

Request for Trust Lands from the Hawaiian Home Land Trust

Department of Hawaiian Home Lands

This application is completed by an interested party in requesting lands designated as Hawaiian home lands under the Hawaiian Homes Commission Act (HHCA). HHCA lands are to be used for homesteading purposes for beneficiary native Hawaiians (residential, agricultural or pastoral), and when necessary, in the best interest of the trust and its beneficiaries, for public purpose, commercial and multipurpose use.

Section I: Name of Applicant Requesting Trust Lands

Name of Requesting Organization: Homestead Community Development Corporation

Address of Organization: PO Box 646 Anahola, Hawaii 96703

Officers and/or Principal Representatives: Robin Puanani Danner, Lorraine Rapozo, Liberta Albao, Sherri Yokotake, Kipukai Kualii, Frank Cummings, Kawika Cutcher, Kawehi Mahi, Faisha Solomon.

Mission of Organization: To develop community and economic development projects that serve and are governed and controlled by HHCA homestead association beneficiaries.

Date Incorporated: 2009

State of Incorporation: State of Hawaii

Section II: Type of Organization

Requesting Organization – Non-Profit

Type of Non-Profit:

- Private Nonprofit – governed by self appointed board
- Member Nonprofit – governed by voting members
- *Homestead Organization – governed by HHCA beneficiary members

*Non-profit is Democratically Elected by and for HHCA Beneficiaries or a Subsidiary thereof

Capacity Assessed by DHHL Kulia Ika Nuu Program: Yes No

Current Capacity and Service to HHCA Beneficiary Community: HCDC is the CDC of the Anahola Hawaiian Homes Association on Kauai, in existence since 1982 to serve the regional homestead area of Anahola. HCDC has developed a 10-acre outdoor marketplace and certified kitchen, owns and operates a Youth Center, is currently developing a 3-acre Enterprise Facility, and is seeking to develop a Beneficiary Service Center in Kapolei, near the headquarters of the Hawaiian Home Land Trust. HCDC has over \$700,000 in assets, and revenues approaching \$200,000 annually.

Requesting Organization – Individual or Business

- Individual
- Sole Proprietorship
- Partnership
- Corporation
- Limited Liability Corporation
- Other

Is an Individual HHCA Beneficiary/is Owned by an HHCA Beneficiary Yes No

Requesting Organization – Government Agency

- Federal
- State
- County

Section III: Land Request Instrument, Terms & Purpose

Applicant requests the following land transaction instrument:

- Right of Entry
- Revocable Permit
- Easement:
- License
- General Lease
- Other:

Land Description: 8 Acres of Hawaiian Home Lands at Anahola Bay, including that portion of lands that front private homes on the bay under the control of the Trust, and the easement roadway behind those homes, also under the control of the Trust.

Island: Kauai **Tax Map Key No.:** (4) 3-9-002:025

Term: 35 Years **Payment Amount:**

\$ _____ Market value land rents Gratis/or Less than Market value land rents

***If Gratis or Less than Market – Explain Why the Trust Should Not be Compensated:** In exchange for a gratis land instrument, the project intended for the parcel is to pursue and invest in a beneficiary development model to maximize property use for beneficiary involvement and community use. In addition, this request will reduce Trust expense and staff resources in responding to maintenance issues related to the property as HCDC will maintain landscaping and overgrowth to eliminate safety issues and enhance beautification.

Land Use or Purpose: To develop a Kumu & Youth Academy to create a homestead beneficiary controlled site open to homestead and community use, to host groups, and individuals to participate in programming relevant to the area and Hawaiian culture. A place of sharing, learning, fellowship, economic and cultural opportunity, created by homestead beneficiaries. Land Use Plan Attached.

Land Use Benefit to the Trust and/or its Beneficiaries: The Land use benefit first and foremost is the fulfillment of one of the main tenets of the HHCA, the use of trust lands by beneficiaries for beneficiary homesteading, mercantile or public purpose. This land use promotes the self determination of beneficiaries of the trust due to HCDC's governance by homestead associations and its mission, and the operation of the Kumu & Youth Academy serving homestead residents, community and visitor populations.

If Applicant is Not a Homestead Beneficiary Organization or a Subsidiary Thereof, Describe How the Applicant is Partnered with Such Organizations: HCDC is a Subsidiary of AHHA.

Section IV. Relevant HHCA Sections to Non-Homesteading Trust Land Disposition

The HHCA addresses non-homesteading public purpose licenses, such as community facilities, commercial or multi-purpose functions, when such purpose supports the overall mission and well-being of the trust and its HHCA beneficiaries.

Section 207(c) – This application relates to which of the following four categories under Section 207(c) of the Hawaiian Homes Commission Act wherein a License may be issued:

- Section 207(c)(1) – Railroads, Telephone Lines, Electric/Utility Lines, Gas Mains, etc; OR
- Section 207(c)(1)(A) – Churches, hospitals, public schools, post offices and other improvements for public purposes; OR
- Section 207(c)(1)(B) – Theatres, garages, service stations, markets, stores and other mercantile establishments (all of which shall be owned by native Hawaiians or by organizations formed and controlled by native Hawaiians); OR
- Section 207(c)(2) – Reservations, roads and other right of way, water storage and distribution facilities and practice target ranges of the United States;
- None of the Above

Section 204(a)(1) – Lands not required for leasing under 207(a) (homesteading), DHHL may issue a general lease for public, commercial or multipurpose use in accordance to Chapter 171, HRS, as amended. This application is for a commercial or multipurpose use:

- Land use or improvements will generate commercial profit to the applicant
- Land use or improvements will not generate commercial profit to the applicant

Section 204(a)(2)/220.5– Lands not required for leasing under 207(a) (homesteading), DHHL is expressly authorized to negotiate, prior to negotiations with the general public, the disposition of Hawaiian home lands or any improvements thereon to a native Hawaiian, or organization or association owned or controlled by native Hawaiians, for commercial, industrial or other business purposes in accordance to section 171HRS.

- This Land Request IS made by an *HHCA Homestead Beneficiary Organization.
- This Land Request IS NOT made by an *HHCA Homestead Beneficiary Organization or individual or business owned and controlled by HHCA Beneficiaries.

Section V. Beneficiary Consultation, Applicant Capacity and Land Use Benefit Analysis

Trust Lands represent a finite amount of land, with thousands of HHCA eligible beneficiaries awaiting an award under the Residential, Agricultural or Pastoral Homesteading program, as well as dozens of Homestead Associations controlled by HHCA Beneficiaries working on homestead based development projects.

As a result, the applicant acknowledges that part of the process of considering applications for trust lands should include the following:

1. Beneficiary Consultation

- a. A Notice of All Land Requests to License/Lease Hawaiian Home Lands for non-homesteading purposes should be sent to all Homestead Associations with an opportunity for beneficiaries of the trust to comment and provide input.
- b. All input received should be provided to the Hawaiian Homes Commission.

2. Applicant Capacity

- a. If a Nonprofit Organization – should show the financial and leadership capacity to accomplish goals and purpose of land use. Additional information may be required to be submitted to DHHL.
- b. If an Individual/Business – should be assessed by DHHL to determine financial and leadership capacity and legal structure. Additional information may be required to be submitted to DHHL.

3. Land Use Benefit Analysis

- a. The land requested should have a direct or significant indirect benefit to the trust or to the beneficiaries of the trust. Additional information may be required to be submitted to DHHL.
- b. The land requested should comply with the spirit and intent of Section 207(c) and Section 204(a)(2)/220.5 of the Hawaiian Homes Commission Act, as amended, by engaging beneficiary organizations. Additional information may be required to be submitted to DHHL to determine how Beneficiary Organizations are directly connected to the land request use.

The following authorized representative, submits this request for Hawaiian home lands:

Homestead Community Development Corporation
Print Individual or Organization Name

May 28, 2012
Date

Robin Puanani Danner, HCDC Board President
Authorized Representative Name & Title


Signature

Land Use Plan

Overall Land Use Purpose

HCDC, the tax exempt CDC of the Anahola Hawaiian Homes Association, a beneficiary controlled homestead association is requesting these lands to take responsibility for stewardship by area beneficiaries of the trust, and to open the lands to beneficiary and community use at Anahola Bay for the first time in the history of the parcel requested.

Our homestead development plan includes the following key components:

- **Land Stewardship** – Currently these lands are not well-maintained and represent one of the last parcels of trust lands located on ocean front property. Non-beneficiary private citizens that own multi-million dollar homes in the Anahola Bay area pay sporadically, to have overgrowth cleaned and coconut trees trimmed. The property is currently not a good representation of our Hawaiian values and love of our land, because it lacks access to, and responsibility by our people. We want to be responsible for and implement land stewardship, on behalf of ourselves, and our Trust Agency.
- **Kumu & Youth Academy** – These lands are uniquely located for best use by cultural practitioners, teachers, mentors, emerging leaders, and multi-generational area residents. Our homestead development plan includes practical and pragmatic use, with no permanent structures planned, but one that brings Hawaiians together for Hawaiians. All improvements will consist of temporary facilities to host youth groups and community leaders in the delivery of ocean based and cultural programming and enjoyment. For example, temporary facilities will include a convening structure, temporary overnight sleeping quarters and a common cooking and outdoor cafeteria area.

The Academy will host groups year-round on a seasonal basis, with academy counselors and volunteers engaged in all program delivery and day-to-day stewardship of the lands, as well as interactions with area residents interested in the upkeep of the location. Programs will include environmental labs in partnership with educational institutions, cultural labs featuring kumu hula and other cultural practitioners, and ocean safety classes in partnership with local watermen and fishermen.

- **Sustainability** – Site control and stewardship is important, but equally important is the sustainability of the programming and stewardship activities. Due to our design and approach to land use, much of the stewardship will come from within the homestead, where there is tremendous talent and a willingness to share. However, there are real costs that cannot be avoided, and will require sustainable funding to ensure successful operation of the Academy. Our sustainability plan includes the following:
 - **Maintenance Dues** – Area owners of homes most impacted by the stewardship of the Academy lands will be assessed an annual fee for maintenance functions for cleaning easements and access ways, as well as maintaining tree lines. This is particularly why we are requesting the lands that run in front of private property on the ocean front, and the road on DHHL lands nearby that is used exclusively by private property owners yet cleaned and cleared with trust resources.

- **Group User Donations** – Groups that use the Academy for programming and functions will be provided a donation schedule to book the Academy for day and night use. These group user donations will offset operating costs of the Academy. All excess funds will be dedicated to an Academy reserve fund, maintenance and improvements, as well as additional homestead projects in the Anahola homestead region.
- **HCDC** – The Academy will be owned and operated by AHHA’s community development corporation arm that also operates other CDC projects in the area, including the Anahola Outdoor Marketplace. As a result, HCDC is able to leverage resources from economic development projects where revenue generation can be focused on operating costs of the Academy.
- **Capital Costs** – Large capital costs planned, will be funded through the Anahola Regional Grant awarded to HCDC, as well as other private sector funding resources recently received.

First 12 Months Under a DHHL Revocable Permit

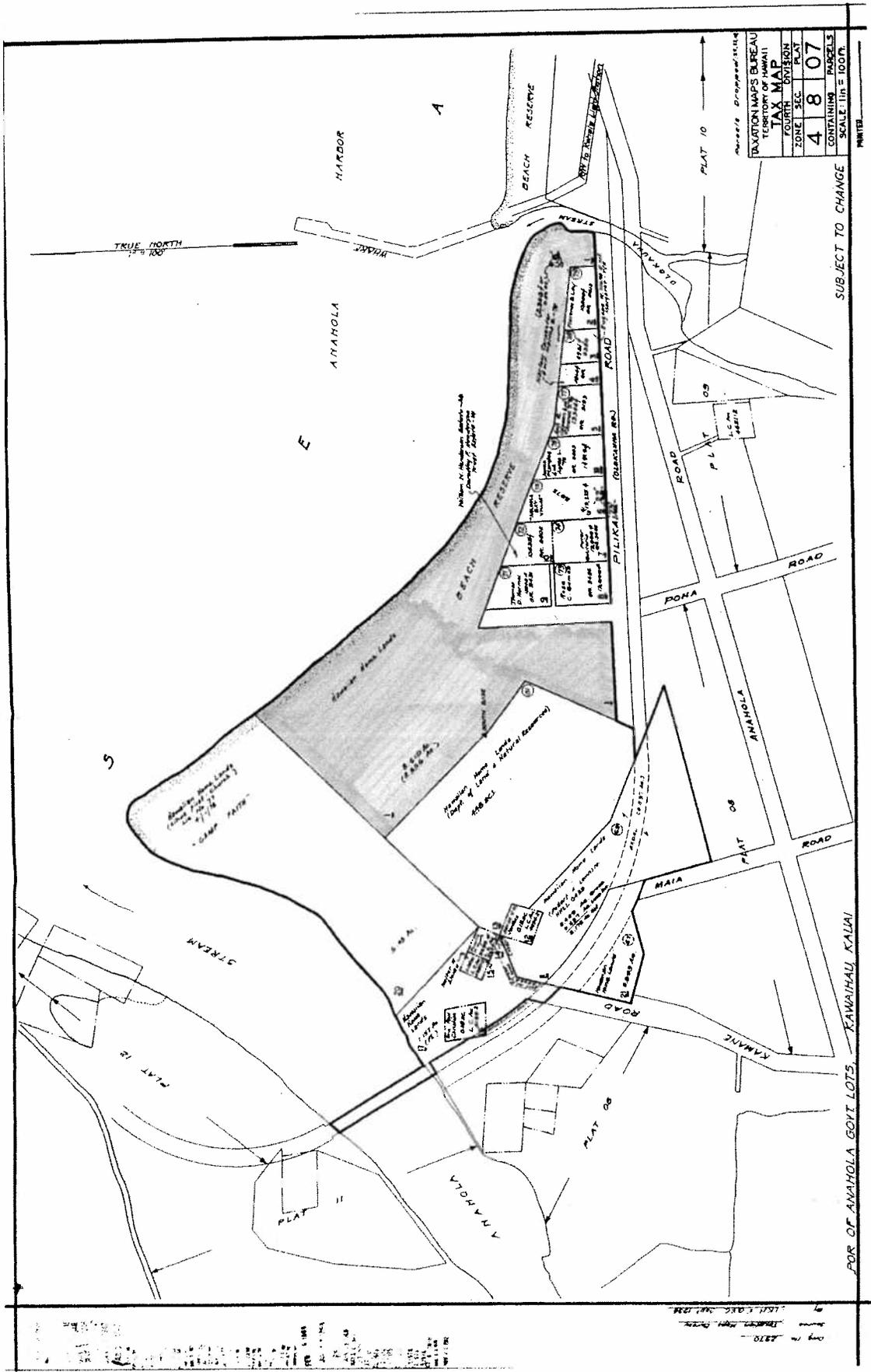
Over the last 12 months, the parcel in question has been issued to HCDC under a Revocable Permit in March 2011. The following has been accomplished during this time:

<u>Task Description</u>	<u>Status</u>
1. Purchase Survey of Property & Locate Property Lines	Done
2. Purchase HCDC General Liability Insurance Policy on Property	Done
3. Assign Lead HCDC Project Coordinator	Done
4. Coordinate with Association members on Academy Stewardship Plan	Done
5. Assign Volunteer Grant Writers to Leverage Funding	Done
6. Procure and complete Archeological Survey	Done
7. Stake Temporary Facility Locations	Done
8. Purchase Temporary Facility Tents (20 in storage)	Done
9. Install Temporary Bathroom Facilities	Underway
10. Construct Tent Platforms	Underway
11. Locate Water Meter and Apply for Water Credits	Done

Next 12 Months Under a DHHL General Lease

Over the next 12 months, the Academy will be open and operational with the following major tasks accomplished:

<u>Task Description</u>	<u>Timeline</u>
1. Request Longer Term Land Instrument	May 2012
2. Execute Lease Agreement	July 2012
3. Finalize remaining capitalization sources	July 2012
4. Coordinate SIC Internet Services	Aug 2012
5. Coordinate Power Line & Water to Site	Aug 2012
6. Host First Group of Academy Guests	Aug 2012
7. Develop Academy Use Agreements & Other Collateral Materials	Sept 2012
8. Coordinate with Private Homeowners in Area on Maintenance Dues	Sept 2012
9. First HCDC Academy Stakeholders Meeting	Dec 2012



TERRITORY MAPS BUREAU	CONTAINING	PAGES
TERRITORY OF HAWAII	4	8
TAX MAP	07	
FOURTH DIVISION		
PLAT		
ZONE		
SCALE: 1 in = 100 ft.		

SUBJECT TO CHANGE

POR OF ANAHOLA GOVT LOTS, KAWAII, HAWAII

Map No. 2270
 Prepared by TERRITORY MAPS BUREAU
 MAY 1910