

STATE OF HAWAII


DEPARTMENT OF HAWAIIAN HOME LANDS

October 16, 2017

TO: Chairman and Members, Hawaiian Homes Commission

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

SUBJECT: Acceptance of the Beneficiary Consultation Report for  
Proposed Administrative Rules for the Water Systems  
and Planning System



RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission accept the Beneficiary Consultation Report for proposed administrative rules for the Water Systems and Planning System.

DISCUSSION:

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 administrative rules amendments for the Water Systems and Planning System at its April 2017 meeting. From June 22, 2015 to August 24, 2017 the DHHL conducted statewide beneficiary consultation meetings to discuss with and get feedback from beneficiaries about the proposed rule amendments.

At the September 2017 meeting of the HHC, staff presented, for information only, a report that included a description of the beneficiary consultation process, the information provided at the meetings, attendance counts, and the transcribed notes from each meeting.

The complete Beneficiary Consultation Report includes the for information submittal from the September 2017 HHC meeting (see Exhibit 1) and the analysis in this submittal.

## Analysis of Transcribed Meeting Notes

The chart below summarizes the transcribed meeting notes into patterns or themes and provides a staff response. It also identifies several specific suggestions from beneficiary comments that resulted in a recommendation to change the draft proposals.

### Water Systems:

Question	Draft Provision	Beneficiary Comments	Response
What are the most important kuleana for consumers? For DHHL?	<ul style="list-style-type: none"> <li>Global.</li> </ul>	<ul style="list-style-type: none"> <li>Consumer kuleana responses almost exclusively revolved around two ideas: 1. <i>Resource stewardship</i>, including to conserve water, not to waste, and to fix leaking pipes and fixtures; and 2. <i>Paying your water bill</i>.</li> <li>DHHL kuleana responses can be categorized into three themes: 1. <i>System efficiencies</i>, including the use of alternative energy and technology to keep costs down, and making it easier to make a bill payment by offering electronic bill payment options; 2. <i>Working with the counties</i> on source development and source protection, and to lower rates or provide a subsidy for those on the county water systems; and 3. <i>Resource protection and stewardship</i> to</li> </ul>	<ul style="list-style-type: none"> <li>The comments to this question are revealing of perspective: consumer kuleana comments are few and limited while DHHL kuleana comments are numerous and expansive. The concept of <i>kuleana</i> is reciprocal; even though not explicitly articulated, there is a corresponding "consumer kuleana" for every "DHHL kuleana." The comments can be used to inform changes to the draft.</li> <li>The proposed rules are about moving toward long-term sustainability of the resource and of the system. The department is aggressively pursuing system efficiencies. The rules are also about running a water utility and what it takes both fiscally and</li> </ul>

		care for the water shed and aquifer.	operationally to keep the systems safe and to deliver water to the consumer.
<b>What are reasonable enforcement provisions?</b>	<ul style="list-style-type: none"> <li>• 10-4-78, 10-4-79, 10-4-80, 10-4-81, and 10-4-82 impose fines, require payment of bills, authorize suspension of service where delinquency exists, and provide process for restoration of service.</li> </ul>	<ul style="list-style-type: none"> <li>• Most comments suggested working with a lessee who is delinquent in bill payment and/or provide assistance to those in need like kupuna on a fixed income.</li> <li>• Concerns were expressed about actual enforcement and the staffing levels necessary for effective implementation of the enforcement provisions.</li> <li>• A fair number of comments recognized that the draft provisions are similar to the Board of Water Supply or County systems enforcement.</li> </ul>	<ul style="list-style-type: none"> <li>• Overall, the responses tended to reflect the situation of the commenter. Those on county water systems tended to be less sympathetic regarding delinquencies and suspension of service; however, they also were cognizant that input from those on the DHHL systems should be prioritized over those not on DHHL systems. Those on DHHL water systems tended to be more protective but even among those voices, opposition to suspension of service was not overwhelming or even a majority opinion.</li> <li>• As a practical matter, comments are accurate that implementation and enforcement of water systems rules will require an increase in staffing, technology, and resources.</li> <li>• Staff recommends no substantive change to the enforcement provisions. There are, however, several</li> </ul>

			<p>areas of clarification and technical changes that are required.</p> <ul style="list-style-type: none"> <li>• Changes could be made to the payment plan provision, which would allow alternative “work-out” methods. What the possibilities are and whether they are actually feasible requires further research and consideration.</li> </ul>
<p><b>How should public water spigots be managed?</b></p>	<ul style="list-style-type: none"> <li>• 10-4-65 provides for “public water spigots”</li> </ul>	<ul style="list-style-type: none"> <li>• Two management concepts were clear: one was that it should not be “public” water spigots, use should be limited to beneficiaries; and the second related to monitoring access: the consistent theme was technology, whether an electronic key card, credit card swipe, coin machine, access code, or DHHL water app for phones.</li> <li>• Some comments were not supportive of the idea, which was a surprising response because the question focused on management; the question of whether or not there should be spigots was secondary. These comments expressed that it would be unfair and that</li> </ul>	<ul style="list-style-type: none"> <li>• Staff recommends further research and discussion about whether the spigots are feasible given the level of management that would be necessary.</li> <li>• Staff, however, recommends that the provision for water spigots remain in the rules because DHHL has existing water spigots that beneficiaries access. At minimum, the rules should address management of the existing spigots.</li> </ul>

		<p>spigots would undermine the enforcement provisions—why enforce if DHHL is offering free water down the street? They also expressed that the systems should operate “in the black” before open spigots are made available.</p>	
<p><b>Water rates are set using operating and maintenance costs. What other criteria should be considered when setting rates?</b></p>	<ul style="list-style-type: none"> <li>• 10-4-76 relates to water rates and rate setting</li> </ul>	<ul style="list-style-type: none"> <li>• Comments centered on ways to bring operating costs down to lower rates, offering subsidies for beneficiaries in economically depressed areas and who are kupuna, and offering credits for low use due to conservation or high efficiency/low flow fixtures.</li> </ul>	<ul style="list-style-type: none"> <li>• A rate study is being conducted which will provide the department with data and analysis critical for evaluating rate structure and strategies for affordability.</li> <li>• Staff recommends further research and discussion.</li> </ul>

Planning System:

Question	Draft Provision(s)	Beneficiary Comments	Response
What kind of information should each plan include?	<ul style="list-style-type: none"> <li>10-4-55 thru 10-4-57 provide the baseline of information that is to be included in each type of plan.</li> </ul>	<ul style="list-style-type: none"> <li>There was a wide range of comments. The majority can be grouped in to themes: (1) <i>"holistic planning"</i> comments were about planning by ahupuaa not just DHHL lands, looking at state and county plans that impact DHHL plans or lands, generational planning for the future, and womb to tomb concepts of communities that have everything residents need for a lifetime lived; (2) <i>"quality of life"</i> comments were about considering housing costs, affordability and renewable energy to lower costs, traffic impacts, as well as looking at environmental conditions like sea level rise that can impact a community's life; (3) <i>"accountability"</i> comments suggested including timelines, evaluation of past plans, and updates that include status reports. There were also specific suggestions that surfaced consistently: (1) identify lands that</li> </ul>	<ul style="list-style-type: none"> <li>This question initially caused some frustration for beneficiaries as they tried to think of technical land use and development considerations, and ultimately expressed an unsureness of how to respond. Because of this, staff modified the approach by providing more information about what kind of information is already included in a plan and turned the group away from technical aspects to focus on what <i>they</i> would like to see in a plan. This modified approach generated more meaningful conversation. Staff believes many of the concepts beneficiaries talked about are present in draft sections 10-4-55, 10-4-56, 10-4-57, 10-4-58, and 10-4-59. These sections cover information included in the plans, implementation, and evaluation.</li> <li>Based on comments received, staff recommends the following changes: (1) replace the</li> </ul>

		may be exchanged for other lands; and (2) link planning and budget.	current draft language of 10-4-56(a)(5) with, "Analyze state and county plans to identify potential impact on department land use and infrastructure"; and (2) include "affordable housing, energy, disaster preparedness, community resiliency, agriculture" as functional areas for program plans in 10-4-56(b). Staff believes the recommended changes more directly capture the suggestions from consultation than the original language.
Should interim changes be allowed? Who should initiate them? Under what circumstances should they be considered?	<ul style="list-style-type: none"> <li>• 10-4-54(c) allows for interim amendments upon beneficiary consultation. Interim amendments can be initiated (1) by the chairman, (2) concurrently with the adoption of a tier 2 plan, or (3) by a beneficiary or member of the public.</li> <li>• 10-4-54(b) provides the timeframes for comprehensive amendments: Tier 1 = 20 years; Tier 2 and 3 = 8 years.</li> </ul>	<ul style="list-style-type: none"> <li>• Comments were supportive of interim changes to the plans.</li> </ul>	
		<ul style="list-style-type: none"> <li>• A majority of comments wanted to limit the ability to initiate interim changes to the (1) chairman with the support of the commission; and (2) beneficiaries. Only a few comments wanted to include the public. When asked about "who" is included in the term "beneficiary" most responses included lessees and applicants.</li> </ul>	<ul style="list-style-type: none"> <li>• Based on beneficiary comments, staff recommends "member of the public" be deleted from the draft provision. That those who have the greatest interest in the Hawaiian home lands trust should have greater input and greater influence in planning for the use of the trust's lands and resources is a point that resonated throughout the</li> </ul>

			consultation process and across homestead communities statewide.
		<ul style="list-style-type: none"> <li>• There was broad consensus of the value of interim changes given changing environmental conditions, technologies, and emerging opportunities. This was tempered by the sentiment that beneficiary consultation be part of the process for adopting an interim change; many would focus the consultation to those beneficiaries who would be most impacted by the potential change.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff recommends not to include specific circumstances that would justify consideration of an interim amendment. Instead, the comments should be used to inform or guide implementation policies. Beneficiary consultation is included in the process for adopting interim amendments.</li> </ul>
		<ul style="list-style-type: none"> <li>• One commenter suggested a specific language change to 10-4-54(c)(2), which allows an interim change concurrently with adoption of a Tier 2 plan. The suggestion was that the concurrent change be allowed only if it was supported by comments from beneficiary consultation conducted with the Tier 2 plan.</li> </ul>	<ul style="list-style-type: none"> <li>• Upon consideration, staff recommends deleting that specific provision because it could allow a Tier 2 plan to dictate the General Plan. Although the specific suggestion from beneficiary comments is not being recommended for adoption, consideration of the comment resulted in the staff recommendation to delete the provision, which staff believes</li> </ul>

			also addresses the underlying concern expressed by the suggestion.
		<ul style="list-style-type: none"> <li>• A lot of discussion surfaced about the timeframes for updates. Many thought the timeframes proposed were too long and should be shorter to allow increased flexibility and perhaps reduce the need for interim changes.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff recommends timeframes be adjusted in response to comments. (1) Tier 1 plans should remain at 20-year updates but the phrase locking the plan in place for the last three years of the 20-year period should be deleted; and (2) Tier 2 and Tier 3 plans be separated into different subsections. Tier 2 plans should maintain the 8-year timeframe because it would allow a two-term chairman the opportunity to work with a complete Tier 2 plan. Tier 3 should be shortened to 4 years, which would allow a chairman the opportunity to work with development plans and regional plans. The shorter timeframe also creates a more rigorous period within which to implement and evaluate Tier 3 plans, which could be beneficial for accountability and transparency of progress made.</li> </ul>

<p><b>Who can request the commission to review a proposed or past action by the department for consistency with a plan?</b></p>	<ul style="list-style-type: none"> <li>• 10-4-54(d)(2) is a "watchdog" provision whereby a commission member, beneficiary, or interested member of the public may request review of a proposed or past action for consistency with the applicable plan(s).</li> </ul>	<ul style="list-style-type: none"> <li>• Feedback generally was wide ranging. The consistent responses were "beneficiary" and "commission member" should be able to request review. There was great diversity regarding "interested member of the public:" some thought the public should not be included; some thought, as a watchdog provision, more people watching is better; while still others thought general public should be categorized into interest groups such as "successors," "lessee household," "elected officials who represent a large number of native Hawaiians."</li> </ul>	<ul style="list-style-type: none"> <li>• Staff recommends the provision remain as drafted, listing the following parties as those who may request review of past or proposed action: "commission member, beneficiary, or interested member of the public." This approach captures the diversity of comments and preserves the integrity of trust interests because "member of the public" is modified by "interested." The use of "interested" is intended to include many of those non-beneficiary parties identified in the comments: successors, members of a lessee's household, an elected official who represents a large homestead or beneficiary population, as well as a general lease holder, licensee, or those non-beneficiaries with an actual property or contractual interest in the implementation of the applicable plan(s).</li> </ul>
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Other comments & suggestions	<ul style="list-style-type: none"> <li>• 10-4-52 definition of "beneficiary consultation"</li> </ul>	<ul style="list-style-type: none"> <li>• One written comment suggested deleting "and other interested persons" from the definition of "beneficiary consultation."</li> </ul>	<ul style="list-style-type: none"> <li>• Staff recommends adopting the suggestion. The suggestion is consistent with how beneficiaries understand the concept; as being an exclusive forum for the department to consult with beneficiaries of the trust. It is also consistent with the sentiment expressed in relation to the question of who should be able to request an interim change. "Beneficiaries" are those most impacted and as such should have the greatest input and the space to provide that input.</li> </ul>
	<ul style="list-style-type: none"> <li>• 10-4-52 definition of "implementing action"</li> </ul>	<ul style="list-style-type: none"> <li>• One written comment suggested adding "legislation" to the definition of "implementing action."</li> </ul>	<ul style="list-style-type: none"> <li>• Staff recommends adopting the suggestion. The addition creates a definition that is inclusive of the major implementing actions, though more minor actions may also exist. Relatedly, staff recommends adding "legislation" to 10-4-58 Implementation for consistency.</li> </ul>

RECOMMENDATION:

Staff requests acceptance of the Beneficiary Consultation Report for Proposed Administrative Rules for the Water Systems and Planning System.

Acceptance of the attached Report does not indicate concurrence or approval of any staff recommendations that may appear therein.

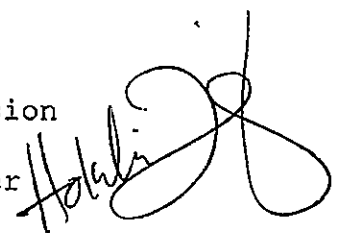
STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

September 19, 2017

TO: Chairman and Members, Hawaiian Homes Commission

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

SUBJECT: Beneficiary Consultation Report on Department of  
Hawaiian Home Lands Proposed Water Systems and  
Planning System Amendments to Title 10, Hawaii  
Administrative Rules



RECOMMENDED MOTION/ACTION

None. For information only.

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."<sup>1</sup> 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.

At its April 2017 meeting, the HHC approved the DHHL's request for "Approval to Proceed to Beneficiary Consultation for Water Systems and Planning System Rules" (see Exhibit A). These proposed amendments to Title 10, Hawaii Administrative Rules, would adopt two new subchapters. From June 22, 2017 to August 24, 2017 the DHHL conducted statewide beneficiary consultation meetings to discuss with and get feedback from beneficiaries about the proposed rule amendments.

Summary of Beneficiary Consultation Process

The Department mailed meeting notification postcards to all lessees and beneficiaries on the waitlists with a valid mailing

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<sup>1</sup> Haw. Rev. Stat. §91-5.

address on file; 26,782 postcards were mailed (see Exhibit B). Two meetings, one in the morning and another in the evening were planned for the West Hawaii, Molokai, and Kauai because parts of those communities are served by the Department owned water systems and they would be most affected by the proposed water systems rules. Although, originally scheduled for eleven meetings to be held from June 22, 2017 to August 1, 2017, an additional meeting on Molokai was added and held on August 24, 2017. This third Molokai meeting was scheduled because of irregularities in the postcard mailout, which affected Molokai addresses. Notice for the August 24, 2017 meeting was placed in the water bills of Molokai lessees and appeared for three weeks in the Molokai Dispatch (see Exhibit C). In all, twelve consultation meetings were held and over 200 beneficiaries attended. The chart below shows the meeting location, date, and the number of attendees that signed-in:

Community	Meeting Date	Attendees Signed-In	
		a.m.	p.m.
Kauai	June 22, 2017	6	10
Kapolei	June 27, 2017	--	42
Waimea	July 6, 2017	10	18
Waimanalo	July 10, 2017	--	35
Maui	July 20, 2017	--	35
Keaukaha	July 21, 2017	--	31
Molokai	July 25, 2017	11	10
	August 24, 2017	--	27
Lanai	August 1, 2017	--	2
Total attendees: 237			

At each meeting, a powerpoint presentation was used to provide information about administrative rulemaking and to introduce the content of the proposals (see Exhibit D). After the presentation, facilitated discussions about each topic proposed from rulemaking were conducted. Each topic had a forty-five minute block of time dedicated to discussion. One facilitation team member was assigned to take detailed notes during the discussions; these notes comprise the bulk of the record of comments received (see Exhibit E).

The format used at the consultation meetings was designed to solicit beneficiary input through facilitated conversation focusing on how the proposed amendments could be made better. The Department posed questions intended to initiate conversation and highlight issues from the Department's perspective. The questions for discussion were:

Planning System Questions:

1. What information should each plan include?
2. Should interim changes be allowed? If so, who should initiate them? Under what circumstances should they be considered?
3. Who can request the commission to review a proposed or past action by the Department for consistency with a plan?

Water Systems Questions:

1. What are the most important kuleana for consumers? For DHHL?
2. What are reasonable enforcement provisions?
3. How should public water spigots be managed?
4. Water rates are set using operating and maintenance costs. What other criteria should be considered when setting rates?

Beneficiaries were also encouraged to share their thoughts about the proposals, whether in response to the Department's questions or not.

The Department created a webpage dedicated to the rules process (<http://dhhl.hawaii.gov/2017/07/03/comment-on-dhhl-proposed-new-administrative-rules/>) for those beneficiaries that could not attend the meetings or who wanted to access information independently. The information posted on that page includes: the consultation meeting agenda; text of the proposed rule changes; frequently asked questions; summary and impacts chart for the proposed changes.<sup>2</sup>

In addition to comments collected in the facilitated discussions at the meetings, beneficiaries could submit written comments using green comment sheets provided at the meetings, an online form available on the rules webpage, email, or mail. Four comments were received on the green comment sheets at the meetings. The period to submit written comments closed on September 1, 2017. Three beneficiaries commented by email, one used the comment form on the webpage, and one sent comments by mail<sup>3</sup> (see Exhibit F).

RECOMMENDATION:

None. For information only.

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<sup>2</sup> The webpage will be updated as the rulemaking process moves forward.

<sup>3</sup> The Department also received twenty-two questions or requests for information by phone, and three email requests for information.

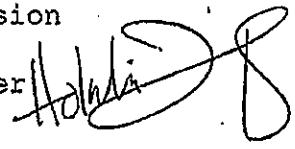


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

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

SUBJECT: Approval to Proceed to Beneficiary Consultation for  
Water Systems and Planning System Rules

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve proceeding to beneficiary consultation for proposed new rules for the water systems and the planning system.

DISCUSSION:

The Department of Hawaiian Home Lands has begun to prepare for another round of administrative rulemaking. Among the topics for consideration are rules for the water systems and rules for a planning system. Complete drafts have been prepared by consultants with expertise in these areas.

The draft water systems rules are attached as Exhibit A. This draft is comprehensive, it includes everything required by the federal Safe Drinking Water Act (SDWA) and the state Department of Health (DOH). Several sections and subsections are highlighted. These highlighted sections are not supported by the SDWA and DOH but are of interest to the DHHL or represent a best practice. While the final product may not be as lengthy, there are necessary elements required by federal and state law that must be part of the final rules.

The draft planning system rules are attached as Exhibit B. The planning system rules provide processes that the Department must follow in making decisions about land use and programs. These rules would replace the current planning system, which has been in place since it was adopted by the HHC in 2002. The current system, diagrammed in Exhibit C, and the proposed system are similar. The proposed system would add "Special Area Plans," like the Ka'u Management Plan, to tier 3. The most

impactful difference is that the current system does not contain a mandate and therefore implementation is voluntary and at the pleasure of the administration; the Department potentially could change direction at any time despite the existence of a planning system. Promulgating planning system rules would limit major shifts and promote greater consistency and accountability across administrations because the planning documents and implementation processes are institutionalized. Flexibility for each administration would be in priority setting. The additional value and importance is that the proposal ensures beneficiary consultation is conducted at a scale that matches the likely impact of a decision or action.

RECOMMENDATION:

Staff requests approval of the recommended motion as stated above.

## SUBCHAPTER 5

### WATER SYSTEMS

**§10-4-61 Purpose.** The purpose of this subchapter is to promote the health, safety and general welfare of the community by providing standards through water administrative rules for governing the provision of water service by the department water services.

**§10-4-62 Applicability.** This subchapter shall apply to all public drinking water systems operated by DHHL. This chapter shall not be construed to amend or modify rights or entitlements to water as provided for in section 221 of the act and native Hawaiian rights customarily and traditionally exercised for subsistence, cultural, and religious purposes in accordance with article XII, section 7, Constitution of the State of Hawaii.

**§10-4-63 Administration.** Except as otherwise provided in this subchapter, the chairman shall administer, implement, and enforce the provisions herein. All powers granted to, or duties imposed upon, the chairman may be delegated by the chairman to personnel within the department. All communication to the commission shall be addressed as provided in section 10-2-1 of this title.

**§10-4-64 Definitions.** As used in this subchapter, unless plainly evident from the context that a different meaning is intended:

EXHIBIT A

Item C-3; Exhibit A

"Agricultural consumer" means a consumer that actively engages in crop production, livestock raising, dairy farming, or aquaculture for commercial production, and whose minimum gross annual income from such activities is \$1,000 \$1,000 as shown by the consumer's current State of Hawai'i General Excise Tax License and General Excise/Use Tax Returns.

"Applicant" means any person who causes, or applies to cause, land to be subdivided. It also means any person applying for water service or additional water service.

"Application" means a request for water service or additional water service.

"Consumer" means the person, firm, corporation, association, or governmental entity, whether owner or tenant, whose name appears on the records of the Department as the party responsible and liable for receiving water service from the department.

"Consumer's water system" means the pipes and plumbing extending from the water service connection.

"Cross-Connection" means any actual or potential connection between the public water supply and a source of contamination or pollution.

"County" means the county where the department water service is located.

"Department of Health" means the State of Hawaii Department of Health.

"Department of Health rules" means Hawaii administrative rules, Title 11, Chapter 20, entitled "Rules Relating to Public Water Systems" and Title 11, Chapter 21, entitled "Cross-Connection and Backflow Control."

"Main" or "main pipe" means the department's supply or distribution pipe from which service connections are made.

"Potable water" means water that has been certified by the department of health as suitable for cooking or drinking purposes.

"Premises" means a parcel of real property and any structures thereon which have water service, will require water service, or requires additional water service.

"Public water spigot" means a potable water spigot to be maintained by the department for lessee access to potable water.

"Public drinking water system" means a water system owned, operated, and maintained by the department.

"Service connection" or "service lateral" means the complete installation of pipes, fittings, appurtenances, and meter necessary to provide water service to a consumer's premises and water system.

"Temporary meter" means any meter connected to a fire hydrant or a service lateral used less than one year in accordance with an agreement with the department.

"Water meter" means a device that measures the volume of water delivered to any premises.

"Water service connection" means the terminal end of a service connection from the public drinking water system; i.e., where the department loses jurisdiction and sanitary control over the water at its point of delivery into the consumer's water system. If a meter is installed at the end of the service connection then the water service connection shall mean the downstream end of the meter.

"Water service" means the delivery of water to any premises.

"Water system" means a network of pipelines, main taps, storage, facilities, pumps, shut-off valve, and other appurtenances, wells, water filtration treatment facilities, or other sources which furnishes a supply of water to the premises.

§10-4-65. Public water spigots. (a) Public water spigots shall be provided on all water systems operated by the department or its contractors. The public water spigot, and water spigot area, shall be maintained by the Department or Department's contractor and they may be used by beneficiaries to obtain potable water.

(b) All tanks shall be inspected prior to connection to a public water spigot and before any consumer fills such tank. The connection shall include a backflow prevention device or a properly installed air gap, or both, which must also be inspected.

(c) Once a satisfactory inspection has occurred, a spigot use permit shall be issued for the specific tank inspected. The capacity of the tank must be provided and listed on the permit. The spigot use permit must be kept with the tank, visible to department personnel and the public, should they so request.

(d) Water may only be obtained at the public water spigot noted on the spigot use permit; the spigot use permit is specifically for use at the public water spigot noted on the document.

(e) The consumer shall check in with the department before each fill-up. Failure to do so may result in revocation of the spigot use permit.

(f) Each fill-up will be metered. If not documented, each trip or fill-up shall be assumed to have required a full tank.

(g) The department may refuse a spigot use permit to those unwilling to meet the above criteria and during times of water restrictions.

(h) The department guarantees potable water only to the point of withdrawal from its system.

**§10-4-66 Fire hydrants.** (a) Any use of a fire hydrant or the taking of water from one for purposes other than fire protection by persons other than authorized employees of a fire department or of the department is prohibited without a written hydrant permit from the department. A fire department shall have the prior right to use any hydrant at any time and shall have the authority to remove peremptorily, if necessary in case of emergency, any connection approved by the Department. Hydrant main line valves shall not be used to control flows.

(b) The Department may provide water to consumers from fire hydrants located within and served by the Department upon compliance with the terms and conditions described in subsections (c) through (k).

(c) The consumer seeking to purchase water from fire hydrants must first apply for a hydrant permit. The consumer shall provide the department an estimation of the length of time for which a hydrant permit is sought. No permit shall be issued for a period longer than six months. Hydrant permit approval shall be withheld unless the applicant agrees to notify the department as soon as the use of the hydrant is finished. The department may reject any application and revoke approval at any time.

(d) At the time of hydrant permit issue, the department shall collect a non-refundable hydrant permit fee and security deposit. The amounts to be paid shall be established in a resolution by the commission. A copy of the rates and fines resolution shall be on file and available at the department. The security deposit is a meter assembly and unpaid charges deposit. This sum shall remain on hold during the life of the hydrant permit and may be applied by the department against damage to, loss of, or failure to return the meter assembly or to the water use charges owing. Upon surrender or termination of the hydrant permit, the deposit shall, unless applied to such damage or charges, be refunded to the consumer without accumulation of interest.

(e) The department reserves the authority to and shall collect from the consumer the difference between the deposit and the cost of repair or replacement of the meter.

(f) Upon receipt of the hydrant permit fee and security deposit and issuance of the hydrant permit, the consumer shall be issued a meter assembly to be attached to a designated fire hydrant as directed by the department and through which water is to be purchased by the consumer.

(g) Any failure of the consumer to properly utilize the meter assembly to record water taken through a fire hydrant shall constitute a violation of

the hydrant permit and shall terminate the hydrant permit and the consumer's right to continue use of the meter. Consumers found to have violated the hydrant permit shall have their deposit forfeited as liquidated damages for such violation and be disqualified from obtaining a hydrant permit from the department until such time as a hydrant use agreement can be drafted by the department.

(h) The hydrant permit fee shall not include the cost of the water usage. The department shall bill the consumer for the amount of water consumed. The consumer shall pay the bulk sales rate established in a resolution by the commission. A copy of the rates and fines resolution shall be on file and available at the department.

(i) The consumer shall deliver the meter to the department at the end of the hydrant permit period for verification of reading and billing. The department shall thereafter issue a billing for water used during the applicable period. Charges billed shall be subject to past due and late payment penalties authorized pursuant to this rule.

(j) A charge per calendar day shall be levied for each day, or a portion thereof, that the meter is past due.

(k) The use of any hydrant under a hydrant permit and the connections thereto shall be subject to the direction and approval of the department. As a further condition of the validity of the hydrant permit, the consumer shall comply with all rules and regulations of the department and shall maintain the hydrant permit or a valid copy thereof on site, and surrender it for inspection to department's personnel, at all times during which it shall engage in the removal of water from any fire hydrant. The consumer shall report any defect in or damage to the hydrant promptly to the department.

(l) Only regulation fire hydrant wrenches which shall have been approved by the department shall be used for the operation of fire hydrants. The use of any other type of wrench or operating device shall not be permitted. The permit will be revoked if other

than approved regulation fire hydrant wrenches are used.

(m) The department may reject any application and to revoke approval at any time.

(n) If approval is revoked, the department shall remove any connections to the hydrant after notice to the consumer is made. The consumer shall pay all of the costs of disconnecting from the hydrant. The department shall inspect each hydrant and all costs of repair, which the department has determined to be due to consumer use, as well as the cost of inspection, shall be paid for by the consumer.

(o) The department shall not be held responsible for any damage to property or injury to persons arising from the use of any hydrants for any cause whatsoever. Any damage to fire hydrants shall be paid by the consumer.

(p) The department guarantees potable water only to the point of withdrawal from its system.

(q) Any and all person or persons or entities, or both, found to have used obstructed, or tampered with a department fire hydrant without the express written consent of department shall be assessed fees and charges.

(1) For each offense the person or persons, or entities or both shall be:

- (A) Charged for an estimated amount of water based on the intended use and estimated size of the vehicle conveying the water at the current rate for bulk water sales;
- (B) Charged, at the bulk water rate for water discharged by the Department to clear the mains affected by the illegal use;
- (C) Charged for labor and materials required to correct adverse conditions created by the illegal use of a fire hydrant, such charges at prevailing rates;
- (D) Charged administrative costs incurred for

- the purposes of billing the offenders, such charges at prevailing rates; and
- (E) Fined increasing amounts for first, second and third offenses.
- (2) Each invoice not paid within ten days of date thereon will accrue a late charge equal to five per cent of the unpaid balance at the time it becomes delinquent and an additional five per cent for each month delinquent thereafter.
- (s) The department shall, if it approves the request for a change in location of a hydrant, change such location; provided, that the cost of all labor, material, equipment and all other charges are paid in advance by the consumer.

**§10-4-67 General conditions for water service.** (a) Any applicant whose premises is located within service limits established by the department and adjacent to a distribution main, where pressure conditions permit, may obtain water service, provided, that:

- (1) The existing water system servicing the area has adequate physical and legal capacity as determined by the department for such intended use without impairing service to existing consumers or future lessees;
  - (2) All applicable fees and deposits for such service have been paid in full;
  - (3) The applicant is not delinquent on other services in his or her name; and,
  - (4) The applicant agrees to abide by the rules, regulations and standards of the department.
- (b) Water service shall be restricted to the property for which the application is made.
  - (c) All water service supplied by the department shall be measured by means of meters furnished by the department. The amounts to be paid for water service shall be established in a resolution by the commission. A copy of the rates and fines resolution shall be on file and available at the department.

(d) The department shall determine the final location and size of the service connection. All service connections and service laterals up to the water service connection shall be operated and maintained by the department.

(e) The department shall only be responsible for the operation and maintenance of its public drinking water systems.

**\$10-4-68 Application for water service. (a)**

Each prospective consumer shall be required to complete a standard application form for the water service desired. The application shall include, but is not limited to: name, address, phone number, legal description of property to be served, parcel or tax map of property to be served with requested meter location noted. Verification of information provided may be required. Such information shall be considered confidential and to be used for setting up the water service, billing and collection purposes only. Prospective consumers shall assume responsibility for the payment of future charges for service at the designated location before water is turned on for any use. The department will inform the applicant in writing that the application is complete and accepted or that the application is deficient and what specific information is necessary to make the application complete. When a complete application is received, the department shall assign an account number. The person, entity or organization executing the application form shall be held liable for the payment of all charges for water service at the designated location.

(b) If a consumer fails to pay water service bills rendered as required in these Rules water will remain available to the lessee at the public water spigot.

(c) Charges for service will begin when the service connection and the consumer's water system are physically joined and water is made available to the

consumer and will continue until due notification in writing from the consumer, the consumer's authorized agent, or by judicial order, or until discontinued by the department for failure of the consumer to comply with the provisions of this subchapter.

(d) When an application for water service is made by a former consumer who was responsible for and failed to pay all bills for water service previously rendered, regardless of location or time incurred, the Department may refuse to furnish service to the premises of the applicant until the outstanding bills are paid.

(e) A consumer taking possession of premises and using water without having made application for the transfer of water service shall be held liable for the water delivered from the date of the last recorded meter reading. If required application for transfer is not made, and if accumulated bills for water service are not paid upon presentation, the water service may be discontinued ten business days after written notice is given to the consumer.

**§10-4-69 Accessing the consumer's premises.** Any properly identified officer or employee of the department shall have the right of ingress to and egress from the consumer's premises at all reasonable hours for any purpose reasonably connected to the protection of the public drinking water system and furnishing of water to said premises and the exercise of any and all rights secured to it by law or this subchapter. In case any such officer or employee is otherwise prevented from carrying out the duties, the department may cause the water to be turned off from said premises after giving at least twenty-four hours' notice to the consumer/occupant of said premises.

**§10-4-70 Installation of water service.** (a)  
When an application for water service has been

approved, such water service will be installed as agreed upon between the department and applicant. There shall be one meter for each service, unless the department, because of operating necessity, installs a combination meter or two or more meters in parallel. All meters shall be sealed and tested for accuracy before installation. All meters shall be installed along the property boundary, unless due to operating necessity or other extenuating situations, the department approves installation of the meter elsewhere.

(b) It is the consumer's responsibility and expense to install their supply pipe and water system, to connect such system to the department's service connection, and to install an approved backflow prevention device on the consumer's system on the downstream side of the meter. The department may provide backflow prevention devices to lessees and beneficiaries as a means to protect the public drinking water system. The consumer's water system shall, at all times, remain the sole property of the consumer, who shall be responsible for its maintenance, repair, and/or replacement.

(c) A readily accessible shutoff valve controlling all outlets will be installed by the department on the consumer's water system supply pipe at a location to be determined by the department (usually immediately after the meter and within the meter box). In addition, the department may install a shutoff valve before the meter for the use of employees of the Department. If a replacement of the shutoff valve is necessary, it shall be installed by the department and paid for by the consumer.

(d) If the consumer's water system supply pipe is installed to the intended and agreed location of the meter, the department may make the connection to it when setting the meter.

(e) Only employees of the department will be allowed to connect or disconnect the water service to or from the department's main.

(f) When the proper size of service connection for any premises has been determined and the

installation has been made by the department at the location specified by the consumer, the department has fulfilled its obligations insofar as the size of the service and the location thereof are concerned. For those water systems where the department has determined that water is available, each dwelling unit or lot shall use a separate 5/8-inch meter at a minimum. If thereafter the consumer desires a change in size of the service connection or a change in the location thereof, the consumer shall bear all costs of such change.

(g) Whenever a check valve or pressure reducing valve is installed on the consumer's cold water supply line between the meter and the hot water storage tank or heater, there shall be installed on the consumer's hot water distribution system a suitable pressure relief valve.

(h) Once installed, any costs associated with the repair or replacement of damaged or missing meters and services will be charged to the owner of the property. Such costs may include but are not limited to gaskets, meter boxes, lid inserts, meters, pressure regulator valves, related labor, equipment, vehicles, and materials. This does not include replacement of meters that are operating outside of tolerances.

**§10-4-71 Responsibility for equipment.** (a) At the consumer's own risk and expense, the consumer shall furnish, install and keep in good, safe and operating condition all equipment that may be required for receiving, controlling, applying, and utilizing water. The department shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence, want of proper care, or wrongful act of the consumer.

(b) Water service may be discontinued to any consumer whose water system includes plumbing fixtures or water containers in any form, or of any use, which in the opinion of the department may contaminate the Department's water supply or may endanger the public

water supply from a public health standpoint. Any such discontinuation of service shall continue until such objectionable fixtures or uses have been corrected, removed or discontinued, and the department is assured that the objectionable fixtures or uses will not be reinstalled or resumed.

(c) The department shall not be responsible for damage to property caused by spigots, faucets, valves, and other equipment that may be open when water is turned on at the meter either when turned on originally or when turned on after temporary shutdown.

(d) All water service connections and service laterals shall become the property of the department and shall be operated and maintained by the department.

(e) All equipment belonging to the Department and installed upon the consumer's premises for measurement, test, check, or any other purpose, shall continue to be the property of the Department, and the Department may access the consumer's premises at all reasonable times so that the equipment may be repaired, replaced or removed by the department without consent of the consumer. The consumer shall exercise reasonable care to prevent damage to meters and other equipment of the department upon said premises and shall in no way interfere with the operation of the same.

(f) Any cost to repair damage to water mains, service connections, valves, fire hydrants, or other property of the Department shall be paid for by the person or organization responsible for the damage. The consumer shall be liable for any damage to a meter or other equipment or property of contractors, licensees or permittees, on the consumer's premises, and the Department shall be promptly reimbursed by the consumer for any such damage upon presentation of the bill there of. In the event settlement for such damage is not promptly made within thirty days, the department reserves the right to discontinue water service to such premises.

(g) When a meter is found to have been damaged by hot water or steam emanating from the premises

served, the consumer shall pay for all costs required to repair the meter.

**§10-4-72 Electrical grounding.** (a) Protective grounding of alternating current secondary distribution circuits made to the water system shall conform in all details with the national electrical code of the national board of fire underwriters and with the county building code where the water system is located.

(b) The department shall not be responsible for any damage or injury caused by any electrical grounding.

(c) No grounding of direct current to any portion of the water system shall be permitted.

(d) No grounding other than as provided in this section shall be made to any portion of the water system without the department's written approval.

(e) The department shall not be responsible for the maintaining of a continuous metallic water piping system and reserves the right, without liability to public utility electric companies, electric consumers, or any other agency, consumer, or individual, to create a physical break in its service connections and mains, or to incorporate non-metallic pipes and appurtenances in its system and to make joints of any materials, without regard to their efficiency as conductors of electricity and without giving notice.

**§10-4-73 Cross-connection control and backflow prevention.** (a) No cross-connections with other water supplies shall exist or be installed, located, maintained or operated that could permit the flow of water or other liquids, mixtures, gases or other substances from the consumer's premises into the department's water system.

(b) It is unlawful for any person to make, maintain, or cause temporarily or permanently, any

cross-connection that has a potential for backflow between their plumbing pipes or water fixtures and the department's water system. Existing cross-connections between the department's water system and any auxiliary water supply shall be eliminated or protected by means of an approved backflow prevention assembly. Cross-connection control and backflow prevention requirements for facilities and/or premises shall be in accordance to the department's rules and standards.

(c) The department shall require the consumer to install an approved backflow prevention assembly at the consumer's expense for continued service or before a new service will be provided, whenever the consumer has an actual or potential situation for backflow condition within their premises and/or for any reason or cause deemed in the best interest of the Department. The assembly shall be located immediately downstream of the meter.

(d) The department may at its discretion, provide for the installation of an approved backflow prevention assembly to lessees and beneficiaries.

(e) If there is a need for uninterrupted water service, an additional backflow prevention assembly shall be installed in an approved manner to ensure continued water service whenever inspection, testing and repair procedures is being performed on any one of these assemblies.

(f) The consumer is solely responsible for the installation, maintenance, testing and repair of their backflow prevention assembly. The department will not be responsible for any loss or damage incurred by the consumer or owner as a result of non-compliance with the department's rules and standards.

(g) All installations shall conform to the uniform plumbing code, the county's code, and the department's rules and standards.

(h) Details of backflow prevention assemblies, showing both plan and elevation views, including size and location of devices, shall be submitted to the Department for review and approval prior to installation. The backflow prevention assemblies

shall be installed on the consumer side of the property line immediately downstream of the water meter. Connections between the meter and backflow assembly are not permitted. Installation heights shall conform to the department's standards.

(i) Backflow assemblies shall be installed above ground unless otherwise approved by the department.

(j) The department reserves the right to determine the type of backflow prevention installation based on a case-by-case evaluation. In situations where the hazard cannot be readily determined or access is restricted, a reduced pressure principle assembly or air-gap separation shall be required.

(k) Temporary water meter installations shall require installation of an approved backflow prevention assembly to protect the department's water system. The following conditions shall apply:

(1) Applications for temporary meter installations shall be made at the department on appropriate forms provided by the department. All costs and fees for the installation of the temporary water meter, backflow protection assembly and water use shall be paid by the consumer.

(2) The applicant shall install a department approved reduced pressure principle backflow preventer. The department shall inspect the installation and test the applicant's backflow preventer before activating the temporary service. Applicant shall be responsible for the maintenance, repair, and yearly testing of the backflow preventer.

(1) Conditions relative to the installation and maintenance of cross-connection control and backflow prevention referred to in this section shall be subject to change to meet changing requirements of the State and federal health authorities, the county's building and plumbing codes, and the department's rules.

(m) It is the responsibility of the consumer/owner to maintain all backflow prevention assemblies on the consumer's premises in good working

order. No piping or other arrangement for the purpose of bypassing backflow prevention assemblies shall be permitted. Upon request by the department, the consumer shall present an affidavit certifying that there are no cross-connections with other water supplies or other physical cross-connections installed, located, maintained, or operated that could permit backflow.

(n) Records of tests, repairs, parts and inspections shall be made on forms prescribed by the Department. The consumer shall furnish a copy of such records to the department. Failure of the consumer to make the proper tests and submissions of records may result in termination of service. The department has the option to schedule tests, needed repairs, and replacements at the expense of the consumer. Failure to pay for such costs shall be a cause for termination of water service.

(o) The department shall provide periodic testing and inspection schedules for all backflow prevention assemblies. Intervals between such testing, inspections and overhauls of each assembly shall be established in accordance with the degree of hazard, age and condition of the backflow assembly and the cost to do it shall be the responsibility of the consumer. The following maintenance requirements shall apply:

- (1) All backflow prevention assemblies shall be inspected and tested upon initial installation.
- (2) All backflow prevention assemblies shall be inspected and tested yearly.
- (3) If a backflow prevention device fails the requirements from a certified tester, the consumer is responsible for the costs to repair and for the device to be re-tested before being placed back into service. Wastewater facilities' backflow prevention assemblies shall be inspected and tested every four months, immediately repaired if necessary, and retested before being placed back into service.

- (4) A certified general tester acceptable to the department shall perform the inspection and testing.
- (5) Inspections and test of backflow prevention assemblies may be required at more frequent intervals as required by the department.
- (6) Test equipment shall be certified by University of Southern California Foundation for Cross Connection Control and Hydraulic Research, calibrated by the manufacturer every two years, and shall maintain a precision of +/- 5% of the actual reading.
- (p) All backflow prevention devices assemblies, testing, and record keeping shall be in accordance to the department's backflow standard operating procedures.
- (q) When a backflow prevention assembly fails in service the consumer shall notify the department. Repairs are the responsibility of the consumer. A certified general tester approved by the department shall perform the testing. Backflow prevention assembly test forms shall be completed and sent to the Department for confirmation that the device has been properly repaired and functions as required. Inspection and approval by the department shall be conducted before the device is put back into operation.
- (r) When the department encounters water uses that represent a clear and immediate hazard to the department's water supply that cannot be immediately abated, the department may terminate water service at the premises immediately. A written notice will be given to the consumer after water service termination. Conditions or water uses that create a basis for immediate water service terminations include, but are not limited to the following:
  - (1) Refusal to install or to test a backflow prevention assembly, or to repair or replace a faulty backflow prevention assembly.
  - (2) Direct or indirect connections between the department's water system and a sewer line.
  - (3) Unprotected direct or indirect connections

between the department's water system and a system or equipment containing pollutants and/or contaminants.

- (4) Unprotected direct or indirect connections between the department's water system and an auxiliary water system.

(s) For other situations requiring backflow protection where there is not apparent and immediate hazard to the water supply, the department will terminate water service to a consumer's premises after proper notification has been sent. The termination steps are the following:

- (1) The consumer will be notified by letter of the department's intent to terminate water service, allowing thirty calendar days to remedy the situation.
- (2) If compliance has not been met, a letter to terminate water service will be issued stating that water service will be terminated within five calendar days. Water service will not resume until the corrective action has been completed and approved by the department.

**§10-4-74 Interruption of water supply and emergency conditions.** (a) While the department shall exercise reasonable diligence and care to deliver an adequate supply of potable water under reasonable pressure, the department shall not be financially liable for any direct or consequential damages resulting from water supply interruption, shortage, insufficiency of supply, inadequate or excessive water pressure, leakage on the consumer's premises, or temporary colored and turbid water quality conditions caused by emergency repair of water mains. The department further disclaims all warranties, expressed or implied, and reserves the right to shut off water mains for repairs, extensions, or alterations, and to terminate water service as provided herein for conservation measures, during emergency conditions and

for other reasons deemed by the department to be necessary and proper without notice.

(b) The department may declare water shortage whenever the water supply becomes inadequate in any area because of a period of drought, an infrastructure or mechanical malfunction, natural disaster, or other event causing a water shortage. Whenever, in the department's opinion, special conservation measures are advisable in order to forestall water shortage and/or an emergency, the department may restrict the use of water by any reasonable method of control including the procedures set forth below. The department shall also have the right to limit the quantity of water taken from any of its facilities. In determining the priorities in restricting the use of water, the health and safety of the public shall be given first consideration over other uses.

(c) When the department's water supply usage exceeds the rate of resupply (when we are not able to meet demand), the commission may declare whether such condition constitutes a stage 1 minor emergency, a stage 2 moderate emergency, or a stage 3 severe emergency, whereupon the following user restrictions and penalties shall apply to use of water from the department's sources:

(1) Stage 1 Minor Emergency Conditions:

- (A) No watering of lawns but this does not include the grass areas of public use athletic and physical education fields;
- (B) No washing of sidewalks, walkways, driveways, parking lots, or other impervious surface areas;
- (C) No washing of any building or structure except that high pressure, low water volume washers may be used;
- (D) No washing of any motor vehicle, boat, travel trailer other than for safety cleaning of windows;
- (E) No tap water served to customers at restaurants unless requested by the customer to whom it is provided;
- (F) No use of water for fire department

- drills or burn house exercises; and
- (G) Bulk water restrictions at the commission's discretion.
- (2) Stage 2 Moderate Emergency Conditions:
    - (A) All of the restrictions listed in subsection (c)(1) above;
    - (B) No washing of any building or structure;
    - (C) No use of water to fill any indoor or outdoor swimming pools or spas; and
    - (D) No use of water for operating private or public fountains or ponds for aesthetic or scenic uses.
  - (3) Stage 3 Severe Emergency Conditions:
    - (A) All of the restrictions listed in subsection (c)(1) and (2) above; and
    - (B) Shrubs, flowers and tree seedlings and vegetable gardens may only be hand watered or watered by manually initiated timer controlled irrigation systems.
  - (4) Upon first violation, the consumer will be issued a written notice of warning. Upon a second and additional violations, the consumer shall be fined in accordance with the rates established by the commission. Copies of these rates shall be on file and available at the department. Upon a third or additional violation, the consumer shall be issued a written notice of violation and water service to such consumer may be disconnected as determined by the commission.
  - (5) Any consumer notified of a violation of emergency conditions shall pay an emergency conditions violation fine. The emergency conditions violation fine shall be established in a resolution by the commission. A copy of the rates and fines resolution shall be on file and available at the department. The fine will be included in the consumer's next regular billing for

water service by the department. If the fine is not paid in accordance with billing procedures set forth in this subchapter it shall be subject to collections and the commission may elect to take whatever legal action is deemed necessary to collect unpaid fines and protect the assets of the commission.

(d) Any consumer contending that the mandatory water restrictions contained in this section constitute a public or personal health or safety hazard may apply for an exemption from, or modification of, the restriction by application to the commission. For good cause shown, the commission may modify any mandatory water use restriction applicable to such consumer or exempt the consumer from the subject restriction.

(e) The department shall notify consumers of emergency conditions by written communication through mailing, electronic posting, or the newspaper, or any combination thereof.

(f) The department reserves the right at any and all times to shut off water from the mains without notice for the purpose of making repairs, extensions, alterations, or for other reasons deemed necessary or in the best interest of the department. Consumers depending upon a continuous supply of water shall provide for their own emergency water storage and any check valves or other devices necessary for the protection of plumbing or fixtures against failure of the pressure or supply of water in the department's mains. Repairs or improvements shall be completed as rapidly as practicable.

**§10-4-75 Water pressure and elevation conditions.** (a) The department shall exercise reasonable diligence and care to maintain adequate pressure in its water mains but accepts no responsibility for maintain such pressure.

(b) Where a premise is situated at such an elevation that it cannot be assured of a dependable supply or of adequate service from the department's distribution system, the consumer, in consideration of water service and connection to the department's system:

- (1) Shall agree to accept such service as the department is able to render from its existing facilities;
- (2) Shall agree to install, if necessary, and maintain at the consumer's expense a tank and pump, with an air gap between the consumer's supply pipe and the department's system, of suitable design and of sufficient capacity to furnish an adequate supply of water; and
- (3) Shall execute a written release in favor of the department for all claims on account of any inadequacy in the department's system or inadequacy of water supply to the premise.

(c) When the pressure of the department's supply fluctuates or is higher than that for which individual fixtures are designed, the consumer shall protect such fixtures by installing and maintaining pressure reducing and/or relief valves. The department shall not be liable for damage due to pressure conditions or for damages caused by or arising from the failure of, or the defective condition of such pressure regulators and/or relief valves, or for damage that may occur through the installation, maintenance, or use of such equipment.

**§10-4-76 Water service rates.** (a) Water rates for consumers shall be established in a resolution by the commission. A copy of the rates and fines resolution shall be on file and available at the department.

(b) Agricultural consumers are those consumers that actively engages in crop production, livestock raising, dairy farming, or aquaculture for commercial

production, and whose minimum gross annual income from such activities is \$1,000 as shown by the consumer's current State of Hawai'i General Excise Tax License and General Excise/Use Tax Returns.

(c) Consumers who are actively engaged in crop production, livestock raising, dairy farming, or aquaculture for commercial food production, but do not meet the minimum gross annual income requirement to qualify as an agricultural consumer for a given year, because their crop, stock or service did not harvest or produce for that given year, may request a waiver of the income requirement for that year. If approved by the department, the same consumer may request further waivers of the income requirement for subsequent years.

(d) Agricultural consumers will have a separate meter to provide water for agricultural activities. The cost of providing an agricultural meter and backflow prevention device is the responsibility of the consumer.

(e) In the event the total water supply shall be insufficient to meet all of the needs of the consumers, or in the event there is a shortage of water, the Department may prorate the water available among the various consumers on such basis as is deemed equitable by the Department, and may also prescribe a schedule of hours covering the use of water and require adherence thereto, provided that if at any time the total water supply shall be insufficient to meet all of the needs of the consumers for domestic and other purposes, the Department must first satisfy all of the needs of the consumers for domestic purposes before supplying any water for other purposes.

**§10-4-77 Meter reading and rendering of bills.**

(a) Meter readings and billings shall be on at least a bi-monthly basis, except for closing of accounts for special conditions with the approval of the department.

(b) Closing bills for shorter periods of time shall be determined by the sum of the charges per water meter reading and prorating of the monthly service charge. If a meter cannot be read, an estimated bill will be rendered.

(c) Bills for metered water service shall be on a per meter basis, and several separate meter readings shall not be combined in the event that a consumer has more than one metered installation on his or her premises.

**§10-4-78 Obstructed meter fine.** (a) The department shall charge the property owner an obstructed meter fine per billing period when access to the meter is significantly obstructed by landscaping or other barriers and the meter cannot be read. This fine shall be applied only after the property owner has been notified, via a door hanger, that the obstruction exists and that the problem must be corrected by the time of the next meter reading.

(b) The obstructed meter fine shall continue to be charged each billing period until such time as the obstruction has been removed. The obstructed meter fine shall be established in a resolution by the commission. A copy of the rates and fines resolution shall be on file and available at the department.

**§10-4-79 Tampering fine.** (a) The department shall levy a fine to the property owner for water services and/or meters which are tampered with and shall further charge the property owner, on a time and materials basis, the department's costs associated with any necessary repair to the water service connection and/or meter. Consumers are prohibited from using or tampering with the valve or stopcock before the meter. Meters which are tampered with shall be removed and will not be reinstalled until the Tampering Fine is paid. The tampering fine shall be

established in a resolution by the commission. A copy of the rates and fines resolution shall be on file and available at the department.

(b) In the event such charges shall remain unpaid for a period of thirty days following the date of billing, the department shall charge the late fee to the account. After sixty days the department shall certify such delinquency to the commission and turn the amount due to collections. The commission may elect to take whatever legal action is deemed necessary to collect unpaid fines and protect the assets of the commission.

**\$10-4-80 Payment of bills.** All bills shall be due and payable within twenty-one days from the bill date. Payment shall be made at the office of the department or, at the department's option, to duly authorized collectors of the department. If any bill is not paid within thirty days from the bill date, it shall be considered delinquent and the water service shall be subject to shut-off.

**\$10-4-81 Delinquency, shut-offs, and collections.** (a) An account is delinquent when it is not paid in full within thirty days after the bill date and at that time the account the outstanding balance becomes subject to a monthly late fee as established in a resolution by the commission. A copy of the rates and fines resolution shall be on file and available at the department.

(b) When a delinquent account remains unpaid twenty-one days after the second regular billing water service will be shut-off/discontinued to the consumer.

(c) For those water charges not paid by the due date, a reminder notice will be sent to the consumer. The notice shall state the amounts and types of charges past due and the date by which such charges must be paid to avoid turn off procedures. The

reminder notice shall be placed in the United States mail during the next billing cycle.

(d) For those water charges not paid by the due date stated on the reminder notice, a shut-off notice shall be hung on the front door of the dwelling or hung on the property gate at least forty-eight hours prior to the scheduled actual shut-off. The department shall maintain a list of all shut-off notices indicating the time and location the notice was placed and by whom. The shut-off notice shall state the amounts and types of charges past due and the date and time such charges must be paid to avoid actual shut-off of services.

(e) All accounts determined to be unpaid forty-eight hours after a shut-off notice has been placed on the premises shall be listed and scheduled for shut-off. The forty-eight hours shall be counted on business days only and shall not include holidays or weekends. On the day scheduled for shut-off, daily payments will be reviewed to determine if any applicable payments have been received. The list as amended will then be delivered to the appropriate department personnel that will then shut off and lock those meters on the list.

(f) A delinquency fee established in a resolution by the commission shall be added to each account that has not been paid prior to the time indicated on the shut-off notice. The fee covers all costs associated with the delinquent collection process. The charge shall apply even if actual shut-off is not performed due to the payment of the past due balance made in the office just prior to shut-off.

(g) Water service will be reconnected the same day as disconnection if the outstanding bill and related charges are paid in full by close of business of the district office. If payment is not made prior to the close of business of the district office, the consumer's water will not be reconnected until the next regular business day. No water will be reconnected after normal operating hours or on weekends.

(h) A charge of one hundred fifty dollars shall be added to each account in which a meter is turned off and locked for nonpayment if the consumer or other party cuts the lock and turns the meter back on without prior approval of the department. The meter will be removed from the ground and the water service capped off. Water service shall not be reconnected until the consumer has paid the past due water charges, water disconnection charge, and the meter disconnection charge.

(i) An account remains disconnected or shut-off it will continue to accrue monthly base rate charges as well as late fees.

(j) An account that has been delinquent without response or payment for over six will be notified by certified mail that they are subject to collections and the commission may elect to take whatever legal action is deemed necessary to collect unpaid water bills and protect the assets of the commission. If no response is received by the department within two weeks of the date of the certified letter the account will be sent for collection.

(k) Each consumer about to vacate any premises supplied with water by the department shall give notice of their intention to vacate, specifying the date service should be discontinued. Otherwise, the consumer shall be responsible for all water service furnished to such premises until the Department has received a notice of discontinuance. The consumer and/or applicant shall be responsible for all charges resulting from non-notification. Before buildings are demolished, the department should be notified so the water service can be closed.

(l) The department shall provide written notice to the consumer fifteen days prior to discontinuing water service for any of the following reasons:

- (1) Non-payment of bills. If the consumer fails to pay any fees due the department has the right to discontinue service as set forth in these rules.
- (2) Noncompliance with rules and regulations. If

the consumer fails to comply with any of the departments rules and regulations, the department has the right to discontinue service.

- (3) Unauthorized use of water. If a consumer or other person uses water without the authorization of the department, the department has the right to discontinue service.
- (4) Wasteful use of water. If it is determined by the department that the consumer or other users are negligent or wasteful with water or are not putting the water to beneficial use the department may discontinue service.
- (5) Service detrimental to others. The department may refuse to furnish water and may discontinue the service to any premises, where the demands are beyond the useage allotted to the consumer or results in inadequate service to others.

**§10-4-82 Restoration of water service. (a)**

Water service shall not be resumed until all of the consumer's delinquent accounts, including all fees and reinstallation charges (which shall include the cost of labor, materials, transportation, holiday pay, overtime pay, and all other incidental charges) for reinstalling the meter and turning on the water, have been paid or until the consumer has entered into and signed an approved payment plan.

(b) The department may enter into a payment agreement with a consumer to facilitate the payment of delinquent water charges. Such agreements shall not exceed the term of five years, current charges must continue to be paid when due, and the agreement must be signed by the Department and the consumer. Breach of such an agreement by the consumer shall result in further collection efforts or disconnection.

**§10-4-83 Meter test and adjustment of bill. (a)**

All meters are tested prior to installation. Any consumer who has a reasonable doubt of the accuracy of the meter serving his premises may request a test of the meter. The consumer, if requested, shall be notified as to the time of the test and may witness the test if desired. No charge shall be made for meter tests unless such tests are requested more often than once every twelve months.

(b) If, as the result of the test, the meter is found to register more than five percent fast under conditions of normal operation, the department shall refund to the consumer the overcharge based on past consumption, for a period not exceeding six months, unless it can be proven that the error was due to some cause, the date of which can be determined and established. In this latter case, the overcharge shall be computed back to, but not beyond, such date.

(c) The consumer has sole control of the water delivered beyond the department's meter and the department is not responsible for the maintenance and repairs to pipes and fixtures beyond the meter.

(d) If the meter fails to register due to any cause except the non-use of water, an average bill may be rendered. Such average bill will be subject to equitable adjustment taking into account all factors before, during, and after the period of said bill.

**§10-4-84 Unscheduled meter replacement.** If a consumer requests a meter replacement prior to the scheduled routine change, the consumer will be billed for the service call plus the current cost of the meter. As is the case with all new meters, upon installation the meter becomes the property of the department.

**§10-4-85 Leak adjustment.** (a) When a consumer experiences a leak on within their water system/line, the consumer may request the department provide a leak adjustment to the water bill provided a leak adjustment has not been granted to the consumer within the twelve month period prior to request (only one leak adjustment per year shall be granted any single account) and the leak was reported to the Department and repaired within 30 days of detection. An adjustment shall be calculated for the latest single billing cycle which reflects the leak.

(b) If the consumer demonstrates that the leak is repaired within thirty days of department notice thereof, the consumer's account is credited as follows:

(1) The amount determined to have leaked is calculated as the total metered usage less use from the same period one year prior equals leaked water; and

(2) The revised water will be for the total metered usage less the estimated leaked water.

(c) No additional refunds will be considered or given.

(d) If there is not an existing valve on the consumer side of the meter, there shall be no credit processed on the account until a valve is installed.

(e) Department personnel will be dispatched to inspect the consumer's meter to verify the leak has been repaired.

(f) Dripping faucets, leaking toilets or outdoor spigots that have been left running do not constitute a leak. This subsection only covers underground piping on the consumer's side of the meter that has been compromised.

(g) If the consumer has extenuating circumstance a written appeal from this section may be made to the commission.

**§10-4-86 Water charge adjustment.** Errors in billing or collection shall be corrected in a timely manner by the Department. Resulting credits on accounts or refunds shall be made as expeditiously as possible. Disputed billings or other collection transactions shall be heard by the chairman or designee. Any appeals concerning utility rates or services, or interpretation or enforcement of these Rules are to be heard by the chairman. Any applicant aggrieved by the chairman's decision may appeal to the commission by filing with the commission a written request for review no later than ten days after receiving the chairman's decision.

**§10-4-87 Insufficient funds fee.** The department shall charge the consumer an insufficient funds fee (NSF) on all bank items/checks returned by the consumer's bank unpaid. The amount shall be equal to the amount charged by the financial institution but no less than fifteen dollars. The amount shall be applied to the consumer's account. On accounts where non-payable bank items/checks are submitted more than four times in one calendar year the department may require payment on the account to be made by cash, by certified or cashier's check or by money order, and may require a deposit to be held.

**§10-4-88 Meter turn on/turn off fee.** (a) The department shall charge a turn on/turn off fee equal to one hour of labor and overheads to those consumers requesting disconnection or reconnection of a water meter when not related to an account delinquency. The department shall apply such charges to the consumer's account.

(b) Upon request and payment of a turn off fee the department shall turn off the water at the meter during regular business hours. Upon request and

payment of a turn on fee, the department shall turn on the water at the meter during regular business hours.

**\$10-4-89 Connect/disconnect administration fee.**

(a) The department shall levy a charge where a change in service status requires administrative action and/or a special meter reading by department personnel.

(b) In the event that a change in account status requires a special water meter reading by the department a fee equal to one hour of labor and overheads will be levied.

(c) In the event that a change in account status does not require a special water meter reading by the department the standard change of owner fee will be charged.

**\$10-4-90 Consumer's sale of water.** Unless specifically agreed upon by the department, the consumer shall not sell any water received or purchased from the department.

**\$10-4-91 Compensation.** Employees of the Department are strictly forbidden to demand or accept personal compensation for services rendered.



§10-4-2 [General Plan.] Consistency with Plans.  
The department shall ~~[develop and maintain a general plan providing]~~ be guided by the plans, policies, and strategies developed pursuant to subchapter 4 of this chapter for the development and use of land needed for the purposes of the act. ~~[The general plan shall be based upon sociological, financial and economic considerations, among others. A public hearing shall be held before a general plan is adopted or amended.]~~  
[Eff 7/30/81; am and comp 10/26/98; am and comp ] (Auth: HHC Act §222) (Imp: HHC Act, all)

#### SUBCHAPTER 4

#### PLANNING SYSTEM

§10-4-51 Purpose. The purpose of the planning system is to further the objectives of the act by systematically coordinating the management of Hawaiian home lands and programs in a manner that is comprehensive, consistent, and collaborative.  
[Eff and comp ] (Auth: HHC Act §222)  
(Imp: HHC Act, all)

§10-4-52 Definitions. As used in this subchapter, unless context clearly provides otherwise:  
"Beneficiary consultation" means the department's outreach to lessees, applicants, and native Hawaiians as defined by the act, and other interested persons as part of the department's or commission's decision-making process.

"Implementing action" means those actions that implement the plans and the overall planning strategy of the department, including but not limited to,

budgeting, rulemaking, adoption of procedures, and land dispositions.

"Plans" mean the general plan, island plans, program plans, development plans, regional plans, and special area plans. [Eff and comp ]  
(Auth: HHC Act §222) (Imp: HHC Act, all)

§10-4-53 General framework. The planning system shall consist of a three-tier hierarchy of plans. Tier 1 is the top tier consisting of the general plan and shall establish overall policy. Tier 2 and Tier 3 are the lower tiers and shall be guided by the general plan. Tier 2 and Tier 3 focus with increasing specificity on programs or geographic areas. The planning system shall also include implementation mechanisms that link with the plans, as well as evaluation mechanisms to refine the plans and implementing actions. [Eff and comp ]  
(Auth: HHC Act §222) (Imp: HHC Act, all)

§10-4-54 Adoption and amendment procedures. (a) Adoption. All plans in each of the three tiers shall be adopted by a majority vote of the commission. Any comprehensive update or interim amendment requires a majority vote of the commission to be effective. Beneficiary consultation shall be required as part of any comprehensive update or interim amendment.

(b) Comprehensive update. Comprehensive updates to plans provide an opportunity to refine or refocus based on changes in conditions, new trends, emerging issues, or past performance. Unless otherwise specified, an adopted comprehensive update shall supersede and void the entire previous plan.

(1) Tier 1. The general plan in tier 1 shall be updated at least every twenty years. The department at its discretion may initiate the update sooner than the twenty years but

no later than three years before the twenty-year lapse of the general plan;

- (2) Tiers 2 and 3. The plans in tiers 2 and 3 shall be reviewed every eight years and updated at the discretion of the department if an update is justified.

(c) Interim amendments. Between comprehensive updates, any plan may be amended upon beneficiary consultation appropriate to the plan as set forth in section 10-4-60, and a majority vote by the commission. Initiation of the amendment may be as follows:

- (1) The chairman may propose, in writing, interim amendments to any of the plans by first notifying the commission and then initiating beneficiary consultation appropriate to the plan as set forth in section 10-4-60;
- (2) Upon adoption of tier 2 plans, the commission may concurrently amend the general plan, when appropriate, with applicable policies or maps supported by the tier 2 plan and without additional beneficial consultation already conducted for the tier 2 plan;
- (3) A beneficiary or member of the public may submit an application form requesting the chairman to initiate interim amendments to any plan. The application form shall include information prescribed by the department. Upon receipt of a completed application form, the department shall have ninety days to respond to the application. Should the department initiate an amendment, the department shall prepare a report of its recommendation and initiate beneficiary consultation appropriate to the plan as set forth in section 10-4-60.
- (d) Consistency and conflicts.
- (1) Where conflicts exist among plans, the higher tier shall prevail over the lower tier.

- (2) Implementation actions set forth in section 10-4-58 shall be consistent with applicable plans. A commission member, beneficiary, or interested member of the public, may request the commission review a proposed or past action by the department for consistency. The request must detail the disputed action and describe why the petitioner believes disputed action is inconsistent with a particular plan. The commission may direct the chairman to prepare a response to the request.
- (3) Upon declaration of an emergency by the governor or mayor, the department may proceed with an action that is inconsistent with a plan, provided that the chairman has notified the commission. The chairman shall propose an amendment to the relevant plan or plans at the earliest practicable time to restore consistency.
- (d) Repository. The department shall make available to the public through its website all current adopted plans as may be amended.  
[Eff and comp ] (Auth: HHC Act §222)  
(Imp: HHC Act, all)

§10-4-55 General plan (tier 1). Based on the act, the general plan shall establish statewide policies that guide land management and programs. At a minimum, the general plan shall:

- (1) Establish a uniform system of land use designations that all island plans shall use;
- (2) Incorporate the most recent land use maps from adopted island plans;
- (3) Establish the relationship between land use designations and the applicable types of land dispositions;
- (4) Establish criteria to identify suitable lands for homesteading;

- (5) Establish criteria to determine available lands not required for homesteading within the planning period;
- (6) Establish criteria to identify lands for revenue generation;
- (7) Establish criteria to identify lands for community use and policies to govern how the community could manage such lands for community building;
- (8) Establish level of service standards for infrastructure and community facilities, or specify a program plan or methodology to develop such standards; and
- (9) Specify indicators to measure progress and evaluate effectiveness in meeting policy goals. [Eff and comp ]  
 (Auth: HHC Act §222) (Imp: HHC Act, all)

§10-4-56 Island and program plans (tier 2). (a)  
Island plans. Island plans shall be prepared for islands where there are over one hundred acres of Hawaiian home lands. If the landholdings are less than one hundred acres, the department may initiate a tier 3 plan. At a minimum, island plans shall:

- (1) Apply the criteria from the general plan to identify suitable homestead lands, including areas for new development, infill, and redevelopment;
- (2) Apply criteria to determine available lands not required for homesteading, including areas for revenue generation, community use, and other non-homesteading uses designated in the general plan;
- (3) Prioritize the development or redevelopment of designated homestead lands based on defined criteria;
- (4) Identify infrastructure requirements; and
- (5) Determine the relationship to county zoning

and infrastructure standards and  
implications for enforcement and  
maintenance.

(b) Program plans. Program plans are statewide  
plans that inform or carry out general plan policies  
and priorities for specific functional areas, such as  
housing, native Hawaiian development, and water  
resources. Program plans may be specified in the  
general plan or initiated by the chairman. To  
initiate a program plan, the chairman shall propose  
the subject matter and scope of the plan to the  
commission, and upon a majority vote in favor, proceed  
with the preparation of the plan. [Eff and  
comp ] (Auth: HHC Act §222) (Imp: HHC  
Act, all)

§10-4-57 Development, regional, and special area  
plans (tier 3). (a) Development plans. Development  
plans provide more detail for specific projects  
identified in island plans for purposes of  
establishing feasibility, budget, and schedule. To  
assess feasibility, the development plan shall  
consider a diversity of housing types and prices  
appropriate for the target wait list, estimate  
development costs, and estimate the costs to be  
respectively borne by the department and the  
prospective lessees or licensees as the case may be.  
The budget presented in the adopted development plan  
shall be the basis for CIP budget requests. The  
chairman may select the projects identified in the  
island plan that require a development plan, and  
proceed with the preparation of the development plan  
upon notice to the commission.

(b) Regional plans. Regional plans build a  
sense of community and capacity, stimulate  
partnerships for development and improvements,  
facilitate beneficiary participation in issues and  
areas of concern, and identify priority projects  
within existing and planned homestead areas. The plan  
may focus on a particular homestead community or

several homestead communities in the region. At a minimum, the regional plan shall document current conditions and trends and identify a prioritized list of projects important to the community and the department. The chairman may initiate a regional plan by proposing the scope of the plan to the commission, which require a majority vote of the commission to proceed with the preparation of the plan.

(c) Special area plans. Where an island plan designates special districts, the chairman may initiate a special area plan by proposing, in writing, the scope of the plan to the commission, which require a majority vote of the commission to proceed with the preparation of the plan. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act, all)

§10-4-58 Implementation. (a) Budgets, rules, procedures, land dispositions and other implementing actions shall be guided by the plans. The chairman shall develop a rational overall strategy to prioritize and allocate resources and present this strategy to the commission in the first year of the chairman's term, which the chairman may amend and present to the commission as needed from time to time. At a minimum, the overall strategy shall: link budgets to policies, programs, and plans; establish homestead and revenue-generation development priorities; establish disposition strategies for unencumbered lands; and prioritize regional plan projects.

(b) Fiscal implementation. The department shall maintain a multi-year capital improvement program to be updated annually and approved by a majority vote of the commission. The funded projects shall be reasonably consistent with the plans and overall strategy. The initial fiscal year of the budget shall be a committed budget. The projected amounts for future years shall be for information only. The intent of the multi-year projection is to identify the funding needs for future phases of a project. The

budget shall identify existing and potential funding sources that would be considered. The operational budget shall be reasonably consistent with the plans and overall strategy.

(c) Legal implementation. Legal implementation mechanisms include, without limitation, legislative amendments to the act; adoption, amendment, or repeal of administrative rules; and adoption of internal procedures. The chairman may pursue any of these mechanisms guided by the plans and overall strategy, with final approval by a majority vote of the commission.

(d) Land dispositions. The land dispositions issued by the department and approved by a majority vote of the commission shall be guided by the general plan, island plans, overall strategy, and any other applicable plan or policy adopted by the commission.

[Eff and comp ] (Auth: HHC Act §222)  
(Imp: HHC Act, all)

§10-4-59 Evaluation. The purpose of an evaluation system is to improve the planning system and implementation effectiveness. The chairman shall present an annual evaluation report to the commission, which may be combined with the report required under section 222 of the act. The general plan shall specify evaluation indicators, and the department shall collect and analyze pertinent data in the evaluation report. The chairman may include other measures of performance and effectiveness. The annual evaluation report shall include recommendations for improvements as applicable. The chairman shall bring to the attention of the commission development plans that are completed or outdated, and a majority vote of the commission shall void or update such plans.

[Eff and comp ] (Auth: HHC Act §222)  
(Imp: HHC Act, all)

§10-4-60 Beneficiary Consultation. (a)

Meaningful and timely consultation with beneficiaries promotes trust, partnership, and civic engagement. The type of consultation shall be appropriate to the potential impact of the decision or action.

(b) Types of consultation. The type of consultation is determined by the type of plan or implementing action:

- (1) Comprehensive. Comprehensive consultation is statewide. Notice shall be provided to all existing homesteaders, all waiting lists applicants, and other native Hawaiians who have registered with the department. The notice shall describe the proposed action and the date, time, and place of a public meeting to be held on each island. Comprehensive consultation shall apply to the preparation and amendment of Tier 1 plans, preparation and amendment of program plans, and promulgation of administrative rules.
- (2) Place-based. Place-based consultation is geographically specific. Notice shall be provided to existing homesteaders, waiting lists applicants, and other native Hawaiians who have registered with the department and who are associated with a geographic area impacted by the proposed action. The chairman shall determine the appropriate scope of the notice. The notice shall describe the proposed action and the date, time, and place of a public meeting to be held within the geographic area. Place-based consultation shall apply to the preparation and amendment of island plans, preparation and amendment of tier 3 plans, and proposed projects that require an environmental assessment or environmental impact statement.
- (3) Ad hoc. Ad hoc consultation consists of the formation of an advisory body to provide input to the department for the preparation

and amendment of any plan or implementing action. The chairman may select the advisory body, subject to consultation and ratification by the commission, for the preparation or amendment of any plans. Such ad hoc consultation for the preparation and amendment of plans shall supplement and not replace comprehensive or targeted consultation. The chairman may select an ad hoc body for an implementing action and provide a report to the commission.

(c) Consultation methods. The department shall use its best effort to employ diverse and creative notification and participation methods that reach the intended audience in the most effective yet efficient manner." [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act, all)

EXHIBIT A

Item C-3; Exhibit B

# DHHL Planning System

**Strategic Program Plans**  
Statewide, 3-6 year timeframe

**Island Plans**

Regional, 20-year timeframe

**Regional Plans**

Developed Areas, 2-4 year timeframe

**Development Plans**

Undeveloped Areas, 10-year timeframe

**Funding**

- CIP Operating Budget
- 2-5 year timeframes

**Legislation**

- Administrative Rules
- Amendment Process

**Land Use**

- Designations, Reviews
- Amendment Process





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

# Beneficiary Consultation

You are invited to attend a Beneficiary Consultation meeting in your community to discuss proposed changes to the Department of Hawaiian Home Lands' Administrative Rules.

**Pu'ukapu.** The proposed rules would enable better management and system controls by establishing clear processes for system operations and consumer services.

**Manage resources?** Make planning and program decisions? Planning System rules propose a comprehensive method to systematically coordinate how these types of decisions are made so that there is regular engagement with beneficiaries, and predictability and consistency.

Meeting schedule on reverse. All meetings subject to change.

Email [dhhl.rules@hawaiianhomelands.org](mailto:dhhl.rules@hawaiianhomelands.org) for more information or call 808-620-9280

## Beneficiary Consultation Schedule

### **Kaua'i – Thursday, June 22, 2017**

Kapa'a Elementary School Cafeteria  
4886 Kawaihau Road Kapa'a, HI 96746  
9 a.m. - 12:00 p.m. or 6 p.m. - 9 p.m.

### **Kapolei, O'ahu – Tuesday June 27, 2017**

DHHL Hale Pono'i  
91-5420 Kapolei Parkway, Kapolei, HI 96707  
6 p.m. - 9 p.m.

### **Waimea, Hawai'i – Thursday, July 6, 2017**

DHHL Kuhio Hale  
64-756 Mamalahoa Highway, Waimea, HI 96745  
9 a.m. - 12:00 p.m. or 6 p.m. - 9 p.m.

### **Waimānalo, O'ahu – Monday, July 10, 2017**

Waimānalo Hawaiian Homestead Association Halau  
41-209 Ilauhole Street, Waimanalo, HI 96795  
6 p.m. - 9 p.m.

### **Maul – Thursday, July 20, 2017**

Paukukalo Hawaiian Community Center  
655 Kaunualii Street, Wailuku, HI 96793  
6 p.m. - 9 p.m.

### **Keaukaha, Hawai'i – Friday, July 21, 2017**

Keaukaha Elementary Cafeteria  
240 Desha Avenue, Hilo HI 96720  
6 p.m. - 9 p.m.

### **Moloka'i – Tuesday, July 25, 2017**

Kulana 'Oiwi Halau and Conference Room  
600 Maunaloa Hwy., Kalamaula, HI 96748  
9 a.m. - 12:00 p.m. or 6 p.m. - 9 p.m.

### **Lana'i – Tuesday, August 1, 2017**

Lanai Community Center  
Eight Street and Lanai Avenue, Lanai City, HI 96763  
6 p.m. - 9 p.m.

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

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EXHIBIT B



## Response to 'Disingenuous' Letter

The issues pointed out in the Aug. 8 letter titled "Demands for Removal of Planning Commission Chair" are disingenuous.

As Vice Chair of the Molokai Planning Commission, I have first-hand knowledge of the items referenced. Today, I am speaking as an individual.

Items that are passed by the Commission are passed by a majority vote, not by the Commission's chair. It is disingenuous to implicate one person when a majority vote is needed to pass any rule.

And for the record, this commission consists of the most "Molokai born and raised" commissioners in the past decade. Trust this commission is genuinely considering all things prior to making a decision.

Because of the excitement during recent public testimony, by the advice

of Corporation Council, the meeting was recessed and police were asked to have a presence to ensure the community's safety.

There is a difference between civil discourse and unruly behavior. It is for this reason that setting guidelines for a public meeting are welcomed and needed. It is something I consistently hear from our greater community who feel discouraged to attend, but should have no less a voice.

Through faith, I have served my country, and today I serve my community. The implied assertions are unmerited. I stand in support of the current chair's abilities as well as the rest of the commissioners.

Lawrence Kalamakulanihalekani-  
Ikelele Lani  
Kalana'ula, Molokai

## Simple Philosophy

Life is a big, beautiful piece of art every day. Life is beautiful and very special, every day is important. Life is unpredictable, we never know what is going to happen day by day.

Live life to the best and appreciate every day. Do good, respectful, happy things every day. We all create our own life. We also have hope, belief to re-sculpt, rebuild, renew our life, from our mistakes we did today, yesterday, and in the past. Keep learning more about our beautiful gifts and talent that we are born with. Whatever we do, do our very best with a positive happy frame of mind every day, and success will always follow us in our lifetime.

One of our important missions in life is to reach out and help, be part of someone else's life. Now, we all can walk the same happy trail of our rich life together — our community. To me, simple philosophy is the true meaning of the word "rich." Rich with the life that God provides for all the human race to survive and be happy with. The land. The ocean. The rich survival of

our beautiful life in this beautiful earth.

Money is part of our life and society. But it's not everything in our life. Look at the leaders of our beautiful country. They are mentally ill with greed, selfishness, money and power; don't care about the welfare of most citizens in our country. These are the people who represent the true meaning of the words, mentally ill. Think about it. We are richer than all of them. We live a very happy, simple life in our own beautiful paradise. We help and support each other.

Molokai, always remember our rich survival of our beautiful life is land, ocean. We must plant and farm the land. We must take good care of the ocean, keep it clean. It's the rich survival of our beautiful life.

Have a wonderful and a very pleasant day, every day, with a beautiful Molokai no ka haka smile.

Shirley Lina

## Beware of Internet Scams

This letter is to inform fellow Molokai residents that there is grave danger in what appear to be simple offers on the Internet. I am a senior living on Molokai on very limited income and I've been scammed twice. In spite of my own embarrassment, I want to let the public know how easy it is to get yourself into big danger.

The first time I saw an ad for Meryl Streep and how beautiful she looks. The ad was for a sample of face cream for \$4.99, so I thought, cool! I gave them my credit card number and when I received the order, they had tacked on another product. That's nine bucks, no big deal. But when I got my bank statement a month later there was a charge for \$98.61. I called and complained that I did not authorize to pay for more product. They would not refund my money.

The next month, I did the same stupid thing. I immediately called the number and demanded to cancel the order. I was given the run-around. I demanded confirmation numbers of cancellation. I thought I had successfully cancelled until a week later

I received the products in the mail. I wrote to the Better Business Bureau with all of the information I had, and they contacted me saying there is an epidemic of illusive companies under one umbrella in Asia somewhere that they cannot locate. The phone numbers that are given are bogus. There is no visible name of any company.

Here is the scariest part. Once you authorize the cost of the product sample, you have given them permission to enter your bank account at any time and take whatever they want. They seem untouchable. Once again I had to cancel my bank card. The same thing happened to one of my neighbors. Pretty scary stuff! I am willing to expose my stupidity for the sake of hopefully saving someone else the same problem. These scammers are very intelligent and I am not feeling truly safe. There is nothing the bank can do to protect us, we have to learn to get smart enough to protect ourselves.

Sincerely,  
Carolyn Harris

## DHHL Consultation on Water and Planning

### DHHL News Release

On Aug. 24, Department of Hawaiian Home Lands (DHHL) will Molokai is provided every opportunity to comment on these proposed rules. The meeting will be held at 6:30 p.m. at the Kulana Olui Hui. For information on the proposed rules and comments received already, please see the DHHL website.

These meetings have been held statewide. DHHL wants to ensure that all Hawaiian Home Lands (DHHL) will Molokai is provided every opportunity to comment on these proposed rules. The meeting will be held at 6:30 p.m. at the Kulana Olui Hui. For information on the proposed rules and comments received already, please see the DHHL website.



**Bennett Pottery**  
STONEWARE & PORCELAIN  
While stoneware is not with glass, with the exception of 14 inch. —  
Private showings by appointment. Studio in Kula. 567-5585

### CHURCH SERVICES

**Topside Molokai UCC Churches**  
Christie Road | 555-5423 | Waikele - 11:00am  
Kalahelemane Hwy - 9:30am | Ho'olehua - 8 am  
Kalahelemane - 12:30pm (4th Sunday only)

**Saint Damian Catholic Parish**  
Palmer Hill Road | 555-5520  
St. Damian, Kulahele, 8 pm Sat, 9 am Sun  
Our Lady of Seven Sorrows, Kulahele, 7 am Sun  
St. Vincent Ferrer, Maunaloa, 11 am Sun  
St. Joseph, Kulahele, No weekly services

**Heart of Aloha Church**  
Kulahele Community Center 10:30 am  
Last Sunday of the month services held in  
Maunaloa Community Center at 10:30 am  
Pastor Cameron Hilo | hcameronhilo.org | 658-0433

**First Assembly of God King's Chapel**  
Kulu Robert Salazar | 555-5540, Cell: 646-1140  
Maunaloa, Sunday 9 am, Kulahele, Sunday  
10:30 am, Sunday Evening 6 pm, Tuesday Evening  
6:30, Maunaloa, Sunday 6 pm

**Falynesian Baptist Church**  
Pastor Rev. Bob Warren | 551-0258  
South of Elementary School, Maunaloa Town  
Sunday School & Adult Worship Service 10 am

**Seventh-day Adventist Church**  
Pastor Abel Pargun | 808-646-1237  
1400 Maunaloa Hwy, Kulahele, HI  
9:15 am Adult & Children Sabbath School  
11 am Worship

**Grace Episcopal Church**  
Rev. John Lunn  
graceepiscopal@gmail.com | 567-6420  
2210 Farrington Ave.; Worship 10 am Sun

**Baha'i Faith**  
Open house every 2nd Sunday of the month  
Mid 14 east | 5pm | 558-8433  
molokai.bahai@gmail.com | www.bahai.org

**Molokai Shekinah Glory Church**  
Pulaski Avenue, Kulahele  
(drive all the way down) 10 AM Worship Service  
Senior Pastor Isaac Gloor | Pastor Brandon Jones  
"We Welcome All"

**Bible Baptist Church**  
Pastor Rana-Japheth Okunye 208-236-7002  
South of Maunaloa Elementary School  
Sunday School - 9:30 am | Worship - 10 am

**Kaunakakai Baptist Church**  
Pastor Mike Inouye | 555-5671 | 155 Kam Y Hwy  
9 am adult Sunday school | Worship 10:15 am

To update church information, email editor@themolokaidispatch.com

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- Internships for young people seeking future careers in agriculture
- Grant opportunities to support science education in schools
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EXHIBIT C

4

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HAWAIIAN HOME LANDS  
DEPARTMENT OF LAND AND NATURAL RESOURCES

## **Beneficiary Consultation**

### **Proposed Changes to DHHL Administrative Rules**

## **Agenda**

- Pule & Opening
- Presentation
  - Administrative Rules and Timeframes
  - DHHL Water Systems
  - DHHL Planning System
- Break Out Discussions
  - Information Packets
- Next Steps
- Gallery Walk

## **Purpose**

- Provide information about DHHL's Water Systems and DHHL's Planning System so that beneficiaries have a better understanding about these topics.
- Find out what about these topics is important to beneficiaries so that the draft rules can be made better.



HAWAIIAN HOME LANDS  
DEPARTMENT OF LAND AND NATURAL RESOURCES

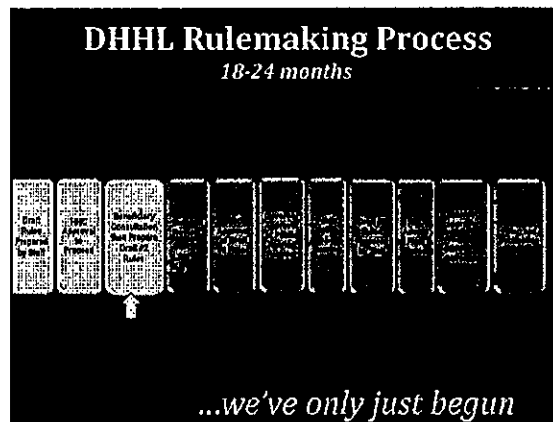
## **Rulemaking Process**

## **What are Administrative Rules?**

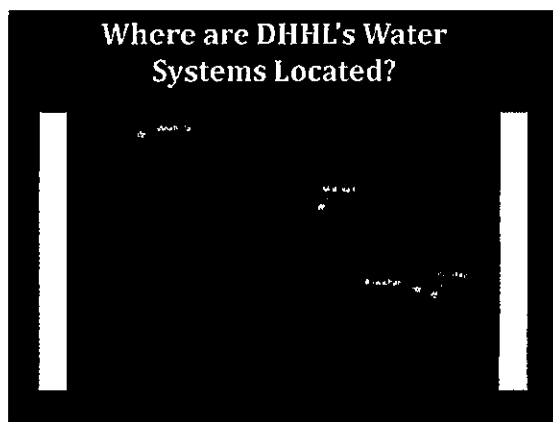
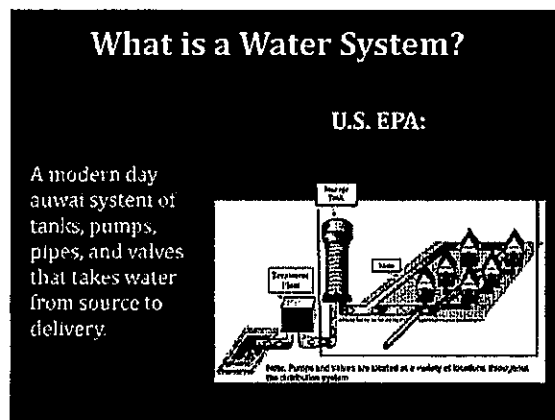
- Every State agency has administrative rules.
- Rules govern departmental operations.
- Rules make those operations public.
- DHHL's rules are known as Title 10, Hawaii Administrative Rules.

## **Why Adopt, Amend, or Repeal Rules?**

- Improve service, programs, and operations.
- Rules must be consistent with applicable law.
- Best practice.



- ### Background
- New subchapter.
  - HHCA section 221.
  - What is a "water system?" Where are DHHL's water systems located?



### Policy Question

Should DHHL's water systems be managed to ensure resource sustainability and long-term system viability?

## Why Rules for the DHHL Water Systems

- Rules can provide process and procedure that helps ensure resource safety and sustainability, and system longevity.
- We are all stewards of the resource; our future depends upon water.

## How Would the Rules Work

- The draft reads like we're running a water utility.... We are.
  - How to connect and disconnect.
  - What happens in drought or other emergency conditions.
  - Rates and fines.
  - What happens when you don't pay; enforcement.
  - How to get water from a public water spigot.

## Rate Setting

- Your water bill is calculated using a rate that is based upon system operation and maintenance costs, including:
  - Equipment: pumps, valves, fire hydrants.
  - Water treatment, sampling & lab testing.
  - Source protection security measures at well sites.
  - Employee training & certifications.
  - Vehicle maintenance & costs.
  - Electricity.



## Fines and Enforcement

- Fines:
  - Obstructed meter fine.
  - Tampering fine.
- Enforcement:
  - Bill payment due within 21 days.
  - Late fee after 30 days.
  - Water service can be shut off after 60 days.

## Public Water Spigots

Can look like the hose spigot on the outside of a house.

Works like a drinking fountain: pull up, fill up, and go.



## Your Mana'o

- What are the most important kuleana for consumers? For DHHL?
- What are reasonable enforcement provisions? Why?
- How should public water spigots be managed?
- Water rates are set using operating and maintenance costs. What other criteria should be considered when setting rates?



## Background

- New subchapter.
- HHCA authorizes broad land use authority.
- The department currently uses a planning process to create land use and program plans. These rules would formalize a similar process.

## Policy Question

Should the department ensure consistency and transparency in its planning processes by formalizing a planning system?

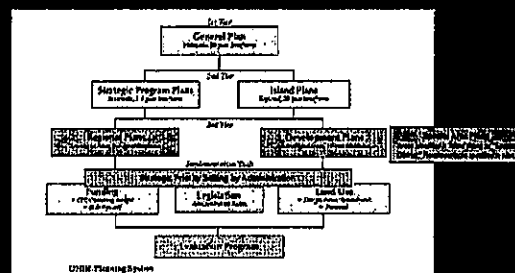
## Why Rules for a Planning System

- Furthers the objectives of the IHCA.
- Encourages predictability and consistency across different administrations.
- Ensures that beneficiaries are consulted and input is incorporated.

## How Would the Rules Work

- The rules would create a 3-tiered system where each level of planning creates greater detail while being guided by the more general levels.

## How Would the Rules Work



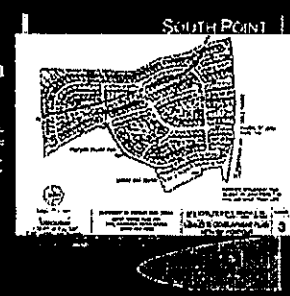
## DHHL Plans

- Tier 1 General Plan: Statewide policies & goals.
- Tier 2 Strategic Program Plans: Carry out specific policy areas from the General Plan.
- Tier 2 Island Plans: designate lands for different uses.



## DHHL Plans

- Tier 3 Regional Plans: Region specific information & priority projects.
- Tier 3 Development Plans: Details about developing a specific area.
- Tier 3 Special Area Plans: Wahi pana.



## Information Included in Plans

- These plans are like a navigational chart. They help DHHL and beneficiaries understand where we're going and how to get there.
  - Environmental, cultural, socioeconomic data.
  - Different development scenarios.
  - Costs to develop.

## Your Mana'o

- What kind of information should each plan include?
- Should interim changes be allowed? Who should be able to initiate them? Under what circumstances should interim changes be considered?
- Who can request the commission to review a proposed or past action by the department for consistency with a plan?



HAWAIIAN HOME LANDS  
DEPARTMENT OF LAND AND NATURAL RESOURCES

## Discussion Kuleana

## Discussion Kuleana

- Be creative!
  - Work toward future solutions/aspirations.
- Disagreement is ok as long as we are respectful of each other.
- Everyone gets a turn first, then repeats.
- Cell phones off or on silent.
  - Take all calls/texting outside.

## Discussion Kuleana

- You are personally responsible for:
  - Making sure everyone has equal opportunity to express their ideas;
  - Actively listening;
  - Keeping an open mind and maintaining a positive attitude;
  - Keep side conversations to a minimum.



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## Break Out Discussions



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## Next Steps

## DHHL Rulemaking Process

18-24 months



...we've only just begun

## Next Steps for DHHL

- Review and compile notes from today, and comments received by September 1, 2017;
- Consider suggested and possible changes;
- Prepare and submit a report for the Commission;
- Submit the proposed amendments to the Commission for approval to move forward with the public hearing process.

## Next Steps for You

- Think about today's discussion;
- Talk to family, friends, neighbors;
- Submit comments by September 1, 2017;
- Keep checking the website for updates <http://dhhl.hawaii.gov/department-of-hawaiian-home-lands-administrative-rules/>.

### How to Submit Comments

- Green sheets.
- Email: [dhhl.rules@hawaiianhomelands.org](mailto:dhhl.rules@hawaiianhomelands.org)
- Mail:  
Department of Hawaiian Home Lands  
DHHL Administrative Rules  
P.O. Box 1879  
Honolulu, HI 96805
- Call: Hokulei at 620-9280 or your district office.



HAWAIIAN HOME LANDS

## Gallery Walk



	A	B	C	D
1	Topic	Comment	Meeting	Method
2	Consumer kuleana	pay our water bill	Kapolei	Meeting notes
3	Consumer kuleana	don't waste	Kapolei	Meeting notes
4	Consumer kuleana	Appropriate use of water	Kapolei	Meeting notes
5	Consumer kuleana	Conservation and sustainability of water	Kapolei	Meeting notes
6	Consumer kuleana	oversight of conservation principles	Kauai; PM	Meeting notes
7	Consumer kuleana	don't waste	Kauai; PM	Meeting notes
8	Consumer kuleana	pay our fair share cause DHHL paying 60% of the costs now	Kauai; PM	Meeting notes
9	Consumer kuleana	what's non-potable water for ag lots	Kauai; PM	Meeting notes
10	Consumer kuleana	inventory of lands (Wailua)	Kauai; PM	Meeting notes
11	Consumer kuleana	Koolau well--Molokai by non-beneficiary	Kauai; PM	Meeting notes
12	Consumer kuleana	New proposed well	Kauai; PM	Meeting notes
13	Consumer kuleana	kuleana lands	Kauai; PM	Meeting notes
14	Consumer kuleana	Good stewards of water, no waste	Waimanalo	Meeting notes
15	Consumer kuleana	Pay your bill timely and banking online	Waimanalo	Meeting notes
16	Consumer kuleana	Prevent waste of water	Waimanalo	Meeting notes
17	Consumer kuleana	Prevent water waste	Waimanalo	Meeting notes
18	Consumer kuleana	Be more efficient--proper care of the system on our side	Maui	Meeting notes
19	Consumer kuleana	Beneficiary be part of the solution	Maui	Meeting notes
20	Consumer kuleana	Exercise our sovereignty to operate/maintain our own water systems	Maui	Meeting notes
21	Consumer kuleana	If ag lease, should be farming; residential should be on the land	Maui	Meeting notes
22	Consumer kuleana	Stay alive	Maui	Meeting notes
23	Consumer kuleana	Protector of ahupuaa and water shed for all users	Maui	Meeting notes
24	Consumer kuleana	Make sure bills are paid in a timely manner	Molokai; AM	Meeting notes
25	Consumer kuleana	Conserve water, fix broken pipes, leaking toilets	Molokai; AM	Meeting notes
26	Consumer kuleana	Maintain area, nothing obstructing the meter	Molokai; AM	Meeting notes
27	Consumer kuleana	Make sure no leaks	Molokai; PM	Meeting notes
28	Consumer kuleana	Have backflow prevention device	Molokai; PM	Meeting notes
29	Consumer kuleana	Water is a need and need to take care of water	Lanai	Meeting notes
30	Consumer kuleana	Do what's right	Lanai	Meeting notes
31	Consumer kuleana	Everyone needs water	Lanai	Meeting notes
32	Consumer kuleana	If you want that lot/house need to take care	Lanai	Meeting notes
33	Consumer kuleana	conserve water	Lanai	Meeting notes
34	Consumer kuleana	Think about what you're doing, will affect your children/future	Lanai	Meeting notes
35	Consumer kuleana	If you see someone abusing use of water, say something	Lanai	Meeting notes
36	Consumer kuleana	As beneficiaries thru HHC, advocate to Dept of Ag for ag water	Molokai; 8/24	Meeting notes
37	Consumer kuleana	MIS, have people on the advisory board	Molokai; 8/24	Meeting notes
38	Consumer kuleana	Water conservation--don't use expensive potable water for ag	Molokai; 8/24	Meeting notes
39	Consumer kuleana	Be more aware of what's in our area and how impacts us	Keaukaha	Meeting notes
40	Consumer kuleana	Leak detection and water conservation (fix leaky toilets)	Keaukaha	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
41	Consumer kuleana	Homesteaders pay their fair share...consider economically distressed areas--affordability	Keaukaha	Meeting notes
42	Consumer kuleana	Don't waste water	Keaukaha	Meeting notes
43	DHHL kuleana	how and when is DHHL going to make this happen	Kapolei	Meeting notes
44	DHHL kuleana	set rates @ competitive rates for non-NH	Kapolei	Meeting notes
45	DHHL kuleana	better rate for beneficiary	Kapolei	Meeting notes
46	DHHL kuleana	Dept should pay	Kapolei	Meeting notes
47	DHHL kuleana	alternate energy to address water system efficiency	Kapolei	Meeting notes
48	DHHL kuleana	put rates on <u>all</u> homesteads incl. county systems	Kapolei	Meeting notes
49	DHHL kuleana	make rates most affordable for benef. 2 separate rate structures: benef. and non	Kapolei	Meeting notes
50	DHHL kuleana	never ever give up the wai	Kapolei	Meeting notes
51	DHHL kuleana	for <u>beneficiaries</u> first, not "consumers"	Kapolei	Meeting notes
52	DHHL kuleana	dialogue w/counties DWS incl re: non DHHL systems	Kapolei	Meeting notes
53	DHHL kuleana	getting water to us/pipes to the homestead	Kapolei	Meeting notes
54	DHHL kuleana	Ensure water is safe to drink	Kapolei	Meeting notes
55	DHHL kuleana	Ensure future allocations (source) of water	Kapolei	Meeting notes
56	DHHL kuleana	Conservation and sustainability of water	Kapolei	Meeting notes
57	DHHL kuleana	Establish policies for water uses by beneficiaries	Kapolei	Meeting notes
58	DHHL kuleana	Do not sell water to non-beneficiaries w/o serving beneficiaries first	Kapolei	Meeting notes
59	DHHL kuleana	Making proposed rules available to beneficiaries in advance to consider before consultation meetings (PL)	Kapolei	Meeting notes
60	DHHL kuleana	Keep prices down	Kauai; AM	Meeting notes
61	DHHL kuleana	Expand the system to increase users	Kauai; AM	Meeting notes
62	DHHL kuleana	Improve the control/sovereignty over water	Kauai; AM	Meeting notes
63	DHHL kuleana	How do we get beneficiaries off the county water system	Kauai; AM	Meeting notes
64	DHHL kuleana	How do we get the county to lower its rates	Kauai; AM	Meeting notes
65	DHHL kuleana	Need to develop ag water delivery system to Bayview & Farm lots	Kauai; AM	Meeting notes
66	DHHL kuleana	We have to work on rates that	Kauai; AM	Meeting notes
67	DHHL kuleana	Provide safe drinking water	Kauai; AM	Meeting notes
68	DHHL kuleana	Look into alternatives to chlorination of water	Kauai; AM	Meeting notes
69	DHHL kuleana	Install water catchments	Kauai; AM	Meeting notes
70	DHHL kuleana	Establish another well to be able to expand service	Kauai; AM	Meeting notes
71	DHHL kuleana	Negotiate with county to lower water rates for DHHL beneficiaries on county water systems	Kauai; AM	Meeting notes
72	DHHL kuleana	safe drinking water	Kauai; PM	Meeting notes
73	DHHL kuleana	fire protection	Kauai; PM	Meeting notes
74	DHHL kuleana	source protection	Kauai; PM	Meeting notes
75	DHHL kuleana	enforcement of these rules--more on-site staff; DHHL on-island rep?	Kauai; PM	Meeting notes
76	DHHL kuleana	measure amt of groundwater & sustainability	Kauai; PM	Meeting notes
77	DHHL kuleana	Water quality and safety	Waimanalo	Meeting notes
78	DHHL kuleana	Be good stewards of the water	Waimanalo	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
79	DHHL kuleana	Automate billing and payment systems	Waimanalo	Meeting notes
80	DHHL kuleana	Prevent waste and wasteful use of water through education of consumers	Waimanalo	Meeting notes
81	DHHL kuleana	Make sure water source is healthy and secure	Waimanalo	Meeting notes
82	DHHL kuleana	Provide safe drinking water and comply with fed/state regulation	Waimanalo	Meeting notes
83	DHHL kuleana	Prevent water waste i.e., use new technology	Waimanalo	Meeting notes
84	DHHL kuleana	Why subsidize \$1M. The question is how do we make it profitable? Not negative income.	Waimanalo	Green sheets (Ilima Wong)
85	DHHL kuleana	DHHL <u>owned</u> systems should exclusively serve lessees/beneficiaries	Waimea; AM	Meeting notes
86	DHHL kuleana	Delete "public." DHHL water systems should be used for DHHL beneficiaries.	Waimea; AM	Meeting notes
87	DHHL kuleana	Kuleana--lower the price (water fee) for lessees	Waimea; AM	Meeting notes
88	DHHL kuleana	ITC contract provides water services. The amount of contract too high/not worth the benefit. Water operating service contract should somehow be in rules. Fine tune in contracts what service being provided.	Waimea; AM	Meeting notes
89	DHHL kuleana	You need a 6-in line for a fire hydrant, make some distinction for the Puukapu system is unique	Waimea; AM	Meeting notes
90	DHHL kuleana	The rules aren't ready until we address Mahana's comments	Waimea; AM	Meeting notes
91	DHHL kuleana	Are you talking about ag water system or drinking water system? A: Kawaihae & Puukapu	Waimea; PM	Meeting notes
		--Who planned system? Puukapu? Last ranch water does not reach my ranch at end of system. Since 1991 I haul water, every week. How is DHHL going to help me? '--We had meetings before system build and gave out mana'o, suggestion were given but never considered, (certified backflow installer) '--DHHL wants to charge me to install backlow but I can do that on my own '--Trying to make water system work on my ranch (200 acres) '--Last fire, the water system didn't help '--Water truck used to water roads		
92	DHHL kuleana		Waimea; PM	Meeting notes
93	DHHL kuleana	DHHL kuleana to design correctly	Waimea; PM	Meeting notes
94	DHHL kuleana	DHHL kuleana to get water to property with enough pressure to ensure it can get to back of lot	Waimea; PM	Meeting notes
95	DHHL kuleana	Why in Puukapu need to install backflow? DHHL kuleana--backflow at county meter & not at all lots	Waimea; PM	Meeting notes
96	DHHL kuleana	We installed backflow on existing system, then take out then purchase meter	Waimea; PM	Meeting notes
97	DHHL kuleana	Kohala ranch contract--not charged county rate. DHHL kuleana: county rates are put on bill to know how much I'm being charged	Waimea; PM	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
98	DHHL kuleana	Pastoral been for years, before moving to "new" homesteads. DHHL kuleana to focus on existing; prioritize existing vs new	Waimea; PM	Meeting notes
99	DHHL kuleana	"7 wells" in Puukapu--2 drinking & 5 non-potable. DHHL staff said "don't open mouth when shower"	Waimea; PM	Meeting notes
100	DHHL kuleana	Spigot at Puukapu at 1st tank. DHHL kuleana: cover water tanks better	Waimea; PM	Meeting notes
101	DHHL kuleana	Kahua Ranch--no water problems, why can't we use that water	Waimea; PM	Meeting notes
102	DHHL kuleana	DHHL kuleana--DHHL awards--promise will have water	Waimea; PM	Meeting notes
103	DHHL kuleana	Sufficient funds for DHHL to operate	Maui	Meeting notes
104	DHHL kuleana	Prioritize/establish water systems on Maui & other areas	Maui	Meeting notes
105	DHHL kuleana	Ensure state and county uphold water code in terms of Native Hawaiian priority & kalo growers	Maui	Meeting notes
106	DHHL kuleana	On Molokai, we have control of water system, bring more people on the land	Maui	Meeting notes
107	DHHL kuleana	When DHHL finds water (dig well) negotiate better with County on source	Maui	Meeting notes
108	DHHL kuleana	Potable water for Kahikinui	Maui	Meeting notes
109	DHHL kuleana	Existing County water line--please look into it	Maui	Meeting notes
110	DHHL kuleana	Make current systems more efficient	Maui	Meeting notes
111	DHHL kuleana	Zero cost to consumers	Maui	Meeting notes
112	DHHL kuleana	Advocate for establishment of water systems on Maui	Maui	Meeting notes
113	DHHL kuleana	Commit resources to water shed sources on Maui	Maui	Meeting notes
114	DHHL kuleana	Advocate with Maui County to lower water rates for beneficiaries	Maui	Meeting notes
115	DHHL kuleana	Maintain adequate pressure	Molokai; AM	Meeting notes
116	DHHL kuleana	Provide water for all homestead areas on Molokai or accommodate the homesteader on County system	Molokai; AM	Meeting notes
117	DHHL kuleana	Keep water rates reasonable	Molokai; AM	Meeting notes
118	DHHL kuleana	Take over MIS to support forms; MIS originally for DHHL beneficiaries	Molokai; AM	Meeting notes
119	DHHL kuleana	Ensuring different rate structures for beneficiaries and non-beneficiaries	Molokai; AM	Meeting notes
120	DHHL kuleana	Implement Naiwa	Molokai; AM	Meeting notes
121	DHHL kuleana	Check no leaks	Molokai; PM	Meeting notes
122	DHHL kuleana	Take care of the system	Lanai	Meeting notes
123	DHHL kuleana	Know what's going on	Lanai	Meeting notes
124	DHHL kuleana	Manage the infrastructure	Lanai	Meeting notes
125	DHHL kuleana	DHHL needs to manage the systems efficiently; no one else going to do it	Lanai	Meeting notes
126	DHHL kuleana	Be more clear in water bill that costs is for transmission of the water and not for water itself	Molokai; 8/24	Meeting notes
127	DHHL kuleana	Concern: overhead costs is too high. More rules/responsibilities also increases costs	Molokai; 8/24	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
128	DHHL kuleana	Rules/regs not followed in past. How make this better	Molokai; 8/24	Meeting notes
129	DHHL kuleana	Comply--do research on alii	Molokai; 8/24	Meeting notes
130	DHHL kuleana	\$1/year lease for the land. DHHL had a plan to make this happen. Can you/DHHL do something similar for the water/infrastructure?	Molokai; 8/24	Meeting notes
131	DHHL kuleana	Not reasonable to shut off water	Molokai; 8/24	Meeting notes
132	DHHL kuleana	Concern: hard for kupuna to go get their own water	Molokai; 8/24	Meeting notes
133	DHHL kuleana	Make system to run more efficiently to bring costs down	Molokai; 8/24	Meeting notes
134	DHHL kuleana	What's sustainability of the aquifer? [per CWRM 5 mil]	Molokai; 8/24	Meeting notes
135	DHHL kuleana	Advocate for DHHL's long term allocation	Molokai; 8/24	Meeting notes
136	DHHL kuleana	How beneficiaries can get ag water and (2) ag water rate	Molokai; 8/24	Meeting notes
137	DHHL kuleana	DHHL hold (state) entities responsible for what they owe DHHL	Molokai; 8/24	Meeting notes
138	DHHL kuleana	All ag land, put water infrastructure in <u>before</u> putting people on land	Molokai; 8/24	Meeting notes
139	DHHL kuleana	Help beneficiaries test the water if there's change in taste/odor	Molokai; 8/24	Meeting notes
140	DHHL kuleana	Bring water to those not currently on the DHHL system--equality	Molokai; 8/24	Meeting notes
141	DHHL kuleana	All beneficiaries on DHHL systems or compensate us via a subsidy	Molokai; 8/24	Meeting notes
142	DHHL kuleana	Get back MIS system; equal access to all beneficiaries to MIS	Molokai; 8/24	Meeting notes
143	DHHL kuleana	Increase DHHL employees to operate systems	Molokai; 8/24	Meeting notes
144	DHHL kuleana	Train more beneficiaries/associations to compete for operations contracts	Molokai; 8/24	Meeting notes
145	DHHL kuleana	Accept credit card, electronic payments, pay on-line	Molokai; 8/24	Meeting notes
146	DHHL kuleana	Operate efficiently	Keaukaha	Meeting notes
147	DHHL kuleana	Aging infrastructure costs	Keaukaha	Meeting notes
148	DHHL kuleana	Future source development	Keaukaha	Meeting notes
149	DHHL kuleana	Water reservations--partner with county	Keaukaha	Meeting notes
150	DHHL kuleana	Actively assert water rights	Keaukaha	Meeting notes
151	DHHL kuleana	Alternative energy	Keaukaha	Meeting notes
152	DHHL kuleana	Identify source in one location and transmit to another location, e.g., Piihonua to Laiopua	Keaukaha	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
153	DHHL kuleana	Water development	Keaukaha	Meeting notes
154	DHHL kuleana	Partner with others, beneficiary organizations	Keaukaha	Meeting notes
155	DHHL kuleana	Consider as priority water projects by beneficiary organization	Keaukaha	Meeting notes
156	DHHL kuleana	Better contractor performance oversight	Keaukaha	Meeting notes
157	DHHL kuleana	Focus on existing water systems before building new ones	Keaukaha	Meeting notes
158	DHHL kuleana	Advocating at the county level re: DHHL lessees on the county water system	Keaukaha	Meeting notes
159	DHHL kuleana	Assert our authority in favor of beneficiaries when the well (source) and infrastructure is located on DHHL trust lands	Keaukaha	Meeting notes
160	DHHL kuleana	Assign trust funds to develop water systems in homestead communities where the systems don't exist	Keaukaha	Meeting notes
161	DHHL kuleana	Can DHHL capture the excess water in Hilo?	Keaukaha	Meeting notes
162	Enforcement provisions	only way to learn if beneficiary have no more or pay what we pay (BWS rate)	Kapolei	Meeting notes
163	Enforcement provisions	benef. who are blessed using DHHL system don't know what they have	Kapolei	Meeting notes
164	Enforcement provisions	how to penalize those who can't pay; DHHL make sys more efficient (energy reduce costs)	Kapolei	Meeting notes
165	Enforcement provisions	no enforcement rules yet, DHHL get its act together. Make system as efficient as possible	Kapolei	Meeting notes
166	Enforcement provisions	Incentives for homesteaders	Kapolei	Meeting notes
167	Enforcement provisions	how does DHHL get punished to run inefficiently. Get pono first before charging the people	Kapolei	Meeting notes
168	Enforcement provisions	shame. Who's costing us the most publicize the who	Kapolei	Meeting notes
169	Enforcement provisions	"fake" state's kuleana, pay the water for beneficiary (A&O) water is us/beneficiaries when comes to cultural practices, the water is free	Kapolei	Meeting notes
170	Enforcement provisions	some kind of regular payments to catch up	Kapolei	Meeting notes
171	Enforcement provisions	Encourage lessees to report water abuse	Kapolei	Meeting notes
172	Enforcement provisions	Need appropriate staffing levels to provide 24/7 service for enforcement & operations	Kapolei	Meeting notes
173	Enforcement provisions	Create a hotline for each island to use to report enforcement matters	Kapolei	Meeting notes
174	Enforcement provisions	Create a calling card w/contact info re water enforcement	Kapolei	Meeting notes
175	Enforcement provisions	consider using social media to inform lessee and applicants of important water information	Kapolei	Meeting notes
176	Enforcement provisions	Serious concern raised to shut off water service (must avoid shutting off)	Kauai; AM	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
177	Enforcement provisions	who enforcing taking resource from aquifer: which would've gone to a beneficiary	Kauai; PM	Meeting notes
178	Enforcement provisions	explore KIUC alt. energy to offset costs of sys	Kauai; PM	Meeting notes
179	Enforcement provisions	concern giving up deflate aquifer is forever, not given back	Kauai; PM	Meeting notes
180	Enforcement provisions	Is there inconsistency by DHHL?	Kauai; PM	Meeting notes
181	Enforcement provisions	DHHL first assess the situation as to why there is a lack of payment	Waimanalo	Meeting notes
182	Enforcement provisions	Not fair to those who do pay their water bills if others do not. How do we help those who are not paying?	Waimanalo	Meeting notes
183	Enforcement provisions	These reasonable provisions should be defined by those <u>on</u> the DHHL water systems	Waimanalo	Meeting notes
184	Enforcement provisions	Only beneficiaries provide input, not the public!	Waimanalo	Meeting notes
185	Enforcement provisions	Draft rules are similar to BWS	Waimanalo	Meeting notes
186	Enforcement provisions	On fixed income (kupuna), water service should not be shut off	Waimanalo	Meeting notes
187	Enforcement provisions	The current process seems reasonable--no change.	Waimea; AM	Meeting notes
188	Enforcement provisions	Tampering of water meter needs to be proved, due diligence in investigating incident before pointing fingers.	Waimea; AM	Meeting notes
189	Enforcement provisions	If meter is not in an individual lessee's property, don't punish lessee for not maintaining/cleaning area around meter.	Waimea; AM	Meeting notes
190	Enforcement provisions	There have been incidents of tampering.	Waimea; AM	Meeting notes
191	Enforcement provisions	If meter is in DHHL easement, need to clarify whose kuleana to maintain.	Waimea; AM	Meeting notes
192	Enforcement provisions	Change the shut off time to 6 months, first hoopono with the family to understand why the lessee cannot pay. Work out a payment plan	Maui	Meeting notes
193	Enforcement provisions	Pay whatever cost it takes to subsidize the water systems	Maui	Meeting notes
194	Enforcement provisions	Water should be our number one priority	Maui	Meeting notes
195	Enforcement provisions	Codify practice of working with lessee on delinquent bills	Maui	Meeting notes
196	Enforcement provisions	Provisions seem reasonable. Reads like Maui County rules	Maui	Meeting notes
197	Enforcement provisions	When sign their lease, lessees made aware of the water system and terms/conditions to use it. Could jeopardize their lease.	Maui	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
198	Enforcement provisions	Required to go to an educational session (i.e. DUI) such as budget class	Maui	Meeting notes
199	Enforcement provisions	Ag leases...2 years & 3/4 cultivation...or lease cancellation	Maui	Meeting notes
200	Enforcement provisions	Shut off of water service is reasonable given the proposed approach after 60 days	Molokai; AM	Meeting notes
201	Enforcement provisions	Restrictors before water shut off	Molokai; PM	Meeting notes
202	Enforcement provisions	Yes, reasonable. We pay the lowest rates. This is common sense	Molokai; PM	Meeting notes
203	Enforcement provisions	60 days seems too short to shut off water. Need time for payment plan. Maybe consider 90-120 days	Molokai; PM	Meeting notes
204	Enforcement provisions	10-4-81 Delinq shut off & coll. (j) six _____ (?)	Molokai	Green sheets
205	Enforcement provisions	Yes, it's reasonable to shut off	Lanai	Meeting notes
206	Enforcement provisions	Community service to "work off" the bill	Lanai	Meeting notes
207	Enforcement provisions	Instead of water shut off, program to work it off	Molokai; 8/24	Meeting notes
208	Enforcement provisions	If farming, exchange of crops comparable to value of the water bill	Molokai; 8/24	Meeting notes
209	Enforcement provisions	Pay fair share	Molokai; 8/24	Meeting notes
210	Enforcement provisions	Approach OHA to partner to assist beneficiaries	Molokai; 8/24	Meeting notes
211	Enforcement provisions	Have customer work it off	Molokai; 8/24	Meeting notes
212	Enforcement provisions	Exchange of value such as produce to credit water bill	Molokai; 8/24	Meeting notes
213	Enforcement provisions	Remediation/appeals process/re-payment plan	Molokai; 8/24	Meeting notes
214	Enforcement provisions	10-4-78 obstructed meter fine--oppose	Molokai; 8/24	Meeting notes
215	Enforcement provisions	Who's going to enforce?	Molokai; 8/24	Meeting notes
216	Enforcement provisions	DHHL hire personnel whose only job is the enforcement payment plan	Molokai; 8/24	Meeting notes
217	Enforcement provisions	Draft rules comparable to the county	Keaukaha	Meeting notes
218	Enforcement provisions	Consider an appeal process when get notice for water shut off	Keaukaha	Meeting notes
219	Enforcement provisions	Social programs for low income families to assist with bill payment	Keaukaha	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
220	Enforcement provisions	Refer family to educational program--budgeting/financial management	Keaukaha	Meeting notes
221	Enforcement provisions	Adjust bill extenuating circumstances (unusual spike in usage)	Keaukaha	Meeting notes
222	Enforcement provisions	Follow the county water system in terms of enforcement	Keaukaha	Meeting notes
223	Enforcement provisions	Unfair and unreasonable to shut off water	Keaukaha	Meeting notes
224	Other	Administration--HHC not chairman 10-4-63	Waimea; PM	Meeting notes
225	Other	10-4-62: apply to all public drinking water systems (per DOH)--PWS--for human water consumption Terminology--be consistent	Waimea; PM	Meeting notes
226	Other	No water for 32 years. DHHL needs to address this need. Why hasn't Makuu been dealt with?	Keaukaha	Meeting notes
227	Public water spigot	don't offer unless system is in green	Kapolei	Meeting notes
228	Public water spigot	for beneficiaries only	Kapolei	Meeting notes
229	Public water spigot	devise system to verify beneficiary status	Kapolei	Meeting notes
230	Public water spigot	non-benef charge them a fee	Kapolei	Meeting notes
231	Public water spigot	location of spigot and access	Kapolei	Meeting notes
232	Public water spigot	Allow use only by homesteaders	Kapolei	Meeting notes
233	Public water spigot	Available pursuant to a time schedule not 24/7	Kapolei	Meeting notes
234	Public water spigot	Does not make sense to cut off water service but then have free water available through spigots	Kapolei	Meeting notes
235	Public water spigot	Unfair to provide water to a lessee who does not pay for their water service	Kapolei	Meeting notes
236	Public water spigot	Needs monitoring of the spigots	Kapolei	Meeting notes
237	Public water spigot	Should be provided free of charge	Kauai; AM	Meeting notes
238	Public water spigot	procedure for ensuring non-beneficiary using spigot	Kauai; PM	Meeting notes
239	Public water spigot	to be managed by some one	Kauai; PM	Meeting notes
240	Public water spigot	limit hours spigot is available	Kauai; PM	Meeting notes
241	Public water spigot	good idea to have spigot	Kauai; PM	Meeting notes
242	Public water spigot	Resource go to beneficiary/priority right (PL)	Kauai; PM	Meeting notes
243	Public water spigot	At the spigot, meter the amount of water used and bill accordingly	Waimanalo	Meeting notes
244	Public water spigot	Should this water be allowed for bathing, and other uses or not?	Waimanalo	Meeting notes
245	Public water spigot	Use a charge card to users of the public spigots	Waimanalo	Meeting notes
246	Public water spigot	Put big sign, "No waste water!"	Waimanalo	Meeting notes
247	Public water spigot	Cost to upkeep spigot and who pays for it	Waimanalo	Meeting notes
248	Public water spigot	Put spigot closer to the homes so homewoners have better access	Waimanalo	Meeting notes
249	Public water spigot	Management of the spigot by the homestead association	Waimanalo	Meeting notes
250	Public water spigot	Access for drinking water only, not car washing, bathing	Waimanalo	Meeting notes
251	Public water spigot	Have a card/key (1 card per lessee)... and unlimited water	Waimanalo	Meeting notes
252	Public water spigot	Because it's "free" no need to monitor	Waimanalo	Meeting notes

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1.	Topic	Comment	Meeting	Method
253	Public water spigot	Find ways to keep costs down	Waimanalo	Meeting notes
254	Public water spigot	Limit amt of water per card/per day	Waimanalo	Meeting notes
255	Public water spigot	The existing spigot was for Honokaia lessees	Waimea; AM	Meeting notes
256	Public water spigot	The Puukapu sysem was supposed to have a spigot, but there was no instruction	Waimea; AM	Meeting notes
257	Public water spigot	"Volume water system" spigot at district office was meant to speed up filling up water for ranchers. Meant for ranchers. Should be both a water spigot & high volume spigot at Puukapu for ranchers. "	Waimea; AM	Meeting notes
258	Public water spigot	There's a spigot in Puukapu but we have no access to it. Morning hours better, no traffic. Issue a key to lessee for 24 hrs access (Puukapu only)	Waimea; AM	Meeting notes
259	Public water spigot	Droughts--spigots made available by DWS only during these times. Puukapu should have access to potable water.	Waimea; AM	Meeting notes
260	Public water spigot	Spigot--inform for water meter	Waimea; PM	Meeting notes
261	Public water spigot	Limit to beneficiaries; enforce spigot so no selling of water	Waimea; PM	Meeting notes
262	Public water spigot	24/7 spigot	Waimea; PM	Meeting notes
263	Public water spigot	Spigot at gate of lot	Waimea; PM	Meeting notes
264	Public water spigot	Spigots should be for all uses	Waimea; PM	Meeting notes
265	Public water spigot	Key to spigot/lessee	Waimea; PM	Meeting notes
266	Public water spigot	Not "public" --delete from entire rules	Waimea; PM	Meeting notes
267	Public water spigot	Kahikinui spigot is governed by County. Will DHHL rules apply? [No]	Maui	Meeting notes
268	Public water spigot	If not paying their bill, having a spigot available defeats the purpose. Should not be allowed to use spigot	Maui	Meeting notes
269	Public water spigot	Meter the usage from the spigot	Maui	Meeting notes
270	Public water spigot	How can. Not no can. Water is a right.	Maui	Meeting notes
271	Public water spigot	Spigot in every homestead.	Maui	Meeting notes
272	Public water spigot	Access to water at spigots must be limited to DHHL beneficiaries	Maui	Meeting notes
273	Public water spigot	Use technology--access code, card--to regulate water taking from spigots; meter the spigots	Molokai; AM	Meeting notes
274	Public water spigot	Usage only by beneficiaries	Molokai; AM	Meeting notes
275	Public water spigot	Support having spigots but must be managed	Molokai; AM	Meeting notes
276	Public water spigot	We're using digital meters...use for spigot to monitor usage	Molokai; PM	Meeting notes
277	Public water spigot	Coin-operated machine	Molokai; PM	Meeting notes
278	Public water spigot	No spigot. Molokai homesteaders have access to water so no need spigot	Molokai; PM	Meeting notes
279	Public water spigot	Spigot come in handy to homestead areas that are leased but no access to water (Kalama'ula)	Molokai; PM	Meeting notes
280	Public water spigot	Spigot will help open other areas that can be used for ag/pastoral	Molokai; PM	Meeting notes
281	Public water spigot	Monitor usage, should be limits	Lanai	Meeting notes
282	Public water spigot	For people who live on the land, not those not on the land	Lanai	Meeting notes
283	Public water spigot	DHHL needs to manage this	Lanai	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
284	Public water spigot	Remote monitoring via cell phone (DHHL water app?)	Lanai	Meeting notes
285	Public water spigot	No spigot to non-beneficiaries	Molokai; 8/24	Meeting notes
286	Public water spigot	Access to a DHHL spigot for those not currently on the DHHL system	Molokai; 8/24	Meeting notes
287	Public water spigot	Provide access to a water truck	Molokai; 8/24	Meeting notes
288	Public water spigot	Limit use to beneficiaries only; not the public	Keaukaha	Meeting notes
289	Public water spigot	Don't do it	Keaukaha	Meeting notes
290	Public water spigot	Put gutters on houses for catchment	Keaukaha	Meeting notes
291	Public water spigot	Spigot for emergency use	Keaukaha	Meeting notes
292	Public water spigot	Location only accessible to beneficiaries	Keaukaha	Meeting notes
293	Public water spigot	Prefer potable water truck instead of spigot	Keaukaha	Meeting notes
294	Rates criteria	incl sewer/not? Don't incl sewage	Kapolei	Meeting notes
295	Rates criteria	more efficiency in energy costs; ops. Costs	Kapolei	Meeting notes
296	Rates criteria	size of household	Kapolei	Meeting notes
297	Rates criteria	type of water use--res., ag,	Kapolei	Meeting notes
298	Rates criteria	DHHL get involved w/counties DWS to address water rates	Kapolei	Meeting notes
299	Rates criteria	look at subsidies, LIHEAP, programs	Kapolei	Meeting notes
300	Rates criteria	Social/economic situation of the area and ability to pay	Kapolei	Meeting notes
301	Rates criteria	Age of the water system	Kapolei	Meeting notes
302	Rates criteria	Presence of ag water systems	Kapolei	Meeting notes
303	Rates criteria	Hardships on 'ohana, on kupuna to have to get their own water if water is shut off; <u>DHHL should shoulder a portion of the cost to operate the 4 water systems</u>	Kauai; AM	Meeting notes
304	Rates criteria	There is a solar plant on DHHL lands that should be used to help address electricity needs of Anahola water system.	Kauai; AM	Meeting notes
305	Rates criteria	What's it gonna take to lower rates --make system more efficient --leak detection --digital registers on the meter	Kauai; PM	Meeting notes
306	Rates criteria	consider # of people consuming water; single-person vs family of 4, 5, +	Kauai; PM	Meeting notes
307	Rates criteria	scale rate structure	Kauai; PM	Meeting notes
308	Rates criteria	KIUC gets "cheap" land and not providing power	Kauai; PM	Meeting notes
309	Rates criteria	too many wells being drawn concern w/non-DHHL well put in	Kauai; PM	Meeting notes
310	Rates criteria	Monitor customer usage, and where usage goes down due to conservation, DHHL provides a credit	Waimanalo	Meeting notes
311	Rates criteria	Prevent waste of water e.g., fix a running toilet	Waimanalo	Meeting notes
312	Rates criteria	Climate change impacts on water availability	Waimanalo	Meeting notes
313	Rates criteria	Educate water conservation	Waimanalo	Meeting notes
314	Rates criteria	Unemployment rates and economic status of our beneficiaries should be considered	Waimanalo	Meeting notes
315	Rates criteria	Solar for all other water systems other than Molokai	Waimanalo	Meeting notes

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1	Topic	Comment	Meeting	Method
316	Rates criteria	Consider economic status of the community (unemployment, fixed income, etc.)	Waimanalo	Meeting notes
317	Rates criteria	Yes, different rates for beneficiary vs. non-beneficiary	Waimanalo	Meeting notes
318	Rates criteria	For non-potable system rates should include consumption. Actual use. Not flat rate.	Waimea; AM	Meeting notes
319	Rates criteria	Agree--Puukapu system rate should be based on consumption	Waimea; AM	Meeting notes
320	Rates criteria	Type of use & lot size could also be included in water rates vs flat rate	Waimea; AM	Meeting notes
321	Rates criteria	In rules, address when/how to assess costs and set rates	Maui	Meeting notes
322	Rates criteria	For rate setting, include future projection of rising costs	Maui	Meeting notes
323	Rates criteria	Are there economic opportunities to more users on the system	Maui	Meeting notes
324	Rates criteria	Build in cost for collection	Maui	Meeting notes
325	Rates criteria	DHHL admin costs for work-out payment plans	Maui	Meeting notes
326	Rates criteria	DHHL future developments	Maui	Meeting notes
327	Rates criteria	Ability to pay	Maui	Meeting notes
328	Rates criteria	Assistance programs for those who can't pay	Maui	Meeting notes
329	Rates criteria	Equal water rates, put all beneficiaries on County water systems under a DHHL water system	Maui	Meeting notes
330	Rates criteria	Put more lessees on the land to help spread the costs of operation of water systems	Maui	Meeting notes
331	Rates criteria	Not trying to take away from the other water system, just want DHHL to provide Maui with its own water systems and off set their current water bills	Maui	Meeting notes
332	Rates criteria	Affordability to lessees; ability to pay	Molokai; AM	Meeting notes
333	Rates criteria	Lower rates for higher volume usage of water even on residential lots	Molokai; AM	Meeting notes
334	Rates criteria	Look at more efficient pumps in CIP improvements--help lower electricity demand	Molokai; PM	Meeting notes
335	Rates criteria	Consider median household income/affordability for homesteaders only	Molokai; PM	Meeting notes
336	Rates criteria	Look up procedures/rates for other water systems, esp County --hook up costs --delinquency	Molokai	Green sheets
337	Rates criteria	Household usage; more you use, more you pay	Lanai	Meeting notes
338	Rates criteria	Changing people's mindset to conserve water	Lanai	Meeting notes
339	Rates criteria	Economic status (limited/fixed income)	Molokai; 8/24	Meeting notes
340	Rates criteria	Health status	Molokai; 8/24	Meeting notes
341	Rates criteria	Increase consumer base	Molokai; 8/24	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
342	Rates criteria	Charge higher/different rate by user customer class	Molokai; 8/24	Meeting notes
343	Rates criteria	Charge to County when they're over pumping resulting in higher chloride levels	Molokai; 8/24	Meeting notes
344	Rates criteria	Return MIS to DHHL. Income generation opportunity	Molokai; 8/24	Meeting notes
345	Rates criteria	Oppose to any increase in water rates	Molokai; 8/24	Meeting notes
346	Rates criteria	Request hearing before proposed rate increase	Molokai; 8/24	Meeting notes
347	Rates criteria	Tiered consumption/usage	Keaukaha	Meeting notes
348	Rates criteria	Not more than county rates	Keaukaha	Meeting notes
349	Rates criteria	Not charge exhorbitant rates just to balance the budget	Keaukaha	Meeting notes
350	Rates criteria	Expand consumer base; sell water	Keaukaha	Meeting notes
351	Rates criteria	Portion of rates goes toward future maintenance, i.e., capital reserve	Keaukaha	Meeting notes
352	Rates criteria	Continue benecificiary consultations when setting rates	Keaukaha	Meeting notes
353	Rates criteria	Beneficiaries directly impacted have more weight in their input than other beneficiairies	Keaukaha	Meeting notes
354	Rates criteria	Discount to beneficiaries with efficient (low flow toilets, etc) appliances/water savers	Keaukaha	Meeting notes
355	Rates criteria	Incentives for water conservation	Keaukaha	Meeting notes
356	Water/Wai	How do we* (beneficiaries) get back and undo the rules that gave the state the rights to the waters (in Hilo) under DHHL lands? Sue the state?	Keaukaha	Green sheets



	A	B	C	D
1	Topic	Comment	Meeting	Method
2	Info in plan	Lease land water to non-beneficiaries, competitive ROI not \$1 year--income	Kapolei	Meeting notes
3	Info in plan	Plan meetings need to be inclusive Growth info, new development Lack of communication w/lessees	Kapolei	Meeting notes
4	Info in plan	Have to live on Hawaii and want another island as an award--award issue	Kapolei	Meeting notes
5	Info in plan	Traffic impact, growth in existing homestead; respect homerue autonomous	Kapolei	Meeting notes
6	Info in plan	Need to ask homesteaders about plannin gcommunity driven plans	Kapolei	Meeting notes
7	Info in plan	Homestead leaders assn involved in plans, multi-meetings	Kapolei	Meeting notes
8	Info in plan	Need info on website focus Advance notice for meeting Update website, make it easy to access info to prepare	Kapolei	Meeting notes
9	Info in plan	Silence is not yes	Kapolei	Meeting notes
10	Info in plan	Questions in advance via mail	Kapolei	Meeting notes
11	Info in plan	Document plan meeting, who etc. Background appendix, back story, context in each, process in plan (required plan)	Kapolei	Meeting notes
12	Info in plan	State clearly + plainly--Consult w/benef's; BC on <u>each step</u> of each plan	Kapolei	Meeting notes
13	Info in plan	Contact person for add'l info on each plan to answer questions	Kapolei	Meeting notes
14	Info in plan	If someone gives up their lease, how can applicants be qualified?	Kapolei	Meeting notes
15	Info in plan	Concept of "quiet enjoyment" of lot in homestead	Kapolei	Meeting notes
16	Info in plan	How will these new rules be implemented--with add'l staff? How much will it cost?	Kapolei	Meeting notes
17	Info in plan	Take info from benef's on doing a new plan--e.g. Nanakuli Ave bikepath	Kapolei	Meeting notes
18	Info in plan	Timelines, stage of development	Kauai; PM	Meeting notes
19	Info in plan	Land swaps proposals	Kauai; PM	Meeting notes
20	Info in plan	Updates, status of projects	Kauai; PM	Meeting notes
21	Info in plan	Green energy Kealia farm lot development Open up lands	Kauai; PM	Meeting notes
22	Info in plan	Update water development	Kauai; PM	Meeting notes
23	Info in plan	<i>DHHL position on County General Plan re: provisional ag &amp; overlay w/DHHL's General Plan</i>	Kauai; PM	<i>Gallery Walk</i>
24	Info in plan	Enforcement (farm lots)	Kauai; AM	Meeting notes
25	Info in plan	Communication w/beneficiaries re:changes	Kauai; AM	Meeting notes
26	Info in plan	Award information changes	Kauai; AM	Meeting notes
27	Info in plan	Directly relate to rehab (ag)	Kauai; AM	Meeting notes
28	Info in plan	Econ, social, educational; lift families	Kauai; AM	Meeting notes
29	Info in plan	Revenue business plan; sust/self-sufficiency; trust sustainability	Kauai; AM	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
30	Info in plan	Youth input in plans, cultural values	Kauai; AM	Meeting notes
31	Info in plan	Input important	Kauai; AM	Meeting notes
32	Info in plan	Buy in complete; act to people's needs, econ, aina, water; people develop outcomes	Kauai; AM	Meeting notes
33	Info in plan	Data for engineering	Waimanalo	Meeting notes
34	Info in plan	Plans should include what DHHL does with empty/vacant lots	Waimanalo	Meeting notes
35	Info in plan	#1 issue is put people in homes or empty lots	Waimanalo	Meeting notes
36	Info in plan	Processes to move quicker to put lessee in empty lot	Waimanalo	Meeting notes
37	Info in plan	Be more expeditious to move people on the land	Waimanalo	Meeting notes
38	Info in plan	Take care of the people	Waimanalo	Meeting notes
39	Info in plan	Before you start plan, look at area and identify vacant lots	Waimanalo	Meeting notes
40	Info in plan	Notification in the newspaper	Waimanalo	Meeting notes
41	Info in plan	Speed up process for vacant lot	Waimanalo	Meeting notes
42	Info in plan	What is the timing of how comments will be incorporated	Waimanalo	Meeting notes
43	Info in plan	We could utilize annual budget reports and contractors on out lands	Waimanalo	Meeting notes
44	Info in plan	Block grants, standardize house cost & include solar to reduce cost of living expenses.	Waimanalo	Meeting notes
45	Info in plan	Credits for renewable energy (Tax credits). Plans should factor in cost of living for beneficiaries and pla to reduce that cost. Help reduce cost.	Waimanalo	Meeting notes
46	Info in plan	Current information of the area, particularly existing infrastructure like roads, traffic.	Waimanalo	Meeting notes
47	Info in plan	Quality of life, hours in traffic	Waimanalo	Meeting notes
48	Info in plan	Plans should include info on admin cost & strategies to curb admin costs, find cost efficiencies/programs to curb costs	Waimanalo	Meeting notes
49	Info in plan	Does DHHL do EIS on all projects? A: comply with Ch 343 as state lands	Waimea; PM	Meeting notes
50	Info in plan	Can't take land and sell to outsiders? Before lands given to outsiders, come consult to beneficiaries first /given to beneficiaries first before others	Waimea; PM	Meeting notes
51	Info in plan	Even if on another island, all trust lands need to go to people on list first or consult w/beneficiaries before issue	Waimea; PM	Meeting notes
52	Info in plan	Does DHHL share thoughts with land use planning with county? DHHL should participate in county planning via rule so services are adequate	Waimea; PM	Meeting notes
53	Info in plan	Communicate with beneficiaries	Waimea; PM	Meeting notes
54	Info in plan	In plans--include info on existing infrastructure	Waimea; PM	Meeting notes
55	Info in plan	Get water from Humu'ula to pastoral lots via plans (Aina Mauna & Reg. Plan)	Waimea; PM	Meeting notes
56	Info in plan	Water going to state park	Waimea; PM	Meeting notes
57	Info in plan	See in future justification for DHHL to develop a certain type of development. i.e. Lalamilo next to rubbish dump--This did not follow plan	Waimea; AM	Meeting notes
58	Info in plan	This is why we need rules	Waimea; AM	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
59	Info in plan	How does State Water Plan fit within DHHL's plans? A; It's in 2d tier Strategic Program Plan & Island Plan	Waimea; AM	Meeting notes
60	Info in plan	Consider weighted criteria in 1st tier and weighted criteria as you go down deeper--go thru process not necessarily put in rules	Waimea; AM	Meeting notes
61	Info in plan	What are you basing decision on, i.e., homestead/not for homestead development so whe we see Lalamilo by the rubbish dump, we know how this happened	Waimea; AM	Meeting notes
62	Info in plan	What is the outcome/overall goal?	Waimea; AM	Meeting notes
63	Info in plan	Before you come out with a draft, we have a conversation with community first. "Top down" approach	Waimea; AM	Meeting notes
64	Info in plan	Methodology used e.g. 600 gals Puukapu water Outcomes/end results--objective of the plan/intention Evaluation of a prior plan period Validation of a change e.g. Island plan--reflect on how external plans impact (re: above: maybe not for Gen Plan, but certainly all other plans) Relate/reference & coordinate DHHL plans w/external plans	Waimea; AM	Meeting notes
65	Info in plan	How to find out about the plan? [website; district office; request to planning office]	Maui	Meeting notes
66	Info in plan	How does authority come to DHHL? [HHCA before County; authority to zone lands]	Maui	Meeting notes
67	Info in plan	Mission to manage lands for native Hawaiians effectively [purpose of planning systems rules read]	Maui	Meeting notes
68	Info in plan	Housing is such a crisis so partner with others--County collaboration; tiny homes	Maui	Meeting notes
69	Info in plan	Do water rights trump other rights? [question to water systems]	Maui	Meeting notes
70	Info in plan	Codify in the rule how to implement plan with on-island staff	Maui	Meeting notes
71	Info in plan	Make sure rights in constitution included in Planning System	Maui	Meeting notes
72	Info in plan	Plans should have quantifiable goals, timeline, and watchdog process	Maui	Meeting notes
73	Info in plan	Enforcement of rules by review process at end of each year to see what has been achieved of quantifiable goals	Maui	Meeting notes
74	Info in plan	Include goals and objectives that are met or unmet	Maui	Meeting notes
75	Info in plan	Planning and budget linkage	Maui	Meeting notes
76	Info in plan	Link water in plans	Maui	Meeting notes
77	Info in plan	Get back to Act--more then land to build houses Homes Ag Merchantile	Maui	Meeting notes
78	Info in plan	Document to synthesize so info will allow beneficiaries to make decisions	Maui	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
79	Info in plan	Urgency built in the plan	Maui	Meeting notes
80	Info in plan	Planned community dev statewide on each island	Maui	Meeting notes
81	Info in plan	How are general leases reflected in the plan	Maui	Meeting notes
82	Info in plan	Need water for Maui	Maui	Meeting notes
83	Info in plan	Recognize crappy land so consider purchase of land	Maui	Meeting notes
84	Info in plan	Common sense with land because of cost	Maui	Meeting notes
85	Info in plan	Renewable energy on land not usable--solar not windmills	Maui	Meeting notes
86	Info in plan	Infrastructure that makes sense & conducive to the area	Maui	Meeting notes
87	Info in plan	Beneficiary input with knowledge to develop smaller	Maui	Meeting notes
88	Info in plan	Design to topography (i.e. not like Waiohuli)	Maui	Meeting notes
89	Info in plan	Water catchment where there is water in Waiohuli or areas unusable	Maui	Meeting notes
90	Info in plan	Marginal lands used for something more feasible like water & renewable energy	Maui	Meeting notes
91	Info in plan	Look at lands in Island Plan process	Maui	Meeting notes
92	Info in plan	Knowledgeable staff	Maui	Meeting notes
93	Info in plan	Consult knowledgeable people	Maui	Meeting notes
94	Info in plan	On-island land planner/land manager	Maui	Meeting notes
95	Info in plan	Strategic plans to keep up with each generation	Maui	Meeting notes
96	Info in plan	Generational planning--9 going forward	Maui	Meeting notes
97	Info in plan	Succession planning	Maui	Meeting notes
98	Info in plan	Zoning & who goes where	Maui	Meeting notes
99	Info in plan	Plan should guide budgeting	Maui	Meeting notes
100	Info in plan	Which generation where property taxes come into play	Maui	Meeting notes
101	Info in plan	Property taxes in planning process	Maui	Meeting notes
102	Info in plan	Plans to take care of homeless/houseless native Hawaiians & those in jail	Maui	Meeting notes
103	Info in plan	Eats & Sheets facility by DHHL or homestead associations	Maui	Meeting notes
104	Info in plan	DHHL has land as key element to address homeless native Hawaiians	Maui	Meeting notes
105	Info in plan	Cadre of educated native Hawaiians to buy land, need to give authority with UI to hui capital & design community	Maui	Meeting notes
106	Info in plan	Alternative development	Maui	Meeting notes
107	Info in plan	Plans consider land in the area near DHHL to empower beneficiaries	Maui	Meeting notes
108	Info in plan	Island Plan identify adjacent properties	Maui	Meeting notes
109	Info in plan	Aggressively pursue land use authority	Maui	Meeting notes
110	Info in plan	Plan by area/ahupuaa, not just DHHL land, & use zoning or condemnation & access to capital	Maui	Meeting notes
111	Info in plan	Planning system to keep in mind rehabilitation	Maui	Meeting notes
112	Info in plan	Purpose is faithful application of distribution of land to native Hawaiians and let them figure it out	Maui	Meeting notes
113	Info in plan	Purpose statement should be: result in Hawaiians on the land/with the land	Maui	Meeting notes
114	Info in plan	Don't plan for the sake of planning	Maui	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
115	Info in plan	DHHL does stuff without Molokai knowing--land exchange--sharing information before it happens	Molokai; AM	Meeting notes
116	Info in plan	Water information so you know when that area is going to be developed	Molokai; AM	Meeting notes
117	Info in plan	Island Plans should look at county plan for adjacent areas	Molokai; AM	Meeting notes
118	Info in plan	RP's womb to tomb--look at entire lifespan of beneficiaries on homestead. Youth, health, education, recreation. Lifelong needs of lessees--cover in plan	Molokai; AM	Meeting notes
119	Info in plan	Cemetery for Kapaakea--all aspects of our lives	Molokai; AM	Meeting notes
120	Info in plan	What's needed for thriving homesteads	Molokai; AM	Meeting notes
121	Info in plan	Info on Hawaiian Home Lands	Molokai; PM	Meeting notes
122	Info in plan	High cost of housing	Molokai; PM	Meeting notes
123	Info in plan	Concern about county involvement or paying county, like moving of water	Molokai; PM	Meeting notes
124	Info in plan	Concern about king tide and flooding	Molokai; PM	Meeting notes
125	Info in plan	Shoreline erosion and climate change	Molokai; PM	Meeting notes
126	Info in plan	Land getting eaten up and lessees not following rules	Molokai; PM	Meeting notes
127	Info in plan	Main focus for plan is housing	Molokai; PM	Meeting notes
128	Info in plan	Plan to deal with water because affecting kupuna who want to subdivide	Molokai; PM	Meeting notes
129	Info in plan	Land available on Molokai like Ualapue	Molokai; PM	Meeting notes
130	Info in plan	Water being drawn from the same aquifer needs to be addressed	Molokai; PM	Meeting notes
131	Info in plan	Preserve the right of kupuna with subdivision of lots affected because of water	Molokai; PM	Meeting notes
132	Info in plan	Put people on land	Molokai; PM	Meeting notes
133	Info in plan	Lots of homeless on Molokai	Molokai; PM	Meeting notes
134	Info in plan	Housing affordability should be considered	Molokai; PM	Meeting notes
135	Info in plan	Frustrated--like get into houses, onto the land already. Rents keep increasing 4x. Locally owned companies going out of business, getting bought out at inflated process. Regular working people are getting priced out. Economics, how it's affecting the locals. Entrepreneurs, self-employed--want to bring back ohia, ag-related, keep the culture going. Need a place to keep my tools.	Lanai	Meeting notes
136	Info in plan	Hauowai o hauoli--Uncle Sol named for health, wanted to build a hall for youth, gathering place, have people come and teach lei making, lauhala weaving, community center that we don't have to rent, don't have to wait in line. Senior center is just for kupuna Malihini coming with their money. \$2M for aff homes--Co of Maui--by the waste water treatment plant, too close. Ellison has affect on use, people not going to open their waha.	Lanai	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
137	Info in plan	Got the notice too long ago. Needed a reminder. Don't get info from DHHL	Lanai	Meeting notes
138	Info in plan	Need better notification for B.C. reminders, announcements in newspaper, bulletin boards	Lanai	Meeting notes
139	Info in plan	Transfers--people are selling, then going back on the list. Not right. Said it would only be 5 years. Contractor took the money & went to China w/\$ millions. Expensive to get materials to Lanai. County wanted to build portable homes next to HHL--we said no. People have to work 2 jobs, for the co. to afford the mortgage. People are afraid to say anything. People scared that there'll be consequences.	Lanai	Meeting notes
140	Info in plan	Sufficient infrastructure--when it was done, thought it was sufficient but now it's not. Changed Kalamaula from pastoral to homestead, ag to res--now it's not sufficient. Should take care of existing while planning for future	Molokai; 8/24	Meeting notes
141	Info in plan	Plans for ag lots should include drinking water and ag water	Molokai; 8/24	Meeting notes
142	Info in plan	Look at smaller lot sizes for ag homestead	Molokai; 8/24	Meeting notes
143	Info in plan	Take out the County; DHHL should enforce, not the County	Molokai; 8/24	Meeting notes
144	Info in plan	Look at getting all future development on to homestead water systems	Molokai; 8/24	Meeting notes
145	Info in plan	Make it clear that it's all DHHL kulenan--everyone else out of the picture	Molokai; 8/24	Meeting notes
146	Info in plan	Beneficiary consultation should be part of general lease negotiation	Molokai; 8/24	Meeting notes
147	Info in plan	Which islands does the general lease rent go to?	Molokai; 8/24	Meeting notes
148	Info in plan	Beneficiary consultation should be based on impacts	Molokai; 8/24	Meeting notes
149	Info in plan	General lease negotiation should include an earmark for the island it's on	Molokai; 8/24	Meeting notes
150	Info in plan	Land exchanges should benefit the island giving up the land	Molokai; 8/24	Meeting notes
151	Info in plan	Better outreach and transparency on all projects and changes big or small	Molokai; 8/24	Meeting notes
152	Info in plan	Analyze impacts of development up mauka on folks down below	Molokai; 8/24	Meeting notes
153	Info in plan	How is what you're proposing to do going to affect the homesteads already there?	Molokai; 8/24	Meeting notes
154	Info in plan	Older subdivisions don't have adequate infrastructure--how will it be affected by new development?	Molokai; 8/24	Meeting notes
155	Info in plan	Kapaakea Cemetery	Molokai; 8/24	Meeting notes
156	Info in plan	Gotta look at water source--is there going to be enough? How much is it going to cost?	Molokai; 8/24	Meeting notes
157	Info in plan	Why should you have to qualify for a loan in order to get an award? Blood quantum should be enough	Molokai; 8/24	Meeting notes
158	Info in plan	DIY building should be ok. --County codes make it hard	Molokai; 8/24	Meeting notes
159	Info in plan	Support special area plans for wahi pana; include Moomomi	Molokai; 8/24	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
160	Info in plan	How we going to get MIS back to DHHL--need a plan for that; it makes money	Molokai; 8/24	Meeting notes
161	Info in plan	Make process to get licenses easier for beneficiaries	Molokai; 8/24	Meeting notes
162	Info in plan	Info on available parcels, priority for beneficiaries to use	Molokai; 8/24	Meeting notes
163	Info in plan	Issues of "selling" leases--should return; address transfer	Molokai; 8/24	Meeting notes
164	Info in plan	Discuss issues of enforcement of lease consitions	Molokai; 8/24	Meeting notes
165	Info in plan	Show original plans for each area	Molokai; 8/24	Meeting notes
166	Info in plan	Beneficiaries should be a priority in the planning process	Molokai; 8/24	Meeting notes
167	Info in plan	Disconnect between planning and Molokai beneficiaries--need to strengthen the connection	Molokai; 8/24	Meeting notes
168	Info in plan	Need to look at economic development--beneficiaries participate in Kalaupapa--more communication and consultation by DHHL for Kalaupapa	Molokai; 8/24	Meeting notes
169	Info in plan	Ad-hoc committees, advisory, volunteers in community advising DHHL	Molokai; 8/24	Meeting notes
170	Info in plan	Need more funding for HHAs; advisory committee for each island; HHC'er	Molokai; 8/24	Meeting notes
171	Info in plan	Only Molokai issues when HHC meets on Molokai; only once a year	Molokai; 8/24	Meeting notes
172	Info in plan	Beneficiaries are principal partners in the planning--central voice, others benefitting, our voices not being heard. You gotta listen to what we're saying.	Molokai; 8/24	Meeting notes
173	Info in plan	Deal with vacant land not awarded--put people on the land. People renting out their homesteads--need to enforce	Molokai; 8/24	Meeting notes
174	Info in plan	People not residing, letting their kids live on the homestead	Molokai; 8/24	Meeting notes
175	Info in plan	Need a plan for sea level rise, relocation	Molokai; 8/24	Meeting notes
176	Info in plan	Working together to have a bigger voice--Hawaiian-serving orgs-need better partnerships	Molokai; 8/24	Meeting notes
177	Info in plan	Replicate Kulana OIwi on every island. Bring services to HHL	Molokai; 8/24	Meeting notes
178	Info in plan	See what happened in past and what not completed (previous activities and status progress report)	Keaukaha	Meeting notes
179	Info in plan	Beneficiary consultation has weight and importance to it; this is what beneficiaries felt is important--feedback from beneficiaries on what is the priorities/most pressing	Keaukaha	Meeting notes
180	Info in plan	DHHL has in the past empower communities to do economic development with little resources (i.e., Kulia)--new programs/plans should have funding tied to policies and plan implementation	Keaukaha	Meeting notes
181	Info in plan	Definitions are broad and leave room for interpretation--should be more specific	Keaukaha	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
		In transition of administrations, find out how to implement revocable permit priority projects --How does DHHL kokua beneficiaries in planning process and implementation --Include spending policy of trust funds and how beneficiaries get involved/have say		
182	Info in plan		Keaukaha	Meeting notes
183	Info in plan	Time period for implementation	Keaukaha	Meeting notes
184	Info in plan	Think rules for planning is great	Keaukaha	Meeting notes
185	Info in plan	Review of all HAR; some things are missing	Keaukaha	Meeting notes
		Where are beneficiaries in the DHHL planning system? --Our input is never "steady" with dept--do consult but then plans change --Must consult beneficiaries in developing plans		
186	Info in plan		Keaukaha	Meeting notes
187	Info in plan	Region-specific consultations--spearhead/establish that	Keaukaha	Meeting notes
188	Info in plan	Plans need to include needs of the beneficiaries--existing and applicants	Keaukaha	Meeting notes
189	Info in plan	Regional plans--should incorporate water and land use; to develop more homesteads and generate \$\$	Keaukaha	Meeting notes
190	Info in plan	Trust lands--every beneficiary has a say <u>BUT</u>	Keaukaha	Meeting notes
191	Info in plan	Specific issue raised by specific community, then specific beneficiary consultation	Keaukaha	Meeting notes
192	Info in plan	Any conservation land use designation? Who makes decision? Why?	Keaukaha	Meeting notes
		100 people never come to Makuu; drugs in community; I'm enforcing. PS--should <u>determine</u> /enforce lack of use of homesteads		
193	Info in plan		Keaukaha	Meeting notes
		Issue with county CDP/GP are law (lawsuit in Kona) --currently includes DHHL lands; but should distinguish DHHL's land use authority --amend charter--except HHL --"not applicable" on plans at Hawaii County		
194	Info in plan		Keaukaha	Meeting notes
		Definitions in plans--who plans <u>will</u> benefit --who <u>will not</u> benefit? Depending on this, then determine level of beneficiary consultation		
195	Info in plan		Keaukaha	Meeting notes
		Has lease rules; but DHHL not enforcing --How can we help?--may have issues/implication with land use decisions and implementation		
196	Info in plan		Keaukaha	Meeting notes
197	Interim changes	Yes, allow changes	Kapolei	Meeting notes
		Circumstances change. Public no say, only chair or beneficiaries. Need input by lessees.		
198	Interim changes		Kapolei	Meeting notes
199	Interim changes	Side/Nanakuli valley access--beneficiary impact	Kapolei	Meeting notes
200	Interim changes	Beneficiaries if affected, could be both	Kapolei	Meeting notes
201	Interim changes	Directly impacted beneficiaries should have voice	Kapolei	Meeting notes
202	Interim changes	Beneficiary & chair--no general public	Kapolei	Meeting notes
203	Interim changes	Associations need rules to speak for beneficiaries	Kapolei	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
204	Interim changes	Need to be fiscally responsible re: change must inform beneficiaries, note trust obligation 80/20 logic	Kapolei	Meeting notes
205	Interim changes	If someone has a good idea	Kapolei	Meeting notes
206	Interim changes	Should be regular (every 5 years) review of plans, then benef's should vote. 10 yrs GP/5 years tier 2 + 3	Kapolei	Meeting notes
207	Interim changes	Take out "and the general public"	Kapolei	Meeting notes
208	Interim changes	Just chair + benef's	Kapolei	Meeting notes
209	Interim changes	Not like OHA--just benef's	Kapolei	Meeting notes
210	Interim changes	Elected officials	Kapolei	Meeting notes
211	Interim changes	Beneficiaries & public	Kauai; PM	Meeting notes
212	Interim changes	Beneficiaries priority	Kauai; PM	Meeting notes
213	Interim changes	Any changes need BC	Kauai; PM	Meeting notes
214	Interim changes	Only beneficiaries	Kauai; PM	Meeting notes
215	Interim changes	If affects general public then they should be informed	Kauai; PM	Meeting notes
216	Interim changes	Changes [illegible] Wailua How to initiate land use change ex more homesteads	Kauai; PM	Meeting notes
217	Interim changes	Lot size and affordability need ADU, restrictions, uniformity	Kauai; PM	Meeting notes
218	Interim changes	STP if you build homesteads Need best quality reduce impact Energy efficiency, R-1 water	Kauai; PM	Meeting notes
219	Interim changes	Mainland applicant file application	Kauai; PM	Meeting notes
220	Interim changes	Open to public	Kauai; PM	Meeting notes
221	Interim changes	STP concern 10K homes impact Concern capacity, DHHL STP	Kauai; PM	Meeting notes
222	Interim changes	County swap--need DOI	Kauai; PM	Meeting notes
223	Interim changes	Beneficiary--define	Kauai; AM	Meeting notes
224	Interim changes	Communication to make changes	Kauai; AM	Meeting notes
225	Interim changes	Kupuna, 10 people, Hawaiian people, no blood quantum, no Hawaiians	Kauai; AM	Meeting notes
226	Interim changes	Applicants, successors, equal to lessee	Kauai; AM	Meeting notes
227	Interim changes	Beneficiaries only should make changes	Waimanalo	Meeting notes
228	Interim changes	Anyone of Hawaiian ancestry	Waimanalo	Meeting notes
229	Interim changes	25% successors should have decision making power	Waimanalo	Meeting notes
230	Interim changes	Any Native Hawaiian regardless of quantum	Waimanalo	Meeting notes
231	Interim changes	What happens eventually if people are less than 1/32?	Waimanalo	Meeting notes
232	Interim changes	Plans should include info vacant lots, a map of vacant lots. Share that info.	Waimanalo	Meeting notes
233	Interim changes	The public shouldn't have input. Limit to beneficiaries.	Waimanalo	Meeting notes
234	Interim changes	Those who live in homestead households.	Waimanalo	Meeting notes
235	Interim changes	How do you know the person is a beneficiary? Need process to verify	Waimanalo	Meeting notes
236	Interim changes	Do these changes happen often?	Waimanalo	Meeting notes
237	Interim changes	New technologies should warrant changes	Waimanalo	Meeting notes
238	Interim changes	Public shouldn't have input on when to change plans. Should be native Hawaiians as specified in the act. HHCA.	Waimanalo	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
239	Interim changes	What about Hawaiians living on mainland?	Waimanalo	Meeting notes
240	Interim changes	Follow definition in the HHCA.	Waimanalo	Meeting notes
241	Interim changes	All changes should go through beneficiary consultation	Waimanalo	Meeting notes
242	Interim changes	Beneficiary consultation should include questionnaire	Waimanalo	Meeting notes
243	Interim changes	What is an interim change? Doesn't mean temporary	Waimanalo	Meeting notes
244	Interim changes	Anything that affects land assets	Waimanalo	Meeting notes
245	Interim changes	Shorter time frames. Reports on progress within the time frame of plan. Make public.	Waimanalo	Meeting notes
246	Interim changes	20 year plan ok. If logical, then change.	Waimanalo	Meeting notes
247	Interim changes	Everybody that lives on Hawaiian Homesteads	Waimea; PM	Meeting notes
248	Interim changes	Applicants, lessees, homestead associations, beneficiary organizations	Waimea; PM	Meeting notes
249	Interim changes	#2--yes, interim changes; beneficiary orgs/hmstd assoc doing work in community Update when projects complete or no longer valid Community part should be allowed to change	Waimea; PM	Meeting notes
250	Interim changes	Can beneficiaries/communities generate revenue?	Waimea; PM	Meeting notes
251	Interim changes	Methodology used e.g. 600 gals Puukapu water Outcomes/end results--objective of the plan/intention Evaluation of a prior plan period Validation of a change e.g. Island plan--reflect on how external plans impact (re: above: maybe not for Gen Plan, but certainly all other plans) Relate/reference & coordinate DHHL plans w/external plans	Waimea; AM	Meeting notes
252	Interim changes	8 years instead of 5 years	Waimea; AM	Meeting notes
253	Interim changes	Circumstances when land use changes, i.e., county temp dump next to Lalamilo homestead	Waimea; AM	Meeting notes
254	Interim changes	Any interim change to any plan that previously went thru BC, needs to (again) go thru BC	Waimea; AM	Meeting notes
255	Interim changes	Consider criteria (i.e., health/safety, etc) then an interim change may be considered/move forward--flip side: an opportunity comes up, define "opportunity" Incl. the same language that's in the proposed rule To further homestead development; example of specific/explicit criteria DHHL sustainability Opportunities consistent w/Gen Plan	Waimea; AM	Meeting notes
256	Interim changes	Minimum number of beneficiaries when public requests interim changes	Maui	Meeting notes
257	Interim changes	Shouldn't have interim changes	Maui	Meeting notes
258	Interim changes	Interim changes require beneficiary consultation	Maui	Meeting notes
259	Interim changes	Time frame too long	Maui	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
260	Interim changes	Shorter time frame for Tier 2 & 3 plans-- Tier 3 every 4 years; Tier 2 every 7 years with review in 5 years	Maui	Meeting notes
261	Interim changes	If member of public, need beneficiary support	Maui	Meeting notes
262	Interim changes	What is the cost and where is money coming from	Maui	Meeting notes
263	Interim changes	Shorter timeframe from 8 years to 5 and no need changes	Maui	Meeting notes
264	Interim changes	Chairman and/or majority of HHC	Maui	Meeting notes
265	Interim changes	Need interim updates on island information, e.g. land exchanges	Molokai; AM	Meeting notes
266	Interim changes	Years move, changes happen, allow interim changes as things progress	Molokai; AM	Meeting notes
267	Interim changes	When we get new land coming into inventory	Molokai; AM	Meeting notes
268	Interim changes	Who: beneficiaries. Commissioner is the process. Propose for Chair	Molokai; AM	Meeting notes
269	Interim changes	Require BC even if Chair initiates it	Molokai; AM	Meeting notes
270	Interim changes	Remove "member of the public." Dangerous to let them decide for us what happens on HHL. Benefits them not beneficiaries	Molokai; AM	Meeting notes
271	Interim changes	Ok for member of the public if there's a beneficiary interest	Molokai; AM	Meeting notes
272	Interim changes	Always come from beneficiaries. It should go through homestead community reps first	Molokai; AM	Meeting notes
273	Interim changes	Beneficiary initiated; beneficiary benefits. BC for everything, even if beneficiary initiated	Molokai; AM	Meeting notes
274	Interim changes	Change is a broad term	Molokai; AM	Meeting notes
275	Interim changes	Surrounding zoning makes changes	Molokai; AM	Meeting notes
276	Interim changes	Should always be a <u>public</u> BC--so everybody is heard. All beneficiaries--opportunity to hear from all the people. Not limited to a certain hui.	Molokai; AM	Meeting notes
277	Interim changes	Face to face is best	Molokai; AM	Meeting notes
278	Interim changes	Multiple ways to provide testimony	Molokai; AM	Meeting notes
279	Interim changes	Beneficiaries should be able to initiate changes	Molokai; PM	Meeting notes
280	Interim changes	Be aware of changes & impact	Molokai; PM	Meeting notes
281	Interim changes	Should be beneficiaries	Molokai; PM	Meeting notes
282	Interim changes	Children take part from generation to generation	Molokai; PM	Meeting notes
283	Interim changes	Circumstance is getting people on the land and high cost of housing	Molokai; PM	Meeting notes
284	Interim changes	Applicants should have voice or input	Molokai; PM	Meeting notes
285	Interim changes	Non-beneficiaries should not have a say	Molokai; PM	Meeting notes
286	Interim changes	Living on the homestead & those applying	Molokai; PM	Meeting notes
287	Interim changes	Any valid change like needs	Molokai; PM	Meeting notes
288	Interim changes	Yes, allow interim changes	Lanai	Meeting notes
289	Interim changes	Chair shouldn't be allowed to initiate changes alone--HHC approval. Also check with Ags	Lanai	Meeting notes
290	Interim changes	Should be a majority of the HHC?	Lanai	Meeting notes
291	Interim changes	Beneficiaries? Lessees--yes. Applicants--not so much	Lanai	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
292	Interim changes	Lessees live in that neighborhood--they would know but applicants should still have say	Lanai	Meeting notes
293	Interim changes	General public--only if they're Hawaiians	Lanai	Meeting notes
294	Interim changes	Not for general public	Lanai	Meeting notes
295	Interim changes	Murdoch--we wanted 100 acres, got 50-something than nothing	Lanai	Meeting notes
296	Interim changes	Yes--whent Lanai ownership changes hands, should do a plan update	Lanai	Meeting notes
297	Interim changes	Now would be the time to change it	Lanai	Meeting notes
298	Interim changes	Plans should be reviewed more often--could be natural disasters, etc. Should look at yearly. Ask beneficiaries if changes are needed	Molokai; 8/24	Meeting notes
299	Interim changes	Use plans to get \$\$ from legislature--needs to be solid	Molokai; 8/24	Meeting notes
300	Interim changes	Priority #1 is water	Molokai; 8/24	Meeting notes
301	Interim changes	Who's going to review the plans yearly? Those most affected	Molokai; 8/24	Meeting notes
302	Interim changes	Yes--allow	Molokai; 8/24	Meeting notes
303	Interim changes	Advisory committee to commission	Molokai; 8/24	Meeting notes
304	Interim changes	Need to have food and drinks at planning meetings	Molokai; 8/24	Meeting notes
305	Interim changes	Beneficiaries as advisory	Molokai; 8/24	Meeting notes
306	Interim changes	Participate in A&M so have a stronger voice	Molokai; 8/24	Meeting notes
307	Interim changes	County had plan that they approved and needs to follow; I don't thing the dept should allow interim changes	Keaukaha	Meeting notes
308	Interim changes	How does DHHL plans and county plans <u>interface/relate?</u> i.e., building set backs; resolving conflicts via rule process	Keaukaha	Meeting notes
309	Interim changes	We will not relinquish any rights by dept, including land use--make that part of the purpose/definitions	Keaukaha	Meeting notes
310	Interim changes	Tired of tossed around between county and DHHL	Keaukaha	Meeting notes
311	Interim changes	Create liaison officer(maybe commissioner)--advocate on behalf of beneficiaries even if not at meeting or in process	Keaukaha	Meeting notes
312	Interim changes	Provide info/technical assistance on technical matters	Keaukaha	Meeting notes
313	Interim changes	District office manager job description with skill set to deal the county/state processes and beneficiaries (issue with dissection/authority)	Keaukaha	Meeting notes
314	Interim changes	Beneficiaries should have say in decisions made on a specific island/community	Keaukaha	Meeting notes
315	Interim changes	What qualifies/justifies for interim changes? --beneficiary driven initiatives --*maybe--carrying capacity (reassess based on infrastructure) --natural disasters	Keaukaha	Meeting notes
316	Interim changes	Before interim changes is made need to consult with beneficiaries	Keaukaha	Meeting notes
317	Interim changes	Only * <u>beneficiary orgs/associations</u> should initiate interim change to plans; no one individual shoud make request	Keaukaha	Meeting notes
318	Interim changes	Create range of updates periods (i.e., 4-8 years, 8-10 years)	Keaukaha	Meeting notes
319	Interim changes	Mahiai St without consultation	Keaukaha	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
320	Interim changes	Why change when plans develop? Go back to Island Plans--priority but not implemented (Lower Piihonua, Humuula)	Keaukaha	Meeting notes
321	Last comments	Look at property tax & get people on the land	Maui	Meeting notes
322	Last comments	Accountability is what planning system provides	Maui	Meeting notes
323	Last comments	Exchange of expectations to improve plans	Maui	Meeting notes
324	Other	Put flier in district office, assoc pres notification of next draft	Waimea; AM	Meeting notes
325	Other	Delete void provision in 10-4-59	Maui	Meeting notes
326	Other	List circumstances for beneficiary consultation--EA, EIS, SMA, or reference any statutory	Maui	Meeting notes
327	Other	10-4-60 should include ad hoc committee of lessees & applicants	Maui	Meeting notes
328	Other	Budget increasing--how is cost capped so money can be for housing	Maui	Meeting notes
329	Other	Legislative strategy to secure sufficient funding for plans	Maui	Meeting notes
330	Other	How do we get people past planning stage Get building inspectors & permits Lenders--loan requires permit process Insurance requirements Start permitting and planning works sub/division [within DHHL] DHHL should be the banker	Maui	Meeting notes
331	Other	DHHL declare lands are sovereign & DHHL declare sovereignty	Maui	Meeting notes
332	Other	What happened to water on DHHL?	Maui	Meeting notes
333	Other	Maui Island Plan in 2004 & need update	Maui	Meeting notes
334	Other	Big General Plan done in 2002	Maui	Meeting notes
335	Other	In all aspects of planning process, beneficiary embedded in process	Maui	Meeting notes
336	Other	Beneficiaries at the table and early in the process	Maui	Meeting notes
337	Other	Communication on priorities and timeframes	Maui	Meeting notes
338	Other	Where does money for commercial land go and get FMV for use of land	Maui	Meeting notes
339	Other	Sovereignty of land would increase value of land	Maui	Meeting notes
340	Other	HHCA governed by US Congress	Maui	Meeting notes
341	Other	HHC must aggressively use authority to address needs of beneficiaries in a timely manner	Maui	Meeting notes
342	Other	DHHL not aggressive enough so need to be more aggressive	Maui	Meeting notes
343	Other	Review and update plans	Maui	Meeting notes
344	Other	Dept help those who cannot afford home by providing loans and construction at low cost	Maui	Meeting notes
345	Other	Land is sovereign	Maui	Meeting notes
346	Other	Mechantile staff on each island	Maui	Meeting notes
347	Other	When was land given for tennis courts in Leialii	Maui	Meeting notes
348	Other	HHC versed with training & orientation of vision & expectations	Maui	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
349	Other	Election of HHC because HHC appointed	Maui	Meeting notes
350	Other	Chairman like EO instead of on HHC	Maui	Meeting notes
351	Other	Some of our kupuna don't have internet--have at DO	Molokai; AM	Meeting notes
352	Request review	No general public	Kapolei	Meeting notes
353	Request review	Concern: associations counting households, need to focus on lessee, household could be non-beneficiary	Kapolei	Meeting notes
354	Request review	Let all community know	Kapolei	Meeting notes
355	Request review	Successors could be included--(may be) classes as general public	Kapolei	Meeting notes
356	Request review	Members of lessee's household could make changes	Kapolei	Meeting notes
357	Request review	Not eliminate public living in homestead	Kapolei	Meeting notes
358	Request review	Commission members ok	Kapolei	Meeting notes
359	Request review	Beneficiaries--ok	Kapolei	Meeting notes
360	Request review	General public--no, but what about elected officials that represent a large number of native Hawaiians	Kapolei	Meeting notes
361	Request review	Ok if a community project gets challenged by beneficiaries--need transparency	Kapolei	Meeting notes
362	Request review	Rentals at Nanakuli Village Center to non-Hawaiians--want to know how that happened. Need transparency in the planning.	Kapolei	Meeting notes
363	Request review	Should not go back on the list if they sell their home--"one bite of the apple." They don't need Hwn homes. Applicants stay in the same place. Revolving door is not ok	Kapolei	Meeting notes
364	Request review	Think of all the things that could happen before you make a decision on complicated situations	Kapolei	Meeting notes
365	Request review	Why are you looking at giving existing lessees bigger lots when there are applicants still waiting? (pastoral)	Kapolei	Meeting notes
366	Request review	Transparency--noticing when a lot is available	Kapolei	Meeting notes
367	Request review	If someone wants to sell, should have to go down the list	Kapolei	Meeting notes
368	Request review	Rule change--need to advertise, even if improvements	Kapolei	Meeting notes
369	Request review	Should have to go back into the inventory--surrender	Kapolei	Meeting notes
370	Request review	HHC, beneficiary, public	Kauai; PM	Meeting notes
371	Request review	Beneficiary	Kauai; PM	Meeting notes
372	Request review	Democratic review	Kauai; PM	Meeting notes
373	Request review	Check emergency project in plan	Kauai; PM	Meeting notes
374	Request review	Tiny homes/ADU/Walawa issues	Kauai; PM	Meeting notes
375	Request review	Beneficiary can initiate review	Kauai; AM	Meeting notes
376	Request review	Applicants must know they are beneficiaries; education needed	Kauai; AM	Meeting notes
377	Request review	Public & beneficiary ok watchdog	Kauai; AM	Meeting notes
378	Request review	Public request ok	Kauai; AM	Meeting notes
379	Request review	All perspectives important	Kauai; AM	Meeting notes
380	Request review	20, 10, 5 plan horizons	Kauai; AM	Meeting notes
381	Request review	Broader information on plans not just HHC mtg	Kauai; AM	Meeting notes
382	Request review	Use lessee orgs to host mts for applicants	Kauai; AM	Meeting notes
383	Request review	Schedule mtg re communities	Kauai; AM	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
384	Request review	Lessees--only	Waimanalo	Meeting notes
385	Request review	DHHL beneficiaries	Waimanalo	Meeting notes
386	Request review	Homestead associations	Waimanalo	Meeting notes
387	Request review	Non-homestead lands should be used for homestead	Waimanalo	Meeting notes
388	Request review	Ben. Consultation is good. Face to face is the best.	Waimanalo	Meeting notes
389	Request review	More regular enforcement of leases	Waimanalo	Meeting notes
390	Request review	Not the public	Waimanalo	Meeting notes
391	Request review	Person of Hawaiian ancestry	Waimanalo	Meeting notes
392	Request review	DHHL beneficiaries	Waimanalo	Meeting notes
393	Request review	Lands not used for homesteading can still be of benefit to beneficiaries	Waimanalo	Meeting notes
394	Request review	Limited to beneficiaries & staf (those who have standing)	Waimea; AM	Meeting notes
395	Request review	Remove gen public in proposed rules--research. Can DHHL do this? & pls follow up/circle bak to us	Waimea; AM	Meeting notes
396	Request review	Wording "public"--govt agency	Waimea; AM	Meeting notes
397	Request review	Maybe doesn't matter who submits an app...as long as BC also still needs to go to HHC for approval	Waimea; AM	Meeting notes
398	Request review	Be consistent if will use "public"	Waimea; AM	Meeting notes
399	Request review	Duly recognized assoc request enforcement	Maui	Meeting notes
400	Request review	Listen to assoc to save money and allow for community dev	Maui	Meeting notes
401	Request review	Voting or veto for this process	Maui	Meeting notes
402	Request review	System for complaint to be acted on	Maui	Meeting notes
403	Request review	HHC act on issue brought to HHC	Maui	Meeting notes
404	Request review	Initiative process for beneficiaries	Maui	Meeting notes
405	Request review	At Tier 3, enforcement path to correct what DHHL doing	Maui	Meeting notes
406	Request review	Revive Act 302 process	Maui	Meeting notes
407	Request review	Implement Act 302	Maui	Meeting notes
408	Request review	Beneficires should have right to create a vote statewide to override input of the public	Maui	Meeting notes
409	Request review	Statewide vote shouldn't be done because other communities shouldn't make decisions for issues impacting an island	Maui	Meeting notes
410	Request review	Gov can smash everything	Maui	Meeting notes
411	Request review	Beneficiary consultation on land exchanges	Molokai; AM	Meeting notes
412	Request review	HHC member--yes.	Molokai; AM	Meeting notes
413	Request review	Beneficiaires--yes.	Molokai; AM	Meeting notes
414	Request review	Member of the public--yes.	Molokai; AM	Meeting notes
415	Request review	Should have to go through beneficiaires. Offended at HHC meeting--non-homesteaders could take up a lot of time on HHC agenda; we only get HHC once a year	Molokai; AM	Meeting notes
416	Request review	Any beneficiary should be able to request	Molokai; PM	Meeting notes
417	Request review	Non-beneficiary should not have a say because this is Hawaiian Home Lands	Molokai; PM	Meeting notes
418	Request review	Lessee should have the voice [for the household on HHL matters]	Molokai; PM	Meeting notes
419	Request review	The ability to subdivide is important issue	Molokai; PM	Meeting notes

	A	B	C	D
1	Topic	Comment	Meeting	Method
420	Request review	Gotta make it right, make it pono, yes, HHC should be able to request	Lanai	Meeting notes
421	Request review	Beneficiaries--same thing--yes. Like the county	Lanai	Meeting notes
422	Request review	Member of the public--no.	Lanai	Meeting notes
423	Request review	Beneficiaires	Molokai; 8/24	Meeting notes
424	Request review	Who enforces that State pays what they're supposed to?	Molokai; 8/24	Meeting notes
425	Request review	Beneficiaries affected by the change	Molokai; 8/24	Meeting notes
426	Request review	DHHL should enforce and regulate	Molokai; 8/24	Meeting notes
427	Request review	Should always have food and drinks at meetings	Molokai; 8/24	Meeting notes
428	Request review	Beneficiaries	Molokai; 8/24	Meeting notes
429	Request review	Ahupuaa o Molokai	Molokai; 8/24	Meeting notes
430	Request review	non-beneficiaries too--good to hear another voice	Molokai; 8/24	Meeting notes
431	Request review	Get orgs together so it's not just on person's agenda	Molokai; 8/24	Meeting notes
432	Request review	DHHL--get out of the state, go back to the feds	Molokai; 8/24	Meeting notes
433	Request review	Need "approval/review" process so at minimum beneficiaires and associations can come back to dept and review plans and resolve conflicts	Keaukaha	Meeting notes

Kua/pw/41 9685



DHHL

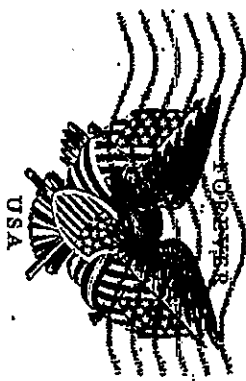
Att. Hokulei Lindsey

PBB 1879

Honolulu HI 96805

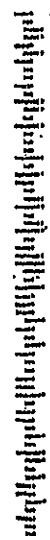
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26 JUL 2017 PM 5 L



DEPT. OF HAWAII  
HOME LANDS  
2017 JUL 28 A 9 08

98805-187979



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Aloha to everyone who is looking out for the best interests of the DHHL BENEFICIARIES.

First of all, I would like for us beneficiaries, staff & employees of DHHL to remember who gave

Us our lands & water & only He (God) owns it. We all have part in being stewards to

what has been given because He sees everything. With that said, I would like to suggest some of my interest in these 2 topics.

DHHL Water System of the island of Molokai.

DHHL KULEANA

1. Is there a water pump up in the mountain that sits on DHHL land? If there is not, than I suggest we put a pump in the highest part of the DHHL mountain land to get water more efficiently & the pumps don't have to work hard pumping water upwards. Most of the water comes from mountains where it rains a lot.
2. Educate the lessees & their family about the water meter & what Kuleana are theirs & the department.
3. I agree to warn & then shut off the delinquent homesteader water pipe if they don't pay, but the rate should change. Commercial, agricultural & pastoral land rates should include the water pumps, pipelines, vehicles, water usage & etc. They have bigger lands, it's a business that profits them, & there is more maintaining. Residential land should be charged only for the maintenance & not the usage of water. The water for residential should be monitored, so we don't go over the maximum usage that is required. When it goes over, than we should pay for the extra water usage.
4. All department staffs should have all the fruit of the spirit of God, (love, joy peace, longsuffering, gentleness, goodness, faith, meekness, temperance), because you were blessed with this job to help. We can't go to any other place, but you (DHHL) to answer our questions for our needs, help, or anything. I work @ a place where I come in contact with customers that are not the same, but I wait, listen, let them finish talking about their concern, and then I addressed it until we have it solved. It is not easy most days, but we wanted the job.
5. DHHL should not sell, borrowed it out, or give any water to anyone other than Homesteaders.
6. Why was Kalamaula mauka residential? There are boulders, rocks, rocks, rocks, & more rocks. If that was the plan, I think DHHL should've the big machines to clear the land to where we can plant grass & plants, and make use of the rocks to build stonewall for the homesteaders (Pile it up one place).
7. DHHL should supply machines to help residential homesteaders out.
8. DHHL should make everything transposed before anything that will affect the beneficiaries. Shouldn't let outside entities or groups dictate us. We were given gifts to us because we humbly ask, not for power, greed, or evil. We live in our homes to enjoy family, friends, & to pass it on to our children. We need water to drink, bathe, drink for our plants & much good use, not for swimming pool that takes up to much water. It looks like we who was born & still live here have to be the conservative one, yet those who come here don't understand the meaning of content & thankful, but here to make money, money, money, sell & abuse our resources, don't have to work, want to change the living here, & go back where their real home is & spend the money there.

EXHIBIT F

9. I would think that homesteaders don't ask for much, but to trust those that would help us to follow the rules that is for everyone equally & not favoritism. In the best interests for us our children, our children's children & so on. Enough has been taken away, so help us to preserve & to put to use what God has given us.

#### DHHL PLANNING SYSTEM

1. In each Homestead community there should be the BEST playground for our children from 4yrs-17yrs old.
2. In each Homestead community there should be a FULL hall or center with everything, parking included.
3. I believe that we are richly blessed in money, only if we go get it, so our plans can go.
4. When we get awarded or we get monies, that should be for fixing up, improvements, checking off the do list, and not for staff. You need to wait in line just as everything else, and you are getting paid already.
5. The plans should accommodate beneficiaries & not be costly to use.
6. We pay a lot already, so having our own land to build the resources for the beneficiaries will help us to enjoy and not have to pay.
7. LANDS are very special to us & the lands that are leased should be able to pay for our necessities.
8. Just make sure that the planning is what we beneficiaries want, & not what the government want to sign. I mean we are the beneficiaries that are affected.

*Mahalo*

[REDACTED]

*Mahalo again to the Kalani Oia Haka  
& Conference Room on*

*Nowhere*

EXHIBIT F

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

July 1, 2017

MEMORANDUM

To: Hokulei Lindsey, DHHL Administrative Rules Officer

From: [REDACTED], Beneficiary and Homestead Lessee

Subject: COMMENTS ON DHHL PROPOSED WATER SYSTEM RULES

Aloha and thank you for providing a copy of the subject draft rules for comment.

The proposed rules were complex and lengthy, covering many aspects of the system and different circumstances. I appreciated the fact that it conveyed to the reader how serious water system operations are to human life and public health. We sometimes forget how easily the water we drink can be contaminated, disrupted, or more costly if we don't follow the rules. This means it can be an inconvenience and may cost us money. But maintaining the integrity of the system for the good of all consumers is priority.

My more specific comments:

- I noticed that the proposed rules for Water Service Rates is procedural, offering no direction in how rates would be determined. Consider the possibility of including rates in the rules, rather than having to deal with this issue every time the resolution needs to be re-approved. To me, the issues are fairly straightforward.
- Beneficiary consumers on each island should pay the same as other beneficiaries on the same island's County water systems. This seems equitable and will help support our water systems, though subsidies are still needed.
- Non-Beneficiary consumers should be allowed on our systems when there is an "excess" of water capacity, but they should pay the actual cost to DHHL to deliver the water plus an additional percent to eventually replace the system and defray overall water system costs. N Molokai, for example, this might be \$8.00 per thousand gallons. In some cases, the number of consumers (relative to water system capacity) is so low; we should add more consumers/demand to cover system costs.
- Beneficiary farm and ranch homestead lessees who do not have access to State irrigation water should have access to DHHL water and with water rates

10/15/2017

EXHIBIT F

which provide incentives for them to farm and ranch.

- There should be a section on water conservation with incentives to encourage consumers to save water.
- There should be some mention of part of the fees being set to eventually replace the water systems. In our use of USDA funds for Molokai, for example, we will have to pay back part of the construction cost.

  
Kapolei, HI 96707

June 30, 2017

MEMORANDUM

To Hokulei Lindsey, DHHL Administrative Rules Officer  
Office of the Chairman

From: [REDACTED] Beneficiary and Homestead Lessee

Subject COMMENTS ON DHHL PROPOSED PLANNING SYSTEM RULES

Aloha, Hokulei, and thank you for transmitting a copy of the proposed rules for my review and comment.

-51 Purpose

Add language to mention the trust responsibilities we have and our responsibility to the trust - that is, to ensure this perpetual trust to benefit beneficiaries, now and in the long term, as well as the sustainability of the trust itself.

Add language to show the planning system is goal and results driven. Words like "comprehensive, consistent, and collaborative" seem bureaucratic and lacking action.

-52 Definitions

Under "Implementing Actions" add language regarding legislation and program work plans.

-54(c) Adoption and Amendment - Interim Amendments

The proposed language allows interim amendments to be requested by the Chairman, Department (I assume by the DHHL Planning Director), and any beneficiary or member of the public.

Unlike County General, Development, and Land Use Ordinance/Zoning plans which seek to manage public and private lands, Hawaiian home lands are public lands owned by the State of Hawaii. The HHC has total control over the terms for use of Hawaiian home lands. The HHC has broad discretion and many more tools available as the landowner to promote and manage use of its land.

EXHIBIT F

The amendment requests, both the substance and process, are complex, costly, and lengthy. They require data and analysis at a level similar to that conducted for master plans and environmental assessments. The data and analysis must take into account the interests of the perpetual trust, its homestead lessees and applicants, other native Hawaiians, now and in the long-term, specific and big picture. Past island plan amendments (like West Hawaii, Anahola) have involved consultant assistance, cost more than \$25,000, are likely to take 6 - 12 months with consultation, and involve considerable staff time.

Do we want to set up a system where anyone can request a land use change over any property, triggering a lengthy and costly review, even when they have no property interest?

Should the Department "bundle" requests over a period of time and initiate a large-scale interim review?

Should requests be limited to those with a property interest (like a lease or license) or to property with no property interest (like vacant unencumbered land)?

How do we ensure that the proper level of data and analysis takes place so the HHC can conduct an orderly review and act?

Should we limit interim amendments of Tier 2 and 3 to comprehensive reviews (every 8 years), unless it is urgent and time is of the essence?

-54(d) Consistency and Conflict

Add a section on the need to consider other State and County Plans.

-55 General Plan (Tier 1)

Add: Establish criteria to identify lands for cultural and natural resource use and protection.

Add: Policies, priorities, and results to achieve through program plans.

-58(a) Add: legislation

-60 Beneficiary Consultation

(c) Consultation Methods - Add: At a minimum, beneficiary consultations will be posted on the DHHL website.

On a related note, I wanted to encourage you to make the draft Planning System rules available to a wider group for review and comment. As a State department with exclusive control over 203,500 acres and program initiatives, HHC decisions affect the Counties and other State agencies in supporting their work (or not). More importantly, DHHL seeks their cooperation and support of our initiatives. We often receive helpful comments from them. Consider sending copies or having a review session with:

State Agencies, especially planning or facilities sections in:

- Transportation
- Education
- Land and Natural Resources
- Agriculture
- Office of State Planning

County Agencies:

- Planning and Permitting
- Public Works

Planning Organizations

- American Planning Association, Hawaii Chapter

Past HHC Chairmen who have hands-on experience of managing collective and long/short term interests

- Ray Soon (also a professional planner)
- Kali Watson
- Micah Kane

Local Planning Firms with a working history with DHHL

- PBR Hawaii
- G70 (Kawika McKeague)
- HHF Planners (David Curry)
- Past PBR Planner Scott Abrigo (now at KS)



[REDACTED]

DHHL Proposed changes to the Hawaiian Home Lands Administrative Rules:  
Proposed Planning System Rules and Proposed Water System Rules: Beneficiary Consultation

Consultation provided by [REDACTED] on 7/6/17 at DHHL Kuhio Hale

Aloha my name is [REDACTED]. I am here to give input as a lessee and beneficiary of the Department of Hawaiian Home Lands Puu Kapu Pastoral Homestead Community, regarding the Proposed Planning System Rules and Proposed Water System Rules to the Department of Hawaiian Home Lands Administrative Rules.

I have a 15 acre lease (passed on to me by my mom) located on the upslopes of Mauna Kea, within the Puu Kapu Ahupua'a.

I would first like to acknowledge the efforts made to get to this stage of the DHHL Commission rule making and changes process. I am grateful for the opportunity to provide beneficiary feedback, input and questions today.

I will start by saying I am in support of the DHHL evaluating its Administrative Rules and improving them as needed for the benefit of fulfilling the intentions of the HHC Act for us, its beneficiaries. I find it a proactive, responsible, and sustainable approach that has been long overdue. I hope to see continued follow through of this process and regular and consistent updates and dialogue by the DHHL and with us the beneficiaries, and all other related entities.

After reviewing the proposed changes to the Administrative Rules, Subchapter 4 (Planning System) and Subchapter 5 (Water Systems) I have the following questions and comments that I will share with you at this time. I hope to receive answers, feedback or at least acknowledgment of receipt from the DHHL of my questions and comments, prior to the formal approval and acceptance of these proposed changes.

I will begin with feedback to subchapter 4 proposed changes, Planning System:

**Administrative Rule 10-4-53 General Framework:**

The Department released back in January for public the the State DLNR the July 2016 Advance Final Report of the State Water Projects Plan Update Hawaii Water Plan, Department of Hawaiian Home Lands, prepared for the Department of Land and Natural Resources State of Hawaii, by Fukunaga & Associates, Inc. Where does this plan fall within the planning system? Is it a Tier 2, specificity, was it looked at and considered along with any other similar plans when proposing the changes to the planning system? I feel strongly and recommend that plans as substantial as the State Water Projects Plan need to be included and identified appropriately in relation to the Planning System. There were a lot of methods identified by the DHHL in that Water Projects Plan that are used by the department which should be reviewed for compatibility with the proposed changes in subchapter 4.

**Administrative Rule 10-4-54 (b2) Adoption and amendment procedures:**

The Department is proposing that tier 2 and 3 plans be reviewed every 8 eight years. I feel this is to long of a time period. I would like to ask the Commission to consider a 3-5 year window. To go 8 years between each review period would more likely cause a 10 year actual "action"

[REDACTED]

period, where if reviews are done every 3-5 years, if any action is needed the window to complete such action would be more like the intended 8 years.

Administrative Rule 10-4-54 (c2) Adoption and amendment procedures

The Department is proposing that "upon adoption of tier 2 plans, the commission may concurrently amend the general plan, when appropriate, with applicable policies or maps supported by the tier 2 plan and without additional beneficiary consultation already conducted for the tier 2 plan"

I would like to request and recommend the following additional language be added as an added at the end of that section as an added protection to establish and or maintain a level of trust between the Department and the beneficiary: "or where amendments are not in direct conflict with beneficiary consultation during the initial consultation period of the tier 2 plan."

Administrative Rule 10-4-55 General Plan (tier 1):

This section speaks to a lot of suggested criteria to determine land identification, land use, infrastructure and community facilities or program plan or methodology to develop such standards. I agree with the establishment and use of criteria.

I ask and feel strongly and recommend that this section be expanded to include the establishment of "weighted criteria" and not just criteria. Though this process could add time on the front end, criteria does not create a clear path to follow when it is not weighted in order of priority. Projects resulting from unweighted criteria become very inconsistent and sometimes stop or hit a road block. Processes used throughout that project also become hard to evaluate and measure efficiency. Weighted criteria or the ranking of the criteria should be a joint effort between the DHHL and the beneficiaries. The process may seem burdensome in the beginning, but after the criteria is set and priorities are accepted by all, as best as can be, the work done after to see a project, plan, etc, through is consistent and clear and easily measured and evaluated.

I now move on to my feedback to subchapter 5 proposed changes, Water Systems:

I commend the department for creating this subchapter. It has been long overdue. It is a good starting point.

I ask the Department to evaluate if this subchapter and recommend it should be broken into 2 parts. 1 part being the subchapter 5 which speaks to purpose, administration, definitions and the rest actually be removed from the administrative rules and be combined into an actual Rules and Regulations. These can be universal and then modified by system specific needs. I am concerned that trying to combine the intent of this subchapter and overall guidance the department will follow along with the with the details and more in depth levels of managing the water systems, the process will not work and become over burdensome with requested exceptions or amendments.

As already know by the department and the beneficiaries, the 4 water systems currently owned by DHHL are very different in their make up, type of water system sold and type of distribution system. The details identified in 10-4-65, 66,69,70,71-89 are really more appropriate as rules and regulations to specific systems and may not fit all circumstances "cookie cutter" style for all the different water systems.

[REDACTED]

Also, with EPA rule changes and regulatory compliance requirements, some of the details in these sections may need to be updated or amended or reviewed on a more frequent basis.

**Definitions:**

I am concerned that some of the definitions called out, i.e. Potable Water, Public drinking Water System, are not consistent with that of the Safe Drinking Water Act and will cause confusion and possible conflict with some of the other sections details and requirements. Making it harder to manage this program. I recommend the Definitions be revisited and revised to be consistent with that of the Department of Health Regulation i.e. Potable, Public Water System, Non-Potable etc. This will make it easier for the Department of Hawaiian Home Lands to develop water system rules and regulations and it will make it clearer for their end users and customer (beneficiaries). On a Federal level, The Safe Drinking Water Act literally spells out all types of Community Water Systems and or non-community. The definitions used here should all be consistent, even if non-potable.

**Section 10-4-65 (b) Public Water Spigots**

How does the Department plan to address those hauling water using small portable tanks that are not a permanent tank or set up with an air gap, i.e. those currently hauling out to the Puu Kapu Pastoral that use a hose to fill? I recommend a grandfather clause be considered for those areas who have hauled potable water this way for years to continue allowing this, but I recommend the DHHL install an official stand pipe in place of the hose bib faucet and hose set up in these locations (i.e. West Hawaii District Office). The stand pipe need not be fancy by adequate in height that those filling can pull up under it with their tanks. This in turn allows DHHL the protection it needs of an air gap and does not take away the option of hauling with the smaller containers. As this section is written it implies that anyone trying to haul using those could no longer. This would be of detriment to a lot of beneficiaries.

**Section 10-4-66 Fire Hydrants**

Over all comment. It is not good practice for a water system to allow draw from a hydrant other than for fire purposes. Temporary connections might happen, but the risk of severe water hammers and potential damage to system appurtenances are more likely which increases the cost to maintain such system. I recommend the section be edited to allow for this type of criteria should it need to happen, but this should be highly discouraged and on an emergency need basis.

**Sections 10-4-69-72 Accessing of consumers property, installation of water service, responsibility of equipment, electrical grounding:**

I recommend these sections be revisited for evaluation of consistency and enforceability. In some of the sections it is made clear the responsibility of the consumer, but yet the authority and ownership related to such matter is stated to be that of the Department. As I currently witness now in our system, this makes it very difficult to manage and create standards of operation. This inconsistency creates confusion and finger pointing. These sections also might create conflict with Privacy Acts and Trespassing Laws.

[REDACTED]

In one section 10-4-71 responsibility of equipment

It speaks about disconnecting services if plumbing fixtures or things on the customer end are not to Departments approval, yet in section 10-4-70 Installation of water service the rule states that anything downstream of the meter is the customers responsibility and not any part of the Departments responsibility. This is a direct conflict from one section to the next. This to me causes confusion and a gap on how to enforce any of these items, when there is not a clear consistent delineation of where the Departments responsibility ends and the consumers begins. This is a section better fir for rules and regs and not administrative rules.

Also in these sections, specifically 10-4-71 (e):

The rules imply that the department can access equipment at any time needed without consumer. Have easements been identified, or will easements be addressed, to protect both the consumer and the department from any unnecessary liability issues? I recommend the establishment of easements be done prior to anyone trying to access water system appurtenances on someone's private leased property.

10-4-71 (g) damage to meter from hot water

Though I understand the issue trying to be addressed, I recommend more research be done on this matter to better identify solutions to the issue, maybe a reference to a plumbing code. How will investigation be handled to prove it was an error on the consumer end prior to just holding the consumer responsible? I recommend a detailed process be outlined on how an investigation will be conducted. This is another section that is an item better fit into rules and regs then into the Administrative Rules.

10-4-73 Cross connection control program:

In my opinion this is a good start, but is lacking of a form al plan. It can and should be reviewed again in more detail, prior to acceptance.

This section starts to specify the requirements, but none seem to be enforceable or traceable. I recommend the Department look at stating it clearly that inspections are done once a year and copies of the inspections are due to the department within 44 days of the inspection. This section does have some conflicting guidelines and could be cleaned up after further review. Within this section 10-4/-73 (e): Is the department trying to call out a redundant system? Which is a parallel installation? I recommend this be a matter addressed at construction of a new water system with licensed engineers as it is costly and not normal for residential use, more for hospitals, schools larger users like that. It does not make sense to me to have it in the Admin Rules or Rules and Regs, but I would recommend it be better fit into Rules and Regs.

10-4-73 (o4 and q)Cross connection control program:

Please correct to A "certified backflow tester" as there is actual certifications titled as such for this purpose and recognized by the EPA and Primacy.

There is not a mention of a Certified Backflow Specialist who again is certified to do the inspections and make the determinations of a lot of the applications and non-approved applications this entire section calls out. Again, this makes It very hard to actually implement.

10-4-75 Water Pressure and elevation:

EXHIBIT F

[REDACTED]

Tying this comment back to one I made earlier about clarifying definitions, in a Potable water system (which is a Public Water System and regulated by the Dept of Health) a system is required to maintain system pressures at 20 psi or more. Part of this is because backflow assemblies do not work once pressure drops below 20psi. I recommend that department review this section again, and really look at public water system safe drinking water act rules apply for the systems the Department owns that are regulated. For those that are not, this section makes a little more sense, but then I question the requirement of backflow assemblies when it might be known that certain areas cannot afford pressure to operate the backflow assembly. Again, added unnecessary costs for the consumer and or the department. If the system is deemed a non-potable and the DHHL will run it as such (no regular testing or monitoring of water or backflow assemblies) backflow preventors not be required of the beneficiaries. If these are to be required in non-potable systems as well, then for the safety and protection of all connected to the system, I recommend the department provide the annual testing of the assemblies to ensure they are properly functioning. This is another section that would fit better into rules and regs.

Also, in this section (b) I'd like to request the department look at establishing a rule that if there are X many homes in the same area that do not have adequate pressure that the department make it a part of their construction plan to have booster pumps installed and have the existing language be used for after the fact construction projects where it is a sporadic distribution of no pressure. I would like to see the standard rule be more proactive where the costs can be shared by all and not a burden placed on the individuals because of lack of planning.

Section 10-4-81 (i) Delinquency, shut off and collections:

This is not fair and I feel it should be relooked at. If a service is disconnected and meters removed, there are many variables that come into play. A permanent disconnection, vs a temporary and these should be addressed accordingly and not blanketed.

Section 10-4-84 Unscheduled meter replacement:

I would like to request this section be reviewed once more and that thought be given to allowing at least 1 courtesy call out. This section should be expanded.

Section 10-4-86 Water Charge Adjustment:

I would like to see a actual time frame called out. 30 days or 60 days and not just as is "timely manner". There has got to be a two way street here. In all sections clear time frames are called out when the consumer needs to act or do something, why is it when the Department needs to take action in benefit of the consumer the time frame is loose and called out as "timely manner" there should be a level of assurance and ownership by the department here.

There are a lot of fees and charges called out within this subchapter. I question the reasoning to identify such fees here and the need for these fees, when a properly operated and maintained program is in place, these fees are a part of those contracts and included in the monthly charges. This seems to create more work on the department and potential double charges paid for by the consumer. Again, I go back to whether or not some of this needs to be broken out of the administrative rules and put into a system specific rule and regulation or a tier 2 plan.

I also did not see anywhere in the rules any reference to rate structure study, evaluation and validation. It is a standard practice that should be enforced and fulfilled by the Department every 3 -5 years, not just for the sake of its consumers, but for assurance that the systems can be sustainable long term. This should include an evaluation of operational and maintenance costs plus long term asset replacement and emergency reserves.

[REDACTED]

Thank you for your time and again I commend the department for this big step that has been taken. I look forward to continued communications and dialogue with you.

[REDACTED]

EXHIBIT F

# Fwd: Thoughts on Land Use

[REDACTED]  
Mon 8/28/2017 2:15 PM

To: Lindsey, Hokulei <hokulei.lindsey@hawaii.gov>;

FYI. For the record.

Get Outlook for iOS

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From: [REDACTED]  
Sent: Friday, August 25, 2017 12:56:45 PM  
To: [REDACTED]  
Subject: Thoughts on Land Use

Aloha All,

My schedule was screwed up yesterday with too many meetings. Got to the consultation meeting one hour early kind of exhausted, and thought we were going to be the only ones attending so decided to call it a day, but I got the handout from the HHL office. I will submit something, especially after the Wednesday kukakuka.

The proposed land use changes will be interesting. I think it's important that those on the land realize they have no control on who moves in next to them. However, my main concern is that it doesn't impact on the farmers who are upholding the original intent of the Act. How will the laws be changed related to 'cultivating your land on our own behalf' and '2/3's cultivation', the obligation to farm and its impact on large lots if they don't farm? I realize the water on Molokai cannot sustain large production or many homesteaders using water. The MIS can only serve 2500 acres at the high end, and climate change is increasing per acre water use big time. We used to use 1 acre inch per acre per week as the standard (27,154 gallons). Last summer it was 1 1/2 to 2 acre-inches, and last week it was up to 3 acre inches. There's lots of water now, but with a lot of kona storms in winter, especially from the west, Waikolu doesn't capture the rain and the MIS doesn't get recharged.

I agree on the smaller lots. I just got an email from Kiersten asking how large should a subsistence lot be, and I told her 1-2 acres. The configuration makes a difference, and you want it as close to a square to leave breathing room between lots. Long skinny lots don't provide that. I have 18 3/4 acres and have a hard time farming 3 as a part timer. As a full timer with background and experience in farming, 10 acres would be a real challenge. The one thing I realize is that DHHL can do whatever it wants in regard to land use, lot size, zoning, etc, but with that comes a lot of responsibility/kuleana. Most land use changes go through the gauntlet when moving from the status quo, but DHHL doesn't have to do that if it doesn't want to. As result, it can get innovative but it can also screw up what's already happening there, and this is my concern. If I suddenly have 10 new neighbors downwind from my farm, and they're pissed off at me for making dust on their clothes drying in the wind, life can very contentious with a lot of bad vibes. This has happened to the point where a large farmer was ready to quit. And pigs would have an even bigger impact on air quality. If everyone is on the same page, then no problem, but this is rarely the case especially when you mix traditionally urban dwellers with rural country folk.

If I was in charge and wanted to get people to farm, I would provide tractor service. I see this as a major limiting factor for gardening all the way to production, and hear this all the time and realize this. Few people can afford \$30,000 for even a basic tractor and implement, and this need has come out in

EXHIBIT F

surveys and interviews. By the way the HHL Ag Task Force is still relevant and Alton just brought it up this morning. I have some ideas and can secure a large 100 HP tractor with implements if we can find a driver. Most of the implements are at the DHHL base yard in Hoolehua. Would DHHL want to partner even with a pilot project. To make lessees jump through hoops, only those with an up-to-date farm plan can have access to tractor service. Based on their progression and track record in farming, only limited areas will be cleared; this not to keep your grass down. Gardeners can have access if they attend training and will only have small areas cleared (20X20 or more) to prove their commitment. I can contract homestead farmers on the gardening. Something to think about if you make things happen, especially on Molokai. I guess there's a lot

I understand all the excuses for not farming, but I farmed for 20 years without a tractor but I was driven and wasn't going to let anything stop me from using my aina. I always share in my beginning farmer classes that the major limiting factor in your success as a farmer is YOU!

I know my wife is going to propose Homesteading 101 because she's been harping on this. As a 4th generation Hoolehua homestead farmer, I believe she's on to something. All new homesteaders need to understand the Act, understand their kuleana, and also understand DHHL's kuleana. This is not a paternalist program where DHHL is going to save you and that you're waiting for them to feed you. This can help them create a solid foundation, understand resources available to them, and even create resources to fill gaps in their new community. I think Gigi's leadership training, how well intended will not get committed homesteaders to attend Sat/Sun. Few can commit to this time slot; this is family time and a day of rest.

More to come, especially if I dwell on something for too long.

See you folks next week!

Aloha,



EXHIBIT F

# Beneficiary Consultation Comment on Proposed Admin Rule Changes

[REDACTED]

Mon 7/17/2017 9:28 PM

To: Lindsey, Hokulei <hokulei.lindsey@hawaii.gov>;

**Name**

[REDACTED]

**Applicant or Lessee?**

[REDACTED]

**E-mail**

[REDACTED]

**Comment or Message**

This portion of the definition of Beneficiary Consultation should be omitted as it has no place in the definition. It is a conniving way to place comments from non beneficiary that have a complete different interest and agenda and claim it came from beneficiaries by labeling it "Beneficiary Consultation" Create a separate definition for just consultation as in CFR 43, subsection 47

"and other interested persons as part of the department's or commission's decision making process".

Sent from Department of Hawaiian Home Lands

EXHIBIT F

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]