

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

Hale Pono‘i, 91-5420 Kapolei Parkway, Kapolei, O‘ahu, 96707,
and Zoom Meeting ID: 609 754 2925

Monday, December 18, 2023, at 9:30 a.m. to be continued, if necessary, on

Tuesday, December 19, 2023, 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, December 13, 2023.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes:
 - a. November 19, 2023 Special Meeting
 - b. November 20 & 21, 2023 Regular 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 when 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 Ratification of Loan Approvals (see exhibit)
- D-4 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-5 Approval to Certify Applications of Qualified Applicants for the Month of November 2023 (see exhibit)
- D-6 Commission Designation of successors to Application Rights – Public Notice 2022
- D-7 Approval of Assignment of Leasehold Interest (see exhibit)
- D-8 Approval of Amendment of Leasehold Interest (see exhibit)
- D-9 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-10 Approval of Subdivision and Transfer of a Portion of Residential Lease No. 2907, Lot No. 30, Nānākuli, O‘ahu – JACOB JOHN KU, JR.

B. REGULAR AGENDA

Office of the Chairman

- C-1 Approval of Lease Award Kahikinui Kuleana Pastoral Lots- Kula, Maui (see exhibit)

Land Management Division

- F-1 Approval to Procure Property Management Services to Manage Multitenant Property at Shafter Flats Industrial Subdivision, Moanalua Kai, Island of O‘ahu, TMK (1) 1-1-064:019 & :020 (“Pilot Program”)
- F-2 Approval to Issue Right-of-Entry Permits to Lease Properties, LLC, Shafter Flats Industrial Subdivision, Moanalua Kai, O‘ahu, TMK (1) 1-1-064:019 & :020 (“Existing Tenants”)
- F-3 Approval to Commence Utilizing Revocable Permits (“RP”); Convert Compliant Existing Right of Entries to RP; Authorization for the Administrator of the Land Management Division to issue Limited Revocable Permits for a Term to Allow Approval of the RP at the Next Meeting of the Hawaiian Homes Commission (“HHC”); Authorize the Chairman of the HHC to Issue, Amend, and Terminate Revocable Permits

Planning Office

- G-1 Approve Pa‘upena Community Development Corporation (CDC) County Water Credit Allocation Request for TMK 2-2-5-034:026 (por.), and :028 (por.), Kula, Maui

Administrative Services Office

- H-1 Approval to Increase FY24 Budget to Hire Personnel Using the Hawaiian Home Operating Fund (T-905)
- H-2 Approval to Transfer Hawaiian Home Receipts Fund Balance – End of 2nd Quarter, FY24

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 legal issues related to Telecommunications and Broadband services on Hawaiian Home Lands
2. Update on legal issues in *Richard Nelson, III, et al., v Hawaiian Homes Commission, et al.*, 1CC071001663

IV. ITEMS FOR INFORMATION/DISCUSSION

A. REGULAR ITEMS

Office of the Chairman

- C-2 Formation of Permitted Interaction Group to Investigate the Disposition of Industrial and Commercial DHHL Properties Not Used for Homesteading, pursuant to Hawaii Revised Statutes § 92-2.5 and Hawaii Administrative Rules § 10-2-16(b)(1)

Homestead Services Division

- D-1 HSD Status Reports
 - A.-Homestead Lease and Application Totals and Monthly Activity Reports
 - B.-Delinquency Reports

Land Development Division

- E-1 For Information Only – West Oahu Projects Update
- E-2 For Information Only – Act 279 Implementation Progress Report

Land Management Division

- F-4 For Information Only – Oahu Island Community Development Updates for Eleemosynary Projects

Planning Office

- G-2 For Information Only - Ewa Beach Master Plan and Environmental Assessment Project Update
- G-3 For Information Only - Kings Landing Kuleana Settlement Plan and Environmental Assessment Project Update
- G-4 For Information Only – Status Update, Kalaupapa Beneficiary Consultation, and NPS Projects
- G-5 For Information Only - Status Update on Nānākuli and Wai‘anae Plan Implementation, Island of O‘ahu

V. ANNOUNCEMENTS AND RECESS

1. DHHL West O‘ahu Community Meeting – 6:30 p.m. at the Kamehameha Schools’ Community Learning Center, 87-790 Kulauku Street, Wai‘anae, Hawai‘i, 96792

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

Hale Pono'i, 91-5420 Kapolei Parkway, Kapolei, Oahu, 96707,
and Zoom Meeting ID: 609 754 2925

Tuesday, December 19, 2023, 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 INFORMATION/DISCUSSION

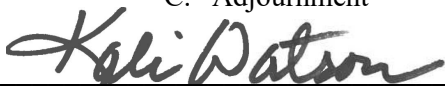
A. GENERAL AGENDA

Requests to Address the Commission

- J-1 Brittney Zimmerman – Panaewa Hawaiian Home Land Community Association
- J-2 Office of Native Hawaiian Relations – Climate Resiliency Grant Program
- J-3 Keolamaikalani Dean, Patti Barbee – Development of Affordable Rental Housing on DHHL Parcels
- J-4 Lilian Kaeha - Panaewa Hawaiian Home Land Community Association
- J-5 Guy Gasper – Various Concerns
- J-6 Debra Import – Various Concerns
- J-7 Maile Requilman-Kaopua – Kaupe‘a Homestead
- J-8 Doris Walker – Various Concerns
- J-9 Germaine Meyers – Various Concerns
- J-10 Blossom Feiteira – Various Concerns
- J-11 Al Hee – Telecommunications
- J-12 Homelani Schaedel - Maluohai
- J-13 Jojo Tanimoto – Kawaihae Issues
- J-14 Sherilyn Wahinekapu – Water Issues at Honokāia
- J-15 Kekoa Enomoto – Pa‘upena Community Development Corporation
- J-16 Kapua Keliikoa – Various Concerns
- J-17 Ainaaloha Ioane – Malama Ka Aina Hana Ka Aina

III. ANNOUNCEMENTS AND ADJOURNMENT

- A. Next Regular HHC Meeting –January 16 & 17, 2023 (Tue. & Wed.) Kapolei, O‘ahu
- B. No DHHL Community Meeting in January.
- C. Adjournment



Kali Watson, Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

Randy K. Awo, Maui
Sanoë Marfil, O‘ahu
Pauline N. Namu‘o, O‘ahu
Michael L. Kaleikini, East Hawai‘i

Zachary Z. Helm, Moloka‘i
Makai Freitas, West Hawai‘i
Dennis L. Neves, Kaua‘i
Walter Kaneakua, 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 December 15, 2023. If a response is received after that, 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 December 15, 2023, 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, a video camera, and a microphone to participate.

Disruption of Interactive Technology – If all participating Commissioners cannot maintain audiovisual communication and a quorum is lost, the meeting will automatically be recessed for 30 minutes. During that time, an attempt to restore audiovisual communication will be made. If such an attempt to restore is unsuccessful within 30 minutes, all Commissioners, public members, staff, and other interested individuals shall log on again to the Zoom link on this Notice, whereby audio communication will be established for all participants, and the meeting will continue. If reconvening the meeting is impossible because audio and visual communication cannot be re-established, the meeting will be terminated.

ITEM C-1 EXHIBIT**APPROVAL OF LEASE AWARD KAHIKINUI KULEANA PASTORAL LOTS**

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
Sharon L.A. Rodriguez	08/18/1986	9	TBD	13049
Glen M. Kila	08/24/1994	28	TBD	13051
Jonah K. Ioane	06/12/1998	29	TBD	13052
Christian A.K. Aarona	11/24/1995	31	TBD	13053
Ernest K. Puaa	08/24/1993	32	TBD	13054
William N. Puaa	09/08/1993	33	TBD	13055
Gregory H.K. Nauka	01/15/1992	34	TBD	13056
Odetta M. Lacayanga	09/16/1994	42	TBD	13057
Marcus N. Robinson	04/12/1995	43	TBD	13058
Joseph K. Kaniaupio Jr.	09/15/1989	44	TBD	13059
Charles Yee Hoy III	01/03/1995	47	TBD	13060
Wanda S.P. Collier	08/07/1995	48	TBD	13061
Frank D. DeFries	07/07/1995	49	TBD	13062
George K. Namauu Jr.	11/16/1994	50	TBD	13063
Kenneth K. Kahahawai	02/05/1995	51	TBD	13064
Kilakila D.A. Kamau	01/12/1999	52	TBD	13065
Beatrice Nobriga	04/30/1998	53	TBD	13066
Norene N. Pahia	06/28/2000	54	TBD	13067
Ernest K. Cabatingan	08/06/1999	55	TBD	13068
Theodore R. Norman	10/30/1986	62	TBD	13069
Harriet E.R.L. Brown	06/13/1988	63	TBD	13070
Kehaulani Kaleopaa-Tehotu	08/25/1994	68	TBD	13071
Gilbert N. Kahaleauki	10/30/1986	76	TBD	13072
Harold R.K. Rodrigues	04/28/1967	78	TBD	13073
Sarah K. Wahilani	07/07/1995	95	TBD	13074

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

<u>LESSEE</u>	<u>LEASE NO.</u>	<u>AREA</u>
BERNARDINO, Ian N. K.	12968	Kauluokahai, Oahu
EVANS, Sybil M. U.	4243	Keaukaha, Hawaii
GABRIEL, Leonard	11571	Kanehili, Oahu
HALEMANO, Michelle P.	12757	Maluohai, Oahu
IRVINE-NIAU, Robert J. K.	5565	Lualualei, Oahu
JEREMIAH, Cindy K.	4597	Waianae, Oahu
LONG, Henry D. K., IV	8691	Anahola, Kauai
MCKEAGUE, Wilfred K.	4631	PKE, Oahu
PAHIO, Thomas K.	7190	Kawaihae, Hawaii
PALING, Stephen	9703	Waianae, Oahu
PANUI, Lyman S. K.	5208	Nanakuli, Oahu
PELEKAI, Henry W.	3591	Nanakuli, Oahu
PELEKAI, Lurline	3591	Nanakuli, Oahu
SANCHEZ, Jeanette K.	3708	Nanakuli, Oahu

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

<u>LESSEE</u>	<u>LEASE NO.</u>	<u>AREA</u>
AKANA, Clifford D.	3811	Kekaha, Kauai
AKANA, Lewellyn B.	3811	Kekaha, Kauai

ITEM D-4 EXHIBIT**APPROVAL OF HOMESTEAD APPLICATION TRANSFER / CANCELLATIONS**

APPLICANT	AREA
AKEN, Lei Mamo K.	Waimanalo Area / Oahu IW Res
AKO-PALL, Kyrtsie Lee E.	Oahu IW Res
ASHLEY, Bradfrey G.	Oahu IW Res
BERNARDINO, Rogeitte G.P.	Oahu IW Res
CLEVELAND, Leimamo K.K.	Molokai IW Agr to Maui IW Agr
CROWELL, Carter L.	Maui IW Pas
CROWELL, Carter L.	Maui IW Res
DAMAS, Debbie N.A.	Oahu IW Res
DEGUZMAN, Warren L.F.	Oahu IW Res
DELA CRUZ, Regina K.	Oahu IW Res
ELLIS, Bennadeth A.	Hawaii IW Res
FUTRELL, Pokiimakamai V.M.	Oahu IW Res
HANO HANO, Kapiliponoikealoha	Oahu IW Res
JUAN, Wendall	Hawaii IW Res
KAIMIKAUA, Pualani E.C.	Oahu IW Res
KEKOA-ASPERILLA, Lovenia	Oahu IW Res to Hawaii IW Res
KUNIPO, Edward K.	Oahu IW Res
MCKEAGUE, Darryl Anson N.	Hawaii IW Pas to Hawaii IW Agr
MCGUIRE, Celice K.K.N.A.A.	Oahu IW Res
MORALES, Sharon P.	Oahu IW Res
NELSON, Casandra L. Nelson	Maui IW Res
NUUHIWA, Darin	Oahu IW Res
SYLVA, Bernadine K.P.	Hawaii IW Res
TORRES, Alfred L.	Oahu IW Res
TORRES, Alfred L.	Kula Area / Maui IW Pas
VALMOJA, La-Plane N.	Kauai IW Agr
YIM, Joycelyn L.	Hawaii IW Res

* IW = Islandwide

ITEM D-5 EXHIBIT**APPROVAL TO CERTIFY APPLICATIONS OF QUALIFIED APPLICANTS**

APPLICANT	AREA
ALO, Charlena R.K.	Oahu IW Agr
ALO, Charlena R.K.	Oahu IW Res
ASING, Taneesha H.M.	Oahu IW Agr
ASING, Taneesha H.M.	Oahu IW Res
BALAI, Gilbert Jr.	Kauai IW Agr

BALAI, Gilbert Jr.	Kauai IW Res
BENAVIDEZ, Joshua J.	Hawaii IW Res
BETHEA, Danalynn M.A.	Hawaii IW Agr
BETHEA, Danalynn M.A.	Hawaii IW Res
BROWN, Anuhe	Kauai IW Agr
BROWN, Anuhe	Kauai IW Res
DAVIS, Puakailina T.M.	Maui IW Res
DAVIS, Puakailina T.M.	Hawaii IW Agr
DELA PINA, Luana Belle W.	Oahu IW Res
DOWLING, Laikuikaohu K.	Molokai IW Agr
DOWLING, Laikuikaohu K.	Molokai IW Res
FREITAS, Moana K.	Oahu IW Res
FREITAS, Moana K.	Hawaii IW Agr
KALEPONI, Michael M.L.K.Y.	Oahu IW Res
KALIMA, Lokelani E.M.	Oahu IW Agr
KALIMA, Lokelani E.M.	Oahu IW Res
KALIMA, Mike'ele W.P.	Oahu IW Agr
KALIMA, Mike'ele W.P.	Oahu IW Res
KAMAI, David I.	Oahu IW Agr
KAMAI, David I.	Oahu IW Res
KAMAU, Albert P.A.	Maui IW Res
KAMAU, Kilakila D.A.	Maui IW Res
KAUHOLA, Sade P.	Maui IW Agr
KAUHOLA, Sade P.	Maui IW Res
KEA, Keanu K.K.K.K.K.	Oahu IW Res
KEPA, Karcyn K.E.	Hawaii IW Agr
KEPA, Karcyn K.E.	Hawaii IW Res
LOO, Damian A.	Kauai IW Agr
LOO, Damian A.	Kauai IW Res
MAHOE, Alden K.	Oahu IW Agr
MAHOE, Alden K.	Oahu IW Res
MAWAE, Brandi K.	Maui IW Agr
MAWAE, Brandi K.	Maui IW Res
MAWAE, Kainalu S.K.	Maui IW Agr
MAWAE, Kainalu S.K.	Maui IW Res
NAAUAO, Eddie M.	Maui IW Agr
NAAUAO, Eddie M.	Maui IW Res
ORTIZ, Ray-Anna K.A.	Maui IW Agr
ORTIZ, Ray-Anna K.A.	Maui IW Res
PAHULEHUA, Daniel C.N.	Kauai IW Pas
PAHULEHUA, Daniel C.N.	Kauai IW Res
RAMENTO, Judy Ann	Hawaii IW Agr
RAMENTO, Judy Ann	Hawaii IW Res
REZANTES, Joley A.K.	Maui IW Agr
REZANTES, Joley A.K.	Oahu IW Res

STRICKLER, Mildred K.	Oahu IW Res
VIDINHA-FLORES, Cerenity P.	Kauai IW Agr
VIDINHA-FLORES, Cerenity P.	Kauai IW Res
WAIAMAU-GOMES, Desiree M.	Hawaii IW Agr
WAIAMAU-GOMES, Desiree M.	Hawaii IW Res
YONG, Wade K.	Oahu IW Res
YOUNG, Tatiana K.	Oahu IW Res
YOUNG, Tatiana K.	Hawaii IW Agr

* IW = Islandwide

ITEM D-6 EXHIBIT

COMMISSION DESIGNATION OF SUCCESSORS TO APPLICATIONS RIGHTS – PUBLIC NOTICE 2022

APPLICANT	AREA
NELSON, Casandra L.	Maui IW Res
VALMOJA, La-Plane N.	Kauai IW Agr

* IW = Islandwide

ITEM D-7 EXHIBIT

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
HALEMANO, Jo Ann N.	7607	Nanakuli, O'ahu
MCKEAGUE, Wilfred K.	4631	PKE, Oahu
PHILLIP, Joseph F. III	4290	Kewalo, Oahu
KEA, Christine, L. R.	3801	Nanakuli, Oahu
SALLAS, Melvin H.	1943	Kewalo, Oahu
SERIKAWA, Jaylin H.M.	3966	Waimanalo, Oahu
SILVA, Eugene A.	3229	Waimanalo, Oahu

ITEM D-8 EXHIBIT

APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
AKANA, Edward L.	771	Papakolea, Oahu
CAMACHO, Gail N.	136	Hoolehua, Molokai
DAOG, Harriet	1884	Hoolehua, Molokai
GARCIA, Earlyne K.	6280	Keaukaha, Hawaii
KANAWALIWALI, Newton K.	135	Hoolehua, Molokai
KAONOHI-GALDEIRA, Shelley	11269	Anahola, Kauai
KELIIHOOMALU, Lanna L.	3685	Waimanalo, Oahu
KIKO, Elaine	673	Waimanalo, Oahu
SALLAS, Melvin H.	1943	Kewalo, Oahu
SILVA, Eugene A.	3229	Waimanalo, Oahu
TIRRELL, Timothy U.	1253-A	Keaukaha, Hawaii
TIRRELL, Charles F. III	1253-A	Keaukaha, Hawaii

ITEM D-9 EXHIBIT

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

LESSEE	LEASE NO.	AREA
AGUIAR, Renee-Michele M.	11338	Kekaha, Kauai
AKAU HEW LEN, Beatrice J. C. U.	5628	Lualualei, Oahu
BAKER, Brian K.	3421	Nanakuli, Oahu
BINYAN, Ruth M.	6403	Makuu, Hawaii
BONDALLIAN, Lester S. K.	6374	Waiakea, Hawaii
CALDEIRA, Heidi K.	8674	Anahola, Kauai
DAMAS, Rodney K.	3850	Nanakuli, Oahu
FUJIMOTO, Edwina V. K. C.	10755	Laiopua, Hawaii
GIFFORD, Steve P.	3788	Nanakuli, Oahu
GRANCE, Tami Jo-Ann	8553	PKE, Oahu
GREIG, William G.	7501	Waiohuli, Maui
JOHNSTON, Harold Call, Jr.	2155	Kewalo, Oahu
KAEO, Janis K. J.	9688	Waianae, Oahu
KAAL, Lisa L.	11116	Anahola, Kauai
KALEIOHI, Rose Marie N.	2636	Waimanalo, Oahu
KALUA, Dennison M.	12363	Kauluokahai, Oahu
KANEHAILUA, Ernest K., III	9286	Kaniohale, Hawaii
KAUANOE, James C. B.	12432	Kauluokahai, Oahu
KEANU, Tami-Sue K.	9686	Waimanalo, Oahu
KOANUI, Joseph, Jr.	8192	Waimanalo, Oahu
LAURENSEN, Lori-Ann L. S.	12853	Kauluokahai, Oahu
LONO, Josephine K.	4532	Nanakuli, Oahu
LONO, Ruddy	4532	Nanakuli, Oahu
LONO, Kristi Kauhane	4532	Nanakuli, Oahu
LONO, Wayne E.	8776	Waimanalo, Oahu
MARINO, Velma Ewalina	4173	Paukukalo, Maui
MEDEIROS, Shawn H.	12410	Kauluokahai, Oahu
MORITA, Julie A. W.	2451	Nanakuli, Oahu
MOSSMAN, Bowe H.	8376	PKE, Oahu
OLIVEIRA, Agnes J.	5138	Nanakuli, Oahu
PANA, Laverne K.	5056	Keaukaha, Hawaii
RAINES, Joan M. K.	12054	Kaupea, Oahu
SOUSA, Pleiades M.	8556	PKE, Oahu
TANIMOTO, Dawn H. P.	7093	Kawaihae, Hawaii
THOMAS, Shay K. M.	5268	Waianae, Oahu
MONIZ, Jonathan	5268	Waianae, Oahu
TORRES, Monica A. K.	5545	Lualualei, Oahu


**HAWAIIAN HOMES COMMISSION
DECEMBER 18 & 19, 2023**

**C – ITEMS
OFFICE OF THE CHAIRMAN**

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

TO: Chairman and Members, Hawaiian Homes Commission

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

FROM: Michelle Hitzeman, HALE Manager /Project Lead
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

Kahikinui Kuleana Pastoral Lots – Kula, Maui

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
Sharon L.A. Rodriguez	08/18/1986	9	TBD	13049
Glen M. Kila	08/24/1994	28	TBD	13051
Jonah K. Ioane	06/12/1998	29	TBD	13052
Christian A.K. Aarona	11/24/1995	31	TBD	13053
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Marcus N. Robinson	04/12/1995	43	TBD	13058
Joseph K. Kaniaupio Jr.	09/15/1989	44	TBD	13059
Charles Yee Hoy III	01/03/1995	47	TBD	13060
Wanda S.P. Collier	08/07/1995	48	TBD	13061
Frank D. DeFries	07/07/1995	49	TBD	13062
George K. Namauu Jr.	11/16/1994	50	TBD	13063
Kenneth K. Kahahawai	02/05/1995	51	TBD	13064
Kilakila D.A. Kamau	01/12/1999	52	TBD	13065
Beatrice Nobriga	04/30/1998	53	TBD	13066

Kahikinui Kuleana Pastoral Lots – Kula, Maui

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
Norene N. Pahia	06/28/2000	54	TBD	13067
Ernest K. Cabatingan	08/06/1999	55	TBD	13068
Theodore R. Norman	10/30/1986	62	TBD	13069
Harriet E.R.L. Brown	06/13/1988	63	TBD	13070
Kehaulani Kaleopaa-Tehotu	08/25/1994	68	TBD	13071
Gilbert N. Kahaleauki	10/30/1986	76	TBD	13072
Harold R.K. Rodrigues	04/28/1967	78	TBD	13073
Sarah K. Wahilani	07/07/1995	95	TBD	13074

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18-19, 2023

TO: Members, Hawaiian Homes Commission

FROM: Kali Watson, Chairman

SUBJECT: Development of Industrial and Commercial Properties Permitted Interaction Group pursuant to Hawaii Revised Statute Section 92-2.5 and Hawaii Administrative Rules section 10-2-16(b)(1)

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION:

An investigative committee of the Hawaiian Homes Commission is appointed effective December 18, 2023. The purpose of the committee is to investigate, consider and recommend priorities and methods of disposition for non-homestead Trust Lands, giving analysis to prioritize specific parcels and alternate methods of disposition as the Department moves forward to reduce the number of non-productive commercial properties and maximize the income and public benefits realized for the Trust and its beneficiaries.

I am establishing this Committee at this time so that staff can move expeditiously with the assistance of the Committee to evaluate projects throughout the state of properties owned or to be acquired by DHHL, that are preferred for development based upon the timing, impact and preferred vehicle used in the disposition of property for development.

The members of the Committee include me, Commissioners Michael Kaleikini, Randy Awo and Dennis Neves. Commissioner Kaleikini will serve as Chair of the Committee. The Committee's report to the Hawaiian Homes Commission of the Committee's findings and recommendations, will be presented at the next regular meeting scheduled in January 2024, with deliberation and decision-making at a subsequently noticed meeting as required by law.

**HAWAIIAN HOMES COMMISSION
DECEMBER 18 & 19, 2023**

**D – ITEMS
HOMESTEAD SERVICES DIVISION**

HOMESTEAD SERVICES DIVISION
AGENDA

December 18, 2023

DIV.	ITEM NO.	SUBJECT
	D-1	HSD Status Reports Exhibits: A - Homestead Lease & Application Totals and Monthly Activity Reports B - Delinquency Report
ODO/APPL. LOANS		
LOANS	D-2	Approval of Consent to Mortgage (see exhibit)
	D-3	Ratification of Loan Approvals (see exhibit)
APPL	D-4	Approval of Homestead Application Transfers / Cancellations (see exhibit)
	D-5	Approval to Certify Applications of Qualified Applicants for the Month of November 2023 (see exhibit)
	D-6	Commission Designation of Successors to Application Rights – Public Notice 2022
ODO	D-7	Approval of Assignment of Leasehold Interest (see exhibit)
	D-8	Approval of Amendment of Leasehold Interest (see exhibit)
	D-9	Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
ODO	D-10	Approval of Subdivision and Transfer of a Portion of Residential Lease No. 2907, Lot No. 30, Nanakuli, Oahu – JACOB JOHN KU, JR.

Sample Footer 12pt. Times New Roman
(Without Exhibit)


ITEM NO. D-1

(With Exhibit)

ITEM NO. D-1
EXHIBIT A

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

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

December 18, 2023

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through November 30, 2023

	As of 10/31/23	Add	Cancel	As of 11/30/23
Residential	8,500	1	3	8,498
Agricultural	1,104	0	0	1,104
Pastoral	414	0	0	414
Total	10,018	1	3	10,016

The cumulative number of Converted Undivided Interest Lessees represents an increase of 559 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 10/31/23	Converted	Rescinded/ Surrendered/ Cancelled	As of 11/30/23
Undivided	749	0	0	749

Balance as of 11/30/2023

Awarded	1,434
Relocated to UNDV	7
Rescinded	123
Surrendered	6
Cancelled	4
Converted	<u>559</u>
Balance to Convert	749

Lease Report For the Month Ending November 30, 2023

	----- 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	37	0	0	37	0	0	0	0	0	0	0	0	0	37	0	0	37
Kakaina	90	0	0	90	0	0	0	0	0	0	0	0	0	90	0	0	90
Kalawahine	400	0	0	400	0	0	0	0	0	0	0	0	0	400	0	0	400
Kanehili	173	0	0	173	0	0	0	0	0	0	0	0	0	173	0	0	173
Kapolei	151	1	0	152	0	0	0	0	0	0	0	0	0	151	1	0	152
Kauluokahai	323	0	0	323	0	0	0	0	0	0	0	0	0	323	0	0	323
Kaupea	19	0	0	19	0	0	0	0	0	0	0	0	0	19	0	0	19
Kaupuni	248	0	0	248	0	0	0	0	0	0	0	0	0	248	0	0	248
Kewalo	50	0	0	50	0	0	0	0	0	0	0	0	0	50	0	0	50
Kumuhau	149	0	0	149	30	0	0	30	0	0	0	0	0	179	0	0	179
Lualualei	225	0	0	225	0	0	0	0	0	0	0	0	0	225	0	0	225
Malu'ohai	1,044	0	0	1,044	0	0	0	0	0	0	0	0	0	1,044	0	0	1,044
Nanakuli	64	0	0	64	0	0	0	0	0	0	0	0	0	64	0	0	64
Papakolea	269	0	1	268	0	0	0	0	0	0	0	0	0	269	0	1	268
Princess Kahanu Estates	0	0	0	0	17	0	0	17	0	0	0	0	0	17	0	0	17
Waiahole	420	0	0	420	12	0	0	12	0	0	0	0	0	432	0	0	432
Waianae	714	0	0	714	2	0	0	2	0	0	0	0	0	716	0	0	716
Waimanalo																	
TOTAL	4,376	1	1	4,376	61	0	0	61	0	0	0	0	4,437	1	1		

MAUI	31	0	0	31	0	0	0	0	0	0	0	0	31	0	0	31	
Hikina	0	0	0	0	0	0	0	0	75	0	0	75	75	0	0	75	
Kahikinui	0	0	0	0	64	0	0	64	0	0	0	0	64	0	0	64	
Keokea	103	0	0	103	0	0	0	0	0	0	0	0	103	0	0	103	
Leialii	178	0	0	178	0	0	0	0	0	0	0	0	178	0	0	178	
Paukukalo	39	0	0	39	0	0	0	0	0	0	0	0	39	0	0	39	
Waiehu 1	109	0	0	109	0	0	0	0	0	0	0	0	109	0	0	109	
Waiehu 2	113	0	0	113	0	0	0	0	0	0	0	0	113	0	0	113	
Waiehu 3	98	0	0	98	0	0	0	0	0	0	0	0	98	0	0	98	
Waiehu 4	590	0	0	590	0	0	0	0	0	0	0	0	590	0	0	590	
Waiohuli																	
TOTAL	1,261	0	0	1,261	64	0	0	64	75	0	0	75	1,400	0	0		

EAST HAWAII	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3	
Discovery Harbour	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25	
Kamaoa	46	0	0	46	0	0	0	0	0	0	0	0	46	0	0	46	
Kaumana	472	0	0	472	0	0	0	0	0	0	0	0	472	0	0	472	
Keaukaha	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3	
Kurtistown	0	0	0	0	120	0	0	120	0	0	0	0	120	0	0	120	
Makuu	13	0	0	13	275	0	0	275	0	0	0	0	288	0	0	288	
Panaewa	17	0	0	17	0	0	0	0	0	0	0	0	17	0	0	17	
Piihonua	0	0	0	0	12	0	1	11	0	0	0	0	12	0	1	11	
Pueo	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	4	
University Heights	285	0	1	284	0	0	0	0	0	0	0	0	285	0	1	284	
Waiakea																	
TOTAL	843	0	1	842	407	0	1	406	25	0	0	25	1,275	0	2		

WEST HAWAII	0	0	0	0	0	0	0	0	24	0	0	24	24	0	0	24	
Honokaia	0	0	0	0	0	0	0	0	5	0	0	5	5	0	0	5	
Humuula	0	0	0	0	0	0	0	0	17	0	0	17	17	0	0	17	
Kamoku	224	0	0	224	0	0	0	0	0	0	0	0	224	0	0	224	
Kanihale	192	0	0	192	0	0	0	0	1	0	0	1	193	0	0	193	
Kawaihae	274	0	0	274	0	0	0	0	0	0	0	0	274	0	0	274	
Laiopua	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30	
Lalamilo	0	0	0	0	0	0	0	0	21	0	0	21	21	0	0	21	
Nienie	118	0	0	118	110	0	0	110	218	0	0	218	446	0	0	446	
Puukapu/Waimea/Kuhio VII	33	0	0	33	0	0	0	0	0	0	0	0	33	0	0	33	
Puupulehu																	
TOTAL	871	0	0	871	110	0	0	110	286	0	0	286	1,267	0	0		

KAUAI	547	0	0	547	46	0	0	46	0	0	0	0	593	0	0	593	
Anahola	47	0	0	47	0	0	0	0	0	0	0	0	47	0	0	47	
Hanapepe	117	0	0	117	0	0	0	0	0	0	0	0	117	0	0	117	
Kekaha	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1	
Puu Opae																	
TOTAL	711	0	0	711	46	0	0	46	1	0	0	1	758	0	0		

MOLOKAI	152	0	0	152	345	0	0	345	21	0	0	21	518	0	0	518	
Hoolehua	167	0	0	167	69	0	0	69	3	0	0	3	239	0	0	239	
Kalamaula	47	0	0	47	0	0	0	0	3	0	0	3	50	0	0	50	
Kapaakea	0	0	0	0	3	0	0	3	0	0	0	0	3	0	0	3	
Moomomi	27	0	0	27	0	0	0	0	0	0	0	0	27	0	0	27	
One Alii																	
TOTAL	393	0	0	393	417	0	0	417	27	0	0	27	837	0	0		

LANAI	44	0	0	44	0	0	0	0	0	0	0	0	44	0	0	44	
Lanai																	
TOTAL	44	0	0	44	0	0	0	0	0	0	0	0	44	0	0		

STATEWIDE TOTAL	8,499	1	2	8,498	1,105	0	1	1,104	414	0	0	414	10,018	1	3		10,016
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		11/01/23 Totals	Adds	Deletes	12/01/23 Totals
OAHU					
	113 NANAKULI (RES)	153	0	0	153
	123 PAKOLEA/KEWALO (RES)	64	0	0	64
	133 WAIMANALO (RES)	520	0	0	520
	143 WAIANAE (RES)	135	0	0	135
	191 OAHU ISLAND-WIDE (AG)	4,127	10	1	4,136
	193 OAHU ISLAND-WIDE (RES)	10,575	16	7	10,584
		=====	=====	=====	=====
	TOTAL FOR OAHU	15,574	26	8	15,592
MAUI					
	213 PAUKUKALO (RES)	50	0	0	50
	221 KULA (AG)	4	0	0	4
	222 KULA (PAS)	5	0	0	5
	291 MAUI ISLAND-WIDE (AG)	4,796	7	1	4,802
	292 MAUI ISLAND-WIDE (PAS)	643	1	0	644
	293 MAUI ISLAND-WIDE (RES)	3,893	9	3	3,899
		=====	=====	=====	=====
	TOTAL FOR MAUI	9,391	17	4	9,404
HAWAII					
	313 KEAUKAHA/WAIAKEA (RES)	65	0	0	65
	321 PANAEWA (AG)	13	0	0	13
	333 KAWAIHAE (RES)	16	0	0	16
	341 WAIMEA (AG)	11	0	0	11
	342 WAIMEA (PAS)	46	0	0	46
	343 WAIMEA (RES)	44	0	0	44
	391 HAWAII ISLAND-WIDE (AG)	7,362	9	1	7,370
	392 HAWAII ISLAND-WIDE (PAS)	1,980	4	0	1,984
	393 HAWAII ISLAND-WIDE (RES)	5,911	15	4	5,922
		=====	=====	=====	=====
	TOTAL FOR HAWAII	15,448	28	5	15,471
KAUAI					
	511 ANAHOLA (AG)	3	0	0	3
	512 ANAHOLA (PAS)	20	0	0	20
	513 ANAHOLA (RES)	40	0	0	40
	523 KEKAHA (RES)	8	0	0	8
	532 PUU OPAE (PAS)	7	0	0	7
	591 KAUAI ISLAND-WIDE (AG)	2,309	2	2	2,309
	592 KAUAI ISLAND-WIDE (PAS)	313	0	0	313
	593 KAUAI ISLAND-WIDE (RES)	1,685	2	3	1,684
		=====	=====	=====	=====
	TOTAL FOR KAUAI	4,385	4	5	4,384
MOLOKAI					
	613 KALAMAULA (RES)	3	0	0	3
	621 HOOLEHUA (AG)	17	0	0	17
	622 HOOLEHUA (PAS)	1	0	0	1
	623 HOOLEHUA (RES)	7	0	0	7
	633 KAPAAKEA (RES)	6	0	0	6
	643 ONE ALII (RES)	1	0	0	1
	691 MOLOKAI ISLAND-WIDE (AG)	1,121	0	1	1,120
	692 MOLOKAI ISLAND-WIDE (PAS)	201	0	0	201
	693 MOLOKAI ISLAND-WIDE (RES)	799	0	0	799
		=====	=====	=====	=====
	TOTAL FOR MOLOKAI	2,156	0	1	2,155
LANAI					
	713 LANAI (RES)	70	0	1	69
		=====	=====	=====	=====
	TOTAL FOR LANAI	70	0	1	69
GRAND TOTAL		=====	=====	=====	=====
		47,024	75	24	47,075
		=====	=====	=====	=====

DELINQUENCY REPORT - STATEWIDE

December 18, 2023

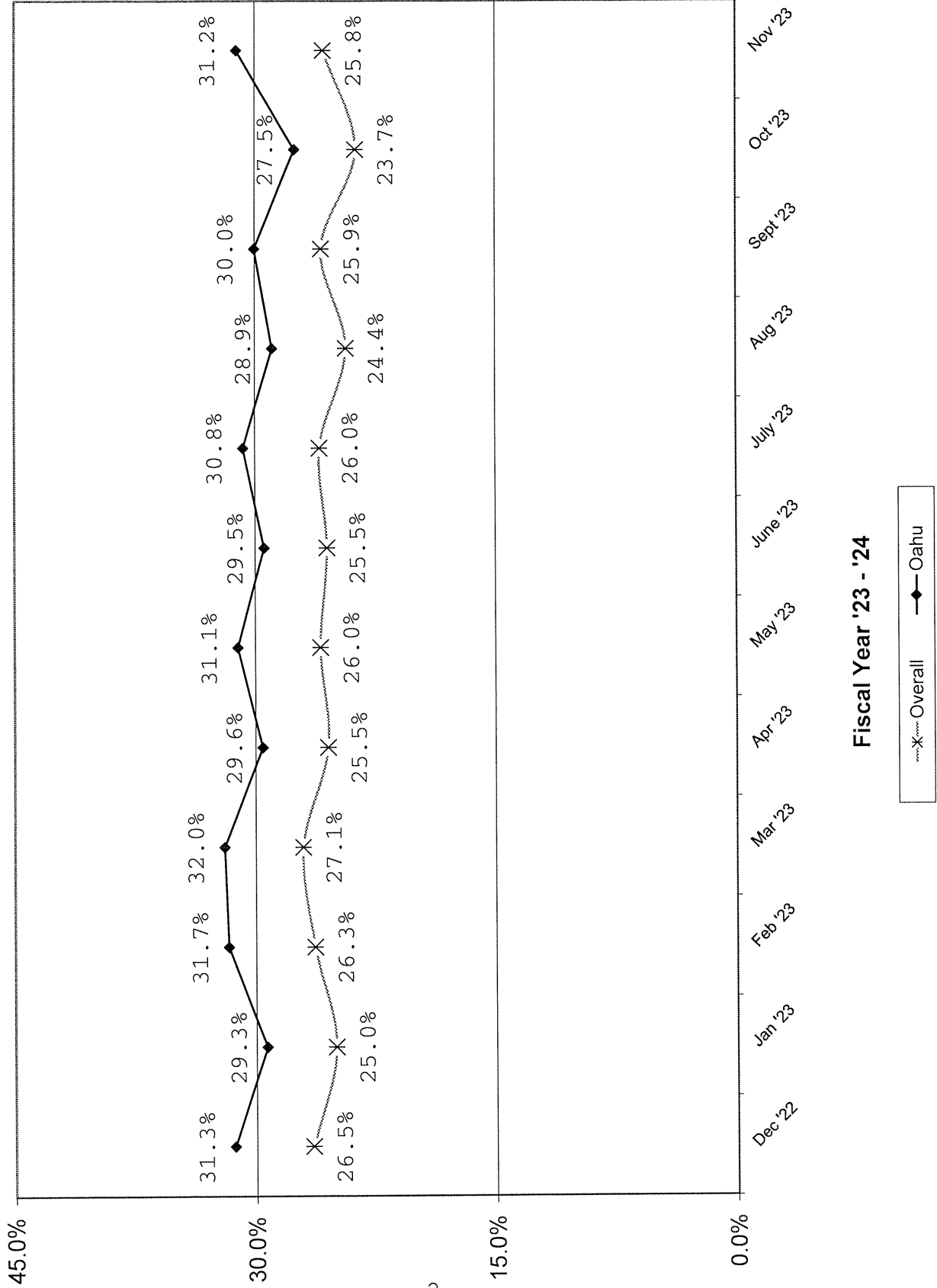
(\$Thousands)

DIRECT LOANS OAHU	Total Outstanding (000s)		Total Delinquency (000s)		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)		% of Totals 11/30/2023	
	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	\$
EAST HAWAII	192	11,373	58	4,091	5	469	6	305	4	198	43	3,119	30.2%	36.0%
WEST HAWAII	76	8,018	13	1,285	4	395	1	122	3	335	5	433	17.1%	16.0%
MOLOKAI	79	6,776	15	748	2	241	2	58	1	16	10	433	19.0%	11.0%
KAUAI	90	7,110	12	1,221	5	653	0	0	2	222	5	345	13.3%	17.2%
MAUI	112	15,219	29	3,194	3	44	5	500	9	1,005	12	1,645	25.9%	21.0%
TOTAL DIRECT	918	84,583	239	21,781	46	4,814	22	1,576	30	2,895	141	12,496	26.0%	25.8%
	100.0%	100.0%	26.0%	25.8%	5.0%	5.7%	2.4%	1.9%	3.3%	3.4%	15.4%	14.8%		
Advances (including RPT)	246	6,067	246	6,067	0	0	0	0	246	6,067			100%	100%
DHHL LOANS & Advances	1,164	90,650	485	27,848	46	4,814	22	1,576	276	8,963	141	12,496	41.7%	30.7%
LOAN GUARANTEES as of June 30, 2023														
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	118	15,825	9	1,110	5	441	2	281	2	388			7.6%	7.0%
HUD REASSIGNED for Recovery	121	12,372	96	10,673	2	7	1	115	4	321	89	10,229	79.3%	86.3%
FHA Insured Loans	2,937	537,684	204	33,310	0	0	0	0	204	33,310			6.9%	6.2%
TOTAL INS. LOANS	3,176	565,881	309	45,093	7	448	3	396	210	34,019	89	10,229	9.7%	8.0%
OVERALL TOTALS(EXC Adv/RPT's)	4,425	688,912	619	74,133	53	5,262	25	1,972	311	44,174	230	22,725	14.0%	10.8%
ADJUSTED TOTALS	4,671	694,979	865	80,200	53	5,262	25	1,972	557	50,241	230	22,725		11.5%

Note: HUD 184A loan program has 666 loans, with a total outstanding principal balance of \$128,639,724 as of June 30, 2023. 53 Loans, totaling \$5,837,337 are delinquent.

The deferred interest for 455 loans comes out to \$1,981,538.61 as of 11/30/2023.

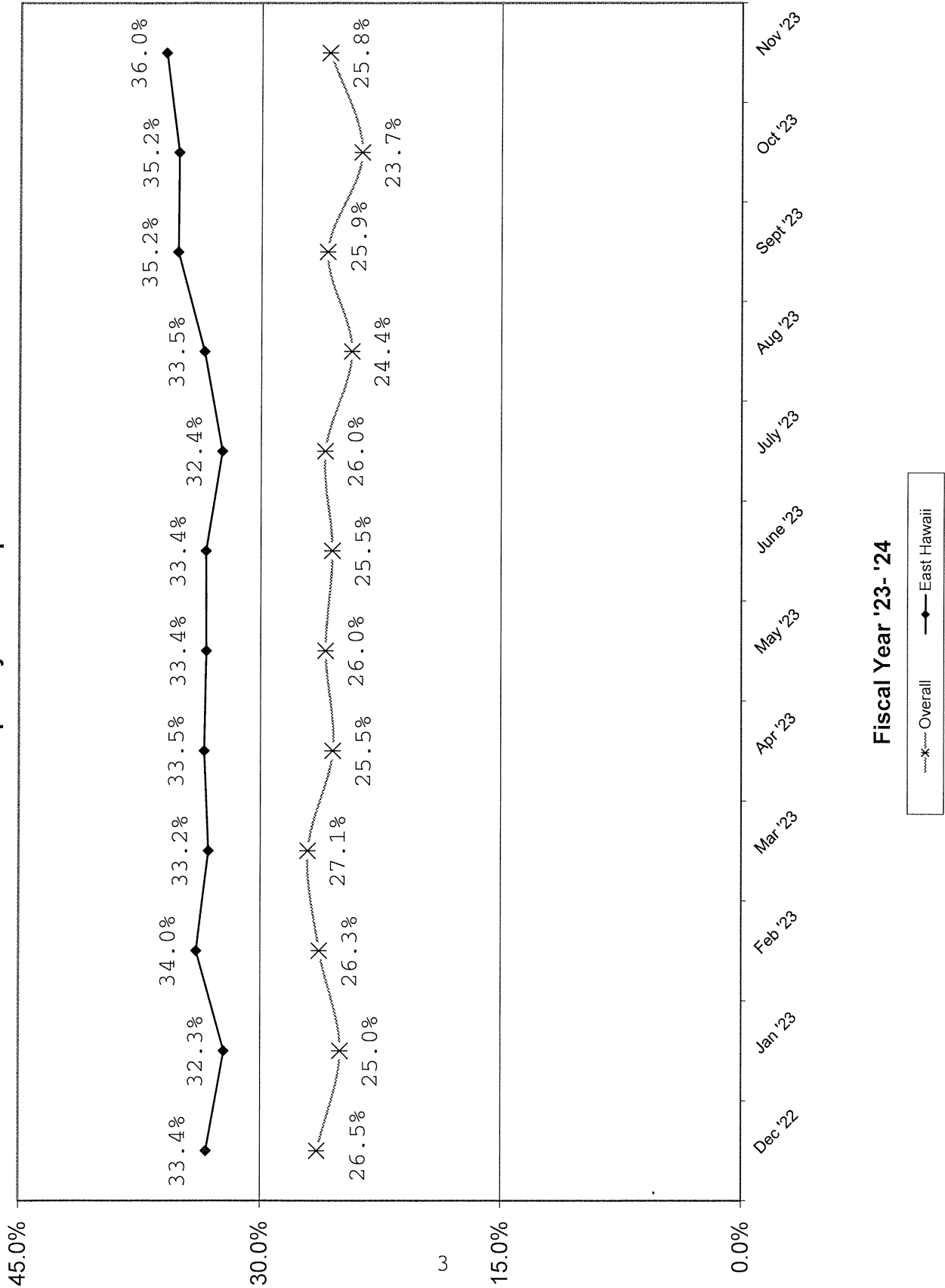
OAHU
Direct Loans
Delinquency Ratio Report



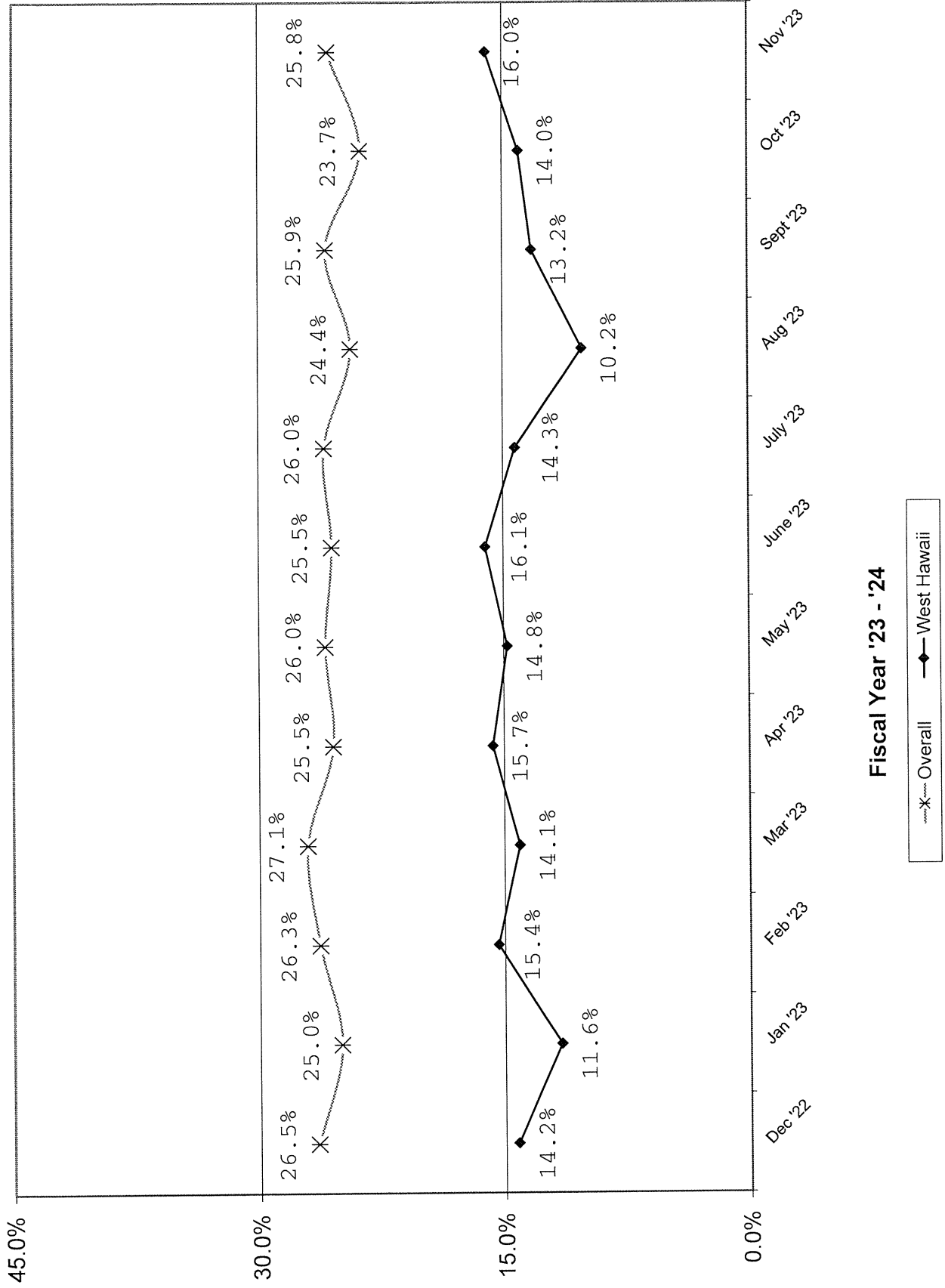
Fiscal Year '23 - '24

---x--- Overall —◆— Oahu

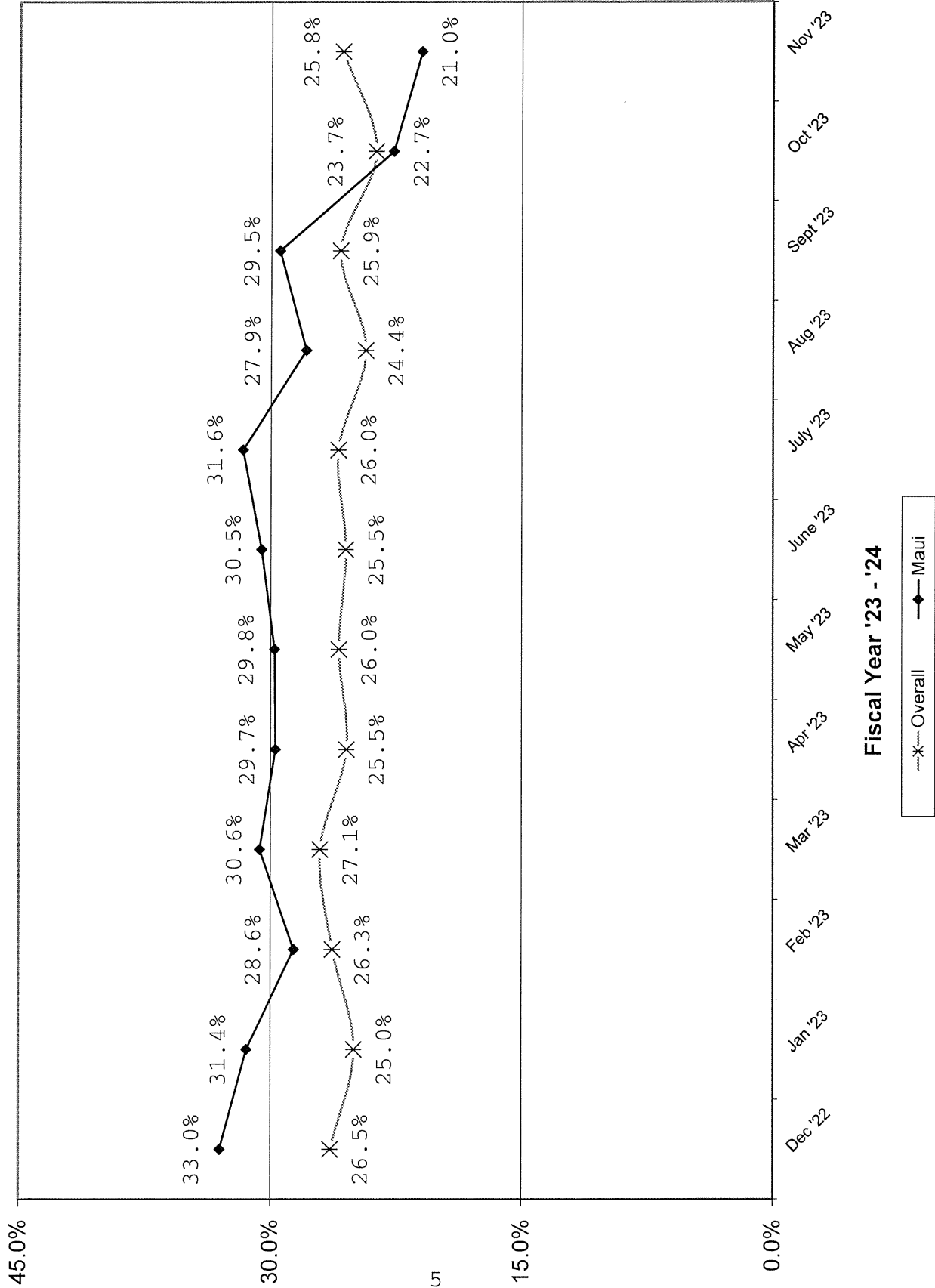
EAST HAWAII
Direct Loans
Delinquency Ratio Report



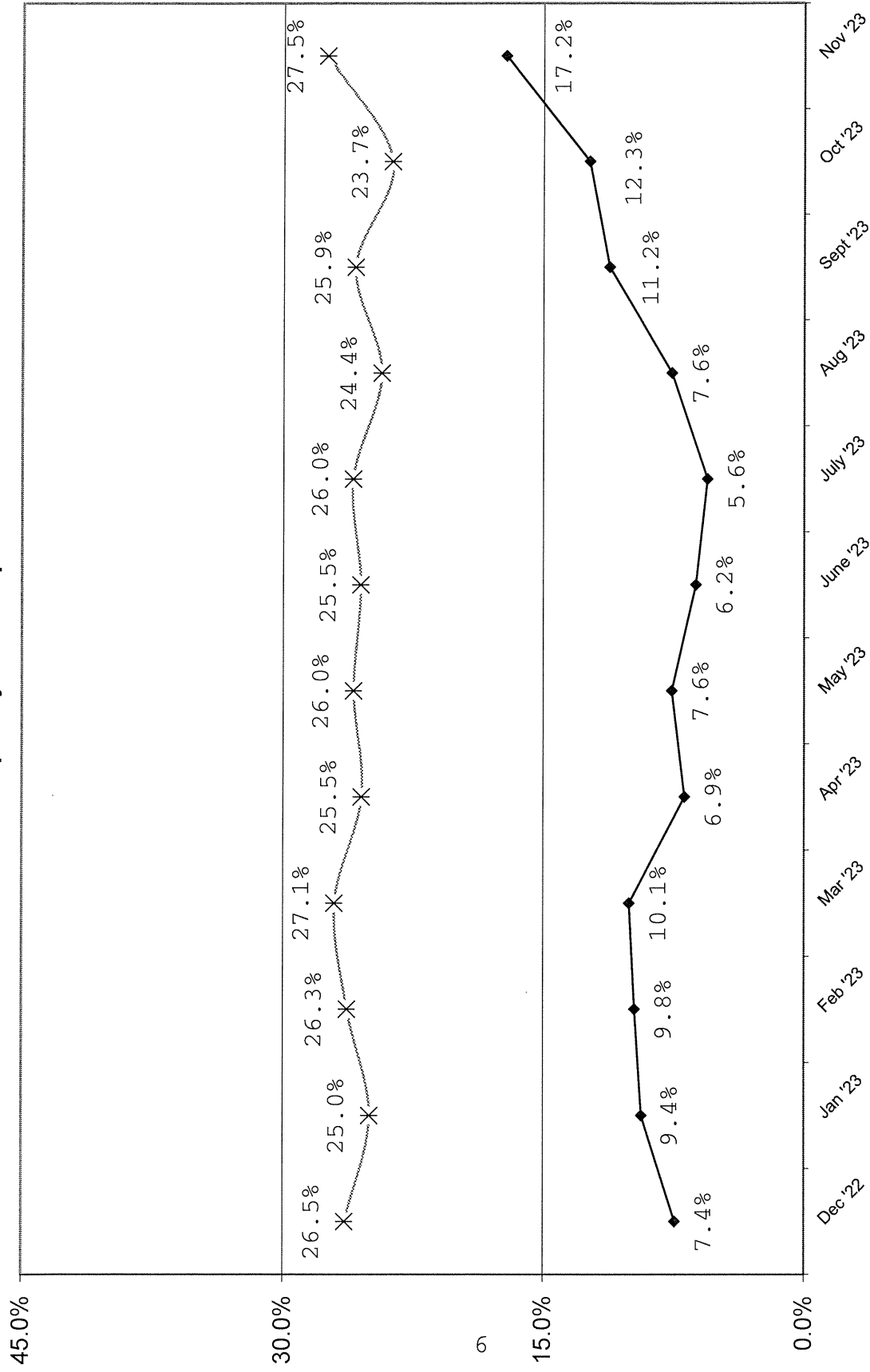
WEST HAWAII
Direct Loans
Delinquency Ratio Report



MAUI
Direct Loans
Delinquency Ratio Report



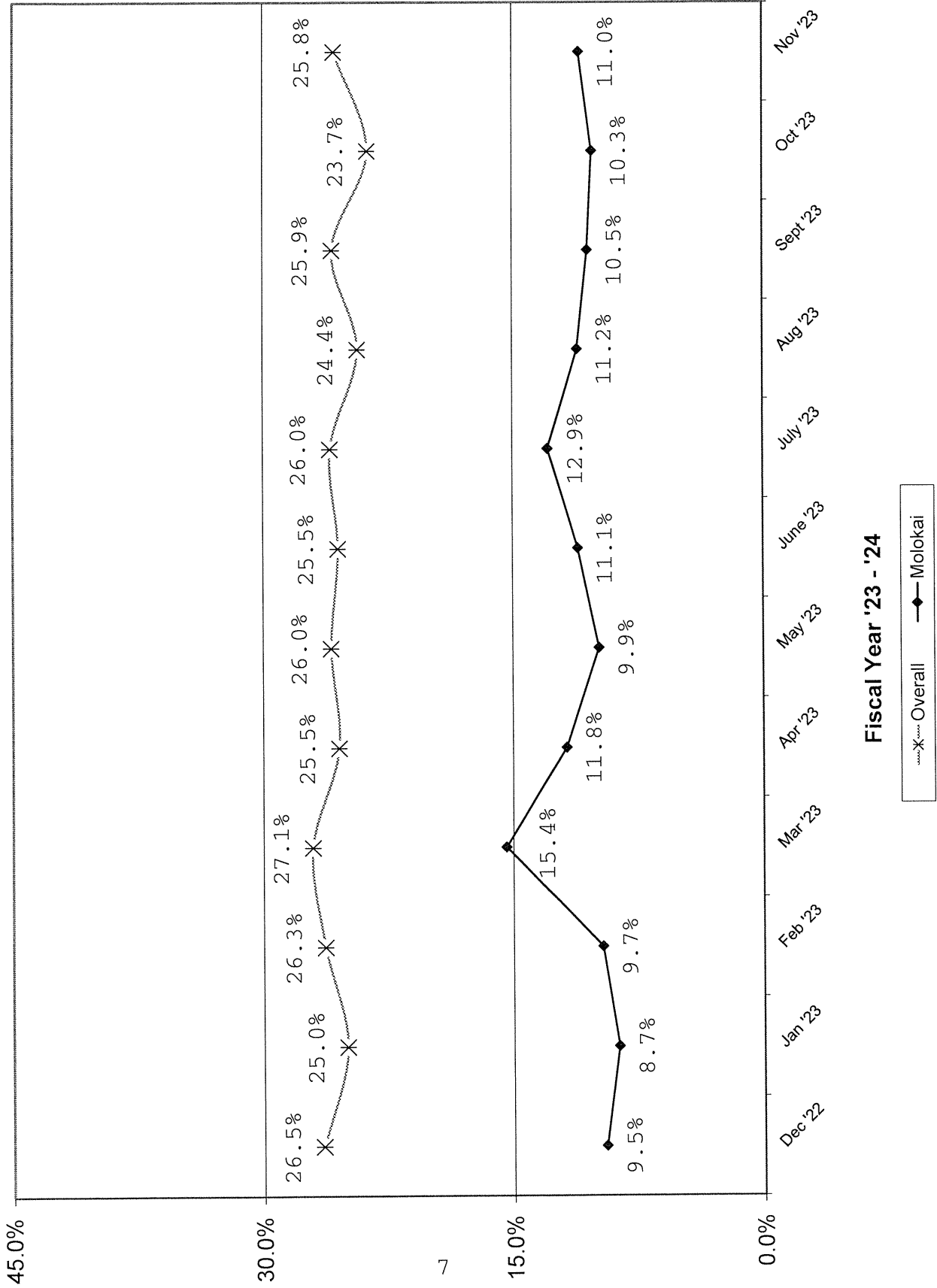
KAUAI
Direct Loans
Delinquency Ratio Report



Fiscal Year '23 - '24



MOLOKAI
Direct Loans
Delinquency Ratio Report





STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

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. 3591 TMK: 1-8-9-004:015	PELEKAI, Henry W. & PELEKAI, Lurline (Construction)VA	Department of Veterans Affairs	\$ 650,000
Kanehili Lease No. 11571 TMK: 1-9-1-153:050	GABRIEL, Leonard (Rate Term Refi) VA	Department of Veterans Affairs	\$ 187,000
Lualualei Lease No. 5565 TMK: 1-8-6-023:149	IRVINE-NIAU, Robert J. K. (Purchase)FHA	Bank of Hawaii	\$ 175,000

OAHU

Princess Kahanu Estates Lease No. 4631 TMK: 1-8-7-042:148	MCKEAGUE, Wilfred K. (Purchase) FHA	Security National Mortgage	\$ 485,809
Maluohai Lease No. 12757 TMK: 1-9-1-120:094	HALEMANO, Michelle P. (Rate Term Refi) VA	Department of Veterans Affairs	\$ 60,000
Nanakuli Lease No. 5208 TMK: 1-8-9-014:007	PANUI, Lyman S. K. (Cash- Out Refi) FHA	HomeStreet Bank	\$ 311,400
Waianae Lease No. 9703 TMK: 1-8-5-033:094	PALING, Stephen (Cash-Out Refi) FHA	Leaf Funding	\$ 453,504
Nanakuli Lease No. 3708 TMK: 1-8-9-005-035	SANCHEZ, Jeanette K. (Cash- Out Refi) FHA	Guild Mortgage Company	\$ 193,275
Kauluokahai Lease No. 12968 TMK: 1-9-1-017-110	BERNARDINO, Ian N. K. (Construction) HUD 184A	1st Tribal Lending	\$ 397,186
Waianae Lease No. 4597 TMK: 1-8-5-030:086	JEREMIAH, Cindy K. (Cash-Out Refi) FHA	Leaf Funding	\$ 259,500

KAUAI

Anahola Lease No. 8691 TMK: 4-4-8-019:045	LONG, Henry D. K., IV (Purchase) FHA	Castle & Cooke Mortgage	\$ 400,000
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ITEM NO. D-2

HAWAII

Keaukaha
Lease No.. 4243
TMK: 3-2-1-022:034

EVANS,
Sybil M. U. (Cash-
Out Refi) FHA

VIP Mortgage \$ 280,260
Inc.

ITEM NO. D-2

<u>RECAP</u>	<u>NO.</u>	<u>FHA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>VA</u> <u>AMOUNT</u>
FY Ending 6/30/23	167	\$ 58,188,156	9	\$ 2,325,526
Prior Months	42	\$ 14,217,476	10	\$ 1,900,130
This Month	9	2,697,548	3	897,000
Total FY '23-'24	51	\$ 16,915,024	13	\$ 2,797,130

		<u>HUD 184A</u> <u>AMOUNT</u>		<u>USDA-RD</u> <u>AMOUNT</u>
FY Ending 6/30/23	23	\$ 8,018,714	3	\$ 1,081,858
Prior Months	2	\$ 752,250	1	\$ 202,000
This Month	1	397,186	0	0
Total FY '23-'24	3	\$ 1,149,436	1	\$ 202,000

ITEM NO. D-2

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

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>
Akana, Lewellyn B. & Akana, Clifford D.	3811, Kekaha	NTE \$7,500 @ 4% interest per annum, NTE \$222 monthly, repayable over 3 years.

Loan Purpose: Refinance HUD buyback loan no. 19971, into the names of the successors and to reduce the interest rate. A Contested Case Hearing was not held for this account.

<u>REFINANCE</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	14	\$ 1,732,825
Prior Months	3	234,800
This Month	<u>1</u>	<u>7,500</u>
Total FY '23-'24	4	\$ 242,300

<u>REPAIR</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	0	\$ -0-

<u>HOME CONSTRUCTION</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	3	\$ 1,028,750
Prior Months	2	947,075
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	2	\$ 947,075

<u>FARM</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	0	\$ -0-

<u>TRANSFER WITH LOAN</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	1	\$ 143,000
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	0	\$ -0-



<u>AWARD</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	3	\$ 524,500
Prior Months	2	409,000
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	2	\$ 409,000

<u>OTHER</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	0	\$ -0-

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

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

RECOMMENDED MOTION/ACTION

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

DISCUSSION

1. Requests of Applicants to Transfer

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KEKOA-ASPERILLA, Lovenia M.	03/27/2008	HAWAII	RES	07/11/2023
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HAWAII ISLANDWIDE PASTORAL LEASE LIST

MCKEAGUE, Darryl Anson N.	06/03/1996	HAWAII	AGR	06/29/2023
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MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

CLEVELAND, Leimamo K.K.	07/30/2009	MAUI	AGR	06/22/2023
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2. Deceased Applicants

NONE FOR SUBMITTAL

3. Awards of Leases

WAIMANALO AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

AKEN, Lei Mamo K.	Assigned Residential Lease #8336, Lot 45 in Princess Kahanu Estates, Oahu dated 09/21/2022. Remove application dated 09/15/1971.
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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

AKO-PALL, Kyrtsie Lee E.	Assigned Residential Lease #12572, Lot 18345 in Kanehili, Oahu dated 03/05/2021. Remove application dated 05/02/2018.
ASHLEY, Bradfrey G.	Assigned Residential Lease #12616, Lot 18365 in Kanehili, Oahu dated 02/28/2023. Remove application dated 12/02/2020.
BERNARDINO, Rogeitte G.P.	Assigned Residential Lease #12968, Lot 2 in Ka'uluokaha'i, Oahu dated 11/08/2023. Remove application dated 03/24/1987.
DAMAS, Debbie N.A.	Assigned Residential Lease #11688, Lot 18670 in Kanehili, Oahu dated 03/01/2022. Remove application dated 11/15/2010.
DEGUZMAN, Warrenne L.F.	Assigned Residential Lease #2708, Lot 50-A in Kuhio Village, Hawaii dated 05/08/2023. Remove application dated 10/14/2016.
DELA CRUZ, Regina K.	Assigned Residential Lease #8336, Lot 45 in Princess Kahanu Estates, Oahu dated 09/21/2022. Remove application dated 02/10/2020.

FUTRELL, Pokiimakamai V.M.

Assigned Residential Lease #11556,
Lot 18662 in Kanehili, Oahu dated
04/11/2022. Remove application
dated 07/17/2018.

HANOHANO, Kapiliponoikealoha

Assigned Residential Lease #11807,
Lot 18638 in Kanehili, Oahu dated
01/25/2022. Remove application
dated 08/27/2012.

KAIMIKAUA, Pualani E.C.

Assigned Residential Lease #12394,
Lot 18459 in Kanehili, Oahu dated
05/09/2022. Remove application
dated 10/29/2021.

KUNIPO, Edward K.

Assigned Residential Lease #8411,
Lot 120 in Princess Kahanu Estates,
Oahu dated 03/21/2023. Remove
application dated 06/10/2021.

MCGUIRE, Celice K.K.N.A.A.

Assigned Residential Lease #9447,
Lot 9 in Waiehu Kou II, Maui dated
04/14/2023. Remove application
dated 04/10/2012.

MORALES, Sharon P.

Assigned Residential Lease #2516,
Lot 106 in Kewalo, Oahu dated
08/01/2022. Remove application
dated 02/19/2020.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

ELLIS, Bennadeth A.

Assigned Residential Lease #9217,
Lot 4 in Kaniohale, Hawaii dated
04/19/2021. Remove application
dated 02/13/2008.

JUAN, Wendall

Assigned Residential Lease #9662,
Lot 82 in Kawaihae, Hawaii dated
09/28/2022. Remove application
dated 03/09/1987.

SYLVA, Bernadine K.P.

Assigned Residential Lease #2905,
Lot 38 in Kuhio Village, Hawaii
dated 06/26/2020. Remove
application dated 07/29/1986.

YIM, Joycelyn L.

Assigned Residential Lease #9423,
Lot 110 in Kaniohale, Hawaii dated
03/28/2022. Remove application
dated 10/10/2003.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

TORRES, Alfred L.

Cancel application dated
05/05/2000 at the request of
applicant received on
11/22/2023.

KULA AREA / MAUI ISLANDWIDE PASTORAL LEASE LIST

TORRES, Alfred L.

Cancel application dated
12/27/1976 at the request of
applicant received on
11/22/2023.

MAUI ISLANDWIDE PASTORAL LEASE LIST

CROWELL, Carter L.

Cancel application dated
10/24/1994 at the request of
applicant received on
11/21/2023.

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

CROWELL, Carter L.	Cancel application dated 10/24/1994 at the request of applicant received on 11/21/2023.
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6. Successorship

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

NUUHIWA, Darin	Succeeded to Oahu Islandwide Residential application of Parent, Jonah Nuuhiwa Sr. dated 03/29/1996. Remove application dated 05/13/1999.
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

NELSON, Casandra L.	Succeeded to Maui Islandwide Residential application of Uncle, Wadsworth D. Kelly dated 09/06/2006. Remove application dated 09/16/2020.
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KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

VALMOJA, La-Plane N.	Succeeded to Kauai Islandwide Agricultural application of Parent, Philip P. Kekahu dated 05/14/1986. Remove application dated 04/01/2022.
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7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL


Last Month's Transaction Total	73
Last Month's Cumulative FY 2023-2024 Transaction Total	253
Transfers from Island to Island	3
Deceased	0
Cancellations:	
Awards of Leases	7
NHQ	0
Voluntary Cancellations	4
Successorship	3
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	17
This Month's Cumulative FY 2023-2024 Transaction Total	270


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator 

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

SUBJECT: **Approval to Certify Applications of Qualified Applicants for the month of November 2023**

RECOMMENDED MOTION/ACTION

To approve the certification of applications of qualified applicants for the month of October 2023. The Department has verified the native Hawaiian blood quantum requirement of each applicant according to section 10-3-2 of the Hawaii Administrative Rules.

DISCUSSION

At its October 2020 regular meeting, the Hawaii Homes Commission adopted the recommendation of the HHC Investigative Committee on the Native Hawaiian Qualification Process to recall to the HHC, pursuant to Hawaii Administrative Rules § 10-2-16(a), the authority to accept the Native Hawaiian Quantum (NHQ) determination for an individuals as a function requiring the exercise of judgement or discretion. The recommendation included a process to implement the Commission's review and acceptance of NHQ determinations. These applicants have been deemed by the Department to have met the native Hawaiian blood quantum requirement through the kumu 'ohanaprocess.

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

ASING, Taneesha H.M.	08/09/2023
MAHOE, Alden K.	08/14/2023
KALIMA, Lokelani E.M.	09/05/2023
KALIMA, Mike'ele W.P.	09/05/2023

KAMAI, David I.	09/07/2023
ALO, Chariena R.K.	10/09/2023

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KEA, Keanu K.K.K.K.K.	08/07/2023
REZANTES, Joley A.K.	08/08/2023
ASING, Taneesha H.M.	08/09/2023
DELA PINA, Luana Belle W.	08/10/2023
MAHOE, Alden K.	08/14/2023
YONG, Wade K.	08/14/2023
STRICKLER, Mildred K.	08/14/2023
KALEPONI, Michael M.L.K.Y.	09/01/2023
YOUNG, Tatiana K.	09/01/2023
KALIMA, Lokelani E.M.	09/05/2023
KALIMA, Mike'ele W.P.	09/05/2023
FREITAS, Moana K.	09/07/2023
KAMAI, David I.	09/07/2023
ALO, Chariena R.K.	10/09/2023

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

NAAUAO, Eddie M.	06/02/2023
KAUHOLA, Sade P.	07/07/2023
ORTIZ, Ray-Anna K.A.	07/18/2023
MAWAE, Kainalu S.K.	07/20/2023
MAWAE, Brandi K.	07/21/2023
REZANTES, Joley A.K.	08/08/2023

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

NAAUAO, Eddie M.	06/02/2023
KAMAU, Albert P.A.	06/08/2023
KAMAU, Kilakila D.A.	06/08/2023
KAUHOLA, Sade P.	07/07/2023
ORTIZ, Ray-Anna K.A.	07/18/2023
MAWAE, Kainalu S.K.	07/20/2023
MAWAE, Brandi K.	07/21/2023
DAVIS, Puakailina T.M.	08/16/2023

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

WAIAMAU-GOMES, Desiree M.	08/04/2023
KEPA, Karcyn K.E.	08/11/2023
RAMENTO, Judy Ann	08/14/2023
DAVIS, Puakailina T.M.	08/16/2023
YOUNG, Tatiana K.	09/01/2023
FREITAS, Moana K.	09/07/2023
BETHEA, Danalynn M.A.	10/11/2023

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

WAIAMAU-GOMES, Desiree M.	08/04/2023
KEPA, Karcyn K.E.	08/11/2023
RAMENTO, Judy Ann	08/14/2023
BENAVIDEZ, Joshua J.	10/09/2023
BETHEA, Danalynn M.A.	10/11/2023

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

VIDINHA-FLORES, Cerenity P.	07/18/2023
LOO, Damian A.	07/27/2023
BALAI, Gilbert Jr.	08/24/2023
BROWN, Anuheia	09/22/2023

KAUAI ISLANDWIDE PASTORAL LEASE LIST

PAHULEHUA, Daniel C.N.	07/17/2023
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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

PAHULEHUA, Daniel C.N.	07/17/2023
VIDINHA-FLORES, Cerenity P.	07/18/2023
LOO, Damian A.	07/27/2023
BALAI, Gilbert Jr.	08/24/2023
BROWN, Anuheia	09/22/2023

MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

DOWLING, Laikuikaohu K.	07/12/2023
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MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

DOWLING, Laikuikaohu K.	07/12/2023
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Previous Cumulative Total for Current FY	167
Current Month's Total	58
Fiscal Year Total: July 2023-June 2024	225


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator 

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

SUBJECT: **Commission Designation of Successors to Application Rights - Public Notice 2022**

RECOMMENDED MOTION/ACTION

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

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

DISCUSSION

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

1. Deceased Applicant: Wadsworth D. Kelly
 Date of death: May 30, 2013
 Successor to app rights: Casandra L. Nelson
 Relationship to decedent: Niece
 Island: Maui
 Type: Islandwide Residential
 Date of Application: September 6, 2006
 Date of Public Notice: November, 2022

2. Deceased Applicant: Philip P. Kekahu
 Date of death: July 14, 2001
 Successor to app rights: La-Plane N. Valmoja
 Relationship to decedent: Child
 Island: Kauai
 Type: Islandwide Agricultural
 Date of Application: May 14, 1986
 Date of Public Notice: November, 2022

Previous Cumulative Total for Current FY	42
Current Month's Total	2
Fiscal Year Total: July 2023-June 2024	44

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

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

Seven (7) assignments of lease.

1. Lessee Name: Jo Ann N. Halemano, Christine P. Halemano & Jo-El P. Miller
Res. Lease No. 7607, Lot No. 22
Lease Date: 4/19/2001
Area: Nanakuli, Oahu
Property Sold & Amount: Yes, \$210,000.00
Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Dallas M. Auwae
Relationship: None
Loan Assumption: No
Applicant: Yes, Maui IW Res., 10/6/2004

Reason for Transfer: "Move back home." Special Conditions:
Transferee to obtain funds to pay purchase price.

2. Lessee Name: Wilfred Kai McKeague
Res. Lease No. 4631, Lot No. 264
Lease Date: 12/28/1977
Area: PKE, Oahu
Property Sold & Amount: Yes, \$485,000.00
Improvements: 4 bedroom, 2 bath dwelling
- Transferee Name: Mareko M. T. Wolcott
Relationship: None
Loan Assumption: No
Applicant: No
- Reason for Transfer: "Moving off island." Special
Conditions: Transferee to obtain funds to pay purchase
price.
3. Lessee Name: Joseph F. Phillip, III
Res. Lease No. 4290, Lot No. 119
Lease Date: 3/16/1977
Area: Kewalo, Oahu
Property Sold & Amount: No, N/A
Improvements: 4 bedroom, 2-1/2 bath dwelling
- Transferee Name: Moanalani C. S. Hao-Wohlwend
Relationship: None
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 6/26/1997
- Reason for Transfer: "Moving off island."
4. Lessee Name: Christine L. R. Kea
Res. Lease No. 3801, Lot No. 139-B
Lease Date: 9/19/1969
Area: Nanakuli, Oahu
Property Sold & Amount: No, N/A
Improvements: 4 bedroom, 2 bath dwelling
- Transferee Name: Heather L. Kelii
Relationship: Sister/Co-Lessee
Loan Assumption: No
Applicant: No
- Reason for Transfer: "Giving lease to relative."

5. Lessee Name: Melvin H. Sallas
Res. Lease No. 1943, Lot No. 47
Lease Date: 9/26/1947
Area: Kewalo, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Melvin H. Sallas, Keoki L. Sallas &
Christina M. K. Sallas
Relationship: Lessee/Daughter & Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Adding relatives to lease."

6. Lessee Name: Jaylin H. M. Serikawa
Res. Lease No. 3966, Lot No. 60
Lease Date: 2/25/1972
Area: Waimanalo, Oahu
Property Sold & Amount: Yes, \$135,000.00
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Valerie A. A. Kim
Relationship: None
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 7/26/2021

Reason for Transfer: "Personal." Special Conditions:
Transferee to obtain funds to pay purchase price.

7. Lessee Name: Eugene A. Silva
Res. Lease No. 3229, Lot No. 14
Lease Date: 1/16/1959
Area: Waimanalo, Oahu
Property Sold & Amount: Yes, \$500,000.00
Improvements: 9 bedroom, 4 bath dwelling

Transferee Name: Eulyn N. W. Silva
Relationship: Son
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 7/15/2021


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


Assignments for the Month of December `23	7
Previous FY '23 - '24 balance	<u>39</u>
FY '23 - '24 total to date	46
Assignments for FY '22 - '23	179

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

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

Eleven (11) amendments of lease.

1. Lessee: Edward L. Akana
Res. Lease No.: 771
Lot No., Area, Island: 19, Papakolea, Oahu
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.
(Transfer Through Successorship)

2. Lessee: Gail N. Camacho
Agr. Lease No.: 136
Lot No., Area, Island: 19, Hoolehua, Molokai
Amendment: To amend the lease title and lessor's name, update the property description, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.
(Amendment to extend the terms)
3. Lessee: Harriet Daog
Res. Lease No.: 1884
Lot No., Area, Island: 253, Keaukaha, Hawaii
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.
(Transfer Through Successorship)
4. Lessee: Earlyne K. Garcia
Res. Lease No.: 6280
Lot No., Area, Island: 11-A, Keaukaha, Hawaii
Amendment: To amend the lease to update the property description. (Transfer Through Successorship)
5. Lessee: Newton K. Kanawaliwali
Agr. Lease No.: 135
Lot No., Area, Island: 60, Hoolehua, Molokai
Amendment: To amend the lease title and lessor's name, update the property description, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.
(Amendment to extend the terms)

6. Lessee: Shelley Kaonohi-Galdeira
Res. Lease No.: 11269
Lot No., Area, Island: UNDV071, Anahola, Kauai
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval. (UI Conversion)
7. Lessee: Lanna L. Keliihoomalu
Res. Lease No.: 3685
Lot No., Area, Island: 42, Waimanalo, Oahu
Amendment: To amend the lease to incorporate the currently used terms, conditions, and covenants to the lease. (Transfer Through Successorship)
8. Lessee: Elaine Kiko
Res. Lease No.: 673
Lot No., Area, Island: 12, Waimanalo, Oahu
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years. (Transfer Through Successorship)
9. Lessee: Melvin H. Sallas
Res. Lease No.: 1943
Lot No., Area, Island: 47, Kewalo, Oahu
Amendment: To amend the lease title and lessor's name, update the property description, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years. (Transfer)

10. Lessee: Eugene A. Silva
 Res. Lease No.: 3229
 Lot No., Area, Island: 14, Waimanalo, Oahu
 Amendment: To amend the lease title and lessor's name, to update the property description, to incorporate the currently used terms, conditions, and covenants to the lease, to amend the tenancy due to the death of a joint tenant, and to extend the lease term to an aggregate term of 199 years.
 (Transfer)

10. Lessee: Timothy U. Tirrell & Charles F. Tirrell, III
 Res. Lease No.: 1253-A
 Lot No., Area, Island: 213-A, Keaukaha, Hawaii
 Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.
 (Amendment to Lease)


Amendments for the Month of December '23	11
Previous FY '23 - '24 balance	<u>21</u>
FY '23 - '24 total to date	32
Amendments for FY '22 - '23	88


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

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

SUBJECT: **Approval to Issue a Non-Exclusive License for Rooftop Photovoltaic Systems for Certain Lessees**

RECOMMENDED MOTION/ACTION

To approve the issuance of a non-exclusive license to allow the Permittee to provide adequate services related to the installation, maintenance, and operation of a photovoltaic system on the premises leased by the respective Lessees.

The non-exclusive license is necessary as the Lessee can not issue his/her own licenses.

DISCUSSION

Thirty-six (36) non-exclusive licenses.

1. Lessee: Renee-Michele M. Aguiar
Res. Lease No.: 11338
Lot No., Area, Island: 15, Kekaha, Kauai
Permittee: Sunrun Installation Services, Inc.
2. Lessee: Beatrice J. C. U. Akau Hew Len
Res. Lease No.: 5628
Lot No., Area, Island: 31, Lualualei, Oahu
Permittee: Sunrun Installation Services, Inc.

3. Lessee: Brian K. Baker
Res. Lease No.: 3421
Lot No., Area, Island: 83-A, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
4. Lessee: Ruth M. Binyan
Agr. Lease No.: 6403
Lot No., Area, Island: U1-2, Makuu, Hawaii
Permittee: Sunrun Installation Services, Inc.
5. Lessee: Lester S. K. Bondallian
Res. Lease No.: 6374
Lot No., Area, Island: 2, Waiakea, Hawaii
Permittee: Sunrun Installation Services, Inc.
6. Lessee: Heidi K. Caldeira
Res. Lease No.: 8674
Lot No., Area, Island: 13, Anahola, Kauai
Permittee: Sunrun Installation Services, Inc.
7. Lessee: Rodney K. Damas
Res. Lease No.: 3850
Lot No., Area, Island: 341, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
8. Lessee: Edwina V. K. C. Fujimoto
Res. Lease No.: 10755
Lot No., Area, Island: 40, Laiopua, Hawaii
Permittee: Sunrun Installation Services, Inc.
9. Lessee: Steve P. Gifford
Res. Lease No.: 3788
Lot No., Area, Island: 365, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
10. Lessee: Tami Jo-Ann Grance
Res. Lease No.: 8553
Lot No., Area, Island: 263, PKE, Oahu
Permittee: Sunrun Installation Services, Inc.

11. Lessee: William G. Greig
Res. Lease No.: 7501
Lot No., Area, Island: 51, Waiohuli, Maui
Permittee: Sunrun Installation Services, Inc.
12. Lessee: Harold Call Johnston, Jr.
Res. Lease No.: 2155
Lot No., Area, Island: 200, Kewalo, Oahu
Permittee: Sunrun Installation Services, Inc.
13. Lessee: Janis K. J. Kaeo
Res. Lease No.: 9688
Lot No., Area, Island: 107, Waianae, Oahu
Permittee: Sunrun Installation Services, Inc.
14. Lessee: Lisa L. Kaaihue
Res. Lease No.: 11116
Lot No., Area, Island: 46, Anahola, Kauai
Permittee: Sunrun Installation Services, Inc.
15. Lessee: Rose Marie N. Kaleiohi
Res. Lease No.: 2636
Lot No., Area, Island: 19-A, Waimanalo, Oahu
Permittee: Sunrun Installation Services, Inc.
16. Lessee: Dennison M. Kalua
Res. Lease No.: 12363
Lot No., Area, Island: 64, Kauluokahai, Oahu
Permittee: Malama Solar
17. Lessee: Ernest K. Kanehailua, III
Res. Lease No.: 9286
Lot No., Area, Island: 73, Kaniohale, Hawaii
Permittee: Sunrun Installation Services, Inc.
18. Lessee: James C. B. Kauanoe
Res. Lease No.: 12432
Lot No., Area, Island: 31, Kauluokahai, Oahu
Permittee: Sunrun Installation Services, Inc.

19. Lessee: Tami-Sue K. Keanu
Res. Lease No.: 9686
Lot No., Area, Island: C, Waimanalo, Oahu
Permittee: Sunrun Installation Services, Inc.
20. Lessee: Joseph Koanui, Jr.
Res. Lease No.: 8192
Lot No., Area, Island: 9, Waimanalo, Oahu
Permittee: Solar Tech Industries
21. Lessee: Lori-Ann L. S. Laurenson
Res. Lease No.: 12853
Lot No., Area, Island: 141, Kauluokahai, Oahu
Permittee: Malama Solar
22. Lessee: Josephine K. Lono, Ruddy Lono &
Kristi Kauhane Lono
Res. Lease No.: 4532
Lot No., Area, Island: 82, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
23. Lessee: Wayne E. Lono
Res. Lease No.: 8776
Lot No., Area, Island: 12, Waimanalo, Oahu
Permittee: Sunrun Installation Services, Inc.
24. Lessee: Velma Ewalina Mariano
Res. Lease No.: 4173
Lot No., Area, Island: 36, Paukukalo, Maui
Permittee: Sunnova Sunsafe Solar
25. Lessee: Shawn H. Medeiros
Res. Lease No.: 12410
Lot No., Area, Island: 29, Kauluokahai, Oahu
Permittee: Sunrun Installation Services, Inc.
26. Lessee: Julie A. W. Morita
Res. Lease No.: 2451
Lot No., Area, Island: 25-A, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.

27. Lessee: Bowe H. Mossman
Res. Lease No.: 8376
Lot No., Area, Island: 85, PKE, Oahu
Permittee: Sunrun Installation Services, Inc.
28. Lessee: Agnes J. Oliveira
Res. Lease No.: 5138
Lot No., Area, Island: 41, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
29. Lessee: Laverne K. Pana
Res. Lease No.: 5056
Lot No., Area, Island: 224-A, Keaukaha, Hawaii
Permittee: Sunrun Installation Services, Inc.
30. Lessee: Joan M. K. Raines
Res. Lease No.: 12054
Lot No., Area, Island: 17043, Kaupea, Oahu
Permittee: Sunrun Installation Services, Inc.
31. Lessee: Pleiades M. Sousa
Res. Lease No.: 8556
Lot No., Area, Island: 266, PKE, Oahu
Permittee: Sunrun Installation Services, Inc.
32. Lessee: Dawn H. P. Tanimoto
Res. Lease No.: 7093
Lot No., Area, Island: 37, Kawaihae, Hawaii
Permittee: Malama Solar
33. Lessee: Shay K. M. Thomas & Jonathan Moniz
Res. Lease No.: 5268
Lot No., Area, Island: 17, Waianae, Oahu
Permittee: Sunrun Installation Services, Inc.
34. Lessee: Monica A. K. Torres
Res. Lease No.: 5545
Lot No., Area, Island: 136, Lualualei, Oahu
Permittee: Sunrun Installation Services, Inc.

35. Lessee: Wayne Williams
 Res. Lease No.: 244
 Lot No., Area, Island: 4, Nanakuli, Oahu
 Permittee: Sunrun Installation Services, Inc.
36. Lessee: Elsie Wilson
 Res. Lease No.: 9710
 Lot No., Area, Island: 106, Waianae, Oahu
 Permittee: Sunrun Installation Services, Inc.

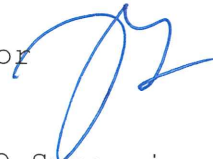
Non-Exclusive License for the Month of December'23	36
Previous FY '23 - '24 balance	<u>89</u>
FY '23 - '24 total to date	125
Non-Exclusive License for FY '22 - '23	102


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator 
Homestead Services Division

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

SUBJECT: **Approval of Subdivision and Transfer of a Portion of
Residential Lease No. 2907, Lot No. 30, Nanakuli, Oahu
- JACOB JOHN KU, JR.**

RECOMMENDED MOTION/ACTION

1. To approve the request of Jacob J. Ku, Jr. (Jacob, Jr.) to subdivide Department of Hawaiian Home Lands Residential Lease No. 2907, Lot No. 30, Nanakuli, Oahu, consisting of 0.53 acres (23,087 square feet), and further identified as TMK (1) 8-9-006-:010 into Lots 30-A and 30-B, provided that the Lessee is responsible for all costs incurred in the processing and obtaining of the subdivision, including but not limited to surveying fees, fees imposed by the City and County of Honolulu (County), fees for utility (electric, water, etc.) and other fees associated with the subdivision of Lot No. 30.
2. To approve the amendment of Lease No. 2907, to amend the lease title and Lessor's name, to reflect the subdivision of Lot No. 30, updating 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. To stipulate that Jacob, Jr. shall provide either an approval letter from Wells Fargo Bank, allowing the amendments to Lease No. 2907 OR proof that the outstanding mortgage dated September 12, 2007, is paid in full, otherwise this approval will be automatically revoked.

4. To approve the transfer of Lot No. 30-B, under Lease No. 2907, from Jacob, Jr. to his son, Jacob J. Ku, III (Jacob, III).

5. To approve the creation of newly designated Residential Lease No. 2907-A, demising Lot No. 30-B.

6. The above are subject to the completion of the survey work done by a licensed surveyor, including but not limited to the surveying and staking of boundary corners of the lots, submitting the required number of final subdivision maps recorded with the State of Hawaii Bureau of Conveyances to the County, preparing and submitting the legal description of the lots to the Department of Hawaiian Home Lands (Department), applying to the County for subdivision approval, obtaining the tax map keys for the Lots, and final subdivision approval by the County of Honolulu.

DISCUSSION

Department of Hawaiian Home Lands Residential Lease No. 2907, Lot No. 30, located in Nanakuli, Oahu (Lease), was transferred to Jacob, Jr. by way of Transfer Through Successorship instrument dated April 12, 2006.

Jacob, Jr. is requesting the approval to subdivide his lot into two lots and to transfer the newly created lot to Jacob, III. Jacob, III, has been deemed to be of at least 50% Hawaiian ancestry and is therefore qualified to receive a portion of the lot. Once the lot is subdivided, Jacob, III, will receive Lot No. 30-B, under newly created Lease No. 2907-A, and Jacob, Jr. will retain Lot No. 30-A, under Lease No. 2907.

Jacob, III, has submitted a prequalification letter from Security National Mortgage Company in the amount of \$386,000.00, for the construction of a new home.

Section 10-3-38 of the Administrative Rules (Rules) states that, "A lessee of a residential lot, with approval of the commission, may subdivide and transfer a portion of the lot for the remaining term of the lease to any individual who is native Hawaiian and is at least 18 years old; provided that after the transfer, each lot conforms to County zoning standards. The department shall not be required to finance the construction of the house on the transferred portion." The Rules also state, "The Department shall not be required to pay for any costs incurred in the processing and obtaining of the subdivision." Furthermore,

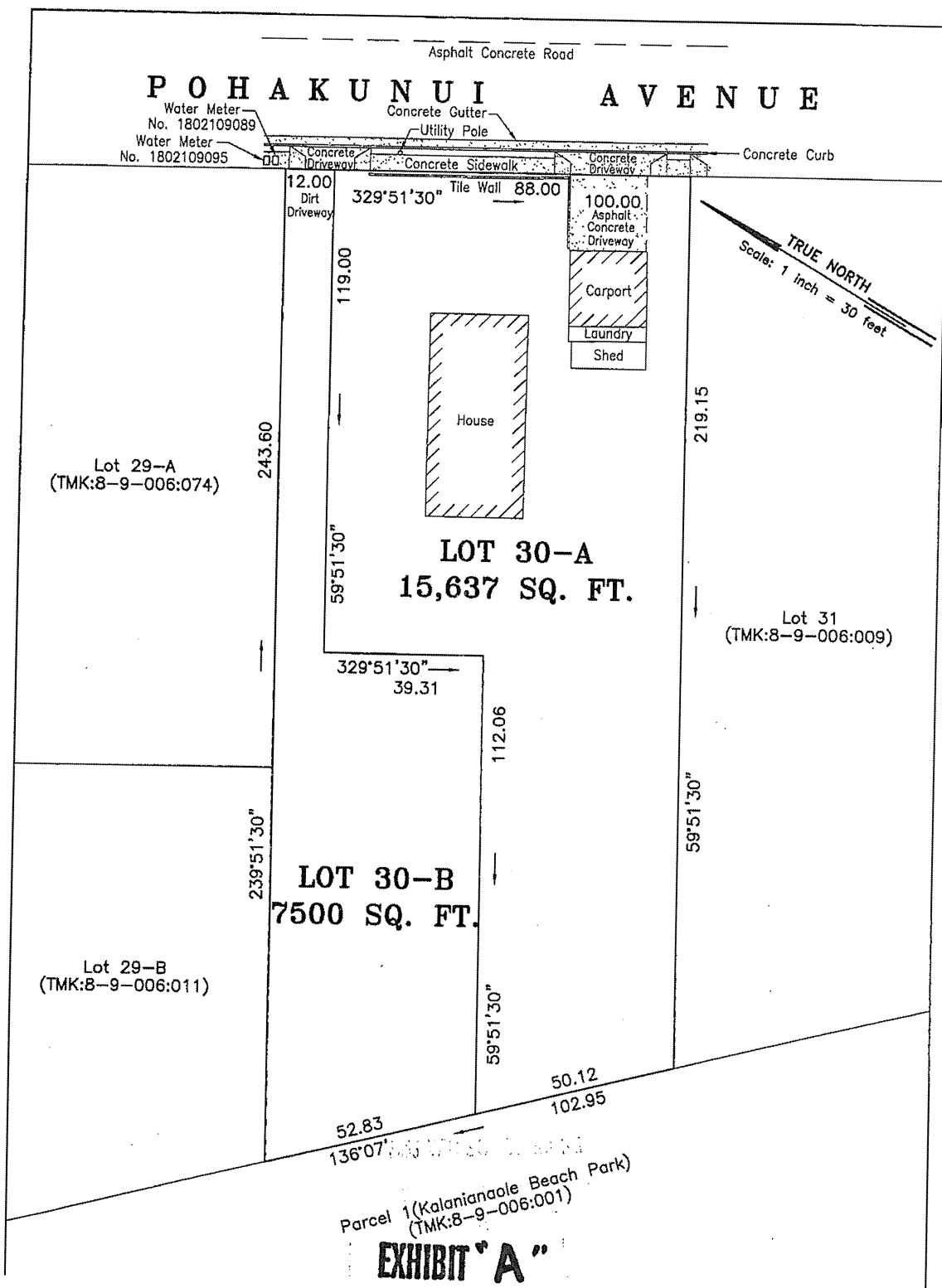
ITEM NO. D-10

Section 208(5) of the Hawaiian Homes Commission Act of 1920, as amended, states in part, "The lessee may transfer the lessee's interest in the tract to the following qualified relatives of the lessee who are at least one-quarter Hawaiian: husband, wife, child, or grandchild."

Attached is "Exhibit A" illustrating the two lots. The existing home is located on Lot No. 30-A, which is to be retained by Jacob, Jr.

There is an outstanding mortgage with Wells Fargo Bank dated September 12, 2007, with an original balance of \$142,450.00. The real property taxes and the lease rent are paid current.

The Department recommends a conditional approval, subject to written confirmation from Wells Fargo Bank allowing the Department to amend the Lease without jeopardizing the Federal Housing Administration mortgage insurance.



**HAWAIIAN HOMES COMMISSION
DECEMBER 18 & 19, 2023**

E – ITEMS

LAND DEVELOPMENT DIVISION

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Stewart Matsunaga, Administrator
Land Development Division



SUBJECT: For Information Only - West Oahu Project Updates

RECOMMENDED ACTION

None - for information only



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

E-1

Nānākuli and Wai‘anae Project Updates

**Land Development Division
For Information Only**

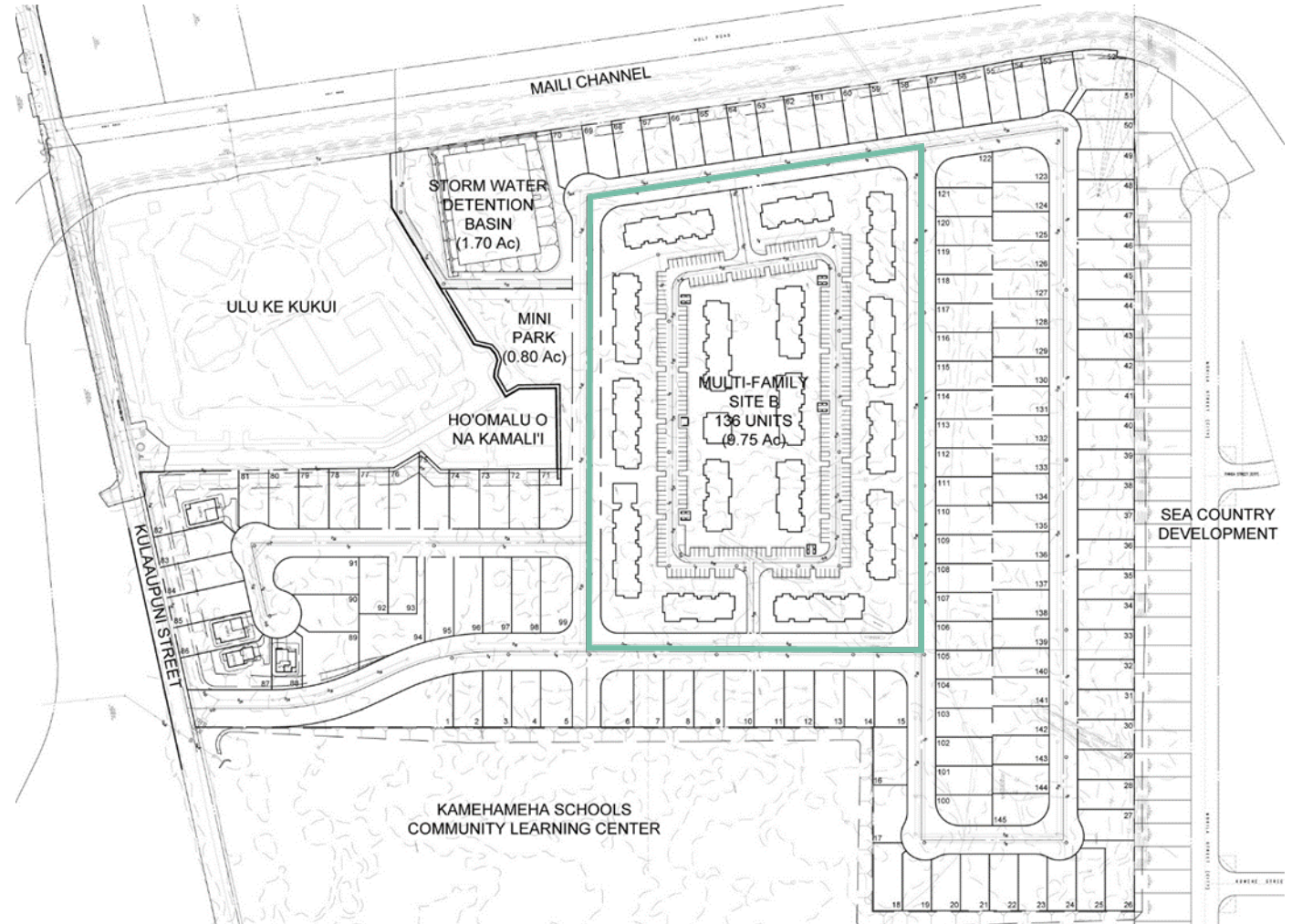
December 18-19, 2023



Former Voice of America Property, Mā'ili

DHHL New Residential Community

- Approximately 40 acres
- Mixture of single-family lots and multi-family townhouses; approximately 250-340 units
- Legislative Appropriations - \$800,000 (Planning, Designs)
- Estimated site construction cost \$48 million
- June 2021: Beneficiary Consultation
- Feb 2022: Draft Environmental Assessment
- 2023: Final Environmental Assessment (pending concurrence of State Historical Preservation Division)
- 2024 to 2025: Infrastructure Design
- 2026 to 2027: Infrastructure Construction
- 2027 to 2028: House Construction / Multi-family Development





NANAKULI TRAFFIC CALMING

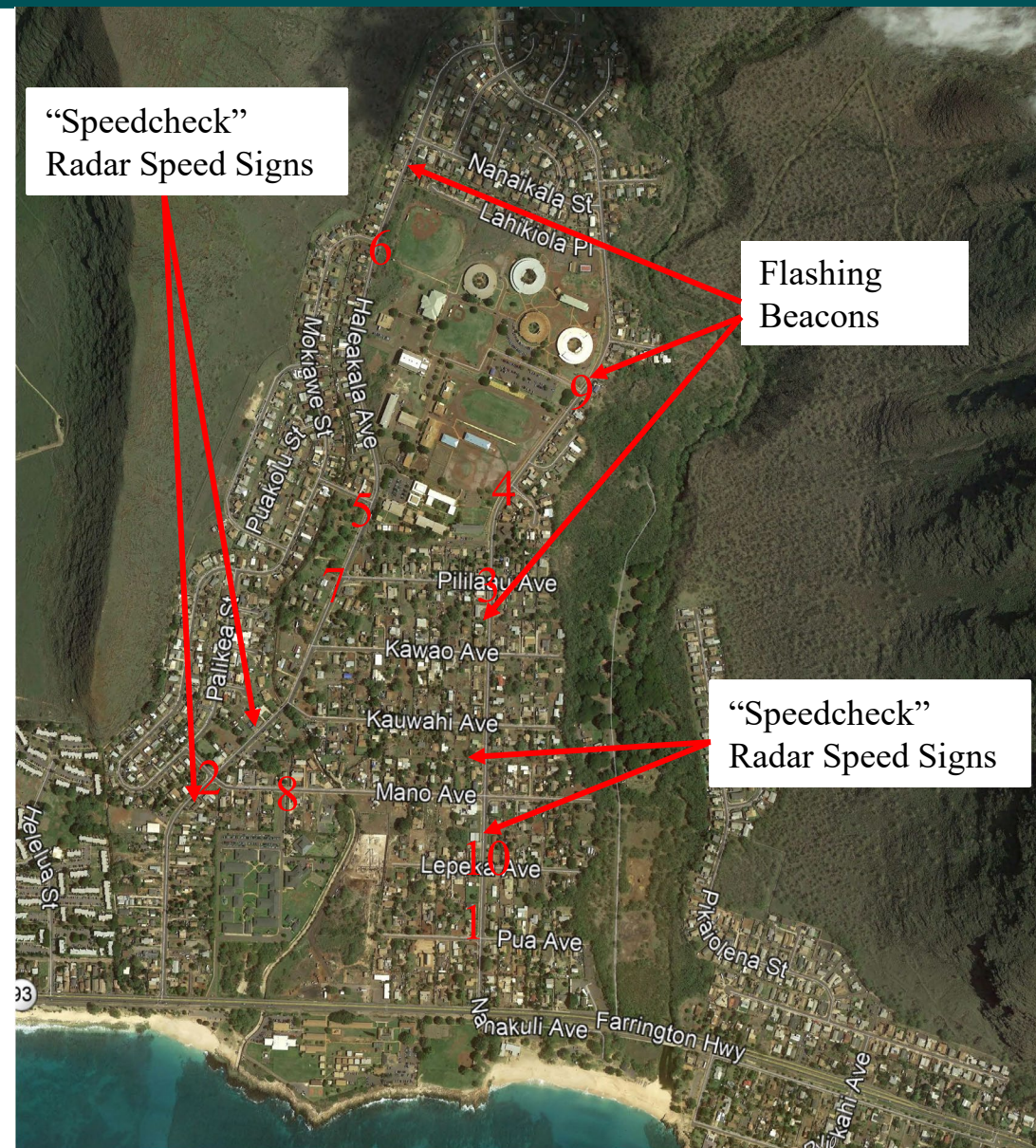
Traffic calming, to include flashing beacons, speed humps and tables, crosswalk signals, curbs, striping and signage

Locations to include, but not limited to:

1. Nanakuli Ave & Pua Ave
2. Haleakala Ave & Mano Ave
3. Nanakuli Ave & Pililaau Ave
4. Nanakuli Ave & Ilimapapa Ave
5. Haleakala Ave. & Opuhe St
6. Haleakala Ave & Mokiawe St
7. Haleakala Ave & Pililaau St
8. Mano Ave fronting Nanaikapono Elementary School
9. Nanakuli Ave outside Nanakuli High School
10. Nanakuli Ave & Lepeka Ave

DHHL Trust funds: \$315,000 (Design)

Legislative Appropriation: \$1,000,000 (Construction)





NANAKULI TRAFFIC CALMING

Phase 1A:

Emergency speed humps and other traffic calming measures installed in 2022

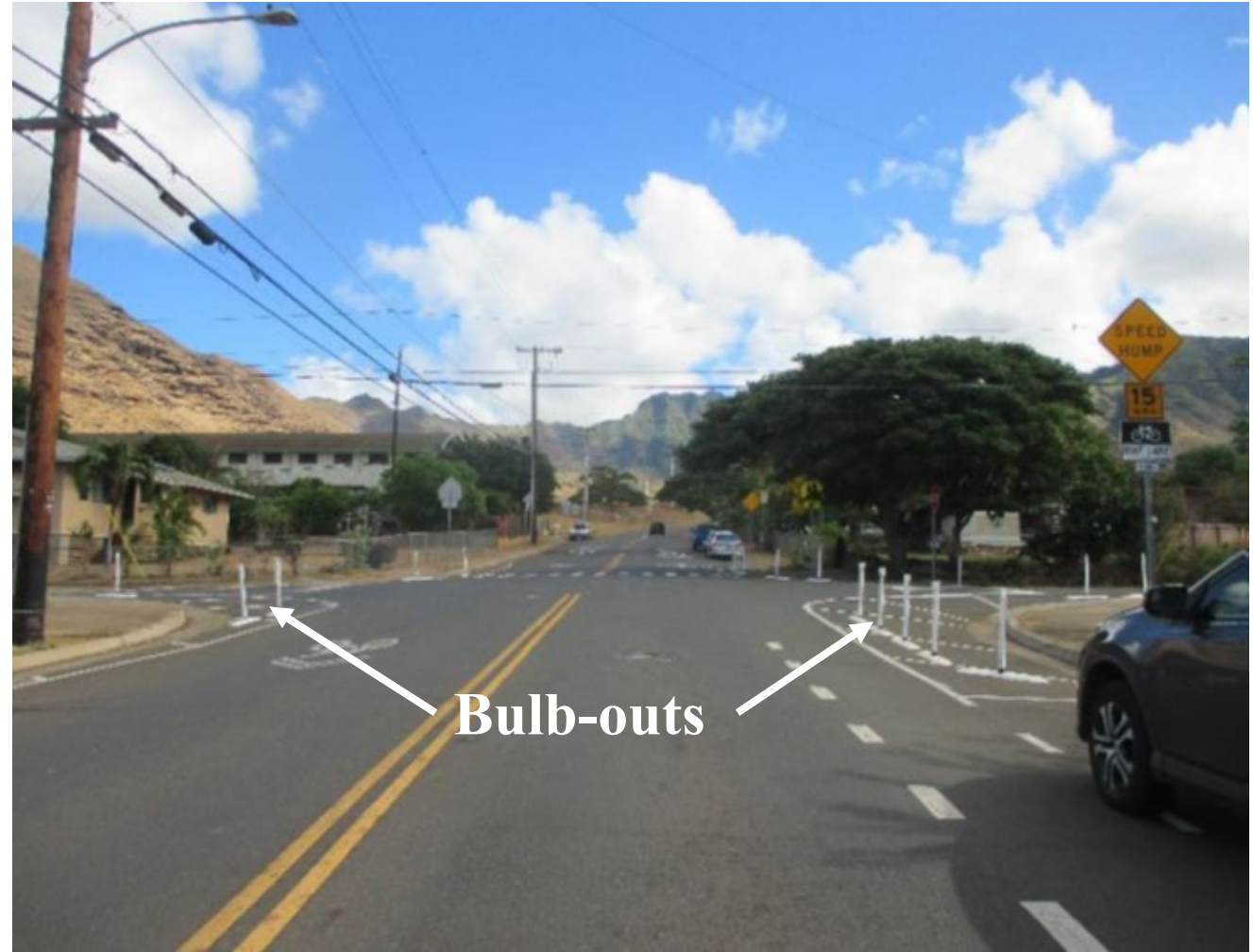
Phase 1:

Bulb-outs, striping, flexible channelizer post with curb, radar speed signs, and flashing beacons installed in 2023

Phase 2:

Raised crosswalks, radar speed signs, flashing beacons at lower Nanakuli. In design phase, out to bid 2024

Princess Kahanu Estates: Proposed improvements are speed humps and additional signs. After meeting with community some changes were discussed. Project is in the design phase.





NANAKULI CEMETERY REPAIRS

Scope: Repairs to fencing and grading of Nanakuli Cemetery

Cost: \$965,793

Schedule: Projected Completion January 2024

Maintenance agreement needed with the community





NANAKULI SEAWALL

Scope: Rehabilitation of seawall and pedestrian bridge

Estimated Cost: \$3 million

Schedule: Design Complete November 2022

Permit pending

Out to Bid: Late 2024





Out to bid: Mid 2024





NANAKULI DRAINAGE LATERAL IMPROVEMENTS

Scope: Re-line/Repair channel walls, replace/repair fencing.

Establish fire breaks

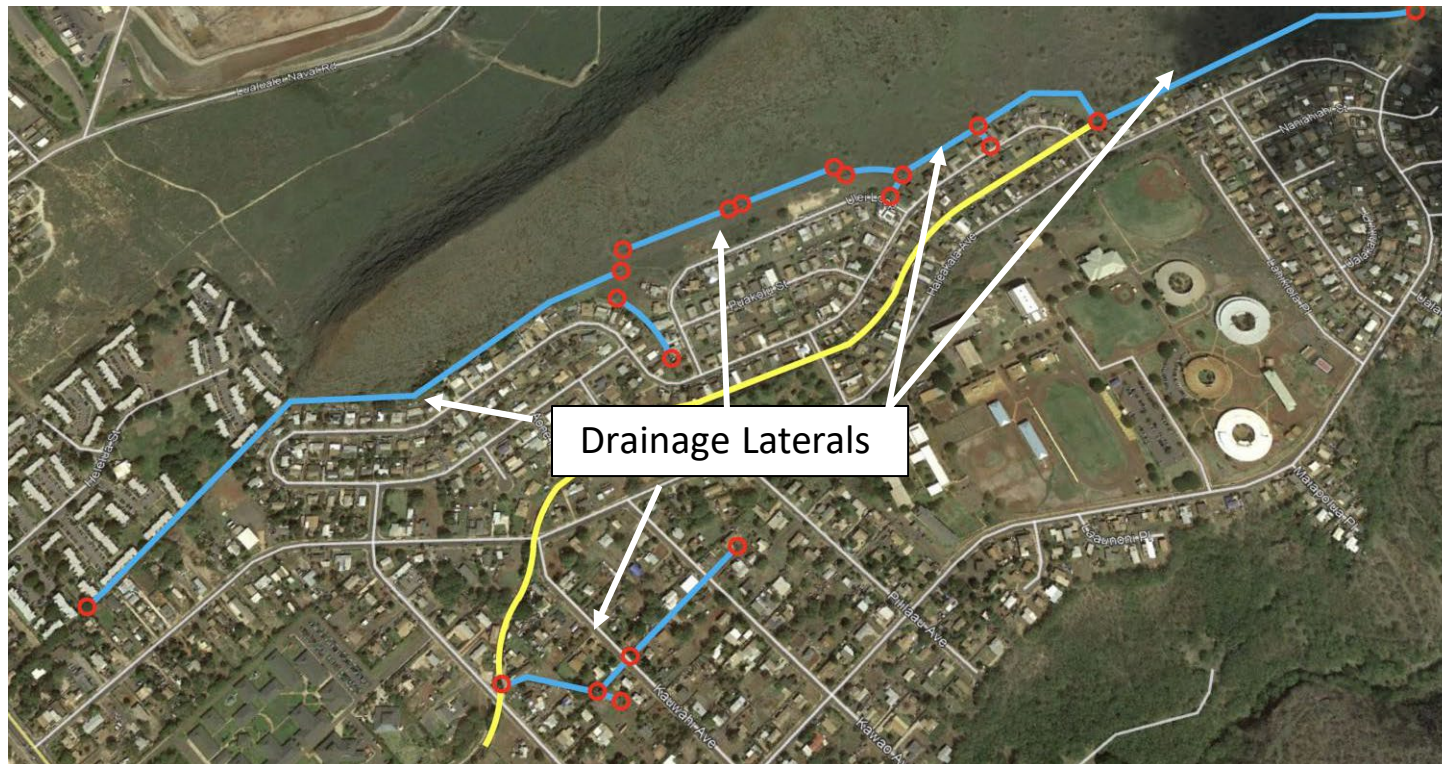
Investigate unauthorized uses of laterals

Estimated Cost: \$4.9 million

Schedule: Design Complete November 2023

Permit Pending

Out to bid: Late 2024





West O'ahu Sewers Assessment

Purpose:

Improve existing sewer collector lines to City and County standards

Locations:

DHHL Sewerlines in Wai'anae, Princess Kahanu Estates, and Nānākuli.

Scope of Work:

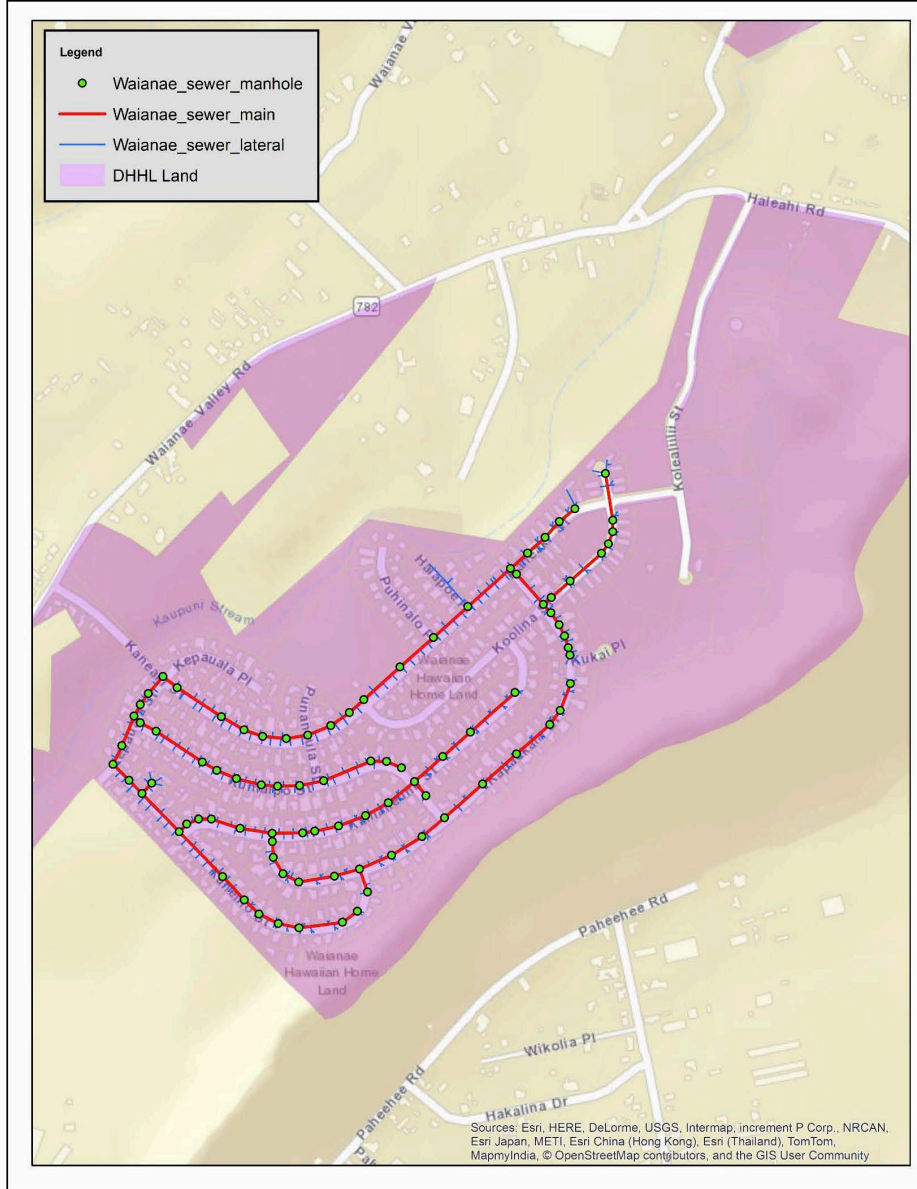
- Replace non-conforming sewer lines, manholes, laterals and cleanouts
- Reconnect sewer laterals
- Paving restoration

- **Status:**

- Video-camera inspection, smoke testing and cleanout survey completed.
- Wai'anae - IFB issued November 2022, Bids Due: December 13, 2022.
- Princess Kahanu Estates – Design in Progress.
- Nānākuli - Initiate Design in 2024.



Wai'anae Sewer Improvements



Construction Scope:

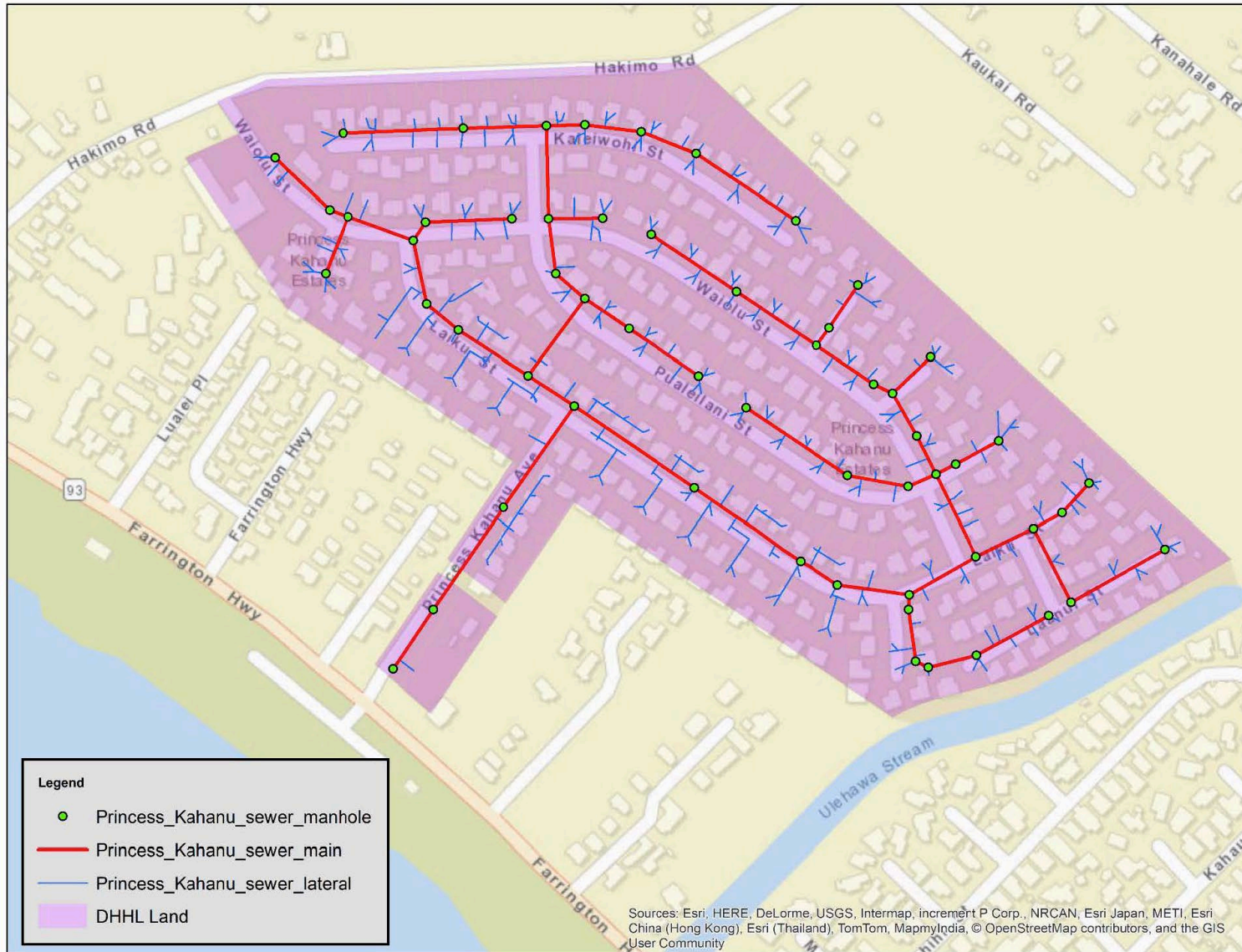
- Replace 2,580 feet of 8" to 15" sewerline
- Replace 66 sewer laterals
- Construct/Reconstruct 33 sewer manholes

Timetable:

- Award contract –January 2023
- Execute contract – August 2023
- Certify contract – September 2023
- Notice to Proceed – September 25, 2023
- Time of Performance – 1 year (Sept 24, 2024)

Construction cost: \$7.2 Million

Princess Kahanu Estates Sewer Improvements



Construction Scope:

- Replace 6,160 feet of 8" to 12" sewerline
- Replace 180 sewer laterals
- Convert 2,300' of 6" sewer laterals to 8" sewer mains
- Construct/Reconstruct 41 sewer manholes

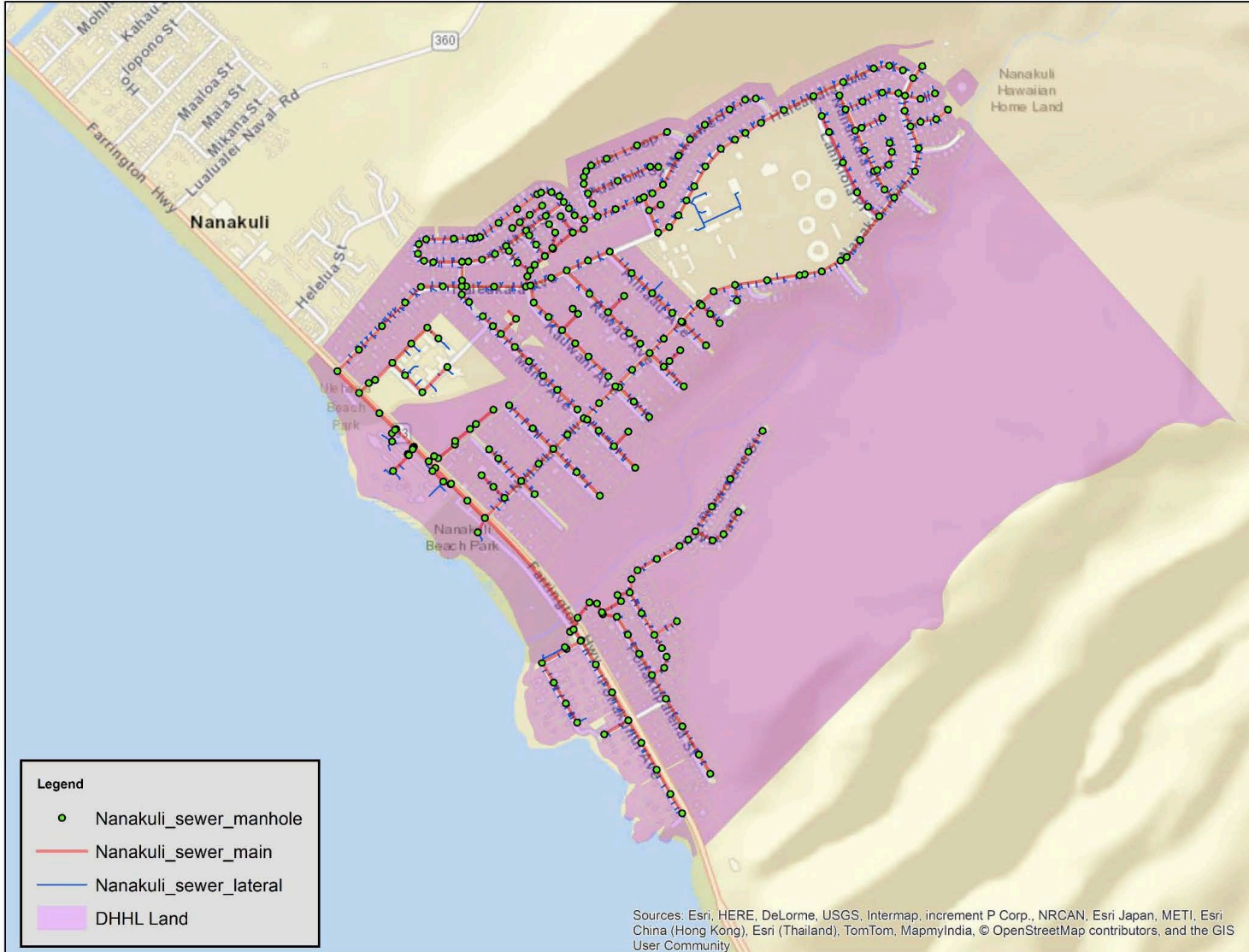
Construction Timetable:

- Design in progress
- Construction bid: 2024

Construction estimate: \$15 Million



Nānākuli Sewer Improvements



Construction Scope:

- Replace 18,500 feet of 6" to 15" sewerline
- Replace over 300 sewer laterals
- Construct/Reconstruct 126 sewer manholes

Construction Timetable:

- Design start in 2024, subject to Leg CIP funding.
- Construction start estimated 2025.

Construction estimate: \$40 Million



Nānākuli & Wai'anae Cesspool Assessment

Project Description

- Background:

Act 125, Session Laws of Hawaii 2017 mandates upgrade, conversion, or sewer connection of all cesspools by 2050.
- Project Objectives:
 - 1) Identify existing DHHL lots with cesspools
 - 2) Assess options for connections to the public sewer
- General Scope of Work:
 - Identify and conduct physical survey of DHHL lots with cesspools in Wai'anae, Nānākuli, and Waimānalo
 - Prepare Assessment report and recommendations for upgrade, conversion, or connection to public sewers



Nānākuli & Wai'anae Cesspool Assessment

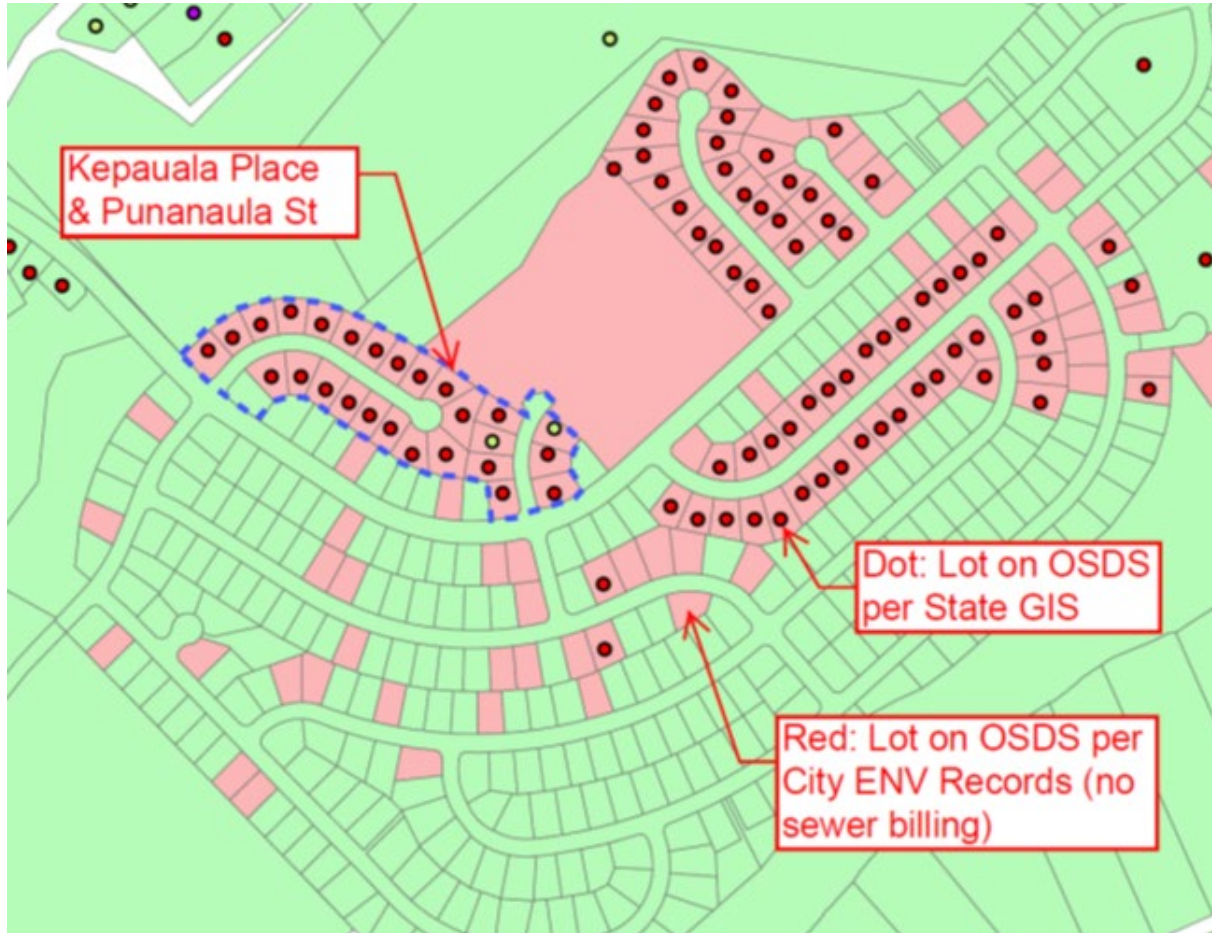
Two-Phased Project Approach

- Phase I
 - Background desktop research
 - Public notification
 - Field verify Onsite Sewage Disposal System (OSDS) lots and identify cesspools
- Phase II
 - Phase II topographical survey of OSDS lots
 - Connection option assessment
 - Design for sewer connection: gravity sewer or pump station connection

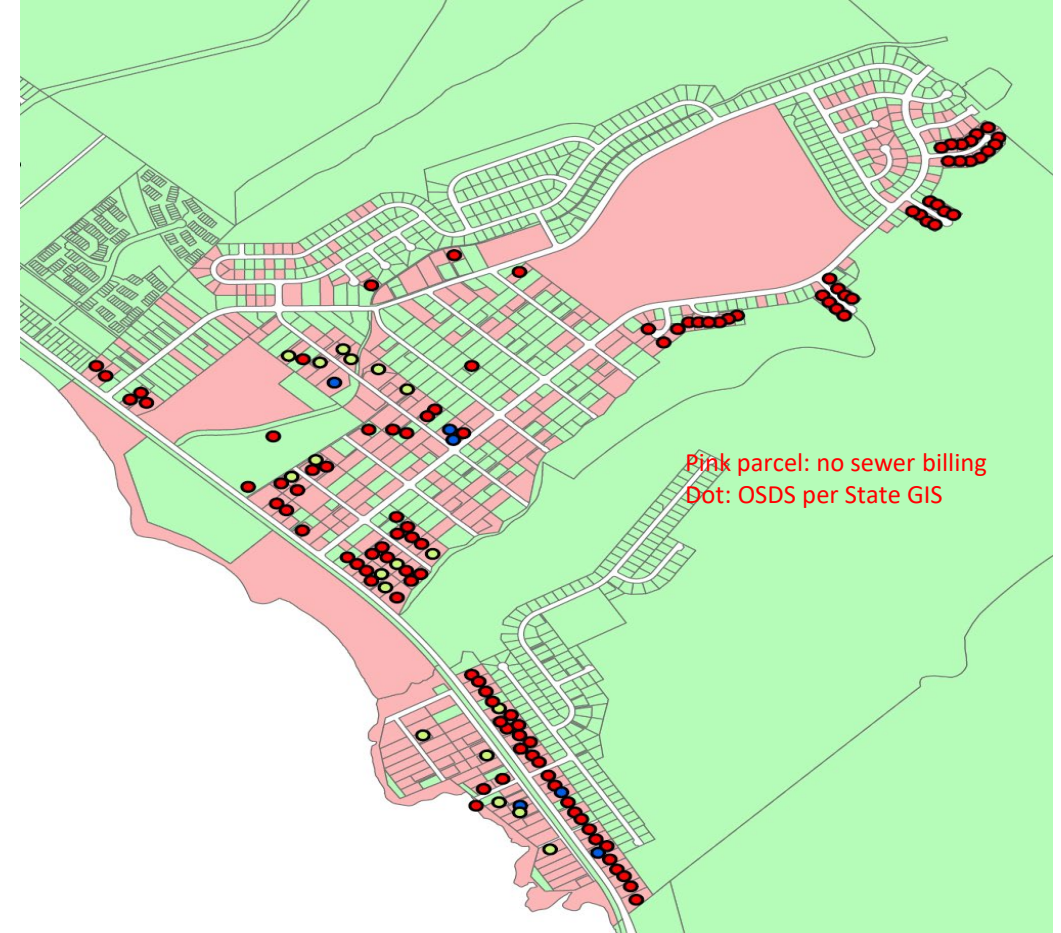


Nānākuli & Wai'anae Cesspool Assessment

Pre-survey Desktop Research



Wai'anae Subdivision Results: 102 cesspools identified



Nānākuli Subdivision Results: 165 identified



Nānākuli & Wai'anae Cesspool Assessment

Construction Budget Estimates

Cost to convert to gravity sewer or low pressure sewer system (LPSS)

- Wai'anae: \$12 million (gravity sewers)
- Nānākuli: \$17 million (gravity sewers + LPSS)
- ❖ Seek Federal or State funding for loans or grants

Construction Schedule Estimates

Preliminary Completion Schedule (subject to CIP appropriations)

- Wai'anae: Late - 2025
- Nānākuli: Mid - 2027



Mahalo




DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18-19, 2023

To: Chairman and Members, Hawaiian Homes Commission

From: Stewart Matsunaga, Administrator
Land Development Division 

Subject: For Information Only
Implementation Progress Report for Act 279, Session Laws of Hawaii 2022, as of
December 12, 2023

RECOMMENDED MOTION/ACTION

None, for information only.

BACKGROUND

Act 279 enacted in Regular Session of 2022 of the 31st Legislature appropriated \$600,000,000 in general funds to provide a multi-pronged approach to reducing the DHHL waitlist. The \$600,000,000 will address the needs of those on the waitlist and those beneficiaries still waiting. (Excerpt from “Strategic Plan to Implement Act 279 of 2022 dated November 2022)

On August 16, 2022, The Hawaiian Homes Commission (HHC) approved the Strategic Approach to Implement Act 279 - August 2022. Further, on November 22, 2022 the HHC approved the Strategic Plan to Implement Act 279 of 2022.

Pursuant to Section 4(c), Act 279, DHHL shall submit the strategic plan, including findings, recommendations, and any proposed legislation, to the Legislature, no later than December 10, 2022. On December 6, 2022 copies of the Strategic Plan to Implement Act 279, SLH 2022 was transmitted to the Senate President and members of the Senate and President of the House and members of the House of Representatives, pursuant to Section 4(c), Act 279.

Procurement and implementation of approved Strategic Plan projects using State funds are authorized under:

- a. Section 220.5(a) using the Request for Proposals (RFP) procurement method, or competitive sealed proposals when project specifics are pre-determined, or
- b. Section 220.5(b) using the Request for Qualifications (RFQ) procurement method, similar to Professional Services, to procure a qualified developer for a project when projects specifics are not pre-determined.

An example of Section 220.5(a) would be the posting of a RFP for Kaupea 2 in which DHHL determined a minimum of 60 single family homes and construction of a traffic signal. Interested developers would provide Sealed Proposals to DHHL for evaluation by an internal

Review/Selection Committee. In the RFP process the lowest cost of infrastructure provided by developer would result in highest scoring. The award of the development agreement contract would be on basis of competitive scoring pre-established criteria.

An example of Section 220.5(b) would be the posting of a RFQ for Kauluokahai Masterplanned Community involving the full infrastructure development and house construction of unplanned East Kapolei Parcels II-D, II-E, and II-F, along with house construction of East Kapolei II-C. In this process DHHL review committee evaluates the developers past like-experience, development team strength, and current capacity and financial ability to complete developments. The developer describes its project approach and solutions to implement the homestead development project. After qualified developers are ranked, then Chair authorizes the Selection Committee to negotiate project infrastructure costs, housing components, and schedule for development. Should negotiations fail with the first ranked developer then Selection Committee is authorized to negotiate with the next ranked developer.

DISCUSSION ON FY 2024 IMPLEMENTATION

Project highlights from November 14, 2023 to December 12, 2023:

Request for Release of Act 279 funds to encumber the following:

Red text indicates updates from November 2023 status report.

Island	Subdivision/ Project	Lots	Phase	Estimated Pending Encumbrances	Status
Lanai	Lanai Residence Lots Offsite Infrastructure	75	Planning/Design	\$ 2,000,000	Contract executed Act 279 funds allotted 11/8/23. Contract certified December 2023.
Oahu	Kaupea, Phase 2	60	Dev Agree	\$ 13,692,000	Awarded to Mark Development Negotiating Development Agreement. AG review
Oahu	East Kapolei II Master Developer	700	Dev Agree	\$ 204,513,000	RFQ released 8/7/23; 548 lot development Awarded to Gentry Negotiating Development Agreement; additional 152 lots, total 700 lots; AG review
<u>Land/Project Acquisition RFP 1</u>					
Oahu	Waialua (Mill Camp)	92	Dev Agree	\$ 20,754,000	Awarded to Mark Development

					Negotiating Development Agreement; AG review
Oahu	Ewa Villages Pilina Homes	142	Dev Agree	0	Developer drafting purchase agreement; Negotiating infrastructure fees. Fee structure not acceptable.
Statewide	RFP#2		Acquisition/Dev Agree		5 offers under consideration. Potential \$59 million acquisition Requires Amendment to Act 279 Strategic Plan and Budget
	TOTAL			\$ 240,959,000	\$175,000,000 A-19 Allotment approved 11/8/23. Additional Allotment of \$65,959,000 required, say \$70,000,000, inclusive of contingency.

Act 279 Implementation Status as of December 12, 2023 is attached as “Exhibit A”.

Land Acquisition and Development Project offers from second Request for Proposals is under review and will be submitted to HHC in coming months.

Request for Proposals for new land and project acquisition proposed subject to HHC approval of Permitted Interaction Group recommendations.

RECOMMENDED MOTION/ACTION:

None—for information only.

	DEPARTMENT OF HAWAIIAN HOME LANDS									
	ACT 279 IMPLEMENTATION									
	Project Status as of Dec. 12, 2023									
				Act 279 Implementation Budget (Strategic Plan2022)		Encumbrance Status as of Dec. 12, 2023				
Island	FY23 Subdivision/Project	Lots	Phase	FY 2023	FY 2024	Encumbered FY23	Encumbered FY24 to date	Projected Encumbrance FY24	Projected Encumbrance FY25	Status
Hawaii	Laiopua Villages 1 and 2, and N. Kona Water Development	400	Acq/ Dev Agrmt	\$ 4,000,000	\$ 63,000,000			\$ 67,000,000		Chair directs Request for Qualifications development agreement to include Villages 1 and 2 (400 lots), house construction in Village 4 Hema (125 homes). Developer Qualifications deadline is January 5, 2024. Village 5 unencumbered lots (55 lots) to be offered with homes in early 2024. Leg appropriation Act 88, SLH 2021 proviso for \$12.2M for water development and subdivision improvements "Encumbered" site appraisal and acquisition in progress.
Hawaii	Honomu Subsistence Ag Lots, Phase 2	40	Design/		\$ 6,000,000				\$ 6,000,000	Designs in process; IFB scheduled for April 2024 .
Lanai	Lanai Residence Lots Offsite Infrastructure	75	Design	\$ 2,000,000			\$ 2,000,000			Contract with Bowers+Kubota executed, awaiting release of funds for contract certification. Schedule meeting with B+K and Pulama Lana, upon contract certification. Request to Release Act 279 funds submitted to B&F and Gov in September 2023. On October 19, 2023, Gov released \$65M and \$110M in Act 279 funds for 2nd and 3rd Quarters FY24, respectively. Discuss project collaboration with Pulama Lanai and County of Maui. Contract certified on Dec. 1, 2023.
Molokai	Hoolehua Scattered Lots	20	Construction		\$ 3,500,000			\$ 3,500,000		Draft EA in process, Cultural Impact Analysis in process. IFB scheduled for April 2024.
Molokai	Naiwa Ag Subdivision	16	Construction		\$ 6,000,000			\$ 6,000,000		FONSI approval and Final EA publication rescheduled to November or December 2023. Designs in process for 66 lots; construction bid scheduled for 1st Quarter 2024. 16 new subsistence agriculture lots qualify for Act 279 funding for infrastructure. Requires amending FY25 Sufficient Sums Purpose 1 budget request by \$25M for construction of site improvements for 50 existing agriculture lots awarded in the mid-1980's. IFB scheduled for April 2024.
Maui	Pu'unani Homestead Subdivision	161	Construction	\$ 17,500,000		\$ 17,171,944				Construction Contract Awarded to Maui Kupono Builders; \$17,171,944. Notice to proceed effective May 15, 2023. Groundbreaking May 24, 2023. Site work in progress. House construction tentatively starting in Summer 2024.
Maui	Pu'unani Homestead Subdivision (Offsite Water Tank)		Design/ Construction			\$ 5,509,000				Developer preparing plans and specifications for IFB in Fall 2023, subject to County DWS approval of construction plans and storage agreements. New estimate for construction = \$6.5M, due to changes in site plan improvements. Seek Stainless Steel tank as alternative construction method to reduce cost.
Maui	Leialii 1B Offsite Water (includes new DHHL Honokowai Well)		Construction	\$ 15,000,000				\$ 15,000,000		Honokowai Water Draft EA pending resolution of SHPD issues and Cultural Impact Analysis. On Dec. 8, 2023, LDD posts RFQ to include Leialii Offsite water, highway improvements and Leialii 1B subdivision, total 181 single family lots. Existing County of Maui's Offsite water tank services lots under 130' elevation. A booster pump, transmission and new offsite water tank needed to provide potable water and fire protection to Leialii 1B Inc. 2; 95 single family lots. In addition to Act 279 funding, Cost is exclusive of \$9,000,000 CIP appropriation for Honoapiilani highway improvements, for which SMA is in process and HHFDC DURF funding \$10,000,000 for Honokowai Water Well development.
Maui	Leialii 1B - Subdivision	181	Dev Agrmt		\$ 68,000,000			\$ 68,000,000		FONSI approved by HHC on October 16, 2023 and Final EA to be published in November 2023. On Dec. 8, 2023, LDD posts RFQ to include Leialii Offsite water, highway improvements and Leialii 1B subdivision, total 181 single family lots. Existing County of Maui's Wahikuli water tank services lots under 130' elevation and can provide potable water to 86 lots in Village 1B, Inc. 1. A booster pump, transmission and new offsite water tank needed to provide potable water and fire protection to Leialii 1B Inc. 2; 95 single family lots. In addition to Act 279 funding, construction cost is exclusive of \$9,000,000 CIP appropriation for Honoapiilani highway improvements, for which SMA is in process. Leialii 1B Increment 1 (86 single family lots) designs in process; coordinate Lahaina Civic Center booster pump and Wahikuli tank operations with County of Maui.
Maui	Honokowai Subsistence Ag Ph. 1	50	Design		\$ 5,000,000	\$ 1,470,000			\$ 3,530,000	Survey and design in process. Continuing design work on R-1 water easements and engineering. Amending scope of work to include access from Honoapiilani Highway, and establishment of sewer manholes at Honokowai makai boundary.

DEPARTMENT OF HAWAIIAN HOME LANDS										
ACT 279 IMPLEMENTATION										
Project Status as of Dec. 12, 2023										
				Act 279 Implementation Budget (Strategic Plan2022)		Encumbrance Status as of Dec. 12, 2023				
Island	FY23 Subdivision/Project	Lots	Phase	FY 2023	FY 2024	Encumbered FY23	Encumbered FY24 to date	Projected Encumbrance FY24	Projected Encumbrance FY25	Status
Oahu	Kaupea, Phase 2		Acq	\$ 8,250,000		\$ 8,250,000				Acquisition completed.
Oahu	Kaupea, Phase 2	60	Dev Agrmt		\$ 14,750,000			\$ 13,692,000		Development Agreement awarded to Mark Development. Negotiations in progress; amount subject to change. Request to Release Act 279 funds submitted to B&F and Gov in September 2023. On October 19, 2023, Gov released \$65M and \$110M in Act 279 funds for 2nd and 3rd Quarters FY24, respectively. Development Agreement with Deputy AG for review. Contract certification (encumbrance projected for January 2024. Mark Development proposes to include cluster box consolidation and two playground areas for community use. Developer proposes 30 turnkey homes and 30 homes funded with Low Income Housing Tax Credits under a 15-year Rent with Option to Purchase program.
Oahu	East Kapolei II Master-planned Community	548	Design	\$ 24,000,000	\$ 88,000,000	\$ 33,080		\$ 204,513,000		RFQ issued 8/7/23 incorporating backbone infrastructure, East Kapolei II-C, II-D, II-E, and II-F. Responses due 9/8/23. Responses received; undergoing internal review for recommendation to Chair. Request to Release Act 279 funds submitted to B&F and Gov in September 2023. On October 19, 2023, Gov released \$65M and \$110M in Act 279 funds for 2nd and 3rd Quarters FY24, respectively. Original unit count of 421 lots at II-D, II-E, and II-F plus 127 Lots at II-C based on 2009 East Kapolei Masterplan = 548. Gentry proposes to add 152 lots, totalling 700 lots. Development Agreement with Deputy AG for preliminary review.
Oahu	East Kapolei IIA	300	Dev Agrmt	\$ 14,000,000						Deleted from Act 279 project list. Priority on EK II-C, D, E, F
Oahu	Maili Development	280	Dev Agrmt		\$ 60,000,000				\$ 60,000,000	FONSI and Final EA pending. Designs in process; bid scheduled for 2nd Quarter 2024, subject State Historic Preservation Division recommendations. Modified grading plan may be required; review project feasibility.
Oahu	Ewa Beach (former NOAA site)	600	Dev Agrmt		\$ 48,000,000				\$ 48,000,000	RFQ in 3rd Quarter FY24. Access, sewer, drainage and traffic issues need to be addressed. Chapter 343 and HUD ER compliance required. Consider RFQ for Developer to plan, design, construct infrastructure and housing.
Kauai	Hanapepe Residence Lots, Phase 2	82	Construction	\$ 23,000,000		\$ 17,800,126				Bids open on 12/21/22. Contract awarded to Hawaiian Dredging on on 12/29/22. Groundbreaking August 23. Supply chain issues; start site construction in 1st Quarter 2024. On October 6, 2023 issued RFQ for architectural design, construction, financing and marketing of 82 houses. Pre-submittal conference on October 13, 2023. Submittal of Qualifications due Nov. 3, 2023. Mark Development, sole submittal of qualifications to be awarded; Development Agreement negotiations have commenced.
Kauai	Anahola Kuleana Phase 1 Pastoral	115	Construction		\$ 5,000,000				\$ 5,000,000	Road and drainage concepts in process. Access to lots will require grading and drainage culverts. Consultant to provide Rough order of magnitude. Tentative subdivision plat in 1st quarter 2024. Review Dam Safety requirements for Upper Anahola and Kealia Field 1 and review development of non-potable water source for subsistence ag and pasture leases. Reservoirs funded by Act 122, SLH 2014; \$3M.
Statewide	Land/Project Acquisition		Professional Services			\$ 1,500,000				Project management contract with Bowers+Kubota; researching Villages of Leialii acquisition. HHC authorized Chair to negotiate and acquire 400+ acres from HHFDC.
Statewide	Land/Project Acquisition		Acq/ Dev Agrmt	\$ 35,000,000						RFP let in November 2022. Eight offers received. Five proposals accepted; details below, award subject to negotiations.

	DEPARTMENT OF HAWAIIAN HOME LANDS									
	ACT 279 IMPLEMENTATION									
	Project Status as of Dec. 12, 2023									
				Act 279 Implementation Budget (Strategic Plan2022)		Encumbrance Status as of Dec. 12, 2023				
Island	FY23 Subdivision/Project	Lots	Phase	FY 2023	FY 2024	Encumbered FY23	Encumbered FY24 to date	Projected Encumbrance FY24	Projected Encumbrance FY25	Status
Oahu	Ewa Villages (Haseko) Pilina Homes	142	Acq/ Dev Agrmt							Acquistion: \$17,646,772 Source: NAHASDA Development: \$20,239,443 Source: Act 279 Acquisition and development agreement negotiations in progress; amount subject to change. Request to Release Act 279 funds submitted to B&F and Gov in September 2023. On October 19, 2023, Gov released \$65M and \$110M in Act 279 funds for 2nd and 3rd Quarters FY24, respectively. Negotiated onsite infrastructure development costs are considered excessive for the type of project and the number of units proposed. LDD recommends to Chair to terminate negotiations. Alloted funds to be used for other Act 279 development projects.
Maui	Wailuku (DDC2 LLC)	207	Acq/ Dev Agrmt			\$ 45,038,800				Acquistion: \$5,200,000 Source: Act 279 Development: \$39,838,800 Source: Act 279 Development Agreement executed, funds encumbered.
Hawaii	Kaumana (Avalon Development)	168	Acq			\$ 2,000,000				Proposal acceptable for acquisition only. Sale closed 3/31/23; transaction completed. Funds encumbered.
Maui	Waiehu (DDC3 LLC)	366	Acq/ Dev Agrmt			\$ 93,868,417				Acquistion: \$12,240,000 Source: Act 279 Development: \$81,628,417 Source: Act 279 Development Agreement executed, funds encumbered.
Oahu	Waialua (Mill Camp Development Group, LLC)	92	Acq/ Dev Agrmt					\$ 20,754,000		Original Proposal: Acquistion: \$1,990,000 Development: \$12,368,633 Source: Act 279 Negotiating Development Agreement' amount increased. Request to Release Act 279 funds submitted to B&F and Gov in September 2023.On October 19, 2023, Gov released \$65M and \$110M in Act 279 funds for 2nd and 3rd Quarters FY24, respectively. Development Agreement with Deputy AG for review.
Statewide	Project Contingencies							\$ 5,248,240		Project contingency amounts for encumbered projects in FY 23. On October 19, 2023, Gov released \$65M and \$110M in Act 279 funds for 2nd and 3rd Quarters FY24, respectively.
Statewide	Land/Project Acquisition		Acq/ Dev Agrmt							RFP No. 2 let in May 2023. Eighteen offers received. Five proposals under consideration; but premature to provide specific details at this time.
Statewide	Project Financing/Partnerships			\$ 30,000,000				\$ 100,000,000		Interim house construction financing in order to reduce house pricing. Providing no interest loans to developments would result in \$15,00 to \$20,000 reduction in house price.
Statewide	Individual Assistance							\$ 60,000,000		Individual down payment or other assistance/subsidy
Statewide	Project Management Staffing									\$5,000,000 proposed for Staffing to implement Act 279 projects. Requires proposal by Permitted nteraction group and approval of full HHC.
	Total	3,903		\$ 172,750,000	\$ 367,250,000	\$ 192,641,367	\$ 2,000,000	\$ 563,707,240	\$ 122,530,000	11/17/22 \$172.75M Allotment released by Governor. 6/27/23 \$21.0M Allotment released by Governor. Total released to date: \$193.75M Request to release \$175 M submitted to B&F and Gov on September 13, 2023; approved October 19, 2023.
	Total Estimated Encumbrances						\$ 194,641,367	\$ 758,348,607	\$ 880,878,607	


**HAWAIIAN HOMES COMMISSION
DECEMBER 18 & 19, 2023**

**F – ITEMS
LAND MANAGEMENT DIVISION**

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18-19, 2023

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Richard Kuitunen, Administrator Land Management Division 

SUBJECT: Approval to Procure Property Management Services to Manage Multitenant Property at Shafter Flats Industrial Subdivision, Moanalua Kai, Island of Oahu
TMK: (1) 1-1-064:019 & 020 ("Pilot Program")

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission authorize the Chairman to utilize professional services procurement to solicit, select and hire a professional Property Management Company for the subject property. Further that upon hiring the Property Management Company, the Chairman be authorized to enter into space leases with tenants at the property not to exceed an initial term of five (5) years for any such space lease.

DISCUSSION

Historically the Department of Hawaiian Home Lands ("DHHL") has not owned multitenant properties. However, with long term General Leases expiring and possible future acquisitions of income producing properties a probable possibility, there is a need to establish a mechanism to address such instances. Establishing its own in house Property Management Branch is neither economical nor feasible, due to staffing constraints and lack of existing professional experience. By securing professional outside property management services, this task can be implemented. This Pilot Program is proposed to demonstrate the viability of shifting from the use of a traditional single tenant general leases ("GL") to the operation of multi-tenant properties. Under the current GL, the existing tenant is paying approximately \$1.00 psf of building area. However, industrial space lease market rents in the Fort Shafter/Mapunapuna area are \$1.50-\$1.75 psf of building area. In addition, by having multiple space leases instead of a single tenant, DHHL will reduce the exposure should that single tenant default on its lease. Further, since the lease term for space leases will be no more than five years, DHHL will have the opportunity to adjust rents sooner than under a long term GL.

Contemplated services to be provided by the property manager include normal day to day operations for the property including, but not limited to, maintaining the property, hiring vendors, supervising capital projects, preparing and adhering to budgets, paying bills, remitting net proceeds in excess of that required for client trust account, providing monthly financials including budget to actual variance reports, collection of rent and common area costs, pursuing delinquencies, tenant relations, space lease compliance, soliciting and preparing leases under the Department of Hawaiian Home Lands guidelines for signature.

Compensation to the Property Manager would include a monthly management services fee and transactional leasing services fee for new and existing space leases. The management services fee along with all other operating costs will be paid by the space lease tenants as common area maintenance fee (“CAM”). DHHL will be responsible for transactional leasing services fees.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT

The proposed use will utilize pre-existing improvements and does not significantly differ from the past use of the subject area. Therefore, pursuant to DHHL’s updated Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands as approved by the Environmental Council as of April 6, 2021, the subject request is exempt from the preparation of an environmental assessment pursuant to Type 1, under Part I, titled De Minimis Activities, Type 1, “Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.”

AUTHORITY

Section 103D-304, Hawaii Revised Statutes, as amended titled Procurement of Professional Services

Section 202(a), Hawaiian Homes Commission Act, as amended

Section 204(a)(2), Hawaiian Homes Commission Act, as amended


RECOMMENDATION


Land Management Division recommends approval of the motion as stated.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18-19, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Richard Kuitunen, Administrator 
Land Management Division

FROM: Peter "Kahana" Albinio, Jr. General Professional VI
Land Management Division 

SUBJECT: Approval to Issue Right-of-Entry Permits to Lease Properties, LLC Shafter Flats
Industrial Subdivision, Moanalua Kai, Island of Oahu TMK: (1) 1-1-064:019 & 020
("Existing Tenants")

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission grants its approval to issue **TWO** (2) month to month right-of-entry permits (ROE) to Lease Properties, LLC, a limited liability corporation, for the use of Hawaiian home lands at Shafter Flats Industrial Development (Existing Tenants") in Moanalua Kai, Island of Oahu, identified by TMK:(1) 1-1-064:019 & 020, each parcel containing approximately 0.574 acres of land area, together with all improvements located thereon, and further identified hereto as Exhibit "A" and subject to the following conditions:

1. The Premises shall be used for industrial warehouses as permitted under the current City & County of Honolulu zoning code I-2, Intensive Industrial District.
2. Lease Properties, LLC (PERMITTEE) understands that this is a month-to-month permit to use Hawaiian home lands which can be terminated for any or no reason upon a 30-day advance written notice given by either party. PERMITTEE acknowledges and accepts the risk PERMITTEE'S use could be terminated before PERMITTEE has recovered the costs invested in the Premises.
3. The permit fee for the premises shall be THIRTEEN THOUSAND FIVE HUNDRED & NO/100 DOLLARS (\$13,500.00) per month per Right-of-entry Permit (PERMIT). PERMITTOR reserves the right to increase the permit fee upon renewal.
4. PERMITTEE shall be required to pay non-refundable processing and documentation fees of ONE HUNDRED SEVENTY FIVE & NO/100 DOLLARS (\$175.00).
5. PERMITTEE is required to place a security deposit equal to two months permit fee or TWENTY SEVEN THOUSAND & NO/100 DOLLARS (\$27,000.00). The security deposit of \$6,666.67 under the soon to expire General Lease No. S-4124 & S-4125 shall be transferred to these new PERMITS and PERMITTEE shall remit the difference of \$20,333.33 upon execution of these PERMITS. PERMITTEE shall not earn any interest on the security deposit. If, upon vacating the Premises, PERMITTEE is in compliance with the terms and conditions of the PERMITS to be issued, the security deposit shall be refunded, less amounts deducted for non-compliance issues,

if any.

6. No residential use shall be permitted, including temporary overnight camping. However, PERMITTEE shall be allowed to provide a shelter for security personnel, if such persons are hired for security purposes.
7. PERMITTEE shall not be allowed to erect any structures without PERMITTOR'S prior written approval. PERMITTOR reserves the right to limit the number of structures or require removal if the structures are not maintained in good condition. No major alteration or addition of any kind shall be made to the Premises unless plans are first submitted and approved by PERMITTOR.
8. PERMITTEE shall be responsible for the security of the Premises and all of PERMITTEE'S personal property thereon. Except for fencing, which is allowed at PERMITTEE'S option, other kinds of security systems will only be allowed after review and approval of PERMITTOR.
9. PERMITTEE is responsible for payment for all utilities and waste removal servicing the Premises and all repairs and maintenance of utility services shall be paid for by PERMITTEE.
10. PERMITTEE shall comply with all federal, state and county regulations or requirements regarding environmental issues and the safe handling and disposal of toxic or hazardous materials. Upon termination of this Permit, PERMITTEE shall be responsible for environmental cleanup of any contamination or hazardous materials brought onto the site or caused by PERMITTEE'S activities on the site.
11. PERMITTEE shall keep the Premises neat and clean at all times, including trimming the vegetation and removing trash on a regular basis.
12. Other standard terms and conditions of similar right-of-entry permits issued by PERMITTOR, such as liability insurance, site maintenance and real property tax payments.
13. The PERMIT shall be subject to the review and approval of the Department of the Attorney General.
14. Other terms and conditions deemed prudent by the Hawaiian Homes Commission may be added.

DISCUSSION

Lease Properties, LLC is the current holder of General Lease Nos. S-4124 & S-4125, both leases expired on October 9, 2023. Lease Properties has been a responsible tenant for DHHL.

This item proposing the Two month ROE was deferred by the Hawaiian Homes Commission at the regular monthly meetings on October 16-17 and November 21-22 2023.

At the regular monthly meeting of September 18-19, 2023, the Hawaiian Homes Commission authorized the department to offer eight (8) lots at this subdivision, including these two lots, for public land disposition for 55-year long term general leases. The process to conduct public land disposition

will take a while and Lease Properties, LLC has agreed and accepted the terms and condition for a month-to-month use to continue the warehouse operations on the leased premises until DHHL is ready for the public auction. Appraisals for the eight (8) lots have been ordered and should be received by January 2024.

Terms and Condition letters were sent to Lease Properties and they accepted the conditions as noted (See Exhibit “B”)

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT

The proposed use will utilize pre-existing improvements and does not significantly differ from the past use of the subject area. Therefore, pursuant to DHHL’s updated Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands as approved by the Environmental Council as of April 6, 2021, the subject request is exempt from the preparation of an environmental assessment pursuant to Type 1, under Part I, titled De Minimis Activities, Type 1, “Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.”

AUTHORITY

Section 10-4-1 of the Department’s Administrative Rules, as amended

Section 171-55, Hawaii Revised Statutes, as amended, titled Permits

RECOMMENDATION

Land Management Division recommends approval of the motions as stated.

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ka Kio 'Aina a ka Moku 'Aina 'o
Hawaii*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hape Kio 'Aina a ka Moku 'Aina
'o Hawaii*



KALI WATSON
CHAIRMAN HHC
Ka Liana Hu'ukele

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hape Liana Hu'ukele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Aina Ho'opulapula Hawaii'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

October 3, 2023

Mr. J. D. Watamull
Lease Properties, LLC
307 Lewers Street, 6th Floor
Honolulu, Hawaii 96815

SENT VIA ELECTRONIC MAIL TO: jared@wpchawaii.com

Dear Mr. Watamull:

Subject: Expiring General Lease No. S-4124, Moanalua Kai, Island of Oahu
Tax Map Key No. (1) 1-1-064:019

Prior to seeking the approval of your request to continue use of the subject parcel, we need to reach a preliminary agreement on the terms and conditions for allowing your use. In this regard, we propose the following:

1. The Premises shall be used for industrial warehouses as permitted under the current City & County of Honolulu zoning code I-2, Intensive Industrial District.
2. Lease Properties, LLC (PERMITTEE) understands that this is a month-to-month permit to use Hawaiian home lands which can be terminated for any or no reason upon a 30-day advance written notice given by either party. PERMITTEE acknowledges and accepts the risk PERMITTEE'S use could be terminated before PERMITTEE has recovered the costs invested in the Premises.
3. The permit fee for the premises shall be \$13,500.00 per month. PERMITTOR reserves the right to increase the permit fee upon renewal.
4. PERMITTEE shall be required to pay non-refundable processing and documentation fees of \$175.00 and place a security deposit equal to two months rent or \$27,000.00. The security deposit of \$6,666.67 under the soon to expire General Lease No. S-4124 shall be transferred to this new Right-of-Entry Permit (PERMIT) and PERMITTEE shall remit the difference of \$20,333.33 upon execution of the PERMIT. PERMITTEE shall not earn any interest on the security deposit. If, upon vacating the Premises, PERMITTEE is in compliance with the terms and conditions of the PERMIT to be issued, the security deposit shall be refunded, less amounts deducted for non-compliance issues, if any.

Exhibit "B"
Item No. F-2

Mr. J.D. Watumull
Lease Properties, LLC
October 3, 2023
Page 2

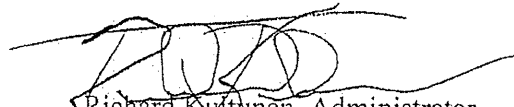
4. No residential use shall be permitted, including temporary overnight camping. However, PERMITTEE shall be allowed to provide a shelter for security personnel, if such persons are hired for security purposes.
5. PERMITTEE shall not be allowed to erect any structures without PERMITTOR'S prior written approval. PERMITTOR reserves the right to limit the number of structures or require removal if the structures are not maintained in good condition. No major alteration or addition of any kind shall be made to the Premises unless plans are first submitted and approved by PERMITTOR.
6. PERMITTEE shall be responsible for the security of the Premises and all of PERMITTEE'S personal property thereon. Except for fencing, which is allowed at PERMITTEE'S option, other kinds of security systems will only be allowed after review and approval of PERMITTOR.
7. PERMITTEE is responsible for payment for all utilities and waste removal servicing the Premises and all repairs and maintenance of utility services shall be paid for by PERMITTEE.
8. PERMITTEE shall comply with all federal, state and county regulations or requirements regarding environmental issues and the safe handling and disposal of toxic or hazardous materials. Upon termination of this Permit, PERMITTEE shall be responsible for environmental clean up of any contamination or hazardous materials brought onto the site or caused by PERMITTEE'S activities on the site.
9. PERMITTEE shall keep the Premises neat and clean at all times, including trimming the vegetation and removing trash on a regular basis.
10. Other standard terms and conditions of similar right-of-entry permits issued by PERMITTOR, such as liability insurance, site maintenance and real property tax payments.
11. The PERMIT shall be subject to the review and approval of the Department of the Attorney General.
12. Other terms and conditions deemed prudent by the Hawaiian Homes Commission may be added.

If the proposed terms and conditions are acceptable, please sign, date and return a copy of this letter. Although your return of the signed letter is not binding on either party, it will be used as a basis for seeking the Commission's approval and drafting a document that will become binding once all the parties have signed.

Mr. J.D. Watumull
Lease Properties, LLC
October 3, 2023
Page 3

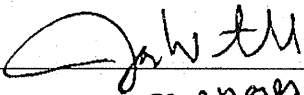
Should you have questions or need further clarification, you may contact Peter "Kahana" Albinio, Jr., Property Development Manager, at (808) 620-9451 or by email at peter.k.albinio.jr@hawaii.gov.

Aloha,


Richard Kuttunen, Administrator
Land Management Division

AGREED AND ACCEPTED:

LEASE PROPERTIES, LLC.


By  _____
manager

Date 10/4/23

-STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18-19, 2023

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Richard Kuitunen, Administrator
Land Management Division 

Subject: Approval to Commence Utilizing Revocable Permits (“RP”); Convert Compliant Existing Right of Entries to RP; Authorization for the Administrator of the Land Management Division to issue Limited Revocable Permits for a Term to Allow Approval of the RP at the Next Meeting of the Hawaiian Homes Commission (“HHC”); Authorize the Chairman of the HHC to Issue, Amend, and Terminate Revocable Permits.

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) grant its approval to the following:

1. Approve issuance of Limited Revocable Permits; Revocable Permits; and, convert existing Rights of Entry to Revocable Permits, where appropriate.
2. Authorize the Administrator Land Management Division, HHC, to issue, amend, and terminate Limited Revocable Permits.
3. Authorize the Chairman, HHC, to issue, amend, and terminate Revocable Permits.

DISCUSSION

Disposition Documents Commonly Utilized by DHHL

Right of Entry means non-exclusive personal right to enter onto land to carry out a specific purpose (e.g. perform due diligence, remove existing improvements upon expiration of lease). Generally, for a fixed term or M-t-M term renewed with approval of HHC at meeting on each island submitted to for all ROEs on respective island.

Limited Right of Entry same as above but issued for less than 30 days for short term purpose (e.g. one time event) or prelude to allow user to commence purpose while Right of Entry is being prepared and approved for longer term ongoing purpose.

License means a non-exclusive right personal to the user to use a portion of the property in conjunction with others and can be for short period of time (e.g. connection of utility to homestead lot) or longer term (e.g. use of community center, repair of fence line issued to neighboring land owner).

License Easement means non-exclusive right personal to user to use a portion of the property in conjunction with others generally issued in perpetuity to utility companies to serve entire community (e.g. water, sewer, electric, fiber optics).

General Lease means a right to enter onto land and exclusively possess for a general purpose (e.g. carry on a business/social or community activity). Generally, for a longer term to carry out ongoing purpose. Due to the income generated and long term nature of possession, disposition normally involves soliciting proposals/bids for disposition.

Space Lease (pending approval of ItemF-1 at this HHC meeting) means a right to enter into a building and exclusively possess for a general purpose of a portion of the project (e.g. carry on a business/social or community activity). Unlike a General Lease, this type of lease will be used for individual smaller tenant spaces in a multi-tenanted building. Currently DHHL does not utilize this type of lease, pending approval from the Commission to engage property management services to manage day to day operations.

Currently, dispositions that should fall within the meaning of a Revocable Permit have been issued as Right of Entries. However, reading the terms of the document reveals that effectually these dispositions are Revocable Permits.

Disposition Documents Proposed to be Utilized by DHHL Under This Submittal

Revocable Permit means a right to enter onto land and exclusively possess for a general purpose (e.g. carry on a business/social or community activity). Generally M-t-M renewed with approval of HHC at meeting on each island submitted to for all ROEs on respective island. Consideration may be nominal or fair market value, depending on use.

Limited Revocable Permit same as above but proposed to be issued as prelude to allow user to commence purpose while Revocable Permit is being prepared and approved by HHC for longer term ongoing purpose.

Background Information

In 2012-2013, there were inquiries and concerns raised by the media regarding the Department of Hawaiian Home Lands' (DHHL) application and management of revocable permits. The Land Management Division (LMD), with the assistance of an Assessment Committee created by then Governor Abercrombie, reviewed the process and procedure of the then existing Revocable Permit Program. The Assessment Committee identified several challenges in the RP program, including that it suffered from a public perception of mismanagement, lax enforcement, and inconsistent application of the rules. The Assessment Committee issued a recommendation on interim action and potential program reform.

What ensued over the next 10 years was a detailed study, resulting in specified qualifications, evaluation, processes and procedures which culminated in a Pilot Revocable Permit program. All other existing RP were converted into ROEs. Results of the pilot program were four applicants applied for the program, three were admitted, one disqualified, no applicants were turned away for lack of inventory.

DHHL stewards approximately 205,000 acres of land statewide. LMD manages all Hawaiian home lands not under homesteads or homestead developments. It is generally preferable to have long-term leases with better returns than RPs typically provide. Shorter term dispositions do, however, provide additional income to the Trust while serving a very useful function in helping LMD to administer DHHL's fiduciary responsibility to manage and maintain its land holdings. Factors justifying short-term disposition include:

- specific conditions of a parcel that preclude long-term leasing (*e.g.*, insufficient utilities infrastructure);
- inability to subdivide a parcel; and
- wanting to keep a parcel available for future long-term plans.

Summary of DHHL Lands Managed by LMD			
Source 2022 Annual Report			
Disposition	Total Acreage	Number Parcels	Annual Rents
General Lease	2,826	123	\$ 11,670,814
License	22,893	429	\$ 904,772
ROE	38,671	151	\$ 2,758,221
RP	-	0	\$ -
Totals	64,390	703	\$ 15,333,807

In 2013 during the interim process approved by the HHC, all RPs in compliance with terms and conditions of the permits were converted to Right-of-Entry permits until the new RP Program was approved and adopted. As DHHL has continued the RP usage albeit under a different name (ROE); and, as there is not currently a lack of land inventory to satisfy user demand; and as the RP program is not a material revenue source for the Trust, LMD is recommending that all the Right-of-Entry permits carried over from the old program, permits issue or renewed under the Interim Process should be converted back to Revocable Permits which is the proper documentation for the short-term disposition authorized under Section 171-55, HRS, as amended.

AUTHORITY

Sections 171-6, -13, and -55, Hawaii Revised Statutes, as amended, govern the revocable permit process.

RECOMMENDATION

LMD recommends approval of the requested motion/action as stated.

**HAWAIIAN HOMES COMMISSION
DECEMBER 18 & 19, 2023**

**G – ITEMS
PLANNING OFFICE**

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18 - 19, 2023

To: Chairman and Members, Hawaiian Homes Commission (HHC)

From: Andrew Choy, Planning Program Manager

Subject: Approve Pa`ūpena Community Development Corporation
(CDC) County water credit allocation request for TMK
(2) 2-5-034:026 (por.) and :028 (por.), Kula, Maui

RECOMMENDED MOTION / ACTION

That the HHC concur with the Chairman's Recommendation to allocate three water credits to the Pa`ūpena CDC for their use on TMK (2) 2-5-034:026 (por.) and :028 (por.) in accordance with their request and the "Processes for the Allocation of Water Credits and Water Meters on Water Systems Serving DHHL Lands" (Procedure Number 001-2022, Approved September 19, 2022).

DISCUSSION

As background for the requested action, this submittal reviews the following:

- I. Background of Request from Pa`ūpena CDC
- II. Background on Water Resource Development for DHHL Lands
- III. Water Credits on County Water Systems
- IV. DHHL and Maui County Water Credits Agreement for Upcountry
- V. Short and Long Term Water Needs for Keokea and Waiohuli Lands
- VI. HHC Policy on Allocation of Water Credits and Meters

I. Background of Request from Pa`ūpena CDC

The HHC approved a Right of Entry (ROE) permit to Pa`ūpena CDC for TMK (2) 2-5-034:026 (por.) and :028 (por.) in August 2019 (Exhibit A, also at *August-19-20-2019-HHC-Meeting-Packet.pdf* (hawaii.gov) (F-5, pg. 143). They were awarded the ROE for the purpose of conducting due diligence studies

including but not limited to project master plan, business plan, and related Chapter 343, HRS compliance requirements and Chapter 6E, HRS compliance requirements.

The Pa`ūpena CDC intends to utilize TMK (2) 2-2-034:026 to raise cattle and for other agricultural purposes. The primary objective is to establish a mixed-use space that offers economic opportunities and community services in a welcoming environment for native Hawaiians.

These uses will require water. As is the case with the majority of trust lands, there is currently no access to water on the property. In order to begin to implement their plans and in anticipation of a longer term disposition, Pa`ūpena CDC has requested the DHHL utilize its water credits to enable Pa`ūpena CDC to secure a water meter from the County of Maui Department of Water Supply (Exhibit B). The proposed allocation of three water credits (the equivalent of 1800 gallons per day) is an initial amount that will allow their work to begin.

II. Background on Water Resource Development for DHHL Lands

One of the key compromises made in securing passage of the Hawaiian Homes Commission Act (HHCA) was that most of the prime agricultural lands of the then Territory of Hawai`i were excluded from being "available lands", and the lands set aside for homesteading were dry and remote. This means that advocating for access to and developing water resources is a primary activity of the Department. Since July 2014, this activity has been guided by the Hawaiian Homes Commission's Water Policy Plan.

In developing homesteading opportunities for beneficiaries, DHHL like other developers needs to secure the water that will be necessary for the proposed land uses to be realized. Water systems that serve DHHL trust lands can be developed and or operated by the Department itself, by a private water company, or by the County Board / Department of Water Supply. This requires development of a sufficient amount of water, as determined by project engineers and compliant with relevant design standards, in order to support the proposed use. In all cases this requires the development of some combination of water source, storage, and transmission.

The level of cost and complexity to develop a water system capable of serving a new homestead development depends on many factors, including the availability of developable water in the area, distance to the water source, and the volume of water needed. Operating costs and water rates depend on the design of the system and myriad other costs including whether it is part of a larger private, public or DHHL system and the costs of energy (to pump water), labor, capital maintenance, and other factors.

In general, the preference by DHHL staff involved in the development of new homesteads has been to secure access to water already developed and available or to develop some combination of source, storage and transmission and dedicate those to a County Board / Department of Water Supply, wherein the homesteader's become customers of that agency. The preference stems from short and long term costs for homesteaders and the Department, allowing the Department to have greater focus on future homestead development, and some equity issues.

III. Water Credits on County Water Systems

When the State of Hawai'i in general or the Department in particular develops some combination of source, storage and transmission and dedicate those to a County Board / Department of Water Supply, in return the Department is issued water credits. A water credit is a commitment to the issuance of future water meters. Typically, one credit is sufficient to be issued one standard 5/8" residential meter, which is sized to meet the daily and peak water needs of a single family home.

The amount of water credits issued to DHHL is calculated and negotiated between DHHL and the County Board / Department of Water Supply. The number of credits made available is not based on DHHL needs but instead the amount of water that can be reliably delivered to DHHL lands based on the infrastructure (source, storage, and transmission) developed and dedicated to the County.

IV. DHHL and Maui County Water Credits Agreement for Upcountry

DHHL and the Maui County Department of Water Supply (MDWS) entered into a "Water Credits Agreement" in December 1997 (Exhibit C). That agreement provided for a water credit of 500,000 gallons per day to DHHL for use on its "Kula Residence

Lots" and "Keokea Farm Lots". This was provided in exchange for certain water infrastructure development by DHHL and dedicated to the MDWS.

Based on review of available records, nearly $\frac{3}{4}$ of this amount has already been utilized across Keokea, Waiohuli, and Kula. Future planned homestead development projects anticipate using approximately 77,400 gallons of the remaining quantity. See Table 1, below.

DHHL also anticipates that additional County water meters may be needed to accommodate future Accessory Dwelling Units (ADU's) on existing homestead lots, and/or homestead lessee initiated subdivision of their homestead lot to pass on to a qualified successor. The exact amount of water needed for future ADU's and / or subdivisions of homestead lots by lessees is unknown at this time because we do not know how many lessees may seek to construct an ADU or subdivide their homestead lot.

Homestead Development Projects	Number of Lots	Gallons Per Day (GPD) demand	Remaining Balance After Allocation for Project
Kula Residence Lots	323	209,900	290,100
Waiohuli Hikina	37	22,200	267,900
Keokea Agriculture Lot	1	600	267,300
Waiohuli Undivided Residential Lots	5	3,000	264,300
Keokea-Waiohuli Development Phases 1 to 2B	218	131,050	133,250
Keokea-Waiohuli Development Phases 3 to 4	129	77,400	55,850
ADU and subdivision water needs	unknown	unknown	unknown

Table 1. Calculation of available water under the current water credit agreement between MDWS and DHHL.

If the HHC concurs with the recommendation herein, three water credits will be used for the Pa'ūpena to secure the equivalent of three 5/8 inch water meters and it will reduce the available balance by 1,800 gallons per day to 54,050 gallons remaining.

V. Short and Long Term Water Needs for Keokea and Waiohuli Lands

The calculations above only represent the immediate short term needs for DHHL lands at Keokea and Waiohuli and only address a part of the long term needs for uses on these TMKs. The long term water demands for those lands to ensure that those lands are usable and accessible is far greater.

The Department has been engaged in multiple efforts to secure water for these lands over the long term. One primary effort has been to secure a reservation of water from the East Maui Irrigation System (EMI), in conjunction with the state's consideration of a request to issue a license of water to EMI for water emanating from state lands. This effort is still in process. The last briefing to the HHC on the complex and intertwined set of issues related this effort was in item G-3 of the October 2023 HHC and community meetings.

In addition to pursuing the delivery of additional potable and non-potable water from the EMI System, consultants to the Land Development Division are also exploring alternative water sources, including the feasibility of groundwater well development.

While these and other options may well be viable long term options for water provision to the trust lands at Keokea and Waiohuli, they will not be able to provide water in the near term (four years or less). The availability of water for use on these lands in the short term will be likely entirely dependent on the utilization of water credits from the above referenced agreement.

VI. HHC Policy on Allocation of Water Credits and Meters

In order to deal with the many issues that arise when water resources for homestead development are less than what is needed for foreseeable homestead development, the HHC in 2022 passed Processes for the Allocation of Water Credits and Water Meters

on Water Systems Serving DHHL Lands (Exhibit D) (The Department Directly issues Water Meters on the four systems it owns and operates, rather than issuing credits and the County issuing meters).

Consistent with the Departments focus on and duty to issue homestead leases was the basis of the prioritization policy within the Process adopted. That policy states

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.

Based on this prioritization, the proposed use by Pa`ūpena CDC is in "Priority f. Uses by a Homesteader Organization on a property interest issued by the Department". Because there are insufficient water resources for long term development of

homesteads, the request then can be considered under exception b, above: 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 Planning Office has determined (as described above) that there are credits available for the issuance of water meters, and that while there is a long term demand for these, they are not going to be used within a four year period. The Planning Office and Chairman recommend here that the request be granted.

RECOMMENDED MOTION/ ACTION

That the HHC concur with the Chairman's Recommendation to allocate three water credits to the Pa`ūpena CDC for their use on TMK (2) 2-5-034:026 (por.) and :028 (por.) in accordance with their request and the "Processes for the Allocation of Water Credits and Water Meters on Water Systems Serving DHHL Lands" (Procedure Number 001-2022, Approved September 19, 2022).

Exhibit A. Right of Entry permit to Pa`ūpena CDC
Exhibit B. Pa`ūpena CDC water credit request letter
Exhibit C. DHHL MDWS Water Credits Agreement for Upcountry
Exhibit D. HHC Policy on Allocation of Water Credits and Meters signed 1.pdf

ITEM G-1 EXHIBIT A

LAND MANAGEMENT DIVISION

ITEM F-4 Approval to Issuance of Right of Entry Permit to Ka Ohana O Kahikinui, Inc., Kahikinui, Maui, TMK: (2) 1-9-001:003 (portion)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the issuance of the right of entry permit to Ka Ohana O Kahikinui Inc., Kahikinui, Maui.

MOTION

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

DISCUSSION

B. Feiteira stated that Ka Ohana O Kahikinui (KOOK) has been working to address the needs of their community which led them back to their Master Plan that was adopted by the Commission in 1997. Hale Pili was identified as a place where businesses could be developed and a place for training and educating visitors about the history of Kahikinui. The right of entry permit request is to conduct due diligence activities to determine if an environmental assessment (EA) is necessary. An extensive archaeological inventory survey of Kahikinui has shown that the pohaku used for the foundation of the Church came from a deconstructed heiau that was there. B. Feiteira stated if there is a burial area, it needs to be identified, and the Kahikinui Board needs to change their plan.

ACTION

Motion carried unanimously.

ITEM F-5 Approval to Issuance of Right of Entry Permit to Pa'upena Community Development Inc., Waiohuli-Keokea, Maui Island, TMK: (2) 2-2-034:026(por.) & :028 (por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the issuance of the right of entry permit to Pa'upena community Development Inc., Waiohuli-Keokea, Maui Island, for approximately 127.0 acres of Hawaiian Home Lands for the purpose of conducting due diligence studies including but not limited to project master plan, business plan, and related Chapter 343, HRS compliance requirements and Chapter 6E, HRS compliance requirements.

MOTION

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

DISCUSSION

K. Enomoto stated that Pa'upena CDC is grateful to have reached this level in the process. She stated that they were willing to accept the decision of the Commission.

ACTION

Motion carried unanimously.

ITEM G-1 EXHIBIT B

January 31, 2023



PĀ'UPENA
Community
Development
Corporation

96 Ahulua St.
Kula, HI 96790
(808) 276-2713
kenomoto1@hawaii.rr.com
www.paupena.org

PAPA – BOARD OF DIRECTORS

CHAIRWOMAN
Kekoa Enomoto

SECRETARY
Noelani Paresa

DIRECTORS
Aaron Acpal
Mahesh Cleveland, Esq.
Jonathan Kainoa Pestana

OFFICER/STAFF

PRESIDENT
Norman Abihai

EXECUTIVE DIRECTOR
Emma Yap

Mr. Ikaika Anderson
Chairman Designate, Hawaiian Homes Commission
Director Designate, Department of Hawaiian Home Lands
Post Office Box 1879
Honolulu, Hawai'i 96805
Telephone (808) 620-9500
Email: ikaika.anderson@hawaii.gov

REFERENCE: Water meter for TMK (2) 2-2-034:026 (por.) and :028 (por.)

Aloha mai e Chairman Designate Anderson,

Per instructions by DHHL water consultant Jonathan Likeke Scheuer, I am writing for you to ask appropriate DHHL staff to deploy available Upcountry Maui water credits in order to acquire a water meter from the County of Maui Department of Water Supply. The meter would serve a 127-acre Keokea/Waiohuli homelands tract at TMK (2) 2-2-034:026 (por.) and :028 (por.), for which Pa'upena Community Development Corporation (CDC) has a due-diligence Right Of Entry.

Currently at this Upcountry homelands parcel, Pa'upena is installing and repairing fencing, courtesy of \$94,000 in County of Maui Office of Economic Development grant funding. The CDC also has a half-dozen sheep grazing on a small section of the tract, and plans to conduct farming/ranching-related training there for beneficiaries and others.

Mahalo nui for your kokua, and we look forward to working collaboratively with DHHL to procure a water meter for the 127-acre Keokea/Waiohuli homelands 'aina. Our corporate vision is to fulfill Prince Kūhiō's century-old dream for native Hawaiians to reconnect with Waiohuli ahupua'a in thriving agricultural and pastoral communities, and to share this paradigm throughout the pae 'āina. With a water meter, Pa'upena anticipates serving and training our beneficiaries to cultivate fresh produce, meat and dairy on Waiohuli trust lands.

Me ke aloha no,

Emma Yap
Executive Director

ITEM G-1 EXHIBIT C

WATER CREDITS AGREEMENT

THIS WATER CREDITS AGREEMENT ("AGREEMENT"), made this 9th day of DECEMBER, 1997, by and between the STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS, an agency of the Hawaiian Homes Commission, whose principal place of business is 335 Merchant Street, Honolulu, Hawaii 96813, and whose mailing address is P.O. Box 1879, Honolulu, Hawaii 96805, hereinafter referred to as the "DHHL", and the COUNTY OF MAUI DEPARTMENT OF WATER SUPPLY, a semi-autonomous department of the County of Maui, a political subdivision of the State of Hawaii, whose mailing address is 200 South High Street, Wailuku, Hawaii 96793, hereinafter referred to as the "DWS".

W I T N E S S E T H:

WHEREAS, the DHHL wishes to develop its homesites projects in Kula and Keokea, Maui, Hawaii, shown as (1) the "Kula Residence Lots - Unit 1" on Exhibit "1" attached hereto and made a part hereof, LUCA File No. 2.2305, TMK: (2) 2-2-02-56 (Portion), and (2) Keokea Farm Lots on Exhibit "2" attached hereto and made a part hereof, TMK: 2-2-02-55, both hereinafter called the "DHHL Homesites"; and

WHEREAS, the DHHL estimates that the DHHL Homesites at Kula will be ready to receive water in approximately December of 1999 and the DHHL Homesites at Keokea in 2000; and

ITEM G-1 EXHIBIT C

WHEREAS, certain water improvements, as hereinafter set forth, are necessary to increase transmission and storage capacity of the DWS's water system in Lower Kula to deliver water to the DHHL Homesites and other potential users in the Lower Kula area; and

WHEREAS, the DHHL and the DWS are willing to cooperate with each other to make the necessary water improvements; and

WHEREAS, Pursuant to the Memorandum of Understanding between ^{6/22} ~~the~~ ^{the DWS} County of Maui, DWS and DHHL dated December 8, 1997, a copy of ^{from Jc/ink} which is attached hereto as Exhibit "3" and incorporated herein by this reference ("MOU"), the DWS committed to make the following improvements: (a) construct a new in-line pump station and, (b) a new two (2) million gallon water storage tank served by the Lower Kula transmission main. In the same MOU, DHHL committed to make the following off-site and on-site improvements: (a) a new off-site transmission main between Naalae Road and DHHL Homesites, (b) two (2) new off-site booster pumps in the vicinity of the existing Kula Kai reservoir, and (c) three (3) new on-site reservoirs and two (2) new on-site pumps, transmission, and distribution lines within the DHHL Homesites ("DHHL Improvements") (the details of these improvements are more fully set forth in the MOU); and

WHEREAS, the MOU contemplated that in consideration of its contribution for construction of the Booster Pump at Kula Kai

ITEM G-1 EXHIBIT C

Reservoir, construction of transmission water main from Naalae Road to the DHHL subdivision, and construction of on-site reservoirs, pumps, transmission, and distribution lines, DHHL would receive Water System Development Fee ("WSDF") credits from the DWS by separate agreement; and

WHEREAS, the DHHL improvements will be licensed to the DWS in perpetuity (For purposes of this Agreement, and in consideration of Sections 204, 205, and 207 of the Hawaiian Homes Commission Act, DHHL and DWS agree that reference to "dedication" in the WSDF Rules is equivalent to a "license in perpetuity".); and

WHEREAS, no source credits will be granted to DHHL for the DHHL Homesites as DHHL is not developing source as defined in the WSDF Rules; and

WHEREAS, transmission and storage credits will be given to DHHL based on the DHHL improvements; and

WHEREAS, the DWS and DHHL intend this AGREEMENT to set forth the amount of credits DHHL shall receive from the DWS;

NOW, THEREFORE, in consideration of the mutual promises described herein, the undersigned parties hereby agree as follows:

1. WATER FOR DHHL HOMESITES. The DWS shall commit five hundred thousand (500,000) gallons of potable water per average day to DHHL for the DHHL Homesites. Upon completion of the DWS

Improvements and the DHHL Improvements, the DWS shall maintain the improvements and deliver potable water to the DHHL up to an amount of 500,000 gallons per average day, as needed by the DHHL Homesites, except during any drought affecting the Lower Kula area as declared by the DWS in accordance with its rules and regulations. The DWS shall not impose any sort of time limitation on DHHL to draw or use such reservation of potable water from the DWS system.

2. DHHL WATER CREDITS. In consideration of its contribution for construction of (1) the off-site Booster Pumping Station at Kula Kai Reservoir, and construction of transmission water main from Naalae Road to DHHL subdivision, and (2) construction of on-site reservoirs, booster pumps, and transmission lines, which shall be licensed to the DWS in perpetuity, DHHL shall receive from the DWS water credits as follows:

a. Source Credits - No source credit is given. DHHL, or the appropriate applicant, will pay the source component of the Water System Development Fee for the DHHL Homesites in Maui, Hawaii, when DHHL or applicants request the installation of each water meter. No source development payments shall be required by DWS in advance of applying for a water meter.

b. Transmission and Storage Credits - DHHL has satisfied the transmission and storage components of the DWS

Water System Development Fee for any 5/8" meter for the DHHL Homesites in Maui, Hawaii, up to the 500,000 gallons per average day of the water committed. No payment for transmission and storage components of the fees will be required of DHHL by DWS. For any meter over 5/8", the difference between the storage and transmission components for the larger meter and the 5/8" meter shall be deducted from the credits in 2.c below provided the system is adequate.

c. Additional Credits - DHHL shall receive from the DWS an additional \$1,561,600 credit as set forth in Exhibit "4" for increasing the transmission and storage capacity of the DWS water system beyond current and planned DWS and future DWS and DHHL needs. The \$1,561,600 credit may be used by DHHL to off-set the Water System Development Fee, on a dollar-for-dollar basis, for its other subdivision projects in the County of Maui where the DWS system is adequate and water is available.

3. OTHER DHHL CREDITS. This Agreement shall not affect any of the other DHHL credits the DHHL has with the DWS.

4. GOVERNING LAW. This Agreement shall be construed and enforced in accordance with the laws of the State of Hawaii.

5. ASSIGNABILITY. This Agreement, and the rights and obligations hereunder, shall not be assigned, in whole or in part, by any of the parties hereto to any other persons or entities without the prior written consent of all of the parties

hereto, which consent may be withheld at the sole discretion of any of the parties hereto.

6. NO THIRD PARTY BENEFICIARIES. The execution and delivery of this Agreement shall not be deemed to confer any rights upon, nor obligate any of the parties hereto, to any person or entity not a party to this Agreement.

7. FURTHER ASSURANCES. Each of the parties hereto shall execute and deliver any and all additional papers, documents, and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of their obligations hereunder and to carry out the intent of the parties hereto.

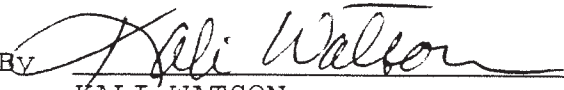
8. AMENDMENTS. This Agreement may be amended in whole or in part only by further written agreement executed by all of the parties hereto.

9. INTEGRATION. This Agreement contains all of the agreements of the parties hereto with respect to the matters covered hereby, and no prior agreements, oral or written, or understandings or representations of any nature whatsoever pertaining to any such matters shall be effective for any purpose unless specifically incorporated in the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective on the day and year first above written.

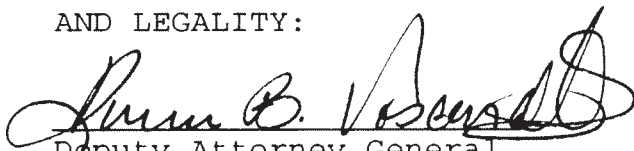
ITEM G-1 EXHIBIT C

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS


By 
KALI WATSON
Chairman
Hawaiian Homes Commission

Approved by the Chairman on
DECEMBER 9, 1997

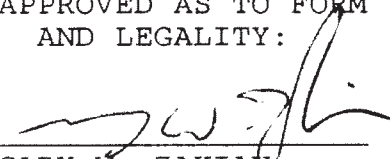
APPROVED AS TO FORM
AND LEGALITY:


Deputy Attorney General
State of Hawaii

BOARD OF WATER SUPPLY
OF THE COUNTY OF MAUI

By 
DORVIN D. LEIS
Its Chair

APPROVED AS TO FORM
AND LEGALITY:


GARY W. ZAKIAN
Corporation Counsel
County of Maui

ITEM G-1 EXHIBIT C

STATE OF HAWAII)

8/10 ~~CITY & COUNTY OF HONOLULU~~ ^{Maui}) SS.

On this 9th day of December, 1997, before me appeared KALI WATSON, to me personally known, who being by me duly sworn did say that he is the Chairman of the Hawaiian Homes Commission, and that he is authorized to sign the foregoing instrument on behalf of the State of Hawaii, Department of Hawaiian Home Lands, an agency of the Hawaiian Homes Commission, and the said KALI WATSON acknowledged that he executed the said instrument as the free act and deed of said State of Hawaii, Department of Hawaiian Home Lands.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

LS.

James B. Gordon
Notary Public, State of Hawaii
My commission expires: 1/13/99

STATE OF HAWAII)

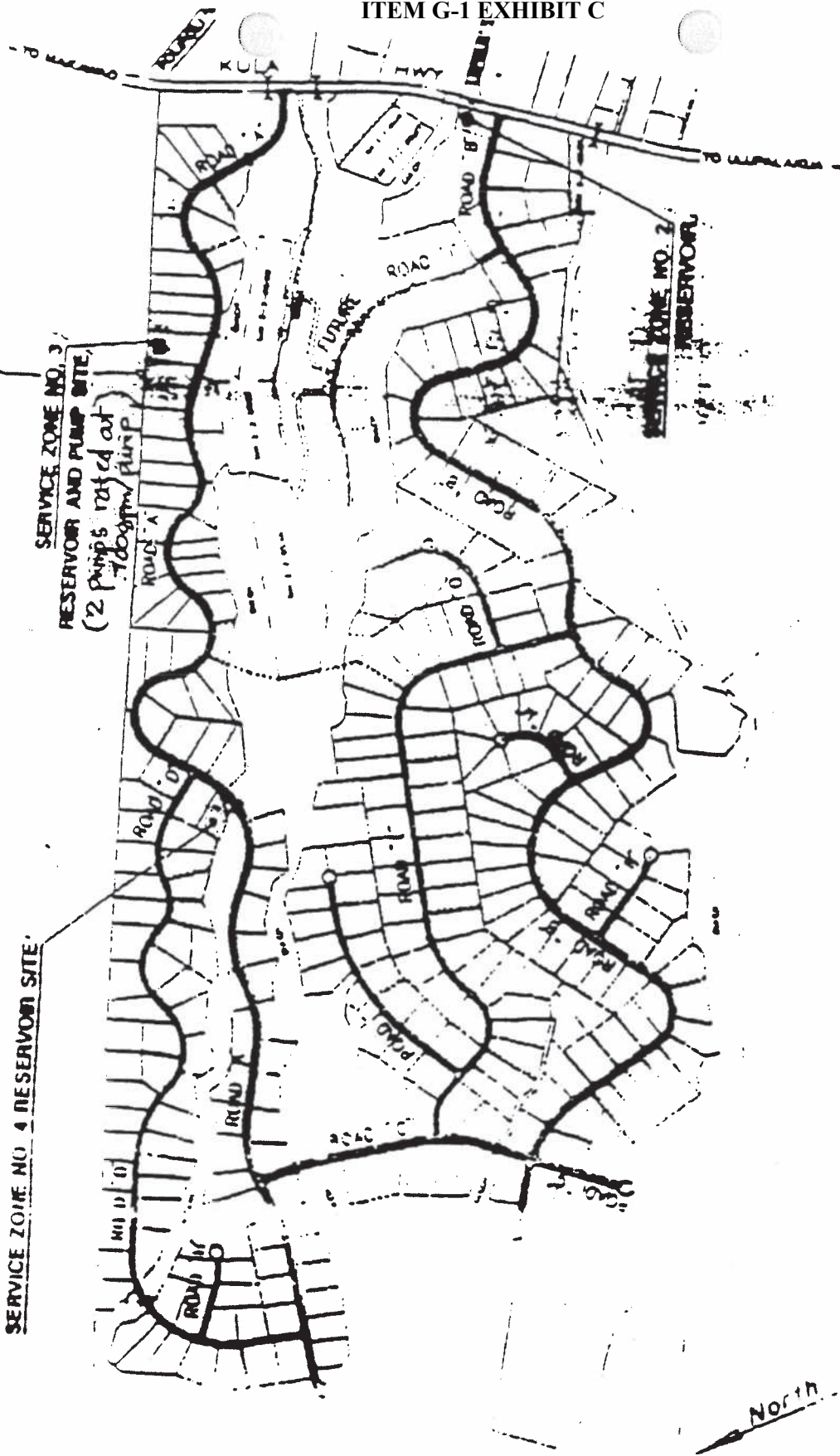
COUNTY OF MAUI) SS.

On this 9th day of December, 1997, before me appeared DORVIN D. LEIS, to me personally known, who being by me duly sworn did say that she is the Chairperson of the Board of Water Supply of the County of Maui, a semi-autonomous department of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said Board of Water Supply of the County of Maui, and that the said instrument was signed and sealed on behalf of said Board of Water Supply of the County of Maui, and the said DORVIN D. LEIS acknowledged the said instrument to be the free act and deed of said Board of Water Supply of the County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

LS.

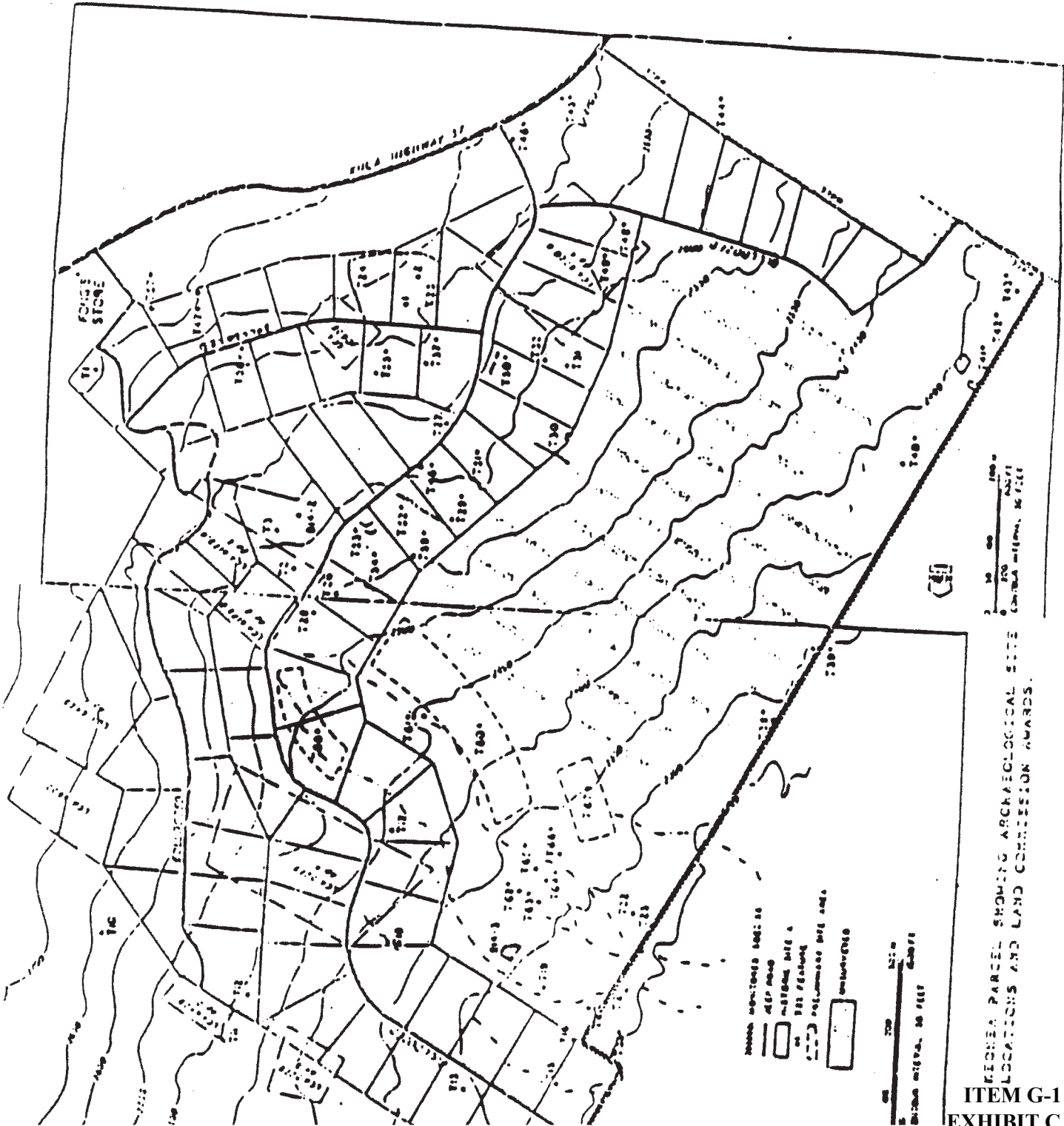
James B. Gordon
Notary Public, State of Hawaii
My commission expires: 4/19/98



VICINITY MAP
KULA RESIDENCE LOTS - UNIT I
NOT TO SCALE

EXHIBIT 1

KEOKEA AGRICULTURAL LOTS
EXHIBIT "2"



KEOKEA PARCEL SHOWING ARCHAEOLOGICAL SITE
LOCATIONS AND LAND COMMISSION WARDS.

MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT, made this 8th day of December, 1997, between the STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS, an agency of the Hawaiian Homes Commission, whose mailing address is 335 Merchant Street, Room 307, Honolulu, Hawaii 96813, hereinafter called "DHHL", the DEPARTMENT OF WATER SUPPLY OF THE COUNTY OF MAUI, a semi-autonomous department of the County of Maui, a political subdivision of the State of Hawaii, whose mailing address is 200 South High Street, Wailuku, Hawaii 96793, hereinafter called "DWS", and the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose mailing address is 200 South High Street, Wailuku, Hawaii 96793, hereinafter called "COUNTY".

W I T N E S S E T H:

WHEREAS, the DHHL wishes to develop its homesites projects in Kula and Keokea, Maui, Hawaii, shown as (1) the "Kula Residence Lots - Unit 1" on Exhibit "1" attached hereto and made a part hereof, LUCA File No. 2.2305, TMK: (2) 2-2-02-56 (Portion), and (2) Keokea Farm Lots on Exhibit "7" attached hereto and made a part hereof, TMK: 2-2-02-55, both hereinafter called the "DHHL Homesites"; and

WHEREAS, the DHHL estimates that the DHHL Homesites at Kula will be ready to receive water in approximately December of 1999 and the DHHL Homesites at Keokea in 2000; and

WHEREAS, certain water improvements, as hereinafter set forth, are necessary to increase transmission and storage capacity

ITEM G-1 EXHIBIT C

of the DWS's water system in Lower Kula to deliver water to the DHHL Homesites and other potential users in the Lower Kula area; and

WHEREAS, the DHHL and the DWS are willing to cooperate with each other to make the necessary water improvements; and

WHEREAS, the COUNTY is willing to financially assist the DHHL and the DWS by appropriating a certain amount of funds, as hereinafter set forth, for the DWS to construct the necessary water improvements, for which contribution the COUNTY shall receive water credits from the DWS as hereinafter set forth; now, therefore,

The undersigned parties agree as follows:

1. COUNTY APPROPRIATION. The Maui County Council has adopted those certain ordinances, collectively attached hereto as Exhibit "2", which amend the COUNTY's budget for the 1996-1997 fiscal year to appropriate and authorize the issuance of bonds for ONE MILLION FIVE HUNDRED AND 00/100 DOLLARS (\$1,500,000.00) for the DWS to use to construct the "Lower Kula Booster Pump Station and Storage Tank", and enable the Mayor to execute this intergovernmental agreement pursuant to Section 2.20.020, Maui County Code.

2. DWS IMPROVEMENTS. Pursuant to an executed contract for construction of the "Lower Kula Booster Pump Station and Storage Tank", the DWS shall construct the following improvements, hereinafter collectively called the "DWS Improvements":

a. New Pump Station and New Storage Tank. The DWS intends to construct, at its own expense including the aforesaid

appropriation of funds by the COUNTY, a new in-line pumping station and a new two (2) million gallon water storage tank on the Lower Kula transmission main. These DWS Improvements are intended to increase transmission capacity between the Lower Kula Water Treatment Plant and the Kula Kai Tank and increase storage capacity. The location of the proposed booster pump and tank site are shown on Exhibit "3" attached hereto and made a part hereof.

The DWS's contract documents for construction of the proposed booster pump station and tank are attached hereto as Exhibit "4" and made a part hereof. The DWS estimates that its project to construct the DWS Improvements will require approximately fourteen months for completion.

b. Land Rights. The proposed pump station and tank site are to be located on Lot 3-B, being a 5.6 acre portion of TMK: (2) 2-4-13-179. Lot 3-B is shown on Exhibit "5" attached hereto and made a part hereof. Lot 3-B is not currently owned by the DWS. The DWS shall secure all temporary and permanent land rights to Lot 3-B before the aforesaid appropriation of funds by the COUNTY is released, in whole or in part, to the DWS.

c. Construction Standards. The DWS shall construct the foregoing DWS Improvements in accordance with all laws, ordinances, codes, permits, guidelines, rules and regulations of the County, State and Federal governments.

3. DHHL IMPROVEMENTS. The DHHL shall construct, at its own expense, the following improvements, hereinafter collectively called the "DHHL Improvements":

a. New Transmission Main. The DHHL intends to construct a new eighteen (18) inch water transmission main, approximately 8,000 to 9,000 feet in length, from approximately Naalae Road to the DHHL Homesites. The location of the proposed transmission main is shown on Exhibit "6" attached hereto and made a part hereof.

b. New Booster Pumps. The DHHL intends to construct two (2) new booster pumps (rated at 4,200 gpm each pump) in the vicinity of the existing Kula Kai Tank. The location of the proposed reservoir sites and pump sites are shown on Exhibit "8".

c. New Reservoirs and Pumps. The DHHL intends to construct, within the DHHL Homesites, three (3) new reservoirs and two (2) new pumps (rated at 700 gpm each pump). The location of the proposed reservoir sites and pump sites are shown on Exhibit "1".

d. Subdivision Requirements. The DHHL intends to construct the drainage, roadway, on-site water, grading and all other subdivision improvements for the DHHL Homesites pursuant to construction plans approved by the Department of Public Works and Waste Management, County of Maui, for LUCA File No. 2.2305. The DHHL shall complete these subdivision improvements prior to final subdivision approval of the DHHL Homesites. Upon final subdivision approval of the DHHL Homesites, the DHHL shall make all of the

ITEM G-1 EXHIBIT C

"Kula Residence Lots - Unit I", as shown on Exhibit "1", available to lessees of the DHHL to construct residences thereon.

e. Land Rights. The DHHL shall secure all necessary land rights for the DHHL Improvements to be constructed.

f. Construction Standards. The DHHL shall construct the DHHL Improvements in accordance with all laws, ordinances, codes, permits, guidelines, rules and regulations of the County, State and Federal governments. The DHHL shall also warrant and guarantee by way of assignment of Contractor's bond the improvements set forth in the construction plans and specifications, from any defects in materials and workmanship for a period of one year from the date of final approval of improvements.

4. WATER FOR DHHL HOMESITES. Upon completion of the DWS Improvements and the DHHL Improvements, the DWS shall maintain the improvements and deliver water to the DHHL up to an amount of 500,000 gallons per day, as needed by the DHHL Homesites, except during any drought affecting the Lower Kula area as declared by the DWS in accordance with its rules and regulations. The DWS will not impose any sort of time limitation on DHHL to draw or use such reservation of potable water from DWS system.

5. COUNTY WATER CREDITS. In consideration of its contribution of ONE MILLION FIVE HUNDRED AND 00/100 DOLLARS (\$1,500,000.00) to the DWS for the construction of the DWS

ITEM G-1 EXHIBIT C

Improvements, the COUNTY shall receive from the DWS dollar-for-dollar credit for every dollar appropriated and disbursed to or for the DWS for the DWS Improvements, if paid for out of COUNTY general funds, or dollar-for-dollar credit on the principal amount for bonds issued by the COUNTY for the DWS Improvements.

The COUNTY may use its water credits, or transfer the same to other persons or entities, hereinafter called "transferee(s)", to obtain water from the DWS. The COUNTY or its transferee(s) may use the water credits to off-set, dollar for dollar, any fees or charges imposed by the DWS for water to be supplied by the DWS to the COUNTY or its transferee(s), including but not limited to using the water credits to off-set any Water System Development Fee. The COUNTY or its transferee(s) may use the water credits to obtain water from the DWS at any time, unless water is not available as mutually determined and agreed in writing by the COUNTY and the DWS. The COUNTY or its transferee(s) may use the water credits without the restriction stated in Section 16-8-11(c) of the Water System Development Fee.

6. DHHL WATER CREDITS. In consideration of its contribution for construction of the Booster Pump at Kula Kai Reservoir, construction of transmission water lines from Naalae Road to DHHL subdivision, and construction of on-site reservoirs and pumps, DHHL shall receive Water System Development Fee credits as agreed between DHHL and DWS by separate agreement.

a. Further, DHHL will pay the source portion of the Water System Development Fee when applicants request the installation of each water meter. No advance source development payments shall be required; and

b. This agreement shall not affect any previously accumulated hook-up credits, nor any reimbursements due DHHL by the DWS for past projects such as Waiehu Kou.

7. **DISBURSEMENT OF COUNTY APPROPRIATION.** The DWS shall submit to the COUNTY written Reimbursement Requests for the work performed pursuant to the executed contract for construction of the "Lower Kula Booster Pump Station and Storage Tank". Each Reimbursement Request shall be authenticated as to its accuracy by the DWS and verified by a designated official of the COUNTY. Each Reimbursement Request shall include a certification by the DWS that the work for which payment is requested was performed in accordance with the terms of this Memorandum of Understanding. The DWS shall maintain in its files, at all times, documentation certifying that the work described in any invoices, executed contracts or Reimbursement Requests sent to the COUNTY are complete, correct and in accordance with the terms of this Memorandum of Understanding.

8. **GOVERNING LAW.** This Memorandum of Understanding shall be construed and enforced in accordance with the laws of the State of Hawaii.

9. **ASSIGNABILITY.** This Memorandum of Understanding, and the rights and obligations hereunder, shall not be assigned, in whole or in part, by any of the parties hereto to any other persons

or entities without the prior written consent of all of the parties hereto, which consent may be withheld at the sole discretion of any of the parties hereto.

10. **NO THIRD PARTY BENEFICIARIES.** The execution and delivery of this Memorandum of Understanding shall not be deemed to confer any rights upon, nor obligate any of the parties hereto, to any person or entity not a party to this Memorandum of Understanding.

11. **FURTHER ASSURANCES.** Each of the parties hereto shall execute and deliver any and all additional papers, documents, and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of their obligations hereunder and to carry out the intent of the parties hereto.


12. **AMENDMENTS.** This Memorandum of Understanding may be amended in whole or in part only by further written agreement executed by all of the parties hereto.

13. **INTEGRATION.** This Memorandum of Understanding contains all of the agreements of the parties hereto with respect to the matters covered hereby, and no prior agreements, oral or written, or understandings or representations of any nature whatsoever pertaining to any such matters shall be effective for any purpose unless specifically incorporated in the provisions of this Memorandum of Understanding.

IN WITNESS WHEREOF, this Memorandum of Understanding has been executed on the day and year first above written.

ITEM G-1 EXHIBIT C

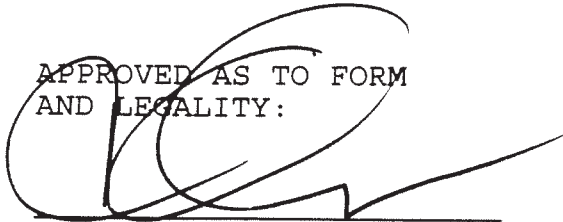
STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

By 
KALI WATSON
Chairman
Hawaiian Homes Commission

Approved by the Chairman on

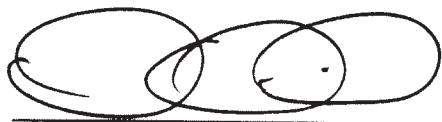
December 8, 1997 ~~xx1997~~

APPROVED AS TO FORM
AND LEGALITY:



Deputy Attorney General
State of Hawaii


BOARD OF WATER SUPPLY
OF THE COUNTY OF MAUI

By 
DORVIN D. LEIS
Its Chair

COUNTY OF MAUI

By 
LINDA LINGLE
Its Mayor

APPROVED AS TO FORM
AND LEGALITY:


LILLIAN B. KOLLER
Deputy Corporation Counsel
County of Maui

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ITEM G-1 EXHIBIT C

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STATE OF HAWAII)

) SS.

CITY & COUNTY OF HONOLULU)

On this 8th day of December, 1997, before me appeared KALI WATSON, to me personally known, who being by me duly sworn did say that he is the Chairman of the Hawaiian Homes Commission, and that he is authorized to sign the foregoing instrument on behalf of the State of Hawaii, Department of Hawaiian Home Lands, an agency of the Hawaiian Homes Commission, and the said KALI WATSON acknowledged that he executed the said instrument as the free act and deed of said State of Hawaii, Department of Hawaiian Home Lands.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Helen E. Luke
Notary Public, State of Hawaii

My commission expires: 2-20-2000

STATE OF HAWAII)

) SS.

COUNTY OF MAUI)

On this 18th day of November, 1997, before me appeared DORVIN D. LEIS, to me personally known, who being by me duly sworn did say that ~~she~~ he is the Chairperson of the Board of Water Supply of the County of Maui, a semi-autonomous department of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said Board of Water Supply of the County of Maui, and that the said instrument was signed and sealed on behalf of said Board of Water Supply of the County of Maui, and the said DORVIN D. LEIS acknowledged the said instrument to be the free act and deed of said Board of Water Supply of the County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Josephine
Notary Public, State of Hawaii

My commission expires: 4/19/98

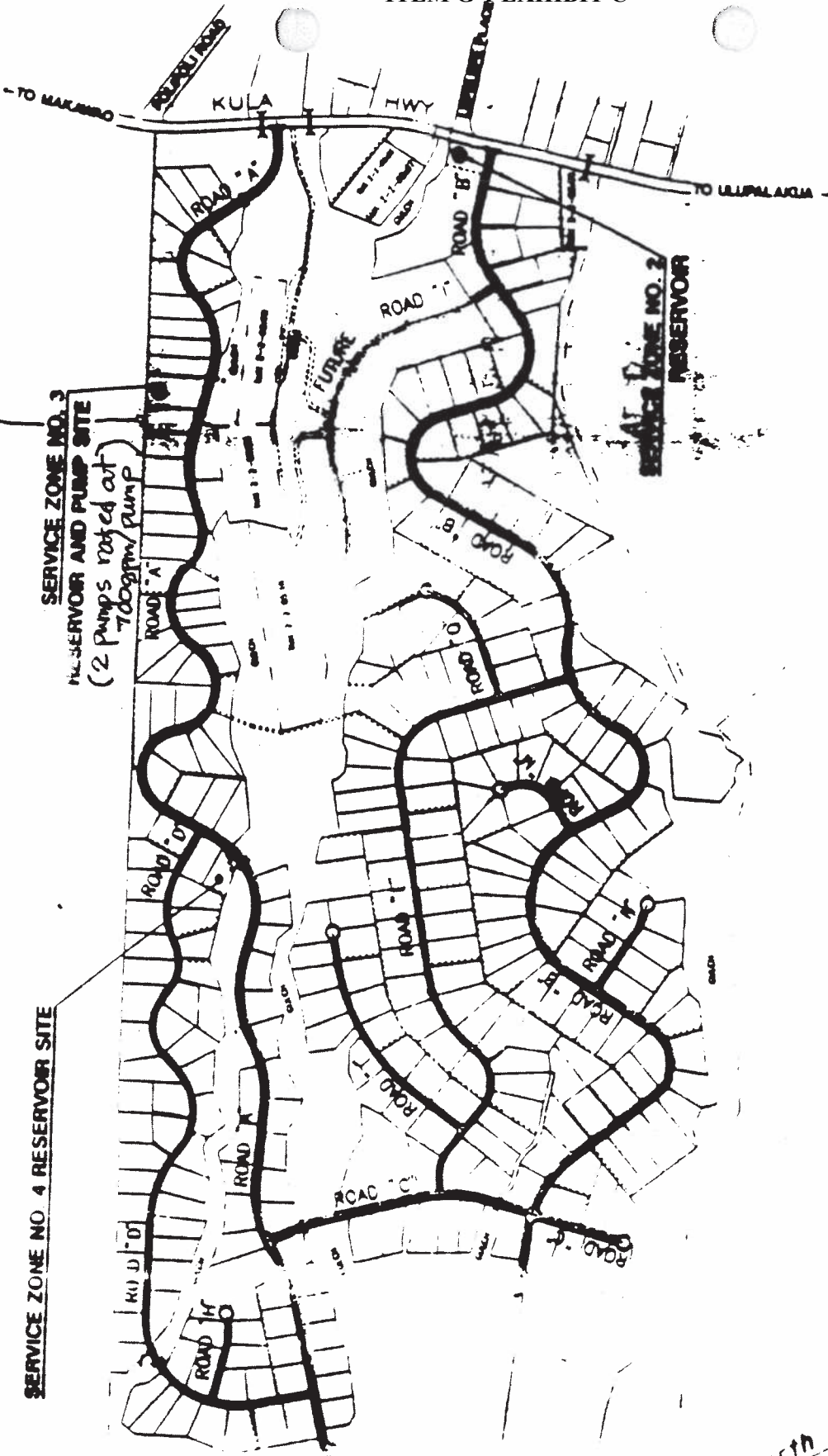
ITEM G-1 EXHIBIT C

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 26th day of November, 1997, before me appeared LINDA LINGLE, to me personally known, who, being by me duly sworn, did say that she is the Mayor of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed tot he foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of said County of Maui by authority of its Charter, and the said LINDA LINGLE acknowledged the said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Marshall Leavitt
Notary Public, State of Hawaii *LS*
My commission expires: 12-7-99



VICINITY MAP
KULA RESIDENCE LOTS - UNIT I
 NOT TO SCALE

ORDINANCE NO. 2536BILL NO. 3 (1997)

A BILL FOR AN ORDINANCE AMENDING THE BUDGET FOR THE
COUNTY OF MAUI FOR THE FISCAL YEAR
JULY 1, 1996 TO JUNE 30, 1997

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 2 of Ordinance No. 2502, Bill No. 32 (1996), the "Fiscal Year 1997 Budget" of the County of Maui, is hereby amended to reflect an increase of \$15,792,500 in excess of budget estimates, as follows:

"ESTIMATED REVENUES"

FROM TAXES, FEES AND ASSESSMENTS:

Real Property Taxes		\$ 72,954,874
Circuit Breaker Adjustment		(1,000,000)
Charges for Current Services		21,953,000
Transient Accommodation Tax		19,680,000
Licenses/Permits/Others	[11,559,696]	<u>11,645,196</u>
Fuel and Franchise Taxes		9,742,000
Special Assessments		2,710,240
Other Intergovernmental		6,659,500

FROM OTHER SOURCES:

Interfund Transfers		30,489,212
Bond/Lapsed Bond	[17,578,330]	<u>33,285,330</u>
Carryover/Savings		<u>20,962,627</u>

TOTAL ESTIMATED REVENUES	[<u>\$213,289,479</u>]	<u>\$229,081,979"</u>
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ITEM G-1 EXHIBIT C

SECTION 2. Section 3.B.9.b. of Ordinance No. 2502, Bill No. 32 (1996), the "Fiscal Year 1997 Budget" of the County of Maui, is hereby amended to appropriate \$85,500 as follows:

9. Department of Parks and Recreation

"b. Aquatics Program

- (1) Provided, that disbursement for salaries [\$ 1,948,281] \$ 2,033,781 and premium pay is limited to 50.5 equivalent personnel."

SECTION 3. Section 4.E. of Ordinance No. 2502, Bill No. 32 (1996), the "Fiscal Year 1997 Budget" of the County of Maui, is hereby amended to appropriate \$15,707,000 as follows:

<u>PROJECT TITLE</u>	<u>APPROPRIATION</u>
"E. From the Bond Fund	
1. <u>Wailuku-Kahului Community Plan District</u>	
a. <u>Park Improvements</u>	<u>\$ 12,500,000</u>
(1) <u>Maui Central Park</u>	
b. <u>Wastewater Improvements</u>	<u>\$ 137,000</u>
(1) <u>Wailuku-Kahului WWRP Septage Receiving Station</u>	
[a.] c. <u>Sanitation</u>	<u>\$ 3,700,000</u>
(1) <u>Central Maui Landfill Expansion</u>	
[b.] d. <u>Other Projects</u>	<u>\$ 5,950,000</u>
(1) <u>Waiale Affordable Rental Project</u>	
2. <u>Makawao-Pukalani-Kula Community Plan District</u>	
a. <u>Other Projects</u>	<u>\$ 1,500,000</u>
(1) <u>Lower Kula Booster Pump Station and Storage Tank</u>	
3. <u>Kihei-Makena Community Plan District</u>	
a. <u>Park Improvements</u>	<u>\$ 400,000</u>
(1) <u>Kihei Community Center/Swimming Pool</u>	
[2.] 4. <u>Lahaina Community Plan District</u>	
a. <u>Government Facilities</u>	<u>\$ 600,000</u>
(1) <u>Grants and disbursements for Old Lahaina Courthouse Renovation</u>	
b. <u>Park Improvements</u>	<u>\$ 170,000</u>

ITEM G-1 EXHIBIT C

(1) Lahaina Aquatic Center Improvements

[b.] c. Other Projects \$ 500,000

(1) Grants and disbursements for Lahaina Visitor Center/Public Restrooms

[3.] 5. Molokai Community Plan District

a. Park Improvements \$ 1,000,000

(1) Kualapuu Community Center

[a.] b. Drainage \$ 800,000

(1) Kaunakakai Drainage

[b.] c. Sanitation \$ 150,000

(1) Molokai Landfill Expansion

[4.] 6. Countywide

a. Other Projects \$ 1,500,000

(1) Beach Access and Park Land Acquisition"

SECTION 4. Section 16. of Ordinance No. 2502, Bill No. 32 (1996) is hereby amended to increase the aggregate amount of transfers and loans which shall be unreimbursed, as follows:

"SECTION 16. For the purpose of this section, "County fund" excludes pension and retirement funds, funds under the control of any independent board or commission, funds set aside for the redemption of bonds or the payment of interest thereon, park dedication funds or special purpose funds. In the event there are monies in any County fund that, in the judgment of the Director of Finance, are in excess of the amounts necessary for the immediate requirements of the respective funds, and where, in the judgment of the Director of Finance such action will not impede the necessary or desirable financial operations of the County the Director of Finance may make temporary transfers or loans therefrom without interest to the Bond Fund or the Housing Development Revolving Fund. The amount of such temporary transfers or loans shall not exceed the amount of general obligation bonds or notes authorized but not issued. At any time the aggregate amount of such transfers and loans which shall be unreimbursed shall not exceed [\$20,000,000] \$30,000,000. Monies transferred or loaned shall be expended only for appropriations from the Bond Fund or the Housing Interim Financing and Buy-back Revolving Fund which are specified to be financed from the sale of general obligation bonds or notes. The fund from which transfers or loans are made shall be reimbursed by the Director of Finance from the proceeds of the sale of general obligation bonds or notes upon the eventual issuance and sale of such bonds or notes. Within 30 days after each transfer or loan, the Director of Finance shall report to the Council on: (1) the amount of transfer or loan requirement; (2) the reason or justification for the transfer or loan; (3) the source of funding to reimburse or repay the transfer or loan; and (4) the time schedule proposed for reimbursement or repayment of the transfer or loan. The transfer or loan shall be reimbursed or repaid within one year after it is made, subject to waiver by Council resolution.

At the close of each quarter, the Director of Finance shall submit to the Council a Combined Statement of Cash receipts and Disbursements showing for each month for each individual fund the cash balance at the start of the accounting period, the cash receipts and

ITEM G-1 EXHIBIT C

disbursements during the period, and the cash balance at the end of the period. Within 3 days after the close of each quarter, the Director shall submit a separate report showing the accumulated balance of any fund or account which exceeds \$100,000, and which would be available for appropriation upon certification by the Mayor."

SECTION 5. Total operating appropriations is amended to reflect an increase of \$85,500 as follows:

"TOTAL OPERATING APPROPRIATIONS	[\$180,473,479]	<u>\$180,558,979"</u>
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SECTION 6. Total capital improvement projects appropriations is amended to reflect an increase of \$15,707,000 as follows:

"TOTAL CAPITAL IMPROVEMENT PROJECTS APPROPRIATIONS	[\$ 32,816,000]	<u>\$ 48,523,000"</u>
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SECTION 7. Total appropriations (operating and capital improvement projects) is amended to reflect an increase of \$15,792,500 as follows:

"TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)	[\$213,289,479]	<u>\$229,081,979"</u>
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SECTION 8. Material to be repealed is bracketed. New material is underscored. In printing this ordinance, the County Clerk need not include the brackets, the bracketed material or the underscoring.

SECTION 9. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:


BRIAN T. HARA
Deputy Corporation Counsel
County of Maui
gk:97rev7

WE HEREBY CERTIFY that the foregoing BILL NO. 3 (1997)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held the 7th day of March, 1997, by the following votes:

Patrick S. KAWANO Chair	James "Kimo" APANA Vice-Chair	Alan ARAKAWA	J. Keleni ENGLISH	Sol P. KAHO'OHALAHALA	Alice L. LEE	Dennis Y. NAKAMURA	Wayne K. NISHIKI	Charmaine TAVARES
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 7th day of March, 1997.

DATED AT WAILUKU, MAUI, HAWAII, this 7th day of March, 1997.


PATRICK S. KAWANO, CHAIR
Council of the County of Maui


DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 12th DAY OF MARCH, 1997.


LINDA CROCKETT LINGLE, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 2536 of the County of Maui, State of Hawaii.


DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

Passed First Reading on February 21, 1997.
Effective date of Ordinance March 12, 1997.

I HEREBY CERTIFY that the foregoing is a true and correct copy Ordinance No. 2536, the original of which is on file in the Office the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

RECEIVED

MAR 12 1997

County Clerk, County of Maui

ORDINANCE NO. 2537BILL NO. 4 (1997)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2504,
BILL NO. 34 (1996), AUTHORIZING THE ISSUANCE OF
GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. SECTION 1 of Ordinance No. 2504, Bill No. 34 (1996), is hereby amended to increase the aggregate principal amount of general obligation bonds of the County of Maui authorized to be issued by \$15,707,000, as follows:

"SECTION 1. Authorization of General Obligation Bonds. Pursuant to Chapter 47, Hawaii Revised Statutes, as amended, and particularly Part I thereof, there are hereby authorized to be issued and sold from time to time general obligation bonds of the County of Maui, State of Hawaii (the "County") in an aggregate principal amount not to exceed [\$13,200,000] \$28,907,000 (the "Bonds"), the proceeds derived from the sale of which shall be used to pay all or part of the cost of appropriations for the public improvements of the County described in Section 2 hereof."

SECTION 2. SECTION 2 of Ordinance No. 2504, Bill No. 34 (1996), is hereby amended to include the Maui Central Park, Wailuku-Kahului Wastewater Reclamation Facility Septage Receiving Station, Lower Kula Booster Pump Station and Storage Tank, Kihei Community Center/Swimming Pool, Lahaina Aquatic Center Improvements, and Kualapuu Community Center among the projects to be financed from the proceeds of general obligation bonds authorized to be issued thereunder, as follows:

"SECTION 2. Disposition of Bond Proceeds. All or any portion of the proceeds derived from the sale of the Bonds or any notes issued in anticipation of the Bonds shall be used to pay all or part of the cost of any of the public improvements listed below in accordance with appropriations contained in the Operating Budget and Capital Improvements Program Ordinance, including amendments and supplements thereto, duly adopted by the Council of the County for the fiscal year ending June 30, 1997; provided, however, that pursuant to Section 47-5, Hawaii Revised Statutes, the part of such proceeds which are in excess of the amounts required for the purposes for which the Bonds are initially issued from time to time, or which may not be applied to such purposes, or which this Council deems should not be applied to such purposes, may be applied to finance such other public improvements of the County as the Council of the County

shall, by ordinance approved by an affirmative vote of two-thirds of all of its members, determine; and provided further that the actual use and application of the proceeds of Bonds issued pursuant to this ordinance shall not in any way affect the validity or legality of such Bonds. No proceeds of the Bonds shall be applied to any public improvement listed in this section unless and until there shall be a valid appropriation of general obligation bond proceeds in effect for such public improvement. The public improvements provided for or to be provided for in the Operating Budget and Capital Improvements Program Ordinance, to be financed with proceeds from the sale of the Bonds, are as follows:

Public Improvements:
Estimated Project Cost

- A. Wailuku-Kahului Community Plan District
- | | |
|---|---------------------|
| (1) <u>Park Improvements</u> | <u>\$12,500,000</u> |
| a. <u>Maui Central Park</u> | |
| (2) <u>Wastewater Improvements</u> | <u>\$ 137,000</u> |
| a. <u>Wailuku-Kahului Wastewater Reclamation Facility Septage Receiving Station</u> | |
| [(1)](3) <u>Sanitation</u> | <u>\$ 3,700,000</u> |
| a. <u>Central Maui Landfill Expansion</u> | |
| [(2)](4) <u>Other Projects</u> | <u>\$ 5,950,000</u> |
| a. <u>Waiale Road Affordable Rental</u> | |
- B. Makawao-Pukalani-Kula Community Plan District
- | | |
|--|---------------------|
| (1) <u>Other Projects</u> | <u>\$ 1,500,000</u> |
| a. <u>Lower Kula Booster Pump Station and Storage Tank</u> | |
- C. Kihai-Makena Community Plan District
- | | |
|--|-------------------|
| (1) <u>Park Improvements</u> | <u>\$ 400,000</u> |
| a. <u>Kihai Community Center/Swimming Pool</u> | |

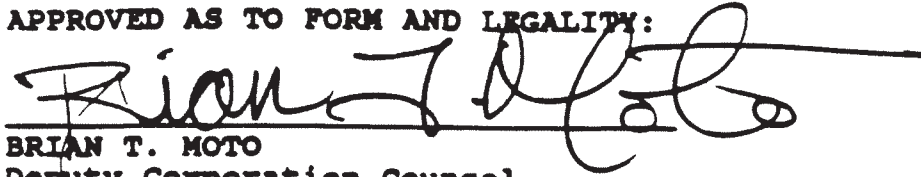
[B.] <u>D. Lahaina Community Plan District</u>		
(1)	Government Facilities	\$ 600,000
	a. Old Lahaina Courthouse Renovation	
(2)	<u>Park Improvements</u>	<u>\$ 170,000</u>
	a. <u>Lahaina Aquatic Center Improvements</u>	
[(2)](3)	Other Projects	\$ 500,000
	a. Visitor Center/Public Restrooms	
[C.] <u>E. Molokai Community Plan District</u>		
(1)	<u>Park Improvements</u>	<u>\$ 1,000,000</u>
	a. <u>Kualapuu Community Center</u>	
[(1)](2)	Drainage	\$ 800,000
	a. Kaunakakai Drainage Improvements	
[(2)](3)	Sanitation	\$ 150,000
	a. Molokai Landfill Expansion	
[C.] <u>F. Countywide</u>		
(1)	Other Projects	\$ 1,500,000
	a. Beach Access and Park Land Acquisition	

The cost of issuance of the Bonds or any series thereof, including without limitation, the initial fee of paying agents and registrars, the fees of financial consultants and bond counsel, the cost of preparation of any Official Statement relating to the Bonds, any notices of sale and forms of bid and the definitive Bonds, and the costs of publication of any notices of sale, may be paid from the proceeds of the Bonds or any series thereof and such costs shall be allocated pro rata to each of the foregoing projects financed from such proceeds."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material or the underscoring.

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

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "Brian T. Moto", is written over a horizontal line.

BRIAN T. MOTO
Deputy Corporation Counsel
County of Maui
gk:97gorev2

ITEM G-1 EXHIBIT C

WE HEREBY CERTIFY that the foregoing BILL NO. 4 (1997)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 7th day of March, 1997, by the following votes:

Patrick S. KAWANO Chair	James "Kimo" APANA Vice-Chair	Alan ARAKAWA	J. Kalani ENGLISH	Sol P. KAHO'OHALAHALA	Alice L. LEE	Dennis Y. NAKAMURA	Wayne K. NISHIKI	Charmaine TAVARES
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 7th day of March, 1997.

DATED AT WAILUKU, MAUI, HAWAII, this 7th day of March, 1997.

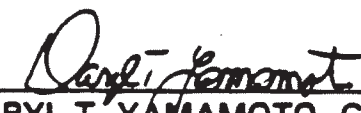

PATRICK S. KAWANO, CHAIR
Council of the County of Maui


DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 12th DAY OF MARCH, 1997.


LINDA CROCKETT LINGLE, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 2537 of the County of Maui, State of Hawaii.


DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

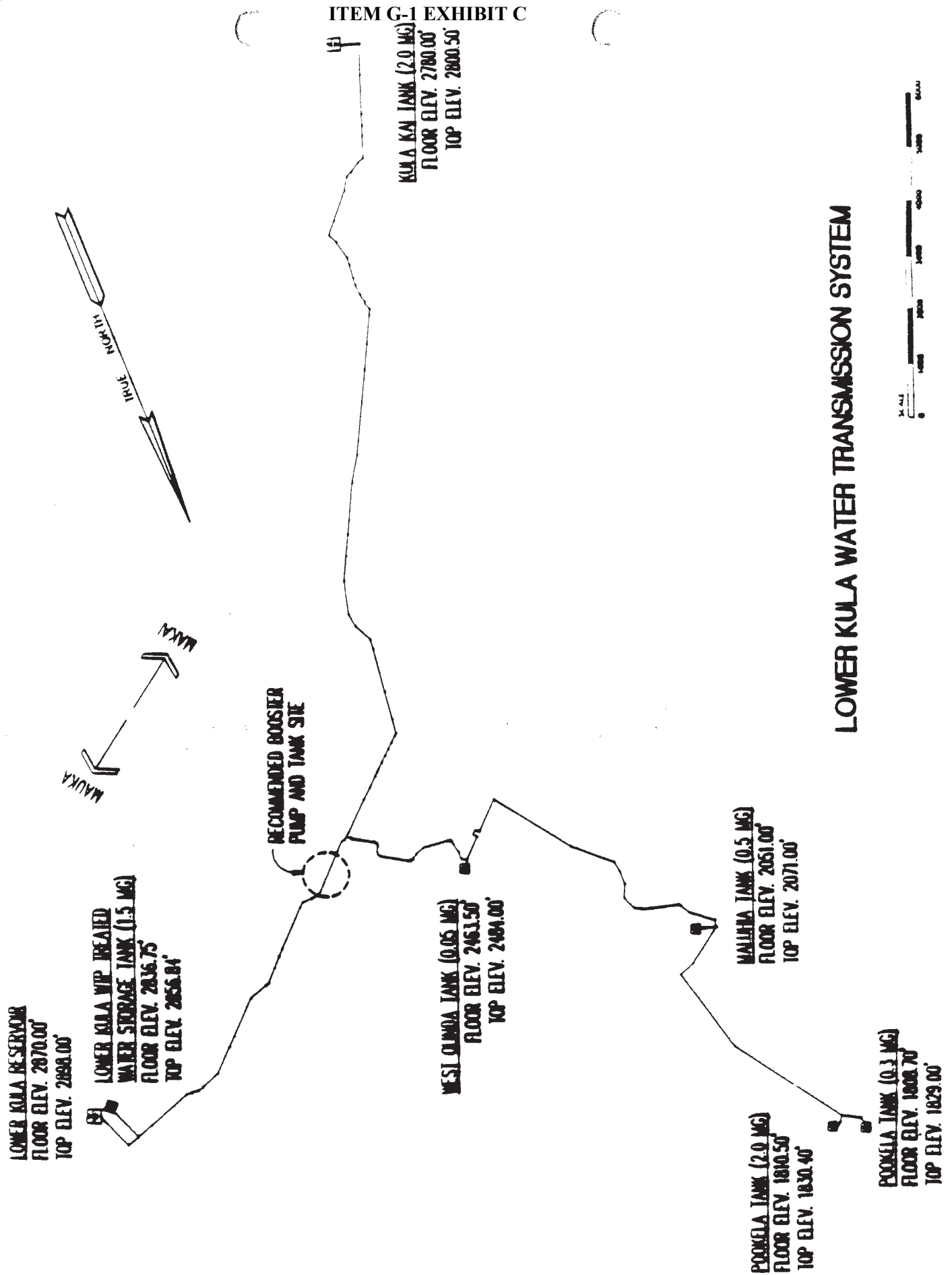
Passed First Reading on February 21, 1997.
Effective date of Ordinance March 12, 1997.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2537, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

RECEIVED
MAR 13 1997





DEPARTMENT OF WATER SUPPLY COUNTY OF MAUI, HAWAII

EXHIBIT "4"

CONTRACT DOCUMENTS FOR CONSTRUCTION OF LOWER KULA BOOSTER PUMP STATION AND TANK

JOB NO. - DWS 94-13

APPROVED BY

DIRECTOR, DEPARTMENT OF WATER SUPPLY DATE
COUNTY OF MAUI



ITEM G-1
EXHIBIT C

ECME

Engineering Consultants
400 Kula Drive
Kula, Maui HI 96703
Phone: (808) 241-0070
Fax: (808) 241-0030

BROWN AND CALDWELL

MARCH 1996

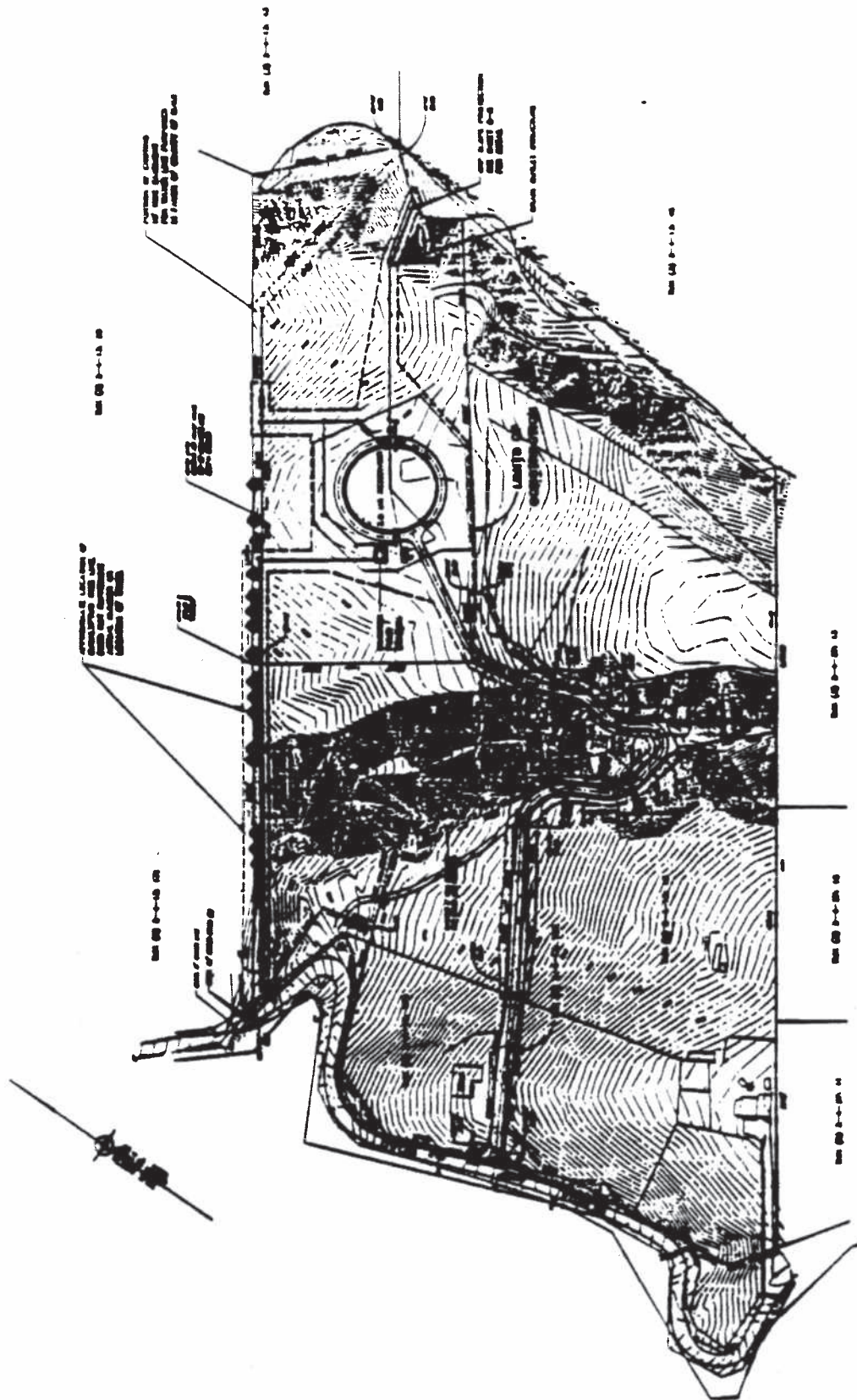
1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

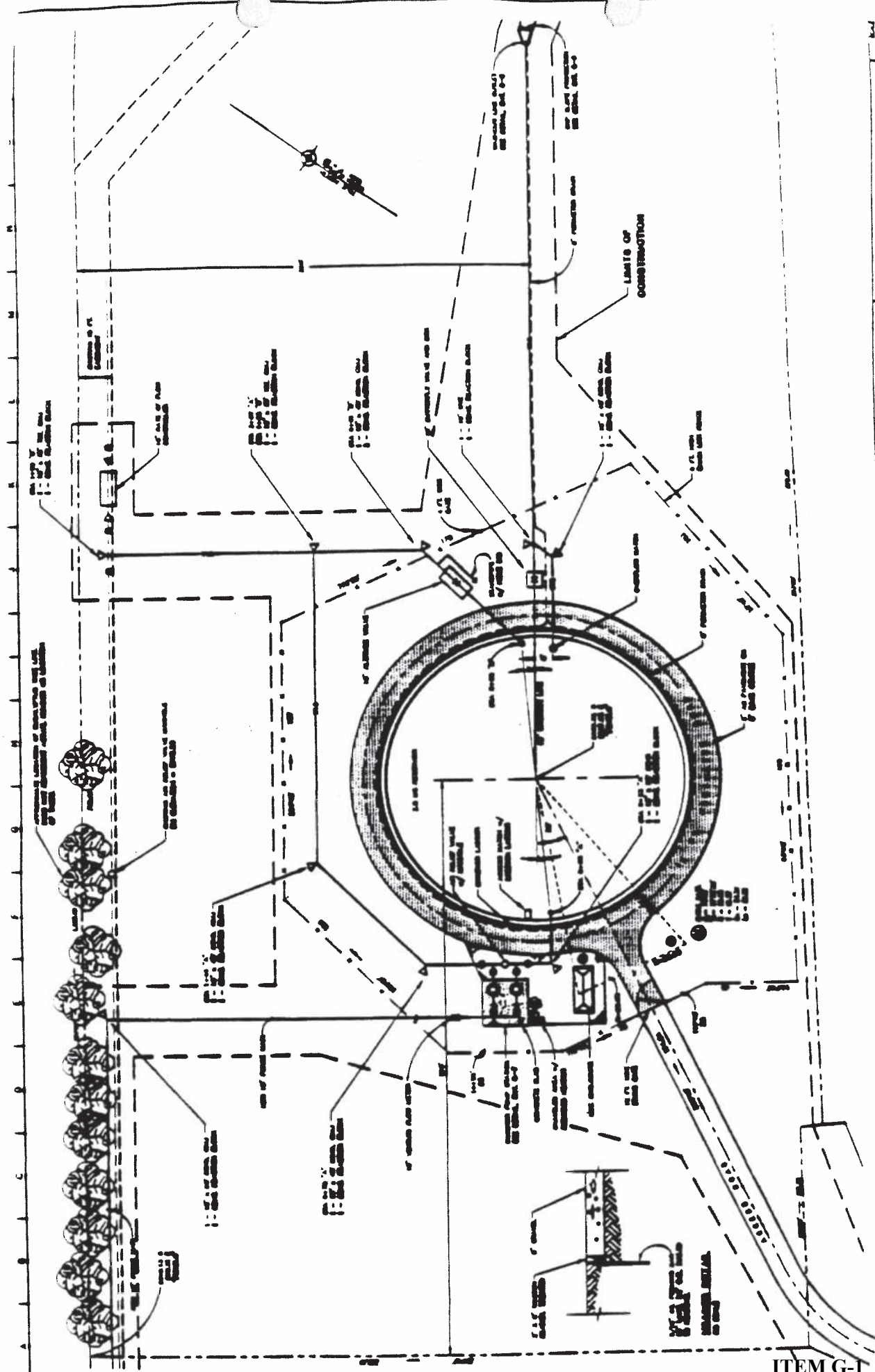
2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete each task.

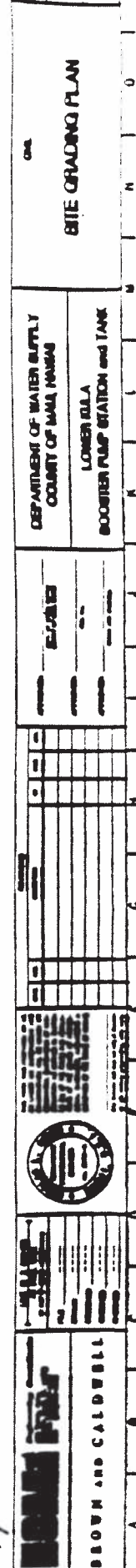
4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress to ensure that the project is on track.

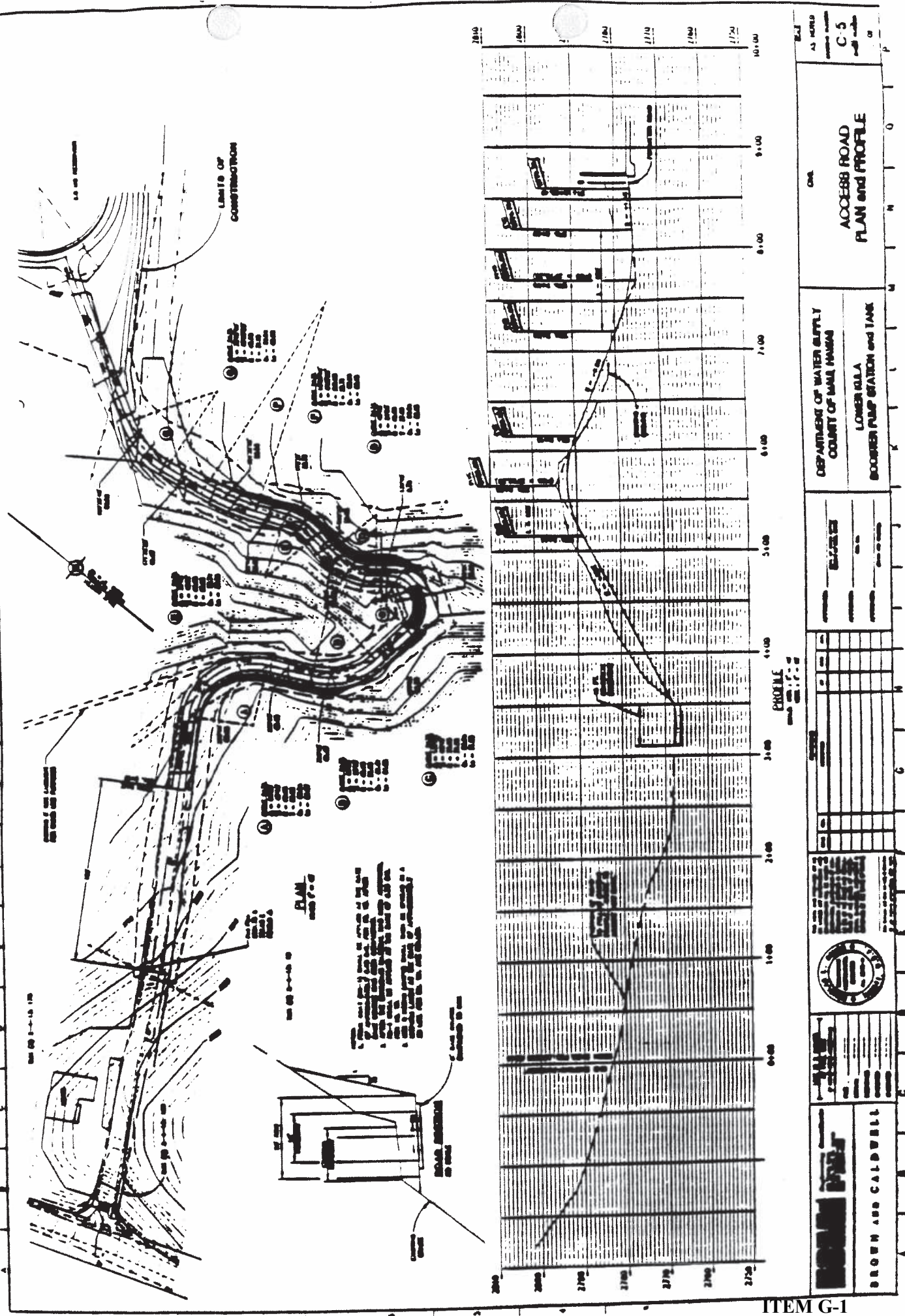
5. The final step is to evaluate the results of the project. This involves assessing the outcomes against the objectives and goals and identifying any areas for improvement.

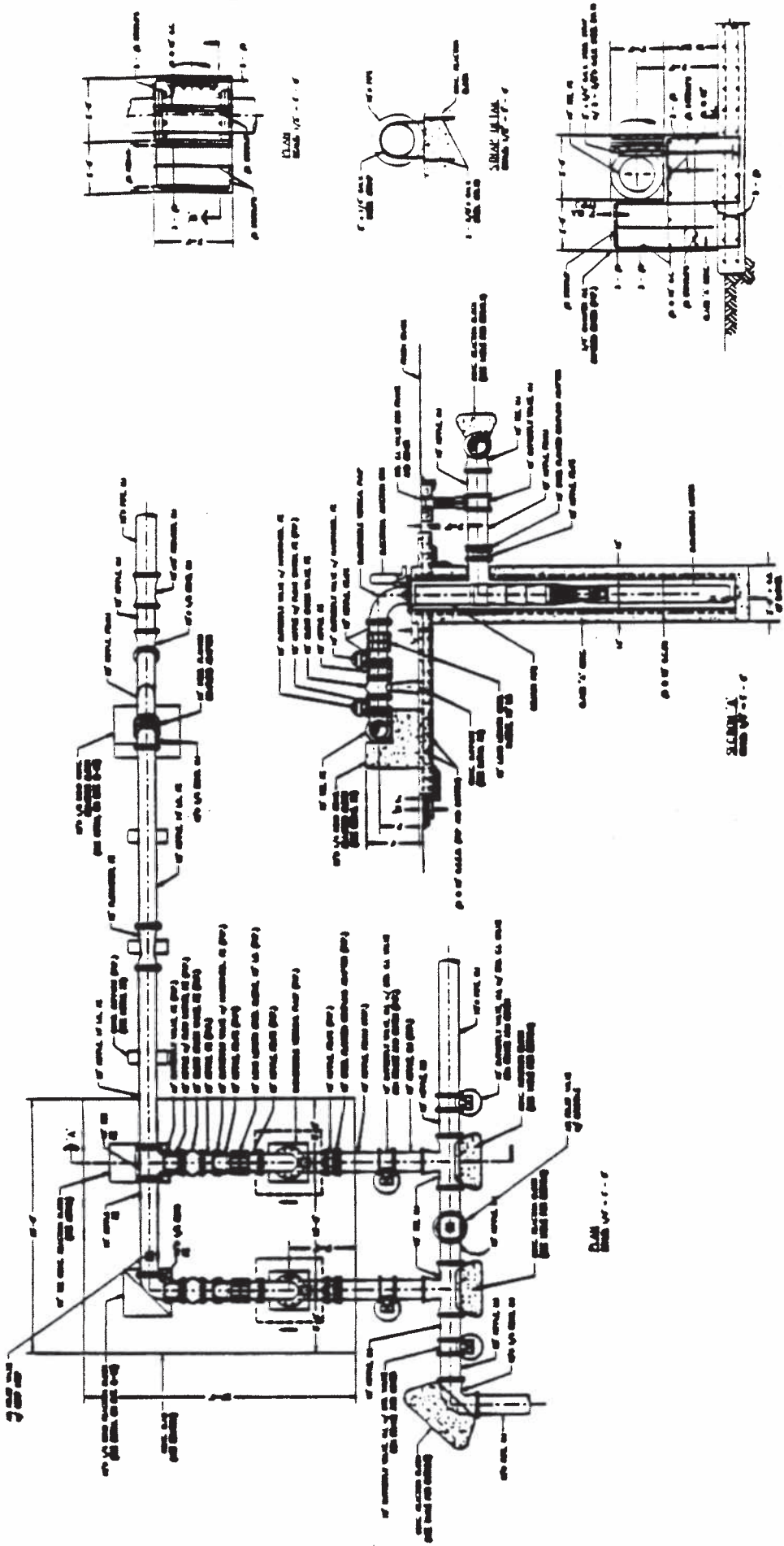
[illegible]



<p>1" = 20'</p> <p>Sheet No. C-3</p>	
<p>SITE GEOMETRIC PLAN</p>	
<p>DEPARTMENT OF WATER SUPPLY</p> <p>COUNTY OF MAUI HAWAII</p>	<p>LOWER OLA</p> <p>BOOZER PUMP STATION AND TANK</p>
<p>DATE: _____</p> <p>BY: _____</p> <p>FOR: _____</p>	<p>PROJECT: _____</p> <p>LOCATION: _____</p> <p>SCALE: _____</p>
<p>ITEM G-1</p> <p>EXHIBIT C</p>	







BOOSTER PUMP STATION DETAILS

<p>ONE DETAIL</p> <p>BOOSTER PUMP</p> <p>PLAN and SECTION</p>		<p>DEPARTMENT OF WATER SUPPLY</p> <p>COUNTY OF MAUI HAWAII</p> <p>LOWER KULA</p> <p>BOOSTER PUMP STATION and TANK</p>		<p>DATE: 10-1-66</p> <p>BY: [Signature]</p> <p>SCALE: AS SHOWN</p>		<p>PROJECT NO. 10-1-66</p> <p>DESIGN NO. 10-1-66</p> <p>CONTRACT NO. 10-1-66</p>		<p>ENGINEER: [Signature]</p> <p>ARCHITECT: [Signature]</p> <p>PLUMBER: [Signature]</p> <p>ELECTRICIAN: [Signature]</p> <p>Mechanical: [Signature]</p> <p>Structural: [Signature]</p> <p>Sanitary: [Signature]</p> <p>Other: [Signature]</p>		<p>BROWN AND CALDWELL</p>	
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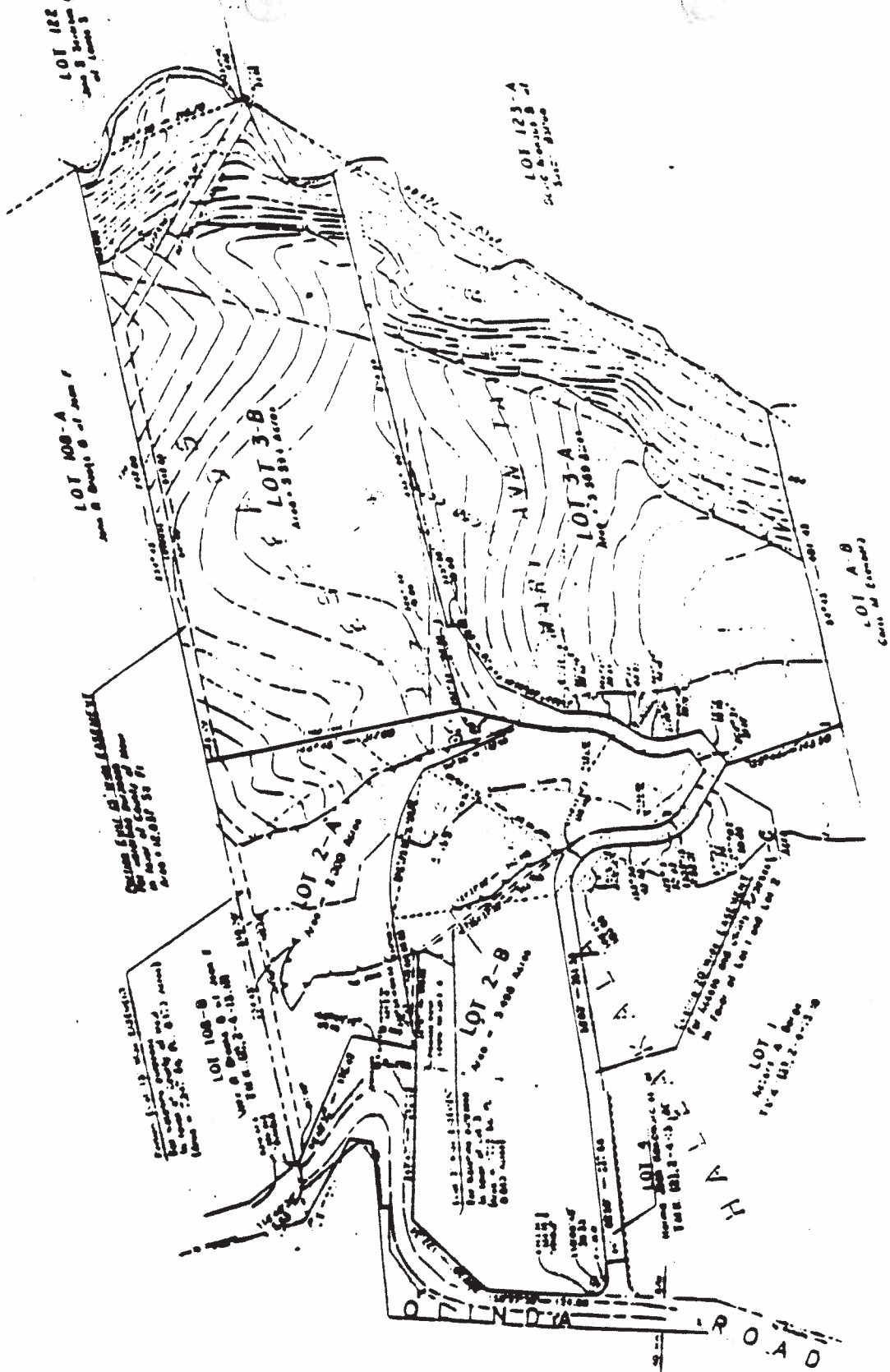
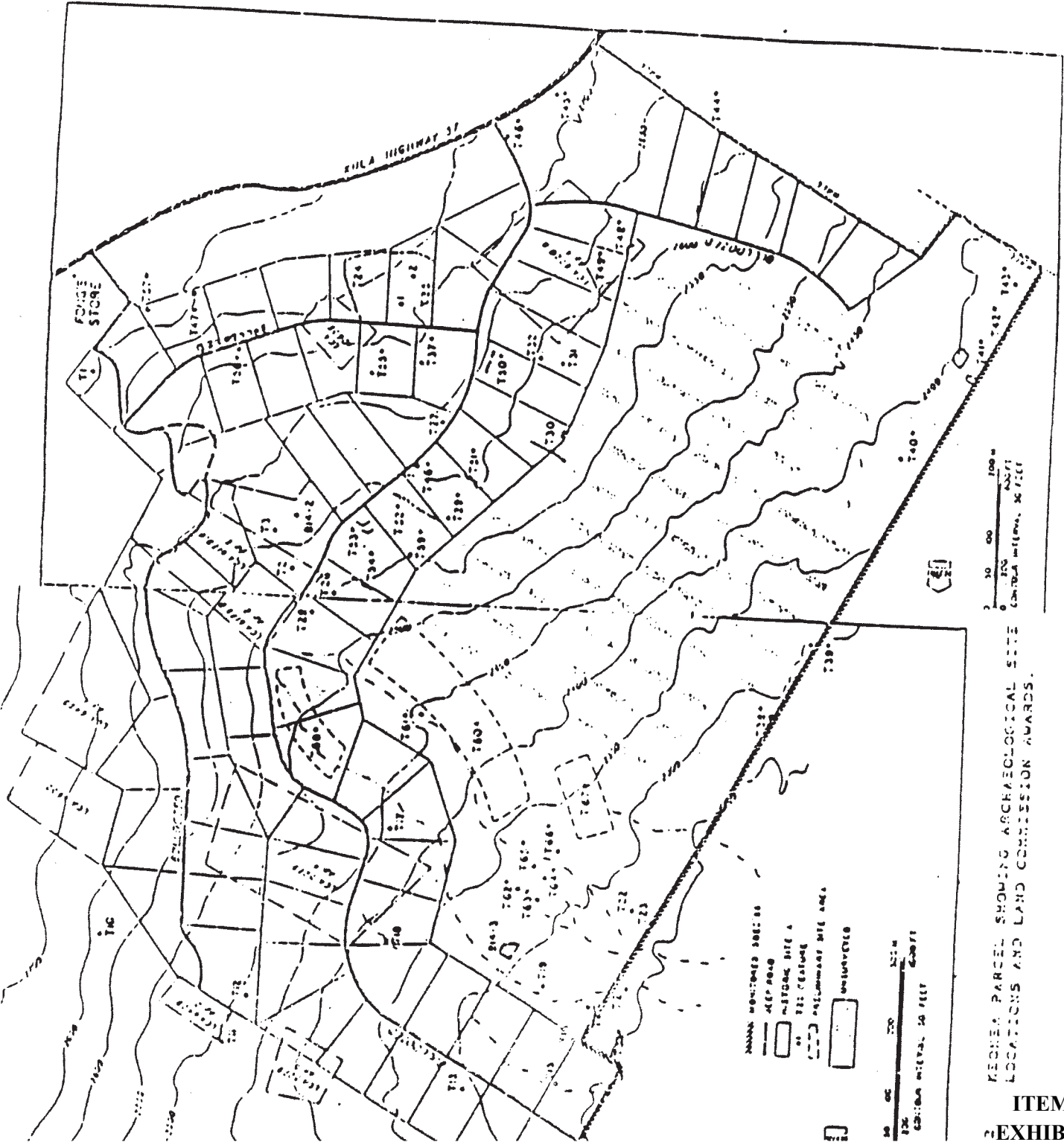


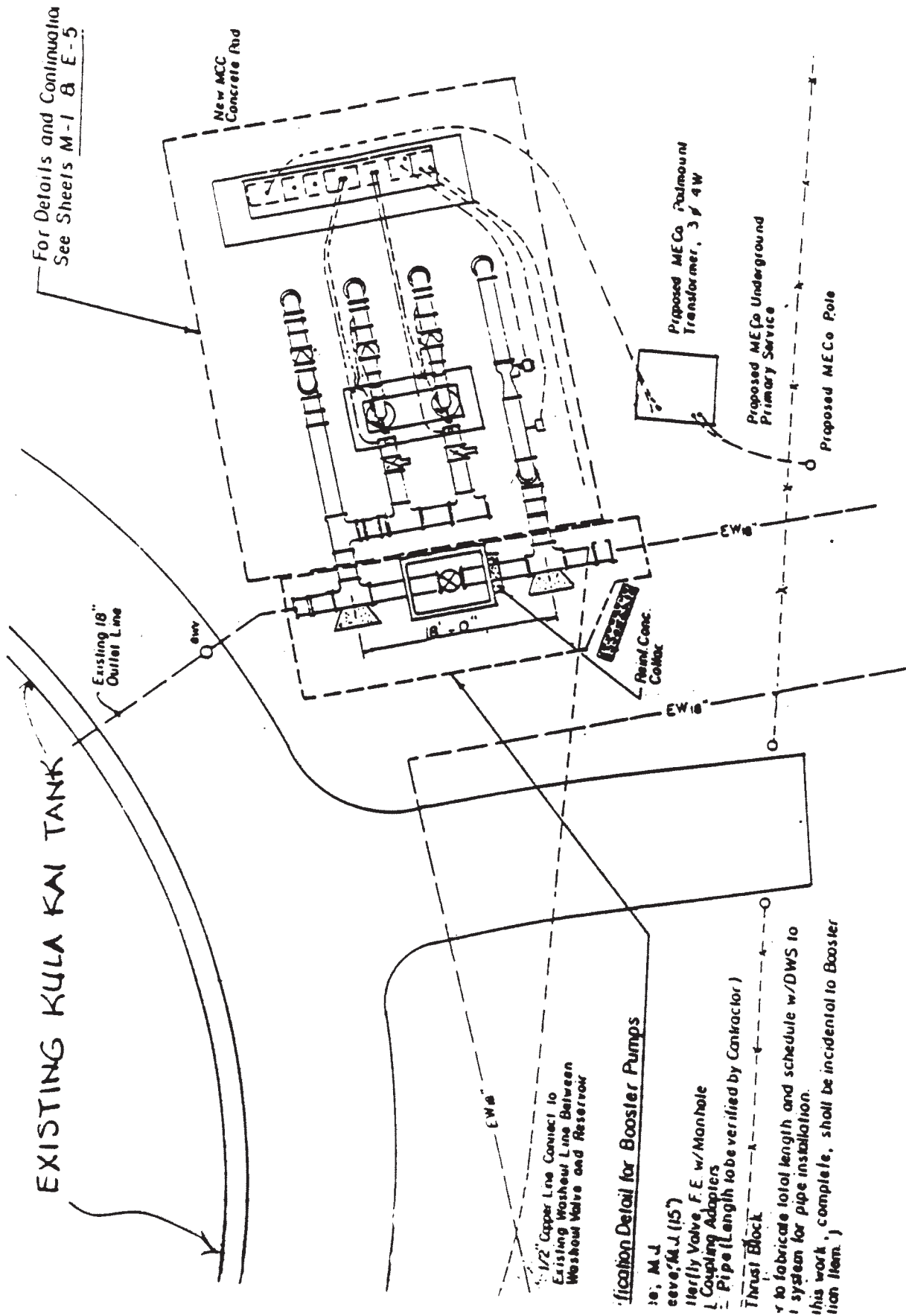
EXHIBIT " 5 "



KEOKEA AGRICULTURAL LOTS
EXHIBIT "7"



KEOKEA PARCEL SHOWING ARCHAEOLOGICAL SITE
LOCATIONS AND LAND COMMISSION AWARDS.



KULA KAI BOOSTER PUMP SITE PLAN

Scale: 1" = 10'

EXHIBIT "B"

DHHL credit calculation for offsite transmission improvements.

DHHL is providing two 4200 GPM booster pumps which must meet maximum day demand (1.5 times average day demand) with an operating time of 16 hours (2/3 of the day) simultaneously with maximum fire flow required 2000 GPM independent of the reservoir. (pump capacity standards) The excess capacity above "planned average day demand" (current demand plus estimated demand for meters currently unused) (3.0616 MGD), as agreed by DHHL, added to DHHL average day demand (0.5 MGD) is available for transmission credits.

2 booster pumps x 4200GPM = 8400GPM - 2000GPM fire flow = 6400GPM
 6400 GPM x 0.45 (demand/ oper. factor) = 2880 GPM

Converting GPM to MGD we have

4.1472 MGD less current/DHHL demand (3.5616 MGD) = 0. 5856 MGD

585600 GPD / 600 GPD/5/8" meter = 976 5/8" meters

The transmission cost for 976 meters x \$1600 / 5/8"meter = \$1,561600.00

This is the amount allowed for credit on other systems with adequate capacity.

EXHIBIT 4


ITEM G-1 EXHIBIT C

DEPARTMENT OF HAWAIIAN HOME LANDS



Processes for the Allocation of Water Credits and Water Meters on Water Systems Serving DHHL Lands

Procedure Number
001-2022


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

September 19, 2022

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.

Department of Hawaiian Home Lands Procedure **Number 001-2022**
Processes for the Allocation of Water Credits and Water Meters on Water Systems
Serving DHHL Lands

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
Processes for the Allocation of Water Credits and Water Meters on Water Systems
Serving DHHL Lands**

Number 001-2022

_____ 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**

Number 001-2022

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

Department of Hawaiian Home Lands Procedure
Processes for the Allocation of Water Credits and Water Meters on Water Systems
Serving DHHL Lands

Number 001-2022

- 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.

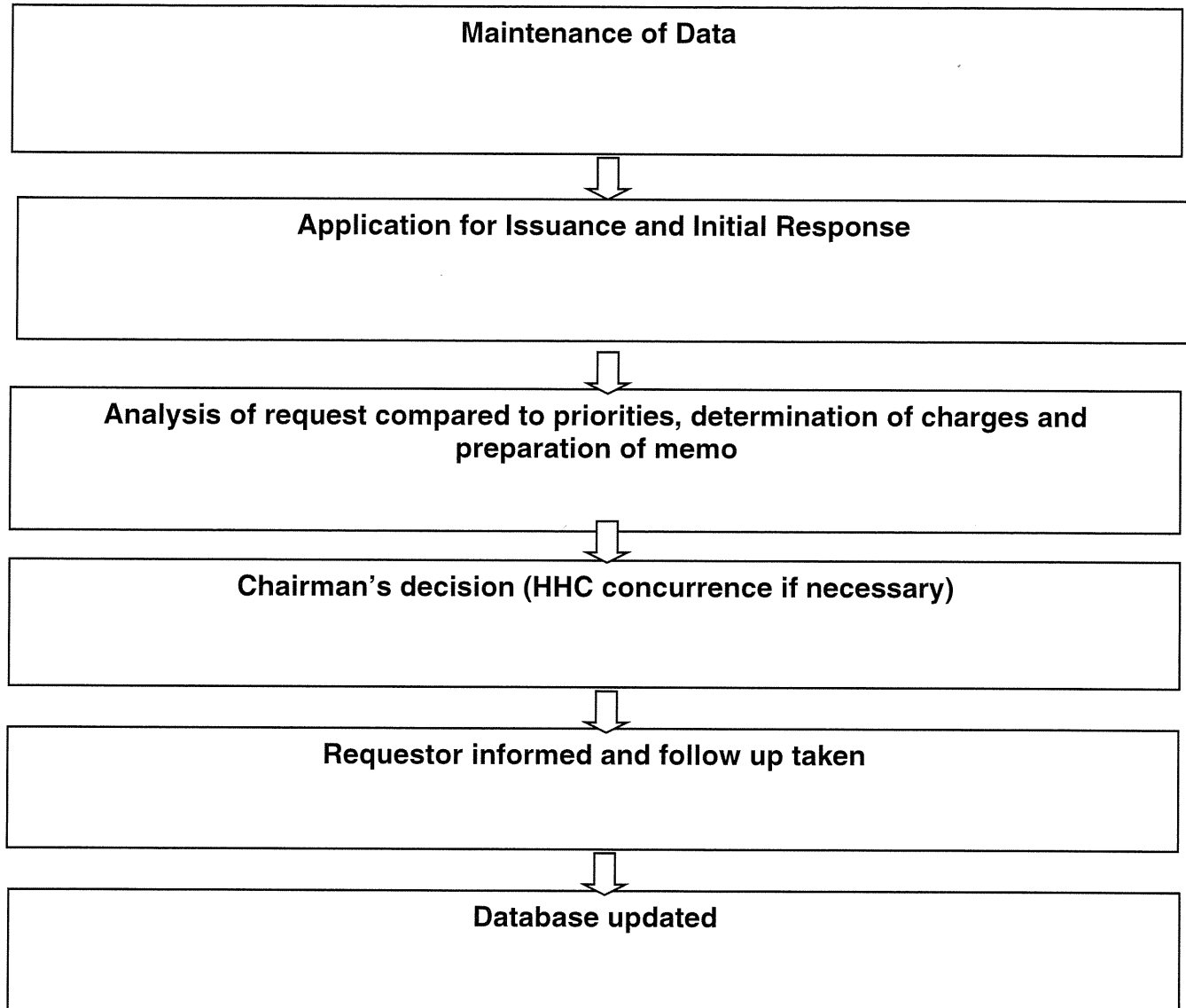
Acceptance of Recommendation

Chairman

Date

- Exhibit B -

WATER CREDIT ALLOCATION WORKFLOW



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18-19, 2023

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Planning Program Manager
From: Pearlyn Fukuba, Planner *plf*
Subject: For Information Only – Update on 'Ewa Beach
Homestead Project, Master Plan and Environmental
Assessment, 'Ewa Beach, O'ahu, TMK (1) 9-001-
001 (por.)

Recommended Action

None, for information only.

Background

In March 2020, the Department of Hawaiian Home Lands (DHHL) received a Notice of Availability from the General Services Administration (GSA) regarding the availability of surplus government real estate in 'Ewa Beach, O'ahu. The approximately 80-acre parcel, the former location of the Pacific Tsunami Warning Center, was offered to the DHHL as provided by the Hawaiian Homelands Recovery Act, Public Law 104-42, that authorizes the transfer of non-ceded federal property to the DHHL. DHHL conducted due diligence actions to investigate the parcel's potential to develop and deliver homesteads to beneficiaries. In August 2020, the Hawaiian Homes Commission (HHC) delegated its Chairman to respond to the GSA and negotiate the terms and conditions for DHHL's acceptance of the property. The parcel was conveyed to DHHL by quitclaim deed in July 2021.

The site is approximately five (5) miles from DHHL's Kapolei administrative offices and is located within the residential neighborhood of Pu'uoloa in 'Ewa Beach, O'ahu. It is bounded by North Road and the USGS Honolulu Magnetic Observatory to the northwest, 'Ewa Beach Golf Club to the east, and Fort Weaver Road to the south. The surrounding

neighborhood primarily consists of single family homes and low-rise apartments.

FIGURE 1: Location Map



Project Description

The DHHL and its consultants SSFM International began development of a Master Plan (MP) and Environmental Assessment (EA) in Fall 2022.

The purpose of the project is to:

- Provide residential homesteads to DHHL beneficiaries on the O'ahu waiting list.
- Create a thriving homestead community in 'Ewa Beach that honors culture, environment and sense of place.
- Involve beneficiary lessees, waiting list applicants, and the surrounding community in envisioning and shaping the future homestead community.

The project includes development of a MP and completion of environmental compliance in accordance with Hawai'i Revised Statutes (HRS) Chapter 343 and EA Determinations

and Compliance Findings for U.S. Department of Housing and Urban Development (HUD)-assisted Projects, 24 Code of Federal Regulations Part 58, including consultations in accordance with National Environmental Policy Act.

DHHL's Planning Office presented the HHC with an overview of the 'Ewa Beach Homestead Project in November 2022. As such, this submittal provides the HHC with an update covering the work to-date and information on the project schedule moving forward.

Work Completed to Date

The project commenced in Fall 2022 and a project overview was presented to the HHC for information only in November 2022. Since November 2022, the following tasks have been completed:

- Round 1 beneficiary consultation and community outreach
- Due diligence and technical studies
- Site analysis and development of MP alternatives

The following sections will cover these tasks in more detail.

Round 1 Beneficiary Consultation and Community Engagement

Early stakeholder engagement occurred in October and November 2022 to apprise key stakeholders of the project and gather input on community and beneficiary concerns. Dialog with elected officials began in October 2022 and briefings were provided to Senator Kurt Fevella, Councilmember Augie Tulba, and Councilmember Andria Tupola. See Exhibit A. In addition, a virtual meeting with Kapolei homestead leaders from Kapolei Community Development Corporation, Malu'ohai, Kaupe'a, Kānehili, and Ka'uluokaha'i homesteads was held on November 2, 2022. See Exhibit B.

The first beneficiary consultation meeting was held virtually on December 8, 2022. See Exhibit C. The meeting introduced the project and engaged beneficiaries, particularly applicants on the O'ahu residential wait list, in envisioning and planning for the future 'Ewa Beach homestead community. 43 beneficiaries attended the meeting. In addition to group discussions, the meeting utilized

Mentimeter live polling to gather real time input. Of the beneficiaries using Mentimeter, 16 answered that they are currently on the wait list for a homestead lease and 1 attendee answered that they are an existing lessee.

Beneficiaries who attended the December 2022 meeting largely prefer to see single family homes on the 'Ewa Beach site, and envision community use amenities including a community center, walking/bike paths, community gardens/agriculture and open space. Beneficiaries also expressed that the community MP should include multiple access routes in and out of community, offering a connection away from the areas makai of Fort Weaver Road within the tsunami inundation zone.

Outreach to the surrounding 'Ewa Beach community was also conducted following the first Beneficiary Consultation. See Exhibit D. The community meeting was intended to provide a project overview, preliminary results from the due diligence, technical studies, and outreach efforts to date, and gather community mana'o on opportunities and concerns around the proposed homestead community. The meeting was hosted at the 'Ewa Beach Public and School Library on January 26, 2023 and was intended for nearby residents and community stakeholders, regardless of their native Hawaiian beneficiary status. 44 people signed the attendance sheet, including 30 people that self-identified as non-beneficiaries, 14 people that self-identified as DHHL wait list beneficiaries, and three people that identified as DHHL homestead lessees.

Community members expressed concern with the flooding conditions of the area, noting that the makai area of the site has poor drainage and floods often and expressed concern that if the site is elevated above the flood zones, it may cause more runoff and flooding in surrounding areas. Community meeting attendees also shared their concerns about noise and lead pollution associated with the U.S. Marines Corps Base Hawai'i (MCBH) Pu'u'loa Rifle Range. Lastly, community members were hopeful that the development of the site would provide needed evacuation routes between Fort Weaver Road and North Road.

A presentation to the 'Ewa Neighborhood Board was given in the lead up to the community meeting on January 12, 2023. See Exhibit E.

Additional meetings and engagement with the surrounding 'Ewa community are summarized below:

- Meeting with Relocate Pu'uloa Range Training Facility Coalition, September 14, 2023.
- Presentation to Senator Fevella's Town Hall Meeting, Iroquois Point, September 20, 2023.
- Site visit to MCBH Pu'uloa Range Training Facility, November 20, 2023.

Due Diligence and Technical Studies

The MP task involves research and technical studies of the proposed homestead development area to inform the development three feasible MP alternatives for the 'Ewa Beach Homestead Project. These alternatives are currently being developed and will be refined with agency, beneficiary, and community input. Once finalized, a preferred alternative will be selected and all three alternatives will be evaluated in the EA.

The technical studies that have been completed or are underway are summarized below:

1. Phase 1 Environmental Site Assessment

- a. Purpose: Research, survey and interview people with prior history using the site to identify potential high risk uses that would point to the presence or likely presence of hazardous substances on the property.
- b. Status: Complete
- c. Relevant Findings: Site not likely to contain hazardous materials.

2. Hazardous Materials Survey

- a. Purpose: Survey of existing structures to identify presence of hazardous materials in the existing structures.
- b. Status: Complete
- c. Relevant Findings: The survey found detectable amounts of asbestos and arsenic containing materials in existing buildings; and recommends that removal and disposal of materials should be

done in accordance with applicable regulation prior to demolition activities.

3. Magnetometer Survey

- a. Purpose: Flyover survey to identify buried infrastructure and potential unexploded ordnance (UXO) objects.
- b. Status: Complete
- c. Relevant Findings: Survey did not show conclusive presence of UXO.

4. Magnetic Anomaly Field Verification:

- a. Purpose: A follow-up field survey was conducted to further investigate magnetic anomalies from the flyover survey at locations showing higher magnetic intensity.
- b. Status: Complete
- c. Relevant Findings: It was determined that there is a low likelihood that any of the eight locations identified are UXO.

5. Topographic survey

- a. Purpose: Mapping the contour elevations across the project site
- b. Status: Complete

6. Biological survey

- a. Purpose: Survey and document vegetation and birds, mammals, reptiles, and amphibians observed to determine likelihood of threatened or endangered species.
- b. Status: Complete
- c. Relevant Findings: No endangered or threatened plants or animals observed on site.

7. Preliminary Infrastructure Reports

- a. Purpose: Document and assess the existing site conditions related to water, waste water, stormwater drainage, telecommunications and electrical infrastructure.
- b. Status: Complete

- c. Relevant Findings: Confirmed water and wastewater capacity on City and County systems that service the site and surrounding area; and recommends that stormwater run-off is retained on-site.

8. Archaeological Literature Review and Field Investigation

- a. Purpose: Document and describe the parcel's history and identify presence of above-ground historic features and the likelihood of encountering significant subsurface cultural/historical deposits.
- b. Status: Draft report completed and data was considered in the constraints analysis; further coordination with State Historic Preservation Division (SHPD) and consulting parties is underway to satisfy Section 106 and HRS 6E consultation requirements.

9. Cultural Impact Assessment and Ka Pa'akai Analysis

- a. Purpose: Review all cultural resource management documents and practices in the area through research and interviews in compliance with relevant State laws.
- b. Status: Underway

10. Traffic

- a. Purpose: Collect data on current conditions and evaluate current traffic facilities and anticipated traffic impacts related to the planned development.
- b. Status: Traffic counts and current conditions are under analysis. Further analysis will be completed related to the MP alternatives.
- c. Relevant Findings: Geiger Road & Fort Weaver Road Intersection as critical intersection due to existing Loss of Service (LOS) being E or worse. Any added traffic impacts to this intersection may require mitigation.

11. Sea Level Rise and Coastal Hazards Study

- a. Purpose: Analysis of current sea level rise projections and potential effects for parcel.

- b. Status: Draft report completed and data was considered in the site constraints analysis.
- c. Relevant Findings: Sea level rise is projected to impact portions of the project site as early as 2053 and may impact up to 81% of the property over the next 100 years at current land elevations. The predicted extent of impact of sea-level rise varies on different portions of the property. The makai area of the property is more likely to be impacted than the mauka area of the property.

Site Analysis and Master Plan Alternative Development

Based on the technical study analysis, site constraints were identified and mapped, and a developable land map was developed to inform the land use MP alternatives. Overall, the project parcel is relatively flat and generally slopes toward the ocean. Elevations on site range from approximately 3ft to 15ft. However, the existing flood hazards and projected sea level rise related impacts on the site were identified as the key constraints, driving land use and design considerations. It should be noted that the entire property is within the extreme tsunami inundation zone, which is a new class of seismic event where predictions for impact have been modeled but not observed historically.

The developable land analysis identifies four sections on the site ranging from lowest risk areas for develop to the highest risk areas, based on exposure to existing or projected flooding and/or sea level rise related impacts at existing elevations. The section categories are summarized in more detail below:

1. Section 1 - developable areas ranging from elevations of approx. 10-15 ft mean sea level (msl). This area is not projected to be impacted by sea level rise related impacts within the 99-year homestead nor the 100-year extension period and is not within the tsunami evacuation zone but is within the extreme tsunami evacuation zone.
2. Section 2- developable areas with long-term considerations, which range from elevations of approx. 6-10 ft msl. This area is not projected to be

impacted by sea level rise within the 99-year homestead lease, however, may be impacted if the lease is extended an additional 100 years. Section 2 is not within the tsunami evacuation zone but within the extreme tsunami evacuation zone.

3. Section 3 - developable areas with medium-term considerations, which range from approx. 4-6 ft msl. These are areas where sea level rise impacts are possible within the 99-year homestead lease timeframe. Section 3 is within the tsunami evacuation zone.
4. Section 4 - developable areas with short-term considerations, which cover the lowest elevation areas up to those at 5 ft msl. This area is within the existing FEMA flood hazard zone XS, meaning it is at moderate risk of flooding and determined to be outside the coastal high hazard area but between the limits of the 1% and the 0.2-percent-annual-chance (or 500-year) flood. is projected to be first impacted by sea level rise related impacts between 2053 and 2092. Section 4 is also within the tsunami evacuation zone.

The developable land analysis map is appended as Exhibit F.

The constraints and opportunities for the 'Ewa Beach Homestead parcel are summarized below:

- Constraints
 - o Existing traffic LOS could limit buildout scenarios if the goal is to not require mitigation to the Geiger Rd/Fort Weaver Rd Intersection.
 - o Concerns related to Pu'uloa Range Training Facility noise and environmental justice impacts.
 - o Concerns related to school capacity and access (safe routes) in the project area.
 - o Further archaeological investigation in northern portion of site is likely required, pending SHPD consultation.
 - o Projected sea level rise and existing flooding impacts in makai area of site - mass grading and elevation of the site may be needed to accommodate development and on-site retention basins/drainage.

- Opportunities
 - Existing sewer and water service and capacity for full range of residential uses on the site.
 - Proximity to existing residential neighborhood with amenities and services.
 - Opportunity to place desired community amenities (walking paths, play fields, open space, community gardens) in flood prone areas projected to be impacted by SLR.
 - Opportunity to provide alternative evacuation route out of the tsunami evacuation zone.
 - Opportunity to extend bus service from Fort Weaver Road through to Iroquois Point.
 - Opportunity to provide multi-modal connectivity between Fort Weaver Road and North Road.

Next Steps and Anticipated Project Schedule

A mail-out and online survey of O'ahu residential waiting list applicants is planned for early 2024. The survey will gather beneficiary input on the preliminary MP alternatives, including the desired types of housing and community uses and facilities. SMS Research will design the survey instrument in consultation with DHHL and the project team, deploy the survey by mail (with an online option), and analyze the responses. A report summarizing the results will be prepared.

Following the survey, a MP report will be drafted detailing the land use alternatives for the 'Ewa Beach Homestead project parcel. The report will ultimately identify the preferred alternative for inclusion in the EA.

Two more rounds of beneficiary consultation will also be conducted in 2024. The next round of consultation will share the survey results and gather additional input on the land use MP alternatives. A final round of beneficiary consultation will be conducted to share the final MP at the end of the environmental review process.

An EA will be completed to assess environmental impacts of the proposed land use MP in accordance with the requirements of HRS Chapter 343.

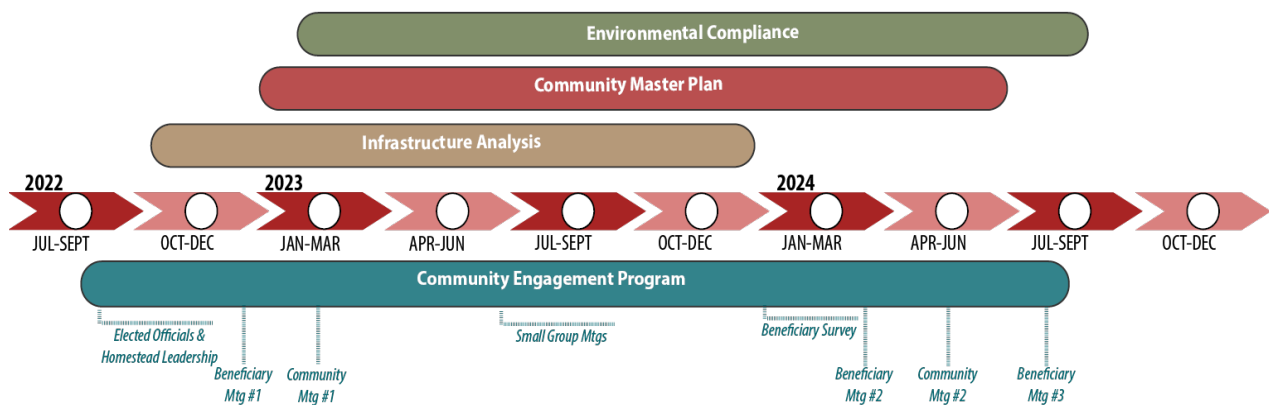
A final community meeting for the surrounding 'Ewa

Beach community will be conducted during the public comment period for the HRS Chapter 343 EA. Additional presentations to the Hawaiian Homes Commission, meetings with elected officials, and presentations to the 'Ewa Neighborhood Board, are also planned.

Because the MP and EA phases are funded through NAHASDA, compliance with HUD environmental review requirements is necessary. DHHL will ensure that the EA includes all required elements of the HUD Environmental Review Online System and complete necessary consultations with relevant agencies for endangered species and historic preservation.

The anticipated project schedule is included in Figure 2.

FIGURE 2 - Anticipated Project Schedule



Recommended Action

For information only. No action required.

**‘Ewa Beach Homestead Project
Master Plan & Environmental Assessment
Elected Officials Meeting Notes: Senator Kurt Fevella
October 26, 2022 – 10:00 AM-11:00 AM
State Capitol, Senate Minority Caucus Room**

Attendees:

Senator Fevella’s Office:

- Senator Kurt Fevella
- Tesha Malama
- Staff: Kona and TJ

DHHL: Chair William Aila, Pearlyn Fukuba, Lehua Kinilau-Cano, Darrell Ing, Andrew Choy

SSFM: Melissa May

Presentation Handout: Project Fact Sheet

Discussion:

Key:

C: Comments

Q: Questions

A: Answers

Note: These meeting notes capture the discussion points around the DHHL ‘Ewa Beach Homestead project. Other topics were discussed during the meeting that are unrelated to the project.

- **C:** Good to see the site map – thought the Tsunami Center site covered the whole area where the USGS facility is.
- **C:** The Neighborhood Boards are not a good way to reach people. The same people always show up. Senator Fevella’s office offers monthly town hall meetings every third Thursday that reach a wider audience. They can host the project team for presentations throughout the process.
- **C:** No one wants development in that area because of Fort Weaver traffic impacts and inadequate infrastructure – no sidewalks, drainage along Fort Weaver fronting the area.
- **Q:** What is the projected egress/ingress to the site? People will be against it if all traffic is directed onto Fort Weaver.
 - **A:** A traffic study is being done to look at this and make recommendations. Looking at North Road as alternate/second access for connectivity.
 - **C:** If you use North Road, best to improve the road to Iroquois Point so that people can go out that way instead of going back to Fort Weaver. Currently there are no drainage, sidewalks, and the bus can’t go there because it’s unimproved.
 - **C:** The community always wanted North Road to be fixed, but there are multiple jurisdictions. City and Military should cooperate if DHHL were to make improvements to North Road – may be able to get the road for free.

- **C:** Will get more support if you direct the majority of traffic onto North Road.
- **C:** The next town hall meeting is about connectivity and Ed Sniffen will be there – it's this week Thursday 7:30 PM at Asing Park.
- **C:** Traffic to Puuloa Beach Park is a big concern – it is heavily used on weekends, people park on the road by the golf course.
- **C:** Iroquois Point Elementary School is underutilized and in disrepair. It is the school that would serve the new Homestead community. The back gate to the school from Fort Weaver was closed off after 9/11, so there is no connectivity and people would have to go all the way around. Would be good to restore the connection and make a path for kids to walk from the homesteads to the school.
- **C:** 'Ewa Elementary is also overcrowded – Hoopili kids will go there, as well as Campbell HS. Need to talk to the schools.
 - **A:** DHHL is exempt from DOE impact fees until Fall 2024. We have put in a request to the Legislature to repeal that sunset date.
- **Q:** It's about 700 units, right? What housing unit types will be available?
 - **A:** That will be determined through beneficiary consultation and an applicant survey.
 - Not anticipating kūpuna housing at the moment – looking at a combination of single and multi-family homes.
- **C:** No existing infrastructure and utilities, so development will cost a lot. Honouliuli WWTP expansion is needed for future development. DHHL has already helped a lot with infrastructure in Kapolei.
- **C:** Senator Fevella supports the project, and his staff members Tesha and Kona will be the liaisons for DHHL/Hawaiian issues going forward.



HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
DEPARTMENT OF HAWAIIAN HOME LANDS

‘Ewa Beach Homestead Project
Master Plan & Environmental Assessment
Elected Officials Meeting Notes: Councilmember Augie Tulba
October 27, 2022 – 10:30 AM-11:30 PM
DHHL Hale Pono‘ī Conference Room

Attendees:

Councilmember Tulba’s Office:

- Councilmember Augie Tulba
- Staff: Marsha and Larie

DHHL: Chair William Aila, Pearlyn Fukuba, Lehua Kinilau-Cano, Darrell Ing

SSFM: Melissa May, Malachi Krishok

Presentation Handout: Project Fact Sheet

Discussion:

Key:

C: Comments

Q: Questions

A: Answers

Note: These meeting notes capture the discussion points around the DHHL ‘Ewa Beach Homestead project. Other topics were discussed during the meeting that are unrelated to the project.

- **C:** The golf course has Korean owners. They want the City to take over North Road, but it’s not built to City standards. Would be great to fix the road.
- **C:** Campbell High School is maxed out, but the Elementary and Middle Schools are not, and enrollment is decreasing.
- **C:** New homes and infrastructure would help beautify the area – that end of Fort Weaver is an old neighborhood, run down.
- **C:** Always concerned about safety – speeding, sidewalks.
- **C:** Gate to Iroquois Point is only open to military access now. With the Red Hill negotiations we could ask them to open it back up.
- **C:** North Road is a Weed and Seed area. We have done clean-ups there.
- **Q:** What other uses will be included on the site besides housing?
 - **A:** That will be determined through beneficiary consultation and an applicant survey.
 - **C:** Would be great to have a hall that can be rented out for parties, like the community center in Papakōlea.
- **Q:** How many homes?
 - **A:** Up to about 700. Depends on the mix of multi-family and single family. That will be determined through beneficiary consultation and an applicant survey.
- **C:** Maintenance of Pū‘uloa Beach Park is a challenge. It and other beach parks are overused. People are there blocking off areas at 5 AM on weekends and dump rubbish across from the golf course.

- **C:** Homes along the beach are expensive, mostly absentee owners. CM Tulba thinks they would welcome the project.
- **Q:** When would the project be constructed?
 - **A:** The Master Plan will take 18 months, then will issue a Design Build RFP, anticipate breaking ground in 2024.
- **C:** CM Tulba supports the project, also noted that support from Senator Fevella is key.



HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
DEPARTMENT OF HAWAIIAN HOME LANDS

**DHHL 'Ewa Beach Homestead Master Plan & Environmental Assessment
Elected Official Meeting: Councilmember Andria Tupola
October 28, 2022, 9:00-9:30 AM
Virtual Meeting via Zoom**

Attendees:

- Councilmember Andria Tupola
- DHHL: Chair William Aila, Pearlyn Fukuba, Darrell Ing
- SSFM: Melissa May, Malachi Krishok

Presentation Handout: Project Fact Sheet (via email)

Discussion:

Key:

C: Comments

Q: Questions

A: Answers

- **C:** CM Tupola is District 1. In January with redistricting, won't have 'Ewa in her district any longer but it's good that she is aware of the project.
- **C:** Main concern is Campbell HS is way over capacity – largest High School on O'ahu.
 - Need new schools – DR Horton is building the new one in East Kapolei
 - Possible for DHHL to designate any of the area for educational facilities?
 - Our Lady of Perpetual Hope on North Road closed down during pandemic
- **C:** See this a good opportunity to develop this community as a place where people can walk and access other parts of the community.
 - In other homesteads its always good to have community center or gathering places for kūpuna and services.
 - Parks and open space are always nice too – but the City doesn't really have resources to maintain other parks. If parks are not maintained by homestead associations they can fall into disrepair and become a sore point.
 - Sea Country has small open spaces scattered throughout, which are more maintainable – places for people to have small picnics, gatherings, not large enough for people from outside of community to use.
 - Princess Kahanu boat parking area is a valuable use for that community.

**‘Ewa Beach Homestead Project
Master Plan & Environmental Assessment
Kapolei Homestead Leaders Meeting Notes
November 2, 2022 – 6:00-8:00 PM
Virtual Meeting via Zoom**

Attendees:

Homestead Leaders:

- Iwalani Laybon-McBrayer, Kaupe‘a Homestead Association
- Homelani Schaedel, Malu‘ōhai Homestead Association
- Randy ‘Ākau, Kānehili Community Association
- Scott Abrigo, Kapolei Community Development Corporation (KCDC)
- Raelene Like, Ka‘uluokaha‘i Hawaiian Homestead Community

DHHL: Pearlyn Fukuba, Lehua Kinilau-Cano, Darrell Ing, Malia Cox

SSFM: Jared Chang, Melissa May, Malachi Krishok

Presentation Handout: Project Fact Sheet (via email)

Introductions:

- Kanehili Association: Working on a project with SHADE to build out 4.5 acre parcel with community amenities for homesteaders.
- KCDC: Their work acknowledges that there are 4,500 native Hawaiians in Kapolei now, at full buildout will be 9,000 – largest concentration in the state. They run programs through the Kapolei Heritage Center and recently kicked off a major project, Ho‘omaka, which will provide resources to sustain programming.

Discussion:

Key:

C: Comments

Q: Questions

A: Answers

What would you like to see in the ‘Ewa Beach homestead community?

- **C:** Started Neighborhood Security Watch early in the Kanehili Development. Group takes walks and acts as eyes and ears for out of the ordinary activity. The program expanded to the other homestead areas and increased community relationships, communication and collaboration. Could expand the program to ‘Ewa Beach. They would be willing to share their experience, and the successes/challenges of Kapolei homestead initiatives to enhance their community.
- **C:** A lot of people are looking forward to the new ‘Ewa Beach homestead.
- **C:** Submitted written comments based on the experiences we have faced in existing homesteads.
- **C:** Would like the homestead community to be more reminiscent of old ‘Ewa – plantation style homes with front porches.

- **C:** Require at least 1-2 of the designs to have ADA accessible first floor bedrooms/bathroom for kūpuna care and special needs family members.
- **C:** Would like to see areas for kūpuna units – perhaps 2-bedroom fourplexes with small yards for gardens and privacy fence for pets.
- **C:** Pocket parks are important for green space in homestead communities.
- **C:** Department should set aside an area for a community center or something to service the community.
- **C:** Concern about future use of the USGS site – don't want it going to someone else who will tap into the infrastructure that DHHL will build. Would like to make sure DHHL is first in line to get that site if it does become available.
- **C:** Neighborhood Security Watch (NSW) helped keep the community safe during construction.
- **C:** Would like to see more energy efficient technology, renewable energy, and green space.
- **C:** Must build park and community centers.
- **Q:** Does the USGS Magnetic Observatory have any negative impacts?
 - o **A:** The observatory is used to measure magnetic disturbances and used for physics and weather calculations.
- **C:** Look at noise impacts – aircraft/helicopters.
- **C:** Look at water supply issues (Red Hill).
- **C:** Are innovative housing types being considered? ADU's, etc. Would be great to see some of these models to see how they work.
- **Q:** Is the homestead association structure going to be similar in 'Ewa Beach as it is in Kapolei? KCDC is the non-profit that serves all homesteads in Kapolei and 'Ewa, so is it within their umbrella? Or will it be its own thing? Does DHHL see Kapolei/'Ewa as one region or separate? Should answer these questions sooner rather than later so beneficiaries know.
- **C:** Lots of people moving home with their families due to high cost of living. Consider multi-generational design with modular add-ons that are easy to implement.
- **C:** Also need to consider parking – multi-generational homes have more cars.
- **C:** Hopeful that it's a true community having space for parks, community centers, or opportunities for community commercial that will lend to the community identity.

Are there particular beneficiary needs, concerns, or opportunities about the project?

- **Q:** Is the project within the tsunami inundation zone?
 - o **A:** The makai portion is in the inundation zone, and the extreme inundation zone goes about halfway up the site.
 - o ***The map attached to the end of these notes was shared on screen showing the flood zones***
- **C:** Keaukaha is in the tsunami zone – they only have one way in and out for evacuation. Would be good to have a way to get out mauka, outside of the tsunami zone, rather than sending everyone to Fort Weaver Road.
- **C:** Make sure that beneficiaries are informed if they will need to get flood insurance, which is costly.
 - o **A:** Will be studied in this process – NEPA environmental review requires significant analysis of flood and climate change impacts.

- **Q:** Is DHHL looking at modular homes which can be quickly built and more cost-effective? See this as opportunity because more than 30% of beneficiaries cannot afford the cost of homes now.
 - o **A:** This will depend on beneficiary input –just gathering information at this point.
- **Q:** What kinds of housing? If NAHASDA funds will be used, need to decide that by looking at who's on the list (low income, kūpuna, etc.).
 - o **A:** DHHL looks at the wait list and provides characteristics to the developers to inform the design. Tricky because don't know if those on the list will accept an award in 'Ewa or are waiting for one elsewhere.
 - o Department does currently require accessibility/first floor bedrooms on some models and offers modular models.
 - o Administration change will bring more change, will pass along input gathered in this process to inform their decisions.
 - o Because partially funded by NAHASDA, at least a portion of the site will have housing with income-eligibility requirements. Not sure the % yet but will be considered in master planning process.
- **Q:** What is the timeline for this project in relation to Ka'uluokaha'i phases?
 - o **A:** \$600 mm funding package requires monies to be encumbered by 2024; approach to put out RFPs for design/build of infrastructure and homes.
 - o Ka'uluokaha'i will remain a priority and may be faster than previous projects.
 - o Supply chain issues are holding up some of current developments.
- **Q:** Has the Department considered design build?
 - o **A:** Yes, that's what we will do with the RFP's for the projects funded by the \$600M.
- **C:** Consider self-help, owner builder, rent with option to purchase.
 - o **A:** All those options are still on the table. Need staffing resources/manpower to help lessees through the process. Hard to get LITHC's for rental housing. People have to stay in the home for 15 years before they can get the LITHC award.
- **C:** Act 206 – important that developers not request variances and adhere to C&C infrastructure requirements to enable the Department to transfer the infrastructure within 6 months and relieve the Trust of the burden of maintenance.
- **C:** 'Ewa Plain is being overdeveloped, known for its large subsurface waterway that feeds Pu'uloa and the limu that 'Ewa was once famous for. Limu is no longer there, used to be able to smell it all the way up to Queens West. Carefully look at impacts to water/sinkholes.
- **C:** Sinkholes are prominent in 'Ewa moku. Several have been filled. Make sure area is checked for sinkholes and acknowledge that water comes in and goes out from that area.
- Speak to the neighboring residents and kūpuna, including the Civic Clubs and Uncle Shad (Kane) at the Kalaeloa Heritage Park.
- **C:** Lot grading – some existing issues with grading in Ka'uluokaha'i. Some houses high above the roadway or with steep slopes – should have had retaining walls in the grading plan.
- **C:** If grading is not done well, costs money later to do additions, retaining walls, etc. Cheaper for homeowner if that cost is not passed on to them.
- **C:** Keauhumoa Parkway – people always going over 35 mph. Two cars have come through the fences already – safety, privacy, security issue.

- **C:** Consider the safety of the residents in the design – don't just design to the minimum standards. Build smart and better – more inspections, use of energy efficiency, etc.

What should we know about engaging the 'Ewa Beach beneficiary community?

- **C:** Distinguish between beneficiary consultation and community consultation in Question #3.
 - o **A:** Consultation postcards will go out to all applicants interested in O'ahu homesteads regardless of where they live now (over 9,000).
- **Q:** Applicants are the ones that need to be at the meetings – don't know who they are yet – will survey identify who is interested in living in 'Ewa?
 - o **A:** Yes, the survey will identify interest in 'Ewa and we will be able to sort the results that way.
- **Q:** Where is 'Ewa Beach? People who live in Ka'uluokaha'i think of it as Kapolei but their address says 'Ewa Beach (96706 zip code). People may be confused.
 - o **A:** Ka'uluokaha'i is considered 'Ewa Beach – Kurt Fevella considers it to be 'Ewa Beach since it is within his district.
- **C:** The moku is 'Ewa – all the way from Kahe to Moanalua.

The italicized comments are additional comments submitted by a meeting attendee following the virtual meeting:

- o **C:** *Our homesteads are/will be in the largest ahupua'a of Honouliuli in the 'Ewa (district) of 'Ewa. Perhaps using our ancestors land division inclusive methods of sustainability, we should consider Honouliuli Ahupua'a (for DHHL Regional Plans) rather than Kapolei/'Ewa Regional.*
- o **C:** *The US Postal Service process for assigning zip codes influences the "name of the town" wherein we live.*
- o **C:** *We all come from different places in our pae aina, identifying and maintaining our "sense of place" including place names keeps us connected to our past, with kuleana to pass these place names on to the next generations, otherwise they will be lost.*
- **Q:** How many Ka'uluokaha'i awards are left? Would the engagement only be for 'Ewa Beach parcel, or would the engagement work in the remainder of Ka'uluokaha'i awards?
 - o **A:** There are about 800 more homes currently in planning for that project. That beneficiary consultation is separate but can pass along information in the 'Ewa BC.
- **C:** If the awards for Ka'uluokaha'i come out first, may lose people to that process.
 - o **C:** Ka'uluokaha'i is undivided interest, so everyone there already has a lease.
 - **A:** Undivided interest was only about 250 lots in 2B and 2C. There will be some remaining lots going to people on the wait list, about 60-75. Leaves about 500 lots for people on waiting list.
- **C:** Is it in Honouliuli ahupua'a or Pu'u'loa? They are different. **C:** Be clear with what else is going on in the area when you go out to the community – start with regional map. Maybe distinguish 'Ewa Mauka and Makai homesteads.
- **C:** Don't do it in 'Ewa Beach on a weekday night – do it at Kapolei MS or HS due to traffic.

- **C:** Bring the range of housing numbers closer – 250 to 1100 is too large a range to present to the community. Give them a more realistic range of possibilities. Be careful about putting numbers out there.
 - o Malu'ōhai – 226 houses on 56 acres.
- **C:** Beneficiaries should be apprised of the future opportunity at 'Ewa Beach in case they are offered lots at Ka'uluokaha'i.
- **C:** Be mindful that people have been standing in line a very long time – be up front about the opportunities.
- **C:** If building large multigenerational homes, need to provide parking. Road designs like Ho'opili with street parking, bike lanes, etc.

How best can we keep you informed and provide information to share with your networks?

- **C:** Continue to apprise homestead leaders by e-mail.

Follow-up: DHHL emailed USGS Honolulu Magnetic Observatory info sheet to attendees (11/3/22)



NOTES:

Legend

 Project Site

 Sea Level Rise Exposure Area - 3.2 ft

Flood Zones

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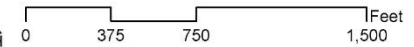
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This map is for planning purposes only

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

DHHL Ewa Beach Homestead Project

Projected SLR & Flood Zone Exposure



‘EWA BEACH HOMESTEAD PROJECT Master Plan & Environmental Assessment

Beneficiary Consultation #1 Summary
December 8, 2022, 6:00-8:00 PM (via Zoom)

Attendance:

- **DHHL:** Pearlyn Fukuba, Andrew Choy, Lehua Kinilau-Cano, Darrell Ing, Malia Cox
- **SSFM:** Melissa May, Jared Chang, Malachi Krishok

Beneficiary Attendance: (names shown as provided on Zoom)

- | | |
|--------------------------------|----------------------------|
| 1. Alicia | 23. Lavone |
| 2. Aminta Aina | 24. Ieakan |
| 3. Auntie George | 25. Imkal |
| 4. Bob | 26. Lucille Ranit |
| 5. Darlene | 27. Mary Ann Mahiai |
| 6. Darrell Ing# DHHL | 28. Michael Tui |
| 7. Debbie Naipo | 29. Nani-ka Keliikoa |
| 8. Emily Auwae | 30. Rae |
| 9. Erica's iPhone | 31. Raymond H Kauhola Jr |
| 10. Hanakia Tui | 32. Raynaleen's iPhone |
| 11. Ivy Kanahele | 33. Rhonda F |
| 12. Janice Kahawai | 34. Ronald Liftee (iPhone) |
| 13. Joseph Janicki | 35. Ronnee Joshua Makua |
| 14. Joshlynn | 36. Sarah |
| 15. k | 37. Summer Ebalaroza |
| 16. kahanu | 38. Symathy Tui |
| 17. Kanoalani | 39. TylerShope |
| 18. kawai palmer | 40. 632632 |
| 19. Kealii Kahanu | 41. 18082181199 |
| 20. Ku'uwainani Eaton | 42. 18082218795 |
| 21. Lanell Lua-Dillard & ohana | 43. 18084577878 |
| 22. Laureen | |

Agenda:

1. **Introductions and Pule**
2. **Presentation**
3. **Visioning Exercise & Discussion: Envisioning a Future ‘Ewa Beach Homestead Community**
Mentimeter live polling with 5-10 minute discussion following each question.

Meeting Notes:

The following notes summarize the questions and comments that were recorded during each portion of the meeting, as well as the results from polls that were conducted using the Mentimeter polling platform. *Questions **(Q)**, Answers from Project Team or DHHL **(A)**, Comments **(C)**.

1. Introduction

Participants were asked to indicate their affiliation with DHHL and where they were calling in from through Mentimeter. 19 of the 43 Zoom attendees responded.

MENTIMETER QUESTION: Could you please indicate whether you are a lessee, on the waiting list, both (lessee and on waiting list), or other.

- Lessee – 1
- On Waiting List – 16
- Both – 0
- Other – 2

MENTIMETER QUESTION: Where are you calling in from?

- | | |
|------------------|---------------------------------|
| • 'Ewa Beach – 4 | • Mākaha – 1 |
| • Wai'anae – 2 | • Mililani – 1 |
| • Hui – 1 | • North Carolina – 1 |
| • Kaimukī – 1 | • Provo, UT – 1 |
| • Kāne'ohe – 1 | • Waimānalo – 1 |
| • Kea'au – 1 | • Other ("test" & "laptop") - 2 |
| • Līhu'e – 1 | |

2. Presentation Q&A

- **C:** Live a few houses down from the project site. The firing range is a community wide issue – announcements start at 6am and gunfire is heard from 7am-noon. Community has not been able to get the military to address this. Have you been down here and heard this?
- **Q:** Worried about traffic - is the housing going to be in the middle of the traffic?
 - **A:** At this time there is no concrete plan of how the community will look. These meetings are to hear from beneficiaries to help shape the design of the community and take into account concerns from the surrounding community.

3. Visioning Exercise & Discussion

Community Character and Quality of Life

MENTIMETER QUESTION : Describe the homestead community you would like to live in

The following responses were submitted online via Mentimeter and are included exactly as written by the meeting attendees:

- Homestead
- Near beach
- Ewa
- Young families, Kupuna, retirees. All mixed ages so could kind of be like multiple generations.
- I grew up in Papakolea and been on the waiting list for about 20 years now. The type of community I hope would be similar to that of Papakolea where we have a community center to gather often and be the home base of many community activities.
- A safe, respectful environment where we all can benefit & continue to thrive
- Family oriented

- What's the cost for us?
- And how many homes are planned
- A community for growing families with schools and opportunities for progress for our next generation.
- I would like to have something similar to the Princess Kahanu Estates.
- Family friendly, community center with space available for community functions and classes such as Hawaiian language, dance and culture, lomilomi etc.
- It's difficult to answer this question, I grew up on the other side of the island.
- Maybe Community gardens or special access to beach where again we can learn and practice ocean going Hawaiian cultural activities
- Consult Kupuna and Ohana Hawaii from the Kupaka, Puuloa (Ewa Beach-Ewa Beach Rd).
- Safe, quiet, with a community meeting place
- Pet friendly spaces
- Like Nanakuli or Waianae
- Would love to have a sustainable community where we all are required to contribute.
- Community Center
- Pool
- Playground toddler friendly

DISCUSSION:

- **C:** Who is the archaeologist? And is anyone from the team living in the area? Work with kūpuna and kānaka.
 - **A:** The cultural consultant is Honua – Trisha Watson. There was also a biological survey done by Geometrician – Ron Terry.
- **C:** Why is Hawaiian Home Lands next to the military and firing range? Not a good idea, like being on Kaho'olawe or something. From kūpuna standpoint, it doesn't make sense. And showing that it lies in the flood zone – where will you put the kānaka?
 - **A:** DHHL's priority for the project is addressing the O'ahu waiting list, knowing that there is limited land available on island. We are taking note of concerns from beneficiaries and the community through this process and will address them in the Master Plan and Environmental Assessment (EA).
- **C:** Not loving the project but understand we need homes for Hawaiians. If DHHL is serious about the project, shut down the firing range. It's no longer a proper place to have a firing range – not appropriate to have target practice on beach front. Think the community and Hawaiians can finally do something about getting military out of the area. Traffic is a secondary concern to the firing range.
 - **A:** Now that DHHL will have a more active role in the community, we can do our best to reach out to the military and see how impacts to the future community can be reduced or mitigated.

MENTIMETER QUESTION: What are your top concerns when thinking about the future 'Ewa Beach Homestead community?

The following choices were voted on via Mentimeter by meeting attendees:

VOTES	CHOICES
10	Sustainability
8	Crime / Safety
8	Cost of maintenance / Association fees
7	Commute time / Traffic congestion
6	Cost of living / bills
5	Sea level rise, flooding and coastal hazards
5	Ability to conduct cultural practices and share cultural and place-based knowledge
4	Range of housing options
4	Community relationships and gathering places
3	Community appearance and amenities
3	Environmental and cultural resource protection
2	Access to medical and other emergency facilities
2	Connection to surrounding community
1	Access to schools
0	Pedestrian and bicycle safety

DISCUSSION:

- **C:** Community area is close to schools, so need to address how keiki will get to school. Will there be hazards getting to schools through traffic congestion? How will the new housing in 'Ewa affect the surrounding community?
- **C:** Campbell is already one of the biggest schools on the island and is overcrowded. Haseko had to build its own middle school. Assume DHHL will have to contribute on some level because every school is maxed out. Getting into the schools is going to be a problem.
- **C:** A lot of 'ohana park cars on the DHHL parcel side of Fort Weaver. Will that parking be available to them still?
 - **A:** We know that a lot of people have been parking there for a long time and will factor that into the design and EA.
- **C:** Whenever there is a new project, I am concerned about lighting for the streets. People like to use streets for exercise and in many places, the lighting is not great.
- **C:** Concerned about the noise from airplanes flying over.
 - **A:** There are ways to mitigate noise impacts such as air conditioning or wall materials. Noise impacts will be addressed in the EA.
- **C:** Is there anything that would help open up traffic? Concerned about getting through traffic if someone is having a medical problem.
 - **A:** A traffic study is being conducted as part of the EA to identify impacts and potential mitigation measures.
- **C:** We all know that no matter what we build there will always be traffic – people need to move to the side when they hear emergency vehicles.
- **C:** Cost of living goes up no matter what. People have to qualify for Hawaiian homes, but I thought these homes are supposed to be for Hawaiians no matter what your income?

- **A:** Yes, homesteads are only for native Hawaiian beneficiaries. We understand that beneficiaries would like DHHL to provide something that is more affordable. As we develop the Master Plan, we will look at the affordability of the housing.
- **C:** Wai (water) is critical to consider because of the Red Hill issue. There was contamination near 'Ewa as part of that.

Residential Land Uses

MENTIMETER QUESTION: What residential options would you like to see offered in the 'Ewa Beach Homestead Community?

The following choices were voted on via Mentimeter by meeting attendees:

VOTES	CHOICES
11	Single family turnkey houses
10	Rent with the option to purchase
9	Single family vacant lot/owner-build
6	Single family rental
6	Kūpuna rental housing
4	Multi-family low/medium rise apartment
3	Townhouse in duplex or fourplex
3	Multi-family rental
0	Multi-family high rise apartment
0	Other - please elaborate in discussion

DISCUSSION:

- **C:** Favor the single-family turnkey option, however, knowing that there is such a lack of available land and homes can make it difficult. Crime may also be higher with high rise or multi-family developments.
- **Q:** For kūpuna housing, would love to see what DHHL has built in different parts of the island – what is the demand for this type of housing?
 - **A:** DHHL only has one kūpuna housing project in Waimānalo, it currently has a waiting list of three years.
 - **A:** There was a beneficiary survey of applicants in 2021. Definitely single-family turnkey is the preference with single-family vacant lot as second. Vacant lots can be a lot of administration to go through. Rent with option to purchase exists in Kapolei and in La'i'ōpua (Kona).
- **C:** DHHL has a higher responsibility to provide housing for our kūpuna. Regardless of what people want, should be building it.
 - **A:** We will look at this as part of the Master Plan. DHHL will be issuing a kūpuna rental subsidy for kūpuna on waitlist starting 2023 to subsidize their rent so that they will pay no more than 30% of income toward rent.
- **Q (Chat):** What is the general cost now for housing on DHHL land? Single-family turnkey or rent to own?
 - **A:** DHHL recently built out about 160 single family lots. The cost range was roughly \$300k-\$450k each.
 - Lower price is primarily due to leasehold and developers not paying for infrastructure.

- **Q:** Why can't it be a mix of all of these different housing options?
 - **A:** It could – we will consider multiple housing product offerings on the site.
- **Q:** How much land does DHHL have in 'Ewa Beach? And how many units will be built? What is the timeline?
 - **A:** This is the first project in 'Ewa Beach, and is about 80 acres. The number of units will be determined during the Master Plan part of this project. The timeline to complete this part of the project, which is the Master Plan and EA, will be completed next fall (2023). The timeline to engineer and construct and award following that is not yet determined. It is a priority project for use of the Legislative funds, so it will be accelerated.
 - **C:** Need to move things faster because there is a time limit to use the money from the Legislature.
- **Q (chat):** Wasn't there talk of building Hawaiian homes in Mililani and Waipi'o area?
 - **A:** Currently DHHL does not have lands in those areas, but part of the plan for using the \$600 million from the Legislature is to acquire new lands, particularly on O'ahu. DHHL is in the process of receiving offers from land owners interested in selling land to DHHL.

Community Land Uses

MENTIMETER QUESTION: What community uses/amenities would you like to see?

The following choices were voted on via Mentimeter by meeting attendees:

VOTES	CHOICES
12	Community center
9	Walking / biking paths
8	Playgrounds
6	Community ag/garden
5	Sports fields/open field
2	Other - please elaborate in discussion
1	None - maximize housing
0	Community commercial
0	Cemeteries
0	Churches

DISCUSSION:

- **C:** A community center is vital to a growing area. Want it to be community based and make sure everyone in that area gets along and that we can gather our children, kūpuna and adults together in one place so that we understand each other as one. Important because we are losing that as Hawaiian people.
- **C:** Community centers are very important. The land you give for these homes is only 5,000 square feet, so no place to have parties. Community centers give space for families to invite neighbors and get together.
- **C:** Doesn't seem like a lot of 'āina, so maybe DHHL can maximize the housing on the parcel and mālama the areas already existing in the community. There are places where Hawaiians gather in the community like Pu'uloa beach park where everyone has their pā'ina. Wouldn't

want lessees to be separate from the Hawaiians that have lived in the community a long time.

- **C:** Having areas for families and kids to do extracurricular and other activities close to home makes it easier for our working families and kūpuna.
- **C:** I put "Other" – wanted to see if DHHL can do a dog park.
 - **C:** Agree.
- **C:** Like community agriculture and gardens because it provides a place to plant vegetables and fruit – good idea for the area.
- **Q:** Who takes cares of community centers in homesteads?
 - **A:** Typically the homestead association is responsible for taking care of community centers. Some communities not only maintain but also fundraise and plan their own community centers and take a lot of ownership of their gathering spaces.
- **Q:** Will there be maintenance fees?
 - **A:** Don't know the answer to that question yet. In certain homestead communities, the association does charge a fee to upkeep the community assets, and in other communities the association has found other means of financing maintenance. It will largely depend on the preferences of the homestead lessees of the area.

Hazard Zones

DISCUSSION QUESTION: Given the potential impacts to makai portions of the site from flooding, sea level rise, and tsunami, what types of uses would you like to see or not see in these areas of the property?

- **C:** I live across the street – why not plan like others around here and raise the homes on stilts 3-4 feet? Need houses and there is risk, but I say build homes in these areas anyway.
- **C:** What happens if there is a tsunami or flood and some of us don't drive?
 - **A:** Calls into question the importance of access in and out of the site – maybe have alternate access in and out of the site on the mauka side.
- **C:** I live right on the beach and our 'ohana lived through Iwa and Iniki. Not sure if people know this but our beaches have actually gotten bigger. We can build above the flood level. The community has lived through warnings and sheltering in Campbell High School. Would be good to add a second access to North Road.
 - **A:** As a planner who has worked in 'Ewa Beach, you are right about beaches growing. May be related to the T groins at Iroquois point. We will look at sea level rise and flooding risks and adaptation options as part of the project.
- **C:** If DHHL going to build will they build on the ground level? Mana'o from people who live in the community is really important.
- **C:** Will building in a flood zone require beneficiaries to pay for flood insurance?
 - **A:** There are no areas in the DHHL parcel that would require flood insurance at this time. The areas that show the most impacts are areas expected to experience future flooding from sea level rise. Can't say that in future they won't require insurance in these areas, but it is not required right now.

Accessibility/Connectivity

MENTIMETER QUESTION: What street features are most important to you?

VOTES	CHOICES
10	Community center
10	Walking / biking paths
7	Playgrounds
6	Community ag/garden
5	Sports fields/open field
4	Other - please elaborate in discussion
2	None - maximize housing
1	Community commercial
1	Cemeteries
0	Churches

DISCUSSION:

- **C:** DOT did a great job repaving Fort Weaver road, but now it's a freeway. People leaving Pu'uloa Beach park drive 50 MPH and North Road is just as bad. Suggest DHHL consider traffic calming initiatives on both roads.
- **C:** Maybe add some roundabouts to slow people down. They have a couple bigger speed bumps by the schools and it helped slow traffic. Consider for homestead area too.
- **C:** Some of us don't drive and catch the bus – need options for keiki too.

Other Thoughts & Ideas

DISCUSSION:

- **C:** What is the timeline for homes being built?
 - **A:** The planning process is scheduled to be completed in Fall 2023, and will be followed by design and then construction. This project is being expedited by the Department but there is not yet a set timeline.
 - **A:** General timeline for DHHL projects:
 - Engineering and design 1-3 years
 - Infrastructure construction 2 years, then homes are built
 - Rough estimate of 4-6 years before homesteads are awarded

4. Wrap-up & Next Steps

- a. Applicant Survey
- b. Neighborhood Board & Community Meeting
- c. Beneficiary Consultation #2
- d. Keep in touch – DHHL project website and mailing list

Attachments:

- Presentation slides
- Mentimeter results



DEPARTMENT OF HAWAIIAN HOME LANDS

'Ewa Beach Homestead Project Master Plan & Environmental Assessment

Beneficiary Consultation #1

Virtual Meeting

December 8, 2022
6:00-8:00 PM



NOTICE: THIS MEETING IS BEING RECORDED

1

PULE

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Introductions



- Pearlyn Fukuba, Planning Office
- Andrew Choy, Planning Office
- Darrell Ing, Land Development Division
- Lehua Kinilau-Cano, Office of the Chairman
- Malia Cox, Office of the Chairman



- Melissa May
- Jared Chang
- Malachi Krishok

3

3

Meeting Objectives

- Introduce the project team
- Provide an overview of the project
- Gather input on what beneficiaries would like to see in the new homestead community to inform the development of the master plan



4

Discussion Kuleana



1. **Participate and share your mana'o.** Please keep your video on and be prepared to share your input. We need to hear from everyone present.
2. **Be respectful** of the person talking and other participants: mute yourself when not speaking, do not interrupt other participants.
3. **Raise your hand** and wait for the facilitator to call on you or type your comment into the chat box. Do not use chat for sidebar conversations.
4. **Agree to disagree** – Listen respectfully to different perspectives and ideas.
5. **Share the floor** – If you have spoken once on a topic, please hold off on providing additional comments until we have heard from all others.

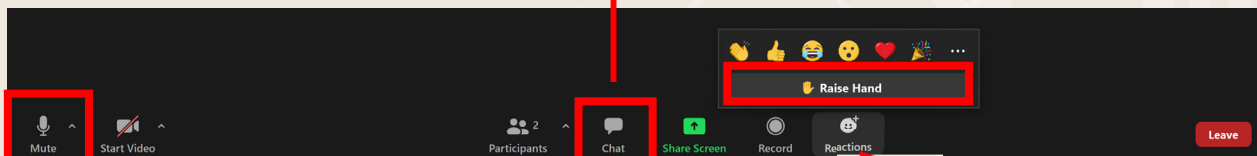
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Zoom Instructions



Use Chat to type your question or indicate if you would like to voice your question or comment.



Use the Microphone (mute/unmute button to speak)

Use the Raise Hand Function under Reactions to request to speak or ask questions.

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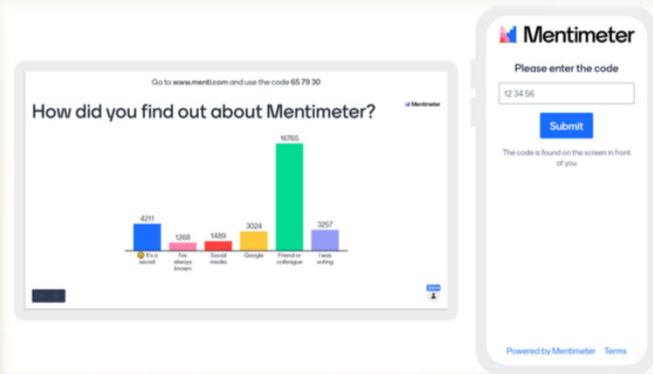
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1. Respond to questions that appear on your screen.
2. You will be asked first for your name and e-mail, which will be confidential and serve as a “virtual sign-in sheet”

1 Copy code from presentation

2 Enter code here



Scan QR Code



OR

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Project Background

Speaker: Melissa May

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Property Description

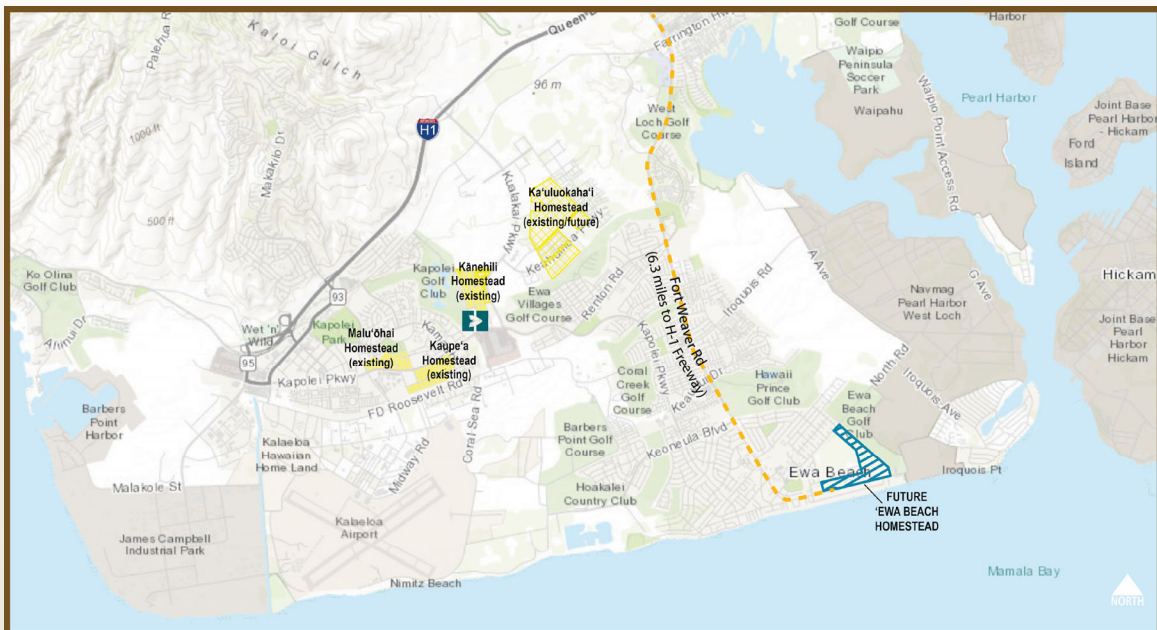


- 80 acres in 'Ewa Beach, O'ahu
- Adjacent areas primarily residential
- North Road to the northwest
- 'Ewa Beach Golf Club to the northeast
- Fort Weaver Road to the south
- Single-family homes and low-rise apartments to the west

9

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Regional Homesteads Map



10

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Destinations Near Project Site



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Project Purpose



- Provide residential homesteads to DHHL beneficiaries on the O'ahu waiting list
- Create a thriving homestead community in 'Ewa Beach that honors culture, environment and sense of place
- Involve beneficiary lessees, waiting list applicants, and the surrounding community in envisioning and shaping the homestead community

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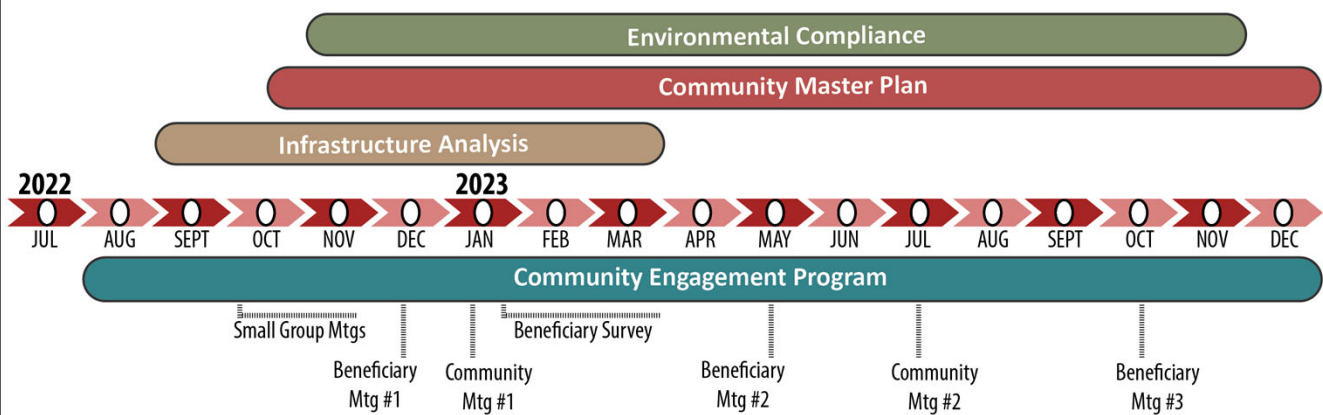
Project Tasks



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Anticipated Project Schedule



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Work Conducted to Date



2020

- GSA Notice of Availability Issued
- Hawaiian Homes Commission (Information presentation & Action Item presentation)
- DHHL Due Diligence

2021

- DHHL and DOI beneficiary survey
- DHHL Issues Intent to Accept HHLRA Transfer
- Quitclaim Deed accepted by DHHL

2022

- DHHL 'Ewa Beach Project Master Plan & EA kickoff

15

15

Site Investigations

Speaker: Malachi Krishok

16

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DHHL Due Diligence Completed to Date



- Title Report & Surveyor's Report
- Phase 1 Environmental Site Assessment – did not show recognizable environmental conditions (i.e., not likely that site contains hazardous materials)
- Hazardous Materials Survey
- Magnetometer Survey – did not show conclusive presence of UXO (unexploded ordinance)
- State Historic Preservation Division, Architecture Branch determination – no historic properties affected
- Flood, tsunami, and sea level rise zones identified
- Infrastructure capacity confirmed

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Technical Studies & Issues Being Looked At



- Preliminary Engineering Report for Infrastructure Improvements (water, sewer, drainage, electrical)
- Traffic Impact Assessment Report
- Archaeological Literature Review & Field Investigation
- Cultural Impact Assessment
- Biological Survey
- Soil Testing & Additional Hazardous Material Investigation
- Climate Change, Flooding, & Sea Level Rise Impacts

18

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Preliminary Findings: Water, Wastewater, Drainage

- City Board of Water Supply has confirmed water availability for the project site
- City Wastewater Branch is currently evaluating sewer capacity availability
- Recommended that designs aim to retain stormwater runoff on site

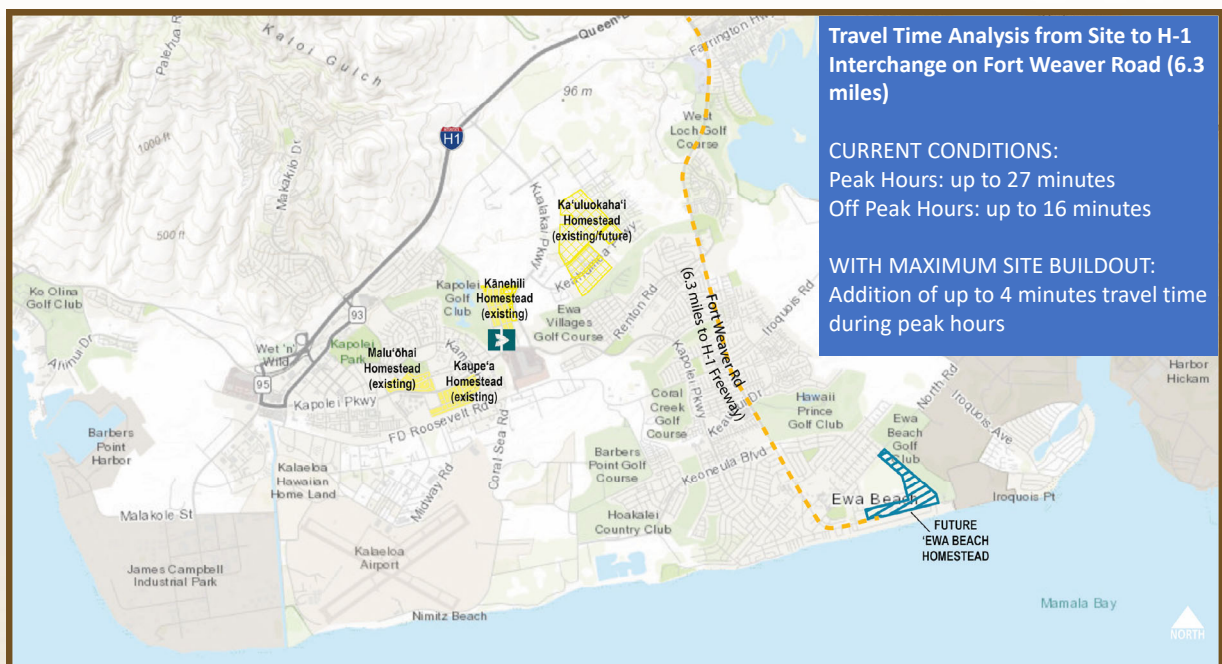
Preliminary Findings: Biological Survey

- No endangered or threatened plants or animals observed on the site; no pueo or desirable pueo habitat.
- Rare plant *Capparis sandwichiana* (maiapilo) observed in several locations.

19

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Preliminary Findings: Traffic



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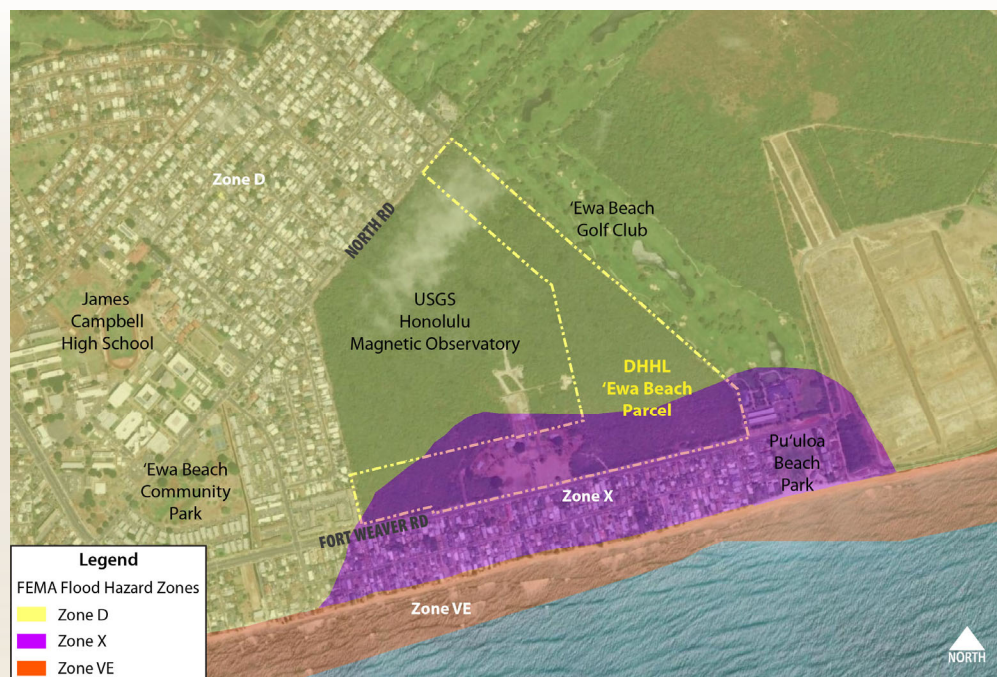
Preliminary Findings: Sea Level Rise & Tsunami



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Preliminary Findings: Flood Zones



22

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Beneficiary Consultation & Community Engagement



Future Beneficiary Consultation (dates subject to change)

- DHHL Applicant Mail Survey (January-March 2023)
- Beneficiary Consultation #2 – Master Plan Alternatives Workshop (May 2023)
- Beneficiary Consultation #3 – Final Master Plan & EA Presentation (October 2023)

‘Ewa Beach Community Meetings (dates subject to change)

- Community Meeting #1 (January 2023)
- Community Meeting #2 (July 2023)


23

23

Polling & Talk Story




24


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Community Character

Describe the 'Ewa Beach homestead community you would like to live in.

25


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Community Character & Quality of Life


What are your top concerns when thinking about the future 'Ewa Beach Homestead community?

<input type="checkbox"/> Commute time/traffic congestion	<input type="checkbox"/> Range of housing options
<input type="checkbox"/> Crime/safety	<input type="checkbox"/> Environmental and cultural resource protection
<input type="checkbox"/> Sea level rise, flooding and coastal hazards	<input type="checkbox"/> Sustainability (renewable energy, energy efficiency, trees/green space, water conservation, etc.)
<input type="checkbox"/> Access to medical and other emergency facilities	<input type="checkbox"/> Ability to conduct cultural practices and share cultural and place-based knowledge
<input type="checkbox"/> Cost of living/bills	<input type="checkbox"/> Community relationships and gathering places
<input type="checkbox"/> Cost of maintenance /Association fees	<input type="checkbox"/> Connection to surrounding community
<input type="checkbox"/> Access to schools	<input type="checkbox"/> Other (fill in)
<input type="checkbox"/> Pedestrian and bicycle safety	
<input type="checkbox"/> Community appearance and amenities	

Other concerns? Please share!

26

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Residential Land Uses


What residential options would you like to see in the 'Ewa Beach Homestead Community?

- ☐ Single family turnkey houses
- ☐ Single family vacant lot/owner-build
- ☐ Single family rental
- ☐ Townhouse in duplex or fourplex
- ☐ Multi-family low/medium rise apartment
- ☐ Multi-family high rise apartment
- ☐ Multi-family rental
- ☐ Kūpuna rental housing
- ☐ Rent with the option to purchase
- ☐ Other

Other housing types to consider? Please share!

27

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Community Land Uses

What community uses/amenities would you like to see?

- ☐ Playgrounds
- ☐ Sports fields/open field
- ☐ Walking/biking paths
- ☐ Community center (kūpuna/keiki services, gathering/meeting space, classes, health services, etc.)
- ☐ Community commercial
- ☐ Community ag/garden
- ☐ Cemeteries
- ☐ Churches
- ☐ None – maximize housing
- ☐ Other

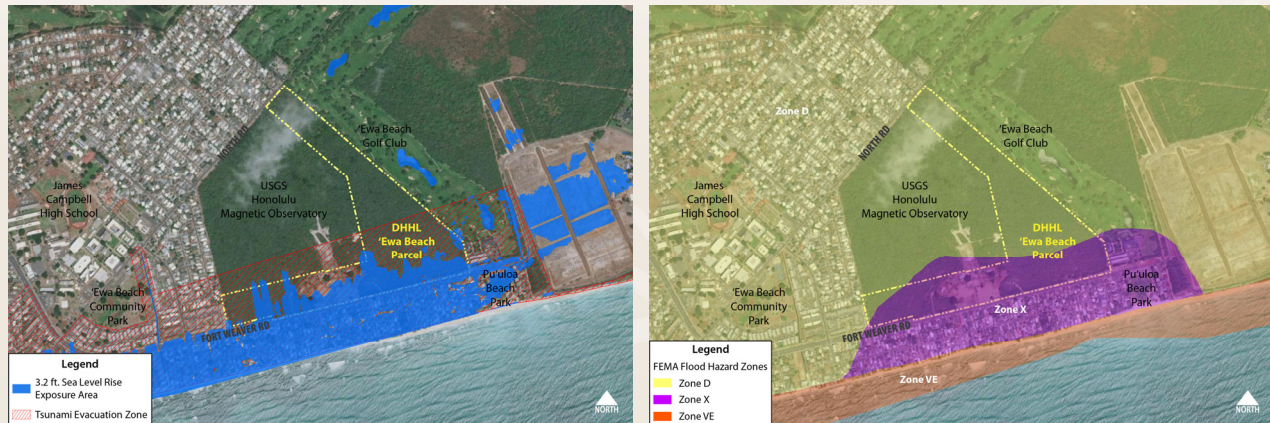
Other community uses or amenities? Please share!

28

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Discussion Question: Hazard Zones

Given the potential impacts to makai portions of the site from flooding, sea level rise, and tsunami, what types of uses would you like to see or not see in these areas of the property?



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Transportation Accessibility/Connectivity

What street features are most important to you?

- ☐ Multiple access routes to the community
- ☐ On-street parking
- ☐ Sidewalks
- ☐ Off-street paths
- ☐ Bike lanes
- ☐ Public transportation access
- ☐ Traffic calming (speed humps, lower speed limits, narrower streets, etc.)
- ☐ Safe crosswalks
- ☐ Street trees/landscaping
- ☐ Other

Other street features you desire? Please share!

30

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Discussion

Other ideas or mana'o you would like to share?



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MAHALO!

For more information and to sign up for the project mailing list, please visit the project website:

dnh.hawaii.gov/po/bahu/ewa-beach-homestead-project/



Project Contacts:

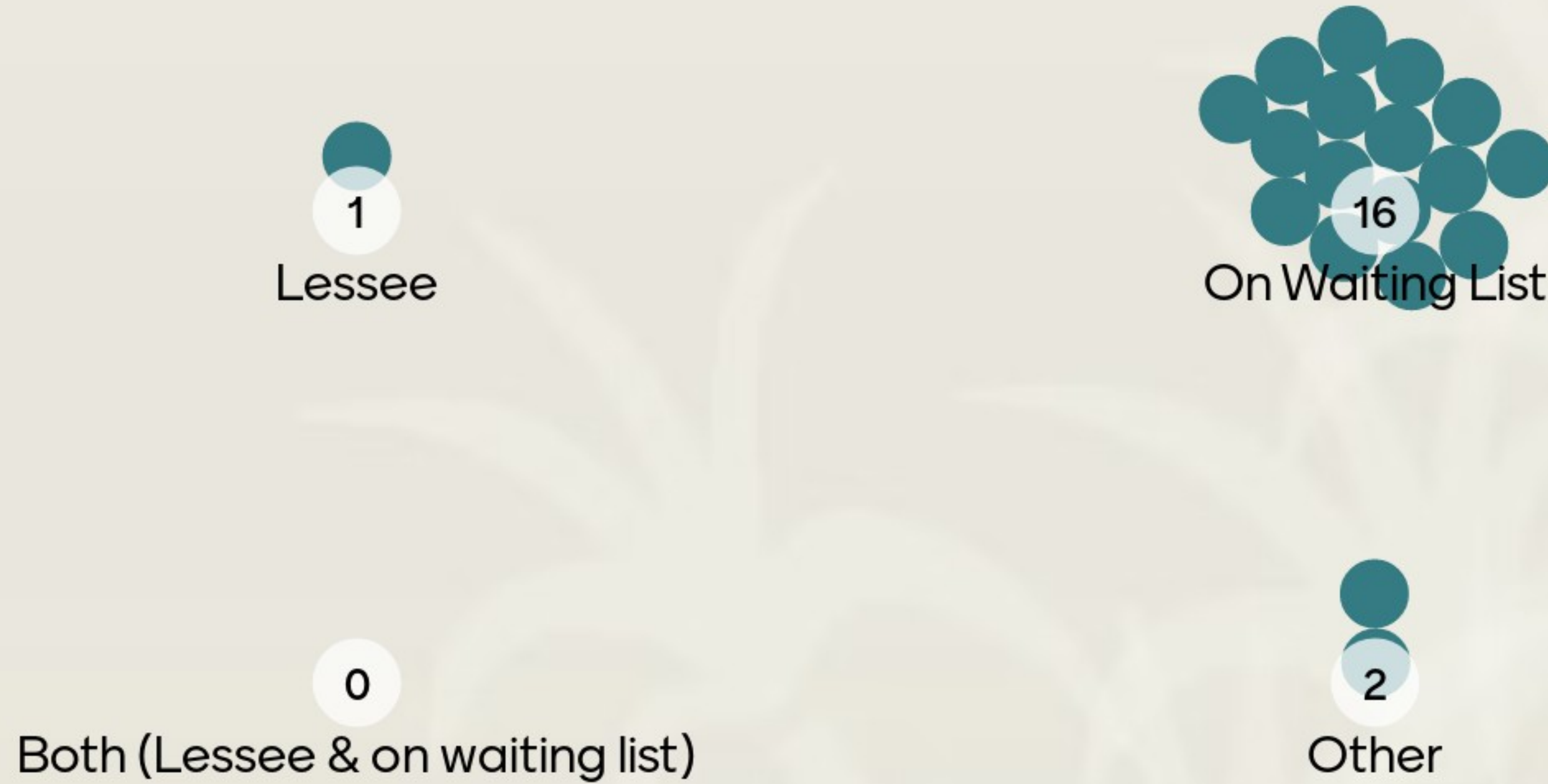
- **Pearlyn Fukuba**, Project Manager
DHHL Planning Office
Phone: (808) 620-9279
Email: pearlyn.l.fukuba@hawaii.gov
- **Melissa May**, Project Manager
SSFM International, Inc.
Phone: (808) 628-5861
Email: mmay@ssfm.com

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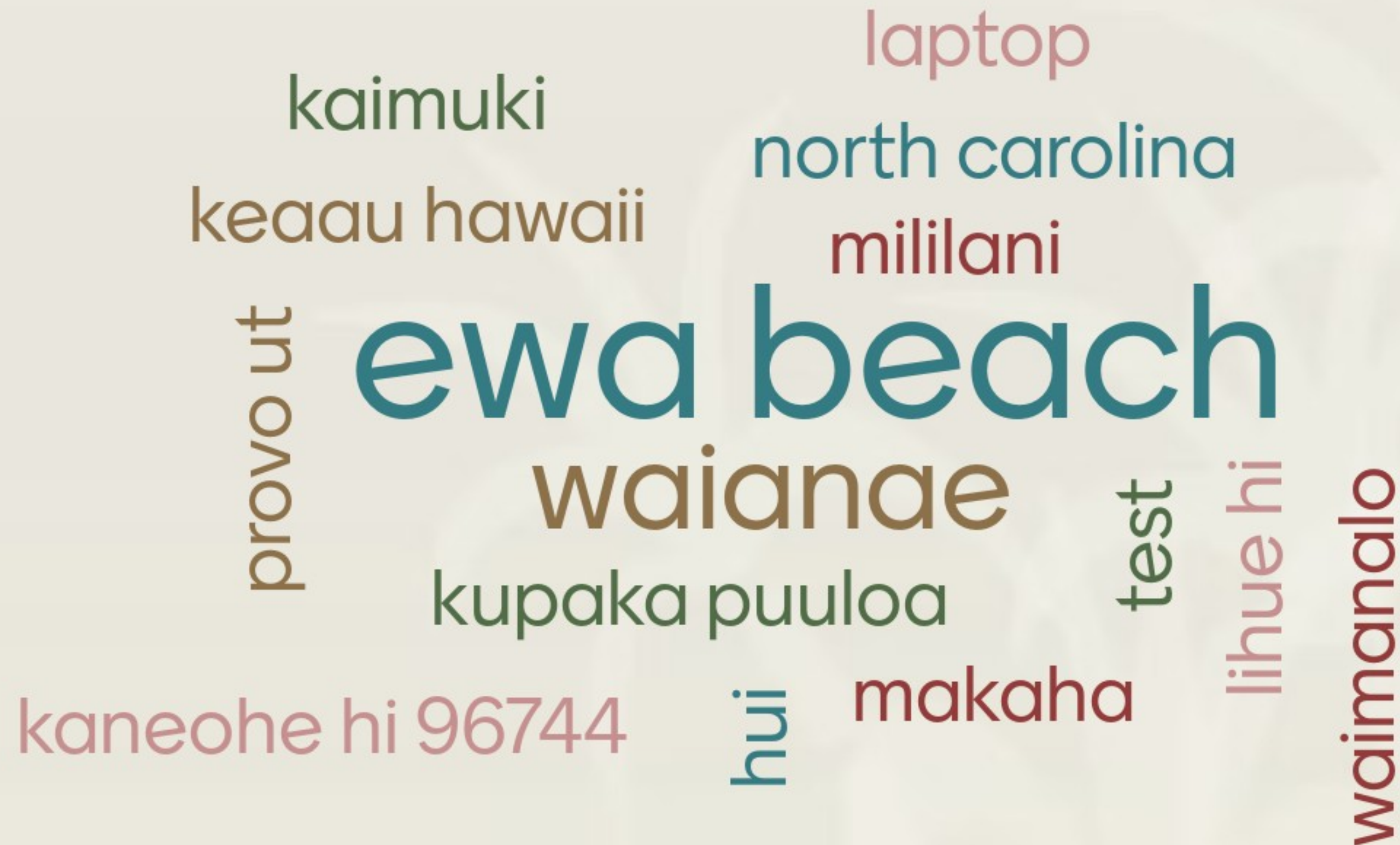
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Who's in the room?

Could you please indicate whether you are a...

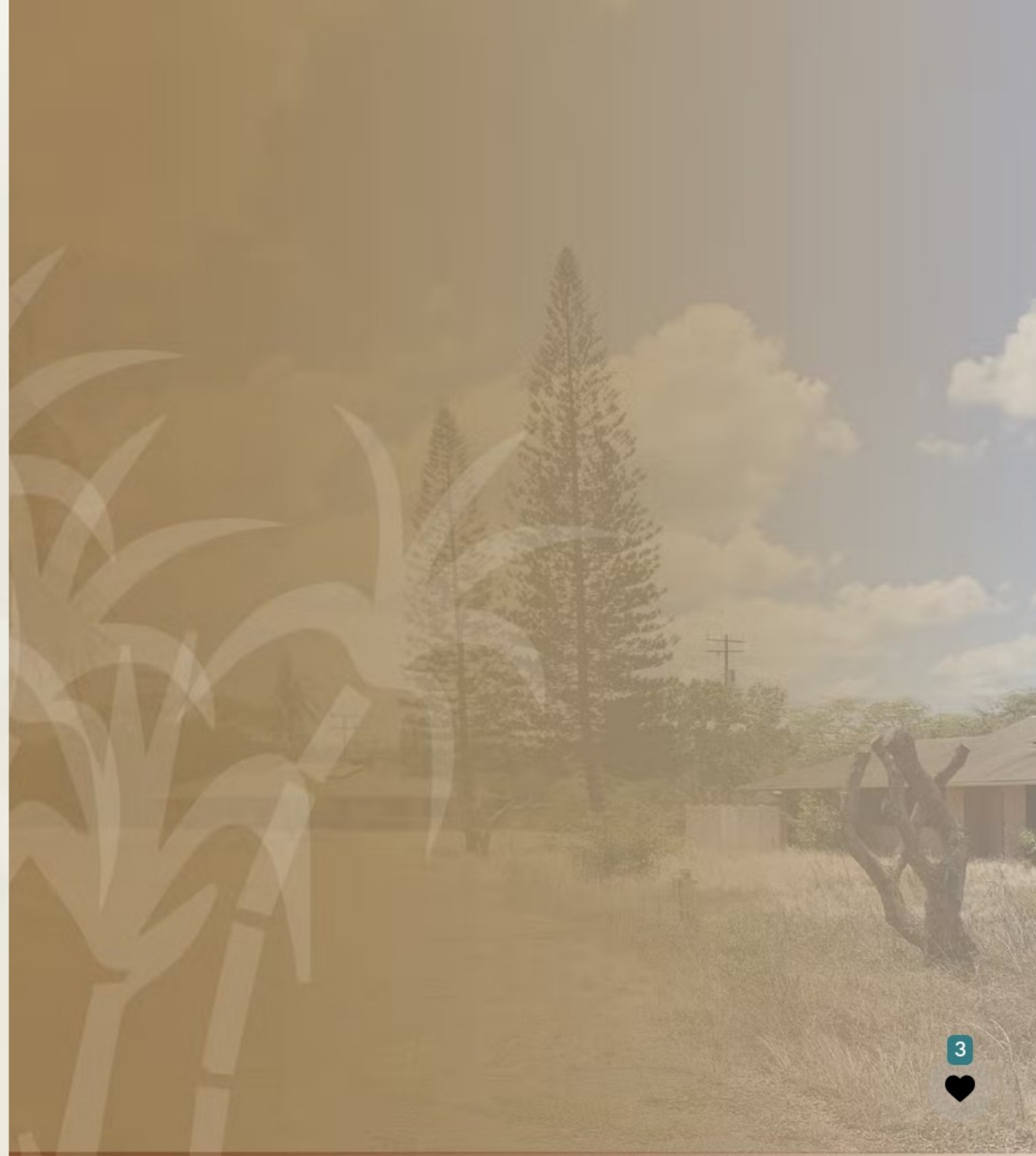


Where are you calling in from?

A word cloud of Hawaiian locations. The words are arranged in a circular pattern around the center. The words are: kaimuki, laptop, north carolina, mililani, ewa beach, waianae, kupaka puuloa, test, lihue hi, waimanalo, makaha, hui, kaneohe hi 96744, provo ut, keaau hawaii, and kaimuki. The words are in various colors and orientations.

kaimuki
laptop
north carolina
mililani
ewa beach
waianae
kupaka puuloa
test
lihue hi
waimanalo
makaha
hui
kaneohe hi 96744
provo ut
keaau hawaii

Community Character & Quality of Life



1. Describe the homestead community you would like to live in in 'Ewa Beach

Homestead

Near beach

Ewa

Young families, Kupuna, retirees. All mixed ages so could kind of be like multiple generations.

I grew up in Papakolea and been on the waiting list for about 20 years now. The type of community I hope would be similar to that of Papakolea where we have a community center to gather often and be the home base of many community activities.

A safe, respectful environment where we all can benefit & continue to thrive

Family oriented

A community for growing families with schools and opportunities for progress for our next generation.

What's the cost for us ?And how many homes are planned

1. Describe the homestead community you would like to live in in 'Ewa Beach

I would like to have something similar to the princess kahanu estates.

Family friendly, community center with space available for community functions and classes such as Hawaiian language, dance and culture, lomilomi etc

It's difficult to answer this question, I grew up on the other side of the island..

Maybe Community gardens or special access to beach where again we can learn and practice ocean going Hawaiian cultural activities

Consult Kupuna and Ohana Hawaii from the Kupaka, Puuloa (Ewa Beach-Ewa Beach Rd).

Safe, quiet, with a community meeting place

Pet friendly spaces

Like Nanakuli or Waianae

Would love to have a sustainable community where we all are required to contribute.

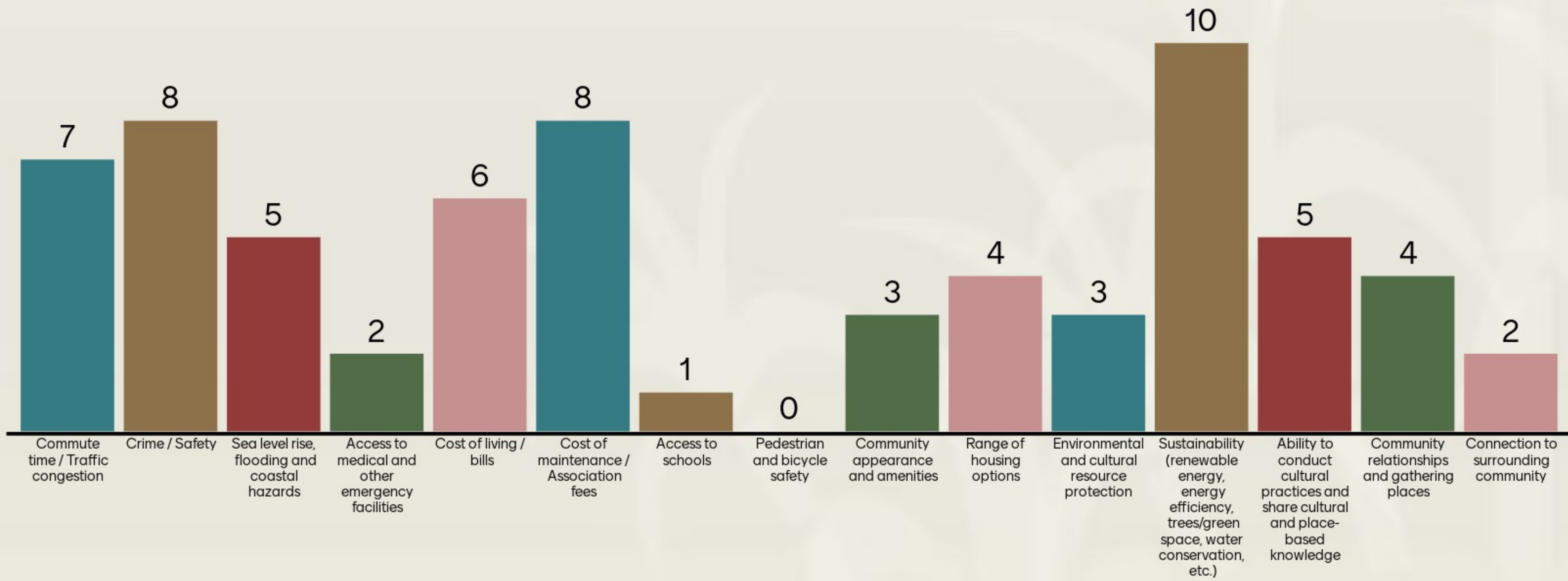
1. Describe the homestead community you would like to live in in 'Ewa Beach

Community Center

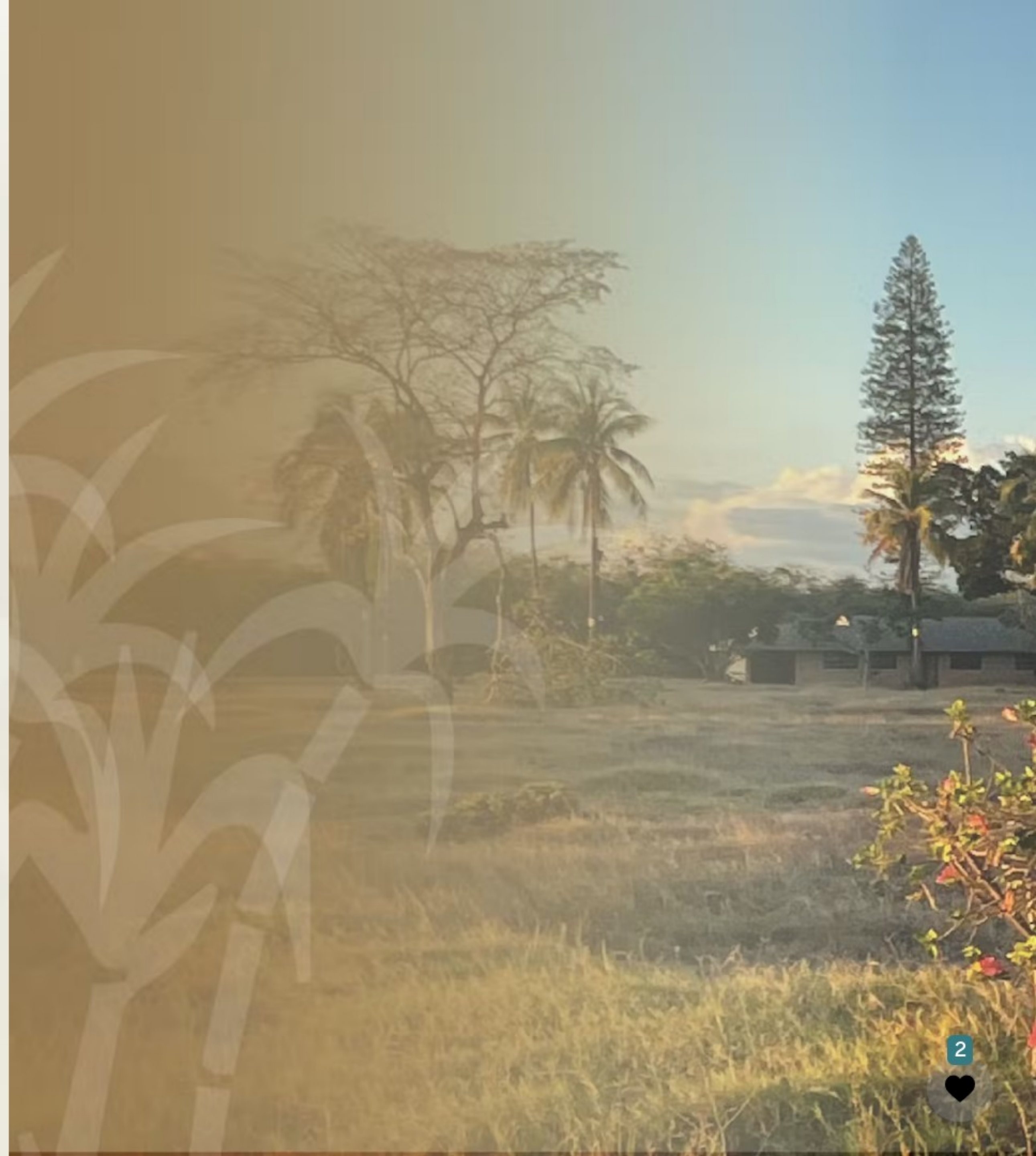
Pool

Playground toddler friendly

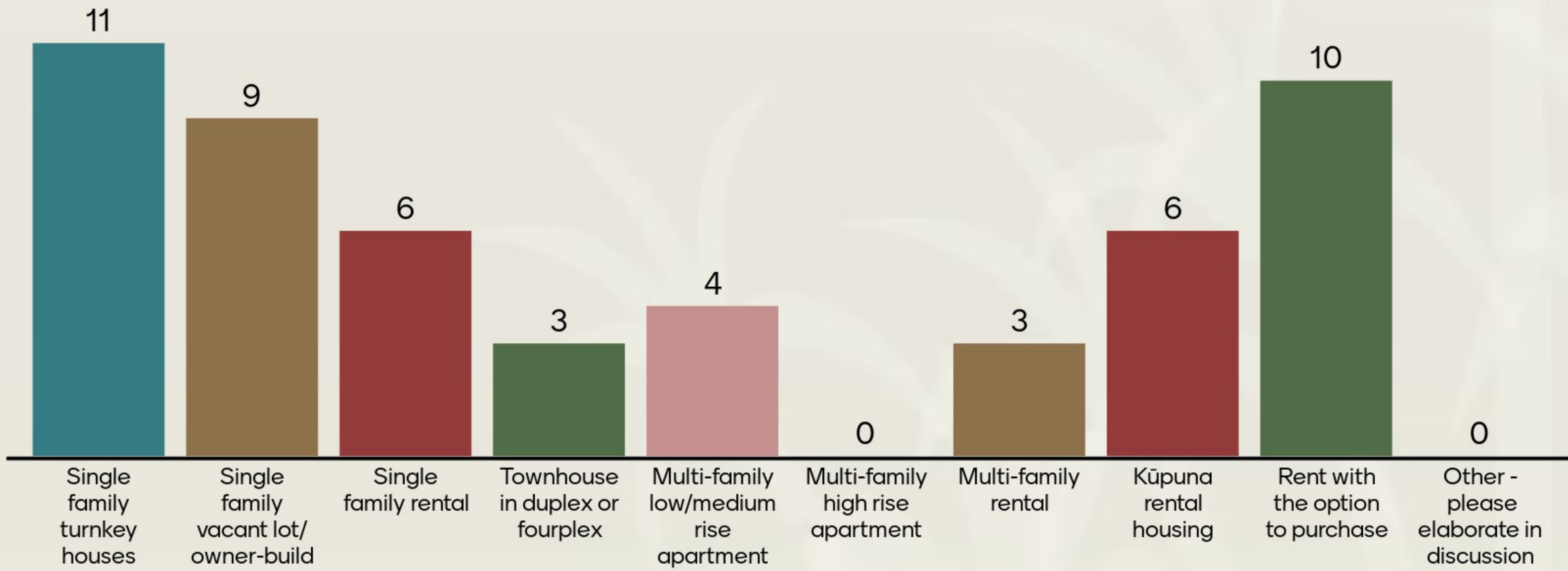
2. What are your top concerns when thinking about the future 'Ewa Beach Homestead community?



Residential Land Uses



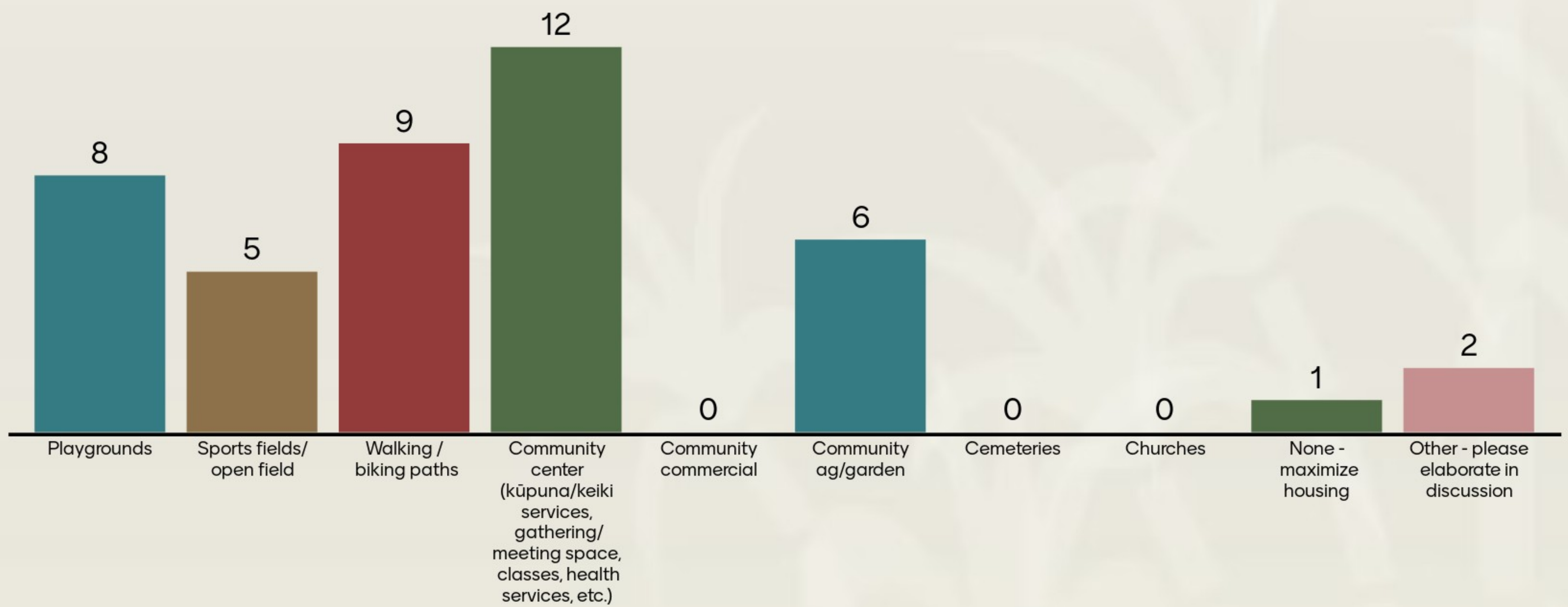
3. What residential options would you like to see offered in the 'Ewa Beach Homestead Community?



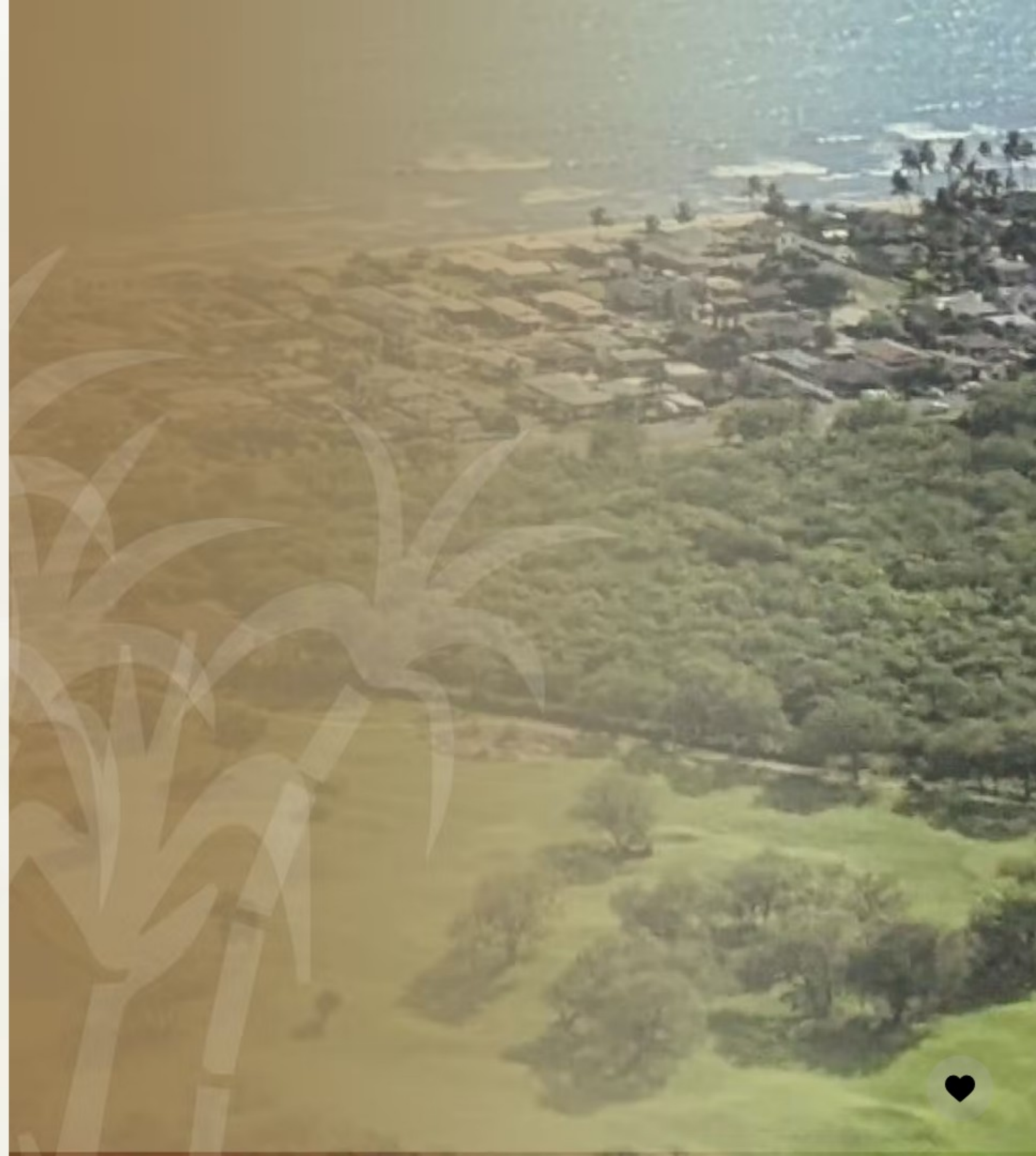
Community Land Uses



4. What community uses/amenities would you like to see?



Hazard Zones



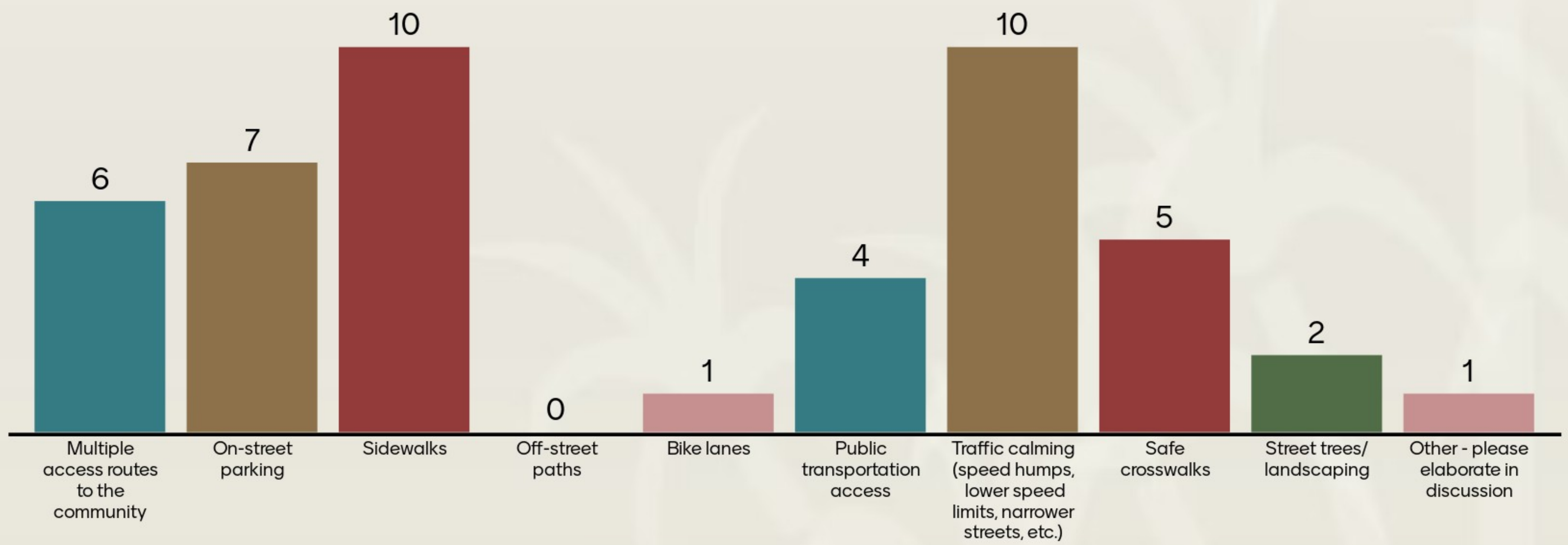
5. Given the potential impacts to makai portions of the site from flooding, sea level rise, and tsunami, what types of uses would you like to see or not see in these areas of the property? (Open discussion)



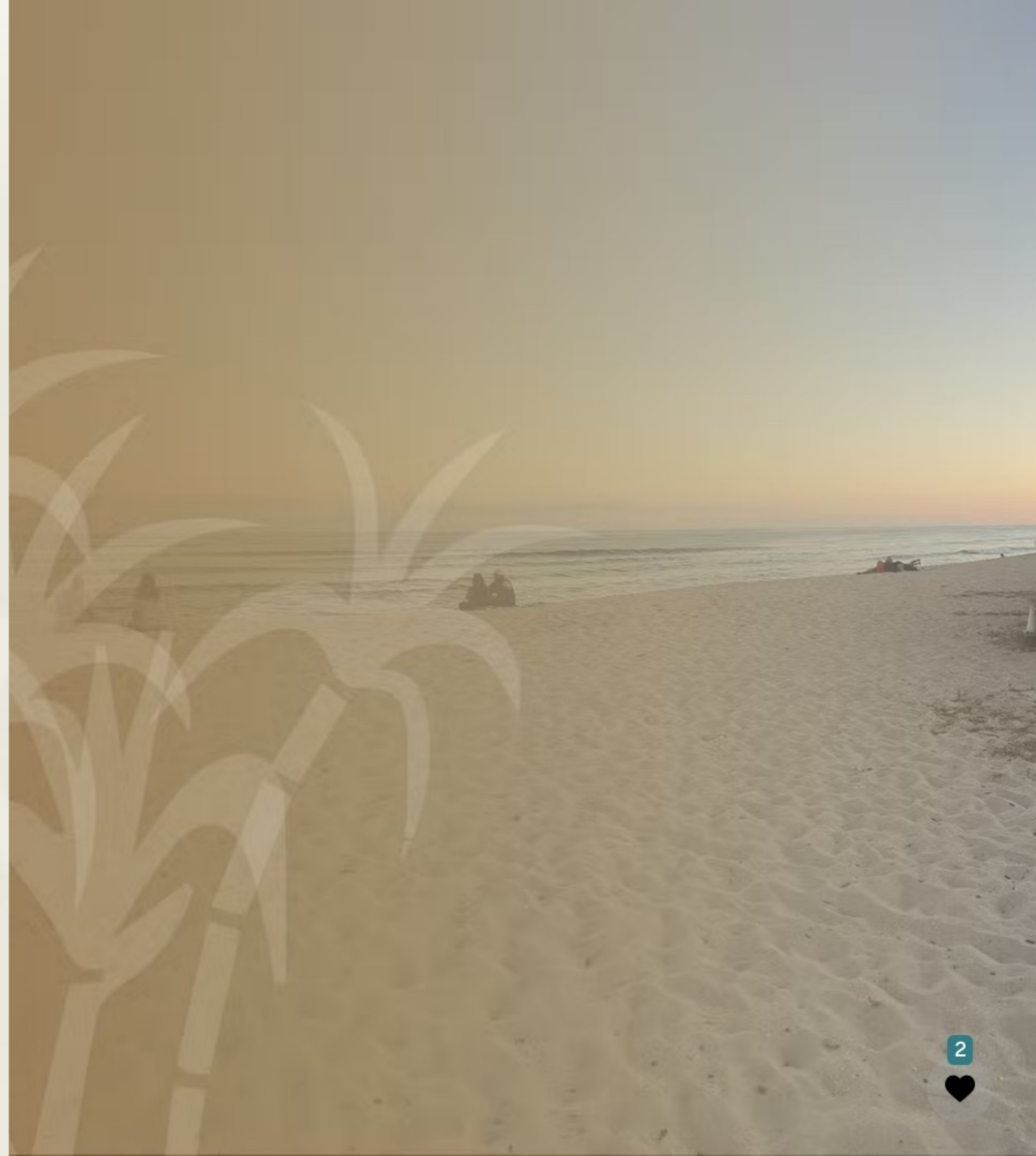
Accessibility/ Connectivity



6. What street features are most important to you?



Other Thoughts & Ideas





Department of Hawaiian Home Lands ‘Ewa Beach Homestead Project Master Plan & Environmental Assessment

‘EWA BEACH COMMUNITY MEETING #1 SUMMARY

Exhibit D

January 26, 2023, 7:00 PM – 9:00 PM

‘Ewa Beach Library

Event Description

The purpose of the community meeting was to provide a project overview, results from due diligence, technical studies, and outreach efforts to date, and gather community mana‘o on opportunities and concerns around the proposed homestead community. The meeting was hosted at the ‘Ewa Beach Public and School Library and intended for nearby residents and community stakeholders, regardless of their native Hawaiian beneficiary status.

Attendees received copies of the agenda as well as a project fact sheet and instructions for Mentimeter. The project team shared a presentation, received questions and input from the attendees and answered inquiries. The handouts and presentation slides are included in the appendices of this summary.

Community Meeting Agenda

- Welcome and Team Introductions
- Presentation
 - DHHL Background and Overview
 - Project Background
 - Findings of Work Completed to Date
- Q&A Session
- Envisioning the Future ‘Ewa Beach Homestead Community – Polling and Discussion
- Wrap up and Next Steps

Project Team Attendees

- DHHL: Andrew Choy, Pearlyn Fukuba, Darrell Ing, Lehua Kinilau-Cano, Malia Cox, Jamilia Pacheco
- SSFM: Melissa May, Malachi Krishok, Carah Kadota
- Facilitator: Ka‘ala Souza



Department of Hawaiian Home Lands 'Ewa Beach Homestead Project Master Plan & Environmental Assessment

Community Meeting Attendees

Attendees of the meeting were asked to sign in and indicate their beneficiary status. Attendees to the meeting included existing lessees, applicants and other community members who are not beneficiaries.

Self-identified as DHHL Homestead Lessees:

1. Iwalani McBrayer
2. Sonny Del Toro
3. Sasha Thompson

Self-identified as DHHL Waitlist Applicants:

1. Hilaire Nakamura
2. Rose and Tom
3. Lia Kahaawi-Manu
4. Pua Freitas
5. Michael Kahikina
6. Lynn Alpoalani
7. Matthew Villaflov
8. Robin Wilson
9. Janis Gomes
10. W. Kaiwi
11. Edward K

Self-identified as Non-Beneficiaries/Community/Affiliation not Stated:

1. Aki David
1. Alex Gaos
2. Alicia Maluafiti
3. Bronco Woodlyn
4. Charde Garcia-Kuaiai

5. Christopher Shelleo
6. David Murk
7. George O. Vierra
8. Gina D.
9. Home Schaedel
10. Jamie Gueso
11. John Pau
12. Julie Reyes Oda
13. Kara Luke
14. Kavi Serrao
15. Leslie Griffin
16. Lin Chan
17. Mano O.
18. Monica Smith
19. Peter Ongoy
20. Radhipe JT
21. Ralena Alcos
22. Randall Chun
23. **Rep. David Alcos**
24. Rocky Malana Tupu
25. Sandi Javar
26. **Senator Kurt Fevella**
27. T. Arakaki
28. Tami Carlos
29. Tesha Malama
30. Valerie Chun



Department of Hawaiian Home Lands 'Ewa Beach Homestead Project Master Plan & Environmental Assessment

Presentation

A copy of the presentation given at the meeting is appended to this summary. Following the presentation, attendees were given the opportunity to ask questions of the Project Team about the project and provide their input. The discussion took the remainder of the meeting time and project team did not present and gather input on the polling and discussion questions included in the agenda, however the input received touched on most of the discussion prompts listed.

During the discussion comments were recorded on chart paper in the front of the room. The chart paper notes are transcribed below. Bullet points beginning with **(A)** indicate instances where the project team provided an answer to a comment or question.

Group Discussion

- Zone X – 1% chance of annual flooding. It's hard to obtain flood insurance in some zones. Will the prerequisites be met to qualify for flood insurance – for instance raising the houses?
 - **(A):** Zone X does not require flood insurance at this time.
- When acquiring land through quiet title, the Department gets land with issues – need to address that, should not be. Why not get land without problems?
 - **(A):** This issue is being looked at, have to plan properly for it.
- How many homes will be built?
 - **(A):** The number of homes will be identified through the Master Plan process – currently are looking at constraints.
- No drainage along Fort Weaver/'Ewa Beach Roads. Flood water stands.
- How will schools be addressed?
 - **(A):** The EA will address impacts on schools.
- After rain, the ground swells up with water – hard to build there.
- Traffic is the main concern. Have to have multiple ins and outs. People heard that there would be 700 homes and want to know how this will be handled.
 - **(A):** We will get the info on the assumptions for the traffic model
 - **Added after meeting:** The model assumed an additional 150 inbound and 475 outbound trips generated from 1,276 housing units. This hypothetical unit count assumes the site could be developed to the maximum possible density without considering existing constraints such as buildable area, hazards, building height restrictions, and



Department of Hawaiian Home Lands 'Ewa Beach Homestead Project Master Plan & Environmental Assessment

community/beneficiary preference. The model did not include future vehicles generated by any other planned project along the corridor.

NOTE: the hypothetical unit count used for the model above is not related to any existing proposal or plan. DHHL is in the process of developing proposed site alternatives and unit counts based on site constraints and beneficiary and community input.

- Next to Pu'uloa shooting range – noise pollution, lead pollution, and dangerous. Shooting range doubled in size without an EIS. Why put Hawaiians here? The announcements and shooting start at 6:30 AM. Can DHHL look at ways to help us get rid of it?
- Think about putting homes on berms, raising roads to mitigate flooding and sea level rise.
- Installing berms may cause flooding issues for the existing neighborhood homes.
- Has USGS been at the table? Concerned what they are doing with their site and if it's a hazard.
 - **(A):** The monitoring facility measures magnetic field of earth and is not emitting magnetic fields.
- Where is the new wave pool? Factor that into the traffic study and other new developments in the area.
- Would rather have the USGS parcel for developing homesteads.
 - **(A):** Citizens can advocate to Congressional representatives about lands they would like to see used for housing/DHHL homesteads.
- Take back Iroquois Point land, Varona Village – look at prime areas for DHHL to build homes.
- DHHL owns lands in Kalaeloa that is now occupied by 150 homeless – why not develop there?
- Consider a graveyard on DHHL lands for those who have passed away while on the waiting list.
- Are surveys the most effective way to get input from beneficiaries?
- Beneficiaries need a seat at the table – feels like this is coming to us after the fact. Planning needs to be inclusive of native knowledge – think about climate change.
- At Kaupe'a, the perimeter wall was left out, it should included in the infrastructure.
- Can part of the parcel be sold?
 - **(A):** Possible but would have to consult with beneficiaries.
- Need a bus stop – several! Along golf course especially.
- If it's in Hawai'i Kai then it should be in every homestead.
- Need three more exits for emergency evacuation.
- Flooding is a problem – lift the homes off the ground. It is also easier to expand raised homes.
- North Road/'Ewa Beach Road – consider public safety improvements.



Department of Hawaiian Home Lands 'Ewa Beach Homestead Project Master Plan & Environmental Assessment

- Bus stops/shelters/routes – hard to get shelters.
- Make homes ADA accessible for kūpuna.
- How long until people move in?
 - **(A):** There is not a set timeline. The planning phase should be complete by end of this year, then will move into design, permitting, and full construction.
- When will there be an estimate of number and price of affordable homes?
 - **(A):** This will be determined through the master planning process with input from beneficiaries.
- What will be presented at the next meeting?
 - **(A):** More detail on access points, routes and uses of the site.
- Is the \$600 million funding part of this project? How much?
 - **(A):** Yes, the amount allocated to this project depends on the bids received.
- How does Governor's emergency proclamation affect DHHL?
 - **(A):** Believe that it is only related to the 12 Kauhale projects.
- Which beneficiaries are you talking to? Are they hearing the community's concerns?
 - **(A):** Outreach is targeted to those on the O'ahu waiting list. Input from the community is being shared.
- Need more talking to the beneficiaries and community – there should not be the gap in the middle of the process.
 - **(A):** The time gap is to allow for studies to be completed so that more information can be shared with the beneficiaries and community.
- How long will the Menti be open for comments?
 - **Added after meeting:** The discussion questions shared via Mentimeter are available for comment on the project website or by clicking this link: [Ewa Beach Homestead | SSFM Project Page \(konveio.com\)](https://www.konveio.com/ssfm-project)
- Suggest sending out the polling questions several weeks before next meeting and come with answers to questions.
- Traffic will keep coming up as an issue for this community.
- Largest school in the nation is here and Iroquois Point is falling apart. Is DHHL exempt from putting funding into future schools?
 - **(A):** DHHL has been exempt from impact fees for schools until June 2024. We often site schools on DHHL land and for this project we are aware Campbell High School needs to be considered. DHHL did not pay school impact fees in Kapolei because DHHL received credits for infrastructure improvements.
- Was the land for Kapolei school given to DLNR?
 - **(A):** The land always belonged to DLNR.



Department of Hawaiian Home Lands 'Ewa Beach Homestead Project Master Plan & Environmental Assessment

- Look at impacts on 'Ewa Beach dump.
- Fort Weaver has no infrastructure – sidewalks, bike paths, drainage.
- Can improvements be made to roads, drainage, evacuation routes, schools, shooting range, parks, bus routes and beaches?
- 2012 tsunami – evacuated 'Ewa Beach and lots of families could not get out when they shut down roads – those in need of Handivan had no way out.
- \$600 million strategic plan lists 600 homes in 'Ewa Beach – that is a lot.
- DHHL should learn from past experience with issues developing homesteads and document them.
- Improve North Road and direct majority of traffic from the homestead community there. Want to see that in the design.
- Will there be traffic route alternatives considered?
 - **(A):** Yes
- Will the project team bring back multiple options regarding the plans for egress and ingress to the DHHL project at the next 'Ewa Beach Community Meeting?
 - Yes
- Turn flood issue into food sustainability – fishpond, gardens, etc.
- Need to take over USGS site – in my whole life living here have never seen it used.
- End of Fort Weaver Road is closed – consider re-opening as an evacuation route.
- Close Pu'uloa Shooting Range and open more connectivity for TheBus. DHHL should talk to Congressional delegation, Ed Case, to phase out the range before breaking ground.
- What will DHHL do to provide and improve infrastructure? Is it just for the homestead?
 - **(A):** DHHL usually looks to connect to County infrastructure for operation and maintenance.
- Include solar – rooftop and battery storage.



Department of Hawaiian Home Lands 'Ewa Beach Homestead Project Master Plan & Environmental Assessment





During the meeting, attendees were invited to provide their input via Mentimeter, an online polling app. Though the project team did not go through each question with the group as a whole, some attendees still provided input through Mentimeter. The results are shown below:





'EWA BEACH QUALITIES

What qualities do you love most about 'Ewa Beach?

It's not town.

The beach, schools are near,
shopping minutes away.

Still a small town atmosphere despite
all of the development

the Beach and the easy access to it





'EWA BEACH COMMUNITY

What should we know when preparing the Master Plan about the site and the surrounding community?

Is this going to raise property tax all strong

Is DHHL going to address the Public school system when deciding on how many homes to build.

Are there plans to invest in the community as well in regards to addressing the overcrowded gigh school in ewa beach.

There are layers of hard, dense coral. Contractor lost a lot of bits breaking through the layers.

Gun range, airplane flyover noise(no one said this because their immune to it), flooding concerns, traffic, homeless, poorly maintained neighborhood parks, vacation rentals, but mostly traffic

a lot of it was answered in the meetingtrafficschoolsutilities





‘EWA BEACH CONCERNS

What are your top concerns when thinking about the future ‘Ewa Beach Homestead community?

Poor lands and infrastructure

Flood issues schools bus stop water





HOMESTEAD DEVELOPMENT IMPACTS

What potential impacts to the surrounding community and sensitive resources should be addressed in the Environmental Assessment?

Traffic, surrounding neighborhood improvements

drainage is an important one, standing water when it rains.





HOMESTEAD DEVELOPMENT OPPORTUNITIES

What opportunities do you see to design the ‘Ewa Beach homestead in a way that is compatible with or enhances the ‘Ewa Beach community?

Landscaping, Homesteads have nothing. Ensure its culture, ti leaf not rubbish trees please. Tropical plants.. like how Hotel-landscaping. I'm green energy infrastructure

A chance for DHHL to mitigate many of the community concerns



DHHL 'Ewa Beach Homestead Project

Developable Land Analysis

Prepared for: Department of Hawaiian Home Lands
October 2023

Exhibit F

Section 2 - Developable with Long-term Considerations

Approx. Area: ~15.5 ac.
Elevation: Elevation from ~6-10 ft msl sloping makai
Flood Zone: D (undetermined but possible flood hazards)
Tsunami Evacuation Zone: Extreme Tsunami
Proj. Sea Level Rise: First impacted between 2135 (earliest) and 2150 (latest) by 10ft SLR passive and tidal flooding.
Design Considerations: SLR impacts not projected within 99-year lease timeframe; elevate grade to < 10ft msl with drainage improvements to minimize long-term (100+ year) risk factors.
Other Considerations: Within potential AIS study area.

Section 3 - Developable with Medium-term Considerations

Approx. Area: ~12 ac.
Elevation: Elevation from ~4-6 ft msl sloping makai
Flood Zone: D (undetermined but possible flood hazards)
Tsunami Evacuation Zone: Tsunami
Proj. Sea Level Rise: First impacted between 2088 and 2150 by 5ft SLR passive flooding and tidal flooding beginning with 6ft SLR.
Design Considerations: SLR impacts possible within 99-year lease timeframe; fill low-lying areas; elevate grade with drainage improvements; increase freeboard above ground elevation with consideration to depths of SLR/passive flooding, etc..
Other Considerations: Fill or grade elevation will require commensurate stormwater retention/drainage improvements to avoid impacts to neighboring properties.

Section 4 - Developable with Short-term Considerations

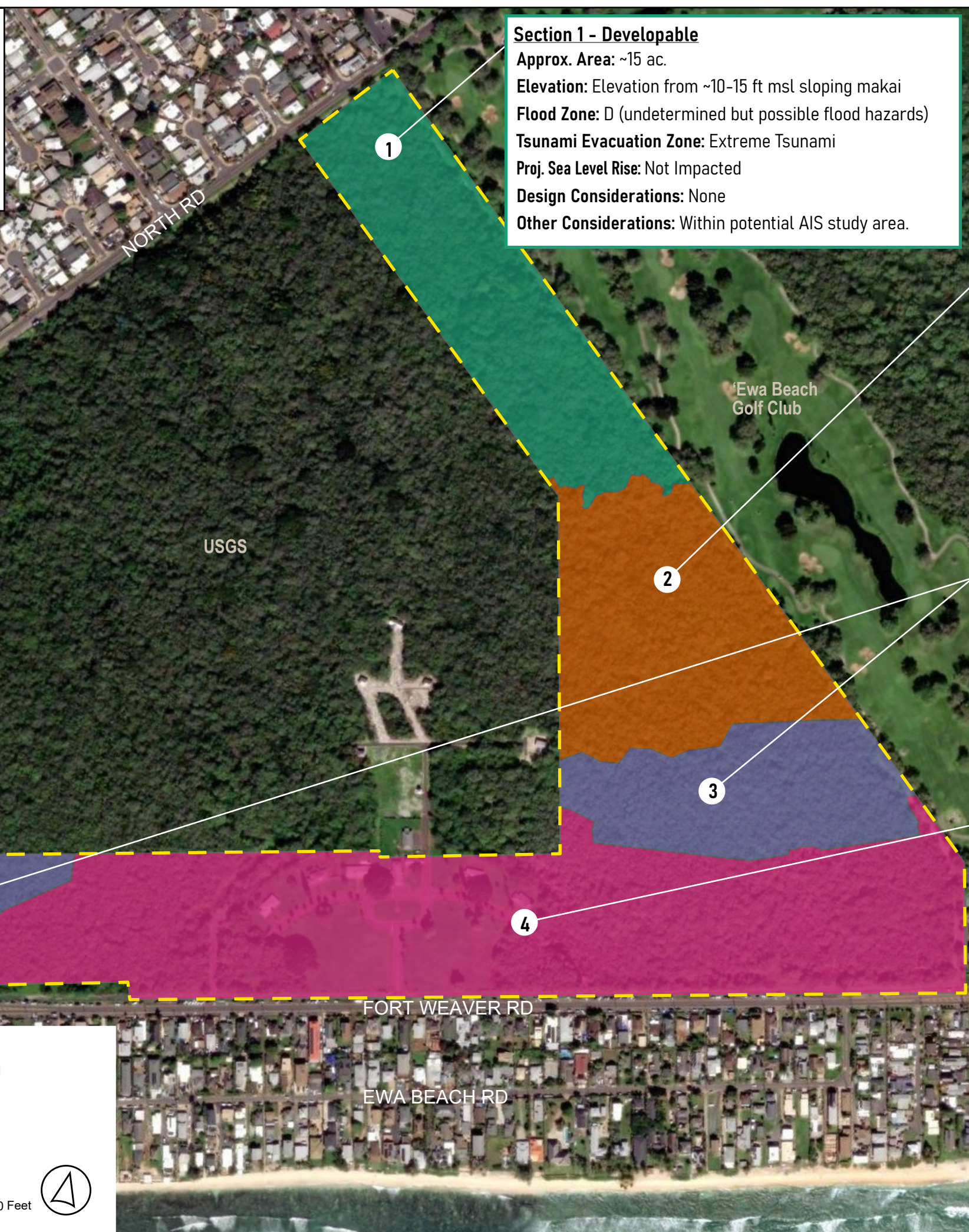
Approx. Area: ~37.5 ac.
Elevation: Elevation from ~2-5 ft msl sloping makai
Flood Zone: XS (between 1% and 0.2% annual flood)
Tsunami Evacuation Zone: Tsunami
Proj. Sea Level Rise: First impacted between 2053 and 2092 by 2ft SLR passive flooding not connected to tides; between 2068 and 2135 high wave flooding is projected to occur annually while passive flooding is projected to occur at high tide with 3.2ft SLR.
Design Considerations: SLR impacts projected within 99-year lease timeframe; fill low-lying areas, elevate grade with drainage improvements; include additional freeboard above existing flood elevation accounting for projected SLR impacts; consider non-homestead uses and floodable open space.
Other Considerations: Fill or grade elevation will require commensurate stormwater retention/drainage improvements to avoid impacts to neighboring properties.

Section 1 - Developable

Approx. Area: ~15 ac.
Elevation: Elevation from ~10-15 ft msl sloping makai
Flood Zone: D (undetermined but possible flood hazards)
Tsunami Evacuation Zone: Extreme Tsunami
Proj. Sea Level Rise: Not Impacted
Design Considerations: None
Other Considerations: Within potential AIS study area.

Legend

- Developable Land
- Developable
 - Developable - Long-term Design Considerations
 - Developable - Medium-term Design Considerations
 - Developable - Short-term Design Considerations
- DHHL Ewa Beach Parcel
- 0 125 250 375 500 Feet



**‘Ewa Beach Homestead Project
Master Plan & Environmental Assessment
‘Ewa Beach Neighborhood Board Meeting Notes
January 12, 2023 – 7:00 PM
‘Ewa Beach Library**

Project Team:

DHHL: Andrew Choy, Pearlyn Fukuba, Lehua Kinilau-Cano

SSFM: Malachi Krishok

‘Ewa Neighborhood Board Members Present:

John Clark III, John Rodgers, Alexander Gaos, Julie Reyes Oda, Sy Cullen (WebEx), Jannah Lyn Dela Cruz (WebEx)

Elected Officials Present: Senator Kurt Fevella, Representative Elijah Pierick, Representative Rosebella Martinez, Representative David Alcos, Representative Diamond Garcia

Handouts:

- Project Fact Sheet
- ‘Ewa Beach Community Meeting #1 Flyer

Overview:

The project team presented a project overview to the ‘Ewa Beach Neighborhood Board during its January 12, 2023 meeting. The meeting was hosted at the ‘Ewa Beach Public Library and was conducted as a hybrid meeting with a virtual option available via Cisco WebEx.

SSFM’s 10-minute presentation provided an overview of the property, project objectives, project timeline, work completed to date, and an invitation to the upcoming ‘Ewa Beach Community Meeting on January 26, 2023.

Questions and Comments:

Key:

C: Comments

Q: Questions

A: Answers

Q: Will USGS retain the rest of the parcel and does the magnetic observatory pose any hazards to would be residents?

- **A (Andrew):** USGS will retain the other area of the parcel for the Honolulu Magnetic Observatory. The observatory measures magnetic fields for scientific research and does not send out magnetic fields. NOAA owned the Pacific Tsunami Warning Center property prior to DHHL acquiring it and there were existing residential homes for the caretakers on the property.

C: Hawai'i Department of Transportation recently updated its bicycle and pedestrian plan and made the area fronting the project on Fort Weaver a priority location for a shared use path.

- **A (Malachi):** A Traffic Impact Assessment Report is being completed in support of the Environmental Assessment and will look at impacts and opportunities to improve transportation related to the project.

Q: Looking at the timeline that was shared and if DHHL sticks to it, does that mean construction will begin in 2024?

- **A (Andrew):** After the environmental assessment is complete, DHHL usually solicits bids for site design and infrastructure before beginning the vertical construction, so it may take some time to begin.

C/Q (online): Husband is on the waiting list and was looking forward to the presentation. Was disappointed that the people viewing online were not able to see the slides presented. Will there be a virtual option for the January 26th meeting?

- **A (Malachi):** The January meeting will not have a virtual option and will only be in-person since it is intended for the surrounding 'Ewa Beach community. The beneficiary meetings will be virtual and the first beneficiary meeting recording is available online on the project website. [Malachi requested that the Neighborhood Board Commission staff add the project link to the online chat and meeting minutes]

C: Fort Weaver and North Roads are in poor shape and in need of repairs. Because of the poor conditions, the Neighborhood Board created a Resolution to create a shared use path on Fort Weaver and created the North Road task force to address community concerns.

C: Senator Fevella is scheduled to host a town hall with DHHL and community for this project. Fevella made a request to Ed Sniffen, State DOT, that there should be no ingress/egress on Fort Weaver Road - North Road needs improvements and attention should be on directing traffic and making improvements to safety on North Road.

C: There is concern about flooding impacts development may have on the surrounding communities. If the property is built on a berm like Ocean Pointe, the run off could increase flood risk of homes on the beach front.


Q: Who will be eligible to purchase the homes and how much will the homes cost?

- **A (Andrew):** Per the Hawaiian Homes Commission Act and Hawai'i State Constitution, a native Hawaiian beneficiary who is eligible to receive benefits from the Hawaiian Home Lands Trust is defined as being 50% of Native Hawaiian descent.
- **A (Andrew):** Regarding home prices, DHHL is not that far along in the planning process, but based on past projects in Kapolei the price range has been ~\$400k range for single family home

PLANNING OFFICE
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18-19, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Andrew H. Choy, Planning Program Manager 

FROM: Julie-Ann Cachola, Planner

SUBJECT: For Information Only - Presentation on the Kuleana
Homestead Settlement Plan for DHHL Keaukaha Tract II
(King's Landing) TMK (3)-2-1-013:001, :007, :008, & :149

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION

Outreach to Date

The DHHL King's Landing Kuleana Homestead Settlement Plan (KL KHSP) Project has been and continues to be a beneficiary driven project. The knowledge, information, and time provided by Mālama ka 'āina, Hana ka 'āina (MAHA), the association of beneficiaries who have been living at King's Landing under different Right-of-entry (ROE) permits (76, 274, & 716), has been integral for the completion of the King's Landing Kuleana Homestead Settlement plan. A list of planning meetings and community-guided technical studies can be found in the table below.

Meeting Purpose	Dates
DHHL/MAHA/G70 Kickoff Meeting	October 6, 2022
Initiate Technical Studies MAHA Planning Session #1: Intro and Planning Process	December 9-10, 2022
Honuaiākea Meeting #1 & #2	January 28-29, 2023
MAHA Planning Session #2: Community Mapping Session	March 4, 2023
Biological and Archaeological Site Visits	June 5-9, 2023
Noise Studies Site Visit	June 26-29, 2023
MAHA Meeting with Sustain Hawai'i - Community Economic Opportunities	July 8, 2023
HHC Informational Meeting in Hilo	September 19, 2023
MAHA Planning Session #3: 2-Day Lot Plan Charette	October 7-8, 2023
MAHA Planning Session #4: Review revised lot layout(s)	October 14, 2023
Beneficiary Consultation Meeting #1	October 24, 2023
Final Lot Layout Meeting	November 3, 2023

Summary of Feedback

Consultant G70 & DHHL conducted multiple planning meetings with the MAHA community to create a conceptual lot layout and draft Kuleana Settlement Plan. To communicate this work to the larger beneficiary community, G70 & DHHL participated in a beneficiary consultation meeting with Hilo beneficiaries (located in the 96720 & 96721 zip codes) on October 24, 2023. Aside from MAHA, Hilo beneficiaries are interested in the results of this project due to the increase of DHHL lots within that zip code.

G70 presented the King's Landing Homestead Settlement Plan at the beneficiary consultation meeting and received over 100 comments. 93% of the comments received were in support of MAHA as an organization with 88% of comments in support of both MAHA and the Kuleana Homestead Settlement Plan. 2% of the comments received at the meeting supported MAHA, but offered constructive criticism that could make the Kuleana Homestead Settlement Plan more inclusive of the larger Hilo beneficiary community. This feedback included the removal of a proposed waste water management alternative site. Although supported by MAHA, it must go through its own planning process. Another comment suggested adding smaller lots to increase the number of lots available, and to make it easier for older beneficiaries to work the land. It should also be

mentioned that another 2% of the comments were in opposition to MAHA as an association but were not in opposition of the King's Landing Kuleana Homestead Settlement Plan. Those who made the comments were invited to future MAHA meetings to voice their concerns with the association.

After the beneficiary consultation meeting, members from DHHL, G70 and MAHA met virtually to discuss any changes that need to be made in order to finalize the settlement plan. The MAHA community advised G70 to include lots that were missing from their lot layout exercises, to change the land use designations of certain areas to better reflect the activities in those spaces and to be consistent with the land uses defined in the DHHL General Plan. MAHA's last recommendation was to ensure that the boundary lines between land uses were accurate to best showcase what areas were livable and areas where community use activities should occur.

Changes Made to KL KHSP

After receiving feedback from the MAHA community and from Hilo beneficiaries, G70, in partnership with MAHA, worked to incorporate all the comments made. The major differences from the King's Landing Kuleana Homestead Settlement Plan presented in the beneficiary consultation meeting and the final settlement plan that is attached (Exhibit A) to this staff report include:

- The removal of the future wastewater management alternative site and the shift in land use from special management to community use;
- The removal of future land collaboration in the west from special management to community use;
- The shift of stewardship and game management area to conservation south of the property;
- The addition of lots in Phase I;
- The addition of an emergency assembly location along the emergency access road;
- Reflecting the DHHL land uses by removing aquaculture and pastoral and instead labeling the area community agriculture;
- The redrawing of the community use areas along the coastline to better reflect MAHA activities.

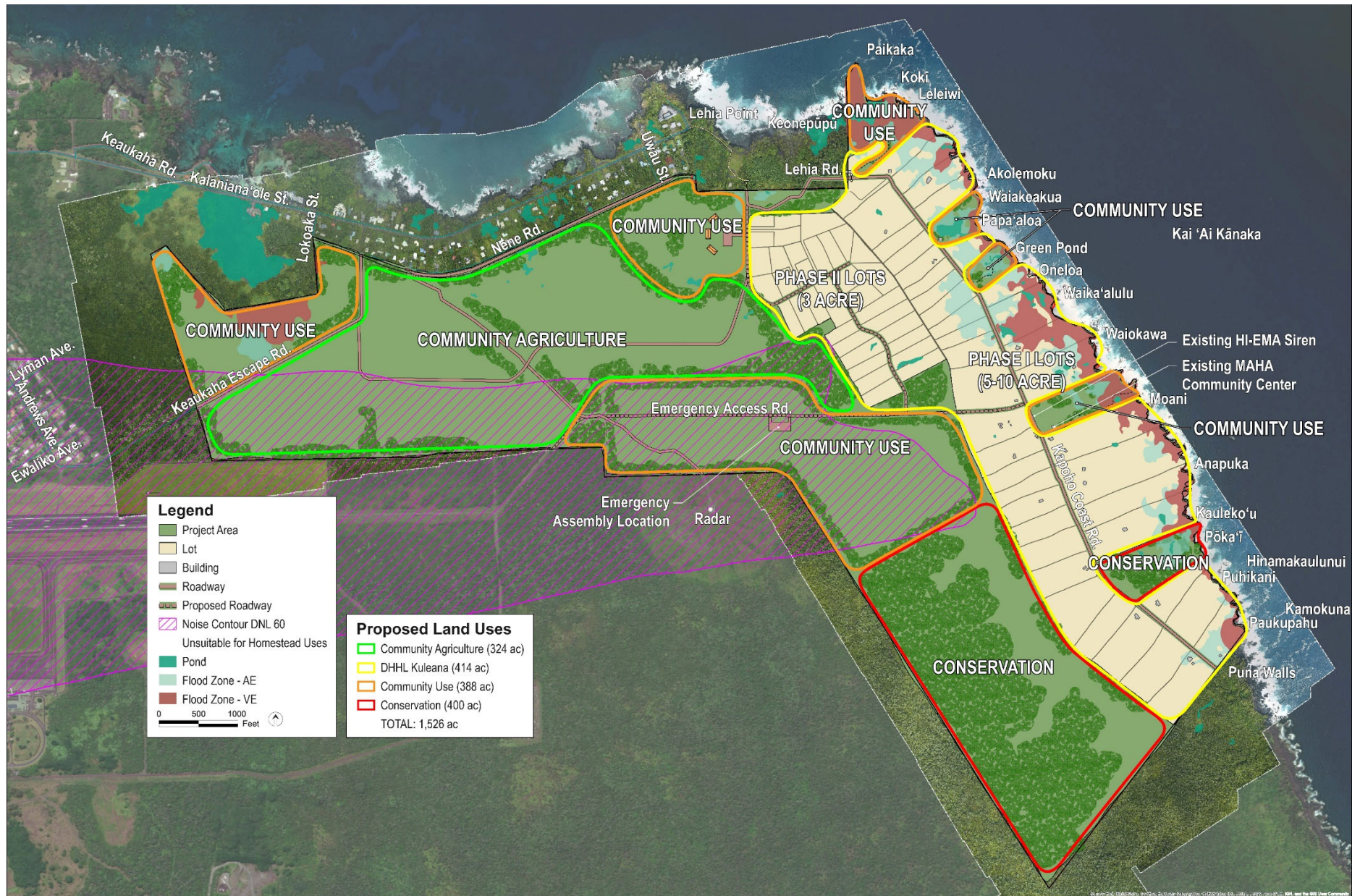
Along with these changes were minor font and color changes to make the King's Landing Homestead Settlement Plan more legible.

Next-Steps (Schedule subject to change):

- Prepare Draft Environmental Assessment
- Conduct Beneficiary Consultation Meeting #2 (February 2024)
- Publish Draft Environmental Assessment (March 2024)

- Revise Environmental Assessment based on Public Comments received (March to April 2024)
- HHC Approval of Final Environmental Assessment and Settlement Plan (May 2024)

ITEM G-3 EXHIBIT A – KING’S LANDING SETTLEMENT PLAN



STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18-19, 2023

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Acting Planning Program Manager *AC*
From: Nancy M. McPherson, Planner, Planning Office *NMM*
Subject: For Information Only - Status Update, Kalaupapa
Beneficiary Consultation and NPS Projects

Recommended Action

For information only. No action required.

Background

In response to beneficiary and Hawaiian Homes Commission (HHC) requests, the Planning Office (PO) continues to provide the HHC with status updates on planning, management, interagency coordination and beneficiary engagement efforts focused on the planning region of Kalaupapa and Pālā'au (Apana 3), in the counties of Maui and Kalawao, Island of Molokai. The following is a list of status reports on Kalaupapa that have been presented at the HHC's regular meetings to date. For the last two updates, see Exhibit A.

- April 2022 (Item G-4, For Information Only - Kalaupapa Update)
- October 2021 (Item G-3, For Information Only - Status Report on Kalaupapa Beneficiary Engagement Process)
- December 2020 (Item G-1, For Information Only - Status Report on Kalaupapa Planning and Management)
- August 2020 (Item G-3, For Information Only - Update on Kalaupapa Management)

Discussion

It has been 20 months since the last update on Kalaupapa to the HHC. The consultation process took a departure from the original timeline in order to address the need to consult with beneficiaries who live and work in Kalaupapa, as will be discussed below.

DHHL Beneficiary Consultation and Outreach Efforts

Kalaupapa Beneficiary Working Group

Prompted by Hawaiian Homes Commission and beneficiary comments and feedback regarding the desire to create the opportunity for greater input into the management of Kalaupapa during this important transition period as the State Department of Health (DOH) nears the end of its administrative role in Kalawao County, the Kalaupapa Beneficiary Working Group (KBWG) engagement process was initiated by the DHHL Planning Office in September of 2021. Seven beneficiary participants were invited based on the criteria approved by the HHC:

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

The Hawaii Alliance for Community-Based Economic Development (HACBED) was engaged to provide facilitation services for the beneficiary engagement process. Meetings of the KBWG were held virtually from September 2021 to January 2022, and meeting outcomes have been summarized in previous updates. See Exhibit A. It is anticipated that one more meeting with the KBWG will be held in early 2024, to get more feedback on ideas for successfully engaging with the Topside Molokai beneficiary community.

The initial goal for the KBWG was to provide a DHHL-initiated process for beneficiary input on cooperative agreements between DHHL and NPS related to (1) use and settlement of DHHL lands, including community use areas, and (2) revenue producing services and economic opportunities for DHHL beneficiaries. This goal has evolved over time, and the focus for the next meeting will be on the desired composition of a larger group and the focus of a broader conversation with beneficiaries re: Kalaupapa, as well as how best to integrate the various conversations on Kalaupapa in a productive and possibly healing way. DHHL is currently in the process of vetting feedback from the Kalaupapa beneficiaries to be transmitted to the KBWG members for discussion in January.

Kalaupapa Beneficiaries

While visiting Kalaupapa for several monthly Community Meetings and NPS workshops, DHHL staff engaged with National Park Service (NPS) and DOH employees living and working in Kalaupapa, and it became clear that the voices of these beneficiaries had not yet been heard in the consultation process, due in part to their remote location and unique status. To date, DHHL has engaged with beneficiaries who work in Kalaupapa for NPS, DOH and the State Department of Transportation (DOT) by meeting with them in Kalaupapa on December 13, 2022 (with HACBED facilitation) and August 29, 2023 (DHHL staff only).

A high-level summary of what has been expressed to DHHL by beneficiaries who live and work in Kalaupapa is as follows:

- There is a lot of misinformation and lack of accurate information about what life is really like in Kalaupapa. Beneficiaries suggested several ideas for sharing their lived experiences and what it's like to steward and care for a place like Kalaupapa with Topside Molokai beneficiaries, as well as for getting Molokai youth interested in pursuing career paths that could lead them to employment in Kalaupapa. Currently, over 80% of NPS employees in Kalaupapa are Native Hawaiian from Molokai, and Kalaupapa beneficiaries would like to see that number go even higher.
- Kalaupapa beneficiaries feel that they don't have the same level of access to information from DHHL that Topside beneficiaries do and would benefit from continued conversations with DHHL staff. Most of them are either lessees, successors or applicants on the Molokai waitlist, but feel "out of the loop" sometimes, due to Kalaupapa's geographic isolation and challenges with internet and mobile phone access.
- The truth is that Kalaupapa has always been stewarded by Hawaiians, and still is today, which makes it a Native Hawaiian community with strong traditional values of mālama, kuleana, kōkua, aloha and lōkahi. Several Kalaupapa beneficiaries have parents and grandparents who also lived and worked in Kalaupapa, so the relationship is generational and there is a strong sense of kuleana to mālama the place and its history. Beneficiaries are very aware of the duty to protect iwi kūpuna and be culturally sensitive in everything they do. They feel the presence of the ancestors on a daily basis.

- Kalaupapa is not for everyone. beneficiaries emphasized the challenges of living and working in such a remote place with limited access, infrastructure, services and supplies. They share resources and look out for one another, as there are hardships that go along with working there, such as separation from families, isolation and having to go without conveniences that most people take for granted. Many also maintain a household Topside, and some have to pay rent both for their housing in Kalaupapa and Topside Molokai, which can be a financial burden.

Kalaupapa Transition Interagency Working Group

Beneficiaries have also consistently expressed interest in the inter-agency coordination and transition planning process for Kalaupapa initiated in 2016 by the State Department of Health, Hansen's Disease Branch (DOH-HDB). As landowner and lessor, and as an advocate for the needs of its beneficiaries, DHHL continues to participate in these discussions while working to provide more transparency and engage stakeholder beneficiaries more actively in the conversation about Kalaupapa's future. Transition information has previously been shared with the HHC and with the Kalaupapa beneficiaries. See Exhibit A and Exhibit B, "Summary of Kalaupapa Interagency Working Group Activities."

The most recent meeting of the Interagency Working Group was held Aug. 9-11, 2023. Desired outcomes included:

- developing a common understanding of the steps NPS, DOH, DHHL and other entities must take to ensure a successful transition,
- identifying obstacles (financial, legal, workforce and policy) to a successful transition,
- developing a list of needed agreements and understandings to facilitate transition efforts,
- Identifying specific future roles and responsibilities as transition proceeds, and
- Developing common "messaging" themes for communicating with each agency's partners and constituents.

National Park Service Activities in Kalaupapa

The National Park Service has been prioritizing staffing and has initiated planning, HEPA/NEPA and HRS Ch. 6E/Section 106 compliance and design-bid-build processes for CIP projects in Kalaupapa National Historical Park (NHP) that address long-

standing maintenance, repairs and upgrades for critical infrastructure such as the electrical system and refueling of vehicles.

The electrical system for the Settlement, originally built by the DOH and modified by patients, is antiquated and unstable. Plans are underway to rehabilitate the system while maintaining its historic integrity, as it is a contributing feature of the National Historic Landmark. Other projects include rehabilitation of perimeter fences and construction of a new fuel facility, as the DOH's single wall underground storage tanks, which are near the shoreline, need to be decommissioned to comply with state and federal requirements. NPS will provide details of their projects in a presentation at the December HHC meeting under this item.

Summary

- It has been very beneficial for the DHHL outreach effort to conduct consultation with beneficiaries living and working in Kalaupapa. There is a richness of historic and institutional knowledge, as well as a deep sense of place and kuleana, that is unique to these beneficiaries and serves to improve the depth of the dialogue around Kalaupapa's future.
- There are some significant disconnects between the knowledge base of beneficiaries who live Topside Molokai and the actual reality in Kalaupapa. Information exchange and education, if done properly, could accomplish a great deal toward bridging this knowledge gap.
- Kalaupapa beneficiaries as well as Native Hawaiian-serving agencies and organizations could be instrumental in assisting NPS and DHHL in recruiting and preparing Molokai native Hawaiians for employment and commercial services opportunities in the NHP.
- DHHL has a kuleana to
 - o facilitate, monitor and evaluate engagement with NPS and the beneficiaries as NPS proceeds with implementation of the GMP,
 - o explore ways in which Molokai beneficiaries can benefit from the presence of the NHP and Pālā'au State Park via implementation of the DHHL Molokai Island Plan's recommendations for Kalaupapa-Pālā'au (Apana 3),
 - o discuss innovative ideas for long term partnerships, stewardship arrangements, management and access, and
 - o engage with other agencies and elected officials as DOH moves closer to departure from Kalaupapa.

- DHHL needs to continue efforts to engage with beneficiaries to listen, educate, inform and bring beneficiaries with disparate views of what the future of Kalaupapa should look like together as DHHL contemplates an upcoming update to the Molokai Island Plan.
- DHHL continues to work with NPS to ensure that HEPA and HRS Ch. 6E compliance is satisfied and to serve as a liaison between beneficiaries and the NPS during consultation, as needed and desired by beneficiaries.

Next Steps

Regular conversations with DHHL beneficiaries via the KBWG, Kalaupapa beneficiaries, and a well-designed and informed outreach process involving Topside Molokai beneficiaries will occur throughout 2024. An engagement schedule is currently under preparation.

DHHL will continue to meet with NPS and DOH, and participate in Kalaupapa Transition Interagency Working Group meetings, to ensure a smooth transition of operations, logistics, compliance and project workflows.

Recommendation

For information only. No action required.

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

April 18-19, 2022

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Acting Planning Program Manager
From: Nancy M. McPherson, Planner, Planning Office
Subject: For Information Only - Kalaupapa Update

Recommended Action

For information only. No action required.

Background

In response to beneficiary and Hawaiian Homes Commission (HHC) requests, the Planning Office (PO) continues to provide the HHC with regular status updates on planning, management, interagency coordination and beneficiary engagement efforts focused on the planning region of Kalaupapa and Pālā'au (Apana 3), in the counties of Maui and Kalawao, Island of Molokai. The following is a list of status reports on Kalaupapa that have been presented at the HHC's regular meetings to date. For the most recent update, see Exhibit A.

- October 2021 (Item G-3, For Information Only - Status Report on Kalaupapa Beneficiary Engagement Process)
- December 2020 (Item G-1, For Information Only - Status Report on Kalaupapa Planning and Management)
- August 2020 (Item G-3, For Information Only - Update on Kalaupapa Management)

Prompted by Hawaiian Homes Commission and beneficiary comments and feedback regarding the desire to create the opportunity for greater input into the management of Kalaupapa during this time of transition, the Kalaupapa Beneficiary Working Group (KBWG) engagement process was initiated by the DHHL Planning Office in September of 2021. The Hawaii Alliance for Community-Based Economic Development (HACBED) was engaged to provide facilitation services for this engagement process.

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EXHIBIT A

History

Various milestones in Kalaupapa's history have been provided in prior informational updates to the HHC. For a brief timeline of major post-contact events pertaining to Kalaupapa, the National Historic Park, and DHHL engagement with beneficiaries on this topic, see Exhibit B, "Kalaupapa Timeline."

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

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

Discussion

In seeking the best strategy for successful implementation of the Molokai Island Plan's intent for Kalaupapa, the DHHL Planning Office determined that due to the Settlement's status as part of a NHP and the existence of a General Lease (No. 231) with NPS, it would be advisable for DHHL to participate in the NPS' General Management Plan (GMP) planning process. That process incorporated Molokai Topside community input as well as some of the feedback and recommendations coming out of DHHL's Beneficiary consultations and took twelve years to complete (2008 to 2020). The NPS General Management Plan can be accessed here:

<https://www.nps.gov/kala/getinvolved/planning.htm>

At multiple points during the formulation of the Kalaupapa NHP GMP, beneficiaries expressed frustration with the NPS' planning process and the GMP's Section 106 consultation. Reaching consensus on the Programmatic Agreement intended to protect and mitigate impacts to cultural resources and historic properties in Kalaupapa was especially challenging. Those two processes resulted in unresolved issues and questions that DHHL beneficiaries requested additional consultation on, including a desire for more transparency and outreach from NPS and DHHL and more opportunities to actively participate in park management and planning for the long-term future of Kalaupapa.

There was also beneficiary interest in the inter-agency coordination and transition planning process for Kalaupapa initiated in 2016 by the State Department of Health, Hansen's Disease Branch (DOH-HDB). As landowner and lessor, and as an advocate for the needs of its beneficiaries, DHHL continues to participate in these discussions while working to provide more transparency and engage stakeholder beneficiaries more actively in the conversation about Kalaupapa's future. For more information on this informal effort, please see Exhibit C, "Summary of Kalaupapa Interagency Working Group Activities."

DHHL Beneficiary Consultation and Outreach Efforts

As stated above, the Kalaupapa Beneficiary Working Group was convened by the DHHL Planning Office with facilitation assistance from the Hawaii Alliance for Community-Based Economic Development (HACBED). Initially, a series of up to six meetings was proposed, with the first meeting held in September of 2021. Seven beneficiary participants were invited based on the criteria previously shared with the HHC:

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

The suggested goal for the KBWG was to provide a DHHL-initiated process for beneficiary input on cooperative agreements between DHHL and NPS related to (1) use and settlement of DHHL lands, including community use areas, and (2) revenue producing services and economic opportunities for DHHL beneficiaries. This goal has evolved over time. At the first meeting, the KBWG members felt that it was too early in the process to identify specific vehicles, and that discussions must also include several of the "parking lot" issues raised by beneficiaries during the NPS Section 106 Consultation process, as well as additional issues regarding long term plans for Kalaupapa.

A schedule was proposed for two consecutive sets of meetings, with three meetings in each session. The first three meetings were intended to frame the issues and make recommendations on group size and composition, areas of focus, and meeting structure for the second round of three meetings. Starting on September 8, 2021, meetings were held approximately monthly, depending on the schedules of participants. At the time the third meeting was held, one additional meeting was requested to bring the discussions to some level of resolution and determine next steps.

Meeting notes and slide decks were posted to the DHHL webpage for Kalaupapa, accessible here:

<https://dhhl.hawaii.gov/po/molokai/kalaupapa-nhp-nps-general-management-plan/>

The following table provides a summary of KBWG discussions to date.

Table 1 KBWG Meeting Summaries

Meeting #	Meeting Date	Issues/Topics Discussed	Outcomes
1	Sept. 8, 2021	<ul style="list-style-type: none"> • Want to talk about what real problems are w/NHP • Acknowledge hewa that has been done to beneficiaries • How does NHP benefit us? • NH rights & access for traditional uses, practices • Stewardship, maintenance, invasive species control • General lease issues • Improve communication w/NPS • GMP and Section 106 PA • Employment opportunities • Protection of a sacred place • Overlapping jurisdictions • Enforcement issues 	<ul style="list-style-type: none"> • Requests for add'l info from DHHL on GL, GMP, PA, NPS financials • Need to identify 'ohana connections • Take first couple of meetings to talk about process • Better understanding of purpose, framework, goals of KBWG

Meeting #	Meeting Date	Issues/Topics Discussed	Outcomes
2	Oct. 25, 2021	<ul style="list-style-type: none"> • Conflicts w/fiduciary duty to beneficiaries, trust • Vision of what happens when last kupuna passes, inc. status of Kalawao Co. • Protection & preservation of resources – need to enlarge who has kuleana • Federal mgmt. of tourism; conflicts w/federal regs • How does community benefit from NHP? 	<ul style="list-style-type: none"> • Assurance of more DHHL support • Interest in revisiting PA • Interest in better understanding GL • More info on Interagency Working Group • Include subject matter experts
3	Dec. 13, 2021	<ul style="list-style-type: none"> • Rejoin Kalaupapa w/rest of Molokai • Need separate tracks – interests of group diverge • Potential future scenarios • Develop short- and long-term approaches • Update plans to better reflect beneficiary needs • Role of Ka 'Ohana o Kalaupapa • Outputs, outreach, timeline • "Parking Lot" issues that came out of Section 106 Consultation 	<ul style="list-style-type: none"> • Frame in short-, medium- and long-term goals • Ideas on expanding the group, future meetings • Ideas for add'l beneficiary outreach • Idea of having separate discussions on PA and GL • Decided to have one additional meeting in first round
4	Jan. 31, 2022	<ul style="list-style-type: none"> • Interagency Working Group • Best process to integrate Kalaupapa w/rest of community & island • Update or create new beneficiary-driven plan • Best way to engage w/NPS • DHHL's role & kuleana • Create a safe space for deep discussions on future of Kalaupapa • Need better info on NPS expenditures and status of buildings 	<ul style="list-style-type: none"> • Focus next 3 meetings on community visioning process • Schedule separate meetings on GL & PA w/subject matter experts • Engage elected officials • Schedule separate series of meetings on long term future, governance

Summary

- Since its repurposing as a place of exile for those afflicted with Hansen's Disease, Kalaupapa's history has been fraught, often due to inadequate government funding, oversight and/or management. This has resulted in historic trauma for patients, their descendants, and others affected by Kalaupapa's history.
- Kalaupapa's stories of its people and their ability to transcend their circumstances has also been inspiring to many, as it is a reflection of the indomitability of the human spirit and the strength that faith and community can give one in times of difficulty.
- Kalaupapa's history extends much further back than the inception of the Hansen's Disease Settlement, and beneficiaries would like to reconnect to and reclaim traditional cultural sites in Mākanalua and reestablish traditional and customary practices.
- The planning and cultural impact assessment processes used by the National Park Service are not as Native Hawaiian-friendly or culturally sensitive as they could be. There needs to be work done to rebuild trust between NPS and Native Hawaiians regarding Kalaupapa.
- Beneficiaries have made it clear to DHHL that financial issues cannot be the only consideration. Kalaupapa has intangible, spiritual value and needs to be treated as a sacred place with great significance to beneficiaries, as lineal descendants of patients, kōkua, workers and especially as Kanaka 'Ōiwi from Molokai who would like the island to be reunited and healed from the 'eha of the past.
- There also may be economic opportunities that beneficiaries would like to explore with NPS, to ensure that they are accessible to native Hawaiians as well as culturally appropriate and designed at the proper scale for the island of Molokai.
- At this time, DHHL does not have the resources to assume the responsibility of managing, maintaining and operating Kalaupapa, which is why there is a General Lease with the NPS in effect. Alternatives to this arrangement must be explored based on a realistic assessment of fiscal liabilities and with the utmost sensitivity to the wishes of the patients, their families and descendants.
- DHHL has a kuleana to
 - o facilitate, monitor and evaluate engagement with NPS and the beneficiaries as NPS proceeds with implementation of the GMP,
 - o explore ways in which Molokai beneficiaries can benefit

- from the presence of the NHP and Pālā'au State Park via implementation of the DHHL Molokai Island Plan's recommendations for Kalaupapa-Pālā'au (Apana 3),
- o discuss innovative ideas for long term partnerships, stewardship arrangements, management and access, and
 - o engage with other agencies and elected officials as DOH moves closer to departure from Kalaupapa.
- More regular conversations with DHHL beneficiaries via the KBWG have been productive.

Therefore, engagement with beneficiaries via the KBWG process should continue until a Community Hui or other advisory group is formed that is satisfactory to the beneficiaries and other stakeholders as beneficiaries deem appropriate, with ongoing DHHL engagement as the transition process proceeds.

Next Steps

The DHHL Planning Office and HACBED are currently working with Kalaupapa Beneficiary Working Group members to schedule additional subject matter meetings as well as preparing to start the next round of wider community discussions to include more beneficiary participants that have a tie to Kalaupapa based on the criteria previously discussed. Future meetings may be conducted in person on Molokai depending upon the current state of public health/COVID concerns and beneficiary preference. *Tentatively*, Planning Office is looking at the May or June timeframe to begin these wider discussions.

Recommendation

For information only. No action required.

STATE OF HAWAII'I
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18-19, 2021

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

Recommended Action

For information only. No action required.

Background

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

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

History

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

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ITEM NO. G-3

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

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

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

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

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

Discussion

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

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

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ITEM NO. G-3

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

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

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

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

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

DHHL Beneficiary Consultation and Outreach Efforts

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

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

The proposed agenda for the first meeting was as follows:

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

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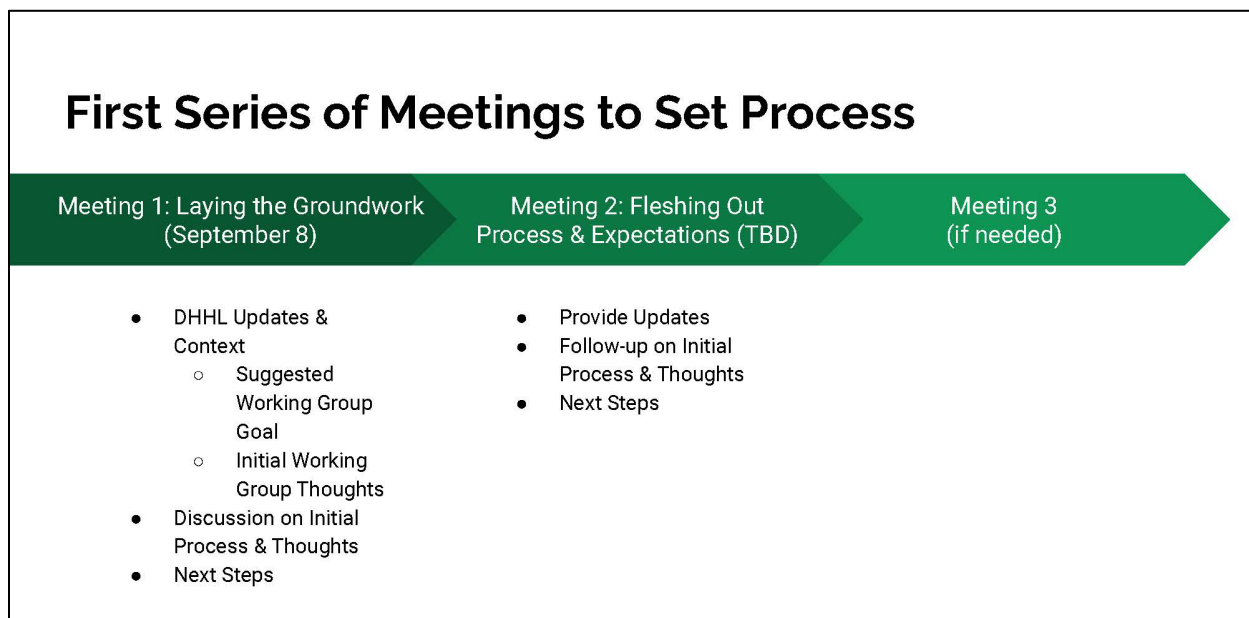
EXHIBIT A

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

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

Next Steps

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



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Second Series of Meetings Focused on Feedback for the Cooperative Agreements

Meeting 1: Feedback on Substance

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

Meeting 2: Feedback on Implementation

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

Meeting 3 Finalize Cooperative Agreement

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

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

Recommendation

For information only. No action required.

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Kalaupapa Timeline

1100 A.D. (approx.)	Settlement of area by Polynesians begins, starting in Waikolu Valley and later moving to Makanalua, the traditional name of the peninsula
1778	First contact with British sailors and explorers, in Kealahakua, Hawai'i
1810	Ko Hawai'i Pae 'Aina declared unified under King Kamehameha I
1830	Year that Hansen's Disease (leprosy) generally believed to be established in Hawai'i
1839	A substation of Kalua'aha Church (first Christian church on Molokai), established on Kalaupapa Peninsula
1850	Hawaiian Kingdom's Board of Health organized by King Kamehameha III, Kauikeaouli, on advice of Privy Council
1853	Calvinist Church built on Kalaupapa Peninsula
1863	Queen's Hospital Medical Director expresses growing concern about the rapid spread of Ma'i Pākē, which later came to be known as Ma'ihō'oka'awale 'ohana, "The Disease that Tears Families Apart"
1865	"An Act to Prevent the Spread of Leprosy" is passed by the Hawaiian Legislature under the reign of Lota Kapuāiwa, King Kamehameha V
1866	First people with Hansen's Disease arrive in Kalawao, Molokai
1871	Siloama Church (Congregational) in Kalawao is dedicated
1872	St. Philomena Catholic Church is erected at Kalawao
1873	William Lunailo is confirmed as King by the Legislature; he dies a year later. Father Damien De Veuster arrives in Kalaupapa
1874	King Kalākaua visits Kalaupapa
1876	"Committee of Thirteen," made up of leading members of Legislature, land at Kalaupapa to investigate condition of residents
1879	First semi-resident doctor arrives at Kalawao
1881	Princess Lili'uokalani visits the settlement
1884	Queen Kapi'olani, Princess Lili'uokalani and Dr. Eduard Arning arrive at Kalaupapa to assess the condition of the settlement
1888	Charles R. Bishop Home is completed at Kalaupapa
1889	Father Damien dies from the effects of Hansen's Disease
1890	King Kalākaua dies in San Francisco. Liliuokalani becomes Queen
1890's	Gradual move of patients to Kalaupapa begins. Kalawao to be abandoned as buildings decay
1893	Overthrow of Hawaiian Kingdom by American businessmen; establishment of Provisional Government of Hawai'i
1894-1898	"Republic of Hawai'i" exercises illegitimate control, against the wishes of a majority of the population of Hawai'i
1895	The last kama'āina, some 'ohana who had acted as kokua for the patients, evicted from Kalaupapa peninsula
1898	Congress passes Joint Resolution ("Newlands Resolution") to provide for annexation. Henry P. Baldwin Home for Boys opens at Kalawao

Kalaupapa Timeline

1900	Congress approves “Act to Provide a Government for the Territory of Hawaii” (“Organic Act”). St. Francis Catholic Church dedicated; destroyed by fire in 1906
1901	Bay View Home is built on the waterfront at Kalaupapa. It burns in 1914 and is rebuilt in 1917
1905	An “Act to Provide for the Investigation of Leprosy” is passed by U.S. Congress. Kalawao County created as part of County system. Construction begins on a hospital and lab at Kalawao
1908	A general hospital is built at Kalaupapa. New St. Francis Catholic Church is completed
1909	Molokai Lighthouse is built. U.S. Leprosy Investigation Station at Kalawao opens; it closes in 1913
1910	McVeigh Home opens; it burns in 1928
1921	The Hawaiian Homes Commission Act of 1920 is passed by Congress. “Kalaupapa” included as one of the original tracts; §203, Parcel II (3) ...Kalaupapa (five thousand acres , more or less)
1930	The Board of Leper Hospitals and Settlement is created
1931	The poi shop and landing dock at Kalaupapa are built
1932	Ice plant and airport completed; new hospital opens. Transfer of all patients to Kalaupapa side of peninsula completed
1934	Post Office/courtroom and service station are built
1940's	Hansen's Disease becomes treatable with sulfone drugs
1946	Settlement's western shoreline hit by destructive tsunami
1949	Board of Hospitals and Settlement is abolished; administration of Hansen's Disease program returned to Board of Health
1959	Hawai'i admitted to Union as 50 th State
1969	Quarantine lifted on Kalaupapa Settlement
1975	Hawai'i State Legislature passes several resolutions for the preservation of Kalaupapa
1976	The Secretary of the Interior is directed to study the feasibility of adding Kalaupapa Settlement to the National Park System
1977	Father Damien is declared Venerable by the Roman Catholic Church
1980	Public Law 96-565 establishes Kalaupapa National Historic Park. NPS adopts “A Proposal for the Establishment of the Kalaupapa National Historic Preserve” (April 1980) as the General Management Plan for the Kalaupapa National Historic Park in December 1980
1991	July 15, 1991 is effective date of NPS' 50-year General Lease from DHHL for TMK 6-1-01:01, 1,247 acres, where most of the Settlement lies. Dept. of Health transmits “A Strategic Plan for Transition at Kalaupapa Settlement” to the State Legislature
1993	PL 103-150 (“Apology Resolution”) adopted by Congress

Kalaupapa Timeline

1996	Water Use Permit approved for NPS well in Waihanau for Kalaupapa; \$20 million in capital improvements made to water system
2005	DHHL engages with Beneficiaries to prepare the DHHL Moloka'i Island Plan, which includes a land use plan and policy recommendations for Kalaupapa and Pālā'au (Apana 3) that are approved by the Hawaiian Homes Commission
2009	NPS initiates planning process to develop a General Management Plan (GMP) with "Scoping" phase; DHHL starts discussions with NPS and Beneficiaries. Father Damien is canonized, becoming St. Damien of Moloka'i
2010	Heavy rains cause a catastrophic landslide, washing away part of the Pali trail and bridge that carries mules and pedestrians
2011	<ul style="list-style-type: none"> • DHHL holds several Beneficiary Consultation meetings on Molokai to discuss NPS' "Preliminary Alternatives." • DHHL Comment Letter #1 transmitted to NPS; conveys wishes of Beneficiaries, including that a task force made up of landowners, stakeholders and community leaders be formed to advise and assist NPS in determining best long-term management options for Kalaupapa
2012	Sister Marianne Cope is canonized; renamed St. Marianne of Moloka'i
2015	<ul style="list-style-type: none"> • NPS "State of the Park Report" states that condition of the settlement area was rated as "poor" and noted that "...Kalaupapa NHP has not undergone a comprehensive natural or cultural resources condition assessment exercise or Resource Stewardship Strategy." • DHHL conducts second round of Beneficiary Consultation meetings on Molokai on Draft GMP/EIS and "Preferred Alternative." • Results of Beneficiary Consultations accepted by Hawaiian Homes Commission. • DHHL Comment Letter #2 transmitted to NPS; reiterates concerns from Letter #1; reaffirms desire for NPS to hire native Hawaiian cultural consultants who can properly advise NPS on design of management initiatives; restates that access for traditional and customary practices must be protected and supported by NPS. Particularly objectionable to beneficiaries is the proposal to expand the NHP boundary to include the North Shore valleys of Waiho'okalo, Pelekunu and Papalau
2016	DHHL invited by DOH to participate in an interagency working group to discuss multi-agency coordination and issues that will arise when DOH transitions out of management of Kalaupapa
2017	NPS releases new Foundation Document for Kalaupapa NHP (https://www.nps.gov/kala/getinvolved/foundation-document.htm)

Kalaupapa Timeline

2018	<ul style="list-style-type: none"> • NPS notifies stakeholders that it is withdrawing the Draft GMP/EIS and will resubmit a revised GMP/EA that will be more general. • NPS also withdraws Boundary Proposal that included Pelekunu and Pu'u o Hoku Ranch lands and starts Section 106 Consultation, which is interrupted by federal shutdown. • Landslide in same spot again closes Pali trail
2019	DHHL transmits Comment Letter #3 to NPS expressing concern about poor timing, confusing nature of the change in NEPA Level of Review, and lack of specificity regarding funding and implementation; suggests additional Section 106 Consultation
April/May 2020	<p>NPS restarts Section 106 Consultation for a Programmatic Agreement on NPS GMP; twelve meetings held, starting in May; NPS concludes Section 106 on PA in Jan. 2021. DHHL agrees to Invited Signatory status; Chairman signs PA; NPS issues "Letter of Intent, A Commitment to Continued Conversations and Coordination Regarding Kalaupapa" that commits NPS to continuing discussions on and working toward implementation strategies for:</p> <ul style="list-style-type: none"> - traditional and customary access for farming, cultural practices and subsistence gathering - developing a Community Hui - identifying and jointly address HHCA beneficiary issues regarding Kalaupapa - Developing strategies to improve communication and consultation with HHCA beneficiaries - Addressing HHCA beneficiary and Molokai community concerns regarding visitation and visitor orientation, particularly as DOH reduces its role in visitor use management
April 2020	NPS initiates Section 106 Consultation with SHPD and consulting parties on Electrical System Rehabilitation Project; est. cost \$16 million
Aug. 2020	Status Update #1 on Kalaupapa Planning and Management to HHC; recommends formation of a Kalaupapa Beneficiary Working Group
Dec. 2020	Status Update #2 on Kalaupapa Planning and Management to HHC; outlines purpose and composition of Kalaupapa Beneficiary Working Group (KBWG); meetings to start in 2021. NPS holds public scoping meeting on NEPA EA for Electrical System Rehabilitation Project
Sept. 2021	First KBWG meeting held; second meeting held end of October. Nancy Holman selected as new Kalaupapa NHP Superintendent
Oct. 2021	Status Update #3 on Kalaupapa – Beneficiary Engagement Process to HHC; schedule outlined for two sets of three meetings
Jan. 2022	Fourth KBWG meeting held; group to be expanded, with three more meetings to start in Spring/Summer 2022
April 2022	Status Update #4 on Kalaupapa's Beneficiary Engagement Process presented to HHC

Summary of Kalaupapa Interagency Working Group Activities
(April 2016 through April 2022)

1. List of agency participants

Agency	Division/Office
DHHL	Office of the Chairman Information & Community Relations Office Land Management Division Land Development Division Planning Office
DLNR	Land Division Division of Aquatic Resources
DOH	Communicable Disease & Public Health Nursing Division Hansen's Disease Branch
DOT	Airports Division (Honolulu) Airports Division, Maui, Molokai & Lanai District
Maui County	Mayor's Office Maui Police Department
NPS	Kalaupapa NHP Pacific Islands Office
DOI/ONHR	Office of Native Hawaiian Relations (Honolulu)

2. Date of first meeting and number of meetings held to date:

- a. First meeting held in April 2016
- b. Number of meetings, by year: 2016: 4, 2017: 4, 2018: 3, 2019: 3, 2020: 4, 2021: 4; 2022: 1

3. Purpose(s) of the Interagency Working Group

- a. Originally convened by DOH as a more efficient and effective way to identify knowledge gaps, particularly regarding infrastructure, and meet complex needs with a multi-jurisdictional approach
- b. Encourage government agencies to work together and communicate better to solve problems, some of them long-standing, prior to DOH transitioning out of administrator role
- c. Look for ways to leverage resources and coordinate efforts among agencies
- d. Determine how to best communicate some of the issues being discussed with agency administrators, stakeholders and the broader public

4. Characteristics

- a. Group is informal and has no decision-making power
- b. Notes are taken and disseminated within the group
- c. Staff attending meetings go back to their respective agencies and brief up

5. Issues discussed

- a. Clarify different missions, constituents and decision-making processes
- b. Improve understanding of existing work processes, tasks and functions
- c. Identify logistical issues that require communication and coordination between state agencies and with NPS, e.g. firefighting and other emergency response capabilities, ungulate management, infrastructure (fuel, electricity, waste management, harbor, barge)
- d. Determine jurisdiction and ownership of various legacy assets
- e. Coordinate capital improvement projects (DOH, NPS, DOT)
- f. Identify which agencies assume future responsibilities as transition takes place

Summary of Kalaupapa Interagency Working Group Activities
(April 2016 through April 2022)

6. Decisions, commitments, conclusions
 - a. Continue to coordinate as needed
 - b. Memorialize any agreements in writing
 - c. Provide more transparency and inclusion of the public at the point that it would be most effective
 - d. Any decisions about the long-term future of Kalawao County must be made at a higher level and with stakeholder participation

Kalaupapa Transition Interagency Working Group (KTIWG) Summary
 For DHHL Kalaupapa Beneficiary Working Group
 Jan. 28, 2022
 N. McPherson, Kalaupapa Liaison
 DHHL Planning Office

Summary of Interagency Transition Team Activities To-Date

1. What agencies are members of transition group and who are their respective representatives?
 - a. List of participants, both past and current:

Agency	Participant name	Participant title
DHHL	Shelly Carreira Andrew Choy Nancy McPherson Hokulei Lindsey Jobie Masagatani Cedric Duarte	Land Agent Acting Planning Program Manager Planner Administrative Rules Officer Executive Asst. to the Chairman; fmr. Chair Info & Community Relations Officer
DLNR	Ian Hirokawa Russel Sparks Blue Kaanehe	Land Division, Special Project Coordinator Division of Aquatic Resources Land Division, Appraisal and Real Estate Specialist
DOH	Michael Casey Baron Chan Ken Seamon Glenn Wasserman, MD	Planner, Hansen's Disease Branch Chief, Hansen's Disease Branch Administrator, Kalaupapa Settlement Chief, Comm. Disease & Pub. Health Nursing Division
DOT	Hannah Hays Martinez Jacobs Brian Kamimoto Herman Tuiolosega Tracy Lum	Planner Airports Fire Chief Assistant Airport Superintendent Airports Division, Senior Planner Planner
Maui County	Captain Keola Tom Stacy Crivello	Maui Police Department Mayor's Representative, Molokai
NPS	Nancy Holman Erika Stein Espaniola Melia Lane-Kamahele Amy Sakurada Meredith Speicher Claire Rossi de Leon George Turnbull	Superintendent, Kalaupapa NHP Fmr. Superintendent, Kalaupapa NHP Manager, Pacific Islands Office Chief Ranger, Kalaupapa NHP (and Acting Park Superintendent, May 2021-Dec. 2022) Planner Planner Contractor
DOI/ONHR	Stanton Enomoto	Senior Program Director, Office of Native Hawaiian Relations

2. What was date of first meeting and how many meetings have been held to date?
 - a. Dept. of Health approached DHHL in 2016 to engage in coordination meetings with other state agencies and NPS to identify issues affecting agencies that need to be resolved before DOH is no longer administering Kalaupapa. Since the first meeting in April 2016, the team has met 23 times, as follows:
2016: 4, 2017: 4, 2018: 3, 2019, 3, 2020: 4, 2021: 4, 2022: 1
3. What specific issues are being discussed at the transition meetings?
 - a. Issues and discussion topics have primarily been logistical in nature, due to the need for communication and coordination between state agencies and with NPS. For example, topics include fire protection services for the airport, solid waste management and landfill closures, the telephone system and internet services, fuel storage, COVID-19 pandemic responses, the annual barge, the state of the trail, the County of Maui-DOH Mutual Aid Agreement, and NPS staffing. There have been discussions on determination of jurisdiction and ownership of various legacy assets, such as the water and electrical distribution systems and the harbor. Staff attending then go back to their respective agencies and brief up.
4. Have any significant conclusions/commitments been reached/made by the group to date?
 - a. Mainly to continue to coordinate as needed, memorialize any agreements in writing, and provide more transparency to and inclusion of the public at the point that it would be logical and productive to do so.
5. Have there been any discussion about including non-government Kalaupapa stakeholders on the transition team?
 - a. The purpose of the meetings is to encourage government agencies to work together and communicate better to solve problems, some of which are long-standing. There has been discussion of how to best communicate some of the issues being discussed with stakeholders and the broader public. The group is aware that there is much interest in the future of Kalaupapa, and that key stakeholders will need to be included at some point in the near future, but the decision to initiate broader stakeholder outreach will need to be made at a higher administrative level.
6. Are minutes kept of the meetings?
 - a. Since these are interagency coordination meetings, notes are taken and disseminated within the group, but no formal minutes are generated. The group is informal and has no decision-making power, having been originally convened by DOH as a more efficient and effective way to identify knowledge gaps, particularly regarding infrastructure, and meet sometimes complex needs with a multi-jurisdictional approach.

Excerpt from Item G-1, “For Information Only -- Status Report on Kalaupapa Planning and Management, Kalawao County, Island of Molokai,” Hawaiian Homes Commission, Dec. 2020:

Kalaupapa Transition Interagency Working Group

The State Department of Health Hansen’s Disease Branch (DOH-HDB) has spearheaded a multi-agency transition planning process for Kalaupapa initiated in 2016. The Kalaupapa Transition Interagency Working Group (KTIWG) consists of representatives from the various government agencies that have statutory or administrative responsibilities for the residents, employees, services and resources and a moral responsibility for the historic legacy in Kalaupapa (Kalawao County). This group is researching and gathering information to guide the transition of operations in order to assure as smooth a process as possible upon the eventual shifting of mission of the DOH-HDB. Other agencies that have been identified as stakeholders during this process include DHHL, DLNR, NPS, DOI-ONHR, State Department of Transportation -Airports, and Maui County Emergency Services.

Most efforts to date have involved defining existing work processes, tasks and functions and identifying which entity would have future responsibilities as transition takes place within the parameters of the existing NPS lease of the settlement with DHHL and cooperative agreements with DLNR and DOT. Because of the historic nature of Kalaupapa, management of which has evolved over time from the Board of Health of the Kingdom of Hawai‘i, through the “Republic of Hawai‘i” to the Territorial Board of Health, then to the State of Hawai‘i Department of Health, much of the work has been devoted to fact-finding in order to research and ascertain the at-times murky ownership and jurisdictional issues, and to clarify the different missions, constituents and decision-making processes.

The group is working toward identifying at what point there will be potential opportunities for the public to engage in the relevant portions of the process regarding future governance. It is clear that a larger public process led by a statewide body will inform and make ultimate governance decisions. As landowner and lessor, and as an advocate for the needs of its beneficiaries, DHHL will continue to participate in these discussions while working to provide more transparency and engage stakeholder beneficiaries more actively in the conversation about Kalaupapa’s future.

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew Choy, Planning Program Manager
From: Pearlyn Fukuba, Planner *plf*
Subject: For Information Only - Status Update on Nānākuli and
Wai'anāe Plan Implementation

Recommended Action

None; for information only.

Background

By request of the Chairman, the Planning Office provides the HHC with a status report on prior policies and/or plans that affect lands and homestead communities where the HHC conducts its monthly community meeting. For December 2022, the Planning Office will be providing an update on the regional plans for Nānākuli and Wai'anāe-Lualualei.

Discussion

EXISTING PLANS AND IMPLEMENTATION STATUS

O'ahu Island Plan Policies Related to the Wai'anāe Moku

The purpose of each DHHL Island Plan is to:

- (1) Provide a comprehensive resource for planning and land management purposes;
- (2) Establish Land Use Designations for all land holdings to promote orderly land use development and efficient development of infrastructure systems; and
- (3) Identify island-wide needs, opportunities, and priorities.

The O'ahu Island Plan was adopted by the HHC in 2014. The Island Plan delineated four planning regions, or moku, for the island of O'ahu: Wai'anāe, 'Ewa, Kona, and Ko'olaupoko.

The 2014 O'ahu Island Plan identifies the following land use designations and acreage amounts for Wai'anāe, Lualualei and Nānākuli. To date, there have been no changes to the Wai'anāe moku land designations.

Land Use Designation (LUD)	Wai'anāe	Lualualei	Nānākuli	Total Acres	Percent of LUD in Wai'anāe	Percent of LUD on O'ahu
Special District	95	10		105	3%	42%
Conservation	75	190	825	1,090	32%	42%
General Agriculture		95	705	800	24%	88%
Residential	130	125	745	1,000	30%	61%
Pastoral	-	-	-	-	-	-
Subsistence Agriculture	50	140		190	6%	86%
Supplemental Agriculture	-	-	-	-	-	-
Industrial	-	3	-	3	0.8%	0.4%
Community Use	10	75	55	140	4%	45%
Commercial	-	-	10	10	.2%	11%
TOTALS	360	638	2,340	3,338	100%	50%

O'ahu Island Plan: Priorities and Recommendations (2014)

The O'ahu Island Plan, adopted in 2014, serves as a 20-year development guide for DHHL landholdings. The following Wai'anāe Moku initiatives support the plan's Priorities and Recommendations:

1. Homestead Development:

Mā'ili Homestead Community Residential Plans: DHHL is planning the design of approximately 40 acres of land in Mā'ili, O'ahu. The project is anticipated to provide residential opportunities for DHHL's waitlist beneficiaries on the former Voice of America site. On June 22, 2021, DHHL conducted Beneficiary Consultation #1 to share project information, answer beneficiary questions and gauge beneficiary preferences. On April 7, 2022, Beneficiary Consultation #2 was held to provide a status update on the project, including the results of a beneficiary survey where participants noted their preference for Housing Alternative 2. The layout

includes both single family and multi-family units and approximately 280 units could be accommodated on the 40 acres. In 2023, DHHL's Land Development Division continued activities to satisfy environmental review.

REGIONAL PLAN PRIORITY PROJECTS

Nānākuli Regional Plan (2018)

1. **Disaster Preparedness** - Nānākuli homestead communities have identified issues of disaster preparedness, community resilience, and broader climate change adaptation as high priorities. Perhaps the most visible of related projects is the Wai'anāe Coast Emergency Access Road (WCEAR). Alongside the WCEAR, a second/parallel access road is being considered. Perhaps most importantly, homesteaders identified needs for both short-term disaster preparedness - evacuation routes and emergency plans to ensure immediate safety - and long-term disaster resiliency, which could come as a result of community self-sufficiency.
2. **Improve Community Access to Non-Homesteading Areas** - Non-homesteading areas, utilized by communities in ways other than living, are vital to the wellbeing and connectedness of the Nānākuli homestead communities, as well as to the Wai'anāe Coast as a whole. Potential spaces within the Nānākuli homestead communities have been identified, each with varying levels of feasibility.
3. **Street Repairs and Improvements for Health and Safety in the Region** - Several roadway-related issues were identified by Nānākuli homesteaders, all of which directly influence the safety of homesteaders and their families. Measures necessary to combat identified issues and advance opportunities - in addition to general repair and maintenance of homestead and regional roadways - will require coordination among multiple entities including the State, the City & County, the Department of Transportation, DHHL, and private stakeholders, among others.
4. **Establish Community-Based Education Programs** - Education is critically important to the Nānākuli homestead communities, as it is one of many factors that drives communities forward, connecting them and raising up the next generation. A main focus of community education in the Nānākuli homestead communities is Hawaiian language and culture. In addition to cultural and 'āina-based education

programs, community members have expressed interest in other forms of education.

5. **Identify and Pursue Opportunities for "Pono Economic Development" and Community Action** - "Pono Economic Development" for the Nānākuli homestead communities means providing sustainable opportunities for all to support ourselves and our communities. Economic development can be accomplished by a variety of means and can also include services provided to community members, which in turn strengthen resiliency and sustainability.

Wai'anae and Lualualei Regional Plan (2018)

1. **Increase Capacity for Specific Community-Based Projects** - Community-based projects and economic development for the Wai'anae and Lualualei homestead communities means providing sustainable opportunities for all to support ourselves and our communities. Economic development can be accomplished by a variety of means and can also include services provided to community members, which in turn strengthen resiliency and sustainability.
2. **Improve Community Access to Non-Homesteading Areas** - Non-homesteading areas, utilized by communities in ways other than living, are vital to the wellbeing and connectedness of the Wai'anae and Lualualei homestead communities, as well as to the Wai'anae Coast as a whole. Potential spaces within the Wai'anae and Lualualei homestead communities have been identified, each with varying levels of feasibility.
3. **Homestead Infrastructure & Maintenance** - Several infrastructure- and maintenance-related needs were identified by Wai'anae and Lualualei homesteaders. Measures necessary to combat identified issues and advance opportunities - in addition to general repair and maintenance of homestead and regional roadways - will require coordination among multiple entities including the State, the City & County, the Department of Transportation, DHHL, and private stakeholders, among others.
4. **Safety & Community Enforcement** - Safety hinges upon all aspects of a community, including its infrastructure, its policies and laws, and the people that inhabit it. The Wai'anae and Lualualei homestead communities have indicated a readiness to enforce safety-related policies and

regulations, and a goal is to establish the necessary community education and framework to do so.

5. **Disaster Preparedness & Coordination** - Wai'anāe and Lualualei homestead communities have identified issues of disaster preparedness, community resilience, and broader climate change adaptation as high priorities. Perhaps the most visible of related projects is the Wai'anāe Coast Emergency Access Road (WCEAR). Alongside the WCEAR, a potential second/parallel access road is being considered. Perhaps most importantly, homesteaders identified needs for both short-term disaster preparedness - evacuation routes and emergency plans to ensure immediate safety - and long-term disaster resiliency, which could come as a result of community self-sufficiency.

REGIONAL PLAN IMPLEMENTATION STATUS

The Tables that follow describe each Priority Project and reports on the current status of the project.

1.		
Priority Project	Objectives	Current Status
A. Disaster Preparedness	<ul style="list-style-type: none"> • A safe community with comprehensive emergency procedures, routes, and facilities, prioritizing the safety of our kupuna and keiki. • A disaster preparedness and climate change mitigation via community self-sustainability. • Coordinated and efficient disaster-minded roadway improvements, including the Wai'anāe Coast Emergency Access Road (WCEAR) and Wai'anāe Coast Parallel Route. 	The State Department of Transportation (DOT), Highways Division, completed the Farrington Highway Corridor Study in March 2021. The corridor study identified interim measures to keep Farrington Highway functioning acceptably while the long-term plans to widen Farrington Highway is completed (estimated completion date 2035). The list of projects include improvements for safety, congestion relief and resilience.
B. Improve Community Access to Non-Homesteading Areas	<ul style="list-style-type: none"> • Maintain and improve DHHL-designated Community use and non-homesteading areas in Nānākuli. • Availability of needed Community Use and non-homesteading areas, redesignated underused or unused areas. • Growth in the Nānākuli communities as a result of community centers. 	A blessing for the Nānākuli Village Center was held in November 2019. Commercial tenants include CVS/Longs, Wendy's and Taco Bell/Pizza Hut and Starbucks. On April 27, 2021, Kamehameha Schools opened the Kalanihookaha Community Learning Center, that will provide 'āina-based programs, career development and training. The facility includes a large multi-purpose room with flexible space,

	<ul style="list-style-type: none"> • Non-homesteading areas available, cultivated, and utilized, which will lead to increased community financial sustainability. • Non-homesteading areas that provide safety in case of a disaster or emergency, stocked with emergency supplies and easily accessible by viable roadways and evacuation routes. 	<p>covered lānai for indoor and outdoor use, serving kitchen, pavilion and pā/outdoor staging area. The Nānākuli Village Center is a joint effort of the Nānākuli Hawaiian Homestead Community Association and the Hawaiian Community Development Board.</p> <p>DHHL also initiating repairs to the Nānākuli Cemetery.</p>
C. Street Repairs and Improvements for Health and Safety in the Region	<ul style="list-style-type: none"> • Clog-free residential roadways, creating safer environments for both drivers and pedestrians. • Decreased traffic and increased road safety using roadway improvements and traffic-calming measures. • Safer pedestrian environments in homestead areas. 	<p>DHHL continues to work with the City & County of Honolulu (City) to assume responsibility for proper roadway maintenance and improvement within homesteads. DHHL Nānākuli Traffic Calming Project in progress.</p>
D. Establish Community-Based Education Programs	<ul style="list-style-type: none"> • Access for Nānākuli homestead communities and their residents, from keiki to ‘ōpio to mākuā to kūpuna, to quality, values-based, and skills-focused education that is responsive to their communities’ needs. • Opportunities for keiki – the next generation – to learn from their kūpuna. • Opportunities for kūpuna to live affordably (kūpuna housing), age in place, and pass their mana’o to the next generations. Proper compensation for kūpuna’s time, effort, and knowledge. <p>Nānākuli homestead communities in which homesteaders of all ages feel welcome and encouraged to contribute to our communities.</p>	<p>Community led initiatives are ongoing.</p> <p>In December 2022, the HHC approved a \$1 million grant to the Ka Waihona O Ka Na’auao public charter school for renovations to the school kitchen and cafeteria. The facility is located makai of the Nānākuli homestead, on Hawaiian Home Lands, and was built in 1933.</p>
E. Identify and Pursue Opportunities for “Pono “Economic Development” and Community Action	<ul style="list-style-type: none"> • Opportunities for culture-based, community-led economic development in the Nānākuli homestead communities. • Strengthened financial, resource, and cultural sustainability of our communities as a result of 	<p>Community led initiatives are ongoing. Implementation of the Nānākuli Village project is ongoing.</p>

	<p>community economic development.</p> <ul style="list-style-type: none"> • Community and organizational capacity built to ensure the impact of community economic development for generations. • Meaningful opportunities for everyone, from keiki to kūpuna, to participate in and contribute to the development of our homestead communities. 	
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2. Wai'anāe and Lualualei Regional Plan (December 2018)

Priority Project	Description	Current Status
A. Increase Capacity for Specific Community-Based Projects	<ul style="list-style-type: none"> • Management of community use spaces for revenue generation. • Community-owned and community-led commercial development that elevates and supports local businesses. • Capacity building within local organizations, associations, and communities to effect desired change and coordinate among multiple entities. • Sustainable culture-oriented, often 'āina-based opportunities that provide connection to place, education, healthy food, and self-sufficiency. 	<p>Community led initiatives are ongoing.</p> <p>DHHL is offering capacity building grants for associations in its FY 23 Grant solicitation.</p> <p>In November 2022, DHHL conducted Beneficiary Consultation for three (3) separate unsolicited requests for long-term use. The applicants are: 1) Ka'ala Farm, Inc., 2) Wai'anāe Valley Homestead Community Association, and 3) Wai'anāe Coast Comprehensive Health Center. Each organization is currently going through project planning and due diligence actions.</p>
B. Improve Community Access to Non-Homesteading Areas	<ul style="list-style-type: none"> • Maintained and improved DHHL-designated Community use and non-homesteading areas in Wai'anāe and Lualualei. • Availability of needed Community Use and non-homesteading areas, redesignated underused or unused areas. • Growth in the Wai'anāe & Lualualei communities as a result of community centers. • Non-homesteading areas available, cultivated, and utilized, which will 	<p>Community led initiatives are ongoing.</p> <p>Ka Wai'hona o Ka Na'auao holds a DHHL license for a public charter school.</p> <p>The following organizations submitted long-term use requests and are currently going through the next steps of planning and development: 1) Ka'ala Farm, Inc., 2) Wai'anāe Valley Homestead</p>

	<p>lead to increased community financial sustainability.</p> <ul style="list-style-type: none"> • Non-homesteading areas that provide safety in case of a disaster or emergency, stocked with emergency supplies and easily accessible by viable roadways and evacuation routes. 	Community Association, and 3) Waiʻanae Coast Comprehensive Health Center.
C. Homestead Infrastructure & Maintenance	<ul style="list-style-type: none"> • Clog-free residential roadways, creating safer environments for both drivers and pedestrians. • Decreased traffic and increased road safety using roadway improvements and traffic-calming measures. • Safer pedestrian environments in homestead areas. • Areas re-assessed for home-steading use, such as un- or under-used areas and Pāheʻeheʻe Ridge. 	<p>DHHL continues to work with the City & County of Honolulu (City) to assume responsibility for proper roadway maintenance and improvement within homesteads. DHHL has recurring meetings with the City to help keep the focus on collaboration, aligning priorities and addressing issues.</p> <p>DHHL working on West Oʻahu Sewer System Improvements.</p>
D. Safety & Community Enforcement	<ul style="list-style-type: none"> • Safer homestead environments for all residents. • Safer homestead environments for all residents by recognizing that safety starts with the community. 	Community led initiatives are ongoing.
E. Disaster Preparedness & Coordination	<ul style="list-style-type: none"> • A safe community with comprehensive emergency procedures, routes, and facilities, prioritizing the safety of our kupuna and keiki. • Disaster preparedness and climate change mitigation via community self-sustainability. • Coordinated and efficient disaster-minded roadway improvements, including the Waiʻanae Coast Emergency Access Road (WCEAR) and the Waiʻanae Coast Parallel Route. 	<p>The State DOT Highways Division completed the Farrington Highway Corridor Study in March 2021. The corridor study identified interim measures to keep Farrington Highway functioning acceptably while the long-term plans to widen Farrington Highway is completed (estimated date 2035). The list of projects include improvements for safety, congestion relief and resilience.</p> <p>DHHL coordinating WCEAR.</p>

Recommendation: For information only. No action required.

**HAWAIIAN HOMES COMMISSION
DECEMBER 18 & 19, 2023**

**H – ITEMS
ADMINISTRATIVE SERVICES OFFICE**

State of Hawai'i
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

TO: Chair Watson and Commissioners, Hawaiian Homes Commission

FROM: Brian K. Furuto, Administrative Services Officer

SUBJECT: Approval to Increase the FY24 Budget to Hire Personnel Using the Hawaiian Home Operating Fund (T-905)

RECOMMENDED MOTION/ACTION:

To approve the use of \$963,162 in trust funds from the operating portion of the Hawaiian Home Operating Fund (T-905). Funds will be used to hire 22.00 FTE personnel to support DHHL neighbor island operations and district offices.

DISCUSSION:

The Department has identified 22.00 positions as critical for meeting department operational support needs. Additional staff are necessary to supplement the existing workforce to support district office activities as well as for property management and homestead safety concerns.

At the September 2023 Hawaiian Homes Commission (HHC) meeting held in Hilo, the HHC approved the Department's fiscal year 2025 (FY25) supplemental budget request. The supplemental budget includes a request for 22.00 permanent general funded FTE and personal services funds for salaries. Upon HHC's approval of the FY25 budget, the Department submitted the request for 22.00 positions as its top priority for inclusion in the Governor's Executive Supplemental Budget request. This request was subsequently denied by the Governor and BUF. The Department submitted an appeal for reconsideration on November 16, 2023, the appeal was considered by the Governor but ultimately not approved.

Although the Governor and BUF did not approve our appeal, the Department has a responsibility to present the HHC approved supplemental budget request to the legislature. To this end, the Department will be discussing our priority needs, including this request for 22.00 FTE, with legislative leadership and individual legislators. If our request is approved, the positions and funds will be appropriated in the FY25 budget.

The Department requests approval to fund these positions in the interim using the Hawaiian Home Operating Fund (T-905) until the start of FY25, which begins on July 1, 2024. To cover these positions the Department will use trust funds from the Hawaiian Home Operating Fund (T-905). The balance in T-905 as of the end of November 2023 is \$1,353,510. The Hawaiian Home Operating Fund is a non-appropriated fund, which allows the Department, through the

Hawaiian Home Commission's approval, to pay for salaries of positions that have not been appropriated through the legislature.

This request will allow the Department to better support our beneficiaries, properly manage and maintain our lands, and ensure that lessee compliance and safety issues are addressed.

Moreover, the Department believes the roles and duties of these positions and the direct face-to-face nature of their work with beneficiaries can justify the short-term use of trust funds. Figure 1 below reflects the details of this request.

Figure 1.

District Office	# of Positions	Salary	Fringe Benefits 64.25%	Salary + Fringe	Annual Personnel Cost	6 mos. Funding Request
Oahu (ODO)						
Office Assistant	3.00	\$38,400	\$24,672	\$63,072	\$189,216	\$94,608
Homestead Assistant	4.00	\$47,000	\$30,198	\$77,198	\$308,790	\$154,395
Compliance Officer	1.00	\$61,000	\$39,193	\$100,193	\$100,193	\$50,096
West Hawai'i (WHDO)						
Land Agent	1.00	\$70,000	\$44,975	\$114,975	\$114,975	\$57,488
Compliance Officer	1.00	\$61,000	\$39,193	\$100,193	\$100,193	\$50,096
East Hawai'i (EHDO)						
Office Assistant	1.00	\$38,400	\$24,672	\$63,072	\$63,072	\$31,536
Land Agent	1.00	\$70,000	\$44,975	\$114,975	\$114,975	\$57,488
Compliance Officer	1.00	\$61,000	\$39,193	\$100,193	\$100,193	\$50,096
Kaua'i (KDO)						
Office Assistant	1.00	\$38,400	\$24,672	\$63,072	\$63,072	\$31,536
Land Agent	1.00	\$70,000	\$44,975	\$114,975	\$114,975	\$57,488
Compliance Officer	1.00	\$61,000	\$39,193	\$100,193	\$100,193	\$50,096
Maui (MDO)						
Office Assistant	1.00	\$38,400	\$24,672	\$63,072	\$63,072	\$31,536
Land Agent	1.00	\$70,000	\$44,975	\$114,975	\$114,975	\$57,488
Compliance Officer	1.00	\$61,000	\$39,193	\$100,193	\$100,193	\$50,096
Moloka'i (MODO)						
Office Assistant	1.00	\$38,400	\$24,672	\$63,072	\$63,072	\$31,536
Land Agent	1.00	\$70,000	\$44,975	\$114,975	\$114,975	\$57,488
Compliance Officer	1.00	\$61,000	\$39,193	\$100,193	\$100,193	\$50,096
Total Request	22.00	\$955,000	\$613,588	\$1,568,588	\$1,926,324	\$963,162

Homestead Assistants are needed in the Oahu District Office (ODO) to process lease transfers, successorships, and amendments to completion for all district offices statewide, as well as applications for supplemental dwelling units, non-exclusive licenses for leased PV systems statewide, lessee requests for improvements / building applications, ensuring compliance with statutory Hawaiian ancestry blood quantum requirements, monthly submittals for Hawaiian Homes Commission action, lessee designations of successor, cancelling lease applications, lessee and homestead area complaints, lease violations, requests for contested case hearings, servicing walk-ins, retrieving and answering phone messages, appointments with beneficiaries for lease-related transactions and issues, answering inquiries in-person or by phone and e-mail, publishing public notices for deceased lessees with no named successors, processing burial requests for Nanakuli Cemetery, and providing support for neighbor island district offices. Each homestead lease is awarded for an initial 99-years duration and may be extended another 100 years; hence the Homestead Assistants are key to maintaining the Department's lease-related operations.

Of the Department's current statewide total of 10,016 leases (this includes all leases, i.e., residential, agricultural, pastoral), 4,437 leases or 44.30 % of the statewide total are comprised of Oahu residential and agricultural leases and are serviced by the Oahu District Office which currently has six positions—a recent increase of one position as compared to the five positions allocated to the section in 2005. ODO processes all lease transactions regardless of the lessees or applicants island of origin. Current ODO staffing levels prevent the section from providing timely and acceptable levels of support for beneficiaries statewide and most notably, for Oahu lessees which should be a primary responsibility for the Oahu District Office. It is anticipated that an increase of four (4.00) Homestead Assistant positions in ODO will, once staff are trained, greatly improve the section's response to beneficiary needs statewide both now and in the immediate future.

Additional Office Assistants are required in each of the District Offices to assist Homestead Assistants by completing form letters, mailing correspondence, transmitting TMS route slips to the Counties, retrieving phone messages, filing, creating lease files, transmitting completed files to the central file room, status-coding lease transactions in the Department's APPX system, logging incoming lease transactions and general clerical work such as making copies. An addition of three (3.00) Office Assistant positions to the Oahu District Office is anticipated to relieve the Homestead Assistants of having to work on the purely clerical aspects of the section's processing, thus freeing the Homestead Assistants to concentrate primarily upon processing incoming statewide lease transactions, each of which presently requires between six (6) and eight (8) months to complete.

Neighbor island District Offices operate more efficiently and effectively when there are three (3) staff in the office, Supervisor, Homestead Assistant and the Office Assistant III. The Office Assistant assists both the Supervisor and Homestead Assistant by responding to inquiries (i.e., phone calls, emails, walk-ins, letters) about the Hawaiian Home Lands program and qualifications for benefits, native Hawaiian qualifications for applicants, lessees and successors to applicants and lessees, mailing out statements and applications, filing, drafting response letters, taking in payments for loans, leases and water billing, processing water billing statements on a monthly basis for those offices who manage water systems, compiling Daily Cash Worksheets, making bank deposits for payments, dropping off and picking up mail from the post

office and procurement and purchasing responsibilities to support staff. In addition, they assist with making reservations for the use of department owned resources (e.g., community halls and other facilities). If either the Supervisor or Homestead Assistant is out of the office, having another person on site guarantees that the District Office remains open to properly support and provide service to our beneficiaries.

Currently Land Agents are based on Oahu and are assigned geographical responsibility by island, in addition to handling shared responsibilities on Oahu. Land Agents are charged with managing income producing properties including soliciting vendors and preparing packages for bidding dispositions. Land Agents are also called upon to address such items as trespassing, site repairs/clean up, meeting with Homesteaders regarding Land Management Division (LMD) managed contiguous properties, procuring vendors for landscaping, clearing/cleaning drain ways, and interacting with the community. Due to the “hands on” requirements in performing these duties, it is difficult to perform assigned duties remotely. As a result, LMD must often rely on assistance from the Land Development Division (LDD) and the Enforcement Division (ENF) to accomplish tasks in a timely manner. This precludes those Divisions from effectively carrying out their assigned duties and at times can create staff issues. LMD would like to add properties and increase income for the Trust, but being spread too thin in staffing and managing land remotely forces the division to be reactive to problems and issues. Adding Land Agents to service each island with their “boots on the ground” would make LMD more proactive in dealing with problems, more responsive to our beneficiaries, lead to more collaborative work with other Divisions, and increase income generation to help DHHL better fulfill its responsibilities.

It is important for the Department to address any egregious violations in a prompt manner to ensure the safety and well-being of those within the Homesteads. Additional Compliance/Enforcement Officers will allow the Department to respond to complaints and take appropriate action for lease violations more swiftly. Currently, there are only two (2.00) FTE officers that respond to homestead issues and complaints. Many issues require time consuming investigations and research. This negatively impacts the timeliness of responses. Our current Enforcement staff are based out of our main offices in Kapolei, Oahu. All neighbor island issues require travel and other logistics, which leads to even further delays. Additional staff, located on the neighbor islands would expedite the Department’s response to these complaints.

Additional Enforcement Division staffing is also necessary due to the nature of the work. Officers are regularly required to enter dangerous or contentious situations that present safety issues for all involved. Accordingly, individuals with specialized work experience, training, and abilities should be utilized for these types of responsibilities. District Office staff are helpful and do attempt to complete these investigations; however, a lack of experience in these types of situations can cause safety issues and may reduce the quality of the investigation.

State of Hawai'i
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2023

TO: Chair Watson and Commissioners, Hawaiian Homes Commission
FROM: Brian K. Furuto, Administrative Services Officer
SUBJECT: Transfer of Hawaiian Home Receipts Fund Balance – End of 2nd Quarter, FY24

RECOMMENDED MOTION/ACTION:

Commission approval to transfer the entire receipts deposited in the Hawaiian Home Receipts Fund as of December 31, 2023, to the Hawaiian Home Operating Fund (T-905) and the Hawaiian Home Administration Account (S-325).

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 by the department.”

Section 10-3-52(b) of the 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 per cent to the operating fund; and,
- (2) Ninety-one per cent to the general loan fund.”

On December 11, 2023, the cash balance of the Hawaiian Homes Receipt Fund (T-916) was \$663,919.32. The December 31, 2023, balance in the fund is projected to be \$725,000.00. It is recommended that the cash receipts in the Hawaiian Home Receipts Fund for the 2nd quarter ending December 31, 2023, be transferred as follows:

- 1) 50% of receipts to the Hawaiian Home Operating Fund (T-905) and
- 2) 50% of receipts to the Hawaiian Home Administration Account (S-325).

**HAWAIIAN HOMES COMMISSION
DECEMBER 18 & 19, 2023**

**J – ITEMS
REQUESTS TO ADDRESS THE
COMMISSION**

Hawaiian Homes Commission Meeting
December 19, 2023
J Agenda

- J-1 Brittney Zimmerman – Panaewa Hawaiian Home Land Community Association
- J-2 Office of Native Hawaiian Relations – Climate Resiliency Grant Program
- J-3 Keolamaikalani Dean, Patti Barbee – Development of Affordable Rental Housing on DHHL Parcels
- J-4 Lilian Kaeha - Panaewa Hawaiian Home Land Community Association
- J-5 Guy Gasper – Various Concerns
- J-6 Debra Import – Various Concerns
- J-7 Maile Requilman-Kaopua – Kaupe‘a Homestead
- J-8 Doris Walker – Various Concerns
- J-9 Germaine Meyers – Various Concerns
- J-10 Blossom Feiteira – Various Concerns
- J-11 Al Hee – Telecommunications
- J-12 Homelani Schaedel - Maluohai
- J-13 Jojo Tanimoto – Kawaihae Issues
- J-14 Sherilyn Wahinekapu – Water Issues at Honokāia
- J-15 Kekoa Enomoto – Pa‘upena Community Development Corporation
- J-16 Kapua Keliikoa – Various Concerns
- J-17 Ainaaloha Ioane – Malama Ka Aina Hana Ka Aina

Burrows-Nuuanu, Leatrice W

Subject: FW: [EXTERNAL] Tuesday Nov 21 "J" agenda

-----Original Message-----

From: Kaulani Almeida <kumukaulani@gmail.com>

Sent: Sunday, November 19, 2023 4:27 PM

To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>

Subject: [EXTERNAL] Tuesday Nov 21 "J" agenda

Please defer Brittney and me and place us on December list. It is my hope that we can be placed a lot sooner than later.
Mahalo.

Sent from my iPhone

Kapapahuliau Climate Resilience Program

Amounts and Eligibility:

Funding opportunities available to non-profit Native Hawaiian Organizations (NHO). As representatives of the collective Native Hawaiian Community, NHOs have three applications options for climate change related projects:

1. Individually with a single project (Kiakahi);
2. As part of a collective or collaboration of NHOs ('Auwa'a); or
3. As a grant-maker that provides financial assistance to other NHOs (Ho'okele).

Funding ranging from \$100,000 to \$5,000,000.

Informational Seminars and Deadline:

Informational video conferences to provide a comprehensive program overview and answer questions:

- Wed., Nov. 29, 2023, 12n-2p HST
- Wed., Dec. 13, 2023, 12n-2p HST

Application deadline in Grants.Gov:

Thurs., Feb. 29, 2024 @ 6:59p

doi.gov/hawaiian/climate-resilience

OFFICE OF
NATIVE
HAWAIIAN
RELATIONS



Kapapahuliau

Climate Resilience Program

To enhance the ability of the Native Hawaiian Community to navigate the effects of climate change in ways that maintain the integrity and identity of the Native Hawaiian people while also maintaining and enhancing their capacity for coping, adaptation, and transformation.



A \$20 million climate resilience initiative funded by the 2022 Inflation Reduction Act.

doi.gov/hawaiian/climate-resilience

OFFICE OF
NATIVE
HAWAIIAN
RELATIONS



From: dhhl.icro1@hawaii.gov
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: HCC Contact:
Date: Wednesday, November 22, 2023 3:11:55 PM

First Name

Keolamaikalani

Last Name

Dean

Email

keolamaikalani@lunalilo.org

Email

pattibarbee@gmail.com

Subject

To Commission Secretary

Message

I am writing to request time on the agenda of the next available Hawaiian Homes Commission meeting (ideally, in December 2023) to co-present with Patti Tancayo, our developer, on the following topic:

"Proposal to develop affordable rental housing for kūpuna on ten (10) Hawaiian Home Lands parcels, to be financed in part by Low-Income Housing Tax Credits and operated by a non-profit affiliate of King Lunalilo Trust."

Please excuse any misstep on my part and let me know if there is a process I have missed. This is our first time requesting to be added to the agenda of a Hawaiian Homes Commission meeting. My direct email address is keolamaikalani@lunalilo.org.

File

- [KLT-Request-for-Time-on-HHC-Agenda-2023-11-22.pdf](#)



King Lunalilo Trust

November 22, 2023

Hawaiian Homes Commission
91-5420 Kapōlei Parkway
Kapōlei, HI 96707
Attn: Leah Burrows-Nu‘uanu, Commission Secretary

Aloha e Commission Secretary:

I am writing to request time on the agenda of the next available Hawaiian Homes Commission meeting (ideally, in December 2023) to co-present with Patti Tancayo, our developer, on the following topic:

Proposal to develop affordable rental housing for kūpuna on ten (10) Hawaiian Home Lands parcels, to be financed in part by Low-Income Housing Tax Credits and operated by a non-profit affiliate of King Lunalilo Trust.

Please excuse any misstep on my part and let me know if there is a process I have missed. This is our first time requesting to be added to the agenda of a Hawaiian Homes Commission meeting. My direct email address is keolamaikalani@lunalilo.org.

‘O au iho nō me ka mahalo nui,

Keolamaikalani Dean
Chief Executive Officer

cc: Patti Tancayo



King Lunalilo Trust

Caring for kūpuna, E ola ē.

Strategic Plan & Kupuna Housing 2023-2028



The People's King

- Called lokomaika'i (kind, generous) from childhood.
- Progressive leader.
- Advocated for more rights to the people.
- Called for first election for ruler in Hawai'i.
- Won 99.6% of all votes cast in the Kingdom.
- Died in 1874 after only 13 months as king.



The King's Will

...to expend the whole amount in the purchase of land and in the erection of a building or buildings...for the use and accommodation of poor, destitute, and infirm people of Hawaiian (aboriginal) blood or extraction, giving preference to old people...

*E malu ke kanaka i ka
lokomaiha'i o Lunalilo.*



King Lunalilo Trust

‘Ōiwi Wisdom



‘Ōlelo No‘eau 2178

Mōhala i ka wai
ka maka o ka pua.

Unfolded by the water
are the faces of the
flowers.

Thriving people
(including kūpuna) are
found where living
conditions are good.

Source: Pukui, M. K. (1983). *‘Ōlelo No‘eau: Hawaiian Proverbs & Poetical Sayings*. Honolulu, Hawaii: Bishop Museum Press.



King Lunalilo Trust

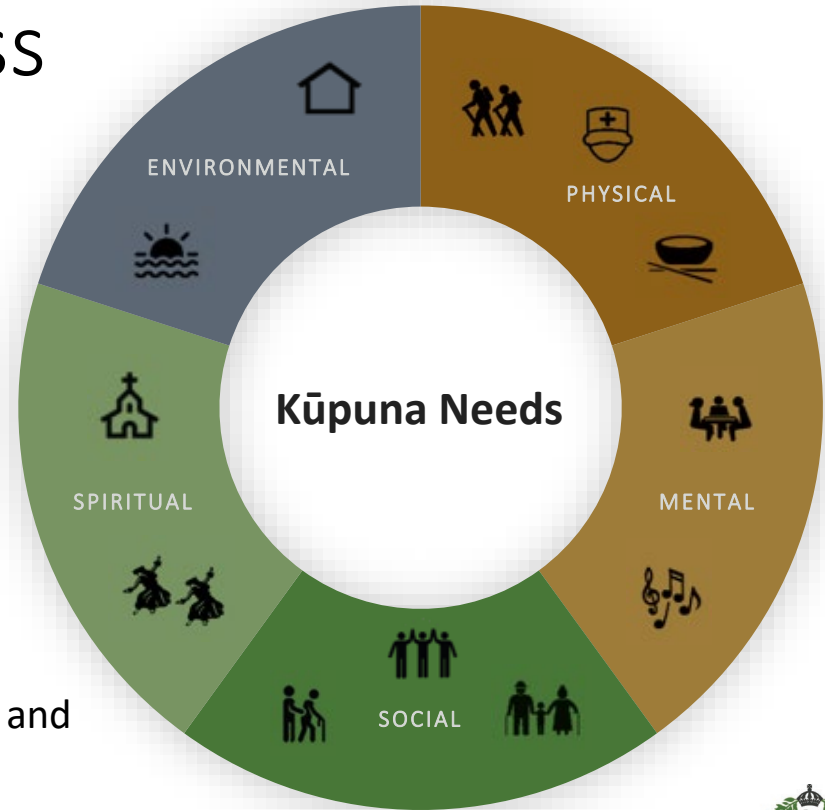
Whole Kupuna Wellness

To be well, kūpuna have diverse needs:

- Healthy food and physical activity
- Diverse and multi-generational social interactions and activities
- Cultural and spiritual practice

We provide for whole kupuna wellness by:

1. Continuing our 140 years of caring for kupuna,
2. Expanding into more areas with more services, and
3. Bringing communities to every campus.



Ka Lawelawe Lokomaika'i

Our 140 Years of Service



LUNALILO HOME

- Adult residential care home
- 24-hour support plus room & board
- Robust activities program, grounded in kanaka 'ōiwi culture and values



ADULT DAY CENTER

- Safe social space during the day
- Hot kūpuna-tailored meals



MEALS-TO-GO

- Hot or frozen meals tailored for kūpuna



King Lunalilo Trust

Strategic Initiatives

2023



Kupuna Meals-to-Go

2024-27



Local Adult Day Centers



Home Care Agency



Affordable Kūpuna Housing

2028



Intermediate Care Facility

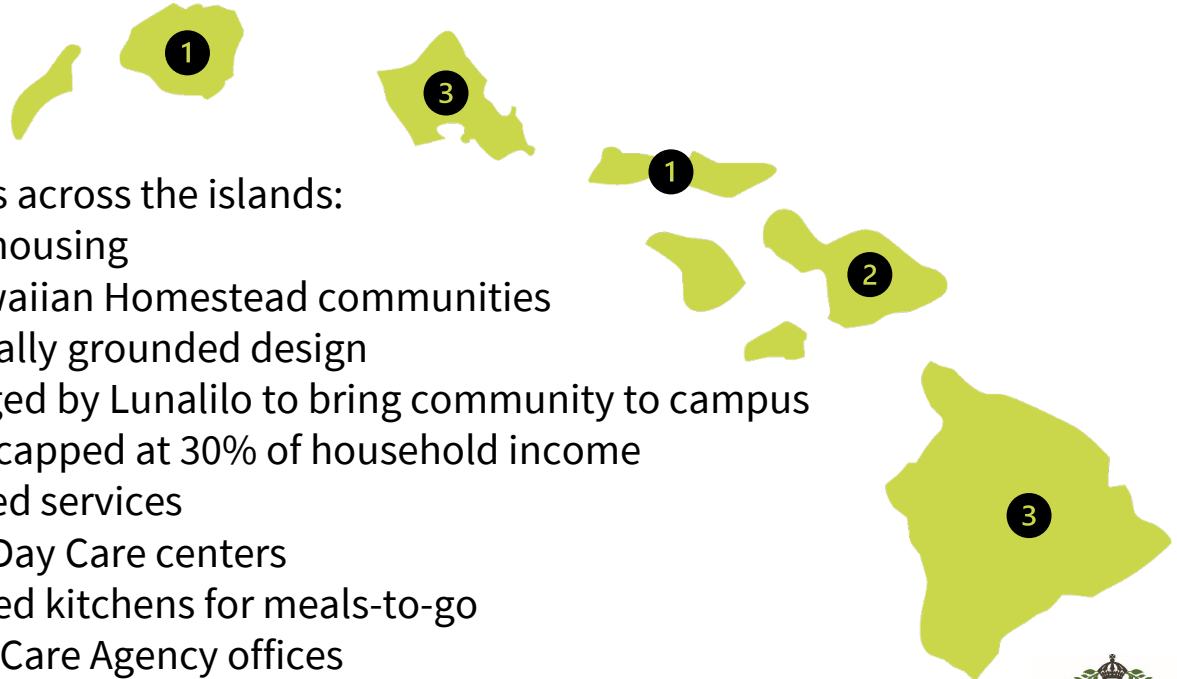


King Lunalilo Trust





Kupuna housing: E malu i ka po'e Hawai'i



10 campuses across the islands:

- Kupuna housing
 - In Hawaiian Homestead communities
 - Culturally grounded design
 - Managed by Lunalilo to bring community to campus
 - Rents capped at 30% of household income
- Co-located services
 - Adult Day Care centers
 - Certified kitchens for meals-to-go
 - Home Care Agency offices
 - Keiki programs/Intergenerational programs





Affordable Kūpuna Housing

Vision: Conceptual Masterplan

Example based on
Maunaloa Campus in
Hawai'i Kai



King Lunalilo Trust



Affordable Kūpuna Housing

Vision: Conceptual Masterplan

Walking Paths with
Cultural Pewa Spaces at
Intersections

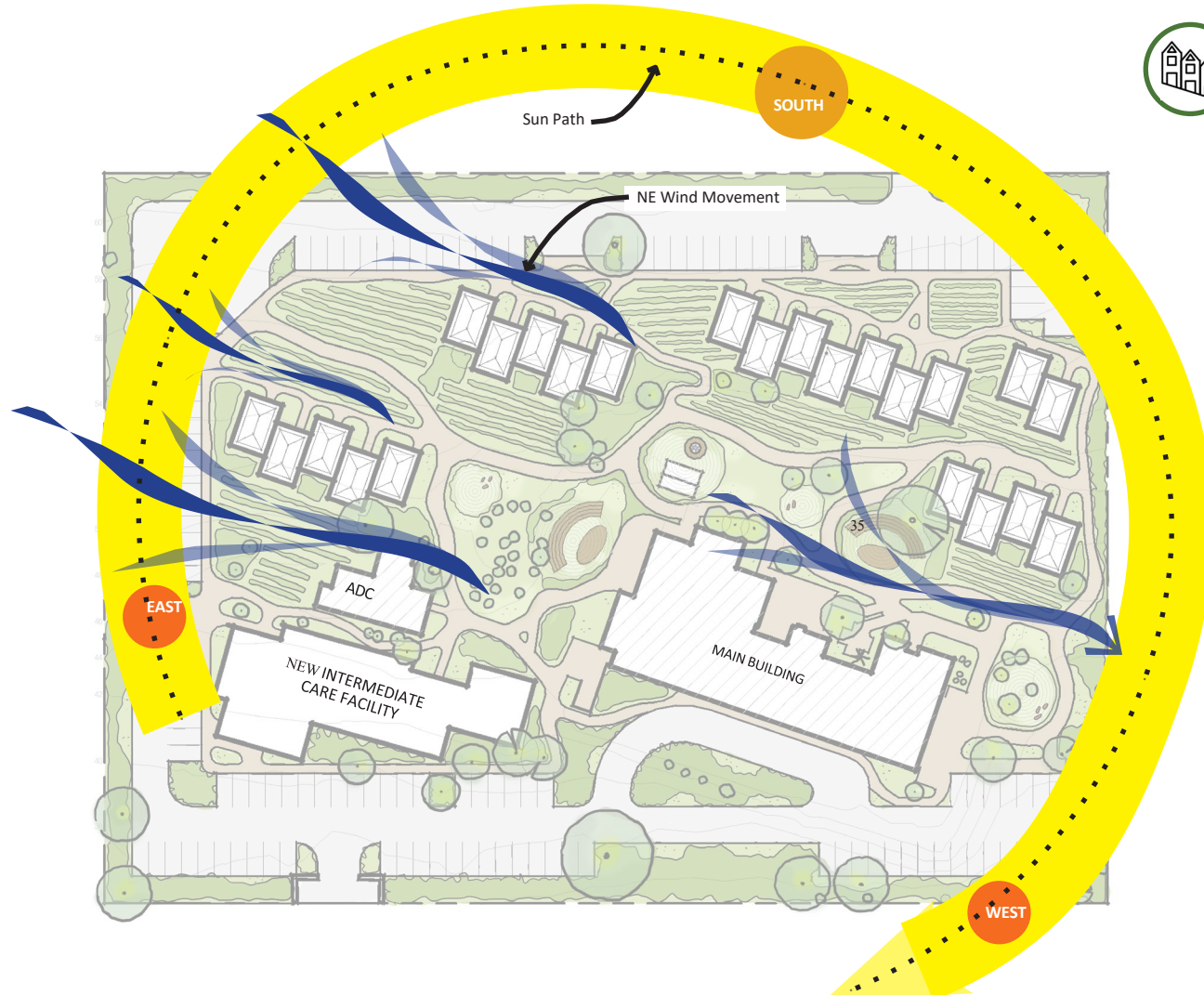
Example based on
Maunalua Campus in
Hawai'i Kai



King Lunalilo Trust



Affordable Kūpuna Housing



Vision: Conceptual Masterplan

Minimize Solar Heating,
Maximize Wind Cooling

Example based on
Maunaloa Campus in
Hawai'i Kai



King Lunalilo Trust

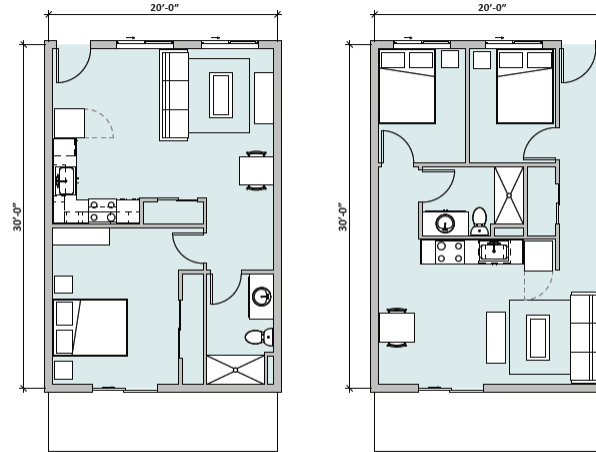
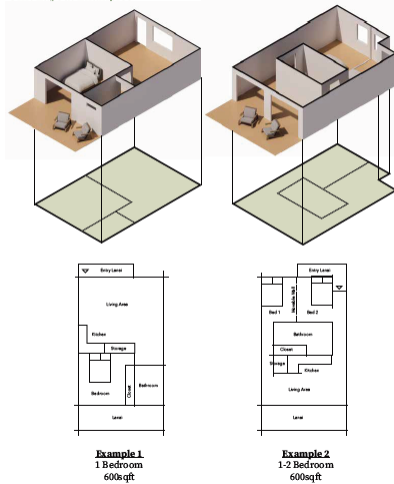


Our Vision: Conceptual Masterplan

One- or Two-Bedroom
Units with Lanais

Example based on
Maunaloa Campus in
Hawai'i Kai

Unit Layout Examples





Sample Budget per Campus

Description	Amount	Source
Tax Credit Equity	\$14,425,000	Plan to submit applications to Hawaii Housing Finance & Development Corporation, starting February 2025 and each year after.
Rental Housing Revolving Fund	\$10,000,000	
Construction Grant(s)	\$3,000,000	Asked the Office of Hawaiian Affairs for \$1,000,000 per campus.
Bank Loan	\$2,575,000	Plan to apply to commercial banks for loans.
.DHHL Leasehold Land Award	-	Plan to ask the Department of Hawaiian Home Lands for general or commercial leases with support from local Hawaiian Homestead Association Boards.
Total	\$30,000,000	

Note 1: Amounts not yet secured and subject to change; most amounts not yet requested.

Note 2: None of these amounts will involve the \$600 million state appropriation for Homesteads.





King Lunalilo Trust

Caring for kūpuna, E ola ʻē.

Mahalo nui loa!

Web: lunalilo.org

Email: keolamaikalani@lunalilo.org

From: [PHHLCA](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Cc: [Elizabeth Kaeha](#); [Charlene - Kela Manu](#)
Subject: [EXTERNAL] COMMISSION MTG NOV. 20-21 TESTIFYING
Date: Friday, November 03, 2023 12:13:29 PM

Aloha

My name is Lillian "Nani" Kaeha President of Pana'ewa Hawaiian Home Lands Community Association (PHHLCA), we would like an opportunity to testify before the Commission via zoom.

Thank you,

Lillian "Nani" Kaeha
President, PHHLCA

From: dhlh.icro1@hawaii.gov
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: HCC Contact:
Date: Monday, December 04, 2023 9:21:17 AM

First Name

Guy

Last Name

Gasper

Emailggas09@yahoo.com**Email**ggas09@yahoo.com**Subject**

To Commission Secretary

Message

Good morning Leah, trying to get on the list to testify this upcoming meeting along with my sister Debra Import. We are looking to get 15 minutes each. Not sure what more I should be requesting. I'll be watching for a response from you. Thank you just saw the files part, I'll be sending it shortly

From: dhl.icro1@hawaii.gov
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: New submission from Submit J-Agenda Testimony
Date: Tuesday, December 05, 2023 2:28:01 AM

Name

Maile H. Requilman-Kaopua

Email

hoonani68@yahoo.com

Message

Requesting in-person J-Agenda Testimony for upcoming meeting scheduled Wednesday, December 19, 2023.

Mahalo Nui.

re: Kaupe'a Homestead-Honouliuli, O'ahu.

From: [DHHL.ContactCenter](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: FW: [EXTERNAL] Re: Testimony
Date: Wednesday, November 29, 2023 10:02:03 AM

Aloha Leah,

Forwarding an email that was sent to the CC requesting to submit testimony.

Mahalo,
Deb

From: Doris Walker <finerthingsproductions@yahoo.co.uk>
Sent: Wednesday, November 29, 2023 9:00 AM
To: DHHL.ContactCenter <dhhl.contactcenter@hawaii.gov>
Subject: [EXTERNAL] Re: Testimony

This is a link to my public testimony regarding your office. <https://riverside.fm/dashboard/studios/j-ivorys-studio/recordings/d295da9a-511c-46cf-bc0b-e48ba13f101f?share-token=df8e138c9d8a3ad3f50d&content-shared=recording-preview>
Walker

On Monday, November 27, 2023 at 05:46:58 PM CST, Doris Walker <finerthingsproductions@yahoo.co.uk> wrote:

I would like to submit testimony to your next meeting. I'd like my name to be added to the agenda and minutes of the meeting.

I am a descendant of the Queen of Hawaii, who seemingly has left a trust that includes lands held in trust to beneficiaries of the trust.

There are several individuals that I represent that would have been beneficiaries of the land, buildings, and of the Queen's trust but due to the fact that they were orphaned and sent to the mainland or, deported to the US and separated from their family during the overthrow of Hawaii. These individuals had no idea that they were actually native Hawaiians or children of Hawaiian natives during a parallel injustice in the United States better known as Jim Crow which systematically denied the rights of Colored Individuals living in America. My testimony is one of restoration. Restoration to my family that I have obviously been illegally separated from, and damages for the infliction of familial relations, heritage, ethnicity, and obviously family inheritance of land and other items that belong to the Royal Hawaiian Family. There is the obvious question of entitlements and the illegal taking of land under the 5th Amendment and non compensation for that taking, directly relating to the Queen of Hawaii and the family of King Kamehameha. I would like to know how to obtain more information on your agency and the rights of beneficiaries separated by orphaning that occurred during the turn of the 19th Century specifically relating to the Annexation.

From: dhlh.icr01@hawaii.gov
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: New submission from Submit J-Agenda Testimony
Date: Monday, December 04, 2023 7:05:47 AM

Name

Germaine Meyers

Email

hikino96792@gmail.com

Message

Aloha, may I please address the Commission on J Agenda at December HHC meeting regarding various Lessee and beneficiary concerns. Mahalo nunui, Germaine Meyers

From: [Blossom Feiteira](#)
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: [EXTERNAL] Request for J agenda
Date: Friday, December 01, 2023 9:45:03 AM

Aloha Lea and Happy Holidays!

Yes, tis the season! (Already?)

Request time on J agenda for December 2023 Commission meeting please.

Mahalo for all you do!!

Aloha,

Blossom

Sent from my iPhone

From: alhee@waimana.com
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] December HHC meeting
Date: Wednesday, November 29, 2023 10:12:22 AM

Aloha e Leah,

Please put me on the December meeting agenda to address the commission. I will have some materials for them that I will send to you.

After the last meeting Richard Hoke spoke to me briefly outside about a possible work shop. If that is scheduled, I will not have to address the commission as well as do the workshop.

Mahalo,
al

This message is the property of Waimana Enterprises Incorporated and any attachments are confidential to the intended recipient at the e-mail address to which it has been addressed. If you are not the intended recipient, you may not copy, forward, disclose or use any part of this message or its attachments. If you received this transmission in error please notify the sender immediately by e-mail or contact Waimana Enterprises Incorporated at 808-599-4441 and then delete this message from your system.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

January 14, 2022

Name
Address
City, State, Zip code

Dear Lessee:

Subject: Broadband Services Update on Hawaiian Home Lands

This letter is to inform you that in accordance with a Federal Communications Commission (FCC) Memorandum Opinion and Order adopted on June 30, 2017, the Department of Hawaiian Home Lands (DHHL), will no longer enforce the exclusivity provision of DHHL License Agreement No. 372, issued to Waimana Enterprises, Inc. on May 9, 1995.

Waimana Enterprises, Inc. is Sandwich Isle Communications, Inc.'s (Sandwich Isles) parent company from whom many of you have telephone and internet services.

In the past, DHHL General Lessees and Permittees were prevented from obtaining telecommunications services from any other carrier besides Sandwich Isles. As a result of the lifting of the former exclusivity provision, tenants on Hawaiian Home Lands are now able to choose who to receive these services from and would not be in violation of their Lease, License, or Right-Of-Entry agreement.

Current Sandwich Isles customers may choose to continue to use their existing service or may select services from other providers, including Hawaiian Telcom, Spectrum, or other carriers who can bring service to your business. It is important to note that some service providers may not be able to provide all services immediately.

Please feel free to call (808) 620-9500 should you have additional questions or concerns.

Aloha,

A handwritten signature in black ink, appearing to read "William J. Aila, Jr.".

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

cc:

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
Sandwich Isles Communications, Inc.)	
)	
Petition for Waiver of the Definition of "Study)	CC Docket No. 96-45
Area" Contained in Part 36, Appendix-Glossary)	
and Sections 36.611 and 69.2(hh) of the)	
Commission's Rules)	

MEMORANDUM OPINION AND ORDER

Adopted: June 30, 2017

Released: July 3, 2017

By the Commission: Commissioner Clyburn issuing a statement.

1. Congress has directed that if a State or local legal requirement effectively prohibits competitors from providing telecommunication service, we *must* override that requirement. Today, we carry out that mandate to remove barriers to entry and ensure the benefits of competition by preempting an exclusive license that effectively bars telecommunications competition on the Hawaiian home lands. Specifically, in this Memorandum Opinion and Order, we find that an exclusive license to "build, construct, repair, maintain, and operate" a network to provide telecommunications services that was granted by the State of Hawaii, Department of Hawaiian Home Lands (DHHL or Department) to Waimana Enterprises, Inc. (Waimana) and then assigned to its subsidiary, Sandwich Isles Communications, Inc. (Sandwich Isles) (hereinafter Exclusive License),¹ violates Section 253(a) of the Communications Act, as amended (the Act).² Because we find that the Exclusive License is not subject to the exceptions in Section 253(b) or (c),³ we preempt enforcement of its exclusivity provision pursuant to Section 253(d) of the Act.⁴

I. BACKGROUND

2. DHHL is responsible for managing the Hawaiian home lands for the benefit of native Hawaiians under the Hawaiian Homes Commission Act of 1920, as amended (HHCA).⁵ Thousands of families reside on the Hawaiian home lands, which are comprised of approximately 203,000 acres of

¹ State of Hawaii, Department of Hawaiian Home Lands License Agreement No. 372, at 2 (May 9, 1995) (Exclusive License), attached as Exhibit One to Sandwich Isles Reply Comments, WC Docket No. 10-90, WT Docket No. 10-208 (filed Feb. 24, 2012) (Sandwich Isles Feb. 24, 2012 Reply Comments).

² 47 U.S.C. § 253(a).

³ *Id.* § 253(b), (c).

⁴ *Id.* § 253(d).

⁵ Letter from Jobie M.K. Masagatani, Chairman, Hawaiian Homes Commission, on behalf of the Department of Hawaiian Home Lands, State of Hawaii, to Ajit Pai, Chairman, FCC, WC Docket No. 10-90, CC Docket No. 96-45, at 1 (filed Feb. 3, 2017) (DHHL Letter).

State land.⁶ Pursuant to the HHCA, DHHL has authority over access to and uses of the Hawaiian home lands,⁷ including authority “to grant licenses as easements for . . . telephone lines.”⁸ However, DHHL “does not have regulatory authority over telecommunications carriers.”⁹ In 1995, “DHHL granted an ‘exclusive’ license ‘in perpetuity’ to Waimana Enterprises, Inc., the parent company of Sandwich Isles, to provide telecommunications services to the Hawaiian home lands.”¹⁰ Specifically, the Exclusive License grants Waimana and its legal successors and assigns “the exclusive right and privilege to build, construct, repair, maintain, and operate a broad band [*sic*] telecommunications network including poles, overhead and/or underground lines, appliances, microwave and/or other types of equipment over, across, under and throughout all lands under the administration and jurisdiction of [DHHL]”¹¹ The terms of the Exclusive License provide that “broad band [*sic*] telecommunication services” includes, among other services, “intrastate and interstate telephone services.”¹² In 1996, DHHL granted a partial assignment of the Exclusive License to Sandwich Isles.¹³

3. In December 2016, following an investigation by the Universal Service Administrative Company, the Commission concluded that Sandwich Isles improperly received payments of more than \$27 million in universal service high-cost support through repeated violations of the Commission’s rules.¹⁴ In light of the Commission’s findings, the Commission directed the Wireline Competition Bureau (Bureau) to seek comment on whether the Commission should terminate a previously granted study area

⁶ Comments of Hawaiian Telcom, Inc., WC Docket No. 10-90, CC Docket No. 96-45 (filed Feb. 20, 2017) (Hawaiian Telcom Comments), Attachment, Opposition of Hawaiian Telcom, Inc. to Petition for Expedited Study Area Waiver, CC Docket No. 96-45, at 4 (filed Mar. 4, 2013).

⁷ DHHL Letter at 2, n.2.

⁸ Hawaiian Telcom Comments, Attachment, at 18 (quoting HHCA § 207(c)(1)).

⁹ DHHL Letter at 2, n.2.

¹⁰ *Id.* at 2.

¹¹ Exclusive License at 2.

¹² *Id.* at 1.

¹³ DHHL Letter at 2; *see also* Sandwich Isles Feb. 24, 2012 Reply Comments at 5-6 (explaining that the Exclusive License “was subsequently assigned in part to [Sandwich Isles], a wholly-owned subsidiary of Waimana, for purposes of the wireline voice requirements of the License”).

¹⁴ *See generally* Sandwich Isles Communications, Inc., Order, WC Docket No. 10-90, 31 FCC Rcd 12999 (2016) (*Sandwich Isles Improper Payments Order*). The Commission also proposed a forfeiture of more than \$49 million on Sandwich Isles, Waimana, and its controlling owner, Albert Hee, for apparent violations of the Commission’s rules by, among other things, submitting and falsely certifying inaccurate data contained in cost studies from 2002 to 2013 that were used to calculate high-cost support. *See generally* Sandwich Isles Communications, Inc., Waimana Enterprises, Inc., Albert S.N. Hee, Notice of Apparent Liability for Forfeiture and Order, File No. EB-IHD-15-00019603, 31 FCC Rcd 12947 (2016) (*Sandwich Isles NAL* or *NAL*). In the *NAL*, the Commission ordered Sandwich Isles to submit a report explaining why the Commission should not initiate proceedings against Sandwich Isles to revoke its Commission authorizations, including but not limited to, its Section 214 authorizations. *Id.* at 12974, para. 84. The Commission also directed the Bureau to issue a Public Notice seeking comment from interested stakeholders on this issue. *Id.*; *see also* Wireline Competition Bureau Seeks Comment on Initiating Proceedings to Revoke Sandwich Isles Communications, Inc.’s Commission Authorizations, Public Notice, WC Docket No. 16-405, DA 17-168 (2017). Sandwich Isles submitted its response to the *NAL* on February 3, 2017. *See* Sandwich Isles Communications, Inc.’s Comments and Response to Notice of Apparent Liability and Forfeiture Order, WC Docket No. 10-90 (filed Feb. 3, 2017).

boundary waiver providing Sandwich Isles the status of an incumbent local exchange carrier for purposes of receiving high-cost support, and thereby render Sandwich Isles ineligible to receive such support.¹⁵

4. In response to the Bureau's Public Notice,¹⁶ on February 3, 2017, DHHL filed a letter requesting guidance on whether the terms of the Exclusive License granted to Waimana and partially assigned to Sandwich Isles¹⁷ "may implicate Section 253(a) . . . and act as a potential barrier to entry by another provider capable of reasonably utilizing [universal service] support" to provide service to the Hawaiian home lands.¹⁸ On February 6, 2017, the Bureau issued a Public Notice seeking comment on DHHL's request for guidance.¹⁹ In response, Hawaiian Telcom argues that the Exclusive License violates Section 253(a)²⁰ and Crown Castle contends that any interpretation of the Exclusive License to exclude the provision of CMRS by entities other than Sandwich Isles would violate Section 253(a).²¹ In their reply comments, Waimana and Sandwich Isles contend that the Exclusive License does not violate Section 253(a).²²

5. Section 253(a) provides that:

No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.²³

6. Section 253(b) creates an exception to Section 253(a), providing that:

Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.²⁴

¹⁵ *Sandwich Isles Improper Payments Order*, 31 FCC Rcd at 13016-17, para. 58. This order does not resolve any issues related to Sandwich Isles' study area waiver or potential revocation of Sandwich Isles' Commission authorizations.

¹⁶ *Wireline Competition Bureau Seeks Comment on the 2005 Waiver That Allows Sandwich Isles to Be Treated as an Incumbent Local Exchange Carrier for Purposes of Receiving High-Cost Universal Service Support*, Public Notice, WC Docket No. 10-90, CC Docket No. 96-45, 31 FCC Rcd 13326 (Dec. 20, 2016).

¹⁷ See DHHL Letter at 2 ("Pursuant to a partial assignment of that license in January 1996, Sandwich Isles provides telecommunications services to the home lands.").

¹⁸ *Id.* at 2.

¹⁹ *Wireline Competition Bureau Seeks Comment on the Department of Hawaiian Home Lands' Request for Guidance on Whether Sandwich Isles, Inc.'s Exclusive License to Serve the Hawaiian Home Lands Conflicts with Section 253(a) of the Communications Act*, Public Notice, WC Docket. No. 10-90, CC Docket. No. 96-45, 32 FCC Rcd 1117 (Feb. 6, 2017) (*Section 253 Public Notice*).

²⁰ See generally Hawaiian Telcom Comments.

²¹ See Comments of Crown Castle USA Inc., WC Docket No. 10-90, CC Docket No. 96-45, at 2 (filed Feb. 20, 2017) (Crown Castle Comments).

²² See generally Reply Comments of Sandwich Isles Communications, Inc., WC Docket No. 10-90, CC Docket No. 96-45 (filed Mar. 9, 2017) (Sandwich Reply Comments); Reply of Waimana Enterprises Inc., WC Docket No. 10-90, CC Docket No. 96-45 (filed Feb 27, 2017) (Waimana Reply Comments); see also Letter from Albert Hee, Founder, Waimana Enterprises Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90, CC Docket No. 96-45 (filed Feb. 27, 2017) (Hee Reply Comments).

²³ 47 U.S.C. § 253(a).

²⁴ *Id.* § 253(b).

7. Section 253(c) also preserves State authority, saying that:

Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed.²⁵

8. Section 253(d) requires the Commission to preempt the enforcement of State or local requirements that are contrary to Sections 253(a) or (b) “to the extent necessary to correct such violation or inconsistency.”²⁶

II. DISCUSSION

9. The Exclusive License violates Section 253(a) because it constitutes a State legal requirement that prohibits or has the effect of prohibiting the ability of any entity other than Sandwich Isles to provide intrastate or interstate telecommunications services. Because the Exclusive License does not satisfy the exceptions in Section 253(b) or (c), we are required to preempt enforcement of its exclusivity provision pursuant to Section 253(d).

A. Section 253(a) Analysis

10. *Section 253(a) Applies.* Despite Waimana’s and Sandwich Isles’ arguments to the contrary, we find that the Exclusive License falls within the scope of Section 253(a). First, Waimana argues that Section 253(a) does not apply because the “DHHL is not the State,”²⁷ but rather an entity akin to a tribal government that has sovereignty over the Hawaiian home lands.²⁸ We disagree and find that the DHHL is a “State” agency to which Section 253(a) applies. As the Ninth Circuit and the Hawaii Supreme Court have explained, the Hawaiian home lands are managed by State officials.²⁹ Indeed, in rejecting Waimana’s argument that the Hawaiian home lands are not “state lands” for purposes of a Hawaii environmental statute, the Hawaii Supreme Court found that while “the State has assumed a trust obligation regarding Hawaiian home lands and must manage and dispose of these lands in a manner consistent with its fiduciary duty to the beneficiaries,” Waimana had “overlook[ed] the significant role of the State in relation to these lands.”³⁰ Specifically, “both legal title and management responsibilities over the land are still in the hands of the State.”³¹ And DHHL, the State agency that has those management responsibilities, was established pursuant to Section 202 of the HHCA,³² which is State law.³³ Further,

²⁵ *Id.* § 253(c).

²⁶ *Id.* § 253(d).

²⁷ Waimana Reply Comments at 11.

²⁸ *Id.* at 8-9, 11-12; *see also* Sandwich Isles Reply Comments at 3. We note that the Commission has previously declined to act under Section 253 “to preempt Native American power over tribal lands.” *AB Fillins*, Memorandum Opinion and Order, 12 FCC Rcd 11755, para. 18 (1997).

²⁹ *See Kepo’o v. Watson*, 952 P.2d 379, 385-87 (Haw. 1998); *see also Keaukaha-Panaewa Community Ass’n v. Hawaiian Homes Comm’n*, 588 F.2d 1216, 1226-27 (9th Cir. 1978) (explaining that upon admission of Hawaii into the Union, the “United States conveyed its interest in the home lands . . . to the state and these lands are now administered by state officials”).

³⁰ *Kepo’o*, 952 P.2d at 385.

³¹ *Id.*; *see also id.* at 386-87 (holding that the “Hawaiian home lands are certainly unique ‘state lands,’ with special duties attached to them, but they are ‘state lands’ nevertheless”).

³² HHCA § 202(a).

³³ *See Kepo’o*, 952 P.2d at 386-87 (Hawaii 1998) (holding that while the HHCA was originally enacted by Congress, it was subsequently adopted as part of the Hawaii constitution as a condition of statehood, and is therefore “a matter of state constitutional law and does not constitute federal law”) (citing *Keaukaha-Panaewa Community Ass’n*, 588 F.2d at 1226-27). In fact, although Waimana and Sandwich suggest that the Commission cannot preempt here

(continued...)

DHHL is headed by an executive board (the Hawaiian Homes Commission) whose members are appointed by the Governor with the advice and consent of the State Senate.³⁴ It is therefore not surprising that the Exclusive License expressly states that it was granted by the “*State of Hawaii*, Department of Hawaiian Home Lands,”³⁵ and that it was granted pursuant to DHHL’s authority under the HHCA as well as the “*State of Hawaii . . . Administrative Rules*.”³⁶ In fact, Waimana concedes that DHHL is a State agency³⁷ and Sandwich Isles has repeatedly made the same statement in filings with the Commission.³⁸

11. Moreover, DHHL’s own statements in this proceeding belie Waimana’s claim that DHHL has sovereignty over the Hawaiian home lands. For instance, although it is a form of authority that a sovereign would typically possess, DHHL expressly states that it “does not have regulatory authority over telecommunications carriers” on the Hawaiian home lands.³⁹ Additionally, as one commenter explains, while DHHL has statutory control over access to the Hawaiian home lands, no provision of the HHCA authorizes DHHL to establish a telecommunications monopoly on those lands.⁴⁰

12. Further, we disagree with Waimana and Sandwich Isles’ argument that DHHL is analogous to a sovereign tribal government. It is true that Section 54.5 of the Commission’s rules includes the Hawaiian home lands within the definition of “Tribal lands.”⁴¹ That rule defines “Tribal lands” to include the Hawaiian home lands “[f]or purposes of high-cost support.”⁴² But the existence of the rule does not mean that DHHL is akin to a sovereign Tribal government to which Section 253(a) does not apply. Indeed, as the Commission has previously noted, “we do not have the same government-to-government relationship with Hawaiian Home Lands as we do with Tribal lands.”⁴³

13. We also find—and neither Waimana nor Sandwich Isles disputes—that the Exclusive License is a “legal requirement” under Section 253(a). In the *Minnesota Order*, the Commission found

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because the HHCA is longstanding federal law (*see* Waimana Reply Comments at 12; Sandwich Isles Reply Comments at 4), Sandwich Isles itself has previously acknowledged that the HHCA is considered State law. *See* Sandwich Isles Communications, Inc. Petition for Waiver, CC Docket No. 96-45, n.21 (filed Dec. 27, 2004).

³⁴ *See* HHCA § 202(a) (citing Haw. Rev. Stat. § 26-34).

³⁵ Exclusive License at 1 (emphasis added).

³⁶ *See id.* (citing HHCA § 207(c)(1) and Haw. Admin. Rules §§ 10-4-21, 10-4-22).

³⁷ Waimana Reply Comments at 8; *id.*, Exhibit F, at 1 (attaching letter from “the Department of Hawaiian Home Lands of the *State of Hawaii*”) (emphasis added); *see also id.* at 12 (arguing that the Exclusive License does not violate Section 253(a) because that provision “does not prohibit *state and local governments*, as landowners, from . . . bargaining with the land rights they own”) (emphasis added).

³⁸ *See, e.g.*, Letter from Janeen Olds, CEO and President, Sandwich Isles Communications, Inc. to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90, at 4 (filed Mar. 6, 2014) (“DHHL is a State agency . . .”); *id.* at 1 (“[Sandwich Isles] provides these services through an exclusive license granted by the Department of Hawaiian Home Lands (DHHL), the managing state agency of HHL, to provide all telecommunications within HHL.”); Sandwich Isles Communications, Inc. Petition for Waiver, CC Docket No. 96-45, at v (filed Dec. 27, 2004) (“Sandwich Isles’ parent received a license to serve the entire Hawaiian Home Lands . . . from the Department of Hawaiian Home Lands, the state agency administering the trust lands.”).

³⁹ DHHL Letter at 2.

⁴⁰ Hawaiian Telcom Comments, Attachment, at 17-18.

⁴¹ Waimana Reply Comments at 8-9; Sandwich Isles Reply Comments at 3-4.

⁴² 47 CFR § 54.5.

⁴³ *Improving Communications Services for Native Nations*, Notice of Inquiry, 26 FCC Rcd 2672, n.2 (2011); *see also Procedures for Reestablishing a Formal Government-to-Government Relationship with the Native Hawaiian Community*, 80 Fed. Reg. 59113, 59116-17 (Oct. 1, 2015) (“[T]he Federal Government does not maintain a formal government-to-government relationship with the Native Hawaiian community as an organized, sovereign entity.”).

that a contract entered into by the State that granted one entity exclusive access to its freeway rights-of-way for the development of telecommunications transmission capacity created a “legal requirement” under Section 253(a) because it “legally [bound] the State to deny other entities permits for access to these freeway rights-of-way.”⁴⁴ The Commission held that it “will look at the effect of the state or local government’s action to determine whether [S]ection 253 is applicable,” and it found that the agreement had “the potential to adversely affect competitors that do not have similar access” to the freeway rights-of-way.⁴⁵ Similarly, here, the Exclusive License is a contractual agreement⁴⁶ entered into by the State that grants one entity “the exclusive right . . . to build, construct, repair, maintain and operate a . . . telecommunications network”⁴⁷ on the Hawaiian home lands. It thus legally binds the State to deny other competitors the right to do the same, and it consequently adversely affects those competitors. Specifically, entities other than Sandwich Isles cannot build or operate network facilities to reach and provide telecommunications services to the residents living on the more than 200,000 acres of land that comprise the Hawaiian home lands. For these reasons, we find that the Exclusive License creates a “legal requirement” to which Section 253(a) applies. Such a conclusion is entirely consistent with congressional intent. As the Commission has previously explained, the “fact that Congress included the term ‘other legal requirements’ within the scope of section 253(a) recognizes that State and local barriers to entry could come from sources other than statutes and regulations,” and interpreting the term “legal requirement” broadly best fulfills Congress’ desire to ensure that States and localities do not impede the development of competition.⁴⁸

14. Additionally, we are not persuaded by Waimana’s argument that Section 253(a) is inapplicable where it would affect the State’s ability to “deal[] with its real estate interests . . . as it sees fit,” such as by granting access to “rights-of-way over land that it owns.”⁴⁹ In fact, the Commission applied Section 253(a) to just such an instance in the *Minnesota Order*. There, Minnesota had granted one entity exclusive physical access to State-owned land (*i.e.*, State freeway rights-of-way) in exchange for the development of telecommunications transmission capacity.⁵⁰ The Commission held that Section 253(a) applied because the agreement at issue had the potential to adversely affect competitors that lacked similar access.⁵¹ As the Commission emphasized there, the relevant inquiry in determining whether Section 253(a) applies is the legal requirement’s “effect on the provision of telecommunications service,” not how the requirement could be characterized or “the purported subject matter” of the requirement.⁵² Thus, contrary to Waimana’s assertion, the fact that the State was “bargaining with the land” that it owns⁵³ when granting the Exclusive License does not render Section 253(a) inapplicable here.

⁴⁴ *Petition of the State of Minnesota for a Declaratory Ruling Regarding the Effect of Section 253 on an Agreement to Install Fiber Optic Wholesale Transport Capacity in State Freeway Rights-of-Way*, Memorandum Opinion and Order, 14 FCC Rcd 21697, 21707, para. 17 (1999) (*Minnesota Order*).

⁴⁵ *Id.* at 21707, para. 19. The Commission thus found the situation at hand to be “very different from a traditional government procurement of telecommunications facilities or services” to which Section 253 would not apply. *Id.*

⁴⁶ The Exclusive License is a contract in which DHHL granted Waimana the exclusive right to build, maintain, and operate a telecommunications network on the Hawaiian home lands “in consideration of the services to be provided by [Waimana],” including the construction and installation of telecommunications infrastructure on DHHL’s lands at Waimana’s cost. *See Exclusive License* at 1-2.

⁴⁷ *Id.* at 2.

⁴⁸ *Minnesota Order*, 14 FCC Rcd at 21707, para. 18.

⁴⁹ Waimana Reply Comments at 11-12.

⁵⁰ *See generally Minnesota Order*.

⁵¹ *Id.* at 21708, para. 19.

⁵² *Id.* at 21705-06, 21707, paras. 14-15, 19.

⁵³ Waimana Reply Comments at 12.

15. *The Exclusive License Violates Section 253(a)*. Having found that the Exclusive License falls within the scope of Section 253(a), we conclude that it prohibits or has the effect of prohibiting the ability of entities other than Waimana and Sandwich Isles from providing telecommunications services in contravention of the statute.⁵⁴ Sandwich Isles argues that the Exclusive License does not violate Section 253(a) because it grants exclusivity only as to the construction of telecommunications “infrastructure” and therefore does not preclude competitors from providing “service” to the Hawaiian home lands.⁵⁵ We reject this argument. DHHL itself characterizes the Exclusive License as granting the exclusive right “to provide telecommunications services to the Hawaiian home lands”⁵⁶ (although it is not clear that DHHL has such authority). More importantly, for purposes of Section 253(a), it is a legal requirement’s “effect on the provision of telecommunications service that is critical, not whether [the requirement] could be characterized as dealing with infrastructure development.”⁵⁷

16. The legal requirement at issue in this proceeding grants one entity the “exclusive” right “to build, construct, repair, maintain and operate a . . . telecommunications network” for the purpose of providing service to the residents of the Hawaiian home lands and therefore prohibits other entities from doing so.⁵⁸ The Exclusive License thus represents exactly the type of prohibition on entry that Section 253(a) was intended to prevent.⁵⁹ As the Commission has held, “[S]ection 253(a), at the very least, proscribes State and local legal requirements that prohibit all but one entity from providing telecommunications services in a particular State or locality.”⁶⁰ And the State’s action here, “granting an exclusive license to [an entity], appears fundamentally inconsistent with the primary goal of the Telecommunications Act of 1996, to replace exclusivity with competition.”⁶¹

17. Waimana argues that the Exclusive License does not violate Section 253(a) because several other carriers have been authorized to provide telecommunications services on the Hawaiian home lands, including by operating cellular towers on those lands.⁶² However, this fact does not render the Exclusive License lawful. On its face, the Exclusive License binds DHHL to prohibit the construction or

⁵⁴ 47 U.S.C. § 253(a).

⁵⁵ Sandwich Isles Reply Comments at 2-3.

⁵⁶ DHHL Letter at 2 (emphasis added).

⁵⁷ *Minnesota Order*, 14 FCC Rcd at 21705, para. 14; see also *Public Utility Commission of Texas et al. Petitions for Declaratory Ruling and/or Preemption of Certain Provisions of the Texas Public Utility Regulatory Act of 1995*, Memorandum Opinion and Order, 13 FCC Rcd 3460, 3480, para. 41 (1997) (*Texas Order*) (concluding that the mandate under Section 253 “requires us to preempt not only express restrictions on entry, but also restrictions that indirectly produce that result”).

⁵⁸ See, e.g., *Minnesota Order*, 14 FCC Rcd at 21708, para. 21 (finding that a State requirement that prevents other facilities-based providers from providing telecommunications services would contravene Section 253(a)) (citing *Texas Order*, 13 FCC Rcd at 3496-97, paras. 74-75).

⁵⁹ See, e.g., *N.J. Payphone Ass’n v. Town of West New York*, 299 F.3d 235, 242 (3d Cir. 2002) (holding that exclusive area-wide franchise to provide payphones in public rights-of-way is a “deliberate creation of scarcity” in violation of 253(a)); *id.* at 247 (explaining that a requirement that permits a government entity to “choose one service provider . . . to the exclusion of all others based on criteria determined by it rather than the market” violates Section 253(a)); *Classic Telephone, Inc., Petition for Preemption, Declaratory Ruling and Injunctive Relief*, Memorandum Opinion and Order, 11 FCC Rcd 13082, 13096, paras. 26-27 (1996) (*Classic Telephone*) (concluding that city’s decision not to grant a local franchise to a second telecommunications carrier in order to prevent competition violates Section 253); *New England Public Communications Council, Petition for Preemption Pursuant to Section 253*, Memorandum Opinion and Order, 11 FCC Rcd 19713, 19721, para. 18 (1996) (*New England Order*) (preempting state commission decision precluding independent payphone providers from offering services).

⁶⁰ *Classic Telephone*, 11 FCC Rcd at 13095, para. 25.

⁶¹ *Minnesota Order*, 14 FCC Rcd at 21700, para. 3.

⁶² Waimana Reply Comments at 13-14; see also Hee Reply Comments at 1.

operation of a telecommunications network by any entity other than Sandwich Isles for the provision of telecommunications services on the Hawaiian home lands. And selective enforcement of the Exclusive License does not obviate its effect of prohibiting competition. Indeed, the record demonstrates that the Exclusive License has the effect of prohibiting the ability of an entity to continue to provide telecommunications services to the Hawaiian home lands. Specifically, Crown Castle states that when it notified DHHL of its intention to extend the term of its non-exclusive license to operate a cellular tower on the Hawaiian home lands, “DHHL notified Crown Castle of [DHHL’s] contract with Sandwich Isles” giving exclusive rights with respect to DHHL properties.⁶³ As a result, Crown Castle has been unable to extend its license to operate the tower, which is used to provide CMRS on the Hawaiian home lands.⁶⁴

18. Waimana also suggests that the Exclusive License does not prohibit competition because other telecommunications carriers could lease access to elements of Sandwich Isles’ network.⁶⁵ The Exclusive License, however, prohibits any other entity from even “operat[ing] a . . . telecommunications network” on the Hawaiian home lands.⁶⁶ In any event, under Commission precedent, Section 253(a) bars State or local requirements that prevent competitors from “utiliz[ing] their own facilities to provide service.”⁶⁷

B. Section 253(b) Analysis

19. We conclude that the Exclusive License is not protected by Section 253(b). That provision preserves from preemption certain State or local requirements that are “competitively neutral” and “necessary” to achieve the public interest objectives enumerated therein, even if the requirements violate Section 253(a).⁶⁸

20. Consistent with Commission precedent, we find that the Exclusive License is not competitively neutral. The “proper inquiry” under Section 253(b) is “whether the effect of the [State or local legal requirement] will be competitively neutral.”⁶⁹ In the *New England Order* and *Texas Order*, the Commission found that the State legal requirements at issue were not competitively neutral because they singled out a class of entities and imposed a disadvantage on them that significantly affected or even eliminated their ability to compete in the provision of certain telecommunications services.⁷⁰ Similarly, in the *Minnesota Order*, the Commission concluded that the agreement at issue was not competitively neutral because it granted a single entity exclusive physical access to valuable freeway rights-of-way for a period of ten years with an option to renew for another ten years and thereby disadvantaged facilities-based competitors.⁷¹ Likewise, here, the Exclusive License expressly grants a single entity the exclusive right, in perpetuity, to construct and operate a telecommunications network on the Hawaiian home lands and thus effectively prohibits the provision of telecommunications services by competitors.

21. Our conclusion that the Exclusive License is not competitively neutral is dispositive on the question of whether the Section 253(b) exception applies. Even if that were not the case, however, we find no basis for concluding that the Exclusive License is “necessary” to advance universal service or any of the other public interest objectives listed in Section 253(b). The burden of proving that the State or

⁶³ Crown Castle Comments at 2.

⁶⁴ *Id.*

⁶⁵ Waimana Reply Comments at 15-16; *see also* Hee Reply Comments at 1.

⁶⁶ Exclusive License at 2.

⁶⁷ *Texas Order*, 14 FCC Rcd at 21708, para. 21.

⁶⁸ 47 U.S.C. § 253(b); *see also Minnesota Order*, 14 FCC Rcd at 21724, para. 50.

⁶⁹ *Minnesota Order*, 14 FCC Rcd at 21724-25, para. 51.

⁷⁰ *See New England Order*, 11 FCC Rcd at 19721-22, para. 20; *Texas Order*, 13 FCC Rcd at 3500, para. 82.

⁷¹ *Minnesota Order*, 14 FCC Rcd at 21725, para. 52.

local requirement comes within the exceptions of Section 253 falls on the party claiming that the exemption applies.⁷² Here, Sandwich Isles asserts that the public interest objectives in Section 253(b) “are exactly the basis on which the [Exclusive License] was based.”⁷³ However, Sandwich Isles does not elaborate on or provide any support for this claim, let alone demonstrate that the Exclusive License is “necessary” to achieve those public interest objectives.⁷⁴ And Waimana does not even reference Section 253(b) in its reply comments.

C. Section 253(c) Analysis

22. Waimana suggests that the Exclusive License is protected from preemption under Section 253(c).⁷⁵ That provision states that “[n]othing in this section affects the authority of the State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.”⁷⁶ However, Waimana fails to demonstrate how or why the Exclusive License constitutes “manage[ment of] rights-of-way” by DHHL. Instead, Waimana merely quotes language from a federal district court case regarding the purpose of Section 253(c).⁷⁷ In fact, the district court there expressly distinguished the exclusive franchise to operate payphones on city sidewalks at issue in that case with a “restriction[] on the building of networks through the rights of way to serve the broader community,”⁷⁸ which is precisely the type of restriction at issue here.

23. While the Act does not define “manage[ment of] rights-of-way,” the Commission has previously recognized in the context of Section 253(c) that “[l]ocal governments must be allowed to perform the range of vital tasks necessary to preserve the physical integrity of streets and highways, to control the orderly flow of vehicles and pedestrians, [and] to manage gas, water, cable . . . and telephone facilities that crisscross the streets and public rights-of-way.”⁷⁹ The Commission in turn has described the “types of activities that fall within the sphere of appropriate rights-of-way management” as including “coordination of construction schedules, determination of insurance, bonding and indemnity requirements, establishment and enforcement of building codes, and keeping track of various systems using the rights-of-way to prevent interference between them.”⁸⁰ By contrast, here, the Exclusive License does much more than simply enable DHHL to engage in these or similar types of activities. Rather, as discussed above, the Exclusive License grants one entity the exclusive right to “operate a . . . telecommunications network” for the provision of telecommunication services on the Hawaiian home lands,⁸¹ and it thus has the effect of precluding any other entity from providing telecommunications services to the residents of those lands. Finding that such a restriction falls within Section 253(c) would

⁷² *Id.* at 21704, n.26.

⁷³ Sandwich Isles Reply Comments at 4-5.

⁷⁴ *Id.* at 4.

⁷⁵ Waimana Reply Comments at 12.

⁷⁶ 47 U.S.C. § 253(c).

⁷⁷ See Waimana Reply Comments at 12 (quoting *Telebeam Telecomms. Corp. v. City of New York*, 194 F.Supp.3d 178, 187 (E.D.N.Y. 2016)).

⁷⁸ *Telebeam Telecomms.*, 194 F.Supp.3d at 188.

⁷⁹ *TCI Cablevision of Oakland County, Inc.*, Memorandum Opinion and Order, 12 FCC Rcd 21396, 21441, para. 103 (1997).

⁸⁰ *Id.*; see also *Minnesota Order*, 14 FCC Rcd at 21729, n.129.

⁸¹ Exclusive License at 2.

allow the rights-of-way management exception to “swallow whole the broad congressional preemption”⁸² under Section 253(a) and render that statutory provision meaningless.

24. Moreover, even assuming that the Exclusive License constituted rights-of-way management, such management must be “competitively neutral” and “nondiscriminatory” to receive protection under Section 253(c).⁸³ Again, “the burden of proving that a statute, regulation, or legal requirement comes within the exemptions found in [S]ections 253(b) and (c) falls on the party claiming that exception applies.”⁸⁴ Here, however, Waimana does not even acknowledge that a State’s rights-of-way management must be both “competitively neutral” and “nondiscriminatory” under Section 253(c), let alone demonstrate that the Exclusive License meets these two requirements.

D. Preemption Under Section 253(d)

25. Because the Exclusive License violates Section 253(a) and is not saved by the exceptions in Section 253(b) or (c), we are required to preempt enforcement of its exclusivity provision under Section 253(d).⁸⁵ That statutory provision requires the Commission to “preempt the enforcement” of “a State or local legal requirement that violates Section 253(a) or 253(b) “to the extent necessary to correct such violation or inconsistency.”⁸⁶ We therefore preempt enforcement of the exclusivity provision of the Exclusive License⁸⁷ because it has the effect of prohibiting the ability of any entity other than Sandwich Isles to provide telecommunications services on the Hawaiian home lands. We note that the Exclusive License also contains a provision which states that “[a]fter LICENSEE activates the existing and/or new telecommunications infrastructure, [DHHL] agrees not to allow any other telecommunications provider to use any remaining telecommunications infrastructure to continue to provide or initiate service on [DHHL’s] lands.”⁸⁸ We also find it necessary to preempt enforcement of this provision to the extent that it acts as a restatement or extension of the exclusivity provision.

E. Waimana’s and Sandwich Isles’ Remaining Arguments

26. None of Waimana’s remaining arguments alter our conclusion that we must preempt enforcement of the exclusivity provision of the Exclusive License. First, the fact that a State legal requirement prohibiting competition in the provision of telecommunications services may have benefitted the State or some of its residents⁸⁹ does not render it lawful.⁹⁰ Second, Waimana argues that the Exclusive License “was required by the Rural Utilities Service (‘RUS’) as a condition” of obtaining an RUS loan.⁹¹ Waimana, however, fails to cite any support for this claim. Nor are we aware of any RUS requirement

⁸² *City of Auburn v. Qwest Corp.*, 260 F.3d 1160, 1180 (9th Cir. 2001), *overruled on other grounds by Sprint Telephony PCS, L.P. v. County of San Diego*, 543 F.3d 571 (9th Cir. 2008) (en banc).

⁸³ 47 U.S.C. § 253(c); *see also Minnesota Order*, 14 FCC Rcd at 21729, para. 61.

⁸⁴ *Minnesota Order*, 14 FCC Rcd at 21704, n.26.

⁸⁵ 47 U.S.C. § 253(d).

⁸⁶ *Id.*

⁸⁷ *See Exclusive License at 2* (granting “[Waimana], and its legal successors and assigns, the exclusive right and privilege to build, construct, repair, maintain, and operate a broad band [*sic*] telecommunications network including poles, overhead and/or underground lines, appliances, microwave and/or types of equipment over, across, under and throughout all lands under the administration and jurisdiction of [DHHL]”).

⁸⁸ *Id.* at 3.

⁸⁹ Waimana Reply Comments at 9-10.

⁹⁰ *See Minnesota Order*, 14 FCC Rcd at 21716, para. 35 (finding that the State’s “extraction of benefits in exchange for exclusive physical access to rights-of-way is fundamentally inconsistent with the 1996 Act, which endeavors to replace exclusive monopoly rights with open competition”).

⁹¹ Waimana Reply Comments at 10; *see also Hee Reply Comments at 1.*

that an entity obtain an exclusive license from the State in order to receive financing. And even if RUS imposed such a condition, Waimana makes no showing as to why a condition imposed by RUS could act to effectively preempt or nullify Section 253 of the Act. Third, the Commission's knowledge of the Exclusive License's existence prior to DHHL's request for guidance⁹² is irrelevant to the Section 253 analysis. The Commission has never examined the issue of whether the Exclusive License comports with Section 253(a),⁹³ let alone "signed off on" or "approved" it as Waimana asserts.⁹⁴

27. Finally, we reject Sandwich Isles' claims of "procedural irregularities" in this proceeding.⁹⁵ In particular, Sandwich Isles complains that the issue of whether the Exclusive License conflicts with Section 253(a) was not raised in either the *Sandwich Isles Improper Payments Order* or *Sandwich Isles NAL* issued in December 2016.⁹⁶ The Commission did not receive DHHL's request for guidance on this issue,⁹⁷ however, until after those items were released and there is no procedural bar to taking action at this time pursuant to Section 253(a). We also disagree with Sandwich Isles' contention that the Public Notice seeking comment on DHHL's request was framed in a manner that would not result in examination of all of the relevant issues.⁹⁸ The language used in the Public Notice does not presume a violation but instead asks "whether [the Exclusive License] conflicts with Section 253(a)."⁹⁹ In response to the Public Notice, the Commission has received comments highlighting factors relevant to this inquiry, suggesting that the notice provided therein was sufficient. And as this Order makes clear, we have carefully considered whether the Exclusive License falls within the scope of Section 253(a), whether it violates Section 253(a), and whether it is protected from preemption by Section 253(b) or (c), and we find that we are obligated to preempt enforcement of the exclusivity provision in the Exclusive License under Section 253(d).

⁹² Waimana Reply Comments at 11-12.

⁹³ In a 2005 order granting Sandwich Isles a study area waiver, the Wireline Competition Bureau declined to address Hawaiian Telcom's argument that the Exclusive License may pose a barrier to entry in violation of Section 253 on the basis that the issue was "better addressed in the context of a [S]ection 253 proceeding." *Sandwich Isles Communications, Inc., Petition for Waiver of the Definition of "Study Area" Contained in Part 36, Appendix-Glossary and Sections 36.611 and 69.2(hh) of the Commission's Rules*, Order, 20 FCC Rcd 8999, para. 23 (WCB 2005).

⁹⁴ Waimana Reply Comments at 11.

⁹⁵ Sandwich Isles Reply Comments at 1-2. Among other issues, Sandwich Isles complains that the Commission did not address its request to extend the deadline for reply comments on the *Section 253 Public Notice* from February 27, 2017 to March 10, 2017. Sandwich Isles Reply Comments at 2; *see also* Sandwich Isles Request for Extension of Time, WC Docket No. 10-90, CC Docket No. 96-45, at 1 (filed Feb. 23, 2017). In any event, Sandwich Isles filed reply comments on March 9, 2017, and we consider those reply comments herein. Therefore, we deem Sandwich Isles' argument moot.

⁹⁶ Sandwich Isles Reply Comments at 1.

⁹⁷ *See generally* DHHL Letter.

⁹⁸ Sandwich Isles Reply Comments at 1, 4-5.

⁹⁹ *Section 253 Public Notice* at 1.

III. ORDERING CLAUSES

28. Accordingly, IT IS ORDERED, pursuant to Section 253 of the Communications Act of 1934, as amended, 47 U.S.C. § 253, that the enforcement of the exclusivity provision in the Exclusive License IS PREEMPTED.

29. IT IS FURTHER ORDERED that this Order and the obligations set forth herein ARE EFFECTIVE upon release of this Order.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

STATEMENT OF COMMISSIONER MIGNON L. CLYBURN

Re: *Connect America Fund et al.*, WC Docket No. 10-90 et al.

This Order highlights the importance of—and the Commission’s commitment to—removing barriers to competitive entry. It preempts the Department of Hawaiian Home Lands’ grant of an exclusive license to Waimana Enterprises, the parent company of Sandwich Isles. I am hopeful that our limited preemption will result in better service for consumers living on the Hawaiian Home Lands.

It also highlights the importance of section 253 of the Communications Act in enabling competition. And how useless it will likely be in a broadband-only world, if the Commission’s majority moves forward with its plan to reclassify broadband as an information service. Breaking down barriers to infrastructure deployment without Title II is about as effective demolishing a wall by staring at it. Without a Title II telecommunications service at issue, today’s Order would not have been possible.

STATE OF HAWAI‘I
DEPARTMENT OF HAWAIIAN HOME LANDS

January 18, 2022

To: Chairman and Members, Hawaiian Homes Commission

From: Cedric Duarte, ICRO

Subject: For Information Only – Update on issues related to Telecommunications and Broadband services on Hawaiian Home Lands

RECOMMENDED ACTION

None. For information only.

Discussion

This informational briefing is to update the Hawaiian Homes Commission (HHC) on the status of the Department of Hawaiian Home Lands (DHHL) issues related to Telecommunications and Broadband services on Hawaiian Home Lands.

PURPOSE

BACKGROUND

DHHL has informed its lessees, tenants, and permittees that under Federal law they may obtain broadband telecommunications services from any provider of their choice.

For many years, Sandwich Isle Communications, Inc. (SIC) was the exclusive provider of broadband telecommunications services under DHHL License No. 372 (License 372) which was issued to SIC's parent company, Waimana Enterprises, Inc. on May 9, 1995.

On June 30, 2017, the Federal Communications Commission (FCC) adopted a Memorandum Opinion and Order determining that all exclusivity claims arising from License 372 are preempted by Federal law and are therefore unenforceable.

Subsequently, on August 31, 2021, Hawaiian Telcom (HT) completed the purchase of inter-island submarine and middle-mile terrestrial fiber infrastructure assets from the bankruptcy estate of the Paniolo Cable Company, a firm previously within the Waimana Enterprises, Inc family of companies.

HT's purchase of the bankrupt Paniolo Cable Company assets did not include any previously negotiated commercial agreements with SIC. Use of the inter-island submarine

and middle-mile system by SIC to provide broadband telecommunications services to Hawaiian Home Lands will end on March 31, 2022, unless a new agreement can be reached.

The FCC's 2017 Order, combined with HT's purchase of telecommunications assets on DHHL lands, means that DHHL lessees, tenants, and permittees now have more options for broadband telecommunications services. In addition, a new conduit use agreement between SIC and Charter Communications, which does business as Spectrum in Hawai'i, will also open additional services.

Current SIC customers may choose to continue their current service or select services from other providers, including Hawaiian Telcom, Spectrum, or other carriers who can provide broadband telecommunications services.

DHHL will receive at least \$90 million from the Infrastructure Investment and Jobs Act to provide high-speed internet access to the Native Hawaiian community. In 2021, the Department received the last of five neighbor islands licenses from the FCC to access the 2.5 GHz band spectrum for the development of wireless broadband networks. Details on the Department's expansion plan for broadband services are anticipated for late 2022.

Kepo'o v. Watson

87 Haw. 91 (Haw. 1998) 952 P.2d 379
Decided Jan 28, 1998

No. 18508.

January 28, 1998.

92 Appeal from the Circuit Court. *92

Sandra Pechter Schutte (Ivan M. Torigoe, with her on the brief, of Case Lynch), Hilo, for Intervenor-Defendants-Appellants Kawaihae Cogeneration Partners and Waimana Enterprises, Inc.

Sonia Faust and Clayton Lee Crowell (George K.K. Kaeo, Honolulu, with them on the brief), Deputy Attorneys General, for Defendants-Appellees Kali Watson, Hawaiian Homes Commission, Department of Hawaiian Home Lands, and the State of Haw..

Arthur F. Kepo'o, Plaintiff-Appellee, pro se, no brief filed.

Lillian K. Dela Cruz, Plaintiff-Appellee, pro se.

Josephine L. Tanimoto, Plaintiff-Appellee, pro se.

Patrick W. Hanifin (Roy A. Vitousek III, Kailua Kona, and Patricia J. McHenry, with him on the brief, of Cades Schutte Fleming Wright), Honolulu, for Amici Curiae James Growney and Mauna Kea Homeowners' Association.

Before MOON, C.J., and KLEIN, LEVINSON and RAMIL, JJ., and NAKATANI, Circuit Judge, in place of NAKAYAMA, J., Recused.

93 *93

RAMIL, Justice.

Intervenor-Defendants-Appellants Kawaihae Cogeneration Partners (KCP) and Waimana Enterprises, Inc. (Waimana) (collectively KCP/Waimana) filed an interlocutory appeal from the order granting partial summary judgment in favor of Plaintiffs-Appellees Arthur F. Kepo'o, Lillian K. Dela Cruz, and Josephine L. Tanimoto (collectively Plaintiffs). We affirm the circuit court's order. However, because this is an interlocutory appeal and factual determinations have not yet been made by the circuit court, the case must be remanded for further proceedings.

I. BACKGROUND

In early 1993, Defendant-Appellee Department of Hawaiian Home Lands (DHHL) completed an environmental impact statement (EIS) for the Kawaihae Ten-Year Master Plan covering ten-thousand acres of Hawaiian home lands situated in Kawaihae, South Kohala, Haw.. The master plan included use of a portion of the lands for industrial purposes, including a power generating facility.

On December 2, 1993, DHHL leased a forty-acre parcel to Waimana. Subsequently, Waimana sublet a portion of the parcel to KCP, a partnership that included Waimana. KCP was to construct and operate a cogeneration power plant that would produce electricity, with heat as a by-product. The heat would be used for other industrial purposes, such as a desalinization plant, laundries, or an ice house.

KCP then prepared an environmental assessment (EA) for the power plant because, at the time, KCP believed that it was required to comply with HRS ch. 343. KCP prepared the EA in lieu of an EIS because: (1) DHHL had already prepared an EIS for the ten-thousand-acre parcel; and (2) KCP believed that all of the potential adverse impacts of the power plant could be mitigated. Hoaliku L. Drake, then-chairperson of the Hawaiian Homes Commission (HHC),² accepted KCP's EA and issued a negative declaration indicating that a full EIS

94 was not required under HRS ch. 343. *94

² The HHC is the executive board that heads DHHL. HRS § 26-17 (1993).

Plaintiffs filed three separate *pro se* actions against Drake, the HHC, DHHL, and the State of Haw.³ (collectively State Defendants). Plaintiffs challenged the acceptance of the EA, the failure to prepare a full EIS for the power plant, and requested injunctive relief. KCP/Waimana was allowed to intervene, and all three actions were consolidated.

³ Dela Cruz and Tanimoto also named the Office of Environmental Quality Control (OEQC) and its director, Brian J.J. Choy, as defendants in their respective actions. However, OEQC and Choy filed motions to dismiss on the grounds that OEQC's only role is to make EAs and EISs available to the public and that OEQC is not involved in the acceptance of EAs or the decision to issue a negative declaration. The circuit court granted the motions on February 15 and 23, 1994. Plaintiffs have not challenged these orders on appeal.

KCP/Waimana and State Defendants filed a joint motion for summary judgment, arguing that HRS ch. 343 does not apply to Hawaiian home lands and requesting a ruling to that effect. Dela Cruz filed a motion for summary judgment, later joined by the other plaintiffs, arguing that an EIS is required and requesting that the court order DHHL and KCP/Waimana to prepare one.

After a hearing on August 17, 1994, the circuit court granted partial summary judgment in favor of Plaintiffs on the specific issue of whether HRS ch. 343 applies to Hawaiian home lands. The court ruled:

1. HRS Chapter 343, the Hawaii environmental impact statement law, applies to Hawaiian Homes lands because such lands are State lands for purposes of Chapter 343.
2. The Hawaiian Homes Commission Act, as enacted by Congress as a federal enactment, does not preempt state law; thus, the doctrine of federal preemption does not preclude the application of the environmental impact statement requirements of HRS Chapter 343.
3. The requirements of HRS Chapter 343 are applicable to the cogeneration power plant and appurtenant facilities proposed to be located on DHHL lands situated at Kawaihae, South Kohala, Hawaii.

However, at the hearing, the circuit court indicated that it would probably be appropriate to certify its partial summary judgment order for interlocutory appeal.⁴ Subsequently, KCP/Waimana filed a motion for leave to file an interlocutory appeal. The circuit court granted the motion and stated:

⁴ HRS § 641-1(b) (1993) provides:

Upon application made within the time provided by the rules of court, an appeal in a civil matter may be allowed by a circuit court in its discretion from an order denying a motion to dismiss or from any interlocutory judgment, order, or decree whenever the circuit court may think the same advisable for the speedy termination of litigation before it. The refusal of the circuit court to allow an appeal from an interlocutory judgment, order, or decree shall not be reviewable by any other court.

It is the finding of this Court that should the appellate court hold that Chapter 343, HRS is not applicable to Hawaiian Home Lands, which are the subject of this action, or that the Hawaiian Homes Commission Act preempts State law, including Chapter 343, HRS, Plaintiffs would have no basis for seeking the relief pursued, being the preparation of an environmental impact statement in accordance with Chapter 343, HRS, and the subject litigation would be speedily terminated. Accordingly, this Court finds that an interlocutory appeal is advisable for the speedy determination of this litigation pursuant to § 641-1, HRS.

KCP/Waimana then filed a notice of appeal.

II. DISCUSSION

The central question posed by this case is whether the EIS requirements of HRS ch. 343 apply to Hawaiian home lands. In addressing this question, the parties and amici curiae raise a number of arguments that may be grouped into five sub-issues: (1) jurisdiction under HRS § 641-1; (2) the terms of KCP/Waimana's lease; (3) whether Hawaiian home lands constitute "state lands" under HRS ch. 343; (4) federal preemption; and (5) 95 whether HRS ch. 343 conflicts with provisions *95 of the Hawaiian Homes Commission Act (HHCA).

A. Jurisdiction Under HRS § 641-1

State Defendants argue that it is unnecessary to address the substantive issues in this case because the appeal should be dismissed on jurisdictional grounds. They argue that KCP/Waimana have no standing to appeal because State Defendants did not move for or receive permission to file an interlocutory appeal under HRS § 641-1.

The argument raised by State Defendants is somewhat confusing. State Defendants do not explain why *their* failure to seek or receive permission from the circuit court would affect *KCP/Waimana's* right to file an interlocutory appeal. KCP/Waimana received permission to file an interlocutory appeal from the circuit court, the court found that an appeal would be advisable for the speedy termination of the litigation, and KCP/Waimana filed a notice of appeal. Thus, KCP/Waimana are the appellants in this case, and whether or not State Defendants requested or received permission to file their own appeal is irrelevant. It is also unclear why the conduct of State Defendants would have any effect on KCP/Waimana's standing to appeal. Regardless of State Defendants' conduct, KCP/Waimana have standing to appeal. "Generally, the requirements of standing [to appeal] are: (1) the person must first have been a party to the action; (2) the person seeking modification of the order or judgment must have had standing to oppose it in the trial court; and (3) such person must be aggrieved by the ruling," *i.e.*, the person must be "one who is affected or prejudiced by the appealable order." *Waikiki Malia Hotel, Inc. v. Kinkai Properties, Ltd. Partnership*, 75 Haw. 370, 393, 862 P.2d 1048, 1061 (1993). In the present case, KCP/Waimana were intervenors-defendants, and therefore parties, in the action. They clearly had

standing to oppose the summary judgment order in the circuit court inasmuch as the applicability of HRS ch. 343 would directly affect their power plant project. And they were aggrieved parties because, by applying HRS ch. 343 to Hawaiian home lands, the circuit court's order allowed the lawsuit to continue.

Therefore, there is no reason to dismiss this appeal based on standing or other jurisdictional issues under HRS § 641-1.⁵

⁵ We also note that, during the hearing on KCP/Waimana's motion for leave to file an interlocutory appeal, State Defendants not only indicated that they had no objection to the motion but affirmatively supported it as well.

B. *The Terms of KCP/Waimana's Lease*

State Defendants, as well as amici curiae James Growney and Mauna Kea Homeowners' Association (collectively Amici), argue that this court should decide the present appeal based on the provisions of the KCP/Waimana lease. They argue that regardless of whether HRS ch. 343 applies to Hawaiian home lands as a general proposition, KCP/Waimana is contractually bound to comply with HRS ch. 343 under the terms of their lease. Thus, they argue, it is unnecessary to decide whether HRS ch. 343 generally applies to Hawaiian home lands. Because the interlocutory appeal was granted in order to address the general applicability of HRS ch. 343, they suggest that this court dismiss the appeal. In the alternative, State Defendants argue that the circuit court's ruling that HRS ch. 343 applies to the land at issue in this case should be affirmed, but based on the terms of the lease rather than the general applicability of HRS ch. 343 to Hawaiian home lands. *96

Although this argument is in many ways attractive, ultimately it is unsupported by the terms of the KCP/Waimana lease. State Defendants and Amici base their argument on article 2, section 7 of the lease:

Compliance with laws. The lessee will at all times during said term perform the requirements of: (i) all laws, ordinances, rules, regulations, administrative requirements and governmental environmental standards now or hereafter made by any governmental authority for the time being applicable to the premises or any improvements thereon or use thereof, hereinafter collectively called "Applicable Law", (ii) all covenants, conditions and restrictions of record as of the date hereof applicable to the premises; (iii) covenants and conditions of all insurance policies at any time duly issued or enforced which are applicable to the conduct of the Lessee's business in or about the premises or any part thereof; and (iv) prudent management of all Hazardous Material handled by the Lessee on the premises; and will indemnify the Lessor against all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of said Applicable Law, covenants, conditions, restrictions and standards or requirements of this covenant. Should the requirements imposed by any of said Applicable Law, covenants, conditions, restrictions and standards be inconsistent with each other, the Lessee shall comply with the most stringent requirements.

(Emphases added.) It should be noted that this lease provision does not specifically require the lessee to comply with HRS ch. 343. Rather, it requires the lessee to comply with "all laws . . . applicable to the premises."

(Emphasis added.) If HRS ch. 343 constitutes "Applicable Law," then the lease contractually requires the lessee to comply with it. But it must still be decided whether HRS ch. 343 is *applicable* to the premises. Thus, the terms of the lease lead us back to the central issue in this case — whether HRS ch. 343 is *applicable* to Hawaiian home lands. In other words, examination of the terms of the lease merely begs the question.

State Defendants and Amici also argue that the "most stringent requirements" language quoted above requires the lessee to comply with HRS ch. 343. However, the "most stringent requirements" language also refers to the "Applicable Law." Therefore, the lease again leads us back to the question whether HRS ch. 343 is applicable

to Hawaiian home lands. Moreover, the provision merely states that if there is a conflict between applicable law, covenants, conditions, restrictions, and standards, the most stringent of those requirements controls. The present case does not involve conflict between these requirements. Indeed, no other covenants, conditions, etc., are at issue in this case; instead, the central issue is determining what laws are applicable in the first place.

Therefore, this case cannot be decided based on the terms of the KCP/Waimana lease. The terms of the lease lead us back to the question whether HRS ch. 343 is applicable to Hawaiian home lands.

C. Whether Hawaiian Home Lands Constitute "State Lands" Under HRS ch. 343

KCP/Waimana argue that HRS ch. 343 is not applicable to Hawaiian home lands because the statute does not specifically state that Hawaiian home lands are covered. Under HRS § 343-5(a) (1993), compliance with HRS ch. 343 is required for actions that:

(1) Propose the use of state or county lands or the use of state or county funds, other than funds to be used for feasibility or planning studies for possible future programs or projects which the agency has not approved, adopted, or funded, or funds to be used for the acquisition of unimproved real property; provided that the agency shall consider environmental factors and available alternatives in its feasibility or planning studies;

97 *97

(2) Propose any use within any land classified as conservation district by the state land use commission under chapter 205;

(3) Propose any use within the shoreline area as defined in section 205A-41;

(4) Propose any use within any historic site as designated in the National Register or Hawaii Register as provided for in the Historic Preservation Act of 1966, Public Law 89-665, or chapter 6E;

(5) Propose any use within the Waikiki area of Oahu, the boundaries of which are delineated in the land use ordinance as amended, establishing the "Waikiki Special District";

(6) Propose any amendments to existing county general plans where such amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plans initiated by a county;

(7) Propose any reclassification of any land classified as conservation district by the state land use commission under chapter 205; and

(8) Propose the construction of new, or the expansion or modification of existing helicopter facilities within the State which by way of their activities may affect any land classified as conservation district by the state land use commission under chapter 205; the shoreline area as defined in section 205A-41; or, any historic site as designated in the National Register or Hawaii Register as provided in the Historic Preservation Act of 1966, Public Law 89-665, or chapter 6E; or until the statewide historic places inventory is completed, any historic site found by a field reconnaissance of the area affected by the helicopter facility and which is under consideration for placement on the National Register or the Hawaii Register of Historic Places.

KCP/Waimana argue that none of these categories apply to Hawaiian home lands. They admit that it could be argued that Hawaiian home lands are "state lands" under HRS § 343-5(a)(1). However, they argue that Hawaiian home lands are distinguishable from other state lands. KCP/Waimana note that Hawaiian home lands are trust lands held by the State as trustee for Native Hawaiian beneficiaries. Thus, they argue, these lands should not be considered "state lands" subject to HRS ch. 343.

KCP/Waimana are correct that the State has assumed a trust obligation regarding Hawaiian home lands and must manage and dispose of these lands in a manner consistent with its fiduciary duty to the beneficiaries. *See Ahuna v. Department of Hawaiian Home Lands*, 64 Haw. 327, 337-38, 640 P.2d 1161, 1168 (1982). However, KCP/Waimana overlook the significant role of the State in relation to these lands.

Title to Hawaiian home lands is held by the State of Haw.. Section 5(b) of the Admission Act provides:

[T]he United States grants to the State of Hawaii, effective upon its admission into the Union, the United States' title to all public lands and other public property, and to all lands defined as "available lands" by section 203 of the Hawaiian Homes Commission Act, 1920, as amended, within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union.

Admission Act of March 18, 1959, Pub.L. No. 86-3, § 5, 73 Stat. 4, *reprinted in*, 1 Haw. Rev.Stat. 90, 91 (1993) [hereinafter, the Admission Act will be cited as reprinted in the Haw. Revised Statutes]. Thus, the State acquired title to Hawaiian home lands upon entry into the Union. Furthermore, "management and disposition" of Hawaiian home lands is also the responsibility of the State. *See Ahuna*, 64 Haw. at 337, 640 P.2d at 1168.

98 Although, in managing and disposing of the land, the State is bound by its fiduciary duty to the Native Hawaiian beneficiaries, the fact remains that both legal title and management responsibilities over the land are still in the hands of the State. Thus, it is not unreasonable to interpret the term "state *98 lands" in HRS § 343-5(a)(1) as including Hawaiian home lands. Hawaiian home lands are certainly unique "state lands," with special duties attached to them, but they are "state lands" nevertheless.

D. Federal Preemption

KCP/Waimana argue that the HHCA⁶ preempts HRS ch. 343 based on principles of federal preemption. Implicit in this argument is the assumption that the HHCA constitutes federal law and that HRS ch. 343 is preempted because it is a state statute.

⁶ Hawaiian Homes Commission Act of July 9, 1921, c. 42, 42 Stat. 108, *reprinted in* 1 Haw.Rev. Stat. 191 (1993) [hereinafter, the HHCA will be cited as reprinted in the Haw. Revised Statutes].

KCP/Waimana's assumption is incorrect. While the HHCA was originally enacted by Congress as a federal statute, it was subsequently adopted as part of the Haw. Constitution. Haw. Const. art. XII, § 1. This was done pursuant to a compact with the United States entered into when Haw. was admitted into the Union. *See* Admission Act § 4, 1 Haw.Rev.Stat. at 90-91; Haw. Const. art. XII, §§ 2 3. Consequently, the HHCA is now part of the Haw. Constitution and any conflict between the HHCA and a state statute is a matter of state constitutional law.

The United States Court of Appeals for the Ninth Circuit adopted a similar interpretation in *Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes Comm'n*, 588 F.2d 1216 (9th Cir. 1978) [hereinafter *Keaukaha I*], *cert. denied*, 444 U.S. 826, 100 S.Ct. 49, 62 L.Ed.2d 33 (1979):

The Commission Act, as originally enacted, created certain benefits for native Hawaiians. It is clear, however, that for all practical purposes these benefits have lost their federal nature. Upon admission of Hawaii into the Union, the entire Commission Act program was turned over to the State of Hawaii. The United States conveyed its interest in the home lands (which are the subject of the Commission Act) to the state and these lands are now administered by state officials. The Commission Act itself was deleted from the United States Code and, at Congress' insistence, was adopted as a permanent fixture of the state's constitution. Thus, it is undisputable that the Commission Act program together with its rights and duties are, for all practical purposes, elements of Hawaiian law. In essence, this is an action brought against state officers to compel them to administer state lands in conformance with the state constitution. These facts make it clear that the rights plaintiffs seek to vindicate are state rights by nature. Even though the historical source of these rights was a federal statute, it is the clear state nature of these rights which governs our decision. We therefore conclude that the Commission Act claims do not arise under federal law.

Id. at 1226-27 (citations and footnote omitted) (emphases omitted). *See also Han v. United States Dep't of Justice*, 45 F.3d 333, 339 (9th Cir. 1995).⁷

⁷ In *Keaukaha I*, the Ninth Circuit also held that there is no implied private cause of action based directly on the Admission Act. *Keaukaha I*, 588 F.2d at 1224. However, in *Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes Comm'n*, 739 F.2d 1467 (9th Cir. 1984) [hereinafter *Keaukaha II*], the Ninth Circuit noted that, in *Keaukaha I*, it had not determined whether a private cause of action exists under 42 U.S.C. § 1983. *Keaukaha II*, 739 F.2d at 1469-70. The Ninth Circuit then went on to hold that a private cause of action does exist under section 1983 for deprivation of rights guaranteed under the Admission Act. *Id.* at 1472. It should be noted that *Keaukaha II* did not affect the holding in *Keaukaha I* that a violation of the HHCA arises under state law rather than federal law. On the contrary, the Ninth Circuit apparently reaffirmed its holding on that issue. *Id.* at 1469 ("[T]he Commission Act [is] now, by virtue of the Admission Act, a provision of the Hawaii state constitution."). Subsequent Ninth Circuit decisions confirm that this aspect of *Keaukaha I* remains valid authority. *See, e.g., Han*, 45 F.3d at 339 ("Claims under the Commission Act, which has been expressly incorporated in the Hawaii Constitution, arise exclusively under state law.").

The HHCA is, therefore, a matter of state constitutional law and does not constitute federal law. Consequently, federal preemption principles do not apply to this case because there is no relevant "federal law" at issue. *99

Furthermore, as a practical matter, it makes no difference whether the HHCA should be considered a matter of federal law or state constitutional law. Either way, the HHCA would supersede a state statute such as HRS ch. 343. The real question is not the theoretical basis of the HHCA's authority but, rather, whether the HHCA conflicts with HRS ch. 343.

E. *Whether HRS ch. 343 Conflicts with the Hawaiian Homes Commission Act*

KCP/Waimana and State Defendants⁸ argue that HRS ch. 343 conflicts with the HHCA and that EIS requirements do not apply to Hawaiian home lands for that reason. Plaintiffs and Amici argue that there is no conflict between HRS ch. 343 and the HHCA, and that EIS requirements do apply to Hawaiian home lands.

⁸ It should be noted that the position of State Defendants in this case is rather complex. They first suggest that this court decide the case on jurisdictional grounds or based on the terms of the lease rather than addressing the general applicability of HRS ch. 343 to Hawaiian home lands. *See supra* part II.A. and B. But they further argue that, if this court chooses to address the general applicability of HRS ch. 343, the statute does not apply to Hawaiian home lands because it conflicts with the HHCA.

This court addressed an analogous issue in *State v. Jim*, 80 Haw. 168, 907 P.2d 754 (1995). In *Jim*, the defendants were arrested at a shopping center situated on Hawaiian home land and were eventually convicted of criminal trespass in the second degree. *Id.* at 169, 907 P.2d at 755. The defendants argued that the HHCA prohibits State and county officials from executing the laws on Hawaiian home lands. *Id.* at 170, 907 P.2d at 756. Thus, the issue was essentially whether the Haw. Penal Code applies to Hawaiian home lands. In addressing this issue, we noted that section 206 of the HHCA specifies that "[t]he powers and duties of the governor and the board of land and natural resources, in respect to lands of the State, shall not extend to lands having the status of Hawaiian home lands, except as specifically provided by this title." *Id.* (quoting HHCA § 206, 1 Haw.Rev.Stat. at 208) (emphasis in original). We further noted that "a plain reading of HHCA § 206 demonstrates that executive power *only in respect to lands* of the state, shall not extend to Hawaiian home lands." *Id.* at 170-71, 907 P.2d at 756-57 (internal quotation marks, brackets, and ellipses omitted) (emphasis added). We concluded that "the limitation on executive power set out in HHCA § 206 was never intended to limit the police power of the State in the fashion envisioned by the Appellants, and they point to no authority to support their position." *Id.* at 171, 907 P.2d at 757. Thus, under *Jim*, police power regulations apply to Hawaiian home lands, and executive officials may enforce them, as long as these regulations **do not significantly affect the land.**

Subsequently, Attorney General's Opinion No. 95-05 addressed the question whether state and federal endangered species laws, imposing civil and criminal penalties, apply to Hawaiian home lands. The Opinion concluded, based on *Jim*, that these laws also apply to Hawaiian home lands.⁹

⁹ In the present decision, we cite a number of Attorney General's opinions dealing with Hawaiian home lands. It should be noted that Attorney General's opinions are highly instructive but are not binding upon this court. See *Zemis v. SCI Contractors, Inc.*, 80 Haw. 442, 449 n. 4, 911 P.2d 77, 84 n. 4 (1996) (rejecting Attorney General's Opinion No. 73-4). Thus, although we find the particular opinions cited in this decision to be persuasive in relation to the present case, we are not required to follow them.

The present case, like *Jim* and Attorney General's Opinion No. 95-05, involves regulations enacted pursuant to the state's police power. The police power "extends to the public safety, health, and welfare." *State v. Ewing*, 81 Haw. 156, 164, 914 P.2d 549, 557 (App. 1996). See also *State v. Lee*, 55 Haw. 505, 513, 523 P.2d 315, 319 (1974). HRS ch. 343 involves EIS requirements and is therefore a type of environmental regulation. Clearly, environmental regulations are enacted for the purpose of protecting the public safety, health, and welfare. Consequently, the present case is similar to *Jim* in that HRS ch. 343, like the Haw. Penal Code, is a police power regulation. In fact, Attorney General's Opinion No. 95-05 extended the analysis in *Jim* to encompass the very same category of regulations as HRS ch. 343 — environmental regulations.

Another aspect of this case that is similar to *Jim* is the fact that HRS ch. 343 **does not significantly affect the land.** HRS ch. 343 essentially requires decision makers to consider the potential impact of their projects on the environment and to prepare informational documents disclosing these effects. "Chapter 343 requires that systematic consideration be given to the environmental and social consequences (in addition to the economic consequences) of proposed state, county, or private actions." State of Haw., Office of Environmental Quality Control, *A Guidebook for the Haw. State Environmental Review Process* 1 (1992) [hereinafter *Guidebook*]. "It is the purpose of this chapter to establish a system of environmental review which will ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations." HRS § 343-1 (1993). The procedure established by HRS ch. 343 focuses on preparation of certain informational documents. The agency or applicant proposing action must prepare an EA that describes the possible environmental effects of the project. HRS § 343-5(b) (c) (1993). If the agency

reviewing the EA determines that the proposed action may have a significant effect on the environment, an EIS must be prepared. *Id.* An EIS is "an informational document . . . which discloses the environmental effects of a proposed action, effects of a proposed action on economic and social welfare of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects." HRS § 343-2 (1993). Additionally, various notice and comment procedures apply to both the EA and the EIS. *See* HRS § 343-5(b) (c). Thus, it is clear that HRS ch. 343 primarily establishes procedural and informational requirements.

While HRS ch. 343 can affect the land to a certain extent, these effects are incidental to the procedural and informational requirements at the heart of HRS ch. 343. As State Defendants and KCP/Waimana point out, the governor, or the governor's authorized representative, has the authority to accept a final EIS for an agency proposal. *See* HRS § 343-5(b)(1) (1993). "Acceptance of a required final [EIS is] a condition precedent to implementation of the proposed action." HRS § 343-5(b) (1993). Thus, they argue, the governor could block a project on Hawaiian home lands by refusing to accept the final EIS.

It is true that if a project's final EIS is not accepted, the project cannot go forward. However, "[a]cceptability of a statement shall be evaluated on the basis of whether the statement, in its completed form, represents an informational instrument which fulfills the definition of an EIS and adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments." Haw. Administrative Rules (HAR) § 11-200-23(a). *See also* HRS § 343-2 (1993); *Guidebook* at 17. In addition, for an EIS to be acceptable, "[t]he procedures for assessment, consultation process, review, and the preparation and submission of the statement [must] have all been completed satisfactorily[.]" HAR § 11-200-23(b)(1). Thus, the governor's role in accepting an EIS is to ensure that the EIS includes the information required and has been prepared in accordance with the specified procedures.¹⁰ Nonacceptance (*i.e.*, denial of acceptance) indicates that the procedural and informational requirements of HRS ch. 343 have not been fulfilled. Although nonacceptance has the incidental effect of stalling the proposed project, the principal objective is to ensure that decision makers *101 consider potential environmental impacts and prepare informational documents. Therefore, the effect of HRS ch. 343 on the land is merely incidental to the procedural and informational nature of the statute.

¹⁰ It should be noted that:

[A]n "acceptance" of the EIS is not an "approval" of the project. "Approval or disapproval of a project occurs after the EIS process is completed and the necessary agency permits are issued or denied."

The final EIS is the basis for the decision-making body . . . to make its decision as to either approval or disapproval or the project in question. Once the project is approved, construction may commence.

Price v. Obayashi Hawaii Corp., 81 Haw. 171, 181, 914 P.2d 1364, 1374 (1996) (quoting *Guidebook* at 17).

In many ways, the requirements of HRS ch. 343 resemble the requirements of the Haw. Administrative Procedure Act (HAPA), HRS ch. 91. Attorney General's Opinion No. 63-16 addressed the question whether HAPA applies to DHHL and ultimately concluded that it does. Both HRS ch. 343 and HAPA primarily establish procedural and informational requirements. Violation of the procedures described in HAPA can lead to the invalidation of state agency actions. *See, e.g., Aguiar v. Hawaii Hous. Auth.*, 55 Haw. 478, 522 P.2d 1255 (1974). Thus, projects on Hawaiian home lands could be adversely affected by HAPA. However, this effect would be incidental to the primary purpose of HAPA, *i.e.*, the establishment of fair administrative procedures.

Just as the possibility of HAPA incidentally affecting projects on Hawaiian home lands does not prevent HAPA from being applied, the possibility of HRS ch. 343 incidentally affecting projects on Hawaiian home lands should not prevent HRS ch. 343 from being applied.

The effect of HRS ch. 343 on the land is also incidental in that the statute does not affirmatively require DHHL to use the land for any particular purposes. Whereas application of other laws, such as zoning ordinances, would require DHHL to use Hawaiian home lands for specific purposes, HRS ch. 343 merely places a hold on particular DHHL projects until DHHL complies with the procedural and informational requirements of the statute.

The incidental effect of HRS ch. 343 is even more obvious if the statute is compared to other government actions that have been the subject of Attorney General's opinions in the past. Attorney General's Opinion No. 75-3 dealt with the practice of setting aside land for public use by executive order. The Opinion concluded that setting aside Hawaiian home lands by this procedure conflicts with the HHCA. Clearly, such set asides have a direct and significant effect on the land. Once set aside, the land cannot be used for homesteading purposes and is effectively removed from the Hawaiian home lands program. Similarly, Attorney General's Opinion No. 72-21 dealt with the applicability of county zoning ordinances to Hawaiian home lands. The Opinion concluded that county zoning ordinances do *not* apply to Hawaiian home lands that are needed for homesteading purposes. Zoning laws affirmatively dictate how the land may be used and would therefore require DHHL to use Hawaiian home lands in a manner consistent with the relevant zoning classification. This would also constitute a direct and significant effect on the land. In contrast to these laws, HRS ch. 343 merely imposes procedural and informational requirements on DHHL projects and only has an incidental effect on the land.

It should also be noted that the incidental effect on the land, as discussed above, involves *agency* proposals under HRS § 343-5(b). In contrast, for *applicant* proposals under HRS § 343-5(c), the governor is not the accepting authority. For applicant proposals, the agency, not the governor, is responsible for accepting the final EIS. HRS § 343-5(c) (1993). In regard to Hawaiian home lands, the relevant agency is DHHL. Thus, DHHL is the accepting authority for applicant proposals, and because the governor is not involved, there is no conflict with the HHCA.

In *Jim*, this court also examined the overall objectives of the HHCA and stated that the HHCA must be read in light of those objectives. *Jim*, 80 Haw. at 171, 907 P.2d at 757. The court noted that "the HHCA . . . established a public trust for the welfare and rehabilitation of native Hawaiians." *See also Ahuna*, 64 Haw. at 336-37, 640 P.2d at 1167. Thus, if application of a regulatory law is *clearly* contrary to the interests of the Native Hawaiian beneficiaries, it conflicts with the HHCA.

In the present case, it cannot be said that HRS ch. 343 is clearly contrary to the interests of the Native Hawaiian beneficiaries. Indeed, the beneficiaries have an interest in ensuring that the environment on Hawaiian home
102 lands is not harmed. Thus, it is in the interest of the beneficiaries that the environmental *102 impact of projects be considered and informational documents prepared. HRS ch. 343 is not inconsistent with the interests of the Native Hawaiian beneficiaries.

KCP/Waimana and State Defendants also argue that HRS ch. 343 conflicts with section 204 of the HHCA. Section 204 provides in relevant part that "all available lands shall . . . be under the control of the department [of Hawaiian home lands] to be used and disposed of in accordance with the provisions of this Act[.]" HHCA § 204, 1 Haw.Rev.Stat. at 205. However, HRS ch. 343 does not significantly interfere with DHHL's control, use, or disposition of Hawaiian home lands because the statute's effect on the land is merely incidental. Thus, section 204 is not violated by application of HRS ch. 343.

KCP/Waimana further argue that HRS ch. 343 conflicts with section 4 of the Admission Act, which provides in relevant part that "the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States[.]" Admission Act § 4, 1 Haw.Rev.Stat. at 91. However, again, the effect of HRS ch. 343 is merely incidental; therefore, it cannot be considered an "encumbrance" on the land.

Finally, KCP/Waimana argue that allowing HRS ch. 343 to apply to Hawaiian home lands effectively adds a provision to the HHCA without formally amending it. However, in *Jim*, this court interpreted the HHCA so as to allow the Haw. Penal Code to apply to Hawaiian home lands. The present case does not constitute an amendment to the HHCA any more than *Jim* did.

Consequently, based on the above discussion, there is no conflict between HRS ch. 343 and the HHCA. HRS ch. 343 has, at most, an incidental impact on Hawaiian home lands and is not inconsistent with the interests of the beneficiaries. Thus, HRS ch. 343 applies to Hawaiian home lands, and the circuit court's order should be affirmed.

III. CONCLUSION

For the foregoing reasons, we affirm the order of the circuit court. However, this interlocutory appeal is limited to the question whether the requirements of HRS ch. 343 apply to Hawaiian home lands. The factual determination as to whether KCP/Waimana and DHHL actually complied with HRS ch. 343 has not yet been made. Although KCP/Waimana and State Defendants argue that they did comply with HRS ch. 343, the circuit court did not address this issue. Therefore, this case is remanded to the circuit court for further proceedings.

From: homeschaedel@hawaii.rr.com
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: [EXTERNAL] 12-19-23 HHC Meeting J Agenda
Date: Wednesday, November 29, 2023 12:02:14 PM

Aloha e Leah,

I looked for the J Agenda Request form on DHHL website, but it said ...sorry form no longer available?

I'm requesting to please place me on the J Agenda on 12-19-23 to address various issues.

Mahalo,
Aunty Home Schaedel
Malu'ohai

From: dhlh.icro1@hawaii.gov
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: New submission from Submit J-Agenda Testimony
Date: Monday, December 04, 2023 8:32:25 AM

Name
Jojo Tanimoto
Email
guavaland622@gmail.com
Message
Various concerns

From: dhl.icro1@hawaii.gov
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: HCC Contact:
Date: Tuesday, November 28, 2023 10:28:52 AM

First Name

Sherilyn

Last Name

Wahinekapu

Email

swahinekapu@gmail.com

Email

sonyandluana@yahoo.com

Subject

To Commission Secretary

Message

Aloha, please place Luana Keakealani and myself on the December agenda. Topic: Water Issues at Honoka'ia. Mahalo

From: [Kekoa Enomoto](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Cc: [Robin Leihuanani Keali'inohomoku WAIT](#); [Kainoa Lei MacDonald CREDIT EDGE](#); [Kealapono \(Donna\) Sterling](#); [George Purdy LANAI ENTREPRENEUR](#); [Deb Kaiwi](#); [Debbie Mahuna UNDIV](#); [Rebecca Ki'iili PU'UKAPU](#)
Subject: [EXTERNAL] J Agenda RSVP
Date: Monday, December 04, 2023 12:16:42 PM

Aloha mai kua e Leah,

May I RSVP to advocate on the 12/19/23 Hawaiian Homes Commission's J Agenda on behalf of the Maui/Lana'i Mokupuni Council and Pa'upena Community Development Inc.?

I anticipate expressing mahalo for the 12/2/23 Kahikinui awards, and a 12/1/23

DHHL/Pa'upena meeting on Maui.

I also w/discuss 2024 priorities: undivided-interest program; Kuhio Awards program; kuleana homestead awards; ONE waitlist by date of application, and lot-selection preference by genealogical ties, living and/or working in a homestead area.

Finally, in the context of a Keokea-Waiohuli 127-acre homelands tract, I w/cover a water-meter application, 20-year-license request, and the malama/implementation of a cultural-preserve management plan.

Mahalo a nui,

- 'Anake Kekoa

Kekoa Enomoto
Chairwoman of the board,
Pa'upena Community Development Inc.
(808) 276-2713

From: [Kapua Keliikoa-Kamai](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] Dec"s J-Agenda Request
Date: Monday, December 04, 2023 4:00:16 PM

Aloha Leah,
Please add me to the J-Agenda list. I've miscellaneous beneficiary concerns. Mahalo.

a hui hou,
kapua
808.690.1787

'A'ohe hana nui ke alu 'ia.

No task is too big when done together by all.

'Ōlelo No'eau #142

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From: [MAHA INC](#)
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: [EXTERNAL] J-Agenda
Date: Tuesday, December 05, 2023 10:42:45 AM

Aloha Leatrice,

Can you please sign me up for the next available J-Agenda for MAHA community concerns.

Mahalo nui
Aina Ioane
MAHA Board Support

Sent from my iPhone