

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA
Lihu'e State Building, 3060 Eiwa Street, Lihu'e, Kaua'i, Rooms A-C
Monday, October 19, 2015 at 12:30 p.m. to be continued, if necessary, on
Tuesday, October 20, 2015, at 10:00 a.m.

ORDER OF BUSINESS

Roll Call
Approval of Agenda
Approval of Minutes for January 2014, June 2015, July 20 & 21, 2015

A – PUBLIC TESTIMONY ON ITEM E-1

B – WORKSHOP PRESENTATION

E-1 Status of Phase II Environmental Assessment Report for Kekaha Residential Lots, Unit 4 Subdivision

EXECUTIVE SESSION

The Commission anticipates convening in 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 these matters.

1. Phase II Environmental Assessment Report for Kekaha Residential Lots, Unit 4 Subdivision

A – PUBLIC TESTIMONY ON REMAINING AGENDIZED ITEMS

B – WORKSHOP PRESENTATION

G-1 For Information Only – Update on Kaua'i Water Projects

ITEMS FOR DECISION MAKING

D - HOMESTEAD SERVICES DIVISION

- D-2 Ratification of Loan Approval (see exhibit)
- D-3 Approval of Consent to Mortgage (see exhibit)
- D-4 Approval of Streamline Refinance of Loans (see exhibit)
- D-5 Approval to Schedule Loan Delinquency Contested Case Hearings (see exhibit)
- D-6 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-7 Commission Designation of Successors to Application Rights – Public Notice 2014 (see exhibit)
- D-8 Reinstatement of Deferred Applications – **MARY ANN BARDO, CARLETON L.K. KAHAE**
- D-9 Ratification of Designations of Successors to Leasehold Interest and Designation of Persons to Receive Net Proceeds (see exhibit)
- D-10 Approval of Assignment of Leasehold Interest (see exhibit)
- D-11 Approval of Amendment of Leasehold Interest (see exhibit)
- D-12 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)

- D-13 Commission Designation of Successor – **WYNETTE K. DILLINER**, Lease No. 9975, Lot No. 1, Waimānalo, O‘ahu
- D-14 Commission Designation of Successor – **GARRY L. YAMADA**, Lease No. 3571, Lot No. 184, Panaewa, Hawai‘i
- D-15 Request to Surrender Lease – **MICHELLE I. BARNHART**, Residential Lease No. 11058, Lot No. UNDV057, Anahola Subdivision, Kaua‘i District, Hawai‘i

F – LAND MANAGEMENT DIVISION

- F-1 Approval to Issue Master Benefit License to Maui Electric Company, Ltd for Homestead Developments, County of Maui (Various TMKs)

G - PLANNING OFFICE

- G-2 Accept the Beneficiary Consultation Report for the NEXTERA Kahikinui Wind Project, Kahikinui, Maui, TMK (2) 1-9-001: 003
- G-3 Approval of Procedures for Approving Water Wells on Homestead Lots, Statewide

ITEMS FOR INFORMATION

D - HOMESTEAD SERVICES DIVISION

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

F – LAND MANAGEMENT DIVISION

- F-2 Status of Renovation Update – General Lease Nos. S-3831, S-3840, and S-4647, Aloha Beach Partners, LLC, Wailua, Kaua‘i TMK (4)3-9-006:020 and (4)3-9-006:016

G - PLANNING OFFICE

- G-4 For Information Only – Saint Rita Church Draft Environmental Assessment (DEA), Nānākuli, O‘ahu, TMK (1) 8-9-005:001, (1) 8-9-007:002 (por.), and (1) 8-9-007:002: 004 (por.)

EXECUTIVE SESSION

The Commission anticipates convening in 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 these matters.

1. Notice of Proposed Rule Making For Procedures For Reestablishing a Government-to-Government Relationship with the Native Hawaiian Community

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION MEETING AGENDA
Lihu'e State Building, 3060 Eiwa Street, Lihu'e, Kaua'i, Rooms A-C
Tuesday, October 20, 2015, at 10:00 a.m.

ORDER OF BUSINESS

Roll Call

A – PUBLIC TESTIMONY ON AGENDIZED ITEMS

ITEMS FOR INFORMATION

- F-3 For Information Only-Land Use Request for Land known as the "Anahola Farmers Market", Anahola, Kaua'i, TMK No: (4) 4-8-005:026
- G-5 For Information Only – Draft Final Environmental Assessment for Kumu Camp Project, Anahola, Kaua'i, TMK (4) 4-8-007:001


J - GENERAL AGENDA

- J-1 Request to Address the Commission – **HAROLD VIDINHA**, Contamination and Residence Issues.
- J-2 Request to Address the Commission – **AGNES MARTI-KINI**, President KAF Hui, Anahola Farmer's Market Place Lot #11, Unit 2.
- J-3 Request to Address the Commission – **JOHN KAOHELAULII**, Kaua'i Agricultural Homestead Program
- J-4 Request to Address the Commission – **SHANE COBB-ADAMS**, Anahola Water System, Kumu Camp EIS, Anahola Master Plan
- J-5 Request to Address the Commission – **JEFF GILBREATH**, Executive Director, Hawaiian Community Assets. Accessory Dwelling Units.
- J-6 Request to Address the Commission – **KAHAUNANI MAHOE-THEONE**, Accessory Dwelling Units.
- J-7 Request to Address the Commission – **PAT HUNTER-WILLIAMS**, Kumu Camp
- J-8 Request to Address the Commission – **KAWAI WARREN**, Kekaha Homestead Association
- J-9 Request to Address the Commission – **MANULELE CLARKE**, Kukulu Kumuhana O Anahola (KKOA)
- J-10 Request to Address the Commission – **KIPUKAI KUALII & SHERRI CUMMINGS**, Anahola Hawaiian Homestead Association, **FRANK CUMMINGS**, Kaua'i Agricultural and Pastoral Alliance.

ADJOURNMENT

ANNOUNCEMENTS AND ADJOURNMENT

1. Next Meeting – November 16-17, 2015, Wailuku, Maui, Hawai‘i
2. Other Announcements
3. Adjournment



Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

Doreen N. Canto, Maui
Kathleen P. Chin, Kaua‘i
Gene Ross K. Davis, Moloka‘i
Wallace A. Ishibashi, East Hawai‘i

David B. Ka‘apu, West Hawai‘i
Michael P. Kahikina, O‘ahu
William K. Richardson, O‘ahu
Renwick V. I. Tassill, O‘ahu

Next community meeting to be held on November 16, 2015
Kula Community Center, Lower Kula Road, Kula, HI 96790 at 6:30 p.m.

Special Accommodations (such as Sign Language Interpreter, large print, taped material) can be provided, if requested, at least five (5) working days before the scheduled meeting on the respective island by calling Ku‘uwehi Hiraishi, at the **Information & Community Relations Office**, on Oahu, (808) 620-9590.

ITEM D-2 EXHIBIT
RATIFICATION OF LOAN APPROVALS

LESSEE	LEASE NO.	AREA
AH HEE, Merle J.	6363	Kawaihae, Hawaii

ITEM D-3 EXHIBIT
APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
AHUNA, Gregory M.	2194	Kewalo, Oahu
AHUNA, William K.	2194	Kewalo, Oahu
ARAKAKI, Shunya K.	2182	Kewalo, Oahu
BARNHART, Michelle I.	12151	Kaupea, Oahu
HOKOANA, BJ A. P.	7952	Kewalo, Oahu
JIM, Lorna M. K.	12300	Hikina, Maui
KAHUE, Heston	12104	Kaupea, Oahu
KALAMA, Melvin, Jr.	11793	Kanehili, Oahu
KAMAKA, Jonathan, Jr.	12606	Kanehili, Oahu
KEALOHA, Charles	8602	Kewalo, Oahu
KOKUBUN, Lynette K. C.	9928	Waiehu 3, Maui
KOMETANI, Lorna M. H.	12127	Kaupea, Oahu
LABRA, Christina H. L.	11744	Kanehili, Oahu
LESLIE, Gordon K.	11867	Kanehili, Oahu
LINCOLN MAIELUA, Blossom P.	7222	Kawaihae, Hawaii
LOVELL, Alike L.	12142	Kaupea, Oahu
MARFIL, Sanoë K.	423	Nanakuli, Oahu
MEYERS, Wilmore E.	11803	Kanehili, Oahu
OKUDA, Dorinda R. K. H	9770	Maluohai, Oahu
ONTAI, Susanna L.	11435	Kaupea, Oahu
PACHECO, Mona Jean K.	12648	Kanehili, Oahu
PADEKEN, August M., III	11689	Kanehili, Oahu
PALEKA, Walter K.	8307	Princess Kahanu Estates, Oahu
PARKER, Elizabeth K.	3765	Papakolea, Oahu
PERKINS, Margaret K	8901	Nanakuli, Oahu
REYES, Lavern M.	4515	Nanakuli, Oahu
SMITH, Laurie A. J.	12045	Kaupea, Oahu
SMITH, Viheart L.	12036	Kaupea, Oahu
TAVITA, Iosefo K.	12568	Kanehili, Oahu
VERA CRUZ, Denise K.	11575	Kanehili, Oahu
VESPOLI, Domonic K. P.	12553	Kanehili, Oahu
VICTOR, Nikki K.	4247	Keaukaha, Hawaii
WEZA, Keola S.	9269	Kaniohale, Hawaii

ITEM D-4 EXHIBIT

APPROVAL OF STREAMLINE REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
LEE, Dorothea M.	1487	Keaukaha, Hawaii

ITEM D-5 EXHIBIT

APPROVAL TO SCHEDULE LOAN DELINQUENCY CONTESTED CASE HEARINGS

LESSEE	LEASE NO.	AREA
KAAUAMO, La'Salle	12245	Waiehu Kou IV, Maui

ITEM D-6 EXHIBIT

HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
DUDOIT, Darryl F.	Molokai IW Res
DUDOIT, Darryl-Lynn L. K.	Molokai IW Res
HULAMA, Louis, Jr.	Waianae Area Res
HULAMA, Rosemarie L.	Oahu IW Res
IOKIA, Christina P.	Oahu IW Res to Hawaii IW Res
KAAHANUI, Kevin H.	Molokai IW Agr
RUTKOWSKI, Joslyn I.	Oahu IW Res

ITEM D-7 EXHIBIT

**COMMISSION DESIGNATION OF SUCCESSORS TO APPLICATION RIGHTS
PUBLIC NOTICE 2014**

CONSOLACION, Maile E.	Maui IW Res
KAHANANUI-QUIMOYOG, Christine U.	Oahu IW Agr
KALA, Clinton F. O.	Oahu IW Res
KEALOHANUI, Raphael, IV	Maui IW Agr
KEALOHANUI, Raphael, IV	Oahu IW Res
KEOLANUI, Lavinia K. L.	Waimanalo Area Res / Oahu IW Res
MAHOE, Maylina	Hawaii IW Agr
MAHOE, Maylina	Hawaii IW Res
NAKEA, Patrick H.	Maui IW Pas
PENEKU, Leroy, Jr.	Molokai IW Res
REYES, Valerie K.	Molokai IW Agr
REYES, Valerie K.	Molokai IW Res

* IW = Islandwide

ITEM D-9 EXHIBIT

**RATIFICATION OF DESIGNATION OF SUCCESSORS TO LEASEHOLD INTEREST AND
DESIGNATION OF PERSONS TO RECEIVE NET PROCEEDS**

LESSEE	LEASE NO.	AREA
AHUNA, Wallace W.	1424	Keaukaha, Hawaii
HELM, Hilarion	5007	Hoolehua, Molokai
KAIMANA, Benjamin K.	5030	Waimanalo, Oahu
KAIWI, Mikela	6548	Anahola, Kauai
KEALOHA, Allan K.	4118	Waimanalo, Oahu
MAHUKA, Franklin K. S.	5137	Nanakuli, Oahu
NIHOA, Dorothy	143	Hoolehua, Molokai
RODRIGUES, Llewellyn	17A	Kalamaula, Molokai
RODRIGUES, Llewellyn	17	Hoolehua, Molokai

ITEM D-10 EXHIBIT

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
AVILLA, Maxine M.	2971	Nanakuli, Oahu
DANA, John H., Jr.	2598	Nanakuli, Oahu
DAVIS, Carmen B.	8141	Waianae, Hawaii
GOMES, Adam C., Jr.	5417	Paukukalo, Maui
GONSALVES, Joseph L.	4186	Nanakuli, Oahu
HALL, George Ross K.	4925	Kuhio Village, Hawaii
KAAUMOANA, Lillian P.	5053	Keaukaha, Hawaii
SIMMONS, Lisa-Gay	5053	Keaukaha, Hawaii
PACHECO, Zena P. A.	5053	Keaukaha, Hawaii
NAIHE, Lambert K.	3664	Waimanalo, Oahu
BARAWIS, Barbara Lucy	10716	Laiopua, Hawaii
HAKKEI, Marella	10812	Laiopua, Hawaii
LALAWAI, Alton N.	12391	Kapolei, Oahu
DUDOIT, May L.	6077	Kalamaula, Molokai
KAILIKEA, Minerva H.	6652	Waianae, Oahu
LUFALEMANA, Simoi P.	6075	Kalamaula, Molokai
NAEHU, Frances E. K.	7900	Hoolehua, Molokai
WOOLSEY, Edwin M., III	7822	Hoolehua, Molokai

ITEM D-11 EXHIBIT

APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
AHUNA, Gregory M.	2194	Kewalo, Oahu
AHUNA, William K.	2194	Kewalo, Oahu
AVILLA, Maxine M.	2971	Nanakuli, Oahu
BARBER, Alice K.	6302	Keaukaha, Hawaii
BIVENS, Patricia K.	3010	Kapaakea, Molokai
COSIER, Kristin L.	2458	Waimanalo, Oahu
KAAPUNI, Isaac M.	1769	Nanakuli, Oahu

LINDSEY, Richard C., III	2709	Kuhio Village, Hawaii
LUAFALEMANA, Justin	6075	Kalamaula, Molokai
MANABA, Christy Ann	5884	Kalamaula, Molokai
MANOI, Edward, II	9373	Kaniohale, Hawaii
MAUHILI, Jewelyn	6337	Waiakea, Hawaii
MEYERS, Wilmore Eli	11803	Kanehili, Oahu
NAIHE, Lambert K.	3664	Waimanalo, Oahu
NIHOA, Dorothy	143	Hoolehua, Molokai
PAAKAULA, Gerald	11834	Kanehili, Oahu
RAGSDALE, Todd I.	820	One Alii, Molokai
VERA CRUZ, Denise K.	11575	Kanehili, Oahu

ITEM D-12 EXHIBIT

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

LESSEE	LEASE NO.	AREA
EZZO, Amadeo	9660	Kawaihae, Hawaii
FARM, Gerald, Sr.	9406	Kaniohale, Hawaii
GALINDO, Cecelia L.	8591	Nanakuli, Oahu
HETHCOTE, Palmyra	10247	Kaupea, Oahu
LAUMAUNA, Calvin I.	4496	Nanakuli, Oahu
MAGALLANES, Yvonne	8347	PKE, Oahu
OME, Ronald	7201	Kawaihae, Hawaii
SALINAS, Roger	10026	Kawaihae, Hawaii
VILLANUEVA, Tanya	9844	Kawaihae, Hawaii
WONG, Jamieson K., Sr.	9306	Kaniohale, Hawaii

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
OCTOBER 19 & 20, 2015
LIHUE, KAUA'I

AGENDA SECTION B

WORKSHOP PRESENTATIONS

Note: Workshops presentations are oral, or reference items submitted under departmental agenda sections.


DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
OCTOBER 19 & 20, 2015
LIHUE, KAUA'I

AGENDA SECTION D

HOMESTEAD SERVICES DIVISION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 19, 2015

TO: Chairman and Members, Hawaiian Homes Commission
From: Dean T. Oshiro, Acting 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

October 19, 2015

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through September 30, 2015

	As of 8/31/15	Add	Cancel	As of 9/30/15
Residential	8,311	0	0	8,311
Agricultural	1,097	0	0	1,097
Pastoral	408	0	0	408
Total	9,816	0	0	9,816

The number of Converted Undivided Interest Lessees represents an increase of 383 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 8/31/15	Converted	Rescinded/ Surrendered/ Cancelled	As of 9/30/15
Undivided	952	0	1	951

Balance as of 9/30/15

Awarded	1,434
Relocated to UNDV	7
Rescinded	101
Surrendered	4
Cancelled	2
Converted	<u>383</u>
Balance to Convert	951

Lease Report For the Month Ending September 30, 2015

	----- 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																
Kalawahine	92	0	0	92	0	0	0	0	0	0	0	0	92	0	0	92
Kanehili	346	0	0	346	0	0	0	0	0	0	0	0	346	0	0	346
Kapolei	276	0	0	276	0	0	0	0	0	0	0	0	276	0	0	276
Kaupea	326	0	0	326	0	0	0	0	0	0	0	0	326	0	0	326
Kaupuni	19	0	0	19	0	0	0	0	0	0	0	0	19	0	0	19
Kewalo	250	0	0	250	0	0	0	0	0	0	0	0	250	0	0	250
Kumuhau	51	0	0	51	0	0	0	0	0	0	0	0	51	0	0	51
Lualualei	149	0	0	149	31	0	0	31	0	0	0	0	180	0	0	180
Malu'ohai	156	0	0	156	0	0	0	0	0	0	0	0	156	0	0	156
Nanakuli	1,049	0	0	1,049	0	0	0	0	0	0	0	0	1,049	0	0	1,049
Papakolea	64	0	0	64	0	0	0	0	0	0	0	0	64	0	0	64
Princess Kahanu Estates	271	0	0	271	0	0	0	0	0	0	0	0	271	0	0	271
Waiahole	0	0	0	0	16	0	0	16	0	0	0	0	16	0	0	16
Waianae	421	0	0	421	11	0	0	11	0	0	0	0	432	0	0	432
Waimanalo	745	0	0	745	2	0	0	2	0	0	0	0	747	0	0	747
TOTAL	4,215	0	0	4,215	60	0	0	60	0	0	0	0	4,224	0	0	4,225
MAUI																
Hikina	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Kahikinui	0	0	0	0	0	0	0	0	75	0	0	75	75	0	0	75
Keokea	0	0	0	0	65	0	0	65	0	0	0	0	65	0	0	65
Lea'i	104	0	0	104	0	0	0	0	0	0	0	0	104	0	0	104
Paukukalo	181	0	0	181	0	0	0	0	0	0	0	0	181	0	0	181
Waiehu 1	38	0	0	38	0	0	0	0	0	0	0	0	38	0	0	38
Waiehu 2	107	0	0	107	0	0	0	0	0	0	0	0	107	0	0	107
Waiehu 3	112	0	0	112	0	0	0	0	0	0	0	0	112	0	0	112
Waiehu 4	98	0	0	98	0	0	0	0	0	0	0	0	98	0	0	98
Waiehu	598	0	0	598	0	0	0	0	0	0	0	0	598	0	0	598
TOTAL	1,268	0	0	1,268	65	0	0	65	75	0	0	75	1,408	0	0	1,408
EAST HAWAII																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamoa	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaunahua	44	0	0	44	0	0	0	0	0	0	0	0	44	0	0	44
Keaukaha	471	0	0	471	0	0	0	0	0	0	0	0	471	0	0	471
Kurtistown	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3
Makua	0	0	0	0	123	0	0	123	0	0	0	0	123	0	0	123
Panaua	0	0	0	0	262	0	0	262	0	0	0	0	262	0	0	262
Pihonua	17	0	0	17	0	0	0	0	0	0	0	0	17	0	0	17
Puuhi	0	0	0	0	12	0	0	12	0	0	0	0	12	0	0	12
University Heights	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	4
Waialea	299	0	0	299	0	0	0	0	0	0	0	0	299	0	0	299
TOTAL	840	0	0	840	397	0	0	397	25	0	0	25	1,262	0	0	1,262
WEST HAWAII																
Honokaa	0	0	0	0	0	0	0	0	23	0	0	23	23	0	0	23
Hunua	0	0	0	0	0	0	0	0	5	0	0	5	5	0	0	5
Kamoku	0	0	0	0	0	0	0	0	16	0	0	16	16	0	0	16
Kanichale	225	0	0	225	0	0	0	0	0	0	0	0	225	0	0	225
Kawaihae	186	0	0	186	0	0	0	0	1	0	0	1	187	0	0	187
Laopua	280	0	0	280	0	0	0	0	0	0	0	0	280	0	0	280
Lanai	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Nihoa	0	0	0	0	0	0	0	0	21	0	0	21	21	0	0	21
Puukapu/Waimea/Kuhio Vii	114	0	0	114	110	0	0	110	214	0	0	214	438	0	0	438
Puupulehu	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
TOTAL	865	0	0	865	110	0	0	110	280	0	0	280	1,255	0	0	1,255
KAUAI																
Anahola	535	0	0	535	46	0	0	46	0	0	0	0	581	0	0	581
Hanalei	47	0	0	47	0	0	0	0	0	0	0	0	47	0	0	47
Kekaha	117	0	0	117	0	0	0	0	0	0	0	0	117	0	0	117
Puu Opa	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
TOTAL	699	0	0	699	46	0	0	46	1	0	0	1	746	0	0	746
MOLOKAI																
Hoolahua	158	0	0	158	344	0	0	344	21	0	0	21	523	0	0	523
Kalamaua	161	0	0	161	72	0	0	72	3	0	0	3	236	0	0	236
Kapaakea	47	0	0	47	0	0	0	0	3	0	0	3	50	0	0	50
Moomomi	0	0	0	0	3	0	0	3	0	0	0	0	3	0	0	3
O'ne Alii	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
TOTAL	395	0	0	395	419	0	0	419	27	0	0	27	841	0	0	841
LANAI																
Lanai	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
TOTAL	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
STATEWIDE TOTAL	8,311	0	0	8,311	1,097	0	0	1,097	408	0	0	408	9,816	0	0	9,816

**HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING
September 30, 2015**

AREA WAITING LIST

DISTRICT AREA	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu District	1,020	0	1	1,019	3	0	0	3	0	0	0	0	1,022
Maui District	73	0	0	73	4	0	0	4	5	0	0	5	82
Hawaii District	135	0	0	135	15	0	0	15	62	0	0	62	212
Kauai District	58	0	0	58	3	0	0	3	29	0	0	29	90
Molokai District	20	0	0	20	19	0	0	19	1	0	0	1	40
TOTAL	1,306	0	1	1,305	44	0	0	44	97	0	0	97	1,446

ISLANDWIDE WAITING LIST

ISLAND	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu	9,296	55	7	9,344	3,510	15	1	3,524	0	0	0	0	12,868
Maui	3,657	15	1	3,671	4,527	13	1	4,539	583	3	1	585	8,795
Hawaii	5,629	14	4	5,639	7,007	11	5	7,013	1,834	5	0	1,839	14,491
Kauai	1,565	14	1	1,578	2,175	12	0	2,187	286	1	0	287	4,052
Molokai	758	5	2	761	1008	5	1	1012	195	0	0	195	1,968
Lanai	82	0	0	82	0	0	0	0	0	0	0	0	82
TOTAL	20,987	103	15	21,075	18,227	56	8	18,275	2,898	9	1	2,906	42,256

AREA AND ISLANDWIDE LISTS

	RESIDENCE				AGRICULTURE		TOTAL	ADDITIONS		CANCELLATIONS	
	RES	AG	PAS	TOTAL	AG	PAS		ADDITIONS	TOTAL	CANCELLATIONS	TOTAL
OAHU	10,363	3,527	0	13,890				New Applications	168	New Lease Award	5
MAUI	3,744	4,543	590	8,877				Rescissions	0	Voluntary/Trans	20
HAWAII	5,774	7,028	1,901	14,703				Reinstate	0	NHQ Unqualified	0
KAUAI	1,636	2,190	316	4,142				HHC Adjustment	0	Lessee Transferee	0
MOLOKAI	781	1,031	196	2,008				TOTAL	168	Dec'd, No Succ	0
LANAI	82	0	0	82						Voluntary Cancellation	0
TOTAL	22,380	18,319	3,003	43,702						TOTAL	25

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

September 30, 2015

	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
OAHU DISTRICT													
Nanakuli	182	0	0	182	0	0	0	0	0	0	0	0	182
Waianae	161	0	1	160	0	0	0	0	0	0	0	0	160
Lualualei	0	0	0	0	3	0	0	3	0	0	0	0	3
Papakolea/Kewalo	73	0	0	73	0	0	0	0	0	0	0	0	73
Waimanalo	604	0	0	604	0	0	0	0	0	0	0	0	604
Subtotal Area	1,020	0	1	1,019	3	0	0	3	0	0	0	0	1,022
Islandwide	9,296	55	7	9,344	3,510	15	1	3,524	0	0	0	0	12,868
TOTAL OAHU APPS	10,316	55	8	10,363	3,513	15	1	3,527	0	0	0	0	13,890
MAUI DISTRICT													
Paukukalo	73	0	0	73	0	0	0	0	0	0	0	0	73
Kula	0	0	0	0	4	0	0	4	5	0	0	5	9
Subtotal Area	73	0	0	73	4	0	0	4	5	0	0	5	82
Islandwide	3,657	15	1	3,671	4,527	13	1	4,539	583	3	1	585	8,795
TOTAL MAUI APPS	3,730	15	1	3,744	4,531	13	1	4,543	588	3	1	590	8,877
HAWAII DISTRICT													
Keaukaha/Waiakea	72	0	0	72	0	0	0	0	1	0	0	1	73
Panaewa	0	0	0	0	15	0	0	15	0	0	0	0	15
Humuula	0	0	0	0	0	0	0	0	0	0	0	0	0
Kawaihae	19	0	0	19	0	0	0	0	0	0	0	0	19
Waimea	44	0	0	44	0	0	0	0	61	0	0	61	105
Subtotal Area	135	0	0	135	15	0	0	15	62	0	0	62	212
Islandwide	5,629	14	4	5,639	7,007	11	5	7,013	1,834	5	0	1,839	14,491
TOTAL HAWAII APPS	5,764	14	4	5,774	7,022	11	5	7,028	1,896	5	0	1,901	14,703
KAUAI DISTRICT													
Anahola	50	0	0	50	3	0	0	3	21	0	0	21	74
Kekaha/Puu Opae	8	0	0	8	0	0	0	0	8	0	0	8	16
Subtotal Area	58	0	0	58	3	0	0	3	29	0	0	29	90
Islandwide	1,565	14	1	1,578	2,175	12	0	2,187	286	1	0	287	4,052
TOTAL KAUAI APPS	1,623	14	1	1,636	2,178	12	0	2,190	315	1	0	316	4,142
MOLOKAI DISTRICT													
Kalamaula	4	0	0	4	0	0	0	0	0	0	0	0	4
Hoolehua	7	0	0	7	19	0	0	19	1	0	0	1	27
Kapaakea	8	0	0	8	0	0	0	0	0	0	0	0	8
One Alii	1	0	0	1	0	0	0	0	0	0	0	0	1
Subtotal Area	20	0	0	20	19	0	0	19	1	0	0	1	40
Islandwide	758	5	2	761	1,008	5	1	1,012	195	0	0	195	1,968
TOTAL MOLOKAI APPS	778	5	2	781	1,027	5	1	1,031	196	0	0	196	2,008
LANAI DISTRICT													
Islandwide	82	0	0	82	0	0	0	0	0	0	0	0	82
TOTAL LANAI APPS	82	0	0	82	0	0	0	0	0	0	0	0	82
TOTAL AREA ONLY	1,306	0	1	1,305	44	0	0	44	97	0	0	97	1,446
TOTAL ISLANDWIDE	20,987	103	15	21,075	18,227	56	8	18,275	2,898	9	1	2,906	42,256
TOTAL STATEWIDE	22,293	103	16	22,380	18,271	56	8	18,319	2,995	9	1	3,003	43,702

DELINQUENCY REPORT - STATEWIDE

October 19, 2015

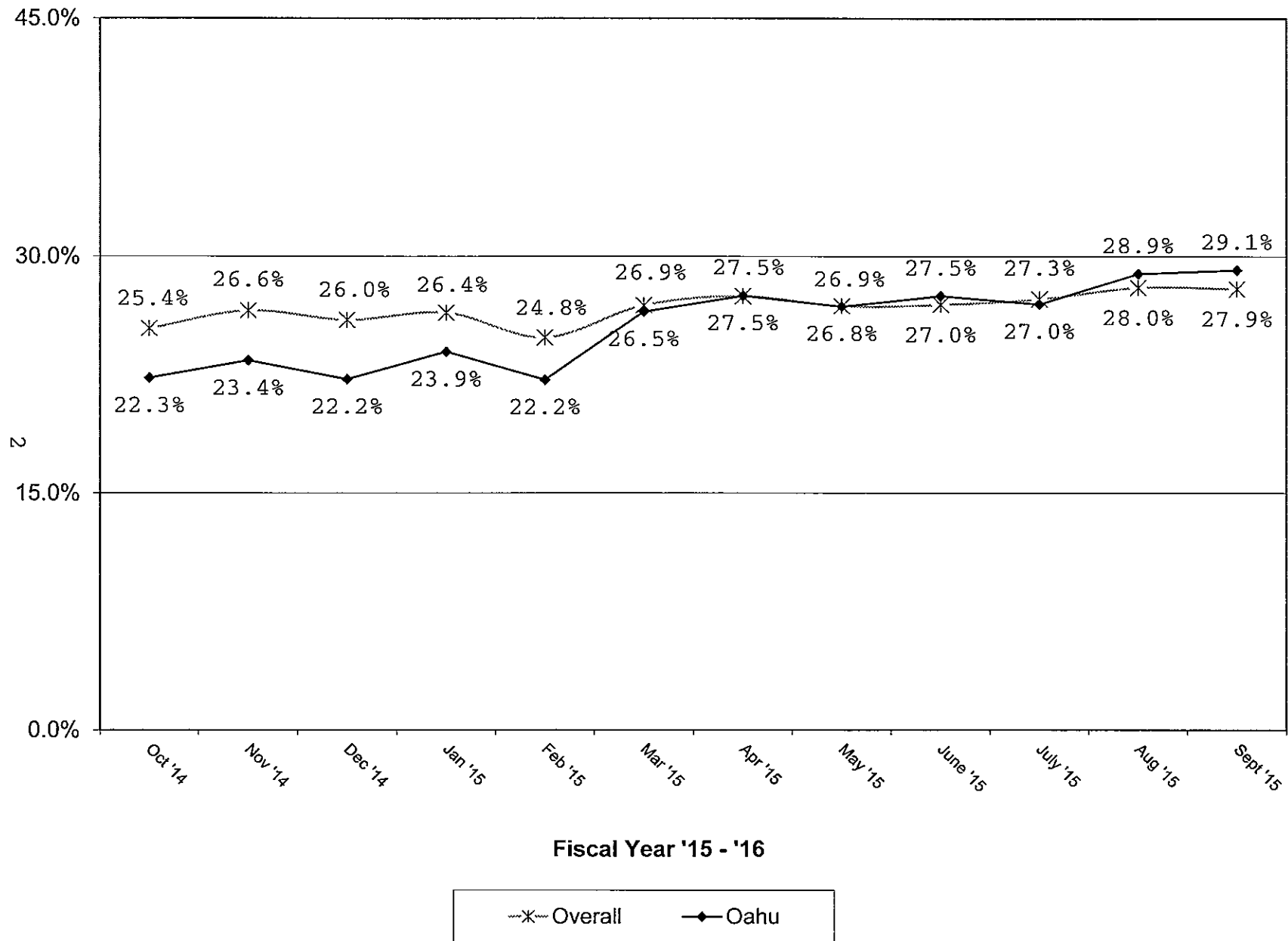
(\$Thousands)

	Total Outstanding		Total Delinquency		30 Days (low)		60 Days (Medium)		R I S K 90 Days (High)		180 Days (Severe)		% of Totals 9/30/2015	
	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	\$
<u>DIRECT LOANS</u>														
OAHU	400	29,914	89	8,718	13	1,026	13	1,273	8	463	55	5,955	22.3%	29.1%
EAST HAWAII	236	13,501	93	5,221	18	705	7	200	14	463	54	3,854	39.4%	38.7%
WEST HAWAII	68	5,769	15	806	1	31	2	243	2	136	10	395	22.1%	14.0%
MOLOKAI	71	2,048	16	537	5	141	0	0	1	43	10	353	22.5%	26.2%
KAUAI	109	7,789	19	1,325	6	393	3	198	2	165	8	570	17.4%	17.0%
MAUI	<u>74</u>	<u>5,415</u>	<u>17</u>	<u>1,395</u>	<u>2</u>	<u>74</u>	<u>4</u>	<u>263</u>	<u>3</u>	<u>218</u>	<u>8</u>	<u>841</u>	<u>23.0%</u>	<u>25.8%</u>
TOTAL DIRECT	958	64,436	249	18,003	45	2,370	29	2,177	30	1,487	145	11,968	26.0%	27.9%
	100.0%	100.0%	26.0%	27.9%	4.7%	3.7%	3.0%	3.4%	3.1%	2.3%	15.1%	18.6%		
Advances (including RPT)	274	6,590	274	6,590	0	0	0	0	274	6,590			100%	100%
DHHL LOANS & Advances	1,232	71,027	523	24,593	45	2,370	29	2,177	304	8,077	145	11,968	42.5%	34.6%
<u>LOAN GUARANTEES as of June 30, 2014</u>														
SBA	1	112	0	0	0	0	0	0	0	0			0.0%	0.0%
USDA-RD	329	42,116	58	7,025	0	0	0	0	58	7,025			17.6%	16.7%
Habitat for Humanity	70	3,272	17	1,142	0	0	0	0	17	1,142			24.3%	34.9%
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	24	367	10	230	0	0	0	0	10	230			41.7%	62.7%
FHA Interim	8	1,551	0	0	0	0	0	0	0	0			0.0%	0.0%
OHA	88	987	5	47	0	0	0	0	5	47			5.7%	4.8%
TOTAL GUARANTEE	526	48,486	91	8,451	0	0	0	0	91	8,451			17.3%	17.4%
PMI Loans	311	59,827	26	5,770	2	536	0	0	24	5,234			8.4%	9.6%
HUD REASSIGNED for Recovery	153	19,515	129	18,526	2	156	0	0	5	406	122	17,964	84.3%	94.9%
FHA Insured Loans	<u>2,797</u>	<u>413,090</u>	<u>264</u>	<u>33,311</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>264</u>	<u>33,311</u>			<u>9.4%</u>	<u>8.1%</u>
TOTAL INS. LOANS	3,261	492,432	419	57,607	4	692	0	0	293	38,951	122	17,964	12.8%	11.7%
OVERALL TOTALS(EXC Adv/RP*)	4,745	605,355	759	84,060	49	3,062	29	2,177	414	48,889	267	29,932	16.0%	13.9%
ADJUSTED TOTALS	5,019	611,945	1,033	90,651	49	3,062	29	2,177	688	55,479	267	29,932		14.8%

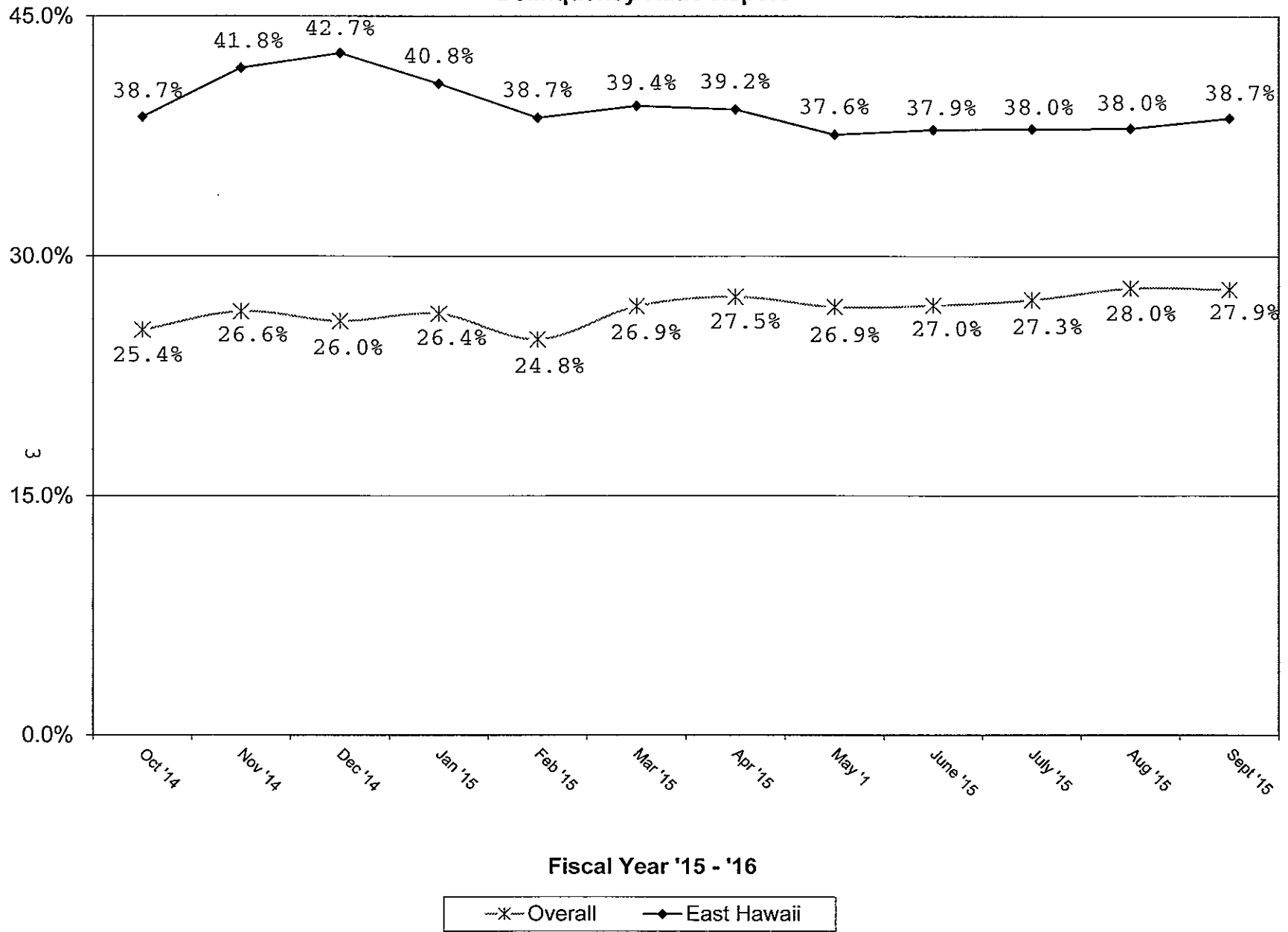
Note: HUD 184A loan program has 362 loans, with a total outstanding principal balance of \$82,753,504.18 as of June 30, 2015. 18 loans, totalling \$4,258,216.32, are delinquent.

ITEM NO. D-1
EXHIBIT B

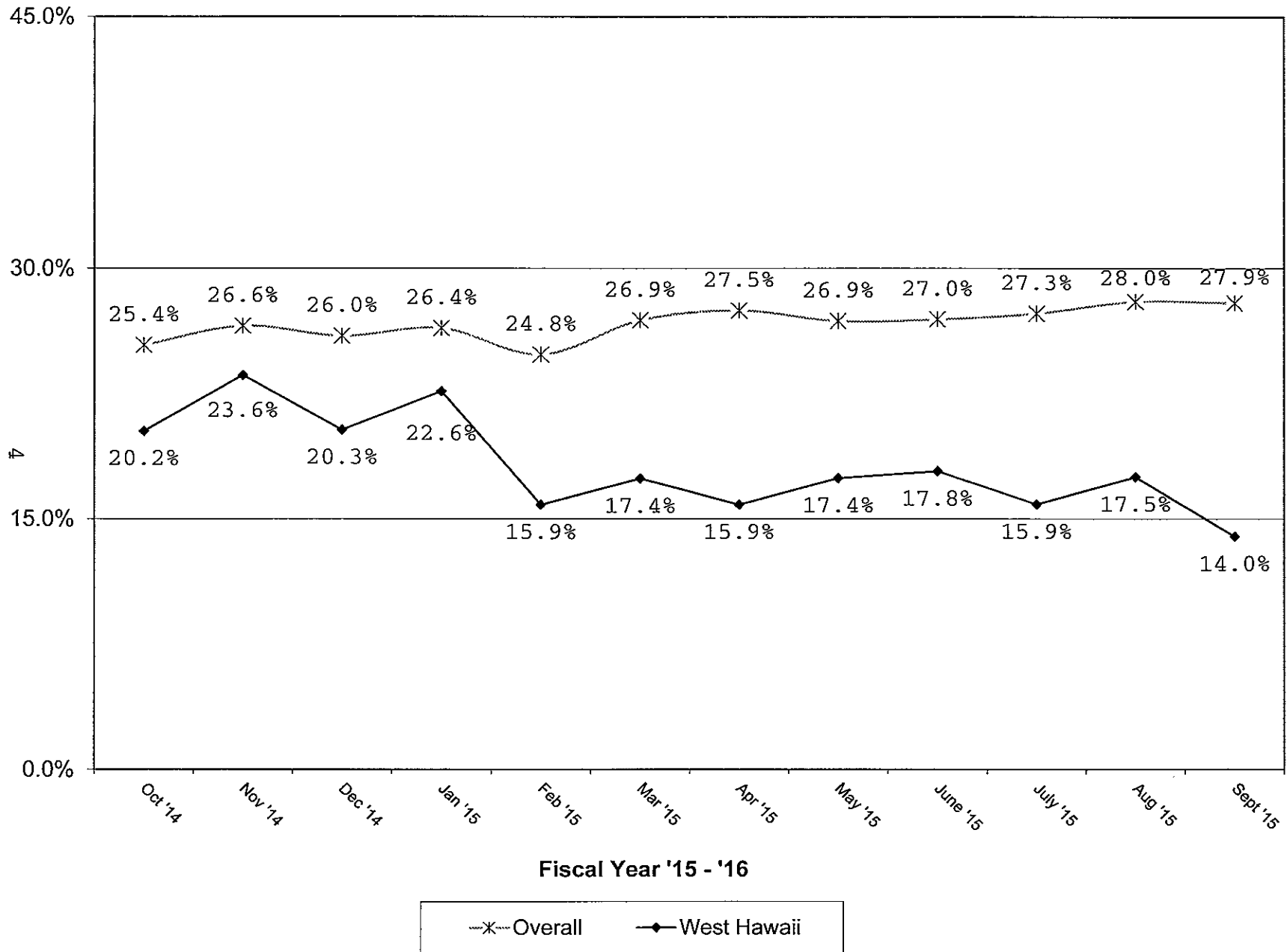
OAHU Direct Loans Delinquency Ratio Report



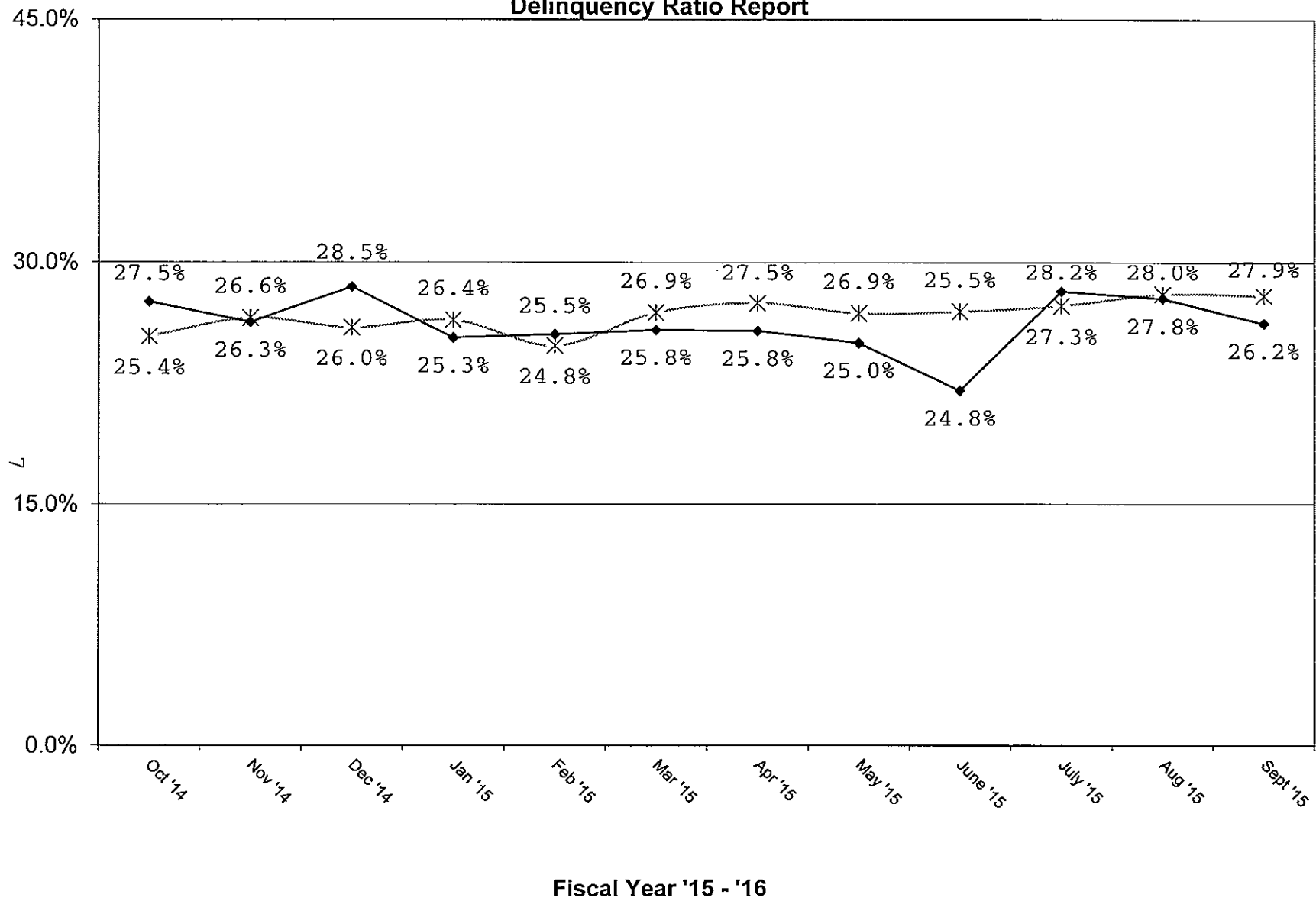
EAST HAWAII Direct Loans Delinquency Ratio Report



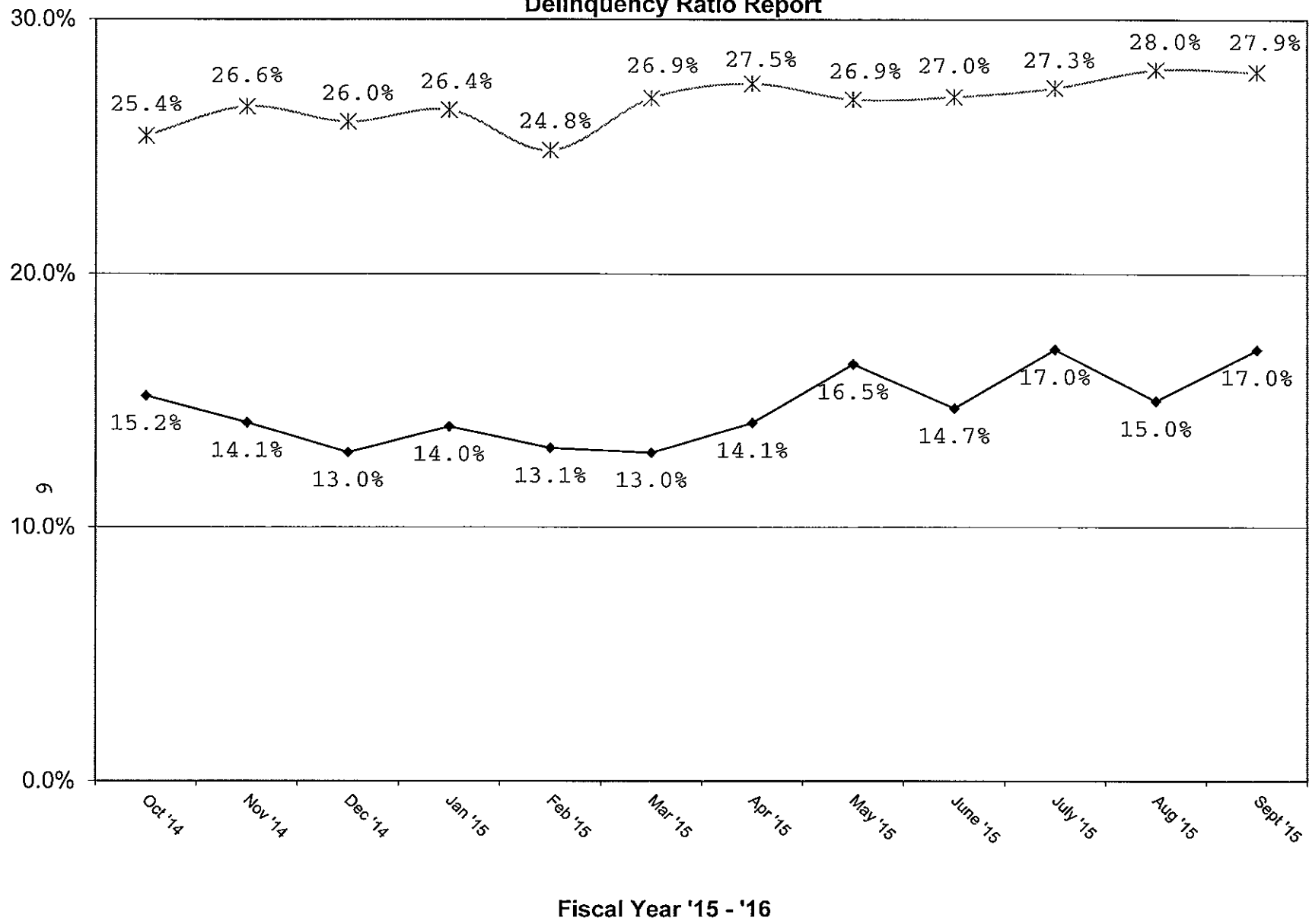
WEST HAWAII Direct Loans Delinquency Ratio Report



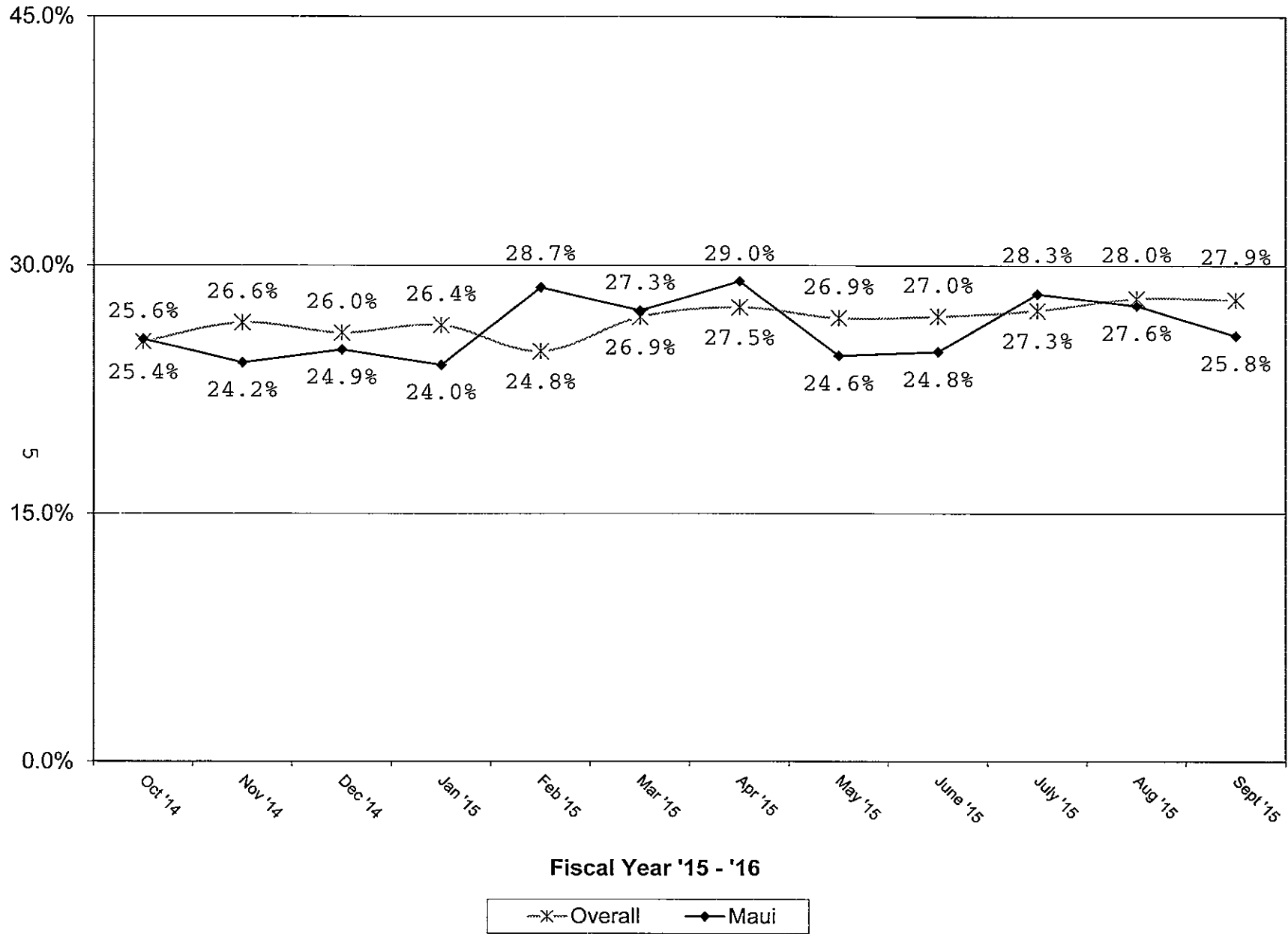
MOLOKAI
Direct Loans
Delinquency Ratio Report



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



MAUI
Direct Loans
Delinquency Ratio Report



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19, 2015

TO: Chairman and Members, Hawaiian Homes Commission
FROM: Dean Oshiro, Acting HSD Administrator
Homestead Services Division

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>
Ah Hee, Merle J.	6363, Kawaihae	NTE \$55,500, 4.5% interest per annum, \$471 monthly, repayable over 13 years

Loan Purpose: Refinance department loan no. 15727 under successor and to lower interest rate to 4.5% (Current interest rate for Department loans). Original loan amount of \$82,792 at 6.25% per annum, repayable over 30 years.

<u>REFINANCE</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/15	1	\$ 67,000
Prior Months	3	267,400
This Month	<u>1</u>	<u>55,500</u>
Total FY '15-'16	4	\$ 322,900

<u>REPAIR</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/15	7	\$ 280,795
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '15-'16	0	\$ -0-

<u>HOME CONSTRUCTION</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/15	2	\$ 251,500
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '15-'16	0	\$ -0-

<u>FARM</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/15	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '15-'16	0	\$ -0-

<u>TRANSFER WITH LOAN</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/15	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '15-'16	0	\$ -0-

<u>AWARD</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/15	5	\$ 689,300
Prior Months	1	317,500
This Month	<u>0</u>	<u>-0-</u>
Total FY '15-'16	1	\$ 317,500

<u>OTHER</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/15	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '15-'16	0	\$ -0-

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October, 19 2015

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator
Homestead Services Division

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>			
Papakolea Lease No. 3765 TMK: 1-2-2-015:053	PARKER, Elizabeth K. (Cash Out Refi) (FHA)	GEM Mortgage	\$ 206,738
Kaupea Lease No. 12127 TMK: 1-9-1-140:053	KOMETANI, Lorna M. H. (Rate Term Refi) (FHA)	HomeStreet Bank	\$ 200,334
Kanehili Lease No. 12553 TMK: 1-9-1-153:075	VESPOLI, Domonic K. P. (Purchase) (FHA)	HomeStreet Bank	\$ 405,650
Kaupea Lease No. 12142 TMK: 1-9-1-139:002	LOVELL, Alika L. (Cash Out Refi) (FHA)	Bank of Hawaii	\$ 261,576

OAHU

Nanakuli Lease No. 4515 TMK: 1-8-9-010:026	REYES, Lavern M. (Cash Out Refi) (HUD-184A)	Bank of Hawaii	\$ 153,520
Kewalo Lease No. 8602 TMK: 1-2-5-022:029	KEALOHA, Charles (Cash Out Refi) (FHA)	GEM Mortgage	\$ 233,726
Kanehili Lease No. 11803 TMK: 1-9-1-153:023	MEYERS, Wilmore E. (Purchase) (FHA)	HomeStreet Bank	\$ 310,000
Kanehili Lease No. 11575 TMK: 1-9-1-153:024	VERA CRUZ, Denise K. (Purchase) (HUD-184A)	HomeStreet Bank	\$ 320,000
Nanakuli Lease No. 423 TMK: 1-8-9-004:056	MARFIL, Sanoe K. (Purchase) (HUD-184A)	Bank of Hawaii	\$ 296,182
Kaupea Lease No. 12045 TMK: 1-9-1-140:103	SMITH, Laurie A. J. (Purchase) (FHA)	Mann Mortgage LLC	\$ 410,000
Kewalo Lease No. 2194 TMK: 1-2-5-022:036	AHUNA, William K. & AHUNA, Gregory M. (Cash Out Refi) (FHA)	Guild Mortgage Co.	\$ 362,800
Kaupea Lease No. 12151 TMK: 1-9-1-140:039	BARNHART, Michelle I. (Purchase) (FHA)	HomeStreet Bank	\$ 250,417

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OAHU

Kaupea Lease No. 11435 TMK: 1-9-1-139:067	ONTAI, Susanna L. (Purchase) (HUD-184A)	Bank of Hawaii	\$ 382,790
Kanehili Lease No. 12568 TMK: 1-9-1-531:111	TAVITA, Iosefo K. (Streamline Refi) (HUD-184A)	Bank2	\$ 266,165
Kaupea Lease No. 12104 TMK: 1-9-1-140:040	KAHUE, Heston (Cash Out Refi) (HUD-184A)	HomeStreet Bank	\$ 295,238
Nanakuli Lease No. 8901 TMK: 1-8-9-017:030	PERKINS, Margaret K. (Purchase) (FHA)	Guild Mortgage Co.	\$ 384,000
Maluohai Lease No. 9770 TMK: 1-9-1-119:024	OKUDA, Dorinda R. K. H. (Cash Out Refi) (FHA)	Hightechlend ing Inc.	\$ 322,000
Kanehili Lease No. 11793 TMK: 1-9-1-152:046	KALAMA, Melvin, Jr. (Cash Out Refi) (FHA)	Hightechlend ing Inc.	\$ 414,000
Kanehili Lease No. 11867 TMK: 1-9-1-153:151	LESLIE, Gordon K. (Cash Out Refi) (FHA)	Hightechlend ing Inc.	\$ 359,000
Kewalo Lease No. 7952 TMK: 1-2-5-022:022	HOKOANA, BJ A. P. (Cash Out Refi) (FHA)	Hightechlend ing Inc.	\$ 390,000

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OAHU

Kaupea Lease No. 12036 TMK: 1-9-1-140:117	SMITH, Viheart L. (Purchase) (FHA)	Guild Mortgage Co.	\$ 381,000
Princess Kahanu Estates Lease No. 8307 TMK: 1-8-7-042-016	PALEKA, Walter K. (Purchase) (FHA)	HomeStreet Bank	\$ 334,513
Kanehili Lease No. 11689 TMK: 1-9-1-153:162	PADEKEN, August M., III (Cash Out Refi) (HUD-184A)	HomeStreet Bank	\$ 310,691
Kanehili Lease No. 12606 TMK: 1-9-1-151:020	KAMAKA, Jonathan, Jr. (Purchase) (USDA-RD)	Mann Mortgage LLC	\$ 514,000
Kanehili Lease No. 11744 TMK: 1-9-1-153:063	LABRA, Christina H. L. (Purchase) (HUD-184A)	HomeStreet Bank	\$ 424,200
Kanehili Lease No. 12648 TMK: 1-9-1-152:055	PACHECO, Mona Jean K. (Cash Out Refi) (FHA)	Hightechlend ing Inc.	\$ 370,000
Kewalo Lease No. 2182 TMK: 1-2-4-042:045	ARAKAKI, Shunya K. (Purchase) (HUD-184A)	Bank of Hawaii	\$ 308,050

MAUI

Waiehu 3 Lease No. 9928 TMK: 2-3-2-024:063	KOKUBUN, Lynette K. C. (Purchase) (FHA)	HomeStreet Bank	\$ 448,748
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MAUI

Hikina
Lease No. 12300
TMK: 2-2-2-031:002

JIM,
Lorna M. K. (Cash
Out Refi) (FHA)

HomeStreet \$ 213,828
Bank

HAWAII

Keaukaha
Lease No. 4247
TMK: 3-2-1-022:077

VICTOR,
Nikki K. (203K
Rehab) (FHA)

HomeStreet \$ 146,664
Bank

Kawaihae
Lease No. 7222
TMK: 3-6-1-009:030

LINCOLN MAIELUA,
Blossom P. (1 Step
Construction) (FHA)

HomeStreet \$ 183,594
Bank

Kaniohale
Lease No. 9269
TMK: 3-7-4-022:056

WEZA,
Keola S. (Cash Out
Refi) (HUD-184A)

HomeStreet \$ 193,162
Bank

<u>RECAP</u>	<u>NO.</u>	<u>FHA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>VA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>USDA-RD</u> <u>AMOUNT</u>
FY Ending 6/30/15	291	\$ 63,019,783	9	\$2,421,822	32	\$7,742,283
Prior Months	54	\$ 12,461,252	0	\$ 0	2	\$ 634,000
This Month	<u>21</u>	<u>6,588,588</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>514,000</u>
Total FY '15-'16	75	\$ 19,049,840	0	\$ 0	3	\$1,148,000
HUD 184A						
FY Ending 6/30/15	92	\$22,210,337				
Prior Months	15	\$ 4,261,446				
This Month	<u>10</u>	<u>2,949,998</u>				
Total FY '15-'16	25	\$ 7,211,444				


ITEM NO. D-3

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19, 2015

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator 
Homestead Services Division

SUBJECT: **Approval of Streamline Refinance of Loans**

RECOMMENDED MOTION/ACTION

To approve the refinancing of loans from the Hawaiian Home General Loan Fund.

DISCUSSION

The following lessees have met the "Streamline/Interest rate reduction loan" criteria, which was approved by the Hawaiian Homes Commission at its August 19, 2013 meeting. This criteria includes twelve (12) consecutive monthly payments, borrower's current interest rate is higher than the current DHHL interest rate, current with their Homeowners Insurance, Real Property Tax, Lease Rent, county sewer/refuse fees, and does not have any advances made by DHHL on the borrowers behalf.

HSD's recommendation for approval is based on actual payment history, over the past twelve (12) months and the review of the above-mentioned criteria. Streamline/Interest Rate Loan refinancing will provide lessees a chance to simply reduce their interest rate and payments without DHHL having to credit and/or income qualify the borrower.

The following lessee(s) has met the aforementioned criteria and is recommended for Streamline/Interest rate reduction loan refinance program:

<u>LESSEE</u>	<u>LEASE NO. & AREA</u>	<u>REFINANCING LOAN TERMS</u>
Lee, Dorothea M.	1487, Keaukaha	NTE \$48,758 @4.5% interest per annum, NTE \$414 monthly, repayable over 13 years.


Loan Purpose: Refinance of loan no. 15680. Original
loan amount of \$73,302 at 6% per
annum, \$439 monthly, payable over 30
years.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19, 2015

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator 
Homestead Services Division

SUBJECT: **Approval to Schedule Loan Delinquency Contested Case Hearings**

RECOMMENDED MOTION/ACTION

To authorize the scheduling of the following loan delinquency contested case hearings as shown below.

DISCUSSION

The department has been working to resolve the problem of loan delinquencies. The past due delinquent loan status with lessees continues to be a problem for the department; therefore, we recommend that contested case hearings be scheduled:

<u>Lessee</u>	<u>Lease No.</u>	<u>Area</u>	<u>Loan No.</u>	<u>Monthly Payment</u>	<u>Amount at 9/15</u>	<u>Balance at 9/15</u>
<u>Maui</u>						
Kaauamo, La'Salle	12245	Waiehu Kou	17988	\$145	\$743	\$29,053
- IV						

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19, 2015

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Dean T. Oshiro, Acting HSD Administrator
FROM: Ross K. Kapeliela, Application Officer
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

IOKIA, Christina P.	12/01/09	HAWAII	RES	07/08/15
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2.Deceased Applicant

NONE FOR SUBMITTAL

3.Awards of Leases

WAIANAE, OAHU AREA RESIDENTIAL LEASE LIST

HULAMA, Louis, Jr.	Assigned Agricultural Lease #4371, Lot 47 in Nanakuli, Oahu dated 11/25/09. Remove application dated 06/16/75.
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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

HULAMA, Rosemarie L. Assigned Residential Lease
#4371, Lot 47 in Nanakuli, Oahu
dated 11/25/09. Remove
application dated 11/26/08.

MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

KAAHANUI, Kevin H. Assigned Agricultural Lease
#6027, Lot 172-A-1 in Hoolehua,
Molokai dated 04/28/98. Remove
application dated 08/22/97.

MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

DUDOIT, Darryl F. Assigned Residential Lease
#9876, Lot 13850 in Kapolei,
Oahu (Maluohai) dated 07/16/15.
Remove application dated
08/29/85.

DUDOIT, Darryl-Lynn L. K. Assigned Residential Lease
#9876, Lot 13850 in Kapolei,
Oahu (Maluohai) dated 07/16/15.
Remove application dated
12/31/02.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

RUTKOWSKI, Joslyn I. To cancel application dated
07/06/09 at the request of
applicant dated 06/12/15.

6. Successorship

NONE FOR SUBMITTAL

7. Additional Acreage

NONE FOR SUBMITTAL

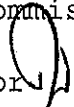
Last Month Report	63
This Month Report	
Transfers from island to island	1
Deceased	0
Cancellations:	
Awards of Leases	5
NHQ	0
Voluntary Cancellation	1
Successorship	0
Additional Acreage	0
Total Fiscal Year July 2015 to June 2016	70


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19, 2015

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean T. Oshiro, Acting HSD Administrator 

FROM: Ross K. Kapeliela, Applications Officer 
Homestead Services Division

SUBJECT: **Commission Designation of Successors to Application Rights - Public Notice 2014**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

The following qualified applicants passed away on or after October 26, 1998, without naming a qualified successor. 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 Star-Advertiser 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. HSD recommends approval of the following designees:

1. Deceased Applicant:	Miriam Ann P. Kahananui
Date of death:	April 15, 2011
Successor to application rights	Christine U. Kahananui-Quimoyog
Relationship:	Niece
Island:	Oahu Islandwide
Type:	Agricultural
Date of Application:	June 8, 1992
Date of Public Notice:	November, 2014

2.Deceased Applicant:	Clinton F. Kala
Date of death:	December 12, 2007
Successor to application rights	Clinton F. O. Kala
Relationship:	Child
Island:	Oahu Islandwide
Type:	Residential
Date of Application:	May 16, 1978
Date of Public Notice:	November, 2014
3a.Deceased Applicant:	Margaret C. Kealohanui
Date of death:	April 3, 2005
Successor to application rights	Raphael Kealohanui IV
Relationship:	Child
Island:	Maui Islandwide
Type:	Agricultural
Date of Application:	November 10, 1988
Date of Public Notice:	November, 2014
3b.Island:	Oahu Islandwide
Type:	Residential
Date of Application:	May 6, 1982
Date of Public Notice:	November, 2014
4.Deceased Applicant:	George K. Keolanui
Date of death:	March 24, 2014
Successor to application rights	Lavinia K. L. Keolanui
Relationship:	Spouse
Island:	Waimanalo Area / Oahu IW
Type:	Residential
Date of Application:	May 12, 1969
Date of Public Notice:	November, 2014
5.Deceased Applicant:	Carter K. Nakea
Date of death:	January 22, 2013
Successor to application rights	Patrick H. Nakea
Relationship:	Sibling
Island:	Maui Islandwide
Type:	Pastoral
Date of Application:	May 12, 1987
Date of Public Notice:	November, 2014
6.Deceased Applicant:	Isaac Nakooka
Date of death:	September 4, 2013
Successor to application rights	Maile E. Consolacion
Relationship:	Child
Island:	Maui Islandwide
Type:	Residential
Date of Application:	March 14, 1986
Date of Public Notice:	November, 2014

7.Deceased Applicant:	Leroy Peneku, Sr.
Date of death:	December 13, 2010
Successor to application rights	Leroy Peneku, Jr.
Relationship:	Child
Island:	Molokai Islandwide
Type:	Residential
Date of Application:	April 1, 1992
Date of Public Notice:	November, 2014
8a.Deceased Applicant:	Victoria K. Turalde
Date of death:	February 21, 2010
Successor to application rights	Valerie K. Reyes
Relationship:	Child
Island:	Molokai Islandwide
Type:	Agricultural
Date of Application:	November 14, 1985
Date of Public Notice:	November, 2014
8b.Island:	Molokai Islandwide
Type:	Residential
Date of Application:	November 14, 1985
Date of Public Notice:	November, 2014
9a.Deceased Applicant:	Ernest J. Weicker
Date of death:	May 8, 2011
Successor to application rights	Maylina Mahoe
Relationship:	Child
Island:	Hawaii Islandwide
Type:	Agricultural
Date of Application:	October 26, 1987
Date of Public Notice:	November, 2014
9b.Island:	Hawaii Islandwide
Type:	Residential
Date of Application:	October 26, 1987
Date of Public Notice:	November, 2014

Previous Cumulative Total for Current FY	20
Current Month's Total	<u>12</u>
Fiscal Year Total: July 2015-June 2016	32

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19, 2015

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Dean T. Oshiro, Acting HSD Administrator
FROM: Ross K. Kapeliela, Applications Officer
Homestead Services Division
SUBJECT: **Reinstatement of Deferred Applications - MARY ANN BARDO,
CARLETON L. K. KAHAE**

RECOMMENDED MOTION/ACTION

To reinstate applications that were deferred due to the applicants not responding to two successive contacts as required by the department's administrative rules.

DISCUSSION

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

The following applicants were deferred and have since contacted the department with updated information:

WAIMANALO AREA AND OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

<u>APPLICANT</u>	<u>APPLICATION DATE</u>	<u>HHC ACTION TO DEFER</u>	<u>CONTACT DATE WITH DEPARTMENT</u>
BARDO, Mary Ann	02/17/1972	06/27/95	09/15/15

WAIANAE AREA AND OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

<u>APPLICANT</u>	<u>APPLICATION DATE</u>	<u>HHC ACTION TO DEFER</u>	<u>CONTACT DATE WITH DEPARTMENT</u>
KAHAE, Carleton L. K.	03/03/1972	09/28/93	06/29/15


Previous Cumulative Total for Current FY	1
Current Month's Total	<u>2</u>
Fiscal Year Total: July 2015-June 2016	3

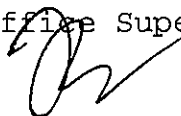
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19, 2015

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator
Homestead Services Division 

FROM: Juan Garcia, Oahu District Office Supervisor
Homestead Services Division 

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

RECOMMENDED MOTION/ACTION

To ratify the approval of the designation of successor to the leasehold interest and person to receive the net proceeds, pursuant to Section 209, Hawaiian Homes Commission Act, 1920, as amended. This designation was previously approved by the Chairman.

*See attached list of Lessee.

Leasehold Interest:

Ratified for October 2015	9
Previous FY 2015 - 2016	<u>25</u>
FY 2015 - 2016 Total to Date	34

Ratified for FY '14 - '15	45
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Net Proceeds

Ratified for October 2015	0
Previous FY 2015 - 2016	<u>0</u>
FY 2015 - 2016 Total to Date	0

Ratified for FY '14 - '15	1
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**LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR
LEASEHOLD INTEREST
FOR MONTH OF October 2015**

<u>Deceased Lessee</u>	<u>Designated Successor</u>
1. Wallace W. Ahuna Lot No.: 209A1 Area: Keaukaha, Hawaii Lease No. 1424	<u>PRIMARY:</u> Leinani L. Aina, Sister <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
2. Hilarion Helm Lot No.: 103D Area: Hoolehua, Molokai Lease No. 5007	<u>PRIMARY: Joint Tenants</u> Michael A. A. Helm, Son Nichol M. N. Hel, Daughter Matthew D. Makaio, Son Marcus J. K. Helm, Son <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
3. Benjamin K. Kaimana Lot No.: 43 Area: Waimanalo, Oahu Lease No. 5030	<u>PRIMARY: Joint Tenants</u> Bernadine K. Kaimana, Daughter Ben J. L. Kaimana, Son <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A

Deceased Lessee

4. Mikela Kaiwi
Lot No.: 63
Area: Anahola, Kauai
Lease No. 6548

5. Allan K. Kealoha
Lot No.: 5
Area: Waimanalo, Oahu
Lease No. 4118

6. Franklin K. S. Mahuka
Lot No.: 40
Area: Nanakuli, Oahu
Lease No. 5137

Designated Successor

PRIMARY:

Loisann K. Kaiwi, Wife

ALTERNATE: Joint Tenants

Omit Michael Kaiwi, Son, due to lack of genealogy document to determine eligibility for successorship.

Kehaulani Kaiwi, Daughter

DESIGNEE TO RECEIVE NET

PROCEEDS:

N/A

PRIMARY:

Quentin W. K. Kealoha, Son

ALTERNATE: Joint Tenants

Alana K. Kealoha, Daughter

Wendell K. Kealoha, Son

DESIGNEE TO RECEIVE NET

PROCEEDS:

N/A

PRIMARY:

Claudetta Mahuka, Wife

ALTERNATE: Joint Tenants

Manny K. Mahuka, Son

Manny Jr. K. Mahuka, Grandson

DESIGNEE TO RECEIVE NET

PROCEEDS:

N/A


<u>Deceased Lessee</u>	<u>Designated Successor</u>
<p>7. Dorothy Nihoa Lot No.: 21 Area: Hoolehua, Molokai Lease No. 143</p>	<p><u>PRIMARY:</u> Jessie Ann N. Castanares, Daughter</p> <p><u>ALTERNATE:</u> N/A</p> <p><u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A</p>
<p>8. Llewellyn Rodrigues Lot No.: 22A Area: Kalamaula, Molokai Lease No. 17A</p>	<p><u>PRIMARY:</u> Omit Shane K. Rodrigues, Son, due to lack of genealogy document to determine eligibility for successorship.</p> <p><u>ALTERNATE:</u> Lisa H. Rodrigues, Daughter</p> <p><u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A</p>
<p>9. Llewellyn Rodrigues Lot No.: 3 Area: Hoolehua, Molokai Lease No. 17</p>	<p><u>PRIMARY:</u> Omit Shane K. Rodrigues, Son, due to lack of genealogy document to determine eligibility for successorship.</p> <p><u>ALTERNATE:</u> Lisa H. Rodrigues, Daughter</p> <p><u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A</p>

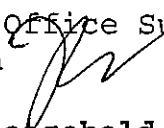
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19, 2015

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator
Homestead Services Division 

FROM: Juan Garcia, Oahu District Office Supervisor
Homestead Services Division 

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

RECOMMENDED MOTION/ACTION

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.

DISCUSSION

Seventeen (17) assignments of lease.

<u>LESSEE</u>	<u>TRANSFeree</u>
1. Name: Maxine M. Avilla Res. Lease No.: 2971 Lease Date: 9/23/1955 Lot No.: 36 Area/Island: Nanakuli, Oahu Property Sold: Yes Amount: \$168,478.00 Improvements: 4 bedroom, 1-1/2 bath dwelling	Name: Andrew P. Kalaukoa, Jr. Relationship: Lessee/Nephew Loan Assump: No Applicant: No
Reason for Transfer: "Unable to make financial matters." Special Condition: Transferee to obtain funds to pay the purchase price.	

LESSEETRANSFEREE

2. Name: John H. Dana, Jr. Name: Trixie K. L. D. Kaliko
 Res. Lease No.: 2598 Relationship: Daughter
 Lease Date: 11/24/1951 Loan Assump: No
 Lot No.: 156-B Applicant: No
 Area/Island: Nanakuli, Oahu
 Property Sold: No
 Amount: N/A
 Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Wife has a lease, would like to transfer my lease to our daughter."

3. Name: Carmen B. Davis Name: Rosalind Khim
 Res. Lease No.: 8141 Relationship: Daughter
 Lease Date: 3/14/1995 Loan Assump: No
 Lot No.: 25 Applicant: No
 Area/Island: Waianae, Oahu
 Property Sold: No
 Amount: N/A
 Improvements: 2 bedroom, 2 bath dwelling

Reason for Transfer: "Lessee wishes to relinquish the property and lease to daughter because lessee can no longer care for and be responsible for the property and lease."

4. Name: Adam C. Gomes, Jr. Name: Alika M. Pate
 Res. Lease No.: 5417 Relationship: Daughter
 Lease Date: 10/1/1984 Loan Assump: No
 Lot No.: 22 Applicant: No
 Area/Island: Paukukalo, Maui
 Property Sold: Yes
 Amount: \$270,000.00
 Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Give my daughter the Lease for her and her family." Special Condition: Transferee to obtain funds to pay the purchase price.

LESSEETRANSFeree

5. Name: Joseph L. Gonsalves Name: Cindy A. Holomalia-Castaneda
Res. Lease No.: 4186 Relationship: Mother
Lease Date: 6/5/1975 Loan Assump: No
Lot No.: 185A-1 Applicant: Yes, Oahu IW Res.,
Area/Island: Nanakuli, Oahu 12/11/2013
Property Sold: No
Amount: N/A
Improvements: 4 bedroom, 1-1/2 bath dwelling

Reason for Transfer: "Looking to purchase a house outside of DHHL. Want to still keep it within family."

6. Name: George Ross K. Hall Name: Penny M. C. Yamashita
Res. Lease No.: 4925 Relationship: None
Lease Date: 10/20/1978 Loan Assump: No
Lot No.: 59A Applicant: Yes, Kauai IW
Area/Island: Kuhio Village, Res., 8/01/2011
Hawaii
Property Sold: Yes
Amount: \$365,000.00
Improvements: 5 bedroom, 3 bath dwelling

Reason for Transfer: "Moving to the mainland, medical reasons. Wife has medical problems. Need to move as soon as possible." Special Condition: Transferee to obtain funds to pay the purchase price.

7. Name: Lillian P. Kaaumoana & Lisa-Gay Simmons Name: Zenas P. A. Pacheco
Res. Lease No.: 5053 Relationship: Grandson, Son
Lease Date: 2/2/1981 Loan Assump: No
Lot No.: 210A Applicant: No
Area/Island: Keaukaha,
Hawaii
Property Sold: Yes
Amount: \$225,000.00

Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Transfer to grandson, transfer to son." See simultaneous transfer below.

LESSEETRANSFeree

8. Name: Zenas P. A. Pacheco Name: Zenas P. A. Pacheco &
Res. Lease No.: 5053 Melissa-Mae U. Pacheco
Lease Date: 2/2/1981 Relationship: Lessee & Wife
Lot No.: 210A Loan Assump: No
Area/Island: Keaukaha, Applicant: No
Hawaii
Property Sold: Yes
Amount: \$225,000.00
Improvements: 3 bedroom, 2 bath dwelling
- Reason for Transfer: "Adding spouse to lease." Special
Condition: Transferee to obtain funds to pay the purchase
price.
9. Name: Lambert K. Naihe Name: Zachary C.K. Kalama,
Res. Lease No.: 3664 Jr.
Lease Date: 9/23/1966 Relationship: None
Lot No.: 63 Loan Assump: No
Area/Island: Waimanalo, Oahu Applicant: Yes, Maui IW
Property Sold: Yes Res., 7/25/2005
Amount: \$315,000.00
Improvements: 3 bedroom, 1 bath dwelling with unpermitted
cottage on lot.
- Reason for Transfer: "Relocating to Utah." Special
Condition: Transferee to obtain funds to pay the purchase
price.
10. Name: Barbara Lucy Barawis Name: Zabrina W. L. Barawis
Res. Lease No.: 10716 Relationship: Sister
Lease Date: 12/03/2005 Loan Assump: No
Lot No.: UNDV Applicant: No
Area/Island: Laiopua, Hawaii
Property Sold: No
Amount: N/A
Improvements: None
- Reason for Transfer: "Financial."

LESSEETRANSFEREE

11. Name: Marella Hakkei Name: Katrina L. P. M. Hakkei
 Res. Lease No.: 10812 Relationship: Daughter
 Lease Date: 12/3/2005 Loan Assump: No
 Lot No.: UNDV Applicant: Yes, Hawaii IW
 Area/Island: Laiopua, Hawaii Res., 10/29/2013
 Property Sold: No
 Amount: N/A
 Improvements: None

Reason for Transfer: "Youngest daughter needs a home and this is a good chance for her to get started."

12. Name: Alton N. Lalawai Name: Stella W. H. Lemafa
 Res. Lease No.: 12391 Relationship: Daughter
 Lease Date: 12/6/2008 Loan Assump: No
 Lot No.: UNDV Applicant: Yes, Oahu IW Res.,
 Area/Island: Kapolei, Oahu 3/19/2013
 Property Sold: No
 Amount: N/A
 Improvements: None

Reason for Transfer: "Daughter to have home for her family."

13. Name: May L. Dudoit Name: Lanre L. K. Kekoa
 Res. Lease No.: 6077 Relationship: Granddaughter
 Lease Date: 4/10/2001 Loan Assump: No
 Lot No.: 93 Applicant: No
 Area/Island: Kalamaula,
 Molokai
 Property Sold: No
 Amount: N/A
 Improvements: None

Reason for Transfer: "For granddaughter to build & live on Molokai."

LESSEETRANSFeree

14. Name: Minerva H. Kailikea
Agr. Lease No.: 6652
Lease Date: 4/12/2002
Lot No.: 39
Area/Island: Waianae, Oahu
Property Sold: No
Amount: N/A
Improvements: None

Name: Shaun M. K. Kailikea
Relationship: Son
Loan Assump: No
Applicant: No

Reason for Transfer: "For the purposes of obtaining a loan."

15. Name: Simoi P. Luafalemana,
Jr.
Res. Lease No.: 6075
Lease Date: 10/1/1985
Lot No.: 77
Area/Island: Kalamaula,
Molokai
Property Sold: No
Amount: N/A
Improvements: None

Name: Justin K. Luafalemana
Relationship: Son
Loan Assump: No
Applicant: Yes, Oahu IW Res.,
1/24/2011

Reason for Transfer: "Father has no intention of building on this property so he would like to give his son the opportunity to construct a home for his family and become a lessee." Son is participating in the department's NAHASDA pilot program.

16. Name: Frances E. K. Naehu
Agr. Lease No.: 7900
Lease Date: 6/1/1987
Lot No.: 4
Area/Island: Hoolehua,
Molokai
Property Sold: No
Amount: N/A
Improvements: None

Name: Renee K. Lii
Relationship: Daughter
Loan Assump: No
Applicant: No

Reason for Transfer: "Has residential lease at Kanehili, therefore I need to transfer my agriculture lease to my daughter."

LESSEETRANSFeree

17. Name: Edwin M. Woolsey, III Name: Darrell K. Aea Jr.
 Agr. Lease No.: 7822 Relationship: Cousin
 Lease Date: 2/1/1987 Loan Assump: No
 Lot No.: 126B2 Applicant: Yes, Maui IW Ag.,
 Area/Island: Hoolehua, 2/6/2001
 Molokai
 Property Sold: No
 Amount: N/A
 Improvements: None

Reason for Transfer: "To give my cousin the opportunity to be a lessee. I do not intend to relocate to Molokai."

Assignments for the Month of October `15	17
Previous FY '15 - '16 balance	<u>64</u>
FY '15 - '16 total to date	81
 Assignments for FY '14 - '15	 259

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 19, 2015

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Dean Oshiro, Acting HSD Administrator
FROM: Juan Garcia, Oahu District Office 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

Seventeen (17) amendments of lease.

1. Lessee: Gregory M. Ahuna & William K. Ahuna
Res. Lease No.: 2194
Lot No., Area, Island: 193, Kewalo, Oahu
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
2. Lessee: Maxine M. Avilla
Res. Lease No.: 2971
Lot No., Area, Island: 36, Nanakuli, Oahu
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.

3. Lessee: Alice K. Barber
Res. Lease No.: 6302
Lot No., Area, Island: 44B, Keaukaha, Hawaii
Amendment: To amend the commencement date and property description.
4. Lessee: Patricia K. Bivens
Res. Lease No.: 3010
Lot No., Area, Island: 17, Kapaakea, Molokai
Amendment: To amend the tenancy to severalty due to the death of a joint tenant lessee, to amend the lease title and lessor name, add currently used terms, covenants and conditions in the lease.
5. Lessee: Kristin L. Cosier
Res. Lease No.: 2458
Lot No., Area, Island: 88, Waimanalo, Oahu
Amendment: To amend the lessee name, lease title and lessor name, incorporate the currently used lease terms, covenants, and conditions in the lease, and to extend the current lease term to an aggregate term of 199 years.
6. Lessee: Isaac M. Kaapuni
Res. Lease No.: 1769
Lot No., Area, Island: 247A, Nanakuli, Oahu
Amendment: To amend the lease title and lessor name, to incorporate the currently used terms, covenants and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
7. Lessee: Richard C. Lindsey, III
Res. Lease No.: 2709
Lot No., Area, Island: 39, Kuhio Village, Hawaii
Amendment: To amend the lease title and lessor name, to update the property description, to incorporate the currently used terms, covenants and conditions, to extend the current lease term to an aggregate term of 199 years.

ITEM NO. D-11

8. Lessee: Justin Luafalemana
Res. Lease No.: 6075
Lot No., Area, Island: 77, Kalamaula, Molokai
Amendment: To establish a 20-year retention period for the use NAHASDA loan funds in the Package Home Financing Program to construct a single family dwelling. To amend the lot description and commencement date.
9. Lessee: Christy Ann Manaba
Res. Lease No.: 5884
Lot No., Area, Island: 83, Kalamaula, Molokai
Amendment: To establish a 20-year retention period for the use NAHASDA loan funds in the Package Home Financing Program to construct a single family dwelling.
10. Lessee: Edward Manoi, II
Res. Lease No.: 9373
Lot No., Area, Island: 60, Kaniohale, Hawaii
Amendment: To amend the lease to release the retention period for the Affordable Housing Program Grant.
11. Lessee: Jewelyn Mauhili
Res. Lease No.: 6337
Lot No., Area, Island: 151A, Waiakea, Hawaii
Amendment: To amend the commencement date and property description.
12. Lessee: Wilmore Eli Meyers
Res. Lease No.: 11803
Lot No., Area, Island: 18560, Kanehili, Oahu
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
13. Lessee: Lambert K. Naihe
Res. Lease No.: 3664
Lot No., Area, Island: 63, Waimanalo, Oahu
Amendment: To incorporate the currently used terms, covenants, and conditions to the lease.

14. Lessee: Dorothy Nihoa
 Res. Lease No.: 143
 Lot No., Area, Island: 21, Hoolehua, Molokai
 Amendment: To amend the lease title and lessor name, to amend the property description, to incorporate the currently used terms, covenants, and conditions in the lease, and to release the NAHASDA retention period.
15. Lessee: Gerald Paakaula
 Res. Lease No.: 11834
 Lot No., Area, Island: 18558, Kanehili, Oahu
 Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
16. Lessee: Todd I. Ragsdale
 Res. Lease No.: 820
 Lot No., Area, Island: 1, One Alii, Molokai
 Amendment: To amend the lease to extend the lease term to an aggregate term of 199 years.
17. Lessee: Denise K. Vera Cruz
 Res. Lease No.: 11575
 Lot No., Area, Island: 18561, Kanehili, Oahu
 Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.


Amendments for the Month of October, '15	17
Previous FY '15 - '16 balance	<u>27</u>
FY '15 - '16 total to date	44
Amendments for FY '14 - '15	163

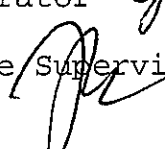
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19, 2015

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator 

FROM: Juan Garcia, Oahu District Office Supervisor 
Homestead Services Division

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

RECOMMENDED MOTION/ACTION

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

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

DISCUSSION

Ten (10) non-exclusive licenses.

1. Lessee: Amadeo Ezzo
Res. Lease No.: 9660
Lot No., Area, Island: 149, Kawaihae, Hawaii
Permittee: Sunrun Inc.
2. Lessee: Gerald Farm, Sr.
Res. Lease No.: 9406
Lot No., Area, Island: 93, Kaniohale, Hawaii
Permittee: Vivint Solar Inc.
3. Lessee: Cecelia L. Galindo
Res. Lease No.: 8591
Lot No., Area, Island: 32, Nanakuli, Oahu
Permittee: Sunrun Inc.

4. Lessee: Palmyra K. Hethcote
Res. Lease No.: 12047
Lot No., Area, Island: 16950, Kaupea, Oahu
Permittee: Sunrun Inc.
5. Lessee: Calvin I. Laumauna
Res. Lease No.: 4496
Lot No., Area, Island: 228B-1, Nanakuli, Oahu
Permittee: Sunrun Inc.
6. Lessee: Yvonne Magallanes
Res. Lease No.: 8347
Lot No., Area, Island: 56, PKE, Oahu
Permittee: Adon Solar
7. Lessee: Ronald Ome
Res. Lease No.: 7201
Lot No., Area, Island: 185, Kawaihae, Hawaii
Permittee: Sunrun Inc.
8. Lessee: Roger Salinas
Res. Lease No.: 10026
Lot No., Area, Island: 114, Kawaihae, Hawaii
Permittee: Sunrun Inc.
9. Lessee: Tanya Villanueva
Res. Lease No.: 9844
Lot No., Area, Island: 115, Kawaihae, Hawaii
Permittee: Sunrun Inc.
10. Lessee: Jamieson K. Wong, Sr.
Res. Lease No.: 9306
Lot No., Area, Island: 93, Kaniohale, Hawaii
Permittee: Neighborhood Power

Non-Exclusive License for the Month of October '15	10
Previous FY '15 - '16 balance	<u>122</u>
FY '15 - '16 total to date	132
 Non-Exclusive License for FY '14 - '15	 104


ITEM NO. D-12


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19, 2015

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator 
Homestead Services Division

FROM: Juan Garcia, Oahu District Office Supervisor 
Homestead Services Division

SUBJECT: **Commission Designation of Successor**
WYNETTE K. DILLINER
Lease No. 9975, Lot No. 1, Waimanalo, Oahu

RECOMMENDED MOTION/ACTION

To approve the designation of Sharon Kanahale, successor to her late mother's Residential Lease No. 9975, Lot No. 1, for the remaining term of the lease.

DISCUSSION

On February 1, 2004, Wynette K. Dilliner (Decedent), was awarded Waimanalo Residence Lease No. 9975, Lot No. 1.

On October 16, 2014, the Department received the Decedent's death certificate, confirming her date of death on May 26, 2012. The Decedent did not name a successor to her lease.

In compliance with Administrative Rule §10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Hawaii Tribune-Herald, The West Hawaii Today, The Maui News, and The Garden Isle newspapers on March 8, 18, 22, and April 1, 2015, to notify all interested, eligible and qualified heirs of the Decedent, to submit their lease successorship claims.

The Department received one successorship claim from the Decedent's daughter, Sharon Kanahale. She has been determined to be 56.25% Hawaiian and eligible for successorship.

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

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

Existing improvements consist of a five-bedroom, three-bath single family dwelling built in 2003.

As of September 21, 2015, there is an outstanding loan with HomeStreet Bank in the amount of \$ 121,290.00. At the moment Sharon and her daughter, Sharene Kanahale, are occupying and making payments to the loan. The successor will need to contact the lender to discuss her financial responsibility for this loan.

The lease rent and real property tax is current as of September 21, 2015.


The Department requests the approval of its recommendation.



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19, 2015

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator 
Homestead Services Division

FROM:  Louis Hao, Acting East Hawaii District Office
Supervisor 
Homestead Services Division

SUBJECT: **Commission Designation of Successor**
GARRY L. YAMADA
Lease No. 3571, Lot No. 184, Panaewa, Hawaii

RECOMMENDED MOTION/ACTION

To approve the designation of Brett B.K. Yamada (Brett), successor to his late father's Agricultural Lease No. 3571, Lot No. 184, for the remaining term of the lease.

DISCUSSION

On August 23, 1965, Ermardine K. Yamada (Ermardine) was awarded Panaewa Agriculture Lease No. 3571, Lot No. 184. On January 26, 1989, Ermardine assigned her interest to the lease to Kelly L. Yamada. On May 18, 1999, Kelly reassigned her interest in the lease to Ermardine. On December 5, 2007, Ermardine transferred her interest to the lease to Garry L. Yamada. On January 31, 2014, Garry L. Yamada passed away leaving no successor to his lease.

In compliance with Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Hawaiian Tribune Herald, The West Hawaii Today, The Maui News, and The Garden Isle newspapers on March 8, 18, 22, and April 1, 2015, to notify all interested, eligible and qualified heirs of the Decedent, to submit their lease successorship claims.

The Department received a claim from the Decedent's son, Brett. He has been determined to be 32.8125% Hawaiian and eligible for successorship.

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

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

There are no improvements to the lot and no outstanding loan associated with the lease.

The real property taxes are paid current and the lease rent is past due \$8.00.


The Department requests approval of its recommendation to name Brett as the successor to the lease.


State of Hawaii

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19, 2015

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean T. Oshiro, Acting HSD Administrator 

FROM: Mark K. Yim, Homestead Lease Coordinator 

SUBJECT: Request to Surrender Lease- MICHELLE I BARNHART,
Residential Lease No. 11058, Lot No. UNDV057 Anahola
Subdivision, Kauai District, Hawaii

RECOMMENDED MOTION/ACTION

1. Approve the surrender of Department of Hawaiian Home Lands (DHHL) Residential Lot Lease No. 11058, Lot No. UNDV057, Anahola Subdivision, Kauai District, further identified as Tax Map Key: 4-4-8-003:003.

2. To refund any prepaid Lease rent due to the Lessee as a result of this voluntary surrender, and accept that there are no appraisable improvements or value, as this is an undivided award yet to be built.

DISCUSSION

Residential Lot Lease No. 11058, Lot No. UNDV057, identified as Tax Map Key 4-4-8-003:003, Anahola Subdivision, Kauai District, commencement date of May 13, 2006, was awarded to Michelle I Barnhart.

On August 14, 2015, The Department received a Request to Surrender Lease at its Kapolei Office, stating that she wished to surrender her Lease.

On August 25, 2015, The Department notified the Lessee of the receipt of the surrender request, and informed her that the request would be presented to the Hawaiian Homes Commission for action at the next possible meeting.

Refund of any prepaid unused Lease rent, if any, will be paid as followed by the Department's Administrative Rules section 10-3-65(c).

The Department requests the approval of its recommendation.

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
OCTOBER 19 & 20, 2015
LIHUE, KAUA'I


AGENDA SECTION E

LAND DEVELOPMENT DIVISION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

To: Chairman and Members, Hawaiian Homes Commission

Thru: William J. Aila, Jr., Deputy to the Chairman

From: Norman Sakamoto, Acting Administrator, Land Development Division 

Subject: Workshop on Phase II Environmental Site Assessment for
Kekaha Residential Lots, Unit 4

RECOMMENDED MOTION/ACTION:

For information only

BACKGROUND:

1. On October 27, 2014, the Hawaiian Homes Commission (HHC) approved the preparation of an Environmental Hazard Management Plan (EHMP) for the Kekaha Residential Lots, Unit 4 subdivision, based on findings contained in the Phase I and II Environmental Site Assessment (ESA) Reports prepared by AECOM Technical Services Inc. (AECOM). This HHC submittal containing the historical chronology is attached as "Exhibit A".
2. Also in October 2014, the State Department of Health (DOH), after reviewing the initial Phase II report informed DHHL of its recommendation to conduct additional soil sampling to confirm depth of the clean layer of soil present at the site, and to analyze samples from soil cores where visible debris impacts are found.
3. After review of AECOM's cost proposal to provide supplemental testing, AECOM was authorized to conduct supplemental testing of the subsurface soils between May 11 and 13, 2015. The Kekaha homestead organizations were informed of the testing period and specific lessees were informed if samples were to be taken from within their homestead lot, based on AECOM's sampling model.
4. The Phase II ESA Report including the supplemental testing was recently completed by AECOM in September 2015 and was transmitted to DOH for review. The recommendations to 1) mitigate surface tar-like materials and 2) prepare an EHMP provided by AECOM mirror the comments provided by DOH Hazard Evaluation and Emergency Response (HEER) office.
5. In the Phase II ESA Report, AECOM has provided construction drawings for Lots 1, 2 and 3 to mitigate the surface discovery of the tar-like finds. These construction drawings are being submitted to the County of Kauai for approval. Land Development Division (LDD) is preparing bid documents for an Invitation for Bid (IFB) to remove surface soil and tar-like finds, replacement and cover with clean fill, and construction of a retaining wall to embank the new slope. LDD anticipates posting the IFB in early November, with construction work to start in the Spring of 2016. LDD plans to meet with the lessees to share the specific construction plan details prior to posting the IFB.

6. AECOM is preparing the specific management recommendations requirements in the EHMP, and is expected to be completed with the recommended actions by end of November 2015, subject to various reviews by DOH and Carlsmith Ball LLP.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 27, 2014

To: Chairman and Members, Hawaiian Homes Commission

From: Sandra Pfund, Administrator, Land Development Division *Sandra Pfund*

Subject: Phase I and Phase II Environmental Assessment Reports
on Kekaha Residential Lots, Unit 4 Subdivision, and
Recommendations for Remediation

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve the preparation of an Environmental Hazard Management Plan (EHMP) for the Kekaha Residential Lots, Unit 4 Subdivision, based upon findings contained in the Phase I and Phase II Environmental Assessment Reports prepared by AECOM Technical Services, Inc.

FACTS

1. Construction of subdivision infrastructure improvements for 51 lots in the Kekaha Residential Lots, Unit 4 Subdivision, was completed by DHHL in 2006. The lots range in size from 10,000 to 15,000 square feet. Subsequently, 49 homes were constructed between 2008 and 2009. See Exhibit A.
2. A Final Environmental Assessment for construction of the subject property was completed in April 2003 and a Finding of No Significant Impact was published in May 2003 pursuant to Chapter 343, Hawaii Revised Statutes. An Environmental Review Record and Notice of Finding of No Significant Impact and Notice of Interest to Request Release of Funds were completed on February 18, 2005, as required by HUD for federal funding.
3. Residents of the subdivision began reporting finding glass and metal debris in their lots shortly after moving into the subdivision.

ITEM NO. E-1

Exhibit A

4. In 2013, the DHHL received formal requests from two lessees of the subdivision to have an environmental assessment conducted, including a presentation to the Hawaiian Homes Commission in July 2013 by lessee Harold Vidinha. Mr. Vidinha has earlier also contacted the Department of Health, Office of Hazard Evaluation and Emergency Response (HEER) Office. A copy of a letter from the HEER Office to Mr. Vidinha dated February 22, 2013 is attached as Exhibit B.
5. On June 26, 2013, DHHL contracted with AECOM Technical Services to perform a Phase I Environmental Assessment of the property. The Phase I included a historical review of the property, a questionnaire and interviews of our lessees and long time residents of the area, and a site reconnaissance of the subject property. Key findings included:
 - a. The property has been owned by the State of Hawaii from as early as 1965 and its prior use may have been associated with the former Kekaha Sugar Mill as a site for disposal of waste.
 - b. Residents also reported that prior to development of the subdivision unregulated fugitive dumping occurred on the site.
 - c. A site reconnaissance of the subject property revealed rusted metal debris, tar-like substance observed on parcels 3 and 4 and abandoned vehicles that could release oil and petroleum products.
6. AECOM Technical Services recommended at the conclusion of the Phase I study in October 2013 that a Phase II investigation be conducted of the soil and groundwater.
7. In 2014, AECOM tested surface soil, subsurface soil and groundwater. The testing results are shown in Exhibit C.

DISCUSSION

1. A letter report by AECOM summarizing the Phase II Environmental Assessment results was completed on October 10, 2014 and subsequently submitted to the HEER Office for comment on recommendations for next steps.

2. AECOM, the HEER Office and our special legal counsel on this matter, Ian Sandison, Esq. of the law firm Carlsmith Ball will discuss the Phase I and Phase II findings to date, what they mean, and present their recommendations to the Hawaiian Homes Commission.
3. At the minimum, staff respectfully recommends that the Hawaiian Homes Commission approve the preparation of a Hazard Management Plan (EHMP) for the Kekaha Residential Lots, Unit 4 Subdivision, to provide guidance to our lessees on how to manage environmental issues related to the property.

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve the preparation of an Environmental Hazard Management Plan (EHMP) for the Kekaha Residential Lots, Unit 4 Subdivision, based upon findings contained in the Phase I and Phase II Environmental Assessment Reports prepared by AECOM Technical Services, Inc.

Exhibits A - C

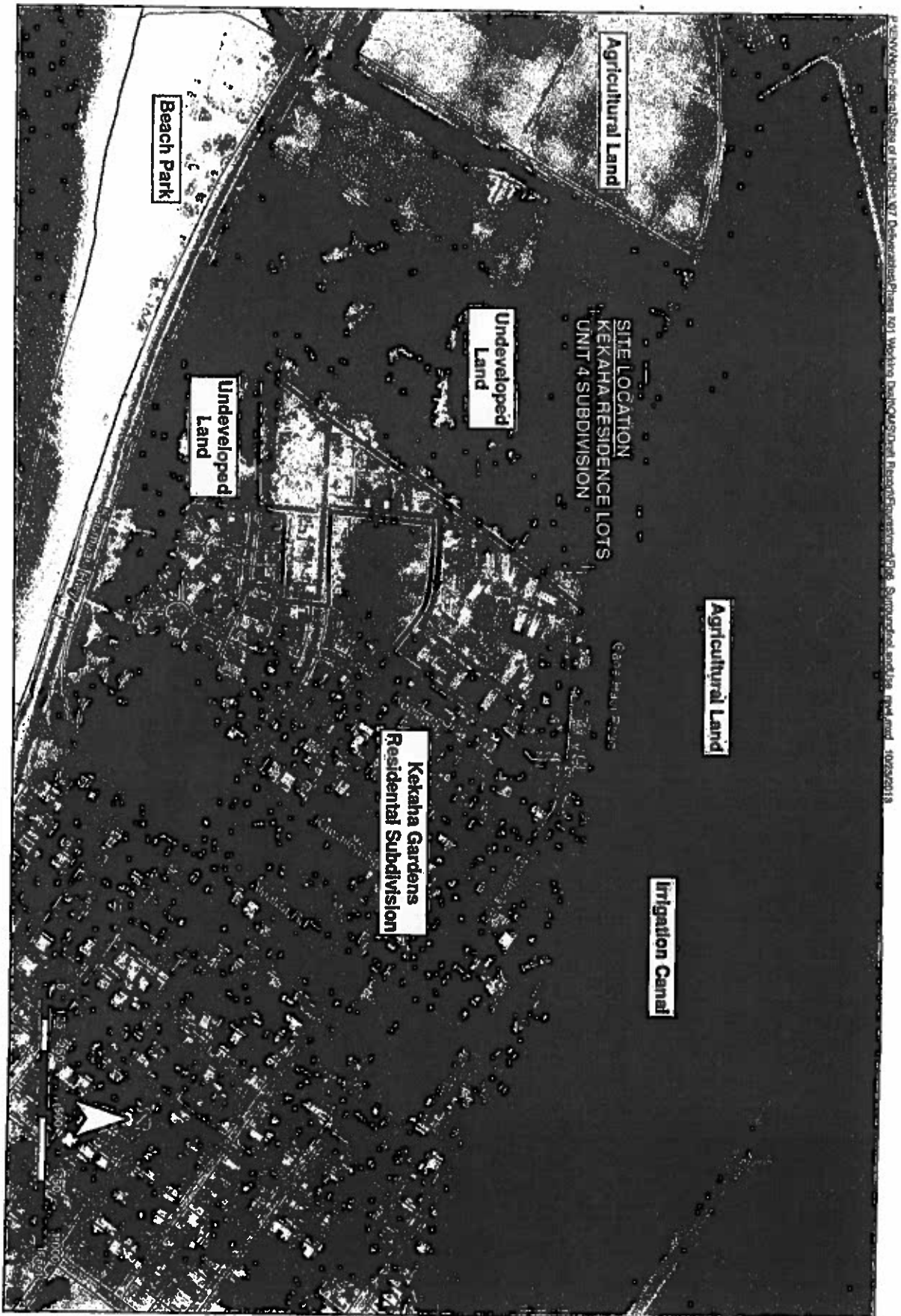


Figure 6
Surrounding Land Usage
Kekaha Residence Lots
Unit 4 Subdivision
Kekaha, Hawaii

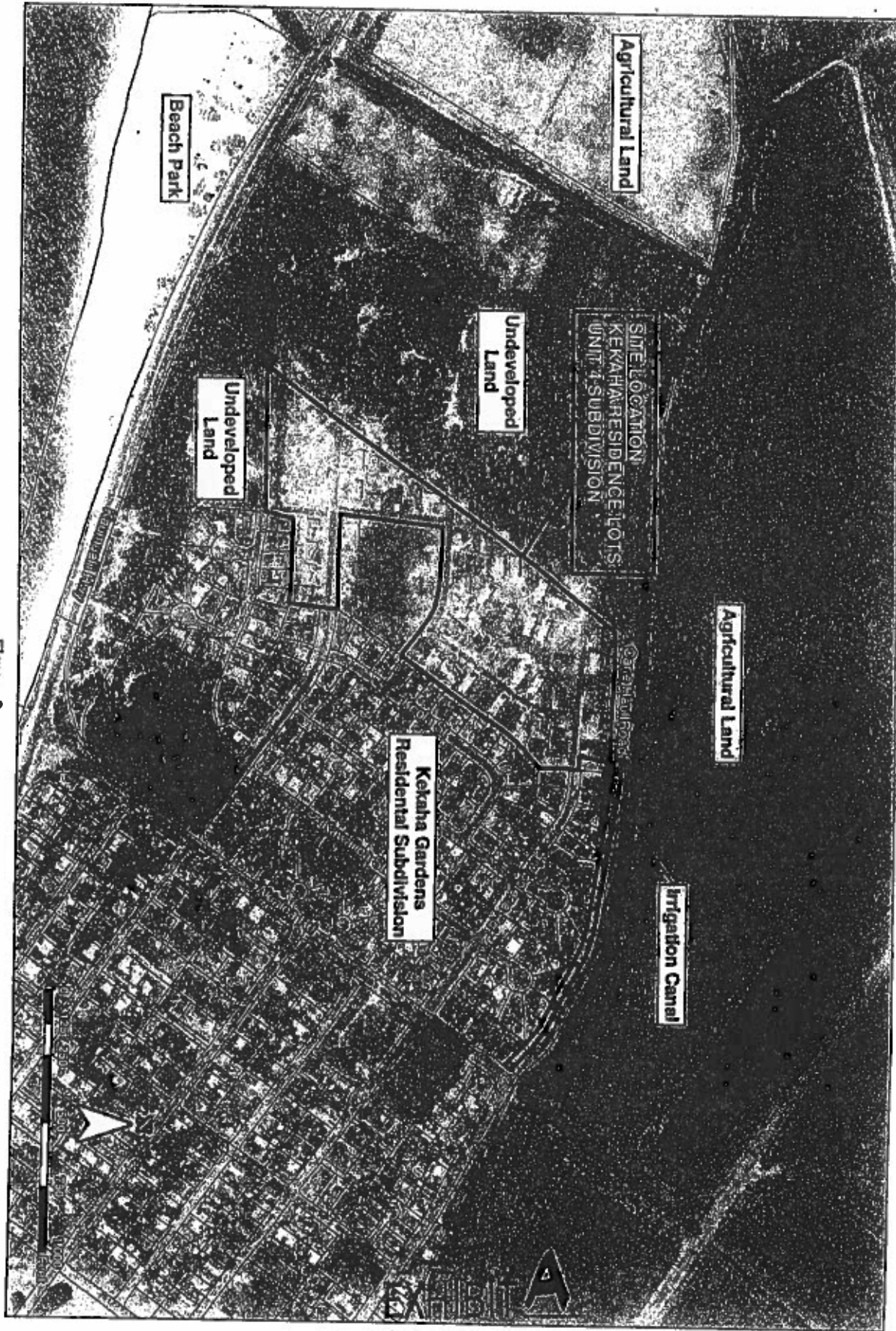


Figure 6
Surrounding Land Usage
Kekaha Residence Lots
Unit 4 Subdivision
Kekaha Gardens Residential Subdivision
Kekaha Gardens Residential Subdivision

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

2013 FEB 27 PM 12:43



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer
to:
File:
2013-109 PG

February 19, 2013

Sandra Pfund
Land Development Administrator
State of Hawaii
Dept. of Hawaiian Home Lands
91-5420 Kapolei Parkway
Kapolei, HI 96707

Facility/Site: Department of Hawaiian Homelands, Kekaha Residential Lots

Subject: Follow up to November 15, 2012, site visit to home of Mr. Harold Vidinha and recommendations for further action

Dear Ms. Pfund,

This letter follows up on our December 7, 2012 meeting with Bill South to discuss surface soil contamination concerns in the DHHL neighborhood referred to as the Kekaha Residential Lots, Unit 4. As we have discussed over the past few months, Mr. Harold Vidinha had reported to DOH the presence of a tarry, oily material in his backyard on a downslope area in the summer of 2012. Laura Young, a project manager in my office, received a sample of the suspect material sent in by Mr Vidinha and had the sample analyzed for screening purposes under our emergency response contract. This analysis identified the material as residual petroleum, akin to asphalt. While unsightly and a nuisance, the laboratory data indicate that the material does not pose a significant health hazard.

Dr. Barbara Brooks and I conducted a site visit and met with Mr and Mrs Vidinha on November 15, 2012. At that time, I collected another surface sample of the asphalt-like material that appeared to be slowly oozing from the steep slope behind the Vidinha home, about 10-15 feet below the elevation of the house. The material closely matched the description and condition of a sample Mr Vidinha had sent to Laura Young in our office, back in August, 2012.

We had the November sample analyzed by TestAmerica Laboratories, and have included the lab report as an attachment to this letter. I asked Dr Roger Brewer, in my office to review the results. The results of the laboratory tests indicate that the tarry substance is similar to common asphalt and is not significantly toxic. Benzo-a-pyrene and other polycyclic aromatic hydrocarbons (PAHs) that are known to pose potential health risks were not detected, adding credence to the conclusion that the material is common asphalt, or a similarly non-toxic material. The sample was also negative for polychlorinated biphenyls (PCBs).

Cleanup of the contamination is, however, recommended under our Technical Guidance Manual (TGM) for addressing general gross contamination and nuisance concerns. Note that "gross contamination" is a term used in our TGM to refer to contamination that does not exceed human or ecological risk standards, but presents other concerns, such as odor and nuisance issues. Because the laboratory analysis conducted

EXHIBIT **B**

Ms. Sandy Pfund
February 22, 2013
Page | 2

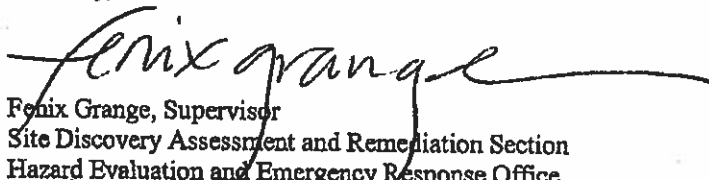
was limited to testing the single sample collected, we cannot be certain whether other hazards may be present. Based on visual observation, it appears that the tarry material is slowly migrating out of the subsurface. Visual observation of the exposed surface soils in on the Vidinha property, show evidence of metal debris and glass, suggesting that unpermitted rubbish dumping may have occurred in the area historically. Reviewing old aerial photographs of the area suggest that the neighborhood is the first development of the site. An aerial from 1950's shows a pattern of dirt roads and vehicle activity, likely associated with sand mining in that area. The resulting vehicle access and excavations may have been conducive to unpermitted dumping. Our office reviewed our available records and other historical data for the Kekaha area, and have not found any evidence of hazardous chemical disposal at the site.

To safely manage the tarry material and address gross contamination and nuisance concerns, DOH recommends surface removal of the asphaltic material, and capping with clean soil. Given the slope where the release is occurring, it may make sense to construct a retaining wall to bring up the grade of the Vidinha backyard area. This will serve the purpose of eliminating direct contact with the material, and creating simple, long term containment for any residual asphalt that may otherwise continue to ooze from the hillside.

While the HEER Office does not regulate physical hazards, such as metal debris and broken glass, we nonetheless recommend that the exposed surface soils throughout the yard be covered with clean soil and landscaping to reduce such potential hazards. Given that the Kekaha area can be very windy, these actions will also greatly reduce dust generation.

If I can help in any way as you move forward with planning and response activities at Mr Vidinha's property or pursue additional investigation in the neighborhood, please feel free to contact me at 808-586-5815 or fenix.grange@doh.hawaii.gov.

Sincerely,


Fenix Grange, Supervisor
Site Discovery Assessment and Remediation Section
Hazard Evaluation and Emergency Response Office
State of Hawaii Department of Health

Attachments: Laboratory results
Historic aerial photographs

Cc: William South, DHHL
Harold Vidinha

TestAmerica

THE LEADER IN ENVIRONMENTAL TESTING

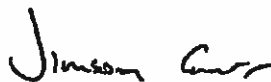
ANALYTICAL REPORT

TestAmerica Laboratories, Inc.
TestAmerica Honolulu
99-193 Alea Heights Drive, Suite 121
Alea, HI 96701
Tel: 808-486-5227

TestAmerica Job ID: HVK0083
Client Project/Site: [none]
Client Project Description: Iwipolena St.
Revision: 1

For:
Department of Health, HEER Office
919 Ala Moana Boulevard, Room 206
Honolulu, HI 96814

Attn: Laura Young



Authorized for release by:
2/22/2013 1:39:11 PM
Jimson E. Carr
Service Center Manager
Jimson.Carr@testamericainc.com
Designee for
Kristie Reilly
Project Manager
Kristie.Brachmann@testamericainc.com

This report has been electronically signed and authorized by the signatory. Electronic signature is intended to be the legally binding equivalent of a traditionally handwritten signature.

Results relate only to the items tested and the sample(s) as received by the laboratory.

Rev. your project
results through
Total Access

Have a Question?
Ask The Expert

Visit us at
www.testamericainc.com

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QC Sample Results	12
QC Association	18
Chronicle	20
Certification Summary	21
Method Summary	22
Chain of Custody	23

Definitions/Glossary

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Qualifiers

GC/MS Semi VOA

Qualifier	Qualifier Description
D	Surrogate or matrix spike recoveries were not obtained because the extract was diluted for analysis; also compounds analyzed at a dilution may be flagged with a D.
X	Surrogate is outside control limits

GC Semi VOA

Qualifier	Qualifier Description
D	Surrogate or matrix spike recoveries were not obtained because the extract was diluted for analysis; also compounds analyzed at a dilution may be flagged with a D.
X	Surrogate is outside control limits

Glossary

Abbreviation	These commonly used abbreviations may or may not be present in this report.
☆	Listed under the "D" column to designate that the result is reported on a dry weight basis
%R	Percent Recovery
CNF	Contains no Free Liquid
DER	Duplicate error ratio (normalized absolute difference)
DL, RA, RE, IN	Indicates a Dilution, Reanalysis, Re-extraction, or additional initial metals/anion analysis of the sample
DLC	Decision level concentration
EDL	Estimated Detection Limit
EPA	United States Environmental Protection Agency
MDA	Minimum detectable activity
MDC	Minimum detectable concentration
MDL	Method Detection Limit
ML	Minimum Level (Dioxin)
ND	Not detected at the reporting limit (or MDL or EDL if shown)
PQL	Practical Quantitation Limit
QC	Quality Control
RER	Relative error ratio
RL	Reporting Limit or Requested Limit (Radiochemistry)
RPD	Relative Percent Difference, a measure of the relative difference between two points
TEF	Toxicity Equivalent Factor (Dioxin)
TEQ	Toxicity Equivalent Quotient (Dioxin)

TestAmerica Honolulu

Case Narrative

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Job ID: HVK0083

Laboratory: TestAmerica Honolulu

Narrative

The results listed within this Laboratory Report pertain only to the samples tested in the laboratory unless otherwise stated in the report. The analyses contained in this report were performed in accordance with the applicable certifications as noted. All soil samples are reported on a wet weight basis unless otherwise noted in the report. This Laboratory Report is confidential and is intended for the sole use of TestAmerica and its client. This report shall not be reproduced, except in full, without written permission from TestAmerica. TestAmerica Analytical Testing Corporation certifies that the analytical results contained herein apply only to the specific sample(s) analyzed.

The Chain(s) of Custody are included and are an integral part of this report. This entire report was reviewed and approved for release.

If you have any questions relating to this analytical report, please contact your Laboratory Project Manager at 1-(808)486-5227

LABORATORY REPORT

At sample receipt, the cooler/sample was 27 degrees C. NELAC states that samples which require thermal preservation shall be considered acceptable if the arrival temperature is within 2 degrees C of the required temperature or the method specified range. For samples with a temperature requirement of 4 degrees C, an arrival temperature from 0 degrees C to 6 degrees C meets specifications. Samples that are delivered to the laboratory on the same day that they are collected may not meet these criteria. In these cases, the samples are considered acceptable if there is evidence that the chilling process has begun, such as arrival on ice.

The reported results were obtained in compliance with the 2003 NELAC standards unless otherwise noted.

Report revised per client's request dated 2/22/13 to change project name to Twipolenn St.

Laboratory: TestAmerica Pleasanton

Narrative

Job Narrative
720-46157-1

Comments
No additional comments.

Receipt
The sample was received on 11/21/2012 10:00 AM; the sample arrived in good condition, properly preserved and, where required, on ice. The temperature of the cooler at receipt was 3.2° C.

GC/MS VOA
No analytical or quality issues were noted.

GC/MS Semi VOA
Method 8270C SIM: The following sample was diluted due to the abundance of non-target analytes: HVK0083-01 (720-46157-1). Elevated reporting limits (RLs) are provided.

Method(s) 8270C SIM: Due to the level of dilution required for the following sample(s), surrogate recoveries are not reported: HVK0083-01 (720-46157-1).

No other analytical or quality issues were noted.

Case Narrative

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Job ID: HVK0083 (Continued)

Laboratory: TestAmerica Pleasanton (Continued)

GC VOA

No analytical or quality issues were noted.

GC Semi VOA

Method(s) 8015B: Due to the level of dilution required for the following sample(s), surrogate recoveries are not reported: HVK0083-01 (720-46157-1).

Method(s) 8015B: Due to the level of dilution required for the following sample(s), surrogate recoveries are not reported: (720-46094-18 MS), (720-46094-18 MSD), SB-02-1.0 (720-46094-18).

Method(s) 8082: The following sample(s) was diluted due to the abundance of non-target analytes: HVK0083-01 (720-46157-1). Elevated reporting limits (RLs) are provided.

Method(s) 8082: Due to the level of dilution required for the following sample(s), surrogate recoveries are not reported: HVK0083-01 (720-46157-1).

No other analytical or quality issues were noted.

Metals

Method(s) 6010B: The matrix spike / matrix spike duplicate (MS/MSD) recoveries for prep batch 125782 were outside control limits. The associated laboratory control sample (LCS) recovery met acceptance criteria.

Method(s) 6010B: The serial dilution performed for the following sample(s) associated with batch 125896 was outside control limits: (720-46159-22 SD)

Method(s) 7471A: The matrix spike / matrix spike duplicate (MS/MSD) recoveries for prep batch 125786 were outside control limits. The associated laboratory control sample (LCS) recovery met acceptance criteria.

No other analytical or quality issues were noted.

Organic Prep

No analytical or quality issues were noted.

Sample Summary

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Lab Sample ID	Client Sample ID	Matrix	Collected	Received
HVK0083-01	HV-1	Solid/Soil	11/15/12 00:00	11/19/12 12:00

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TestAmerica Honolulu

2/22/2013

Item No. E-1

Exhibit A

Detection Summary

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Client Sample ID: HV-1

Lab Sample ID: HVK0083-01

Analyte	Result	Qualifier	RL	MDL	Unit	Dil Fac	D	Method	Prep Type
Diesel Range Organics [C10-C28]	7500		250		mg/Kg	20		8015B	Total/NA
RRO (C24-C36)	32000		12000		mg/Kg	20		8015B	Total/NA
Arsenic	8.8		3.9		mg/Kg	4		8010B	Total/NA
Barium	17		1.9		mg/Kg	4		8010B	Total/NA
Chromium	100		1.9		mg/Kg	4		8010B	Total/NA
Lead	3.2		1.9		mg/Kg	4		8010B	Total/NA
Mercury	0.045		0.0098		mg/Kg	1		7471A	Total/NA

This Detection Summary does not include radiochemical test results.

TestAmerica Honolulu

Client Sample Results

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Client Sample ID: HV-1

Lab Sample ID: HVK0083-01

Date Collected: 11/15/12 00:00

Matrix: Solid/Soil

Date Received: 11/19/12 12:00

Method: 8260B/CA_LUFTMS - 8260B / CA LUFT MS

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Gasoline Range Organics (GRO)	ND		240		ug/Kg		11/24/12 15:41	11/24/12 18:22	1
-C5-C12									
Surrogate	%Recovery	Qualifier	Limits				Prepared	Analyzed	Dil Fac
4-Bromofluorobenzene	80		45 - 131				11/24/12 15:41	11/24/12 18:22	1
1,2-Dichloroethane-d4 (Surr)	122		60 - 140				11/24/12 15:41	11/24/12 18:22	1
Toluene-d8 (Surr)	79		58 - 140				11/24/12 15:41	11/24/12 18:22	1

Method: 8270C SIM - PAHs by GCMS (SIM)

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Acenaphthene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Acenaphthylene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Anthracene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Benzo[a]anthracene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Benzo[a]pyrene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Benzo[b]fluoranthene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Benzo[g,h,i]perylene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Benzo[k]fluoranthene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Chrysene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Dibenz[a,h]anthracene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Fluoranthene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Fluorene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Indeno[1,2,3-cd]pyrene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Naphthalene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Phenanthrene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Pyrene	ND		6200		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
1-Methylnaphthalene	ND		12000		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
2-Methylnaphthalene	ND		12000		ug/Kg		11/26/12 08:41	11/26/12 21:22	50
Surrogate	%Recovery	Qualifier	Limits				Prepared	Analyzed	Dil Fac
2-Fluorobiphenyl	0	X D	33 - 120				11/26/12 08:41	11/26/12 21:22	50
Terphenyl-d14	0	X D	35 - 146				11/26/12 08:41	11/26/12 21:22	50

Method: 8015B - Diesel Range Organics (DRO) (GC)

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Diesel Range Organics [C10-C28]	7500		250		mg/Kg		11/26/12 09:32	11/27/12 13:26	20
RRO (C24-C36)	32000		12000		mg/Kg		11/26/12 09:32	11/27/12 13:26	20
Surrogate	%Recovery	Qualifier	Limits				Prepared	Analyzed	Dil Fac
p-Terphenyl	0	X D	40 - 130				11/26/12 09:32	11/27/12 13:26	20

Method: 8082 - Polychlorinated Biphenyls (PCBs) by Gas Chromatography

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
PCB-1018	ND		1500		ug/Kg		11/26/12 21:00	11/29/12 01:19	10
PCB-1221	ND		1500		ug/Kg		11/26/12 21:00	11/29/12 01:19	10
PCB-1232	ND		1500		ug/Kg		11/26/12 21:00	11/29/12 01:19	10
PCB-1242	ND		1500		ug/Kg		11/26/12 21:00	11/29/12 01:19	10
PCB-1248	ND		1500		ug/Kg		11/26/12 21:00	11/29/12 01:19	10
PCB-1254	ND		1500		ug/Kg		11/26/12 21:00	11/29/12 01:19	10
PCB-1260	ND		1500		ug/Kg		11/26/12 21:00	11/29/12 01:19	10

TestAmerica Honolulu

Client Sample Results

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Client Sample ID: HV-1

Lab Sample ID: HVK0083-01

Date Collected: 11/15/12 00:00

Matrix: Solid/Sol

Date Received: 11/19/12 12:00

Surrogate	%Recovery	Qualifier	Limits	Prepared	Analyzed	Dil Fac
Tetrachloro-m-xylene	0	XD	32 - 112	11/26/12 21:00	11/29/12 01:19	10
DCB Decachlorobiphenyl	0	XD	2 - 122	11/26/12 21:00	11/29/12 01:19	10

Method: 6010B - Metals (ICP)

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Arsenic	6.6		3.9		mg/Kg		11/24/12 15:17	11/27/12 11:17	4
Barium	17		1.9		mg/Kg		11/24/12 15:17	11/27/12 11:17	4
Cadmium	ND		0.49		mg/Kg		11/24/12 15:17	11/27/12 11:17	4
Chromium	100		1.9		mg/Kg		11/24/12 15:17	11/27/12 11:17	4
Lead	3.2		1.9		mg/Kg		11/24/12 15:17	11/27/12 11:17	4
Selenium	ND		3.9		mg/Kg		11/24/12 15:17	11/27/12 11:17	4
Silver	ND		0.97		mg/Kg		11/24/12 15:17	11/27/12 11:17	4

Method: 7471A - Mercury (CVAA)

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Mercury	0.045		0.0098		mg/Kg		11/24/12 16:24	11/26/12 16:35	1

TestAmerica Honolulu

Surrogate Summary

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Method: 8260B/CA_LUFTMS - 8260B / CA LUFT MS

Matrix: Solid

Prep Type: Total/NA

Lab Sample ID	Client Sample ID	Percent Surrogate Recovery (Acceptance Limits)		
		BFB (45-131)	12DCE (60-140)	TOL (58-140)
LCS 720-125783/4-A	Lab Control Sample	102	105	101
LCSD 720-125783/5-A	Lab Control Sample Dup	103	105	101
MB 720-125783/1-A	Method Blank	103	101	100

Surrogate Legend
 BFB = 4-Bromofluorobenzene
 12DCE = 1,2-Dichloroethane-d4 (Surr)
 TOL = Toluene-d8 (Surr)

Method: 8260B/CA_LUFTMS - 8260B / CA LUFT MS

Matrix: Solid/Soil

Prep Type: Total/NA

Lab Sample ID	Client Sample ID	Percent Surrogate Recovery (Acceptance Limits)		
		BFB (45-131)	12DCE (60-140)	TOL (58-140)
HVK0083-01	HV-1	80	122	79

Surrogate Legend
 BFB = 4-Bromofluorobenzene
 12DCE = 1,2-Dichloroethane-d4 (Surr)
 TOL = Toluene-d8 (Surr)

Method: 8270C SIM - PAHs by GCMS (SIM)

Matrix: Solid

Prep Type: Total/NA

Lab Sample ID	Client Sample ID	Percent Surrogate Recovery (Acceptance Limits)	
		FBP (33-120)	TPH (35-148)
LCS 720-125800/2-A	Lab Control Sample	72	101
LCSD 720-125800/3-A	Lab Control Sample Dup	71	99
MB 720-125800/1-A	Method Blank	69	97

Surrogate Legend
 FBP = 2-Fluorobiphenyl
 TPH = Terphenyl-d14

Method: 8270C SIM - PAHs by GCMS (SIM)

Matrix: Solid/Soil

Prep Type: Total/NA

Lab Sample ID	Client Sample ID	Percent Surrogate Recovery (Acceptance Limits)	
		FBP (33-120)	TPH (35-148)
HVK0083-01	HV-1	O X D	O X D

Surrogate Legend
 FBP = 2-Fluorobiphenyl
 TPH = Terphenyl-d14

TestAmerica Honolulu

Surrogate Summary

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Method: 8015B - Diesel Range Organics (DRO) (GC)

Matrix: Solid

Prep Type: Total/NA

		Percent Surrogate Recovery (Acceptance Limits)			
Lab Sample ID	Client Sample ID	PTP1 (40-130)			
LCS 720-125804/2-A	Lab Control Sample	123			
LCSD 720-125804/3-A	Lab Control Sample Dup	108			
MB 720-125804/1-A	Method Blank	95			
Surrogate Legend					
PTP = p-Terphenyl					

Method: 8015B - Diesel Range Organics (DRO) (GC)

Matrix: Solid/Soil

Prep Type: Total/NA

		Percent Surrogate Recovery (Acceptance Limits)			
Lab Sample ID	Client Sample ID	PTP1 (40-130)			
HVK0083-01	HV-1	0 X D			
Surrogate Legend					
PTP = p-Terphenyl					

Method: 8082 - Polychlorinated Biphenyls (PCBs) by Gas Chromatography

Matrix: Solid

Prep Type: Total/NA

		Percent Surrogate Recovery (Acceptance Limits)			
Lab Sample ID	Client Sample ID	TCX1 (32-112)	DCB1 (2-122)		
LCS 720-125840/2-A	Lab Control Sample	97	88		
LCSD 720-125840/3-A	Lab Control Sample Dup	102	97		
MB 720-125840/1-A	Method Blank	98	95		
Surrogate Legend					
TCX = Tetrachloro-m-xylene					
DCB = DCB Decachlorobiphenyl					

Method: 8082 - Polychlorinated Biphenyls (PCBs) by Gas Chromatography

Matrix: Solid/Soil

Prep Type: Total/NA

		Percent Surrogate Recovery (Acceptance Limits)			
Lab Sample ID	Client Sample ID	TCX1 (32-112)	DCB1 (2-122)		
HVK0083-01	HV-1	0 X D	0 X D		
Surrogate Legend					
TCX = Tetrachloro-m-xylene					
DCB = DCB Decachlorobiphenyl					

TestAmerica Honolulu

QC Sample Results

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Method: 8260B/CA_LUFTMS - 8260B / CA LUFT MS

Lab Sample ID: MB 720-125783/1-A
Matrix: Solid
Analysis Batch: 125765

Client Sample ID: Method Blank
Prep Type: Total/NA
Prep Batch: 125783

Analyte	MB Result	MB Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Gasoline Range Organics (GRO)	ND		250		ug/Kg		11/24/12 08:00	11/24/12 10:07	1
-C5-C12									
Surrogate	MB %Recovery	MB Qualifier	Limits				Prepared	Analyzed	Dil Fac
4-Bromofluorobenzene	103		45 - 131				11/24/12 08:00	11/24/12 10:07	1
1,2-Dichloroethane-d4 (Surr)	101		60 - 140				11/24/12 08:00	11/24/12 10:07	1
Toluene-d8 (Surr)	100		58 - 140				11/24/12 08:00	11/24/12 10:07	1

Lab Sample ID: LCS 720-125783/4-A
Matrix: Solid
Analysis Batch: 125765

Client Sample ID: Lab Control Sample
Prep Type: Total/NA
Prep Batch: 125783

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
Gasoline Range Organics (GRO)	1000	907		ug/Kg		91	61 - 128
-C5-C12							
Surrogate	LCS %Recovery	LCS Qualifier	Limits				
4-Bromofluorobenzene	102		45 - 131				
1,2-Dichloroethane-d4 (Surr)	105		60 - 140				
Toluene-d8 (Surr)	101		58 - 140				

Lab Sample ID: LCSD 720-125783/5-A
Matrix: Solid
Analysis Batch: 125765

Client Sample ID: Lab Control Sample Dup
Prep Type: Total/NA
Prep Batch: 125783

Analyte	Spike Added	LCSD Result	LCSD Qualifier	Unit	D	%Rec	%Rec. Limits	RPD	RPD Limit
Gasoline Range Organics (GRO)	1000	976		ug/Kg		98	61 - 128	8	20
-C5-C12									
Surrogate	LCSD %Recovery	LCSD Qualifier	Limits						
4-Bromofluorobenzene	103		45 - 131						
1,2-Dichloroethane-d4 (Surr)	105		60 - 140						
Toluene-d8 (Surr)	101		58 - 140						

Method: 8270C SIM - PAHs by GCMS (SIM)

Lab Sample ID: MB 720-125800/1-A
Matrix: Solid
Analysis Batch: 125810

Client Sample ID: Method Blank
Prep Type: Total/NA
Prep Batch: 125800

Analyte	MB Result	MB Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Acenaphthene	ND		5.0		ug/Kg		11/26/12 08:41	11/26/12 16:20	1
Acenaphthylene	ND		5.0		ug/Kg		11/26/12 08:41	11/26/12 16:20	1
Anthracene	ND		5.0		ug/Kg		11/26/12 08:41	11/26/12 16:20	1
Benzo[a]anthracene	ND		5.0		ug/Kg		11/26/12 08:41	11/26/12 16:20	1
Benzo[a]pyrene	ND		5.0		ug/Kg		11/26/12 08:41	11/26/12 16:20	1
Benzo[b]fluoranthene	ND		5.0		ug/Kg		11/26/12 08:41	11/26/12 16:20	1
Benzo[g,h,i]perylene	ND		5.0		ug/Kg		11/26/12 08:41	11/26/12 16:20	1

TestAmerica Honolulu

QC Sample Results

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Method: 8270C SIM - PAHs by GCMS (SIM) (Continued)

Lab Sample ID: MB 720-125800/1-A

Matrix: Solid

Analysis Batch: 125810

Client Sample ID: Method Blank

Prep Type: Total/NA

Prep Batch: 125800

Analyte	MB Result	MB Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Benzo[k]fluoranthene	ND		5.0		ug/Kg		11/28/12 08:41	11/28/12 16:20	1
Chrysene	ND		5.0		ug/Kg		11/28/12 08:41	11/28/12 16:20	1
Dibenz[a,h]anthracene	ND		5.0		ug/Kg		11/28/12 08:41	11/28/12 16:20	1
Fluoranthene	ND		5.0		ug/Kg		11/28/12 08:41	11/28/12 16:20	1
Fluorene	ND		5.0		ug/Kg		11/28/12 08:41	11/28/12 16:20	1
Indeno[1,2,3-cd]pyrene	ND		5.0		ug/Kg		11/28/12 08:41	11/28/12 16:20	1
Naphthalene	ND		5.0		ug/Kg		11/28/12 08:41	11/28/12 16:20	1
Phenanthrene	ND		5.0		ug/Kg		11/28/12 08:41	11/28/12 16:20	1
Pyrene	ND		5.0		ug/Kg		11/28/12 08:41	11/28/12 16:20	1
1-Methylnaphthalene	ND		10		ug/Kg		11/28/12 08:41	11/28/12 16:20	1
2-Methylnaphthalene	ND		10		ug/Kg		11/28/12 08:41	11/28/12 16:20	1

Surrogate	MB %Recovery	MB Qualifier	Limits	Prepared	Analyzed	Dil Fac
2-Fluorobiphenyl	89		33 - 120	11/28/12 08:41	11/28/12 16:20	1
Terphenyl-d14	97		35 - 148	11/28/12 08:41	11/28/12 16:20	1

Lab Sample ID: LCS 720-125800/2-A

Matrix: Solid

Analysis Batch: 125810

Client Sample ID: Lab Control Sample

Prep Type: Total/NA

Prep Batch: 125800

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
Acenaphthene	331	272		ug/Kg		82	49 - 120
Acenaphthylene	331	263		ug/Kg		80	52 - 120
Anthracene	331	288		ug/Kg		87	52 - 120
Benzo[a]anthracene	331	281		ug/Kg		85	52 - 120
Benzo[a]pyrene	331	298		ug/Kg		90	54 - 120
Benzo[b]fluoranthene	331	309		ug/Kg		93	51 - 120
Benzo[g,h,i]perylene	331	304		ug/Kg		92	48 - 120
Benzo[k]fluoranthene	331	278		ug/Kg		83	56 - 120
Chrysene	331	328		ug/Kg		99	40 - 120
Dibenz[a,h]anthracene	331	326		ug/Kg		98	50 - 120
Fluoranthene	331	281		ug/Kg		85	57 - 120
Fluorene	331	269		ug/Kg		81	52 - 120
Indeno[1,2,3-cd]pyrene	331	310		ug/Kg		94	48 - 120
Naphthalene	331	262		ug/Kg		78	48 - 120
Phenanthrene	331	280		ug/Kg		85	48 - 120
Pyrene	331	322		ug/Kg		97	53 - 120

Surrogate	LCS %Recovery	LCS Qualifier	Limits
2-Fluorobiphenyl	72		33 - 120
Terphenyl-d14	101		35 - 148

Lab Sample ID: LCSD 720-125800/3-A

Matrix: Solid

Analysis Batch: 125810

Client Sample ID: Lab Control Sample Dup

Prep Type: Total/NA

Prep Batch: 125800

Analyte	Spike Added	LCSD Result	LCSD Qualifier	Unit	D	%Rec	%Rec. Limits	RPD	RPD Limit
Acenaphthene	332	259		ug/Kg		78	49 - 120	5	20

TestAmerica Honolulu

QC Sample Results

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Method: 8270C SIM - PAHs by GCMS (SIM) (Continued)

Lab Sample ID: LCSD 720-125800/3-A				Client Sample ID: Lab Control Sample Dup					
Matrix: Solid				Prep Type: Total/NA					
Analysis Batch: 125810				Prep Batch: 125800					
Analyte	Spike Added	LCSD	LCSD	Unit	D	%Rec	%Rec.	RPD	RPD
		Result	Qualifier				Limits		Limit
Acenaphthylene	332	251		ug/Kg		75	62 - 120	5	20
Anthracene	332	284		ug/Kg		85	52 - 120	1	20
Benzo(a)anthracene	332	281		ug/Kg		84	52 - 120	0	20
Benzo(a)pyrene	332	295		ug/Kg		89	54 - 120	1	20
Benzo(b)fluoranthene	332	305		ug/Kg		92	51 - 120	1	20
Benzo(g,h,i)perylene	332	307		ug/Kg		92	48 - 120	1	20
Benzo(k)fluoranthene	332	287		ug/Kg		80	56 - 120	3	20
Chrysene	332	334		ug/Kg		101	40 - 120	2	20
Dibenz(a,h)anthracene	332	331		ug/Kg		100	50 - 120	2	20
Fluoranthene	332	279		ug/Kg		84	57 - 120	1	20
Fluorene	332	283		ug/Kg		79	52 - 120	3	20
Indeno(1,2,3-cd)pyrene	332	311		ug/Kg		94	48 - 120	0	20
Naphthalene	332	249		ug/Kg		75	48 - 120	1	20
Phenanthrene	332	275		ug/Kg		83	48 - 120	2	20
Pyrene	332	311		ug/Kg		94	53 - 120	3	20
LCSD LCSD									
Surrogate		%Recovery	Qualifier	Limits					
2-Fluorobiphenyl		71		33 - 120					
Terphenyl-d14		99		35 - 146					

Method: 8015B - Diesel Range Organics (DRO) (GC)

Lab Sample ID: MB 720-125804/1-A							Client Sample ID: Method Blank			
Matrix: Solid							Prep Type: Total/NA			
Analysis Batch: 125791							Prep Batch: 125804			
Analyte	MB Result	MB Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac	
Diesel Range Organics [C10-C28]	ND		0.99		mg/Kg		11/26/12 09:32	11/26/12 23:52	1	
RRO (C24-C36)	ND		50		mg/Kg		11/26/12 09:32	11/26/12 23:52	1	
MB MB										
Surrogate	%Recovery	Qualifier	Limits							
p-Terphenyl	95		40 - 130							
							Prepared	Analyzed	Dil Fac	
							11/26/12 09:32	11/26/12 23:52	1	

Lab Sample ID: LCS 720-125804/2-A							Client Sample ID: Lab Control Sample			
Matrix: Solid							Prep Type: Total/NA			
Analysis Batch: 125791							Prep Batch: 125804			
Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits			
Diesel Range Organics [C10-C28]	83.1	72.5		mg/Kg		87	50 - 150			
LCS LCS										
Surrogate	%Recovery	Qualifier	Limits							
p-Terphenyl	123		40 - 130							

TestAmerica Honolulu

QC Sample Results

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Method: 8015B - Diesel Range Organics (DRO) (GC) (Continued)

Lab Sample ID: LCSD 720-125804/3-A

Matrix: Solid

Analysis Batch: 125791

Client Sample ID: Lab Control Sample Dup

Prep Type: Total/NA

Prep Batch: 125804

Analyte	Spike Added	LCSD Result	LCSD Qualifier	Unit	D	%Rec	%Rec. Limits	RPD	RPD Limit
Diesel Range Organics [C10-C28]	82.6	84.4		mg/Kg		78	50 - 150	12	35
Surrogate	LCSD %Recovery	LCSD Qualifier	Limits						
p-Terphenyl	108		40 - 130						

Method: 8082 - Polychlorinated Biphenyls (PCBs) by Gas Chromatography

Lab Sample ID: MB 720-125840/1-A

Matrix: Solid

Analysis Batch: 125799

Client Sample ID: Method Blank

Prep Type: Total/NA

Prep Batch: 125840

Analyte	MB Result	MB Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
PCB-1016	ND		50		ug/Kg		11/28/12 16:54	11/28/12 23:08	1
PCB-1221	ND		50		ug/Kg		11/28/12 16:54	11/28/12 23:08	1
PCB-1232	ND		50		ug/Kg		11/28/12 16:54	11/28/12 23:08	1
PCB-1242	ND		50		ug/Kg		11/28/12 16:54	11/28/12 23:08	1
PCB-1248	ND		50		ug/Kg		11/28/12 16:54	11/28/12 23:08	1
PCB-1254	ND		50		ug/Kg		11/28/12 16:54	11/28/12 23:08	1
PCB-1260	ND		50		ug/Kg		11/28/12 16:54	11/28/12 23:08	1
Surrogate	MB %Recovery	MB Qualifier	Limits	Prepared	Analyzed	Dil Fac			
Tetrachloro-m-xylene	98		32 - 112	11/28/12 16:54	11/28/12 23:08	1			
DCB Decachlorobiphenyl	96		2 - 122	11/28/12 16:54	11/28/12 23:08	1			

Lab Sample ID: LCS 720-125840/2-A

Matrix: Solid

Analysis Batch: 125799

Client Sample ID: Lab Control Sample

Prep Type: Total/NA

Prep Batch: 125840

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
PCB-1016	130	112		ug/Kg		86	65 - 120
PCB-1260	130	113		ug/Kg		87	65 - 120
Surrogate	LCS %Recovery	LCS Qualifier	Limits				
Tetrachloro-m-xylene	97		32 - 112				
DCB Decachlorobiphenyl	98		2 - 122				

Lab Sample ID: LCSD 720-125840/3-A

Matrix: Solid

Analysis Batch: 125799

Client Sample ID: Lab Control Sample Dup

Prep Type: Total/NA

Prep Batch: 125840

Analyte	Spike Added	LCSD Result	LCSD Qualifier	Unit	D	%Rec	%Rec. Limits	RPD	RPD Limit
PCB-1016	132	119		ug/Kg		90	65 - 120	6	20
PCB-1260	132	117		ug/Kg		89	65 - 120	4	20
Surrogate	LCSD %Recovery	LCSD Qualifier	Limits						
Tetrachloro-m-xylene	102		32 - 112						

TestAmerica Honolulu

QC Sample Results

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Method: 8082 - Polychlorinated Biphenyls (PCBs) by Gas Chromatography (Continued)

Lab Sample ID: LCSD 720-125840/3-A
Matrix: Solid
Analysis Batch: 125799

Client Sample ID: Lab Control Sample Dup
Prep Type: Total/NA
Prep Batch: 125840

Surrogate	LCSD	LCSD	
%Recovery	Qualifier	Limits	
DCB Decachlorobiphenyl	97	2 - 122	

Method: 6010B - Metals (ICP)

Lab Sample ID: MB 720-125782/1-A
Matrix: Solid
Analysis Batch: 125896

Client Sample ID: Method Blank
Prep Type: Total/NA
Prep Batch: 125782

Analyte	Result	MB	MB	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Arsenic	ND			1.0		mg/Kg		11/24/12 15:17	11/27/12 09:52	1
Barium	ND			0.50		mg/Kg		11/24/12 15:17	11/27/12 09:52	1
Cadmium	ND			0.13		mg/Kg		11/24/12 15:17	11/27/12 09:52	1
Chromium	ND			0.50		mg/Kg		11/24/12 15:17	11/27/12 09:52	1
Lead	ND			0.50		mg/Kg		11/24/12 15:17	11/27/12 09:52	1
Selenium	ND			1.0		mg/Kg		11/24/12 15:17	11/27/12 09:52	1
Silver	ND			0.25		mg/Kg		11/24/12 15:17	11/27/12 09:52	1

Lab Sample ID: LCS 720-125782/2-A
Matrix: Solid
Analysis Batch: 125896

Client Sample ID: Lab Control Sample
Prep Type: Total/NA
Prep Batch: 125782

Analyte	Spike	LCS	LCS	Unit	D	%Rec	%Rec.
Added	Result	Qualifier	Limits				
Arsenic	50.0	45.1		mg/Kg		90	80 - 120
Barium	50.0	47.0		mg/Kg		94	80 - 120
Cadmium	50.0	45.6		mg/Kg		91	80 - 120
Chromium	50.0	46.0		mg/Kg		92	80 - 120
Lead	50.0	46.5		mg/Kg		93	80 - 120
Selenium	50.0	44.1		mg/Kg		88	80 - 120
Silver	25.0	23.0		mg/Kg		92	80 - 120

Lab Sample ID: LCSD 720-125782/3-A
Matrix: Solid
Analysis Batch: 125896

Client Sample ID: Lab Control Sample Dup
Prep Type: Total/NA
Prep Batch: 125782

Analyte	Spike	LCSD	LCSD	Unit	D	%Rec	%Rec.	RPD
Added	Result	Qualifier	Limits					Limit
Arsenic	50.0	45.7		mg/Kg		91	80 - 120	20
Barium	50.0	47.8		mg/Kg		95	80 - 120	20
Cadmium	50.0	46.2		mg/Kg		92	80 - 120	20
Chromium	50.0	46.7		mg/Kg		93	80 - 120	20
Lead	50.0	47.1		mg/Kg		94	80 - 120	20
Selenium	50.0	44.4		mg/Kg		89	80 - 120	20
Silver	25.0	23.3		mg/Kg		93	80 - 120	20

TestAmerica Honolulu

QC Sample Results

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Method: 7471A - Mercury (CVAA)

Lab Sample ID: MB 720-125786/1-A
Matrix: Solid
Analysis Batch: 125852

Client Sample ID: Method Blank
Prep Type: Total/NA
Prep Batch: 125786

Analyte	MB Result	MB Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	DI Fac
Mercury	ND		0.010		mg/Kg		11/24/12 16:24	11/26/12 15:10	1

Lab Sample ID: LCS 720-125786/2-A
Matrix: Solid
Analysis Batch: 125852

Client Sample ID: Lab Control Sample
Prep Type: Total/NA
Prep Batch: 125786

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
Mercury	0.833	0.833		mg/Kg		100	80 - 120

Lab Sample ID: LCSD 720-125786/3-A
Matrix: Solid
Analysis Batch: 125852

Client Sample ID: Lab Control Sample Dup
Prep Type: Total/NA
Prep Batch: 125786

Analyte	Spike Added	LCSD Result	LCSD Qualifier	Unit	D	%Rec	%Rec. Limits	RPD	RPD Limit
Mercury	0.833	0.823		mg/Kg		99	80 - 120	1	20

TestAmerica Honolulu

QC Association Summary

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

GC/MS VOA

Analysis Batch: 125765

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
HVK0083-01	HV-1	Total/NA	Solid/Soil	8260B/CA_LUFT	125783
LCS 720-125783/4-A	Lab Control Sample	Total/NA	Solid	MS	125783
LCSD 720-125783/5-A	Lab Control Sample Dup	Total/NA	Solid	MS	125783
MB 720-125783/1-A	Method Blank	Total/NA	Solid	MS	125783
				8260B/CA_LUFT	
				MS	

Prep Batch: 125783

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
HVK0083-01	HV-1	Total/NA	Solid/Soil	5030B	
LCS 720-125783/4-A	Lab Control Sample	Total/NA	Solid	5030B	
LCSD 720-125783/5-A	Lab Control Sample Dup	Total/NA	Solid	5030B	
MB 720-125783/1-A	Method Blank	Total/NA	Solid	5030B	

GC/MS Semi VOA

Prep Batch: 125800

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
HVK0083-01	HV-1	Total/NA	Solid/Soil	3548	
LCS 720-125800/2-A	Lab Control Sample	Total/NA	Solid	3548	
LCSD 720-125800/3-A	Lab Control Sample Dup	Total/NA	Solid	3548	
MB 720-125800/1-A	Method Blank	Total/NA	Solid	3548	

Analysis Batch: 125810

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
HVK0083-01	HV-1	Total/NA	Solid/Soil	8270C SIM	125800
LCS 720-125800/2-A	Lab Control Sample	Total/NA	Solid	8270C SIM	125800
LCSD 720-125800/3-A	Lab Control Sample Dup	Total/NA	Solid	8270C SIM	125800
MB 720-125800/1-A	Method Blank	Total/NA	Solid	8270C SIM	125800

GC Semi VOA

Analysis Batch: 125791

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
LCS 720-125804/2-A	Lab Control Sample	Total/NA	Solid	8015B	125804
LCSD 720-125804/3-A	Lab Control Sample Dup	Total/NA	Solid	8015B	125804
MB 720-125804/1-A	Method Blank	Total/NA	Solid	8015B	125804

Analysis Batch: 125799

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
LCS 720-125840/2-A	Lab Control Sample	Total/NA	Solid	8082	125840
LCSD 720-125840/3-A	Lab Control Sample Dup	Total/NA	Solid	8082	125840
MB 720-125840/1-A	Method Blank	Total/NA	Solid	8082	125840

Prep Batch: 125804

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
HVK0083-01	HV-1	Total/NA	Solid/Soil	3548	
LCS 720-125804/2-A	Lab Control Sample	Total/NA	Solid	3548	
LCSD 720-125804/3-A	Lab Control Sample Dup	Total/NA	Solid	3548	

TestAmerica Honolulu

QC Association Summary

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

GC Semi VOA (Continued)

Prep Batch: 125804 (Continued)

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
MB 720-125804/1-A	Method Blank	Total/NA	Solid	3548	

Prep Batch: 125840

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
HVK0083-01	HV-1	Total/NA	Solid/Soil	3548	
LCS 720-125840/2-A	Lab Control Sample	Total/NA	Solid	3548	
LCSD 720-125840/3-A	Lab Control Sample Dup	Total/NA	Solid	3548	
MB 720-125840/1-A	Method Blank	Total/NA	Solid	3548	

Analysis Batch: 125871

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
HVK0083-01	HV-1	Total/NA	Solid/Soil	8015B	125804

Analysis Batch: 125959

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
HVK0083-01	HV-1	Total/NA	Solid/Soil	8082	125840

Metals

Prep Batch: 125782

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
HVK0083-01	HV-1	Total/NA	Solid/Soil	3050B	
LCS 720-125782/2-A	Lab Control Sample	Total/NA	Solid	3050B	
LCSD 720-125782/3-A	Lab Control Sample Dup	Total/NA	Solid	3050B	
MB 720-125782/1-A	Method Blank	Total/NA	Solid	3050B	

Prep Batch: 125786

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
HVK0083-01	HV-1	Total/NA	Solid/Soil	7471A	
LCS 720-125786/2-A	Lab Control Sample	Total/NA	Solid	7471A	
LCSD 720-125786/3-A	Lab Control Sample Dup	Total/NA	Solid	7471A	
MB 720-125786/1-A	Method Blank	Total/NA	Solid	7471A	

Analysis Batch: 125852

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
HVK0083-01	HV-1	Total/NA	Solid/Soil	7471A	125786
LCS 720-125786/2-A	Lab Control Sample	Total/NA	Solid	7471A	125786
LCSD 720-125786/3-A	Lab Control Sample Dup	Total/NA	Solid	7471A	125786
MB 720-125786/1-A	Method Blank	Total/NA	Solid	7471A	125786

Analysis Batch: 125896

Lab Sample ID	Client Sample ID	Prep Type	Matrix	Method	Prep Batch
HVK0083-01	HV-1	Total/NA	Solid/Soil	8010B	125782
LCS 720-125782/2-A	Lab Control Sample	Total/NA	Solid	8010B	125782
LCSD 720-125782/3-A	Lab Control Sample Dup	Total/NA	Solid	8010B	125782
MB 720-125782/1-A	Method Blank	Total/NA	Solid	8010B	125782

TestAmerica Honolulu

Lab Chronicle

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Client Sample ID: HV-1

Lab Sample ID: HVK0083-01

Date Collected: 11/15/12 00:00

Matrix: Solid/Sol

Date Received: 11/19/12 12:00

Prep Type	Batch Type	Batch Method	Run	Dilution Factor	Batch Number	Prepared or Analyzed	Analyst	Lab
Total/NA	Prep	5030B			125783	11/24/12 15:41	JZ	TAL SF
Total/NA	Analysis	8280B/CA_LUFTMS		1	125765	11/24/12 18:22	JZ	TAL SF
Total/NA	Prep	3546			125800	11/26/12 08:41	NP	TAL SF
Total/NA	Analysis	8270C SIM		50	125810	11/26/12 21:22	ML	TAL SF
Total/NA	Prep	3546			125804	11/26/12 09:32	MP	TAL SF
Total/NA	Analysis	8015B		20	125871	11/27/12 13:26	DH	TAL SF
Total/NA	Prep	3546			125840	11/26/12 21:00	MP	TAL SF
Total/NA	Analysis	8012		10	125859	11/29/12 01:19	RB	TAL SF
Total/NA	Prep	7471A			125786	11/24/12 18:24	ASB	TAL SF
Total/NA	Analysis	7471A		1	125852	11/26/12 18:35	SK	TAL SF
Total/NA	Prep	3050B			125782	11/24/12 15:17	ASB	TAL SF
Total/NA	Analysis	6010B		4	125896	11/27/12 11:17	EFH	TAL SF

Laboratory References:

TAL SF = TestAmerica Pleasanton, 1220 Quarry Lane, Pleasanton, CA 94566, TEL (925)484-1010

TestAmerica Honolulu

Certification Summary

Client: Department of Health, HEER Office

TestAmerica Job ID: HVK0083

Project/Site: [none]

Laboratory: TestAmerica Honolulu

All certifications held by this laboratory are listed. Not all certifications are applicable to this report.

Authority	Program	EPA Region	Certification ID	Expiration Date
Florida	NELAP	4	E87907	06-30-13
Hawaii	State Program	9	N/A	08-28-13
USDA	Federal		HON-S-208	01-31-15

Laboratory: TestAmerica Pleasanton

All certifications held by this laboratory are listed. Not all certifications are applicable to this report.

Authority	Program	EPA Region	Certification ID	Expiration Date
California	State Program	9	2496	01-31-14

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TestAmerica Honolulu

Method Summary

Client: Department of Health, HEER Office
Project/Site: [none]

TestAmerica Job ID: HVK0083

Method	Method Description	Protocol	Laboratory
8260B/CA_LUFTM S	8260B / CA LUFT MS	SW846	TAL SF
8270C SIM	PAHs by GCMS (SIM)	SW846	TAL SF
8015B	Diesel Range Organics (DRO) (GC)	SW846	TAL SF
8082	Polychlorinated Biphenyls (PCBs) by Gas Chromatography	SW846	TAL SF
6010B	Metals (ICP)	SW846	TAL SF
7471A	Mercury (CVAA)	SW846	TAL SF

Protocol References:

SW846 = "Test Methods For Evaluating Solid Waste, Physical/Chemical Methods", Third Edition, November 1986 And Its Updates.

Laboratory References:

TAL SF = TestAmerica Pleasanton, 1220 Quarry Lane, Pleasanton, CA 94566, TEL (925)484-1819

TestAmerica

Rush TAT Confirmation (Initial/Date) _____

Sample Receipt Checklist

Client Name: Don Keen

Date/ Time Received: 11/19/12 1200

Received By: h

Matrices: Solid

Carrier: Clust

Airbill#:

Shipping container/cooler in good condition?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Not Present <input type="checkbox"/>
Chain of Custody present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>
Chain of Custody Signed when relinquished and received?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Chain of Custody agrees with sample labels?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Samples in proper container/bottle?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Sample containers intact?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Sample containers on ice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Type: <u>NA</u>
Sufficient sample volume for indicated test?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
All samples received within holding time?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Water - VOA Vials have Zero Headspace?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	No VOA vials present: <input checked="" type="checkbox"/>
Water - pH acceptable upon receipt?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not Checked: <input checked="" type="checkbox"/>
	pH Adjusted? Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Final pH: _____
Encores / MI-VOC / 5035 Vials Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Location: _____
Sample Filtration Needed?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Filtered in Field: <input type="checkbox"/>
Dry Weight Corrected Results?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Take Action: <input type="checkbox"/>
DODQSM / QAPP Project?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Type: _____

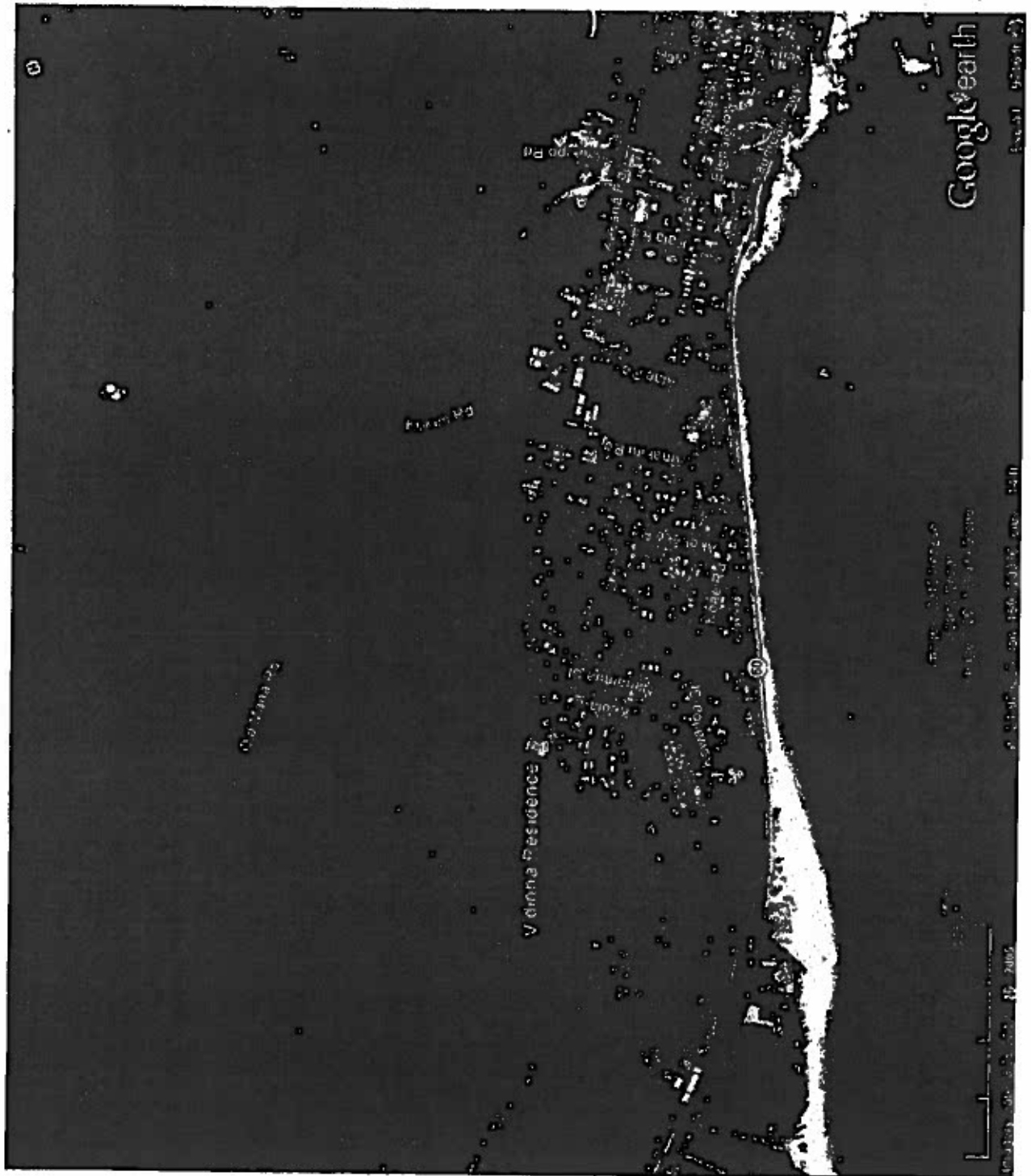
Temperature Blank Present? Yes ☐ No ☒

Sample Container Temperature: 27 °C

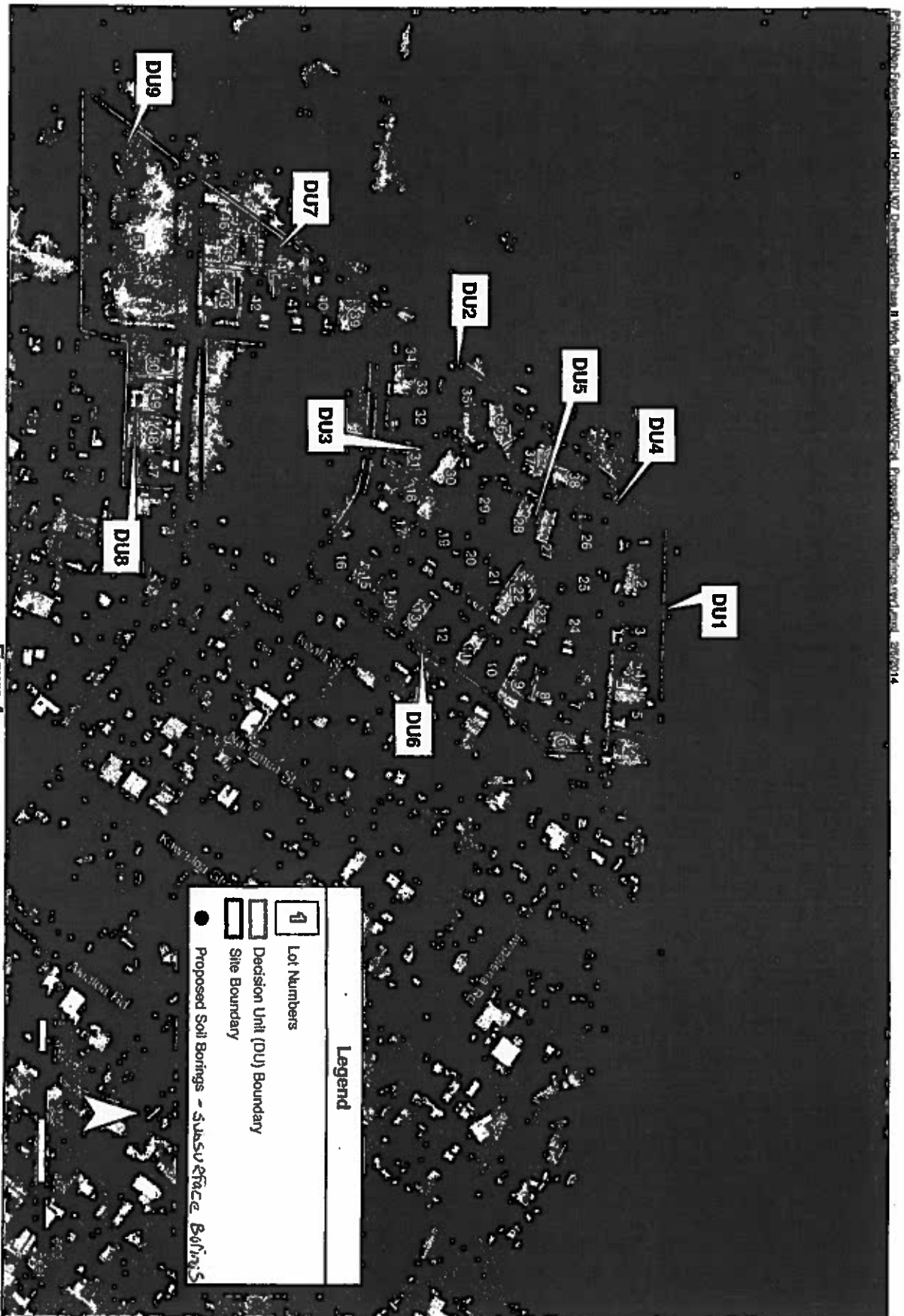
Comments/ Sampling Handling Notes:



Aerial photo of Kekaha, Kauai taken November 22, 1950



subsurface Soil Borings = • Lots 50, 39, 20, 3



DMHL Phase 2 Environmental Site Assessment, Kakaia Residential Lots, Unit 4 Subdivision
Surface and Subsurface Soil Results

Analyte	CAS Number	Units	DOH BAL (Non-DW, ≤150m)	320-7028-20 DU01-01 4/11/2014 8:45 AM	320-7028-12 DU03-01 4/8/2014 2:30 PM	320-7028-11 DU03-01 4/8/2014 12:00 PM	320-7028-19 DU06-01 4/10/2014 4:00 PM	320-7028-18 DU06-01 4/10/2014 3:50 PM	320-7028-13 DU06-01 4/9/2014 4:20 PM	320-7028-10 DU07-01 4/8/2014 11:00 AM	320-7028-8 DU06-01 4/7/2014 4:00 PM
Dioxins and Furans (EPA Method 8230A)											
OCDD	31268-87-9	pg/g	—	12000 E G B	—	4900 E G B	6000 E G B	—	—	—	—
OCDF	39001-02-0	pg/g	—	430	—	140	160	—	—	—	—
1,2,3,4,6,7,8-HpCDD	35822-46-9	pg/g	—	1400 G	—	530	630 G	—	—	—	—
1,2,3,4,6,7,8-HpCDF	67582-39-4	pg/g	—	180 B	—	61 B	89 B	—	—	—	—
1,2,3,4,7,8-HxCDF	55673-89-7	pg/g	—	14	—	4.8 J	4.8 J	—	—	—	—
1,2,3,4,7,8-HxCDD	39227-28-6	pg/g	—	14	—	6.7	7.8	—	—	—	—
1,2,3,4,7,8-HxCDF	70648-26-9	pg/g	—	7.1	—	2.6 J	3.1 J	—	—	—	—
1,2,3,6,7,8-HxCDF	57653-85-7	pg/g	—	39	—	15	19	—	—	—	—
1,2,3,6,7,8-HxCDD	57117-44-9	pg/g	—	6.5	—	2.7 J	2.6 J	—	—	—	—
1,2,3,7,8,9-HxCDF	19408-74-3	pg/g	—	30	—	14	25	—	—	—	—
1,2,3,7,8,9-HxCDD	72918-21-9	pg/g	—	< 0.77 U	—	< 0.41 U	< 0.38 U	—	—	—	—
1,2,3,7,8-PeCDF	40321-76-4	pg/g	—	5.9	—	3 J	—	—	—	—	—
1,2,3,7,8-PeCDD	57117-42-6	pg/g	—	0.87 J q	—	0.77 J q	—	—	—	—	—
2,3,4,6,7,8-HxCDF	60851-34-5	pg/g	—	5.1	—	0.45 J q	0.77 J q	—	—	—	—
2,3,4,6,7,8-HxCDD	57117-31-4	pg/g	—	1.7 J	—	2.3 J q	1.9 J	—	—	—	—
2,3,7,8-TCDF	1746-01-6	pg/g	—	2	—	0.67 J	0.67 J q	—	—	—	—
2,3,7,8-TCDD	51207-91-9	pg/g	—	0.63 J	—	0.83 J	0.83 J q	—	—	—	—
Dioxin TEQ	NA	pg/g	240	38.2	—	15.7	17.5	—	—	—	—
Metals and Mercury (EPA Method 7471A/60100)											
Mercury	7439-97-6	mg/kg	4.7	0.042	0.051	0.022 J	0.038	0.041	0.027	0.019 J	0.013 J
Arsenic	7440-38-2	mg/kg	24	14	14	12	14	15	14	12	11
Barium	7440-39-3	mg/kg	1000	20	23	22	21	24	25	13	11
Cadmium	7440-43-9	mg/kg	14	0.21 J	0.24 J	0.16 J	0.26 J	0.3 J	0.23 J	0.12 J	0.13 J
Chromium	7440-47-3	mg/kg	1100	86	63	45	51	65	50	40	35
Lead	7439-92-1	mg/kg	200	23	34	15	31	32	34	12	3.6
Selenium	7782-49-2	mg/kg	78	< 3.5 U	< 3.5 U	< 3.5 U	< 3.5 U	< 3.5 U	< 3.5 U	< 3.5 U	< 3.5 U
Silver	7440-22-4	mg/kg	78	< 0.22 U	< 0.22 U	< 0.22 U	< 0.22 U	< 0.22 U	< 0.22 U	< 0.22 U	< 0.22 U
Organochlorine Pesticides (EPA Method 8081A)											
4,4'-DDD	72-54-8	ug/kg	2000	1.8	< 0.26 U	< 0.26 U	< 0.26 U	38 E	< 0.26 U	< 0.26 U	< 0.26 U
4,4'-DDE	72-55-9	ug/kg	1400	1 J E p	1.8	0.71 J	1.7	1.6 J	0.63 J	0.23 J p	< 0.21 U
4,4'-DDT	50-29-3	ug/kg	1700	< 0.4 U	0.5 J	0.4 U	0.4 J p	0.51 J p	0.89 J	< 0.4 U	< 0.39 U
Aldrin	309-00-2	ug/kg	920	< 0.21 U	< 0.21 U	< 0.21 U	< 0.21 U	< 0.21 U	< 0.21 U	< 0.21 U	< 0.21 U
alpha-BHC	519-84-6	ug/kg	—	< 0.22 U	0.55 J	< 0.22 U	< 0.22 U	< 0.22 U	< 0.22 U	< 0.21 U	< 0.21 U
alpha-Chlordane	5103-71-9	ug/kg	—	0.28 J E p	1.7	0.35 J	2.3	0.31 J	0.61 J p	0.68 J	< 0.19 U
beta-BHC	319-85-7	ug/kg	—	< 0.23 U	1.8	< 0.33 U	< 0.32 U	< 0.33 U	< 0.33 U	< 0.33 U	< 0.32 U
delta-BHC	319-86-8	ug/kg	—	0.32 J	< 0.16 U	< 0.16 U	< 0.16 U	< 0.16 U	< 0.16 U	0.17 J	< 0.16 U
Dieldrin	60-57-1	ug/kg	1500	0.086 J p	0.1 J p	< 0.09 U	< 0.09 U	0.42 J p	0.24 J p	0.25 J p	< 0.086 U
Endosulfan I	919-88-8	ug/kg	—	< 0.052 U	< 0.052 U	< 0.052 U	< 0.052 U	0.27 J	< 0.052 U	< 0.051 U	< 0.051 U
Endosulfan II	32213-65-9	ug/kg	—	< 0.1 U	< 0.1 U	< 0.099 U	< 0.098 U	0.16 J	< 0.1 U	< 0.1 U	< 0.097 U
Endosulfan sulfate	1031-07-8	ug/kg	—	< 0.92 U *	< 0.92 U *	< 0.991 U *	< 0.99 U *	0.29 J *	0.75 J p *	0.13 J p *	0.17 J p *
Endosulfan (Total)	115-29-7	ug/kg	18	< 0.92 U *	< 0.92 U *	< 0.999 U *	< 0.998 U *	0.72 J *	0.75 J p *	0.13 J p *	0.17 J p *
Endrin	72-20-8	ug/kg	3700	< 0.11 U	< 0.11 U	< 0.11 U	< 0.11 U	0.84 J	< 0.11 U	< 0.11 U	< 0.11 U
Endrin aldehyde	7421-89-4	ug/kg	—	< 0.11 U	0.81 J	0.27 J p	< 0.11 U	1 J	0.35 J p	< 0.11 U	0.21 J p
Endrin ketone	54894-70-3	ug/kg	—	< 0.34 U	< 0.34 U	< 0.34 U	< 0.33 U	< 0.34 U	1.4 J	< 0.34 U	< 0.33 U
gamma-BHC (lindane)	58-89-9	ug/kg	37	< 0.17 U	< 0.17 U	< 0.17 U	< 0.17 U	< 0.17 U	< 0.17 U	< 0.17 U	< 0.17 U
gamma-Chlordane	5102-74-2	ug/kg	—	0.29 J p	1.7	0.072 J p	0.91 J	0.34 J	0.68 J	0.98 J	0.11 J
Heptachlor	78-44-8	ug/kg	110	< 0.19 U	< 0.19 U	< 0.19 U	< 0.19 U	< 0.19 U	< 0.19 U	< 0.19 U	< 0.18 U
Heptachlor epoxide	1024-87-3	ug/kg	53	< 0.12 U	< 0.12 U	0.24 J	0.27 J	< 0.12 U	< 0.12 U	< 0.12 U	< 0.12 U
Methoxychlor	72-43-8	ug/kg	18000	< 1.3 U	< 1.3 U	< 1.3 U	< 1.3 U	< 1.3 U	< 1.3 U	< 1.3 U	< 1.3 U
Toxaphene	8001-35-2	ug/kg	440	< 20 U	< 20 U	< 20 U	< 20 U	< 20 U	< 20 U	< 20 U	< 19 U
Polychlorinated Biphenyls (EPA Method 8082)											
PCB-1016	12674-11-2	ug/kg	—	< 3.4 U *	< 3.4 U *	< 3.4 U *	< 3.3 U *	< 3.4 U *	< 3.4 U *	< 3.4 U *	< 3.3 U *
PCB-1221	13104-28-2	ug/kg	—	< 5.2 U	< 5.2 U	< 5.2 U	< 5.1 U	< 5.2 U	< 5.2 U	< 5.2 U	< 5.1 U
PCB-1222	13141-16-5	ug/kg	—	< 6.4 U	< 6.4 U	< 6.4 U	< 6.3 U	< 6.4 U	< 6.4 U	< 6.4 U	< 6.3 U
PCB-1242	53469-21-9	ug/kg	—	< 7.4 U	< 7.4 U	< 7.4 U	< 7.3 U	< 7.4 U	< 7.4 U	< 7.4 U	< 7.2 U
PCB-1248	12672-29-6	ug/kg	—	< 5.7 U	< 5.7 U	< 5.7 U	< 5.6 U	< 5.7 U	< 5.7 U	< 5.7 U	< 5.5 U
PCB-1254	11097-69-1	ug/kg	—	< 2.7 U	< 2.7 U	< 2.7 U	< 2.7 U	< 2.7 U	< 2.7 U	< 2.7 U	< 2.6 U
PCB-1260	11096-82-5	ug/kg	—	< 2.9 U	< 2.9 U	< 2.9 U	< 2.9 U	< 2.9 U	< 2.9 U	< 2.9 U	< 2.8 U
PCB (Total)	1318-36-3	ug/kg	1100	< 7.4 U *	< 7.4 U *	< 7.4 U *	< 7.4 U *	< 7.4 U *	< 7.4 U *	< 7.4 U *	< 7.2 U *
Total Petroleum Hydrocarbons (EPA Method 8015B)											
DRO (C10-C24)	N/A	mg/kg	500	53	—	—	—	—	—	—	—
ARO (C24-C26)	N/A	mg/kg	500	56	—	—	—	—	—	—	—
Polycyclic Aromatic Hydrocarbons (EPA Method 8270C-SIM)											
Acenaphthene	83-32-9	ug/kg	120000	< 0.46 U	0.67 J	< 0.47 U	< 0.47 U	< 0.47 U	< 0.47 U	< 0.47 U	0.56 J
Acenaphthylene	208-86-8	ug/kg	11000	0.88 J	1.3 J	0.69 J	1.6 J	0.45 J	0.66 J	0.78 J	0.81 J
Anthracene	120-12-7	ug/kg	4300	1.6 J	5	1.3 J	1.9 J	0.78 J	0.64 J	1.5 J	1.3 J
Benzo[a]anthracene	36-55-3	ug/kg	1500	6.2	14	5.4	14	4.8 J	2.6 J	4.1 J	6.7
Benzo[b]pyrene	50-32-8	ug/kg	150	8.3	15	6.1	21	5.6	3.1 J	5.2 J	5.4
Benzo[k]fluoranthene	205-99-2	ug/kg	1500	23	24	12	28	10	6.1	15	29
Benzo[g,h,i]perylene	191-24-2	ug/kg	27000	12	6.6	5.2	18	3.9 J	3.1 J	4 J	32
Benzo[e]fluoranthene	207-06-9	ug/kg	15000	8.6	18	7.7	18	6.7	4.2 J	8.5	19
Chrysene	218-01-9	ug/kg	10000	21	29	13	21	11	6.1	19	21
Dibenz[a,h]anthracene	59-70-3	ug/kg	150	5.4	2.6 J	1.2 J	4.5 J	< 1.2 U	< 1.2 U	< 1.2 U	2.7 J
Fluoranthene	206-44-0	ug/kg	87000	29	46	21	20	13	8.7	22	26
Fluorene	86-73-7	ug/kg	100000	< 0.48 U	0.95 J	0.68 J	< 0.49 U	< 0.49 U	< 0.49 U	< 0.49 U	0.98 J
Indeno[1,2,3-cd]pyrene	183-39-5	ug/kg	1500	6.6	6.9	5.4	20	3.9 J	3 J	4.4 J	12
Naphthalene	91-20-3	ug/kg	4300	1.7 J	0.92 J	0.7 J	0.61 J	0.8 J	0.66 J	0.5 J	2.2 J
Phenanthrene	85-01-8	ug/kg	89000	19	19	8.4	12	4.7 J	3.9 J	5.2	14
Pyrene	129-00-0	ug/kg	44000	24	41	18	20	12	8	18	19

Surface Soil

Subsurface Soil

DOH BAL

not analyzed

LCS/LCSD exceeded criteria; result is estimate

analyte was found in sample and method blank

result exceeded calibration range; will be reanalyzed

reporting limit raised because of matrix interference

estimated result

ND non-detect

p RPD >40% between the primary and confirmatory columns

q result is the estimated maximum potential concentration

U non-detect

EXHIBIT C

DHML Phase 2 Environmental Site Assessment, Kekaha Residential Lots, Unit 4 Subdivision
Surface and Subsurface Soil Results

Analyte	CAS Number	Units	DOH EAL (Non-DW, ≤150m)	320-7028-6 DU09-01 4/7/2014 1:30 PM	320-7028-7 DU09-01 4/7/2014 1:30 PM	320-7028-8 DU09-01 4/7/2014 1:30 PM	320-7028-14 S802-01 4/8/2014 12:00 PM	320-7028-15 S803-01 4/8/2014 8:45 AM	320-7028-16 S804-01 4/8/2014 10:45 AM	320-7028-17 S804-02 4/8/2014 11:00 AM
Dioxins and Furans (EPA Method 8290A)										
OCDD	3288-87-9	pg/g	—	660 B	730 B	710 B	6100 E G B	6900 E G B	26000 G B	98000 E G B
OCDF	39002-02-0	pg/g	—	25	24	25	350	440	850	1300
1,2,3,4,6,7,8-HpCDD	35832-46-6	pg/g	—	75	78	78	640 G	820 G	3100	7100
1,2,3,4,6,7,8-HpCDF	47562-39-4	pg/g	—	10 B	11 B	11 B	140 B	170 B	340 B	410 G B
1,2,3,4,7,8-HxCDF	55679-89-7	pg/g	—	0.9 J	0.81 J	0.76 J	9.3	11	25 G	39 G
1,2,3,4,7,8-HxCDD	39227-28-6	pg/g	—	1.1 J	1 J	0.9 J	4.5 J	7.2 q	32	60
1,2,3,4,7,8-HxCDF	70648-26-0	pg/g	—	0.63 J	0.49 J	0.45 J	5.8	5.8	18	19
1,2,3,6,7,8-HxCDF	57653-85-7	pg/g	—	2.4 J	2.5 J	2.6 J	20	28	90	120
1,2,3,6,7,8-HxCDD	57127-44-9	pg/g	—	0.43 J	0.4 J	0.41 J	3.6 J	4.4 J	12	15
1,2,3,7,8,9-HxCDF	19408-74-3	pg/g	—	2.3 J	2.3 J q	2.7 J	13	21	74	110
1,2,3,7,8,9-HxCDD	72918-21-9	pg/g	—	<0.1 U	<0.07 U	<0.14 U	<1.3 U	<0.79 U	<1.7 U	<1.6 U
1,2,3,7,8-PeCDF	40921-78-4	pg/g	—	0.54 J	0.47 J	0.51 J	2.3 J	4.2 J	13	18
1,2,3,7,8-PeCDD	57127-41-6	pg/g	—	0.29 J	0.17 J q	<0.09 U	0.84 J q	3.2 J	5.3	6.3
2,3,4,6,7,8-HxCDF	60851-94-6	pg/g	—	0.55 J	0.32 J	0.29 J q	2.6 J	3.6 J	9.7	12
2,3,4,7,8-PeCDF	57127-31-4	pg/g	—	<0.17 U	<0.11 U	0.15 J q	0.91 J	1.2 J	5.5	7.2
2,3,7,8-TCDF	1746-01-6	pg/g	—	<0.094 U	0.16 J q	0.18 J q	6.5	3.7	4.6	4.9
2,3,7,8-TCDD	51207-31-9	pg/g	—	0.48 J	0.21 J q	0.34 J	0.49 J	0.88 J	6	7.8
Dioxin TEQ	NA	pg/g	240	2.4	2.46	2.67	23.9	27.6	86.1	166
Metals and Mercury (EPA Method 7471A/6010B)										
Mercury	7439-97-6	mg/kg	4.7	0.011 J	0.02 J	0.0072 J	0.0032	0.071	0.17	0.19
Arsenic	7440-38-2	mg/kg	24	12	13	12	14	15	15	25
Barium	7440-39-3	mg/kg	1000	9.7	9.3	11	31	39	80	93
Cadmium	7440-43-9	mg/kg	14	0.09 J	0.092 J	0.11 J	0.099 J	0.13 J	1	1.3
Chromium	7440-47-3	mg/kg	1100	31	31	30	180	160	110	100
Lead	7439-92-1	mg/kg	200	5.1	3	3.4	100	12	100	120
Selenium	7782-49-2	mg/kg	78	<3.4 U	<3.5 U	<3.4 U	<3.5 U	<3.5 U	<3.5 U	<3.5 U
Silver	7440-22-4	mg/kg	78	<0.22 U	<0.22 U	<0.22 U	<0.22 U	<0.22 U	<0.22 U	<0.22 U
Organochlorine Pesticides (EPA Method 8081A)										
4,4'-DDD	71-54-8	ug/kg	2000	<0.26 U	<0.26 U	<0.26 U	<0.26 U	<0.26 U	1.1 J	2.1
4,4'-DDE	72-55-9	ug/kg	1400	<0.22 U	<0.22 U	<0.22 U	4.8	1.2 J	14	19
4,4'-DDT	50-29-3	ug/kg	1700	<0.4 U	<0.4 U	<0.4 U	0.45 J p	0.4 U	2.5 p	1.4 J p
Aldrin	309-00-2	ug/kg	920	<0.21 U	<0.21 U	<0.21 U	<0.21 U	<0.21 U	<0.21 U	<0.21 U
alpha-BHC	319-84-6	ug/kg	—	<0.22 U	<0.22 U	<0.22 U	<0.22 U	<0.22 U	<0.22 U	<0.22 U
alpha-Chlordane	5103-71-9	ug/kg	—	<0.2 U	<0.2 U	<0.2 U	0.59 J	<0.2 U	0.58 J	0.75 J
beta-BHC	319-85-7	ug/kg	—	<0.23 U	<0.23 U	<0.23 U	<0.23 U	<0.23 U	0.93 J p	0.76 J
delta-BHC	319-86-8	ug/kg	—	<0.18 U	<0.18 U	<0.18 U	<0.18 U	0.24 J	0.77 J	0.75 J
Dieldrin	60-57-1	ug/kg	1500	<0.091 U	<0.092 U	<0.091 U	0.35 J p	<0.091 U	<0.091 U	0.25 J
Endosulfan I	959-88-8	ug/kg	—	<0.052 U	<0.052 U	<0.052 U	<0.052 U	0.078 J	<0.052 U	0.071 J
Endosulfan II	33223-65-9	ug/kg	—	<0.099 U	<0.1 U	<0.1 U	0.33 J	<0.1 U	<0.1 U	0.12 J
Endosulfan sulfate	1013-07-8	ug/kg	—	<0.092 U *	<0.093 U *	<0.092 U *	0.83 J *	<0.092 U *	1.8 *	0.22 J p *
Endosulfan (Total)	115-29-7	ug/kg	38	<0.099 U *	<0.1 U *	<0.1 U *	1.16 J *	0.678 J	1.8 *	0.413 J p *
Erdrin	72-30-8	ug/kg	3700	<0.11 U	<0.11 U	<0.11 U	<0.11 U	<0.11 U	<0.11 U	<0.11 U
Erdrin aldehyde	7421-93-4	ug/kg	—	<0.11 U	0.18 J p	0.37 J p	0.63 J p	0.54 J p	0.38 J p	0.71 J p
Erdrin ketone	52484-70-5	ug/kg	—	<0.34 U	<0.34 U	<0.34 U	<0.34 U	<0.34 U	<0.34 U	<0.34 U
gamma-BHC (Lindane)	54-89-9	ug/kg	27	<0.17 U	<0.17 U	<0.17 U	<0.17 U	<0.17 U	<0.17 U	<0.17 U
gamma-Chlordane	5103-74-2	ug/kg	—	<0.053 U	<0.053 U	<0.053 U	0.076 J p	<0.053 U	0.39 J p	0.57 J p
Heptachlor	76-44-8	ug/kg	110	<0.18 U	<0.19 U	<0.19 U	<0.19 U	<0.19 U	<0.19 U	<0.19 U
Heptachlor epoxide	1024-57-3	ug/kg	59	<0.12 U	<0.12 U	<0.12 U	<0.12 U	<0.12 U	<0.12 U	<0.12 U
Methoxychlor	71-43-5	ug/kg	16000	<1.3 U	<1.3 U	<1.3 U	<1.3 U	<1.3 U	<1.3 U	<1.3 U
Toxaphene	8001-35-2	ug/kg	440	<20 U	<20 U	<20 U	<20 U	<20 U	<20 U	<20 U
Polychlorinated Biphenyls (EPA Method 8082)										
PCB-1016	12674-11-2	ug/kg	—	<3.4 U *	<3.4 U *	<3.4 U *	<3.4 U *	<3.4 U *	<3.4 U *	<3.4 U *
PCB-1221	11104-28-7	ug/kg	—	<5.2 U	<5.2 U	<5.2 U	<5.2 U	<5.2 U	<5.2 U	<5.2 U
PCB-1232	11141-36-6	ug/kg	—	<6.4 U	<6.5 U	<6.4 U	<6.4 U	<6.4 U	<6.4 U	<6.4 U
PCB-1342	53469-21-9	ug/kg	—	<7.4 U	<7.5 U	<7.4 U	<7.4 U	<7.4 U	<7.4 U	<7.4 U
PCB-1348	12672-29-6	ug/kg	—	<5.7 U	<5.7 U	<5.7 U	<5.7 U	<5.7 U	<5.7 U	<5.7 U
PCB-1354	11097-69-1	ug/kg	—	<2.7 U	<2.7 U	<2.7 U	<2.7 U	<2.7 U	<2.7 U	<2.7 U
PCB-1260	11096-82-5	ug/kg	—	<2.9 U	<2.9 U	<2.9 U	<2.9 U	<2.9 U	9 J	7.9 J
PCB (Total)	1326-26-3	ug/kg	1100	<7.4 U *	<7.5 U *	<7.4 U *	<7.4 U *	<7.4 U *	9 J	7.9 J
Total Petroleum Hydrocarbons (EPA Method 8015B)										
DRO (C10-C24)	NA	mg/kg	500	—	—	—	610	3.9	8.5	6.5
ROH (C24-C28)	NA	mg/kg	500	—	—	—	79	26	54	58
Polycyclic Aromatic Hydrocarbons (EPA Method 8270C-SIM)										
Acenaphthene	83-32-8	ug/kg	120000	<0.45 U	<0.46 U	<0.44 U	<0.47 U	<0.47 U	<0.47 U	0.69 J
Acenaphthylene	208-96-8	ug/kg	13000	<0.31 U	0.83 J	<0.31 U	<0.33 U	<0.33 U	1.4 J	1.5 J
Anthracene	120-12-7	ug/kg	4900	<0.38 U	1.7 J	0.4 J	1.1	0.46 J	1.6 J	2.1 J
Benzo[a]anthracene	54-55-3	ug/kg	1500	0.79 J	2.9 J	0.69 J	1.4 J	2.3 J	9.7	11
Benzo[a]pyrene	50-32-8	ug/kg	150	0.93 J	2.6 J	0.69 J	1.5 J	2.4 J	12	14
Benzo[b]fluoranthene	205-99-2	ug/kg	1500	2.9 J	4.1 J	3.8 J	9.3 J	4.7 J	17	19
Benzo[k]fluoranthene	191-34-2	ug/kg	27000	1.5 J	2 J	1.1 J	9.3 J	2.3 J	9.7	10
Benzo[e]fluoranthene	207-06-9	ug/kg	15000	1.6 J	3.9 J	1.4 J	2 J	2.8 J	11	15
Chrysene	218-01-9	ug/kg	10000	9.9 J	7.2 J	5.3 J	3.5 J	4.9 J	16	18
Dibenz[a,h]anthracene	53-70-3	ug/kg	250	<1.1 U	<1.2 U	<1.1 U	<1.2 U	<1.2 U	2.1 J	2.1 J
Fluoranthene	206-44-0	ug/kg	87000	6.1	16	9.1	5.3	5.5	16	21
Fluorene	86-73-7	ug/kg	100000	<0.47 U	0.5 J	<0.46 U	0.79 J	<0.49 U	0.63 J	0.88 J
Indeno[1,2,3-cd]pyrene	193-39-5	ug/kg	1500	1.1 J	2 J	0.98 J	1.6 J	2.2 J	9.5	11
Naphthalene	91-20-3	ug/kg	4500	0.33 J	0.38 J	0.38 J	<3.1 U	1.5 J	2.2 J	3 J
Phenanthrene	85-01-8	ug/kg	69000	2.1 J	9.8	4.2 J	11	3.3 J	8.2	11
Pyrene	129-00-0	ug/kg	44000	4.9 J	15	6.3	11	5.9	18	23

Surface Soil

Subsurface Soil

DOH EAL

- not analyzed
- LC/MSD exceeded criteria; result is estimate
- analyte was found in sample and method blank
- result exceeded calibration range; will be reanalyzed
- reporting limit raised because of matrix interference
- estimated result
- ND non-detect
- RPD >40% between the primary and confirmatory columns
- result is the estimated maximum potential concentration
- non-detect

DHHL Phase 2 Environmental Site Assessment, Kekaha Residential Lots, Unit 4 Subdivision
Groundwater Results

Analyte	CAS Number	Units	DOH EAL (Non-DW, <150m)	320-7028-1 MW04-01 4/9/2014 12:30 PM	320-7028-2 MW04-02 4/9/2014 1:20 PM	320-7028-3 MW01-01 4/8/2014 4:00 PM	320-7028-4 MW02-01 4/10/2014 12:00 PM	320-7028-5 MW03-01 4/9/2014 4:30 PM
Dioxins and Furans (EPA Method 8250A)								
OCDD	3248-87-9	pg/L	—	18 J B	22 J B	8.2 J B q	24 J B q	1.3 J B q
OCDF	39001-02-0	pg/L	—	8.6 J B q	30 J B	16 J B	2.7 J B	0.7 J B
1,2,3,4,6,7,8-HpCDD	35822-46-9	pg/L	—	<0.39 U	4.9 J B	2.5 J B	5.5 J B	<0.23 U
1,2,3,4,6,7,8-HpCDF	67562-39-4	pg/L	—	14 J B	29 J B	23 J B	2.1 J B q	0.91 J B q
1,2,3,4,7,8-HxCDD	55673-89-7	pg/L	—	<0.39 U	3.4 J	1.9 J q	<0.46 U	<0.21 U
1,2,3,4,7,8-HxCDF	39227-28-6	pg/L	—	2 J B q	1.9 J B	0.68 J B q	<0.26 U	<0.21 U
1,2,3,6,7,8-HxCDD	70648-26-9	pg/L	—	7 J B	12 J B	9.1 J B	<0.33 U	<0.19 U
1,2,3,6,7,8-HxCDF	57653-85-7	pg/L	—	1.6 J B q	1.5 J q B	1 J B	<0.2 U	<0.16 U
1,2,3,7,8,9-HxCDD	57117-44-9	pg/L	—	2.2 J B	3.7 J q B	3.5 J B	<0.26 U	<0.15 U
1,2,3,7,8,9-HxCDF	19408-74-3	pg/L	—	1.5 J B q	1.7 J q B	0.91 J B	<0.19 U	<0.15 U
1,2,3,7,8-PeCDD	72918-21-9	pg/L	—	1.5 J B	2.5 J B	<0.44 U	<0.32 U	<0.19 U
1,2,3,7,8-PeCDF	40321-76-4	pg/L	—	1.2 J	<0.38 U	<0.23 U	<0.32 U	<0.28 U
2,3,4,6,7,8-HxCDF	57117-41-6	pg/L	—	1.1 J B q	1.7 J q B	1.7 J B	<0.22 U	<0.19 U
2,3,4,7,8-PeCDF	60851-34-5	pg/L	—	1 J B	1.8 J q B	1.3 J B	<0.3 U	<0.17 U
2,3,7,8-TCDD	57117-31-4	pg/L	—	1.6 J B	2.3 J B	1.6 J B	<0.23 U	<0.28 U
2,3,7,8-TCDF	1746-01-6	pg/L	—	<0.28 U	<0.28 U	<0.33 U	<0.3 U	<0.2 U
Dioxin TEQ	51207-31-9	pg/L	—	1 J B	1.5 J q B	1.5 J B	<0.71 U	<0.14 U
Mercury	NA	pg/L	5	3.64	3.79	2.61	0.08	0.01
Metals and Mercury (EPA Method 7470A/60108)								
Mercury	7439-97-6	mg/L	0.000025	<0.0001 U	<0.0001 U	<0.0001 U	<0.0001 U	<0.0001 U
Arsenic	7440-38-2	mg/L	0.036	<0.012 U	<0.012 U	<0.012 U	<0.012 U	<0.012 U
Barium	7440-39-3	mg/L	0.2	0.0093	0.0096	<0.0025 U	0.0056	0.0058
Cadmium	7440-43-9	mg/L	0.001	<0.0005 U	<0.0005 U	<0.0005 U	<0.0005 U	<0.0005 U
Chromium	7440-47-3	mg/L	0.074	<0.0012 U	<0.0012 U	0.0029 J	<0.0012 U	0.0032 J
Lead	7439-92-1	mg/L	0.0056	<0.0025 U	<0.0025 U	0.0029 J	0.0042 J	<0.0025 U
Selenium	7782-49-2	mg/L	0.003	<0.013 U	<0.013 U	<0.013 U	<0.013 U	<0.013 U
Silver	7440-22-4	mg/L	0.001	<0.00084 U	0.00089 J B	<0.00084 U	<0.00084 U	<0.00084 U
Organochlorine Pesticides (EPA Method 8081A)								
4,4'-DDD	72-54-8	ug/L	0.001	<0.012 U	<0.012 U	<0.012 U	<0.012 U	<0.012 U
4,4'-DDE	72-55-9	ug/L	0.001	<0.012 U	<0.012 U	<0.012 U	<0.012 U	<0.012 U
4,4'-DDT	50-29-3	ug/L	0.001	<0.012 U	<0.012 U	<0.012 U	<0.012 U	<0.012 U
Aldrin	309-00-2	ug/L	0.13	<0.0059 U	<0.0059 U	<0.0058 U	<0.0059 U	<0.0059 U
alpha-BHC	519-84-6	ug/L	—	<0.0069 U	<0.0068 U	<0.0067 U	<0.0069 U	<0.0069 U
beta-BHC	519-85-7	ug/L	—	<0.0069 U	<0.0068 U	<0.0067 U	<0.0069 U	<0.0069 U
gamma-BHC (Undane)	58-89-9	ug/L	0.08	<0.0059 U	<0.0059 U	<0.0058 U	<0.0059 U	<0.0059 U
delta-BHC	519-86-8	ug/L	—	<0.011 U	<0.011 U	<0.011 U	<0.011 U	<0.011 U
alpha-Chlordane	5103-71-9	ug/L	—	<0.0059 U	<0.0059 U	<0.0058 U	<0.0059 U	<0.0059 U
gamma-Chlordane	5103-74-2	ug/L	—	<0.012 U	<0.012 U	<0.012 U	<0.012 U	<0.012 U
Dieldrin	60-57-1	ug/L	0.0019	<0.012 U	<0.012 U	<0.012 U	<0.012 U	<0.012 U
Endosulfan I	959-98-8	ug/L	—	<0.0059 U	<0.0059 U	<0.0058 U	<0.0059 U	<0.0059 U
Endosulfan II	93213-65-9	ug/L	—	<0.012 U	<0.012 U	<0.012 U	<0.012 U	<0.012 U
Endosulfan sulfate	1031-07-8	ug/L	—	<0.012 U	<0.012 U	<0.012 U	<0.012 U	<0.012 U
Endosulfan (Total)	115-29-7	ug/L	0.0087	<0.012 U	<0.012 U	<0.012 U	<0.012 U	<0.012 U
Endrin	72-20-8	ug/L	0.0023	<0.012 U	<0.012 U	<0.012 U	<0.012 U	<0.012 U
Endrin aldehyde	7421-93-4	ug/L	—	<0.025 U	<0.024 U	<0.024 U	<0.025 U	<0.025 U
Endrin ketone	53494-70-5	ug/L	—	<0.02 U	<0.02 U	<0.019 U	<0.02 U	<0.02 U
Heptachlor	76-44-8	ug/L	0.0036	<0.0069 U	<0.0068 U	<0.0067 U	<0.0069 U	<0.0069 U
Heptachlor epoxide	1024-57-3	ug/L	0.0036	<0.0059 U	<0.0059 U	<0.0058 U	<0.0059 U	<0.0059 U
Methoxychlor	72-43-5	ug/L	0.03	<0.041 U	<0.041 U	<0.04 U	<0.041 U	<0.041 U
Toxaphene	8001-35-2	ug/L	0.0002	<0.5 U	<0.5 U	<0.49 U	<0.5 U	<0.51 U
Polychlorinated Biphenyls (EPA Method 8082)								
PCB-1016	12674-11-2	ug/L	—	<0.089 U	<0.088 U	<0.086 U	<0.088 U	<0.089 U
PCB-1221	11304-28-2	ug/L	—	<0.11 U	<0.11 U	<0.11 U	<0.11 U	<0.11 U
PCB-1232	11341-16-5	ug/L	—	<0.17 U	<0.17 U	<0.16 U	<0.17 U	<0.17 U
PCB-1242	53469-21-9	ug/L	—	<0.12 U	<0.12 U	<0.12 U	<0.12 U	<0.12 U
PCB-1248	12672-29-6	ug/L	—	<0.059 U	<0.059 U	<0.058 U	<0.059 U	<0.059 U
PCB-1254	11097-69-1	ug/L	—	<0.049 U	<0.049 U	<0.048 U	<0.049 U	<0.049 U
PCB-1260	11096-82-5	ug/L	—	<0.049 U	<0.049 U	<0.048 U	<0.049 U	<0.049 U
PCB (Total)	1336-36-3	ug/L	0.014	<0.17 U	<0.17 U	<0.16 U	<0.17 U	<0.17 U
Total Petroleum Hydrocarbons (EPA Method 8015B)								
DRO (C10-C24)	N/A	ug/L	640	21 J	18 J	41 J	34 J	24 J
RROs (C24-C36)	N/A	ug/L	640	<83 U	<80 U	<80 U	<81 U	<80 U
Polycyclic Aromatic Hydrocarbons (EPA Method 8270C-SIM)								
Acenaphthene	83-32-9	ug/L	23	<0.0031 U	<0.0031 U	0.011 J	0.01 J	0.0042 J
Acenaphthylene	208-96-8	ug/L	30	<0.009 U	<0.009 U	<0.0029 U	<0.009 U	<0.009 U
Anthracene	120-12-7	ug/L	0.73	<0.0044 U	<0.0044 U	<0.0042 U	<0.0044 U	<0.0043 U
Benzo[a]anthracene	56-55-3	ug/L	0.027	<0.0045 U	<0.0045 U	<0.0044 U	<0.0045 U	<0.0044 U
Benzo[a]pyrene	50-32-8	ug/L	0.014	<0.0043 U	<0.0043 U	<0.0042 U	<0.0043 U	<0.0043 U
Benzo[b]fluoranthene	205-99-2	ug/L	0.75	<0.012 U	<0.012 U	<0.012 U	<0.012 U	<0.012 U
Benzo[k]fluoranthene	191-24-2	ug/L	0.1	<0.0054 U	<0.0054 U	<0.0052 U	<0.0054 U	<0.0053 U
Chrysene	218-01-9	ug/L	0.35	<0.0077 U	<0.0076 U	<0.0074 U	<0.0077 U	<0.0075 U
Dibenz[a,h]anthracene	53-70-3	ug/L	0.52	<0.014 U	<0.014 U	<0.014 U	<0.014 U	<0.014 U
Fluoranthene	206-44-0	ug/L	8	<0.0043 U	<0.0042 U	<0.0041 U	0.0087 J	0.0044 J
Fluorene	86-73-7	ug/L	3.9	<0.004 U	<0.004 U	<0.0038 U	<0.004 U	<0.0039 U
Indeno[1,2,3-cd]pyrene	193-39-5	ug/L	0.095	<0.014 U	<0.014 U	<0.013 U	<0.014 U	<0.014 U
Naphthalene	91-20-3	ug/L	24	0.0075 J	0.0046 J	0.0056 J	0.013 J	0.0051 J
Phenanthrene	85-01-8	ug/L	4.6	<0.0062 U	<0.0062 U	<0.006 J	0.0077 J	<0.0061 U
Pyrene	129-00-0	ug/L	2	<0.0042 U	<0.0041 U	0.0047 J	0.011 J	0.0045 J

Italic text indicates non-detect result is greater than the DOH EAL

< less than the method detection limit

B analyte was found in sample and method blank

E result exceeded calibration range; will be reanalyzed

G reporting limit raised because of matrix interference

J estimated result

q result is the estimated maximum potential concentration

U non-detect

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
OCTOBER 19 & 20, 2015
LIHUE, KAUA'I

AGENDA SECTION F

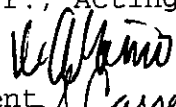
LAND MANAGEMENT DIVISION

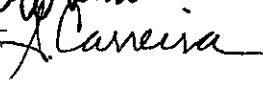
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19 - 20, 2015

To: Chairman and Members, Hawaiian Homes Commission

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

From: Shelly Carreira, Land Agent
Land Management Division 

Subject: Approval to Issue Master Benefit License to Maui Electric Company, Limited for Homestead Developments, County of Maui (Various TMKS)

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve the following:

1. The issuance of a Master Benefit License to Maui Electric Company, Limited, for the right and privilege to build, construct, reconstruct, rebuild, repair, maintain, operate or remove poles, anchors, guy wires, pull boxes, handholes, transformer vaults, switchgears, and overhead and/or underground lines, appliances and/or equipment over, across, under and through portions of Hawaiian home lands parcels under homestead development in the County of Maui for the sole purpose of providing electric service to the homestead parcels; and
2. Authorize to the Chairman to approve addendums to the Master License to add additional homestead subdivisions and lots.

DISCUSSION

The Department of Hawaiian Home Lands (DHHL) staff and Maui Electric Company, Limited (MECO) staff, along with our deputy attorney general and MECO attorney, have been working on drafting a Master Benefit License with MECO in order to streamline the license process for the electric companies that service our homestead lessees. This Master Benefit License will grant MECO the right to enter Hawaiian home lands in order to facilitate the distribution of electrical service for the homestead lessees and subdivisions. A copy of the Master Benefit License is attached as Exhibit "A".

Addendums to this Master Benefit License will be drafted to include existing homestead developments that do not have an executed

agreement with HECO to document the electrical easements necessary to energize the project. All future new requests for power will also be addressed by this License by way of Addendums along with the appropriate engineering drawings, survey maps, file plans, etc. as they pertain to each specific site. This process is for benefit licenses only.

At the May 18, 2015 regular Hawaiian Homes Commission (HHC) meeting, the HCC granted its approval to issuance of a Master Benefit License to Hawaiian Electric Company, Inc. (HECO) for homestead development on the island of Oahu. The HHC approved HECO Master Benefit License is currently in process and subject to further review and approval to form by our attorney general. Therefore, the attached Exhibit "B" is identified as a "DRAFT" document. The MECO Master Benefit License remains consistent with language used in the HECO Master Benefit License and includes the enclosure of utility site provision that was addressed by community at the HHC meeting of January 20-21, 2015.

Previously, all requests for benefit licenses for electrical easements were addressed through multiple, separate licenses for each specific project. This Master Benefit License would keep all electrical easements in one single document and would help speed up the current process DHHL and MECO have to go through to provide power to our beneficiaries.

The DHHL is currently operating under a May 31, 1985 approval granted by the Hawaiian Homes Commission, in which the Chairman was granted authority to issue benefit licenses, in accordance with department Administrative Rules, for easements over, under and across Hawaiian home lands for utilities and improvements servicing Hawaiian home lands (See Exhibit "C"). Because DHHL has historically granted separate, individual licenses, staff is requesting additional approval for this Master License out of an abundance of caution.

RECOMMENDATION

Land Management Division requests approval of the motion as stated.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

MASTER BENEFIT LICENSE NO. ____
(Utility Company)

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

WITNESSETH THAT:

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

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

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

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

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

AND the LICENSEE hereby covenants and agrees with LICENSOR that:

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

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

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

any action or proceeding brought thereon. This obligation shall survive the termination of this LICENSE.

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

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

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

7. ASSIGNMENT. This LICENSE or any rights granted herein shall not be sold, assigned, conveyed, leased, mortgaged or otherwise transferred or disposed of, directly or by operation of

law, except with the prior written consent of the LICENSOR, which consent will not be unreasonably withheld.

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

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

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

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

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

11. BREACH. If LICENSEE shall fail to observe or perform any of the covenants, terms and conditions herein contained, and on its part to be observed and performed, LICENSOR shall deliver

written notice of the breach or default by service as provided by Section 634-35, or 634-36, Hawaii Revised Statutes, or by registered mail or certified mail to LICENSEE at its last known address, making demand upon LICENSEE to cure or remedy the breach or default within sixty (60) days from the date of receipt of notice. Upon failure of LICENSEE to cure or remedy the breach or default within the time period provided herein or within such additional period as LICENSOR may allow for good cause, LICENSOR may terminate this License without prejudice to any other remedy or right of action.

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

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

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

14. SEVERABILITY. Whenever possible, each provision of this LICENSE shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this LICENSE should be prohibited, or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition

or invalidity without invalidating the remaining provisions of this LICENSE.

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

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

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

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

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

Approved by the Hawaiian
Homes Commission on

State of Hawaii
DEPARTMENT OF HAWAIIAN HOME LANDS

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

LICENSOR

MAUI ELECTRIC COMPANY, LIMITED
A Hawaii corporation

By _____
Name _____
Its _____

LICENSEE

Approved as to Form:

Deputy Attorney General
State of Hawaii

MECO APPROVED

Land & Rights of Way

By _____

STATE OF HAWAII

)

) SS.

CITY & COUNTY OF HONOLULU

)

On this _____ day of _____, 2015, before me appeared JOBIE M. K. MASAGATANI, to me personally known, who, being by me duly sworn, did say that she is Chairman of the Hawaiian Homes Commission and acknowledged to me that she executed the same freely and voluntarily for the use and purposes therein set forth.

Notary Public, State of Hawaii

Printed Name: _____

My commission expires: _____

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:

Doc. Date: _____ or ☐ Undated at time of notarization.

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

Signature of Notary

Date of Notarization and
Certification Statement

Printed Name of Notary

STATE OF HAWAII

)

) SS.

County of Maui

)

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

Notary Public, State of Hawaii

Printed Name of Notary Public

My commission expires: _____

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:

Doc. Date: _____ or ☐ Undated at time of notarization.

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

Signature of Notary

Date of Notarization and
Certification Statement

Printed Name of Notary

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

MASTER BENEFIT LICENSE NO. 794

(Utility Company)

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

WITNESSETH THAT:

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

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

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

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

EXHIBIT "B"

AND the Licensee hereby covenants and agrees with Licensors that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Hawaiian
Homes Commission on
May 18, 2015

State of Hawaii
DEPARTMENT OF HAWAIIAN HOME LANDS

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

LICENSOR

HAWAIIAN ELECTRIC COMPANY, INC.
a Hawaii corporation

By _____
Name _____
Its _____

LICENSEE

Approved as to Form:

Deputy Attorney General
State of Hawaii

APPROVED

Land & Rights of Way

By _____

STATE OF HAWAII

)

) SS.

CITY & COUNTY OF HONOLULU

)

On this _____ day of _____, 2015, before me appeared JOBIE M. K. MASAGATANI, to me personally known, who, being by me duly sworn, did say that she is Chairman of the Hawaiian Homes Commission and acknowledged to me that she executed the same freely and voluntarily for the use and purposes therein set forth.

Notary Public, State of Hawaii

Printed Name: _____

My commission expires: _____

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:

Doc. Date: _____ or ☐ Undated at time of notarization.

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

Signature of Notary

Date of Notarization and
Certification Statement

Printed Name of Notary

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

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

Notary Public, State of Hawaii

Printed Name of Notary Public

My commission expires: _____

NOTARY CERTIFICATION STATEMENT

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Certification Statement

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MINUTES OF May 31, 1985, Meeting held in Anahola, Kauai

ITEM C-4

SUBJECT: Authorization to Issue Licenses for Easements Exclusively Servicing
HHL Homesteaders and Beneficiaries

COMMISSIONERS	MOTION	SECOND	AYES	NAYS	ABSTAIN
Padeken			X		
Ahuna					
Drake	X		X		
Harchett			X		
Kalahiki			X		
Kemai					
Yadao		X	X		
TOTAL			5		
Action Approved	X			Deferred	
Denied				Tabled	

MOTION/ACTION

That the Commission approve to authorize the Chairman to issue licenses, in accordance with Department Administrative Rules, for easements over, under, and across Hawaiian home lands for utilities and improvements servicing homestead lessees.

Motion carried unanimously.

EXHIBIT "C"

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

MAY 31, 1985

TO: Chairman and Members, Hawaiian Homes Commission
FROM: Rodney Asada, Income & Maintenance Branch *Rodney Asada*
SUBJECT: Authorization to Issue Licenses for Easements Over,
Under, and Across Hawaiian Homesteads Lands for
Utilities and Improvements Exclusively Servicing HHL
Homesteaders and Beneficiaries

RECOMMENDED MOTION/ACTION

Request Commission approval to authorize the Chairman to issue licenses, in accordance with Department Administrative Rules, for easements over, under, and across Hawaiian home lands for utilities and improvements servicing homestead lessees.

DISCUSSION

Licenses for easements such as railroads, telephone lines, electric power and light lines, gas mains, and the like, within Hawaiian homestead lands are an integral part of said lands which are developed with prior Commission approval. Accordingly, the issuance of such licenses should be considered to be a routine procedure in the overall development of homestead lands and, as such, issued under the authority of Administrative Rules 10-2-16(a) and Section 202, Title 2, Hawaiian Homes Commission Act, 1920, as amended, which states, in part:

The commission may delegate to the chairman such duties, powers, and authority or so much thereof, as may be lawful or proper for the performance of the functions vested in the commission.

Should the Commission concur, the Department will be able to resolve the problem of timely scheduling of utilities and improvements installations within homestead lands. As a result, the Department will be able to implement more effective, cost-saving planning, especially as it affects the current homestead awards acceleration program. Naturally the Commission shall be kept fully informed of all such transactions.


RECOMMENDATION


I&M Branch recommends that the Commission authorize the Chairman to issue licenses for easements over, under, and across Hawaiian homestead lands for utilities and improvements exclusively serving HHL homesteaders and beneficiaries.

**DEPARTMENT OF HAWAIIAN HOME LANDS
LAND MANAGEMENT DIVISION**

October 19-20, 2015

To: Chairman and Members, Hawaiian Homes Commission

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

From: Kaipo Duncan, Land Agent
Land Management Division 

Subject: Status of Renovation Update - General Lease Nos. S-3831,
S- 3840, and S-4647, Aloha Beach Partners, LLC, Wailua,
Kauai, TMK Nos. (4)3-9-006:020 and (4)3-9-006:016

BACKGROUND

The Aston Aloha Beach Resort Hotel (Aloha Resort) lies on approximately 10 acres of Department of Hawaiian Home Lands (DHHL) in Wailua, Kauai. In 2013 the land was transferred to DHHL from the Department of Land and Natural Resources (DLNR) as part of lands owed to DHHL by the State of Hawaii.

The new owner, Dinapoli Capital partners, based out of Northern California, purchased the leasehold Aloha Resort in early 2014 and began an extensive plan to fully renovate the aging hotel.

Renovations commenced in August 2014 and is progressing steadily (See Exhibit A). The owners have budgeted up to \$25 million for restoration of the entire dilapidated property.

Once renovations are completed the hotels name will change from the Aston Aloha Beach Resort Hotel to the Hilton Garden Inn Kauai at Wailua Bay. Making it the only Hilton hotel property on Kauai.

DISCUSSION

The Aloha Resort General Manager (GM), Ray Blouin, an over 30 year Kauai resident will be present to share the status of the ongoing renovations and give a brief history of his eight (8) years as the hotels GM.

Mr. Blouin is proud that while he has been the GM their monthly rental payments to the State of Hawaii have never been late. This despite the fact that nearly 1/3 of the properties hotel rooms have been out of order and the property has never been profitable during his time there.

10/13/15

Aston Aloha Beach Hotel Property Update

Aloha Chairman Masagatani and DHHL Commissioners,

We are very fortunate the Aston Aloha Beach Hotel renovations started in August and are progressing steadily. Upon completion, the property will be known as the Hilton Garden Inn Kauai at Wailua Bay in early 2016.

The construction scope is much more than what we originally anticipated, and so we reorganized our strategy to ensure guests are as comfortable as possible, and to ensure we return as many employees back to work as quickly as possible.

Currently, we are in the process of relocating visitors (with reservations) to neighboring properties on the other side of Wailua bay; and at the same time, we are fortunate to relocate some workers to these neighboring company managed properties in order to keep them working. We are also reassigning existing worker duties in order to keep some on the payroll working alternate jobs.

So far, we have received support and approval from Kauai County agencies that have allowed us to move forward with the project. The list below identifies areas of completion and gives you a few target dates we are currently following.

1. Maile Wing roof removal & reconstruction	Completed
2. Maile Wing furniture liquidation	Completed
3. Maile Wing interior /partial demolition	In progress
4. Maile Wing interior/exterior upgrades	Scheduled- November/December
5. Maile Wing pool and grounds upgrades	Scheduled- November/December
6. Cottage roof removal & reconstruction	Completed 4 cottages, 9 in progress
7. Cottage furniture liquidation	Completed
8. Cottage interior / partial demolition	Completed
9. Cottage interior/exterior upgrades	Scheduled – November/December
10. Lobby, offices, banquet room liquidation	Completed
11. Lobby, offices, banquet room partial demolition	In progress
12. Dining room & public restroom pod liquidation	Completed
13. Dining room & public restroom pod demolition	Completed
14. Pikake Wing roof removal & reconstruction	Scheduled October 30 th
15. Pikake Wing liquidation	Scheduled October 30 th
16. Pikake Wing interior / partial demolition	Scheduled November
17. Pikake Wing interior / exterior upgrades	Scheduled December/January
18. Pikake Pool and grounds upgrades	Scheduled December/January

Please note these schedule dates may change depending on building conditions we encounter along the way.

Mahalo for this opportunity to update you, and please do not hesitate to contact me should you have any further questions.

Aloha pumehana, Ray Blouin

Aston Aloha Beach Hotel

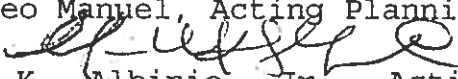
Hilton Garden Inn Kauai at Wailua Bay

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19-20, 2015

To: Chairman and Members, Hawaiian Homes Commission

Through: M. Kaleo Manuel, Acting Planning Program Manager

Peter K. Albinio, Jr., Acting Land Management Administrator

From: Bob Freitas, HHL Program Planner

Subject: For Information Only - Land Use Request for Land known as the "Anahola Farmers Market", Anahola Kauai, TMK (4)4-8-005:026

RECOMMENDED MOTION/ACTION

None; For Information Only

DISCUSSION

Ms. Agnes Marti-Kini, President of Kalalea/Anehola Farmer's Hui submitted a land use request form on May 28, 2015 for the former Anahola Farmers Market located near the Anahola Farm Lots, Anahola, Kaua'i (TMK: (4)4-8-005:026) (See Figure 1).

The Anahola Farmers Market was previously encumbered by a General Lease to the recently defunct Anahola Farmers Association, which was terminated in February 2015.

Figure 1. Aerial of Anahola Farmers Market Site



DHHL staff have been working to develop processing criteria, procedures, and a list of required documentation that is necessary to conduct a thorough due diligence review of all land use requests that are received by DHHL. The list is based on the Hawaiian Home Commission's discussion and approval of the Waimea Homestead Association's Waimea Nui Pilot Project. The due diligence review by staff will be dependent on the applicant providing the following documentation which includes but is not limited to: 1) Organizational Documents, 2) Proposed Project and Business Plans, and 3) Evidence of Community Support.

Organizational documents

- Narrative describing the following:
 - Who is the organization - vision, mission, purpose;
 - How your organization benefits the Hawaiian Home Lands Trust and its beneficiaries;
 - How and why your organization was created;
 - Your organization's relationship with, connection to, and representation of beneficiaries, as defined by the Hawaiian Homes Commission Act (HHCA), as amended;

- o Qualifications and experience in planning & implementing the proposed project or a similar project;
- o Relationship between your organization and the beneficiary organization(s). Documentation for this may include, but not be limited to:
 - 1) Board resolution that your organization is owned and controlled by HHCA beneficiaries;
 - 2) Beneficiary organization(s) is the sole member of your organization;
 - 3) Beneficiary organization(s) appoints individuals to serve on the board of your organization;
 - 4) Primary purpose of your organization is to further the mission of the beneficiary organization(s);
 - 5) Your organization and the beneficiary organization(s) adopted a joint board resolution that your organization is serving as the project development arm of the beneficiary organization(s)
- Articles of Incorporation, with certification stamp from the Department of Commerce and Consumer Affairs (DCCA)
- Bylaws, dated and signed
- Current list of board members, include positions/title & term expiration date. Also identify if each board member is a beneficiary or not.
- If you are a member-based organization, provide a current list of members and identify if each member is a beneficiary or not
- Any other material describing the organization's vision, mission and purpose
- Any other documents - organization brochure, newsletter, reports
- Certificate of Good Standing from DCCA
- State of Hawaii General Excise Tax Number (GET)
- Federal Employer Identification Number (FEIN)

If IRS 501c3 tax exempt status is required for the proposed land disposition, then please include the following items

- Full copy of your organization's IRS 501(c)(3) tax exemption application (IRS Form 1023 & any attachments)
- IRS 501(c)(3) determination letter

Proposed Project and Business Plans

- Narrative describing the need/problem/opportunity you are trying to address
- Narrative describing how the proposed use or project for the property will benefit the Trust and HHCA beneficiaries
- Narrative describing operational activities of the plan
- Is the proposed use or project consistent with DHHL Island Plan & Regional Plan? Other governmental plans - County General Plan, County Community Development Plan (CDP), EDA CEDS strategy, HUD consolidated plan, etc.
- Narrative describing how HHCA beneficiaries and/or the at-large community were involved in the planning of the proposed project
- Most recent financial statement, treasurer's report, or IRS Form 990
- Pro Forma
- Expense & Income Budget - start up/initial costs, operating budget, reserve fund, projected income
- Project timeline/schedule

Evidence of Community support

- Evidence of support from the surrounding homestead communities and HHCA beneficiaries
Examples include, but are not limited to: list of meeting dates, # attended, sign-in sheets, meeting minutes, support letters or board resolutions from each homestead association, surveys, petitions
- Evidence of support from the broader, at-large community
Examples include, but are not limited to: list of meeting dates, # attended, sign-in sheets, meeting minutes, support letters or board resolutions from partner organizations/individuals, community nonprofits, County Mayor, County Council.

Below is an example of a LURF review for discussion purposes.

DHHL staff has held discussions with and attended Kalalea/Anehola Farmer's Hui meetings and they have submitted documentation which is attached for reference and discussed as follows:

1. Land Use Request Form (LURF) requests the use of a one acre property for a farmers market and cultural learning center for farm education and healthy food services and a central place for the Anahola Farmers to market their crops and by products. (Attachment A)
2. Land Use Request Assessment Worksheet was completed by DHHL staff, as a former farmers market the use will not change and should not require the preparation of an environmental assessment. (Attachment B)
3. Governing Documents, Mission Statement, DCCA additional documents are required, the mission statement is broad and focuses on the farmers market and its relationship to the larger Anahola Community, articles identify board members see attached. (Attachment C)
4. Number of members who are homesteaders 13 of 47 Anahola homesteader farmers are members of the organization, efforts are underway to recruit more homesteaders. Membership form and member list is attached. (Attachment D)
5. Business/Project Plan review not submitted
6. Financial Plan not submitted
7. Project development schedule and timeline not submitted
8. Verification experience, track record and homestead acceptance explain relationship to homestead community not submitted
9. Environmental Review and Community Benefits, environmental not applicable, unknown community benefits.

DHHL staff will send an acknowledgement letter to Kalalea/Anehola Farmer's Hui regarding their land use request and notify them that additional documentation is required as discussed in this submittal.

RECOMMENDATION

None; For Information Only



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P O BOX 1879
HONOLULU HAWAII 96805

REQUEST FORM FOR NON-HOMESTEADING LAND USE PURPOSES

PART 1: APPLICANT INFORMATION

Name: _____

Address: _____

Phone No.: _____ Cell: _____ email: _____

If Corporation/Organization/Company/LLC/Non-Profit:

Name: Kalalea/Anechola Farmer's Hui DATE: 5-28-15

Address: P.O. Box 520, Anechola, HI. 96703

Phone No.: _____ Cell: (808) 346-0473 email: kafarmers@gmail.com

☒ Requesting Organization is a 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

☐ Requesting Organization is For Profit - Individual or Business

☐ Individual

☐ Sole Proprietorship

☐ Partnership

☐ Corporation

☐ Limited Liability Corporation

☐ Other

Is an Individual HHCA Beneficiary or is Owned by an HHCA Beneficiary ☐ Yes ☐ No

☐ Requesting Organization Is a Government Agency

☐ Federal

☐ State

☐ County

Officers and/or Principal Representatives: Pres: Agnes Marti-Kini Vice Pres:
Mahelani HooKano Secretary/Treasurer: Danielle Loo

Mission of Organization: Our mission is attached as well as our
Vision. (see attached statement)

Date Incorporated: 11/14/14 State of Incorporation: HAWAII

Federal Tax ID#: 47-4083184 State Tax ID#: _____

PART 2: NON-HOMESTEADING LAND USE REQUEST

Describe proposed non-homesteading land use envisioned under this request as submitted. This Land would
be used as a farmer's Market and Cultural learning center
for farm education and healthy food services and a central
place for our farmers to market their crops & byproducts.

* Please attach additional information if necessary

Land Request Form No. _____

EXHIBIT "A"

Land Area requested: Acreage/Sq.Ft. 1 acre Term Unlimited 30 years (General Lease)
Island: Kauai Tax Map Key No.: (4) 4-8-005:24

Indicate Character of Use:

☒ Agricultural ☐ Commercial ☐ Church ☐ Other
☐ Pastoral ☐ Industrial ☒ Community Facility

Does applicant have any existing land disposition issued by Hawaiian home lands for non-homesteading use purposes? ☐ Yes ☒ No

If yes, under what type of use and disposition: _____

Describe how proposed land use request will have direct or significant indirect benefit to the Trust and/or its Beneficiaries (Applicants & Lessees): Use of this land will directly benefit all DHHL Farm lot lease holders and their beneficiaries by providing them with a viable and safe place to market their farm produce and by-products and to participate in educational & health services related to farming, gardening and producing food from aua to table.

The following authorized representative submits this request for use of Hawaiian home lands under non-homesteading purposes and acknowledges that:

1. This is an application process that will be subject to further review, evaluation and consideration by DHHL and may require additional information to be submitted;
2. This request does not constitute any form of DHHL approval to this non-homesteading land use request as submitted;
3. In the best interest of the trust, DHHL reserves the right to exercise its prudent authority pursuant to and in accordance with the Hawaiian Homes Commission Act (Section III, Section 204(a)(2), Section 220.5, Section 207(c), Hawaii Revised Statutes, Chapter 171, as amended and the Hawaii Administrative Rules, Title 10;
4. Once the application is deemed complete, the non-homesteading land use request will be posted for a 30 day review period on the DHHL website for beneficiary and public comment;
5. Additional Island or Regional Specific Beneficiary Consultation will be required per the DHHL Beneficiary Consultation Policy;
6. All input/comments received will be provided to the Hawaiian Homes Commission if/when approval for disposition is considered by the HHC;
7. Associated non-refundable processing and documentation fees shall be assessed for each respective disposition request as follows:

Revocable Permit - \$100.00 License - \$200.00 General Lease - Cost Documentation (all)...\$75.00

Kalalea/Anchola Farmer's Hui (KAF HUI)

Print Individual or Organization Name

5/28/15

Date

Agnes Marti-Kini

Authorized Representative Name & Title

Agnes Marti-Kini
Signature

**DEPARTMENT OF HAWAIIAN HOMELANDS – PLANNING OFFICE
LAND REQUEST ASSESSMENT WORKSHEET**

PROJECT INFORMATION			
LRF# / Project Name	KAF Hui	Kalalea/Anahola Farmers Hui. Agnes Marti-Kini	
TMK Number(s)	(4)4-8-005:26		
Date Submitted to LMD / Date transmitted to PO / Date Reviewed			
Ahupua'a/Moku/Mokupuni	Anahola, Kauai		
Acreage Requested (entire parcel, or portion?)	Existing Anahola Farm Lot, former Anahola Farmers Market site		
Type of Disposition Requested (ROE, R.P., License, General Lease, other)	License, Community Facility, Farmers Market		
Length of Term Requested, Timeframe (start & end dates), Phasing			
Island Plan / Land Use Designation			
Regional Plan Area / Regional Plan			
Homestead Area	Anahola Farm Lots		
Beneficiary Organization, Contact Person, Contact Info	Agnes Marti-Kini (808)346-0473 email Kafarmers@gmail.com <i>Note: Need to determine if this Homestead organization is governed by the 47 Anahola Homestead farmers, efforts under way to verify that the organization represents the interests of the farmers, currently membership list does include homestead lessees.</i>		
Consultant/Company Name(s), Contact Info, License(s)/Qualifications			
Project Description (narrative & site plan, to scale) – existing & proposed: uses, purposes, sq. footage, dimensions & heights of all structures; lot coverage (floor area as % of total acres); access, grading, parking etc; floor plans, elevations, photos, drawings of proposed facilities	This land would be used as a Farmers Market and Cultural Learning Center for farm education and healthy food services and a central place for farmers to market their crops and by products.		
Infrastructure Connections/Extensions needed (Water, Wastewater, Roads/Access, Electricity, Internet/Cable/Phone)	Cesspool may require work		
Known Site Constraints (Use TMK Maps, Surveys, GIS): SMA/on shoreline/other setbacks; easements, flood zones/floodways; sand dunes, wetlands, slopes, puu, caves, etc.)			
Community Benefit Elements	Commercial market opportunity for homestead farmers to sell their products and receive training.		
Community Outreach (project presented to Homestead Area residents, applicants, greater community, other orgs?)	KAF Regular Meetings		
Funding & source(s) (disclose county, state, & federal funds, if used)	Need to identify funding source and review business plan and rate structure for participation in venture, (see Waimea tiered approach for homesteaders and non-homesteaders.		
Other (specify)	More information regarding Community Development capacity is required. Need to insure that KAF understands need to obtain DOH Food Permits and necessary Insurance to cover the venture.		

ISLAND AND REGIONAL PLAN CONSISTENCY / COMPATIBILITY W/ADJACENT LAND USES & ZONING

Site Consistency & Compatibility with Surrounding Uses		Y/N	Action	Analysis
DHHL PLAN CONSISTENCY	Compatibility w/General Plan? List goals & objectives	Y		
	In Special District or CON? Y/N In General Ag? Y/N	N	If Y, Then further analysis If Y, Then further analysis	
	Proposed uses consistent w/Island Plan LU Designation(s)? How so?	Y	If N, recommend changes to project to improve consistency, OR Analyze for LU Amendment w/ben. consultation, HHC approval	
	Priority Project in Regional Plan?	Y	If N, then is it on list of potential projects?	

EXHIBIT "B"

Site Consistency & Compatibility with Surrounding Uses		Y/N	Action	Analysis
	Consistent with other DHHL Plans & Programs (CIP, Devt Plans, Water, Energy, etc.)?			
STATE AG CRITERIA CONSISTENCY	List ALISH, IAL status, LSB rating, NRCS Soil suitability	N/A		ALISH: LSB: ALUM: NRCS:
ADJACENT STATE LU COMPATIBILITY	List adjacent SLU's – any incompatibility issues?		If Y, then discuss w/OP	
ADJACENT COUNTY PLAN LU & ZONING COMPATIBILITY	List adjacent Co. LU's and Zonings – any incompatibility issues?		If Y, then discuss w/County Planning Dept.	
FEDERAL CONSISTENCY		Y/N	Action	Analysis
CULTURAL RESOURCES	Potential trigger for NAGPRA? Y/N	N	If Y, Protocol (<i>Consult w/Kamana'o for language on protocol</i>)	
	Section 106 Consultation needed? Y/N	N	If Y, transmit to SHPD for comment & consultation	
NATURAL RESOURCES	Endangered Species Act triggered? Y/N	N	If Y, transmit to USFWS for comment	
	Coastal Zone Management Act triggered? Y/N	N	If Y, analyze per CZMA, Ch. 205A Goals, Policies, Objectives	
	Construction in Floodzones/Floodways? Y/N	N	If fed. funds received, recommend to resite structures out of harm's way and flag for LMD review	
	EPA trigger – Water, Wastewater, NPDES etc.? Y/N	N	If Y, note that other permits may be needed	
	Wetlands? Y/N	N	If Y, transmit to Army Corps for comment	
ENVIRONMENTAL REVIEW, CZM & SMA, OTHER NATURAL HAZARD OVERLAYS		Y/N	Action	Analysis
ENVIRONMENTAL REVIEW	Eligible for Exemption from Ch. 343?	Y	If Y, cite Exemption If N, EA required - proceed to EA Prep worksheets	
CZM/SMA	In SMA?	N	If Y, then criteria x-xx	
	On shoreline?		If Y, then criteria x-xxx If Y, has shoreline survey? Y/N If Y, Year Erosion? Y/N	
SENSITIVE ENV'T	Presence of beaches, shoreline, streams, rivers, ocean, muliwai (estuaries), anchialine or other ponds, fishponds, springs, wetlands or marshes, lo'i?	N	If Y, describe & locate on site plan as existing feature, recommend mitigations through site planning and design of structures (e.g. post and pier v. slab on grade)	
OTHER HAZARDS	In geological hazard zone (lava flows, cracks, earthquakes, rock falls)?	N	If Y, then mitigate with site planning and structure design	
	In tsunami or storm surge inundation zone?	N	If Y, then mitigate with site planning and structure design	
	In high erosion rate area?	N	If Y, then mitigate with site planning and structure design	
CULTURAL & HISTORIC OVERLAYS		Y/N	Action	Analysis
ARCHAEOLOGICAL RESOURCES / SACRED SITES	Presence of culturally significant sites (heiau, ko'a, other shrines, wahi kapu)	N	If Y, refer to Kamana'o - research archaeo.surveys or reports, require documentation/research	
	Presence of noa features (house foundations, cooking places, etc.)	N	If Y, refer to Kamana'o - research archaeo.surveys or reports, require documentation/research	
	Ag. or Aquacultural Features (Terraces / lo'i / loko i'a)	N	If Y, refer to Kamana'o - research archaeo.surveys or reports, require documentation/research	
	Wahi pana (storied places)	N	If Y, refer to Kamana'o	
	'Iwi (known burials)	N	If Y, refer to Kamana'o	
Historic architecture	Any structures 50 years old or older	N	If Y, require documentation/research	
Summary Comments on Land Request				

EXHIBIT "B"

ATTN: DHH LAND MANAGEMENT
Linda Chinn & Kaijo Duncan
KALALEA/ANEHOLA FARMER'S HUI



Our Mission Statement:

Kalalea/Anehola Farmer's Hui, (KAF HUI), will provide Native Hawaiian cultural, educational, nutritional and charitable farming practices within the community of Anahola. We seek to increase access to fresh-farmed produce to encourage a healthy lifestyle and prevent chronic disease. Through the establishment of a local Farmer's Market Place, we will increase health changing opportunities and sustainability for this underprivileged farming community.

By doing these things we will be able to protect our natural resources through cooperative stewardship on the Department of Hawaiian Home Land farm lots and networking with other Anahola community farms.

Our Vision

Our Vision is to provide each working farm member an avenue of financial support to create and grow healthy food and other crops successfully from the land to the sea. In addition, we aim to establish a viable Farmer's Market and Cultural gathering place for our Farm Ohana, our Kupuna, our keiki and community. We hope to service our community with an "A'l to Table" (Food to Table) Food Bank as well so we can eat healthy food all the time. We envision an open pavilion for educational events, a certified kitchen for food processing, and to build modern energy efficient facilities to support these visions. Our Motto: No Anahola family shall go without Food or Water.

Mahalo for your time & Consideration
Agnes M. Pili-Hen

EXHIBIT "C"

ATTACHMENT TO ARTICLES OF AMENDMENT

**o
f**

Kalalea/Anehola Farmer's Hui

(Corporate Name)

Fill in the applicable blank(s) and insert text of the amendment.

Article IV, Section _____, Subsection _____,

Paragraph 1, is amended to read as follows:

1. Agnes Marti-Kini, President, 4691 Hokualele Rd., Anahola, HI. 96703

Farmer, Author, Wedding Officiant. Term: Nov. 2014 - Jan. 2016.

2. Mahealani Ho`okano, 1st Vice President, 14300 Hokualele Rd., Anahola, HI. 96703

Farmer, College Student. Term: Dec. 2014 - Jan. 2016.

3. Richard Leota, 2nd Vice President, 4702 Hokualele Rd., Anahola, HI. 96703

Farmer, Land Scaper. Term: Dec. 2014 - Jan. 2016.

4. Danielle Loo, Secretary/Assistant Treasurer, 4798-A Hokualele Rd., Anahola, HI. 96703

Farmer, Volunteer Waipa Foundation. Term: Dec. 2014 - Jan. 2016

5. Missy Moody, Treasurer, 4879 Hokualele Rd., Anahola, HI. 96703

Farmer, Chef. Term: Dec. 2014 - Jan. 2016.

EXHIBIT "C"

#40 Oct# 308
TOTAL \$201 Bill
20
AHC

KALALEA/ANEHOLA FARMER'S HUI
MEMBERSHIP APPLICATION

ALOHA KA KOU! Mahalo for your interest in joining our "New" Non-Profit Farmer's Hui. Our KAF Hui membership extends to all Anahola DHHL Farm Lot Lessees, their spouse and their DHHL listed beneficiaries. In addition, the KAF Hui membership includes DHHL Homesteaders, as well as other interested Anahola/Ko'olau Farmers and Other Farm/Garden Supporters. Volunteers and Farm Committee Leaders welcomed!

Name: Bridget Manulele Clarke Date 12.13.14
Phone Home # 212-5166 Cell# _____
E-mail manulelekew@gmail.com
Home Address: 4611 Kamalomolo Pl.
Anahola, 96703 DHHL Farm Lot# yes (If you have one)
Mailing Address: PO Box 445, Anahola, HI 96703

BENEFITS: *Farm Grant Funding, *Educational Farm Programs, *Seed & Plant Exchange, *Meeting & Aloha House, *Market Place Venue, *Community Commercial Kitchen, Farming Co-Operative & Bartering Services, *Farm News Letter, *Community Networking and Sharing of ideas, *Community Kokua & Support.

ANAHOLA DHHL FARM LESSEE: Annual Membership Fee \$20.00
Paid X LOT# 20 (Includes Lessee/Spouse & Beneficiaries.)

CK# 309

GENERAL: Annual Membership Fee \$20.00
Paid _____ (Includes all Other Community Farmers, Farming Supporters and any Other DHHL Lessee. These are limited)

NOTE: Membership fee must be paid at or prior to the Annual General Meeting, January 20, 2015. Members are expected to attend at least four meetings a year. Annual Meetings are mandatory or your membership will be terminated. (Membership can be reinstated with another fee payment.)

EXHIBIT "D"

KALALEA / ANEHOLA FARMER'S HUI

Member Last	Member First	Phone #	E-Mail	Address - Home	Mailing	Lot #	Dues Paid
Ah Loo	Alfred & Kae'e	635-8582	kaeeahloo@gmail.com	4417 Malamaaina	P.O. Box 624		
Bonaparte	Josephine	823-0503	joie@airservicehawaii.com	Hokualele Rd	P.O. Box 628	19	
Clarke	Bridget Manulele	212-5166	manulelekcw@gmail.com	4611 Kamalomalo'o Pl	P.O. Box 445	20	CK# 308
Clarke	Christina Kaala	346-8911	kclarke@princeville.com	4611 Kamalomalo'o Pl	P.O. Box 160	20	CK# 308
Enrique, II	Joseph	823-0125	enrique84@hawaiiantel.net	4591 Hokualele Rd	P.O. Box 508	13	CASH
Harter	John & Marcia	635-6568	jrharter2@aol.com	4-4950 Kuhio Hwy	P.O. Box 280		CK# 1729
Ho'okano	Mahealani	714-251-0468	maheahoo@gmail.com	14300 Hokualele Rd	P.O. Box 781	12	CASH
Hunter-Williams	Patricia	822-1520	phunterwilliams@gmail.com	4747-C Hokualele Rd	P.O. Box 127	GEN	CASH
Kamalani-Oliver	Leiola	823-0476	leiola@hawaii.rr.com	4349 Hokualele Rd	P.O. Box 613		CASH
Kanehe	Carol		carolkanehe@yahoo.com	4400 Hokualele Rd	P.O. Box 194	6	CASH
Kelekoma	John & Jillian	781-2194	keolamana59@gmail.com	4641 Hokualele Rd	P.O. Box 84	14	CASH
Kelekoma	Kalen	652-6236	kahakii@msn.com	4613 Hokualele Rd	P.O. Box 85	14	
Lemn	Nathan	346-8193			P.O. Box 213	GEN	
Leota	Barbara	631-1396		4702 Hokualele Rd	P.O. Box 727	9B	CASH
Locey	Michael		milocey@hawaiiantel.net	Kamalomalo'o Pl			
Loo	Danielle	822-4363		4698-A Hokualele Rd	P.O. Box 110	8	CASH
Mahelona	John & Sue	635-3802	susan@suestaxi.com	4770-B Hokualele Rd	4022 LIH 96766	9A	CASH
Marti-Kini	Agnes Keaolani	346-0473	keao@me.com	4691 Hokualele Rd	P.O. Box 520	15	CASH
Moody	Melissa	651-1000	immooddy@hawaiiantel.net	4991 Hokualele Rd	P.O. Box 748	20	CK# 3191
Partridge	Sylvia	635-6415	sylvpartridge@yahoo.com	3800 Kamehameha Rd	Pville 96722	GEN	CK #
Proctor	Daniel	217-5271	dipro127@hotmail.com			GEN	CASH
Satow	Vivian (Aweepano)	635-0679	aweepono1@yahoo.com	4223 Anahola Rd	P.O. Box 667		
Spicuzza	Gail	631-1063	spicuzza.gail@gmail.com	4691 Hokualele Rd	P.O. Box 757		CASH
Tabian	Hope	212-8150	koupua01@gmail.com	4371 Hokualele Rd	P.O. Box 666	17	CASH
White	Clyde	431-4883		4877 Hokualele Rd	P.O. Box 442	18	CASH
Williams	Theodore	822-1520	teddyboy@hawaii.rr.com	4747-C Hokualele Rd	P.O. Box 143	16	CASH

Funds collected \$400

Mahelona

Nalani

COMP MEMB

Updated 4.1.15

EXHIBIT "D"

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
OCTOBER 19 & 20, 2015
LIHUE, KAUA'I

AGENDA SECTION G

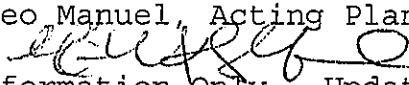
PLANNING OFFICE

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19-20, 2015

To: Chairman and Members, Hawaiian Homes Commission

From: M. Kaleo Manuel, Acting Planning Program Manager


Subject: For Information Only - Update on Kaua'i water projects and issues

RECOMMENDED MOTION/ACTION

None; for information only.

DISCUSSION

There are a number of ongoing water issues and efforts of significance to beneficiaries and the Department of Hawaiian Home Lands (Department) on Kaua'i. This submittal provides background information on: (1) Wailua well projects; (2) Kālepa surface water system maintenance; (3) Anahola stream study & dams assessment; (4) Anahola Water System Improvements; (5) the Moloka'a well; and (6) ongoing disputes and Department and beneficiary interests related to the Waimea River.

1) Wailua well project. The Department owns 526 acres in the Wailua area and has no existing water commitments from the Kaua'i Department of Water (DOW). Full build out of the Wailua lands will include a minimum of 200 single-family residences, resort/ timeshare, and commercial development. DOW indicated it would be unable to provide water for the Department's future Wailua development. A January 2009 Water Master Plan, prepared by Akinaka & Associates for the Department, estimated 141,000 gallons per day (gpd) would be required for the 188 single family residential units planned for Phase I of the Department's Wailua Development. This development would be supplied by new potable well sources with a minimum capacity of 150 gallons per minute (gpm). The Department's proposed water supply and well improvements will include three wells in the Kapa'a

homesteads and a new well and chlorination facility within Wailua homesteads. These will potentially be located along the mauka border of the Wailua development parcel. The estimated cost for the first two new water sources for Phase 1 of the Wailua residential development is \$6 million. See Figure 1.

In order to implement these plans in 2009 the Department drilled Wailua Well #1 (see Figure 1, below). The test pumping showed the well had a capacity to be pumped at a maximum rate of 200 gallons per minute (gpm), sufficient for the planned development in an area. The well was not cased at that time, however, which is a necessary step in converting a well from an exploratory to a production well. In FY 2014 the HHC appropriated funds to case the well, and a contract has been awarded for that work.

Figure 1. Wailua Kaua`i Existing and Proposed Wells.

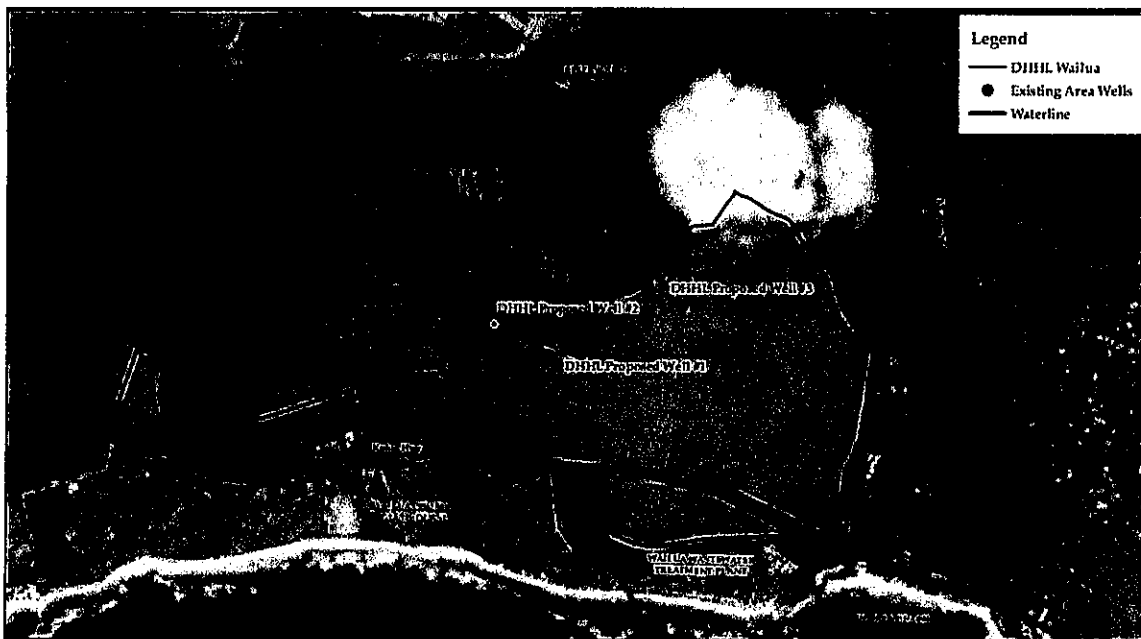


Figure 1. DHHL Proposed Well #1 has been dug since this figure was produced, and is currently being cased. From DHHL, Wailua Regional Plan, at 28 (Dec. 2009).

(2) Kālepa Ridge Surface Water System Maintenance. The Department is assessing opportunities to utilize surface water flowing from the Hanamā`ulu Field 21 Reservoir (Reservoir 21), located on land owned by the Department of Land and Natural Resources (DLNR), through Kālepa Ridge via

a tunnel, and exiting into an otherwise unused sugarcane field irrigation system. Reservoir 21 also feeds the Wailua River and provides water to the adjacent Fern Grotto. The Department now owns the Kālepa former-sugarcane field irrigation system. See Figure 2.

Figure 2. Kalepa Ridge and Reservoir 21



Figure 2. Reservoir 21, while outside of current DHHL land holdings, is a potential source of flow through agricultural water. From DHHL, Wailua Regional Plan, at 29 (Dec. 2009).

Kālepa surface water resources could be utilized for agricultural and other non-potable uses of the Department's proposed Wailua development. The community has expressed interest in creating agricultural lots in the region. The existing irrigation system, however, has fallen into disrepair and parts require maintenance to prevent soil erosion and flooding. The Department previously recommended that a dam safety and drainage study be conducted for Reservoir 21. In 2014, DLNR reported obtaining an exemption from HRS chapter 343 environmental assessment preparation requirements for remedial work and

completing a permit for removing the dam at Reservoir 21.¹ According to DLNR staff, "[t]he dam structure has also been determined to have a hazard potential of 'high.'"²

(3) Anahola Stream Study & Dams Assessment. Anahola communities have urged that surface water resources in Anahola could potentially be used for agriculture and hydroelectric power production. The Department is considering rehabilitating an existing agricultural water-distribution system in the Anahola area, Kaua'i, to provide irrigation water for future agricultural uses. In 2010, the Department worked in a cooperative agreement with the U.S. Geological Survey (USGS) to assess the amount of available surface water in the Anahola Stream as well as the presence of native stream biota. This information will help the Department to determine what water may be available to divert into a rehabilitated agricultural water-distribution system. The study estimated natural low flow from Anahola stream between 3.93- 6.97 million gallons per day (mgd) during dry and wet seasons respectively.

An agricultural water-distribution system, previously used by the Lihu'e Plantation until 1988 could be repurposed, but surface-water intakes, ditches, and tunnels have not been regularly maintained since the decline of sugarcane cultivation. Thus, much of the surface water system is no longer in usable condition. In addition, the Department must work with the DLNR-administered the Hawai'i Dam Safety Program (HAR Chapter 13-190.1), which was created pursuant to the Hawai'i Dam and Reservoir Safety Act of 2007 (HRS Chapter 179D). This law, passed after the Kaloko Dam failure, sought to reduce the risk of dam or reservoir failure. These dam and reservoir safety laws govern the design, construction, operation, maintenance, alteration, and removal of dams, reservoirs, and appurtenant works. Dams less than six feet in height (regardless of capacity)

¹ See DLNR, Report on the Hawai'i Dam and Reservoir Safety Program, FY 2014, to the 28th Legislature, 2015 Regular Session: <http://dlnr.hawaii.gov/wp-content/uploads/2014/11/EN15-Dam-Safety-Rpt-FY14.pdf>.

² Land Division, Dep't Land & Natural Resource, State of Hawai'i, Submittal Item D-2, at 1-2 (Sep. 26, 2014) available at: <http://files.hawaii.gov/dlnr/meeting/submittals/140926/D-2.pdf>.

or that have a storage capacity of less than 5 million gallons are not subject to state regulation; hence dams and reservoirs can be reduced in size to become "deregulated".

As a result of a lack of maintenance of this system and the new regulations described above, the potential adaptation and reuse of reservoirs, dams, and ditches is complex. Five reservoirs exist on Department land at Anahola and a sixth reservoir lies adjacent to these lands. See Figure 3. The Department has been reviewing options related to the reservoirs in particular.

The Department engaged Lyon Associates to conduct a Kaua'i Dam Assessment of these dams. The study was part of decision-making on whether to remove, retain, or deregulate the dams. The two outputs from their study were: (1) a Dam Feasibility Study; and (2) Operational and Maintenance Manual. These studies were funded in part by an appropriation by the Legislature.

The Dam Feasibility Study recommended the removal of two dams, and the reducing of the dam height and size of two reservoirs to remove them from the scope of state dam regulations. The proposed cost of these actions is \$3,000,000, which was appropriated by the 2014 Legislature. Currently the project is in its design phase and will later be sent out to bid.

Figure 3. Existing Anahola surface water system.

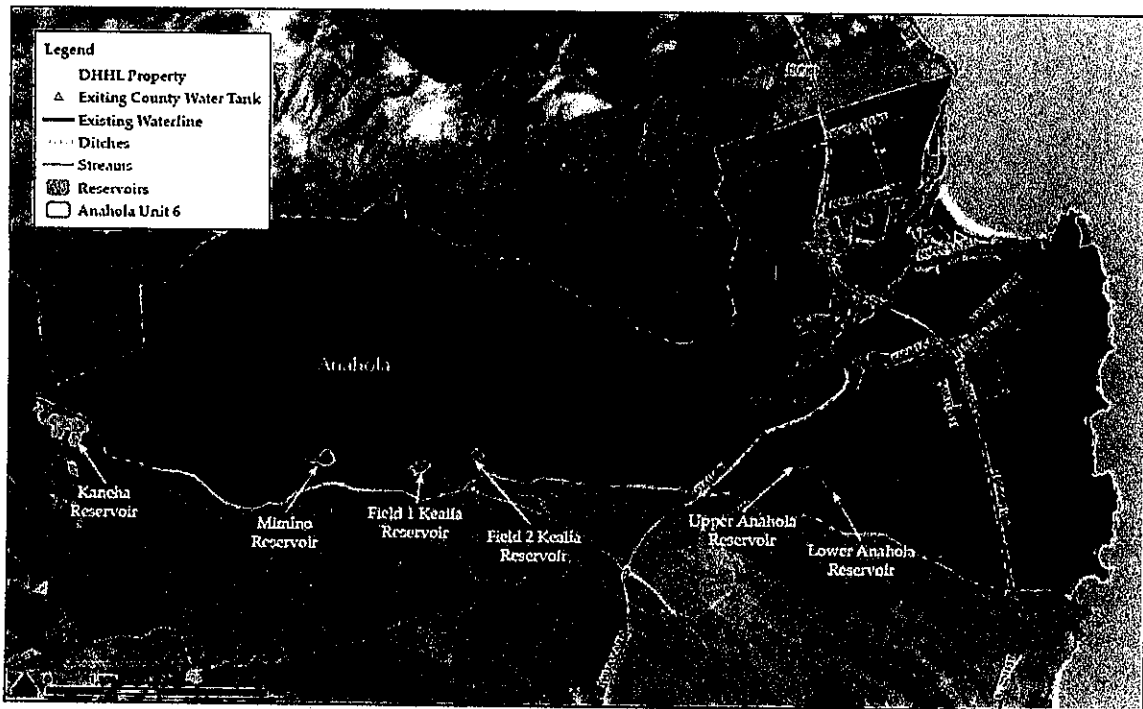


Figure 3. DHHL's Anahola lands include reservoirs created during previous plantation uses of the area. From DHHL, Anahola Regional Plan, at 16 (Jun. 2010).

(4) Anahola Water System Improvements. The Department is currently looking at various improvements to the Anahola Water System it owns and operates. Currently the first priority is remediation of the exterior of the existing storage Tank. Oceanit Laboratories is working on the planning for this work. The second priority for this system is to examine and pursue long-term system improvements; conducting source, storage and transmission research; and to investigate various options for existing and future users. Improvements may include replacement and/or expansion of tank storage, transmission pipes, and system modification to create a backup source of water. These improvements may be eligible for USDA funding.

The current system only services seventy-nine users. The Department is examining the water rates on this system, as part of the overall effort to examine water rates on all Department owned and operated water systems.

(5) Moloka'a well. The Moloka'a agricultural community is located north of Anahola. The Department holds 316 acres of undeveloped land in Moloka'a. There are no homesteads on the property and the land is currently used for grazing. Kaua'i Island Plan land use designations and proposed development for Moloka'a consist of the following:

Subsistence Agriculture	47 three-acre lots on 200 acres
General Agriculture	86 acres on steep topography
Special District	30 acres along the stream

Wet conditions, intermittent stream flow and the steep topography make portions of these areas unsuitable for buildings. Rainfall averages 80 inches per year on the makai lands and 120 inches per year on the mauka lands. Rainfall catchment systems could provide sufficient potable water for uses in Moloka'a.

County domestic water service is not currently available, but a test well is being drilled just above the mauka boundary of the Moloka'a parcel.³ The Kaua'i Department of Water (KDOW) planned to build a 0.1 MG tank at Moloka'a and to acquire well site land.⁴ In 2015, KDOW sought a state legislative appropriation for construction of the Moloka'a well.⁵ The measure was referred to the Ways and Means Committee and can be taken up during the next legislative session.

(6) Ongoing disputes and Department and beneficiary interests related to the Waimea River. Two major irrigation systems withdraw water from the Waimea river and its tributaries: the Koke'e Ditch System and the Kekaha Ditch System. On January 15, 2013, the HHC authorized the Chairman to take various possible actions to secure water for current and foreseeable development and use on its landholdings in the area.

³ DHHL, Kauai Island Plan, at 9-2 (2004).

⁴ Kaua'i Dep't of Water, "Progress Report on the Kaua'i Water Plan 2020" at 9, 11 (FY 2011-12) available at: <http://www.kauaiwater.org/kdow/images/2020progressreportfy2011-2012.pdf>.

⁵ H.B. 1453, 28th Leg., Reg. Sess. (2015) available at: http://www.capitol.hawaii.gov/session2015/bills/HB1453_SD1_.HTM.

Since that time, the Planning Office and the Chairman have been actively involved in discussions with various stakeholders regarding the Department's interests in and claims to water in this area. These parties include the Kekaha Hawaiian Homestead Association (KHHA), the Commission on Water Resource Management (CWRM), the Kaua'i Island Utilities Cooperative (KIUC), the Agribusiness Development Corporation (ADC), the Kekaha Agribusiness Association (KAA) (who leases ADC lands in the area), and Earthjustice (who on behalf of their clients, Po'ai Wai Ola, have petitioned the CWRM to end waste of water and restore stream flows on the Waimea River and its tributaries). The staff, including planning office staff, consultants, counsel, and the Chairman and Deputy (William Ailā) have participated in site visits and monitored various discussions of these matters before the Board of Land and Natural Resources and the CWRM.

In addition, as authorized by a separate HHC action on March 19, 2012, the Department has secured outside legal counsel to assist with the securing of water in this area. The Department has retained William Meheula, Esq., and Natasha Baldauf, Esq., of Sullivan Meheula Lee.

Currently, the parties are deeply engaged in a request to mediate the claims of "wasting" of water raised by Earthjustice in a petition they filed with the CWRM on July 24, 2013. The interest to pursue mediation in this matter has been high under the new Chair of the Board of Land and Natural Resources (Suzanne Case) and the new Deputy for CWRM (Jeff Pearson). While DHHL is not a formal party to these proceedings, the Department and beneficiaries have extensive, substantial interest in these waters and have successfully been included by the CWRM staff as a necessary party to discussions.

These discussions are occurring in a context of the various parties also wanting to see potential improvements made to the system, including the possible construction of new hydropower projects, including a "pumped storage" project, as well as improvements to irrigation infrastructure to manage water usage on the Mānā Plain.

Kokee Ditch Irrigation System

Hawaii State Department of Agriculture

Map 1

Legend

- Water
- Land
- Highway
- Railroad
- Power Line
- Telephone Line
- Fire Road
- Other

Scale: 1 inch = 1 mile

North Arrow

Map 1

The current focus of the CWRM in the pre-mediation context has been to request additional information from all of the parties on existing and foreseeable uses of water in the area. The Department has received a request for information regarding its existing and future uses, and will be replying to the CWRM.

RECOMMENDATION

- 9 -

PLANNING OFFICE

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19-20, 2015

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: M. Kaleo Manuel
Acting Planning Program Manager

FROM: Julie-Ann Cachola, Planner

SUBJECT: Accept the Beneficiary Consultation Report for the
NextEra Kahikinui Wind Project, Kahikinui, Maui,
TMK: (2)1-9-001:003

RECOMMENDED MOTION/ACTION

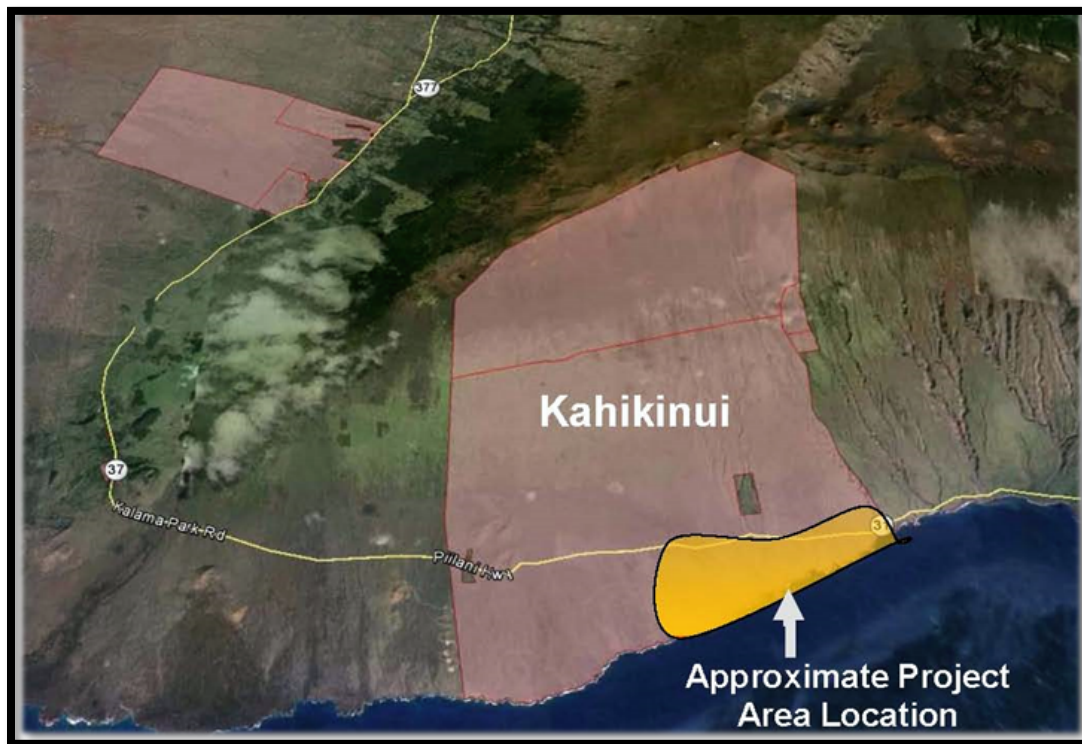
That the Hawaiian Homes Commission (HHC) accept this Beneficiary Consultation Report as the official public record of beneficiary issues, questions, concerns, and comments relative to NextEra's Proposed Wind Energy Project at Kahikinui, Maui.

DISCUSSION

PROJECT DESCRIPTION

Boulevard Associates, a Delaware LLC, an affiliate of NextEra Energy, Inc. ("NextEra"), proposes to construct, own, operate, and eventually decommission a wind energy generation facility ("wind farm") in the southeastern portion of the moku of Kahikinui (see Figure 1). The project will consist of twenty (20) wind turbines, each with a rated output of 3MW, for a total generating capacity of up to 60MW. The project will require 500 acres during construction. Once constructed, only thirty (30) acres would be required for access roads and the twenty (20) turbine pads. The exact location and arrangement of the turbines will be determined upon the completion of due diligence studies. The energy would be sold to MECO under a power purchase agreement (PPA) in order to service on-island Maui energy needs.

Figure 1: Project Location within DHHL Kahikinui Lands



In order to develop the wind farm, NextEra is seeking Commission approval for two (2) consecutive land dispositions:

1. An initial Right-of-Entry (ROE) permit to complete due diligence studies, secure necessary permits, secure the PPA, and other pre-construction work. Effective upon approval, the ROE would be for a term of three (3) years with two (2) options to extend for one (1) year.
2. When the project is able to transmit power to the grid, the 20-year General Lease would begin, with an option to extend the lease for five (5) years at the same rent.

NextEra is offering a compensation package that includes:

1. The Right-of-Entry Fee: \$175,000 per year for three (3) years, with two (2) options to extend for 1-year at the rate of \$200,000 per year.

2. General Lease Rent which is contingent upon the PPA and will remain confidential until the PPA is finalized.
3. A Community Benefit Package that would begin at the same time of the General Lease. The actual amount is also contingent upon the PPA. NextEra estimates that it would be about \$300,000 per year.

POLICY FRAMEWORK

A. Ho'omalūö¹ - The Energy Policy

In January 2009, the Hawaiian Homes Commission adopted the Ho'omalūö Energy Policy (Attachment A) to enable native Hawaiians, working together with the broader community, to lead Hawai'i's efforts to achieve energy self-sufficiency and sustainability. The Energy Policy identifies five (5) key objectives to achieving healthy, self-sufficient and thriving communities, which are to:

1. Focus on the environment and the preservation of values that restore balance, harmony and sustainability of Hawai'i's lands;
2. Pursue opportunities for economic self-sufficiency and contribute to Hawai'i's Clean Energy Initiative through leasing of lands owned by DHHL for renewable energy projects;
3. Build new, affordable, sustainable communities and promote energy initiatives;
4. Incorporate renewable energy technologies into existing homesteads; and
5. Conduct outreach programs to educate and encourage the public to live a "green" lifestyle.

B. Renewable Energy Development on Maui Hawaiian Home Lands

Objective 2 of Ho'omalūö calls for the identification and leasing of DHHL lands that have potential for renewable energy development. The Planning Office analyzed GIS data on renewable energy resources in order to identify three (3) tracts of land that have excellent potential for renewable energy development.

Chapter 171-95.3, HRS allows the Commission/Department to lease trust lands for renewable energy development without

¹ Definition: To conserve, i.e. to use or manage wisely, to prevent depletion as natural resources. Conservation, i.e. careful use of natural resources to prevent depletion. Combination of malu + ō = thrive

public auction (i.e., through direct negotiation). The statute specifies:

- The content of renewable energy development proposals;
- Public notification of the selected developer and the proposed renewable energy project prior to the leasing of trust land by conducting two (2) public hearings on the island where the project is located; and
- Commission decisions on the renewable energy development proposal must be made on the island where the project is located.

Figure 2 provides a summary of activities and actions that occurred from 2013 to 2015 related to the promotion of renewable energy development on Hawaiian Home Lands. The following narrative provides an explanation of those activities and actions.

In January 2013, the Hawaiian Homes Commission approved posting a public notice in all major newspapers to announce that DHHL would be accepting letters of interest to develop renewable energy projects on Hawaiian Home Lands at:

- Honokōwai: General Agricultural lands on both sides of the gulch, up to 400 acres;
- Pūlehunui: Industrial/Agricultural parcel, up to 500 acres; and
- Kahikinui: Special District lands, makai parcel, up to 500 acres

In response to the public notice, DHHL received 46 proposals from 22 entities. Eleven (11) proposals were submitted for the Kahikinui parcel.

2013 CONSULTATION MEETINGS AND FINDINGS

In January to March 2013, the Planning Office conducted a series of meetings with Maui homestead leaders which culminated in two (2) public hearings. The presentation identified three (3) parcels (Honokōwai, Pūlehunui, and Kahikinui) for renewable energy development. Without specifying any particular renewable energy source, a broad platform was created for beneficiary and public comment.

The March 2013 Public Hearings revealed substantial interest in developing Honokōwai's agricultural potential. There was also pointed opposition to developing renewable energy

at Honokōwai. It was clear that Honokōwai possessed significant agricultural features and that there was sufficient demand and interest in utilizing the parcel to promote sustainable agriculture.

Pūlehunui's greatest attribute is its strategic location, not only at the isthmus that connects Haleakalā to the West Maui Mountains, but also its close proximity to airport and harbor facilities. In addition, Pūlehunui is adjacent to large tracts of State and county lands. Upon inquiry we found that these parcels were being considered for development by the respective State and county agencies. In light of the fact that any development in this region would require basic (and costly) infrastructure, including water and sewer service and a road network, DHHL was instrumental in forming an interagency planning

Figure 2: Summary Project Activities Over Time
(shaded actions are beneficiary consultation meetings)

TIMEFRAME	ACTION
January 2013	<ul style="list-style-type: none"> - HHC authorizes direct negotiations with Maui renewable energy developers - Legal notice requesting letters of interest to develop renewable energy projects at Kahikinui, Pūlehunui, and Honokōwai
February 2013	<ul style="list-style-type: none"> • Meetings held with Maui homestead leaders to discuss renewable energy development at Kahikinui, Pūlehunui, and Honokōwai <p>The Department receives eleven (11) Letters of Interest to develop solar, wind, and biofuel/biomass projects at Kahikinui; 4 were wind projects</p>
March 2013	<ul style="list-style-type: none"> • HHC conducts 2 Public Hearings on Maui, regarding renewable energy projects at Kahikinui, Pūlehunui, and Honokōwai <ul style="list-style-type: none"> - Attendees did not support renewable energy development at Pūlehunui or Honokōwai - Kahikinui--conditional support-- as long as the energy project produces direct benefits for Kahikinui lessees.
July 2013	PUC issues orders delaying HECO's issuance of RFPs for renewable energy; uncertainty delays selection of developers

Nov 2014	Kahikinui wind proposals evaluated by staff and energy consultant—2 proposals were selected for further negotiation.
January 2015	NextEra selected for direct negotiations on the wind project
May 2015	<ul style="list-style-type: none"> • Beneficiary Consultation meeting at Waiohuli with Kahikinui lessees regarding NextEra selection
July 2015	<ul style="list-style-type: none"> • Meeting with Ka ‘Ohana o Kahikinui Board of Directors • Informational meeting for Maui beneficiaries to prepare for Public Hearings • Two (2) Public Hearings at Paukūkalo regarding the NextEra Wind Energy Project at Kahikinui

group that met regularly to identify opportunities for joint infrastructure development and to coordinate land uses within a regional context. As a result of these efforts, agencies were successful in securing funding from the legislature to continue master planning work.

In consideration of the input we received in the 2013 consultation meetings and light of the progress made in the interagency planning group, DHHL determined that it would not pursue renewable energy development at Honokōwai or Pūlehunui at this time.

Regarding Kahikinui, the 2013 public hearings indicated support as long as the proposed development provide direct benefits for Kahikinui lessees. The Department decided to continue efforts to develop Kahikinui's renewable energy potential.

We expected to conduct the second round of meetings shortly after the first round, however, in July 2013, unexpected and significant decisions at the PUC brought all renewable energy projects to a complete stop. Over a year later, with the assistance of our newly contracted energy consultant, the Department resumed activities to promote renewable energy development on trust lands at Kahikinui. In November 2014, the field of renewable energy developers for Kahikinui was narrowed down to two (2) developers. In January 2015, NextEra was selected as the renewable energy developer for Kahikinui.

2015 CONSULTATION SESSIONS

From May to July 2015, we conducted the second round of meetings and public hearings pursuant to Chapter 171-95.3, HRS, relative to renewable energy development on Hawaiian Home Lands at Kahikinui, Maui. This consultation report provides summary highlights and documentation on the four consultation meetings that were conducted specifically to discuss the proposed NextEra Wind Energy Project at Kahikinui. The Appendix provides the following source documents for every meeting:

- Means of Notification: The postcard, letter, and/or legal notice that was used to notify and invite beneficiaries to the particular meeting.
- Meeting Handouts and Presentation Materials: All materials that were handed out at the meeting and any presentation

materials (copies of the powerpoint presentation) are included in the attachment.

- Summary Meeting Notes: Staff meeting notes provide a list of meeting information on attendees and their individual comments, questions or concerns.

The next section of this report provides summary highlights of the concerns, questions and comments raised by beneficiaries and other meeting attendees. It also provides staff analysis and recommendations.

2015 CONSULTATION FINDINGS

This Report covers four (4) separate consultation meetings that were conducted from the end of May to the end of July, 2015. Figure 3 provides summary data on meeting attendance and participation through oral and written testimonies. The reader should note that there were a number of individuals that attended more than one meeting. The participation data accurately identifies the number of people that attended each meeting. However, the summed total is not an accurate count of the total number of participants. Through the attendance sign-in sheets, we found that:

- 19 people attended 2 meetings
- 16 people attended 3 meetings
- 2 people attended all 4 meetings
- 12 people submitted written testimony without attending any meeting; the other 16 people who submitted written testimonies also attended at least one meeting.

Figure 3: Meeting Attendance and Participation

DATE OF MEETING	NOTIFICATION SENT TO...	ORAL TESTIMONIES	NUMBER REGISTERED
May 23, 2015	Kahikinui Lessees and Applicants with 96790 Kula zipcode	26	19
July 13, 2015	Maui Beneficiaries		57
July 29, 2015	Maui Beneficiaries and General Public	21	82

July 30, 2015	Maui Beneficiaries and General Public	19	41
WRITTEN TESTIMONIES		28	
TOTALS :		94	199

2015 CONSULTATION SUMMARY FINDINGS:

The documentation provided in the Appendix provides an account of all oral and written testimonies. Combined with the participation data above, it is clear that we had an engaged group of individuals. The testimonies further indicate that to a large extent, the participants shared similar concerns. Figure 4 presents these shared and similar concerns. The comments are loosely organized by subject areas which was intended to help the reader connect the specific concerns to larger project elements. The last column identifies staff responses and recommendations that are meant to clarify points of information and to provide staff insight on the particular concern.

SUBJECT	COMMENTS FROM MEETINGS	STAFF RESPONSE/RECOMMENDATIONS
PROJECT	What are the overall project specifications?	The project will construct 20 wind turbines at a capacity of 3MW each, for a total generating capacity of 60MW, which will service on-island demand. There is a demand for renewable energy because the state has set renewable energy goals that must be achieved by certain deadlines. The original legislation called for 40% renewable energy by the year 2040, however, Governor Ige recently changed this to be 100% renewable energy by 2045. MECO has to bring more renewable energy online to meet the state requirements. The turbines do NOT require any fossil fuels to start up or operate. The project is proposed toward the southeastern end of the property because the Kahikinui lessees requested that NextEra construct the turbines away from their views.
UNDERSEA CABLE	Where is energy going and does it need the cable?	Energy generated from this project will go into Maui's grid, the undersea cable is not needed.
PROCESS	What has happened thus far and what's the process moving forward?	<ol style="list-style-type: none"> 1. Several rounds of meetings with beneficiaries and community have been completed. 2. DHHL has selected a renewable energy developer as specified in Chapter 171-95.3, HRS 3. DHHL has held 2 public hearings to inform the public

SUBJECT	COMMENTS FROM MEETINGS	STAFF RESPONSE/RECOMMENDATIONS
		<p>that NextEra was selected and to s developer and their proposed project.</p> <p>4. Beneficiary Consultation Report will be filed with the HHC in October, 2015.</p> <p>5. HHC will make a decision on the Right of Entry permit and General Lease at its Nov meeting on Maui.</p>
PROCESS	Seems rushed and exclusive. Need to find a way to be inclusive and get to common ground/agreement.	We have been looking at a means to achieve this. We are considering engaging beneficiaries in discussions to identify and agree on general development goals
WIND TURBINES DESTROY PRISTINE VIEWS	A majority of participants oppose the project due to the construction of the wind turbines which will destroy the pristine views that inspire and connect us to our kūpuna and 'āina.	<p>Staff would like to work with the community and developer to identify specific places where we can preserve the pristine views—some would be scenic points, but we could also identify a view 'corridor' that can capture a larger 'frame'.</p> <p>Several of the Kahikinui lessees explained that what we see today is really a denuded environment—it's on its last leg and they are administering CPR. What the lessees have envisioned is to restore the forest, restore key archaeological sites to give a fuller, thriving view of Kahikinui. But they also recognize that this requires money and labor, which is why they have supported the project. They see it as a means to much greater ends.</p>
CULTURAL	How are archaeological sites going to be protected?	<p>KOOK should be informed about anything related to archaeological sites at Kahikinui. NextEra is communicating with the archaeologist that conducted the inventory of sites at Kahikinui.</p> <p>There are over 3,000 sites at Kahikinui—some more intact than others; some more significant than others. Staff would like to develop an archaeological preservation plan where key sites would be identified for restoration. To the extent possible, sites could be restored to a functional level so that sites would be utilized as they once were.</p>
ENVIRONMENTAL	<p>Concerned about environmental impacts of the project on this pristine place (destruction of 'āina, visual impacts of poles, impacts to birds, impacts to plants).</p> <p>Concerned about impact studies that misrepresent population counts in order to minimize impacts--we don't want to be lied</p>	<p>KOOK should designate 1-2 people to be the contact for all consultant studies--the designate would coordinate field visits and ensure that appropriate resource people are present. There will be impact and at least in the case of birds, the developer must pay fees for the 'taking' of the birds. The fees are used to fund programs that restore habitat so that larger populations are established. People interested in this aspect should</p>

SUBJECT	COMMENTS FROM MEETINGS	STAFF RESPONSE/RECOMMENDATIONS
	to, methodology needs to be sound.	convene a group that can be involved in bird counts and habitat restoration efforts.
SUPPORTERS	Those that support see this project as helping with environmental and cultural protection, stewardship and infrastructure improvements (a few supporters)	The supporters understand how people are struck by the vast expanse and pristine views at Kahikinui, they know that what we have today is a small fraction of what once existed. It would be unacceptable to leave it the way it is now. They understand that Kahikinui could be so much more—but it requires vision, stewardship, money and people. They are willing to work with NextEra in order to achieve their greater vision.
LOCATION	Concerned about project location near coast and presence of cultural and natural resources (prime fishing grounds). Is there a possibility to move the project up mauka instead of makai?	Generally speaking, winds are stronger the closer you get to the shoreline. NextEra is collecting wind data in different areas. The results will help to determine if some (or all) of the turbines could be moved mauka of the road.
Governance and Community Management Responsibilities	KOOK requested that they be present/included any time DHHL makes a decision on Kahikinui.	The Department piloted a “Kuleana Homestead Program” at Kahikinui which allowed lessees to develop off-grid homesteads and gave the homestead association, Ka ‘Ohana o Kahikinui, management kuleana in the forest area, the homestead area, and makai. Pursuant to these specifications of the pilot program, KOOK should be included when DHHL is considering decisions that affect Kahikinui.
NEGOTIATION	Kahikinui wants to be part of negotiation	Ka ‘Ohana o Kahikinui will send 2 representatives to participate during negotiations.
GENEALOGY	We are from this ‘āina and that is important; genealogy is important	We agree that genealogy is important. We hope that people with genealogical ties to Kahikinui are lessees at Kahikinui or applicants.
BENEFICIARY CONSULTATION	Include all beneficiaries not just Kahikinui - it involves all of us – it’s that important	The 2013 public hearings on renewable energy on Maui and the 2015 public hearings on the Kahikinui Wind Energy Project were open hearings that were well attended.
COMMUNITY BENEFITS AGREEMENT	What is included in the community benefits agreement and how will that be distributed?	\$300K would be distributed directly to Kahikinui to implement their priority projects: roads, water, energy, assist with implementation of mauka and makai plans, ecotourism, self-sufficiency, etc,
LEASE RENT	How much money will DHHL get from this project? Is that enough? Where will the money from the ROE and GL rent be used?	The ROE fee is \$175,000 per year for 3 years, with 2 options to extend for 1 year at the rate of \$200,000 per year. The Lease Rent is confidential until the PPA is finalized. The lease rent will be deposited into DHHL’s Trust Fund which is used for

SUBJECT	COMMENTS FROM MEETINGS	STAFF RESPONSE/RECOMMENDATIONS
		homestead development
ACCESS	How will access to the shoreline be affected by this project?	Work with developer to facilitate access to shoreline on paved roads and to develop rules governing makai access (e.g., access only with Kahikinui lessee? When?). Need to check State laws regarding shoreline access.
ENERGY ALTERNATIVES	Should look at other energy alternatives in addition to/or instead of wind - pump storage, solar farm near homes, rooftop solar, battery systems	Kahikinui provides opportunities for NextEra to explore energy alternatives.
COMPLIANCE	What type of permits are required for this project?	Required permits will be identified in the Environmental Assessment/EIS process. There are a number of permits required for any wind project and there are permits that would be required depending on the location of the project. The Hawaii State Energy Office (energy.hawaii.gov) has resources and publications that identify all the permits required for renewable energy projects.
INFRASTRUCTURE	Concerned about lack of and cost of infrastructure improvements to service new wind project	Infrastructure improvements to support energy transmission should be identified in the Environmental Assessment/EIS process. Transmission upgrades directly related to the project are usually paid by the project. General system upgrades required by the utility, in order to meet the state 100% Renewable Energy mandate, are part of utility planning and paid for as approved by the PUC.
HEALTH EFFECTS	Concerned about how wind turbines affect people living in close proximity. Concerned about high voltage overhead transmission lines.	Health effects will be identified in the Environmental Assessment/EIS process.
TERM	Term of project and post project expectations	The Lease is for 20 years, with an option to extend for another 5 years. Post project, NextEra will remove wind turbines and return the affected areas to their prior state,
AHA MOKU	Aha Moku opposes this project and requests to be consulted in this process	We have noted Aha Moku's participation in the meetings and public hearings we have conducted. We have also noted the written testimony that Aha Moku representative have submitted.

SUBJECT	COMMENTS FROM MEETINGS	STAFF RESPONSE/RECOMMENDATIONS
END OF GENERAL LEASE	Will NextEra be required to remove the wind turbines?	Yes, as a condition of the lease agreement.

RECOMMENDATION

That the Hawaiian Homes Commission (HHC) accept this Beneficiary Consultation Report as the official public record of beneficiary issues, questions, concerns, and comments relative to NextEra's Proposed Wind Energy Project at Kahikinui, Maui

Acceptance of this Report does not indicate concurrence or approval of staff recommendations identified in Figure 4.



HO'OMALUŌ

ENERGY POLICY

To enable native Hawaiians and the broader community working together to lead Hawai'i's effort to achieve energy self-sufficiency and sustainability.

OBJECTIVE

1

Mālama 'āina:
Respect and protect our native home lands.

ACTIVITIES:

Develop a comprehensive strategic plan for the protection, restoration and preservation of DHHL's forest lands. (An appropriate plan that incorporates the preservation of values, traditions, and culture of Native Hawaiians that restores balance, harmony, and sustainability of the forest lands for future generations.)

Develop a comprehensive strategic plan for the protection, restoration and preservation of DHHL's other lands—lands other than forest lands, lands for homesteading and lands for general lease.

Identify properties in DHHL land inventory that have potential for carbon sequestration and determine if carbon sequestration is a viable use of DHHL lands.

Evaluate each Regional Plan to determine if energy self-sufficiency and sustainability goals and objectives should be incorporated into the regions. (The regions contained within the Regional Plans can serve as today's "ahupua'a" - the past Hawaiian land-management system of self-sufficiency for future generations.)

Develop, implement, and maintain plans to reduce DHHL's carbon footprint (reduce greenhouse gas emission).

OBJECTIVE

2

Ko'o: Facilitate the use of diverse renewable energy resources.

ACTIVITIES:

Identify properties in DHHL's land inventory that have potential for renewable energy projects.

Pursue the leasing of those lands that are identified as suitable for renewable energy projects. (First priority should be given to entities that would provide "firm" renewable energy power such as garbage-to-energy (mass-burn), geothermal, pump-storage hydropower, solar-thermal and second priority to "as-available" renewable energy power such as wind, solar-photovoltaic, and wave.)

Encourage existing and future general lessees and licensees of DHHL's properties to design and build their facilities so that they are energy and resource efficient.

Seek partnerships for the development of renewable energy resources. In this connection, build relationships that could assist DHHL on non-energy related issues.

Evaluate DHHL's available authorities/powers that could expedite renewable energy projects for the state of Hawai'i.

Seek innovative processes to provide reliable electricity, by assisting electric utilities (in a world where energy is an essential but very limited resource) to reduce Hawaii's dependency on fossil fuels.

OBJECTIVE

3

Kūkulu pono: Design and build homes and communities that are energy efficient, self-sufficient and sustainable.

ACTIVITIES:

Promote, design, and build new affordable homes (that minimize lifestyle and visual impacts) using the "Hawai'i BuiltGreen" and "ENERGY STAR" programs. (These programs ensure the designing and building of new energy and resource efficient homes in Hawai'i.)

Strive to plan, design, and build new communities utilizing the "ahupua'a" concept and the "Green Communities" program. (The Green Communities program's criteria are designed to provide a cost effective approach and standard for creating healthy, affordable, and environmentally responsible homes and communities.

Assist beneficiaries to utilize energy efficiency rebates, financial assistance, tax credits and other incentives offered by utility companies and federal, state and county governments.

Promote the benefits of hybrid electric vehicles to help reduce beneficiaries' transportation (gasoline) costs. (70% of Hawai'i's imported fossil fuel is used for transportation that must be use efficiently or conserved.)

Assist beneficiaries to obtain mortgages under the "Energy Efficient Mortgage" program. (The program can help beneficiaries save money and, reduce their loan qualifying income requirements.)

Seek partnerships with federal agencies like with the U.S. Department of Energy that provide access to current state-of-the-art technical advancements in energy.

Seek partnerships that provide grants and other financial assistance for the developments of state-of-the-art net zero energy homes.

Join with electric utilities and the Public Benefits Administration as partners to advocate, communicate and educate the public on state-of-the-art energy initiatives.

Energy efficient homes generate lower electricity and home maintenance costs that would help beneficiaries qualify for a higher home mortgage or increase their purchasing/savings power.

OBJECTIVE

4

Kōkua nō i nā kahu: Provide energy efficiency, self-sufficiency, and sustainability opportunities to existing homesteaders and their communities.

ACTIVITIES:

Identify effective energy efficiency and conservation retrofit applications and develop a plan to assist homesteaders with the retrofitting of their homes. (Retrofit applications may include: solar hot water heating system, insulation/radiant barriers, low-flow toilet and shower head, photovoltaic system, CFL bulbs, ENERGY STAR appliances, energy efficient windows, clothes line, ventilation techniques, and roof/attic vents.

Assist homestead communities to achieve potential energy self-sufficiency by identifying properties near existing homesteads that could be utilized for community renewable energy projects that could also generate revenue for their respective regional plan projects.

Seek partnerships to assist homesteaders with retrofit applications and energy self-sufficiency projects.

Help homesteaders lower their monthly electricity and maintenance costs that would increase their purchasing/savings power and generate revenue for their respective Regional Plan projects.

OBJECTIVE

5

Ho'ona'auao: Prepare and equip beneficiaries to promote a green, energy efficient lifestyle in and around communities.

ACTIVITIES:

Seek partnerships that provide opportunities to learn how to live a self-sufficient and sustainable, greener lifestyle.

Develop and implement resource efficiency programs for beneficiaries to reduce, reuse, and recycle resources. These resources include construction and demolition materials, household items, yard waste, and other items which might be sent to landfills or incineration.

Assist homestead communities to become more aware of their energy use and carbon footprint.

Proposed Kahikinui Wind Energy Project
BENEFICIARY CONSULTATION REPORT

LIST OF ATTACHMENTS

1. May 23, 2015 Meeting Materials
2. July 13, 2015 Meeting Materials
3. July 29-30, 2015 Public Hearing Materials
4. Written Comments (email, website or regular mail)

Proposed Kahikinui Wind Energy Project
BENEFICIARY CONSULTATION MEETING

MAY 23, 2015

Waiohuli Community Center
1:00 PM – 3:00 PM

MEETING MATERIALS

1. Meeting Notes and Attendance
2. Notification Letter
3. Meeting Handouts:
 - a. Presentation Handout
 - b. Fact Sheet

**BENEFICIARY CONSULTATION MEETING
ON THE
PROPOSED KAHIKINUI WIND ENERGY PROJECT**

Waiohuli Community Center

May 23, 2015

1:00 pm to 3:00 pm

MEETING NOTES

NOTE: This meeting notes document was generated to produce a record of beneficiary comments and concerns. It does not cover the presentation portion of the meeting, however the presentation handout materials are attached for reference.

BACKGROUND INFORMATION

1. Purpose of the Meeting:
 - To present a chronology of past events, meetings, actions and decisions leading up to this meeting
 - To present details of the proposed wind energy project at Kahikinui
 - To get input and answer questions from Kahikinui beneficiaries
 - To explain next steps
2. Who was Invited to the Meeting:
 - All Kahikinui Lessees (75 Lessees)
 - Applicants with mailing address zipcode = 96790 (Kula)
3. Meeting Notifications:
 - Invitation letters (see attached letter) were mailed to 75 Lessees and 75 Applicants for a total of 150 invitation letters (duplicates, bad addresses, off-island addresses were removed)
 - Invitation letters were mailed first class on May 11, 2015.
 - Kahikinui Board members also received an email or phone call.
4. Residents at Kahikinui
 - Of the 75 Lessees at Kahikinui, the Board reported that 10 families, include a total of 30 people that reside full-time at Kahikinui.

ATTENDANCE

*Kahikinui Lessees
and 'Ohana*

Brandon Benz-Marrs, Malia Benz-Marrs, Francis Cullen, Charmaine Day, Virgil Day, Hannah Domingo, Ainoa Kaiokamalie, Maria Kanamu, Walter Kanamu, Mikahala Kermabon, Chad Newman, Harry Newman, Kaia Pali, E.G.K. Aimoku Pali Sr., Donna Sterling

Other Attendees

Barry M. Holomalia, Jade Alohalani Smith, Samson K. Kepa Jr., Beverlie Wilson

DHHL Jobie Masagatani, Chairman; William Aila, Deputy Director; Pua Canto, Maui Commissioner; Linda Chinn and Allen Yanos, Land Management Division; Julie-Ann Cachola, Planning Office.

PRESENTATION (Presentation handout attached)

The meeting started at 1:20 pm. and ended at 2:35 pm.

- Chair Masagatani opened the meeting
- Julie-Ann Cachola presented the background information
- Allen Yanos presented details of the proposed offer
- Deputy Director William Aila facilitated the dialogue and discussion.

DIALOGUE AND DISCUSSION

Following the presentation, Deputy Director, William Aila, Jr. facilitated an open dialogue and discussion session that provided beneficiaries the opportunity to express their concerns, get answers to their questions, and share their ideas and recommendations.

1. *Will the \$175K from the Right-of-Entry (ROE) Agreement go to the community?*
Response: No, the \$175K for 3 years under the ROE will go to the department. If the ROE is extended, the \$200K will also go to the department. If and when the General Lease is executed, there will be an estimated \$300K per year of Community Benefits going to the community for its projects.
2. *Will any of the roads going makai block our access to shoreline gathering?*
Response: It is not anticipated that any of the jeep trails will be blocked. DHHL is talking to the Developer on allowing access on the paved road to the shoreline.
3. *I know you're working on getting us access to the road going Makai. Will that be for our community or the community-at-large?*
Response: We are here to listen, and if this is what the community wants, will take this back for further discussion and evaluation.
4. *Well I say No. Access should be for Kahikinui only. We're having enough problems with access now. With Kalapana, you have to go in with a resident. Since access affects our ahupua'a resources, we need to limit access to Kahikinui residents.*
5. *I'd like to say that we could open it up to other homestead communities, especially the ones on Haleakala. We can work with each other within our Hawaiian community.*
Response: Noted, will take this back for further evaluation.
6. *I'm thinking about future generations. We can work with each other within our Hawaiian community. It can be open to other homestead communities, but it would be managed by Kahikinui.*

Response: We understand the intent, but we have to look at State Laws regarding shoreline access.

7. *The Ka Ohana o Kahikinui has a Kahikinui Management Plan, developed in 2000, which includes Makai management. It is preferred that any visitor be escorted by a member of the community.*

Response: Noted. Thanks.

8. *My name is Harry Newman and I am the President of Ka Ohana o Kahikinui. We request that we be at the table when this negotiation is finalized.*

Response: We have noted your comment. Keep in mind that it depends on the Power Purchase Agreement.

9. *How will you distribute the community benefits? Will the \$300K go into Ka Ohana o Kahikinui's account so that the Board will get to decide what to do with it?*

Response: We are here to listen. What is the preference of the community?

10. *We prefer cash to the Ka Ohana o Kahikinui account.*

11. *What happened to the request we made that we be present any time the Department makes a decision on Kahikinui, so we can make the decisions too?*

Response: This is a partnership. The negotiations can go to a certain extent, but there are competing, confidential pieces of information. I don't know legally if we can include Kahikinui in the negotiations, especially because the HHC has still not approved the project.

12. *What if the community says "NO"? Will that input be heard?*

Response: If the whole community says "No, we don't want it," it would be reported in the meeting notes.

13. *Because at the public hearings before, everyone was against the project.*

Response: The notes indicate that the community was against renewable energy projects at Pulehunui and Honokowai.

14. *As President of the Helekunihi Foundation, I want to be included in the Community Benefit Package.*

15. *What is the height of the wind turbines?*

Response: Right now they are looking at model that is the same height as the Sempra windmills, about 400-feet high, but technology in a few years may lower the height of the windmill. We will not know until the Project is in the Design Phase.

16. *Will there be provisions for the removal of the wind turbines?*

Response: Yes, it is in the agreement that the developer will have to remove and take away all their equipment at the end of the lease term.

17. *Need to add jobs, and training.*

18. *I'm happy with the road issue, but concerned about potential destruction of the 'aina. Is there any environmental impact on the land and our people, with the lines, windmills etc.*

Response: The developer will have to prepare the environmental impact statement in compliance with Chapter 343. All of these concerns will be addressed. It is good to share with the consultant all these concerns.

19. *Are you taking testimony?*

Response: Yes, this whole discussion will be captured in the meeting notes.

20. *As the project moves forward, I'm concerned about whether there will be any telephone poles used to transmit energy. When they start talking about wiring and moving the energy, I'd like to be consulted.*

21. *We oppose any poles along the highway. Our preference is to have all utility line underground.*

Response: We will be back with the developer to talk story with the community. As more details are known, we will definitely share with the community. Until the due diligence is done, we will not know how the Project will be designed.

22. *Would like to be informed on all archaeological sites located on the aina.*

Response: Yes, as part of the EIS, an archaeological report and cultural impact will be included. Will definitely share with the community, before and after.

23. *Sempre said they did a wildlife study and they said that there's no birds out there, but every time I go out to the shoreline, I see Iwi birds. We don't want to be lied to in the environmental studies. This applies to plants and animals, their habitat, nesting grounds, and the area around the nesting grounds.*

Response: We'll make sure it's captured in the scoping of the Environmental Assessment. Flora and Fauna studies require consultants to talk in depth with the community regarding any wildlife/plant life.

24. *I am the Aha Moku representative for Kahikinui. It's important when they do their EIS that they listen to the community. The EIS consultants should talk to people that live in the area.*

Response: To facilitate that, it might be a good idea for Ka 'Ohana o Kahikinui to designate 1 person as the contact person for anything dealing with studies involving environmental or cultural resources at Kahikinui. The contact person would ensure

proper protocol---arrange safe access to the field and ensure access to appropriate resource people.

25. *Walter Kanamu provided his testimony against the project*

- Seems like the community was already sold out
- It's wrong to bring pain to the land
- It's bad to take money for these projects – wrong to rape the lands and sell out
- Speaking for the lands at Kahikinui – he wants to know how to stop the project
- He provided several songs he wrote about Kahikinui

26. *Charmaine Day provided her testimony*

If you're going to look at the land being raped and all that, it's been done already. We're taking care of this area. We're trying to put this place back together. We're not raping the land, we're the new pioneers trying to bring life back to the land. My ancestor called me back to the land. We're building it back to its glory. The community is back on the land as pioneer. It's hard work to bring the land back to life as our ancestors have done. There are projects much worse than an alternative wind energy project.

Charmaine closed the meeting, pulling from her cultural practices and expertise, she offered an oli about Kahikinui.

MEETING ATTENDANCE:

FIRST NAME	LAST NAME	AFFILIATION
1. Hannah	Domingo	Kahikinui Lessee
2. Malia	Benz-Marrs	Kahikinui Lessee
3. Francis	Cullen	Kahikinui Lessee
4. Charmaine	Day	Kahikinui Lessee
5. Virgil	Day	Kahikinui Lessee
6. Ainoa	Kaiokamalie	Kahikinui Lessee
7. Walter	Kanamu	Kahikinui Lessee
8. M. Kahala	Kermabon	Kahikinui Lessee
9. Chad	Newman	Kahikinui Lessee
10. Harry	Newman	Kahikinui Lessee
11. Kaia	Pali	Kahikinui Lessee
12. E.G.K. Aimoku	Pali, Sr.	Kahikinui Lessee
13. Donna	Sterling	Kahikinui Lessee
1. Barry M.	Holomalia	Applicant
2. Jade Alohalani	Smith	Applicant
3. Maria	Kanamu	Unspecified
4. Samson K.	Kepa, Jr.	Unspecified
5. Beverlie	Wilson	Unspecified
1. Pua	Canto	HHC, Maui Commissioner
2. Jobie	Masagatani	DHHL, Chairman
3. William	Aila, Jr.	DHHL, Deputy
4. Linda	Chinn	DHHL, Land Management Division
5. Allen	Yanos	DHHL, Land Management Division
6. Julie-Ann	Cachola	DHHL, Planning Office

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P O BOX 1879
HONOLULU, HAWAII 96805

May 11, 2015

Dear Kahikinui Beneficiaries:

The Department of Hawaiian Home Lands is conducting a beneficiary consultation meeting on Maui for a proposed wind project in Kahikinui by NextEra Energy Resources, LLC that will generate 60 MW of power. This consultation is part of the process begun in January, 2013 when the DHHL published a solicitation in the newspapers for letters of interest/intent from potential renewable energy developers for projects on Hawaiian Home Lands in the Honokowai, Pulehunui, and Kahikinui regions.

The meeting will be held on:

**Saturday, May 23, 2015
1:00 pm to 3:00 pm
Waiohuli Community Center
881 Lauie Drive, Kula, Maui**

The intent of the meeting is to inform you about the details of the wind project and to receive your input. You will also have 30 days after the meeting to provide further comments and feedback. The feedback to DHHL will be compiled and reported to the Hawaiian Homes Commission for decision-making after that.

Details about the location of the meeting and how you can submit comments are posted on our website (dhhl.hawaii.gov). If you are interested in learning more about this project, or you have feedback for us, we encourage you to attend the meeting in Kula. Please call (808) 620-9591 with any questions.

Aloha,

A handwritten signature in black ink, appearing to read "Jobie M. K. Masagatani".

Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

DHHL CONSULTATION WITH KAHIKINUI BENEFICIARIES

PROPOSED KAHIKINUI WIND PROJECT

Waiohuli Community Center, Kula, Maui
Saturday, May 23, 2015 • 1:00 pm–3:00 pm

AGENDA

1. Purpose of this meeting
2. Background Information
 - A. Why is DHHL Supporting this wind energy project at Kahikinui?
 - B. What is the timeline for Maui Renewable Energy?
3. The Proposed Project
4. Next Steps
5. Comments, Questions/Answers

1. PURPOSE OF THIS MEETING

- Present the major components of the proposed wind project at Kahikinui.
- Get input from Kahikinui beneficiaries on the project.

2. BACKGROUND INFORMATION

A. Why is DHHL supporting the development of a wind energy project at Kahikinui?

- ✓ Excellent wind resource.
- ✓ The project provides a revenue stream for the Hawaiian Home Lands Trust
- ✓ The project develops an alternative renewable energy resource for Maui County
- ✓ The project provides a financial resource for the impacted community at Kahikinui

B. What has taken place to-date?

DATE	PROCESS/DECISION
Jan 13, 2013	HHC authorized direct negotiations with potential renewable energy developers on the Island of Maui.
Jan 18, 2013	DHHL published a Legal Notice that invited interested parties to submit a Letter of Interest/Intent to develop renewable energy at Kahikinui, Pulehunui, and/or Honokowai.
Jan 31, 2013 Feb 4, 2013	Briefing meetings with homestead leaders
Feb 14, 2013 Feb 15, 2013	Special HHC Meeting and two (2) Public Hearings on Maui <i>(Beneficiaries did not support renewable energy development at Pulehunui and Honokowai, but were open to options at Kahikinui.)</i>
March 4, 2013	Maui Beneficiary Consultation Meeting (Applicants/Lessees)

3. IMPORTANT THINGS TO KNOW

- HECO's RFP has been on hold since July, 2013; PUC required changes
- The undersea cable has also been on hold since July 2013 pending the PUC's investigation on whether the cable was in the public interest.

- To be ready to bid when the RFP is issued in the future, NextEra needs to secure the land and a Power Purchase Agreement (PPA) in advance and perform its due diligence and investigation to confirm that the location selected will produce the energy expected
- NextEra's wind project is NOT dependent on the undersea cable
- For confidentiality purposes, some financial information cannot be shared at this time; otherwise, when HECO's RFP is issued, NextEra's competitors will have the advantage of submitting proposals knowing what NextEra offered DHHL

4. THE PROPOSED KAHIKINUI WIND PROJECT

A. WHO:

- NextEra Energy Resources, LLC (a subsidiary of NextEra Energy, Inc., a Florida corporation), submitted the proposal
- Actual developer will be Boulevard Associates, a Delaware LLC (an affiliate of NextEra Energy, Inc.)

B. WHAT:

- Construction of a proposed 60 MW wind project
- Approximately 20 wind turbines
- Each turbine generates about 3 MW of energy

C. WHERE:

- Southeastern portion of DHHL land in Kahikinui region
- Exact location to be determined following NextEra's due diligence and investigation period of three years to perform:
 - Cultural field studies to identify sensitive areas and sites to avoid
 - Environmental studies
 - Wind analysis, including installing on-site monitoring equipment
 - Engineering assessment, including drilling to evaluate soil and bedrock conditions

D. HOW MUCH LAND NEEDED:

- 500 acres to be used during construction and as buffer area
- About only 30 acres will ultimately be used for roads and turbine pads

E. WHEN:

- Due diligence and investigation period begins upon execution of Right-of-Entry (ROE) for three (3) years
- Option to extend ROE for two one-year periods
- ROE to be converted to 20-year General Lease when wind project can deliver power to the power grid
- Option to extend General Lease for another five (5) years

F. FINANCIAL OFFER:

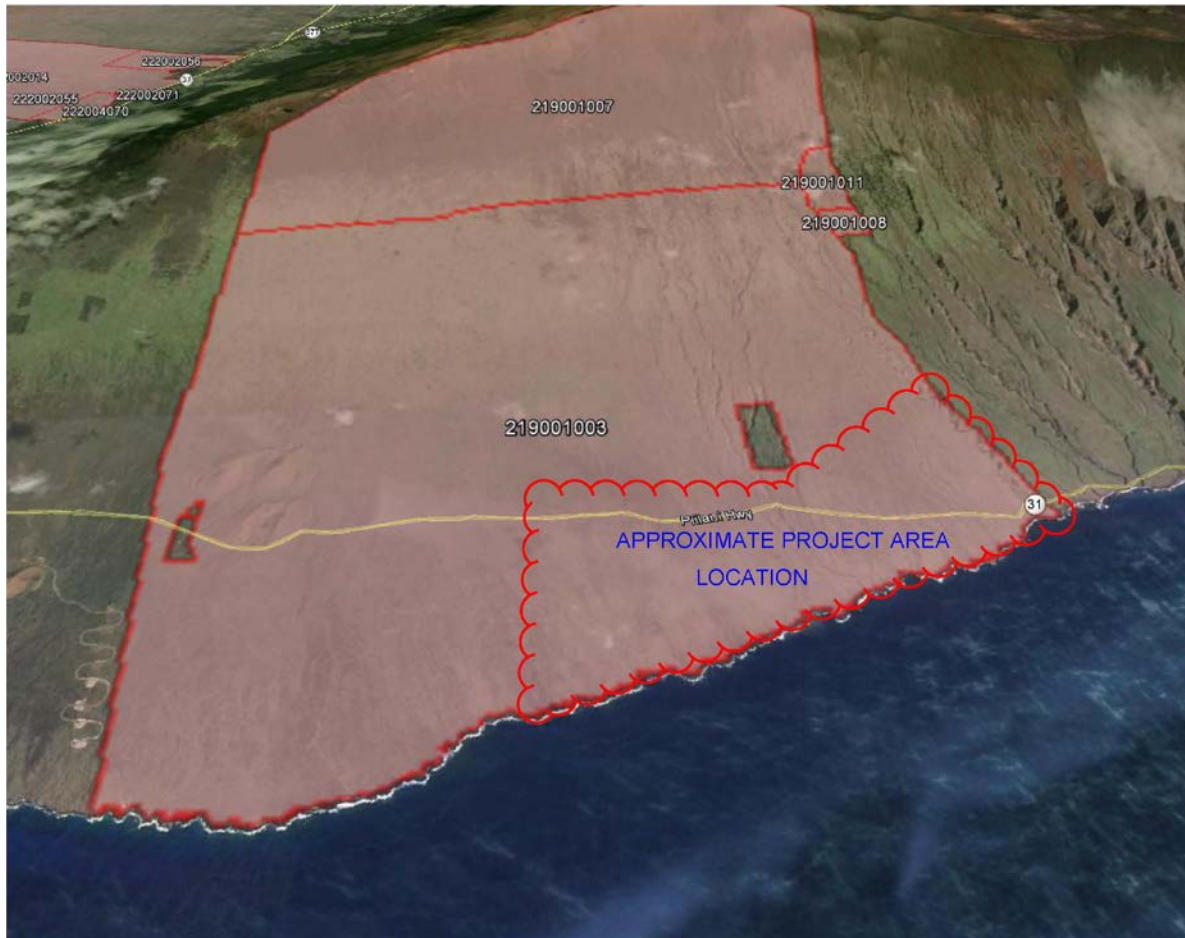
- ROE Fee: \$175,000 per year for three (3) years.
- ROE Extension: \$200,000 per year for two (2) one-year extensions.
- 20-year General Lease. Lease rent figures to be finalized after a PPA executed with electric company.
- Option to extend General Lease an additional five (5) years, if needed, at same rent
- Community benefits package estimated to be around \$300,000 per year. Amount to be finalized after PPA with electric company is executed.
- Both lease rent figures and community benefits package depend on the price of the energy that the electric company buys from the wind project.
- Price of the energy and the ultimate size of the project are unknown until the electric company selects NextEra's wind project and the PPA is finalized

5. NEXT STEPS

- A. May 23: Beneficiary Consultation with Kahikinui beneficiaries
- B. June 23: Beneficiary Consultation comment deadline
- C. End of June: Islandwide Beneficiary Informational Briefing on Maui
- D. July 20: HHC meeting in Kapolei: Accept Beneficiary Consultation Report
- E. End of July: Two (2) Public Hearings and HHC decision-making on Maui

Questions or Comments can be submitted to: Julie-Ann Cachola at julie-ann.cachola@hawaii.gov or by mail at: P.O. Box 1879, Honolulu, HI 96805

For more information please visit our website at: dhhl.hawaii.gov



PROPOSED KAHIKINUI WIND PROJECT FACT SHEET

WHO	NextEra Energy Resources, LLC, a subsidiary of NextEra Energy, Inc., a Florida corporation, submitted the proposal.
WHAT	Construction of a proposed 60 MW wind project; plans call for approximately 20 wind turbines, each generating about 3 MW of energy.
WHERE	<p>In the Southeastern portion of DHHL land in the Kahikinui region. See map. Exact location of the turbine sites to be determined following NextEra's due diligence and investigation period of three years to perform:</p> <ul style="list-style-type: none"> • wind analysis, including on-site monitoring equipment • environmental studies of the flora and fauna • engineering assessment, including drilling to evaluate soil and bedrock conditions • cultural field studies to identify culturally sensitive areas and sites to be avoided
HOW MUCH LAND	500 acres will be used during construction and as buffer area. Approximately only 30 acres will ultimately be used for roads and turbine pads.
WHEN	Due diligence and investigation period commences upon execution of a Right-of-Entry (ROE) document for a three-year term, with option to extend the ROE period for another two years, after which the ROE will be converted into a 20-year General Lease upon commencement of operations (when project can deliver power to the power grid), with an option to extend for another five years.
WHY	Culmination of process begun in January, 2013 when HHC authorized DHHL to proceed with direct negotiation with potential developers for renewable energy projects in Kahikinui, Honokowai, and Pulehunui, on Maui. Most DHHL beneficiaries were not in favor of renewable energy projects at Pulehunui and Honokowai. Kahikinui homestead leaders and residents supported a wind project if community benefits offered would help with needs specific to their community.
HOW NEXTERA SELECTED	NextEra was selected after a long process following meetings with homestead leaders and public hearings on Maui. Four developers submitted proposals for wind projects in Kahikinui, all of whose proposals were reviewed and assessed by SPS Energy & Financial, LLC, DHHL's renewable energy consultant. NextEra was selected from two finalists following a final round of negotiations in mid-December, 2014.
FINANCIAL OFFER	<ul style="list-style-type: none"> • Three-Year ROE Period: \$175,000 per year; \$200,000 per year for two one-year extensions, if needed • 20-Year General Lease, plus one five-year extension, if needed. Lease rent payment figures to be finalized after a Power Purchase Agreement (PPA) is executed with electric company. • Community Benefits package. Amount to be finalized after a PPA is executed with electric company. <p>Note: PPA price and ultimate project size are unknown until project is competitively selected and contract is finalized with the electric company.</p>

Proposed Kahikinui Wind Energy Project
BENEFICIARY INFORMATIONAL MEETING

JULY 13, 2015

Paukūkalo Community Center
6:30 PM – 8:30 PM

MEETING MATERIALS

1. Meeting Notes
2. Notification Postcard
3. Meeting Handouts:
 - a. Meeting Agenda
 - b. Presentation Handout
4. Presentation Powerpoint

MEETING NOTES
Kahikinui Wind Energy Project
Beneficiary Informational Meeting
Paukūkalo Community Center
July 13, 2015 • 6:30 pm to 9:30 pm

The Department presented a powerpoint presentation (see Attachment A) that covered:

- The purpose of the meeting
- Background information on Kahikinui
- Background information on the Proposed Kahikinui Wind Energy Project

The meeting was then open to public comments and questions which were as follows:

1. There seems to be a lot of interest in this project—will you extend this meeting beyond the 2 hours if people are still lined up to testify?
 - a. If people sign up to testify before 9:30 pm, we will hear their testimonies.
2. Let's assume that the HHC approves the project, can you explain the process the project needs to go through in order to begin construction?
 - a. If the HHC approves the Right-of-Entry permit and the long-term General Lease, NextEra would still need to secure a number of permits and approvals before it could construct. For instance, compliance with Chapter 343, HRS means a full disclosure of all social, environmental and cultural impacts (along with mitigation measures) that could result from the project. NextEra would also have to secure a power purchase agreement with MECO which would then be submitted to the PUC for its approval.
3. Some people don't know what you're talking about—you're talking about NextEra—for \$175K, you should be getting \$150M. I'm kanalua about why DHHL thinks this is going to be a revenue generating project.
4. I would think that if you moved the project to Auwahi, it would lessen the impact since Auwahi already has wind turbines there. In Kahikinui, it's like you're desecrating another pristine site. These are sacred areas.
5. Can you tell us something about the company Boulevard—track record, etc.
 - a. Boulevard is a holding company, where the independent power producer is under the subsidiary banner. Boulevard is a completely independent producing company. NextEra Energy Resources is a non-regulated entity; utilities are regulated industries
6. Is it possible for a line to go underground?
 - a. It is possible and even preferred by the community.
7. In the next month, will you look at the financial and physical part of the project? Is one month enough time to approve a project?
 - a. The Right of Entry Agreement begins the due diligence process which will address details in finance and construction.
8. The 26 -27 mile marker is the only area that is accessible to fishermen. Now you're dumping wind mills on the fishing community. It's going to pit the fishing community against Kahikinui.
9. Should watch how you talk about this project; it's whether it is beneficial to future generations.

10. We want transparency in everything, contractors, etc. We also want to include other moku that might be impacted too.
11. DHHL should seek mana'o from the 'Aha Moku Council.
12. HECO or MECO can't take the power that is generated; you're adding 60MW, now you're going to have to improve all infrastructure to handle the energy you're generating. This expense is going to be incurred by existing rate payers.
 - a. Last year MECO took 21% of load from wind, they were willing to buy 10% more wind when the target was 40% energy independence; but now that it's 100%, they can buy more.
 - b. Consumers end up paying for the costs.
 - c. If you're talking about benefits, so far we haven't seen any benefits.
13. If we put our questions in the testimony, who is going to answer the questions?
 - a. The questions we can answer, we will answer, but some questions are outside our purview.
 - b. At a later date, a list of Frequently Asked Questions will be posted on our website regarding this project.
14. How can we testify when you're not answering the questions?
 - a. Even your questions provide input to the Department/Commission
15. Why are we submitting testimony when you sound like you're going ahead with this?
 - a. The only decision that has been made is who would be the renewable energy producer—that would be NextEra/Boulevard Associates. But the decision on the energy producer doesn't mean they can go out to Kahikinui and start producing wind energy. The big decision is whether or not the Commission will approve the Right-of-Entry and General Lease. Your testimonies tonight and at the Public Hearings will help the Commission make its decision.
16. Throughout the night we heard the process of how to submit testimony. Who and when will DHHL respond back to us?
 - a. DHHL doesn't respond to testimonies presented at Public Hearings. Public Hearings are conducted by the Hawaiian Homes Commission and the hearings provide opportunities for people to present their questions, comments and concerns directly to all Commissioners.
17. HHLs should be here to help us. What is DHHL doing for the beneficiaries in terms of fishing sanctuaries, land, etc., because it looks like DHHL has crossed the line regardless of what we say in our testimonies.
 - a. We're trying to find money to pay for roads, utilities that the county is not taking...not just in Kahikinui, but all homesteads.
18. I understand Kahikinui is affected, but we're all affected by the project. Where is the human element? It seems you only care about the money.
 - a. We have to make the best decisions with the information we have at hand.

19. Ka 'Ohana o Kahikinui asked to be on the table with NextEra and HHLs, but we have not been included...it seems like it's a done deal.
 - a. There were legal reasons why the community couldn't be on the table. We've done this in other communities...there's confidential information...but we will see how we can include them on the table.
20. It was mentioned by Doug that NextEra doesn't know what MECO is doing...what is your plan to mitigate some of the shortcomings of MECO? They have said that the power can't be used at night, because there's battery limits.
 - a. As we have discussions with MECO, we'll look at other technologies (batteries, pump storage); our proposal will produce energy—this discussion about storage is another step in the process.
21. What is your (William Aila's) answer...what do you think about this project?
 - a. I know that oil prices are not going to go down; the only reason it's down now is because Saudi Arabia wants to show that they are the best. The reason why the Governor changed the renewable energy goals from 40% to 100% is because he knows that this is going to happen. This way, we can at least guarantee the price of energy for 20 years. If we don't do this, we are going get zero; we won't have another opportunity to figure it out.
22. Doug, we hear about equipment longevity—what is the longevity of equipment you will use?
 - a. Normally we assume 20-25 years.
23. When a project goes down at end of 20 years, who takes it down?
 - a. NextEra has to take it down or whatever is agreed upon in the lease conditions.
24. I'm not a mechanical or electrical engineer, but I can read—I've read that wind mills is not the best way to capture energy. Why aren't you looking at an alternative energy model that includes other forms of renewable energy?
25. Kahikinui has the last remaining koa forest and there's a lot of endangered plants and birds—how much money is set aside for mitigation of taking these birds?
 - a. Through studies, they estimate how many birds they are likely to take. From that amount, they determine what the company has to pay for the taking. The funds go toward propagating more birds and/or creating habitat for the birds.
26. I'd like to request a consultation meeting vs. a public hearing.
27. We're dealing with the Public Land Development Corp. I don't know who is monitoring this, but I see something going on between the HHC and the PLDC.
 - a. HHC is appointed by the Governor and they serve the beneficiaries of the Hawaiian Homes Commission Act.
28. You're talking about DHHL, but there's too many people in the stew...negotiating deals with people that are not beneficiaries; they just want money.
29. How many testimonies will it take for HHLs or NextEra to step down from this project? If a majority of people testifies, will they be heard?
30. I've been standing here listening to mana'o and getting the sense that people want to get maximum coverage because they think the public hearing is the end all; that's not going to happen. Once HHC approves, then NextEra has to do studies, so people should stay tuned. Be consulted in the process. The public hearing and commission decision is not the only

thing...all of the studies has to be economically viable for the company...bottom line. If not, they're not going to do it. We've heard all this about fishermen, endangered species, etc., but not one person supported Ka 'Ohana o Kahikinui-and they've been doing this from day 1. This is an opportunity for them to get on the table—we should be helping them move forward. What Kahikinui did –started working with developer from day 1—has never been done before. They initiated working together. The purpose of this meeting and the public hearing, is so that the HHC can see whether or not we will support Ka 'Ohana o Kahikinui.

31. We need a beneficiary consultation meeting. It's not that we don't support Ka 'Ohana o Kahikinui, it's that we heard Aimoku say that he wasn't allowed on the table. The same thing happened with Kamehameha Schools at Paukukalo. Two- days is too short for public hearings. Beneficiary means everyone on the list, not just a chosen few. You need to take into account the general public too. They're going to say in the future, why can't we fish over there? Why is our access cut off?
32. Can we defer decision-making to have more time?
33. I'm not a native Hawaiian, I'm a maka'ainana—talking about consultation is only on the commission. We're footing part of the bill. So we need the numbers...what are we going to make?
 - a. They haven't negotiated the power purchase agreement with MECO.
34. Today a lot of people are installing rooftop solar because the people are suffering with high electric bills. The wind farm is going to add to the suffering.
35. When is the HHC scheduled to make their decision?
 - a. Aug 17/18—we'll take information back and see if there's any interest in deferral. Decision-making was extended until November.
36. Want to say to Harry and the 'Ohana, I'm not for or against this project that will benefit your community; I'm just against the location.
37. I would like to request a beneficiary consultation meeting prior to decision-making.
38. I came here for an informational meeting, but there isn't enough information and that hurts, and there's nothing on process. What is the process? We're here.
39. We have other processes that needs to be included in NextEra. Our community group has gone through a lot --what we're seeing now is more people stepping up to the plate. What we don't need is people coming in who are not invited. The first people who were Hawaiian Homestead settlers had to prove the program...it's because of them that we're here today. If we go forward, we have aloha for one another...and see how we can make it work; if it fits, then let's make it work. If it doesn't then move on.
40. The meeting on August 17 and August 18 is the meeting on whether or not to give a Right-of-Entry permit at \$175,000? Does it include the \$300,000 for beneficiaries?
 - a. It also includes the General Lease for 20 years with option for 5 more years. The \$300,000 for beneficiaries is included in the overall deal.
41. Could the HHC say we don't want to give you a General Lease right now?
42. I heard people asking for more information; they are going to go back and tell people what they heard tonight and they are going to raise additional questions. You might want to go back and check your notice to make sure you have 30-day notification for public hearings. Chapter 91, HRS.
43. We are beneficiaries, if we come together we're going to be really powerful.
44. Can we email DHHL to get more information?

- a. Yes you can email julie-ann.cachola@hawaii.gov
45. We've lived at Kahikinui for 16 years. Our kuleana was to restore the forest and put our people on the land. We helped build the road to Kahikinui so people could come up to Kahikinui. We have plenty of work to do---do you want to come help us? There are lessees like Kawika that can't get to their lots; 30+ lessees can't even get to their lots. We formed a nonprofit organization, we also have the Kahikinui Game and Land Management Organization. We're trying to keep our Makai pristine--there's over 1,000 historic sites down there. But this would help. There has been all kinds of companies that come in --Shell Oil proposed windmills and we said, "NO." We had Sempra and we said NO to all these companies in the past. They're going put windmills up there regardless. If we say NO, they'll go next door. We're ok, we have solar, wind, road, but a lot of our people can't access their lots. We need finances, this could be a way. We haven't talked to our beneficiaries yet. We're taking all your comments, but there's so much to be done on our 'aina and you're all invited to come and help. Thank you for coming and listening.
46. We're not into gating people out. What we're doing is for Hawaiians. We're trying to manage fisheries, so we move the gates around. The first thing I said was, this is prime fishing ground. The reason this area is not gated is because we said no—keep it open. We're not keeping people out, we're trying to bring people in. We were created for self-sufficient living—the cattle and fish are food for us. We're not keeping people out, we're trying to make it better. We have an opportunity here. I'm not saying this is the answer, because we haven't made our decision yet.
47. Listening to everyone's concerns, seems like this process is moving too fast—it should be going 10 mph instead of 40 mph.
48. Pua: one of the lessees that had to leave said she prefers the timelines move out. The Commission meets on Maui in August and November; maybe it can move to November.
[post note: decision-making on the Right-of-Entry agreement and the General Lease has been moved to the November 2015 meeting]

Closing pule: Ke'eaumoku Kapu. Meeting pau at 9:22 pm



Learn more about the proposed Kahikinui wind energy project

Informational Meeting

Monday, July 13, 2015, 6:30 - 8:30 p.m.

Public Hearing #1

Wednesday, July 29, 2015, 6:30 - 8:30 p.m.

Public Hearing #2

Thursday, July 30, 2015, 10 a.m. - Noon

*All meetings to be held at the Paukūkalo Community Center
657 Kaumuali'i Street, Wailuku, Maui 96793*



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

Aloha Maui Hawaiian Home Lands Beneficiaries,

The Hawaiian Homes Commission will be conducting two public hearings to accept testimonies regarding a proposed alternative energy wind project with NextEra Energy Resources, LLC located in Kahikinui, Maui.

To help you prepare for the public hearings, the Department will be holding an informational meeting two weeks prior.

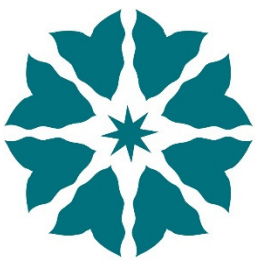
Final decision making on the proposed project is currently scheduled for the Hawaiian Homes Commission meeting in Lahaina in August 2015.

For more information, visit dhhl.hawaii.gov.

Mahalo!

State of Hawai'i
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawai'i 96707
P.O. Box 1879 | Honolulu, Hawai'i 96805
(808) 620-9500 | (808) 620-9529 Fax
dhhl.hawaii.gov

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DEPARTMENT OF HAWAIIAN HOME LANDS
BENEFICIARY CONSULTATION

Mai ko kākou mana'o, e hālupa nō kākou
From our ideas, we flourish

BENEFICIARY INFORMATIONAL MEETING
on the
PROPOSED KAHIKINUI WIND ENERGY PROJECT
Paukūkalo Community Center
July 13, 2015 6:30 PM TO 8:30 PM

AGENDA

I. Opening Pule and Welcome

II. Purpose of Tonight's Meeting:

- A. At its Regular Meeting on August 17 and 18 at the Lahaina Civic Center, the Hawaiian Homes Commission (HHC) will decide whether or not to issue a 20-year General Lease (GL) and an initial Right-of-Entry (ROE) Permit, for up to 5 years, to Boulevard Associates, a Delaware LLC, an affiliate of NextEra Energy, Inc., to plan, design, construct, own and operate a Wind Energy Project at Kahikinui. The construction and operation of the project requires a Power Purchase Agreement (PPA) from MECO and although the timeframe for this is unknown, the approval of the GL and ROE would start payments to the Trust and would allow the company to compete for the PPA on a timely basis.
- B. The HHC will hold (2) public hearings at the Paukūkalo Community Center to hear your comments. Testify at the hearing that best suits your schedule:
 - 1. Wednesday, July 29, 2015 from 6:30 pm to 8:30 pm; OR
 - 2. Thursday, July 30, 2014 from 10:00 am to Noon
- C. Tonight's Informational Meeting is intended to help beneficiaries develop their testimonies by providing:
 - 1. Background information on Kahikinui;
 - 2. Information about the Wind Energy Project; and
 - 3. A Question and Answer session

III. Background Information

- A. The Moku of Kahikinui
- B. Ka 'Ohana o Kahikinui
- C. Chronology of Events-Wind Energy Project
- D. Selection of NextEra's Proposal

IV. The Proposed Kahikinui Wind Energy Project

V. Next Steps and Permits and Approvals Required

VI. Questions and Answers

How to Submit Comments:

1. Submit oral comments at one of the Public Hearings
2. Submit written comments at one of the Public Hearings
3. Comments may be submitted online through our website at dhhl.hawaii.gov
4. Comments may be submitted via email at dhhl.planning@hawaii.gov
5. Comments may be mailed to: DHHL Planning Office, P.O. Box 1879, Honolulu, Hawai'i 96805.

The deadline for submitting comments is Thursday, August 6, 2015.

For more information, please see information on the “Proposed Wind Energy Project at Kahikinui” on our website (dhhl.hawaii.gov).



HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

**Maui Beneficiary Informational Meeting
Proposed Kahikinui
Wind Energy Project**

**Paukukalo Community Center
Wailuku, Maui
Monday, July 13, 2015 • 6:30 pm–8:30 pm**

Purpose of Tonight's Meeting

- 1. Tonight—Staff and NextEra Representatives will provide information on the Kahikinui Wind Energy Project**
 - 2. July 29-30 HHC Public Hearings at Paukukalo Community Center to hear comments on the Kahikinui Wind Energy Project from beneficiaries and the general public**
 - 3. August 17-18 HHC Regular Meeting at the Lahaina Civic Center for decision-making on a General Lease (up to 25 years) and a Right-of-Entry Permit (up to 5 years) for the Kahikinui Wind Energy Project**
- * Notes are being taken, but decision-makers are not present to hear testimonies; this meeting is meant to provide information to help you prepare comments for the Public Hearings.**

Agenda

- 1. Purpose of Tonight's Meeting**
- 2. Background Information on Kahikinui**
 - The Moku of Kahikinui—the land
 - Ka 'Ohana o Kahikinui—the people
- 3. Background Information on the Proposed Wind Energy Project**
 - Chronology of Events
 - Description of the Project
- 4. Questions and Answers**

The Moku of Kahikinui

- Kahikinui, translated as “Great Tahiti” is thought to be where original Polynesians first came ashore in Hawai'i
- Moku comprised of 8 ahupua'a, 23,000 acres is 75% of Hawaiian Home Lands on Maui
- 'Aina Malo'o—dryland cultivation
- Untouched by plantation agriculture and urbanization, archaeological sites are largely intact.

Ka 'Ohana o Kahikinui

- **Kuleana Lease Program—75 lessees; 22 have constructed homes**
- **Community Management Responsibilities**
- **Energy Independent—over 20 years**
- **Developed own homes, water systems and roads**

Why is DHHL supporting development of a wind energy project at Kahikinui?

- ✓ **Excellent wind resource**
- ✓ **Provides a revenue stream for the Hawaiian Home Lands Trust**
- ✓ **Develops an alternative renewable energy resource for Maui County**
- ✓ **Provides a financial resource for the impacted community at Kahikinui**

Chronology of Events—Wind Energy Project

Jan 13, 2013	HHC authorizes direct negotiations with potential renewable energy developers on Island of Maui
Jan 18, 2013	Legal notice requesting letters of interest to develop renewable energy projects at Kahikinui, Pulehunui, and/or Honokowai
Jan 31-Feb 4, 2013	Meetings held with homestead leaders
Feb. 1, 2013	11 Letters of Interest to develop solar, wind, and biofuel projects submitted for Kahikinui; 4 were wind projects.
Mar 20-21, 2013	HHC holds 2 public hearings on the development of renewable energy projects at Kahikinui, Pulehunui, and/or Honokowai. Attendees did not support development at Pulehunui and Honokowai but were open to options at Kahikinui as long as it directly benefitted Kahikinui lessees.

Chronology of Events—Wind Energy Project

July 12, 2013	Public Utilities Commission (PUC) issued orders delaying HECO's issuance of the RFP for and delaying selection of developers
Nov 12, 2014	Four (4) wind proposals were evaluated by staff and energy experts. Two (2) top proposals were selected for further negotiations.
Jan 16, 2015	NextEra selected as the finalist for direct negotiations on the wind project
	For confidentiality purposes, some financial information cannot be shared; otherwise, when HECO's RFP is issued, other bidders will have advantage knowing what NextEra offered DHHL.

NextEra's Selection

- **Best offer in terms of Lease Rent**
- **Best offer of Community Benefits**
- **Project is NOT dependent on the undersea cable.**
- **Project will produce up to 60MW which will be used to meet Maui Island demand.**
- **Company was responsive to community recommendations to move turbines out of their viewplane to the east side of the parcel**

The Proposed Offer

WHO:

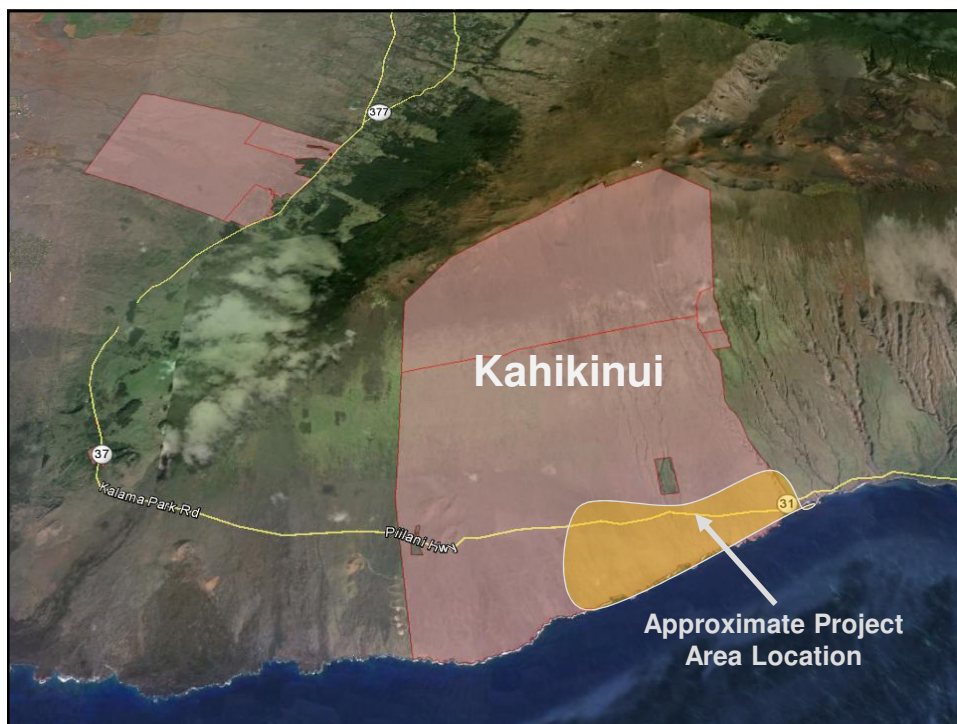
Boulevard Associates, a Delaware LLC, an affiliate of NextEra Energy, Inc., a Florida corporation

WHAT:

- **Up to 60 MW wind energy project**
- **20 wind turbines that generate 3MW of energy**

WHERE:

- **Southeastern portion of DHHL's land at Kahikinui (Manawainui ahupua'a)**
- **500 acres to be used during construction and as buffer area**
- **Only 30-acres will ultimately be used for roads and wind turbine pads**



The Proposed Offer (Cont'd)

- The exact location will be determined following due diligence work, including:
 - ✓ Wind analysis, from on-site monitoring equipment
 - ✓ Environmental studies
 - ✓ Engineering assessment, including drilling to evaluate soil and bedrock
 - ✓ Cultural/Archaeological studies to identify sensitive areas and sites to avoid

The Proposed Offer (Cont'd)

- **Community benefits package of minimum \$300,000/year will be finalized after PPA with electric company is executed**
- **Lease rent and community benefits depend on the price of energy that electric company buys from the wind project**
- **Price of energy and ultimate size of the project are unknown until the utility selects NextEra's wind project in a competitive process, and the PPA is finalized**

LAND DISPOSITION:

- **Right-of-Entry (ROE) at \$175,000 per year for 3 years to conduct due diligence work. Option to extend for two one-year periods at \$200,000 per year.**
- **General Lease (GL) for 20-years, to begin when the wind project can deliver power to the power grid. Option to extend for 5 years at the same lease rent. Lease rent figures will be finalized after a Power Purchase Agreement (PPA) is executed with electric company**

NEXT STEPS	
Tonight	Beneficiary Informational Meeting
July 14 - July 28	Prepare Testimony
July 29 or July 30	Testify at a Public Hearing at Paukukalo Community Center July 29: 6:30 pm to 8:30 pm OR July 30: 10:00 am to Noon
Aug 6	Deadline for Comments
Aug 17 – Aug 18	Decision-Making at the Hawaiian Homes Commission Meeting in Lahaina

Questions?

Hawaiian Homes Commission
PUBLIC HEARING
on the
Proposed Kahikinui Wind Energy Project

JULY 29-30, 2015
Paukūkalo Community Center

July 29, 2015: 6:30 pm – 8:30 pm
July 30, 2015: 10:00 am to 12:00 pm

PUBLIC HEARING MATERIALS

1. Meeting Notes
 - July 29, 2015
 - July 30, 2015
2. Notifications:
 - Public Hearing Notice (Legal Ad)
 - Hawaiian Homes Commission Agenda
 - Notification Postcard
3. Presentation Handout

Hawaiian Homes Commission
PUBLIC HEARING ON THE PROPOSED KAHIKINUI WIND ENERGY PROJECT
Paukūkalo Community Center
July 29, 2015 6:30 pm to 8:30 pm

MEETING NOTES

NOTE: This meeting notes document was generated in order to develop the beneficiary consultation report. Therefore it only identifies the questions and comments raised by participants. It does not cover the presentation portion of the meeting, however the presentation handout materials are attached for reference. For a detailed account of all aspects of the meeting, please refer to the Commission's Meeting Minutes.

ATTENDANCE:

Commissioners: Jobie M. K. Masagatani, Chairperson; Doreen N. Canto, Maui; David B. Ka'apu, West Hawai'i; Michael P. Kahikina, O'ahu; William K. Richardson, O'ahu; Renwick V. I. Tassill, O'ahu; Kathleen P. Chin, Kaua'i

Participants: Jared Aiwohi, Olinda Aiwohi, John F. K. Aki, Foster Ampong, Nadine Aquino, (Alphabetical Leilani Bagoyo, Brandi Beaudet, Brandon Benz-Marrs, Malia Benz-Marrs, order by last Shirley Blackburn, Kristia Braquit, Kauai Brewster, Lisa Briccas, Andrea name) Buckman, Keahi Bustamente, Eileen Chao, Brissa Christophersen, Charmaine Day, Virgil Day, Mike End, Blossom Feiteira, Kehau Filimoeatu, Kay Fukunaga, Paul Hanada, Alapaki Heanu, Gerald P. Hokoano, John Hoomana, Lani Hoomana, Jon Hoku Irvine, Fernando Juan, Kauai Kahaialii, Annette Kailihau, Tasha Kama, Carol Lee Kamekona, Dain P. Kane, Ginger Kapaku, M/M Ke'eaumoku Kapu, Taytron Kimura, Maury King, Charles Lindsey, Christian Kelii Lum, Tim Lyons, Bernardine Maio, Lawaina Malukapu, James and Corina Marfil, Dick Mayer, Jonathan Mitchell, Mo Moler, Erin Mukai, Theresana Brown Na'auao, Brian Naeole, Kahea Nae'ole, George K. Namauu Sr., Guylean 'Chad' Newman, Harry Newman, Geri Oliveros, Lisa Ann Oliveros, Allan Ornellas, E.G.K. Aimoku Pali, Sr., John Panela, Albert Perez, David Pettinger, Kealii Reichel, Joannna Rickman, Walter Ritte, Aaron Shadd, Charlene Shibuya, Thelma Shimaoka, Jade Alohalani Smith, Flomino Souza, Donna Sterling, Darrell Tanaka, Kalani Tassill, Josh Tetzseu, John Tui, Kanaloa Twist, Beverlie Wilson.

QUESTIONS/ANSWERS:

1. **How much of the 60 megawatts will be transferred to O'ahu? Will the energy produced in Kahikinui go to other communities?**

Answer: (Doug McLeod, NextEra Maui-based project development consultant) None of the energy produced will be transferred to O'ahu. The energy will be used for other communities on Maui.

2. **Where is the demand coming from?**

Answer: (Doug McLeod) It's an island demand figure. There will be a need for it by the time the wind farm comes online. The utility has plans for more wind power on Maui. Right

now, the Public Utilities Commission hasn't approved those plans but they believe all of the wind can be used here on the island of Maui.

3. If the decision-making meeting is being pushed back to November, does that mean the comment period will be extended?

Answer: (Julie Ann Cachola) Yes, the deadline has been extended to August 21st. All of the comments will be compiled into a report which will be presented to the Commission at its September meeting.

4. Will there be job opportunities for Maui people?

Answer: (Doug McLeod) If the question is referring to construction jobs, the answer is, Yes. The company is not making any promises as to the number of jobs, but Kahikinui is a rugged place and it would make sense to use local labor.

5. Why do you have to build the windmills on the makai (ocean-side) side of the road where it might cause more sediment to go into the ocean?

Answer: (Doug McLeod) The wind resource is better as you go closer to the shoreline. Also, in our discussions with Ka 'Ohana o Kahikinui, we realized that the turbines would be a greater visual impact to them.

6. Where will the money be spent? Will it stay in the Kahikinui community or go to the general fund?

Answer: (Chairperson Masagatani) Generally speaking, our income-producing projects generate resources for the trust. Allocation of those funds are determined based on the priorities and needs of all the beneficiaries. The Community Benefits Package would be specifically for the impacted community which in this case would be Kahikinui. .

7. Are any federal permits required for this project?

Answer: (Doug McLeod) There needs to be an avian (bird) study and most wind farms get a federal permit from the Fish and Wildlife Service related to birds.

PUBLIC TESTIMONY ON THE PROPOSED KAHIKINUI WIND ENERGY PROJECT

1. Ms. Leilani Bagoyo

Introduced herself and read her testimony into the record. My name is Leilani Bagoyo, my boyfriend, his friends, and I have been fishing and diving in Kahikinui we since the mid-90s. I oppose any development on these sacred grounds. My reasons are for personal and cultural enrichment.

I live the 5-day, 9-5 grind. Life in town is all hustle and bustle, people rushing from one place to another, everyone on their cell phones are on Facebook. So, every so often when I need to get away and rid myself of all the toxins in life, I like to go back side, primarily the 26th or 27th mile marker areas. Besides being a prime fishing and diving grounds, so that I can feed my family, the area itself has lots of meaning. Has a lot of history and cultural significance. This is a place where ancient Hawaiians once thrived, a place where we can all thrive spiritually and culturally if left untouched. Kahikinui is about bringing me back to the

basics. In town, I have no connection but in Kahikinui I get back to my roots, something I think only fishermen, divers, and hunters can relate to.

Any development, I feel, may limit access. I don't want to show my nieces and nephews pictures of Kahikinui--I want to take them there and show them the place where supposedly, the first Polynesians came ashore. I want to show them where ancient Hawaiians lived and flourished as dryland farmers, fishermen, divers, and hunters.

I know that we who oppose the wind farm will make the developers for whoever else is involved in rich, however, if you leave Kahikinui undeveloped, you will enrich our lives and the community as a whole. Don't you think our quality of life is worth more than shaving a few bucks off of our electric bill? Mahalo.

2. Mr. Doug McLeod

Introduced himself as a Maui resident and the Maui based person for the wind farm development team. He serves as the chair of the Maui energy conference and served as the energy Commissioner for the County of Maui and has been involved in 20 or 30 different solar projects around Maui.

He has been asked many times how the wind project will benefit Maui. As of today, Maui is powered by approximately 35% renewable energy. That's great compared to where we were 10 years ago, but as of July 1, we have a new law in Hawai'i that says our target is now 100% renewable energy. To get there, the reality is we are going to need a combination of solar and wind energy. From an energy perspective this is a great location for a wind farm. Adding this level of wind will make a meaningful difference in terms of the overall percentage of renewable energy on this island. Right now of the 35% currently being generated, 21% is wind power, which is about 72 megawatts. If anyone has questions for him, he will be available after the meeting to talk story.

3. Ms. Donna Sterling

Introduced herself and read her testimony into the record.

Aloha Kakou, Chairman Jobie Masagatani, Deputy Director Bill Aila and Commissioners, my name is Donna Sterling, a 15-year beneficiary/resident of Kahikinui. I farm squash and 'uala on my homestead. I am here to speak for my family regarding the NextEra Kahikinui Wind Project.

Our family supports the ROE with DHHL moving forward with the project. Our family will benefit from funding or material compensation from this project. I speak specifically of our Community Based Economic Development and Makai Management Plan which was developed by Ka 'Ohana o Kahikinui with assistance from the U.H., Department of Urban and Regional Planning, in January 2000.

I care for our family's 119 acres of land with a non-profit Helekunihi Cultural Foundation, focusing on native plant restoration with preservation of archaeological sites. On the proposed turbine map you may see a rectangle shape area. That is our land. Our board supports the project. We are located at the 26053 mile marker post. I am directing DHHL to prepare a place for our community members a place at the negotiating table between DHHL, NextEra, and Ka 'Ohana o Kahikinui. All three groups are important to the

project for collective existence. I thank you for the time to say my peace and to move forward.

4. Mr. Kanaloa Twist

There have been so many unanswered questions. How will this project benefit Hawaiian Homes? Where will the money from the project go? Where will the windmills be placed? What will happen to the old Hawaiian villages down there? Here is my testimony about why I am against windmills in Kahikinui.

Since I was a little kid, I've been going to Kahikinui every week to hunt, fish or dive to help put food on the table. I've been to the top of those mountains and it was amazing to look down on all of Kahikinui. Not a building in sight, just beautiful Hawaiian land of long ago. I've spent many nights in Kahikinui. I've seen the moon rise over the ocean and light up Kahikinui. With all of the stars in the sky it is unbelievable. Sunrise and sunset on purplish orange clouds over Kahikinui can really make a person thank God for another day of life.

It's funny you guys tell me you want to put 20 big white windmills that will flash red lights in the night that Maui hates so much. Are you crazy? This is the most special ahupua'a the Hawaiians have full control of. Kahikinui is a place where you can go to get away from the developed side of Maui. In this day and age, so many people take our land for granted and don't realize there aren't many areas without things like hotels, telescopes and tall buildings that desecrate the land. Most of our kupuna are gone today but isn't this what they were fighting for? We need to plan better. We owe it to the people that came before and to the people of tomorrow. Listen, I know you guys at Hawaiian Homes are good people who want to find ways to help the Hawaiian homesteaders. Maybe you guys can do something with solar panels like a solar panel farm instead, on a few acres where houses are supposed to be. It will be 15 feet high but it will not be noticeable near the houses. There are other options out there that might be better. I'm okay with homes for Hawaiian people but windmills is not okay and is not the answer.

5. Mr. Mo Moler

Mr. Moler greeted everyone and stated that he resides on the back side of Haleakala, in the cultural kipuka of Kahikinui. Kahikinui and Kaupua are one of the last great open spaces of undeveloped land to have resisted the onslaught of development. On July 19, 1921, the Hawaiian Homes Commission Act of 1921 was signed into law. The Act set aside between 188,000-203,000 acres. Under the Act, native Hawaiians can obtain 99-year leases at \$1 per year for residential, agricultural and pastoral lots. Cloaked under the guise of rehabilitation for Hawaiians. Unfortunately, Congress restricted eligibility for the program to native Hawaiians of 50% or more Hawaiian blood. Prince Jonah Kūhiō Kalaniana'ole proposed a one-thirty-second blood quantum.

Mr. Moler recalled an unforgettable encounter with previous Chairperson Hoaliku Drake. She yelled at him, saying that no one could live back there [Kahikinui] because there is no water and you can't grow anything. He wishes she could see them now after 25 years of being on the 'āina [land]. He knew that if our ancestors could live out there, modern Hawaiians could too.

He understands why there is interest in a windfarm at Kahikinui. It is a good source of wind; it's a renewable source of energy for Maui. But he reminded everyone that the Act

was established for the rehabilitation of native Hawaiians. It was not to develop a revenue stream. He explained that a big part of the problem is that DHHL doesn't know what Kahikinui is all about. The staff and managers have not spent time at Kahikinui. Very few have walked the land; very few have felt a spiritual connection to Kahikinui.

Moving forward, he said that the Department and 'Ohana has to sit down and come up with a reasonable Community Benefit Package. If we cannot come to an agreement on any of the suggestions for a win-win solution, then he wants to be on record stating his true mana'o [thoughts] that this is a done deal--that the Commissioners, DHHL staff and NextEra are running everyone through a system of deception once again.

6. Ms. Malia Benz-Marrs

Introduced herself and read her testimony into the record. She normally doesn't speak out like this, but feels that it is her responsibility to represent her family, her children, and this place that she loves...Kahikinui. She hopes to make a positive impact on everyone at the meeting by sharing how he really feels.

"I love Kahikinui so much, I feel like this is where I belong, where my family belongs. It was definitely not easy, everyone who lives up there knows the struggle, but it's so worth it. As a kid, my sister and I would wake up, feed the dogs, get ready for school at 4 in the morning and get to school an hour early. Then we get picked up from school at 5 or 6 o'clock after mom and dad got off work. Then we had to fill our water tank in 'Ulupalakua and come home, turn on the lanterns, heat up our one pot of water and take a shower in the "shower tent" which was basically a bath tub and a tarp and a water hose. It is freezing up there!

Now that I'm older, have a job and am raising my two children at Kahikinui, I realize that what I'm enduring is so easy compared to what my mom and dad were going through. One thing I wanted to acknowledge is the responsibility they took on. Everybody who has a lot out in Kahikinui, Ka 'Ohana o Kahikinui, when they signed their name for their land, they became a caretaker. said, "Yes" I will be a part of this community and take care of these 23,000 acres. It's sad to say the only a handful of people showed up. To this day, this handful of people are tired, they're really trying to set this place up for the next generation. To at least be able to drive to their land, at least. It's hard to watch them struggle and wonder if all the efforts will end when they're gone.

I truly feel torn because DHHL has come to us to 1. Use resources we have right here to make clean energy which would in fact lead us to higher level of independence, not having to use fossil fuel is a huge step forward for Hawai'i and our future 2. For us to help them make some sort of revenue so that other homesteaders can keep on getting funded. I know other homesteads have been generously financially supported. On the other end of the spectrum, I love Kahikinui the way it is. I take care of the land and it takes care of us. If we all were holding up to our responsibility in that way, we wouldn't be here tonight. When I was a kid I got to go with Pat Kirch to map out some of the archaeological sites. Entire fishing villages still intact, over 3000 mapped sites that is just one of the reasons we are so privileged to be caretakers there.

With all of that being said, if NextEra can do their environmental impact study for 3-5 years and come back and tell us this wind farm isn't going to affect my family's health, aren't going

to disrupt native plants and animal habitats and will not desecrate the sacred archaeological history in Kahikinui, then why not let our people have 20 years of clean energy and revenue then they pack it up and go, who knows what will be in 20 years.

7. Mr. Foster Ampong

Mr. Ampong greeted Commissioners and the community. He is from Wai'ehu Kou and a former lessee from Kahikinui and he is opposed to the Commission issuing a general lease and right of entry for this project. He believes there is more foundation to why the lease should not be issued, then there are for the benefits. He is not against homesteaders at Kahikinui or any other homestead who is trying to improve on their living conditions. She is opposed to the process in which all of this has been carried out.

Maui already has three windfarms now they want to build a fourth windfarm. They claim this will benefit the entire community. They say they intend to keep the energy here on Maui. But, the operative word is intend. Who knows what will happen once it is built. His NextEra willing to say that the energy shall not go anywhere but Maui. He doesn't trust them.

So far the three windfarms currently operating here on Maui have provided no relief to the energy bills of the island. He answered people say the windfarms will produce cheaper energy. But that's not true, the rates for electricity on Maui have not decreased for Maui residents. As far as he knows, none of the beneficiaries on Maui have been consulted in this entire process. The only consultation happened on May 23rd which was two months ago. There was no other beneficiary consultation. He believes every beneficiary of the Hawaiian homes commission act has the right to be consulted and engage in this discussion. With all that has taken place throughout Hawaii, he believes that is the best thing to do

8. Mr. Keahi Bustamente

Mr. Bustamente stated he is a beneficiary lessee in Wai'ehu Kou. He has spent the last decade of his life in Kahikinui. He has been protecting the rare plants, animals, insects, and birds of Kahikinui. Now they want to send it through the ringer. Hundreds and thousands will be killed. For what? To give power to a bunch of colonizers. They say it will be a world class wind project, is that what you want to see out there? It will look like Longbeach. There will be hundreds of windmills. Then there will be geothermal there with smoke coming out of the ground. It's not the Commissions job to build a wind source for Maui County. You are supposed to provide homes and take care of our land. What about all of the spirits and the ancestors out there? That area has some of the most beautiful arc [archaeological] sites in the world. If you look at Patrick Kirsch's book you'll see hundreds of arc sites on the map. That's where they want to put the windmills. Some plants grow nowhere else in the world.

He states when they do the cultural and environmental assessment they'll go when it's dry so they won't be able to see any rare plants. The place will never be the same. They say there is a high probability of success but he says there is a high probability of destroying arc states and killing thousands of endangered species. He says they will curse that 'aina if they build windmills there, but the curse will move to the builders. It always does.

9. Mr. Dick Mayer

Mr. Mayer submitted written testimony that highlights important portions during his oral testimony:

1. Unclear to the public whether the figures and information provided in the "Informational Meeting" was already formally approved by the HHL staff + department, by the HHL Commission, or by neither. If there is already an agreement, to what degree can it be modified at the mid-August meeting with revised right-of entry fees? Annual lease payments? With conditions?
2. Will the beneficiaries and the public be able to read the proposed final agreement before the mid-August HHL Commission meeting? Otherwise public testimony at that meeting may be irrelevant.
3. Multiple HHL Commission considerations:
 - a. Maximize financial and other benefits to HHL and its beneficiaries
 - b. Pono use of resources (land, environment, cultural sites, the locally affected community, etc.)
 - c. Being assured of the long-term operational and financial viability of this windfarm operation
 - d. Overall effect of the project on Maui's energy needs
 - e. Recognition of the one-time nature of this decision and its long-term impacts
4. Two separate dimensions
 - a. HHL Board is obligated to get maximum benefits for HHL and its beneficiaries
 - b. HHL Board will need to decide on the proper distribution of benefits
 - i. Kahikinui community + beneficiaries who suffer the project impacts and thus pay the costs
 - ii. Existing HHL Maui beneficiaries who wish to see their community improved
 - iii. New Maui beneficiaries who wish to gain homes
 - iv. Statewide HHL beneficiaries
 - v. Overhead costs to support HHL operations and its bureaucracy
5. Seek out additional proposals by allowing for multiple, competitive "Rights of Entry (ROE)" and subsequent proposals a few years later.
6. Seek out and utilize unbiased, superior financial and legal expertise. Have the potential lease applicants pay to HHL a fee high enough to contract for this expertise.
7. Establish a fixed submission deadline, e.g., December 31, 2017.
8. Determine all of the necessary permit requirements and agencies that will need to give approval:
9. Possibilities: DLNR; Maui Planning Commission (SMA); SHPD (Cultural sites); federal agencies; Public Utility Commission; Legislature; Maui County Council; etc. Delay HHL Commission decision a few months (after mid-August) to get all the information required to make the right decision.
10. Provide the applicant with a "check list" of items that will be required in the submission. Require an EIS, and not just an "EA with a FONSI"
11. Beware of the inherent conflict of interest in having NextEra be both the operator of the windfarm (seller of the power produced) and the purchaser of the power if it owns the island-wide utility. It may work against the HHL and Maui's electricity rate payers.
12. Provide strict conditions in the agreement that make it clear in perpetuity that the produced power will not be sold off-island. NO Undersea cable!

13. Make sure that a robust battery system/capability will be integrated into the project.
14. Thoroughly investigate the possibility of utilizing the SEMPRA power-lines and right-of-way, both to reduce costs and to minimize the visual impacts on the Kahikinui community.
15. Recognize the considerable uncertainty as to who will be buying the power in the future: MECO, NextEra, the County, a co-operative, micro-grids, distribution network owners, etc.
16. Maui Countywide Policy Plan Adopted March 24, 2010
17. Maui Island Plan Adopted December 28, 2012

10. Ms. Andrea Buckman

Ms. Buckman introduced herself as the Program Manager for the Leeward Haleakala Watershed Restoration Partnership. The Partnership is a non-profit with the goal of restoring ecosystems from Makawao to Kaupo at upper elevations. The goal of the partnership is to protect the natural, cultural, economic and water resources of the area. DHHL is a founding partner of the partnership because they saw the value of the natural resources that are found at Kahikinui. This area contains one of the last intact Koa forests on the south slope. She has been involved with the project since 2004. She spends a significant amount of time on the land and with the community and she cares for both. She wishes to share ecological knowledge the team has gathered from being on the land. Her concerns are primarily regarding the damage to sensitive native ecosystems and the inherent risks that comes with powerlines and energy production infrastructure. She asks if the decision is made to move forward with the environmental impact statement that there be consultation with the projects crew and the community that provide the knowledge of the natural and cultural resources within these lands. She has seen the difficulty and costs related to restoring native ecosystems that have been damaged. It is nearly impossible to restore these areas to what it once was. This forest is already very challenged and in a sensitive state. She advocates for protecting what few places there are left on Maui.

11. Ms. Blossom Feiteira

Ms. Feiteira introduced herself and thanked the commission for the opportunity to submit testimony in support of the right of entry permit. One of the things about the ROE that is absolutely necessary is for NextEra to be able to do their due diligence to determine the feasibility of the project. It provides needed revenue for both the department and the community involved. It also provides a community to gain significant knowledge about these new technologies that are coming down the pipe. She also supports the reinstatement of the original decision-making date. There are some concerns about it for her feeling is that the faster they can get this going, the faster the decision can be made. The faster everyone can move forward whether it is to do the project are not. Since 1992, Ka Ohana o Kahikinui has been working diligently to make and keep Kahikinui and its resources abundant and available. This partnership between the department, the Ohana, and NextEra is important and need. The department has neglected its duty to support the Ohana and its efforts. This project is not about the communities desire to have access to go fishing and revenue, it's about rehabilitating the native Hawaiian so we can return to our status as a self-sustaining community that was there before contact. There are currently 77 lessees and 20 lots that are vacant. In order for the Ohana to meet the goal that Prince Kuhio put into the Act, they need access to resources, knowledge and skills. This project will bring that to the community. The decision that the commission will have to make is all about the community

there in Kahikinui. For those of us who want to utilize the resources in Kahikinui, we should be going to the Ohana and offering our assistance.

12. Mr. Brian Naeole

Mr. Naeole greeted everyone in attendance. It is very important that we stand up and understand who we are today. He provided Chair Masagatani with a record of who he is. He explained some of his genealogy and that his mother's lineage is from Kahikinui. He is a beneficiary, but he hasn't benefited from any of this. Hawaiian homes has not helped any of us survive, we had done it on our own. If we don't stand up and understand who we are we are going to lose everything as lineal descendants and it is business as usual. The knowledge was given to us by our Ohana. He is a lineal descendent of Auwahi and attended those meetings. He went there and buried the iwi. They took the bones put them in a bag and then put them in a box and put them away. What about the DNA? You need to check how long the bones have been there. We have to get educated to know what to do. They call us Indians but we don't even get a check. He encourages people to stand up and recognize who you are.

13. Ms. Charmaine Day

Ms. Day introduced herself and stated that she is a lessee and lives in Kahikinui. She has driven her mo'opuna to and from the area for the last 15 years. Sometimes getting home is difficult. When Sempra [Sempra US Gas & Power] came in, they wanted to put their windmills on a historical sites; we told them no. They went to Ulupalakua [Ranch] and put it on their side and now it's still stuck there in their faces, without the benefits package. They asked for a benefit package and got a 10ft. cement road that goes half way up the mountain. Now NextEra is asking to put windmills in Kahikinui. They offered a community benefit package and this time we know that if we say no, they're just going to go to the next land owner and do it there. The windmill will still be in our faces and again we won't benefit from it. They are hard-working people. It has been 16 years since they first moved in and they are surviving. The community lives off the grid so frankly they don't need the windmills for themselves. They last when they hear about the new communities being built that are energy efficient because they've been doing it for 15 years. They are planning an ecotourism project to have tourists help build stone walls to keep people from accessing their resources. They asked the County to help put up fences but was told there is no money. The community has to think outside the box for anything in Kahikinui. It's a struggle to live out there, but they persevere.

They feel like they were railroaded into this project because DHHL came in 2013 to talk to the community and then there was no communication until just before May 23rd of this year. When they went to the meeting they felt like the deal was already cut. On July 13 there is another meeting where they felt barraged again. This is all just formalities so that they can see they are following the procedures. The community of Kahikinui is a private project and they just want everyone to know that they've been managing. She mentions a reforestation project so that someday the community can harvest lumber for their own use and to sell to the public. They are thinking of ways to make jobs to be self-sustainable. They don't mind people coming to fish, but afterward, put back. People just take and don't put back. Every weekend someone is going up into the mountains to hunt and down to the 26 mile marker to fish. She just wants everyone to know what the community is doing and how they feel. She thanked the commission for their time.

14. Mr. James Marfil

Mr. Marfil greeted everyone present. He stated he has worked all of his life and isn't sure of what he has benefited to be called a beneficiary. He is not for or against the windmill. The people are not on the land and the department is giving it away. He knows the department has to make revenue but how many people are waiting to be put on the land? He is for the people. Money is important, but the land is everything. People come here and make lots of money is important, the land and they take it back to the mainland. They forget about us. He trusts in the commission to do the right thing.

15. Mr. Jared Aiwohi

Mr. Aiwohi greeted those present and stated he is a lessee in Paukukalo. He stated that he is opposed to building windmills in Kahikinui. It takes away the land, the beauty of the land and all of the cultural significance of the area. The community does not know enough about the deal that is going on. More information should go back to the community about the benefits if there are any at all. He knows the Hawaiian community is the minority in our own land and that we suffer the most out of all the cultures that are here. We are the people of this land and yet all of the money that is made off of the aina goes to somebody else. Therefore, because of the lack of information he opposes the project.

16. Mr. Kalani Tassill

Mr. Tassill stated he has been a resident of Paukukalo for the last 21 years. He stands before the commission today for the iwi that are crying out. When will it stop? Mauna Kea, one more telescope. Haleakala, one more telescope. Now they want to put more windmills on the aina. When will the Commission put more people on the land? Kahikinui has 20 open lots right now. The Commission has to remember that it is here because we are here. A hundred years from now we will still be here. This opala [rubbish] you want to put on the land, is an eyesore. Stop already. Which is the greater force, the almighty dollar or the almighty one? Tonight he sees more people against the project, than there were in support.

17. Mr. Keeaumoku Kapu

Mr. Kapu greeted everyone present and provided some genealogical background, he is a beneficiary in waiting and has been on the list for 30 years. His children are now fathers themselves. He has literally walked the land of Kahikinui and is touched the most when he makes the turn from Hana into the area. Kahikinui is the land of his kupuna.

He feels for the families of Kahikinui because he knows they just want the opportunity to compete with the hustle and bustle of the times but they are being robbed of the opportunity because there is a negotiation going before them by someone else who is not from this wahi pana [sacred place]. There is a carrot being put in the front of our eyes by malihini [visitors] who don't have any rights to the Trust. These lands are supposed to be for us. Why are these lands being given away to someone else for their beckoning? Who is going to monitor these things when the poop hits the fan and all of a sudden we have to worry about our economics? Everyone here supports the intent of the project and wants to make sure they have a place at the table. The commission needs to get to work and put more people on the land so we don't have to depend on outsiders. Give us the opportunity to make our own decisions.

18. Ms. Tasha Kama

Ms. Kama introduced herself and greeted those present. She stated the Commission comes to the community and asks for its input and that's it. This is called consultation. She did not agree with the way things are done, the community needs an opportunity to come together to talk about what is going on. She questioned why beneficiaries are not at the [negotiating] table. She asked the issue not go any further until the community has had the opportunity to come together to talk about what the issue is and maybe come up with some solutions about how this is going to work or not work. Everything that is being said tonight and tomorrow needs to be taken into account before any decisions are made. The community is skilled and creative and can negotiate whatever needs to be done for the aina and generations to come. She asked the Commission to stop the process and allow the people to come together to talk before decisions are made.

19. Alapaki Heanu

Mr. Heanu stated he is opposed to the project. His father has been on the list since 1974, and believes he will have the same fate if DHHL issues a 20 year lease for these companies to come in and develop on homestead land. The purpose of the Hawaiian homes commission act was to enable native Hawaiians to return to their lands in order to fully support self-sufficiency for native Hawaiians and the self-determination of native Hawaiians in the administration of this Act, and the preservation of the values, traditions, and culture of native Hawaiians. Establishing a permanent land base for the benefit and use of native Hawaiians, upon which they may live, farm, ranch, and otherwise engage in commercial or industrial or any other activities. Mr. Heanu stated it is up to beneficiaries to decide what they want to do, not the state. In this matter with DHHL the community is keen on this for infrastructure from the wrong people. They should be seeking funds from the department itself. There are nine trust accounts which should be for the beneficiaries. Our people cannot thrive because the funds from these trust accounts is being used to pay state employees instead of rehabilitating the native Hawaiians. Follow Prince Jonah Kuhio's will and not the will of the state and other investors.

20. Tiare Lawrence

Ms. Lawrence stated she is not a beneficiary but her mother has been on the Ag Lot Waiting List since the 1980's, and a homestead since 2002. She opposes this project. A great way to become 100% energy efficient is for MECO to allow rooftop solar for all of Maui residents. MECO needs to update the grid and stop dumping the energy from Kaheawa before considering the building of additional windfarms on land with wahi pana [sacred sites] and iwi kupuna. She preferred if DHHL leased these lands to the 26,000 on the waitlist rather than a company who receives \$2.3 billion in tax credits. There are many retired Hawaiians who wouldn't mind living out there in Kahikinui if there was a way to get water. She urged DHHL to get the funding for water from the federal, state and county governments to bring water out to Kahikinui once and for all. Kahikinui families have waited long enough. The people deserve to live a self-sufficient, sustainable lifestyle, rather than lease to corporations for profit. She worried about the plants, insects, birds and sacred sites in Kahikinui. It truly is a special place and a wind farm does not belong there. The open space reminds her of the time before colonization. We need to protect what land we have left and stop falling victim to corporation greed and profit.

21. Nameaaea Hoshino

Mr. Hoshino introduced himself and stated he is from Lahaina, Maui. He is also from the Kawawawa lineage that can be traced back to Kahikinui. He stated he walked the land at Kahikinui and opposes the project. A similar issue occurred in Lahaina a few years ago when the state wanted to do a major development on Hawaiian home lands. He considers it desecration of the iwi kupuna. He and his family are beneficiaries, this company is not a beneficiary. He opposes this project because the community has no say in what happens.

End of Notes for July 29, 2015

21. Namea'ae'a Hoshino

Mr. Hoshino introduced himself and stated he is from Lahaina, Maui. He is also from the Kawawawa lineage that can be traced back to Kahikinui. He stated he walked the land at Kahikinui and opposes the project. A similar issue occurred in Lahaina a few years ago when the state wanted to do a major development on Hawaiian home lands. He considers it desecration of the iwi kupuna. He and his family are beneficiaries, this company is not a beneficiary. He opposes this project because the community has no say in what happens.

Hawaiian Homes Commission
PUBLIC HEARING ON THE PROPOSED KAHIKINUI WIND ENERGY PROJECT
Paukūkalo Community Center
July 30, 2015 10:00 am to 12:00 pm

MEETING NOTES

NOTE: This meeting notes document was generated in order to develop the beneficiary consultation report. Therefore it only identifies the questions and comments raised by participants. It does not cover the presentation portion of the meeting, however the presentation handout materials are attached for reference. For a detailed account of all aspects of the meeting, please refer the Commission's Meeting Minutes.

ATTENDANCE:

Commissioners: Jobie M. K. Masagatani, Chairperson; Doreen N. Canto, Maui; Michael P. Kahikina, O'ahu; William K. Richardson, O'ahu; Renwick V. I. Tassill, O'ahu; Kathleen P. Chin, Kaua'i

Participants: Nadine Aquino, Kahala Azuma, Leah Belmonte, Malia Benz-Marrs, Harry and Kahiau Brown, Ellie Marshman Castillo, Erwin Chase, Kālewe Davidson, Jose Dizon, Jatt Ejzengas, Blossom Feiteira, Kehau Filimoeatu, Alapaki Heanu, Kauai Kahaialii, John Kahalehoe, Sr., Trina Kalanikau, Tasha Kama, Kaniloa Kamaunu, Carol Lee Kamekona, Pala'aina Kaniela, M/M Ke'eaumoku Kapu, Kal Kobayashi, Justin Ma'alea, Leilani Maui, Dick Mayer, Bohnelopi McKenzie, Jonathan Mitchell, Mo Moler, Naeole Naauao, Guylean 'Chad' Newman, Harry Newman, Basil Oshiro, Lisa Pahukoa, Shawn Perry, Angus Peters, Akua Po, Loretta Ritte, Walter Ritte, Charlene Shibuya, Donna Sterling.

QUESTIONS/ANSWERS:

1. Do the windmills need fossil fuel to start up? If so, how much and what kind of fuel?

Answer: (Anthony Pedroni) What does it take to get a windmill started? It actually **doesn't** take any fossil fuel to get them started. The windmills measure the wind, point themselves into the wind when the wind picks up in the right direction and it starts generating energy. It's an automated process; the technology is smart enough to start up on their own.

2. Will the energy that is produced at Kahikinui be shared with O'ahu? Are we committing to an undersea cable?

Answer: (Doug McLeod, NextEra Maui-based project development consultant) This is a question that keeps coming up because this was something that came up in earlier discussions with HECO. But all the power generated by this project is meant to serve Maui; there is no plan to export power to O'ahu. The project is projected to generate a maximum of 60MW of energy which is intended to serve Maui island.

3. Who makes the final decision on this proposal?

Answer: (Chairperson Masagatani) In terms of the approval of the Right of Entry and General Lease, the final decision would be made by the Hawaiian Homes Commission at its November meeting. This is a public meeting and any member of the public can attend and provide testimony.

4. With advances in technology, will the wind turbines be replaced or updated?

Answer: (Doug McLeod) We're looking at 3MW wind turbines, like the ones you see at Auwahi. If there are changes in technology in the next couple of years, while we're in the design stage, those can be factored in, but once the wind turbines are installed, we wouldn't change what's in the ground during the whole 20 year period.

5. What is the timeframe for completion of this project?

Answer: (Doug McLeod) There's so many factors that affect timeframe. If completion means providing power to MECO, it might be around 2020, but that's a very general number. It presumes that we don't find anything unexpected in our due diligence studies that would result in a major redesign of the project.

6. What was the date and location of the beneficiary consultation meeting for the Kahikinui Wind Energy Project?

Answer: (Julie-Ann Cachola) There were several beneficiary consultation meetings that began in January 2013. At that time, we looked broadly at renewable energy development in 3 Hawaiian

PUBLIC TESTIMONY:

1. **Kaniloa Kamaunu:** My concern is the cost of infrastructure—we already know that MECO can't take the energy that Auwahi and Kaheawa is producing. They are losing 8%-they are going to have to upgrade their infrastructure--who's going to foot the cost? We're all going to have to pay. The impact is to existing MECO customers. I'm sorry Kahikinui people, but you knew exactly what you were getting involved in when you signed up.
2. **Harry Brown:** I am beneficiary. I recently moved back here. I've been away from Maui 46 years. One of the main reasons I moved back, is because I was living in Kahuku, less than ½ mile from the windmills. I was surrounded by windmills. \$6M over 20 years is not a lot of money. I want to know how much NextEra is going to make over 20 years. You can thank them for their offer, but they have to pay more. Kahuku generated no benefits for consumers—our bills went higher and higher. I moved away because my son cannot sleep. The windmills affect people with disabilities—why else would I move from my home? Now my son sleeps; now I can sleep. People will say there is no test; the tests take a long time. I can tell you there is effects—people with disabilities are very sensitive. I'm worried it's going to affect other disabled kids. I don't feel good about this project. The ratio of benefits back to Hawaiian people vs. what NextEra gets is not right. I think you should get a lot more money. I have reservations. I ask the HHC who represent all the beneficiaries--to make a right decision. I am just one person. But I am important, don't make my one voice be cast to the wind. I speak with deep concern and reservations. Unless I see the numbers, we need more than so that more Hawaiians can benefit.
3. **Kaui Kahaiali'i:** I am beneficiary of Waiehu Kou 2. It's hard to stand up here, so passionate, it's hard not to lose it. I oppose this project. For everything that's been said--there's no transparency—we don't know whether beneficiaries are benefitting—and I'm

talking about all kanaka; all beneficiaries. These corporations come in with good intentions, but when contracts are cast in blood, we always lose. Can someone commit that after the 20 year lease that the windmills will come down and that other industrial uses won't come in? Can you commit that more windmills will not come in?

Let's do some quick math. If you take 500 acres at 1 acre, that's 500 kanaka you displace. 500-acres at ½ acre lots, you displace 1000 kanaka. 500-acres at ¼ acre lots, you displace 2,000 kanaka. I'm not saying you necessarily want 2,000 kanaka at Kahikinui. My point is that you're so quick to make decisions on behalf of corporations. But since the Hawaiian Homes Commission Act passed, how many Hawaiians got on their homelands? About 10,000? That means there's another 40,000-60,000 out there...after 100 years. How long more do we have to wait? It's time to start thinking about our lāhui, not the corporations. Kala mai Kahikinui, but if I'm going to come up and talk about something, it will be for all Hawaiians, not just me. If you come my house, I'll feed you whole family, not just you.

4. **Basil Oshiro**—I'm not lineal, I'm not a beneficiary, I'm speaking from the heart for people of Hawaii. Few questions: Is this just about money? Hawaii is looking for 100% freedom from fossil fuel, we don't want to be dependent. We're looking for something and the big corporations see that they can make money here. But Hawaii is not for sale. This says there's an excellent wind source at Kahikinui. Has anyone looked at salt air that is generated there? I fish there, when the wind is blowing, the salt air goes up mauka several miles. So that excellent wind source is salt air. For example, in Paukūkalo, the alarm system..it takes 2-3 months or less to kill the alarm system—salt gets into the system. South Point is the same thing: salt got in and it was sad that no one was there to take care of the clean-up. Will the company be here 20-40 years from now—so people of Hawaii, tax payers, won't be holding the bill to clean-up. We can't do that, we need a guarantee. We're limited in the islands. Have you really looked into damages? Have you seen Kahikinui? It's pristine. Generations after generations are not going know the pristine value of the area. Who is really going to benefit? When this came up, I was there at that first meeting—they said we have a surplus of power so we're going give to O'ahu. I oppose project—it's not fool proof, the storage system, its MECO—can they take the power?? They already have surplus..can they take it? Does it really benefit the people? Now the HHC you say you're going take all these comments and you're going to make the decision. That's wrong. The people should be making the decision...9 people deciding for 150,000 people...that's wrong. Let's see the HHC start working with the people. What good is going to come out of this? Hopefully the people can make the decision, not a few people.
5. **Carol Lee Kamekona**: (see written submittal) She has been an applicant since 1999; in 2008 Dad signed Undivided Interest, dad passed away no land, no house, no legacy for his 'ohana. No disrespect to Ka 'Ohana o Kahikinui who put blood and sweat into the land. I am not against development; I am not against progress. I am against the continued oppression of our Hawaiian people.

The policy of the HHC is to enable native Hawaiians to return to their lands in order to fully support self-sufficiency and self-determination and the preservation of values,

traditions, and culture of native Hawaiians. In 2007, Act 212 established the Aha Moku System and in 2012, Act 288 established the Aha Moku Advisory Committee. This is the State of Hawaii's recognition of generational knowledge from kupuna on traditional farming, fishing, agriculture and land use methodology based on the ahupua'a system.

The lands under consideration for this proposal is Hawaiian Home Lands, not Kahikinui home lands. Therefore, I propose that the HHC: 1. Convene a beneficiary consultation with all Maui beneficiaries on this issue; 2. ensure a seat on the negotiation table for the Aha Moku Council; 3. Keep within legislative budget and stop spending trust money on operational costs. With over 8,800 applicants on the Maui wait list alone and over 43,000 applicants on the waitlist statewide, it would behoove DHHL to focus on fulfilling the policy of the Act. To entertain the idea of using trust lands for non-beneficiary use to generate money is a lame excuse. You have money, for instance, NAHASDA has \$44M. It's not doing anything for anyone just sitting there. Spend that money, put our people on the land. I have included a picture of the Altamont Pass in the Livermore Valley California area. In this area, as far as the eye can see you can see land. We don't have that luxury. For us, as far as your eye can see, we see water. We need to protect, preserve, and cherish the undeveloped land to let future generations develop it as they see fit.

6. **Kaiawe Davidson**: Good morning. I am a graduate of the Hawaiian immersion program and I am here on behalf of my family and father, Kawika Davidson, who is a lessee at Kahikinui and has been there from the beginning. He has been involved in planting, fencing, and helps to manage the 4,500-acre forest. Our concern is that after hundreds of hours of research on studies conducted around the world on the effect of windmills on the human body, we have found that people living in close proximity to wind turbines experience: short terms effects, including: nausea, anxiety, insomnia, depression, cardiac problems, memory dysfunction, blood pressure elevations, chronic sleep deprivation, panic, and vertigo spells. Not sure about the long term effects. The mechanism for causing the adverse effect on the human body are the artificial electromagnetic fields generated by the megawatt generators on the top of the turbines and the sonic waves created by the blades. This is well documented online, under topics like "the effect of wind mills on human health." These are our concerns about health risks for the homesteaders living in close proximity.

As a Kanaka Maoli, it destroys the nature and life source of the land. Once gone, it can never be restored. Where does the destroying and taking over the lands end? This is sacred and precious lands that people have been farming and fishing from generation to generation. You commissioners are responsible for the life of the land and the life and care for the people. My family will not support this project because there no righteousness in destroying the land.

7. **Chad Newman**: I am member of Ka 'Ohana o Kahikinui. I want to talk about my mother growing up in Pelekunu Valley in Moloka'i. She taught us basic protocols—for example, we brought makana for people there, but the first thing we'd do is clean up the area before we picked limu. When we went mauka, we would plant and clean. These

are practices she taught us. She said watch carefully where you step. Never take roots, watch your effect on beings. It was the beginning of my understanding of haloa.

In 1993, we were contacted about land opening up at Kahikinui—it was a pilot project. We witnessed the overgrazing of the mauka area. We started a newsletter to inform lessees. As we started to work with one another we quickly learned that we could either help each other or we could fight each other.

In a symbiotic relationship—there's a host. This is different from parasitism where one species just drains the resource of the other. The world of flora and fauna. People relate to relationships differently, they have different relationships with humans. Taking advantages. Humans cannot live without symbiosis. Symbiosis is connected, humans take advantage our presence was crucial to be protectors of the land because land was being used by ranchers for over 100 years. You see the grazing area—that used to be forest. We wanted to save the last bit of the native forest so today we have groups that are working—the whole upper area is being protected to ensure that the native forest continue. We are continuing our projects out there, we do need funding. This is one of things we looked at. There's thousands of historic sites that we would like to restore. We support this project as an alternative form of energy.

8. **Ellie Marshman Castillo**: I am here as the secretary of the Aha Moku of Wailuku and as a concerned citizen. In a General Meeting of the Wailuku Moku on July 10, 2015, a motion was ratified to address concerns raised by the NextEra and DHHL Public hearings stemming from the lack of consultation with the Aha Moku o Maui, heirs and assigns of Land Commission Awardees. DHHL is authorized by federal mandate of the Hawaiian Homes Commission Act, however, there are no circumstances by which the Department may negotiate the proposal with NextEra without compromising the intent of the Hawaiian Homes Act. To continue public hearings without meaningful consultation, segregating communities under the misguided belief that residents of DHHL at Kahikinui are the only parties with standing and the Aha Moku o Maui has no interest, is fruitless. Therefore, the Wailuku Moku objects to the arrangement promoted by DHHL, the State of Hawaii and NextEra. There will be no support provided for the advancement of this or similar ideas and projects without the inclusion of a consultative process by the Wailuku Moku.
9. **Jody Allione**: I wanted to share my story as a development consultant for NextEra and what we've been doing with Kahikinui. I was brought in 3 years ago with the concept of doing a wind project—to see if we could make it work—if it would be OK with the community. We had a lot of meetings. The bottom line is that there's a lot of unoccupied lots. But they can't move on lots without infrastructure. We have the means to do this with the Community Benefits Package. They need roads and water. The community association put a list together on what they wanted, including: a share of interim funding, road construction to existing lots, water to existing lots, electricity, first choice for jobs, help to set themselves up as an eco-tourism venture, annual percentage of profit sharing, guaranteed removal plan at the end of the term, site planning for schools, community center, security presence for the community. We can't do all of this, but with

assistance of HHC, we can do a lot of this. We propose a 3-way partnership starting now till when the turbines come down.

10. **Noelani Aquino:** I'm an applicant and have been on the list since I was 18 years old. Just got off the plane from moku o Keawe. I'm here to share that the people of the Big Island hear about what's happening on this island. There's a connection between Maunakea and Haleakala. I come here not with a written speech, just with Ke Akua. I hope that the favor he has put on this island be taken to heart. I hope that whatever happens is God's will.
11. **Angus Peters:** Aloha—I respect my mother's wishes, you cannot stop progress. For me, there's more important things than the windmills. Look into the future. HHC should look at grave yards, no matter where you're from. You can be buried on the Island.
12. **Mo Moler**—Aloha I'll start off where I got cut off from last night. You can see a lot of opposition today. We've been involved in everything about planning, implementation and development at Kahikinui, but we have had very little involvement in this project. In spite of the fact that this project will have greatest impact on us. He acknowledges that NextEra was responsive to their recommendations to move the turbines from the west to the east end of the parcel. But he said that they were not responsive to the 'Ohana's suggestion to move the turbines mauka of the road, which would facilitate running electric lines to service all homestead lots, for free.

At this point the 'Ohana is convinced that NextEra will do everything within their power to accommodate their needs. There's still things that need to be done, including: have to walk the land, wants to see detailed plans for the development of the system, need to negotiate benefits package hoping it will be robust, need further studies on our health, our 'āina, and on our pristine and undeveloped landscape. If we can't come to an agreement on a win-win situation, then I want to go on record that NextEra, the DHHL and staff are running us through a system of deception once again.

13. **Brian Nae'ole:** I wanted to thank the Commission for the opportunity to address this Commission for the second time. I was here last night and I hand delivered my DNA to Jobie. In the history of the Kahikinui lands, you will find Land Commission Award Number 7713 which belongs to Victoria Kamamalu. She is my lineal descendant on my mother's side. Victoria Kamamalu still owns these properties, in the Kona portion of this ahupua'a.

I have educated myself on who I am, where I come from, and I understand why it is important to recognize this discussion. I found out that we're not getting anything for the Victoria Kamamalu lands. I'm also a lineal descendent to the 'Auwahi Wind farm via Princess Ruth Ke'elikolani. We (Brian Nae'ole Na'auao, Stephen Na'auao, Jr. and Florence Lani Pi'ena Kuhaulua) have come forward to assert our claims. We found our DNA and we know how important it is.

We have people from outside of Hawai'i that are taking all this revenue. When we asserted our claims, we got pulled to the side. I have diligently worked with the relevant agencies (State of Hawai'i, DHHL, OHA and DLNR). These outside companies are going to make all this money. We come up and give you our DNA and I have been

disrespected. I give you my DNA, but I haven't got one single response from any agency.

This is business as usual and we're tired. We want to live happy, work together, but this is not a "working together" process. This is a land grab situation. We find out today that Hawai'i is not part of the US...now why is this put on the side and not being addressed? We are being fast tracked ignored—we have no choice but to sue like everyone else. We're tired, we know our rights. I come from 2 famous lines: my grandfather, was Chief Nae'ole, the one that took care of Kamehameha I. Then there's Alapa'i Nui Kawawa Mahi from Kahikinui. These people come from the na'au of the area.

So there's a lot we can do. First and foremost you have to work on giving us the opportunity to pursue our claims. If we don't go forward and get it cleared, I have a legal vested right because this is who I am. Maybe we have to sue like everyone else. We find out today that we were illegally overthrown. But we're tired like everyone else. I'm poor, we want to live happy.

14. **Blossom Feiteira:** Thank you for the opportunity to give my testimony in support of this proposal. Kahikinui has been here for 1,000 years, then we experienced over 150 years of ranching that denuded the environment. This moku is the only moku that is part of DHHL. This is not public land, this is HHLs. Ka ohana has taken up the responsibility of taking care of this place. My kuleana is not named that because looked like shit, then hundreds of years of ranching, degraded lands. I can go anywhere to pick 'opihi, but the only way I can pick 'opihi at Kahikinui is if the 'Ohana gets enough funding to manage their land-based projects. You have had this for many years. People think it's open to the public, where anyone can do anything. It's not. It's for native Hawaiian benefit. For 20 years KOK has taken up the mantle. I don't agree with windmills here. It's beautiful. But as a beneficiary, my kuleana is not to look at my personal needs; but to look out for the needs of the community at Kahikinui. I can go fishing anywhere. What I can't do is live at Kahikinui the way my ancestors did unless the 'ohana can make this place a viable place for all Hawaiians. I request that you bring the 'ohana to the table and keep them here because we will have a lot of work to do. Don't forget—the primary purpose of the act...native Hawaiians returning to the land and in this case, it's Ka 'Ohana o Kahikinui.

15. **Ke'eaumoku Kapu and Granddaughter:** I hanai my granddaughter to this Commission. She has the right numbers. She is truly a beneficiary. I'm still waiting. I'm heart-filled with the issues we face today. Maybe we can start sperm bank for Hawaiians. We kanaka today are no different from other people in Hawaii. We're struggling. But we're supposed to have benefits.

16. **Kua (Mo's son):** I grew up in Kahikinui. Over years, saw change, started with roads, telecommunications came in every lot got phones lines, we were involved, we saw it happen. The next development was the road being paved. That was 10-12 years ago and we haven't seen anything except for the windmills at Auwahi. When you come across the back side and see that area. But like people saying—it's a done deal, sad that the Hawaiian Homes Commission didn't involve the community. Just ask if you're going to do it, make sure we're involved.

17. **Dick Mayer**—see written testimony. I would urge you to request that applications have criteria as to what to include in the proposal. For instance, they should have a battery storage and the power line route and alternatives be identified clearly. Should apply an inflation figure to the power purchase agreement. Of course, they need to do the environmental compliance—Chapter 343 full disclosure of impacts and mitigation of those impacts. But I suggest that you also include enforcement measures. Who is going to enforce the mitigation efforts. What about breaking down the windmills? Who maintains the windmills. I would urge you to get the parent NextEra company to sign off on the contract, not the paper company. Should identify the power utility at that time—leave it generally defined because MECO may be changing. I also suggest you include the PUC as a signature on the contract.
18. **Kehau Filimoeatu**: do you really want to hear from me? Because the only way, is to listen. True testimony needs a tongue to utter. Kehau introduced herself and her ancestral lines. I was on waitlist for a decade without access. I went back to see when the Kahikinui project got approval, we pulled up an agenda dated May 23 at Waiohuli. Then at the end, there's the next steps. There was also on Nov 12, 2014 a selection of 2 proposals. Then I got a letter dated Nov 25, 2014 as the President of Na Po'e Kokua. It says we got your letter of interest and DHHL regrets your proposal was not selected to pursue. There were many proposals. June 23rd last day to comment. Public info mtgs—but I didn't get the letter. I wanted to challenge you today to see if you would stick around after noon. I don't trust your timeline, I definitely don't trust this process. It needs to be paused or ignored. Yesterday was a long day, actually I had 28 hours for this day. I just spent a week with faith based organizations, some having oppression, all coming with all faiths of akua. Those people asked me to go to Kaanapali. But it was so hot. But I also wanted to attend the public hearing last night. Upon arrival I could see that there was acquiescence to a dominant narrative. I thought it would be before an unbiased body, I felt disappointment. For being sucked into a process--yet you claim we should trust the fiduciaries of our trust. You insult us with timelines so can follow along. You throw pennies so can find our way home. Your beneficiaries, your people know where we belong, we have nowhere else to go-- but I still love all of you.
19. **Walter Ritte**: I'm from Moloka'i--we had a similar process on Moloka'i many years ago, we're talking huge development, lots of windmills, cables, etc. and today there's no windmills on Moloka'i. The key word is process. When you pick opihi, you can either come home with lots of good stuff or come home with nothing and die. Also, in Hawaiian communities, process is key. They don't trust the process. You have to figure out how to get out of your box. I hope the HHC broadens the table, spend the money upfront to talk with a lot of people. You have people that support and people that don't support. You need to find out where the common ground is. Figure out how to come out of the box...figure out how you can come to some kind of agreement

PUBLIC HEARING NOTICE

**PROPOSED LAND DISPOSITION OF
HAWAIIAN HOME LANDS FOR A WIND ENERGY PROJECT
AT KAHIKINUI ON THE ISLAND OF MAUI**

Public Notice is hereby given that the Hawaiian Homes Commission will hold two (2) public hearings, pursuant to Chapter 171-95.3, Hawaii Revised Statutes, at the Paukukalo Community Center, 657 Kaunualii Street, Wailuku, Maui, in order to provide information on a proposed Kahikinui wind energy project and to hear comments on the proposed wind project. The hearings will be held on:

Wednesday, July 29, 2015 from 6:30 pm to 8:30 pm
and
Thursday, July 30, 2015 from 10:00 am to 12 noon

Information on the proposed land disposition and the Kahikinui wind project will be provided at the beginning of the hearings. Boulevard Associates, a Delaware LLC, an affiliate of NextEra Energy, Inc., a Florida corporation, is requesting a General Lease of up to 25 years following a due diligence period of up to 5 years under a right-of-entry permit.

Native Hawaiian beneficiaries and members of the public are invited to attend one of the public hearings to submit oral and/or written comments on the proposed leasing of land for the Kahikinui wind project. Comments may also be submitted online at dhhl.hawaii.gov; by email at dhhl.planning@hawaii.gov; or by regular mail to DHHL Planning Office, P.O. Box 1879, Honolulu, Hawaii'i 96805. The deadline for submitting comments is Monday, August 31, 2015.

Date: Honolulu, Hawaii'i, July 15, 2015

Honolulu Star-Advertiser
The Maui News
Date: July 15, 2015

State of Hawaii'i
Department of Hawaiian Home Lands

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

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION PUBLIC HEARINGS
ON THE PROPOSED KAHIKINUI WIND ENERGY PROJECT**

**Paukukalo Community Center
657 Kaunualii Street, Wailuku, Maui
Wednesday, July 29, 2015 at 6:30 p.m. to 8:30 p.m. and
Thursday, July 30, 2015 at 10:00 a.m. to 12:00 p.m.**

ORDER OF BUSINESS (SAME FOR BOTH DAYS)

Roll Call
Approval of Agenda
Format and Ground Rules
How to Submit Comments (see below)

A. PROPOSED KAHIKINUI WIND ENERGY PROJECT

Presentation of proposed wind energy project on Hawaiian home lands at Kahikinui, Maui, to be developed by Boulevard Associates, a Delaware LLC an affiliate of NextEra Inc., and proposed lease of Hawaiian home lands to Boulevard Associates, a Delaware LLC an affiliate of NextEra Inc. for the project.

B. PUBLIC TESTIMONY ON THE PROPOSED KAHIKINUI WIND ENERGY PROJECT

Public Testimony limited to (3) three minutes.

ANNOUNCEMENTS AND ADJOURNMENT

1. Next Meeting -- August 17-18, 2015, Leialii, Maui
2. Other Announcements
3. Adjournment


Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

**Doreen N. Canto, Maui
Kathleen P. Chin, Kauai
Gene Ross K. Davis, Molokai
Wallace A. Ishibashi, East Hawaii**

**David B. Kaapu, West Hawaii
Michael P. Kahikina, Oahu
William K. Richardson, Oahu
Renwick V. I. Tassill, Oahu**

Special Accommodations (such as Sign Language Interpreter, large print, taped material) can be provided, if requested, at least five (5) working days before the scheduled meeting on the respective island by calling Ku'uwehi Hiraishi, at the Information & Community Relations Office, on Oahu, (808) 620-9590.

**COMMENTS MAY BE SUBMITTED BY THE
FOLLOWING:**

1. By testifying in person at Public Hearing
2. As written comments at the Public Hearing
3. Online through our website at: www.dhhl.hawaii.gov
4. Via email at: dhhl.planning@hawaii.gov
5. Via mail send your comments to:
DHHL Planning Office P.O. Box 1879 Honolulu, HI
96805

**The deadline for submitting comments is:
THURSDAY, AUGUST 6, 2015.**

**For more information, please see the “Proposed Wind Energy
Project at Kahikinui” on our website: www.dhhl.hawaii.gov**



Learn more about the proposed Kahikinui wind energy project

Informational Meeting

Monday, July 13, 2015, 6:30 - 8:30 p.m.

Public Hearing #1

Wednesday, July 29, 2015, 6:30 - 8:30 p.m.

Public Hearing #2

Thursday, July 30, 2015, 10 a.m. - Noon

*All meetings to be held at the Paukūkalo Community Center
657 Kaunualii Street, Wailuku, Maui 96793*



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

Aloha Maui Hawaiian Home Lands Beneficiaries,

The Hawaiian Homes Commission will be conducting two public hearings to accept testimonies regarding a proposed alternative energy wind project with NextEra Energy Resources, LLC located in Kahikinui, Maui.

To help you prepare for the public hearings, the Department will be holding an informational meeting two weeks prior.

Final decision making on the proposed project is currently scheduled for the Hawaiian Homes Commission meeting in Lahaina in August 2015.

For more information, visit dhhl.hawaii.gov.

Mahalo!

State of Hawai'i
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawai'i 96707
P.O. Box 1879 | Honolulu, Hawai'i 96805
(808) 620-9500 | (808) 620-9529 Fax
dhhl.hawaii.gov

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HAWAIIAN HOMES COMMISSION

Public Hearings on the Proposed Kahikinui Wind Project

Paukukalo Community Center
Wailuku, Maui
Wednesday, July 29, 2015 • 6:30 pm - 8:30 pm
Thursday, July 30, 2015 • 10:00 am - 12 noon

1

Hawaiian Homes Commission Public Hearing July 29 and July 30, 2015 Agenda

- I. Roll Call
- II. Approval of Agenda
- III. Format and Ground Rules
- IV. How to Submit Comments
- V. Presentation on the Proposed Kahikinui Wind Energy Project
- VI. Public Testimony
- VII. Announcements and Adjournment

2

Format and Ground Rules

- 1. Presentation of the Proposal
- 2. Answer Top Questions
 - Turn in written questions (yellow half-sheet)
 - See DHHL website for full list of questions and answers
- 3. Receive Testimony
 - Sign up to testify (till 8:30 pm)
 - Please limit oral testimony to 3 minutes

3

How to Submit Testimony

- Oral testimonies at this public hearing
- Written comments may be handed in at this public hearing or mailed to:
DHHL Planning Office
P. O. Box 1879
Honolulu, HI 96805
- Online through our website at dhhl.hawaii.gov
- Email at dhhl.planning@hawaii.gov

Please submit your comments by
Friday, August 21, 2015

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Presentation on the Proposed Kahikinui Wind Project



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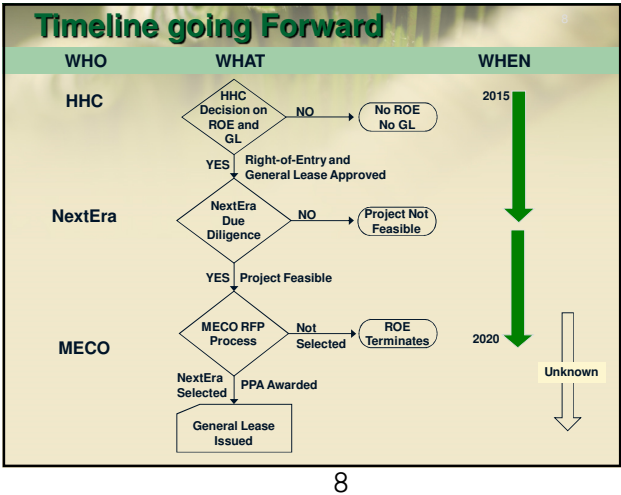
Chronology of Events—Wind Project

Jan 13, 2013	HHC authorizes direct negotiations with potential renewable energy developers on Island of Maui
Jan 18, 2013	Legal notice requesting letters of interest to develop renewable energy projects at Kahikinui, Pulehunui, and Honokowai
Jan 31-Feb 4, 2013	Meetings held with Maui homestead leaders
Feb. 1, 2013	11 Letters of Interest to develop solar, wind, and biofuel/biomass projects submitted for Kahikinui; 4 were wind projects
Mar 20-21, 2013	HHC holds 2 Public Hearings on the development of renewable energy projects at Kahikinui, Pulehunui, and Honokowai. Attendees did not support development at Pulehunui and Honokowai but were open to options at Kahikinui as long as it directly benefitted Kahikinui lessees.

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Chronology of Events (continued)	
July 12, 2013	Public Utilities Commission (PUC) issues orders delaying HECO's issuance of RFPs for renewable energy; uncertainty delays selection of developers
Nov 12, 2014	Kahikinui wind proposals evaluated by staff and energy consultants—2 proposals were selected for further negotiations.
Jan 16, 2015	NextEra selected as the finalist for direct negotiations on the wind project
May 23, 2015	Beneficiary Consultation with Kahikinui community
July 13, 2015	Informational meeting for Maui beneficiaries to prepare for Public Hearings

7



8

Why is DHHL supporting development of a wind energy project at Kahikinui?

- ✓ Excellent wind resource
- ✓ Provides a revenue stream for the Hawaiian Home Lands Trust
- ✓ Develops a renewable energy resource for Maui County
- ✓ Provides a financial resource for the impacted community at Kahikinui

9

Why is DHHL supporting NextEra to develop a wind energy project at Kahikinui?

- ✓ Best offer in terms of Lease Rent
- ✓ Best offer of Community Benefits
- ✓ Project is NOT dependent on the undersea cable
- ✓ Project will produce up to 60MW which will be used to meet Maui Island demand
- ✓ Company was responsive to community recommendations to move turbines out of their view, to the Southeast side

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Outline of Proposal

*Presented by Mr. Anthony Pedroni
Director, Business Development
NextEra Energy Resources, LLC*

WHO:

- Boulevard Associates, a Delaware LLC, an affiliate of NextEra Energy, Inc., a Florida corporation

Note: NextEra Energy Resources, LLC submitted the original proposal in 2013.

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Outline of Proposal (continued)

WHO:

- NextEra Energy Resources is the largest generator of wind and solar projects in North America.
- Projects located in 25 states and Canada.
- 11,000 MW of wind and 780 MW of solar in operation

WHAT:

- Up to 60 MW wind energy project
- 20 wind turbines, each generating 3MW of energy

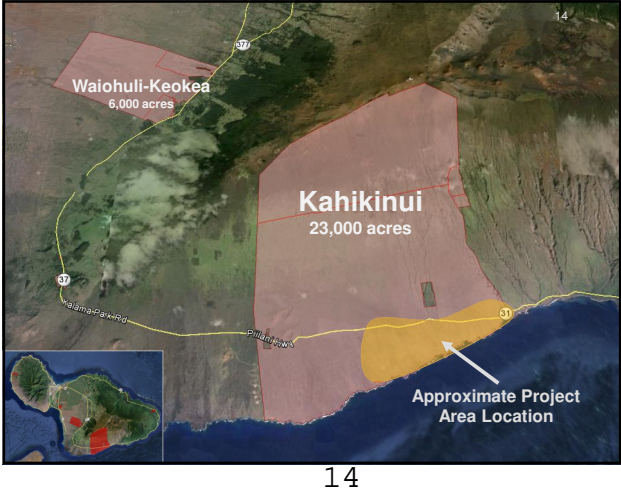
12

Outline of Proposal (continued)

WHERE:

- Southeastern portion of DHHL's land at Kahikinui (Manawainui ahupua'a)
- 500 acres to be used during construction and as buffer area
- Only 30 acres will ultimately be used for roads and wind turbine pads
- Issues related to water access, impact on homesteaders, as well as engineering viability affect specific siting.

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Outline of Proposal (continued)

WHERE:

- The exact location to be determined following due diligence work, including:
 - ✓ Cultural/archaeological studies to identify sensitive areas and sites to avoid
 - ✓ Wind analysis
 - ✓ Environmental studies
 - ✓ Engineering assessment, including geotechnical work to evaluate soil and bedrock conditions

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Outline of Proposal (continued)

HOW:

Note: Some financial information cannot be shared; otherwise, when MECO's RFP is issued, other bidders will have an unfair advantage knowing what NextEra offered DHHL

- Right-of-Entry (ROE) permit and General Lease being negotiated at the same time
- ROE permit at \$175,000/year for 3 years to conduct due diligence work.
 - ✓ 2 one-year options to extend at \$200,000/year

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Outline of Proposal (continued)

HOW:

- General Lease for 20 years, to begin when the wind project can deliver power to the power grid.
 - ✓ Option to extend for 5 years at the same lease rent
 - ✓ Lease rent will be finalized after a Power Purchase Agreement (PPA) is executed with the utility company

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Outline of Proposal (continued)

HOW:

- Community benefits package of minimum \$300,000/year
- Lease rent and community benefits depends on the price of energy that the utility company buys from wind project
- Price of energy and the size of the project is unknown until the utility company selects NextEra's wind project in a competitive process and the PPA is finalized

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Summary

The Kahikinui Wind Energy Project:

- Does NOT depend on an undersea cable to Oahu
- Does NOT depend on the NextEra-HECO merger
- Brings the greatest amount of money to DHHL, at the earliest possible date
- Provides significant community benefits as well as long-term cash stream to DHHL for its beneficiaries
- Has a high probability of success; it does not rely on 3rd party financing

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What's Next?

- HHC Discussion with Counsel on proprietary elements of the proposal in August, 2015
- Beneficiary Consultation and Public Hearing Report submitted to HHC in September, 2015
- Decision on Whether or Not to Proceed with ROE and General Lease in November, 2015

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TOP QUESTIONS

- From your written questions submitted on yellow sheets
- Full list of Questions and Answers will be posted on our website

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INDIVIDUAL TESTIMONIES

- Sign-in sheet to Testify
- As a courtesy to others, please limit oral comments to 3 minutes – there is no limit on written testimonies
- Commissioners are here to listen; they will not be responding to your comments
- Other ways to comment: online, email, mail

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**COMMENTS ON THE PROPOSED KAHIKINUI WIND ENERGY PROJECT
FROM DHHL WEBSITE OR VIA EMAIL**

From: Kanani Kapuniai]

Sent: Tuesday, July 07, 2015 10:26 AM

Subject: Proposed Wind Energy Project in Kahukinui

Good Morning:

- A. Important missing information – MAPS.
Stating the “Southeastern portion of DHHL land in Kahikihui region” IS INSUFFICIENT.
Please prepare and issue at least two, TODAY, through your web site!!!
 - 1) All Kahikinui Lands, designating
 - a) Lands under Beneficiary Homestead Leases
 - b) Lands under Forestry and organizations with what kuleana
 - c) Lands under General Lease/Revocable Permit/Right of Entry and any other land disposition instrument; to what organization(s) or individual(s) ie. Haleakala Ranch? Ulupalakua Ranch?
 - 2) Kahikinui with enlarged inset encompassing proposed area being considered for study and ultimate installation. What will the beneficiary lessees be looking at?
- B. Important missing information - No mention of Kahikinui Lessees to be provided electricity.
Where will the power generated be distributed to?
- C. No mention of the Kahikinui lessees who have been directly involved with initial deliberation, their input, and their desires for the community benefits and how those benefits are to be administered; more importantly, how lessee beneficiaries will be included in the construction and operation of the facility.

What community is being served by the current Wind Power Generating Company?

Yes, Kahikinui got a community benefits package – improved access to a certain point. . . .

Not enough due diligence for the beneficiaries who are the stewards, way out there.

Thank you,

M Kapuniai

7/11/15

Subject: wind project proposed for DHHL land in Kahikinui

Aloha Ms. Cachola,

Please do NOT allow any more windmills on this side of the island. Instead, build it in Kahului, next to the HC&S coal burning power plant or next to the Puunene Landfill.

The southeast side of Maui should be left as is. It is one of the last pristine areas on Maui that has not been developed. Please keep it that way.

The existing wind mills at Kahikinui should NOT have been allowed.

There is no benefit to the residents of Maui. Our electric bill continues to escalate. Even at 100 percent renewable energy, the consumers will still pay through the nose.

Nextera stands to make millions while DHLL makes peanuts. It is not in the best interest of the people of Maui and Hawaii. Ua Mau Ke Ea O Ka Aina I Ka Pono.

Malama Pono,

Paul Hanada

Kula, Maui, Hawaii

7/14/15

To:DHHL Planning

Name: Alexander Ross

Subject: 2015 Proposed Kahikinui Wind Energy Project

Message:

It is essential that the deal include a paved road that provides easy access to ALL the lessees' lots, including those at the highest elevation. Mahalo!

7/14/15

To:HHC Secretary

Name: Malia Benz-Marrs

Subject: To Commission Chair Masagatani

Aloha,

My name is Malia Benz-Marrs, I am a resident in Kahikinui. (Chad and Harry's daughter) I just wanted to say that Julie Cachola and William Aila did a great job last night in Paukukalo. I could not imagine having to be in their position. Thank you!

7/15/15

To: DHHL Planning

Name: Annell Kanekoa

Subject: 2015 Proposed Kahikinui Wind Energy Project

Message:

What is this wind energy project about? Where will it be located, and why wind when there are other alternatives? If Maui is a tourist destination why not keep Maui aesthetically beautiful. Windmills do not enhance the beauty of our island for residents as well. There is current energy in the ocean and other unimposing alternatives. I am not for another wind project. But, I am for alternative energy.

7/22/15

To:DHHL Planning

Name: Gregory K. Kauwe

Subject: 2015 Proposed Kahikinui Wind Energy Project

Message:

The Kahikinui wind energy project is good for the Hawaiian people especially if the revenues are used to advance the cause of native Hawaiians. Having said this, I would propose that a pumped storage facility be installed in conjunction with this project if the terrain along this coastline can accommodate this type of installation. Pumped storage technology would better serve the community because firm renewable electrical power is hard to come by. I believe this approach would be supported by all sectors of the community because it would be an efficient way of using wind and water energy.

7/27/15

To:DHHL Planning

Name:Jon Hoku Irvine

Subject:2015 Proposed Kahikinui Wind Energy Project

Message:

I am against the windmills in Kahikinui on Hawaiian Home Lands. Why build a new wind farm in Kahikinui? Kahe awa windfarm above ma'alaea is dumping energy generated by the wind. Why build a new windfarm. And also, Hawaiian Homes is for the Hawaiians. 'A'ole Kahikinui!

7/30/15

Gordean Bailey wrote:

Aloha Julie. Thank you for this opportunity.

The Honorable David Ige, Governor Jobie Yamaguchi, Chair, Hawaiian Homes Commission
Members Hawaiian Homes Commission

As lessees of Kahikinui, we would like to thank NexTera for considering our "special district" coastline for their windmill project.

Kahikinui is 22,500 acres of Hawaiian Homelands on the South slope of Haleakala. It is the Most intact pristine moku of all Hawaiian lands with myriad ancient archeological sites and native flora and fauna.

Because it is so special a place it is our desire to help keep it that way and therefore we propose the following:

- 1) In the context of community we request seats on the wind project planning commission
- 2) Of the twenty wind turbines we request one be deeded to the Kahikinui Community to generate energy and to pump water from a well to service the homestead area.
- 3) In addition, NexTera will provide underground transmission lines throughout the community
- 4) Also, NexTera will provide 20' roads thru out the community concurrent with the Installing of the transmission lines.
- 5) Then, after five years of operation the community shares in the revenue generated by the turbines. Such percentage to be determined before lease is signed.
- 6). Under no circumstances will the use of nuclear energy be acceptable in the windmill project.
- 7) Finally, when NexTera's lease terminates they must clean and remove all Facilities not needed at the project area.

Mahalo for your consideration to this matter,

Gordean L. Bailey

Heather DeFries

Donovan Wong

Lessees

8/12/15

To: DHHL Planning

Name: christian

Subject: 2015 Proposed Kahikinui Wind Energy Project

Message:

Aloha my name is Christian Keli'i Lum and I am not a beneficiary. I have the honor of being able to live and take care of my homelands. I have been out reforesting trees in Kahikinui for 4 years now and learning about my kupuna and how they would use these lands. The forest that once flourished from mountain to sea is no more. The bottom line is that the forest needs our help, rare trees, rare insects, and rare ferns and animals all have a role to play. Just like my kupuna and the land. We understand that the land is chief meaning we take the chief the chief will take care of us. The site where the proposed giant fans are going is where a lot of kupuna lived, played, ate, slept, hunt, fish, and most of all prayed. There are hundreds of archaeological sites from homes to heiau. My ancestors will be furious if this goes thru. To me it's the same as putting solar panels on the Sistine Chapel nobody would ever do that. Sorry but get enough wind already out there we don't need big fans for blow some more. All this is for money stop thinking in a money mind set please.

8/14/15

To: DHHL Planning

Name: Le'amohala Family

Subject: 2015 Proposed Kahikinui Wind Energy Project

Hi, :)

We are homesteading lot 101 toward the top of the mountain at Kahikinui. I went to one of the NextEra meetings to hear what this wind project is all about. I heard that NextEra would like to build the windmills on the ocean side of the road which seemed to cause a ruckus among community members because that is their fishing access way. NextEra said they would put the power lines under the ground and guide them all the way up and over the mountain. If they are going to lead the power lines over the mountain why not build the wind mills at the top of the mountain so the power lines have less way to go? Also this would ensure that Kahikinui people get a good road to the top, which is one of the hardest things about homesteading there; the road is so bad. It would also cause less destruction on Kahikinui since they won't be putting the power lines all the way up and across from the ocean side.

I am actually okay with the windmills being there in the area, but in the right place. I would much rather have the windmills behind our ocean view instead of in front of it. It would be less disturbing that way and if NextEra builds and maintains a good road to the top - it would be well worth it to me as long as the people in Kahikinui are safe. Wind power to each of the parcels would be very nice too since the energy will be right there.

Thanks for listening and keeping us updated on the progress.
The Le'amohala Family

[Additional comments from the same beneficiary]

Aloha Allen and Julie-Ann,

We are homesteading lot 101 at the top of Kahikinui and want to start bringing materials up there to build a home... These last couple weeks we have tried two different times to get to our plot with a lifted toyota 4wheel drive truck. Both times we have gotten stuck at an impassable portion of the road so we literally cannot homestead our land.

We would be thrilled at the possibility of the road being finished to the top of Kahikinui and are fine with windmills being there as long as they are not directly in the ocean view. We appreciate the alternative wind energy coming to Maui as it is more sustainable and healthy for the earth.

To us, the road is the most important thing because as it sits now we are incapable of even getting to our home. **Please let the commission know that we are a strong vote YES to have the sustainably minded wind energy NextEra windmills at Kahikinui and we hope that finishing the road to the top of the plots will be first priority so we can start building and homesteading. I'm sure there are many others who feel the same way and have given up, for the most part, on homesteading because it is just impossible for most. We tried years ago to start homesteading and now have begun to try again. We would like to be able to get up to our home.**

Talking with some who have been there for years, they say they have already gone through 17 four-wheel drive trucks and if you homestead up there you absolutely need 2 four-wheel drive trucks in order to be able to rescue yourself when you break down because you WILL break down since the road is so bad.

Alternative energy to the homesteads would be nice as well, but honestly, if they can just put the road in to the top we would be happy with that.

I was at one of the meetings for the wind energy and I also emailed through this site when the site was accepting feedback but I just really want to stress how important it is for us who live there to have a road we can actually reach our homes with.

Thank you for your time,
Brook, Home & Koa Le'amohala

8/18/15

To: DHHL Planning

Name: Patrick V. Kirch

Subject: 2015 Proposed Kahikinui Wind Energy Project

Message:

As an archaeologist who has conducted extensive research in Kahikinui, I am concerned about the potential impact to archaeological and cultural sites. I would appreciate being included in any future consultations regarding the Kahikinui wind energy project. I have also expressed my concerns directly in a letter to the Chairman of the Hawaiian Homes Commission.

Mahalo nui,

Patrick V. Kirch, Chancellor's Professor Emeritus, University of California, Berkeley, CA 94720

Subject: 2015 Proposed Kahikinui Wind Energy Project

Message:

Aloha , my name is graf and I would like to state that enough of the hawaiian homeland has been exploited for profits and the kehikinui area should NOT be developed for wind energy. Kehikinui is near my home in hana and many others do not want this industrial implant to destroy the hawaiian homeland environment any more than it is . I hope you consider our opinions. Mahalo nui loa

Subject: 2015 Proposed Kahikinui Wind Energy Project

Message:

Aloha my name is Christian Keli'i Lum and I am not a beneficiary. I have the honor of being able to live and take care of my homelands. I have been out reforesting trees in Kahikinui for 4 years now and learning about my kupuna and how they would use these lands. The forest that once flourished from mountain to sea is no more. The bottom line is that the forest needs our help, rare trees, rare insects, and rare ferns and animals all have a role to play. Just like my kupuna and the land. We understand that the land is chief meaning we take care of the chief the chief will take care of us. The site where the proposed giant fans are going is where a lot of kupuna lived, played, ate, slept, hunt, fish, and most of all prayed. There are hundreds of archaeological sites from homes to heiau. My ancestors will be furious if this goes thru. To me it's the same as putting solar panels on the Sistine Chapel nobody would ever do that. Sorry but get enough wind already out there we do not need big fans to blow some more. all this is for money stop thinking in a money mind set please

8/3/15

Subject: 2015 Proposed Kahikinui Wind Energy Project

Aloha,

I am writing to oppose the proposed Kahikinui wind farm. Bigger is not always better for Maui. By the time this expensive and invasive project is ready to generate electricity there will be plenty of other low-cost options on the market to include: small but powerful residential windmills, affordable rooftop solar, micro-grids, home battery systems, and an array of storage options.

The future of energy is not about large wind farms and big mainland corporations. It is about small scale, locally owned and operated power generation. This is the future of Maui as well. Thank you.

Sincerely,

Debra Greene, PhD

Subject: 2015 Proposed Kahikinui Wind Energy Project
Message from Jon Hoku Irvine

I am against the windmills in Kahikinui on Hawaiian Home Lands. Why build a new wind farm in Kahikinui? Kahe awa windfarm above ma'alaia is dumping energy generated by the wind. Why build a new windfarm. And also, Hawaiian Homes is for the Hawaiians. 'A'ole Kahikinui!

Subject: 2015 Proposed Kahikinui Wind Energy Project
Message from Gregory K. Kauwe

The Kahikinui wind energy project is good for the Hawaiian people especially if the revenues are used to advance the cause of native Hawaiians. Having said this, I would propose that a pumped storage facility be installed in conjunction with this project if the terrain along this coastline can accomodate this type of installation. Pumped storage technology would better serve the community because firm renewable electrical power is hard to come by. I believe this approach would be supported by all sectors of the community because it would be an efficient way of using wind and water energy.

Subject: 2015 Proposed Kahikinui Wind Energy Project
Message from Annell Kanekoa

What is this wind energy project about? Where will it be located, and why wind when there are other alternatives? If Maui is a tourist destination why not keep Maui aesthetically beautiful. Windmills do not enhance the beauty of our island for residents as well. There is current energy in the ocean and other unimposing alternatives. I am not for another wind project. But, I am for alternative energy.

Subject: 2015 Proposed Kahikinui Wind Energy Project
Message from Alexander Ross, Kahikinui lessee:

It is essential that the deal include a paved road that provides easy access to ALL the lessees' lots, including those at the highest elevation. Mahalo!

Subject: 2015 Proposed Kahikinui Wind Energy Project

Aloha Kakou. Please see attached file

My name is Foster Ampong, former Hawaiian Home Lessee at Kahikinui Hawaiian Homestead and Waiohuli Hawaiian Homestead, Kula. I reside at Waiehu Kou Phase III, Hawaiian Homestead and submit the following mana'o and position on this 2015 Proposed Kahikinui Wind Energy Project. Please forward these concerns/comments to the Hawaiian Homes Commission (HHC) at their next meeting scheduled for July 20, 2015 (Monday) at Kapolei, Oahu.

1. To date, a majority of Hawaiian Homes Beneficiaries on Maui and Hawaiian Homes Lessee on the Department of Hawaiian Home Lands Waiting List have not been consulted.
2. An In "Informational Meeting" by Department of Hawaiian Home Lands (DHHL) was held on July 13, 2013 at the Pakukalo Hawaiian Homes Community Center and two (2) "Public Hearings" currently scheduled for July 29 and July 30, 2015 when the HHC Commission meets on Maui.
3. I am deeply concerned that should any "Beneficiary Consultation Report" be submitted by DHHL to the HHC on July 20, 2015 and the commission votes to accept this report, the commissioners could make a decision not in the best interest of Beneficiaries.
4. The Hawaiian Homes Commission do not accept the "Beneficiary Consultation Report" and/or consider to accept any "Beneficiary Consultation Report" UNTIL All Hawaiian Homes Beneficiaries and Hawaiian Homes Lessee on the Department of Hawaiian Home Lands Waiting List have been consulted in a reasonable and timely manner.

Thank you.

Foster Ampong

koe na kuleana o kanaka

Waiehu, Maui

July 16, 2015

Aloha Kakou,

Ms. Julie-Ann Cachola,

My name is Foster Ampong, former Hawaiian Home Lessee at Kahikinui Hawaiian Homestead and Waiohuli Hawaiian Homestead, Kula. I reside at Waiehu Kou Phase III, Hawaiian Homestead and submit the following mana'o and position on this 2015 Proposed Kahikinui Wind Energy Project. Please forward these concerns/comments to the Hawaiian Homes Commission (HHC) at their next meeting scheduled for July 20, 2015 (Monday) at Kapolei, Oahu.

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Thank you.

A handwritten signature in black ink, appearing to read 'Foster Ampong', with a long horizontal flourish extending to the right.

Foster Ampong
koe na kuleana o kanaka
Waiehu, Maui

July 17, 2015

To: Jobi Masagatani, Chairperson
Hawaiian Homes Commission and
Chairperson of the Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

From: Foster Ampong
58 Ho'ola Hou Street
Wailuku, HI 96793
Phone: 760-8158
Email: kekahunakeaweii@yahoo.com

Subject: "Beneficiary Consultation Report"

"DHHL Consultation With Kahikinui Beneficiaries" AGENDA for the "Proposed Kahikinui Wind Project" held on Saturday, May 23, 2015 at the Waiohuli Community Center, Kula, Maui

DHHL "Informational Meeting" AGENDA held on Monday, July 13, 2015 at the Paukukalo Hawaiian Homes Community Center.

Complaint: OMISSION on the DHHL "Informational Meeting" AGENDA dated July, 13, 2015 of Information on the "DHHL Consultation With Kahikinui Beneficiaries" AGENDA dated May 23, 2015.

Aloha Chairperson, Masagatani,

I am bringing to your attention a serious and troubling matter that adversely impacts all Hawaiian Home Land Beneficiaries and inherently further erodes public trust and confidence in those mandated to manage and fulfill the 1921 Hawaiian Homes Act Beneficiary Trust as required by law.

Attached are two (2) items.

- A. "Attachment A" is the Agenda handed out to those attending the Department of Hawaiian Home Lands "Informational Meeting" at Paukukalo Hawaiian Homestead Community Center on July 13, 2015.

- B. "Attachment B" is the Agenda for the "DHHL Consultation With Kahikinui Beneficiaries Proposed Kahikinui Wind Project" held on "Saturday, May 23, 2015 at the Waiohuli Community Center, Kula, Maui"
- C. "Attachment C" is the Meeting Notice sent to Maui Island Beneficiaries.
- D. "Attachment B" Item 5 – D. "Jul 20: HHC Meeting in Kapolei: Accept Beneficiary Consultation Report"
- E. Please clarify and provide me with a copy of this "Beneficiary Consultation Report" that apparently will be submitted to the Hawaiian Homes Commission on Monday, July 20, 2015.

As you will note, the printed informational handed out to the beneficiaries and those non-beneficiary public attending the "Informational Meeting" at Paukukalo on July 13, 2015 was given an Agenda with a significant amount of omitted information that was on the "DHHL Consultation With Kahikinui Beneficiaries Proposed Kahikinui Wind Project" Agenda held on "Saturday, May 23, 2015 at the Waiohuli Community Center, Kula, Maui"

Most notable the omissions that caught many of our attention were page 3 of "Attachment B".

5. NEXT STEPS

- A. May 23: Beneficiary Consultation with Kahikinui beneficiaries
- B. June 23: Beneficiary Consultation comment deadline
- C. End of June: Islandwide Beneficiary Informational Briefing on Maui
- D. July 20: HHC meeting in Kapolei: Accept Beneficiary Consultation Report
- E. End of July: Two (2) Public Hearings and HHC decision-making on Maui

Submit Questions/Comments to: Julie-Ann Cachola at julie-ann.cachola@hawaii.gov or by mail at: P.O. Box 1879, Honolulu, HI 96805. More information on our website at: dhhl.hawaii.gov

(The above Screen Shot taken from your department's dhhl.hawaii.gov website on the evening of July 13, 2015)

In "Attachment A" you will notice the omissions under sections "V. Next" of the above photo from the May 23, 2015 "DHHL Consultation With Kahikinui Beneficiaries Proposed Kahikinui Wind Project" Agenda handed to

IV. The Proposed Kahikinui Wind Energy Project

V. Next Steps

VI. Questions and Answers

(The above photo inserted for your purview taken from page 1 of 2 "Agenda handed out to beneficiaries and those non-beneficiary public attending the "Informational Meeting" at Paukukalo on July 13, 2015. See full page in "Attachment A")

Another concern is the Agenda Heading on July 13, 2015 Paukukalo Meeting that has it titled "DEPARTMENT OF HAWAIIAN HOME LANDS BENEFICIARY CONSULTATION"



DEPARTMENT OF HAWAIIAN HOME LANDS
BENEFICIARY CONSULTATION

Ma'i ko kākou mana'o, e halupa no kākou
From our ideas, we flourish

BENEFICIARY INFORMATIONAL MEETING
on the
PROPOSED KAHIKINUI WIND ENERGY PROJECT
Paukukalo Community Center
July 13, 2015 6:30 PM TO 8:30 PM

...though the Heading on this Agenda is identified as a department "Beneficiary Consultation Meeting" below this heading it states "BENEFICIARY INFORMATIONAL MEETING on the PROPOSED KAHIKINUI WIND ENERGY PROJECT"(???)This does not promote trust and confidence though it does confuse the subject matter, to say the least.

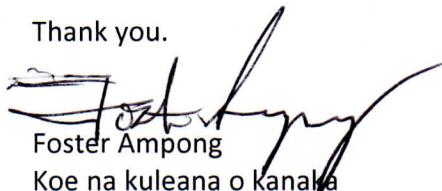
Furthermore, as reported, Deputy Chair, William Aila, Jr. stated the meeting was not a "Beneficiary Consultation" Meeting, but instead only an informational meeting; leaving Beneficiaries and the Department of Hawaiian Home Lands with ONLY the Kahikinui "Beneficiary Consultation Meeting" of May 23, 2015.

To date, there has been NO OTHER "Beneficiary Consultation" held on Maui.

Chair, Masagatani, It strongly appears the department has engaged in dividing the Kahikinui Beneficiaries from the rest of the Island-wide Hawaiian Home Land Beneficiary Communities on Maui; pitting Beneficiaries of one homestead community AGAINST all other Beneficiaries communities throughout Maui and inherently those beneficiaries on the DHHL Waiting list.

Chair, Masagatani, please address these egregious mismanagement by the department and implement substantive remedies for the all Hawaiian Home Land Beneficiaries.

Thank you.

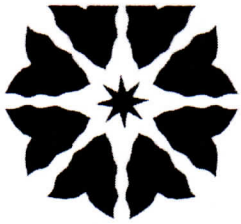


Foster Ampong
Koe na kuleana o Kanaka
Wailuku, Maui, HI

Agenda Handed Out to Attendees at Department of Hawaiian
Home Lands “Informational Meeting” held at Paukukalo
Hawaiian Homestead Community Center on July 13, 2015

(Not including this cover page – 2 pages)

Attachment A



DEPARTMENT OF HAWAIIAN HOME LANDS
BENEFICIARY CONSULTATION

Mai ko kākou mana'o, e hālupa nō kākou
From our ideas, we flourish

BENEFICIARY INFORMATIONAL MEETING
on the
PROPOSED KAHIKINUI WIND ENERGY PROJECT
Paukūkalo Community Center
July 13, 2015 6:30 PM TO 8:30 PM

AGENDA

I. Opening Pule and Welcome

II. Purpose of Tonight's Meeting:

- A. At its Regular Meeting on August 17 and 18 at the Lahaina Civic Center, the Hawaiian Homes Commission (HHC) will decide whether or not to issue a 20-year General Lease (GL) for up to 25 years, and an initial Right-of-Entry (ROE) Permit, for up to 5 years, to Boulevard Associates, a Delaware LLC, an affiliate of NextEra Energy, Inc., to plan, design, construct, own and operate a Wind Energy Project at Kahikinui. The construction and operation of the project requires a Power Purchase Agreement (PPA) from MECO and although the timeframe for this is unknown, approval/execution of the GL and ROE would start payments to the Trust and would allow the company to compete for the PPA on a timely basis.
- B. The HHC will hold (2) public hearings at the Paukūkalo Community Center to hear your comments. Testify at the hearing that best suits your schedule:
 1. Wednesday, July 29, 2015 from 6:30 pm to 8:30 pm; OR
 2. Thursday, July 30, 2014 from 10:00 am to Noon
- C. Tonight's Informational Meeting is intended to help beneficiaries develop their testimonies by providing:
 1. Background information on Kahikinui;
 2. Information about the Wind Energy Project; and
 3. A Question and Answer session

III. Background Information

- A. The Moku of Kahikinui
- B. Ka 'Ohana o Kahikinui
- C. Chronology of Events-Wind Energy Project
- D. Selection of NextEra's Proposal

IV. The Proposed Kahikinui Wind Energy Project

V. Next Steps

VI. Questions and Answers

How to Submit Comments:

1. Submit oral comments at one of the Public Hearings
2. Submit written comments at one of the Public Hearingd
3. Comments may be submitted online through our website at dhh1.hawaii.gov
4. Comments may be submitted via email at dhh1.planning@hawaii.gov
5. Comments may be mailed to: DHHL Planning Office, P.O. Box 1879, Honolulu, Hawai'i 96805.

The deadline for submitting comments is Thursday, August 6, 2015.

For more information, please see information on the "Proposed Wind Energy Project at Kahikinui" on our website (dhh1.hawaii.gov).

Agenda Handed Out to Attendees at Department of Hawaiian
Home Lands "DHHL Consultation With Kahikinui Beneficiary
Proposed Kahikinui Wind Energy Project" held at Waiohuli
Hawaiian Homestead Community Center, Kula, Maui on May
23, 2015

(Not including this cover page – 4 pages)

Attachment B



DHHL CONSULTATION WITH KAHIKINUI BENEFICIARIES

PROPOSED KAHIKINUI WIND PROJECT

Waiohuli Community Center, Kula, Maui
Saturday, May 23, 2015 • 1:00 pm–3:00 pm

AGENDA

1. Purpose of this meeting
2. Background Information
3. Important Things to Know
4. The Proposed Kahikinui Wind Project
5. Next Steps

1. PURPOSE OF THIS MEETING

- Present the major components of the proposed wind project at Kahikinui.
- Get input from Kahikinui beneficiaries on the project.

2. BACKGROUND INFORMATION

A. Why is DHHL supporting the development of a wind energy project at Kahikinui?

- ✓ Excellent wind resource.
- ✓ The project provides a revenue stream for the Hawaiian Home Lands Trust
- ✓ The project develops an alternative renewable energy resource for Maui County
- ✓ The project provides a financial resource for the impacted community at Kahikinui

B. What has taken place to-date?

DATE	PROCESS/DECISION
Jan 13, 2013	HHC authorized direct negotiations with potential renewable energy developers on the Island of Maui.
Jan 18, 2013	DHHL published a Legal Notice to invite interested parties to submit a Letter of Interest to develop renewable energy at Kahikinui, Pulehunui, and/or Honokowai.
Jan 31-Feb 4, 2013	Briefing meetings with homestead leaders
Feb 1, 2013	Eleven (11) proposals, including solar, wind and biofuel projects were submitted for Kahikinui. Out of the eleven (11), four (4) were wind projects.
March 20, 2013 March 21, 2013	Two (2) Public Hearings on Maui in Paukukalo (Beneficiaries did not support renewable energy development at Pulehunui and Honokowai, but were open to options at Kahikinui.)
July 12, 2013	The Public Utility Commission (PUC) issued orders delaying HECO's issuance of the RFP and also delaying selection of developers for the Maui Renewable Project.
Nov 12, 2014	The four (4) wind proposals were evaluated by staff and energy experts. Two (2) top proposals were selected for further negotiations.
Jan 16, 2015	NextEra selected as the finalist to go into direct negotiations for the wind project.

3. IMPORTANT THINGS TO KNOW

- HECO's Request for Proposals (RFP) has been on hold since July, 2013; PUC required changes
- The undersea cable has also been on hold since July 2013 pending the PUC's investigation on whether the cable was in the public interest.
- To be ready to bid when the RFP is issued in the future, NextEra needs to secure the land in advance and perform its due diligence and investigation to confirm that the location selected will produce the energy expected
- NextEra's wind project is NOT dependent on the undersea cable
- For confidentiality purposes, some financial information cannot be shared at this time; otherwise, when HECO's RFP is issued, NextEra's competitors will have the advantage of submitting proposals knowing what NextEra offered DHHL

4. THE PROPOSED KAHIKINUI WIND PROJECT

A. WHO:

- NextEra Energy Resources, LLC (a subsidiary of NextEra Energy, Inc., a Florida corporation), submitted the proposal
- Actual developer will be Boulevard Associates, a Delaware LLC (an affiliate of NextEra Energy, Inc.)

B. WHAT:

- Construction of a proposed 60 MW wind project
- Approximately 20 wind turbines
- Each turbine generates about 3 MW of energy

C. WHERE:

- Southeastern portion of DHHL land in Kahikinui region
- Exact location to be determined following NextEra's due diligence and investigation period of three years to perform:
 - Cultural field studies to identify sensitive areas and sites to avoid
 - Environmental studies
 - Wind analysis, including installing on-site monitoring equipment
 - Engineering assessment--drilling to evaluate soil and bedrock conditions

D. HOW MUCH LAND NEEDED:

- 500 acres to be used during construction and as buffer area
- About only 30 acres will ultimately be used for roads and turbine pads

E. WHEN:

- Due diligence and investigation period begins upon execution of Right-of-Entry (ROE) for three (3) years
- Option to extend ROE for two one-year periods
- ROE to be converted to 20-year General Lease when wind project can deliver power to the power grid
- Option to extend General Lease for another five (5) years

F. FINANCIAL OFFER:

- ROE Fee: \$175,000 per year for three (3) years.
- ROE Extension: \$200,000 per year for two (2) one-year extensions, if needed.
- 20-year General Lease; rent is finalized after PPA executed with electric company
- Option to extend General Lease an additional five (5) years, if needed, at same rent
- Community benefits package estimated to be around \$300,000 per year. Amount to be finalized after PPA with electric company is executed.
- Both lease rent figures and community benefits package depend on the price of the energy that the electric company buys from the wind project.
- Price of the energy and the ultimate size of the project are unknown until the electric company selects NextEra's wind project and the PPA is finalized

5. NEXT STEPS

- | | | |
|----|--------------|--|
| A. | May 23: | Beneficiary Consultation with Kahikinui beneficiaries |
| B. | June 23: | Beneficiary Consultation comment deadline |
| C. | End of June: | Islandwide Beneficiary Informational Briefing on Maui |
| D. | July 20: | HHC meeting in Kapolei: Accept Beneficiary Consultation Report |
| E. | End of July: | Two (2) Public Hearings and HHC decision-making on Maui |

Submit Questions/Comments to: Julie-Ann Cachola at julie-ann.cachola@hawaii.gov or by mail at: P.O. Box 1879, Honolulu, HI 96805. More information on our website at: dhhl.hawaii.gov

The Department of Hawaiian Home Lands is seeking feedback from Maui beneficiaries and the general public on an alternative energy wind project being proposed by NextEra Energy Resources, LLC, to be located on Hawaiian home lands in Kahikinui, Maui.

To provide comments, beneficiaries may fill out the feedback form below. Be sure to select **“2015 Proposed Kahikinui Wind Energy Project”** from the pull-down menu in the subject field.

Feedback is also being collected by the DHHL Planning Office:

1. via email at **dhhl.planning@hawaii.gov**
2. via phone at **[\(808\)620-9480](tel:(808)620-9480)**
3. or in writing by mailing a letter addressed to the
DHHL Planning Office
P.O. Box 1879
Honolulu, Hawaii 96805

Again, please be sure to include the term **“2015 Proposed Kahikinui Wind Energy Project”** in the subject field of your email or letter.

Department of Hawaiian Home Lands “Informational Meeting”

Notice Mailed to Maui Beneficiaries

(Not including this cover page – 1 page)

Attachment C

Learn more about the proposed Kahikinui wind energy project

Informational Meeting

Monday, July 13, 2015, 6:30 - 8:30 p.m.

Public Hearing #1

Wednesday, July 29, 2015, 6:30 - 8:30 p.m.

Public Hearing #2

Thursday, July 30, 2015, 10 a.m. - Noon

*All meetings to be held at the Paukūkalo Community Center
657 Kaumuali'i Street, Wailuku, Maui 96793*



HAWAIIAN HOME LANDS
HAWAIIAN HOME LANDS COMMISSION • DEPARTMENT OF TERRITORIAL AND LOCAL GOVERNMENT

To: Hawaiian Home Lands Commission

From: Prof. Dick Mayer dickmayer@earthlink.net

RE: Testimony on the Proposed Kahikinui Wind Farm

HHC Item No. _____
Exhibit _____
Date July 29, 2015

1. Unclear to the public whether the figures and information provided in the "Informational Meeting" was already formally approved by the HHL staff+department, by the HHL Commission, or by neither. **If there is already an agreement, to what degree can it be modified at the mid-August meeting with revised right-of entry fees? Annual lease payments? With conditions?**

2. Will the beneficiaries and the public be able to read the proposed final agreement before the mid-August HHL Commission meeting? Otherwise public testimony at that meeting may be irrelevant.

3. **Multiple HHL Commission considerations:**

- a. **Maximize financial and other benefits** to HHL and its beneficiaries
- b. **Pono use of resources** (land, environment, cultural sites, the locally affected community, etc.)
- c. Being assured of the **long-term operational and financial viability** of this windfarm operation
- d. Overall effect of the project on **Maui's energy needs**
- e. Recognition of the **one-time nature of this decision** and its long-term impacts

4. **Two separate dimensions**

- a. HHL Board is obligated to **get maximum benefits** for HHL and its beneficiaries
- b. HHL Board will need to decide on the proper **distribution of benefits**
 - i. **Kahikinui community + beneficiaries** who suffer the project impacts and thus pay the costs
 - ii. **Existing HHL Maui beneficiaries** who wish to see their community improved
 - iii. **New Maui beneficiaries** who wish to gain homes
 - iv. **Statewide HHL beneficiaries**
 - v. Overhead costs to support **HHL operations** and its bureaucracy

5. **Seek out additional proposals** by allowing for multiple, competitive "Rights of Entry (ROE)" and subsequent proposals a few years later..

6. **Seek out and utilize unbiased, superior financial and legal expertise.**

Have the potential lease applicants pay to HHL a fee high enough to contract for this expertise.

Aloha planing comission (2015 proposed kahikinui windmill project maui)

Please do not build this wind farm on our sacred aina, this kahikinui kaupo area is very special to us

it is one of the last areas we have with no modern structures to take away the historical and natural

beauty, these windmills are no different than hotels, telescopes, skyscrapers they destroy the aina and make us sick to our stomach, I witness auwahi wind mill come up one by one, it tore me up inside

this area is a very spiritual area and is sacred to us, it is magical it makes you think of how it was in the old

days. this area should be preserved forever and building kept as low profile as possible, there are places

to build and not to build windmills this is definitely not the place to build, money can't replace the aina

please do not desecrate it for us and future generations and the kapuna of the past, their voice is the most important

of all you think they would approve of this? we are the caretakers of the aina, hawaiian homelands should be protecting

the aina from this very thing, I know your intent is to help hawaiians get on the land, but what you are taking away is unacceptable

to all hawaiians, I speak for all real hawaiians past present and future, please stop this mistake from happening.

aloha john twist sr. hanai (kahunanui ohana, nuu maui)

July 16, 2015

To: **Hawaiian Homes Commission**
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

From: Jade Alohalani Smith
33275 Pililani Highway
Kaupo, Maui, HI

Attention: Julie-ann Cahola, DHHL Planner

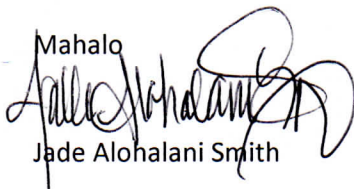
Subject: 2015 Proposed Kahikinui Wind Energy Project

Aloha Ms. Cachola,

My name is Jade Alohalani Smith of Kaupo Maui. As a Hawaiian Homes Beneficiary, I am writing to you regarding the 2015 Proposed Kahikinui Wind Energy Project and the submitting by the Department of Hawaiian Home Lands of the "Beneficiary Consultation Report" to the Hawaiian Homes Commission at the July 20, 2015 meeting at Kapolei, Oahu.

Consultation with Island-wide Maui Beneficiaries has not been conducted. Apparently DHHL reportedly has had only one consultation with beneficiaries on May 23, 2015 at Waiohuli Hawaiian Homestead Community Center at Kula, Maui.

Before any "Beneficiaries Consultation Report" is submitted to the Hawaiian Homes Commission for acceptance beneficiary consultation Island-wide must be held.

Mahalo

Jade Alohalani Smith

July 17, 2015

Aloha Ms. Julie-Ann Cachola,

My name is Michele Hoopii. I am a Hawaiian Homes Beneficiary Lessee at Waiehu Kou Phase III on the island of Maui. I am submitting my concerns regarding the 2015 Proposed Kahikinui Wind Energy Project as follows:

1. Why are Hawaiian Home lands being leased to private corporations superseding the necessities of Hawaiian Homes beneficiaries who have not received homestead lands?
2. Why are Hawaiian Home lands NOT being offered for lease to those of Hawaiian ancestry who are not able to prove 50% blood quantum but can prove Hawaiian lineage before 1778? Those who do not qualify for Hawaiian Homes but are of Hawaiian ancestry should have first preference to lease lands over outside investors.
3. A total of 500 acres has been set aside for the proposed Kahikinui Wind Energy project with an estimated 30 acres to be used for the turbine pads/roads. Will the remaining unused Hawaiian Homes lands be made available to the Hawaiian Homes beneficiaries currently waiting for homestead land?
4. Will any monetary allotments from the lease of the Kahikinui Hawaiian Home lands be apportioned for pending or future homestead infrastructures here on Maui?
5. Clarify what is the "Beneficiary Consultation Report" the Department of Hawaiian Home Land is giving to the Hawaiian Homes Commission at the July 20th meeting at Kapolei, Oahu. A copy should be provided to ALL Hawaiian Homes beneficiaries or posted to www.dhhl.hawaii.gov for review.
6. Will Hawaiian Homes beneficiaries be consulted during the Cultural Field Studies and the Environmental Studies for the proposed Kahikinui project?
7. What is the "community benefits package" referenced in the Financial Offer bullet "Both lease rent figures and community benefits package depend on the price of the energy that the electric company buys from the wind project"?
8. Will Hawaiian Homes beneficiaries, current and waiting lessees, have discounted energy rates from the Kahikinui Wind Energy Project?
9. How will this project be affected if the merger between Hawaiian Electric Company and NextEra takes place?

Mahalo,



Michele Hoopii
Waiehu Kou Phase III
Waiehu, Maui

Kahikinui Presentation Outline

Aloha,
Introduction of BOD.

Pres. Harry Newman
Vice Pres. Ainoa Kaiaokamalie
secretary. Charmain Day
treasurer. Aimoku Pali
directors:
Earl Mo Moler
Kaleo Cullen
James Abraham

Welcome to DHHL and Nextera representatives.

Our Ohana joined Ka Ohana O Kahikinui in 1994. Our motto is "how can we help you, help us, help you." This statement remains today and has generated much results.

In the times spent with the Ka Ohana O Kahikinui much has been accomplished. We were entrusted with the Moku of Kahikinui and given the privilege of managing 23,000 acres. Much of our community based development has been designed with the assistance of, "Ka Ohana O Kahikinui Community based Economic Development and Makai Management Plan Moku of Kahikinui." This publication was developed by the department of urban and regional planning, University of Hawaii at Manoa, Honolulu Hi. Practicum fall 1999. Another publication we aspire to and helped extensively to develop is "Na Mea Kahiko o Kahikinui. Studies in the Archaeology of Kahikinui, Maui. By: Patrick V. Kirch editor. These publications are available through our DHHL representatives and sum up our development plan.

Although times have changed we as a community continue to move forward and grow with great expectations. Living here in Kahikinui has its rewards and its challenges. Roads, Water, Jobs, Schools, are a few to mention.

Eco tourism is one answer to prosperity here in kahikinui. We hope to form partnerships with those who would help share our dream of being self sufficient, and help our effort to preserve and perpetuate the cultural legacy of Kahikinui.

As a resident of Kahikinui since July 15, 1999, we have seen much advancement in the areas of most concern. We have developed a partnership with Leeward Haleakala watershed restoration project and have successfully fenced and have begun to remove the ungulates and have been reforesting since its inception. Energy, water self sufficiency, road awareness, and community design concepts are at the forefront of our concerns.

We hope to further community based development with the assistance of community planners, and hope to be able to share our resources with other surrounding communities. There is so much to do with so few. We hope that our efforts here today will benefit our future generations in a positive way.

That being said; MAHALO



Proposed Kahikinui Wind Project

H Domingo

to:

julie-ann.cachola

06/23/2015 09:55 AM

Hide Details

From: H Domingo <hkdomingo69@gmail.com>

To: julie-ann.cachola@hawaii.gov,

Proposed Kahikinui Wind Project

As the proposed Kahikinui Wind Project seems inevitable, my personal comments on this wind project are as follows:

- 1) The Kahikinui Lessee shall be given the right to travel on the private roadway used to transport the "wind project equipment" to the construction/job site; be it the same road that was used in the previous wind project. This would be a benefit for the Lessee who works in the Kihei or Lahaina areas as it would cut down on the travel time and gas usage to get to work, etc. and back. This usage shall be restricted to the Kahikinui Lessees and his/her immediate family only.
- 2) The Kahikinui Lessee shall be given the right to access the improved roadways used for the wind project construction/job site to the kahakai and back up to Piilani Hwy;
- 3) As with the previous wind project, funds shall be allotted to complete the rest of the concreting of the homestead roadway. This is not the "future" funds, but funds to be received before the "go ahead" is given for this wind project.

Mahalo,

Respectfully submitted by Hannah K Domingo, Kahikinui Lessee; Lot 91.

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY DAVIS IRVINE LOS ANGELES RIVERSIDE SAN DIEGO SAN FRANCISCO
BARBARA SANTA CRUZ



SANTA

DEPARTMENT OF ANTHROPOLOGY
BERKELEY, CALIFORNIA 94720-3710
510/642-3391, FAX: 510/643-8557

Patrick V. Kirch
Chancellor's Professor Emeritus

July 15, 2015

Chairman Jobie Masagatani
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Aloha e Chairman Masagatani:

Let me begin by introducing myself: I am a Hawai'i born and raised kama'āina who has devoted more than five decades to researching the archaeology and ancient history of Hawai'i and other Polynesian islands and their cultures. Beginning in 1995 I commenced a long-term project, with permission from DHHL, to study the archaeology of Kahikinui, Maui. Over the next seventeen years, I spent many long seasons of fieldwork, hiking over the lands of Kahikinui, discovering and recording more than 3,058 individual archaeological features. I have published some 24 scholarly and scientific articles on the results of this intensive research. An overview of our main discoveries was recently presented in my book *Kua'āina Kahiko: Life and Land in Ancient Kahikinui, Maui* (University of Hawai'i Press, 2014). I enclose a copy of this book for you.

I am writing to you today in regard to recent news reports that the Department of Hawaiian Home Lands has entered into negotiations with NextEra Energy for development of a 60-megawatt windfarm on DHHL lands in Kahikinui, Maui (e.g., <https://www.wind-watch.org/news/2015/07/11/wind-project-proposed-for-dhhl-land-in-kahikinui/>). Obviously, a development of this scale (considerably larger than the recently completed windward on 'Ulupalakua Ranch lands at Auwahi) will have significant impacts on the Kahikinui environment, and no doubt is being vigorously debated by various stakeholders.

My intent in writing to you is to inquire whether—in the earliest possible stages of planning this proposed project—your staff has taken into consideration the likely impact of such a project on the unique archaeological and cultural resources of Kahikinui district. As I document in *Kua'āina Kahiko*, the moku of Kahikinui is one of the very few remaining districts in the Hawaiian archipelago where an entire landscape remains

largely undisturbed. As I write on page 261 of my book: Kahikinui “is one of the few places in the islands where an entire moku can still be viewed, explored, studied, more or less in the state that it has been in for centuries. Its thousands of archaeological sites—*heiau*, *ko’a*, *kauhale*, and garden walls—comprise a vast outdoor museum of life in ancient Hawai’i. In Kahikinui one can still see, not just disjointed fragments of this past time, but how an entire landscape once functioned as an integrated socio-ecosystem.”

I fully appreciate the economic pressures that lay behind the desire to develop wind energy in Kahikinui. But I write to implore you and your fellow Commissioners not to let economic considerations alone drive the decision-making process. Kahikinui is truly a unique region within Hawai’i, not only for its incredibly rich archaeology but also for its geology, its dryland forests, its expansive landscapes. I would hope that in the decision making process to come, you will take these resources into full consideration along with economic factors. Once the unique ‘āina malo’o of Kahikinui has been altered, the change will be irreversible.

I also write to let you know that I am prepared to share the considerable knowledge that I have accumulated regarding the archaeological sites of Kahikinui with your staff. Many of your staff members do know of my work, and it is troubling to me that although plans have obviously been moving forward with regard to the windfarm project, no one from DHHL has approached me for my mana’o as to how such a project might impact the archaeological landscape, or how such impacts might be minimized or mitigated. I stress once again that I have acquired detailed information on more than 3,000 archaeological sites which I would be happy to share. I can readily be contacted at kirch@berkeley.edu.

In closing, I will simply reiterate what I’m sure you and your fellow Commissioners are fully aware of—that you face a momentous decision whose consequences will be far-reaching and irreversible. I urge you to take the time necessary to weigh fully and equally all of the benefits, impacts, and consequences of whatever decision you reach.

Malama pono,

Patrick V. Kirch
Chancellor’s Professor Emeritus of Anthropology
& Integrative Biology

Cc: Julie-Ann Cachola, DHHL Planning

Encl: *Kua’āina Kahiko*

DHHL
PLANNING OFFICE

2015 AUG 10 PM 4:40

To:

Department of Hawaiian Home Lands
Julie-Ann Cochola
P.O. Box 1879
Honolulu, HI 96805

From:

'Aha Moku o Wailuku
P.O. Box 333
Puunene, HI 96784

July 27, 2015

**DHHL Consultation with Kahikinui Beneficiaries
Proposed Kahikinui NextEra Wind Project**

Aloha,

In a general meeting of the Wailuku Moku on July 10th 2015, a motion was ratified to address the concerns raised by the NextEra and Department of Hawaiian Homes public hearings and the lack of consultation with the Aha Moku O MAUI, heirs and assigns of Land Commission Awardees. The following letter is submitted.

The Wailuku Moku informs with this notice how the privilege to provide services on lands and over natural resources on Maui and throughout Hawaii stem from a single superior position of the LCA/RP titled right inherent to the people of Hawaii who are heirs and assigns of the original awardees. No law or legal precedence has the ability to diminish nor extinguish its authority.

Further more, the legislated Aha Moku System, as described in Act 212, is the latent recognition of generational and closer to the source practices and traditions as well as valued ecological knowledge necessary to the proper management of natural resources in Hawaii.

The Department of Hawaiian Home Lands is authorized by the federal mandate of Hawaiian Homes Act. There are no circumstances by which the Department may negotiate the proposal with NextEra without compromising the intent of the Hawaiian Homes Act.

To continue public hearings without meaningful consultation, segregating communities under the misguided belief that residents of DHHL at Kahikinui are the only parties with standing and the Aha Moku o Maui has no interest, is fruitless.

Cc.,
Department of Hawaiian Home Lands

Jobie Masagatani

Chair
Oahu District Office
PO Box 1879
Honolulu, Hawaii 96805

Doreen Nāpua Canto

Maui District Office
655 Kaunualii Street, Suite 1
Wailuku, Hawaii 96793

Wallace A. Ishibashi

East Hawaii District Office
160 Baker Avenue
Hilo, Hawaii 96720

David B. Ka'apu

West Hawaii District Office
PO Box 125
Kamuela, Hawaii 96743
64-756 Māmalahoa Highway, Kamuela,
HI, 96743

Gene Ross Davis

Molokai District Office
PO Box 2009
Kaunakakai, Hawaii 96748

Renwick V.I. "Uncle Joe" Tassill

Oahu District Office
PO Box 1879
Honolulu, Hawaii 96805

Kāhele Richardson

Oahu District Office
PO Box 1879
Honolulu, Hawaii 96805

Michael P. Kahikina

Oahu District Office
PO Box 1879
Honolulu, Hawaii 96805

Kathleen Puamae'ole "Pua" Chin

Kauai District Office
3060 Eiwa Street, Room 203
Lihue, Hawaii 96766

'Aha Moku Advisory Committee Maui

Kyle Nakanelua
Maui Office
726 South Kihei Road
Kihei, Hawaii 96753

NextEra Energy Hawaii, LLC

1001 Bishop Street, Suite 2815
Honolulu, HI 96813

**Department of Land and Natural
Resources**

1151 Punchbowl Street, #330
Honolulu HI 96813

Office of Hawaiian Affairs (Maui)

33 Lono Avenue, Suite 480
Kahului, HI 96732

O'ahu OHA office

560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

County of Maui

200 S. High St.
Wailuku, HI 96793

Testimony of Carol Lee Kamekono
Submitted to the HHC on 7/29/15
at the Pukunalo Community Center

Aloha Kakahiaka i ko kakou! Mahalo Chair, Commissioners and staff of the Department of Hawaiian Homelands for providing us the opportunity to speak on this issue.

I would like to preface my comments by saying: I mean no disrespect to the Ohana of Kahikinui who have put their blood and sweat into the 'aina to make themselves self-sustainable.

I am not against development. I am not against progress. I am against the continued oppression of our people.

With that said.....Ko'u mana'o wale no....these are my thoughts only!

I am preaching to the choir when I say this: the policy of the Hawaiian Homes Commission Act is to enable native Hawaiians to return to their lands in order to fully support self-sufficiency and self-determination and the preservation of the values, traditions, and culture of native Hawaiians.

In 2007, Act 212- establishment of the Aha Moku System and in 2012, Act 288 - Aha Moku Advisory Committee became law. The State of Hawai'i's recognition of generational knowledge from kupuna on traditional farming, fishing, agriculture and land use methodology based on the ahapua'a system.

The land in question for this Kahikinui Wind Project is considered Hawaiian Homelands. Not Kahikinui Homelands.

Therefore, I propose the Commission entertain the following:

1. Convene a Beneficiary Consultation with all Maui Island Beneficiaries regarding this issue
2. Ensure a seat at the negotiation table for the Aha Moku Council
3. Keep within legislative budget and stop spending our trust money on operational costs

With over 8800 applicants on the Maui Waitlist alone and over 43,000 applicants in the State,

it would behoove the Department to concentrate its focus on fulfilling the policy of the Hawaiian Homes Commission Act especially Section 207. To entertain an idea of leasing trust land to a non-Hawaiian entity for the benefit of generating revenue is in my opinion a lame excuse. You have monies in a couple of the trust accounts. It's not doing beneficiaries any good sitting idle. Spend that money! Put our people on their lands! (IE: NAHAKUAC ↑ OF 4-H)

Let NEXTERRA go elsewhere if they are so set on building the wind farm in the Kahikinui - Kaupo area. Perhaps purchase land from Ulupalakua Ranch? I have included a picture of the Altamont Pass in the Livermore Valley California area. As far as the eyes can see, you can see land. We don't have that luxury here. We live on an island. As far as the eyes can see, we see water. We need to protect, preserve and cherish the undeveloped land we have left to provide for the future of our generations. However, WE as beneficiaries see fit!

Mahalo nui!

Department of Hawaiian Home Lands - R01A SUMMARY
Application Waiting List Summary by Area/Lot Type
For Applications up to 12/31/2014

Page: 1
04/10/2015 04:42 PM

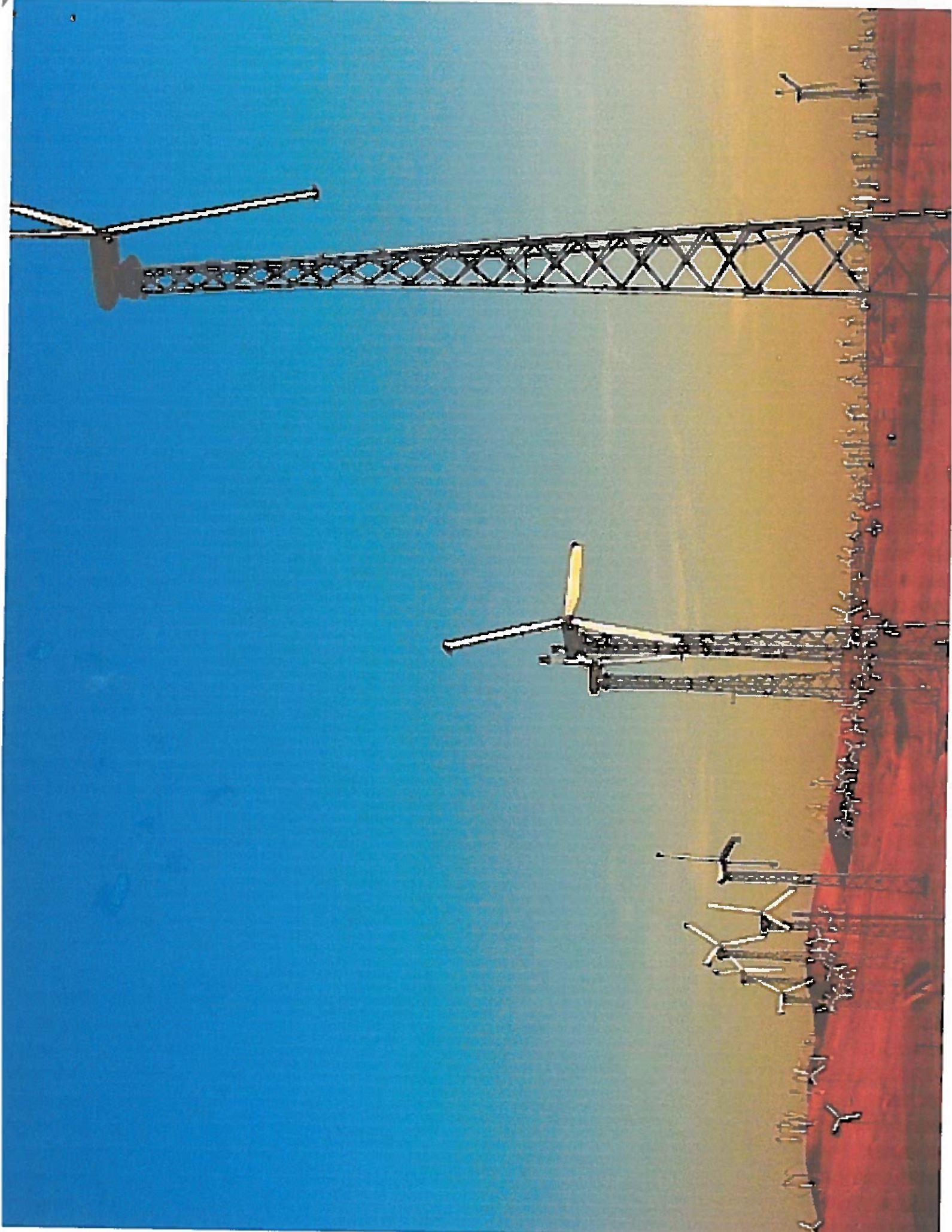
Island	A/C	Area/Lot Type	Count
OAHU			
	113	NANAKULI (RES)	177
	123	PAPAKOLEA/KEWALO (RES)	72
	133	WAIMANALO (RES)	586
	143	WAIANAE (RES)	144
	191	OAHU ISLAND-WIDE (AG)	3,592
	193	OAHU ISLAND-WIDE (RES)	9,587

		Subtotal by Island:	14,158
MAUI			
	213	PAUKUKALO (RES)	52
	221	KULA (AG)	4
	222	KULA (PAS)	5
	291	MAUI ISLAND-WIDE (AG)	4,562
	292	MAUI ISLAND-WIDE (PAS)	592
	293	MAUI ISLAND-WIDE (RES)	3,636

		Subtotal by Island:	8,851
HAWAII			
	313	KEAUKAHA/WAIAKEA (RES)	69
	321	PANAEWA (AG)	16
	333	KAWAIHAE (RES)	17
	341	WAIMEA (AG)	12
	342	WAIMEA (PAS)	48
	343	WAIMEA (RES)	46
	391	HAWAII ISLAND-WIDE (AG)	7,038
	392	HAWAII ISLAND-WIDE (PAS)	1,887
	393	HAWAII ISLAND-WIDE (RES)	5,603

		Subtotal by Island:	14,736
KAUAI			
	511	ANAHOLA (AG)	3
	512	ANAHOLA (PAS)	21
	513	ANAHOLA (RES)	45
	523	KEKAHA (RES)	8
	532	PUU OPAAE (PAS)	7
	591	KAUAI ISLAND-WIDE (AG)	2,199
	592	KAUAI ISLAND-WIDE (PAS)	286
	593	KAUAI ISLAND-WIDE (RES)	1,568

		Subtotal by Island:	4,137
MOLOKAI			
	613	KALAMAULA (RES)	4
	621	HOOLEHUA (AG)	18
	622	HOOLEHUA (PAS)	1
	623	HOOLEHUA (RES)	8
	633	KAPAAKEA (RES)	7





Proposed Kahikinui Wind Project

H Domingo

to:

julie-ann.cachola

06/23/2015 09:55 AM

Hide Details

From: H Domingo <hkdomingo69@gmail.com>

To: julie-ann.cachola@hawaii.gov,

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Mahalo,

Respectfully submitted by Hannah K Domingo, Kahikinui Lessee; Lot 91.

Kahikinui Presentation Outline

Aloha,
Introduction of BOD.

Pres. Harry Newman
Vice Pres. Ainoa Kaiaokamalie
secretary. Charmain Day
treasurer. Aimoku Pali
directors:
Earl Mo Moler
Kaleo Cullen
James Abraham

Welcome to DHHL and Nextera representatives.

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That being said; MAHALO

Wind power

Look up (google)

Germany's wind power chaos
Wind power is an expensive, inefficient
pollutant scam

Ontario wind Turbines

Wind turbines and Health problems

EMF - DNA Dr. Martin BLANK

science of structured water w/ Dr Gerald
POLLOCK

Wind Turbines south point

Industrial wind turbines and their affect
on our Quality of Life

Life under a wind plant

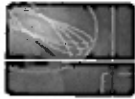
Health effect of electromagnetic fields

unnatural conditions created by wind power
noise, vibrations, pressure waves,
infrasound, ground currents, Electro-magnetic
Fields, low frequency vibrations

affects on the human body

- | | |
|---------------------------------|-----------------------|
| 1 disruption of circadian cycle | 10 hearing disruption |
| 2 Fatigue | 11 skin problems |
| 3 Sleep disturbance | 12 cardiovascular |
| 4. headaches | 13 dizziness |
| 5 difficulty concentrating | 14. Loss of appetite |
| 6. Depression | 15 nausea |
| 7 memory loss | |
| 8 irritability | |

contin 2001 La Dura m. Lindelein



*DHHL-User
Personal*

Fw: HHC Contact: To Commission Chair Masagatani
Michelle W Brown to: Julie-Ann Cachola

07/15/2015 10:52 AM

Julie forwarding this email to you for your information.

----- Forwarded by Michelle W Brown/DHHL/StateHiUS on 07/15/2015 10:51 AM -----

From: Leatrice W Burrows-Nuuanu/DHHL/StateHiUS
To: Michelle W Brown/DHHL/StateHiUS@StateHiUS,
Date: 07/15/2015 10:38 AM
Subject: Fw: HHC Contact: To Commission Chair Masagatani

Hi Michelle,
Just forwarding. He says he also sent a hard copy of his letter to Chair.

Leah

----- Forwarded by Leatrice W Burrows-Nuuanu/DHHL/StateHiUS on 07/15/2015 10:37 AM -----

From: Patrick Kirch <kirch@berkeley.edu>
To: Leatrice.W.Burrows-Nuuanu@hawaii.gov,
Date: 07/15/2015 10:17 AM
Subject: HHC Contact: To Commission Chair Masagatani

To:
HHC Secretary

First Name: Patrick
Last Name: Kirch

Phone:
510-323-3800

Email:
kirch@berkeley.edu

Subject:
To Commission Chair Masagatani

Message:
Original of the following letter has been sent to Chairman Masagatani
(along with a copy of the Kua'aina Kahiko book) via Fedex Overnight
Priority to the Kapolei office of DHHL.

July 15, 2015

Chairman Jobie Masagatani
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Aloha e Chairman Masagatani:

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Kahikinui, Maui. Over the next seventeen years, I spent many long seasons of fieldwork, hiking over the lands of Kahikinui, discovering and recording more than 3,058 individual archaeological features. I have published some 24 scholarly and scientific articles on the results of this intensive research. An overview of our main discoveries was recently presented in my book Kua'āina Kahiko: Life and Land in Ancient Kahikinui, Maui (University of Hawai'i Press, 2014). I enclose a copy of this book for you.

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My intent in writing to you is to inquire whether—in the earliest possible stages of planning this proposed project—your staff has taken into consideration the likely impact of such a project on the unique archaeological and cultural resources of Kahikinui district. As I document in Kua'āina Kahiko, the moku of Kahikinui is one of the very few remaining districts in the Hawaiian archipelago where an entire landscape remains largely undisturbed. As I write on page 261 of my book: Kahikinui "is one of the few places in the islands where an entire moku can still be viewed, explored, studied, more or less in the state that it has been in for centuries. Its thousands of archaeological sites—heiau, ko'a, kauhale, and garden walls—comprise a vast outdoor museum of life in ancient Hawai'i. In Kahikinui one can still see, not just disjointed fragments of this past time, but how an entire landscape once functioned as an integrated socio-ecosystem."

I fully appreciate the economic pressures that lay behind the desire to develop wind energy in Kahikinui. But I write to implore you and your fellow Commissioners not to let economic considerations alone drive the decision-making process. Kahikinui is truly a unique region within Hawai'i, not only for its incredibly rich archaeology but also for its geology, its dryland forests, its expansive landscapes. I would hope that in the decision making process to come, you will take these resources into full consideration along with economic factors. Once the unique 'āina malo'o of Kahikinui has been altered, the change will be irreversible.

I also write to let you know that I am prepared to share the considerable knowledge that I have accumulated regarding the archaeological sites of Kahikinui with your staff. Many of your staff members do know of my work, and it is troubling to me that although plans have obviously been moving forward with regard to the windfarm project, no one from DHHL has approached me for my mana'o as to how such a project might impact the archaeological landscape, or how such impacts might be minimized or mitigated. I stress once again that I have acquired detailed information on more than 3,000 archaeological sites which I would be happy to share. I can readily be contacted at kirch@berkeley.edu.

In closing, I will simply reiterate what I'm sure you and your fellow Commissioners are fully aware of—that you face a momentous decision whose consequences will be far-reaching and irreversible. I urge you to take the time necessary to weigh fully and equally all of the benefits, impacts, and consequences of whatever decision you reach.

Malama pono,

Patrick V. Kirch
Chancellor's Professor Emeritus of Anthropology
& Integrative Biology


Akismet Spam Check: passed
Sent from (ip address): 169.229.201.154
(c2251-206-005.Anthro.Berkeley.EDU)
Date/Time: July 15, 2015 10:14 am
Coming from (referer): <http://dhh1.hawaii.gov/hhc/>
Using (user agent): Mozilla/5.0 (Windows NT 6.1; rv:38.0)
Gecko/20100101 Firefox/38.0

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19-20, 2015

To: Chairman and Members, Hawaiian Homes Commission

From: Kaleo Manuel, Acting Planning Program Manager


Subject: Approval of Procedures for Approving Water wells
on Homestead Lots, Statewide

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) authorizes the Chairman to proceed to:

1. Implement procedures and lease addenda, generally as described herein, to allow for the drilling of wells by homesteaders on their own lots for their own homesteading (domestic, agricultural, aquacultural, and pastoral) uses; and
2. Take other actions as necessary to effectuate this action.

DISCUSSION

At the September 21, 2015 HHC meeting, the Planning Office presented an informational briefing describing how the HHC might direct the Chairman to adopt procedures and lease addenda to allow for the drilling of wells by homesteaders on their own lots for their own homesteading (domestic, agricultural, aquacultural, and pastoral) uses. The briefing was presented in order to receive feedback and open discussion by the HHC on the issue. Based upon the discussion and subsequent review by assigned counsel of the Department of the Attorney General, the Chairman has directed the Planning Office to bring forward this formal motion for approval.

Following the presentation on September 21, Commissioners asked a number of clarifying questions about the issue and

procedures. Three specific questions were asked regarding a) the general costs to develop such a well; b) whom would bear all the associated costs (including drilling, pump installation, operating, reporting, and abandonment); and c) the relationship between these proposed procedures and any future lease cancellation on a lot where the proposed lease addendum was implemented.

The discussion below addresses 1) the particular need that would be served by developing a process for approving water wells on homestead lots; 2) the policy and legal issues that would arise from such a request; 3) the proposed procedures and lease addenda that would allow approval of a request for a well where and when appropriate; and 4) responses to specific questions raised during the HHC discussion on September 21, 2015.

1) Need to be served. There are certain situations in which a homesteader with a lease may want to construct a groundwater well to provide water for homesteading (domestic,¹ agricultural, aquacultural, or pastoral) purposes on their homestead lot. It may be more economical for a homesteader who already receives service from a county or other water system to provide water for themselves. Alternately, a homesteader may wish to develop water on a homestead lot that has no other reliable water service. In these and other potential situations, allowing the construction of new wells could potentially serve the overall purposes of the Hawaiian Homes Commission Act.

The Planning Office staff is aware of instances where homesteaders have sought approval from the Department, as would be required by their leases as well as other provisions of state law described more fully below. Because of a previous lack of clear policy directives on this issue from the Hawaiian Homes Commission (HHC) and the legal issues associated with homesteader well development, the Planning Office is unaware of the Department granting such approvals.

¹ "Domestic use" means any use of water for individual personal needs and for household purposes such as drinking, bathing, heating, cooking, noncommercial gardening, and sanitation. (HRS §174C-3)

2) Policy and Legal Issues. Until 2014, there was no clear policy directive from the HHC regarding this issue. However, the HHC's Water Policy Plan, approved on July 22, 2014, specified a goal of the HHC is to "[s]upport the drilling of wells by beneficiaries for their own use on lots where appropriate."²

Pursuant to this policy directive, the Planning Office has identified and begun to address some of the legal issues that would arise if a homesteader wished to develop a well on their homestead lot. Two primary categories of legal issues are involved: (1) securing the proper permits from the Commission on Water Resource Management (CWRM), and (2) complying with the State's environmental review law (HRS 343, Environmental Impact Statements). Each issue is discussed below.

Requirements of the State Water Code (HRS Chapter 174C). Development of a water well by any party in all areas of the State requires a well construction permit and a pump installation permit from the Commission on Water Resource Management (CWRM). These two permit forms are attached here as Exhibit A. In CWRM designated water management areas, one is also required to obtain a Water Use Permit (WUP) (although HRS §174C-47 specifies no WUP is required for domestic consumption of water by individual users). A WUP application form is attached here as Exhibit B. All three of the permits require the signature of the landowner, which for all homesteaders would be the Hawaiian Homes Commission as represented by the Chairman or the Chairman's designee.

After the issuance of these permits and commencement of operation of a well, well operators are additionally required to submit monthly reports of their water use. The State Water Code imposes other legal requirements that relate to the construction, operation, and abandonment of a well.

Requirements of the State environmental review law (HRS Chapter 343). Agencies, including the Department, are generally required to prepare environmental assessments of their proposed projects or programs that utilize state

2 Additional Goal 14, page 4, Hawaiian Homes Commission Water Policy Plan, July 22, 2014.

land, which could include approval of well developments on homestead lots. HRS §343-5. Among other concerns, the cost of conducting an environmental assessment would be cost prohibitive for most homesteaders.

The Environmental Council, under the State Department of Health, consulted with the HHC to develop lists of programs and projects that would be deemed exempt from environmental review requirements. HRS §343-6. On June 30, 2015, the Environmental Council approved its "Comprehensive Exemption List for the State of Hawai'i Department of Hawaiian Home Lands," (DHHL Exemption List) superseding the previous list approved on October 18, 1982 (attached as Exhibit C). The DHHL Exemption List specified "construction of new structures on DHHL lands . . . including domestic water source development for homesteading purposes, with required permits" as exempt from environmental assessment preparation requirements.

3) Procedures to address the issues that arise. With an understanding of the key legal requirements that are in place that would arise with the construction of a water well by a homesteader on their lot, the Department next addresses the procedural aspects of approving homesteader well requests. These procedural issues fall into two main categories: (1) the need to process the request in order to analyze the specific request by a homesteader, and (2) the need to develop and adopt an appropriate lease addendum for these instances.

Analyzing and processing a request. Approval of a homesteader's water well development request should have clear procedures that can be understood and easily applied by the homesteader and Department. The core purpose of such procedures should be to determine the appropriateness of approving such a well, as directed by HHC policy. The key points for staff analysis and recommendation are as follows:

- a. Would HHC water development plans for the area render domestic well development at this location redundant or unnecessary?
- b. Does the homesteader have the ability to comply with reporting and notification requirements imposed by HHC and CWRM?

- c. Is the request supported by a completed CWRM Well Construction and Pump Installation permit application (WCPIA)?³
- d. Does DHHL have specific concerns about the homesteader-identified driller who will construct the well and/or the homesteader-identified pump installation contractor to install the pump?

The proposed procedures to process a request and conduct this analysis is attached as Exhibit D, "Draft Internal Process for Approving Water Wells on Homestead Lots."

Lease addenda. A key procedural step in a homesteader gaining approval for the construction of a well would be by the HHC approving a lease addendum that specifies the duties of the homesteader as it relates to this well. A draft lease addendum is attached here as Exhibit E.

4) Responses to specific questions raised during the HHC discussion on September 21, 2015. As described above, when this was presented as an informational item, there was a general clarifying discussion and three specific questions were raised; the questions and responses follow.

- a) *What are the general costs to develop such a well?* The costs to an individual homesteader to develop a well in the manner raised here could vary considerably, which will likely be a determining factor for whether or not they would wish to pursue such a course of action. Factors impacting the potential cost include general knowledge of the availability of water in an area, elevation, the depth to which the well would need to be drilled, geologic conditions, the size of the well and the pump needed for the anticipated use, and if the well was proposing a non-domestic large use of water in a designated water management area (which could invoke the need to apply for a Water Use Permit from the CWRM).

³ CWRM, Application for a Well Construction/ Pump Installation Permit (revised Sept. 9, 2014)
<http://files.hawaii.gov/dlnr/cwrn/forms/WCPIA.pdf>.

- b) *Who would bear all the associated costs (including drilling, pump installation, operating, reporting, and abandonment)?* The Department would not bear any of the costs associated with wells as discussed in this action. The costs would be borne by the lessee. Nothing in this action and the associated draft procedures or lease addenda is intended to suggest that the Department would bear any costs associated.
- c) *What is the relationship between these proposed procedures and any future lease cancellation on a lot where the proposed lease addendum was implemented?* The specific concern raised was that the Department might be obligated to pay for the costs of / value of a well that exists as an improvement, in the case of a lease cancellation. Per Section 209 of the HHCA, it is fairly explicit that upon lease cancellation, all improvements must be appraised for the net proceeds calculation. That being said, the HHC will need to make a policy decision on whether it will require the lessee to waive the right to have the well appraised for net proceeds purposes if the lease is cancelled. This decision can be incorporated into the lease addendum if the HHC chooses.

RECOMMENDATION

Staff respectfully requests that the Hawaiian Homes Commission approve the recommended motion/action for the following reasons:

1. Implementing procedures and lease addenda to allow for the drilling of wells by homesteaders on their own lots for their own homesteading (domestic, agricultural, aquacultural, and pastoral) uses will help to implement Additional Goal 14 of the HHC WPP; and
2. While there may be few circumstances the development of wells by homesteaders, as described herein, is feasible, in those cases it will help fulfill the purposes of the HHCA for that beneficiary and their family.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
APPLICATION FOR A WELL CONSTRUCTION /
PUMP INSTALLATION PERMIT

For Official Use Only:

Instructions: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Application must be accompanied by 10 copies and a non-refundable filing fee of \$25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 587-0225. For further information and updates to this application form, visit <http://www.hawaii.gov/dlnr/cwrm>.

WELL LOCATION INFORMATION					
1. STATE WELL NO. (if assigned)	2. WELL NAME	3. ISLAND	4. TMK		
5. WELL COORDINATES (latitude and longitude, referenced to NAD 83, degrees, minutes, seconds to 1 decimal place)					
The following must be attached before this application is accepted as complete: • Property tax map, showing well location referenced to established property boundaries • Photograph of the proposed well site • A schematic diagram showing the well site, access road and proposed well infrastructure					
6. WELL OPERATOR'S NAME/COMPANY		Well Operator's Contact		7. LANDOWNER'S NAME/COMPANY	
Well Operator's Mailing Address				Landowner's Mailing Address	
Well Operator's Phone	Well Operator's Fax	Well Operator's E-mail	Landowner's Phone	Landowner's Fax	Landowner's E-mail
PROPOSED WELL CONSTRUCTION			PROPOSED PUMP INSTALLATION		
8. Proposed Work <input type="checkbox"/> Construct New Well <input type="checkbox"/> Modify Existing Well <input type="checkbox"/> Abandon/Seal Well		9. Construction Type <input type="checkbox"/> Drilled <input type="checkbox"/> Dug <input type="checkbox"/> Shaft <input type="checkbox"/> Tunnel		11. Proposed Work <input type="checkbox"/> Install New Pump <input type="checkbox"/> Replace Pump	
				13. Proposed Pump Capacity, gpm (gallons per minute)	
				14. Proposed Amount of Withdrawal, gpd (gallons per day)	
10. Is this well part of a battery of wells? <input type="checkbox"/> Yes <input type="checkbox"/> No		12. Method of flow measurement <input type="checkbox"/> Flowmeter <input type="checkbox"/> Other (explain)			
15. Proposed Surveyor name and license number (a surveyor is required for all Well Construction Permits and may be required for some Pump Installation Permits)					
PROPOSED USE <i>If the well water will be treated, please describe how (reverse osmosis, ultra violet, etc.) and disposal method of resulting effluent, reject water, etc.</i>					
<input type="checkbox"/> 16. Municipal (water systems serving greater than 25 individuals or 15 service connections)					
<input type="checkbox"/> 17. Domestic Number of units to be served: _____					
<input type="checkbox"/> 18. Industrial (describe)					
<input type="checkbox"/> 19. Irrigation (describe crop and no. of acres)					
<input type="checkbox"/> 20. Military (describe)					
<input type="checkbox"/> 21. Other (describe)					
OTHER LEGAL REQUIREMENTS <i>If required, items 22. and 23. must be obtained before the Commission can legally issue a permit:</i>					
22. Conservation District Use Permit (CDUP) <input type="checkbox"/> Well is in Conservation District <input type="checkbox"/> Required, CDUP # _____ date approved _____ <input type="checkbox"/> Not Required (attach documentation from OCCL) <input type="checkbox"/> I have not checked with OCCL about whether or not a CDUP is required. <input type="checkbox"/> Well is not in Conservation District <input type="checkbox"/> I have not checked if well is in or out of Conservation District.			23. Special Management Area Permit (SMAP) <input type="checkbox"/> Required, SMA # _____ date approved _____ <input type="checkbox"/> Not Required (attach documentation from applicable County agency) <input type="checkbox"/> I have not checked with the county about whether or not an SMA Permit is required.		
24. State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources <input type="checkbox"/> I have consulted with the SHPD regarding potential impacts of well construction activities on historic sites. I have attached applicable documentation from the HPD. <input type="checkbox"/> I have not consulted with the SHPD regarding potential impacts of well construction activities on historic sites.					
25. Chapter 343 <input type="checkbox"/> An Environmental Assessment was completed, and <input type="checkbox"/> An Environmental Impact Statement was required and has been accepted (attach letter of acceptance). Publication date in The Environmental Notice: _____ <input type="checkbox"/> A Finding of No Significant Impact has been determined (attach letter). Publication date in The Environmental Notice: _____ This project proposes: <input type="checkbox"/> Use of state or county lands, or use of state or county funds <input type="checkbox"/> Use within a state conservation district <input type="checkbox"/> Use within a shoreline setback area <input type="checkbox"/> Use within a national or Hawaii registered historic site <input type="checkbox"/> Use within the Waikiki Special District <input type="checkbox"/> The construction, expansion or modification of helicopter facility <input type="checkbox"/> A wastewater treatment unit <input type="checkbox"/> Waste-to-energy facility <input type="checkbox"/> Landfill <input type="checkbox"/> Oil refinery <input type="checkbox"/> Power-generating facility <input type="checkbox"/> None of the above 11 items					
26. Water Use Permit No. (if applicable): _____					
Additional remarks, explanations, etc. (attach additional sheet if more space is needed)					
NOTE: Signing below indicates that the signatories understand and swear that the information provided is accurate and true to the best of their knowledge. Further, the signatories understand that upon permit approval: 1) the proposed work is to be completed within two (2) years of the approval date; 2) the contractor shall submit to the Commission a well completion/abandonment report within 60 days after the completion date of the permitted work; 3) in the event that the application is not completed correctly, any permit may be suspended until the item is brought in to compliance, and any work done while the permit is in suspension may result in fines of up to \$5000/day.					
27. WELL DRILLER (Must be filled out if application is for Well Construction)			28. PUMP INSTALLER (Must be filled out if application is for Pump Installation)		
Licensee business name _____ C-57 License No. _____			Licensee business name _____ C-57/C-57a/A License No. _____		
Signature _____ Print _____ Date _____			Signature _____ Print _____ Date _____		
Address _____			Address _____		
Phone _____ Fax _____ E-mail _____			Phone _____ Fax _____ E-mail _____		

PROPOSED WELL SECTION (Please attach schematic if different from diagram provided below. Also, if this proposed well is a dug well, attach a grading plan with cross section profiles showing existing and finished grades.)

Hole Diameter: _____ in.

Elevation at top of casing _____ ft., msl*

Minimum of 2' Radius & 4" Thick Concrete Pad (to contain benchmark surveyed to nearest 0.01 ft.)

Ground Elevation: _____ ft., msl*

Please refer to the **HAWAII WELL CONSTRUCTION AND PUMP INSTALLATION STANDARDS** to ensure that your as-built is in compliance with applicable standards.

Cement Grout: _____ ft. (min. 70% of distance from ground elevation to top of water surface or 500 ft., whichever is less.)

Annular space between hole and casing (1.5" for positive displacement, 3" for other methods): _____ in.

Rock or Gravel Packing: _____ ft. Material: ☐ Crushed Basalt ☐ Rounded Gravel

Estimated Water Level Elevation: _____ ft., msl*

Grouting method: ☐ Positive displacement ☐ Other

Total Depth _____ ft.

Solid Casing: (≥ 90% x (Ground Elev.-Water Level Elev))
Total Length: _____ ft.
Nominal Diameter: _____ in.
Well Thickness: _____ in.
Bottom Elevation: _____ ft., msl*

Open Casing: ☐ Perforated ☐ Screen
Total Length: _____ ft.
Nominal Diameter: _____ in.
Well Thickness: _____ in.
Bottom Elevation: _____ ft., msl*
note: Neither bentonite nor mud should be used in saturated zone during drilling

Open Hole:
Length: _____ ft.
Diameter: _____ in.
Bottom Elevation: _____ ft., msl*

* The approximate elevation must be referenced to mean sea level (msl) at the time of application filing. Final elevations of well components shall be submitted in the Well Completion/Well Abandonment reports and referenced to a benchmark which has been established by a surveyor licensed by the State.

For non-salt water Basal Wells - bottom elevation of well should not be deeper than 1/4 of aquifer thickness or,

$$\text{Bottom Elevation of Well Limit} = \left(\text{Water Elevation} - \frac{41 \times \text{Water Level Elevation}}{4} \right)$$

Example: Estimated + 2 ft. Water Level Elev. → Bottom Elevation of Well Limit = $\left(2 - \frac{41 \times (2)}{4} \right) = -18.5 \text{ ft.}$

Note: Unless a variance is requested and approved, if the well is greater than 1/4 of the theoretical aquifer thickness, the well may have to be backfilled to bring the depth into compliance.

Solid Casing Material:

Carbon Steel: compliant with (check one or more): ☐ ANSI/AWWA C200 ☐ API Spec. 5L ☐ ASTM A53 ☐ ASTM A139

And compliant with (check one or more): ☐ ASTM A242 (or A606) ☐ Type E ☐ Type S ☐ Grade B ☐ Other

Stainless Steel: (check one): ☐ ASTM A409 (production wells) ☐ ASTM A312 (monitor wells)

ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one) ☐ Schedule 40 ☐ Schedule 80

PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one): ☐ Schedule 40 ☐ Schedule 80 ☐ Schedule 120

Thermoset Plastic: (check one)

- ☐ Filament Wound Resin Pipe conforming to ASTM D2996
- ☐ Centrifugally Cast Resin Pipe conforming to ASTM D2997
- ☐ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
- ☐ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
- ☐ PTFE Fluorocarbon Tubing conforming to ASTM D3296
- ☐ FEP Fluorocarbon Tubing conforming to ASTM D3296

Open Casing Material:

Carbon Steel: compliant with (check one or more): ☐ ANSI/AWWA C200 ☐ API Spec. 5L ☐ ASTM A53 ☐ ASTM A139

And compliant with (check one or more): ☐ ASTM A242 (or A606) ☐ Type E ☐ Type S ☐ Grade B ☐ Other

Stainless Steel: (check one): ☐ ASTM A409 (production wells) ☐ ASTM A312 (monitor wells)

ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one) ☐ Schedule 40 ☐ Schedule 80

PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one): ☐ Schedule 40 ☐ Schedule 80 ☐ Schedule 120

Thermoset Plastic: (check one)

- ☐ Filament Wound Resin Pipe conforming to ASTM D2996
- ☐ Centrifugally Cast Resin Pipe conforming to ASTM D2997
- ☐ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
- ☐ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
- ☐ PTFE Fluorocarbon Tubing conforming to ASTM D3296
- ☐ FEP Fluorocarbon Tubing conforming to ASTM D3296

INSTRUCTIONS FOR FILLING OUT WELL CONSTRUCTION/PUMP INSTALLATION PERMIT APPLICATION FORM

CHECKLIST FOR A COMPLETE APPLICATION

- ☐ Fill in the most recent application form.
(check www.hawaii.gov/dlnr/cwrm or call 587-0225 for updates)
- ☐ Fill every line in (both sides of application).
- ☐ Enclose a check for \$25 payable to the Department of Land and Natural Resources.
- ☐ Mark the proposed well location on: the TMK map, the photo and the schematic, and attach to the application.
- ☐ For dug wells, attach a grading plan and cross section profiles showing existing and finish grades.
- ☐ Attach the original and 10 copies of the application form, maps, photo and schematic.
- ☐ Attach letters from OCCL and appropriate county agencies regarding items 21 to 23.
- ☐ Sign the application form.

Send the application and maps, copies, and the filing fee to:
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

DESCRIPTIONS FOR LINES ON APPLICATION

WELL LOCATION INFORMATION

1. **STATE WELL NO.** If you already have a state well number assigned, please fill it out here. Otherwise, leave it blank and a well number will be assigned by the CWRM.
2. **WELL NAME** Give the well a short concise name that will differentiate it from other wells. It is what you want to call the well.
3. **ISLAND** The island name where the well is located.
4. **TMK** Tax Map Key number (generally there is no lot number, but where a parcel is divided into two lots, fill in the lot number)
5. **WELL COORDINATES** Fill in well coordinates taken from a GPS unit at the well site. Units are Degrees, Minutes and Seconds (seconds should be filled out to one decimal place). For example, 19°59'32.8"N, 155°14'51.5"W
6. **Well operator's information** Fill in the information for the well operator. This should be the entity that will be responsible for reporting the pumpage when the construction is completed.
7. **Landowner's information** Fill in the information for the landowner of the property where the well is located.

PROPOSED WELL CONSTRUCTION

8. **Proposed work** The proposed work can be the construction of a new well, the modification (deepening, etc.) of an existing well, or the abandonment and sealing of an existing well. Check one box only.
9. **Construction type** The construction type can be drilled, dug, shaft, or tunnel.
10. **Battery** Is this well part of a battery of wells? A battery is defined as two or more wells in close proximity that for all intents and purposes functions as a single source.

PROPOSED PUMP INSTALLATION

11. **Proposed work** The proposed work can be either the installation of a new pump or the replacement of an existing pump. Replacement of an existing pump requires a permit only if the pump is of greater capacity than the existing installed pump. Otherwise, a replacement will only require the submission of a Well Completion Report Part II.
12. **Method of flow measurement** This is the proposed method the operator will be using to measure pumpage for reporting purposes.
13. **Proposed pump capacity** The proposed pump capacity rate of the pump in gallons per minute (gpm).
14. **Proposed amount of withdrawal** The proposed amount of withdrawal in gallons per day (gpd), not to exceed (the proposed pumping capacity in gallons per minute) x 1440 minutes/day.

PROPOSED SURVEYOR

15. **Proposed surveyor name and license number** A Hawaii licensed surveyor must establish benchmark elevations for wells where proposed pumps of 70 gpm or more are to be installed, to comply with the well completion report requirements. Proposed pumps less than 70 gpm may have this requirement deferred until the Commission deems it is necessary. If you wish to defer this requirement and your pump is less than 70 gpm, please write "deferred" in this space.

PROPOSED USE

- Note: If the well water will be treated, describe how it will be treated (reverse osmosis, ultra violet, etc.), and the disposal method of the resulting effluent, reject water, etc. Attach any additional information, diagrams, etc., on separate sheets, if necessary.
16. **Municipal Use** is domestic, industrial, and commercial use of water through public services available to persons of a county for the promotion and protection of their health, comfort, and safety, for the protection of property from fire, and for the purposes listed under the term "domestic use".
 17. **Domestic Use** is any use of water for individual personal needs and for household purposes such as drinking, bathing, heating, cooking, noncommercial gardening, and sanitation.
 18. **Industrial Use** is for uses such as cooling or processing water, etc.
 19. **Irrigation Use** is for golf courses, agriculture, etc. Describe crop type and acreage.
 20. **Military Use** is water used by the military from military operated water supply systems.
 21. **Other Use** not described in items 15 through 19. Please add a description.

OTHER LEGAL REQUIREMENTS

22. **Conservation District Use Permit (CDUP)** To find out if your well is located in a Conservation District (CD), you should first check with the Land Use Commission (LUC) (<http://www.hawaii.gov/dbedt/gis/maps/slud.jpg> or call 587-2833). If the well is not in a CD, then you may check not in a CD box. If the well site is in a CD you will need to then determine if a Conservation District Use Permit (CDUP) is required. To find out if a CDUP is necessary, please contact the Office of Conservation and Coastal Lands (OCCL) of DLNR at 587-0377.
23. **Special Management Area Permit (SMAP)** To determine if an SMAP is necessary, on Oahu call 527-5374; on Hawaii call 961-8288; for Maui County call 270-7235; on Kauai call 241-6677
24. **Historic Preservation review** If the parcel(s) affected by construction (well location/access road/infrastructure for well) has been reviewed by the State Department of Land and Natural Resources Historic Preservation Division (SHPD or through an OEQC Environmental Review, Special Management Area Permit, etc.), check "yes" and attach any relevant documentation from SHPD. If the affected parcel(s) has not undergone SHPD review, attach a photograph of the affected area, a schematic diagram (showing the well location, access road and infrastructure for the well), and a short description of the prior use(s) of the land on which the well resides.

*Please note: You are strongly advised to contact the SHPD to obtain a pre-review of your project. In the event that you do not get an HP pre-review and if during the course of either review or the permit itself it is determined that you need SHPD's concurrence, your application or permit may be held in abeyance or denied until issues with HP are resolved. To contact SHPD, please call 692-8015.

25. **Chapter 343** If an Environmental Assessment was completed, fill in the dates of publication and acceptance. For additional information about the proposed uses checkboxes, refer to http://luc.state.hi.us/docs/hrs_343.pdf
26. **Ground Water Use Permit No. (if applicable)** If a Ground Water Use Permit number has been obtained, identify it here.

SIGNATURES

27. **Well Driller** This section must be filled out completely for the Well Construction Permit application to be accepted as complete.
28. **Pump Installer** This section must be filled out completely for the Pump Installation Permit application to be accepted as complete.

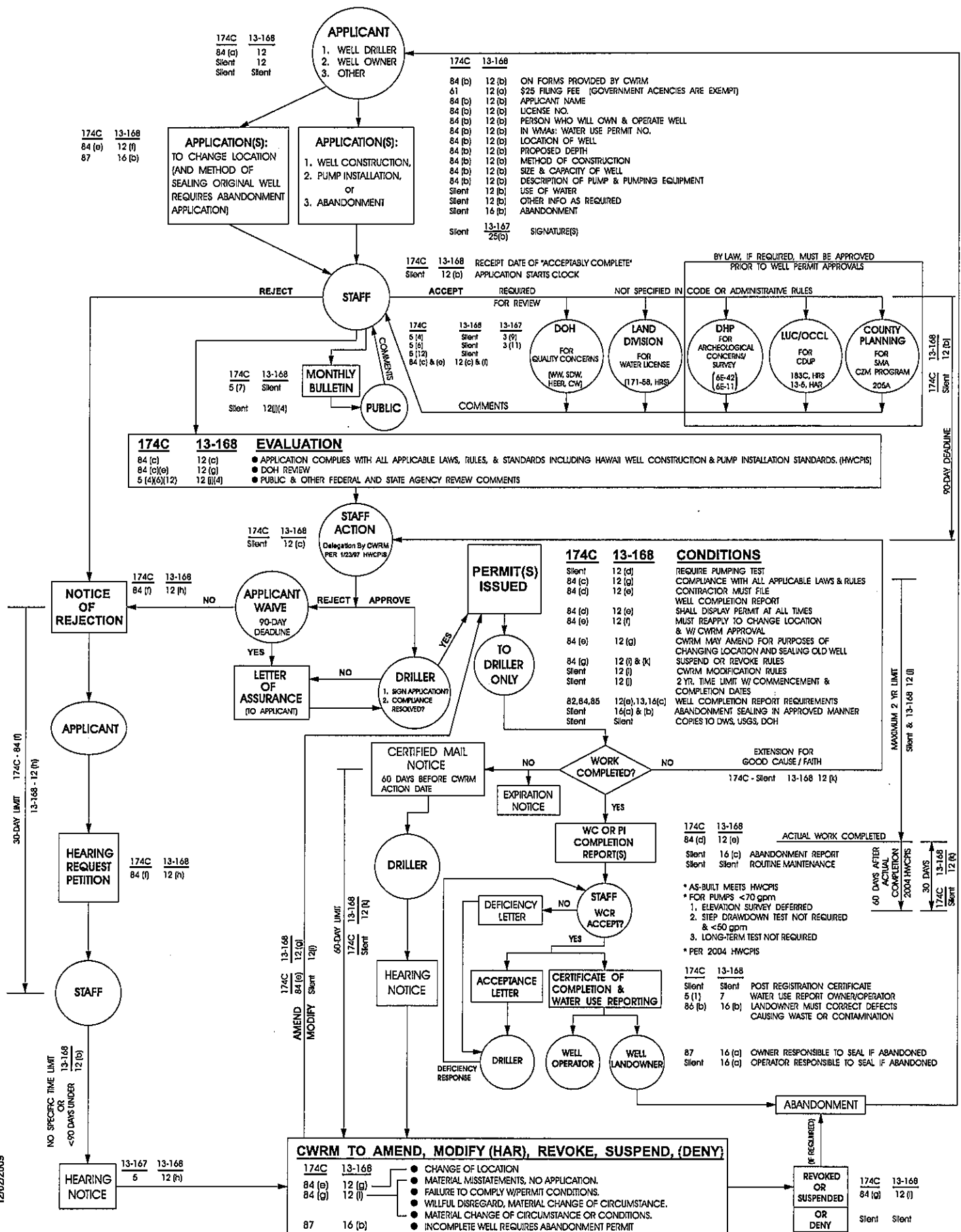
**COMMISSION ON WATER RESOURCE MANAGEMENT
WELL CONSTRUCTION/PUMP INSTALLATION
PERMIT PROCESS WORKSHEET**

Step	Description	Responsible Party	Legal Deadline
1	Ensure that if items 21 to 23 of the application are required, that they are obtained prior to applying for a permit. Otherwise, post-application comments obtained from these agencies may delay processing of your application.	Applicant	None
2	Application for Well Construction (or modification) and/or Pump Installation (or replacement with larger capacity than existing pump - see note B below).	Licensed Well Driller (for Well Construction) and/or Licensed Pump Contractor (for Pump Installation) (See note C below)	None
3	Issuance of Well Construction Permit to Well Driller (if applied for).	CWRM	Within 90 days of acceptance of completed application & contingent upon other agencies' legal requirements. (See note A below)
4	Issuance of Pump Installation Permit to Pump Installer (if applied for).	CWRM	Within 90 days of acceptance of completed application & contingent upon other agencies' legal requirements. (See note A below)
5	Execute/Sign Permit.	Licensed Well Driller or Licensed Pump Installer	Before work activity begins.
6	Start of Work Notice.	Licensed Well Driller or Licensed Pump Installer	2 weeks prior to beginning of work activity.
7	Post copy of permit at the work site.	Licensed Well Driller or Licensed Pump Installer	During entire period of work activity at the site.
8	Construction of well. Note: a) If the well is to be abandoned during the course of the Well Construction Permit, and no further work is to be done, the applicant shall apply for and obtain a Well Abandonment Permit prior to doing any abandonment work. b) If the well is to be abandoned and relocated during the course of the Well Construction Permit, the applicant shall apply for and obtain a Well Abandonment Permit prior to doing any abandonment work, and a new Well Construction Permit shall be applied for and obtained prior to doing any new work (i.e. go back to step 1 above).	Licensed Well Driller	Within 2 years of issuance of Well Construction Permit.
9	Installation of a temporary test pump that can adequately conduct a step-drawdown test (if proposed pump > 70 gpm).	Licensed Well Driller or Licensed Pump Installer	Within 2 years of issuance of Well Construction Permit.
10	Installation of permanent pump.	Licensed Pump Installer	Within 2 years of issuance of Pump Installation Permit.
11	Application for permit extension (if required).		None
12	Well Completion Report Part I (including Elevation Survey and Pump Tests, if applicable) to be returned completed to CWRM.	Licensed Well Driller	Within 60 days of completion of Well Construction (the date that ALL aspects of Well Completion Report Part I can be filled in).
13	Well Completion Report Part II to be returned to CWRM.	Licensed Pump Installer	Within 60 days of completion of Pump Installation (the date that ALL aspects of Well Completion Report Part II can be filled in).
14	Acceptance of Well Completion Report Part I, Elevation Survey.	CWRM	None
15	Issuance of Certificate of Well Construction Completion to Landowner.	CWRM	None
16	Acceptance of Well Completion Report Part II.	CWRM	None
17	Issuance of Certificate of Pump Installation Completion to Landowner.	CWRM	None
18	Pumpage may commence, Water Use Reporting required.	Well Operator	Monthly recording.
19	Abandonment (initiated in Step 2 of process).	Landowner	Until well sealed.

NOTES:

- A. For non-compliance of other agencies' legal requirements that preclude the Commission from issuing a permit, your application may:
 - a) Have the 90-day deadline for approval waived (at your request); or
 - b) Be denied and you can seek recourse at a Commission hearing.
- B. If a pump replacement of equal or less than the existing capacity is done, then only step 10 is required (Well Completion Report Part II).
- C. If a contractor is not selected, the application will not be accepted as complete, but may be routed for comments. If the application undergoes a satisfactory review, a letter of assurance will then be issued indicating that a permit will be issued upon selection of a contractor without outstanding issues with the Commission.

WELL CONSTRUCTION / PUMP INSTALLATION PERMIT PROCESS



NOTE: Dashed lines ———— Indicate procedures not specifically described in 174C, HRS or 13-168, HAR

EXHIBIT A - ITEM G-3



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

**APPLICATION FOR GROUND WATER USE PERMIT FOR
PROPOSED NEW USE IN A DESIGNATED GROUND WATER
MANAGEMENT AREA**

FORM GWUPA-N

- ☐ Application for New Use
☐ Application to Modify WUP No. _____

For Official Use Only:

For detailed instructions on filling out this application form completely, refer to the attached instructions. Incomplete applications will not be accepted for processing.

The following must be attached before this application is accepted as complete:

- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) with source location labeled and include the name of the quad map.
- Property tax map, showing source location referenced to established property boundaries.
- Photograph(s) of the source(s) and location(s) of proposed end use(s), if applicable.

APPLICANT INFORMATION

Note 1: In accordance with HRS § 174C-51(1), the landowner shall be the joint applicant in the event the applicant is a lessee, licensee, developer or any person with a terminable interest or estate in the land that is the water source of the permitted water.

1. APPLICANT'S INFORMATION

Name/Company		Contact Person
Mailing Address		
Phone	Fax	E-mail

2. SOURCE LANDOWNER'S INFORMATION

Name/Company		Contact Person
Mailing Address		
Phone	Fax	E-mail

SOURCE INFORMATION

3. ISLAND

4. GROUND WATER MANAGEMENT AREA

**4A. SUSTAINABLE YIELD FOR ITEM 4
MGD**

5. SOURCE INFORMATION

Attach additional sheets, if necessary.

Well Number (if known)	Well Name	Existing or Proposed?	TMK	Flowmeter Installed?
			zone - sector - plat - parcel	<input type="checkbox"/> Yes, date installed ____ / ____ / ____ <input type="checkbox"/> No
			zone - sector - plat - parcel	<input type="checkbox"/> Yes, date installed ____ / ____ / ____ <input type="checkbox"/> No
			zone - sector - plat - parcel	<input type="checkbox"/> Yes, date installed ____ / ____ / ____ <input type="checkbox"/> No
			zone - sector - plat - parcel	<input type="checkbox"/> Yes, date installed ____ / ____ / ____ <input type="checkbox"/> No
			zone - sector - plat - parcel	<input type="checkbox"/> Yes, date installed ____ / ____ / ____ <input type="checkbox"/> No
			zone - sector - plat - parcel	<input type="checkbox"/> Yes, date installed ____ / ____ / ____ <input type="checkbox"/> No

PROPOSED USE INFORMATION §§174C-51(4), (5), (6), HRS

6. TOTAL QUANTITY OF WATER REQUESTED: In the space below, enter total from Box M in Item 11 (Table 1) of this application.
gallons per day, averaged over 1 year

7. PROPOSED USE(S): ☐ Agriculture ☐ Domestic ☐ Industrial
Check all that apply. ☐ Irrigation ☐ Military ☐ Municipal

8. LOCATION OF PROPOSED WATER USE(S): Show the location of the proposed use on the same USGS and TMK maps as the proposed source location. Otherwise, attach similar maps. See Item 11 (Table 1, column B) of this application.

Note 2: Signing below indicates that the signatories understand and affirm that the information provided on this application is accurate and true to the best of their knowledge. Further, the signatories understand that: (1) if necessary, further information may be required before the application is considered complete; (2) if a water use permit is granted by the Commission, this permit is subject to any existing legal uses, changes in sustainable yields and instream flow standards, reserved uses as defined by the Commission, and Hawaiian Home Lands' future uses; and (3) *the applicant is responsible for paying the public notice fees associated with this application.* Additionally, as stated in Note 1, above, HRS § 174C-51(1) the landowner shall be the joint applicant in the event the applicant is a lessee, licensee, developer or any person with a terminable interest or estate in the land that is the water source of the permitted water.

9. APPLICANT

Signature

Print Name

Date

10. SOURCE LANDOWNER/JOINT APPLICANT (if applicable)

Signature

Print Name

Date

PROPOSED NEW USE OR MODIFIED USE INFORMATION

11. TABLE 1: LAND USE CONSISTENCY / EFFICIENCY OF USE (Attach additional copies, if necessary.)

LAND USE CONSISTENCY					EFFICIENCY OF USE				
A	B	C	D	E	F	G	H	I	J
PURPOSE / WATER USE CATEGORY (See the instructions for water use category descriptions.)	TMK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map, showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use.	STATE LAND USE DISTRICT	CDUP REQUIRED? Check the appropriate box, and write in the date approved, if applicable.	COUNTY ZONING CODE	SMAP REQUIRED? Check the appropriate box, and write in the date approved, if applicable.	UNITS OR NET ACREAGE	OPDA/UNIT or GPD/ACRE	QUANTITY OF USE (GPD)	JUSTIFICATION FOR QUANTITY OF WATER REQUESTED (If applicable, attach additional sheets showing how the quantity was calculated.) For irrigation uses, (B) in Table 2.
USES THAT REQUIRE POTABLE (DRINKING) WATER									
	zone sector plot parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				
	zone sector plot parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				
	zone sector plot parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				
	zone sector plot parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				
						TOTAL POTABLE USE	K		GPD
USES THAT DO NOT REQUIRE POTABLE WATER									
	zone sector plot parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				
	zone sector plot parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				
	zone sector plot parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				
	zone sector plot parcel		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No		<input type="checkbox"/> Yes, date approved: / / <input type="checkbox"/> Yes, not acquired <input type="checkbox"/> No				
						TOTAL NON-POTABLE USE	L		GPD
TOTAL QUANTITY OF WATER REQUESTED (sum of total potable use and total non-potable use) =						M			GPD

Please explain if there are any limitations (e.g., legal, contractual) on the proposed water use(s) described in Table 1. Ref. HRS § 174C-51(5).

PROPOSED NEW USE OR MODIFIED USE INFORMATION (continued)

12. TABLE 2: IRRIGATION INFORMATION

List all crops that will be grown, including landscape and golf course irrigation uses. Copy Table 2 and attach additional sheets to complete your list, if necessary.

A TIME FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map with an outline around the area of each proposed irrigation use listed in this table. • Photograph of the area of each proposed use.				B CROP	C TOTAL ACREAGE	D NET IRRIGATED ACREAGE	E BEGIN GROWTH PERIOD (month)	F END GROWTH PERIOD (month)	G IRRIGATION SYSTEM (refer to instructions)	H IRRIGATION PRACTICE (refer to instructions)	I COMMENTS (Continue comments below, if more space is needed.)
zone	sector	plot	parcel								
zone	sector	plot	parcel								
zone	sector	plot	parcel								
zone	sector	plot	parcel								
zone	sector	plot	parcel								
zone	sector	plot	parcel								
zone	sector	plot	parcel								
zone	sector	plot	parcel								
zone	sector	plot	parcel								
zone	sector	plot	parcel								
zone	sector	plot	parcel								
zone	sector	plot	parcel								
zone	sector	plot	parcel								

Comments (continued from Column I). Please clearly indicate the crop (i.e., the row in table) these comments relate to.

OTHER PERTINENT INFORMATION

13. TABLE 3: ALTERNATIVES ANALYSIS

	A. Analysis of <i>potable</i> alternatives Attach additional sheets if necessary.	B. Analysis of <i>non-potable</i> alternatives Attach additional sheets if necessary.
Municipal sources		
Wastewater reuse		
Ditch system		
Desalination		
Surface water		
Conservation Measures		
Other (specify)		

14. PUBLIC INTEREST

§174C-2(C), HRS states: *The state water code shall be liberally interpreted to [a] obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, [b] adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

Explain how the proposed new use(s) in your application are consistent with items [a] and [b] above.

15. INTERFERENCE WITH THE RIGHTS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS

Explain how the proposed new use(s) of water will not interfere with the rights of the Department of Hawaiian Home Lands, as provided in section 221 of the Hawaiian Homes Commission Act.

16. INTERFERENCE WITH ANY EXISTING LEGAL USES

Explain how the proposed new use(s) of water will not interfere with any other existing legal use(s) of water.

17. PUBLIC WATER SYSTEM INFORMATION

Check the appropriate box or boxes.

- ☐ PUC-Regulated Private System / ☐ Non-PUC-Regulated Private System / ☐ Not a Public Water System
☐ Intended dedication to Honolulu Board of Water Supply or to County of Maui, Department of Water Supply.

18. CHAPTER 343

- ☐ An Environmental Assessment was completed, and
☐ An Environmental Impact Statement was required and has been accepted (attach letter of acceptance). Publication date in The Environmental Notice:

- ☐ A Finding of No Significant Impact has been determined (attach letter). Publication date in The Environmental Notice: _____

This project proposes:

- | | |
|---|--|
| <input type="checkbox"/> Use of state or county lands, or use of state or county funds | <input type="checkbox"/> A wastewater treatment unit |
| <input type="checkbox"/> Use within a state conservation district | <input type="checkbox"/> Waste-to-energy facility |
| <input type="checkbox"/> Use within a shoreline setback area | <input type="checkbox"/> Landfill |
| <input type="checkbox"/> Use within a national or Hawaii registered historic site | <input type="checkbox"/> Oil refinery |
| <input type="checkbox"/> Use within the Waikiki Special District | <input type="checkbox"/> Power-generating facility |
| <input type="checkbox"/> The construction, expansion or modification of helicopter facility | <input type="checkbox"/> None of the above 11 items |

**INSTRUCTIONS FOR FILLING OUT APPLICATION FOR GROUND WATER USE PERMIT
FOR A PROPOSED NEW USE OR TO MODIFY A GROUND WATER USE PERMIT**

This application form is to be used for proposed new uses, including modifications of existing ground water use permits. **If you are applying for an existing ground water use, which are uses prior to the effective date of designation, do not use this form. Instead, use the *Application for Ground Water Use Permit for Existing Use* (Form GWUPA-E) for existing uses.**

Most questions can be addressed by visiting our website at <http://www.hawaii.gov/dlnr/cwrm> or by contacting the Regulation Branch at 587-0225 or by e-mail at dlnr.cwrm@hawaii.gov. If you need further assistance, call the Regulation Branch. The current application forms are available at: http://www.hawaii.gov/dlnr/cwrm/resources_permits.htm.

REQUIREMENTS FOR A COMPLETE APPLICATION

- a. Fill in the most recent application form. A current form can be obtained by going to our website or contacting us by phone or e-mail.
- b. Print in ink or type the information on the application.
- c. The application form has a total of 16 items on 4 pages. Items 11, 12, and 13 are tables, with multiple line items. Fill in the required information for every item in the application form as it relates to your proposed new use or permit modification.
- d. Enclose a check for the non-refundable filing fee of \$25 payable to: Department of Land and Natural Resources. (Government agencies are not required to pay the filing fee.)
- e. Please be aware that the applicant is responsible for paying the cost of publishing any required public notices associated with this application. The cost for public notices is currently approximately \$400.00. Commission staff will provide instructions later in the permit process regarding payment of these costs.
- f. Mark the proposed source and end use location(s) on the appropriate USGS quad map (scale 1:24,000) and property tax map, and attach these maps to the application.
- g. Attach photos showing the existing or proposed source(s), meter(s) (if applicable), and end use area(s).
- h. Both the applicant and the landowner where the source is located ("source landowner") must sign the application form in ink.
- i. Submit the original application, 15 copies of the application form and all attachments (maps, photos, and other attachments), and the filing fee to the Commission on Water Resource Management, P.O. Box 621, Honolulu, HI 96809.

Further, the applicant must address §174C-49(a) of the State Water Code, which states that:

To obtain a permit pursuant to this part, the applicant shall establish that the proposed use of water:

- (1) *Can be accommodated with the available water source;*
- (2) *Is a reasonable-beneficial use¹ as defined in section 174C-3;*
- (3) *Will not interfere with any existing legal use of water;*
- (4) *Is consistent with the public interest²;*
- (5) *Is consistent with state and county general plans and land use designations;*
- (6) *Is consistent with county land use plans and policies; and*
- (7) *Will not interfere with the rights of the department of Hawaiian home lands as provided in section 221 of the Hawaiian Homes Commission Act.*

¹ According to §174C-3, HRS, "Reasonable-beneficial use" means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest.

² Public interest is described in §174C-2(c), HRS, which states: *[t]he state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

NOTE: Filling in the application completely will address §174C-49(a), HRS.

LINE-BY-LINE INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM

APPLICANT INFORMATION

In accordance with the Hawaii Water Code, both the applicant and the person who owns the property where the water source is located are required to apply for a water use permit. §174C-51(1)(B), HRS, states, *In the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land, which is the water source of the permitted water, applies for a water permit, the landowner shall also be stated as a joint applicant for the water permit.*

1. **APPLICANT INFORMATION** Fill in the information for the applicant. This should be the person who will be responsible for all conditions of the water use permit.
2. **SOURCE LANDOWNER INFORMATION** Fill in the information for the landowner of the property where the proposed ground water source (e.g., well, modified spring, tunnel, shaft, etc.) is located.

SOURCE INFORMATION

3. **ISLAND** Check the appropriate box, noting the island where the source is located.
4. **GROUND WATER MANAGEMENT AREA** The name of the aquifer system area where the source is located.
- 4A. **SUSTAINABLE YIELD** The sustainable yield for the aquifer system area.
5. **SOURCE INFORMATION**
 - **WELL NUMBER** If the source already has a state-assigned well number, write the state well number here.
 - **WELL NAME** If the proposed source already has a name, write the name here. Otherwise, give it a short name that will differentiate it from other wells.
 - **SOURCE TMK** Fill in the current Tax Map Key number of the parcel where the source is located.
 - **FLOWMETER INFORMATION** Check either "Yes" or "No." If you answer "Yes," write in the date the flowmeter was installed month/day/year in the space provided. (The definition of a working flowmeter is a water meter with a totalizer that gives the total quantity of water used from a source.)

PROPOSED USE INFORMATION

(Ref. §§ 174C-51(4), (5), (6), HRS)

6. **TOTAL QUANTITY OF WATER REQUESTED** Enter the amount of water requested as gallons per day (GPD) averaged over one year. Fill out Table 1 and enter the amount in Box 14, "Total Use Requested."

7. **PROPOSED USE(S)** Check all the boxes that apply for the proposed use. Refer to the instructions for Table 1: Land Use Consistency/Efficiency of Use, Item 1: Purpose/Water Use Category below to determine which water use category to use.
8. **LOCATION OF PROPOSED WATER USE(S)** Show the location of the proposed use on the same USGS and TMK maps as the proposed source location. Otherwise, attach similar maps and show the location of the proposed use.

APPLICANT SIGNATURES REQUIRED

9. **APPLICANT** The Applicant must sign and date the application. Please print or type the Applicant's name in the space provided.
10. **SOURCE LANDOWNER** The Source Landowner must also sign and date the application. Please print or type the Source Landowner's name in the space provided.

PROPOSED NEW USE OR MODIFIED USE INFORMATION

11. **Table 1: LAND USE CONSISTENCY / EFFICIENCY OF USE** Provide information on all of the proposed uses you are applying for or seeking to modify. In the space provided below the table or on a separate sheet, explain whether there are any limitations [e.g., a contract or other legal agreement(s)] on your proposed water use(s), as required by §174C-51(5), HRS.

- A. **PURPOSE / WATER USE CATEGORY** For each purpose of use, choose one of the categories listed in the table below and enter the appropriate code in the space provided (e.g., AGRAQ, IRRGC, etc.)

AGRICULTURE AGRAQ Aquatic Plants & Animals AGRCP Crops & Processing AGRLI Livestock & Processing, and Pasture AGRON Ornamental & Nursery Plants AGROTH Other	DOMESTIC DOM Single & Multi Low-Rise & High-Rise Household DOMN Domestic (Non-residential) DOMNCB Commercial Businesses DOMNRI Religious Institutions DOMNHOS Hospitals DOMNHOT Hotels DOMNOB Office buildings DOMNOTH Domestic Non-Residential - Other DOMNSC Schools
IRRIGATION IRRG C Golf Course IRRHM Habitat Maintenance IRRHOT Hotel IRRLA Landscape/Water Features IRROTH Other IRRPC Parks IRRSC Schools	INDUSTRIAL INDEL Geothermal, Thermoelectric Cooling, Power Development INDFP Fire Protection INDMI Mining, Dust Control INDOTH Industrial - Other
MILITARY MIL Military	MUNICIPAL MUNCO County MUNPR Privately-owned but defined as public water system by MUNST DOH State

- B. **USE TMK** Enter the tax map key (TMK) number for the parcel of land over which the use is applied. There should only be one parcel for each line. Also, attach:
 - (1) A TMK map (or maps) showing each of the lots listed and the boundaries of the end use area(s); and
 - (2) A photograph of the area of use.
- C. **STATE LAND USE DISTRICT** Write in the name of the current land use district. To find the Land Use District, contact the Land Use Commission at (808) 587-3822.
- D. **CDUP REQUIRED?** Check the appropriate box. If a Conservation District Use Permit (CDUP) is required and you have a CDUP applicable to this project, check "Yes" and write in the date approved in the space provided (month/day/year). If your parcel is in a conservation district, as indicated in Column C of this table, contact the Office of Conservation and Coastal Lands at (808) 587-0328 to find out if a CDUP is required.
- E. **COUNTY ZONING CODE** To find out the County Zoning Code for Oahu, contact the City and County of Honolulu at 768-8041. For Maui County, contact at 270-7253.
- F. **SMAP REQUIRED?** Check the appropriate box. If a Special Management Area Permit (SMAP) is required, and you have an SMAP applicable to this project, check "Yes" and write in the date approved in the space provided (month/day/year). To find out if your parcel is in a Special Management Area and requires an SMAP, for Oahu call the City and County of Honolulu at 768-8014 or for Maui County call the Planning Department at 270-8205.
- G. **UNITS or NET ACREAGE** This is the total number of units or the net number of acres as a basis for calculating your requested allocation. "Unit" can mean a dwelling unit, number of people, or number of animals. Some examples of units or acreages to enter in this column would be 400 dwelling units, 500 people, or 3.74 acres.
- H. **GPD/UNIT or GPD/ACRE** (GPD = gallons per day) Enter the gallons per day per unit (GPD/unit) or gallons per day per acre (GPD/acre) for each water use category listed in Column A.
- I. **QUANTITY OF USE** Enter the proposed quantity of water use in gallons per day (GPD). Justification (see Column J) for the quantity(ies) requested may depend on the information provided in columns G and H of this table.
- J. **JUSTIFICATION FOR QUANTITY OF WATER REQUESTED** Explain how you are justifying the quantity of water requested for each use, in Column I of this table. Attach additional sheets, if necessary, showing how the proposed quantity was calculated. For all proposed irrigation uses, you are required to also complete Item 12 (Table 2) of the application.
- K. **TOTAL POTABLE USE** Add the quantities listed in the Column I for proposed potable water use(s). Enter the total quantity in gallons per day (GPD) in Box K.
- L. **TOTAL NON-POTABLE USE** Add the quantities listed in Column I for proposed uses that do not require potable water. Enter the total quantity of proposed non-potable water use in gallons per day (GPD) in Box L.
- M. **TOTAL QUANTITY OF WATER REQUESTED** Add the totals in Box K and Box L, and enter the sum in Box M. The quantity in Box M should be the same as the amount entered under Item 6 on the page 1 of the application.

12. TABLE 2: IRRIGATION INFORMATION

On Table 2, provide the information requested for all the crops you are proposing to grow, including landscapes and golf course turf and plants. Enter only one crop and one parcel number (TMK) per line. For multiple crops, list each one as a separate line item. All proposed or modified irrigation uses you are applying for must be listed. Attach additional copies of Table 2, if necessary.

- A. **TMK FOR PROPOSED LOCATION OF USE** Enter the parcel number where the crop will be grown. Also, attach a property tax map with an outline around the area(s) of proposed use(s) and a photograph of each area of proposed use.
- B. **CROP** Enter the crop type
- C. **TOTAL ACREAGE** Enter the total acreage of the parcel listed.
- D. **NET IRRIGATED ACREAGE** Enter the acreage that the specific crop will be grown.
- E. **BEGIN GROWTH PERIOD (MONTH)** This is the month of the start of the growth cycle.
- F. **END GROWTH PERIOD (MONTH)** This is the month of the end of the growth cycle.
- G. **IRRIGATION SYSTEM** Enter one of the following:
 - TRICKLE, DRIP
 - TRICKLE, SPRAY
 - MULTIPLE SPRINKLERS
 - SPRINKLER, CONTAINER NURSERY
 - SPRINKLER, LARGE GUNS
 - SEEPAGE, SUBIRRIGATION
 - CROWN FLOOD
 - FLOOD (TARO)
 - OTHER – Please describe in the space provided for comments (Column I and/or below the table).
- H. **IRRIGATION PRACTICE** Enter one of the following:
 - IRRIGATE TO FIELD CAPACITY
 - APPLY A FIXED DEPTH PER IRRIGATION
 - DEFICIT IRRIGATION
 - OTHER – Please describe in the space provided for comments (Column I and/or below the table).

13. TABLE 3: ALTERNATIVES ANALYSIS

You should address every alternative and explain why each alternative is or is not available for your proposed potable and non-potable water needs. Other alternatives (last row of Table 3), may include stormwater reclamation, rainwater catchment, or other alternatives not already listed above.

Surface water is defined in §174C-3, HRS as: *... both contained surface water—that is, water upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes, reservoirs, and coastal waters subject to state jurisdiction—and diffused surface water—that is, water occurring upon the surface of the ground other than in contained waterbodies. Water from natural springs is surface water when it exits from the spring onto the earth's surface.*

For Conservation Measures, please describe any conservation measures that will be used to ensure that your water use is or will be efficient. Conservation measures may include, but are not limited to, water reuse or recycling systems, monitoring the water distribution system for pressure drops that are indicative of leaks or line breaks, or use of drought-tolerant and xeriscape landscape plants.

14. PUBLIC INTEREST

Explain in the space provided or on a separate sheet why the proposed new use(s) on your application are consistent with the public interest.

15. INTERFERENCE WITH THE RIGHTS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS

Explain in the space provided or on a separate sheet how the proposed new use(s) of water will not interfere with the rights of the Department of Hawaiian Home Lands, as provided in section 221 of the Hawaiian Homes Commission Act. To inquire about potential interference, you may contact the Department of Hawaiian Home Lands Planning Office at 586-3836.

The State Water Code in §174C-101(a), HRS [Native Hawaiian water rights], states: *Provisions of this chapter shall not be construed to amend or modify rights or entitlements to water as provided for by the Hawaiian Homes Commission Act, 1920, as amended, and by chapters 167 and 168, relating to the Molokai irrigation system. Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.*

16. INTERFERENCE WITH ANY EXISTING LEGAL USES

Explain in the space provided or on a separate sheet how the proposed new use(s) of water will not interfere with any other existing legal use(s) of water.

17. PUBLIC WATER SYSTEM INFORMATION

Check the appropriate box or boxes relating to your existing or proposed new water system.

18. CHAPTER 343 If an Environmental Assessment was completed, fill in the dates of publication and acceptance. For additional information about the proposed uses checkboxes, refer to http://luc.state.hi.us/docs/hrs_343.pdf

COMPREHENSIVE EXEMPTION LIST
FOR THE STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS
As Approved by the
Environmental Council

June 30, 2015

The Department of Hawaiian Home Lands (DHHL) is comprised of the following divisions and offices:

- Office of the Chairman (OCH)
- Planning Office (PO)
- Administrative Services Office (ASO)
- Fiscal Office (FO)
- Information and Community Relations (ICRO)
- Homestead Services Division (HSD)
- Land Development Division (LDD)
- Land Management Division (LMD)

HISTORICAL NOTE

This exemption list for the Department of Hawaiian Home Lands was reviewed and concurred upon by the Environmental Council on June 30, 2015. This list supersedes the previous list that was reviewed and concurred upon by the Environmental Council on October 18, 1982.

GENERAL NOTE

Chapter 343, HRS authorizes the Environmental Council to establish procedures to exempt specific types of actions from the need to prepare an environmental assessment because the actions will have minimal or no significant effect on the environment.

The following types of projects will not be exempt:

1. Projects requiring detailed analyses as provided in an environmental assessment under Section 343-5, HRS. These include, but are not limited to places listed on the Federal or State registers of historic places.
2. Projects in statutorily defined areas, including, but not limited to: critical habitats, special management areas, special design districts, registered view planes or scenic corridors, wet lands, sanctuaries, special habitats,

shoreline areas, tsunami inundation areas, or other designations, except where the work is eligible for exemption and there is no negative impact on the conditions that define these areas.

3. Major projects without an Environmental Impact Statement (EIS), an Environmental Assessment with a Finding of No Significant Impact (EA/FONSI), or major projects that were never presented at a public meeting concerning site selection, master plan report, or any phase of incremental construction.
4. Major projects without a program to encourage public input into the design or siting of the project.

Pursuant to Section 11-200-8(B), Hawaii Administrative Rules (HAR), all exemptions under the classes in this section are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment, as expressed in #2 above.

Pursuant to the administrative rules promulgated under authority of section 343-6(7), HRS, specifically Section 11-200-8, HAR, DHHL has determined that the following types of actions, where they fall within the given classes of action, shall generally be exempt from the preparation of an environmental assessment:

Exemption Class #1: Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

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

- f. Beach accesses
- g. Beaches
- h. Cemeteries
- 2. Operation, maintenance, overhauling, repairing, repainting, reroofing, cleaning, polishing, greasing, oiling, and servicing of the following facilities, structures, and equipment:
 - a. Existing buildings, offices and community facilities
 - b. Repairs to existing homestead homes
 - c. Structures required for essential utilities, including, but not limited to:
 - i. Water system components such as pumps, valves and controls, pipes and channels, water storage tanks, wells and other water sources
 - ii. Water and sewage handling and treatment systems
 - iii. Sanitary sewage systems
 - iv. Drainage systems
 - v. Electrical systems
 - vi. Communication systems
 - vii. Irrigation systems
 - viii. Gas systems
 - ix. Energy systems
 - d. Fencing, curbing, gates, walls, and retaining walls
 - e. Steps and stairways
 - f. Handicapped accessibility improvements, including walkways, stairways, ramps, and handrails
 - g. Individual and cluster unit mailboxes
 - h. Signage
 - i. Existing structures, including, but not limited to:
 - i. Storage sheds
 - ii. Electrical sheds
 - iii. Electric panels
 - iv. Pumphouses
 - v. Irrigation control panel sheds
 - vi. Garages
 - vii. Mechanic shops
 - viii. Telecommunication equipment and sheds
 - ix. Plant nursery sheds and hothouses
 - x. Trash enclosures
 - xi. Litter containers
 - xii. Trash compactors
 - xiii. Recycling collection bins
 - xiv. Manhole and junction box covers
 - j. Stationary and mobile motorized equipment
 - k. Equipment, including, but not limited to:
 - i. Pumps, valves and motors

- ii. Electrical transformers, cabinets, panels, and vaults
- iii. Power, light, and telephone systems, including installation of poles
- iv. Heating, ventilation, and air conditioning ("HVAC")
- v. Odor control systems
- vi. Security systems and alarms
- vii. Communication systems including antennae
- viii. Telecommunications and control systems, including supervisory control and data acquisition ("SCADA") systems
- ix. Irrigation controllers
- x. Telephone stations
- xi. Emergency electrical generators
- xii. Lifts provided for handicapped accessibility
- l. Traffic calming devices, including, but not limited to, new traffic and pedestrian control devices - speed humps, speed bumps, speed tables, traffic signals, directional, informational and regulatory signs, pavement markers, and striping
- m. Traffic and pedestrian safety measures - guardrails, escape ramps, sidewalks, bollards, and vehicle access barriers
- n. Exterior lighting, including, but not limited to, street lights, parking lot lights, security lighting, ball field and play court lighting, bollards, and wall sconces
- o. Existing recreational facilities, structures, and equipment, including, but not limited to:
 - i. Recreation buildings, multi-purpose buildings, clubhouses, and education buildings
 - ii. Administration buildings, storage and operations buildings, and caretaker residences
 - iii. Comfort stations, bathhouses, and locker room facilities
 - iv. Water tanks developed to serve park or community use needs
 - v. Outdoor showers, drinking fountains, ornamental and swimming pools, and hose bibs
 - vi. Security and visitor information kiosks, concession stands, and phone booths
 - vii. Life guard towers and accessory or appurtenant structures
 - viii. Athletic fields, athletic courts, play court practice walls, skate parks, and appurtenant equipment and facilities

- ix. Gymnasiums, skating rinks and related facilities
 - x. Planter boxes, arbors, botanical and community gardens, and plant nurseries
 - xi. Bandstands, pavilions, shelters, tent platforms, benches, picnic tables and charcoal disposals
 - xii. Signs and posts, and bike racks
 - xiii. Security lighting of grounds, structures, and parking lots
 - xiv. Equipment sheds and canoe hale
 - xv. Pedestrian bridges in park or community use areas
 - xvi. Play equipment, fitness exercise stations
3. Patching, resurfacing, striping and cleaning of pavement surfaces including, but not limited to, streets, roads, highways, pedestrian ways and walkways, bike paths, driveways, parking lots and appurtenances
 4. Repair and maintenance of established footpaths, trails and bike paths, including those to beaches and beach accesses
 5. Operation, repair, testing, and maintenance of vehicles
 6. Abandoned vehicle pickup program operations
 7. Collection of refuse and recyclables, and schedule changes
 8. Operation, repairs, and maintenance of existing cemeteries, including the digging and covering of new graves
 9. Relocation of cemetery grave contents that have been affected or are threatened to be affected by erosion, according to regulations for the Native American Graves Protection and Repatriation Act (NAGPRA, 43 CFR Part 10), and per guidelines provided in Hawaii Administrative Rules Chapter 13-300, as approved by the Island Burial Councils
 10. General actions involving the rehabilitation or restoration of existing structures at historic sites
 11. Removal of sand from ocean ponds or drainage ways for maintenance purposes as permitted by the U.S. Army Corps of Engineers and the State Department of Health
 12. Acquisition of land presently utilized as maintenance accessways, by easement or deed, for the purpose of stream cleaning
 13. Clearing of earth berms, drainage swales, culverts, stream banks, and streams including, but not limited to streams with direct outlet to the ocean
 - a. Routine maintenance and removal of dirt, rock, debris, and accumulated boulders from canals, streams, and flood-control debris basins and debris/catchment structures where such removal will not have an adverse impact on downstream waters, bays, or the environment
 - b. Vegetation clearing from streams, improved and unimproved drainage ditches, or swales. Work may

- involve removing and cutting of debris, brush, grasses, and trees
- 14. Removal of domestic sewage from residential and commercial waste and wastewater systems and the disposal of such material into municipal wastewater treatment facilities
- 15. Chemical control of vector
- 16. Construction staging areas and temporary storage of construction equipment and materials
- 17. Clearing and maintenance of areas for emergency mitigation and access including, but not limited to, firebreaks, emergency landing zones, and properly staged operations and staging sites.
- 18. Actions necessary for compliance with Occupational Safety & Health Administration requirements
- 19. Repair and maintenance of civil defense warning sirens

Exemption Class #2: Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced.

- 1. Replacement, reconstruction, alteration, modification (no change in use), or installation of any building, structure, facility, equipment or utility, including, but not limited to:
 - a. Homestead residential dwellings and accessory structures such as garages and barns
 - b. Community use structures such as recreation buildings, multi-purpose buildings, clubhouses, and education buildings
 - c. Administration buildings, storage and operations buildings, and caretaker residences
 - d. Replacement of cesspools with Individual Wastewater Systems approved by the State Department of Health
 - e. Installation of systems with improved technology for energy savings, including but not limited to solar hot water and photovoltaic systems
 - f. Exterior door and window replacement
 - g. Steps and stairways
 - h. Handicapped accessibility improvements, including walkways, stairways, ramps, and handrails
 - i. Individual and cluster unit mailboxes
 - j. Signage

- k. Fencing, curbing, gates, walls, and retaining walls
- l. Landscaping, clearing, grading, and grubbing
- m. Clearing and maintenance of areas for emergency mitigation and access including, but not limited to, firebreaks, emergency landing zones, and properly staged operations and staging sites
- n. Utility support systems for exempt landscaping projects, including, but not limited to sprinkler systems installation
- o. Pavements including, but not limited to, roadways, driveways, parking lots, carports, walkways, bikeways, sidewalks, jogging paths, multi-use pathways, and covered walkways
- p. Traffic calming devices, including, but not limited to, new traffic and pedestrian control devices - speed humps, speed bumps, speed tables, traffic signals, directional, informational and regulatory signs, pavement markers, and striping
- q. Traffic and pedestrian safety measures - guardrails, escape ramps, sidewalks, bollards, and vehicle access barriers
- r. Highway improvements for safety purposes - widening less than one lane width, adding shoulders, adding auxiliary lanes for localized purposes (i.e., turning, passing, decelerating lanes, etc.), correcting substandard curves and intersections, and grading cut slopes to a minor extent
- s. Bridge repair and/or replacement (for bridges without historic value) as long as the new bridge is limited to two traffic lanes. New bridge replacement could include bicycle route, pedestrian walkway and safety improvements to meet Federal and State Highway Standards
- t. Footbridge replacement and repair
- u. Public transportation shelters and bus stops
- v. Upgrading of existing street lighting system
- w. Litter containers, trash enclosures, trash compactors, and recycling collection bins
- x. Recycling drop-off and redemption centers serving the surrounding residential community, and drop-off areas for clean yard waste and landscape debris generated in the surrounding community
- y. Storage sheds, maintenance sheds, electrical sheds, pump houses, and athletic equipment storage sheds
- z. Drainage structures and facilities, earth berms, and stream banks without historic value

- aa. Comfort stations, bathhouses, and locker room facilities
 - bb. Water tanks developed to serve park or community use needs
 - cc. Outdoor showers, drinking fountains, ornamental and swimming pools, and hose bibs
 - dd. Security and visitor information kiosks, concession stands, and phone booths
 - ee. Life guard towers and accessory or appurtenant structures
 - ff. Athletic fields, athletic courts, play court practice walls, skate parks, and appurtenant equipment and facilities
 - gg. Gymnasiums, skating rinks and related facilities
 - hh. Planter boxes, arbors, botanical and community gardens, and plant nurseries
 - ii. Bandstands, pavilions, shelters, tent platforms, benches, picnic tables and charcoal disposals
 - jj. Signs and posts, and bike racks
 - kk. Security lighting of grounds, structures, and parking lots
 - ll. Equipment sheds and canoe hale
 - mm. Play equipment, fitness exercise stations
 - nn. Civil defense warning sirens
2. Replacement, reconstruction, alteration, modification (no change in use), or installation of equipment, including, but not limited to:
- a. Pumps
 - b. Motors
 - c. Electrical transformers, cabinets, panels, and vaults
 - d. Power, light, and telephone pole systems
 - e. Solar hot water and photovoltaic systems
 - f. Installation of systems with improved technology for energy savings
 - g. Measures to increase resilience of structures, including but not limited to hurricane clips
 - h. HVAC
 - i. Odor control systems
 - j. Security systems and alarms
 - k. Communication systems including antenna
 - l. SCADA
 - m. Irrigation controllers
 - n. Telephone stations
 - o. Emergency electrical generators
 - p. Lifts provided for handicapped accessibility

3. Replacement, reconstruction, alteration, modification (no change in use), or installation of utility services, including, but not limited to:
 - a. Water, wastewater, drainage, electrical, communications, telecommunications, control systems, including SCADA systems, security, fire protection, air conditioning, odor, irrigation, and fuel systems, subject to compliance with all applicable permitting requirements, including State Department of Health requirements
 - b. Existing sewer lines and sewer service laterals, providing the action does not involve any increase in the overall capacity of the system beyond the capacity required to meet current and anticipated future service requirements in an established existing County wastewater system service area
 - c. Removal or filling of decommissioned cesspools with required permit
 - d. Replacement or reconstruction of domestic water wells for homesteading purposes

Exemption Class #3: Construction and location of single, new, small facilities or structures and the alteration and modification of the same, including, but not limited to:

- (a) Single-family residences not in conjunction with the building of two or more units;
- (b) Multi-unit structures designed for not more than four (4) dwelling units if not in conjunction with the building of two (2) or more such structures;
- (c) Stores, offices, and restaurants designed for total occupant load of twenty (20) persons or less per structure, if not in conjunction with the building of two (2) or more such structures; and
- (d) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements.

1. Construction of new structures on DHHL lands (to include leased lands) of any of the following:
 - a. Single family residences not in conjunction with the building of two (2) or more such units
 - b. Multi-unit structure designed for not more than four (4) dwelling units if not in conjunction with the building of two (2) or more such structures
 - c. Stores, offices and restaurants designed for total occupant load of twenty (20) persons or less, if not in conjunction with the building of two (2) or more such structures
 - d. Water, sewage, electrical, gas, telephone and other essential public utility services extensions to serve such types of structures or facilities, including domestic water source development for homesteading purposes, with required permits
 - e. Accessory or appurtenant structures including domestic water source development for homesteading purposes, collection, distribution and storage systems; small structures needed to house utilities, garages, carports, patios, swimming pools, driveways, swales, and individual and cluster unit mailboxes
2. Construction of modifications, such as ramps and lifts for building/facility access, to ensure compliance with existing/new codes and regulations
3. Modifications to facilitate the storage or on-site repair of new equipment necessary for the operation and/or maintenance of the facility
4. Installation of new, small ground water, surface water or atmospheric monitoring and data collection equipment and structures that house or protect them
5. Installation of electrical and telemetry systems to serve data collection equipment and structures that house or protect them
6. Re-burial of previously identified or inadvertently discovered remains over fifty (50) years old, with Department approval, and according to regulations for the Native American Graves Protection and Repatriation Act (NAGPRA, 43 CFR Part 10) and guidelines provided in Hawaii Administrative Rules Chapter 13-300
7. Construction, alterations or modification of small facilities which support department activities, to include lifeguard stations and similar public safety structures, comfort stations, and waterless or composting toilet facilities

8. Construction of traditional Native Hawaiian hale and halau using renewable materials, traditional construction techniques, and permeable foundations such as ili'ili, in general conformance with materials requirements and design standards as described in Maui County Code Chapter 16.26B.3800 "Hawaii Provisions for Indigenous Hawaiian Architecture Structures" and Revised Ordinances of Honolulu Chapter 16 Article 12, "Indigenous Hawaiian Architecture". No concrete or other modern materials for foundations or flooring
9. Installation of civil defense warning sirens

Exemption Class #4: Minor alteration in the conditions of land, water, or vegetation.

1. Removal and/or cutting of trees that are burned, destroyed or diseased, or otherwise endanger life or property
2. Removal of gravel, rocks, trees (non-endangered species) and/or other materials necessary to make agricultural lands more productive and useful for grazing, farming and other related agricultural purposes
3. Landscaping alongside roadways, around buildings, and within existing parks and community use areas, including, but not limited to, planting of groundcover, grass, shrubs, and trees, sodding of bare areas for dust and erosion control, and installation of community gardens, involving minimal or no grading
4. Minor vegetation clearing and management, including mowing, pruning, and trimming. Work under this exemption shall be performed by the Department or its contractor. Work shall involve cutting and removal of brush, grass, and small trees or bushes. Vegetation shall be hauled by truck to an approved sanitary landfill site, or allowed to remain onsite where feasible for use as compost or mulch
5. Re-burial of previously identified or inadvertently discovered remains over fifty (50) years old, with Department approval, and according to regulations for the Native American Graves Protection and Repatriation Act (NAGPRA, 43 CFR Part 10) and guidelines provided in Hawaii Administrative Rules Chapter 13-300
6. Minor grading and grubbing of lands not requiring a grading permit
7. Removal or filling of decommissioned cesspools with required permit

8. Construction of seepage drains/detention basins on DHHL lands where flows are kept within preexisting levels and for which a drainage study has been completed
9. Re-grading of road shoulders and installation of pedestrian/bike sidewalks and bike paths
10. Pest control. Work under this exemption shall be performed by the Department or its contractor. Work shall involve placement of approved toxic baits, kill traps, live traps, snares, repellent and using EPA-regulated, commercially-available pesticides. Label instructions shall be strictly adhered to. No pesticides shall be allowed to enter State waters
11. Construction of walkways and installation of guard rails
12. Paving of previously existing graded parking areas and roadways
13. Vegetation clearing and removal work on or near the embankment, spillway, or outlet works of a dam facility with the intent of removing tall and/or woody vegetation which could pose a threat to the embankment or impede inspection of the facility. May also include clearing or construction of site improvements required for the mobilization of equipment or personnel to accomplish the task
14. Vegetation clearing and removal work to stabilize existing slopes and mitigate rockfall including work required to mobilize equipment and personnel to accomplish the task
15. Removal of an existing sea/retaining wall or shoreline armoring, subject to the following criteria:
 - a. The sea/retaining wall or armoring is structurally unsound as certified by a Structural Engineer;
 - b. Removal of the sea/retaining wall or armoring is determined as a mitigative measure to impacts identified by a technical study prepared by a certified professional engineer and/or coastal geologist;
 - c. The sea/retaining wall or armoring is determined to be a safety hazard to the public or environment, and the impacts of retaining the sea/retaining wall or armoring are determined greater than removal; or
 - d. Removal of the sea/retaining wall or armoring is performed in conjunction with beach nourishment.
16. Beach nourishment and sand dune restoration activities of less than 10,000 cubic yards of beach quality sand
17. Construction, in accordance with the Hawaii Well Construction and Pump Installation Standards, required to seal production, monitoring and geothermal wells which have been permanently discontinued, that have either been allowed to become unsealed, leaking, polluting, deteriorating in

quality, uncontrollable, buried, or are in such a state of disrepair that continued use is impractical or unsafe

Exemption Class #5: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

1. Surveys, research, and investigations into all aspects of water use, quantity, and quality
2. Planning data collection
3. Studies for the purpose of identifying hazardous conditions
4. Noise monitoring surveys
5. Drainage studies
6. Flood control studies
7. Site inventories and site assessments
8. Building evaluations
9. Economic analyses
10. Archaeological surveys, including clearing of vegetation in direct association with site evaluation and mapping
11. Air quality surveys
12. Water quality surveys
13. Foundation surveys and subsurface investigations (borings) provided cultural remains are not disturbed
14. Ecological and botanical surveys for which no permit is required
15. Surveys, research and investigations into all aspects of natural resource management, including native forest restoration and invasive species removal
16. Environmental impact research
17. Hazardous materials surveys
18. Data collection in accordance with NPDES requirements
19. Topographic, metes and bounds, sounding, wave, littoral transport and location surveys
20. Ground cover survey inspection of property for appraisal
21. Development feasibility studies
22. Installation of staff gauges, water monitoring and reporting equipment at dam facilities and appurtenant works to include trenching work and construction of supporting features such as equipment sheds, transmitting devices, solar panels, and minimal site grading and improvements for the safe operation and installation of these features
23. Phase II Investigation work on a dam or reservoir, including soil sampling and drilling, water monitoring, and/or test

- pit excavations. This may include clearing or construction of site improvements needed to mobilize equipment or personnel to accomplish the task
24. Measurements of stream flow in accordance with the prescribed method and practices of, or acceptable to, the U.S. Geological Survey, installation of surface water monitoring equipment, and collection of data
 25. Collection of ground water resource data and conducting of ground water monitoring, including construction of exploratory wells not more than 8 inches in diameter to provide ground truth for water resource investigations, in accordance with the Hawaii Well Construction and Pump Installation Standards
 26. Collection of atmospheric data and conducting of climatological monitoring in accordance with the methods and practices of, or acceptable to, the National Weather Service and collection of data
 27. Installation of new, small ground water, surface water or atmospheric monitoring and data collection equipment and structures that house or protect them
 28. Installation of electrical and telemetry systems to serve data collection equipment and structures that house or protect them
 29. Subsurface trenching or digging necessary to install scientific or geological data collection devices
 30. Permission to enter state lands for the purpose of conducting the activities listed above

Exemption Class #6: Construction or placement of minor structures accessory to existing facilities.

1. Installation of fencing for agricultural and cultural and natural resources management purposes
2. Installation of roof top water catchment systems
3. Placement of aerators for increasing the dissolved oxygen content for fish populations in reservoirs, nurseries, or ponds
4. Construction of fencing, gates, lighting, security alarms, camera systems and similar items for security and/or safety
5. Installation of utilities (telecommunications, electrical, drainage, waterlines and faucets, sewers) for use within a site/property
6. Installation of equipment such as pumps and valves; electrical transformers, cabinets, panels and vaults; power, light, and telephone poles/cables; heating, ventilation, and

- air conditioning; irrigation controllers; emergency electrical generators; and lifts provided for handicapped accessibility
7. Construction of interior roadways, driveways, parking lots, sidewalks, curbs, and gutters
 8. Construction of retaining walls, perimeter walls and walls for traffic safety purposes less than four (4) feet in height that are properly engineered so as to not affect drainage on the site
 9. Installation of items to facilitate compliance with construction best management practices procedures and requirements
 10. Installation of signage (regulatory, directional, informational) and pavement markings
 11. Construction of utility storage sheds, maintenance sheds, electrical sheds, pump houses, trash enclosures, and portable modular buildings measuring less than 500 square feet in total area
 12. Construction of telecommunication equipment and sheds less than four (4) feet in height
 13. Installation of glare screens, bollards, vehicular access barriers, energy attenuators, and other appurtenances designed to protect the motoring public
 14. Alteration or addition of comfort stations, pavilions, concessions, or other structures accessory to existing facilities to meet facility needs
 15. Construction/installation of ground water or utility tanks with less than 10,000 gallon capacity. Spill containment shall be provided when appropriate
 16. Installation of hurricane protection devices and other minor structural accessories that will facilitate resistance to damaging effects of natural hazards

Exemption Class #7: Interior alterations involving things such as partitions, plumbing, and electrical conveyances.

Interior alterations to buildings or structures that do not increase the floor area or change the occupancy, including but not limited to:

1. Construction work to maintain existing utilities
2. Expansion of utilities as need dictates in existing structures

3. Upgrades to plumbing and electrical systems that result in conservation of energy, water, or other reductions in waste production or resource demand
4. Installation of office partitions, electrical outlets, lighting
5. Renovations and reconstruction required to bring existing structures into compliance with current building codes and applicable health and safety regulations
6. Renovations that will result in energy or other operational cost savings
7. Installation of security lights and alarms
8. Normal removal and replacement of windows, doors, partitions, floors, ceiling, roof, and other building accessories/components due to wear and tear. This exemption does not include procedures needed to handle lead paint, asbestos, and other toxic substances

Exemption Class #8: Demolition of structures, except those structures located on 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, 16 U.S.C. §470, as amended, or chapter 6E, HRS.

Demolition and removal of structures on Hawaiian Home Lands, except in cases where the structures to be demolished contain known hazardous substances such as asbestos and lead based paint, including but not limited to:

1. Demolition and removal of abandoned private property from Hawaiian Home Lands
2. Demolition and removal of buildings and structures prior to or concurrent with the construction of a new or replacement building or structure, except those structures located on any historic site
3. Demolition and removal of old, dilapidated, unsafe, buildings or structures which pose a hazard in accordance with building, housing, or health codes and regulations, including but not limited to, the decommissioning and backfilling of cesspools
4. Demolition and removal of utilities and utility structures or portions thereof
5. Demolition and removal of roadway paving, drainage structures, and security fencing

6. Demolition and removal of unusable, obsolete, abandoned, or unauthorized structures or improvements on DHHL lands
7. Removal of an existing sea/retaining wall, shoreline armoring, or groin, subject to the following criteria:
 - a. The item to be removed has been either determined to be structurally unsound as certified by a Structural Engineer or determined to have ceased to perform its function;
 - b. Removal of the item is determined as a mitigative measure to impacts identified by a technical study by a certified professional engineer;
 - c. The item has been determined to be a safety hazard to the public or environment, and the impacts of retaining it have been determined to exceed those of its removal;
 - d. Removal is performed in conjunction with beach maintenance or restoration work

Exemption Class #10: Continuing administrative activities including, but not limited to purchase of supplies and personnel-related actions.

1. Continuing DHHL administrative activities including, but not limited to, purchase of supplies and personnel-related actions
2. Purchase, maintenance and repair of supplies, services, equipment, and motor vehicles to support existing operations
3. Procurement of appraisals and other related studies and reports
4. Land consolidation of remnant parcels to provide additional land area for homesteading purposes
5. Minor subdivisions, defined as single-lot subdivisions involving one lot divided into two lots
6. Acquisition and leasing of land and facilities/improvements acquired for continued use, provided that the Department conduct a site assessment
7. Acquisition of interests, including easements, quitclaim, fee simple, and leaseholds, in real property on which existing DHHL facilities are situated, provided that DHHL has conducted an environmental site assessment pursuant to the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), and the U.S. Environmental Protection Agency ("EPA") regulations under 40 CFR Part 312 and/or the American Society of Testing and Materials ("ASTM") standards under ASTM E1527-05 or E2247-08

8. Land exchanges including, but not limited to, transactions to correct existing roadway alignments and easement locations, public park facilities, and title transfers between DHHL and other State departments and between DHHL and County or federal agencies involving no monetary consideration
9. Acquisition, but not improvement of property, for DHHL use (including easements) and minor subdivision and consolidation of parcels for acquisition of property for DHHL use (including rounding corners and minor street widening)
10. Subdivision consolidation of public lands to facilitate their transfer between the city and state for continuing public use without change in existing land use
11. Operation of initial or continuing DHHL programs consistent with established land use, including, but not limited to, stream debris clean-ups, storm drain stenciling, beach debris clean-up
12. Acquisition of lands for drainage purposes where there is a natural, existing drainage watercourse

DEPARTMENT OF HAWAIIAN HOME LANDS



DRAFT Internal Process for Homesteader-Use Well Development Requests

**Procedure Number
##-2015**

Jobie M.K. Masagatani, Chairman
Hawaiian Homes Commission

Date

Procedure and Workflow

- Subject:** Internal Department of Hawaiian Home Lands procedures and workflow to be initiated upon homesteader requests for permission for well installation on homestead lots for homesteading use on the same lot.
- Purpose:** To provide procedures for the Department of Hawaiian Home Lands to follow in implementing the Hawaiian Homes Commission Water Policy Plan, Part IV (14) additional goal to "support[] the drilling of wells by beneficiaries for their own use on lots where appropriate."
- Policy:** Homesteaders who meet the Department's criteria for well development on their lots may submit a request for: (1) landowner permission to complete necessary well construction and pump installation permitting; and (2) execution of a lease addendum regarding the same.
- Authority:** Hawaii Revised Statutes, Chapter 174C, Part VII, which sets out requirements for all well owners and operators, the Hawaiian Homes Commission's Water Policy Plan Part IV (14) (approved Jul. 22, 2014), which supports homesteader well development; and Hawaii Administrative Rule, Chapter 11, Section 11-200-8, which authorized the Department to declare specific types of actions, including well development for individual homestead use, exempt from environmental assessment preparation requirements.

The Hawaiian Homes Commission Water Policy Plan goals include, Part IV "Develop and protect water sources[.]" which provides the following: "[s]upport the drilling of wells by beneficiaries for their own use on lots where appropriate."

Pursuant to Hawaii Administrative Rule § 11-200-8, the Environmental Council of the State of Hawai'i Department of Health approved the "Comprehensive Exemption List for the State of Hawai'i Department of Hawaiian Home Lands" on June 30, 2015. Exemption Class No. 3(1)(d) provides in pertinent part:

Construction and location of single, new, small facilities or structures and the alteration and modification of the same, including, but not limited to:

[. . . .]

1. Construction of new structures on DHHL lands (to include leased lands) of any of the following:

[. . . .]

d. Water, sewage, electrical, gas, telephone and other essential public utility services extensions to serve such types of structures or facilities, including domestic water source development for homesteading purposes, with required permits.

Part VII of HRS § 174C-83, "Wells" provides the State of Hawai'i Commission on Water Resource Management's requirements, including permitting requirements,

for persons owning or operating all wells accessing groundwater in the State of Hawai'i.

Glossary of Terms for Homestead-Use Well Development*

- 1) **Abandoned well** - Any well that has been permanently discontinued. Any well shall be deemed abandoned which is in such a state of disrepair that continued use for the purpose of obtaining ground water is impractical.
- 2) **Compliance** - Conformity in fulfilling official requirements, a homesteader is in harmony or agreement with the rules and laws governing Hawaiian Home Lands (Lease, Act, HAR, County, State and Federal Law)
- 3) **CWRM** - The State of Hawai'i Commission on Water Resource Management.
- 4) **Good Standing** - A homesteader is in good standing if they are in compliance with all of their explicit obligations as set forth in their lease, required by the Hawaiian homes Commission Act, or required by Hawaii Administrative Rules Chapter 10.
- 5) **Ground water** - Any water found beneath the surface of the earth, whether or not in perched, dike-confined, or basal supply; in underground channels or streams; in standing, percolating, or flowing condition; or under artesian pressure.
- 6) **Homesteader** - Holder or successor thereto of a lease which may be of the following classes issued under section 207 of the Hawaiian Homes Commission Act (1920): (1) residential or residence lot lease; (2) pastoral or pastoral lot lease; and (3) agricultural or agricultural lot lease.
- 7) **Installation of pumps and pumping equipment** - The procedure employed in the placement and preparation for operation of pumps and pumping equipment, including all construction involved in making entrance to the well, and establishing seals and repairs to existing installations.
- 8) **Obligation** - Law or duty binding the parties to perform their agreement, homesteaders as lessees are bound under their respective leases to engage in agricultural or pastoral activities. DHHL as lessor retains the right to approve any other agreements relating in any way to the use of agricultural and pastoral lots.
- 9) **Pump installation contractor** - Any person, firm, or corporation which is in the business of installing or repairing pumps and pumping equipment.
- 10) **Pumps and pumping equipment** - Any equipment or materials utilized or intended for use in withdrawing or obtaining ground water. It includes seals, tanks, fittings, and controls.
- 11) **Repairs** - Any change, replacement, or other alteration of any well, pump, or pumping equipment which requires a breaking or opening of the well seal.

- 12) **Water or waters of the state** - Any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.
- 13) **Water Asset Inventory (WAI)** – the current inventory of water related assets maintained by DHHL.
- 14) **Water management area** – A geographic area which has been designated by the State of Hawai'i Commission on Water Resource Management pursuant to chapter 13-171, HAR, as requiring management of the ground or surface water resource, or both.
- 15) **Water source** - A place within or from which water is or may be developed, including but not limited to: (1) generally, an area such as a watershed defined by topographic boundaries, or a definitive ground water body; and (2) specifically, a particular stream, other surface water body, spring, tunnel, or well or related combination thereof.
- 16) **Well** - An artificial excavation or opening into the ground, or an artificial enlargement of a natural opening by which ground water is drawn or is or may be used or can be made to be usable to supply reasonable and beneficial uses within the State.
- 17) **Well construction** - The producing of any well, including the construction, alteration, or repair thereof, but excluding the installation of pumps and pumping equipment.
- 18) **Well driller** - Any person, firm, or corporation which constructs, alters, or repairs wells.
- 19) **Well seal** – An approved arrangement or device used to cap a well or to establish and maintain a junction between the casing or curbing of a well and the piping or equipment installed therein, the purpose or function of which is to prevent pollutants from entering the well at the other terminal.

** Glossary definitions reproduced in substantial part from HRS §174C-81; HAR §13-168-2; HAR §10-1-5.*

Process

A homesteader may initiate a request to drill a water well and/or install a pump on their homestead by submitting a completed or partially completed CWRM Application for Well Construction/ Pump Installation Permit (WCPIA).

<u>Responsible Entity</u>	<u>Action</u>
Homesteader	<ol style="list-style-type: none">1. Contacts the Planning Office to indicate interest in constructing and maintaining a well on their lot; <p>AND</p> <ol style="list-style-type: none">2. Submits a completed or partially completed WCPIA to the Planning Office.
Planning Office (PO)	<ol style="list-style-type: none">3. Reviews Homesteader's communications and/or WCPIA to determine whether sufficient information is contained within the Homesteader request, existing DHHL WAI, Water Policy Plan, to conduct the analysis set forth in <u>Action No. 5</u>. Is there sufficient information available to undertake the analysis?<ol style="list-style-type: none">a. No. PO sends Homesteader a survey that identifies specific information needed for the HHC to act on their request.b. Yes. PO proceeds to <u>Action No. 4</u>.4. PO enters the request into HHC's database, which contains homesteader requests for well development, installation information, maintenance records, and reports of monthly water usage.5. PO applies the following analysis to determine how to handle the request:<ol style="list-style-type: none">a. Will well development at the proposed location compound demands on the aquifer area to a significant degree?b. Would HHC water development plans for the area render domestic well development at this location redundant or unnecessary?

Department of Hawaiian Home Lands Procedure
Internal Process for Homesteader-Use Well Development Requests

Number ##-2015

<u>Responsible Entity</u>	<u>Action</u>
	<ul style="list-style-type: none">c. Does the homesteader have the ability to comply with reporting and notification requirements imposed by HHC and CWRM?d. Is the request supported by a completed (except for the required landowner signature) CWRM Well Construction and Pump Installation permit application (WCPIA)?<ul style="list-style-type: none">i. No. Direct homesteader to WCPIA.ii. Yes. Proceed to <u>Action No. 6</u>.
	<ul style="list-style-type: none">6. Contact Homesteader to acknowledge receipt of well construction request and WCPIA.7. Present the Homesteader request, WCPIA and identifying information of the well driller and/or pump installation contractor to the Land Development Division – Design and Construction Branch (LDD) for consultation and review.
Land Development Division (LDD)	<ul style="list-style-type: none">8. Reviews the Homesteader request, WCPIA and identifying information of the well driller and/or pump installation contractor to determine whether: (1) the well development will interfere with LDD plans; (2) the Homesteader is in good standing; and (3) prior contracting experiences with well driller and/or pump installation contractor raised concerns about the sufficiency of their work.9. Prepares a memorandum indicating any concerns raised during <u>Action No. 7</u> and submits to PO.
Planning Office (PO)	<ul style="list-style-type: none">10. PO prepares a submittal and recommendation for re-circulation amongst DHHL divisions, incorporating LDD concerns, the completed WCPIA, and any relevant information on the Homesteader and identified well-drillers/ pump installer contractors. PO also assigns a case number to the well development request.

30 Day Review Period Phase One

Planning Office (PO) circulates Well Development request submittal and recommendation to Department offices and divisions via route slip

Department of Hawaiian Home Lands Procedure
Internal Process for Homesteader-Use Well Development Requests

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<u>Responsible Entity</u>	<u>Action</u>
Homestead Services Division (HSD) & Land Development Division (LDD) Concurrent Review	11. HSD, LMD, LDD concurrently review the PO submittal and recommendation.
Homestead Services Division (HSD)	12. HSD reviews the Homesteader well development request and associated documents; determines any issues arising from the request that would impact homesteader services; and prepares a memorandum for PO indicating such issues.
Land Development Division (LDD)	13. LDD reviews the Homesteader well development request and associated documents; determines any issues arising from the request that would impact homesteader services; and prepares a memorandum for PO indicating such issues.
Planning Office (PO)	14. PO revises submittal and recommendation documents based on the review. 15. PO prepares submittal to the Hawaiian Homes Commission for approval to proceed with the Homesteader well development request. Submittal list will identify lessee and case number.
Hawaiian Homes Commission (HHC)	16. Hawaiian Homes Commission (HHC) approves, disapproves, or defers, pending more information, the Homesteader well development recommendation and submittal. 17. Chairman signs the WCPIA on behalf of DHHL as landowner.
Planning Office & Homesteader	18. PO receives a copy of the approved WCPI permit from homesteader.
Homestead Services Division (HSD) & Homesteader	19. Executes Homesteader Water Source Well Development Lease Addendum with homesteader.

Department of Hawaiian Home Lands Procedure
Internal Process for Homesteader-Use Well Development Requests

Number ##-2015

Responsible Entity

Action

Well development phase:

Homesteader & Planning Office (PO)
Concurrent Actions

20. Homesteader submits to PO: (1) notifications of any amendments, modifications, or suspensions of well development and pump installation; (2) test results of CWRM well pumping tests; and (3) a well development completion report.

Planning Office (PO)

21. PO conducts annual reviews of those notifications, test results, and well development completion reports for noncompliance with lease terms and/ or CWRM rules and standards for well development.

Well operation phase:

Homesteader & Planning Office (PO)
Concurrent Actions

22. Homesteader submits monthly water usage reports to CWRM and provides access to those reports to PO. PO maintains records of homesteader's access information for monthly reports compiled in CWRM's database.

23. Homesteader reports any amendments, modifications, or other changes to well operations to PO. PO maintains records of any amendments, modifications, or other changes to Homesteader well operations.

Well closure phase:

Homesteader & Planning Office (PO)
Concurrent Actions

24. Homesteader notifies CWRM and PO that Homesteader plans to abandon the well. Upon notification from Homesteader that a well will be abandoned; PO requests a "Well Closure" plan, which includes: (1) plans for re-casing, cementing, plugging back, capping, or otherwise repairing the well or filling and sealing the well with cement in a manner approved by CWRM; (2) a schedule of estimated costs to be incurred or completing the required work; and (3) a copy of a CWRM well construction permit, which would be required to complete the closure work.

Homesteader

25. Submits a CWRM "Well Abandonment Report" to CWRM and PO within 30 days of the well's closure.

Department of Hawaiian Home Lands Procedure
Internal Process for Homesteader-Use Well Development Requests

Number ##-2015

Responsible Entity

Action

Planning Office (PO)

26. Upon 30 days after the well's closure, PO ensures that a copy of homesteader's CWRM "Well Abandonment Report" is received. If no Well Abandonment Report has been received, PO requests the same from homesteader.

END OF PROCEDURE

- Exhibit A -

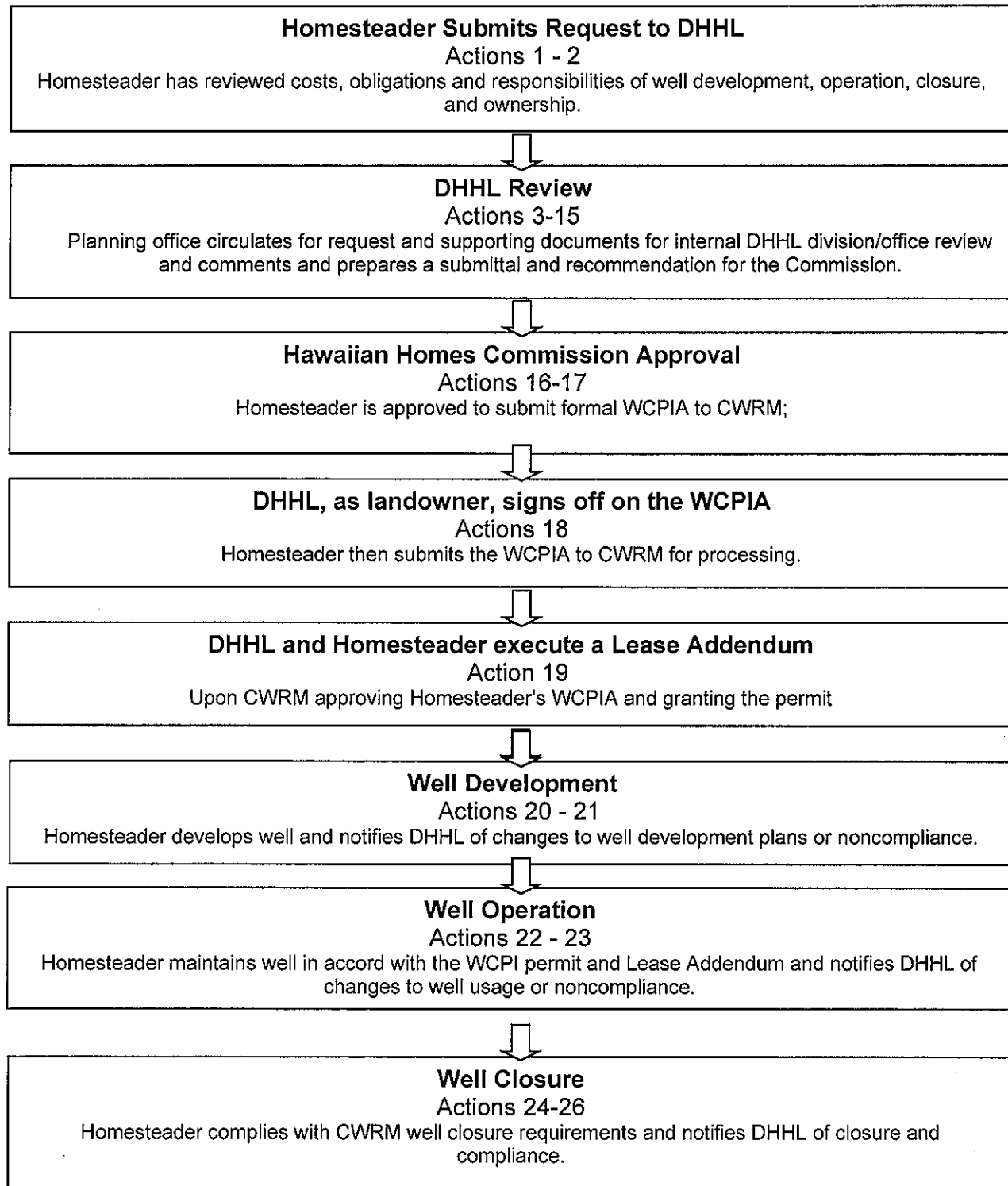
ESTIMATED SCHEDULE FOR SUBDIVISION PROCESS

Action	DHHL	Homesteader	Commission
Submit application <i>Actions 1-2</i>			
DHHL Checks Criteria <i>Actions 3-15</i>	30 days		
HHC approval <i>Actions 16-17</i>			30 days
Complete WCPIA <i>Action 18</i>		30 days	
Execute Lease Addendum <i>Action 19</i>	30 days		
Well development <i>Action 20-21</i>		90 days+	
Well operation <i>Action 22-23</i>		90 days+	
Well closure report <i>Action 24-26</i>		30 days	

**Note ACTUAL schedule may vary depending on the uniqueness of each Homesteader well.*

- Exhibit B -

HOMESTEAD WELL DEVELOPMENT WORKFLOW



Draft September 12, 2015

Homesteading Water Use Source Well Development Addendum

To be used when developing homesteading source wells on property subject to an existing lease

In signing the Lease and this Lease Addendum, Lessee agrees to release and discharge the Lessor, the Hawaiian Homes Commission, or any agency, from any and all liability that may arise from, or may be caused by the following activity.

Lessee is seeking to develop a source well for homesteading water use only. Homesteading water uses include domestic, agricultural, aquacultural, or pastoral uses. Other non-domestic uses of water, including the provision of water to uses or users not on the covered leasehold lands, are not covered by this Lease Addendum. The use of surface water and stream diversion of water, or catchment of water, for any use is also not covered by this Lease Addendum.

Lessee shall be solely responsible for penalties consequent to violations of CWRM regulations for domestic source well development, which may consist in fines of up to \$1,000 per violation. See Hawai'i Administrative Rule (HAR) §13-168-3.

Notifications, reporting, and other communications from Lessee to Lessor required below shall be provided by electronic mail (e-mail) to PLANNING@DHHL.HAWAII.GOV.

The following sections (Water Use Reporting Requirements, Well construction and pump installation requirements, water source inspection requirements, and Abandoning wells) fall under the jurisdiction of the State of Hawai'i Commission on Water Resource Management (CWRM). The current requirements are repeated here below, but knowledge of and compliance with all requirements, which may change, are the sole responsibility of the Lessee.

Water Use Reporting Requirements

Lessee shall provide and maintain an approved meter or other appropriate device or means for measuring and reporting total water usage on a monthly (calendar or work schedule) basis. HAR §13-168-7(a).

Lessee shall file this report of total water usage on a regular monthly basis on or before the end of the month following the month for which water usage is to be reported and using forms provided by CWRM. As may be required by Lessor or CWRM, these reports shall include other use-related information such as type of use, salinity, and water level, as may be deemed appropriate and reasonable by Lessor or CWRM. HAR §13-168-7(b).

Lessee shall provide Lessor with login and password information for its water use reporting account(s) with the Hawai'i State Water Use Reporting database maintained by CWRM.

If monthly water use and other information reporting requirements are lessened, modified, or exempted by CWRM, Lessee must notify Lessor to obtain similar lessened, modified, or exempted reporting requirements from Lessor. HAR §13-168-7(c).

Well construction and pump installation requirements:

Lessee shall obtain appropriate permit(s) from CWRM before constructing, altering, or repairing a homesteading water source well or before installing, replacing, or repairing a pump or pumping equipment on the premises. Lessee is solely responsible for paying the \$25.00 filing fee to CWRM for their well construction or pump installation permit. HAR §13-168-12(a).

Lessee shall ensure any well drillers constructing wells, or pump installation contractors installing pumps, on the premises, make or cause an application for a well construction and/or pump installation permit to be made, and that application must consist in a completed form provided by CWRM and filed with both CWRM and Lessor. These forms require the signature of the Lessor and may not be filed unless signed by the Lessor's authorized representative, the Chairman or designated individual. Completed application forms shall contain the name of the operator; location; contractor's license number; purpose of well construction or pump installation; proposed withdrawal and use of water; water use permit information if applicable; type, size, and expected capacity of the well or pump; and such other information if required by CWRM or Lessor. HAR §13-168-12(b).

Lessee shall ensure that the well construction and/or pump installation permit is prominently displayed at the site of the well at all times until the well construction or the pump installation is completed. HAR §13-168-12(e).

Lessee shall notify Lessor of: (1) applications to change or amend any well construction or pump installation permits filed with CWRM, and of the outcomes of that application; (2) rejections of well construction or pump installation permit applications by CWRM, and of the outcomes of appeals or hearings on that rejection; and (3) modifications, suspensions, or revocations of Lessee's well construction or pump installation permits by CWRM. HAR §13-168-12(f) through (i).

Lessees constructing a new well or a well that has not previously been pumped will comply with CWRM well pumping tests. Test result measurements of time, pumping rate, drawdown, and chloride content, as appropriate and approved, shall be recorded and reported in a "Well Completion Report" filed with CWRM and Lessor. HAR §§13-168-12(d) & -13.

Lessee shall ensure that well-driller and/ or pump installation contractors shall file a CWRM-form titled, "Well Completion Report" with CWRM and Lessor within thirty (30) days of the well construction or pump installation completion. HAR §§13-168-12(e) & -13. Well Completion Report forms, as provided by CWRM, may be require the following information:

- (1) State well number;
- (2) Date of completion;
- (3) Tax map key;
- (4) Well head, top of casing, and ground elevations;
- (5) Method of construction;
- (6) Depths, diameters, and other dimensions of drilled hole;
- (7) Depths, diameters, dimensions, and types of casing and grouting;

- (8) Driller's log of water levels, depths, thickness, and drilling characteristics of sub-surface formations;
- (9) Pumping test record, including times, rates of pumping, drawdown of the water level, and chloride content of the pumped water;
- (10) Elevation of static water level or artesian head;
- (11) Water temperature;
- (12) Chemical analyses of a water sample drawn from the well; and
- (13) Other information as may be required by CWRM.

Lessee shall be solely responsible for ensuring well construction and pump installation(s) conform to the most recent Hawaii Well Construction & Pump Installation Standards, currently available at: <http://files.hawaii.gov/dlnr/cwrn/regulations/hwcpis04.pdf> (attached as Appendix "A").

Installation of pumps and pumping equipment shall be accompanied by the installation of devices to measure the amount of groundwater being withdrawn from the wells. HAR §13-168-14(b). Lessee shall be solely responsible for fines or other penalties imposed by CWRM for violations of well construction or pump installation standards and for consequent well contamination or ground water wastage. HAR §13-168-14(b), (d).

Water source inspection requirements:

Lessee shall comply with CWRM regulations requiring CWRM staff have free access to wells and their appurtenances at any reasonable time to inspect, test, obtain data, or investigate any matter connected with the intent and purposes of CWRM's well and water use rules. HAR §13-168-15.

Abandoning wells:

Lessee shall provide written notification to CWRM and Lessor of a declaration to abandon a well. Lessee shall also notify Lessor if CWRM determined Lessee's well(s) to be abandoned. Lessee shall be solely responsible for re-casing, cementing, plugging back, capping, or otherwise repairing the well or filling and sealing the well with cement in a manner approved by CWRM, expenses incurred in completing the required work, obtaining a well construction permit to complete the required work, and filing a "Well Abandonment Report" within thirty (30) days of completion with CWRM and Lessor. The "Well Abandonment Report" shall include the Lessee's name and address; the water use permit number, if any; the name and address of the well driller who performed the work; the reason for abandonment; a complete description of the work performed; and such other information required by CWRM. HAR §13-168-16.

Lease Transfer, Successorship, or Reversion:

Well development and improvements shall run with the lease in the even that the Lessee: (1) transfers the homestead lease in compliance with HAR §10-3-36; (2) terminates the lease and designates a successor in compliance with HAR §10-3-61; or (3) dies without designating a qualified successor and the lease reverts to Lessor under HAR §10-3-62.

Lot No. _____ Lease No. _____

Date: _____

Printed Name: _____

Signature: _____

DRAFT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 14, 2015

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Kaleo Manuel, Acting Planning Program Manager

SUBJECT: G-4 For Information Only – Saint Rita Church Draft Environmental
Assessment (DEA), Nānākuli, O‘ahu, TMK (1) 8-9-005:001, (1) 8-9-
007:002 (por.), and (1) 8-9-007:002: 004 (por.),

THIS SUBMITTAL ITEM WILL BE DISTRIBUTED UNDER SEPARATE COVER

ITEM NO. G-4

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 19-20, 2015

To: Chairman and Members, Hawaiian Homes Commission
Through: M. Kaleo Manuel, Acting Planning Program Manager
From: Bob Freitas, HHL Program Planner
Subject: For Information Only - Draft Final Environmental
Assessment for Kumu Camp Project, Anahola Kauai TMK
(4) 4-8-007:001

RECOMMENDED MOTION/ACTION

None; For Information Only

DISCUSSION

Purpose

To provide the Final Environmental Assessment (FEA) for the Kumu Camp Project in Anahola to the Hawaiian Homes Commission for review prior to declaring a finding of no significant impact at its next meeting and to share the project background and history.

Project Background and History

Kumu Youth Academy henceforth ("Kumu Camp") is located on 5 acres of an 8 acre Department of Hawaiian Home Lands (DHHL) property located immediately adjacent to Anahola Beach Park on TMK No. (4)4-8-007:001.

- A. The Kumu Camp project was started - On March 31, 2011 when DHHL approved a Revocable Permit for Community Based Recreational Use. On December 1, 2011 the Homestead Community Development Corporation (HCDC) submitted an Economic Development Grant Application for \$250,000.00 that proposed the design, finance, construction and operation of a kumu and youth academy at Anahola Bay

- along with several other Anahola development projects.
(Attachment A)
- B. On May 28, 2012 the HCDC submitted a land use request for the property. (Attachment B)
- C. On December 2013 HCDC provided a grant progress report covering the Community Economic Development Grant and confirmed the camping operations. (Attachment C)
- D. December 4, 2013 letter to HCDC regarding compliance with the terms of the grant agreement and other compliance issues. Note the project was expedited by not complying with rules and regulations and relying on verbal non-written agreements which have been subject to interpretation and has led to miscommunication between the parties. (Attachment D)
- E. April 4, 2014 memo from Disability and Communications Access Board Kumu Camp at Anahola Bay did not comply with HRS 103-50 regarding plan review for people with disabilities. (Attachment E)
- F. Note October 10, 2013 informal notice from Department of Health regarding wastewater system. Note DHHL letter on January 18, 2013 letter requesting compliance with county ordinances because the facility is open to the public and potential liability issues. (Attachment F)
- G. On August 29, 2013 DHHL sent a letter to the County informing them that HCDC is required to comply with county ordinances and rules. (Exhibit G)
- H. May 10, 2013 certified letter to cease and desist all construction and rental activities until the project is in compliance with terms and conditions outlined in letter. (Attachment H)
- I. November 29, 2013 final cease and desist letter requesting compliance with terms and conditions that HCDC had agreed to but failed to comply with. (Attachment I)
- J. March 19, 2014 letter to HCDC to comply with HRS Chapter 343 and prepare an Environmental Assessment within one year. Note after the fact assessment since development occurred without securing the necessary approvals. The objective was for HCDC to comply with all of the

necessary reviews and approvals for the Kumu Camp Project. (Attachment J)

K. December 17, 2014 the Chairman held an informational meeting at Kapaa Elementary School, Kauai to address community issues and included an update on the Kumu Camp Environmental Assessment. (Attachment K)

L. Delays in completing the Cultural Impact Study resulted in a request for an extension of time and on February 27, 2015 the Chairman approved a 90 day extension of time to complete the Environmental Assessment. (Attachment L)

Final Environmental Assessment

The FEA for the Kumu Camp Project which complies with HRS Chapter 343 was prepared for HCDC by Planning Solutions, Inc. and is included in your materials along with this submittal for your review.

Per Hawaii Administrative Rules (HAR) 11-200-11, the Draft Environmental Assessment (DEA) and Anticipated Finding of No Significant Impact (FONSI) are required to be published in the state Office of Environmental Quality Control "The Environmental Notice" bulletin (EN) for a 30-day public review and comment period. The DEA was published in the July 8, 2015 EN. Comments were received and responded to and are incorporated into the FEA.

Next Steps

- 1) The Final Environmental Assessment for the Kumu Camp Project will be submitted to the Hawaiian Homes Commission at it's next meeting in November 2015 for a declaration of FONSI.
- 2) A Beneficiary Consultation will be held in Anahola prior to the issuance of a long term disposition.

RECOMMENDATION

None; For Information Only

RECEIVED
AND MANAGED
DIVISION
2013 FEB 27 4:07 PM



COPY
ALBERT "ALAFANI" NAIHALE-A
CHAIRMAN
HAWAIIAN HOMES COMMISSION
ROBERT J. HALL
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1579
HONOLULU, HAWAII 96805

March 31, 2011

Ms. Robin Danner, President
Anahola Hawaiian Homestead Association
dba Homestead Community Development Corporation
P. O. Box 646
Anahola, Hawaii 96703

Aloha Ms. Danner:

Subject: Revocable Permit for Community Based Recreational Use
for TMK No. (4)~~2-8-002:025~~_{4 8 7 1}, Anahola, Kauai

The Land Management Division (LMD) of the Department of Hawaiian Home Lands (DHHL) has reviewed your request to use the subject property referenced above, and further delineated on the enclosed map under a month-to-month community based recreational purposes and for no other purposes whatsoever.

However, prior to seeking the approval of your request from the Chairman of the Hawaiian Homes Commission, we need to reach an agreement on the terms and conditions for permitting your use. In this regard, we propose the following:

1. The term of the permit shall be on a month-to-month basis for a permit not to exceed one (1) year, renewable annually on July 1st. 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 twenty-five (25) day advance written notice given by either party;
2. PERMITTEE shall be able to use the land for community based recreational uses and for no other purposes whatsoever and shall at all time practice good husbandry. No stockpiling of any material such as rocks, concrete, construction debris, green waste, and dirt shall be permitted. RESIDENTIAL USE IS STRICTLY PROHIBITED, however overnight camping is allowed for groups staying there for this purpose.
3. Monthly fee for the premises shall be set at \$20.00 or \$240.00 annually.
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 (\$40.00).
5. 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
EXHIBIT A

Mrs. Robin Danner, President
Homestead Community Development Corporation
March 31, 2011
Page 2 of 3

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.

6. PERMITTEE shall comply with all federal, state and county statutes, regulations, codes and ordinances applicable to PERMITTEE'S use of the premises;

7. PERMITTEE is aware that there are no utility services to the Premises and agrees to pay for all the costs of establishing utility services to the property and pay for all consumption of utilities on the Premises, should PERMITTEE'S use require such utility services;

8. PERMITTEE shall obtain PERMITTOR'S prior approval for any alteration of the topography except surface grubbing to remove vegetation. PERMITTEE shall be responsible for any flooding or erosion caused by PERMITTEE'S use or alteration of the property;

9. All substantial improvements, alterations, or additions installed or constructed on the land must be approved by DHHL.

10. Should PERMITTEE grub, remove trees or otherwise clear vegetation on the site, all such green waste shall be removed to an approved County disposal site;

11. Prior to vacating the Premises, PERMITTEE shall remove, at PERMITTEE'S sole cost, all of the PERMITTEE'S equipment, constructed improvements, trash, goods and materials and restore the area to a condition as good as or better than that which existed prior to PERMITTEE'S use. PERMITTEE shall also notify PERMITTOR to do a site inspection when PERMITTEE has completed removal;

12. PERMITTEE shall provide proof of and keep in full force a general liability insurance policy of no less than \$500,000.00 per occurrence, and \$1 million in the aggregate and an automobile liability insurance policy of no less than \$500,000.00 per occurrence, and \$1 million in the aggregate, if PERMITTEE operates any motor vehicle on the premises. DHHL shall be named as additional insured on the policy;

13. No permanent structure may be erected or placed on the land except tool sheds, irrigation systems, and landscape barriers which must be approved by DHHL;

14. PERMITTEE shall not stockpile junk, debris, trash, vehicles, boulders, dirt, etc. on the premises. Additionally, all natural resources now on the premises such as dirt, boulders, etc. shall not be removed from this site.

15. PERMITTEE shall keep the Premises neat and clean at all times and shall not allow its trash to spread to other surrounding areas;

EXHIBIT 2

Mrs. Robin Danner, President
Homestead Community Development Corporation
March 31, 2011
Page 3 of 3

16. PERMITTEE shall be responsible for the security of the Premises and all of PERMITTEE'S personal property thereon;

17. The revocable permit document is subject to the approval of the State of Hawaii Department of Attorney General; and

18. Other terms and conditions deemed prudent by the Chairman of the Hawaiian Homes Commission may be added.

If the terms and conditions contained herein and described above are acceptable, sign, date and return a copy of this letter together with the following to expedite the revocable permit process and your use of the premises:

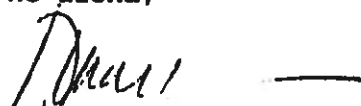
- Non Refundable Processing & Documentation fees \$175.00
- Security Deposit (an amount equal to two (2)-
months fee) \$40.00
- Total \$215.00**

- Certificate of Liability Insurance Copy

Although your return of the signed letter is not binding on either party, it will be used as a basis for drafting a document that will become binding once all the parties have signed.

If you have questions or need further clarification, contact Land Agent, Kaipo Duncan, at 808.620.9458 or email kaipo.duncan@hawaii.gov.

Me ke aloha,


Linda Chinn, Administrator
Land Management Division

Enc.

AGREED AND ACCEPTED:

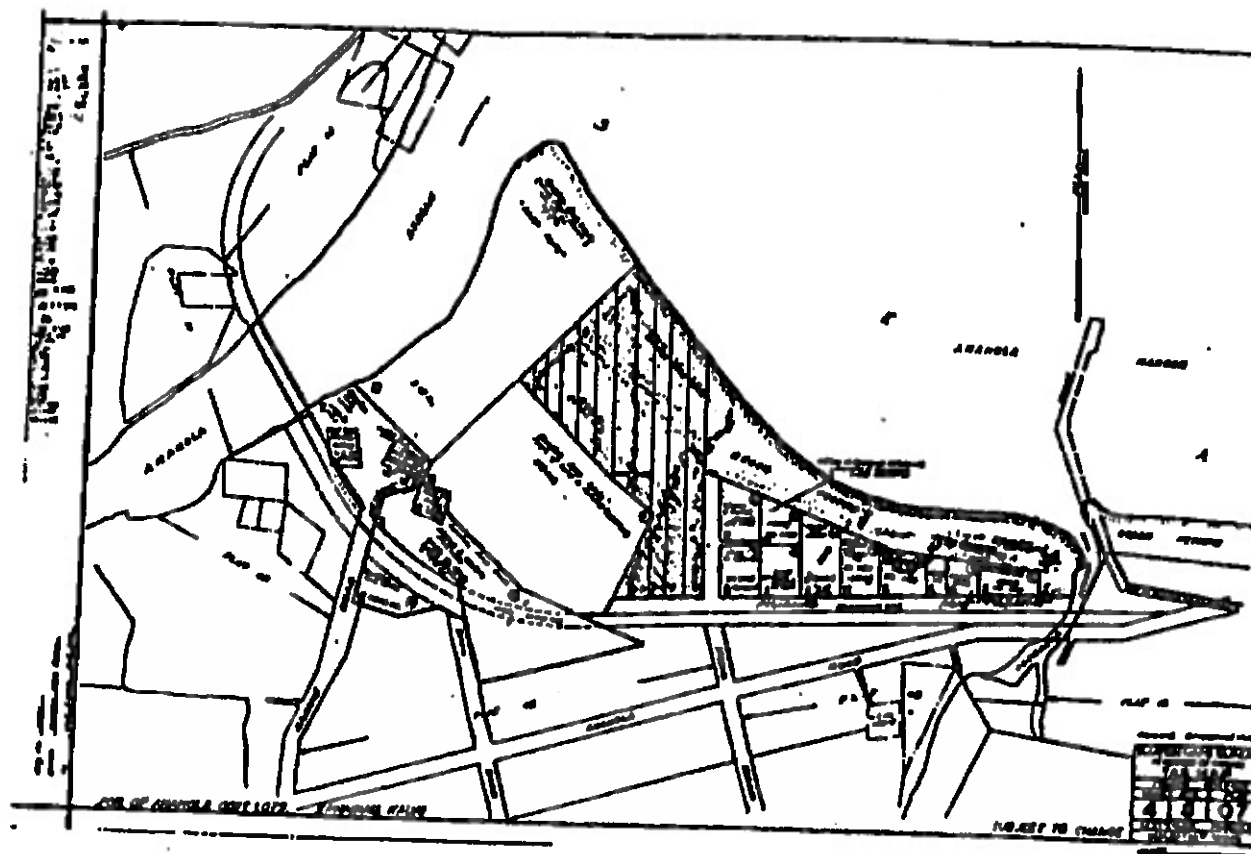
By: 

Robin P. Danner, President

6/01/11

Date

EXHIBIT A



467

EXHIBIT A

AHHA and HCDC understand regional growth as both an opportunity and an important time to develop sustainable community-based economic infrastructure.

The purpose of the Anahola Regional Community Economic Development Project (ARCED) is to initiate the planning and implementation of a variety of community development projects that will promote the economic development and self-sufficiency of Anahola, leverage new and existing resources to facilitate timely and comprehensive community-based growth, and engage the community to help ensure that regional growth aligns with the community's values and goals.

The key project deliverables, listed below, provide opportunities for all Anahola homesteaders – residential, agricultural, and pastoral lessees- making certain that Anahola homestead residents have access to knowledge and resources to grow their personal self-sufficiency and contribute to the growth of the community's economic, cultural and social vitality.

HCDC is requesting to receive an allocation for the regional planning grant award in the amount of \$250,000 for the Anahola region. Because the Anahola homestead consists of residential, agricultural, and pastoral lands, as does our open membership, our ARCED project submission encompasses all aspects of the homesteading intended under the HHCA, as well as the economic development activities described and encouraged under section 204 and section 207 of the HHCA.

Project Deliverables – HCDC will implement the Anahola Regional Community Economic Development Project (ARCED) to accomplish the following:

Regional Homestead Commerce Center. Plan, design, estimate costs and identify potential financing sources of an Anahola Homestead Commerce Center with components of the Anahola Town Center from the DHHL Regional Plan, and an emphasis on the needs of local lessees from the farm/pastoral lots, residential subdivisions and various revocable permittees in the Anahola region.

According to the 2008 DHHL Lessee Report by HUD Income Level compiled by SMS Research, 68 percent of DHHL lessees statewide believe that land should be set aside for the generation of financial revenue for DHHL and the community. Anahola's economic indicators, as discussed in detail above, support the need for local economic infrastructure and economic opportunities. The Anahola Homestead Commerce Center will provide a local economic engine that responds directly to the distinct needs of residential, agricultural, and pastoral lessees.

HCDC has been determined eligible to receive an allocation of up to \$10 million in New Market Tax Credit capital for facility construction and project improvements in the Anahola region. The ARCED project will fund the planning, design renderings and financial proformas required to apply for the federal tax credit capital.

Regional Kumu, Youth & Ranching Academies. Design and finance the development and operation of a kumu and youth academy at Anahola Bay, and a ranching academy in Moloaa.

HCDC has completed a land use plan and sustainable financing model to operate a family purposed academy to perpetuate culture, leadership and community responsibility at Anahola bay. The ARCED project will fund the initial staffing costs to establish the academy.

HCDC has initiated preliminary planning for a ranching academy in partnership with a local foundation to operate a ranching academy in Molokai. The ARCED project will fund the staffing costs to establish all planning and financing functions.

Regional Marketplace Micro-Finance. Develop the expansion of the Anahola Marketplace services to small vendors, to provide access to micro-capital for homestead-based producers, including farm lot lessees.

HCDC has identified relevant capital available for business and entrepreneurship to enhance homestead-based producers to improve economic opportunities in the homestead. The ARCED project will fund the application costs to attract capital, and establish the outreach and technical assistance to potential homestead applicants for the capital.

2. Organization Capacity (25pts.)

a. Leadership, management and staff capacity - Describe your organization, mission, history and accomplishments. Describe key personnel (including board, board committees, key advisors, project manager, staff, volunteers, consultants, etc.). Experience and professional qualifications relevant to the project type and past performance on project of similar size and scope for public agencies or private industry, including corrective actions and other responses to notice of deficiencies. Who will provide leadership (board, committee, staff) for this project, and why is this individual (or team) best suited for this leadership role?

About AHHA

The Anahola Hawaiian Homes Association (AHHA) has been organized in and for the Anahola homestead community since 1982. Over its 28-year history, AHHA has involved young and old, with an open membership focused on homestead families and individuals that love Anahola. The AHHA membership is open to residential, pastoral and agricultural lessees in the Anahola homestead region.

In 2003, AHHA embarked on the development of its first 10-Year Strategic plan, covering the period of January 2003 to December 2013. Since its adoption, AHHA has systematically focused on the implementation of four core and basic goals:

Goal 1: Acquire and Maintain a Permanent Office for AHHA

Goal 2: Implement Best Organizational Practices to Ensure a Healthy Association

Goal 3: Deliver Economic & Community Development Services in the Anahola Homestead

Goal 4: Develop Homestead/Trust Owned Facilities

AHHA is in its 7th Year since the adoption of its 10-Year Strategic Plan. These four goals have served the association well, and expanded its capacity to the delivery of significant and in many cases, first-

LRf 12-019
NM

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:

DHHL Land Request Form

1

Form created/updated by the Native Hawaiian Policy Center, Administered by CNHA 12/01/2011

EXHIBIT B

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. *Any, temporary structures*
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. *Traditional Hawaiian Architecture*
Elevation
manifest
- **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

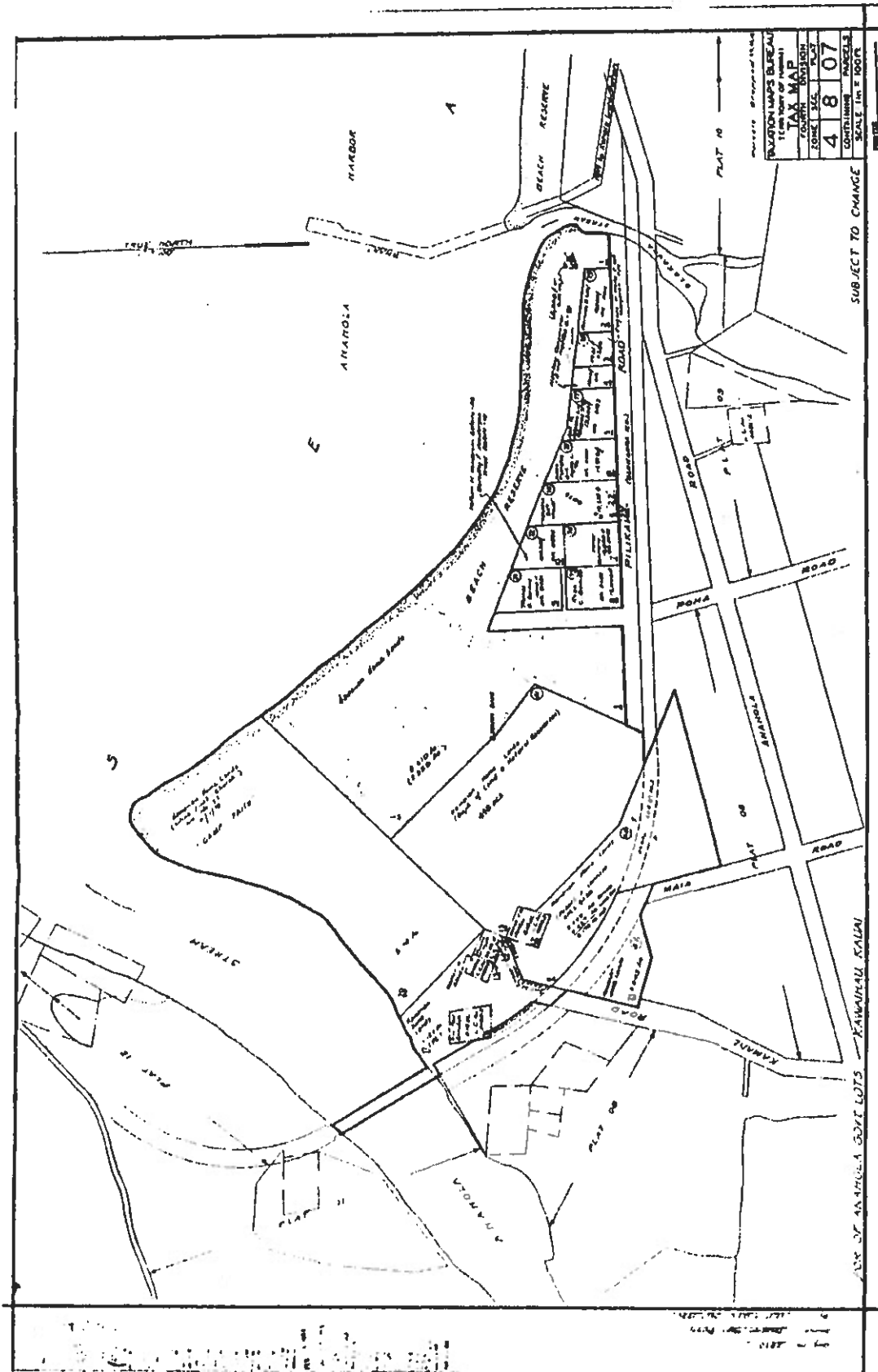
Over the last 12 months, the parcel in question has been issued to HCDC under a Revocable Permit in March 2011. The following has been accomplished during this time:

<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



Attachment A

Narrative Progress Report

Regional Economic Development Grant Purpose

This grant was awarded under the DHHL regional granting program established to dedicate up to \$250,000 to at least 20 regions in the state. This grant is dedicated to projects in the Anahola homestead region, and is administered by HCDC, the nonprofit CDC of the Anahola Hawaiian Homes Association, designated by the Hawaiian Homes Commission as the Regional Entity for Anahola in 2010.

The grant was applied for in 2010, resubmitted to DHHL in 2011 due to no action by DHHL during the year, approved in 2012, with a grant agreement executed in April of 2012.

Scope of Services & Progress Report

This submission describes the progress and accomplishments of the Regional Economic Development Grant by the grantee, HCDC. This report is organized based on the activities relevant to the scope of services contained in the grant agreement with short narrative statements that track HCDC's accomplishments:

- I. Completed - Regional Homestead Commerce Center.** Plan, design, estimate costs and identify potential financing sources of an Anahola Commerce Center with components of the Anahola Town Center from DHHL Regional Plan.
 1. **Coordinate Mapping of Center** – Deliverable: HCDC will have a map of an area to develop the Commerce Center by 9/12. **Completed**
 2. **Develop Preliminary Design Rendering** – Deliverable: HCDC will have a basic rendering of the Center and assignment of functional space, and list minimum water/waste water requirements by 6/13. **Completed**
 3. **Estimated Costs** – Deliverable: HCDC will have an estimate of cost for the Center and Infrastructure by 12/13. **Completed**
 4. **Potential Funding Sources** – Deliverable: HCDC will have a Funding Sources and Uses Table with a list of relevant and potential financing sources by 3/14.
 5. **Land Status** – Deliverable: HCDC will have site control. **Completed**
 6. **Comprehensive Project Report** – Deliverable: HCDC will have a report for AHHA leaders on the results of all deliverables by 3/14. **Completed**

New Progress to Report

- *Delivered comprehensive project report to homestead association*

Previous Progress Reported:

- *Received cost estimates and developed funding & sources matrix.*
- *Confirmation of site location as existing HCDC parcel in Anahola*
- *Developed and began populating funding matrix grid to track potential capital sources for predevelopment, development and operations.*
- *Researched Water/Waste Water Requirements*
- *Conducted community leadership sessions to identify types of facilities and map the area for a potential Commerce Center design*
- *Began dialogue on potential funding sources, including New Market Tax Credit eligibility confirmations*

- *Coordinated site visit with developer experts on site and project to begin dialogue to develop a master plan (design, infrastructure inventory, cost estimations, etc)*
- II. Completed - Kumu & Youth Camp and Ranching Academy.** Design and finance the development and operation of a Kumu/Youth Camp, and assess feasibility of a Ranching Academy in Moloaa.
1. **Functional Property Lay-Out - Deliverable:** HCDC will have a site plan and renderings of the Academy (temporary structures) by 6/12. **Completed**
 2. **Estimated Costs - Deliverable:** HCDC will have costs identified and sources of funding by 12/12. **Completed**
 3. **Coordinate Project - Deliverable:** HCDC will have completed all improvements through professional services and volunteers by 12/13. **Completed**
 4. **Operation of Kumu & Youth Academy - Deliverable:** HCDC will operate the Academy and publish annual reports. **Completed and Ongoing**
 5. **Outreach to Moloaa RP Holder - Deliverable:** HCDC will have defined goals that are mutually agreed upon with Moloaa RP Holder on a potential Ranching Academy by 12/12. **Completed**
 6. **Identify Potential Financing Sources - Deliverable:** HCDC will have a target list of any improvements that should be acquired and financing sources by 6/13. **Completed 07/12**
 7. **Project Profile - Deliverable:** HCDC will have a report on the status of the 300 acres of Moloaa lands that lays out the project results and potential options on a Ranching Academy by 12/13. **n/a - lands not available.**

New Progress to Report

- *Finalized last deliverable (#4). DHHL approved operation of Kumu while EA is completed.*

Previous Progress Reported:

- *Executed new RP provided by DHHL, awaiting final execution by DHHL*
- *Upgraded insurance requirements to meet DHHL new standards*
- *Received request from DHHL to review building permit requirements on tents and decks.*
- *Hired Surveyor to meet Special Management Area requirements on ocean front properties - to establish high water mark, and submit to State Surveyor*
- *Obtained county building codes to document permitting exemption on tents, and met with County officials on willingness to oversee compliance to code (verbally declined, requested jurisdictional decision in writing)*
- *Ordered temporary bathroom facilities.*
- *Purchased all campground equipment and various size tents.*
- *Requested conversion of RP to License, awaiting DHHL*
- *Installed kumu camp water meter - water is available*
- *Placed general liability insurance on property*
- *Completed and paid for Archeological study - distributed*
- *Established invoicing system with Canoe Club partner*
- *Updated site plan, with 3 phases - submitted to DHHL*
- *Developed consultation kit, distributed & conducted 4 community sessions*
- *Installed temporary port-a-potty on site*

- *Produced draft summary report of consultation*
- *Retained Kantai Realty to reach out to private owners at the beach*
- *Began dialogue with homeowners via email*
- *Met with and briefed the Mayor on project*
- *Met with and briefed Interim DHHL Director*
- *Coordinated construction of 10 Tentalo Platforms*
- *Finalized and submitted longer term land instrument request to DHHL*
- *Began financial proforma on capital costs, operating costs and operating revenue*
- *Received \$50,000 in private capital toward equipment and material costs*
- *Began outreach to youth groups and local schools to coordinate use in 2013*
- *Hired maintenance employee to secure and maintain site during evening hours*
- *Molokaa lands not available for ranch academy*
- *Completed initial site plan and layout*
- *Completed purchase of 20 Tentalo's from Molokai Ranch*
- *Requested water credits from DHHL to the property*
- *Coordinated archeological study proposal*
- *Partnered with local canoe club to leverage project funding, need to calculate budget increase*
- *Notified SIC to plan for internet connectivity to the site*

III. Completed - Regional Marketplace Micro-Finance. Develop the expansion of the Anahola Cafe & Marketplace services to small vendors, by providing access to micro-capital for homestead-based producers, including farm lot lessees.

1. **Identify Available Capital** – Deliverable: HCDC will have a target list of capital partners that are either serving the region, or have the potential to serve the region by 7/12.
Completed
2. **Engage Partnership** – Deliverable: HCDC will enter into an MOU to actively market micro-financing products to homesteaders, farmers and other regional vendors by 12/12.
Completed

New Progress to Report – None, as deliverable completed in last reporting period.

Previous Progress Reported: n/a

- *Document Marketing of lending product and results.*
- *Micro Enterprise Loan Program fully operational, several loans originated and funded to beneficiaries.*
- *Completed financing targets, successfully awarded grant for capital from Bank of Hawaii in the amount of \$30,000 and \$375,000 from U.S. Treasury CDFI Fund.*
- *Completed development of a Micro-Enterprise loan product for small businesses with loans of \$50,000 or less, and entered into MOU to market loans to homesteaders, farmers and regional organizations.*
- *Two loan applications received and in underwriting as initial pilot process to perfect system and application kit.*

IV. Internal HCDC Budget Report. The grant agreement establishes a draw down schedule of funds at four intervals of \$60,000 every 6 months and a final draw of \$10,000 at project completion with specific documentation of certain milestones provided:

- **Draw #1 Available April 2012 – Made May 1, 2012 for \$60,000**
 1. No Documentation Required
- **Draw #2 Available October 2012 – Made December 26, 2012 for \$60,000**
 1. Map of area for commerce center
 2. Site plan and renderings of Kumu Camp
 3. Target list of potential partners for Micro-finance product
- **Draw #3 Available April 2013 – Made April 5, 2013 for \$60,000**
 1. Rendering of commerce center
 2. Costs established for Kumu Camp
 3. Site identified for Ranch Camp
- **Draw #4 Available October 2013 – Made September 30, 2013 for \$60,000**
 1. Cost estimate for infrastructure of commerce center
 2. Sources and Uses funding schematic for commerce center
 3. Location for commerce center
 4. Funding sources & uses for Kumu Camp
 5. Active marketing of micro-finance product
- **Final Draw By February 2014 – TBD for \$10,000**
 1. Comprehensive homestead report on projects
 2. Operation of Kumu Camp & annual community report
 3. Ranching Camp report of potential partners – N/A

V. Report Summary

All three project goals have been completed (the Commerce Center, the Kumu Camp and the Micro-Enterprise Loan program). We are awaiting payment on invoice #4 and now the last payment #5.

VI. Compliance. HCDC certifies compliance, by indication of an X, for each of the following:

Compliance (1)	X	HCDC will perform and complete, in a proper and satisfactory manner, the "Scope of Activities" as identified in the Grant Agreement
Compliance (2)	N A	HCDC will submit a refund to DHHL of all unexpended funds
Compliance (3)	X	HCDC will submit a written authorization, for approval by DHHL, for expenditures of funds five percent (5%) above the amount specified for each line item in the budget found in Exhibit "C"
Compliance (4)	X	HCDC will submit by the 30 th day following the end of each quarter, a progress report detailing the activities undertaken toward the "Scope of Activities," as identified in paragraph 2 of the grant agreement, in accordance with the report guidelines provided in the DHHL Grants Administration Manual
Compliance (5)	X	HCDC will submit a final report in accordance with the report guidelines provided in the DHHL Grants Administration Manual
Compliance (6)	X	HCDC maintained accounts, records, and other evidence that can be verified for auditing purposes.
Compliance (7)	X	HCDC will maintain files, papers, receipts, reports, and other documents relating to the administration and management of the Scope of Activities for at least three (3) years after the date of the Final Project Report.
Compliance (8)	X	HCDC will provide DHHL with access to all grant-related records
Compliance (9)	X	HCDC will obtain prior approval from DHHL, to expend funds for the purchase of equipment, any article of tangible personal property that has a useful life of more than one year, with an acquisition cost of \$5,000.00 or more.

NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

DARRELL T. YOUNG
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

December 4, 2013

Mr. Kipukai Kualii, President
Homestead Community Development Corporation
PO Box 646
Anahola, Hawaii 96703

Dear Mr. Kualii:

SUBJECT: Regional Economic Development Grant, Contract No. 01201709

I am in receipt of a copy of Ms. Linda Chin's letter dated May 10, 2013 regarding various violations at Kumu Camp in Anahola, Kauai, which is the subject of Grant Agreement No. 01201709 between the State of Hawaii, Department of Hawaiian Home Lands and the Homestead Community Development Corporation. Among other requirements, the Grant Agreement requires HCDC to "comply with all federal, state, and county laws, ordinances, codes, rules, and regulations . . . that in any way affect [HCDC's] performance . . . " General Conditions at § 35. DHHL is investigating these violations and HCDC's compliance with the terms of the Grant Agreement.

This letter is to inform you that the department is withholding future payments on the above-referenced grant until HCDC's compliance with the terms of the Grant Agreement is confirmed.

If you have questions or require additional information, please feel free to contact me at (808)620-9513 or via email at Niniau.Simmons@hawaii.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Niniau Simmons", followed by a horizontal line.

Niniau Simmons, NAHASDA Manager

FILE
EXHIBIT "D"



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

TRANSMITTAL

DATE: 4 April 2014

TO: Wanda Zablan (Wanda.K.Zablan@hawaii.gov)
ADA Coordinator

FROM: Laurie Palenske
Facility Access Support Specialist

RE: Project(s) Not Submitted to DCAB

MESSAGE:

The following **project appears to be complete**. However, this project does not appear to have been submitted to DCAB for a plan review as required under HRS §103-50, along with the HRS §103-50 Document Transmittal Form <http://health.hawaii.gov/dcab/files/2013/01/HRS-103-50-Transmittal-Form-Dec-2012.pdf>.

- **Kumu Camp at Anahola Bay (see article attached)**

The HRS 103-50 states that all plans and specifications for the construction of public buildings, facilities, or sites by the State or any county shall be prepared so that the buildings, facilities, or sites are accessible to and usable by persons with disabilities. "Public buildings, facilities, and sites" means buildings, facilities, sites, and the infrastructure thereof that 1) are designed, constructed, purchased or leased with the use of any State or county funds; 2) house State or county programs, services, or activities that are intended to be accessed by the general public; or 3) are constructed on State or county lands to be transferred to the State or a county. The HRS 103-50 states that all agencies of the State and counties shall seek the "advice and recommendations" from the Disability and Communication Access Board on all plans and specifications to ensure conformance with the ADAAG and FHAAG, as well as any supplemental design guidelines established by the Disability and Communication Access Board.

Please coordinate with the project manager and design consultant to have the project submitted to DCAB.

If you have any questions, please call me at 586-8121 or email me at laurie.palenske@doh.hawaii.gov or if you have questions regarding the Plan Review Fee FAQ, please go to: <http://health.hawaii.gov/dcab/files/2013/01/Plan-Review-Fee-FAQ-Dec-2012.pdf>.

Thank you for your assistance.

Level 4

EXHIBIT "E"

Kumu Camp opens in Anahola

TheGardenIsland.com

~~FD~~ M

LP - checked it came in
looks like they did
construction
ENCLOSURE DHHL ADA
COURTNEY

Previous Next



anahola4.jpg

Contributed photos

After beginning to host youth groups in April, the nonprofit Kumu Camp in Anahola has officially opened to the public for overnight camping and day use.

| 0 comments

LIHUE — A new nonprofit campground on eight acres of beach at Anahola Bay is open to the public.

2012-119?

Developed by native Hawaiians from the Anahola Hawaiian Homes Association, Kumu Camp has been in the works since 2010, according to a release Tuesday.

"We've been hosting youth groups since April of this year on a limited basis with our closest partners and on a word-of-mouth basis," said Robin Danner, AHHA board member and camp manager. "Because it's pretty much been an all-volunteer campground, with much of the work and manning of the campground by our homestead members, we haven't felt comfortable until now in hosting campers."

Since dreaming up the idea four years ago, AHHA has spent over \$200,000, most of which came from donors and grants, according to Danner. The land was issued to AHHA by the Department of Hawaiian Home Lands in 2010.

"Most of the funding has been spent on materials, with almost all volunteers from the Hawaiian community doing the building and erecting of the tentalows and yurts on the property," Danner said.

Founded in 1982, AHHA is one of more than 30 homestead associations controlled by native Hawaiians eligible for lands set aside by the U.S. Congress in 1920 to be held in trust, similar to Indian reservations, for native Hawaiian homesteading.

Kipukai Kualii, an AHHA board member, said the community project is the prototype of how DHHL and the Hawaiian Homes Commission should partner with homestead associations to collectively utilize homestead lands for direct beneficiary rehabilitation.

"It's crucial now that DHHL and other government leaders allow local beneficiary organizations like ours this kind of direct access to and long-term use of our trust lands for the development of projects like Kumu Camp — whereby we're able to empower ourselves and bring real economic

and social value to our homesteads," he said.

The Anahola Bay site features fully furnished "tentalows," a cross between a tent and a bungalow, available year-round, along with hot water showers and bathroom facilities. There is also access to outdoor pavilions, various party tents, a yurt conference room, a mobile kitchen for large groups, beach volleyball, horse shoes, water sports, massage services, yoga classes and event catering from the nonprofit Anahola Cafe & Saimin Stand.

Kualii said the campground is great for youth or church groups, family outings or individual campers.

"I'm so proud of our Anahola Hawaiian Homes Association and thankful for the many volunteer hours put in," he said. "Together, in Kumu Camp, we have created a one-of-a-kind gem, tucked amidst the ironwood and naupaka in the center of our bay where you can't help but feel the soothing, even healing, mana of the sea breezes that blow through."

To date, Kumu Camp has hosted the Young Women's Christian Association, Kanuikapono Public Charter School, Ke Kula O Nawahiokalaniopuu School in Hilo, parent groups from Kalaheo and canoe clubs from Molokai and Oahu.

Danner said that while the opportunities offered at Kumu Camp are positive, the inspiration for the camp comes from a dark reality.

"That Hawaiian teens have one of the highest suicide rates, that our youth are challenged by drugs and staying in school," she said. "We want our youth from Kauai to have access to the joy of camping on the beach, being mentored by elders, by our lands, to draw strength and renewal, to face down the challenges and lift up their opportunities."

Danner said Hawaiian families from AHHA wanted to create a campground for families, youth, cultural practitioners and visitors to find renewal and laughter, as well as learn something new about Anahola and its people.

"For sure, Kumu Camp represents for us, as homestead families from Anahola, a place that we have kuleana for, that we can express our love for our lands, express our love for others on the island, and to express our appreciation to Ke Akua that we are still here," she said. "I think Kumu Camp is special because it's about us, doing for ourselves, and doing for others — a location that was meant to malama the soul."

Nightly rates for individual and group campsites range from \$20 to \$40, depending on the time of year. Private tentalows, which sleep up to three people, start at \$55 per night. Kamaaina, homestead and group discounts are available.

All camping fees will be used for upkeep of the campground and support for youth and cultural programs in the Anahola area.

NEIL ASHCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

In reply, please refer to
File

38201NOV-KUMUCAMP

October 10, 2013

Ms. Lorraine Rapozo, President
Anahola Hawaiian Homestead Association
P.O. Box 646
Anahola, Hawaii 96703

Dear Ms. Rapozo:

Subject: Informal Notice of Violation for
Unauthorized Construction of a Wastewater System
Kumu Camp at the Anahola Beach Retreat
4261 Poha Road
TMK: (4) 4-8-007: 001

On August 9, 2013, Department of Health ("DOH") staff investigated a wastewater complaint at the Kumu Camp at the Anahola Beach Retreat on the property at 4261 Poha Road and identified as TMK: (4) 4-8-007: 001, which we understand you lease and manage.

Department staff observed a comfort station was under construction and a septic tank installed. The septic tank outlet pipe was capped and not connected to a disposal leach field. The septic tank is therefore considered a holding tank because it has no outlet pipe. A review of our records noted no individual wastewater system (IWS) or holding tank was approved for construction by the DOH.

A single portable toilet was also noted on the campgrounds.

The situation described above violates Chapter 11-62, Hawaii Administrative Rules ("HAR") entitled "Wastewater Systems".

Section 11-62-08(b), HAR, states "No person shall construct or modify a wastewater system without the approval of the director..."

In addition, §11-62-06(f), HAR, states "No holding tank, except for public facilities, and no privy shall be used. No portable toilets shall be used for any permanent structure unless approved by the director."

Violation of these rules subjects the lessee of the property to penalties of up to \$25,000 per day.

EXHIBIT 
EXHIBIT 

Ms. Lorraine Rapoza
October 10, 2013
Page 2

You are hereby ordered to correct the violations by:

1. Hiring a licensed engineer to draft engineering plans and specifications for an IWS or a holding tank to serve the comfort station. The IWS or holding tank must be properly sized according to the anticipated staff and visitor count to your camp grounds. All septic tanks or holding tanks must meet International Association of Plumbing and Mechanical Officials (IAPMO) standards, IAPMO PS 1-93, per our rules. Submit the plans to the department's Wastewater Branch for review and approval;
2. Hire a licensed contractor to install your IWS or holding tank according to your engineer's plans;
3. Require your engineer to submit a final construction inspection report including As-Built drawings of the new IWS or holding tank to the department to obtain the director's final approval to use the system;
4. If a holding tank is approved for construction, submit to the DOH a copy of your pumping contract for the removal of the contents of the tank on a regular basis; and
5. Remove the unauthorized portable toilet upon completion of construction work.

Within 14 days after receipt of this letter, submit an affirmative action plan addressing the items above. The plan should also include a reasonable time schedule for compliance.

Failure to timely correct the problem including failure to write to the department will lead the department to seek further enforcement action including penalties for each violation noted.

The department reserves its right to take formal enforcement action and to seek penalties for all violations, including the ones described above, even if corrections are made.

Should you have any questions regarding this enforcement letter, please call Ken Muranaka of my staff in Honolulu at (808) 586-4294. Questions regarding submittal requirements for your IWS may be directed to Lori Vetter of our District Health Office at 241-3321.

Sincerely,



SP SINA PRUDER, P.E., CHIEF
Wastewater Branch

KMm

c Mr. Ted Bohlen, DAG (via email)
M. Lori Vetter, WB Engineer, Kauai (via email)
M. Jobie Masagatani, Director DHHL
M. Aipo Duncan, Land Agent, DHHL (via email)

EXHIBIT 

NEIL A. DERCROMBIE
GOVERNOR
STATE OF HAWAII



JORIE M. K. MASAGATANI
CHAIRMAN DESIGNATE
HAWAIIAN HOMES COMMISSION

MICHELLE K. KAHANE
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

January 18, 2013

Robin Puanani Danner, President
Homestead Community Development Corporation
2149 Lauwiliwili Street, Suite 200
Kapolei, Hawaii 96707

Dear Mrs. Danner:

Subject: Kumu Camp and Youth Academy, Revocable Permit No. 482,
Homestead Community Develop Corporation (HCDC),
Anahola, Kauai

On Monday January 14, 2013, Department of Hawaiian Home Lands (DHHL) staff conducted a site inspection of the Kumu Camp and Youth Academy (Kumu Camp).

It has been determined that in the best interest of all parties involved with Kumu Camp, that the building contractor obtain a building permit from the County of Kauai prior to the facility being open to the public.

This is mainly due to liability issues that may arise should someone get hurt while using the facilities or an extreme weather event such as a hurricane/tsunami strikes Kauai.

The requirement of a building permit in no way diminishes the support of the project by DHHL. We fully support Kumu Camp and believe it's in the best interest of area residents and the entire Kauai Community. DHHL just wants to ensure that the Kumu Camp is constructed in a way that is pono for everyone with ties to the development.

Mahalo nui loa for your attention to this matter. Should you have any questions or concerns regarding the Kumu Camp, please contact Land Agent, Kaipo Duncan, at (808) 620-9458 or kaipo.duncan@hawaii.gov.

Aloha,

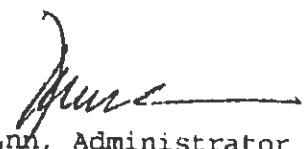

Linda Chin, Administrator
Land Management Division

EXHIBIT F



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1879
HONOLULU, HAWAII 96805

August 29, 2013

The Honorable Bernard P. Carvalho, Jr.
Mayor, County of Kauai
4444 Rice Street, Suite 235
Lihue, HI 96766

Dear Mayor Carvalho:

Subject: Compliance with County Building Code
Kumu Camp, Anahola, Kauai

Thank you for meeting with me and staff on June 21, 2013, to discuss various issues related to the Department of Hawaiian Home Lands.

This is to follow up on our discussion on the requirement to comply with County Building Codes on proposed developments on Hawaiian home lands.

Pursuant to Section 206 of the Hawaiian Homes Commission Act, 1920, as amended, the Department of Hawaiian Home Lands (DHHL) maintains its rights to zone Hawaiian home lands for uses deemed most appropriate in accordance with its planning process. DHHL does, however, require all users of Hawaiian home lands, whether under homestead leases, general leases, licenses, or month-to-month revocable permits, to comply with all County building codes for health, safety, and insurance compliance.

Homestead Community Development Corporation (HCDC) was required to comply with all federal, state, and county statutes, regulations, codes, and ordinances applicable to the use of the

The Honorable Bernard P. Carvalho, Jr.
August 29, 2013
Page 2

lands proposed for the Kumu Camp Project. DHHL notified HCDC in two separate letters requiring HCDC to obtain county building permits for the construction of the tentalows: on January 18, 2013, and on May 10, 2013. In the second letter, DHHL informed HCDC to cease and desist all construction and rental activities of the tentalows and associated improvements due to violations of the terms outlined in the letter of conditions that typically precedes issuance of a revocable permit. One of the violations was failure to obtain all proper county permits. Because HCDC remains in violation, no revocable permit to HCDC was issued.

I hope this clarifies our position regarding the requirement to comply with County building codes for construction of improvements. Should you have any questions, please call me at (808) 620-9501, or have your staff contact Linda Chinn, Administrator of our Land Management Division, at (808) 602-9451.

Aloha,



Jobie M.K. Masagatani, Chairman
Hawaiian Homes Commission

c: Kauai HHC Member

EXHIBIT G

NEIL ASERCROMDIE
GOVERNOR
STATE OF HAWAII



JOSE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

DARRELL T. YOUNG
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

May 10, 2013

bc: OCH/LMD Reading
LMD Staff: LC
All Commissioners

CERTIFIED MAIL
7010 3090 0000 5265 5562
RETURN RECEIPT REQUESTED

Ms. Robin Puanani Danner, Executive Director
Homestead Community Development Corporation
P. O. Box 646
Anahola, Hawaii 96703

Dear Ms. Danner:

Subject: Kumu Camp Development Violations, Homestead Community
Development Corporation (HCDC), Anahola, Kauai

This notice is to inform HCDC to cease and desist all construction and rental activities of the tentalows and associated improvements immediately until such time that DHHL has determined that all Terms and Conditions as agreed to on June 1, 2011, have been complied with.

The Department of Hawaiian Home Lands (DHHL) received numerous complaints regarding the construction of the Kumu Camp. The following is a list of the violations that need to be remedied prior to the issuance of the revocable permit and camp opening:

1) Violation Of Intended Purpose

Paragraph number 2 of the March 31, 2011, letter (see enclosed copy) stated that "Permittee shall be able to use the land for community based recreational uses and for no other purposes whatsoever...Residential use is strictly prohibited, however, overnight camping is allowed for groups staying there for this purpose."

DHHL received and reviewed a marketing video prepared for HCDC to solicit business. It is apparent that the camp is being offered for other uses than was intended. The agreement can be revoked for this violation.

EXHIBIT H

Ms. Robin Puanani Danner, Executive Director
May 10, 2013
Page 2

2) Compliance With Rules And Regulations:

Paragraph number 5 of the letter stated that "PERMITTEE shall comply with all federal, state and county regulations or requirements regarding environmental issues and safe handling and disposal of toxic or hazardous material...."

DHHL asked for a cultural survey of the site from HCDC. This is a necessity especially considering there have been allegations of iwi kupuna located there.

Paragraph number 6 of the letter stated that "PERMITTEE shall comply with all federal, state and county statutes, regulations, codes and ordinances applicable to PERMITTEE'S use of the premises."

It is the responsibility of HCDC to ensure that all permits are obtained prior to any construction activities. There has been construction of decks, trenching, grubbing, and recently the construction of bathroom facilities on the site without any County permits. In addition, some of these improvements are permanent structures that are prohibited under Paragraph 13 of the letter.

DHHL contacted the Kauai County Department of Planning. They stated that HCDC did not apply for a County Zoning/Building permit. Had this been done, it would have become apparent that you needed a clearing/grubbing permit, a shoreline certification, etc. This was HCDC's kuleana to fulfill all Federal, State, and County permit requirements similar to building a residence on DHHL lands.

In addition, DHHL is not exempt from the requirements of Hawaii Revised Statutes (HRS), Chapter 343, Environmental Assessment. Based on the construction activities so far, we may require an Environment Assessment (EA) be done prior to the facility opening to the public.

3) Plans And Specifications Not Forwarded To DHHL

Paragraph number 8 of the letter stated that "PERMITTEE shall obtain PERMITTOR'S prior approval for any alteration of the topography except surface grubbing to remove vegetation...."

Paragraph number 9 of the letter stated that "All substantial improvements, alterations, or additions installed or constructed on the land must be approved by DHHL."

EXHIBIT 11

Ms. Robin Puanani Danner, Executive Director
May 10, 2013
Page 3

Paragraph number 13 of the letter stated that "No permanent structure may be erected or placed on the land except tool sheds, irrigation systems, and landscape barriers which must be approved by DHHL."

No plans or specifications were submitted to DHHL for review and approval prior to construction. It is evident that permanent structures are being constructed and waterline trenched and installed prior to DHHL approval. Any improvements or alterations without prior approval are at the sole cost and risk of HCDC and DHHL is not responsible for any damage to or destruction of any such improvements or alterations or any personal property on the Premises.

4) Water Meter Not Paid For

Paragraph number 7 of the letter stated that "PERMITTEE is aware that there are no utility services to the Premises and agrees to pay for all of the costs of establishing utility services to the property and pay for all consumption of utilities on the Premises...."

DHHL allowed HCDC the use of a 5/8-inch water meter for this site under the condition that a payment of \$4,600.00 is paid. We have yet to receive payment.

5) Green Waste Not Disposed Of In A Proper Manner

Paragraph number 10 of the letter stated that "Should PERMITTEE grub, remove trees or otherwise clear vegetation on the site, all such green waste shall be removed to an approved County disposal site."

A recent site inspection conducted by DHHL staff showed large amounts of green waste piled on the camp grounds. This debris needs to be disposed of in a proper manner immediately. In its current condition, it is a fire hazard.

6) No Liability Insurance Submitted To DHHL

Paragraph number 12 of the letter stated that "PERMITTEE shall provide proof of and keep in full force a general liability insurance policy of no less than \$500,000.00 per occurrence, and \$1 million in the aggregate and an automobile liability insurance policy of no less than \$500,000.00 per occurrence...."

EXHIBIT H

Ms. Robin Puanani Danner, Executive Director
May 10, 2013
Page 4

To date, DHHL has not received a copy of your general liability insurance naming DHHL as additionally insured.

HCDC must cease and desist all prohibited activities and correct the violations described above. Please provide written verification, along with supporting documentation, that HCDC has corrected the violations, no later than June 3, 2013.

Failure to comply with this demand and failure to otherwise comply with the agreed-upon terms and conditions may cause delay or even denial in the issuance of the proposed revocable permit.

Mahalo for your immediate attention to this matter. Should you have any questions or concerns, please contact Land Agent, Kaipo Duncan, at (808) 620-9458 or e-mail: kaipo.duncan@hawaii.gov.

Aloha,



Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

Enc.

EXHIBIT 

NEIL ABERNETHY
GOVERNOR
STATE OF HAWAII



JUDICIAL K. MANAGATANI
CHAIRMAN
HAWAIIAN HOMES CORPORATION

DANIEL J. T. YOUNG
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

November 29, 2013

CERTIFIED MAIL
7010 3090 0000 5265 6118
RETURN RECEIPT REQUESTED

Mr. Kipukai Kualii, President
Homestead Community Development Corporation
PO Box 646
Anahola, HI 96703

Dear Mr. Kualii:

Subject: Non-Compliance with Letter of Conditions for
Kumu Camp, Homestead Community Development
Corporation (HCDC), Anahola, Kauai

The Department of Hawaiian Home Lands (DHHL) hereby directs the Homestead Community Development Corporation (HCDC) to IMMEDIATELY cease and desist all construction, tree trimming, and rental of the tentals on State land located at TMK No. (4) 4-8-007:001 (Por.) including land not issued to HCDC in front of fee simple property located on Pilikai Road (also known as "Kumu Camp" or "Anahola Beach Resort") so that HCDC can correct all violations of the Terms and Conditions of your Letter of Conditions.

Our letter dated May 10, 2013, instructed you to cease and desist all camping activity and construction on the Kumu Camp site. It was and remains our intention to provide your organization with every opportunity to achieve compliance with the original Letter of Conditions so that a Right of Entry might be issued to your organization.

DHHL acknowledges receipt of your response letter dated May 15, 2013. However, your response letter does not preclude you or

EXHIBIT 1

Mr. Kipukai Kualii
November 29, 2013
Page 2 of 4

your organization from addressing and correcting the issues identified by the Department. This letter shall serve as your final warning to cease and desist all activity on the property until the following issues have been addressed to the satisfaction of the Department:

1) DHHL land fronting Pilikai Road fee simple homes -
Enclosed is a map of the Kumu camp site in the highlighted cross hatched area (See Exhibit A). DHHL has received numerous complaints by residents who live on Pilikai Road and in the Anahola community that HCDC has been cutting/clearing trees, grass, plants, etc. on DHHL lands not issued under the Letter of Conditions to HCDC. Furthermore, it has been reported to the Department that HCDC and its affiliates are instructing people not to traverse on Poha Road or Hawaiian home lands fronting the Pilikai Road homes. These actions must stop immediately, and all personal property belonging to HCDC including a lunch wagon must be removed from Poha Road and in front of the homes. HCDC's personal property may be placed on the Kumu camp site outlined on the map. HCDC signed the permit document that clearly describes the cross hatched Kumu camp area on the TMK map.

2) Building Permits - Enclosed is a letter DHHL recently sent to Mayor Carvalho dated August 29, 2013 to clarify the County's oversight and regulatory authority on Hawaiian Home Lands (See Exhibit B). HCDC is required by DHHL to comply with the county's building codes and ordinances, including but not limited to its wind rating requirements for structures.

3) Department of Health (DOH) informal notice - DHHL has recently been copied on a notice from the DOH to you dated October 10, 2013, regarding an illegal sewer system that was installed at the Kumu Camp site (See Exhibit C). We also are in receipt of HCDC's response letter to the DOH dated October 18, 2013. We are awaiting DOH's reply to your response to them and whether they approve or deny your proposed timeline for compliance. Please note that failure to successfully comply with the DOH requirements will result in the non-issuance of a Right of Entry.

EXHIBIT 1

Mr. Kipukai Kualii
November 29, 2013
Page 3 of 4

4) Shoreline Management Area - In addition to obtaining the required County of Kauai building permit approvals, HCDC must obtain a Shoreline Management Area (SMA) permit for the structures. The SMA process will also require HCDC to conduct an Environmental Assessment. All homestead associations conducting beachfront projects must comply with these same requirements.

5) Boat docking - DHHL is also aware that HCDC was recently awarded a grant to purchase a boat and conduct tours and excursions of Anahola river. Please note that if the boat is not parked on the Kumu Camp site, you will need authorization to park it on other DHHL lands not delineated by the area shown in Exhibit A, or HCDC needs to obtain permission from the Department of Land and Natural Resources (DLNR) Boating Division to park the boat in Anahola River.

6) Water meter payment - Enclosed is a letter dated June 18, 2012 requiring HCDC to submit payment in the amount of \$4,600 to DHHL for the use of one (1) water credit (See Exhibit D). We are aware that Kauai County has installed one (1) water meter to the camp site. Please remit payment of \$4,600.00 for use of the credit to DHHL immediately.

We acknowledge the care and aloha you and your volunteers have for the youth and community of Anahola. Nonetheless, HCDC must still comply with all DHHL requirements and applicable laws and regulations.

Without waiving any rights or remedies, DHHL is providing HCDC the opportunity to cure the above-referenced violations so that it may be eligible for a month-to-month right of entry to the premises. To take advantage of this opportunity, HCDC must cure the above-referenced violations by 5:00 p.m. on Friday, December 31, 2013. Unless and until HCDC cures the violations, it must cease and desist all non-remedial activities on the premises.

If HCDC does not cure the violations by the above date, DHHL will pursue all available remedies that may include, but are not limited to, seeking a writ of possession for the premises

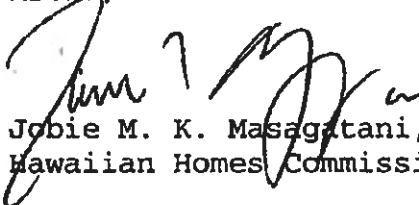
EXHIBIT: 1

Mr. Kipukai Kualii
November 29, 2013
Page 4 of 4

Please note that the Department would like to work with you as your organization seeks compliance with the above matters to be eligible for the issuance of a Right Of Entry (ROE) permit. In addition, the County of Kauai has also agreed to help facilitate a meeting with HCDC, DHHL staff, and others to help identify key milestones and deliverables that must be met by HCDC to achieve compliance with County requirements. If you desire to participate in such a meeting, please contact me at the number listed below immediately so that we may coordinate this meeting as soon as possible.

Mahalo for your prompt attention to this matter. Should you have any questions or concerns please contact my Deputy, Darrell Young, at (808) 620-9502 or e-mail: darrell.t.young@hawaii.gov.

Aloha,



Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

Enc.

EXHIBIT 1



**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P O BOX 1879
HONOLULU HAWAII 96805

March 19, 2014

Mr. Kipukai Kualii, President
Homestead Community
Development Corporation
P.O. Box 646
Anahola, Hawaii 96703

Dear Mr. Kualii:

Subject: Determination of Exemption Status, Environmental
Review (HRS Chapter 343), After-the-Fact
Improvements at Anahola Beach Retreat/Kumu and
Youth Academy, Poha Road, TMK: (4)4-8-007:001
(portion), Anahola, Kauai, Hawaii

The Land Management Division and the Planning Office have jointly reviewed the after-the-fact structures, uses, and activities of the Anahola Beach Retreat/Kumu and Youth Academy as described by the Homestead Community Development Corporation (HCDC) and the Anahola Hawaiian Homes Association (AHHA) in your letter of January 24, 2014, and in various email communications. The project is comprised of ten (10) "tentalow" units, 20' x 12', described as "high end camping Tentalows with Queen or Twin size beds, complete with private hot-water showers;" a 24' x 16' restroom and an Individual Wastewater Treatment System (IWS) without leach field, that has been capped and used as a holding tank; and a 24' by 36' pavilion with temporary roof, two yurts, miscellaneous storage structures, and solar-powered pathway lighting.

Activities and facilities currently being offered via the website (<http://www.anaholabeachretreat.org>) include the following: outdoor pavilion, various sized party tents, a yurt conference room, a mobile certified kitchen for large groups, beach volleyball, horse shoes, water sports, massage services,

EXHIBIT 4
EXHIBIT 5

Mr. Kipukai Kualii
March 19, 2014
Page 2 of 4

hula and yoga classes, and catering services. The tentalows and pavilion are on unsecured post-and-pier foundations in sandy areas, and there has been ground disturbance for installation of the IWS.

Activities on Hawaiian home lands are subject to Hawaii Revised Statutes, Chapter 343 Environmental Review, based on the decision in the 1998 Hawaii State Supreme Court case *Kepo'o v Watson*: "Chapter does not conflict with Hawaiian homes commission act, has only incidental impact on Hawaiian home lands, and is not inconsistent with interests of the beneficiaries; thus, chapter applies to Hawaiian home lands." 87 H. 91, 952 P.2d 379. The project triggers an Environmental Assessment (EA) based on the following:

§343-5 Applicability and requirements. (a) Except as otherwise provided, an environmental assessment shall be required for actions that:

(1) Propose the use of state or county lands or the use of state or county funds...;

(3) Propose any use within the shoreline area as defined in section 205A-41:

"Shoreline area" shall include all of the land area between the shoreline and the shoreline setback line and may include the area between mean sea level and the shoreline; provided that if the highest annual wash of the waves is fixed or significantly affected by a structure that has not received all permits and approvals required by law or if any part of any structure in violation of this part extends seaward of the shoreline, then the term "shoreline area" shall include the entire structure.

Based on Chapter 343 HRS and Chapter 11-200 HAR, specifically HAR Sections 11-200-8(A) and 11-200-8(B), the project is not eligible for an exemption from preparation of an Environmental Assessment. Actions that are exemptible and would have minimal or no significant impact on the environment when occurring in isolation, may, when evaluated along with multiple

EXHIBIT 14
EXHIBIT J

Mr. Kipukai Kualii
March 19, 2014
Page 3 of 4

other actions on the same site (as is required by Chapter 343), have a cumulative impact; therefore, the project as a whole cannot be exempted.

Additionally, an exemption cannot be granted "... when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment." Sensitive areas may include, but are not limited to, significant historical, archaeological, and cultural sites; flood plains, wetlands, beaches, coastal areas, erosion-prone areas, geologically hazardous land, critical habitats, and estuaries. The after-the-fact structures are in or in close proximity to a sensitive coastal and estuarine environment (including but not limited to the Special Management Area, shoreline area, coastal dune system, and the Anahola River). The project also includes excavation for new IWS and placement of unsecured structures and small propane tanks in a tsunami inundation zone and an area within 500 feet of the shoreline which is subject to coastal hazards. According to the Department's Exemptions List for HRS Chapter 343, the project is not covered by any of the approved exemption categories. As stated above, while relatively minor when taken individually, under HRS Chapter 343, these improvements constitute multiple new facilities and structures.

The Department has also examined other approved Exemption Lists, including the lists for the Department of Land and Natural Resources (DLNR) and the Kauai County Parks and Recreation Department, and determined, in consultation with the Office of Environmental Quality Control (OEQC), that because of the extent of the project taken as a whole, as well as the sensitivity of the site's location and its after-the-fact nature, an exemption from preparation of an Environmental Assessment cannot be supported.

In addition, if the project has received federal funds, it is subject to National Environmental Policy Act (NEPA) requirements. We understand that a boat as well as water quality testing kits were purchased with the National Oceanic and Atmospheric Administration (NOAA) funds and water quality testing of the Anahola River is being conducted. If NOAA has granted this portion of the project a categorical exclusion from

EXHIBIT 4
EXHIBIT 5

Mr. Kipukai Kualii
March 19, 2014
Page 4 of 4

the need to prepare an Environmental Assessment, please provide the Department with a copy of this exclusion.

Please also provide the Department with a copy of any Shoreline Setback Determination (SSD) or other completed applications submitted to the County of Kaua'i Planning Department, and any correspondence or other communication between you and the County regarding a setback determination.

To summarize, HCDC will need to:

1. Prepare an Environmental Assessment per HRS Chapter 343, covering the project in its entirety and including documentation of community meetings, a cultural impact assessment, and a pre-consultation phase;
2. Submit to DHHL a categorical exclusion from preparing an EA per NEPA; and
3. Submit to DHHL an original copy of the State-certified shoreline survey and a shoreline setback determination, and any other communication with County of Kauai Planning Department.

These actions must be completed within one year of the date of this letter. If you have any questions or need more information, please contact Kaipo Duncan of the Land Management Division at (808) 620-9458 (Kaipo.Duncan@hawaii.gov) or Kaleo Manuel of the Planning Office at (808) 620-9485 (Kaleo.M.Manuel@hawaii.gov).

Aloha,



Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

c: Linda Chinn, Land Management Division
Kauai District Office

EXHIBIT 6
EXHIBIT 5

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

DARRELL T. YOUNG
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

December 8, 2014

Dear Anahola Beneficiaries:

The Department of Hawaiian Home Lands (DHHL) invites you to attend an informational meeting and beneficiary discussion on a few issues of importance in the Anahola community.

Items to be discussed include:

- The County of Kauai's proposed renewal of license for Anahola Hawaiian Homes Park
- The County of Kauai's proposed large events parking in Kapaa located across Kahau Street from the Kapaa New Town Park
- Glover Honsador's storage of road and construction material in Anahola located off of Kealia Road and proposed relocation to an alternate site.
- Update and status of Kumu Camp located near the Anahola River mouth off of Poha Road in Anahola Village.
- Other community items as time permits

We will conduct the informational meeting to give you an opportunity to provide your feedback and input on the above matters. The meeting will be held at:

PLACE: KAPAA ELEMENTARY SCHOOL
DATE: Wednesday, December 17, 2014
TIME: 5:30 p.m. to 7:30 p.m.

We hope you will make time to attend and participate. Should you have any questions or require further information, please contact DHHL Land Management Division (LMD) staff, Kaipo Duncan, at telephone: (808) 620-9458 or via e-mail at kaipo.duncan@hawaii.gov.

Aloha,


A handwritten signature in black ink, appearing to read "Jobie M. K. Masagatani".
Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission


EXHIBIT
EXHIBIT

DEPARTMENT OF HAWAIIAN HOME LANDS
Planning Office

February 27, 2015

TO: Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

THROUGH: M. Kaleo Manuel, Acting Planning Office Manager 

FROM: Bob Freitas, Planner 

SUBJECT: Request for a 90 day extension of time to complete a
Chapter 343 Environmental Assessment for the Kumu Camp
project, located at Anahola, Kauai, Hawaii.

Recommended Action

That the Chairman authorize a 90 day extension of time to complete the environmental assessment required under HRS Chapter 343 for the Kumu Camp Project located in Anahola, Kauai, Hawaii.

Discussion

On March 19, 2014 a letter was sent by the Department to the President of the Homestead Community Development Corporation (HCDC) requiring that an environmental assessment be completed for the Kumu Camp Project and that it be completed within one year. (copy of letter attached)

The HCDC hired Planning Solutions, Inc. a Honolulu based planning firm which is experienced in preparing environmental assessments. The Principal Planner is Mr. Makena White. DHHL's Planning staff has held periodic status meetings from the fall of 2014 to the present. In January of 2015 it looked like they would complete the assessment on time. During the February status meeting there was a concern that the Cultural Impact Study may not be completed on time which could delay the environmental assessment.

On February 20, 2015 HCDC submitted a letter requesting that a 90 day extension be granted to complete the environmental assessment. The extension if granted would expire on June 17, 2015. (Letter is attached)


EXHIBIT 
EXHIBIT 6

Ms. Jobie M. K. Masagatani
February 27, 2015
Page 2

The request for a 90 day extension appears to be reasonable based on conversations with Mr. Makena White. The area is rich with cultural resources and a thorough Cultural Impact Study is necessary to complete the environment assessment.

Planning Staff respectfully requests approval of a 90 day extension of time.

☒ Concur



Jobie Masagatani, Chairman
Hawaiian Homes Commission

Attachments

EXHIBIT 1
EXHIBIT 1

NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

WILLIAM AILA JR.
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P O BOX 1879
HONOLULU, HAWAII 96805

March 16, 2015

Mr. Kipukai Kualii, HCDC President
Ms. Robin Danner, HCDC Executive Director
Homestead Community Development Corporation
P.O. Box 646
Anahola, Hawaii 96703

Dear Mr. Kualii and Ms. Danner:

Subject: Request for a 90 day extension of time to complete a Chapter 343 Environmental Assessment for the Kumu Camp project

Congratulations the request for the 90 day extension has been approved.

I am transmitting a copy of the approval document for your records.

The new date is June 17, 2015 which will provide you additional time to complete the Draft EA.

If you have any questions, please call me at (808) 620-9484.

Aloha,

A handwritten signature in black ink, appearing to read "Bob Freitas".

Bob Freitas
Planning Office
Community Liaison

Attachment

EXHIBIT CLP
EXHIBIT L



Date: February 20, 2015

To: Department of Hawaiian Home Lands
Bob Freitas, Planning

Fr: Kipukai Kualii, HCDC President & Chair of AHHA Board
Robin Danner, HCDC Executive Director & Managing Director of AHHA Board

Re: Environmental Assessment for Kumu Camp Project

Aloha!


It was wonderful to be able to sit through the Environmental Assessment request by DHHL this past week to achieve a FONSI for the Waimea Hawaiian Homestead Association! Thank you Bob, for touching bases with us on the next steps for our own EA for our Kumu Camp project.

As discussed and recommended by DHHL, please accept this memorandum as a request for a time extension beyond our original target date of March 19, 2015, to complete our EA. The draft is complete, with the exception of incorporating the results of the Cultural Impact Assessment, more specifically, the extraordinary kūpuna interviews about the area.

We respectfully request an extension to July 17, 2015 to allow us some additional time to complete the Draft EA for review by the Department of Hawaiian Home Lands. Depending upon how long DHHL's internal review takes, and the nature of any comments that are received, this could push issuance of a FONSI to late in the year.

The reason for a 120 day extension request is that HCDC and its parent organization, Anahola Hawaiian Homestead Association (AHHA) doubled the number of community dialogue and status meetings regarding the project. In addition, the rich historical knowledge of a small number of kūpuna still living in the area was highly desired to be included in the assessment.

Mahalo again, for working with us on this important aspect of one of our projects funded under the DHHL Regional Economic Development grant program!


HCDC President


HCDC Executive Director

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
OCTOBER 19 & 20, 2015
LIHUE, KAUA'I

AGENDA SECTION J

GENERAL AGENDA

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 14, 2015

TO: Chair and Members, Hawaiian Homes Commission
SUBJECT: Request to Address the Commission – **HAROLD VIDINHA, Contamination and Residence Issues.**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Vidinha wishes to speak to the Commission regarding Contamination and other issues regarding his residence.

ITEM NO. J-1



"Sending for Harold Vidinha" add to agenda
koloaboy
to:
hhc.secretary
09/30/2015 02:44 PM
Hide Details
From: <koloaboy@hotmail.com>
To: hhc.secretary@hawaiianhomelands.org,

History: This message has been replied to.

Ms. Secretary

Please add Harold Vidinha to the agenda for the October meeting on Kauai. He wants to address contamination and problems occurring at his residence. Please confirm with letter and email.

Mahalo

Harold Vidinha

PO Box 1121

Kekaha, HI 96752

Sent by Outlook for Android

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 14, 2015

TO: Chair and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **AGNES MARTI-KINI, President KAF Hui, Anahola Farmer's Market Place Lot #11, Unit 2.**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Ms. Marti-Kini wishes to speak to the Commission regarding the Anahola Farmer's Market.

ITEM NO. J-2



HHC Kauai Meeting Agenda Request
Agnes Marti-Kini to: Leatrice.W.Burrows-Nuuanu

09/29/2015 08:30 AM

History: This message has been replied to.

Aloha e Leatrice,

Mahalo for the response to my recent email. I am requesting, as President of the KAF HUI, that I be added to your Kauai Meeting Community Agenda "J" in regards to our Anahola Farmer's Market Place Lot# 11 Unit 2 on Hokualele Rd. in Anahola. Also, to express our concerns regarding our Water Tank and possible solutions to save the DHHL and our beneficiaries money. Please inform me of your acceptance to our request.

Mahalo Nui Loa,
Agnes Marti-Kini
KAF HUI President

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 14, 2015

TO: Chair and Members, Hawaiian Homes Commission
SUBJECT: Request to Address the Commission – **JOHN KAOHELAULII, Kaua'i
Agricultural Homestead Program**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Kaohelauii wishes to speak to the Commission about the Agricultural Homestead Program.

ITEM NO. J-3



Re: HHC Contact: To Commission Secretary

John Kaohelauii to: Leatrice.W.Burrows-Nuuanu@hawaii.gov

Please respond to John Kaohelauii

09/29/2015 02:03 PM

Aloha Leah,

I would like to submit the requested information now.

As a beneficiary on the Kauai Ag wait list, I would like to talk about the restarting agricultural homestead program. For the past three years I have been asking about the agricultural homestead program, mostly to staff. I feel it is time to ask the commissioners directly.

Thank you for your time,

Mahalo, John Kaohelauii

On Tuesday, September 29, 2015 12:16 PM, "Leatrice.W.Burrows-Nuuanu@hawaii.gov" <Leatrice.W.Burrows-Nuuanu@hawaii.gov> wrote:

Aloha Mr. Kaohelauii,

Mahalo for your request. I will add you to the J Agenda for Tuesday, October 20th, 2015. Please email me a brief description of the topic you'll be discussing. Approximately a week prior to the meeting, I'll email you a confirmation of your J agenda listing as well as a meeting agenda and other logistical information regarding the meeting.

Mahalo,

Leah Burrows-Nuuanu

Hawaiian Homes Commission

Department of Hawaiian Home Lands

91-5420 Kapolei Parkway

Kapolei, HI 96707

Phone: 808 620 9504/ Fax: 808 620 9529

Email: Leatrice.W.Burrows-Nuuanu@hawaii.gov

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From: John Kaohelauii <kauaitourdriver@yahoo.com>

To: Leatrice.W.Burrows-Nuuanu@hawaii.gov,

Date: 09/29/2015 11:29 AM

Subject: HHC Contact: To Commission Secretary

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 14, 2015

TO: Chair and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission -- **SHANE COBB-ADAMS**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Cobb-Adams wishes to speak to the Commission about the Anahola Water System, Kumu Camp EIS, and the Anahola Master Plan

ITEM NO. J-4



kauai meeting

Shane K

to:

Leatrice.W.Burrows-Nuuanu

09/30/2015 12:19 PM

Hide Details

From: Shane K <manoa5000@gmail.com>

To: Leatrice.W.Burrows-Nuuanu@hawaii.gov,

History: This message has been replied to.

Aloha, I would like to be included in the J agenda for the kauai meeting. there are several community issues which i would like to address that are relevant to current discussions ongoing at DHHL including water works on the anahola water system, kumu camp EIS and known burials, and longterm plans for the anahola master planned community.

Malama Pono,

Shane Cobb-Adams

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 14, 2015

TO: Chair and Members, Hawaiian Homes Commission
SUBJECT: Request to Address the Commission – **JEFF GILBREATH, Executive Director, Hawaiian Community Assets.**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Gilbreath wishes to speak to the Commission about Accessory Dwelling Units.

ITEM NO. J-5



200 North Vineyard Boulevard, A300
Honolulu, HI 96817
Ph: 808-587-7886
Toll Free: 1-866-400-1116
www.hawaiiancommunity.net

September 14, 2015

RE: Accessory Dwelling Unit – Placement on October Agenda

Aloha c Director Masagatani,

I am writing on behalf of Hawaiian Community Assets, Architects Hawaii, Hunt Moss Construction, Hawaii Appleseed, Hawaiian Community Development Board, the Council for Native Hawaiian Advancement, and Hawaiian Home Lands beneficiaries to request placement of Hawaii's first Accessory Dwelling Unit (ADU) building plan for approval during the October 22nd Hawaiian Homes Commission Meeting. This request is made in light of the passing of historic ADU legislation by the City and County of Honolulu and the drive of a Waimanalo beneficiary to build an ADU to house her father and in so doing, demonstrate a possible solution for thousands of native Hawaiian beneficiaries seeking affordable housing.

On September 14, 2015 City and County of Honolulu Mayor, Kirk Caldwell, signed into law, Bill 20 which allows for the development of detached and attached ADUs as a tool to address our growing homeless epidemic, overcrowding, and pent up demand for affordable housing among Oahu's low- and moderate-income families. The first individual to apply for a detached ADU was Kahaunani Mahoe-Thoene, a 4th generation native Hawaiian lessee from Waimanalo who plans to build a 400 square foot ADU for her father so he can live out his days on the family's property and with his grandchildren by his side. The ADU Ms. Mahoe-Thoene will be building is based on a design developed by Architects Hawaii in partnership with Hawaii Appleseed and the Hawaiian Community Development Board. The general contractor for the project is Hunt Moss Construction. Hawaiian Community Assets has provided financial education and counseling to prepare the family and will work with the Council for Native Hawaiian Advancement and Hawaii Community Lending to secure financing for construction. Overall, the project is a testament to the power of broad based partnerships in addressing affordable housing as one of the most pressing issues our island communities face.

In addition to the ADU providing the Mahoe-Thoene family this opportunity, we believe the benefits of ADUs will have a profound and positive impact not just on the well-being of our families, but also on the health of our Oahu Hawaiian Homestead communities, the State Department of Hawaiian Home Lands, and the State of Hawaii in general. The State Department of Hawaiian Home Lands, in its role as the Hawaiian Home Lands Trust agent, has a unique opportunity to take advantage of these benefits, ensuring that thousands of native Hawaiian beneficiaries get the chance to secure affordable housing and their rightful place on Hawaiian Trust Lands. The benefits of ADUs include the following:

- **ADUs create rental housing:** On Oahu, the greatest need is for affordable rental housing, but the private market has failed to create rental units. ADUs are a straightforward way to add to our affordable rental housing inventory without government subsidies, since homeowners cover the cost of development. The rents charged for ADUs are often affordable to low and moderate income renters.
- **ADUs provide a flexible housing option:** Secondary units have long been used on Oahu as ohana dwellings and are ideal for intergenerational living. But while ohana units help adult children and aging parents to afford rental housing, the ban on rentals to non-relatives means that ADUs are limited in their usage. Allowing rentals to non-family members will ensure that ADUs benefit homeowners in all phases of life, including when they do not have family members in need of housing but still need stabilizing income. This also adds units into the general housing stock. Greater flexibility will encourage ADU production because homeowners know that they and future owners can use them long-term.
- **ADUs help homeowners afford their homes:** ADUs provide an additional source of income, helping homeowners afford their own homes—they are better able to pay their mortgages, property taxes, and other expenses.
- **ADUs enable aging in place:** Rental income supports elders on fixed incomes, helping them to stay in their homes. ADUs can house caregivers and promote safety by having another person live on-site.
- **ADUs promote sustainability:** They help to prevent urban sprawl while still maintaining neighborhoods' character, and because of their smaller size, they use less energy.
- **ADUs support the local economy:** Developing ADUs creates work for local builders and contractors, increases sales of construction materials, and provides ongoing government support through property taxes.
- **Regulated ADUs benefit tenants and the community:** Allowing and regulating ADUs will promote units that are code-compliant and that owners pay relevant fees, such as sewer fees, and GET on rental income.

In closing, our coalition of financial institutions, housing counseling agencies, architects, general contractors, housing developers, and affordable housing advocates requests placement of Hawaii's first Accessory Dwelling Unit (ADU) building plan for approval during the October 22nd Hawaiian Homes Commission Meeting. By approving this request, the Hawaiian Homes Commission will embrace this historic piece of legislation and begin the process for the State Department of Hawaiian Home Lands to utilize ADUs as a part of its comprehensive housing plan for native Hawaiian beneficiaries.

Please do not hesitate to contact me directly at 808.87.7653 or via email at jeff@hawaiiancommunity.net should you have any questions, concerns, or need clarification on our request.

Mahalo nui loa for your time and leadership. We look forward to hearing from you.

Sincerely

A handwritten signature in black ink, appearing to read "Jeff Gilbreath". The signature is fluid and cursive, with the first name "Jeff" and last name "Gilbreath" clearly distinguishable.

Jeff Gilbreath
Executive Director

cc. Oahu Commissioner Renwick V. I. "Uncle Joe" Tassill
cc. Oahu Commissioner Kāhele Richardson
cc. Oahu Commissioner Michael P. Kahikina
cc. City and County of Honolulu Mayor Kirk Caldwell
cc. Governor David Ige

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 14, 2015

TO: Chair and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **KAHAUNANI MAHOE-THEONE**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Ms. Mahoe-Theone wishes to speak to the Commission about Accessory Dwelling Units.

ITEM NO. J-6

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 14, 2015

TO: Chair and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **KAHAUNANI MAHOE-THEONE**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Ms. Mahoe-Theone wishes to speak to the Commission about Accessory Dwelling Units.

ITEM NO. J-6

October 1, 2015

Department of Hawaiian Home Lands
Attn: Jobie Masagatani, Director
PO Box 1879
Honolulu, HI 96805

RE: Request for Placement on J Agenda – October HHC Meeting

Aloha Chair Masagatani:

I am contacting you as a Beneficiary of our Hawaiian Home Lands to request placement on the J Agenda of the Hawaiian Homes Commission meeting in October.

I request placement on the J Agenda to share with the Commission my plans to develop an Accessory Dwelling Unit (ADU) on my property for my father as a result of passing of the historic Bill 20 by the City and County of Honolulu. This unit is small, affordable and will be 100% self-sustainable. By building an ADU, I will have the opportunity to provide for my father the chance to live home with me, in his own area away from us, and with his grandchildren at his side. Not only will he not need to look into Kupuna Housing, but he'll be right where he wants to be at home but in his own little space.

My hope is that my ohana can help be apart of one solution to help our native Hawaiian people provide affordable housing for our kupunas and other family members, living in over-crowded, multi-generational homes, in high-priced rentals, or living on the beach or in transitional shelters.

Thank you for the opportunity to request placement on the J Agenda. I look forward to sharing my manao with the Commission.

Sincerely,


Kahaunani Mahoe-Thoene

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 14, 2015

TO: Chair and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **PAT HUNTER-WILLIAMS**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Pat Hunter-Williams wishes to speak to the Commission about Kumu Camp.

ITEM NO. J-7



HHC Contact: To Commission Secretary
Pat Hunter-Williams to: Leatrice.W.Burrows-Nuuanu
Please respond to Phunterwilliams

10/02/2015 07:41 PM

To:
HHC Secretary

First Name: Pat
Last Name: Hunter-Williams

Phone:
808-639-0888

Email:
Phunterwilliams@gmail.com

Subject:
To Commission Secretary

Message:

Aloha,

This is to request being added to the agenda for the upcoming Commission meeting on Kaua'i regarding Kumu Camp. I previously testified about this same topic when the Commissioners met here last October.

My husband is an Anahola Farmlot Leasee and our original family home is located in Anahola Village near Kumu Camp.

Mahalo,

Pat Hunter-Williams
PO Box 127
Anahola, HI 96703
808-639-0888

Akismet Spam Check: passed

Sent from (ip address): 50.113.37.69
(cpe-50-113-37-69.hawaii.res.rr.com)

Date/Time: October 2, 2015 7:36 pm

Coming from (referrer): <http://dhhl.hawaii.gov/hhc/>

Using (user agent): Mozilla/5.0 (iPad; CPU OS 9_0_2 like Mac OS X)
AppleWebKit/601.1.46 (KHTML, like Gecko) Version/9.0 Mobile/13A452
Safari/601.1

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 14, 2015

TO: Chair and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **KAWAI WARREN**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Warren wishes to speak to the Commission about the Kekaha Homestead Association.

ITEM NO. J-8



Re: Request to be on the October 19-20 HHC meeting agenda 

Michelle W Brown to: Kawai Warren

10/05/2015 09:28 AM

Cc: Leatrice W Burrows-Nuuanu

History: This message has been replied to.

Aloha Kawai

I am in receipt of your email. I am including Leah, HHC Secretary in this email for her information and to place you on the Oct. Agenda. Hope all is well with you.

Mahalo,
Michelle

Michelle W. Brown
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway
Kapolei, HI 96707
PH: 808-620-9501 FAX: 808-620-9529
EMAIL: michelle.w.brown@hawaii.gov

Kawai Warren

Aloha Michelle,

On behalf of Kekaha Hawaii...

10/05/2015 08:44:26 AM

From: Kawai Warren <kawaiwarrenkhha@gmail.com>
To: Michelle Brown <michelle.w.brown@hawaii.gov>, Kaleo Manuel <kaleo.l.manuel@hawaii.gov>,
Cc: William Aila <william.j.ailajr@hawaii.gov>
Date: 10/05/2015 08:44 AM
Subject: Request to be on the October 19-20 HHC meeting agenda

Aloha Michelle,

On behalf of Kekaha Hawaiian Homestead Association I would like to be added to the Hawaiian Homes Commission agenda at the HHC meeting on Kauai to give a general update on behalf of my association.

Mahalo Kawai Warren

--

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Kukulū Kumuhana O Anahola

Building Together Self Identity through Cultural Values

Board of Directors

Kunleialoha Punua • President
Rachelle Mōkanani Nam • Vice President
Chelsey Contrades • Secretary
Melissa Moody • Treasurer
Bridget Manulele Clarke • Director
Michele Kitko, M.S. • Director

Shelley Contrades
Nicolle Alfaro

Advisory Board

Mary Nakamura
Wesley Kani
Keola Ka'ailue-Paopao
Heather E. Ryan M.A.
R. May Lee
Nalani Mahelona, B.A.

Tuesday, October 6, 15

Aloha mai e DHHL Commissioners,

Please accept this request to be included on the agenda for the Tuesday, October 20th Hawaiian Homes Commissioners meeting on Kaua'i.

Kukulū Kumuhana O Anahola or KKOAA would like to introduce our Board of Directors and to give a 15 minute presentation on how we serve Anahola children and families.

Your attention in this matter is be greatly appreciated.

Sincerely

Manulele Clarke
Co-Founder/Director
808-212-5166

Kukulū kumuhana means the pooling of strengths -- emotional, psychological, and spiritual -- for a shared purpose. From Nana I Ke Kumu (Look to the Source), Vol. 1

Our Mission: To assist our children in developing life skills that will strengthen their identity through Hawaiian values. Build self- esteem and enable individuals in a way to successfully manage their future

Our Vision: A Thriving Hawaiian Community - encouraging the arts, both cultural and modern; utilizing new technologies to enhance the old; and establishing and managing a healthy and sustainable way of living.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 14, 2015

TO: Chair and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **KIPUKAI KUALII & SHERRI CUMMINGS, Anahola Hawaiian Homestead Association, FRANK CUMMINGS, Kaua'i Agricultural and Pastoral Alliance.**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Anahola Hawaiian Homestead Association (AHHA) to give an update on homestead association projects, Kumu Camp, Anahola Cafe, Hana Hou Thrift Shop and the Edge Salon by Windy Karifi.

They would also like to brief the HHC on clean-up efforts at the Camp Faith property adjacent to Kumu Camp and to urge the HHC to work with AHHA and PMKK to steward the lands below PMKK where dozens of fires have plagued the community.

In addition, Frank Cummings, Chairman of the Kauai Agricultural and Pastoral Alliance (KAPA), an initiative of AHHA will join them to also brief the Commission on the Farming for the Working Class program getting started with the help of the Hawaii Island Waimea Hawaiian Homesteaders Association.

ITEM NO. J-10



J agenda

Robin Danner to: Leatrice.W.Burrows-Nuuanu
Cc: KipuKai Kualii, sherricummings112569, Frank Cummings Jr

10/07/2015 08:18 PM

Aloha,

Our Anahola Hawaiian Homestead Association (AHHA) President, KipuKai Kualii and Vice President, Sherri Cummings, would like to address the HHC at the October meeting on Kauai, to give an update on our homestead association projects, Kumu Camp, Anahola Cafe, Hana Hou Thrift Shop and the Edge Salon by Windy Karifi.

They would like to brief the HHC clean up efforts at the Camp Faith property adjacent to Kumu Camp and to urge the HHC to work with AHHA and PMKK to steward the lands below PMKK where dozens of fires have plagued the community.

In addition, Frank Cummings, Chairman of the Kauai Agricultural and Pastoral Alliance (KAPA), an initiative of AHHA will join them to also brief the Commission on the Farming for the Working Class program getting started with the help of the Hawaii Island Waimea Hawaiian Homesteaders Association.

Mahalo!

Robin Puanani Danner
SCHHA Chairman
AHHA Board Member