawaiian Homes Commission approve the legislative proposals to be recommended for inclusion in the Administration's legislative package for the 2023 Regular Session.

DISCUSSION

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

The department solicited recommendations for legislative proposals and received 30 proposals. Here's a summary of the proposals:

Issue	Submitted by	Result
ENFORCEMENT UNIT		
Create DHHL Enforcement Unit to address homestead community health and safety concerns including, but not limited to domestic violence disputes.	Lessee	Included
Create DHHL Enforcement Unit and draft language that notes the importance of connecting DHHL administrative functions with subject of criminal activity to achieve better understanding of DHHL compliance rules and processes and to create proactive and preventive measures as opposed to reactionary actions. Create DHHL Enforcement Unit to be a unique, efficient, and proficient entity that serves beneficiaries, instead of practicing a model of incarceration.	Lessee	Included

Create DHHL Enforcement Unit to eliminate number of Contested Case Hearings.	Lessee	Included
Create DHHL Enforcement Unit to enforce lease regulations.	Commissioner	Included
DHHL Enforcement unit needed on homesteads.	Commissioner	Included
REPRESENTATION ON CWRM		
Add DHHL representative to CWRM.	Commissioner	Included
Add DHHL representative to CWRM.	Beneficiary	Included
HHCA BLOOD QUANTUM REQUIREMENT		
Petition Congress to amend HHCA blood quantum requirement for successorship to waiting list, from 50% (current quantum requirement) to 25% (proposed quantum requirement).	Applicant	More review
Petition Congress to amend HHCA blood quantum requirement to lineal descendant requirement.	Lessee	More review
Petition Congress to amend the HHCA blood quantum requirement for application to the DHHL waiting list, from ½ or 50% (current quantum requirement) to 1/32 or 0.03% (proposed quantum requirement).	Beneficiary	More review
Petition Congress to amend the HHCA blood quantum requirement for application to the DHHL waiting list, from 50% (current quantum requirement) to 25% (proposed quantum requirement).	Lessee	More review
REPRESENTATION ON COUNTY WATER BOARDS		
Add DHHL representative to County Water Boards.	Commissioner	More review
Add DHHL representative to County Water Boards.	Beneficiary	More review
MOLOKAI IRRIGATION SYSTEM		
Transfer the Molokai Irrigation System from the State Department of Agriculture (DOA) to DHHL.	Lessee	More review
Transfer the Molokai Irrigation System from the State Department of Agriculture (DOA) to DHHL.	Beneficiary	More review
PARKS		
Transfer the Pala'au State Park from the State Department of Land and Natural Resources (DLNR) to DHHL.	Lessee	More review
Transfer the Kalaupapa National Park from National Park Service (NPS) to DHHL.	Lessee	More review
Petition State of HI to provide matching funds for development of Mālama Park.	Lessee	Sufficient Sums Request
OTHER		

Use funds from Act 279 to fund vertical construction cost of houses off Hawaiian Home Lands for applicants on DHHL's waiting list.	Applicant	More review
Request for mother to succeed to grandfather's position on waiting list.	Lessee	Does not require legislation Request for amendment to Administrative Rule 10-3-8 – TRANSFER OF APPLICATION RIGHTS
Request to live "off-grid" with no water.	Lessee	More review
Amend HHCA to remove Private Mortgage Insurance (PMI) requirement for loan with a LTV (loan to value) of 80% or less.	Beneficiary	More review
<p>Create a staffed DHHL relocation program that permits lessees to register with DHHL to sell their leases for job changes.</p> <p>The leases must be sold at market value. If a lease does not sell within 90 days, DHHL would pay the lessee the market value. If the lessee moves to another location in Hawai'i they would be given the opportunity for a new lease and placed at the top of the list. DHHL would recover the money paid out through the assignment/sale of the old lease to a new lessee.</p> <p>In the case of a relocation to the continental U.S. the lessee's name is added back onto the list with the hope that they eventually return home.</p>	Beneficiary	Does not require legislation Request for amendment to Administrative Rule 10-3-7 – PRIORITY AND PREFERENCE FOR AWARD OF LEASES
Create liaison position for County and DHHL.	Beneficiary	Does not require legislation
Recognize biological relationship in adoptions to allow the transfer or succession of a beneficiary interest.	Staff	Included
Create a new section of the HRS that allows DHHL after consultation with beneficiaries to issue interim rules which shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of Chapter 91 as long as the interim rules shall be effective for not more than eighteen months.	Staff	Included

Repeal the July 1, 2024, sunset of Act 141, Session Laws of Hawaii 2009, and the July 1, 2024, sunset of Act 98, Session Laws of Hawaii 2012, to make a pilot affordable housing credit program permanent.	Staff	Included
Repeal the July 1, 2024, sunset of Act 197, Session Laws of Hawaii 2021, to make permanent the exclusion of housing developed by the Department of Hawaiian Home Lands from school impact fees.	Staff	Included
Allow for the expenditure of funds appropriated in Act 279, Session Laws of Hawaii 2022 until June 30, 2025.	Staff	Included
<p>Request for new source of potable water and an emergency access road for the Kailapa subdivision located between 2 gulches.</p> <p>Request for legislature to fund extending the County water transmission from the DHHL commercial lots to Kailapa. This would increase the amount of water to Kailapa and provide an opportunity to build a Kupuna housing project in Kailapa.</p> <p>Request for access to include connection to the Kawaihae harbor and support finally, the Harbor Bypass road to help the homestead communities and public traffic to evacuate Kawaihae via a safe passage.</p>	Lessee	Sufficient Sums Request

After considering the responses received, the summary of the ten (10) draft legislative proposals are presented below and the actual draft of the bills and justification sheets are enclosed in Exhibit 'A'.

PROPOSAL SUMMARIES

Proposal HHL-01(23)

RELATING TO INDEPENDENT LEGAL COUNSEL

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

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

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

Proposal HHL-02(23)

RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT

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

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

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

Proposal HHL-03(23)

RELATING TO HOUSING

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

The Department provides homesteads for native Hawaiians at affordable rates when compared to similar development available in Hawaii. In order to further the interest of

beneficiaries, any development of homestead lots or housing for the Department should be exempt from general excise taxes.

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

Proposal HHL-04(23)

RELATING TO HISTORIC PRESERVATION REVIEWS

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

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

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

Proposal HHL-05(23)

RELATING TO INTERIM ADMINISTRATIVE RULES OF THE DEPARTMENT OF HAWAIIAN HOME LANDS

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

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

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

Proposal HHL-06(23)

RELATING TO COMPLIANCE AND ENFORCEMENT ON HAWAIIAN HOME LANDS

This proposal establishes a compliance and enforcement program within the Department to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder as well as all other state laws and rules, and county ordinances on Hawaiian Home Lands.

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

This measure has not been part of the Administration's legislative package.

Proposal HHL-07(23)

RELATING TO ADOPTION

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

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

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

Proposal HHL-08(23)

RELATING TO AFFORDABLE HOUSING ON HAWAIIAN HOME LANDS

This proposal repeals the July 1, 2024, sunset of Act 141, Session Laws of Hawaii 2009, and the July 1, 2024, sunset of Act 98, Session Laws of Hawaii 2012, to make the affordable housing credit program permanent.

Proposal HHL-09(23)
RELATING TO SCHOOL IMPACT FEES

This proposal repeals the July 1, 2024, sunset of Act 197, Session Laws of Hawaii 2021, to make permanent the exclusion of housing developed by the Department of Hawaiian Home Lands from school impact fees.

Proposal HHL-10(23)
RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS

This proposal allows for the expenditure of funds appropriated in Act 279, Session Laws of Hawaii 2022 until June 30, 2025.

RECOMMENDED ACTION/MOTION:

Staff respectfully requests approval of the motion as recommended.

EXHIBIT A

HHC Item C-2 : Approval of 2023 Legislative Proposals

____.B. NO. _____

A BILL FOR AN ACT

RELATING TO INDEPENDENT LEGAL COUNSEL.

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

1 SECTION 1. The legislature finds that Congress through the
2 Hawaiian Homes Commission Act, 1920, as amended (HHCA), set
3 aside lands to be used for the benefit of native Hawaiians. As
4 required by the Admission Act and as a compact with the United
5 States, the State of Hawaii and the people of Hawaii adopted the
6 HHCA as a provision of the Hawaii State Constitution and agreed
7 to faithfully carry out the spirit of the HHCA for the
8 rehabilitation of the Hawaiian race. These trust
9 responsibilities remain to this day.

10 Given this unique and significant history, the department
11 of Hawaiian home lands should be allowed to retain independent
12 legal counsel despite being one of eighteen principal
13 departments of the executive branch of state government. At the
14 same time, the option of utilizing the services of the attorney
15 general as needed remains available.

16 The purpose of this Act is to allow the department of
17 Hawaiian home lands to retain independent legal counsel.

____.B. NO.____

Section 2. Section 28-8.3, Hawaii Revised Statutes, is amended as follows:

(1) By amending subsection (a) to read as follows:

"(a) No department of the State other than the attorney general may employ or retain any attorney, by contract or otherwise, for the purpose of representing the State or the department in any litigation, rendering legal counsel to the department, or drafting legal documents for the department; provided that the foregoing provision shall not apply to the employment or retention of attorneys:

(1) By the public utilities commission, the labor and industrial relations appeals board, and the Hawaii labor relations board;

(2) By any court or judicial or legislative office of the State; provided that if the attorney general is requested to provide representation to a court or judicial office by the chief justice or the chief justice's designee, or to a legislative office by the speaker of the house of representatives and the president of the senate jointly, and the attorney general declines to provide such representation on the grounds of conflict of interest, the attorney general

____.B. NO.____

- 1 shall retain an attorney for the court, judicial, or
2 legislative office, subject to approval by the court,
3 judicial, or legislative office;
4 (3) By the legislative reference bureau;
5 (4) By any compilation commission that may be constituted
6 from time to time;
7 (5) By the real estate commission for any action involving
8 the real estate recovery fund;
9 (6) By the contractors license board for any action
10 involving the contractors recovery fund;
11 (7) By the office of Hawaiian affairs;
12 (8) By the department of commerce and consumer affairs for
13 the enforcement of violations of chapters 480 and
14 485A;
15 (9) As grand jury counsel;
16 (10) By the Hawaii health systems corporation, or its
17 regional system boards, or any of their facilities;
18 (11) By the auditor;
19 (12) By the office of ombudsman;
20 (13) By the insurance division;
21 (14) By the University of Hawaii;
22 (15) By the Kahoolawe island reserve commission;

____.B. NO.____

(16) By the division of consumer advocacy;

(17) By the office of elections;

(18) By the campaign spending commission;

(19) By the Hawaii tourism authority, as provided in
section 201B-2.5;

(20) By the division of financial institutions;

(21) By the office of information practices;

(22) By the school facilities authority; [~~or~~]

(23) By the department of Hawaiian home lands; provided
that:

(A) The department of Hawaiian home lands may use the
services of the attorney general as needed; and

(B) Legal fees owed to independent counsel shall be
paid by the State; or

~~[(23)]~~ (24) By a department, if the attorney general, for
reasons deemed by the attorney general to be good and
sufficient, declines to employ or retain an attorney
for a department; provided that the governor waives
the provision of this section."

(2) By amending subsection (c) to read as follows:

"(c) Every attorney employed by any department on a full-
time basis, except an attorney employed by the public utilities

____.B. NO.____

1 commission, the labor and industrial relations appeals board,
2 the Hawaii labor relations board, the office of Hawaiian
3 affairs, the Hawaii health systems corporation or its regional
4 system boards, the department of commerce and consumer affairs
5 in prosecution of consumer complaints, insurance division, the
6 division of consumer advocacy, the University of Hawaii, the
7 Hawaii tourism authority as provided in section 201B-2.5, the
8 office of information practices, the department of Hawaiian home
9 lands, or as grand jury counsel, shall be a deputy attorney
10 general."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

14

15 INTRODUCED BY: _____

16

BY REQUEST

____.B. NO. _____

Report Title:

Department of Hawaiian Home Lands; Legal Counsel

Description:

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

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO INDEPENDENT
LEGAL COUNSEL.

PURPOSE: To allow the Department of Hawaiian Home
Lands to retain independent legal counsel
to be paid by the State and also use the
services of the Attorney General as
needed.

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

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

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

Impact on the department and other agencies:
This proposal could reduce the legal
services provided by the Department of the
Attorney General.

GENERAL FUND: \$500,000.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES: None.

EFFECTIVE DATE: Upon approval.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

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

1 SECTION 1. The legislature finds that section 174C-101(a),
2 Hawaii Revised Statutes, requires decisions of the commission on
3 water resource management to incorporate and protect adequate
4 reserves of water for current and foreseeable development and
5 use of Hawaiian home lands. The purpose of this Act is to add
6 the chair of the Hawaiian homes commission, or the chair's
7 designee, to the commission on water resource management in a
8 similar ex officio membership as the director of health or the
9 director's designee.

10 SECTION 2. Section 174C-7, Hawaii Revised Statutes, is
11 amended by amending subsections (a) and (b) to read as follows:

12 "(a) There is established within the department a
13 commission on water resource management consisting of [~~seven~~
14 eight members which shall have exclusive jurisdiction and final
15 authority in all matters relating to implementation and
16 administration of the state water code, except as otherwise
17 specifically provided in this chapter.

____.B. NO.____

(b) Five members shall be appointed by the governor subject to confirmation by the senate in the manner prescribed in subsection (d). Each ~~[member]~~ of these five members shall have substantial experience in the area of water resource management; provided that at least one member shall have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage such as those preserved by section 174C-101. The chairperson of the board of land and natural resources shall be the chairperson of the commission. The director of health and the chair of the Hawaiian homes commission or ~~[the director's designee]~~ their respective designees shall serve as ~~[an]~~ ex officio~~[+]~~,~~[+]~~ voting ~~[member.]~~ members."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: _____

BY REQUEST

____.B. NO. _____

Report Title:

Commission on Water Resource Management; Membership

Description:

Adds the Chair of the Hawaiian Homes Commission or the Chair's designee to the Commission on Water Resource Management.

Increases number of commission members from seven to eight, with only five of eight required to have substantial experience in water resource management.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

PURPOSE: To add the Chair of the Hawaiian Homes Commission or the Chair's designee to the Commission on Water Resource Management.

MEANS: Amend section 174C-7(a) and (b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: The State Water Code requires that decisions of the Commission on Water Resource Management incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian Home Lands. Allowing the Chair of the Hawaiian Homes Commission or the Chair's designee to serve on the Commission on Water Resource Management, would provide an opportunity for the Chair or the Chair's designee to participate in setting policies, defining uses, and establishing priorities and procedures over land-based surface water and ground water resources, which are key components of the development and use of Hawaiian Home Lands.

Clarifies in section 174C-7(b), HRS, that only five water commission members selected by the Governor must have substantial experience in the area of water resource management.

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

Impact on the department and other agencies:

An additional member would serve on the
Commission on Water Resource Management.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: Commission on Water Resource Management.

EFFECTIVE DATE: Upon approval.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO HOUSING.

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

1 SECTION 1. The legislature finds that homestead lots or
2 housing developed for the department of Hawaiian home lands
3 awarded to native Hawaiians are offered at affordable rates when
4 compared to similar housing opportunities available in Hawaii.
5 The purpose of this Act is to exempt any development of
6 homestead lots or housing for the department of Hawaiian home
7 lands from general excise and use taxes.

8 SECTION 2. Chapter 237, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§237- Exemptions for any development of homestead lots
12 or housing for the department of Hawaiian home lands. (a) This
13 chapter shall not apply to gross proceeds of sale or gross
14 income arising from the planning, design, financing, or
15 construction of any development of homestead lots or housing,
16 including on- and off-site infrastructure and appurtenances, for
17 the department of Hawaiian home lands as provided in this
18 section.

____.B. NO.____

1 (b) The exemption eligibility shall be approved by the
2 department of Hawaiian home lands and shall apply to the amounts
3 derived by any qualified person or firm from a newly constructed
4 or a moderately or substantially rehabilitated project that is
5 developed:

6 (1) For the department of Hawaiian home lands;

7 (2) Under a government assistance program approved by the
8 department of Hawaiian home lands;

9 (3) Under the sponsorship of a nonprofit organization
10 providing home rehabilitation or new homes for
11 qualified families in need of decent, low-cost
12 housing; or

13 (4) To provide affordable rental housing where at least
14 fifty per cent of the available units are for
15 households with incomes at or below eighty per cent of
16 the area median family income as determined by the
17 United States Department of Housing and Urban
18 Development.

19 (c) All claims for exemption under this section shall be
20 filed with and certified by the department of Hawaiian home
21 lands and forwarded to the department of taxation by the

____.B. NO.____

1 claimant. Any claim for exemption that is filed and approved
2 shall not be considered a subsidy.

3 (d) The department of Hawaiian home lands may establish,
4 revise, charge, and collect a reasonable service fee, as
5 necessary, in connection with its approvals and certifications
6 of the exemption under this section. The fees shall be
7 deposited into the Hawaiian home operating fund.

8 (e) For purposes of this section:

9 "Homestead lot":

10 (1) Means a lot of residential, agricultural or pastoral
11 use to be awarded pursuant to the Hawaiian Homes Commission Act,
12 1920, as amended, including but not limited to on- and off-site
13 infrastructure requirements and dwelling units.

14 "Moderately rehabilitated":

15 (2) Means rehabilitation to upgrade a dwelling unit to a
16 decent, safe, and sanitary condition; or includes the repair or
17 replacement of major building systems or components in danger of
18 failure.

19 "Substantially rehabilitated":

20 (1) Means the improvement of a property to a decent, safe,
21 and sanitary condition that requires more than routine

7 (2) Includes the renovation, alteration, or remodeling to
8 convert or adapt structurally sound property to the
9 design and condition required for a specific use, such
10 as conversion of a hotel to housing for elders."

13 "(j) The tax imposed by this chapter shall not apply to
14 any use of property, services, or contracting exempted by
15 section 237-26 ~~[or]~~, section 237-29 , or section 237- ."

18 SECTION 5. This Act shall take effect on January 1, 2024.

21 BY REQUEST

____.B. NO. _____

Report Title:

Department of Hawaiian Home Lands; General Excise Tax Exemption;
Use Tax Exemption

Description:

Exempts any development of homestead lots or housing for the
Department of Hawaiian Home Lands from general excise and use
taxes.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO HOUSING.

PURPOSE: To exempt any development of homestead lots or housing for the Department of Hawaiian Home Lands from general excise taxes.

MEANS: Add a new section to chapter 237 and amend section 238-3(j), Hawaii Revised Statutes.

JUSTIFICATION: The savings resulting from the exemption from general excise land use taxes that the Department of Hawaiian Home Lands can accrue from this measure would be applied to the development of additional housing and associated infrastructure allowing the Department to more fully commit the funding received toward its mission, which will encourage and enable the production of more homestead lots or housing units for beneficiaries of the Hawaiian Homes Commission Act 1920, as amended.

Impact on the public: This bill further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by exempting any development of homestead lots or housing for the Department of Hawaiian Home Lands from general excise taxes.

Impact on the department and other agencies: More funding could be allocated toward the development of homestead lots or housing instead of taxes.

GENERAL FUND: \$23,000,000.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED

Page 2

AGENCIES: None.

EFFECTIVE DATE: January 1, 2024.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION REVIEWS.

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

1 SECTION 1. The legislature finds that section 6E-8, Hawaii
2 Revised Statutes, plays an important role in the protection and
3 management of the State's historic properties and burial sites.
4 Section 6E-8(b) requires the department of Hawaiian home lands,
5 prior to any proposed project relating to lands under its
6 jurisdiction, to consult with the department of land and natural
7 resources regarding the effect of the project upon historic
8 property or a burial site. The purpose of this Act is to allow
9 the department of Hawaiian home lands to assume review of the
10 effect of any proposed project on historic properties or burial
11 sites for lands under its jurisdiction.

12 SECTION 2. Section 6E-8, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) [The] Notwithstanding subsection (a), the department
15 of Hawaiian home lands~~[, prior to]~~ may assume review of any
16 proposed project relating to lands under its jurisdiction~~[~~
17 ~~shall consult with the department regarding the effect of the~~
18 ~~project upon historic property or a burial site.]~~ pursuant to

____.B. NO.____

this section, and pursuant to any administrative rule adopted
thereunder; provided that the department of Hawaiian home lands
shall:

(1) Designate the review to a Hawaiian home lands
preservation officer who has professional competence
and experience in the field of historic preservation;
and

(2) Ensure that copies of all reports, maps, and
documents, including those reflecting the Hawaiian
home lands preservation official's comments,
recommendations, and decisions, are provided to the
department to be incorporated into the historic
preservation digital document management system and
library.

The department shall retain authority for review under this
section for projects affecting properties listed or nominated
for inclusion in the Hawaii register of historic places or the
national register of historic places."

SECTION 3. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

2

4

BY REQUEST

____.B. NO._____

Report Title:

Historic Preservation; Department of Hawaiian Home Lands;
Project Reviews of Proposed State Projects

Description:

Allows the Department of Hawaiian Home Lands to assume historic preservation review of the effect of any proposed project for lands under its jurisdiction except for projects affecting properties listed or nominated for inclusion in the Hawaii register of historic places or the national register of historic places.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION REVIEWS.

PURPOSE: To allow the Department of Hawaiian Home Lands to assume review of the effect of any proposed project for lands under its jurisdiction except for projects affecting properties listed or nominated for inclusion in the Hawaii register of historic places or the national register of historic places.

MEANS: Amend section 6E-8(b), Hawaii Revised Statutes.

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

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

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

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: Department of Land and Natural Resources.

EFFECTIVE DATE: Upon approval.

____.B. NO._____

A BILL FOR AN ACT

RELATING TO INTERIM ADMINISTRATIVE RULES OF 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 department of
2 Hawaiian home lands conducts beneficiary consultation as defined
3 in section 10-4-60, Hawaii Administrative Rules prior to
4 initiating the rule making process pursuant to Chapter 91,
5 Hawaii Revised Statutes, which lengthens the time required to
6 implement administrative rules. The purpose of this Act is to
7 allow the department of Hawaiian home lands after beneficiary
8 consultation is conducted as provided for in administrative
9 rules and upon approval by the Hawaiian homes commission to
10 issue interim rules which shall be exempt from public notice,
11 public hearing, and gubernatorial approval requirements of
12 Chapter 91, Hawaii Revised Statutes as long as the interim rules
13 shall be effective for not more than eighteen months. This
14 would allow for interim rules to take effect and in the meantime
15 the department can go through the rule making process pursuant
16 to Chapter 91 to adopt permanent rules.

____.B. NO.____

1 SECTION 2. Chapter 91, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§91- Interim rulemaking authority for the regulation of
5 matters concerning the department of Hawaiian home lands.

6 Notwithstanding any other law in this chapter to the contrary,
7 the department of Hawaiian home lands may issue interim rules
8 after beneficiary consultation is conducted as defined in
9 section 10-4-60, Hawaii Administrative Rules, and upon approval
10 by the Hawaiian homes commission.

11 (b) The interim rules shall be exempt from the public
12 notice, public hearing, and gubernatorial approval requirements
13 of this chapter.

14 (c) The interim rules shall be effective for no more than
15 eighteen months from the date the interim rules take effect."

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18

19 INTRODUCED BY: _____

20

BY REQUEST

____.B. NO.____

Report Title:

Department of Hawaiian Home Lands; Interim rules

Description:

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

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO INTERIM ADMINISTRATIVE RULES OF THE DEPARTMENT OF HAWAIIAN HOME LANDS.

PURPOSE: To allow the Department of Hawaiian Home Lands after beneficiary consultation is conducted and upon approval by the Hawaiian Homes Commission to issue interim rules that shall be exempt from the public notice, public hearing, and gubernatorial approval requirements of chapter 91, Hawaii Revised Statutes (HRS). The interim rules shall not be effective for more than eighteen months.

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

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

Impact on the public: This bill advances the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing the Department to issue interim rules on important programs and services that can be implemented soon after beneficiary consultation is conducted and

upon approval by the Hawaiian Homes
Commission.

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

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.

____.B. NO. _____

A BILL FOR AN ACT

RELATING TO COMPLIANCE AND ENFORCEMENT ON HAWAIIAN HOME LANDS.

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

1 SECTION 1. The legislature finds that illegal activity
2 occurring on Hawaiian home lands threatens the health and safety
3 of the community. The purpose of this Act is to establish a
4 compliance and enforcement program within the department of
5 Hawaiian home lands to investigate complaints, conduct
6 investigations, and cooperate with enforcement authorities to
7 ensure compliance with the Hawaiian Homes Commission Act, 1920,
8 as amended and the rules adopted thereunder as well as all other
9 state laws and rules, and county ordinances on Hawaiian home
10 lands.

11 SECTION 2. The Hawaii Revised Statutes is amended by
12 adding a new chapter to be appropriately designated and to read
13 as follows:

14 **"CHAPTER**

15 **COMPLIANCE AND ENFORCEMENT ON HAWAIIAN HOME LANDS**

16 § -1 **Compliance and enforcement program on Hawaiian**
17 **home lands; established.** The department of Hawaiian home lands
18 shall establish a compliance and enforcement program on Hawaiian

____.B. NO.____

1 home lands to enforce the Hawaiian Homes Commission Act, 1920,
2 as amended and rules adopted thereunder, as well as all other
3 state laws and rules, and county ordinances on Hawaiian home
4 lands and shall employ or appoint, and remove, the following
5 persons, subject to chapter 76 and section 78-1, who shall be
6 provided with suitable badges or insignia of office by the
7 department of Hawaiian home lands:

8 (1) An enforcement chief of the department of Hawaiian
9 home lands, who shall be the head of the compliance
10 and enforcement program and shall have charge,
11 direction, and control, subject to the direction and
12 control of the chairman of the Hawaiian homes
13 commission, of all matters relating to the enforcement
14 of the Hawaiian Homes Commission Act, 1920, as amended
15 and rules adopted thereunder as well as all other
16 state laws and rules, and county ordinances on
17 Hawaiian home lands and such other matters as the
18 chairman of the Hawaiian homes commission may from
19 time to time direct. The enforcement chief shall be
20 an administrator experienced in law enforcement and
21 management; and

____.B. NO.____

1 (2) Personnel and enforcement officers of the compliance
2 and enforcement program on Hawaiian home lands,
3 including but not limited to enforcement officers on a
4 voluntary basis and without pay.

5 § -2 **Compliance and enforcement program on Hawaiian**
6 **home lands special fund; established.** (a) There is hereby
7 established in the state treasury a special fund known as the
8 compliance and enforcement program on Hawaiian home lands
9 special fund, which shall be administered by the department of
10 Hawaiian home lands.

11 (b) The following shall be deposited into the compliance
12 and enforcement program on Hawaiian home lands special fund:

13 (1) Grants, awards, donations, gifts, transfers or moneys
14 derived from public or private sources for the
15 purposes of enforcing the provisions of the Hawaiian
16 Homes Commission Act, 1920, as amended or any rule
17 adopted thereunder as well as all other state laws and
18 rules, and county ordinances on Hawaiian home lands;

19 (2) Fees, reimbursements, administrative charges, and
20 penalties collected for activities related to the
21 enforcement of the Hawaiian Homes Commission Act,
22 1920, as amended and rules, except as otherwise

____.B. NO.____

1 provided by law that provides for deposits into other
2 special funds administered by the department of
3 Hawaiian home lands;

4 (3) Moneys derived from interest, dividends, or other
5 income from the above-mentioned sources; and

6 (4) Appropriations by the legislature to the special fund.

7 (c) The compliance and enforcement program on Hawaiian
8 home lands special fund shall be used for expenditures,
9 including but not limited to:

10 (1) Training;

11 (2) Research;

12 (3) Equipment;

13 (4) Preparation and dissemination of information to the
14 public;

15 (5) Data collection and development;

16 (6) Information technology;

17 (7) Safety;

18 (8) Wireless communication;

19 (9) Management;

20 (10) Travel;

21 (11) Equipment rental;

22 (12) Repairs;

____.B. NO.____

1 (13) Planning;

2 (14) Information;

3 (15) Education;

4 (16) Operations;

5 (17) Maintenance functions authorized and deemed necessary

6 by the department of Hawaiian home lands;

7 (18) Funding for consultants or contractual hires related

8 to the enforcement of:

9 (A) The Hawaiian Homes Commission Act, 1920, as

10 amended;

11 (B) Any rule adopted thereunder; and

12 (19) Work performed in cooperation with enforcement

13 authorities of the State, the counties, and the federal

14 government.

15 (d) The fund shall be held separate and apart from all

16 other moneys, funds, and accounts in the department of Hawaiian

17 home lands, except that any monies received from the federal

18 government or from private contributions shall be deposited and

19 accounted for in accordance with conditions established by the

20 department of Hawaiian home lands or persons from whom the

21 moneys are received. Any balance remaining in the fund at the

____.B. NO.____

1 end of any fiscal year shall be carried forward in the fund for
2 the next fiscal year.

3 § -3 Compliance and enforcement program on Hawaiian
4 home lands enforcement officers; other law enforcement officers.

5 (a) The compliance and enforcement program on Hawaiian home
6 lands enforcement officers, with respect to all Hawaiian home
7 lands shall:

- 8 (1) Enforce the Hawaiian Homes Commission Act, 1920, as
9 amended and rules adopted thereunder;
- 10 (2) Investigate complaints, gather evidence, conduct
11 investigations, and conduct field observations and
12 inspections as required or assigned;
- 13 (3) Cooperate with enforcement authorities of the State,
14 counties, and federal government in development of
15 programs and mutual aid agreements for compliance and
16 enforcement activities on Hawaiian home lands;
- 17 (4) Cooperate with established search and rescue agencies
18 of the counties and the federal government in
19 developing plans and programs and mutual aid
20 agreements for search and rescue activities on
21 Hawaiian home lands;

____.B. NO.____

(5) Check and verify all homestead leases, general leases, permits, and licenses and all other land dispositions issued by the department of Hawaiian home lands;

(6) Enforce the laws relating to firearms, ammunition, and dangerous weapons contained in chapter 134; and

(7) Carry out other duties and responsibilities as the department of Hawaiian home lands from time to time may direct.

(b) Every state and county officer charged with the enforcement of laws and ordinances shall enforce and assist in the enforcement of the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder.

§ -4 Department of Hawaiian home lands; police powers.

(a) The department of Hawaiian home lands shall have police powers and may appoint and commission enforcement officers within the compliance and enforcement program on Hawaiian home lands. Persons appointed and commissioned under this section shall have and may exercise all of the powers and authority of a police officer, including the power of arrest, and in addition to enforcing the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder, may enforce all other state laws and rules, and county ordinances on Hawaiian home lands;

____.B. NO.____

1 provided that such powers shall remain in force and effect only
2 while in actual performance of their duties, which shall include
3 off-duty employment when such employment is for other state
4 departments or agencies. These enforcement officers shall
5 consist of personnel whose primary duty will be the enforcement
6 of the Hawaiian Homes Commission Act, 1920, as amended and the
7 rules adopted thereunder on Hawaiian home lands.

8 (b) An enforcement officer, upon arresting any person for
9 violation of the Hawaiian Homes Commission Act, 1920, as amended
10 or any rule thereunder, may immediately take the person arrested
11 to a police station or before a district judge, or take the name
12 and address of the person and note the violation of the law or
13 rule by the person, and issue the person a summons or citation,
14 printed in the form described in section -5, warning the
15 person to appear and to answer the charge against the person at
16 a certain place and time within seven days after the arrest.
17 Any person failing to obey a summons issued pursuant to this
18 section shall be subject to section -6.

19 § -5 **Summons or citation.** There shall be a form of
20 summons or citation for use in citing violators of the Hawaiian
21 Homes Commission Act, 1920, as amended and rules adopted
22 thereunder, which do not mandate the physical arrest of the

____.B. NO.____

1 violators. The summons or citation shall be printed in a form
2 commensurate with the form of other summons or citation used in
3 modern methods of arrest and shall be so designed to include all
4 necessary information to make it valid and legal within the laws
5 and rules of the State. The form and content of the summons or
6 citation shall be adopted or prescribed by the district courts.

7 In every case where a summons or citation is issued, the
8 original of the same shall be given to the violator; provided
9 that the district courts may prescribe the issuance to the
10 violator of a carbon copy of the summons or citation and provide
11 for the disposition of the original and any other copies. Every
12 summons or citation shall be consecutively numbered and each
13 carbon copy shall bear the number of its respective original.

14 § -6 **Failure to obey a summons.** Any person who fails
15 to appear at the place and within the time specified in the
16 summons or citation issued by the officers or their agents or
17 subordinates, upon that person's arrest for violation of the
18 Hawaiian Homes Commission Act, 1920, as amended and rules
19 adopted thereunder, shall be guilty of a petty misdemeanor and,
20 upon conviction, shall be fined not more than \$500 or be
21 imprisoned not more than thirty days, or both.

____.B. NO.____

1 If any person fails to comply with a summons or citation
2 issued, or if any person fails or refused to deposit bail as
3 required and within the time permitted, the officers shall cause
4 a complaint to be entered against the person and secure the
5 issuance of a warrant for the person's arrest.

6 When a complaint is made to any prosecuting officer of the
7 violation of the Hawaiian Homes Commission Act, 1920, as amended
8 and rules adopted thereunder, the officer who issued the summons
9 or citation shall subscribe to it under oath administered by
10 another official or officials of the department of Hawaiian home
11 lands whose names have been submitted to the prosecuting officer
12 and who have been designated by the chairman of the Hawaiian
13 homes commission to administer the same.

14 **§ -7 Search and seizure; forfeiture of property. (a)**
15 Any police officer or agent of the department of Hawaiian home
16 lands that has been conferred powers of police officers, shall
17 have the authority to conduct searches on probable cause as
18 provided by law and to seize any equipment, article, instrument,
19 aircraft, vehicle, vessel, or business records used or taken in
20 violation of the provisions contained in the Hawaiian Homes
21 Commission Act, 1920, as amended and rules adopted thereunder.

____.B. NO.____

1 (b) Any equipment, article, instrument, aircraft, vehicle,
2 vessel or business records seized is subject to forfeiture
3 pursuant to chapter 712A. Unless otherwise directed by the
4 environmental court pursuant to chapter 712A, any item, other
5 than a natural resource, seized shall be ordered forfeited to
6 the State for disposition as determined by the department of
7 Hawaiian home lands, or may be destroyed, or may be kept and
8 retained and utilized by the department or any other state
9 agency. If not needed or required by the department of Hawaiian
10 home lands or other state agency, the forfeited items shall be
11 disposed of as provided by chapter 712A.

12 (c) The department of Hawaiian home lands shall compile a
13 list of all equipment, articles, instruments, aircraft,
14 vehicles, or vessels forfeited as provided in this section and
15 shall public the list in its annual report.

16 § -8 **Alternative dispute resolution.** Any violation of
17 the Hawaiian Homes Commission Act, 1920, as amended and rules
18 adopted thereunder may allow for alternative dispute resolution
19 such as mediation, arbitration, or a culturally appropriate
20 mechanism for dispute resolution to be deployed.

____.B. NO.____

1 § -9 **Rules.** The department of Hawaiian home lands may
2 promulgate rules and regulations, pursuant to chapter 91,
3 necessary for administration of this chapter."

4 SECTION 3. This Act shall take effect upon its approval.

5

6 INTRODUCED BY: _____

7

BY REQUEST

____.B. NO._____

Report Title:

Compliance and Enforcement; Hawaiian Home Lands

Description:

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

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO COMPLIANCE AND ENFORCEMENT ON HAWAIIAN HOME LANDS.

PURPOSE: Establishes a compliance and enforcement program within the Department of Hawaiian Home Lands to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder as well as all other state laws and rules, and county ordinances on Hawaiian home lands.

MEANS: Adds a new chapter to the Hawaii Revised Statutes.

JUSTIFICATION: Criminal activity that is threatening the health and safety of the community must be addressed.

Impact on the public: This proposal protects the health and safety of communities.

Impact on the department and other agencies: Additional resources will be needed to implement this program.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.

____.B. NO. _____

A BILL FOR AN ACT

RELATING TO ADOPTION.

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

1 SECTION 1. The legislature finds that the effect of
2 adoption as provided for under state law impacts the ability for
3 an adopted individual or the individual's natural family to
4 succeed to a homestead lease or application on the department of
5 Hawaiian home lands applicant waiting list. The purpose of this
6 Act is to allow an adopted individual to benefit both by
7 relationship through a natural parent and through an adoptive
8 parent while also allowing the adopted individual and member of
9 the individual's natural family to continue to have the same
10 familial relationship. This Act does not affect the other
11 requirements under the Hawaiian Homes Commission Act, 1920, as
12 amended, or administrative rules beyond recognition of
13 relationship between individuals.

14 SECTION 2. Section 578-16, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§578-16 Effect of adoption.** (a) A legally adopted
17 individual shall be considered to be a natural child of the

____.B. NO.____

1 whole blood of the adopting parent or parents as provided in the
2 Uniform Probate Code, relating to the descent of property.

3 (b) The former legal parent or parents of an adopted
4 individual and any other former legal kindred shall not be
5 considered to be related to the individual as provided in the
6 Uniform Probate Code except as provided in this section.

7 (c) An adopted individual and the individual's adopting
8 parent or parents shall sustain towards each other the legal
9 relationship of parents and child and shall have all the rights
10 and be subject to all the duties of that relationship, including
11 the rights of inheritance from and through each other and the
12 legal kindred of the adoptive parent or parents, the same as if
13 the individual were the natural child of the adopting parent or
14 parents.

15 (d) Except as provided in subsection (e), all legal duties
16 and rights between the individual and the individual's former
17 legal parent or parents shall cease from the time of the
18 adoption; provided that, if the individual is adopted by a
19 person married to a legal parent of the individual, the full
20 reciprocal rights and duties [~~which~~] that theretofore existed
21 between the legal parent and the individual, and the rights of
22 inheritance as between the individual and the legal parent and

____.B. NO.____

1 the legal relatives of the parent, as provided in chapter 560,
2 shall continue, notwithstanding the adoption, subject only to
3 the rights acquired by and the duties imposed upon the adoptive
4 parents by reason of the adoption.

5 (e) Notwithstanding subsections (b) and (d), if an
6 individual is adopted before that individual attains the age of
7 majority and:

8 (1) The individual is adopted by a spouse of a natural
9 parent of the individual; or

10 (2) The individual is adopted by a natural grandparent,
11 aunt, uncle, or sibling of the individual or the
12 spouse of a natural grandparent, aunt, uncle, or
13 sibling;

14 then for the purposes of interpretation or construction of a
15 disposition in any will, trust, or other lifetime instrument,
16 whether executed before or after the order of adoption, and for
17 purposes of determining heirs at law, the rights of the adopted
18 individual and the individual's descendants with respect to the
19 individual's natural family shall not be affected by the
20 adoption, and they shall be included in any determination of
21 heirs or members of any class, unless specifically excluded by
22 name or class.

____.B. NO.____

1 (f) An adopted individual, who by reason of subsection (e)
2 would be a member of two or more designation or classes pursuant
3 to a single instrument, both by relationship through a natural
4 parent and through an adoptive parent, shall be entitled to
5 benefit by membership in only one of these designations or
6 classes, which shall be the larger share.

7 (g) An adopted person should be considered as a child of
8 both the adopted and natural parents for the sole purpose of
9 determining familial relationships under sections 208 and 209 of
10 the Hawaiian Homes Commission Act, 1920, as amended.

11 [~~(g)~~] (h) For purposes of this section, if a person has
12 been adopted more than once, the term "natural parent" includes
13 an adopting parent by an earlier adoption.

14 [~~(h)~~] (i) An individual legally adopted under the laws of
15 any state or territory of the United States or under the laws of
16 any nation shall be accorded the same rights and benefits in all
17 respects as an individual adopted under this chapter."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.

21

22

____.B. NO.____

1 INTRODUCED BY: _____

2 BY REQUEST

____.B. NO.____

Report Title:

Department of Hawaiian Home Lands; Adoption

Description:

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

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO ADOPTION.

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

MEANS: Amend section 578-16, Hawaii Revised Statutes.

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

Impact on the public: This bill further protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent.

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

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING ON HAWAIIAN HOME LANDS.

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

1 SECTION 1. Act 141, Session Laws of Hawaii 2009, as
2 amended by section 3 of Act 102, Session Laws of Hawaii 2015, as
3 amended by section 1 of Act 80, Session Laws of Hawaii 2019, is
4 amended by amending section 3 to read as follows:

5 "SECTION 3. This Act shall take effect on July 1, 2009[~~7~~
6 ~~provided that on July 1, 2024, this Act shall be repealed and~~
7 ~~section 46-15.1, Hawaii Revised Statutes, shall be reenacted in~~
8 ~~the form in which it read on the day before the approval of this~~
9 ~~Act]."~~

10 SECTION 2. Act 98, Session Laws of Hawaii 2012, as amended
11 by section 4 of Act 102, Session Laws of Hawaii 2015, as amended
12 by section 50 of Act 55, Session Laws of Hawaii 2016, as amended
13 by section 2 of Act 80, Session Laws of Hawaii 2019, is amended
14 by amending section 3 to read as follows:

15 "SECTION 3. This Act shall take effect upon its approval[~~7~~
16 ~~and shall be repealed on July 1, 2024; provided that section 46-~~
17 ~~15.1, Hawaii Revised Statutes, shall be reenacted pursuant to~~

____.B. NO.____

1 ~~section 3 of Act 141, Session Laws of Hawaii 2009, and section~~
2 ~~23 of Act 96, Session Laws of Hawaii 2014]."~~

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken.

5 SECTION 4. This Act shall take effect upon its approval.

6

7 INTRODUCED BY: _____

8

BY REQUEST

____.B. NO. _____

Report Title:

Hawaiian Home Lands; Affordable Housing Credits

Description:

Makes permanent Act 141, Sessions Laws of Hawaii 2009, which requires the county to issue affordable housing credits to the Department of Hawaiian Home Lands. Makes permanent Act 98, Session Laws of Hawaii 2012, which requires the counties to issue affordable housing credits for each residential unit developed by the Department of Hawaiian Home Lands.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING ON HAWAIIAN HOME LANDS.

PURPOSE: Repeals the July 1, 2024, sunset of Act 141, Session Laws of Hawaii 2009, and the July 1, 2024, sunset of Act 98, Session Laws of Hawaii 2012, to make the affordable housing credit program permanent.

MEANS: Amend section 3 of Act 141, Session Laws of Hawaii 2009, as amended by section 3 of Act 102, Session Laws of Hawaii 2015, as amended by section 1 of Act 80, Session Laws of Hawaii 2019, and amend section 3 of Act 98, Session Laws of Hawaii 2012, as amended by section 4 of Act 102, Session Laws of Hawaii 2015, as amended by section 50 of Act 55, Session Laws of Hawaii 2016, and section 2 of Act 80, Session Laws of Hawaii 2019.

JUSTIFICATION: Making permanent the affordable housing credit program will allow the Department of Hawaiian Home Lands ("DHHL") to continue to provide incentive to private sector developers to build affordable homes on Hawaiian home lands. Since Act 141 was enacted in 2009, DHHL has worked with each county to request and acquire affordable housing credits for completed units in homestead communities. This program has resulted in successful private-public partnerships through the exchange of credits creating resources for DHHL to further develop homestead lots.

Impact on the public: There is a positive impact on the public as this proposal helps ensure that DHHL will have resources for programs for native Hawaiian lessees and applicants, including the development of

homestead lots, loans, and other
rehabilitation programs.

Impact on the department and other agencies:

This proposal allows DHHL to continue to
access needed resources to support its
programs without requiring any general
funds.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 602.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.

____.B. NO. _____

A BILL FOR AN ACT

RELATING TO SCHOOL IMPACT FEES.

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

1 SECTION 1. Act 197, Session Laws of Hawaii 2021, is
2 amended by amending section 6 to read as follows:

3 "SECTION 6. This Act shall take effect upon its approval[+
4 ~~provided that on July 1, 2024, section 1 of this Act shall be~~
5 ~~repealed and section 302A-1603(b), Hawaii Revised Statutes,~~
6 ~~shall be reenacted in the form in which it read on the day prior~~
7 ~~to the effective date of this Act]."~~

8 SECTION 2. Statutory material to be repealed is bracketed
9 and stricken.

10 SECTION 3. This Act shall take effect upon its approval.

12 INTRODUCED BY: _____

13 BY REQUEST

____.B. NO. _____

Report Title:

School Impact Fees; Housing; Department of Hawaiian Home Lands

Description:

Makes permanent Act 197, Session Laws of Hawaii 2021, which excludes housing developed by the Department of Hawaiian Home Lands from school impact fees.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO SCHOOL IMPACT FEES.

PURPOSE: Repeals the July 1, 2024, sunset date of Act 197, Session Laws of Hawaii 2021, to make permanent the exemption of housing developed by the Department of Hawaiian Home Lands from school impact fees.

MEANS: Amend section 6 of Act 197, Session Laws of Hawaii 2021.

JUSTIFICATION: Making permanent the exemption of housing developed by the Department of Hawaiian Home Lands from school impact fees because the Department of Hawaiian Home Lands provides affordable housing that often account for the educational facilities that may be needed to support the community by designating land for community use, which includes facilities such as schools. Across the State in different communities, lands have been set aside for different learning facilities.

Impact on the public: This bill will protect the interests of beneficiaries of the Hawaiian Homes Commission Act by making permanent the exclusion of housing developed by the Department of Hawaiian Home Lands from school impact fees.

Impact on the department and other agencies: By exempting any housing developed by the Department of Hawaiian Home Lands from school impact fee requirements, that savings can be allocated toward developing more housing.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 602.

OTHER AFFECTED
AGENCIES: Department of Education; School Facilities
Authority

EFFECTIVE DATE: Upon approval.

____.B. NO. _____

A BILL FOR AN ACT

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 Act 279, Session
2 Laws of Hawaii 2022 appropriated out of the general revenues of
3 the State of Hawaii the sum of \$600,000,000 or so much thereof
4 as may be necessary for fiscal year 2021-2022 to provide a
5 multi-pronged approach to reducing the over 28,000 applicants on
6 the department of Hawaiian home lands waitlist.

7 The legislature further finds that Act 279, Session Laws of
8 Hawaii 2022 stipulated that any moneys not encumbered for
9 specific purposes shall lapse to the general fund on June 30,
10 2025. Article VII, Section 11 of the State Constitution
11 provides that no appropriation shall be for a period exceeding
12 three years. This provision has been interpreted to permit the
13 expenditure of biennial appropriations one year beyond the
14 biennial period, so no later than June 30, 2024 for the fiscal
15 biennium 2021-2023. Accordingly, the purpose of this Act is to
16 allow for the expenditure of these funds until June 30, 2025, as
17 provided for by the legislature in Act 279, Session Laws of
18 Hawaii 2022.

____.B. NO.____

1 SECTION 2. Act 279, Session Laws of Hawaii 2022, is
2 amended by amending section 6 to read as follows:

3 "SECTION 6. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$600,000,000 or so
5 much there of as may be necessary for fiscal year [~~2021-2022~~]
6 2022-2023 and the same sum or so much thereof as may be
7 necessary for fiscal year 2023-2024 for the purposes of this
8 Act; provided that any moneys not encumbered for specific
9 purposes shall lapse to the general fund on June 30, 2025."

10 SECTION 3. If any provision of this Act, or the
11 application thereof to any person or circumstance, is held
12 invalid, the invalidity does not affect other provisions or
13 applications of the Act that can be given effect without the
14 invalid provision or application, and to this end the provisions
15 or this Act are severable.

16 SECTION 4. This Act shall take effect upon its approval.

17

18 INTRODUCED BY: _____

19

BY REQUEST

____.B. NO. _____

Report Title:

DHHL; Appropriation

Description:

Confirms the intention of the legislature that funds appropriated in Act 279, Session Laws of Hawaii 2022 be available for expenditure until June 30, 2025.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

PURPOSE: Allow for the expenditure of funds appropriated in Act 279, Session Laws of Hawaii 2022 until June 30, 2025.

MEANS: Amend Act 279, Session Laws of Hawaii 2022.

JUSTIFICATION: The legislature intended that funds appropriated in Act 279, Session Laws of Hawaii 2022 be available for expenditure until June 30, 2025. This confirms the legislative intent.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing for expenditure of funds appropriated in Act 279, Session Laws of Hawaii 2022 until June 30, 2025.

Impact on the department and other agencies: This revision will allow the department to expend funds by June 30, 2025 as intended by the legislature instead of the year prior or June 30, 2024.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 602.

OTHER AFFECTED AGENCIES: None.


EFFECTIVE DATE: Upon approval.

**HAWAIIAN HOMES COMMISSION
SEPTEMBER 19 & 20, 2022
FACE-TO-FACE &
INTERACTIVE CONFERENCE
TECHNOLOGY**

**D – ITEMS
HOMESTEAD SERVICES DIVISION**

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 19, 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

September 19, 2022

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through August 31, 2022

	As of 7/31/22	Add	Cancel	As of 8/31/22
Residential	8,478	0	6	8,472
Agricultural	1,090	0	0	1,090
Pastoral	413	0	0	413
Total	9,981	0	6	9,975

The cumulative number of Converted Undivided Interest Lessees represents an increase of 540 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 7/31/22	Converted	Rescinded/ Surrendered/ Cancelled	As of 8/31/22
Undivided	774	0	0	774

Balance as of 8/31/2022

Awarded	1,434
Relocated to UNDV	7
Rescinded	117
Surrendered	6
Cancelled	4
Converted	540
Balance to Convert	774

Lease Report For the Month Ending August 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
OAHU																
Kakaina	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
Kalaiahine	90	0	0	90	0	0	0	0	0	0	0	0	90	0	0	90
Kanehili	399	0	0	399	0	0	0	0	0	0	0	0	399	0	0	399
Kapolei	176	0	0	176	0	0	0	0	0	0	0	0	176	0	0	176
Kaulaokahai	146	0	0	146	0	0	0	0	0	0	0	0	146	0	0	146
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
Kumuhau	51	0	0	51	0	0	0	0	0	0	0	0	51	0	0	51
Lualualei	147	0	0	147	30	0	0	30	0	0	0	0	177	0	0	177
Malu'ohai	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	270	0	0	270	0	0	0	0	0	0	0	0	270	0	0	270
Walahohe	0	0	0	0	17	0	0	17	0	0	0	0	17	0	0	17
Waianae	421	0	0	421	12	0	0	12	0	0	0	0	433	0	0	433
Waimanalo	715	0	0	715	2	0	0	2	0	0	0	0	717	0	0	717
TOTAL	4,370	0	0	4,370	61	0	0	61	0	0	0	0	4,431	0	0	4,431
MAUI																
Hikina	31	0	0	31	0	0	0	0	0	0	0	0	31	0	0	31
Kahikinui	0	0	0	0	0	0	0	0	75	0	0	75	75	0	0	75
Keokea	0	0	0	0	64	0	0	64	0	0	0	0	64	0	0	64
Lefala	103	0	1	102	0	0	0	0	0	0	0	0	103	0	1	102
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	1	113	0	0	0	0	0	0	0	0	114	0	1	113
Waiehu 4	97	0	0	97	0	0	0	0	0	0	0	0	97	0	0	97
Waiohuli	593	0	2	591	0	0	0	0	0	0	0	0	593	0	2	591
TOTAL	1,264	0	4	1,260	64	0	0	64	75	0	0	75	1,403	0	4	1,399
EAST HAWAII																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamoa	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaunana	43	0	0	43	0	0	0	0	0	0	0	0	43	0	0	43
Keaukaha	472	0	1	471	0	0	0	0	0	0	0	0	472	0	1	471
Kurtistown	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3
Makuu	0	0	0	0	119	0	0	119	0	0	0	0	119	0	0	119
Panacea	13	0	0	13	260	0	0	260	0	0	0	0	273	0	0	273
Pihonua	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
Waialea	285	0	1	284	0	0	0	0	0	0	0	0	285	0	1	284
TOTAL	839	0	2	837	391	0	0	391	25	0	0	25	1,255	0	2	1,253
WEST HAWAII																
Honokaa	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
Kanihale	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
TOTAL	872	0	0	872	110	0	0	110	285	0	0	285	1,267	0	0	1,267
KAUAI																
Anahola	531	0	0	531	46	0	0	46	0	0	0	0	577	0	0	577
Hanapepe	47	0	0	47	0	0	0	0	0	0	0	0	47	0	0	47
Kekaha	117	0	0	117	0	0	0	0	0	0	0	0	117	0	0	117
Puu Opaie	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
TOTAL	695	0	0	695	46	0	0	46	1	0	0	1	742	0	0	742
MOLOKAI																
Hoolehua	153	0	0	153	345	0	0	345	21	0	0	21	519	0	0	519
Kalamaula	167	0	0	167	70	0	0	70	3	0	0	3	240	0	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 Aili	27	0	0	27	0	0	0	0	0	0	0	0	27	0	0	27
TOTAL	394	0	0	394	418	0	0	418	27	0	0	27	839	0	0	839
LANAI																
Lanai	44	0	0	44	0	0	0	0	0	0	0	0	44	0	0	44
TOTAL	44	0	0	44	0	0	0	0	0	0	0	0	44	0	0	44
STATEWIDE TOTAL	8,478	0	6	8,472	1,090	0	0	1,090	413	0	0	413	9,981	0	6	9,975

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING
August 31, 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	19	0	0	19	17	0	0	17	1	0	0	1
TOTAL	1,185	0	1	1,184	52	0	0	52	79	0	0	79
												1,315

ISLANDWIDE WAITING LIST

ISLAND	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
Oahu	10,118	48	10	10,156	3,923	19	3	3,939	0	0	0	0
Maui	3,862	18	4	3,876	4,713	10	4	4,719	623	2	2	623
Hawaii	5,869	14	6	5,877	7,295	14	7	7,302	1,910	7	3	1,914
Kauai	1,660	7	1	1,666	2,263	9	1	2,271	309	0	0	309
Molokai	821	1	2	820	1089	1	1	1089	207	0	1	206
Lanai	74	0	0	74	0	0	0	0	0	0	0	0
TOTAL	22,404	88	23	22,469	19,283	53	16	19,320	3,049	9	6	3,052
												44,841

AREA AND ISLANDWIDE LISTS

	RES				AG	PAS	TOTAL	ADDITIONS				CANCELLATIONS			
	Last Month	Add	Cancel	TOTAL				Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU	11,091				3,939	0	15,030	New Applications				New Lease Awards			8
MAUI	3,926				4,723	628	9,277	Application Transfers				Application Transfers			4
HAWAII	6,006				7,330	1,960	15,296	Lease Rescissions				Succ'd and Cancel Own			10
KAUAI	1,717				2,274	336	4,327	App Reinstatements				Public Notice Cancel			0
MOLOKAI	839				1,106	207	2,152	HHC Adjustments				Voluntary Cancellations			1
LANAI	74				0	0	74	TOTAL			150	Lease Successorships			0
TOTAL	23,653	88	23	3,131	19,372	3,131	46,156					HHC Adjustments			0
												Dec'd No Successor			23
												Additional Acreage			0
												NHQ Unqualified			0
												TOTAL			46

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

August 31, 2022

	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU DISTRICT												
Nanakuli	159	0	0	159	0	0	0	0	0	0	0	0
Waianae	139	0	0	139	0	0	0	0	0	0	0	0
Luahalei	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	550	0	1	549	0	0	0	0	0	0	0	0
Subtotal Area	936	0	1	935	0	0	0	0	0	0	0	0
Islandwide	10,118	48	10	10,156	3,923	19	3	3,939	0	0	0	0
TOTAL OAHU APPS	11,054	48	11	11,091	3,923	19	3	3,939	0	0	0	0
MAUI DISTRICT												
Paukukalo	50	0	0	50	0	0	0	0	0	0	0	0
Kula	0	0	0	0	4	0	0	4	5	0	0	5
Subtotal Area	50	0	0	50	4	0	0	4	5	0	0	5
Islandwide	3,862	18	4	3,876	4,713	10	4	4,719	623	2	2	623
TOTAL MAUI APPS	3,912	18	4	3,926	4,717	10	4	4,723	628	2	2	628
HAWAII DISTRICT												
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
Waikeala	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	5,869	14	6	5,877	7,295	14	7	7,302	1,910	7	3	1,914
TOTAL HAWAII APPS	5,998	14	6	6,006	7,323	14	7	7,330	1,956	7	3	1,960
KAUAI DISTRICT												
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	1,660	7	1	1,666	2,263	9	1	2,271	309	0	0	309
TOTAL KAUAI APPS	1,711	7	1	1,717	2,266	9	1	2,274	336	0	0	336
MOLOKAI DISTRICT												
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	6	0	0	6	0	0	0	0	0	0	0	0
One Alii	1	0	0	1	0	0	0	0	0	0	0	0
Subtotal Area	19	0	0	19	17	0	0	17	1	0	0	1
Islandwide	821	1	2	820	1,089	1	1	1,089	207	0	1	206
TOTAL MOLOKAI APPS	840	1	2	839	1,106	1	1	1,106	208	0	1	207
LANAI DISTRICT												
Islandwide	74	0	0	74	0	0	0	0	0	0	0	0
TOTAL LANAI APPS	74	0	0	74	0	0	0	0	0	0	0	0
TOTAL AREA ONLY	1,185	0	1	1,184	52	0	0	52	79	0	0	79
TOTAL ISLANDWIDE	22,404	88	23	22,469	19,283	53	16	19,320	3,049	9	6	3,052
TOTAL STATEWIDE	23,589	88	24	23,653	19,335	53	16	19,372	3,128	9	6	3,131

DELINQUENCY REPORT - STATEWIDE

September 19, 2022

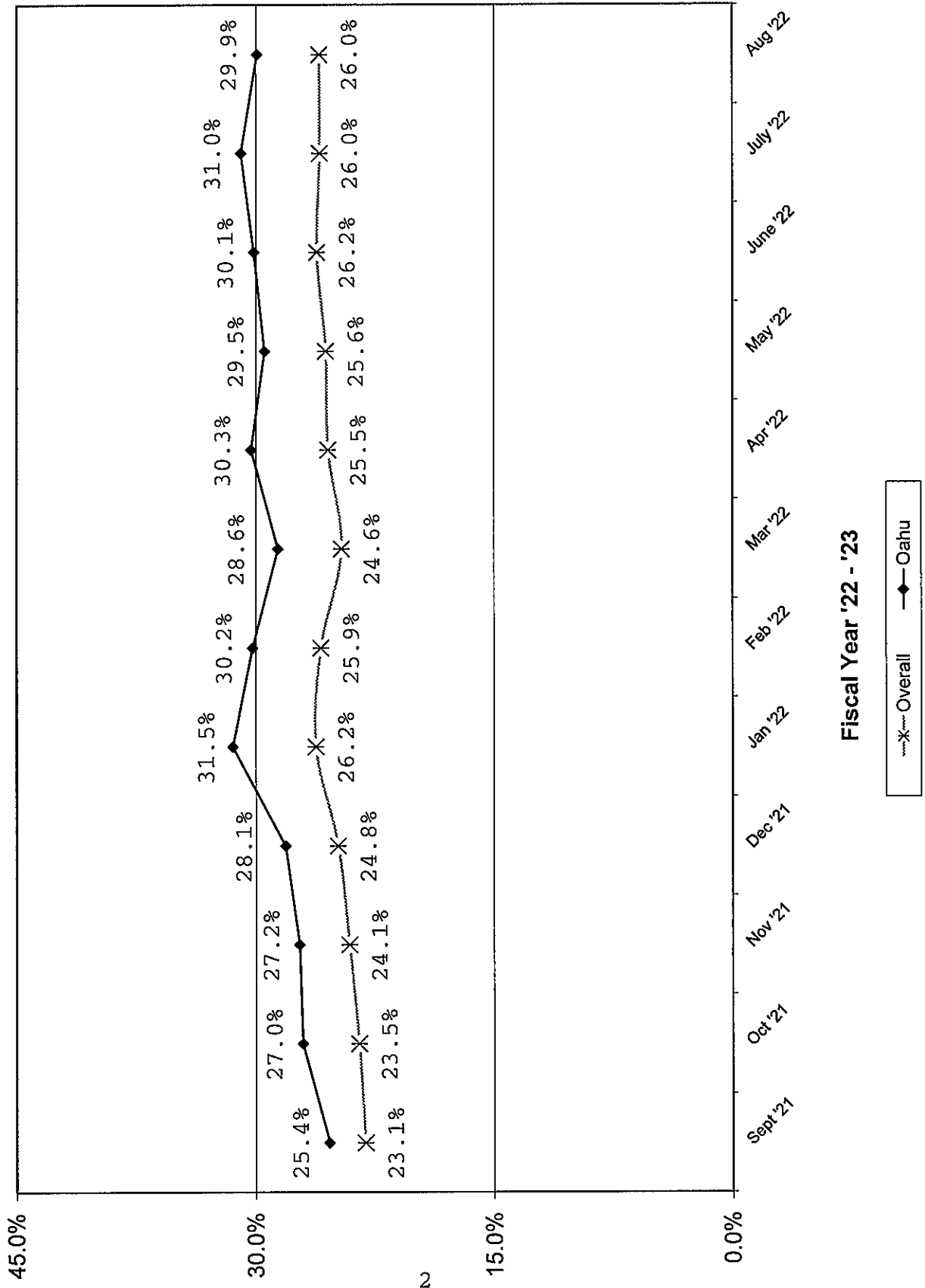
(\$Thousands)

	Total Outstanding (000s)		Total Delinquency (000s)		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)		% of Totals 8/31/2022	
	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	\$
<u>DIRECT LOANS</u>														
OAHU	386	36,994	122	11,074	17	1,096	9	576	21	2,059	75	7,343	31.6%	29.9%
EAST HAWAII	203	12,190	62	4,019	12	397	5	306	2	41	43	3,275	30.5%	33.0%
WEST HAWAII	80	8,102	8	875	3	286	1	232	0	0	4	358	10.0%	10.8%
MOLOKAI	82	7,120	18	930	5	319	0	0	2	28	11	583	22.0%	13.1%
KAUAI	90	7,090	16	758	3	179	3	135	2	76	8	367	17.8%	10.7%
MAUI	105	13,856	31	4,561	9	1,421	5	687	3	512	14	1,940	29.5%	32.9%
TOTAL DIRECT	946	85,353	257	22,217	49	3,698	23	1,936	30	2,717	155	13,866	27.2%	26.0%
	100.0%	100.0%	27.2%	26.0%	5.2%	4.3%	2.4%	2.3%	3.2%	3.2%	16.4%	16.2%		
Advances (including RPT)	252	6,307	252	6,307	0	0	0	0	252	6,307			100%	100%
DHHL LOANS & Advances	1,198	91,660	509	28,525	49	3,698	23	1,936	282	9,024	155	13,866	42.5%	31.1%
<u>LOAN GUARANTEES as of June 30, 2022</u>														
SBA	2	67	0	0	0	0	0	0	0	0			0.0%	0.0%
USDA-RD	274	35,831	43	6,613	0	0	0	0	43	6,613			15.7%	18.5%
Habitat for Humanity	32	893	16	429	0	0	0	0	16	429			50.0%	48.0%
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	10	204	10	204	0	0	0	0	10	204			100.0%	100.0%
FHA Interim	6	1,366	0	0	0	0	0	0	0	0			0.0%	0.0%
OHA	1	6	1	6	0	0	0	0	1	6			100.0%	100.0%
TOTAL GUARANTEE	331	38,448	71	7,259	0	0	0	0	71	7,259			21.5%	18.9%
PMI Loans	126	17,472	7	1,239	3	415	2	341	2	483			5.6%	7.1%
HUD REASSIGNED for Recovery	127	13,978	104	12,654	0	0	3	81	4	337	97	12,236	81.9%	90.5%
FHA Insured Loans	2,941	533,887	213	33,274	0	0	0	0	213	33,274			7.2%	6.2%
TOTAL INS. LOANS	3,194	565,337	324	47,167	3	415	5	422	219	34,094	97	12,236	10.1%	8.3%
OVERALL TOTALS(EXC Adv/RPT's)	4,471	689,138	652	76,643	52	4,113	28	2,358	320	44,070	252	26,102	14.6%	11.1%
ADJUSTED TOTALS	4,723	695,445	904	82,950	52	4,113	28	2,358	572	50,377	252	26,102		11.9%

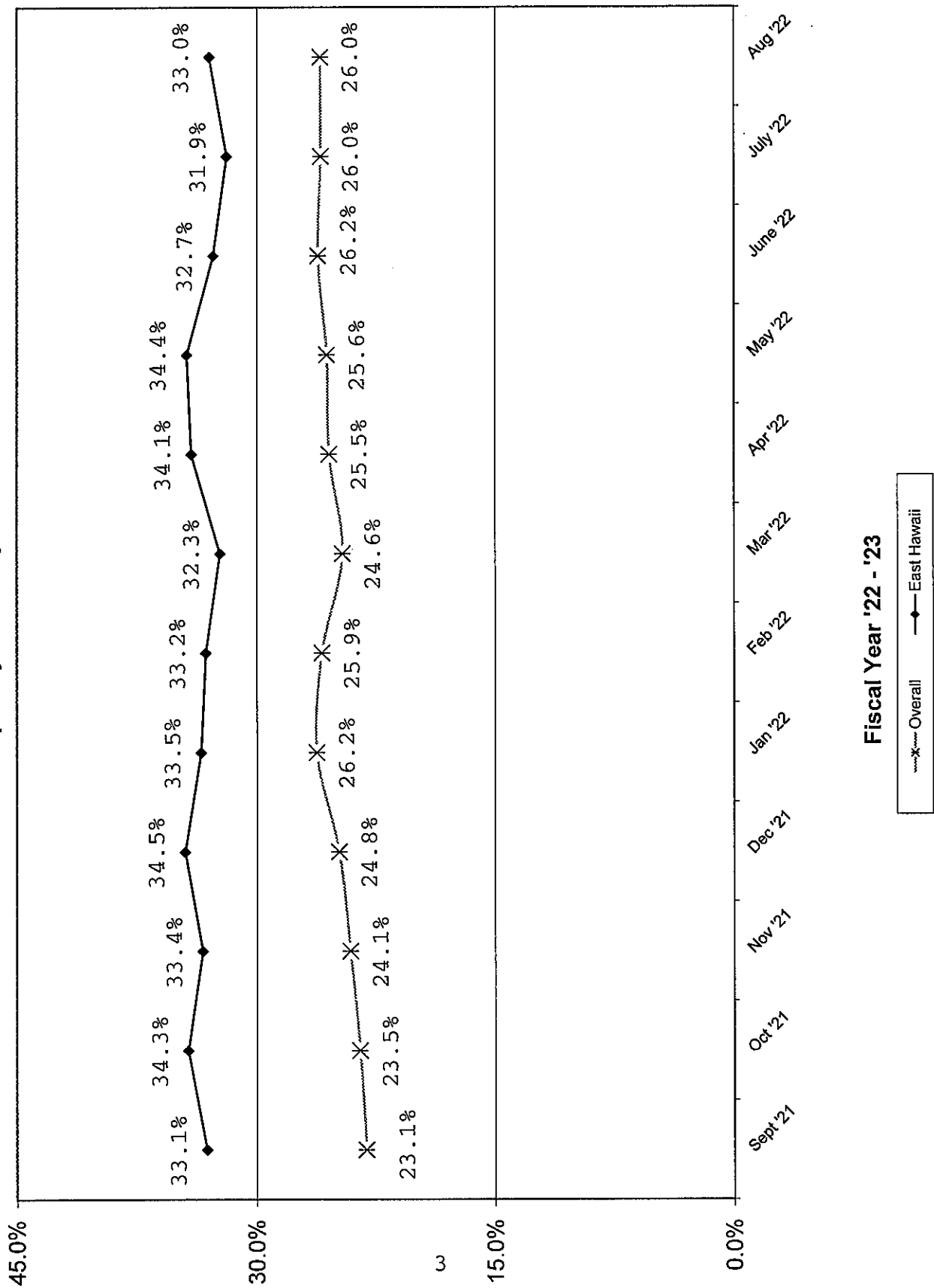
Note: HUD 184A loan program has 507 loans, with a total outstanding principal balance of \$112,122,650 as of June 30, 2021. 27 Loans, totaling \$6,600,376 are delinquent.

The deferred interest for 494 loans comes out to \$2,180,959.67 as of 8/31/2022.

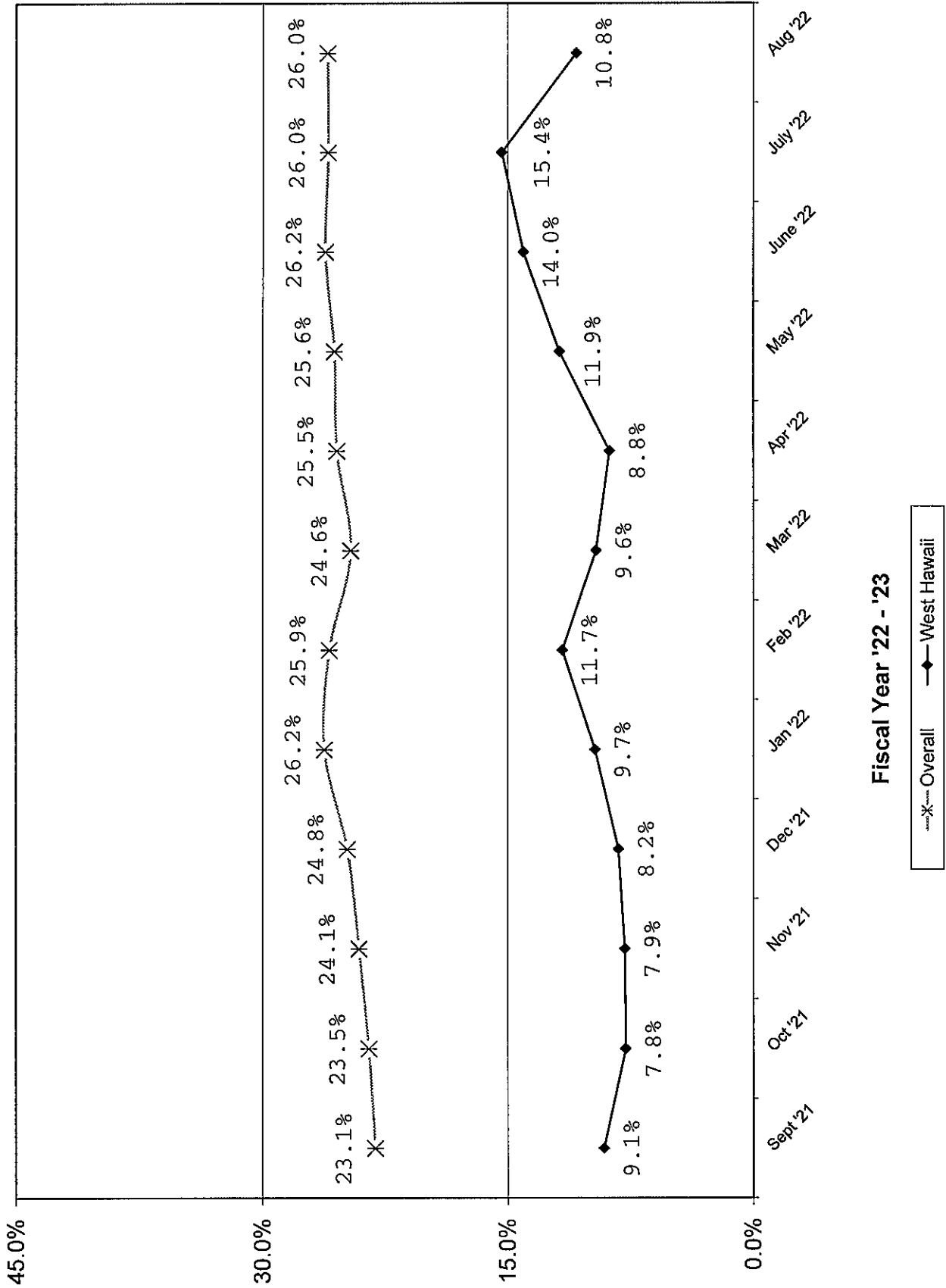
OAHU Direct Loans Delinquency Ratio Report



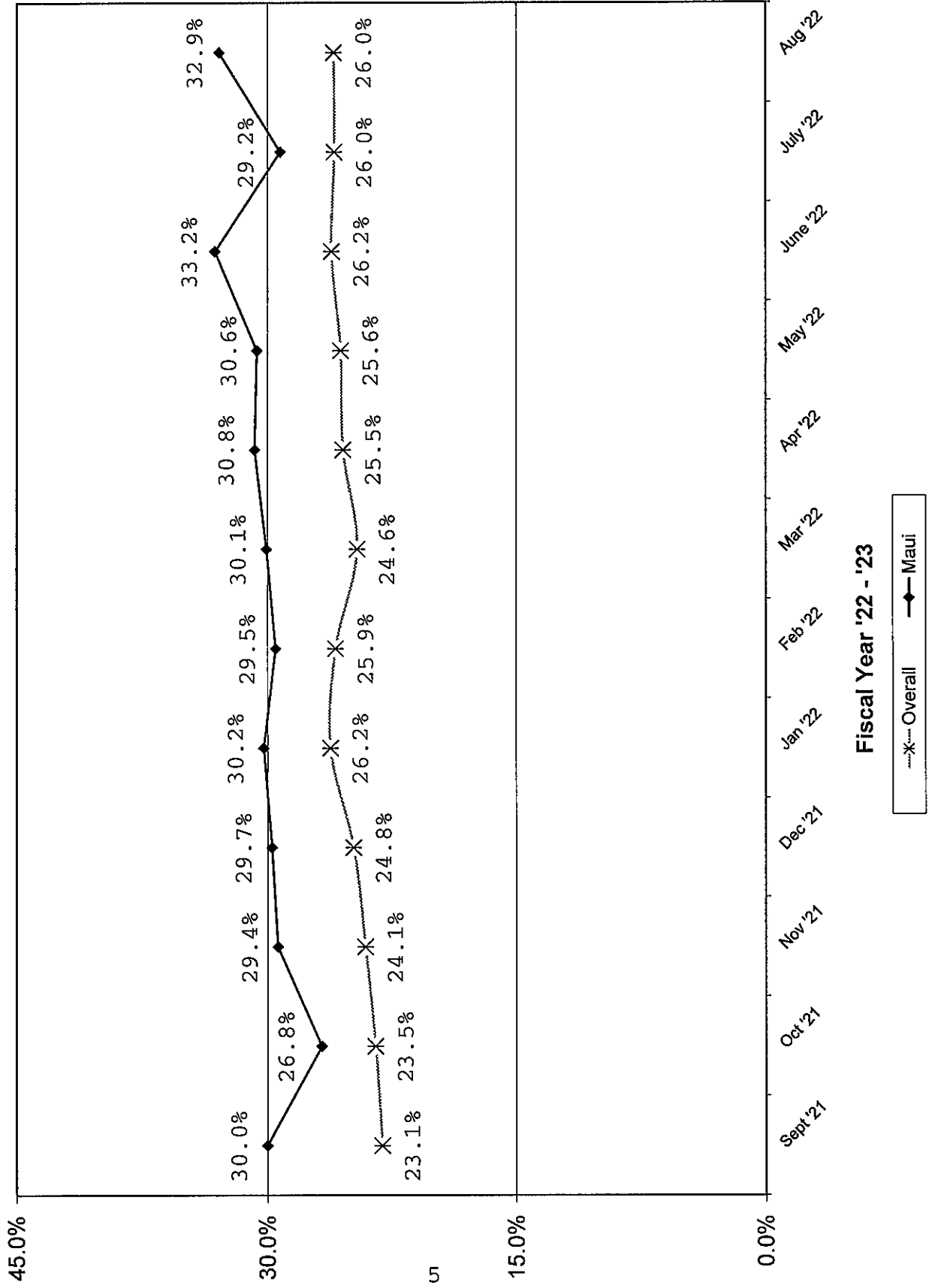
EAST HAWAII Direct Loans Delinquency Ratio Report



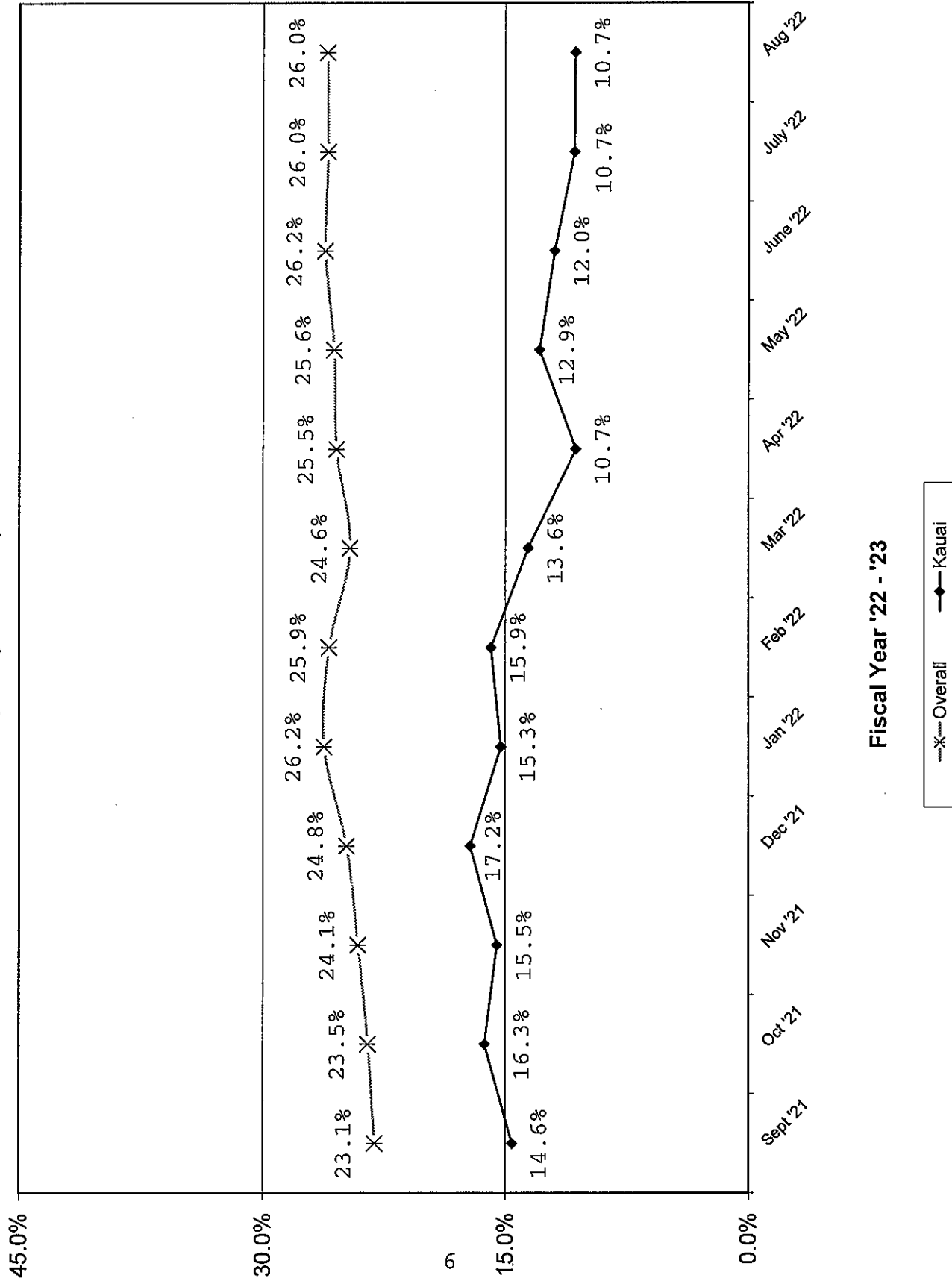
WEST HAWAII
Direct Loans
Delinquency Ratio Report



MAUI
Direct Loans
Delinquency Ratio Report

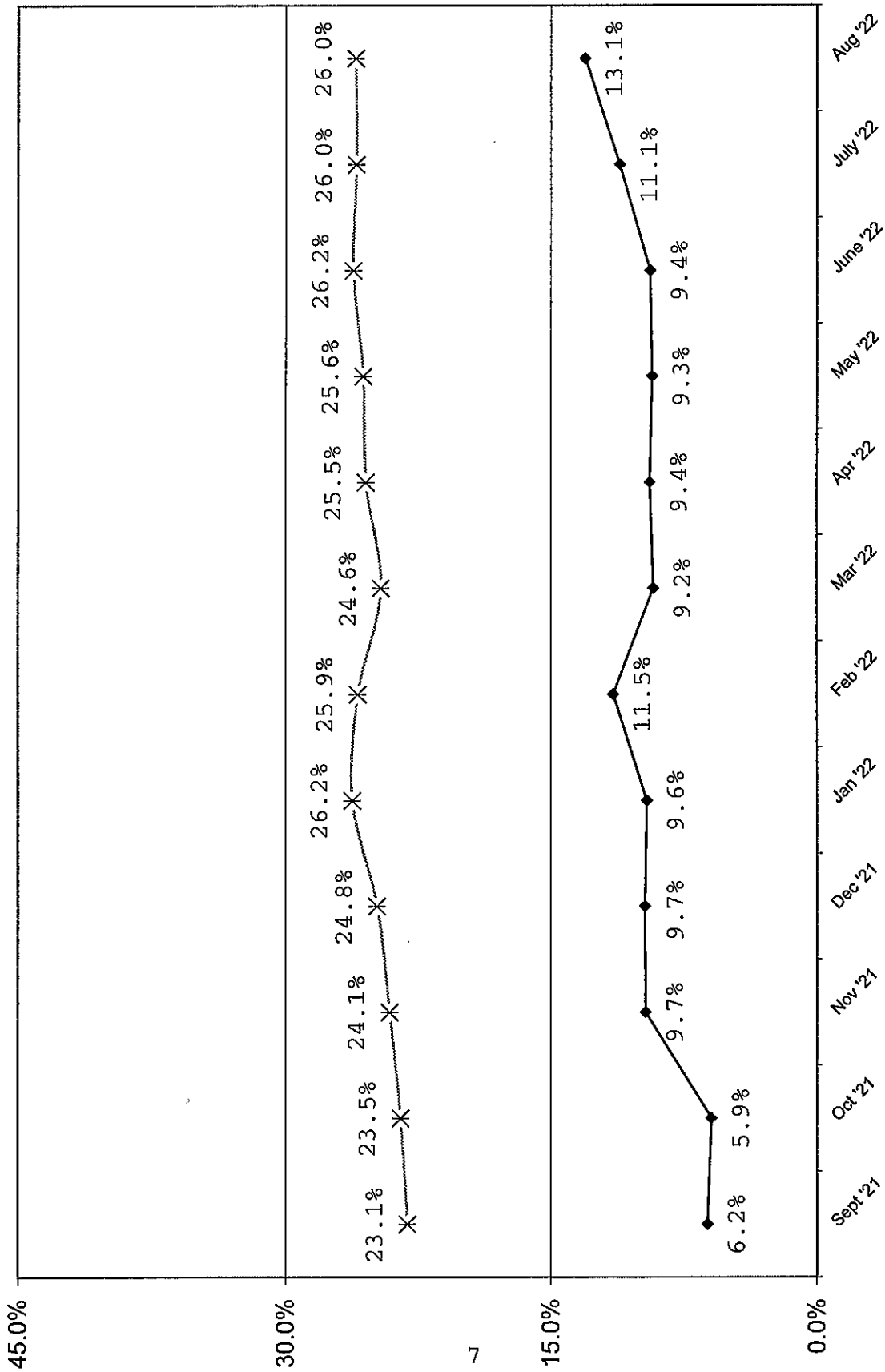


KAUAI
Direct Loans
Delinquency Ratio Report



Fiscal Year '22 - '23

MOLOKAI
Direct Loans
Delinquency Ratio Report



Fiscal Year '22 - '23

-----x----- Overall —◆— Molokai

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS


September 19, 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>			
Nanakuli Lease No. 3252 TMK: 1-8-9-002:028	COYLE, Robert (Construction)VA	Department of Veterans Affairs	\$ 519,375
Kewalo Lease No. 2167 TMK: 1-2-4-042:041	CHAR, Kelsie K. & CHAR, Jacqueline L. (Cash Out Refi) FHA	HomeStreet Bank	\$ 255,348
Waimanalo Lease No. 727 TMK: 1-4-1-016:018	CHAR, David K. F. (Purchase)FHA	HomeStreet Bank	\$ 280,260

OAHU

Kanehili Lease No. 12557 TMK: 1-9-1-153:114	LOPES, Puahone K. (Cash Out Refi) FHA	SecurityNat- ional Mortg- age Company	\$ 417,000
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MAUI

Paukukalo Lease No. 3496 TMK: 2-3-3-005-048	LEE, Daphne K. (Cash Out Refi) FHA	Celebrity Home Loans	\$ 363,300
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Waiehu Kou III Lease No. 10103 TMK: 2-3-2-024:111	KAHIAMOE, Daniel K. (Cash Out Refi) FHA	HomeBridge Financial Services, Inc.	\$ 200,000
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KAUAI

Anahola Lease No. 6529 TMK: 4-4-8-021:022	DANNER, Robin P. (Purchase)HUD 184A	Click n' Close, Inc.	\$ 419,591
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Anahola Lease No. 8669 TMK: 4-4-8-019:041	SILVA, Marla G. K. (Purchase)FHA	HomeStreet Bank	\$ 345,576
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HAWAII

Keaukaha Lease No. 5659 TMK: 3-2-1-024:073	CHU HING, William A. S. (Construction)VA	Department of Veterans Affairs	\$ 253,125
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Waiakea Lease No. 7972 TMK: 3-2-2-057:036	AUNA, Aaron K. (Cash Out Refi) FHA	V.I.P. Mortgage Inc.	\$ 365,000
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Waiakea Lease No. 6841 TMK: 3-2-2-063:027	VIENA, Kaleikamaile K. (Purchase)FHA	HighTechLen- ding Inc.	\$ 275,459
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ITEM NO. D-2

HAWAII

Kamoku Lease No. 2702 TMK: 3-4-7-007:023	LOO, Stanton I. (Cash Out Refi) FHA	Mann Mortgage, LLC	\$ 412,000
Kuhio Village Lease No. 2677A TMK: 3-6-4-007:070	SANBORN, Rhonda K. (Cash Out Refi) FHA	V.I.P. Mortgage Inc.	\$ 319,000

<u>RECAP</u>	<u>NO.</u>	FHA	<u>AMOUNT</u>	<u>NO.</u>	VA <u>AMOUNT</u>
FY Ending 6/30/22	381	\$	125,173,653	10	\$ 4,610,852
Prior Months	41	\$	13,747,341	1	\$ 300,000
This Month	<u>10</u>		<u>3,232,943</u>	<u>2</u>	<u>519,375</u>
Total FY '22-'23	51	\$	16,980,284	3	\$ 819,375

			HUD 184A <u>AMOUNT</u>		USDA-RD <u>AMOUNT</u>
FY Ending 6/30/22	54	\$	16,015,743	5	\$ 1,134,606
Prior Months	4	\$	1,645,999	0	\$ 0
This Month	<u>1</u>		<u>419,591</u>	<u>0</u>	<u>0</u>
Total FY '22-'23	5	\$	2,065,590	0	\$ 0


ITEM NO. D-2

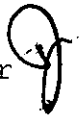
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 19, 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. & AREA</u>	<u>REFINANCING LOAN TERMS</u>
Helekahi, Joe-Ann K.	773, Papakolea	NTE \$86,030 @4% interest per annum, NTE \$775 monthly, repayable over 12 years.

Loan Purpose: Refinance existing Contract of Loan No. 17321. Original loan amount of \$130,392 at 6% per annum, \$782 monthly, repayable over 30 years. A Contested Case Hearing was not held for this account.

Akau, Edward J., Jr.	11884, Kanehili	NTE \$306,100 @4% interest per annum, NTE \$1,465 monthly, repayable over 30 years.
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Loan Purpose: Refinance existing HUD buyback Loan No. 19060. Original loan amount of \$281,175 at 5.25% per annum, \$1,552 monthly, repayable over 30 years. A Contested Case Hearing was not held for this account.

Orzechowski, Shawn U.	5218, Nanakuli	NTE \$115,000 @4% interest per annum, NTE \$550 monthly, repayable over 30 years.
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Loan Purpose: Refinance existing Contract of Loan No. 17861. Original loan amount of \$89,981 at 7.75% per annum, \$645 monthly, repayable over 30 years. A Contested Case Hearing was held on March 20, 2015 for this account.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 19, 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. & AREA</u>	<u>LOAN TERMS</u>
Kaneakua, Harry K., Jr.	6519, Anahola	NTE \$56,225 @ 4% interest per annum, NTE \$570 monthly, repayable over 10 years.

Loan Purpose: Refinance Contract of Loan No. 16119 and to reduce the interest rate. Original loan amount of \$95,500 @ 6.375% per annum, \$597 monthly, repayable over 30 years. A contested case hearing was not held for this account.

<u>REFINANCE</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/22	6	\$ 1,275,214
Prior Months	0	-0-
This Month	<u>1</u>	<u>56,225</u>
Total FY '22-'23	1	\$ 56,225

<u>REPAIR</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/22	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '22-'23	0	\$ -0-

<u>HOME CONSTRUCTION</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/22	1	\$ 250,000
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '22-'23	0	\$ -0-

<u>FARM</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/22	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '22-'23	0	\$ -0-

<u>TRANSFER WITH LOAN</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/22	1	\$ 133,000
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '22-'23	0	\$ -0-


<u>AWARD</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/22	3	\$ 469,550
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '22-'23	0	\$ -0-

<u>OTHER</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/22	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '22-'23	0	\$ -0-

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 19, 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

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

VIDINHA, Kehaulani H.M.	04/24/2015	KAUAI	RES	06/08/2022
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2. Deceased Applicants

WAIMANALO AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KEALOHA, Frank	PN 2021	06/18/1973
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WAIANAE AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

MAIHUI, Benjamin N.	PN 2021	11/06/1975
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OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

LEE, Walter Y.	PN 2021	08/22/1996
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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

LONO, Maydean H.	PN 2021	07/27/1993
PATRICK, Katherine E.	PN 2021	04/28/2004
WOO, Merlene A.	PN 2021	07/09/1999

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

KAMAKAHI, Luana L.	PN 2021	09/06/1996
KANEAKUA, Joseph K., Jr.	PN 2021	03/10/1993
KANEKOA, William K., Jr.	PN 2021	06/19/1986
KULOLOIO, Ruth Ann N.	PN 2021	11/25/1997
MALDONADO, Beverly K.	PN 2021	10/07/1987
OLAZABAL, Alice M.S.	PN 2021	07/20/1987
PRAIS, Clifford	PN 2021	06/16/1986
REICHERT, Hester-Anne L.	PN 2021	04/13/1987

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

KAMAKA, Charles K.	PN 2021	10/05/2005
KANEKOA, William K., Jr.	PN 2021	06/19/1986
OLAZABAL, Alice M.S.	PN 2021	07/20/1987

KEAUKAHA-WAIAKEA AREA / HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

ROSS, Dorothy H.	PN 2021	11/05/1971
STEVENS, Louise L.	PN 2021	06/24/1974

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

KAMAKELE, James K.	PN 2021	06/14/1990
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KAMELAMELA, Adams K.	PN 2021	01/26/1993
KU, Edward	PN 2021	10/16/2007
LEE, Henrietta W.	PN 2021	05/26/1995
LONG, Chesjoy K.	PN 2021	01/22/2007
MAUZERAL-WOLFE, Esther K.	PN 2021	12/04/1978
POOMAIHEALANI, Edward T.	PN 2021	07/08/1988
TSAI, Iwalani N.	PN 2021	09/10/1997
VENTURA, Jerome J.	PN 2021	01/19/1987
WOO, Merlene A.	PN 2021	12/04/1985
YOUNG, Lowell W.K.	PN 2021	09/27/1994

HAWAII ISLANDWIDE PASTORAL LEASE LIST

SUPE, Helene M.K.	PN 2021	06/07/1988
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KAMELAMELA, Adams K.	PN 2021	01/26/1993
KANUI, William Jr.	PN 2021	09/24/1985
KU, Edward	PN 2021	10/16/2007
LONG, Chesjoy K.	PN 2021	01/22/2007
LORENZO, Richard Jr.	PN 2021	03/17/2000
REICHERT, Hester-Anne L.	PN 2021	03/20/1979
SUPE, Helene M.K.	PN 2021	06/07/1988
VENTURA, Jerome J.	PN 2021	01/19/1987
YOUNG, Lowell W.K.	PN 2021	09/27/1994

ANAHOLA AREA / KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

PETERS, Samuel L.	PN 2021	11/13/1968
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KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

NAHOLOWAA, Elizabeth H.	PN 2021	05/03/1985
SPENCER, Wesley K.	PN 2021	01/28/1986

KAUAI ISLANDWIDE PASTORAL LEASE LIST

LONO, Maydean H.	PN 2021	07/27/1993
SCHUMACHER, Gene L.	PN 2021	09/03/1986

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

KIM, Moses S.C., Jr.	PN 2021	09/01/1981
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MOLOKAI ISLANDWIDE PASTORAL LEASE LIST

KAUPU, Joanka K.	PN 2021	01/09/1997
LORENZO, Richard Jr.	PN 2021	03/17/2000
PATRICK, Katherine E.	PN 2021	09/17/1987

3. Awards of Leases

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

AONA, Shawlea K.	Assigned Residential Lease #2144, Lot 239 in Kewalo, Oahu dated 07/13/2022. Remove application dated 10/20/2011.
HEICK, Iris R.	Assigned Residential Lease #12978, Lot 103 in Ka'uluokaha'i, Oahu dated 06/30/2022. Remove application dated 11/28/1986.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

NONE FOR SUBMITTAL

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL


Last Month's Transaction Total	46
Last Month's Cumulative FY 2022-2023 Transaction Total	72
Transfers from Island to Island	1
Deceased	49
Cancellations:	
Awards of Leases	2
NHQ	0
Voluntary Cancellations	0
Successorship	0
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	52
This Month's Cumulative FY 2022-2023 Transaction Total	124


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 19, 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 August 2022**

RECOMMENDED MOTION/ACTION

To approve the certification of applications of qualified applicants for the month of August 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 AGRICULTURAL LEASE LIST

WISE, David K., Jr.	03/17/2022
KAHOANO, Harry W.K.	04/01/2022
NAAUAO, Vernon K.	04/04/2022
KAHAPEA, Alexander A.H.	04/07/2022

KALAMAU, Heather L.	04/08/2022
KASSEBEER, Jessie H.A.	04/11/2022
CARDEN-KIAHA, Kaisten H.L.	4/12/2022
KAHALE, Jasmine K.	4/12/2022
WRIGHT, Valerie A.L.K.	04/22/2022
CARVALHO, Lee L.K.	04/25/2022
HOOPAI, Chyson K.K.K.	04/27/2022
KEMA, Edward C., Jr.	04/28/2022
AHANA, Isaac K.	04/29/2022
AHANA, Eric L.	04/29/2022
MARASCO, Thomas N.	05/04/2022
AHANA, Willynn	05/09/2022
FAATEA, C'mare P.K.	05/09/2022
PARK, Kaikoo K.	05/10/2022

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

SEPTIMO, Elaine L.	03/11/2022
NAONE, Abraham L.L., Jr.	03/14/2022
PENEKU, Kaikaina H.	03/14/2022
KELIIKOA, Christina N.P.	03/14/2022
LOPEZ, Edward K.K.V.	03/16/2022
KALANUI, Kamakaokalani C.M.	04/01/2022
KAHOANO, Harry W.K.	04/01/2022
KELIIKOA, Donovan K.E., Jr.	04/04/2022
NAAUAO, Vernon K.	04/04/2022

NAEOLE, Kaimana K.A.	04/06/2022
KAHAPEA, Alexander A.H.	04/07/2022
KEA, Pihanakealoha R.	04/07/2022
KANAE, Jeremiah K.	04/08/2022
KALAMAU, Heather L.	04/08/2022
KASSEBEER, Jessie H.A.	04/11/2022
GILMAN, Kealakaikulaemaikalani K.	04/11/2022
GILMAN, Kamakana	04/11/2022
KELIIKOA-STRICKLAND, Kathleen I.	04/12/2022
CARDEN-KIAHA, Kaisten H.K.	4/12/2022
KAHALE, Jasmine K.	4/12/2022
RAINT, Lucille M.M.	4/12/2022
NAVARRO, Luis C., Jr.	4/13/2022
PAAKAULA-CABRAL, Jazmin K.	04/20/2022
WRIGHT, Valerie A.L.K.	04/22/2022
CHRISTENSON, Charlene N.K.	04/25/2022
CARVALHO, Lee L.K.	04/25/2022
KOKI, Makapena R.	04/26/2022
KOKI, Kaulana B.	04/26/2022
KOKI, Kainoa d.	04/26/2022
KOKI, Nayton K.	04/26/2022
DUDOIT, John L., Jr.	04/27/2022
STALLWORTH, Edi Anne L.	04/27/2022
HOOPAI, Chyson K.K.K.	04/27/2022
KALEKINI, Bryanna	04/28/2022

KEMA, Edward C., Jr.	04/28/2022
AHANA, Isaac K.	04/29/2022
AHANA, Eric L.	04/29/2022
HOOHULI, Shane A.	05/03/2022
MARASCO, Thomas N.	05/04/2022
ORTIZ, Kristy K.K.	05/04/2022
AHANA, Willynn	05/09/2022
VISORIA, Nadine U.	05/09/2022
FAATEA, C'mare P.K.	05/09/2022
PARK, Kaikoo K.	05/10/2022
AKINA, John H., Jr.	05/10/2022
UMIAMAKA, Gregory K.	07/08/2022

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

SEPTIMO, Elaine L.	03/11/2022
KELIIKOA, Christina N.P.	03/14/2022
DELEON, Justin K.	03/16/2022
MAILOU, Barry L.	03/17/2022
LONZAGA, Beverly A.	03/17/2022
KAHALEHOE, Tyris Shey-Lynn	4/13/2022
KOKI, Kaulana B.	04/26/2022
KOKI, Kainoa D.	04/26/2022
BISSEN, Wesley K., Jr.	05/23/2022

MAUI ISLANDWIDE PASTORAL LEASE LIST

BAYBAYAN, Krist L.	04/26/2022
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

DELEON, Justin K.	03/16/2022
MAILLOU, Barry L.	03/17/2022
KAHALEHOE, Tyris Shey-Lynn	04/13/2022
BAYBAYAN, Krist L.	04/26/2022
BISSEN, Wesley K., Jr.	05/23/2022

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

TRIPP-CARVALHO, Trayson K.	03/22/2022
TRIPP-CARVALHO, Ashton K.	03/22/2022
KELIIKOA, Donovan K.E., Jr.	04/04/2022
NAEOLE, Kaimana K.A.	04/06/2022
KANAE, Jeremiah K.	04/08/2022
SPINNEY-TAKETA, Shanice-Tiara K.	04/11/2022
GILMAN, Kamakana	04/11/2022
NIHIPALI, Bryee H.A.	04/12/2022
PAAKAULA-CABRAL, Jazmin K.	04/20/2022
DEMOTTA, Nelson A.	04/25/2022
CHRISTENSON, Charlene N.K.	04/25/2022
BELT, Janice L.A.	04/28/2022
RAMOS, Johnalynn K.	05/09/2022
KALUNA, John K.	05/09/2022

HAWAII ISLANDWIDE PASTORAL LEASE LIST

TRIPP-CARVALHO, Salichaann K.	03/22/2022
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SIMMONS, Shorene P.	04/22/2022
KAY-MALINA-SIMMONS, Xavier K.	04/22/2022
DECANTO, Dvette T.K.	04/25/2022

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

TRIPP-CARVALHO, Trayson K.	03/22/2022
TRIPP-CARVALHO, Ashton K.	03/22/2022
TRIPP-CARVALHO, Salichaann K.	03/22/2022
SPINNEY-TAKETA, Shanice-Tiara K.	04/11/2022
SIMMONS, Shorene P.	04/22/2022
KAY-MALINA-SIMMONS, Xavier K.	04/22/2022
BROWN, Mary-Ann M.	04/25/2022
DEMOTTA, Nelson A.	04/25/2022
DECANTO, Dvette T.K.	04/25/2022
KAILI, Matthew K., Jr.	04/25/2022
BELT, Janice L.A.	04/28/2022
RAMOS, Johnalynn K.	05/09/2022
KALUNA, John K.	05/09/2022
RICHARDSON, Reygene A.M.K.	07/12/2022

KAUAI ISLANDWIDE AGRUCULTURAL LEASE LIST

PENEKU, Kaikaina H.	03/14/2022
HEEN, Tai-Chung K.	03/23/2022
PERALTA, Wilfred L.	03/24/2022
LAWELAWE, Crystal K.	04/06/2022
HAILI, Danny H.	04/11/2022

KELIIKOA-STRICKLAND, Kathleen I.	04/12/2022
KOKI, Makapena R.	04/26/2022
KOKI, Nayton K.	04/26/2022

KAUAI ISLANDWIDE PASTORAL LEASE LIST

HOOHULI, Shane A.	05/03/2022
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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

HEEN, Tai-Chung K.	03/23/2022
PERALTA, Wilfred L.	03/24/2022
LAWELAWA, Crystal K.	04/06/2022
HAILI, Danny H.	04/11/2022
WILLING, Cordell K.	05/03/2022

MOLOKAI ISLANDWIDE PASTORAL LEASE LIST


WILLING, Cordell K.	05/03/2022
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Previous Cumulative Total for Current FY	39
Current Month's Total	126
Fiscal Year Total: July 2022-June 2023	165

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 19, 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 Deferred Application - IDA P. OLIVERA**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

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

The following applicant was deferred and has since contacted the department with updated information:

NANAKULI AREA/ OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

<u>APPLICANT</u>	<u>APPLICATION DATE</u>	<u>HHC ACTION TO DEFER</u>	<u>CONTACT DATE WITH DEPARTMENT</u>
OLIVERA, Ida P.	01/18/1980	09/26/1995	08/18/2022

Previous Cumulative Total for Current FY	0
Current Month's Total	1
Fiscal Year Total: July 2022-June 2023	1

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 19, 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

Fourteen (14) assignments of lease.

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

Transferee Name: Alberta K. Vargas
Relationship: None
Loan Assumption: No
Applicant: No
Reason for Transfer: "Moving off island." Special
Condition: Transferee to obtain funds to pay purchase price.
See simultaneous transfer below.

2. Lessee Name: Alberta K. Vargas
Res. Lease No. 9603, Lot No. 50
Lease Date: 10/15/2000
Area: Kalawahine, Oahu
Property Sold & Amount: Yes, \$650,000.00
Improvements: 3 bedroom, 2-1/2 bath dwelling
- Transferee Name: RaniaLisa Kuuleilani Vargas Omo
Relationship: Daughter
Loan Assumption: No
Applicant: No
- Reason for Transfer: "Giving lease to relative." Special Condition: Transferee to obtain funds to pay purchase price.
3. Lessee Name: Cindy K. Jeremiah
Res. Lease No. 4597, Lot No. 91
Lease Date: 12/22/1977
Area: Waianae, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling
- Transferee Name: Cindy K. Jeremiah & Kimberly K. Jeremiah
Relationship: Lessee & Sister
Loan Assumption: No
Applicant: No
- Reason for Transfer: "Adding relative to lease."
4. Lessee Name: John K. Kan Hai
Res. Lease No. 10053, Lot No. 24
Lease Date: 3/21/2005
Area: Waiehu Kou III, Maui
Property Sold & Amount: Yes, \$303,129.00
Improvements: 3 bedroom, 2 bath dwelling
- Transferee Name: Melvyna K. Gomes
Relationship: None
Loan Assumption: No
Applicant: No
- Reason for Transfer: "Personal reasons." Special Condition: Transferee to obtain funds to pay purchase price. See simultaneous transfer below.

5. Lessee Name: Melvyna K. Gomes
Res. Lease No. 10053, Lot No. 24
Lease Date: 3/21/2005
Area: Waiehu Kou III, Maui
Property Sold & Amount: Yes, \$303,129.00
Improvements: 3 bedroom, 2 bath dwelling
- Transferee Name: Tanya Jolene K. L. H. Kan Hai
Relationship: Granddaughter
Loan Assumption: No
Applicant: No
- Reason for Transfer: "Giving lease to relative." Special
Condition: Transferee to obtain funds to pay purchase price.
6. Lessee Name: Caroline L. Lee
Res. Lease No. 8722, Lot No. 22
Lease Date: 3/15/1997
Area: Waianae, Oahu
Property Sold & Amount: Yes, \$360,000.00
Improvements: 3 bedroom, 2-1/2 bath dwelling
- Transferee Name: Eddie A. Delos Reyes
Relationship: None
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 6/8/2021
- Reason for Transfer: "Medical reasons." Special Condition:
Transferee to obtain funds to pay purchase price.
7. Lessee Name: John Macomber
Res. Lease No. 9249, Lot No. 36
Lease Date: 11/1/1998
Area: Kaniohale, Hawaii
Property Sold & Amount: Yes, \$150,000.00
Improvements: 3 bedroom, 2 bath dwelling
- Transferee Name: Jaybe K. T. M. Macomber-Lealao
Relationship: Son
Loan Assumption: No
Applicant: No
- Reason for Transfer: "Giving lease to relative." Special
Condition: Transferee to obtain funds to pay purchase price.

8. Lessee Name: David A. Medeiros
Res. Lease No. 778, Lot No. 24-A
Lease Date: 2/21/1941
Area: Papakolea, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Naomi L. Medeiros
Relationship: Wife
Loan Assumption: No
Applicant: No

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

9. Lessee Name: Naomi L. Medeiros
Res. Lease No. 778, Lot No. 24-A
Lease Date: 2/21/1941
Area: Papakolea, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Rhoda Ann K. Kaakimaka
Relationship: Sister
Loan Assumption: No
Applicant: No

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

10. Lessee Name: Rhoda Ann K. Kaakimaka
Res. Lease No. 778, Lot No. 24-A
Lease Date: 2/21/1941
Area: Papakolea, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Marie W. Munoz
Relationship: Daughter
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

11. Lessee Name: Teresa L. Pia
Res. Lease No. 6529, Lot No. 22
Lease Date: 1/3/1996
Area: Anahola, Kauai
Property Sold & Amount: Yes, \$425,000.00
Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Robin J. P. Danner
Relationship: None
Loan Assumption: No
Applicant: No

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

12. Lessee Name: Ethel P. Sinclair
Res. Lease No. 8648, Lot No. 51
Lease Date: 1/19/1996
Area: Waianae, Oahu
Property Sold & Amount: Yes, \$107,318.42
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Nicole U. Rosa
Relationship: Daughter
Loan Assumption: No
Applicant: No

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

13. Lessee Name: Chessine E. O. Nugent
Res. Lease No. 10728, Lot No. UNDV102
Lease Date: 12/3/2005
Area: Laiopua, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Sholan K. K. K. England
Relationship: None
Loan Assumption: No
Applicant: No

Reason for Transfer: "Transfer due to other family needs. I
do not need it any longer."

14. Lessee Name: Robert A. Pagan, Jr.
 Res. Lease No. 10798, Lot No. UNDV172
 Lease Date: 12/3/2005
 Area: Laiopua, Hawaii
 Property Sold & Amount: No, N/A
 Improvements: None

Transferee Name: Vic A. Penovaroff
 Relationship: None
 Loan Assumption: No
 Applicant: No


Reason for Transfer: "Personal reasons."


Assignments for the Month of September '22	14
Previous FY '22 - '23 balance	<u>36</u>
FY '22 - '23 total to date	50
Assignments for FY '21 - '22	220

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 19, 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

Nine (9) amendments of lease.

1. Lessee: Robert Coyle
Res. Lease No.: 3252
Lot No., Area, Island: 142-B-1, Nanakuli, Oahu
Amendment: To amend lease title and Lessor's name, incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
2. Lessee: Irene L. Fergerstrom
Pas. Lease No.: 2675
Lot No., Area, Island: 2, Kamoku, Hawaii
Amendment: To amend the lease title and Lessor's name, update the property description, incorporate the currently used terms, covenants, and conditions in the lease, and extend the lease term to an aggregate term of 199 years.

3. Lessee: Charles K. Kamaka, Jr.
Res. Lease No.: 2210
Lot No., Area, Island: 153, Kewalo, Oahu
Amendment: To amend the lease to update the property description.
4. Lessee: Levonne L. Kukahiko
Res. Lease No.: 3412
Lot No., Area, Island: 51, Kewalo, Oahu
Amendment: To amend the lease to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
5. Lessee: David A. Medeiros
Res. Lease No.: 778
Lot No., Area, Island: 24-A, Papakolea, Oahu
Amendment: To amend lease title and Lessor's name, incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
6. Lessee: Ilona K. Mendonca & Esther N. Wright
Res. Lease No.: 923
Lot No., Area, Island: 66-A, Papakolea, Oahu
Amendment: To amend the lease title and Lessor's name, the tenancy to tenant in severalty due to the death of a joint tenant, incorporate the currently used terms, covenants, and conditions in the lease, and extend the lease term to an aggregate term of 199 years.
7. Lessee: Gerald I. Ne
Agr. Lease No.: 15
Lot No., Area, Island: 7, Kalamaula, Molokai
Amendment: To amend the lease title and Lessor's name, incorporate the currently used terms, covenants, and conditions in the lease, and extend the lease term to an aggregate term of 199 years.


8. Lessee: Gerald I. Ne
 Agr. Lease No.: 15
 Lot No., Area, Island: 15-A, Kalamaula, Molokai
 Amendment: To amend the lease title and Lessor's name, incorporate the currently used terms, covenants, and conditions in the lease, and extend the lease term to an aggregate term of 199 years.
9. Lessee: Carrie Shea
 Res. Lease No.: 2154
 Lot No., Area, Island: 40, Kewalo, Oahu
 Amendment: To amend the lease title and Lessor's name, update the property description, incorporate the currently used terms, covenants, and conditions in the lease, and extend the lease term to an aggregate term of 199 years.


Amendments for the Month of September '22	9
Previous FY '22 - '23 balance	<u>19</u>
FY '22 - '23 total to date	28
Amendments for FY '21 - '22	133

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 19, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 

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

Ten (10) non-exclusive licenses.

1. Lessee: Valerie Y. Gregory
Res. Lease No.: 10085
Lot No., Area, Island: 73, Waiehu Kou III, Maui
Permittee: Sunrun Installation Services, Inc.

2. Lessee: Anthony M. Haleakala
Res. Lease No.: 9529
Lot No., Area, Island: 91, Waiehu Kou II, Maui
Permittee: Sunrun Installation Services, Inc.

3. Lessee: Stephanie A. Hookano & Jerome D. P. Hokoana
Res. Lease No.: 3450
Lot No., Area, Island: 9, Paukukalo, Maui
Permittee: Sunrun Installation Services, Inc.
4. Lessee: Robyn G. N. Kailiehu-Leal
Res. Lease No.: 10036
Lot No., Area, Island: 7, Waiehu Kou III, Maui
Permittee: Sunrun Installation Services, Inc.
5. Lessee: Tanya Jolene K. L. H. Kan Hai
Res. Lease No.: 10053
Lot No., Area, Island: 24, Waiehu Kou III, Maui
Permittee: Sunrun Inc.
6. Lessee: Randolyn L. Nohara
Res. Lease No.: 3949
Lot No., Area, Island: 68, Waimanalo, Oahu
Permittee: Sunnova Energy Corporation
7. Lessee: Wesley K. Pali
Res. Lease No.: 9923
Lot No., Area, Island: 58, Waiehu Kou III, Maui
Permittee: Sunrun Installation Services, Inc.
8. Lessee: Lesly M. S. Remmers
Res. Lease No.: 9912
Lot No., Area, Island: 15, Waiakea, Hawaii
Permittee: Sunrun Installation Services, Inc.
9. Lessee: Mona M. L. Ubedei
Res. Lease No.: 5060
Lot No., Area, Island: 326-A, Keaukaha, Hawaii
Permittee: Sunrun Installation Services, Inc.

10. Lessee: Samuel F. Walker, Sr.
Res. Lease No.: 9255
Lot No., Area, Island: 42, Kaniohale, Hawaii
Permittee: Sunrun Installation Services, Inc.

Non-Exclusive License for the Month of September '22	10
Previous FY '22 - '23 balance	<u>11</u>
FY '22 - '23 total to date	21
Non-Exclusive License for FY '21 - '22	53


**HAWAIIAN HOMES COMMISSION
SEPTEMBER 19 & 20, 2022
FACE-TO-FACE &
INTERACTIVE CONFERENCE
TECHNOLOGY**

**E – ITEMS
LAND DEVELOPMENT DIVISION**

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 19, 2022

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Stewart Matsunaga, Acting Administrator
Land Development Division 

SUBJECT: Approval of Finding of No Significant Impact and Final Environmental Assessment, Maili Residential Development (former Voice of America site);
TMK: (1) 8-7-010: 30 & 31, Maili, Waianae, Oahu, Hawaii

RECOMMENDED ACTION

That the Hawaiian Homes Commission (HHC) approve a Finding of No Significant Impact (FONSI) declaration based on the Final Environmental Assessment (FEA) for the Ma'ili Residential Development, Waianae, Oahu, TMK Nos. (1) 8-7-010: 030 and 031.

DISCUSSION

PURPOSE

An informational briefing regarding the draft Environmental Assessment of the Ma'ili Residential Development was presented to the HHC in March 2022. To reduce redundancy, a copy of the March 2022 report to the commission is included as a reference (Exhibit A) and only changes and new information are included here.

The focus of this submission is to review the Ma'ili Residential Development FEA; the criteria for a Finding of No Significant Impact (FONSI); and project schedule. The FEA will be posted on the Environmental Review Program, Office of Planning and Sustainable Development and DHHL websites.

BACKGROUND

The project site is a portion of two parcels designated as tax map key (TMK) (1) 8-7-010: 30 & 31. The parcels were transferred to DHHL from the United States of America through the Administrator of General Services via separate quitclaim deeds. The larger parcel (parcel 30; 84.417 acres) was transferred in December 2010. The smaller parcel (parcel 31; 4.857 acres) was conveyed to DHHL in July 2021 after remediation of hazardous materials from previous activities.

Approximately six acres were leased to the Department of Human Services and developed as the Ulu Ke Kukui transitional housing project. Before the lease expired in November 2019, Hawaiian Community Development Board (HCDB) was contracted to renovate the apartment

units and rent them to DHHL beneficiaries. They are currently working on financing and plans approval and permitting.

Approximately 0.6 acres are leased to the Department of Human Services to operate Ho‘omalulu O Nā Kamali‘i, an emergency receiving home for children. The general lease expires in 2028.

Approximately 40 acres of land is designated for the Kamehameha Schools Community Learning Center at Mā‘ili (CLC-M). The CLC-M, which was created to provide spaces for students and families to learn and grow, opened in August 2014. The CLC-M’s Early Learning Complex is an education hub featuring community organizations that are co-located with each other to better serve Wai‘anae Coast keiki and ‘ohana.

Approximately 10 acres of land have been developed to date. The remaining approximately 40-acre project site is currently unoccupied.



PROJECT DESCRIPTION

Project Location:	Mā‘ili, Wai‘anae, Oahu
Tax Map Key:	(1) 8-7-010: 030 and 031
Ownership:	Department of Hawaiian Home Lands
Lot Area:	84.417 acres for 8-7-010: 030 4.857 acres for 8-7-010: 031 Total: 89.274 acres
Zoning:	The project area is AG-2, General Agriculture. The Department is not subject to County Zoning Ordinances. DHHL has determined that the project will be designed and constructed in accordance with Residential and Apartment zoning standards.
Special District:	The project is not located in a Special District.
State Land Use:	Agriculture
Existing Land Use:	<p>The project parcel is bordered by Mā‘ili Channel to the north, Sea Country residential development to the east, and additional residential developments to the south and west. North and northeast of the project parcel is a quarry site operated by Pacific Aggregate.</p> <p>Within the tax map parcels, on northwestern corner are Ulu Ke Kukui (transitional housing facility) and Ho‘omalū O Nā Kamali‘i (receiving home), both of which will remain. The southern portion of TMK 8-7-010: 030 has been leased to Kamehameha Schools which constructed and is operating the Kamehameha Schools Community Learning Center.</p> <p>The two tax map parcels will be consolidated and subdivided as part of the project. That subdivision action will also create separate parcels for Ulu Ke Kukui, Ho‘omalū O Nā Kamali‘i, and the Kamehameha Schools lease.</p>
Nature of Development:	The project would develop approximately 40 acres of vacant land in Mā‘ili, Wai‘anae, O‘ahu into a homestead community for DHHL beneficiaries. The development will take place in two separate phases. The first phase would construct the backbone road and utility infrastructure. The second phase, would develop the residential units, which would primarily be on single-family lots leased in accordance with the Hawaiian Homes Commission Act of 1921, but may include multi-family units for medium-term rentals.
Total Project Cost:	Estimated infrastructure construction cost: \$55.3 million
Project Schedule:	Planning Phase (Environmental Review Process): 2022 to 2023

Infrastructure Design: 2023 to 2024

Infrastructure Construction (backbone roads and utilities): 2025 to 2026

Residential Unit Design and Construction: 2026 to 2027

Occupancy of Residential Units: 2028

PUBLIC AND BENEFICIARY CONSULTATION UPDATE

Since the March 2022 Commission meeting, the general public (including beneficiaries) was provided an opportunity to provide written comment on the project from April 8, 2022 through May 9, 2022. A beneficiary informational meeting was held via Zoom on April 7, 2022. Presentations were made to the Nanakuli-Maili Neighborhood Board at their meeting on April 19, 2022, and to the Waianae Coast Neighborhood Board, Housing Committee at their meeting on April 12, 2022.

PARTIES CONSULTED DURING THE DRAFT ENVIRONMENTAL ASSESSMENT REVIEW PROCESS

The following agencies and individuals with ministerial or specific interests regarding the proposed project were contacted for their comments regarding the project:

Elected Officials

Senator Mazie Hirono, U.S. Senate
Senator Brian Schatz, U.S. Senate
Representative Ed Case, U.S. House of Representatives
Representative Kaiali'i Kahele, U.S. House of Representatives
Senator Maile Shimabukuro, District 21, State of Hawaii Legislature
Representative Stacelynn K.M. Eli, District 43, State of Hawaii Legislature
Representative Cedric Asuega Gates, District 44, State of Hawaii Legislature
Mayor Rick Blangiardi, City & County of Honolulu
Councilmember Andria Tupola, District 1, City & County of Honolulu Council

Federal Agencies

Department of Housing and Urban Development
Department of Transportation Federal Aviation Administration
U.S. Army Corps of Engineers Pacific Ocean Division
U.S. Fish & Wildlife Service
U.S. Geological Survey Pacific Islands Water Science Center
U.S. Pacific Fleet

State Agencies

Department of Agriculture
Department of Business, Economic Development, & Tourism
Hawaii State Land Commission
Department of Education
Department of Health, Environmental Health Administration
Department of Health, Office of Hazard Evaluation & Emergency Response

Department of Human Services
Department of Land & Natural Resources, Historic Preservation Division
Department of Land & Natural Resources, Land Division
Department of Land & Natural Resources, Engineering Division
Department of Land & Natural Resources, Division of Aquatic Resources
Department of Land & Natural Resources, Division of Boating and Ocean Recreation
Department of Land & Natural Resources, Office of Conservation and Coastal Lands
Department of Land & Natural Resources, Division of Forestry and Wildlife
Department of Transportation
Environmental Review Program
Office of Hawaiian Affairs
Office of Planning & Sustainable Development
State Historic Preservation Division - O'ahu Burial Council

County Agencies

Board of Water Supply
Department of Community Services
Department of Design & Construction
Department of Environmental Service
Department of Parks and Recreation
Department of Planning and Permitting
Department of Transportation Services
Honolulu Fire Department
Honolulu Police Department

Organizations and Individuals

Ahupua'a o Nānākuli Hawaiian Homestead
Hawaiian Community Development Board
Ho'omalū O Nā Kamali'i
Kamehameha Schools
Kaupuni Village Association
Nānākuli Hawaiian Homestead Community Association
Nānākuli-Mā'ili Neighborhood Board No. 36
Princess Kahanu Estates Hawaiian Homes Association
Sea Country Community Association
Wai'anae Kai Hawaiian Homestead Association
Wai'anae Coast Neighborhood Board No. 24
Wai'anae Valley Homestead Association
Mr. David Carona

Utilities

AT&T
Hawaiian Electric Company
Hawaiian Telcom
Charter Communications
Hawaii Gas

COMMENTS RECEIVED DURING THE 30-DAY PUBLIC COMMENT PERIOD

The Draft EA was published in the April 8, 2022 issue of the Environmental Review Program's (ERP's) The Environmental Notice and sent to various agencies, organizations, and individuals listed in the previous section. The 30-day public comment period ended on May 9, 2022. The comments received and responses are appended to the FEA. A summary is below:

Comments from / date received	Comments	Response
Hawaii Gas, 4/13/22	Hawaii Gas maintains underground utility gas mains in the project vicinity that serve residential customers in the area. We would appreciate your consideration during the project planning and design process to minimize any potential conflicts with the existing gas facilities in the project area.	Acknowledged
C&C, Department of Community Services, 4/15/22	The proposed project will have no adverse impacts on any Department of Community Services activities or projects in the surrounding neighborhood.	Acknowledged
Hawaiian Electric Company, 4/20/22	<ol style="list-style-type: none"> 1. Should Hawaiian Electric have existing easements and facilities on the subject property, we will need continued access for maintenance of our facilities. 2. Please be sure the contractor submits the service request in a timely fashion relative to when they expect energizing of electrical service. 	Acknowledged
Department of Human Services, 4/21/22	Several licensed Group Child Care Centers and Infant and Toddler Child Care Centers are located within a one (1) mile radius of the project site.	Acknowledged
C&C, Department of Design and Construction, 4/22/22	The Department of Design and Construction has no comments to offer at this time.	Acknowledged
U.S. Fish & Wildlife Service, 4/25/22	<p>Data indicates a number of federally listed species that may occur or transit through the vicinity of the proposed project area:</p> <ol style="list-style-type: none"> 1. Hawaiian hoary bat <ul style="list-style-type: none"> • Do not disturb, remove, or trim woody plants greater than 15 feet tall during the bat birthing and pup rearing season (June 1 through September 15). • Do not use barbed wire for fencing. 2. Hawaiian seabirds <ul style="list-style-type: none"> • Fully shield all outdoor lights so the bulb can only be seen from below bulb height and only use when necessary. 	Acknowledged

	<ul style="list-style-type: none"> • Install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area. • Avoid nighttime construction during the seabird fledging period (September 15 through December 15). <p>3. Hawaiian waterbirds</p> <ul style="list-style-type: none"> • In areas where waterbirds are known to be present, post and implement reduced speed limits, and inform project personnel and contractors about the presence of endangered species on-site. • If water resources are located within or adjacent to the project site, incorporate applicable best management practices regarding work in aquatic environments into the project design. • Have a biological monitor that is familiar with the species' biology conduct Hawaiian waterbird nest surveys where appropriate habitat occurs within the vicinity of the proposed project site prior to project initiation. 	
Honolulu Police Department, 4/26/22	<p>HPD recommends that all necessary signs, lights, barricades, and other safety equipment be installed and maintained by the contractor during the construction phase of the project.</p> <p>HPD also recommends that the contractor work with the Neighborhood Board, as the development is envisioned to accommodate 280 single- and multi-family residences when completed. Due to this being a new community, there may be an increase in calls for services.</p>	Acknowledged
Honolulu Fire Department, 4/28/22	<p>1. Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 feet (46 meters) from fire department access roads as measured by an approved route around the exterior of the building or facility.</p> <p>A fire department access road shall extend to within 50 feet (15 meters) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.</p>	Acknowledged

	<ol style="list-style-type: none"> 2. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction. 3. The fire department access roads shall be in accordance with Section 18.2.3. (NFPA 1; 2018 Edition) 4. Submit civil drawings to the HFD for review and approval. 	
Board of Water Supply, 4/29/22	<p>The existing water system is adequate to accommodate the proposed homestead community development based on current data.</p> <p>When water is made available, the applicant will be required to pay the Water System Facilities Charges (WSFC) for resource development, transmission, and daily storage.</p> <p>Water conservation measures will be required for the proposed development.</p> <p>Construction drawings will be submitted for BWS review and the construction schedule will be coordinated to minimize impact to the water system.</p> <p>The project will be coordinated with the Fire Prevention Bureau of the Honolulu Fire Department.</p> <p>The Farrington Highway Water System Improvements, Hookele Street Vicinity Project is currently in the design phase. The DHHL project team will coordinate the project scope and status with the BWS.</p> <p>BWS may waive the WSFC and new meter costs for qualified on-site affordable and homeless dwelling units, up to 500 dwelling units per year pending qualification and certification as either affordable or homeless dwelling units.</p>	Acknowledged
Department of Health, Clean Air Branch, 5/02/22	Request that best practices are met during the construction of all roads, parking lots, and buildings to minimize the creation of fugitive dust and the Standard Comments for Land Use Reviews that were provided	Acknowledged
Department of Land and Natural Resources, Division of Aquatic Resources, 5/04/22	<ol style="list-style-type: none"> 1. Mā'ili Channel does not appear to be connected to any major watershed in the area; its role in providing habitat for native aquatic life may be limited. 	Acknowledged

	<ol style="list-style-type: none"> 2. Reasonable protections will be provided during construction, since the channel discharges to the ocean. 3. Additional reasonable steps will be taken to ensure that sediment, litter, construction materials, chemicals, or any other byproducts of the proposed activities are not discharged into Mā‘ili Channel. 4. Should any unforeseen impacts to the Mā‘ili channel occur during the proposed activities, the Division of Aquatic Resources will be contacted immediately to assess the potential threat to the aquatic environment. 	
Department of Transportation, 5/04/22	<ol style="list-style-type: none"> 1. The key findings of the Mobility Analysis Report (MAR) are as follows: <ol style="list-style-type: none"> a. Project-related vehicle trips generated during A.M. and P.M. peak traffic hours are expected to be 170 and 218, respectively. b. The project would be occupied by 2028 and include 300 parking spaces. c. The MAR study area included signalized intersections with Farrington Highway at Kaukama Road and Saint John’s Road. Two inland County Road intersections were studied, Kulaaupuni Street and Saint John’s Road, and Kulauku Street and Kaukama Road. d. The existing Level of Service (LOS) at all four intersections is acceptable (LOS A-C), under existing peak traffic conditions. e. By 2028, without the project, all four intersections would operate at an acceptable LOS (A-D). f. In 2028, with the project, the intersections with Farrington Highway would remain the same LOS as 2028, without the project, with additional delays at the intersection with Saint John’s Road. The project would have a significant impact on the Kulaaupuni Street and Saint John’s Road intersection, resulting in an undesirable LOS F, during the A.M. peak traffic hour. A four-way stop control is recommended at this County intersection for vehicle traffic and pedestrian safety. g. The MAR recommends DHHL request signal timing modifications from the HDOT to improve the westbound and southbound left- 	<ol style="list-style-type: none"> 1. The MAR makes no assumption on the timeline of the Kulauku Street extension. Two 2028 with-project scenarios were analyzed: one with and one without the extension. These scenarios were completed for comparative purposes and to determine if project traffic necessitated the extension. 2. Acknowledged 3. Verified: at this time, it is anticipated that the project will not require work within the State ROW. 4. Verified: No additional discharge of surface water run-off onto the Farrington Highway ROW is permitted.

	<p>turn queuing at the Farrington Highway and Saint John's Road intersection.</p> <p>h. The full southern extension of Kulaaupuni Street beyond the project site driveway to Kulauku Street is expected to be completed by 2028 but is not included in the proposed project description. However, the MAR included 2028 scenarios that include the impact of the completed southern access to the site, with and without the project. Trip distribution related to the project was adjusted to include the northern and southern route alternatives. The LOS without the project at the four intersections are acceptable (A-D) during peak traffic hours. Adding the project trips, significantly impacts the A.M. LOS (D to E) at the Saint John's Road and Kulaaupuni Street intersection. The impact on this intersection is greater (LOS F) when only the northern route is available.</p> <p>i. The MAR assessed the access to bike and pedestrian routes, and transit stops in the vicinity. It recommended improvements to existing routes and additional routes to improve interconnectivity in the community.</p> <p>2. The HDOT concurs with the MAR findings and recommendations for vehicular traffic and multimodal improvements. Most recommended improvements are outside of the HDOT jurisdiction, but mitigation at the Saint John's Road and Kulaaupuni Street intersection would reduce the delay on the Farrington Highway and Saint John's Road intersection, during A.M. peak hour traffic. As suggested in the MAR, the DHHL may request traffic signal modifications by the HDOT to further mitigate the impact.</p> <p>3. The Draft EA does not describe any work (e.g., utility improvements) within the State right-of-way (ROW) to support the project. Please verify this is true.</p> <p>4. No additional discharge of surface water run-off onto the Farrington Highway ROW is permitted. The Draft EA (Section 4.13.2) describes the conveyance of stormwater onsite through swales and catch basins to an infiltration basin. The basin will be designed to convey peak flow to Maili Channel, located west of the site. Maili Channel conveys stormwater beneath Maipalaoa Bridge on Farrington Highway and ultimately to</p>	
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	<p>the Pacific Ocean. Please verify that the stormwater flow to Maili Channel from the site would not be greater than the existing stormwater flow from the site. Note that Maipalaoa Bridge is currently under construction.</p>	
<p>Mr. David Carona, 5/08/22</p>	<ol style="list-style-type: none"> 1. I fully support the proposed develop project by the Department of Hawaiian Homelands (DHHL). I fully believe that the right to land/housing for beneficiaries is long overdue for those still waiting on the housing list. 2. My comments center around infrastructure leading to the property location verses any concerns with the subdivision itself. <p><u>4.5 Natural Disasters:</u> The mitigation (para 4.5.7) fails to address an egress route out of the subdivision.</p> <p><u>4.8 Roadways and Traffic:</u></p> <ol style="list-style-type: none"> 1) Farrington Highway in this vicinity only has a curb separating Farrington Highway from pedestrians, not a sidewalk. 2) St John’s Road needs to have a determination of the type of street it is. 3) The traffic study fails to indicate that vehicle traffic routinely drives on this asphalt path due to road width. 4) The data suggests primary access should be via Farrington Highway/Kaukama Road and Kulauku Street/Kaukama Road. This is with the intention that Kula‘aupuni will be extended to Kulauku Street to meet this objective. Why was St Johns selected? 5) The suggestion to improve operations by adding a 4 way stop sign fails to mention that Kula‘aupuni (North side) and Kula‘aupuni (South side) are not directly across from each other. By suggesting a stop sign to this misaligned “T” intersection will potentially cause confusion. Does the city allow for misaligned “T” intersections? 6) How can there be no circulation issues when stating St Johns and Kula‘aupuni will be primary entry? <p><u>4.14 Public Services and Facilities:</u> Why doesn’t the EA provide an estimated count of increased</p>	<ol style="list-style-type: none"> 1. Acknowledged 2. Comments <p><u>4.5</u> The egress route out of the development will be via the entry provided off Kulaaupuni Street.</p> <p><u>4.8</u></p> <ol style="list-style-type: none"> 1) This has been corrected. 2) This has been corrected. 3) This has been corrected. 4) The MAR concluded that the Kulaaupuni Extension is not required to serve this project or to mitigate any potential impacts. 5) While offset intersections are not a preferred design, they can function well with appropriate traffic control devices and appropriate sight distance. All other intersection approaches are visible from any given intersection approach. 6) “Circulation” in this section refers to vehicle operations internal to the project site. There are no circulation issues anticipated for any roadways within the project site. <p><u>4.14</u> DOE provided comments to the DEA.</p> <p><u>Appendix B:</u> The project is not anticipated to add traffic to Mamoalii Place or Holt Road and those segments will not be significantly impacted by the project.</p>

	<p>enrollement for the immediate schools within the vicinity?</p> <p><u>Appendix B:</u> St Johns, Holt and Mamoalii are all listed as private. What is the mitigation plan for these private roads?</p> <p><u>Appendix E:</u> The traffic tables are not filled in properly. It appears the data entry was corrupted and is not legible enough to provide accurate comment.</p> <p><u>Appendix F Early Consultation Public Comments:</u> The EA did not address safety appropriately other than mentioning changing the traffic light timing at St Johns/Farrington sometime in the future and adding a 4 way stop sign at the misaligned “T” intersection of Kulaaupuni/St Johns. What other mitigating solutions can be included that aligns with the SDOT comment?</p> <p><u>Appendix G:</u></p> <ol style="list-style-type: none"> 1) Recommend the traffic study count be conducted when school and other services are in full operation to get a better account of current traffic volumes and adjust for the entire subdivision traffic increase. 2) The EA did not address safety appropriately other than mentioning changing the traffic light timing at St Johns/Farrington and adding a 4 way stop sign at the misaligned intersection of Kulaaupuni/St Johns. 3. The Ma‘ili area has continued to grow without the State or City making any infrastructure improvements. This project must move forward, but must have the support of the State and City to partner with DHHL and provide infrastructure resource support. 	<p><u>Appendix E:</u> The tables in the appendix of the MAR are correct.</p> <p><u>Appendix F:</u> DOT’s comments to the DEA included the statement, “The HDOT concurs with the MAR findings and recommendations for vehicular traffic and multimodal improvements.”</p> <p><u>Appendix G:</u></p> <ol style="list-style-type: none"> 1) The MAR was prepared consistent with the City’s Transportation Impact Assessment Guide as well as HDOT’s guidelines. 2) As noted above, in DOT’s comments to the DEA, they concur with the MAR findings and recommendations. 3. Acknowledged
Department of Education, 5/09/22	<p>Mā‘ili Elementary and Wai‘anae Intermediate are operating below capacity and will continue to operate at this capacity during the next five years.</p> <p>Wai‘anae High is currently operating above capacity but is expected to operate below capacity over the next five years.</p>	Acknowledged
C&C, Department of Planning and Permitting, 5/10/22	<ol style="list-style-type: none"> 1. DHHL may declare the site exempt from LUO regulations. 	<ol style="list-style-type: none"> 1. Acknowledged 2. Acknowledged 3. A timeline for completing and submitting a CMP and any

	<p>2. The area is located outside of the Special Management Area (SMA) administered by the DPP.</p> <p>3. A timeline or phasing plan of the anticipated dates to obtain major building permit(s) shall be prepared by the applicant. The timeline should identify when the construction management plan (CMP) and any updates to the Mobility Analysis Report (MAR) will be submitted.</p> <p>The CMP shall identify the type, frequency and routing of heavy trucks and construction related vehicles.</p> <p>The traffic improvements as recommended in the MAR shall be implemented and completed prior to occupancy.</p> <p>Work with the State Department of Transportation for any necessary improvements to the Farrington Highway / St. John's Road intersection.</p> <p>Frontage improvements, including a pedestrian path, along the mauka side of Kulaaupuni Street should be provided to St. Johns Road.</p> <p>Subdivision approval will be needed if roadway lots are intended for the Kulaaupuni Street Extension and the internal roadways.</p> <p>Construction plans and traffic control plans for all work within or affecting public streets should be submitted for review and approval.</p> <p>4. The Oahu General Plan has been updated and adopted by the City Council on December 1, 2021 via Resolution No. 21-023, CD1, which was signed by the Mayor on January 12, 2022.</p> <p>We suggest that the final EA disclose that the DHHL made a presentation to the Nanakuli-Maili Neighborhood Board (NB) No. 36 on April 19, 2022.</p>	<p>updates to the MAR will be determined.</p> <p>Hawaii Department of Transportation (HDOT) concurred with the MAR findings and recommendations for vehicular traffic and has stated that DHHL may request traffic signal modifications at the Farrington Highway/St. John's Road intersection to mitigate the impact.</p> <p>The project will be coordinated with the DPP Traffic Review Branch.</p> <p>4. Acknowledged</p> <p>Section 3.2.1 has been updated.</p> <p>The final EA includes a section detailing the NB meetings.</p>
Department of Land & Natural Resources Division of Forestry and Wildlife, 5/12/22	<p>1. Concurrence with mitigation measures intended to avoid construction and operational impacts to the State-listed Hawaiian Short-eared Owl or Pueo (<i>Asio flammeus sandwichensis</i>). If Pueo nests are present, a buffer zone should be established in which no clearing occurs until nesting ceases, and DOFAW staff is notified.</p> <p>2. The Hawaiian Hoary Bat or 'Ōpe'ape'a (<i>Lasiurus cinereus semotus</i>) could potentially occur in the vicinity of the project and may roost in nearby</p>	Acknowledged

	<p>trees. Any required site clearing should be timed to avoid disturbance to bats during their birthing and pup rearing season (June 1 through September 15). Barbed wire should be avoided for any construction.</p> <ol style="list-style-type: none"> For nighttime work that might be required, DOFAW recommends the use of fully-shielded lights to minimize impacts to seabirds that may pass through the area. Nighttime work that requires outdoor lighting should be avoided during the seabird fledging season from September 15 through December 15. DOFAW recommends minimizing the movement of plant or soil material between worksites, such as in fill. Soil and plant material may contain invasive fungal pathogens, vertebrate and invertebrate pests, or invasive plant parts that could harm our native species and ecosystems. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species. DOFAW recommends using native plant species for landscaping that are appropriate for the area (i.e., climate conditions are suitable for the plants to thrive, historically occurred there, etc.). Do not plant invasive species. It is also recommended to refer to www.plantpono.org for guidance on selection and evaluation of landscaping plants. 	
Office of Planning and Sustainable Development, 5/12/22	<ol style="list-style-type: none"> The Draft EA correctly identifies the need for a Coastal Zone Management Act (CZMA) federal consistency review. OPSD will conduct this review. The Draft EA provides a very brief analysis of the CZMA. Disclosure of impacts on the CZM Program's objectives and supporting policies will aid the State in determining impacts to resources of the coastal zone, as well as the viability of proposed mitigation measures. The Final Environmental Assessment will benefit from and will include a more thorough examination on the proposed action's adherence with Hawaii Revised Statutes (HRS) 205A-2. 	<ol style="list-style-type: none"> Acknowledged The Final Environmental Assessment will include a more thorough examination on the proposed action's adherence with HRS 205A-2.
C&C, Department of Transportation Services, 6/03/22	<ol style="list-style-type: none"> Mobility Analysis Report (MAR) <ol style="list-style-type: none"> Clarify that St. Johns Road mauka of Kulaaupuni Street is private. 	<ol style="list-style-type: none"> MAR <ol style="list-style-type: none"> Text in the MAR has been updated to clarify that St.

	<p>ii. Include the Oahu Pedestrian Plan (OPP) in the discussion regarding planning documents.</p> <p>iii. DTS' multimodal analysis methodology applies to any project directly affecting City roadways.</p> <p>iv. Investigate discrepancy in Table 6, which lists the "Intersection or Worst Movement" for Farrington Highway/St. John's Road as Level of Service (LOS) "C", while the text description on Page 18 states the worst LOS for this intersection is "D".</p> <p>v. Page 21. Correct errors in text description and Table 7. Total Net New Vehicle Trips in the AM Peak should be 170 ($172 - 2 = 170$); Total Net New Vehicle Trips in the PM Peak should be 218 ($223 - 5 = 218$).</p> <p>vi. Applicant is responsible for coordinating the implementation of improvements.</p> <p>2. Transportation Impact Assessment (TIA).</p> <p>i. The applicant shall perform a TIA to examine the vehicle, pedestrian, bicycle, and public transit stress and comfort levels at the nearby intersections and driveways with corresponding improvements to mitigate these impacts by applying Complete Streets principles.</p> <p>The TIA should identify an appropriate speed limit for the streets adjacent to the project.</p> <p>The applicant shall submit all native files (e.g., Synchro, Excel, etc.) for the raw multi-modal counts and accompanying analyses to the Regional Planning Branch (RPB).</p> <p>ii. Vehicle Level of Service (LOS). The City's TIA Guide requires the use of traffic volumes from the second-highest peak hour traffic counts (for each peak analyzed) when evaluating impacts of a proposed City project, and assume evenly distributed volumes over the analysis hour.</p> <p>iii. The TIA shall analyze the City's Planned Street Improvements and assigned roadway/lane configurations. As of the date of this letter, Kulaaupuni Street is classified as a "Rural Road" planned to have sidewalks, no bike lanes, two travel lanes, no bus service, and optional unpriced on-street parking.</p>	<p>John's Road mauka of Kulaaupuni Street is private.</p> <p>ii. Text in the MAR has been updated to include the Oahu Pedestrian Plan in the discussion regarding planning documents.</p> <p>iii. It is the understanding from conversations with both the City DPP-TRB and the City DTS staff that the DTS TIA Guide analyses are not required for projects that are not sponsored by the City. However, it is concurred for the purpose of the Guide to address the quality of multi-modal travel and adherence to Complete Streets principles.</p> <p>iv. The text on page 18 states that LOS D is for the westbound approach. The LOS C shown in Table 6 is for the entire intersection.</p> <p>v. Text has been corrected.</p> <p>vi. Comment noted.</p> <p>2. TIA</p> <p>i. A comprehensive evaluation of potential impacts to all travel modes was completed. All recommended mitigations adhere to Complete Streets principles and are listed below:</p> <ul style="list-style-type: none"> • The MAR identified an opportunity to develop a formal walking path on the mauka side of Kulaaupuni Street between the bridge and St. John's Road. • The MAR recommended adding stop signs to the St. John's Road approaches. • The MAR identified an opportunity to install a
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	<p>3. Parking.</p> <ul style="list-style-type: none"> i. A discussion regarding off-street parking and site generated parking demand should be added to this report. ii. City's TIA Guide requires that when proposed parking for the project exceeds the trip generation estimate, the parking generation estimate should be used after adjusting for the time of day distribution for parking demand. iii. Electric Vehicle Parking. Places of accommodation with at least 100 parking spaces available for use by the general public shall have at least one parking space exclusively for electric vehicles and equipped with an electric vehicle charging system. iv. Unbundled Parking. The applicant shall investigate the feasibility of offering residential units with unbundled parking, consistent with TOD principles. <p>4. Transportation Demand Management (TDM) Strategies.</p> <ul style="list-style-type: none"> i. The applicant should include a description of how the project will promote, encourage, and monitor alternative transportation usage. The City's TIA Guide describes recommended TDM strategies, including, but not limited to: <ul style="list-style-type: none"> 1. The management entity should inform residents, staff, and visitors of the City's vanpool, car share, and bikeshare programs to promote alternate modes of transportation. 2. Investigate feasibility of providing residents and staff with subsidized transit passes. 3. Require the developer to make a contribution for complete streets improvements as recommended by the TIA. <p>5. Complete Streets.</p> <ul style="list-style-type: none"> i. Sidewalks. New sidewalks, curb ramps, curbs and gutters must meet current City and Americans with Disabilities Act standards. ii. Pedestrian Improvements. Installation of lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape consistent with the Complete 	<p>bicycle/ pedestrian connection from the southeast corner of the project site to Laia Street.</p> <ul style="list-style-type: none"> • The MAR recommended modifying signal timing at Farrington Highway/St. John's Road. <p>Posted speeds limits are 25 miles per hour (mph) on Kulaaupuni Street and 15 mph on St. John's Road. These speeds, especially the 15 mph limit, are appropriate for neighborhood roadways.</p> <p>The native Synchro and raw count files will be provided to DTS.</p> <ul style="list-style-type: none"> ii. The analysis conducted in the MAR was for the highest peak hour of traffic counts. While this is conservative in comparison to what is required in the City's TIA Guide, the mitigation listed in the MAR is recommended even if the second-highest peak hour traffic was analyzed, because the mitigation measures have safety benefits and are consistent with the City's Complete Streets principles. iii. The MAR proposes an opportunity to develop a formal walking path on the mauka side of Kulaaupuni Street between the bridge and St John's Road. <p>While improving the walkway on this street is a desirable improvement, the project identified opportunities of two other key off-site pedestrian connections closer to the site and an additional connection is beyond the scope of this</p>
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	<p>Streets furniture zone; and trash receptacles per the Complete Streets Design Manual, Pedestrian Master Plan, and any applicable streetscape plan.</p> <p>iii. Bicycle Parking. The project shall quantify the number of secure on-site bicycle parking that will be provided.</p> <p>6. Street Usage Permit. A street usage permit from the DTS should be obtained for any construction-related work that may require the temporary closure of any traffic lane or pedestrian mall on a City street.</p> <p>7. Neighborhood Impacts. The area representatives, neighborhood board, as well as the area residents, businesses, emergency personnel, Oahu Transit Services, Inc., etc., should be kept apprised of the details and status throughout the project and the impacts that the project may have on the adjoining local street area network.</p> <p>8. Disability and Communication Access Board (DCAB). Project plans (vehicular and pedestrian circulation, sidewalks, parking and pedestrian pathways, vehicular ingress/egress, etc.) should be reviewed and approved by DCAB to ensure full compliance with Americans with Disabilities Act requirements.</p>	<p>affordable housing development project.</p> <p>3. Parking</p> <p>i. It is anticipated that on street parking would be permitted on both sides of all streets internal to the Project site where feasible.</p> <p>ii. The parking spaces provided for the multi-family units currently exceeds the required parking supply per unit (2 spaces per unit). The actual number of parking spaces will be determined during the design phase.</p> <p>iii. No places of accommodation with at least 100 parking spaces available for use by the general public will be developed in this project.</p> <p>iv. Unbundling the parking is not likely to reduce auto ownership and trip making given the availability of on-street parking within the site.</p> <p>4. TDM</p> <p>There are few TDM measures which would be effective for this type of housing given the surrounding suburban land use context and distance from available public transportation.</p> <p>5. Complete Streets</p> <p>Acknowledged</p>
Charter Communications, 7/15/22	Spectrum Oceanic has no additional comments.	Acknowledged

The comments received resulted in no substantive changes to the project plans nor the environmental assessment.

Finding of No Significant Impact

Based upon the analysis completed in the FEA, staff recommends a finding of no significant impact for the Project. This determination is based upon the 13 criteria of significance that

approving agencies must consider as specified in Hawaii Administrative Rules 11-200.1-13. An analysis of the 13 criteria of significance is presented below:

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

It is anticipated that the proposed project will not irrevocably commit to the loss of natural, cultural or historic resources.

The Mā‘ili Stream’s concrete channel is not considered a wetland. However, prior to the start of construction it is anticipated that a wetland survey will be conducted along the west end of the project site. Pickleweed is locally abundant and water forms ephemeral pools after heavy rains. The mapped soil type of or near the area is a hydric soil, so further assessment of wetlands and federal jurisdiction should be made. Following the survey, coordination with appropriate agencies will be conducted.

The historic railroad bed located in the east and central portion of the site is expected to be preserved in place (burial), and utilities within the area will be installed in a manner that will attempt to minimize disturbance of the railroad bed. The remaining foundations of the Voice of America radio transmitting station site was previously considered significant for its association with the Office of War Information and the Voice of America radio network. However, the facility is no longer eligible because it has since been demolished. SHPD has been notified of the EA and have yet to provide their input. Prior to project design, approval and/or concurrence from SHPD will need to be obtained regarding the archaeological findings and preservation effort.

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

The proposed project extends urbanization of the surrounding area which will diminish the range of beneficial uses of the environment (e.g., agricultural use, open space, industrial/commercial development).

Although the project site is situated in the State Agricultural district and the City Agricultural-2 zone, the Land Study Bureau (LSB) classified the soil on the site as very poor, “E” and the Agricultural Lands of Importance to the State of Hawaii (ALISH) classified the land as “Other” and not “Prime” or “Unique”. Therefore, agricultural use of the site would not be beneficial.

With the growing DHHL waitlist and need for housing, the proposed project would provide a greater benefit to beneficiaries compared to open space or industrial/commercial development use. Although other possible uses of the property will be dismissed, construction of the project’s residential units will mimic and complement neighboring residential developments while providing needed housing.

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

The proposed project is consistent with the State’s environmental policies, goals, and guidelines. Environmental issues including land, water, visual, air, flora and fauna, parks, and other natural resources have been discussed earlier in this assessment. Potential

adverse impacts associated with short-term construction-related activities can be mitigated through standard construction mitigation practices, such as implementation of Best Management Practices (BMPs).

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

The proposed development will benefit the economic and social welfare of the community by providing housing for native Hawaiian beneficiaries. Establishing a permanent homestead community will allow for cultural preservation and the cultivation of the values and traditions of Native Hawaiians.

5. Have a substantial adverse effect on public health.

The proposed project will be constructed in accordance with applicable City, State and Federal rules and regulations governing public health and safety. The anticipated primary health short- and long-term concerns are related to noise, air and water quality impacts that are discussed in other parts of this assessment.

6. Involve adverse secondary impacts, such as population changes or effects on public facilities.

It is anticipated that the proposed project will not involve adverse secondary impacts in the surrounding area. The slight increase in population in the Mā‘ili area will be due to the development of approximately 280 new residential units, which will alleviate the current housing crisis that has impacted the local community as housing costs continue to rise. Construction plan approvals involving utilities (sewer, water, drainage, electrical, etc.) will be coordinated accordingly with the appropriate utility companies and government agencies prior to the start of construction.

7. Involve a substantial degradation of environmental quality.

The project is surrounded by established residential neighborhoods similar to the proposed development. While emulating adjacent developments the proposed project will not involve the substantial degradation of the environment. The anticipated impacts to the environment are not substantial and have been discussed in previous sections of this assessment along with proposed mitigation measures such as the use of temporary BMPs during construction (construction ingress and egress, sediment rolls, dust screens, sediment traps, diversion swales, temporary grassing or hydromulching, watering open-graded surfaces to minimize dust emissions, etc.) and the implementation of post-construction BMPs (infiltration basin, biofiltration systems, landscaping, etc.).

8. Be individually limited but cumulatively have substantial adverse effect upon the environment, or involves a commitment for larger actions.

The proposed project is not related to any additional actions or activity in the region that will have a cumulative adverse effect on the environment or involve a commitment for larger actions. The project is confined to the development of the 40-acre site, and there are no plans in the immediate future to expand beyond the specified footprint. Potential off-site impacts associated with infrastructure improvements have been discussed in

previous sections of this assessment.

9. Have a substantial adverse effect on a rare, threatened or endangered species or its habitat.

There were no federally designated Critical Habitat for any species nor plants of conservation interest observed at the site during the field investigation by the project biologist. However, a bufflegass grassland was noted. This grassland is a typical habitat for the Short-eared Owl. The O'ahu population of this owl is a state-listed endangered species. Thus, in order to avoid disturbing nesting owls, a nesting survey should be conducted by a qualified biologist immediately prior to the start of construction. Additionally, the U.S. Fish and Wildlife Service and the Department of Land and Natural Resources, Division of Forestry and Wildlife have provided information and measures to minimize the project's impact (refer to Appendix L of the FEA for a complete description).

10. Have a substantial adverse effect on air or water quality or ambient noise levels.

Temporary noise, air and water quality impacts due to construction will be generated in the short-term. Construction operations will comply with regulatory requirements, and mitigation measures will be implemented as necessary. This includes adherence to the Department of Health (DOH) Community Noise Control rules which outlines permissible noise levels during the day and night as well as allowable work days and hours discussed previously in Section 4.9.2 of the FEA. Temporary best management practices (BMPs) to mitigate erosion and pollution caused by discharge of storm water runoff associated with site grading operations will also be implemented.

Upon completion of the proposed project, long-term impacts to the noise levels at the project site are expected to mimic those typical of the neighboring residential areas. Also, the residential units are expected to have a minimal effect on the long-term ambient air quality. Long-term impacts to water quality are not anticipated due to the implementation of permanent post-construction BMPs in accordance with the City Rules Relating to Water Quality requirements to mitigate the potential for storm water pollution.

11. Have a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.

The proposed project site is not located in an environmentally sensitive area such as a flood plain, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters. While the site is located in the Tsunami Evacuation Zone, as previously mentioned it is in close proximity to public locations situated within the Safe Zone.

A portion of the site is also located within the sea level rise exposure area – passive flooding. A significant portion of the site is currently located outside the notated area. Additionally, the proposed site will be raised to construct an infiltration basin and utility

systems, thereby elevating finished grades above areas makai of the project.

12. Have a substantial adverse effect on scenic vistas and view planes, during day or night, identified in county or state plans or studies.

The proposed project is not anticipated to have a significant adverse impact on scenic view planes or scenic resources. The project will transform an overgrown vacant land into a residential homestead community. The proposed multifamily buildings and single family homes are anticipated to be “low rise”, which will mitigate visual obstructions at the site. The Wai‘anae Sustainable Community Plan describes the importance of mauka to makai views but does not specify any view plane covering any portion of the project site. Therefore, it is not anticipated that scenic vistas or view plans will be significantly impacted by the proposed project.

13. Require substantial energy consumption or emit substantial greenhouse gases.

It is anticipated that there will be no long-term requirement for substantial energy consumption or emittance of substantial greenhouse gases. Initial project construction will require additional energy consumption and emittance of greenhouse gasses. Once construction is completed the residential development is expected to increase electrical demand in the area, although the loads are expected to be comparable to a similar residential development in size and density. Green design features (e.g., energy efficient fixtures and appliances, solar or photovoltaic panels, building orientation, etc.) could be implemented and integrated in the subsequent building design phase to reduce energy requirements.

NEXT STEPS FOR EA COMPLETION

The following is a list of anticipated next steps and milestones in the completion of the EA.

- HHC FONSI declaration for the project.
- FEA submitted to the Environmental Review Program (formerly the Office of Environmental Quality Control) for publication in its The Environmental Notice bi-monthly bulletin: October 3, 2022.
- Publication in its The Environmental Notice: October 8, 2022.
- 30-day challenge period of the FEA ends November 7, 2022.

NEXT STEPS FOR OVERALL PROJECT IMPLEMENTATION

In addition to the completion of the FEA and HHC declaration of FONSI for the project in accordance with Hawaii Revised Statutes Chapter 343 and HAR 11-200.1, the following actions permits, approvals, and coordination are needed.


AGENCY	ANTICIPATED PERMIT/APPROVAL
FEDERAL GOVERNMENT	
U.S. Army Corps of Engineers	Department of the Army (DA) Permit for Section 404 Activities of the Clean Water Act
STATE OF HAWAII	
Department of Health	Hawaii Revised Statutes Chapter 343 Environmental Review Process for non-exempt activities involving the use of state or county lands or the use of state or county funds Clean Water Act, Section 401 Certification National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) Form C for discharges of storm water associated with construction activities NPDES NOI Form F for discharges of hydrotesting waters NPDES NOI Form G for discharges of construction activity dewatering Disability and Communication Access Board review for compliance with Hawaii Revised Statutes §103-50 Community Noise Permit
Department of Land and Natural Resources	Stream Channel Alteration Permit (SCAP)
Office of Planning and Sustainable Development	Federal Consistency for Coastal Zone Management
CITY AND COUNTY OF HONOLULU	
Department of Planning and Permitting	Building Permit Grading Permit Trenching Permit Sewer Connection Site Development Division Approval Subdivision Application Surface Runoff from Construction Activities entering into

	City's Storm Sewer System
Department of Transportation Services	Street Usage Permit Construction Plan Review Approval
Department of Design and Construction, Mechanical/ Electrical Division	Construction Plan Review Approval
Board of Water Supply	Water Availability Construction Plan Review Approval
Various Utilities	Construction Plan Review Approval

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

March 21, 2022

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Stewart Matsunaga, Acting Administrator
Land Development Division 

SUBJECT: For Information Only - Draft Environmental Assessment (DEA) for Ma'ili Residential Development, Waianae, Oahu, and Anticipated Finding of No Significant Impact (AFONSI), TMK Nos. (1) 8-7-010: 030 and 031

RECOMMENDED ACTION

None - for information only

DISCUSSION

PURPOSE

The purpose of this informational briefing is to update the HHC on the status of the Ma'ili Residential Development; to present summary highlights of the Draft Environmental Assessment (DEA); and to notify Commissioners of the DEA prior to publication in the Office of Planning and Sustainable Development's *The Environmental Notice* (OSPD TEN) periodical.

The DEA will be posted on DHHL's website.

BACKGROUND

The project site is a portion of two parcels designated as tax map key (TMK) (1) 8-7-010: 30 & 31. The parcels were transferred to DHHL from the United States of America through the Administrator of General Services via separate quitclaim deeds. The larger parcel (parcel 30; 84.417 acres) was transferred in December 2010. The smaller parcel (parcel 31; 4.857 acres) was conveyed to DHHL in July 2021 after remediation of hazardous materials from previous activities.

Approximately six acres were leased to the Department of Human Services and developed as the Ulu Ke Kukui transitional housing project. Before the lease expired in November 2019, Hawaiian Community Development Board (HCDB) was contracted to renovate the apartment units and rent them to DHHL beneficiaries. They are currently working on financing and plans approval and permitting. Rentals are expected to be available in late 2023.

Approximately 0.6 acres are leased to the Department of Human Services to operate Ho'omaluku O Nā Kamali'i, an emergency receiving home for children. The general lease expires in 2028.

The remaining approximately 40-acre project site is currently unoccupied.



PROJECT DESCRIPTION

Project Location:	Mā'ili, Wai'anae, Oahu
Tax Map Key:	(1) 8-7-010: 030 and 031
Ownership:	Department of Hawaiian Home Lands
Lot Area:	84.417 acres for 8-7-010: 030 4.857 acres for 8-7-010: 031 Total: 89.274 acres
Zoning:	The project area is AG-2, General Agriculture. The Department is not subject to County Zoning Ordinances. DHHL has determined that the project will be designed and constructed in accordance with Residential and Apartment zoning standards.
Special District:	The project is not located in a Special District.
State Land Use:	Agriculture
Existing Land Use:	<p>The project parcel is bordered by Mā'ili Channel to the north, Sea Country residential development to the east, and additional residential developments to the south and west. North and northeast of the project parcel is a quarry site operated by Pacific Aggregate.</p> <p>Within the tax map parcels, on northwestern corner are Ulu Ke Kukui (transitional housing facility) and Ho'omalū O Nā Kamali'i (receiving home), both of which will remain. The southern portion of TMK 8-7-010: 030 has been leased to Kamehameha Schools which constructed and is operating the Kamehameha Schools Community Learning Center.</p> <p>The two tax map parcels will be consolidated and subdivided as part of the project. That subdivision action will also create separate parcels for Ulu Ke Kukui, Ho'omalū O Nā Kamali'i, and the Kamehameha Schools lease.</p>
Nature of Development:	The project would develop approximately 40 acres of vacant land in Mā'ili, Wai'anae, O'ahu into a homestead community for DHHL beneficiaries. The development will take place in two separate phases. The first phase would construct the backbone road and utility infrastructure. The second phase, would develop the residential units, which would primarily be on single-family lots leased in accordance with the Hawaiian Homes Commission Act of 1921, but may include multi-family units for medium-term rentals.

Total Project Cost:	Estimated infrastructure construction cost: \$55.3 million
Project Schedule:	Planning Phase (Environmental Review Process): 2022 to 2023 Infrastructure Design: 2023 to 2024 Infrastructure Construction (backbone roads and utilities): 2025 to 2026 Residential Unit Design and Construction: 2026 to 2027 Occupancy of Residential Units: 2028

DEA SUMMARY

Following is a summary of the evaluations conducted as part of the environmental assessment process on the natural and human-made resources within the project area:

Climate

The climate of Mā‘ili, located on the northwest coastline of O‘ahu, is generally characterized as warm and dry along the coastal and lower valley areas. According to the National Oceanic and Atmospheric Administration (NOAA) (September 2021), the average yearly rainfall is approximately 20 inches along the coast with an average daily temperature ranging from 70 to 90 degrees Fahrenheit.

Potential Impacts and Mitigation

The proposed project is not anticipated to have a significant impact on regional climatic conditions. No mitigation measures are planned.

Geology and Topography

Geology: The project site is located on the southwestern flank of the Waianae Volcano. Physical and chemical weathering followed by erosion of Schofield Plateau generated sediments, which were transported to the coast. In the project vicinity and to the south, these sediments have accumulated and are interbedded with marine sediments and coral/algal reef formations, forming a sedimentary wedge. This wedge forms the Ewa Plain and serves as the confining formation, or "caprock," over the artesian basal aquifers of Southern O‘ahu. Deposition of sediments has continued from earlier geologic time through the present.

Topography: The majority of the site is relatively flat with slopes ranging between 0% to 5%. Existing ground elevations range from approximately 3 feet to 20 feet mean sea level (MSL). The higher elevations located on the eastern boundary of the site gradually slope in the southwesterly direction toward the coast.

Ground Water Resources: Mā‘ili Channel borders the northern boundary of the project site and flows west towards the Pacific Ocean. According to the U.S. Fish and Wildlife Service (USFWS), Mā‘ili Channel is classified as an E1UBLx estuary (an excavated, subtidal estuarine channel with an unconsolidated bottom) and a R4SBCx wetland (an excavated, seasonally flooded, intermittent stream).

Hydrology: Groundwater was encountered at about 4 to 12.5 feet below the existing ground surface, equivalent to elevations ranging from +3 and -3.3 feet MSL at the time of the field exploration. It should be noted that groundwater levels are subject to change due to rainfall, time of year, seasonal precipitation, surface water runoff, and other factors.

Potential Impacts and Mitigation

Grading activities of the proposed development will alter the existing ground slope and topography. Import of fill material will be required to fill the site to accommodate the proposed infiltration basin and various utilities. The impact of grading operations will be mitigated through compliance with dust and erosion control requirements of the City and County of Honolulu Grading, Soil Erosion and Sediment Control Ordinance and the provision of Chapter 11-60.1, Hawai'i Administrative Rules, Section 11-60.1-33 Fugitive Dust.

An overall reduction of water infiltration may result due to the proposed increase in impervious area. Reduction in infiltration will result in an increase of stormwater runoff generated. The use of post-construction storm water best management practices (BMPs), such as an infiltration basin, biofiltration systems, and landscaping will help to mitigate generated runoff as a result of reduced infiltration.

Soils and Agriculture

USDA Natural Resources Conservation Service: the site is comprised of three soil types which include Keaau stony clay, 2-6% slopes (KmaB), Mamala cobbly silty clay loam, 0-12% slopes (MnC), and Mokuleia clay (Mtb).

Land Study Bureau (LSB) Detailed Land Classification: The LSB classified the project site as very poor, "E".

Agricultural Lands of Importance to the State of Hawai'i: The majority of the project site is rated as "Other" important agricultural land with a small western portion of the project site as "unclassified".

Potential Impacts and Mitigation

The soils within the project site area are inadequate for agricultural cultivation or production. Therefore, the proposed development is not expected to adversely affect the availability of agricultural land.

Flora and Fauna

Botanical Survey: Vegetation varies from open grassland to shrubland. The vast majority (86%) of flowering plants are naturalized or ornamental, non-native species. No plants of conservation interest were found during the survey of the project area.

Wetland Survey: Mā'ili Channel is classified as an E1UBLx estuary (excavated, subtidal estuarine channel with an unconsolidated bottom) and a R4SBCx wetland (excavated, seasonally flooded, intermittent stream).

Wildlife Survey: The project site is absent of federally designated Critical Habitat for any species. However, the project site does contain a bufflegrass grassland, which is a typical habitat for the Short-eared Owl. The project's impact to any Essential Fish Habitat (EFH) would be limited to the transport of sediment and/or pollutants in runoff to Mā'ili Stream.

Potential Impacts and Mitigation

No significant adverse impacts to the botanical or wildlife resources should occur within the project site as a result of the proposed project.

Natural Hazards

Flooding: The project site is situated in either Flood Zone X or Flood Zone XS and does not fall within a special flood hazard area.

Tsunami: The project site is located in both the Tsunami Evacuation Zone and Extreme Tsunami Evacuation Zone designated by the Hawai'i State Civil Defense.

Hurricane: It is difficult to predict these natural occurrences and the degree of potential destruction they may bring. However, it is reasonable to assume that a hurricane will occur again. The closest emergency evacuation centers located near the project site are Leihōkū Elementary School and Wai'anae Elementary School which are approximately 2.6 and 2.7 miles away, respectively.

Earthquake & Volcanic Hazards: Most earthquakes occur around the Island of Hawai'i and are directly related to volcanic activity. Although it is difficult to predict these natural occurrences and the degree of potential destruction they may bring, it is reasonable to assume that similar future incidences are likely to occur again.

Rockfall Hazards: The anticipated risk of potential rockfalls would be low, since the project site is not immediately adjacent to steep sloping areas.

Wildfire: The Wai'anae Coast is known to have frequent fires, particularly along the mountains and hillsides, as well as unoccupied properties.

Potential Impacts and Mitigation

The project site is located in an area outside of the special flood hazard areas. Construction of the proposed project is not expected to be adversely affected by seismic activity. The likelihood of wildfires occurring on the project site would be reduced with the development of the proposed project as the site would be occupied and maintained.

Historic, Archaeological and Cultural Resources

Historic and Archaeological Resources: The project site was home to the Voice of America radio transmitter station during the latter years of World War II. Those facilities were demolished in the 1980's. Another historic feature, described as a plantation era raised railroad bed or cart path is proposed to be preserved in place – buried during site grading

operations.

Cultural Resources: While there are numerous legends associated with the Lualualei Ahupua'a, there are apparently none associated specifically with the project site.

Potential Impacts and Mitigation

The remaining archaeological resource at the proposed project site is the historic railroad bed / cart path. It is proposed to be preserved in place (burial), and utilities within the area will be installed in a manner that will attempt to minimize disturbance of the resource.

If significant sites, including human burials, are uncovered during construction, the contractor will be required to stop work and contact State Historic Preservation Division (SHPD). A mitigation plan will be developed, if required, and approved by SHPD prior to continuing with construction activities.

Hazardous Materials

The 4.9-acre portion of the site (TMK: 8-7-010:031) is managed under an Environmental Hazard Management Plan for management of residual levels of PCB-contaminated soil remaining in place beneath the southeastern end of the historic railroad bed / cart path.

Potential Impacts and Mitigation

Considering that the current development plan includes placing a significant amount of clean, structural backfill site-wide, residual soil contamination is unlikely to negatively impact future residential use of the site.

Roadways and Traffic

The project site is located approximately one-quarter mile northeast of Farrington Highway. It is anticipated that the project's primary access will be provided through an extension of Kulaaupuni Street which is owned by the City and County of Honolulu. Kulaaupuni Street is accessed from Farrington Highway via St. John's Road. The intersection of Farrington Highway and St. John's Road is signalized.

Potential Impacts and Mitigation

To improve operations at the Kulaaupuni Street/St. John's Road intersection, particularly during the morning peak hours, the Mobility Analysis Report suggested the implementation of a multi-way stop. The all-way stop control is not expected to substantially affect operations at adjacent intersections and would enhance safety for pedestrians. Additionally, in the future, signal timing modifications at the Farrington Highway/St. John's Road intersection will need to be coordinated with the State's Department of Transportation, Highways Division.

Noise

Current sources of noise in the vicinity of the project site include vehicular traffic, typical

residential noise, occasional aircraft, and natural sounds associated with weather and birds.

Potential Impacts and Mitigation

The proposed project is expected to produce an increase in noise levels both during and after construction is completed. The general contractor shall be responsible for obtaining necessary permits and complying with all permit conditions as well as ensuring proper maintenance of equipment. Upon completion of the proposed project, the noise levels at the project site are expected to mimic those typical of a residential neighborhood.

Air Quality

Air quality throughout the State is generally good due to the effects of the predominant tradewinds blowing from the northeast direction.

Potential Impacts and Mitigation

Exhaust transmission during construction would be generated from vehicles and construction equipment. Fugitive dust will be generated during construction activities and by vehicular traffic. Impacts due to exhaust emissions will be minimized by keeping all equipment properly tuned and maintained, as well as by minimizing unnecessary idle time. The contractor will be required to comply with all rules and regulations regarding air pollution control. No long-term impacts to air quality are anticipated.

Visual Resources

Per the Wai‘anae Sustainable Community Plan, visual resources in the Wai‘anae district include costal lands, forest lands including steep ridges and pu‘u near the coast, and peaks of the Wai‘anae Mountain range.

Potential Impacts and Mitigation

The visual appearance of the project site is expected to change from overgrown vacant land to a residential community. Since the proposed site will be filled to accommodate the proposed utilities, ocean views from the residences of Sea Country located mauka of the project site may be obstructed. Consultation and coordination with the Sea Country Homeowner’s Association will be included as part of the proposed project.

Social and Economic Characteristics

Population and Demographics: According to the 2020 census, the Mā‘ili Census Designated Place (CDP) has a total population of 11,535 persons. The median age of the population is 32.6 years compared to 39.6 for the State of Hawai‘i. The largest ethnic population in the Mā‘ili CDP was “Native Hawaiian/ Pacific Islander” at 24.7% of the population; the second largest ethnic population “Asian” at 18.5% of the population, and the third largest was “Two or more Races” at 41.5%.

Housing: The median gross rent in Mā‘ili was \$2,119 which is higher than in Honolulu

County and in the State (\$1,774 and \$1,651, respectively). The median mortgage in Mā'ili was \$2,396 which is lower than both Honolulu County and the State of Hawai'i (\$2,670 and \$2,472, respectively). Of the 3,096 housing units in the Mā'ili CDP, 64.0% of the units are owner-occupied.

Schools: Public schools serving the property include Mā'ili Elementary School, Wai'anae Intermediate School, and Wai'anae High School. Charter schools along the Wai'anae Coast include the Ka Wai'hona o ka Na'auao School in Nānākuli and the Kamaile Academy School in Wai'anae.

Potential Impacts and Mitigation

The proposed project is anticipated to have a positive impact on this population by providing a residential homestead community for DHHL's native Hawaiian beneficiaries under the Hawai'i Homes Commission Act.

Infrastructure and Utilities

Existing Water System: The Board of Water Supply (BWS) provides domestic potable water service to the Wai'anae District. Approximately half of the water comes from wells within Wai'anae while the other half is conveyed to Wai'anae from the Pearl Harbor aquifer. The water system is currently running near maximum capacity.

Existing Wastewater System: There is no wastewater system currently serving the project site. Existing sewer infrastructure can be found in adjacent roadways and developments.

Existing Drainage System: Mā'ili Channel begins east of the project site bordering the Sea Country residential development. The channel runs north parallel with the project site and then turns west along the project's north border. After crossing the Kulaaupuni Street Bridge, the channel runs south, then southwest towards the coast. The channel discharges into the Pacific Ocean downstream of the crossing at Farrington Highway. There is no internal drainage system within the project site.

Energy and Communications Systems: The proposed project site is not currently served by electrical, telephone, and cable services. Hawaiian Electric Company (HECO) has a mix of existing overhead and underground distribution systems servicing the adjacent developments. The existing Sandwich Isles Communication (SIC), Hawaiian Telcom (HTCO) and Charter Communications (Charter) distribution is through underground infrastructure along Kulaaupuni Street and via the overhead lines along St Johns Road.

Existing Solid Waste Collection: The City and County of Honolulu Department of Environmental Services, Refuse Division is responsible for the collection and disposal of solid waste island wide. The project site is currently vacant and does not generate waste.

Potential Impacts and Mitigation

The onsite water system for the development will be designed in accordance with the BWS Water System Standards. A proposed connection off the 242' Service Zone via an existing 8-inch water line within Kulaaupuni Street is anticipated.

The project's wastewater collection system will be designed in accordance with the City and County of Honolulu's, Department of Environmental Services (ENV) Wastewater System Design Standards and Wastewater System Standard Details. Approximately 300 feet of offsite sewer line will be required to convey the project's wastewater to the closest available existing sewer manhole.

Due to the proposed elevation of the site, the existing flow pattern would be altered. Instead of sheet flowing west towards the existing drain intake, the onsite drainage system will consist of swales and catch basins (and/or drain inlets) which will intercept a majority of the runoff produced onsite. The site runoff will be conveyed through an underground piped system which will lead to a box culvert. The box culvert will then discharge to an infiltration basin where runoff will be treated. The basin will be designed with an overflow to convey the peak flow rate, which will discharge into the Mā'ili Channel. Additional offsite drainage improvements will be required in order to address changes in the drainage flow pattern resulting from the development.

Existing electrical infrastructure is available to serve the site via the existing overhead lines along Kulaaupuni Street. The existing Hawaiian Telcom and Charter underground infrastructure (4-inch conduit) on Kulaaupuni Street is capable of accommodating the new infrastructure but a new fiber hub and power supply will be needed onsite to distribute the communication services.

Solid waste will be generated during and post-construction due to the proposed project. Waste generation reduction practices, such as recycling, will be encouraged. Coordination with the Department of Environmental Services, Refuse Division will be required to arrange trash pickup service for the new residential development.

Public Services and Facilities

Police Protection: The site is located within Honolulu Police Department (HPD) District 8. The Wai'anae Police Substation is located approximately two miles away.

Fire Protection: The Wai'anae Fire Station is approximately three miles away.

Health Care Services: The Wai'anae Coast Comprehensive Health Center is approximately two miles away. Additionally, several privately-operated medical/dental clinics and offices are located in the vicinity of the project area.

Recreation and Cultural Facilities: Recreational facilities within the vicinity of the proposed project include Mā'ili Kai Community Park, Mā'ili Community Park, Pu'u o Hulu Community Park, Mā'ili Beach Park, and the Mā'ili Pillbox hiking trail.

Educational Facilities: There are several educational facilities and programs located near the property.

Potential Impacts and Mitigation

It is anticipated that occasional and unavoidable demand for police service will occur

due to the increase in the onsite population.

It is anticipated that occasional and unavoidable demand for fire protection will occur. Access for fire apparatus as well as water service for the proposed project capable of supplying the required fire flow for fire protection will be provided.

It is anticipated that occasional and unavoidable demand for emergency health care services will occur due to the increase in onsite population.

The project is not anticipated to hinder or obstruct access to nearby recreational facilities. A mini park is included in the conceptual plan of the proposed project and will provide residents with an area for outdoor recreation.

The proposed project is anticipated to increase enrollment at public schools serving the property due to the increase in population.

ALTERNATIVES

No Action

The No Action alternative will result in no change to the project site: the proposed residential development would not be built and the property would remain undeveloped. Under the No Action alternative the short- and long-term adverse and beneficial impacts would not occur. However, No Action alternative would not accomplish DHHL's mission to provide homestead leases and awards to native Hawaiian beneficiaries.

Alternative Site Plans

The alternative site plan is comprised entirely of single-family residences. That alternative would provide approximately 200 lots (minimum of 5,000 square feet). The preferred site plan would provide approximately 145 single-family lots and 136 multi-family units. The preferred site plan would provide more units and the ability to meet differing housing needs of the beneficiaries.

Anticipation of a Finding of No Significant Impact

Based upon the analysis completed in the DEA, staff anticipates a finding of no significant impact for the Project. This determination is based upon the 13 criteria of significance that approving agencies must consider as specified in Hawai'i Administrative Rules 11-200.1-13. An analysis of the 13 criteria of significance is presented below:

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

It is anticipated that the proposed project will not irrevocably commit to the loss of natural, cultural or historic resources. The Mā'ili Stream's concrete channel is not considered a wetland. The historic railroad bed / cart path located in the east and central portion of the site is expected to be preserved in place (burial). The remaining foundations of the Voice of America radio transmitting station site was previously considered significant for its association with the Office of War Information and the

Voice of America radio network. However, the facility is no longer eligible because it has since been demolished.

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

The proposed project extends urbanization of the surrounding area. Although the project site is situated in the State Agricultural district and the City Agricultural-2 zone, the soil on the site is classified as very poor, therefore, agricultural use of the site would not be beneficial. Although other possible uses of the property will be dismissed, construction of the project's residential units will mimic and complement neighboring residential developments while providing needed housing.

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

The proposed project is consistent with the State's environmental policies, goals, and guidelines.

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

The proposed development will benefit the economic and social welfare of the community by providing housing for native Hawaiian beneficiaries. Establishing a permanent homestead community will allow for cultural preservation and the cultivation of the values and traditions of Native Hawaiians.

5. Have a substantial adverse effect on public health.

The proposed project will be constructed in accordance with applicable City, State and Federal rules and regulations governing public health and safety.

6. Involve adverse secondary impacts, such as population changes or effects on public facilities.

It is anticipated that the proposed project will not involve adverse secondary impacts in the surrounding area. The slight increase in population in the Mā'ili area will be due to the development of approximately 280 new residential units, which will alleviate the current housing crisis.

7. Involve a substantial degradation of environmental quality.

The project is surrounded by established residential neighborhoods similar to the proposed development. While emulating adjacent developments the proposed project will not involve the substantial degradation of the environment.

8. Be individually limited but cumulatively have substantial adverse effect upon the environment, or involves a commitment for larger actions.

The proposed project is not related to any additional actions or activity in the region that will have a cumulative adverse effect on the environment or involve a commitment for larger actions.

9. Have a substantial adverse effect on a rare, threatened or endangered species or its habitat.

There were no federally designated Critical Habitat for any species nor plants of conservation interest observed at the site during the field investigation by the project biologist. However, a buffleggrass grassland was noted which is typically a habitat for the Short-eared Owl, the O'ahu population of which is a state-listed endangered species. Thus, to avoid disturbing nesting owls, a nesting survey will be conducted by a qualified biologist immediately prior to the start of construction.

10. Have a substantial adverse effect on air or water quality or ambient noise levels.

The proposed action will not impact air or water quality. Noise levels will change from those associated with vacant land use to a mixed-use development. The change in noise level is expected to be negligible and will not significantly affect surrounding properties. The project will reuse grey water.

Minimal impacts on air quality and noise are anticipated during construction, but will be limited by normal construction practices and Department of Health construction mitigation standards.

11. Have a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.

The project is not on or near an environmentally sensitive area.

12. Have a substantial adverse effect on scenic vistas and view planes, during day or night, identified in county or state plans or studies.

The proposed project is not anticipated to have a significant adverse impact on scenic view planes or scenic resources.

13. Require substantial energy consumption or emit substantial greenhouse gases.

It is anticipated that there will be no long-term requirement for substantial energy consumption or emittance of substantial greenhouse gases. Project construction will require additional energy consumption and emittance of greenhouse gasses. Once construction is completed the residential development is expected to increase electrical demand in the area; the loads are expected to be comparable to a similar residential development in size and density.

NEXT STEPS FOR EA COMPLETION

The following is a list of anticipated next steps and milestones in the completion of the EA.

- DEA anticipated to be published in the April 8, 2022, OPSD *TEN*
- 30-day public comment period on the DEA ends May 9, 2022.

- Revise DEA per public comments and complete Final Environmental Assessment (FEA) by July 29, 2022.
- Present FEA to HHC; HHC issues Finding of No Significant Impact (FONSI) declaration for the project August 15-16, 2022.
- HHC FONSI declaration for the project and FEA submitted to OPSD by August 31, 2022 for publication in OPSD *TEN* on September 8, 2022.

NEXT STEPS FOR OVERALL PROJECT IMPLEMENTATION


In addition to the completion of the FEA and HHC declaration of FONSI for the project in accordance with Hawaii Revised Statutes Chapter 343 and HAR 11-200.1, the following actions permits, approvals, and coordination are needed.

Permit or Approval	Approving Agency
Department of the Army (DA) Permit for Section 404 Activities of the Clean Water Act	U.S. Army Corps of Engineers
Clean Water Act, Section 401 Certification	State Department of Health – Clean Water Branch
National Pollutant Discharge Elimination System (NPDES) Permits	State Department of Health – Clean Water Branch
Disability and Communication Access Board review for compliance with Hawai‘i Revised Statutes §103-50	State Department of Health – Disability and Communication Access Board
Community Noise Permit	State Department of Health – Indoor and Radiological Health Branch
Stream Channel Alteration Permit (SCAP)	Department of Land and Natural Resources
Federal Consistency for Coastal Zone Management	Office of Planning and Sustainable Development
Building Permit	Dept. of Planning and Permitting
Grading Permit	Dept. of Planning and Permitting
Trenching Permit	Dept. of Planning and Permitting
Sewer Connection Permit	Dept. of Planning and Permitting
Subdivision Application	Dept. of Planning and Permitting
Surface Runoff from Construction Activities Entering into City’s Storm Sewer System	Dept. of Planning and Permitting
Street Usage Permit	Dept. of Transportation Services

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 19-20, 2022

To: Chairman and Members, Hawaiian Homes Commission

From: Stewart Matsunaga, Acting Administrator, Land Development Division 

Subject: Approval of Finding of No Significant Impact and Final Environmental Assessment, Pu'unani Homestead Subdivision Water Storage Improvements, Waikapū, District of Wailuku, Maui Island
TMK (2)3-5-002:003 (por.)

RECOMMENDED ACTION:

That the Hawaiian Homes Commission approve a Finding of No Significant Impact determination and Final Environmental Assessment for the Pu'unani Homestead Subdivision Water System Storage Improvements, Waikapū, District of Wailuku, Maui Island, TMK (2)3-5-002:003 (por.).

DISCUSSION:

On October 26, 2018, the Department announced and advertised a "Request for Proposals", RFP-19-HHL-004, Land Acquisition, Island of Maui, which was directed to private developers who met qualifications described therein to submit a proposal for the development of a housing project. DHHL reviewed the applications and proposals submitted by developers who responded to the RFP-19-HHL-004, including Developer's application and Developer's Project Proposal dated November 26, 2018. Developer's Project Proposal was deemed to be "Acceptable", being both responsive and responsible. On December 20, 2018, DDC LLC was approved as the selected developer, subject to acquisition of the property land and negotiation and execution of a Development Agreement, as outlined in the Request for Proposals process.

In June 2019, the Hawaiian Homes Commission (HHC) ratified the acquisition and development agreement for the Pu'unani Homestead Subdivision. Through this action the Department of Hawaiian Home Lands (DHHL) acquired an approximately 48-acre parcel of land in Waikapū, Maui identified by Tax Map Key (TMK) (2) 3-5-002:002. The property, located mauka of Honoapi'ilani Highway and amidst developed single-family residential neighborhoods, was identified as a site to develop a residential neighborhood for DHHL's Maui Island beneficiaries. A Final EA for the Pu'unani Homestead Subdivision was prepared and the HHC approved a Finding of No Significant Impact (FONSI) determination at its meeting held on October 19, 2020. The FEA was published in the November 8, 2020 edition of The Environmental Notice; no comments were received during the challenge period.

Subsequent to the FONSI determination and publication, the County of Maui, Department of Water Supply (DWS) required DHHL to construct a new offsite water storage tank in the vicinity of the Pu'unani Homestead Subdivision. The design and construction of an offsite water storage tank was not included in the Pu'unani Homestead Subdivision FEA. This new construction

thus requires further Chapter 343 compliance and a its own EA. The project specifics are discussed below.

PROJECT DESCRIPTION OF NEW WATER SYSTEM STORAGE REQUIREMENTS

The proposed project involves the construction of up to a 0.5 million gallon (MG) concrete water system storage tank and related improvements on approximately 1.26-acre portion (“project site”) of an approximately 148-acre parcel, identified by TMK No. (2)3-5-002:003 and owned by the Kuikahi Properties, LLC in Waikapū, District of Wailuku, Maui Island. The proposed tank will be located adjacent to the existing 1.5 MG Kehalani Mid-Level Storage Tank owned by the County of Maui. The proposed water storage tank will be approximately 23 feet in height and approximately 70 feet in diameter. This new water storage tank will interconnect with the existing County of Maui’s Kehalani Mid-Level Water Distribution System and allow for the DWS to provide water service for lots within the Pu‘unani Homestead Subdivision. Related improvements include the development of a subsurface drainage system, inflow and outflow lines to interconnect with the existing distribution main, and the installation of fencing around the new tank lot and other miscellaneous equipment and improvements for the proposed tank.

The tank site will be graded to accommodate the proposed water storage tank. A paved connection will be constructed between the new and existing tank sites to provide vehicular access to the proposed up to 0.5 MG water storage tank. The existing paved driveway on Ku‘ikahi Drive will serve as the main access to both the new and existing tanks.

Figure 1 depicts the preliminary site plan for the proposed water storage tank. A more detailed description of the project and its potential impact to the surrounding environment and proposed mitigation measures can be found in the Final EA.

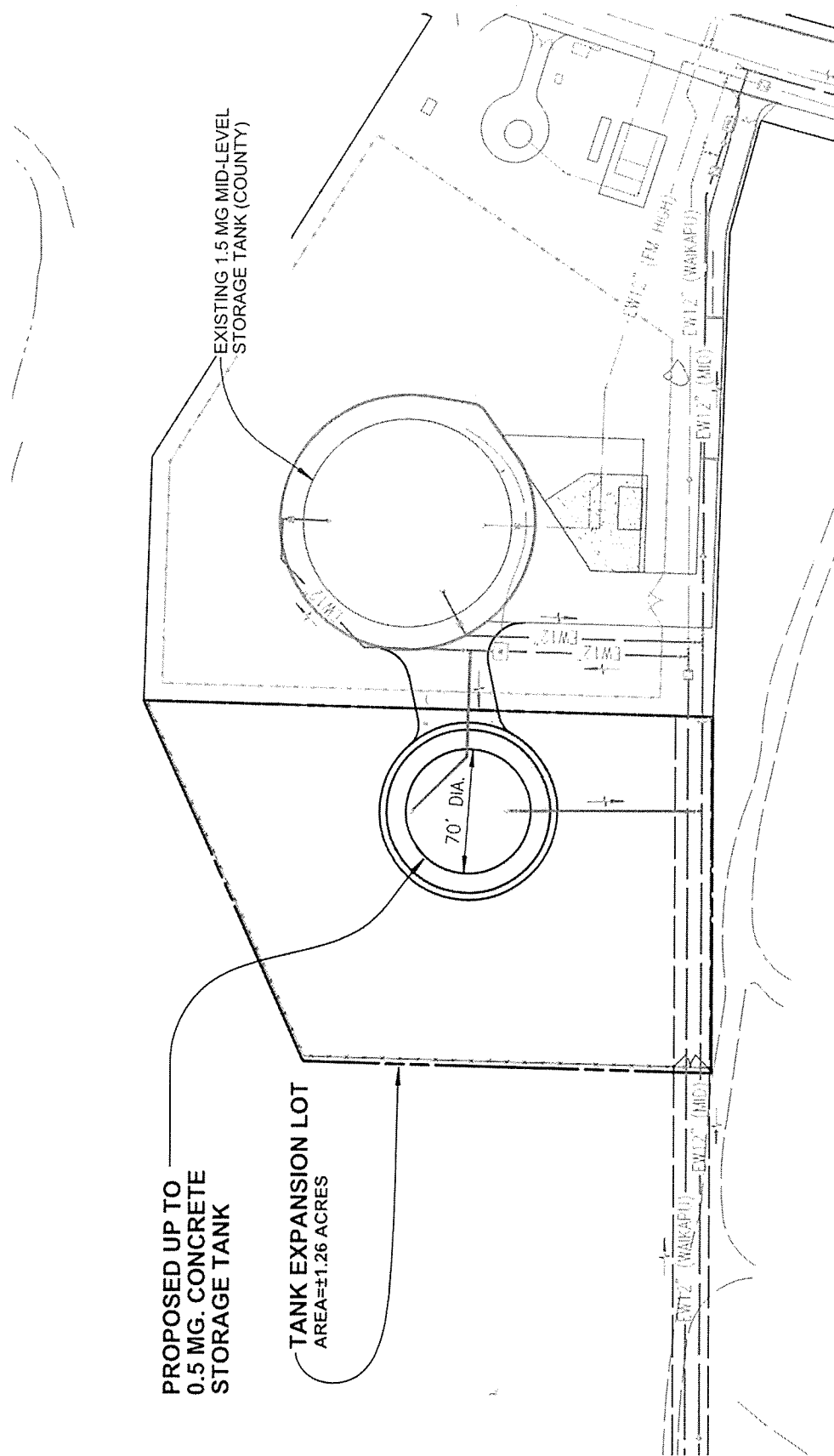


Figure 1 – Water Tank Site Plan

FINAL ENVIRONMENTAL ASSESSMENT SUMMARY:

The project will involve the use of state funds, which triggers Chapter 343, Hawai‘i Revised Statutes (HRS) environmental review requirements. As such, a Final EA has been prepared to assess the technical characteristics and potential environmental impacts of the proposed project, as well as advance findings and mitigative measures relative to the project.

The following sections highlight key environmental impact considerations from the Final EA analysis:

- **Agricultural Productivity**

The proposed project is located on fallow agricultural lands that have not been used for active agricultural production in many years. The proposed water tank site is located within “Prime” land area identified by the State Department of Agriculture’s Agricultural Lands of Importance to the State of Hawai‘i (ALISH), and is classified “B” by the University of Hawai‘i, Land Study Bureau (LSB)’s the Overall Productivity Rating. The proposed water tank will be constructed on lands that are not currently actively cultivated, located in an urbanized area surrounded by residential subdivisions, and adjacent to an existing County water tank and water system infrastructure. As such, the proposed water storage tank and related improvements are not considered a substantial adverse impact in the context of the overall “Prime” designated lands on Maui.

- **Historic and Cultural Resources**

A previous Archaeological Inventory Survey (AIS) was conducted in 2005 for two (2) parcels totaling 215.8 acres, which included the proposed water tank site. The State Historic Preservation Division (SHPD) accepted the AIS by letter dated November 18, 2005. During the field inspection, seven (7) historical sites related to the former use of the area for sugar cane cultivation were identified. The sites were determined significant under Criterion “D” as having the potential to yield information important to understanding the history of the region and were determined to be adequately documented by SHPD. All seven (7) sites are located outside of the project area. In their acceptance letter, SHPD concluded that no further archaeological mitigation is necessary.

A Chapter 6E, HRS submittal form was submitted to SHPD in 2019 to determine if any further review is required for the residential subdivision project. Via letter dated March 27, 2020, the DHHL requested SHPD’s concurrence on the findings of the AIS. The SHPD provided its concurrence by return signature on the letter.

In addition, an archaeological field inspection was prepared in April 2022, specifically for the proposed water tank site. No surface architecture, isolated artifacts or ecofacts were identified. Given the location of the property, results of the former AIS, and associated soil series, burials are not anticipated to exist in this area. All sites identified in this portion of Waikapū have been related to Historic era cultivation, in the forms of irrigation ditches, reservoirs, and bermed planting areas. The archaeological field inspection for the water

tank site concluded that there is a very low probability that historic properties would be adversely affected by development of the proposed water tank.

Although the SHPD has concurred that no further work is necessary in accordance with the findings of the previously accepted AIS, the DHHL has elected to conduct archaeological monitoring at the site of the proposed residential subdivision as well as the new water storage tank site. An archaeological monitoring plan (AMP) was prepared and approved by SHPD for the residential subdivision site, and will be updated to include the water tank site and submitted to SHPD for review and approval. The water tank contractor, once selected, will be required to follow the provisions of the AMP.

Furthermore, a Cultural Impact Assessment (CIA) was conducted for the Pu'unani Homestead Subdivision site which addressed issues relating to the protection of Native Hawaiian rights and practices. The CIA noted that based on historical research and responses received during the consultation process, it is reasonable to conclude that there is evidence of cultural practices related to Hawaiian rights related to agricultural pursuits, access to resources (i.e., water), and possibly other customary activities presently occurring in the vicinity of the Pu'unani Homestead Subdivision project area, but not specifically within the subdivision project area. As such, it was concluded that ground altering activities associated with the proposed Pu'unani Homestead Subdivision project has the potential to impact currently conducted, traditional Native Hawaiian activities. As such, the CIA for the subdivision provided recommendation that archaeological monitoring be conducted for all construction-related ground-altering activities.

An addendum to the CIA was prepared in April 2022 specifically for the proposed water tank site. The Addendum CIA concluded that while no traditional cultural practices or cultural resources were identified within the water tank site, cultural resources and ongoing cultural practices have been identified in the vicinity of the proposed water storage tank site and recommended that mitigation measures be conducted, which includes providing open accesses to cultural resources and areas where cultural practices are currently conducted, protecting and replenishing cultural resources, and ensuring the Kingdom Laws prevail upon the lands.

- Infrastructure

- Water

The minimum storage capacity required for the Pu'unani Homestead Subdivision is calculated to be approximately 161,000 gallons, pursuant to the Maui County Code. The proposed project will provide the necessary improvements to increase the storage capacity of the DWS system in order to supply potable water to the Pu'unani Homestead Subdivision.

A new inflow waterline will be extended from the existing 12-inch inflow line currently supplying the County's existing 1.5 MG Kehalani storage tank to the proposed up to 0.5 MG water storage tank. A new outflow waterline will also be extended to the proposed water tank from the existing 12-inch distribution main

located along the east border of the proposed water tank site which conveys water to the Waikapū service area. The proposed up to 0.5 MG water tank will also include underground piping, control valves, and telemetry equipment which will be interconnected to the flow control system currently installed for the existing 1.5 MG Kehalani storage tank. This will allow the new and existing storage tanks to work in parallel.

- Drainage

Per the Preliminary Engineering and Drainage report prepared for the new tank site, surface runoff generated by the undeveloped 1.26-acre water tank site sheet flows eastward toward an existing dirt road. The runoff then concentrates and flows northward towards an existing drainage gully, which conveys the runoff west, towards Honoapi'ilani Highway. The runoff passes through two (2) existing drainage culverts under Honoapi'ilani Highway and Wai'ale Road and eventually is impounded to the Wai'ale irrigation reservoir. The 10-year, 1-hour peak flow rate generated by the project site under the existing condition is estimated to be 1.4 cubic feet per second (cfs). The proposed up to 0.5 MG water tank is anticipated to produce a peak runoff volume of 2.0 cfs from a 10-year, 1-hour storm, after it is fully developed, which represents a net increase of approximately 0.6 cfs.

Surface runoff generated by the proposed water tank project and new paved access within the project site will be directed to a new drain inlet located on the east side of the proposed water tank. The collected runoff will be conveyed by a new underground drainage pipe to a new subsurface stormwater detention chamber located near the southeast corner of the water tank site, which will discharge in a drainage swale and eventually be conveyed north toward the existing drainage gully. The proposed subsurface stormwater detention chamber, which will have a capacity of at least 0.12 acre-feet, will fully mitigate the expected increase in peak flow by limiting the downstream release of stormwater to a flow rate which does not exceed pre-development levels. This practice is in compliance with Maui County storm drainage standards.

The County of Maui requires the implementation of water quality control measures to reduce water pollution from stormwater runoff. A "detention based" treatment approach will be employed to mitigate stormwater-related water pollution associated with development of the water tank site. The project will provide additional storage volume in the proposed detention chamber to facilitate sediment removal in addition to peak flow mitigation.

- Traffic

The existing paved driveway on Ku'ikahi Drive will serve as the main access to both the new and existing tanks. Access to the new tank site will be infrequent and limited to maintenance visits by the DWS personnel, and therefore, the proposed water tank project is not anticipated to affect the traffic conditions of Ku'ikahi Drive or roadways in the project's vicinity.

MITIGATION MEASURES IDENTIFIED IN THE FINAL EA:

- Best Management Practices (BMPs) will be implemented to mitigate potential impacts of soil erosion and fugitive dust during construction
- BMPs will also be employed to mitigate against construction related noise and air impacts
- Should Hawaiian hoary bats be present at the project site during construction, the U.S. Fish and Wildlife Service (USFWS) will be consulted. As recommended by the USFWS, to minimize potential impacts to the Hawaiian hoary bat during construction, the project will avoid removing trees over 15 feet tall during the bat birthing and pup rearing season (June 1 to September 15)
- Outdoor lighting is not proposed as part of the project. However, should any outdoor night lighting be used, all significant outdoor lighting will be shielded downward to minimize disorientation of any native seabirds flying overhead
- Archaeological monitoring during all ground disturbance activities
- Providing open access to cultural resources and to areas where cultural practices are currently conducted
- Tank location visual mitigation by the line-of-sight obstruction provided by the existing 1.5 MG Kehalani Mid-Level Storage Tank when viewed from the north (i.e., from Ku'ikahi Drive) and the makai embankment of the irrigation reservoir when viewed from the west (i.e., from Wailuku Heights)
- Neutral paint color for the proposed water tank that will blend into its surroundings for visual mitigation
- Construction of an onsite subsurface stormwater detention chamber to detain the expected increase in peak stormwater flows to a rate which does not exceed pre-development levels in compliance with Maui County stormwater drainage standards and to mitigate potential stormwater-related water pollution

DRAFT EA COMMENTS/RESPONSES:

Various agencies at the Federal, State, and County levels and DHHL homestead associations as well as other organizations were provided the opportunity to review and provide comments on the Draft EA following its publication in the Environmental Review Program's Environmental Notice bulletin on July 23, 2022. The 30-day public comment period pursuant to Chapter 11-200.1, Hawai'i Administrative Rules (HAR) ended on August 22, 2022. The majority of the comments received were non-substantive in nature as the same agencies/organizations were previously consulted during the Chapter 343, EA process for the Pu'unani Homestead Subdivision. Comment letters received on the Draft EA and responses to each are included as Chapter X of the Final EA.

DHHL PLANNING SYSTEM CONSISTENCY:

The proposed project does directly and indirectly meet the following goals and objectives of the DHHL General Plan:

Land Use Planning

Goals

- Utilize Hawaiian Home Land for uses most appropriate to meet the needs and desires of the beneficiary population.
- Encourage a balanced pattern of growth into urban and rural growth centers.
- Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Objectives

- Direct urban growth to priority development areas based on infrastructure availability, feasible site conditions, beneficiary preferences, and job opportunities.
- Consider opportunities to acquire or exchange lands best suited for purposes of the Hawaiian Homes Commission Act.

Residential Uses

Goals

- Substantially increase the number of residential homesteads awarded each year.
- Provide a mix of housing opportunities that reflect the needs and desires of native Hawaiian beneficiaries.
- Provide residential homesteads, financing, and other housing opportunities, especially to those most in need.

Objectives

- Provide a variety of residential types to meet the needs of beneficiaries in terms of construction procedures (owner-builder, turnkey, and self-help), types of housing units (single-family, multi-family, kupuna housing, rental etc.) and financing.
- Ensure the availability of housing with a range of types and affordability to accommodate persons and families of all income levels and in locations that are convenient to employment and quality public and private facilities.

Water Resources

Goals

- Provide access to quality water in the most cost-effective and efficient manner
- Ensure the availability of sufficient water to carry out Hawaiian Home Lands' mission

Objectives

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

The DHHL Maui Island Plan (MIP) was adopted in 2004, serves as a comprehensive resource for planning and managing the Maui Island lands and establishes land use designations to encourage orderly social, physical, and economic development. The proposed water tank will be constructed on land owned by Kuikahi Properties, LLC and is not specifically designated or discussed in the MIP, but is intended to be dedicated to the County DWS upon completion of the water storage tank and improvements.

The Water Policy Plan is one of the DHHL's program plans and was adopted in 2014. The proposed project is in keeping with the following policies and goals identified in the Water Policy Plan:

Policies:

1. Expressly determine and plan for future water needs and actively participate in broader water management, use and protection efforts in Hawai'i in order to secure water.

* * *

3. Develop, manage, and steward water in a manner that balances cost, efficiency measures, and Public Trust uses in the short and long term.

* * *

6. Foster self-sufficiency of beneficiaries by promoting the adequate supply of water for homesteading when developing or managing water.

* * *

12. Explicitly consider water availability and the costs to provide adequate water when developing new homestead areas, designating land uses, issuing land dispositions, or exchanging properties.

Goals:

Part II. Plan for our water needs

5. Design homesteads and manage lands to create and enhance water availability, optimizing costs, use of alternative sources and efficiency measures.

Part III. Aggressively understand, exercise and assert our water rights

6. Secure adequate and enforceable reservations of water for current and foreseeable future needs for all of its lands across the islands.

FINDING OF NO SIGNIFICANT IMPACT:

Based upon the analysis completed in the Final EA, Staff recommends that the Commission accept a finding of no significant impact (FONSI) for the Pu'unani Homestead Subdivision Water System Storage Improvements project. This determination is based upon the 13 criteria of significance that approving agencies must consider as specified in HAR, Section 11-200.1-13. An analysis of the 13 criteria of significance is presented below:

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

There are no known rare, threatened, or endangered species of flora, fauna, avifauna, or important habitats located within the project site. Nevertheless, as may be applicable, appropriate mitigation measures will be implemented to avoid potential adverse impacts on species that have potential to exist in the project area, as recommended by the USFWS. An AIS was previously conducted for the project area and no burial features or human remains were identified. As such, the AIS did not recommend any further archaeological mitigation. The AIS was submitted to and accepted by the SHPD. A project-specific Archaeological Field Inspection was completed for the proposed water storage tank site and confirmed that no burial features or human remains were identified. In addition, a CIA was prepared for the Pu'unani Homestead Subdivision project area and noted that based on historical research and consultation, there is evidence of cultural practices for Hawaiian rights for agricultural pursuits, access to resources, and other customary activities presently occurring in the Waikapū area, but not specifically within the proposed subdivision area. As such, the CIA for the subdivision provided recommendation that archaeological monitoring be conducted for all construction-related ground-altering activities. While the SHPD has concurred that no further work is necessary in accordance with the findings of the previously accepted AIS, the DHHL has elected to undertake archaeological monitoring for all ground altering activities for the homestead subdivision, as well as the proposed water storage tank. An Addendum CIA was prepared for the proposed water tank site and supported the findings and recommendations of the CIA prepared for the residential development.

Based on the foregoing and with implementation of archaeological monitoring, the proposed project is not anticipated to involve an irrevocable commitment to loss or destruction of any natural, cultural, or historic resources.

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

The proposed action will be implemented adjacent to an existing water storage tank of a similar nature, and the commitment of land resources for the proposed action will not curtail the range of beneficial uses of the environment. The project site is located on fallow agricultural land in the midst of existing residential subdivisions. The proposed use of the site for development of a new water storage tank is

compatible with surrounding County water system infrastructure and residential uses.

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

The proposed action does not conflict with the policies and guidelines of Chapter 343, HRS. The EA has been carried out to ensure the proposed project will not have significant adverse construction-related impacts on the environmental resources. While this project may cause temporary construction-related impacts, based on the analysis conducted in the EA, the adverse impacts are not anticipated to be significant or long lasting. Where mitigation measures are required due to potential impacts attributed to the project, DHHL will implement those applicable measures to further reduce potential adverse impacts.

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

The proposed action will have a beneficial effect on the local economy during the construction phase of the project. Positive economic and social impacts anticipated as a result of the project include the creation of construction-related jobs and contributions from water service fees.

5. **Have a substantial adverse effect on public health.**

Although the proposed project site is located on former agricultural lands, a Phase I Environmental Site Assessment conducted for the larger land area where the tank is proposed did not reveal any Recognized Environmental Condition (RECs). Due to the location of the proposed water tank site close to the subdivision site, RECs are similarly not anticipated to be present at the site for the proposed water storage tank. In addition, the project is not anticipated to result in long-term air or noise impacts. Furthermore, the proposed action is not anticipated to create significant direct or indirect foreseeable greenhouse gas (GHG) emissions, and does not fall within the threshold of mandatory GHG reporting. As such, no adverse impact to public health or welfare is anticipated as a result of the proposed action. Rather, the proposed water storage tank will benefit DHHL beneficiaries by providing potable water to the Pu'unani Homestead Subdivision.

6. **Involve adverse secondary impacts, such as population changes or effect on public facilities.**

The proposed project will provide water infrastructure improvements needed in order for the DWS to supply water to the DHHL Pu'unani Homestead Subdivision. While some residents of this new community may come from off island, most are anticipated to relocate from other areas on Maui. As such, the project and the subdivision it will serve are not anticipated to involve substantial secondary impacts on public facilities due to population changes.

7. **Involve a substantial degradation of environmental quality.**

No substantial degradation of environmental quality resulting from the action is anticipated. BMPs and appropriate erosion control measures will be utilized during the construction period. Drainage system improvements will be constructed in

accordance with applicable regulatory design standards to ensure that surface runoff will not have an adverse effect on adjacent or downstream properties.

Potential short-term impacts to air and noise quality during the construction phase of the project will be mitigated through employing BMPs. In the long term, the project will not adversely impact air quality and ambient noise.

8. **Be individually limited but cumulatively have substantial adverse effect upon the environment or involves a commitment for larger actions.**

The proposed action involves the development of the proposed water system storage improvement and is necessary for the DWS to supply water to the DHHL Pu'unani Homestead Subdivision. An EA was prepared for the Pu'unani Homestead Subdivision and the Final EA received a Finding of No Significant Impact (FONSI) determination. The DHHL was later informed by DWS that additional water system storage would be needed to adequately supply water to the subdivision. The cumulative impacts of the proposed project, together with other reasonably foreseeable actions, will include the build-out of the Pu'unani Homestead Subdivision and would result in increased population in and surrounding the subdivision and infrastructural demands. The proposed water tank project will be designed to meet applicable local, State, and Federal regulations. The engineering and technical reports prepared for the proposed water tank project have assessed potential impacts and designed infrastructure systems in the context of future planned regional growth. Given the foregoing, the proposed water tank project is not anticipated to cumulatively have considerable effect upon the environment, nor does it involve a commitment for larger actions.

9. **Have a substantial adverse effect on a rare, threatened, or endangered species, or its habitat.**

No known rare, threatened, or endangered species of flora, fauna, avifauna, or important habitats were identified on the project area. Nevertheless, as may be applicable, appropriate mitigation measures will be implemented to avoid potential adverse impacts on species that have potential to exist in the project area, as recommended by the USFWS. The project site is located adjacent to existing residential developments and an existing water tank of a similar nature. The project is not anticipated to substantially affect rare, threatened, or endangered species, or its habitat.

10. **Have a substantial adverse effect on air or water quality or ambient noise levels.**

Construction activities will result in short-term air quality and noise impacts. BMPs, including erosion control and dust control measures (such as regular watering and sprinkling and installation of dust screens and timely revegetation of graded areas), will be implemented to minimize wind-blown emissions. In the short term, noise impacts will occur primarily from construction equipment. Equipment mufflers or other noise attenuating equipment, as well as proper vehicle maintenance and limiting construction to daylight hours, will be used during construction activities. Construction noise impacts will be mitigated through compliance with the provisions of the State of Hawai'i, Department of Health

(DOH) Administrative Rules Title 11, Chapter 46, “Community Noise Control.” These rules require a noise permit if the noise levels from construction activities are expected to exceed the allowable levels set forth in Chapter 46. In the long term, the proposed new water system storage tank is not anticipated to significantly impact ambient noise levels.

With implementation of foregoing mitigation measures, the proposed project is not anticipated to detrimentally affect air or water quality or ambient noise levels.

11. **Have a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.**

The project site is situated inland and is not anticipated to have any adverse impact upon coastal waters or resources, beaches, estuaries, or other fresh water bodies.

According to the Federal Emergency Management Agency’s Flood Insurance Rate Maps currently in effect, the project site falls within Zone X (unshaded), an area of minimal flooding. The proposed tank site is located outside of the tsunami inundation zone. In addition, the project site is located outside of the 3.2-foot projected sea level rise exposure area.

Drainage improvements will be designed to mitigate runoff in accordance with County drainage and stormwater quality rules and regulations. During construction, recommended BMPs will be implemented for erosion and sedimentation control to minimize potential impacts to water quality.

12. **Have a substantial adverse effect on scenic vistas and viewplanes, day or night, identified in county or state plans or studies.**

The proposed water storage tank will be smaller in scale with the adjacent, existing water storage tank owned by the County of Maui and will not impede views of scenic resources identified in county or state plans or studies. The proposed action is not anticipated to have substantial adverse effects on scenic vistas or viewplanes.

13. **Require substantial energy consumption or emit substantial greenhouse gasses.**

The proposed action will involve the short-term commitment of fuel for equipment, vehicles, and machinery during construction activities. However, this use is not anticipated to result in a substantial consumption of energy resources or substantial GHG emissions.

NEXT STEPS FOR OVERALL PROJECT IMPLEMENTATION:

Should the HHC accept the recommended action and determination of FONSI for the project in accordance with Chapter 343, HAR and Title 11-200.1, HAR, the following actions will need to be implemented:

- Publish the FONSI determination for the Final EA in the Environmental Review Program's Environmental Notice bulletin
- Continue coordination with the DHHL beneficiaries
- Continue coordination with various State and County agencies
- Secure sufficient budget appropriation from HHC and DHHL to fund the project
- Complete engineering design and site construction of project and obtain subdivision approval from the County of Maui
- Complete disposition of water storage tank improvements and water tank lot to County DWS

Furthermore, a willingness by current and future decision-makers to follow through with various aspects of the Pu'unani Homestead Subdivision and Water System Storage Improvements will be needed to ensure successful implementation.

A summary powerpoint is attached for information purposes.

RECOMMENDATION:

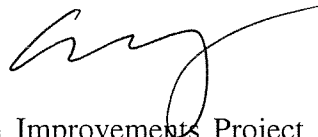
DHHL staff respectfully requests issuance of a FONSI determination based on the Final EA presented herein, as recommended.

STATE OF HAWAI'I

DEPARTMENT OF HAWAIIAN HOME LANDS

September 19-20, 2022

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Stewart Matsunaga, Acting LDD Administrator 

SUBJECT: Progress Report on Honokōwai Water System Improvements Project and Draft Environmental Assessment; Honokōwai, District of Lahaina, Maui Island, Hawai'i; TMK Nos. (2) 4-4-002:008 (por.), 009 (por.), 010 (por.), 012 (por.), 016 (por.), 018 (por.), (2) 4-4-003:013 (por.), and (2) 4-4-004:002 (por.)

RECOMMENDED MOTION/ACTION

None; for information only.

DISCUSSION

The purpose of this informational update briefing is to provide the Hawaiian Homes Commission (HHC) with a progress report on the Honokōwai Water System Improvements Project in Honokōwai, Maui; to present summary highlights of the Draft Environmental Assessment (EA); and provide an update to Commissioners of the Draft EA prior to publication in the Environmental Review Program's (ERP) Environmental Notice bulletin.

Pursuant to Act 62, Session Laws of Hawai'i 2009, the Hawai'i State Legislature appropriated funding for the construction of an exploratory well that would support Department of Hawaiian Home Lands (DHHL) and other State affordable housing projects in West Maui. The location of the potable well was changed from a Honokōwai site on Hawaiian Home Lands to State-owned lands south of Honokōwai Gulch due to potential pesticide intrusion from former pineapple cultivation into the groundwater aquifer.

In 2010, DHHL planned, designed, drilled and cased an exploratory well (State Well No. 5639-04) on a portion of TMK (2)4-4-004:002 owned by the State of Hawai'i in the Honokōwai area. DHHL funded the design and hydrogeological work for the well with Hawaiian Home Lands Trust funds in the amount of approximately \$200,000.00. The State Legislature funded the construction of the 900+ foot deep well in the amount of approximately \$750,000.00.

The exploratory well, once made operational, will have an estimated yield of 1.0 million gallons per day (MGD). As part of DHHL's proposed water system improvements project, DHHL proposes to install a pump within the well, construct a single-story control building to house electrical components and a sodium hypochlorite disinfection system, 50,000-gallon control tank, fencing, a Hawaiian Electric Company Transformer and a standby generator at the well site. Additionally, a water transmission line to convey the well water to a new mixing tank to be constructed by the County of Maui, Department of Water Supply (DWS) is also planned. The mixing tank will be located just below DWS' existing Māhinahina Surface Water Treatment Facility (M-WTF). The Mixing Tank would receive water from the M-WTF, a new ground water well being developed by DWS (Kahana Well) and from the Honokōwai Well. The water produced from DHHL's well is proposed to supplement DWS's Māhinahina Water System, and will be used to provide water for DHHL's future planned developments at the Villages of Leiali'i, Village 1-B and Honokōwai. See **Exhibit A** and **Exhibit B** for a location map and conceptual plan of the proposed water system improvements. It should be noted that DWS drilled a second well, the Māhinahina Well, east of the M-WTF. However, based on pump test results of the Māhinahina Well, it appears that the well may not be able to produce the expected amount water on a sustained basis. Therefore, it appears that DWS is not planning on developing the Māhinahina Well at this time.

To provide potable water to the upper areas of DHHL's Village 1-B homestead development, a new reservoir and transmission lines are also required to be constructed in the Wahikuli area. However, it is noted that these improvements were included as part of a Final Environmental Impact Statement (EIS) published in 2012 by the Hawai'i Housing Finance and Development Corporation (HHFDC) for their master planned development at the Villages of Leiali'i. In 2021, the Governor determined that the scope of the improvements in the Wahikuli area is substantially similar to the actions described in the 2012 HHFDC Final EIS, the proposed improvements are anticipated to have cumulative effects similar to those analyzed in the 2012 Final EIS, and the environmental setting and probable environmental impacts as described in the 2012 Final EIS have not substantially changed or intensified. As such, a record of determination was published in the March 8, 2021 edition of the Environmental Notice stating that no supplemental EIS is warranted. See **Exhibit C**. In this regard, the improvements planned for the Wahikuli area may proceed.

It is worth noting here that pursuant to an unprecedented intergovernmental agreement executed in 2019, DHHL negotiated a water allocation of 200,000 GPD from DWS in exchange for land use licenses for approximately 22.6 acres of the DHHL's Honokōwai tract for the existing M-WTF, existing water system infrastructure, and future planned improvements, as well as for access, utility, and grading easements. A 200,000 GPD water allocation is equivalent to 333 single-family homes. The proposed DHHL Honokōwai Water System Improvements project will supplement this allocation, subject to negotiations with DWS.

DRAFT EA SUMMARY

STATUS OF WATER SYSTEM IMPROVEMENTS DESIGN/TECHNICAL STUDIES

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

STUDY	STATUS	PREPARER
Engineering Survey/Topographic Work	Complete	Austin, Tsutsumi, & Associates, Inc. (ATA)
Preliminary Engineering and Drainage Report (PEDR)	Complete	ATA
Archaeological Documentation and Hawai'i Revised Statutes (HRS), Chapter 6E Consultation	In Progress- SHPD determined an Archaeological Inventory Survey (AIS) would be required. An AIS Testing Strategy was submitted to SHPD for review and approval. The AIS Testing Strategy was approved by SHPD on August 29, 2022 and the AIS is in progress.	Atlas Archaeology
Cultural Impact Assessments	In Progress- Initial Cultural Impact Assessment (CIA) interviews were conducted by Munekiyo Hiraga in 2018. A secondary CIA was initiated in 2022 and additional community outreach is being conducted.	Munekiyo Hiraga Cultural Surveys Hawai'i
Flora/Fauna Survey	Complete	Robert Hobdy
Ordinary High Water Mark (OHWM) Delineation of Honokōwai Gulch	Complete	AECOS

In terms of water system design, ATA has worked closely with the DWS to explore alternative tank sites and sizes as well as various pump alternatives for DHHL's well. As previously mentioned, water from the Honokōwai Well will be conveyed to DWS's mixing tank, where it will combine with water from the M-WTF and with water from the DWS Kahana Well which has not yet been put into production.

In addition to the improvements in the Honokowai area, the project will also include improvements at DWS's existing Wahikuli booster pump station. The improvements include installing a 16-inch new plug valve with an electric actuator that will open or close based on the water level in the existing Wahikuli Reservoir. The improvements also include installing two new 16-inch gate valves and a short length of piping. There is an existing 12-inch control valve that will remain in place, but the existing 12-inch gate valve prior to the control valve will be closed to prevent water from flowing through the existing control valve.

DWS has agreed to install the proposed Wahikuli improvements at the existing Wahikuli booster pump station. Once the improvements have been made, DWS will test the Lahaina water system to confirm that there will be adequate flow to the Wahikuli Reservoir to service the upper areas of DHHL's Villages of Leiali'i, 1-B. As of August 2022, the DWS has confirmed that the parts for the Wahikuli improvements have been ordered but their delivery date has not been confirmed.

It is noted that survey work of the proposed project corridor was delayed for much of 2020 due to the COVID-19 pandemic, as well as the amount of coordination needed to obtain rights-of-entry from the Kaanapali Land Management Corp. (KLMC), who owns a majority of the lands within Honokōwai Gulch. As such, completion of studies dependent upon the survey work was delayed. DHHL has continued coordination with SHPD and the project archaeologist on their review and acceptance of the AIS testing strategy. The AIS testing strategy was accepted on August 29, 2022 and the AIS is in process.

In addition, coordination with KLMC has been ongoing to extend the right-of-entry agreement and gain approval for work conducted on KLMC lands or documents prepared involving KLMC lands.

IMPACTS AND MITIGATION

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

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
Topography and Soils	To prevent soil erosion and minimize soil loss during site work, Best Management Practices (BMPs), which will include, but not be limited to, silt fences, slope protection, stabilized construction entrances, and truck wash-down areas will be implemented. Periodic water spraying of loose soils will also be employed to minimize air-borne dirt particles. In addition, graded areas will be hydroseeded and/or stabilized following construction. The BMPs will be developed in compliance with the “Construction Best Management Practices for the County of Maui” (issued by the Department of Public Works and Waste Management in May 2001).
Agricultural Lands	The lands underlying the project corridor, although designated for agricultural use, were taken out of agricultural production with the closure of pineapple and sugar cane operations. The development of the proposed project will not result in significant adverse impacts to agricultural endeavors in this region.
Flood, Tsunami, and Sea Level Rise Hazards	The project area is not located within a Special Flood Hazard Area, sea level rise exposure area, nor is it located within a tsunami evacuation area.
Aquifer, Streams, and Wetlands	<p>Draw from the proposed well will not exceed the sustainable yield of the Honokōwai Aquifer System. In June 2022, the State Commission on Water Resource Management (CWRM) designated the Lahaina Aquifer Sector Area (ASA) as a Surface and Ground Water Management Area, which includes the Honokōwai aquifer system. Coordination with the CWRM to confirm the Honokowai Well and DHHL’s reservation of water will be ongoing with the new designation. On September 18, 2018, the Commission approved DHHL’s reservation of 0.770 mgd of groundwater to meet their foreseeable groundwater needs in the Honokōwai Aquifer. In May 2021, the Commission approved DHHL’s reservation of 2 mgd of surface water to meet their foreseeable future non-potable water needs in Honokōwai serviced by the Honokōhau Ditch from Honokōhau Stream.</p> <p>The proposed transmission line will traverse through Honokōwai Gulch and a smaller unnamed gulch in Honokōwai. The utility bridge supporting the transmission line as it crosses over Honokōwai Stream has been designed to be above the stream’s OHWM. The OHWM is 519 feet while the bottom of the utility bridge is at 530 feet. As such, no work will occur within the waters of Honokōwai Stream or below the OHWM.</p>

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
Flora and Fauna	<p>The Biological Resources Survey Report summarized that the vegetation within the area of the project is dominated by non-native plants that have taken over the abandoned agricultural fields. Two (2) endemic wiliwili trees were found in the Honokōwai Valley, although not located near the proposed alignment.</p> <p>Furthermore, the habitat in the Honokōwai area has been altered by over a century of agricultural activity and that the area is now overwhelmingly dominated by non-native organisms. Only a few highly adaptable native fauna species presently occur in the area, including two (2) species of birds and two (2) species of insects. In addition, native seabirds were noted to occasionally pass over the area in the evenings. As a result, the report recommended that any significant outdoor lighting on structures at the facilities be hooded to direct light downward to minimize distractions and dangers to these birds.</p>
Air Quality and Noise	<p>In the short term, construction related activities will be the primary source of airborne pollutants and ambient noise. Site work involving clearing, grubbing and grading operations will generate fugitive dust. Emissions and noise from construction equipment and other vehicles involved in construction activities may temporarily affect the ambient air quality and noise within the immediate vicinity. These effects, however, can be mitigated by proper maintenance of construction equipment and vehicles.</p> <p>In addition, dust generated during construction, especially from earthmoving operations, such as excavating, trenching, and filling, may also result in a temporary decrease in ambient air quality. BMPs will be implemented during construction to mitigate dust-related impacts, including but not limited to, utilizing dust barriers, water wagons and/or sprinklers to control dust, and watering graded areas upon the completion of daily construction activities.</p>
Archaeological and Cultural Resources	<p>Munekiyo Hiraga conducted two (2) interviews with cultural informants in 2014. Both interviewees noted the cultural significance of the project area and shared that the project area, as well as the surrounding areas, have been used for cultural practices including the gathering of plants for medicinal purposes, lei making, food, as well as cautioned of the potential for burials, most notably within the gulch.</p>

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
	<p>One interviewee emphasized their recommendation that there be adequate data recovery regarding archaeological areas of significance and cultural practices and traditions. They expressed concern about adverse potential impacts of construction activities on surrounding properties (e.g. taro patches), as well as the permanent implementation of the project as a portion of the water transmission line will be crossing Honokōwai Valley.</p> <p>A supplemental CIA was initiated in 2022 and community outreach is ongoing. The supplemental report will be included in the Draft EA.</p> <p>Archaeological investigations were undertaken and documentation, including an HRS, Chapter 6E consultation package has been submitted to the State Historic Preservation Division (SHPD) to determine the appropriate level of mitigation for implementation of the project. Upon review of the 6E consultation materials, SHPD has determined that an Archaeological Inventory Survey (AIS) would be required. The AIS testing was submitted to the SHPD and revised based on their feedback. The Testing Strategy was approved and the AIS is currently being prepared. Findings from the archaeological investigation and proposed mitigation measures will be included in the Draft EA.</p>
Chemicals and Hazardous Materials	<p>The proposed project will include a control building which houses a sodium hypochlorite system that will disinfect the water drawn from the well should there be any contaminants.</p> <p>After project completion, regular water quality monitoring of the proposed well improvements will be conducted by DWS to ensure the protection of public health and safety. Applicable Federal and State water quality requirements will be followed.</p> <p>Water quality sampling will be completed by DWS staff or a sub-contractor with experience in water sampling for lab analysis and the data results will be submitted to the Department of Health (DOH), as may be required. Water samples will be drawn from the production well and then sent for data analysis.</p>
Roadways	<p>Significant traffic impacts during construction of the project are not anticipated as the project construction area is located away from public roadways, as well as developed and urbanized areas in West Maui. DHHL will coordinate its construction activities with its selected contractor so as to</p>

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
	mitigate any potential adverse impacts to the existing community during construction.
Drainage	Grassed diversion ditches and retention basins will be installed around the well site to manage stormwater runoff. Runoff from the Honokōwai Well site will be collected via two (2) proposed retention basins located just west of the proposed well pad. Runoff will sheet flow off the proposed asphalt concrete pad to a 6-inch wide by 12-inch deep gravel shelf and into the basins. Offsite runoff east of the site will be intercepted via proposed drainage ditches along the pad's mauka edge and diverted around the site. The diversion ditch runoff will be slowly released via proposed sediment forebays and level spreaders located at the downstream end of the ditches. Excess runoff from the basins will also overflow into the proposed sediment forebays and exit via the level spreaders to the surrounding field and gulches. A small portion of onsite, as well as the access road runoff, will be too low to be captured in the proposed basins and will instead flow down the road to an existing offsite vegetated swale for water quality treatment.

CONSISTENCY WITH DHHL PLANNING PROGRAM

The Draft EA addresses the project's consistency with existing land use plans and applicable policies. Specifically, the Draft EA addresses the project's consistency with the following provisions of the DHHL General Plan, Maui Island Plan, Villages of Leiali'i-Honokōwai Regional Plan, and Water Policy Plan.

1. General Plan

LAND USE PLANNING

Goals:

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

Objectives:

- Provide space for and designate a mixture of appropriate land uses, economic opportunities and community services in a native Hawaiian-friendly environment.
- Develop improved relationships with the Counties to ensure reliable and adequate delivery of services to homesteaders.

RESIDENTIAL USES

Goals:

- Provide a mix of housing opportunities that reflect the needs and desires of native Hawaiian beneficiaries.
- Develop integrated residential communities that are reflective of the diverse socio-economic profiles of the native Hawaiian community.

Objectives:

- Provide a variety of residential types to meet the needs of beneficiaries in terms of construction procedures (owner-builder, turnkey, self-help), types of housing units (single-family, multi-family, kupuna housing, rental, etc.) and financing.
- Ensure the availability of housing with a range of types and affordability to accommodate persons and families of all income levels and in locations that are convenient to employment and quality public and private facilities.

AGRICULTURAL AND PASTORAL USES

Goals:

- Provide infrastructure, technical assistance and financial support commensurate with the intended uses of agricultural and pastoral lots.

WATER RESOURCES

Goals:

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

Objectives:

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

2. Maui Island Plan

The proposed project is in consonance with the Maui Island Plan's policies related to provision of homestead opportunities in West Maui, as well as for development of a potable water source in West Maui to support said homesteads.

3. Villages of Leiali'i-Honokōwai Regional Plan

ISSUES

2. Infrastructure needs

OPPORTUNITIES

- Potable water source for Honokōwai

STATUS

- A potable water source for Villages of Leiali'i 1-B is a priority over a potable water source for Honokōwai.

ISSUES

3. Utilization of Honokōwai lands

OPPORTUNITIES

- Agricultural lots, commercial properties, additional residential, senior housing component, parks, school, community facilities, etc.
- Community-Based Economic Development in the commercial and light industrial section of Honokōwai.

STATUS

- There is currently no water source for development of the Honokōwai lands.

4. Water Policy Plan

The proposed project is in consonance with the mission, vision, and policies of the DHHL Water Policy Plan to provide adequate water for the development of homestead areas.

ANTICIPATED FINDING OF NO SIGNIFICANT IMPACT

The “Significance Criteria”, Hawai‘i Administrative Rules (HAR), Title 11, Chapter 200.1-13, Environmental Impact Statement Rules, were reviewed and analyzed to determine whether the proposed project will have significant impacts to the environment. A preliminary assessment of the Significance Criteria is below. It is noted that the project is pending archaeological and cultural studies. Preliminary responses may be revised upon receipt of said studies.

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

The project area has been altered in the past and no significant adverse impacts on natural resources are anticipated. Should any artifacts or human remains be encountered during construction, work will stop in the immediate vicinity of the find and the SHPD will be immediately notified to establish an appropriate mitigation strategy. As such, the proposed improvements are not expected to result in any significant adverse impacts to natural or cultural resources.

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

There are no adverse impacts to climate, topography, or soils anticipated as a result of the proposed project. The vegetation in the project corridor consists mostly of non-native grasses, shrubs and herbaceous species. The project area and immediate surrounding habitat in Honokōwai have been altered by over a century of agricultural activities and are now overwhelmingly inhabited by non-native organisms. With implementation of the recommendations in the flora and fauna survey report, the proposed project is not expected to result in adverse impacts to the botanical resources in the region.

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

The project area is located east of Honoapi‘ilani Highway and away from the coastal shoreline. BMPs will be implemented during construction, and drainage systems included as part of the project have been designed to protect downstream properties and coastal resources from stormwater runoff. The proposed action is not contrary to the policies and guidelines set forth in Chapter 344, HRS.

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

In the short term, the proposed project will directly benefit the local economy by providing construction related employment. Over the long term, the proposed project will provide a long-term source of potable water. This will have a positive effect on the economic and social welfare of the community and State.

5. **Have a substantial adverse effect on public health.**

No adverse impact to public health or welfare is anticipated as a result of the proposed project. Appropriate mitigation measures will be implemented to address anticipated temporary noise and air quality impacts in the area, resulting from construction. The project provides a reliable potable water source and benefits public health.

6. **Involve adverse secondary impacts, such as population changes or effect on public facilities.**

The proposed action is intended to provide new potable water source and service DHHL beneficiaries in the region, specifically DHHL's Villages of Leiali'i 1-B Subdivision, as well as a portion of HHFDC's parcel. The secondary impacts resulting from an additional water source to serve the beneficiary population is within the planning policies and land uses set forth in the County of Maui's Maui Island Plan and West Maui Community Plan, as well as DHHL's General Plan, Maui Island Plan, and Regional Plan.

7. **Involve a substantial degradation of environmental quality.**

During the construction phase, there will be short-term air quality and noise quality impacts as a result of the project. In the long term, there will be no significant adverse impacts on air quality and ambient noise levels. The proposed action will not significantly affect the open space and scenic character of the region.

Aside from the short-term impacts related to dust and during the construction phase, there will not be substantial degradation of environmental quality. Potential dust, noise, and erosion impacts associated with construction will be mitigated through implementation of appropriate BMPs.

8. **Be individually limited but cumulatively have substantial effect upon the environment or involves a commitment for larger actions.**

Well pumpage will be in accordance with the Commission on Water Resource Management (CWRM) permit and established sustainable yield for the Honokōwai Aquifer. Additionally, monitoring will be regularly conducted to meet DOH water quality requirements. Chloride, temperature and pH will be measured monthly and reported to the DOH, Safe Water Drinking Branch, as may be required. Appropriate

mitigation measures and/or regulatory oversight processes have been identified to ensure potential cumulative impacts are managed, such that adverse conditions affecting the natural and man-made environments are minimized.

9. **Have a substantial effect on a rare, threatened, or endangered species, or its habitat.**

With implementation of the recommendations in the flora and fauna survey report, the proposed project is not expected to result in adverse impacts to the botanical or fauna resources in the region.

10. **Have a substantial effect on air or water quality or ambient noise levels.**

Construction activities will result in short-term noise, air and water quality impacts. Appropriate noise, air and water quality control measures, such as, maintenance of construction equipment, dust control measures (regular watering and sprinkling, and installation of dust fences) and erosion control measures, will be implemented during grading and construction activities. State and County regulations, such as the DOH, HAR, Title 11, Chapter 46, "Community Noise Control" will be complied with. Appropriate permits, if required, such as a noise permit and National Pollutant Discharge Elimination System (NPDES) Permit will be obtained prior to the initiation of any construction activity.

In the long term, with appropriate mitigative measures in place, the proposed action is not anticipated to have a significant impact on air and water quality or ambient noise levels.

11. **Have a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.**

The proposed project is not located within any environmentally sensitive areas, such as wetlands, coastal areas including beaches and coastal water, fresh water, estuaries, or erosion-prone areas. The project is located outside of the tsunami evacuation zone and projected sea level rise exposure area. The proposed project is located away from the shoreline and is located in Flood Zone X, an area of minimal flooding. During construction, BMPs will be implemented for erosion and sedimentation control to mitigate potential impacts from construction and nearby waterbodies.

12. **Have a substantial adverse effect on scenic vistas and viewplanes, day or night, identified in County or State plans or studies.**

The project's structures will be constructed within the established agricultural district height limits. The project structures will be located upland and away from Honoapi'ilani Highway, the major roadway in West Maui and, as such, will not be readily visible from residences or roadways.

13. **Require substantial energy consumption or emit substantial greenhouse gasses.**

The proposed action will involve the short-term commitment of fuel for equipment, vehicles and machinery during construction. Power for the pump will be provided by a Hawaiian Electric Company transformer. This use is not expected to result in substantial consumption of energy resources.

Based on the foregoing analysis, it is anticipated that the proposed action qualifies for a Finding of No Significant Impact (FONSI) determination.

ANTICIPATED DRAFT EA SCHEDULE

The Draft EA is largely informed by the technical studies being prepared, as discussed above. Once all technical studies have been completed, the Draft EA will be completed and prepared for submittal and publication by the ERP. The target date for publication is by first quarter of 2023.

A preliminary project schedule is provided below:

EVENT	DATE
Informational Briefing on Preliminary Draft EA to HHC	September 19-20, 2022
Publication of Draft EA	First Quarter 2023

CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS

On March 31, 2017, DHHL entered into a Memorandum of Understanding, Dwelling Unit Revolving Fund Funding for Honokōwai Well, Villages of Leiali'i with HHFDC. See **Exhibit D**. This agreement provides the first \$10 million towards the construction of improvements to be articulated in the EA. In return for the construction funding, DHHL and HHFDC shall split 50-50 the available capacity of the well, after negotiating the DWS portion for well maintenance and reserves. Most recent estimates of costs to fully construct the proposed improvements presented in the EA is approximately \$10.2 million.

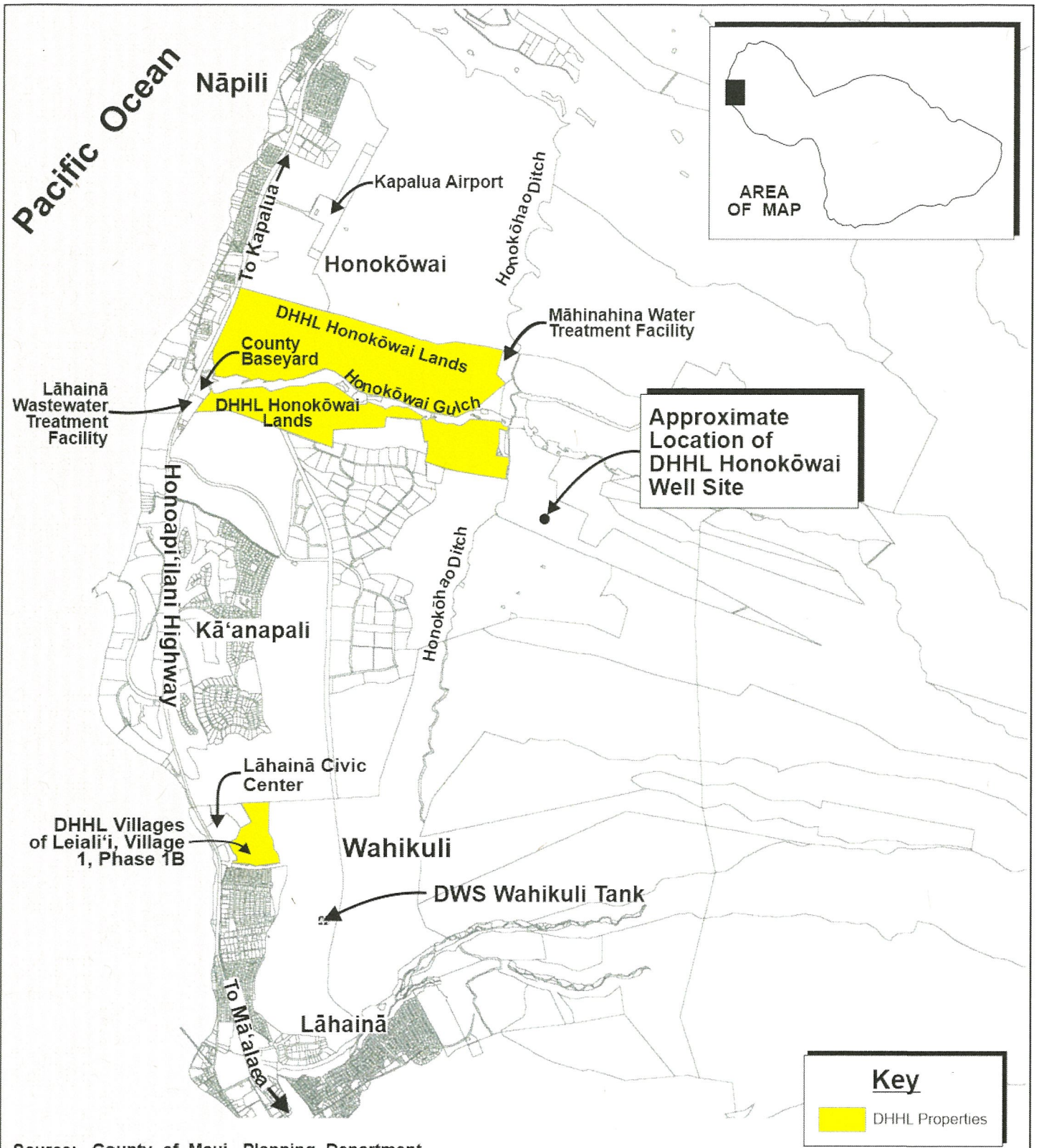
RECOMMENDED ACTION

None; for information only.

LIST OF EXHIBITS

- Exhibit A. Project Location Map
- Exhibit B. Conceptual Site Plans – Honokōwai Well to Māhinahina Water Treatment Facility
- Exhibit C. March 8, 2021 Record of Determination
- Exhibit D. Memorandum of Understanding, Dwelling Unit Revolving Fund Funding for Honokōwai Well, Villages of Leiali‘i with Hawai‘i Housing Finance and Development Corporation

EXHIBIT A.
Project Location Map



Source: County of Maui, Planning Department

Figure 1

DHHL Honokōwai Water System Improvements Regional Location Map

NOT TO SCALE

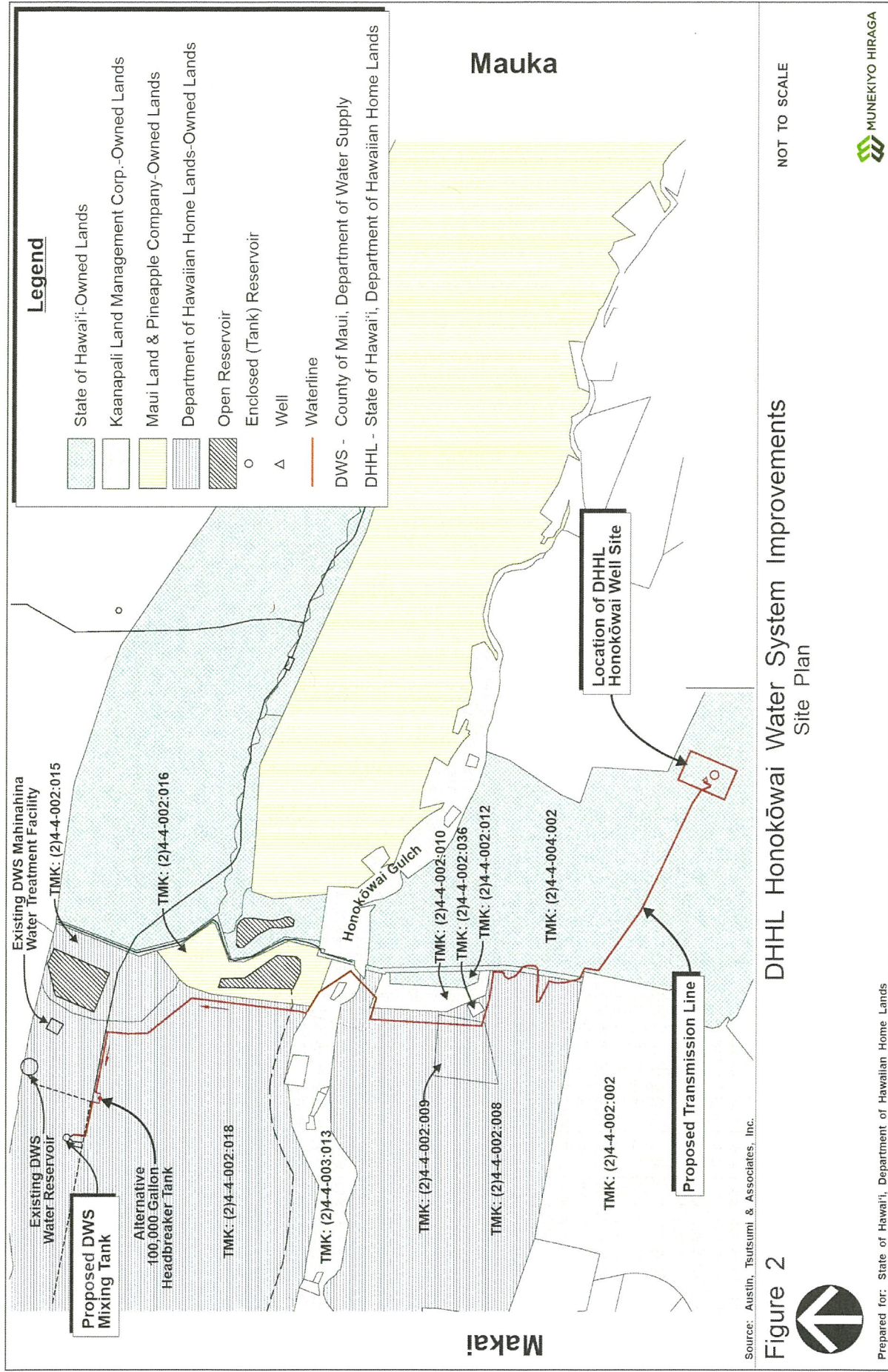


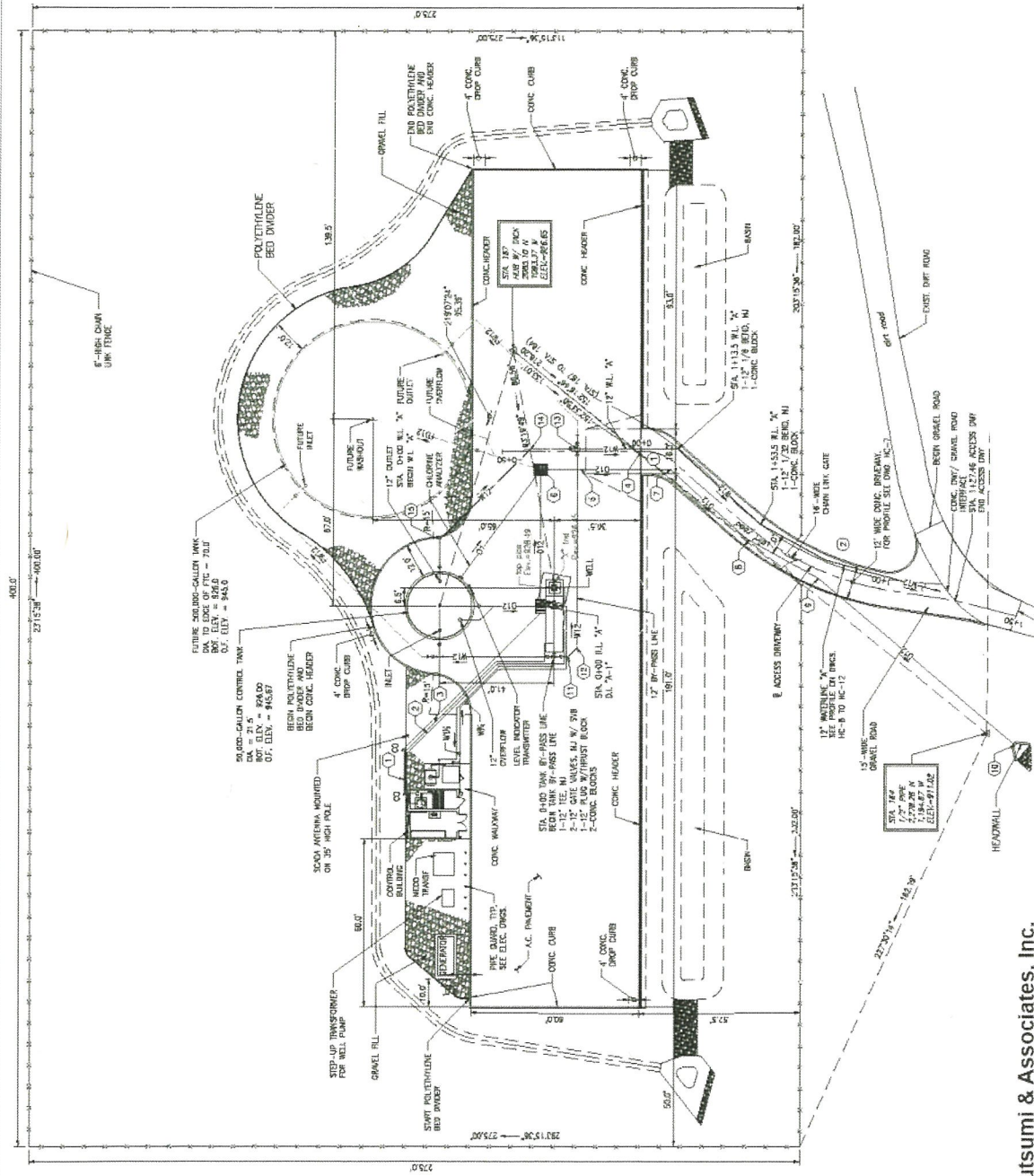
Prepared for: State of Hawai'i, Department of Hawaiian Home Lands

MUNEKIYO HIRAGA

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Exhibit B.
Conceptual Site Plans – Honokōwai Well to
Māhinahina Water Treatment Facility





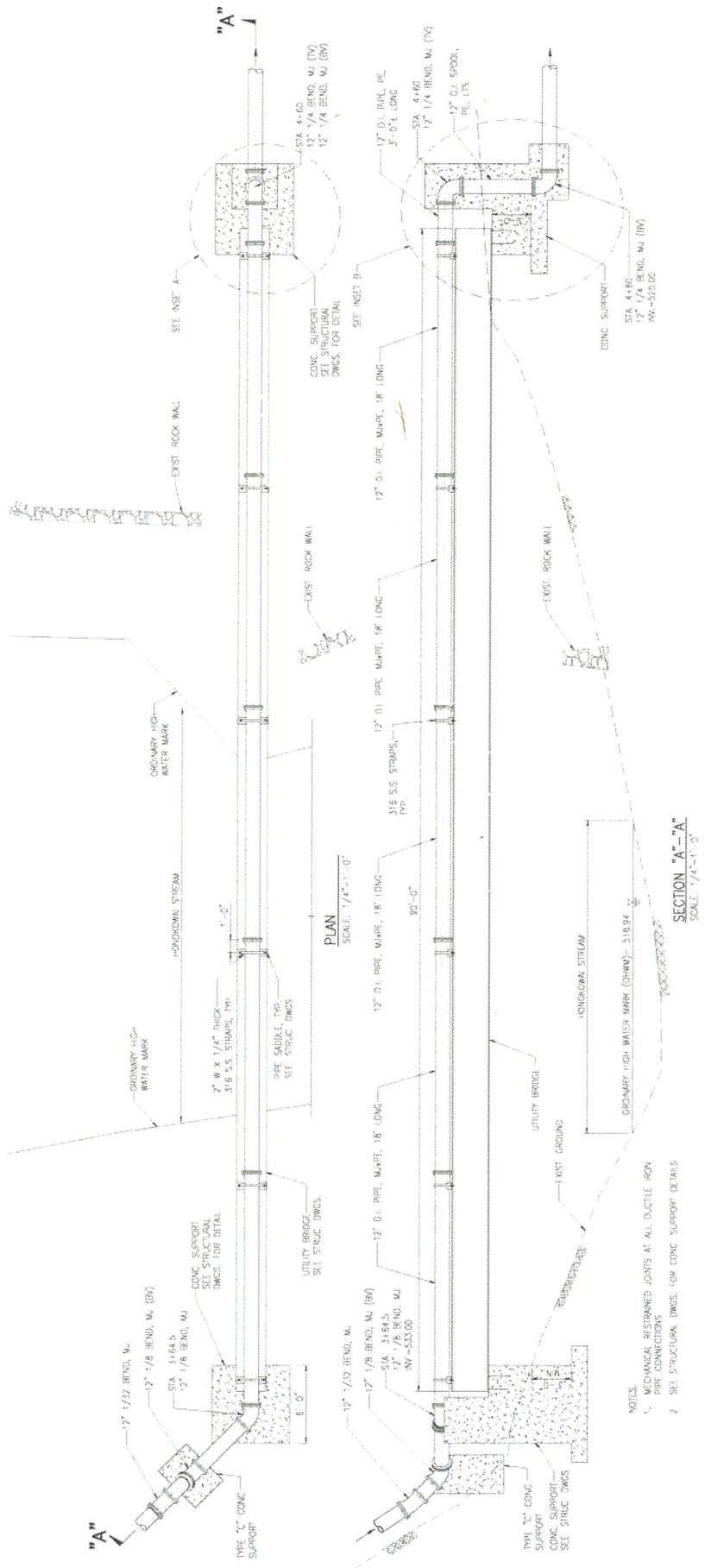
Source: Austin, Tsutsumi & Associates, Inc.

Figure 3 DHHL Honokōwai Water System Improvements
 Honokōwai Well Site Plan

NOT TO SCALE



Prepared for: State of Hawai'i, Department of Hawaiian Home Lands



Source: Austin, Tsutsumi & Associates, Inc.

Figure 4

DHHL Honokōwai Water System Improvements Honokōwai Gulch Crossing Plan

NOT TO SCALE



Prepared for: State of Hawai'i, Department of Hawaiian Home Lands

Exhibit C.
March 8, 2021 Record of Determination



FILE COPY

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EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

February 22, 2021

VIA ELECTRONIC MAIL

Keith Kawaoka, Acting Director
State of Hawai'i
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawai'i 96813

Re: Chapter 343, Hawai'i Revised Statutes, Record of Determination for the
Proposed Department of Hawaiian Home Lands Water System Improvements,
Wahikuli, TMK: (2) 4-5-021: Lot 020

Dear Mr. Kawaoka:

With this letter, the Office of the Governor, in coordination with the Department of Hawaiian Home Lands (DHHL), has determined that a Supplemental Environmental Impact Statement (EIS) is not required for proposed water system improvements in Wahikuli, Maui, Hawai'i that are proposed to be developed as part of the overall DHHL Honokōwai Water System Improvements project. See **Figures 1 & 2** (site plan).

DHHL is proposing the Honokōwai Water System Improvements project in order to utilize an existing drilled and cased test well located in Honokōwai, Maui as a potable water source. The existing well, Honokōwai Well (State Well No. 5639-04), was developed as an exploratory well by DHHL on State-owned lands of approximately 2.5 acres and identified as Tax Map Key (TMK) No. (2) 4-4-004:002(por.). DHHL proposes source, storage, and transmission improvements to support the well and its operation as a potable water source.

The improvements will utilize lands in the Honokōwai and Wahikuli areas. DHHL's primary objective in developing the well is to enable the County of Maui, Department of Water Supply (DWS) to provide water service to DHHL's proposed 253 single-family residential units of the future planned Villages of Leiali'i, Village 1, Phase 1B subdivision development. In addition, the water source will serve a portion of the future Villages of Leiali'i master-planned project to be developed by the Hawai'i Housing Finance and

EXHIBIT "C"

21 - 1 2 8

Keith Kawaoka
February 22, 2021
Page Two of Four

Development Corporation (HHFDC). As capacity permits, water from the Honokōwai Well will also be used to service DHHL's Honokōwai lands for future planned agricultural, residential, and commercial purposes. An Environmental Assessment (EA) is currently being prepared for this proposed action.

HHFDC previously completed an Environmental Impact Statement (EIS) process for its proposed Villages of Leiali'i project, which is envisioned to be a mixed-use community with affordable and market-priced housing with open, commercial, and light industrial spaces and public facilities. The Final EIS (FEIS) was accepted by the Governor and published in the Office of Environmental Quality Control's (OEQC) The Environmental Notice (TEN) bulletin on October 23, 2012. The FEIS covers the development of the HHFDC's proposed Villages of Leiali'i master planned community, as well as all required infrastructure improvements.

Regarding water, the FEIS discussed a proposed water system which would include the development of new wells, water lines, and reservoir tanks to support the proposed development. It is noted that a portion of the lands under HHFDC control and included in its Villages of Leiali'i master plan area, were eventually transferred to DHHL. These lands are now planned for the development of 253 single-family residential units by DHHL, as discussed above.

In order to utilize Honokōwai Well as a potable water source for the Villages of Leiali'i, and potentially DHHL's Honokōwai lands, DHHL proposes improvements on lands located in the Honokōwai and Wahikuli areas. As it is currently planned, water from the Honokōwai Well will be conveyed north, via a new 12-inch transmission main, and connect with DWS's existing water system near the Māhinahina Water Treatment Facility in Honokōwai.

In the Wahikuli area, improvements to the existing water distribution system are proposed to service the DHHL and HHFDC's Villages of Leiali'i projects. Areas of Leiali'i 1B that are located below elevation 130 feet mean sea level (msl) can be serviced by the DWS's existing Wahikuli Reservoir. However, a new higher elevation reservoir will need to be constructed on HHFDC property to service the areas of Leiali'i 1B that are located above elevation 130 feet msl.

The primary purpose of the new reservoir is to have sufficient storage capacity to meet water demands concurrent with water for fire protection, and to be at an elevation that can provide adequate pressure. This proposed reservoir will have a storage capacity of

EXHIBIT "C"

500,000 gallons, which will provide adequate storage for the areas of Leiali'i 1B that are located above elevation 130 feet msl. The reservoir will also provide extra storage for possible future developments above this elevation.

The proposed reservoir will be located on HHFDC land north of DWS's existing Wahikuli Reservoir, at an approximate elevation of 370 feet. A new booster pump station (BPS) will be constructed within an expansion of the Wahikuli Reservoir site to pump water from the Wahikuli Reservoir to the new reservoir on HHFDC property.

Approximately 4,600 feet of a new 12-inch transmission waterline will be installed to convey water from the BPS to the new reservoir. A new 12-inch transmission waterline, approximately 3,700 feet in length, will convey the water by gravity from the proposed reservoir on HHFDC property to Leiali'i 1B. Gravel roads will be constructed over the transmission waterlines.

The proposed 500,000-gallon reservoir and transmission waterlines for Wahikuli are functionally similar to those water system improvements discussed in the 2012 FEIS for the Villages of Leiali'i development by HHFDC. Although there may be some variation in terms of locations of the specific system components, the proposed new reservoir and waterlines are substantially similar to those discussed in the accepted FEIS. Section 11-200.1-11, Hawai'i Administrative Rules provides the following as it relates to use of an accepted EIS to satisfy Chapter 343, Hawaii Revised Statutes ("HRS").

"When an agency is considering whether a prior exemption, FONSI, or an accepted EIS satisfies Chapter 343, HRS, for a proposed action, the agency may determine that additional environmental review is not required because:

- (1) The proposed action was a component of, or is substantially similar to, an action that received an exemption, FONSI, or an accepted EIS;*
- (2) The proposed action is anticipated to have direct, indirect, and cumulative effects similar to those analyzed in a prior exemption, final EA, or accepted EIS; and*
- (3) In the case of a final EA or an accepted EIS, the proposed action was analyzed within the range of alternatives."*

Keith Kawaoka
February 22, 2021
Page Four of Four

Based on the foregoing, DHHL has determined:

- a. The scope of the Honokōwai Water System Improvements project in the Wahikuli area is substantially similar to the actions described in the 2012 HHFDC Villages of Leialī'i FEIS;
- b. The components of the Honokōwai Water System Improvements project in the Wahikuli area as discussed above are anticipated to have cumulative effects similar to those analyzed in the 2012 HHFDC Villages of Leialī'i FEIS; and
- c. The environmental setting and probable environmental impacts as described in the 2012 HHFDC Villages of Leialī'i FEIS have not substantially changed or intensified.

As such, the DHHL is requesting that this Record of Determination be published in the next edition of The Environmental Notice. The Publication Form is enclosed.

Should you have any questions, please contact Sara Lin, Office of the Governor, at 586-0805 or Stewart Matsunaga, Acting Administrator, DHHL Land Development Division, at 620-9283.

With warmest regards,



David Y. Ige
Governor, State of Hawai'i

Enclosures

- c: William Aila, Jr., Chairman, Department of Hawaiian Home Lands
Denise Iseri-Matsubara, Executive Director, HHFDC

EXHIBIT "C"

AGENCY PUBLICATION FORM

EXHIBIT "C"

Project Name:	Honokowai Water System Improvements
Project Short Name:	Honokowai Water System Improvements
HRS §343-5 Trigger(s):	Proposed use of State land and State funds
Island(s):	Maui
Judicial District(s):	Lahaina
TMK(s):	(2) 4-5-021: Lot 020
Permit(s)/ Approval(s):	Building/Grading and Grubbing permits
Proposing Agency:	Department of Hawaiian Home Lands
Contact Name, Email, Telephone, Address	Stewart Matsunaga, Acting Administrator Land Development Division Land Development Division Department of Hawaiian Home Lands 91-5420 Kapolei Parkway Kapolei, HI 96707 Direct: 808.620-9283 Fax: 808.620-9299 Email: Stewart.t.matsunaga@hawaii.gov
Accepting Authority:	Governor, State of Hawaii
Contact Name, Email, Telephone, Address	Sara Lin sara.n.lin@hawaii.gov 808-586-0805 415 S. Beretania St., Honolulu, Hawaii 96813
Consultant:	Munekiyo Hiraga
Contact Name, Email, Telephone, Address	Bryan Esmeralda, AICP, Senior Associate planning@munekiyohiraga.com (808) 983-1233 305 High Street, Suite 104 Wailuku, HI 96793

Status (select one)

☐ DEA-AFNSI

Submittal Requirements

Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEA, and 4) a searchable PDF of the DEA; a 30-day comment period follows from the date of publication in the Notice

☐ FEA-FONSI

Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; no comment period follows from publication in the Notice.

☐ FEA-EISPN

Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; a 30-day comment period follows from the date of publication in the Notice.

☐ Act 172-12 EISPN
("Direct to EIS")

Submit 1) the proposing agency notice of determination letter on agency letterhead and 2) this completed OEQC publication form as a Word file; no EA is required and a 30-day comment period follows from the date of publication in the Notice.

☐ DEIS

Submit 1) a transmittal letter to the OEQC and to the accepting authority, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEIS, 4) a searchable PDF of the DEIS, and 5) a searchable PDF of the distribution list; a 45-day comment period follows from the date of publication in the Notice.

☐ FEIS

Submit 1) a transmittal letter to the OEQC and to the accepting authority, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEIS, 4) a searchable PDF of the FEIS, and 5) a searchable PDF of the distribution list; no comment period follows from publication in the Notice

☐ FEIS Acceptance
Determination

The accepting authority simultaneously transmits to both the OEQC and the proposing agency a letter of its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS; no comment period ensues upon publication in the Notice

☐ FEIS Statutory
Acceptance

Timely statutory acceptance of the FEIS under Section 343-5(c), HRS, is not applicable to agency actions

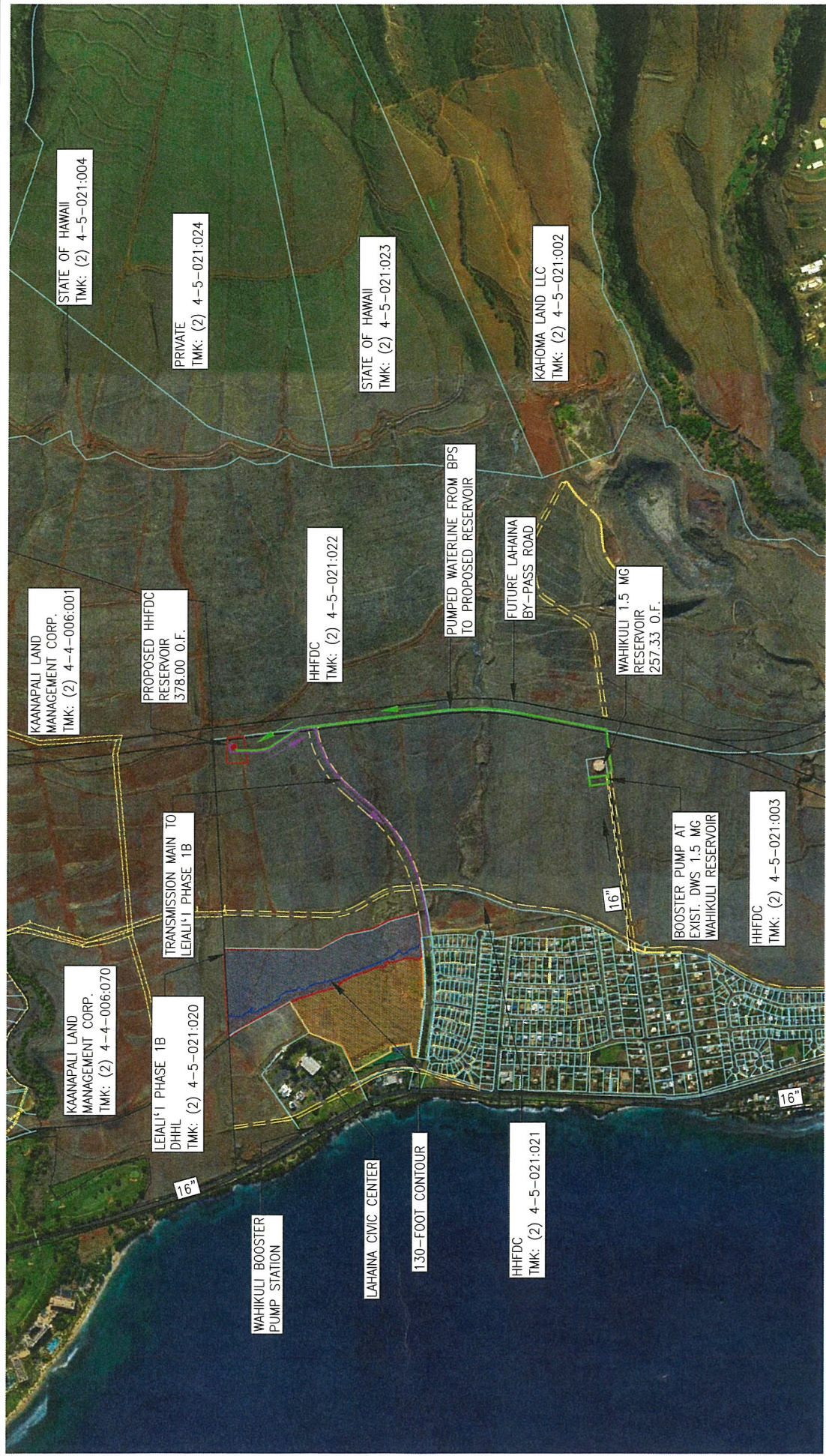
☒ **Supplemental EIS Determination** The accepting authority simultaneously transmits its notice to both the proposing agency and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that a supplemental EIS is or is not required; no EA is required and no comment period ensues upon publication in the Notice.

☐ **Withdrawal** Identify the specific document(s) to withdraw and explain in the project summary section.

☐ **Other** Contact the OEQC if your action is not one of the above items

Project Summary

The State of Hawai'i, Department of Hawaiian Home Lands (DHHL) proposes water system improvements on lands located in Wahikuli, Maui, Hawai'i. The goal of the project is to utilize an existing drilled and cased test well located in Honokōwai, Maui as a potable water source to service DHHL's proposed 253 single-family residential units of the future planned Villages of Leialī'i, Village 1, Phase 1B subdivision, a portion of the future Villages of Leialī'i master-planned project to be developed by the Hawai'i Housing Finance and Development Corporation (HHFDC), and, as capacity permits, DHHL's Honokōwai lands for future planned agricultural, residential, and commercial purposes. The DHHL proposed to construct water system improvements in both Honokōwai and Wahikuli. Part of the Wahikuli area improvements involves a new reservoir and related distribution lines. These components were contemplated as part of HHFDC's 2012 Final Environmental Impact Statement (FEIS) for its proposed Villages of Leialī'i development. As these project components are similar in nature and are not anticipated to result in additional impacts beyond those discussed in the FEIS, the DHHL has determined that a Supplemental FEIS is not required.



LEGEND

- LEIALI I PHASE 1B - AREA BELOW ELEVATION 130
- LEIALI I PHASE 1B - AREA ABOVE ELEVATION 130

REFERENCE: GOOGLE EARTH

0 1
1 INCHES AT FULL SIZE
(if NOT 1-inches : Scale Accordingly)

SCALE: 1" = 1000'

DEPARTMENT OF HAWAIIAN HOMELANDS
HONOKOWAI WATER SYSTEM
IMPROVEMENTS
LAHAINA, MAUI, HAWAII

ATA AUSTIN, TSUTSUMI & ASSOCIATES, INC.
HONOLULU • WAILUKU • HILO, HAWAII

**HHFDC PROPOSED RESERVOIR
AND TRANSMISSION MAINS**

**FIGURE
1**

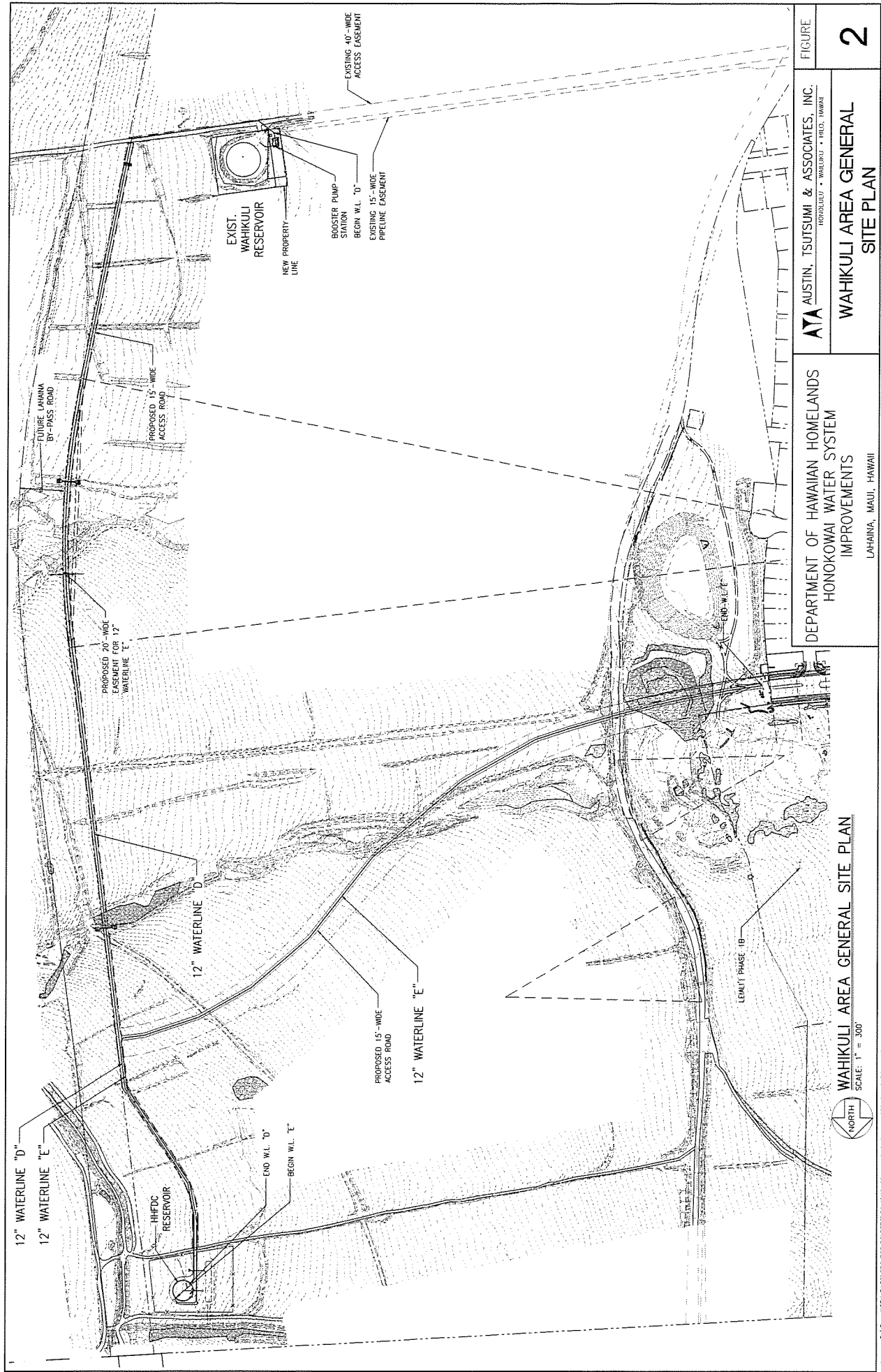


EXHIBIT "C"

Exhibit D.

Memorandum of Understanding, Dwelling Unit
Revolving Fund Funding for Honokōwai Well,
Villages of Leiali‘i with Hawai‘i Housing
Finance and Development Corporation

MEMORANDUM OF UNDERSTANDING
DWELLING UNIT REVOLVING FUND FUNDING FOR HONOKOWAI WELL
VILLAGES OF LEIALI'I

THIS MEMORANDUM OF UNDERSTANDING, dated as of
MARCH 31, 2017 ("MOU"), made by and between the HAWAII
HOUSING FINANCE AND DEVELOPMENT CORPORATION, a public body and a body
corporate and politic of the State of Hawaii ("HHFDC"), doing business at 677 Queen
Street, Suite 300, Honolulu, Hawaii, 96813, and the DEPARTMENT OF HAWAIIAN
HOME LANDS, State of Hawaii ("DHHL"), whose principal place of business is 91-5420
Kapolei Parkway, Kapolei, Hawaii 96707 and post office address is P. O. Box 1879,
Honolulu, Hawaii 96805.

WITNESSETH:

WHEREAS, HHFDC is the master developer of the Villages of Leialii project in
Lahaina, Maui, Hawaii, Tax Map Key Nos. (2) 4-5-021: 003, 004 (portion of), 005
(portion of), 013, 018, 019, 020, 021, 022 (portion of), 023 (portion of); (2) 4-5-028: 070
and 081; (2) 4-5-036: 001 to 112 ("Leialii").

WHEREAS, Villages 1A and 1B at Leialii were sold to DHHL by the Transfer
Agreement dated December 30, 2004, as amended.

WHEREAS, DHHL completed the construction of 104 homes at Village 1A and
DHHL is working on the development of 250 homes at Village 1B.

WHEREAS, DHHL has drilled and tested an exploratory potable water well on
State land in Honokowai, Maui, Hawaii, Honokowai Well (State Well No. 5639-04) at
Tax Map Key No. (2) 4-4-004: 002 (por.) ("Honokowai Well") at a design and
construction cost of approximately \$1,000,000.

WHEREAS, test results indicate that Honokowai Well has a capacity of 1 MGD,
which is preliminarily estimated will serve approximately 560 units whether the well is
dedicated to the County of Maui Department of Water Supply ("DWS") or a private water
company.

WHEREAS, DHHL is currently working on an environmental assessment
pursuant to Chapter 343, Hawaii Revised Statutes ("HRS"), for the Honokowai Well
Improvements ("EA") and the designs for source, storage and transmission
improvements ("Honokowai Well Improvements"), at a cost of approximately
\$1,000,000 to utilize the well as a potable water source for its Village 1B project at
Leialii.

WHEREAS, DHHL reviewed several alternative transmission waterline
alignments and additives as described in its Draft Water Master Plan for DHHL

Honokowai Water System, by Austin, Tsutsumi & Associates, Inc., dated March 15 and April 10, 2013, ranging in cost from \$4.8 million to \$14.2 million ("Honokowai Water Master Plan").

WHEREAS, new well sources, in addition to the Honokowai Well, storage and transmission improvements are needed for development at Leiali'i and HHFDC would like to develop affordable rentals at Leiali'i.

WHEREAS, the HHFDC Board of Directors approved entry into a MOU with DHHL for potable water infrastructure at Leiali'i on December 8, 2016.

WHEREAS, the Hawaiian Homes Commission authorized the Chairman to enter into a MOU with HHFDC to provide funding for potable water infrastructure at Leiali'i on December 20, 2016.

NOW, THEREFORE, the Parties hereby agree as follows:

- I. Honokowai Well Improvements. Of the alternatives and additives described in the Honokowai Water Master Plan, Alternative 2, Additive 2, appears to be the alternative that HHFDC and DHHL will focus on with an estimated cost of \$8.5 million. This option includes outfitting the well, a control building and a 50,000-gallon control reservoir at the well site, and a 12-inch ductile iron transmission line extending approximately 8,000 lineal feet from the well site, north across Honokowai Gulch over State land as well as privately owned properties of Maui Land and Pineapple Company and Kaanapali Land Management Corp., to a connection at a storage tank near the County of Maui's existing Mahinahina Water Treatment Facility. This option also includes reactivation of the Waiohuli Booster Pump Station near the entrance to Leiali'i Parkway, and a 12-inch transmission line 5,400 feet up to a new 250,000-gallon reservoir at elevation 320' at Leiali'i above the Wahikuli Reservoir. The estimated cost of this option from the Honokowai Water Master Plan is attached hereto as Exhibit A. This option is subject to change, as may be mutually agreed upon by DHHL and HHFDC.
- II. Use of DURF Funds. HHFDC agrees to finance the first \$10 million of the Honokowai Well Improvements from its Dwelling Unit Revolving Fund ("DURF Funds") for which HHFDC shall be entitled to half of the available capacity of the Honokowai Well. DHHL shall be entitled to the remaining half of the available capacity of the Honokowai Well.
- III. DWS or Private Operator. At this time, HHFDC and DHHL contemplate a dedication of the Honokowai Well and Honokowai Well Improvements to DWS, unless otherwise mutually agreed to by HHFDC and DHHL.
- IV. Division of Labor. Either Party may undertake components of the Honokowai Well Improvements as both Parties mutually agree. Each Party shall be

responsible for procurement and administration of any contract it enters into to accomplish the component of work such Party undertakes.

- V. Budget. An initial DURF budget of the Honokowai Well Improvements is attached hereto as Exhibit B ("DURF Budget").
- VI. Administration of DURF Fund. The DURF funds shall be administered by HHFDC as follows, unless otherwise approved by HHFDC:
- A. The DURF Fund may be used for any project related expense, as approved by HHFDC;
 - B. Except for payment for the EA, there shall be no expenditure from the DURF Fund prior to the completion of the EA;
 - C. All contracts, commitments or change orders to be paid from the DURF Fund shall be approved by HHFDC and DHHL prior to execution;
 - D. Withdrawals from the DURF Fund shall be made by submittal of a written request to HHFDC (no more than once a month), accompanied by the worksheets and information supporting the withdrawal, in the forms attached hereto as Exhibit C;
 - E. Withdrawals by DHHL may be requested for the entire contract amount by submittal to HHFDC of a copy of the executed contract procured in compliance with HRS Chapter 103D;
 - F. Checks for withdrawals by DHHL shall be made payable to DHHL, for payment to its vendors;
 - G. Copies of withdrawals from the DURF Fund by HHFDC for project related expenses shall be provided to DHHL at the time of such withdrawal;
 - H. All contracts shall name DHHL, HHFDC and the State of Hawaii as additional indemnitees and additional insured parties;
 - I. All construction contracts shall be accompanied with a 100% payment and performance bond and labor and materials bond naming DHHL, HHFDC and the State of Hawaii as additional obligees under the surety bond;
- VII. Compliance with All Laws. Each Party shall comply with all Federal, State, and County laws, ordinances, codes, rules, and regulations as the same may be amended from time to time, that in any way affect such Party's performance under this MOU.
- VIII. Amendments, Waiver. This MOU can only be changed by an instrument in writing signed by HHFDC and DHHL. The terms of this MOU may not be waived, modified, or in any way changed by implication, through conduct, correspondence, or otherwise, unless such waiver, modification, or change shall be specifically agreed to in writing by HHFDC and DHHL. Any waiver in whole or in part to any of the terms and conditions hereunder, shall be specific and not general. Each waiver shall only apply to specific conditions and circumstances.

- IX. Binding Effect of Agreement. This MOU shall be binding upon and inure to the benefit of HHFDC and DHHL, and their respective successors and assigns.
- X. Gender and Number. The use of any pronoun in reference to HHFDC and DHHL shall be construed to mean the singular or plural, the masculine, feminine or neuter, as the instrument and context may require.
- XI. No Party Deemed Drafter. The parties agree that neither HHFDC nor DHHL shall be deemed to be the drafter of this MOU and in the event this MOU is ever construed by a court of law, such court shall not construe this MOU or any provision hereof against any party as the drafter of this MOU.
- XII. Counterparts. This MOU may be executed in any number of counterparts. Each such counterpart hereof shall be deemed to be an original instrument but all such counterparts together shall constitute but one MOU.
- XIII. Invalidity of Provision. If any provision of this MOU as applied to any party or to any circumstances shall be adjudged by a court of competent jurisdiction to be void or unenforceable for any reason, the same shall in no way effect any other provision under circumstances different from those adjudicated by the court, or the validity or enforceability of this MOU as a whole.
- XIV. Approvals Required.
- A. HHFDC's proposed use of DURF Funds shall be subject to approval by the HHFDC Board of Directors, availability of DURF Funds, and approval of release of funds by the Governor.
 - B. Funding of the DURF Funds shall be subject to completion of the Final Environmental Assessment for the Honokowai Well Improvements and compliance with HRS Chapter 343.
 - C. DHHL shall obtain written consent of this MOU from the Office of Hawaiian Affairs (OHA), if required.
 - D. If Governor's approval of this MOU is required, DHHL shall be responsible for obtaining the written approval of the Governor.
- XV. Clause or Provision Contrary to Hawaiian Homes Commission Act. In the event any clause or provision in this MOU is found to be contrary to the Hawaiian Homes Commission Act, 1920, as amended and or any clause or provision is such where it may put the Hawaiian Homes Commission in such a position where it would violate its Fiduciary responsibility to its native Hawaiian beneficiaries, such clause or provision shall be removed from the MOU without canceling or altering the intent of the MOU.

[The remainder of this page is blank. The next page is a signature page.]

IN WITNESS WHEREOF, the undersigned have executed these presents as of the day and year first written above.

Approved as to Form:


Hawaii Housing Finance and Development Corporation

Deputy Attorney General
Representing HHFDC

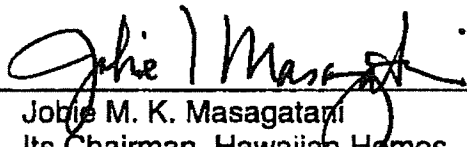
By _____
Craig K. Hirai
Its Executive Director

Approved as to Form:

Department of Hawaiian Home Lands



Deputy Attorney General
Representing DHHL

By 

Jobie M. K. Masagatani
Its Chairman, Hawaiian Homes
Commission

x:\c:\vel\2016\dhhl durf mou.final.3-21-17

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

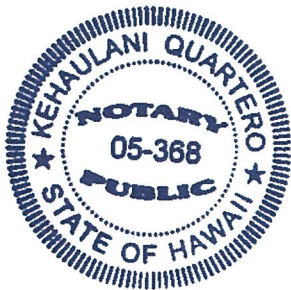
On this ____ day of _____, 20____, before me appeared CRAIG K. HIRAI, personally known to me, who, being by me duly sworn, did say that he is the EXECUTIVE DIRECTOR of the HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, a public body and a body corporate and politic of the State of Hawaii, that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that this ____-page MEMORANDUM OF UNDERSTANDING, DWELLING UNIT REVOLVING FUND FUNDING FOR HONOKOWAI WELL, VILLAGES OF LEIALI'I dated _____, was signed and sealed on behalf of the corporation by authority of its Board of Directors, and the said officer acknowledged the instrument to be the free act and deed of the corporation.

Name: _____
Notary Public, State of Hawaii
_____ Judicial Circuit

My commission expires: _____

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

On this 31st day of March, 2017, before me appeared JOBIE M. K. MASAGATANI, to me personally known, who, being by me duly sworn, did say that she is the CHAIRMAN of the HAWAIIAN HOMES COMMISSION, DEPARTMENT OF HAWAIIAN HOME LANDS, STATE OF HAWAII, and the person described in and who executed this 5-page MEMORANDUM OF UNDERSTANDING, DWELLING UNIT REVOLVING FUND FUNDING FOR HONOKOWAI WELL, VILLAGES OF LEIALI'I dated _____, and acknowledged to me that she executed the same freely and voluntarily for the use and purposes therein set forth.



Kehaulani Quatero

Name: Kehaulani Quatero
Notary Public, State of Hawaii
First Judicial Circuit

My commission expires: 6/12/2017

Doc. Date: Continuation of previous document

Pages: KA 13
First Circuit

Notary Name: Kehaulani Quatero

Doc. Description: Mou Dwelling unit revolving fund funding for Honokowai Well

Kehaulani Quatero 3/31/17
Notary Signature Date

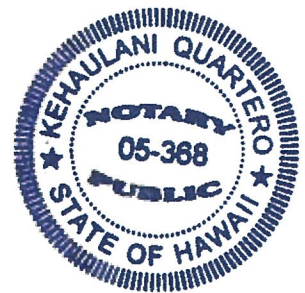


Exhibit A
(Estimated Cost)

Exhibit B
(DURF Budget)

Exhibit C
(Forms for Draw Request)

HONOKOWAI WELL
ESTIMATED COST - ALTERNATE 2, ADDITIVE 2

3/7/2017

Well Site	1,500,000
50,000-Gallon Control Tank, 940' Elev.	300,000
Transmission Waterline - Alt. 2, North to Mahinahina	2,600,000
250,000-Gallon Reservoir, 320' Elev.	1,700,000
Reactivate Waiohuli BPS	20,000
12" Waterline from BPS to New Reservoir	1,600,000
	7,720,000
Contingency, 10%	772,000
Sub-Total	8,492,000
Say,	8,500,000
From Draft Water Master Plan for DHHL Honokowai Water System, Austin, Tsutsumi & Associates, Inc. (April 10, 2013).	

EXHIBIT A

x:\c:\lei\2017\exh a - mou.cost.2-17-17

HONOKOWAI WELL
DURF BUDGET

3/7/2017

Land			100,000.00
Planning			200,000.00
Engineering			500,000.00
Construction			8,500,000.00
Contingency			700,000.00
Total			10,000,000.00

EXHIBIT B

x:\c:\lei\2017\exh b - budget.2-17-17

DRAFT 2/17/17

DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. Box 1879
Honolulu, Oahu, Hawaii 96805

Date: _____

DRAW REQUEST AND CERTIFICATION

Hawaii Housing Finance and Development Corporation
677 Queen Street, Suite 300
Honolulu, Hawaii 96813
ATTN: Stan S. Fujimoto, Project Manager

Subject: Draw Request No. _____
DURF Funds
Honokowai Well for Villages of Leialii
Lahaina, Maui, Hawaii

We request payment for the attached contract and/or invoices in the following total amount for the above subject Honokowai Well for DHHL and HHFDC projects at the Villages of Leialii in Lahaina, Maui, Hawaii, TMK Nos. (2) 4-5-021: 003, 004 (por.), 005 (por.), 013, 018, 019, 020, 021, 022 (por.), 023 (por.); (2) 4-5-028: 070 and 081; (2) 4-5-036: 001 to 112:

\$_____ From DURF Funds

We hereby certify that all of the requested items have been paid or are due and payable in connection with the project pursuant to the project documents including the following:

- Hawaii Housing Finance and Development Corporation (HHFDC) For Action dated December 8, 2016 approving the Memorandum of Understanding for Honokowai Well (MOU), and For Action dated _____ approving the DURF Funds for the project;
- Governor's approval of release of DURF Funds for the project dated _____; and
- MOU between DHHL and HHFDC for Honokowai Well dated _____;

After disbursement of the amount requested, the total amount disbursed, and the balance of proceeds remaining after this disbursement will be as stated in the attached worksheets for the DURF Funds for the project.

Sincerely,

DEPARTMENT OF HAWAIIAN HOME LANDS

Jobie K. Masagatani
Chairperson

DRAW REQUEST NO. _____

Budget Item	Vendor	Invoice Date	DURF Funds
Total			0

EXHIBIT C-2

HONOKOWAI WELL
DURF FUNDS
Draw Request No. _____

3/7/2017
5:56 AM

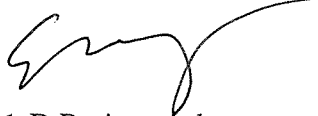
DURF Funds	INITIAL	CURRENT	%	COST TO	COST TO	BALANCE	THIS
SCOPE OF WORK	APPROVED	APPROVED	COMP	DATE	DATE		DRAW
	BUDGET	BUDGET		PREVIOUS	NEW		REQUEST
							\$
LAND							
Land	\$100,000.00	\$100,000.00		0.00	0.00	100,000.00	0.00
FOR SITE WORK							
Sitework Costs	\$0.00	\$0.00		0.00	0.00	0.00	0.00
NEW CONSTRUCTION							
Well and Facilities	\$8,500,000.00	\$8,500,000.00		\$0.00	\$0.00	8,500,000.00	0.00
CONTINGENCY							
Construction Contingency	\$700,000.00	\$700,000.00		\$0.00	\$0.00	700,000.00	0.00
Soft Cost Contingency	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
ARCHITECTURAL & ENGINEERING FEES							
Architect Fee - Design	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Architect Fee - Supervision	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Engineering Fees	\$500,000.00	\$500,000.00		\$0.00	\$0.00	500,000.00	0.00
Landscape Architect	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
LEED Certification	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Reimbursables	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
INTERIM COSTS							
Construction Insurance	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Construction Interest	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Construction Loan Origination Fee	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Construction Credit Enhancements	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Payment and Performance Bond	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Real Property Tax & Other Taxes	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
PERMITS AND FEES							
Building Permits	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
BWS Fees	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
DOE Fee	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Special Inspections	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
SOFT COSTS							
Planning	\$200,000.00	\$200,000.00		\$0.00	\$0.00	200,000.00	0.00
Property Appraisal	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Market Study	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Environmental Report	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
HHFDC LIHTC Fee/(Good Faith Deposit)	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Advertising/Marketing	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Furnishings	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Survey	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Accounting/Cost Certification	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Working Capital	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
SYNDICATION COSTS							
Organizational (Partnership)	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
FINANCING FEES & EXPENSES							
Permanent Loan Origination Fee	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Title and Recording	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Counsel's Fee	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Lender's Counsel	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Lender's Out of Pocket	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
DEVELOPER'S FEES							
Developer's Overhead	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Developer's Fee	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
TOTAL COST BEFORE RESERVE	\$10,000,000.00	\$10,000,000.00		\$0.00	\$0.00	\$10,000,000.00	\$0.00
PROJECT RESERVES							
Operating Reserves	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
Escrows	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
TOTAL PROJECT COST	\$10,000,000.00	\$10,000,000.00		\$0.00	\$0.00	\$10,000,000.00	\$0.00

STATE OF HAWAI'I

DEPARTMENT OF HAWAIIAN HOME LANDS

September 19-20, 2022

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Stewart Matsunaga, Acting LDD Administrator 

SUBJECT: Progress Report on Villages of Leiali'i, Village 1-B Project and Draft Environmental Assessment; Wahikuli, District of Lahaina, Maui Island; TMK Nos. (2)4-5-021:010(por.), 014(por.), 020, 021(por.), (2)4-5-036:019, 110, 112 (por.), and Honoapi'ilani Highway Right-of-Way (por.)

RECOMMENDED MOTION/ACTION:

None; for information only.

DISCUSSION:

BACKGROUND:

The purpose of this informational briefing is to provide the Hawaiian Homes Commission (HHC) with a progress report on the Villages of Leiali'i, Village 1-B (Village 1-B) Project in Lahaina, Maui; to present an overview of the status of the preparation of the Draft Environmental Assessment (EA).

The State of Hawai'i, Department of Hawaiian Home Lands (DHHL) proposes to construct the Villages of Leiali'i, Village 1-B (1-B) subdivision and related improvements in Lahaina, Maui, Hawai'i. The proposed Village 1-B subdivision is anticipated to be built on lands identified by Tax Map Key (TMK) (2)4-5-021:020, an approximately 51-acre area of land owned by the DHHL located north of Leiali'i Parkway and the existing DHHL Villages of Leiali'i, Village 1-A (Village 1-A) subdivision. See **Exhibit 1**. Both Village 1-A and Village 1-B were acquired by DHHL from the Housing Finance and Development Corporation (HFDC) (predecessor to the current Hawai'i Housing Finance and Development Corporation (HHFDC)) in the early 2000's. It is noted that HHFDC still owns the lands mauka of Village 1-A and Village 1-B, which has been planned for a separate master planned community, also referred to as the Villages of Leiali'i.

PROJECT DESCRIPTION:

1-B, as currently proposed, consists of a mix of single-family homes and multi-family units. Access to the subdivision will be provided from Leiali'i Parkway. The new housing units will be made available to DHHL native Hawaiian beneficiaries currently on the waitlist for a residential lease on Maui. The proposed project will be developed in two (2) increments. Increment

1 will consist of 86 single-family units. Increment 2 will consist of single-family lots, multi-family units, or a combination of both. At this time, the final unit count and product mix for Increment 2 has not been determined. It is anticipated that the final unit count and product mix will be developed following consultation with DHHL beneficiaries on their preferences. However, it is noted that Increment 2 will not exceed 164 units, for a total of 250 lots or units for the entire project. **See Exhibit 2.** Parking for single-family homes will be provided in attached garages, while parking for any multi-family units to be developed will be in paved parking areas.

In order to develop the proposed subdivision, the following offsite improvements are required, and will also be developed as part of the proposed action:

- Development of two (2) new offsite retention basins mauka of Village 1-B, on lands owned by HHFDC
- Adjustment of the outlet drainage pipes in the existing retention basin mauka of Village 1-A, on lands owned by HHFDC, and enlargement of the basin
- Grading and development of drainage interceptor ditches mauka of Village 1-B, on lands owned by HHFDC
- Roadway improvements to Leiali'i Parkway and Honoapi'ilani Highway
- Roadway repairs to existing portions of Leiali'i Parkway

The drainage improvements discussed above will be located on TMK (2)4-5-021:021, owned by HHFDC. Refer to **Figure 1**. The proposed improvements along Leiali'i Parkway include widening of Leiali'i Parkway from two (2) lanes to four (4) lanes, restriping, removal and replacement of the existing trees in the median and north shoulder above the Lahaina Civic Center, relocation of the traffic signals at the intersection with Honoapi'ilani Highway, which may involve the relocation of existing traffic signals within Wahikuli Wayside Park, and any needed repairs and improvements as required for future dedication of the roadway to the County of Maui. Restriping along Honoapi'ilani Highway is also being proposed. In addition, due to the widening of Leiali'i Parkway, reconfiguration of the access driveway to the Lahaina Post Office will also be required. It is noted that Leiali'i Parkway is encompassed by four (4) TMKs, identified as (2)4-5-036:109 and 110, owned by the DHHL, and (2)4-5-036:112 and (2)4-5-021:010, which are owned by the State. Honoapi'ilani Highway is a State of Hawai'i, Department of Transportation (HDOT) owned highway. Refer to **Exhibit 2**.

DRAFT ENVIRONMENTAL ASSESSMENT PREPARATION UPDATE:

STATUS OF /TECHNICAL STUDIES AND REPORTS

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

STUDY	STATUS	PREPARER
Preliminary Engineering and Drainage Report (PEDR)	Complete	Austin, Tsutsumi, and Associates, Inc.
Traffic Impact Analysis Report	Complete	Austin, Tsutsumi, and Associates, Inc.
Archaeological Documentation and Hawai'i Revised Statutes (HRS), Chapter 6E Consultation	The Archaeological Inventory Survey (AIS) was submitted to the State Historic Preservation Division (SHPD) on June 24, 2022. SHPD provided comments on the AIS on August 26, 2022. CSH is working to address their comments and will prepare an Archaeological Monitoring Plan (AMP)	Cultural Surveys Hawai'i
Cultural Impact Assessment Interviews	Draft Under Review by DHHL	Cultural Surveys Hawai'i
Flora/Fauna Survey	Complete	Robert Hobdy
Phase 1 and Phase 2 Environmental Site Assessment	Complete	Enpro, Inc.

It is noted that a portion of the proposed 1-B subdivision and the area of the roadway improvements are located within the Special Management Area (SMA) for the island of Maui. The DHHL has determined that it is not subject to county zoning and SMA permitting requirements pursuant to the Hawai'i Homes Commission Act, 1920. This determination was submitted to the County of Maui, Department of Planning via letter, dated August 29, 2022. It is noted that a portion of the offsite roadway improvements within the SMA and shoreline setback area being proposed as part of the proposed project will be located on lands not owned by DHHL. As such, DHHL will comply with SMA and shoreline setback permitting requirements for the proposed roadway improvements occurring on lands owned by the State of Hawai'i and HHFDC.

IMPACTS AND MITIGATION:

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

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
Topography and Soils	To prevent soil erosion and minimize soil loss during site work, Best Management Practices (BMPs), which will include, but not be limited to, temporary sediment basins, temporary diversion berms and swales to intercept runoff, silt fences, dust fences, slope protection, stabilized construction entrances and truck washdown areas. In addition, loose soils will be periodically sprayed with water to minimize air-borne dirt particles from reaching adjacent properties. Permanent sediment control measures will be utilized once construction is completed.
Agricultural Lands	The lands underlying the project area have historically been used for agricultural cultivation but have been taken out of agricultural production with the closure of pineapple and sugar cane operations. The project area is adjacent to existing urban development and has been identified for future urban use by the Maui Island Plan and West Maui Community Plan. The subdivision site, although designated for agricultural use by Maui County Zoning and partially designated as “Prime” agricultural lands by the Agricultural Lands of Importance to the State of Hawai‘i (ALISH), has not been in agricultural production for some time. On the island of Maui, approximately 70,714 acres of the total land area of the island are within the ALISH “Prime” Designation, this represents approximately 15 percent of the island. As such, the use of 51 acres, or 0.07 percent, of the “Prime” designated lands on Maui for residential housing is not considered a substantial adverse impact in the context of the overall Prime designated lands on Maui. Significant adverse impacts to agricultural productivity in the region are not anticipated as a result of the proposed action.
Flood, Tsunami, and Sea Level Rise Hazards	The Leiali‘i 1-B subdivision, including dwelling units and most of the project area, is located in Flood Zone X, an area of minimal flooding. Portions of Honoapi‘ilani Highway roadway improvements are located in Flood Zone VE and Flood Zone A. However, these improvements are limited to roadway restriping and relocation of existing traffic signals. In addition, a majority of the 1-B subdivision is located in the Safe Zone in regards to a tsunami threat. A small portion of the site along the makai boundary is located within the Extreme Tsunami Evacuation Zone and portions of the roadway and drainage improvements are located within the Tsunami Evacuation Zone. Similarly, the Leiali‘i 1-B subdivision is located outside of the 3.2-foot sea level rise with portions of the drainage improvements and roadway improvements located within the 3.2-foot sea level rise exposure area. Work within Flood Zone VE and Flood Zone A, as well as the Tsunami Evacuation Zone and Extreme Tsunami Evacuation Zone, will be limited to non-habitable, offsite roadway and drainage improvements. No significant adverse

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
	impacts related to the flood and tsunami hazard zones or sea level rise are anticipated during the implementation of the project.
Aquifer, Streams, and Wetlands	<p>The proposed project's water source will draw from the Honokōwai aquifer system in the Lahaina Aquifer Sector Area (ASA). In June 2022, the State Commission on Water Resource Management (CWRM) designated the Lahaina Aquifer Sector Area (ASA) as a Surface and Ground Water Management Area, which includes the Honokōwai aquifer system. According to the, CWRM Finding of Fact Report on the Surface and Ground Water Management Area Designation, the Commission approved DHHL's reservation of 0.770 mgd of groundwater on September 18, 2018 to meet their foreseeable groundwater needs in the Honokōwai Aquifer. Draw from the proposed well will not exceed the sustainable yield of the Honokōwai Aquifer System, as established by CWRM.</p> <p>There are no known wetlands within the project sites. However, there is an unnamed gulch that traverses through the proposed drainage improvements that is identified as non-perennial, and usually only contains water during rain events. In addition, the stream runs through existing drainage features. Development of the project and the related offsite improvements will not impact the historical alignment of the unnamed gulch.</p>
Flora and Fauna	<p>The Biological Resources Survey Report summarized that the vegetation within the area of the project primarily consists of non-native species that are of no special interest or concern. No federally Endangered or Threatened plant species were found in the project area, nor were any found that are candidates for such status. No special plant habitats were found here. The survey found that the area is dominated by two (2) species that were abundant: buffelgrass (<i>Cenchrus ciliaris</i>) and koa haole (<i>Leucaena leucocephala</i>), which together made up more than 95 percent of the total biomass. Two (2) indigenous native species were found: the koali kuahulu and the 'uhaloa. Both of these native species are common.</p> <p>Although no flora species of concern or importance were identified during the flora survey, the Department of Land and Natural Resources (DLNR) Division of Forestry and Wildlife (DOFAW) was consulted on the proposed project. DOFAW provided mitigation measures for the preventing the spread of invasive species that may be harmful to native plants and ecosystems. These mitigation measures will be incorporated into the project and include minimizing the movement of plant</p>

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
	<p>and soil material between worksites, thoroughly cleaning equipment, materials and personnel of soil and debris, and thoroughly cleaning gear with water and a 70 percent alcohol solution to prevent the spread of rapid ‘ōhia death and harmful fungal pathogens.</p> <p>Additionally, the habitat in the area has been altered by over a century of agricultural activity and that the area is now overwhelmingly dominated by non-native organisms. Just one (1) native fauna species was identified: the globe skimmer (<i>Pantala flavescens</i>), which is widespread throughout Hawai‘i and other places with tropical climates throughout the world. While not seen during the survey, the biological resources survey report, recommended mitigation measures to protect endangered or threatened native species that may occur in the project area including the nēnē goose (<i>Branta sandvicensis</i>), the ‘ōpe‘ape‘a or Hawaiian hoary and native seabirds including the ‘ua‘u or Hawaiian darkrumped petrel (<i>Pterodroma sandwichensis</i>) and the ‘a‘o or Newell’s shearwater (<i>Puffinus newelli</i>).</p> <p>The endemic and endangered nēnē goose was not seen in the project area. It is known to frequent the margins of reservoirs and ditches where they feed and rest. There is none of this habitat in or around the project area. However, should they show up, they will not be approached, fed or disturbed until they leave on their own accord. If nests are found, the U.S. Fish and Wildlife Service (USFWS) will be contacted for guidance. Should nēnē be observed during the breeding season from September through April, the area will be surveyed for the presence of nests. The ‘ōpe‘ape‘a was not detected during the survey, however, USFWS will be consulted on how to proceed with project activities so that these bats will not be adversely affected. As recommended by the DOFAW and the USFWS, site clearing and the disturbance or removal of woody plants greater than 15 feet tall will be timed to avoid the bat birthing and pup rearing season (June 1 through September 15), as practicable. In addition, barbed wire fencing will not be used in the project. While not detected during the biological resources evening survey, native seabirds were noted to occasionally pass over the area in the evenings. As a result, the report recommended that any significant outdoor lighting on structures at the facilities be hooded to direct light downward to minimize distractions and dangers to these birds.</p>

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
Air Quality and Noise	<p>In the short term, construction related activities will be the primary source of airborne pollutants and ambient noise. Site work involving clearing, grubbing and grading operations will generate fugitive dust. Emissions and noise from construction equipment and other vehicles involved in construction activities may temporarily affect the ambient air quality and noise within the immediate vicinity. These effects, however, can be mitigated by proper maintenance of construction equipment and vehicles.</p> <p>In addition, dust generated during construction, especially from earthmoving operations, such as excavating, trenching, and filling, may also result in a temporary decrease in ambient air quality. BMPs will be implemented during construction to mitigate dust-related impacts, including but not limited to, utilizing dust barriers, water wagons and/or sprinklers to control dust, and watering graded areas upon the completion of daily construction activities.</p>
Archaeological and Cultural Resources	<p>Community consultation and background research conducted as part of the CIA identified the following cultural practices within the greater Wahikuli ahupua'a:</p> <ol style="list-style-type: none"> 1. Agricultural practices 2. Plant gathering 3. Fishing 4. <i>Limu</i> gathering 5. Burial practices <p>No ongoing cultural practices were identified within the project site during community consultation. However, the project is located in the general vicinity of ongoing cultural practices, as noted above.</p> <p>Four (4) impacts to ongoing cultural practices were identified within the project vicinity during community consultation for this CIA. Consultation identified a number of concerns related to the environment and the broader community:</p> <ol style="list-style-type: none"> 1. Impacts to ocean and marine resources from sedimentation from construction activities. 2. Impacts to ocean and marine resources from sewage 3. Impacts to beach access from increased density and traffic 4. Impacts to freshwater resources

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
	<p>The CIA proposed mitigation measures and considerations to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups. The CIA recommendations and responses, where appropriate, are provided:</p> <p><i>1. Edwin “Ekolu” Lindsey III expressed concern that sedimentation from construction activities could impact the ocean and marine resources. He also mentioned that sewage may potentially have “negative impacts to the ocean and resources.” He asked, “Do we have the capacity?”</i></p> <p>To mitigate pollution from construction activity, temporary BMPs, such as silts fences, storm drain inlet protection, sediment traps, berms, and soil stabilization will be utilized to prevent sediment and runoff from flowing to the ocean or nearby waters. Permanent drainage improvements will include catch basins, drain inlets, manholes, drainlines, and detention basins to control runoff from the project in the future. In order to treat and manage future wastewater flows from the project, new gravity sewerlines will be constructed to connect to the existing sewer manholes in Leiali‘i Parkway. DHHL is coordinating with the County Department of Environmental Management to secure wastewater service to the Village 1-B subdivision.</p> <p><i>2. Mr. Lindsey stated that the proposed project will result in “increased density” and “increased traffic,” and stated that he is worried about the impact the increase in traffic will have on “all the kids and beach access</i></p> <p>A Traffic Impact Analysis Report (TIAR) was conducted for the proposed project to identify impacts on traffic conditions from the project and potential mitigation measures. Beach and shoreline will be maintained throughout construction implementation of the project.</p> <p><i>3. Mr. Lindsey also expressed his concern regarding “water resources.” He asked, “Is there enough?” pointing out that, “We are struggling to have stream flow, let alone more drinking water.”</i></p> <p>As previously mentioned, the CWRM designated the Lahaina Aquifer Sector Area (ASA) as a Surface and Ground Water Management Area. DHHL has continued coordination with the DWS and CWRM to ensure the project’s proposed potable water usage is within the sustainable yield limits. Separately, CWRM</p>

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
	<p>is in the process of amending the interim instream flow standards (IFS) for the Honokōwai surface water hydrologic in order to restore stream flow.</p> <p><i>4. Mr. Lindsey stated that “Mitigation projects will be necessary” to address the potential impacts that the increase in population density and traffic will have on beach access.</i></p> <p>Leiali‘i Parkway, intersecting with Honoapi‘ilani Highway provides access to Wahikuli Beach Park. DHHL proposes improvements along Leiali‘i Parkway which include widening of Leiali‘i Parkway from two (2) lanes to four (4) lanes, restriping and relocation of the traffic signals at the intersection with Honoapi‘ilani Highway to help mitigate impacts from increases in traffic.</p> <p><i>5. CSH recommends that, as part of the project’s environmental review process, that any potential effect of increased traffic and population density on beach access imposed by the proposed project be reviewed and, if appropriate, mitigated.</i></p> <p>The proposed project will be reviewed to ensure that the project does not restrict or inhibit access to the beach. Proposed roadway improvements are described in the “Roadways” Section of this report.</p> <p><i>6. Project construction workers and all other personnel involved in the construction and related activities of the project should be informed of the possibility of inadvertent cultural finds, including human remains. In the event that any potential historic properties are identified during construction activities, all activities will cease and the SHPD will be notified pursuant to HAR §13-280-3. In the event that iwi kūpuna (ancestral remains) are identified, all earth moving activities in the area will stop, the area will be cordoned off, and the SHPD and Police Department will be notified pursuant to HAR §13-300-40. In addition, in the event of an inadvertent discovery of human remains, the completion of a burial treatment plan, in compliance with HAR §13-300 and HRS §6E-43, is recommended.</i></p> <p><i>7. In the event that iwi kūpuna and/or cultural finds are encountered during construction, project proponents should consult with cultural and lineal descendants of the area to develop a reinternment plan and cultural preservation plan for proper cultural protocol, curation, and long-term maintenance.</i></p>

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
	<p>Archaeological investigations were undertaken and documentation, including an HRS, Chapter 6E consultation package was prepared and submitted to the State Historic Preservation Division (SHPD). SHPD determined that an archaeological inventory survey (AIS) is required for the project. The AIS was conducted and submitted to the SHPD by Cultural Surveys Hawai'i in June 2022. The AIS documented three (3) historic properties within the project area including State Inventory of Historic Places (SIHP) No. 50-50- 03-08886, an asphalt-paved road and former plantation railroad corridor, SIHP No. 50-50-03-08887 is a portion of the existing Lahaina, Kaanapali & Pacific (LK&P) railroad that was established as a tourist attraction in 1969. SIHP No. 50-50-03-08888 is an asphalt-paved road that was used for historic commercial agricultural operations and formerly labeled as "<i>Main Industrial Road</i>" The AIS stated the identified historic properties would be impacted by project-related ground disturbance and recommended an "<i>effect, with agreed upon mitigation commitments.</i>" No further work was recommended for SIHP Nos. -08886, -08887, and -08888. The AIS sufficiently documented the three (3) sites and as such, no further historic preservation work was recommended. However, the AIS recommended that archaeological monitoring be completed during all ground altering activities. An Archaeological Monitoring Plan (AMP) will be prepared and submitted to the SHPD review. Archaeological monitoring will be undertaken for all construction-related ground altering activities in accordance with the AMP. Following all monitoring activities, an Archaeological Monitoring Report will be prepared and submitted to SHPD.</p>
Chemicals and Hazardous Materials	<p>A Phase I Environmental Site Assessment (ESA) was conducted for the project site in 2021 to identify recognized environmental conditions (RECs), which is a term used to mean the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property. Based on historical uses of the project site, a Phase II ESA was recommended. Based on this recommendation, a Phase II Environmental Site Assessment (ESA) was conducted which involved soil sampling and testing to determine the absence or presence of pesticides or contaminants. All soil samples were within acceptable concentrations of contaminants with the exception of one (1) testing area- DU16. Based on the results of the soil sampling, the State of Hawai'i Department of Health (DOH) has been notified of the findings of the investigation. In addition, the following recommendations were provided:</p>

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
	<ul style="list-style-type: none"> • Remove impacted soils from the shallow interval of DU16, dispose of them at an acceptable landfill, conduct confirmation sampling to demonstrate that residual contaminants are no longer remains at this DU at concentrations greater than the EALs, and work with DOH to obtain a no further action (NFA) determination, OR • Work with DOH to develop an environmental hazard evaluation and environmental hazard management plan to manage impacted soils onsite and obtain an NFA determination with institutional controls. <p>The contaminated soils underlying DU16 will be removed or an environmental hazard management plan will be prepared prior to construction to ensure the project contains acceptable levels of contaminants that are unlikely to result in adverse health effects.</p>
Roadways	<p>The TIAR prepared for the project selected the year 2030 to reflect the project completion year. The Base Year 2030 scenario represents the traffic conditions within the study area without implementation of the project. The TIAR accounted for development of future phases of the Lahaina Bypass Road (LBR), which is a major bypass road parallel and mauka to Honoapi'ilani Highway that is expected to be completed in five (5) total phases to address regional traffic congestion within Lahaina. So far, three (3) of the five (5) phases have been constructed. The Base Year 2030 scenario assumes that the LBR is extended further north from its current terminus at Keawe Street to Kaka'alaneo Drive, with a midway LBR connection to Honoapi'ilani Highway via a Kā'anapali Connector Road at some point south of Kā'anapali Parkway.</p> <p>Upon completion of the project, all study intersections are forecast to operate with similar LOS as Base Year 2030 traffic conditions, with or without completion of the LBR extension. Without the LBR extension, various movements will continue to operate over-capacity similar to the Base Year 2030 Without LBR 1C scenario. With the LBR 1C, all study intersections will improve from the Base Year 2030 Without LBR 1C scenario and all previously identified overcapacity conditions will improve and operate below capacity due to traffic volume reductions on Honoapi'ilani Highway. All through movements will operate adequately or below capacity. Regionally along Honoapi'ilani Highway, traffic generated by the project will increase by approximately 20-75 vehicles per direction per peak hour, which translates to a 1.3 percent increase in traffic in the Kā'anapali region and 2.2 percent increase in traffic in Lahaina Town when</p>

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
	<p>compared to the Base Year 2030. Due to generally low traffic increases as a result of the project the majority of movement vehicular delays generally increased minimally by 1-6 seconds.</p> <p><u>The following roadway improvements were recommended by the TIAR:</u></p> <p><u>Honoapiʻilani Highway/Kāʻanapali Parkway/Halelo Street</u></p> <ul style="list-style-type: none"> • Modify eastbound approach by restriping and provide an additional eastbound left-turn lane, resulting in one (1) eastbound left-turn lane and one (1) shared eastbound/through lane. <p><u>Honoapiʻilani Highway/Leialiʻi Parkway</u></p> <ul style="list-style-type: none"> • Lengthen the southbound left-turn lane to provide a minimum 300-foot storage length (exclusive of taper and deceleration length). <p>In addition to the above, as part of the project, the DHHL is also proposing to widen Leialiʻi Parkway with the following modifications. It is noted that these improvements are not based on project traffic increases as discussed within the TIAR and are not a requirement of previous land use conditions or agency agreements. However, these improvements are being made in planning for eventual dedication of Leialiʻi Parkway to the County of Maui.</p> <ul style="list-style-type: none"> • Maintain two (2) westbound lanes along Leialiʻi Parkway but restripe to delineate separate lanes from Honoapiʻilani Highway to Kaʻaahi Street. • Widen eastbound lanes along Leialiʻi Parkway to provide one (1) exclusive left-turn lane into Kaʻaahi Street and one (1) through lane continuing further up Leialiʻi Parkway from Honoapiʻilani Highway to Kaʻaahi Street. • Provide a new crosswalk across Kaʻaahi Street on the north leg of its intersection with Leialiʻi Parkway. • Upgrade the northeast and southeast curb ramps at the Honoapiʻilani Highway/Leialiʻi Parkway intersection and lengthen the marked crosswalk across Leialiʻi Parkway to accommodate the widening.

ANTICIPATED IMPACT	PROPOSED MITIGATION MEASURE
Drainage	<p>The project drainage improvements will include catch basins, drain inlets, manholes, drainlines, and detention basins. Runoff will be collected by catch basins or drain inlets along the roadways and then be conveyed via underground piping to one (1) of four (4) proposed onsite detention basins. In addition to onsite detention basins, two (2) new offsite detention basins will be installed to manage the runoff from areas mauka of the project. An existing offsite detention basin will also be expanded and will utilize the same existing outlet drainlines, proposed basins and will instead flow down the road to an existing offsite vegetated swale for water quality treatment.</p> <p>The proposed stormwater management system will reduce peak flows and provide water quality treatment to meet the County of Maui stormwater quality standards. The project will incorporate detention basins as a BMP for stormwater treatment. The basins will retain the required Water Quality Design Volume (WQDV), allowing suspended particles to settle and water to infiltrate. An appropriate maintenance plan will be developed during the design phase of the project and will include requirements for removal of accumulated sediments and debris, maintaining vegetation, and inspection.</p>

DHHL PLANNING SYSTEM CONSISTENCY:

The Draft EA will address the project's consistency with existing land use plans and applicable policies. Specifically, the Draft EA will address the project's consistency with the following provisions of the DHHL General Plan, Maui Island Plan, Villages of Leiali'i-Honokōwai Regional Plan, and Water Policy Plan.

1. General Plan

Land Use Planning

Goals:

- Utilize Hawaiian Home Land for uses most appropriate to meet the needs and desires of the beneficiary population.
- Encourage a balanced pattern of growth into urban and rural growth centers.
- Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Objectives:

- Direct urban growth to priority development areas based on infrastructure availability, feasible site conditions, beneficiary preferences, and job opportunities.

- Consider opportunities to acquire or exchange lands best suited for purposes of the Hawaiian Homes Commission Act.

Residential Uses

Goals:

- Substantially increase the number of residential homesteads awarded each year.
- Provide a mix of housing opportunities that reflect the needs and desires of native Hawaiian beneficiaries.
- Provide residential homesteads, financing, and other housing opportunities, especially to those most in need.

Objectives:

- Provide a variety of residential types to meet the needs of beneficiaries in terms of construction procedures (owner-builder, turnkey, and self-help), types of housing units (single-family, multi-family, kupuna housing, rental etc.) and financing.
- Ensure the availability of housing with a range of types and affordability to accommodate persons and families of all income levels and in locations that are convenient to employment and quality public and private facilities.

2. Maui Island Plan

Because the lands on which the proposed subdivision will be developed were acquired by the DHHL following adoption of the MIP, they are not yet designated by the MIP for a specific use. Acquiring these lands is consistent with the DHHL MIP goal to secure additional lands to meet the beneficiary demand for residential homesteads. The proposed project is in consonance with the Maui Island Plan's policies related to increasing the delivery of residential homesteads to beneficiaries each year.

3. Villages of Leiali'i-Honokōwai Regional Plan

The Villages of Leiali'i and Honokōwai Regional Plan identified the Village 1-B area as a future homestead area for up to 253 lots with a minimum lot size of 5,000 square feet to be accessed by Leiali'i Parkway. The Villages of Leiali'i and Honokōwai Regional Plan also identified improvements to the Leiali'i Parkway and Honoapi'ilani Highway intersection as a priority project in order to serve future residents of Village 1-B, but also the mauka Villages of Leiali'i lands to be developed by the HHFDC. In this regard, the proposed project is in alignment with the goals and project identified in the Villages of Leiali'i and Honokōwai Regional Plan.

ANTICIPATED FINDING OF NO SIGNIFICANT IMPACT:

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

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

The proposed project commits approximately 51 acres of vacant land long envisioned for residential development for implementation of the project. There are no threatened or endangered species or critical habitats in the project area. Consultation has been initiated with the SHPD pursuant to Chapter 6E, HRS. An AIS was prepared and submitted to the SHPD in June 2022. Three (3) historic sites were documented in the AIS and no further historic preservation work was recommended for the sites. However, as recommended by the AIS, an AMP will be prepared and implemented in association with ground altering activities at the site. The CIA found that there are no ongoing traditional cultural practices within the project site. Mitigation measures in the form of BMPs will be implemented to prevent sedimentation and pollution to nearby freshwater and marine resources and access to the beach and marine resources will be maintained. Furthermore, should any potential historic properties be identified during construction activities, all activities will cease and the SHPD will be notified pursuant to Section 13-280-3, HAR.

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

The proposed action will be implemented adjacent to existing residential developments of a similar nature, and the commitment of land resources required for the proposed action will not curtail the range of beneficial uses of the environment. The subdivision site, although designated for agricultural use by Maui County Zoning and partially designated as “Prime” agricultural lands by the Agricultural Lands of Importance to the State of Hawai‘i (ALISH), has not been in agricultural production for some time. On the island of Maui, approximately 70,714 acres of the total land area of the island are within the ALISH “Prime” Designation, this represents approximately 15 percent of the island. As such, the use of 51 acres, or 0.07 percent, of the “Prime” designated lands on Maui for residential housing is not considered a substantial adverse impact in the context of the overall Prime designated lands on Maui. The proposed use of the site for development of a new subdivision is compatible with surrounding residential uses.

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

The proposed action does not conflict with the policies and guidelines of Chapter 343, HRS. An EA is being carried out to ensure the proposed project will not have significant adverse impacts on the environmental resources. While this project may cause adverse construction-related impacts, based on the analysis conducted in this EA, the adverse impacts are not anticipated to be significant.

Where mitigation measures are required due to potential impacts attributed to the project, DHHL will implement those applicable measures to further reduce adverse impacts.

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

The proposed action will have a beneficial effect on the local economy during the short and long term. As previously discussed, positive economic and social impacts

are anticipated as a result of the project, including construction-related jobs, real property assessment revenues, and contribution of water, wastewater, and educational assessment fees. Mitigation in the form of construction BMPs will be implemented to prevent impacts to traditional cultural practices identified within the Wahikuli ahupua'a, such as marine and freshwater fishing. In addition, access to the beach and marine resources will be maintained. As previously discussed, an AIS was prepared for the project and submitted to the SHPD, and archaeological monitoring will be undertaken in accordance with a SHPD-approved AMP. In addition, the project will provide single-family and multi-family residential leases to native Hawaiian beneficiaries on DHHL's residential waitlist. Therefore, implementation of the proposed action will be beneficial to the overall social welfare of native Hawaiian beneficiaries on Maui.

5. **Have a substantial adverse effect on public health.**

The project is not anticipated to result in long-term air or noise impacts. Furthermore, the proposed action is not anticipated to create significant direct or indirect foreseeable greenhouse gas (GHG) emissions, and does not fall within the threshold of mandatory GHG reporting. As such, no adverse impact to public health or welfare is anticipated as a result of the proposed action. It is noted that the Phase 1 ESA prepared for the project did note the presence of recognized environmental conditions resulting from the former agricultural use, a previous fueling station, and previously demolished structures and, therefore, recommended that soil sampling be conducted. As such, a Phase 2 ESA involving soil sampling and testing was conducted revealing a majority of the project area contained acceptable levels of contaminants not likely to cause adverse health impacts. One area sampled contained higher levels of TPH contaminants. The contaminated soil will be properly removed and disposed of or properly managed in coordination with the DOH to prevent adverse health impacts from the contaminants.

6. **Involve adverse secondary impacts, such as population changes or effect on public facilities.**

The proposed project will provide needed additional residential lots in Lahaina, Maui for DHHL beneficiaries. While some residents of this new community may come from off island, most are expected to relocate from other areas on Maui. As such, the project is not anticipated to involve substantial secondary impacts due to population change.

Secondary impacts on public facilities are not anticipated. The DHHL will provide the necessary onsite and offsite infrastructure to support the proposed project. No substantial changes or effects on public facilities are expected with project implementation.

While DHHL does not need to comply with State or County land use plans and regulations for the development of the subdivision, it is noted that this development is in line with County long-range development and population growth projections.

7. **Involve a substantial degradation of environmental quality.**

No substantial degradation of environmental quality resulting from the action is anticipated. BMPs and appropriate erosion control measures will be utilized during the construction period. Drainage system improvements will be constructed in accordance with applicable regulatory design standards to ensure that surface runoff will not have an adverse effect on adjacent or downstream properties.

Any potential short-term impacts to air and noise quality during the construction phase of the project will be mitigated through employing BMPs. In the long term, the project will not adversely impact air quality and ambient noise.

8. **Be individually limited but cumulatively have substantial adverse effect upon the environment or involves a commitment for larger actions.**

The proposed action is limited to the development of the proposed residential subdivision and related offsite improvements. The project is not a necessary precedent for a larger project; or a commitment to some larger project. The HHFDC has proposed a master plan development mauka and south of the Village 1-B subdivision. While HHFDC's Villages of Leiali'i project is a separate and distinct action from the DHHL Village 1-B project, the proposed HHFDC development has been considered in the context of impact analysis conducted for this EA. For example, the TIAR included the traffic counts from proposed development within the HHFDC Villages of Leiali'i project in its Base Year 2030 traffic counts while regional planning for water source includes demands from the project. In this context, potential cumulative impacts of the HHFDC Villages of Leiali'i project and the Village Leiali'i 1-B project have been analyzed.

The proposed project will stand on its own and is not a trigger for any other development. The cumulative impacts of the proposed project, together with other reasonably foreseeable actions, will include increased population and infrastructural demands, but this will not have a considerable effect on the environment. The DHHL will provide the necessary infrastructure to serve the proposed project. Drainage, wastewater, water, and roadway improvements will be designed to meet applicable local, State, and Federal regulations. The engineering and traffic reports prepared for the proposed project have assessed potential impacts and designed infrastructure systems in the context of future planned regional growth. It is noted that Increment 1 of the proposed subdivision will be able to be serviced by the existing County of Maui, Department of Water Supply system. However, water for Increment 2 of the subdivision will be provided by planned water source and distribution system improvements currently being pursued by the DHHL. These improvements will also provide service to HHFDC's planned development at the Villages of Leiali'i as the improvements are planned to be integrated into the DWS' system for eventual dedication to the County. These improvements are the subject of a separate HRS, Chapter 343 EA being prepared by DHHL. However, these improvements are considered a separate and distinct project from both the DHHL's and HHFDC's overall Villages of Leiali'i developments as they constitute a larger, regional infrastructure improvement project. Given the foregoing, the proposed project is not anticipated to cumulatively have considerable effect upon the environment, nor does it involve a commitment or larger actions.

9. **Have a substantial adverse effect on a rare, threatened, or endangered species, or its habitat.**

A Flora and Fauna Survey report was prepared to ensure that any sensitive terrestrial flora/fauna biological resources within the project site would be identified and provided adequate protection. No rare, threatened, or endangered species of flora, fauna, avifauna, or important habitats were identified on the affected properties. The project site is located adjacent to existing residential developments of a similar nature. The project is not anticipated to substantially affect rare, threatened, or endangered species, or its habitat.

10. **Have a substantial adverse effect on air or water quality or ambient noise levels.**

Construction activities will result in short-term air quality and noise impacts. Dust control measures, such as regular watering and sprinkling, and installation of dust screens will be implemented to minimize wind-blown emissions. In the short term, noise impacts will occur primarily from construction equipment. Equipment mufflers or other noise attenuating equipment, as well as proper equipment and vehicle maintenance, will be used during construction activities. Construction noise impacts will be mitigated through compliance with the provisions of the DOH Administrative Rules Title 11, Chapter 46, "Community Noise Control". These rules require a noise permit if the noise levels from construction activities are expected to exceed the allowable levels set forth in the Chapter 46 rules.

From the long-term perspective, the proposed project is not anticipated to significantly impact ambient air or noise quality in the region.

As such, with implementation of foregoing mitigation measures, the proposed project is not anticipated to detrimentally affect air or water quality or ambient noise levels.

11. **Have a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.**

The proposed subdivision is located in Flood X (unshaded). This designation denotes an area of low flood risk and minimal flooding with no development restrictions. Portions of Honoapi'ilani Highway roadway improvements are located in Flood Zone VE and Flood Zone A. However, these improvements are limited to roadway restriping and relocation of existing traffic signals. The majority of the project site is located outside of the Tsunami Evacuation Zone; however, a small portion is located within the Extreme Tsunami Evacuation Zone, however no new homes are proposed in this area. In addition, the proposed homes are not located within the 3.2-foot sea level rise exposure area.

Drainage improvements will be designed to mitigate runoff in accordance with County drainage and stormwater quality rules and regulations. During construction, recommended BMPs will be implemented for erosion and sedimentation control to minimize potential impacts to water quality.

12. Have a substantial adverse effect on scenic vistas and viewplanes, day or night, identified in county or state plans or studies.

The proposed project involves the development of low-rise single-family and multi-family homes. In the context of the surrounding land uses, which includes the Lahaina Civic Center, Lahaina Post Office, Village 1-A, and HHFDC lands proposed for development, the proposed action is not anticipated to have a significant adverse impact upon the scenic and open space resources of the area.

13. Require substantial energy consumption or emit substantial greenhouse gasses.

The proposed project will involve the commitment of fuel for construction equipment, vehicles, and machinery during construction and maintenance activities. Coordination with Hawaiian Electric Company, Ltd. (HECO) will be undertaken during the electrical plans preparation phase of work to ensure all operational parameters are addressed for the proposed project. The project will incorporate energy saving, sustainable features, including the use of solar water heating systems on all homes.

In the context of the GHG Reporting Program (25,000 metric tons of CO₂ EQ), the relative effects GHG emissions is not considered significant for this proposed project.

In summary, the project site is situated adjacent to existing residential uses of a similar nature, and in close proximity to recreational resources, services and commercial areas in Lahaina. This project will be developed in an area with existing infrastructure systems, and concurrently with required infrastructure system and drainage improvements. The proposed project is not anticipated to have a significant adverse impact on the surrounding physical, cultural and socioeconomic environments. Based on the foregoing analysis, it is anticipated that the proposed action qualifies for a Finding of No Significant Impact (FONSI) determination.

ANTICIPATED DRAFT EA SCHEDULE:

As previously noted, a portion of the proposed Village 1-B subdivision and the area of the roadway improvements are within the County of Maui's SMA. While the DHHL has determined that it is not subject to county zoning and SMA permitting requirements, it is anticipated that a SMA Use Permit will be prepared for the portion of the offsite roadway improvements occurring on lands owned by the State of Hawai'i and HHFDC. The DHHL will coordinate with the County of Maui, Department of Planning to coordinate the EA and SMA Use Permit processing. It is anticipated that the Draft EA and SMA Use Permit application will be filed in Q4 2022.

A preliminary project schedule is provided below:

EVENT	DATE
Informational Briefing on Preliminary Draft EA to HHC	September 19-20, 2022
Publication of Draft EA	Q4 2022

RECOMMENDATION:

None; for information only

LIST OF EXHIBITS:

- Exhibit A.** Project Location Map
Exhibit B. Conceptual Subdivision Site Plan

EXHIBIT A.
Property Location Map



Source: Esri, Maxair, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, County of Maui, Department of Planning

Figure 1 DHHL Villages of Leialoi Village 1-B
Property Location Map

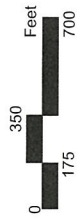
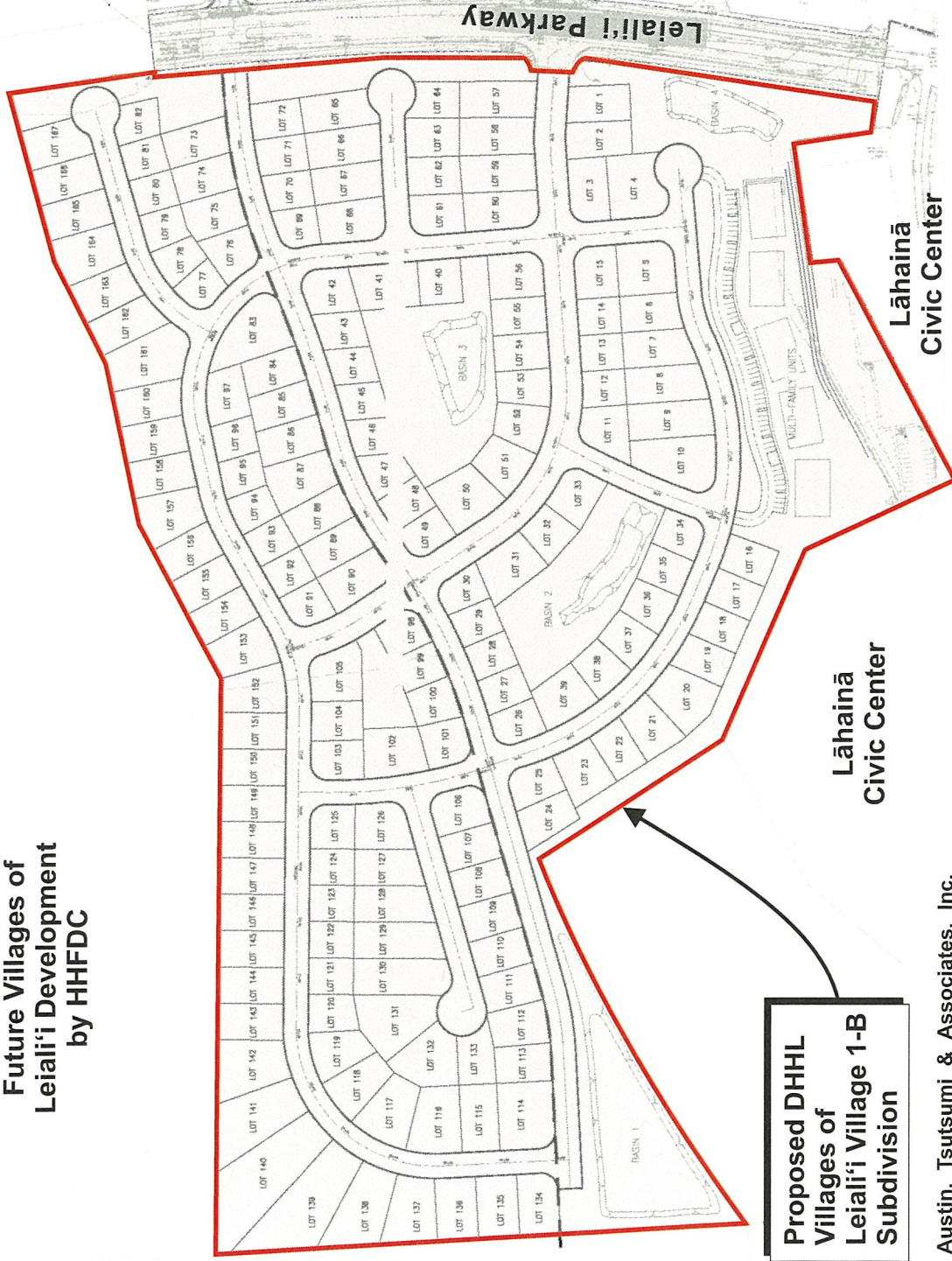


EXHIBIT B.
Conceptual Subdivision
Site Plan

**Future Villages of
Leialī'i Development
by HHFDC**

**DHHL Villages of
Leialī'i Village 1-A**



**Proposed DHHL
Villages of
Leialī'i Village 1-B
Subdivision**

**Lāhainā
Civic Center**

**Lāhainā
Civic Center**

Leialī'i Parkway

NOT TO SCALE

**DHHL Villages of Leialī'i Village 1-B
Conceptual Subdivision Site Plan**

Source: Austin, Tsutsumi & Associates, Inc.



Prepared for: State of Hawai'i, Department of Hawaiian Home Lands



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

West Maui Project Updates

LAND DEVELOPMENT DIVISION

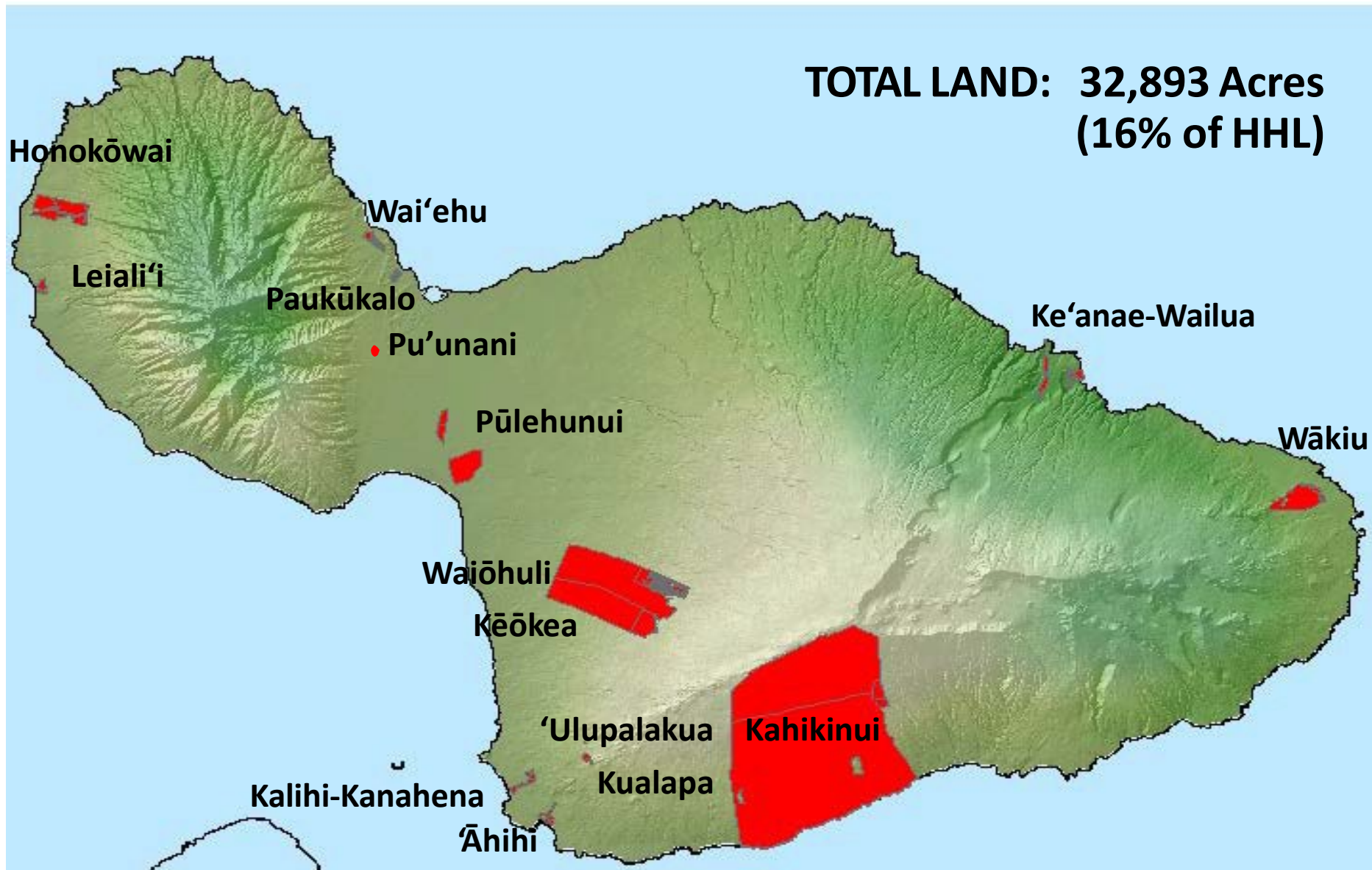
Item E-5 (FOR INFORMATION ONLY)

September 19-20, 2022



Island of Maui

West
Maui
Focus

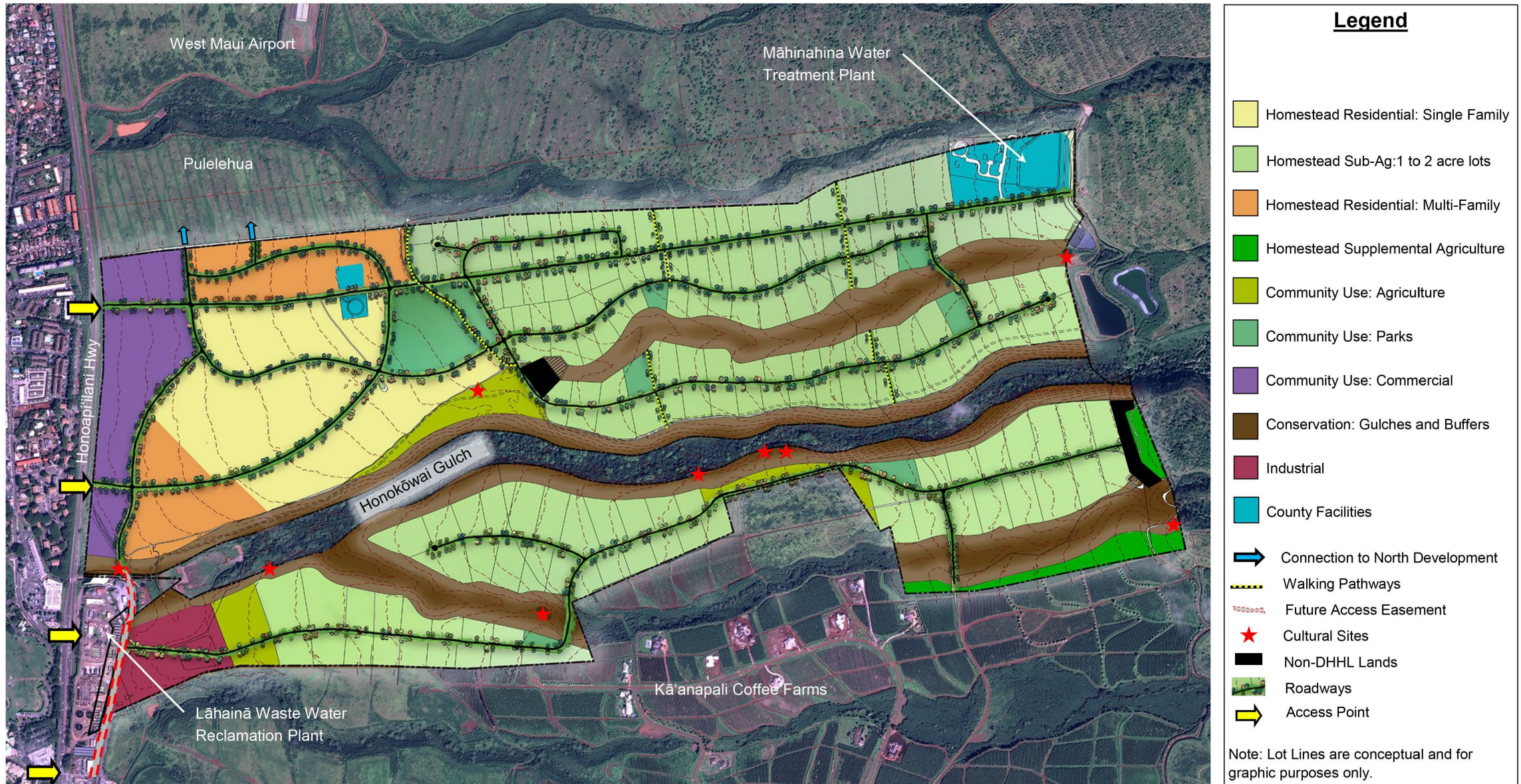




Honokowai – Villages of Leialīʻi

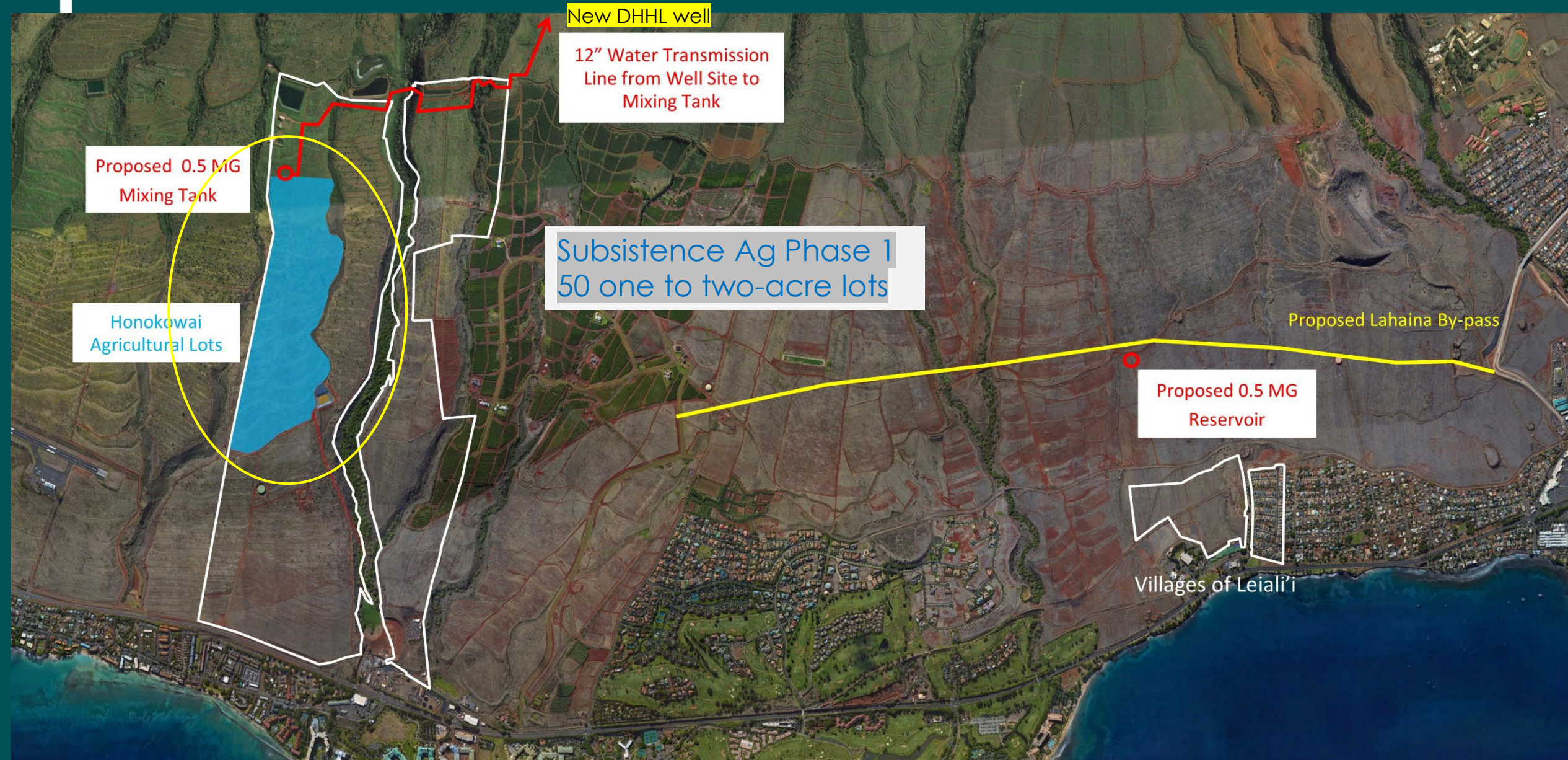


Honokowai Masterplan Final Environmental Assessment



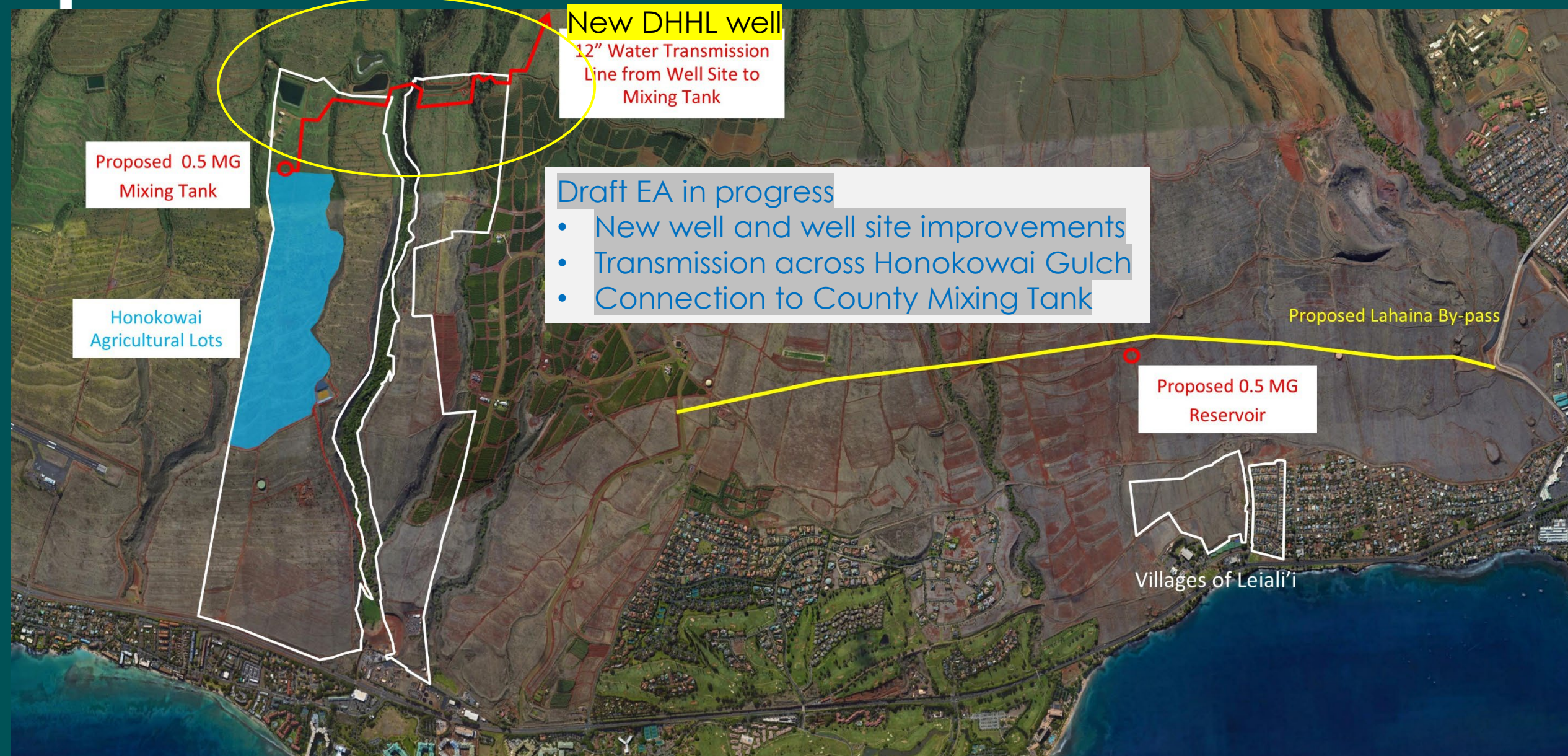


Honokowai Subsistence Ag Lots





Honokowai Water System Environmental Assessment





Villages of Leialii 1B Development

Proposed 0.5 MG
Mixing Tank

Honokowai
Agricultural Lots

12" Water Transmission
Line from Well Site to
Mixing Tank

Draft EA in progress

- Leialii Parkway and Honoapiilani Highway Improvements
- New booster pump, transmission and high level water storage tank
- Up to 250 new residential opportunities, including multi-family rentals

Proposed Lahaina By-pass

Proposed 0.5 MG
Reservoir

Villages of Leialii



Villages of Leiali'i 1-B Development

Village 1-B Increment 1:

- 86 single-family residential lots

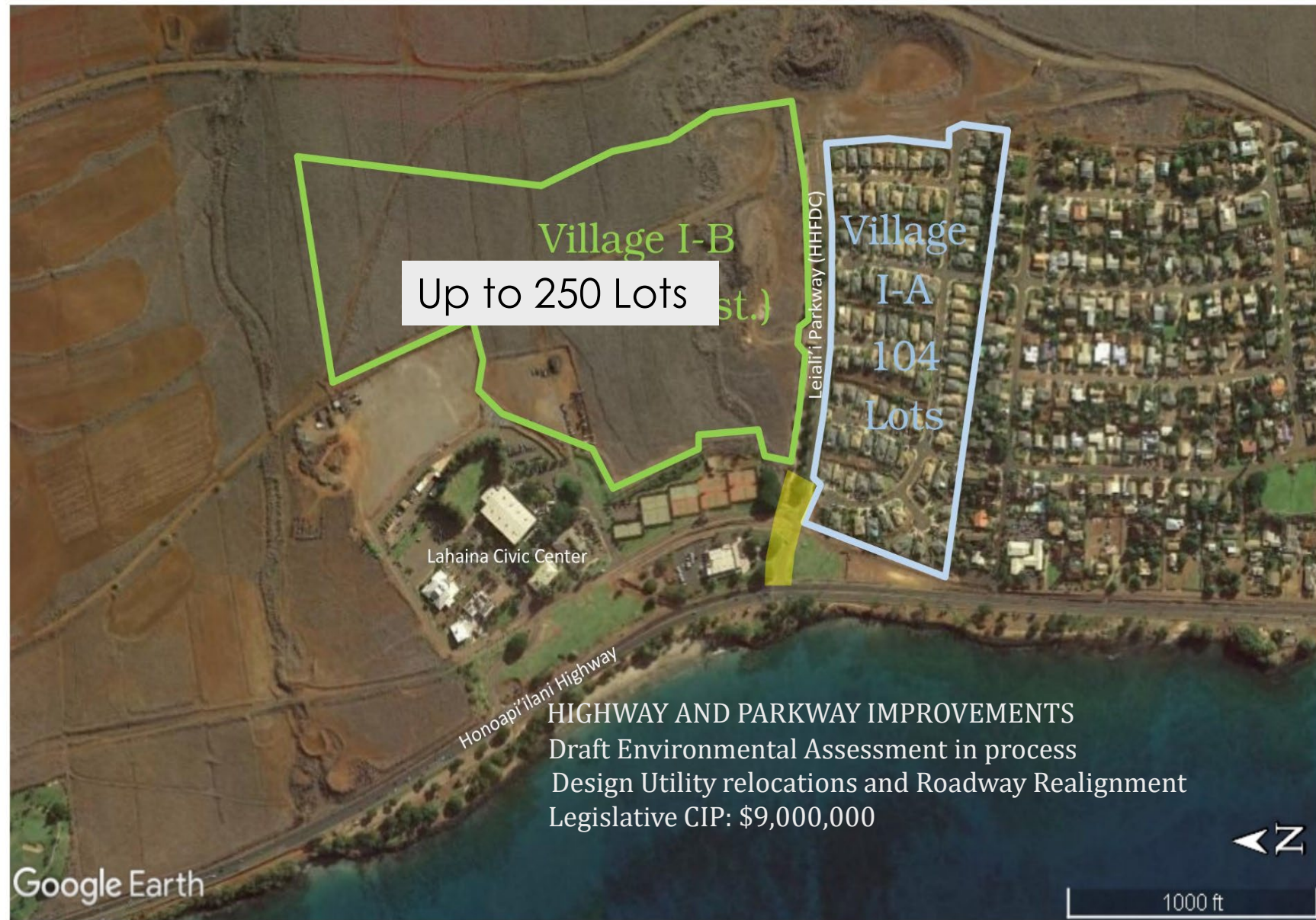
Village 1-B Increment 2:

- 95 single-family residential lots

Or,

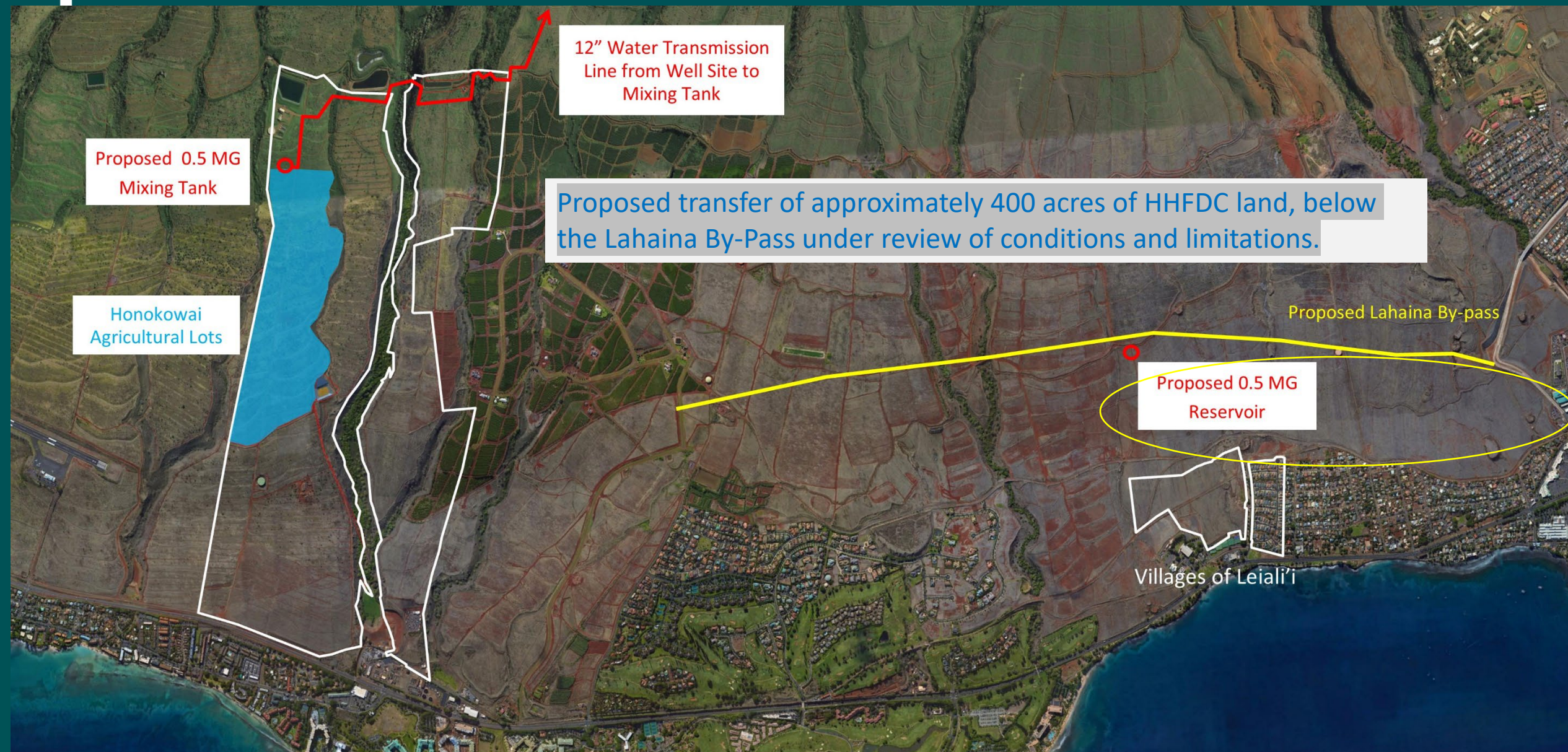
- 164 Multi-family townhouse units
- Requires construction of new water storage tank at higher elevation

DHHL will seek development proposals following the publication of Final Environmental Assessment



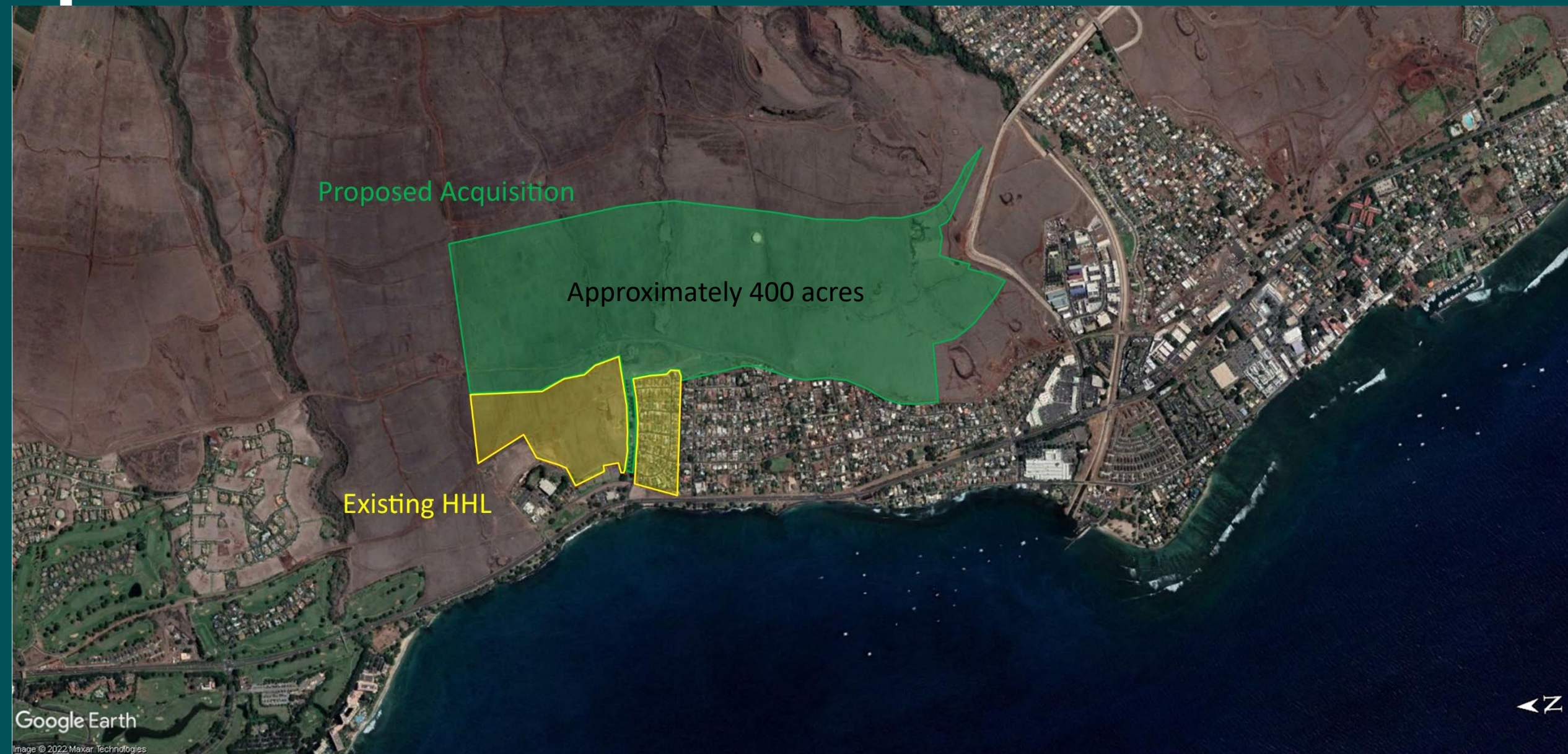


HHFDC Proposed Transfer of Villages of Leialī'i to DHHL





HHFDC Proposed Transfer of Villages of Leiali'i to DHHL





Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

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**HAWAIIAN HOMES COMMISSION
SEPTEMBER 19 & 20, 2022
FACE-TO-FACE &
INTERACTIVE CONFERENCE
TECHNOLOGY**

**F – ITEMS
LAND MANAGEMENT DIVISION**

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 19-20, 2022

To: Chairman and Members, Hawaiian Homes Commission

Thru: Peter “Kahana” Albinio, Jr., Acting Administrator
Land Management Division *KA*

From: Shelly Carreira, Land Agent *SC*
Land Management Division

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

RECOMMENDED MOTION/ACTION:

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

- A) Renew all Maui and Lanai Island Right of Entry Permits as listed on Exhibit “A” and identified by approximate location on the respective Maui and Lanai Island Maps Exhibit “A-1” that are in compliance and issued temporary approvals, as of September 1, 2022.
- B) The annual renewal period, shall be on a month-to-month basis, for up to twelve (12) months, but no longer than August 31, 2023 or at the next scheduled HHC meeting on Maui and Lanai islands whichever occurs sooner.
- C) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

DISCUSSION

This submittal represents annual renewals for all Maui and Lanai Island ROE permit(s) only, which expired on August 31, 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 on Maui and Lanai Islands by order of commencement date, land use, then by acreage. While Right of Entry Permits generate additional revenue to the Trust, its primary purpose provides DHHL the ability to efficiently manage its lands through the issuance of these short-term dispositions which are typically not needed for longer-term dispositions (such as homesteading or general leases) over a

20-year time period or as dictated by DHHL's respective island plans. DHHL's total Maui Island land inventory covers approximately 31,000 acres¹ or 15% of DHHL's statewide inventory. The short-term disposition(s) issued to Beneficiary Homestead Organizations within the Maui Island inventory cover approximately 76.0 acres or .002% of its inventory.

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

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

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

The table below reflects the revenue generated from ROE permits on Maui and Lanai Islands respectively, which is less than 1.0% (\$1,176) of the ROE total revenues (\$2,719,010) that DHHL received statewide for FY 2022. Maui and Lanai Islands holds 3 of the 145 ROE permits Statewide. These permittees fall under a variety of land use purposes with the most being community use.

Maui Island

FY 2022		Total
Agriculture	\$0	-
Caretaker	\$0	-
Commercial	\$0	-
Community	\$720	3
Industrial	\$0	-
Office	\$0	-
Pastoral	\$0	-
Preservation	\$0	-
Recreation	\$0	-
Research	\$0	-
Stabling	\$0	-
	\$720	3

FY 2023		Total
Agriculture	\$0	-
Caretaker	\$0	-
Commercial	\$0	-
Community	\$480	2
Industrial	\$0	-
Office	\$0	-
Pastoral	\$0	-
Preservation	\$0	-
Recreation	\$0	-
Research	\$0	-
Stabling	\$0	-
	\$480	2

¹ DHHL Maui Island Plan –PBR Hawaii, September 2004

² DHHL Lanai Island Regional Plan, June 2010

Lanai Island

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

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

According to research done by Colliers International, (See Exhibit “B”) “Key Takeaways • Maui’s economy continues to show steady improvement as travelers return to the island. • Office market vacancy falls to fourteen-year low. • Sears closure leads to record high retail vacancy rate on Maui. • Rents are forecasted to soar as industrial vacancy falls below 1.0%. • Golf course transactions fuel the investment market’s rebound. Considering this research, and reduction of COVID-19 global pandemic, LMD respectfully recommends maintaining its current rental rates without any increase.

For FY 2023, renewals for the 3 Right of Entry Permits located on Maui and Lanai Islands will total an annual rent revenue of \$1,176 as referenced in the table above. .

AUTHORITY / LEGAL REFERENCE:

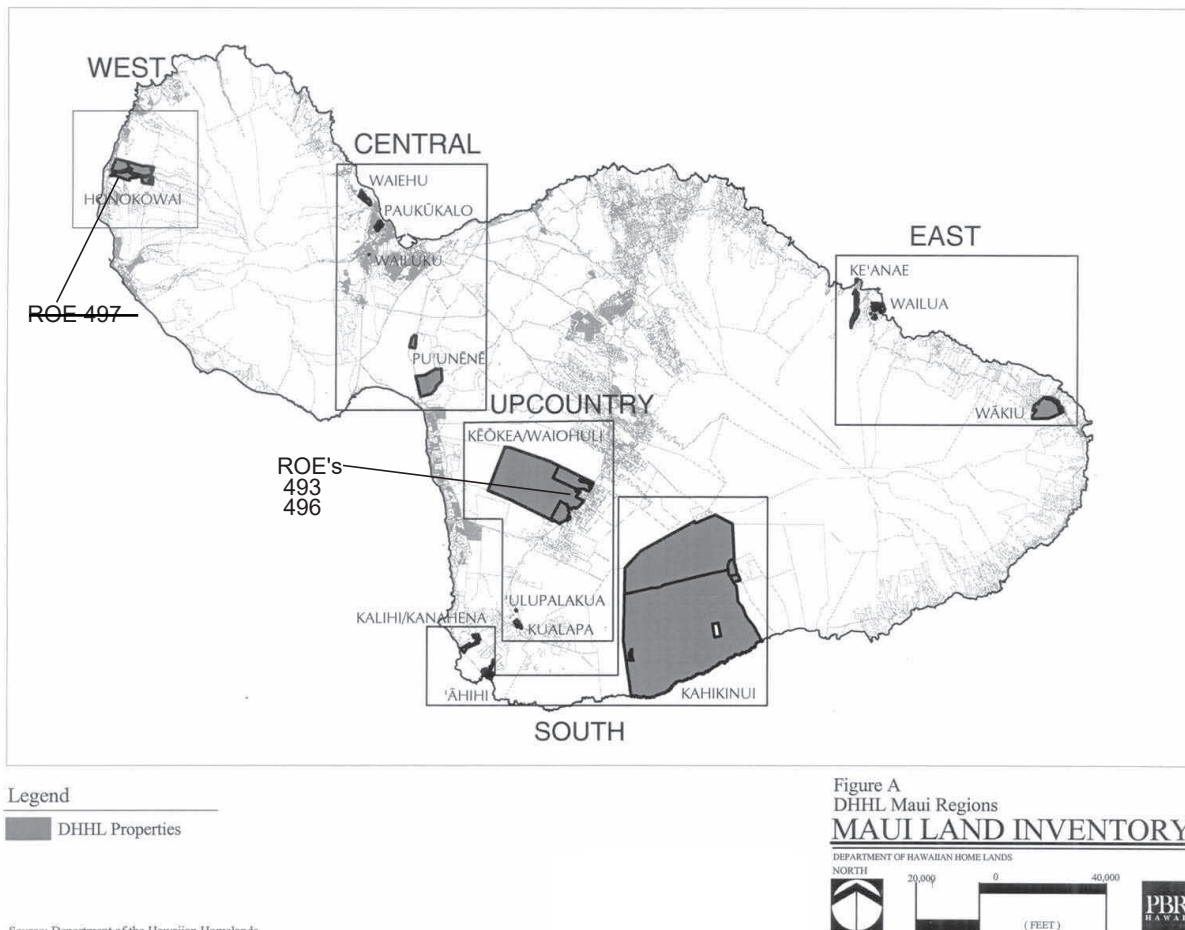
§171-55, Hawaii Revised Statutes, as amended, a “permit on a month-to-month basis may continue for a period not to exceed one year from the date of issuance; provided that the commission may allow the permit to continue on a month-to-month basis for additional one-year periods.”

RECOMMENDATION:

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

RIGHT OF ENTRY PERMITS - MAUI ISLAND as of SEPTEMBER 2022							Denotes Beneficiary		Denotes Delinquent
NO.	ACRE	USE	PERMITTEE	LOCATION	TMK	Date Started	Current Annual Rent	Proposed Annual Rent	Comments: rent amount and reasons (site issues-insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.) why no long-term disposition
493	6.820	Community	Waiohuli Hawaiian Homesteaders Association	Kula	(2) 2-2-002.056(P)	10/1/2005	\$240	-	Rent is current - Community Use
496	69.000	Community	Keokea Homestead Farm Lot Association	Keokea	(2) 2-2-002.055	2/8/2010	\$240	-	Rent is current - Community Use
497	3.990	Community	Village of Lei Ali Association	Leiauli	(2) 4-5-021-020 (P)	4/4/2019	\$240	-	Rent is current - Community Use

RIGHT OF ENTRY PERMITS - LANAI ISLAND as of SEPTEMBER 2022							Denotes Beneficiary		Denotes Delinquent
NO.	ACRE	USE	PERMITTEE	LOCATION	TMK	Date Started	Current Annual Rent	Proposed Annual Rent	Comments: rent amount and reasons (site issues-insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.) why no long-term disposition
510	25.000	Pastoral	Alton & Joelle Aoki	Kahikinui	(2) 1-9-001.008	3/19/1982	\$696	-	Rent is current - Pastoral Use





Hawaii | Maui

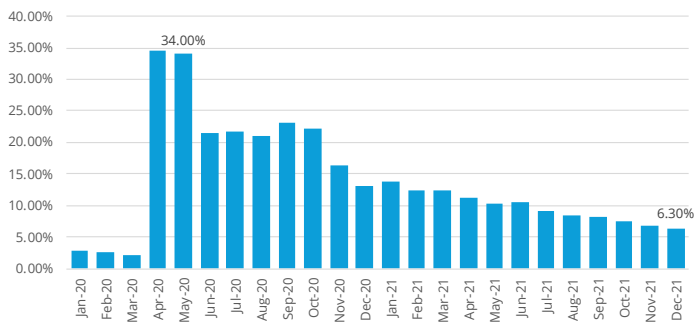
Research Report
21YE

Key Takeaways

- Maui's economy continues to show steady improvement as travelers return to the island.
- Office market vacancy falls to fourteen-year low.
- Sears closure leads to record high retail vacancy rate on Maui.
- Rents are forecasted to soar as industrial vacancy falls below 1.0%.
- Golf course transactions fuel the investment market's rebound.

Maui's CRE Marketplace Begins to Stabilize

After facing a short COVID-19 pandemic-initiated recession in 2020, Maui's economy posted a 2,500 job gain during the past year as the island's unemployment rate decreased to 6.3% for December 2021. This is its lowest level since Maui's government-mandated economic shutdown that started in March 2020 and since peaking at a record high 34% jobless rate in April 2020.

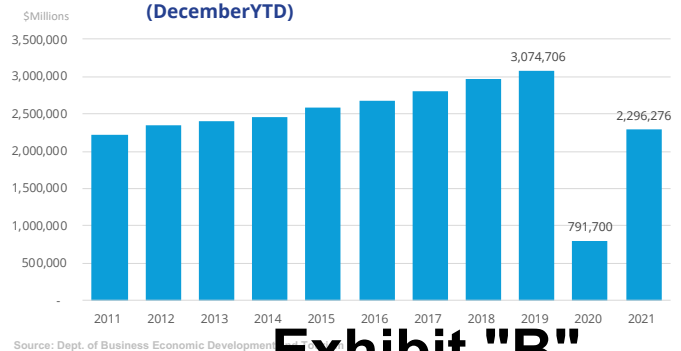
Maui County Unemployment Rate

Source: Dept. of Business Economic Development and Tourism

Much of this job growth resulted from a rebound in retail and accommodation positions during the past year. Maui's jump in air passenger arrival counts, which nearly tripled in size from 791,700 to 2,296,276 during the past year, elicited rehiring efforts. Correspondingly, Maui's hotel occupancy rates improved strongly from a year-to-date ("YTD") December 2020 level of 34.6% to 60.2% for 2021. As a result, the average daily room rate jumped 31.1% to \$536.17, and revenue per available room surged 128% to \$322.70. Additionally, this surge in visitors produced \$4.1 billion in visitor expenditures, which boosted retail sales and prompted many retailers to rehire employees.

The COVID-19 Omicron variant's infection rate that surged during the end of 2021 and into January 2022 appears to have peaked. As a result, Maui County has lifted several travel restrictions and dropped requirements for patrons of bars, gyms, and restaurants to provide proof of vaccination or negative COVID-19 tests for indoor service. The island's retail, travel and hospitality sectors will benefit from this change and hopefully, continue to recover from the dramatic downturn in visitor expenditures during the past two years.

Market Indicators		4Q2020 vs 4Q2021
Unemployment Rate	6.3%	↓
Non-Ag Wage and Salary Jobs	65,000	↑
Visitor Arrival Counts	2,296,276	↑
Office Market		
Vacancy	9.57%	↓
Net Absorption (sf)	34,966	↑
Avg Asking Base Rent (psf/mo)	\$1.67	↓
Retail Market		
Vacancy	21.15%	↑
Net Absorption (sf)	-35,111	↓
Avg Asking Base Rent (psf/mo)	\$4.22	↑
Industrial Market		
Vacancy	0.49%	↓
Net Absorption (sf)	74,130	↑
Avg Asking Base Rent (psf/mo)	\$1.27	↑
Investment Market		
Sales Volume (millions)	\$233.89	↑
Sales Counts	55	↑

Maui County Air Passenger Arrival Counts (December YTD)

Source: Dept. of Business Economic Development and Tourism

Exhibit "B"
Item No. F-1

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 19-20, 2022

To: Chairman and Members, Hawaiian Homes Commission

Through: Peter "Kahana" Albinio, Jr., Acting Administrator
Land Management Division *KA*
Kalei Young, Supervising Land Agent *me*
Land Management Division

From: Shelly Carreira, Land Agent *SC*
Land Management Division

Subject: Approval to First Amendment to Right of Entry No. 689, Ka Ohana O Kahikinui, Maui,
TMK: (2) 1-9-001:003 (por.)

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) approves the First Amendment to Right of Entry No. 689 issued to the Ka Ohana O Kahikinui, Inc., a domestic non-profit corporation, for an additional twelve (12) month period for the purpose of conducting due diligence studies including but not limited to project master plan, business plan and related Chapter 343, HRS and Chapter 6E, HRS compliance requirements on a portion of TMK (1) 1-9-001:003.

Approval of this first amendment is subject to the following conditions:

1. The term shall be extended for an additional twelve (12) month period, commencing on September 27, 2022;
2. The processing and the documentation fee, \$150.00 shall be waived; and
3. With the exception of the current requested action, all of the terms, conditions, covenants, and provisions of Right of Entry No. 689 shall continue and remain in full force and effect.

LOCATION:

Portion of Hawaiian home lands situated in Kahikinui, Island of Maui, as further identified as TMK: (1) 1-9-001:003 (por.), as shown in Exhibit "A".

AREA: Approximately 16.0 acres

DISCUSSION/BACKGROUND

At its meeting of August 18, 2019, the Hawaiian Homes Commission approved the issuance of Right of Entry No. 689 (ROE 689) to the Ka Ohana O Kahikinui, Inc. (KOOK) for the purpose of conducting due diligence activities related to developing approximately 16.0 acres at the Hale Pili area as a commercial node for the region.

Through the attached letter shown as Exhibit “B”, the KOOK is requesting to extend the term of ROE 689 for an additional twelve (12) month period. The ROE 689 allows an option to extend the term of the ROE for two additional twelve-month periods. The requested term extension will provide time needed for KOOK to brief new board members and continue their work on due diligence items.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

The recommended disposition is consistent with the following plans, policies, and programs:

- 1) DHHL General Plan (2002) goals and objectives:

Land Use Planning

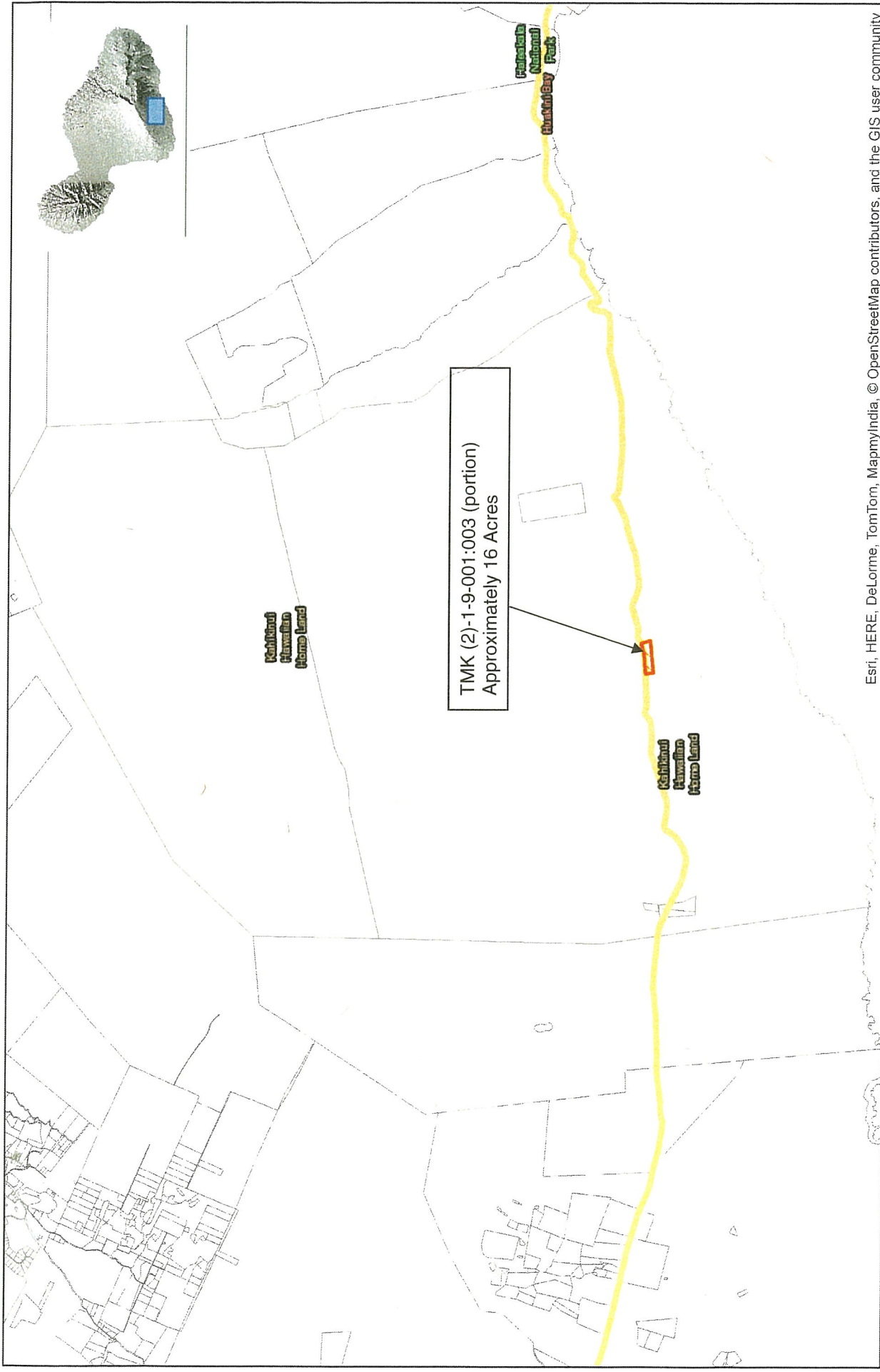
Goals: Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.

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




- 2) Maui Island Plan, September 2004
 - Land Use Designation: Special District, September 2004, Figure M, Kahikinui Land Use Plan
- 3) Regional Plan: The proposed use of Hawaiian Home Lands is identified in the Kahikinui Regional Plan dated July 2011, Priority Project: Develop a New Stewardship Economy for Kahikinui, which states: “Develop the Hale Pili area as a commercial node for the region. Facilities should include a convenience store, restroom facilities and a gift/craft shop. The rest stop is important to entice people to stop along the route from Hana to Ulupalakua. Tourist in groups, bikers, and bicyclist and others traveling through the district would not have had a rest stop for miles in either direction and would welcome a rest stop in a location with a great view. During the stop the product, history and craft of the region could be sold. The unique qualities of Kahikinui should be presented.” (See Exhibit “C”)

RECOMMENDATION

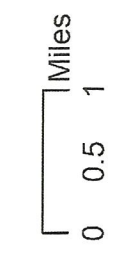
Land Management Division recommends approval of the requested motion/action as stated.



Legend

-  KOOK ROE boundary
-  County Highway
-  DHHL Land

**ITEM NO. F-2
EXHIBIT A**



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

September 2nd, 2022

William J. Aila Jr, Chairman
Department of Hawaiian Homelands
Hale Kalanianaʻole
91-5420 Kapolei Parkway
Kapolei, HI 96707

Aloha Mr. Chair,

Ka Ohana O Kahikinui, Inc is sending you this written request to extend the term of the ROE 689 for one additional 12-month period for due diligence to establish Kahikinui's Eco Hub at Hale Pili. Our insurance has been renewed and we have new board members and fresh faces that will be helping us along the way.

Right now, we have Charmaine Day our KOOK Treasurer who will be guiding our Eco Hub Team which currently includes Vania Kanamu KOOK Secretary, Anela Kanamu and Aheone Kanamu to bring this project to completion.

Mahalo Nui,
Vania Kanamu
Secretary
Ka 'Ohana O Kahikinui, Inc

ITEM NO. F-2
EXHIBIT "B"

Priority Project: Develop a New Stewardship Economy for Kahikinui

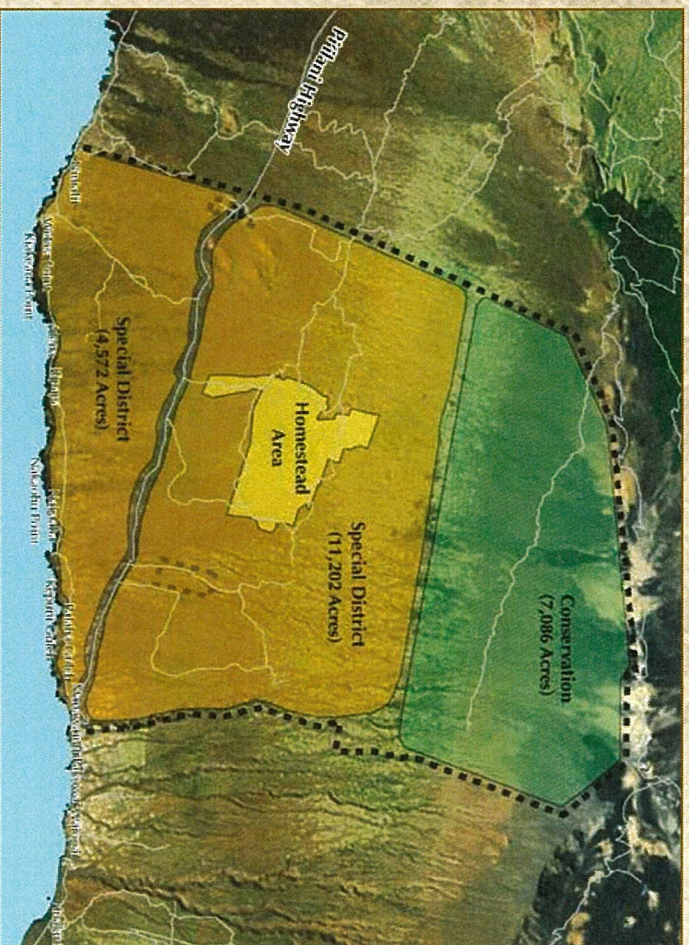
Description

There is general support for the concept of developing new economic opportunities for Kahikinui that are in tune with its resources, compatible with the land and Hawaiian cultural values. However, the range of ideas is extremely broad and community preferences seem to focus on shorter term more immediate opportunities. This is appropriate in that for the most part these activities tend to be stand alone and are not connected to each other. The following ideas received interest during the selection of priority projects indicating homesteader interest in following through with them.

- Develop the Hale Pili area as a commercial node for the region. Facilities should include a convenience store, restroom facilities and a gift/craft shop. The rest stop is important to entice people to stop along the route from Hana to Ulupalakua. Tourists in groups, bikers and bicyclist and others traveling through the district would not have had a rest stop for miles in either direction and would welcome a rest stop in a location with a great view. During the stop the product, history and craft of the region could be sold. The unique qualities of Kahikinui should be presented.
- Salt collection and sale was selected but this is probably a proxy for a more general sale of local products from the natural resources of the land and sea. These resources must be protected and managed and sustainably harvested. Tropical hardwoods, various jerky from the land and sea could also fall into this category.
- Develop cabins for community use but allow rental to outsiders for a fee. This concept provides for recreational access to the natural resources of the region including the nakai and mauka areas. These cabins could be the beginnings of eco/cultural tours that tread lightly on the land. The AWE project is moving forward. Residents feel the project impacts Kahikinui and there should be some compensation to Kahikinui for these impacts. Negotiations with AWE are underway to obtain community benefits. These include jobs and other issues; possibly energy bill rebates or subsidies. These efforts are generally supported. Also, AWE represents that broad category of renewable energy projects that may develop in the region. The basic sentiment seems to be that renewable energy development is a generally desirable goal and the people of Kahikinui want to be participants in it both philosophically and directly with jobs, project planning and development of benefits packages.
- The idea of developing a quarry/batch plant in Kahikinui was an idea mentioned from the very early meetings for the regional plan. A site near the Luaia ilua was previously used as a rock quarrying operation and could be resurrected into a business owned and managed by the community. As one member said, Kahikinui has lots of rocks. It might be needed during the construction of the AWE project.

Potential Partners

The evolution of a new economy is a complex and confusing process. While the broad parameters of a stewardship economy have been articulated, translating this into specific businesses and economic activity will be largely dependent on individual champions of the ideas and potential partners with the resources to implement the idea. Potential contractors and building supply companies have already been mentioned for the quarry. Eco-tours may be enhanced by partnerships with firms already engaged in this kind of business. DLNR, KOOK, LIFE, and KGLMO are also natural partners here as is the Leeward Haleakala Watershed Restoration Partnership, DHHL, Alu Like, OHA, and Kamehameha Schools. Much will depend on entrepreneurial individuals and approval from DHHL.




KAHIKINUI



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 19-20, 2022

To: Chairman and Members, Hawaiian Homes Commission

Through: Peter "Kahana" Albinio, Jr., Acting Administrator
Land Management Division **KA** 
Kalei Young, Supervising Land Agent
Land Management Division

From: Shelly Carreira, Land Agent **SC**
Land Management Division

Subject: For Information Only - Waiohuli Hawaiian Homesteaders Association, Inc., Waiohuli-
Keokea, Maui, TMK: (2) 2-2-028:181(portion), (2) 2-2-002:014 (portion)

RECOMMENDED MOTION/ACTION:

None; For Information Only

BACKGROUND

Waiohuli Hawaiian Homesteaders Association, Inc. (WHHA), a non-profit 501(C) organization, was organized and established to . . . "unite under the mana of all Hawaii Nei, to protect, preserve, and defend the Hawaiian Homes Land Trust as defined in the Hawaiian Homes Commission Act of 1920, as amended, and combine efforts for the rehabilitation and betterment of all Native Hawaiian Homeland beneficiaries."

Waiohuli Economic Development Opportunities ("WE DO") is the next step for the WHHA's long range vision and deliberate actions toward economic self-sufficiency. The goal of WE DO is to provide short and long-term economic opportunities that will foster greater self-sufficiency through capacity building and jobs homegrown within the Waiohuli community. The proposed WE DO project would be implemented through a public-private collaboration that facilitate economic opportunities derived from subdivision development, renewable energy, water and wastewater.

12/3/2018 - Waiohuli Hawaiian Homesteaders Association (WHHA) submitted a land use request to the Department of Hawaiian Home Lands (DHHL) for approximately 150 acres (more or less), encompassing a portion of TMK: (2) 2-2-028:181 (portion), (2) 2-2-002:014 (portion) for the purposes of conducting due diligence necessary to validate feasibility, collaborations and resources related to its WE DO project.

5/30/2019 - A beneficiary consultation meeting was conducted to collect beneficiary input and feedback on WHHA's land use request and proposed WE DO project. The beneficiary consultation report was accepted by the Hawaiian Homes Commission (HHC) in July 2019.

8/18/2019 - The HHC granted its approval to issue a Right of Entry (ROE) permit to WHHA for the purpose of conducting due diligence studies including but not limited to project master plan, business plan, and related Chapter 343, HRS and Chapter 6E, HRS compliance requirements.

CURRENT STATUS

Under the terms and conditions of the approved ROE 688, the WHHA completed the following due diligence items:

- Master plan, which includes a narrative description that clearly articulates WHHA's project goals for the project area and detailed description of each proposed programmatic element and land use.
- Business plan, which includes a description of expense and income budget (start-up/initial costs, operating budget, reserve fund, fundraising campaign), rough order of magnitude (ROM) cost for all proposed capital improvements.

WHHA has secured and aligned financial commitment from private teams with interest and commitment to conduct the environmental assessment and subdivision planning; continued support from homestead communities on the various component for the WE DO project, and aligned public agencies' support on infrastructure development necessary for the project.

- WHHA is working to complete Chapter 343 and Chapter 6E of the Hawaii Revised Statutes. WHHA's partner, PBR Hawaii, Inc., anticipates compliance of Chapter 343 and Chapter 6E requirements within 9 to 10 months.

NEXT STEPS

WHHA next step is to secure a long-term disposition to continue the planning and development of the WE DO project. The initial preliminary with final approval of a long-term disposition will provide DHHL commitment to the WE DO project and reassurance to private partners as well as county agencies that will be reviewing and approving funding and project designs.

PAST PERFORMANCE

The WHHA has demonstrated success through projects completed under their current land disposition, License No. 695:

- Certified Commercial Kitchen - In 2014, WHHA completed construction of its certified commercial kitchen to prepare food and products for small businesses, private and community functions. It also includes an imu for traditional cultural practitioners.
- Passive Recreation and Agriculture – The initial open areas have been established. An open space for walking and initial community garden has been set up.
- Spiritual Context-Hawaiian Cultural Zone - A "Polynesian" hale has been completed and serves as the focal point for cultural exchange. Constructed by multiple Pacific Island ethnicities, the "hale" has already hosted cultural awareness classes, hula halau collaboration, and is the entry point for the existing archeological site.
- Amphitheater – The outdoors, natural-terrain amphitheater has been completed. This venue allows for fee-based performances as well as cultural events.
- Active Recreation Field – An area for sports and seating for up to 200 spectators.

**HAWAIIAN HOMES COMMISSION
SEPTEMBER 19 & 20, 2022
FACE-TO-FACE &
INTERACTIVE CONFERENCE
TECHNOLOGY**

**G – ITEMS
PLANNING OFFICE**

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 19 - 20, 2022

To: Chairman and Members, Hawaiian Homes Commission (HHC)

From: Andrew Choy, Planning Program Manager AC

Subject: Approve Proposed Processes for the Allocation of Water Credits and Water Meters on Water Systems Serving DHHL Lands

RECOMMENDED MOTION / ACTION

That the HHC approve the attached Exhibit A, "Processes for the Allocation of Water Credits and Water Meters on Water Systems Serving DHHL Lands"

DISCUSSION

I. Background

Water Reservations and Future Water commitments held by DHHL

Ola i ka wai - water is life - and water is also an essential resource to enable Hawaiian Homes Commission Act (HHCA) beneficiaries to settle the land. In the last decade, DHHL has made significant progress in working with the Commission on Water Resource Management (CWRM) to secure "reservations" of water for future use from ground and surface water sources across the islands.

While that work is critical and not fully complete, even after reservations are secured DHHL needs to work to develop or secure the physical infrastructure necessary to make water available to homestead tracts. When that infrastructure work is done DHHL possesses water commitments - a promise or capability to deliver water to a future area in a particular volume, usually represented as a certain number of standard 5/8" residential meters. What those future water commitments are called depends in part on how DHHL has secured them.

In developing homesteading opportunities for beneficiaries, DHHL has developed water in at least three ways to secure future water commitments:

- **Via county agreement:** In these cases DHHL developed some combination of source, storage, and transmission, dedicated them to the Boards/Departments of Water Supply of one of the four Counties, and in exchange received **"Water Credits"** which are commitments to the issuance of future water meters.
 - **Example:** DHHL holds water credits for county serviceable lots in Anahola as well as lots in upcountry Maui.
- **Via DHHL water systems:** In these areas DHHL has developed some combination of source, storage, and transmission and DHHL manages the resulting water system. In this case the Department has, based on system capacity and any permitting limits, the ability to issue **"water meters"** in the future.
 - **Example:** DHHL has an ability to issue additional meters on all four of our systems (Anahola Farm Lots, Molokai, Pu`ukapu, and Kailapa), subject to constraints.
- **Via private water systems:** In this kind of situation, DHHL has developed some agreement to provide water for further distribution either directly to beneficiaries or to a master meter and then into a DHHL system. **What the ability to issue a future meter in these cases is called is dependent on the particular agreement.**
 - **Example:** DHHL's water deliveries to Kailapa come off of the privately owned PUC regulated Kohala Ranch water system.

Regardless of what the future water commitment is called, they represent the same kind of trust asset. They reflect the ability of DHHL to issue a meter or credit that could enable the residential use of a lot, other use of a homestead lot, or other uses.

This submittal reviews proposed procedures for HHC approval that would guide the consistent management of these future water commitments in accordance with the fiduciary duties of the HHC. An informational briefing only looking at the management of water credits, but not including the management of other water commitments, was presented to the HHC at their June 18-19, 2018 meeting; an information briefing on these procedures was presented at the August 2022 meeting.

While development and implementation of DHHL procedures are generally a matter that lies within the existing authority of the Chairman, these draft procedures also contain policy-level prioritizations for the issuance of water commitments when there are insufficient commitments for all anticipated uses. As such, the Chairman seeks approval for these Procedures from the HHC.

II. Necessity of Adopting Procedures

As described above, water credits and the ability to issue water meters are critical trust assets. The Department has identified the need to manage water credits as important trust assets in the 2014 Hawaiian Homes Commission Water Policy Plan, Additional Goal 13, "Methodically and consistently manage and allocate water credits."

The need for procedures to methodically and consistently manage future water commitments has also been highlighted from time to time:

- In January 2016, a homesteader inquired with a Department Land Agent as to whether and how he could assist her family in obtaining a water meter, which would require allocation of a water credit, to an existing homestead lot that had recently been subdivided to accommodate a growing family of beneficiaries. Several Department Divisions and consultants conferred on how to address the inquiry, which raised several questions: (1) what priorities does the Department use in allocating water credits?; (2) what procedures does the Department employ in allocating its water credits?; (3) how does the Department organize knowledge of its water credit inventory?; and (4) how does the Department determine charges, if any, for use of its water credits?
- In late 2021 and 2022, following the successful securing of an increased permitted amount of pumping from CWRM for our Molokai Water system wells, beneficiaries and non-beneficiaries have sought to secure new water meters from the DHHL system. Department Divisions and consultants conferred on how to address the inquiry, which raised several

questions: (1) what priorities does the Department use in allocating water meters?; (2) what procedures does the Department employ in allocating its water meters?; (3) how does the Department organize knowledge of its ability to issue new meters; and (4) how does the Department determine charges, if any, for the issuance of meters?

- Each of these questions implicates the Commission's management of public trust resources and alignment with its purposes of serving HHCA beneficiaries.

To date, to the knowledge of current staff, management of these assets has meant responding to inquiries on a case-by-case basis and concomitant complications concerning the tracking and inventorying water commitments.

The proposed Procedures are intended to solely affect the Department's internal management of its future water commitments and are not intended to affect the current procedures under which Department Divisions and Offices may make inquiries and requests for water resources with the Department or develop new sources of water.

In line with staff and consultant discussions and the goal noted above from the Water Policy Plan, DHHL determined that these inquiries reviewed above and our wider mission would be best met by developing and implementing a clear procedure for managing its future water commitments as trust resources.

III. Relevant Authorities

Development and implementation of Water Credit Management Procedures is warranted under two of the four priority goals of the Water Policy Plan:

1. Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights on a regional and annual basis.
3. Develop and manage a Water Assets Inventory (WAI).

As already noted, the Water Policy Plan also includes an additional goal that specifically concerns its management of water credits:

Part IV. Develop and protect water sources

]

13. Methodically and consistently manage and allocate water credits.

Id. The Water Policy Plan was itself developed as a means of ensuring compliance with the HHCA. The principal purposes of this Act include the provision of "adequate amounts of water and supporting infrastructure, so that homestead lands will always be usable and accessible[.]" HHCA § 101(b)(4). The Act recognizes the solemn trust created between the United States and the State of Hawai'i and the fiduciary duties of the Commission to administer the Act on behalf of beneficiaries.

The fiduciary duties of a trustee include accurate accounting for trust assets, carefully managing those assets, and administering the assets impartially based on what is fair and reasonable to all of the beneficiaries, except to the extent that the terms of the trust or the will clearly manifest an intention that the fiduciary shall or may favor one or more of the beneficiaries. Also consistent with prudent management of trust assets, the Department is authorized to charge homesteaders subdividing their property for the water credit cost and other costs associated with water development.

In accordance with these obligations to manage, protect, and administer trust assets, the Department developed the proposed procedures

IV. Overview of Proposed Procedures

The Water Credit Management Procedures (attached as Exhibit A) include the following tasks and practices for the Department:

- (1) Development and maintenance of a database of water credits, and the ability to issue future meters, their geographic location, documentation of their acquisition and disposition, and their allocation.
- (2) Standardized criteria under which to prioritize requests for allocation of water credits.

- (3) Ensuring notification of water credit usage to County Departments of Water Supply or other water credit donors.
- (4) Ensuring appropriate approval from the Commission regarding disposition of water commitments where exceptions may be warranted.

It is important to highlight the proposed section that outlines the prioritization proposed for meter issuance:

Water credits and water meters shall be allocated in the following prioritization:

Prioritization Policy:

- a. Residential use on awarded residential homestead lots
- b. Residential use on awarded residential agricultural or pastoral lots
- c. Areas where the Department has invested in infrastructure development for residential use on homestead lots but development is incomplete
- d. Lots eligible for subdivision for residential use, regardless of being agricultural, pastoral, or residential lots
- e. Agricultural or pastoral use on agricultural or pastoral lots
- f. Uses by a Homesteader Organization on a property interest issued by the Department
- g. Ancillary community uses that are identified in Island or Regional Plans or other HHC land use designation actions
- h. Commercial and other non-homestead, non-community uses in the area on Department lands

Exceptions to this policy:

- a) May be made by the Chairman for community health and safety purposes as required by a declaration of emergency
- b) Lower priority uses may be allowed before higher priority uses when 1) they would not be otherwise used within the next four years and 2) there is a recommendation to do so by the Chairman with the concurrence of the HHC.

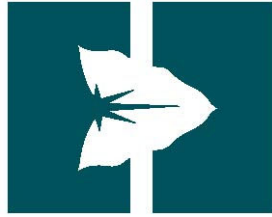
The implications of these prioritizations as proposed would include, for instance, likely not issuing meters for

agricultural use on Molokai, as our current allocation and system has only sufficient capacity to issue water meters for existing and planned residential uses.

RECOMMENDED MOTION/ ACTION

That the HHC approve the attached Exhibit A, "Processes for the Allocation of Water Credits and Water Meters on Water Systems Serving DHHL Lands"

DEPARTMENT OF HAWAIIAN HOME LANDS



Processes for the Allocation of Water Credits and Water Meters on Water Systems Serving DHHL Lands

**Procedure Number
##-2022**

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

Date

Procedure and Workflow

Subject: Internal [Department](#) procedures and workflow for the management and allocation of [water credits](#) and [water meters](#) on Water Systems Serving DHHL Lands

Purpose: [Water credits](#) held for County or private systems and the capacity to issue [water meters](#) on [Department](#) owned systems are valuable trust assets. This document provides Hawaiian Homes Commission's (HHC's) policy guidance and procedures for their methodical and consistent management and allocation by the [Department](#).

Policy: [Water credits](#) and [water meters](#) shall be allocated in the following prioritization:

Prioritization Policy:

- a. Residential use on awarded residential homestead lots
- b. Residential use on awarded residential agricultural or pastoral lots
- c. Areas where the [Department](#) has invested in infrastructure development for residential use on homestead lots but development is incomplete
- d. Lots eligible for subdivision for residential use, regardless of being agricultural, pastoral, or residential lots
- e. Agricultural or pastoral use on agricultural or pastoral lots
- f. Uses by a [Homesteader Organization](#) on a property interest issued by the [Department](#)
- g. Ancillary community uses that are identified in Island or Regional Plans or other HHC land use designation actions
- h. Commercial and other non-homestead, non-community uses in the area on [Department](#) lands

Exceptions to this policy:

- a) May be made by the Chairman for community health and safety purposes as required by a [declaration of emergency](#)
- b) Lower priority uses may be allowed before higher priority uses when 1) they would not be otherwise used within the next four years and 2) there is a recommendation to do so by the Chairman with the concurrence of the HHC.

Allocation if there is excess:

In a situation where there are [water credits](#) or the ability to issue [water meters](#) in excess of what is needed to meet all identified needs in the above [Prioritization Policy](#), they shall be either sold or issued to monetize these assets, or [water credits](#) should be traded for those in areas where [water credits](#) may be needed, where such trade is possible.

Authorities: [Water credits](#) (or similar terms meeting the same definition) are usually acquired by the [Department](#) from the various County [Boards / Departments of Water Supply](#). They may be also obtained for County systems from third parties who control credits, in some cases subject to the approval of these County bodies. [Water credits](#) may also be issued by private water systems. [Water credits](#) are issued under the various state and county authorities that govern those bodies, or in the case of private systems by the Public Utilities Commission or other authorities.

The capacity to issue new [water meters](#) on [Department](#) owned and managed systems may be limited by permits issued by the Commission on Water Resources Management under HRS 174C, and / or the overall system capacity.

The Department follows a three-tiered planning system to guide development and [management](#) of its land holdings for the benefit of current and future beneficiaries. The planning system includes its over-arching General Plan, followed by its second tier of Strategic Program Plans and Island Plans followed again by Regional and Development Plans in its third tier. See HAR §§10-4-51 to -60.

The HHC [Water Policy Plan](#), Policy 6 is to “Foster self-sufficiency of beneficiaries by promoting the adequate supply of water for homesteading when developing or managing water” which speaks to the need to methodically and consistently manage the issuance of water meters on Department managed systems. Additional Goal 13 is to “Methodically and consistently manage and allocate water credits.”

[Department](#) procedures are applicable to the extent consistent with other legal requirements and authorities, including the [declaration of emergency](#).

Glossary of Terms

- 1) **Charge** - the fee paid in exchange for receiving the benefit of a water credit or water meter from the Department.
- 2) **Board / Department of Water Supply (B/DWS)** - refers to the Kaua'i County Board / Department of Water, Maui County Board / Department of Water Supply, Honolulu City and County Board of Water Supply, and the Hawai'i County Board / Department of Water Supply, as appropriate.
- 3) **Declaration of Emergency** – A declaration by a federal, state or county executive where the issuance of a water meter or a water credit may be necessary to address the emergency condition.
- 4) **Department** - the Department of Hawaiian Home Lands.
- 5) **Department Water System** – A water system owned and operated by the Department, currently the Ho`olehua water system, the Pu`ukapu Water System, the Kailapa Water System, or the Anahola Water System.
- 6) **Homesteader** - The holder or successor thereto of a lease which may be of the following classes issued under section 207 of the act: (1) Residential or residence lot lease; (2) Pastoral or pastoral lot lease; and (3) Agricultural or agricultural lot lease.
- 7) **Homesteader Organization** – A democratically-elected organization representing a Hawaiian homestead community or communities
- 8) **Island or Regional Plans** - Plans developed under tiers 1 and 2 of the Department's planning system as prescribed by HAR §10-4-56(a) and §10-4-57(b).
- 9) **Water Credits** - A certain amount of water to be delivered to a parcel or area based on an agreement and allocation from Hawaii's various [Boards and Departments of Water Supply](#) or a private purveyor.
- 10) **Water Credit Agreement** – A legal contract between a B/DWS and the Department and/or another body that allocates to the Department a certain number of water credits in exchange for dedicated land, infrastructure, or other valuable consideration.
- 11) **Water Meter** - an instrument for recording the quantity of water passing through a particular outlet.
- 12) **Subdivision** - Division of a homestead lot into two lots to allow the transfer of a portion of the lot to another individual who qualifies under the Hawaiian Homes Commission Act, subject to HHC approval for the remaining term of the original lease. Subdivision of a residential lot is governed by HAR §10-3-38; agricultural subdivision is governed by HAR §10-3-26(g).

Water Credit and Water Meter Allocation Process

This process governs the allocation of [water credits](#) and [water meters](#) held by the Department

<u>Responsible Entity</u>	<u>Action</u>
_____ Planning Office	<p>Data maintenance, water availability:</p> <p>Maintains a database of water credits held by the Department, the area of their geographic application, and all associated documentation related to the acquisition and disposition of the credits.</p> <p>Maintains a database of unused water capacity available to issue water meters in each Department Water System, and all associated documentation related to the calculation of availability and disposition of the water meters.</p> <p>Confirms on at least an annual basis the amount of available water credits and water meters in the above databases with the relevant County or DHHL office.</p> <p>Makes that information readily available to staff with need for the information.</p> <p>Ensures that information on water credit and water meter availability and requests are included in annual reports to the Hawaiian Homes Commission.</p>
_____ Planning Office	<p>Data maintenance, water demand:</p> <p>Maintains a database of unmet water demands for Department lands in the categories of the Prioritization Policy.</p>
_____ District Office	<p>Application: (HAR §10-4.1-6)</p> <p>Receives requests for water credit or water meter issuance, forwards to Planning Office with a copy to the Homestead Services Division.</p>

Department of Hawaiian Home Lands Procedure **Number ##-2022**
Processes for the Allocation of Water Credits and Water Meters on Water Systems
Serving DHHL Lands
ITEM G-1 EXHIBIT A

_____ Homestead Services Division

Compliance:

Determines if lessee is compliant with lease terms and has no delinquencies, and reports on same to applicable District Office and Planning Office

_____ Planning Office

Application Processing: (HAR §10-4.1-6)

Acknowledges receipt of request with copies to Applicant and District Office.

Determines a recommendation for issuance based on the data maintained and the [Prioritization Policy](#), and determines the appropriate charges:

- a. Residential use on awarded homestead lots **(no charge)**
- b. Areas where the Department has invested in infrastructure development for residential use on homestead lots but development is incomplete **(no charge)**
- c. Lots eligible for subdivision for residential use. **(In these cases, the pre-subdivision lessee has already benefited from one free [water credit](#) or [water meter](#). One will be provided at the current cost of obtaining a [water credit](#) from the relevant [Board or Department of Water Supply](#) In the case of water credits, not at the value of the credit when it was obtained by the [Department](#))**
- d. Non potable agricultural water on agricultural or pastoral homestead lots **(subject to the charges specified by rule)**
- e. Uses by a [Homesteader Organization](#) on a property interest issued by the Department **(No charge for any non-profit activities; at the current cost of obtaining a credit from the relevant [Board or Department of Water Supply](#) for for-profit activities.)**
- f. Ancillary community uses that are identified in Island or Regional Plans or other HHC land use designation actions **(at the current cost of obtaining a credit from the relevant [Board or Department of Water Supply](#) for for-profit activities.)**
- g. Commercial and other non-homestead, non-community uses in the area on DHHL lands. **(at the current cost of obtaining a credit from the relevant [Board or Department of Water Supply](#) for for-profit activities.)**

Department of Hawaiian Home Lands Procedure
Processes for the Allocation of Water Credits and Water Meters on Water Systems
Serving DHHL Lands
ITEM G-1 EXHIBIT A

Number ##-2022

Responsible Entity

Action

_____ Planning Office

Application Recommendation:

Prepares a memo for Chairman on same (see Exhibit A)

Application Decision (HAR §10-4.1-6)

_____ Office of the Chairman

Accepts or rejects staff recommendation, except when HHC concurrence is also required

_____ HHC

Acts when concurrence is also required

_____ Planning Office

Responds to Applicant in accord with Chairman / HHC determination.

_____ Planning Office

If the water credit was determined to be granted, manages issuance process and charge by:

- (1) updating databases referenced above; and if needed
- (2) notifying the appropriate [Board or Department of Water Supply](#) or other entity that granted the water credit; and
- (3) notifying Fiscal Office and/or Administrative Services Division of charges, if any, associated with the allocation

END OF PROCEDURE

- Exhibit A -

Sample analysis and recommendation to Chairperson for allocation of a water credit

To: Chairman, Department of Hawaiian Home Lands
From: Planning Office
Subject: Request for approval of water credit allocation

A request for a water credits was received from a homesteader for residential uses on their lands in Anahola, Kaua'i. According to the database maintained in our Office, DHHL has an agreement with Kaua'i County Department of Water under which DHHL was allocated 30 credits in relation to a well development agreement. Water credits to be allocated will be associated with parcels located at the following Tax Map Key (TMK) Nos.: (4) 4-8-018: 028, 029, 030, 031, 032, 033, 034, 035, 036, 037.

According to the DHHL's Water Credit Management Procedures, the request for water credits to service existing homestead lots is a "first priority" for awarding such credits and the applicant is not to be charged. DHHL has available credits in the amount requested.

Homestead services has confirmed that the applicant has no lease violations or delinquencies.

For these reasons, our Office recommends approval of the request for a water credit at no charge to the applicant. Upon your determination, we will inform the applicant and proceed accordingly.

Please direct any inquiries to our Office.

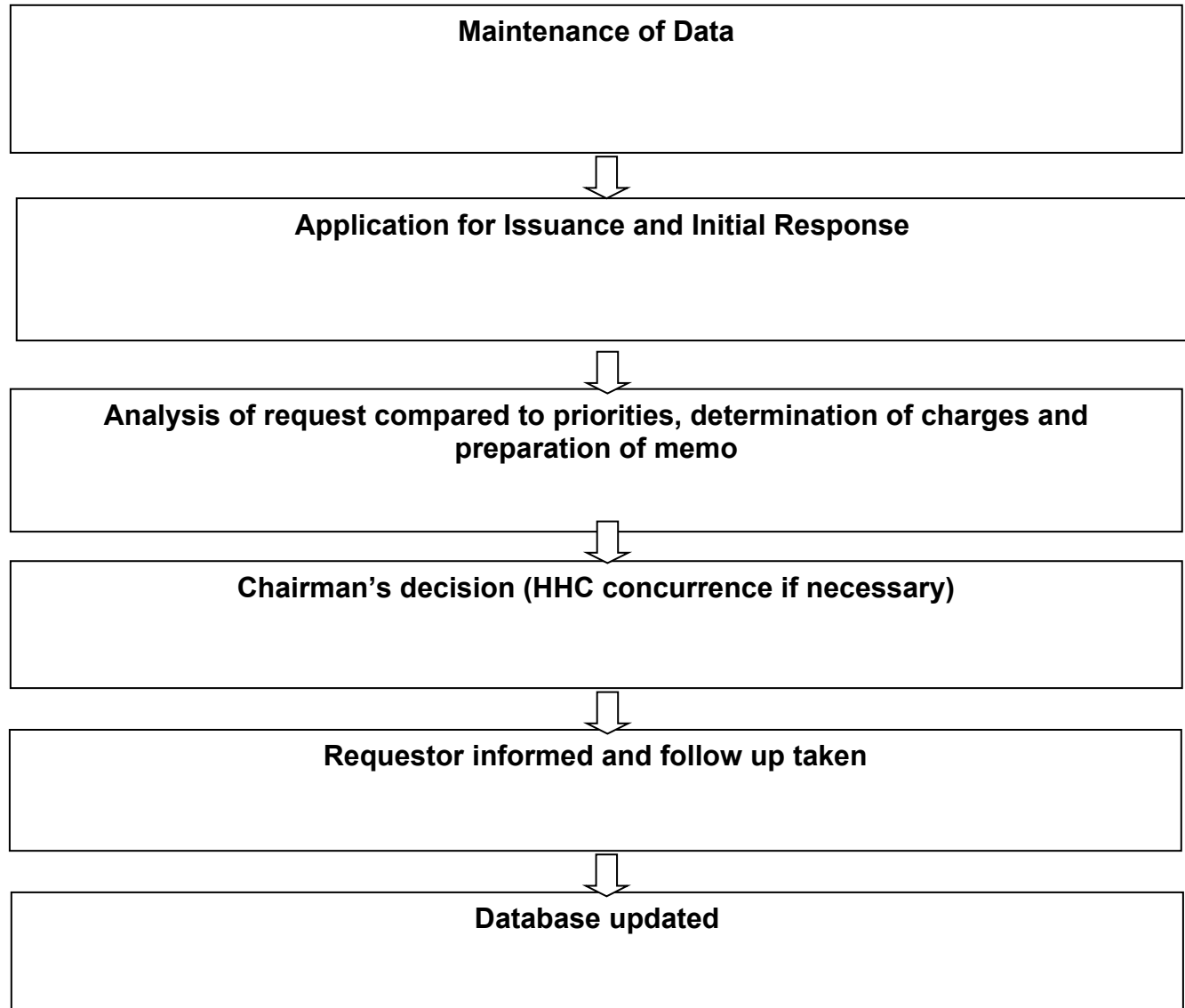
Acceptance of Recommendation

Chairman

Date

- Exhibit B -

WATER CREDIT ALLOCATION WORKFLOW



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 19 - 20, 2022

To: Chairman and Members, Hawaiian Homes Commission

Through: Andrew H. Choy, Planning Program Manager *AC*

From: Gigi O. Cairel, Grants Specialist

Subject: FOR INFORMATION ONLY - DHHL Grant Program
Status Update

RECOMMENDED MOTION/ACTION

For information only. No action required.

BACKGROUND

The Department of Hawaiian Home Lands (DHHL) Grants program consists of the following:

- \$4,627,407 total
 - \$2,150,000 in State Grant-In-Aid Funds
 - \$2,477,407 in DHHL Trust Funds
- Grants
 - 40 active grants
 - 25 nonprofit organizations with active grants

Authority

Pursuant to Chapter 6.1 of Title 10 Hawai'i Administrative Rules (HAR), DHHL prepares the Native Hawaiian Development Program Plan (NHDPP) every two years for review and approval by the Hawaiian Homes Commission (HHC). The goal of the NHDPP is to "increase the self-sufficiency and self-determination of native Hawaiian individuals and native Hawaiian communities." This is accomplished through the NHDPP by "improve[ing] the general welfare and conditions of social, cultural, and other programs."

At the June 2022 regularly scheduled HHC meeting, HHC approved to time extend the NHDPP through June 30, 2024. The department continues to implement the NHDPP areas of individual development (homeownership assistance and agriculture lessee assistance) and community development (i.e. community liaison, DHHL Trust grants, and State Grant-In-Aid administration.)

Further, pursuant to HAR §10-6.1-5 ". . . common to all types of assistance shall be the minimum requirement that the beneficiaries of the assistance must be native Hawaiian . . . Grants shall only be awarded to public agencies and non-profit organizations."

Funding

The NHDPP is funded directly by the Native Hawaiian Rehabilitation Fund (NHRF), which was created by the 1978 Constitutional Convention to finance various activities intended to exclusively benefit native Hawaiians. This includes, but is not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are improved and perpetuated. The source of funds for this fund is primarily derived from 30% of state receipts, derived from lands previously cultivated and cultivated as sugarcane lands and from water licenses. And, per HAR 10-6.1-6, NHDPP may also be funded by federal, state, county and private resources.

DISCUSSION

Current DHHL Grants Administration

Below is a summary of changes since the previous Grants Status Report in June 2022. See Exhibit A for a complete listing of all grants and for further details.

- State Grant-In-Aid (GIA)
 - No Grants-In-Aid were assigned to DHHL from the State Legislature in CY 2022.

- Capacity Building Grants
 - One remaining contract out of five (5) was fully executed.
- Regional Plan Priority Project Grants
 - Contracts for the remaining three (3) grant awards out of nine (9) were fully executed.
- Grant compliance issues (as of July 31, 2022)

Grantee	Contract No.	Compliance matter
Ahonui Homestead Association - Moloka'i	68863 CB	Delinquent grant reports
Ahupua'a o Moloka'i - Moloka'i	various	Delinquent grant reports UPDATE: reports received after 7/31/22 deadline.
Ka'ehu, FS for Waiehu Kou Phase 3 Association - Maui	69461 RP	Delinquent grant reports
Kaumana Hawaiian Homes Community Association - Hawai'i Island	65867 CB	Delinquent grant reports

CB = Capacity building grant

RP = Regional Plan Priority Project grant

FS = Fiscal sponsor

- Hawaii Compliance Express (HCE) Not Compliant or Expired (as of September 6, 2022)
 - Ahahui Aina Hoopulapula o Waiohuli, Maui Island
 - Ahonui Homestead Association, Moloka'i Island
 - Ka'ehu, serving as fiscal sponsor for Waiehu Kou Phase 3 Association, Maui Island
 - Kaumana Hawaiian Homes Community Association, Hawai'i Island
- Grantee technical assistance

DHHL has contracted with the Hawai'i Alliance of Nonprofit Organizations (HANO) to support DHHL with grants administration, including but not limited to tracking and monitoring grantee invoices and reports; and limited

technical assistance (TA) to assist grantees with reporting. HANO is currently assisting the following grantees:

Grantee	Technical Assistance	Status
Ahonui Homestead Association - Moloka'i	Grant report	In progress
Ka 'Ohana o Kahikinui - Maui	Grant report	Complete
Princess Kahanu Estates Association - O'ahu	<ul style="list-style-type: none">• Reports for multiple grants• Grant closeout for two CB grants	In progress

DHHL New Grants Cycle - Fiscal Year 2022 - 2023

On July 25, 2022, DHHL released the following four (4) new Requests for Proposals (RFPs) to solicit new grant proposals from the community. There is a total of \$8.5 million (one-time only) available in DHHL grant funds for FY 2023.

- RFP-23-HHL-001 - Improvements to existing facilities on Hawaiian Home Lands
- RFP-23-HHL-002 - Existing programs and services for existing homesteads
- RFP-23-HHL-003 - Project implementation
- RFP-23-HHL-004 - Community capacity building

Currently, DHHL is on time with the RFP Schedule.

- Pre-proposal orientation sessions were conducted on August 2, 3 and 5, 2022 (Optional)
- Deadline for prospective applications to submit questions was August 12, 2022
- DHHL publicly posted written responses as Addendum No. 1 on August 17.

Next steps (dates subject to change):

- October 6, 2022 - Due date to submit grant proposals

- October to November, 2022 - DHHL Grant Review Committee evaluates proposals
- November 21 - 22, 2022 - Committee recommendations submitted to HHC for decisionmaking
- December 2022 - January 2023 - Contracting begins

Dates subject to change

Current DHHL grantees were duly notified on July 5, 2022, that any grantee out of compliance (ie, delinquent grant reports) is not eligible for applying for a new DHHL grant. As of the July 31, 2022 report deadline, most grantees were in compliance, with the exception of the following four (4).

- Ahonui Homestead Association, Moloka'i Island
- Ahupua'a o Moloka'i, Moloka'i Island
- Ka'ehu, serving as fiscal sponsor for Waiehu Kou Phase 3 Association, Maui Island
- Kaumana Hawaiian Homes Community Association, Hawai'i Island

Additionally, per the new RFPs, these 4 grantees would not be eligible either as an applicant or as a project team member in partnership with another grant applicant in FY 2023. (Reference: page 21, Section 6 Application Evaluation. (A) Evaluation of Proposal Requirements. Item (5) Applicant and key project team members are in good standing with any open DHHL grants.)

RECOMMENDATION

For information only. No action required

DHHL Grants Status Report

September 19 - 20, 2022

ISLAND	GRANT TYPE	ORGANIZATION (legal name)	PROJECT DESCRIPTION	START DATE	END DATE	DHHL Land Disposition (if applicable)	TOTAL GRANT	BALANCE	STATUS
HAWAII	RP	Five Mountains Hawai'i, Inc.	Planning and design for rural health center at the Waimea Community Center. Joint project with Waimea Homestead.	5/16/2021	7/31/2026	N/A	\$100,000	\$20,000	ACTIVE Project Underway
HAWAII	CB	Kailapa Community Association	Seek training on nonprofits, project management and administration, and grant writing.	6/30/2020	7/31/2022	N/A	\$5,000	\$500	ACTIVE Project underway
HAWAII	RP	Kailapa Community Association	Community Center CIP	6/30/2020	7/31/2024	LIC 751	\$100,000	\$100,000	ACTIVE Project underway
HAWAII	RP	Kailapa Community Association	Research and feasibility to use a DHHL well as a source and feasibility for a de-salinization treatment facility	6/15/2022	7/31/2026	N/A	\$49,375	\$9,875	ACTIVE Project Underway
HAWAII	CB	Kaumana Hawaiian Homes Community Association	Increase membership, get training to create and maintain website, create and distribute KHHCA logo shirts to members, survey homesteaders and surrounding residents about community issues.	6/22/2017	12/31/2022	N/A	\$4,900	\$400	ACTIVE Delinquent Report HCE NOT COMPLIANT
HAWAII	RP	Keaukaha Panaewa Farmers Association FS: Keaukaha Panaewa Community Alliance	Complete site master plan for the Agricultural Marketing and Training Center.	5/1/2021	5/31/2025	ROE 482	\$100,000	\$1,000	ACTIVE Project underway
HAWAII	RP	Keaukaha Panaewa Farmers Association FS: Keaukaha Panaewa Community Alliance	Complete HRS Chapter 343 Environmental Assessment for the Agricultural Marketing and Training Center.	5/16/2022	7/31/2026	ROE 482	\$85,000	\$17,000	ACTIVE Project underway
HAWAII	CB	Lai Opua Community Development Corp. FS: West Hawaii Parks & Athletic Corp.	Obtain 501c3 and board training.	6/30/2020	7/31/2022	N/A	\$5,000	\$500	ACTIVE Project underway
HAWAII	CB	La'i'Opua 2020	Increase communications and renew and increase partnerships for L2020's Workforce Development program	5/16/2022	7/31/2024	N/A	\$5,000	\$500	ACTIVE Project underway
HAWAII	RP	La'i'Opua 2020	Community and stakeholder outreach on North Kona water source development	6/30/2022	7/31/2026	N/A	\$100,000	\$50,000	ACTIVE Project underway
HAWAII	GIA-CIP	Pana'ewa Community Alliance	Kamoleao Cultural Resource Center planning and design	6/1/2016	12/31/2022	LIC 788	\$150,000	\$75,000	ACTIVE PENDING Time Extension
HAWAII	CB	Piihonua Hawaiian Homestead Community Association	Secure new partnerships, promote board engagement, and increase membership through a logo design and creation process involving homesteaders, students, and faculty at HCC. Logo will be put on t-shirts, website, and educational materials.	8/4/2017	12/31/2020	N/A	\$5,000	\$500	PENDING Retro-active time extension
HAWAII	RP	Waimea Hawaiian Homesteaders Association, Inc.	Technical assistance to homestead ranchers: apply for federal assistance, ranch plans, fencing.	5/16/2022	6/31/2026	N/A	\$100,000	\$100,000	ACTIVE Awaiting first invoice
HAWAII	RP	Waimea Nui Community Development Corporation	Construction of water line and road to the Waimea Community Center property	5/16/2022	6/31/2026	GL 301	\$100,000	\$100,000	ACTIVE Awaiting first invoice
HAWAII									

DHHL Grants Status Report

September 19 - 20, 2022

ISLAND	GRANT TYPE	ORGANIZATION (legal name)	PROJECT DESCRIPTION	START DATE	END DATE	DHHL Land Disposition (if applicable)	TOTAL GRANT	BALANCE	STATUS
MAUI	CB	Ahahui Aina Hoopulapula o Waiohuli	Board training, strategic planning, develop marketing strategies, develop organizational functions, increase membership.	TBD	TBD	N/A	\$5,000	\$5,000	PENDING Contract in process HCE EXPIRED
MAUI	RP	Ka 'Ohana o Kahikinui, Inc.	Install a fog drip catchment system with water tanks/reservoirs	6/20/2018	12/31/2022	ROE 696	\$100,000	\$30,000	ACTIVE PENDING Time Extension
MAUI	CB	Pa'upena Community Development, Inc.	Establish a part-time executive director and mentor next generation	5/16/2022	7/31/2024	N/A	\$5,000	\$500	ACTIVE Project underway
MAUI	RP	Waiehu Kou Phase 3 Association FS: Ka'ehu	Feasibility study on the use of a 4.0 acre property for a community garden, subsistence agriculture.	5/1/2021	5/31/2025	TBD	\$92,805	\$32,805	ACTIVE Delinquent Report HCE NOT COMPLIANT
MAUI	GIA-OP	Waiohuli Hawaiian Homesteaders Association, Inc.	Administrative and operating costs	10/29/2019	6/30/2023	LIC 695	\$150,000	\$1,000	ACTIVE Project underway
MAUI	RP	Waiohuli Hawaiian Homesteaders Association, Inc.	Conduct assessments to help determine technical, regulatory, financial, operational needs to advance DHHL's existing water test well into operations.	5/1/2021	5/31/2025	N/A	\$100,000	\$30,000	ACTIVE Project underway
MAUI	CB	Wakiu Community Development Corporation	Build community capacity through strategic planning, commuituy engagement, fund/program development and evaluation	5/16/2022	7/31/2024	N/A	\$5,000	\$4,500	ACTIVE Project underway
MOLOKA'I	CB	Ahonui Homestead Association	Startup operations; off-grid lifestyle training; advocate for the applicants; serve as the community partner for the Kuleana Homestead project in 'Ualapu'e.	6/30/2020	7/31/2022	N/A	\$5,000	\$500	ACTIVE Delinquent Report HCE EXPIRED
MOLOKA'I	GIA-CIP	Ahupua'a o Moloka'i	Renovations to the Ho'olehua Hale (old schoolhouse)	2/21/2020	8/31/2022	ROE 507	\$100,000	\$30,000	ACTIVE PENDING Time Extension
MOLOKA'I	RP	Ahupua'a o Moloka'i	Alternative energy for Ho'olehua Hale and Kiowea Park (Kalama'ula)	6/30/2020	7/31/2024	ROE 507 LIC 754	\$100,000	\$50,000	ACTIVE Project Underway
MOLOKA'I	RP	Hoolehua Homestead Agricultural Assoc FS: Homestead Community Dev Corp	Micro food systems on individual homestead lots	6/30/2020	7/31/2024	N/A	\$13,832	\$1,332	ACTIVE Project Underway
MOLOKA'I	RP	Ho'opili Farmers Association	Shared farm equipment	5/16/2022	7/31/2026	N/A	\$100,000	\$50,000	ACTIVE Project Underway
MOLOKA'I	RP	Kalamaula Homesteaders Association	Kiowea Park improvements	6/30/2020	7/31/2024	LIC 754	\$100,000	\$25,000	ACTIVE Project Underway
MOLOKA'I	RP	Kalamaula Homesteaders Association	Road improvements	5/16/2022	7/31/2026	N/A	\$100,000	\$20,000	ACTIVE Project Underway
MOLOKA'I	GIA-CIP	Moloka'i Homestead Farmers Alliance	Lanikeha Center Improvements	8/4/2016	12/31/2022	LIC 789	\$1,750,000	\$80,000	ACTIVE Ready for Closeout
MOLOKA'I	PI-COVID	Moloka'i Homestead Farmers Alliance	COVID-19 Relief -- food, hot meals, clothing distribution	5/1/2021	5/31/2023	N/A	\$200,000	\$100,000	ACTIVE Project Underway
MOLOKA'I	CB	Moloka'i Homestead Farmers Alliance	Community workshops on business planning and IRS 501(c)(3) application process	5/16/2022	7/31/2024	N/A	\$5,000	\$500	ACTIVE Project Underway
MOLOKA'I	RP	Napualei o Hina	Shared farm equipment	5/1/2021	5/31/2025	N/A	\$100,000	\$40,000	ACTIVE Project Underway

DHHL Grants Status Report
September 19 - 20, 2022

ISLAND	GRANT TYPE	ORGANIZATION (legal name)	PROJECT DESCRIPTION	START DATE	END DATE	DHHL Land Disposition (if applicable)	TOTAL GRANT	BALANCE	STATUS
MOLOKA'I	AG	Sons of Ho'olehua Cooperative (Fiscal Sponsor: Sust Aina Ble Molokai)	Train and assist 4 Co-op members to develop ag lots into commercial farming businesses	9/26/2017	6/30/2020	N/A	\$69,300	\$26,300	PENDING time extension
O'AHU	RP	Kanehili Community Association	Due diligence, EA and 6E for public park	5/1/2021	5/31/2025	LIC 834	\$100,000	\$40,000	ACTIVE Project Underway
O'AHU	RP	Princess Kahanu Estates Association	Expand the existing community center, incl. enclose the patio area to use as a multi-purpose room; add certified kitchen & plans for a larger, new pavilion.	6/30/2020	7/31/2024	LIC 406	\$100,000	\$50,000	ACTIVE Project Underway
O'AHU	RP	Princess Kahanu Estates Association	Expand the existing community center, incl. enclose the patio area to use as a multi-purpose room; add certified kitchen & plans for a larger, new pavilion.	5/16/2022	7/31/2026	LIC 406	\$100,000	\$50,000	ACTIVE Project Underway
O'AHU	CB	Princess Kahanu Estates Association	Establish a permanent imu	5/16/2022	7/31/2024	LIC 406	\$5,000	\$500	ACTIVE Project Underway
O'AHU	CB	Waianae Valley FS: TBD	Update governing documents and address compliance issues.	TBD	TBD	N/A	\$5,000	\$5,000	PENDING New contract Waiting on Fiscal Sponsor
STATEWIDE	PI-COVID	Helping Hands Hawaii	COVID-19 Relief -- financial assistance for rent, mortgage, utilities and client referrals to a network of social services, health and housing stability providers.	6/30/2021	7/31/2023	N/A	\$107,195	\$39,695	ACTIVE Project Underway
STATEWIDE	PI-COVID	Ke Kula Nui O Waimanalo	COVID-19 Relief -- aquaponics and train-the-trainer in Waimanalo, Hilo, Maui homesteads	5/1/2021	5/31/2023	N/A	\$200,000	\$145,000	ACTIVE Project Underway
						TOTAL AWARDED	\$4,627,407	\$1,332,907	Balance remaining
						DHHL Trust	\$2,477,407		
						STATE GIA	\$2,150,000		

NOTES:
HCE = Hawaii Compliance Express

GRANT TYPES:

AG = DHHL Agriculture Peer-to-Peer grants	GIA-CIP = HRS Chapter 42F State Grant-In-Aid, Capital Improvement Project grant
CB = DHHL Capacity Building grants	GIA-OP = HRS Chapter 42F State Grant-In-Aid, Operating grant
PI-COVID = DHHL Project Implementation grant for COVID-19 Relief	
RP = DHHL Regional Plan Priority Project grants	

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

September 19-20, 2022

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Planning Program Manager *AC*
From: Nancy M. McPherson, Planner, Planning Office *NMM*
Subject: For Information Only - Annual Written Update from
Pūlama Lāna'i to the Hawaiian Homes Commission
Regarding Its Public Activities, Programs, and
Developments

Recommended Action

For information only. No action required.

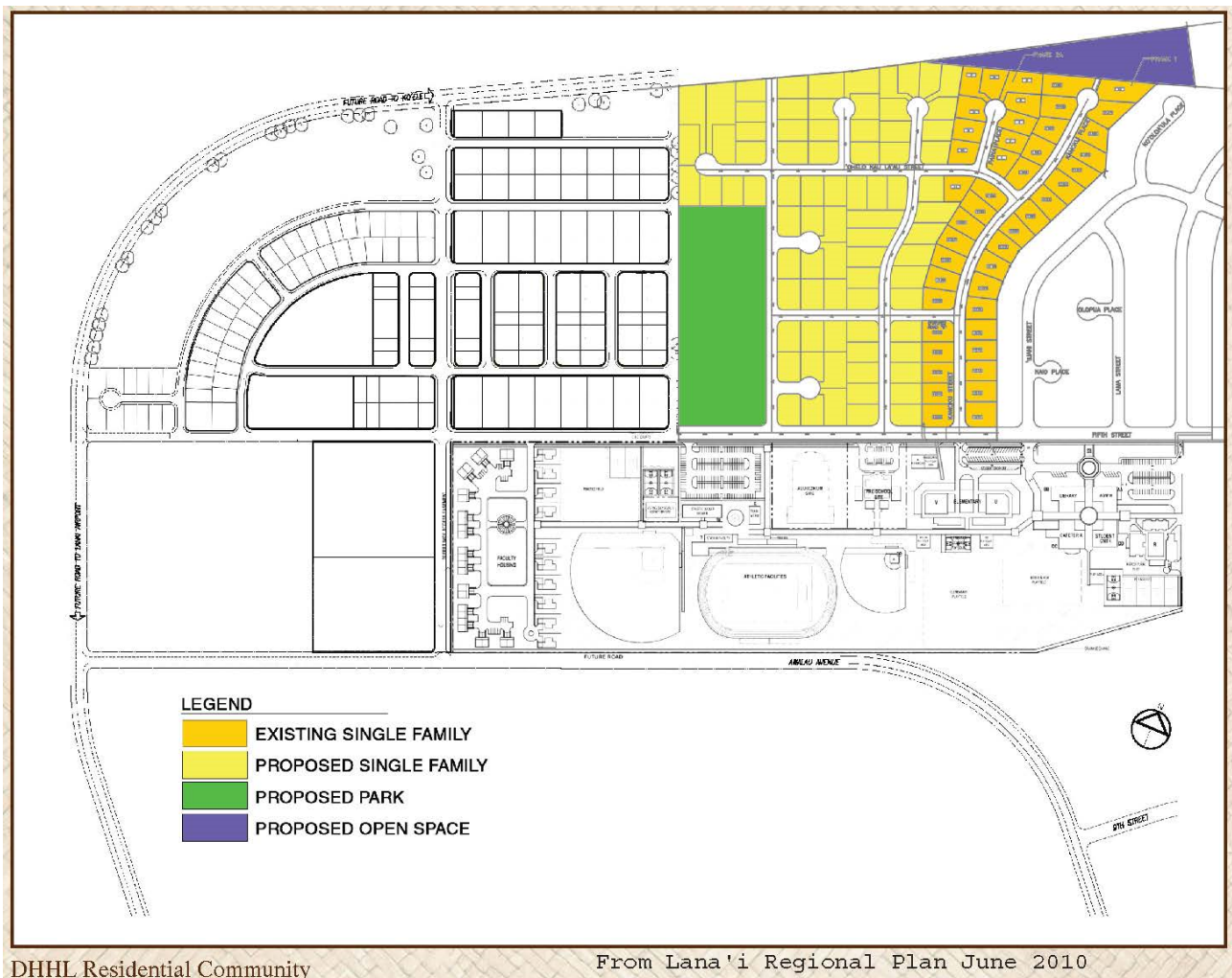
Background

In September 2021, a Memorandum of Understanding (MOU) was entered into between Lāna'i Resorts, LLC, dba Pūlama Lāna'i, and the Department of Hawaiian Home Lands (DHHL), which memorialized Pūlama Lāna'i's agreement to provide a future pro rata contribution to water and wastewater infrastructure improvements in support of homesteading on DHHL lands, and an annual written update to the Hawaiian Homes Commission, in return for DHHL's agreement to withdraw its Petition to Intervene in the District Boundary Amendment request for Pūlama Lāna'i's Hōkūao 201H Affordable Housing Project ("Hōkūao"), which provides for the construction of 150 residential units on the south end of Lāna'i City. This informational submittal provides Pūlama Lāna'i the opportunity to fulfill Condition No. 2 of the MOU. See Exhibit A, "Annual Written Update".

History

DHHL has owned lands on Lāna'i since Castle and Cooke transferred two lots totaling fifty (50) acres for residential homesteading and community use to DHHL in 1999. Since then, Phase 1, a total of 45 lots on 15 of the 50 acres with infrastructure, has been completed, and leases issued to applicants on the Lāna'i waiting list. The newest lessees are currently in the process of constructing homes on the lots, however, securing contractors for construction

has been particularly challenging. See Fig. 1, "DHHL Residential Community," below.



DHHL Residential Community

From Lana'i Regional Plan June 2010

Fig. 1 DHHL Residential Community

In addition, based on Condition No. 1 of the Decision and Order for the District Boundary Amendment for the Manele Golf Course (Docket A89-649, 1991), which resulted in an Agreement to Convey that was transferred by the Board of Land and Natural Resources (BLNR) to DHHL in 2010, DHHL and Pūlama Lāna'i, with the assistance of G70, are pursuing two subdivision applications with County of Maui for a ten acre parcel for Commercial use and a 15 acre parcel for Industrial use, title to which will be transferred to DHHL upon finalization of the subdivisions and recordation with the Land Court and Bureau of Conveyances. "Explore Land Acquisition Opportunities" was identified in the DHHL Lāna'i Regional Plan (2010) as a Priority Project. It is anticipated that the subdivision process will be completed by the end of 2022. See Figure 2, "Subdivision of Income-Producing Lands," below.

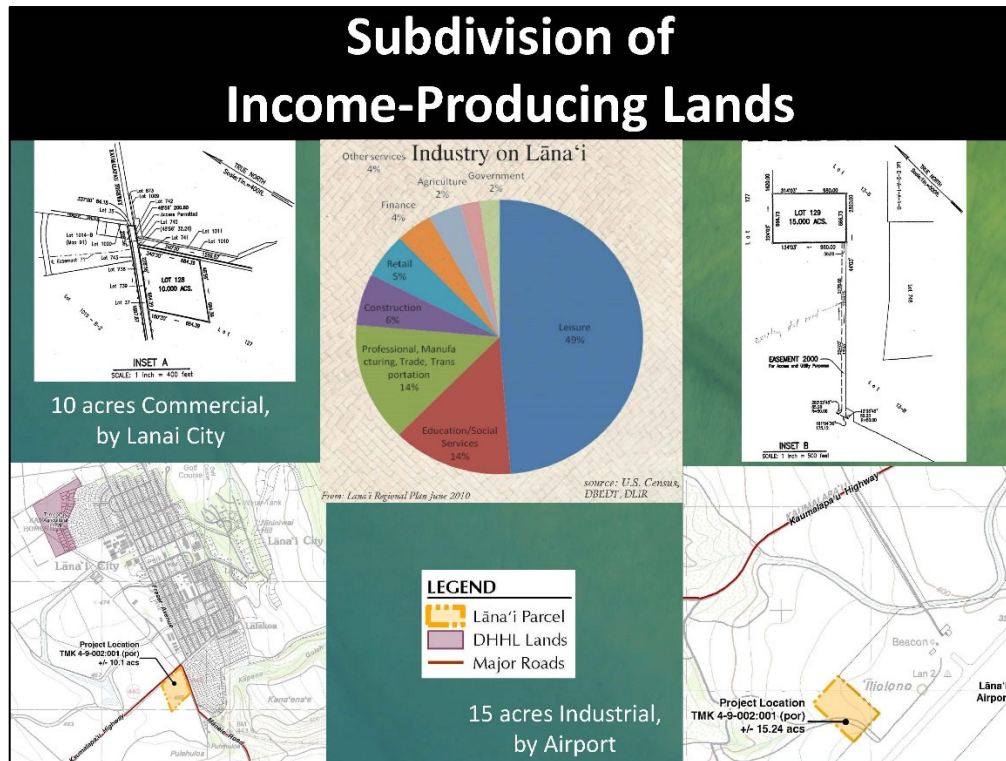


Fig. 2 Subdivision of Income-Producing Lands

Discussion

Since the purchase of 98 percent of the island of Lānaʻi by Larry Ellison in June of 2012, DHHL has met with Pūlama Lānaʻi several times and had fruitful discussions about the future of homesteading on Lānaʻi. Pūlama Lānaʻi's long term vision for the island is one of sustainability, resilience and food self-sufficiency, which is synchronous with the vision of the Hawaiian Homes Commission Act. It is anticipated that there will be many opportunities for alignment of DHHL's and Pūlama Lānaʻi's goals that will ultimately serve DHHL's beneficiaries while improving the quality of life for all of Lānaʻi's residents.

Next Steps

Mainly due to the high cost and limited supply of lodging on island, the HHC has not met on Lānaʻi since August 2014. DHHL Community Meetings were held on island in November 2016 and November 2018. The Planning Office encourages the Hawaiian Homes Commission to schedule a meeting and/or site visit on Lānaʻi in 2023.

Recommendation

For information only. No action required.



MEMO

To: William J. Aila, Jr., Chairman, and
Members, Hawaiian Homes Commission
From: Keiki-Pua S. Dancil, Ph.D., SVP, Pūlama Lānaʻi
CC: Nancy McPherson, DHHL Planner
Date: September 13, 2022
Re: Annual Written Update

On September 21, 2021, Pūlama Lānaʻi and DHHL executed a Memorandum of Understanding (MOU). Item #2 of the MOU, states that Pūlama Lānaʻi agrees to provide an annual written update to the Hawaiian Homelands Commission regarding its public activities, programs, and developments.

Public Activities, Programs, and Developments (September 2021 to August 2022)	
Docket/Application Number	Status Update
A21-810 PŪLAMA LĀNAʻI - HŌKŪAO 201H HOUSING PROJECT ON LĀNAʻI	Findings of Fact, Conclusions of Law and Decision and Order, COS granting the Petition was issued on November 24, 2021. Construction has started (expected completion in 2024). We anticipate the first set of homes to be completed and awarded to community members in either Q4/22 or Q1/23. Homes will be released in tranches, always maintaining at a minimum of 51% affordable homes. Lottery to be held on Lānaʻi on November 5, 2022.
SUP 2021/0008 Land Use Special Permit (SUP2) for the Miki Basin Interim Industrial Use	The Land Use Commission Special Permit was reviewed and granted by the Lānaʻi Planning Commission on March 16, 2022. The special permit is valid until March 31, 2027.
CUP 2022/0001 Lānaʻi Farm Labor Dwellings	Maui County Special Use Permit (CUP) was issued for two farm labor dwellings located adjacent to Sensei Farms. A public hearing was held on June 15, 2022 and a letter was issued to Pūlama Lānaʻi from the Planning Department on June 22, 2022. Expiration is June 30, 2022, with the option to renew.

ITEM G-3
EXHIBIT A

Public Activities, Programs, and Developments (September 2021 to August 2022)	
Docket/Application Number	Status Update
Kō'ele Project District (CPA 2021/0001, CIZ 2021/0001, and PH1 2021/0001) Downzoning of project district, removing Golf Course, increasing Open Space and Park. Also, "housekeeping" of various maps and county code with existing land use.	<p>On January 19, 2022, the Lānaʻi Planning Commission voted to accept the Final Environmental Assessment and issue a FONSI.</p> <p>At its special meeting on September 7, 2022, the Lānaʻi Planning Commission voted to recommend the approval of the Project District Phase 1 Amendment, Community Plan Amendment, and Change of Zoning Amendment changes, additions, and deletions as reflected in the subject applications.</p> <p>Next steps:</p> <ul style="list-style-type: none"> • Ordinance will be drafted and sent to Mayor for signature and then sent to Planning and Sustainable Land Use Committee for discussion. • Once approved, sent to full Council to take action on the Community Plan Amendment. The PH1/CIZ would be held in abeyance until the District Boundary Amendment (DBA) process is complete at the Land Use Commission. • After LUC approval of the DBA, back to Council to take action on the PH1/CIZ.
A19-809 PŪLAMA LĀNAʻI – MIKI BASIN Aligning the Community Plan (Heavy and Light Industrial) with the State Land Use District (Urban).	<p>On February 16, 2022, the Land Use Commission voted to accept the Final Environmental Assessment and to authorize the Executive Officer's submittal to the Environmental Review Program.</p> <p>On June 7, 2022, Pūlama Lānaʻi submitted a District Boundary Amendment application to the Land Use Commission.</p> <ul style="list-style-type: none"> • County of Maui Planning Department submitted its Position Statement and COS on September 2, 2022 in support. • Office of Planning and Sustainable Development submitted its Position Statement and COS on August 18, 2022 in support with conditions. <p>Next steps:</p> <ul style="list-style-type: none"> • Pūlama Lānaʻi anticipates a public hearing for the DBA later this year. • After reclassification of the land from Ag to Urban District, Pūlama Lānaʻi will need to apply for a CIZ.
Well 7	Construction has started to bring Well #7 online to increase capacity and resilience to the Lānaʻi City distribution grid.

Kuahiwi A Kai: Lānaʻi Watershed Conservation Program	<p>The Kuahiwi a Kai Program presents an unparalleled opportunity to demonstrate the benefits of a landscape-level watershed approach to sustainable land management and community stewardship in Hawaiʻi.</p> <p>Over the past 150 years, overgrazing and mismanagement of introduced ungulates has led to unnatural erosion patterns on the island of Lānaʻi. Excessive erosion within the Kuahiwi a Kai Program boundaries continues to destroy terrestrial habitats essential to native flora and fauna, bury historic cultural sites near the coast, and smother the island’s coral reefs and white sand beaches with sediment. Overgrazing has also led to an invasion of non-native plants that further degrade native habitats and alter watershed hydrology.</p> <p>To address these issues, the Kuahiwi a Kai Program takes a comprehensive, landscape scale, approach to land management to achieve the following goals:</p> <ul style="list-style-type: none"> • Reduce sediment run-off to nearshore reefs • Restore native vegetation to improve watershed health • Protect and enhance populations of endangered and endemic species • Improve habitat and predator management for Hawaiian petrel ('ua'u) • Improve the quality of the landscape for the local community and visitors through preservation of nearshore resources, beaches, and cultural sites • Increase community conservation ethic and involvement in landscape protection efforts <p>The recent slate of grantees were announced in July 2021, with the anticipation that the program would continue through December 2022.</p> <p>Included as Exhibits A is a summary of the awards made to date and a description of the funded projects in the Kuahiwi a Kai program.</p> <p>Pūlama Lānaʻi has committed ~\$1.4M to date to the program.</p>
<p>Educational Programs</p>	<p>In the year 2021, Pūlama Lānaʻi supported the following educational programs on Lānaʻi with various donations totaling ~\$338k.</p> <ul style="list-style-type: none"> • College and career counseling at Lānaʻi High and Elementary School (LHES) • Dual Credit program at LHES in partnership with UH Maui College • John A. Burns School of Medicine, second year medical student rural medicine training on Lānaʻi • Hawaiʻi Kids Can program support
<p>Healthcare Programs</p>	<p>Through a donation to Lānaʻi Community Hospital, Pūlama Lānaʻi provided ~\$1.7M to cover the expenses for the acquisition, construction and installation for a CT scanner. The CT scanner will offer new diagnostic applications that currently do not exist on the island of Lānaʻi.</p>



NFWF

Conservation on the Island of Lānaʻi

NFWF CONTACTS

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PARTNERS



ABOUT NFWF

Chartered by Congress in 1984, the National Fish and Wildlife Foundation (NFWF) protects and restores the nation's fish, wildlife, plants and habitats.

Working with federal, corporate and individual partners, NFWF has funded more than 5,000 organizations and generated a total conservation impact of \$6.1 billion.

Learn more at www.nfwf.org

NATIONAL HEADQUARTERS

1133 15th Street, NW

Suite 1000

Washington, DC 20005

202-857-0166



Aerial view of Lānaʻi | credit: Joe West

OVERVIEW

In 2019, the National Fish and Wildlife Foundation (NFWF) and Pūlama Lānaʻi established the Kuahiwi a Kai: Lānaʻi Watershed Conservation Program to strategically preserve and enhance Lānaʻi's unique natural and cultural resources from mauka to makai (from the top of the mountain down to the ocean), while encouraging community engagement and shared stewardship. Awarded projects on Lānaʻi take a comprehensive approach to land management to achieve the goals of the program.

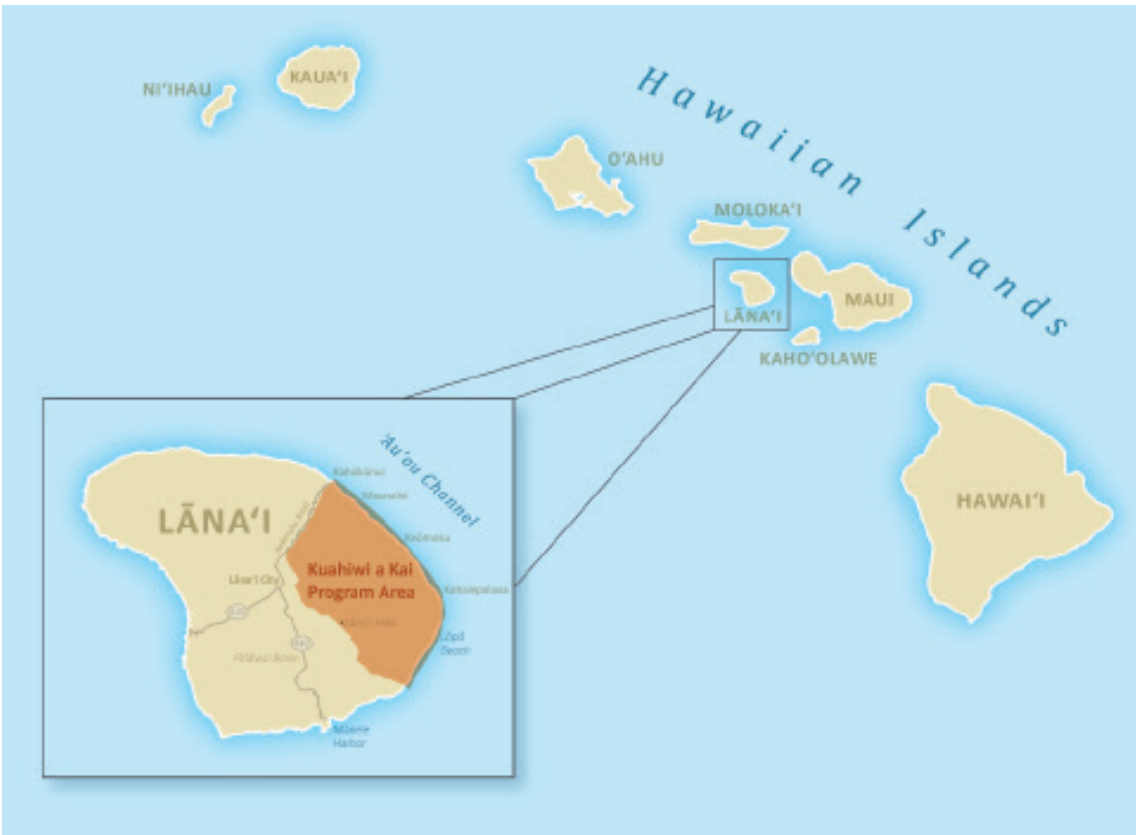
GOALS AND OBJECTIVES

The goals of the Kuahiwi a Kai Program are to:

- Reduce sediment run-off to nearshore reefs
- Restore native vegetation to improve watershed health
- Protect and enhance populations of endangered and endemic species
- Improve habitat and predator management for Hawaiian petrel (ʻuaʻu)
- Improve the quality of the landscape for the local community and visitors through preservation of nearshore resources, beaches, and cultural sites
- Increase community conservation ethic and involvement in landscape protection efforts

To date, the Kuahiwi a Kai Program with additional support from other NFWF partnerships, awarded eleven grants totaling \$1,396,254. These projects have generated \$1,553,041 in grantee matching funds, providing a total conservation impact of \$2,949,295 on Lānaʻi.

(continued)



Lānaʻi tree snail

Conservation on Lānaʻi: Project Highlights

KUAHIWI A KAI GRANTS

The Kuahiwi a Kai Program takes a landscape-level approach to preserve and enhance Lānaʻi’s unique natural and cultural resources from mauka to makai.

Ungulate Fencing Assessment and Feasibility Study on Northeast Lānaʻi

Grantee: Pono Pacific Land Management
Grant Amount:\$19,017
Matching Funds:\$20,000
Total Project Amount:\$39,017
Identify, map, and provide cost estimates and implementation plans for ungulate fencing alignments along the northern and southern borders of the program area, as well as interior fencing options on northeast Lānaʻi, Hawaiʻi. This project will assist in prioritizing fence implementation locations and provide conservation recommendations for ungulate monitoring and control strategies.

Program Area on Lānaʻi for the management of invasive axis deer and mouflon sheep populations. This project will begin installation of invasive ungulate-proof fencing in preparation for future successful ungulate control to improve watershed conditions and protect native habitats.

Installation of Landscape-scale Ungulate Fencing on Lānaʻi

Grantee: Pono Pacific Land Management
Program Funding: \$249,347
Grantee Match: \$126,800
Total Investment: \$376,147
Install the first line of ungulate control fencing mauka to makai (mountain to ocean) to enclose the core of the Kuahiwi a Kai



Hauola Ridge

(continued)

Lānaʻi Community Stewardship through Game Management

Grantee: Lānaʻi Culture & Heritage Center

Program Funding:\$95,720

Grantee Match:\$173,100

Total Investment:\$268,820

Develop and implement a community-based program centered around hunting as stewardship on Lānaʻi, Hawaiʻi. Project will include opportunities for residents to participate in active game management of invasive ungulates, and in workshops and trainings that steward the unique bio-cultural landscape within the Kuahiwi a Kai program area.

Light Detection and Ranging (LIDAR) Mapping and Sedimentation Evaluation on Lānaʻi

Grantee: U.S. Geological Survey

Program Funding:\$149,868

Grantee Match:\$155,000

Total Investment:\$304,868

Map, model, and monitor sources of fine-sediment pollution from the ridgelines down to the shoreline on northeast Lānaʻi, Hawaiʻi. This project will collect high-quality airborne LIDAR data, conduct infiltration tests, and install erosion pin monitoring sites to identify sedimentation hotspots to inform management decisions on priority fence alignments, ungulate population control, and re-vegetation efforts.

Mapping Native and Non-Native Vegetation Communities on Lānaʻi

Grantee: U.S. Geological Survey

Program Funding:\$115,616

Grantee Match:\$97,120

Total Investment:\$212,736

Develop vegetation classification maps and conduct a vegetation change analysis of the Program Area on Lānaʻi using high-resolution spatial imagery, historical data, and on-the-ground data samples. This project will inform land managers on areas of recent and rapid invasive species encroachment, and inform priority locations for future Hawaiian petrel (ʻuaʻu) habitat conservation and restoration efforts.

Review of Hawaiian Petrel Reproductive Success Monitoring on the Island of Lānaʻi

Grantee: Zoological Society of San Diego

Program Funding:\$41,143

Grantee Match:\$29,148

Total Investment:\$70,291

Develop a monitoring plan for Hawaiian petrels (ʻuaʻu) on Lānaʻi, Hawaiʻi. This project will improve efficiency and ensure a robust sampling strategy for detecting changes in reproductive success and report on the effectiveness of species-specific conservation measures, including predator control and habitat restoration.

Coral Reef and Nearshore Water Quality Assessment and Mapping on Northeast Lānaʻi

Grantee: The Nature Conservancy

Program Funding:\$71,433

Grantee Match:\$71,433

Total Investment:\$142,866

Establish a baseline of the nearshore fish and coral communities along the northeast coast of Lānaʻi, Hawaiʻi to inform local watershed mitigation activities and support the State of Hawaiʻi's goals to establish 30% of nearshore waters as marine management areas by 2030. This project will collect benthic, fish, and nearshore water quality data and establish sedimentation flow patterns that will inform recommendations for a long-term monitoring plan.

Community Engagement Building and Water Quality Monitoring on Lānaʻi

Grantee: University of Hawaiʻi Office of Research Services

Program Funding:\$48,889

Grantee Match:\$54,000

Total Investment:\$102,889

Engage the community by hosting workshops to facilitate the building, deployment, and monitoring of low-cost real-time water sensors to track rainfall, surface water levels through stream gauges, and nearshore water levels through tide gauges at two strategic coastal sites on northeast Lānaʻi, Hawaiʻi. This project will establish, support, and enhance community participation from local students, teachers, conservation organizations, and



Hidden-petaled abutilon

(continued)

interested citizen scientists to fill data gaps to inform future management decisions and track program impacts.

Nā Maka Nou: Engaging Community and Island Stewardship Through Video Documentaries on Lānaʻi

Grantee: Kekulamamo
Program Funding:\$64,219
Grantee Match: \$102,440
Total Investment: \$166,659
Capture and present stories of Lānaʻi’s people, their historical interactions with the land, and lessons learned to communicate the current conservation needs on the island and encourage community stewardship. This project will support student interns to develop various videos documenting the progress of the Kuahiwi a Kai program, as well as the history, human impact, and environmental threats to the watershed and native species.



Predator-proof fence under construction

ADDITIONAL PROJECTS

The following projects were funded through other NFWF programs in support of core objectives for ‘ua’u and coral conservation on Lānaʻi.

Construction of a Predator-proof Fence for Hawaiian Petrel (‘ua’u) on the Island of Lānaʻi

Grantee: Pūlama Lānaʻi
Grant Amount:\$450,002
Matching Funds:\$634,000
Total Project Amount: \$1,084,002
Construct a fully predator-proof fence around approximately 85 acres of nesting habitat supporting Hawaiian petrels (‘ua’u) on the Island of Lānaʻi, Hawaiʻi. This project will result in the largest predator-proof fence outside of New Zealand, protect more than 40 percent of the known ‘ua’u burrows on Lānaʻi, and support continued monitoring and additional predator control in adjacent unfenced colonies.

Coral Reef 3D Remote Sensing Imagery Using NASA’s FluidCam and MiDAR on Lānaʻi

Grantee: University of Miami
Program Funding: \$61,723
Grantee Match: \$145,000
Total Project Amount:.....\$206,723
Conduct an airborne field campaign using NASA’s FluidCam and MiDAR technology to provide 3D remote sensing imagery of focal coral reef systems on Lānaʻi. This project will provide state of the art high-resolution imaging of the reef ecosystem and utilize NASA’s NeMO-Net game, a new online machine learning application, to engage Lānaʻi’s community in mapping baseline reef conditions to measure nearshore conservation management impacts.



Hawaiian Petrel (‘ua’u)

Reducing Land-based Sources of Pollution on Lānaʻi

Grantee: Ridge to Reefs
Grant Amount: \$91,000
Matching Funds: \$90,000
Total Project Amount:\$181,000
Implement sediment and nutrient reducing practices to decrease run-off on the northeast reef tract of Lānaʻi. This project will work with management and local partners on Lānaʻi to install green infrastructure and utilize nature-based solutions, such as vetiver grass sediment traps combined with native plants and soil amendments, to stabilize sediment source areas.

MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into as of September 20, 2021 by and between **LĀNA‘I RESORTS, LLC**, a Hawai‘i limited liability company, dba **PŪLAMA LĀNA‘I** (“**Pūlama Lāna‘i**”), and **DEPARTMENT OF HAWAIIAN HOMELANDS** (“**DHHL**” and together the “**Parties**”).

RECITALS

A. WHEREAS, Pūlama Lāna‘i intends to file a Petition to Amend the Agriculture Land Use District Boundaries to the Urban Land Use District for approximately 56.436 acres of land, consisting of a portion of Tax Map Key (“**TMK**”) No. (2) 4-9-002:061 (por.), (2) 4-9-014:001 (por.) and (2) 4-9-014:009 (por.), located in Lāna‘i City, Island of Lāna‘i, County of Maui, State of Hawai‘i (“**DBA**”), to facilitate the Hōkūao 201H Affordable Housing Project (“**Hōkūao**”), which proposes the construction of 150 residential units.

B. DHHL owns property approximately 850 feet away from Hōkūao, which includes fifty-one residential homestead lots identified as TMK Nos. (2) 4-9-024:001 through 051.

C. WHEREAS, DHHL has interest in developing its planned homestead project located on TMK No. (2) 4-9-024:051 and containing approximately 33.31 acres for seventy-nine (79) residential homestead lots and a five (5) acre community use area (“**DHHL Future Residential Project**”).

D. WHEREAS, on September 3, 2021, DHHL filed a Petition to Intervene in Pūlama Lāna‘i’s Petition for Land Use Boundary Amendment proceeding before the Land Use Commission (“**Commission**”).

E. WHEREAS, DHHL supports Hōkūao due to its ability to complement other residential housing projects, such as the proposed Lāna‘i City Maui County Affordable Housing Project and the DHHL Future Residential Project.

F. WHEREAS, The Parties desire to enter into this MOU to memorialize their mutual understanding and intent.

NOW, THEREFORE, this MOU sets forth the mutual promises, covenants and agreements of the parties:

1. Future Pro Rata Contribution by Pūlama Lāna‘i for Certain Infrastructure and Annual Written Progress Reports.

If DHHL is required to develop or fund the development of water infrastructure improvements for the DHHL Future Residential Project because Hōkūao has depleted the currently available capacity of the existing water infrastructure, Pūlama Lāna‘i will pay a pro rata share for such improvements for all costs actually incurred and paid by DHHL.

If DHHL is required to develop or fund the development of wastewater infrastructure improvements for the DHHL Future Residential Project because Hōkūao has depleted the

currently available capacity of the existing wastewater infrastructure, Pūlama Lānaʻi will pay a pro rata share for such improvements for all costs actually incurred and paid by DHHL.

This term will expire on December 31, 2036, if by that time the DHHL Future Residential Project (1) has not been initiated with metes and bounds and (2) water and wastewater connections have not been completed. DHHL agrees to provide Pūlama Lānaʻi with annual written progress reports regarding the DHHL Future Residential Project for the period from December 31, 2021 through December 31, 2036.

2. Annual Written Update.

Pūlama Lānaʻi agrees to provide an annual written update to the Hawaiian Homes Commission regarding its public activities, programs and developments.

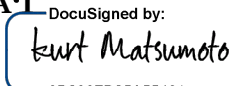
This term will commence on January 1, 2022 and expire on December 31, 2036.

3. DHHL Withdraws Petition to Intervene and Supports DBA.

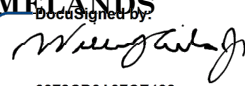
DHHL agrees to withdraw its Petition to Intervene in the Hōkūao DBA and will submit a statement in support of the Hōkūao DBA to the Commission on or before September 20, 2021.

Dated as of this 20th day of September, 2021.

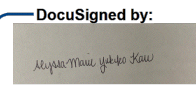
PŪLAMA LĀNAʻI, LLC, dba PŪLAMA LĀNAʻI

DocuSigned by:

By: 8D236FD25A55461...
Kurt Matsumoto
Its President

DEPARTMENT OF HAWAIIAN HOMELANDS

DocuSigned by:

By: 6872CD9A97CE482...
William J. Aila, Jr.
Its Director

APPROVED AS TO FORM:

DocuSigned by:

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Alyssa-Marie Y. Kau
Deputy Attorney General for
Department of Hawaiian Home
Lands

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 19 - 20, 2022

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

I. RECOMMENDED MOTION/ ACTION

None; for information only.

II. INTRODUCTION

This submittal to the Hawaiian Homes Commission ("HHC") provides an update of water issues and projects of significance to beneficiaries and the Department of Hawaiian Home Lands ("DHHL") on the island of Maui. It is submitted in furtherance of the HHC Water Policy Plan (WPP) Goal 1, to "Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights on a regional and annual basis.

A number of water related matters are proceeding across the island of Maui. Some water matters will be addressed in other reports to the HHC and community. This submittal focuses on two significant pending matters: III. Initial Commission on Water Resource Management (CWRM) consideration of a water reservation for Kēōkea-Waiohuli (Upcountry) and Pūlehunui related to the East Maui Irrigation System and IV. Designation of West Maui Surface and Ground Water Management Area by CWRM and implications for DHHL.

III. SEPTEMBER CWRM CONSIDERATION OF DHHL RESERVATION REQUESTS
RELATED TO THE EAST MAUI IRRIGATION (EMI) SYSTEM

DHHL water reservations made by the CWRM are an important policy tool available to protect DHHL, HHC, and beneficiary water rights. Additional Goal 6 of the HHC Water Policy Plan is to "Secure adequate and enforceable reservations of water for

current and foreseeable future needs for all of its lands across the islands." This section briefly reviews what water reservations are and are not and then reviews the pending CWRM consideration of our request related to the EMI system.

What are water reservations?

Water can be "reserved" - held and not allocated to other users - by the CWRM, implementing its powers under the state Water Code, HRS 174C. It can take years between the HHC determining a proposed use of land and the land being developed for that use, due primarily to the lack of capital funds needed for development. Absent water reservations, other competing public and private sector developers could develop all the available water in an area, either precluding DHHL development or significantly increasing the costs of water development.

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

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

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

The actions that trigger CWRM consideration of DHHL water reservation needs vary. The state water code (HRS 174C) in section 101(a) requires that: "Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect

adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act."

Beyond this expansive provision, HRS 171-58, which governs the issuance of water leases by the state, specifies in part (g) that "Any lease of water rights or renewal shall be subject to the rights of the department of Hawaiian home lands as provided by section 221 of the Hawaiian Homes Commission Act." In the case of the EMI system requests, DHHL's reservation consideration is triggered by the current owners of EMI seeking a long-term lease of water.

Limits to reservations

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

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

Existing water reservations on Maui Island

Existing water reservations for Maui are described in Table 1, below. All existing reservations were made outside of WMAs on Maui; the reservations for West Maui areas now designated will have to be also adopted by rule, discussed further below.

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

Table 1. Existing DHHL water reservations on Maui

Pending water reservations related to the East Maui Irrigation System

On December 16, 2020, following HHC action including approval of a Beneficiary Consultation Report on the same issue, DHHL submitted a reservation petition to CWRM for waters related to East Maui Irrigation System. That Petition for Reservation was for 11,177,500 gallons per day ("gpd") originating from the watersheds of East Maui and diverted by the East Maui Irrigation ("EMI") system for the current and foreseeable development and use of the Pūlehunui and Kēōkea-Waiohuli Hawaiian Home Lands, under the State Water Code.

At their August 2022 meeting, CWRM heard a briefing from their surface water branch staff member Dr. Ayron Strauch on an [Analysis of Non-instream Uses Relying on Water from East Maui Streams](#). In the recording of their meeting, It begins at about 2:08:30 here: <https://youtu.be/zLomIZJlIiQ> and lasts to 4:11 or so. While the detailed presentation and its associated submittal contains extensive significant information, we highlight two key observations here:

- During the contested case over the 2001 Petition regarding east Maui water decided in 2018, CWRM estimated there was at mean flow about 103 million gallons a day (mgd) available for off stream uses after meeting in stream needs
 - Using updated data on available water, they now estimate only around 58 mgd is available.

- DHHL's reservation request was based on HHC designated land uses and standard water demands, and totaled 11.17 mgd, of which 9.85 mgd is for upcountry (specifically Keokea and Waiohuli) and the remainder (1.328 mgd) for Pūlehunui
 - o Utilizing their own irrigation estimation software, CWRM suggest 7.87 mgd is needed for upcountry and 2.943 mgd for Pūlehunui

CWRM should be considering a specific information briefing on the reservation request this month, the same day as the second HHC meeting day (September 20). Testimony will be offered from the Chairman and should be supported by beneficiary testimony. DHHL conducted training previously for Maui beneficiaries on this issue in partnership with Ka Huli Ao.

IV. WEST MAUI SURFACE AND GROUND WATER DESIGNATION AND IMPLICATIONS FOR DHHL

In June of 2022, CWRM designated the Lahaina Aquifer Sector Area as both a Surface Water and Ground Water Management Area including the Honokōhau, Honolulu, Honokahua, Kahana, Honokōwai, Wahikuli, Kahoma, Kaua'ula, Launiupoko, Olowalu, Ukumehame Surface Water Hydrologic Units and the Honokōhau, Honolulu, Honokōwai, Launiupoko, Olowalu, and Ukumehame Groundwater Hydrologic Units. This action, which DHHL testified on and participated in since its initiation in 2021, will have implications for DHHL water needs and uses going forward. We highlight three in particular here:

- As noted above, water reservations in WMAs are to be made by rule. Because of this rule making requirement as well as the permitting requirements in WMAs - which require that all water use permits are subject to the rights of DHHL - the protection of DHHL water rights are more robust in WMAs. DHHL expects to work with CWRM over the coming year to convert our existing reservations to rule based reservations for this area.
- The County of Maui will need to secure Water Use Permits for wells under its control. DHHL and or the County working together will have to secure Water Use Permits for wells in process that DHHL is developing for dedication to the County.

- The combined effects of our reservations and designation in conjunction with County ongoing efforts to reuse treated waste water at Honokowai should further assist the Department in securing water necessary for its agricultural and other non-potable needs in the area.

V. RECOMMENDED MOTION/ACTION:

None; for information only.

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

September 19-20, 2022

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Planning Program Manager
From: Julie-Ann Cachola, Planner
Subject: For Information Only - Draft Kuleana Homestead Program
Procedures and Considerations

Recommended Action

For information only. No action required.

Discussion

Exhibit A, a copy of the Power Point presentation, provides a detailed overview:

1. The Mo'okū'auhau of the Kuleana Homestead Program
2. Proposed Kuleana Homestead Program Implementation Process
3. Outstanding Issues for Discussion

Recommendation

For information only. No action required.



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

Kuleana Homestead Program – Draft Procedures and Policy Considerations

September 19-20, 2022

DEPARTMENT OF HAWAIIAN HOME LANDS – PLANNING OFFICE



Scope of Information

I. Purpose for Presentation

Share draft program/procedure, highlight policy issues, get HHC input

II. Mo'okū'auhau of the Kuleana Homestead Program

1. 1983 Federal-State Task Force on the HHCA—Alternative Development Models
2. 1986 The King's Landing Initiative v. 1.0
3. 1992 The Kahikinui Initiative v. 2.0
4. 1998 Kuleana Homestead Program Administrative Rules
5. 1999 Kahikinui Pastoral Kuleana Homestead Leases—Lessons Learned

III. Implementing the Kuleana Homestead Program

1. Development Pipeline of Kuleana Homesteads
2. Kuleana Programmatic Goals
3. Proposed Implementation Phases and Activities

IV. Outstanding Issues for Discussion

Issues and Policy Questions for HHC discussion



History/Genealogy of the Kuleana Program

YEAR	INNOVATOR	DOCUMENTATION	MAJOR CONTRIBUTIONS
1983	Federal-State Task Force on the HHCA	Report	<ul style="list-style-type: none">Task Force appointed by Gov and Sec. of Interior to do a comprehensive review of every facet of the Hawaiian Homes Commission Act to make recommendations on ways to accelerate the distribution of benefits to beneficiaries.DHHL can accelerate distribution of homestead awards through “Alternative Development Models (ADMs)”ADMs are intended to broaden the range of options for beneficiaries, and they are designed to reduce development costs for DHHLComponents of development are modified and/or combined to create alternatives, including level of land improvements, types of housing, types and levels of financing, and the level of beneficiary participation in development.Recommended development of prototypes or pilot programs for various alternatives
1987 v. 1.0	Mālama Ka ‘Āina, Hana Ka ‘Āina, Kelī‘i Skippy Ioane	Subsistence Homesteads: A Community Management Plan for DHHL, Keaukaha Tract II	<ul style="list-style-type: none">Beneficiary initiative to place beneficiaries on the land when their bodies and minds can work the land and build a house vs. Waiting on a listIdentifies management guidelines for settling on the land, building a house, growing crops, raising animals, managing anchialine pond resourcesDefines role and function of community association.Develops a “Kanaka Code” as an affordable alternative to the Uniform Building Code that identify development benchmarks over time to ensure compliance and to accommodate the incremental nature of financing for those who cannot qualify for or don't want to take on a conventional 30-year home loan
1992 v. 2.0	Ka ‘Ohana O Kahikinui, Mo Moler	Kahikinui Conceptual Land Use Plan	<ul style="list-style-type: none">Beneficiary homesteading alternative that allowed immediate access to land and off-grid services utilizing a large tract of land (75% of HHLs on Maui) consistent with the purposes of the HHCABeneficiary initiative that addressed resource management issues caused by DHHL's practice of general leasing thousands of acres to a private entity for ranching purposes which were destroying the native forest and its watershed functions

DEPARTMENT OF HAWAIIAN HOME LANDS – PLANNING OFFICE



History/Genealogy of the Kuleana Program

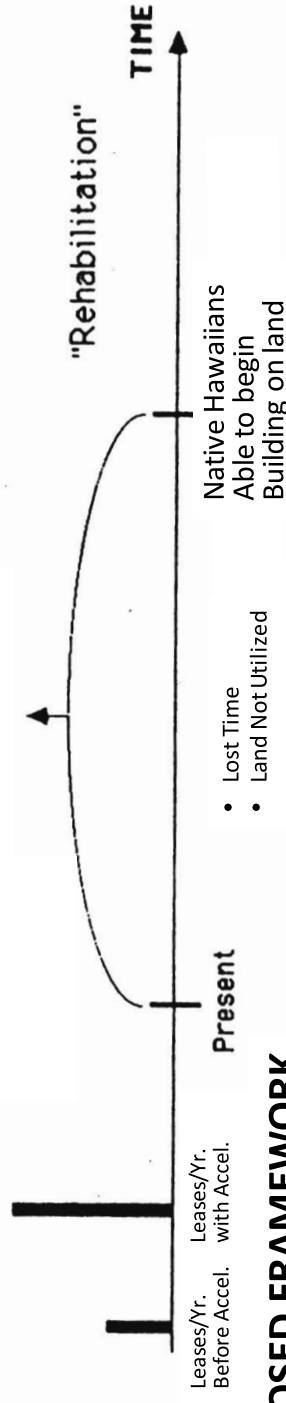
YEAR	INNOVATOR	DOCUMENTATION	MAJOR CONTRIBUTIONS
1993	Task Force created by Chairman, Gov, and OSP	Proposal for Expanding DHHL's Programs, Task Force Report to DHHL	<ul style="list-style-type: none">• Recommended a new homesteading program that responded to increasing beneficiary requests for raw land. It moved away from paternalism toward greater empowerment of beneficiaries. It offered beneficiaries an opportunity to settle on the land more quickly and allowed beneficiaries to take more control over the pace and settlement of the land—they would enjoy greater freedoms but would accept greater responsibilities.• Applied the concept of traditional kuleana land awards given in the 1850s that carried with it the responsibility to respect and care for the land. In return for wise stewardship, the land provided sustenance and well-being to its occupants. This sense of responsibility-- both to the land, and to those who share in use of the land -- was the guiding principle for the “Kuleana Hou” award.• Kuleana homesteads were envisioned as undeveloped parcels supported with minimal roadways to ensure access by homesteaders and emergency vehicles including fire, ambulance, and police services.• Initially, basic needs would be provided using temporary measures:<ul style="list-style-type: none">--Homesteaders will need to carry potable water to individual Kuleana lots.--Electricity would be provided via generators, or alternative energy sources.--Sewage would be handled via portable septic systems.--Communications would be handled via cellular telephones or radios.• Development of permanent infrastructure could be handled through cooperatives, improvement associations, or by working with the county to equitably share costs, maximize economies of scale, and maintain services.
1998 v. 3.0	DHHL	Kuleana Homestead Program Administrative Rules	
1999 v. 3.0	DHHL	Kahikinui Pastoral Kuleana Homestead Lease	



KING'S LANDING CONCEPTUAL FRAMEWORK

EXISTING SYSTEM

- Generate Income
- Develop Infrastructure



PROPOSED FRAMEWORK

Phase I

CONVENTIONAL LIFESTYLE

- Desire
- Motivation
- Commitment

CONVENTIONAL LIFESTYLE

- Wait List

Phase II

TRANSITION

Phase III

SELF-SUFFICIENT LIFESTYLE

"Rehabilitation"

SELF-SUFFICIENT LIFESTYLE

TIME

Lease Issued/
Toilet Built

Tent/Platform

Roof/Water
Catchment

Integration
Into economic
Development
Activities

YEAR:

1

2

4

Getting indiv. Native
Hawaiians on land

Comm. Econ. Dev. Activities



Kuleana Homestead Lease Conceptual Framework

CONVENTIONAL LEASE

- DEPARTMENT REQUIREMENTS:
- Generate/Allocate funding
 - Develop Infrastructure
 - Meet Subdivision Requirements
 - Contract Developer
 - Developer builds homes to code

Average Wait Time=23 years

Time

Applicant
on Waitlist

BENEFICIARY OPPORTUNITY COSTS:

- Lost Time; Beneficiary ages Average Age on Waitlist is 61
- Land not Utilized

"Rehabilitation"

Begins

Applicants that secure home
loans are placed on the land
others continue to wait

KULEANA LEASE

DEPARTMENT REQUIREMENTS:

- Settlement Plan/EA
- Metes and bounds for lots
- Unpaved right-of-way to lots

Time

Applicant
on Waitlist

"Rehabilitation"

Begins

Lessee on
the Land

- Beneficiary access to land while body/mind can build home, grow crops
- Community management responsibilities
- Community economic development



Kuleana Homestead Program Administrative Rules

§10-3-30, Hawai'i Administrative Rules (1998)

1. **PURPOSE:** A homesteading program for settlement on unimproved available HHLs.
2. **DEFINES ROLES AND RESPONSIBILITIES:**
 - HHC: selects the site, selects the Wait List(s), approves the Settlement Plan, and approves the Building and Zoning codes, permits and permitting process
 - DHHL: works with applicants to develop the Kuleana “Settlement Plan;” DHHL constructs an unpaved right-of-way to the lots; and provides a metes and bounds description of the lots
 - APPLICANTS/LESSEE: accepts the lot ‘as is;’ participates in the homestead association; complies with association rules; and helps to maintain unpaved access to the lots.
3. **SPECIFIC GUIDANCE ON KEY PROGRAMMATIC ELEMENTS:**
 - Site Selection
 - Settlement Plan
 - Association Building/Safety Codes, Zoning, Permits, and Permitting Process.



Kuleana Homestead Program Administrative Rules

SITE SELECTION

- Physical/environmental characteristics
- Excessive cost to develop the land
- Distance from electrical, water, wastewater, and communications utilities
- DHHL's land management plans and programs
- Applicant interest/proposal identifying the site
- Suitability for Kuleana program: immediate access, unimproved lot, supports subsistence uses

SETTLEMENT PLAN

- Location and description
- Size and number of lots
- Location of community center and common areas
- Proposals for community management and economic development of adjacent trust lands, if applicable
- Plan to identify, protect, and preserve significant historical, archaeological, and biological sites
- Settlement timetable after lots are awarded

ASSOCIATION'S BUILDING/SAFETY CODES, ZONING, PERMITS, PERMITTING PROCESS

- Kuleana lessee subject to all applicable state codes, county ordinances, and departmental rules and policies governing land use, building, health, and safety unless and until the kuleana homestead association's building, health, and safety codes and permitting process become effective for that particular tract.
- The association, in consultation with a licensed architect, registered in the State, may develop, adopt, and enforce its own zoning, building, and permitting process on the condition that standards contained in state health codes and health and safety sections and provisions contained in the Uniform Building Code are met and that a licensed architect, registered in the State, is willing to certify all building plans as part of the community developed permitting process.
- HHC approval required.



Kahikinui Pastoral Kuleana Leases—Lessons Learned

Strengths

1. Program designed by Lessees--Good example of DHHL responding to beneficiaries
2. They didn't have to wait as long as traditional lessees to get Kuleana lease.
3. They didn't have to buy a house that was out of their financial reach. They could start small and build out their property over time.
4. Residents feel they have a lot more independence.

Weaknesses

1. Their homestead lease included not only managing their lot, but they also had communal responsibilities to manage a much larger area (forest, historic sites, wildfire prevention, feral ungulates)
2. There were challenges with access—the roads were insufficient given the topography and weather conditions.
3. They still have challenges of not having individual TMKs
4. Once DHHL issued the leases, DHHL didn't follow up to provide the supports they needed. They feel “abandoned” by DHHL.
5. Future challenge: how does DHHL balance beneficiary desires for independence with the realities of a situation?

Recommendations from Kahikinui

1. DHHL needs to educate applicants about the Kuleana Lease program well in advance of getting an award so they know what they're getting into.
2. DHHL needs to provide lessees funding or create affordable loan packages.
3. After the award, lessees could have used technical assistance and funding for renewable energy, water systems, waste disposal, and economic development.
4. While DHHL does save on time and funding in terms of development of physical infrastructure improvements, there is a trade off because DHHL needs to make more of an investment in the social and training component if we are going to have a successful kuleana homestead.



III. IMPLEMENTING THE KULEANA HOMESTEAD PROGRAM

1. Development Pipeline of Kuleana Homesteads
2. Kuleana Programmatic Goals
3. Why Would a Beneficiary Want a Kuleana Lease?
4. Why would DHHL Support Kuleana Homesteading?
5. Proposed Implementation Phases and Activities



DEVELOPMENT PIPELINE OF KULEANA HOMESTEADS

TIMEFRAME	HOMESTEAD AREA/ISLAND	SETTLEMENT PLAN DOCUMENT	PASTORAL LOTS	SUBSISTENCE AG LOTS
May 1999	Kahikinui, Maui	<ul style="list-style-type: none">FEA/FONSI Kahikinui Kuleana Homestead Lots—30 Remaining Lots (105 lots developed minus 75 lots awarded=30 lots remaining)	30 new (+75 existing)	
July 2020	Pu'u 'Ōpae, Kaua'i	<ul style="list-style-type: none">Pu'u 'Ōpae Kuleana Homestead Special Area Plan and FEA/FONSI	11	240
June 2021	Anahola, Kaua'i	<ul style="list-style-type: none">Anahola Kuleana Homestead Settlement Plan and FEA/FONSI	14	101
Oct 2021 (in progress)	'Ualapu'e, Molokai	<ul style="list-style-type: none">'Ualapu'e Kuleana Homestead Settlement Plan and EA/FONSI	?	?
Fall 2022 (start)	Keaukaha Tract II (King's Landing), Hawai'i	<ul style="list-style-type: none">Development of King's Landing Kuleana Homestead Settlement Plan and EA	?	?
TOTALS			>130	>341



Kuleana Homestead Programmatic Goals

1. Accelerate distribution of homestead leases by providing a homestead alternative that places native Hawaiian beneficiaries on the undeveloped land when they are young enough to physically be able to actively utilize the land they have settled on.
2. Maximize the potential of DHHL's land use authority and resources in order to help beneficiaries avoid unnecessary obstacles by opening new pathways to provide homestead awards to beneficiaries who cannot qualify for conventional homestead awards or who choose not to be indebted to a financial institution for the next 30-years.
3. Minimize DHHL development costs and development time by providing minimal infrastructure and by relying on beneficiary development of individual lots.
4. Activate traditional relationships to Āina as with traditional kuleana land awards where the granting of land carries with it, the responsibility to respect and care for the land. In return for wise stewardship, the land provides sustenance, well-being, cultural connection and continuity.
5. Deepen our ancestral relationship and knowledge of 'āina, wahi pana, place-based resources and management practices that are essential to sustain life over time.
6. Strengthen the relationship between the trust and its beneficiaries and empower beneficiaries with higher levels of individual and communal responsibilities.
7. Focus on helping the beneficiary--Minimize infrastructure costs by allowing settlement of land without improvements such as electricity, water lines, sewer systems, paved roads, and other conventional "on-grid" utilities associated with urban subdivisions.



Why Would a Beneficiary Want a Kuleana Lease?

- THIS LEASE IS NOT FOR EVERYONE.
- It's designed for the beneficiary who can handle the rigors of an off-grid, subsistence living lifestyle.
- It is for those that don't want to live in a residential subdivision with 5,000 sf lots-- who want to live an alternative lifestyle, to live off-the-land, closer to nature.
- It is for those who value community. They want to live in a community that has kuleana to manage their natural and cultural resources.
- They cannot qualify for a conventional home loan, or don't want to be locked into a 30-year home loan, so they must defer homestead awards.
- They have the ability, resources, and initiative to build their own home.
- They can start small and expand their homestead over time, as their financial resources allow.



Why Would DHHL Support Kuleana Homesteading?

- Maximizes HHC authorities and exemptions in order to provide a homesteading option to ensure that all applicants can receive a homestead lease, regardless of financial capacity, credit history, capital, or collateral. Ensures that applicants are not skipped over and left to die on the Wait List.
- Provides a homesteading option that does not require beneficiaries to incur long-term financial indebtedness.
- Requires minimal infrastructure which lowers development costs and decreases time for the Dept to award homestead leases.
- Maximizes beneficiary involvement in the planning, development and management of their homestead lot and the natural and cultural resources that sustains the homestead community.
- Provides independence and freedom for beneficiaries to control the timing and extent of the development of their homestead lots, as their needs and resources require.



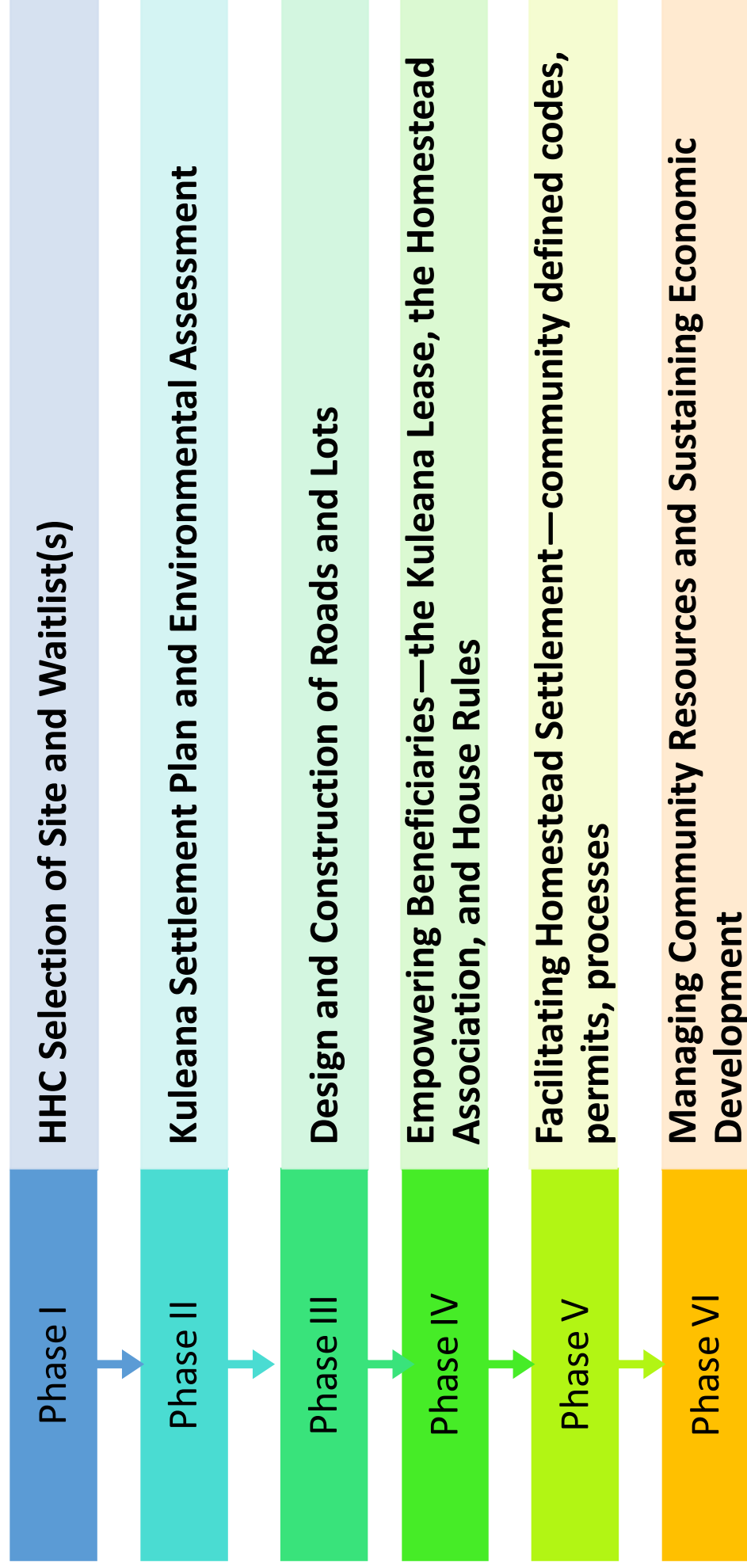
Kuleana Homestead Program Implementation

TIME-FRAME	Phase I: Identification of Kuleana Project	Phase II: Planning	Phase III: Roads and Lot Surveys	Phase IV: Offer & Award, Lease Execution, Homestead Association	Phase V: Lot Development and Homestead Settlement	Phase VI: Community Management/Economic Development
HHC	<ul style="list-style-type: none"> Identify tract/parcels for Kuleana Homesteading. Determine which wait list(s) to use. 	<ul style="list-style-type: none"> Approve Settlement Plan Note DEA/AFONSI. Approve BC report on EA/FONSI Approve FEA/FONSI. Approve budget request for engineering, design and construction of roads and the survey of lots. 		<ul style="list-style-type: none"> Approve Kuleana leases Note workshop participation rates, assn survey results. 	<ul style="list-style-type: none"> Site visit? 	<ul style="list-style-type: none"> Informed about Assn ec dev projects and progress.
DHHL	<ul style="list-style-type: none"> Kuleana designation based on land or applicant interest/proposal. Request funding to develop Settlement Plan/EA 	<ul style="list-style-type: none"> Procure and contract planning firm. Develop Kuleana Homestead Settlement Plan Secure current Topo map Develop Environmental Assessment/FONSI Identify Rough Order of Magnitude (ROM) estimates for engineering, design and construction of 'rural' roads and the survey of lots. 	<ul style="list-style-type: none"> Engineer and Design 'rural' roads Complete Metes and Bounds Survey of lots. **File Plat map with county; county issue TMIs 	<ul style="list-style-type: none"> Construct 'rural' roads Conduct formal Orientation Session and Lot Selection to award all lots. Monitor Opt In/Out with community documents and formation of homestead association (what conditions should be in lease – parking lot) 	<ul style="list-style-type: none"> Association training and grant writing support for lessee infrastructure (water catchment, compost toilets, solar/wind, battery bank). 	<ul style="list-style-type: none"> Ongoing monitoring and support
**DHHL Educational Support	<ul style="list-style-type: none"> Develop Kuleana Homestead Lease FAQs, educational workshop series, curriculum, and videos. 	<ul style="list-style-type: none"> Develop initial outreach and Kuleana 101 workshop, the basics, pros and cons of Kuleana. Complete production of Kuleana homestead educational workshop series. 	<ul style="list-style-type: none"> Develop workshop material for Homestead association – Bylaws, Articles, Survey, [responsibilities per HARS, relationship of lessee to assn, assn to DHHL, assn to HHC, assn to community, etc.] 	<ul style="list-style-type: none"> Develop Kuleana Homestead lot development and infrastructure workshops Develop Subject-matter workshops (ag/pastoral) 	<ul style="list-style-type: none"> Assist in activating Assn Design Committee (community code in lieu of county building code) 	<ul style="list-style-type: none"> Ongoing support (what level of support – parking lot)
INTERESTED APPLICANTS	<ul style="list-style-type: none"> (optional) A group of applicants can express interest or present a proposal for Kuleana homesteading. 	<ul style="list-style-type: none"> Applicants on selected Waitlist(s) are invited to participate in the Planning Process Applicants on remaining Waitlist(s) and Lessees are informed about the Kuleana Homestead Settlement Plan and EA/FONSI during Beneficiary Consultation meetings. Applicants begin the Kuleana workshop series. 	<ul style="list-style-type: none"> Complete online kuleana educational workshops. (parking lot) (need to communicate rules and regulations that they have to comply with like DOH; minimum requirements) (would be valuable to involve successors) 	<ul style="list-style-type: none"> Complete online kuleana educational workshops on homestead association Complete online survey regarding Assn Bylaws, Articles of Incorporation, House Rules, etc. Opt in or out. 	<ul style="list-style-type: none"> Complete Kuleana Homestead Workshops (Can we consider having the beneficiary complete this before lease signing?) Complete Subject-matter workshops (how-to workshops). Participate in Assn training workshops 	<ul style="list-style-type: none"> Participation in Assn community work days and Assn projects. (Educate successors and new lessees with basic kuleana lease workshop)

◆ = From Kuleana Administrative Rules §10-3-30, HARS
 ** = Requires a policy call on what DHHL will support.



Implementation Phases and Activities





Phase I: HHC Selection of Site and Waitlist(s)

Site Selection

BASED ON LAND ASSESSMENT

Unimproved Available Hawaiian
Home Lands

or

BASED ON APPLICANT INTEREST

A group of applicants can express
interest or present a proposal for
Kuleana homesteading

§10-3-30(c) **The Commission's decision to use a tract for Kuleana homestead lots, shall consider:**

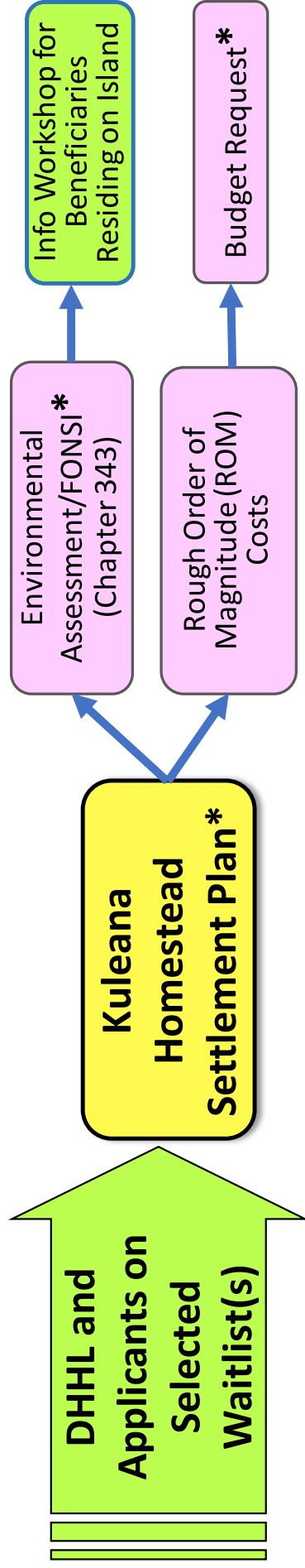
- Physical and environmental characteristics of the land;
- Excessive cost to develop the tract;
- Distance from existing utilities;
- Existing DHHL land management plans and programs;
- Applicant interest or proposals identifying tracts of land; and
- Suitability for use by lessees who wish immediate access to the land for subsistence uses and who are willing to live on the land and accept an unimproved lot.

Waitlist Selection

The Commission determines which homestead wait list, or which combinations of wait lists, should be used to make Kuleana Lease awards.



Phase II: Kuleana Settlement Plan and EA



Kuleana Settlement Plan Content-- HARS §10-3-30(e)

1. Location and description of land;
2. Size and number of lots;
3. Community center and common areas;
4. Proposals for community management and economic development of adjacent DHHL lands;
5. Plan for the identification, protection and preservation of significant historical, archaeological, and biological sites; and
6. Settlement timetable to commence after the award of the lots.

* HHC Approval Required for:

- Kuleana Settlement Plan
- Final Environmental Assessment/Finding of No Significant Impact
- Budget request for engineering, design and construction of roads and the survey of lots.



Phase III: Design and Construction

1 *Homestead Roads*

- Engineer and design “rural” roads, unpaved right-of-way to each awarded lot
- Swales to manage drainage?

2 *Individual Lots*

- Survey lots
- Identify metes and bounds descriptions for each lot
- File Plat map with county; county issues TMKs

3 *Secure County Support and Services*

- Secure County support of kuleana program, rural standards and individual off-grid utilities
- Issue maps to coordinate county services (fire, ambulance, police) for homestead lessees
- Request that the County issue TMKs based on the Plat map DHHL submits.



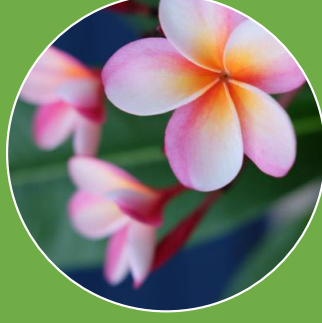
Phase IV: Empowering Beneficiaries



Kuleana Lease
for
Homestead Lot



Homestead
Community
Association



House Rules,
Codes, Permits,
Processes

Areas of Kuleana



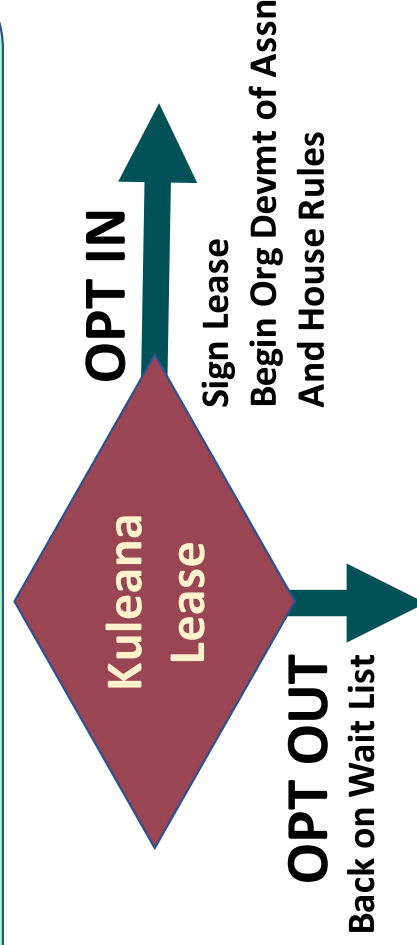
Phase IV: Empowering Beneficiaries

EDUCATIONAL WORKSHOP VIDEO SERIES FOR KULEANA HOMESTEAD LESSEES AND 'OHANA

- 1 THE HHCA, HHC, and DHHL**, assistance programs, how to engage, FAQ's, assigned staff kuleana and contact information.
- 2 KULEANA LEASE:** requirements, opportunities, supports, assistance, information--home construction, off-grid utilities, community work responsibilities, lease transfers, designating your successor.
- 3 TYPE OF LEASE:** (Subsistence Ag/Pastoral): requirements, opportunities, supports, assistance, information—area-specific info, training programs, facilities, resources.
- 4 HOMESTEAD ASSOCIATION:** Bylaws, Articles of Incorporation, House Rules, the Design Committee, membership dues, Election of Officers and Board members, grantwriting. Survey of Homestead Skills and Resources.

LESSEE ORIENTATION, INFORMATION, AND DECISION

- Site Visit
- Lot Map Codes
- Lease Review--conditions, timeframe
- Homestead Association
- The Design Committee
- Education and Assistance Available
- Opt In/Opt Out
- Lot Selection
- Sign Lease





Phase V: Facilitating Homestead Settlement

THE UNIQUE OPPORTUNITY OF A KULEANA HOMESTEAD LEASE

- DHHL's policy is to require all lessees to meet county building codes:
 - Building codes ensure public health and safety; ensures that buildings have structural strength and stability, sanitation, light and ventilation, and unobstructed paths to leave buildings in case of fire or other hazards.
 - If the lease is surrendered or cancelled, the value of all improvements on the property will be appraised and paid to the lessee upon surrender or cancellation.
 - It will make it easier to secure homeowner's insurance which is usually required in order to get a home loan.
- However, DHHL has land use authority that could allow DHHL to promulgate and follow its own building code(s).
- The Kuleana Lease allows DHHL to utilize its land use authority to help beneficiaries settle on the land as their resources allow.
- The Kuleana Administrative Rules states that lessees are subject to all state, county, and departmental rules and policies until the homestead association's building, health, and safety codes and permitting process becomes effective.
- The Rules allow Kuleana Homestead Associations to consult with a licensed architect to develop, adopt, and enforce its own zoning, building, and permitting process provided that the standards contained in state health codes and health and safety sections are met and that a licensed architect is willing to certify all building plans. No kuleana zoning, building, health and safety codes and permitting processes are approved by the HHC.



Phase V: Facilitating Homestead Settlement

ACTIVITIES

- Association training and grant writing support for lessee infrastructure (water catchment, compost toilets, solar/wind energy systems, battery storage).
- Assist in activating Association Design Committee and development of community codes/permits instead of county building codes
- Complete Kuleana Homestead Workshops
- Complete Subject-matter workshops
- Participate in Association training workshops



Phase VI: Community Management/ Economic Development

- Participation in community workdays and community projects
- Community management of natural and cultural resources in the area provide opportunities to restore sites and restore ecosystem functions
- Management responsibilities provide opportunities to build knowledge and skills
- Management responsibilities could be related to economic development
- Pursue community-based economic development activities



OUTSTANDING ISSUES FOR DISCUSSION

1. Level of DHHL support:

- **Financial Support:** If the potential applicants are those that cannot meet financial qualifications for conventional home loans, what kind of financial assistance can we provide to facilitate settlement?
- **Information/Technical Assistance Support:** Can DHHL provide information on water, sewer, energy, communication alternatives, rules and regs, alts, potential vendor, prices, potential vendors, funding options, pros and cons, etc.? Can DHHL provide lessee contact information to the Association to ensure lessee participation?
- **Educational Support:** Can DHHL facilitate lessees to assist in their development of Association By-Laws and Articles of Incorporation? Can DHHL provide board training?

2. Lease Conditions: How much time will lessees need to settle on the land? Requirements that were in Kahikinui's DCC&Rs need to be incorporated in the Kuleana Lease, including: settlement requirements and participation in the homestead association.

3. The Timing of Workshops: As proposed, initial contact with Applicants would convey general information about the kuleana program/lease. Detailed training workshops pertaining to site development, home construction, infrastructure, etc. are proposed later in the process. What information would applicants need to know in order to opt in or opt out of the Kuleana Lease?

4. Alternative Building Codes, Permits, and Permitting Process: While Kuleana Homestead Associations can develop their own codes, permits, and permitting process, should DHHL contract the development of model codes, permits, and permitting process to assist Kuleana homestead communities?



Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov

DEPARTMENT OF HAWAIIAN HOME LANDS – PLANNING OFFICE

**HAWAIIAN HOMES COMMISSION
SEPTEMBER 19 & 20, 2022
FACE-TO-FACE &
INTERACTIVE CONFERENCE
TECHNOLOGY**

**H – ITEMS
ADMINISTRATIVE SERVICES OFFICE**

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 20, 2022

TO: Chairman and Members, Hawaiian Homes Commission
FROM: Rodney K. M. Lau, Administrative Services Officer
SUBJECT: Transfer of Hawaiian Home Receipts Money at the End of
the First Quarter, FY 2023

RECOMMENDED MOTION/ACTION

That the Commission approve the transfer of the entire receipts deposited in the Hawaiian Home Receipts Fund as of September 30, 2022 to the Hawaiian Home General Loan Fund.

DISCUSSION

Section 213 (g) of the Hawaiian Homes Commission Act, 1920, as amended, reads in part as follows:

"(3) Hawaiian home receipts fund. All interest moneys from loans or investments received by the department from any fund except as provided for in each respective fund, shall be deposited into this fund. At the end of each quarter, all moneys in this fund may be transferred to the Hawaiian home operating fund, the Hawaiian home administration account, the Hawaiian home trust fund, and any loan fund in accordance with rules adopted the department."

Section 10-3-52(b) of Title 10, DHHL Administrative rules, provides that:

"If the Commission fails to approve a plan for transfer, all moneys in the Hawaiian home receipts fund shall be transferred at the end of that respective quarter as follows:

- (1) Nine percent to the operating fund; and
- (2) Ninety-one per cent to the general loan fund."

As of September 30, 2022, the estimated balance in the Hawaiian Home Receipts Fund will be approximately \$850,000. Based on the

on-going loan requirements for fiscal year 2023, it is recommended that cash receipts in the Hawaiian Home Receipts Fund for the quarter ending September 30, 2022 be transferred to the Hawaiian Home General Loan Fund.

**HAWAIIAN HOMES COMMISSION
SEPTEMBER 19 & 20, 2022
FACE-TO-FACE &
INTERACTIVE CONFERENCE
TECHNOLOGY**

**J – ITEMS
REQUESTS TO ADDRESS THE
COMMISSION**

**Hawaiian Homes Commission
J Agenda List
September 20, 2022**

J-1 Roy Oliveira – Waiehu Kou III

J-2 Blossom Feiteira – Various Concerns

J-3 Donna Sterling – Water to Kahikinui and Revocable Permit Ulupalakua Parcel

J-4 Kaleo Cullen – Kahikinui Right of Entry Extension

J-5 Liliana Napoleon – Naiwa Agricultural Subdivision Alliance

J-6 Bo Kahui – La‘iopua Development Corporation

J-7 Allen Cardines – Nanakuli Neighborhood Security Watch

J-8 Gracey Gomes & Janice Herrick – Paukukalo Hawaiian Homes Community Association

J-9 Maimiti Ho – Lease Transfer Process

J-10 Germaine Meyers - \$600 Million Appropriation

J-11 Brandon Makaawaawa & Ian Chan Hodges – Bank of America

Name

Roy Oliveira

Emailwaiehukouphase3association@hotmail.com**Message**

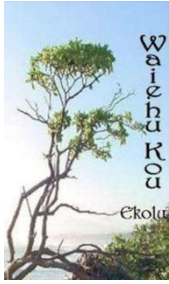
Aloha Commissioners and especially Maui Island Commissioner Randy Awo,

I wish to introduce two submitted .pdf documents as J-Agenda testimony on behalf of the Waiehu Kou Phase 3 Association of Maui. I would appreciate any feedback from HHC in order to alleviate the tension presently being felt in my Homestead community. Please do not hesitate to contact me if any more clarification or elaboration is required regarding this issue or question that I can help explain.

Roy Oliveira, President
Waiehu Kou Phase 3, Hawaiian Homelands, Maui
Federally Registered NHO (Native Hawaiian Organization)
49 Kaulana Na Pua Circle
Wailuku, HI 96793
<http://waiehukouphase3.org/>
808-760-8374

File

- [BR0828221Redacted.pdf](#)
- [0828221emailHHC.pdf](#)




For official use only, Document No.

BR0828221

Lessee Concerns/Complaints for Board Review



Details of Lessee Concerns to be brought to the attention of Waiehu Kou Phase 3 Board of Directors. Your concerns may be subject to be used in emails and on our website to let others in leadership know what may be going on in the Homestead community in order to resolve a problem. Your name will only be associated with this document which will be kept **CONFIDENTIAL**, the issue will be identified by the document number(above) hereafter when communication referencing this issue is discussed further.

Aloha, I am writing this because i am FED UP with the houseless that occupies dhhl land i between wk3 & wk4! The constant burning of rubbish and smoke filled air, affects my household with asthma, loud playing music, and now there is also a portable toilet out the Why are we allowing this to happen? Before you know it, we will have the whole area filled with camps!! THIS IS UNACCEPTABLE!! PLEASE ADVISE !!! 

By checking this box, ☒ I request this document remain anonymous except to Homestead Association Board Directors. This form revised 11/24/21

Lessee Signature  _____.

9/1/22

My name is Roy Oliveira, I serve my community as President of the Waiehu Kou 3 Homestead Association, I wish to comment on a subject that has been brought to my attention through our community website **Contact Us Form** which I have included a partially redacted version with this email. A beneficiary is asking for guidance concerning **homeless camping on DHHL land** that is directly adjacent to their lot and is negatively affecting lives on their lease.

I am asking the Commissions help in addressing this issue and feel it is critical to do so before it becomes even more problematic, this is not the first time this topic has affected our neighborhood and I presume we are not the only DHHL homestead facing this.

I wish to present you with a listing of concerns surfacing in my community and am wondering how prevalent they are happening throughout DHHL and if there is an overall strategy the Department has formulated to resolve these issues.

1. Open fires in dry vegetation surrounding homes, people burning their opala and related danger of brush fires, smoke nuisance and its health hazard.
2. Sanitation, hygiene, and ultimately disease risks this exposes us all to.
3. Potential confrontational risk between beneficiaries who legitimately belong here and homeless transients.



Item three on my list is the problem I see as time sensitive and requires immediate attention to avert a possible confrontational outcome.

My duty as a leader in my community is to back-up lessees here to the best of my ability within our Association's jurisdiction within our boundary fence.

I assume DHHL's responsibility encompasses the property outside the boundary fence and hope you will take that responsibility, or at a minimum provide a comprehensive narrative I can relay to the beneficiaries here that will calm their anxiety and give them a sense that DHHL is at least listening.

I am in the process of introducing a survey on our website to further get a feel of how this is affecting the Waiehu Kou homesteads.

Mahalo,

Roy Oliveira, President
Waiehu Kou Phase 3, Hawaiian
Homelands, Maui
Federally Registered NHO
(Native Hawaiian Organization)
49 Kaulana Na Pua Circle
Wailuku, HI 96793
<https://waiehukouphase3.org/>
808-760-8374

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you are not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you received this communication in error, please notify me immediately and delete and/or destroy the message. Mahalo



J-2

From: Blossom Feiteira <blossom96708@yahoo.com>

Sent: Thursday, August 25, 2022 8:22 AM

To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>

Subject: [EXTERNAL] Re: Public Testimony - Hawaiian Homes Commission Special Meeting - Thursday, August 25, 2022, Starting at 10:00 AM

Aloha Lea;

So sorry, but can you add me to the September J Agenda Instead.

I ha a previous commitment that I coukd not get out of.

Once again, so sorry and Mahalo,

Blossom

Sent from my iPhone

Aloha Leah

This is for J agenda 9/20/22 in person testimony
On water delivery to kahikinui and Revocable Permit Pilot Project
At Ulupalakua 2 acre parcel.

Mahalo

Donna Sterling
Kahikinui Hawaiian Homestead Assn

Sent from Proton Mail for iOS

Name

Kaleo Cullen

Email

Kaleoc67@gmail.com

Message

Aloha Mr. Chair and members of the Commission,
I'm here on behalf of Ka Ohana O Kahikinui Inc. to ask for
an extension of ROE 689 (Hale Pili) to conduct due
diligence to hopefully
go for a long term license agreement. We are seeking a
minimum one year extension and hopefully come back to
see you sooner for a
long term disposition. Mahalo Nui!

File

• [ROE689.PDF](#)

Name

Liliana Napoleon

Email

mkk.nas.alliance@gmail.com

Please Identify Agenda Item(s):

J-Agenda

Pick One:

Oral/Live Virtual Only - Enter N/A Below

Message

N/A

Nā‘iwa Agricultural

Subdivision Alliance-

President

Aloha Lea,

On behalf of Laiopua Community Development Corp., I would like to request to address the DHHL Commission on J agenda at the next scheduled DHHL Commission Hearing scheduled for Sept 19th or 20th.

A detailed copy of our discussion topics will be sent to you in advance.

Please advise

Mahalo

Bo Kahui

Name

Allen Cardines

Email

acardinesjr@gmail.com

Message

Aloha Leah! Hope all is well! I am requesting to be on J Agenda for September to share updates from our Nanakuli NSW. Mahalo!

Name

Paukūkalo Hawaiian Homes Community Association Gracey Gomes,
Janice Herrick

Email

paukukalohawaiianhomesca@gmail.com

Message

We will email you the narrative, and powerpoint presentation shortly.

Name

Maimiti Ho

Email

maimitiho@gmail.com

Message

Aloha Kākou,

My dad Wilson Kekoa Ho started the lease transfer process in Oct 2021 as he was terminally ill and wanting to sell his home in order to use funds for his care, high medical expenses, and for wife's care.

My dad had a buyer and struggled to get communication from Loyd on moving this process forward. Months later, after my dad emailing, calling with non or extreme delayed responses, one day Loyd left a voicemail saying he would be willing to sign the transfer.

On that same day, after months of waiting for Loyd to sign off, the buyer fell out of escrow due to the long wait.

Shortly after, my dad died on July 10, 2022. His wish was to have this sorted before he died .

I am the successor and want to honor my dad's wishes. We have a buyer, our cousin who is 50% Hawaiian is ready to take over the lease. We have been trying to move forward in this process and now Loyd has set multiple new roadblocks with no clear pathway forward. My mothers health is ailing and the horrid stress she's been through because of this unclear drawn out process is too much to bare, especially after burying her husband during all of this.

We are grateful for your understanding and support in this matter and thankful for your help in helping us moving forward.

Name

Germaine Meyers

Email

808hikino@gmail.com

Message

Aloha Commissioners, I'd like to address various concerns as a Hawaii resident and tax payer that contribute to the \$600 million DHHL will receive from the State, a native Hawaiian lessee, and a beneficiary for beneficiary advocacy and empowerment. Mahalo nunui. J agenda request submittal Monday, September 5, 2022 at 10:42 am.

Aloha Leah,

Thanks for you email last week. I apologize for the delay in getting back to you.

The issue that myself and Brandon Maka'awa'awa (who I believe also submitted a J agenda request) relates to the lack of lending by banks on Hawaiian Home Lands. Brandon and I discussed this issue with DHHL Deputy Gomes and other staff two weeks ago and provided them with the attached preliminary report on *Redlining of Hawaiian Home Lands by Hawaii's Banks*. We would very much appreciate it if you could provide the attached draft report to the Commissioners for their review before next week's meeting on Maui.

Mahalo,
Ian

Ian Chan Hodges
(808) 573-1000



Redlining of Hawaiian Home Lands by Hawaii's Banks

A Hawaii Fair Lending Coalition Preliminary Report

This preliminary report provides a snapshot of ongoing research into how Hawaii's banks are serving native Hawaiians. This snapshot looks at FHA-247 lending by Hawaii's four largest banks over the past 28 years.

Redlining is a form of housing discrimination.

Redlining is an illegal practice in which lenders avoid providing services to individuals living in communities of color because of the race or national origin of the people who live in those communities. On October 22, 2021, the U.S. Department of Justice announced a new **Combatting Redlining Initiative**, which will be led by the DOJ's Civil Rights Division in partnership with U.S. Attorney's Offices.

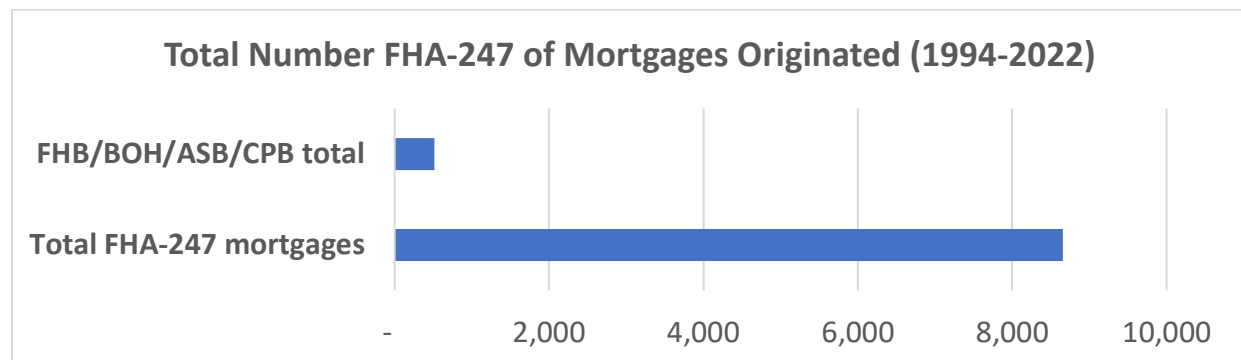
Hawaii's banks redline by avoiding making FHA-247 mortgage loans to Hawaiian Home Lands lessees.

Section 247 of the National Housing Act (FHA-247) authorizes mortgage insurance for loans made to native Hawaiians to purchase housing located on Hawaiian Home Lands (HHL). With FHA insurance, the lender's risk is minimized, which should increase the availability of mortgages to Hawaiian Home Lands beneficiaries.

Hawaii's four biggest banks — First Hawaiian Bank, Bank of Hawaii, American Savings Bank and Central Pacific Bank — have combined assets of \$64.5 Billion and together control 95% of Hawaii's banking market.

This preliminary report ranks each of the four banks for their mortgage lending performance on Hawaiian Home Lands as measured by the dollar volume of the bank's FHA-247 loans since 1994. Each bank's ranking is adjusted to account for its relative size. For example, since First Hawaiian is 3.4 times bigger than Central Pacific, we would expect that First Hawaiian should make 3.4 times as many FHA-247 loans as Central Pacific.

Since 1994, Hawaii's four biggest banks have together originated less than 6% of all FHA-247 loans.



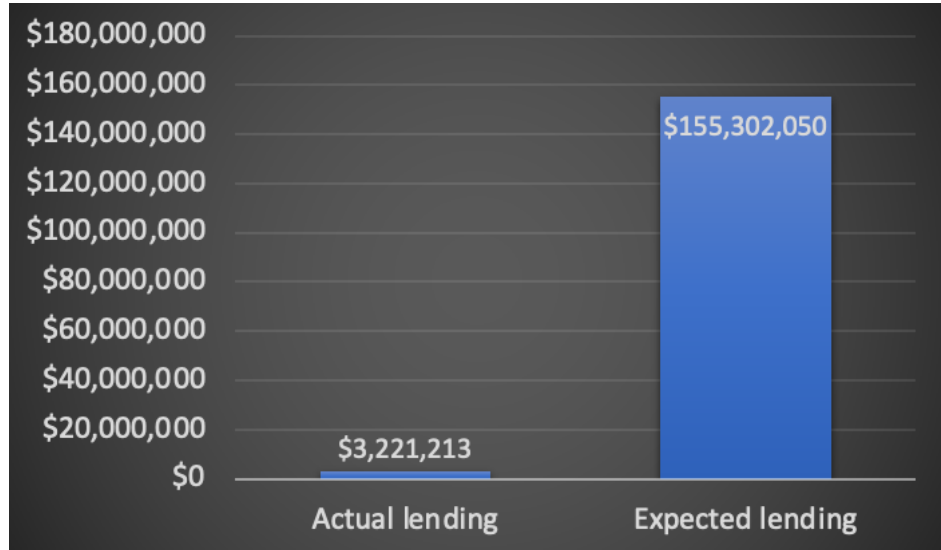
The Hawaii Fair Lending Coalition (HFLC) was formed in 1993 to address redlining, fair lending violations, and community reinvestment in Hawaii. In 1994, in response to evidence of illegal redlining presented by HFLC and Na Po'e Koku, Bank of America was ordered by federal banking regulators to make \$150 million in FHA-247 loans on Hawaiian Home Lands by 1998.

Central Pacific Bank (CPB)

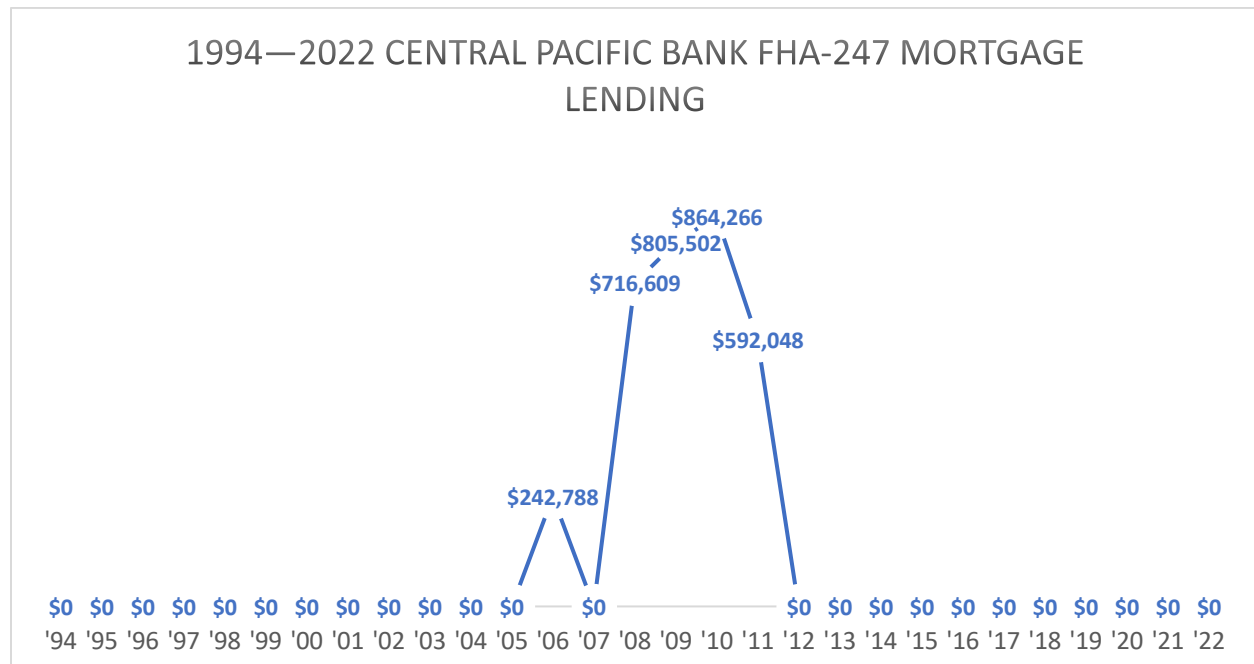
Among Hawaii's top 4 banks, **CPB** is ranked **4th in size and 4th** for its Hawaiian Homelands lending performance (ranking is weighted to account for CPB's share of the Hawaii market).

Since 1994, Central Pacific Bank has provided just over **\$3.2 million for fourteen (14) FHA-247** loans.

Based on the bank's market share in Hawaii, CPB should have made over **\$155 million** in mortgage loans on Hawaiian Home Lands over the last three decades.



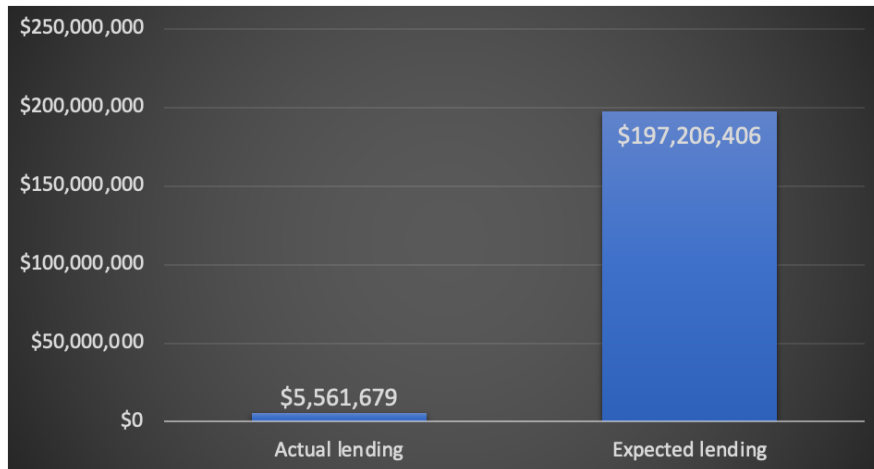
*In the last 28 years, Central Pacific Bank only provided FHA-247 loans for the following five years:
2006, 2008, 2009, 2010, and 2011*



*2022 numbers include January through June 2022

American Savings Bank (ASB)

Among Hawaii's top 4 banks, **ASB** is ranked **3rd in size** and **3rd** for its Hawaiian Homelands lending performance (ranking is weighted to account for ASB's share of the Hawaii market).

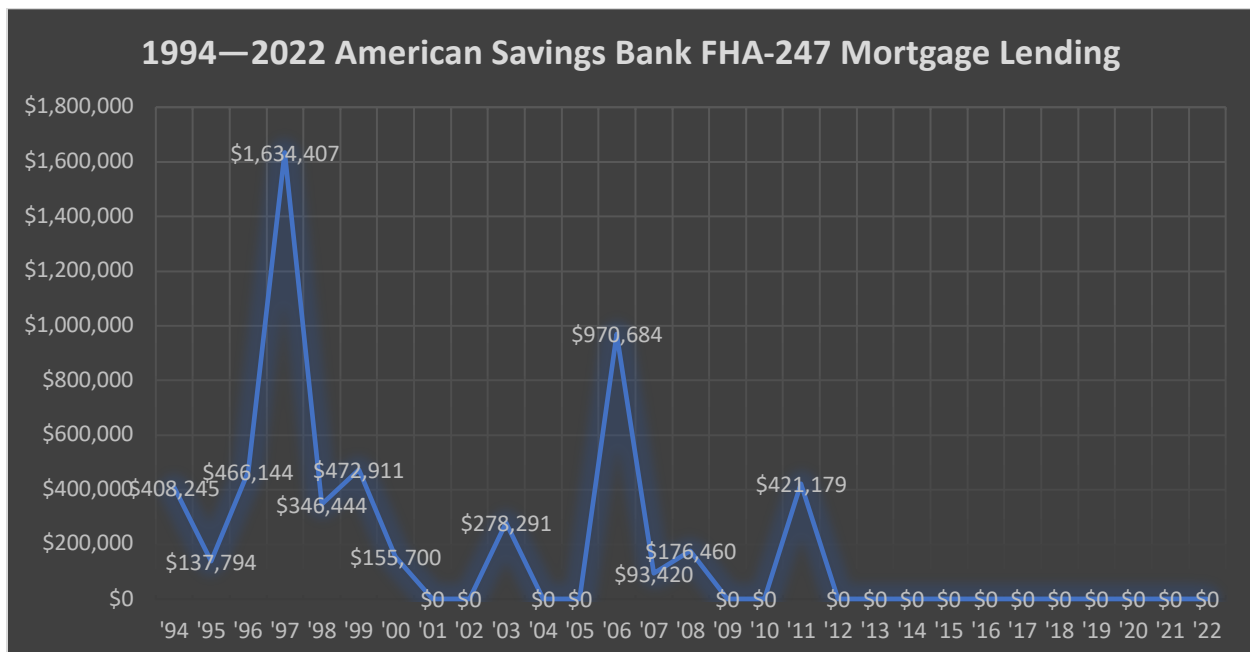


Since 1994, American Savings Bank has provided less than **\$5.6 million for forty-six (46) FHA-247 loans.**

Based on the bank's market share in Hawaii, ASB should have made at least **\$197 million** in mortgage loans on Hawaiian Home Lands in the last three decades.

In the last 28 years, American Savings Bank provided varying amounts of FHA-247 loans until 2011, and since then has provided:

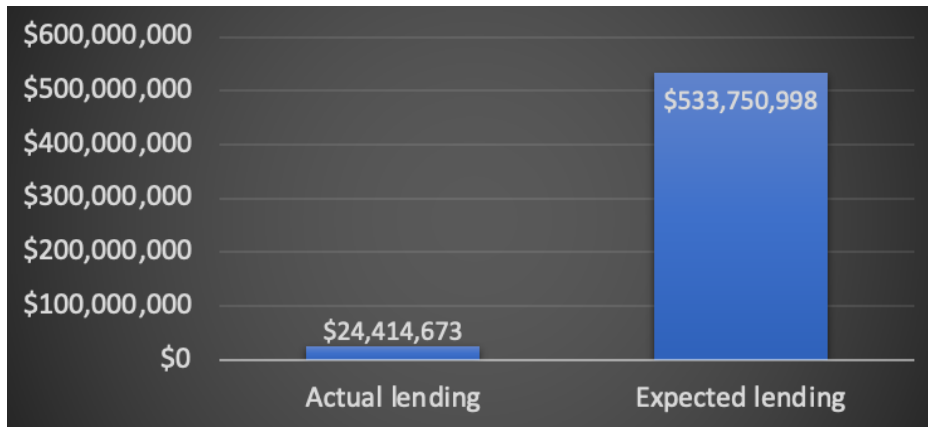
Zero FHA-247 mortgages on Hawaiian Home Lands.



**2022 numbers include January through June 2022*

First Hawaiian Bank (FHB)

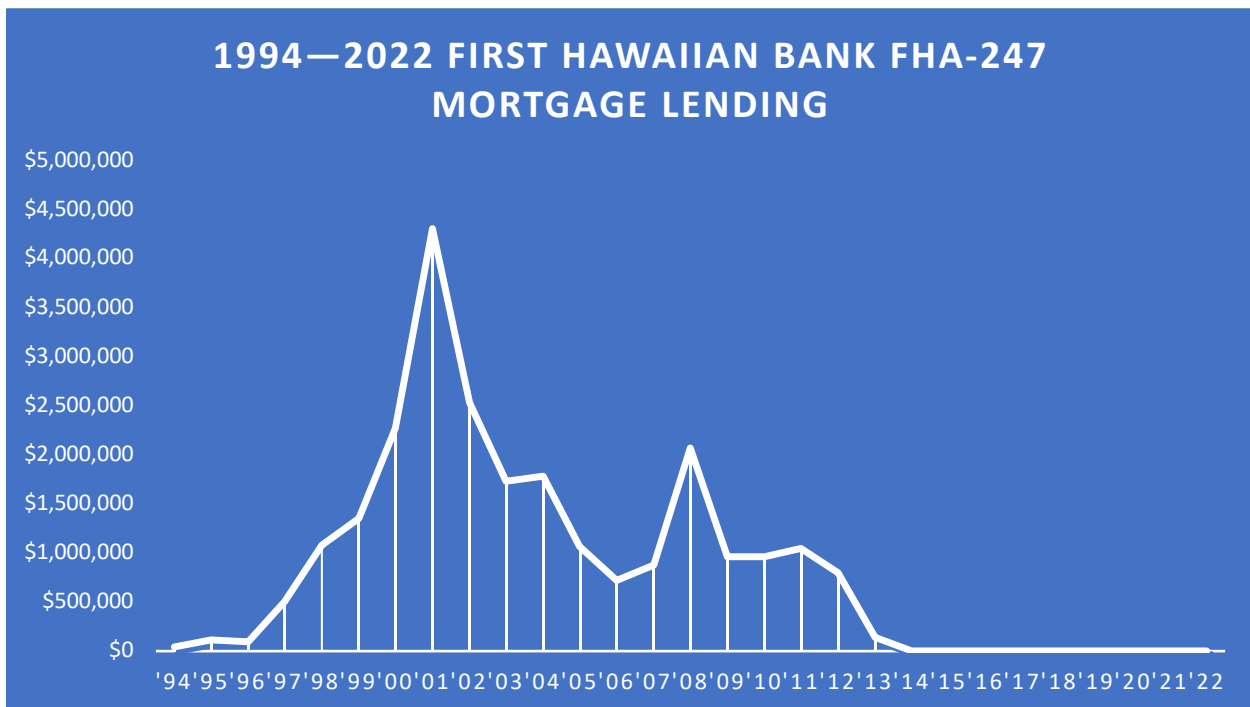
Among Hawaii's top 4 banks, **FHB** is ranked **1st in size** and **2nd** for its Hawaiian Homelands lending performance (ranking is weighted to account for FHB's share of the Hawaii market).



*Since 1994, First Hawaiian Bank has provided **\$24.4 million** for 196 FHA-247 loans.*

*Based on the bank's market share in Hawaii, FHB should have made over **\$533 million** in loans on Hawaiian Home Lands in the last three decades.*

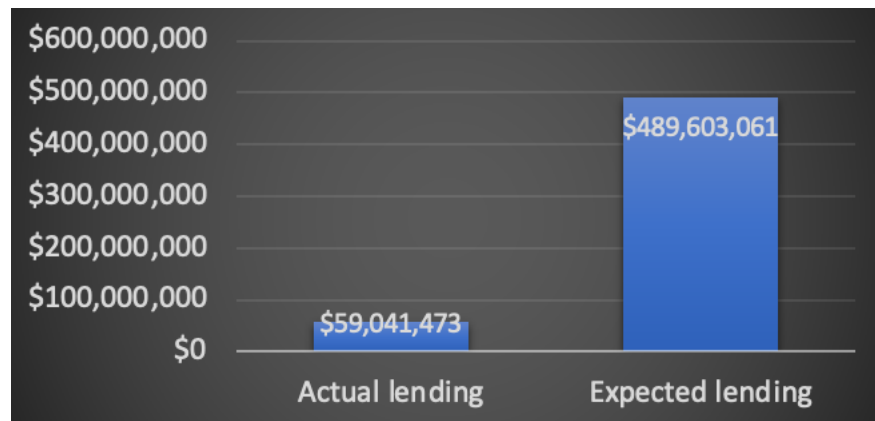
In the last 28 years, First Hawaiian Bank only provided FHA-247 loans until 2013, and has provided: Zero FHA-247 loans in the last 9 years.



**2022 numbers include January through June 2022*

Bank of Hawaii (BOH)

Among Hawaii's top 4 banks, **BOH** is ranked **2nd in size and 1st** for its Hawaiian Homelands lending performance (ranking is weighted to account for FHB's share of the Hawaii market).

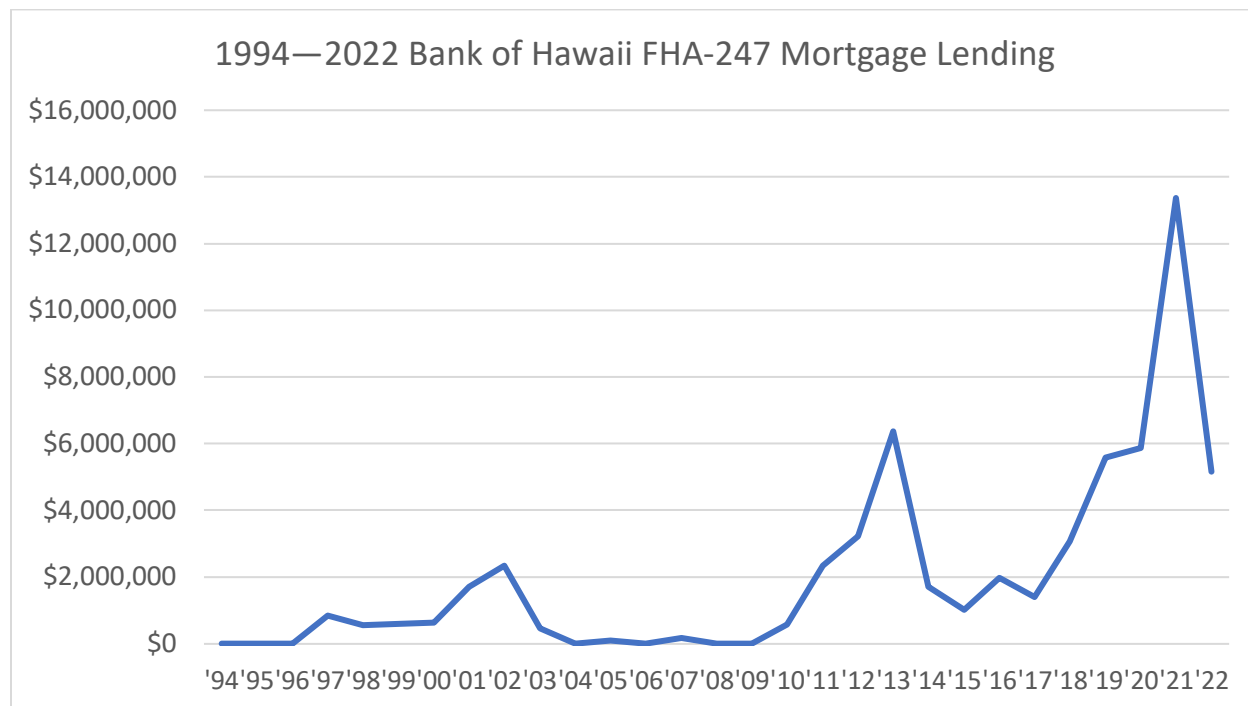


*In the 28 years since 1994, Bank of Hawaii has provided just over **\$59 million** for **259 FHA-247** loans.*

*Based on the bank's market share in Hawaii, BOH should have made more than **\$489 million** in loans on Hawaiian Home Lands in the last three decades.*

While like the other Hawaii banks, Bank of Hawaii's lending on Hawaiian Home Lands is way below what its market share dictates, BOH has been the most consistent provider of FHA-247 loans among Hawaii banks over the last 28 years.

However, BOH provided no FHA-247 loans from 1994-1997, in 2004, 2006, 2008 and 2009.



**2022 numbers include January through June 2022*