

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

Courtyard King Kamehameha's Kona Beach Hotel Ballroom #4
75-5660 Palani Road, Kailua-Kona, Hawai'i 96740
Monday, May 23, 2016 at 9:30 a.m. to be continued, if necessary, on
Tuesday, May 24, 2016, at 9:00 a.m.

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov, by Saturday, May 21, 2016.

I. ORDER OF BUSINESS

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes for March 2014; August 17 & 18, 2015

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 Ratification of Loan Approvals (see exhibit)
- D-3 Approval of Consent to Mortgage (see exhibit)
- D-4 Approval of Streamline Refinance of Loans (see exhibit)
- D-5 Approval to Schedule Loan Delinquency Contested Case Hearings (see exhibit)
- D-6 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-7 Commission Designations of Successor to Application Rights – Public Notices 2012 and 2014 – **SAMUEL WAHILANI, DARLENE K. KAMAE**
- D-8 Reinstatement of Deferred Application – **LORRAINE K. LINCOLN**
- D-9 Ratification of Designations of Successors to Leasehold Interest and Designation of Persons to Receive Net Proceeds (see exhibit)
- D-10 Approval of Assignment of Leasehold Interest (see exhibit)
- D-11 Approval of Amendment of Leasehold Interest (see exhibit)
- D-12 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-13 Request to Schedule Contested Case Hearing – Lease Violations – **PEGGY ANN TOLENTINO**, Lease No. 7114, Lot No. 61, Kawaihae, Hawaii & **HERBERT KEALOHA, JR.**, Lease No. 7038, Lot No. 11, Pu'u Pulehu, Hawaii

C. REGULAR AGENDA

Office of the Chairman

- C-1 Approval of Recommendations for Proposed Amendments to Title 10, Hawaii Administrative Rules and to Proceed with Rulemaking under Chapter 91, Hawaii Revised Statutes
- C-2 Approval of Subdivision, Transfer of a Portion of Lease and Amendment to Lease No. 9504, Lot A, Waimea, Hawai'i – Flora Beamer Solomon (Lot A-3), Huali Solomon Covington (Lot A-1), Alice Leiomalama Solomon (Lot A-2).

Homestead Services Division

- D-14 Set Aside of Prior Designation of Successor to Lease No. 7248, Lot No. 49, Kawaihae, Hawaii and Designation of **SHELBY HO'OKAHI** as Successor to Lease No. 7248, Lot No. 49, Kawaihae, Hawai'i
- D-16 Requests for Relocation - **Kenneth Akim Seu**, Lease #06410, Lot #102, TMK (3)-1-5-118:022 Makuu; **Emily Kahai**, Lease #06398, Lot #117, TMK (3)-1-5-118:037 Makuu; **Karla Keliihoomalu** Lease #06934, Lot #U1-26, TMK (3)-1-5-118:039 Makuu; and, **Roy Santos** Lease# 09014, Lot# 140 TMK (3)-6-4-035:080 Puukapu

Land Development Division

- E-1 Approval of Lease Award – Elton K.K. Sukanuma

Land Management Division

- F-1 Issuance of Right of Entry Permit to Kamakana Senior LLC and Kamakana Family Phase I, LLC, Keahuolu, North Kona, Island of Hawai'i, TMK No.(3)-7-4-021:023(por.)
- F-2 Approval to Extension of License Term, Church License No. 503, St. Rita's Church, Nanakuli, Island of O'ahu, TMK Nos. (1)8-9-005:001, (1)9-007:002(por.) & (1)9-007:004(por.)
- F-3 Issuance of Right of Entry Permit, Edward K. Taniguchi, Anahola Mauka, Anahola, Island of Kaua'i, TMK No. (4)4-7-002:004(por.)
- F-4 Issuance of Right of Entry Permit, Kalalea/Anehola Farmers Hui, Anahola Farm Lots, Anahola, Island of Kaua'i, TMK No. (4)4-8-005:026(por.)

Planning Office

- G-1 Delegation of Authority to Chair to Sign and Approve US Department of Agriculture Rural Development Grant Awards

IV. ITEMS FOR INFORMATION/DISCUSSION

A. GENERAL AGENDA

Requests to Address the Commission

- J-1 Kanoë Peck – Request for Merchantile Lease
- J-2 Roy Jensen III—Lessee Concerns in Waimea
- J-3 Luana Keakealani – James Akiona Jr.
- J-4 Jon Anuenue – Rent to Own Program
- J-5 Marion Kapuniai – Sunshine Law
- J-6 Hans Wedemeyer – CEO of Hokuloa, Inc.
- J-7 Lakea Trask – Koa Kia'i Pilot Program – Humu'ula Sheep Station
- J-8 Pat Kahawaiolaa – KCA- Access to Humu'ula via RP or ROE
- J-9 William Brown – President, PHHLCA – Pana'ewa, Kamoleao, Hilo Hanakahi Projects
- J-10 John McBride - Humuula/Mauna Kea
- J-11 Cheyenne Hiapo Perry – Mauna Kea Watershed Alliance
- J-12 Bo Kahui – Executive Director, La'i Opuā 2020
- J-13 Hercules Freitas – Removal of Steel Pipes, Fending and Electrical Pole
- J-14 Pomai Freitas – One Water J 4 F Conglomerate
- J-15 George Noguchi – Green Builders Hawai'i

B. REGULAR AGENDA

Office of the Chairman

- C-3 Inquiry into the Feral Cattle Removal Project, Humu'ula, Hawai'i

Planning Office

- G-2 For Information Only – West Hawai'i Regional Plans Update to the Hawaiian Homes Commission
- G-3 For Information Only – Update on West Hawai'i Water Projects and Issues

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA

Courtyard King Kamehameha's Kona Beach Hotel Ballroom #4

75-5660 Palani Road, Kailua-Kona, Hawai'i 96740

Tuesday, May 24, 2016, at 9:00 a.m.

I. ORDER OF BUSINESS

A. Roll Call

II. ITEMS FOR DECISION MAKING

A. REGULAR AGENDA

Planning Office

G-4 Extension of Interim Pu'ukapu Hybrid Water System Equipment and Installation Fees and Water Rates, Pu'ukapu, Waimea Nui, Hawai'i

III. ITEMS FOR INFORMATION/DISCUSSION

A. PUBLIC TESTIMONY ON AGENDIZED ITEMS

B. WORKSHOPS

Homestead Services Division

D-15 For Information Only – Update of Approved Interim Policy on the Sale of Homestead Leases to Vacant or Undeveloped Lots or Undivided Interests

Administrative Services Office

H-1 Budget Variance Report

Planning Office

G- 5 For Information Only – DHHL Lands Statewide

C. REGULAR AGENDA

Homestead Services Division

D-1 HSD Status Reports

Exhibits:

A - Homestead Lease and Application Totals and Monthly Activity Reports

B - Delinquency Report

C – DHHL Guarantees for FHA Construction Loans

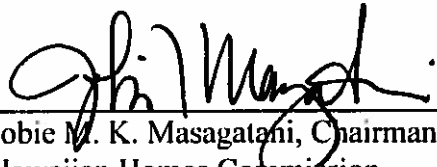
Planning Office

G-6 For Information Only - Water Policy Plan Implementation Report FY16 & Proposed Water Policy Plan Implementation Program FY17

IV. ANNOUNCEMENTS AND ADJOURNMENT

1. Next Meeting – June 20 & 21, 2016, Kapolei, O‘ahu
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. Ka‘apu, West Hawai‘i
Michael P. Kahikina, O‘ahu
William K. Richardson, O‘ahu
Wren Wescoatt, O‘ahu

Community Meeting to be held on May 23, 2016
West Hawai‘i Civic Center Bldg G
74-5044 Ane Keohokalole Hwy,
Kailua-Kona, HI 96740

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

ITEM D-2 EXHIBIT
RATIFICATION OF LOAN APPROVALS

LESSEE	LEASE NO.	AREA
KAMALU, Darren K.	12316	Waianae, Oahu

ITEM D-3 EXHIBIT
APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
AARONA, James K.	7588	Waiohuli, Maui
ABARRA, Jaime	9535	Waiehu 2, Maui
AHUNA, Albert K. A., Jr.	6338	Keaukaha, Hawaii
AIONA, Heather C. P.	10941	Piihonua, Hawaii
AIWOHI, Curtis S.	9645	Kalawahine, Oahu
BARNETT, Frances X. K.	8537	Princess Kahanu Estates, Oahu
BASUG, Terrance H.	11422	Kaupea, Oahu
BERTELMANN, Barron B.	12540	Lalamilo, Hawaii
BORDEN, Frank C. K., Sr.	10257	Hoolehua, Molokai
BRIGHT, Olivia E. N.	8600	Nanakuli, Oahu
CANO, Laurinda L. W.	4556	Kekaha, Kauai
CASTANEDA, Connie L. K.	11326	Kekaha, Kauai
CLARK, Denise K. L.	11944	Kaupea, Oahu
CROWTON, Shareen S. U.	10068	Waiehu 3, Maui
DEAN, Joshua I.	11531	Leialii, Maui
DWYER, Tammy N.	12080	Kaupea, Oahu
FARM, Gerald, Sr.	9406	Kaniohale, Hawaii
FIELDS, Dawn W.	11164	Panaewa, Hawaii
GARCIA, Wendy A. P.	2634	Waimanalo, Oahu
HALEMANO, John C., III	11981	Kaupea, Oahu
HAUANIO, Camille P. L.	9340	Kaniohale, Hawaii
HOOPII, Robin M.	3915	Keaukaha, Hawaii
JURY MURRAY, Jamie-Lynn P.	6745	Waianae, Oahu
KAIPO, Selene K.	5126	Nanakuli, Oahu
KAIWI, Alva M.	6703	Waianae, Oahu
KALANI, Lecotia R. K.	5727	Nanakuli, Oahu
KAMANU-MAHAULU, Cesley Ann M.	3969	Waimanalo, Oahu
KAPONO, Lottie Lois L.	10055	Waiehu 3, Maui
KELEKOMA, Ainsley A.	5466	Anahola, Kauai
KELEKOMA, Daniel P.	8875	Hanapepe, Kauai
KELEKOMA, John A. A.	5466	Anahola, Kauai
LEONG, Keone	12666	Kanehili, Oahu
LEWIS, Laura Ann N. K.	11590	Kanehili, Oahu
LOO, Audrey K.	5676	Anahola, Kauai
MARTIN, Gregory T.	9973	Waimanalo, Oahu

MEDEIROS, Kyle H.	9219	Kaniohale, Hawaii
MEYERS, Bronson L. K.	5345	Waianae, Oahu
MORALES, Isaac K. L.	9531	Waiehu 2, Maui
NAHINU, Paul L. S. W.	5021	Nanakuli, Oahu
NEITZEL, Donna-Mae R.	12631	Kanehili, Oahu
OTSUKA, Dell H.	2987	Keaukaha, Hawaii
PAKELE, Louis, Jr.	5299	Waianae, Oahu
PETERS, Angus K.	7633	Waiohuli, Maui
POMAIKAI, Paul K., Sr.	12602	Kanehili, Oahu
PURDY, Judy L.	10077	Waiehu 3, Maui
RIVERA, Tracy K.	9376	Kaniohale, Hawaii
RODRIGUES, Keaka N.	12044	Kaupea, Oahu
RODRIGUES, Moses N.	12044	Kaupea, Oahu
ROGERS, Llewella S.	3792	Kewalo, Oahu
ROSARIO, Jo Ann	4475	Waianae, Oahu
SOARES, Mary F. H.	338	Nanakuli, Oahu
SUGANUMA, Kahaliilani N. S.	12316	Keaukaha, Hawaii
SUYAT, Cornelia E.	8297	Princess Kahanu Estates, Oahu
YEE, Rowland P.	2953	Nanakuli, Oahu

ITEM D-4 EXHIBIT

APPROVAL OF STREAMLINE REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
CANEDA, Cheryle E.	7784	Waimanalo, Oahu
GIFFORD, Emery J. K.	9825	Anahola, Kauai
KEPA, Mitchell K.	7590	Waiohuli, Maui
MORREIRA, Russell	12620	Kanehili, Oahu
SCOTT, Caroline L.	9692	Keaukaha, Hawaii

ITEM D-5 EXHIBIT

APPROVAL TO SCHEDULE LOAN DELINQUENCY CONTESTED CASE HEARING

LESSEE	LEASE NO.	AREA
ANI, Margaret	7338	Nanakuli, Oahu
CANAPE, Lawrence	5193	Nanakuli, Oahu
FEARY, Isiah F.	6294	Keaukaha, Hawaii
FERREIRA, Denise P.	4806	Waiakea, Hawaii
GIDDENS, Augustina A. K.	8377	Princess Kahanu Estates, Oahu
HANOHANO, Joseph P.	11173	Panaewa, Hawaii
HOOHULI, Clement N.	1457	Panaewa, Hawaii
HOOHULI, Deric G.	1457	Panaewa, Hawaii
KAAIKAULA, Chantel-Vanessa	12255	Waiehu 4, Maui
KAILIPAKA, Kim L.	10192	Kaumana, Hawaii
KALAI, Milton H.	9672	Waiakea, Hawaii
KALAUli, Titus K. K.	5122	Waiakea, Hawaii

KALUA, Lurline K.	2608	Keaukaha, Hawaii
KAUPU, Renell K.	4244	Keaukaha, Hawaii
KEAHI, Lucy M.	10948	Waiakea, Hawaii
OLEOLE, Bart M. K.	626	Papakolea, Oahu
OLEOLE, Bert W. L., Jr.	626	Papakolea, Oahu
OLEOLE, Bret M. K.	626	Papakolea, Oahu
OLEOLE, Vernelle A.	626	Papakolea, Oahu
RAPOZA, Merrilyn M. J. L.	2608	Keaukaha, Hawaii
SANTOS, Thomas W., Jr.	9466	Waiehu 2, Maui

ITEM D-6 EXHIBIT

HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
ADAMS, Gaison K. P.	Oahu IW Res
AEA, Darrell K., Jr.	Maui IW Agr
ALAIPALELEI, Alicia L.	Hawaii IW Agr to Oahu IW Agr
ALAIPALELEI, Alicia L.	Hawaii IW Res to Oahu IW Res
AUNA, Aaron K.	Hawaii IW Res
DUDOIT, Michelle L.	Molokai IW Res
GONSALVES, Jasmine M.	Kauai IW Res to Oahu IW Res
HOBBS, Roger K.	Oahu IW Res to Molokai IW Res
JOSEPH, Sharronlee E.	Maui IW Res
KALEIKINI, Lennon K.	Kauai IW Res to Oahu IW Res
KALEIOHI, Hiram S., Jr.	Oahu IW Res
KALUAI, Charles	Maui IW Res
KALUAI, Charles	Hawaii IW Agr
KAMAE, Darlene K.	Oahu IW Res
KANEHOLANI, Dawn L.	Kauai IW Res
KAUPU, Joanka K.	Kauai IW Res
KELIHKULI, Genai U.	Nanakuli Area / Oahu IW Res
LANNING, Earl L., Jr.	Kauai IW Agr to Hawaii IW Agr
LANNING, Earl L., Jr.	Kauai IW Res to Hawaii IW Res
LEE, Ronald S. W. K.	Hawaii IW Agr
LIEVENS, Maize K. N.	Hawaii IW Res to Maui IW Res
MAMALA, Alvin K.	Oahu IW Res
NAPEAHI, Robert K., Sr.	Hawaii IW Agr
PHILLIPS, Karley I.	Molokai IW Res to Maui IW Res
WAIPA, Jonathan	Hawaii IW Agr to Hawaii IW Pas
WILLING, Shanna	Molokai IW Res

* IW = Islandwide

ITEM D-9 EXHIBIT**RATIFICATION OF DESIGNATION OF SUCCESSORS TO LEASEHOLD INTEREST AND
DESIGNATION OF PERSONS TO RECEIVE NET PROCEEDS**

LESSEE	LEASE NO.	AREA
DUDOIT, Horace K.	11690	Kanehili, Oahu
GRACE, Judith P.	12493	Kapolei, Oahu
HARRISON, Felecia C.K.	2977	Waimanalo, Oahu
HEU, Giovanna K.	8306	PKE, Oahu
HEWITT, Faith	9009	Puukapu, Hawaii
KAMAI, Henry K.	6148	Kalamaula, Molokai
LEHANO, May K.	7382	Nanakuli, Oahu
LEOPOLD, Iwalani L.	9698	Nanakuli, Oahu
MALAKAUA, Albert N.	3003	Keaukaha, Hawaii
SANBORN JR., George J.	8033	Puukapu, Hawaii
SANBORN JR., George J.	3991	Waimanalo, Oahu

ITEM D-10 EXHIBIT**APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST**

LESSEE	LEASE NO.	AREA
FRONDA, Roderick K.	8506	PKE, Oahu
KELII, Colin K.	8506	PKE, Oahu
HANAWAHINE, Jonette A.	1758	Waimanalo, Oahu
HIGUCHI, Johnnette H. Y. L.	5076	Keaukaha, Hawaii
KAE0, Elden L.	11901	Nanakuli, Oahu
KANIAUPIO, Gene M.	11744	Kanehili, Oahu
KAPANUI, Keanuenue L. A.	5584	Lualualei, Oahu
KAPONO, Donnette L.	1074A	Keaukaha, Hawaii
KEAUNUI, Zacharine M.	1939A	Nanakuli, Oahu
KUANONI JR., Wayne	4416	Keaukaha, Hawaii
NISHIOKA, Mayme P.	9334	Kaniohale, Hawaii
PADASDAO, Stephen F.	8295	PKE, Oahu
PURDY, Janell B.	5834	Kalamaula, Molokai
SHOEMAKER, Linda M.	2705B	Puukapu, Hawaii
SIMONS, William M.	10115	Keaukaha, Hawaii
SNIFFEN, Herbert K.	3228	Waimanalo, Oahu
SUGANUMA, Elton K. K.	12316	Keaukaha, Hawaii
AKAU JR., Robert S.	12411	Kapolei, Oahu
LUDIN, Lydia K.	12411	Kapolei, Oahu
MCCORRISTON, Namomiokalani K.	11108	Ananahola, Kauai
KIMOEKO JR., James	6469	Anahola, Kauai
OKASAKI, Glenn H.	10588	Waiohuli, Maui
PALAUALELO, Kristine K.	11202	Waimanalo, Oahu
PALAUALELO, Keahi H.	11202	Waimanalo, Oahu
RICHARDSON, Rul P. K.	11297	Waimanalo, Oahu
BJELLAND, Luckie J.	953	Keaukaha, Hawaii
AZEVEDO, Edna H.	953	Keaukaha, Hawaii
DOWNING, Chavi K.	9120	Kahikinui, Maui

KEAWEKANE-BEERE, Billie P.	4221	Panaewa, Hawaii
Lewi, Bernice	8048	Puukapu, Hawaii
Lewi, Bernice	8049	Puukapu, Hawaii
MAIAVA, Kaluka K. W.	6188	Puukapu, Hawaii
MASAOKA, Sandra K.	4221	Panaewa, Hawaii
ROY JR., Corbett O.	6176	Puukapu, Hawaii

ITEM D- 11 EXHIBIT

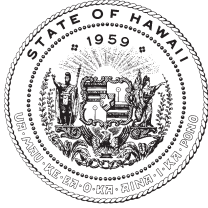
APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
AKAU, Lucy M.	3121	Waimanalo, Oahu
BISHAW, Hazel N.	4108	Waimanalo, Oahu
BJELLAND, Luckie J.	953	Keaukaha, Hawaii
HANAWAHINE, Jonette A. & Jeanette M	1758	Waimanalo, Oahu

ITEM D-12 EXHIBIT

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

LESSEE	LEASE NO.	
AH MAU, Joycelinn K.	12048	Kaupea, Oahu
AHUA, William K. Ahuna and	2194	Kewalo, Oahu
APAKA, Gaymond H.	8818	Waiakea, Hawaii
ATIZ, Ryan	01580A	Keaukaha, Hawaii
BANNISTER, Prantiss N.	7053	Puu Pulehu, Hawaii
DESHA, George	6221	Panaewa, Hawaii
ELIA, Charles K.	10247	Waianae, Oahu
GARCIA, Earlyne K.	6280	Keaukaha, Hawaii
GERARD, Eno	8100	Waiakea, Hawaii
GRAMBERG, Kengy K.	12474	Kanehili, Oahu
KALAWA, Laurie-Ann Kalawa and Cassie-Lyn	6733	Waianae, Oahu
KELIIHOOMALU, Samuel A.	12614	Kanehili, Oahu
KUKAHIKO-KAEO, Mattie	7619	Waiohuli, Maui
LAVE, Jolynn K.	8548	PKE, Oahu
LIBRES JR., Vincent	8433	PKE, Oahu
LUNASCO, Michiko K.	9863	Maluohail, Oahu
MAKAOKALANI-SATOT, Tyrone K. L.	12608	Kanehili, Oahu
MANOA, Valerie-Mae H.	5139	Nanakuli, Oahu
OBREY, Travis M.P.	7187	Kawaihae, Hawaii
UBEDEI, Mona M. L.	5060	Keaukaha, Hawaii
WARING, Danielle	12268	Waiehu, Maui
WHITNEY, Jody	6235	Panaewa, Hawaii



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

Notice of Annual Hawaiian Homes Commission Regular Meeting

Monday, May 23, 2016 at 9:30 a.m.*
and Tuesday, May 24, 2016 at 9 a.m.

at King Kamehameha Hotel Kamakahonu Ballroom #4
75-5660 Palani Road, Kailua-Kona, Hawai'i 96740

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

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

Hawaiian Homes Commission Meeting with the West Hawai'i Homestead Communities

on Monday, May 23, 2016 from 6:30 – 8:30 p.m.

at West Hawai'i Civic Center, Community Meeting Hale (Bldg G)
74-5044 Ane Keohokalole Highway, Kailua-Kona, Hawai'i 96740

AGENDA

6:30 - 7:00 p.m.	La'i 'Opua Village 4 Water, Wastewater & Stormwater Update
7:00 - 7:30 p.m.	DHHL Update
7:30 - 8:00 p.m.	Homestead Community Update
8:00 - 8:30 p.m.	Open House**
8:30 p.m.	Adjournment

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

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.

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION

May 23 & 24, 2016

Courtyard King Kamehameha's Kona Beach Hotel Ballroom #4
75-5660 Palani Road, Kailua-Kona, Hawai'i


C-ITEMS
OFFICE OF THE CHAIRMAN

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

MAY 23, 2016

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Hokulei Lindsey, Administrative Rules Officer
Office of the Chairman 

SUBJECT: Approval of Recommendations for Proposed Amendments to
Title 10, Hawaii Administrative Rules and to Proceed
with Rulemaking under Chapter 91, Hawaii Revised
Statutes

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve recommendations for proposed amendments to Title 10, Hawaii Administrative Rules and proceeding with rulemaking under Chapter 91, Hawaii Revised Statutes.

DISCUSSION

Pursuant to Hawaii Revised Statutes section 91-5, each agency is required to adopt and maintain administrative rules; "[c]ompilations shall be supplemented as often as necessary and shall be revised at least once every ten years."¹ The procedure for adoption, amendment, or repeal of rules is prescribed in HRS section 91-3.

In accordance with the Administrative Rules Development, Review, and Amendment Process adopted by the Hawaiian Homes Commission in July 2015, the Department of Hawaiian Home Lands conducts Beneficiary Consultation before initiating rulemaking under Ch.91, HRS. The HHC approved the DHHL's request to proceed with beneficiary consultation regarding proposed amendments to Title 10, Hawaii Administrative Rules at its September 2015 meeting. The DHHL conducted beneficiary consultation meetings from October 2015 to December 2015 and later presented the beneficiary consultation report to the HHC. At its April 2016 meeting, the HHC accepted the Beneficiary

¹ Haw. Rev. Stat. §91-5.

Consultation Report on Department of Hawaiian Home Lands
Proposed Amendments to Title 10, Hawaii Administrative Rules.

Based on comments received through the beneficiary consultation process and subsequent research conducted to determine the feasibility of incorporating beneficiary comments, the DHHL recommends the following changes to the proposed rule amendments regarding Genetic Testing, Subsistence Agriculture, Transfer of Homestead Leases, and "Housekeeping." Explanations are in the section following the Recommendations, corresponding page numbers can be found at the beginning of the recommendations for each topic area.

Recommendations for Proposed Rules

Exhibit 4 is a complete copy of the proposed Amendments to Title 10, HAR.

Staff recommends the following changes to the original proposal:

Genetic Testing (pg. 3 bottom)

1. Expand to allow testing of an alleged aunt/uncle if the alleged parent is deceased or unavailable (incarceration, homelessness, location unknown, no contact) and require participation of the known parent, if living.
2. Add "'ohana testing" to the definition of "genetic testing."
3. Add language that the DHHL shall treat the test results as medical information with a significant privacy interest protected under section 92F-14(b), HRS, and that the department shall not disclose test results without the prior written consent of those tested.
4. Make the same process available for successorship to application rights and successorship to a lease.

Subsistence Agriculture (pg. 5 bottom)

1. Increase the lot size to "not more than three acres" and include criteria to guide determination of lot sizes.
2. Remove residency requirement and instead provide option to reside and subsistence farm on the lot or use the lot for subsistence farming.

3. Broaden housing options to allow lessee to build to county code or be exempted provided that the plans and specifications along with documentation and certification for non-conforming structures or portions of structures are submitted to the department and lessee releases department from any liability arising from non-conformance.
4. Allow additional dwelling units on subsistence agriculture lots subject to department approval and infrastructure capacity.
5. Allow subdivision of lots larger than one acre subject to the same conditions as subdivision of larger agriculture lots.

Transfer of Homestead Leases (pg. 8 top)

1. Add priority processing for transfers to beneficiaries already on a waiting list.

Housekeeping (pg. 9 top)

1. Increase scale fees and fees for use of department facilities. Homestead associations conducting association business still pay a fee of \$50 per twenty-four hours for use of department facilities.
2. Establish process for determining entrance/user fees for resource management areas.

Explanation and Justification of Recommendations for Proposed Rules

Genetic Testing

The principle question raised by genetic testing is the relationship between the level of certainty of the results and the blood quantum required by the Hawaiian Homes Commission Act, 1920. The HHCA requires the original homestead lessee to be at least 50% native Hawaiian blood quantum.² The DHHL uses birth certificates and, if necessary, other supporting documents to trace an applicant's genealogy and then calculate the applicant's blood quantum. Genetic testing can be used to fill in biologic relationships where the documentation is missing or inadequate. The test results are based on mathematical

² See HHCA §§ 201, 207. Under section 208 of the HHCA certain family members who are at least 25% Hawaiian blood quantum can receive the lease by succession or transfer.

probabilities or likelihoods given the genetic commonalities among those tested in comparison to a larger population.

Genetic testing to establish parentage where the triecta of mother, father, and child are tested offers the greatest certainty of test results because a genetic profile for the child can be meaningfully constructed. This paradigm was the basis of the original proposal. While expanding testing to include alleged aunts/uncles, grandparents, and half-siblings, as suggested in beneficiary consultation, is possible, the distance of the relationship to the applicant will produce results that are less certain of the existence of a biologic relationship; as the distance in relationship increases so do the variables.

When relying on kinship relationships (anything other than the parent-child relationship), there are different types of tests that seek to identify shared genetic markers. One option is lineage evaluation, which can be done maternally or paternally (See Exhibit 1). Maternal lineage evaluation identifies shared mitochondria (passed down maternally to all children in the lineage). Paternal lineage evaluation identifies shared Y chromosome (passed down paternally to all males in the lineage). Another option is avuncular testing where an alleged aunt or uncle is tested and shared genetic markers are identified. While lineage evaluation can identify the shared mitochondria or Y chromosome, and biological family members will have other genetic markers in common, thousands of individuals can share the specific mitochondria or Y chromosome, or other genetic markers.

Greater certainty, however, can be achieved by testing more members of the family group because a more complete genetic profile can be created. The more people tested, the higher the cost.

Staff recommends expanding the proposal to allow testing of an alleged aunt or uncle if the alleged parent is deceased or unavailable for a variety of reasons, as long as an affidavit is submitted to explain the unavailability. This formulation can make genetic testing an option for more beneficiaries. The proposal still favors parent-child testing but would make the following options available: 1. Parent-child testing if the alleged parent is living; 2. Lineage evaluation if the alleged parent is deceased or unavailable; and 3. Avuncular testing if the alleged parent is deceased or unavailable and lineage evaluation is not an option. The standard for parent-child

testing remains the same at a power of exclusion greater than 99.0% and a minimum combined maternity or paternity index or 500:1. Lineage evaluation must demonstrate shared mitochondria or Y chromosome and avuncular testing must produce a likelihood ratio of ≥ 50 (See Exhibit 2). In order to increase the certainty of the results, if there is a known living biological parent, that person would be required to participate.

Beneficiary consultation suggested using "'ohana testing" as terminology instead of "genetic testing." Staff recommends adding 'ohana testing to the definition of genetic testing so that the terms are interchangeable. The addition can make the concept more accessible, the DHHL can use it in creating necessary forms, and it can help to make clear that the rule includes only testing for relationship, not ethnicity.

Issues of privacy were raised in beneficiary consultation. State law provides that an individual has a significant privacy interest in information relating to "medical, psychiatric, or psychological history, diagnosis, condition, treatment, or evaluation,"³ preventing release. To help ensure test results are protected under this provision, staff recommends the rule explicitly state that the department will treat test results as medical information with a significant privacy interest. Staff also recommends the rule provide that genetic test results shall not be disclosed without consent. By allowing for release with consent, the information potentially becomes available for children or grandchildren who may need the same link to qualify.

Testing for use in successorship is another topic that was raised consistently in beneficiary consultation though slightly less common than the other recommendations. Nonetheless, the recommendation to allow genetic testing for successorship is made because there may be lessees who without the use of genetic testing would not be able to name the successor they want or name a successor at all. The process would be the same as that required of applicants.

Subsistence Agriculture Lots

Staff recommends five changes to the original proposal. The recommended changes attempt to balance three constituent parts (available agriculture land, available natural resources, and number of beneficiaries waiting) in light of Prince Kūhiō's vision of returning Hawaiians to the land. The recommendations

³ See Haw. Rev. Stat § 92F-14(b).

seek to create reasonable flexibility for the department and a defined spectrum of options for beneficiaries.

The overarching issue raised by subsistence agriculture lot size is how to prudently balance lot size with the availability of agriculture lands and the number of beneficiaries on the agriculture waitlist; the larger the lot size, the fewer beneficiaries awarded. This relationship is further influenced by the availability of natural resources so that on each lot there is actual opportunity for beneficiaries to engage successfully in family-sized farming.

Beneficiary comments wanted lots larger than the proposed one acre. The Island Plans provide a land use designation for various lands and areas as well as identify priority areas for development. Using the current priority areas for development according to the Island Plans, the average lot size for subsistence agriculture designated areas is 2.8 acres⁴ (See Exhibit 3). Staff recommends increasing lot size to "no more than three acres."

This increase responds to beneficiary comments and provides greater flexibility for the department in planning and project design within the context of current Island Plans. In any subsistence agriculture offering, there could be a variety of lot sizes up to three acres or possibly infill of existing lots. Staff also recommends the rule include that lot size be determined by conformance with the Island Plan and an analysis of factors that go to the quality of the lot such as topography, availability of water, and soil quality. Staff believes including the analysis of these factors would ensure consideration of a balance that will help to maximize efficiency, lot functionality, and opportunity for lessee success.

As part of beneficiary consultation, the department asked for input about the use of subsistence agriculture lots. The original proposal included a residency requirement. The question about use went to whether use could be measured in ways other than residency that would provide beneficiaries with an opportunity to return to the land as envisioned by Prince Kūhiō. Beneficiary responses to the question focused on housing options and the opportunity to live within one's means.

⁴ The priorities for subsistence agriculture set in the Island Plans could be subject to change due to new, additional information contained in the *Statewide Agricultural Land Use Baseline 2015* prepared by the University of Hawai'i at Hilo for the Department of Agriculture.

The two perspectives—how to measure use of the land and living within one's means—are related in context and staff makes two recommendations: 1. Remove the residency requirement and provide beneficiaries with the option of residing and farming on the lot or using the lot to return to the land through subsistence farming; and 2. Broaden housing options by allowing exemption of dwellings from county code for those who choose to reside on the lot.

Although allowed housing may be exempted from county codes, the intent is for those homes to be, first and foremost, safe. It is not intended to create shanty towns or ghettoize the homelands. Instead, the intent is to provide maximum opportunity for safe and adequate housing within a beneficiary's means. Thus, container homes, tiny homes, or owner-builder where portions are added over time as finances allow. Not a tent city but also not a turn-key subdivision. Providing greater options for use and for housing takes into account the diversity of needs within the beneficiary community. The intent is that the land be used to support beneficiaries whether they live and produce basic food stuff for their families on the lot, engage in subsistence farming on the lot to ease some financial pressures by providing food for their families, or subsistence farm at a recreational level so that they simply have a place to go with their families and grow some food.

The recommendations to allow additional dwelling units (if the lessee opts to reside on the lot) and to allow subdivision of lots larger than one acre are included to, again, provide options for beneficiaries. The intent is to help alleviate pressures some beneficiaries face with housing multiple generations, and possibly create housing opportunities for other beneficiaries. Additional dwelling units make it possible for lessees to have additional family members live on the same lot without living together. It is also possible that lessees could rent the additional dwelling to another beneficiary. Any additional dwellings would be subject to department approval and infrastructure capacity. The ability to subdivide is an alternative option that creates opportunities for lessee families to be self-sustaining and rural community-oriented, and could help prevent one lot from becoming over-valued. Subdivision of subsistence agriculture lots would be subject to the same conditions required for the subdivision of larger agriculture lots, except for the farm plan and two-thirds cultivation.

Transfer of Homestead Leases

Throughout beneficiary consultation, beneficiaries were supportive of prohibiting sales of leases to lots that are vacant or undeveloped and undivided interests. They did, however, raise concerns about enforcement of such a rule as well as express that transfers should be limited to those on the waitlist.

While staff agrees that enforcement of the new rule is necessary, staff believes enforcement can be addressed without promulgating a specific rule. The bigger issue is that failure to use a lot according to the lease is a violation subject to lease cancellation. The specific issue related to the sale of leases to vacant or undeveloped lots and undivided interests can be addressed in the implementation of the new rule. To implement the rule, a new transfer of lease form would need to be created to replace the current form. The new form should contain enforcement elements including a mandatory disclosure of improvements on the lot and whether there is a sale, and a clause that cites the potential legal consequences for failure to report income.

The issue related to "jumping the list" is also complicated; limiting the identity of transferees to beneficiaries already on the waitlist is a broader issue than the sale of leases to vacant or undeveloped lots and undivided interests. From a narrow perspective, there would need to be logical justification for drawing a distinction that would place such a requirement on leases to vacant or undeveloped lots and undivided interests but not on leases to developed lots. With the current proposal, the distinction between a financial investment and none is reasonable and fairness-oriented, and the connection to faithful implementation of the HHCA-99 year leases for \$1 per year-is easily made. A limitation based additionally on the sub-classification of the beneficiary/transferee where there is no plain relationship is not easily justified. Moreover, from a wider lens, there should be a fiduciary reason for denying access to homestead leases by transfer to those beneficiaries who simply have not previously applied.

Staff, however, does recommend an alternative approach: process transfers to beneficiaries already on the waitlist first. The waitlist beneficiaries have submitted their birth certificates and genealogy information, potentially shortening the timeframe for verification and processing the transfer.

Housekeeping

Although not specifically raised in beneficiary consultation, there is a question related to the fees charged by the department for use of department equipment and facilities. Staff recommends a new formulation for determining fees and, in some cases, an increase.

The first recommendation is to increase the scale fees charged. Current scaling fees for lessees are \$2 for pick-up towed trailers and \$4 for non-lessees. The recommendation is to increase the fees to \$10 for lessees and \$15 for non-lessees. The increase for non-lessees would match the fees charged by other providers on Hawai'i Island.

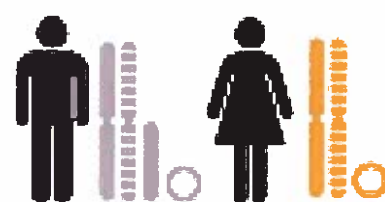
The second recommended change is to the fees charged for the use of department meeting rooms or halls and park facilities. Currently, the charge is \$50 per day or fraction thereof. The recommendation is to determine the fees based on 1. Actual operating costs including utilities, maintenance and repair, custodial services, and security; and 2. Current capital costs. This formula is similar to the formula used by other state departments and is necessary for the DHHL to recover the costs associated with use of facilities. Recognized homestead community associations conducting association business would remain at the \$50 per day rate. The recommendation also includes the possibility of a discounted fee schedule for lessees.

The third recommendation is to establish a process to determine fees and charges for resource management areas. Access to resource management areas controlled by the department is a growing concern as these areas experience increased human traffic and increased depredation. In order to better manage the areas and ensure an adequate level of monitoring and protection, staff recommends resource management plans be developed in consultation with beneficiaries, which include consideration of appropriate fees and charges for commission approval.

RECOMMENDATION

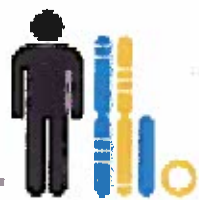
DHHL staff respectfully requests approval of the motion as proposed.

Great
Grand-
father



Great
Grand-
mother

Grandfather



Grandmother

Father



Mother

Son



Daughter

Other chromosomes
Y chromosome
Mitochondrial DNA

EXHIBIT 1

Likelihood Ratios

Table of Verbal Equivalents for Likelihood Ratios

Limited evidence to support	LR<1-10
Moderate evidence to support	LR 10-100
Moderately strong evidence to support	LR 100-1000
Strong evidence to support	LR 1000-10000
Very strong evidence to support	LR>10000

Priority Areas for Development As Identified in the Island Plans**

Area	Island	Land Use Designation	Acreage	Island Plan Lot Size (Acres)	Total Lots	Notes
Wailua	Kauai	Subsistence Ag	99	2.0	35	Regional Priority is Residential Development
Waianae	Oahu	Subsistence Ag	14	2.0	7	Infill of Existing Lots
Waiahole	Oahu	Subsistence Ag	5	0.5 - 1.0	7	Infill of Existing Lots
Naiwa	Molokai	Subsistence Ag	298	3.0-5.0	58	Existing Lots that need to be subdivided
Honokowai	Maui	Supplemental Ag	205	5.0	15	Regional Priority is Residential Development
Lower Piihonua	Hawaii	Subsistence Ag	533	2.0	235	Regional Priority is Residential Development
Totals			1154		357	Average Lots Size = 2.8 acres

** These priorities may be subject to change. The *Statewide Agricultural Land Use Baseline 2015*, prepared by the University of Hawai'i at Hilo for the Department of Agriculture is a new dataset that can be used to further refine and better plan the priority areas for development of subsistence agriculture.

Amendments to Chapters 10-1, 10-2, 10-3, and 10-5
Hawaii Administrative Rules

1. Section 10-1-2, Hawaii Administrative Rules, is amended to amend subsection (a) to read as follows:

"(a) Information about the department, submittals, or requests may be obtained from:

- (1) The main office, P.O. Box 1879, Honolulu, Hawaii 96805, [twelfth and twentieth floors, 1099 Alakea Street Honolulu, Hawaii;] 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707; or
- (2) Neighbor island district offices as follows:
 - (A) West Hawaii: P.O. Box 125, Kamuela, Hawaii 96743; 64-756 Mamalahoa Highway, Kamuela, Hawaii 96743;
 - (B) East Hawaii: 160 Baker Avenue, Hilo, Hawaii 96720;
 - (C) Kauai: 3060 Eiwa Street, Room 203, Lihue, Kauai 96766;
 - (D) Maui: [Puuone Plaza, Room C-206, 1063 East Main Street,] 655 Kaunualii Street, Suite 1, Wailuku, Maui 96793; or
 - (E) Molokai: P.O. Box [198, Hoolehua, Hawaii 96729 Puukapele Street, Hoolehua, Molokai 96729.] 2009, Kaunakakai, Hawaii 96748; 600 Maunaloa Highway, Suite D-1, Kaunakakai, Hawaii 96848."

2. Section 10-1-2, Hawaii Administrative Rules, is amended to amend subsection (c) to read as follows:

EXHIBIT 4

"(c) Unless otherwise provided by law, all information contained in any document or other papers filed with the commission pursuant to the requirements of law[,] or rule or order of the commission shall be available for inspection; provided that no written complaint or charges filed against an applicant or the holder of a lease or license shall be open to inspection unless and until the commission has ordered that the matter be set for hearing and a notice of hearing has been issued to the person against whom a complaint or charge has been filed."

3. Section 10-1-4, Hawaii Administrative Rules, is amended to read as follows:

§10-1-4 Terms. Unless otherwise specifically stated, the meaning of terms used in [Title 10] this title shall have the same meaning as provided by law."
[Eff 7/30/81; am and comp 10/26/98; am]
(Auth: HHC Act §222) (Imp: HHC Act)

4. Section 10-1-5, Hawaii Administrative Rules, is amended to read as follows:

"§10-1-5 Definitions. As used in this title, unless the context clearly provides otherwise:

"Act" means the Hawaiian Homes Commission Act of 1920, as amended[;].

"Advisory council" means the park advisory council established in section 10-4-34 for the purpose of advising the department on rules, practices and activities on or affecting parks on Hawaiian home lands[;].

"Agency" means an agency of the federal, state, or county government[;].

"Appraisal" means the process of estimating value[;].

"Authorized representative" means any person permitted by the commission to act on its behalf including the chairman and the chairman's designee[;].

"Available lands" means public lands designated as available lands under section 203 of the act[;].

"Camper" means any person who remains or intends to remain at a park on Hawaiian home lands in order to use the park for overnight accommodations[;]_.

"Camping" means the use and occupation of any park on Hawaiian home lands on which at least one person remains or intends to remain overnight[;]_.

"Chairman" means the chairman of the commission[;]_.

"Commission" means the Hawaiian homes commission[;]_.

"Complainant" means the person or agency upon whose complaint a proceeding is instituted[;]_.

"Contested case" means a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for hearing before the commission, and shall include but not be limited to proceedings involving the denial or cancellation of homestead leases issued by the department, and loan or tax delinquencies[;]_.

"Deferred status" means the status of an applicant in which the applicant will not be considered for an award, but will retain one's position on the waiting list[;]_.

"Department" means the department of Hawaiian home lands[;]_.

"Government records" has the same meaning as defined in chapter 92F, HRS[;]_.

"Hawaiian" means any descendant of the races inhabiting the Hawaiian islands previous to 1778.

"Hawaiian home lands" means all lands given the status of Hawaiian home lands under section 204 of the act[;]_.

"Hearing officer" means a person appointed by the commission or chairman at the request of the commission, authorized and qualified to hold a hearing for the purpose of taking evidence and making recommended decisions in any contested case[;]_.

"Homesteader" means the holder or successor thereto of a lease which may be of the following classes issued under section 207 of the act:

- (1) Residential or residence lot lease;

(2) Pastoral or pastoral lot lease; and

(3) Agricultural or agricultural lot lease[;].

"HRS" means the Hawaii [revised statutes] Revised Statutes, as amended[;].

"Lessee" has the same meaning as homesteader[;].

"Munitions and explosives of concern (MEC)" means specific categories of military munitions that may pose unique explosives safety risks such as UXO; discarded military munitions as defined in 10 U.S.C. 2710(e)(2); or munitions constituents present in high enough concentrations to pose an explosive hazard.

"Munitions constituents" means any materials originating from UXO, discarded military munitions, or other military munitions, including explosive and nonexplosive materials, and emission, degradation, or breakdown elements of such ordinance or munitions (10 U.S.C. 2710(e)(3)).

"Native Hawaiian" means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian islands previous to 1778[;].

"Party" means each person or agency named or admitted as such, or properly seeking and entitled as a matter of right to be admitted as such in a proceeding.

"Person" includes any individual, partnership, corporation, association, or public or private organization of any character other than an agency[;].

"Petitioner" means any interested person who in an individual or representative capacity requests:

- (1) A hearing as authorized by statute, law, or these rules;
- (2) A declaratory ruling;
- (3) Applicability of a departmental rule or order; or
- (4) Adoption, amendment, or repeal of any departmental rule[;].

"Picnic" means use of a park on Hawaiian home lands that does not include overnight accommodation[;].

"Presiding officer" means the person conducting a hearing and may be the chairman or a duly appointed representative[;].

"Priority and preference for award of leases" means the department's lease award process from 1963 to 1977 that awards leases, according to ranking, to applicants in one of three priority groups categorized under the priority ranking system and defined as follows: Priority I includes applicants and their spouses and children who are one hundred per cent Hawaiian; Priority II includes applicants and their spouses and children who are no less than fifty per cent Hawaiian; Priority III includes only applicants who are no less than fifty per cent Hawaiian.

"Public lands" has the same meaning as defined in chapter 171, HRS[;].

"Respondent" means the party in a contested case against whom an order to show cause has been issued by the commission on its own initiative or a notice of hearing has been issued on the basis of a complaint filed with the commission[;].

"Rule" means a statement of general or particular applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure or practice requirements of the department[;].

"Rulemaking procedure" means any formal action to adopt, amend, or repeal any rule of the department[;].

"State" means the State of Hawaii[; and].

"Successor" means a qualified person designated by an applicant or lessee to succeed to application rights or a lease.

"Tract" means any tract of Hawaiian home lands leased, as authorized by section 207 of the act.

"Undeveloped lot" means a lot that is raw land.

"Vacant lot" means a lot that the department has prepared for development either fully or partially but lacks vertical improvement appropriate for the type of award.

"Unexploded ordnance (UXO)" means military munitions that:

(1) Have been primed, fuzed, armed, or otherwise prepared for action;

(2) Have been fired, dropped, launched, projected, or placed in such a manner as to constitute

a hazard to operations, installations, personnel or material; and

(3) Remain unexploded, whether by malfunction, design, or any other cause. (10 U.S.C 101(e)(5)).

"UXO lands" means certain Hawaiian home lands which have been categorized as formerly used defense sites and may contain MECs." [Eff 7/30/81; am and comp 10/26/98; am] (Auth: HHC Act §222) (Imp: HHC Act)

5. Section 10-1-7, Hawaii Administrative Rules, is amended to read as follows:

"§10-1-7 Severability. If any section, sentence, clause, or phrase of [Title 10] this title be for any reason held by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portion of this title." [Eff 7/30/81; am 2/3/83; am and comp 10/26/98; am] (Auth: HHC Act §222) (Imp: HRS §91-2)

6. Section 10-2-1, Hawaii Administrative Rules, is amended to read as follows:

"§10-2-1 Office. The office of the commission is at [Honolulu] Kapolei, Hawaii. All communications to the commission shall be addressed to the Hawaiian homes commission, as provided in section 10-1-2(a)(1)." [Eff 7/30/81; comp 10/26/98; am] (Auth: HHC Act §222) (Imp: HHC Act §202)

7. Section 10-2-16, Hawaii Administrative Rules, is amended to read as follows:

"§10-2-16 Delegation of duties to chairman. (a) It is the desire of the commission that functions and duties, administrative in nature, be delegated to the chairman and duties requiring the exercise of [judgement] judgment or discretion continue to reside with the commission.

(b) The commission shall be deemed to have delegated to the chairman duties, powers, and authority as may be lawful or proper for the performance of functions vested in the commission, including the following:

- (1) To appoint special committees and prescribe their powers and duties;
- (2) To preside over all meetings of the commission;
- (3) To approve and sign all vouchers, and to approve the assignment of funds to be received;
- (4) To approve leaves of absence;
- (5) To approve plans for construction of homes and improvements;
- (6) To screen matters referred to the chairman by staff and to select those of sufficient importance to place on the agenda for consideration by the commission; [and]
- (7) To sign commission resolutions, licenses, leases, and contracts approved by the commission[.];
- (8) To schedule contested case hearings; and
- (9) To approve the designation of successors.

(c) Subject to the provisions of section 10-2-17, the chairman may:

- (1) Grant loans from any loan fund;
- [(2)] (2) Approve the designation of successors;
- [(3)] (2) Accept surrenders of homestead leases; and
- [(4)] (3) Approve, in regards to general leases, plans, assignments, subleases, and mortgages.

(d) The chairman or a designee may approve and sign contracts [under \$25,000] for specific projects which are included in the commission's prior approved budget." [Eff 7/30/81; am 11/17/84; am and comp 10/26/98; am] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

8. Section 10-2-31, Hawaii Administrative Rules, is amended to read as follows:

"§10-2-31 Office. The main office of the department is at [Honolulu] Kapolei, Hawaii. All communications to the department shall be addressed as provided in section 10-1-2(a)(1)." [Eff 7/30/81; am and comp 10/26/98; am] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

9. Section 10-2-33, Hawaii Administrative Rules, is amended by adding a new subsection (b) to read as follows:

"§10-2-33 Personnel. (a) All personnel on the department's staff are under the direction of and are responsible to the chairman. The chairman, subject to law and civil service rules, shall select and discharge personnel for the department's staff. The commission shall be informed of all changes in staff personnel.

(b) All personnel shall strive for quality customer service that is beneficiary oriented, and in that pursuit may conduct operations pursuant to section 5-7.5, HRS." [Eff 7/30/81; comp 10/26/98; am] (Auth: HHC Act §222; HRS §91-2) (Imp: HRS §26-38)

10. Section 10-3-2, Hawaii Administrative Rules, is amended to read as follows:

"§10-3-2 Qualifications of applicants. [(a)] Applicants for residential, agricultural, or pastoral lot leases shall provide the department with documented proof that the applicant is:

- (1) At least eighteen years of age; and
- (2) A native Hawaiian.

[(b)] In addition to the qualifications required in subsection (a), a person applying for an agricultural or pastoral lease may be required to comply with section 10-3-24 before a lease award for an agricultural or pastoral lot can be made." [Eff

7/30/81; am 1/20/86; am] (Auth: HHC
Act §222; HRS §91-2) (Imp. HHC Act §207)

11. Chapter 10-3, Hawaii Administrative Rules, is amended by adding a new section 10-3-2.1 to read as follows:

"§10-3-2.1 Documentation. (a) Applicants shall provide the department with birth certificates or certifications issued by the Department of Health, or responsible government agency if the record is an out-of-state or foreign birth record. Out-of-state and foreign birth records shall be accompanied by a notarized affidavit from at least one named parent attesting to knowledge of the facts contained in the birth record and the veracity and accuracy of the contents of the record, as required by the department.

(b) If qualifications cannot be determined by birth records, the department may consider the following secondary documents:

- (1) Certified marriage certificates;
- (2) Certified death certificates;
- (3) Family history charts and documents such as marriage, divorce, and death records from the State of Hawaii Archives, state courts, public libraries or United States Census records;
- (4) Official baptismal records or other church documents identifying the race of applicant or applicant's ancestors;
- (5) Official records from the files of military services, schools or hospitals;
- (6) Employment records;
- (7) Written statement from a physician knowledgeable of the facts or, in the case of a relative's death, a written statement from the mortuary which handled the burial;
- (8) Newspaper clippings from Obituaries and Vital Statistics sections; and
- (9) Other documents as may be requested by the department." [Eff] (Auth:

12. Chapter 10-3, Hawaii Administrative Rules, is amended by adding a new section 10-3-2.2 to read as follows:

"§10-3-2.2 Genetic tests. (a) "Genetic test" or "'ohana test" means the testing of inherited or genetic characteristics (genetic markers) for the purpose of establishing biological parentage.

(b) If after submittal and processing of documentation described in section 10-3-2.1, there remains uncertainty regarding the applicant's biological parentage, whether because the appropriate space on applicant's birth certificate is blank or because the listed parent is not the biological parent, applicant may choose to obtain genetic testing to establish maternity or paternity. The following types of relationship testing shall be accepted:

- (1) Parent-child testing. The testing utilized must have a power of exclusion greater than ninety-nine point zero per cent (99.0%) and a minimum combined paternity or maternity index of five hundred to one.
- (2) Maternal or paternal lineage evaluation.
 - (i) Maternal lineage evaluation. If the alleged biological mother is deceased or unavailable, testing of the alleged mother's living sibling may be accepted as long as they share the same biological mother. Testing utilized must demonstrate shared mitochondria;
or
 - (ii) Paternal lineage evaluation. If the alleged biological father is deceased or unavailable and the applicant is genetically male, testing of the alleged father's living brother may be accepted as long as they share the same biological father. Testing utilized must demonstrate shared Y chromosome.

(3) Avuncular testing. If the alleged biological parent is deceased or unavailable and maternal or paternal lineage evaluation is not applicable, testing of the alleged parent's living full sibling may be accepted. The testing utilized must have a likelihood ratio of no less than 50.0.

If the alleged biological parent is deceased, the applicant shall submit the death certificate. If the alleged biological parent is unavailable, the applicant shall submit an affidavit establishing the reason for the alleged biological parent's unavailability (incarcerated, homeless, no contact, location unknown). To add to the accuracy of the analysis, where the applicant has a known, living biological parent, that person shall also participate in the testing. The department shall accept only notarized and certified genetic test results with proper chain of custody from a relationship testing facility nationally accredited by the American Association of Blood Banks (AABB). All costs of testing and any related expenses shall be borne by the applicant.

(c) Documentation submitted directly to the department from the testing facility shall include the original laboratory-certified and notarized genetic test results and chain of custody documents reflecting an acceptable and reliable chain of custody. Applicant shall submit an affidavit from the alleged parent or alleged parent's sibling setting forth facts establishing a reasonable possibility of parentage by the alleged parent.

(d) Genetic testing is entirely voluntary and is not required by the department. Undergoing genetic testing does not guarantee acceptance of the application.

(e) The department shall treat genetic test results as information related to medical history, diagnosis, condition, treatment, or evaluation protected under section 92F-14(b)(1), HRS. The department shall not disclose genetic test results to

third parties without the prior written consent of those tested.

(f) A determination regarding parentage by the department is not intended to have evidentiary effect for purposes other than those of the department."

[Eff] (Auth: HHC Act §222; HRS §91-2)
(Imp: HHC Act §207)

13. Section 10-3-3, Hawaii Administrative Rules, is repealed.

[§10-3-3 Application processing. (a) Applications shall be dated and signed by the applicant and by an authorized department representative. The department shall acknowledge in writing receipt of all properly completed applications. An incomplete application shall be returned to the applicant with instructions necessary to complete the application properly. Completed applications shall be time stamped, and if accepted, assigned a numerical designation, and filed in the order of receipt. Additions, corrections, or deletions may be made only with the approval of the applicant and the chairman or the chairman's designee. A copy of the application shall be given to the applicant. Except as otherwise provided in this chapter, a numerical designation shall not be reassigned to any other person.

(b) Within thirty days after the submission and filing of the completed application and all such other documents as the department shall require of the applicants, and any investigation the department shall require of the applicants, and any investigation the department may conduct, the chairman or chairman's designee shall make a determination as to whether the applicant qualifies as an applicant. The determination shall be based upon the application form, birth, marriage, and death certificates, such other documents as the department may require the applicant to produce, and any investigation the department may conduct. An applicant who disagrees with any action taken by the department shall have thirty days from receipt of written notice of such

action within which to petition the department for appearance before the next regular meeting of the commission concerning the action taken on the application.] [Eff 7/30/81; am 10/26/98; R] (Auth: HHC Act §222) (Imp: HHC Act §207)]

14. Chapter 10-3, Hawaii Administrative Rules, is amended by adding a new section 10-3-3.1 to read as follows:

- "§10-3-3.1 Application processing. (a)
Applications are processed in multiple stages, each with a different purpose and effect, as follows:
- (1) Receipt. Applications shall be date and time stamped upon receipt by the department. This first stamp shall be used only to certify receipt by the department. An applicant may submit an application by any method acceptable as provided by the instructions on the application form.
 - (2) Completion. An application is complete when the application form has been filled in, signed by the applicant and notarized as required, and, following initial review by the department, it appears as though sufficient documentation has been provided to substantiate that the applicant meets or does not meet the Hawaiian home lands program qualifications. A complete application shall be date and time stamped a second time. This second stamp shall be used to determine order on the waiting list should the application ultimately be accepted. An incomplete application shall be returned to the applicant with instructions necessary to complete the application properly.
 - (3) Acceptance. Upon completion, the department shall review and investigate an application to verify documentation and determine whether the applicant is qualified. The

determination shall be based upon the application form and birth certificates, as well as any secondary documents, and additional documentation as may be submitted to the department for verification and qualification. If the department determines, based upon the application form and documentation provided, that the applicant is qualified, the application shall be accepted and signed by an authorized department representative. An accepted application shall be assigned a numerical designation and filed in order of completion, as determined by the second date and time stamp. The department shall notify the applicant in writing of the acceptance and provide the applicant with a copy of the accepted application. If the department determines that there is reasonable uncertainty regarding an application, the department shall request additional documentation in writing. The department shall, within thirty business days after the application is deemed complete, make an acceptance determination or give notice to the applicant of an extended determination date of thirty business days and the reason or reasons therefore. Failure to render a decision within a thirty day period, as may be extended, shall not result in automatic determination or acceptance by the department.

(b) The department shall maintain written communication with the applicant at regular intervals regarding the status of the application and any time extensions.

(c) An applicant who disagrees with the determination by the department shall have thirty business days from the post mark or email time stamp on the written notice of such determination within which to contest the determination."

[Eff] (Auth: HHC Act §222) (Imp: HHC Act §207)

Historical note: §10-3-3.1 is based substantially upon §10-3-3. [Eff 7/30/81; am 10/26/98; R]

15. Section 10-3-6, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"§10-3-6 Island-wide waiting lists. (a) The department shall maintain area waiting lists until the lists are exhausted. Applicants on a waiting list for any area will be placed on the respective island-wide residential lot, agricultural lot, or pastoral lot waiting list according to the date of completed application. Applicants on a waiting list for an area will be considered first for award of any lots in the area. Applicants on the island-wide waiting list shall be considered for award according to the date of completed application.

16. Section 10-3-8, Hawaii Administrative Rules, is amended by adding a new subsection (f) to read as follows:

"§10-3-8 Transfer of application rights. (a) An applicant may designate an individual relative who is at least eighteen years of age and a native Hawaiian from among the following to succeed to the applicant's application rights upon the death of the applicant:

- (1) Husband or wife;
- (2) Child;
- (3) Grandchild;
- (4) Father or mother;
- (5) Widow or widower of a child;
- (6) Brother or sister;
- (7) Widow or widower of a brother or a sister;
or
- (8) Niece or nephew.

To the extent possible applicants shall designate a successor at the time that the application is filed at the department; provided that the designation shall be filed in writing at the department and the department shall acknowledge the designation in order for the designation to be deemed filed. An applicant may change the designation of successor at any time; provided that the applicant shall file the change of designation in writing at the department and the department shall acknowledge the change of designation in order for the change of designation to be deemed filed. The department shall determine whether a designated successor is qualified to be an applicant for a Hawaiian home lands lease. A designated successor shall be required to provide proof to the department that the individual is at least eighteen years of age, a native Hawaiian, and a relative as identified in this subsection.

(b) If an applicant dies without designating a successor as provided in subsection (a), the commission may designate a successor applicant from only the following relatives of the applicant who are at least eighteen years of age, native Hawaiian, and who made a request to succeed to the application rights as provided in subsection (d):

- (1) Husband or wife; or
- (2) If no husband or wife requests, then a child; or
- (3) If no husband, wife, or child requests, then a grandchild; or
- (4) If no husband, wife, child or grandchild requests, then from among the following relatives of the applicant who are native Hawaiian and at least eighteen years of age: father and mother, widows or widowers of the children, brothers and sisters, widows or widowers of brothers and sisters, or nieces and nephews.

Any individual who requests to succeed to the decedent's application rights shall provide proof to the department that the individual is at least

eighteen years of age, a native Hawaiian, and a relative as identified in this subsection.

(c) Once every calendar year, the department shall publish a notice setting forth a list of the names of all applicants whom the department has reason to believe have died without designating a successor and whose names do not appear in a list previously published by the department. The notice shall also state briefly that individuals requesting to succeed to the application shall submit a request within the deadline established in subsection (d). The notice shall be published in a newspaper of general circulation in the State, once in each of two successive weeks.

(d) Requests for succession to application rights shall be made to the department in writing not later than one hundred eighty days after the date of the last publication of the applicant's name; otherwise, the application will be canceled and the applicant's name shall be removed from the respective waiting list or lists, as the case may be. The commission, for good cause, may extend the time beyond one hundred eighty days in which requests for succession to an application may be made.

(e) The department shall determine whether an individual is qualified to succeed to the applicant's application not later than three hundred sixty five days following the one hundred eighty days after the date of the last publication of the applicant's name. The department shall submit a recommendation to the commission regarding the designation of a successor. If an individual who has requested to succeed to an application disagrees with the commission's designation of a successor, the individual may request a contested case hearing as provided in section 10-5-31. The department, for good cause, may extend the time beyond three hundred sixty five days in which it is to determine whether an individual is qualified to succeed to an application.

(f) An alleged qualified relative of an applicant may obtain genetic testing under section 10-3-2.2 herein to aid in establishing qualification as a

successor to application rights." [Eff 7/30/81; am
8/1/85; am and comp 10/26/98; am]
(Auth: HHC Act S222) (Imp: HHC Act S207)

17. Section 10-3-10, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"(a) An applicant for a homestead lease shall notify the department, in writing or electronically, of any change in address within [fifteen] thirty calendar days of such change. If the applicant fails to notify the department and the department receives mail returned undeliverable as addressed with an official change of address label from the United States post office, the department shall attempt to reach the applicant at that new address."

18. Section 10-3-24, Hawaii Administrative Rules, is amended and new subsection (e) is added to read as follows:

"§10-3-24 Agricultural and pastoral leases. (a) When agricultural or pastoral lots become available for award, the applicant shall be contacted in accordance with section 10-3-7.

(b) The department shall notify applicants of the date, time, and place of lot selection. The department shall defer applicants who fail to appear or select.

(c) [Not later than three months following lot selection,] Except for agricultural awards of not more than three acres and UXO lands, the applicant shall submit a plan for the development of the lot no later than three months following lot selection. The plan shall include but not be limited to:

- (1) Crops to be grown or livestock to be raised;
- (2) Estimated expenses;
- (3) Estimated gross income;
- (4) Method of financing;
- (5) Market plan;
- (6) Timetable for operation;

-
- (7) Purpose of farm - subsistence, supplemental, commercial, or otherwise; and
 - (8) Other assistance needed in terms of:
 - (A) Labor, number of individuals, tasks to be performed; and
 - (B) Technical assistance.
 - (d) Decision for award of agricultural lots of more than three acres and pastoral lots shall be based upon:

- (1) Review and acceptance of the plan's feasibility; and
- (2) Evaluation of the general knowledge and experience of the applicant or the experienced individual who will assist in the development of the lot. That general knowledge or experience or combination thereof may include but not be limited to the following:
 - (A) Member of the Hawaii young farmer association or a future farmer of America graduate with two years of training with farming projects;
 - (B) Satisfactory vocational agriculture course in high school;
 - (C) Satisfactory completion of an agricultural curriculum at a university or community college leading to a bachelor of science or an associate degree in agriculture;
 - (D) One year full-time work experience on a farm or ranch;
 - (E) Completion of study at classes conducted by the University of Hawaii extension service; or
 - (F) Persons who have had at least two years of experience as part-time farmers or ranchers.

(e) For agricultural awards of not more than three acres, lot size shall be determined in accordance with the island plan and lot quality

factors such as topography, natural resource availability, and soil quality.

~~[(e)]~~(f) In recognition of the shortage of available lands on the island of Oahu in relation to available lands in the State, an award of an agricultural lot on Oahu shall be made to applicants who are residing on the island of Oahu at time of application; provided further that a lessee of an agricultural lot on Oahu shall not be allowed to hold any other homestead lease." [Eff 7/30/81; am 2/3/83; am 8/1/85; am and comp 10/26/98; am]
(Auth: HHC Act §222) (Imp: HHC Act §207)

19. Section 10-3-25, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"(a) A lessee of an agricultural or pastoral lot may [apply for] make a written request for additional acreage of the same class."

20. Chapter 10-3-26, Hawaii Administrative Rules, is amended and new subsection (b) is added to read as follows:

"§10-3-26 [Residence permitted on agricultural and pastoral lot.]Residence on agricultural and on pastoral lots, when. (a) Upon award of an agricultural or pastoral lot, the applicant shall reside on the island on which the leasehold is located or move to that island within three years.

(b) A lessee of an agricultural lot of not more than three acres shall within three years:

(1) Reside and cultivate subsistence agriculture on the lot. Additional dwelling units shall be subject to department approval and infrastructure capacity.

(A) The residence and any additional dwelling units shall be

(i) Built to county code; or

(ii) Exempted by the department provided that the plans and specifications for any non-conforming residence or additional dwelling units are submitted to the department along with documentation and certification regarding the non-conforming portions of the structure. Provided further that the lessee shall assume any and all risk and release the department from any and all liability arising from known or unknown, disclosed or undisclosed non-conformance with county codes;

(B) Non-conforming, unpermitted dwellings and improvements shall not be appraised for valuation by the department; or

(2) Actively cultivate food crops or raise small livestock or both for subsistence agriculture purposes.

[(b)](c) [Residences] Subject to subsection (d), one residence shall be permitted on agricultural lots of more than three acres or on pastoral lots. [Only one residence shall be permitted per lessee on Hawaiian home lands.] In addition, a workers' quarters may be permitted per lessee on agricultural lots of more than three acres and on pastoral lots subject to the following conditions:

(1) The lessee has actively cultivated or developed at least two-thirds of the agricultural or pastoral tracts at all times;

(2) The lessee shall submit a plan justifying the construction of a workers' quarters including but not limited to production processes and projections, number of workers and labor requirements, jobs to be performed, site and plot plan, house construction plans, and benefits

accrued by the addition of a workers' quarters;

- (3) Approval by the commission;
- (4) Conformance to all state and county zoning and building requirements;
- (5) Adequate infrastructure, i.e., water, power, etc., shall be available to service the workers' quarters;
- (6) The lessee shall finance the construction of the workers' quarters and the department shall not loan or guarantee funds for construction of workers' quarters;
- (7) Removal of workers' quarters and related access and utility improvements at the expense of the lessee upon cancellation or surrender of agricultural or pastoral leases;
- (8) Upon transfer of agricultural or pastoral leases with workers' quarters, the transferee must justify the continued use of the workers' quarters, otherwise, removal of the workers' quarters and related access and utility improvements will be required at the expense of the transferor;
- (9) Not more than one workers' quarters shall be allowed per lessee, notwithstanding the size of the lot or lots, or the number of leases; and
- (10) Workers' quarters shall not be allowed for subsistence farming operations.

~~[(c)]~~(d) A lessee possessing a residential lot lease may construct a residence on the lessee's agricultural lot of more than three acres or pastoral lot provided that the lessee complies with the following conditions:

- (1) The lessee makes prior arrangements to surrender or transfer the resident lot lease upon the completion of construction of the residence on the lessee's agricultural or

pastoral lot. Should it be feasible, the lessee may relocate the present house;

- (2) The lessee is financially able to assume the cost of relocation or construction of the new residence plus any related expenses necessary to maintain the agricultural or pastoral lot. The department may assist the Lessee under sections 10-3-41 to 10-3-52; and
- (3) In the event the lessee surrenders the residence lot lease, the net proceeds thereof shall be first credited to any loan granted by the department for the construction of a home on the agricultural or pastoral lot; and all other conditions imposed by this section and section 10-3-34.

~~[(d)]~~(e) The department shall not be liable for expenses incurred by the lessee for amenities brought to the lot. The department shall not provide nor be required to provide any amenities, except as it may determine in the planned development of its lands.

~~[(e)]~~(f) Upon cancellation or surrender of the agricultural or pastoral lot, the lessee shall relinquish the entire leasehold interest including the residence.

~~[(f)]~~(g) Subdivision and transfer of a portion of an agricultural lot lease of more than one acre or pastoral lot lease may be permitted upon commission approval for the remaining term of the lease to any individual who qualifies under the act, subject to the following conditions:

- (1) Upon such transfer, each resultant subdivided lot meets department criteria for designation as agricultural or pastoral and available infrastructure capacity;
- (2) ~~[The department shall not]~~The lessee or transferee shall be obliged to finance the construction of a residence on any transferred portion;
- (3) Plans for all residences to be constructed on transferred portions of leases shall be

- submitted to and approved by the department before construction thereof;
- (4) [The department shall not] The lessee or transferee shall be obliged to pay for any costs incurred in the processing and obtaining of the subdivision;
 - (5) The department shall not be liable for expenses incurred by the lessee for amenities brought to the lot. The department shall not provide nor be required to provide any amenities except as it may determine in the planned development of its lands; and
 - (6) A farm plan may be required [by] of transferees for all transfers involving the subdivided agricultural or pastoral lots of more than three acres. Where required, the farm plan shall be submitted to, reviewed and accepted by the department." [Eff 7/30/81; am 9/24/83; am 11/17/84; am and comp 10/26/98;
am]

21. Section 10-3-33, Hawaii Administrative Rules, is amended to read as follows:

"§10-3-33 Commercial activities. Except as may be otherwise provided, no homestead leasehold or portion thereof shall be used for commercial activities of such a nature as to constitute a nuisance or threat to health, safety, and environment." [Eff 7/30/81; am 2/3/83; comp 10/26/98; am] (Auth: HHC Act §222) (Imp: HHC Act §208)

22. Section 10-3-34, Hawaii Administrative Rules, is amended to read as follows:

"§10-3-34 Building requirements. No building structure or improvement may be constructed on the premises without written approval from the [commission] department. Such an approval shall be

considered only after submission of a plan as to design, materials, and probable value and use of the structure to be built on the leasehold. Building structures or improvements shall meet building and zoning codes and other ordinances and regulations of the respective counties except as otherwise provided by the [commission] department or by section 10-3-26(b)." [Eff 7/30/81; am and comp 10/26/98; am] (Auth: HHC Act §222) (Imp: HHC Act §208)

23. Section 10-3-36, Hawaii Administrative Rules, is amended to read as follows:

"§10-3-36 Transfer of homestead leases. (a) A lessee, with the written approval of the commission, may transfer the leasehold to any individual who is [a native Hawaiian and is] at least eighteen years old and[.]

(1) A native Hawaiian; or

(2) At least one-quarter Hawaiian and a spouse, civil union partner, child, grandchild, brother or sister of the lessee.

Provided that leases for vacant or undeveloped lots and undivided interests, or any interest therein, shall not be sold but may be transferred by gift or succession. Lease transfers to beneficiaries on a waitlist shall have priority for processing over those to beneficiaries not on a waitlist.

(b) 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 date of transfer shall constitute grounds for cancellation of the lease.

(c) A transferee may own an interest in non-Hawaiian home lands real property, regardless of degree of ownership." [Eff 7/30/81; am 2/3/83; am 9/24/83; am and comp 10/26/98; am]
(Auth: HHC Act §222) (Imp: HHC Act §208)

24. Section 10-3-38, Hawaii Administrative Rules, is amended to read as follows:

"§10-3-38 Subdivision and transfer of a portion of residential lot leasehold. A lessee of a residential lot, with the approval of the commission, may subdivide and transfer a portion of the lot for the remaining term of the lease to any individual who is a native Hawaiian and is at least eighteen years old; provided that after the transfer, each lot conforms to county zoning standards. The department shall not be required to finance the construction of the house on the transferred portion. Plans for construction of the house shall be subject to the approval of the [chairman] department. The department shall not be required to pay for any costs incurred in the processing and obtaining of the subdivision."
[Eff 7/30/81; am 1/20/86; am and comp 10/26/98;
am] (Auth: HHC Act §222) (Imp: HHC Act §208)

25. Section 10-3-39, Hawaii Administrative Rules, is amended by amending subsections (b) to read as follows:

"(b) Except as otherwise provided in the lease, the department may require a lessee of an agricultural lot of more than three acres or pastoral lot to have under development, cultivation, or use at least two-thirds of the useable acreage at all times."

26. Section 10-3-39, Hawaii Administrative Rules, is amended by amending subsection (d) to read as follows:

"(d) A lessee shall provide the department with a current mailing address and such other information as the department may require. The department shall be notified of a change of address in accordance with section 10-3-10(a)."

27. Section 10-3-61, Hawaii Administrative Rules, is amended and new subsection (b) is added to read as follows:

"§10-3-61 Designation of successor. (a) As provided in section 209 of the act and in this section, the lessee shall designate the relative or relatives to whom the lessee directs the interest in the tract to vest upon the lessee's death from among the following relatives:

- (1) Husband, wife, children or grandchildren who are at least one-quarter Hawaiian; or
- (2) Father, mother, widows or widowers of the children, brothers and sisters, widows or widowers of the brothers and sisters, or nieces and nephews who are native Hawaiian.

A lessee may designate a successor or successors at the time of execution of the lease; provided that the lessee shall file the designation in writing at the department and the department shall acknowledge the designation in order for the designation to be deemed filed. A lessee may change the designation of successor or successors at any time; provided that the lessee shall file the change of designation in writing at the department and the department shall acknowledge the change of designation in order for the change of designation to be deemed filed. The lessee or designated successor shall provide documentation to establish eligibility of the designated successor and the department shall determine whether a designated successor is qualified to be a lessee of Hawaiian home lands.

(b) An alleged qualified relative of a lessee may obtain genetic testing under section 10-3-2.2 herein to aid in establishing qualification as a successor to the lease." [Eff 7/30/81; am and comp 10/26/98;

am] (Auth: HHC Act §222) (Imp: HHC Act §209)

28. Section 10-3-76, Hawaii Administrative Rules, is amended to read as follows:

"§10-3-76 Fees and charges. [(a) All charges shall be paid before withdrawal of stock, or proper guarantee of such payments shall be made.

(b) Pasture fee charges for animals that die shall be paid up to the date the animals died.

(c) Pasture fees shall be:

(1) \$5 per month per head, billed quarterly; and

(2) \$6 for dehorning, etc., per calf.

(d) The fees shall be subject to increase when, in the determination of the department, the increase is necessary to cover the cost of operating and maintaining the community pasture. The department shall establish for any pasture such fees as shall be necessary to operate and maintain the pasture.

(e) Cattle purchases from outside districts shall be blood tested and all cattle shall be treated in accordance with good animal husbandry practices before entering the pasture. Proof that cattle have been blood tested and treated shall be required.]

[(f)](a) The department shall assess the following fees for scaling services:

(1) Lessees:

(A) [\$2]\$10--pick-up towed trailers; and

(B) \$0.25--per head truck loads.

(2) Non-lessees:

(A) [\$4]\$15--pick-up towed trailers; and

(B) \$0.50--per head truck loads.

[(g) For trucking, the department shall assess a fee of \$6 per head for hauling cattle from community pasture to home or slaughterhouse. Hauling made by the department shall be made only by the department driver. Hauling services by the department shall be made only when a satisfactory hauling truck is available. At the time of hauling, the lessee shall be present to identify and designate in writing the cattle to be removed.

(h) Except as the commission may otherwise provide, the rental fee for the use of a meeting room or hall shall be \$50 per day or fraction thereof. As used in this section, a day shall mean a twenty-four

hour period beginning at noon one day and ending at noon the next succeeding day.]

(b) To recover costs, the department may establish fees and service charges for the use of meeting rooms or halls, park facilities, and resource management areas subject to approval by the commission. The fees and charges shall be based on:

- (1) Actual operating costs including utilities, maintenance and repair, custodial services, and security;
- (2) Current capital costs; and
- (3) As applied to resource management areas, a resource management plan shall be developed in consultation with beneficiaries to:
 - (A) Identify resource management area issues, concerns, and opportunities;
 - (B) Identify management actions to address resource management area issues, concerns, and opportunities;
 - (C) Identify capital or operational costs or both to implement management actions;
 - (D) Calculate needed fees or service charges or both based on estimated capital or operational costs or both of management actions; and
 - (E) The department shall monitor the area to determine whether the management actions have been successful. Future management prescriptions including re-evaluation of a fee schedule shall be based on evaluations of whether management actions have been successful.

Except that recognized homestead community associations may use meeting rooms or halls, and park facilities to conduct association business for a rental fee of \$50 per twenty-four hours or fraction thereof, and a discounted fee schedule may be set for lessees. The department shall have priority use of department meeting rooms or halls even over prior existing reservations with at least fourteen calendar

days notice. Patrons who have outstanding accounts, have provided false information when applying to use department facilities, or have previously misused the department's property, grounds, or facilities may be denied use of department facilities and resource management areas.

[(i)](c) Water from department systems shall be sold at rates established by the commission. The department shall establish the frequency of billing and may determine a minimum monthly charge.

(d) Fees and charges shall be revised when necessary and approved by the commission during the odd year of the fiscal biennium." [Eff 7/30/81; am 2/3/83; am 11/17/84; am and comp 10/26/98; am] (Auth: HHC Act §222) (Imp: HHC Act §211)

29. Section 10-5-1, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-1 Scope of rules. This chapter governs practice and procedure before the commission and department pursuant to the act and [the Hawaii administrative procedure act]chapter 91, HRS. These rules shall be construed to effect a just and speedy determination of every proceeding." [Eff 7/30/81; am and comp 10/26/98; am] (Auth: HRS §91-2) (Imp: HRS §91-2)

30. Section 10-5-2, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-2 Commission procedures. The commission, [may] on its own motion or [upon the]on petition of any interested person or agency, may hold proceedings as it deems necessary for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties, or the formulation of its rules. [For such purposes, it] It may subpoena witnesses and require the production of evidence. [Procedures to be followed by the commission shall, unless]Unless specifically prescribed in these rules or by [the Hawaii

administrative procedures act, be such as in the opinion of]chapter 91, HRS, the commission shall follow procedures that, in its opinion, will best serve the purposes of [such]the proceedings." [Eff 7/30/81; am and comp 10/26/98; am]
(Auth: HRS §91-2) (Imp: HRS §91-2)

31. Section 10-5-3, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-3 Suspension, waiver of rules. Any person or agency may submit a signed request that any rule contained in this chapter not be applied. [and the] The commission or the hearing officer before whom the matter is presented[, upon such request] may suspend or waive [such a]the particular rule or rules to prevent the hardship identified and described in the submitted request[in any particular instance]."
[Eff 7/30/81; comp 10/26/98; am]
(Auth: HRS §91-2) (Imp: HRS §91-2)

32. Section 10-5-4, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-4 Appearances before the commission. (a) Any individual or agency [or designated representative thereof] may appear, in person or by designated representative, before the commission or hearing officer in any proceeding, unless otherwise provided in subsection (c).

(b) When a person acting as a representative appears in person or signs a paper before the commission or hearing officer, the appearance or signature shall constitute a representation to the commission or hearing officer that, under the provisions of these rules or applicable law, the individual is authorized and qualified to act as a representative.

(c) No person who has been associated with the commission or department as a member, officer, employee, or counsel shall represent [in any manner,] any party in connection with any proceeding or matter

which was handled or passed upon by that person while associated in any capacity with the commission.

(d) No person who has been associated with the commission or department as a member, officer, employee, or counsel shall represent [in any manner,] any party in connection with any proceeding or matter which was pending before the commission or hearing officer at the time of the association with the commission unless the person shall first have obtained the commission's written consent upon a verified showing that the person did not give personal consideration to the proceeding or matter as to which consent is sought or gained particular knowledge of the facts thereof during the association with the commission.

(e) No person appearing before the commission or hearing officer in any proceeding or matter shall [in relation thereto] knowingly accept assistance from any person who would be precluded by this section from appearing before the commission or hearing officer in [such]that proceeding or matter." [Eff 7/30/81; am and comp 10/26/98; am] (Auth: HRS §91-2) (Imp: HRS §91-2)

33. Section 10-5-5, Hawaii Administrative Rules, is amended and new subsection (f) is added to read as follows:

"§10-5-5 Filing of documents. (a) [Any document or other papers]Documents or papers required or permitted to be filed with the commission in any proceeding or matter shall be filed [with the department]at the office of the commission in Kapolei, Hawaii. [Such document or paper]Documents or papers may be sent by mail addressed to the Hawaiian homes commission as in section 10-1-2(a)(1), or hand carried to the [department]commission office within the time limit for [such] filing. The date [on which the papers are actually received]of receipt by the commission secretary shall be [deemed to be] the date of filing.

(b) ~~[Any document or other papers]~~Documents or papers filed with the commission shall be plainly legible and shall be signed by the party or a designated representative.

(c) ~~[All documents or other papers must be signed by the party or a designated representative filing the same.]~~ The signature of the person signing ~~[the]~~a filed document or paper shall represent that, to the best of the individual's knowledge, information, and belief, every statement contained in the instrument is true and that no statements are misleading, and that the document is not interposed for delay.

(d) ~~[Unless]~~A party filing a document or paper shall file the original and nine copies, unless otherwise specifically [provided]directed by a particular rule or order of the commission[, an original and nine copies of all papers shall be filed]. A party may file an additional copy to be time-stamped by the commission, and mailed back to the filing party via a self-addressed stamped envelope.

(e) The initial document filed by any person in any proceeding shall state on the first page the name, mailing address, and telephone number of the person or persons who may be served with any documents filed in the proceeding.

(f) The commission may develop and authorize the use of Internet-based or other electronic filing procedures for the filing of documents." [Eff 7/30/81; am and comp 10/26/98; am]
(Auth: HRS §91-2) (Imp: HRS §91-2)

34. Section 10-5-6, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-6 Docket. The ~~[department]~~commission shall assign a number to each proceeding and maintain a docket of all proceedings." [Eff 7/30/81; comp 10/26/98; am] (Auth: HRS §91-2) (Imp: HRS §91-2)

35. Section 10-5-7, Hawaii Administrative Rules, is amended and new subsection (a) is added to read as follows:

"§10-5-7 Time computation. [(a) In computing any period of time prescribed or allowed by these rules, order of the commission, or any applicable law, the day of the act, event, or default, after which the designated period of time is to run, shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal State holiday in the State in which event the period runs until the next day which is neither a Saturday, Sunday, or holiday. Intermediate Saturdays, Sundays, and holidays shall not be included in a computation when the period of time prescribed or allowed is ten days or less. A half holiday shall be considered as other days and not as a holiday.]

(a) Computation of time shall be as established by section 1-29, HRS.

(b) [Upon]On written request clearly showing good cause, additional time [will]may be granted to take actions or to file documents [or other papers] required or allowed by these rules [where good cause is clearly shown]." [Eff 7/30/81; am and comp 10/26/98; am] (Auth: HRS §91-2) (Imp: HRS §§1-29, 91-2)

36. Section 10-5-8, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-8 Amendments, dismissal of documents. [If any document or other paper filed in a proceeding are not in substantial conformity with these rules as to the contents thereof, or are otherwise insufficient, the]The commission or hearing officer, on its own motion[,] or on motion of any party, may strike, [or] dismiss, or require [the document, or require its] amendments of any filed document that is not in substantial compliance with these rules or is otherwise insufficient. If amended, the document

shall be effective as of the [day]date of the original filing." [Eff 7/30/81; am and comp 10/26/98; am] (Auth: HRS §91-2) (Imp: HRS §91-2)

37. Section 10-5-9, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-9 Document retention. [All documents] Documents filed with or presented to the commission may be retained in the files of the commission. [However, the]The commission may permit [withdrawal] replacement of original documents [upon submission of]with properly authenticated copies [to replace such documents]." [Eff 7/30/81; am and comp 10/26/98; am] (Auth: HRS §91-2) (Imp: HRS §91-2)

38. Section 10-5-10, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-10 Commission decisions. All final orders, opinions or rulings entered by the commission in a proceeding and rules adopted by the commission as a result of a contested case hearing shall be released for general publication. Copies of [such] published materials shall be available for public inspection in the department office or may be obtained upon a signed request and payment of fees imposed by law." [Eff 7/30/81; comp 10/26/98; am] (Auth: HRS §91-2) (Imp: HRS §§91-2, 91-12)

39. Section 10-5-12, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-12 Substitution of parties. [Upon]On motion and for good cause shown, the commission may order substitution of parties, except that, in the case of death of a party, substitution may be ordered without the filing of a motion." [Eff 7/30/81; comp 10/26/98; am] (Auth: HRS §91-2) (Imp: HRS §91-2)

40. Section 10-5-13, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-13 Consolidations. The commission, [upon its own initiation]on its own motion or [up]on motion of any party, may consolidate for hearing or for other purposes or may contemporaneously consider two or more proceedings which involve substantially the same parties, or issues which involve the same parties or issues which are the same or closely related if it finds that [such] consolidation or contemporaneous hearing will be conducive to the proper dispatch of its business, promote justice and will not unduly delay the proceedings." [Eff 7/30/81; comp 10/26/98; am] (Auth: HRS §91-2) (Imp: HRS §91-2)

41. Section 10-5-21, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-21 Rule change petitions, procedures.
(a) Any person or agency may petition the commission for the adoption, amendment or repeal of any rule. The petition shall set forth the text of any proposed rule or amendment desired or specify the rule, the repeal of which is desired and state concisely the nature of petitioner's interest in the subject matter and the reasons for seeking the change. [No petition which does not conform to the requirements will be considered by the commission.] A petition that is not in substantial compliance with these rules or is otherwise insufficient shall not be considered by the commission.

(b) Petitions for rulemaking shall become matters of public record upon filing. The commission shall[, within thirty days following the filing of the petition,] either deny the petition in writing or initiate public rulemaking procedures as soon as practicable. No other public hearing, oral arguments, or other form of proceeding shall be held as a result of [any such]the petition. Where the commission determines that the petition discloses sufficient reasons in support of the relief requested to justify

the institution of public rulemaking proceeding, the procedures to be followed shall be as set forth in this chapter. Where the commission determines that the petition does not disclose sufficient reasons to justify the institution of public rulemaking procedures, or where the petition for rulemaking fails in material respect to comply with the requirements of these rules, the commission shall deny the petition and the petitioner will be so notified, together with the grounds for [such] denial. The provisions of this section shall not operate to prevent the commission, on its own motion, from acting on any matter disclosed in any petition." [Eff 7/30/81; comp 10/26/98;
am] (Auth: HRS §91-2) (Imp: HRS §91-6)

42. Section 10-5-22, Hawaii Administrative Rules, is amended and new subsection (c) is added to read as follows:

"§10-5-22 Proposed rulemaking notice. (a) When, pursuant to a petition or upon its own motion, the commission proposes to adopt, amend, or repeal a rule, the commission shall publish a notice of proposed rulemaking at least once in a newspaper of general circulation in the State and in each county affected by the rule. Notice shall also be made available on the website of the department. All rulemaking notices shall be issued at least thirty days before the date set for public hearing.

(b) The proposed rulemaking notice shall include:

- (1) A statement of the topic of the proposed rule adoption, amendment, or repeal or a general description of the subjects involved; and
- (2) A statement that a copy of the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed will be emailed or mailed to any interested person who requests a copy[,] and pays in advance for the copy and the postage, together with

a description of where and how the requests may be made;

- (3) A statement of when, where, and during what times the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed may be viewed in person; and
- (4) The date, time, and place where the public hearing will be held and where interested persons may be heard on the proposed rule adoption, amendment, or repeal. [The notice shall be mailed to all persons or agencies who have made timely written requests for advance notice of the commission's rulemaking proceedings, and given at least once statewide.]

(c) The notice shall be mailed to all persons or agencies who have made timely written requests for advance notice of the commission's rulemaking proceedings. Proposed rule adoption, amendment, or repeal shall also be posted on the Internet as provided in section 91-2.6, HRS.

[(c)](d) Copies of the proposed adoption, amendment, or repeal of a rule shall be sent at least thirty days before the date set for public hearing as follows:

- (1) Five copies to each district office;
- [(2)] (2) Fifteen copies to the state library, main branch, for distribution to selected libraries as suggested by the department;
- [(3)] (2) Two copies to each registered and recognized homestead association; and
- [(4)] (3) Five copies to the main office identified in §10-1-2(a)(1).” [Eff 7/30/81; am and comp 10/26/98; am] (Auth: HRS §91-1) (Imp: HRS §91-2)

43. Section 10-5-23, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-23 Hearing conduct. (a) [The public hearing shall be presided over by the chairman or, in the absence of the chairman, by another member designated by the commission.] The chairman or the chairman's designee shall preside over the public hearing. The hearing shall be conducted [in such a way as to afford to] to allow interested persons a reasonable opportunity to be heard on matters relevant to the issues involved and to obtain a clear and orderly record. The presiding officer shall have authority to administer oaths or affirmations and to take all other actions necessary for the orderly conduct of the hearing.

[(b)] Each such hearing shall be held at the time and place set in the notice of hearing, but may at such time and place be continued by the chairman from day to day or adjourned to a later date or to a different place without notice other than the announcement thereof at the hearing.]

[(c)](b) At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the matters specified in the notice of hearing in [such]the order prescribed by [as] the presiding officer [shall prescribe]. Persons testifying shall be limited to fifteen minutes. Whenever time permits, the presiding officer may allow additional time upon request. After all persons who have requested to appear before the commission hearing have testified, any person whose request for additional time has been granted may present [such] additional relevant testimony.

[(d)](c) Submission of evidence shall include the following:

- (1) Before giving testimony, every witness shall state his or her name, address, and any representative capacities in which the witness serves and shall give other information respecting appearance as the presiding officer may request. The presiding officer shall confine the

evidence presented to the questions before the hearing and may receive evidence whether or not the evidence would be admissible in a court of law; and

- (2) Every witness shall be subject to questioning by the presiding officer or members of the commission present, but cross-examination by private persons shall not be permitted unless expressly permitted by the presiding officer.

~~[(e)]~~(d) All interested persons or agencies shall be afforded an opportunity to submit data, views or arguments which, in the opinion of the presiding officer, are relevant to the matters specified in the notice of the hearing. In addition, or alternatively, persons or agencies may [also] file with the commission signed, written protests, comments, or recommendations in support of or in opposition to the proposed rulemaking. The period for filing written protest, comments, or recommendations may be extended beyond the hearing date by the presiding officer for good cause.

~~[(f)]~~(e) Unless otherwise specifically ordered by the commission or the presiding officer, testimony given at the public hearing shall not be reported verbatim. All supporting written statements, maps, charts, tabulations or similar data offered in evidence at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, ten copies of the exhibits shall be submitted." [Eff 7/30/81; am and comp 10/26/98; am] (Auth: HRS §91-2) (Imp: HRS §91-3)

44. Chapter 10-5, Hawaii Administrative Rules, is amended by adding a new section 10-5-23.1 to read as follows:

"§10-5-23.1 Time and place. Each hearing shall be held at the time and place set in the notice of

hearing, but may at that time and place be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement at the hearing."

[Eff] (Auth: HRS §91-2) (Imp: HRS §91-3)

Historical note: §10-3-23.1 is based substantially upon §10-3-23(b). [Eff 7/30/81; am and comp 10/26/98]

45. Section 10-5-25, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-25 Emergency rulemaking. Subject to chapter 91, HRS, and, notwithstanding the foregoing rules, if the commission finds that an imminent peril to public health, safety, or morals requires issuance, amendment, or repeal of a rule upon less than [twenty] thirty days notice of hearing, and states in writing its reason for [such] the finding, it may proceed without prior notice or hearing [up]on [such] abbreviated notice and hearing as it finds practicable to adopt an emergency rule which will be effective for a period not longer than one hundred twenty days without renewal." [Eff 7/30/81; am and comp 10/26/98; am] (Auth: HRS §91-2) (Imp: HRS §91-3)

46. Chapter 10-5, Hawaii Administrative Rules, is amended by adding a new section 10-5-26 to read as follows:

"§10-5-26 Governor's approval. The adoption, amendment, or repeal of any rule by the commission is subject to the approval of the governor."

[Eff] (Auth: HRS §91-2) (Imp: HRS §91-3)

47. Material, except source notes, to be repealed is bracketed. New material is underscored.

48. Additions to update source notes to reflect these amendments are underscored.

49. These amendments to chapters 10-1, 10-2, 10-3, and 10-5, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on [], and filed with the Office of the Lieutenant Governor.

Chairman
Hawaiian Homes Commission

APPROVED AS TO FORM:

Deputy Attorney General

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

FROM: William Aila Jr., Deputy Director

SUBJECT: C-2 Approval of Subdivision, Transfer of a Portion of Lease and Amendment to Lease No. 9504, Lot A, Waimea, Hawai'i – Flora Beamer Solomon (Lot A-3), Huali Solomon Covington (Lot A-1), Alice Leiomalama Solomon (Lot A-2).

THIS SUBMITTAL ITEM WILL BE DISTRIBUTED UNDER SEPARATE COVER

ITEM NO. C-2

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission
FROM: Kamanaʻo Mills, Office of the Chairman
SUBJECT: C-3 Inquiry into the Feral Cattle Removal Project, Humuʻula, Hawaiʻi

THIS SUBMITTAL ITEM WILL BE DISTRIBUTED UNDER SEPARATE COVER

ITEM NO. C-3

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION

May 23 & 24, 2016


Courtyard King Kamehameha's Kona Beach Hotel Ballroom #4
75-5660 Palani Road, Kailua-Kona, Hawai'i

D-ITEMS
HOMESTEAD SERVICES DIVISION

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 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
- Exhibit C: DHHL Guarantees for FHA Construction
Loans

May 23, 2016

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through April 30, 2016

	As of 3/31/16	Add	Cancel	As of 4/30/16
Residential	8,306	2	3	8,305
Agricultural	1,097	1	0	1,098
Pastoral	408	0	0	408
Total	9,811	3	3	9,811

The number of Converted Undivided Interest Lessees represents an increase of 392 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 3/31/16	Converted	Rescinded/ Surrendered/ Cancelled	As of 4/30/16
Undivided	945	4	0	941

Balance as of 4/30/2016

Awarded	1,434
Relocated to UNDV	7
Rescinded	101
Surrendered	5
Cancelled	2
Converted	392
Balance to Convert	941

Lease Report For the Month Ending April 30, 2016

	----- RESIDENCE -----				----- AGRICULTURE -----				----- PASTURE -----				----- TOTAL LEASES -----			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU																
Kalawahine	92	0	0	92	0	0	0	0	0	0	0	0	92	0	0	92
Kanehiki	350	1	0	351	0	0	0	0	0	0	0	0	350	1	0	351
Kapolei	271	0	1	270	0	0	0	0	0	0	0	0	271	0	1	270
Kaunapali	326	0	0	326	0	0	0	0	0	0	0	0	326	0	0	326
Kaunapali	19	0	0	19	0	0	0	0	0	0	0	0	19	0	0	19
Kowalo	250	0	0	250	0	0	0	0	0	0	0	0	250	0	0	250
Kumuhau	51	0	0	51	0	0	0	0	0	0	0	0	0	0	0	51
Lualaba	149	0	0	149	31	0	0	31	0	0	0	0	180	0	0	180
Makuhou	156	0	0	156	0	0	0	0	0	0	0	0	156	0	0	156
Nanakuli	1,049	0	0	1,049	0	0	0	0	0	0	0	0	1,049	0	0	1,049
Papahou	64	0	0	64	0	0	0	0	0	0	0	0	64	0	0	64
Princess Kahuna 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	0	0	419	11	0	0	11	0	0	0	0	430	0	0	430
Waimanalo	745	0	0	745	2	0	0	2	0	0	0	0	747	0	0	747
TOTAL	4,212	1	1	4,212	60	0	0	60	0	0	0	0	4,221	1	1	4,222
MAUI																
Hikina	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Kahikini	0	0	0	0	0	0	0	0	75	0	0	75	75	0	0	75
Koikea	0	0	0	0	65	0	0	65	0	0	0	0	65	0	0	65
Leali	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
Waiehu 1	38	1	0	39	0	0	0	0	0	0	0	0	38	1	0	39
Waiehu 2	107	0	0	107	0	0	0	0	0	0	0	0	107	0	0	107
Waiehu 3	112	0	0	112	0	0	0	0	0	0	0	0	112	0	0	112
Waiehu 4	98	0	0	98	0	0	0	0	0	0	0	0	98	0	0	98
Waiohuli	599	0	1	598	0	0	0	0	0	0	0	0	599	0	1	598
TOTAL	1,268	1	1	1,268	65	0	0	65	75	0	0	75	1,408	1	1	1,408
EAST HAWAII																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamama	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaunapali	44	0	0	44	0	0	0	0	0	0	0	0	44	0	0	44
Keaukaha	471	0	0	471	0	0	0	0	0	0	0	0	471	0	0	471
Kurtistown	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3
Makua	0	0	0	0	123	0	0	123	0	0	0	0	123	0	0	123
Panawea	0	0	0	0	262	0	0	262	0	0	0	0	262	0	0	262
Pihonua	17	0	0	17	0	0	0	0	0	0	0	0	17	0	0	17
Puueo	0	0	0	0	12	0	0	12	0	0	0	0	12	0	0	12
University Heights	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	4
Waiakea	298	0	0	298	0	0	0	0	0	0	0	0	298	0	0	298
TOTAL	839	0	0	839	397	0	0	397	25	0	0	25	1,261	0	0	1,261
WEST HAWAII																
Honokaa	0	0	0	0	0	0	0	0	23	0	0	23	23	0	0	23
Huamala	0	0	0	0	0	0	0	0	5	0	0	5	5	0	0	5
Kamoku	0	0	0	0	0	0	0	0	16	0	0	16	16	0	0	16
Kanihale	225	0	0	225	0	0	0	0	0	0	0	0	225	0	0	225
Kawahae	186	0	0	186	0	0	0	0	1	0	0	1	187	0	0	187
Laiopua	280	0	0	280	0	0	0	0	0	0	0	0	280	0	0	280
Lalamilo	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Nihoa	0	0	0	0	0	0	0	0	21	0	0	21	21	0	0	21
Puukapu/Waimea/Kuhio VII	114	0	0	114	110	0	0	110	214	0	0	214	438	0	0	438
Puupulehu	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
TOTAL	865	0	0	865	110	0	0	110	280	0	0	280	1,255	0	0	1,255
KAUAI																
Anahole	535	0	0	535	46	0	0	46	0	0	0	0	581	0	0	581
Hanapepe	47	0	0	47	0	0	0	0	0	0	0	0	47	0	0	47
Kekaha	116	0	0	116	0	0	0	0	0	0	0	0	116	0	0	116
Puu Opa	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
TOTAL	698	0	0	698	46	0	0	46	1	0	0	1	745	0	0	745
MOLOKAI																
Hoolahua	158	0	1	157	344	1	0	345	21	0	0	21	523	1	1	523
Kalamula	162	0	0	162	72	0	0	72	3	0	0	3	237	0	0	237
Kapaakea	47	0	0	47	0	0	0	0	3	0	0	3	50	0	0	50
Moomomi	0	0	0	0	3	0	0	3	0	0	0	0	3	0	0	3
One Ali	28	0	0	28	0	0	0	0	0	0	0	0	28	0	0	28
TOTAL	395	0	1	394	419	1	0	420	27	0	0	27	841	1	1	841
LANAI																
Lanai	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
TOTAL	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
STATEWIDE TOTAL	8,306	2	3	8,305	1,097	1	0	1,098	408	0	0	408	9,811	3	3	9,811

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

AREA WAITING LIST

DISTRICT AREA	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu District	1,018	0	0	1,018	3	0	0	3	0	0	0	0	1,021
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	1,304	0	0	1,304	44	0	0	44	97	0	0	97	1,445

ISLANDWIDE WAITING LIST

ISLAND	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu	9,412	12	4	9,420	3,553	5	1	3,557	0	0	0	0	12,977
Maui	3,690	11	2	3,699	4,557	8	0	4,565	588	2	0	590	8,854
Hawaii	5,638	4	6	5,636	7,024	2	1	7,025	1,841	1	1	1,841	14,502
Kauai	1,583	3	1	1,585	2,184	3	0	2,187	291	0	0	291	4,063
Molokai	768	3	1	770	1022	3	0	1025	195	0	0	195	1,990
Lanai	85	0	0	85	0	0	0	0	0	0	0	0	85
TOTAL	21,176	33	14	21,195	18,340	21	2	18,359	2,915	3	1	2,917	42,471

AREA AND ISLANDWIDE LISTS

	RESIDENCE				AGRICULTURE		PASTURE		TOTAL	ADDITIONS		CANCELLATIONS	
	RES	AG	PAS	TOTAL	AG	PAS	PAS	TOTAL					
OAHU	10,438	3,560	0	13,998						New Applications	48	New Lease Awards	6
MAUI	3,772	4,569	595	8,936						Application Transfers	9	Application Transfers	9
HAWAII	5,771	7,040	1,903	14,714						Lease Rescissions	0	Succ'd and Cancel Own	1
KAUAI	1,643	2,190	320	4,153						App Reinstatements	0	Public Notice Cancel	0
MOLOKAI	790	1,044	196	2,030						HHC Adjustments	0	Voluntary Cancellations	1
LANAI	85	0	0	85						TOTAL	57	Lease Successorships	0
TOTAL	22,499	18,403	3,014	43,916								HHC Adjustments	0
												Dec'd No Successor	0
												NHQ Unqualified	0
												TOTAL	17

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

April 30, 2016

	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
OAHU DISTRICT													
Nanakuli	182	0	0	182	0	0	0	0	0	0	0	0	182
Waianae	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	1,018	0	0	1,018	3	0	0	3	0	0	0	0	1,021
Islandwide	9,412	12	4	9,420	3,553	5	1	3,557	0	0	0	0	12,977
TOTAL OAHU APPS	10,430	12	4	10,438	3,556	5	1	3,560	0	0	0	0	13,998
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	3,690	11	2	3,699	4,557	8	0	4,565	588	2	0	590	8,854
TOTAL MAUI APPS	3,763	11	2	3,772	4,561	8	0	4,569	593	2	0	595	8,936
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	5,638	4	6	5,636	7,024	2	1	7,025	1,841	1	1	1,841	14,502
TOTAL HAWAII APPS	5,773	4	6	5,771	7,039	2	1	7,040	1,903	1	1	1,903	14,714
KAUAI DISTRICT													
Anahola	50	0	0	50	3	0	0	3	21	0	0	21	74
Kekaha/Puu Opae	8	0	0	8	0	0	0	0	8	0	0	8	16
Subtotal Area	58	0	0	58	3	0	0	3	29	0	0	29	90
Islandwide	1,583	3	1	1,585	2,184	3	0	2,187	291	0	0	291	4,063
TOTAL KAUAI APPS	1,641	3	1	1,643	2,187	3	0	2,190	320	0	0	320	4,153
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	768	3	1	770	1,022	3	0	1,025	195	0	0	195	1,990
TOTAL MOLOKAI APPS	788	3	1	790	1,041	3	0	1,044	196	0	0	196	2,030
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	1,304	0	0	1,304	44	0	0	44	97	0	0	97	1,445
TOTAL ISLANDWIDE	21,176	33	14	21,195	18,340	21	2	18,359	2,915	3	1	2,917	42,471
TOTAL STATEWIDE	22,480	33	14	22,499	18,384	21	2	18,403	3,012	3	1	3,014	43,916

DELINQUENCY REPORT - STATEWIDE

May 23, 2016

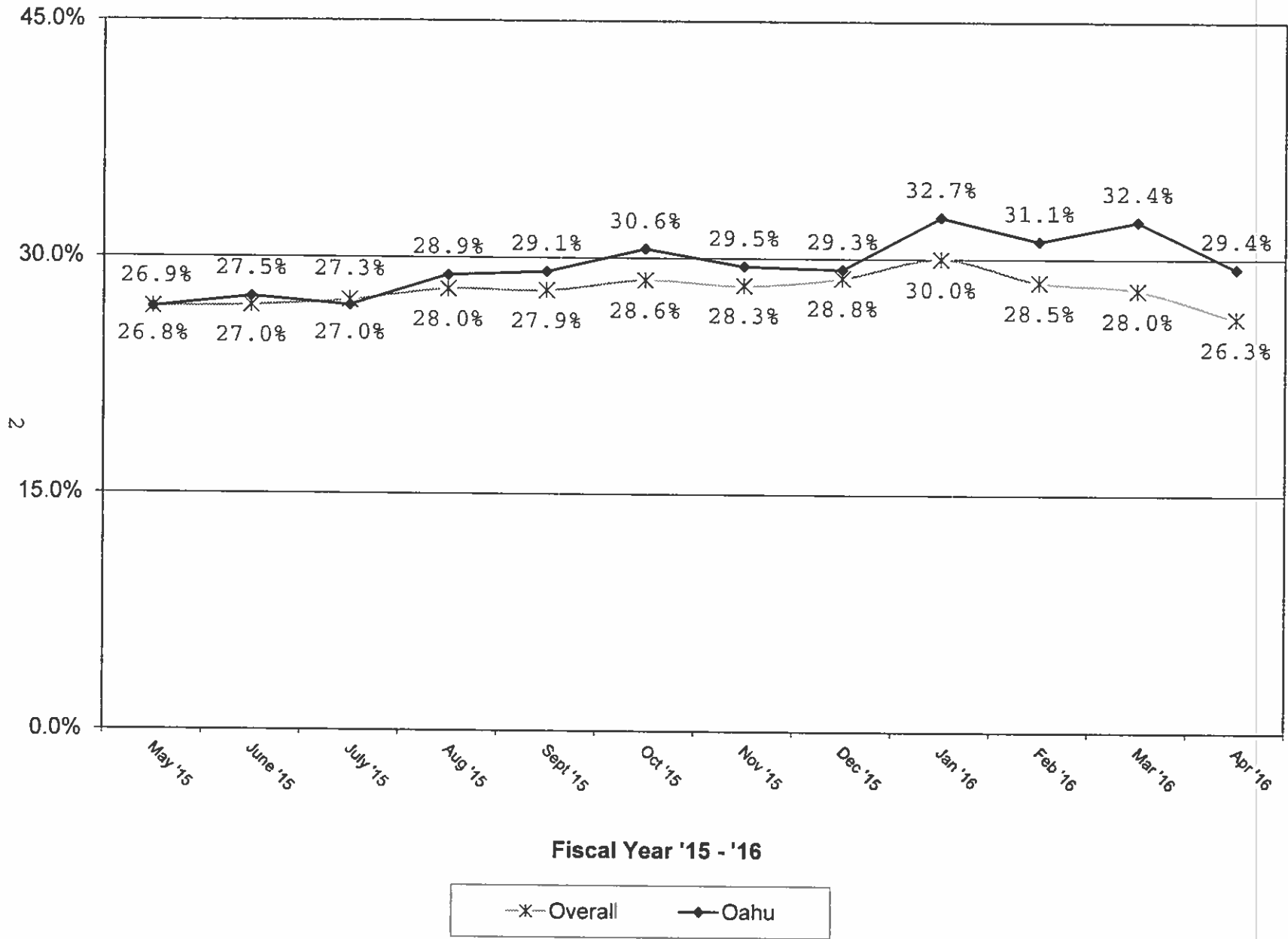
(\$Thousands)

R I S K

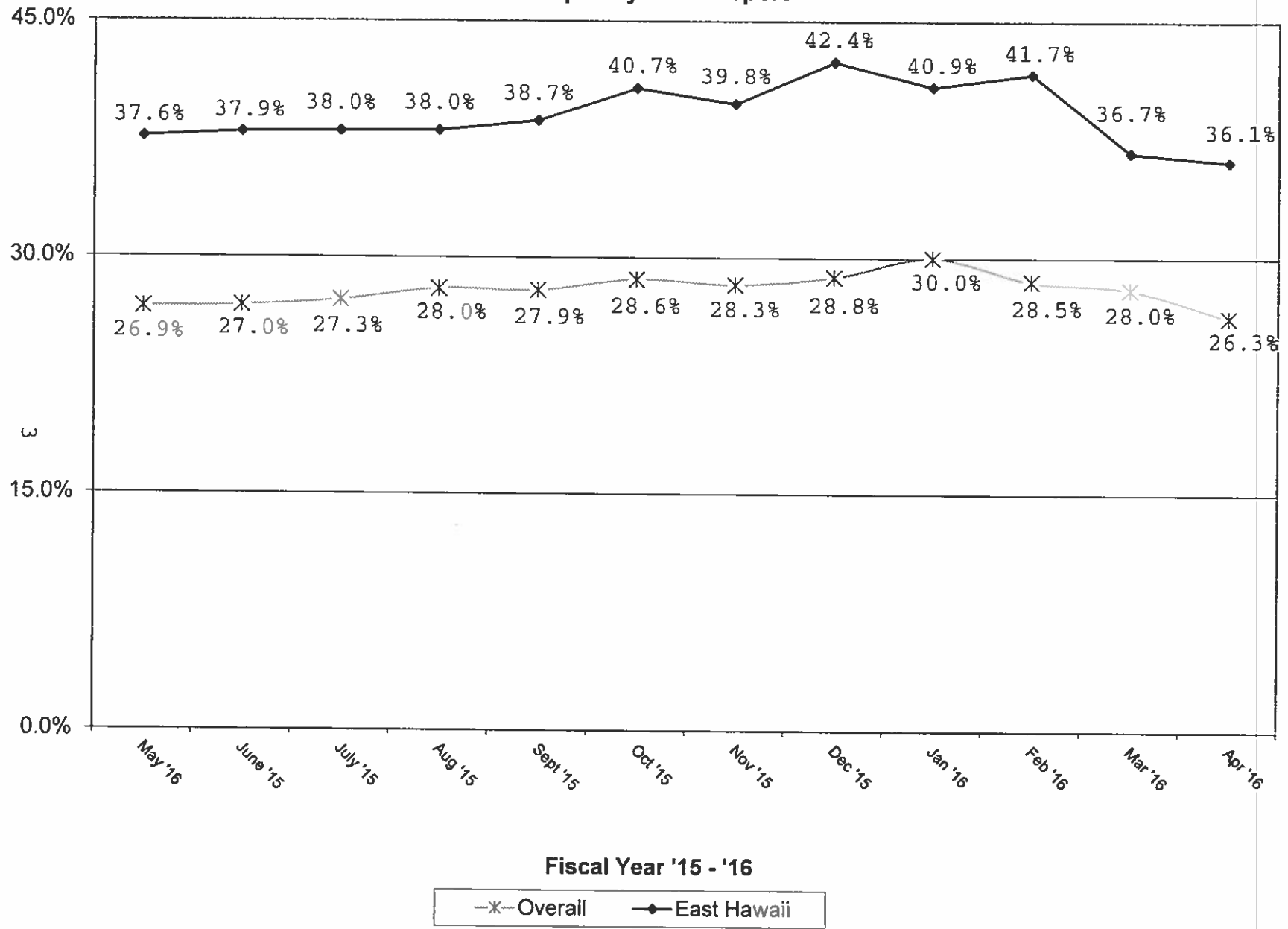
	Total Outstanding		Total Delinquency		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)		% of Totals 4/30/2016	
	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	\$
<u>DIRECT LOANS</u>														
OAHU	386	29,941	88	8,807	16	1,639	4	437	14	910	54	5,821	22.8%	29.4%
EAST HAWAII	231	13,349	84	4,823	7	241	5	217	16	459	56	3,905	36.4%	36.1%
WEST HAWAII	67	5,832	11	654	0	0	0	0	2	263	9	391	16.4%	11.2%
MOLOKAI	75	3,138	19	618	5	88	3	138	1	41	10	352	25.3%	19.7%
KAUAI	109	7,691	15	970	2	195	2	79	3	158	8	537	13.8%	12.6%
MAUI	<u>72</u>	<u>5,627</u>	<u>15</u>	<u>1,352</u>	<u>4</u>	<u>221</u>	<u>1</u>	<u>95</u>	<u>2</u>	<u>45</u>	<u>8</u>	<u>991</u>	<u>20.8%</u>	<u>24.0%</u>
TOTAL DIRECT	940	65,578	232	17,224	34	2,384	15	966	38	1,876	145	11,997	24.7%	26.3%
	100.0%	100.0%	24.7%	26.3%	3.6%	3.6%	1.6%	1.5%	4.0%	2.9%	15.4%	18.3%		
Advances (including RPT)	263	6,804	263	6,804	0	0	0	0	263	6,804			100%	100%
DHHL LOANS & Advances	1,203	72,382	495	24,028	34	2,384	15	966	301	8,681	145	11,997	41.1%	33.2%
<u>LOAN GUARANTEES as of June 30, 2015</u>														
SBA	1	112	0	0	0	0	0	0	0	0			0.0%	0.0%
USDA-RD	329	42,116	58	7,025	0	0	0	0	58	7,025			17.6%	16.7%
Habitat for Humanity	70	3,272	17	1,142	0	0	0	0	17	1,142			24.3%	34.9%
Maui County	5	74	0	0	0	0	0	0	0	0			0.0%	0.0%
Nanakuli NHS	1	7	1	7	0	0	0	0	1	7			100.0%	100.0%
City & County	24	367	10	230	0	0	0	0	10	230			41.7%	62.7%
FHA Interim	8	1,551	0	0	0	0	0	0	0	0			0.0%	0.0%
OHA	88	987	5	47	0	0	0	0	5	47			5.7%	4.8%
TOTAL GUARANTEE	<u>526</u>	<u>48,486</u>	<u>91</u>	<u>8,451</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>91</u>	<u>8,451</u>			<u>17.3%</u>	<u>17.4%</u>
PMI Loans	307	59,157	26	5,769	2	536	0	0	24	5,233			8.5%	9.8%
HUD REASSIGNED for Recovery	147	19,338	121	17,916	0	0	0	0	3	194	118	17,723	82.3%	92.6%
FHA Insured Loans	<u>2,808</u>	<u>417,794</u>	<u>262</u>	<u>33,666</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>262</u>	<u>33,666</u>			<u>9.3%</u>	<u>8.1%</u>
TOTAL INS. LOANS	<u>3,262</u>	<u>496,289</u>	<u>409</u>	<u>57,351</u>	<u>2</u>	<u>536</u>	<u>0</u>	<u>0</u>	<u>289</u>	<u>39,093</u>	<u>118</u>	<u>17,723</u>	<u>12.5%</u>	<u>11.6%</u>
OVERALL TOTALS(EXC Adv/RPT's)	4,728	610,353	732	83,026	36	2,920	15	966	418	49,420	263	29,720	15.5%	13.6%
ADJUSTED TOTALS	4,991	617,157	995	89,830	36	2,920	15	966	681	56,224	263	29,720		14.6%

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.

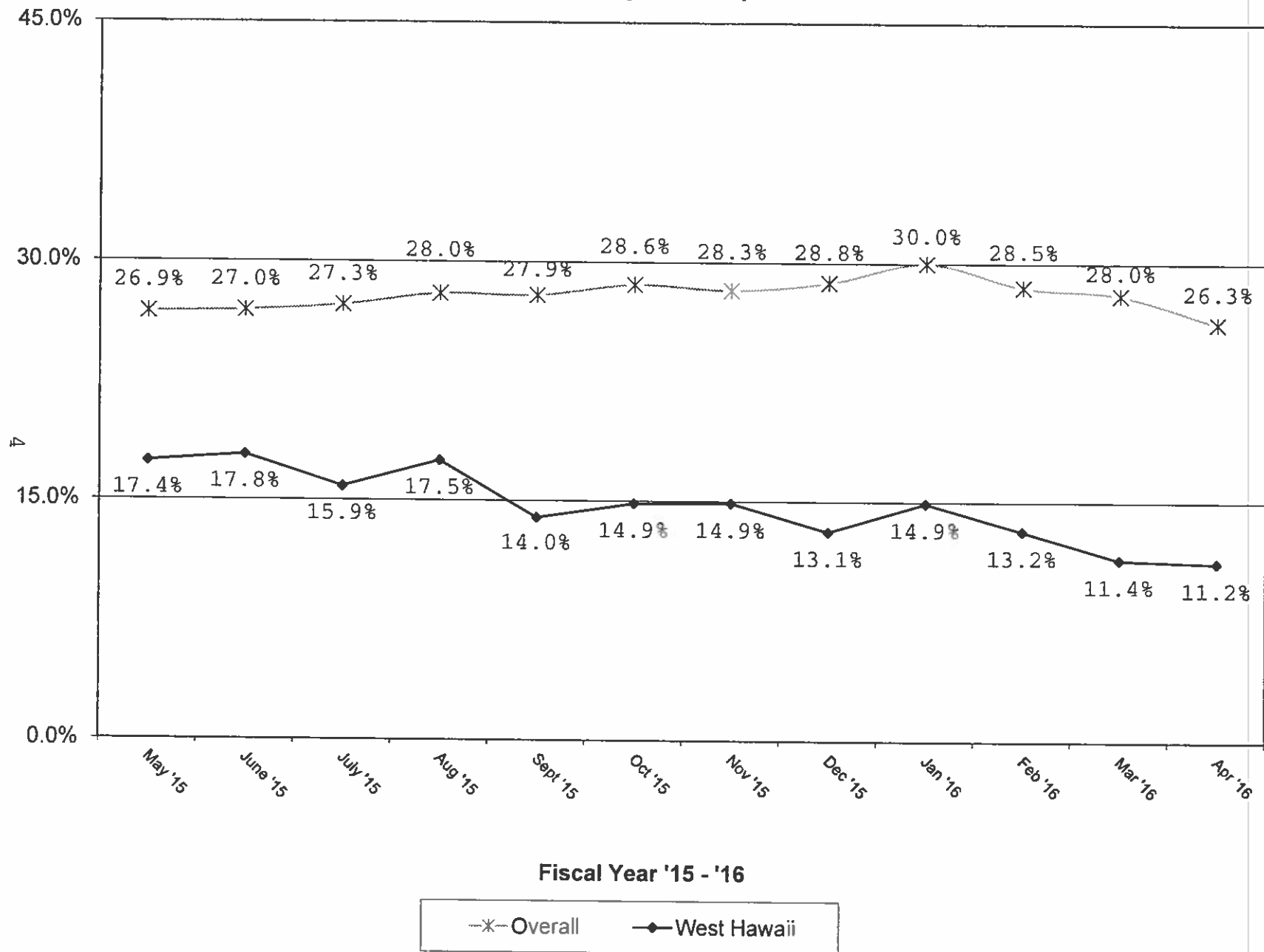
OAHU Direct Loans Delinquency Ratio Report



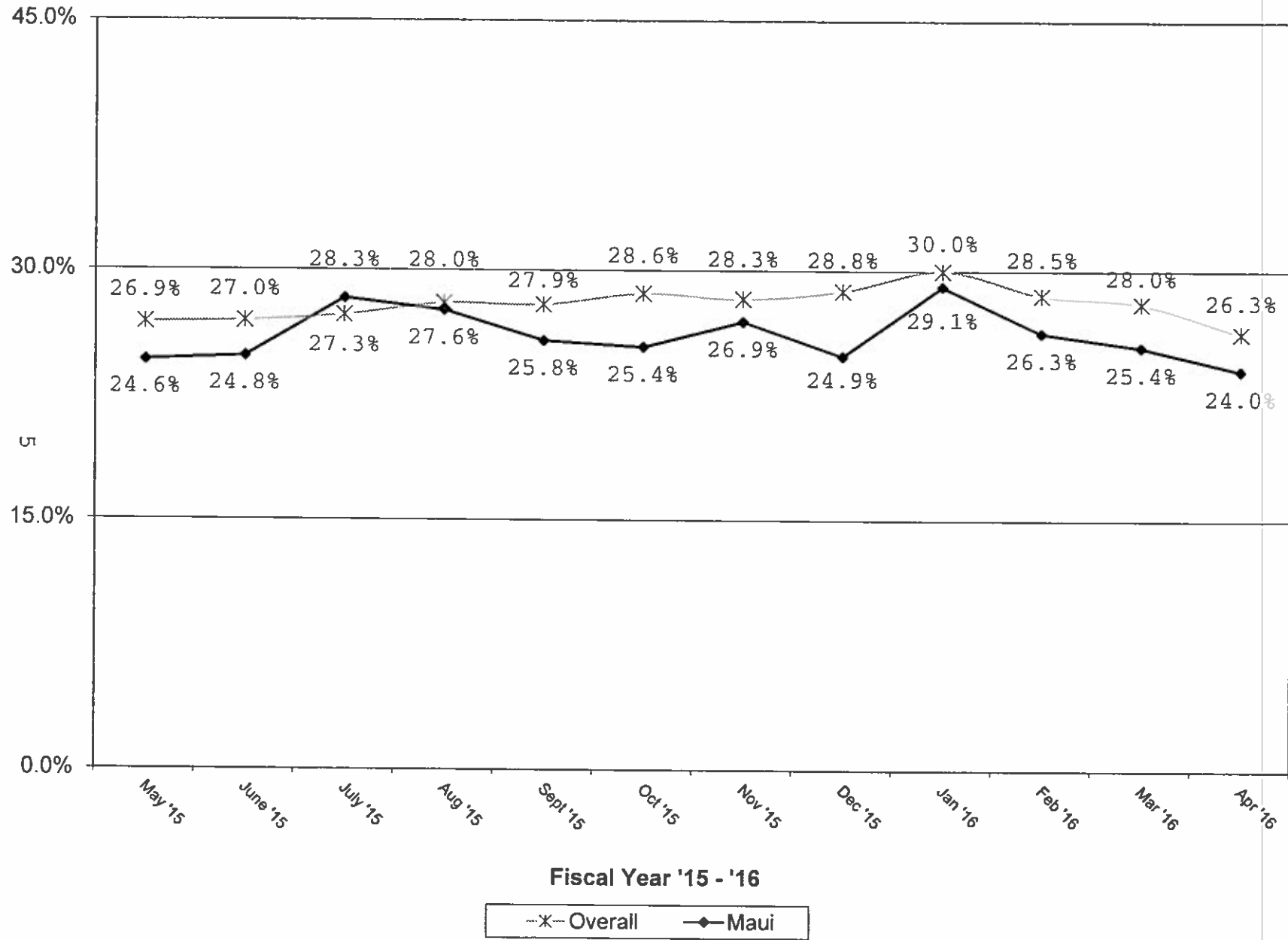
EAST HAWAII **Direct Loans** **Delinquency Ratio Report**



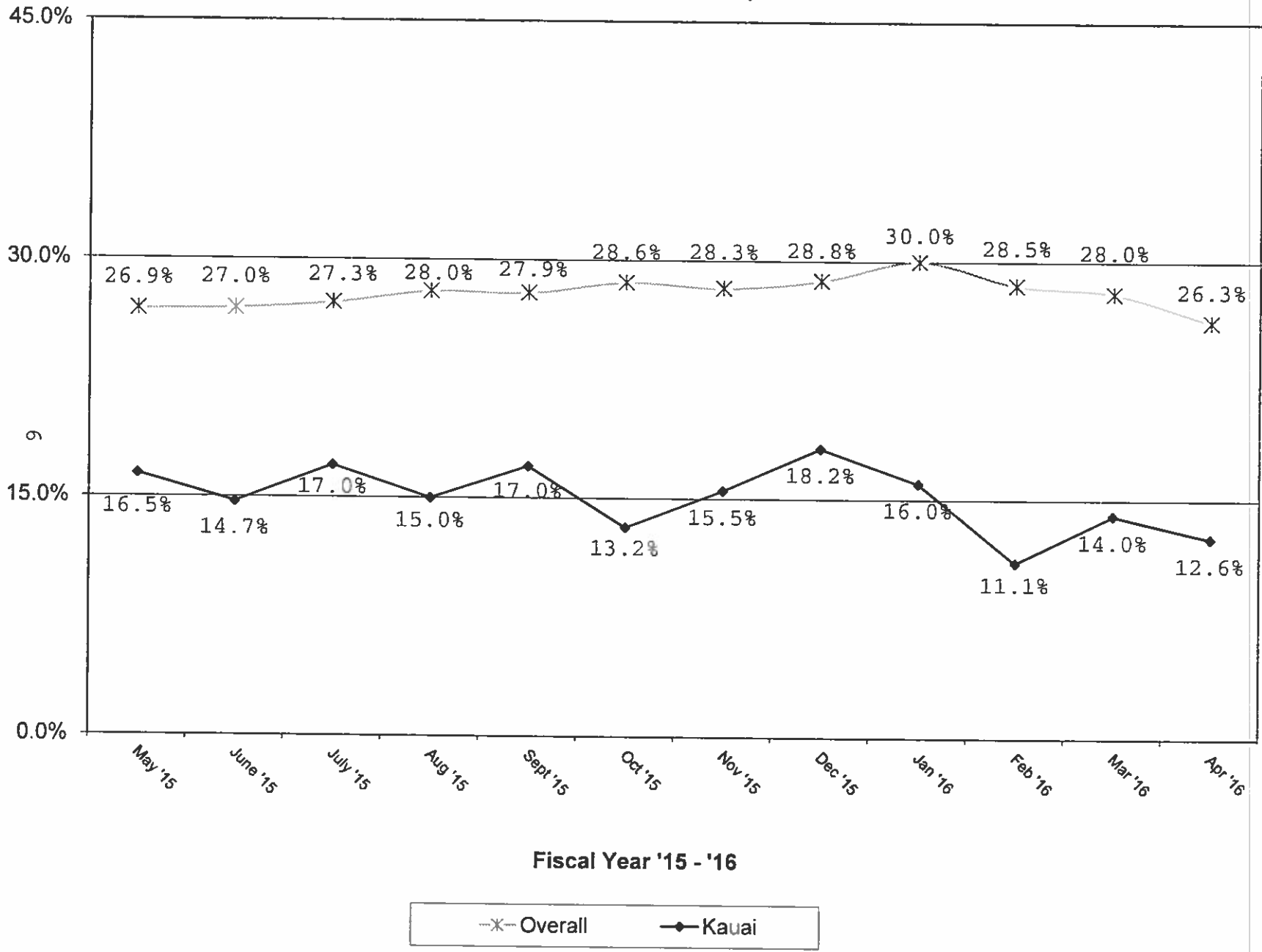
WEST HAWAII **Direct Loans** **Delinquency Ratio Report**



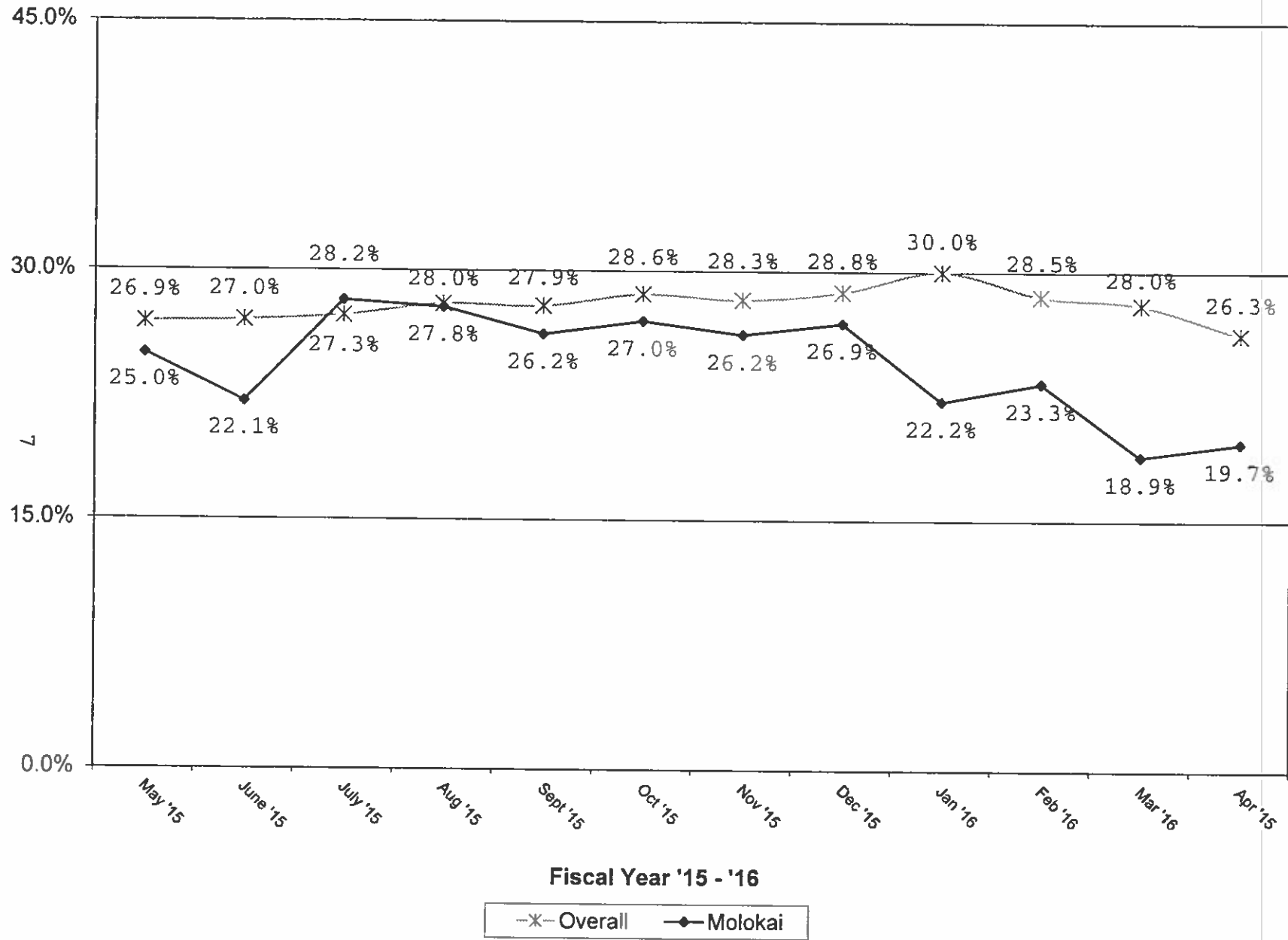
MAUI Direct Loans Delinquency Ratio Report



KAUAI
Direct Loans
Delinquency Ratio Report



MOLOKAI **Direct Loans** **Delinquency Ratio Report**



May 23, 2016

SUBJECT: **DHHL Guarantees for FHA Construction Loans**

DISCUSSION: The Department issues guarantees to FHA lenders during the construction period of a home, as FHA does not insure the loan until the home is completed. The loan term for these loans do not exceed fifteen (15) months from the date of loan signing. The following FHA Interim Construction loans were issued guarantees:

*Note: FHA loans are insured by the U.S. Department of Housing and Urban Development (HUD) and do not impact the State's guaranty ceiling.

<u>LEASE NO.</u>	<u>AREA</u>	<u>LESSEE</u>	<u>Loan Amount</u>	<u>Date Approved</u>
2670	Kuhio Village	Cazimero, Olinda P.	\$183,466	4/15/16


	<u>No.</u>	<u>Balance</u>
FY Ending 6/30/15	2	\$ 453,121
Previous Months	5	\$ 909,816
This Month	<u>1</u>	<u>183,466</u>
FY '15-'16 to date	6	\$ 1,093,282

ITEM NO. D-1
EXHIBIT C

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 2016

TO: Chairman and Members, Hawaiian Homes Commission
FROM: Dean Oshiro, Acting HSD Administrator 
Homestead Services Division
SUBJECT: **Ratification of Loan Approvals**

RECOMMENDED MOTION/ACTION

To ratify the approval of the following loan previously approved by the Chairman, pursuant to section 10-2-17, Ratification of chairman's action, of the Department of Hawaiian Home Lands Administrative Rules.

<u>LESSEE</u>	<u>LEASE NO. & AREA</u>	<u>LOAN TERMS</u>
Kamalu, Darren K.	12315, Waianae	NTE \$89,000, 4.5% interest per annum, \$451 monthly, repayable over 30 years

Loan Purpose: Purchase existing improvements in conjunction
with lease award.

<u>REFINANCE</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/15	1	\$ 67,000
Prior Months	5	425,900
This Month	0	-0-
Total FY '15-'16	5	\$ 425,900
 <u>REPAIR</u>	 <u>NO.</u>	 <u>LOAN AMOUNT</u>
FY Ending 6/30/15	7	\$ 280,795
Prior Months	0	-0-
This Month	0	-0-
Total FY '15-'16	0	\$ -0-
 <u>HOME CONSTRUCTION</u>	 <u>NO.</u>	 <u>LOAN AMOUNT</u>
FY Ending 6/30/15	2	\$ 251,500
Prior Months	0	-0-
This Month	0	-0-
Total FY '15-'16	0	\$ -0-
 <u>FARM</u>	 <u>NO.</u>	 <u>LOAN AMOUNT</u>
FY Ending 6/30/15	0	\$ -0-
Prior Months	0	-0-
This Month	0	-0-
Total FY '15-'16	0	\$ -0-
 <u>TRANSFER WITH LOAN</u>	 <u>NO.</u>	 <u>LOAN AMOUNT</u>
FY Ending 6/30/15	0	\$ -0-
Prior Months	0	-0-
This Month	0	-0-
Total FY '15-'16	0	\$ -0-
 <u>AWARD</u>	 <u>NO.</u>	 <u>LOAN AMOUNT</u>
FY Ending 6/30/15	5	\$ 689,300
Prior Months	5	898,000
This Month	1	89,000
Total FY '15-'16	6	\$ 987,000
 <u>OTHER</u>	 <u>NO.</u>	 <u>LOAN AMOUNT</u>
FY Ending 6/30/15	0	\$ -0-
Prior Months	1	159,000
This Month	0	-0-
Total FY '15-'16	1	\$ 159,000

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 2016

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator
Homestead Services Division

SUBJECT: **Approval of Consent to Mortgage**

RECOMMENDED MOTION/ACTION

To approve the following consents to mortgages for Federal Housing Administration (FHA) insured loans, Department of Veterans Affairs (VA) loans, United States Department of Agriculture, Rural Development (USDA, RD) guaranteed loans, United States Housing and Urban Development (HUD 184A) guaranteed loans and Conventional (CON) loans insured by private mortgage insurers.

DISCUSSION

<u>PROPERTY</u>	<u>LESSEE</u>	<u>LENDER</u>	<u>LOAN AMOUNT</u>
<u>OAHU</u>			
Kanehili Lease No. 12602 TMK: 1-9-1-152:072	POMAIKAI, Paul K., Sr. (Rate/Term Refi)HUD 184A	Bank of Hawaii	\$ 275,255
Kaupea Lease No. 12080 TMK: 1-9-1-140:060	DWYER, Tammy N. (Cash Out Refi)HUD 184A	HomeStreet Bank	\$ 264,721
Kaupea Lease No. 12044 TMK: 1-9-1-140:109	RODRIGUES, Moses N. & Keaka N. (Cash Out Refi)FHA	HomeStreet Bank	\$ 262,614

OAHU

Princess Kahanu Estates Lease No. 8537 TMK: 1-8-7-043:110	BARNETT, Frances X. K. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 201,293
Nanakuli Lease No. 338 TMK: 1-8-9-004:006	SOARES, Mary F. H. (Cash Out Refi) FHA	Hightechlend ing Inc.	\$ 228,500
Kaupea Lease No. 11981 TMK: 1-9-1-140:137	HALEMANO, John C., III (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 300,222
Princess Kahanu Estates Lease No. 8297 TMK: 1-8-7-042:006	SUYAT, Cornelia E. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 171,700
Waianae Lease No. 4475 TMK: 1-8-5-030:072	ROSARIO, Jo Ann (Cash Out Refi) FHA	Bank of Hawaii	\$ 80,964
Kaupea Lease No. 11944 TMK: 1-9-1-139:044	CLARK, Denise K. L. (Cash Out Refi) FHA	Guild Mortgage Co.	\$ 337,000
Nanakuli Lease No. 5727 TMK: 1-8-9-015:008	KALANI, Lecotia R. K. (Cash Out Refi) FHA	Hightechlend ing Inc.	\$ 313,000
Waianae Lease No. 6703 TMK: 1-8-5-031:033	KAIWI, Alva M. (Cash Out Refi) FHA	Guild Mortgage Co.	\$ 322,000
Kalawahine Lease No. 9645 TMK: 1-2-4-043:038	AIWOHI, Curtis S. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 278,528

ITEM NO. D-3

OAHU

Waianae Lease No. 5345 TMK: 1-8-5-033:056	MEYERS, Bronson L. K. (Purchase)FHA	Guild Mortgage Co.	\$ 152,000
Nanakuli Lease No. 5021 TMK: 1-8-9-011:027	NAHINU, Paul L. S. W. (Purchase)FHA	Mann Mortgage LLC	\$ 197,000
Kaupea Lease No. 11422 TMK: 1-9-1-139:136	BASUG, Terrance H. (Purchase)FHA	Mann Mortgage LLC	\$ 265,000
Waimanalo Lease No. 2634 TMK: 1-4-1-019:017	GARCIA, Wendy A. P.(Cash Out Refi)FHA	Hightechlend ing Inc.	\$ 272,000
Nanakuli Lease No. 5126 TMK: 1-8-9-013:010	KAIPO, Selene K.(Cash Out Refi)HUD 184A	HomeStreet Bank	\$ 161,600
Nanakuli Lease No. 8600 TMK: 1-8-9-012:034	BRIGHT, Olivia E. N. (Streamline)FHA	Golden Empire Mortgage Inc.	\$ 339,000
Nanakuli Lease No. 2953 TMK: 1-8-9-009:062	YEE, Rowland P.(Cash Out Refi)FHA	Hightechlend ing Inc.	\$ 234,000
Waimanalo Lease No. 9973 TMK: 1-4-1-037:076	MARTIN, Gregory T.(Cash Out Refi)FHA	Hightechlend ing Inc.	\$ 312,000
Kanehili Lease No. 12666 TMK: 1-9-1-151:011	LEONG, Keone(Cash Out Refi)FHA	Hightechlend ing Inc.	\$ 351,000

ITEM NO. D-3

OAHU

Kanehili Lease No. 11590 TMK: 1-9-1-152:017	LEWIS, Laura Ann N. K. (Purchase)HUD 184A	HomeStreet Bank	\$ 227,250
Kewalo Lease No. 3792 TMK: 1-2-4-042:004	ROGERS, Llewella S.(Cash Out Refi)FHA	Hightechlend ing Inc.	\$ 429,000
Waianae Lease No. 6745 TMK: 1-8-5-031:052	JURY MURRAY, Jamie-Lynn P. (Purchase)FHA	Hightechlend ing Inc.	\$ 236,000
Waianae Lease No. 5299 TMK: 1-8-5-033:010	PAKELE, Louis, Jr.(Cash Out Refi)FHA	Hightechlend ing Inc.	\$ 242,000
Waimanalo Lease No. 3969 TMK: 1-4-1-031:046	KAMANU-MAHAULU, Cesley Ann M.(Cash Out Refi)FHA	Bank of Hawaii	\$ 176,460
Kanehili Lease No. 12631 TMK: 1-9-1-152:092	NEITZEL, Donna-Mae R. (Mortgage Assumption)FHA	HomeStreet Bank	\$ 284,000

MOLOKAI

Hoolehua Lease No. 10257 TMK: 2-5-2-030:047	BORDEN, Frank C. K., Sr. (Purchase)FHA	HomeStreet Bank	\$ 151,755
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MAUI

Waiehu 3 Lease No. 10068 TMK: 2-3-2-024:039	CROWTON, Shareen S. U.(Cash Out Refi)FHA	HomeStreet Bank	\$ 102,400
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MAUI

Waiohuli Lease No. 7633 TMK: 2-2-2-027:055	PETERS, Angus K. (Cash Out Refi) FHA	Golden Empire Mortgage Inc.	\$ 547,000
Leialii Lease No. 11531 TMK: 2-4-5-036:091	DEAN, Joshua I. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 313,352
Waiehu 2 Lease No. 9535 TMK: 2-3-2-023:041	ABARRA, Jaime (Cash Out Refi) FHA	HomeStreet Bank	\$ 230,436
Waiehu 3 Lease No. 10077 TMK: 2-3-2-024:048	PURDY, Judy L. (Purchase) FHA	HomeStreet Bank	\$ 160,267
Waiohuli Lease No. 7588 TMK: 2-2-2-028:091	AARONA, James K. (Cash Out Refi) FHA	Golden Empire Mortgage Inc.	\$ 494,000
Waiehu 2 Lease No. 9531 TMK: 2-3-2-023:037	MORALES, Isaac K. L. (Cash Out Refi) FHA	HomeStreet Bank	\$ 238,740
Waiehu 3 Lease No. 10055 TMK: 2-3-2-024:026	KAPONO, Lottie Lois L. (Cash Out Refi) FHA	Golden Empire Mortgage Inc.	\$ 307,000

KAUAI

Kekaha Lease No. 11326 TMK: 4-1-2-017:032	CASTANEDA, Connie L. K. (Cash Out Refi) FHA	Golden Empire Mortgage Inc.	\$ 218,000
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ITEM NO. D-3

KAUAI

Kekaha Lease No. 4556 TMK: 4-1-3-002:091	CANO, Laurinda L. W. (Cash Out Refi) FHA	HomeStreet Bank	\$ 64,875
Anahola Lease No. 5676 TMK: 4-4-8-005:023	LOO, Audrey K. (Cash Out Refi) FHA	Golden Empire Mortgage Inc.	\$ 145,000
Anahola Lease No. 5466 TMK: 4-4-8-005:029	KELEKOMA, Ainsley A. & John A. A. (Cash Out Refi) FHA	Bank of Hawaii	\$ 212,790
Hanapepe Lease No. 8875 TMK: 4-1-8-018:014	KELEKOMA, Daniel P. (Cash Out Refi) FHA	Bank of Hawaii	\$ 202,401

HAWAII

Panaewa Lease No. 11164 TMK: 3-2-2-064:021	FIELDS, Dawn W. (Cash Out Refi) FHA	Golden Empire Mortgage Inc.	\$ 152,000
Keaukaha Lease No. 2987 TMK: 3-2-1-023:091	OTSUKA, Dell H. (Cash Out Refi) FHA	Golden Empire Mortgage Inc.	\$ 200,000
Keaukaha Lease No. 6338 TMK: 3-2-1-023:127	AHUNA, Albert K. A., Jr. (Streamline) FHA	Golden Empire Mortgage Inc.	\$ 175,000

HAWAII

Kaniohale Lease No. 9219 TMK: 3-7-4-022:006	MEDEIROS, Kyle H. (Cash Out Refi) FHA	Golden Empire Mortgage Inc.	\$ 208,000
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ITEM NO. D-3

HAWAII

Kaniohale Lease No. 9340 TMK: 3-7-4-023:027	HAUANIO, Camille P. L. (Cash Out Refi) FHA	Golden Empire Mortgage Inc.	\$ 112,000
Keaukaha Lease No. 12316 TMK: 3-2-1-020:027	SUGANUMA, Kahaliilani N. S. (Purchase) FHA	HomeStreet Bank	\$ 195,000
Lalamilo Lease No. 12540 TMK: 3-6-6-004:124	BERTELMANN, Barron B. (Cash Out Refi) FHA	Mason- McDuffie Mortgage Company	\$ 235,000
Piihonua Lease No. 10941 TMK: 3-2-3-025:014	AIONA, Heather C. P. (Purchase) FHA	HomeStreet Bank	\$ 175,732
Kaniohale Lease No. 9406 TMK: 3-7-4-023:093	FARM, Gerald, Sr. (Cash Out Refi) FHA	HomeStreet Bank	\$ 98,610
Kaniohale Lease No. 9376 TMK: 3-7-4-023:063	RIVERA, Tracy K. (Streamline) FHA	HomeStreet Bank	\$ 157,886
Keaukaha Lease No. 3915 TMK: 3-2-1-021:012	HOOPII, Robin M. (Cash Out Refi) FHA	HomeStreet Bank	\$ 155,700

ITEM NO. D-3

RECAP

	<u>NO.</u>	<u>FHA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>VA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>USDA-RD</u> <u>AMOUNT</u>
FY Ending 6/30/15	291	\$ 63,019,783	9	\$2,421,822	32	\$7,742,283
Prior Months	211	\$ 49,310,256	0	\$1,474,938	9	\$2,695,277
This Month	<u>43</u>	<u>9,973,139</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total FY '15-'16	254	\$ 59,283,395	5	\$1,474,938	9	\$2,695,277
HUD 184A						
FY Ending 6/30/15	92	\$22,210,337				
Prior Months	59	\$16,301,569				
This Month	<u>9</u>	<u>2,193,921</u>				
Total FY '15-'16	68	\$18,495,490				


ITEM NO. D-3

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 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 lessees have met the "Streamline/Interest rate reduction loan" criteria, which was approved by the Hawaiian Homes Commission at its August 19, 2013 meeting. This criteria includes twelve (12) consecutive monthly payments, borrower's current interest rate is higher than the current DHHL interest rate, current with their Homeowners Insurance, Real Property Tax, Lease Rent, county sewer/refuse fees, and does not have any advances made by DHHL on the borrowers behalf.

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

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

LESSEELEASE NO. & AREAREFINANCING LOAN TERMS

Morreira, Russell

12620, Kanehili

NTE \$231,000 @4.5%
interest per annum, NTE
\$1,175 monthly, repayable
over 30 years.

Loan Purpose: Refinance of loan no. 18948. Original
loan amount of \$244,420 at 4.5% per
annum, \$1,238 monthly, payable over 30
years. No Contested Case Hearing was
held for this account.

Gifford, Emery J.K.

9825, Anahola

NTE \$42,800 @4.5% interest
per annum, NTE \$344
monthly, repayable over 14
years.

Loan Purpose: Refinance of loan no. 18172. Original
loan amount of \$52,163 at 6% per
annum, \$343 monthly, payable over 24
years. No Contested Case Hearing was
held for this account.

Caneda, Cheryl E.

7784, Waimanalo

NTE \$32,952 @4.5% interest
per annum, NTE \$615
monthly, repayable over 5
years.

Loan Purpose: Refinance of loan no. 14693. Original
loan amount of \$78,094 at 8.25% per
annum, \$587 monthly, payable over 30
years. A Contested Case Hearing was
held for this account on 5/28/15.

<u>LESSEE</u>	<u>LEASE NO. & AREA</u>	<u>REFINANCING LOAN TERMS</u>
Scott, Caroline	9692, Keaukaha	NTE \$57,614 @4.5% interest per annum, NTE \$292 monthly, repayable over 30 years.

Loan Purpose: Consolidate and refinance loan nos. 19021 and 19022. Original loan amount of loan no. 19021; \$45,175 at 4.5% per annum, \$351 monthly, payable over 15 years. Original loan amount of loan no. 19022; \$20,695 at 4.5% per annum, \$240 monthly, payable over 9 years. No Contested Case Hearings were held for these accounts.

Kepa, Mitchell K.	7590, Waiohuli	NTE \$135,000 @4.5% interest per annum, NTE \$689 monthly, repayable over 30 years.
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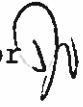
Loan Purpose: Refinance of loan no. 18429. Original loan amount of \$135,100 at 9.0% per annum, \$1,012 interest only monthly payment. No Contested Case Hearing was held for this account.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 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:

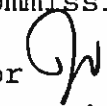
<u>Lessee</u>	<u>Lease No.</u>	<u>Area</u>	<u>Loan No.</u>	<u>Monthly Payment</u>	<u>Amount at 4/16</u>	<u>Balance at 4/16</u>
<u>Hawaii</u>						
Kaupu, Renell K.	4244	Keaukaha	18297-HUD Buyback	\$585	\$93,842	\$158,812
Kalua, Lurline K. & Rapoza, Merrilyn M.J.L.	2608	Keaukaha	18799	\$1,405	\$110,596	\$300,554
Feary, Isiah F.	6294	Keaukaha	15650	\$403	\$16,797	\$25,168
Kalai, Milton H.	9672	Waiakea	16612	\$567	\$16,834	\$84,735
Ferreira, Denise P.	4806	Waiakea	17723	\$235	\$8,107	\$30,220
Kalauli, Titus K.K.	5122	Waiakea	17722	\$194	\$10,320	\$14,079


<u>Lessee</u>	<u>Lease No.</u>	<u>Area</u>	<u>Loan No.</u>	<u>Monthly Payment</u>	<u>Amount at 4/16</u>	<u>Balance at 4/16</u>
<u>Hawaii (cont'd)</u>						
Keahi, Lucy M.	10948	Waiakea	17749	\$420	\$13,172	\$92,077
Hanohano, Joseph P.	11173	Panaewa	17901	\$963	\$62,061	\$191,190
Hoohuli, Clement N. (dec'd) & Hoohuli, Deric G.	1457	Panaewa	18316	\$594	\$18,433	\$80,710
Kailipaka, Kim L.	10192	Kaumana	18431	\$1,271	\$19,255	\$216,871
<u>Oahu</u>						
Oleole, Bert W.L., Jr., Oleole, Vernelle A., Oleole, Bret M.K., & Oleole, Bart M.K.	626	Papakolea	19069	\$632	\$18,050	\$102,298
Giddens, Augustina A.K.	8377	PKE	17208	\$1,279	\$6,950	\$164,762
Ani, Margaret	7388	Nanakuli	18334	\$599	\$6,372	\$61,266
Canape, Lawrence	5193	Nanakuli	17433	\$510	\$2,362	\$61,071
<u>Maui</u>						
Kaaikaula, Chantel-Vanessa	12255	WK-IV	19259	TBD	TBD	TBD
Santos, Thomas W., Jr.	9466	WK-II	19142	TBD	\$30,869	\$31,564

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 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

HOBBS, Roger K.	06/04/2008	MOLOKAI	RES	02/08/16
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HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

ALAIPALELEI, Alicia L.	11/14/2005	OAHU	AGR	09/28/15
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WAIPA, Jonathan	05/15/2001	HAWAII	PAS	07/24/15
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

ALAIPALELEI, Alicia L.	11/14/2005	OAHU	RES	09/28/15
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LIEVENS, Maize K. N.	11/25/2005	MAUI	RES	01/13/16
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KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

LANNING, Earl L., Jr.	10/14/1991	HAWAII	AGR	01/14/16
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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

GONSALVES, Jasmine M.	04/12/1991	OAHU	RES	04/19/11
KALEIKINI, Lennon K.	12/19/2005	OAHU	RES	09/29/15
LANNING, Earl L., Jr.	10/14/1991	HAWAII	RES	01/14/16

MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

PHILLIPS, Karley I.	06/14/2012	MAUI	RES	01/11/16
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2.Deceased Applicants

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

<u>APPLICANT</u>	<u>APPLICATION DATE</u>	<u>DATE OF DEATH</u>
KALUAI, Charles	11/05/1986	05/23/1994

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

<u>APPLICANT</u>	<u>APPLICATION DATE</u>	<u>DATE OF DEATH</u>
KALUAI, Charles	11/05/1986	05/23/1994
NAPEAHI, Robert K., Sr.	08/02/1979	02/01/1990

3.Awards of Leases

NANAKULI AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KELIHKULI, Genai U.	Assigned Residential Lease #12314, Lot 139 in Waianae, Oahu dated 07/31/2015. Remove application dated 11/16/1970.
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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

ADAMS, Gaison K. P.	Assigned Residential Lease #8169, Lot 35 in Nanakuli, Oahu dated 04/05/2016. Remove application dated 03/20/2014.
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KALEIOHI, Hiram S., Jr.

Assigned Residential Lease
#4109, Lot 50 in Waimanalo,
Oahu dated 03/07/2016. Remove
application dated 12/09/1987.

MAMALA, Alvin K.

Assigned Residential Lease
#4736, Lot 50 in Nanakuli, Oahu
dated 03/28/2016. Remove
application dated 12/13/2007.

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

AEA, Darrell K., Jr.

Assigned Agricultural Lease
#7822, Lot 126-B-2 in Hoolehua,
Molokai dated 02/22/2016.
Remove application dated
02/06/2001.

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

JOSEPH, Sharronlee E.

Assigned Residential Lease
#12738, Lot 47 in Waiohuli,
Maui dated 11/17/2015. Remove
application dated 07/18/2006.

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

LEE, Ronald S. W. K.

Assigned Agricultural Lease
#6265, Lot 160-B in Waiakea,
South Hilo, Hawaii
(Panaewa) dated 06/19/2015.
Remove application dated
11/29/1991.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

AUNA, Aaron K.

Assigned Residential Lease
#7972, Lot 50 in Waiakea,
Hawaii (Panaewa) dated
03/07/2016. Remove application
dated 09/07/2005.

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

KANEHOLANI, Dawn L.

Assigned Residential Lease
#12739, Lot 60 in Anahola,
Kauai dated 02/05/2016. Remove
application dated 05/19/2010.

KAUPU, Joanka K.

Assigned Residential Lease
#4385, Lot 81 in Nanakuli, Oahu
dated 04/18/2016. Remove
application dated 01/09/1997.

MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

DUDOIT, Michelle L.

Assigned Residential Lease
#3397, Lot 13-A in Kamiloloa 2
and Makakupaia 1, Molokai (One
Alii) dated 03/24/2016. Remove
application dated 12/06/2000.

WILLING, Shanna

Assigned Residential Lease
#12734, Lot 45 in Kalamaula,
Molokai dated 02/26/2016.
Remove application dated
01/26/2011.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6.Successorship

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KAMAE, Darlene K.

Succeeded to 10/25/1976
Waimanalo Area / Oahu
Islandwide Residential
Application of mother, Barbara
M. Aquino. Remove application
dated 02/08/1995.

7.Additional Acreage

NONE FOR SUBMITTAL

8.HHC Adjustments

NONE FOR SUBMITTAL


Last Month's Transaction Total	8
Last Month's Cumulative FY 2015-2016 Transaction Total	179
Transfers from Island to Island	10
Deceased	3
Cancellations:	
Awards of Leases	12
NHQ	0
Voluntary Cancellations	0
Successorship	1
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	26
This Month's Cumulative FY 2015-2016 Transaction Total	205


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 2016

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean T. Oshiro, Acting HSD Administrator 

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

SUBJECT: **Commission Designation of Successors to Application Rights - Public Notices 2012 and 2014 - SAMUEL W. WAHILANI, DARLENE K. KAMAE**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

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

1. Deceased Applicant:	Barbara M. Aquino
Date of death:	July 18, 2005
Successor to application rights	Darlene K. Kamae
Relationship:	Daughter
Island:	Waimanalo Area / Oahu
	Islandwide
Type:	Residential
Date of Application:	October 25 1976
Date of Public Notice:	November, 2014

ITEM NO. D-7

2.Deceased Applicant:	Gwendolyn Y. Pelekai
Date of death:	September 9, 2008
Successor to application rights	Samuel W. Wahilani
Relationship:	Son
Island:	Keaukaha-Waiakea Area / Hawaii Islandwide
Type:	Residential
Date of Application:	August 28, 1968
Date of Public Notice:	November, 2012

Previous Cumulative Total for Current FY	38
Current Month's Total	2
Fiscal Year Total: July 2015-June 2016	40

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 2016

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean T. Oshiro, Acting HSD Administrator

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

SUBJECT: **Reinstatement of Deferred Application -
LORRAINE K. LINCOLN**

RECOMMENDED MOTION/ACTION

To reinstate the application that was deferred due to the applicant not responding to two successive contacts as required by the department's administrative rules.

DISCUSSION

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

The following applicant was deferred and has since contacted the department with updated information:

WAIANAE AREA AND OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

<u>APPLICANT</u>	<u>APPLICATION DATE</u>	<u>HHC ACTION TO DEFER</u>	<u>CONTACT DATE WITH DEPARTMENT</u>
LINCOLN, Lorraine K.	06/15/1983	01/28/1992	01/28/2016

Previous Cumulative Total for Current FY	5
Current Month's Total	1
Fiscal Year Total: July 2015-June 2016	6

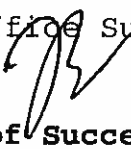
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 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 May 2016	11
Previous FY 2015 - 2016	<u>64</u>
FY 2015 - 2016 Total to Date	75

Ratified for FY '14 - '15	45
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Net Proceeds

Ratified for May 2016	0
Previous FY 2015 - 2016	<u>2</u>
FY 2015 - 2016 Total to Date	2

Ratified for FY '14 - '15	1
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**LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR
LEASEHOLD INTEREST
FOR MONTH OF May 2016**

<u>Deceased Lessee</u>	<u>Designated Successor</u>
1. Horace K. Dudoit, Jr. Lot No.: 18644 Area: Kanehili, Oahu Lease No. 11690	<u>PRIMARY: Joint Tenants</u> Kathy A. E. Dudoit, Daughter Horace K. Dudoit, III, Son <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
2. Judith P. Grace Lot No.: UNDV174 Area: Kapolei, Oahu Lease No. 12493	<u>PRIMARY:</u> Brandon K. Grace, Grandson <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
3. Felecia C. K. Harrison Lot No.: 51 Area: Waimanalo, Oahu Lease No. 2977	<u>PRIMARY:</u> Eva M. Kepaa, Sister <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A

Deceased Lessee

Designated Successor

4. Giovanna K. Heu
Lot No.: 15
Area: PKE, Oahu
Lease No. 8306

PRIMARY:
James MCWilliam Heu, Son

ALTERNATE: Joint Tenants
Omit Manuel G. Heu, Son
Omit Waldreen L. Heu, Daughter
Omit Daysha-Marie P. K. Heu,
Granddaughter, Omit James M.
K. Heu, II, Grandson, due to
lack of genealogy documents to
determine eligibility for
successorships.

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

5. Faith Hewitt
Lot No.: 135
Area: Puukapu, Hawaii
Lease No. 9009

PRIMARY:
Sidney Lee Hewitt, Son

ALTERNATE:
Omit George Johnathan Hewitt,
Husband, due to lack of
genealogy documents to
determine eligibility for
successorship.

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

6. Henry Kamai
Lot No.: 173
Area: Kalamaula, Molokai
Lease No. 6148

PRIMARY:
Raymond K. Kamai, Son

ALTERNATE:
N/A

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

<u>Deceased Lessee</u>	<u>Designated Successor</u>
7. May K. Lehano Lot No.: 163 Area: Nanakuli, Oahu Lease No. 7382	<u>PRIMARY: Tenants In Common</u> Annette Lehano Hall, Daughter April Lehano Curtis, Daughter <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
8. Iwalani L. Leopoldo Lot No.: 318 Area: Nanakuli, Oahu Lease No. 9698	<u>PRIMARY:</u> Constance L. Mahuka, Daughter <u>ALTERNATE:</u> Norman E. Leopoldo, Jr., Son <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
9. Albert N. Malakaua Lot No.: 219A Area: Keaukaha, Hawaii Lease No. 3003	<u>PRIMARY:</u> Ruth L. Miyasato, Daughter <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
10. George J. Sanborn, Jr. Lot No.: 58 Area: Puukapu, Hawaii Lease No. 8033	<u>PRIMARY:</u> Ellen L. Sanborn, Wife <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A

Deceased Lessee

Designated Successor

11. George J. Sanborn, Jr.
Lot No.: 24
Area: Waimanalo, Oahu
Lease No. 3991

PRIMARY:
Ellen L. Sanborn, Wife

ALTERNATE:
N/A


DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 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: **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

Thirty three (33) assignments of lease.

LESSEE

TRANSFeree

- | | |
|-----------------------------------------------|-------------------------------|
| 1. Name: Roderick K. Fronda | Name: Colin K. Kelii |
| Res. Lease No.: 8506 | Relationship: None |
| Lease Date: 11/1/1995 | Loan Assump: No |
| Lot No.: 216 | Applicant: Yes, Oahu IW Res., |
| Area/Island: PKE, Oahu | 8/26/2008 |
| Property Sold: Yes | |
| Amount: \$351,000.00 | |
| Improvements: 4 bedrooms, 2-1/2 bath dwelling | |

Reason for Transfer: "I'm going through a divorce and I am liquidating the assets. Moving to town will allow me to be closer to work and to my children who mostly resides with their mom and also attends school in Honolulu." Special Conditions: Transferee to obtain funds to pay the purchase price. See simultaneous transfer below.

LESSEETRANSFeree

-
2. Name: Colin K. Kelii Name: Kaleo-O-Kalani C. S.
 Res. Lease No.: 8506 Kelii
 Lease Date: 11/1/1995 Relationship: Son
 Lot No.: 216 Loan Assump: No
 Area/Island: PKE, Oahu Applicant: No
 Property Sold: Yes
 Amount: \$351,000.00
 Improvements: 4 bedrooms, 2-1/2 bath dwelling

Reason for Transfer: "Handing down my portion to my son."
Special Conditions: Transferee to obtain funds to pay
purchase price.

3. Name: Jonette A. Hanawahine Name: Benjamin K.
 Res. Lease No.: 1758 Keliiholokai
 Lease Date: 8/30/1946 Relationship: Husband
 Lot No.: 87 Loan Assump: No
 Area/Island: Waimanalo, Oahu Applicant: No
 Property Sold: No
 Amount: N/A
 Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Transferring interest to Benjamin
Keliiholokai."

4. Name: Johnnette H. Y. L. Name: Quincey W. Waiki
 Higuchi Relationship: None
 Res. Lease No.: 5076 Loan Assump: No
 Lease Date: 4/1/1981 Applicant: Yes, Hawaii IW
 Lot No.: 4A Res., 11/3/2015
 Area/Island: Keaukaha,
 Hawaii
 Property Sold: Yes
 Amount: \$175,000.00
 Improvements: 4 bedroom, 2-1/2 bath dwelling

Reason for Transfer: "Sale of property." Special Condition:
Transferee to obtain funds to pay purchase price.

TRANSFEE

- ITEM NO. D-10

LESSEETRANSFeree

-
8. Name: Donnette L. Kaponu Name: Marchelle U. Johnsen
Res. Lease No.: 1074A Relationship: Sister
Lease Date: 4/22/1925 Loan Assump: No
Lot No.: 75B Applicant: Yes, Hawaii IW
Area/Island: Keaukaha, Res., 11/30/1990
Hawaii
Property Sold: Yes
Amount: \$52,925.06
Improvements: 3 bedroom, 2 bath dwelling
- Reason for Transfer: "Moving." Special Condition:
Transferee to obtain funds to pay purchase price.
9. Name: Zacharine M. Keaunui Name: Danielle Kuaiwa Chavez
Res. Lease No.: 1939A Relationship: None
Lease Date: 8/28/1947 Loan Assump: No
Lot No.: 91B Applicant: Yes, Oahu IW Res.,
Area/Island: Nanakuli, Oahu 6/4/2014
Property Sold: Yes
Amount: \$255,000.00
Improvements: 6 bedroom, 2 bath dwelling
- Reason for Transfer: "I have a home in Ewa Beach and not
able to pay both mortgages at this time. I am a successor
to this property." Special Condition: Transferee to
obtain funds to pay purchase price.
10. Name: Wayne Kuanoni, Jr. Name: Wayne Kuanoni, Jr. &
Res. Lease No.: 4416 Christine P. Kuanoni
Lease Date: 7/28/1977 Relationship: Lessee & Sister
Lot No.: 222A Loan Assump: No
Area/Island: Keaukaha, Applicant: No
Hawaii
Property Sold: No
Amount: N/A
Improvements: 3 bedroom, 2 bath dwelling
- Reason for Transfer: "Add sister to lease with joint
tenancy."

LESSEETRANSFeree

-
11. Name: Mayme P. Nishioka Name: Edwina L. Troxell
 Res. Lease No.: 9334 Relationship: None
 Lease Date: 5/1/1999 Loan Assump: No
 Lot No.: 21 Applicant: Yes, Hawaii IW
 Area/Island: Kaniohale, Res., 6/17/2013
 Hawaii
 Property Sold: Yes
 Amount: \$200,000.00
 Improvements: 2 bedroom, 1 bath dwelling
- Reason for Transfer: "Relocate for health and doctors to Honolulu." Special Condition: Transferee to obtain funds to pay purchase price.
12. Name: Stephen F. Padasdao Name: Kaniela T. Seipel
 Res. Lease No.: 8295 Relationship: None
 Lease Date: 1/1/1996 Loan Assump: No
 Lot No.: 4 Applicant: No
 Area/Island: PKE, Oahu
 Property Sold: Yes
 Amount: \$350,000.00
 Improvements: 3 bedrooms, 2-1/2 bath dwelling
- Reason for Transfer: "Retired, downsizing and traffic." Special Conditions: Transferee to obtain funds to pay purchase price.
13. Name: Janell B. Purdy Name: Godfrey K. Bush
 Res. Lease No.: 5834 Relationship: None
 Lease Date: 4/10/2001 Loan Assump: No
 Lot No.: 16 Applicant: Yes, Molokai IW
 Area/Island: Kalamaula, Res., 9/30/2010
 Molokai
 Property Sold: Yes
 Amount: \$345,000.00
 Improvements: 3 bedroom, 3 bath dwelling
- Reason for Transfer: "Employment, move to another island - Maui." Special Condition: Transferee to obtain funds to pay purchase price.

LESSEETRANSFeree

-
14. Name: Lydia M. Shoemaker Name: Sydney Lee M. Stevens
 Pas. Lease No.: 2705B Relationship: Daughter
 Lease Date: 10/1/1952 Loan Assump: No
 Lot No.: 4A Applicant: No
 Area/Island: Puukapu, Hawaii
 Property Sold: No
 Amount: N/A
 Improvements: 3 bedrooms, 2-1/2 bath dwelling

 Reason for Transfer: "Legal purposes."
15. Name: William M. Simons Name: Kathleen K. Stevens
 Res. Lease No.: 10115 Relationship: None
 Lease Date: 9/7/2007 Loan Assump: No
 Lot No.: 108-A Applicant: Yes, Maui IW
 Area/Island: Keaukaha, Res., 12/15/2008
 Hawaii
 Property Sold: Yes
 Amount: \$195,000.00
 Improvements: 4 bedroom, 2 bath dwelling.

 Reason for Transfer: "Selling." Special Condition:
 Transferee to obtain funds to pay purchase price.
16. Name: Herbert K. Sniffen Name: Jonah K. Sniffen
 Res. Lease No.: 3228 Relationship: Son
 Lease Date: 1/16/1959 Loan Assump: No
 Lot No.: 18 Applicant: No
 Area/Island: Waimanalo, Oahu
 Property Sold: No
 Amount: N/A
 Improvements: 2 dwellings 1) 3 bedroom, 1 bath dwelling. 2)
 1 bedroom, 1 bath dwelling

 Reason for Transfer: "Health problems."

LESSEETRANSFeree

17. Name: Elton K. K. Sukanuma Name: Kahaliilani N. S.
 Res. Lease No.: 12316 Sukanuma
 Lease Date: To be determined Relationship: Son
 Lot No.: 108-B-2 Loan Assump: No
 Area/Island: Keaukaha, Applicant: No
 Hawaii
 Property Sold: No
 Amount: N/A
 Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Lessee would like his son to own a home."

18. Name: Robert S. Akau, Jr. Name: Lydia K. Ludin
 Res. Lease No.: 12411 Relationship: Aunty
 Lease Date: 12/6/2008 Loan Assump: No
 Lot No.: UNDV092 Applicant: Yes, Maui IW
 Area/Island: Kapolei, Oahu Res., 5/1/2006
 Property Sold: No
 Amount: N/A
 Improvements: None

Reason for Transfer: "I am successor of parcel at 41-792 Kalaniana'ole Hwy, Waimanalo, HI 96795." Lessee must transfer his residence lease to succeed to his mother's lease. See simultaneous transfer below.

19. Name: Lydia K. Ludin Name: Patricia K. Autele
 Res. Lease No.: 12411 Relationship: Daughter
 Lease Date: 12/8/2008 Loan Assump: No
 Lot No.: UNDV092 Applicant: No
 Area/Island: Kapolei, Oahu
 Property Sold: No
 Amount: N/A
 Improvements: None

Reason for Transfer: "Transfer property for my daughter to own a home."

LESSEETRANSFeree

20. Name: Namomiokalani K. McCorrison
 Res. Lease No.: 11108
 Lease Date: 5/13/2006
 Lot No.: UNDV107
 Area/Island: Anahola, Kauai
 Property Sold: No
 Amount: N/A
 Improvements: None
- Name: Kamalanimekapuuwainui K. Hopkins
 Relationship: Daughter
 Loan Assump: No
 Applicant: No

Reason for Transfer: "I am transferring my undivided interest lease to my daughter because my husband is in the process of purchasing an existing residential lease for our ohana from my elderly uncle, James Kimokeo, Jr. Mahalo." See simultaneoous transfer below.

21. Name: James Kimokeo, Jr.
 Res. Lease No.: 6469
 Lease Date: 6/30/1994
 Lot No.: 20
 Area/Island: Anahola, Kauai
 Property Sold: Yes
 Amount: \$200,000.00
- Name: Daniel K. McCorrison, Jr.
 Relationship: None
 Loan Assump: No
 Applicant: Yes, Kauai IW
 Res., 11/3/2015

Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "I am 92 years old. Because of my advancing age, I now live at Regency at Puakea-Assisted Care. It provides a safer and caring place to live. I have begun taking medication to slow the effects of dementia. I would appreciate if this transfer process can be expedited." Special Condition: Transferee to obtain funds to pay purchase price.

22. Name: Glenn H. Okazaki
 Res. Lease No.: 10588
 Lease Date: 6/18/2005
 Lot No.: UNDV291
 Area/Island: Waiohuli, Maui
 Property Sold: No
 Amount: N/A
 Improvements: None
- Name: Kylee A. Okazaki
 Relationship: Daughter
 Loan Assump: No
 Applicant: No

Reason for Transfer: "Giving to daughter."

LESSEETRANSFeree

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23. Name: Kristine K. & Keahi H. Palaualelo
 Res. Lease No.: 11202
 Lease Date: 9/16/2006
 Lot No.: UNDV004
 Area/Island: Waimanalo, Oahu
 Property Sold: No
 Amount: N/A
 Improvements: None
- Name: Kristine K. & Keahi H. Palaualelo, & Kinoe A. Palaualelo-Pratt
 Relationship: Lessees & Brother, Brother-in-law
 Loan Assump: No
 Applicant: No
- Reason for Transfer: "Adding on Kinoe A. Palaualelo-Pratt (brother) as a lessee."
-
24. Name: Rul P. K. Richardson
 Res. Lease No.: 11297
 Lease Date: 9/16/2006
 Lot No.: UNDV099
 Area/Island: Waimanalo, Oahu
 Property Sold: No
 Amount: N/A
 Improvements: None
- Name: Rylen M. K. Richardson
 Relationship: Sister
 Loan Assump: No
 Applicant: Yes, Oahu IW Res., 11/5/2010
- Reason for Transfer: "Cannot qualify financially."
-
25. Name: Luckie J. Bjelland
 Res. Lease No.: 953
 Lease Date: 12/28/1945
 Lot No.: 10
 Area/Island: Keaukaha, Hawaii
 Property Sold: No
 Amount: N/A
 Improvements: None
- Name: Edna H. Azevedo
 Relationship: Cousin
 Loan Assump: No
 Applicant: Yes, Hawaii IW Res., 4/17/2006
- Reason for Transfer: "Want to transfer to cousin Edna Azevedo." See simultaneous transfer below.

LESSEETRANSFeree

26. Name: Edna H. Azevedo
Res. Lease No.: 953
Lease Date: 12/28/1945
Lot No.: 10
Area/Island: Keaukaha,
Hawaii
Property Sold: No
Amount: N/A
Improvements: None

Name: George J. Azevedo
Relationship: Son
Loan Assump: No
Applicant: No

Reason for Transfer: "I want to give George my son this land."

27. Name: Chavi K. Downing
Pas. Lease No.: 9120
Lease Date: 5/29/1999
Lot No.: 11
Area/Island: Kahikinui, Maui
Property Sold: No
Amount: N/A
Improvements: None

Name: Shauni T. I. Okazaki
Relationship: Sister
Loan Assump: No
Applicant: No

Reason for Transfer: "Not interested in developing on pastoral lot."

28. Name: Billie P. Keawekane-
Beere
Ag. Lease No.: 4221
Lease Date: 11/1/1976
Lot No.: 141
Area/Island: Panaewa, Hawaii
Property Sold: No
Amount: N/A
Improvements: None

Name: Sandra K. Masaoka
Relationship: None
Loan Assump: No
Applicant: Yes, Hawaii IW
Ag., 4/04/1986

Reason for Transfer: "Unable to work the Land." See simultaneous transfer below.

LESSEETRANSFeree

29.	Name: Sandra K. Masaoka Ag. Lease No.: 4221 Lease Date: 11/1/1976 Lot No.: 141 Area/Island: Panaewa, Hawaii Property Sold: No Amount: N/A Improvements: None	Name: Shelson R. H. Masaoka Relationship: Son Loan Assump: No Applicant: No
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Reason for Transfer: "Transferring to son."

30.	Name: Bernice Lewi Pas. Lease No.: 8048 Lease Date: 2/1/1991 Lot No.: 73 Area/Island: Puukapu, Hawaii Property Sold: No Amount: N/A Improvements: None	Name: Penny M. Y. Uyetake Relationship: Friend Loan Assump: No Applicant: Yes, Hawaii IW Pas., 6/3/2008
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Reason for Transfer: "Gifting aina between two parties involved, health and age issues."

31.	Name: Bernice Lewi Pas. Lease No.: 8049 Lease Date: 2/1/1991 Lot No.: 74 Area/Island: Puukapu, Hawaii Property Sold: No Amount: N/A Improvements: None	Name: Penny M. Y. Uyetake Relationship: Friend Loan Assump: No Applicant: Yes, Hawaii IW Pas., 6/3/2008
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Reason for Transfer: "Gifting aina between two parties involved, health and age issues."

LESSEETRANSFeree

32. Name: Kaluka K. W. Maiava Name: Scott H. Mahoney
 Agr. Lease No.: 6188 Relationship: Father
 Lease Date: 2/11/1998 Loan Assump: No
 Lot No.: 26 Applicant: Yes, Maui IW Agr.,
 Area/Island: Puukapu, Hawaii 1/16/1986
 Property Sold: No
 Amount: N/A
 Improvements: None

Reason for Transfer: "I want my dad to have this homestead."

33. Name: Corbett O. Roy, Jr. Name: Külle A. M. Roy &
 Agr. Lease No.: 6176 Corbett O. Roy, III
 Lease Date: 11/1/1985 Relationship: Daughter & Son
 Lot No.: 15C Loan Assump: No
 Area/Island: Puukapu, Hawaii Applicant: No
 Property Sold: No
 Amount: N/A
 Improvements: None

Reason for Transfer: "I'm releasing my agricultural lease to my children so that my spouse can obtain a residential lease on Oahu."


Assignments for the Month of May '16	33
Previous FY '15 - '16 balance	<u>199</u>
FY '15 - '16 total to date	232
 Assignments for FY '14 - '15	 260


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 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

To approve the amendment of the leasehold interest listed below.

DISCUSSION

Eighteen (18) amendments of lease.

1. Lessee: Lucy M. Akau
Res. Lease No.: 3121
Lot No., Area, Island: 5, Waimanalo, Oahu
Amendment: To amend the lease title and lessor name, and to incorporate the currently used lease terms, covenants, and conditions in the lease.
2. Lessee: Hazel N. Bishaw
Res. Lease No.: 4108
Lot No., Area, Island: 49, Waimanalo, Oahu
Amendment: To amend the lease title and lessor's name, to complete the property description, and to incorporate the currently used lease terms, covenants, and conditions in the lease.

3. Lessee: Luckie J. Bjelland
Res. Lease No.: 953
Lot No., Area, Island: 10, Keaukaha, Hawaii
Amendment: To amend the lease title and lessor name, and to incorporate the currently used lease terms, covenants, and conditions in the lease.
4. Lessee: Jonette A. & Jeanette M. Hanawahine
Res. Lease No.: 1758
Lot No., Area, Island: 87, Waimanalo, Oahu
Amendment: To amend the lease title and lessor name, to incorporate the currently used lease terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
5. Lessee: Felecia C.K. Harrison
Res. Lease No.: 2977
Lot No., Area, Island: 51, Waimanalo, Oahu
Amendment: To amend the lease title and lessor name, to amend the property description, to incorporate the currently used lease terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
6. Lessee: Clement N. & Deric G. Hoohuli
Agr. Lease No.: 1457
Lot No., Area, Island: 173, Panaewa, Hawaii
Amendment: To amend the tenancy to severalty due to the death of a joint lessee, and to incorporate the currently used terms, covenants, and conditions in the lease.

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7. Lessee: John K. Kaauwai, Sr.
Res. Lease No.: 4197
Lot No., Area, Island: 44B, Anahola, Kauai
Amendment: To amend the lease title and lessor's name, amend the commencement date, and to incorporate the currently used lease terms, covenants and conditions in the lease.
8. Lessee: Donnette L. Kapono
Res. Lease No.: 1074A
Lot No., Area, Island: 75B, Keaukaha, Hawaii
Amendment: To amend the lease title and lessor name, to incorporate the currently used lease terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
9. Lessee: Jana Kealoha
Res. Lease No.: 1714
Lot No., Area, Island: 67A, Waimanalo, Oahu
Amendment: To amend the tenancy to severalty due to the death of a joint lessee.
10. Lessee: Zacharine M. Keaunui
Res. Lease No.: 1939A
Lot No., Area, Island: 91B, Nanakuli, Oahu
Amendment: To amend the lease to complete the property description.
11. Lessee: Albert N. Malakaua
Res. Lease No.: 3003
Lot No., Area, Island: 219A, Keaukaha, Hawaii
Amendment: To amend the lease title and lessor name, to amend the property description, and to incorporate the currently used lease terms, covenants, and conditions in the lease.

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12. Lessee: Lillian K. McFeeley
Res. Lease No.: 2926
Lot No., Area, Island: 384, Nanakuli, Oahu
Amendment: To amend the lease title and lessor name, to amend the property description, to incorporate the currently used lease terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
13. Lessee: Julie A.W. Morita
Res. Lease No.: 2451
Lot No., Area, Island: 25A, Nanakuli, Oahu
Amendment: To amend the lease title and lessor name, to incorporate the currently used lease terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
14. Lessee: Dora K. Nojima
Agr. Lease No.: 2060
Lot No., Area, Island: 134A & 134B, Hoolehua, Molokai
Amendment: To amend the lease title and lessor's name, to incorporate the currently used lease terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
15. Lessee: Kristine K. & Keahi H. Palaualelo
Res. Lease No.: 11202
Lot No., Area, Island: UNDV, Waimanalo, Oahu
Amendment: To amend the tenancy from joint tenants to tenant in common.

16. Lessee: Andrew Analu Rabanes, Jr.
Res. Lease No.: 1925
Lot No., Area, Island: 18, Nanakuli, Oahu
Amendment: To amend the lease title and lessor name, to amend the property description, to incorporate the currently used lease terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
17. Lessee: George J. Sanborn, Jr.
Res. Lease No.: 3991
Lot No., Area, Island: 24, Waimanalo, Oahu
Amendment: To amend the lease title and lessor name, to amend the property description, and to incorporate the currently used lease terms, covenants, and conditions in the lease.
18. Lessee: Herbert K. Sniffen
Res. Lease No.: 3228
Lot No., Area, Island: 18, Waimanalo, Oahu
Amendment: To amend the lease title and lessor name, and to incorporate the currently used lease terms, covenants, and conditions in the lease.

Amendments for the Month of May '16	18
Previous FY '15 - '16 balance	<u>124</u>
FY '15 - '16 total to date	142
Amendments for FY '14 - '15	163

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 2016

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Dean Oshiro, Acting HSD Administrator
FROM: Juan Garcia, Oahu District Office Supervisor
Homestead Services Division
SUBJECT: **Approval to Issue a Non-Exclusive License for Rooftop Photovoltaic Systems for Certain Lessees**

RECOMMENDED MOTION/ACTION

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

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

DISCUSSION

Twenty two (22) non-exclusive licenses.

1. Lessee: Joycelinn K. Ah Mau
Res. Lease No.: 12048
Lot No., Area, Island: 16953, Kaupea, Oahu
Permittee: Sunrun Inc.
2. Lessee: William K. Ahuna and Gregory M. Ahuna
Res. Lease No.: 2194
Lot No., Area, Island: 193, Kewalo, Oahu
Permittee: Sunrun Inc.
3. Lessee: Gaymond H. Apaka
Res. Lease No.: 8818
Lot No., Area, Island: 1, Waiakea, Hawaii
Permittee: Sunrun Inc.

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4. Lessee: Ryan Atiz
Res. Lease No.: 01580A
Lot No., Area, Island: 62, Keaukaha, Hawaii
Permittee: Sunrun Inc.
5. Lessee: Prantiss N. Bannister
Res. Lease No.: 7053
Lot No., Area, Island: 26, Puu Pulehu, Hawaii
Permittee: Sunrun Inc.
6. Lessee: George Desha
Ag. Lease No.: 6221
Lot No., Area, Island: 1414, Panaewa. Hawaii
Permittee: Sunrun Inc.
7. Lessee: Charles K. Elia
Res. Lease No.: 10247
Lot No., Area, Island: 20, Waianae, Oahu
Permittee: Sunrun Inc.
8. Lessee: Earlyne K. Garcia
Res. Lease No.: 6280
Lot No., Area, Island: 11A, Keaukaha, Hawaii
Permittee: Sunrun Inc.
9. Lessee: Eno Gerard
Res. Lease No.: 8100
Lot No., Area, Island: 70, Waiakea, Hawaii
Permittee: Sunrun Inc.
10. Lessee: Kengy K. Gramberg
Res. Lease No.: 12474
Lot No., Area, Island: 18534, Kanehili, Oahu
Permittee: Sunrun Inc.
11. Lessee: Laurie-Ann Kalawa and Cassie-Lyn
Kalawa
Res. Lease No.: 6733
Lot No., Area, Island: 111, Waianae, Oahu
Permittee: Sunrun Inc.
12. Lessee: Samuel A. Keliihoomalu
Res. Lease No.: 12614
Lot No., Area, Island: 18359, Kanehili, Oahu
Permittee: Sunrun Inc.

13. Lessee: Mattie Kukahiko-Kaeo
Res. Lease No.: 7619
Lot No., Area, Island: 158, Waiohuli, Maui
Permittee: Sunrun Inc.
14. Lessee: Jolynn K. Lave
Res. Lease No.: 8548
Lot No., Area, Island: 258, PKE, Oahu
Permittee: SunPower Capital LLC
15. Lessee: Vincent Libres, Jr.
Res. Lease No.: 8433
Lot No., Area, Island: 142, PKE, Oahu
Permittee: Sunrun Inc.
16. Lessee: Michiko K. Lunasco
Res. Lease No.: 9863
Lot No., Area, Island: 13845, Maluohail, Oahu
Permittee: Sunrun Inc.
17. Lessee: Tyrone K. L. Makaokalani-Satot
Res. Lease No.: 12608
Lot No., Area, Island: 18412, Kanehili, Oahu
Permittee: Sunrun Inc.
18. Lessee: Valerie-Mae H. Manoa
Res. Lease No.: 5139
Lot No., Area, Island: 46, Nanakuli, Oahu
Permittee: Sunrun Inc.
19. Lessee: Travis M.P. Obrey
Res. Lease No.: 7187
Lot No., Area, Island: 171, Kawaihae, Hawaii
Permittee: Neighborhood Power Corporation
20. Lessee: Mona M. L. Ubedei
Res. Lease No.: 5060
Lot No., Area, Island: 326A, Keaukaha, Hawaii
Permittee: Sunrun Inc.
21. Lessee: Danielle Waring
Res. Lease No.: 12268
Lot No., Area, Island: 41, Waiehu, Maui
Permittee: Sunrun Inc.
22. Lessee: Jody Whitney
Ag. Lease No.: 6235
Lot No., Area, Island: 25B, Panaewa, Hawaii
Permittee: Sunrun Inc.


Non-Exclusive License for May '16	22
Previous FY '15 - '16 balance	<u>222</u>
FY '15 - '16 total to date	244
 Non-Exclusive License for FY '14 - '15	 104

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 2016

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Homestead Services Division Administrator 

FROM: Jim Du Pont, West Hawaii District Office Supervisor

SUBJECT: Request to Schedule Contested Case Hearings - Lease Violations - PEGGY ANN TOLENTINO, Lease No. 7114, Lot No. 61, Kawaihae, Hawaii & HERBERT KEALOHA JR., Lease No. 7038, Lot No. 11, Pu'u Pulehu, Hawaii

RECOMMENDED MOTION/ACTION

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

DISCUSSION

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

Lessee: Herbert Kealoha, Jr.
Lease No.: 7038
Lot No./Area/Island: 11, Pu'u Pulehu, Hawaii
Lease Violation: Failure to build; failure to respond to Designation of Successor rights

Lessee: Peggy Ann Tolentino
Lease No.: 7114
Lot No./Area/Island: 61/Kawaihae Unit 1/Hawaii
Lease Violation: Failure to construct residence as approved and according to county approved building permits, failure to submit plans, obtain department approval and building permits, multiple dwellings, conversion of garage into living unit without updated plans or building permit, health and safety issue related to lack

of Individual Wastewater System
(IWS) and improper disposal of
wastewater.

RECOMMENDATION


HSD recommends approval of the motion as stated.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 2016

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Homestead Services Division Administrator 

FROM: James Du Pont, West Hawaii District Office Supervisor

SUBJECT: **Set Aside of Prior Designation of Successor to Lease No. 7248, Lot No. 49, Kawaihae, Hawaii and Designation of Shelby Ho'okahi As Successor to Lease No. 7248, Lot. No. 49, Kawaihae, Hawaii**

RECOMMENDED MOTION/ACTION

1. Set aside the designation of Denise Freitas as the primary successor to Larry Ho'okahi's residential lease.
2. Approve the designation of the alternate successor to Lease No. 7248, Lot No. 49, Shelby Ho'okahi, granddaughter of Larry Ho'okahi, situated at Kawaihae, Hawaii for the remaining term of the lease, subject to her acceptance of the terms and conditions of the Lease.

DISCUSSION

Larry Ho'okahi was awarded Lease No. 7248 during the Accelerated Awards period in 1985-86 to a Kawaihae Unit 1 Residential Lot. After the infrastructure construction was completed he was assigned Lot No. 49 with a lease commencement date of October 1, 1999.

Mr. Ho'okahi completed a Designation of Successor (D/S), signed on April 24, 2002, naming his daughter, Denise Freitas, as his Primary Successor. Shelby Ho'okahi, his granddaughter, was named as the alternate successor. This D/S was ratified by the Hawaiian Homes Commission on June 6, 2002. Mr. Ho'okahi passed away on February 11, 2006.

Based on Mr. Ho'okahi's D/S, Denise Freitas was accepted as his primary successor. Staff cleared and qualified Ms. Freitas' native Hawaiian qualification in June 2007 to succeed to his lease with the minimum blood quantum of 25%. Ms. Freitas was allowed to sign the Transfer through Successorship lease document. The department acknowledged the Successorship document on October 30, 2007.

During this time the department was in contact with lessees who had vacant lots and had not constructed a home and occupied the land as required by the residential lease. People were provided various options to address this situation including building a home, transferring the lease to another native Hawaiian, transferring the lease to a spouse, child or grandchild who was not less than 25% Hawaiian, rescinding the lease in exchange for their original date of application or surrendering the lease to the department. In September 2010 and January 2011 the department served a Notice of Adverse Action to those lessees, who had not constructed homes, to address this situation.

Various lessees, including Ms. Freitas, were approved for contested case hearings in December 2008 to address the failure to build and occupy their homestead. Ms. Freitas was unable to construct a home and Residential Lease No. 9248 was cancelled with the Hawaiian Homes Commission's approval at their May 26, 2011 meeting.

In 2009, it was discovered that staff's determination that Ms. Freitas was an eligible successor was in error. To help clarify this situation the department requested that Suzanne Ho'okahi, Ms. Freitas' biological mother and, Mr. Ho'okahi's wife at the time of his passing, complete an affidavit.

In her affidavit dated August 13, 2009 Mrs. Ho'okahi stated that she was the natural mother of Denise Freitas also known as Denise Elizabeth Lehua Sin Ho'okahi born on September 25, 1970. She identified another man as the natural father of Denise Freitas. She stated that she had married Larry Ho'okahi on December 3, 1971. To the best of her knowledge Larry Ho'okahi never legally adopted Denise Freitas. Denise Freitas had legally changed her name to Ho'okahi via the Lt. Governor's office in 1990, which was indicated on her birth certificate.

The department requested that Ms. Freitas provide the department with adoption or paternity documents to prove that she was legally Larry Ho'okahi's daughter. Despite numerous attempts to obtain this information Ms. Freitas was unable to produce the required information. On November 22, 2009 Ms. Freitas requested a thirty (30) day extension to research adoption papers. On December 22, 2009 Ms. Freitas was informed that the department was considering a contested case hearing to address the invalid Designation of Successor and subsequent transfer of the lease from Larry Ho'okahi to her. In December 2009 a request to approve a contested case hearing was submitted to the Hawaiian Homes Commission to address her status as an unqualified successor. This hearing was never conducted.

In reviewing Mr. Ho'okahi's D/S, his granddaughter, Shelby Ho'okahi, was listed as the alternate successor. Upon review of her birth certificate her father's name was not listed. She was determined at that time to be 18.75% Hawaiian and not qualified to succeed to her grandfather's lease.

After speaking with Shelby regarding her paternity, a request was made to have her mother, Tierra Ho'okahi, to submit an affidavit to the State Department of Health, Vital Records Branch, identifying Shelby's biological father. Shelby Ho'okahi's father, Arnold Bannister, agreed to submit an affidavit on his daughter's behalf. Tierra Ho'okahi refused to assist her daughter with the affidavit. Eventually and, after a number of years, Shelby was able to provide proof of paternity to the Department of Health. Her father's name was added to her birth certificate and her original birth certificate was amended to reflect the correction.

Mr. Bannister was determined to be not less than 75% Hawaiian. With this information Shelby was qualified at not less than 25% Hawaiian. As the designated alternate successor she is eligible to succeed to her grandfather's lease.

This is a vacant .549-ac. lot with no improvements. Estimated real property taxes are \$500 that Shelby will be responsible for paying as a condition of the transfer. In addition, she will be expected to construct a home within one year of lease signing.

RECOMMENDATION


HSD recommends approval of the motions as stated.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 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.

STATE OF HAWAII

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.¹ 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 interests. 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 condition of the lot (if relevant), the circumstances surrounding the decision to sell, and information about the ability and willingness of parties to comply with lease conditions and HAR requirements. This information, provided to the HHC, will aid the Commission in arriving at sound 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:

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: Business	Residence	Cell	
Lessee #2:		SSN:	
Mailing Address:			
Telephone Number: Business			
Residence		Cell	
Lease No.:		Lease Type: <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral	
Lot No.:	Area:	Island:	
TMK:		Property Address:	
Type of Transaction:	<input type="checkbox"/> 100% Interest <input type="checkbox"/> Partial Interest: (explanations in back) <input type="checkbox"/> T/C <input type="checkbox"/> J/T <input type="checkbox"/> T/E		
Mortgage/Loan Balance: \$		<input type="checkbox"/> Subdivide and Transfer Portion	
Name of Lender:			
List Other Debts Attached to Lease: for example – OHA loans, Grants, etc.			
Lease being sold? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Sale Price \$ _____ Attach copy of DROA or Sales Contract, and Name of Escrow Company. Also, Lessee/Transferor is liable to inform the United States Internal Revenue of the sale.			
Reason For Transfer:			

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 DHHH 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 #1 Signature

Date

Lessee #2 Signature

Date

<p>FOR OFFICIAL USE ONLY</p> <p>The following items must accompany this transfer request, otherwise request will not be accepted.</p> <p><input type="checkbox"/> Genealogy documents (Birth, Death, Marriage)</p> <p><input type="checkbox"/> RPT Clearance or Plan of Payment</p> <p><input type="checkbox"/> Copy of Photo ID</p> <p>One of the Following items:</p> <p><input type="checkbox"/> Letter of pre-approval to assume loan.</p> <p><input type="checkbox"/> Letter of pre-approval of mortgage loan.</p> <p><input type="checkbox"/> Verification of financial statements.</p> <p>Acknowledgment of receipt of above items:</p> <p>Staff Initial _____ Date _____</p>	<p>TIME STAMP IN THIS SECTION AFTER RECEIPT OF ALL ITEMS LISTED ON LEFT SIDE.</p>
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ITEM NO. D-15
EXHIBIT B

Page ____ of ____

This section to be completed by Transferee #1

Name of Transferee: (PRINT First Name, Middle Name, Last Name)		
Mailing Address:		
Social Security No.:	Date of Birth:	
Relationship to Lessee(s):		
Telephone Number:		
Business:	Residence	Cell:
Are you an Applicant with DHHL? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral		
Are you a Lessee with DHHL? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral		
Is your Spouse an Applicant with DHHL? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral		
Is your Spouse a Lessee with DHHL? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral		
Are you purchasing the lease? <input type="checkbox"/> Yes <input type="checkbox"/> 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.		
Transferee Signature _____		Date _____

This section to be completed by Transferee #2

Name of Transferee: (PRINT First Name, Middle Name, Last Name)		
Mailing Address:		
Social Security No.:	Date of Birth:	
Relationship to Lessee(s):		
Telephone Number:		
Business:	Residence:	Cell:
Are you an Applicant with DHHL? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral		
Are you a Lessee with DHHL? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral		
Is your Spouse an Applicant with DHHL? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral		
Is your Spouse a Lessee with DHHL? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral		
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		
<input type="checkbox"/> Joint Tenancy	<input type="checkbox"/> Tenants in Common	<input type="checkbox"/> Tenants By the Entirety

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.

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION

May 23 & 24, 2016

Courtyard King Kamehameha's Kona Beach Hotel Ballroom #4
75-5660 Palani Road, Kailua-Kona, Hawai'i

E-ITEMS
LAND DEVELOPMENT DIVISION

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23, 2016

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Norman L. Sakamoto, Acting LDD Administrator

FROM: Isaac M. Takahashi, Acting Branch Chief
Housing Project Branch

SUBJECT: Approval of Lease Award - Elton K.K. Suganuma

RECOMMENDED MOTION/ACTION

Approve the award of Department of Hawaiian Home Lands Residence Lot Lease to the applicant listed below for 99 years, subject to the purchase of the existing improvements on the lot by way of a loan or cash.

DISCUSSION

HAWAII COMMUNITY COLLEGE HOME 2016, KEAUKAHA, HILO, HAWAII

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
Suganuma, Elton K.K.	03/18/93	108-B-2	3-2-1-020:107	12316

With the execution of the foregoing lease, 1 single family home award has been completed.

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION

May 23 & 24, 2016

Courtyard King Kamehameha's Kona Beach Hotel Ballroom #4
75-5660 Palani Road, Kailua-Kona, Hawai'i


F-ITEMS
LAND MANAGEMENT DIVISION

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23-24, 2016

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Issuance of Right of Entry Permit to Kamakana Senior LLC and Kamakana Family Phase I, LLC, Keahuolu, North Kona, Island of Hawai'i, TMK No.(3)7-4-021:023(por.)

APPLICANT:

Kamakana Senior LLC and Kamakana Family Phase I, LLC "PERMITEE"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) authorize the issuance of a Right of Entry Permit, covering the subject area as identified and described below for construction purposes, such as staging and to support the grading work that will be done on non-DHHL Lots 11-A and 11-B.

Approval and issuance of this Right of Entry Permit "ROE" shall be subject to the following conditions:

1. The term for this ROE shall be on a month-to-month basis, for a period not to exceed one (1) year, effectively commencing as of the date that the ROE is signed and fully executed by the respective parties. PERMITEE understands that this is a month-to-month permit to use Hawaiian home lands and may be cancelled by PERMITOR, at PERMITOR'S sole discretion and for any reason whatsoever, at any time during the month-to-month term, upon thirty 30 days advance notice in writing to PERMITEE;
2. PERMITEE shall use the easement premises strictly for construction purposes only, such as staging and to support the grading work that will be done on the adjacent parcels identified as Lots 11-A and 11-B. No other use shall be allowed without DHHL's prior written approval;
3. 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;
4. The monthly fee for this ROE shall be established at THREE HUNDRED NINE AND NO/100 DOLLARS (\$309.00) (\$3,708.00/annum) where PERMITEE shall pay without notice or demand, at the Fiscal Office of the DEPARTMENT OF HAWAIIAN HOME LANDS, 91-5420 Kapolei Parkway, Kapolei, Hawaii and whose mailing address is P. O. Box 1721, Honolulu, Hawaii 96806-1721 due and payable on the 1st day of every month;
5. PERMITEE shall be required to pay a non-refundable processing and documentation fee of \$175.00 and place a security deposit equal to two months rent (\$618.00);

6. PERMITEE shall provide proof of a comprehensive public liability insurance policy of no less than \$2,000,000.00 for each occurrence, naming the Department of Hawaiian Home Lands (DHHL) as an additional insured prior to commencement of work and throughout the term of this ROE;
7. PERMITEE shall comply with all applicable governmental laws, rules, regulations, and procedures relating to the operation and activities under this permit. Upon termination of this Permit, PERMITEE shall be responsible for environmental testing and subsequent clean-up of any contamination or hazardous materials found on the site that may have been caused by PERMITEE'S use;
8. PERMITEE shall keep and maintain the Premises and any and all equipment and personal properties of PERMITEE upon the Premises in a strictly clean, neat, orderly and sanitary condition, free of waste, rubbish and debris and shall provide for the safe and sanitary handling and disposal of all trash, garbage and other refuse resulting from its activities on the Premises;
9. PERMITEE shall comply with all federal, state and county regulations or requirements regarding environmental issues and the safe handling and disposal of toxic or hazardous materials. Upon expiration of this ROE, PERMITEE shall be responsible for environmental clean-up of any contamination or hazardous materials brought on the site or caused by PERMITEE'S activities on the site;
10. PERMITEE agrees to rent the Premises in "as is" condition and shall maintain the Premises in a neat and clean condition, including trimming overgrown vegetation and disposing of trash on a regular basis. 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;
11. PERMITEE shall install a hard surface, consisting of asphalt paving or concrete, on which all vehicles and equipment that could cause environmental contamination shall be stored. Such hard surface must be maintained in good condition to prevent any fluids, solvents, contaminants or other potentially hazardous materials from entering the soil or groundwater;
12. All hazardous and/or toxic materials, including trucks and equipment containing hazardous and/toxic materials, that could cause contamination of the soil or ground water must be stored on impermeable surface, such as concrete or asphalt pavement. Such surface must be maintained in good repair and approved by PERMITOR prior to PERMITEE occupying the Premises. Major equipment repair or servicing shall not be allowed;
13. Any construction or alteration of the easement area shall require DHHL approval;
14. PERMITEE shall exercise due care and diligence to prevent injury to persons and damages to or destruction of property belonging to DHHL;
15. Entry under the ROE is limited to PERMITEE'S employees, agents, and subcontractors solely for the purposes stated herein;
16. PERMITEE shall be responsible for the security of the Premises and all of PERMITEE'S personal property thereon;
17. The ROE document shall be subject to other standard terms and conditions of similar documents

issued by DHHL and will be subject to the review and approval by the Office of the Attorney General, State of Hawaii; and

18. The ROE shall be subject to other terms and conditions deemed prudent and necessary by the Hawaiian Homes Commission.

LOCATION:

Portion of Hawaiian Home Lands situated in Keahuolu, N. Kona, Island of Hawai'i, identified as Tax Map Key: (3)7-4-021:023(por.) (See Exhibits "A-1" and "A-2")

AREA:

46,300 square feet or 1.06 acres

DISCUSSION:

ForestCity Hawaii Kona, LLC transmitted a letter dated March 11, 2016, requesting for a Construction Right of Entry Permit. (See Exhibit "B") The Kamakana Senior Rental Project development project is directly adjacent to the DHHL La'i 'O'pua Village 6 master-planned community project. The parcel on which it is being developed is owned by FHT Kamakana LLC. The project developer and manager is ForestCity Hawaii Kona, LLC. The proposed PERMITEE, Kamakana Senior LLC and Kamakana Family Phase I, LLC, is the general contractor for the project.

ForestCity Hawaii Kona, LLC has requested the ROE covering the subject HHL's area as identified and described above for construction purposes, such as staging and to support the grading work that will be done on Lots 11-A and 11-B for its project. Additionally, a copy of La'i 'O'pua 2020's concurrence and authorization is also attached see (Exhibit "C").

FEE:

The subject parcel is classified as Residential and the square footage per annum, based on the County of Hawaii Real Property Tax assessment (See Exhibit "D"), is approximately \$1.05. At 8% rate of return, the annual fair market rent for one (1) square foot is \$0.08 (rounded). This fee payment will be a direct benefit to the Trust and its beneficiaries.

TMK: 74021023 – County of Hawaii Real Property Assessment			
Assessment Information			
Year	Property Class	Assessed Land Value	Land Area
2016	Residential	\$1,192,900.00	26.0 ac. / 1,132,560 sf
Fee Calculation		\$1,192,900.00 / 1,132,560 =	
Per sf Value		\$1.05 (rounded)	
Market Return Rate		x .08 (8.0%)	
Fee Value Per sf		\$.08/Annum	

PLANNING AREA:

Kealakehe – La'i 'O'pua

LAND USE DESIGNATION:

Un-designated use, Hawai'i Island Plan (2009), Figure 8 – West Hawaii, Hawaii Land Inventory

CURRENT STATUS:

Parcel is demised by General Lease No. 289, held by La'i' O'pua 2020

Pertinent GL 289 Info is as follows:

Term: 55 yrs (05/18/2011 – 05/17/2076)

Area: 26.0 Acres

Use: Commercial Mixed Use (BMX3)

CHARACTER OF USE:

Commercial Mixed Use Purposes

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

Exemption Class No. & Description:

In accordance with the "Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands, as Reviewed and Concurred Upon by the Environmental Council on June 30, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption List Class No. 4, "Minor alteration in the conditions of land, water, or vegetation."

The direct, cumulative, and potential impacts of the action described have been considered pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules. Since the action as proposed is determined to have minimal or no significant impact on the environment it would therefore be exempt from the preparation of an environmental assessment. The Planning Office has documented the action as being eligible for exemption from the preparation of an Environmental Assessment under the Exemption Class as referenced above. See Exhibit "E"

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.

Land and Resource Management

Goals:

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

Objectives:

- Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.

Economic Development

Goals:

- Generate significant revenue to provide greater financial support towards fulfilling the Trust's mission.

Objectives:

- Generate \$30 million in land revenues annually (adjusted for inflation) by 2014.

Kealahou – La'i'O'pua Regional Plan (2009)

The recommended disposition is consistent with the following elements of the Kealahou – La'i'O'pua Regional Plan (pg. 28):

7. Income Generation - Village 6 (26 acres-commercial). La'i 'Öpua 2020 acts as a conduit to develop area. Forest City moved their commercial area adjacent to DHHL land. A detailed plan has been developed. A market study (land appraisal) is being developed to determine earning potential. The disposition provides for the developer to build affordable housing opportunities for beneficiaries, the broader Hawaiian community, and greater community at large. La'i'O'pua 2020 has conveyed its full support for the short-term disposition as requested.

Program Plans

Water Policy Plan (2014)

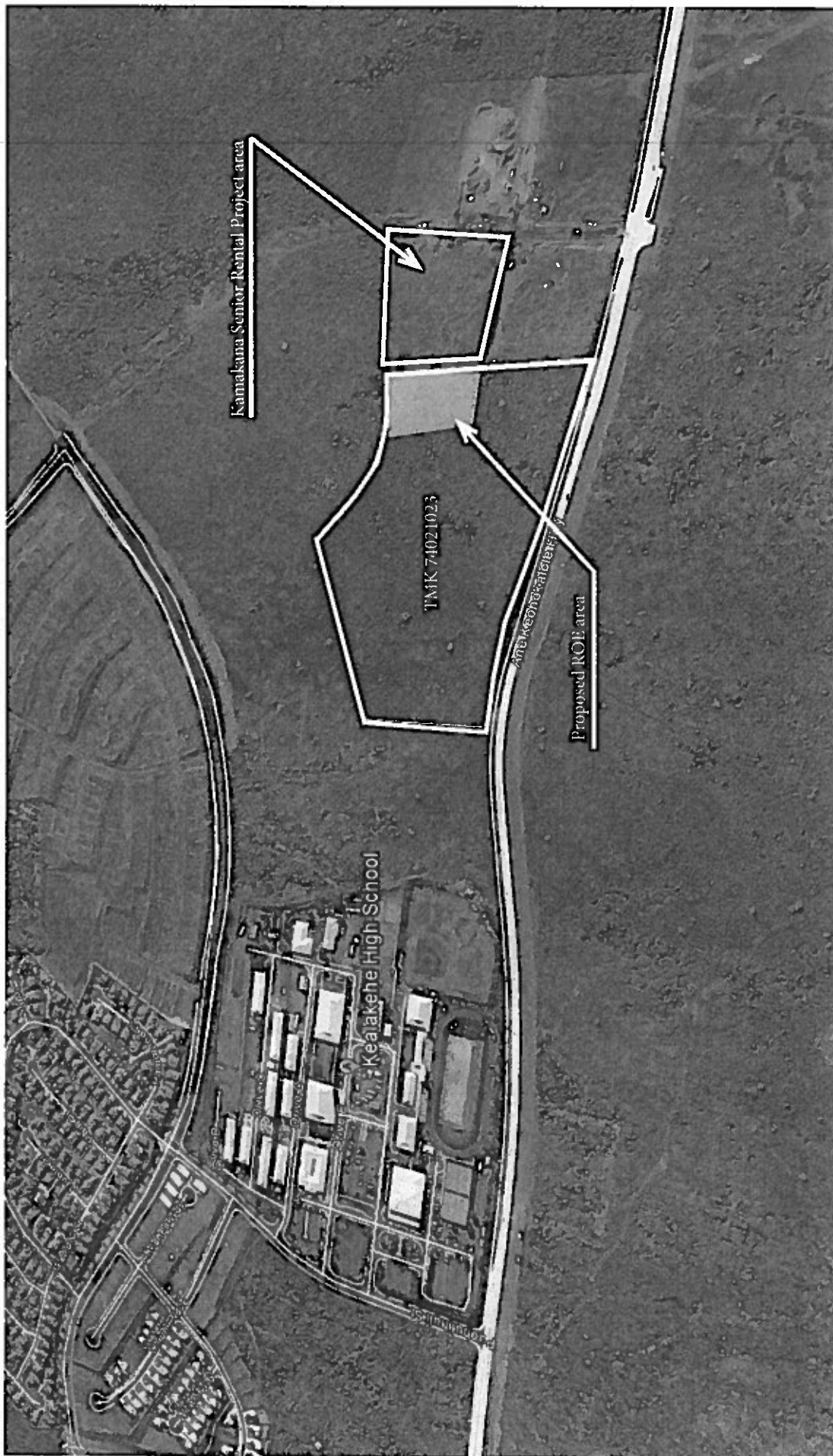
While the ROE does not specify activities that would implement DHHL's Water Policy Plan, it is anticipated that renovations facilitated by the granting of the license will include water conservation measures to make the facility more efficient in the use of water if necessary.

Ho'omalua Energy Policy (2009)

While the ROE does not specify activities that would implement DHHL's Energy Policy, it is anticipated that renovations facilitated by the granting of the license will include energy conservation measures to make the facility more efficient in the use of energy if necessary.

RECOMMENDATION:

Land Management Division respectfully requests approval of the motion as stated



Kamakana Senior Rental Project area

TMAK 74021023

Proposed ROE area

EXHIBIT "A-2
ITEM NO. P-1

including that certain property identified by TMK No. (3) 7-4-021: 023, aka Lot B-2. The two affordable rental projects will be immediately adjacent to the Department's Lot B-2.

The Kamakana Senior Rental project, which will contain 85 affordable senior rental units, will be located on Lot 11-B of Subdivision No. 15-001564. A copy of said subdivision map is enclosed as Exhibit B. The Kamakana Villages Family Rental Phase I project, which will contain 85 affordable rental units, will be located on Lot 11-A of Subdivision No. 15-001564.

In order to construct these two rental projects, Kamakana Senior LLC and Kamakana Family Phase I, LLC, and their respective members, managers, affiliates, representatives, agents, contractors, subcontractors, successors and assigns, would need a construction right-of-entry from the Department over an approximately 100 foot wide land area within Lot B-2, as shown on Exhibit C. The requested right-of-entry would allow the Michaels entities and its contractors to use a portion of Lot B-2 for construction purposes, such as temporary staging and to support the grading work that will be done on Lots 11-A and 11-B.

We understand that the two rental housing developers would like to start construction within the next month or so, and that they expect to complete construction by March 2018. We understand that the typical term of a right-of-entry from the Department is twelve (12) months, with the option to request an extension of six (6) months at the option of the Chair of the Hawaiian Homes Commission. Therefore we anticipate that Kamakana Senior and Kamakana Family Phase I will likely have to request a second right-of-entry from the Commission in the future.

We respectfully ask that this request be presented to the Commission at its next meeting. We understand that should the Commission authorize this request, the Department will prepare the required form right-of-entry for execution by Kamakana Senior LLC and Kamakana Family Phase I, LLC. Forest City Hawaii Kona, LLC would not be a party to the construction right of entry agreement.

Please do not hesitate to contact me, on behalf of Forest City Hawaii Kona, if you have any questions or require additional information in order to process this request. Please also feel free to contact Ms. Karen Seddon, Vice President of Development for Michaels Development Company Hawaii Regional Office, in Honolulu at (808) 691-9446

Sincerely,



Jon Wallenstrom
Forest City Hawaii Kona, LLC

cc:

Karen Seddon, Michaels Development Company
Craig "Bo" Kahui, La'i'Opua 2020
Stan Fujimoto, Hawaii Housing Finance and Development Corporation

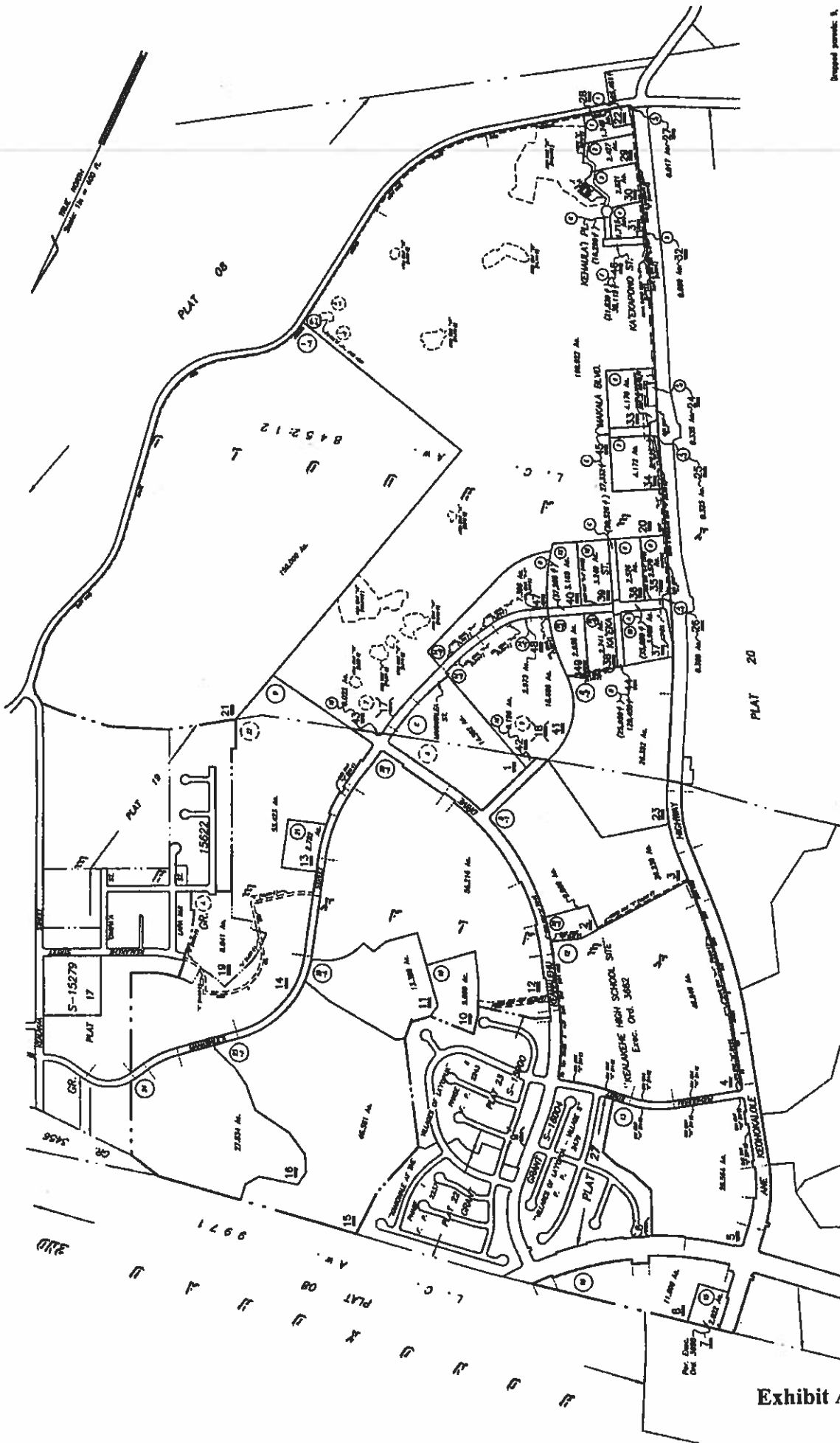


Exhibit A

Droped parcel: 8.

OWNER	PROJECT NO.	MAPPER	DATE
COUNTY	ZONE	SE	7

Owner, lessee, & holder of record are hereby notified that this map and any other information contained herein may be used by the County of Hawaii for the purpose of assessing property taxes.

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

SCALE: 1" = 100'

PRINTED: -

VILLAGES AT LATOHA PHASE 1, P.P. 2128, KAWAULA & KAWAULA, NORTH KONA, HAWAII (Formerly per 7-4-2009)

FORESTCITY
HAWAII KONA, LLC

RECEIVED
LAND MANAGEMENT
DIVISION
2016 MAR 14 PM 3:10

Peter Kahana Albinio Jr.
Department of Hawaii Home Lands
Land Management Division
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707
Via Email: Kahana.Albinio@hawaiianhomelands.org

Jeffrey Y. Fujimoto
Department of Hawaii Home Lands
Land Management Division, Room 1241
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707
Via Email: jeffrey.y.fujimoto@hawaii.gov

March 11, 2016

Re: Introduction and Request For Construction Right of Entry Permit

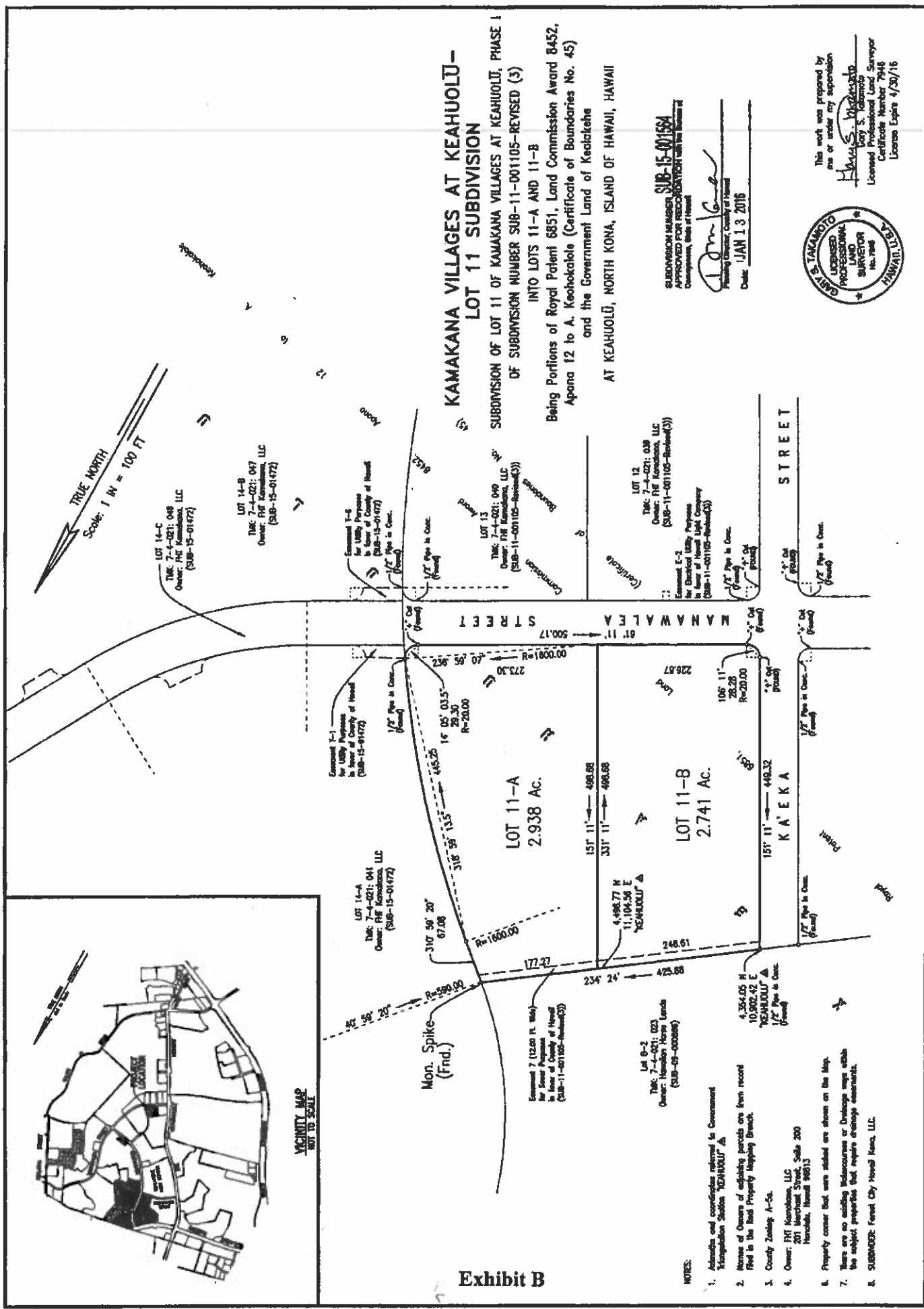
Dear Messrs Albinio and Fujimoto:

We hope that this letter can serve as an introduction for the Department of Hawaiian Home Lands and the Hawaiian Homes Commission, to Kamakana Senior LLC, a Hawaii limited liability company, and Kamakana Family Phase I, LLC, a Hawaii limited liability company. Both entities are subsidiaries of Michaels Development Company, one of the leading private sector affordable housing owners and developers in the nation.

Kamakana Villages at Keahuolu, a 271-acre project in North Kona, is a master planned community subject to a master development agreement between Hawaii Housing Finance and Development Corporation, a public body and a body corporate and politic of the State of Hawaii, and Forest City Hawaii Kona, LLC, a Hawaii limited liability company. The project is entitled to have up to 2,330 homes, more than half of which must be developed as affordable housing. The enclosed TMK map shows the location of the Kamakana Villages project. See TMK Nos. (3) 7-4-021: 020, 024, 028 - 041 and 044 - 049, shown on Exhibit A.

Kamakana Senior LLC and Kamakana Family Phase I, LLC, have entered into development agreements to develop two affordable housing projects at Kamakana Villages. The Department of Hawaiian Home Lands owns property in the vicinity of Kamakana Villages,

EXHIBIT "B"
ITEM NO. F-1



**KAMAKANA VILLAGES AT KEAHUOLU -
LOT 11 SUBDIVISION**

SUBDIVISION OF LOT 11 OF KAMAKANA VILLAGES AT KEAHUOLU, PHASE 1
OF SUBDIVISION NUMBER SUB-11-001105-REVISED (3)
INTO LOTS 11-A AND 11-B

Being Portions of Royal Patent 6851, Land Commission Award 8452,
Apana 12 to A. Keohokalele (Certificate of Boundaries No. 45)
and the Government Land of Kealahou

AT KEAHUOLU, NORTH KONA, ISLAND OF HAWAII

SUBDIVISION NUMBER SUB-15-001504
APPROVED FOR RECORDED WITH THE BUREAU OF
COUNTY CLERK, COUNTY OF HAWAII

[Signature]
Planning Director, County of Hawaii

Date: JAN 13 2016



This work was prepared by
me or under my supervision

[Signature]
Gary S. Takamoto
Licensed Professional Land Surveyor
Certificate Number 7948
License Expires 4/30/16

15" x 21" = 2.19 Sq. Ft.
November 4, 2015

CONTROLPOINT SURVEYING, INC.
100 South Bay Street, Suite 100
Honolulu, Hawaii 96813

Tax Map Key: (3) 7-4-021: 038

Exhibit B

La'i'Opua 2020

a 501C-3 non-profit corporation
74-5599 Luhia Street, #E-5
Kailua- Kona, HI 96740

Phone.....808-327-1221
Fax808-327-1223
email.....bokahu@laiopua.org

December 16, 2015

Resolution 12162015

To Authorize the Forest City Hawaii and Michaels Group Right of Entry

La'i'Opua 2020, a 501-C3 nonprofit corporation was established in 2007 and organized to plan, design, and implement the construction of a multi-purpose community center, recreation complex and health referral service within the Kcalakehe ahupua'a. In addition, to establish, implement and manage the charitable, religious, educational, and scientific programs as part of its program objectives.

As part of its Commercial lease property TMK-7-4-021-002,003, Lot B2, the La'i'Opua Board approve the "Right of Entry" to Forest City Hawaii and its partner Michaels Group to access the southern boundary of the subject property for the purpose of installing its sewer infrastructure for its Low Affordable Rental Housing and Low Affordable Housing Senior development.

La'i'Opua 2020 Board recognizes the need for low affordable housing for West Hawaii and native Hawaiians who are on the DHHL wait list for affordable homes.

Therefore, we, the Board of Directors of La'i'Opua 2020 hereby confirm and approve that Board approve the "Right of Entry" to Forest City Hawaii and its partner Michaels Group to access the southern boundary of the subject property for the purpose of installing its sewer infrastructure for its Low Affordable Rental Housing and Low Affordable Housing Senior development.

Be it therefore resolved, that on this day 12/16/2015, the La'i'Opua Board of Directors has unanimously approved and adopted this Resolution 12162015.

Sam Walker Sr.
Sam Walker Sr., President

12/16/2015
Date

Dora Aio-Leonora
Dora Aio, Secretary

12/16/2015
Date

File:

EXHIBIT "C"

ITEM NO. F-1



Recent Sales in Area	Previous Parcel	Next Parcel	Return to Main Search Page	Hawaii Home	Real Property Home
Owner and Parcel Information					
Owner Name	HAWAIIAN HOME LANDS Fee Owner		Today's Date	May 2, 2016	
Mailing Address			Parcel Number	740210230000	
Location Address			Project Name		
Property Class	RESIDENTIAL		Parcel Map	Show Parcel Map	Plat (TMK) Maps
Neighborhood Code	7461-8		Land Area (acres)	26.392	
Legal Information	FROM: 7421-02 26.392 AC NEW PARCEL		Land Area (approximate sq ft)	1,149,635	

Assessment Information					Show Historical Assessments					
Year	Property Class	Market Land Value	Dedicated Use Value	Land Exemption	Net Taxable Land Value	Market Building Value	Assessed Building Value	Building Exemption	Net Taxable Building Value	Total Taxable Value
2016	RESIDENTIAL	\$ 1,192,900	\$ 0	\$ 1,192,900	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

Appeal Information			
No appeal information on parcel.			
Land Information			
Property Class	Square Footage	Acreage	Agricultural Usage
RESIDENTIAL	1,149,636	26.392	

Improvement Information	
No improvement information available for this parcel.	

Other Building and Yard Improvements				
Description	Quantity	Year Built	Area	Gross Building Value
No information associated with this parcel.				

Permit Information			
Date	Permit Number	Reason	Permit Amount
No permit information associated with this parcel.			

Dept of Public Works Bldg Division Permit and Inspections Information							
Permit Date	Permit Type	Permit Number	Permit Reason	Permit Description	Estimated Cost	Inspection Date	Inspection Status
No permit and inspections information associated with this parcel.							
As a courtesy to the public, we provide building permit data as supplied by the Department of Public Works. As such, no warranties, expressed or implied, are provided for the data herein, its use or its interpretation, and accuracy.							

Sales Information										
Sale Date	Sale Amount	Instrument #	Instrument Type	Instrument Description	Date of Recording	Land Court Document Number	Cert #	Book/Page	Conveyance Tax	Document Type
08/27/2009	\$ 0		OTHER	Mapping Change	08/27/2009					Mapping Change

Current Tax Bill Information				2015 Tax Payments		Show Historical Taxes			
Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
No Tax Information available on this parcel.									\$ 0.00

Recent Sales in Area	Previous Parcel	Next Parcel	Return to Main Search Page	Hawaii Home	Real Property Home
The Hawaii County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. Website Updated: April 29, 2016					
© 2013 by County of Hawai'i Real Property Tax Office Website design by qPublic.net					

EXHIBIT "D"
ITEM NO. F-1



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

P.O. BOX 1079
HONOLULU, HAWAII 96805

April 29, 2016

Michaels Development Company
Mauka Tower, Pacific Guardian Center
737 Bishop Street, Suite 1520
Honolulu, HI 96813

To Whom It May Concern:

SUBJECT: Exemption Declaration

AGENCY OR APPLICANT ACTION

Check applicable box

- ☐ This exempted action is an agency action as defined by Section 343-5(B), HRS, and Section 11-200-5, HAR.
- ☒ This exempted action is an applicant action as defined by Section 343-5(C), HRS, and Section 11-200-6, HAR.

SPECIFY EXEMPTION CLASS

Check applicable box

- ☐ The Exemption Declaration for the action described below is based on the Exemption List for the Department of Hawaiian Home Lands, reviewed and concurred to by the Environmental Council on June 30, 2015.
- ☒ The Exemption Declaration for the action described below is based on the consultation process prescribed by Section 11-200-8(a), Hawai'i Administrative Rules (HAR), Exemption Class #4, "Minor alteration in the conditions of land, water, or vegetation."

EXHIBIT "E"

ITEM NO. F-1

DESCRIPTION OF ACTION

Proposing Agency or Applicant: Michaels Development Company
Project Name: Construction Staging Area
Anticipated Start Date: June 2016
Anticipated End Date: TBD
Island and District: Kealahou, Kona, Hawaii Island
Tax Map Key(s) and/or Latitude/Longitude Coordinates: (3)-7-4-021:023 (por.)
All Necessary Permits and Approvals: None

NARRATIVE

The Michaels Development Company (MDC) is requesting temporary use of DHHL land (TMK (3) 7-4-021:023 (por.)) for the purposes of a construction staging and storage area. Heavy equipment and construction materials will be stored on the site. MDC will be commencing construction on neighboring parcels to DHHL lands. The area of proposed use is approximately a two-acre area.

RECEIVING ENVIRONMENT

The subject TMK is undeveloped. It is lightly vegetated with invasive plants such as kiawe and dry land grass. The parcel is surrounded by residential and community uses in an area slated for additional urban development.

ENVIRONMENTAL ANALYSIS

I have considered the potential effects of the proposed project and all related activities against the criteria checked below:

	Not Applicable
<input checked="" type="checkbox"/> Land Use and Zoning Conformance	<input type="checkbox"/>
<input checked="" type="checkbox"/> Traffic (Vehicles, Bicycles, Pedestrian)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Infrastructure (Roads, Buildings, Utilities)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Air Quality Pollutant Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Noise Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Solid, Hazardous, and Liquid Waste Management	<input type="checkbox"/>
<input checked="" type="checkbox"/> Social	<input type="checkbox"/>
<input checked="" type="checkbox"/> Economic	<input type="checkbox"/>
<input checked="" type="checkbox"/> Health and Safety	<input type="checkbox"/>
<input checked="" type="checkbox"/> Recreation	<input type="checkbox"/>
<input checked="" type="checkbox"/> Public Beach Access	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cultural Resources and Practices	<input type="checkbox"/>
<input checked="" type="checkbox"/> Visual/Aesthetic	<input type="checkbox"/>
<input checked="" type="checkbox"/> Environmental Justice	<input type="checkbox"/>
<input checked="" type="checkbox"/> Rare, Threatened, and/or Endangered Species	<input type="checkbox"/>
<input checked="" type="checkbox"/> Surface and Ground Water Resources	<input type="checkbox"/>
<input type="checkbox"/> Wetlands	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Floodplains	<input type="checkbox"/>
<input type="checkbox"/> Riparian/Coastal Resources	<input checked="" type="checkbox"/>
<input type="checkbox"/> Other	<input checked="" type="checkbox"/>

The proposed project will not have significant negative impact on the above criteria.

MITIGATION

The proposed use is temporary and all construction equipment and material will be removed from the property at the completion of the project.

EXEMPT DECLARATION

The direct, cumulative, and potential impacts of the action described above have been considered pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules. I declare that the action described above will have minimal or no significant impact on the environment and is therefore exempt from the preparation of an environmental assessment.

This document is on file in our office and is available for public review.

Aloha,




Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23-24, 2016

To: Chairman and Members, Hawaiian Homes Commission

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

From: Kalei Young,  Supervising Land Agent, Land Management Division

Subject: Approval to Extension of License Term, Church License No. 503, St. Rita's Church, Nanakuli, Island of O'ahu, TMK Nos. (1) 8-9-005:001, (1) 9-007:002 (por.) & (1) 9-007:004 (por.)

LICENSEE:

Saint Rita's Church

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC):

1. Authorize an amendment of License No. 503 which extends the current termination date 65 years beyond the current license termination date of December 31, 2028 so that the new termination will be on December 31, 2093, which are by this reference incorporated herein and further subject to the following:
 - a) Licensee must substantially complete the proposed renovations as described in Exhibit "E" by December 31, 2021 at an estimated cost of 5.5 million dollars;
 - b) Licensee, at its sole cost and effort, must obtain approval and implementation from the proper government authorities to combine those portions of their demised premises laying on Tax Map Key Nos. (1) 9-007:002 & (1) 9-007:004 to be subdivided and consolidated to become portions of Tax Map Key No.(1) 8-9-005:001;
 - c) Licensee shall use the premises strictly for Church and Church related activities. No other use shall be allowed without DHHL's prior written approval.
 - d) Licensee's intended plan shall conform to federal, state and county (government agencies) standards. Licensee 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;
 - e) Any construction or alteration of the demised premises shall require DHHL's written approval;
 - f) The amendment document shall be subject to other standard terms and conditions of similar license amendments issued by DHHL;

- g) The Chairman of the Hawaiian Homes Commission is authorized to set forth any additional terms and conditions which shall ensure and promote the purposes of the demised premises;
- h) Review and approval by the State of Hawaii, Department of the Attorney General; and
- i) Except as otherwise modified herein, all other terms and conditions of Church License No. 503 shall continue and remain in full force and effect.

LOCATION:

Portion of Hawaiian home lands situated in Nanakuli, Island of O'ahu, identified as TMK Nos. (1) 8-9-005:001, (1) 9-007:002 (por.) & (1) 9-007:004 (por) see Exhibit "A", "A-1", "A-2"

AREA:

73,900 square feet or 1.696 acres (detailed in Exhibit "B")

DISCUSSION:

St. Rita's Church has been serving primarily native Hawaiians in the Nanakuli Hawaiian Homestead Community at this same location since 1931. Through a combination of loans and other funding, the Roman Catholic Church of Hawaii intends to provide approximately \$5.5 million dollars to allow the implementation of a construction project at St. Rita's Catholic Church. The Licensee is proposing to build the following: 1) a new meeting hall to accommodate 300 people; 2) demolish and re-construct a new church to accommodate 400 people; 3) construct a single-story office building consisting of approximately 1,100 sq. ft.; and 4) various landscape and miscellaneous aesthetic improvements.

The project and Church have the support of the homestead community. A Beneficiary Consultation was conducted on June 2, 2015, and results presented to and approved by the HHC at its August 17, 2015 meeting, (see Exhibit "C").

The Roman Catholic Church of Hawaii would like to maximize its financial investment in this Hawaiian Homestead Community, therefore requests to extend the current license term for 65 years beyond its current termination date of December 31, 2028. The new termination date of December 31, 2093, will allow a total of 77 years to remain on the license term. St. Rita's provides much needed service to our homesteaders for over 80 years at this location; they hope to continue for 77 more.

PLANNING AREA:

Nanakuli

LAND USE DESIGNATION:

Community Use, Oahu Island Plan (2014), Figure 4.5 Nanakuli Planning Area Land Use Designations

CURRENT STATUS:

Actively used by this applicant

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

The direct, cumulative, and potential impacts of the action described have been considered pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules. A Finding of No Significant Impact was declared by the Hawaiian Homes Commission on April 19, 2016 (see Exhibit “D”) for the date Final Environmental Assessment of St. Rita Catholic Church Master Plan. Final Environmental Assessment and for the St. Rita Catholic Church Master Plan dated April 2016.

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.

Land and Resource Management

Goals:

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

Objectives:

- Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.

Nanakuli Regional Plan (2009)

The disposition is consistent with the following elements Community Use purposes

This disposition provides Community Use in form of religious services and spiritual guidance.

Program Plans

Water Policy Plan (2014)

While the license agreement does not specify activities that would implement DHHL's Water Policy Plan, it is anticipated that renovations facilitated by the granting of the license will include water conservation measures to make the facility more efficient in the use of water, if necessary.

Ho'omaluo Energy Policy (2009)

While the license agreement does not specify activities that would implement DHHL's Energy Policy, it is anticipated that the renovations facilitated by the granting of the license will include energy conservation measures to make the facility more efficient in the use of energy if necessary.

AUTHORITY / LEGAL REFERENCE:

The Hawaiian Homes Commission, at its meeting held August 17-18, 2015, approved submittal Agenda Item No. G-1, Acceptance of Beneficiary Consultation Report on Four (4) Non-Homestead Land Dispositions in Nanakuli, Oahu, as presented by the Planning Office. St. Rita's Catholic Church License Extension was one of those four (4) dispositions that was covered.

RECOMMENDATION:

Land Management Division respectfully requests approval of the motion as stated.

Copy 1021621
 By L.K.H. Dec. 1938
 Source: Tax Maps Division & Survey
 Copyrighted

NANAKULI, OAHU, FOR NANAIKAPONO LOTS.

PLAT 02
 FARFINGTON HIGHWAY
 MANO PLAT
 04
 AVENUE
 AVENUE
 AVENUE
 NANAKULI BEACH PARK
 PLAT 07
 3 ft. wide

ADJACENT SHEET
 Subject to Change

Map owned by Hawaiian from lands unless otherwise noted

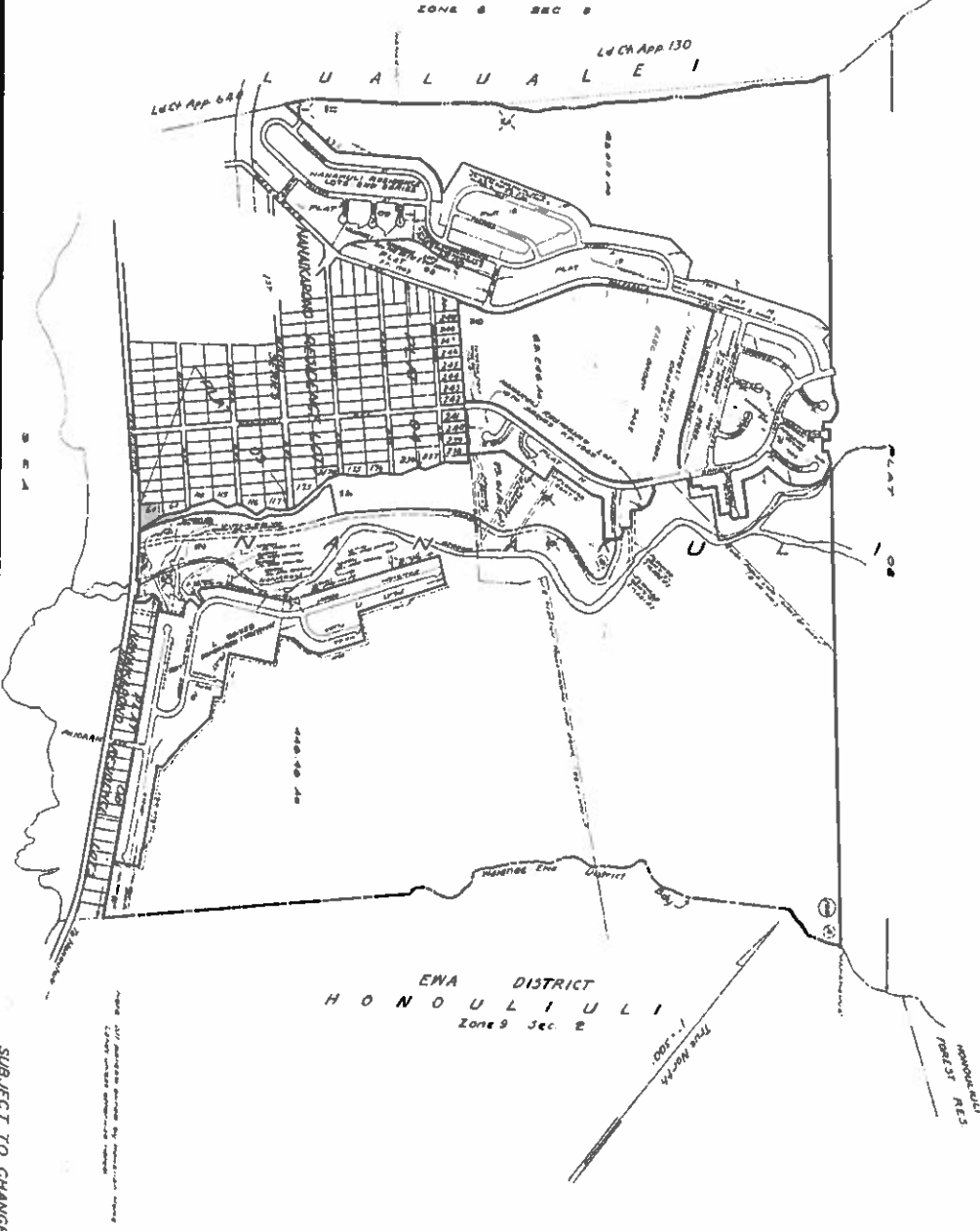
First	Division
8	9
Zone	Sec
8	9
Combining	Plat
8	9
Scale	1 in = 100 ft

EXHIBIT "A"

Item No. F-2

Orig No 3326
 Source Survey Dept. T.M.B.
 By H.N. & B.M. Dec. 1937

FOR NANAKULI, OAHU



8	9	07
CONTAINING PARCELS		
SCALE IN FEET		

EXHIBIT "A-2"

Item No. F-2



EXHIBIT "A-3"
Item No. F-2

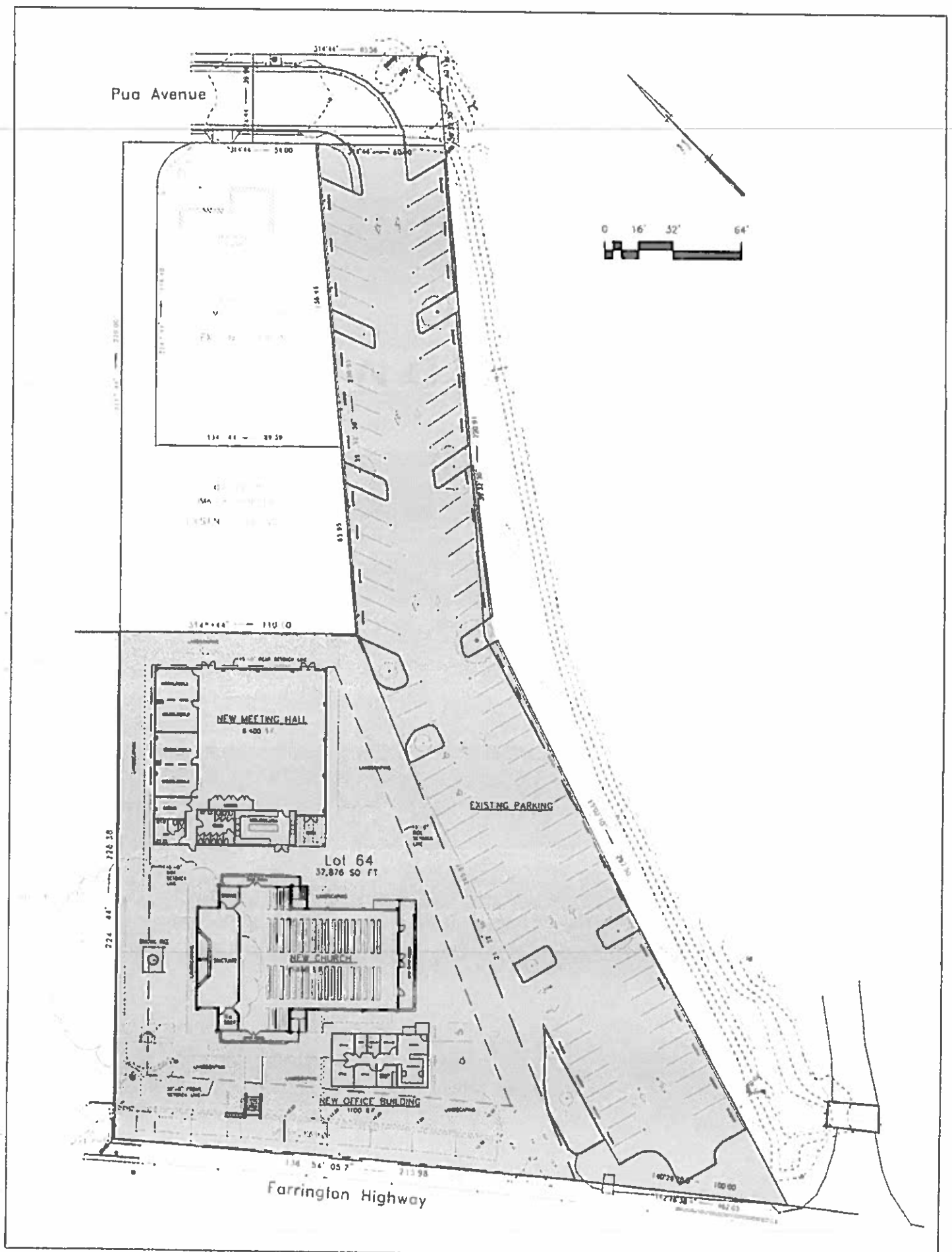


Figure 6 - Proposed Site Plan

G - PLANNING OFFICE

ITEM G-1 Acceptance of Beneficiary Consultation Report on Four (4) Non-Homestead Land Dispositions in Nānākuli, O'ahu

RECOMMENDATION

DHHL Planner Julie Cachola recommended the following:

That the Hawaiian Homes Commission (HHC) accept the Beneficiary Consultation Report on Four (4) Non-Homestead Land Dispositions in Nānākuli, O'ahu (Attachment A) as a formal record of the Department's consultation with affected beneficiaries pursuant to the Commission's Beneficiary Consultation Policy.

MOTION

Moved by Commissioner Chin, seconded by Commissioner Kahikina.

DISCUSSION

Presentation of Land Use Requests

The Department presented information on two (2) License requests that received conditional approval from the HHC in December 2014, pending the completion of an informational meeting.

1. Honolulu Community Action Program, Inc./Head Start Program

In 2004, DHHL issued a License to the Honolulu Community Action Program (HCAP) to use a sectioned-off part of the Ka Waihona o ka Na'au'ao Public Charter School facility for early childhood education and childcare services provided as the Head Start Program. The License fee was \$220.00 per month (\$2,640 per year) for a 10-year term that ended on August 31, 2014.

The new License is for a 5-year term that begins on September 1, 2014 and expires on August 31, 2019. The License was expanded to include an additional classroom, so the new License fee was increased to \$330 per month (\$3,960/year).

2. House of Salvation Church and Bible School, Inc.

A License was issued in 2004 to His Highest Praise Westside for the use of two (2) portable classrooms and shared use of the cafeteria and parking lot in order to conduct worship services and church-related activities. In 2009, Highest Praise was dissolved and the Church was reorganized as the House of Salvation Church and Bible School, Inc. The License expired on August 31, 2010; the License fee was \$340.00 per month (\$4,080 per year).

The new License would be for a term of 10 years, retroactive to September 1, 2010. The monthly License fee will remain unchanged for the new term.

The Department also presented two (2) items for beneficiary input.

* 3. St. Rita Catholic Church License Extension

In 1934, the Department issued the original License to St. Rita Catholic Church for the use of a 1.696-acre lot located at 89-138 Farrington Highway. On January 1, 1999, the Department issued a new License for a 30-year term which would expire on December 31, 2028. The annual license fee is \$348.48.

The Church has plans to demolish the old church and completely renovate the site with a new Church building, a new meeting hall and an office building. The Church is requesting an additional 65-year term which would expire in 2093.

EXHIBIT "C"

4. Hale Ola Ho'opakolea's Request for a new General Lease

In 1992, Hale Ola received a General Lease for the use of a 20,154 sq. ft. parcel located at 89-137 Nānākuli Avenue. Hale Ola provides community services through partners such as Alu Like, the Christian Women's Job Corps, and the Hawai'i Food Bank. The current annual rent is \$3,325. The original 15-year General Lease expired on June 30, 2007.

Hale Ola is requesting a new 65-year General Lease. They plan to demolish the old classroom, cultural hall and restroom buildings and replace them with a new multi-purpose hall and a new building for restrooms and storage.

J. Cachola stated she has conducted many beneficiary consultations in her time at DHHL and she has never come away from one of these with such a feeling of satisfaction. Everyone who attended agreed with the projects and even asked that DHHL move them forward as soon as possible.

Commissioner Kahikina stated it was a good meeting but there was no mention of the policies and procedures for general leases. J. Cachola stated even though these projects were brought before a beneficiary consultation it still needs to go through the proper due diligence before it can be approved for a general lease. Commissioner Kahikina asked to see the general lease proposals.

ACTION



Motion carried, as stated. Commissioner Kahikina voted Aye, with Reservations.

Chair Masagatani thanked everyone for being patient. Items C-1 and C-2, which were not covered, will be carried forward to tomorrow's agenda. She called for a recess until 9:30 am tomorrow.

RECESS

6:04 p.m.



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HIA
WAHI 96805

April 19, 2016

MEMORANDUM

TO: Scott Glenn, Director
Office of Environmental Quality Control

FROM: Jobie M. K. Masagatani, Chairman *masagatani*
Hawaiian Homes Commission

SUBJECT: Final Environmental Assessment and Finding of No
Significant Impact for the St. Rita Catholic Church
Master Plan, Nānākuli, O'ahu, TMK (1)8-9-005:001, (1)8-
9-007:002(por.), and (1)8-9-007:004(por.)

The Department of Hawaiian Home Lands (DHHL) hereby transmits the final environmental assessment and finding of no significant impact (FONSI) for the St. Rita Catholic Church Master Plan situated in Nānākuli, on the island of O'ahu for publication in the next available edition of the Environmental Notice.

DHHL has included copies of the public comments and the corresponding responses from the applicant that were received during the 30-day public comment period on the draft environmental assessment and anticipated finding of no significant impact (DEA-AFONSI).

Enclosed is a completed OEQC Publication Form, two copies of the FEA-FONSI, an Adobe Acrobat PDF file of the same, and an electronic copy of the publication form in MS Word. Simultaneous with this letter, we have submitted the summary of the action in a text file by electronic mail to your office.

If there are any questions, please contact Julie-Ann Cachola in our Planning Office at 808-620-9433 (desk) or 808-779-5084 (cell).

Enclosures

EXHIBIT "D"

Item No. F-2

Table 2 – Project Phasing and Estimated Costs

Milestone	Year Completed/Estimate	Cost
Parking Lot	2002	\$450,000
Permitting and Environmental Assessment	2013-2015	\$150,000
New Office Building	2016-2017	\$270,000
New Multipurpose Building	2017-2018	\$3,200,000
Church demolition and Reconstruction	2018-2020	\$2,000,000
Total Estimated Costs		\$6,070,000

Source: St. Rita Church

According to Table 2, the projected completion of the St. Rita Church Master Plan is 2020.

1.7 Listing of Permits and Approvals

A listing of required discretionary land use approvals and ministerial permits for this project is provided.


State Agencies		
Permit or Approval	Approval Agency	Status
National Pollutant Discharge Elimination System (NPDES)	Department of Health	Application not yet submitted
American with Disability Act (ADA)	Disability and Communication Access Board	Application not yet submitted
City and County Agencies		
Permit or Approval	Approving Agency	Status
Environmental Assessment	Department of Planning & Permitting (DPP)	Draft EA to be submitted
Special Management Area Use Permit (Major)	DPP	Application not yet submitted
Conditional Use Permit (Minor) – Joint Development & Meeting Facility	DPP	Application not yet submitted
Building Permits	DPP	Application not yet submitted


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23-24, 2016

To: Chairman and Members, Hawaiian Homes Commission

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

From: Kaipo Duncan, Land Agent
Land Management Division 

Subject: Issuance of Right of Entry Permit, Edward K. Taniguchi, Anahola Mauka, Anahola, Island of Kaua'i, TMK No.: (4)4-7-002:004 (por.)

APPLICANT:

Edward K Taniguchi (See Exhibit "A")

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) authorize the issuance of Right of Entry (ROE) Permit to Edward K Taniguchi, covering the subject area as identified and described below for pastoral and agricultural purposes.

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

1. 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.
2. Authorize the issuance of a ROE Permit to Edward K. Taniguchi, covering the subject area for pastoral and agricultural purposes 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;
 - 1) Permittee shall use the Premises for Pastoral and Agricultural purposes only. No other use shall be allowed without DHHL's prior written approval.
 - 2) Land Management Division shall identify and provide approximately eighty (80) acres to be used under this ROE permit.
 - 3) Monthly fee shall be \$20.00 by using comparable rates as applied to existing pastoral permittees within immediate area and the future conversion of this ROE to a DHHL homestead lease.
 - 4) A security deposit of two (2) month's fee shall be required.

- 5) Permittee shall pay non-refundable processing and documentation fees totaling \$175.00.

3. This ROE shall conform to federal, state and county (government agencies) standards. Permittee 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;
4. Any construction or alteration of the permit area shall require DHHL approval;
5. The ROE document shall be subject to other standard terms and conditions of similar ROE's issued by DHHL;
6. Review and approval by the State of Hawaii, Department of the Attorney General; and
7. 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:

Portion of Hawaiian Home Lands situated in Anahola Mauka, Anahola, Island of Kaua'i, identified as tax map key: (4)4-7-002:004 (por.) & (4)4-8-002:001(por.)

AREA:

Approximately eighty (80.0) acres

DISCUSSION:

Mr. Ed Taniguchi, a Department of Hawaiian Home Lands (DHHL) beneficiary, discussed his concerns about waiting for a pastoral homestead award for the past fifty-five (55) years with the DHHL Chairman on April 27, 2015, during a Homestead Leadership meeting held on Kauai. He wrote a letter dated July 14, 2015 (See Exhibit "B") to DHHL stating he is currently number two (2) on the DHHL Kauai island waitlist and his preference to be a self-sufficient Hawaiian by raising his livestock on Hawaiian Home Lands to feed his family and the Anahola community. DHHL currently has only one (1) pastoral homestead award on the island of Kaua'i in Puu Opae, Kekaha. DHHL Land Management Division (LMD) presently manages lands in Anahola Mauka via Right of Entry (ROE) permits because the area lacks sufficient infrastructure and water to award these lands as homestead lots.

On November 16-17, 2015, DHHL staff submitted an information only submittal under Item No. G-5 (See Exhibit "C"), where a discussion of potentially issuing a Kuleana Homestead Award and the need to explore options to meet Mr. Taniguchi's needs transpired. Based on the conversation the sentiment of the HHC appeared supportive. To date, staff continues to explore details in the strategic development and implementation of a Kuleana Homestead Award Program and has yet to determine its course of action on this matter. Therefore, in the interim issuing a Right of Entry Permit as recommended would be the first step in assisting Mr. Taniguchi. The intent is to convert this ROE to a DHHL homestead 99 year lease award in the foreseeable future.

Mr. Taniguchi understands and is well aware that the number one (1) person on the DHHL waitlist could possibly be awarded this ROE site if they chose to accept it when awarded as a homestead lease.

PLANNING AREA:

Anahola/Kamalomalo'o, Anahola, Kauai (See Exhibit "D")

LAND USE DESIGNATION:

Pastoral Use, Kaua'i Island Plan (2004), Figure 8.2 – Anahola/Kamalomalo'o Land Use Plan, pg. 8-4

CURRENT STATUS:

Overgrown vacant land area with an abundance of Albezia trees. Land has no improvements

CHARACTER OF USE:

Pastoral & Agricultural Purposes

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

Exemption Class No. & Description:

In accordance with the "Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands, as Reviewed and Concurred Upon by the Environmental Council on June 30, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption List Class No. 4, "Minor alteration in the conditions of land, water, or vegetation."

Exemption Item Description from Agency Exemption List:

The direct, cumulative, and potential impacts of the action described have been considered pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules. Since the action as proposed is determined to have minimal or no significant impact on the environment it would therefore be exempt from the preparation of an environmental assessment. The DHHL Planning Office (PO) has documented the action as being eligible for exemption from the preparation of an Environmental Assessment under the Exemption Class as referenced above (soon to be forthcoming-see Exhibit "E").

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

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

Agricultural and Pastoral Uses

Goals:

- Increase the number of agricultural and pastoral leases awarded each year.
- Provide infrastructure, technical assistance and financial support commensurate with the intended uses of agricultural and pastoral lots.
- Provide agriculture and pastoral commercial leasing opportunities for beneficiaries. Conserve the most productive agriculture lands for intensive agriculture and pastoral use.

Objectives:

- Assist existing and future lessees in acquiring technical, marketing and financial assistance to increase productivity, economic efficiency and markets for their products.
- Provide agriculture and pastoral homestead lots for subsistence and supplemental purposes.
- Provide general lease agriculture and pastoral lots of adequate size for commercial farming or ranching business purposes by native Hawaiians.
- Establish minimum infrastructure requirements for agricultural and pastoral lease

Kauai Island Plan (2004)

The recommended disposition is consistent with the following elements of the Kauai Island Plan:

The site is designated for General Agriculture (GA) and Community Use (CU) consistent with the Kauai Island Plan. Table 2.1 DHHL Land Use Designations page 2-7 and Figure 8.2 Anahola/Kamalomalo'o Land Use Plan page 8-4. Anahola is the only area on Kauai designated for future pastoral lease awards.

RECOMMENDATION:

Land Management Division respectfully requests approval of the motion as stated



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1079
HONOLULU, HAWAII 96808

REQUEST FORM FOR NON-HOMESTEADING LAND USE PURPOSES

PART I: APPLICANT INFORMATION

Name: Edward K. Taniguchi
Address: PO Box 758 Anahola HI 96703
Phone No.: (808) 821-1206 Cell: (808) 635-8768 email: anuheamiti@yahoo.com
If Corporation/Organization/Company/LLC/Non-Profit:

Name: _____

Address: _____

Phone No.: _____ Cell: _____ email: _____

☐ Requesting Organization is a Non-Profit

Type of Non-Profit:

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

☒ Requesting Organization is For Profit - Individual or Business

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

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

☐ Requesting Organization is a Government Agency

- ☐ Federal ☐ State ☐ County

Officers and/or Principal Representatives: Edward K. Taniguchi

Mission of Organization: To be a self sufficient Hawaiian; raise livestock, garden vegetables, ulu, banana, kalo etc; anything else we can grow to feed our families and community.

Date Incorporated: _____ State of Incorporation: _____

Federal Tax ID#: _____ State Tax ID#: _____

PART 2: NON-HOMESTEADING LAND USE REQUEST

Describe proposed non-homesteading land use envisioned under this request as submitted _____

*Please attach additional information if necessary

Land Request Form No. _____

ITEM NO. F-3

EXHIBIT "A"

Land Area requested: Acreage/Sq.Ft. At least 500

Term: AS long AS possible

Island: Kauai

Tax Map Key No.: 4-4-7 002-004

To be transferred to a 'kuleana' lease Award

Indicate Character of Use:

☒ Agricultural

☐ Commercial

☐ Church

☐ Other

☒ Pastoral

☐ Industrial

☐ Community Facility

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

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

Describe how proposed land use request will have direct or significant indirect benefit to the Trust and/or its Beneficiaries (Applicants & Lessees): DHHL would be able to follow its rules for beneficiaries by awarding me, Edward Taniguchi, a Kuleana lease. I have waited nearly 55 years, since 1961 for a lease that I am entitled to as part of Prince Kuhio's vision in 1920 when he created the Hawaiian homes act.

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

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

Revocable Permit - \$100.00

License - \$200.00

General Lease - Cost

Documentation (all)...\$75.00

Edward K. Taniguchi

10.21.2015

Print Individual or Organization Name

Date

Edward K. Taniguchi
Signature

Authorized Representative Name & Title

SEC 0 PLAI

Lihue Plantation Co Ltd.
(1718 x1)

Study of Haregii
- Large Migration Co. Ltd.
Per Per. 100.000.000
1998 100.000.000

EXHIBIT "A"

(10)

10112 MALOMALO, KAWAIAU, KAUAI K

PLAT 08 P

Y

SEC. 6 PLAT 105
A. SUBJECT TO CHANGE

TAXATION MAP'S BUREAU TERRITORY OF HAWAII	
TAX MAP	
FOURTH DIVISION	
ZONE	SEC. PLAT
4	7 02
CONTAINING 7 PARCELS	
SCALE: 1" = 600' RL	

Full Page

July 14, 2015

Aloha! My name is Edward K. Taniguchi of Anahola, Kauai. After patiently waiting and actively participating in the Hawaiian Homes Department process since 1961, and after 54 years, I am offering you, the department my assistance in providing a Land Stewardship Proposal that will enable you to award me a lease immediately with no further wait.

I am 80 years young and refuse to become another waitlist statistic of a Native Hawaiian, waiting to be awarded a land lease, that never happens because I cease to exist. I have waited patiently, a majority of my life, for this land lease to happen and still nothing. However, hearing thru the grapevine and seeing for myself, land is leased to NON HAWAIIANS, no problem. I fully understand the complex factors influencing long wait times for beneficiaries to be awarded leases; long lead times for securing infrastructure financing and difficulty in obtaining new monies for it's development. I also understand the department's responsibility to fulfill its obligation to beneficiaries in a timely manner, as the main purpose of the Hawaiian Homes Commission is to facilitate land awards to beneficiaries.

This Proposal addresses DHHL'S need to seek a creative solution in order to increase land distribution and remediate the unacceptably long wait time of 54 years, in my personal case. In keeping with DHHL'S main mission statement, I offer you a way to expedite the process by stepping "outside the box", seeking alternatives and taking initiative. I ask that the department immediately award me a lease, in the form of a kuleana award of unencumbered, raw and unimproved land on the island of Kauai in the Kamalomalo'o area of Anahola.

In 1999 DHHL worked with a group of waiting beneficiaries on the Island of Maui to create the Kuleana Land Program of Kahikinui as a pilot program with the intention that future beneficiaries be given the opportunity to explore alternative homesteading in the form of contemporary, off-grid, subsistence style Kuleana Leases.

The vision for this program is based on the practice of "Kuleana" lands awarded to a Hawaiian by the King or ruling monarch of the 1850's. The granting of lands carried with it the responsibility for a Hawaiian ohana to respect and malama the lands. It was understood that when the aina was properly care for, it would in turn sustain the physical and spiritual well being of its caretakers.

As stated in the DHHL website, the Kahikinui homestead program is the "outgrowth of DHHL'S effort to expand the range of program options provided to native Hawaiian beneficiaries". The remote location of Kahikinui on the back slopes of Haleakala created prohibitive costs for possible community development and the land therefore appeared inaccessible to beneficiaries. With innovation and

ITEM NO. F-3

EXHIBIT "B"

a willingness to work hard the off-grid subsistence community envisioned became a reality.

I ask to be allowed the same opportunity here in Kamalomalo'o, Anahola to demonstrate to DHHL and future beneficiaries that the Kuleana Program can be a complete success with pono intentions and proper land stewardship based on traditional land management concepts. My 80 years of knowledge gained through subsistence living, agriculture and cattle ranching here on Kauai and my commitment to the long term health of our island and culture have allowed me to be federally recognized as a Cultural Practitioner, Advisor and Konohiki (head man of an ahupua'a land division under the Chief) for Anahola, Kauai. I carry with me a deep connection to this aina. My knowledge comes from years of living and working on the land perpetuating 'ike passed on to me by my parents and uncles, knowledge and values that I share with present and future generations. My cultural wisdom, life experiences and old fashioned ethics ensure proper stewardship of this land in a way that will not only benefit me now and empower our community but also enable the department to fulfill various aspects of its immediate goals as shared in its mission statement objectives: to expand the variety of homesteading opportunities, implement ag and pastoral homesteading opportunities, giving consideration to rural homesteading.

Similar to Kahikinui, the location of the Hawaiian homelands of Kamalomalo'o, Anahola present prohibitive development costs for the department with no awards planned in my lifetime. My vision, however, for this land would not require any infrastructure to be provided by anyone other than myself. My goals to be accomplished for the rest of time that I have on this earth, if given this chance, would focus on using the land as a agricultural and environmental resource.

The land that I request to lease has not been in use since its return to DHHL from Amfac/Lihue Plantation. It is the furthest mauka of DHHL lands in Anahola bordering the Kealia forest reserve. I am formally requesting 300 acres of land in TMK:4-4-7-002-004 bordering the forest reserve and property now owned by Cornerstone LLC. Ample rainfall and fertile soil will allow great potential for various agriculture uses, however, inconsistent terrain would not be suitable for community development. With direction and dedication this aina could produce an abundance of food to support my family and others. Staples like kalo, banana, ulu and sweet potato to name a few would flourish. Medicinal herbs like olena, mamaki, laukahi, awa and noni would also flourish with minimal maintenance. The lower portion of the area would also be ideal for me to pasture my small herd of cattle (which I now pay for land to pasture elsewhere), goats, mules and pigs which I currently raise, while I wait for a lease offer.

EXHIBIT "B"

With many resources available to me I am prepared to immediately begin planting and fencing in the lower portion of the land (an area for my cattle). Further mauka this land is the gateway to our wao nahele or inland forests (currently DLNR Kealia, forest reserve) where native koa, ohia lehua, papala and maile can still be seen growing at the edge of Hawaiian Home Lands property. Prior to being cleared by the plantations for sugar planting, native vegetation flourished supporting a diverse eco-system and contributing to a healthy water shed. As a gateway to our sacred wao nahele and wao kele proper stewardship is necessary for this aina. This upland area holds tremendous potential for restoration efforts as a valuable environmental and cultural resource for our community, cultural practitioners, and keiki of the next generation.

The waipo'o of the ahupua'as flows into Anahola stream feeding the entire valley and eventually emptying into Anahola Bay. Our fishing village of Anahola, situated largely around the bay is home to over 47% of Kauai's Native Hawaiian population. The health of the eco-system at higher mauka elevations is of extreme importance to the overall health to the lower part of the valley, Anahola Bay and our entire community.

When beginning to understand the current state of our Anahola Watershed, it becomes increasingly clear that there is an urgent need for proper resource management, education and rehabilitation efforts to attempt to offset the projected continued growth of Anahola's population. In the words of Michael Buck who headed DLNR forestry and wildlife division for over a decade, "Hawaiian society was based on the Ahupua'a system of land management, which evolved to protect the upland water resources... The forest sustained agriculture, aquaculture and other human activities. Water was a gift from the gods and Hawaiians understood the relationship between their forests and their survival. The ancient proverb sums it up: "Hahai no ka ua I ka ulu la'au. Rain always follows the forest". The present day is no different. Unsustainable agricultural techniques and improper land management depleted our forests and diminish the quality of fresh water supplies. Our water table has dropped noticeably, our once flowing streams at the base of Kalelea have dried up, as our demand for fresh water has outstripped our supply. Flow to the main river has become intermittent and unreliable due to the damage and destruction of our upland growth.

Immediate remediation efforts are needed in each community across Hawaii. Here in Anahola, I am willing and able to begin guiding these efforts. It is noted by Michael Buck in discussing watershed restoration that reforestation of original Koa forests can help restore watersheds, habitats for native species (many endangered) as well as create sustainable commercial and cultural forest products. Here on Kauai, we have several exemplary well established community based foundations with which we have an opportunity to explore, collaborative

partnerships motivated by common (restoration) goals. Within my own immediate ohana, I have resources with backgrounds in Native Hawaiian plant botany, propagation and out planting to help move my vision forward and coordinate community involvement.

As noted on the DHHL website: the PRIMARY benefits to be expected from native forest restoration are: 1) increased water quality and air quality; 2) conservation of unique endemic plants and animals; 3) perpetuation of important Hawaiian cultural resources and 4) diversification of rural economy". Also to be expected are an increase in the number of days per year that intermittent stream flows and water is available at springs. Top soil will be protected and retained with expected erosion control, allowing proper retention of organic material, heightening natural nitrogen levels, creating a fertile receptive environment for revegetation efforts of mauka areas. Without such efforts, unregulated erosion and sedimentation continues irreversible damage to our nearshore marine waters on which our community depends. Anahola village is one of the last existing Hawaiian fishing villages in the islands and the need for protection of our way of life is urgent. We live in a critical time, where without proper leadership our keiki face a future of diminished natural resources directly connected to loss of culture, community pride, and selfworth. The keiki of tomorrow may never know our precious Kanaka way of life.

On an island that relies on external imports for the majority of what we consume I am motivated to use my knowledge and resources, working toward balancing the needs of Anahola with nourishing food grown in our ahupua'a. I wish to contribute to maintaining a healthy reef that will continue to provide fish for our fisherman, who could provide for the community. I want our bay to be the living classroom where our keiki learn life skills through participation, where our culture continues to LIVE, not just be preserved in the distant print of history books. I envision an environment where our community, young and old, mo'opuna and kupuna, may join efforts to maintain and restore our resources, where children have the opportunity to learn life lessons from their kupuna and reconnect to this 'aina that sustains us. The Kamalomalo'o area as a gateway from coastal lowlands to Mauka uplands is an invaluable ecological and cultural resource, representing the reinforcement and positive revitalization of our environment and cultural identity here in Anahola.

Infrastructure is not necessary to make this vision a reality for me. Any needed electricity for daily operations will be provided by a small solar panel or battery run unit. A battery powered water pump would be provided for irrigation and propagation, which may never be needed due to consistent rainfall and ground moisture. A simple composting unit would suffice and be environmentally sound and phone service is available with my cellular. The only thing missing for me to

accomplish my vision is the land to do it on. As I have mentioned before, I have been on your waiting list since 1961, 54 years and counting.

Today we as Hawaiians face a pivotal time in our history. One where the ike of our Kupuna is more valuable than ever. Intergrating traditional thought processes and a way of life that reflects true core Hawaiian values of aloha Aina is necessary to ensure balanced strengthening and survival of our environment, people and culture in this modern world. We are intertwined, one may not flourish without the other.

DHHL carries a heavy responsibility, you are charged with oversight of our Hawaiian lands and facilitation of the return of Hawaiians to the land. The survival of our people and our cultural identity depends on our return to our 'Aina. He Alii Ka 'Aina, He Kawaa Ke Kanaka; The Land is Chief, man is the servant.

I humbly ask that you accept my assistance to fulfill your responsibility and end my 54 year wait for a land lease designated for Hawaiians that has been exploited by commercial interests of non-hawaiians for over 100 years. I look forward to receiving my lease and helping you refine your Kuleana Land Award Model Program with true commitment to my vision. With old fashioned hard work, Aloha Aina and innovation I will demonstrate to the department that beneficiary success can not only improve the lives of one ohana, but can fortify an entire community.

Because it is possible, I can make it a reality!

With positive anticipation of your acceptance of my kokua as well as my enclosed proposal, I thank you for your time and assistance with this request.

Sincerely,



Edward K. Taniguchi

Anahola

PO BOX 758

Anahola HI 96703

EXHIBIT "B"

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 16-17, 2015

To: Chairman and Members, Hawaiian Homes Commission

Through: Peter K. Albinio, Jr. Acting Land Management
Administrator *P. Albinio*
M. Kaleo Manuel, Acting Planning Program Manager *K. Manuel*

From: Bob Freitas, HHL Program Planner *B. Freitas*

Subject: For Information Only - Land Use Request from
Edward K. Taniguchi for Land Located in Anahola
Kauai, TMK (4) 4-7-002:004 (por.)

RECOMMENDED MOTION/ACTION

None; For Information Only

DISCUSSION

On the Island of Kauai DHHL has only developed pastoral homesteads in Waimea. There is currently one pastoral lessee actively ranching on (3) of the (5) lots in the region. Two (2) pastoral homestead lots are currently un-awarded. The pastoral land in Waimea is very remote and accessible only by four wheel-drive.

Historically, the homestead population has grown in the Anahola region and the Kauai Island plan continues to support development in Anahola which is planned to include future agricultural and pastoral development.

DHHL owns 4,228 acres of land in the Anahola and Kamalomalo'o region extending from the shoreline mauka to the Kealia Forest Reserve (Exhibit A). There are lands in this area that are not in homesteading but are planned for homestead development. Currently, a large portion of these lands are managed via short term revocable permits. The

- 1 -

ITEM NO. G-5

ITEM NO. F-3

EXHIBIT "C"

following table summarizes the nine (9) pastoral revocable permits in Anahola who are raising livestock.

Rev. Permit No.	Size in acres	Annual Rent	Date Issued
47	2.8	\$336	1982
63	14.9	\$1704	1984
158	30	\$1380	1994
159	13	\$636	1994
314	63	\$2292	2004
352	5	\$1320	2005
362	50	\$1392	2005
367	11.6	\$672	2005
385	2.8	\$264	2005
Totals	193.1	\$9996.00	

DHHL currently manages lands in Anahola via pastoral revocable permits because the area lacks sufficient infrastructure to award these lands as homestead lots. Many of the permits are with non-Hawaiians who are raising cattle. Mr. Taniguchi has observed the cattle operations over the years because he is a resident of Anahola. He is number two (2) of three hundred and sixteen (316) people currently on the pastoral waiting list for Kauai, and he is number one (1) on the residential waiting list.

On July 14, 2015 Mr. Edward K. Taniguchi wrote a letter explaining that he has been patiently waiting and actively participating in the Hawaiian Homes Program since September 22, 1961, and after 54 years he is requesting a land stewardship proposal.

Mr. Taniguchi explained that when the Waimea pastoral homesteads were offered, his Mother received a lot but it was returned to DHHL because of the quality of the land to support ranching and its remoteness. Mr. Taniguchi has worked in the cattle industry and currently raises approximately 60 cows on a rented parcel of private land.

Mr. Taniguchi submitted a land use request form on October 23, 2015 for 300-500 acres of pastoral land located in Anahola, Kaua'i TMK (4)4-7-002:004(por.) (Attachment B).

Mr. Taniguchi officially discussed his concerns about waiting for a pastoral homestead award for the past 55 years with the Chairman during a Homestead Leadership meeting on Kauai and most recently on the J-agenda with the Hawaiian Homes Commission at the October 2015 meeting on Kauai. There was a discussion of potentially issuing a Kuleana Homestead Award and the need to explore options to meet Mr. Taniguchi's needs. Pursuant to these discussions and as a follow up to the meeting he provided additional background information pertaining to his request via letter (Attachment C). He discussed the possibility of DHHL issuing a Kuleana Homestead Award like the awards used for pastoral homesteaders at Kahikinui, Maui.

Hawaii Administrative Rules (HAR) Section 10-3-30 Kuleana Homestead Leases allows the Commission to establish a homestead program for settlement on unimproved available Hawaiian Home Lands. This rule sets up the criteria necessary to develop a Kuleana homestead area and further review and analysis will be required (Attachment D).

Next Steps:

DHHL staff will continue to develop a strategy to assist Mr. Taniguchi and will report back once all of the details have been confirmed. In the interim, staff anticipates bringing to the HHC a request to issue a Right of Entry to Mr. Taniguchi as an interim disposition until a homestead pastoral disposition, either traditional or Kuleana, is made available.

RECOMMENDATION

None; For Information Only

Kaua'i Island Plan
DEPARTMENT OF HAWAIIAN HOME LANDS
• Anahola / Kamalomalo 'o •



R = 565 acres; 359 existing lots & 1,218 planned @ 10,000 sf
SUB = 533 acres; 47 existing lots & 103 planned @ 2 acres
GA = 1,018 acres;
P = 148 acres; 14 lots @ 10 acres
CU = 127 acres; 44 acres mauka & 83 acres makai
SD = 1,419 acres
CON = 350 acres
C = 68 acres total

Figure 8.2
Anahola/Kamolomalo 'o Land Use Plan

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

SI'AN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII

WILLIAM J. ATLA, JR.
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

REQUEST FORM FOR NON-HOMESTEADING LAND USE PURPOSES

PART I: APPLICANT INFORMATION

Name: Edward K. Taniguchi
Address: PO Box 758 Anahola HI 96703
Phone No.: (808) 821-1206 Cell: (808) 635-8768 email: anuheamiti@yahoo.com
If Corporation/Organization/Company/LLC/Non-Profit:

Name: _____

Address: _____

Phone No.: _____ Cell: _____ email: _____

☐ Requesting Organization is a Non-Profit

Type of Non-Profit: ☐ Private Nonprofit – governed by self appointed board
☐ Member Nonprofit – governed by voting members
☐ Homestead Organization – governed by HHCA beneficiary members

☒ Requesting Organization is For Profit - Individual or Business

☒ Individual ☐ Sole Proprietorship ☐ Partnership
☐ Corporation ☐ Limited Liability Corporation ☐ Other

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

☐ Requesting Organization is a Government Agency

☐ Federal ☐ State ☐ County

Officers and/or Principal Representatives: Edward K. Taniguchi

Mission of Organization: To be a self sufficient Hawaiian; raise livestock, garden vegetables, ulu, banana, kalo etc; anything else we can grow to feed our families and community.

Date Incorporated: _____ State of Incorporation: _____

Federal Tax ID#: _____ State Tax ID#: _____

PART 2: NON-HOMESTEADING LAND USE REQUEST

Describe proposed non-homesteading land use envisioned under this request as submitted _____

*Please attach additional information if necessary

Land Request Form No. _____

EXHIBIT B

ITEM NO. F-3
EXHIBIT "C"

Land Area requested: Acreage Sq.Ft. At least 500 Term: As long as possible
Island: Kauai Tax Map Key No.: 4-4-7-002-004 To be transferred to a
'Kuleana' lease award

Indicate Character of Use:

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

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

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

Describe how proposed land use request will have direct or significant indirect benefit to the Trust and/or its Beneficiaries (Applicants & Lessees): DHHL would be able to follow its rules for
beneficiaries by awarding me, Edward Taniguchi, a Kuleana lease. I have
waited nearly 55 years, since 1961 for a lease that I am entitled to
as part of Prince Kuhio's vision in 1920 when he created the
Hawaiian homes act.

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

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

Revocable Permit - \$100.00 License - \$200.00

General Lease -- Cost

Documentation (all)...\$75.00

Print Individual or Organization Name

Date

Authorized Representative Name & Title

Signature

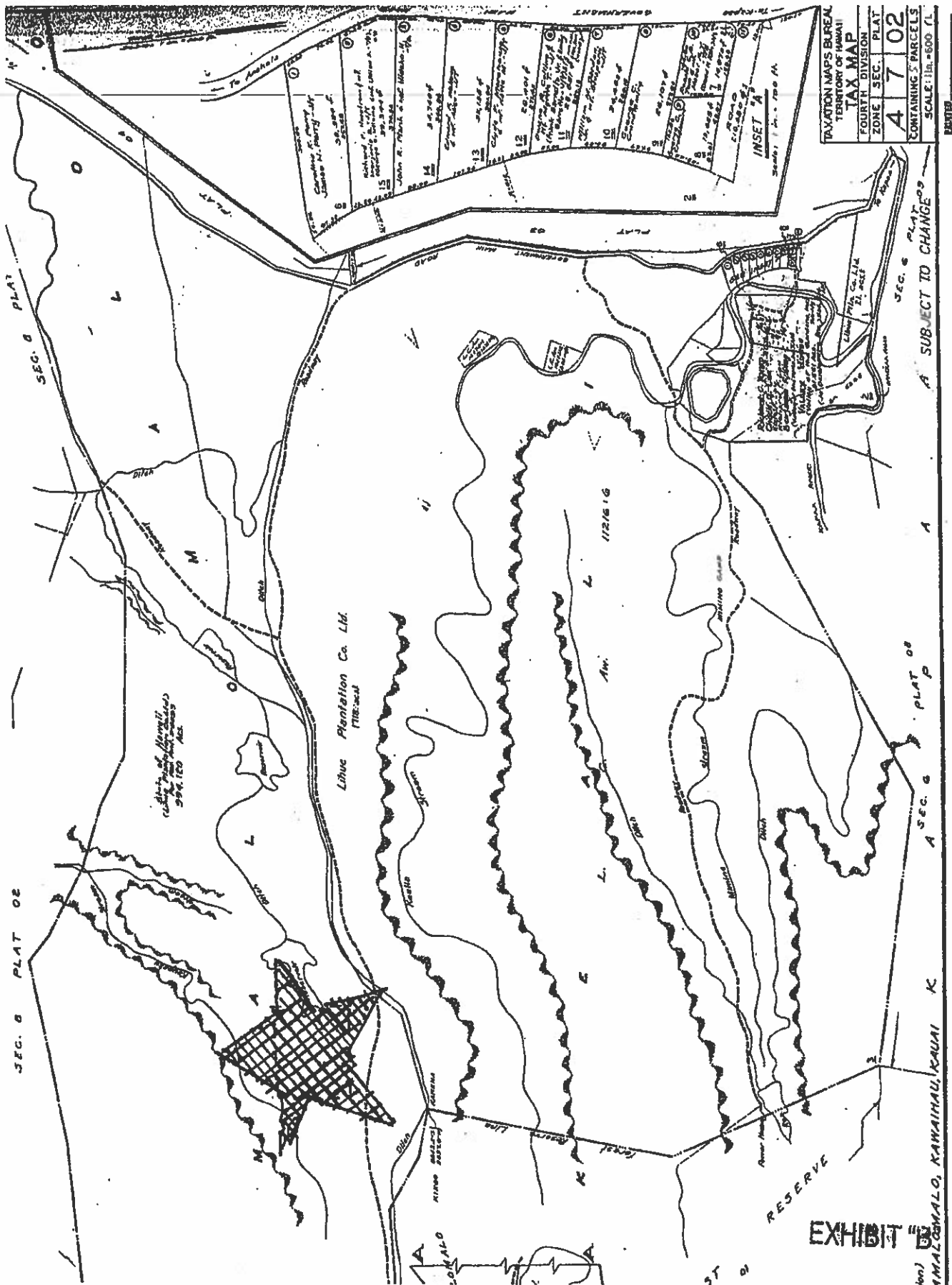


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July 14, 2015

Aloha! My name is Edward K. Taniguchi of Anahola, Kauai. After patiently waiting and actively participating in the Hawaiian Homes Department process since 1961, and after 54 years, I am offering you, the department my assistance in providing a Land Stewardship Proposal that will enable you to award me a lease immediately with no further wait.

I am 80 years young and refuse to become another waitlist statistic of a Native Hawaiian, waiting to be awarded a land lease, that never happens because I cease to exist. I have waited patiently, a majority of my life, for this land lease to happen and still nothing. However, hearing thru the grapevine and seeing for myself, land is leased to NON HAWAIIANS, no problem. I fully understand the complex factors influencing long wait times for beneficiaries to be awarded leases; long lead times for securing infrastructure financing and difficulty in obtaining new monies for it's development. I also understand the department's responsibility to fulfill its obligation to beneficiaries in a timely manner, as the main purpose of the Hawaiian Homes Commission is to facilitate land awards to beneficiaries.

This Proposal addresses DHHL'S need to seek a creative solution in order to increase land distribution and remediate the unacceptably long wait time of 54 years, in my personal case. In keeping with DHHL'S main mission statement, I offer you a way to expedite the process by stepping "outside the box", seeking alternatives and taking initiative. I ask that the department immediately award me a lease, in the form of a kuleana award of unencumbered, raw and unimproved land on the island of Kauai in the Kamalomalo'o area of Anahola.

In 1999 DHHL worked with a group of waiting beneficiaries on the Island of Maui to create the Kuleana Land Program of Kahikinui as a pilot program with the intention that future beneficiaries be given the opportunity to explore alternative homesteading in the form of contemporary, off-grid, subsistence style Kuleana Leases.

The vision for this program is based on the practice of "Kuleana" lands awarded to a Hawaiian by the King or ruling monarch of the 1850's. The granting of lands carried with it the responsibility for a Hawaiian ohana to respect and malama the lands. It was understood that when the aina was properly care for, it would in turn sustain the physical and spiritual well being of its caretakers.

As stated in the DHHL website, the Kahikinui homestead program is the "outgrowth of DHHL'S effort to expand the range of program options provided to native Hawaiian beneficiaries". The remote location of Kahikinui on the back slopes of Haleakala created prohibitive costs for possible community development and the land therefore appeared inaccessible to beneficiaries. With innovation and

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a willingness to work hard the off-grid subsistence community envisioned became a reality.

I ask to be allowed the same opportunity here in Kamalomalo'o, Anahola to demonstrate to DHHL and future beneficiaries that the Kuleana Program can be a complete success with pono intentions and proper land stewardship based on traditional land management concepts. My 80 years of knowledge gained through subsistence living, agriculture and cattle ranching here on Kauai and my commitment to the long term health of our island and culture have allowed me to be federally recognized as a Cultural Practitioner, Advisor and Konohiki (head man of an ahupua'a land division under the Chief) for Anahola, Kauai. I carry with me a deep connection to this aina. My knowledge comes from years of living and working on the land perpetuating 'ike passed on to me by my parents and uncles, knowledge and values that I share with present and future generations. My cultural wisdom, life experiences and old fashioned ethics ensure proper stewardship of this land in a way that will not only benefit me now and empower our community but also enable the department to fulfill various aspects of its immediate goals as shared in its mission statement objectives: to expand the variety of homesteading opportunities, implement ag and pastoral homesteading opportunities, giving consideration to rural homesteading.

Similar to Kahikinui, the location of the Hawaiian homelands of Kamalomalo'o, Anahola present prohibitive development costs for the department with no awards planned in my lifetime. My vision, however, for this land would not require any infrastructure to be provided by anyone other than myself. My goals to be accomplished for the rest of time that I have on this earth, if given this chance, would focus on using the land as a agricultural and environmental resource.

The land that I request to lease has not been in use since its return to DHHL from Amfac/Lihue Plantation. It is the furthest mauka of DHHL lands in Anahola bordering the Kealia forest reserve. I am formally requesting 300 acres of land in TMK:4-4-7-002-004 bordering the forest reserve and property now owned by Cornerstone LLC. Ample rainfall and fertile soil will allow great potential for various agriculture uses, however, inconsistent terrain would not be suitable for community development. With direction and dedication this aina could produce an abundance of food to support my family and others. Staples like kalo, banana, ulu and sweet potato to name a few would flourish. Medicinal herbs like olena, mamaki, laukahi, awa and noni would also flourish with minimal maintenance. The lower portion of the area would also be ideal for me to pasture my small herd of cattle (which I now pay for land to pasture elsewhere), goats, mules and pigs which I currently raise, while I wait for a lease offer.

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With many resources available to me I am prepared to immediately begin planting and fencing in the lower portion of the land (an area for my cattle). Further mauka this land is the gateway to our wao nahele or inland forests (currently DLNR Kealia, forest reserve) where native koa, ohia lehua, papala and maile can still be seen growing at the edge of Hawaiian Home Lands property. Prior to being cleared by the plantations for sugar planting, native vegetation flourished supporting a diverse eco-system and contributing to a healthy water shed. As a gateway to our sacred wao nahele and wao kele proper stewardship is necessary for this aina. This upland area holds tremendous potential for restoration efforts as a valuable environmental and cultural resource for our community, cultural practitioners, and keiki of the next generation.

The waipo'o of the ahupua'as flows into Anahola stream feeding the entire valley and eventually emptying into Anahola Bay. Our fishing village of Anahola, situated largely around the bay is home to over 47% of Kauai's Native Hawaiian population. The health of the eco-system at higher mauka elevations is of extreme importance to the overall health to the lower part of the valley, Anahola Bay and our entire community.

When beginning to understand the current state of our Anahola Watershed, it becomes increasingly clear that there is an urgent need for proper resource management, education and rehabilitation efforts to attempt to offset the projected continued growth of Anahola's population. In the words of Michael Buck who headed DLNR forestry and wildlife division for over a decade, "Hawaiian society was based on the Ahupua'a system of land management, which evolved to protect the upland water resources... The forest sustained agriculture, aquaculture and other human activities. Water was a gift from the gods and Hawaiians understood the relationship between their forests and their survival. The ancient proverb sums it up: "Hahai no ka ua I ka ulu la'au. Rain always follows the forest". The present day is no different. Unsustainable agricultural techniques and improper land management depleted our forests and diminish the quality of fresh water supplies. Our water table has dropped noticeably, our once flowing streams at the base of Kalelea have dried up, as our demand for fresh water has outstripped our supply. Flow to the main river has become intermittent and unreliable due to the damage and destruction of our upland growth.

Immediate remediation efforts are needed in each community across Hawaii. Here in Anahola, I am willing and able to begin guiding these efforts. It is noted by Michael Buck in discussing watershed restoration that reforestation of original Koa forests can help restore watersheds, habitats for native species (many endangered) as well as create sustainable commercial and cultural forest products. Here on Kauai, we have several exemplary well established community based foundations with which we have an opportunity to explore, collaborative

EXHIBIT "C"

partnerships motivated by common (restoration) goals. Within my own immediate ohana, I have resources with backgrounds in Native Hawaiian plant botany, propagation and out planting to help move my vision forward and coordinate community involvement.

As noted on the DHHL website: the PRIMARY benefits to be expected from native forest restoration are: 1) increased water quality and air quality; 2) conservation of unique endemic plants and animals; 3) perpetuation of important Hawaiian cultural resources and 4) diversification of rural economy". Also to be expected are an increase in the number of days per year that intermittent stream flows and water is available at springs. Top soil will be protected and retained with expected erosion control, allowing proper retention of organic material, heightening natural nitrogen levels, creating a fertile receptive environment for revegetation efforts of mauka areas. Without such efforts, unregulated erosion and sedimentation continues irreversible damage to our nearshore marine waters on which our community depends. Anahola village is one of the last existing Hawaiian fishing villages in the islands and the need for protection of our way of life is urgent. We live in a critical time, where without proper leadership our keiki face a future of diminished natural resources directly connected to loss of culture, community pride, and selfworth. The keiki of tomorrow may never know our precious Kanaka way of life.

On an island that relies on external imports for the majority of what we consume I am motivated to use my knowledge and resources, working toward balancing the needs of Anahola with nourishing food grown in our ahupua'a. I wish to contribute to maintaining a healthy reef that will continue to provide fish for our fisherman, who could provide for the community. I want our bay to be the living classroom where our keiki learn life skills through participation, where our culture continues to LIVE, not just be preserved in the distant print of history books. I envision an environment where our community, young and old, mo'opuna and kupuna, may join efforts to maintain and restore our resources, where children have the opportunity to learn life lessons from their kupuna and reconnect to this 'aina that sustains us. The Kamalomalo'o area as a gateway from coastal lowlands to Mauka uplands is an invaluable ecological and cultural resource, representing the reinforcement and positive revitalization of our environment and cultural identity here in Anahola.

Infrastructure is not necessary to make this vision a reality for me. Any needed electricity for daily operations will be provided by a small solar panel or battery run unit. A battery powered water pump would be provided for irrigation and propagation, which may never be needed due to consistent rainfall and ground moisture. A simple composting unit would suffice and be environmentally sound and phone service is available with my cellular. The only thing missing for me to

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accomplish my vision is the land to do it on. As I have mentioned before, I have been on your waiting list since 1961, 54 years and counting.

Today we as Hawaiians face a pivotal time in our history. One where the ike of our Kupuna is more valuable than ever. Integrating traditional thought processes and a way of life that reflects true core Hawaiian values of aloha Aina is necessary to ensure balanced strengthening and survival of our environment, people and culture in this modern world. We are intertwined, one may not flourish without the other.

DHHL carries a heavy responsibility, you are charged with oversight of our Hawaiian lands and facilitation the return of Hawaiians to the land. The survival of our people and our cultural identity depends on our return to our 'Aina. He Alii Ka 'Aina, He Kawaa Ke Kanaka; The Land is Chief, man is the servant.

I humbly ask that you accept my assistance to fulfill your responsibility and end my 54 year wait for a land lease designated for Hawaiians that has been exploited by commercial interests of non-hawaiians for over 100 years. I look forward to receiving my lease and helping you refine your Kuleana Land Award Model Program with true commitment to my vision. With old fashioned hard work, Aloha Aina and innovation I will demonstrate to the department that beneficiary success can not only improve the lives of one ohana, but can fortify an entire community.

Because it is possible, I can make it a reality!

With positive anticipation of your acceptance of my kokua as well as my enclosed proposal, I thank you for your time and assistance with this request.

Sincerely,



Edward K. Taniguchi

Anahola

PO BOX 758

Anahola HI 96703

EXHIBIT "C"

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EXHIBIT "C"

(b) No lease shall be cancelled without first affording the lessee the right to a hearing as prescribed in chapter 5. [Eff 7/30/81; comp OCT 26 1998] (Auth: HHC Act §222) (Imp: HHC Act §§210, 216)

§10-3-29 Repealed. [Eff 7/30/98; R OCT 26 1998]

§10-3-30 Kuleana homestead leases. (a) The commission may establish a homestead program for settlement on unimproved available Hawaiian home lands to be known as the kuleana homestead program.

(b) The commission may set aside a tract or tracts of unimproved "available lands" as defined in section 203 of the Act, for award under the kuleana homestead program. All lots awarded under this program shall be known as kuleana homestead lots.

(c) In determining whether a tract should be set aside for award as kuleana homestead lots, the commission shall consider the following:

- (1) Physical and environmental characteristics of the land;
- (2) Excessive cost to develop the tract for any reason including: the physical characteristics of the land, the distance of the land from existing electrical, water, waste water disposal, communications, and other utility systems;
- (3) Department land management plans and programs;
- (4) Applicant interest or proposals identifying tracts of land; and
- (5) Suitability for use by lessees who wish immediate access to the land for subsistence uses and who are willing to live on the land and accept an unimproved lot.

(d) The commission shall determine which homestead waiting list, or combinations thereof, may be

EXHIBIT D

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used to make the awards and what list, or combinations thereof, may be used if the original list used to make the awards is exhausted.

(e) The department, together with interested applicants, shall develop a plan for settlement and development of the designated tract. All settlement plans shall be subject to approval by the commission. The plan shall include, but not be limited to the following:

- (1) Location and description of the tract of land;
- (2) Approximate size and number of lots to be awarded;
- (3) Approximate location of community center and common areas;
- (4) Preliminary conceptual proposals for community management and economic development of adjacent department lands, if applicable;
- (5) Plan for the identification, protection and preservation of all significant historical, archaeological, and biological sites; and
- (6) Settlement timetable to commence after the award of the lots.

(f) The department shall provide the following for the kuleana homestead lots:

- (1) Metes and bounds descriptions of lots; d
- (2) An unpaved right-of-way to the awarded lots.
- (g) A lessee of a kuleana homestead lot shall be

subject to all applicable state codes, county ordinances, and departmental rules and policies governing land use, building, health, and safety unless and until the kuleana homestead association's building, health, and safety codes and permitting process become effective for that particular tract. The kuleana homestead association for that particular tract, in consultation with a licensed architect, registered in the State, may develop, adopt, and enforce its own zoning, building, and permitting process on the condition that standards contained in state health codes and health and safety sections and provisions contained in the Uniform Building Code are met and that a licensed architect, registered in the State, is

EXHIBIT "D"

willing to certify all building plans as part of the community developed permitting process. No kuleana homestead association developed zoning, building, health and safety codes and permitting processes shall be effective unless and until they are approved by the commission.

(h) All leases awarded by the department pursuant to the kuleana homestead program shall comply with this subchapter and subchapter 3 unless otherwise superseded by the settlement plan approved by the commission for a particular tract. In addition, all lessees shall comply with the following conditions:

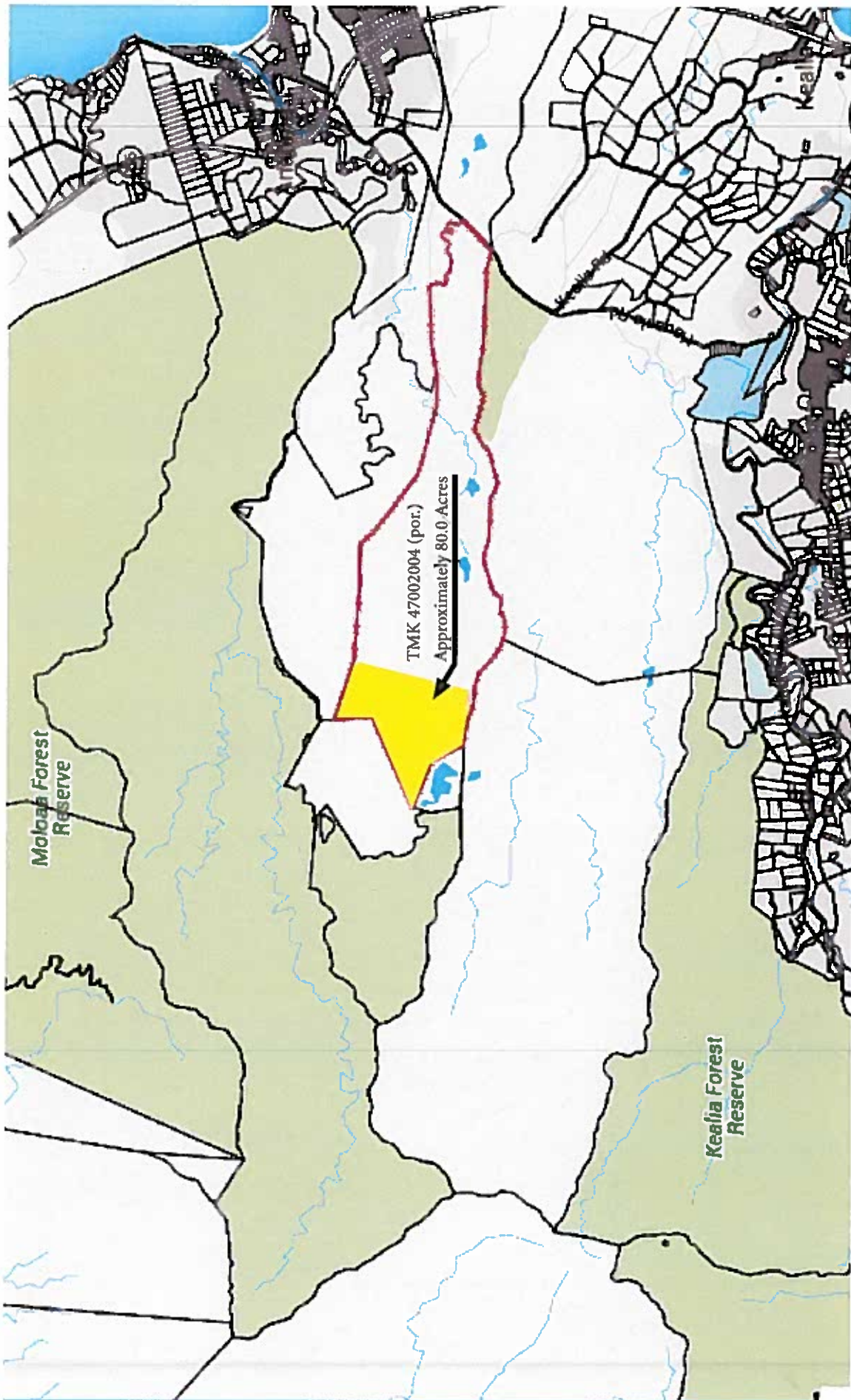
- (1) Lessee agrees to participate as an active member in the kuleana homestead association for that particular tract and to comply with rules developed and agreements entered into by the kuleana homestead association;
- (2) Lessee agrees to accept the lot in its "as is" condition with no expectation of additional improvements beyond those specified in subsection (f); and
- (3) Lessee agrees to participate in the maintenance of the right-of-way to the kuleana homestead tract and lots. [Eff and comp **OCT 26 1998**] (Auth: HHC Act §§ 207, 219.1, 222) (Imp: HHC Act §§ 207, 219.7)

SUBCHAPTER 3 CONDITIONS IN LEASES

§10-3-31 Additional conditions, generally. In addition to the conditions in leases set forth in section 208 of the act, and in the lease document, all lessees shall be subject to the restrictions set forth in this subchapter. [Eff 7/30/81; comp **OCT 26 1998**] (Auth: HHC Act §222) (Imp: HHC Act §208)

EXHIBIT "D"

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EXHIBIT "D"

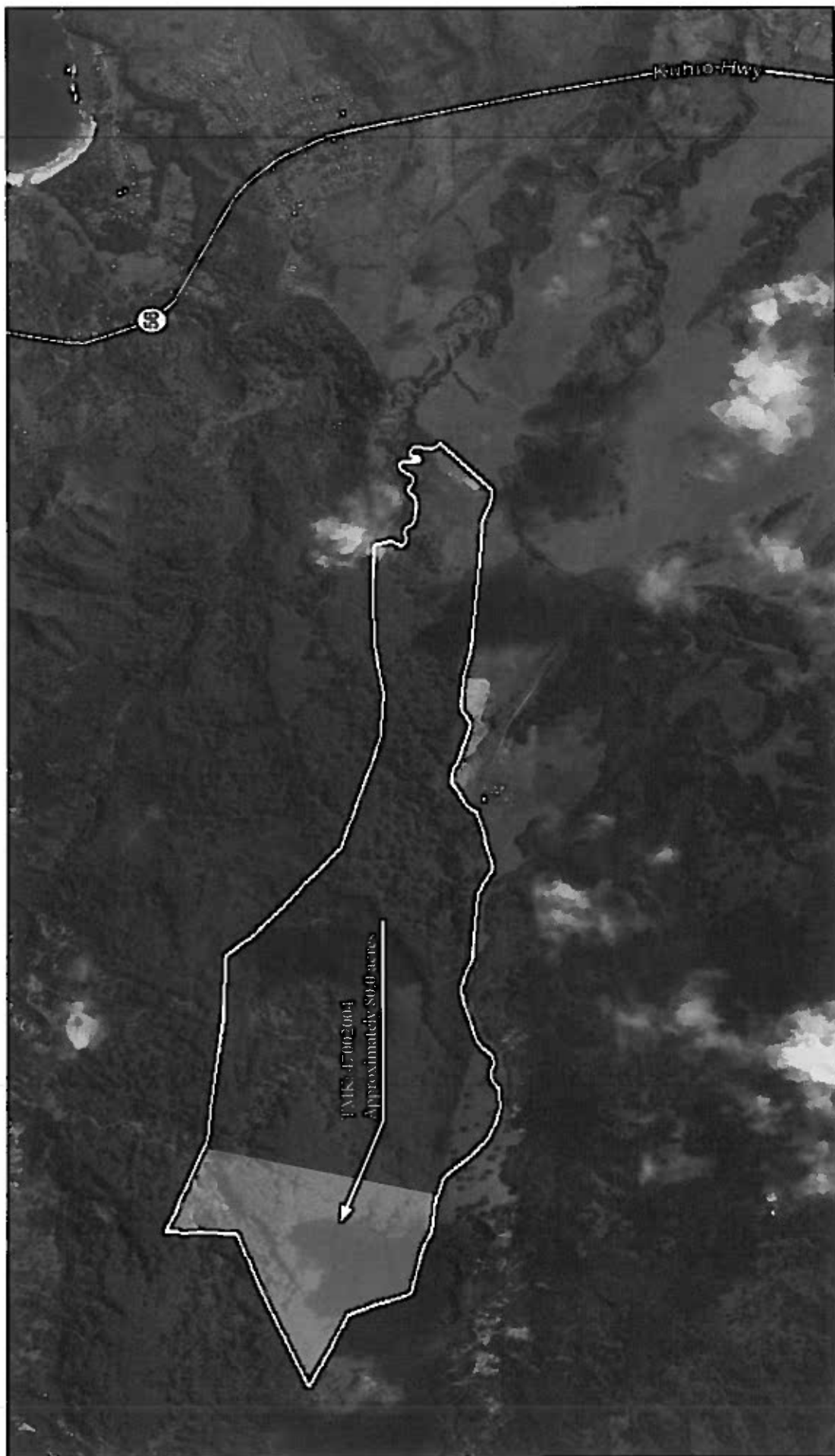


EXHIBIT "D"



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

P. O. BOX 1879
HONOLULU, HAWAII 96805

May 13, 2016

Mr. Ed Taniguchi
P.O. Box 758
Anahola, Hawaii 96703

Dear Mr. Ed Taniguchi:

SUBJECT: Exemption Declaration

AGENCY OR APPLICANT ACTION

Check applicable box

- ☐ This exempted action is an agency action as defined by Section 343-5(B), HRS, and Section 11-200-5, HAR.
- ☒ This exempted action is an applicant action as defined by Section 343-5(C), HRS, and Section 11-200-6, HAR.

SPECIFY EXEMPTION CLASS

Check applicable box

- ☒ The Exemption Declaration for the action described below is based on the Exemption List for the Department of Hawaiian Home Lands, reviewed and concurred to by the Environmental Council on June 30, 2015 Exemption Class # 6-1 Installation of fencing for agricultural and cultural and natural resources management purposes.
- ☐ The Exemption Declaration for the action described below is based on the consultation process prescribed by Section 11-200-8(a), Hawai'i Administrative Rules (HAR), Exemption Class #6, "Construction or placement of minor structures accessory to existing facilities."

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EXHIBIT "E"

DESCRIPTION OF ACTION

Proposing Agency or Applicant: Mr. Ed Taniguchi
Project Name: Ed Taniguchi Pastoral Use of DHHL land
Anticipated Start Date: May or June 2016
Anticipated End Date: TBD
Island and District: Anahola, Kauai
Tax Map Key(s) and/or Latitude/Longitude Coordinates: (4)-4-7-002:004(por.)
All Necessary Permits and Approvals: None

NARRATIVE

Mr. Ed Taniguchi will utilize the above mentioned TMK area for pastoral and agricultural purposes. He plans to raise livestock and cultivate plants on the property. He will be installing a three to four foot high hog-wire fence to contain his livestock which will include cattle, goats, and horses. The property is in a remote area and is not serviced by utilities. Mr. Taniguchi plans to haul water onto the site or set-up a water catchment system. Mr. Taniguchi may also work out an agreement with a neighboring land owner to access the landowner's water.

RECEIVING ENVIRONMENT

The site is vacant with no improvements and covered with overgrowth, Albezia etc. No uses are currently occurring on the parcel and there is no development. A forested area surrounds the property to the north, east, and west. To the south, the property is bordered by a neighboring ranch and farm.

ENVIRONMENTAL ANALYSIS

I have considered the potential effects of the proposed project and all related activities against the criteria checked below:

	Not Applicable
<input checked="" type="checkbox"/> Land Use and Zoning Conformance	<input type="checkbox"/>
<input checked="" type="checkbox"/> Traffic (Vehicles, Bicycles, Pedestrian)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Infrastructure (Roads, Buildings, Utilities)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Air Quality Pollutant Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Noise Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Solid, Hazardous, and Liquid Waste Management	<input type="checkbox"/>
<input checked="" type="checkbox"/> Social	<input type="checkbox"/>
<input checked="" type="checkbox"/> Economic	<input type="checkbox"/>
<input checked="" type="checkbox"/> Health and Safety	<input type="checkbox"/>
<input checked="" type="checkbox"/> Recreation	<input type="checkbox"/>
<input checked="" type="checkbox"/> Public Beach Access	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cultural Resources and Practices	<input type="checkbox"/>
<input checked="" type="checkbox"/> Visual/Aesthetic	<input type="checkbox"/>
<input checked="" type="checkbox"/> Environmental Justice	<input type="checkbox"/>
<input checked="" type="checkbox"/> Rare, Threatened, and/or Endangered Species	<input type="checkbox"/>
<input checked="" type="checkbox"/> Surface and Ground Water Resources	<input type="checkbox"/>
<input type="checkbox"/> Wetlands	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Floodplains	<input type="checkbox"/>
<input checked="" type="checkbox"/> Riparian/Coastal Resources	<input type="checkbox"/>
<input type="checkbox"/> Other	<input checked="" type="checkbox"/>

The proposed project will not have significant negative impact on the above criteria.

MITIGATION

The proposed use will not involve any major ground disturbance or infrastructure demand. Mr. Taniguchi will provide his own water. The surrounding area is compatible with the pastoral and agricultural use that Mr. Taniguchi is proposing.

EXEMPT DECLARATION

The direct, cumulative, and potential impacts of the action described above have been considered pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules. I declare that the action described above will have minimal or no significant impact on the environment and is therefore exempt from the preparation of an environmental assessment.

This document is on file in our office and is available for public review.

Aloha,

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


Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23-24, 2016

To: Chairman and Members, Hawaiian Homes Commission

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

From: Kaipo Duncan, Land Agent
Land Management Division 

Subject: Issuance of Right of Entry Permit, Kalalea/Anehola Farmers Hui, Anahola Farm Lots,
Anahola, Island of Kaua'i, TMK No.: (4)4-8-005:026 (por.)

APPLICANT:

Kalalea/Anehola Farmers Hui (See Exhibit "A")

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) authorize the issuance of Right of Entry (ROE) Permit to Kalalea/Anehola Farmers Hui (KAF Hui), covering the subject area as identified and described below to use as a Farmers Market.

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

1. 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.
2. Authorize the issuance of a ROE Permit to KAF Hui, covering the subject area for use as a Farmers Market 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;
 - 1) Permittee shall use the Premises for a Farmers Market only. No other use shall be allowed without DHHL's prior written approval.
 - 2) KAF Hui shall use approximately one (1) acre of DHHL land to be used under this ROE permit.
 - 3) Monthly fee shall be gratis with the possibility of the future conversion of this ROE to a DHHL License.
 - 4) Permittee shall pay non-refundable processing and documentation fees totaling \$175.00.

3. This ROE shall conform to federal, state and county (government agencies) standards. Permittee 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;
4. Any construction or alteration of the permit area shall require DHHL approval;
5. The KAF Hui is aware that the existing bathroom facility is not operational and one (1) or more port a potty(s) will need to be used during Farmers Market hours. A sewer cesspool exists on the site and may need to be converted to a septic tank in the future.
6. The Farmers Market will run during normal daylight hours on most Sundays throughout the year. In the future Saturdays and Holidays may be included.
7. The Farmers Market is to be used by Anahola Farm Lot lessees only, approximately 48 homeowners, wishing to sell fruits, vegetables, and plants grown on their lot.
8. All utilities shall be paid by the KAF Hui. Approval by the DHHL Kauai District Office (KDO) is needed to access potable water and electricity needs the approval of Kauai Island Utility Cooperative (KIUC).
9. The items approved for sale are fruits, vegetables, plants, tropical flowers, crafts, lei, plate lunches, etc.
10. Customer and vendor vehicle parking will need to have traffic control enforcement. Parking will be on a small portion of the one (1) acre site as well as street parking. KAF Hui members and staff including possibly Kauai Police should be used for traffic control to limit complaints by neighbors.
11. All trash and debris accumulated during Farmers Market hours shall be removed immediately from the site the same day or at the latest the next day. This is to deter the presence of flies and bad odors from being a nuisance to area neighbors.
12. The ROE document shall be subject to other standard terms and conditions of similar ROE's issued by DHHL;
13. Review and approval by the State of Hawaii, Department of the Attorney General; and
14. 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 the Anahola Farm Lots on Hokualele Road, Anahola, Island of Kaua'i, identified as tax map key no.: (4)4-8-005:026

AREA:

Approximately one (1) acre

DISCUSSION:

Ms. Agnes Marti-Kini, President of Kalalea/Anehola Farmer's Hui (KAF Hui) submitted a Land Use Request Form (LURF) dated May 28, 2015, for the former Anahola Farm Lots Marketplace site located at the Anahola Farm Lots TMK No.:(4)4-8-005:26, in Anahola, Kauai.

The Marketplace site was formerly used by the now defunct Anahola Land Farmers Association (ALFA) under General Lease No. 244 which was terminated in February 2015.

At the time the Anahola Farm Lots were created in the 1980's, the Marketplace was specifically made for the Anahola Farm Lot lessees to sell the fruits, vegetables, plants, and flowers they grew on their farm lots.

The KAF Hui is now using the site under Limited Right of Entry (LROE) No. 16:041 to conduct the Farmers Market on Sundays but will include Saturdays and holidays in the future.

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 Kalalea/Anehola Farmer's Hui meetings during 2015-2016 and KAF has provided the necessary documentation as follows:

1. Land Use Request Form (LURF) requests the use of a one acre property for a farmers market and cultural learning center for farm education and healthy food services and a central place for the Anahola Farmers to market their crops and by products. (May 28, 2015)
2. Land Use Request Assessment Worksheet was completed by DHHL staff, as a former farmers market the use will not change and should not require an environmental assessment. (June 2015)
3. Governing Documents, Mission Statement, DCCA and IRS documents were submitted and are on file. (November 7, 2014)
4. 25 of the 47 Anahola homestead farmers are members of the KAF organization, efforts are underway to recruit more homesteaders.
5. 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. (March 4, 2016)
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.
8. Verification experience, track record and homestead acceptance explain and relationship to homestead farm community will be developed during right of entry period prior to consultation and disposition approval.
9. Environmental Review and Community Benefits, environmental not applicable, serves farm community and provides benefit to farmers to market their products.

PLANNING AREA:

Anahola Farm Lots, Hokualele Road, Anahola, Kauai (See Exhibit "B")

LAND USE DESIGNATION:

Subsistence Agriculture (SUB), Kaua'i Island Plan (2004), Figure 8.2 – Anahola/Kamalomalo'o Land Use Plan, pg. 8-4

CURRENT STATUS:

The site has a dilapidated small green house structure (including a lanai) that appears to be over 30 years old and needs to be renovated for the KAF Hui to be able to use. Numerous trees and plants are growing on the site. The area has not been used for approximately two (2) years when it was last used as a Farmers Market.

CHARACTER OF USE:

Farmers Market

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

Exemption Class No. & Description:

In accordance with the "Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands, as Reviewed and Concurred Upon by the Environmental Council on June 30, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption List Class No. 6, "Construction or placement of minor structures accessory to existing facilities.."

Exemption Item Description from Agency Exemption List:

The direct, cumulative, and potential impacts of the action described have been considered pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules. Since the action as proposed is determined to have minimal or no significant impact on the environment it would therefore be exempt from the preparation of an environmental assessment. The DHHL Planning Office (PO) has documented the action as being eligible for exemption from the preparation of an Environmental Assessment under the Exemption Class as referenced above. (See Exhibit "C")

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.

Kauai Island Plan (2004)

The recommended disposition is consistent with the following elements of the Kauai Island Plan:

The site is designated for Subsistence Agriculture (GA) consistent with the Kauai Island Plan. Table 2.1 DHHL Land Use Designations page 2-7 and Figure 8.2 Anahola/Kamalomalo'o Land Use Plan page 8-4.

RECOMMENDATION:

Land Management Division respectfully requests approval of the motion as stated



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P O BOX 1875
HONOLULU HAWAII 96815

REQUEST FORM FOR NON-HOMESTEADING LAND USE PURPOSES

PART 1: APPLICANT INFORMATION

Name: _____

Address: _____

Phone No.: _____ Cell: _____ email _____

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

Name: Kalalea/Anehoa Farmers Hui DATE: 5-28-15

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

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

☒ Requesting Organization is a Non-Profit

Type of Non-Profit:

☐ Private Nonprofit – governed by self appointed board

☒ Member Nonprofit – governed by voting members

☒ Homestead Organization – governed by HHCA beneficiary members

☐ Requesting Organization is For Profit - Individual or Business

☐ Individual

☐ Sole Proprietorship

☐ Partnership

☐ Corporation

☐ Limited Liability Corporation

☐ Other

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

☐ Requesting Organization is a Government Agency

☐ Federal

☐ State

☐ County

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

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

Date Incorporated: 11/14 State of Incorporation: HAWAII

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

PART 2: NON-HOMESTEADING LAND USE REQUEST

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

* Please attach additional information if necessary

Land Request Form No. _____ ITEM NO. F-4

EXHIBIT "A"

Land Area requested: Acreage/Sq.Ft. 1 acre

Term: Unlimited 30 years (General Lease)

Island: Kauai Tax Map Key No.: (4) 4-8-005:26

Indicate Character of Use:

☒ Agricultural

☐ Commercial

☐ Church

☐ Other

☐ Pastoral

☐ Industrial

☒ Community Facility

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

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

Describe how proposed land use request will have direct or significant indirect benefit to the Trust and/or its Beneficiaries (Applicants & Lessees):

Use of this land will directly benefit all DHHL Farm lot lease holders and their beneficiaries by providing them with a viable and safe place to market their farm produce and by-products and to participate in educational & health services related to farming, gardening and producing food from farm to table.

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

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

Revocable Permit - \$100.00

License - \$200.00

General Lease - Cost

Documentation (all)...\$75.00

Kalalea/Anahola Farmer's Hui (KAF HUI)

Print Individual or Organization Name

5/28/15

Date

Agnes Marti-Kini

Authorized Representative Name & Title

Agnes Marti-Kini

Signature

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

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

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

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

EXHIBIT "A"

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

EXHIBIT "A"



EXHIBIT "B"

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

May 6, 2016

Ms. Agnes Marti-Kini, President
Kalalea / Anehola Farmer's Hui
P.O. Box 520
Anahola, Hawaii 96703

Dear Ms. Marti-Kini:

SUBJECT: Exemption Declaration

AGENCY OR APPLICANT ACTION

Check applicable box

- ☐ This exempted action is an agency action as defined by Section 343-5(B), HRS, and Section 11-200-5, HAR.
- ☒ This exempted action is an applicant action as defined by Section 343-5(C), HRS, and Section 11-200-6, HAR.

SPECIFY EXEMPTION CLASS

Check applicable box

- ☐ The Exemption Declaration for the action described below is based on the Exemption List for the Department of Hawaiian Home Lands, reviewed and concurred to by the Environmental Council on June 30, 2015.
- ☒ The Exemption Declaration for the action described below is based on the consultation process prescribed by Section 11-200-8(a), Hawai'i Administrative Rules (HAR), Exemption Class #6, "Construction or placement of minor structures accessory to existing facilities."

ITEM NO. F-4

EXHIBIT "C"

DESCRIPTION OF ACTION

Proposing Agency or Applicant: Kalalea-Anehola Farmers' Hui (KAF Hui)
Project Name: KAF Hui Farmers' Market
Anticipated Start Date: May 2016
Anticipated End Date: TBD
Island and District: Anahola, Kauai
Tax Map Key(s) and/or Latitude/Longitude Coordinates: (4)-4-8-005:026
All Necessary Permits and Approvals: None

NARRATIVE

The KAF Hui is proposing to conduct a farmers' market on the above TMK parcel. Vendors will be selling produce, tropical plants, plate lunches, and crafts. Vendors will erect temporary tents and shade for shelters during the farmers' market. The tents and shade will be removed from the premises at the end of each farmers' market. All structures associated with the farmers' market are temporary in nature. Port-a-potties will be used in lieu of permanent restroom facilities. The size of the farmers' market site is approximately 1-acre in size. The farmers' market will start off as a once-a-week operation, but may expand to two-days a week and/or on holidays depending upon interest and demand from the surrounding community. All trash and debris will be collected on-site in receptacle bins and will be removed from the property at the close of the market.

RECEIVING ENVIRONMENT

The subject TMK was previously developed. A single-family house exists on the property but has fallen into disrepair and is no longer occupied. The house is not currently in use. The site is also sparsely vegetated with trees and plants. Customers will park their vehicles off-site along Hokualele Road. The surrounding uses around the subject parcel include existing DHHL agriculture lessees. The lessees currently cultivate fruit and crops. Lot sizes range from one to 10 acres. The farmers' market is a compatible use with the existing farm lots.

ENVIRONMENTAL ANALYSIS

I have considered the potential effects of the proposed project and all related activities against the criteria checked below:

	Not Applicable
<input checked="" type="checkbox"/> Land Use and Zoning Conformance	<input type="checkbox"/>
<input checked="" type="checkbox"/> Traffic (Vehicles, Bicycles, Pedestrian)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Infrastructure (Roads, Buildings, Utilities)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Air Quality Pollutant Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Noise Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Solid, Hazardous, and Liquid Waste Management	<input type="checkbox"/>
<input checked="" type="checkbox"/> Social	<input type="checkbox"/>
<input checked="" type="checkbox"/> Economic	<input type="checkbox"/>
<input checked="" type="checkbox"/> Health and Safety	<input type="checkbox"/>
<input checked="" type="checkbox"/> Recreation	<input type="checkbox"/>
<input checked="" type="checkbox"/> Public Beach Access	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cultural Resources and Practices	<input type="checkbox"/>
<input checked="" type="checkbox"/> Visual/Aesthetic	<input type="checkbox"/>
<input checked="" type="checkbox"/> Environmental Justice	<input type="checkbox"/>
<input checked="" type="checkbox"/> Rare, Threatened, and/or Endangered Species	<input type="checkbox"/>
<input checked="" type="checkbox"/> Surface and Ground Water Resources	<input type="checkbox"/>
<input type="checkbox"/> Wetlands	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Floodplains	<input type="checkbox"/>
<input type="checkbox"/> Riparian/Coastal Resources	<input checked="" type="checkbox"/>
<input type="checkbox"/> Other	<input checked="" type="checkbox"/>

The proposed project will not have significant negative impact on the above criteria.

MITIGATION

The proposed use is temporary. At the end of each market day, all temporary structures and facilities will be removed. No permanent improvements are currently proposed to the property at this time. Trash and solid waste will also be removed at the end of each market day and disposed of in an approved county solid waste station.

EXEMPT DECLARATION

The direct, cumulative, and potential impacts of the action described above have been considered pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules. I declare that the action described above will have minimal or no significant impact on the environment and is therefore exempt from the preparation of an environmental assessment.

This document is on file in our office and is available for public review.

Aloha,



Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION

May 23 & 24, 2016



Courtyard King Kamehameha's Kona Beach Hotel Ballroom #4
75-5660 Palani Road, Kailua-Kona, Hawai'i

G-ITEMS
PLANNING OFFICE

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23 - 24, 2016

To: Chairman and Members, Hawaiian Homes Commission
Through: M. Kaleo Manuel, Acting Planning Program Manager 
From: Gigi O. Cairel, Grants Specialist 
Subject: Delegation of Authority to Chair to sign and approve US
Department of Agriculture Rural Development Grant
Awards.

Recommended Motion/Action

That the Hawaiian Homes Commission (HHC) delegate authority to the Chair to enter into and sign grant agreements and related contract documents with the US Department of Agriculture Rural Development (USDA RD) for federal grant funds from the USDA RD SEARCH/PPG program and Water and Environmental Program.

Discussion

At the regularly scheduled HHC meeting on April 11 - 12, 2016, the Department of Hawaiian Home Lands (DHHL) conducted an informational presentation on the USDA RD Water and Environmental Program (WEP) and federal grant funds available to DHHL. Refer to Exhibit A. There is a USDA RD set-aside of grant funds for DHHL potable water and waste system projects. The current balance of set-aside funds is \$19.6M. Though DHHL submitted 11 applications since 2005 (all were funded and projects were constructed), USDA used sources other than the set-aside to fund the projects. Secondly, the USDA RD WEP program is a cost-share program and does not fund 100% of the total project cost, except in extreme hardship and public health and safety concerns. The commitment from USDA RD is that federal funds will cover 45% of total project cost, with DHHL contributing the 55% balance of total project cost.

The department continues to submit funding applications to the federal USDA RD agency for grant funds for DHHL to plan, develop, design and construct potable water and waste systems serving homestead areas.

USDA RD has awarded grant funds for three applications for a total of \$90,000 for the planning phase for the following projects:

Project	USDA grant award	DHHL contribution	TOTAL
Ho'olehua water system Serving over 500 lessees Moloka'i Awarded 1/15/2016	\$30,000	\$71,700	\$101,700
Anahola Farm Lots water system Serving 75 lessees Kaua'i Awarded 3/24/2016	\$30,000	\$10,210	\$40,210
La'i 'Opua Village 4 Hema phase water, wastewater, storm water improvements Serving 101 lessees Hawai'i Awarded 5/5/2016	\$30,000	\$26,940	\$56,940
TOTAL	\$90,000	\$108,850	\$198,850

The department is preparing additional grant applications to submit to USDA for grant funds for the design and construction of improvements to the following water and waste projects serving homestead areas.

Project	USDA grant request	DHHL contribution	TOTAL
	ESTIMATE	ESTIMATE	ESTIMATE
Ho'olehua water system Serving over 500 lessees Moloka'i	\$11,250,000	\$13,750,000	\$25M
Anahola Farm Lots water system Serving 75 lessees Kaua'i Awarded 3/24/2016	\$3,428,550	\$4,190,450	\$7.619M
La'i 'Opua Village 4 Hema phase water, wastewater, storm water improvements Serving 101 lessees Hawai'i Awarded 5/5/2016	\$2,700,000	\$3,300,000	\$6M
TOTAL	\$17,378,550	\$21,240,450	\$38,619,000

Authority

Hawaii Administrative Rules § 10-2-16 Delegation of duties to chairman. (b)(7) To sign commission resolutions, licenses, leases, and contracts approved by the commission

Hawaii Administrative Rules §10-2-42 Chairman to sign for department. . . . After approval of the commission, chairman shall sign all licenses, leases, loan contracts, assignments of pineapple and grazing contracts, contracts with other governmental agencies and commission resolutions.

Recommendation

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



HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
DEPARTMENT OF HAWAIIAN HOME LANDS

**US Department of Agriculture Rural
Development
Water & Environmental Program**

**Hawaiian Homes Commission
April 11, 2016 – Moloka'i**

**USDA Rural Development
Water & Environmental Program**

- **Eligible entities:**
State & Local governments, 501c3 Nonprofits, Tribes
- **Eligible areas:**
Small rural communities with < 80% MHI
- **Financing available:** Loan & Grant program
- **Eligible projects:**
potable water, sewer, solid waste, storm water systems

DHHL Set-Aside Funds

- Congressional legislation
\$5M per year in grant funds ONLY
 - In 2013, dropped to \$1M per year
- Current balance - \$19.6M

DHHL Accomplishments

- Since 2005, DHHL & Na Kupa'a o Kuhio submitted 11 applications, totaling \$19.4M
 - \$7.7M in grants
 - Only \$2M of the \$7.7M was used from the Set-Aside
 - \$11.7M in loans
 - USDA used at least 5 sources of funds to fund the 11 applications

Refer to Handout

Special Considerations for DHHL under USDA WEP

USDA WEP program

- Loan & Grant combo

- Improvements to existing water, sewer, drainage systems

DHHL

- 45% USDA grant
- No Loan
- 55% DHHL contribution
- New construction for "virtual homestead communities"
- Existing DHHL water, sewer & drainage

Challenges

- DHHL must invest resources upfront to prep the application – staff, technical studies, etc.
- Requires 55% contribution from DHHL
- Our biggest need is new construction, which is generally NOT eligible for USDA WEP
- DHHL as the applicant is a square peg in a round hole

Status and Next Steps

- **SEARCH Planning grants awarded**
 - \$30,000 Ho'olehua water
 - \$30,000 Anahola water
 - \$30,000 La'i 'Opua Village 4 water, sewer, drainage (*pending*)
- **Submit 3 construction applications**
By June 30, 2016
 - Ho'olehua water - \$30M estimate
 - Anahola water - \$6M - \$8M estimate
 - La'i 'Opua Village 4 - \$7M estimate


DHHL Internal Management Systems


- Implement HHC approved "Enterprise Accounting" system
- DHHL Financial policies & procedures to manage USDA federal funds
- Cost of water service and water rates
- DHHL management of infrastructure assets
 - water, sewer, drainage, etc.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 23-24, 2016

To: Chairman and Members, Hawaiian Homes Commission

Thru: M. Kaleo Manuel, Acting Planning Program Manager 

From: Andrew H. Choy, Planner 

Subject: For Information Only -- West Hawaii Regional
Update to the Hawaiian Homes Commission

Recommended Action

For information only. No action required.

Background

Per the directive of the Chairman, Planning Office will be providing the Hawaiian Homes Commission (HHC) with updates of the respective DHHL geographic region in which the HHC conducts its monthly community meeting. The purpose of the monthly update is to provide the HHC with information related to prior policies and/or plans specific to that previously adopted by the HHC specific to that particular geographic region.

A status report of DHHL's progress in implementing these policies/plans is also included for the HHC's consideration. For May 2016, Planning Office will be providing an update to the HHC for West Hawaii.

Discussion

EXISTING PLANS & IMPLEMENTATION STATUS

Hawaii Island Plan Policies Related to West Hawaii.

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island, (2) establish land use goals and objectives of the General Plan specific to each island, and (3) identify island-wide

needs, opportunities, and priorities. The Hawaii Island Plan was adopted by the HHC in 2002. The 2002 Hawaii Island Plan delineated five planning regions on Hawaii Island, North, East, South, West, and Central. (see maps, Exhibit A). For the purposes of this informational submittal, Planning Office will be focusing on the lands in the North and West regions.

Subsequently, an update of the island plan was adopted by the HHC in 2009 for DHHL lands in West Hawaii as approximately 600 acres were added to the DHHL land inventory in the Kealakehe and Kalaoa Tracts (see map, Exhibit B). The 2002 Hawaii Island Plan and subsequent 2009 West Hawaii Update identifies the following land use designations and acreage amounts.

Land Use Designation	Acres	Percent of Total
Residential	1,608	4.1%
Subsistence Agriculture	540	1.3%
Supplemental Agriculture	1,113	2.9%
Pastoral	24,101	62.4%
Community Use	258*	0.6%
General Agriculture	10,747*	27.8%
Commercial	230	0.5%
Industrial	384	0.9%
Conservation	391	1%
Special District	266	0.6%
TOTAL	38,638	100%

* Does not reflect the Land Use Designation amendment of 161 acres from General Agriculture to Community Use discussed below.

Hawaii Island Plan Implementation Status

Since the West Hawaii Island Plan was updated in 2009, there was one additional land use designation amendment made to the Island Plan for TMK (3)-6-4-038:011 (por.), in Waimea. The land use designation was amended from "General Agriculture" to "Community Use". The island plan land use amendment was approved by the HHC in May of 2015.

Kealakehe-La'i'Ōpua Regional Plan

The Kealakehe- La'i'Ōpua Regional Plan was adopted by the HHC in December, 2009. Outreach with beneficiaries in the

region through the planning process identified the following priority projects:

- (1) North Kona Water Source Development and Storage
- (2) Continued Support of La'i'Ōpua 2020 Community Sustainable Projects
- (3) Renewable Energy Initiative
- (4) Kona Regional Park
- (5) Burial Treatment Plan for Inadvertent Discovery of Iwi Kupuna

Kealakehe- La'i'Ōpua Regional Plan Implementation Status

Table 2 below identifies the "project champion" as well as summarizes the status of each regional plan priority project.

Kawaihae Regional Plan

The Kawaihae Regional Plan was adopted by the HHC in September, 2010. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Kailapa Resource Center
- (2) Kawaihae Water and Energy Research and Development
- (3) Kawaihae Bypass Highway
- (4) Improve the Marine Water at Pelekane Bay
- (5) Management and Maintenance of Kawaihae Reinternment Site

Kawaihae Regional Plan Implementation Status

Table 3 below identifies the "project champion" as well as summarizes the status of each regional plan priority project.

Waimea Nui Regional Plan

The Waimea Nui Regional Plan was adopted by the HHC in January, 2012. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Waimea Hawaiian Homestead Community Complex - Planning
- (2) Evaluate and Revise Agriculture/Pastoral Program Waimea Nui
- (3) Support/Plan Development of Affordable Homestead Alternatives in Waimea Nui
- (4) Assess the Implications of Eliminating Requirement to Pay Property Taxes
- (5) Assess the Implications of a Non-Standard Building Code

Waimea Nui Regional Plan Implementation Status

Table 4 below identifies the "project champion" as well as summarizes the status of each regional plan priority project.

Table 2: LAIOPUA REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
North Kona Water Source Development and Storage	DHHL	In-Progress. L2020 has been in preliminary conversations with a private land owner to develop a well site in exchange for water credits. USDA has stated that a water well project that services DHHL Kealahou lands is eligible for USDA funding. L2020 also working with the County on a water credit agreement. To date, DHHL has been aware of L2020's activities, but has not actively participated or made firm commitments to join L2020 as a partner in this project.
Continued Support of Laiopua 2020 Community Sustainable Projects	L2020	In Progress. L2020 completed the construction of its Medical Center in 2015. The grading work was also completed for its community center in 2015. Build-out of other portions of its master plan for the community parcel as well as its commercial parcel are pending on additional water credits and additional funding becoming available.
Renewable Energy Initiative	DHHL	Not started. The priority project called for the development of a solar farm on DHHL lands in Kalaoa.
Kona Regional Park	County of Hawaii and surrounding community	In-Progress. Various community partners have been leading discussions and planning for the park development
Treatment Plan for Inadvertent Discovery of Iwi Kupuna	DHHL	Not Started. The priority project called for the development of a burial treatment plan for inadvertent burials discovered in Laiopua.

Table 3: KAWAIHAE REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Kailapa Resource Center	Kailapa Community Association	In-Progress. The HHC recently issued a FONSI for KCA's FEA in February 2016 for KCA's plans on the 14-acre parcel. KCA is obtaining a building permit for its playground and pavilion portion of the project.
Kawaihae Water and Energy Research and Development	DHHL	In-Progress. DHHL completed a Kawaihae Water Assessment Study in June 2015. The assessment identified potential options for water development in the Kawaihae region. Identification and implementation of a preferred option needs to be completed.
Kawaihae Bypass Highway	DOT	DOT reports that planning and identification of a preferred route is still on-going.
Improve the Marine Water at Pelekane Bay	DHHL / Community Associations / Kohala Mountain Watershed Partnership	In-Progress. The Kohala Mountain Watershed Partnership installed feral ungulate fencing and out-planted vegetative cover on neighboring Queen Emma Land. Kailapa Community Association recently applied for NOAA grant money in April 2016 to improve watershed health. Grant approval is pending.
Management and Maintenance of Kawaihae Reinternment Site		Not started.

Table 4: WAIMEA NUI REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Waimea Hawaiian Homestead Community Complex -- Planning	Waimea Hawaiian Homestead Association (WHHA)	In-Progress. HHC approved FONSI of WHHA final EA in and approved 65-Year general lease to WHHA in 2015. DOA is finalizing design and construction plans of agriculture park and park construction expected to commence later this year.
Evaluate and Revise Agriculture/Pastoral Program Waimea Nui	DHHL / WHHA	In-Progress. DHHL awarded a \$100k agriculture peer-to-peer technical assistance grant to WHHA to promote more farming on Waimea homestead areas.
Support/Plan Development of Affordable Homestead Alternatives in Waimea Nui	DHHL	In-Progress. State-wide, DHHL has been contemplating alternative affordable homestead options for its beneficiaries. This could result in alternatives applicable to Waimea Nui.
Assess the Implications of Eliminating Requirement to Pay Property Taxes	DHHL	Not Started.
Assess the Implications of a Non-Standard Building Code	DHHL	Not Started.

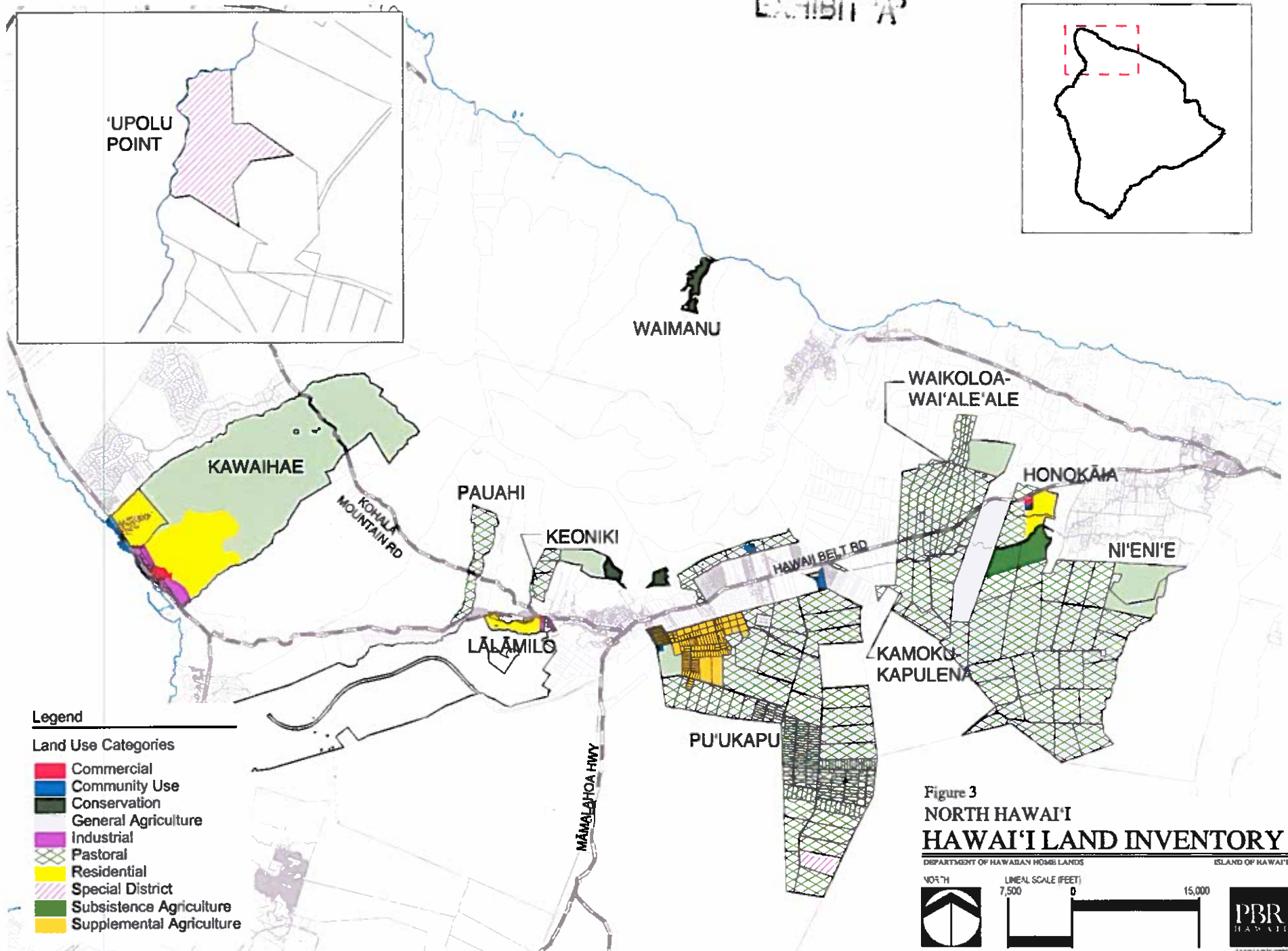
DHHL Water Policy Plan Implementation Status

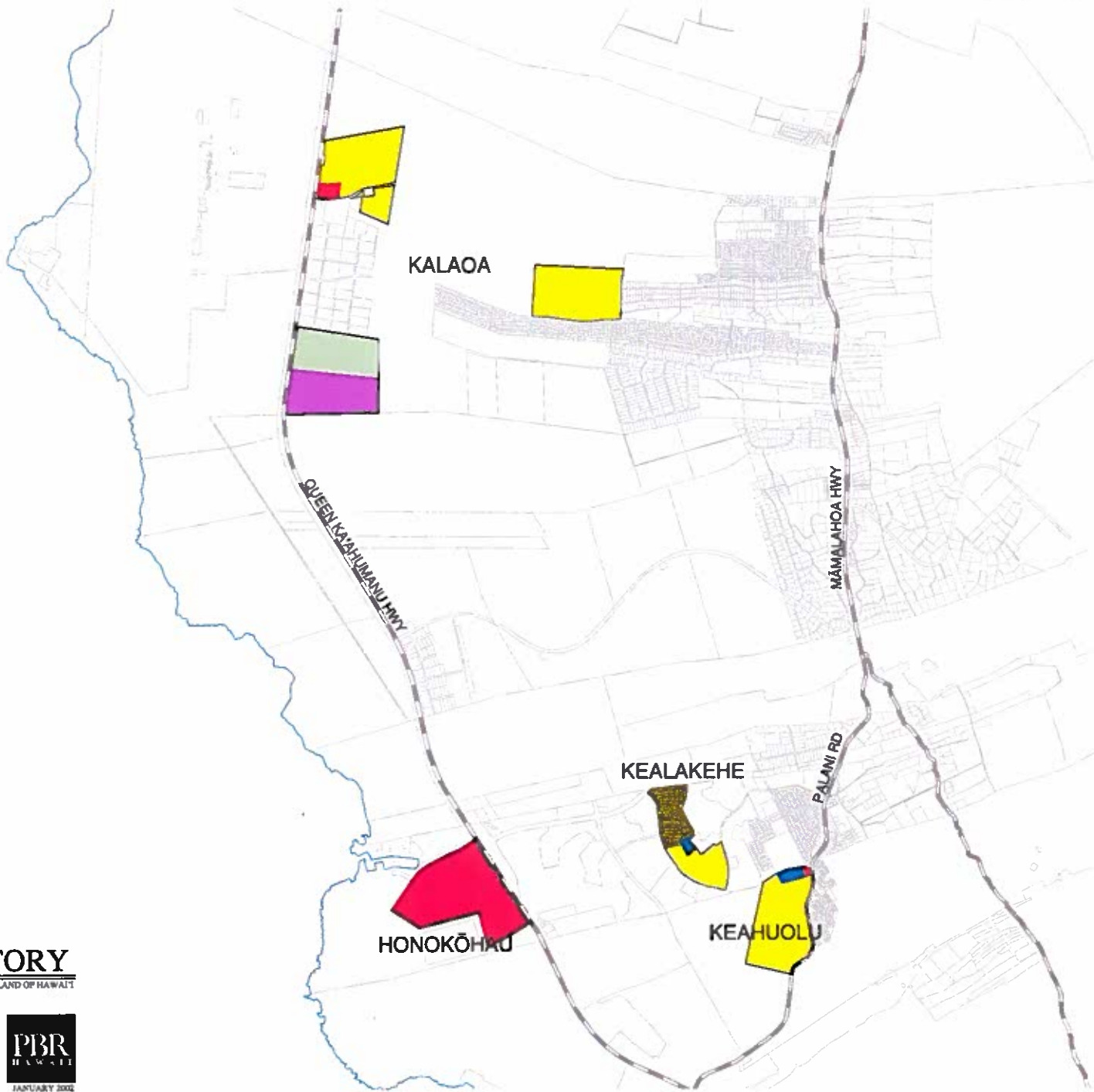
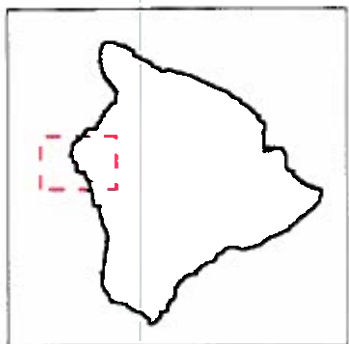
In West Hawaii, DHHL has an existing water reservation of 3.398 mgd for its foreseeable future needs in the Keauhou Aquifer System Area.

Recommendation

For information only. No action required.

EXHIBIT 'A'





Legend

Land Use Categories

- Commercial
- Community Use
- Conservation
- General Agriculture
- Industrial
- Pastoral
- Residential
- Special District
- Subsistence Agriculture
- Supplemental Agriculture

Figure 8
WEST HAWAII
HAWAII LAND INVENTORY
DEPARTMENT OF HAWAIIAN HOME LANDS ISLAND OF HAWAII

NORTH

LINEAL SCALE (FEET)

JANUARY 2002

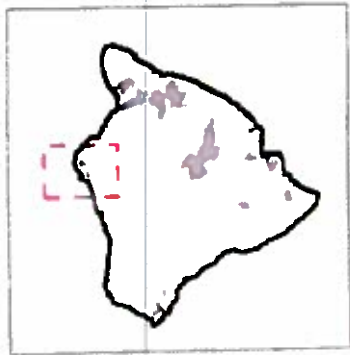


EXHIBIT "B"

Legend

Land Use Categories

- Commercial
- Community Use
- Conservation
- General Agriculture
- Industrial
- Pastoral
- Residential
- Special District
- Subsistence Agriculture
- Supplemental Agriculture

Figure 4

Added Land Inventory

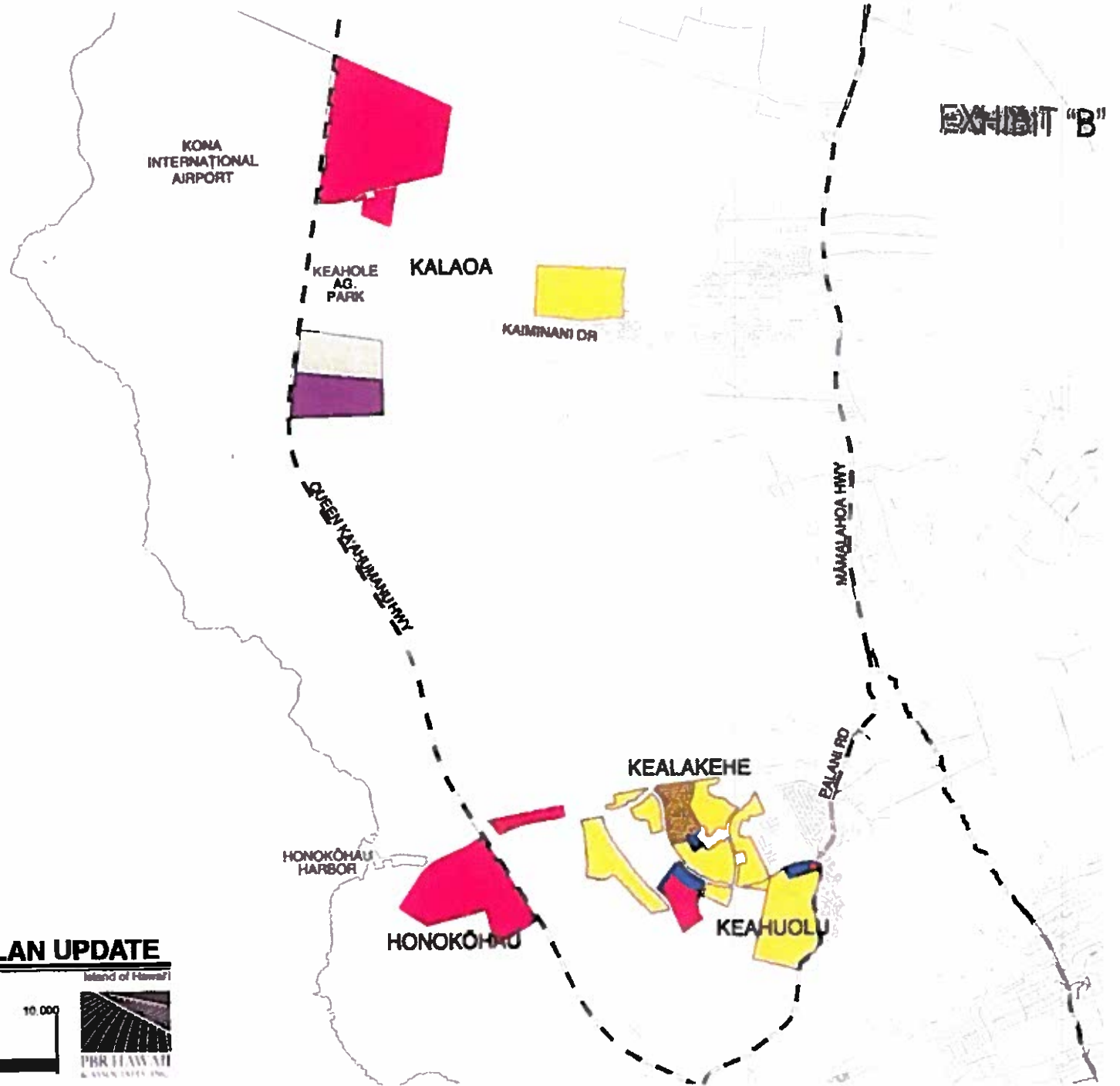
WEST HAWAI'I ISLAND PLAN UPDATE

Department of Hawaiian Homelands

Island of Hawai'i




LINEAR SCALE (FEET)



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 23-24, 2016

To: Chairman and Members, Hawaiian Homes Commission

From: M. Kaleo Manuel, Acting Planning Program Manager 

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

RECOMMENDED MOTION/ACTION

None; for information only.

DISCUSSION

This submittal provides an update on Department of Hawaiian Home Lands (DHHL) related water projects and issues in West Hawai'i. It provides background information on planned water needs in four planning regions on Hawai'i island and ongoing efforts to address those needs: (1) Humu'ula-Pi'ihonua; (2) Waimea Nui; (3) Kawaihae; and (4) Kealahou - La'i 'Ōpua.

I. Introduction

The Department is adjusting its estimates of its planned water needs for its tracts as part of the efforts to update the State Water Projects Plan ("SWPP Update"). Because these are estimates based on land use designations, projected water use amounts in the draft SWPP DHHL Update remain approximations that will be further refined as proposed land uses are realized. However, they indicate where needs exist and the general potential volumes of those needs. Values for all Department lands on the island are identified in Table 1.A.

Water demand projections are an aggregate of demands calculated for each of the tracts on the island. More specific information for the basis of each calculation, and the water issues related from those needs, are provided in the discussion below.

TABLE 1.A: Hawai'i Water Demand Projections (high)¹

	Year	Year	Year	Year
	2016	2021	2026	2031
Potable	2.617	4.164	5.209	10.174
Nonpotable	1.367	5.266	5.266	39.221
Total	3.984	9.430	10.475	49.395

Source: SWPP Update

II. Planned Water Needs by Planning Region

1) Humu'ula - Pi'ihonua (39,553 acres)

Humu'ula is a 32,475 acre parcel located on the southeastern slopes of Mauna Kea. Parker Ranch and Nobriga Enterprises lease the area for cattle grazing and is surrounded by forest reserves (Hawai'i Island Plan at 27, May 2002). Pi'ihonua is a 7,078 acre parcel adjacent to the Humu'ula parcel and is currently under revocable permit for agricultural and pastoral uses. Id. These tracts lie within the East Mauna Kea Aquifer System Area (ASA).

TABLE 2.A: HUMU'ULA - PI'IHONUA LAND USE DESIGNATIONS

LAND USE DESIGNATION	TOTAL ACRES
General Agriculture	16,660
Pastoral Homesteads	8,440
Special District	4,865
Conservation District	21,000
Commercial	50
Total	39,553

Source: Hawai'i Island Plan, at 39 (May 2002).

The 'Āina Mauna Legacy Program Plan adopted by the Hawaiian Homes Commission (HHC) in 2009, further defines and guides land management goals and activities in this region to conserve its legacy for future generations while also serving as an economic resource.

No public or private water systems extend to this area, although ongoing research into aquifers in this area may disclose potential for groundwater source development. SWPP Update at 4-35. Dr. Don Thomas with the University of Hawai'i at Hilo conducted preliminary hydrogeology studies on DHHL lands and has determined that there is high level perch water in the region, but the amount and long-term

¹ Figures describe units of a million gallons per day (mgd).

reliance on that resource is unknown. Parker Ranch operates a stream diversion within the tract with a declared use of 7.320 mgd. The perennial Wailuku River and its tributaries also traverse the tract. Current and future potable water needs for planned uses of these tracts (0.2496-0.300 mgd) may be met through rainwater catchment.² Nonpotable water needs may be met through ambient rainfall irrigation (3.400 mgd) and diverted stream water (0.972 mgd). (SWPP Update 4-35).

2) Waimea Nui (29,385 ac).

Waimea Nui includes eight tracts: Waimanu, 'Upolu, Kamoku-Kapulena-Waikoloa-Wai'ale'ale, Ni'eni'e, Lālāmilo, Pauahi, Keoniki, Pu'ukapu 1, 2, 3, and Honokāia. Waimea Nui Regional Plan at 13 (Jan. 2012). Waimea Nui Regional Plan at 24.

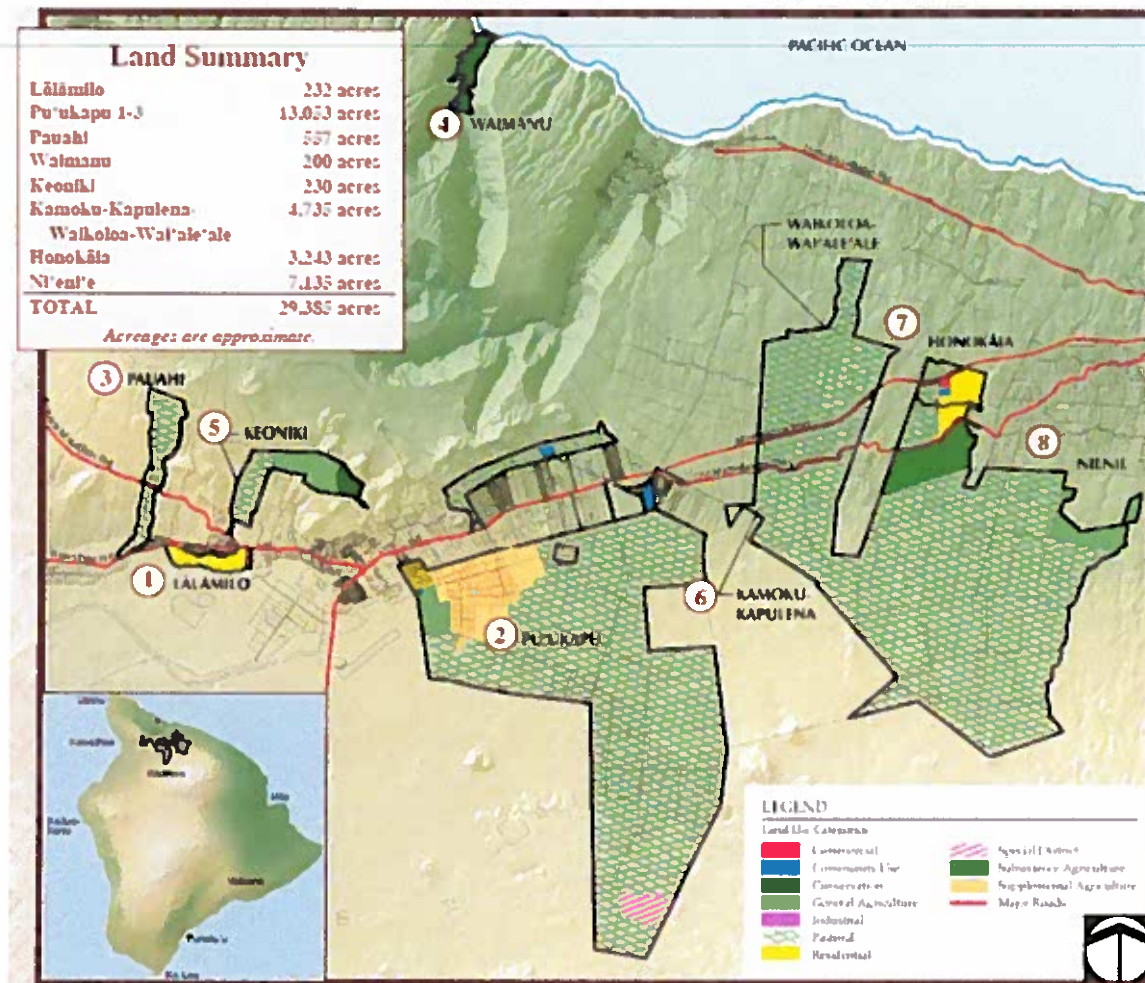
Homesteaders in the Waimea Nui region identified the need to exercise Native water rights as their first priority water issue. Waimea Nui Regional Plan at 31.

i. Waimanu

The first lease in Waimea Nui was awarded in 1929 in Waimanu Valley. Waimea Nui Regional Plan at 6. Waimanu's entire 200-acre tract lies within the Kohala ASA and has been designated for conservation uses. The area has been proposed for joint State and Federal management in the Natural Area Reserves System. *Id.* at 14. Currently no actions regarding water supply resources or infrastructure are recommended. Hawai'i Water Use Development Plan Update at 801-34 (2010) ("Hawai'i WUDP").

² The Hawai'i County Water Use Development Plan 2010 Update ("Hawai'i WUDP") recorded a proposed demand of 0.16 mgd. *Id.* at 802-24.

FIGURE 1. Overview of Waimea Nui tracts.



Source: Waimea Nui Regional Plan, at 13.

ii. 'Upolu

'Upolu Point consists in 37 acres proposed for community use and lies in the Kohala ASA. SWPP Update at 4-31; Hawai'i WUDP Update at 801-34. It is currently serviced by a 1.5-inch waterline connecting to the Hawai'i County Department of Water Supply's ("HDWS") 6-inch Hawi - Kokoiki water line. *Id.* The 1.5-inch waterline may need to be replaced with a larger one to meet long term potable water demand of 0.148 mgd. *Id.*

iii. Kamoku-Kapulena-Waikoloa-Wai'ale'ale & Ni'enī'e

Kamoku-Kapulena is a 3,529-acre tract. The Waikoloa-Wai'ale'ale tract (1,206 acres) lies adjacent to Kamoku-Kapulena tract. Twelve pastoral leases have been awarded for the Kamoku areas. Waimea Nui Regional Plan at 14.

Eleven pastoral leases have been awarded for Ni'eni'e and another 600 acres were set aside for the Hamākua Forest Preserve in 1928. *Id.* at 6. All of these tracts lie within the East Mauna Kea ASA, have been designated for pastoral agricultural use, and the Department has proposed no water demands for these tracts. Hawai'i WUDP at 802-24.

iv. Lālāmilo & Pauahi & Keoniki

Lālāmilo is a priority tract with at least 30 residential lessees, with a total of 442 residential lots planned. Pauahi consists in 557 acres, all which have been designated for pastoral uses. Waimea Nui Regional Plan at 13. Keoniki consists in 230 acres, which have been designated for pastoral, general agricultural, and conservation uses. *Id.* All three tracts lie in the within the Kohala ASA and the HDWS Kawaihae-Lālāmilo-Puako water system. Hawai'i WUDP at 801-34.

TABLE 2.B: LĀLĀMILO LAND USE DESIGNATIONS

LAND USE DESIGNATION	TOTAL ACRES
Residential (422 lots)	214
Community Use (3 lots)	19
Industrial	38
Commercial	4
Total	275

Source: Hawai'i Island Plan, at 30 (May 2002).

Future water demands associated with the Lālāmilo - Keoniki tracts are 0.214 mgd (potable) and 0.229 mgd (nonpotable). SWPP Update at 4-29. The Department has an agreement with HDWS, dated June 5, 2013, under which HDWS will provide 441 units plus a 300 unit entitlement from DLNR for contribution to well development based on average daily demand of 400 gpd per unit (total 0.296 mgd). SWPP Update at 4-28. A water storage tank and water transmission mains have been constructed to extend the HDWS system to Lālāmilo subdivision.

v. Honokāia.

The Honokāia tract consists in 3,243 acres proposed primarily for agricultural and pastoral use, and lies within the East Mauna Kea ASA. Hawai'i WUDP at 802-24. The Department is currently negotiating, as part of a settlement agreement to litigation, providing water to the current pastoral lots lessees. Projected potable water

needs to 2026 (0.095 mgd) for the subsistence agricultural lots may be met through catchment, but projections to 2031 estimate 0.396 mgd in potable water needs. SWPP Update at 4-29. Waimea Nui homesteaders identified as their second water priority the evaluation and assessment of HDWS systems in Honokaia and Ni'eni'e. Waimea Nui Regional Plan at 31. Department plans to meet potable water need overage by drawing on the HDWS Haina water system. SWPP Update at 4-29. Current and future nonpotable water demands for this tract (1.655 mgd) may be met through ambient rainfall irrigation.

TABLE 2.C: HONOKAIA LAND USE DESIGNATIONS

LAND USE DESIGNATION	TOTAL ACRES
Pastoral homestead	2,336
Subsistence agriculture	538
General agriculture	93
Residential, community, conservation, commercial	276
Total	3,243

Source: Waimea Nui Regional Plan 2012

vi. Pu'ukapu.

Two of the three Pu'ukapu tracts lie within the Kohala ASA. Pu'ukapu 2 (493 acres) and Pu'ukapu 3 (476 acres) are north of Mamalahoa Highway. Hawai'i WUDP at 801-34. Pu'ukapu 1 (10,979 acres) lies below Mamalahoa Highway. Pu'ukapu 2 and 3 tracts are inaccessible for any type of development. Waimea Nui Regional Plan at 13. Pu'ukapu 1 is primarily designated for pasture use and there were 454 Pu'ukapu lessees in 2011. *Id.* Long term water demands to 2031 are 0.610 mgd (potable), 0.0792 mgd of which may be delivered by the Pu'ukapu hybrid system and the remaining 0.5307 mgd delivered through the HDWS system. SWPP Update at 4-31. Long term nonpotable needs (0.8114 mgd) will be delivered through the Hawai'i State Department of Agriculture ("DOA") Waimea irrigation system. *Id.*

All Pu'ukapu tracts lie within the HDWS Waimea water system. SWPP Update at 4-30. Under the "Waimea Well Agreement," HDWS allocates 198 units of water at 400 gpd per unit to the Department. SWPP Update at 4-30. In 2002, the Pu'ukapu Pasture Lot Water Strategy, prepared by Engineering Surveyors Hawai'i, Inc., concluded a non-DWS or "hybrid" system would be most feasible to develop due to

cost factors. The Pu'ukapu hybrid system was designed to have a production capacity of 0.120 mgd of potable water, which will service the lower part of the Pu'ukapu tract consisting in potable water delivery for domestic and stock watering use for 184 ranch lots.³ SWPP Update at 2-16.

Waimea Nui homesteaders identified as a priority water issue a determination as to whether DOA reservoirs lie on Department lands and if homesteaders can access these waters under either owner. Waimea Nui Regional Plan at 31. The Department leases lands upon which DOA maintains its 60 MG Pu'ukapu Reservoir (HI00042), constructed in 1957 at TMK No. (3) 6-4-002:125.⁴ DOA's Waimea Irrigation System (WIS) runs through the top portion of Pu'ukapu 1. SWPP Update at 4-30. Water sources for DOA's WIS include diverted flows from five streams, which are channeled into the series of open ditches and tunnels comprising the Upper Hamakua Ditch. Id. These flows supply the concrete-lined 60 MG Waimea Reservoir (also called the "Pu'ukapu Reservoir"), with excess flowing to the 100 MG Pu'u Pulehu reservoir. Id. The 2004 Agricultural Water Use Development Plan ("AWUDP") adopted recommendations from a 1997 Waimea-Pa'auilo Watershed Plan and Environmental Impact Statement, which identified future cropland areas to be irrigated by the WIS, including Pu'ukapu 1. Id. The 2016 legislature allocated funding to conduct planning and engineering studies to look at additional storage and system improvements to the WIS. Whether the WIS will be able to supply Pu'ukapu tract nonpotable needs depends on determinations in the forthcoming AWUDP and the aforementioned study.

3) Kawaihae.

The Kawaihae tract consists in 10,153 acres on the dry western side of Hawai'i.

³ FEA-FONSI for the Pu'ukapu Hybrid Water System, prepared for the Dep't of Hawaiian Home Lands, at 1 (Mar. 23, 2010).

⁴ Dep't of Agriculture, State of Hawai'i, "Application for a DLNR Dam Safety Construction/ Alteration Permit No. 53 - Waimea 60 MG Reservoir (HA-0042) Dam Safety Improvement, Waimea, Hawai'i," at 1 (Sep. 14, 2012) available at: <http://hawaii.gov/dlnr/chair/meeting/submittals/120914/L-ENG-Submittals-L2.pdf>.

TABLE 3.A: KAWAIHAE LAND USE DESIGNATIONS

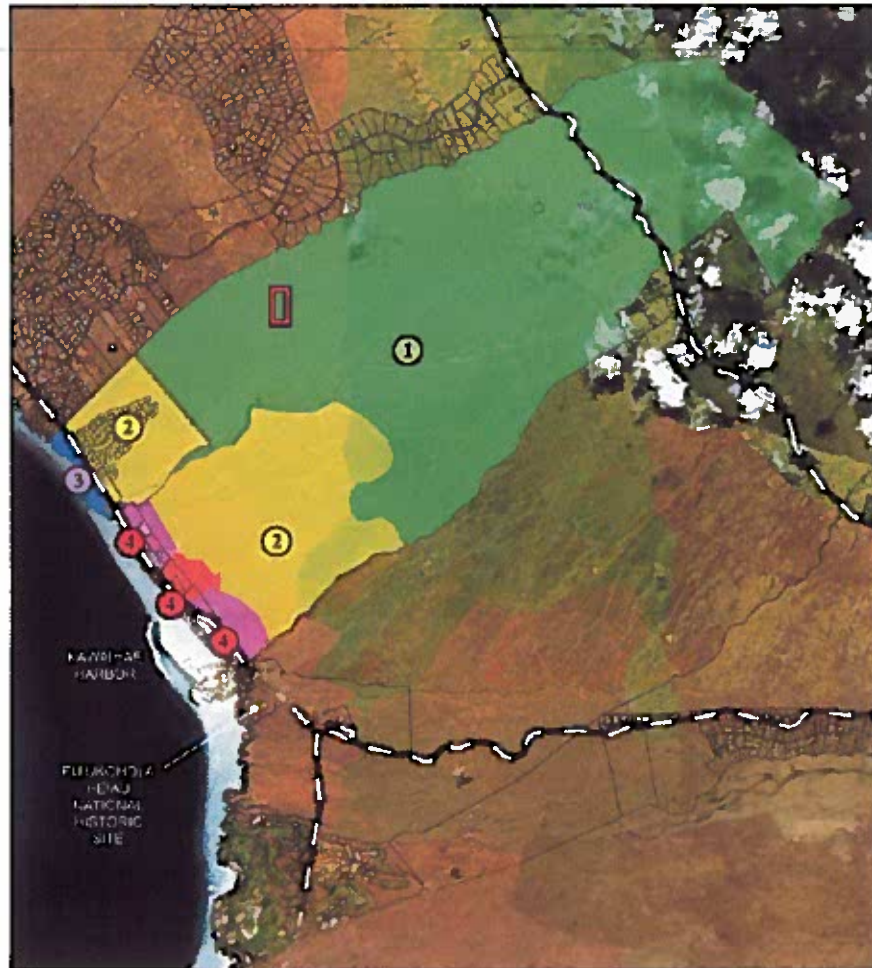
LAND USE DESIGNATION	TOTAL ACRES
General agriculture	7,502
Residential	2,223
Community Use	72
Industrial/ Commercial	356
Total	10,153

Source: Kawaihae Regional Plan 2010

Long term plans for the Kawaihae tract require potable water for 1,185 acres, with the other 7,046 acres put to agricultural uses requiring nonpotable water. Phase I of the development consists in 199 lots (180 acres) developed for residential use, with 1 acres for community use. Phase II will consist in commercial development (10 years). Phase III will 1,648 residential lots (649 acres), commercial, and industrial uses (20 years). Future water needs for this tract will be 3.27 mgd (potable) and 35.93 mgd (non-potable). SWPP Update at 4-29. Homesteaders in the Kawaihae planning region identified resolution of water resource and delivery issues as a priority. These homesteaders pay some of the highest water rates in the State, despite the Department subsidizing a portion of their water bills. Kawaihae Regional Plan, at 29 (Sep. 2010).

The Kawaihae Harbor Project is within the HDWS Kawaihae-Lālāmilo-Puako water system and the 90-acre Kaei Hana II industrial subdivision at the makai portion of the tract currently receives these waters. Hawai'i WUDP Update at 801-34. Wells in this area have a pumping capacity of between 700 to 1,250 gallons per minute (gpm). Kawaihae Regional Plan at 19. The HDWS Lālāmilo water system could provide potable water for some of the Kawaihae tract future needs, however delivery of HDWS water would require significant infrastructure, including storage, transmission, and booster pumping stations. SWPP Update at 4-30.

FIGURE 2. Overview of the Kawaihae tract.



Source: Kawaihae Regional 2010

(Green = general agriculture; yellow = residential; purple = community use; red = industrial/ commercial).

In 2015, R.M. Towill Corp. prepared a study of potable water development options for the Kawaihae tract for the Department. Department of Hawaiian Home Lands Kawaihae Water Assessment Study, DHHL Job No.: PS-13-LDD-008 (Jun. 2015) ("Towill study"). Existing water infrastructure in Kawaihae consists in: (i) the Kawaihae Tank #5: located south of boat harbor; (ii) two homestead residential lot water storage tanks (approximately 0.1 MG each); and (iii) ongoing construction of a 1.0 MG tank in industrial and commercial areas. The Kawaihae tract is supplied by the Department's Kawaihae water system (Department of Health Water System No. 164), which has a system capacity of 0.125 mgd and a maximum daily demand of 0.081 mgd. SWPP Update at 2-14.

Currently, the Department has an agreement with Kohala Ranch Water Co. ("Kohala Ranch") to supply water to its Kawaihae system. The agreement provides for a "temporary potable water commitment of 177,600 gpd for use by DHHL to provide domestic water to 196 lots designated Kawaihae Residence Lots, Unit 1." See Towill Study, Appx. "C" (*In the Matter of Kohala Ranch Water Co.*, Hawai'i Public Utilities Comm'n Dkt. No. 96-0388 (Decision & Order No. 15331, Jan. 23, 1997) ("Kohala Ranch agreement")). The agreement with Kohala Ranch can be terminated with two years notice by either party, although Kohala Ranch "agree[d] not to issue a notice of termination until [Kohala Ranch's] consumption reaches 1.5 mgd." *Id.* at 78. The Kohala Ranch agreement further provided that if the Department was unable to obtain an alternate source of potable water within the two-year termination period, the Department would provide Kohala Ranch with potable water from the Kawaihae Exploratory Well A (Well No. 6448-01) in an amount equal to the amount used by the Kawaihae Residence Lots. *Id.* The Kawaihae Exploratory Well A, however, was later determined to be unable to produce potable water. Towill Study at Appx. "A" (Tom Nance Water Resource Engineering, "Assessment of Water Supply Alternatives for DHHL's Kawaihae Property" (revised Feb. 2014)). Development of a new water source takes approximately three years. Towill Study at 1. Kohala Ranch has indicated a ten year time frame for termination of the Department's continuing use. This source of water is very expensive and restricts homesteaders to potable, non-irrigation uses of this water. Violations of these restrictions risk cancellation of the agreement. Current usage averages 70,000-75,000 gpd. Towill Study at 2.

Projected potable water demands could be met through either development of new well sources through partnership with DWS or acquiring a portion of 'Oūli-1 well production (Well No. 6046-01), which has an estimated 1.1 mgd yield. Hawai'i WUDP Update at 801-34; Kawaihae Regional Plan at 19. Discussions initiated in 2006 with the well owner, Bridge 'Āina Le'a, LLC and HDWS failed to materialize into an agreement. Kawaihae Regional Plan at 19. Developing a new source near the 'Oūli field was considered, but would require extensive installation and transmission costs. Towill Study at 8.

Source: Towill Study, Appx. "A"

The Department is also investigating the feasibility of drilling its own well. Of two exploratory wells already drilled, only one indicated potential production of potable water (Well No. 6549-03). SWPP Update at 4-29. Well No. 6549-03 is located near to the existing Kailapa subdivision and future Department developments, and would potentially provide for water needs for Phase II future water demands. Development of the well and water system would cost less than developing a source offsite and installing transmission mains to future development. Towill Study at 9. The Towill Study concluded one well was capable of producing nonpotable water, which could be used for potable water if desalinated. The Study, however, was inconclusive as to whether long term use of the well for potable water could be supported.

Another solution proposed by the Department would be to trade water resources with Kohala Ranch. Some consumers are using Kohala Ranch's potable water for nonpotable uses, such as irrigation. The Department has proposed to provide nonpotable water for Kohala Ranch consumers in exchange for continued use of Kohala Ranch's potable water resources. However, Kohala Ranch has not agreed to such an exchange.

Finally, beneficiaries in the area are interested in further exploration of use of water from the HDWS Lālamilo water system, as the HDWS is planning to increase pumping from wells in that area, making more source available.

4) Kealakehe, Keahuolū, Honokōhau, and Kalaoa.

The Kealakehe-La'i 'Ōpua planning region consists in: (1) Kealakehe - Keahuolū where the Department's portion (722 acres) of the over 1,000 acre master planned Villages of La'i 'Ōpua community is situated; (2) Kalaoa (483 acres), consisting in four non-contiguous parcels; and (3) Honokōhau (200 acres) in the makai portion, reserved for commercial uses. Hawai'i Island Plan, at 25-26 (2002); Kealakehe-La'i 'Ōpua Regional Plan, at 11 (Nov. 18, 2009). Homesteaders in the Kealakehe- La'i 'Ōpua planning region identified North Kona water quality and availability for developments as an issue and priority. West Hawai'i Island Plan Update, at 28 (Jan. 2009).

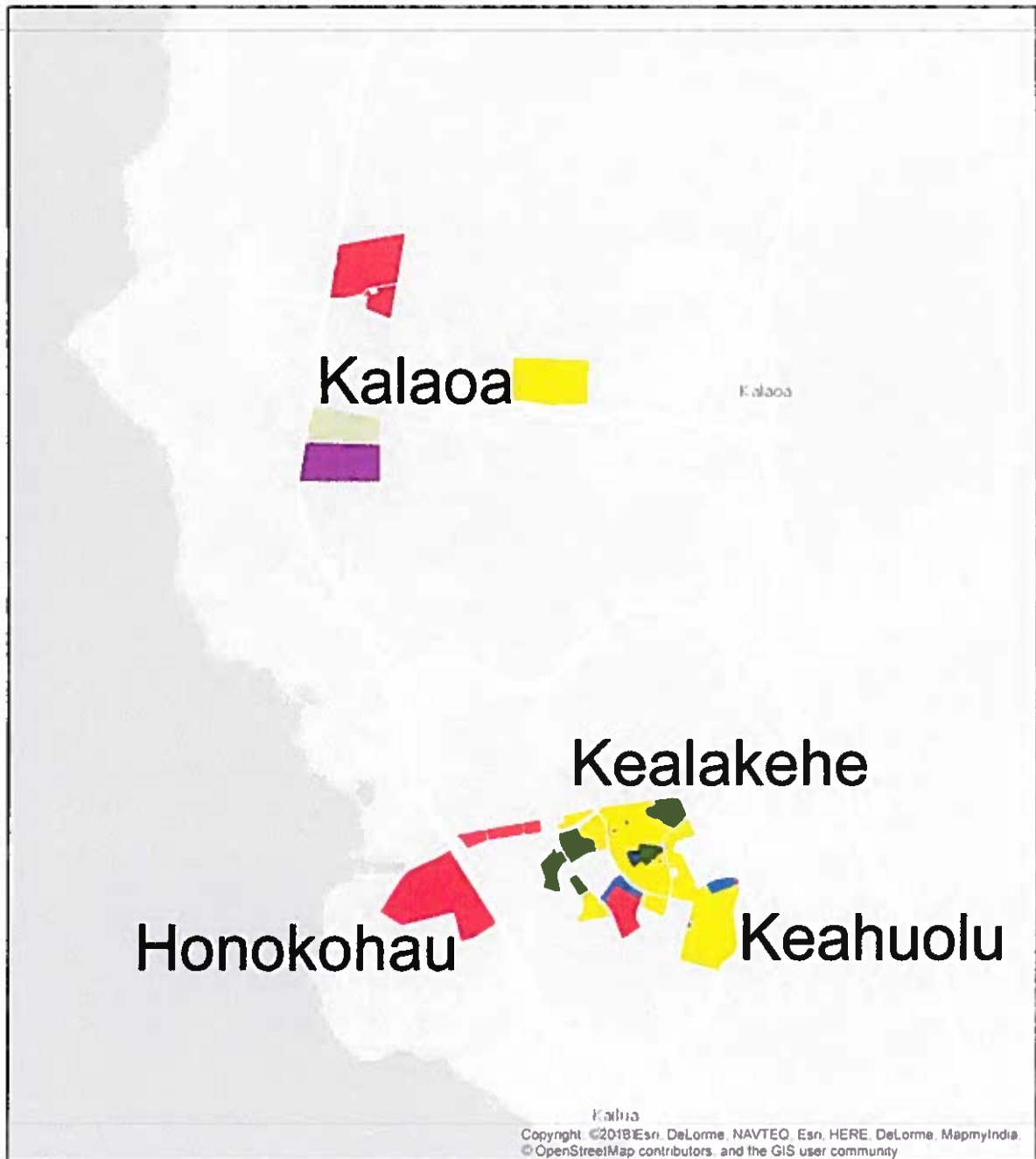
This planning region made up of approximately 1,500 acres is within the Keauhou ASA, which is currently the subject of a petition for designation as a groundwater management area ("WMA") before the Commission on Water Resources Management ("CWRM"). CWRM has not announced a timeline for determination of the WMA petition. On August 17, 2015, CWRM approved a reservation request by the Hawaiian Homes Commission for water resource rights under Hawaii Revised Statutes ("HRS") § 174C-101(a) in the Keauhou ASA in the amount requested, 3.398 mgd.

TABLE 4.A: WEST HAWAI'I LAND USE DESIGNATIONS

LAND USE DESIGNATION	TOTAL ACRES
Residential	600
Community Use	30
General Agriculture	100
Commercial	667
Industrial	100
Total	1,497

Source: HIP 2002 & WHIP 2009

Figure 4: Overview of West Hawai'i Region



Legend

- Proposed Critical Habitat Preserves
- DHHL Land Use Designation**
- Commercial
- Community Use
- General Agriculture
- Industrial
- Residential

0 0.5 1 2 3 Miles

Source: West Hawai'i Island Plan Update

The Department holds 392 water credits (based on 400 gpd/unit), which were received in connection with acquisition of its lands in the Keauhou ASA.⁵ A balance of 221 credits remains and will be applied to La'i 'Ōpua Village 4. Although 3.398 mgd of water resources have been secured through the CWRM water reservation, source development, storage, and transmission are required for the full build-out of the Villages of La'i 'Ōpua. Kealakehe-La'i 'Ōpua Regional Plan, at 29.

i) Kealakehe- Keahuolū

Long term water needs for Kealakehe and Keahuolū consist in 0.9098 mgd of potable water, which may be supplied through improved HDWS infrastructure. SWPP Update at 4-36. HDWS' 20-Year Water Master Plan, (2005) recommended several CIP projects within the system, including transmission waterlines. Since the finalization of the 20-Year Water Master Plan, the Department added over 600 acres of land inventory and total water demands from West Hawai'i tracts are significant. *Id.*

⁵ See Hawaiian Homes Commission Meeting, Submittal for Item No. G-1: "Authorize the Chairman to Request and Pursue a Water Reservation in Keauhou, Kona, Hawaii," at 4-6 (Nov. 17-18, 2014) ("Keauhou Reservation Submittal").

TABLE 4.B: DEPARTMENT'S KEAUHOU ASA WATER DEMANDS

AREA	LAND USE DESIGNATION	ACRES	WATER SYSTEM STANDARDS	EXISTING/ PLANNED UNITS OR ACRES	TOTAL WATER DEMAND (MGD)
Kalaoa	Commercial	384	3,000 gpd/acre	384 acre	1.152
Kalaoa	Industrial	100	4,000 gpd/acre	100 acres	0.400
Kalaoa**	General Ag	100	3,400 gpd/acre	100 acres	0.340
Kalaoa	Residential	130	400 gpd/unit	283 units	0.113
Honokōhau	Commercial	200	3,000 gpd/acre	200 acres	0.600
Kealakehe 1	Residential	50	400 gpd/unit	260 units	0.104
Kealakehe 2	Residential	50	400 gpd/unit	256 units	0.102
Kealakehe 3*	Residential	50	400 gpd/unit	225 units	0.090
Kealakehe 4*	Residential	55	400 gpd/unit	220 units	0.088
Kealakehe 5*	Residential	23	400 gpd/unit	116 units	0.046
Kealakehe 6*	Community Use	26	4,000 gpd/acre	26 acres	0.104
Kealakehe 6	Commercial	26	3,000 gpd/acre	26 acres	0.078
Kealakehe 7	Residential	11	400 gpd/unit	61 units	0.024
Kealakehe 8	Commercial	34	3,000 gpd/acre	34 acres	0.102
Kealakehe 11	Residential	24	400 gpd/unit	126 units	0.050
Kealakehe*	Preserves	97	-	97 acres	0.002
Keahuolū	Residential	140	400 gpd/unit	732 units	0.293
Keahuolū	Community Use	10	4,000 gpd/acre	10 acres	0.040
Total		1,510		2,279 units 977 acres	3.728

Source: Keauhou Reservation Submittal, at 5.

*Areas with existing water allocations or construction.

**Non-potable water demand.

The Department's Villages of La'i 'Ōpua Water Master Plan (approved by HDWS on October 26, 2006) ("La'i 'Ōpua Master Plan") identified potential sources of water and required water distribution system improvements to serve the Villages of La'i 'Ōpua located in Kealakehe and Keahuolū. The La'i 'Ōpua Master Plan recognized four wells as potential sources for potable water: Kealakehe Well (State Well No. 4057-04), North Keopū Well (site only), North Keopū Well (State Well No. 3957-02), and Keopū Well (State Well No. 3957-05). The wells are all owned by HDWS, except the State-owned Keopū Well.⁶ The La'i 'Ōpua Master

⁶ Draft Environmental Assessment for Keopu Well, Reservoir, and Water Transmission Lines Hienaloli 1-6, North Kona, Hawai'i, prepared

Plan included service to a portion of the State of Hawai'i Housing Finance and Development Corporation's (HHFDC) former Keahuolū project. Since 2006, Forest City Hawai'i Kona, LLC and HHFDC partnered to develop Kamakana Villages, which was originally called the Keahuolū project. Forest City plans to develop Keopū Well No. 4, which would produce 1.5 mgd for the Kamakana project with a surplus, then dedicate the well to HDWS. FEA-FONSI Keopū Well #4 Pump and Transmission Lines Project, prepared for Forest City Hawai'i Kona, LLC, at 1-1 (Jun. 2015) ("Keopū well FEA"). The Department proposed access to available water sources, such as Keopū well excess capacity pumpage, during the environmental assessment preparation process for the Keopū Well by comment letter dated February 12, 2015 ("[t]his remaining allocation of water credits or source could and should be available to provide water for public purposes, including the Public Trust water uses of the [Department]."). Access to Keopū well surplus would be one way of implementing a portion of the existing Keauhou water reservation. The Department is interested partnerships to develop additional water source in the region, but those opportunities are still being investigated.

ii) Kalaoa

The Kalaoa tract consists in four discontinuous parcels that border the University of Hawai'i Palamanui campus. Long term water needs consist in 0.9032 mgd of potable water, which may be supplied through existing HDWS infrastructure. SWPP Update at 4-36.

iii) Honokōhau

The Honokōhau tract is designated entirely for commercial use. Long term water needs consist in 0.600 mgd of potable water, which may be supplied through existing HDWS infrastructure. SWPP Update at 4-36.

RECOMMENDATION

None; for information only.

for Hawai'i Housing Finance & Development Corp., State of Hawai'i, at 7 (Sep. 2009) ("Keopu Well DEA").
http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Hawaii/2000s/2009-10-08-HA-DEA-Keopu-Well-Reservoir.pdf

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 23-24, 2016

To: Chairman and Members, Hawaiian Homes Commission

From: Kaleo Manuel, Acting Planning Program Manager
Norman Sakamoto, Administrator Land Development Division

Subject: Extension of Interim Pu'ukapu Hybrid Water System Equipment and Installation Fees and Water Rates, Pu'ukapu, Waimea Nui, Hawai'i

RECOMMENDED MOTION/ACTION

The Hawaiian Homes Commission (HHC) extends the interim water Fees and Rates for all consumers on the Department of Hawaiian Home Lands' (DHHL) Pu'ukapu Hybrid Water System until June 30, 2018, pending preparation of a water rates assessment to be presented to the HHC for action.

DISCUSSION

I. Introduction

The HHC approved the establishment of Equipment and Installation Fees and Interim Water Rate for users of the Pu'ukapu Hybrid Water System on May 19, 2014, to be charged to lessees of the Pu'ukapu Pastoral Lots for a period of one year. No further action has been taken by the HHC on this matter so it is necessary for the HHC to retroactively authorize the extension of the interim fees and rates.

The HHC on April 19, 2016, while meeting on Moloka'i, approved a similar extension for water rates to the one proposed here on the Anahola, Kaua'i and Molokai DHHL water systems. While the Water Rate Assessment (WRA) referenced in the proposed action will be conducted for all four DHHL water systems (the three mentioned here and the Kawaihae water system), the history and methodology of rate setting for the Pu'ukapu Hybrid Water System differs from those

for the Pu'ukapu Hybrid Water System differs from those other systems. Additionally, taking action at this May 23 - 24, 2016 HHC meetings in Kona allows the interim fee and rate extension to be discussed at the meeting of the year closest to the area affected.

HHC action regarding water rates for the Kawaihae system is not required, as the previous HHC action on rates for this system explicitly tracked water rates for the Hawai'i County Department of Water Supply.

This discussion provides a background on key issues and efforts that led to the adoption of current Fees and Rates for the Pu'ukapu Hybrid Water System, background information on the WRA process, and a review of the legal authorities held by the HHC to set water rates.

II. Background

On May 19, 2014 the HHC received submittal E-4 that provided a long background of the history of awarding of lots in the Pu'ukapu tract, the development of the Hybrid Water System, and the rationale for setting interim fees and rates. That submittal is attached here as Exhibit A. Relevant points to this proposed action include:

- a. Staff conducted community meetings in Waimea on September 19, 2013 and December 12, 2013 to provide opportunity for public comment on the proposed water Fees and Rates.
- b. On March 18, 2014 a workshop was presented to the HHC on the proposed Fees and Rates.
- c. On May 19, 2014 the HHC approved Equipment and Installation Fees and an interim water rate for users of the Pu'ukapu Hybrid Water System on May 19, 2014, with authority for the rates to last one year.
- d. The Fees and Rates set on May 19, 2014 were as follows:
 - i. Fees for Equipment and Installation, a one-time charge of \$789.00.
 - ii. A flat water rate for all connections of \$122.41 per month.

- e. Subsequent to staffing changes within the Division that had led the previous water rate setting effort, further action has not been taken on the water rates.
-

The current effort to conduct the WRA is timely, as it will provide a consistent basis for setting rates on all four DHHL water systems. The WRA process is discussed below, in a manner similar to how it was discussed for the approval of rates in April 2016 for the Anahola and Molokai DHHL water systems.

III. Purpose & Need for the WRA

Currently, WRA preparation remains in planning stages. Since April 21, 2014, DHHL staff attended monthly meetings to assemble information needed to conduct the WRA. Through these meetings, DHHL has identified a scope of work and are currently finalizing a contract to provide the professional services.

DHHL owned and operated water systems should break even financially, but currently do not. Reaching a financial break-even point for water systems, while increasing investments in necessary infrastructure maintenance and replacement, faces multiple challenges. First, operation costs should be reduced through increasing management efficiency and the development and use of less-expensive alternate energy sources, particularly on the island of Molokai; electricity costs are currently a major component of system operation. Second, DHHL has and should continue to seek state subsidy of costs of operations as we believe is justified under the Nelson decision. Third, there are significant numbers of delinquent accounts on the water systems that need to be collected or otherwise addressed. Fourth and finally, existing water rates are considerably below county rates (except for Kawaihae, which tracks County rates). In all four cases, the rates do not accurately account for true system operational costs or for needed investments in the system. Water rates must likely be increased as part of the overall effort to have systems break even financially.

Currently, DHHL water system operations incur an operating loss conservatively estimated to be over \$1,000,000 annually for around 1,000 customers. Stated another way, the HHC and DHHL currently subsidize these 1,000 users (primarily, but not exclusively homesteaders)

by approximately \$1,000 per year. This continuing operating loss combined with the existing rate structure and enforcement also raises a number of equity issues.

- Generally, an ongoing subsidy of homesteaders represents a preference to assist current beneficiaries over future beneficiaries; money used to subsidize existing homesteaders is not being spent on developing new homesteads.
- Because these systems only serve some existing homesteaders, it also represents a preference for some homesteaders over others. Homesteaders living on the same island, sometimes in the same communities or even across the street from each other, are being charged significantly different rates for water based on being County or DHHL customers. Some homesteaders on county systems struggle to pay their water bills, yet receive no subsidy from the Department.
- A lack of enforcement against DHHL water customers who fail to pay their bills also exists. This unfairly subsidizes those who do not pay their bills by both the Department and those who do pay. Additionally, homesteaders who do not pay their bills but are served by the county do not have the option of not paying their bills; failure to pay results in their water being shut off.

To address the issue of rates in a systematic and equitable manner, HHC directed and delegated to the Chairman responsibility for preparing a comprehensive WRA for all of its water systems. The WRA will assess various future water rates as well as water system operation options and scenarios, including scenarios that address the different challenges addressed above. Upon further examination of the numerous factors (personnel time, various costs, changing expenses) contributing to a water rate, DHHL staff determined that preparation of the WRA would require further research into methodologies, information-gathering, and engagement of a contractor.

Utilizing findings from the WRA to propose new rates is a sound basis for exercising the HHC's authorities to set water rates, discussed next.

IV. Legal Authorities to Set Water Rates

Sections 220, 220.5, and 221 of the Hawaiian Homes Commission Act provide extensive authority to the HHC and DHHL to own, operate, and manage water systems, to set rates, and to derive revenue from the delivery of water to both homesteaders and non-homesteaders. How rates are set is specifically addressed in Section 10-3-76(i) of the Hawaii Administrative Rules that states:

"Water from department systems shall be sold at rates established by the commission. The department shall establish the frequency of billing and may determine a minimum monthly charge."

Generally, water utilities must charge rates that allow for a financial break-even point while addressing all needed costs to maintain and operate the system. This is described in an Attorney General's Opinion dated August 22, 1994, states that:

"Every water system has operation and maintenance expenses as well as infrastructure capital requirements...Those costs are not for the water per se but for the delivery system, namely, for the "furnishing of water and for water service" (emphasis in original) as authorized in HRS §54-24. Customarily, those costs are prorated to consumers based on the amount of water used on some per unit basis. In the case of capital expenses, these may be paid in advance by the relevant legislative body or obtained through the issuance of bonds which are then repaid by collecting fees for water service on some unit basis. This is simply a means of amortizing the debt incurred in building the system."

V. Conclusion

Operation and management of DHHL owned water systems have been a challenge, both in high operation and management costs and insufficient derived revenue. Primarily because of rising energy costs, coupled with deferred system and infrastructure maintenance and replacement, the water systems operate with extreme costs to DHHL. The low revenues received, long standing subsidies, high payment delinquencies, pending expenditures

for system improvements, and lack of enforcement results in minimal revenue generation to DHHL. These challenges have led to DHHL operating its water systems at a deficit. The WRA will comprehensively address these issues. Other efforts, such as improvements to system efficiencies and upgrades are currently being analyzed and (in the case of Molokai and Anahola) pursued.

RECOMMENDATION

Based on the foregoing, staff recommends HHC take action as recommended.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 19, 2014

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Puukapu Hybrid Water System, Waimea, Hawaii,
Establishment of Equipment and Installation Fees
And Interim Water Rate for One Year

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve the establishment of Equipment and Installation Fees and Interim Water Rate to be charged to lessees of the Puukapu Pastoral Lots for a period of one year from the effective date of this action.

FACTS

1. In 1983 a Federal-State Task Force on the Hawaiian Homes Commission Act issued a report which concluded that the award of homestead leases should be accelerated even though site improvements were not provided ("Acceleration Program").
2. In 1990, DHHL prepared a "paper subdivision" of approximately 4,600 acres at Puukapu into 184 lots and awarded homesteads:
 - 97 leases @ 10 acres
 - 54 leases @ 15 acres
 - 17 leases @ 20 acres
 - 8 leases @ 100 acres
 - 8 leases @ 200 acres
3. Actual use and occupancy of the lots was conditioned upon the availability of adequate access roads and water, estimated at that time to take about 5 years to develop.

4. In 1992, the County of Hawaii required a water master plan detailing the type of water service that would be developed. Over the ensuing years, the Department completed a water master plan, negotiated with the County of Hawaii Department of Water Supply (DWS) for the cost of water allocation credits and assessed various options for the provision of water to the area.
5. In May 2002, a study entitled, "DHHL Puukapu Water Strategy Report", by Engineers Survey Hawaii, Inc., recommended that a DWS standard system was not feasible due to the extremely high cost and length of time for completion of such a system. In the alternative, a non standard system was recommended for development.
6. In March 2014, construction of non-potable water system consisting of storage and fire fighting tank reservoirs, booster pumps and transmission mains within the gravel road system was completed.
7. Water system costs to date:

Construction	\$3,261,700
Facilities Charge to DWS	<u>\$ 849,420</u>
(184 lots & 14 livestock credits)	\$4,111,120

DISCUSSION

1. The Puukapu Hybrid non-potable water system is ready to be placed online for service, subject to establishment of equipment and installation fees, a water rate and execution by each homesteader of an Internal Elevation Agreement and Lease Addendum.
2. Staff conducted community meetings in Waimea on September 19, 2013 and December 12, 2013 to provide opportunities for public comment on the proposed water rate.
3. On March 18, 2014, a workshop was presented to the Hawaiian Homes Commission and it was proposed that the Hawaiian Homes Commission establish an Interim Water Rate for a period of one year in which time the operation and maintenance of the system would be tested, water usage by homesteaders monitored and a review of the water rate structure conducted at the conclusion of one year.

4. Hawaiian Homes Commission authority to set water rates and fees:

- a. Sections 220, 220.5, and 221 of the Hawaiian Homes Commission Act provide extensive authority to the HHC and DHHL to own, operate, and manage water systems, to set rates, and to derive revenue from the delivery of water to both homesteads and non-homesteaders. How rates are set is specifically addressed in Section 10-3-76(i) of the Hawaii Administrative Rules that states:

"Water from department systems shall be sold at rates established by the commission. The department shall establish the frequency of billing and may determine a minimum monthly charge."

- b. Generally, water utilities must charge rates that allow for a financial break even point while addressing all needed costs to maintain and operate the system. This is described in an Attorney General's Opinion dated August 22, 1994, which states that:

"Every water system has operation and maintenance expenses as well as infrastructure capital requirements...Those costs are not for the water per se but for the delivery system, namely, for the "furnishing of water and for water service" (emphasis in original) as authorized in HRS §54-24. Customarily, those costs are prorated to consumers based on the amount of water used on some per unit basis. In the case of capital expenses, these may be paid in advance by the relevant legislative body or obtained through the issuance of bonds which are then repaid by collecting fees for water service on some unit basis. This is simply a means of amortizing the debt incurred in building the system."

5. The recommended Interim Water Rate is as follows:

COST COMPONENT	RATE PER MONTH
• Standby Charge: 4-Inch Master Meter \$255.00 per month. \$255.00/184 lots = \$1.39 per lot	\$ 1.39
• Flat Rate Water Charge	\$ 18.00
• Electricity Charge (\$1,692/40 users)	\$ 42.30
• Operations and Maintenance (10,761/184 users)	\$ 58.48
• Potable Water via Spigot (600 gpd/40 users)	\$ 2.24
TOTAL	\$122.41

6. In addition to the monthly water rate, each homesteader will be required to pay the following one-time equipment and installation costs:

EQUIPMENT/INSTALLATION	COST
5/8" Meter	\$114.00
Backflow Preventer	\$675.00
TOTAL	\$789.00

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve the establishment of Equipment and Installation Fees and Interim Water Rate to be charged to lessees of the Puukapu Pastoral Lots for a period of one year from the effective date of this action.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Kaleo Manuel, Acting Planning and Program Manager

SUBJECT: G-5 For Information Only – DHHL Lands Statewide


THIS SUBMITTAL ITEM WILL BE DISTRIBUTED UNDER SEPARATE COVER

ITEM NO. G-5

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 23-24, 2016

To: Chairman and Members, Hawaiian Homes Commission

From: M. Kaleo Manuel, Acting Planning Program Manager 

Subject: FOR INFORMATION ONLY - Water Policy Plan -
Implementation Program Report for FY 2016 and Proposed
Water Policy Plan Implementation Program for FY 2017

RECOMMENDED MOTION/ACTION

None; For Information Only.

DISCUSSION

This submittal provides (1) a report on progress made towards the Commission's water policy goals under the FY 2016 Water Policy Plan ("WPP") Implementation Program ("IP"), approved as Item G-2 at the Commission's June 15, 2015 meeting, and (2) a Proposed WPP-IP for FY 2017.

I. Purpose

The HHC Water Policy Plan specifies that the Chairperson shall seek approval of a proposed Implementation Program by the HHC annually in conjunction with the Department's budget request. In addition, the Chairperson shall annually report on progress on execution of the approved Implementation Program.

II. Background.

At its July 22, 2014 meeting, the Commission adopted its WPP. The WPP was developed over three years through extensive consultation with beneficiaries. The purpose of the WPP is to provide strategic, proactive, comprehensive, and consistent guidance to the Commission, Department of Hawaiian Home Lands ("Department"), and beneficiaries on water related issues, actions, and decisions.

The Planning Office ("PO") is the lead Department division for the WPP-IP, but as responsibilities for water are held

throughout the department, implementation requires coordination across the agency.

III. Summary of Performance on the FY2016 WPP-IP

Application of the FY 2016 WPP IP focused on advocacy and communication. There were a number of critical efforts made to assert the Department's rights to water in key proceedings before the Commission on Water Resource Management ("CWRM"). **The most significant highlight was the CWRM granting a water reservation of 3.398 MGD to DHHL in the Keauhou Aquifer, outside of a water management area, for the first time since the state Water Code was enacted in 1987.**

The focus on advocacy was due several unanticipated events that had critical implications for the Department's interests in water. Unforeseen developments arising subsequent to approval of the initial WPP-IP include:

- (1) The re-opening of CWRM proceedings on water use permit applications ("WUPA") for use of the Kualapu'u aquifer on Moloka'i, on remand from the Hawai'i Supreme Court decision, *In re Kukui (Moloka'i), Inc.*, 116 Hawai'i 481, 492, 174 P.3d 320, 331 (2007) in October 2015;
- (2) Alexander & Baldwin, Inc.'s announcement of its closure of sugar agricultural activities on Maui, affecting the Department's rights and interests in its and East Maui water usage ("Maui sugar lands closure"), in January 2016; and
- (3) CWRM's extended requirement of mediation between parties interested in Waimea, Kaua'i waters ("Waimea mediation");

Due to the necessary redirection of efforts towards advocacy, efforts on goals Water Assets Inventory ("WAI") and Watershed partnerships, and beneficiary communication tools remain to be completed. They have been included in the proposed FY 2017 WPP IP.

A summary of FY 2016 WPP IP performance is provided in a table and a narrative description of performance in Exhibit A.

IV. Proposed FY 2017 WPP-IP.

The proposed WPP-IP FY2017 budget is \$500,000, no increase from FY 2016. The following describes general areas of

expenditures under subparts of WPP-IP FY2017 goals, which are detailed as Exhibit B.¹

Goal 1.d. \$50,000 Water outreach partnerships.
Goal 2.e. \$100,000 Water rights legal counsel.
Goal 3.d. \$250,000 Water asset inventorying, inclusive of
cultural assets, geo-referencing, agricultural
water planning, and other water studies.
Goal 4.a. \$100,000 for watershed management.
Total: \$500,000.

The proposed WPP-IP (2017) will take up three major efforts, in addition to taking up unmet goals from the WPP-IP of FY2016.

The first focus will be agricultural water planning. The Department's agricultural water planning will be coordinated in tandem with ongoing development of the State's Agricultural Water Use Development Plan ("AWUDP"). The Department is working on rules for subsistence agricultural lots, which will incorporate planning for appropriate types of water systems to support subsistence uses. As with other components of the forthcoming update to the State Water Projects Plan ("SWPP"), the Department will use SWPP recognition of their water needs, inclusive of agricultural water demand, as a basis for new water reservation requests to the CWRM.

On Moloka'i specifically, ascertaining the Department's positions in ongoing proceedings on water use applications for the Kualapu'u aquifer depends also on the availability of water from the Moloka'i Irrigation System ("MIS"). Therefore, study and advocacy relating to the MIS and the Department's potential uses of its waters, will be included in the agricultural water planning focus. (Goals 2.a - 2.f; Other.c).

Second, beneficiaries consulted during the development of the WPP expressed a cogent interest in the Department's integration of traditional, place-based knowledge of water resources. In FY2017, implementation of the WPP will include procuring consultations with Hawaiian cultural knowledge experts to inventory and identify names of traditional, place-based knowledge of water resources, as well as appropriate uses of such knowledge in Department water policy planning. These

¹ The "goals" in WPP-IPs for both 2016 and 2017 identify WPP priority policies, and the subparts elaborate specific tasks to be taken to further those goals.

consultations will further guide formation of the Department's WAI and constitute part of that WAI. (Goals 3.b; 3.e.; and WPP Additional Policy No. 8 "Make water decisions that incorporate traditional and place-based knowledge of our people and are clear and methodical in their reasoning.")

Watershed protection constitutes a third focus for WPP-IP efforts. Actions taken towards watershed protection goals will include fuller elaboration of watershed protection interests touching on Department lands; prioritizing watershed protection actions; and searching for matching funds for watershed partnership planning.

In addition to the above three foci for WPP-IP implementation, the following two actions are proposed for FY2017. An additional policy statement to be considered under the WPP (No. 10) states:

Advocate that County Boards of Water Supply and other County agencies that affect water have the spirit of the HHCA faithfully carried out to protect [the Department's] water uses as a Public Trust use of water and manage rates so they are affordable by beneficiaries.

WPP Additional Policy No. 10. The Department will continue participation in county water planning processes, as well as to monitor and coordinate with community development planning processes insofar as the latter affect water demands. Currently, Maui County is coordinating an update to their Maui Water Use and Development Plan ("WUDP") with their Moloka'i Community Development Plan ("CDP") in order for water projections to be consistent across both documents and to have been planned for in each. The Department's water planning needs will be implicated in both processes.

The second necessary action to be included in the WPP-IP for 2017 concerns potential rulemaking required of the Commission. The WPP will be assessed to determine which elements may be subject to rulemaking pursuant to HRS §91-3. Identified elements, in working with the Department's Administrative Rules Officer, will be submitted to the Commission for such rulemaking procedures along with other policies and practices to be codified as rules in 2017.

RECOMMENDED MOTION/ACTION

None; For Information Only.

Performance on the FY2016 WPP-IP

Application of the FY 2016 WPP IP focused on advocacy and communication. There were a number of critical efforts made to assert the Department's rights to water in key proceedings before the Commission on Water Resource Management ("CWRM"). The most significant highlight was the CWRM granting a water reservation of 3.398 Million Gallons per Day (MGD) to DHHL in the Keauhou Aquifer, outside of a water management area, for the first time since the state Water Code was enacted in 1987.

The focus on advocacy was due several unanticipated events that had critical implications for the Department's interests in water. Unforeseen developments arising subsequent to approval of the initial WPP-IP include:

- (1) The re-opening of State of Hawai'i CWRM proceedings on water use permit applications ("WUPA") for use of the Kualapu'u aquifer on Moloka'i, on remand from the Hawai'i Supreme Court decision, *In re Kukui (Moloka'i), Inc.*, 116 Hawai'i 481, 492, 174 P.3d 320, 331 (2007) in October 2015;
- (2) Alexander & Baldwin, Inc.'s announcement of its closure of sugar agricultural activities on Maui, affecting the Department's rights and interests in its and East Maui water usage ("Maui sugar lands closure"), in January 2016; and
- (3) CWRM's extended requirement of mediation between parties interested in Waimea, Kaua'i waters ("Waimea mediation");

Due to the necessary redirection of efforts towards advocacy, efforts on goals WAI and Watershed partnerships, and beneficiary communication tools remain to be completed. They have been included in the proposed FY 2017 WPP IP.

A tabular compilation and summary of performance follows.

Table I. Summary of FY 2016 WPP IP Performance

Red shading indicates implementation action goal was not met; blue indicates some progress was made; green indicates the action goal was met

Goal #	Implementation Action (summarized)	Performance	Next Steps
1.a.	Develop communication tools to communicate with beneficiaries and stakeholders on key water issues	Partially met; tests of different outreach tools conducted	Include in FY 2017 WPP IP
1.b.	Develop an FAQ	Not met	Include in FY 2017 WPP IP
1.c.	Conduct annual outreach on WPP IP Performance	Met; Review of water projects and issues conducted in conjunction with island HHC meetings	Continue in FY 2017 WPP IP
1.d.	Develop targeted water rights training	Partially met; curriculum tentatively targeted for August 2016	Include in FY 2017 WPP IP
2.a.	Native Hawaiian Rehabilitation Fund research and advocacy	Partially met; contract in procurement for larger scope of work	Continue in FY 2017 WPP IP
2.b.	Secure reservations of water	Partially met; Reservation awarded for Keauhou, reservation submitted for Waimea Kaua'i, data being finalized for statewide requests.	Continue in FY 2017 WPP IP

Goal #	Implementation Action (summarized)	Performance	Next Steps
2.c.	Regulatory compliance (comments on water related permits)	Met; Responded to over twenty Water Use Permit Applications	Continue in FY 2017 WPP IP
2.d.	Participate in water planning	Met; participated and advocated in development of the Water Resource Protection Plan and all four county Water Use and Development Plans	Continue in FY 2017 WPP IP
2.e.	Secure water rights counsel	Met; counsel secured for priority Maui and Kaua'i issues	Continue in FY 2017 WPP IP
2.f.	Water rights legislative support as requested	Met; provided draft testimony in 2015 Legislative session	Continue in FY 2017 WPP IP
3.a.	Use analysis for the Water Assets Inventory (WAI)	Partially met, but significant further work needed	Include in FY 2017 WPP IP
3.b.	Review collected WAI data	Partially met, but significant further work needed	Include in FY 2017 WPP IP
3.c.	Inventory existing data sources for WAI	Partially met, but significant further work needed	Include in FY 2017 WPP IP
3.d.	Support water related studies in critical areas	Met; continued work with the US Geological Survey in	Continue in FY 2017 WPP IP

Goal #	Implementation Action (summarized)	Performance	Next Steps	
		work on Anahola Kaua'i and Molokai		
4.a.	Identify priority watershed areas for tracts	Partially met; initial analysis of priority watersheds conducted	Continue in FY 2017 WPP IP	
4.b.	Report on watershed protection efforts	Not met	Include in FY 2017 WPP IP	
4.c.	Begin priority watershed implementation efforts	Not met	Include in FY 2017 WPP IP	
5.a.	Revise submittal template	Not met	Include in FY 2017 WPP IP	
5.b.	Increase water related staffing	Partially met; recruitment internal efforts begun for approved position	Include in FY 2017 WPP IP	
5.c.	Continue to pursue development of agricultural water systems	Partially met; significant efforts extended to secure water from Koke'e ditch system on Kaua'i	Include in FY 2017 WPP IP	
5.d.	Pursue resolution of identified issues with the Molokai Irrigation System	Partially met; mediation on Moloka'i water disputes sought so integral MIS issues can be included.	Include in FY 2017 WPP IP	

Below is a narrative description of performance on the FY 2016 WPP IP by goal.

- Goal 1. *Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights on a regional and annual basis.*
- 1.a *Beneficiary communication tool development.*
 - 1.b *Identify beneficiaries' frequently asked questions.*
 - 1.c *Annual outreach on WPP to other agencies and communities.*
 - 1.d *Collaborate with the Office of Hawaiian Affairs (OHA) and the William S. Richardson School of Law's Ka Huli Ao on joint water rights training.*

Progress under Goal No. 1.

Specific responses (Goals 1.a & 1.b): Many beneficiaries are highly engaged in their water needs and provided specific requests and inquiries into their issues of concern. Response to these concerns required more than provision of information. In several cases, we developed and/or implemented procedures addressing their specific water issues.

- (i) Hawai'i island homesteaders sought approvals to install wells on lands leased from the Department. Issues involved were researched in order to produce Procedures for Approving Well Installation on Homestead Lots, approved by the Commission at its October 19, 2015 meeting.
- (ii) Homesteaders in Anahola requested increased allocations of water credits. Department staff and stakeholders were consulted in developing a draft of Water Credit Management Procedures, which will be submitted to the Commission for consideration at a future meeting.
- (iii) Detailed responses were developed and delivered to beneficiaries who inquired into water delivery in Keokēā

Beneficiary advocacy and communication tools (Goals 1.a & 1.b): Outreach tools include production of flyers and other media informing beneficiaries of a Department-funded Moloka'i water modeling study; development and

delivery of water issue presentations for beneficiaries on Moloka'i (regarding Mycogen's commercial water needs) and in other beneficiary communities, and advocacy before CWRM for greater open-ness to participation of the public and especially affected beneficiaries on neighbor islands, such as those on Moloka'i.

Analysis of beneficiary concerns (Goals 1.b, 1.c & 1.d): Key areas where responses are needed were identified based on consultations conducted during development of the WPP and the CWRM state water planning process. Work products include a WPP beneficiary comment analysis memorandum (dated Apr. 2, 2015) and a Water Resources Protection Plan ("WRPP") comment compilation and analysis memorandum (dated Aug. 18, 2015). Beneficiaries overlap with those of the Office of Hawaiian Affairs ("OHA"). The Department initiated an ongoing series of meetings with OHA staff and counsel concerning shared beneficiary interests in water rights, including preliminary plans for collaboration over a beneficiary/ homestead leadership panel (Goals 1.c & 1d).

Outreach and collaboration with other agencies (Goals 1.c & 1.d): Implementation of Goal 1 included a report from the Ka'ū Water Conflict Workshop and in-person provision of comments to Ka'ū stakeholders on behalf of Department interests at the workshop; follow up with stakeholders on Ka'ū and water users; representing Department interests in meetings with stakeholders concerning the draft Maui County Water Use Development Plan ("WUDP"); facilitating water resource discussions with the Hawaiian Commercial and Sugar Company ("HC&S") concerning Department water needs on Maui; and preparing a presentation on Department Moloka'i water interests for CWRM. Joint meetings with OHA and NHLHC staff on shared interests in water resources and revenues are ongoing. A significant amount of time was spent also in creating communications and advisories for intra-Department needs and for the Commission.

As further detailed *infra* Part IV, in 2017, next steps will include working on the communication tool (Goal 1.a); beneficiary FAQ (Goal 1.b); communicating with Department of Health (DOH) and homestead community leaders on water workshop needs (Goal 1.c); and further exploring partnerships with OHA and Ka Huli Ao programming on water

rights for the August 2016 homestead leadership conference (Goal 1.d).

- Goal 2. Aggressively, proactively, consistently and comprehensively advocate for the kuleana of the beneficiaries, the [Department], and the [Commission] to water before all relevant agencies and entities.
- 2.a. Advocate, inventory, and analyze Department entitlements arising from the Native Hawaiian Rehabilitation Fund (NHRF).
 - 2.b. Secure and implement reservations of water under Hawaii Revised Statutes (HRS) Chapter 174C.
 - 2.c. Organize Department participation in regulatory compliance actions, including permitting and entitlements.
 - 2.d. Water Planning: Participate in updates to the Hawai'i Water Plan and County Plans that will affect Department and beneficiary water uses and rights.
 - 2.e. Procure outside counsel as applicable and authorized to assert Department water rights.
 - 2.f. Comment on water rights related legislative actions as necessary and directed.

Progress under Goal No. 2.

NHRF research and advocacy (Goal 2.a): Research and review of Native Hawaiian Rehabilitation Fund (NHRF) has largely been completed through the inventorying of various NHRF information sources (two Department-commissioned studies, Department of Land and Natural Resources ("DLNR") land and water lease reports, State Office of the Budget reports, CWRM meeting minutes and submittals, Legislative Research Bureau ("LRB") reports, and State Auditor reports); development of a chart of licenses and discussion of NHRF allocation methodologies from; analysis of next-steps for NHRF advocacy and research, and initiation of discussions with OHA concerning how to approach DLNR on ascertaining public trust revenues, inventoried water resources, and methodologies for revenue.

NHRF research has largely been accomplished in terms of existing, public inventories. Research into methodologies for water and land lease valuation is ongoing through collaboration with OHA, which faces similar issues concerning their pro rata share of public trust land

revenues. Analysis of NHRF performance will be conducted as part of a formal audit by a separate accounting contractor. A new scope of work for a contract to develop a NHRF Strategic Plan has been drafted. This will include a pre-audit assessment, necessary to a draft scope of work for a contract to perform the formal audit.

Consistent comment and advocacy for the Department's rights in leases of water resources initiated further inquiry and recognition from agencies and private parties. For example, the Hawaiian Electric Light Company sought specific consultation on Department rights in a water lease sought for Wailuku River, Hilo, Hawai'i.

Water reservations (Goal. 2.b): For the first time since the passage of the State Water Code (HRS chapter 174C), CWRM approved a water reservation request of 3.398 MGD of water from the Keauhou Aquifer System Area, Kealakehe, Hawai'i, an aquifer outside of a designated water management area, at its August 17, 2015 meeting. CWRM staff recommended approval of the Department's water reservation using substantially the same rationale as that proposed in the request prepared as part of WPP-IP actions.

A water reservation request for Waimea, Kaua'i surface water has been approved by the Commission and is pending before CWRM. Two more water reservation requests have been prepared and are undergoing intra-Department review. Outside counsel is assisting with the finalization of a reservation request for waters associated with the Department's Pūlehunui tract on Maui. A second reservation request for East Maui water resources has been drafted. Consultant is also assembling Kēōkea-Waiōhuli and Ke'anae-Wailua water demand figures in anticipation of reservation requests associated with those tracts. Department staff

Regulatory compliance (Goal 2.c): Templates for comments on other agency and private actions affecting Department interests in water have been produced, received final approval from the Chairman, and were utilized in the comment letters on the following projects:

1. 'Īao stream restoration (environmental assessment)
2. Wailuku Well No. 2 (environmental assessment)
3. Lālāmilo Well improvements (environmental assessment)

4. Maui County Wellhead protection program (environmental assessment)
5. Po'okela Well B (environmental assessment)
6. South Maui Recycled water system (environmental assessment)
7. City and County of Honolulu Board of Water Supply water systems improvements (environmental assessment)
8. Kealia Farms water use permit application ("WUPA")
9. Agrigenetics WUPA (in Manawainui, Moloka'i)
10. Ka'ala Ranch WUPA (Mokuleia water management area)
11. Chase Well WUPA (Mokuleia water management area)
12. Smith WUPA (for Kawaihoa water management area)
13. Maui DWS WUPA for Kualapu'u aquifer, Moloka'i
14. Moloka'i Public Utilities WUPA for Kualapu'u aquifer
15. Responded to request for a new Naiwa well on Moloka'i

State water planning (Goal 2.d.): The following actions were taken in regard to State and county water resource planning processes: review and comment on the SWPP Update for the Department (including reconciliation of certain demand figures); participation in Water Resource Protection Plan (WRPP) update discussions and providing comments; consultation with decision makers, stakeholders, and staff concerning the Maui draft WUDP and Moloka'i water use and development planning; meeting with Maui County officials regarding proposed changes in their water resource ordinances; assessing proposed West Kaua'i hydropower project implications of Department rights; assessing potential scenarios to propose for application of the Department's USGS Moloka'i groundwater modeling study; directing the objectives of the Ka'u water resources assessment study; review the proposed decision and order in the CWRM East Maui streams contested case hearing for potential impacts on Department planning; and monitoring CWRM discussions and determinations affecting Department water planning and management.

Advocacy and participation in the State and county water planning processes also included responding to State and county inquiries into Department policies, rules, and positions. Communications included those responsive to inquiries from CWRM staff into case law affecting

Department interests, County staff requests for information on the Department's rights under the State water code, HRS Chapter 174C, and various Department consultants.

Advocacy and participation in State water planning processes required extensive intra-Department water planning and management. Intra-Department actions included developing methodologies for calculating future water demand of various Department projects and presenting on the same; communicating with Department Land Management Division; reviewing capital improvement projects (CIP); developing a Water Rates Assessment memorandum after review of Department files and communicating with PO staff; coordinating with consultants on water resources assessment for Kā'ū lands; and facilitating Pūlehunui water planning with legal counsel and other consultants as appropriate to changed scenarios due to the decision of Alexander & Baldwin to close their agricultural sugar operations.

Water rights counsel (Goal 2.e): Implementation of the WPP required procuring legal expertise in the Department's interests in water resources and delivery. Legal services of William Meheula and Natasha Baldauf were engaged for issues arising from water needs of Department tracts in Waimea, Kaua'i and Pūlehunui, Maui. A request for authorization from the Governor for outside counsel was prepared in anticipation of potential complications arising from the Moloka'i Kualapu'u aquifer contested case.

Waimea Kaua'i water issues have been forwarded by meeting with outside counsel concerning procedures and advocacy; consulting with specific beneficiaries and hydrologists on Waimea water issues; engaging CWRM process concerning water allocations in that area; monitoring CWRM decision making; and monitoring Agribusiness Development Corporation, Earthjustice, and Kekaha Agriculture Association interests, and preparation of a Waimea Reservation request.

Moloka'i water issues have involved consultation with deputy attorney general counsel. Consultation concerning on Moloka'i Kualapu'u aquifer issues specifically involved: review and action on the Moloka'i USGS study; clarifying timeline of actions concerning Kualapu'u; preparing a request for permission for outside counsel; preparing briefings for the Commission, and drafting a mediation request; otherwise engaging CWRM processes; preparing

comments on Moloka'i Public Utilities and Maui County DWS WUPAs; communicating with Department Moloka'i staff on Well No. 17 issues; and participating in community presentation on Mycogen water uses on Moloka'i.

Rulemaking advocacy (Goal 2.f): Comments for Hawai'i legislative bills concerning the status of revocable permits for East Maui stream waters were prepared and submitted in regard to Senate Bill No. 3001 and House Bill No. 250. Other relevant legislative and rulemaking actions included preparing and delivering testimonies to CWRM on water-related issues; preparing testimony on the Board of Land and Natural Resources' ("BLNR") approval of revocable permits for land and water; submitting testimony on Governor's Message (GM) Nos. 820 and 821 (concerning appointees to CWRM); meeting with county officials concerning changes to Maui's water resource ordinance.

Goal 3. Develop and manage a Water Assets Inventory (WAI).

- 3.a. List potential uses of the WAI and determine how to catalogue contents of the WAI.*
- 3.b. Ongoing review information collected for the WAI.*
- 3.c. Inventory existing sources of Department water assets.*
- 3.d. Monitor and support water studies.*

Progress under Goal 3.

Methods and uses for WAI (Goal 3.a): Potential uses of the WAI have been continuously assessed through development of formats and comments on WUPA, EA, and other private and agency actions. Joint meetings with OHA include ongoing assessment of consultations with DLNR staff and inventories of water resources and revenues from leasing of those resources. These discussions include presentations of future water demand calculation methodologies for various water needs, including those Native Hawaiian traditional and customary practices.

Review of WAI information (Goal 3.b & 3.c): Review and analysis of the SWPP Update for Department water needs has involved a comprehensive assessment of existing water resource inventories, and gaps therein. Work products consist in various memoranda produced concerning the Department's East Maui water interests (East Maui submittal and ongoing development of a Kēōkea-Waiohuli and Ke'anae-

Wailua water source matrix; developing water demand numbers for EMI), Ka'ū water infrastructure ownership, Moloka'i Kualapu'u aquifer timelines of actions, and other documents. Consultant has been convening meetings on water needs in Pūlehunui Maui for the purpose of reservation request preparation. Draft shape files (for Geographical Information System use) of Department water assets have been developed and are being ground verified by system operators and other Department staff.

One specific review of WAI assets consisted in a research project concerned the Department's rights and assets in South Point, Hawai'i. Comprehensive research was conducted on the Ka'ū water system, which lies over Department lands, through review of historical and contemporary records at the State of Hawai'i Bureau of Conveyances, State Archives, DLNR- Land Division, Department of Hawaiian Home Lands, U.S. presidential and gubernatorial executive orders, and various lease databases and prepared research report on Ka'ū land ownership.

Water study support and monitoring (Goal 3.d.) At the April 2016 Commission meeting, the water rates for users of Moloka'i and Anahola water systems was extended in view of ongoing water rate assessment actions. A contract with the Rural Community Assistance Corporation ("RCAC") has since been executed. RCAC will complete a cost of service study and water rates assessment for all of DHHL's four (4) water systems: Moloka'i, Anahola, Kawaihae, and Pu'ukapu.

Other areas of work falling under Goal 3.d include: communicating with Kohala Ranch regarding its water sources; reviewing pump test data from T. Nance concerning Kawaihae, monitoring beneficiary interests and presenting on relevant water interests before the Commission meeting at Kawaihae; reviewing and commenting on the Kawaihae water assessment study; reviewing Hawai'i County DWS usage of surface water at Kawaihae; Kēōkea-Waiohuli and Ke'anae-Wailua water source matrix development; reviewing Moloka'i water planning study from Akinaka and Associates; developing water demand numbers for water reservations and reconciling with commissioned water studies; coordinating a Group 70 International water assessment for Kā'ū and reviewing completed Ka'ū water assessment study; and planning most efficient uses of the USGS Moloka'i groundwater modeling study.

Goal 4. *Support watershed protection and restoration on Department lands and source areas for Department water*

- 4.a. *Identify and assess watershed lands and partnerships touching on Department lands and/or beneficiary communities.*
- 4.b. *Provide reports on watershed protection involvement for beneficiaries.*
- 4.c. *Identify and implement priority watershed action projects.*

Progress towards Goal 4.

Identifying and assessing watershed lands (Goal 4.a; 4.c): Progress under Goal 4.a included consultation with University of Hawai'i law school professor and Moloka'i community organizer regarding Mana'e watershed community engagement plan work; analyzing her preliminary report on Mana'e community concerns related to watershed prioritization; reviewing existing Department documents concerning watershed partnerships; conducted research on how to prioritize watershed protection actions. Steps towards identification and assessment of watershed land interests were further accomplished through expansion of the Department's Watershed Partnership matrix and drafting of watershed project priority criteria memorandum, dated July 21, 2015. See Memorandum on Watershed Priority Criteria and the updated Watershed Partnership Matrix (developed by Andrew Choy and expanded based on consultant research).

Other WPP Goals: *Implementation of additional WPP goals based on the availability of resources*

- Other.a. *Revise Department submittal template for the Commission's water related decisions.*
- Other.b. *Staff and organize the Department consistent with importance of water to the trust.*
- Other.c. *Pursue development of agricultural water systems.*
- Other.d. *Pursue resolution of audit findings concerning the Moloka'i Irrigation System.*

Progress towards other WPP goals.

The Department's submittal template is undergoing ongoing revision, but has already been substantially revised.

A water resource staff position has been included in the Department's budget.

Pursuit of the development of agricultural water systems is ongoing through advocacy, planning, and management of resources and issues in Moloka'i, Kawaihae, Kā'ū, Waimea (Kaua'i), and Anahola.

Moloka'i Irrigation System audit findings were included in a presentation prepared for CWRM's April 19, 2016 meeting.

PROPOSED WPP IMPLEMENTATION PROGRAM AND BUDGET FOR FY 2017

The proposed Water Policy Plan- Implementation Program ("WPP-IP") FY2017 budget is \$500,000. The following describes general areas of expenditures under subparts of WPP-IP FY2017 goals.

Goal 1.d.	\$50,000 Water outreach partnerships.
Goal 2.e.	\$100,000 Water rights legal counsel.
Goal 3.d.	\$250,000 Water asset inventorying, inclusive of cultural assets, geo-referencing, agricultural water planning and other water studies.
Goal 4.a.	\$100,000 for watershed management.
Total:	\$500,000.

Rough estimates of staff time (1,225 hr.) and consultant time (1,915 hours) and technology costs are included below. Goal 3.e (concerning Native Hawaiian Rehabilitation Fund revenues) will be met through a separate \$100,000 contract, which will cover a significant amount of consultant time (800 hours). Travel expenses are noted, but not included in this estimate. Except where noted, the target date for completion is June 30, 2017. The Planning Office ("PO") is the lead Department of Hawaiian Home Lands ("DHHL") division for the WPP-IP.

PROPOSED WPP IMPLEMENTATION PROGRAM AND BUDGET FOR FY 2017

Goal 1. Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights on a regional and annual basis.

#	Implementation Action(s)	Cost / resource estimate	Estimated expenses
1.a.	<p>Develop a communication tool or tools (newsletters, social media posts, etc.) to communicate with beneficiaries and stakeholders on key water issues.</p> <ul style="list-style-type: none"> i. Identify critical audiences (e.g. homesteaders, homestead associations, waiting list groups, other water-concerned groups) ii. Identify communications tools potentially best suited to audience(s) iii. Identify informational needs and sources (e.g. water reference information, Hawaiian Homes Commission meetings and actions affecting water, upcoming meetings at county, state and federal levels, funding availability) iv. Scope and analyze costs and benefits of implementing different communication tools (e.g., social media coordination software, social media coordinator, or printing / mailing) 	<p>Goal 1.a. Staff time: 70 hr.</p> <p>Goal 1.a. Consultant time: 50 hr.</p>	<p>Database / software needs: TBD</p>
1.b.	<p>Develop a DHHL Water issues Frequently Asked Questions ("FAQ") database for DHHL and Beneficiary use</p> <ul style="list-style-type: none"> i. Update ongoing address to concerns raised by beneficiaries during WPP development meetings in Water FAQ; ii. Consult DHHL staff for best ways to post and maintain FAQs; iii. Communicate availability of FAQs to staff and beneficiaries 	<p>Goal 1.b. Staff time: 35 hr.</p> <p>Goal 1.b Consultant time: 45 hr.</p>	

PROPOSED WPP IMPLEMENTATION PROGRAM AND BUDGET FOR FY 2017

#	Implementation Action(s)	Cost / resource estimate	Estimated expenses
1.c.	<p>Conduct annual outreach on DHHL water implementation plans and performance.</p> <ul style="list-style-type: none"> i. Continue reporting on island when the HHC meets on WPP-IP performance ii. Continue to advocate for DHHL participation in the annual "Joint Water Conference," held as a partnership between the Department of Health (DOH), Commission on Water Resource Management (CWRM), and the County Departments/Boards of Water Supply (DWS/BWS); (cross list with No. 3.d) iii. Identify and execute targeted community workshops and presentations in conjunction with address to water issues; iv. Collaborate with the Office of Hawaiian Affairs (OHA) on shared goals for overlapping beneficiary outreach and education; 	<p>Goal 1.c. Staff time: 35 hr.</p> <p>Goal 1.c. Consultant time: 60 hr.</p>	Travel and related costs for HHC meeting participation
1.d	<p>Develop and execute targeted training on water rights and culturally appropriate approaches to water resources management for HHC, DHHL staff, beneficiaries, and other agencies and stakeholders.</p> <ul style="list-style-type: none"> i. Collaborations with other relevant entities, such as the William S. Richardson School of Law's Ka Huli Ao program, OHA, and other resources. ii. Execute water trainings, as requested, at biannual DHHL homesteader leadership trainings. 	<p>Goal 1.d. Staff time: 80 hr.</p> <p>Goal 1.d. Consultant time: 60 hr.</p>	Estimated cost \$50,000

PROPOSED WPP IMPLEMENTATION PROGRAM AND BUDGET FOR FY 2017

Goal 2. Aggressively, proactively, consistently and comprehensively advocate for the kuleana of the beneficiaries, the DHHL, and the HHC to water before all relevant agencies and entities.

#	Implementation Action(s)	Cost / resource estimate	Estimated expenses
2.a.	<p>Develop plans for auditing and advocating for funds due to the NHRF</p> <ul style="list-style-type: none"> i. Identify and analyze information on past audits of the NHRF to comprehensively identify data sources, lands and waters subject to leasing or licensing where NHRF revenue may be generated, and practices related to leasing and licensing, including the pricing of the same. ii. Based on the information generated in Task Area 1, identify key geographic areas, lands, waters and issues in which Department action on NHRF entitlements may be most effective at directly or indirectly generating revenue and promoting other HHCA objectives. iii. Based on the information generated in Task Areas 1 and 2, draft a SOW for a future NHRF audit identifying data sources and key data gaps that need to be filled. iv. Concurrently with the work on and based on information generated in Tasks Areas 1 -3, above, develop and begin implementation of an Advocacy Plan for NHRF revenues. 	<p>Goal 2.a. Staff time: 100 hr.</p> <p>Goal 2.a. Consultant time: Approximately 800 hours</p>	\$100,000 (new contract)

PROPOSED WPP IMPLEMENTATION PROGRAM AND BUDGET FOR FY 2017

#	Implementation Action(s)	Cost / resource estimate	Estimated expenses
2.b.	<p>Secure water reservations pursuant to Hawai'i Revised Statutes, Chapter 174C</p> <ul style="list-style-type: none"> i. Consult with and coordinate with legal counsel on water reservation request actions before CWRM; ii. Inventory existing reservations as accounted for by DHHL; iii. Finalize updates to SWPP plan with key DHHL staff (homestead and land development); iv. Utilize SWPP water demand calculations in determining priority areas requiring water reservations; v. Discuss and negotiate with CWRM the process for securing reservations within and outside of water management areas; vi. Enter, as appropriate, DHHL water reservation information into the Water FAQ or beneficiary communication tool(s). 	<p>Goal 2.b. Staff time: 90 hr. Goal 2.b. Consultant time: 100 hr.</p>	
2.c.	<p>Continue efforts to ensure regulatory compliance</p> <ul style="list-style-type: none"> i. Further develop text-template for regular comments on water use permit applications (WUPAs), BLNR and CWRM actions, and other agency actions (Agriculture, Agribusiness Development Corporation, County Departments/ Boards of Water Supply and Planning Departments, and on Environmental Assessments / Environmental Impact Statements (EA/ EIS) that could affect DHHL water rights; ii. Coordinate with OHA compliance staff on identification and tracking of compliance actions; iii. Develop a method for utilizing WAI information in comment letters and tracking comment letters in a WAI database. iv. Review the WPP and identify elements to be incorporated into rulemaking procedures under HR. §91-3. 	<p>Goal 2.c. Staff time: 90 hr. Goal 2.c. Consultant time: 100 hr.</p>	

PROPOSED WPP IMPLEMENTATION PROGRAM AND BUDGET FOR FY 2017

#	Implementation Action(s)	Cost / resource estimate	Estimated expenses
2.d.	<p>Water Planning (focus on agricultural water)</p> <ul style="list-style-type: none"> i. Participate in and comment on all updates to the Hawai'i Water Plan and County Plans that will affect DHHL and beneficiary water uses and rights ii. Coordinate DHHL agricultural water systems development planning with State and county community development and agricultural water plans. iii. Coordinate with DHHL staff working on subsistence agricultural plans to ascertain agricultural water needs. 	<p>Goal 2.d. Staff time: 35 hr.</p> <p>Goal 2.d. Consultant time: 60 hr.</p>	
2.e.	<p>Water Rights Counsel</p> <ul style="list-style-type: none"> i. Work with authorized outside counsel as applicable to assert DHHL water rights through legal mechanisms, including water reservation requests (e.g. for Waimea, Kaua'i, Moloka'i, Pūlehunui, Maui, East Maui). 	<p>Goal 2.e. Staff time: 80 hr.</p>	\$100,000 (contract amendment)
2.f.	<p>Comment on water rights-related legislative and other agency rulemaking actions as necessary and directed.</p>	<p>Goal 2.f. Staff time: 20 hr.</p> <p>Goal 2.f. Consultant time: 40 hr.</p>	

PROPOSED WPP IMPLEMENTATION PROGRAM AND BUDGET FOR FY 2017

Goal 3. Develop and manage a Water Assets Inventory (WAI).

#	Implementation Action(s)	Cost / resource estimate	Estimated expenses
3. a.	Produce a list of potential uses of the WAI, which will assist in determining how to catalogue contents of the WAI	Goal 3.a. Staff time: 30 hr. Goal 3.a. Consultant time: 20 hr.	
3. b.	Continued review of information collected for the WAI	Goal 3.b. Staff time: 40 hr. Goal 3.b. Consultant time: 5 hr.	
3. c.	Identify traditional, place-based knowledge of water resources relevant to DHHL interests (see also Goal 3.e). i. Integrate, as appropriate, into template for comments on water actions and submittals to HHC.	Goal 3.c. Staff time: 70 hr. Goal 3.c. Consultant time: 30 hr.	\$20,000 (new contract)
3. d.	Identify WAI items and confirm recognition across intra- and inter-agency sources: i. Consult existing non-DHHL databases of WAI items; ii. Conduct DHHL in-house inventory of maps, lists, etc. that can be integrated into the WAI; iii. Consult county DWS's to compare inventories of DHHL water assets; iv. Confirm existence and status of water assets with Homestead Community Associations; v. Geo-reference inventory of water resources.	Goal 3.d. Staff time: 35 hr. Goal 3.d. Consultant time: 60 hr.	\$200,000 (including geo-referencing costs)
3. e.	Water studies i. Procuring and supervising consultants to conduct water resource assessments and other water studies ii. Monitoring and support of U.S. Geological Survey and other scientific and cultural studies and data collection projects to fill critical knowledge gaps for water availability on trust lands.	Goal 3.e. Staff time: 35 hr. Goal 3.e. Consultant time: 60 hr.	\$30,000 (new contract)

PROPOSED WPP IMPLEMENTATION PROGRAM AND BUDGET FOR FY 2017

Goal 4. Support watershed protection and restoration on DHHL lands and source areas for DHHL water.

#	Implementation Action(s)	Cost / resource estimate	Estimated expenses
4. a.	Identify existing watershed lands that touch on DHHL lands and/or beneficiary communities; i. Update watershed partnerships matrix, inclusive of existing watershed partnerships and DHHL's involvement; ii. Identify priority watersheds and partnerships; iii. Survey DHHL's planning documents to determine existing watershed protection policies and projects;	Goal 4.a. Staff time: 30 hr. Goal 4.a. Consultant time: 20 hr.	
4. b.	Report on watershed protection efforts and collaborations to beneficiaries using Water FAQ/ beneficiary communication tool(s).	Goal 4.b. Staff time: 20 hr. Goal 4.b. Consultant time: 55 hr.	
4. c.	Engage watershed partnership planning, inclusive of searches for matching funds for watershed protection actions.	Goal 4.c. Staff time: 70 hr. Goal 3.c. Consultant time: 30 hr.	\$100,000

PROPOSED WPP IMPLEMENTATION PROGRAM AND BUDGET FOR FY 2017

5. Other WPP Goals: Implementation of additional WPP goals based on the availability of resources

#	Implementation Action(s)	Cost / resource estimate	Estimated Expenses
5. a.	Revise the DHHL submittal template to the HHC for water related decisions.	5.a. Staff time: 10 hr. 5.a. Consultant time: 30 hr.	
5. b.	Staff and organize the DHHL consistent with importance of water to the trust. i. Train and update them on issues addressed DHHL water team and positions taken on those issues.	Staff time and existing authorization for position	
5. c.	Continue to pursue development of agricultural water systems i. Continue efforts regarding agricultural water systems at Anahola and Waimea Kaua'i	5.c. Staff time: 80 hr. 5.c. Consultant time: 120 hr.	
5. d.	Pursue resolution by the Department of Agriculture of prior audit findings in the management of the Moloka'i Irrigation System and full repair of the System	5.d. Staff time: 80 hr. 5.d. Consultant time: 40 hr.	
5. e	Advocate before the city and county Boards of Water Supply and other county agencies concerning decision-making affecting water in order to: i. Carry out the Hawaiian Homes Commission Act; ii. Protect DHHL water uses as a public trust use of water; and iii. Manage rates so they are affordable for beneficiaries.	5.e. Staff time: 50 hr. 5.e. Consultant time: 80 hr.	
5. f.	Continue test implementation of the procedure for homesteader well drilling and bring back to the HHC for final approval	5. f Staff time: 10 hr. 5.f. Consultant time: 30 hr.	
5. g.	Continue development and bring to the HHC for approval a procedure for managing HHC/DHHL controlled water credits	5. g. Staff time: 30 hr. 5.g. Consultant time: 20 hr.	

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION

May 23 & 24, 2016

Courtyard King Kamehameha's Kona Beach Hotel Ballroom #4
75-5660 Palani Road, Kailua-Kona, Hawai'i

H-ITEMS
**ADMINISTRATIVE SERVICES
OFFICE**

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Rodney Lau, Administrative Services Office

SUBJECT: H-1 Budget Variance Report

THIS SUBMITTAL ITEM WILL BE DISTRIBUTED UNDER SEPARATE COVER

ITEM NO. H-1

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION

May 23 & 24, 2016

Courtyard King Kamehameha's Kona Beach Hotel Ballroom #4
75-5660 Palani Road, Kailua-Kona, Hawai'i

J-ITEMS
GENERAL AGENDA

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **Kanoe Peck**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Ms. Peck wishes to address the Commission about a request for a merchantile lease.

ITEM NO. J-1

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **Roy Jensen III**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Jensen wishes to address the Commission about lease concerns in Waimea.

ITEM NO. J-2

Roy P. Jensen III

61-4093 Kalo'olo'o Dr.
Kamuela, HI 96743
(808)333-6297
kol227@aol.com

April 16, 2016

Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, HI 96805

To the Department of Hawaiian Home Lands Commission,

I am writing to inform you of the living conditions that my family and I have been enduring for the past twelve years. We have witnessed and experienced many undesirable occurrences that I feel needs to be addressed. Despite numerous attempts to reach out and notify the commission about the severity of these "Lease Violations", my family and I continue to be exposed to these health and safety issues.

I will name a few of the incidents that have occurred while living on my property. On December 15, 2006, my neighbor's roof blew off of their home and flew into my house. This caused approximately \$30,000.00 in damages. This could have been prevented if their home had been up to code. The same neighbor put up a portable toilet up against my fence and due to the high winds, the toilet blew onto my property numerous times. Each week the toilet would be pumped causing a horrendous stench in and around my house.

On January 15, 2013, my neighbor's feral pig came onto my property and damaged my landscaping as well as a couch that I intended to give to a family friend. I feel that no one living in our neighborhood should have to worry about feral animals damaging their personal property. The Hawaii Police Department was notified of this event.

Another issue that we have faced with the same neighbor is the proper disposal of their waste water. It appears that their waste water is draining onto the ground outside rather than into a cesspool or sewage system. This insufficient drainage system has caused ponding outside of their home. The build up of unsanitary waste water has become a breeding ground for an immeasurable number of mosquitos.

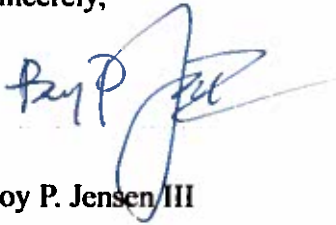
Lastly, our neighbor's enter and exit their property in an area where our water line and water meter are located. This area was not intended for them to enter and exit their

property. Due to their miss use of this area, my main water line was damaged leading to numerous repairs and a replacement of a new water line in the Summer of 2009.

I strongly believe that health and safety should be the Hawaiian Home Lands Commission's number one priority. Due to the above mentioned health and safety issues, I am requesting for my family and I to be relocated. I am also requesting to be put on the J agenda in May to further discuss and state my case with the commission.

I am requesting that Commission Secretary make copies of this letter and deliver to each of the nine Hawaiian Homes Commission members and that we also be placed on the J Agenda Meeting in May. I also have several photos and videos of some of the issues discussed in this letter that can be sent out upon request. Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roy P. Jensen III", with a large, stylized flourish extending from the end of the signature.

Roy P. Jensen III

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **Luana Keakealani**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Ms. Keakealani wishes to address the Commission about the James Akiona Jr. case.

ITEM NO. J-3

April 7, 2016

DEPT. OF HAWAIIAN
HOMELANDS

2016 APR 12 AM 8:51

To: Jobie Masagatani
Chairperson
Department of Hawaiian Homelands

Cc: Luana Keakealani
PO Box 6141
Kamuela, HI 96743
Ph 808-430-6089
sonyandluana@yahoo.com

From: James Akiona, Jr.
Royal Ponciana Drive
Kailua-Kona, HI 96740

**RE: Status of the transfer through successorship of lease 9043
TMK 4-6-013:001 Lots 1-5 and TMK4-6-013:016 Lot 1**

Dear Ms. Masagatani,

The purpose of this letter is to inquire as to the status of the lease transfer from my late father James Akiona, Sr. to myself. It was determined in the last communication from the Department of Hawaiian Homelands that a consideration was being made to transfer his leases to me (reference both TMK's above) however I have not heard any update since.

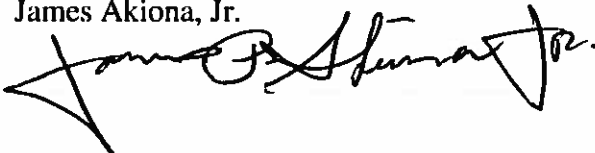
Almost one year ago (May 2015), there was a meeting at the Hapuna Prince Hotel whereby my entire family discussed this issue in public forum. It is my request, out of respect for myself and for that of my late father, that this issue no longer be brought to the public eye the way that it was last year. As you know, there was nothing good that came out of handling our family business that way and that in doing so there has been nothing resulting in terms of moving forward. I am also requesting that going forward this be kept confidential between myself, along with my niece Luana Keakealani who I am designating as my point of contact, and the Department of Hawaiian Homelands. This issue must be discussed in closed setting at all times.

My question specifically is *have the lease documents been prepared for my signature?*

I am aware of the upcoming April Commissioners meeting which is set for March 23rd and 24th in Kona. Please add this issue to the agenda for May. Your response to my inquiry within thirty days is greatly appreciated as I would like to prepare myself.

Always with aloha,

James Akiona, Jr.



May ya

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **Jon Anuenue**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Anuenue wishes to address the Commission about his rent to own home.

ITEM NO. J-4

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **Marion Kapuniai**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Ms. Kapuniai wishes to address the Commission about Sunshine Law.

ITEM NO. J-5

Burrows-Nuuanu, Leatrice W

From: Kanani Kapuniai <mkkapuniai@gmail.com>
Sent: Monday, May 09, 2016 4:55 PM
To: Burrows-Nuuanu, Leatrice W
Cc: Duke Kapuniai
Subject: Hawaiian Homes Commission Meeting - May 23,24, 2016

Hello!

I write to request to address the Hawaiian Homes Commission at its next Regular Meeting scheduled by May 23rd ,24th, 2016, to discuss the Sunshine Law.

Thank you!

--

M. Kanani Kapuniai

M KapuniI
Friends of the Future

808-885-8336 | PO Box 2655 | Kamuela, Hawai`i 96743 | www.fofhawaii.org

a 501c3 nonprofit organization
dedicated to creating trust and harmony
among the diverse cultures of Hawai`i
through a process where all people can
openly contribute their deepest values,
create shared visions,
and continuously improve their communities.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission
SUBJECT: Request to Address the Commission – **Hans Wedemeyer**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Wedemeyer wishes to address the Commission about various on-going issues.

ITEM NO. J-6

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **Lakea Trask**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Trask wishes to address the Commission about the Koa Kia'i Pilot Program, Humu'ula Sheep Station.

ITEM NO. J-7

Burrows-Nuuanu, Leatrice W

From: Lakea Trask <hulikalima@gmail.com>
Sent: Tuesday, April 19, 2016 9:13 AM
To: Burrows-Nuuanu, Leatrice W
Subject: HHC Contact: To Commission Secretary

To:
HHC Secretary

First Name: Lakea
Last Name: Trask

Phone:
896-4882

Email:
hulikalima@gmail.com

Subject:
To Commission Secretary

Message:
To: The DHHL Chair Jobie Masagatani, the DHHL Commissioners and their staff members

From: Nā Koa Kia'i (Koa Kia'i Project)
Lakea Trask, Pueo McGuirre & Joseph Kaolulo

re: Koa Kia'i Pilot Program - Humu'ula Sheep Station

P.O. Box 454 'Ōla'a, HI - 96760
(808)896-4882
HuliKaLima@gmail.com

Aloha kākou e nā DHHL Commissioners,

We are writing to you on behalf of the Koa Kia'i Project and the Beneficiary Trust Council (Moku o Keawe), a beneficiary-driven community effort for the Humu'ula Sheep Station and 'Āina Mauna region, and again request for non-homestead land use and license that was submitted for your consideration in October. We presented our project to the DHHL commission in Kapolei last December (2015) and we would like to formally request to address the commission regarding updates to this project at your official commission meeting in May 2016 in Kailua-Kona, and to be put on the J-agenda, as per instructions from some of your staff members. We should need no more than the standard time allotted to further communications with the department and update our vision for proactive stewardship for the Humu'ula sheep station project area, the greater 'Āina Mauna area, and all the beneficiaries who will be involved.

Mahalo nui for your consideration, and we hope to see you in May.

Me ka ha'aha'a a me ka 'oia'i'o,

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **Pat Kahawaiolaa**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Kahawaiolaa wishes to address the Commission about access to Humu'ula via RP or ROE.

ITEM NO. J-8

Burrows-Nuuanu, Leatrice W

Subject: FW: Kona HHC Meeting

From: Pat Kahawaiolaa [mailto:kcaiprez@gmail.com]
Sent: Wednesday, May 11, 2016 4:15 PM
To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>
Subject: Re: Kona HHC Meeting

I need again highlight that KCA and its partners still want find ways to access lands of Humuula/ Piihonua by way of a RP , ROE, License.

Leatrice please add my name to address the commission in the J agenda as there still some pressing issues for KCA.

Sent from my iPhone...
'Owau me ka ha'a ha'a
Patrick L. Kahawaiolaa

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **William Brown**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Brown wishes to address the Commission about Pana'ewa, Kamoleao, Hilo Hanakahi projects.

ITEM NO. J-9

Burrows-Nuuanu, Leatrice W

From: Bill Brown <phhlca@aol.com>
Sent: Thursday, May 05, 2016 1:18 PM
To: Burrows-Nuuanu, Leatrice W
Subject: COMMISSION MTG ON THE 23RD & 24TH

Aloha Leatrice,

I'm requesting an audience before the commission in regards to Pana'ewa's Kamoleao, Hilo Hanakahi, and Pana'ewa member's concerns with projects that has been in stasis too long to be remedy. Please advise on the outcome of my request.

William "Bill" Brown
President, PHHLCA

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **John McBride**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. McBride wishes to address the Commission about a general lease for the Humu'ula area.

ITEM NO. J 10

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **Cheyenne H. Perry**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Perry wishes to address the Commission about the Mauna Kea Watershed Alliance.

ITEM NO. J 11

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **Bo Kahui**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Kahui wishes to address the Commission about the following:

1. Laiopua 2020
 - Community Center Build & Financing Status
 - Commercial Lease Amendment Status
 - ☐ Demise Lease Memo/ Amendment
 - Water Development Status
 - ☐ USDA Application Update
 - ☐ EA
 - ☐ PER
2. Villages of Laiopua Association
 - Association Dues & Delinquencies
 - Contested Case Hearings
 - Status of Lease properties
 - DCCR Violations: Parking/ Restricted UsesLaiopua 2020 Water Source Development initiative
3. Laiopua 2020 Water Source Development initiative.

ITEM NO. J 12

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **Hercules Freitas**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Freitas would like to address the Commission about the removal of steel pipes, fencing and electrical poles.

ITEM NO. J 13

Hercules Freitas
PO Box 648
Kurtistown, Hawaii 96760
Phone: (808) 960-7552

DEPT OF HAWAIIAN
HOME LANDS

2016 APR 26 AM 8: 27

April 22, 2016

Department of Hawaiian Home Lands
Jobie Masagatani, Chairperson
PO Box 1879
Honolulu, Hawaii 96805

Re: Hercules E. Freitas Property, 17-479 Hale Kula Road, Kurtistown,
Hawaii; TMK: (3) 1-7-007:042: MOTION FOR COMMISSION ACTION
APPROVING AND ORDERING THE REMOVAL OF SIX STEEL PIPES,
FENCING, AND RELOCATION OF ONE ELECTRICAL POLE ON THE
PROPERTY OF DHHL LEASEHOLDER YVETTE PEREZ and
REALIGNMENT OF UTILITY EASEMENTS

Dear Chairperson Masagatani and All DHHL Commissioners:

I earlier requested to be placed on the agenda, "Items for Decision Making", "Homestead Services Division", for the Hawaiian Homes Commissioners' Meeting on the Big Island at the Keaukaha Hawaiian Homes meeting place set for September 21-22, 20015. I filed a written Motion For Commission Action Approving and Ordering the Removal of Six Steel Pipes, Fencing, and Relocation of One Electrical Pole on the Property of DHHL Leaseholder Yvette Perez and for the Realignment of Utility Easements on our respective properties.

I was not put on the action item agenda for the September 2015 Keaukaha meeting, although the Commission did recommend William Aila to follow up with the issue. Mr. Aila has followed up with me on my requests made in my Motion and asked for a month to come back to me with a concrete resolution. That one month period has expired and I urgently need a remedy and resolution of my access problem for the serious health and safety ramifications presently occurring. As you know, I have since made monthly requests since January 2016.

I am again requesting that the DHHL put my issue back on the action item agenda at your next meeting which I believe will be held on May 23-24, 2016 to allow the Commission to decide and vote on my motion calling for the immediate removal of all poles, fences and other impediments obstructing the roadway to my property, to include a reconfiguration of the driveways for both properties so that utility easements can be provided on the outer portions of each driveway with no obstructions in the middle of the roadway. Action is needed immediately due to safety concerns for fire department access, sewage removal, and emergency health service vehicles. My family and I are continually being put at risk due to the delay in action by the DHHL. Recently, I was also forced to move out my son and his family due to my inability to remove sewage from my septic tank due to the obstructions impeding my

Department of Hawaiian Home Lands

Jobie Masagatani, Chairperson

April 22, 2016

Page 2

access for sewage removal. This is a dangerous health and safety situation which directly affects the health and welfare of my family on DHHL's residential lease. This situation has gone on now for over 10 years, and while Mr. Aila has talked to me positively about remedying the situation, still, no concrete plans or action for correction has taken place. I think waiting 10 years to remedy a health and safety issue is far too long and I strongly demand that action be taken now. My councilman, Daniel Paleka, has received a communication from Mr. Aila indicating that they are still studying the situation, but too much time has already passed with no consideration given to the harm and inconvenience that my family and I are suffering. Councilman Paleka has also indicated to me that he will again follow up with another letter to DHHL pressing for answers and a stop to the delay in action, and he will copy his letter to the Governor like his previous letter.

I have also spoken to the Department of the Interior, Hawaiian Affairs, Lisa Oshiro-Suganuma, and she also has inquired and is waiting for a response from DHHL or its attorneys, but she has not received anything.

Please kindly give me a chance to remedy my serious situation which is in the hands of DHHL. I am also requesting why I am not being put on the action item agenda when I have made numerous requests. My access situation has gone on for far too long.

Very truly yours,



HERCULES FREITAS

cc: Wallace Ishibashi, Hawaii Commissioner
William Aila, Vice Chair, DHHL
Lisa Suganuma, Department of the Interior
Daniel Paleka, Jr., Councilman, County of Hawaii
Governor David Ige
Lt. Governor Shan Tsutsui

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **Pomai Freitas**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Frietas would like to address the Commission about One Water J 4 F Conglomerate.

ITEM NO. J 14

One Water J 4 F Conglomerate

- a. Thank you to the Hawaiian Home Land Commission for giving us this opportunity: To present to you an idea and project for Resource Recovery and Renewable Energy, for the benefit of the Big Island of Hawaii and its people in the Communities.
- b. Company Introduction: We are a locally owned and operated company based in Honolulu and Nevada. Our purpose is "MAKING THE WORLD BETTER TODAY FOR TOMORROW "Helping all Island people protect their land, water and natural resources.
- c. Introduction of our team. Fitu Robertson, Earle Shook, Scott Peterson (Pomai Freitas) (Brian Freitas)
- d. Introduction to our systems process and its benefits. How resource recovery and renewable energy can benefit an Island and the people. Feed stocks that is used in our process eliminates problem products such as Tires, Mac Nut Shell, Gorse invasive Plant, Green Waste, MSW
- e. Presentation of, Proposal for people's project and the benefit it will bring for the Big Island of Hawaii and the people of its communities.
- f. Closing: Mahalo E ke Akua Mokeia La E pili mau na pomaika i ia oe Ke Akua hoomai kai oe Maaahaaalo

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 17, 2016

TO: Chairman and Members, Hawaiian Homes Commission

SUBJECT: Request to Address the Commission – **George Noguchi**

RECOMMENDED MOTION/ACTION

None. For Information Only.

DISCUSSION:

Mr. Noguchi would like to address the Commission about Green Builders Hawaii.

ITEM NO. J 15

Burrows-Nuuanu, Leatrice W

Subject: RE: Agenda inclusion for DHHL Commision at Kona Meeting

Aloha Leah,

Oops, sorry about the names. Hello, it is a pleasure to correspond with you.

Yes, we would like to be included on the agenda on the 23rd in Kona. 15 minutes would be fine. We can be listed as Green Builders Hawaii. We will be represented there by George Noguchi. Please let me know if you need any other information from us.

Mahalo,

Rayson

We met with Wallace Ishibashi in Hilo and he directed us to you to request inclusion on the Kona meeting agenda.

Our requested presentation would be to provide information regarding composite home building options for consideration on DHHL housing projects. Please let me know if that would be a possibility.

Mahalo,

Rayson