

Request for Trust Lands from the Hawaiian Home Land Trust
Department of Hawaiian Home Lands

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LAND MANAGEMENT
DIVISION

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.

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Section I: Name of Applicant Requesting Trust Lands

Name of Requesting Organization: Homestead Community Development Corporation

Address of Organization: 1050 Queen Street, Suite 200-B, Honolulu, Hawaii 96814

Officers and/or Principal Representatives: Robin Puanani Danner, President/Board, Lorraine Rapozo, Vice President/Board & Secretary, Blossom Feiteira, Vice President/Board & Treasurer, Mike Hodson, Vice President/Board and Liberta Hussey-Albao, Kauai Island Project Coordinator.

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:** 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 has excellent capacity, with \$700,000 in assets and annual revenues of near \$200,000, as well as an outstanding management team and governing board. HCDC owns and operates a 10-acre outdoor marketplace and certified kitchen, owns and operates a Youth Center, is currently developing an 8-acre Youth Academy, a 3-acre community enterprise facility, and is seeking to develop a Beneficiary Service Center in Kapolei, near the headquarters of the Hawaiian Home Land Trust, as well as water systems projects on Kauai. HCDC is the CDC of homestead associations on Kauai, Oahu and Hawaii Island, and a statewide waitlist association. In direct relation to this land request, HCDC is the tax exempt nonprofit development arm of the Waimea Hawaiian Homesteaders Association (WHHA). Its President, Mike Hodson is a Vice President of HCDC, and the lead project manager on this land request.

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: 161 Acres of Trust Lands located in the Waimea Homestead on Hawaii Island

Island: Hawaii Island **Tax Map Key No.:** 6-4-38-011

Term: 65 Years **Payment Amount:** Undetermined 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: HCDC/WHHA is in the process of obtaining an appraisal on the lease rents of the subject lands to ascertain value. In exchange for gratis or less than market rate lease rents, HCDC/WHHA will develop an adequate Homestead Benefits Agreement containing the benefits to the homestead and the larger community, including job creation and support to homestead lessees in farming and ranching. In addition, as part of the economic development promises made by DHHL, many homestead associations or their CDC’s have been issued trust lands for development by homestead organizations at gratis or less than market value. Similarly, this 161-acre parcel is the location of the WHHA economic development and community projects planned for Waimea, Hawaii Island.*

Land Use or Purpose: Land use includes the development of a community park, a Hawaiian cemetery, and economic development projects to create jobs and revenues for sustainability. A three-part project entitled *Farming for the Working Class* includes the construction of a green waste digester, a certified kitchen and post harvest facility, each of which is an important component to the beneficiary farmers and ranchers in the region. The land use request is for a 65-year License under which all preliminary work such as archeological surveys, environmental assessments and such will be done, and converted to a general lease to facilitate financing for larger project goals.

Land Use Benefit to the Trust and/or its Beneficiaries: The land use is in line with the purposes of the HHCA, in that it was enacted by Congress for the homesteading and mercantile use by beneficiaries of the HHCA. Moreover, HCDC, as the development arm of WHHA, a duly recognized homestead association, is controlled by HHCA beneficiaries, as is stated under section 204 and 207 of the HHCA. This land use request benefits the trust and its beneficiaries because it implements what was intended by the HHCA – beneficiary organizations developing mercantile and public purpose projects. This land use request will further the support of homestead farmers and ranchers already on the land, and create jobs for beneficiaries not yet on the land, as well as the larger community.

If Applicant is Not a Homestead Beneficiary Organization or a Subsidiary Thereof, Describe How the Applicant is Partnered with Such Organizations HCDC is a Homestead Beneficiary Organization subsidiary of the Waimea Hawaiian Homesteaders Association.

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 be assessed by DHHL Kulia i ka Nuu capacity program to determine financial, programmatic, governance and leadership capacity and determine legal structure. 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.
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The following authorized representative, submits this request for Hawaiian home lands:

Homestead Community Development Corporation
Print Individual or Organization Name

June 18, 2012
Date

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


Signature