STATE OF HAWAI'I

DEPARTMENT OF HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA

91-5420 Kapolei Parkway, Kapolei, Oʻahu, Hawaiʻi Monday, July 18, 2016 at 9:30 a.m. to be continued, if necessary, on Tuesday, July 19, 2016, at 9:00 a.m.

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov, by Saturday, July 16, 2016.

I. ORDER OF BUSINESS

- 1. Roll Call
- 2. Approval of Agenda
- 3. Approval of Minutes for March 2014; September 21 & 22, 2016

II. 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. Update on Nelson Case - Richard Nelson, III et al., v HHC, Civil No. 07-1-1663

III. ITEMS FOR DECISION MAKING

A. PUBLIC TESTIMONY ON AGENDIZED ITEMS

B. CONSENT AGENDA

Homestead Services Division

- D-2 Approval of Consent to Mortgage (see exhibit)
- D-3 Approval of Streamline Refinance of Loans (see exhibit)
- D-4 Approval to Schedule Loan Delinquency Contested Case Hearings (see exhibit)
- D-5 Approval of Refinance of Loans (see exhibit)
- D-6 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-7 Ratification of Designations of Successors to Leasehold Interest and Designation of Persons to Receive Net Proceeds (see exhibit)
- D-8 Approval of Assignment of Leasehold Interest (see exhibit)'
- D-9 Approval of Amendment of Leasehold Interest (see exhibit)
- D-10 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-11 Commission Designation of Successor FRANCIS I. KUAILANI, SR., Lease No. 9387, Lot No. 74, Kaniohale, Hawaii
- D-12 Commission Designation of Successor **HANNAH N.K. CHANG**, Lease No. 4140, Lot No. 10, Waimanalo, Hawaii
- D-14 Commission Designation of Successor **JOHN K. REYES**, Lease No. 6578, Lot No. 9, Anahola, Kauai
- D-15 Commission Designation of Successor **DELTON K. DUDOIT**, Agriculture Lease No. 7818, Lot No. 57, Hoolehua, Molokai
- D-16 Cancellation of Lease **ROWENA K. KEAKA**, Lease No. 2131, Lot No. 209, Kewalo, Oahu

- D-18 Request to Schedule Contested Case Hearing Authorization to Proceed to Public Notice Under Section 209, HHCA, Due to Nonresponsive Designated Successors CHARLES L. HASSARD and JONNALEE K. GOMEZ, Lease No. 11221, Lot No. UNDV023, Waimanalo, Oahu
- D-19 Request to Schedule Contested Case Hearing Authorization to Proceed to Public Notice Under Section 209, HHCA, Due to Nonresponsive Designated Successor **BURTON I.K. HUIHUI**, Lease No. 6975, Lot No. 31, Makuu, Hawaii
- D-20 Approval for Payment of Net Proceeds JOSEPH W.O. Yung, Sr. from LEONA M. ATCHERLEY (Dec'd.) Waianae Residential Lot Lease No. 5080, Lot No. 11, Waianae, O'ahu
- D-21 Request to Schedule Contested Case Hearing **LEASE VIOLATION SHAWN GUERPO**, Kawaihae Unit 1 Residential Lot Lease No. 9836, Lot No. 154

C. REGULAR AGENDA

Homestead Services Division

- D-13 Commission Designation of Successor **FELECIA C.K. HARRISON**, Lease No. 2977, Lot No. 51, Waimanalo, Hawaii
- D-17 Denial of the Assignment of a Tenant-In-Common Leasehold Interest SANDRALYNN H. NAEA, Lease No. 3159, Lot No. 13A, Waimanalo, Oahu

Land Management Division

F-1 Issuance of Right-of-Entry Permit, Kanehili Community Association, Kapolei, Island of O'ahu, TMK No. (1)9-1-151:001

Planning Office

- G-1 Extend the Implementation Period of the Native Hawaiian Development Program Plan
- G-3 Approval of Homestead Community Benefits Agreement, Memorandum of Agreement covering the expenditure of payments for the benefit of native Hawaiians residing in the Kapolei Region

IV. ITEMS FOR INFORMATION/DISCUSSION

A. WORKSHOPS

Administrative Services Office

H-1 Workshop on Fiscal Year 2017 DHHL Budget (relative to H-2)

B. GENERAL AGENDA

Requests to Address the Commission

- J-1 Darin & Tiare Awong Applicant, Maluohai, Oahu
- J-2 J. Kūhiō Lewis KCDC Heritage Center Update
- J-3 Hannah N.K. Ching Lease Tranfer Issue
- J-4 Terry Miller, Harry Johnson, Laura Johnson
- J-5 Homelani Schaedel President, Maluohai Residents Assn.

- J-6 Jeff Gilbreath Executive Director, Hawaiian Community Assets
- J-7 Patreena Santos Felecia C.K. Harrison, Lot #51, Lease #2977, Waimānalo, Oahu
- J-8 Princes Lehuanani Kamaewakainakaleomomona- DHHL Projects on Maui

C. REGULAR AGENDA

Planning Division

- C-1 For Information Only Environmental Assessment for HUD-assisted Projects under 24 CFR Part 58, Discovery Harbour Infill Lots, various parcels within tax map plats (3) 9-4-016; (3) 9-4-017; (3) 9-4-018; (3) 9-4-019; (3) 9-4-021; (3) 9-4-022; (3) 9-4-023; and (3) 9-4-024
- C-2 For Information Only Environmental Assessment for HUD-assisted Projects under 24 CFR Part 58, Ho'olehua Infill Lots, various parcels within tax map plats (2) 5-2-017 and 5-2-030
- G-4 For Information Only Draft Environmental Assessment for the Proposed DHHL Kapa'akea Flood Mitigation Improvements Project, Kapa'akea, Kona, Molokai, TMKs (2)5-4-007:009, 010, 011, 024 and 025
- G-5 For Information Only DHHL Process to Consider Legislative Action and Timeframe for 2017 Legislative Session

STATE OF HAWAI'I

DEPARTMENT OF HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA

91-5420 Kapolei Parkway, Kapolei, Oʻahu, Hawaiʻi Tuesday, July 19, 2016, at 9:00 a.m.

I. ORDER OF BUSINESS

A. Roll Call

II. ITEMS FOR INFORMATION/DISCUSSION

A. PUBLIC TESTIMONY ON AGENDIZED ITEMS

III. ITEMS FOR DECISION MAKING

A. REGULAR AGENDA

Administrative Services Office

H-2 Approval of Fiscal Year 2017 DHHL Budget

IV. ITEMS FOR INFORMATION/DISCUSSION

A. WORKSHOPS

Office of the Chairman

C-3 For Information Only – Presentation on DHHL's Waiting List Demographic Information

B. REGULAR AGENDA

Homestead Services Division

D-1 HSD Status Reports

Exhibits:

- A Homestead Lease and Application Totals and Monthly Activity Reports
- B Delinquency Report
- D-22 For Information Only Update on Approved Interim Policy on the Sale of Homestead Leases to Vacant or Undeveloped Lots or Undivided Interests

V. ANNOUNCEMENTS AND ADJOURNMENT

- 1. Next Meeting –August 22 & 23, 2016, Kaua'i State Office Building Conference Rooms-Community Meeting Chiefess Kamakehelei Middle School Cafeteria
- 2. Other Announcements
- 3. Adjournment

Note: Contested Case Hearings begin at 1:00 p.m.

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. Kaʻapu, West Hawaiʻi Michael P. Kahikina, Oʻahu William K. Richardson, Oʻahu Wren Wescoatt, Oʻahu

Community Meeting to be held on Monday, July 18, 2016 Papakolea Community Center 6:30 – 8:30 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

APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
BELL, Charles M.	3914	Kewalo, Oahu
CAMPBELL, John N.	9870	Maluohai, Oahu
DEAN, Joshua I.	11531	Leialii, Maui
DEAN-SARIBAY, Jana P.	7745	Waiohuli, Maui
DECOITO, Wendell N.	12531	Lalamilo, Hawaii
DWYER, Tammy N.	12080	Kaupea, Oahu
FOREMAN, Odetta N.	9450	Waiehu 2, Maui
HATCHETT, Louisiana Ann	7310	Nanakuli, Oahu
HOOPII, Robin M.	3915	Keaukaha, Hawaii
JOHNSON, Puuoneomakapuu N.	2600	Waimanalo, Oahu
KAAHANUI, Hinanokealiileomanaokalani T.	12546	Lalamilo, Hawaii
KAIO, Glavin K.	5963	Waiehu, Maui
KAOHU, Deidra K.	5128	Nanakuli, Oahu
KAUIHOU, Shaun K.	9854	Maluohai, Oahu
KEA, Alexander K., Jr.	12599	Kanehili, Oahu
LEE, Allison N.	679A	Waimanalo, Oahu
LONG, Henry K., IV	7621	Waiohuli, Maui
LONO, Michael K.	11948	Kaupea, Oahu
LORENZO, George C.	9741	Maluohai, Oahu
LORING, Laura Ann K.	11590	Kanehili, Oahu
LUM KING, Elizabeth Ann M.	8778	Waimanalo, Oahu
LUM KING, Henry R.	8778	Waimanalo, Oahu
PUA, Noelan A.	4219	Panawea, Hawaii
SALANOA, Kaihikapu-O-Kakuhihewa L.	9901	Waianae, Oahu
SERIA, Elliott H.	12063	Kaupea, Oahu
VICTOR, Nikki K.	4247	Keaukaha, Hawaii
WILSON, Cheryl Ann B. K.	8827	Waianae, Oahu

ITEM D-3 EXHIBIT

APPROVAL TO STREAMLINE REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
LELEPALI, Brand	7273	Nanakuli, Oahu
SAMARRIPPA, Albertine	3845	Nanakuli, Oahu

ITEM D-4 EXHIBIT

APPROVAL TO SCHEDULE LOAN DELINQUENCY CONTESTED CASE HEARINGS

LESSEE	LEASE NO.	AREA
KAUHANE, Stanton	5724	Waianae, Oahu

ITEM D-5 EXHIBIT

APPROVAL OF REFINANCE OF LOANS

LESSEE LEASE NO. AREA

KALAI, Derek K. 10945 Waiakea, Hawaii

ITEM D-6 EXHIBIT

HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
BARROZO-BALIGAD, Christine	Hawaii IW Agr to Maui IW Agr
BARROZO-BALIGAD, Christine	Maui IW Res to Oahu IW Res
GONZALEZ, Shirley Lin	Oahu IW Res
HILL, Josephine	Hawaii IW Agr to Maui IW Agr
KALUAI, Rhoda A.L.	Hawaii IW Res to Oahu IW Res
KALUAI-MIGUEL, Tracie M.L.K.	Maui IW Res to Oahu IW Res
KAPUAALA, Carolyn	Oahu IW Res to Maui IW Res
KOKUBUN, Lynette K.C.	Maui IW Res
KUKONA, Beau I.T.	Maui IW Agr to Hawaii IW Pas
LUHIA, Glenn H.	Oahu IW Res to Hawaii IW Res
MANINI, Jack Sr.	Paukukalo Area / Maui IW Res
MARFIL, Sanoe K.	Oahu IW Res
RICHARDSON, Rylen	Oahu IW Res
	* IW = Islandwide

ITEM D-7 EXHIBIT

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

LESSEE	LEASE NO.	AREA
HAUPU, Hiram B.	9525	Waiehu Kou II, Maui
KAAIKALA, Rudolph K., Sr.	4600	Waianae, Oahu
KAUI, Wilfred	3627	Anahola, Kauai
KAWAILIMA, Prescott K.	4254	Keaukaha, Hawaii

ITEM D-8 EXHIBIT

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
BROVELLI-AOKI, Nadine M.	9596	Kalawahine, Oahu
DECOITE, Erwin H., Jr.	7698	Waiohuli, Maui
DECOITE, Trinadean M. K.	10616	Waiohuli, Maui
GALTON, June	9744	Maluohai, Oahu
KEPA, Gavin	4514	Nanakuli, Oahu
PURDY, Violet	10077	Waiehu Kou III, Maui
PURDY, George M., III	2778	Kuhio Village, Hawaii
PURDY, Kenneth A.	2778	Kuhio Village, Hawaii
PURDY, Jeffrey K.	2778	Kuhio Village, Hawaii
PURDY, Paul M.	4198	Kamoku, Hawaii
MAUKELE, Kauionalani P. A.	6941	Makuu, Hawaii

<u>ITEM D- 9 EXHIBIT</u> APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
FUJIMORI, Randy K. T.	5772	Hoolehua, Molokai
KAUI, Wilfred K., Sr.	3627	Anahola, Kauai
KAWAILIMA, Prescott K.	4254	Keaukaha, Hawaii
KEPA, Gavin	4514	Nanakuli, Oahu
KIDO, Pam P.	8634	Nanakuli, Oahu
LEE, Allison N.	679-A	Waimanalo, Oahu
KAHOLO, Louise M.	4740	Waianae, Oahu
KAHOLO, Mary Lou	4740	Waianae, Oahu
MAHIAI, Robert M., Jr.	2349	Kapaakea, Molokai
MAUKELE, Joseph M.	2817	Waimanalo, Oahu
MAUKELE, Kauionalani P. A.	6941	Makuu, Hawaii
PURDY, Violet	10077	Waiehu Kou III, Maui
PURDY, George M., III	2778	Kuhio Village, Hawaii
PURDY, Kenneth A.	2778	Kuhio Village, Hawaii
PURDY, Jeffrey K.	2778	Kuhio Village, Hawaii
PURDY, Paul M.	4198	Kamoku, Hawaii

<u>ITEM D-10 EXHIBIT</u>
APPROVAL TO ISSUE A NON-EXCLUSIVE LICENSES FOR ROOFTOP PHOTOVOLTAIC SYSTEMS FOR CERTAIN LESSEES

LESSEE	LEASE NO.	AREA
KAHALE, David	11875	Kanehili, Oahu
KALILIKANE, Samuel	11819	Kanehili, Oahu
LAPERA, Walterlyn L.	4870	Nanakuli, Oahu
TRIPP, Henry K. J.	12645	Kanehili, Oahu





Notice of Annual Hawaiian Homes Commission Regular Meeting in Kapolei, O'ahu

on Monday, July 18, 2016 at 9:30 a.m. and Tuesday, July 19, 2016 at 9:00 a.m.*

at Hale Pono'ī, Department of Hawaiian Home Lands 91-5420 Kapolei Parkway, Kapolei, O'ahu 96707

Hawaiian Homes Commission Meeting agendas are available approximately one week in advance on the HHC Meetings page of our website, dhhl.hawaii.gov

*Meeting times are subject to change. Please check the website for an updated schedule.

Hawaiian Home Lands Meeting with the Kalāwahine, Kewalo & Papakōlea Homestead Communities

on Monday, July 18, 2016 from 6:30 – 8:30 p.m.

at the Papakōlea Community Center 2150 Tantalus Drive, Honolulu, O'ahu 96813

AGENDA

6:30 - 7:00 p.m. DHHL Update

7:00 - 7:30 p.m. Homestead Community Update

7:30 - 8:30 p.m. Open House** 8:30 p.m. Adjournment

To request accommodations for a sign language interpreter or accessible parking (must be requested five days prior to the meeting date), or for more information, please contact the DHHL Information and Community Relations Office on O'ahu at 808-620-9590.

^{**}During Open House, representatives from DHHL divisions will be available for oneon-one consultation with beneficiaries. Community organizations will also present informational booths.

DEPARTMENT OF HAWAIIAN HOME LANDS HAWAIIAN HOMES COMMISSION JULY 18 & 19, 2016 KAPOLEI, O'AHU

C-ITEMS OFFICE OF THE CHAIRMAN

DEPARTMENT OF HAWAIIAN HOME LANDS DISCOVERY HARBOUR INFILL LOTS

Environmental Assessment
Determination and Compliance Findings for HUD-assisted Projects
24 CFR Part 58



U.S. Department of Housing and Urban Development

451 Seventh Street, SW Washington, DC 20410 www.hud.gov

espanol.hud.gov

Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

Project Information

Project Name: Discovery Harbour Infill Lots

Responsible Entity: Department of Hawaiian Home Lands (DHHL)

Grant Recipient (if different than Responsible Entity): Same as Responsible Entity

State/Local Identifier:

Preparer: PBR HAWAII & Associates, Inc.

Certifying Officer Name and Title: Jobie M.K. Masagatani, Chairman, Hawaiian Homes

Commission

Grant Recipient (if different than Responsible Entity): Same as Responsibly Entity

Consultant (if applicable): PBR HAWAII & Associates, Inc.

Direct Comments to: Isaac Takahashi, DHHL Land Development Division

P.O. Box 1879

Honolulu, HI 96813 (808)587-6454

Project Location:

Discovery Harbour is located in the Kaʻū District, island and County of Hawaiʻi and spans across three ahupuaʻa, Pālauhulu, Waiʻōmaʻo, Kiolakaʻa. The Department of Hawaiian Home Lands (DHHL) owns 40 lots within the Discovery Harbour subdivision, 38 of which are vacant. The DHHL-owned lots are scattered throughout Discovery Harbour and are generally bounded by Kamāʻoa Road to the north, Haʻehaʻe Street to the west, Kahiki, Hekau, and Kia Lua Streets to the south, and Wākea Street to the east. It encompasses various parcels within tax map plats (3) 9-4-016; (3) 9-4-017; (3) 9-4-018; (3) 9-4-019; (3) 9-4-021; (3) 9-4-022; (3) 9-4-023; and (3) 9-4-024 (see Figure 1) ("Regional Location").

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The proposed project is construction of single-family dwellings on 38 vacant lots within the existing Discovery Harbour subdivision using Native American Housing and Self Determination Act (NAHASDA) funds. This would involve encouraging existing lessees to build where the lot has sat vacant through package home loans or self-help housing (or other programs). The lots are accessed by County-dedicated roadways built to County standards. The lots are served by County water system and will be served by individual onsite septic systems, therefore no infrastructure improvements are proposed.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The purpose of this project is to offer opportunities to native Hawaiian beneficiaries to develop lands for homesteading. It is consistent with the Hawaiian Homes Commission Act, 1920, as amended, which provides for the development and settlement of native Hawaiians on lands owned by the DHHL (State of Hawai'i, (Act of July 9, 1921, c 42, 42 Stat 108)). This project represents DHHL's ongoing efforts to expedite the development and distribution of its lands to qualified beneficiaries.

Existing Conditions and Trends [24 CFR 58.40(a)]:

Discovery Harbor is a covenant-controlled community of over 800 lots. The subdivision was originally built around an 18-hole Robert Trent Jones Sr. golf course, which is currently privately owned and not open to the public.

The Area of Potential Effect is the 38 vacant lots within the Discovery Harbour subdivision. The lots are mainly one-acre lots. The lots are accessed by county-dedicated roadways built to County standards. The lots are served by the County water system and individual onsite septic systems. The vegetation throughout the majority of the property consists of open, low dry grassland with scattered koa-haole shrubs and kiawe trees. The Discovery Harbour Infill Lots are mainly for residential use with agriculture as an auxiliary use where feasible. DHHL permits beneficiaries and their families the opportunity for subsistence gardening and animal husbandry without committing to agriculture as the primary source of income.

Surrounding Land Uses

Discovery Harbour is located adjacent to or in proximity to large tracts of land held by Kamehameha Schools, G.K. McMickle and the State of Hawai'i Department of Land and Natural Resources (DLNR) as well as other small land owners. DLNR manages approximately 237,410 acres of land in Ka'ū. Their mauka landholdings closely correspond with critical habitat for forest

birds and the Kaʻū Forest Reserve. Kamehameha Schools landholdings adjacent to Discovery Harbour remain undeveloped.

Funding Information

Grant Number	HUD Program	Funding Amount
14HBGHI001	NHHBG	\$9,500,000

Estimated Total HUD Funded Amount:

\$9,500,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

\$9,500,000

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE Ol and 58.6	RDERS, AND R	EGULATIONS LISTED AT 24 CFR 50.4
Airport Hazards 24 CFR Part 51 Subpart D	Yes No	No impact. The Project Area is not located within the Hilo Airport Runway Protection Zone (see Figure 2).
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No	No impact. The Project Area and surrounding area are not located within the Coastal Barriers Resource System (CBRS). Currently, there are no CBRS map units established for the State of Hawai'i (U.S Fish and Wildlife Service, 2015).

Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a] STATUTES, EXECUTIVE OI	Yes Control The second secon	No	No impact. According to the Flood Insurance Rate Map (FIRM), the Project Area is located in Zone X and not located in a Special Flood Hazard Area (see Figure 3). EGULATIONS LISTED AT 24 CFR 50.4
& 58.5	,		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes	No 🖂	No long-term impact. The State of Hawai'i is considered an attainment area because air quality is better than the National Ambient Air Quality Standards as defined in the Clean Air Act (Department of Health, State of Hawaii, 2015)
			Mitigatable short-term impact. The proposed development may produce short term air quality impacts such as fugitive dust and emissions from construction vehicles. Dust control measures will be implemented to prevent the spread of air pollutants. Upon completion of the project, long term air quality impacts are not anticipated.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes	No 🖂	No impact. All lands in the State of Hawai'i are within the Coastal Zone Management Area.
sections sorter ac (u)			In letters dated November 21, 2008 and June 24, 2004, the Department of Business, Economic Development and Tourism's Office of Planning indicated that the Hawai'i CZM program does not review any HUD assistance programs, grants, or loans for federal consistency, but that CZM regulations relating to actions within the Special Management Areas (SMA) and Shoreline Setback still apply. This approach was reconfirmed by telephone in 2015. No portion of the Project Area is within the SMA (see Figure 4). No further consultation is required (see letter in Exhibit A).
Contamination and Toxic Substances	Yes	No	No impact. There are no dumps, landfills, industrial sites or any other facilities capable of releasing toxic chemicals, hazardous

24 CFR Part 50.3(i) & 58.5(i)(2)		wastes, or radioactive materials on or near the Project Area (see Figure 5).
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No	Project Area (see Figure 5). No impact. While there is no Critical Habitat in the Project Area (see Figure 6), the following federally identified threatened or endangered species may transit the area: • Hawaiian hoary bat (Lasiurus cinereus semotus), Endangered • Hawaiian seabirds: Hawaiian petrel (Pterodroma sandwichensis), Endangered and Newell's shearwater (Puffinus newelli), Threatened • Blackburn's sphinx moth (Manduca blackburni), Endangered Per standard USFWS mitigation measures, leases will include conditions to minimize threats from invasive species through the following measures (see Exhibit B): • Any materials or equipment moving from Guam to any other island will be thoroughly assessed to ensure the brown tree snake is not transported in the material. • All workers will be advised to ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area are deposited in covered or closed trash containers. The trash containers shall be removed from the project area and disposed of off-site at an approved landsite at the end of each working day to prevent the attraction of nonnative pests (i.e., rats). All tools, gear, and construction scrap will be removed upon completion of work in order to prevent the attraction of nonnative pests (i.e., rats). No contamination (trash or debris
		disposal, non-native species introductions, attraction of non-native pests, etc.) of adjacent habitats

will result from project-related activities.

To ensure that threatened and endangered species are not likely to be adversely affected by the proposed action, DHHL proposes to implement the following USFWS suggested species-specific minimization measures:

- The endangered Hawaiian hoary bat may be present within the proposed project area. The Hawaiian hoary bat roosts in both exotic and native woody vegetation and will leave young unattended in "nursery" trees and shrubs when they forage. If trees or shrubs suitable for bat roosting are cleared during the breeding season, there is a risk that young bats could inadvertently be harmed or killed. To minimize impacts to the endangered Hawaiian hoary bat, woody plants greater than 15 feet (4.6 meters) tall will not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). Additionally, Hawaiian hoary bats forage for insects from as low as three feet to higher than 500 feet above the ground. When barbed wire is used in fencing, Hawaiian hoary bats can entangled. Therefore, become barbed wire will not be used for fencing as part of this proposed action.
- Hawaiian petrels and Newell's shearwaters (collectively known as seabirds) may traverse the project area at night during the breeding season. Outdoor lighting at this project site could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights

they may collide with nearby wires, buildings, or other structures or they may land on the ground due to exhaustion. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable. These threats can be minimized by the shielding of any outdoor lighting so that the light is visible only from below.

- Hawaiian hawk. If construction occurs during the hawk's breeding season (March through September), the contractor will retain a qualified ornithologist to conduct a nest search of the area of the proposed construction site and surrounding prior to the advent area construction activities. Surveys should ensure that construction activity will not occur within 1,600 feet of any Hawaiian hawk nest.
- The adult Blackburn's sphinx moth feeds on nectar from native plants including beach morning glory (Ipomoea pescaprae), iliee (Plumbago zeylanica), maiapilo (Capparis sandwichiana). Blackburn's sphinx moth larvae feed upon non-native tree tobacco (Nicotiana glauca), which occupies disturbed areas such as open fields and roadway margins, and the native aiea (Nothocestrum sp.). Based on past and current site conditions, as well as distance from critical habitat,

		no minimization measures are proposed.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No	No impact. No above ground storage tanks or other explosive or flammable hazards are located within the Project Area.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No	No impact. The majority of the Project Area is located on lands rated the very lowest for agricultural production or not rated at all (see Figure 7 and Figure 8). Three lots are rated as "Very Poor" under the Land Study Bureau overall productivity
		rating system and the remaining lot are rated as "Poor." None of the lots are classified under the Agricultural Lands of Importance to the State of Hawaii classification system.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No	No impact. According to the FIRM, the Project Area is in Zone X and not located in a Special Flood Hazard Area (see Figure 3).
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No	No impact. Section 106 consultation with SHPD and NHOs have been conducted to confirm the area of potential effect and determination of historic properties not likely to be adversely affected (see Exhibit C).
		According to consultation with Native Hawaiian Organizations, no known archaeological resources are known to exist within the Project Area.
		To minimize impacts to historic and archaeological resources, construction contracts will include a condition that should burials or other traditional deposits be identified during intrusive activities, all work in the area will cease and the appropriate agencies will be contacted in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA) and applicable laws of the State of Hawai'i.
Noise Abatement and Control	Yes No	There are no noticeable noise sources in the vicinity that would necessitate noise abatement over the long term. The Project

Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B		Area is over 60 miles from the nearest airport (see Figure 2). Mitigatable short-term impact. During construction, noise will be generated by construction and earth-moving equipment. However, these short term noise impacts will occur only during daytime hours. The project will comply with State DOH noise regulation. If construction noise levels are anticipated to exceed the DOH maximum permissible property line noise levels, a permit will be obtained from the DOH to allow the operation of construction activities.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No	No impact. The project is not located in a sole source aquifer.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No	No impact. According to the National Wetlands Inventory data on NEPAssist, there are no wetlands within the Project Area (see Figure 10).
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No	Hawaii does not have any designated Wild and Scenic River (Wild and Scenic Rivers website, http://www.rivers.gov/hawaii.php)
ENVIRONMENTAL JUSTIC	E	
Environmental Justice Executive Order 12898	Yes No	This project does not create any hazards nor expose minority or low-income group or individuals to adverse environmental conditions; therefore, it is in compliance with E.O. 12898.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
		Impact Evaluation
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The proposed development will be implemented under the provisions of the Hawaiian Homes Commission Act (HHCA), 1920, as amended. In accordance with the HHCA, Hawaiian home lands are not subject to zoning or other land use controls by the State or County (HHCA §206).
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	The topography is relatively level. Within the Site and surrounding area the soil type mainly consists of Punaluu extremely rocky peat (rPYD) (see Figure 11). According to the U.S. Soil Conservation Survey for the Island of Hawai'i, this soil type consists of well drained, thin organic soils over Pāhoehoe lava bedrock where runoff is slow and the erosion hazard is slight. Erosion control measures and best management practices
		will be required during construction to prevent soil loss and erosion. All grading operations shall be conducted in compliance with appropriate State and County regulations.
Hazards and Nuisances including Site Safety and Noise	2	The proposed low intensity of development and uses such as self-sufficiency homesteads, horticulture, and revegetation, will not significantly affect the area's visual resources.

		The Project Area has low noise levels associated with a rural residential and agricultural lifestyle. The area is characterized as a low density residential development with some subsistence agriculture for supplemental income. No significant short- or long-term noise impacts from the infill development of Discovery Harbour for homestead and subsistence agricultural use is expected.
		The Project Area is split between lava hazard zone 3 and zone 6 (see Figure 12). The building code will require compliance with hurricane and earthquake standards.
Energy Consumption	2	Electrical power will be supplied by Hawaii Electric Light Company (HELCO) and there is adequate capacity to serve the Project.

Environmental	Impact	
Assessment Factor	Code	Impact Evaluation
SOCIOECONOM	IIC	
Employment and	2	The main job centers on Hawai'i Island are located in
Income Patterns		Kona and Hilo. It is anticipated that the majority of
		DHHL beneficiaries living within Discovery Harbour
		would derive income from jobs located elsewhere around
		the island. Thus, the Project would have little, if any
		impact on employment opportunities.
Demographic	2	The residents within the Project Area are expected to
Character Changes,		share similar characteristics as existing surrounding
Displacement		residents in the greater Discovery Harbour area. The
		Project increases residential homestead opportunities by
		enabling existing, relocated, or new native Hawaiian
		lessees to build on infill lots. No residences, businesses,
		community facilities, farms, or other activities would be
		displaced as a result of the proposed development.

Environmental	Impact	
Assessment Factor	Code	Impact Evaluation
COMMUNITY F	ACILITIE	S AND SERVICES
Educational and Cultural Facilities	2	School-aged children within the Project Area would be accommodated by Nāʻālehu Elementary School and Kaʻū Intermediate and High School. Both schools have adequate capacity.
Commercial Facilities	2	Commercial facilities are not located within the Project Area or directly adjacent areas. The nearest commercial facilities are located in Kona approximately 60 miles away to the northwest.

Health Care and Social Services	2	The nearest critical access health care facility to the Project Area is the Kaʻū Hospital, located on Kamani Street in Pāhala, approximately 17 miles east of the Project Area. The 21-bed facility provides acute and long-term care services. The Kaʻū Family Health Center operated by the Bay Clinic is a Federally Qualified Health Center providing non-emergency medical, dental and behavioral health care during regular business hours. The Kaʻū Family Health Center is located approximately 7 miles away on Māmalahoa Highway in Nāʻālehu.
Solid Waste Disposal / Recycling	3	Island residents collect their solid waste trash and transport it to any one of the 21 solid waste transfer stations located around the island. In some areas of the island, residents may hire a private collection company to pick-up their solid waste for disposal. The nearest transfer station to the Site is the Ocean View Transfer Station.
Waste Water / Sanitary Sewers	3	No County wastewater system services the Project Area. Wastewater is collected by Individual Wastewater Systems (IWS) approved by the Department of Health.
Water Supply	2	The County of Hawaii, Department of Water Supply (DWS) has adequate capacity to provide domestic water service and fire flow to the Project Area.
Public Safety - Police, Fire and Emergency Medical	2	Police. The District of Ka'ū is served by the County of Hawai'i Police Department through the Ka'ū District Station located in Nā'ālehu and a police substation located at Pōhue Plaza in Hawai'i Ocean View Estates (HOVE). While the nearest facility to the Project Area is the substation located approximately one mile away in Pōhue Plaza, it is not a manned station. The nearest manned station is the Ka'ū District Station approximately 6 miles away in Nā'ālehu.
		Fire & Emergency Medical Service (EMS). Fire prevention, suppression, and protection services for the Project Area are provided by a fire station located on Orchid Circle in HOVE. The station is manned 24 hours a day, seven days a week by a combined volunteer and professional force. Another fire station is located approximately 6 miles away in Nā'ālehu.
		The present level of services are expected to be sufficient for both the current and added demands from the project.

Parks, Open Space and Recreation	2	The Project Area is approximately 5 miles from South Point Park and 13 miles from Punalu'u County Beach Park. Impacts to parks and recreation facilities are not expected.
Transportation and Accessibility	2	Māmalahoa Highway, a State owned two-lane improved roadway, provides access through Kaʻū. Kamaoa Road provides access from Māmalahoa Highway to the Discovery Harbour subdivision. The internal roadways within Discovery Harbour are county-dedicated roadways built to county standards and provide access within the Project Area.

Environmental	Impact	
Assessment Factor	Code	Impact Evaluation
NATURAL FEATU	RES	
Unique Natural Features, Water Resources	2	There are no unique natural or water features within the Project Area.
Vegetation, Wildlife	2	The vegetation throughout the Project Area consists of open, low grassland with scattered koa-haole shrubs and kiawe trees. There are no significant animal populations in the vicinity of the Project Area.
		While there is no Critical Habitat in the Project Area (see Figure 6), the following federally identified threatened or endangered species may transit the area:
		 Hawaiian hoary bat (<i>Lasiurus cinereus semotus</i>), Endangered Hawaiian seabirds: Hawaiian petrel (<i>Pterodroma sandwichensis</i>), Endangered and Newell's shearwater (<i>Puffinus newelli</i>), Threatened Blackburn's sphinx moth (<i>Manduca blackburni</i>), Endangered
		• Hawaiian hawk (<i>Buteo solitarius</i>), Endangered To ensure that threatened and endangered species are not likely to be adversely affected by the proposed action, DHHL proposes to implement the following USFWS suggested species-specific minimization measures:
		The endangered Hawaiian hoary bat may be present within the proposed project area. The Hawaiian hoary bat roosts in both exotic and native woody vegetation and will leave young unattended in "nursery" trees and shrubs when they forage. If trees or shrubs suitable for bat roosting are cleared during the breeding season, there is a risk that

young bats could inadvertently be harmed or killed. To minimize impacts to the endangered Hawaiian hoary bat, woody plants greater than 15 feet (4.6 meters) tall will not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). Additionally, Hawaiian hoary bats forage for insects from as low as three feet to higher than 500 feet above the ground. When barbed wire is used in fencing, Hawaiian hoary bats can become entangled. Therefore, barbed wire will not be used for fencing as part of this proposed action.

Hawaiian petrels and Newell's shearwaters (collectively known as seabirds) may traverse the project area at night during the breeding season. Outdoor lighting at this project site could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may collide with nearby wires, buildings, or other structures or they may land on the ground due to exhaustion. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable. These threats can be minimized by the shielding of any outdoor lighting so that the light is visible only from below.

Hawaiian hawk. If construction occurs during the hawk's breeding season (March through September), the contractor will retain a qualified ornithologist to conduct a nest search of the area of the proposed construction site and surrounding area prior to the advent of construction activities. Surveys should ensure that construction activity will not occur within 1,600 feet of any Hawaiian hawk nest.

The adult Blackburn's sphinx moth feeds on nectar from native plants including beach morning glory (*Ipomoea pescaprae*), iliee (*Plumbago zeylanica*), maiapilo (*Capparis sandwichiana*). Blackburn's sphinx moth larvae feed upon non-native tree tobacco (*Nicotiana glauca*), which occupies disturbed areas such as open fields and roadway margins, and the native aiea (*Nothocestrum sp.*).

Based on past and current site conditions, as well as distance from critical habitat, no minimization measures are proposed.

Other Factors	n/a

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]: Various agencies (or agency documents) were consulted in preparation of this EA including:

USFWS (see Exhibit B)

SHPD (see Exhibit C)

Public Outreach [24 CFR 50.23 & 58.43]: Consultation with Native Hawaiian Organizations has been conducted to meet Chapter 6E-8 Hawaii Revised Statutes as well as the NHPA Section 106 requirements. Consultation packets and responses have been included with Exhibit C.

Cumulative Impact Analysis [24 CFR 58.32]: Roads have capacity to accommodate projected traffic; public schools have capacity to accommodate school-aged children from the Project, increased impervious surface runoff would be accommodated onsite through infiltration and drywells

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

No Action Alternative [24 CFR 58.40(e)]: No action alternative would continue status quo underutilization of suitable land for residential-agricultural homestead use for native Hawaiian beneficiaries

Summary of Findings and Conclusions:

Construction of single-family dwellings on established residential lots within the Discovery Harbour subdivision is a long-planned activity and use of the Project Area. Infrastructure is sized and maintained to accommodate the additional 38 homes. Short-term impacts associated with construction are anticipated and mitigatable. Other mitigatable impacts related to protection of cultural resources and endangered species are discussed herein and listed below.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Threatened or endangered species	 DHHL to provide notice to lessees: To protect night-flying seabirds, outdoors illumination be shielded so that the bulb is not visible at or above bulb-height. To protect the low-flying, foraging Hawaiian hoary bat, barbed wire not be used for fencing. Construction scheduling and documents will incorporate the following applicable recommendations of the USFW:
	 Any materials or equipment moving from Guam to any other island will be thoroughly assessed to ensure the brown tree snake is not transported in the material. All workers will be advised to ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area are deposited in covered or closed trash containers. The trash containers shall be removed from the project area and disposed of off-site at an approved landsite at the end of each working day to prevent the attraction of non-native pests (i.e., rats). All tools, gear, and construction scrap will be removed upon completion of work in order to prevent the attraction of non-native pests (i.e., rats). No contamination (trash or debris disposal, non-native species introductions, attraction of non-native pests, etc.) of adjacent habitats will result from project-related activities
	Hawaiian hawk. If construction occurs during the hawk's breeding season (March through September), the contractor will retain a qualified ornithologist to conduct a nest search of the area of the proposed construction site and surrounding

	area prior to the advent of construction activities. Surveys should ensure that construction activity will not occur within 1,600 feet of any Hawaiian hawk nest. • To minimize impacts to the endangered Hawaiian hoary bat: • Woody plants greater than 15 feet (4.6 meters) tall will not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). • Barbed wire will not be used for fencing as part of this proposed action. • To avoid impacts to Hawaiian petrels and Newell's shearwaters (collectively known as seabirds)
	 To protect night-flying seabirds, outdoors illumination be shielded so that the bulb is not visible at or above bulb-height. If night work must be conducted, it should take place outside the sea bird fledging season (September 15 through December 15) and should utilize shielded lighting.
Air quality, noise, water quality	 Construction documents will include: Standard dust control measures Standard noise control measures Best management practices for erosion and sedimentation control in accordance with approved Grading and NPDES permits
Community Noise	During construction, noise will be generated by construction and earth-moving equipment. However, these short term noise impacts will occur only during daytime hours. The project will comply with State DOH noise regulation. If construction noise levels are anticipated to exceed the DOH maximum permissible property line noise levels, a permit will be obtained from the DOH to allow the operation of construction activities.
Archaeological Sites	Construction contracts will include a condition that should burials or other traditional deposits be identified during intrusive activities, all work in the area will cease and the appropriate agencies will be contacted in accordance with the Native American Graves Protection

	and Repatriation Act (NAGPRA) and applicable laws of the State of Hawai'i.
Determination:	
_	pact [24 CFR 58.40(g)(1); 40 CFR 1508.27] and impact on the quality of the human environment.
Finding of Significant Impact The project may significantly affect the	t [24 CFR 58.40(g)(2); 40 CFR 1508.27] equality of the human environment.
Preparer Signature: CCullin	Date: June 14, 2016
Name/Title/Organization: Catie Cullis	on/Sr. Planner/PBR HAWAII & Associates, Inc.
Certifying Officer Signature:	

Name/Title: Jobie M.K. Masagatani/Chairman, Hawaiian Homes Commission

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Works Cited

Department of Health, State of Hawaii. (2015). *Annual Summary 2013: Air Quality Data*. State of Hawai'i. ((Act of July 9, 1921, c 42, 42 Stat 108)). Hawaiian Homes Commission Act, 1920. *Hawaii State Constitution*.

U.S Fish and Wildlife Service. (2015). *Coastal Barrier Resources Act*. Retrieved November 2015, from http://www.fws.gov/cbra/Maps/index.html

Figures

Figure 1. Regional Location Map

Figure 2. Distance from Airport

Figure 3. Flood Insurance Rate Map

Figure 4. Special Management Area

Figure 5. Hazardous Substances

Figure 6. Critical Habitat

Figure 7. Agricultural Lands of Importance to the State of Hawaii

Figure 8. Land Study Bureau

Figure 9. Sole Source Aquifer

Figure 10. Wetlands

Figure 11. Soil Survey

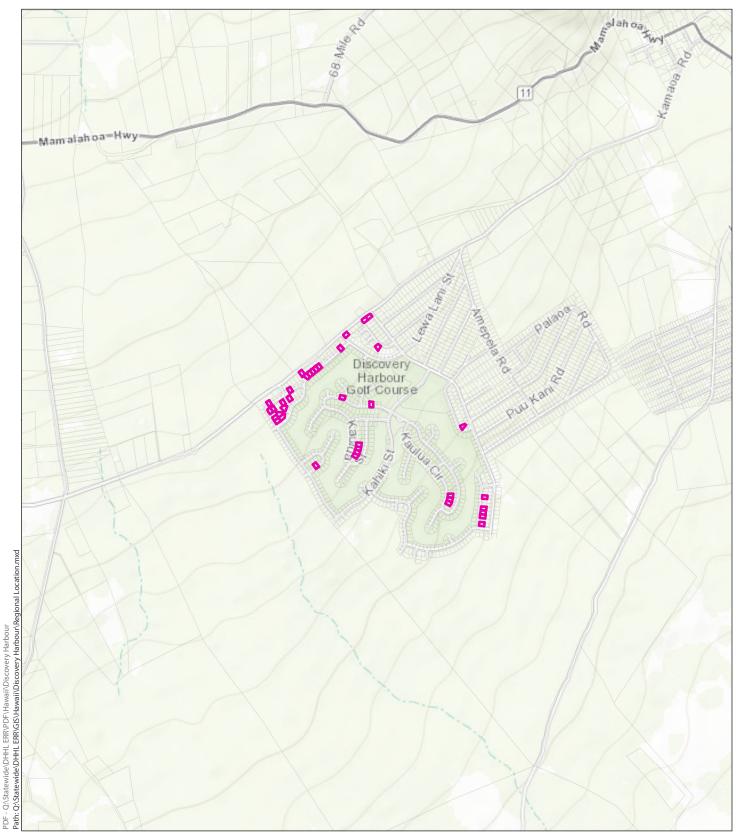
Figure 12: Lava Hazard Zones

Exhibits

Exhibit A. Coastal Zone Management Consistency Letter

Exhibit B. USFWS Consultation

Exhibit C. Section 106 Consultation



Project Lots

Tax Map Key Parcels

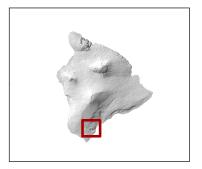
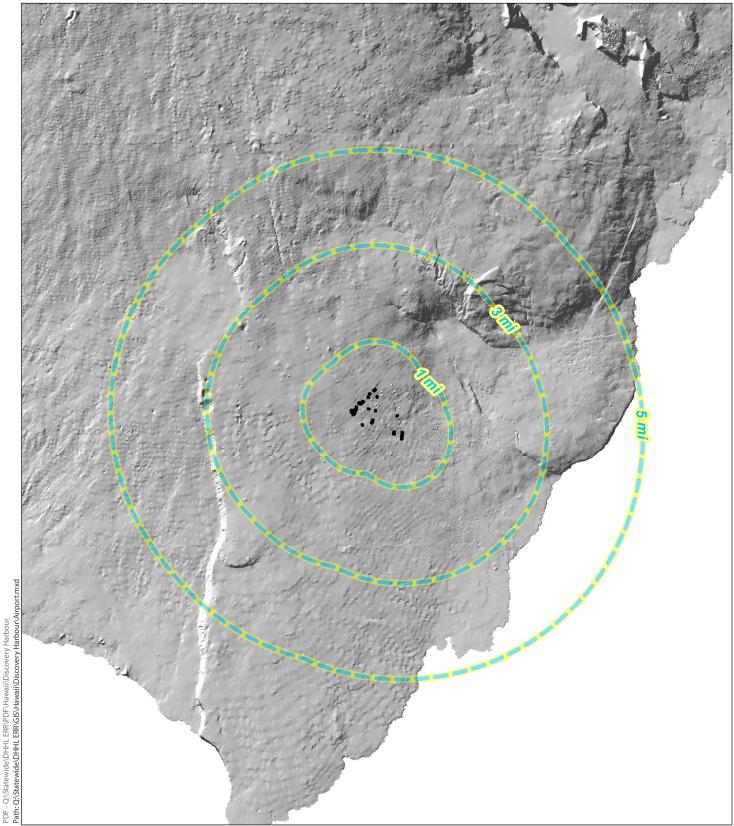


FIGURE 1: Regional Location Map





Project Lots

Tax Map Key Parcels

Airport (none shown)

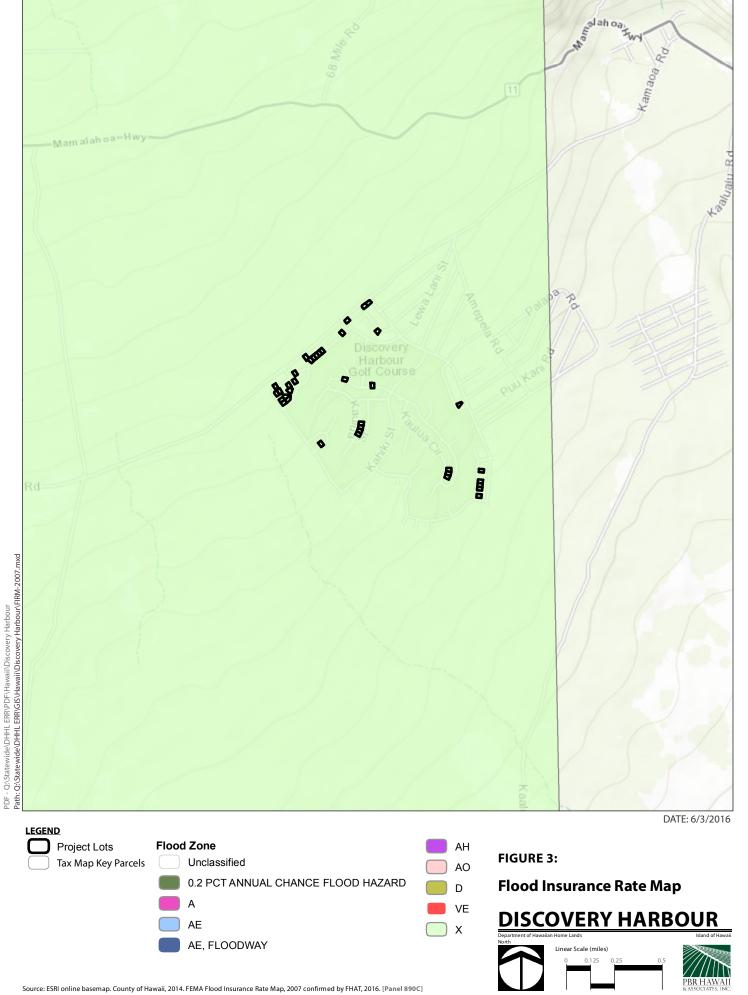
FIGURE 2:

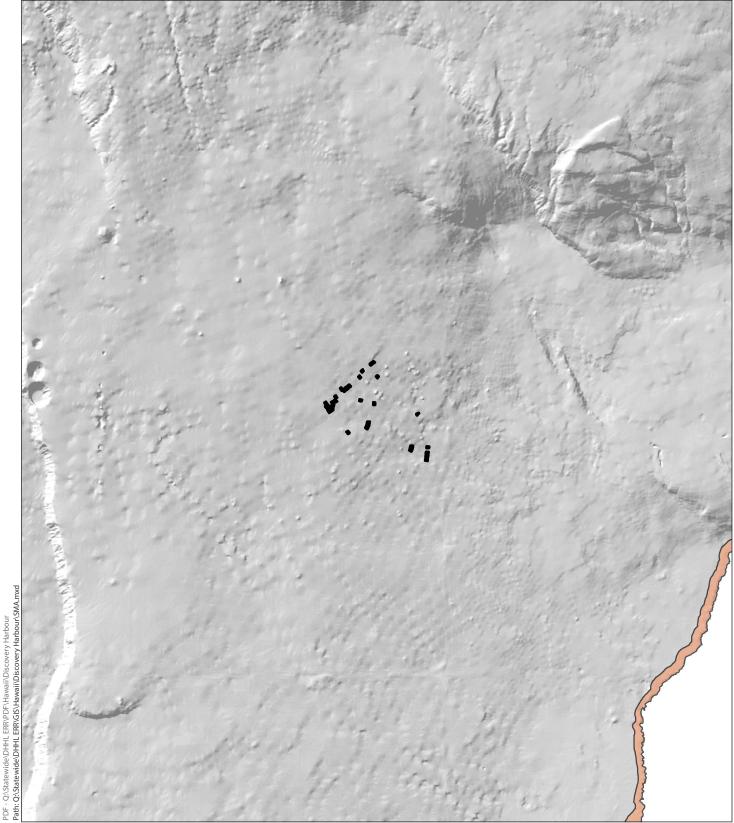
Distance from Airport

DISCOVERY HARBOUR









Project Lots

Special Management Area

FIGURE 4: Special Management Area (SMA)

DISCOVERY HARBOUR Department of Hawaiian Home Lands North Department of Hawaiian Home Lands North





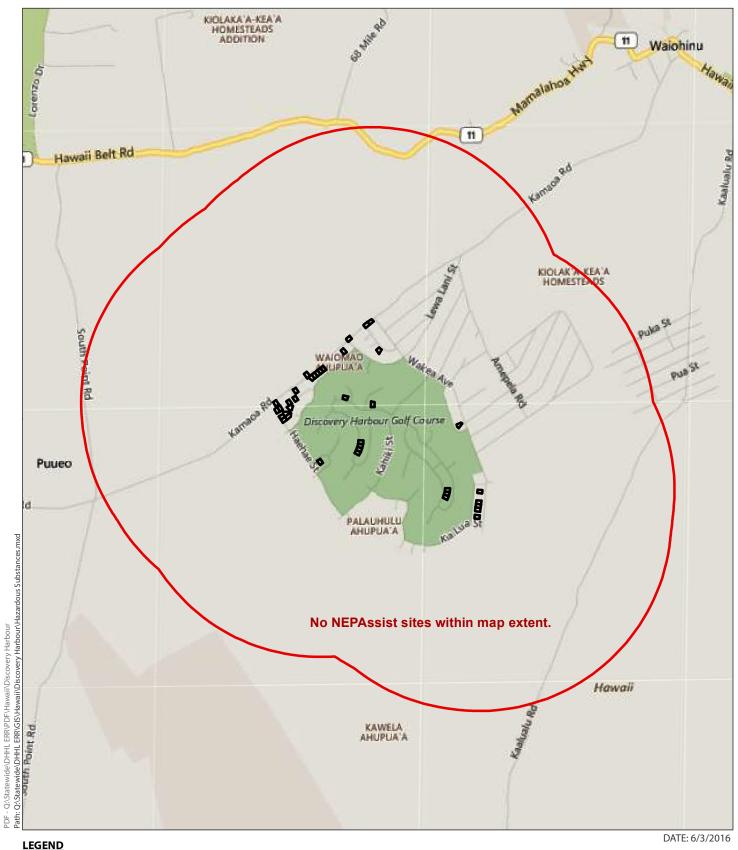
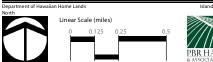


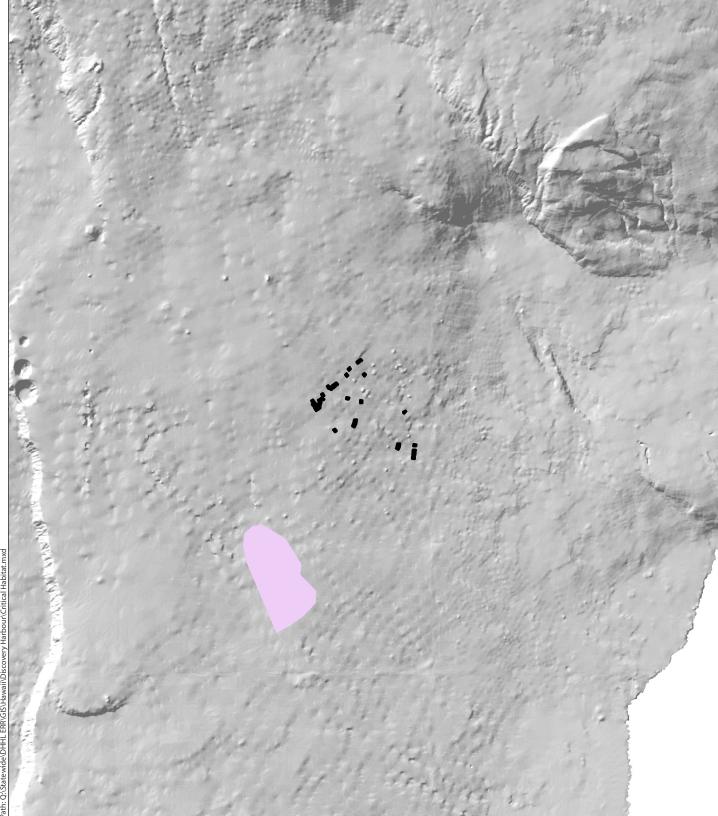


FIGURE 5:

Hazardous Substances

DISCOVERY HARBOUR





■ Project Lots

Critical Plant Habitat

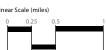
Critical Animal Habitat (none shown)

FIGURE 6:

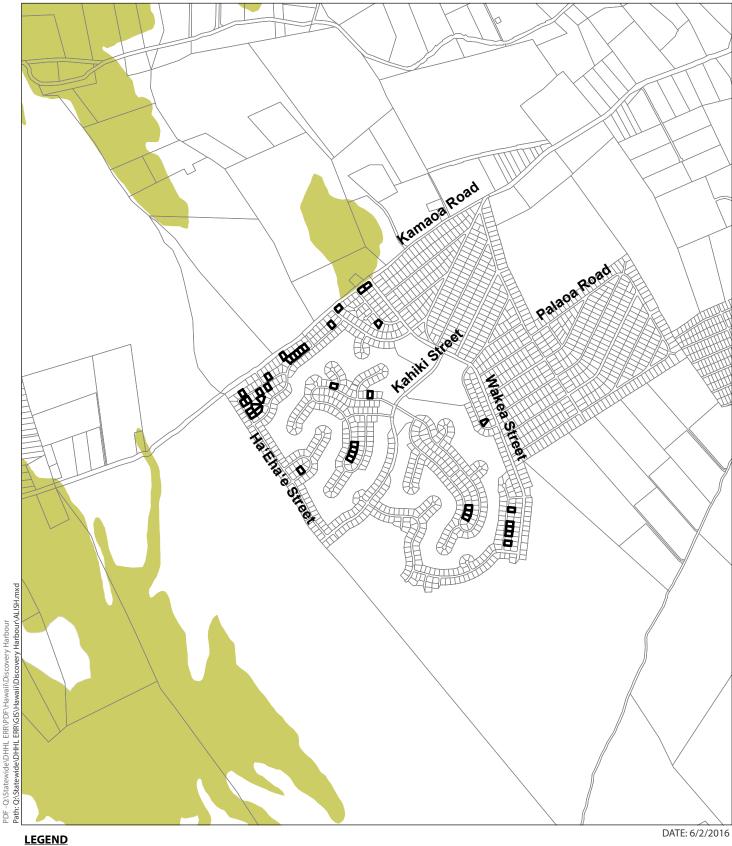
Critical Habitat

DISCOVERY HARBOUR









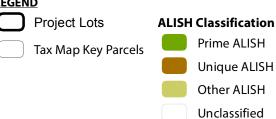


FIGURE 7: Agricultural Lands of Importance to the State of Hawaii





Project Lots
Tax Map Key Parcels

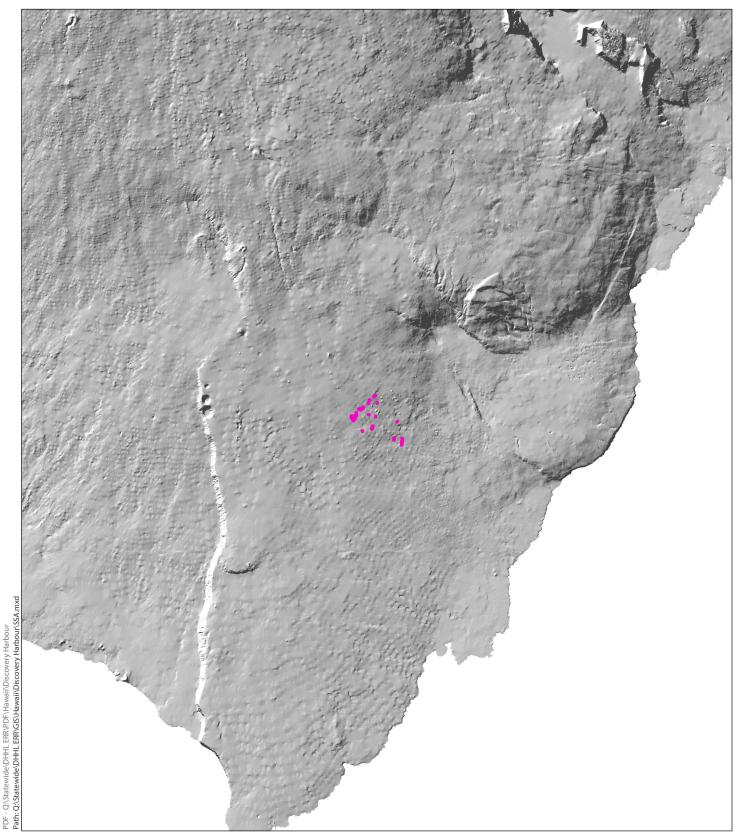
A - Very Good
B - Good
C - Fair
D - Poor
E - Very Poor

DATE: 6/2/2016

FIGURE 8:
University of Hawaii Land Study
Bureau Detailed Land Classification

DISCOVERY HARBOUR

Department of Hawaiian Home Lands
North
Linear Scale (feet)



LEGEND DATE: 6/2/2016

Project Lots

Tax Map Key Parcels

Sole Source Aquifer (none shown)

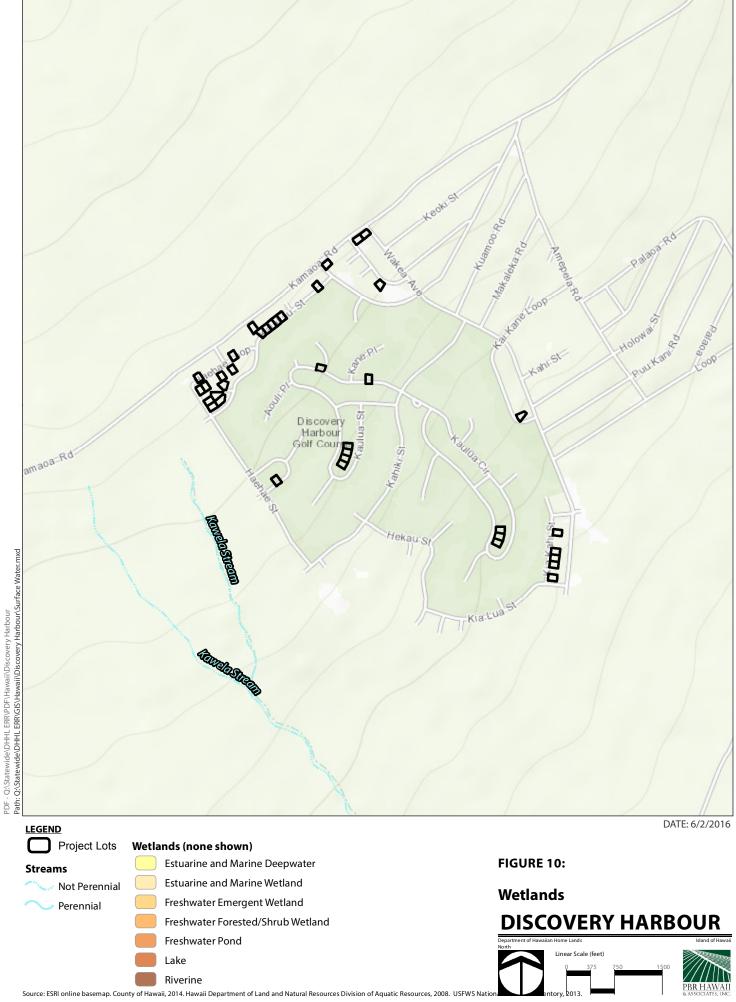
FIGURE 9:

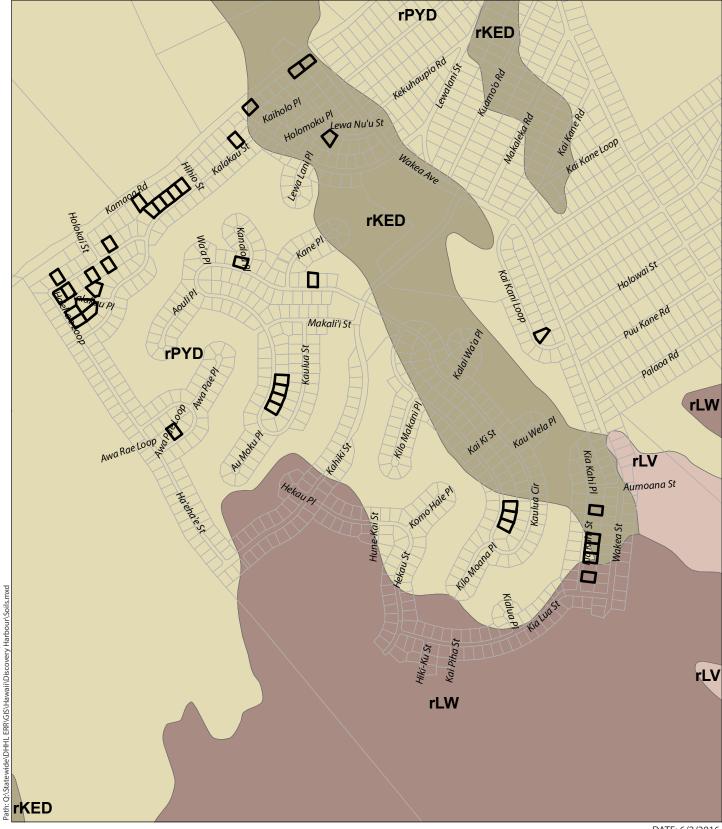
Sole Source Aquifer

DISCOVERY HARBOUR









LEGEND DATE: 6/2/2016

Project Lots

☐ Tax Map Key Parcels

Hawaii Soils

PDF - Q:\Statewide\DHHL ERR\PDF\Hawaii\Discovery Harbour

Kaimu extremely stony peat, 7 to 25 percent slopes

Lava flows, aa

Lava flows, pahoehoe

Punaluu extremely rocky peat, 6 to 20 percent slopes

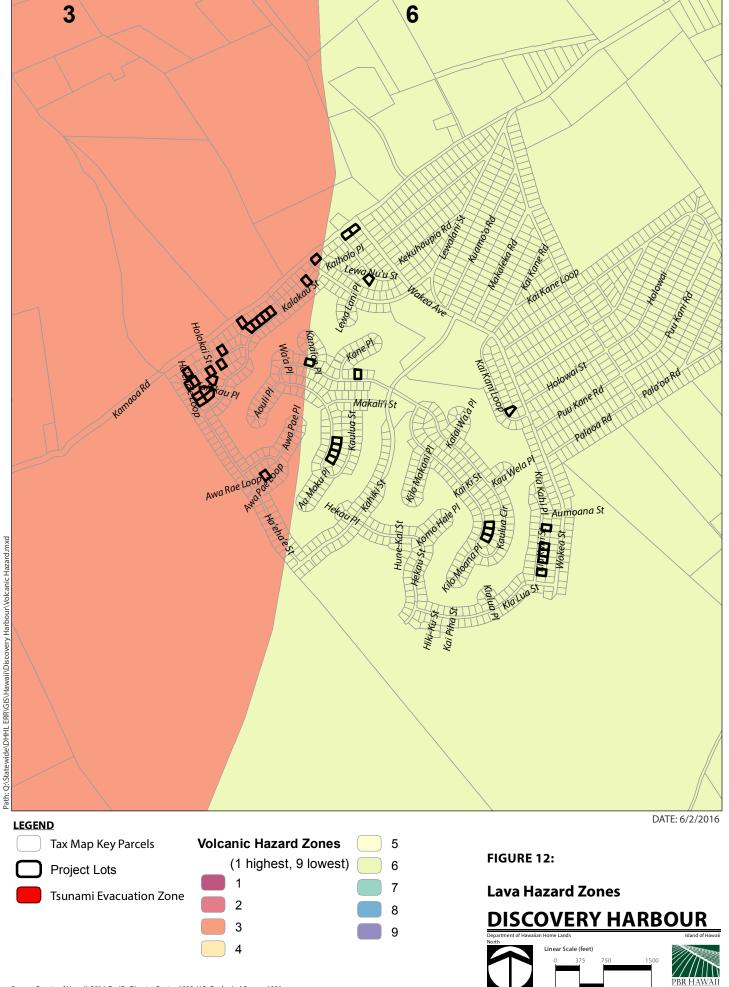
FIGURE 11:

Soil Survey

DISCOVERY HARBOUR







PDF - Q:\Statewide\DHHL ERR\PDF\Hawaii\Discovery Harbour

DEPARTMENT OF HAWAIIAN HOME LANDS HO'OLEHUA INFILL LOTS

Environmental Assessment
Determination and Compliance Findings for HUD-assisted Projects
24 CFR Part 58



U.S. Department of Housing and Urban Development

451 Seventh Street, SW Washington, DC 20410 www.hud.gov espanol.hud.gov

Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

Project Information

Project Name: Ho'olehua Infill Lots

Responsible Entity: Department of Hawaiian Home Lands

Grant Recipient (if different than Responsible Entity): Same as Responsible Entity

State/Local Identifier:

Preparer: PBR HAWAII & Associates, Inc.

Certifying Officer Name and Title: Jobie M.K. Masagatani, Chairman, Hawaiian Homes

Commission

Grant Recipient (if different than Responsible Entity): Same as Responsible Entity

Consultant (if applicable): PBR HAWAII & Associates, Inc.

Direct Comments to: Isaac Takahashi, DHHL Land Development Division

P.O. Box 1879 Honolulu, HI 96813 (808)587-6454

Project Location:

The Department of Hawaiian Home Lands (DHHL) Hoʻolehua subdivision is located within the District and Island of Molokaʻi, County of Maui. The project is separated into two residential areas within the Hoʻolehua subdivision. It encompasses various parcels in tax map plats of (2) 5-2-017 and -030 ("Project Area"). The first area is bounded by Puʻu Kapele Avenue, Lihi Pali Avenue, and open farm land. The second area is bounded by Lihi Pali Avenue, Farrington Avenue, and Ala Ekolu Street (see Figure 1).

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The proposed project is construction of single-family dwellings on 22 vacant lots within the existing Hoʻolehua subdivision using Native American Housing and Self Determination Act (NAHASDA) funds. This would involve encouraging existing lessees to build where the lot has sat vacant through package home loans or self-help housing (or other programs). The lots are accessed by County-dedicated roadways built to County standards. The lots are served by the DHHL water system and individual onsite septic systems will be used, therefore no infrastructure improvements are proposed.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The purpose of this project is to offer opportunities to native Hawaiian beneficiaries to develop lands for homesteading. It is consistent with the Hawaiian Homes Commission Act, 1920, as amended, which provides for the development and settlement of native Hawaiians on lands owned by the DHHL (State of Hawai'i, (Act of July 9, 1921, c 42, 42 Stat 108)). This project represents DHHL's ongoing efforts to expedite the development and distribution of its lands to qualified beneficiaries.

Existing Conditions and Trends [24 CFR 58.40(a)]:

The Area of Potential Effect is the 22 vacant lots within DHHL's Ho'olehua subdivision. The lots range in size from half-acre to five acre lots. These lots are considered to be the central emphasis for a rural residential core area. The lots are accessed by county-dedicated roadways built to County standards. The lots are served by the County water system and individual onsite septic systems. The vegetation throughout the majority of the property consists of open, low dry grassland with scattered koa-haole shrubs and kiawe trees. The Ho'olehua Infill Lots are mainly for residential use with agriculture as an auxiliary use where feasible. DHHL permits beneficiaries and their families the opportunity for subsistence gardening and animal husbandry without committing to agriculture as the primary source of income.

Surrounding Uses

Ho'olehua Infill Lots are located adjacent to or in proximity to Molokai Middle School, Molokai High School, larger plots of agricultural land held by DHHL, and other DHHL residential lots with built homes. Other surrounding lands in the greater area include primarily ranch and pasture lands owned by Moloka'i Ranch and Kualapu'u Ranch. Less than a mile east of the Project Area on Farrington Avenue is Kualapu'u Town which includes a small commercial strip with post office, market, restaurant and shops. The area in town is owned by smaller landowners. The Kualapu'u Elementary School is also located near the town center.

Funding Information

Grant Number	HUD Program	Funding Amount
13HBGHI001	NHHBG	\$8,000,000

Estimated Total HUD Funded Amount: \$8,000,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$8,000,000

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations	
STATUTES, EXECUTIVE OF and 58.6	RDERS, AND R	EGULATIONS LISTED AT 24 CFR 50.4	
Airport Hazards 24 CFR Part 51 Subpart D	Yes No	No impact. The Project Area is not located within the Moloka'i Airport clear zone and is about 3 miles from the nearest airport (see Figure 2).	
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No	No impact. The Project Area and surrounding area are not located within the Coastal Barriers Resource System (CBRS). Currently, there are no CBRS map units established for the State of Hawai'i (U.S Fish and Wildlife Service, 2015).	
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No	No impact. According to the Flood Insurance Rate Map (FIRM), the Hoʻolehua Infill lots are located in Zone X and not located in a Special Flood Hazard Area (see Figure 3).	
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5			
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No	No long-term impact. The State of Hawai'i is considered an attainment area because air quality is better than the National Ambient Air Quality Standards as defined in the Clean Air Act (Department of Health, State of Hawaii, 2015) Mitigatable short-term impact. The proposed development may produce short term air quality impacts such as fugitive dust and	

		emissions from construction vehicles. Dust control measures will be implemented to prevent the spread of air pollutants. Upon completion of the project, long term air quality impacts are not anticipated.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No	No impact. All lands in the State of Hawai'i are within the Coastal Zone Management Area. In letters dated November 21, 2008 and June 24, 2004, the Department of Business, Economic Development and Tourism's Office of Planning indicated that the Hawai'i CZM program does not review any HUD assistance programs, grants, or loans for federal consistency, but that CZM regulations relating to actions within the Special Management Areas (SMA) and Shoreline Setback still apply. This approach was re-confirmed by telephone in 2015.
		No portion of the Project Area is within the SMA (see Figure 4). No further consultation is required (see letter in Exhibit A).
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No	No impact. The Ho'olehua Infill Lots are vacant and undeveloped. While there are no dumps, landfills, industrial sites or any other facilities capable of releasing toxic chemicals, hazardous wastes, or radioactive materials within the Project Area, NEPAssist lists one hazardous waste site and two Regulated Discharge Sources within proximity to the Project Area (see Figure 5). • The hazardous waste site is the location of a licensed portable toilet and wastewater hauler. The EPA regulates hazardous waste under the Resource Conservation and Recovery Act (RCRA) to ensure these wastes are managed in ways that protect human health and environment. There is no record of past site contamination. The hazardous waste site is not anticipated to affect the health and safety of project

		occupants or conflict with the proposed use of the Project Area. Regulated Discharge Sources are generally regulated through the National Pollution Discharge Elimination System (NPDES). An NPDES permit is typically required for projects on land greater than one acre in size. An NPDES permit requires compliance with best management practices during construction to minimize stormwater discharge and soil erosion into adjacent waterways. The NPDES permit also includes requirements to maintain water quality during operation. The two Regulated Discharge Sources are located downstream and outside of the Project Area and is not anticipated to impact the Project Area.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No	No impact. While there is no Critical Habitat in the Project Area (see Figure 6), the following federally identified threatened or endangered species may transit the area: • Hawaiian hoary bat (Lasiurus cinereus semotus), Endangered • Hawaiian seabirds: Hawaiian petrel (Pterodroma sandwichensis), Endangered and Newell's
		shearwater (<i>Puffinus newelli</i>), Threatened Blackburn's sphinx moth (<i>Manduca blackburni</i>), Endangered Per standard USFWS mitigation measures, leases will include conditions to minimize threats from invasive species through the following measures (see Exhibit B): Any materials or equipment moving from Guam to any other island will be thoroughly assessed to ensure the

- brown tree snake is not transported in the material.
- All workers will be advised to ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area are deposited in covered or closed trash containers. The trash containers shall be removed from the project area and disposed of off-site at an approved landsite at the end of each working day to prevent the attraction of nonnative pests (i.e., rats). All tools, gear, and construction scrap will be removed upon completion of work in order to prevent the attraction of nonnative pests (i.e., rats). No contamination (trash or debris disposal, non-native species introductions. attraction of nonnative pests, etc.) of adjacent habitats will result from project-related activities.

To ensure that threatened and endangered species are not likely to be adversely affected by the proposed action, DHHL proposes to implement the following USFWS suggested species-specific minimization measures:

The endangered Hawaiian hoary bat may be present within the proposed project area. The Hawaiian hoary bat roosts in both exotic and native woody vegetation and will leave young unattended in "nursery" trees and shrubs when they forage. If trees or shrubs suitable for bat roosting are cleared during the breeding season, there is a risk that young bats could inadvertently be harmed or killed. To minimize impacts to the endangered Hawaiian hoary bat, woody plants greater than 15 feet (4.6 meters) tall will not be

- disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). Additionally, Hawaiian hoary bats forage for insects from as low as three feet to higher than 500 feet above the ground. When barbed wire is used in fencing, Hawaiian hoary bats can become entangled. Therefore, barbed wire will not be used for fencing as part of this proposed action.
- Hawaiian petrels and Newell's shearwaters (collectively known as seabirds) may traverse the project area at night during the breeding season. Outdoor lighting at this project site could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may collide with nearby wires, buildings, or other structures or they may land on the ground due to exhaustion. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable. These threats can be minimized by the shielding of any outdoor lighting so that the light is visible only from below.
- The adult Blackburn's sphinx moth feeds on nectar from native plants including beach morning glory (*Ipomoea pescaprae*), iliee (*Plumbago zeylanica*), maiapilo (*Capparis sandwichiana*). Blackburn's sphinx moth larvae feed

		upon non-native tree tobacco (<i>Nicotiana glauc</i> a), which occupies disturbed areas such as open fields and roadway margins, and the native aiea (<i>Nothocestrum sp.</i>). Based on past and current site conditions, as well as distance from critical habitat, no minimization measures are proposed.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No	No impact. No above ground storage tanks or other explosive or flammable hazards are located within the Project Area.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No	No impact. The majority of the Project Area is located on lands rated poor for agricultural production or not rated at all (see Figure 7 and Figure 8). A total of 11 lots have lands rated as "Other" by the Agricultural Lands of Importance to the State of Hawai'i (ALISH) system. Three lots are rated "Prime" and the remaining lots are not rated. The majority of the lots are rated as D ("poor") by the Land Study Bureau and the rest of the lands are rated as E ("very poor"). The Ho'olehua Infill Lots places emphasis on residential use and encourages agriculture as an auxiliary use where feasible. The project permits beneficiaries and their families the opportunities for subsistence gardening and animal husbandry without committing to agriculture as the primary source of income.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No	No impact. According to the FIRM, the Project Area is in Zone X and not located in a Special Flood Hazard Area (see Figure 3).
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No	No impact. Section 106 consultation with SHPD and NHOs have been conducted to confirm the area of potential effect and determination of historic properties not likely to be adversely affected (see Exhibit C).

		Hoʻolehua is an ahupuaʻa in West Molokaʻi within the Kona Moku. The Hoʻolehua area was once traditionally used for dryland agriculture. The area was known particularly for the cultivation of 'uala, a type of sweet potato, and olo or hokeo, the long gourd used for holding fishing tackle and to make the hula drum. This agricultural use continued into the early 20th century. During the mid-to late-1800s, ranching became the dominant land use within the central plains of Molokaʻi, including the project area. According to consultation with Native Hawaiian Organizations, no known archaeological resources are known to exist within the Project Area. To minimize impacts to historic and archaeological resources, construction contracts will include a condition that should burials or other traditional deposits be identified during intrusive activities, all work in the area will cease and the appropriate agencies will be contacted in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA) and applicable laws of the State of Hawaiʻi.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No	No impact. There are no noticeable noise sources in the vicinity that would necessitate noise abatement. The site is over 5 miles from the nearest airport (see Figure 2). Mitigatable short-term impact. During construction, noise will be generated by construction and earth-moving equipment. However, these short term noise impacts will occur only during daytime hours. The project will comply with State DOH noise regulation. If construction noise levels are anticipated to exceed the DOH maximum permissible property line noise levels, a permit will be obtained from the DOH to allow the operation of construction activities.
Sole Source Aquifers	Yes No	No impact. The project is located in a sole source aquifer, as such the U.S. EPA has

Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149		been consulted regarding potential effects to drinking water (see Figure 9). Upon a 30-day period for comment without response, DHHL has determined the action will have no adverse effect to drinking water sources. To be consistent with prior EPA comments, individual septic systems will be installed rather than cesspools. (Exhibit D).
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No	No impact. According to the National Wetlands Inventory data on NEPAssist, there are no wetlands within the Project Area (see Figure 10).
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No	Hawaii does not have any designated Wild and Scenic Rivers (Wild and Scenic Rivers website, http://www.rivers.gov/hawaii.php)
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No	This project does not create any hazards nor expose minority or low-income group or individuals to adverse environmental conditions; therefore, it is in compliance with E.O. 12898.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental	Impact	
Assessment Factor	Code	Impact Evaluation
LAND DEVELO	PMENT	
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	Under the current DHHL Moloka'i Island Plan (2005), the land use designations for the Project Area are Residential, Community Use, Subsistence Agriculture, and Supplemental Agriculture, consistent with the proposed Project.
		The proposed development will be implemented under the provisions of the Hawaiian Homes Commission Act (HHCA), 1920, as amended. In accordance with the HHCA, Hawaiian home lands are not subject to zoning or other land use controls by the State or County (HHCA §206).
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	3	The topography is relatively level. Within the Project Area and surrounding area the surface soils primarily consist of silty clay from the Hoʻolehua and Lahaina soil associations (see Figure 11). According to the U.S. Soil Conservation Survey for the Island of Molokaʻi, these soils are used for truck crops, pasture and wildlife habitat. Runoff is slow and the erosion hazard is slight to moderate. Substantial land clearing would be necessary before lands within the Project Area could be used to support any intensive agricultural use.

		Mitigatable short-term impacts. Erosion control measures and best management practices will be required during construction to prevent soil loss and erosion. All grading operations shall be conducted in compliance with appropriate State and County regulations.
Hazards and Nuisances including Site Safety and Noise	2	The proposed low intensity of development and uses such as self-sufficiency homesteads, horticulture, and revegetation, will not significantly affect the area's visual resources. The Project Area has low noise levels associated with a rural residential and agricultural lifestyle. The area is characterized as a low density residential development with some subsistence agriculture for supplemental income. No significant short- or long-term noise impacts from the infill development of Hoʻolehua for homestead and subsistence agricultural use is expected.
Energy Consumption	2	Electrical power is supplied by Moloka'i Electric Company and there is adequate capacity to serve the Project.

Environmental	Impact	
Assessment Factor	Code	Impact Evaluation
SOCIOECONOM	ПС	
Employment and Income Patterns	2	Moloka'i's main employment opportunities are focused around resort and service industries. The main job center is located in West Moloka'i. Moderate growth in agricultural job opportunities have occurred in Ho'olehua and is due primarily to the development of the Ho'olehua agricultural subdivision. It is anticipated that the majority of DHHL beneficiaries living within Ho'olehua would derive income from jobs located elsewhere around the island. Thus, the Project would have little, if any impact on employment opportunities.
Demographic Character Changes, Displacement	2	The residents within the Project Area are expected to share similar characteristics as existing surrounding residents in the greater Hoʻolehua area. The Project increases residential homestead opportunities by enabling existing, relocated, or new native Hawaiian lessees to build on infill lots.

No residences, businesses, community facilities, farms,
or other activities would be displaced as a result of the
proposed development.

Environmental	Impact	
Assessment Factor	Code	Impact Evaluation
COMMUNITY F	ACILITIE	S AND SERVICES
Educational and Cultural Facilities	2	School-aged children within the Project Area would be accommodated by Kaunakakai Elementary School Kualapuu Elementary New Century Public Charter School, Moloka'i Middle-School, and Moloka'i High School. All three schools have adequate capacity.
Commercial Facilities	2	Commercial facilities are not located within the Project Area. The nearest commercial facilities are located in Kaunakakai approximately seven miles away to the southeast.
Health Care and Social Services	2	Moloka'i General Hospital is located in Kaunakakai and is the major medical facility for the island of Moloka'i.
Solid Waste Disposal / Recycling	2	The County of Maui provides residential curbside refuse pickup and disposal service for residences located within the Project Area.
Waste Water / Sanitary Sewers	2	No County wastewater system services the Project Area. Wastewater is collected by Individual Wastewater Systems (IWS) approved by the Department of Health.
Water Supply	2	The DHHL owned and maintained Ho'olehua Water System provides storage and transmission of adequate volumes of potable water to the Project Area. This private water system transports water from a 200,000 gallon reinforced concrete reservoir to the Project Area via a 12-inch water main. It is noted that there is an ongoing project (not part of this Project or Environmental Review) to upgrade the safety and reliability of DHHL's water system on Moloka'i.
Public Safety - Police, Fire and Emergency Medical	2	Fire. The Hoʻolehua area is serviced by two fire stations and one substation on Molokaʻi. The Kaunakakai Fire Station is located seven miles from the Project Area. The Hoʻolehua Fire Station is located less than one-half mile away from the Project Area. Both stations also provide EMS services. Police. The Police Department is located adjacent to the fire stations on Molokaʻi. The station in Hoʻolehua services the Project Area.
Parks, Open Space and Recreation	2	The Project Area is approximately 1,000 feet from a park where there are playfields. No adverse impact to the park is anticipated.

Transportation and Accessibility	2	Kalae Highway, a State owned two-lane improved roadway, provides access to Hoʻolehua. Farrington Avenue and Lihi Pali Avenue provide access to the Project Area from Maunaloa Highway. The internal roadways within the Project Area are county-dedicated
		roadways built to county standards.

Environmental	Impact	
Assessment Factor	Code	Impact Evaluation
NATURAL FEATU		
Unique Natural Features, Water Resources	2	There are no unique natural or water features within the Project Area.
Vegetation, Wildlife	3	The vegetation throughout the Project Area consists of open, low grassland with scattered koa-haole shrubs and kiawe trees. There are no significant animal populations in the vicinity of the Project Area.
		While there is no Critical Habitat in the Project Area (see Figure 6), the following federally identified threatened or endangered species may transit the area:
		 Hawaiian hoary bat (Lasiurus cinereus semotus), Endangered Hawaiian seabirds: Hawaiian petrel (Pterodroma sandwichensis), Endangered and Newell's shearwater (Puffinus newelli), Threatened Blackburn's sphinx moth (Manduca blackburni), Endangered
		To ensure that threatened and endangered species are not likely to be adversely affected by the proposed action, DHHL proposes to implement the following USFWS suggested species-specific minimization measures:
		The endangered Hawaiian hoary bat may be present within the proposed project area. The Hawaiian hoary bat roosts in both exotic and native woody vegetation and will leave young unattended in "nursery" trees and shrubs when they forage. If trees or shrubs suitable for bat roosting are cleared during the breeding season, there is a risk that young bats could inadvertently be harmed or killed. To minimize impacts to the endangered Hawaiian hoary bat, woody plants greater than 15 feet (4.6 meters) tall will not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). Additionally, Hawaiian hoary bats forage

for insects from as low as three feet to higher than 500 feet above the ground. When barbed wire is used in fencing, Hawaiian hoary bats can become entangled. Therefore, barbed wire will not be used for fencing as part of this proposed action. Hawaiian petrels and Newell's shearwaters (collectively known as seabirds) may traverse the project area at night during the breeding season. Outdoor lighting at this project site could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may collide with nearby wires, buildings, or other structures or they may land on the ground due to exhaustion. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable. These threats can be minimized by the shielding of any outdoor lighting so that the light is visible only from below. The adult Blackburn's sphinx moth feeds on nectar from native plants including beach morning glory (Ipomoea pescaprae), iliee (Plumbago zeylanica), maiapilo (Capparis sandwichiana). Blackburn's sphinx moth larvae feed upon non-native tree tobacco (Nicotiana glauca), which occupies disturbed areas such as open fields and roadway margins, and the native aiea (Nothocestrum sp.). Based on past and current site conditions, as well as distance from critical habitat, no minimization measures are proposed.

n/a

Other Factors

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]: Various agencies (or agency documents) were consulted in preparation of this EA including:

USFWS (see Exhibit B)

EPA (see Exhibit D)

SHPD (see Exhibit C)

Public Outreach [24 CFR 50.23 & 58.43]: Consultation with Native Hawaiian Organizations has been conducted to meet Chapter 6E-8 Hawaii Revised Statutes as well as the NHPA Section 106 requirements. Consultation packets and responses have been included with Exhibit C.

Cumulative Impact Analysis [24 CFR 58.32]: Hoʻolehua has long been planned for Hawaiian Home Lands residential development; and the Molokaʻi Island Plan prepared by DHHL forecasts that it will continue to be a growing residential community. Roads have capacity to accommodate projected traffic; public schools have capacity to accommodate school-aged children from the Project, increased impervious surface runoff would be accommodated onsite through infiltration and drywells. It is noted that there is an on-going project (not part of this Project or Environmental Review) to upgrade the safety and reliability of DHHL's water system on Molokaʻi.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

No Action Alternative [24 CFR 58.40(e)]: The no action alternative would continue status quo underutilization of suitable land for residential-agricultural homestead use for native Hawaiian beneficiaries.

Summary of Findings and Conclusions:

Construction of single-family dwellings on established residential lots within the Hoʻolehua subdivision is a long-planned activity and use of the Project Area. Infrastructure is sized and maintained to accommodate the additional 22 homes. Short-term impacts associated with construction are anticipated and mitigatable. Other mitigatable impacts related to protection of cultural resources and endangered species are discussed herein and listed below.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Threatened or endangered species	Any materials or equipment moving from Guam to any other island will be thoroughly assessed to ensure the brown tree snake is not transported in

the material. All workers will be advised to ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area are deposited in covered or closed trash containers. The trash containers shall be removed from the project area and disposed of off-site at an approved landsite at the end of each working day to prevent the attraction of non-native pests (i.e., rats). All tools, gear, and construction scrap will be removed upon completion of work in order to prevent the attraction of non-native pests (i.e., rats). No contamination (trash or debris disposal, non-native species introductions, attraction of non-native pests, etc.) of adjacent habitats will result from project-related activities To minimize impacts to the endangered Hawaiian hoary bat: o Woody plants greater than 15 feet (4.6 meters) tall will not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). o Barbed wire will not be used for fencing as part of this proposed action. To avoid impacts to Hawaiian petrels and Newell's shearwaters (collectively known as seabirds) o To protect night-flying seabirds, outdoors illumination be shielded so that the bulb is not visible at or above bulb-height. o If night work must be conducted, it should take place outside the sea bird fledging season (September 15 through December 15) and should utilize shielded lighting. Air quality, noise, water quality Construction documents will include: Standard dust control measures Standard noise control measures Best management practices for erosion and sedimentation control in accordance with approved Grading and NPDES permits

Archaeological Sites	Construction contracts will include a condition that should burials or other traditional deposits be identified during intrusive activities, all work in the area will cease and the appropriate agencies will be contacted in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA) and applicable laws of the State of Hawai'i.			
Determination:				
Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.27] The project will not result in a significant impact on the quality of the human environment. Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27] The project may significantly affect the quality of the human environment.				
Preparer Signature: CCulli	Date: June 14, 2016			
Name/Title/Organization: Catie Cullison/Sr. Planner/PBR HAWAII & Associates, Inc.				
Certifying Officer Signature:	Date:			

Name/Title: Jobie M.K. Masagatani/Chairman, Hawaiian Homes Commission

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Works Cited

Department of Health, State of Hawaii. (2015). *Annual Summary 2013: Air Quality Data*. Group 70 International. (2005). *Molokai Island Plan*. Honolulu: Department of Hawaiian Home Lands.

State of Hawai'i. ((Act of July 9, 1921, c 42, 42 Stat 108)). Hawaiian Homes Commission Act, 1920. *Hawaii State Constitution*.

U.S Fish and Wildlife Service. (2015). *Coastal Barrier Resources Act*. Retrieved November 2015, from http://www.fws.gov/cbra/Maps/index.html

Figures

Figure 1. Regional Location Map

Figure 2. Distance from Airport

Figure 3. Flood Insurance Rate Map

Figure 4. Special Management Area

Figure 5. Hazardous Substances

Figure 6. Critical Habitat

Figure 7. Agricultural Lands of Importance to the State of Hawaii

Figure 8. Land Study Bureau

Figure 9. Sole Source Aquifer

Figure 10. Wetlands

Figure 11. Soil Survey

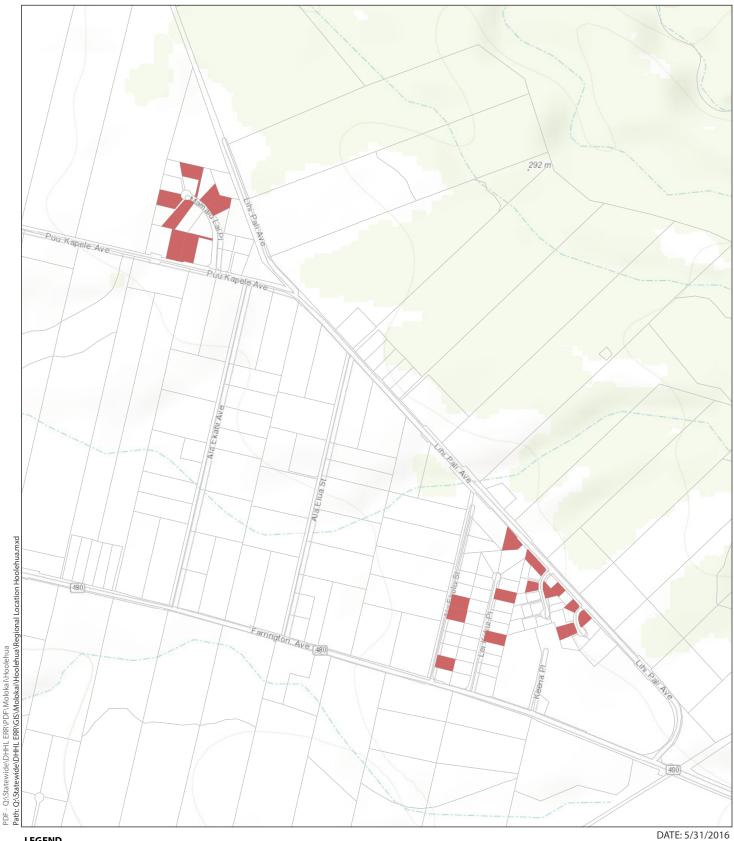
Exhibits

Exhibit A. Coastal Zone Management Consistency Letter

Exhibit B. USFWS Consultation

Exhibit C. Section 106 Consultation

Exhibit D. EPA Consultation





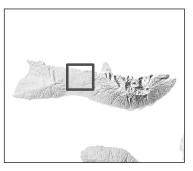
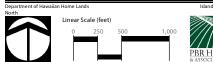


FIGURE 1: Project Lots and APE HO'OLEHUA

RESIDENTIAL LOTS



Source: ESRI Online Basemap. County of Maui, 2012 $\&\,2013$.

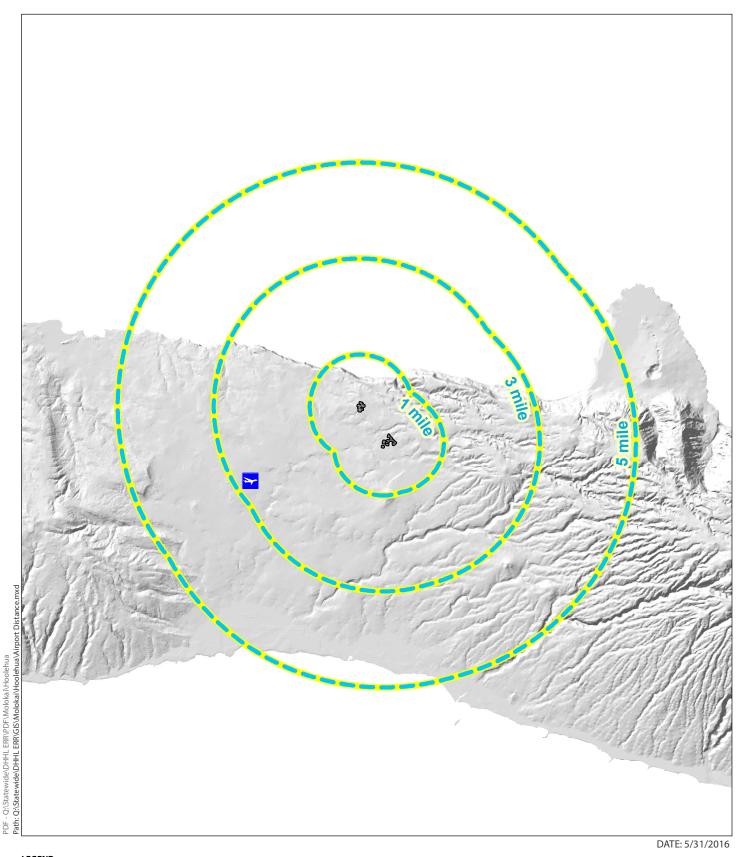
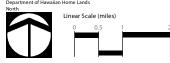




FIGURE 2:

Distance from Airport



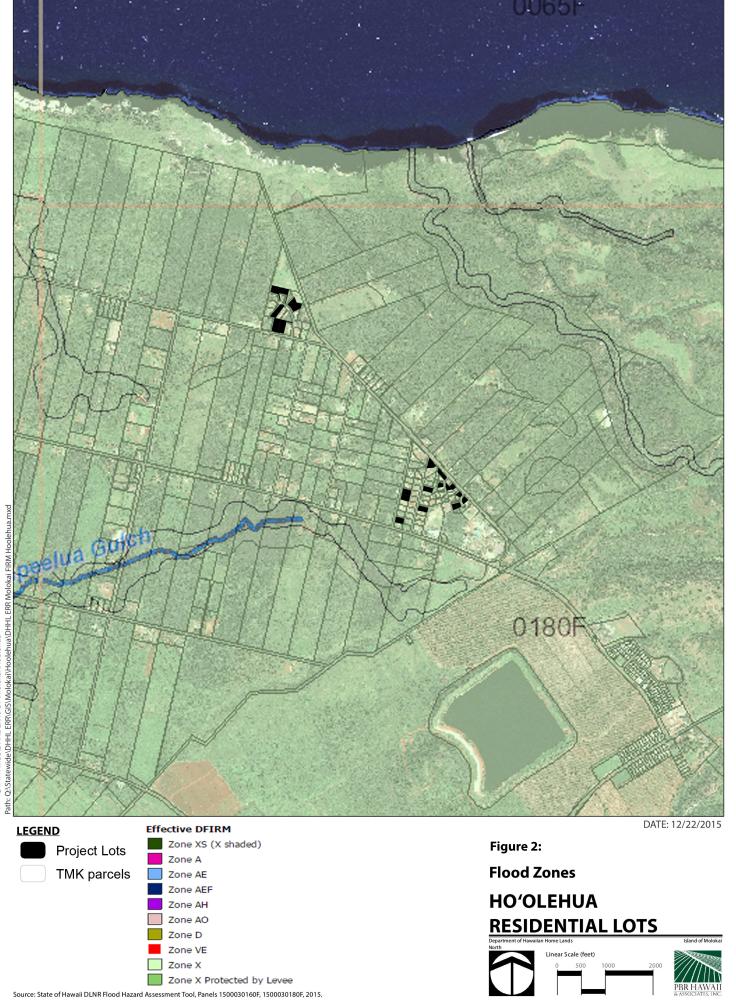






FIGURE 4:
Special Management Area



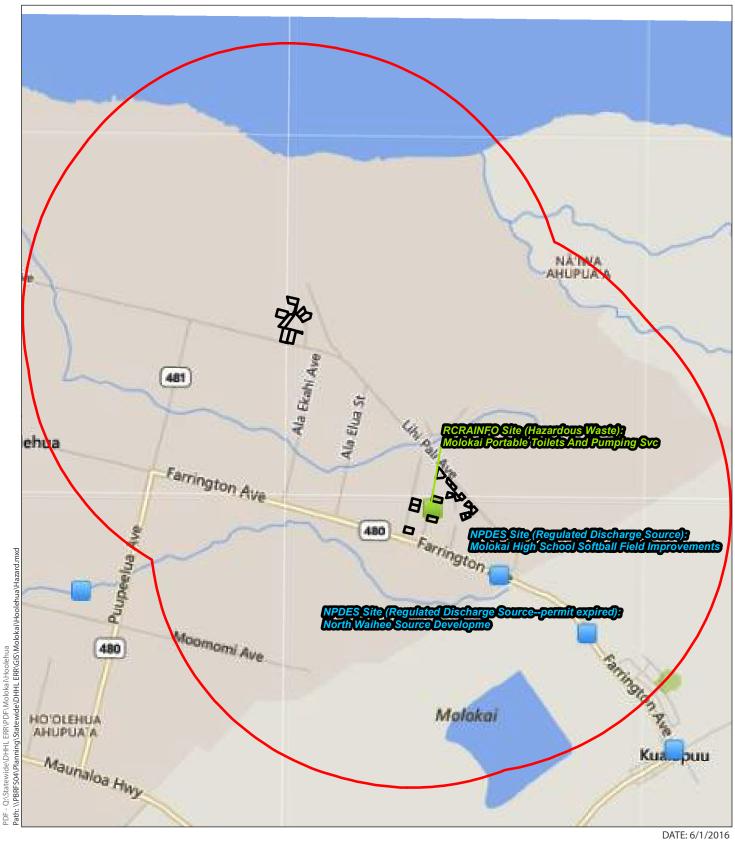
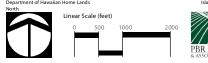
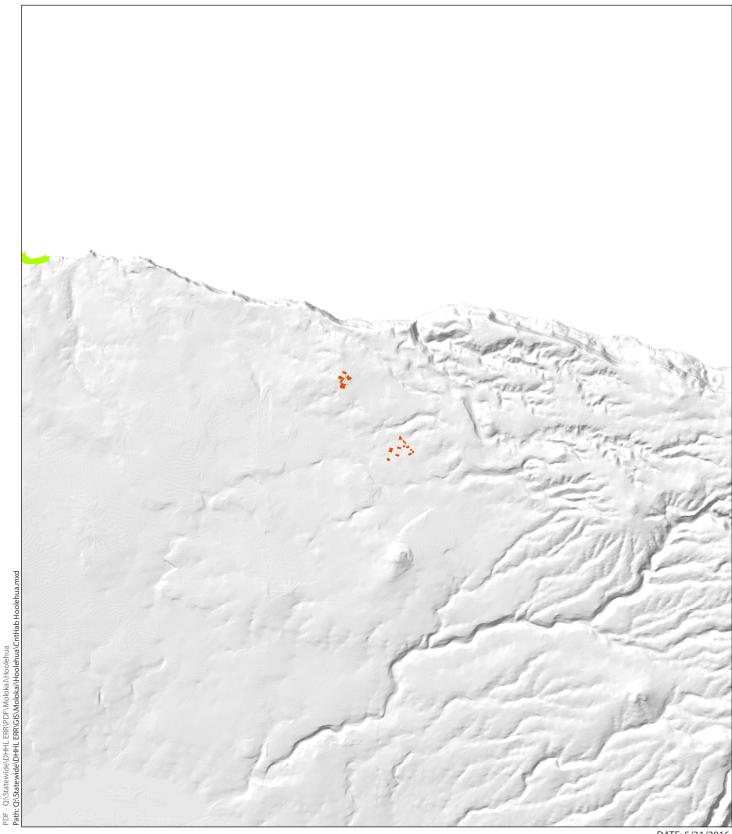




FIGURE 5:

Hazardous Substances





LEGEND

Project Lots

Plant Critical Habitat

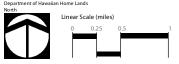
Animal Critical Habitat (none shown)

Endangered Blackburn's Sphinx Moth (none shown)

Threatened and Endangered Plants

DATE: 5/31/2016

FIGURE 6:
Critical Habitat
and Endangered Species
HO'OLEHUA
RESIDENTIAL LOTS



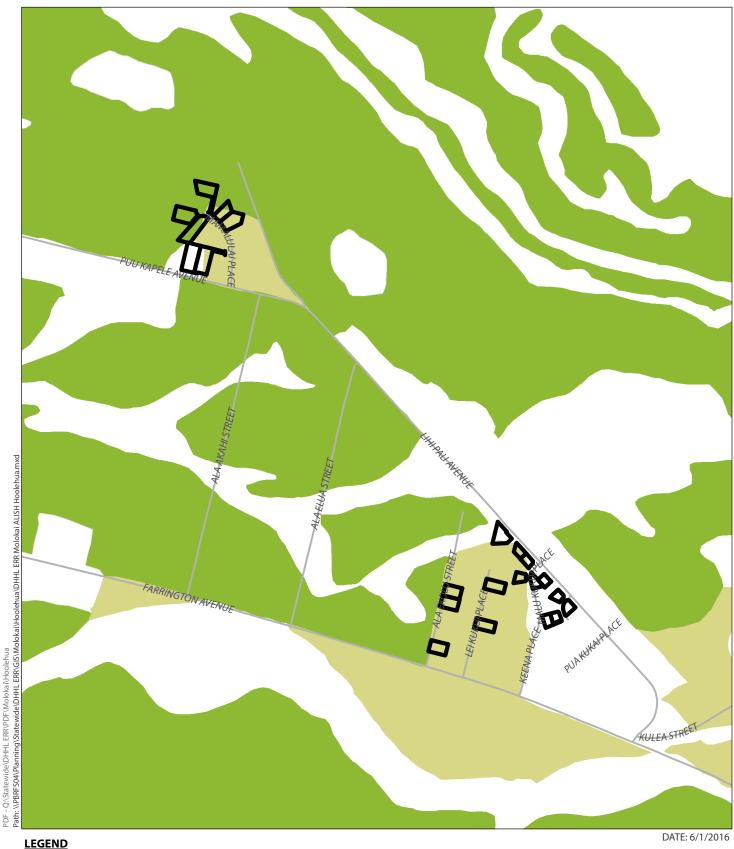
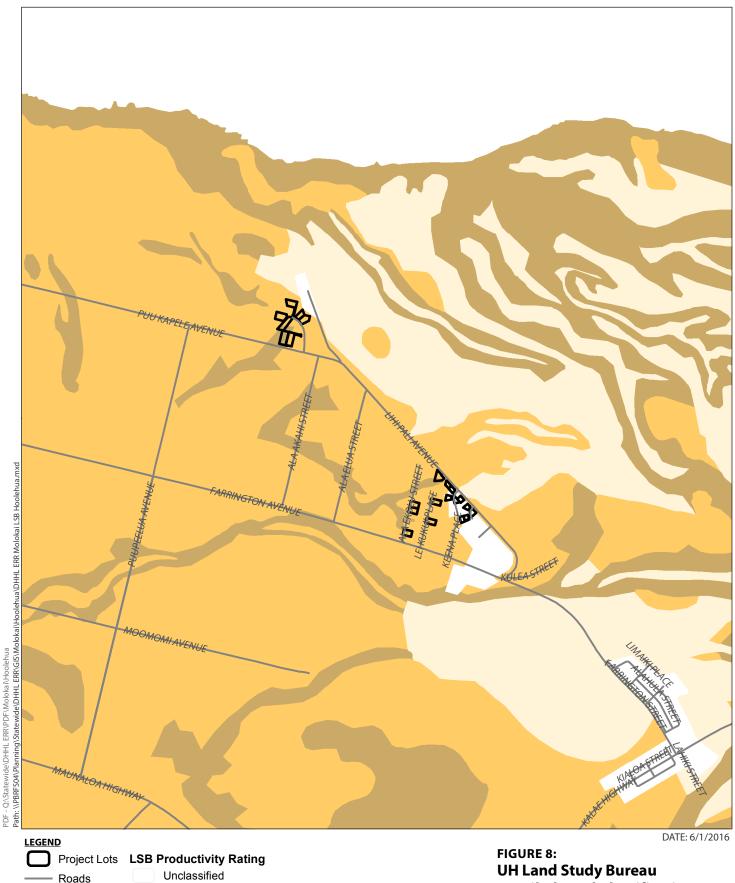


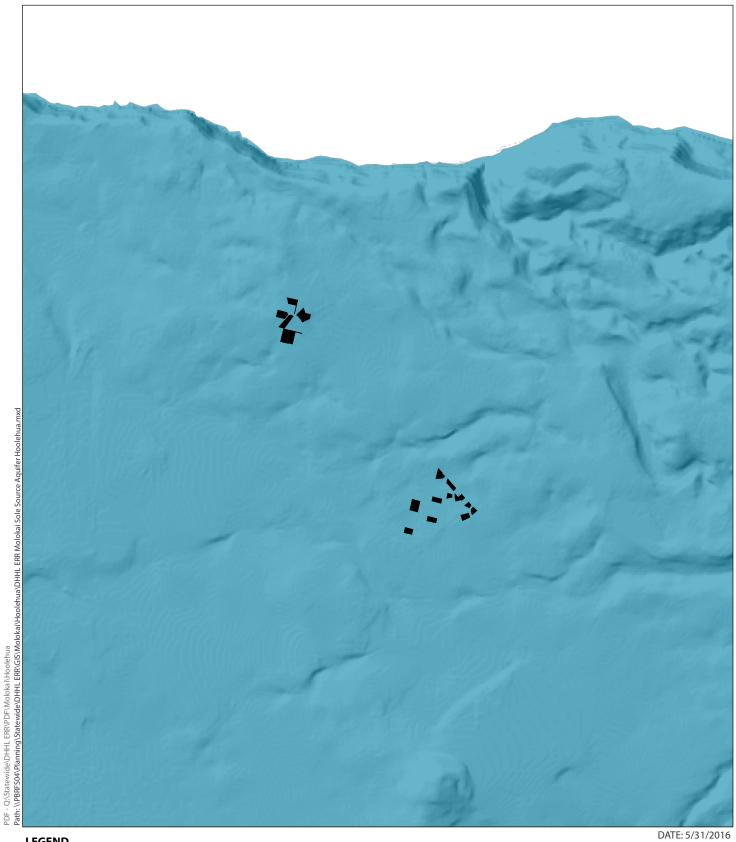


FIGURE 7:
Agricultural Lands of Importance
to the State of Hawai'i
HO'OLEHUA
RESIDENTIAL LOTS
Department of Hawaian Home Lands
North Island of Molokai









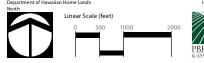
LEGEND

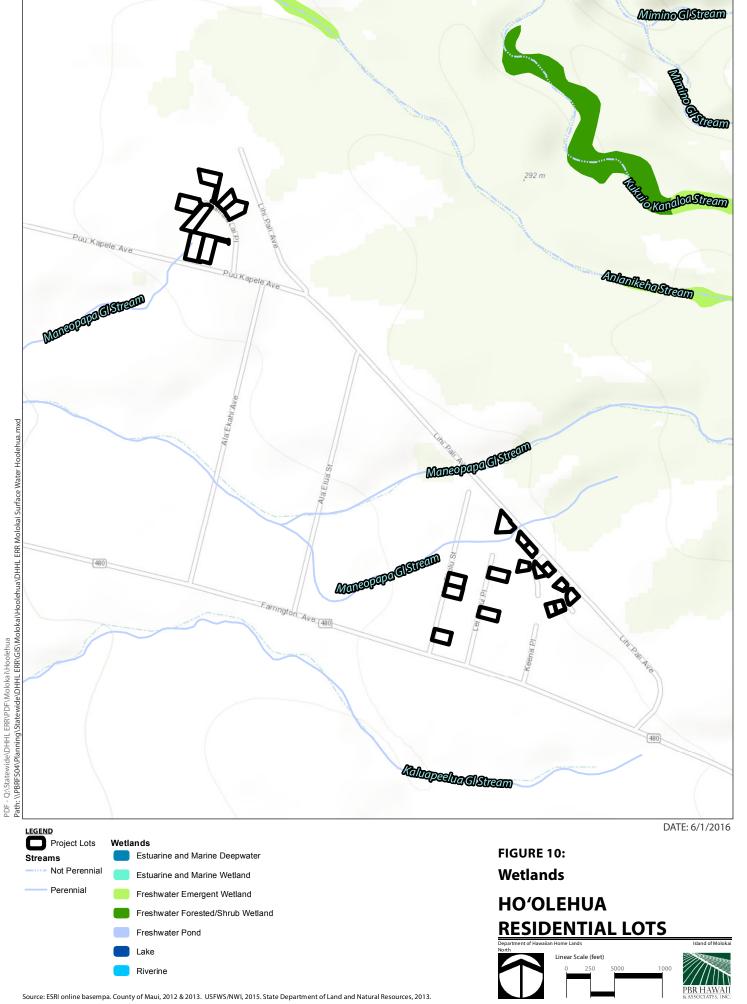
Project Lots

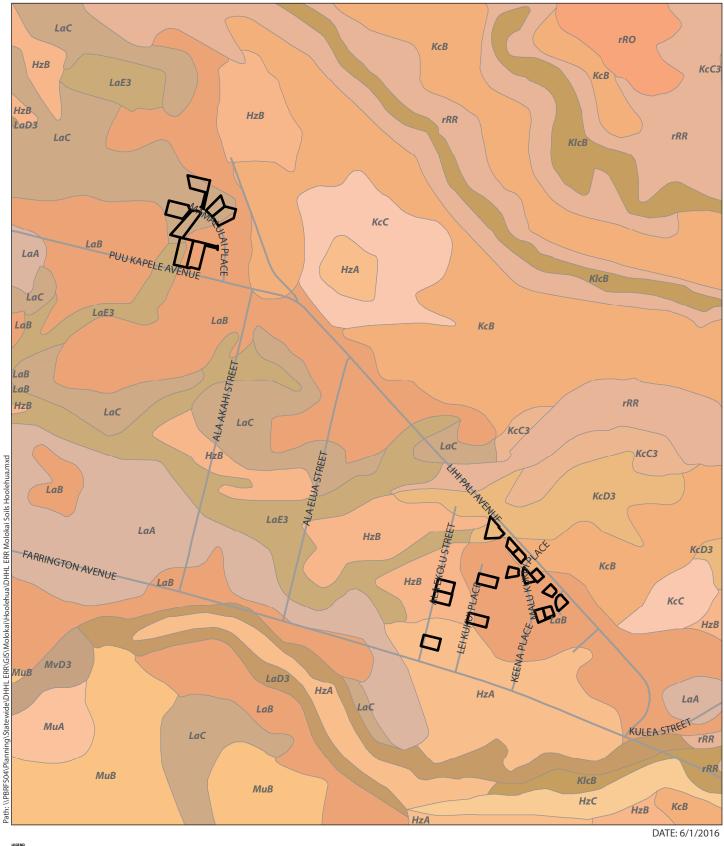
Moloka'i Sole Source Aquifer

FIGURE 9:

Moloka'i Sole Source Aquifer







LaB - Lahaina silty clay, 3 to 7 percent slopes FIGURE 11: LaC - Lahaina silty clay, 7 to 15 percent slopes HzA - Hoolehua silty clay, 0 to 3 percent slopes LaD3 - Lahaina silty clay, 15 to 25 percent slopes, severely eroded HzB - Hoolehua silty clay, 3 to 7 percent slopes **Soil Survey** LaE3 - Lahaina silty clay, 25 to 40 percent slopes, severely eroded HzC - Hoolehua silty clay, 7 to 15 percent slopes MuA - Molokai silty clay loam, 0 to 3 percent slopes KcB - Kalae silty clay, 2 to 7 percent slopes **HO'OLEHUA** MuB - Molokai silty clay loam, 3 to 7 percent slopes KcC - Kalae silty clay, 7 to 15 percent slopes MvD3 - Molokai silty clay loam, shallow variant, 15 to 25 percent slopes, severely eroded KcC3 - Kalae silty clay, 5-15 percent slopes, severely eroded **RESIDENTIAL LOTS** RO - Rock outcrop KcD3 - Kalae silty clay, 15 to 25 percent slopes, severely eroded rRR - Rough broken land KlcB - Kawaihapai silty clay loam, 2 to 7 percent slopes LaA - Lahaina silty clay, 0 to 3 percent slopes

Q:\Statewide\DHHL ERR\PDF\Moloka i\Hoolehua

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Niniau Simmons, NAHASDA Manager

SUBJECT: C-3 For Information Only – Presentation on DHHL's Waiting List Demographic

Information

THIS SUBMITTAL ITEM WILL BE DISTRIBUTED UNDER SEPARATE COVER

DEPARTMENT OF HAWAIIAN HOME LANDS HAWAIIAN HOMES COMMISSION Kapolei, Oʻahu, Hawaiʻi JUNE 20 & 21, 2016

D-ITEMS **HOMESTEAD SERVICES DIVISION**

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

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

July 18, 2016

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through June 30, 2016

	As of			As of
	5/31/16	Add	Cancel	6/30/16
Residential	8,307	1	2	8,306
Agriculturual	1,099	0	0	1,099
Pastoral	408	0	0	408
Total	9,814	1	2	9,813

The number of Converted Undivided Interest Lessees represents an increase of 393 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 5/31/16	Converted	Rescinded/ Surrendered/ Cancelled	As of 6/30/16
Undivided	940	0	0	940
Balance as of 6/30/16				
Awarded Relocated to UNDV Rescinded Surrendered Cancelled Converted	_	1,434 7 101 5 2 393		
Balance to Convert		940		

Lease Report For the Month Ending June 30, 2016

	***************************************	RESID	ENCE			AGRIC	ULTURE			PAST	TURE		7	OTAL	LEASES	
	Last Month	Add (Cancel	TOTAL	Last Month	Add (Cancel	TOTAL	Last Month	Add C	ancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU											^		00			03
Kalawahine	92	0	0	92	0	0	0	0	0	0	0	0	92 351	0	0 0	92 351
Kanehili Kanelai	351	0	0	351 270	0	0	0	0	0	0	0	0	270	0	0	270
Kapolei	270 326	0	0	326	0	0	0	0	0	0	0	0	326	0	0	326
Kaupea Kaupuni	19	0	0	19	0	0	٥	ā	0	Ö	0	0	19	ō	ō	19
Kewaio	250	0	ő	250	Õ	ō	Ō	ō	0	ō	0	0	250	0	Ö	250
Kumuhau	51	Ö	ō	51	0	0	0	0	0	0	0	0	0	0	0	51
Lualualei	149	0	ō	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	1,051	0	0	1,051	0	0	0	0	0	0	0	0	1,051	0	0	1,051
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	419	1	0	420	11	0	0	11	0	0	0	0	430 747	1	0	431 747
Waimanalo	745	0	0	745	2 60	0	0	2 60	0	0	0	0	4,223	0	0	4,275
TOTAL	4,214	1		4,215	00	v	Ų	20	•				7,220			4,270
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 00	0	0	75 C5
Keokea	0	0	0	0	65	0	0	65	0	0	0	0	65	0	0	65
Lealii	104	0	0	104	0	0	0	0	0	0	0	0	104	0	0	104
Paukukalo	180	0	0	180	0	0	0	0	0	0	0	0	180	0	0	180 39
Walehu 1	39	0	0	39 108	0	0	0	0	0	0	0	0	39 108	0	0	39 108
Walehu 2	108			113	0	0	0	0	0	0	0	0	113	0	0	113
Waiehu 3 Waiehu 4	113 98	0	0 0	113 98	0	0	0	0	0	0	0	0	98	0	0	98
Waichuli	596	0	0	596	0	0	0	0	0	0	0	0	596	0	0	596
TOTAL	1,268	0	Ö	1,268	65	ő	0	65	75	ŏ	Ö	75	1,408	ō	Ö	1,408
	.,250			,,===							<u> </u>					
EAST HAWAII									_				_	_	_	
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamaoa	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25 44
Kaumana	44	0	0	44	0	0	0	0	0	0	0	0	44 471	0	0	471
Keaukaha	471 3	0	0	471 3	0	0	0	0	0	0	0	0	3	0	0	3
Kurtistown Makuu	0	0	0	0	123	0	0	123	0	0	0	0	123	0	0	123
Panaewa	0	0	0	0	263	0	0	263	0	0	0	o	263	ő	Ö	263
Piihonua	17	0	0	17	0	0	Ö	0	0	ō	Ö	0	17	ō	Ö	17
Puueo	0	0	ŏ		12	ō	ů	12	0	ō	Ō	0	12	ō	ō	12
University Heights	4	ő	ŏ	4	0	Õ	Ŏ	0	0	ō	Ö	Ô	4	0	0	4
Waiakea	298	ō	1	297	0	٥	Ö	ō	0	0	Ō	Đ	298	0	1	297
TOTAL	839	0	1	838	398	0	0	398	25	0	0	25	1,262	D	1	1,261
WEST HAWAII																$\overline{}$
Honokaia	0	0	0	0	0	0	0	0	23	0	0	23	23	0	0	23
Humuula	0	0	0	0	0	0	0	0	5	ō	0	5	5	ō	0	5
Kamoku	0	0	0	ŏ	0	ō	Õ	Ŏ	16	ō	Ö	16	16	Ö	ŏ	16
Kaniohale	225	Ö	1	224	0	Ö	ō	ō	0	ō	Ŏ	0	225	ō	1	224
Kawaihae	186	ŏ	ò	186	Ö	ō	ŏ	ō	1	ō	ō	1	187	0	0	187
Laiopua	280	ō	Õ	280	ō	ō	Ö	ō	ò	ō	0	Ó	280	ō	0	280
Lalamilo	30	Õ	ō	30	ō	ō	Ō	ō	0	0	Ö	0	30	0	0	30
Nienie	0	Ō	0	0	0	0	0	0	21	0	0	21	21	0	0	21
Puukapu/Waimea/Kuhio Vil	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	٥	0	30
TOTAL	865	0	1_	864	110	0	0	110	280	0	0	280	1,255	0	1	1,254
KAUAI																
Anahola	535	0	0	535	46	0	0	46	0	0	O	0	581	0	0	581
Hanapepe	47	0	0	47	0	0	Ö	0	0	Ö	Ö	Ö	47	ō	0	47
Kekaha	116	0	0	116	ō	ō	0	0	0	0	Õ	ů	116	ō	0	116
Puu Opae	0	ō	Õ	0	ō	ō	0	Ŏ	1	0	0	1	1	0	0	1
TOTAL	698	0	Ö	698	45	0	0	46	1	0	0	1	745	0	0	745
HOLOVAL																
MOLOKAI	457	^	0	157	245	0	0	345	21	0	0	21	523	0	0	523
Hoolehua	157 162	0	0 0	157 162	345 72	0	0	345 72	3	0	0	3	237	0	0	237
Kalamaula	47	0	0	102 47	0	0	0	0	3	0	0	3	50	0	0	50
Kapaakea Moomomi	0	0	0	47 0	3	0	0	3	0	0	0	0	3	0	0	3
O'ne Alii	28	0	0	28	0	0	0	0	0	0	0	0	28	0	0	28
TOTAL	394	D	0	394	420	0	0	420	27	Q.	0	27	841	٥	Ō	841
	331				750				= :	<u>_</u>						***
LANAI			_		_	_	_	_		_	_	_			^	
Lanai	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29 29
TOTAL	29	0	0	29	0	0	0	0_	0	0	0	0	29	0		29
STATEWIDE TOTAL	8,307	1	2	8,306	1,099	0	0	1,099	408	0	0	408	9,814	1	2	9,813

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING June 30, 2016

AREA WAITING LIST

		RESID	ENCE			AGRICL	ILTURE			PAST	JRE		
DISTRICT AREA	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	TOTAL
Oahu District	1,017	0	1	1,016	3	0	0	3	· 0	0	0	0	. 1,019
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	1,303	0	1	1,302	44	0	0	44	97	0	0	97	1,443

ISLANDWIDE WAITING LIST

		RESIDE	NCE		<i>F</i>	AGRICU	LTURE			PAST	TURE			
ISLAND	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL		TOTAL
Oahu	9,444	21	14	9,451	3,571	6	1	3,576	0	0	0	0		13,027
Maui	3,702	7	4	3,705	4,563	4	0	4,567	590	2	0	592		8,864
Hawaii	5,639	6	7	5,638	7,030	4	0	7,034	1,842	2	0	1,844		14,516
Kauai	1,582	4	0	1,586	2,188	2	0	2,190	291	0	0	291	· ·	4,067
Molokai	769	0	1	768	1026	0	0	1026	195	0	0	195		1,989
Lanai	85	0	0	85	. 0	0	0	0_	0	0	0	0		85
TOTAL	21,221	38	26	21,233	18,378	16	1	18,393	2,918	4	0	2,922		42,548

AREA AND ISLANDWIDE LISTS

	RES	AG	PAS	TOTAL	AD
OAHU	10,467	3,579	0	14,046	New Applications
MAUI	3,778	4,571	-597	8,946	Application Trans
HAWAII	5,773	7,049	1,906	14,728	Lease Rescission
KAUAI	1,644	2,193	320	4,157	App Reinstateme
MOLOKAI	788	1,045	196	2,029	HHC Adjustments
LANAI	85	0	0	85	
TOTAL	22,535	18,437	3,019	43,991	

ADDITIONS	
New Applications	53
Application Transfers	5
Lease Rescissions	0
App Reinstatements	0
HHC Adjustments	0
TOTAL	58

CANCELLATIONS						
New Lease Awards	22					
Application Transfers	5					
Succ'd and Cancel Own	1					
Public Notice Cancel	0					
Voluntary Cancellations	0					
Lease Successorships	0					
HHC Adjustments	0					
Dec'd No Successor	0					
NHQ Unqualified	0					
TOTAL	28					

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

June 30, 2016

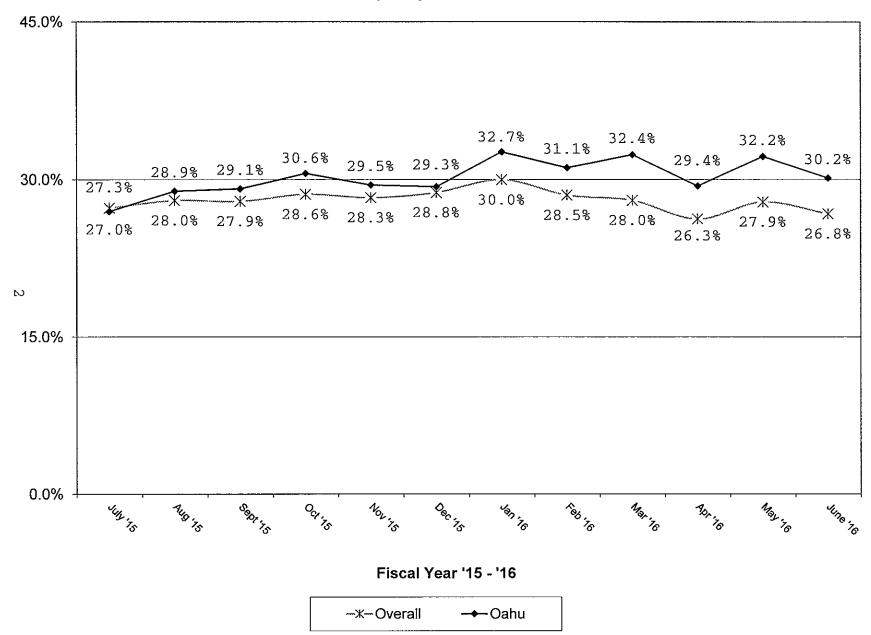
		RESIDE	NCE	•	<i>A</i>	GRICUL	TURE			PAST	URE		
OAHU DISTRICT	Last Month	Add	Cancel	TOTAL	Last Month	Add (Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	TOTAL
Nanakuli	181	0	1	180	0	0	0	0	0	0	0	0	180
Waianae	160	0	0	160	0	0	0	0	0	0	0	0	160
Lualualei	0	0	0	0	.3	0	0	3	0	0	0	0	3
Papakolea/Kewalo	73	0	0	73	0	0	0	0	0	0	0	0	73
Waimanalo	603	0	0	603	0	0	0	0	0	0	0	0	603
Subtotal Area	1,017	0	1	1,016	3	0	0	3	0	0	0	0	1,019
Islandwide	9,444	21	14	9,451	3,571	6	1	3,576	0	0	0	0	13,027
TOTAL OAHU APPS	10,461	21	15	10,467	3,574	6	1	3,579	0	0	0	0	14,046
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	3,702	7	4	3,705	4,563	4	0	4,567	590	2	0	592	8,864
TOTAL MAUI APPS	3,775	7	4	3,778	4,567	4	0	4,571	595	2	0	597	8,946
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	5,639	6	7	5,638	7,030	4	0	7,034	1,842	2	0	1,844	14,516
TOTAL HAWAII APPS	5,774	6	7	5,773	7,045	4	0	7,049	1,904	2	0	1,906	14,728
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	D	0	3	29	0	0	29	90
Islandwide	1,582	4	0	1,586	2,188	2	0	2,190	291	0	0	291	4,067
TOTAL KAUAI APPS	1,640	4	0	1,644	2,191	2	0	2,193	320	0	0	320	4,157
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	769	0	1	768	1,026	0	0	1,026	195	0	0	195	1,989
TOTAL MOLOKAI APPS	789	0	1	788	1,045	0	0	1,045	196	0	0	196	2,029
LANAI DISTRICT													
Islandwide	85	0	0	85	0	0	0	0	0	0	0	0	85
TOTAL LANAI APPS	85	0	0	85 -	0	0	0	0	0	0	0	0	85
TOTAL AREA ONLY	1,303	0	1	1,302	44	0	0	44	97	0	0	97	1,443
TOTAL ISLANDWIDE	21,221	38	26	21,233	18,378	16	1	18,393	2,918	4	ŏ	2,922	42,548
TOTAL STATEWIDE	22,524	38	27	22,535	18,422	16	i	18,437	3,015	4	ŏ	3,019	43,991
	,•			,	,		-	,	-,	•	-	-,	.5,551

DELINQUENCY REPORT - STATEWIDE July 18, 2016 (\$Thousands)

	Total Outs	tanding (000s)	Total Del	inquency (000s)	30 Days	s (low) 6 (000s)	60 Days (I S K 90 Days	(High) (000s)	180 Days (Severe) (000s)	% of To 6/30/2	
DIRECT LOANS OAHU	<u>No.</u> 389	Amt. 30,280	<u>No.</u> 97	<u>Amt.</u> 9,135	<u>No.</u> 14	<u>Amt.</u> 1,337	<u>No.</u> 13	<u>Amt.</u> 820	<u>No.</u> 15	<u>Amt.</u> 1,226	<u>No.</u> 55	<u>Amt.</u> 5,752	<u>No.</u> 24.9%	<u>\$</u> 30.2%
EAST HAWAII	235	13,839	84	4,719	9	298	6	164	11	290	58	3,968	35.7%	34.1%
WEST HAWAII	67	5,801	12	661	1	10	0	0	2	262	9	388	17.9%	11.4%
MOLOKAI	78	3,792	21	649	4	78	2	55	5	164	10	351	26.9%	17.1%
KAUAI	108	7,586	18	1,257	6	427	1	178	3	58	8	594	16.7%	16.6%
MAUI	<u>73</u>	<u>5,900</u>	<u>15</u>	<u>1,559</u>	<u>4</u>	<u>377</u>	<u>2</u>	<u>147</u>	<u>1</u>	<u>45</u>	<u>8</u>	<u>990</u>	<u>20.5%</u>	<u>26.4%</u>
TOTAL DIRECT	950 100.0%	67,198 100.0%	247 26.0%	17,980 26.8%	38 4.0%	2,527 3.8%	24 2.5%	1,363 2.0%	37 3.9%	2,045 3.0%	148 15.6%	12,044 17.9%	26.0%	26.8%
Advances (including RPT)	267	7,319	267	7,319	0	0	0	0	267	7,319			100%	100%
·														
DHHL LOANS & Advances	1,217	74,517	514	25,299	38	2,527	24	1,363	304	9,364	148	12,044	42.2%	33.9%
LOAN GUARANTEES as of June 30		·				•		•		·	148	12,044		
LOAN GUARANTEES as of June 30 SBA) <u>, 2015</u> 1	112	0	0	0	0	0	0	0	0	148	12,044	0.0%	0.0%
LOAN GUARANTEES as of June 30 SBA USDA-RD	1 329	112 42,116	0 58	0 7,025	0 0	0	0 0	0	0 58	0 7,025	148	12,044	0.0% 17.6%	0.0% 16.7%
LOAN GUARANTEES as of June 30 SBA USDA-RD Habitat for Humanity	1 329 70	112 42,116 3,272	0 58 17	0 7,025 1142	0 0 0	0 0 0	0 0 0	0 0 0	0 58 17	0 7,025 1,142	148	12,044	0.0% 17.6% 24.3%	0.0% 16.7% 34.9%
LOAN GUARANTEES as of June 30 SBA USDA-RD Habitat for Humanity Maui County	1 329	112 42,116 3,272 74	0 58	0 7,025	0 0	0	0 0	0	0 58	0 7,025	148	12,044	0.0% 17.6% 24.3% 0.0%	0.0% 16.7% 34.9% 0.0%
LOAN GUARANTEES as of June 30 SBA USDA-RD Habitat for Humanity Maui County Nanakuli NHS	1 329 70	112 42,116 3,272	0 58 17	0 7,025 1142 0	0 0 0	0 0 0 0	0 0 0	0 0 0	0 58 17 0	0 7,025 1,142 0	148	12,044	0.0% 17.6% 24.3%	0.0% 16.7% 34.9%
LOAN GUARANTEES as of June 30 SBA USDA-RD Habitat for Humanity Maui County	1 329 70 5	112 42,116 3,272 74 7	0 58 17 0 1	0 7,025 1142 0 7	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 58 17 0 1	0 7,025 1,142 0 7	148	12,044	0.0% 17.6% 24.3% 0.0% 100.0%	0.0% 16.7% 34.9% 0.0% 100.0%
LOAN GUARANTEES as of June 30 SBA USDA-RD Habitat for Humanity Maui County Nanakuli NHS City & County	0, <u>2015</u> 1 329 70 5 1 24	112 42,116 3,272 74 7 367	0 58 17 0 1 10 0 5	0 7,025 1142 0 7 230	0 0 0 0 0 0	0 0 0 0 0 0	0 0 0 0 0	0 0 0 0 0 0	0 58 17 0 1 10 0 5	0 7,025 1,142 0 7 230 0	148	12,044	0.0% 17.6% 24.3% 0.0% 100.0% 41.7%	0.0% 16.7% 34.9% 0.0% 100.0% 62.7% 0.0% 4.8%
LOAN GUARANTEES as of June 30 SBA USDA-RD Habitat for Humanity Maui County Nanakuli NHS City & County FHA Interim	0, <u>2015</u> 1 329 70 5 1 24 8	112 42,116 3,272 74 7 367 1,551	0 58 17 0 1 10	0 7,025 1142 0 7 230 0	0 0 0 0 0	0 0 0 0 0	0 0 0 0 0	0 0 0 0 0	0 58 17 0 1 10	0 7,025 1,142 0 7 230	148	12,044	0.0% 17.6% 24.3% 0.0% 100.0% 41.7% 0.0%	0.0% 16.7% 34.9% 0.0% 100.0% 62.7% 0.0%
LOAN GUARANTEES as of June 30 SBA USDA-RD Habitat for Humanity Maui County Nanakuli NHS City & County FHA Interim OHA	0, 2015 1 329 70 5 1 24 8 88	112 42,116 3,272 74 7 367 1,551	0 58 17 0 1 10 0 5	0 7,025 1142 0 7 230 0 47	0 0 0 0 0 0	0 0 0 0 0 0	0 0 0 0 0	0 0 0 0 0 0 0 0	0 58 17 0 1 10 0 5	0 7,025 1,142 0 7 230 0 47 8,451			0.0% 17.6% 24.3% 0.0% 100.0% 41.7% 0.0% 5.7% 17.3%	0.0% 16.7% 34.9% 0.0% 100.0% 62.7% 0.0% 4.8% 17.4%
LOAN GUARANTEES as of June 30 SBA USDA-RD Habitat for Humanity Maui County Nanakuli NHS City & County FHA Interim OHA TOTAL GUARANTEE	1 329 70 5 1 24 8 88 526 307 147	112 42,116 3,272 74 7 367 1,551 987 48,486	0 58 17 0 1 10 0 5 <u>91</u> 26 121	0 7,025 1142 0 7 230 0 47 <u>8,451</u> 5,769 17,910	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0	0 58 17 0 1 10 0 5 91	0 7,025 1,142 0 7 230 0 47 8,451 5,233 331	148	12,044	0.0% 17.6% 24.3% 0.0% 100.0% 41.7% 0.0% 5.7% 17.3% 8.5% 82.3%	0.0% 16.7% 34.9% 0.0% 100.0% 62.7% 0.0% 4.8% 17.4% 9.8% 92.7%
LOAN GUARANTEES as of June 30 SBA USDA-RD Habitat for Humanity Maui County Nanakuli NHS City & County FHA Interim OHA TOTAL GUARANTEE PMI Loans HUD REASSIGNED for Recovery FHA Insured Loans	1 329 70 5 1 24 8 88 <u>526</u> 307 147	112 42,116 3,272 74 7 367 1,551 987 48,486 59,120 19,319 418,631	0 58 17 0 1 10 0 5 91 26 121 258	0 7,025 1142 0 7 230 0 47 8,451 5,769 17,910 32,716	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 5 5	0 58 17 0 1 10 0 <u>5</u> <u>91</u> 24 4 258	0 7,025 1,142 0 7 230 0 47 8,451 5,233 331 32,716	116	17,524	0.0% 17.6% 24.3% 0.0% 100.0% 41.7% 0.0% 5.7% 17.3% 8.5% 82.3% 9.2%	0.0% 16.7% 34.9% 0.0% 100.0% 62.7% 0.0% 4.8% 17.4% 9.8% 92.7% 7.8%
LOAN GUARANTEES as of June 30 SBA USDA-RD Habitat for Humanity Maui County Nanakuli NHS City & County FHA Interim OHA TOTAL GUARANTEE PMI Loans HUD REASSIGNED for Recovery	1 329 70 5 1 24 8 88 526 307 147	112 42,116 3,272 74 7 367 1,551 987 48,486 59,120 19,319	0 58 17 0 1 10 0 5 <u>91</u> 26 121	0 7,025 1142 0 7 230 0 47 <u>8,451</u> 5,769 17,910	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0	0 58 17 0 1 10 0 5 91	0 7,025 1,142 0 7 230 0 47 8,451 5,233 331			0.0% 17.6% 24.3% 0.0% 100.0% 41.7% 0.0% 5.7% 17.3% 8.5% 82.3%	0.0% 16.7% 34.9% 0.0% 100.0% 62.7% 0.0% 4.8% 17.4% 9.8% 92.7%
LOAN GUARANTEES as of June 30 SBA USDA-RD Habitat for Humanity Maui County Nanakuli NHS City & County FHA Interim OHA TOTAL GUARANTEE PMI Loans HUD REASSIGNED for Recovery FHA Insured Loans	1 329 70 5 1 24 8 88 <u>526</u> 307 147	112 42,116 3,272 74 7 367 1,551 987 48,486 59,120 19,319 418,631	0 58 17 0 1 10 0 5 91 26 121 258	0 7,025 1142 0 7 230 0 47 8,451 5,769 17,910 32,716	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 5 5	0 58 17 0 1 10 0 <u>5</u> <u>91</u> 24 4 258	0 7,025 1,142 0 7 230 0 47 8,451 5,233 331 32,716	116	17,524	0.0% 17.6% 24.3% 0.0% 100.0% 41.7% 0.0% 5.7% 17.3% 8.5% 82.3% 9.2%	0.0% 16.7% 34.9% 0.0% 100.0% 62.7% 0.0% 4.8% 17.4% 9.8% 92.7% 7.8%

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.

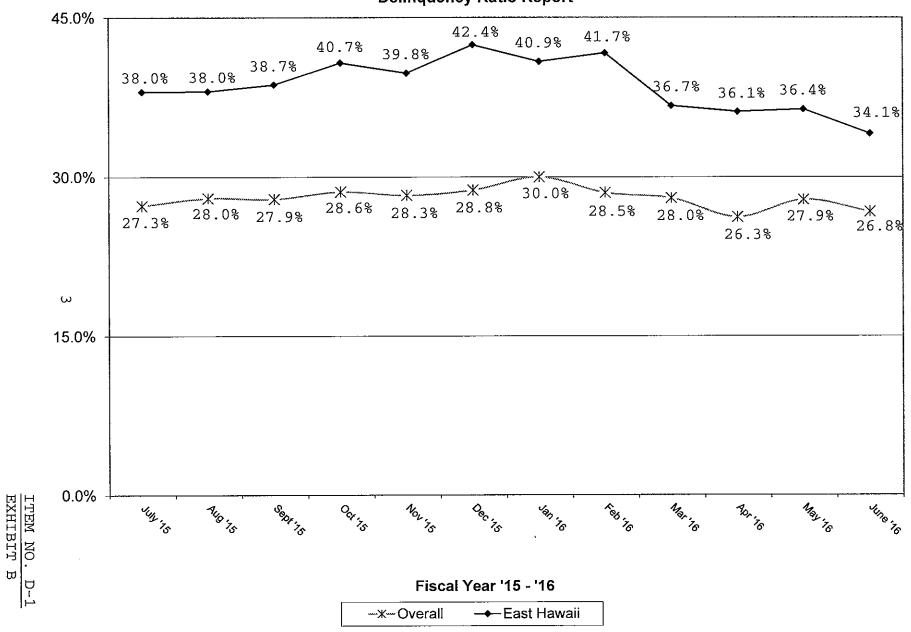
OAHU Direct Loans Delinquency Ratio Report



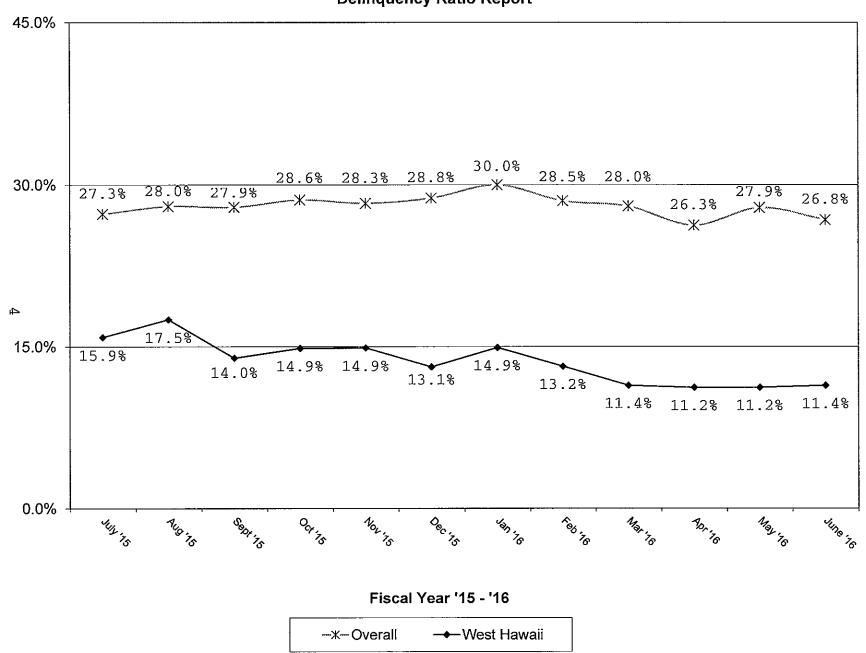
ITEM NO. I

D-1

EAST HAWAII
Direct Loans
Delinquency Ratio Report



WEST HAWAII Direct Loans Delinquency Ratio Report

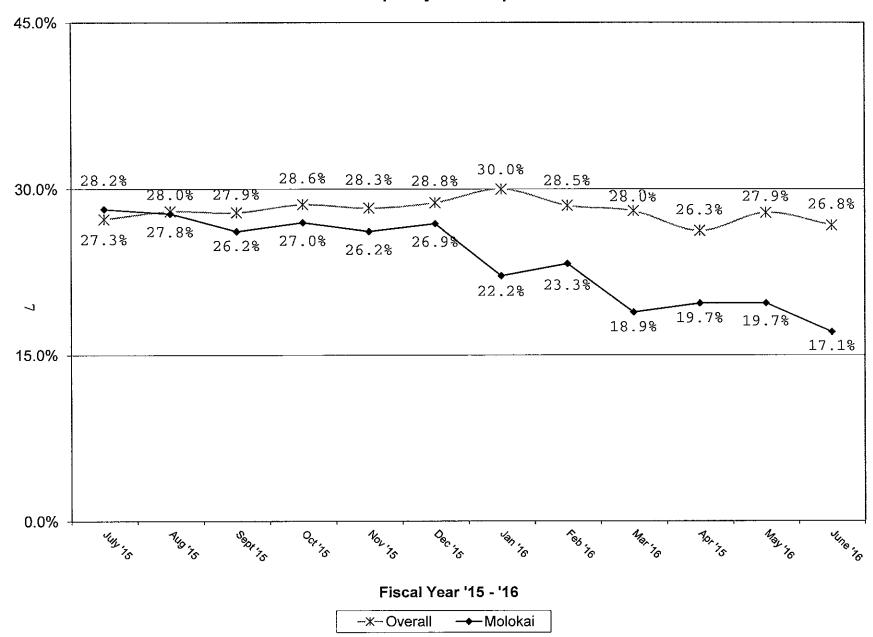


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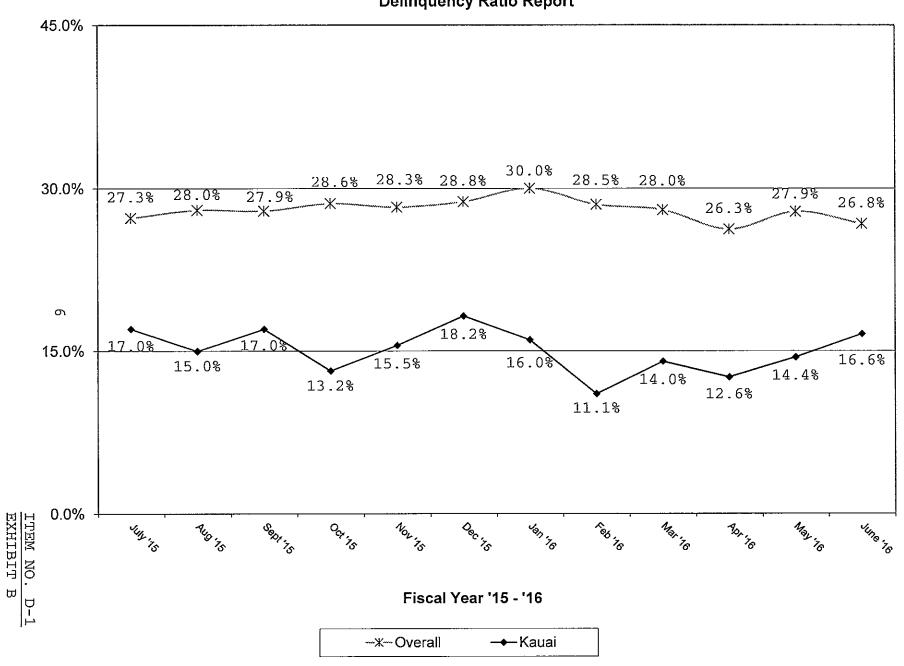
MOLOKAI Direct Loans Delinquency Ratio Report



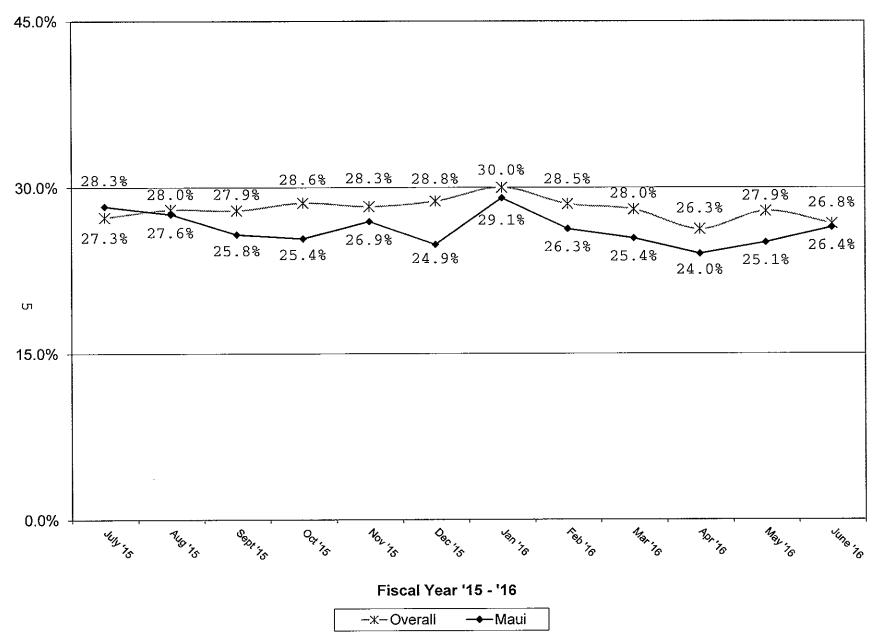
ITEM NO. I

D-1

KAUAI Direct Loans Delinquency Ratio Report



MAUI Direct Loans Delinquency Ratio Report



EXHIBIT

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D-1

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrato: 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

PROPERTY	LESSEE	LENDER	LOAN AMOUNT
OAHU			
Waimanalo Lease No. 679A TMK: 1-4-1-017:029	LEE, Allison N.(Cash Out Refi)HUD 184A	HomeStreet Bank	\$ 106,050
Kanehili Lease No. 11590 TMK: 1-9-1-152:017	LORING, Laura Ann K. (Purchase)HUD 184A	HomeStreet Bank	\$ 252,500
	HATCHETT, Louisiana Ann(Cash Out Refi)HUD 184A	HomeStreet Bank	\$ 156,550
Kaupea Lease No. 11948 TMK: 1-9-1-139:035		Mann Mortgage LLC	\$ 312,000

OAHU

Kewalo Lease No. 3914 TMK: 1-2-4-042:003	BELL, Charles M.(Cash Out Refi)HUD 184A	HomeStreet Bank	\$ 315,155
Waimanalo Lease No. 2600 TMK: 1-4-1-020:027	JOHNSON, Puuoneomakapuu N. (1 Step Construction)FHA	HomeStreet Bank	\$ 360,525
Nanakuli Lease No. 5128 TMK: 1-8-9-013:013	KAOHU, Deidra K. (Purchase)FHA	Bank of Hawaii	\$ 105,175
Kaupea Lease No. 12080 TMK: 1-9-1-140:060	DWYER, Tammy N.(Cash Out Refi)HUD 184A	HomeStreet Bank	\$ 292,900
Waianae Lease No. 8827 TMK: 1-8-5-033:135	WILSON, Cheryl Ann B. K. (Cash Out Refi)FHA	Mann Mortgage LLC	\$ 177,000
Maluohai Lease No. 9870 TMK: 1-9-1-120:044	CAMPBELL, John N. (Purchase)FHA	Bank of Hawaii	\$ 181,650
Maluohai Lease No. 9741 TMK: 1-9-1-119:069	LORENZO, George C.(Cash Out Refi)FHA	Hightechlend ing Inc.	\$ 374,000
Waimanalo Lease No. 8778 TMK: 1-4-1-038:014	LUM KING, Elizabeth Anne. M, &, LUM KING, Henry R.(Cash Out Refi) FHA	Hightechlend ing Inc.	\$ 313,000

OAHU

Waianae Lease No. 9901 TMK: 1-8-5-033:098	SALANOA, Kaihikapu-O- Kakuhihewa L. (Purchase)HUD 184A	HomeStreet Bank	\$ 310,991
Kanehili Lease No. 12599 TMK: 1-9-1-152:097	KEA, Alexander K., Jr.(Rate Term Refi)FHA	Mann Mortgage LLC	\$ 280,000
Maluohai Lease No. 9854 TMK: 1-9-1-120:030	KAUIHOU, Shaun K.(Cash Out Refi)HUD 184A	HomeStreet Bank	\$ 325,220
Kaupea Lease No. 12063 TMK: 1-9-1-140:082	SERIA, Elliott H.(Rate Term Refi)FHA	HomeStreet Bank	\$ 222,443
MAUI Waiohuli Lease No. 7745 TMK: 2-2-2-028:131	DEAN-SARIBAY, Jana P.(Cash Out Refi)HUD 184A	HomeStreet Bank	\$ 308,050
Waiehu 2 Lease No. 9450 TMK: 2-3-2-022:012	FOREMAN, Odetta N.(Cash Out Refi)HUD 184A	HomeStreet Bank	\$ 257,550
Leialii Lease No. 11531 TMK: 2-4-5-036:091	DEAN, Joshua I.(Cash Out Refi)FHA	HomeStreet Bank	\$ 222,651
Waiohuli Lease No. 7621 TMK: 2-2-2-027:067	LONG, Henry K., IV(Cash Out Refi)FHA	HomeStreet Bank	\$ 415,200

MAUI

Waiehu Lease No. 5963 TMK: 2-3-2-021:028	KAIO, Glavin K.(Cash Out Refi)FHA	HomeStreet Bank	\$ 124,560
HAWAII			
Lalamilo Lease No. 12546 TMK: 3-6-6-012:003	KAAHANUI, Hinanokealiileomana Okalani T. (Streamline Refi)FHA	HomeStreet Bank	\$ 266,073
Lalamilo Lease No. 12531 TMK: 3-6-6-012:013	DECOITO, Wendell N.(Cash Out Refi)FHA	HomeStreet Bank	\$ 204,800
Panawea Lease No. 4219 TMK: 3-2-2-061:050	PUA, Noelan A. (Permanent Take-Out)USDA, RD	Capital Mortgage Services	\$ 186,000
Keaukaha Lease No. 4247 TMK: 3-2-1-022:077	VICTOR, Nikki K.(203K Rehab)FHA	HomeStreet Bank	\$ 148,581
Keaukaha Lease No. 3915 TMK: 3-2-1-021:012	HOOPII, Robin M.(Streamline Refi)FHA	HomeStreet Bank	\$ 121,674

RECAP	NO.	FHA AMOUNT	NO.	VA AMOUNT	NO.	USDA-RD AMOUNT
FY Ending 6/30/15	291	\$ 63,019,783	9	\$2,421,822	32	\$7,742,283
Prior Months This Month Total FY '15-'16	<u>16</u>	\$ 67,107,913 3,829,332 \$ 70,937,245		\$1,474,938 0 \$1,474,938		· ·
HUD 184A FY Ending 6/30/15	92	\$22,210,337				
Prior Months This Month Total FY '15-'16	<u>9</u>	\$19,575,685 2,324,966 \$21,900,651				

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

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 lessess 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:

LESSEE LEASE NO. & AREA REFINANCING LOAN TERMS

Lelepali, Brand 7273, Nanakuli NTE \$65,000 @4.5% interest

per annum, NTE \$675

monthly, repayable over 10

years.

Loan Purpose: Refinance of loan no. 18584. Original

loan amount of \$82,327 at 7.75% per annum, \$750 monthly, payable over 16 years. No Contested Case Hearing was

held for this account.

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Samarrippa, Albertine 3845, Nanakuli NTE \$70,000 @4.5% interest

per annum, NTE \$355

monthly, repayable over 30

years.

Loan Purpose: Refinance of loan no. 17735. Original

loan amount of \$76,964 at 9% per annum, \$619 monthly, payable over 30 years. No Contested Case Hearing was

held for this account.

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

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>	Lease $\underline{\text{No.}}$	<u>Area</u>	Loan <u>No.</u>	Monthly Payment	Amount at 6/16	Balance at 6/16
<u>Oahu</u>						
Kauhane, Stanton	5724	Waianae	19117 Direct Loan	\$1,300	\$7,450	\$103,480

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator

Homestead Services Division

SUBJECT: Approval of Refinance of Loans

RECOMMENDED MOTION/ACTION

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

DISCUSSION

There are lessees who are seriously delinquent on their loans, but have been making consistent payments for twelve (12) months or more. These lessees have been trying to pay an additional amount above and beyond the required payment in an effort to reduce their delinquency amount. However, because the delinquency amount is large, it would take years for that amount to be paid in full.

HSD's recommendation for approval is based on actual payment history, at minimum, over the preceding twelve (12) months. If a lessee has demonstrated a conscientious effort to reduce the delinquency amount by making consistent monthly payments for twelve months, HSD will recommend that the lessee's loan balance be refinanced. Loan refinancing will provide a deserving lessee a new start in establishing a credit standing.

The following lessee(s) has met the aforementioned criteria and is recommended for loan refinancing:

LESSEE LEASE NO. & AREA REFINANCING LOAN TERMS

Kalai, Derek K. 10945, Waiakea NTE \$75,400, @3% interest

per annum, payment NTE \$409 monthly, repayable

over 21 years.

Loan Purpose: Refinance contract of loan no. 17745.

Original loan amount of \$96,933 at 3% per annum, \$409 monthly payable over 30 years. No Contested Case Hearing

was held for this account.

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DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

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					
KAPUAALA, Carolyn	03/09/1979	MAUI	RES	11/20/15		
LUHIA, Glenn H.	12/09/2008	IIAWAH	RES	02/01/16		
MAUI ISLANDWIDE AGRICULTURAI	L LEASE LIST					
KUKONA, Beau I.T.	10/14/2005	HAWAII	PAS	08/04/15		
MAUI ISLANDWIDE RESIDENTIAL	LEASE LIST			·		
BARROZO-BALIGAD, Christine	06/29/1998	OAHU	RES	03/07/16		
KALUAI-MIGUEL, Tracie M.L.K.	07/25/1989	OAHU	RES	02/02/16		
HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST						
BARROZO-BALIGAD, Christine		MAUI	AGR	03/07/16		

HILL, Josephine 07/27/1993 MAUI AGR 11/16/15

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KALUAI, Rhoda A.L. 10/15/1990 OAHU RES 02/02/16

2. Deceased Applicants

NONE FOR SUBMITTAL

3. Awards of Leases

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

GONZALEZ, Shirley Lin Assigned Residential Lease

#5241, Lot 12 in Nanakuli, Oahu dated 05/02/2016. Remove

application dated 10/16/2002.

MARFIL, Sanoe K. Assigned Residential Lease

#423, Lot 196 in Nanakuli, Oahu

dated 04/19/2016. Remove application dated 08/21/2000.

RICHARDSON, Rylen Assigned Residential Lease

#11297, UNDV099 in Waimanalo,

Oahu (Kakaina) dated

06/17/2016. Remove application

dated 11/05/2010.

PAUKUKALO AREA / MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

MANINI, Jack Sr.

Assigned Residential Lease #7052, Lot 25 in Puukapu, Waimea, Hawaii (Puu Pulehu) dated 05/31/2016. Remove application dated 08/04/1976.

KOKUBUN, Lynette K.C.

Assigned Residential Lease #9928, Lot 63 in Kuunahaelu-Kou, Wailuku, Maui (Waiehu Kou 3) dated 04/21/2016. Remove application dated 05/20/2003.

- 4. Native Hawaiian Qualification

 NONE FOR SUBMITTAL
- 5. Voluntary Cancellation

 NONE FOR SUBMITTAL
- 6. Successorship

 NONE FOR SUBMITTAL
- 7. Additional Acreage

 NONE FOR SUBMITTAL
- 8. HHC Adjustments

 NONE FOR SUBMITTAL

Last Month's Transaction Total	28
Last Month's Cumulative FY 2015-2016 Transaction Total	233
Transfers from Island to Island	8
Deceased	0
Cancellations:	
Awards of Leases	5
NHQ	0
Voluntary Cancellations	0
Successorship	0
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	13
This Month's Cumulative FY 2016-2017 Transaction Total	13

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

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 July 2016	4
Previous FY 2016 - 2017	0
FY 2016 - 2017 Total to Date	4
Ratified for FY '15 - '16	90
Net Proceeds	
Ratified for July 2016	0
Previous FY 2016 - 2017	_0
FY 2016 - 2017 Total to Date	0
Ratified for FY '15 - '16	2

LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR LEASEHOLD INTEREST FOR MONTH OF July 2016

Deceased Lessee

1. Hiram B. Haupu Lot No.: 87 Area: Waiehu Kou II, Maui

Lease No. 9525

Designated Successor

PRIMARY: Tenants in Common Hendrick Mark Haupu, Brother Micah Kawaiola Au-Haupu, Nephew

ALTERNATE:

DESIGNEE TO RECEIVE NET PROCEEDS:

2. Rudolph K. Kaaikala, Sr.
Lot No.: 43
Area: Waianae, Oahu
Lease No. 4600

PRIMARY: Tenants in Common Jane M. Kaaikala, Wife Crystal I. Kaaikala, Daughter

ALTERNATE: Tenancy in Severalty
In the following order:

- 1) John K. Kaaikala, Son
- 2) Rudolph K. Kaaikala, Jr., Son
- 3) Dorothy Jane M. Kaaikala, Daughter

DESIGNEE TO RECEIVE NET PROCEEDS:

Deceased Lessee

Wilfred Kaui
 Lot No.: 72
 Area: Anahola

Area: Anahola, Kauai

Lease No. 3627

Designated Successor

PRIMARY: Joint Tenants
Keith K. Kaui, Son,
Sheila Ann I. Davis, Daughter
Wilfred K. Kaui, Jr., Son
Wesley B. Kaui, Son
Cynthia L. K. Rapozo, Daughter
Clyde Kaui, Son
Carolyn N. K. Ferreira, Daughter
Claire D. Kaui, Daughter
Steven K. Kaui, Son
Kent N. Kaui, Son

ALTERNATE:

N/A

DESIGNEE TO RECEIVE NET PROCEEDS:

4. Prescott K. Kawailima
Lot No.: 361
Area: Keaukaha, Hawaii
Lease No. 4254

PRIMARY: Joint Tenants

Keawe-I-Kekahi-Ali'i-O-Ka-moku
Kawailima, Son
Juanita A. Oandasan, Daughter

ALTERNATE:

N/A

DESIGNEE TO RECEIVE NET PROCEEDS:

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

Chairman and Members, Hawaiian Homes Commission TO:

THROUGH Dean Oshiro, Acting Administrator Homestead Services Division

Juan Garcia, Oahu District Of 10 Supervisor FROM:

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

Nine (9) assignments of lease.

LESSEE

TRANSFEREE

Relationship: Son

Loan Assump: No

Applicant: No

1. Name: Nadine M. Brovelli-Name: Williamjames M. K. Aoki

Aoki

Res. Lease No.: 9596 Lease Date: 9/15/2000

Lot No.: 7

Area/Island: Kalawahine,

Oahu

Property Sold: Yes Amount: \$110,213.00

Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Court ordered." Special Conditions: Transferee to obtain funds to pay the purchase price.

LESSEE

TRANSFEREE

Name: Trinadean M. K. DeCoite

Name: Erwin H. DeCoite, Jr.

Relationship: Mother

Loan Assump: No

Relationship: Son

Loan Assump: No

Applicant: No

Applicant: No

2. Name: Erwin H. DeCoite, Jr.

Res. Lease No.: 7698

Lease Date: 2/7/2002 Lot No.: 271

Area/Island: Waiohuli, Maui

Property Sold: No

Amount: N/A

Improvements: 1 bedroom, 1 bath dwelling

Reason for Transfer: "To refinance and take ownership."

See simultaneous transfer below.

3. Name: Trinadean M. K.

DeCoite

Res. Lease No.: 10616 Lease Date: 6/18/2005 Lot No.: UNDV319

Area/Island: Waiohuli, Maui

Property Sold: No

Amount: N/A

Improvements: None

Reason for Transfer: "Give son opportunity to build one

day."

4. Name: June Galton Name: Keoki J. K. C. Galton

Res. Lease No.: 9744 Relationship: Grandson

Lease Date: 5/15/2001 Loan Assump: No Lot No.: 13731 Applicant: No

Area/Island: Maluohai, Oahu

Property Sold: Yes Amount: \$260,000.00

Improvements: 4 bedroom, 3 bath dwelling

Reason for Transfer: "Grandson to own home." Special

Conditions: Transferee to obtain funds to pay the purchase

price.

LESSEE

TRANSFEREE

Res. Lease No.: 4514 C. Kepa

Lease Date: 6/13/1978 Relationship: Lessee & Wife

Lot No.: 15 Loan Assump: No

Area/Island: Nanakuli, Oahu Applicant: Yes, Oahu IW Res.,

Property Sold: No 5/24/2001

Amount: N/A

Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "She's my wife."

6. Name: Violet Purdy Name: Judy L. Purdy Res. Lease No.: 10077 Relationship: Daughter

Lease Date: 6/15/2005 Loan Assump: No

Lot No.: 48 Applicant: Yes, Maui IW Res.,

Area/Island: Waiehu Kou III, 2/27/1987

Maui

Property Sold: Yes Amount: \$160,000.00

Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Passing the lease to my daughter."

Special Conditions: Transferee to obtain funds to pay the

purchase price.

7. Name: George M. Purdy, III Name: Paul M. Purdy Kenneth A. & Jeffrey K. Relationship: Brother

Purdy Loan Assump: No

Res. Lease No.: 2778 Applicant: No

Lease Date: 6/17/1953 Lot No.: 69

Area/Island: Kuhio Village,

Hawaii

Property Sold: No

Amount: N/A

Improvements: 3 bedroom, 1-1/2 bath dwelling

Reason for Transfer: "Brother, Paul, resides at homestead."

See simultaneous transfer below.

LESSEE

TRANSFEREE

8. Name: Paul M. Purdy Name: George M. Purdy, III,
Pas. Lease No.: 4198 Kenneth A. & Jeffrey K. Purdy
Lease Date: 6/12/1975 Relationship: Brothers
Lot No.: 15A & 15B Loan Assump: No
Area/Island: Kamoku, Hawaii Applicant: No

Property Sold: No

Amount: N/A

Improvements: None

Reason for Transfer: "Easier to manage."

9. Name: Kauionalani P. A. Name: Dawn I. Duarte Maukele Relationship: Daughter

Agr. Lease No.: 6941 Loan Assump: No Lease Date: 10/1/1986 Applicant: No

Lot No.: 36

Area/Island: Makuu, Hawaii

Property Sold: No

Amount: N/A

Improvements: None

Reason for Transfer: "To suceed to my brother, Joseph

Maukele's, lease on Oahu in Waimanalo Lot 79."

Assignments for the Month of July `16

Previous FY '16 - '17 balance

FY '16 - '17 total to date

9

Assignments for FY '15 - '16 259

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator

Homestead Services Division

FROM: Juan Garcia, Oahu District Office Supervisor

Homestead Services Division /

SUBJECT: Approval of Amendment of Leasehold Interest

RECOMMENDED MOTION/ACTION

Amendment:

To approve the amendment of the leasehold interest listed below.

DISCUSSION

Thirteen (13) amendments of lease.

1. Lessee: Randy K. T. Fujimori

Res. Lease No.: 5772

Lot No., Area, Island: 64, Hoolehua, Molokai

Amendment: To amend the lease commencement

date, to amend the property description due to final county

subdivision approval.

2. Lessee: Wilfred K. Kaui, Sr.

Res. Lease No.: 3627

Lot No., Area, Island: 72, Anahola, Kauai

To amend the lease title and lessor's name, to amend the property description, and to incorporate the currently used

terms, covenants, and conditions in

the lease.

3. Lessee: Prescott K. Kawailima

Res. Lease No.: 4254

Lot No., Area, Island: 361, Keaukaha, Hawaii

Amendment: To release the retention period of the NAHASDA grant due to the death

of the lessee.

4. Lessee: Gavin Kepa

Res. Lease No.: 4514

Lot No., Area, Island: 15, Nanakuli, Oahu

Amendment: To amend the tenancy from tenant in

severalty to tenants by the

entirety.

5. Lessee: Pam P. Kido

Res. Lease No.: 8634

Lot No., Area, Island: 34, Nanakuli, Oahu

Amendment: To advance payment of the Real

Property Tax paid on behalf of the

Lessee.

6. Lessee: Allison N. Lee

Res. Lease No.: 679-A

Lot No., Area, Island: 16-B, Waimanalo, Oahu

Amendment: To create a new lease due to the

subsivision of lot 16 to 16-A & 16-B, to amend the lease title and lessor name, to amend the property description, to incorporate the currently used terms, conditions, & covenants used in the lease, and to

extend the lease term to an aggregate term of 199 years.

7. Lessee: Louise M. Kaholo & Mary Lou Louis

Res. Lease No.: 4740

Lot No., Area, Island: 34, Waianae, Oahu

Amendment: To amend the tenancy from joint

tenancy to tenants in common.

8. Lessee: Robert M. Mahiai, Jr.

Res. Lease No.: 2349

Lot No., Area, Island: 27, Kapaakea, Molokai

Amendment: To amend the lease title and lessor

name and to incorporate the currently used terms, covenants,

and conditions in the lease.

9. Lessee: Joseph M. Maukele

Res. Lease No.: 2817

Lot No., Area, Island: 79-A, Waimanalo, Oahu

Amendment: To amend the lease title and lessor

name, and to extend the lease term to an aggregate term of 199 years.

10. Lessee: Kauionalani P.A. Maukele

Agr. Lease No.: 6941

Lot No., Area, Island: 36, Makuu, Hawaii

Amendment: To incorporate the UXO terms into

the lease.

11. Lessee: Violet Purdy

Res. Lease No.: 10077

Lot No., Area, Island: 48, Waiehu Kou III, Maui

Amendment: To release the 5 year retention

period established for the

Affordable Housing Program, and to update the property description.

12. Lessee: George M. Purdy, III, Kenneth A. &

Jeffrey K. Purdy

Res. Lease No.: 2778

Lot No., Area, Island: 69, 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 in the lease, to extend

the current lease term to an aggregate term of 199 years.

13. Lessee: Paul M. Purdy

Pas. Lease No.: 4198

Lot No., Area, Island: 15-A&15-B, Kamoku, Hawaii

Amendment: To amend the lease title and lessor

name, to update the property description, to incorporate the currently used terms, covenants and

conditions in the lease.

Amendments for the Month of July '16	13
Previous FY '16 - '17 balance FY '16 - '17 total to date	<u>00</u> 13

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH Dean Oshiro, Acting HSD Administrator

FROM: V 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

Four (4) non-exclusive licenses.

1. Lessee: David Kahale

Res. Lease No.: 11875

Lot No., Area, Island: 18446, Kanehili, Oahu

Permittee: Sunrun Inc.

2. Lessee: Samuel Kalilikane

Res. Lease No.: 11819

Lot No., Area, Island: 11819, Kanehili, Oahu

Permittee: Sunrun Inc.

3. Lessee: Walterlyn L. Lapera

Res. Lease No.: 4870

Lot No., Area, Island: 21, Nanakuli, Oahu

Permittee: Sunrun Inc.

4. Lessee: Henry K. J. Tripp
Res. Lease No.: 12645
Lot No., Area, Island: 18394, Kahehili, Oahu
Permittee: Sunrun Inc.

Non-Exclusive License for July '16

Previous FY '16 - '17 balance

FY '16 - '17 total to date

Non-Exclusive License for FY '15 - '16

214

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

TO:

Jobie Masagatani, Chairman Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Homestead Services Division Administrator

James Du Pont, West Hawaii District Office Supervisor

SUBJECT:

Commission Designation of Successor - FRANCIS KUAILANI, SR., Lease No. 9387, Lot No.74, Kaniohale, Hawaii

RECOMMENDED MOTION/ACTION

To approve the designation of Kacy N. Kuailani (Kacy), as successor, to Residential Lease No. 9387, Lot No. 74, Village 3, Kaniohale, La'i'opua, Hawaii, for the remaining term of the lease.

DISCUSSION

Francis Kuailani, Sr. (Mr. Kuailani) was awarded Lease No. 9387 to Lot No. 74, commencing on May 1, 1999.

On December 14, 2009 Mr. Kuailani passed away. A review of his lessee file found that he had not named a successor to his homestead lease.

In compliance with the Administrative Rule 10-3-63, department published legal ads in the Honolulu Star Advertiser, The Garden Isle News, The Hawaii Tribune Herald, the West Hawaii Today, and the Maui News on September 9, 16, 20 and 30, 2015 to notify all interested, eligible and qualified heirs of Mr. Kuailani, to submit their lease successorship claims.

The Department received a claim from Mr. Kuailani's granddaughter, Kacy. Her claim was received on December 15, 2015 and her ancestry has been determined to qualify her to succeed to this lease.

Pursuant to Section 209 of the Hawaiian Homes 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 of the decedent:

- 1. Husband or wife: or
- 2. If there is no husband or wife, then the children; or
- 3. If there is no husband or wife or child, then the grand-children; or
- 4. If there is no husband or wife or child or grandchild, then brothers or sisters; or
- 5. If there is no husband or 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 or nephews.

There is an outstanding loan balance of \$171,940 with Wells Fargo Bank, as of April 2016. The loan is being paid by Mrs. Kuailani. Real property taxes are current as are the association dues.

Improvements on the homestead lots consist of 4-bedroom, 2-bath home, with a garage, constructed in 1999.

The department requests approval of its recommendation.

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

Chairman and Members, Hawaiian Homes Commission TO:

Dean Oshiro, Acting Administrator Homestead Services Division

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

SUBJECT: Commission Designation of Successor

HANNAH N.K. CHANG, Residential Lease No. 4140

Lot No. 10, Waimanalo, Oahu

RECOMMENDED MOTION/ACTION

To approve the designation of Valeriana L. Tacub (Valeriana), as successor to Residential Lease No. 4140, Lot No. 10, Waimanalo, Oahu, for the remaining term of the Lease.

DISCUSSION

On March 1, 1974, Eleanor Maile Chang (Eleanor), received Department of Hawaiian Home Lands Residential Lot Lease No. 4140, Lot No. 10, Waimanalo, Oahu (Lease).

Following Eleanor's death, her husband, Harry F. Y. Chang, received the Lease by way of the Transfer Through Successorship, dated October 30, 1995. On February 18, 1999, Harry designated his then wife, Hannah N. K. Chang (Hannah), as his successor to the Lease.

On May 11, 2002, Harry passed and the leasehold interest in the Lease was succeeded by Hannah.

On September 2, 2014, Hannah passed away leaving no designated successor to the Lease.

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.

HAR §10-3-63 states that upon the death of a lessee leaving no designated successor, the department shall publish a public notice at least once in each of four consecutive weeks in a newspaper of general circulation in the State to officially notify all interested and qualifying relatives of a deceased lessee to submit their successorship claim to the lease.

A Public Notice was published on February 7, 17, 21 & March 2, 2016. The four (4) month publication period expired on June 7, 2016.

Prior to the expiration of the publication period, the Department received successorship claims from Eleanor's daughter, Valeriana, and from Eleanor's grandson, Micheal A. Tacub, Jr.

Pursuant to Section 209 of the Act, Valeriana has the priority over Micheal Jr. to succeed to the Lease.

There is no outstanding debt attached to the Lease and the Real property tax is paid current. The lease rent balance in the amount of \$ 10.00 is past due.

The Department requests approval of its recommendation.

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

TO: Jobie M.K. Masagatani, Chairman

Hawaiian Homes Commission

THROUGH Dean Oshiro, Acting Homestead Services Division

NAdministrator M

FROM: Juan Garcia, Oahu District Office Supervisox

SUBJECT: Ratification of Designated Successor to Leasehold

Interest - FELECIA C.K. HARRISON, Lease No. 2977, Lot

No. 51, Waimanalo, Oahu

RECOMMENDED MOTION/ACTION

To ratify the approval of the designation of successor dated, September 23, 1975, to the leasehold interest in Lease No. 2977 (Lease), pursuant to section 209, Hawaiian Homes Commission Act, 1920, as amended, to designated successor Eva M. Kepaa (Eva).

DISCUSSION

On March 3, 1961, Felecia C.K. Harrison (Felecia), a minor at that time, succeeded to the leasehold interest to Lease from her late father, Patrick K. Harrison. Felecia's mother, Audrey Larsen Harrison, was her legal guardian.

On April 12, 1962, Felecia designated her sister, Eva M. Harrison, as her successor to the Lease, through her mother, as the legal guardian. The designation of successor was approved by the Hawaiian Homes Commission on May 11, 1962.

On September 23, 1975, at the age of 21, Felecia filed with the Department an updated designation of successor and designated her sister, Eva M. Kepaa (Eva), formerly known as Eva M. Harrison as her successor to the Lease. This designation of successor was approved on September 29, 1975, by then Chairman Billie Beamer.

On February 23, 2016, a death certificate was delivered by Eva, notifying the Department that Felecia had passed away on February 3, 2016. Upon receiving the death certificate, Eva asked the Department if she was the designated successor to the Lease. Eva was informed that she was indeed the successor to the Lease and a letter was drafted and provided to Eva confirming that she was the successor and that the Department would proceed to commence with the processing of the successorship of the Lease.

Eva is deemed to be a qualified successor and Felecia's designation of successor was set for ratification by the Hawaiian Homes Commission (Commission) at its meeting on May 23, 2016. However, the Commission deferred action on the ratification of Felecia's designation of successor due to concerns brought up by Felecia's nieces Genesis Tai (Genesis) and Patreena Santos (Patreena). They testified and alleged that Felecia's September 23, 1975 designation was fraudulent.

The Department attempted to contact both Genesis and Patreena by phone and correspondence to schedule an appointment to meet with Department staff and to provide them with the opportunity to submit evidence to support their claim. However, there was no response from either one. To date, the Department has not received any evidence to support the allegations that Felecia's designation is fraudulent.

The department requests the approval of its recommendation.

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH Dean Oshiro, Acting Administrator Homestead Services Division

FROM: Erna A. Kamibayashi, Kauai District Office Supervisor

Homestead Services Division /

SUBJECT: Commission Designation of Successor

John K. Reyes, Lease No. 6578 Lot No. 9, Anahola, Kauai

RECOMMENDED MOTION/ACTION

1. To approve the designation of Cheryl Corneal(Cheryl), as successor to Residential Lease No. 6578, Anahola, Kauai for the remaining term of the lease, subject to payment to the Department within 90 days from the completion of the lease successorship for the appraise value of \$223,000; and

2. To approve the payment of the net proceeds, in the amount of the appraised value of the improvements less any outstanding debts attached to the Lease to the Estate of Arlene Reyes.

DISCUSSION

On November 27, 1989, John K. Reyes (Decedent) received through an assignment, Department of Hawaiian Home Lands Residential Lot Lease No. 6578, unimproved Lot No. 8, Anahola, Kauai (Lessee).

The Decedent surrendered unimproved Lot No. 8 and was relocated to improved Lot No. 9, commencement date effective April 26, 1990.

On January 10, 2012, the Decedent named his wife, Arlene Reyes (Arlene) as successor to the net proceeds of the improvements value of residential lease 6578, Anahola, Kauai.

On November 25, 2014, John K. Reyes passed away. On February 2, 2015, Arlene notified the department of the Decedent's passing. On July 26, 2015, Arlene passed away.

In compliance with the Administrative Rules 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 Island newspapers on September 6, 16, 20 and 30, 2015, to notify all interested, eligible and qualified heirs of the Decedent, to submit their lease successorship claims.

The Department received two successorship claims from the Decedent's daughter, Cheryl and Dana Palmeira (Dana), the Decedent's niece. Cheryl is 25% and Dana is an applicant on the Kauai Islandwide Waiting List. Both claimants have been determined to be eligible for succession.

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
- 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 three-bedroom, one bath single family dwelling built in 1991, with an open carport.

As of June 22, 2016, there is an outstanding Loan No. 141-1192255-759 to Midfirst Bank, dated May 27, 1998 with an original loan amount of \$83,040.00. As of April 30, 2016, the loan is 13 months delinquent. Lease rent of \$6.00 is owed, and real

property taxes/trash pickup fees are paid current through June 30, 2016.

The Department requests approval of its recommendation to name Cheryl P. Corneal for successorship, as she has the highest priority of all the claimants, to succeed to the lease and and to approve the payment of the net proceeds in the amount of the appraised value of the improvements less any outstanding debts attached to the Lease to the Estate of Arlene Reyes.

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

TO:

Chairman and Members, Hawaiian Homes Commission

Dean Oshiro, Acting HSD Administrator Homestead Services Division

FROM:

F. Halealoha Ayau, Acting Molokai District Office Supervisor, Homestead Services Division

SUBJECT: Commission Designation of Successor -

Delton K. Dudoit,

Agriculture Lease No. 7818, Lot No. 57,

Naiwa, Hoolehua, Molokai

RECOMMENDED MOTION/ACTION

approve the designation of Lanre Lihilihi ToKauanoeonalani Kekoa (Lanre), as successor to Agricultural Lease No. 7818, Lot No. 57, Naiwa, Hoolehua, Molokai (Lease), for the remaining term of the Lease.

DISCUSSION

On October 20, 1999, Delton K. Dudoit (Decedent) succeeded to his late father's Hoolehua Agricultural Lease No. 7818, Lot No 57. The Decedent designated his brother, Decklan D. K. Kekoa (Decklan), as his successor to his leasehold interest on October 8, 1999.

The Decedent passed away on April 18, 2015. department was notified of the Decedent's passing on August 27, 2015. As Decklan had passed away on September 28, 2000, there were no successors to the Decedent's leasehold interest.

In compliance with Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Garden Isle, Hawaii Tribune Herald, West Hawaii Today, and The Maui News on February 7, 17, 21 and March 2, 2016, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claim to Lease No. 7818.

The Department received one successorship claim from the Decedent's niece, Lanre, daughter of Decedent's brother Decklan, who has been determined to be of 75% Hawaiian ancestry and eligible for successorship. Lanre is an existing Lessee of Residential Lease No. 6077, Lot 93 in Kalamaula, Molokai.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee fails to designate a successor, the commission is authorized to terminate this 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 of the decedent:

- 1. Husband or wife; or
- If there is no husband or wife, then the children; or
- If there is no husband, wife, or child, then the grandchildren; or
- If there is no husband, wife, child, or grandchild, then the 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 known improvements on the lot and there is no outstanding loan attached to the lease. Lease rent in the amount of \$2 is owed. No real property taxes are due.

Based on the Act, Lanre, the niece of the Decedent, has priority to succeed to the leasehold interest. The Department requests approval of its recommendation.

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

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: Cancellation of Lease

ROWENA K. KEAKA

Lease No. 2131, Lot No. 209, Kewalo, Oahu

RECOMMENDED MOTION/ACTION

1. To approve the cancellation of Rowena K. Keaka's Kewalo Residence Lease No. 2131, Lot No. 209, due to there being no eligible successors to the leasehold interest.

2. To approve the payment of the net proceeds, in the amount of the appraised value of the improvements less any outstanding debts attached to the lease, to the Estate of Rowena K. Keaka.

DISCUSSION

On October 22, 1991, Rowena K. Keaka (Decedent) received Kewalo Residence Lease No. 2131, Lot 209, through successorship, from her father. The Decedent passed away on February 8, 2013, without having designated successors.

In compliance with the 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 February 7, 17, 21, and March 2, 2016, to notify all interested, eligible and qualified heirs of the Decedent, to submit their lease successorship claims.

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.

The Department received no successorship claims from the Decedent's family.

Existing improvements consist of a three-bedroom, one-bath single family dwelling built in 1950, with an open carport. The City and County of Honolulu Real Property Tax Division assesses the value of the improvements in the amount of \$121,200.

As of June 16, 2016, there is no outstanding loan, there is a credit balance of \$31.00 in the lease rent account, the real property taxes are paid current.

The Department requests approval of its recommendations.

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

Jobie M.K. Masagatani, Chairman TO:

Hawaiian Homes Commission

Dean Oshiro, Acting Homestead Services Division Administrator Administrator

Juan Garcia, Oahu District Office Supervisor FROM:

SUBJECT: Denial of the Assignment of a Tenant-In-Common

Leasehold Interest- SANDRALYNN H. NAEA,

Lease No. 3159, Lot No. 13A Waimanalo, Oahu

RECOMMENDED MOTION/ACTION

To deny the assignment of a tenant-in-common leasehold interest to Lease No. 3159, Lot No. 13A, Waimanalo, Oahu (Lease), from Sandralynn H. Naea (Sandralynn) to Herbert Kaniaupio, III (Herbert), due to the following:

- 1. The other tenant-in-common lessee, Carter Spencer (Carter), having no biological or legal relation to the proposed transferee;
- 2. Department Contract of Loan No. 17297 is past due \$1,329.90, as of June 30, 2016;
- 3. The homestead is not being occupied by either colessee; and
- 4. The Department has no evidence that the existing home is properly insured.

DISCUSSION

Prior to her passing, Susan Kaniaupio (Susan) designated her husband Clement Kaniaupio (Clement), and her adopted son, Carter, from a previous marriage, as her successors to the Lease. Following Susan's passing, Clement and Carter, as tenants-in-common, received the Lease by way of the Transfer Through Successorship and Amendment to Lease No. 3159 instrument dated May 7, 2003.

Subsequently, Clement passed away on February 15, 2015 and his adopted daughter, Sandralynn, succeeded to Clement's tenant-in-common leasehold interest in the Lease by way of the Transfer Through Successorship instrument dated August 7, 2015.

On March 22, 2016, the Department of Hawaiian Home Lands (Department) received a Homestead Lease Transfer Request Form (Transfer Request), through Sandralynn's attorney-in-fact-, Gina Kaniaupio, which indicated Sandralynn's request to transfer her tenant-in-common leasehold interest to Herbert, her cousin.

The reason for the transfer as stated on the Transfer Request is "Medical." Allegedly, Sandralynn is seeking needed medical treatment on the mainland. The Department approved Sandralynn's request for a leave of absence from the homestead from August 24, 2015 to August 23, 2016. Herbert is her appointed caretaker.

Carter currently resides on Hawaii island and he does not want to occupy the homestead while Herbert and his family are there.

The current co-lessees, Carter and Sandralyn, are both legal and biological half siblings. Carter and Herbert are not related. Sandralynn and Herbert are related through Sandralynn being adopted as a Kaniaupio.

According to Carter's letters (see attached Exhibit A and Exhibit B), he has issues with the care and maintenance of the home. He is also alleging that the locks to the front door and his bedroom door was changed without his knowledge. Carter confirms that that the home is not currently insured. Also, as of June 30, 2016, Department Contract of Loan No. 17297 is past due in the amount of \$1,329.90.

The Department believes that allowing this transfer which will result in two unrelated individuals having a tenant-in-common interest in the Lease will complicate the matter and will make it difficult for the co-Lessees as well as for the Department.

The Department requests approval of its recommendation.

To the Department of Hawaiian Homes Commission Board Members:

I, Carter L.K. Spencer, lessee of 41-602 Bell Street, Waimanalo, Hawaii 96795, would like to say to the Department of Hawaiian Home Lands that there should have been ground rules put in place when there are multiple lessees to one property. For example, if for any reason any lessee should need to leave the property for medical reasons, the next lessee should be notified and occupy the property ASAP! If any lessees is still living, there should not be anyone else that does not hold successorship or is not a lessee of that property, occupy that property, but the people who are the lessees. There where also numerous violations on that property. No demolitions and building permits. No home owners insurance. There where also her in-laws staying in the back yard in a shack. If I did not bring this up to the Department of Hawaiian Home Lands they wouldn't have known of all the violations!

As I'm writing my testimony there are still illegal structures, no home owners insurance, and no building permit for the garage. Further more, the Department of Hawaiian Home Lands still owns the property until the loan is paid off. I think Hawaiian Homes should make check-ups 6 months to 1 year to check up on these things.

My sister has lived there for a long period of time with all this violations and she was a big part of it being done. When I told her that the structures where illegal and need to come down and the house needed to be put back to building code in order to get insurance she wasn't cooperative that she didn't want to work with me to fix the problem. And she's still not cooperating. So what makes the commission think that my sister is a good candidate to be a lessee?

Now I'm sure Hawaiian Homes is not there to only collect payment, but to make sure things are done right and to make sure policies are being followed. I hope through this testimony Hawaiian Homes realizes what I'm trying to say, that having a lessee who is incompetent by not doing the right thing, is wrong.

Mahalo Nui, Carter L.K. Spencer

ATTN: Leah

Pagaduan, Lloyd D

From: CristinLee Spencer

Sept: Monday, May 30, 2016 7:17 PM

To: Pagaduan, Lloyd D
Subject: Carter L.K. Spencer

To: the department of Hawaiian homelands commission board members.

I Carter L.K. Spencer lessee of 41-602 bell st. Walmanalo hawaii 96795. Thank you for giving me the opportunity to explain what I'm going through with my sister and the home that we both are the lessees too. Anyway when I found out that our home did not have insurance. I went to my insurance company back in Hilo to try and put homeowners insurance on the home.

First question the asked me was, is the house to building code? And I said no.

So I went to the department of permits and explained that there where structures added to the home. And I wanted to know if it was legal. The lady at the counter not only told me but showed me that they did put in a permit but did not go through with it.

Therefore, all the extra structure or additions that was made to the home needs to come down because it is illegally built.

There were numerous violations on the home that my sister had a part of:

Violation #1 no demolition permit

Violation#2 no building permit

Violation #3 building another structure in the back yard for in-laws to live in.

Violation#4 no home owners insurance.

How much more violation does it take before the DHHL commission board members act?

I spent a lot to have the house put back to building code so that I can put home owners insurance. Now I'm the only one trying to save my home and follow the DHHL rules, regulations and policies, yet the DHHL gives my sister the ok to have her cousins/ power of attorney stay in the house due to her medical reason without contacting me first.

I am the lessee of this property and since I've become a lessee of this property I have been the only one trying to make all the wrongs things that my sister did, right with the house. After I put the home back to building code I changed the locks on the front door and the room to the right going down the hallway which was my room. Before leaving to go back home (Hilo), I gave a sets of keys to my sister and kept the other set. This was done in June of 2015. Later my wife and I went to my home on October of 2015 to spend a few nights to see how we could put the garage back to building code, but to my dismay the locks on the front door was changed. So I had to knock on the door my cousin opened the door. I said did you guys changed the lock on the door and he said no, it was already changed when they got there, and my room was broken into.

They had stacked there things inside. When I asked him who's things were those he said my sister had put all that in there. So now by changing the locks on the front doors and breaking into my room that becomes an offense. So now, from what I've been through with my sister, I feel she's not a good candidate to be a lessee. By her trying to give my cousins/ power of attorney her lesseeship it shows me shes no longer interested in the home. I feel that if the commission board members gives her the right to pass her lesseeship to my cousin/ power of attorney, that would be an unfair act on the DHHL because the house is my moms house, not my cousin moms house. They should not have the right to take away what is rightfully mlne.

I was the first lessee and made all my payments. I never gave up on my home. I was born and raised there.

Mahalo

Carter L.K. Spencer

Sent from my iPad

1

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

Chairman and Members, Hawaiian Homes Commission TO:

Dean Oshiro, Acting Homestead Services Division
Administrator

Juan Garcia, Oahu District Office Supervisor

FROM:

SUBJECT: Request to Schedule Contested Case Hearing Authorization to Proceed to Public Notice Under Section 209, HHCA, Due to Nonresponsive Designated Successors - Charles L. Hassard and Jonnalee K. Gomez, Lease No. 11221, Lot No. UNDV023, Waimanalo, Oahu

RECOMMENDED MOTION/ACTION

To approve the scheduling of a contested case hearing for designated successors, Charles L. Hassard (Charles) and Jonnalee K. Gomez (Jonnalee), to Lease No. 11221, Lot No. UNDV, Waimanalo, Oahu (Lease).

DISCUSSION

Marjorie I. Gomez (Marjorie) and Lynette K. Iona hold a tenant in common interest in the Lease.

On May 7, 2009, Marjorie designated Charles, her grandson, as the primary successor, and Jonnalee, her daughter, as the alternate successor, to Marjorie's tenant in common interest in the Lease.

Marjorie passed away on February 2, 2011.

The Department has made numerous attempts to contact Charles to process the successorship of the Lease. However, the Department has not received any response to the Department's letters mailed to Charles' last known mailing address, including a "final notice" that was sent on April 26, 2016, notifying Charles that if he does not respond by May 10, 2016, the Department would then proceed with the successorship of the Lease to the alternate successor, Jonnalee.

Unfortunately, the Department is unable to find any current contact information for Jonnalee. The Department has done its due diligence in researching for updated contact information for Jonnalee.

Through the contested case hearing process, the Department will seek authorization to proceed with the public notice process to notify all interested related individuals to submit a successorship claim.

The Department recommends approval of the motion as stated.

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

Chairman and Members, Hawaiian Homes Commission TO:

Dean Oshiro, Acting Homestead Services Division
Administrator

Juan Garcia, Oahu District Office Supervisor THROUGH:

FROM:

SUBJECT: Request to Schedule Contested Case Hearing -

Authorization to Proceed to Public Notice Under Section 209, HHCA, Due to Nonresponsive Designated

Successor - Burton I.K. Huihui

Lease No. 6975, Lot No. 31, Makuu, Hawaii

RECOMMENDED MOTION/ACTION

To approve the scheduling of a contested case hearing for designated successor Burton I.K. Huihui (Burton), to Agricultural Lease No. 6975, Lot No. 31, Makuu, Hawaii (Lease).

DISCUSSION

Melba Huihui (Melba) received the Lease by way of the Transfer Through Successorship instrument dated March 20, 2001. Melba designated her son, Burton, as the successor to the Lease.

Melba passed away on January 28, 2011.

The Department has tried on numerous occasions to contact Burton in regards to the successorship of the Lease. However, the telephone numbers that were provided by Burton's family are out of service. The Department has no information on any known location or mailing address for Burton, therefore, the Department is unable to contact Burton at this time.

Through the contested case hearing process, the Department will seek authorization to proceed with the public notice process to notify all interested related individuals to submit a successorship claim.

The Department request for the approval of its recommendation.

State of Hawaii

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH Dean T. Oshiro, Acting HSD Administrator

FROM: Mark Yim, Homestead Lease Coordinator

SUBJECT: Approval for Payment of Net Proceeds - JOSEPH W.O. YUNG,

SR. from LEONA M. ATCHERLEY (Dec'd.), Waianae

Residential Lot Lease No. 5080, Lot No. 11, Waianae,

Oahu

RECOMMENDED MOTION/ACTION

1) Accept the following appraisal, 2) approve the following purchase of improvements, and 3) authorize the following payment of net proceeds.

Lessee Name: Leona M. Atcherley (Deceased)

Lease Date: August 1, 1981

Residential Lease No./Lot No.: 5080/11

Area/Island: Waianae/Oahu
Date of Cancellation: April 14, 2014

Date of Appraisal/Amount: February 6, 2015/\$94,000

Expenses to Prepare for

Re-award, Lease Rent, Etc.: \$ 28,057.97 Net Proceeds: \$ 65,942.03

Advance Net Proceeds Received

on April 25, 2016: \$ 60,000.00 Approx. Net Proceeds Balance: \$ 5,942.03

Residential Lot No. 11 was re-awarded on June 1, 2016.

RECOMMENDATION

The Department requests approval of its recommendation.

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

Chairman and Members, Hawaiian Homes Commission

Dean Oshiro, Acting Homestead Services Division Administrator

Mim Du Pont, West Hawaii District Office Supervisor

SUBJECT: Request to Schedule Contested Case Hearings - LEASE

> VIOLATION - SHAWN K. GUERPO, Kawaihae Unit 1 Residential Lot Lease No. 9836, Lot No. 154

RECOMMENDED MOTION/ACTION

To approve the scheduling of a contested case hearing for the following lessee listed below.

DISCUSSION

The following lessee has violated the terms and conditions of their homestead lease, therefore, we recommend that a contested hearing be scheduled.

Lessee: Shawn K. Guerpo

Lease No.: 9836

Lot No./Area/Island: 154, Kawaihae Unit 1 Residential,

Hawaii

Lease Violation: Sanitation and Waste and unlawful,

> improper or offensive use of premises. due to collection of derelict vehicles

or vehicles in various states of

disrepair.

RECOMMENDATION

HSD recommends approval of the motion as stated.

DEPARTMENT OF HAWAIIAN HOME LANDS

June 18, 2016

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean T. Oshiro - Acting Administrator Homestead Services Division

Subject: For Information Only - Update on Approved Interim
Policy on the Sale of Homestead Leases to Vacant or
Undeveloped Lots or Undivided Interests

FOR INFORMATION ONLY

On July 6, 2015, the Hawaiian Homes Commission (HHC) approved the "Interim Policy On The Sale Of Homestead Leases To Vacant Or Undeveloped Lots Or Undivided Interests" (Exhibit A). Although the submittal stated that the policy was to take effect September 1, 2015, further discussion with the Chairman of the HHC pushed the start date back to October 1, 2015 due to logistic problems for staff.

Prior to the passing of this submittal, DHHL staff's processing for a request of this nature was as follows:

- 1) Review the transfer request (Exhibit B) and date/time stamp if staff determined that the request was fully completed and with proper signatures.
- 2) The blood quantum or Native Hawaiian Quantum (NHQ) of the transferee is then reviewed by staff to determine if the transferee meets the NHQ requirements as determined by the Hawaiian Homes Commission Act (HHCA).
- 3) Staff would then review and document any outstanding obligations (if any) attached to the lease to be transferred. Also during this period, staff would review for any potential lease violations that may hamper or delay the request.
- 4) Should all conditions be met satisfactorily, the transaction would then be placed on the monthly submittal titled "Approval of Assignment of Leasehold Interest" by Homestead Services Division (HSD).
- 5) Upon approval of the submittal, staff would then prepare the documents for execution and contact the involved

parties when appropriate. If any conditions were identified, these would need to be addressed or satisfied prior to the execution of documents. DHHL was not involved in any part of monetary exchanges.

After the passing of the submittal, DHHL staff's processing for a request of this nature is as follows:

- 1) Review the transfer request and date/time stamp if staff determined that the request was fully completed and with proper signatures.
- 2) Advise the lessee (transferor) and the transferee, of the Interim Policy submittal approved by the HHC and that further conditions will need to be met/addressed.
- 3) A document titled "Sale of Homestead Leases to Vacant or Undeveloped Lots or Undivided Interests" (Exhibit C)which outlines several conditions that need to be met, is provided and requires both the lessee and transferee to sign and agree to.
- 4) The blood quantum or Native Hawaiian Quantum (NHQ) of the transferee is then reviewed by staff to determine if the transferee meets the NHQ requirements as determined by the Hawaiian Homes Commission Act (HHCA).
- 5) Staff would then review and document any outstanding obligations (if any) attached to the lease to be transferred. Also during this period, staff would review for any potential lease violations that may hamper or delay the request.
- 6) The District Office in which the lease exists will prepare a separate submittal (outside of the normal "Approval of Assignment of Leasehold Interest") for the HHC consideration.
- 7) The lessee and transferee are advised that it is highly recommended that they attend the HHC meeting when their item is up for action primarily to answer questions posed by the HHC.
- 8) Should the submittal be approved, similar to the process listed above, staff would then prepare the documents for execution and contact the involved parties when appropriate. If any conditions were identified, these would need to be addressed or satisfied prior to the execution of documents.

DEPARTMENT OF HAWAIIAN HOME LANDS

July 16, 2015

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Hokulei Lindsey, Administrative Rules Officer

Office of the Chairman

SUBJECT: Approval of an Interim Policy on the Sale of Homestead

Leases to Vacant or Undeveloped Lots or Undivided

Interests

RECOMMENDED MOTION/ACTION

To adopt an interim policy directing the Department of Hawaiian Home Lands ("DHHL") to undertake closer review of requests to sell homestead leases to vacant or unimproved lots, or undivided interests whereby:

- 1. DHHL will gather information regarding (a) whether the lessee is in compliance with all lease conditions; (b) the transferee's ability to comply with Hawaii Administrative Rules section 10-3-36; (c) how the sales price was determined and agreed upon; and (d) if the transferee is not a qualified family member (spouse, child, or grandchild who is at least one-quarter Hawaiian), the reason for the transfer to a more distant family member or non-family. This information will be provided to the Hawaiian Homes Commission ("HHC").
- 2. Pursuant to section 208 of the Hawaiian Homes Commission Act, the HHC may approve such sales on a case by case basis.

This policy will take effect September 1, 2015.

DISCUSSION:

The HHC approves numerous sales and transfers of homestead leases each month pursuant to section 208, HHCA, and section 10-3-36, HAR. Concerns have been raised by beneficiaries, staff, and commissioners for years about what can be described as "unfair profiting off the trust." It is a relatively small number of transfers that fall into this category but their

 $^{^{1}}$ During fiscal year 2014-2015, a total of 259 requests to transfer were presented to the HHC for approval.

frequency is common enough and their price tags significant enough to raise reasonable questions.

To fall into this category, a transfer must involve: (1) the sale of the lease; and (2) the lease must be for a vacant or undeveloped lot, or an undivided interest. The combination of these two elements results in a situation of "something for nothing" or a profit at the expense of the trust and the transferee/beneficiary. Twelve requests to sell leases to unimproved or vacant lots were presented to the HHC from January to June 2015. Of those, three were reported as selling for \$100,000 or more, the remaining six were reportedly sold for between \$1,000 and \$65,000. One request to sell an undivided interest was presented during the same time period with a reported sales price of \$95,000.

In comparison, a transfer of these types of leases as a gift or through succession does not pose the same issue nor, generally, does the sale of a lease to a developed or improved lot in which the lessee has paid for the vertical improvement, typically a home. It is the specific situation involving an exchange for money where the lessee has not made a similar financial investment in the lot.

While DHHL develops amendments to its administrative rules to address the regulation of these types of sales, the HHC may exercise its discretion by adopting an interim policy directing the Department to undertake closer review of requests to sell homestead leases to vacant or unimproved lots, or undivided DHHL's review, as expressed in the motion above, is an inquiry designed to obtain details about whether the lessee is in compliance with the lease terms, the transaction and the (if relevant), the circumstances condition of the lot surrounding the decision to sell, and information about the ability and willingness of parties to comply with conditions and HAR requirements. This information, provided to will aid the Commission in arriving at the HHC, determinations regarding the approval of these types of sales.

In order to provide notice to beneficiaries of the policy change, the Commission should also set a future effective date of September 1, 2015 such that all requests to sell leases to undeveloped or unimproved lots, or undivided interests received by DHHL after August 30, 2015 will be subject to the interim policy.

RECOMMENDATION:

EXHIBIT A

Approval of the interim policy and effective date as stated.

HOMESTEAD LEASE TRANSFER REQUEST This section to be completed by Lessee(s) Name of Lessee(s): (PRINT Last Name, First Name, Middle Initial) Lessee #1: SSN: Mailing Address: Telephone Number: Residence Cell **Business** SSN: Lessee #2: Mailing Address: Telephone Number: Business: Residence: Lease Type: Residential Agricultural Pastoral Lease No.: Island: Lot No.: Area: Property Address: TMK: Subdivide and Transfer Portion 100% Interest Partial Interest: (explanations in back) Type of T/C □J/T T/E Transaction: Name of Lender: Mortgage/Loan Balance: \$ List Other Debts Attached to Lease: for example - OHA loans, Grants, etc. Attach copy of DROA or Sales Lease being sold? Yes No If Yes, Sale Price \$ Contract, and Name of Escrow Company. Also, Lessee/Transferor is liable to inform the United States Internal Revenue of the sale. Reason For Transfer: Reservation of Limited Life interest (a box must be checked): Me choose to retain life interest in the lease. I/We understand that that as long as the lease is in effect, I/We have the right of occupancy of the homestead. Also, I/We understand and agree that should the transferee(s) apply for a loan, I/We are aware that I/We are required to apply and sign for any loan that is to be secured by this lease. I/We do not choose to retain life interest in the lease. By signing below, I/We accept and agree to the following: I/We request to transfer the above lease for the remaining term of the lease. I/We take responsibility along with the transferee(s) to submit all necessary documents for the clearing of transferees' native Hawaiian blood quantum. If necessary documentation is not submitted with this request, I/We understand that the department will not accept my/our request to transfer. I/We understand that this request will not be final until approved by DHHL Chairman or designee. I/We declare that this request is of my/our own freewill and choice. Furthermore, I/We understand that should the lease transfer involve a defaulted improved vacant lot in which the default is the result of failing to construct a dwelling on the homestead lot within the allowable time, the transferee(s) must comply with all requirements imposed by the department prior to this transfer being finalized. Lessee #2 Signature Date Date Lessee #1 Signature TIME STAMP IN THIS SECTION AFTER RECEIPT FOR OFFICIAL USE ONLY OF ALL ITEMS LISTED ON LEFT SIDE. The following items must accompany this transfer request; otherwise request will not be accepted. Genealogy documents (Birth, Death, Marriage) RPT Clearance or Plan of Payment ☐ Copy of Photo ID One of the Following items: Letter of pre-approval to assume loan. Letter of pre-approval of mortgage loan. □ Verification of financial statements. Acknowledgment of receipt of above items:

Date

Staff Initial

ITEM NO. Page_ EXHIBIT B

This section to be completed by Transferee #1 Name of Transferee: (PRINT First Name, Middle Name, Last Name) Mailing Address: Date of Birth: Social Security No.: Relationship to Lessee(s): Telephone Number: Cell: Residence: Business: Are you an Applicant with DHHL? Yes No If "Yes" Residential Agricultural Pastoral Yes No If "Yes" Residential Agricultural Pastoral Are you a Lessee with DHHL? Yes No If "Yes" Residential Agricultural Pastoral Is your Spouse a Lessee with DHHL? Are you purchasing the lease? ☐Yes ☐No If yes, name of Escrow Company to be used. If Spouse is an Applicant or Lessee: (PRINT Last Name, First Name, M.I.) Social Security No.: By signing below, I agree that it is my responsibility to submit to the Department of Hawaiian Lands (DHHL) all necessary documentation to substantiate my native Hawaiian ancestry and I agree to comply with all other requirements imposed by the DHHL, including but not limited to a financial statements indicating cash deposits or Lender pre-approval of a mortgage loan to pay off or assume all debts attached to the lease. I understand that this request will not be final until approved by DHHL Chairman or designee. Date -Transferee Signature -This section to be completed by Transferee #2 Name of Transferee: (PRINT First Name, Middle Name, Last Name) Mailing Address: Date of Birth: Social Security No.: Relationship to Lessee(s): Telephone Number: Cell: Residence: Business: ☐Yes ☐No If "Yes" ☐Residential ☐Agricultural ☐Pastoral Are you a Lessee with DHHL? Is your Spouse an Applicant with DHHL? Yes No If "Yes" Residential Agricultural Pastoral ☐Yes ☐No If "Yes" ☐Residential ☐Agricultural ☐Pastoral Is your Spouse a Lessee with DHHL? If Spouse is an Applicant or Lessee: (PRINT Last Name, First Name, M.I.) Social Security No.: By signing below, I agree that it is my responsibility to submit to the Department of Hawaiian Lands (DHHL) all necessary documentation to substantiate my native Hawaiian ancestry and I agree to comply with all other requirements imposed by the DHHL, including but not limited to a financial statements indicating cash deposits or Lender pre-approval of a mortgage loan to pay off or assume all debts attached to the lease. I understand that this request will not be final until approved by DHHL Chairman or designee. Transferee Signature/Date Note - If multiple Transferees are named - Check off ONE of the tenancy selection below ☐Tenants in Common Tenants By the Entirety Joint Tenancy

Joint tenancy - A tenancy with two or more co-owners take identical interest simultaneously by the same instrument and with the same right of possession. A joint tenancy differs from a tenancy in common because each joint tenant has a right of survivorship to the other's share

Tenancy in common - One of two or more tenants who hold the same land by unity of possession but by separate and distinct titles, with each person having an equal right to possess the whole property but no right of survivorship.

Tenancy by the entirety – A joint tenancy that arises between husband and wife when a single instrument conveys realty to both of them but nothing is said in the deed or will about the character of their relationship.

ITEM NO. D-22

TTEM NO. D-2

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

Sale of Homestead Leases to Vacant or Undeveloped Lots or Undivided Interests

The Hawaiian Homes Commission has adopted an interim policy concerning the sale of leases of vacant or undeveloped lots and undivided interests. If a lessee submits a request to transfer one of these types of leases and the transfer is not by gift, the department is now required to obtain additional information from the lessee and transferee. Specifically, the department must obtain information regarding:

- (a) whether the lessee is in compliance with all lease conditions;
- (b) the transferee's ability to comply with Hawaii Administrative Rules section 10-3-36* (i.e., the transferee's ability to occupy or use the lot within 60 days of the transfer); and
- (c) if the transferee is not a qualified family member (spouse, child, or grandchild who is at least one-quarter Hawaiian), the reason for the transfer to a more distant family member or non-family.

This information will be provided to the Hawaiian Homes Commission, which may consider it in determining whether to approve the transfer request.

Lessee and transferee hereby agree to provide all information requested by the department in furtherance of this policy. Transferee further acknowledges that, pursuant to HAR section 10-3-36, the Lease may be subject to cancellation if transferee fails to occupy or use the lot within sixty days from the date of transfer.

Lease No.	Lot No., Area, Island		
Lessee		Date	
Transferee		Date	

*HAR section 10-3-36 reads in relevant part: "The transferee shall immediately occupy the residence lot or use or cultivate the agricultural, pastoral, or kuleana lot. Failure to occupy or use the lot within sixty days from the date of transfer shall constitute grounds for cancellation of the lease."

Definitions:

- 1) "Vacant" refers to land that the department has prepared for development to some degree but lacks vertical improvement.
- 2) "Undeveloped" refers to raw land.

DEPARTMENT OF HAWAIIAN HOME LANDS HAWAIIAN HOMES COMMISSION Kapolei, Oʻahu, Hawaiʻi JUNE 20 & 21, 2016

F-ITEMS **LAND MANAGEMENT DIVISION**

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18-19, 2016

To:

Chairman and Members, Hawaiian Homes Commission

From:

Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division 17

Subject:

Issuance of Right of Entry Permit, Kanehili Community Association, Kapolei, Island of

O'ahu, TMK No.: (1)9-1-151:001

APPLICANT:

KANEHILI COMMUNITY ASSOCIATION (See Exhibit "A")

<u>RECOMMENDED MOTION/ACTION</u>: That the Hawaiian Homes Commission (HHC) authorize the issuance of Right of Entry (ROE) Permit to KANEHILI COMMUNITY ASSOCIATION (KCA), covering the subject area as identified and described below to begin construction and development of its Community Park project.

Approval and issuance of this ROE shall be subject to the following conditions:

- Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
- Authorize the issuance of a ROE Permit to KCA, covering the subject area identified more specifically by TMK (1) 9-1-151:001 for construction and development purposes use of a Community Park under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current ROE Permit form, as may be amended from time to time;
 - PERMITEE shall use the premises strictly for community park construction and development purposes of a community park as proposed and envisioned. No other use shall be allowed without DHHL's prior written approval.
 - The premises under this permit is identified more specifically by TMK (1) 9-1-151:001 which comprises a total land area of approximately 4.563-acres of Hawaiian home lands, more specifically identified and delineated in Exhibit "B" attached hereto respectively
 - Monthly fee shall be gratis with the possibility of the future conversion of this ROE to a land disposition yet to be determined.

- 4) PERMITEE shall pay non-refundable processing and documentation fees totaling \$175.00.
- 3. PERMITEE shall provide proof of a commercial general liability insurance policy of no less than \$1,000,000.00 for each occurrence, naming the DHHL as additional insured;
- 4. No new construction shall be allowed without prior approval of PERMITOR. No major alteration or addition of any kind shall be made to the Premises unless plans are first submitted and approved by PERMITOR;
- 5. This ROE shall conform to federal, state and county (government agencies) standards. PERMITEE shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals;
- 6. PERMITEE is expressly prohibited from using the premises for the storage, sorting and sale of materials such as fill soil or rock, manure, rubble, junk, waste, scrap, discarded or salvage items including machinery, automobiles, automobile parts, tires, wheels, batteries, equipment, flammables and contaminants of every description whatsoever;
- 7. PERMITEE is aware that there are no existing utility services to the Premises. PERMITEE 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 PERMITEE'S use require such utility services;
- No residential use shall be permitted, including temporary overnight camping;
- The ROE document shall be subject to other standard terms and conditions of similar ROE's issued by DHHL;
- 10. Review and approval by the State of Hawaii, Department of the Attorney General; and
- 11. Such other terms and conditions deemed prudent and reasonable by the Chairman of the Hawaiian Homes Commission (HHC) and/or the HHC to serve the best interests of the trust and its beneficiaries.

LOCATION:

Hawaiian Home Lands situated at Kapolei, Island of O'ahu, identified as tax map key no.: (1) 9-1-151:001

AREA:

Approximately 4.563 acre

DISCUSSION:

Mr. Randall Akau, President of KCA submitted a Land Use Request Form (LURF) dated December 4, 2015, for the KCA park site located at TMK No.:(1)9-1-151:001, Kapolei, O'ahu.

The site as identified in the O'ahu Island Plan 2014, and Kapolei Regional Plan 2010 is designated as community use and planned for as a community park. This disposition as proposed is a stepping stone for KCA to secure the site and begin development and construction activities of its proposed community park project.

In December 2015, the Hawaiian Homes Commission granted its approval to the Amendment of the Homestead Community Benefits Agreement related to General Lease No. 276 in regards to the development of the Kanehili Community Park. (See Exhibit "C") The requested amendment was as follows:

Paragraph 5, Page 2 of the Homestead Community Benefits Agreement shall be deleted in its entirety and replaced by the letter agreement executed between Kapolei Hawaii Property Community (KHPC) and Kanehili Community Association (KCA) dated August 31, 2015. A copy of the letter agreement is attached for your information as Exhibit "x".

General Lease No. 276 was executed between KHPC and DHHL effective as of December 1, 2014. As part of the lease approval, a Homestead Community Benefits Agreement was executed on the 29th November 2013 (See Exhibit "x") between Hawaii DeBartolo LLC and DHHL, in which Hawaii DeBartolo agreed to complete certain improvement to a park in Kanehili by November 29, 2015, two years from the date of the agreement. KHPC has assumed all of DeBartolo's obligations under the agreement.

KHPC and KCA have met many times to discuss various alternatives for the park development. KCA needs more time to determine what improvements and facilities should be constructed at the Park and how they will be maintained. As the two year deadline approached, KHPC and KCA both agreed that the value of improvements to the park is no more than \$500,000.00. KCA's interest would be best served by allowing KHPC to provide a \$500,000.00 monetary contribution in lieu of the construction obligation. The money will be held in Trust and administered by DHHL strictly for the benefit of KCA's park development and for no other purposes whatsoever.

Therefore based on the agreement as amended, the funds as stipulated will be transferred to KCA with the understanding and DHHL's formal written acknowledgement that the funds provided cannot be utilized for any administrative or "soft costs" and must be expended for actual construction activity resulting in the development the park.

DHHL staff has developed procedures, processing criteria, and the required documentation necessary to conduct a thorough due diligence review based on the Hawaiian Home Commission's (HHC) discussions and approvals of the Waimea Homestead Association's Waimea Nui Project.

Process/Procedure Work Flow

- 1. Applicant submits LURF
- 2. DHHL sends Acknowledgement letter, notification that additional documents will be required pending HHC submittal, and that other applicants may also be requesting use which will trigger a community meeting to insure a fair opportunity to use the land and so that the best project is selected for the property based on homestead community needs.
- 3. DHHL submits HHC information submittal (October 19-20, 2015) which starts due diligence review sends checklist to applicant to collect all of the documentation required for the disposition.
- 4. Applicant submits supporting documents to allow DHHL Divisions to conduct review and report to LMD.
- 5. LMD packages disposition for HHC approval.
- 6. LMD letter to applicant commencement of the disposition.

Proposed due Diligence Review Checklist:

1. Land Use Request Form (LURF)

- 2. Land Use Request Assessment Worksheet(consistency)
- 3. Governing Documents, Mission Statement, DCCA
- 4. Number of members who are homesteaders from the affected homestead community (controlling interest)
- 5. Business/Project Plan review (feasibility)
- 6. Financial Plan Review (sustainability)
- 7. Project development schedule and timeline
- 8. Verification experience, track record and homestead acceptance explain relationship to homestead community(consultation, letters of support, partnerships)
- 9. Environmental Review and Community Benefits if applicable.

DHHL staff has held discussions with and attended KCA meetings during 2015-2016 and KCA has provided the necessary documentation as follows:

- 1. Land Use Request Form (LURF) requests the use of the 4.563 acre parcel for community park development and construction purposes. (December 4, 2015)
- 2. Land Use Request Assessment Worksheet was completed by DHHL staff, the use will not change and should not require an environmental assessment.
- 3. Governing Documents, Mission Statement, DCCA and IRS documents being updated.
- 4. Currently KCA has 351 homesteaders.
- Business/Project Plan was submitted and is on file.
- 6. Financial Plan and Pro-forma was submitted and reviewed to assure sustainability for the first five years of operation.
- 7. Project development schedule and timeline will be further detailed during right of entry period and presented prior to consultation for long term lease or license.

PLANNING AREA:

Kanehili Subdivision, Kekahili Street, O'ahu

LAND USE DESIGNATION:

Community Use, O'ahu Island Plan (2014), Figure 5.4 – <u>Honouliuli Ahupua'a – Kapolei Land Use</u> <u>Designations</u>, pg. 5-13

CURRENT STATUS:

The site is vacant, unused and is vegetated by light overgrown brush.

CHARACTRER OF USE:

Community Park

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

The park component as described above was identified in the April, 2005 DHHL East Kapolei Development Parcel B, Final Environment Assessment prepared by PBR Hawaii. At its April 2005 regularly scheduled monthly meeting the Hawaiian Homes Commission approved a FONSI declaration for the subdivision development project. (See Exhibit "D")

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

The recommended disposition is consistent with the following General Plan goals and objectives:

Land Use Planning

Goals:

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

Objectives:

 Provide space for and designate a mixture of appropriate land uses, economic opportunities and community services in a native Hawaiian-friendly environment.

Kapolei Regional Plan (2010)

The recommended disposition is consistent with the following elements of the Kapolei Regional Plan:

The site is designated for Park Use consistent with the Kapolei Regional Plan (2010), pgs. 11-12

RECOMMENDATION:

Land Management Division respectfully requests approval of the motion as stated

DAVIDY, IGE SANTHHIB STAID CHINKAII

SHAN S. TSUTSUL UL TOM RIMM STATEM BAWAR



JONE M. K. MASAGATANI (TARAMAN HAWABANTIBEITST (MARIESTAN

WILLTAN J. AILA, JR. DANSTY OF ORCTOMOGRA

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

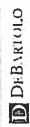
P. O HOX 1879 HOWOLLLLIAWAII 96805

REQUEST FORM FOR NON-HOMESTEADING LAND USE PURPOSES

PART I: APPLIC	ANT INFORMATION
Name:	
Address:	
Phone No.:	Cell: email:
If Corporation/Orga	anization/Company/LLC/Non-Profit
Name: Kanehi	li Community Association Agent: Kimberly Akana
Address: C/O Hay	waiiana Management Co. 711 Kapiolani Blvd. #711 Hon. 96813
Phone No.: 808	593-6354 Cell: email: kim@hmcmgt.com
	ganization is a Non-Profit
Type of Non-Pa	rofit: Private Nonprofit – governed by self appointed board Member Nonprofit – governed by voting members Homestead Organization governed by HHCA beneficiary members
Requesting Or	ganization is For Profit - Individual or Business
🔲 Individu	al Sole Proprietorship Partnership
Согрога	Carrier Carrier Carrier
Is an Individua	l HHCA Beneficiary or is Owned by an HHCA Beneficiary 🔲 Yes 🔲 No
	ganization is a Government Agency
☐ Federal	☐ State ☐ County
Jarry Galdein Mission of Organiz to identify an	ncipal Representatives: Randall Akau, Pres., Paul Pomaikai, VP. Ta Treasurer, Marilyn Hashimoto, Sec., Henry Tripp, Directo ation: The mission of the Kanehili Community Association is and address the needs of our community, be good stewards of intain a quality of life that benefits all of our members.
	04/21/2011 State of Incorporation: Hawaii
	5-2720403 State Tax ID#: W04441445-01
	MESTEADING LAND USE REQUEST
nce for our be	on-homesteading land use envisioned under this request as submitted nat this proposed land use request will provide the hope an eneficiaries to realize opportunities will be available to reational needs, create and participate in group activities be able to preserve, practice and engage in our cultural dinformation of necessary activities and encourage participation. Approve the overall nealth and well being participation.
quest Will imp ciaries.	rove the overall health and well being Biraling to Pating. Appro
CTUITES.	Land Request Form No

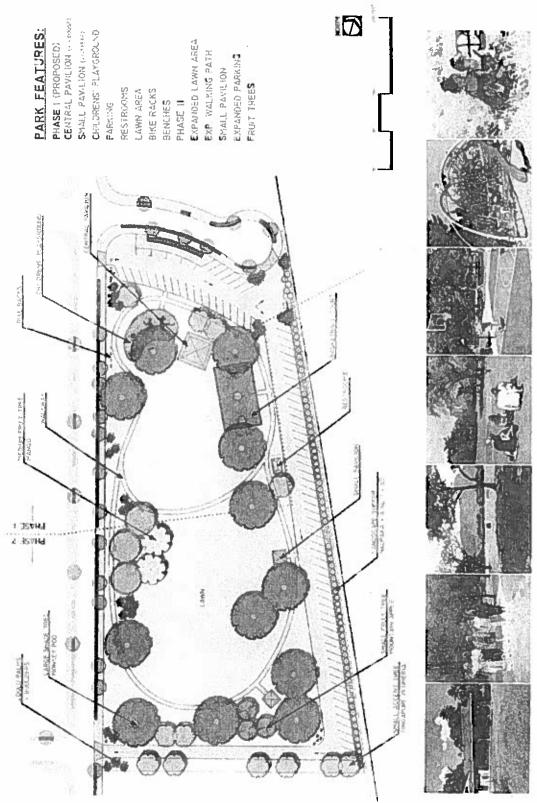
Island: <u>Oahu</u>	Acreage/ Sq.F t. 4.563		rpetuity
isinia. <u>Daitu</u>	Tax Map Key No.: 9	<u>1151001000</u> 0	
Indicate Character of Us Agricultural Pastoral	e: Commercial Industrial	☐ Church ☐ Community F	X Other
Does applicant have any	existing land disposition issu	-	
use purposes? Yes	No	ce of themphan notice is	nds for non-nomesteading
If yes, under what type o	f use and disposition:		
t benefit to our le green space it v	will provide to mee lealthy lifestyles,	oposed land use significance of tour recreation	tenefit to the Trust and/or request will provide this request, if apprais and outdoor needs, d adult programs, provide a safe and sec
 This request does not as submitted; In the best interest of in accordance with the 220.5, Section 207(c), Administrative Rules, Once the application in 30 day review period of the paper of the section of the section of the section of the section in the section in the section of the	process that will be subject to re additional information to be constitute any form of DHHI the trust, DHHL reserves the e Hawaiian Homes Commissi Hawaii Revised Statutes, Ch Title 10; s deemed complete, the non-	equest for use of Hawaii o further review, evaluat be submitted; L approval to this non-ho right to exercise its prud ion Act (Section III, Section Act (Section III, Section	ion and consideration by mesteading land use request ent authority pursuant to and tion 204(a)(2), Section and the Hawaii
5. Additional Island of R Beneficiary Consultati 6. All input/comments re for disposition is consi 7. Associated non-refund disposition request as Revocable Permit - \$100.00 Kanehili Communit Print Individual or Orga	ice DHAL website for ber legional Specific Beneficiary ion Policy; iceived will be provided to the idered by the HHC; lable processing and docume follows: Underse - \$200,00 General Communication Name	Consultation will be requested as the communication for the commun	ment; uired per the DHHL mission if/when approval
5. Additional Island of R Beneficiary Consultati 6. All input/comments re for disposition is consi 7. Associated non-refund disposition request as Revocable Permit - \$100.00 Kanehili Communit Print Individual or Orga	egional Specific Beneficiary ion Policy; ceived will be provided to the idered by the HHC; lable processing and document follows: O License - \$200.00 Gen Ly Association nization Name	Consultation will be requested as the communication for the commun	ment; uired per the DHHL mission if/when approval ssed for each respective mentation (all)\$75.00





KANEHILI COMMUNITY PARK

PBR HAWAII



KANEHILI PARK MASTER PLAN

DEPARTMENT OF HAWAIIAN HOME LANDS Planning Office

June 1, 2016

TO:

Kaleo Manuel, Acting Planning Office Manager

FROM:

Bob Freitas, Planner

SUBJECT: Review of Kanehili Park Development Project.

Recommended Action

That DHHL start the process to annex the 4.563 acre park site to the Kanehili community association. A right of entry may be used to allow preliminary access and then formal annexation of the property can be initiated to complete the construction.

Discussion

- 1. The 4.563 acre park site was designed into the original Kanehili Subdivision and DCCR section 1.11 clearly identifies the private park as a common element of the Kanehili Subdivision.
- 2. The community has spent several years trying to develop the park, which was identified in the Kapolei Regional Plan and recently provided a business plan.
- 3. The Kapolei Shopping Center community benefit agreement also provided funding for the park development. There have been ongoing efforts to secure a GIA from the legislature.
- 4. The Kanehili Community Association is continuing to collect dues to maintain the common elements and there is a funding stream to maintain the park over time therefore a passive park development could be sustained. An active park with a higher of level improvements and higher maintenance cost would need to be analyzed to determine if there is sufficient cash flow to sustain an active park which could include park buildings to the support activities.
- 5. The Association is recognized as a state HRS 414d non-profit and could receive donations to both develop and sustain the park. The Kanehili community has been successful with car shows and large scale garage sales to generate income to support the kids in Kanehili.
- 6. A land use request form was completed and processed subject to providing additional documentation which is currently under review.
- 7. Efforts are underway to develop the design package for phase one development and hire the consultants who will need access to the property.



DEPA		AN HOMELANDS - PLANNING OFFICE ASSESSMENT WORKSHEET		
PROJECT INFORMATION	LAND KEWDES!	AGGEGGHIENT WORKSHEET		
LRF# / Project Name	Kanehili Park	Kanehili community Association C/O Hawaiiana Mgt. Co. 808-593-6454		
TMK Number(s)	9-1-15-10-001-0000			
Date Submitted to LMD / Date transmitted to PO / Date Reviewed	12-4-2015			
Ahupua'a/Moku/Mokupuni	Kapolei, Oahu			
Acreage Requested (entire parcel, or portion?)	4.563 acre park site reser	rved during development as common area		
Type of Disposition Requested (ROE, R.P., License, General Lease, other)	License, DCCR property annexation			
Length of Term Requested, Timetrame (start & end dates), Phasing				
Island Plan / Land Use Designation				
Regional Plan Area / Regional Plan				
Homestead Area	Kapolei, Kanehili Resider	ntial homesteads		
Beneficiary Organization, Contact Person, Contact Info	Randy Akau (808) 593-6354 email Kanehilidir1@gmail.com Note: Kanehili DCCR provides for annexation of park need guidance on transfer.			
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 will be used as	a community park.		
Infrastructure Connections/Extensions needed (Water, Wastewater, Roads/Access, Electricity, Internet/Cable/Phone)				
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				
Community Outreach (project presented to Homestead Area residents, applicants, greater community, other pros?)	Kanehili Board holds Reg	ular Monthly Meetings		

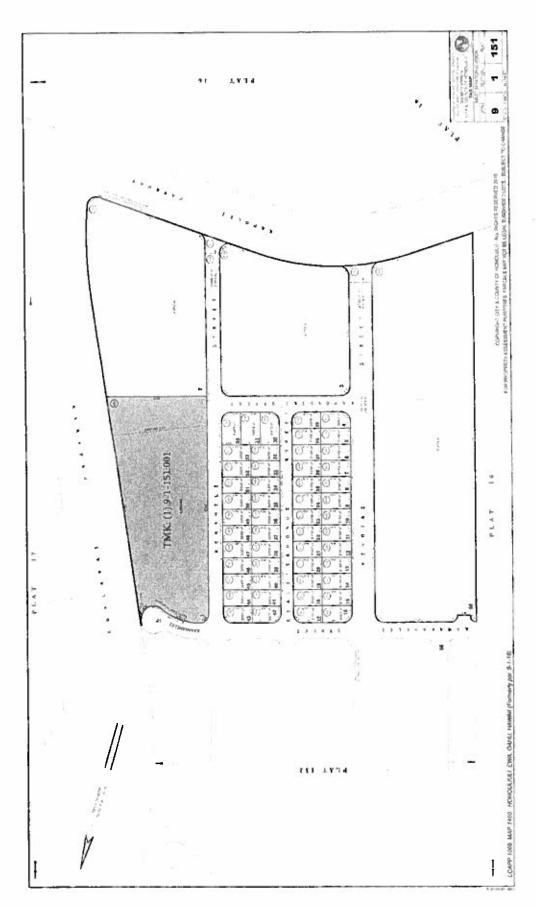
SLAND AND REGIONAL PLAN CONSISTENC Site Consistency & Compatibility with Surrounding Uses		Y/N	Action	Analysis
DHHL PLAN CONSISTENCY	Compatibility w/General Plan? List goals & objectives	Ÿ		
	In Special District or CON? Y/N In General Ag? Y/N	N	If Y, Then further analysis If Y, Then further analysis	
	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?	
	Consistent with other DHHL Plans & Programs (CIP, Devt Plans, Water, Energy, etc.)?			4

Community benefits funding and community fees collected from homesteaders to maintain common elements.

Funding & source(s) (disclose county, state, & federal funds, if used)

Other (specify)

Site Consistency & Co Uses	empatibility with Surrounding	Y/N	Action	Analysis
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 CONSI	STENCY	Y/N	Action	Analysis
CULTURAL RESOURCES	Potential trigger for NAGPRA? Y/N	N	If Y, Protocol (Consult w/Kamana'o for language on protocol)	
	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.?	N	If Y, note that other permits may be needed	
	Wetlands? Y/N	N	If Y, transmit to Army Corps for comment	
	L REVIEW, CZM & SMA, L 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? On shoreline?	N	If Y, then criteria x-xx If Y, then criteria x-xxx If Y, has shoreline survey? Y/N If Y, Year Erosion? Y/N	
SENSITIVE ENVT	Presence of beaches, shoreline, streams, rivers, ocean, muliwai (estuaries), anchialine or other ponds, fishponds, springs, wellands or marshes, lo'i?	N	if Y, describe & locate on site plan as existing feature, recommend miligations 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	
	STORIC 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	
Historic architecture	'lwi (known burials) Any structures 50 years old or older	N	If Y, refer to Kamana'o If Y, require documentation/ research	
Summary Comments of		10.0	- reseguen	



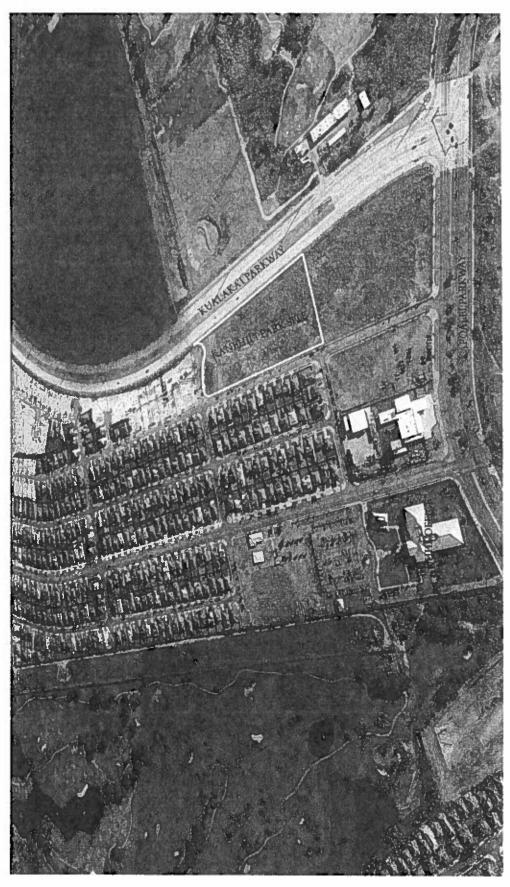


EXHIBIT "B"
ITEM NO. F-1

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 14-15, 2015

To:

Chairman and Members of Hawaiian Homes Commission

From:

Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division W Office

Subject:

Approval for Amendment of Lease with Kapolei Hawaii

Property Company LLC Regarding Homestead Community Benefits

Agreement, General Lease No. 276, East Kapolei, Oahu

RECOMMENDED MOTION

That the Hawaiian Homes Commission grant its approval to the Amendment of the Homestead Community Benefits Agreement related to General Lease No. 276 in regards to the development of the Kanehili Community Park. The requested amendment is as follow:

Paragraph 5, Page 2 of the Homestead Community Benefits Agreement shall be deleted in its entirety and replaced by the letter agreement executed between Kapolei Hawaii Property Community (KHPC) and Kanehili Community Association (KCA) dated August 31, 2015. A copy of the letter agreement is attached for your information as Exhibit "A".

DISCUSSION

General Lease No. 276 was executed between KHPC and DHHL effective as of December 1, 2014. As part of the lease approval, a Homestead Community Benefits Agreement was executed on the 29th November 2013 (See Exhibit "B") between Hawaii DeBartolo LLC and DHHL, in which Hawaii DeBartolo agreed to complete certain improvement to a park in Kanehili by November 29, 2015, two years from the date of the agreement. KHPC has assumed all of DeBartolo's obligations under the agreement.

KHPC and KCA have met many times to discuss various alternatives for the park development. KCA needs more time to determine what improvements and facilities should be constructed at the Park and how they will be maintained. As the two year deadline approaches, KHPC and KCA both agreed that the value of improvements to the park is no more than \$500,000.00. KCA's interest would be best served by allowing KHPC to provide a \$500,000.00 monetary contribution in lieu of the construction obligation. The money will be held in Trust and administered by DHHL strictly for the benefit of KCA's park development and for no other purposes whatsoever.

December 2015

RECOMMENDATION

Land Management Division respectfully requests approval of the recommended motion/action subject to conditions as stated in the motion.



August 31, 2015

Mr. Randall Akau, President Kanehili Community Association c/o Hawaiian Management Company 711 Kapiolani Boulevard, Suite 700 Honolulu, Hawaii 96813

Re: Homestead Community Benefits Agreement - Kanehili Community Park

Dear Mr. Akau,

This letter is to confirm the understanding of the Kanehili Community Association ("KCA") relating to the development of the Kanehili community park (the "Park") as set forth in the Homestead Community Benefits Agreement dated November 29, 2013 (the "CBA"), by and between State of Hawaii, Department of Hawaiian Home Lands ("DHHL") and Hawaii DeBartolo, LLC, a Delaware limited liability company ("HD").

As you know, HD and DHHL entered into the CBA whereby HD agreed to complete certain improvements to the Park by November 29, 2015 (the "Construction Obligation"). Kapolei Hawaii Property Company LLC ("KHPC") has assumed all of HD's obligations under the CBA including the Construction Obligation.

KCA acknowledges and agrees that the value of the improvements to be completed pursuant to the Construction Obligation is no more than \$500,000. After discussing various alternatives, KCA and KHPC have agreed that the Park's and KCA's interests would be best served by allowing KHPC to provide a \$500,000 monetary contribution towards the development of the Park in lieu the Construction Obligation. The contribution would be held and administered by DHHL for the benefit of KCA and would allow KCA more time to determine what improvements and facilities should be constructed at the Park and how they will be maintained.

KHPC has requested that DHHL amend the CBA to allow KHPC to make a \$500,000 monetary contribution in lieu and in complete satisfaction of the Construction Obligation. The requested amendment is consistent with the discussions between KHPC and KCA, and KCA agrees with and is in strong support of this \$500,000 contribution.

[Remainder of Page Intentionally Left Blank]

841 Bishop Street, Suite 1070, Honolulu, Ht 96813 | PH 808.439.8401 | FX 808.439.8409 | www.debartolodevelopment.com





Please confirm the foregoing by signing this letter in the space below and returning a copy to me via fax at (808) 439-8409 or by email at RHartline@debarrolodevelopment.com.

Rich Hartline

Kapolei Hawaii Property Company LLC

ACKNOWLEDGED, AGREED AND CONFIRMED:

KANEHILI COMMUNITY ASSOCIATION, a Hawaii nonprofit corporation

Randall Akau Its President

841 Binhop Street, Suite 1070, Honolulu, H196813 | PH 808.439.8401 | FX 808.439.8409 | www.debartolodevelopment.com

HOMESTEAD COMMUNITY BENEFITS AGREEMENT

This Homestead Community Benefits Agreement ("Agreement") is made as of this 29th day of November, 2013, by and between THE STATE OF HAWAII, by its DEPARTMENT OF HAWAIIAN HOME LANDS, whose principal place of business is Hale Kalanianaole, 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, and whose post office address is P.O. Box 1879, Honolulu, Hawaii 96805, hereinafter called "DHHL," and HAWAII DEBARTOLO, LLC, a Delaware limited liability company, whose principal place of business and mailing address is 4401 W. Kennedy Boulevard, 3rd Floor, Tampa, Florida 33609, hereinafter called "DeBartolo."

WHEREAS, DHHL and DeBartolo are parties to that certain First Amendment to Amendment to and Restatement of Option to Lease, dated November 29, 2013 ("Amendment"), that certain Amendment to and Restatement of Option to Lease dated January 12, 2012, and that certain Option to Lease dated June 17, 2008 (the Amendment and foregoing documents are collectively referred to as "the Option Agreement");

WHEREAS, during a special meeting of the Hawaiian Homes Commission ("Commission") held on November 14, 2013, the Commission approved the execution of the Amendment subject to DHHL and DeBartolo entering into a Homestead Community Benefits Agreement, as set forth in the approved Recommended Motion and Amendment to Motion attached hereto as Exhibit A;

WHEREAS, the parties desire to enter into this Agreement to comply with the Commission's November 14, 2013 action, and to memorialize DeBartolo's obligations to provide the required community benefits;

NOW, THEREFORE, in consideration of the premises and mutual promises hereinafter set forth and other good and valuation consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

- 1. Notwithstanding any provision to the contrary herein, this Agreement shall only become effective on the date the Lease, as defined in the Option Agreement, becomes effective. This Agreement shall be effective for the entire term of the Lease, including any extensions thereto, unless sooner terminated.
- 2. DeBartolo shall pay to DHHL an amount equal to 4% of the base ground lease rent due under the Lease before any deductions or credits, separate and apart from DeBartolo's obligations under the Lease. Payment shall be made concurrently with each monthly lease rent payment under the Lease.
- The payment amount referenced in paragraph 2 above shall be adjusted at each step-up period as well as at each rental reopening period as provided in the Lease for the entire term of the Lease.
- 4, DHHL shall set aside the payments for the benefit of native Hawaiians as that term is defined in the Hawaiian Homes Commission Act, 1920 residing in the Kapolei region.

EXHIBIT "B"

DHHL will consult with Kapolei Hawaiian homestead communities as to the expenditure of the funds.

- 5. DeBartolo shall complete the Kanehili community park within twenty-four (24) months from the date this Agreement becomes effective. The parties intend to further define, in good faith, the park improvements following a review of the transcript of the November 14, 2013 Commission meeting and after consultation with residents of DHHL's Kanehili homestead community. The parties therefore agree to supplement this Agreement at a later date with a more detailed description of the agreed upon park improvements.
- 6. This Agreement may be executed in counterparts, each of which shall be deemed to be an original document and together shall constitute one instrument, and may be delivered by way of facsimile or other electronic submission.

[Signatures on the following page.]

IN WITNESS WHEREOF, the parties to this Agreement have caused these presents to be executed as of the day and year first above written.

APPROVED AS TO FORM:	DEPARTMENT OF HAWAIIAN HOME LANDS STATE OF HAWAII
Deputy Attorney General State of Hawaii	By Jobie M. K. Masagatani Chairman Hawaiian Homes Commission
	"The Department"
	HAWAII DEBARTOLO, LLC, a Delaware limited liability company. By DeBartolo Development, LLC, a Delaware limited liability company Its Management Partner
	ByEdward M. Kobel Its President
	"Optionee"

IN WITNESS WHEREOF, the parties to this Agreement have caused these presents to be executed as of the day and year first above written.

APPROVED AS TO FORM:	DEPARTMENT OF HAWAHAN HOME LANDS STATE OF HAWAH		
Deputy Attorney General State of Hawaii	ByBy	å	

"The Department"

HAWAII DEBARTOLO, LLC, a Delaware limited liability company

By DeBartolo Development, LLC, a Delaware limited liability company Its Management Partner

Edward M. Kobel
Its President

"Optionee"

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 26, 2005

TO:

Chairman and Members, Hawaiian Homes Commission

FROM:

Joseph Blevins, Administrator Land Development Division

SUBJECT:

Finding of No Significant Impact Determination, Final Environmental Assessment for DHHL East Kapolei Development Parcel B, Kapolei, Oahu, TMK: (1) 9-1-016: 108 (portion)

RECOMMENDED MOTION/ACTION

To approve the determination of Finding of No Significant Impact (FONSI) for the Final Environmental Assessment for DHHL East Kapolei Development Parcel B, dated April 2005, prepared by PBR Hawaii.

DISCUSSION

The DHHL East Kapolei Development Parcel B (also known as East Kapolei Phase I) project will involve the construction of approximately 400 single-family residential lots on 67.6 acres; a new DHHL office facility on 9.3 acres; the proposed Kroc community center on 10.7 acres; and 4.5 acres for park use.

Chapter 343, Hawaii Revised Statutes (HRS), as amended, requires the preparation of an environmental assessment (EA) for any project which involves the use of State lands and/or funds. PBR Hawaii was contracted to prepare the EA for the DHHL East Kapolei Development Parcel B project. A notice was published in the February 8, 2005 Office of Environmental Quality Control (OEQC) bulletin, The Environmental Notice, announcing the availability of the draft EA to the public for review and comments.

In accordance with the Department of Health Rules (11-200-12), the EA has examined the environmental and technical aspects of the proposed project. In considering the significance of



potential environmental effects, the overall and cumulative effect of the project was evaluated. Every phase of the proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short- and long-term effects of the action were considered.

An action shall be determined to have a significant impact on the environment, if it meets any of the following thirteen "Significance Criteria" established by the Rules. Following each criterion is a summary of the findings for the East Kapolei project.

1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resources.

There are no known rare, endangered, or threatened species of fauna or avifauna at the project site.

Clusters of the endangered plant species, Abutilon menziesii, were found on Parcel B and will need to be removed. The Habitat Conservation Plan for Abutilon menziesii at Kapolei (HCP) has been developed and successful implementation of the HCP would significantly increase the number of new plants on Oahu and improve the quality of the existing population.

During the pre-consultation process for this DEA, the State Historic Preservation Division (SHPD) confirmed that this project has already gone through the historic preservation review process. The SHPD believes that no historic properties will be affected by the project, and as such, no mitigation measures are proposed. Should any unknown sites be uncovered during project construction, work in the area of the site will stop and the SHPD will be notified in accordance with applicable State regulations.

The cultural impact assessment stated that sugar production would have destroyed any historic properties related to Hawaiian culture, and there should be minimal direct impact upon native Hawaiian cultural practices and beliefs. The assessment noted that special care should be observed in the event a Hawaiian burial is discovered.

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



The DHHL East Kapolei Development Parcel B site is within the State Urban district and is consistent with State and City policies to direct development to the Ewa region. The project will help to meet the growing demand for residential land by providing much needed single-family residential units for native Hawaiians. The project will also help to ease the statewide shortage of housing, as residences will become available to the general population once DHHL beneficiaries move to their homestead lots.

3. Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS; and any revisions thereof and amendments thereto, court decisions, or executive orders.

The proposed project is consistent with the environmental policies, goals, and guidelines established in Chapter 344, HRS, as it addresses such issues as: natural resources conservation (to the extent possible); enhancement of the quality of life; population; land, water, mineral, visual, air, and other natural resources; flora and fauna; parks, open space; economic development: and recreation, community life and housing; transportation; energy; education and culture; and citizen participation.

4. Substantially affects the economic or social welfare of the community or state.

The DHHL East Kapolei Development Parcel B project will beneficially affect the economic and social welfare of the native Hawaiian community by providing housing and employment opportunities on-site. Parcel B will include single-family residential units with office, park, and recreational facility uses. This project will also affect the economic and social welfare of the State by adding to the statewide inventory of housing (directly for eligible native Hawaiians). Once DHHL beneficiaries move to their homestead lots, vacated residences will become available to the general population.

Construction of Parcel B will also benefit the State by creating temporary jobs and increasing sales within the construction industry. Income taxes and sales taxes from

the expenditure of construction employees' wages will be generated as a result of this development.

Substantially affects public health.

Construction of Parcel B may pose the potential for temporary impacts to noise and air and water quality levels; however, these potential impacts will be short-term and are not expected to substantially affect public health, as the site is currently surrounded by open space and the nearest existing residences are located 400 feet away. applicable with comply will construction activities appropriate mitigation implement and will regulations measures as necessary. After construction, Parcel B should have minimal impact on ambient noise levels or air and water quality.

6. Involves substantial secondary impacts, such as population changes or effects on public facilities.

The proposed DHHL East Kapolei Development Parcel B will provide eligible native Hawaiians with much needed single-family residences. The population increase caused by the proposed project is compatible with the "second city" concept for the Kapolei region. As the region develops into the second city, public facilities (i.e., roads, schools, police, fire, etc.) will be expanded to accommodate the growing population. Since the majority of DHHL beneficiaries on the Oahu Residential Waitlist currently reside on Oahu, demand for energy and water, as well as solid waste and wastewater generation, should not increase significantly, either regionally or island-wide.

7. Involves a substantial degradation of environmental quality.

The proposed project is not expected to substantially degrade environmental quality. The site and surrounding area were historically used for agricultural cultivation, which extensively modified the land. Potential impacts to the environment resulting from development within the Ewa region have been identified in several recent environmental reports including the HCDCH <u>East Kapolei Master Plan FEIS and the North South Road and Kapolei Parkway Revised Draft</u>

Environmental Assessment, which are referenced throughout the DEA.

No endangered or threatened avian or mammalian species are expected to be affected by the Parcel B development. Construction activities would remove the existing population of Abutilon menziesii (or kooloaula); however, successful implementation of the Habitat Conservation Plan for Abutilon menziesii at Kapolei would significantly increase the number of new plants on Oahu and improve the quality of the existing population, compared to the existing in situ disturbed cane field conditions at the Kapolei property.

8. Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger actions.

Since much of the Ewa region has been historically used for agricultural purposes that altered the natural environment, the DHHL East Kapolei Development Parcel B project and other developments planned in the area are not expected to have a the adverse impact on considerable or cumulative Abutilon One endangered plant species, environment. menziesii or kooloaula, has been identified on the Parcel B site and nearby areas. The species will be relocated and is to significantly increase with successful expected implementation of the HCP.

9. Substantially affects a rare, threatened or endangered species or its habitat.

No endangered or threatened avian or mammalian species are expected to be affected by the Parcel B development. Construction activities would remove the existing population of Abutilon menziesii (or kooloaula); however, successful implementation of the HCP would significantly increase the number of new plants on Oahu and improve the quality of the existing population.

10. Detrimentally affects air or water quality or ambient noise levels.

Construction activities for development of Parcel B could potentially impact noise and air and water quality levels

(i.e., fugitive dust from grading work, noise and exhaust emissions from construction equipment and vehicles). However, these potential impacts will be short-term and are not expected to be detrimental. All construction activities will comply with applicable regulations and will implement appropriate mitigation measures as necessary.

After construction, Parcel B is not expected to adversely impact ambient noise levels or water and air quality. Although impervious surfaces will be created on currently undeveloped land, any increase in runoff would be accommodated by proposed drainage improvements and should not detrimentally affect water quality. The project will also introduce motorized vehicles, which could impact noise levels and air quality.

However, no long-term regional air quality impacts are anticipated, as new technologies, increasingly stringent federal air pollution control regulations, and increasing use of alternative forms of transportation (i.e., bicycles, public transportation) may offset potential increases in air pollution.

11. Affects or is likely to suffer damage by being located in an environmentally sensitive area, such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, freshwater, or coastal waters.

The DHHL East Kapolei Parcel B is located over 9,000 feet from the shoreline and is not in an environmentally-sensitive area. The majority of Parcel B (northern portion) is located in Zone D, which are areas of undetermined but possible flood hazards, as designated by the Flood Insurance Rate Map. This designation is likely due to the location of Kaloi Gulch, which enters and exits the parcel at the northeastern corner. Proposed drainage improvements are likely to reduce the flood hazard potential of this portion. The southern portion of the parcel is designated Zone X, which are areas determined to be outside of the 500-year floodplain.

12. Substantially affects scenic vistas and view planes identified in county or state plans or studies.

The only significant roadway view identified in the City's Coastal View Study is makai from Farrington Highway and portions of the H-1 Freeway. This view is not expected to be impacted by Parcel B (which at its nearest point would be located over a half-mile from Farrington Highway and nearly three-quarters of a mile from the H-1 Freeway), especially given plans for the University of Hawaii West Oahu Campus, which is located between these highways and the proposed project site. Parcel B will alter the visual appearance of the site from vacant scrub vegetation to a landscaped residential community with commercial and park areas.

13. Requires substantial energy consumption.

Construction of the DHHL East Kapolei Development Parcel B is not expected to require substantially more energy than other projects of similar size and scale. Structures will be designed to incorporate energy-saving technologies. Since the majority of beneficiaries on the Oahu Residential Waitlist currently reside on Oahu, net island-wide demand for energy should not increase significantly.

On the basis of the above criteria, the proposed action to construct the DHHL East Kapolei Development Parcel B project is not likely to significantly impact the environment. Thus a determination of FONSI is consistent with the Department of Health Rules.

RECOMMENDATION

Land Development Division recommends approval of the motion as stated.



Hawaiian Homes Commission Minutes April 25-26, 2005 Anahola, Kauai

ITEM NO: B-9

SUBJECT: Commission Designation of Successor-Helen E. M. Lee Kwai

MOTION/ACTION

Moved by T. Contrades, seconded by T. Morikawa. Motion carried unanimously.

ITEM NO: B-10

SUBJECT: Implementation of Cancelled Lease - Roland K. Mendoza

DISCUSSION

This Agenda Item Was Deferred.

ITEM NO: B-11

SUBJECT: Molokai Water System - Amendment to Water Meter Service Fee

MOTION/ACTION

Moved by M. Pa, seconded by T. Contrades. Motion carried unanimously.

ITEM NO: C-1

SUBJECT: Finding of No Significant Impact Determination, Final

Environmental Assessment for DHKL East Kapolei Development
Parcel B, Kapolei, Oahu, TMK: (1) 9-1-016: 108 (portion)

MOTION/ACTION

Moved by T. Contrades, seconded by H. Cho. Motion carried unanimously.

ITEM NO: C-2

SUBJECT: Notification of Various Lease Awards

MOTION/ACTION

None, for information only.

DISCUSSION

Chairman Kane asked for an estimate of how many Waiehu Kou awards remain. Deputy Henderson noted there were about 30 remaining.



DEPARTMENT OF HAWAIIAN HOME LANDS HAWAIIAN HOMES COMMISSION Kapolei, Oʻahu, Hawaiʻi JUNE 20 & 21, 2016

G-ITEMS **PLANNING OFFICE**

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18 - 19, 2016

To: Chairman and Members, Hawaiian Homes Commission

Thru: Kaleo Manuel, Acting Planning Program Manager

From: Gigi Cairel, Grants Specialist

Subject: Extend the Implementation Period of the Native Hawaiian'

Development Program Plan

RECOMMENDED MOTION/ACTION

The Hawaiian Homes Commission (HHC) extends the implementation period of the Native Hawaiian Development Program Plan (NHDPP) for one (1) year through June 30, 2017.

DISCUSSION & BACKGROUND

Purpose

The Native Hawaiian Development Program Plan (NHDPP) was approved by the HHC in January 2012 for the time period of Fiscal Year (FY) 2012-2014 (Exhibit A). Then, HHC approved a 2-year extension for FY 2014 - 2016 (Exhibit B). During this time, the Department of Hawaiian Home Lands (DHHL) has been implementing the NHDPP in the areas of individual development (ie, homeownership assistance and agricultural lessee assistance) and community development (ie, community liaison, leadership conference, State Grant-In-Aid administration, and agriculture peer-to-peer pilot grant).

In this upcoming Fiscal Year, DHHL plans to implement the following components in the NHDPP:

- a) Training and Technical Assistance for beneficiary organizations on business development, that includes business planning, financial feasibility, project management, operational planning.
- b) Homesteading Opportunities Assistance Program or "HOAP"

- o Small business development and entrepreneurship training
- o Agriculture peer-to-peer learning
- o Agriculture co-operative training
- o Pastoral task force
- c) Hawaiian Home Lands Trust Capacity Building Grants for beneficiary organizations
- d) Statewide Beneficiary Leaders conference and workshop events, including an Agriculture Leaders conference
- e) Community Liaison

It is DHHL's intent to implement the above mentioned tasks in FY 2016 - 2017.

Authority

Pursuant to Chapter 6.1 of Title 10 Hawaii Administrative Rules, DHHL prepares the NHDPP every two years for HHC review and approval. The goal of the NHDPP is to "increase the self-sufficiency and self-determination of native Hawaiian individuals and native Hawaiian communities." This is accomplished through the NHDPP by "improve(ing) the general welfare and conditions of native Hawaiians through educational, economic, political, social, cultural, and other programs."

Funding

The NHDPP is funded directly by the Native Hawaiian Rehabilitation Fund (NHRF) which was created by the 1978 Constitutional Convention to finance various activities intended to exclusively benefit native Hawaiians. This includes, but is not limited to, educational, economic, political, social, and cultural processes by which the general welfare and conditions of native Hawaiians are improved and perpetuated. The source of revenue for this fund is primarily derived from thirty percent of state receipts, derived from lands previously cultivated and cultivated as sugarcane lands and from water licenses.

The HHC at its June 20-21, 2016 meeting approved a budget of \$1,000,000 for the implementation of the NHDPP.

RECOMMENDATION

Based on the foregoing, staff recommends that the HHC approve as recommended.



Native Hawaiian Development Program Plan

January 1, 2012- June 30, 2014

July 1, 2014 - June 30, 2016 extension approved by HHC

Prepared by Planning Office



PREFACE

The <u>Hawaiian Homes Commission Act (HHCA)</u> "rehabilitates" native Hawaiian beneficiaries by awarding residential, agricultural or pastoral homestead leases at a rate of \$1.00 per year for 99-years. "Rehabilitating a native Hawaiian family takes more than a land lease.

Section 213 of the HHCA, established the <u>Native Hawaiian Rehabilitation Fund (NHRF)</u> to provide a wide range of "rehabilitation" programs that address educational, economic, political, social and cultural opportunities. Development in these areas improves the general welfare and conditions of native Hawaiians. Funded by a 30% share of revenues from sugar leases and water licenses, the NHRF fund provides a pool of financial resources that can be dispersed to programs, projects, and services that are deemed necessary for "rehabilitation".

In addition to NHRF, per **Hawaiian Homes Commission Resolution Number 257** adopted on June 21, 2011, a set aside sum of up to 15% of the annual general lease revenues is to be used for the purpose of supplementing the Native Hawaiian Development Program Plan (NHDPP).

The <u>Native Hawaiian Development Program Plan (NHDPP)</u> identifies priority programs and services that should be provided for the next two years. It also determines how the NHRF and 15% set aside will be allocated in the next fiscal biennium to support those priorities. The NHDPP focuses on two (2) areas of development: 1) Individual Development; 2) Community Development.

Hawaiian Home Lands Trust

Native Hawaiian Development Program Plan January 1, 2012- June 30, 2014

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NATIVE HAWAIIAN DEVELOPMENT PROGRAM

"Empower"

To provide individuals and or groups with skills, information, authority and resources in order to carry out their responsibilities.

The purpose of the Native Hawaiian Development Program is to "improve the general welfare and conditions of native Hawaiians through educational, economic, political, social, cultural, and other programs." [Title 10 Administrative Rules, Chapter 6.1]

NATIVE HAWAIIAN DEVELOPMENT PROGRAM PLAN

The Native Hawaiian Development Program Plan (NHDPP) is a two (2) year approach designed to achieve the aforementioned purpose by "increasing the self-sufficiency and self-determination of native Hawaiian individuals and native Hawaiian communities". [Title 10] The following are guiding principles that help to define the plan:

- Beneficiaries define their own vision for their community.
- Beneficiary Organizations through its democratically-elected leaders are the primary conduit for the relationship between the department and homestead residents and applicants with regard to community development. Each homestead lessee and applicant is eligible to vote for their leaders.
- The interests of applicants, the future residents of homestead communities, must not be overlooked in community planning.
- > The skills and talents of individuals need to be strengthened and nurtured to ensure strong, prepared leadership for the future.
- Each homestead association defines what it wants to be responsible for within the areas of authority the commission is willing or able to delegate.
- Successful participation of beneficiaries in planning for the use and management of homestead lands and assets is tied to being adequately prepared and supported.
- Homestead leaders can best learn governance and management skills through hands-on training that applies to the assets in their own community.
- Each homestead is unique and each homestead association will have its own way of working toward self-sufficiency. Not every homestead association will be interested or ready to take the steps toward self-sufficiency at the same time or in the same way.



- ➤ Beneficiary organizations¹ will assume more responsibilities as their capacity increases.
- > Beneficiary organizations are under no obligation to participate in this initiative.
- > The policies and practices of DHHL must support increased self-governance by homestead associations and beneficiary organizations.

The NHDPP has two (2) primary goals:

- 1. Individual Development
- 2. Community Development

 $^{^1}$ Throughout this document the term "beneficiary organization" refers to organizations that are owned and controlled by homesteaders or DHHL applicants that they represent



I. INDIVIDUAL DEVELOPMENT

"Self-sufficiency"

Provision by one's self of all of one's own needs

GOAL:

Provide opportunities for native Hawaiians to obtain the knowledge and skills that will increase their ability to earn a living, become self-sufficient, or secure and make better use of their homestead award.

STRATEGY:

A strong education and the development of job skills are essential for creating self-sufficient, independent individuals. In turn, increasing the knowledge and abilities of individuals strengthens the community as a whole. Providing scholarships makes an education attainable for many more native Hawaiians. By coordinating our scholarship programs with others, we enhance programs that already exist and extend the opportunities for an advanced education to more people.

Economic opportunities and homeownership are also affected by the lack of appropriate skills and experience, making it difficult for lessees with agricultural and pastoral awards to make full use of their homesteads. DHHL staff estimates that only 15% of agricultural awards are in productive farming at this time. Access to the appropriate resources, training and technical assistance are needed to help lessees get started and expand their production.

Education affects homeownership in two major ways – earning power and financial security. Numerous studies document the relationship between educational achievement and income. Higher and more stable incomes allow people to qualify for a mortgage. Similarly, knowledge about handling money wisely (like budgeting, managing debt, and saving) helps people prepare for homeownership and paying a mortgage.

Settlement of native Hawaiians on the land is DHHL's primary mission. With homes costing more than \$500,000 in the private sector, many more native Hawaiians are seeking homestead awards. The large average native Hawaiian family size, combined with lower per capita income, lack of savings, credit or debt problems makes it a challenge to achieve homeownership. The lack of experience in buying real estate means that training and assistance is critical to make native Hawaiian homeownership a reality.

IMPLEMENTATION ACTIONS FOR 2012-2014:

1.1 Education

Objective: Provide educational opportunities through scholarships, internships, and community service opportunities. Evaluation indicators to

measure program outcomes and results will need to be developed for each Implementation Action.

1.1.1 HHC Scholarships

Maintain and administer two (2) post-high scholarship programs that provide financial assistance to native Hawaiians with demonstrated financial need or academic excellence (Kuhio Scholars) enrolled in post-high school educational institutions. Annually, there are approximately 300-400 applications received and 200 awards granted.

Eligibility Requirements:

- Be native Hawaiian (50% or more Hawaiian ancestry) or Homestead Lessee (25% or more Hawaiian ancestry);
- Be enrolled as a full-time classified student in an accredited two-year, four-year or graduate degree program;
- Minimum GPA of 2.0 for undergraduates, 3.0 for graduate students;
- Agree to participate in community service projects;
- · Applications due March 1 each year;
- For Kuhio Scholars, minimum GPA of 3.8 for graduate students.
 *Applications are available at: www.hawaiicommunityfoundation.org
 Budget: \$200,000 encumbered for application review, determination

of native Hawaiian status, and coordination

1.1.2 HHCS - Vocational Education

Produce a separate brand for HHCS Vocational Education and develop a distinct website and information and marketing materials. Although the HHCS can cover UH Community College vocational education program costs, there has been minimal use of this program. There is a need to brand the HHCS – Vocational Education program separately from the HHCS – Four Year and Advanced Degree program. Vocational Education programs at the UH community colleges are a tremendous resource for native Hawaiians to enter the trades and other professions.

Budget: \$2,500 printing and distribution

1.1.3 Partnerships

Chaminade University

Chaminade University of Honolulu offers a four year renewable scholarship valued at \$8,500 to attend Chaminade. Chaminade University is committed to support up to 40 scholarships each year for qualified homestead students. This commitment will be for four years per student as long as they maintain their commitment to education.

Eligibility Requirements:

- Be a dependent of a current resident who holds a lease to a Hawaiian homestead property;
- Have a high school GPA of 2.5 or higher;
- · Have a SAT of 900 or an ACT of 18; and



• Be a full-time day undergraduate student. **Budget:** No additional cost to DHHL

Other Partnerships

Staff should pursue similar partnerships with other educational institutions (e.g. Hawaii Pacific University and BYU Hawaii) and sources of financial assistance (e.g. Office of Hawaiian Affairs)

1.2 Homesteading Opportunities Assistance Program (H.O.A.P.)

Objective: Revive, expand, and rebrand the existing "Homeownership Assistance Program" into the "Homestead Opportunities Assistance Program," to assist all beneficiaries.

Expansion and enhancement of the program may include technical assistance in residential, agricultural, pastoral, and aquaculture homesteading. Evaluation indicators to measure program outcomes and results will need to be developed for each Implementation Action.

Budget: \$500,000 annually

1.2.1 Residential Technical Assistance

Continue to offer current elements of the existing program, designed to provide comprehensive support and resources for homeownership including homebuyer education, financial literacy training, one-on-one credit counseling, and other homeownership tools.

1.2.2 Agricultural Technical Assistance

Provide educational and technical assistance programs to Hawaiian Home Lands agricultural lessees. The objective of the program is to increase the number of successful homesteaders in agricultural enterprises by increasing their knowledge and training in commercial and subsistence agricultural production, best management practices, marketing, financial and business skills. Current technical assistance includes group training in food productions, disease control, best management practices, business planning, processing, and marketing on Kauai, Molokai, and Hawaii Islands.

Homestead farmers have expressed the need to have more input into the program's direction and scope of work to make effective use of limited resources (technical assistance, land, loans, project support) in accordance with intent (farm plan) and capabilities (experience, financing).

1.2.3 Pastoral Technical Assistance

Provide educational and technical assistance programs to Hawaiian Home Lands pastoral homestead lessees. The objective of the program is to increase the number of successful homesteaders in pastoral enterprises by increasing their knowledge and training in commercial and subsistence pastoral production, best management practices, marketing, financial and business skills. Current technical assistance includes group training in food

productions, disease control, best management practices, business planning, processing, and marketing on Kauai, Molokai, and Hawaii Islands.

Homestead ranchers have expressed the need to have more input into the program's direction and scope of work to make effective use of limited resources (technical assistance, land, loans, project support) in accordance with intent (ranch plan) and capabilities (experience, financing).

II. COMMUNITY DEVELOPMENT

"Community Development"

A process involving the conception, planning, and implementation of projects or activities which create improvements in (or reduce the extent of declines in) the living standards of people in a particular community.

GOAL:

To support homestead associations and beneficiary organizations in developing unified, organized, effective, and sustainable Hawaiian communities.

STRATEGY:

Beneficiary organizations provide an avenue for homestead applicants and lessees to take part in the planning of new homestead developments, the various uses of homestead land, and the management of homestead assets. These organizations need to have certain skills and resources in order to enable them to participate in these activities.

It is important to build the leadership, organizational, and management capacity within beneficiary groups. Most homestead organizations currently secure resources in order to undertake projects to benefit their communities. The types and sizes of projects are very diverse, ranging from annual community gatherings to moderate-sized recreation, education, cultural, and community center activities.

"Community Development" is consistent with the intent of the Hawaiian Homes Commission Act 201.6 which authorizes the transfer of certain department authority to democratically-elected homestead organizations that demonstrate a capacity to provide these services at a level and quality comparable to services provided by the department.

To assist in Community Development, the DHHL is focusing on the following implementation actions:

- 1. Hawaiian Home Lands Trust Grants
- 2. Technical Assistance and Training

IMPLEMENTATION ACTIONS FOR 2012-2014:

2.1 Hawaiian Home Lands Trust Grants

Objective: Provide beneficiary organizations the opportunity to seek funds through an open and competitive grant application process to support community-driven projects that improve the living standards in homestead communities, including HHC-approved Regional Plan Priority Projects and projects included in the Hawaiian Home Lands Trust Strategic Goals & Objectives 2012-2017. Grants can also be used for the following:

• Nonprofit Board Roles and Responsibilities

• Nonprofit Financial Management

• Strategic Planning

• Proposal and Grant Writing

• Project Action Planning

All grants require a minimum match of 25% of the grant request amount in outside in-kind services and/or funds. Evaluation indicators to measure program outcomes and results will need to be developed.

Eligibility: Beneficiary Organizations **Deadlines:** April 1 and October 1

Application Forms: To be developed and posted on website **Review Process:** Applications are distributed to an Evaluation

Committee for review and rating. Project descriptions and funding recommendations are submitted to the

Hawaiian Homes Commission for action.

Grant Amounts: Not to exceed \$100,000 per application

Budget: \$500,000 annually

2.2 Training and Technical Assistance

Objective: Provide training and technical assistance to beneficiary organizations to assist in developing organizational visions and strategies, in securing resources, in successfully implementing their community projects, and in becoming stable, self-sufficient homestead communities. Evaluation indicators to measure program outcomes and results will need to be developed for each Implementation Action.

2.2.1 Homestead Association Assistance

Planning staff will be assigned to serve as a liaison with homestead associations and beneficiary organizations to provide advice, pull in technical assistance, and serve as a point of contact and referral. As part of this role, staff will be available upon request and as budget permits to attend community and/or board meetings.

Budget: Staff time and cost for travel, lodging, coordination and presentation included in other budgets.

2.2.2 Leadership Conference

Convene homestead association and beneficiary organization leaders annually to provide technical assistance and training and also to network and develop partnerships, collaborate on projects, and to share best practices with one another. Topics may include:

- Nonprofit Board Roles and Responsibilities
- Nonprofit Financial Management
- Strategic Planning
- Proposal and Grant Writing
- Project Action Planning



• Learning Circles

Conference may be "piggy backed" on other similar conferences in attempts to partner and share costs.

Budget: \$75,000 with matching funds from USDA-RCDI grant and/or other sources

PROPOSED BUDGET

The table below highlights the annual amount and source of funding for each implementing action in the NHDPP.

Implementation Action	Source of Funding		
	NHRF & Reso. 257	Other	
1.1. Education		\$202,500	
1.2 Homestead Opportunities Assistance Program	\$500,000		
2.1 Hawaiian Home Lands Trust Grants	\$500,000		
2.2 Training and Technical Assistance		*\$175,000	
Total Annual Budget	\$1,000,000	\$377,500	

^{*}Subject to negotiation with outside funding source

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

July 21 - 22, 2014

To: Chairman and Members, Hawaiian Homes Commission

Thru: Kaleo Manuel, Acting Planning Program Manager

From: Gigi Cairel, Grants Specialist

Subject: Extend the Implementation Period of the Native Hawaiian

Development Program Plan

RECOMMENDED MOTION/ACTION

The Hawaiian Homes Commission (HHC) extends the implementation period of the Native Hawaiian Development Program Plan (NHDPP) for two (2) years through June 30, 2016.

DISCUSSION & BACKGROUND

Purpose

The Native Hawaiian Development Program Plan (NHDPP) was approved by the HHC in January 2012 for the time period of Fiscal Year (FY) 2012-2014 (Exhibit A). During this time, the Department of Hawaiian Home Lands (DHHL) has been implementing the NHDPP in the areas of individual development (ie, scholarships, homeownership assistance, and agricultural lessee assistance) and community development (ie, community liaison and leadership conference).

Recently, DHHL hired a Grants Specialist which increases the department's capacity to implement other NHDPP components, specifically the following:

- a) Homesteading Opportunities Assistance Program or "HOAP"
 - o Pilot agricultural program for individual peer-to-peer learning
- b) Hawaiian Home Lands Trust Grants for beneficiary organizations
- c) Training and Technical Assistance for beneficiary organizations

It is DHHL's intent to implement the above mentioned tasks in the first year of the implementation period. During the second year, DHHL will assess and evaluate the NHDPP and submit a new NHDPP for FY 2016-2018 as required by rules. The future submittal will feature the entire NHDPP program and request funds, as appropriate, at that time.

The department conducts a full beneficiary consultation process for the NHDPP biennial update. This process includes conducting a total of 8 on-island beneficiary consultations; providing for a 30-day public comment period; compiling and analyzing beneficiary comments and prepare responses; and, finally, preparing final recommendations to HHC and submitting a draft NHDPP with a record of comments received. In addition, the department will assess and evaluate the current NHDPP, which includes both individual development assistance and community development assistance.

Estimated budget: \$30,000 Includes staff time to prepare materials, compile and analyze comments, prepare recommendations and draft the NHDPP; staff travel; printing and postage; and meeting room rental.

Authority

Pursuant to Chapter 6.1 of Title 10 Hawaii Administrative Rules, DHHL prepares the NHDPP every two years for HHC review and approval. The goal of the NHDPP is to "increase the self-sufficiency and self-determination of native Hawaiian individuals and native Hawaiian communities." This is accomplished through the NHDPP by "improve(ing) the general welfare and conditions of native Hawaiians through educational, economic, political, social, cultural, and other programs."

Funding

The NHDPP is funded directly by the Native Hawaiian Rehabilitation Fund (NHRF) which was created by the 1978 Constitutional Convention to finance various activities intended to exclusively benefit native Hawaiians. This includes, but is not limited to, educational, economic, political, social, and cultural processes by which the general welfare and conditions of native Hawaiians are improved and perpetuated. The source of revenue for this fund is primarily derived from thirty percent of state receipts, derived from lands previously cultivated and cultivated as sugarcane lands and from water licenses.

The HHC at its June 16-17, 2014 meeting approved a budget of \$1,000,000 for the implementation of the NHDPP.

RECOMMENDATION

Based on the foregoing, staff recommends that the HHC approve as recommended.

Hawaiian Homes Commission Minutes - January 23 -24, 2012 Kapolei, O`ahu

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RECOMMENDATION

That the commission: 1) Approve the Native Hawaiian Development Program Plan for the period from January 1, 2012 to June 30, 2014; 2) Amend the department's Operating Budget for the period from January 1, 2012 to June 30, 2012, noted Planner Kaleo Manuel.

MOTION

Moved by Commissioner I. Aiu, seconded by Commissioner L. DaMate.

DISCUSSION

Commissioner I. Aiu said the Comments on Training and Technical Assistance seemed to be the most desired and positively commented on by beneficiaries. He would recommend redirecting more funds to this piece because of its value to the beneficiary. The original request came in at \$300,000, and there is matching funds still being sought. Any negotiations would need to be handled with the federal government, added Planning Administrator Darrell Yagodich. The \$1.3 million budget is a realistic budget that fits into the Native Hawaiian Development Program Plan.

According to Deputy M. Ka'uhane, the department will 1) need to run a balanced budget. 2) need to make known how critical the funding is. The amount projected based on the action taken on the 15% is reflected in there. There is approximately \$3.8 million reserved in NHRF funds and \$250,000 is being generated from the 30% monies and \$100,000 on interest on a formula. So, there's approximately \$450,000 coming in annually, claimed D. Yagodich.

Chief of Staff W. Sarsona stated she has no problem adjusting the budget for more technical assistance if the commission feels there is a need. Several contractors are available to the homesteaders. They can apply to the department for the contract to obtain this service. There were several outstanding contracts to deliver these services. It was costly. With this motion, if you receive a grant, you deliver, added Chair Nahale-a. There are some providers where this is their only contract. There needs to be better leveraging and this model doesn't appear to be the right fit.

Planner Kaleo Manuel explained the purpose of the Native Hawaiian Rehabilitation Fund (NHRF) is to provide rehabilitation that address education, economic and political opportunities. Chair added that there needs to be more streamline approach to funding and the administration is attempting to address this.

ACTION

Motion carried unanimously.

HHC ITEM G-3 EXHIBIT A

There is no agenda item or submittal for ITEM G-2	
The item was removed from the agenda just before the agenda was f and since numbers were already assigned to the other submittals of t section, it was simply left off the agenda.	
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STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

July 18-19, 2016

To: Chairman and Members, Hawaiian Homes Commission

Thru: Peter "Kahana" Albinio, Jr. Acting Administrator

Land Management Division

M. Kaleo Manuel, Acting Planning Program Manager

From: Bob Freitas, HHL Program Planner

Nicole L. Kinilau-Cano, HHL Legislative Analyst Mich I Kind Cons

Subject: Approval of Homestead Community Benefits Agreement,

Memorandum of Agreement Covering the Expenditure of Payments for the Benefit of native Hawaiians Residing

in the Kapolei Region.

Recommended Action

That the Hawaiian Homes Commission (HHC) approve the implementation of the Homestead Community Benefits Agreement as evidenced by the Memorandum of Agreement (MOA) between the Kapolei Community Development Corporation (KCDC) and the Regional Leadership covering the expenditure of payments for the benefit of native Hawaiians residing in the Kapolei Region.

Discussion

The Homestead Community Benefits Agreement (HCBA) was originally discussed before the Commission on October 28-29, 2013 in item No. F-6 regarding approval of a one year extension of DeBartolo's option term. 85% of the 36 testimonies supported the action to grant an extension and there were differing opinions on the community benefits agreement, the HHC noted that there were several unanswered questions regarding benefits to the community.

On November 14, 2013 a special HHC meeting was held to discuss the one year extension of DeBartolo's option term and

conditions thereof. Staff noted that there will be a separate agreement to be executed between DeBartolo and DHHL. The discussion also noted that HCBA payments would be for the sole benefit of the Kapolei beneficiary homestead organization and associations. The Chairman stated that the HCBA will be an opportunity to dialog with the leaders in the Kapolei community and discuss how the funds will be distributed and how they will be used to benefit the community. The distribution of funds will come before the commission for approval. KCDC was amenable to the language used in the HCBA.

On November 29, 2013 a Homestead Community Benefits Agreement (HCBA) was made between the State of Hawaii, Department of Hawaiian Home Lands and Hawaii DeBartolo, LLC developer of the Ka Makana Ali'i Shopping Center, Kapolei, Oahu, Hawai'i. (Exhibit A)

Section 2 of the HCBA states DeBartolo shall pay to DHHL an amount equal to 4% of the base ground lease rent due under the Lease before any deductions or credits, separate and apart from DeBartolo's obligations under the Lease. Payment shall be made concurrently with each monthly lease payment under the Lease.

Section 4 of the agreement states DHHL shall set aside the payments for the benefit of native Hawaiians - as that term is defined in the Hawaiian Homes Commission Act, 1920 - residing in the Kapolei region. DHHL will consult with Kapolei Hawaiian homestead communities as to the expenditure of the funds.

On April 22, 2015 the Chairman met with the Kapolei Homestead leaders to discuss their concerns and engage in open discussions about community development in the Kapolei Region. On the matter of the DeBartolo CBA the Chairman urged the leaders "to work together so that the resource benefits everyone". She further stated that the focus of the CBA should be used for "bricks and mortar" and recognized the success of KCDC's efforts to secure GIA funding for the development of the Heritage Center. KCDC agreed to work with the leaders and the community so that everyone is on the same page in terms of using the CBA funds. (Exhibit B)

KCDC worked with Malu'ohai, Kanehili, Kaupe'a, and East Kapolei communities to draft an MOA that will insure that the expenditure of the HCBA funds will benefit all native Hawaiians residing in the Kapolei Region. (Exhibit C)

In 2016 after conversations with the various Homestead Association Boards and Communities, it was agreed that the HCBA funds were the responsibility of the homestead community to manage. KCDC, with support of the Homestead Association Boards, notified the Kapolei lessees of the proposed Memorandum of Agreement (MOA) and invited them to a series of community meetings to discuss the HCBA/MOA. (Exhibit D)

In July 2016, the final HCBA/MOA between the KCDC and the Kapolei Hawaiian Homestead Associations was agreed to and signed. The MOA details the methodology that will be used to expend the funds, what the funds will be used for and is based on the community meeting results. (Exhibit E)

While section 4 states DHHL will consult with the Kapolei Hawaiian homestead communities, DHHL staff believe that the spirit and intent of the consultation has been addressed by KCDC and the Homestead Association Boards delivery of meeting materials that support the approved MOA. The Associations made their best faith effort to include and inform Lessees in the development of the MOA. In addition, Community Benefit Agreements do not require DHHL to conduct a formal Beneficiary Consultation per the B.C. Policy.

Recommended Action

DHHL staff respectfully requests approval as recommended.

HOMESTEAD COMMUNITY BENEFITS AGREEMENT

This Homestead Community Benefits Agreement ("Agreement") is made as of this 29th day of November, 2013, by and between THE STATE OF HAWAII, by its DEPARTMENT OF HAWAIIAN HOME LANDS, whose principal place of business is Hale Kalanianaole, 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, and whose post office address is P.O. Box 1879, Honolulu, Hawaii 96805, hereinafter called "DHHL," and HAWAII DEBARTOLO, LLC, a Delaware limited liability company, whose principal place of business and mailing address is 4401 W. Kennedy Boulevard, 3rd Floor, Tampa, Florida 33609, hereinafter called "DeBartolo."

WITEREAS, DITIL and DeBartolo are parties to that certain First Amendment to Amendment to and Restatement of Option to Lease, dated November 29, 2013 ("Amendment"), that certain Amendment to and Restatement of Option to Lease dated January 12, 2012, and that certain Option to Lease dated June 17, 2008 (the Amendment and foregoing documents are collectively referred to as "the Option Agreement");

WHEREAS, during a special meeting of the Hawaiian Homes Commission ("Commission") held on November 14, 2013, the Commission approved the execution of the Amendment subject to DHHL and DeBartolo entering into a Homestead Community Benefits Agreement, as set forth in the approved Recommended Motion and Amendment to Motion attached hereto as Exhibit A;

WHEREAS, the parties desire to enter into this Agreement to comply with the Commission's November 14, 2013 action, and to memorialize DeBartolo's obligations to provide the required community benefits:

NOW, THERIFORE, in consideration of the premises and mutual promises hereinafter set forth and other good and valuation consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

- I. Notwithstanding any provision to the contrary herein, this Agreement shall only become effective on the date the Lease, as defined in the Option Agreement, becomes effective. This Agreement shall be effective for the entire term of the Lease, including any extensions thereto, unless sooner terminated.
- 2. DeBartolo shall pay to DHIL an amount equal to 4% of the base ground lease rent due under the Lease before any deductions or credits, separate and apart from DeBartolo's obligations under the Lease. Payment shall be made concurrently with each monthly lease rent payment under the Lease.
- 3. The payment amount referenced in paragraph 2 above shall be adjusted at each step-up period as well as at each rental reopening period as provided in the Lease for the entire term of the Lease.
- 4. DHHL shall set aside the payments for the benefit of native Hawaiians as that term is defined in the Hawaiian Homes Commission Act, 1920 residing in the Kapolei region.

DHFIL will consult with Kapolel Hawaiian homestead communities as to the expenditure of the funds.

- 5. DeBartolo shall complete the Kanchili community park within twenty-four (24) months from the date this Agreement becomes effective. The parties intend to further define, in good faith, the park improvements following a review of the transcript of the November 14, 2013 Commission meeting and after consultation with residents of DHILL's Kanchili homestead community. The parties therefore agree to supplement this Agreement at a later date with a more detailed description of the agreed upon park improvements.
- 6. This Agreement may be executed in counterparts, each of which shall be deemed to be an original document and together shall constitute one instrument, and may be delivered by way of facsimile or other electronic submission.

[Signatures on the following page.]

IN WITNESS WHEREOF, the parties to this $A_{\mathbb{R}}$ recement have caused these presents to be executed as of the day and year first above written.

APPROVED AS TO FORM:	DEPARTMENT OF HAWAIIAN HOME LANDS STATE OF HAWAII
Deputy Attorney General State of Hawaii	Jobie M/K Masagatani Chairman Hawaiian Homes Commission
	"The Department
	HAWAII DEBARTOLO, LLC, a Delaware limited liability company
	By DeBartolo Development, LLC, a Delaware limited liability company Its Management Partner
	ByEdward M. Kobel Its President
	"Optionee"

IN WITNESS WHEREOF, the parties to this Agreement have caused these presents to be executed as of the day and year first above written.

APPROVED AS TO FORM:	DEPARTMENT OF HAWAIIAN HOME LANDS STATE OF HAWAII
Deputy Attorney General State of Hawaii	ByBy

HAWAII DEBARTOLO, LLC, a Delaware limited liability company

By DeBartolo Development, LLC, a Delaware limited liability company Its Management Partner

Edward M. Kobel
Its President

"Optionee"

"The Department"

Kapolei Community Leaders Meeting Report 4.22.15

Kapolei Meeting with Chairman Masagatani and Deputy Director Alla Wednesday, April 22, 2015 6:30 to 8:30 pm Hale Ponoi

Invited Leaders

Homestead/Assoc.	First name	Last name	First Name	Last name
Kaupea	Michelle	Kauhane	Kanani	Wond
Kanehili	Randy	Akau	Kaipo	
Maluoha	Homelani	Schaedel	Violet	Pomaikai
Kapolei Community Development Corp.	Kuhio	Lewis	Shirley	Lu'uwai
Capolei Community Development Corp. IEL Statt Bob Fruitas (Planning Office)		Sand	Shirley	Swinney

Chairman encouraged introductions and then presented planning context and opened up discussion.

- 1 Violet talked about the 272 Maluohai units and the Hoolimalima Transition project.
- 2. Jobie expressed need to have open communication with the leaders.
- 3. Randy talked about Kanehili Park development for the 403 homesteaders in Kanehili.
- 4 Jobie asked about the role of the Heritage Center and how the homesteader leaders are working together.
- 5. Kaipo said they want to see it developed and it needs to be sustainable so that it can serve the community.
- 6. Kaipo asked about the self help home development in Kanehili which were not required to construct fences. He noted that without the fences homesteaders are violating the DCCRs and being fined which is creating a hardship on the families DHHL should have required that the self help developer should have built privacy fences
- Michelle discussed the Kaupea park issue which is on going. Note role of parks in regional plan and issues with VOKA and HHFDC on developing the vacant lot. Noted strong support from community both homesteaders and non homesteaders managed by VOKA.
- 8. Joble asked about the rail development and pedestrian walkways identified in the plan, strong support to continue with plan to multimodal transportation and walkable communities
- 9. Caludia and Kanani discussed their community development activities for safety and efforts to communicate with community
- 10. Violet shared that VOKA rules help to manage community activities
- 11. Michelle talked about VOKA rules concern about fees impact on homesteaders.
- 12. Jobie discussed the Debartolo CBA and how it will be shared by community the the need to work together so that the resource benefits everyone, requires on going conversations need to coordinate with KCDC and community Boards.
- Jobie discussed kipuka logic with Lunalilo Home. Civic clubs and other Hawaiian service agencies.



- 14. Joe talked about KCDC status of Hentage Center and willingness to work with community to share CBA.
- Joble ment oned focus of CBA on bricks and mortar needs noted success of KCDC and GIA funding.
- Discussed history of regional development organizations and the role of Maluohai which did not have land for community development but now has control of land for the region. Need to work on organizational structure so that homestead Boards are equally represented including East Kapolei.
- 17 Joe will work with homestead leaders to reach out to community so that everyone is on the same page in terms of using the CBA funds and coordinating future GIA efforts.

Meeting ended 8:15pm general followed the agenda and regional plan priorities are still important and relevant.

Kapolei Priority Projects

Kapolei Regional Plan (2010)

- Support Heritage Center & Community Commercial Development
 The Heritage Center is a proposed two story education, health, and community center for homesteaders in the Kapolei Region. Construction anticipated to start in late 2015.
- Support New School Development
 The Kapolei homestead community is interested in promoting the development of a UH Lab School, similar to the one at UH Manoa, at UH West O'ahu.
- 3. Engage Beneficiaries in a Planning Charrette Process
 The vacant lands that are not planned for residential development, are strategically located around the intersection of Kapolei Parkway and the Kūalaka'i Parkway, including the area surrounding the DHHL office building. These strategic parcels have been identified for commercial development, community/public facilities, and other community amenities, like parks and pedestrian/bikeways.
- Develop Pedestrian/Bike Path Network to Community Resources
 One of the benefits of living in the Kapolei region is having access to a host of community facilities and programs being planned in the region.
- 5. Preserve & Develop Parks to Service the Homestead Community. This project includes three specific park projects:
 - a. Kanehili Area Park. There is an existing 4.59 acre park site designated in the East Kapolei Plans. The creation of the Kanehili park will support the Heritage Center and other services planned for programs and social events.
 - b. Kaupe'a Park in vacant Lot Adjacent to Kaupe'a. The lot is currently owned by HHFDC.
 - c. Identify and Designate Optimal Locations for Active Recreational Activities. Including baseball, soccer, volleyball, skate park, dirt biking, etc., and incorporate pedestrian/bike paths to facilitate safe access for our children. It was noted that all existing park areas designated in the DHHL plans should be preserved in future plans. The lack of parks in the Kaupe'a and Malu'ōhai developments is a lesson learned. There is a shortage of active recreational courts and fields.

Kapolei Regional Halawai

Tuesday May 19, 2015 6:30pm - 8:00pm Wahi: Hale Ponoʻi

Target outcomes:

- 1. Enhance communication and organization amongst homesteads
- 2. Establish regular meeting schedule
- 3. Familiarize one another with community projects
- 4. Involvement at upcoming DHHL regional meeting
- 5. Discuss DeBartolo benefits

Agenda:

- 1. Pule
- II. Introduction
- III. Reason for gathering
- IV. Community updates (each association/board can share what priorities they are working on)
 - i. Maluohai
 - ii. Kaupea
 - iii. Kanchili
 - iv. KCDC
- V. Hawaiian Homes Kapolei region meeting on June 16 at KMS
 - i. Food
 - ii. Drinks
 - iii. Clean-up
- VI. DeBartolo benefits
 - i. History
 - ii. Proposal to DHHL
- VII. Next Meeting



Minutes of Kapolei Regional Halawai Tuesday, May 19, 2015 6:30pm Hale Pono'i

Attendee's: Homelani Schaedel (Maluohai), Michelle Kauhane, Claudia Quintanilla (Kaupe'a), Randy Akau, Kaipo Pomaika'i, (Kanehili) Kanani Sang, Kuhio Lewis (KCDC)

- i. Pule was given by Homelani Schaedel
- ii. Kuhio started our meeting with a brief introduction of those in attendance.
- iii. Kuhio relewed the purpose of our meeting was to bring the community leaders together so that each can share the information on their respective Homestead associations as well as discuss a list of Target outcomes.
- iv. Community Updates:
- v. i. Maluohai Homelani shared her upcoming project "Lei's for Memorial Day". She will be hosting lei making at her home in Maluohai. They hope to prepare at least 200 lei's for draping on the gravesites of Veteran's interned at the Kaneohe Veteran's cemetary. She also announced that Maluohai has a \$500 scholarship for resident's of Maluohai entering college or some type of trade school.
- vi. Kaupe'a Michelle Kauhane announced the 1 year anniversary of the new Kaupe'a Board. The community voiced their concern about officer's (President, VP & Treasurer) needing to be Lessee's therefore, the V.P., Kanani Wond, had to stepdown. Their by-laws were amended to reflect this change as well as excluding membership dues. She also reported that they are close to launching their website.
- vii. Kanehili Randy reported that they met with DeBartolo/DHHL regarding their park development. DeBartolo will match Kanehili's fundraising by providing materials and/or equipment. Kanehili is also working to install an entry sign. Looking for additional funds. Homelani suggested they contact the developer, Gentry Homes, for funds to construct their sign. Michelle also suggested they contact H.I.D.A, Homestead Individual Development Account which is serviced thru CNHA using OHA funds. HIDA does a 2 to 1 matching program. She also mentioned that HIDA is currently assisting the Rent To Own homes in Maluohai to get the residents qualified for homeownership.
- viii. Kuhio reviewed history of KCDC and how it was formed and organized. He also shared that KCDC received a total of \$1.9 million in GIA grants. Groundbreaking took place last year but due to changes in the sie plans, construction has been delayed. KCDC is currently in permitting and hope to break ground on Phase 1 by August, 2016. Phase I to consist of Community Kitchen, bathroom & 2 classrooms. KCDC is currently working on policies.

ix. Upcoming DHHL Regional Meeting - Kapolei Hosting

Date: June 16, 2015

Location: Kapolel Middle School

Time: 6:30

The following associations will contribute to our meal:

Maluohai – 1 case water, Desert, Tables & Table cloths, serving utensils

Kaupe'a – Toss salad, 1 case water, Rice Kanehili – Paper goods, 1 case water, Rice

KCDC – Main Dish Clean-up – Kakou

Lei's - 10 La'l lei to be provided by Maluohai

x. Community Benefits

Continuation of Community Benefits discussion with Chair Jobie Masagatani & Deputy Chair William Aila on April 22. Kuhio provided a brief background of how the DeBartolo benefits package came about and how KCDC spearheaded the efforts to obtain the community Benefits. Recognition to Shirley Swinney & Homelani Schaedel for their hard work and dedication. How should the community benefits be distributed? Consensus was that it should go to KCDC who will manage the funds.

Next meeting date: No Decision Meeting adjourned at 8:30pm.

Respectfullly submitted by: Kanani Sang

Minutes of Kapolei Regional Halawai

Tuesday, January 12, 2016 6:30pm Prince Kuhio Community Center

Attendees: Homelani Schaedel, Joy Wilson (Maluohai), Michelle Kauhane, Claudia Quintanilla (Kaupe'a), Randy Akau, Kaipo Pomaika'i (Kanehili), Kuhio Lewis, Lehua Kinilau, Jame Schaedel, Kaleo Keawe-Aiko, Kanani Sang (KCDC), Bob Freitas (DHHL)

- I. Pule was given by Kuhio Lewis
- II. Introduction Each attendee quickly introduced themselves
- III. Reason for gathering The agenda included Target outcomes as follows: 1. Enhance communication and organization among homesteads, 2. Establish regular meeting schedule, 3. Familiarize one another with community projects, and 4. Finalize discussion on DeBartolo benefits.
- IV. Community updates (each association/board can share what priorities they are working on)
 - i. Maluohai President Homelani Schaedel shared the positive feedback received from the "Leis for Memorial Day" and their plan to continue the project this year. She also shared that several leaders and residents assisted the Friends of Kapolei with the Kapolei City Lights holiday festivities.
 - ii. Kaupe'a President Michelle Kauhane announced that their association launched a website. She attended the last Hawailan Homes Commission meeting to continue to advocate for a park on a portion of the HHFDC parcel. Claudia shared about the Earl Kawaa beautification project.
 - iii. Kanehili President Randy Akau reported that the yard sale held on January 9th was very successful. He noted that these events help the community to get engaged and stay active. The association is considering whether to do two yard sales a year instead of one. Park development is still being evaluated. The community is still working on installing an entry sign.
 - iv. KCDC President Kuhlo Lewis shared that exciting developments are occurring as evidenced by the dust screen and the start of Heritage Center Phase 1 construction. The Heritage Center is a regional project to support the Kapolei Region (3 existing homesteads and 1 homestead to come). The Heritage Center will be available for all homesteaders to use at a reasonable cost to keep the facility open. Doors will be open on May 1. KCDC is working on the commercial property and in conversation with interested party. If everything goes forward with current developer, the commercial property should open in 2018.
- V. Regional Updates from DHHL- Updates for Kauluokahai were provided by Darrell Ing of DHHL. The homesteads in Kapolei is finally putting Hawaiian Homes where the jobs are located.

- VI. DeBartolo benefits - Kuhio Lewis shared that DHHL is collecting DeBartolo benefits of \$12,000/month and \$144,000 is in the account as of now. He asked if the leadership of the three homesteads would support KCDC receiving the initial funds. KCDC is requesting to utilize \$12,000/month for 5 years. The intent of these funds is to support the Heritage Center. Homelani Schaedel asked why this funding hasn't been disbursed and how can we assure the funds go to KCDC? Homelani also commented that the Heritage Center is for all the homesteads in Kapolei. The general sentiment was that KCDC should manage the money as the regional CDC instead of DHHL keeping in mind that KCDC be willing to provide accounting of the use of the funds. Kuhio shared that KCDC has learned a lot navigating the Department these past 7 years. In light of this conversation, Kuhlo summarized the MOA. The Community Association leaders are elected to represent their community. A quarterly regional talk story would support greater collaboration amongst the homestead associations. Minutes were requested from DHHL to be clear on how the money from the DeBartolo benefits were to be used. One question posed was does the community support the Heritage Center and if they do, where is the money for the Heritage Center supposed to come from. At the end of the day, the Heritage Center project is in the Regional Plan. A follow up meeting could be used as an opportunity to make the community aware of the community benefit and how it will support the Heritage Center. Homelani shared that Maluohai's Annual meeting notice has homestead community benefit on the agenda.
 - MOA The MOA was disseminated to everyone in attendance and summarized by Kuhio.
- VII. Next Meeting(s) The next meeting will be set for sometime the week of 2/1-5/16 depending on the availability of Hale Pono'i from 6:30-7:30pm and the meeting notice will be disseminated by each individual homestead association. KCDC will provide the water. The established quarterly schedule is Jan, April, July and October. The next meeting dates are as follows: 4/11/16, 7/11/16, and 10/10/16.

HOMESTEAD COMMUNITY BENEFITS AGREEMENT KAPOLEI REGION

MALU'ŌHAI - KAUPE'A - KANEHILI - KAULUOKAHA'I

DeBartolo

Annual Base Ground Lease Rent

\$3,617,848.18

DHHL Monthly Payment \$301,488

> KCDC 4% \$12,066.00

Heritage

Center

Homestead Community Benefits (HCB) shall be used solely for infrastructure, construction, equipment, furniture, and other costs associated with completing Phase I, II, and II of the Kapolei Heritage Center, to serve all Lessees and their families with an approximate Hawaiian population of 8,000 to 10,000 in the Kapolei Region

NOTICE OF ANNUAL MEETING OF MALU'ŌHAI RESIDENTS ASSOCIATION

NOTICE IS HEREBY GIVEN that the Annual Meeting of the Malu ona Residents Association (MRA) has been called and will be held on:

DATE:

Thursday, January 21, 2016

TIME:

6:30 p.m. (Dinner & Registration begins at 6:00 p.m.)

PLACE:

Department of Hawaiian Home Lands

Hale Ponoti Conference Room 91-5420 Kapolei Parkway Kapolei, Hawaii 96707

AGENDA

- 1 Call to Order
- 2. Proof of Notice of Meeting
- 3. Introductions
- 4. Approval of 2015 Annual Meeting Minutes
- 5. Reports:
 - a. Finance
 - b. President
- 6. Nominations & Election of Directors
- 7. Election Results
- 8. New Business
 - a. Homestead Community Benefits Agreement
- 9. Announcements
- 10. Adjournment

Presentations

a. Legislature Representatives
 Senator - Mike Gabbard
 Representative - Sharon Har

b. Kapolei Community Development Corporation (KCDC)

Community Sharing

ELECTION OF DIRECTORS

There is a minimum of one (1) and a maximum of four (4) Director's positions to fill. See attached nomination form. Additional nominations may be made from the floor. Each lessee or his/her spouse current in their Annual Assessments shown on the Association's books at the close of business on December 31, 2015 is entitled to cast one (1) vote and may run for the Board.

BY CALL OF: BOARD OF DIRECTORS

Enclosures: Proxy

Director Nomination Form

Return Envelope

Date of Notice: December 21, 2015.

MALUI OHAI RESIDENTS ASSOCIATION ANNUAL MEETING AGENDA

Thursday, January 21, 2016

- 1. Call to Order
- 2. Proof of Notice of Meeting
- 3. Introductions
- 4. Approval of 2015 Annual Meeting Minutes
- 5. Reports:
 - a. Finance
 - b. President
- 6. Nominations & Election of Directors
- 7. Election Results
- 8. New Business
 - a. Homestead Community Benefits Agreement
- 9. Announcements
- 10. Adjournment

Presentations

- a. Legislature Representatives Senator - Mike Gabbard Representative - Sharon Har
- b. Kapolei Community **Development C**orporation (KCDC)

 President Kuhio Lewis

Community Sharing

Pau

Malu'õhai Residents Association Annual Meeting Minutes January 21, 2016

- 1. Meeting called to order and pule provided by President Homelani Schaedel at 6:38 p.m.
- 2. Proof of Notice of Meeting: Homelani confirmed mailing of Meeting Notice, Proxy and Ballot to 157 members on December 19, 2014.
- 3. Introductions: Homelani Schaedel, President & Acting Treasurer, Joy Wilson, Vice-President & Acting Secretary, and Violet Lu'uwai, Director; followed by members of the community.
- 4. Approval of 2015 Annual Meeting Minutes: Motion to approve Annual Meeting Minutes of January 22, 2015 by Uncle Sonny Dudoit, second by Aunty Pat Dudoit; motion passed.

5 Reports:

- a. Finance: President Homelani Schaedel presented 2015 Finance Report (see attached). Motion to approve 2015 Finance Report by Uncle Sonny Dudoit, second by Aunty Diana Cordeiro; Motion passed.
- b. President: Homelani did an overview of 2015 see attached report
- 6. Nominations & Election of Directors
 - a. No nominations were received by mail
 - b. Home nominated by Aunty Diana Cordeiro; with no other nominations received from the floor. Motion to approve nomination by Aunty Diana and second by Aunty Pat Dudoit; Motion Passed.
- 7. Election Results/Oath of Office Dispensed

8. New Business

a. Homestead Community Benefits Agreement – Home provided a handout (see attached) and explained the Homestead Community Benefits Agreement (HCBA) between DeBartolo and DHHL that KCDC worked on and agreed to at a special HHC meeting held on November 14, 2013. Home spoke about Kapolei Region Homestead Leadership meeting on January 12, 2016 and a draft MOA that supports KCDC receiving and managing HCBA funds to support ongoing planning/construction of the Kapolei Heritage Center. Discussion also included consideration for future opportunity to access HCBA funds to support individual homestead projects. A meeting to address and inform regional beneficiary's of KCDC's progress and the HCBA will be held in February. After this meeting, leaders will convene to finalize and execute the MOA. Home asked if anyone had any concerns or questions; with nune, Home asked for a motion to support KCDC receiving and managing HCBA funds to support ongoing planning/construction of Kapolei Heritage Center; motion by Uncle Sonny Dudoit, second by Aunty Pat Dudoit, motion passed.

9. Announcements

- a. Home asked for la'i donations for Leis for Memorial Day project.
- b. 2nd Quarter Meeting: April 28, 2016
- 10. Adjournment @ 7:30 p.m. Motion to adjourn business portion of meeting by Aunty Pat Dudoit second by Uncle Sonny Dudoit, motion passed.



Presentations:

- . Legislative Representatives
- a. Senator Gabbard: As Chair of Water, Land, & Agriculture Committee and Vice-Chair of the Transportation & Energy Committee his focus this year will be on invasive species, solar and NextEra, and industrial hemp. He supports SB 3029 Appropriation for DHHL's administration and operation.
- b. Representative Sharon Har: In response to community requests to address her views on the Nelson et all vs. DHHL case, she provided a very informative, interesting, and educational presentation on the history, process and outcome of the case. She has and continues to advocate support for DHHL in service to beneficiaries including HB 1932. She encouraged everyone to respond to her annual survey which will be mailed out shortly.
- KCDC President, Kuhio Lewis: Shared brief history of KCDC and the work of its' current board focusing on the completion of Phase 1 of the Kapolei Heritage Center scheduled for completion on May 1, 2016. Negotiations—with a developer for Ho'omaka (the commercial property) continues. He thanked the community for their support for KCDC to receive and manage Homestead Community Benefits Agreement funds which will be used to support operation of Phase 1 and planning/constructing Phases 2 and 3.
- 13. Community Sharing: None
- 14. Meeting adjourned at 8:34 p.m.

Respectfully submitted,

Joy Wilson
Acting Secretary



March 7, 2016 - Board Meeting

AGENDA

I.	Opening Pule	7:00pm
II.	Roll Cali	7:05pm
III.	Approval of Agenda	7:05pm
IV.	Approval of Minutes - January	7:10pm
V.	Reports by Officers A. Financial report – Kaupe'a Account balance	7:15pm
VI.	Old Business A. NSW & maintenance updates Illegal Dumping: pole signs B. CNHA Membership Dues - 2016 C. Review of community benefits MOU	7:20pm 7:30pm 7:35pm
VII.	New Business A. Perimeter Wall – Iwalani McBrayer B. 2016 Events	7:50pm 8:10pm
VIII.	Announcements / Community Services / Resources A. Kapolei Homestead Leaders Mtg - 'Aha2016 B. Oahu Mokupuni Meeting - March 17 C. Hawaiian Homes Commission Meeting March 21 & 22 (Kapolei)	8:25pm
IX.	Closing Pule	8:30pm

MEMORANDUM OF AGREEMENT

between

KAPOLEI COMMUNITY DEVELOPMENT CORPORATION

and

KAPOLEI REGIONAL LEADERSHIP

I. INTRODUCTION

This Memorandum of Agreement ("MOA"), dated June 30, 2016 between Kapolei Community Development Corporation ("KCDC"), a domestic 501(c)(3) nonprofit homestead beneficiary organization established pursuant to the laws of the State of Hawai'i, whose mailing address is P.O. Box 75658, Kapolei, Hawai'i 96707-0658, and the "Kapolei Regional Leadership", which is comprised of the Presidents of each homestead association ("organization") in Kapolei;

"Kapolei Regional Leadership" is defined as:

The President of the Malu'ohai Residents' Association ("Malu'ohai"), whose mailing address is P.O. Box 700911, Kapolei, Hawai'i 96709;

The President of the Kaupe'a Homestead Association ("Kaupe'a"), whose mailing address is P.O. Box 75539, Kapolei, Hawai'i 96707; and

The President of the Kanehili Community Association ("Kanehili"), c/o Hawaiiana Management Company, whose mailing

address is 711 Kapi'olani Boulevard, Suite 700, Honolulu, Hawai'i 96813.

KCDC and the "the Kapolei Regional Leadership" shall be referred to as "the Parties" or "the Party". The Parties acknowledge that all benefits derived by the Homestead Community Benefits Agreement includes Kauluokaha'i, formerly known as East Kapolei II. The Parties wish to work together, and in compliance with the following:

II. BACKGROUND

After years of actively pursuing a "Homestead Community Benefits" ("HCB") package for the sole purpose of supporting current and future beneficiaries in the Kapolei region, at a special meeting called by the Hawaiian Homes Commission on November 14, 2013, KCDC negotiated with Hawaii DeBartolo, LLC ("DeBartolo"), developer of Ka Makana Ali'i, an amount equal to four percent (4%) of the base ground lease rent to the Department of Hawaiian Home Lands ("DHHL"), as noted under item 2 of the HCB Agreement which is attached as "Exhibit A".

Since December 2014, DHHL has and will continue to receive the four percent (4%) portion of the HCB. On June 30, 2016, the Parties held a meeting. The consensus between the Parties was that KCDC should receive and manage the HCB funds.

III. PURPOSE

 Provide DHHL with assurance of collaborative and consensual agreement between the Parties on how the HCB Funds will be spent.

For the first five years from December 1, 2014 - December 31, 2019, funds will be used for the Kapolei Regional Priority Project; the Heritage Center with the provision that KCDC shall reserve \$25,000 annually for projects recommended by KCDC and/or the Kapolei homestead associations.

The criteria for use of the funds shall be determined by the Parties. The expenditure of these funds require the approval of the majority of the Parties, at quarterly meetings.

- 2. Secure the immediate release of HCB funds, estimated to be \$241,320.00, received and held by DHHL for the period covering December 1, 2014 through July 31 2016, to KCDC.
- 3. Secure the monthly release of HCB funds in the amount of \$12,060.00, from DHHL to KCDC, no later than the twentieth (20th) day of each month, starting August 1, 2016.

IV. ROLES AND RESPONSIBILITIES OF THE PARTIES

1. The Parties authorized to represent and execute this MOA are the Presidents of KCDC, Malu'ohai, Kaupe'a and Kanehili.

- 2. Each Party shall make themselves available to meet with P. Kahana Albinio, Property Development Manager, Land Management Division, for the purpose of review and submittal of this MOA to be included on the July 18-19, 2016 Hawaiian Homes Commission Agenda, in order to effect the immediate release of HCB funds being held by DHHL, and arrange for the monthly receipt of future HCB funds to KCDC.
- 3. KCDC shall establish a separate bank account to manage HCB funds received from DHHL, track all expenditures associated with HCB funds, and provide a financial report to the Kapolei Regional Leadership at quarterly meetings;
- 4. Each Party shall make themselves available or designate an officer from their organization to attend quarterly meetings, during which updates and financial reports will be provided;
- 5. If a Party resigns or is removed as President of their organization, their replacement shall be recognized, with the authority to represent that organization at quarterly meetings;
- 6. It is the responsibility of the Parties to inform their respective organizations and community on the updates and financial reports associated with HCB funds.

V. EFFECTIVE DATES AND AMENDMENTS

1. This MOA shall take effect upon signature by all Parties, and shall remain in effect until terminated. A Party shall not

assign or transfer any portion of this MOA without the prior written consent of KCDC and the other Parties;

- 2. This MOA shall be reviewed before December 31, 2019 by the Parties; to discuss, negotiate, and amend the terms and conditions of this MOA, if deemed necessary by the Parties.
- 3. The provisions of this MOA shall only be amended via written mutual consent and agreement by all Parties.

VI. TERMINATION

- 1. Any Party may request termination of this MOA by providing the other Parties with a written request stating their organization's rationale to terminate the MOA. The Parties shall convene a meeting within thirty (30) days of receipt of the request;
- 2. The Parties or their designee shall meet to review, discuss and take action on the request to terminate the MOA; and
- 3. Termination of this MOA requires a substitute agreement approved by all Parties. In the event this MOA is terminated; KCDC will notify DHHL to suspend and set aside payment of HCB funds until a subsequent agreement is established and approved by all Parties.

VII. DISPUTE RESOLUTION

- 1. All Parties hereby agree that, in the event of any dispute between the Parties relating to this MOA, the Parties shall first seek to resolve the dispute via informal discussions. In the event that a dispute cannot be resolved within thirty (30) days, the Parties agree that the dispute shall be negotiated via mediation:
- 2. Mediation options shall be mutually agreed upon by the Parties and may include requesting the assistance of DHHL staff of their choosing, the Center for Alternative Dispute Resolution, or an objective third party organization;
- 3. Any costs associated with mediation shall be shared equally by the Parties and paid by their respective organizations;
 - 4. HCB funds shall not be used for mediation expenditures.

VIII. ENTIRETY

This MOA, including items two (2), three (3), and four (4), contained in "Exhibit A", embody the entire and complete understanding and agreement between the Parties, and no amendment shall be effective unless signed by all Parties.

IX. APPROVAL

The Parties signing this MOA on behalf of their respective organization represents and warrants, without personal liability

thereof, that upon the signature of each Party, this MOA shall have been duly executed by the organization each Party represents.

FOR:	KAPOLEI COMMUNITY DEVELOPMENT	CORPORATION		
f	1	6/30/16		
Joseph K.	Lewis, President	DATE		
FOR:	MALU'OHAI RESIDENTS' ASSOCIATIO	NC		
Homel	Schaedel, President	Co/30/10		
Homelani	Schaedel, President	DATE		
FOR:	KAUPE'A HOMESTEAD ASSOCIATION			
Shihill	Amb	6/30/16		
Michelle 1	Kauhane, President	DATE		
FOR: KANEHILI COMMUNITY ASSOCIATION				
Rem	all	6-30-16		
Randall A	au, President	DATE		

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

July 18-19, 2016

To: Chairman and Members, Hawaiian Homes Commission

Thru: M. Kaleo Manuel, Acting Planning Program Manager

Norman Sakamoto, Acting Land Development Division

Administrator

From: Nancy McPherson, Planner, Planning Office/OR

James Richardson, Engineer, Land Development,

Division

Subject: For Information Only -- Draft Environmental

Assessment for the Proposed DHHL Kapa'akea Flood Mitigation Improvements Project, Kapa'akea, Kona, Molokai, TMKs (2)5-4-007:009, 010, 011, 024 and

025

Recommended Action

None. For information only.

Discussion

PURPOSE

The purpose of this informational briefing is to update the Hawaiian Homes Commission (HHC) on the status of the Department of Hawaiian Home Lands (DHHL) project to make improvements in Kapa'akea for the purpose of flood mitigation and provide the HHC an opportunity to comment on the Draft Environmental Assessment (DEA) prepared to meet HRS Chapter 343 requirements per the Hawai'i Environmental Protection Act (HEPA), prior to publication in the Office of Environmental Quality Control's (OEQC) Environmental Notice Bulletin.

The DEA will be posted on the DHHL website and published in the Environmental Notice after any final edits are made based on Hawaiian Homes Commission (HHC) review

and comments. See Exhibit 'A', "DEA for HHC Review," distributed to the HHC at its June 20-21, 2016 meeting.

BACKGROUND

DHHL proposes to plan, design and construct the Kapa'akea Flood Mitigation Improvement project within a 0.17 acre area located on the western border of the Kapa'akea residential homestead subdivision in Kapa'akea, Kona, Molokai. See Exhibit 'A': Figure 1, "Regional Location Map" and Figure 2, "Project Location Map".

Need for the Project

Historically, there has been a need for flood mitigation measures to offset recurring flooding on Kamehameha V Highway and into the Kapa'akea Homestead Subdivision. Originally a wetland that was filled in during the 1950's to create residential homestead lots, Kapa'akea Homestead lies makai of the State highway and below the confluence of three intermittent gulches, known as Kamiloloa Gulch. See Exhibit 'A': Appendix G, Cultural Impact Assessment, p. 13 and Exhibit 'B', USGS Quad Map.

In 1976, the U.S. Army Corps of Engineers assessed the installation of a diversion ditch north of the Kamehameha V Highway and improvements to the drainage channel under the highway leading into the Kapa'akea Makai DHHL neighborhood, however, funding was never allocated for these improvements. The Final Environmental Statement (1976) for that drainage project states that the most significant flooding occurred during October 31st through early November 1961, when the DHHL Homestead lots were inundated by approximately two feet of water, which deposited approximately one foot of mud on the lots. During the height of that storm, Kamehameha V Highway was under three feet of water. The source of flooding was Kamiloloa Gulch and the subject lots were near the mouth of Kamiloloa Stream.

Need for Environmental Review

The project is an agency action funded by DHHL. The use of State lands and State funds, as well as work within an environmentally sensitive area, are triggers for the preparation of an Environmental Assessment (EA) pursuant to

Chapter 343, Hawai'i Revised Statutes (HRS), and Title 11, Chapter 200, Hawai'i Administrative Rules (HAR). DHHL is both the proposing and approving agency, with the HHC making the final determination as to EA acceptability and analysis of significance.

PROJECT DESCRIPTION

The proposed project involves the removal and demolition of the existing chain link fence and stacked rubble wall and construction of a four-foot high Concrete Masonry Unit (CMU) wall within the west and north boundaries of five (5) residential homestead lots that abut the Koheo Wetland, a fee simple property to the west owned by Goodfellow Brothers. A swale will also be installed on both sides of the new CMU wall. The proposed CMU wall will be approximately 700 linear feet in length and will terminate approximately sixty (60) feet mauka of the surveyed shoreline. The improvements are designed to act as flood barriers to protect the five (5) residential homestead lots during periods of heavy rainfall events. See Exhibit 'A', Figure 3, "Site and Grading Plan."

The affected parcels are shown as lying within the County of Maui's Special Management Area (SMA). However, the County does not have jurisdiction over Hawaiian Home Lands, therefore the project will not undergo County SMA review. DHHL has evaluated the project based on Chapter 205A HRS goals and objectives and best practices in coastal zone management. Based on the Molokai Shoreline Rules' "Average Lot Depth" method of calculating shoreline setbacks, a sixty (60) foot setback from the surveyed shoreline will be observed. See Exhibit 'A', Appendix C.

In summary, the proposed flood mitigation improvements project will improve the health, safety and welfare of the Kapa'akea residential homestead lessees that have been negatively impacted by episodic flooding during heavy rain events in the Kapa'akea and Kaunakakai ahupua'a. Specific improvements include, but are not limited to, the following:

- Removal and demolition of the existing chain link fence and stacked rubble wall
- Construction of a four-foot high Concrete Masonry Unit (CMU) wall with a 520 linear foot long western segment and a 180 linear foot-long northern segment
- Construction of swales on both sides of CMU wall
- Storm drainage features designed to be in compliance with the most recent "County of Maui Rules for the Design of Storm Drainage Facilities"

The estimated cost for these improvements is \$221,680. Construction is anticipated to take approximately four (4) months to complete.

The data in the EA will be used to prepare materials for the application and processing of required permits and approvals. Table 1 identifies the regulatory agencies and the approvals and permits required for this project.

RESPONSIBLE AGENCY	APPROVALS REQUIRED	
Federal Agencies		
Army Corps of Engineers	Department of Army Permit*	
State of Hawai'i		
DHHL / HHC	Hawai'i Revised Statutes	
State Dept. of Health,	(HRS) Chapter 343 compliance	
Office of Environmental		
Quality Control (DOH-OEQC)		
State Department of Health,	National Pollutant Discharge	
Clean Water Branch (DOH-CWB)	Elimination System (NPDES)	
	Permit, Section 401(a)(1)	
	Water Quality Certification	
	or waiver*	
State Department of Health,	Community Noise Permit	
Indoor and Radiological		
Health Branch		
County of Maui		
County of Maui, Department	Grading/Building Permits	
of Public Works		
County of Maui, Department	Construction Plan Review	
of Public Works		
County of Maui, Department	Special Flood Hazard Area	
of Planning	Permit	
	*as applicable	

Table 1 Required Approvals and Permits

DRAFT ENVIRONMENTAL ASSESSMENT (SUMMARY)

Exhibit 'A', DEA, Appendix B - Project Plans, depicts the location and design of project components. A more detailed description of the entire project, the project's potential impact to the surrounding environment and planned mitigation measures can be found in the DEA. These proposed improvements are anticipated to have minimal impact to the surrounding environment. The natural environment of the project area has already been modified from its natural state by previous DHHL grading, fill and construction during the development of the homestead subdivision and infrastructure. Best Practices in coastal zone management and construction near shorelines and wetlands will mitigate any potential impacts to sensitive ecosystems in the project environs.

DHHL Planning System Consistency

The DEA also addresses the proposed project uses for consistency with existing plans and applicable land use policies. DHHL plans are applicable due to the clear jurisdiction of the HHC over land use on Hawaiian Home Lands, hence consistency with those plans has primacy.

DHHL General Plan (2002)

The proposed project is consistent with the following goals and objectives of the DHHL General Plan:

Land Use Planning

Goal: Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Residential Uses

Goal: Ensure existing homestead neighborhoods are maintained as healthy and attractive communities for future generations.

Land and Resource Management

Goal: Be responsible, long-term stewards of the Trust's lands and the natural, historic and community resources located on these lands.

Objective: Enforce governmental health and safety standards and protect life and property from the effects of natural hazards and disaster on Hawaiian home lands.

The proposed project is not in conflict with any DHHL General Plan goals or objectives.

Molokai Island Plan (2005)

The proposed improvements are on lands designated in the Molokai Island Plan as Residential Homestead. Flood mitigation improvements are allowed within this land use designation.

While flood mitigation measures are not articulated per se in the Molokai Regional Plan update of 2010, The Molokai Island Plan (MIP) discusses drainage and flooding at length in Chapter 4.0, Kapa'akea-Kamiloloa-Makakupa'ia, under Section 4.2 Opportunities and Constraints and Section 4.3 Community Concerns. Surface runoff was described as a major issue within this area. Residents within Kapa'akea tract experience severe flooding events on an annual basis in the coastal area. Heavy seasonal rainfall contributes to flooding in the areas and proper maintenance and cleaning of the drainage channels is necessary.

Since the 1970's, the US Army Corps of Engineers (USACE) has looked at a diversion ditch mauka of the highway and at improving the drainage channel under Kamehameha V Highway leading into the Kapa'akea makai DHHL neighborhood; however, funds for implementation of this flood control project were never allocated.

Consistency with other State plans and applicable policies

DHHL endeavors to design its projects to be consistent with the goals and objectives of Chapter 205A, HRS, Coastal Zone Management. The project has been analyzed for consistency with applicable sections of Ch. 205A, and best

practices for construction near sensitive shoreline and wetland areas will be employed.

While the County has no jurisdiction to apply or enforce the Molokai SMA or Shoreline Rules on DHHL lands, DHHL has analyzed the proposed action and voluntarily applied the "Average Lot Depth" method to Parcel -09, the homestead parcel abutting the shoreline. The minimum shoreline setback from the surveyed shoreline is approximately 60 feet, therefore the project meets the purpose and intent of the Molokai Shoreline Rules and Chapter 205-A, particularly for goals and objectives under 4. Coastal Ecosystems, 6. Coastal Hazards, and 7. Managing Development.

Alternatives to the Proposed Action

Preferred Alternative

The proposed project involves the removal of the existing chain link fence and stacked rubble wall within the north and west edges of the five (5) Department of Hawaiian Home Lands (DHHL) residential homestead lots and replacement with the construction of 700 linear feet of concrete masonry unit (CMU) wall, with swale along the property line. The CMU wall will divert the flow from Kamehameha V Highway to the north of the subject lots, to the existing wetland area located to the west of the lots.

The surface elevations of the DHHL homestead lots are higher today than originally, as a result of fill work that was previously done to address flooding. This resulted in the land sloping downward into Kōheo Wetland. The proposed project is intended to eliminate the significant adverse impacts from flooding by removing the chain link fence and stacked rubble wall, and replacing it with a solid concrete wall. The proposed CMU wall and swale will prevent water flow from the wetland onto the five (5) homestead lots and divert runoff from the subject lots to the wetland area during wet weather events. The proposed CMU wall has a footprint of 0.17 acre total within the boundaries of each of the five (5) homestead lots.

Deferred Or No Action Alternative

The "deferred" or "no action" alternative would mean the replacement of the existing chain link fence and stacked rubble wall with a new CMU wall and swale would not occur and the five (5) DHHL Homestead lots would continue to be subject to flooding during storm events. As such, the "deferred" or "no action" alternative was not considered.

Analysis of Significance Criteria

Based upon the analysis completed in the DEA, staff anticipates a finding of no significant impact (AFNSI) for the DHHL Kapa'akea Flood Mitigation Improvements project. This determination is based upon an analysis of the 13 significance criteria that approving agencies must consider as specified in HAR 11-200-12:

1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;

The Archaeological Assessment Report completed by Garcia and Associates in October 2015, concluded that the proposed project will result in "no historic properties" affected and no further archaeological work is recommended. This report was reviewed and accepted by State Historic Preservation Division (SHPD). Refer to Exhibit 'A', DEA, Appendix F-1. In the event any human skeletal remains are found during ground altering activities, work will be stopped and the remains will be handled in consultation with SHPD.

Garcia and Associates also carried out a Cultural Impact Assessment (CIA) for the proposed project in April 2016. Interviews with residents familiar with cultural history and practices were conducted. Based on the CIA, it is anticipated the proposed project will not adversely impact cultural resources or practices. Refer to Exhibit 'A', DEA, Appendix G.

In addition, the project as designed will replace an existing chain link fence and stacked rubble wall, within the same general footprint. The project is outside the boundaries of the adjacent wetland, and the wall terminates 60 feet inland of the surveyed shoreline, therefore will not impact natural resources in the area.

2. Curtails the range of beneficial uses of the environment;

The proposed flood mitigation improvements will not curtail the range of beneficial uses of the environment. Rather, the improvements will allow for better uses of the environment by minimizing flooding. The proposed flood mitigation improvements are designed to protect the five (5) Department of Hawaiian Home Lands (DHHL) homestead lots from flooding during moderate to extreme rainfall events. With proposed mitigation measures, such as implementation of erosion control measures and Best Management Practices (BMPs) during construction, the proposed project is not expected to result in adverse effects on beneficial uses of the environment.

3. Conflicts with the State's long term environmental policies or goals and guidelines as expressed in Chapter 344, HRS; and any revisions thereof and amendments thereto, court decisions, or executive orders;

The proposed Project conforms to the environmental goals and policies set forth in the State's Environmental Policy and Guidelines, Chapter 344, Hawai'i Revised Statutes (HRS). The proposed action does not contravene provisions of Chapter 344, HRS, court decisions, or executive orders.

4. Substantially affects the economic or social welfare of the community or State;

The proposed project provides economic and social welfare benefits to the surrounding community by providing flood mitigation improvements. The proposed action would provide a direct, short-term economic benefit to the community during the construction phase. The construction of the proposed flood mitigation infrastructure will serve and safeguard the subject DHHL Homestead lots by protecting these properties from flooding conditions during rainfall events. As previously noted, based on the CIA, there are no anticipated adverse impacts to cultural resources or properties. Refer to Exhibit 'A', Appendix G.

5. Substantially affects public health;

The proposed project will improve the health, sanitation and security of the Kapa'akea homestead lessees most affected by episodic flooding, thereby enhancing public health. There will be temporary impacts to noise and air quality levels during the construction phase of the project; however, these potential impacts will be short-term and are not expected to substantially affect public health. All construction activities will comply with applicable regulations and will implement appropriate mitigation measures. After construction, the development should have minimal impact on ambient noise levels or air and water quality.

6. Involves substantial secondary impacts, such as population changes or effects on public facilities;

The proposed project will not result in substantial secondary impacts such as population changes, nor will it place additional infrastructure demands on existing roads, wastewater, or drainage systems. The project site is located within existing developed areas of Kapa'akea makai homestead properties and involves the replacement of the existing chain link fence and stacked rubble wall with a new CMU wall and swale. Existing service limits will not be affected by project implementation. There are no anticipated adverse effects upon public services, such as police, fire, medical, educational, or waste collection services.

7. Involves a substantial degradation of environmental quality;

As discussed in Chapter II of the DEA, the proposed project is not anticipated to have significant adverse impacts on the region's geology, surrounding topography, soil quality, or hydrology. During project implementation, appropriate measures, such as an Erosion Control Plan and BMP measures, will be implemented to mitigate potential short-term environmental impacts. Refer to Exhibit 'A', Appendix B, Project Plans. The proposed project is a BMP measure that is intended to avoid flooding of the subject DHHL Homestead Lots. To mitigate flooding of the lots, the proposed CMU wall and swale will divert the flow from Kamehameha V Highway to

the existing wetland and will prevent the storm water from flowing from the wetland to the project site.

8. Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger actions;

The proposed action involves the replacement of an existing chain link fence and stacked rubble wall with a new CMU wall and swale. As such, the project is not anticipated to result in significant adverse cumulative impacts and does not involve a commitment for larger actions. It is anticipated that implementation of the project would result in positive benefits to the beneficiaries of the five (5) DHHL Homestead lots by mitigating flooding conditions during heavy rainfall events.

9. Substantially affects a rare, threatened or endangered species or its habitat;

There are no rare, threatened, or endangered species of fauna, flora, or their habitat on the project site, which is occupied by DHHL beneficiaries on previously developed lots. Refer to Exhibit 'A', Appendix E, Flora and Fauna Survey. Therefore, significant adverse impacts to these environmental features are not anticipated from the project.

The adjacent Kōheo wetland known as a habitat for two (2) endangered waterbirds, the ae'o and 'alae ke'oke'o is under a cooperative agreement with a Molokai entity that is pursuing habitat enhancements and protective bird measures. Robert Hobdy's survey found the wetland has a sufficient buffer that allows these birds to co-exist with surrounding human activities without significant adverse impact. Refer to Exhibit 'A', Appendix E.

10. Detrimentally affects air or water quality or ambient noise levels;

During the construction of the proposed improvements, there may be short-term impacts to air and noise quality. Appropriate BMPs will be implemented to minimize these short-term impacts which will not extend into the long term. As applicable, appropriate permits, such as a

National Pollutant Discharge Elimination System (NPDES) Permit and Community Noise permit will be obtained to ensure appropriate mitigation measures are implemented during construction. Appropriate BMPs will be used during project construction to minimize short term impacts to water quality.

11. Affects or is likely to suffer damage by being located in an environmentally sensitive area, such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;

The Project will not affect any environmentally sensitive areas. The project area is an upland site and as per Robert Hobdy's survey report there are no aquatic resources that would characterize the area as a wetland. The wetland boundary line lies outside the project area to the west by distances ranging from 20 feet (below the highway) to 8 feet near the shoreline. Refer to Exhibit 'A', Appendix H, Wetland Study.

According to the Flood Insurance Rate Maps (FIRMs) developed by the Federal Emergency Management Agency (FEMA), Parcel 25, (FIRM Panel Map 1500030193F) is located in Flood Zone AE (base flood elevation of 10 feet). A small corner of Parcel 24 (FIRM Panel No. 1500030193F) is located in Zone VE (base flood elevation of 12 feet) with a majority of the parcel in Zone AE. Portion of Parcels 10 and 11, (FIRM Panel Map 1500030193F) are located in Zone AE and Zone VE. Parcel 9 (FIRM Panel Map 1500030189F) is located in Zone VE. Refer to Exhibit 'A', Figure 8. Flood Zone AE (Shaded) in the portions of the project area represents a special flood hazard area that is subject to flooding by the 1-percent annual chance flood. Flood Zone VE represents coastal areas with a one (1) percent or greater chance of flooding and additional hazard associated with storm waves. A County of Maui Flood Development Permit will be obtained, as may be applicable to the project.

The parcels are identified on the tsunami evacuation maps developed by the State Civil Defense Agency. Refer to Exhibit 'A', Figure 9. It is noted that the proposed project involves the removal of an existing chain link

fence and stacked rubble wall, and installation of a new CMU wall and swale, non-habitable element on the parcels.

As previously noted, DHHL has analyzed the proposed action and voluntarily applied the "Average Lot Depth" method to Parcel 9, the homestead parcel abutting the shoreline. Using that method, the minimum shoreline setback from the surveyed shoreline is approximately 60 feet. The proposed CMU wall and swale will be approximately 60 feet away from the shoreline. As such, this project is not anticipated to result in an adverse effect on environmentally sensitive areas.

12. Substantially affects scenic vistas and view planes identified in County or State plans or studies

The proposed action is limited to replacement of a chain link fence and stacked rubble wall with a CMU wall and swale, which are low in profile (approximately four (4) feet in height). The CMU wall will be built around existing residential structures and will run primarily in a mauka-makai direction along the subject DHHL Homestead lots. As such, the proposed project is not anticipated to result in substantive, adverse impacts to identified scenic vistas or view planes.

13. Requires substantial energy consumption.

The proposed action will involve the short-term commitment of fuel for equipment, vehicles, and machinery during construction activities. Upon completion of construction, the project will not involve energy consumption.

NEXT STEPS FOR EA COMPLETION

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

- DEA anticipated to be published in the August 8, 2016
 OEQC bi-monthly bulletin
- 30-day public comment period on the DEA ends September 7, 2016;

- Revise DEA per public comments and complete Final Environmental Assessment (FEA) (September-October 2016);
- Present FEA to HHC; HHC issues Finding of No Significant Impact (FONSI) declaration for the project (October 2016)
- HHC FONSI declaration for the project and FEA submitted to OEQC for publication in OEQC bi-monthly bulletin. (November 2016)

NEXT STEPS FOR OVERALL PROJECT IMPLEMENTATION

In addition to the completion of the FEA and HHC declaration of FONSI for the project in accordance with HRS Chapter 343 and HAR 11-200, the following actions will need to be completed prior to the implementation of the Kapa'akea Flood Mitigation Improvements project.

- DHHL Land Development Division (LDD) bids out project (November 2016)
- LDD opens bids (January 2017)
- LDD awards and enters into contract with low bidder (February 2017)
- LDD holds Preconstruction Meeting with contractor, issues Notice to Proceed (NTP) (March 2017)
- Project completed (August 2017)

Recommended Action

For information only. No action required.

Conclusion

In summary:

- The DEA for the Kapa'akea Flood Mitigation improvements project system has been completed;
- Based on the findings of the DEA, staff anticipates a finding of no significant impact (AFNSI) for the proposed project;

- The 30-day mandatory public review and comment period will begin August 8, 2016 and will end on September 7, 2016;
- Staff will present the FEA to the HHC in October 2016 and will seek HHC approval for a FONSI declaration.

Draft Environmental Assessment

PROPOSED DEPARTMENT OF HAWAIIAN HOME LANDS KAPA'AKEA FLOOD MITIGATION IMPROVEMENTS MOLOKA'I, HAWAI'I

Prepared for:

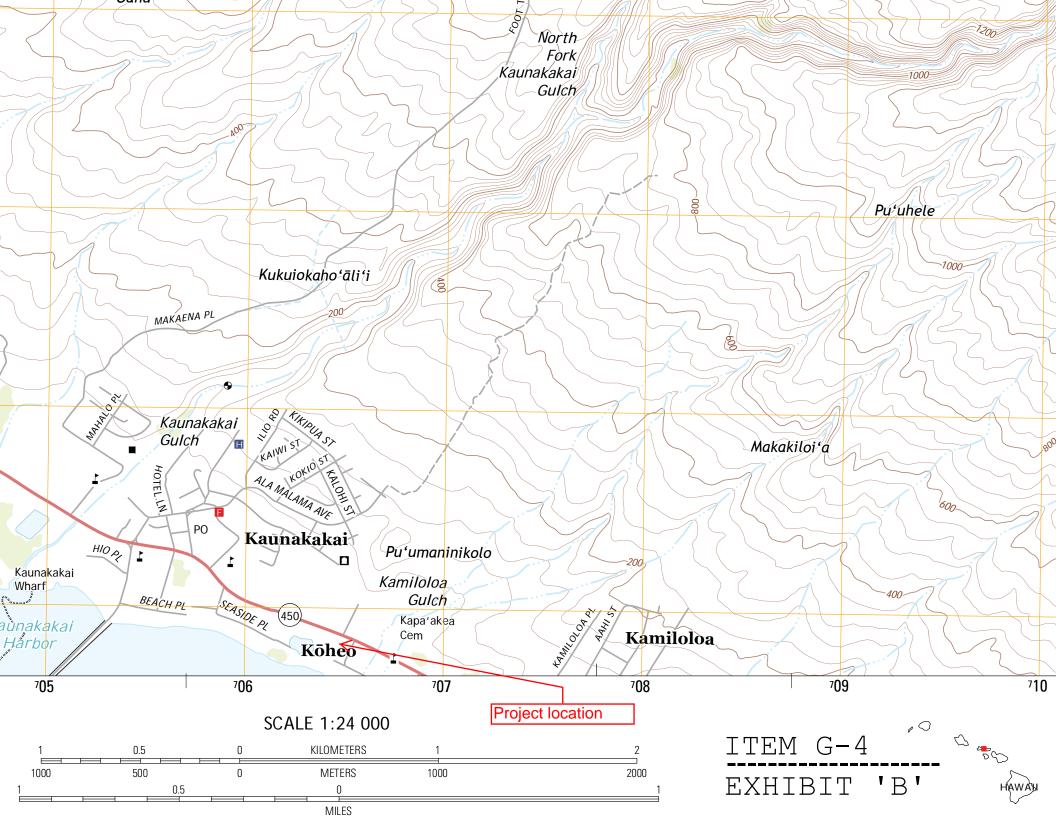
State of Hawai'i
partment of Hawaiian Home Lands

June 2016

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ITEM G-4 -----EXHIBIT 'A'



STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

July 18-19, 2016

To: Chairman and Members, Hawaiian Homes Commission

Through: Kaleo Manuel, Acting Planning Program Manager

From: Lehua Kinilau-Cano, HHL Legislative Analyst

Subject: For Information Only - DHHL Process to Consider

Legislative Action and Timeframe for 2017 Legislative

Session

FOR INFORMATION ONLY

In preparation for next legislative session, a process to consider legislative action and timeframe for the 2017 Legislative Session is available for review.

The focus now is on outreach both internally and externally. As the body charged with setting the policy for DHHL, it is most appropriate to begin outreach with each one of you. If there are issues that you believe require legislative action, this input is requested now and will be collected until August 10. Anyone interested in submitting recommended legislative action can fill out forms that are available at the sign in table or on the website.

In addition to the Commission and DHHL staff, an email will be sent to testifiers on DHHL related measures from the 2016 legislative session. Beneficiary organizations will be informed as part of the pre-conference packet for the upcoming Homestead Leaders Conference and outreach will also take place to other stakeholders/organizations. The process and outreach form are attached for your review.

It is important to point out that a request for proposed legislative action by the HHC, DHHL staff, beneficiary organizations, beneficiaries or other stakeholders/organizations doesn't guarantee inclusion in DHHL's legislative package, but will be reviewed and considered. Requests for legislative action could be routed through area legislators and other requests such as Grant in Aid (GIA) applications must still be submitted as provided for by the legislature.

DHHL Process to Consider Legislative Action and Timeframe for 2017 Legislative Session

July/Aug - Internal/External Outreach

- HHC informed of process and have opportunity to give input as well as beneficiaries who attend HHC meetings. Form posted online to gather input and prepare a post to inform as many as possible – July 18-19. Request response by August 10.
- 2. Staff invited to submit legislative action with request to prioritize proposals keeping in mind DOI Rule Parts 47 and 48 particularly § 48.25 July 20-August 10.
- Email sent to testifiers on DHHL related measures from this past session July 20-August 10.
- 4. Beneficiary organizations informed as part of pre-conference packet for Homestead Leaders Conference July 20. Can respond in advance or at the conference.
- 5. Remind beneficiary leaders about opportunity to give input August 5-6.
- 6. Outreach to other stakeholders/organizations OHA, Kamehameha Schools, etc.

Aug. 15 - HHL Legislative Analyst compiles info gathered from Outreach for Chair review

Aug. 31 – Chair review completed

Sep 6-9 – HHL Legislative Analyst prepares submittal to HHC as information only to report on information gathered and recommended package

Sep 19-20 - HHC informed of input received and recommended package

Mid-Sept – First drafts of bills submitted to the Departments of the Attorney General (ATG) and Budget and Finance (BUF), and the Office of the Governor (GOV)

Sept-Oct – Gov-Legislative Research revises proposals, meets with departments to refine proposals, and discusses the Governor's priorities

Nov – Depts meet with GOV, ATG, and BUF on its legislative package; Final decisions made; Final drafts due to ATG one week later

Dec-Jan - Inform/Educate

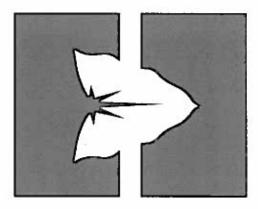
- 1. Briefing for Legislators & OHA Trustees.
- 2. Schedule courtesy calls and meet with legislators to get support for bills and even other Depts if needed.
- 3. Legislative reports with due dates of 20 days prior to session are due December 29.
- 4. Homestead Leaders Workshop January.

Jan-May - Session

- 1. Final package to Gov; Budget Briefings January.
- 2. Opening Day; DHHL Legislative Team start reviewing bills January 18, 2017.
- 3. Governor's State of the State Address; Admin package to Leg January 23, 2017.

May-Dec - After Session

- 1. Mahalo to those who helped; request help next session.
- 2. Prepare submittal to DOI for amendments to the HHCA.
- 3. Study and review more complex issues.



HAWAIIAN HOME LANDS TRUST

Department of Hawaiian Home Lands

Proposed Legislative Action Request for 2017

Name:		
Organization:		
Address:		
Lessee: Y / N	Applicant: Y / N	Beneficiary: Y / N
issue:		·
Bill: Y / N	Resolution: Y / N	Other: Y / N
Statement explaining why legislative action is designent	you need the legislative a ed to correct?	ction and what problem the
Does your proposal require		HCA? Y / N
If yes, how much funding?		

DEPARTMENT OF HAWAIIAN HOME LANDS HAWAIIAN HOMES COMMISSION Kapolei, Oʻahu, Hawaiʻi JUNE 20 & 21, 2016

H-ITEMS ADMINISTRATIVE SERVICES OFFICE

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

July 18, 2016

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Rodney Lau, Administrative Services Officer

SUBJECT: H-1 & H-2 Workshop on Fiscal Year 2017 DHHL Budget

THIS SUBMITTAL ITEM WILL BE DISTRIBUTED UNDER SEPARATE COVER

<u>ITEM NO. H-1 & H-2</u>

DEPARTMENT OF HAWAIIAN HOME LANDS HAWAIIAN HOMES COMMISSION Kapolei, Oʻahu, Hawaiʻi JUNE 20 & 21, 2016

J-ITEMS **GENERAL AGENDA**

Burrows-Nuuanu, Leatrice W

From:

Matsunaga, Stewart T

Sent:

Wednesday, June 29, 2016 1:18 PM

To:

Burrows-Nuuanu, Leatrice W

Subject:

FW: J Agenda for next commision meeting

Follow Up Flag:

Follow up

Flag Status:

Flagged

Forwarding a request to appear before HHC.

Is this adequate, or would you need me to communicate other instructions to Mr. Awong?

Stewart T. Matsunaga
Master-Planned Community Development Manager
Land Development Division
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway, Kapolei, Hawaii 96707
P.O. Box 1879, Honolulu, Hawaii 96813
ph (808) 620-9283
fax (808) 620-9299
cell (808) 439-2124

From: Awong, Tiare [mailto:tawong@honolulu.gov]

Sent: Wednesday, June 29, 2016 12:59 PM

To: Matsunaga, Stewart T <stewart.t.matsunaga@hawaii.gov>

Subject: J Agenda for next commision meeting

Good Morning Stewart,

We would like to be added to the "J" Agenda at the upcoming meeting in July (date to be confirmed?!)

We would like to discuss the repairs to our home, the vinyl siding to be specific. Also we would like to discuss the added fees that MDI has mentioned in the last meeting.

IF you have any questions please call Darin 520-1415

Mahalo

Darin & Tiare AWONG

EXHIBIT J-1

Burrows-Nuuanu, Leatrice W

From:

Kuhio Lewis <joe96817@gmail.com>

Sent:

Friday, June 03, 2016 12:24 PM

To:

Burrows-Nuuanu, Leatrice W; Young, Darrell T; Michelle.W.Doane@hawaii.gov

Subject:

HHC agenda

Aloha,

Requesting some agenda time at the Kapolei HHC meeting for KCDC to provide an update on our Heritage Center. Please confirm.

Mahalo,

Kuhio

EXHIBIT 5.2

LAW OFFICE OF MIA D. OBCIANA

LIMITED LIABILITY LAW COMPANY

1003 BISHOP STREET, 27TH FLOOR HONOLULU, HAWAII 96813 WWW.MDOLAWOFFICE.COM

TEL: (808) 492-6848 FAX: (808) 262-0005 MIA@MDOLAWOFFICE.COM

June 22, 2016

Jobie Masagatani Department of Hawaiian Home Lands P.O. Box 1879 Honolulu, Hawaii 96805

Re: Hannah N.K. Chang, Residential Lease No. 4140, Lot No. 10, Waimanalo, <u>Oahu</u>

Dear Ms. Masagatani,

This letter is in response to your letter dated June 1, 2016 regarding the abovereferenced lease. While I understand the priority of assignment pursuant to Section 209 of the Hawaiian Homes Commission Act, I disagree with your conclusion. As you know, after Hannah Chang's death, the Commission was in the process of transferring her lease to Micheal Adreano Tacub, her son. This transfer was a result of Hannah Chang's designation and specific bequeath in her testamentary documents. Ms. Chang specified that Micheal Adreano Tacub was to be assigned her lease and her other children were not to receive anything from her estate. However, before the transfer was completed by DHHL, Micheal Adreano Tacub passed away.

Had the transfer taken place in a timely fashion, Micheal Adreano Tacub's son, Micheal Adreano Tacub, Jr would have priority of assignment of the lease. Currently, Micheal Adreano Tacub, Jr is currently residing in the home on the above-referenced lot. Hannah Chang and Micheal Adreano Tacub's intent could not be any clearer. Micheal Adreano Tacub, Jr should not be forced to leave his family home and deprived of the lease his grandmother and father intended him to have simply because his father died before the transfer was completed.

Department of Hawaiian Homelands June 22, 2016 Page 2 of 2

I hereby request that this matter be placed on the next available agenda so Micheal Adreano Tacub, Jr's claim may be considered more thoroughly by the Commission. I understand that the Commission's next hearing will take place in July. Please confirm, at your earliest convenience, that Micheal Adreano Tacub, Jr has been placed on the agenda for the July hearing.

Sincerely,

Mia D. Obciana

CC: client

Department of Hawaiian Homelands Hale Kalaniana'ole 91-5420 Kapolei Parkway Kapolei, HI 96707

Chair Jobie Masagatani:

We would like of request to be on the J-Agenda of the Hawaiian HOmes Commission meeting at the Paukukalo Community Center scheduled for July 19, 2016. Should you have any questions regarding this reuest please feel free to contact us at your earliest convenience.

Mahalo,

Terry Miller - 808 268 9865 Laura Johnson - 808 463 6389 Harry Johnson - 808 870 1633

Cc: Kahele Richardson
Michael P. Kahikina
Wren Wescoatt III
Doreen Napua Canto
Gene Ross Davis
Kathleen Puamae'ole "Pua" Chin
Wallace A. Ishibashi
David B. Ka'apu



May 24, 2016

200 North Vineyard Boulevard, A300 Honolulu, HI 96817 Ph: 808-587-7886 Toll Free: 1-866-400-1116

www.hawaiiancommunity.net

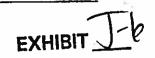
Aloha e Director Masagatani:

I am writing on behalf of Hawaiian Community Assets, Inc. (HCA) to request that the Hawaiian Homes Commission halt the Department of Hawaiian Home Lands' (DHHL) practice of steering undivided interest lessees to only one provider for homebuyer education and pre-purchase counseling through the Department's Homeownership Assistance and financial Literacy Education (HALE) Program. Instead, we request that DHHL provide all beneficiaries with a list of Department of Housing and Urban Development approved (HUD-approved) housing counseling agencies that service Hawaiian Home Lands with homebuyer education and prepurchase counseling.

Our organization received the enclosed letter from an undivided interest lessee who has been receiving services from our organization and was concerned about the "requirement" to enroll in homebuyer education and counseling with Hawaii HomeOwnership Center. As demonstrated by the letter, DHHL's practice of steering undivided interest lessees to only one provider for homebuyer education and pre-purchase counseling creates the perception that lessees have only one choice when accessing such services. This is especially concerning due to the fact that DHHL uses Federal Native American Housing and Self-Determination Act (NAHASDA) funds to pay for housing counseling services and the use of such Federal funds prohibits against the act of steering. Furthermore, this practice limits beneficiaries' ability to exercise self-determination in choosing services that best meet their homebuyer needs and diminishes their access to capital, including down payment assistance programs and credit building products not offered by Helen Wai, LLC, nor Hawaii HomeOwnership Center.

HCA is the largest HUD-approved housing counseling in the State of Hawaii. Founded in 2000 by 2 Hawaiian Home Lands' beneficiaries, our organization has the longest track record for serving native Hawaiian beneficiaries as compared to all other HALE providers delivering homebuyer education and pre-purchase counseling. Our staff possess a combined 60.5 years of experience educating and counseling beneficiary families to achieve the dream of homeownership on Hawaiian Home Lands. HCA has assisted Hawaiian Home Lands beneficiaries become qualified for mortgage financing for every DHHL development since 2000. We have offices located in Anahola and Keaukaha, near the Papakolea, Laiopua, Kanehili, Maluohai, and Kaupea homesteads, and frequently work out of remote site offices in Waianae, Nanakuli, Waiohuli, Paukukalo, Lealii, Hoolehua, Kalamaula, and Lanai City.

In terms of access to capital, our organization offers individual development accounts to native Hawaiian beneficiaries providing up to a 4:1 match on \$1,000 saved for down payment, closing costs, and debt reduction. We also partner with the Council for Native Hawaiian Advancement, a native Hawaiian HUD-approved housing counseling agency that offer beneficiaries an



additional individual development account that provides a 2:1 match on \$2,500 saved for down payment and closing costs. Through Hawaii Community Lending, HCA's Native Community Development Financial Institution, we provide credit builder and credit repair loans of up to \$5,000 with loan proceeds used to pay off collections, judgments, liens, and other derogatory debt so beneficiaries can qualify for mortgage financing. Despite the fact that we do not have a HALE contract, our organization has secured funds outside of DHHL to ensure our services and products are available to native Hawaiian beneficiaries.

Our organization believes these comprehensive services and product offerings should be made available to undivided interest lessees alongside services offered by DHHL contracted HALE service providers - Helen Wai, LLC and Hawaii HomeOwnership Center. By halting the practice of steering by DHHL and requiring that all beneficiaries receive referrals to HUD-approved housing counseling agencies that service Hawaiian Home Lands, the Hawaiian Homes Commission will ensure DHHL is compliant with Federal rules related to steering, guarantee beneficiaries have the ability to exercise their self-determination to choose a service provider that best meets their homebuyer needs, and increase access to capital for down payment, closing costs, and debt reduction as critical tools to realize homeownership.

In order to clarify our organization's position and to make a formal request for the Hawaiian Homes Commission to halt DHHL's practice of steering, I would also like to request time on the Commission's June J Agenda. Please accept this letter as my request to be placed on the agenda.

I invite you to call me directly at 808.587.7653 should you have any questions or need additional information. Mahalo for your time, consideration, and leadership.

Sincerely

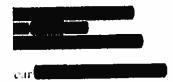
Jeff Gilbreath
Executive Director





STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879 HONOLULU, HAWAII 96805 April 26, 2016



Subject:

Home Buyer Education Workshops - Kauai

e Department of Hawaiian Home Lands is actively developing lots in Pillani Mai Ke Kai and the partment's HALE Program is offering FREE Homebuyer Education workshops for beneficiaries.

nese workshops, hosted by Hawaii HomeOwnership Center (HHOC) are available to both Undivided terest Lessees and a portion of the Wait List Applicants. *Undivided Interest Lessees are required* to ttend one of the workshops as a condition of their lease. Wait List applicants may attend voluntarily.

ome of you may have attended a Homebuyer Education workshop in the past through the HOAP program d wondering why you have to attend another Homebuyer Education workshop. The HOAP program pired a few years ago and the department started a new program, called the HALE Program. The HALE trogram needs to collect your *current* financial information in order to assist you with the homeownership process.

n addition to the workshop, Hawaii HomeOwnership Center will provide one-on-one counseling. It's mportant that you submit your financial documents to HHOC so they can have a basis to develop a nomeownership preparation plan with you and update your records with the HALE program. Their intake form will detail the documents you need to provide. Any delay in providing this information to HHOC will delay their ability to assist you in a timely manner.

IMPORTANT:

These workshops are <u>NOT</u> an offering for a Hawaiian Homestead award or lot. The workshops are offered to prepare you for homeownership

You can register for a workshop by contacting Hawaii HomeOwnership Center at 877-523-9503 (toll-free) or by email at info@hihomeownership.org.

PRIOR REGISTRATION IS REQUIRED AS WALK INS ARE NOT ALLOWED.

SPECIFIC CLASS LOCATION TO BE CONFIRMED BEFORE THE SESSION DATE

Jou can attend either the two part session <u>OR</u> the full day session. You do not need to attend both. If you choose to attend the two part session, you must attend Parts I and II in order to receive a Certificate of Completion.

Two part sessions

Part I: Thursday, July 21, 2016

5:00 pm - 9:30 pm

Part II: Friday, July 22, 2016

5:00 pm - 9:30pm

Full Day session:

Saturday, July 23, 2016

9:00am - 5:30pm

Location:

4444 Rice Street

Piikoi Conference Rooms

You are encouraged to bring a meal, snacks, and a beverage/water.

If you have any other questions, please contact Debbie Joy, HALE Assistant at 808 620-9515 or b at hale@hawaiianhomelands.org.

Aloha,

Jobie M. K. Masagatani, Chairman Department of Hawaiian Home Lands

ti) Masag

My name is Patreena Santos, and I am writing to request to address the commission on the Jagenda for the next meeting held in July. This request is to give testimony regarding Felecia C.K. Harrison, deceased, Lot #51, Lease #2977, Waimanalo, Oahu.

If you have any questions or need more information, please contact me at (808) 895-6745.

Thank you,

Patreena Santos

JUNE 28, 2016

Aloha Jobie Masagatani and William Aila,

thank you for taking this time to hear my concerns, being on the Maui Island Hawaiian Home Lands List for over 23 long solid years.

I met up with Applications Officer KANA'I KAPELIELA.....twice to confirm my LEGAL STATUS AS BEING BLOOD QUALIFIED.

After he reviewed my CASE OF BEING ON THE LIST FOR 23 YRS., he has done everything he could to assist me on to my next

step to GETTING ON MY MAUI HOME LANDS WHILE I'M STILL ALIVE.

Today I spoke to LEAH BORROWS....to schedule me for your next OAHU HAWAIIAN HOME LANDS MEETING 7/18/16. I also spoke

to JULIE CACHOLA, about Maui Kahilkinui....Maui Leialiiand Westside Maui Honokowai Valley.....were I was RAISED AS A CHILD IN

LAHAINA WAINEE AHUPUAA....KAUAULA VALLEY.....MALA LAHAINA MOALII AHUPUAAKAHOMA VALLEY....KAANAPALI AHUPUAA.

KEKAA AHUPUAA TO HONOKAWAI VALLEY STREAMS.....I ran up these FREAH WATER STREAMS BARE FOOTED AS A CHILD.

JULIE CACHOLA GIVE ME A BETTER IDEA HOW TO EXPLAIN MY CASE....from feelingDISCRIMINATED TO THE BLOOD QUANTUM

TO THE BANK LOAN LETTER TO THE LONG WAIT ON OUR MAUI HAWAIIAN HOME LANDS LIST.

My Maui ROYALTY ISHER SACRED HIGHEST CHIEFESS MOTHER QUEEN KEOPUOLANI, I have all my legal court papers and documents

to prove my MAUI ROYAL GENEALOGY TO MY MAUI ROYALTIES.

I am seeking my Maui Justice and AWARED BIRTHRIGHTS TO GET ON MY MAUI AWARED LANDS BEFORE I DIE.

I want to schedule with both of you a meeting.....to figure out a SOLUTION TO GET ME ON OUR MAUI AWARDED LANDS OF HONOKOWAI VALLEY....AND ON

OUR LAHAINA LEI ALII NEW SUBDIVISION... WORKING THOSE DIFERENT PROGRAMS TO RECIEVE MY KEYS TO MY MAUI HAWAIIAN HOME LANDS,

I HAVE BOTH RESIDENTUAL AND PASTORAL.....I WOULD LIKE TO RESIDE ON OUR WESTSIDE MAU! AINA.

Please let me knowso we can all gather to find a SOLUTION TO END MY NAME ON THIS MAUI LIST AND GET ME ON MY MAUI AINA.

I HAVE LOST THE OPPURTUNITY TO RAISE MY 4 BABIES.....I HAVE 13 MAUI MOOPUNAS....AND MY ELDEST JUST MADE 13 YRS.

THIS IS THE TIME TO GET OUR 50% QUATLIFIED FAMILIES ON OUR MAUI LANDS.

PLEASE DONT LET ME WATCH OTHERS OF OAHU AND THE MAINLAND....RAISE THEIR KIDS ON MAUIAND THEY NOT EVEN FROM HERE....PLEASE MAKE HISTORY IN MY GOD GIVEN GENERATION TO HAVE THAT CHANCE TO RAISE MY MAUI MOOPUNAS ON OUR SACRED MAUI VALLEYS THAT IS THEIR MAUI ROYAL BIRTHRIGHRTS.

I LOOK FORWARD TO MEETING UP WITH BOTH OF YOU BEFORE OUR OAHU KAPOLEI MEETIN 7/18/16.....I AM PREPARING..... FACE TO FACE OAHU HAWAIIAN HOMES COMMISSIONMAHALO

Princesslehuanani nahavas@yahoo.com