

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

91-5420 Kapolei Parkway, Kapolei, O‘ahu, Hawai‘i

Monday, December 18, 2017 at 9:30 a.m. to be continued, if necessary, on
Tuesday, December 19, 2017, at 9:00 a.m.

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov, by Saturday, December 16, 2017.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for May 2014, September 2017
- D. Public Testimony on Agendized Items

II. ITEMS FOR DECISION MAKING

A. CONSENT AGENDA

Homestead Services Division

- D-2 Ratification of Loan Approvals (see exhibit)
- D-3 Approval of Consent to Mortgage (see exhibit)
- D-4 Approval of Streamline Refinance of Loans (see exhibit)
- D-5 Approval to Schedule Loan Delinquency Contested Case Hearings (see exhibit)
- D-6 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-7 Commission Designation of Successor to Application Rights of **FRANCIS T. MILLER**, Deceased – Public Notice 2016
- D-8 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- D-9 Approval of Assignment to Leasehold Interest (see exhibit)
- D-10 Approval of Amendment of Leasehold Interest (see exhibit)
- D-11 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-12 Approval of Subdivision, Transfer of a Portion of Lease, Amendment of Lease No. 1638, Lot No. 8, Nanakuli, Oahu – **ALTHEA G. PAIK**
- D-13 Commission Designation of Successor – **JAMES K. CABEBE**, Lease No. 11670, Lot No. UNDV, Kapolei, Oahu
- D-14 Request to Schedule Contested Case Hearing – Authorization to Proceed to Public Notice Under Section 209, HHCA, Due to Nonresponsive Designated Successor(s) (see exhibit)

Land Development Division

- E-1 Approval of Lease Award – James C.T. Repercio
- E-2 Rescission of Homestead Lease Award and Reinstatement of Application - Hanalei M. Terlep, Kaumana, South Hilo, Hawaii

B. REGULAR AGENDA

Office of the Chairman

- C-1 Approval of Recommended Changes to the Draft Administrative Rules for the Water Systems and to Proceed to Rulemaking Under Chapter 91, Hawaii Revised Statutes
- C-2 Approval to Proceed to Beneficiary Consultation for Administrative Rules Related to Declaration of Covenants, Conditions, and Restrictions (DCCR) Communities, Multi-Family Housing, and Rentals
- C-3 Approval of Memorandum of Agreement with the Department of Agriculture Agribusiness Development Corporation Regarding Property in Whitmore, Oahu, TMKs: (1)7-1-002-031 and (1)7-1-002-033
- C-4 Amendment to the 2018 Hawaiian Homes Commission Meeting Schedule

Land Management Division

- F-1 Approval to Issue a Non-Exclusive License as Easement for Driveway and Utility (Water/Sewer) Connections to Gentry KGC, LLC, a Hawaii limited liability corporation Kapolei, Island of O'ahu, TMK Nos.(1)9-1-151:055(por.)
- F-2 Approval to Terminate General Lease No. 293, Kalaeloa Solar One, LLC, Kalaeloa, Island of Oahu, TMK No. (1)9-1-013:118 &119, and to Authorize Chairman to Initiate Redisposition of the Property for a Renewable Energy Project
- F-3 Approval to Issue a Non-Exclusive License as Easement to the County of Hawaii for Public Roadway Access, Maintenance, and Utility Purposes, Pu'ukapu Pasture Lots, Hawaii Island, TMK No. (3)6-4-004:057 (por.), Lot 16-D

Planning Office

- G-1 Acceptance of Beneficiary Consultation Report, Land Use Designation Alternatives for Malama Cultural Park, TMK's (2)5-3-001:002, -097 and -100, Kaunakakai, Kona, Molokai

Administrative Services Office

- H-1 Transfer of Hawaiian Home Receipts Money at the End of the Second Quarter, FY 2018

III. EXECUTIVE SESSION (discussion to be held during lunch break)

The Commission anticipates convening in executive meeting pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities on these matters.

1. Update on issues related to Sandwich Isles Communications.

IV. ITEMS FOR INFORMATION/DISCUSSION

A. GENERAL AGENDA

Requests to Address the Commission

- J-1 Stephanie Lauifi – Blood Quantum Bill
- J-2 Ioane Skippy – Kings Landing Parcel Issue
- J-3 Bo Kahui – Villages of La‘i‘opua and La‘i‘opua 2020
- J-4 Lahela Williams –Hawaiian Community Assets
- J-5 Paulette Kahana – Right of Entry Termination
- J-6 Nānākuli Housing Corporation
- J-7 Kanoë Eiselin – Crown Castle
- J-8 Princeslehuanani Kumaewakainakaleomomona – Waitlist

B. WORKSHOPS

Office of the Chairman

- C-5 Waiohuli Housing Pilot Project with Department of Public Safety and University of Hawai‘i Maui College

Planning Office

- G-2 Wai‘anae and Nanakuli Regional Plan Update

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

91-5420 Kapolei Parkway, Kapolei, O‘ahu, Hawai‘i
Tuesday, December 19, 2017, at 9:00 a.m.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Public Testimony on Agendized Items

II. ITEMS FOR DECISION MAKING

A. REGULAR AGENDA

Homestead Services Division

- D-15 Conditional Approval of Subdivision, Transfer of a Portion of Lease and Amendment to Lease No. 9054, Lot A, Keoniki-Kauniho, Waimea, Hawaii – FLORA BEAMER SOLOMON

III. ITEMS FOR INFORMATION/DISCUSSION

A. REGULAR AGENDA

Homestead Services Division

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

B. WORKSHOPS

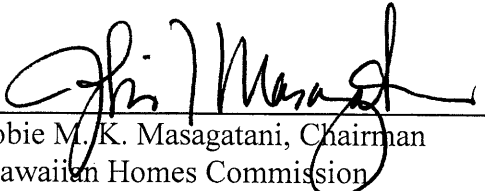
Office of the Chairman

- C-6 Employee and Beneficiary Perceptions of Customer Service – Presentation by Ward Research Incorporated
- C-7 Right of First Refusal to Applicants on the Waitlist for Homestead Lease Transfers

IV. ANNOUNCEMENTS AND ADJOURNMENT

- A. Next Meeting –January 16 & 17, 2018, (Tuesday & Wednesday) Kapolei, O‘ahu.
- B. Adjournment

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



Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

Randy K. Awo, Maui
Kathleen P. Chin, Kaua'i
David B. Ka'apu, West Hawai'i
Vacant, O'ahu

Michael P. Kahikina, O'ahu
Wallace A. Ishibashi, East Hawai'i
Wren Wescoatt, O'ahu
Vacant, Moloka'i

Next community meeting is scheduled on Monday, December 18, 2017, 6:30 p.m. – 8:30 p.m., at
Wai'anae High School Cafeteria, Wai'anae, O'ahu 96792

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

ITEM D-2 EXHIBIT
RATIFICATION OF LOAN APPROVALS

LESSEE	LEASE NO.	AREA
CASHMAN, Alexander J.	6185	Puukapu, Hawaii
FREITAS, Maile L.	8834	Anahola, Kauai
FREITAS, Melanie P.	8834	Nanakuli, Oahu

ITEM D-3 EXHIBIT
APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
ASUNCION, Gary K.	2878	Nanakuli, Oahu
DUQUE, Maury M.	12591	Kanehili, Oahu
FABRAO, Dawn K.	9820	Maluohai, Oahu
FRAISER, Janielle L.	4116	Waimanalo, Oahu
GAISON, Samuel N., Jr.	5649	Keaukaha, Hawaii
GRIFFIN, Yolanda C. I.	7465	Waiohuli, Maui
GUMAPAC, Gene C.	11904	Kaupea, Oahu
GUMAPAC, Tonette L.	11904	Kaupea, Oahu
HATCHER, Barbie M. K.	7360	Nanakuli, Oahu
HOLLAND, Jorina A. L. S. L.	11078	Piilani Mai Ke Kai, Kauai
HULATON, Jeserie M.	8642	Nanakuli, Oahu
KAAIHUE, Robert K.	11061	Piilani Mai Ke Kai, Kauai
KAUWALU, Bruce P.	4741	Waianae, Oahu
KELEKOLIO, Kuuleialoha A. K.	8346	Princess Kahanu Estates, Oahu
KINCAID, James I.	1994	Kewalo, Oahu
KUHIA, Pauline A.	8162	Paukukalo, Maui
LARONAL, Michael D.	8430	Princess Kahanu Estates, Oahu
LUNASCO, Michiko K.	9863	Maluohai, Oahu
MAGAOAY, Celeste W.	10958	Lanai, Lanai
MAKAIKE, Ramona M.	8785	Waimanalo, Oahu
McCORRISTON, Daniel K., Jr.	6469	Anahola, Kauai
NAEOLE, Jamie K.	4116	Waimanalo, Oahu
NAKIHEI, Abner N., Jr.	11449	Leialii, Maui
NAMAUU, Mary L.	9646	Keaukaha, Hawaii
NERY, Richard L., Jr.	7159	Kawaihae, Hawaii
NOVIKOFF, Su Lun H. N.	11534	Leialii, Oahu
OLIVAL, George N.	10819	Laiopua, Hawaii
PACYAU, Steven K.	11396	Kaupea, Oahu
PAIKAI, Kawailehua K. H.	12566	Kanehili, Oahu
POE, Lorna L.	9908	Hanapepe, Kauai
SIMPSON, Marcus C. K.	12011	Kaupea, Oahu
VON OELHOFFEN, Tatiana J. K.	8610	Nanakuli, Oahu
WOODWARD, Alike K.	11039	Piilani Mai Ke Kai, Kauai

ITEM D-4 EXHIBIT

APPROVAL OF STREAMLINE REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
KAMALANI, Benjamin	8112	Waiakea, Hawaii

ITEM D-5 EXHIBIT

APPROVAL TO SCHEDULE LOAN DELINQUENCY CONTESTED CASE HEARINGS

LESSEE	LEASE NO.	AREA
AYAU, Edwin L. A.	11974	Kaupea, Oahu
BROWN, Bruce L.	12034	Kaupea, Oahu
CAMEROS, Elaine K.	4553	Nanakuli, Oahu
HALEMANU, Alexander	11276	Waimanalo, Oahu
MCBRAYER, Timothy K.	11368	Kaupea, Oahu

ITEM D-6 EXHIBIT

HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT

AREA

ALVERIO, Dolly K.M.	Oahu IW Res
IWAKI, Leolani I.	Oahu IW Res
KEONE, Kamaehu B.	Oahu IW Res
KONG KEE, Theresa Anne K.	Oahu IW Res
REGIDOR, Earl K.	Hawaii IW Res
WRIGHT, Taylor-Nikole	Maui IW Res to Molokai IW Res

* IW = Islandwide

ITEM D-8 EXHIBIT

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

LESSEE	LEASE NO.	AREA
AWAI, Edmond G.	4163	Paukukalo, Maui
ENRIQUEZ, Graen A.	7253	Nanakuli, Oahu
DAVIS, Brent K.	3814	Hoolehua, Molokai

ITEM D-9 EXHIBIT

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
AHUNA, Reynette N.	2032	Kewalo, Oahu
CHEE, Jeffrey	5641	Lualualei, Oahu
KAHUE-BURROWS, Bronson K.	11396	Kaupea, Oahu
PACYAU, Daniel	11396	Kaupea, Oahu
MIKAITIS, Hiilani J.	6541	Anahola, Kauai
NERPIO, Sharon C.K.	6541	Anahola, Kauai
NIAU, Ronald H.	2033	Kewalo, Oahu

PECANTY, Lorna-Mae M.	3794	Nanakuli, Oahu
RICE, Barry L.	7959	Nanakuli, Oahu
LAA, Peter K., Jr.	7959	Nanakuli, Oahu
WAI, Helen N.K.	8391	PKE, Oahu
LANI, Michael K.	12326	Kapolei, Oahu
DAYANAN, Ramona M.L.U.	12495	Kapolei, Oahu
PUNUA-MCGINNIS, Victoria K.	12484	Kapolei, Oahu
SHIFFLER, Lecamieann E.M.H.	10483	Waiohuli, Maui
YOUNG, Susan L.	12458	Kapolei, Oahu
SHIRSHAC, June I.K.M.	7141	Kawaihae, Hawaii
SPENCER, Alice K.A.	6662	Waiahole, Oahu

ITEM D-10 EXHIBIT

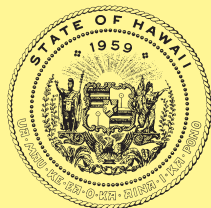
APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
ALBINIO, Eugene	8980	Waianae, Oahu
AWAI, Edmond G.	4163	Paukukalo, Maui
LANI, Michael K.	12326	Kapolei, Oahu
MEYER, Brian F.	1668	Hoolehua, Molokai
MEYER, Paul W.	1668	Hoolehua, Molokai
NASAU, June L.	5140	Nanakuli, Oahu
NASAU, Zena K.S.	5140	Nanakuli, Oahu
RICE, Barry L.	7959	Nanakuli, Oahu
SCHUTTE, Spencer K.	3392B	Puukapu, Hawaii
SHIRSHAC, June I.K.M.	7141	Kawaihae, Hawaii

ITEM D-11 EXHIBIT

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

LESSEE	LEASE NO.	AREA
CLARKE, Israel K.M.	12792	Hoolimalima, Oahu
GUERRERO, Kalanialii B.	12726	Kawaihae, Hawaii
GUMAPAC, Tonnelle L.	11904	Kaupea, Oahu
GUMAPAC, Gene C.	11904	Kaupea, Oahu
KAAIALII-CARBA, Sharde L.	2539	Nanakuli, Oahu
KAMOKU, Paul P., Jr.	12803	Hoolimalima, Oahu
KANE, Claude H.	3115	Waimanalo, Oahu
KAUA, Ronald K.	11913	Kaupea, Oahu
KEAHI, Michael K.	5946	Waiehu Kou, Maui
NAEHU, Haroleen L.	12750	Hoolimalima, Oahu
PELEKAI-WAI, Kulea K.	8412	PKE, Oahu



HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

Notice of Annual Hawaiian Homes Commission Regular Meetings on O'ahu

on Monday, December 18, 2017 at 9:30 a.m.
and Tuesday, December 19, 2017 at 9:00 a.m.*

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

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

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

Hawaiian Home Lands Meeting with the Wai'anae/Nanakuli Homestead Communities

on Monday, December 18, 2017
from 6:30 p.m. – 8:00 p.m.

**at the Wai'anae High School Cafeteria
89-251 Farrington Highway, Wai'anae, Hawaii 96792**

AGENDA

6:30 - 7:00 p.m.	DHHL Update
7:00 - 7:30 p.m.	Homestead Community Update
7:30 - 8:00 p.m.	Open House**
8:00 p.m.	Adjournment

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

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

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
December 18 & 19, 2017
Kapolei, O'ahu

C-ITEMS
OFFICE OF THE CHAIRMAN

STATE OF HAWAII


DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

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

SUBJECT: Approval of Recommended Changes to the Draft
Administrative Rules for the Water Systems and to
Proceed to Rulemaking under Chapter 91, Hawaii Revised
Statutes



RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve the recommended changes to the draft administrative rules for the Water Systems and to proceed to rulemaking under Chapter 91, Hawaii Revised Statutes.

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 amendments to Title 10, Hawaii Administrative Rules, including the draft rules for water systems, at its April 2017 meeting. The DHHL conducted beneficiary consultation meetings statewide from June 2017 to August 2017 and later presented the beneficiary consultation report to the HHC. The beneficiary consultation report was accepted by the HHC at its October 2017 meeting.

Recommended Changes to Draft Water Systems Rules

Several significant changes were made to clarify and, where possible, streamline the draft rules by removing language that was better suited for department procedure rather than administrative rule. The document was also reorganized and, in some cases, sections were consolidated. Immediately below is a summary list that highlights the changes with the most

substantive impact; the analysis chart from the Beneficiary Consultation Report is reproduced at the end of the list of recommendations. Attached as Exhibit A is the draft Water Systems rules inclusive of all the recommended changes.

- a. **Create a new Chapter.** Previously numbered to be included in Chapter 4, Management of Hawaiian Home Lands, staff recommends a new chapter dedicated to the water systems. The new chapter, "Chapter 10-4.1, Management of Water Systems," should be organized in three subsections: General Provisions, Hawaiian Home Lands Public Water Systems, and Hawaiian Home Lands Non-Potable Water Systems.
- b. **Create separate subchapters for Public Water Systems and non-potable water systems.** In response to beneficiary comments related to the Puukapu non-potable water system and to provide necessary clarity between the public health and safety requirements of a Public Water System and the management of a water system that does not deliver water for human consumption, staff recommends creating subchapters that are Public Water Systems-specific and non-potable water systems-specific.
- c. **\$10-4.1-9(b) Payment of bills and delinquency.** In response to beneficiary comments related to creating different payment plan options, staff recommends adding a provision that would allow for "alternative payment methods" once an account becomes delinquent if special circumstances exist: "The commission may determine a finite set of extenuating circumstances under which a lessee consumer may qualify for alternative payment methods, provided the lessee is also in compliance with all lease conditions."
- d. **\$10-4.1-10 Discontinuation of service.** In response to beneficiary comments related to working with beneficiaries, staff recommends adding an appeal process whereby a consumer who wishes to dispute the shut off has a five day period to request a billing conference that would be conducted by a district office supervisor from another district office that manages a department water system. If dissatisfied with the outcome, the consumer may appeal to the deputy to the chairman and, a lessee consumer may then request a contested case hearing with the commission.
- e. **\$10-4.1-23 Water spigots.** Based on beneficiary feedback that tended toward a lack of support for the concept, staff recommends narrowing the section that would provide for

water spigots managed by the department. The recommended changes would maintain the provision for the management of those spigots that currently exist.

- f. **§10-4.1-31 Water service rates.** Specific to the Public Water Systems, the original draft provided only that the commission would establish water service rates. Staff recommends the following standard be included: "The commission shall establish water service rates based upon administration, operation, and maintenance costs, and may take into consideration industry standards of affordability, equity, and sustainability; the factor of equity notwithstanding any provision or obligation under the act. A copy of the rates and fees schedule shall be publicly posted and available upon request."
- g. **§10-4.1-42 Rate schedule.** Specific to the Puukapu system, staff recommends the same standard be applied to rate setting as that used to set rates for the Public Water Systems except that the commission is also required to determine whether the billing will be calculated from meter readings or whether it will be a flat rate.

The chart below, reproduced from the Beneficiary Consultation Report accepted at the October 2017 HHC meeting, summarizes the transcribed consultation 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"> • Global. 	<ul style="list-style-type: none"> • 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>. • DHHL kuleana responses can be 	<ul style="list-style-type: none"> • 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

		<p>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 care for the water shed and aquifer.</p>	<p>articulated, there is a corresponding “consumer kuleana” for every “DHHL kuleana.” The comments can be used to inform changes to the draft.</p> <ul style="list-style-type: none"> • 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 operationally to keep the systems safe and to deliver water to the consumer.
<p>What are reasonable enforcement provisions?</p>	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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. • Concerns were expressed about actual enforcement and the staffing levels necessary for effective implementation of the enforcement provisions. • A fair number of comments recognized that the 	<ul style="list-style-type: none"> • 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

		<p>draft provisions are similar to the Board of Water Supply or County systems enforcement.</p>	<p>among those voices, opposition to suspension of service was not overwhelming or even a majority opinion.</p> <ul style="list-style-type: none"> • As a practical matter, comments are accurate that implementation and enforcement of water systems rules will require an increase in staffing, technology, and resources. • Staff recommends no substantive change to the enforcement provisions. There are, however, several areas of clarification and technical changes that are required. • 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.
<p>How should public water spigots be managed?</p>	<ul style="list-style-type: none"> • 10-4-65 provides for “public water spigots” 	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Staff recommends further research and discussion about whether the spigots are feasible given the level of management that would be necessary.

		<p>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.</p> <ul style="list-style-type: none"> • 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 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. 	<ul style="list-style-type: none"> • 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.
<p>Water rates are set using operating and maintenance costs. What other criteria should be considered when setting rates?</p>	<ul style="list-style-type: none"> • 10-4-76 relates to water rates and rate setting 	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • A rate study is being conducted which will provide the department with data and analysis critical for evaluating rate structure and strategies for affordability. • Staff recommends further research and discussion.

		efficiency/low flow fixtures.	
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RECOMMENDATION:

Staff respectfully requests approval of the motion as stated above.

DEPARTMENT OF HAWAIIAN HOME LANDS

Adoption of Chapter 10-4.1
Hawaii Administrative Rules

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1. Chapter 10-4.1, Hawaii Administrative Rules, entitled "Management of Water Systems", is adopted to read as follows:

"HAWAII ADMINSTRATIVE RULES

TITLE 10

DEPARTMENT OF HAWAIIAN HOME LANDS

CHAPTER 4.1

MANAGEMENT OF WATER SYSTEMS

Subchapter 1 General Provisions

\$10-4.1-1	Purpose
\$10-4.1-2	Applicability
\$10-4.1-3	Definitions
\$10-4.1-4	General conditions for water service
\$10-4.1-5	Water pressure conditions and elevation agreement
\$10-4.1-6	Application for water service
\$10-4.1-7	Installation of water service
\$10-4.1-8	Responsibility for equipment
\$10-4.1-9	Payment of bills and delinquency

\$10-4.1-10	Discontinuance of service
\$10-4.1-11	Restoration of water service
\$10-4.1-12	Meter test and adjustment of bill
\$10-4.1-13	Underground leak adjustment
\$10-4.1-14	Water charge adjustment
\$10-4.1-15	Obstructed meter fine
\$10-4.1-16	Tampering fine
\$10-4.1-17	Accessing the consumer's premises
\$10-4.1-18	Cross-connection control and backflow prevention
\$10-4.1-19	Interruption of water supply
\$10-4.1-20	Meter disconnection or reconnection
\$10-4.1-21	Change in service administration fee
\$10-4.1-22	Department fire hydrants and fire protection
\$10-4.1-23	Water spigots
\$10-4.1-24	Consumer's sale of water
\$10-4.1-25	Electrical grounding
\$10-4.1-26	Unscheduled meter replacement
\$10-4.1-27	Compensation
\$\$10-4.1-28 to 10-4.1-30 (Reserved)	

Subchapter 2 Hawaiian Home Lands Public Water Systems

\$10-4.1-31	Water service rates
\$10-4.1-32	Meter reading and rendering of bills
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Subchapter 3 Puukapu Non-Potable Water System

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SUBCHAPTER 1

GENERAL PROVISIONS

§10-4.1-1 Purpose. The purpose of this subchapter is to promote the health, safety, and general welfare of the community by providing standards for governing water service provided by water systems in the exclusive control of the department. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-2 Applicability. This subchapter shall apply to all water systems under the exclusive control of the department. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-3 Definitions. As used in this chapter, unless plainly evident from the context that a different meaning is intended:

"Applicant" means any person who submits an application for water service or additional water service.

"Application" means a written 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.

"Governmental entity" means any State of Hawaii or county department or office.

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

"Non-potable water" means water that has not been certified by the department of health as suitable for cooking, drinking, and bathing purposes.

"Potable water" means water that has been certified by the department of health as suitable for cooking, drinking, and bathing 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 system" means a water system which provides water for human consumption as provided by the department of health in title 11, Hawaii administrative rules chapter 20.

"Service lateral" means the main tap and complete installation of pipes, fittings, and appurtenances from the main to and including the meter.

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

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

"Water spigot" means a water spigot or standpipe that is maintained by the department and connected to a public water system for lessee access to potable water.

"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. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-4 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 policies of the department relating to water service.

(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 and only the department is authorized to install water meters on department water systems.

(d) The department shall determine the final location and size of the service lateral. Service laterals shall be operated and maintained by the department.

(e) The department shall only be responsible for the operation and maintenance of water systems in its exclusive control, which may include contracted operations and maintenance services. [Eff and comp
] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-5 Water pressure conditions and elevation agreement. (a) The department shall exercise due diligence and reasonable care to maintain

adequate pressure in its water mains but accepts no responsibility to 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 due to 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, or relief valves, or both. 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 or relief valves, or for damage that may occur through the installation, maintenance, or use of such equipment. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-6 Application for water service. (a)

Each prospective consumer shall complete a standard application form for the water service desired. Prospective consumers shall assume responsibility for

the payment of future charges for service at the location identified on the application before water is turned on for any use. The department shall inform the applicant in writing that the application is complete and accepted or if the application is deficient, what specific information is necessary to complete the application. The department shall assign an account number when the application is complete. The person, entity, or organization executing the application form shall liable be for the payment of all charges for water service at the designated location.

(b) Charges for service shall begin when the service lateral and the consumer's water system are physically joined and water is made available to the consumer, and will continue until:

- (1) The consumer makes a written request to discontinue service;
- (2) A judicial order to discontinue service is issued; or
- (3) The department discontinues service 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 the 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 application for transfer is not made, and accumulated bills for water service are not paid upon presentation, the water service may be discontinued ten business days after written notice is sent to the consumer. [Eff and comp]
(Auth: HHC Act §222) (Imp: HHC Act §221)

\$10-4.1-7 Installation of water service. (a)

When an application for water service has been approved, water service shall be installed as approved. 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 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 lateral, 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 as a means to protect the public 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 replacement.

(c) A readily accessible shutoff valve controlling all outlets shall be installed by the department on the consumer's water service supply pipe at a location to be determined by the department. 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) The department may make the connection to the consumer's water service supply pipe once the consumer installs the supply pipe at the approved location.

(e) Only the department may connect or disconnect the water service to or from the department's main.

(f) When the proper size of service lateral for any premises has been determined and the department has made installation 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. If the consumer desires a change in size of the service lateral 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 consumer. Such costs 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. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-8 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 dangerous fixtures or uses have been corrected, removed or discontinued, and the department is assured that the dangerous 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 service laterals are 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 without consent whenever necessary to inspect, maintain, repair, replace, or remove the equipment. The consumer shall exercise reasonable care to prevent damage to meters and other equipment of the department upon the premises and shall in no way interfere with the operation of the same.

(f) Any cost to repair damaged water mains, service laterals, valves, fire hydrants, or other property of the department shall be paid for by the party 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 thereof. In the event settlement for such damage is not made within thirty days, the department may discontinue water service to the premises according to 10-4-81.

(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. [Eff and comp]
(Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-9 Payment of bills and delinquency. (a)

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. Any bill not paid within thirty days from the bill date, shall be considered delinquent and the water service shall be subject to shut-off. There shall be a service charge for payments made by check or electronic debit which have been dishonored for any reason. The service charge shall be as set in section 40-35.5, HRS. On accounts where payments have been dishonored 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 equal to the highest amount billed in the last twelve months to be held.

(b) An account is delinquent when it is not paid in full within thirty days after the bill date. A late payment charge shall be assessed at an amount established by the commission. When a delinquent account remains unpaid twenty-one days after the second regular billing, water service for the account shall be discontinued. Balances delinquent more than sixty days may be subject to an interest charge as set by the commission but not to exceed one per cent for each month or fraction thereof. The commission may determine a finite set of extenuating circumstances under which a lessee consumer may qualify for alternative payment methods, provided the lessee is also in compliance with all lease conditions. [Eff and comp] (Auth: HHC Act §222)
(Imp: HHC Act §221)

§10-4.1-10 Discontinuation of service. (a) The department may refuse or discontinue water service for any of the following reasons:

- (1) Non-payment of bills or fees. If the consumer fails to pay any sums due, the department may discontinue service five business days after written notice is given to the consumer.
- (2) Noncompliance with rules and regulations. If the consumer fails to comply with any of the department's rules and regulations and noncompliance is not corrected within five days after written notice is given to the consumer, the department may discontinue service.
- (3) Unauthorized use of water. Without notice, the department may refuse or discontinue water service to any premises or consumer to protect itself against fraud, abuse or unauthorized use of water. For unauthorized use of water, a surcharge may be assessed as established by the commission.
- (4) Wasteful use of water. Where negligent or wasteful use of water exists on any premises and such conditions are not corrected within five business days after written notice is given to the consumer, 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 of the consumer will result in inadequate service to others.

(b) Where discontinuation of water service for any of the above reasons is proposed, the department shall, prior to the proposed shut off, give the consumer at least five business days notice. The notice shall specify the reason for the proposed shut off as well as inform the consumer of the right to dispute the shut off by making appropriate inquiry to the department at the address or phone number provided on the notice. The notice shall further inform the

consumer that once water service has been discontinued, a service fee shall be charged for the reinstatement of water service.

(c) If the consumer wishes to dispute the shut off, the consumer shall within five business days from the date of the notice of shut off, request a billing conference. Once requested, the billing conference shall be scheduled at the earliest reasonable opportunity for the consumer and in no case more than ten days from the request and the consumer shall be given the option of having the conference over the phone or in person with a district office supervisor from another district office that manages a department water system. The district office supervisor conducting the billing conference shall not have previously been involved in the case, shall not be swayed or affected in any manner by other department personnel, shall be subject to all state ethics rules on conflicts of interest, and shall exercise impartial judgment in deciding the merits of the consumer's case.

- (1) At the billing conference, the consumer shall have the right to submit evidence, present and cross examine witnesses, and bring an interpreter, or representative to aid in presenting the case. The consumer shall have the right to see the department's records concerning the account and shall have the right to reasonable explanation for any matter concerning the proposed discontinuance of service. The district office supervisor conducting the billing conference shall be empowered to correct any errors in billing and to take whatever remedial action is necessary including a stay to make a just and fair resolution of the matter. The district office supervisor conducting the billing conference shall make a written decision within three working days of the conference.
- (2) If the consumer is dissatisfied with the

decision from the billing conference, the consumer shall have the right within five business days of receipt of the written decision to appeal the matter to the deputy to the chairman. The decision of the deputy to the chairman shall be final for non-lessee consumers. A lessee consumer who is dissatisfied with the decision of the deputy to the chairman may request a contested case hearing before the commission. The amount due shall be paid into an escrow trust account after the billing conference with the district office supervisor and shall not be postponed pending the appeal.

(d) A charge of \$150 shall be added to each account in which service is discontinued if the consumer or other party cuts the lock and turns the meter on without prior approval of the department. The meter shall be removed and the water service capped off. Water service shall not be reconnected until the consumer has paid the past due water charges, water disconnection charges, and the meter disconnection and reconnection charges.

(e) An account that remains disconnected or suspended because of delinquent payment shall continue to accrue monthly base rate service charges as well as late fees.

(f) A consumer about to vacate any premises supplied with water by the department shall give written notice of their intention to vacate, specifying the date service should be discontinued. If the consumer fails to give such notice, the consumer shall be responsible for all water service furnished to such premises until the department has received a notice of discontinuance. Before buildings are demolished, the department shall be notified so the water service can be shut off.

(g) The department may remove a meter for non-use after one year of non-use. A consumer whose meter is removed for non-use forfeits all previous fees and reapplication shall be treated as a new service connection with applicable costs. [Eff and

comp] (Auth: HHC Act \$222) (Imp:
HHC Act \$221)

\$10-4.1-11 Restoration of water service. (a)

Water service shall not be resumed until all of the consumer's delinquent accounts, including all fines, fees, and reinstallation charges, including the cost of labor, materials, transportation, holiday pay, overtime pay, and any other incidental costs for the meter reinstallation and reactivation, have been paid in full or 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 including disconnection.

[Eff and comp] (Auth: HHC Act \$222)
(Imp: HHC Act \$221)

\$10-4.1-12 Meter test and adjustment of bill.

(a) Any consumer who has a reasonable doubt of the accuracy of the meter serving his or her premises may request a test of the meter. The consumer may request to be notified as to the time of the test and may witness the test. No charge shall be made for meter tests unless such tests are requested more often than once every twelve months.

(b) If, as a 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 fixed, then 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.

[Eff and comp] (Auth: HHC Act \$222)
(Imp: HHC Act \$221)

\$10-4.1-13 Underground leak adjustment. (a) If a consumer experiences a leak within their water line, the consumer may request the department provide a leak adjustment for excessive bills provided a leak adjustment was not granted to the consumer within the twelve month period prior to the request and the leak was reported to the department and repaired within thirty days of detection. The adjustment shall be one-half of the excess consumption over a normal bill.

(b) No additional refunds shall be given.

(c) 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.

(d) Department personnel shall be dispatched to inspect the consumer's meter to verify the leak has been repaired. [Eff and comp]

(Auth: HHC Act \$222) (Imp: HHC Act \$221)

\$10-4.1-14 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. [Eff and comp] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

§10-4.1-15 Obstructed meter fine. (a) The department shall charge the consumer an obstructed meter fine per billing period when access to the water 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. The obstructed meter fine shall be established by the commission and posted for the public.

(b) If the consumer fails to remove the obstruction, the department may remove the obstruction and fill the consumer for the costs of remediation.
[Eff and comp] (Auth: HHC Act §222)
(Imp: HHC Act §221)

§10-4.1-16 Tampering fine. (a) The department shall levy a fine to the consumer for service laterals and water meters which are tampered with and shall further charge the consumer all costs associated with any repair to the service lateral and water 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 shall not be reinstalled until the tampering fine is paid. The tampering fine shall be established by the commission and posted for the public.

(b) A late fee shall be charged against tampering fines that go unpaid for thirty days following the date of billing. After sixty days, the delinquency shall be reported to the commission and the amount due turned over to collections. Further legal action may be taken with commission approval.
[Eff and comp] (Auth: HHC Act §222)
(Imp: HHC Act §221)

§10-4.1-17 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 any reasonable hour, and at any hour during an emergency, 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 all rights secured to it by law or this subchapter. If the officer or employee is prevented from carrying out the duties, the department may shut off water service to said premises five business days after written notice is given to the consumer. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-18 Cross-connection control and backflow prevention. (a) No cross-connections shall be made without the written consent of the department.

(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 premises shall be in accordance to this subchapter.

(c) The department requires installation of an approved backflow prevention assembly on the consumer's side of the meter at the consumer's expense before service will be provided. The department may provide for the installation of an approved backflow prevention assembly to homestead lots in the service area.

(d) If uninterrupted water service is necessary, an additional backflow prevention assembly may 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.

(e) The backflow prevention assembly installed in accordance with these rules shall, unless otherwise approved by the department in writing, be located above ground and in a manner safe from flooding or submergence in water or other liquid, properly protected from external damage, freely accessible, and with adequate working room for inspections, testing, and repairing.

(f) All backflow prevention devices shall be tested at least once annually and as often as required by the department where successive tests indicate repeated failure. Repairs, replacement of parts, or any other maintenance shall be made whenever deemed necessary by the department and at the expense of the consumer. The annual test shall be the responsibility of the consumer and shall be made in accordance with methods approved by the department. Upon request by the department, the consumer shall present an affidavit certifying that there are no cross-connections of the type prohibited under this rule on the premises or describing in detail all nonconforming connections or installations.

(g) Records of tests, repairs, parts, and inspections shall be made on forms prescribed by the department and furnished to the department. Failure of the consumer to properly test and submit the records may, at the option of the department, result in termination of service or the department making the tests, repairing and replacing any equipment, and charging the cost to the consumer.

(h) 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 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.

(i) 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 shall terminate water service at the premises immediately. Written notice shall be given to the consumer after water service termination.

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

(k) 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 federal, state, and county laws, ordinances, and rules. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-19 Interruption of water supply. (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 shut off water from the mains without notice for making repairs, extensions, alterations, or for other reason. 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. [Eff and comp] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

§10-4.1-20 Meter disconnection or reconnection fees. (a) The department shall charge a 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. [Eff and comp] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

§10-4.1-21 Change in service administration fee. (a) The department shall levy a charge when a change in service status requires administrative action or a special meter reading by department personnel.

(b) When a change in account status requires a special water meter reading by the department a fee equal to one hour of labor and costs shall be charged to the consumer. When a change in account status does not require a special water meter reading by the

department the standard change of owner fee shall be charged to the consumer. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-22 Department fire hydrants and fire protection. (a) Any use of a fire hydrant, fire protection reservoir, or the taking of water from one for purposes other than fire protection by persons other than authorized employees of the fire department or of the department is prohibited without a written permit from the department. The 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. The fire department shall notify the department when use of water during non-fire events, including training, is contemplated. Hydrant main line valves shall not be used to control flows. The fire department shall coordinate with the department during a fire emergency to prevent damage to the water system.

(b) The department may provide water to a governmental entity provided the governmental entity first submits a written hydrant permit application and agrees to all of the terms and conditions contained therein including but not limited to notifying the department when any use of water is contemplated, paying a security deposit for a meter assembly and backflow prevention device and utilizing the meter assembly and backflow prevention device. Any failure of the permittee to properly utilize the meter assembly to record water taken through the fire hydrant shall constitute a violation of the hydrant permit and shall immediately terminate the hydrant permit and the permittee's right to draw water. Hydrant permits shall not be issued for a period longer than six months. Renewal shall be allowed on a case by case basis.

(c) Any damage to fire hydrants, and any consequent resulting loss or damage to property, or any injury to persons arising from or out of the damage to fire hydrants shall be paid for by the person or legal entity responsible for the damage. All repairs for any damage to fire hydrants shall be paid by the person or entity responsible for the damage.

(d) Any 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 including the estimated amount of the water taken, water discharged by the department to clear the mains, labor and materials, and administrative costs. Each invoice not paid within ten calendar 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.

(e) The department shall, if it approves the request for a change in location of a hydrant, change such location; provided, that all labor, material, equipment, and all other costs and charges are paid in advance by the consumer. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-23 Water spigots. (a) The department may provide water spigots connected to public water systems. The water spigot shall be labeled with the appropriate public water system number as issued by the department of health. Each water spigot, and water spigot area, shall be maintained by the department in a manner suitable for lessee access to potable water.

(b) Each spigot shall be metered and the commission shall set the maximum amount that may be drawn from each spigot during a single billing cycle.

(c) The department shall manage access to the spigot by reasonable means.

(d) The department may restrict spigot use during time of water restrictions.

(e) The department guarantees potable water only to the point of withdrawal from the public water system. [Eff and comp] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

\$10-4.1-24 Consumer's sale of water. Subject to civil or criminal prosecution or both, unless specifically agreed upon by the commission, the consumer shall not sell any water received or purchased from the department. [Eff and comp] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

\$10-4.1-25 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 laterals 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. [Eff and comp] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

\$10-4.1-26 Unscheduled meter replacement. If a consumer requests a meter replacement prior to the scheduled routine replacement, 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. [Eff and comp] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

\$10-4.1-27 Compensation. Employees of the department are strictly forbidden to demand or accept personal compensation for services rendered. [Eff and comp] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

\$10-4.1-28 to 10-4.1-30 (Reserved)

SUBCHAPTER 2

HAWAIIAN HOME LANDS PUBLIC WATER SYSTEMS

\$10-4.1-31 Water service rates. (a) The commission shall establish water service rates based upon administration, operation, and maintenance costs, and may take into consideration industry standards of

affordability, equity, and sustainability; the factor of equity notwithstanding any provision or obligation under the act. A copy of the rates and fees schedule shall be publicly posted and available upon request.

(b) Agricultural consumers shall 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. Agricultural consumers on the department's public water systems are those consumers who are actively engaged in agricultural activities as required by their lease and this title and who are not within an agricultural or irrigation water service area.

(c) If the total water supply becomes 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 that 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. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-32 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 a period shorter than the regular billing period 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 shall be rendered following

acceptable practices using the reading, where available, of the same time the previous year.

(c) Bills for metered water service shall be on a per meter basis. If the consumer has more than one metered installation on the premises, each meter shall be billed separately. [Eff and comp]
(Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-33 Conservation and emergency measures.

(a) Whenever, in the department's opinion, special conservation measures are advisable to forestall water shortage or an emergency, the department may restrict the use of water by any means or method of control. 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.

(b) When the department's water supply usage exceeds the rate of resupply, the commission may declare a water shortage or emergency and further restrict the use of water by any means or method of control.

(c) The department shall notify consumers of emergency conditions by written communication through mailing, electronic posting, or the newspaper, or combination thereof. [Eff and comp]
(Auth: HHC Act §222) (Imp: HHC Act §221)

§§10-4.1-34 to 10-4.1-40 (Reserved)

SUBCHAPTER 3

PUUKAPU NON-POTABLE WATER SYSTEM

\$10-4.1-41 General conditions. (a) The water supplied by the Puukapu non-potable water system is intended to be used only for pastoral uses consistent with pastoral leases. Consumers may not use water for any other purpose except with the express written consent of the department. The department makes no guarantee, warranty, or representation, expressed or implied, as to the quality, quantity, flow rate, condition, or fitness of the water supplied for any use or purpose. [Eff and comp]

(Auth: HHC Act \$222) (Imp: HHC Act \$221)

(b) The department shall deliver water to the lot of each consumer at the ground elevation and at the outlet site as the department may establish upon each consumer's land convenient with the operation of the department's irrigation system, and it shall be the responsibility of each consumer to provide for the distribution of water upon the consumer's lot by the consumer's own method. [Eff and

comp] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

\$10-4.1-42 Rate schedule. The commission shall establish water service rates based upon administration, operation, and maintenance costs, and may take into consideration industry standards of affordability, equity, and sustainability; the factor of equity notwithstanding any provision or obligation under the act. The commission shall determine whether the non-potable water service rate is a flat rate or calculated by meter reading. A copy of the rates and fees schedule shall be publicly posted and available upon request. [Eff and comp] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

\$10-4.1-43 Meter reading and rendering of non-potable water bills. (a) Meter readings and billings

shall be on at least a monthly basis except for closing of accounts for special conditions with the approval of the department.

(b) Closing of bills for a period shorter than the regular billing period shall be determined on a prorated basis. [Eff and comp]

(Auth: HHC Act \$222) (Imp: HHC Act \$221)

\$10-4.1-44 Conservation measures and emergency conditions. (a) Whenever, in the department's opinion, special conservation measures are deemed necessary to forestall a water shortage and a consequent emergency, the department may restrict or ration the use of water by any method or means of control. Livestock watering consumers may be required to install an automatic water flow control device to prevent waste or continued overflow from livestock drinking troughs. Each device shall be approved by the department prior to installation and shall be tested periodically to determine its functionality.

(b) The department reserves the right in times of declared emergency to allow the use of water for emergency purposes. Charges for the water used shall be established by the commission based on the nature of the emergency and attendant circumstances.

(c) During periods of special conservation measures, the department shall develop notices and criteria for the manner in which water will be delivered, restricted, and allocated for the duration for the emergency. Violations of the restrictions or allocations may result in the discontinuance of service, additional water toll surcharges, or the removal of the water connection.

(d) Upon declaration of emergency conditions and implementation of mandatory conservation measures (i.e., ten per cent, twenty per cent, or thirty per cent cutbacks), consumers exceeding the level of mandatory cutback shall be assessed a surcharge as established by the commission. [Eff and

comp] (Auth: HHC Act §222) (Imp:
HHC Act §221)

§10-4.1-45 Unauthorized drawing of water. (a)

No person or entity shall be permitted to draw water from any part of the system without the written consent of the department. No approval shall be granted in cases where, in the opinion of the department, the drawing of water may adversely affect the water service extended by the department to lessees.

(b) Approvals given by the department under this section are subject to revocation upon thirty days written notice." [Eff and comp]
(Auth: HHC Act §222) (Imp: HHC Act §221)

2. The adoption of chapter 10-4.1, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

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

JOBIE M. K. MASAGATANI, Chairman
Hawaiian Homes Commission

APPROVED AS TO FORM:

Deputy Attorney General

STATE OF HAWAII

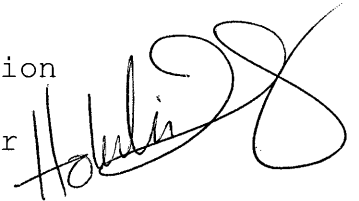
DEPARTMENT OF HAWAIIAN HOME LANDS

December 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
Draft Administrative Rules Related to Declaration of
Covenants, Conditions, and Restrictions (DCCR)
Communities, Multi-Family Housing, and Rentals



RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve proceeding to beneficiary consultation for draft administrative rules related to Declaration of Covenants, Conditions, and Restrictions (DCCR) Communities, Multi-Family Housing, and Rentals.

DISCUSSION:

The department has been working on draft administrative rules that would address section 207.5 of the Hawaiian Homes Commission Act, including DCCR homestead communities as well as multi-family housing and rentals. At the September 2017 Hawaiian Homes Commission meeting, staff presented a workshop about the relationship between DCCR homestead communities and the Department of Hawaiian Home Lands. Later that month, the Department convened a meeting with the DCCR associations' leadership to discuss the same topic and to get input on administrative rules that would govern the relationship between DCCR communities and the Department. At the November 2017 HHC meeting, staff provided the HHC with an update in light of the meeting with DCCR community leadership.

The draft rules that would be presented for beneficiary consultation include provisions specific to the DCCR communities and include provisions for multi-family housing and rental housing. The draft attempts to address challenges identified by the DCCR leadership and create a process inclusive of lessons learned should the Department use the DCCR model for future homestead communities. Staff believes the language is drafted

to allow various combinations of development and housing types providing greater flexibility in future homestead development. The draft rules are attached as Exhibit A.

RECOMMENDATION:

Staff respectfully requests approval of the motion as stated above.

DEPARTMENT OF HAWAIIAN HOME LANDS

Adoption of Chapter 10-7
Hawaii Administrative Rules

[]

1. Chapter 10-7, Hawaii Administrative Rules, entitled "Planned Communities, Multi-Family Complexes, and Rental Housing", is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 10

DEPARTMENT OF HAWAIIAN HOME LANDS

CHAPTER 7

PLANNED COMMUNITIES, MULTI-FAMILY COMPLEXES, AND
RENTAL HOUSING

Subchapter 1 General Provisions

\$10-7-1 Definitions
\$10-7-2 Applicability of chapter
\$10-7-3 Method of disposition
\$10-7-4 Native Hawaiian cultural values
\$10-7-5 Interpretation
\$\$10-7-6 to 10-7-9 (Reserved)

Subchapter 2 The Declaration

§10-7-10 Establishment of the declaration
§10-7-11 Supplemental provisions of the declaration
§§10-7-12 to 10-7-15 (Reserved)

Subchapter 3 The Association

§10-7-16 Establishment of the association
§10-7-17 Period of declarant control
§10-7-18 Membership
§10-7-19 Voting
§10-7-20 Vacant lots
§10-7-21 Unoccupied units
§10-7-22 Budget
§§10-7-23 to 10-7-25 (Reserved)

Subchapter 4 Obligations of the Lessee

§10-7-26 Planned community education
§10-7-27 Association membership
§10-7-28 Payment of assessments
§10-7-29 Alteration of the unit prohibited
§§10-7-30 to 10-7-34 (Reserved)

Subchapter 5 Enforcement of Governing Documents

§10-7-35 Compliance required
§10-7-36 Enforcement
§10-7-37 Civil action
§§10-7-38 to 10-7-40 (Reserved)

Subchapter 6 Rental Housing

§10-7-41 Rental housing offers
§10-7-42 Kupuna housing
§10-7-43 Rental agreement controlling
§10-7-44 Successorship
§10-7-45 Vacant units
§10-7-46 Conversion to lessee

SUBCHAPTER 1

GENERAL PROVISIONS

§10-7-1 Definitions. As used in this chapter and any k       or governing documents unless otherwise required by the context:

"Assessments" means funds collected by an association from association members to operate and manage the association, maintain property within the planned community or multi-family complex for the common use or benefit of association members, or provide services to association members.

"Association" means a nonprofit, incorporated, or unincorporated organization made up of all of the lessees within a Hawaiian home lands planned community or multi-family complex existing pursuant to covenants running with the land. In certain circumstances, the department may be part of the association.

"Board of directors" or "board" means the governing board or other body, regardless of name, designated in the governing documents to act on behalf of the association.

"Declarant" means the department or any person or entity to which the department has assigned any or all of the rights and obligations of the declarant set forth in the governing documents.

"Declaration" means any recorded instrument, however denominated, that creates a Hawaiian home lands planned community or multi-family complex, including any amendments to the instrument.

"Developer" means a person or entity who is contracted by the department to undertake development of a planned community or multi-family complex for, or in partnership with, the department.

"Governing documents" means the articles of incorporation or other document creating the association, the bylaws of the association, the declaration or similar organizational documents and any exhibits thereto, any rules related to use of

common areas, architectural control, maintenance of units, restrictions on the use of units, or payment of money as regular assessment or otherwise in connection with the provisions, maintenance, or services for the benefit of some or all of the units, the owners, or occupants of the units or common areas, as well as any amendments made to the foregoing documents.

"Lot" means any plot of land designated as a lot upon any recorded subdivision map of the development property and upon which a dwelling unit could be or has been constructed in accordance with all relevant Hawaii law. Lot shall not include the common areas.

"Member" means the lessee of a lot under a homestead lease from the department, or anyone included in the definition of a member under the governing documents.

"Multi-family complex" means a homestead or mixed use development on Hawaiian home lands that is subject to chapter 514A and 514B, HRS, as applicable, insofar as it does not conflict with this title and the act.

"Planned community" means a homestead or mixed use development on Hawaiian home lands that is subject to chapter 421J, HRS, insofar as it does not conflict with this title and the act.

"Property management company" means a person or entity that is contracted by the department or the developer to enter in to rental agreements with renters and undertake daily operations and management of a Hawaiian home lands rental housing development.

"Record" or "recorded" means to record in the bureau of conveyances in accordance with chapter 502, HRS, or to register in the land court in accordance with chapter 501, HRS, as appropriate.

"Rental agreement" means all written agreements, between a renter and the property management company or department, or both, which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit and premises, and may include an option to purchase.

"Rental housing development" means a Hawaiian home lands housing development, which may be comprised

of single family lots or multi-family housing complex, or both, for which rental agreements govern the terms and conditions of use and occupancy of the units. A rental housing development shall be managed by a property management company.

"Renter" means a native Hawaiian who occupies a dwelling unit for dwelling purposes under a rental agreement as part of a Hawaiian home lands rental housing development.

"Unit" or "dwelling unit" means any portion of property, as improved, intended for use and occupancy as a residence within a planned community or multi-family complex. [Eff and comp]

(Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-2 Applicability of chapter. (a) This chapter shall apply to all planned community developments on Hawaiian home lands consisting of single-family lots or a multifamily complex, or both for which the declaration is recorded after XX, XX, 2017.

(b) This chapter may apply to an association for which the declaration was recorded before XX, XX, 2017, if adopted by a majority vote of the association. . [Eff and comp]

(Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-3 Method of disposition. (a) The department may award homestead leases under the authority of this chapter.

(b) Any combination, or all of the department, the developer, and the property management company may enter into contracts of sale or rental agreements with native Hawaiians as verified by the department. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-4 Native Hawaiian cultural values. (a)

The governing documents shall take in to account and embody native Hawaiian cultural values as appropriate for the location, development, and lessees.

(b) General parameters and guidelines shall be developed by the department through beneficiary consultation. The finalized document shall be approved by the commission and included in the declaration. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-5 Interpretation This chapter and any

governing documents subject hereto shall be implemented and interpreted within the spirit of the act, including to promote native Hawaiian values and sense of place in the best interest of the lessees, renters, and residents living in planned communities, multi-family complexes, or rental housing developments on Hawaiian home lands. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-6 to 10-7-9 (Reserved)

SUBCHAPTER 2

THE DECLARATION

§10-7-10 Establishment of the declaration. (a)

The declarant shall cause the declaration to be drafted according to the following:

(1) The declaration shall be in conformity with

all relevant Hawaii law; and

- (2) The declaration shall include the document developed under subsection 10-7-5(b) and accordingly take in to account and embody native Hawaiian cultural values as appropriate for the location and development.

(b) Upon approval of the declaration by the commission, the declarant shall record the declaration. The declaration shall be recorded prior to the execution of any lease or sales contract.

(c) The declaration shall inhere in the land and shall bind subsequent lessees. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-11 Supplemental provisions of the declaration. The declarant is authorized to adopt supplemental provisions in accordance with this chapter to implement and carry out the purposes of this chapter; provided that any of the supplemental provisions adopted shall not conflict with the act and this title. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-13 to 10-7-15 (Reserved)

SUBCHAPTER 3

THE ASSOCIATION

§10-7-16 Establishment of the association. The declarant shall establish the association not later

than the date upon which the first unit in the planned community or a multi-family complex is ready for occupancy. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-17 Period of declarant control. (a) As appropriate for the development and when provided in the declaration, the declarant may maintain a class B membership in the association for a fixed period while units are being awarded and first occupied. This period shall be known as the period of declarant control and shall terminate not later than the time at which all units or lots have been transferred to lessees.

(b) During the period of declarant control, the declarant may appoint and remove the members of the board.

(c) Not later than four months before the termination of any period of declarant control, the members shall elect a board of directors as provided in the governing documents. The declarant and the department shall coordinate with the newly member-elected board to transition from declarant control in a transparent manner that ensures the member-elected board is equipped and prepared to govern the association. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-18 Membership. The association may be made up of lessees and the declarant, and divided in to two membership classes.

- (1) Lessees shall maintain a class A membership.
- (2) The declarant may maintain a class B membership for a fixed period. Class B membership shall terminate and may convert to a class A membership not later than the time at which the period of declarant

control terminates. [Eff and
comp] (Auth: HHC Act §222)
(Imp: HHC Act §207.5)

§10-7-19 Voting. Class A membership and class B membership shall have voting powers as set by the declarant in the declaration, provided each class A member shall have one vote and, during the period of declarant control, class B membership shall have a greater number of votes per lot or unit than class A membership. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-20 Vacant lots. (a) Assessments rates shall be set after the lots have been designed and plotted, number of lots in the development are finalized, and preliminary budget determined. Lots intended to be vacant due to engineering constraints or health and safety concerns shall not be included in calculating the pro-rata assessment amounts. If a lot becomes unsuitable for a residence, assessments shall be recalculated to exclude the unsuitable lot.

(b) Assessments due on vacant lots that are awarded as owner-builder or self-help are the responsibility of the lessee upon the signing of the lease. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-21 Unoccupied units. (a) The department shall use all due diligence to fill developed units that become unoccupied. The department shall not be responsible for assessments due on those units unless the assessments lost due to the number of empty units threatens the viability of the association.

(b) An association with unoccupied units shall report annually to the department regarding income and

projected economic viability. If economic viability is threatened, the association may request payment of future assessments from the department until the empty units are filled. Such request is subject to approval by the commission. If approved, amounts due shall accrue from the date of receipt by the department, as indicated on the date and time stamp, of the request from the association. [Eff and comp]
(Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-22 Budget. Each association shall adopt a budget and rate schedule, according to the governing documents, and submit the budget and rate schedule to the department between June 1 and June 30 of each year. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-23 to 10-7-25 (Reserved)

SUBCHAPTER 4

OBLIGATIONS OF THE LESSEE

§10-7-26 Planned community education. (a) To facilitate informed decision-making by homestead applicants, before award letters are mailed, the department shall notify the appropriate applicant field of a mandatory planned community orientation. This orientation shall provide an overview of rights, responsibilities, obligations, and benefits of planned community living, as well as possible consequences for non-compliance.

(b) Prior to signing a lease, the future lessee shall attend a planned community education training

program approved by the department, which shall include training specific to the development regarding member and association obligations and rights, and community planning and governance. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-27 Association membership. (a) Upon signing the lease, the lessee shall become a member of the association. By signing the lease, lessee also agrees to abide by the governing documents.

(b) Lessees shall ensure that members of their family who reside with the lessee, and guests and invitees of such lessee, observe and perform the provisions regarding use and occupancy set forth in the governing documents. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-28 Payment of assessments. The lessee shall pay assessments to the association in accordance with the governing documents. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-29 Alteration of the unit prohibited. The lessee shall not construct or alter any improvements on the property except in accordance with the governing documents and with written approval of the department under section 10-3-34. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-30 to 10-7-34 (Reserved)

SUBCHAPTER 5

ENFORCEMENT OF GOVERNING DOCUMENTS

\$10-7-35 Compliance required. The association, all lessees, and other persons lawfully in possession and control of any property interest shall comply with the bylaws, any rules lawfully adopted by the association, and any covenant, condition, and restriction set forth in any recorded document to which they are subject. [Eff and comp
] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

\$10-7-36 Enforcement. (a) The declaration shall include a formal process for the association to enforce the governing documents, including collection of delinquent assessments and any lease violations.

(b) The association shall adopt a collection policy with formal procedures whereby the lessee shall have the opportunity to settle amounts owed the association, including but not limited to delinquent assessments, penalties, late fees, and associated costs, before private legal action to collect the debt is taken under the authority of the association and section 10-7-37.

(c) If collection of the debt is unsuccessful through private legal action under the authority of the association and section 10-7-37, the association may petition the commission for a contested case hearing for lease cancellation pursuant to this title. The decision and order of a contested case hearing may direct the department to assume the outstanding debt on the unit, including but not limited to delinquent assessments, penalties, late fees, and associated costs.

(d) The association shall adopt formal procedures for the enforcement of lease violations other than delinquent assessments whereby the lessee shall have at least 90 days to cure the violation. If the lessee fails to cure the violation within the time provided, the association may petition the commission for a contested case hearing for lease cancellation pursuant to this title. [Eff and comp] (Auth: HHC Act \$222) (Imp: HHC Act \$207.5)

§10-7-37 Civil action. Any violation is grounds for the association, any lessee, or lawful interest holder to commence a civil action for damages, injunctive relief, or both, and an award of court costs and reasonable attorney's fees in both types of action. The department shall not be party to any civil suit related to the violation of or noncompliance with the bylaws, any rules lawfully adopted by the association, or any covenant, condition, and restriction set forth in any recorded document. [Eff and comp] (Auth: HHC Act \$222) (Imp: HHC Act \$207.5)

§§10-7-38 to 10-7-40 (Reserved)

SUBCHAPTER 6

RENTAL HOUSING

§10-7-41 Rental housing offers. If rental housing is available, the department and the property management company shall coordinate to offer the rental housing to native Hawaiians.

(1) The department shall notify residential

applicants on the respective area or island wide waiting lists of the rental housing opportunity.

- (2) The department shall provide the property management company with the list of native Hawaiians, who replied to the notice in paragraph (1), in rank order according to the appropriate waiting list.
- (3) The property management company shall identify qualified potential renters from the list based upon the rental program parameters and notify the department.
- (4) The department shall verify the application status of those native Hawaiians identified by the property management company as qualified for the rental program. Upon verification, the department or the property management company, or both, shall make the rental housing offers. [Eff and comp] (Auth: HHC Act §222)
(Imp: HHC Act §207.5)

§10-7-42 Kupuna housing. (a) A native Hawaiian, fifty-five years or older may be eligible for kupuna housing. If kupuna housing is available, the department shall notify native Hawaiians that would meet the age requirement for the kupuna housing development. The department and the property management company shall then proceed under section 10-7-41, as applicable.

(b) If a lessee accepts a kupuna housing offer, the lessee shall immediately occupy the kupuna housing unit and, within six months, either transfer or surrender his or her homestead lease. Upon accepting a kupuna housing offer, the lessee becomes a renter and a previous lessee under section 10-3-23.

(c) If the list compiled under subsection (a) has been exhausted and units are still available, the property management company may accept as renters native Hawaiians that are not homestead applicants,

lessees, or previous lessees if the potential renter is:

- (1) Verified by the department as eligible for Hawaiian home lands under the act; and
- (2) Qualified for the kupuna housing development by the property management company.
- (d) The renter's spouse may reside in the unit with the renter. An additional occupant, including an adopted minor or a legal caregiver, may also reside with the renter in the unit as allowed by applicable state or federal law. [Eff and comp]
(Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-43 Rental agreement controlling. The rental agreement shall control the rights, responsibilities, and obligations, including eviction, between the renter and the property management company. The rental agreement shall comply with the Hawaii landlord and tenant code, chapter 521, HRS, and the Fair Housing Act insofar as they do not conflict with the act. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-44 Successorship. (a) If the renter is a homestead applicant, a successor under section 10-3-8 may succeed to the rental agreement; provided the successor meets the rental program requirements that apply to the specific unit. If the successor does not meet the rental program requirements or refuses the unit, the successor shall succeed to the application as provided in section 10-3-8.

(b) For kupuna housing, a spouse eligible to succeed under section 209 of the act and qualified for the kupuna housing unit may succeed to the kupuna housing rental agreement. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-45 Vacant units. To ensure units do not become vacant for unnecessarily long periods of time, the property management company shall request from the department, as appropriate, names of additional potential renters. Upon such request, the department and the property management company shall proceed under section 10-7-41. If parameters of the previous offering have not changed, the department shall provide notice to the list of applicants in rank order from the application date of the last applicant previously contacted for the rental housing development. [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-46 Conversion to lessee. A renter who is a homestead applicant shall remain a homestead applicant during the rental period. The renter's homestead application and rank on any waiting list shall be maintained without regard to his or her status as a renter. The renter shall become a lessee upon signing a homestead lease." [Eff and comp] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

2. The adoption of chapter 10-7, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

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

JOBIE M. K. MASAGATANI, Chairman
Hawaiian Homes Commission

APPROVED AS TO FORM:

Deputy Attorney General

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18 & 19, 2017

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Paula Aila, ICRO

SUBJECT:

- C-3 Approval of Memorandum of Agreement with the Department of Agriculture Agribusiness Development Corporation Regarding Property in Whitmore, Oahu, TMKs: (1)7-1-002-031 and (1)7-1-002-033
- C-4 Amendment to the 2018 Hawaiian Homes Commission Meeting Schedule
- C-5 Waiohuli Housing Pilot Project with Department of Public Safety and University of Hawai'i Maui College
- C-6 Employee and Beneficiary Perceptions of Customer Service – Presentation by Ward Research Incorporated

THE SUBMITTAL WILL BE DISTRIBUTED UNDER SEPARATE COVER or AT THE TABLE

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18 & 19, 2017

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Deputy Director William Aila Jr.
Office of the Chairman

SUBJECT: Amendment to the 2018 Hawaiian Homes Commission Meeting Schedule

RECOMMENDED MOTION/ACTION

Motion that that Hawaiian Homes Commission amend its 2018 Commission Meeting Schedule to change the date of its January regular meeting from January 16 & 17, 2018, to January 29 & 30, 2018.

DISCUSSION

On November 20, 2017, the Hawaiian Homes Commission approved the 2018 Hawaiian Homes Commission Meeting Schedule. This request to change the January regular meeting date is related to the following conditions:

- The Hawai'i State Legislature's 2018 Regular Session Opening Day is January 17, 2018
- The Hawai'i State of the State Address on January 22, 2017.
- Pending vacancies of two (2), possibly three (3), Commission seats and its effect on quorum.

The revised *2018 Commission Meeting Schedule* is attached as Exhibit A.



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

*Amendment

HAWAIIAN HOMES COMMISSION 2018 CALENDAR

January 29, 2018*	HHC Mtg, Kapolei – (No Community Mtg)
January 30, 2018*	HHC Mtg, Kapolei, O‘ahu
February 20, 2018 (Tue)	HHC Mtg, Kapolei, Community Mtg - Kapolei
February 21, 2018 (Wed)	HHC Mtg, Kapolei, O‘ahu
March 20, 2018	HHC Mtg, Community Mtg – Waimānalo
March 21, 2018	HHC Mtg, Kapolei, O‘ahu
April 17, 2018	HHC Mtg, Community Mtg – Moloka‘i
April 18, 2018	HHC Mtg, Kalama‘ula, Moloka‘i
May 15, 2018	HHC Mtg, Community Mtg – Kawaihae
May 16, 2018	HHC Mtg, Kailua-Kona, Hawai‘i
June 19, 2018	HHC Mtg, Kapolei – (No Community Mtg)
June 20, 2018	HHC Mtg, Kapolei, O‘ahu
July 17, 2018	HHC Mtg, Community Mtg – Papakōlea
July 18, 2018	HHC Mtg, Kapolei, Hawai‘i
August 21, 2018	HHC Mtg, Community Mtg – Kaua‘i
August 22, 2018	HHC Mtg, Lihue, Kaua‘i
September 17, 2018(Sun)	HHC Community Meeting ONLY – Ka‘ū
September 18, 2018	HHC Mtg, Community Mtg – Hilo
September 19, 2018	HHC Mtg, Hilo, Hawai‘i
October 16, 2018	HHC Mtg, Community Mtg – Paukūkalo
October 17, 2018	HHC Mtg, Wailuku, Maui
November 19, 2018 (Sun)	HHC Community Meeting ONLY – Lanai City
November 20, 2018	HHC Mtg, Kapolei, O‘ahu
November 21, 2018	HHC Mtg, Kapolei, O‘ahu
December 18, 2018	HHC Mtg, Community Mtg – Nānākuli / Wai‘anae
December 19, 2018	HHC Mtg, Kapolei, O‘ahu

O‘ahu meetings are held at Hale Pono‘i, DHHL, 91-5420 Kapolei Parkway, Kapolei, O‘ahu.

Community meetings are held in the evenings, except in Ka‘ū and Lāna‘i where it will be held during the day. No community meetings scheduled for O‘ahu in January and February.



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION

DEPARTMENT OF HAWAIIAN HOME LANDS

Lease Transfers: Right of First Refusal to Homestead Applicants on the Waitlist

Roadmap

- Issue: Whether homestead applicants on the waitlist should have a right of first refusal for homestead lease transfers.
- Overview: Past implementation of lease transfers.
- Lease transfers to the waitlist for FY16 to November FY18.

Issue

- HHCA section 208 allows lease transfers with approval of the commission.
- Approximately 27,000 applicants.
- Essentially two options exist:
 - Award from the Department; or
 - Lease transfer from current lessee.

Overview: Implementation

- 1953 Hawaiian Homes Commission Procedure Manual:
 - The proposed transferee would be cross-referenced against applicants to ascertain relative priority.
 - Applicants with a higher priority would be polled for interest.
 - A conference between the transferor and the applicant with the highest priority would be arranged for final negotiations.

Overview: Implementation

- 1977 Rules and Regulations:
 - Lessee had to hold the lease for at least 7 years.
 - Transfer could be made to any individual who qualifies under the act and is at least 21 years old.
- Feb. 1983 Hawaii Administrative Rules:
 - Transfer to any individual who qualifies under the act and is at least 21 years old.
- Sept. 1983 Hawaii Administrative Rules:
 - Transfer to any individual who qualifies under the act and is at least 18 years old.

Overview: Implementation

- 1998 Hawaii Administrative Rules:
 - Transfer to any individual who is native Hawaiian and at least 18 years old.
- 2017 Hawaii Administrative Rules:
 - Transfer to any individual who is at least 18 years old and qualified under the act provided vacant, undeveloped, or undivided interest shall not be sold. Transfers to qualified relatives or beneficiaries on the waitlist shall have priority processing

Lease Transfers FY16

FY16					
Month	Transfers to applicant/total transfers	Application date range	Relationship		
			Qualified Family	Friend	None
July	7/19	1986-2015	1		6
August	8/28	1993-2010	6		2
September	4/17	2003-2014	1		3
October	7/17	2005-2013	5		2
November	8/17	1982-2014	2		6
December	11/14	1987-2011	7		3
January	7/28	1976-2010	2		5
February	6/19	1979-2010	5		1
March	8/20	1995-2015	4	1	3
April	8/20	1988-2015	6		2
May	17/33	1986-2015	5	2	10
June	6/18	2010-2015	2		4
Total	97/259		46	3	47

Lease Transfers FY17

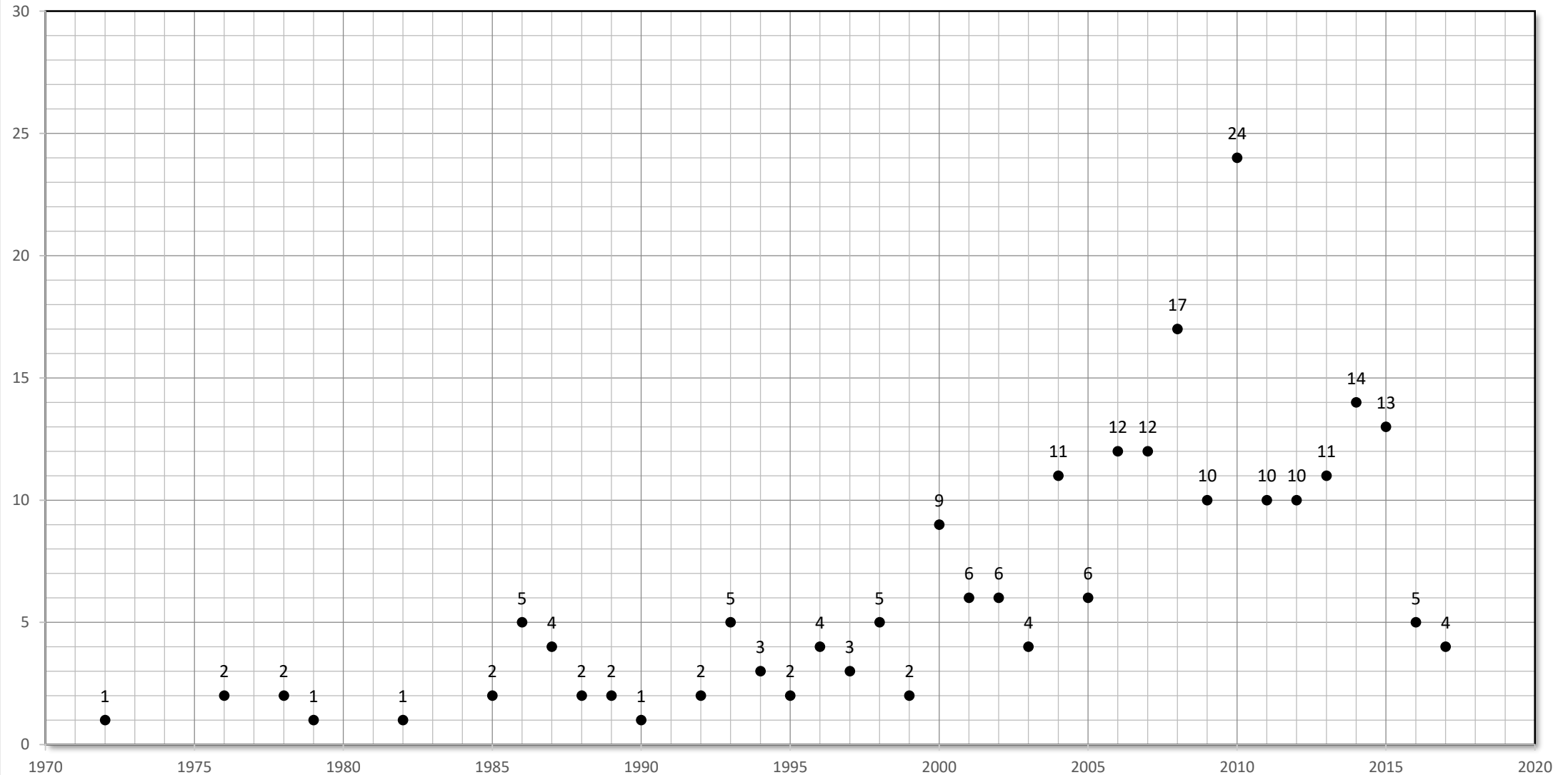
FY17

Month	Transfers to applicant/total transfers	Application date range	Relationship		
			Qualified Family	Friend	None
July	2/9	1987-2001	2		
August	13/21	1986-2013	6		7
September	1/10	2010			1
October	10/25	1976-2016	6		4
November	3/10	1996-2014			3
December	6/10	2000-2008	3		3
January	7/15	1978-2013	3		4
February	10/23	2000-2014	4		6
March	5/27	2000-2012	2		3
April	12/27	1985-2016	6		6
May	7/14	1998-2015	3		4
June	10/30	1978-2016	6		4
Total	86/229		41	0	45

Lease Transfers FY18

FY18					
Month	Transfers to applicant/total transfers	Application date range	Relationship		
			Qualified Family	Friend	None
July	8/18	1972-2006	4		4
August	5/14	1999-2015	5		
September	8/29	2002-2013	2		6
October	17/40	1987-2017	7		10
November	8/27	1992-2017	1		7
Total	46/128		19	0	27

Lease Transfers and Application Dates FY16 to FY18




DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
December 18 & 19, 2017
Kapolei, O'ahu

D-ITEMS
HOMESTEAD SERVICES DIVISION

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission
From: Dean T. Oshiro, Acting HSD Administrator 
SUBJECT: **Homestead Services Division Status Reports**

RECOMMENDED MOTION/ACTION

NONE

DISCUSSION

The following reports are for information only:

Exhibit A: Homestead Lease & Application Totals
and Monthly Activity Reports
Exhibit B: Delinquency Report

December 18, 2017

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through November 30, 2017

	As of 10/31/17	Add	Cancel	As of 11/30/17
Residential	8,376	1	2	8,375
Agricultural	1,097	0	0	1,097
Pastoral	410	0	0	410
Total	9,883	1	2	9,882

The number of Converted Undivided Interest Lessees represents an increase of 409 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 10/31/17	Converted	Rescinded/ Surrendered/ Cancelled	As of 11/30/17
Undivided	917	1	0	916

Balance as of 11/30/2017

Awarded	1,434
Relocated to UNDV	7
Rescinded	109
Surrendered	5
Cancelled	2
Converted	409
Balance to Convert	916

Lease Report For the Month Ending November 30, 2017

	RESIDENCE				AGRICULTURE				PASTURE				TOTAL LEASES			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU																
Hoolimalima	69	0	0	69	0	0	0	0	0	0	0	0	69	0	0	69
Kalawahine	91	0	0	91	0	0	0	0	0	0	0	0	92	0	0	91
Kanehili	358	1	0	359	0	0	0	0	0	0	0	0	358	1	0	359
Kapolei	257	0	1	256	0	0	0	0	0	0	0	0	257	0	1	256
Kaupea	325	0	0	325	0	0	0	0	0	0	0	0	325	0	0	325
Kaupuni	19	0	0	19	0	0	0	0	0	0	0	0	19	0	0	19
Kewalo	249	0	0	249	0	0	0	0	0	0	0	0	249	0	0	249
Kumuhau	52	0	0	52	0	0	0	0	0	0	0	0	0	0	0	52
Lualualei	149	0	0	149	31	0	0	31	0	0	0	0	180	0	0	180
Malu'ohai	156	0	0	156	0	0	0	0	0	0	0	0	156	0	0	156
Nanakuli	1,050	0	0	1,050	0	0	0	0	0	0	0	0	1,050	0	0	1,050
Papakolea	64	0	0	64	0	0	0	0	0	0	0	0	64	0	0	64
Princess Kahanu Estates	271	0	0	271	0	0	0	0	0	0	0	0	271	0	0	271
Waiahole	0	0	0	0	16	0	0	16	0	0	0	0	16	0	0	16
Waianae	420	0	0	420	11	0	0	11	0	0	0	0	431	0	0	431
Waimanalo	745	0	0	745	2	0	0	2	0	0	0	0	747	0	0	747
TOTAL	4,275	1	1	4,275	60	0	0	60	0	0	0	0	4,284	1	1	4,335
MAUI																
Hikina	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Kahikinui	0	0	0	0	0	0	0	0	75	0	0	75	75	0	0	75
Keckea	0	0	0	0	65	0	0	65	0	0	0	0	65	0	0	65
Lealii	104	0	0	104	0	0	0	0	0	0	0	0	104	0	0	104
Paukukalo	180	0	0	180	0	0	0	0	0	0	0	0	180	0	0	180
Waiehu 1	39	0	0	39	0	0	0	0	0	0	0	0	39	0	0	39
Waiehu 2	109	0	0	109	0	0	0	0	0	0	0	0	109	0	0	109
Waiehu 3	114	0	0	114	0	0	0	0	0	0	0	0	114	0	0	114
Waiehu 4	97	0	0	97	0	0	0	0	0	0	0	0	97	0	0	97
Waiohuli	593	0	0	593	0	0	0	0	0	0	0	0	593	0	0	593
TOTAL	1,266	0	0	1,266	65	0	0	65	75	0	0	75	1,406	0	0	1,406
EAST HAWAII																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamaea	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaunana	44	0	0	44	0	0	0	0	0	0	0	0	44	0	0	44
Keaukaha	473	0	0	473	0	0	0	0	0	0	0	0	473	0	0	473
Kurtistown	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3
Makuu	0	0	0	0	122	0	0	122	0	0	0	0	122	0	0	122
Panaewa	0	0	0	0	263	0	0	263	0	0	0	0	263	0	0	263
Piihonua	17	0	0	17	0	0	0	0	0	0	0	0	17	0	0	17
Puueo	0	0	0	0	12	0	0	12	0	0	0	0	12	0	0	12
University Heights	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	4
Waialea	298	0	0	298	0	0	0	0	0	0	0	0	298	0	0	298
TOTAL	841	0	0	841	397	0	0	397	25	0	0	25	1,263	0	0	1,263
WEST HAWAII																
Honokaia	0	0	0	0	0	0	0	0	23	0	0	23	23	0	0	23
Humuula	0	0	0	0	0	0	0	0	5	0	0	5	5	0	0	5
Kamoku	0	0	0	0	0	0	0	0	16	0	0	16	16	0	0	16
Kanlohale	224	0	0	224	0	0	0	0	0	0	0	0	224	0	0	224
Kawaihae	187	0	1	186	0	0	0	0	1	0	0	1	188	0	0	186
Lalopua	284	0	0	284	0	0	0	0	0	0	0	0	284	0	0	284
Lalamilo	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Nienie	0	0	0	0	0	0	0	0	21	0	0	21	21	0	0	21
Puukapu/Waimea/Kuhio Vil	114	0	0	114	110	0	0	110	216	0	0	216	440	0	0	440
Puupulehu	33	0	0	33	0	0	0	0	0	0	0	0	33	0	0	33
TOTAL	872	0	1	871	110	0	0	110	282	0	0	282	1,264	0	1	1,264
KAUAI																
Anahola	534	0	0	534	46	0	0	46	0	0	0	0	580	0	0	580
Hanapepe	47	0	0	47	0	0	0	0	0	0	0	0	47	0	0	47
Kekaha	117	0	0	117	0	0	0	0	0	0	0	0	117	0	0	117
Puu Opae	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
TOTAL	698	0	0	698	46	0	0	46	1	0	0	1	745	0	0	745
MOLOKAI																
Hoolehua	157	0	0	157	345	0	0	345	21	0	0	21	523	0	0	523
Kalamaula	163	0	0	163	71	0	0	71	3	0	0	3	237	0	0	237
Kapaakea	47	0	0	47	0	0	0	0	3	0	0	3	50	0	0	50
Moomomi	0	0	0	0	3	0	0	3	0	0	0	0	3	0	0	3
One Aili	28	0	0	28	0	0	0	0	0	0	0	0	28	0	0	28
TOTAL	395	0	0	395	419	0	0	419	27	0	0	27	841	0	0	841
LANAI																
Lanai	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
TOTAL	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
STATEWIDE TOTAL	8,376	1	2	8,375	1,097	0	0	1,097	410	0	0	410	9,883	1	2	9,882

**HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING
November 30, 2017**

AREA WAITING LIST

DISTRICT AREA	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu District	1,015	0	6	1,009	3	0	0	3	0	0	0	0	1,012
Maui District	73	0	0	73	4	0	0	4	5	0	0	5	82
Hawaii District	135	0	1	134	15	0	0	15	59	0	0	59	208
Kauai District	56	0	0	56	3	0	0	3	29	0	0	29	88
Molokai District	20	0	0	20	19	0	0	19	1	0	0	1	40
TOTAL	1,299	0	7	1,292	44	0	0	44	94	0	0	94	1,430

ISLANDWIDE WAITING LIST

ISLAND	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu	9,634	18	23	9,629	3,664	15	0	3,679	0	0	0	0	13,308
Maui	3,771	4	1	3,774	4,636	2	2	4,636	600	2	0	602	9,012
Hawaii	5,707	10	13	5,704	7,121	8	4	7,125	1,867	3	0	1,870	14,699
Kauai	1,604	0	1	1,603	2,210	1	1	2,210	296	0	0	296	4,109
Molokai	784	3	2	785	1043	1	1	1043	198	0	0	198	2,026
Lanai	85	0	0	85	0	0	0	0	0	0	0	0	85
TOTAL	21,585	35	40	21,580	18,674	27	8	18,693	2,961	5	0	2,966	43,239

AREA AND ISLANDWIDE LISTS

	RES	AG	PAS	TOTAL	ADDITIONS		CANCELLATIONS		
OAHU	10,638	3,682	0	14,320	New Applications	60	New Lease Awards	40	
MAUI	3,847	4,640	607	9,094	Application Transfers	7	Application Transfers	7	
HAWAII	5,838	7,140	1,929	14,907	Lease Rescissions	0	Succ'd and Cancel Own	8	
KAUAI	1,659	2,213	325	4,197	App Reinstatements	0	Public Notice Cancel	0	
MOLOKAI	805	1,062	199	2,066	HHC Adjustments	0	Voluntary Cancellations	0	
LANAI	85	0	0	85	TOTAL		67	Lease Successorships	0
TOTAL	22,872	18,737	3,060	44,669				HHC Adjustments	0
								Dec'd No Successor	0
								Additional Acreage	0
								NHQ Unqualified	0
								TOTAL	55

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

November 30, 2017

	RESIDENCE				AGRICULTURE				PASTURE				
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	TOTAL
OAHU DISTRICT													
Nanakuli	179	0	2	177	0	0	0	0	0	0	0	0	177
Waianae	160	0	1	159	0	0	0	0	0	0	0	0	159
Lualualei	0	0	0	0	3	0	0	3	0	0	0	0	3
Papakolea/Kewalo	72	0	0	72	0	0	0	0	0	0	0	0	72
Waimanalo	604	0	3	601	0	0	0	0	0	0	0	0	601
Subtotal Area	1,015	0	6	1,009	3	0	0	3	0	0	0	0	1,012
Islandwide	9,634	18	23	9,629	3,664	15	0	3,679	0	0	0	0	13,308
TOTAL OAHU APPS	10,649	18	29	10,638	3,667	15	0	3,682	0	0	0	0	14,320
MAUI DISTRICT													
Paukukalo	73	0	0	73	0	0	0	0	0	0	0	0	73
Kula	0	0	0	0	4	0	0	4	5	0	0	5	9
Subtotal Area	73	0	0	73	4	0	0	4	5	0	0	5	82
Islandwide	3,771	4	1	3,774	4,636	2	2	4,636	600	2	0	602	9,012
TOTAL MAUI APPS	3,844	4	1	3,847	4,640	2	2	4,640	605	2	0	607	9,094
HAWAII DISTRICT													
Keaukaha/Waiakea	72	0	0	72	0	0	0	0	1	0	0	1	73
Panaewa	0	0	0	0	15	0	0	15	0	0	0	0	15
Humuula	0	0	0	0	0	0	0	0	0	0	0	0	0
Kawaihae	19	0	0	19	0	0	0	0	0	0	0	0	19
Waimea	44	0	1	43	0	0	0	0	58	0	0	58	101
Subtotal Area	135	0	1	134	15	0	0	15	59	0	0	59	208
Islandwide	5,707	10	13	5,704	7,121	8	4	7,125	1,867	3	0	1,870	14,699
TOTAL HAWAII APPS	5,842	10	14	5,838	7,136	8	4	7,140	1,926	3	0	1,929	14,907
KAUAI DISTRICT													
Anahola	48	0	0	48	3	0	0	3	21	0	0	21	72
Kekaha/Puu Opae	8	0	0	8	0	0	0	0	8	0	0	8	16
Subtotal Area	56	0	0	56	3	0	0	3	29	0	0	29	88
Islandwide	1,604	0	1	1,603	2,210	1	1	2,210	296	0	0	296	4,109
TOTAL KAUAI APPS	1,660	0	1	1,659	2,213	1	1	2,213	325	0	0	325	4,197
MOLOKAI DISTRICT													
Kalamaula	4	0	0	4	0	0	0	0	0	0	0	0	4
Hoolehua	7	0	0	7	19	0	0	19	1	0	0	1	27
Kapaakea	8	0	0	8	0	0	0	0	0	0	0	0	8
One Alii	1	0	0	1	0	0	0	0	0	0	0	0	1
Subtotal Area	20	0	0	20	19	0	0	19	1	0	0	1	40
Islandwide	784	3	2	785	1,043	1	1	1,043	198	0	0	198	2,026
TOTAL MOLOKAI APPS	804	3	2	805	1,062	1	1	1,062	199	0	0	199	2,066
LANAI DISTRICT													
Islandwide	85	0	0	85	0	0	0	0	0	0	0	0	85
TOTAL LANAI APPS	85	0	0	85	0	0	0	0	0	0	0	0	85
TOTAL AREA ONLY	1,299	0	7	1,292	44	0	0	44	94	0	0	94	1,430
TOTAL ISLANDWIDE	21,585	35	40	21,580	18,674	27	8	18,693	2,961	5	0	2,966	43,239
TOTAL STATEWIDE	22,884	35	47	22,872	18,718	27	8	18,737	3,055	5	0	3,060	44,669

DELINQUENCY REPORT - STATEWIDE

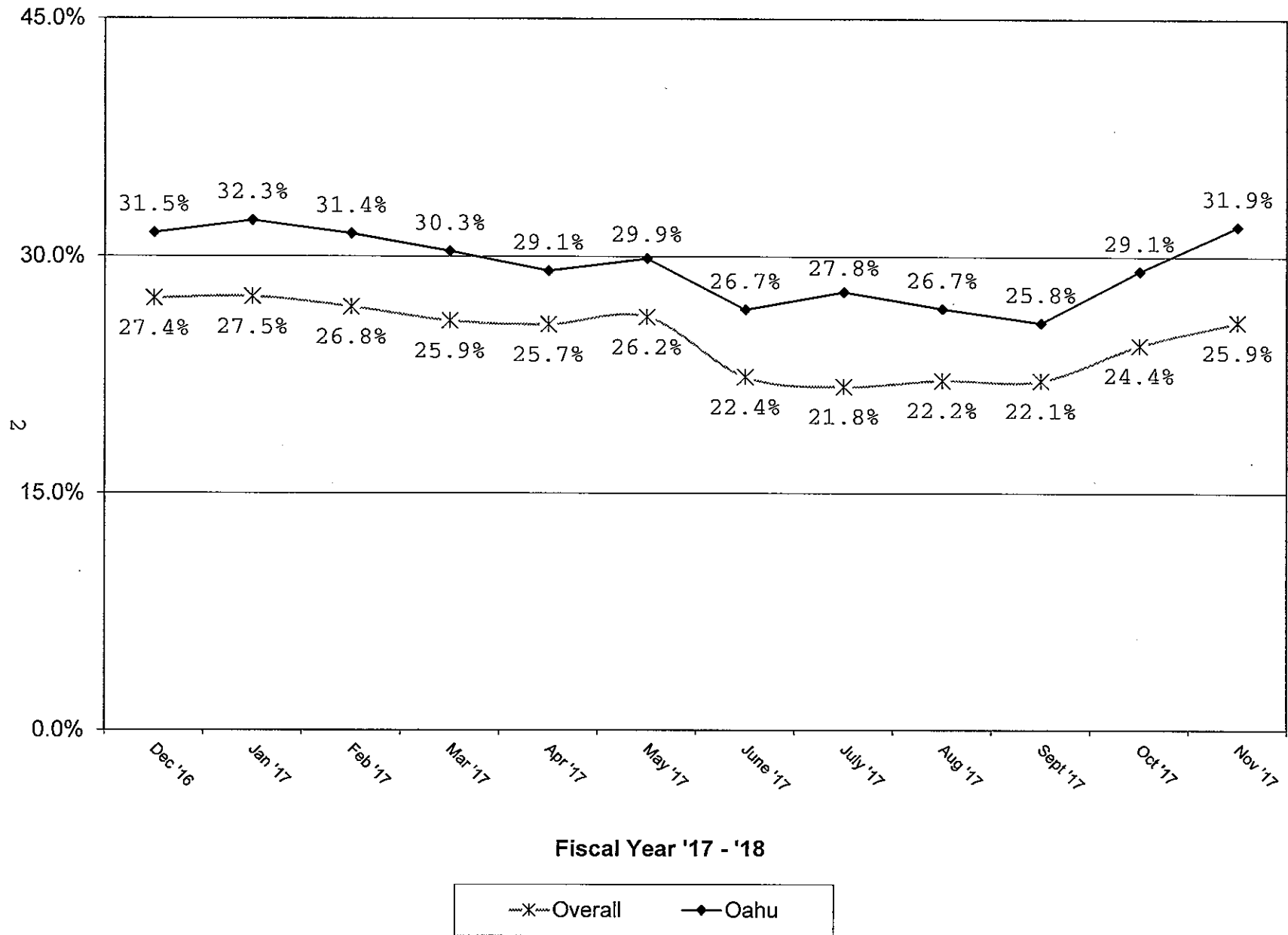
December 18, 2017

(\$Thousands)

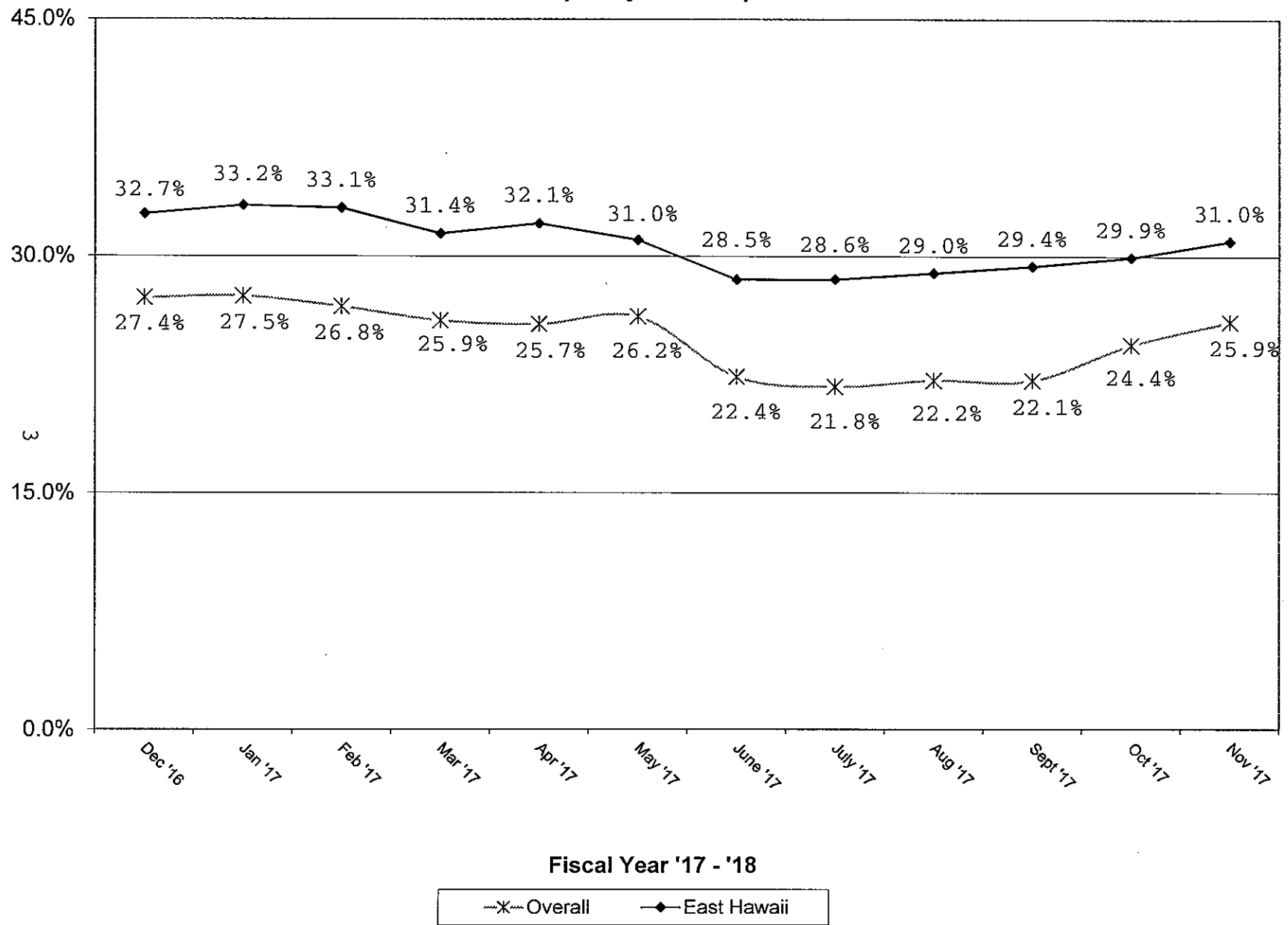
	Total Outstanding		Total Delinquency		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)		R I S K		% of Totals	
	No.	(000s)	No.	(000s)	No.	(000s)	No.	(000s)	No.	(000s)	No.	(000s)	No.	(000s)	11/30/2017	
DIRECT LOANS																
OAHU	407	34,743	103	11,098	19	1,862	7	995	24	2,752	53	5,488	25.3%	31.9%		
EAST HAWAII	223	13,820	67	4,281	12	609	3	24	10	376	42	3,273	30.0%	31.0%		
WEST HAWAII	80	8,105	11	761	2	188	1	93	1	133	7	346	13.8%	9.4%		
MOLOKAI	89	6,163	24	795	5	183	6	131	0	0	13	481	27.0%	12.9%		
KAUAI	103	7,350	22	1,485	6	394	1	95	6	254	9	742	21.4%	20.2%		
MAUI	87	10,259	20	2,383	5	546	4	711	1	42	10	1,084	23.0%	23.2%		
TOTAL DIRECT	989	80,441	247	20,803	49	3,782	22	2,049	42	3,558	134	11,414	25.0%	25.9%		
	100.0%	100.0%	25.0%	25.9%	5.0%	4.7%	2.2%	2.5%	4.2%	4.4%	13.5%	14.2%				
Advances (including RPT)	245	7,774	245	7,774	0	0	0	0	245	7,774			100%	100%		
DHHL LOANS & Advances	1,234	88,215	492	28,577	49	3,782	22	2,049	287	11,332	134	11,414	39.9%	32.4%		
LOAN GUARANTEES as of June 30, 2017																
SBA	1	101	0	0	0	0	0	0	0	0					0.0%	0.0%
USDA-RD	297	39,078	50	6,142	0	0	0	0	50	6,142					16.8%	15.7%
Habitat for Humanity	74	3,295	29	1,430	0	0	0	0	29	1,430					39.2%	43.4%
Maui County	5	74	0	0	0	0	0	0	0	0					0.0%	0.0%
Nanakuli NHS	1	7	1	7	0	0	0	0	1	7					100.0%	100.0%
City & County	18	313	14	289	0	0	0	0	14	289					77.8%	92.3%
FHA Interim	8	1,523	0	0	0	0	0	0	0	0					0.0%	0.0%
OHA	48	481	1	6	0	0	0	0	1	6					2.1%	1.2%
TOTAL GUARANTEE	452	44,872	95	7,874	0	0	0	0	95	7,874			21.0%	17.5%		
PMI Loans	214	36,187	9	1,772	3	718	1	132	5	922					4.2%	4.9%
HUD REASSIGNED for Recovery	140	18,030	118	16,820	1	73	0	0	2	98	115	16,649	84.3%	93.3%		
FHA Insured Loans	2,789	421,600	216	26,749	0	0	0	0	216	26,749					7.7%	6.3%
TOTAL INS. LOANS	3,143	475,817	343	45,341	4	791	1	132	223	27,769	115	16,649	10.9%	9.5%		
OVERALL TOTALS(EXC Adv/RP)	4,584	601,130	685	74,018	53	4,573	23	2,181	360	39,201	249	28,064	14.9%	12.3%		
ADJUSTED TOTALS	4,829	608,904	930	81,793	53	4,573	23	2,181	605	46,975	249	28,064		13.4%		

Note: HUD 184A loan program has 441 loans, with a total outstanding principal balance of \$98,859,810.92 as of June 30, 2017. 18 loans, totalling \$4,145,021.64 are delinquent.

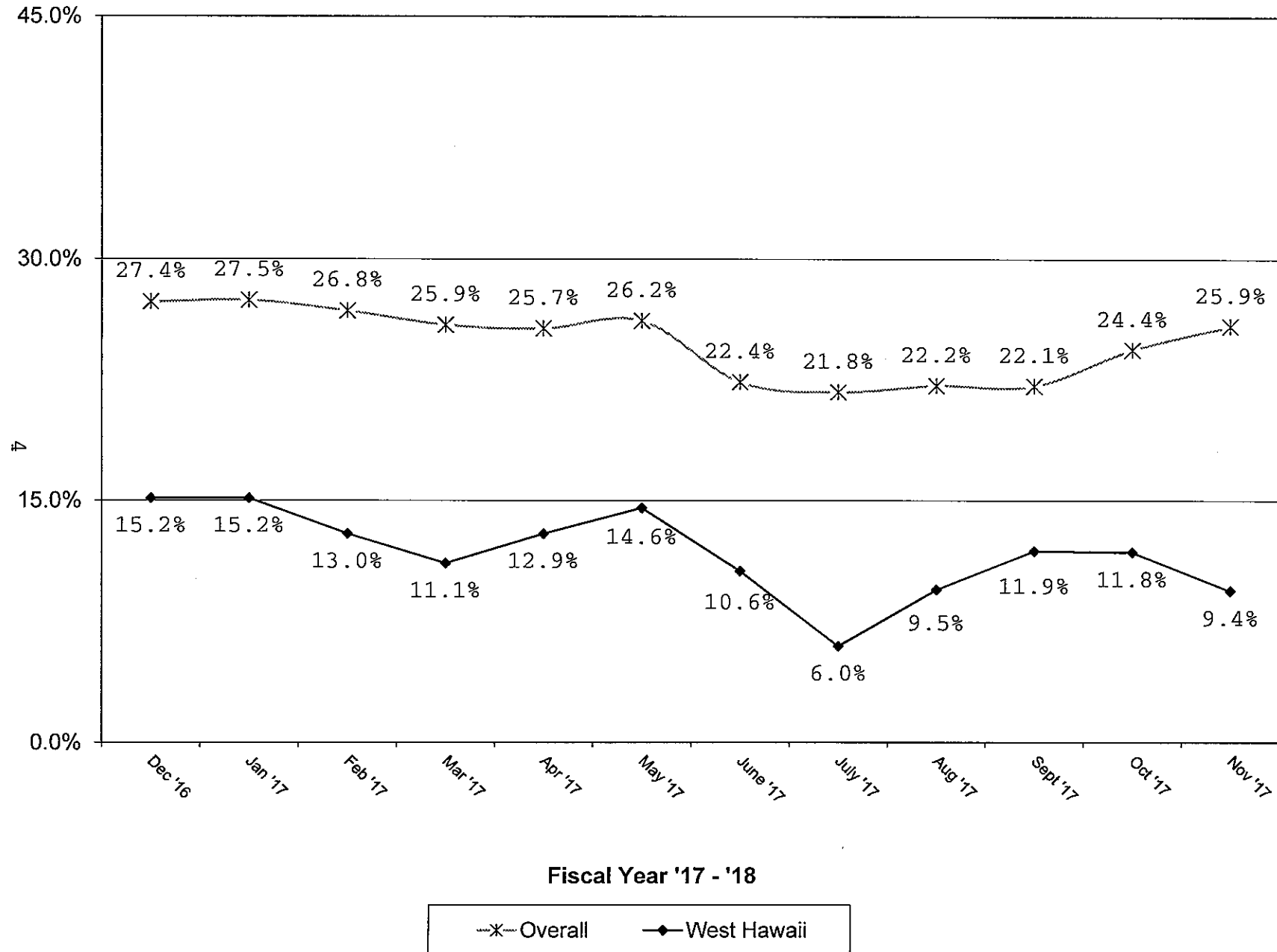
OAHU Direct Loans Delinquency Ratio Report



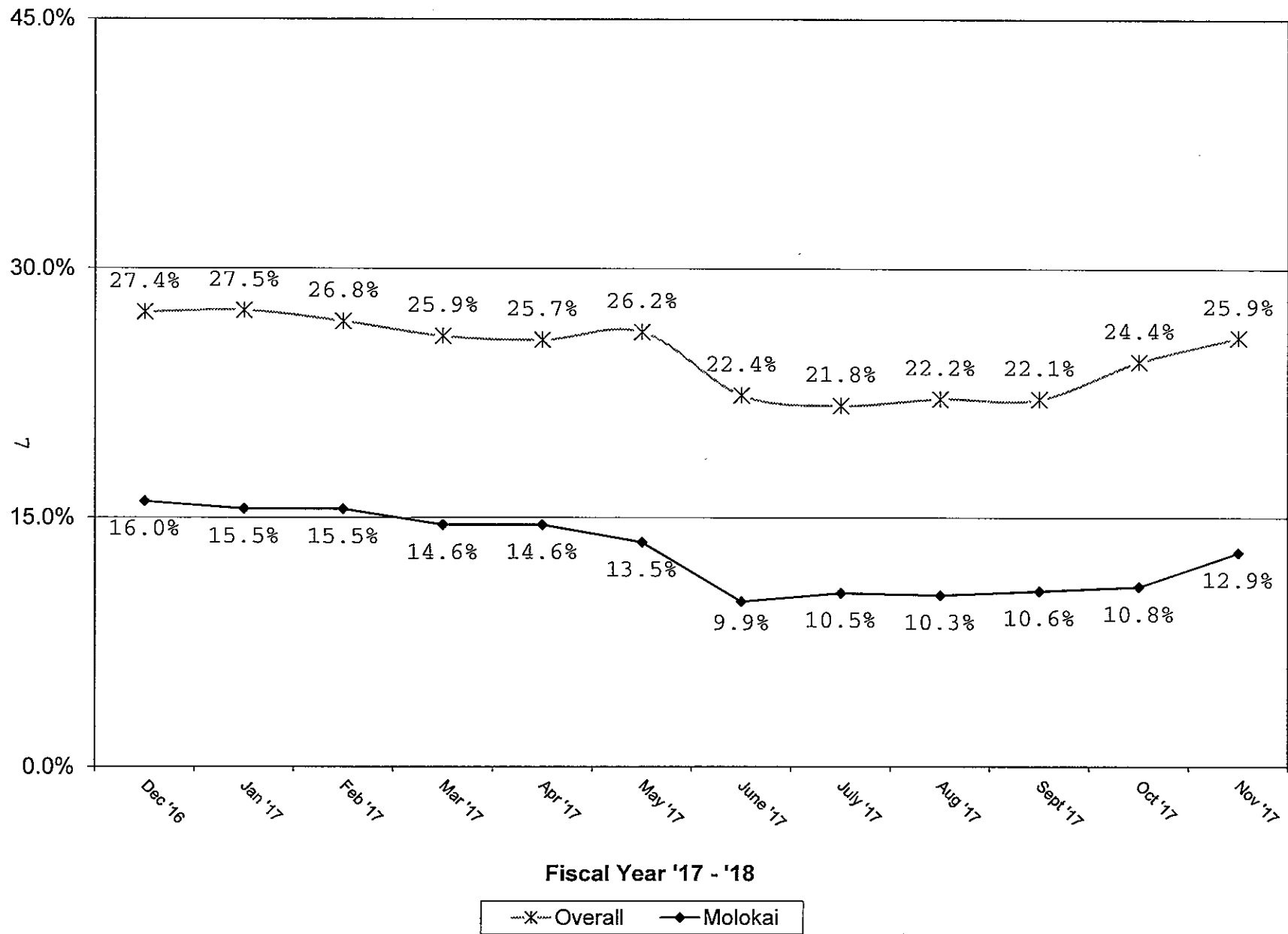
EAST HAWAII Direct Loans Delinquency Ratio Report



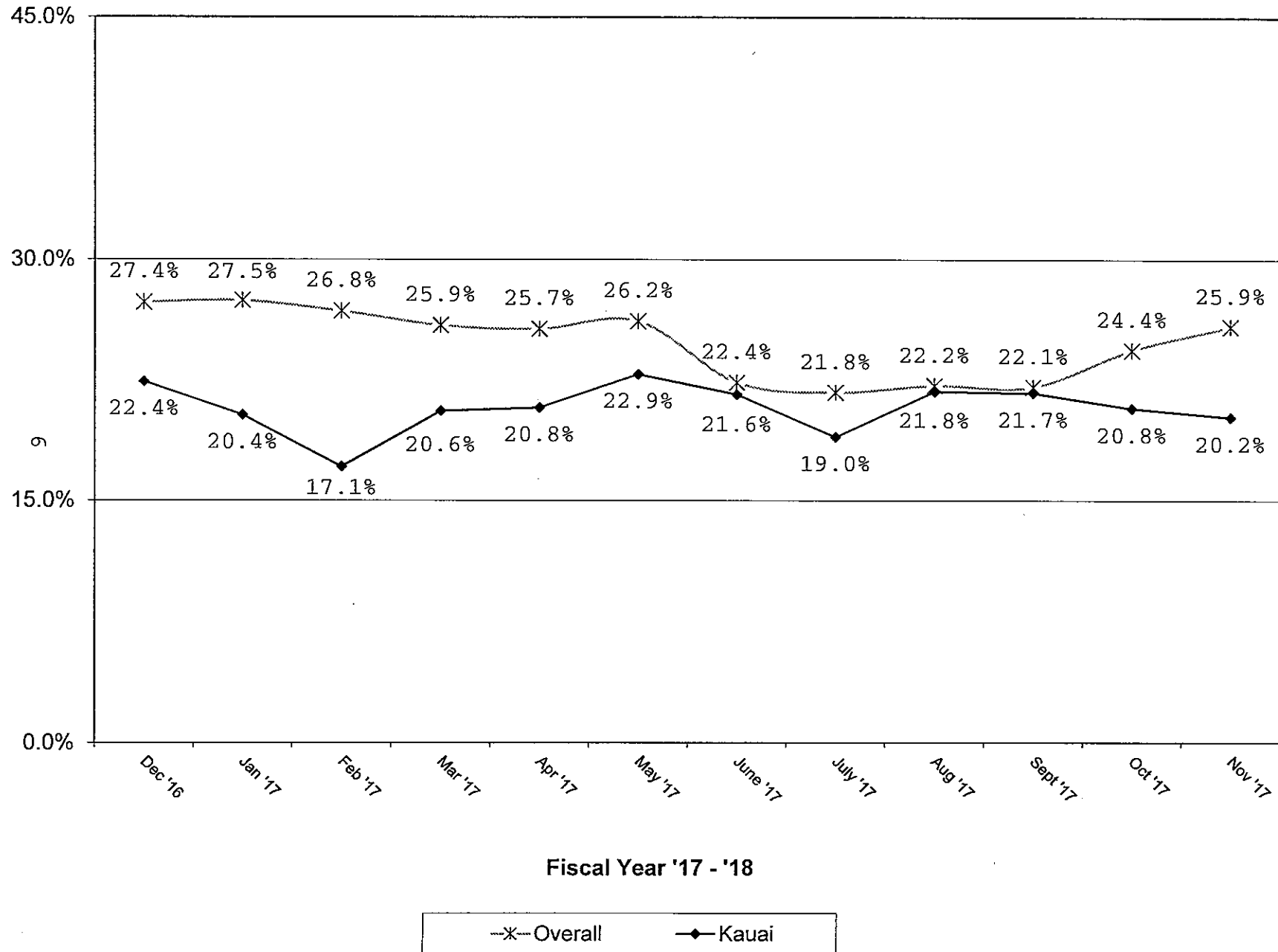
WEST HAWAII Direct Loans Delinquency Ratio Report



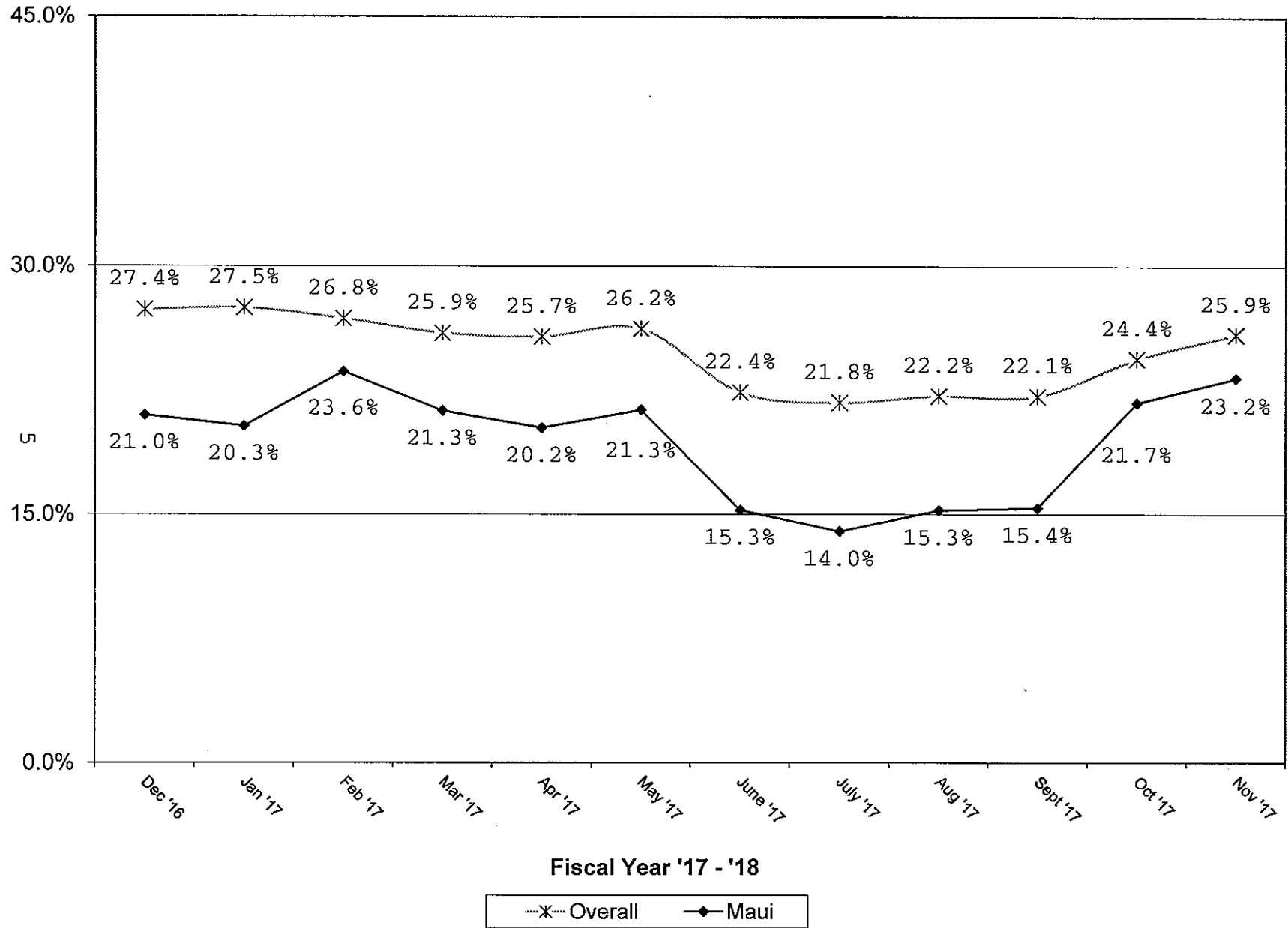
**MOLOKAI
Direct Loans
Delinquency Ratio Report**



KAUAI Direct Loans Delinquency Ratio Report



MAUI
Direct Loans
Delinquency Ratio Report



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

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

SUBJECT: **Ratification of Loan Approvals**

RECOMMENDED MOTION/ACTION

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

<u>LESSEE</u>	<u>LEASE NO. & AREA</u>	<u>LOAN TERMS</u>
Cashman, Alexander J.	6185, Puukapu	Loan #1: NTE \$184,000, 4.5% interest per annum, interest only payments, 1-year term
		Loan #2: NTE \$184,000, 4.5% interest per annum, NTE \$931 monthly, repayable over 30 years

Loan Purpose: To construct a 3 bedroom, 2-1/2 bath home with a detached 3 car garage.

<u>LESSEE</u>	<u>LEASE NO. & AREA</u>	<u>LOAN TERMS</u>
Freitas, Melanie P. & Freitas, Maile L.	8834, Anahola	NTE \$147,135, with the loan principle divided into 2 parts: 1) Installment portion loan amount NTE \$131,487, 4.5% per annum, \$652 monthly, repayable over 30 years 2) Deferred portion loan amount NTE \$15,648, due as final payment at loan maturity

Loan Purpose: Refinance contract of loan no. 18860 to lower
monthly payments due to financial hardship.
Original loan amount of \$134,099 at 7.375% per
annum, repayable over 30 years. No contested case
hearing was held for this account.

<u>REFINANCE</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/17	7	\$ 590,494
Prior Months	0	-0-
This Month	<u>1</u>	<u>147,135</u>
Total FY '17-'18	1	\$ 147,135

<u>REPAIR</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/17	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '17-'18	0	\$ -0-

<u>HOME CONSTRUCTION</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/17	0	\$ -0-
Prior Months	1	184,000
This Month	<u>1</u>	<u>184,000</u>
Total FY '17-'18	2	\$ 368,000

<u>FARM</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/16	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '17-'18	0	\$ -0-

<u>TRANSFER WITH LOAN</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/17	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '17-'18	0	\$ -0-

<u>AWARD</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/17	4	\$ 741,286
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '17-'18	0	\$ -0-

<u>OTHER</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/17	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '17-'18	0	\$ -0-

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 19, 2017

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator
Homestead Services Division

SUBJECT: **Approval of Consent to Mortgage**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

<u>PROPERTY</u>	<u>LESSEE</u>	<u>LENDER</u>	<u>LOAN AMOUNT</u>
<u>OAHU</u>			
Kaupea Lease No. 11396 TMK: 1-9-1-139:130	PACYAU, Steven K. (Purchase)VA	Department of Veterans Affairs	\$ 425,000
Maluohai Lease No. 9863 TMK: 1-9-1-120:038	LUNASCO, Michiko K. (Cash Out Refi)HUD 184A	Bank of Hawaii	\$ 429,250
Nanakuli Lease No. 8610 TMK: 1-8-9-017:045	VON OELHOFFEN, Tatiana J. K. (Cash Out Refi)FHA	Guild Mortgage Co.	\$ 158,000
Waimanalo Lease No. 4116 TMK: 1-4-1-020:019	NAEOLE, Jamie K. & FRAISER, Janielle L. (Cash Out Refi)FHA	Guild Mortgage Co.	\$ 210,000

OAHU

Nanakuli Lease No. 8642 TMK: 1-8-9-017:005	HULATON, Jeserie M. (Purchase)FHA	HomeStreet Bank	\$ 244,407
Leialii Lease No. 11534 TMK: 2-4-5-036:001	NOVIKOFF, Su Lun H. N. (Purchase)FHA	Hightechlend ing, Inc.	\$ 263,000
Maluohai Lease No. 9820 TMK: 1-9-1-119:047	FABRAO, Dawn K. (Cash Out Refi)FHA	Mann Mortgage LLC	\$ 228,000
Waimanalo Lease No. 8785 TMK: 1-4-1-038:021	MAKAIKE, Ramona M. (Cash Out Refi)FHA	Mann Mortgage LLC	\$ 221,000
Nanakuli Lease No. 2878 TMK: 1-8-9-006:050	ASUNCION, Gary K. (Cash Out Refi)HUD 184A	Bank of Hawaii	\$ 257,550
Princess Kahanu Estates Lease No. 8430 TMK: 1-8-7-043:073	LARONAL, Michael D. (Cash Out Refi)FHA	Guild Mortgage Co.	\$ 290,000
Kewalo Lease No. 1994 TMK: 1-2-4-041:035	KINCAID, James I. (203K Purchase)FHA	HomeStreet Bank	\$ 463,910
Kanehili Lease No. 12591 TMK: 1-9-1-153:107	DUQUE, Maury M. (Cash Out Refi)FHA	Hightechlend ing, Inc.	\$ 411,000
Princess Kahanu Estates Lease No. 8346 TMK: 1-8-7-042:055	KELEKOLIO, Kuuleialoha A. K. (Purchase)USDA, RD	Guild Mortgage Co.	\$ 406,000

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OAHU

Nanakuli Lease No. 7360 TMK: 1-8-9-016:075	HATCHER, Barbie M. K. (Cash Out Refi)FHA	Hightechlend ing, Inc.	\$ 508,000
Kaupea Lease No. 12011 TMK: 1-9-1-140:002	SIMPSON, Marcus C. K.(Rate & Term Refi)FHA	Mason McDuffie Mortgage Corp.	\$ 305,000
Kaupea Lease No. 11904 TMK: 1-9-1-139:145	GUMAPAC, Tonette L. &, GUMAPAC, Gene C. (Cash Out Refi)FHA	Mann Mortgage LLC	\$ 363,000
Kanehili Lease No. 12566 TMK: 1-9-1-153:128	PAIKAI, Kawailehua K. H. (Cash Out Refi)FHA	Mann Mortgage LLC	\$ 358,000
Waianae Lease No. 4741 TMK: 1-8-5-030:106	KAUWALU, Bruce P. (Cash Out Refi)FHA	Hightechlend ing, Inc.	\$ 274,000

MAUI

Waiohuli Lease No. 7465 TMK: 2-2-2-027:012	GRIFFIN, Yolanda C. I. (Purchase)FHA	HomeStreet Bank	\$ 530,937
Leialii Lease No. 11449 TMK: 2-4-5-036:050	NAKIHEI, Abner N., Jr. (Cash Out Refi)FHA	Siwell Inc., dba Capital Mortgage Services of Texas	\$ 242,000

MAUI

Paukukalo Lease No. 8162 TMK: 2-3-3-006:081	KUHIA, Pauline A. (Cash Out Refi)FHA	Mann Mortgage LLC	\$ 147,000
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LANAI

Lanai
Lease No. 10958
TMK: 2-4-9-024:035

MAGAOAY,
Celeste W. (Cash
Out Refi)HUD 184A

HomeStreet Bank \$ 176,750

KAUAI

Hanapepe
Lease No. 9908
TMK: 4-1-8-018:027

POE,
Lorna L.
(Cash Out Refi)FHA

Siwell Inc., \$ 189,000
dba Capital
Mortgage
Services of
Texas

Anahola
Lease No. 6469
TMK: 4-4-8-020:020

McCORRISTON,
Daniel K., Jr.
(Cash Out Refi)FHA

Siwell Inc., \$ 365,000
dba Capital
Mortgage
Services of
Texas

Piilani Mai Ke Kai
Lease No. 11039
TMK: 4-4-8-022:064

WOODWARD,
Alika K. (1 Step
Construction)FHA

HomeStreet Bank \$ 400,000

Piilani Mai Ke Kai
Lease No. 11078
TMK: 4-4-8-022:052

HOLLAND,
Jorina A. L. S. L.
(1 Step
Construction)FHA

HomeStreet Bank \$ 259,141

Piilani Mai Ke Kai
Lease No. 11061
TMK: 4-4-8-022:054

KAAIHUE,
Robert K. (1 Step
Construction)FHA

HomeStreet Bank \$ 356,034

HAWAII

Laiopua
Lease No. 10819
TMK: 3-7-4-027:113

OLIVAL,
George N.
(Purchase)FHA

HomeStreet Bank \$ 285,475

Keaukaha
Lease No. 9646
TMK: 3-2-1-022:073

NAMAUU,
Mary L.
(Cash Out Refi)FHA

Mann \$ 162,000
Mortgage LLC

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HAWAII

Kawaihae
Lease No. 7159
TMK: 3-6-1-007:050

NERY,
Richard L., Jr.
(Cash Out Refi) HUD
184A

Bank of \$ 237,350
Hawaii

Keaukaha
Lease No. 5649
TMK: 3-2-1-020:078

GAISON,
Samuel N., Jr.
(Cash Out Refi) FHA

HomeStreet \$ 233,550
Bank

<u>RECAP</u>	<u>NO.</u>	<u>FHA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>VA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>USDA-RD</u> <u>AMOUNT</u>
FY Ending 6/30/17	300	\$ 72,689,610	8	\$3,021,043	9	\$1,695,424
Prior Months	117	\$ 28,922,013	4	\$1,894,000	3	\$.941,413
This Month	<u>25</u>	<u>7,467,454</u>	<u>1</u>	<u>425,000</u>	<u>1</u>	<u>406,000</u>
Total FY '17-'18	142	\$ 36,389,467	5	\$2,319,000	4	\$1,347,413
HUD 184A						
FY Ending 6/30/17	105	\$25,483,508				
Prior Months	24	\$ 6,470,674				
This Months	<u>4</u>	<u>1,100,900</u>				
Total FY '17-'18	28	\$ 7,571,574				

ITEM NO. D-3

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission
FROM: Dean Oshiro, Acting HSD Administrator
Homestead Services Division
SUBJECT: **Approval of Streamline Refinance of Loans**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

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

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

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

<u>LESSEE</u>	<u>LEASE NO. & AREA</u>	<u>REFINANCING LOAN TERMS</u>
Kamalani, Benjamin	8112, Waiakea	NTE \$40,600 @4.5% interest per annum, NTE \$756 monthly, repayable over 5 years.


Loan Purpose: Refinance Contract of Loan no. 15613.
Original loan amount of \$72,800 at 6%
per annum, \$437 monthly, repayable
over 30 years. A Contested Case
Hearing was not held for this account.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator 
Homestead Services Division

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

RECOMMENDED MOTION/ACTION

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

DISCUSSION

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

<u>Lessee</u>	<u>Lease No.</u>	<u>Area</u>	<u>Loan No.</u>	<u>Monthly Payment</u>	<u>Amount at 11/17</u>	<u>Balance At 11/17</u>
<u>Oahu</u>						
Cameros, Elaine K	4553	Nanakuli	19468 HUD buyback)	\$TBD	\$TBD	\$TBD
McBrayer, Timothy K.	11368	Kaupea	19412 (ASB buyback) & 18885 (VOKA Adv)	\$1,622 \$---	\$5,110 \$2,775	\$257,100 \$2,775
Ayau, Edwin L.A	11974	Kaupea	19416 (ASB buyback) & 18889 (VOKA Adv)	\$1,736 \$---	\$5,470 \$4,223	\$277,016 \$4,223
Brown, Bruce L.	12034	Kaupea	19417 (ASB buyback)	\$1,744	\$3,894	\$269,549

<u>Lessee</u>	<u>Lease</u> <u>No.</u>	<u>Area</u>	<u>Loan</u> <u>No.</u>	<u>Monthly</u> <u>Payment</u>	<u>Amount</u> <u>at 11/17</u>	<u>Balance</u> <u>At 11/17</u>
Halemanu, Alexander	11276	Waimanalo	18680	\$1,179	\$5,629	\$209,241

ITEM NO. D-5

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean T. Oshiro, Acting HSD Administrator

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

SUBJECT: **Approval of Homestead Application Transfers/Cancellations**

RECOMMENDED MOTION/ACTION

To approve the transfers and cancellations of applications from the Application Waiting Lists for reasons described below:

DISCUSSION

1. Requests of Applicants to Transfer

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

WRIGHT, Taylor-Nikole	03/28/2016	MOLOKAI	RES	05/16/2017
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2. Deceased Applicants

NONE FOR SUBMITTAL

3. Awards of Leases

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

ALVERIO, Dolly K.M.

Assigned Residential Lease
#3805, Lot 63 in Nanakuli, Oahu
dated 10/20/2017. Remove
application dated 03/08/2011.

IWAKI, Leolani I.

Assigned Residential Lease
#4497, Lot 11 in Nanakuli, Oahu
dated 03/09/2016. Remove
application dated 03/31/1997.

KEONE, Kamaehu B.

Assigned Residential Lease
#12466, UNDV147 in Kapolei,
Oahu dated 10/24/2017. Remove
application dated 10/30/2006.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

REGIDOR, Earl K.

Assigned Residential Lease
#9377, Lot 64 in Kaniohale,
Hawaii dated 07/24/2017. Remove
application dated 04/25/2001.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KONG KEE, Theresa Anne K.

Succeeded to 11/03/2000 Oahu
Islandwide Residential
application of sibling,
Florence L. Kong Kee. Remove
application dated 03/29/2006.

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL

Last Month's Transaction Total	55
Last Month's Cumulative FY 2017-2018 Transaction Total	149
Transfers from Island to Island	1
Deceased	0
Cancellations:	
Awards of Leases	4
NHQ	0
Voluntary Cancellations	0
Successorship	1
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	6
This Month's Cumulative FY 2017-2018 Transaction Total	155

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean T. Oshiro, Acting HSD Administrator

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

SUBJECT: **Commission Designation of Successor to Application Rights of FRANCIS T. MILLER, Deceased - Public Notice 2016**

RECOMMENDED MOTION/ACTION

To designate the following individual as successor to the application rights of the deceased applicant who did not name a qualified successor.

DISCUSSION

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

1. Deceased Applicant:	Francis T. Miller
Date of death:	December 22, 2011
Successor to application rights	Jessie K. Miller
Relationship to decedent:	Child
Island:	Hawaii Islandwide
Type:	Agricultural
Date of Application:	July 9, 1985
Date of Public Notice:	November, 2016

Previous Cumulative Total for Current FY	26
Current Month's Total	1
2017-2018 Fiscal Year Total:	27

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator
Homestead Services Division

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

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

RECOMMENDED MOTION/ACTION

To approval the designation of successor to the leasehold interest and person to receive the net proceeds, pursuant to Section 209, Hawaiian Homes Commission Act, 1920, as amended.

*See attached list of Lessee.

Leasehold Interest:

Ratified for December 2017	3
Previous FY 2017 - 2018	<u>42</u>
FY 2017 - 2018 Total to Date	45
 Ratified for FY '16 - '17	 104

Net Proceeds

Ratified for December 2017	0
Previous FY 2017 - 2018	<u>1</u>
FY 2017 - 2018 Total to Date	1
 Ratified for FY '16 - '17	 2

LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR
LEASEHOLD INTEREST
FOR MONTH OF DECEMBER 2017

<u>Deceased Lessee</u>	<u>Designated Successor</u>
1. Edmond G. Awai Lot No.: 25 Area: Paukukalo, Maui Lease No. 4163	<u>PRIMARY:</u> Lynn K. Awai-Tavares, Daughter <u>ALTERNATE:</u> Keani D. Awai, Daughter <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
2. Graen A. Enriquez Lot No.: 1 Area: Nanakuli, Oahu Lease No. 7253	<u>PRIMARY:</u> Mary K. Enriquez, Wife <u>ALTERNATE: Tenants in Common</u> Graen A. Enriquez, Jr., Son Ruby L. Enriquez, Daughter <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
3. Brent K. Davis Lot No.: 108 Area: Hoolehua, Molokai Lease No. 3814	<u>PRIMARY:</u> Justes B. K. Davis, Son <u>ALTERNATE: Joint Tenants</u> Jared B. K. Davis, Son Jeremie B. K. Davis, Son <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator
Homestead Services Division

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

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

RECOMMENDED MOTION/ACTION

To approve the assignment of the leasehold interest, pursuant to Section 208, Hawaiian Homes Commission Act, 1920, as amended, and subject to any applicable terms and conditions of the assignment, including but not limited to the approval of a loan.

DISCUSSION

Eighteen (18) assignments of lease.

<u>LESSEE</u>	<u>TRANSFeree</u>
1. Name: Reynette N. Ahuna Res. Lease No.: 2032 Lease Date: 11/10/1948 Lot No.: 163 Area/Island: Kewalo, Oahu Property Sold: Yes Amount: \$147,600.00 Improvements: 4 bedroom, 3 bathroom dwelling	Name: Reynette N. & Reydan P. Ahuna Relationship: Lessee & Daughter Loan Assump: No Applicant: No

Reason for Transfer: "Adding relative to lease and financial reasons." Special Condition: Existing mortgage must be assumed or refinanced to reflect both lessees.

LESSEETRANSFeree

2. Name: Jeffrey Chee Name: Denise L. Mussell
 Res. Lease No.: 5641 Relationship: Daughter
 Lease Date: 6/3/1985 Loan Assump: No
 Lot No.: 100 Applicant: No
 Area/Island: Lualualei, Oahu
 Property Sold: No
 Amount: N/A
 Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Giving lease to relative."

3. Name: Bronson K. Kahue- Name: Daniel Pacyau
 Burrows Relationship: None
 Res. Lease No.: 11396 Loan Assump: No
 Lease Date: 5/8/2007 Applicant: Yes, Hawaii IW
 Lot No.: 17210 Res., 3/27/2002
 Area/Island: Kaupea, Oahu
 Property Sold: Yes
 Amount: \$425,000.00
 Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Moving off island." Special
Condition: Transferee to obtain funds to pay purchase
price. See simultaneous transfer below.

4. Name: Daniel Pacyau Name: Steven K. Pacyau
 Res. Lease No.: 11396 Relationship: Son
 Lease Date: 5/8/2007 Loan Assump: No
 Lot No.: 17210 Applicant: No
 Area/Island: Kaupea, Oahu
 Property Sold: Yes
 Amount: \$425,000.00
 Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Giving lease to relative." Special
Conditions: Transferee to obtain funds to pay purchase
price.

LESSEETRANSFeree

5. Name: Hiilani J. Mikaitis Name: Sharon C. K. Nerpio
 Res. Lease No.: 6541 Relationship: Friend
 Lease Date: 4/26/1990 Loan Assump: No
 Lot No.: 13 Applicant: Yes, Kauai IW
 Area/Island: Anahola, Kauai Res., 12/21/2005
 Property Sold: Yes
 Amount: \$380,000.00
 Improvements: 5 bedroom, 2-1/2 bathroom dwelling

Reason for Transfer: "Too big for me to take care of - good for family with children". Special Condition: Transferee to obtain funds to pay purchase price. See simultaneous transfer below.

6. Name: Sharon C. K. Nerpio Name: Brandon K. Nerpio
 Res. Lease No.: 6541 Relationship: Son
 Lease Date: 4/26/1990 Loan Assump: No
 Lot No.: 13 Applicant: No
 Area/Island: Anahola, Kauai
 Property Sold: Yes
 Amount: \$380,000.00
 Improvements: 5 bedroom, 2-1/2 bathroom dwelling

Reason for Transfer: "Giving lease to relative". Special Condition: Transferee to obtain funds to pay purchase price.

7. Name: Ronald H. Niau Name: Ronald H. Niau &
 Res. Lease No.: 2033 Haunani D. Lawther
 Lease Date: 11/29/1948 Relationship: Lessee & Sister
 Lot No.: 183 Loan Assump: No
 Area/Island: Kewalo, Oahu Applicant: Yes, Kauai IW
 Property Sold: No Res., 7/15/1985
 Amount: N/A
 Improvements: 3 bedroom, 1 bathroom dwelling

Reason for Transfer: "Adding relative to lease."

LESSEETRANSFeree

8. Name: Lorna-Mae M. Pecanty Name: Lorna-Mae M. Pecanty &
 Res. Lease No.: 3794 Kenneth K. Nakaahiki, Jr.
 Lease Date: 4/25/1969 Relationship: Lessee &
 Lot No.: 246-A Brother
 Area/Island: Nanakuli, Oahu Loan Assump: No
 Property Sold: No Applicant: Yes, Oahu IW Res.,
 Amount: N/A 12/24/2008
 Improvements: 3 bedroom, 1 bathroom dwelling

Reason for Transfer: "Adding my brother Kenneth K. Nakaahiki, Jr."

9. Name: Barry L. Rice Name: Peter K. Laa, Jr.
 Res. Lease No.: 7959 Relationship: None
 Lease Date: 10/20/1988 Loan Assump: No
 Lot No.: 406 Applicant: Yes, Oahu IW Res.,
 Area/Island: Nanakuli, Oahu 7/28/2005
 Property Sold: Yes
 Amount: \$250,000.00
 Improvements: 3 bedroom, 2-1/2 bathroom dwelling

Reason for Transfer: "Giving lease to relative."
(Respective daughter and son are married.) Special
Conditions: Transferee to obtain funds to pay purchase
price. See simultaneous transfer below.

10. Name: Peter K. Laa, Jr. Name: Peter K. Laa, III
 Res. Lease No.: 7959 Relationship: Son
 Lease Date: 10/20/1988 Loan Assump: No
 Lot No.: 406 Applicant: No
 Area/Island: Nanakuli, Oahu
 Property Sold: Yes
 Amount: \$250,000.00
 Improvements: 3 bedroom, 2-1/2 bathroom dwelling

Reason for Transfer: "Giving lease to relative." Special
Conditions: Transferee to obtain funds to pay purchase
price.

LESSEETRANSFeree

11. Name: Helen N. K. Wai
Res. Lease No.: 8391
Lease Date: 11/1/1995
Lot No.: 100
Area/Island: PKE, Oahu
Property Sold: No
Amount: N/A
Improvements: 4 bedroom, 2 bath dwelling

Name: Florence L. Yelinek
Relationship: Aunty
Loan Assump: No
Applicant: No

Reason for Transfer: "Keep it in the family. Want to move closer to daughter and her family to help take care of mo'opuna's." See simultaneous transfer below.

12. Name: Michael K. Lani
Res. Lease No.: 12326
Lease Date: 12/6/2008
Lot No.: UNDV007
Area/Island: Kapolei, Oahu
Property Sold: No
Amount: N/A
Improvements: None

Name: Helen N. K. Wai
Relationship: None
Loan Assump: No
Applicant: No

Reason for Transfer: "Got married and moved to Utah, purchased a home and not planning on moving back. I want to gift my Undivided Interest lease to Helen Wai. My siblings and family members already have a home and will eventually move to Utah."

13. Name: Ramona M. L. U.
Dayanan
Res. Lease No.: 12495
Lease Date: 12/6/2008
Lot No.: UNDV176
Area/Island: Kapolei, Oahu
Property Sold: No
Amount: N/A
Improvements: None

Name: Eugene E. K. Winchester
Relationship: Son
Loan Assump: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

LESSEETRANSFeree

14. Name: Victoria K. Punua-McGinnis
Res. Lease No.: 12484
Lease Date: 12/6/2008
Lot No.: UNDV165
Area/Island: Kapolei, Oahu
Property Sold: No
Amount: N/A
Improvements: None

Name: Lindsey K. Kaawaloa
Relationship: Niece
Loan Assump: No
Applicant: Yes, Oahu IW Res.,
6/15/2010

Reason for Transfer: "Giving lease to relative."

15. Name: Lecamieann E. M. H. Shiffler
Res. Lease No.: 10483
Lease Date: 6/18/2005
Lot No.: UNDV186
Area/Island: Waiohuli, Maui
Property Sold: No
Amount: N/A
Improvements: None

Name: Richard K. Hai
Relationship: In Laws
Loan Assump: No
Applicant: Yes, Maui IW Res.,
2/3/2005

Reason for Transfer: "Richard Hai is financially ready to assume home loans."

16. Name: Susan L. Young
Res. Lease No.: 12458
Lease Date: 12/6/2008
Lot No.: UNDV139
Area/Island: Kapolei, Oahu
Property Sold: No
Amount: N/A
Improvements: None

Name: Susan L. Young & Tia J. K. Young
Relationship: Lessee & Daughter
Loan Assump: No
Applicant: No

Reason for Transfer: "Adding relative to lease."

LESSEETRANSFeree

17. Name: June I. K. M. Shirshac Name: Rory K. Tripp
 Res. Lease No.: 7141 Relationship: Friend
 Lease Date: 10/1/1999 Loan Assump: No
 Lot No.: 95 Applicant: Yes, Hawaii IW
 Area/Island: Kawaihae, Res., 1/22/1986
 Hawaii
 Property Sold: No
 Amount: N/A
 Improvements: None

Reason for Transfer: "Gifting to my Pastor."

18. Name: Alice K. A. Spencer Name: Patrick M. Cullen
 Agr. Lease No.: 6662 Relationship: Grandson
 Lease Date: 4/28/2001 Loan Assump: No
 Lot No.: 24 Applicant: No
 Area/Island: Waiahole, Oahu
 Property Sold: No
 Amount: N/A
 Improvements: None

Reason for Transfer: "Gift to grandson so he can have his own home."


Assignments for the Month of December '17	18
Previous FY '17 - '18 balance	<u>128</u>
FY '17 - '18 total to date	146
Assignments for FY '16 - '17	229

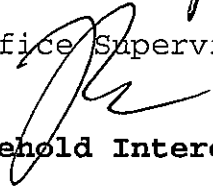
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator 

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

SUBJECT: **Approval of Amendment of Leasehold Interest**

RECOMMENDED MOTION/ACTION

To approve the amendment of the leasehold interest listed below.

DISCUSSION

Eight (8) amendments of lease.

1. Lessee: Eugene Albinio
Res. Lease No.: 8980
Lot No., Area, Island: 99, Waianae, Oahu
Amendment: To amend the lease to release a reservation of life interest.
2. Lessee: Edmond G. Awai
Res. Lease No.: 4163
Lot No., Area, Island: 25, Paukukalo, Maui
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease, and to update the property description.
3. Lessee: Michael K. Lani
Res. Lease No.: 12326
Lot No., Area, Island: UNDV007, Kapolei, Oahu
Amendment: To amend the lease to release a reservation of life interest.


4. Lessee: Brian F. Meyer & Paul W. Meyer
Agr. Lease No.: 1668
Lot No., Area, Island: 36-B-1, 36-B-2, 175-A, Hoolehua, Molokai
Amendment: To amend the tenancy to tenant by severalty, due to the death of a joint tenant lessee. To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
5. Lessee: June L. Nasau & Zena K. S. Nasau
Res. Lease No.: 5140
Lot No., Area, Island: 55, Nanakuli, Oahu
Amendment: To amend the tenancy to tenant by severalty, due to the death of a joint tenant lessee.
6. Lessee: Barry L. Rice
Res. Lease No.: 7959
Lot No., Area, Island: 406, Nanakuli, Oahu
Amendment: To amend the lease to release a reservation of life interest.
7. Lessee: Spencer K. Schutte
Pas. Lease No.: 3392B
Lot No., Area, Island: 16-C, Puukapu, Hawaii
Amendment: To correct lessee's legal name as shown on the lease document. To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease.
8. Lessee: June I. K. M. Shirshac
Res. Lease No.: 7141
Lot No., Area, Island: 95, Kawaihae, Hawaii
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.

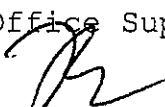
Amendments for the Month of December '17	8
Previous FY '17 - '18 balance	<u>97</u>
FY '17 - '18 total to date	105
 Amendments for FY '16 - '17	 193

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator 

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

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

RECOMMENDED MOTION/ACTION

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

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

DISCUSSION

Ten (10) non-exclusive licenses.

1. Lessee: Israel K. M. Clarke
Res. Lease No.: 12792
Lot No., Area, Island: 13753, Hoolimalima, Oahu
Permittee: MDI PV, LLC
2. Lessee: Kalanialii'i B. Guerrero
Res. Lease No.: 12726
Lot No., Area, Island: 172, Kawaihae, Hawaii
Permittee: Sunrun Inc.
3. Lessee: Tonnette L. and Gene C. Gumapac
Res. Lease No.: 11904
Lot No., Area, Island: 17225, Kaupea, Oahu
Permittee: Sunrun Inc.

ITEM NO. D-11

4. Lessee: Sharde L. Kaaialii-Carba
Res. Lease No.: 2539
Lot No., Area, Island: 209B, Nanakuli, Oahu
Permittee: Sunrun Inc.
5. Lessee: Paul P. Kamoku, Jr.
Res. Lease No.: 12803
Lot No., Area, Island: 13779, Hoolimalima, Oahu
Permittee: MDI PV, LLC
6. Lessee: Claude H. Kane
Res. Lease No.: 3115
Lot No., Area, Island: 61, Waimanalo, Oahu
Permittee: Sunrun Inc.
7. Lessee: Ronald K. Kaua
Res. Lease No.: 11913
Lot No., Area, Island: 17239, Kaupea, Oahu
Permittee: Sunrun Inc.
8. Lessee: Michael K. Keahi
Res. Lease No.: 5946
Lot No., Area, Island: 21, Waiehu Kou, Maui
Permittee: Sunrun Inc.
9. Lessee: Haroleen L. Naehu
Res. Lease No.: 12750
Lot No., Area, Island: 13744, Hoolimalima, Oahu
Permittee: Sunrun Inc.
10. Lessee: Kulea K. Pelekai-Wai
Res. Lease No.: 8412
Lot No., Area, Island: 121, PKE, Oahu
Permittee: STW Holding, LLC

Non-Exclusive License for the Month of December '17	10
Previous FY '17 - '18 balance	<u>44</u>
FY '17 - '18 total to date	54
Non-Exclusive License for FY '16 - '17	69


ITEM NO. D-11

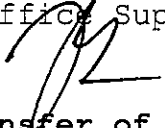
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator 
Homestead Services Division

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

SUBJECT: **Approval of Subdivision, Transfer of a Portion of
Lease, Amendment of Lease No. 1638,
Lot No. 8, Nanakuli, Oahu
Althea G. Paik**

RECOMMENDED MOTION/ACTION

1. To approve the request of Althea G. Paik (Althea) to subdivide Department of Hawaiian Home Lands Residential Lease No. 1638, Lot No. 8, Nanakuli, Oahu, consisting of 37,831 square feet, and further identified as TMK (1) 8-9-003:011 into Lots 8-A and 8-B, provided that the Lessee is responsible for all cost incurred in the processing and obtaining of the subdivision, including but not limited to surveying fees, fees imposed by the City and County of Honolulu (County), fees for utility (electric, water, etc.) and other fees associated with the subdivision of Lot No. 8.

2. To approve the amendment of Lease No. 1638, to reflect the subdivision of the Lot into Lots 8-A and 8-B; update the property description of original Lot No. 8; amend the lease title and lessor's name; amend the property description; to incorporate the currently used terms, covenants, and conditions in the lease; and to extend the lease term to an aggregate term of 199 years; and amend the lease to remove the reservation of life interest of Annette L. Nao.

3. To approve the designation of Residential Lease No. 1638, demising Lot No. 8-A.

4. To approve the transfer of Lot No. 8-A, under Lease No. 1638, from Althea to her daughter, Leinette D.L. Savaiinaea (Leinette).

5. The above are subject to the completion of the survey work done by a licensed surveyor, including but not limited to the surveying and staking of boundary corners of the lots, submitting the required number of final subdivision maps to the County, preparing and submitting the legal description of the lots to the Department of Hawaiian Home Lands (Department), applying to the County for subdivision approval, obtaining the tax map keys for the Lots, and final subdivision approval by the County of Honolulu.

DISCUSSION

Department Residence Lot Lease No. 1638, Lot No. 8, located in Nanakuli, Oahu (Lease), was awarded to Bernice K. Spencer (Bernice), commencing on June 7, 1946. On March 1, 1983, Bernice passed away and the lease was succeeded by instrument dated December 13, 1988, to Tiana Stephanie Lei-Nani Ching, fka. Tiana Stephanie Lei-Nani Spencer (Tiana). On May 17, 1993 Tiana transferred the lease to Annette L. Nao (Annette). On October 26, 2000, Annette transferred the lease to Althea, reserving the right to remain on the leasehold premises.

Althea is requesting the approval to subdivide her lot into two lots and to give Leinette the original lot. Leinette's Hawaiian Blood Quantum was deemed to be at least 42% and is therefore qualified to receive a transfer of a portion of her mother's lease. Once the lot is subdivided, Leinette will retain Lot No. 8-A and Althea will receive Lot No. 8-B.

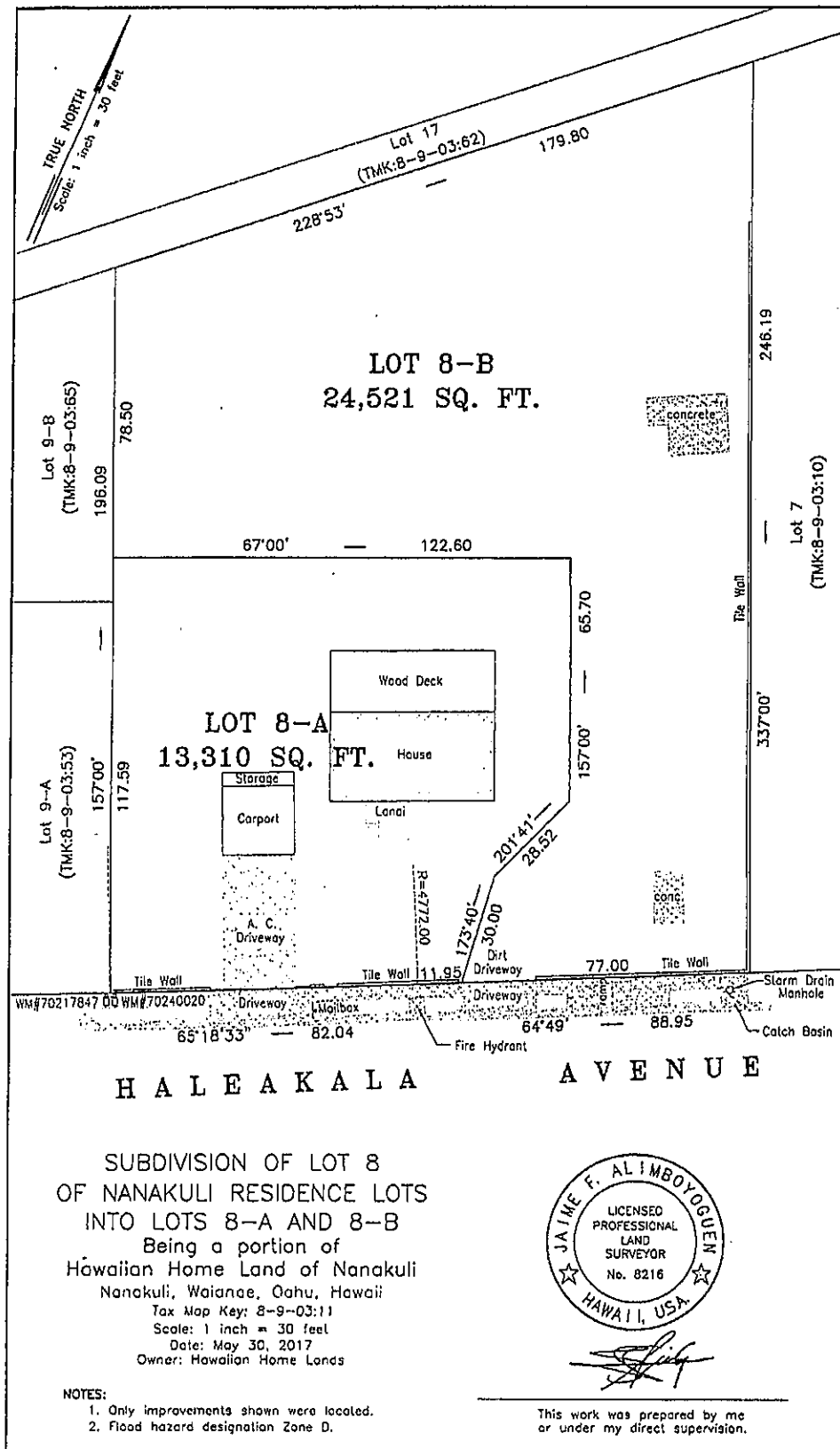
Althea has submitted a pre-qualification letter from a lender in the amount of \$350,000.00.

Section 10-3-38 of the Administrative Rules (Rules) states that "A lessee of a residential lot, with approval of the commission, may subdivide and transfer a portion of the lot for the remaining term of the lease to any individual who is native Hawaiian and is at least 18 years old; provided that after the transfer, each lot conforms to County zoning standards. The department shall not be required to finance the construction of the house on the transferred portion." The Rules also state "The Department shall not be required to pay for any costs incurred in the processing and obtaining of the subdivision."

Attached is "Exhibit A" of the plot plan for Lot No. 8 illustrating the lessee's desire to subdivide the lot into two lots, of similar size. The existing home is located on the front portion of Lot No. 8, which is to be retained by Leinette.

There is no outstanding loan attached to the lease. The lease rent is current. The real property tax is current.

The Department recommends the approval of its recommendations.




Exh. "A"

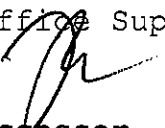
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Dean Oshiro, Acting HSD Administrator 

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

SUBJECT: **Commission Designation of Successor - JAMES K. CABEBE**
Lease No. 11670, Lot No. UNDV127, Kapolei, Oahu

RECOMMENDED MOTION/ACTION

To approve the designation of Cazden Kamakaneeluaokalani Cabebe ("Cazden"), and Javene Kanani Cabebe-Galario ("Javene"), as successors to Residential Lease No. 11670, Undivided Interest, Kapolei, Oahu, for the remaining term of the lease.

DISCUSSION

James K. Cabebe ("the Decedent"), was awarded the Lease commencing on December 2, 2006.

On January 14, 2016, the Decedent, passed away without having designated a successor.

On January 27, 2017, the Department received the Decedent's death certificate.

In compliance with the Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Garden Island Newspaper, Hawaii Tribune Herald, West Hawaii Today, and The Maui News on June 4, 14, 18, and 28, 2017, to notify all interested, eligible, and qualified heirs of the Decedent, to submit their lease successorship claims.

The Department received two successorship claims from the Decedent's son, Cazden, and daughter, Javene, who has been determined to be at least 25% Hawaiian ancestry and is eligible for successorship to the Decedent's lease, as tenants in common.

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

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

There are no improvements.

There are no outstanding debts attached to the Lease and the lease rent account reports a credit balance of \$87.00. Real property tax is not being assessed on the undivided leasehold interest.


The Department requests approval of its recommendation.

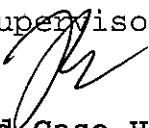
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator
Homestead Services Division 

FROM: Juan Garcia, Oahu District Supervisor
Homestead Services Division 

SUBJECT: **Request to Schedule Contested Case Hearing -
Authorization to Proceed to Public Notice Under
Section 209, HHCA, Due to Nonresponsive Designated
Successor(s)**

RECOMMENDED MOTION/ACTION

To approve the scheduling of a contested case hearing for the designated successors.

DISCUSSION

The Department has tried on numerous occasions to contact the respective designated successors to execute the Lease to complete the successorship. Department correspondence were mailed to the designated successors requesting they contact the Department to arrange for the execution of the successorship of lease document. In addition, the Department's attempted to make contact through known telephone numbers, however, these attempts were unsuccessful in having the successorship lease document signed. In certain cases, the Department has no information on any known location or mailing address for the designated successor(s), therefore, the Department has been unable to make contact.

Through the contested case hearing process, the Department will seek authorization to proceed with the public notice process to notify all interested related individuals to submit a successorship claim, or proceed with the alternate designated successor(s) to the lease.

The Department recommends approval of the motion as stated.

Deceased Lessee

Designated Successor(s)

1. Melba Chock
Lot No.: 118
Area: Kewalo, Oahu
Lease No.: 2764

Crystal Ann K. Fragas, Granddaughter
Cayla K. Fragas, Granddaughter

2. Pearl K. Lareau
Lot No.: 113
Area: Nanakuli, Oahu
Lease No.: 7344

Leo J. Lareau, Husband
Ceri-Lee K. Ching, Daughter
Azure-Blue K. Ching-Lareau, Daughter
Jaques-Leo K. Ching-Lareau, Son

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18 & 19, 2017

TO: Chairman and Members, Hawaiian Homes Commission
FROM: Dean Oshiro, Acting Homestead Services Division Administrator
SUBJECT: D-15 Conditional Approval of Subdivision, Transfer of a Portion of Lease and
Amendment to Lease No. 9054, Lot A, Keoniki-Kauniho, Waimea, Hawaii –
FLORA BEAMER SOLOMON

THE SUBMITTAL WILL BE DISTRIBUTED UNDER SEPARATE COVER or AT THE TABLE

ITEM NO. D-15

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
December 18 & 19, 2017
Kapolei, O'ahu

E-ITEMS
LAND DEVELOPMENT DIVISION


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Norman L. Sakamoto, Acting LDD Administrator

FROM:  Atina M. Y. Soh, Homestead Housing Specialist
Housing Project Branch

SUBJECT: Approval of Lease Award - James C. T. Repercio

RECOMMENDED MOTION/ACTION

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

DISCUSSION

Hoolimalima - Kapolei Village 6 Residential Lots, Kapolei, Oahu

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
Repercio, James C. T.	08/19/96	13741	1-9-1-119:093	12808

With the execution of the foregoing lease, 70 single family home awards have been completed.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Norman L. Sakamoto, Acting LDD Administrator

FROM: ~~Atina~~ Atina M. Y. Soh, Homestead Housing Specialist
Housing Project Branch

SUBJECT: **Rescission of Homestead Lease Award and Reinstatement
of Application - Hanalei M. Terlep, Kaumana, South
Hilo, Hawaii**

RECOMMENDED MOTION/ACTION

1. To approve the rescission of Residence Lot Lease No. 12166 to Lot No. 1F now know as lot 6, consisting of 10,670 square feet, identified as Tax Map Key 3-2-5-005:138, Kaumana Subdivision, Unit 2, situated at Kaumana, South Hilo, Hawaii, which commenced on May 30, 2008, to Hanalei M. Terlep.
2. To reinstate the residential lease application of Hanalei M. Terlep to the Hawaii Islandwide Residential Lease Waiting List according to his original date of application: July 20, 2001.

DISCUSSION

On April 1, 2006, Hanalei M. Terlep selected Lot No. 1F now know as lot 6, Kaumana Subdivision, Unit 1, situated at Kaumana, South Hilo, Hawaii, and the lease award was approved on May 22, 2008. The Lessee was advised to execute a construction contract with Menehune Development Corp. who was supposed to construct his home, however, Menehune Development Corp. filed for bankruptcy. The Lessee was given a choice to have his home built by the department's replacement contractor for a turnkey home or find his own contractor to build his home. The lessee decided to find his own contractor but since then has not been able to construct a home on his lot.

On July 17, 2017, Hanalei M. Terlep submitted his written request to rescind his lease and return to the Hawaii Islandwide Residential Lease Waiting List, according to his original date of application, July 20, 2001.

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
December 18 & 19, 2017
Kapolei, O'ahu

F-ITEMS
LAND MANAGEMENT DIVISION

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18-19, 2017

To: Chairman and Members, Hawaiian Homes Commission

Thru: Kahana Albinio, Acting Administrator
Land Management Division *KA*

From: Mark Yim, Land Agent, Land Management Division *MY*

Subject: Approval to Issuance of a Non-Exclusive License as
Easement to the County of Hawaii for Public Roadway
Access, Maintenance, and Utility Purposes, Puukapu
Pasture Lots, Hawaii Island, TMK No. (3)6-4-
004:057(por.), Lot 16-D


SUBMITTAL WILL BE DISTRIBUTED
UNDER SEPARATE COVER


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18-19, 2017

To: Chairman and Members, Hawaiian Homes Commission

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

From: Allen G. Yanos, Property Development Agent
Land Management Division 

Subject: Approval to Terminate General Lease No. 293, Kalaeloa Solar One, LLC, Kalaeloa, Island of Oahu, TMK No. (1)9-1-013:118 & 119, and to Authorize Chairman to Initiate Redisposition of the Property for a Renewable Energy Project

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission ("HHC") authorize the following:

1. Termination of General Lease No. 293 ("GL 293"), issued to Kalaeloa Solar One, LLC ("KS1"), for failure to pay the base lease rent, and interest and service charges in the total amount of \$1,190,534.54 for the period from March 2, 2015 to October 31, 2017 as required under the general lease, as amended; and
2. Authorization for the Chairman to initiate the re-disposition of the property for a renewable energy project.

DISCUSSION/HISTORY

GL 293 was issued to KS1 on September 3, 2010, following HHC approval, for a term of twenty (20) years ending on June 30, 2033. The premises covered under the lease are shown in Exhibit "A" attached hereto. Lease rent payments were to begin on the earlier of March 3, 2012 or the Commercial Operation Date ("COD") of its proposed 4MW solar energy-generating facility utilizing micro-concentrated solar technology by Sopogy, Inc. A few months later, in December 2010, KS1 added an additional 48 acres to the leased premises for a total of 82 acres. The additional acreage was intended for a sublease to SunPower Corporation through its subsidiary, Kalaeloa Solar Two, LLC ("KS2"), for the expansion of the project using photovoltaic solar panels for up to 5 MW. The lease rents were revised in contemplation of the sublease and payments were to begin on the earlier of December 31,

2012 or the COD. The sublease to KS2 was eventually issued on June 12, 2012. A detailed chronology of events will be provided to the HHC in Executive Session.

KS2 was successful in obtaining a construction loan to build its solar project and was able to place it into service by December 31, 2012. KS2 began making sublease payments soon thereafter. However, KS1 experienced delays in the development of its own project due to:

- the interconnection study with HECO not being completed until 2012
- the delay in the issuance of the PPA with HECO as a result of the delay in the completion of the interconnection study
- the environmental assessment taking longer than expected which was completed in November 2011
- construction financing could not close until the PPA was approved
- the difficulty in finding financial support for its micro-concentrated solar power technology

Earlier in April 2012, at the request of KS1, the HHC approved its request to delay lease rent payments until the earlier of December 31, 2012 or the COD and to amend the lease termination date from September 2, 2032 to June 30, 2033.

KS1 failed to make its scheduled lease rent payments beginning December 31, 2012, and informed DHHL that it was attempting to find a buyer for the project in 2013 after receiving a notice of default from DHHL for non-payment of lease rent. In April 2014, the HHC approved an amendment of the lease to extend the lease rent commencement date until the earlier of March 2015 or the COD, subject to certain conditions. Shortly thereafter, in July 2014, the HHC approved an amendment and assignment of the lease to the proposed assignee, Huliamaahi Solar, LLC ("Huliamaahi") which included the extension of the lease term, a reduced annual lease rent to \$338,604.00 from \$455,695.14, payment of impact fees for the delay in lease rent commencement date, and re-confirmation of the commencement of lease rent payments on the earlier of March 2, 2015 or COD.

KS1 subsequently failed again to make lease rent payments as scheduled beginning March 2, 2015. Instead, it requested further amendments to support a community solar program. Attempts by KS1 and Huliamaahi to get the further amendments scheduled for approval by the HHC were unsuccessful. In December 2015, KS1 reported that it had still not obtained a PPA and the interconnection study by HECO had not yet begun. Huliamaahi eventually informed DHHL in August 2016, that it was withdrawing its request to have the lease assigned to it.

Land Management Division believed that it was beneficial to allow KS1 to assign the lease rather than terminate the lease and start from scratch to seek a new developer so that the project could be

constructed sooner and placed into service. As a result, in January 2017, Land Management Division entertained KS1's last-minute attempt to assign the lease to another interested party but that party became involved in a complicated acquisition by another company. The KS1 assignment apparently fell on the wayside after several months had passed by without any direct communication by the interested party.

Following consultation with the Attorney General's Office, Notices of Default were sent out to KS1 by certified mail as prescribed by law on November 1, 2017 demanding payment of a total of \$1,190,534.54. The \$1,190,534.54 total amount due represents: 1) the base monthly lease rent in the amount of \$1,177,212.29 due and payable for the period from March 2, 2015 to October 31, 2017; and 2) interest and service charges calculated for that same period in the amount of \$13,322.25 pursuant to Article Five, Section 10 of GL 293. As of November 30, 2017, the default had still yet not been cured, and therefore Land Management Division seeks approval for termination of the lease and for the subsequent re-disposition of the property for another renewable energy project.

The cancellation of KS1's lease will not disturb KS2's rights to its subleased property. Upon KS1's lease termination, KS2's sublease will be treated as though the sublease were a direct lease with DHHL.

RECOMMENDATION

Land Management Division recommends approval of the requested motion/action as stated.

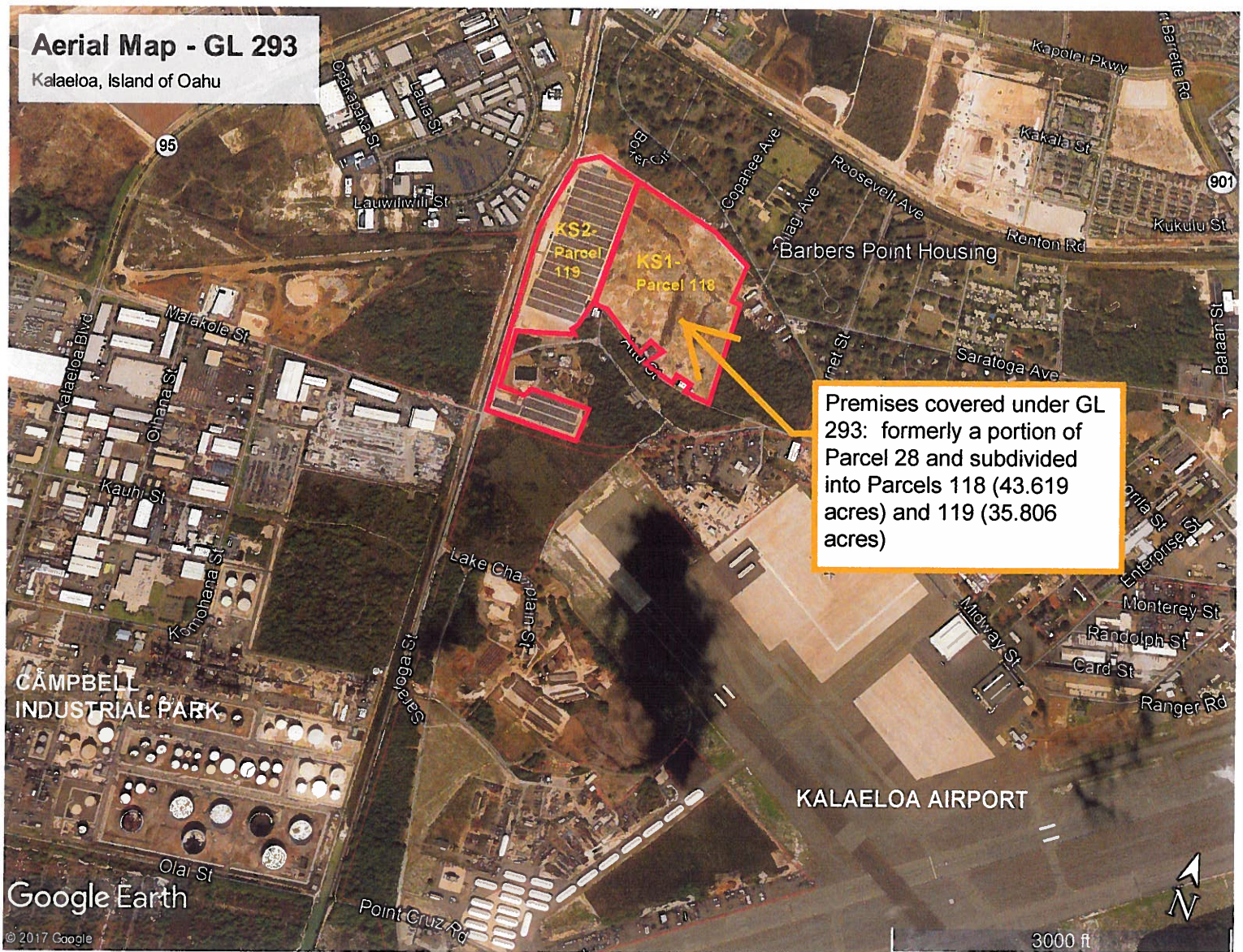



EXHIBIT "A"


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18 & 19, 2017

To: Chairman and Members, Hawaiian Homes Commission

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

From: Mark K. Yim, Land Agent
Land Management Division 

Subject: Approval to Issuance of a Non-Exclusive License as Easement to the County of Hawaii for Public Roadway Access, Maintenance, and Utility Purposes, Puukapu Pasture Lots, Hawaii Island, TMK: (3)-6-4-004:057 (por.), Lot 16-D

APPLICANT:

COUNTY OF HAWAII

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission approve the issuance of a non-exclusive, perpetual License as a Public Roadway and Utility Easements delineated in Exhibit "B", and further described in Exhibits "B-1", "B-2", "B-3", and "B-4" to the County of Hawaii, for a 0.032-Acre (13,954 Sq./Ft.) portion of that certain parcel of Hawaiian home lands identified by TMK 364004057 (por.), traversing over Department of Hawaiian Home Lands ("DHHL") Pastoral Lot 16-D, situated at Puukapu Pasture Lots, and further described in the attached metes and bounds description of said easements as prepared by the civil & structural engineering-land surveying firm of Inaba Engineering, Inc., for access, maintenance, and utilities purposes only, subject to the following conditions:

1. Licensee shall provide a survey map and description of the easement as described above according to State DAGS standards which is to be absorbed by Licensee's own cost;
2. Licensee shall remit a non-refundable processing and document fee in the amount of \$275.00;
3. Consideration fee will be gratis;
4. License easement will be issued in perpetuity, and shall become effective upon execution of the license easement document;

5. The license shall not be assignable to a third party;
6. Licensee's work shall conform to federal, state and county (government agencies) standards. Licensee shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals.
7. Any construction or alteration of the easement area shall require the DHHL approval;

8. The license easement document shall be subject to other standard terms and conditions of similar licenses issued by DHHL;
9. The Chairman of the HHC is authorized to impose such other conditions deemed prudent and necessary; and
10. The license easement document will contain the standard terms and conditions and shall be subject to review and approval by the Department of the Attorney General.

DISCUSSION:

Land Management Division presented the subject matter to the Hawaiian Home Commission as a Workshop item titled agenda item No. F-5 For Information Only (See Exhibit "A") at its scheduled monthly meeting held on October 16-17, 2017 at the East Hawaii Island District Office. The HHC did not address the subject matter in the public forum of the meeting but rather in executive session.

Background

On March 16, 1962, DHHL Lease No. 3392 was issued to Spencer Kalani Schutte. DHHL Lease No. 3392 demised Lot No. 16, consisting of approximately 143.433 acres of pastoral lands in the Puukapu Pasture Lots Subdivision. Spencer Kalani Schutte later subdivided Lot No. 16 into six (6) parcels, Lots 16-A through 16-F.

State of Hawaii, Department of Accounting and General Services Survey Division ("Survey Division") records show that easements were already established in July 1962 to provide utility, waterline pipes and road in favor of Department of Land and Natural Resources for access and maintenance purposes. The Survey Division records were updated and reconfirmed in 1976.

In 1979, several fee-simple lot owners filed a lawsuit against the DHHL and Lot 16 Lessee, Spencer Schutte, seeking to have the existing roadway and easements, already meted and established (Easements A, A-1, and A-2), be set aside legally in perpetuity for the non-exclusive use of the affected named Plaintiffs. The lawsuit was settled through a "Stipulation for Dismissal" on August 25, 1979, which contained an agreement between all Parties ("Agreement"). Gratis rights to the easements in perpetuity were assigned to the named plaintiffs. It was signed by the Plaintiffs, the Chairman of the Hawaiian Homes Commission, Georgiana Padeken, Lessee Spencer Schutte, and attorneys for both the Plaintiffs and the State of Hawaii. On September 19, 1979, this Agreement was filed with the Bureau of Conveyances ("BOC") in Liber 14004.483. On April 6, 1984, a formal License Agreement between the Department and the named plaintiffs was filed with the BOC in Liber Book No. 17784.384.

On August 12, 1993, Inaba Engineering, Inc., Professional Land Surveyors, conducted a survey to confirm the metes and bounds for Lot 16-D including the subject easements A, A-1, and A-2. This was done prior to the transfer of Lot 16-D to Melvin Spencer, Lease 3392-C, on November 19, 1993. A copy of this survey is attached as Exhibit "A".

On May 29, 2002, Melvin Spencer transferred and assigned Lease No. 3392-C to Joy Uilani Spencer Luta. The lease was amended upon this transfer to make it officially subject to easements A, A-1, and A-2.

In 2013, a few landowners wishing to either purchase or sell their properties located in Plat 5 of the subdivision known as "Mana Ranch Subdivision" were facing difficulties with Title, as the subject

easements only included the named plaintiffs in the 1979 lawsuit. DHHL Administration, Attorney Generals, and staff endeavored to seek a final resolution to this problematic situation. It was determined that a license Easement to the County would be the most logical and beneficial solution for all affected parties.

On September 19, 2017, DHHL staff met with the County of Hawaii Public Works Department Deputy, Allan G. Simeon, along with County of Hawaii Deputy Corporation Counsel, Ronald Kim, to discuss entering into a License Easement Agreement. The County had no objections or concerns with the proposal. They also agreed to continue maintenance of the existing road to County standards, as well as maintenance of the surrounding easements, A-1 and A-2 without cost to the Department. The Department would still retain ownership of easement.

LOCATION:

Portion of Hawaiian Home Lands situate in Waimea-Puukapu, Island of Hawaii, identified as Lot 16-D, Tax Map Key (3) 6-4-004:057 (por.).

Affected Land Area:

Easement A: 5,537 square feet; Easement A-1: 4,224 square feet; and Easement A-2: 4,193 square feet, approximately 279 feet long by 50 feet wide, or 13,954 total square feet. See: Exhibit "B".

Affected DHHL Lessees, other Entities, and Landowners:

- State of Hawaii (DHHL);
- Lessee(s) to Lot No. 16-D, Puukapu Pastoral Lots Subdivision.
- County of Hawaii Road and Maintenance crews
- Utility Companies; and
- Private landowners of all affected fee-simple lots as reflected on County of Hawaii Plat Map (3)-6-4-005, from parcels 001 and on.

JUSTIFICATION:

This license will allow non-exclusive use and access of the easement by the bordering DHHL beneficiaries, Hawaii County Workers, Utility Companies, and all other affected entities, as a public roadway. It will also save the Department all road repair or maintenance costs, an estimated \$55,000 to \$70,000 in repaving costs required every 10 to 14 years, as well as a monthly landscaping fee of approximately \$700 per month.

AUTHORITY:

§ 207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, authorizes the department to grant licenses for the use of Hawaiian Home Lands for public purposes.

§ 10-4-21 of the DHHL Administrative Rules requires the applicant to pay for all costs incurred by the department for the processing of a license application, including a non-refundable processing fee of \$200.00. It also allows for a rental to be charged should the use benefit other than the department or native Hawaiians.

§ 10-4-22 of the DHHL Administrative Rules authorizes the issuance of licenses for public purposes, as easements in perpetuity or shorter term, subject to the easement being reverted to the department upon termination or abandonment.


RECOMMENDATION:


Land Management Division recommends approval of the requested motion/action as stated.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 16 & 17, 2017

To: Chairman and Members, Hawaiian Homes Commission

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

From: Mark K. Yim, Land Agent
Land Management Division 

Subject: FOR INFORMATION ONLY; Approval to Issue/a Non-Benefit, Non-Exclusive License as Easements to the County of Hawaii for Roadway Access, Maintenance, and Utility Purposes ("License Easement"), Puukapu Pasture Lots, TMK: (3)-6-4-004:057 (por.), Lot 16-D, South Kohala, Hawaii Island

RECOMMENDED MOTION/ACTION:

NONE; FOR INFORMATION ONLY

DISCUSSION:

Background

On March 16, 1962, DHHL Lease No. 3392 was issued to Spencer Kalani Schutte. DHHL Lease No. 3392 demised Lot No. 16, consisting of approximately 143.433 acres of pastoral lands in the Puukapu Pasture Lots Subdivision. Spencer Kalani Schutte later subdivided Lot No. 16 into six (6) parcels, Lots 16-A through 16-F.

State of Hawaii, Department of Accounting and General Services Survey Division ("Survey Division") records show that easements were already established in July 1962 to provide utility, waterline pipes and road in favor of Department of Land and Natural Resources for access and maintenance purposes. The Survey Division records were updated and reconfirmed in 1976.

In 1979, several fee-simple lot owners filed a lawsuit against the DHHL and Lot 16 Lessee, Spencer Schutte, seeking to have the existing roadway and easements, already meted and established (Easements A, A-1, and A-2), be set aside legally in perpetuity for the non-exclusive use of the affected named Plaintiffs. The lawsuit was settled through a "Stipulation for Dismissal" on August 25, 1979, which contained an agreement between all Parties ("Agreement"). Gratis rights to the easements in perpetuity were assigned to the named plaintiffs. It was signed by the Plaintiffs, the Chairman of the Hawaiian Homes Commission, Georgiana Padeken, Lessee Spencer Schutte, and attorneys for both the Plaintiffs and the State of Hawaii. On September 19, 1979, this Agreement was filed with the Bureau of Conveyances ("BOC") in Liber 14004.483. On April 6, 1984, a formal License Agreement between the Department and the named plaintiffs was filed with the BOC in Liber Book No. 17784.384.

On August 12, 1993, Inaba Engineering, Inc., Professional Land Surveyors, conducted a survey to confirm the metes and bounds for Lot 16-D including the subject easements A, A-1, and A-2. This was done prior

Item No. F-5

EXHIBIT "A"
ITEM NO. F-3

October 2017

to the transfer of Lot 16-D to Melvin Spencer, Lease 3392-C, on November 19, 1993. A copy of this survey is attached as Exhibit "A".

On May 29, 2002, Melvin Spencer transferred and assigned Lease No. 3392-C to Joy Uilani Spencer Luta. The lease was amended upon this transfer to make it officially subject to easements A, A-1, and A-2.

In 2013, a few landowners wishing to either purchase or sell their properties located in Plat 5 of the subdivision known as "Mana Ranch Subdivision" were facing difficulties with Title, as the subject easements only included the named plaintiffs in the 1979 lawsuit. DHHL Administration, Attorney Generals, and staff endeavored to seek a final resolution to this problematic situation. It was determined that a license Easement to the County would be the most logical and beneficial solution for all affected parties.

On September 19, 2017, DHHL staff met with the County of Hawaii Public Works Department Deputy, along with County of Hawaii Deputy Corporation Counsel to discuss entering into a License Easement Agreement. The County had no objections or concerns with the proposal. They also agreed to continue maintenance of the existing road to County standards, as well as maintenance of the surrounding easements, A-1 and A-2 without cost to the Department. The Department would still retain ownership of easement.

LOCATION:

Portion of Hawaiian Home Lands situate in Waimea-Puukapu, Island of Hawaii, identified as Lot 16-D, Tax Map Key (3) 6-4-004:057 (por.). See: Exhibit "B"

Affected Land Area:

Easement A: 5,537 square feet; Easement A-1: 4,224 square feet; and Easement A-2: 4,193 square feet, approximately 279 feet long by 50 feet wide, or 13,954 total square feet. See: Exhibit "A".

Affected DHHL Lessees, other Entities, and Landowners:

- State of Hawaii (DHHL);
- Lessee(s) to Lot No. 16-D, Puukapu Pastoral Lots Subdivision. (See
- County of Hawaii
- Utility Companies; and
- Private landowners of all affected fee-simple lots as reflected on County of Hawaii Plat Map (3)-6-4-005, from parcels 001 - 030. See: Exhibit "C"





EXHIBIT "A"
ITEM NO. E-5

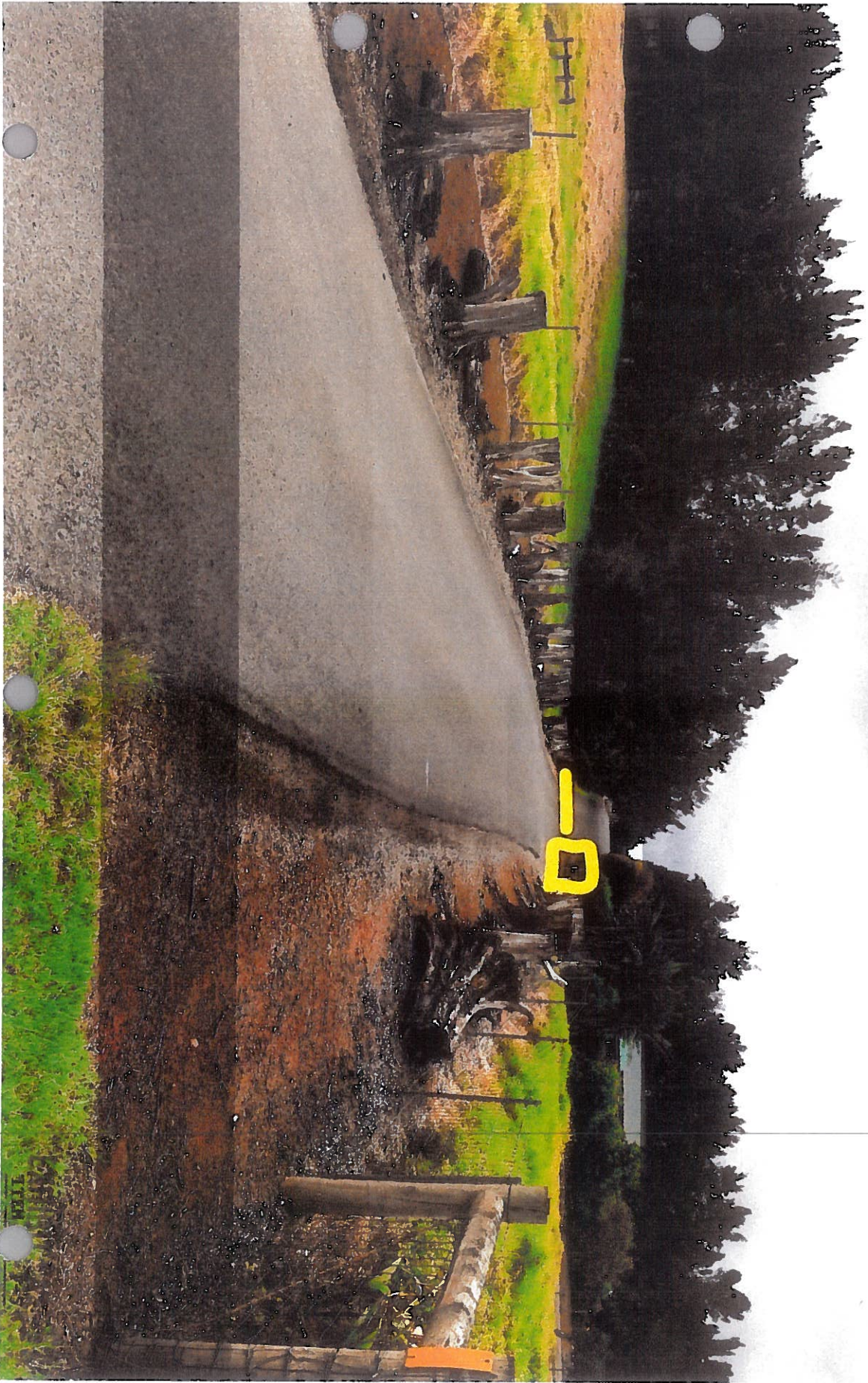




EXHIBIT "B"
ITEM NO. F-5



EXHIBIT "C"
ITEM NO. F-5

Dwg. No. F-5
 Drawn by: T. M. H. & J. M. H.
 By: F. C. G. - June 1957

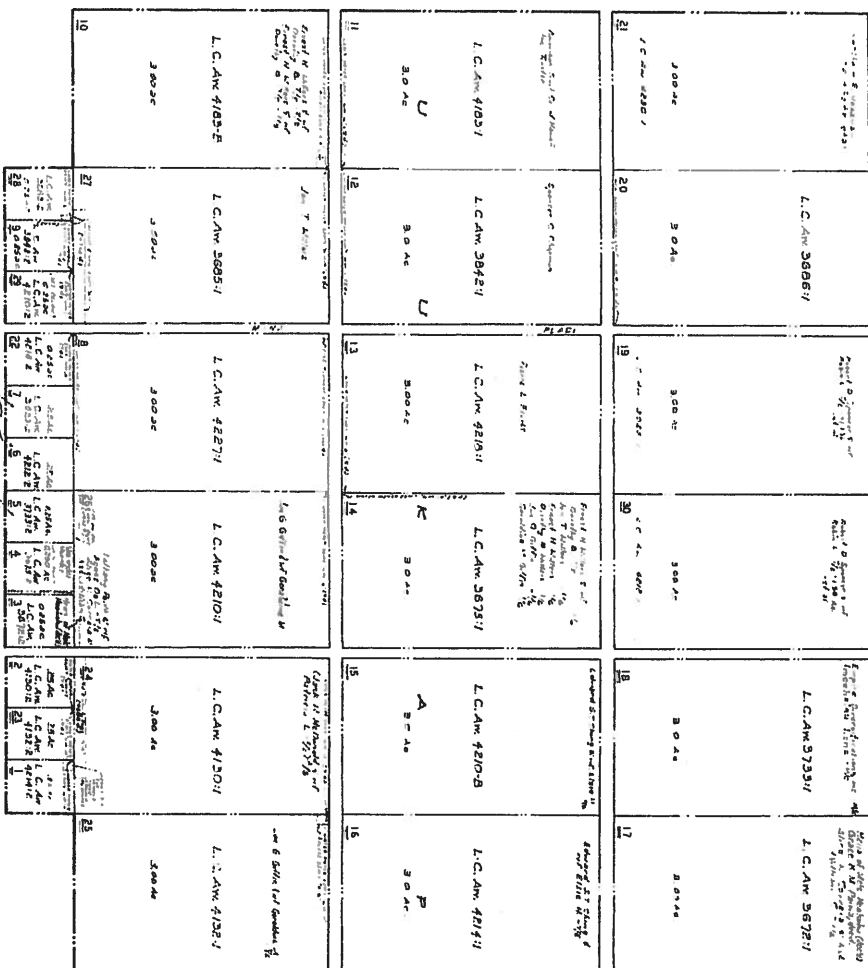
FOR: PUUKAPU, WAIKANA, HAWAII

6 4 05

PLAT 04

PLAT 04

PLAT 04



NOTE: This plat is for the purpose of showing the location of the parcels and is not to be used for any other purpose.

PLAT 04
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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

THIRD DIVISION
 ZONE SEC. 1 PLAT
 6 4 05
 CONTAINING PARCELS
 SCALE: 1" = 100 FT

EXHIBIT "C"
 ITEM NO. F-5

LOT 16-D

Being a portion of Lot 16
Of Puukapu Pasture Lots
(Hawaiian Home Land)
Situated at Puukapu, Waimea, South Kohala
Island of Hawaii, Hawaii

D E S C R I P T I O N

Beginning at the south corner of this parcel of land, being the west corner of Lot 16-E and on the northeasterly side of Mana Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIMEA EAST BASE" being 435.85 feet North and 1,574.77 feet East, thence running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|--|
| 1. | 116° 19' | 147.98 | feet along Mana Road; |
| 2. | 107° 34' | 302.60 | feet along Mana Road; |
| 3. | 104° 38' | 364.36 | feet along Mana Road; |
| 4. | 207° 50' | 253.47 | feet along Lot 16-C; |
| 5. | 280° 00' | 727.53 | feet along R.P. 6834, L.C. Aw. 3685, Apana 2 to Mahae, L.C. Aw. 3842, Apana 2 to Paukumoku, R.P. 7675, L.C. Aw. 4210, Apana 2 to Kalua, 20-ft. Road, L.P. 8445, L.C. Aw. 4218, Apana 2 to Kaohimaunu, R.P. 7671, L.C. Aw. 3923, Apana 2 to Naihe to Mauae, L.P. 8044, L.C. Aw. 4212, Apana 2 to Kualehelehe, L.C. Aw. 3733, Apana 2 to Imoehalau to Nakuala and L.C. Aw. 3675, Apana 2 to Mahuka to Kalua; |
| 6. | 10° 00' | 352.14 | feet along Lot 16-E to the point of beginning and containing an area of 5.001 Acres. |

LOT 16-D
Page 1 of 4 Pages

SUBJECT, HOWEVER, to Easement "A-1" (15-ft. wide for road and utility purposes), being more fully described as follows:

EASEMENT "A-1"
(15-feet wide for road and utility purposes)

"Being a portion of Lot 16-D
Being also a portion of Lot 16
Of Puukapu Pasture Lots
(Hawaiian Home Land)
Situated at Puukapu, Waimea, South Kohala
Island of Hawaii, Hawaii

D E S C R I P T I O N

Beginning at the south corner of this easement parcel and on the northerly side of Mana Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIMEA EAST BASE" being 590.48 feet North and 1,160.90 feet East, thence running by azimuths measured clockwise from True South:

1. 107° 34' 7.62 feet along Mana Road;
2. 104° 38' 34.58 feet along Mana Road;
3. Thence along the remainder of Lot 16-D, along a curve to the left with a radius of 25.00 feet, the chord azimuth and distance being: 237° 19' 36.76 feet;
4. 190° 00' 243.01 feet along the remainder of Lot 16-D;
5. 280° 00' 15.00 feet along Royal Patent 7675, Land Commission Award 4210, Apana 2 to Kalua;
6. 10° 00' 271.73 feet along the Easement "A" to the point of beginning and containing an area of 4,224 Square Feet.

LOT 16-D
Page 2 of 4 Pages

SUBJECT ALSO, to Easement "A-2" (15-ft. wide for road and utility purposes) being more fully described as follows:

EASEMENT "A-2"
(15-feet wide for road and utility purposes)

Being a portion of Lot 16-D
Being also a portion of Lot 16
Of Puukapu Pasture Lots
(Hawaiian Home Land)
Situated at Puukapu, Waimea, South Kohala
Island of Hawaii, Hawaii

D E S C R I P T I O N

Beginning at the south corner of this easement parcel and on the northerly side of Mana Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIMEA EAST BASE" being 574.54 feet North and 1,211.27 feet East, thence running by azimuths measured clockwise from True South:

1. 107° 34' 32.65 feet along Mana Road;
2. 190° 00' 274.38 feet along the Easement "A";
3. 280° 00' 15.00 feet along Land Patent 8445,
Land Commission Award 4218, Apana
2 to Kaohimaunu;
4. 10° 00' 258.86 feet along the remainder of Lot
16-D;
5. Thence along the remainder of Lot 16-D, along a curve to the
left with a radius of 20.00 feet,
the chord azimuth and distance
being: 328° 47' 26.36 feet to
the point of beginning and
containing an area of 4,193
Square Feet.

LOT 16-D
Page 3 of 4 Pages

SUBJECT ALSO, to a 5-foot wide future road widening setback along
Mana Road and Easement "A", as described in Liber 17784
Page 384.



INABA ENGINEERING, INC.

273 Waianuenue Ave.
Hilo, Hawaii 96720
August 12, 1993

Alan Z. Inaba
Alan Z. Inaba
Registered Professional Land
Surveyor, Certificate No. 5626

LOT 16-D
Page 4 of 4 Pages

D:\WP51\GT1\SCHUTT6.DSC

INABA ENGINEERING, INC.
CIVIL & STRUCTURAL ENGINEERING — LAND SURVEYING
273 Waianuenue Avenue • Hilo, Hawaii 96720
Telephone: (808) 961-3727

181 188034
FD 1227

EXHIBIT "B-4"

ITEM NO. F-3

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
December 18 & 19, 2017
Kapolei, O'ahu


G-ITEMS
PLANNING PROGRAM DIVISION


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

DECEMBER 18-19, 2017

To: Chairman and Members, Hawaiian Homes Commission (HHC)

Through: Kaleo Manuel, Acting Planning Program Manager 

From: Nancy McPherson, Planner 

Subject: Acceptance of Beneficiary Consultation Report, Land Use Designation Alternatives for Malama Cultural Park, TMK's (2)5-3-001:002, -097 and -100, Kaunakakai, Kona, Molokai

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) accepts this Beneficiary Consultation Report as the public record of beneficiary input and feedback relative to DHHL land use designation alternatives for Malama Cultural Park, Kaunakakai, Kona, Molokai.

DISCUSSION

Background

In 2011, as part of the Act 14 Settlement process, three parcels totaling 4.58 acres, located in Kaunakakai, Molokai to the west of Kaunakakai Wharf Road and makai of Maunaloa Highway, were transferred over to DHHL from DLNR. The Molokai Island Plan, having been approved in 2005, did not include these parcels, therefore the land has never been given a DHHL land use designation. See Exhibit 'A', Malama Park Map

The Malama Cultural Park area is so named because of an initiative in the 1990's to create a community- and culturally-based economic development project around the former ali'i administrative center and leisure-time retreat ("Malama") of King Kamehameha V (Lot Kapuāiwa Kalanimakua Ali'iōlani Kalani Kapuapaikalaninui). The area is historically significant and has been well-documented over the years. See Exhibit 'B', Historic Documents

At one point the entire park site of 11.27 acres was under State control, but when implementation of the Malama Cultural Park plan was put on hiatus in the late 1990's due to lack of funding, 7 acres on the western side was returned to the County of Maui for management as a County park and for the Molokai Yacht Club's continued use. See Exhibit 'C', TMK Map

Existing uses include storage of canoes for several Molokai canoe clubs, facilities for the Molokai Canoe Club that were inherited with the parcels when the land was transferred over from DLNR, and regular canoe practices. The County of Maui-owned side of the site is licensed to several organizations such as the Aha Kukui o Molokai Canoe Club and the Molokai Yacht Club. See Exhibit 'C', TMK Map

Outreach to beneficiaries started in April of 2016 on Molokai at two community events, and two meetings were held on the island in 2016 and 2017. The purpose of the outreach strategy was to gauge interest in stewardship and collaborative planning for the park, and collect information on history, issues and opportunities, areas to be sensitive of, and thoughts on potential land uses and activities. Beneficiaries and homestead leaders were notified by mail. See Exhibits 'D' and 'E', Invitation Letters.

This submittal constitutes the formal Beneficiary Consultation Report describing beneficiary input and feedback obtained during the informational community meeting and the Beneficiary Consultation meeting, both held on Molokai, as well as comments received during the subsequent 30-day comment period that ended November 24, 2017, and is hereby submitted to the HHC for acceptance.

Beneficiary Consultation

The Department's Beneficiary Consultation Policy, approved in January 2009, recognizes that meaningful, timely and effective beneficiary consultation is essential to the successful implementation of Hawaiian Homes Commission policies, programs, and projects. The purpose of this DHHL beneficiary consultation was to collect beneficiary feedback and input on land use designation alternatives for DHHL's three Malama Cultural Park parcels.

STEP 1. THE PROPOSED ACTION IS DESCRIBED (See Exhibits D-L):

Efforts to provide beneficiaries with information and collect their mana'o on Malama Park were initiated at the Molokai Community Meeting of the Hawaiian Homes Commission and the Molokai Earth Day event, both occurring in April of 2016. Planning Office staff solicited ideas for and expressions of interest in stewardship opportunities for restoring and reviving the site.

Subsequently, an informational stakeholders' meeting on DHHL's Malama Park parcels was held at Kūlana 'Ōiwi Multi-Service Center, Kalama'ula, Molokai on November 17, 2016. At the meeting, which was attended by over twenty persons representing a good cross section of stakeholders, Planning Office staff provided historic background on the Malama Cultural Park site and a brief description of the DHHL land use planning and project development process, including the potential for development of a Master Plan for the Malama Cultural Park in coordination with the County of Maui Parks Department. Beneficiary mana'o on issues and opportunities for the site was recorded, and the information was used in the due diligence and land use analysis phase, which took place from December 2016 to August 2017, as well as the next round of beneficiary engagement on planning for Malama Park, the Beneficiary Consultation phase.

The Beneficiary Consultation (BC) on the Malama Cultural Park Land Use Designation (LUD) was intended to elicit comments on the land use analysis and LUD alternatives for the three parcels totaling approximately 4.58 acres. The consultation meeting was held at Kūlana 'Ōiwi, Kalama'ula, Molokai on October 25, 2017. Twenty-two beneficiaries attended the meeting. A slide presentation was prepared to describe the proposed action and the comments and concerns of beneficiaries that had been expressed up to that point. Handouts were also distributed at the meetings providing additional information, including copies of the DHHL General Plan, the land use definitions from the Molokai Island Plan, and copies of the Quitclaim Deed that transferred the parcels from DLNR to DHHL.

STEP 2. BENEFICIARIES WERE NOTIFIED OF OPPORTUNITIES TO CONSULT (See Exhibits D-E):

A letter inviting Moloka'i beneficiaries to attend the Informational Meeting was mailed out on October 26, 2016 to the Homestead Association leadership, the presidents of the three canoe clubs that use the area for canoe practice, and a number of beneficiaries that were involved in the original Malama Cultural Park planning effort in the 1990's.

An invitation letter for the Beneficiary Consultation meeting was mailed out to 658 Molokai lessees and 965 Molokai waiting list applicants on October 2, 2017. Notice of the meeting was posted in the Molokai District Office, and follow up email reminders were sent to homestead association leaders.

STEP 3. PRESENTATION MATERIALS FOR ALL MEETINGS ARE AVAILABLE FOR FEEDBACK: (See Exhibits A through J)

Presentation materials in the form of handouts were available at the meetings, and extras were left at the Molokai District Office front counter.

STEP 4: COMMENTS ARE COMPILED INTO MEETING REPORTS (See Exhibits J through O):

This submittal constitutes the formal Beneficiary Consultation report describing beneficiary input and feedback obtained during the data gathering in April 2016, the informational community meeting on November 17, 2016 and the Beneficiary Consultation meeting held on Molokai on October 25, 2017 as well as comments received during the subsequent 30-day comment period, and is hereby submitted to the HHC for acceptance.

Summary of Beneficiary Consultation Comments and Staff Recommendations

Meeting notes from the informational community meeting were provided as handouts at the beneficiary consultation meeting. The comment deadline given to beneficiaries at the consultation meeting was November 24, 2017. Twenty-two (22) letters were received during the 30-day comment period, and two phone

comments were received prior to the beneficiary consultation meeting. The following table summarizes all comments received during the informational and beneficiary consultation meetings and the 30-day comment period, and sorts them by subject or topic, as well as provides any responses from DHHL. See Exhibits 'K' and 'M'

Subject	Question/Comment/Suggestion	Response/Key point
Info Meeting		
Use old Plan as a basis	Use the old Malama Park development plan done in the '90's as a working guide for future meeting.	DHHL supports implementing as much of the original plan as is feasible, as it had widespread community support.
	Bring old Plan & review before the Meeting	DHHL supports implementing as much of the original plan as is feasible.
Planning timeline	(What is) time table of Plan - 10 years? 20 years?	Ideally, within the next 5 years.
	So everything is in the planning stage now. Is it safe to assume that everything right now is status quo until the new plan is implemented?	Yes. Land use designation will guide us to what the next steps are.
Educational uses for wetlands and historic sites	Really want to restore the wetlands to use as an educational site with boardwalks, signage, field trip for school children, school partnerships aside from the wetlands, signage and storyboards for the cultural sites like King Kamehameha V home, etc.	Specific uses will be worked out during the Master Planning phase. DHHL supports educational opportunities for cultural and natural resources.
Empower homesteaders to do Park planning	For future meetings, maybe the homesteaders can run the meeting, w/Nancy and Shelly there to answer our questions now that we know what we have to do.	Once land use designation is approved, beneficiaries will be involved in master planning.

Subject	Question/Comment/Suggestion	Response/Key point
Phone Comments		
Land not suitable for Homesteading	Why is DHHL accepting land that can't be used for homesteading? I've been on the Molokai waiting list for 20 years. Don't waste trust resources if it's not going to provide new lots for applicants.	DHHL acquired lands for both homesteading and non-homesteading uses per Act 14 to provide the trust with ways to more holistically implement HHCA mandates.
Canoe club use is important	Canoe paddling is cultural activity. They have a right to be there on the shoreline. Brings families together, promotes healthy lifestyle, benefits kids, disabled & special needs. Need to support it.	DHHL acknowledges the historic importance of canoe clubs and paddling at Malama Park.
30-Day Comment Period		
Support LUD of Special District	22 form letters submitted. Seven were self-identified as being from beneficiaries. All were in support of Special District.	DHHL Planning Office recommends Special District as the most appropriate land use designation.

CONCLUSIONS AND NEXT STEPS

Response to DHHL's efforts to start the planning process for Malama Park have been positive, with one or two exceptions. There is concern that the efforts of the past will not be honored to the extent that they should be, and a strong interest in stewardship, community empowerment and collaborative planning, the process for which being best led by beneficiaries. An applicant was unclear about how this park effort would benefit beneficiaries on the waiting list for lots on Molokai. One commenter emphasized that the use of the shoreline by the canoe clubs must be preserved and supported as a cultural right.

Reviving the Malama Cultural Park Plan and restoring the park site is a matter of civic and cultural pride to the beneficiaries, and with the right kind of guidance and technical assistance, the vision the Molokai beneficiaries once had, and for the most part still have, for the site as a culturally based community economic development project, educational center and recreational site could still be realized. The comments strongly emphasize that due to the sensitivity and significance of the cultural and natural resources there, as well as other factors, the Special District designation, necessitating additional master planning involving beneficiary stakeholders, would be the appropriate land use designation for the three parcels. The Planning Office anticipates providing the HHC with a submittal for action on a recommended land use designation in January 2018.

RECOMMENDED MOTION / ACTION

That the Hawaiian Homes Commission (HHC) accept the item as recommended.



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DEPARTMENT OF HAWAIIAN HOME LANDS

Malama Park

Legend
 Malama Park Site

ITEM G-1

EXHIBIT 'A'

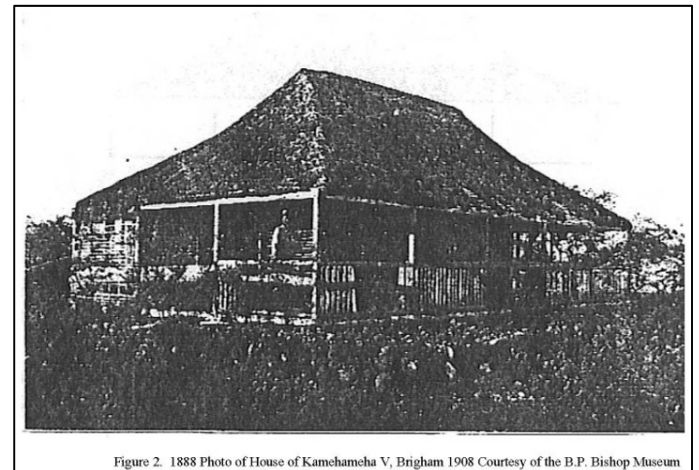
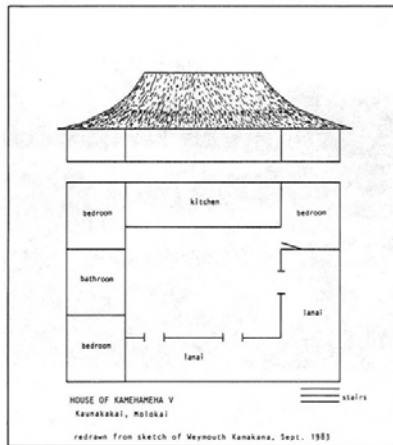
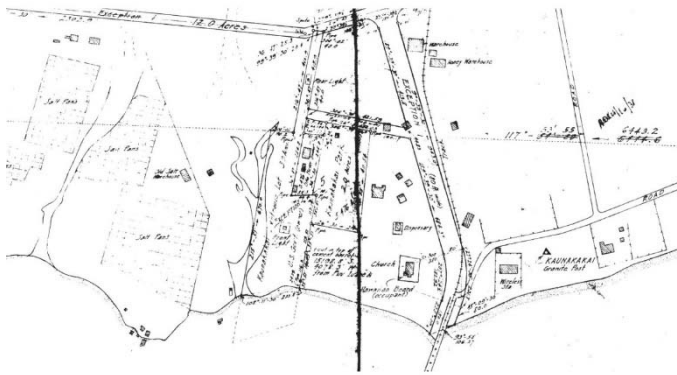


Figure 3: Home of Kamehameha V: Malama House Floor Plan, Kaunakakai Beach, Molokai, (Athens, 1983)

Figure 2. 1888 Photo of House of Kamehameha V, Brigham 1908 Courtesy of the B.P. Bishop Museum

1995-09-08-HO-FA- Malama Cultural Park

SEP 8 1995
FILE COPY

ENVIRONMENTAL ASSESSMENT

MALAMA CULTURAL PARK

Maui County
Kaunakakai, Moloka'i

Department of Business, Economic
Development and Tourism

State of Hawaii

August 31, 1995

FINAL

HRS 343 Draft Environmental Assessment
and Application for Special Management
Area Permit

prepared in support of a *halau wa'a*
(canoe house) located at

Malama Cultural Park
TMK (2) 5-3-001:005
Kaunakakai, Molokai, Hawaii

December, 2009
[Revised August, 2010]

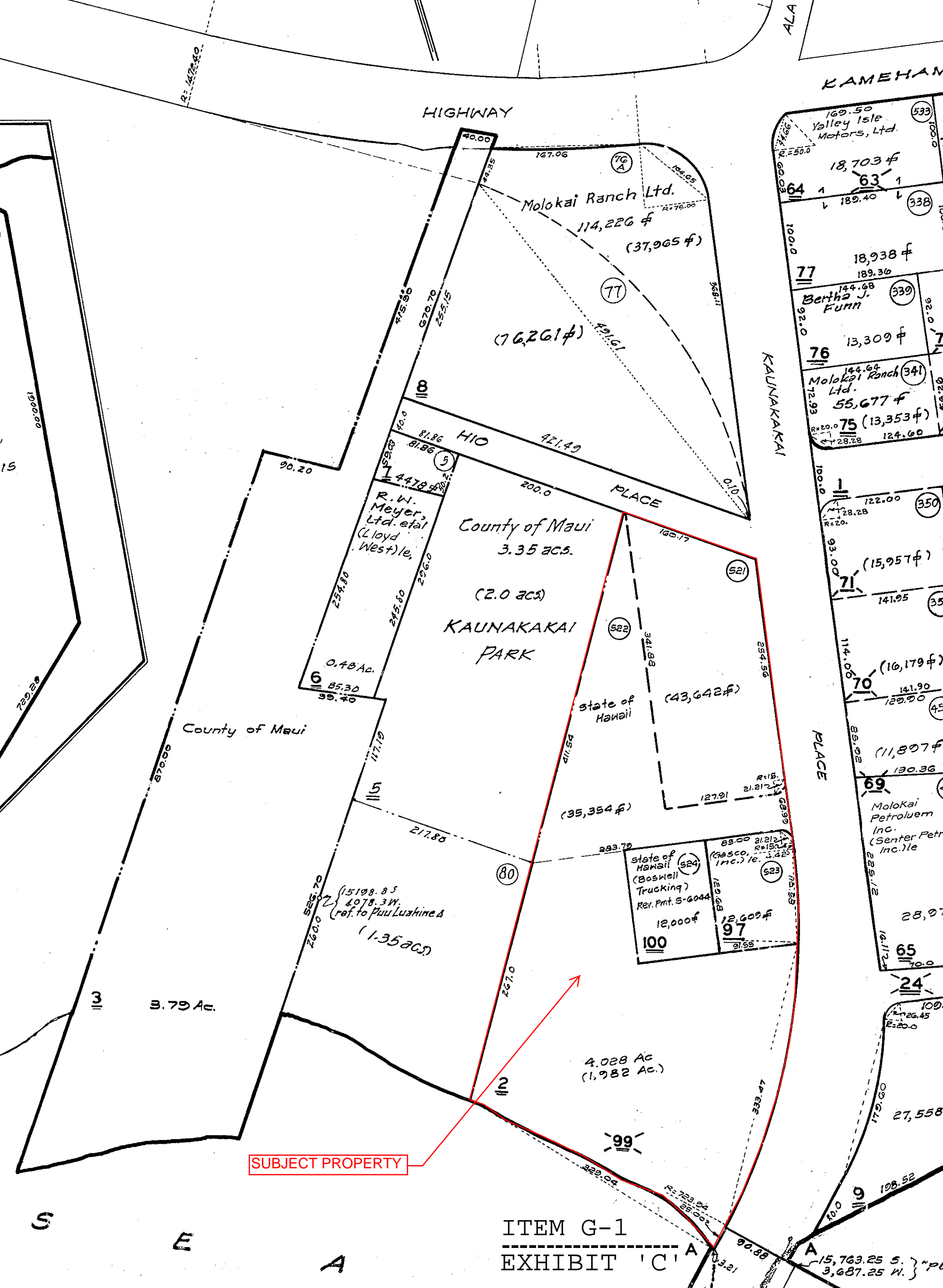
Prepared for:
'Aha Kukui o Molokai
P.O. Box 391
Hoolehua, HI 96729
(808) 567-6850

Prepared by:
Chris Hart & Partners, Inc.
115 N. Market Street
Wailuku, Maui, Hawaii 96793
(808) 242-1955

CHRIS HART
PARTNERS, INC.

ITEM G-1

EXHIBIT 'B'



SUBJECT PROPERTY

ITEM G-1

EXHIBIT 'C'

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

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

P. O. BOX 1879
HONOLULU, HAWAII 96805

October 26, 2016

Aloha mai kākou:

The Department of Hawaiian Home Lands (DHHL) Planning Office invites you and your boards of directors to attend an information meeting on the future of DHHL land in Malama Park in Kaunakakai, Molokai. We are inviting DHHL beneficiary organizations and other interested stakeholders to learn about DHHL's long term land use and master planning process and participate in scoping of issues and opportunities for the Park. This meeting is an opportunity for you to present your ideas on ways to improve your community and exercise stewardship of this very historic and special site. To get a better idea of what island plans are, please view the Molokai Island Plan on the DHHL website at:

http://dhhl.hawaii.gov/wp-content/uploads/2012/05/Island_Plan_Molokai_2005.pdf

DHHL staff will be conducting this first informational meeting in order to initiate the process to designate the parcel with a DHHL land use, followed by master planning, an implementation schedule, and development of a long term management strategy. The meeting will be held on:

**Thursday November 17, 2016
5:30 pm – 7:30 pm
DHHL/OHA Conference Room
Kūlana 'Ōiwi Multi-Service Center
600 Maunaloa Highway, Kalama'ula
(Mea'ai will be provided)**

We look forward to a productive discussion and your contributions to making Malama Park a functional and enjoyable place to recreate. Your participation will make a difference. If you have any questions, please contact Nancy M. McPherson at (808) 620-9519 or nancy.m.mcpherson@hawaii.gov.

Me ke aloha,

Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

ITEM G-1

EXHIBIT 'D'

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

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

P O BOX 1879
HONOLULU, HAWAII 96805

September 29, 2017

Dear Molokai Beneficiaries:

The Department of Hawaiian Home Lands (DHHL) invites you to attend a beneficiary consultation meeting to discuss potential land use designations for the Malama Cultural Park site, TMK (2) 5-3-001, -097, and -100, with a total area of 4.59 acres (see attached map). The purpose of this beneficiary consultation meeting is to provide you with more detailed information on the Island Plan land use designation process and to allow you an opportunity for input on potential land uses for the Malama Cultural Park site at Kaunakakai Wharf Road, Kaunakakai, Moloka'i.

The makai area of Kaunakakai that includes Malama Cultural Park is a *wahi pana* with historic significance as a canoe landing place, administrative center and residential compound for the ali'i and their retainers extending back many hundreds of years. The Malama platform was the site of a residence for King Kamehameha V (Lot Kapu'āiwa), and Princes Ruth Ke'elikōlani had a house northwest of the platform. After the overthrow of the Hawaiian Kingdom, the area was used by the American Sugar Co., then by Molokai Ranch, for agricultural, industrial and shipping-related activities.

In the 1950's, title was transferred from Molokai Ranch to the State of Hawai'i, and the site was managed by various State agencies until it was transferred to DHHL in 2011 as part of the Act 14 settlement with the State. The site now needs a DHHL land use designation due to the fact that the land was transferred into the inventory after completion of the Molokai Island Plan in 2005.

The meeting will be held at:

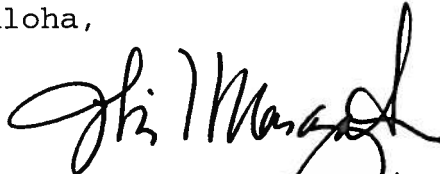
Place: Kūlana 'Ōiwi Hālau*
600 Maunaloa Highway
Date: Wednesday, October 25, 2017
Time: 6:00 p.m. to 8:00 p.m.

*In case of bad weather, alternative location is
DHHL/OHA Conference Room, also at Kūlana 'Ōiwi

ITEM G-1
EXHIBIT 'E'

We hope you will make time to attend and participate. Should you have any questions or require further information, please contact DHHL Planning Office Molokai Liaison, Nancy McPherson, at telephone: (808) 620-9519, or via e-mail at nancy.m.mcpherson@hawaii.gov.

Aloha,

A handwritten signature in black ink, appearing to read "Jobie M. K. Masagatani". The signature is fluid and cursive, with a large initial "J" and "M".

Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

Enclosure

ITEM G-1

EXHIBIT 'E'



0 0.25 Miles



DEPARTMENT OF HAWAIIAN HOME LANDS

Malama Park

Legend
 Malama Park Site

ITEM G-1

EXHIBIT 'E'

AGENDA
DHHL INFORMATIONAL MEETING FOR
MALAMA PARK STAKEHOLDERS
THURSDAY, NOV. 17, 2017
5:30 PM – 7:30 PM
DHHL CONFERENCE ROOM
KŪLANA 'ŌIWI, KALAMA'ULA

5:30 – 5:45 Opening Pule, Introductions, Mea'ai

5:45 – 6:05 Informational Presentation by DHHL

6:05 – 6:20 Scoping – Issues and Opportunities -- Q&A

6:20 – 6:30 Break

6:30 – 7:15 **Visioning Exercise – “What will Malama Park be like in 2026?”**

7:15 – 7:30 Next Steps, Mahalo, Closing Pule

HANDOUTS

- Criteria for Evaluating Non-revenue Generating Land Use Dispositions
- Capacity Building Diagram
- DHHL Project Development Flowchart
- Planning System Diagram

ITEM G-1

EXHIBIT 'F'



DEPARTMENT OF HAWAIIAN HOME LANDS
BENEFICIARY CONSULTATION

Land Use Designation for
DHHL Parcels at Malama Cultural Park
Wednesday, October 25, 6:00 P.M. to 8:00 P.M.
Kūlana 'Ōiwi Hālau, Kalama'ula, Moloka'i

AGENDA

- | | |
|-------------|--|
| 6:00 – 6:15 | Opening Pule, Introductions, Mea'ai |
| 6:15 – 6:35 | Informational Presentation by DHHL |
| 6:35 – 6:45 | Health Break |
| 6:45 – 7:45 | Breakout - LUD Opportunities |
| 7:45 – 8:00 | Summary, Next Steps, Mahalo,
Closing Pule |

ITEM G-1

EXHIBIT 'G'



HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
 DEPARTMENT OF HAWAIIAN HOME LANDS

DHHL Informational Meeting

Malama Park Planning Process

Nov. 17, 2016

Meeting Agenda

5:30 – 5:45 Opening Pule, Introductions, Mea'ai

5:45 – 6:05 Informational Presentation by DHHL

6:05 – 6:20 Scoping - Issues & Opportunities - Q&A

6:20 – 6:30 Break

6:30 – 7:15 Visioning Exercise
"What will Malama Park be like in 2026?"

7:15 – 7:30 Next Steps, Mahalo, Closing Pule

Meeting Purpose & Expectations

Purpose of meeting is to:

- Promote exchange of information & coordination
- Collect mana'o of stakeholders on issues and opportunities
- Explain Island Plan amendment & land use designation process
- Initiate preliminary visioning & scoping

Purpose of meeting is NOT to:

- Make decisions about uses, users or dispositions

Meeting Suggestions

- One speaker at a time
- Listen to understand
- Please turn off or silence cell phones
- Keep side conversations to a minimum
- Everyone who wants to be heard will be heard
- It's okay to disagree as long as we are respectful of each other
- Maintain an open and positive attitude

ITEM G-1
 EXHIBIT 'H'

Cultural & Historic Significance

- Pre-Contact history as an ali'i administrative center
- 1800's – Fishing Lodge of Kamehameha V (Lot Kapuaiwa); Princess Ruth's house
- Post-overthrow, circa 1900: American Sugar Co. coal dump; industrial uses predominate
- Pineapple loading dock – transferred to ships
- 1990's – Malama Cultural Park Master Plan and Environmental Assessment
- Seventeen centuries of history

Cultural & Historic Significance

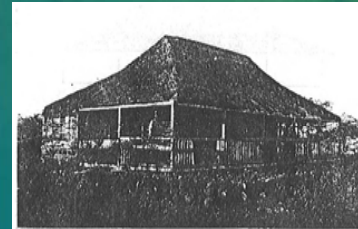


Figure 2. 1888 Photo of House of Kamehameha V, Brigham 1908 Courtesy of the U.P. Bishop Museum

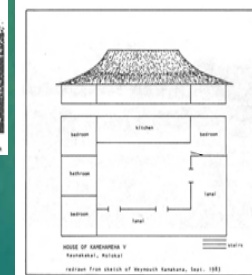
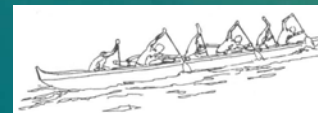


Figure 3. House of Kamehameha V: Malama House Floor Plan, Kamehameha Beach, Māhukū, (Adams, 1983)

Cultural & Historic Significance



Malama Cultural Park 1993



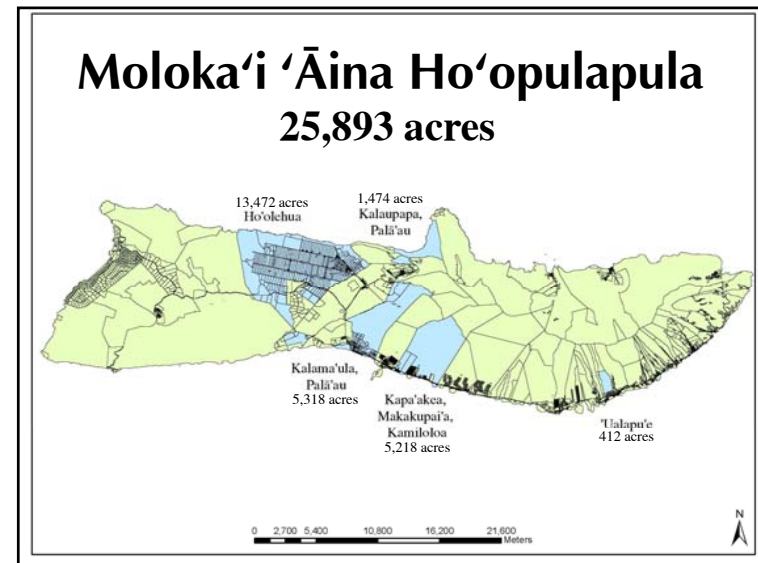
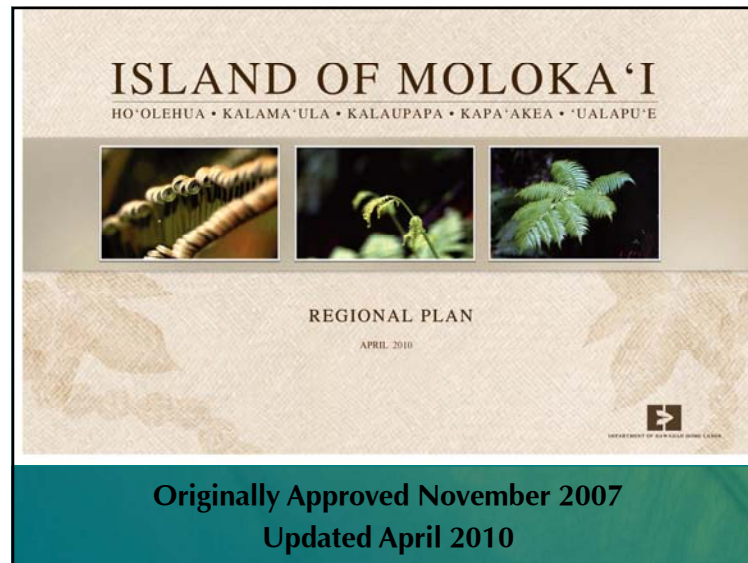
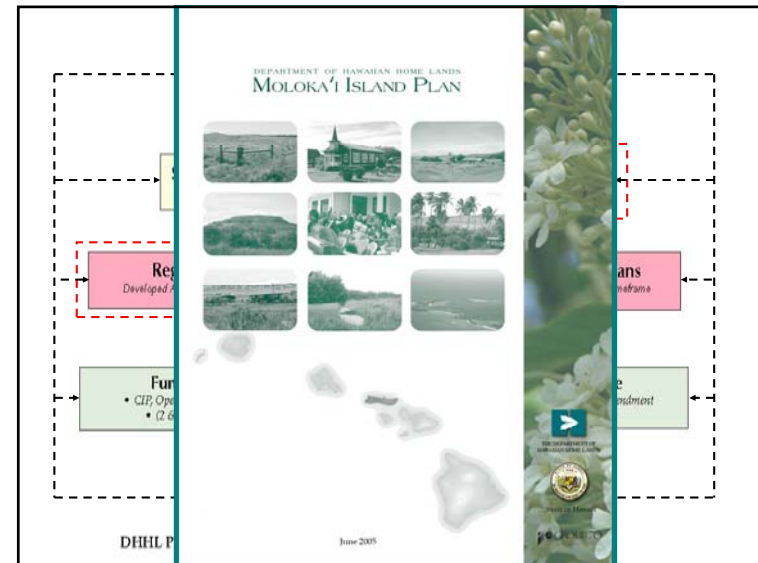
Hawaiian Homes Commission Act & General Plan

Land Use Planning

- Goal: Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.
- Objective: Consider opportunities to acquire or exchange for lands best suited for purposes of the Hawaiian Homes Commission Act.

Land & Resource Management

- Goal: Be responsible, long term stewards of the Trust's lands and natural, historic and community resources located on these lands.
- Objectives:
 - Preserve & protect significant natural, historic and community resources on Trust lands;
 - Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.



TMK's (2)5-3-001:002, -097 & -100 transferred from DLNR to DHHL in 2011



Total DHHL-
owned area:
4.592 acres

Molokai Island Plan Land Use Designations

- Island plans identify land use designations and priority areas for development.
- Land use designations provide a general pattern for the location and distribution of future land uses within the island.
- All proposed amendments to island plan land use designations shall be approved by the Hawaiian Homes Commission.

Amending Molokai Island Plan Methodology

- Conduct a land use suitability analysis: assess existing conditions and generate alternatives and mitigation measures for any potential impacts (3-4 mos.).
- Once all data has been gathered, conduct Beneficiary Consultation to assess beneficiary preference for uses for the site (2 mos.)
- DHHL will submit a request to the HHC for land use designation of the acquired land, pursuant to a thorough review of the impacts of the proposed changes (1 mo.)

Amending Molokai Island Plan Land Use Designations

The Land Use Suitability Analysis will evaluate:

- Existing uses and uses on surrounding properties
- Topography, soils, status of infrastructure
- Flood zones, tsunami zones, wetlands, cultural sites and historic resources, coastal resources
- Potential socio-economic and environmental impacts; public services, physical environment, traffic and parking

Amending Molokai Island Plan Process & Tentative Timeline

Jan. – Apr. 2017	Initiate Data Collection for Land Use Suitability Analysis
May – June 2017	Beneficiary Consultation
July – Aug. 2017	Go to Hawaiian Homes Commission for Land Use Amendment to Molokai Island Plan
2017	Discuss Memorandum of Understanding (MOU) with County of Maui
To be decided	Scoping and Master Planning process with community/stakeholders

Malama Park Issues & Opportunities

- In Tsunami Inundation Zone; prone to flooding; petroleum contamination
- Infrastructure repairs/upgrades needed (Water, Wastewater, Electrical)
- Both State & County ownership/jurisdiction
- Reconnect Community to a Wahi Pana
- Stewardship & Educational Opportunities
- Hub for Recreation and Traditional Culture
- Gateway Location

Malama Park Visioning

“What will Malama Park be like in 2026?”

Snow Cards Exercise

- Take a sticky note and write a one sentence statement that describes an aspect of your vision for Malama Park in 2026.
- Please only write one statement per post-it.
- When pau, stick it on the wall.
- When everyone is pau, as a group we will spend some time grouping the statements by theme

Next Steps

- Transcribe and analyze all mana’o gathered at this meeting
- Draft summary report, review, and email final report to all those who we have email addresses for
- Begin data gathering for land suitability and impact analysis, which may include oral history, interviews, survey



HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
DEPARTMENT OF HAWAIIAN HOME LANDS

**DHHL Beneficiary
Consultation
Land Use Designation for
Malama Cultural Park
Oct. 25, 2017**

Meeting Agenda

6:00 – 6:15 Opening Pule, Introductions, Mea'ai
6:15 – 6:35 Informational Presentation by DHHL
6:35 – 6:45 Health Break
6:45 – 7:45 Breakout Session - LUD Opportunities
7:45 – 8:00 Summary, Next Steps, Mahalo,
Closing Pule

**Meeting Purpose &
Expectations**

Purpose of meeting is to:

- Follow up on info meeting held in November 2016
- Explain Island Plan amendment & land use designation process in more detail
- Collect mana'o of stakeholders on opportunities for each of four land use designations
- Other issues if time

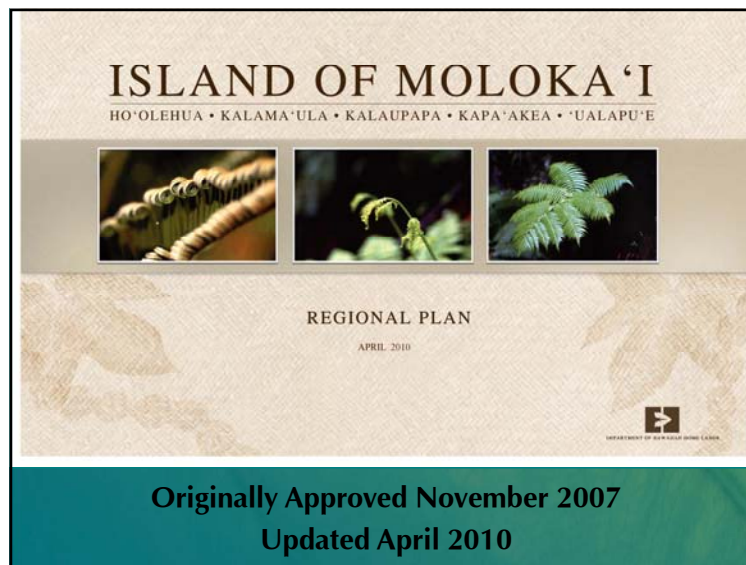
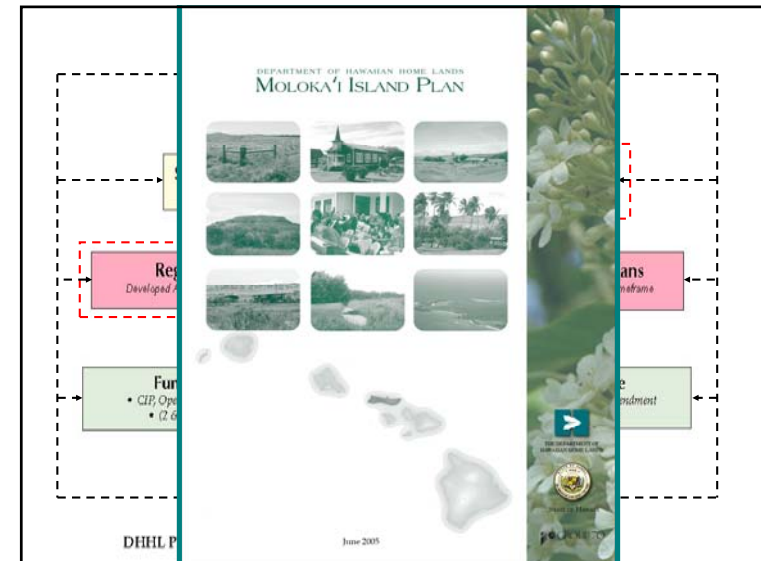
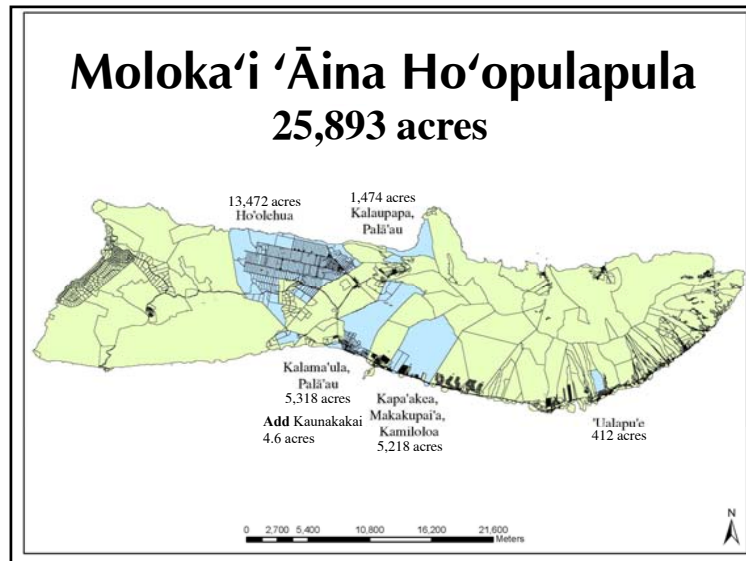
Purpose of meeting is *NOT* to:

- Make final decisions about uses, users or dispositions

Meeting Kuleana

- One speaker at a time
- Listen to understand
- Please turn off or silence cell phones
- Keep side conversations to a minimum
- Everyone who wants to be heard will be heard
- It's okay to disagree as long as we are respectful of each other
- Maintain an open and positive attitude

ITEM G-1
EXHIBIT 'I'



Hawaiian Homes Commission Act General Plan (2002)

Land Use Planning

- Goal: Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.
- Objective: Consider opportunities to acquire or exchange for lands best suited for purposes of the Hawaiian Homes Commission Act.

Land & Resource Management

- Goal: Be responsible, long term stewards of the Trust's lands and natural, historic and community resources located on these lands.
- Objectives:
 - Preserve & protect significant natural, historic and community resources on Trust lands;
 - Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.

Molokai Island Plan (2005) Key Planning Concepts

- Create full-service communities
- Use the ahupua'a concept where feasible
- Identify income generating opportunities
- Designate General Agriculture areas for hui and individual entrepreneurs to lease and develop
- Designate Special Districts for special areas to create a Hawaiian sense of place
- Preserve and enhance the use and management of water rights and resources

Molokai Island Plan (2005) Land Use Designations

- Island plans identify land use designations and priority areas for development.
- Land use designations provide a general pattern for the location and distribution of future land uses within the island.
- *All proposed amendments to island plan land use designations shall be approved by the Hawaiian Homes Commission.*

Molokai Island Plan (2005) Land Use Definitions

	SETTING/INTENT PURPOSE	LOT SIZE	MINIMUM INFRASTRUCTURE
Residential (Homestead)	Residential subdivisions built to County standards in areas close to existing infrastructure	≤ 1 acre	County Standards
Subsistence Agriculture (Homestead)	Small lot agriculture. Lifestyle areas intended to allow for home consumption of agricultural products. Occupancy optional.	≤ 5 acres	Water (catchment or potable or surface) Road access
Supplemental Agricultural (Homestead)	Large lot agriculture. Intended to provide opportunities for agricultural production for supplemental income & home use. Occupancy optional. Farm plan & 2/3 cultivation required.	≤ 40 acres	Water (catchment or surface) Road access
Pastoral (Homestead)	Large lot agriculture specifically for pastoral uses. Occupancy optional. Ranch plan & fencing required.	≤ 1,000 acres	Road access & livestock drinking water
General Agriculture	Intensive or extensive farming or ranching allowed. Uses subject to HRS Chapter 205. May serve as an interim use until opportunities for higher & better uses become available.	TBD	N/A
Special District	Areas requiring special attention because of unusual opportunities and/or constraints. e.g. natural hazard areas, open spaces, raw lands far from infrastructure (difficult to improve), mixed use areas, green-ways	TBD	To be determined (TBD)
Community Use	Common areas for community uses. Includes space for parks & recreation, cultural activities, CHED, & other public amenities	TBD (see standards)	County standards
Conservation	e.g. watersheds, endangered species, sensitive historic & cultural sites	TBD	N/A
Commercial	e.g. retail, business and commercial activities	TBD (see standards)	County standards
Industrial	e.g. processing, construction, manufacturing, transportation, wholesale and warehousing	TBD	County standards

Table 2.1 - DHHH Land Use Designations

Molokai Island Plan (2005) Land Use Plan - Kalama'ula

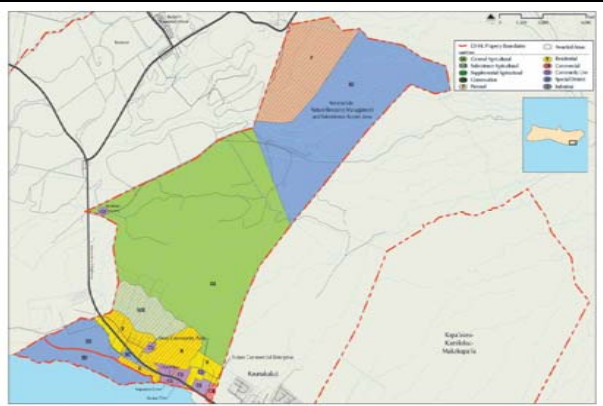
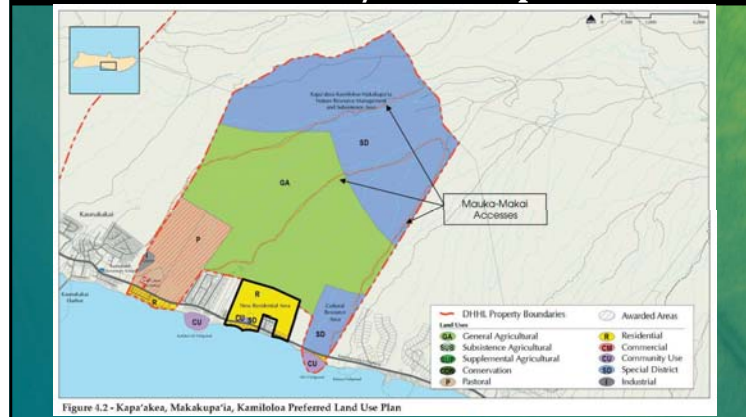


Figure 5.2 - Kalama'ula Preferred Land Use Plan

ITEM G-1
EXHIBIT I

Molokai Island Plan (2005) Land Use Plan - Kapa'akea/ Kamiloloa/Makakupa'ia



TMK's (2)5-3-001:002, -097 & -100 transferred from DLNR to DHHL in 2011



Amending Molokai Island Plan

- Conduct a land use suitability analysis: assess existing conditions and generate alternatives and mitigation measures for any potential impacts (Jan. 2016 to Oct. 2017).
- Once all data has been gathered, hold Beneficiary Consultation to gather beneficiary mana'o on land use designation(s) for the site (Oct. - Dec. 2017)
- DHHL will submit a request to HHC for land use designation of acquired land, after final review of potential impacts of designation (Jan. - Apr. 2018)

Amending Molokai Island Plan Land Use Designations

Land Use Suitability Analysis evaluates:

- Existing uses on site; uses on surrounding properties
- Topography, soils, status of infrastructure
- Flood zones, tsunami zones, wetlands, cultural sites and historic resources, coastal resources
- Potential socio-economic and environmental impacts
- Impacts to public services, physical environment, traffic and parking

Molokai Island Plan Land Use Methodology

STEP 1 - Gather Background Information

- Collect & analyze environmental, cultural & socioeconomic data & features of the property

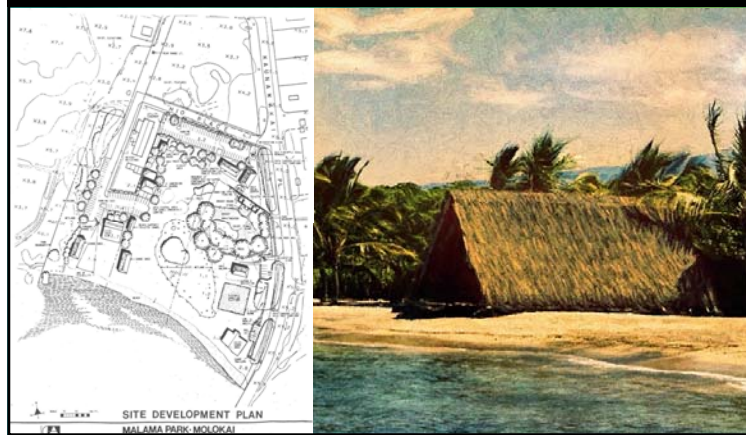
Sources for Malama Cultural Park data:

- Malama Cultural Park Master Plan and Environmental Assessment (1996), DBEDT
- Malama Park Halau Wa'a Draft EA (2006), Aha Kukui o Molokai Canoe Club
- Mana'o of Beneficiaries, Sept. 2016 Informational Meeting; multiple site visits

MIP Land Use Methodology Background Information

- Physical Conditions
 - Topography & elevation
 - Streams & waterways
 - Soil types & soil productivity
 - Wetlands & flood zones; Rainfall
 - Natural hazards – Tsunami, Sea Level Rise & storm surge
- Biological Conditions
 - Threatened and endangered species – water birds
- Infrastructure & Public Facilities – Water & Wastewater
- Cultural & Historic Resources
- Surrounding uses; State land use; County zoning & Community Plan land use (Mixture of Urban & Conservation; Park, Commercial, Industrial, Residential)

Malama Cultural Park Master Plan & EA (1993)



Malama Halau Wa'a Draft EA & Plans (2010)



Informational Meeting Nov. 17, 2016

Discussion Highlights

- Poor drainage, ponding of water is a big issue - too muddy!
- Restore wetland, use for education, to filter storm water runoff
- Sanitation - need to deal with restroom situation
- Water - need to resolve between State & County
- Contaminated soils - need to be aware of this
- Canoe clubs need their land use requests resolved
- Need more shelter - hale or pavilion for community
- Replace landscaping with species better suited for that area
- Coordinate access, hold clean up days, practice mālama.
- Remove Jailhouse (& Courthouse), put pukas in Wharf Rd.

Infrastructure & Public Facilities



Cultural & Historic Resources



Surrounding Land Uses



Malama Cultural Park Issues & Opportunities

- In Tsunami Inundation Zone; prone to flooding; petroleum contamination (-)
- Infrastructure repairs/upgrades needed (Water, Wastewater, Electrical) (-)
- State & County ownership/jurisdiction (-)
- Reconnect Community to Wahi Pana (+)
- Stewardship & Educational Opportunities (+)
- Hub for Recreation & Traditional Culture (+)
- Gateway Location (+)

Land Use Designations Homesteading vs. Non-homesteading

- Coastal & flood hazard area, shallow water table, cultural sites & layer, salt & petroleum in soil, poor drainage ⇒ **lands not suitable for homesteading** (Residential, Subsistence Ag, Supplemental Ag, Pastoral)
- **Non-homesteading uses:** LUD alternatives provide a range of low, medium, and high intensity development options (Conservation, Special District, Community Use, Commercial)

N-H Land Use Designations Definitions

- Less Restrictive
- **Conservation:** Protect the resources of the ahupua'a including water resources, watersheds, endangered species, sensitive historic & cultural sites. Usually mirrors State LU Conservation Boundary.
 - **Special District:** Areas requiring special attention because of unusual opportunities and/or constraints. e.g. natural hazard areas, open spaces, raw lands far from infrastructure (difficult to improve), mixed use areas, green-ways. Requires additional planning (Master Plan and/or Management Plan)
 - **Community Use:** Common areas, space for parks & recreation, cultural activities, CBED, & other public amenities. Commercial activities not intended as income generation tools for DHHL.
 - **Commercial/Industrial:** Retail, business & commercial activities that generate income for DHHL. Lease revenues can be used to fund homestead development. Competitive bid process per Rules.

Conservation General Plan Goals

- Be responsible, long-term stewards of the Trust's lands and the natural, historic and community resources located on these lands.
- Objectives:
 - Preserve and protect significant natural, historic and community resources on Trust lands.
 - Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.
 - Enforce governmental health and safety standards and protect life and property from the effects of natural hazards and disaster on Hawaiian home lands.
 - Allow native Hawaiian use of natural resources on Trust lands for traditional and cultural purposes.

Conservation Opportunities

- Protects sensitive environments (shorelines, wetlands) and cultural resources by restricting development
- May be eligible for conservation funding
- Focus on environmental & cultural education and restoration
- Management Plan
- Normally given to more remote areas, e.g. upper watersheds, and extensive wetlands

Special District General Plan Goals

- “Preserve and protect significant natural, historic and community resources on Trust lands”
- “Allow native Hawaiian use of natural resources on Trust lands for traditional and cultural purposes”
- “Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses”

Special District Opportunities

- Addresses same goals as Conservation, but allows for more access, activities and amenities
- Allows for mixing of uses (e.g. Conservation & Community Use) with development of a Master Plan / Management Plan
- Additional planning required, but can create own design standards, which allows for more flexibility (e.g. BMP's, shoreline setback, mitigation measures) in lieu of County standards

Community Use General Plan Goals

- Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.
- Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.
 - Objective: Provide space for and designate a mixture of appropriate land uses, economic opportunities and community services in a native Hawaiian-friendly environment.

Community Use Opportunities

- Focus on recreational opportunities & community-based economic development
- Licensing process through Land Management – 501(c)(3) status required
- Business Plan & liability insurance required
- May need to develop a Management Plan to accommodate all users & volunteers
- Could also be co-managed by District Office & Molokai Parks Committee
- Has to meet County zoning & dev't. standards

Commercial General Plan Goals

- Generate significant revenue to provide greater financial support towards fulfilling the Trust's mission.
- Provide economic opportunities for beneficiaries within areas designated for their use.
- Objectives:
 - Assist native Hawaiian entrepreneurs by supporting opportunities for business education, training, financing, planning and leasing.
 - Acquire land that expands opportunities for revenue generation.

Commercial Opportunities

- Primary purpose is to generate revenue for the Hawaiian Home Lands Trust (DHHL)
- General Lease, competitive bid process through Land Management Division
- May attract interest & investment from off-island
- Not dependent on grants – for profit model
- Projects have to meet County codes

Health Break

10 Minute Break

LUD Breakout Session

6:45 p.m. – 7:45 p.m.

- Break up into three groups
- Spend 15 - 20 minutes discussing opportunities for each LUD
- Recorder will write down your mana'o
- At 7:45 we'll do a 5 minute report back from each group

Malama Cultural Park LUD Breakout Session

Land Use Designations Report Back

Amending Molokai Island Plan Process & Tentative Timeline

Jan. – Oct. 2017	Data Collection for Land Use Suitability Analysis
Oct. – Dec. 2017	Beneficiary Consultation; Submit Report to HHC for acceptance in December
Jan. - Apr. 2018	Prepare HHC submittals, MIP Land Use Amendment & Interim Land Dispositions
Jan. – May 2018	Develop Memorandum of Understanding (MOU) w/County of Maui if needed
Jan.-August 2018	Scoping, Environmental Review & Master Planning process, or RFP
Fall 2018	Finalize EA and Master Plan, if needed; Implementation

Next Steps

- Benef. Consultation 30 Day Comment Period – ends **Nov. 24** (Friday after Thanksgiving)
- Submit BC Report to Hawaiian Homes Commission for acceptance at Dec. meeting (Dec. 18 - 19, in Kapolei, O'ahu)
- Prepare submittals for Hawaiian Homes Commission meeting on Molokai (April 2018)

Data Gathering – Stewardship of Kapuāiwa Grove and Malama Park
HHC Community Meeting, Kalamaula, Molokai
April 17, 2017 6:00 – 8:00 p.m.

Seven meeting attendees signed up as interested in stewardship.
Posters for both projects were put on the table for attendees to write their ideas on.

VISIONING EXERCISE
WHAT DOES MALAMA PARK LOOK LIKE?

In 5 Years	In 10 Years
<ul style="list-style-type: none"> • Put benches or seats • Put flowers & grow grass • Cut grass, weeds • More grass than dirt 	<ul style="list-style-type: none"> • Fishing • Netting • Diving
<ul style="list-style-type: none"> • Benches • Picnic Tables • Native plants & flowers • Maybe community raised bed gardens? 	<ul style="list-style-type: none"> • Fishing • swimming
<ul style="list-style-type: none"> • Large traditional Hale & other indigenous structures 	
<ul style="list-style-type: none"> • 'Ohana Friendly! 😊 • Cultural • Native plants... 	
<ul style="list-style-type: none"> • New bathroom that has more stalls • Plants / Flowers 	
<ul style="list-style-type: none"> • Build a Water Park 	
<ul style="list-style-type: none"> • Picnic tables • Shade trees • Benches 	
<ul style="list-style-type: none"> • More grass being grown... (more grass than dirt) • Cut grass, and weeds gone • Maybe a grass shack to kick back? 	
<ul style="list-style-type: none"> • More grass • Playground 	
<ul style="list-style-type: none"> • Grills for fire • Picnic Tables • Native Plants • Community Days • Showers & bathroom 	
<ul style="list-style-type: none"> • Cultural Hale 	

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EXHIBIT 'J'

Comments/Suggestions By Categories

Category	Comment	Frequency
Landscaping	Grass (grow/cut/more grass than dirt)	6
	Native plants	3
	Flowers	3
	Remove weeds	2
	Shade trees	1
	Community garden w/ raised beds	1
Structures	Large traditional structure/hale/grass shack/cultural hale/ Indigenous structures	4
	Benches/seating	3
	Picnic tables	3
	New bathroom / more stalls / shower	2
	Playground	1
	Grills for fire	1
	Water Park	1
Other / Activities	'Ohana-friendly	1
	Community Days	1
	Culture	1
	Fishing	2
	Netting	1
	Swimming	1
	Diving	1

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 EXHIBIT 'J'

Notes, Malama Park Informational Meeting

Nov. 17, 2016 5:30 P.M. to 7:30 P.M.

Kūlana 'Ōiwi, DHHL Conference Room

DHHL Staff: E. Halealoha Ayau, Acting Molokai District Supervisor; Shelly Carreira, Land Agent, Land Management Division; Nancy McPherson, Planning Office

20+ Stakeholders in attendance

Issues & Opportunities

- Title search – It was all supposed to be one parcel under DBEDT
- County DPW rerouting wastewater [storm water] to wetland; berming will increase ponding [of storm water]
- Range Light Park [aka Kaunakakai Lighthouse Park] – can't block the light [navigation light for harbor, federal easement]
- Bathroom – on County side, or State? [need a survey]
- Survey for wetland has been done
- Nitrogen loading feeding gorilla ogo – effluent [bathroom makai?]
- Restore wetlands – filters runoff going to ocean. Signage, boardwalk
- Wetland mitigations all along coast – County kept dumping & destroying coastal wetlands. Need to restore native plants; water birds.
- Toxins all over that place – contamination
- Was a beautiful beach area once (followed by a conversation about solid road to wharf)
- Can coexist with the wetland – paddlers
- Parking of canoes – Hemo the fence
- Plan is to make it valuable to more than canoe clubs
- Education – funding for wetlands and watersheds [is out there]
- Canoe clubs are staying
- Need a hale for the community – Farmer's Market – Pavilion
- Stick with traditional Native Hawaiian architecture [like in Malama Cultural Park Plan]
- Didn't use native/Polynesian species for landscaping – need plants that don't need irrigation
- Bring in on-island experts – Bill Garnett, Ed Misaki, Arleone Dibben-Young

Comments from Discussion

- Once we decide on uses, who will manage it? [How do we handle] volunteers?
- Why can't we split up kuleana so it's not overwhelming?
- Need water – is there a water bill [outstanding]?
- Need a master plan
- Vets put a big valve [water meter] – had to go across road – run sewer line across road.

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EXHIBIT 'K'

- Is DHHL going back to feds for \$\$? Use that [to fund Malama Park].
- Tourism – isn't state interested in that?
- No bathrooms [public restrooms] in Kaunakakai – have to go to wharf bathrooms.
- How about using composting toilets?
- Use solar lighting – minimize infrastructure impacts
- Until the master plan is ready, what happens to the users there now?
- What about maintenance? Who will clean?
- Volunteers – how do we get access to the site?
- What happens to people who just go there?
- Use archaeological experts already on Molokai, e.g. Pulama [Lima].
- Can we do work days?
- What about the jail and the courthouse – can they be removed?
- National Park Service is interested in the Jail and Courthouse – we want to get rid of them. Honouliuli – check with them.
- Courthouse was next to jail until Phase III – put Courthouse back over there. Could be a lā'au lapa'au center in the Courthouse. Dorothe Curtis was involved originally – developed a walking historic tour of Kaunakakai. Jail was to be a dressing room for hula dancers. Move it until Phase III of State Complex plan is initiated.
- Can't move jail at this point – it will fall apart.
- Need \$ to move those structures.
- Need to keep in mind that this was a historic compound for ali'i – project was moving forward under Gov. Waihee. Is a hazard now. Doesn't match as a traditional area. Jail and Courthouse were only supposed to be there temporarily.
- Cayetano had \$ for Malama Park – there was controversy.
- Enterprise Community – one of the projects was Malama Park. Needed \$ for operations – irrigation created a high water bill. Forestry [DoFAW] was maintain for a while. Now we have opportunity. 2-4 years.
- Go back to what we did in the 1990's – dust it off – Malama Cultural Park Master Plan. Use the work that's already be done.
- Do this with the Associations – not DHHL. Don't get stuck in their process. Update the Plan in a community-based way.
- Made inquiries – how to use the bathrooms – asked the State. Became a nightmare. Whose kuleana is it to water [landscaping]? SDOT-Harbors? County of Maui? Was sent to different people. No one knew whose kuleana it was. Gave up finally.
- Government agencies were pointing at each other – thought it was the other guy.
- Area should be for culturally-based micro-enterprise, like in Anahola.
- County – SMA Permit application is in for drainage project. No public hearing yet, but will be soon. People can testify.
- DBEDT had 11 acres total, then gave some back to the County.

Notes, Beneficiary Consultation on Land Use Designation for Malama Cultural Park
October 25, 2017
6:00 p.m. to 8:00 p.m.
Kūlana 'Ōiwi Hālau, Kalama'ula, Molokai

Invitation Letters (Attachment A) were mailed on October 3, 2017 to all Molokai lessees and Molokai applicants statewide, for a total of 1,625 letters

Attendance: 24 beneficiaries

Staff: Gene Ross Davis, Julie Kaupu and Cindy Manaois from the Molokai District Office, Shelly Carreira from the Land Management Division and Nancy McPherson and Julie-Ann Cachola from the Planning Office.

Handouts: Invitation Letter and Map (Att. A), Agenda (Att. B), Notes from 11-17-2016 Informational Meeting (Att. C)

Nancy opened the meeting with a 30-minute presentation on the Planning System, focusing on the Island Plan Land Use designation process. She explained the land transfer and the General Plan goals, objectives and content for each of the four candidate non-homesteading Land Use Designations.

1. Does Special District allow commercial uses?
 - This is different from commercial leases. You would have to be within (covered by) the Master Plan. You could be a nonprofit or a nonprofit with a for-profit arm. But this will be worked out in the Master Plan.
 - Special District allows flexibility and focus; everyone can work together on developing the Plan.
2. Who develops the Master Plan?
 - DHHL pays for it, hires the consultant, who will involve stakeholders and beneficiaries in developing the plan.
 - It would identify which uses are appropriate
3. One part is the County, some are Hawaiian Home Lands, are we talking about the whole area?
 - We're only talking about the Hawaiian Home Lands area. We need to figure out what is the best use—so we have:
 - Molokai Canoe Club
 - Mālama Platform
 - Hula Pā
 - Amphitheater
 - Pineapple loading dock
 - Jailhouse
 - Wetland (half)
4. We need to survey the boundary—there's some parts that are questionable.
5. We need to begin discussions with the County, so that what happened with the County shutting off the water meter will not happen again.
6. When you say "wetlands," is this the drainage area?
 - Historically, water would come down; it all used to be a wetland.
 - The wetlands have an important role: when the drainage comes down, the wetlands filters the water, cleans out the toxins and takes out the sediment before it goes to the ocean; when it goes to the ocean, it's clear, clean water.
7. How much of the wetlands area is within DHHL lands?
 - Probably around half of the wetland is DHHL's.
 - Summer it will look dry, but the water is underneath.

ITEM G-1

EXHIBIT 'L'

8. I recently found out that if a development project fills in the wetland, you don't have to replace it; the "taking" issue doesn't apply.
9. The wharf is the only place to go to paddle canoe. I want all the canoe clubs to be able to stay. Liko is already taking care of the site. Young archaeologists are coming home, let them do work there.
10. I take kids down there and explain that this is an example of an unhealthy wetland. Then I tell them to imagine what it could look like when it is fully restored. If you restore the wetland, the birds will come back. It could be a cool place for education. Tourists are right in Kaunakakai. We could have storyboards, etc. It could be a really nice place.
11. Just because canoes are there, we never said others can't be there.
12. For people who live in Kaunakakai, there's nowhere else to go to the beach. We use that area for swimming, walking, etc.
13. Kalama'ula kids all go to the wharf to swim—it's something they do together.
14. I'm willing to help restore the wetland.
15. How far are you going to go?
16. If you restore wetland, restore the sites, there's still a lot of area to work with.
17. It sounds like you're suggesting Special district.
18. I think our interests in various aspects of the area will help to make it work. We're all friends here.
19. If the wetland is unhealthy, what has to be done?
20. First of all, it's the wrong kind of Akulikuli that is down there. There's the invasive piko weed. The invasives need to be taken out and we need to get the native plants in as soon as possible, for instance, makaloa could be used.
21. Community use is similar to the canoe clubs using the area.
22. We need to manage the area collaboratively.
23. Can we have commercial activities under a Special District?
24. My mother talked about Malama Park—she said people used to go there and play ball. I'm concerned about the cultural sites, but in the past, that area was used for everything.
25. Special District, between the lines, commercial activity is possible?
 - Yes but it might not be handled in the same way as regular commercial.
26. If the whole parcel is 4.2 acres, we're really only talking about 2 acres.
27. Special district seems like it's a mixed use, arbitrary land use category. What if we put an apartment within the 2 acres? It would provide much needed housing, especially for young adults so they don't have to move away. The town is within walkable distance—which is what good plans have. I usually don't support projects like this, but we're acting like we don't have any other acreage anywhere else. I'm happy to promote low density use by the shoreline. I'm just saying to everyone that we should think broadly about the possibilities.
28. If we designate this area as Special District, where will it be relative to the other Special Districts on Molokai?
 - Unfortunately, the planning office had put in a request to fund the development of Master Plans for all the special district areas on Molokai, but our budget request was cut.
29. What you're talking about doing (letting DHHL take the lead) is going to take 10 to 20 years. If we go for Community Use, it could go a lot faster.
 - True, but if the Department had pressure from the beneficiaries, it would be done.
30. What you're talking about is using trust funds versus Grant-in-Aid funds
31. Whatever you designate the land use, canoe paddling is not going to stop.
32. The land use designation of "Community use" would include all the community?
33. Could you separate the parcel into 2 separate uses? The front part of the parcel could be used for one use while the back of the parcel could be used for something else.

34. Is there a timeline? What's preventing us to look at it as a Special District? Is it money/funding? The canoe club has been taking care of the area.
- The Land Management Division and the Planning Office, in talking with the Chairman, decided that we should determine the Land Use Designation first. Then we could have an interim land disposition. The Beneficiary Consultation period will be open for the next 30 days—so please send in your comments. After the 30 days, a Beneficiary Consultation report would be developed for submittal at the Commission's December meeting, with a request for the Commission to accept the report. We anticipate taking the request for the Land Use Designation change to the Commission in April. During the time leading up to April, we have to be in contact with each other; we need to prepare for April. If everyone is united at the Commission meeting in April, it will be easier for them approve the land use designation.
35. Regarding your earlier statement about the District Manager working with a Parks Committee, what was the intended purpose of the committee and what happened as a result of the Committee?
- When the District Office managed all of the parks on the island, the manager wanted beneficiaries to have a say on what kind of improvements should be made.
36. The Park Committee existed a long time ago, but then each Association started managing parks in their areas so we didn't need a Parks Committee.
37. The problem is operational funds—when DHHL doesn't have the money to do it—then what?
38. Management is an issue. Could the canoe clubs be kicked out?
- Special District wants to include everyone there.
39. It seems like you're trying to fit a round peg in a square hole because what we really want doesn't exist. Between Special District and Community Use, there a gap. There's restrictions.
- The Land Use Designation determines what kind of land dispositions would be uses.
40. We want a short-term plan and a long-term plan.
41. Can associations make money on the 2 acres? Could associations make income and use it to make the necessary improvements?
42. The short-term issue is health and safety. The issue is, who is leading this effort?
43. Scarlett would just go on her own and would mow the area because she saw that it needed to be mowed—then someone told her to stop, due to safety hazards.

2017 NOV 24 PM 3:08

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

Ms. Jobie Masagatani, Chairperson
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Dear Chair Masagatani:

SUBJECT: BENEFICIARY CONSULTATION: SUPPORT SPECIAL DISTRICT LAND USE DESIGNATION FOR MALAMA CULTURAL PARK, 60 KAUNAKAKAI PLACE, LOCATED IN KAUNAKAKAI, ISLAND OF MOLOKAI, TMK (2) 5-3-001:002 0000

We would like the Department of Hawaiian Home Lands support the request of Kalama'ula Mauka Homestead Association to designate 4.028 acres including the two parcels: 12,609 sqft (TMK: (2) 5-3-001:097) and 12,000 sqft (TMK: (2) 5-3-001:100), as **Special District** of the Malama Cultural Park located in 60 Kaunakakai Place, Kaunakakai, island of Molokai, TMK (2) 5-3-001:002. Special District Use is an area requiring special attention because of unusual opportunities and/or constraints, e.g. natural hazard areas, open spaces, cultural resource, raw lands for infrastructure, mixed use areas, and greenways. Special District Use will allow the following:

1. Support the continued use of the canoe clubs to perpetuate the art and competition of canoeing;
2. Restore and maintain the natural and cultural resources of the ecosystem that exists on the parcel;
3. Create a viable socio-economic system.

The subject parcel is consistent with the existing use and characteristics of the surrounding lands. Special District Use is best suited for Malama Cultural Park.

Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,

Name Sybil K Lopez
Phone 808 223 6158
Homestead Beneficiary ☒

Signature [Handwritten Signature] President
Email 100015808@gmail.com KMHA

ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:08

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

Ms. Jobie Masagatani, Chairperson
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Dear Chair Masagatani:

**SUBJECT: SUPPORT SPECIAL DISTRICT LAND USE
DESIGNATION FOR MALAMA CULTURAL PARK, 60
KAUNAKAKAI PLACE, LOCATED IN KAUNAKAKAI,
ISLAND OF MOLOKAI, TMK (2) 5-3-001:002 0000**

We would like to request that the Department of Hawaiian Home Lands designate 4.028 acres including the two parcels: 12,609 sqft (TMK: (2) 5-3-001:097) and 12,000 sqft (TMK: (2) 5-3-001:100), as **Special District** of the Malama Cultural Park located in 60 Kaunakakai Place, Kaunakakai, island of Molokai, TMK (2) 5-3-001:002. Special District Use is an area requiring special attention because of unusual opportunities and/or constraints, e.g. natural hazard areas, open spaces, cultural resource, raw lands for infrastructure, mixed use areas, and greenways. Special District Use will allow the following:

1. Support the continued use of the canoe clubs to perpetuate the art and competition of canoeing;
2. Restore and maintain the natural and cultural resources of the ecosystem that exists on the parcel;
3. Create a viable socio-economic system.

The subject parcel is consistent with the existing use and characteristics of the surrounding lands. Special District Use is best suited for Malama Cultural Park.

Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,

Phone 925-458-0184

Diamond Ignacio

ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:08

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

Ms. Jobie Masagatani, Chairperson
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Dear Chair Masagatani:

**SUBJECT: SUPPORT SPECIAL DISTRICT LAND USE
DESIGNATION FOR MALAMA CULTURAL PARK, 60
KAUNAKAKAI PLACE, LOCATED IN KAUNAKAKAI,
ISLAND OF MOLOKAI, TMK (2) 5-3-001:002 0000**

We would like the Department of Hawaiian Home Lands support the request of Kalama'ula Mauka Homestead Association to designate 4.028 acres including the two parcels: 12,609 sqft (TMK: (2) 5-3-001:097) and 12,000 sqft (TMK: (2) 5-3-001:100), as **Special District** of the Malama Cultural Park located in 60 Kaunakakai Place, Kaunakakai, island of Molokai, TMK (2) 5-3-001:002. Special District Use is an area requiring special attention because of unusual opportunities and/or constraints, e.g. natural hazard areas, open spaces, cultural resource, raw lands far infrastructure, mixed use areas, and greenways. Special District Use will allow the following:

1. Support the continued use of the canoe clubs to perpetuate the art and competition of canoeing;
2. Restore and maintain the natural and cultural resources of the ecosystem that exists on the parcel;
3. Create a viable socio-economic system.

The subject parcel is consistent with the existing use and characteristics of the surrounding lands. Special District Use is best suited for Malama Cultural Park.

Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,

Rosie Jones-Batman
Phone 11/18/17

*Hoolihua Homesteader
Born + Raised*

ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:08

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

Ms. Jobie Masagatani, Chairperson
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Dear Chair Masagatani:

SUBJECT: BENEFICIARY CONSULTATION: SUPPORT SPECIAL DISTRICT LAND USE DESIGNATION FOR MALAMA CULTURAL PARK, 60 KAUNAKAKAI PLACE, LOCATED IN KAUNAKAKAI, ISLAND OF MOLOKAI, TMK (2) 5-3-001:002 0000

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The subject parcel is consistent with the existing use and characteristics of the surrounding lands. Special District Use is best suited for Malama Cultural Park.

Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,

Name BEATRICE SPROAT-ANGUSTIA
Phone 808-646-9478
Homestead Beneficiary ☒

Signature _____
Email _____



ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:08

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

Ms. Jobie Masagatani, Chairperson
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Dear Chair Masagatani:

SUBJECT: BENEFICIARY CONSULTATION: SUPPORT SPECIAL DISTRICT LAND USE DESIGNATION FOR MALAMA CULTURAL PARK, 60 KAUNAKAKAI PLACE, LOCATED IN KAUNAKAKAI, ISLAND OF MOLOKAI, TMK (2) 5-3-001:002 0000

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The subject parcel is consistent with the existing use and characteristics of the surrounding lands. Special District Use is best suited for Malama Cultural Park.

Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,

Name Robb E. Starkey
Phone 560-5449
Homestead Beneficiary ☒

Signature [Signature]
Email charista@wave.hiv.net

ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:08

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

Ms. Jobie Masagatani, Chairperson
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

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The subject parcel is consistent with the existing use and characteristics of the surrounding lands. Special District Use is best suited for Malama Cultural Park.

Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,

Name Martene Sproat
Phone 336-0804
Homestead Beneficiary ☒

Signature [Signature]
Email martenesproat@gmail.com

ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:08

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

Ms. Jobie Masagatani, Chairperson
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

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The subject parcel is consistent with the existing use and characteristics of the surrounding lands. Special District Use is best suited for Malama Cultural Park.

Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,



Phone 640.9830

ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:08

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

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Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

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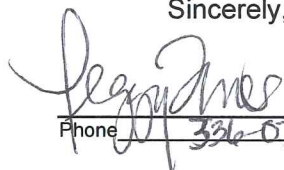
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Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,


Phone 336-0727

Peggy Torres

ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:09

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

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Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

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The subject parcel is consistent with the existing use and characteristics of the surrounding lands. Special District Use is best suited for Malama Cultural Park.

Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,



Phone 652-6545

Ruby Villa

ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:09

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

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Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

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The subject parcel is consistent with the existing use and characteristics of the surrounding lands. Special District Use is best suited for Malama Cultural Park.

Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,

Name Mrs. M. M. Kani
Phone 808-677-6776
Homestead Beneficiary ☒

Signature M. M. Kani
Email Makua.Lumba

ITEM G-1
EXHIBIT 'M'

2017 NOV 24 PM 3:09

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

Ms. Jobie Masagatani, Chairperson
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

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Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,

Name Romyra Huan
Phone 658-1171
Homestead Beneficiary ☒

Signature 
Email _____

ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:09

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

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Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

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Sincerely,

Name ESTHER TORRES UMI
Phone 567-6560
Homestead Beneficiary ☒

Signature
Email

Esther Torres Umi
Josephine Merince
Roy Green
Mark Ouellet

ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:09

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

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Hawaiian Homes Commission
Department of Hawaiian Home Lands
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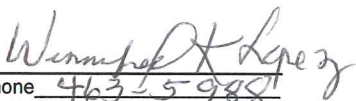
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Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,


Phone 463-5988

ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:09

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

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Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

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Sincerely,


Phone (808) 336-1920

ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:09

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

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Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
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Kapolei, Hawaii 96707

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Sincerely,



LEAHENE TAKASHIMA
Phone 808 655 0110

ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:09

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

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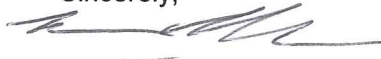
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Sincerely,


Ross TAKASHIMA
Phone 808-658-0975

ITEM G-1

EXHIBIT 'M'

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

Ms. Jobie Masagatani, Chairperson
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

**SUBJECT: SUPPORT SPECIAL DISTRICT LAND USE
DESIGNATION FOR MALAMA CULTURAL PARK, 60
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Sincerely,

[Handwritten Signature]

Phone 808-646-1000

ITEM G-1
EXHIBIT 'M'

2017 NOV 24 PM 3:09

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

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The subject parcel is consistent with the existing use and characteristics of the surrounding lands. Special District Use is best suited for Malama Cultural Park.

Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,


Phone 808-241-1009

ITEM G-1
EXHIBIT 'M'

2017 NOV 24 PM 3:09

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

Ms. Jobie Masagatani, Chairperson
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Dear Chair Masagatani:

**SUBJECT: SUPPORT SPECIAL DISTRICT LAND USE
DESIGNATION FOR MALAMA CULTURAL PARK, 60
KAUNAKAKAI PLACE, LOCATED IN KAUNAKAKAI,
ISLAND OF MOLOKAI, TMK (2) 5-3-001:002 0000**

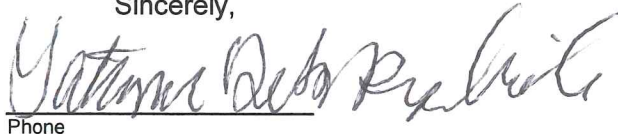
We would like the Department of Hawaiian Home Lands support the request of Kalama'ula Mauka Homestead Association to designate 4.028 acres including the two parcels: 12,609 sqft (TMK: (2) 5-3-001:097) and 12,000 sqft (TMK: (2) 5-3-001:100), as **Special District** of the Malama Cultural Park located in 60 Kaunakakai Place, Kaunakakai, island of Molokai, TMK (2) 5-3-001:002. Special District Use is an area requiring special attention because of unusual opportunities and/or constraints, e.g. natural hazard areas, open spaces, cultural resource, raw lands far infrastructure, mixed use areas, and greenways. Special District Use will allow the following:

1. Support the continued use of the canoe clubs to perpetuate the art and competition of canoeing;
2. Restore and maintain the natural and cultural resources of the ecosystem that exists on the parcel;
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The subject parcel is consistent with the existing use and characteristics of the surrounding lands. Special District Use is best suited for Malama Cultural Park.

Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,


Phone _____

ITEM G-1

EXHIBIT 'M'

2017 NOV 24 PM 3:09

DEPT. OF HAWAIIAN HOME LANDS
MOLOKAI BRANCH

November 14, 2017

Ms. Jobie Masagatani, Chairperson
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Dear Chair Masagatani:

**SUBJECT: SUPPORT SPECIAL DISTRICT LAND USE
DESIGNATION FOR MALAMA CULTURAL PARK, 60
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ISLAND OF MOLOKAI, TMK (2) 5-3-001:002 0000**

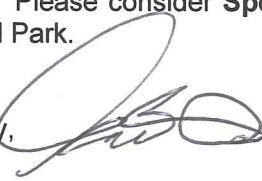
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The subject parcel is consistent with the existing use and characteristics of the surrounding lands. Special District Use is best suited for Malama Cultural Park.

Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,



Tony Espanola
Phone 808 940 8654

ITEM G-1

EXHIBIT 'M'

November 14, 2017

Ms. Jobie Masagatani, Chairperson
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Dear Chair Masagatani:

**SUBJECT: SUPPORT SPECIAL DISTRICT LAND USE
DESIGNATION FOR MALAMA CULTURAL PARK, 60
KAUNAKAKAI PLACE, LOCATED IN KAUNAKAKAI,
ISLAND OF MOLOKAI, TMK (2) 5-3-001:002 0000**

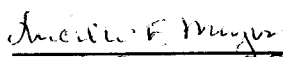
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The subject parcel is consistent with the existing use and characteristics of the surrounding lands. Special District Use is best suited for Malama Cultural Park.

Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,


Phone 808-927-4840

ITEM G-1

EXHIBIT 'M'

November 14, 2017

Ms. Jobie Masagatani, Chairperson
Hawaiian Homes Commission
Department of Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Dear Chair Masagatani:

**SUBJECT: SUPPORT SPECIAL DISTRICT LAND USE
DESIGNATION FOR MALAMA CULTURAL PARK, 60
KAUNAKAKAI PLACE, LOCATED IN KAUNAKAKAI,
ISLAND OF MOLOKAI, TMK (2) 5-3-001:002 0000**


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Thank you for your time and consideration. Please consider **Special District Use** as the most appropriate designation for Malama Cultural Park.

Sincerely,


Phone 808-427-4840

ITEM G-1

EXHIBIT 'M'



DEPARTMENT OF HAWAIIAN HOME LANDS

DEPARTMENT OF HAWAIIAN HOME LANDS SIGN-IN SHEET

EVENT Malama Park Informational Meeting

DATE November 17, 2016
5:30 pm – 7:30 pm
Kūlana 'Ōiwi, Kalama'ula, Molokai

(Please print)

** (A=Applicant, L=Lessee, Both=Applicant and Lessee, O=Other) **

BENEFICIARY	NAME	MAILING ADDRESS	E-MAIL	TELEPHONE
A <input checked="" type="radio"/> L <input type="radio"/> B <input checked="" type="radio"/> O	Doreen Gaspar	P.O. Box 1045 K'Kai	Kapaia@hotmail.com	330-8010
A <input checked="" type="radio"/> L <input type="radio"/> B <input type="radio"/> O	Georgette Kaneakua	P.O. Box 214 Kula		
A <input checked="" type="radio"/> L <input type="radio"/> B <input type="radio"/> O	Brent Nakahi	P.O. Box 1626 K'Kai		560-3963
A <input checked="" type="radio"/> L <input type="radio"/> B <input type="radio"/> O	Dev. Pauole-More	Box 88	molokai rep 1@gmail.com	553 9000 (w) 3386260 (c)
A <input type="radio"/> L <input type="radio"/> B <input checked="" type="radio"/> O	Cindy Mauao	Box 1282 " 96748	hcmao15@gmail.com	658-2044
<input checked="" type="radio"/> A <input type="radio"/> L <input type="radio"/> B <input checked="" type="radio"/> O	RONALD KIMBALL	2240 KAMEHAMEHA V HWY, K'Kai 96748	rkimball1@hawaii.rr.com	553-3530
A <input checked="" type="radio"/> L <input type="radio"/> B <input type="radio"/> O	Kapua Lūi	P.O. Box 316 K'Kai 96748	kalemanua@live.com	646-1551
<input checked="" type="radio"/> A <input type="radio"/> L <input type="radio"/> B <input type="radio"/> O	Elea Kahokuloa "Dee-Ann"	1655 Kam V Hwy 96748	dgelea@yahoo.com	553-3335/712-2456
A <input checked="" type="radio"/> L <input type="radio"/> B <input type="radio"/> O	Gene Ross & Davis	P.O. Box 52 K'Kai 96748	rossdavis777@yahoo.com	658-0795
A <input type="radio"/> L <input type="radio"/> B <input type="radio"/> O	Ella Alcon	PBx 889 K'Kai	ella.alcon@maui-county.us	646-0718

****Please include email if you wish to receive future meeting notifications electronically****

EXHIBIT 'N'
ITEM G-1



DEPARTMENT OF HAWAIIAN HOME LANDS

DEPARTMENT OF HAWAIIAN HOME LANDS
SIGN-IN SHEETPAGE 2

(Please print)

(A=Applicant, L=Lessee, Both=Applicant and Lessee, O=Other)

BENEFICIARY	NAME	MAILING ADDRESS	E-MAIL	TELEPHONE
A <u>L</u> B O	Walter + Loretta Ritte		vittw@hotmail	567 9415
A <u>L</u> B O	Kaala Wright	P.O. Box 1300.		800 8281
A L <u>B</u> O	Sybil Klog	PO Box 952	lsp2880@gmail.com	336 1587
A L <u>B</u> O	Hala Pa-Kala	bx 822	halapakah@yahoo	658-0260
A <u>L</u> B O	Liko Wallace	P.O. Box 935, K'Kai	likowallace@ymail.com	553-5071
A L B <u>O</u>	Clare Mowae	PO Box 1236, K'Kai	claresmowae@gmail.com	336-0946
A <u>L</u> B O	Penny Martin	P.O. Box 341 K'Kai, HI	eteruth@yahoo.com	553 5136
A L B O	Debbie Puh	P.O. Box 579 K'Kai, HI	depuhi@gmail.com	553-5894
A <u>L</u> B O	Mac Peepoe	P.O. Box 173 K'Kai 96757	karenpeepoe@yahoo.com	646 0542
A <u>L</u> B O	Cori Buchanan			

Please include email if you wish to receive future meeting notifications electronically

ITEM G-1
EXHIBIT 'N'



DEPARTMENT OF HAWAIIAN HOME LANDS

DEPARTMENT OF HAWAIIAN HOME LANDS SIGN-IN SHEET

EVENT Beneficiary Consultation
Malama Park Land Use Designation

DATE October 25, 2017 6:00 p.m. to 8:00 p.m.

(Please print)

(A=Applicant, L=Lessee, Both=Applicant and Lessee, O=Other)

BENEFICIARY	NAME	MAILING ADDRESS	E-MAIL	TELEPHONE
A <input checked="" type="radio"/> B O	RETHYSCA HOAVER	P.O. Box 204 Hulehua ^{HI} 96729	raynasn@yahoo.com	808-658-1171
A <input checked="" type="radio"/> B O	Liko Wallace	P.O. Box 935 K'kai, 96748	likowallace@gmail.com	658-0714
A <input checked="" type="radio"/> B O	HANA PA KALA	Bx 832 K'kai, 96748	kalapaka@yahoo	658-0260
A <input checked="" type="radio"/> B O	Lorene Helm	P.O. Box 391 Hulehua 96729	Kehaunani1950@gmail.com	658-1428
A <input checked="" type="radio"/> B O	Glail Klopz	P.O. Box 952 K'kai, HI	lopez8808@gmail.com	336-1587
A L <input checked="" type="radio"/> O	Juliana Kauru	P.O. Box 109 Hihua, HI.	juliana_ramos60@hotmail.com	# 336-0865
A L B O	Lori Buchanan	Box 133 Hihua	molokai lori@gmail.com	
A <input checked="" type="radio"/> B O	Penny Martin	P.O. Box 341 K'kai, HI 96748	etervuth@yahoo.com	808-5535136
A L <input checked="" type="radio"/> O	Sherry Cordero Evans	84636 Widemann St. 96742	sherry-shiners@hotmail.com	729-4641
A L <input checked="" type="radio"/> O	Keani Rawlins	Bx 935 K'kai	keani_nwr@msn.com	351-0263

Please include email if you wish to receive future meeting notifications electronically

EXHIBIT
ITEM G-1
101



DEPARTMENT OF HAWAIIAN HOME LANDS

DEPARTMENT OF HAWAIIAN HOME LANDS SIGN-IN SHEET

EVENT Beneficiary Consultation
Malama Park Land Use Designation

DATE October 25, 2017 6:00 p.m. to 8:00 p.m.

(Please print)

(A=Applicant, L=Lessee, Both=Applicant and Lessee, O=Other)

BENEFICIARY	NAME	MAILING ADDRESS	E-MAIL	TELEPHONE
A <input checked="" type="radio"/> L B O	Lynellie Anzures	P.O. Box 143460 Honolulu HI 96748		553-3559
A <input checked="" type="radio"/> L B O	Dorothy L Kong	P.O. Box 296084 Honolulu		658-1550
A L B <input checked="" type="radio"/> O	Cindy Manao	P.O. Box 1282, Kaimakahi		658-2044
<input checked="" type="radio"/> A L B O	Mary Asato	87-141 #5 Heleluia, Hon, HI 96797		291-6408
<input checked="" type="radio"/> A L B O	April Palekane	P.O. Box 1536 Kaimakahi		658-1924
A L <input checked="" type="radio"/> B O	Cherie Buser	P.O. Box 134, H. Hon		562-6027
A L B O	Pilioloha Kalaiwaq	110 Kualapuu HI 96751		808-646-0261
A <input checked="" type="radio"/> L B O	Kapua Lauffi	P.O. Box 30 Kkai	Kalamaula@live.com	808 646-1557
A <input checked="" type="radio"/> L B O	Tommy Lauffi	" "	" "	" "
A L B O	Pinky Gaspar	P.O. Box 1045 Kkai	KapuaKerthomestee@aol.com	808-330-8097

Please include email if you wish to receive future meeting notifications electronically

ITEM G-1

EXHIBIT 'O'



DEPARTMENT OF HAWAIIAN HOME LANDS

DEPARTMENT OF HAWAIIAN HOME LANDS
SIGN-IN SHEET

EVENT Beneficiary Consultation
Malama Park Land Use Designation

DATE October 25, 2017 6:00 p.m. to 8:00 p.m.

(Please print)

** (A=Applicant, L=Lessee, Both=Applicant and Lessee, O=Other) **



BENEFICIARY	NAME	MAILING ADDRESS	E-MAIL	TELEPHONE
A <u>L</u> B O	Kammy Purdy	POB 84 Hhwa 96729	kammypurdy@gmail.com	808-658-0444
A L B O	Don. Caldwell	P.O. Box 1677 K'kai 96748	kuoharacaldwell@gmail.com	
A <u>L</u> B O	Wilma Nodani Joy	POB 355 Hhwa 96748		567-6370
A <u>L</u> B O	Bev. Pauole Moore	Box 88 K'kai 96748	molokairep1@gmail.com	553-9000
A L B O				
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Please include email if you wish to receive future meeting notifications electronically

EXHIBIT 'O'
ITEM G-1

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18-19, 2017

To: Chairman and Members, Hawaiian Homes Commission
Thru: M. Kaleo Manuel, Acting Planning Program Manager 
From: Lehua Kinilau-Cano, Legislative Analyst 
Julie-Ann Cachola, Planner
Subject: Wai'anae and Nānākuli Regional Plan Update

Recommended Action

None; For information only.

Background

By request of the Chairman, the Planning Office provides the HHC with a status report on prior policies and/or plans that affect lands and homestead communities where the HHC conducts its monthly community meeting. For December 2017, the Planning Office will be providing an update on the regional plans for Wai'anae-Lualualei and Nānākuli.

Discussion

EXISTING PLANS & IMPLEMENTATION STATUS

O'ahu Island Plan Policies Related to the Wai'anae Moku

The purpose of each DHHL Island Plan is to:

- (1) Provide a comprehensive resource for planning and land management purposes;
- (2) Establish Land Use Designations for all land holdings to promote orderly land use development and efficient development of infrastructure systems; and
- (3) Identify island-wide needs, opportunities, and priorities.

The O'ahu Island Plan was adopted by the HHC in 2014. The Island Plan delineated four planning regions or moku for the island of O'ahu: Wai'anae, 'Ewa, Kona, and Ko'olaupoko.

The 2014 O'ahu Island Plan identifies the following land use designations and acreage amounts for Wai'anae, Lualualei and Nānākuli (See Maps in "Exhibit A").

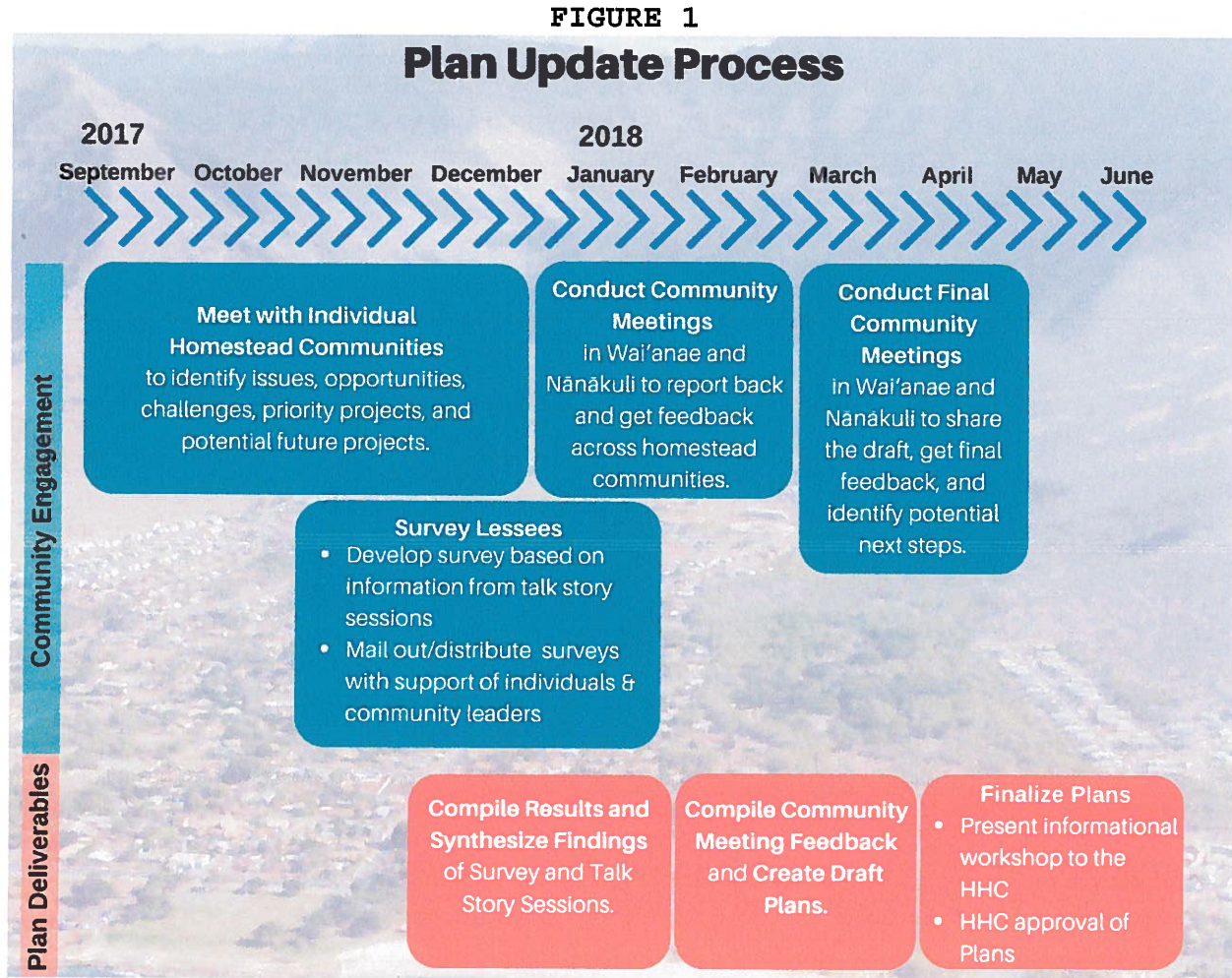
Land Use Designation (LUD)	Wai'anae	Lualualei	Nānākuli	Total Acres	Percent of LUD on O'ahu
Special District	95	10		105	34%
Conservation	75	190	825	1,090	42%
General Ag		95	705	800	88%
Residential	130	125	745	1,000	61%
Pastoral					
Subsistence Ag	50	140		190	86%
Supplemental Ag					
Industrial		3		3	0.4%
Community Use	10	75	55	140	45%
Commercial			10	10	11%
TOTALS	360	638	2,340	3,338	50%

REGIONAL PLAN UPDATE

DHHL, in consultation with its Wai'anae and Nānākuli regional beneficiaries and other stakeholders, kicked off a 10-month process of updating the Wai'anae and Lualualei Regional Plan and the Regional Plan for the Traditional Native Trust Lands of the Ahupua'a of Nānākuli (See Figure 1). The plan update process seeks to articulate a communal vision, incorporate any changes that have occurred since the last planning process, as well as to frame and organize current and future initiatives. The Hawai'i Alliance for Community-Based Economic Development (HACBED), a 501(c)(3) not-for-profit organization established in 1992 that works to build the capacity of families and communities so that they have choice and control to achieve social, economic, and environmental justice, is the contractor facilitating the regional plan update. Initial planning meetings were held with homestead leaders on September 7 and October 5. These initial meetings were followed by meetings in individual homestead communities as follows:

- Princess Kahanu Estates Association Board on October 16
- Ahupua'a o Nānākuli on November 13
- Series 7 on November 14
- Nānākuli-Ma'ili Neighborhood Board Hawaiian Affairs Committee meeting on November 28
- Wai'anae Valley Homestead Community Association meeting on November 30
- Waianae community-wide meeting on December 7.

Figure 1 below describes the anticipated next steps.



REGIONAL PLAN PRIORITY PROJECTS

1. Waiʻanae and Lualualei Regional Plan

The current *Waiʻanae and Lualualei Regional Plan* was approved by the HHC in July, 2010. Outreach, planning activities, and discussions with beneficiaries in the region during the planning process identified the following priority projects:

- (1) Kaupuni Community Center
- (2) Waiʻanae Kai Community Development
- (3) Waiʻanae Transportation Corridor Coordination and Improvements
- (4) Going Green in Waiʻanae
- (5) Agriculture/Aquaculture Production and Food Security

2. The Regional Plan for the Traditional Native Trust Lands of the Ahupua'a of Nānākuli

The Regional Plan for the *Traditional Native Trust Lands of the Ahupua'a of Nānākuli* was adopted by the HHC in December, 2009. Outreach, planning activities, and discussions with beneficiaries in the region during the planning process identified the following priority projects:

- (1) Nānākuli Village Center
- (2) Street Repairs and Maintenance for Health and Safety in the Region
- (3) Farrington Highway Transportation Corridor Coordination and Improvements
- (4) Cemetery Repair and Expansion
- (5) Identify and Plan Community Use Areas

REGIONAL PLAN IMPLEMENTATION STATUS

The Tables that follow describe each Priority Project and reports on the current status of the project.

Recommendation

None; For information only

1. Wai'anae and Lualualei Regional Plan (December 2009)

Priority Project	Description	Current Status
Kaupuni Community Center	The Kaupuni Neighborhood Park occupies a 7.5-acre parcel of land within the Wai'anae Valley Homestead which has been licensed to the City until June 25, 2022. The City has a plan to upgrade existing park amenities and develop new recreational facilities, including athletic fields and courts as well as a community center. Upon completion of the community center, the Wai'anae Valley Homestead Association has expressed interest in managing the Park for revenue generating purposes.	Phase I of the project was completed, which includes lighted basketball courts, retaining walls along the slope on the northwestern edge of the park, concrete stairs along the retaining wall, pedestrian pathways connecting the retaining wall and Pūnana'ula Street, and perimeter walls along Kāneaki Street and around the end of Pūnana'ula Street. Additional Phases are planned, but funding has not been committed for construction.
Wai'anae Kai Community Development	The Wai'anae Kai Hawaiian Homestead Association (WKHHA) is planning several projects on DHHL lands located in the vicinity of the Wai'anae Kai Homestead. The concept is to develop both revenue-generating and community facilities, including a photovoltaic (PV) farm, a community center, and kūpuna and transitional housing.	WKHHA met with the Wai'anae Economic Development Council, a nonprofit focused on community economic development on the Wai'anae Coast and Ulu Mau Development LLC, a company providing construction services for Wai'anae Coast projects in an effort to develop the community center.
Wai'anae Transportation Corridor Coordination and Improvements	Farrington Highway is the only road providing access in and out of the Wai'anae Coast. This priority project seeks to resolve traffic issues along the Coast. Residents face traffic interruptions throughout the year. When one construction project is completed, another construction project is started. By coordinating the timing of construction projects traffic interruptions could be minimized. Construction improvements to coordinate include: corridor beautification, undergrounding of utilities, utility repairs, roadway widening where appropriate, and construction of traffic and safety improvements.	HDOT initiated a contraflow initiative on Farrington Highway in Nānākuli, resulting in an additional lane in the westbound direction during the busy afternoon commute between 3:30-7:00 pm. This project is in conjunction with the Farrington Highway turning lane improvements which are currently underway and are anticipated to be completed by the end of 2017. Traffic cameras at four intersections in Nānākuli are being installed to allow residents to view these intersections online and allow the City to remotely control the traffic lights. The Wai'anae Coast Emergency Access Road was appropriated \$6M to extend it through the Nānākuli Homestead Community. In addition, \$3M was appropriated for the Waianae Second Access Road for traffic/congestion relief.

Priority Project	Description	Current Status
Going Green in Wai'anae	The objective of this project is to create energy and water efficient homes within existing DHHL homesteads in Wai'anae through: (1) Energy retrofitting and installation of solar water heaters and/or photovoltaic panels; (2) Determination of the feasibility to reuse gray water and determination of the possibility to install separate irrigation water meters to reduce sewer charges; and (3) Programs that assist homesteaders hook up to City sewer system.	DHHL's Kaupuni Village was developed with many green features that can be evaluated and used as a prototype for future development of energy and water efficient homes.
Agriculture/Aquaculture Production and Food Security	The decline in agricultural operations in Wai'anae is alarming given the importance of food security in the context of Hawai'i's geographical isolation. Active cultivation of agricultural land is of critical importance to the revitalization of agriculture in Wai'anae. Equally important is the development and support for subsistence agriculture, within smaller residential lots. This project aims at providing educational training programs that would encourage existing lessees to engage in agricultural production for subsistence purposes and/or supplemental income.	The promotion and development of agricultural uses on Hawaiian Home Lands is one of the Chair's top priorities. Under a new Agriculture Peer-to-Peer grant, Ka'ala Farm Inc. received funding to provide practical hands-on training for homestead lessees to utilize their homestead lots for food production. Subsistence agricultural homesteads have been codified in Administrative Rules in an effort to revive the agricultural program and put beneficiaries on the land.

2. The Regional Plan for the Traditional Native Trust Lands of the Ahupua'a of Nānākuli (December 2009)		
Priority Project	Description	Current Status
Nānākuli Village Center	The Nānākuli Village Center project will include a multipurpose learning center, an affordable rental housing complex, and a commercial center.	The Hale Makana O Nānākuli project provides transitional and long-term rental housing. Kamehameha Schools will design and operate the Agnes Kalaniho'okaha Cope Community Learning Center, which will provide lifelong learning and livelihood opportunities in the Nānākuli community. The commercial center, currently under construction, will provide retail space to accommodate native Hawaiian businesses and other local and national restaurants and small shops.
Street Repairs and Maintenance for Health and Safety in the Region	This project is to encompass: (1) repair and maintenance of existing crosswalks, sidewalks, and other measures to ensure pedestrian safety; (2) installation of new crosswalks, sidewalks, raised crosswalks, and roundabouts as needed; and (3) the development of a network of crosswalks and sidewalks to improve safety for children walking to and from schools.	DHHL hired a contractor to install a crosswalk at Nānākuli Avenue and 3 rd Road and to improve the sidewalk on Nānākuli Avenue between 6 th Road and the entrance to the high school. Repair and maintenance of existing infrastructure continues in homestead communities statewide.
Farrington Highway Transportation Corridor Coordination and Improvements	Provide coordination among all stakeholders with the ultimate goal of providing relief for Wai'anae/Nānākuli coast residents dealing with constant interruptions along Farrington Highway. Improvements to coordinate include corridor beautification, undergrounding of utilities, utility repairs, roadway widening where appropriate, and construction of traffic and safety improvements.	HDOT initiated a contraflow initiative on Farrington Highway in Nānākuli, resulting in an additional lane in the westbound direction during the busy afternoon commute between 3:30-7:00 pm. This project is in conjunction with the Farrington Highway turning lane improvements which are currently underway and are anticipated to be completed by the end of 2017. Traffic cameras at four intersections in Nānākuli are being installed to allow residents to view these intersections online and allow the City to remotely control the traffic lights. The Wai'anae Coast Emergency Access Road was appropriated \$6M to extend it through the Nānākuli Homestead Community. In addition, \$3M was appropriated for the Waianae Second Access Road for traffic/congestion relief.

Priority Project	Description	Current Status
Cemetery Repair and Expansion	The Nānākuli Cemetery is in dire need of repairs and improvements. The priority is the repair of the rock wall enclosing the Cemetery. The Cemetery is also nearing capacity. Therefore, another priority is to begin planning and development of the new Cemetery site located in the Series 7 subdivision.	Community volunteers maintain the Nānākuli Cemetery. They need manpower and funding assistance.
Identify and Plan Community Use Areas	This project will engage homesteaders in mapping areas for existing and future community use. In particular, homesteaders are interested in identifying areas for community-based economic development projects, the provision of community agricultural opportunities, construction of a kūpuna center and the development of community centers within the ahupua'a.	Some elements of what is described will be implemented through the development of the Nānākuli Village Center, but other elements could be discussed further with beneficiaries and community organizations.

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
December 18 & 19, 2017
Kapolei, O'ahu

H-ITEMS
**ADMINISTRATIVE SERVICES
DIVISION**

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission
FROM: Rodney K. M. Lau, Administrative Services Officer
SUBJECT: Transfer of Hawaiian Home Receipts Money at the End
Of the Second Quarter, FY 2018



RECOMMENDED MOTION/ACTION

That the Commission approve the transfer of the entire receipts deposited in the Hawaiian Home Receipts Fund as of December 31, 2017 to the Hawaiian Home General Loan Fund.

DISCUSSION

Section 213 (g) of the Hawaiian Homes Commission Act, 1920, as amended, reads in part as follows:

"(3) Hawaiian home receipts fund. All interest moneys from loans or investments received by the department from any fund except as provided for in each respective fund, shall be deposited into this fund. At the end of each quarter, all moneys in this fund may be transferred to the Hawaiian home operating fund, the Hawaiian home administration account, the Hawaiian home trust fund, and any loan fund in accordance with rules adopted by the department."

Section 10-3-52(b) of Title 10, DHHL Administrative rules, provides that:

"If the Commission fails to approve a plan for transfer, all moneys in the Hawaiian home receipts fund shall be transferred at the end of that respective quarter as follows:

- (1) Nine per cent to the operating fund; and
- (2) Ninety-one per cent to the general loan fund."

As of December 31, 2017, the estimated balance in the Hawaiian Home Receipts Fund will be approximately \$1,000,000. Based on the on-going loan requirements for fiscal year 2018, it is

recommended that cash receipts in the Hawaiian Home Receipts Fund for the quarter ending December 31, 2017 be transferred to the Hawaiian Home General Loan Fund.

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
December 18 & 19, 2017
Kapolei, O'ahu

J-ITEMS
GENERAL AGENDA

From: Stephanie Lauifi <kalamaula@live.com>
Sent: Tuesday, December 05, 2017 3:36 PM
To: Burrows-Nuuanu, Leatrice W
Subject: Commission meeting

Aloha Leah,

Can I please get on the J Agenda for the December 18th meeting? It is just to follow-up on the Blood Quantum Bill.

Mahalo
Kapua

Sent from Mail for Windows 10

EXHIBIT J1

November 14, 2017

Aloha Commissioners,

I, Skippy loane, would like to be placed on the Agenda in Nanakuli on December 18, 2017 or December 19, 2017.

I can be contacted at (808) 974-2479.

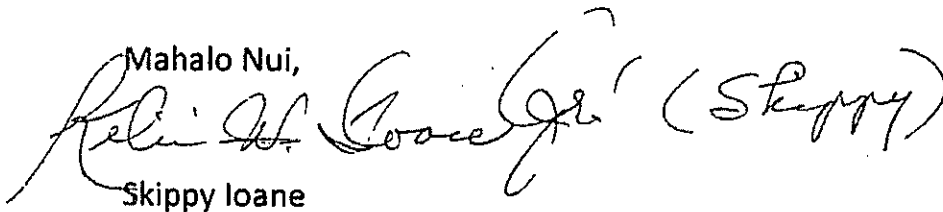
I would like to discuss the Findings and Facts for the property that was utilized by William Pakani (deceased).

As part of M.A.H.A. in Kings Landing we need direction as to the property lines that is being utilized by Mr. Pakani's wife, Audrey.

I know that a ruling in 1975 was made in the courts and would like to know the status of the above concerns.

I anxiously await correspondence from your Department.

Mahalo Nui,

 (Skippy)

Skippy loane

P.O. Box 5174 Hilo, Hawaii 96720

EXHIBIT J2

Subject:

FW: November 20 & 21, 2017 HHC Meeting Agenda - Paukūkalo, Maui, Hawaii

Mahalo for your reply.

FYI, I'll be representing Villages of Laiopua and Laiopua 2020 regarding the following matters

VOLA:

- VOLA Lease Transfers/ Sale/ dispositions
- VOLA West Hawaii Office Initiative
- Delinquencies
- Annual Association Meeting Report

L2020:

- HWSD Water Project- Status
- Community Center update PH-1 & PH-2 Updates
- Workforce Development Initiative
- Grants Initiative:
 - 2017 CIP Funding Contract
 - 2018 State A&O GIA Proposal
 - Community Center PH-2A Community Kitchen
 - Habitat for Humanity

Aloha & Mahalo

Bo Kahui

EXHIBIT J3



200 North Vineyard Boulevard, A300
Honolulu, HI 96817
Ph: 808-587-7886
Toll Free: 1-866-400-1116
www.hawaiiancommunity.net

November 22, 2017

RE: Request for J Agenda – December Commission Meeting

Aloha e Chairperson Masagatani,

I am writing on behalf of Hawaiian Community Assets to request time during the December Hawaiian Homes Commission meeting J agenda with beneficiary, David Kealoha Benevedes, to make a presentation to the Hawaiian Homes Commission on his NAHASDA Mortgage Loan application for purchase of his home at 41-308 Nakini Street, Waimanalo, HI 96795

Please let me know if you need any additional information from me in order to process our request.

Mahalo for your consideration and continued leadership.

Sincerely

A handwritten signature in black ink, appearing to read "Labeia Williams", with a long horizontal flourish extending to the right.

Labeia Williams
Program Director

cc. David Kealoha Benevedes

EXHIBIT J4

Hawaiian Homes Commission
December J Agenda

c/o: Hawaii Extreme Paintball & Air-Soft
194 Mumba St.
Kapolei, HI 96707

I. Termination of ROE (Right of Entry)

- a) Violation (rec. August 17, 2017)
- b) Meeting with Inspector Charles Domingo; (Aug. 30, 2017)
 - remove 154 cubic yards stockpiling
- c) Dept. of Planning & Permitting (Aug. 30, 2017)
 - obtain a stockpiling permit
- e) Hired Xiang Yee engineer
 - to draw a plan to incorporate (154 cubic yards) for stockpiling permit
- f) Sept 14, meeting with Kalei Young
 - inform me to take out the dirt completely
 - per violation of 154 cubic yards
 - Immediately contacted engineer Xiang Yee, to stop all work on permit
- g) Hired Samson Trucking
 - to truck out dirt that is in violation
 - sent to American Renaissance Academy

II. Inspection of violation

- a) Sept 29, 2017 City & County inspector Charles Domingo
Response: Satisfied with removal of said 154 cubic yard of dirt.

III. Prop Removal

- a) Sept 11, 2017 completed Sept. 15, 2017

IV. Photo's & facts

- a) is one copy sufficient for Board members;

V. Rent Payment

- a) paid diligently on the last Thursday/Friday month ending.

VI. Add-on lease Point of Contact,

- a) Paulette Kahana, member/owner

VII. How many minutes do we have?

EXHIBIT J5

From: Aila, Paula
Sent: Wednesday, December 06, 2017 9:00 AM
To: Burrows-Nuuanu, Leatrice W
Cc: Aila, Paula; kapio@baseyard.com
Subject: FW: Request to be on commission agend

Hi Leah,

Nanakuli Housing Corporation is requesting to be on the J agenda for Dec's commission meeting.

Mahalo,
Paula

-----Original Message-----

From: Paige Barber [mailto:alohakap@gmail.com]
Sent: Friday, December 1, 2017 5:59 PM
To: Aila, Paula <paula.aila@hawaii.gov>
Subject: Request to be on commission agend

Aloha Paula,

I am putting in a request for NHC to be put on the upcoming December 19, 2017 agenda. Mahalo

EXHIBIT J6

From: Eiselin, Kanoe <Kanoe.Eiselin@crowncastle.com>
Sent: Friday, December 08, 2017 8:32 AM
To: Burrows-Nuuanu, Leatrice W
Subject: RE: testing.

Aloha Leah,

Message received. Thanks for reaching out. Looking forward to working with you in preparation of the December 18th HHC Meeting.

Mahalo,

KANOE EISELIN
Real Estate Specialist
M: (808) 277-4178

CROWN CASTLE
94-1221 Ka Uka Blvd, Unit 108 #151, Waipahu, HI 96797
CrownCastle.com

From: Burrows-Nuuanu, Leatrice W [mailto:leatrice.w.burrows-nuuanu@hawaii.gov]
Sent: Thursday, December 07, 2017 6:25 PM
To: Eiselin, Kanoe <Kanoe.Eiselin@crowncastle.com>
Subject: testing.

Aloha Kanoe,
Testing and hoping that I got your email correct. Shoot me a reply so I know we've connected.

Mahalo,



Leah Burrows-Nuuanu
Hawaiian Homes Commission
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway
Kapolei, HI 96707
Phone: 808 620 9504/ Fax: 808 620 9529
Email: Leatrice.W.Burrows-Nuuanu@hawaii.gov

This email may contain confidential or privileged material. Use or disclosure of it by anyone other than the recipient is unauthorized. If you are not an intended recipient, please delete this email.

Subject:

FW: November 2017 Hawaiian Homes Commission Meeting J-Agenda

Hui.... ALOHA LEAH, E KA LA MAI

I just spoke to THE OFFICE OF MAZIE HIRONO.... and I will be getting higher assistance concerning me BEING ON THIS DHHL WAITING LIST....FOR OVER 25yrs.....I will be meeting with them to go over my CONCERNS IN THE NEXT 2 WEEKS.

I DO WANT TO RESCHEDULE FOR DEC. OAHU DHHL MEETING TO THEN SEE WEA WE STAND THANK YOU

PrincesLehuanani

808-359-1848

nahavas@yahoo.com

On Wednesday, November 1, 2017, 11:46 AM, nahavas@yahoo.com <nahavas@yahoo.com> wrote:

thank you kindly Leah,
and please give my Aloha to Jobie,
soon as the schedule is done can I have one emailed to me.
see you all on our MAUI KINGDOM CAPITAL.
thank you

princeslehuanani
kumaewakainakaleomomona
nahavas@yahoo.com
808-359-1848

EXHIBIT JB