

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

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

Tuesday, February 20, 2018 at 9:30 a.m. to be continued, if necessary, on  
Wednesday, February 21, 2018, at 9:00 a.m.

*Note: Commission Meeting Packets will be available at [dhhl.hawaii.gov](http://dhhl.hawaii.gov), by Saturday, February 21, 2018.*

**I. ORDER OF BUSINESS**

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for October 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 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- D-8 Approval of Assignment to leasehold Interest (see exhibit)
- D-9 Approval of Amendment of Leasehold Interest (see exhibit)
- D-10 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-13 Conditional Approval of Subdivision, Transfer of a Portion of Lease and Amendment to Lease No. 6677, Lot No. 4A-1-2, Waianae, Oahu
- D-14 Commission Designation of Successor – **EARL N. BELL**, Residential Lease No. 2806, Lot No. 5, Kuhio Village, Kamuela, Hawaii

**B. REGULAR AGENDA**

Homestead Services Division

- D-11 Commission Designation of Successor – **JEANETTE M. HANAWAHINE**, Residential Lease No. 1758, Lot No. 87, Waimanalo, Oahu
- D-12 Commission Designation of Successor – **BENJAMIN K. KELIIHOLOKAI**, Residential Lease No. 1758, Lot No. 87, Waimanalo, Oahu
- D-16 Request to Schedule a Contested Case Hearing – **LIONEL AVILLA**, Lease No. 9303, Lot No. 90, Kaniohale, Kailua-Kona, Hawaii

#### Land Development Division

- E-1      Rescission of Homestead Lease Award and Reinstatement of Application – East Kapolei I, Undivided Interest – Albert S. N. Hee

#### Land Management Division

- F-1      Approval to Issuance of Right of Entry to KIA Hawai for Feral Ungulate Removal, Kahikinui, Maui, TMK (2)19001003(por.), 007, & 011(por)
- F-2      Approval to Issuance of Right-of-Entry Permit to U-Haul of Hawaii, Inc., Shafter Flats, Island of Oahu, TMK (1)11064010 (por.)
- F-3      Approval to Amend General Lease No. 290, Kapolei Community Development Corp. (KCDC), East Kapolei, Oahu, TMK (1) 91151002

#### Planning Office

- G-1      Approval to proceed to Beneficiary Consultation for proposed water rate schedules for the DHHL-owned water systems

#### Office of the Chairman

- C-1      Appointment of investigative committee pursuant to HRS section 92-2.5 and HAR section 10-2-16(b)(1), to study and recommend DHHL investment strategies

### **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 Nelson Case - Richard Nelson, III et al., v HHC, Civil No. 07-1-1663
2. Update on issues related to Sandwich Isles Communications
3. Issues associated with multiple co-lessees holding as joint tenants, tenants-in-common, and tenants-by-the-entirety.
4. Commissioners' responsibilities associated with investment of trust funds.

### **IV. ITEMS FOR INFORMATION/DISCUSSION**

#### **A. GENERAL AGENDA**

##### Requests to Address the Commission

- J-1      Shirley Swinney – Maluohai Lessee
- J-2      Georgette Yaindl – Lionel A. Avilla Request for Contested Case Hearing
- J-3      Bo Kahui – Villages of La'i'opua and La'i'opua 2020

## B. WORKSHOPS

Homestead Services Division

D-15 Puukapu Pastoral Lot Subdivision – Recommendation to Amend the  
Commencement Date to January 1, 2018  
Planning Office

G-3 Honomu Subsistence Agricultural Homestead Project Update

Office of the Chairman

C-2 Status FY 2018 Budget and Workplan Implementation

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

91-5420 Kapolei Parkway, Kapolei, O'ahu, Hawai'i  
Wednesday, February 21, 2018, 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**

Planning Division

G-4 Legislative Updates 2018

G-5 Kapolei Regional Plan Updates

**III. ITEMS FOR INFORMATION/DISCUSSION**

**A. REGULAR AGENDA**

Homestead Services Division

D-1 HSD Status Reports

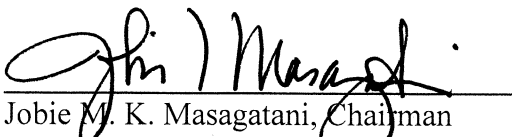
A - Homestead Lease and Application Totals and Monthly Activity Reports

B – Delinquency Report

**IV. ANNOUNCEMENTS AND ADJOURNMENT**

- A. Next Meeting –March 19 & 20, 2018, 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

Wallace A. Ishibashi, East Hawai'i

Wren Wescoatt, O'ahu

Vacant, O'ahu

Michael P. Kahikina, O'ahu

David B. Ka'apu, West Hawai'i

Vacant, Kaua'i

Vacant, Moloka'i

Next community meeting is scheduled for Monday,  
February 20, 2018 at Kapolei High School.

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
GOMES, Irene	12191	Waiehu Kou IV, Maui

**ITEM D-3 EXHIBIT**  
APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
CARRICK, Leona P.	8377	Princess Kahanu Estates, Oahu
CHAI, Christie Ann U.	5630	Lualualei, Oahu
DULAN, Jana R. K.	8969	Waiakea, Hawaii
DUTRO, Hansrenda K. M.	1577	Keaukaha, Hawaii
GLUSHENKO, Diana U. K.	9884	Maluohai, Oahu
HALEMANO, John C., III	11981	Kaupea, Oahu
HEU, Waldreen L.	8306	Princess Kahanu Estates, Oahu
HOLT, Michele M.	12763	Hoolimalima, Oahu
KAAIHUE, Robert K.	11061	Anahola, Kauai
KANEHAILUA, Valentine K.	12564	Kanehili, Oahu
KEALOHA, William L.	9404	Kaniohale, Hawaii
KELIIPULEOLE, Michael-Daniel K.	9695	Kalawahine, Oahu
KELLEY, Lindsay K., III	11352	Kekaha, Kauai
LOPES, Puahone K.	12557	Kanehili, Oahu
MAGAOAY, Celeste W.	10958	Lanai, Lanai
MATHIAS, Milton F.	11627	Kanehili, Oahu
MILLER, Sylvia A.	8531	Princess Kahanu Estates, Oahu
MIRANDA, Lee Ann K. K.	12034	Kaupea, Oahu
MOSSMAN, Kalaionamoku L.	4185A	Panaewa, Hawaii
NAWELI, Blossom E. K.	7282	Nanakuli, Oahu
NIHOA, Ezrum P.	12653	Kanehili, Oahu
PAOA, Duke K.	11446	Lealii, Maui
RIVERA, Janel L.	3834	Paukukalo, Maui
SAGABAEN, Anthony N., Jr.	9452	Waiehu 2, Maui
SAGABAEN, Sydney J. K.	9452	Waiehu 2, Maui
SALE, Terrance K.	7315	Nanakuli, Oahu
SOLATORIO, Cappy A.	5488	Kewalo, Oahu
STONE, Kahana A.	7502	Waiohuli, Maui
TAA, Joann K.	9609	Kalawahine, Oahu
TAVITA, Iosefo K.	12568	Kanehili, Oahu

**ITEM D-4 EXHIBIT**  
APPROVAL OF STREAMLINE REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
KEALOHI, James R.	11804	Kanehili, Oahu

**ITEM D-5 EXHIBIT**

**APPROVAL TO SCHEDULE LOAN DELINQUENCY CONTESTED CASE HEARINGS**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
ELI, Stacyann L.	5724	Nanakuli, Oahu

**ITEM D-6 EXHIBIT**

**HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS**

<b>APPLICANT</b>	<b>AREA</b>
AI, Raviland	Hawaii IW Res
AIONA, Thomas A.K.	Kawaihae Area / Hawaii IW Res
AGTARAP, Lillian L.	Hawaii IW Agr
AKAU, Andrew A., Sr.	Oahu IW Res
BISSSEN, Kenneth L., Sr.	Maui IW Agr
BOTELHO, Mercedes I.	Oahu IW Res
BOTELHO, Mercedes I.	Hawaii IW Agr
CHU, Wayne L.	Oahu IW Agr
ELI, Tasha Ann L.	Oahu IW Res
EMURA, Adelaide W.	Kauai IW Res
ENRIQUEZ, Mary K.	Hawaii IW Res
FRISBEE, Evelyn P.	Oahu IW Res
FRISBEE, Evelyn P.	Maui IW Agr
FUJIMORI, Randy K.T.	Molokai IW Agr
GONSALVES, Leon, Sr.	Kauai IW Agr
HANAKEAWE, Duenna K.	Oahu IW Res
HANAKEAWE, Duenna K.	Hawaii IW Agr
HOHAIA, Minerva K.	Oahu IW Agr
HOHAIA, Minerva K.	Oahu IW Res
HOLT, Harriette H.	Paukukalo Area / Maui IW Res
HOOHULI, Clement N.	Hawaii IW Res
HORWATT, Rose Ah Lin	Hawaii IW Agr
HORWATT, Rose Ah Lin	Hawaii IW Res
IIDA, Elizabeth K.	Oahu IW Agr
KAEHA, Jerome K.	Maui IW Agr
KAEHA, Jerome K.	Hawaii IW Res
KANOA, Kit K.	Oahu IW Res to Molokai IW Res
LYLES, Lylla A.	Oahu IW Res
PALI, Eric	Oahu IW Res to Lanai Res

\* IW = Islandwide

**ITEM D-7 EXHIBIT****APPROVAL OF DESIGNATION OF SUCCESSORS TO LEASEHOLD INTEREST AND  
DESIGNATION OF PERSONS TO RECEIVE THE NET PROCEEDS**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
AWEAU, James A.H.	9053	Puukapu, Hawaii
IOANE, Kahuwila R.	1588	Keaukaha, Hawaii
KAMALANI, David M.	4893	Kuhio Village, Hawaii

**ITEM D-8 EXHIBIT****APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
COSTA, Erika K.	8526	PKE, Oahu
DAVIS, Carmen B.	8141	Waianae, Oahu
FUKUYAMA, Deborah J.	2514-Z	Nanakuli, Oahu
HOLOMALIA-CASTANEDA, Cindy A.	4186	Nanakuli, Oahu
HONG, Donyne K.	1988	Waimanalo, Oahu
JARNESKI, Evon	6925	Puukapu, Hawaii
MAUNAKEA, Robin N.	4628	Waianae, Oahu
NAHALEA, Derwood N.	3260	Nanakuli, Oahu
SALE, Melody K.	7315	Nanakuli, Oahu
SALE, Terrence K.	12414	Kapolei, Oahu
REYES, Roxanne L.D.	11748	Kapolei, Oahu
SCHUELKE, Selenia L.	12459	Kapolei, Oahu
PUNG, Sammie J.	7987	Puukapu, Hawaii

**ITEM D-9 EXHIBIT****APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
ACHI, Robert L.	677	Nanakuli, Oahu
AH HO, Emma	141	Hoolehua, Molokai
BELL, Earl N.	2806	Kuhio Village, Hawaii
CALIBUSO, Nicole L.	10300	Waiohuli, Maui
DEMELLO, Kimberly K.	10427	Waiohuli, Maui
DEREGO, Patricia D.	10326	Waiohuli, Maui
FEITEIRA, Patrick A.K.K.Y.H.	10349	Waiohuli, Maui
FEITEIRA, Roxanne T.K.	10349	Waiohuli, Maui
FUKUYAMA, Deborah J.	2514-Z	Nanakuli, Oahu
HONG, Donyne K.	1988	Waimanalo, Oahu
SCHOLTZ, Byron	1988	Waimanalo, Oahu
CARIS, Ashley K.	10359	Waiohuli, Oahu
HOOPER, Heleilehua K.	10359	Waiohuli, Oahu
IBARA, Kathryn K.	10234	Waiehu Kou II, Maui
IOANE, Kahuwila R.	1588	Keaukaha, Hawaii
JACINTHO, Johanna Leigh K.W.	10325	Waiohuli, Maui
JENSEN, Darlene N.	10314	Waiohuli, Maui
KAIHEWALU, Genghis K.	10361	Waiohuli, Maui

KAILILAAU, Sherri Ann U.	10304	Waiohuli, Maui
KAINOA, Isabelle L.	5951	Waiehu Kou, Maui
KAIWI, Dondi S.	10416	Waiohuli, Maui
KALELEIKI, Sarah-Therese K.	10353	Waiohuli, Maui
KEAHI, Bruce K.	10324	Waiohuli, Maui
KEAULANA, Cynthia	3481	Nanakuli, Oahu
KEKIWI, Jody Ann	10330	Waiohuli, Maui
KINTARO, Maile K.K.	10422	Waiohuli, Maui
KUAILANI, Kiley K.	10301	Waiohuli, Maui
KUALAAU, Iokepa G.H.	10316	Waiohuli, Maui
LAINAHOLO, Ellen	4209	Waiakea, Hawaii
LOGOTALA, Michelle K.	10370	Waiohuli, Maui
MAKUAKANE, Kawaipuna C.J.	11205	Kakaina, Oahu
MOSKA, Janae K.	10411	Waiohuli, Maui
NAEOLE, Eliza L.	10366	Waiohuli, Maui
NAEOLE, Tiara K.	10367	Waiohuli, Maui
NAHALEA, Derwood N.	3260	Nanakuli, Oahu
NEWHOUSE, Kimberly K.	10305	Waiohuli, Maui
RODRIGUES, Harry F., Jr.	10339	Waiohuli, Maui
RODRIGUES, Terrence J.K.	10328	Waiohuli, Maui
SNIFFEN, Theresa E.K.	10417	Waiohuli, Maui
TESHIMA, Lisa S.K.	10358	Waiohuli, Maui
TINAO, Anuheha M.A.	10340	Waiohuli, Maui
WHITE, Warren P.	826	Kewalo, Oahu
WRIGHT, Wayne W.	10418	Waiohuli, Maui

**ITEM D-10 EXHIBIT**

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

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
ABRAHAM, William L.	7244	Kawaihae, Hawaii
BAGAYAS, Tara K.M.	11685	Kanehili, Oahu
BAKER, Vivian U.	3795	Nanakuli, Oahu
DAVID, Sheila D.	8175	Waimanalo, Oahu
JACKSON, Carol A.	11394	Kaupea, Oahu
PADEKEN-PASIGAN, Arlett	11774	Kanehili, Oahu
PENEKU, Keone H.	412	Nanakuli, Oahu
PURDY, Johnathan K.	12604	Kanehili, Oahu
WATSON, Mary L.	12456	Kanehili, Oahu



HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION - DEPARTMENT OF HAWAIIAN HOME LANDS

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

on Tuesday, February 20, 2018 at 9:30 a.m.  
and Wednesday, February 21, 2018 at 9:00 a.m.\*

at the Department of Hawaiian Home Lands, Hale Pono'i  
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](http://dhhl.hawaii.gov)

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

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## Hawaiian Home Lands Meeting with the Kapolei Homestead Communities

on Tuesday, February 20, 2018  
from 6:30 p.m. – 8:30 p.m.  
at the Kapolei High School Cafeteria  
91-5007 Kapolei Parkway, Kapolei, Hawaii 96707

### AGENDA

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

\*\*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  
February 20 & 21, 2018  
Kapolei, O'ahu

C-ITEMS  
**OFFICE OF THE CHAIRMAN**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 20 & 21, 2018

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Rodney Lau, Administrative Services Office  
William Aila Jr., Deputy Director

SUBJECT:

- C-1 Appointment of investigative committee pursuant to HRS section 92-2.5 and HAR section 10-2-16(b)(1), to study and recommend DHHL investment strategies
- C-2 Status FY 2018 Budget and Workplan Implementation

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

ITEM NO. C-1, C-2



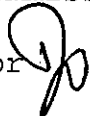
DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION  
February 20 & 21, 2018  
Kapolei, O'ahu

D-ITEMS  
**HOMESTEAD SERVICES DIVISION**

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

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

February 20, 2018

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

# LEASE ACTIVITY REPORT

Month through January 31, 2017

	As of 12/31/17	Add	Cancel	As of 1/31/18
Residential	8,376	4	5	8,375
Agricultural	1,096	0	1	1,095
Pastoral	410	0	0	410
<b>Total</b>	<b>9,882</b>	<b>4</b>	<b>6</b>	<b>9,880</b>

The number of Converted Undivided Interest Lessees represents an increase of 414 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 12/31/17	Converted	Rescinded/ Surrendered/ Cancelled	As of 1/31/18
Undivided	915	4	0	911

Balance as of 1/31/2018

Awarded	1,434
Relocated to UNDV	7
Rescinded	109
Surrendered	5
Cancelled	2
Converted	414
<b>Balance to Convert</b>	<b>911</b>

Lease Report For the Month Ending January 31, 2018

	----- 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
<b>OAHU</b>																
Hoolimalima	69	1	0	70	0	0	0	0	0	0	0	0	69	1	0	70
Kakaina	0	3	0	3	0	0	0	0	0	0	0	0	0	3	0	3
Kalawahine	91	0	0	91	0	0	0	0	0	0	0	0	91	0	0	91
Kanehill	359	0	0	359	0	0	0	0	0	0	0	0	359	0	0	359
Kapolei	256	0	0	256	0	0	0	0	0	0	0	0	256	0	0	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	52	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	1	1,049	0	0	0	0	0	0	0	0	1,050	0	0	1,049
Papakolea	64	0	0	64	0	0	0	0	0	0	0	0	64	0	0	64
Princess Kahanu Estates	271	0	0	271	0	0	0	0	0	0	0	0	271	0	0	271
Waiahole	0	0	0	0	16	0	0	16	0	0	0	0	16	0	0	16
Waianae	420	0	0	420	11	0	0	11	0	0	0	0	431	0	0	431
Waimanalo	746	0	4	742	2	0	0	2	0	0	0	0	748	0	4	744
<b>TOTAL</b>	<b>4,276</b>	<b>4</b>	<b>5</b>	<b>4,275</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,336</b>	<b>4</b>	<b>4</b>	<b>4,335</b>
<b>MAUI</b>																
Hikina	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Kahikinui	0	0	0	0	0	0	0	0	75	0	0	75	75	0	0	75
Keokea	0	0	0	0	65	0	0	65	0	0	0	0	65	0	0	65
Leali	104	0	0	104	0	0	0	0	0	0	0	0	104	0	0	104
Paukukalo	180	0	0	180	0	0	0	0	0	0	0	0	180	0	0	180
Waiehu 1	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
<b>TOTAL</b>	<b>1,266</b>	<b>0</b>	<b>0</b>	<b>1,266</b>	<b>65</b>	<b>0</b>	<b>0</b>	<b>65</b>	<b>75</b>	<b>0</b>	<b>0</b>	<b>75</b>	<b>1,406</b>	<b>0</b>	<b>0</b>	<b>1,406</b>
<b>EAST HAWAII</b>																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamapa	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaumana	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	121	0	0	121	0	0	0	0	121	0	0	121
Panaewa	0	0	0	0	263	0	1	262	0	0	0	0	263	0	1	262
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
Waiakea	298	0	0	298	0	0	0	0	0	0	0	0	298	0	0	298
<b>TOTAL</b>	<b>841</b>	<b>0</b>	<b>0</b>	<b>841</b>	<b>396</b>	<b>0</b>	<b>1</b>	<b>395</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>25</b>	<b>1,262</b>	<b>0</b>	<b>1</b>	<b>1,261</b>
<b>WEST HAWAII</b>																
Honokala	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
Kanihale	224	0	0	224	0	0	0	0	0	0	0	0	224	0	0	224
Kawaihae	186	0	0	186	0	0	0	0	1	0	0	1	187	0	0	187
Laiopua	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
<b>TOTAL</b>	<b>871</b>	<b>0</b>	<b>0</b>	<b>871</b>	<b>110</b>	<b>0</b>	<b>0</b>	<b>110</b>	<b>282</b>	<b>0</b>	<b>0</b>	<b>282</b>	<b>1,263</b>	<b>0</b>	<b>0</b>	<b>1,263</b>
<b>KAUAI</b>																
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
<b>TOTAL</b>	<b>698</b>	<b>0</b>	<b>0</b>	<b>698</b>	<b>46</b>	<b>0</b>	<b>0</b>	<b>46</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>745</b>	<b>0</b>	<b>0</b>	<b>745</b>
<b>MOLOKAI</b>																
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
O'ne Alii	28	0	0	28	0	0	0	0	0	0	0	0	28	0	0	28
<b>TOTAL</b>	<b>395</b>	<b>0</b>	<b>0</b>	<b>395</b>	<b>419</b>	<b>0</b>	<b>0</b>	<b>419</b>	<b>27</b>	<b>0</b>	<b>0</b>	<b>27</b>	<b>841</b>	<b>0</b>	<b>0</b>	<b>841</b>
<b>LANAI</b>																
Lanai	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
<b>TOTAL</b>	<b>29</b>	<b>0</b>	<b>0</b>	<b>29</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>29</b>	<b>0</b>	<b>0</b>	<b>29</b>
<b>STATEWIDE TOTAL</b>	<b>8,376</b>	<b>4</b>	<b>5</b>	<b>8,375</b>	<b>1,096</b>	<b>0</b>	<b>1</b>	<b>1,095</b>	<b>410</b>	<b>0</b>	<b>0</b>	<b>410</b>	<b>9,882</b>	<b>4</b>	<b>5</b>	<b>9,880</b>

**HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING  
January 31, 2018**

**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	0	1,015	3	0	0	3	0	0	0	0	1,018
Maui District	73	0	0	73	4	0	0	4	5	0	0	5	82
Hawaii District	134	0	0	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
<b>TOTAL</b>	<b>1,298</b>	<b>0</b>	<b>0</b>	<b>1,298</b>	<b>44</b>	<b>0</b>	<b>0</b>	<b>44</b>	<b>94</b>	<b>0</b>	<b>0</b>	<b>94</b>	<b>1,436</b>

**ISLANDWIDE WAITING LIST**

ISLAND	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu	9,639	32	4	9,667	3,682	8	0	3,690	0	0	0	0	13,357
Maui	3,780	2	2	3,780	4,642	5	0	4,647	602	0	0	602	9,029
Hawaii	5,710	3	0	5,713	7,131	7	0	7,138	1,871	0	0	1,871	14,722
Kauai	1,609	0	0	1,609	2,212	1	0	2,213	298	0	0	298	4,120
Molokai	786	4	0	790	1043	5	0	1048	198	0	0	198	2,036
Lanai	85	0	0	85	0	0	0	0	0	0	0	0	85
<b>TOTAL</b>	<b>21,609</b>	<b>41</b>	<b>6</b>	<b>21,644</b>	<b>18,710</b>	<b>26</b>	<b>0</b>	<b>18,736</b>	<b>2,969</b>	<b>0</b>	<b>0</b>	<b>2,969</b>	<b>43,349</b>

**AREA AND ISLANDWIDE LISTS**

	RES	AG	PAS	TOTAL
OAHU	10,682	3,693	0	14,375
MAUI	3,853	4,651	607	9,111
HAWAII	5,847	7,153	1,930	14,930
KAUAI	1,665	2,216	327	4,208
MOLOKAI	810	1,067	199	2,076
LANAI	85	0	0	85
<b>TOTAL</b>	<b>22,942</b>	<b>18,780</b>	<b>3,063</b>	<b>44,785</b>

ADDITIONS	
New Applications	66
Application Transfers	1
Lease Rescissions	0
App Reinstatements	0
HHC Adjustments	0
<b>TOTAL</b>	<b>67</b>

CANCELLATIONS	
New Lease Awards	4
Application Transfers	1
Succ'd and Cancel Own	1
Public Notice Cancel	0
Voluntary Cancellations	0
Lease Successorships	0
HHC Adjustments	0
Dec'd No Successor	0
Additional Acreage	0
NHQ Unqualified	0
<b>TOTAL</b>	<b>6</b>

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

**January 31, 2018**

	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
<b>OAHU DISTRICT</b>													
Nanakuli	177	0	0	177	0	0	0	0	0	0	0	0	177
Waianae	159	0	0	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	601	0	0	601	0	0	0	0	0	0	0	0	601
Subtotal Area	1,015	0	0	1,015	3	0	0	3	0	0	0	0	1,018
Islandwide	9,639	32	4	9,667	3,682	8	0	3,690	0	0	0	0	13,357
<b>TOTAL OAHU APPS</b>	<b>10,654</b>	<b>32</b>	<b>4</b>	<b>10,682</b>	<b>3,685</b>	<b>8</b>	<b>0</b>	<b>3,693</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,375</b>
<b>MAUI DISTRICT</b>													
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	3,780	2	2	3,780	4,642	5	0	4,647	602	0	0	602	9,029
<b>TOTAL MAUI APPS</b>	<b>3,853</b>	<b>2</b>	<b>2</b>	<b>3,853</b>	<b>4,646</b>	<b>5</b>	<b>0</b>	<b>4,651</b>	<b>607</b>	<b>0</b>	<b>0</b>	<b>607</b>	<b>9,111</b>
<b>HAWAII DISTRICT</b>													
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	43	0	0	43	0	0	0	0	58	0	0	58	101
Subtotal Area	134	0	0	134	15	0	0	15	59	0	0	59	208
Islandwide	5,710	3	0	5,713	7,131	7	0	7,138	1,871	0	0	1,871	14,722
<b>TOTAL HAWAII APPS</b>	<b>5,844</b>	<b>3</b>	<b>0</b>	<b>5,847</b>	<b>7,146</b>	<b>7</b>	<b>0</b>	<b>7,153</b>	<b>1,930</b>	<b>0</b>	<b>0</b>	<b>1,930</b>	<b>14,930</b>
<b>KAUAI DISTRICT</b>													
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	1,609	0	0	1,609	2,212	1	0	2,213	298	0	0	298	4,120
<b>TOTAL KAUAI APPS</b>	<b>1,665</b>	<b>0</b>	<b>0</b>	<b>1,665</b>	<b>2,215</b>	<b>1</b>	<b>0</b>	<b>2,216</b>	<b>327</b>	<b>0</b>	<b>0</b>	<b>327</b>	<b>4,208</b>
<b>MOLOKAI DISTRICT</b>													
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	786	4	0	790	1,043	5	0	1,048	198	0	0	198	2,036
<b>TOTAL MOLOKAI APPS</b>	<b>806</b>	<b>4</b>	<b>0</b>	<b>810</b>	<b>1,062</b>	<b>5</b>	<b>0</b>	<b>1,067</b>	<b>199</b>	<b>0</b>	<b>0</b>	<b>199</b>	<b>2,076</b>
<b>LANAI DISTRICT</b>													
Islandwide	85	0	0	85	0	0	0	0	0	0	0	0	85
<b>TOTAL LANAI APPS</b>	<b>85</b>	<b>0</b>	<b>0</b>	<b>85</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>85</b>
<b>TOTAL AREA ONLY</b>	<b>1,298</b>	<b>0</b>	<b>0</b>	<b>1,298</b>	<b>44</b>	<b>0</b>	<b>0</b>	<b>44</b>	<b>94</b>	<b>0</b>	<b>0</b>	<b>94</b>	<b>1,436</b>
<b>TOTAL ISLANDWIDE</b>	<b>21,609</b>	<b>41</b>	<b>6</b>	<b>21,644</b>	<b>18,710</b>	<b>26</b>	<b>0</b>	<b>18,736</b>	<b>2,969</b>	<b>0</b>	<b>0</b>	<b>2,969</b>	<b>43,349</b>
<b>TOTAL STATEWIDE</b>	<b>22,907</b>	<b>41</b>	<b>6</b>	<b>22,942</b>	<b>18,754</b>	<b>26</b>	<b>0</b>	<b>18,780</b>	<b>3,063</b>	<b>0</b>	<b>0</b>	<b>3,063</b>	<b>44,785</b>

**DELINQUENCY REPORT - STATEWIDE**

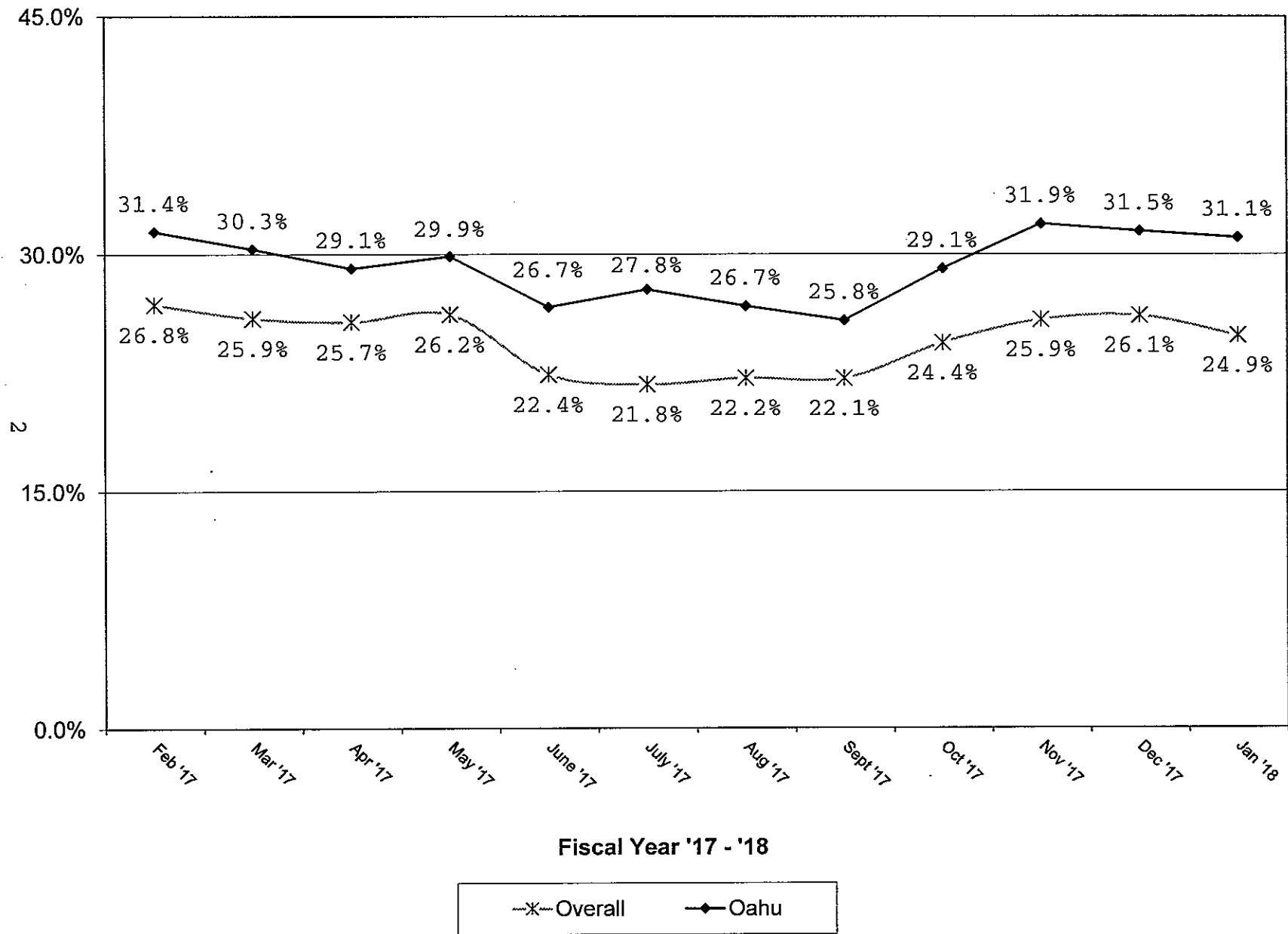
February 20, 2018

(\$Thousands)

	Total Outstanding		Total Delinquency		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)		% of Totals 1/31/2018	
	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	\$
<b>DIRECT LOANS</b>														
OAHU	411	34,614	108	10,750	19	1,301	11	571	25	2,787	53	6,092	26.3%	31.1%
EAST HAWAII	223	13,665	61	3,875	5	180	2	114	12	312	42	3,270	27.4%	28.4%
WEST HAWAII	80	8,059	9	661	0	0	0	0	2	315	7	346	11.3%	8.2%
MOLOKAI	87	6,142	23	765	4	60	2	31	4	95	13	579	26.4%	12.5%
KAUAI	104	7,304	21	1,321	6	413	3	168	2	45	10	695	20.2%	18.1%
MAUI	<u>87</u>	<u>10,130</u>	<u>19</u>	<u>2,486</u>	<u>4</u>	<u>605</u>	<u>1</u>	<u>351</u>	<u>3</u>	<u>195</u>	<u>11</u>	<u>1,335</u>	<u>21.8%</u>	<u>24.5%</u>
<b>TOTAL DIRECT</b>	<b>992</b>	<b>79,914</b>	<b>241</b>	<b>19,859</b>	<b>38</b>	<b>2,558</b>	<b>19</b>	<b>1,235</b>	<b>48</b>	<b>3,748</b>	<b>136</b>	<b>12,317</b>	<b>24.3%</b>	<b>24.9%</b>
	100.0%	100.0%	24.3%	24.9%	3.8%	3.2%	1.9%	1.5%	4.8%	4.7%	13.7%	15.4%		
<b>Advances (including RPT)</b>	<b>242</b>	<b>7,762</b>	<b>242</b>	<b>7,762</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>242</b>	<b>7,762</b>			<b>100%</b>	<b>100%</b>
<b>DHHL LOANS &amp; Advances</b>	<b>1,234</b>	<b>87,676</b>	<b>483</b>	<b>27,621</b>	<b>38</b>	<b>2,558</b>	<b>19</b>	<b>1,235</b>	<b>290</b>	<b>11,511</b>	<b>136</b>	<b>12,317</b>	<b>39.1%</b>	<b>31.5%</b>
<b>LOAN GUARANTEES as of June 30, 2017</b>														
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	7	1,046	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%
<b>TOTAL GUARANTEE</b>	<b><u>451</u></b>	<b><u>44,395</u></b>	<b><u>95</u></b>	<b><u>7,874</u></b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>95</u></b>	<b><u>7,874</u></b>			<b><u>21.1%</u></b>	<b><u>17.7%</u></b>
PMI Loans	207	34,380	15	2,947	9	1,903	2	359	4	685			7.2%	8.6%
<b>HUD REASSIGNED for Recovery</b>	<b>138</b>	<b>17,574</b>	<b>117</b>	<b>16,418</b>	<b>3</b>	<b>114</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>97</b>	<b>112</b>	<b>16,206</b>	<b>84.8%</b>	<b>93.4%</b>
FHA Insured Loans	<u>2,784</u>	<u>423,037</u>	<u>230</u>	<u>29,574</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>230</u>	<u>29,574</u>			<u>8.3%</u>	<u>7.0%</u>
<b>TOTAL INS. LOANS</b>	<b><u>3,129</u></b>	<b><u>474,991</u></b>	<b><u>362</u></b>	<b><u>48,939</u></b>	<b><u>12</u></b>	<b><u>2,017</u></b>	<b><u>2</u></b>	<b><u>359</u></b>	<b><u>236</u></b>	<b><u>30,356</u></b>	<b><u>112</u></b>	<b><u>16,206</u></b>	<b><u>11.6%</u></b>	<b><u>10.3%</u></b>
<b>OVERALL TOTALS(EXC Adv/RP)</b>	<b>4,572</b>	<b>599,300</b>	<b>698</b>	<b>76,671</b>	<b>50</b>	<b>4,576</b>	<b>21</b>	<b>1,594</b>	<b>379</b>	<b>41,978</b>	<b>248</b>	<b>28,523</b>	<b>15.3%</b>	<b>12.8%</b>
<b>ADJUSTED TOTALS</b>	<b>4,814</b>	<b>607,062</b>	<b>940</b>	<b>84,434</b>	<b>50</b>	<b>4,576</b>	<b>21</b>	<b>1,594</b>	<b>621</b>	<b>49,741</b>	<b>248</b>	<b>28,523</b>		<b>13.9%</b>

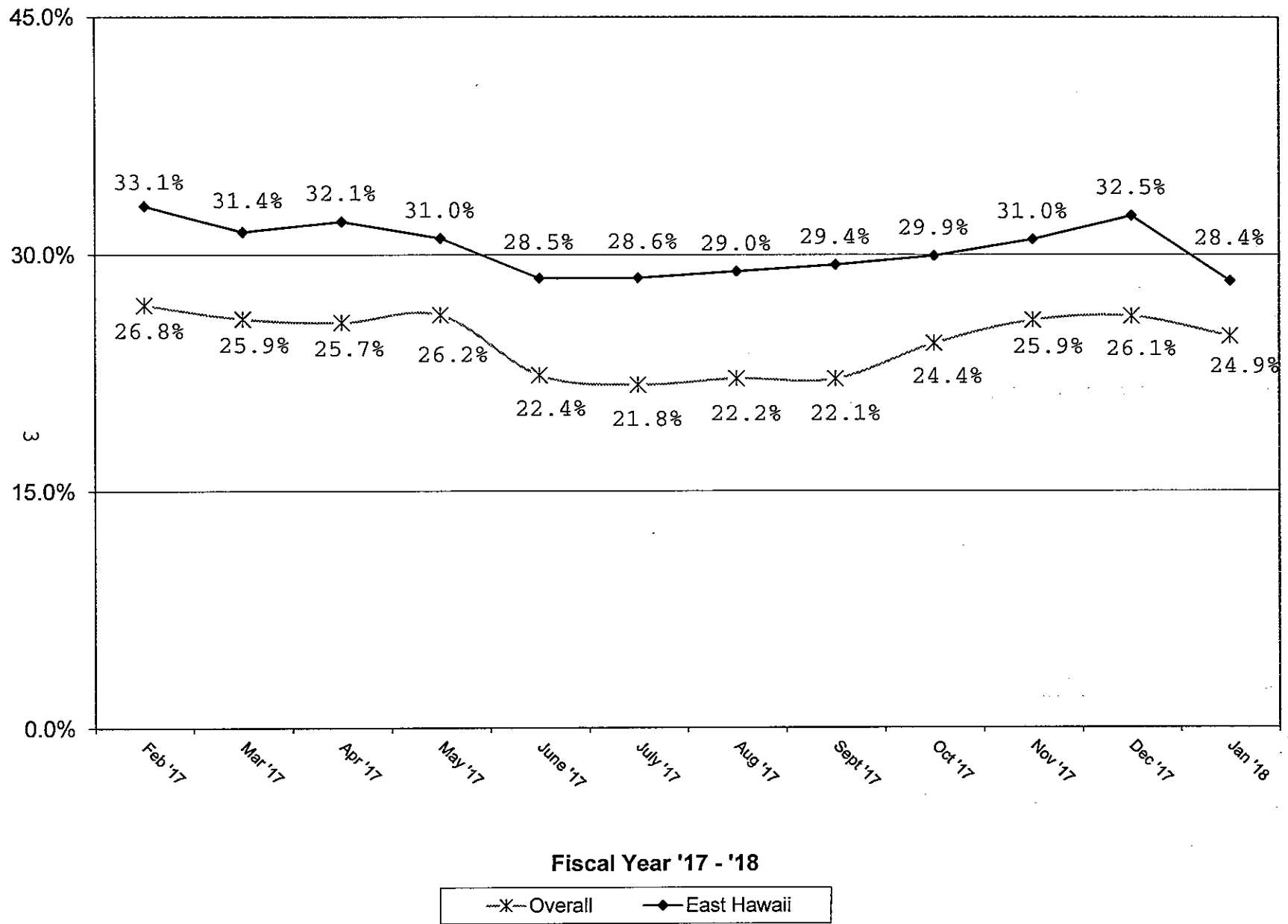
Note: HUD 184A loan program has 441 loans, with a total outstanding principal balance of \$98,859,810.92 as of June 30, 2017. 18 loans, totalling \$4,145,021.64 are delinquent.

# OAHU Direct Loans Delinquency Ratio Report

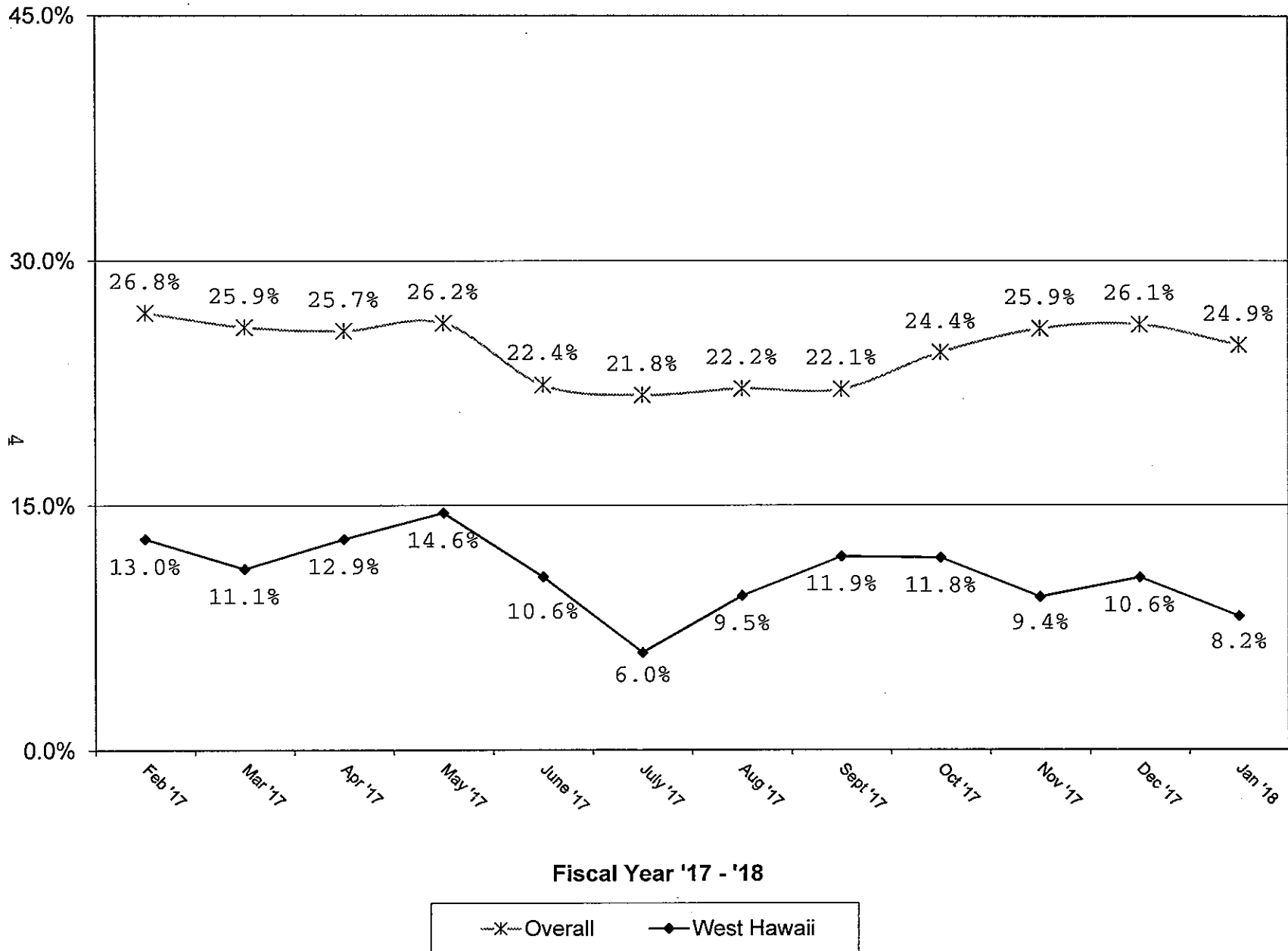




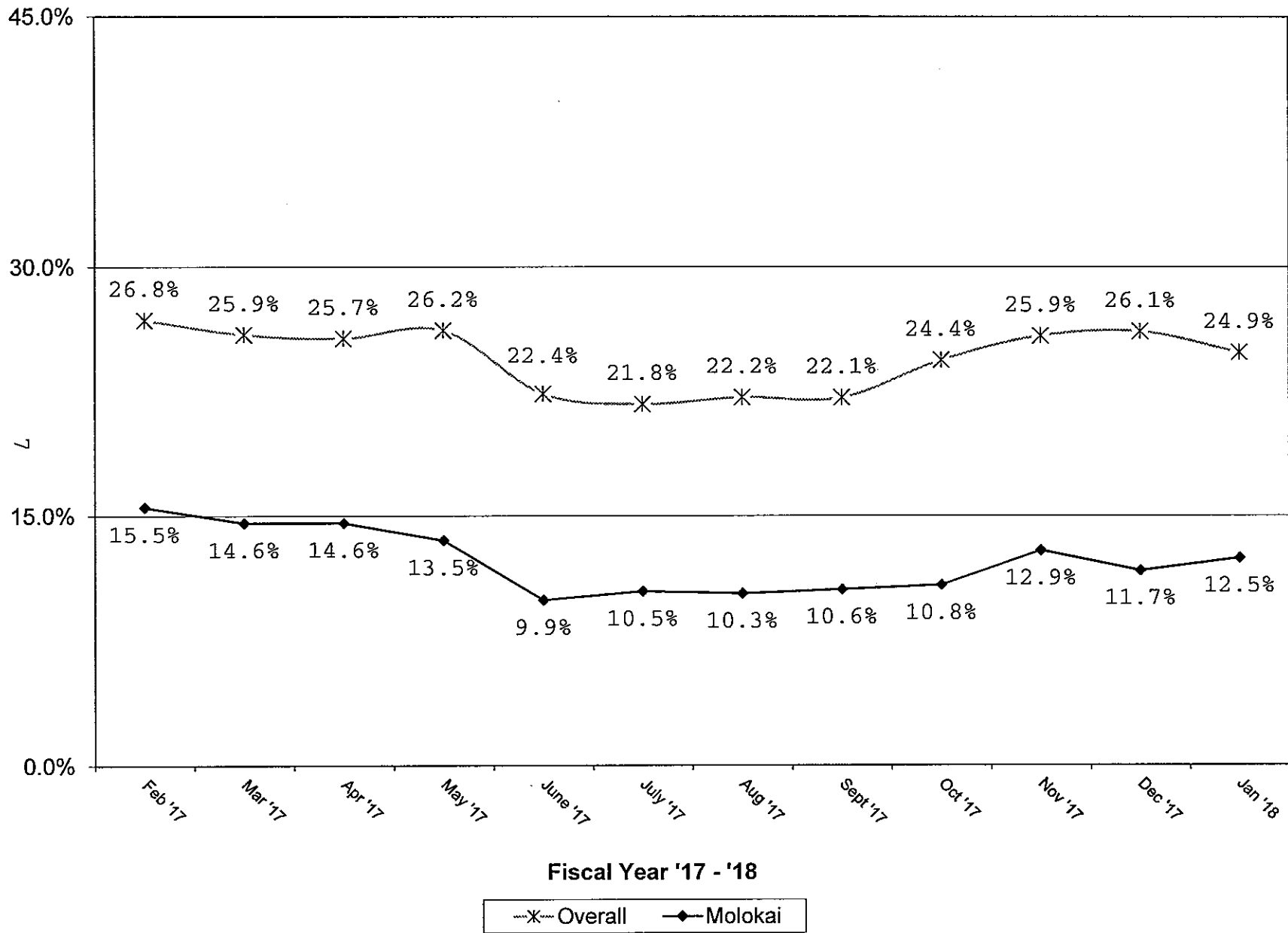
# EAST HAWAII Direct Loans Delinquency Ratio Report



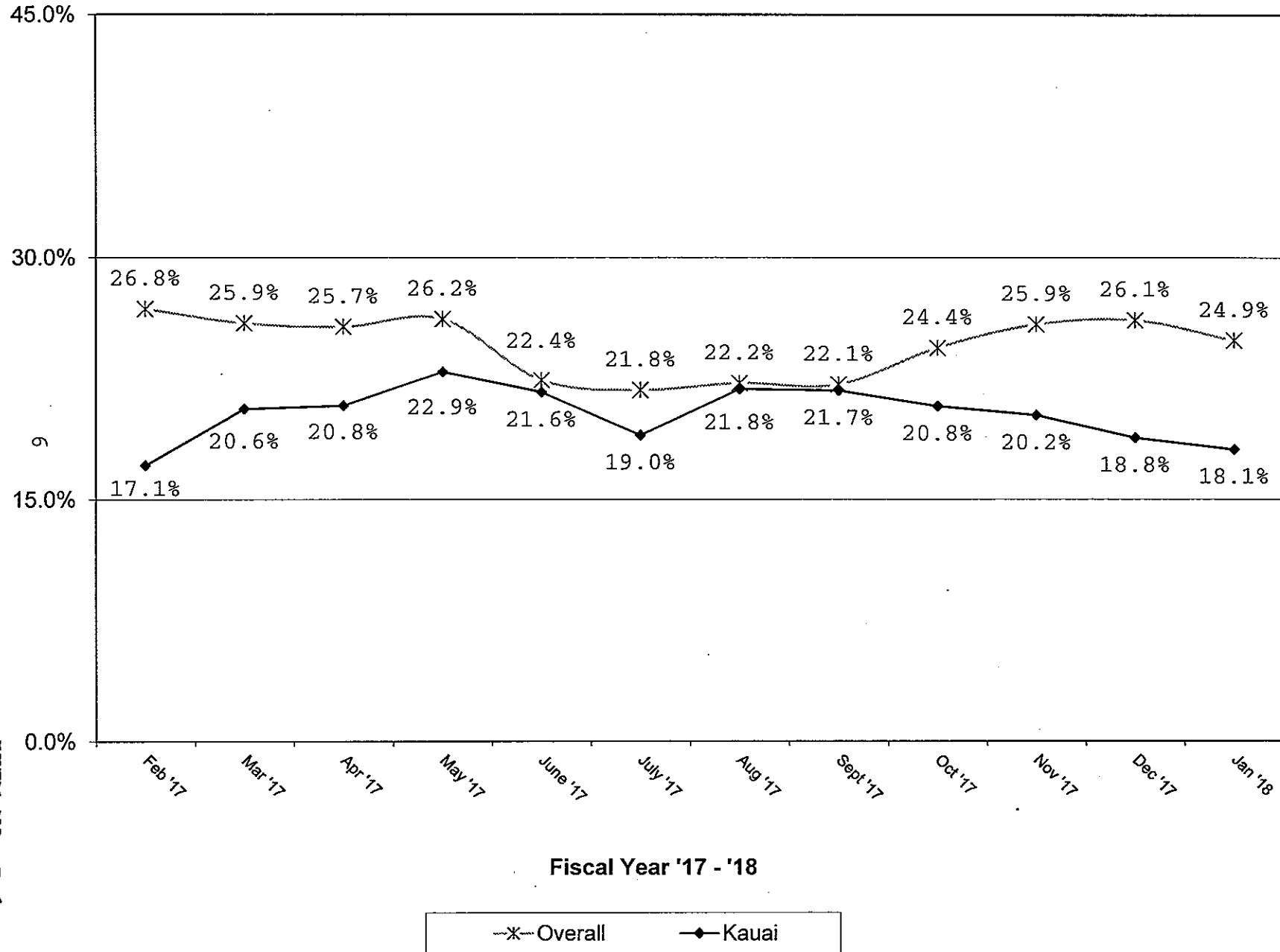
# WEST HAWAII Direct Loans Delinquency Ratio Report



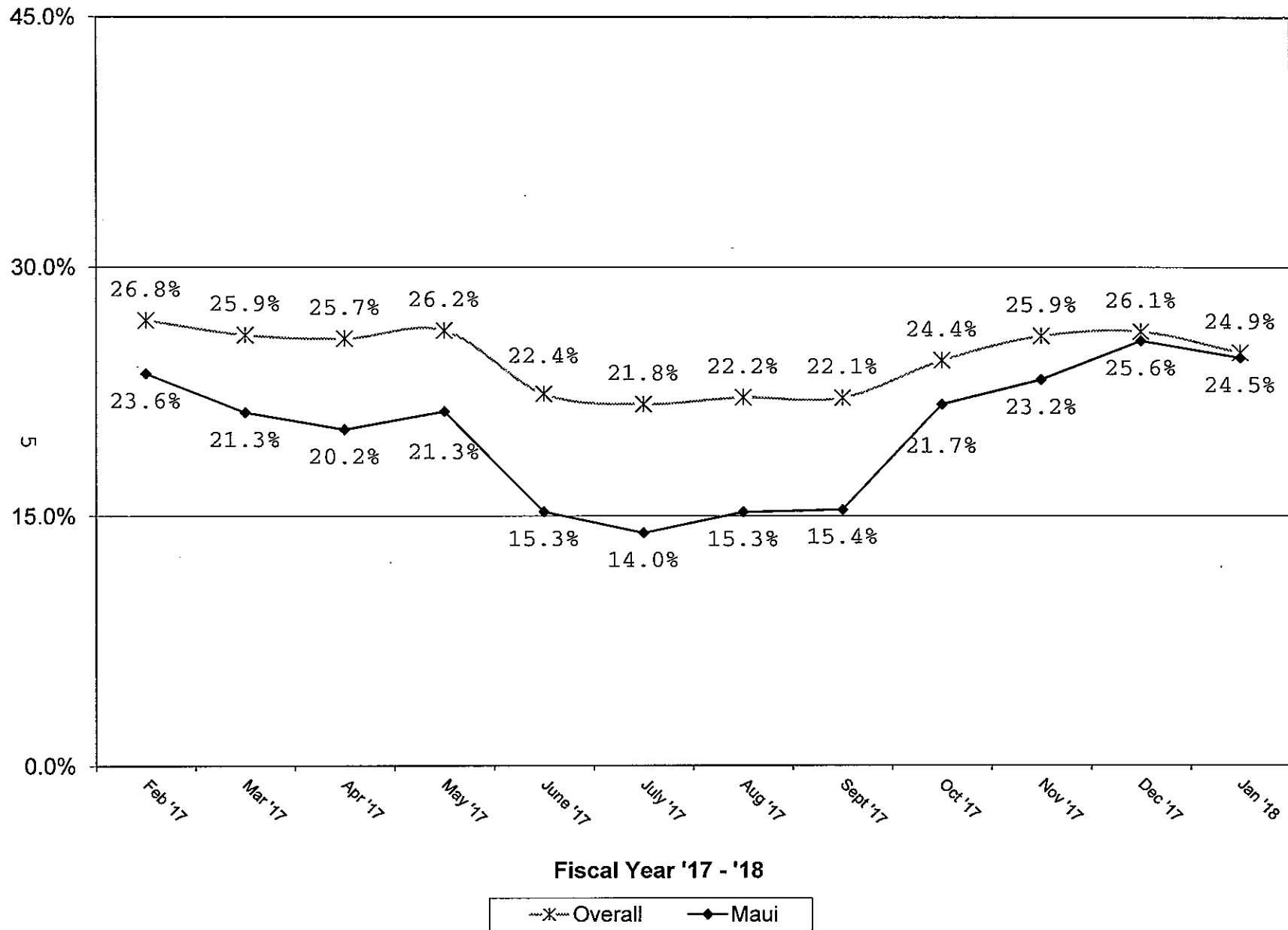
**MOLOKAI**  
**Direct Loans**  
**Delinquency Ratio Report**



# KAUAI Direct Loans Delinquency Ratio Report



# MAUI Direct Loans Delinquency Ratio Report



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

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. &amp; AREA</u>	<u>LOAN TERMS</u>
Gomes, Irene	12191, WK-IV	NTE \$142,000 @ 4.5% interest per annum, NTE \$720 monthly, repayable over 30 years

Loan Purpose: Refinance contract of loan no. 18709 to reduce monthly payment due to financial hardship. Original loan amount of \$163,737 at 5.75% per annum, \$956 monthly, repayable over 30 years. A contested case hearing was held on January 17, 2012, for this account.

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<u>REFINANCE</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/17	7	\$ 590,494
Prior Months	1	147,135
This Month	<u>1</u>	<u>142,000</u>
Total FY '17-'18	2	\$ 289,135

<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	2	368,000
This Month	<u>0</u>	<u>-0-</u>
Total FY '17-'18	0	\$ -0-

<u>FARM</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>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

February 20, 2018

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>			
Princess Kahanu Estates Lease No. 8531 TMK: 1-8-7-043:104	MILLER, Sylvia A. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 230,280
Kaupea Lease No. 11981 TMK: 1-9-1-140:137	HALEMANO, John C., III (Cash Out Refi) FHA	HomeStreet Bank	\$ 291,247
Kanehili Lease No. 11627 TMK: 1-9-1-153:095	MATHIAS, Milton F. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 361,857
Kanehili Lease No. 12653 TMK: 1-9-1-151:005	NIHOA, Ezrum P. (Cash Out Refi) HUD 184A	Bank of Hawaii	\$ 329,260



OAHU

Nanakuli Lease No. 7282 TMK: 1-8-9-016:032	NAWELI, Blossom E. K. (Cash Out Refi) FHA	Hightechlend ing Inc.	\$ 236,000
Kewalo Lease No. 5488 TMK: 1-2-4-042:007	SOLATORIO, Cappy A. (Cash Out Refi) FHA	Mann Mortgage LLC	\$ 240,712
Lualualei Lease No. 5630 TMK: 1-8-6-023:039	CHAI, Christie Ann U. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 404,000
Kalawahine Lease No. 9609 TMK: 1-2-4-043:076	TAA, Joann K. (Cash Out Refi) FHA	Mann Mortgage LLC	\$ 328,000
Maluohai Lease No. 9884 TMK: 1-9-1-120:047	GLUSHENKO, Diana U. K. (Cash Out Refi) FHA	Hightechlend ing Inc.	\$ 313,000
Princess Kahanu Estates Lease No. 8377 TMK: 1-8-7-043:020	CARRICK, Leona P. (Purchase) FHA	HomeStreet Bank	\$ 337,672
Nanakuli Lease No. 7315 TMK: 1-8-9-017:037	SALE, Terrance K. (Purchase) FHA	Hightechlend ing Inc.	\$ 353,000
Hoolimalima Lease No. 12763 TMK: 1-9-1-120:096	HOLT, Michele M. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 339,107
Kalawahine Lease No. 9695 TMK: 1-2-4-043:036	KELIIPULEOLE, Michael-Daniel K. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 307,040

ITEM NO. D-3

OAHU

Princess Kahanu Estates Lease No. 8306 TMK: 1-8-7-042:015	HEU, Waldreen L. (Purchase) FHA	HomeStreet Bank	\$ 79,131
Kanehili Lease No. 12557 TMK: 1-9-1-153:114	LOPES, Puahone K. (Cash Out Refi) FHA	HomeStreet Bank	\$ 312,957
Kanehili Lease No. 12564 TMK: 1-9-1-153:121	KANEHAILUA, Valentine K. Cash Out Refi) FHA	Siwell Inc., dba Capital Mortgage Services	\$ 298,000
Kaupea Lease No. 12034 TMK: 1-9-1-140:090	MIRANDA, Lee Ann K. K. (Cash Out Refi) FHA	Guild Mortgage Co.	\$ 287,000
Kanehili Lease No. 12568 TMK: 1-9-1-153:111	TAVITA, Iosefo K. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 447,278

MAUI

Paukukalo Lease No. 3834 TMK: 2-3-3-005:059	RIVERA, Janel L, (Purchase) FHA	Mann Mortgage LLC	\$ 106,000
Lealii Lease No. 11446 TMK: 2-4-5-036:042	PAOA, Duke K. (Cash Out Refi) FHA	Mann Mortgage LLC	\$ 282,000
Waiehu 2 Lease No. 9452 TMK: 2-3-2-022:014	SAGABAEN, Sydney J. K. & SAGABAEN, Anthony N., Jr. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 136,350

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Waiohuli	STONE,	HomeStreet	\$ 311,400
Lease No. 7502	Kahana A. (Cash Out	Bank	
TMK: 2-2-2-028:038	Refi) FHA		

LANAI

Lanai	MAGAOAY,	HomeStreet	\$ 202,000
Lease No. 10958	Celeste W. (Cash	Bank	
TMK: 2-4-9-024:035	Out Refi) HUD 184A		

KAUAI

Kekaha	KELLEY,	Bank of	\$ 321,937
Lease No. 11352	Lindsay K., III	Hawaii	
TMK: 4-1-2-017:022	(Cash Out Refi) HUD		
	184A		

Anahola	KAAIHUE,	Veterans	\$ 386,000
Lease No. 11061	Robert K.	Affairs	
TMK: 4-4-8-003:003	(Construction) VA		

HAWAII

Keaukaha	DUTRO,	HomeStreet	\$ 180,285
Lease No. 1577	Hansrenda K. M.	Bank	
TMK: 3-2-1-024:063	(Cash Out Refi) HUD		
	184A		

Panaewa	MOSSMAN,	HomeStreet	\$ 224,158
Lease No. 4185A	Kalaionamoku L.	Bank	
TMK: 3-2-1-025:207	(Purchase) FHA		

Kaniohale	KEALOHA,	HomeStreet	\$ 200,334
Lease No. 9404	William L.	Bank	
TMK: 3-7-4-023:091	(Purchase) FHA		

Waiakea	DULAN,	HomeStreet	\$ 150,510
Lease No. 8969	Jana R. K. (Cash	Bank	
TMK: 3-2-2-059:059	Out Refi) FHA		

ITEM NO. D-3


<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	163	\$ 42,129,442	6	\$2,694,000	6	\$2,035,413
This Month	<u>17</u>	<u>4,351,121</u>	<u>1</u>	<u>386,000</u>	<u>0</u>	<u>0</u>
Total FY '17-'18	180	\$ 46,480,563	7	\$3,080,000	6	\$2,035,413
HUD 184A						
FY Ending 6/30/17	105	\$25,483,508				
Prior Months	39	\$10,690,677				
This Month	<u>11</u>	<u>3,259,394</u>				
Total FY '17-'18	50	\$13,950,071				

ITEM NO. D-3

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

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. &amp; AREA</u>	<u>REFINANCING LOAN TERMS</u>
Kealohi, James R.	11804, Kanehili	NTE \$308,000 @4.5% interest per annum, NTE \$1,565 monthly, repayable over 30 years.

Loan Purpose: Refinance Contract of Loan no. 18855.  
Original loan amount of \$281,175 at 5%  
per annum, \$1,509 monthly, repayable  
over 30 years. A Contested Case  
Hearing was held on January 21, 2015,  
for this account.


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STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

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</u> <u>No.</u>	<u>Area</u>	<u>Loan</u> <u>No.</u>	<u>Monthly</u> <u>Payment</u>	<u>Amount</u> <u>at 1/18</u>	<u>Balance</u> <u>At 1/18</u>
<u>Oahu</u>						
Eli, Stacyann L.	5724	Nanakuli	17559	\$885	\$4,286	\$124,298

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Dean T. Oshiro, Acting HSD Administrator  
FROM: Ross K. Kapeliela, Application Officer  
Homestead Services Division  
SUBJECT: **Approval of Homestead Application Transfers/Cancellations**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

1. Requests of Applicants to Transfer

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KANOA, Kit K.	08/21/2008	MOLOKAI	RES	10/23/2017
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

PALI, Eric	05/01/2006	LANAI	RES	10/27/2017
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2. Deceased Applicants

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

CHU, Wayne L.	PN 11/2016	09/12/1990
HOHAIA, Minerva K.	PN 11/2016	10/20/2005
IIDA, Elizabeth K.	PN 11/2016	01/27/2012



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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

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AKAU, Andrew A., Sr.	PN 11/2016	10/19/2009
BOTELHO, Mercedes I.	PN 11/2016	07/12/2005
FRISBEE, Evelyn P.	PN 11/2016	04/23/1991
HANAKEAWE, Duenna K.	PN 11/2016	03/27/2001
HOHAIA, Minerva K.	PN 11/2016	10/20/2005

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PAUKUKALO AREA / MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

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HOLT, Harriette H.	PN 11/2016	06/06/1974
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MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

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BISSEN, Kenneth L., Sr.	PN 11/2016	12/28/1994
FRISBEE, Evelyn P.	PN 11/2016	04/23/1991
KAEHA, Jerome K.	PN 11/2016	11/03/2000

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KAWAIHAE AREA / HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

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AIONA, Thomas A.K.	PN 11/2016	04/19/1968
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HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

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AGTARAP, Lillian L.	PN 11/2016	02/12/1996
BOTELHO, Mercedes I.	PN 11/2016	07/12/2005
HANAKEAWE, Duenna K.	PN 11/2016	03/27/2001
HORWATT, Rose Ah Lin	PN 11/2016	11/21/2001

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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

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AI, Raviland	PN 11/2016	04/26/1995
HOOHULI, Clement N.	PN 11/2016	10/17/1990
HORWATT, Rose Ah Lin	PN 11/2016	11/21/2001

KAEHA, Jerome K.

PN 11/2016

01/26/1989

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

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GONSALVES, Leon, Sr.

PN 11/2016

04/18/1986

MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

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FUJIMORI, Randy K.T.

PN 11/2016

05/21/1985

3. Awards of Leases

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

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ELI, Tasha Ann L.

Assigned Residential Lease  
#8938, Lot 104 in Waianae, Oahu  
dated 06/22/2017. Remove  
application dated 05/20/2002.

LYLES, Lylla A.

Assigned Residential Lease  
#5254, Lot 3 in Waianae, Oahu  
dated 08/31/2017. Remove  
application dated 07/22/1993.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

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ENRIQUEZ, Mary K.

Assigned Residential Lease  
#7253, Lot 1 in Nanakuli, Oahu  
dated 01/29/2018. Remove  
application dated 02/07/1986.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

## 6. Successorship

### KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

EMURA, Adelaide W.

Succeeded to 08/22/2005 Kauai  
Islandwide Residential  
application of sibling, Dwight  
L.K. Akita. Remove application  
dated 03/21/2006.

## 7. Additional Acreage

NONE FOR SUBMITTAL

## 8. HHC Adjustments

NONE FOR SUBMITTAL


Last Month's Transaction Total	20
Last Month's Cumulative FY 2017-2018 Transaction Total	175
Transfers from Island to Island	2
Deceased	23
Cancellations:	
Awards of Leases	3
NHQ	0
Voluntary Cancellations	0
Successorship	1
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	29
This Month's Cumulative FY 2017-2018 Transaction Total	204


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

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 approve 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 February 2018	3
Previous FY 2017 - 2018	<u>55</u>
FY 2017 - 2018 Total to Date	58

Ratified for FY '16 - '17	104
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Net Proceeds

Ratified for February 2018	0
Previous FY 2017 - 2017	<u>1</u>
FY 2017 - 2018 Total to Date	1

Ratified for FY '16 - '17	2
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LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR  
LEASEHOLD INTEREST  
FOR MONTH OF FEBRUARY 2018


<u>Deceased Lessee</u>	<u>Designated Successor</u>
1. James A. H. Aweau Lot No.: 3 Area: Puukapu, Hawaii Lease No. 9053	<u>PRIMARY:</u> Brenda L. Lee, Daughter  <u>ALTERNATE: Joint Tenants</u> James A. H. Aweau, Son Michael S. Aweau, Son, Omit due to lack of genealogy document to determine eligibility to successorship.  <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> Maija Johnson-Aweau, Wife, Omit due to lack of genealogy document to determine eligibility to successorship.
2. Kahuwila R. Ioane Lot No.: 155A Area: Keaukaha, Hawaii Lease No. 1588	<u>PRIMARY:</u> Philip K. Ioane, Son  <u>ALTERNATE:</u> N/A  <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
3. David M. Kamalani Lot No.: 22A 1 Area: Kuhio Village, Hawaii Lease No. 4893	<u>PRIMARY:</u> Alva K. Kamalani, Daughter  <u>ALTERNATE:</u> N/A  <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

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

Thirteen (13) assignments of lease.

<u>LESSEE</u>	<u>TRANSFeree</u>
1. Name: Erika K. Costa Res. Lease No.: 8526 Lease Date: 10/1/1995 Lot No.: 236 Area/Island: PKE, Oahu Property Sold: Yes Amount: \$395,000.00 Improvements: 3 bedroom, 2-1/2 bath dwelling	Name: John K. Kaai, Jr. Relationship: None Loan Assump: No Applicant: No
Reason for Transfer: "Moving to Kapolei." Special Condition: Transferee to obtain funds to pay purchase price.	

LESSEETRANSFeree

2.     Name: Carmen B. Davis                      Name: Rosalind W. Khim  
       Res. Lease No.: 8141                     Relationship: Daughter  
       Lease Date: 3/14/1995                  Loan Assump: No  
       Lot No.: 25                              Applicant: No  
       Area/Island: Waianae, Oahu  
       Property Sold: No  
       Amount: N/A  
       Improvements: 2 bedroom, 2 bath dwelling  
  
       Reason for Transfer: "Giving lease to relative."
3.     Name: Deborah J. Fukuyama                Name: Charla L. Naone  
       Res. Lease No.: 2514-Z                  Relationship: Niece  
       Lease Date: 5/14/1951                  Loan Assump: No  
       Lot No.: 226B                           Applicant: Yes, Oahu IW Res,  
       Area/Island: Nanakuli, Oahu           11/20/06  
       Property Sold: Yes  
       Amount: \$350,000.00  
       Improvements: 3 bedroom, 1-1/2 bath dwelling  
  
       Reason for Transfer: "Transfer to relative." Special  
       Condition: Transferee to obtain funds to pay purchase  
       price.
4.     Name: Cindy A. Holomalua-Castaneda      Name: Joseph L. Gonsalves  
       Res. Lease No.: 4186                    Relationship: Son  
       Lease Date: 6/5/1975                  Loan Assump: No  
       Lot No.: 185A-1                        Applicant: No  
       Area/Island: Nanakuli, Oahu  
       Property Sold: No  
       Amount: N/A  
       Improvements: 4 bedroom, 1-1/2 bath dwelling  
  
       Reason for Transfer: "Giving lease to relative."

LESSEETRANSFeree

5.     Name: Donyne K. Hong                                 Name: Byron Scholtz  
       Res. Lease No.: 1988                                 Relationship: Brother  
       Lease Date: 9/29/1948                                 Loan Assump: No  
       Lot No.: 69A   Applicant: No  
       Area/Island: Waimanalo, Oahu  
       Property Sold: No  
       Amount: N/A  
       Improvements: 3 bedroom, 1-1/2 bath dwelling  
  
       Reason for Transfer: "Transferring lease to my brother."
6.     Name: Evon Jarneski                                 Name: Bernadette L. Canda  
       Agr. Lease No.: 6925                                 Relationship: None  
       Lease Date: 12/1/1986                                 Loan Assump: No  
       Lot No.: 56   Applicant: Yes, Hawaii IW  
       Area/Island: Puukapu, Hawaii     Agr., 6/12/2012  
       Property Sold: No  
       Amount: N/A  
       Improvements: 1 bedroom, 1 bath dwelling  
  
       Reason for Transfer: "Moving off island."
7.     Name: Robin N. Maunakea                             Name: Avary K. Maunakea  
       Res. Lease No.: 4628                                 Relationship: Sister  
       Lease Date: 10/4/1977                                 Loan Assump: No  
       Lot No.: 16   Applicant: No  
       Area/Island: Waianae, Oahu  
       Property Sold: No  
       Amount: N/A  
       Improvements: 3 bedroom, 2 bath dwelling  
  
       Reason for Transfer: "Giving lease to relative."



LESSEETRANSFeree

8.      Name: Derwood N. Nahalea                      Name: Valmajane L. Huddy  
         Res. Lease No.: 3260                              Nahalea  
         Lease Date: 7/10/1959                           Relationship: Niece  
         Lot No.: 147B                                      Loan Assump: No  
         Area/Island: Nanakuli, Oahu                   Applicant: Yes, Oahu IW Res.,  
         Property Sold: No                                   4/22/09  
         Amount: N/A  
         Improvements: 4 bedroom, 1-1/2 bath dwelling

Reason for Transfer: "Moving off island, giving lease to relative."

9.      Name: Melody K. Sale                              Name: Terrence K. Sale  
         Res. Lease No.: 7315                              Relationship: Son  
         Lease Date: 10/6/1994                           Loan Assump: No  
         Lot No.: 85     Applicant: No  
         Area/Island: Nanakuli, Oahu  
         Property Sold: Yes  
         Amount: \$350,000.00  
         Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Financial reasons." Special Condition: Transferee to obtain funds to pay purchase price. See simultaneous transfer below.

10.     Name: Terrence K. Sale                              Name: Melody K. Sale  
         Res. Lease No.: 12414                           Relationship: Mother  
         Lease Date: 12/6/2008                           Loan Assump: No  
         Lot No.: UNDV095                                   Applicant: No  
         Area/Island: Kapolei, Oahu  
         Property Sold: No  
         Amount: N/A  
         Improvements: None

Reason for Transfer: "Giving lease to relative."

LESSEETRANSFeree

11. Name: Roxanne L. D. Reyes  
Res. Lease No.: 11748  
Lease Date: 12/2/2006  
Lot No.: UNDV205  
Area/Island: Kapolei, Oahu  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: Winona L. Diamond  
Relationship: Mother  
Loan Assump: No  
Applicant: No

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

12. Name: Selena L. Schuelke  
Res. Lease No.: 12459  
Lease Date: 12/6/2008  
Lot No.: UNDV140  
Area/Island: Kapolei, Oahu  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: Francis M. P. Maikowski  
Relationship: Son  
Loan Assump: No  
Applicant: No

Reason for Transfer: "Giving lease to relative."

13. Name: Sammie J. Pung  
Pas. Lease No.: 7987  
Lease Date: 2/01/1991  
Lot No.: 12  
Area/Island: Puukapu, Hawaii  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: Sammie J. Pung & Kamlin  
P. Dacquel  
Relationship: Lessee &  
Daughter  
Loan Assump: No  
Applicant: Yes, Hawaii IW  
Pas., 1/20/2005

Reason for Transfer: "Adding relative to lease."

Assignments for the Month of February '18	13
Previous FY '17 - '18 balance	<u>172</u>
FY '17 - '18 total to date	185

Assignments for FY '16 - '17	229
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STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

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

Forty (40) amendments of lease.

1. Lessee: Robert L. Achi  
Res. Lease No.: 677  
Lot No., Area, Island: 15, Nanakuli, Oahu  
Amendment: To amend the lease title and lessor's name, to update 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.
2. Lessee: Emma Ah Ho  
Agr. Lease No.: 141  
Lot No., Area, Island: 48A, Hoolehua, Molokai  
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.

3. Lessee: Earl N. Bell  
Res. Lease No.: 2806  
Lot No., Area, Island: 5, Kuhio Village, Hawaii  
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
4. Lessee: Nicole L. Calibuso  
Res. Lease No.: 10300  
Lot No., Area, Island: UNDV003, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
5. Lessee: Kimberly K. Demello  
Res. Lease No.: 10427  
Lot No., Area, Island: UNDV130, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
6. Lessee: Patricia D. DeRego  
Res. Lease No.: 10326  
Lot No., Area, Island: UNDV029, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
7. Lessee: Patrick A. K. K. Y. H. Feiteira & Roxanne T. K. Feiteira  
Res. Lease No.: 10349  
Lot No., Area, Island: UNDV052, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.

8. Lessee: Deborah J. Fukuyama  
Res. Lease No.: 2514-Z  
Lot No., Area, Island: 226B, Nanakuli, Oahu  
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
9. Lessee: Donyne K. Hong & Byron Scholtz  
Res. Lease No.: 1988  
Lot No., Area, Island: 69A, Waimanalo, Oahu  
Amendment: To amend the lease title and lessor's name.
10. Lessee: Ashley K. Caris & Heleilehua K. Hooper  
Res. Lease No.: 10359  
Lot No., Area, Island: UNDV062, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
11. Lessee: Kathlyn K. Ibara  
Res. Lease No.: 10234  
Lot No., Area, Island: 11, Waiehu Kou II, Maui  
Amendment: To amend the lease to extend the lease term to an aggregate term of 199 years.
12. Lessee: Kahuwila R. Ioane  
Res. Lease No.: 1588  
Lot No., Area, Island: 155A, Keaukaha, Hawaii  
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.

13. Lessee: Johanna Leigh K. W. Jacintho  
Res. Lease No.: 10325  
Lot No., Area, Island: UNDV028, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
14. Lessee: Darlene N. Jensen  
Res. Lease No.: 10314  
Lot No., Area, Island: UNDV017, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
15. Lessee: Genghis K. Kaihewalu  
Res. Lease No.: 10361  
Lot No., Area, Island: UNDV064, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
16. Lessee: Sherri Ann U. Kaililaau  
Res. Lease No.: 10304  
Lot No., Area, Island: UNDV007, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
17. Lessee: Isabelle L. Kainoa  
Res. Lease No.: 5951  
Lot No., Area, Island: 30, Waiehu Kou, Maui  
Amendment: To amend the tenancy to tenant in severalty, due to the death of a joint tenant lessee.
18. Lessee: Dondi S. Kaiwi  
Res. Lease No.: 10416  
Lot No., Area, Island: UNDV119, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.

19. Lessee: Sarah-Therese K. Kaleleleiki  
Res. Lease No.: 10353  
Lot No., Area, Island: UNDV056, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
20. Lessee: Bruce K. Keahi  
Res. Lease No.: 10324  
Lot No., Area, Island: UNDV027, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
21. Lessee: Cynthia Keaulana  
Res. Lease No.: 3481  
Lot No., Area, Island: 58, Nanakuli, Oahu  
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease.
22. Lessee: Jody Ann Kekiwi  
Res. Lease No.: 10330  
Lot No., Area, Island: UNDV033, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
23. Lessee: Maile K. K. Kintaro  
Res. Lease No.: 10422  
Lot No., Area, Island: UNDV125, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
24. Lessee: Kiley K. Kuailani  
Res. Lease No.: 10301  
Lot No., Area, Island: UNDV004, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.

25. Lessee: Iokepa G. H. Kualaaau  
Res. Lease No.: 10316  
Lot No., Area, Island: UNDV019, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
26. Lessee: Ellen Lainaholo  
Res. Lease No.: 4209  
Lot No., Area, Island: 18, Waiakea, Hawaii  
Amendment: To amend the lease title and lessor's name, to update the property description, to incorporate the currently used terms, covenants, and conditions in the lease.
27. Lessee: Michelle K. Logotala  
Res. Lease No.: 10370  
Lot No., Area, Island: UNDV073, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
28. Lessee: Kawaipuna C. J. Makuakane  
Res. Lease No.: 11205  
Lot No., Area, Island: UNDV007, Kakaina, Oahu  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
29. Lessee: Janae K. Moskwa  
Res. Lease No.: 10411  
Lot No., Area, Island: UNDV114, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
30. Lessee: Eliza L. Naeole  
Res. Lease No.: 10366  
Lot No., Area, Island: UNDV069, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.



31. Lessee: Tiara K. Naeole  
Res. Lease No.: 10367  
Lot No., Area, Island: UNDV070, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
32. Lessee: Derwood N. Nahalea  
Res. Lease No.: 3260  
Lot No., Area, Island: 147B, Nanakuli, Oahu  
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease.
33. Lessee: Kimberly K. Newhouse  
Res. Lease No.: 10305  
Lot No., Area, Island: UNDV008, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
34. Lessee: Harry F. Rodrigues, Jr.  
Res. Lease No.: 10339  
Lot No., Area, Island: UNDV042, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
35. Lessee: Terrence J. K. Rodrigues  
Res. Lease No.: 10328  
Lot No., Area, Island: UNDV031, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
36. Lessee: Theresa E. K. Sniffen  
Res. Lease No.: 10417  
Lot No., Area, Island: UNDV120, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.


37. Lessee: Lisa S. K. Teshima  
 Res. Lease No.: 10358  
 Lot No., Area, Island: UNDV061, Waiohuli, Maui  
 Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
38. Lessee: Anuheha M. A. Tinao  
 Res. Lease No.: 10340  
 Lot No., Area, Island: UNDV043, Waiohuli, Maui  
 Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
39. Lessee: Warren P. White  
 Res. Lease No.: 826  
 Lot No., Area, Island: 158, Kewalo, Oahu  
 Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
40. Lessee: Wayne W. Wright  
 Res. Lease No.: 10418  
 Lot No., Area, Island: UNDV121, Waiohuli, Maui  
 Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.

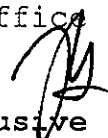
Amendments for the Month of February '18	40
Previous FY '17 - '18 balance	<u>118</u>
FY '17 - '18 total to date	158
Amendments for FY '16 - '17	193

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

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 cannot issue his/her own licenses.

DISCUSSION

Nine (9) non-exclusive licenses.

1. Lessee: William L. Abraham  
Res. Lease No.: 7244  
Lot No., Area, Island: 75, Kawaihae, Hawaii  
Permittee: Sunrun Inc.
2. Lessee: Tara K.M. Bagayas  
Res. Lease No.: 11685  
Lot No., Area, Island: 18557, Kanehili, Oahu  
Permittee: Sunrun Inc.
3. Lessee: Vivian U. Baker  
Res. Lease No.: 3795  
Lot No., Area, Island: 366, Nanakuli, Oahu  
Permittee: Sunrun Inc.

4. Lessee: Sheila D. David  
Res. Lease No.: 8175  
Lot No., Area, Island: 23, Waimanalo, Oahu  
Permittee: Sunrun Inc.
5. Lessee: Carol A. Jackson  
Res. Lease No.: 11394  
Lot No., Area, Island: 17151, Kaupea, Oahu  
Permittee: Sunrun Inc.
6. Lessee: Arlett Padeken-Pasigan  
Res. Lease No.: 11774  
Lot No., Area, Island: 18352, Kanehili, Oahu  
Permittee: Sunrun Inc.
7. Lessee: Keone H. Peneku  
Res. Lease No.: 412  
Lot No., Area, Island: 184-A-1, Nanakuli, Oahu  
Permittee: Sunrun Inc.
8. Lessee: Johnathan K. Purdy  
Res. Lease No.: 12604  
Lot No., Area, Island: 18319, Kanehili, Oahu  
Permittee: Sunrun Inc.
9. Lessee: Mary L. Watson  
Res. Lease No.: 12456  
Lot No., Area, Island: 18525, Kanehili, Oahu  
Permittee: Sunrun Inc.


Non-Exclusive License for the Month of February '18	9
Previous FY '17 - '18 balance	<u>63</u>
FY '17 - '18 total to date	72
Non-Exclusive License for FY '16 - '17	69


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator   
Homestead Services Division

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

SUBJECT: **Commission Designation of Successor**  
**JEANETTE M. HANAWAHINE, Residential Lease No. 1758,**  
**Lot No. 87, Waimanalo, Oahu**

RECOMMENDED MOTION/ACTION

To approve the designation of Kuuleilani K. Petty-Hanawahine (Kuulei), as successor to Jeanette Hanawahine's 50% tenant-in-common interest to Residential Lease No. 1758, Waimanalo, Oahu for the remaining term of the lease.

DISCUSSION

On February 3, 1999, Jeanette M. Hanawahine (Decedent) received, by way of transfer through successorship, a tenant-in-common interest in Department of Hawaiian Home Lands Residential Lot Lease No. 1758, Lot No. 87, Waimanalo, Oahu (Lease).

On April 30, 2017, the Decedent passed away without naming a successor to her 50% interest in the lease.

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

The Department received a successorship claim from the Decedent's daughter, Kuulei. The claimant is at least 33% Hawaiian and has been determined to be eligible for succession.

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

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

Existing improvements consist of a three bedroom, two bath single family dwelling.

As of February 20, 2018, there are no outstanding loans and Lease rent is current. The real property taxes are delinquent in the amount of \$704.40, and Kuulei has agreed to pay the amount due prior to final execution of the successorship.

On November 20, 2017, the Department presented its recommendation for the Hawaiian Homes Commission (Commission) to approve the designation of the respective tenant-in-common interest in the Lease for Benjamin and Jeanette. However, the Commission made the decision to defer action on the Department's recommendation and instructed the Department staff to obtain additional information on the respective successorship claimants' intent with respect to the occupancy of the home.

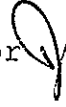
On December 14, 2017, Department staff met with Kuulei. She reported that her mother, her younger sister, and herself, continued to reside at the homestead following her grandfather's (William) death in 1999. However, it became increasingly difficult to remain in the home with Jonette and her family, therefore, her mother made the decision to move out in 2005. Kuulei now wants to return to the homestead and reside in the home along with her

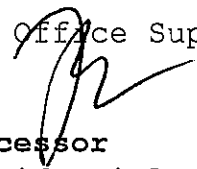
younger sister, who is still a minor. Kuulei reports that she is the legal guardian of her sister.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator   
Homestead Services Division

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

SUBJECT: **Commission Designation of Successor**  
**BENJAMIN K. KELIIHOLOKAI, Residential Lease No. 1758,**  
**Lot No. 87, Waimanalo, Oahu**

RECOMMENDED MOTION/ACTION

To approve the designation of Leiluluhipolanikeakakahaumaliokalani Keliiholokai Makanani (Lei) and Cecelia Wahineaukai Keliiholokai (Cecelia), as successors to Benjamin Keliiholokai's 50% tenant-in-common interest to Residential Lease No. 1758, Waimanalo, Oahu for the remaining term of the lease.

DISCUSSION

On August 1, 2016, Benjamin K. Keliiholokai (Decedent) received, by way of an assignment of lease a tenant-in-common interest in Department of Hawaiian Home Lands Residential Lot Lease No. 1758, Lot No. 87, Waimanalo, Oahu (Lease).

On February 8, 2017, the Decedent passed away without naming a successor to his 50% interest in the lease.

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



The Department received successorship claims from the Decedent's sisters, Lei and Cecelia. The claimants are 75% Hawaiian and has been determined to be eligible for succession.

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

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

Existing improvements consist of a three bedroom, two bath single family dwelling.

As of February 20, 2018, there are no outstanding loans and Lease rent is current. The real property taxes are delinquent in the amount of \$704.40, and Lei and Cecelia have agreed to pay the amount due prior to final execution of the successorship.

On November 20, 2017, the Department presented its recommendation for the Hawaiian Homes Commission (Commission) to approve the designation of the respective tenant-in-common interest in the Lease for Benjamin and Jeanette. However, the Commission made the decision to defer action on the Department's recommendation and instructed the Department staff to obtain additional information on the respective successorship claimants' intent with respect to the occupancy of the home.

On December 4, 2017, Department staff met with Lei. She reported that despite her other siblings urging not to submit a successorship claim, she did so simply because she has the right to do so, in accordance with the Administrative Rules. Lei intends to subsequently transfer her successorship interest to her son.

Lei disclosed that her brother and her son, along with his wife and children, are currently residing in the home.


After numerous attempts to arrange a meeting with Cecelia, Department staff was finally able to meet with her on February 6, 2018. She stated that her intention is to move into the home and plans to renovate the home. She confirmed that her brother, David, and Lei's son is currently residing in the home.

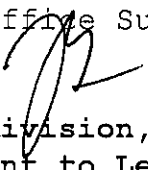
The Department requests approval of its recommendation.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

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: **Conditional Approval of Subdivision, Transfer of a  
Portion of Lease and Amendment to Lease No. 6677,  
Lot No. 4A-1-2, Waianae, Oahu  
LURLINE M. AILA**

RECOMMENDED MOTION/ACTION

1. To approve the request of Lurline M. Aila (Lurline) to subdivide Department of Hawaiian Home Lands Agricultural Lease No. 6677, Lot No. 4A-1-2, Waianae, Oahu, consisting of 4-1/2 acres, and further identified as TMK (1) 8-5-004:107 into 2 lots (proposed Lot A and Lot B, see attached Exhibit A), provided that Lurline shall be 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. 4A-1-2.

2. To approve the amendment of Lease No. 6677, to reflect the subdivision of Lot No. 4A-1-2; update the property description of original Lot No. 4A-1-2.

3. To approve the designation of Agricultural Lease No. 6677, demising proposed Lot A.

4. To approve the designation of Agricultural Lease No. 6677A, demising proposed Lot B.

5. To approve the transfer of Agricultural Lease No. 6677A, to Barnabus Telesforo Shane Sotelo (Barnabus).

6. 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 Agricultural Lease No. 6677, Lot No. 4A-1-2, located in Waianae, Oahu (Lease), was transferred to Lurline by way of the Assignment of Lease and Consent instrument, dated July 27, 1999.

Lurline resides on the lot, and is requesting for Department approval to subdivide Lot No. 4A-1-2 into two lots. She will retain the lot where her home is currently located, and she and will transfer the other lot to her son, Barnabus, who has been determined to be at least 25% Hawaiian ancestry.

The subdivision will result in two agricultural lots that are less than 3 acres in size. Hence, the respective leases will be considered subsistence agricultural lots and will be exempt from the requirement to cultivate 2/3 of lot.

Lurline is currently utilizing the 4-1/2 acres agricultural lot by cultivating various crops and trees, including banana, plumeria, mountain apple, malunggay (Moringa Oleifera), and ti leaf. She also has a cow and 4 goats.

Barnabus plans to construct a dwelling on his lot. He submitted a farm development plan, which shows that he intends to utilize his lot by cultivating banana, taro, and ti leaf. He also plans to raise pigs and goats for his family's consumption.

There is no outstanding loan attached to the Lease. The lease rent account has a credit balance of \$19 and the real property tax owed to the City & County of Honolulu is paid current.

The Department recommends the approval of its recommendations.

# PRELIMINARY MAP

HALEAHI ROAD

to Waianae Valley Road

N 6,899.69 ft.  
E 4,521.88 ft.  
"PAHEEHEE NEW" Δ  
376.97

TRUE NORTH  
1 in. = 100 ft.

## SUBDIVISION OF LOT 4A-1-2 CARLOS DAIRY SUBDIVISION (FILE PLAN 2362) INTO LOTS A AND B AT WAIANAE VALLEY, WAIANAE, OAHU, HAWAII

LEAPS & BOUNDARIES, INC.

2016 WATERHOUSE ST., STE. 101  
HONOLULU, HAWAII 96819  
JANUARY 20, 2016

BY: \_\_\_\_\_ EXP. 4/16  
LICENSED PROFESSIONAL LAND SURVEYOR  
CERTIFICATE NUMBER 10257  
LAND COURT CERTIFICATE NUMBER 296

OWNER: HAWAIIAN HOME LANDS  
LESSEE: SOTELO

NOTE:

TAX MAP KEY (1) 8-5-004: 107


10" x 15" = 1 SQ. FT.


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

TO: Chairman and Members, Hawaiian Homes Commission  
Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator   
Homestead Services Division

FROM:  James W. Du Pont, West Hawaii District Supervisor  
Homestead Services Division

SUBJECT: Commission Designation of Successor  
Earl N. Bell, Residential Lease No. 2806, Lot No. 5,  
Kuhio Village, Kamuela, Hawaii

RECOMMENDED MOTION/ACTION

To approve the designation of Genesis Kinohi Bell, as successor to Residential Lease No. 2806, Kuhio Village, Hawaii for the remaining term of the lease.

DISCUSSION

On May 20, 2003, Earl Nathan Bell (Decedent) was assigned through a transfer through successorship, Department of Hawaiian Home Lands Residential Lot Lease No. 2806, Lot No. 5, Kuhio Village, Hawaii, from his mother, Mary Haena Lindsey.

On April 13, 2017, the Decedent passed away without naming a successor to his interest in the lease.

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

Respondents to the Public Notice included the Decedent's brother, Genesis Kinohi Bell; and nephew Brian K. Bell. On November 30, 2017, Genesis Kinohi Bell, transferred his Kuhio Village Residential Lot Lease No. 4942, Lot No. 15-A&B, to his daughter, Trisha Wainani Tom, to be considered as a claimant

to his brother's lease. Brian K. Bell is an applicant on the Department's Waiting List for a Hawaii Islandwide Agricultural and Residential Lease and are 50% Hawaiian blood.

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

Improvements to the lot include a 4 bedroom, 1 full bath, and 1 half bath dwelling.

Based on the Act, as brother, Genesis Kinohi Bell, has the highest priority for successorship to the Decedent's leasehold interest. The Department requests approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

TO: Jobie Masagatani, Chairman  
Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Homestead Services Division  
Administrator

FROM: James Du Pont, West Hawaii District Office  
Supervisor

SUBJECT: **Request to Hold a Contested Case Hearing - LIONEL  
AVILLA, Related to Residential Lease No. 9303,  
Lot No.90, Kaniohale, La'i'opua, Kailua-Kona,  
Hawaii**

RECOMMENDED MOTION/ACTION

To deny the request to schedule a contested case hearing for Lionel Avilla regarding Lease No. 9303, Lot No. 90 situated at Kaniohale previously held by Rachel Loo.

DISCUSSION

Mr. Avilla, who was married to Gwendolyn Avilla, in his request, states that he is the lawful and rightful successor to Lease No. 9303, Kaniohale, Hawaii (see exhibit A).

Rachel Loo was awarded Residential Lease No. 9303 to Lot No. 90 at Kaniohale with a lease commencement date of March 1, 1999.

On June 30, 1999, Mrs. Loo's Designation of Successor is approved by the Hawaiian Homes Commission. She names her daughter, Gwendolyn Avilla, as her primary successor. Among the alternate successors she names her granddaughter, Tina Cox, as well as three grandsons.

Gwendolyn Avilla is awarded Residential Lease No. 9429, Lot No. 116, at Kaniohale, La'i'opua, Kailua-Kona with a commencement date of May 1, 2000. Mrs. Avilla simultaneously transfers her lease to her daughter, Tina Cox.



On January 20, 2004, Mrs. Loo and Gwendolyn Avilla (daughter) signed a lease transfer request that was accepted by the department on April 5, 2004. Mrs. Loo listed the reason for the transfer as wanting her daughter on the lease with her.

On June 17, 2004, the Hawaiian Homes Commission approves the transfer of Lease No. 9303 from Rachel Loo to Rachel Loo and Gwendolyn Avilla, as joint tenants. Adding Mrs. Avilla to the lease addresses the occupancy requirement of the homestead lease.

At no time during this process was there any discussion with Mrs. Loo or Mrs. Avilla about Mrs. Avilla's husband, Lionel being part of the lease or successorship. As title was held as joint tenants, the surviving individual would hold title alone.

On October 24, 2006, Mrs. Avilla passes away. Rachel Loo becomes the sole lessee to Lease No. 9303.

On November 22, 2006, Mrs. Loo submits a Designation of Successor naming her granddaughter, Tina Cox, as her primary designee. Rachel Loo passes away on February 9, 2014. Her death certificate is presented to the department on July 7, 2014.

On August 20, 2014, the department informs Mrs. Cox that she was named as successor to her grandmother's residential lease. She was advised that she could only hold one residential lease. To be eligible to succeed to her grandmother's lease she would need to transfer or surrender her existing lease. She decided to transfer her current lease to her daughter. Once this transfer was completed and, Mrs. Cox was no longer a residential lessee, the department processed the transfer through successorship to Mrs. Loo's lease.

After Mrs. Avilla passed away in 2006 and, beginning in 2009, Mr. Avilla began asking questions about the residential lease. He was under the impression that when the lease was transferred from Mrs. Loo to herself and Mrs. Avilla that he was also added as a lessee. Staff explained that the lease transfer was between Mrs. Loo and Mrs. Avilla as joint tenants. That meant that Mr. Avilla was not a lessee nor was he a successor to his wife's interest in the lease. He questioned whether as a spouse to a deceased lessee if he had any spousal rights. He was informed that, under joint tenancy, there were no spousal rights. Legally he had no rights to Lease No. 9303.

On February 12, 2009, a letter was written to Mrs. Loo notifying her of a lease violation related to occupancy of her homestead. There was no response from Mrs. Loo to this letter. At the same time Mr. Avilla was sent a similar letter explaining the requirement of Mrs. Loo to occupy her homestead. In this same letter, he was informed that despite what he thought about the lease that both he and his wife were lessees that this was not the case. He had no legal rights to the lease or improvements unless he had documents that proved his case. If Mrs. Loo wanted to transfer the lease to him that was an option. It was mentioned that he was not named on this lease.

On February 24, 2012 staff spoke to Mrs. Loo's sister, Edith Wofford. Mrs. Wofford allegedly had a Power of Attorney (POA) for Mrs. Loo. Mrs. Wofford was asked if she would consider transferring the lease to Mr. Avilla on behalf of her sister. She declined.

It was recommended that Mrs. Wofford meet with staff on Oahu to review the POA. This meeting took place with Gail Loo, Homestead Assistant, on February 27, 2012. Mrs. Wofford stated that she had no intentions of submitting a lease transfer request.

After Mrs. Loo's passing, Mrs. Cox contacted the department on August 13, 2014 about the Transfer through Successorship (TTS). She stated that she was having difficulty with Mr. Avilla about the house. Mr. Avilla told her that since he had been paying the property taxes and dues that he had rights to the home.

On October 11, 2014 Mr. Avilla writes a letter about the TTS to Mrs. Cox. He says that Mrs. Loo purchased the home, didn't like the weather and moved to Oahu.

On November 13, 2014, a response letter is sent to Mr. Avilla from the Office of the Chairman. The letter explains the TTS process. Hawaii Administrative Rule (HAR) §10-3-36, regarding transfers of leases, allows Mrs. Cox to transfer her residential lease. Once this is completed HAR §10-3-26(b) related to one residential lease per lessee, allows Mrs. Cox to succeed to her grandmother's lease.

On June 24, 2015, Mrs. Cox transfers Residential Lease No. 9429 to her daughter, Chantel Cox. The TTS from Rachel Loo to Tina Cox is completed on December 18, 2015, but effective February 9, 2014 (date of Mrs. Loo's passing).

In letters dated August 28, 2015, and September 15, 2015, Mr. Avilla states that he has a Right of Survivorship claim. In response letters dated September 14, 2015, and September 30, 2015, the department advises Mr. Avilla that there is no right of survivorship to a spouse that was married to a lessee under the conditions presented. It's emphasized that he has no rights to this lease or property.

#### RECOMMENDATION

The department requests the Hawaiian Homes Commission deny Mr. Avilla's request for a Contested Case Hearing based on HAR §10-5-32 Decision to hold hearing, scheduling: (2) There is reason to believe that a law or of rule of the commission has been violated. With the fact that Mrs. Loo was the rightful lessee at the time of her death and that her Designation to Successor form was on file, naming her granddaughter Tina Cox, as her primary designee to succeed to her lease, we believe that no law or rule of the commission was violated and thus, the request for a hearing should be denied.

Georgette Anne Yaindl

Attorney and Counselor at Law

P.O. Box 307 Kailua-Kona, Hawai'i 96745-0307

(808) 224-0219 v/txt (877) 300-8869 fax

gyaindl@gmail.com

November 20, 2017

Ms. Jobie Masagatani  
Chair, Hawaiian Homes Commission  
Department of Hawaiian Homelands  
State of Hawai'i  
91-5420 Kapolei Parkway  
Kapolei, HI 96707

DEPT. OF HAWAIIAN  
HOME LANDS  
2017 NOV 21 A 10:50

via: U.S. Mail, Priority with Return Receipt

Dear Commissioner Masagatani and To Whom It May Concern,

RE: In the Matter of Lease No. 9303, Kaniohale, Hawai'i and Transfer  
Through Successorship (Lease No. 9303), recorded April 29, 2016;  
Lionel A. Avilla's Request For Contested Case Hearing

Mr. Lionel A. Avilla, through his undersigned counsel, makes this request for a contested case hearing before the Hawaiian Homes Commission pursuant to HAR § 10-5-31 (Contested case hearing requests) (7/30/81); HAR § 10-5-4 (Appearances before the commission) (3/31/17); and HAR § 10-5-5 (Filing of documents) (03/31/17).

Please find enclosed the original plus ten copies of Mr. Avilla's request and a stamped self-addressed envelope (SSE). Upon filing, thank you, please return one of the copies to me in the SSE.

Upon approval of Mr. Avilla's request for a contested case hearing made hereby and within, counsel respectfully requests that said hearing not be scheduled on any of the following dates: December 11, 2017 – January 4, 2018; January 9, 2018; January 19, 2018; and February 15, 2018. Thank you.

Georgette A. Yaindl, HSBA #9040

Attorney for Lionel A. Avilla

enc:

In the Matter of Lease No. 9303, Kaniohale, Hawai'i and Transfer  
Through Successorship (Lease No. 9303), recorded April 29, 2016;  
Lionel A. Avilla's Request For Contested Case Hearing

The information contained in communication is confidential. It is intended solely for the use of the person(s) to whom it is addressed and others authorized to receive it. If you are not an intended recipient, you hereby are notified that any disclosure, copying, or distribution of this communication and/or its contents is strictly prohibited and may be unlawful. If you have received this communication in error, please inform the sender immediately and destroy any copies. Thank you.



ITEM NO. D-16  
EXHIBIT A

GEORGETTE ANNE YAINDL #8940  
P.O. Box 307  
Kailua-Kona, Hawai'i  
Telephone No. (808) 224-0219  
Fax No. (877) 300-8869  
Email to gyaindl@gmail.com

Attorney for Complainant Lionel A. Avilla

BEFORE THE DEPARTMENT OF HAWAIIAN HOMELANDS

STATE OF HAWAII

IN THE MATTER OF LEASE NO. 9303, )  
KANIOHALE, HAWAII AND TRANSFER )  
THROUGH SUCCESSORSHIP (LEASE NO. )  
9303), RECORDED APRIL 29, 2016 )  
\_\_\_\_\_)

LIONEL A. AVILLA'S REQUEST FOR  
CONTESTED CASE HEARING;  
CERTIFICATE OF SERVICE

LIONEL A. AVILLA'S REQUEST FOR CONTESTED CASE HEARING

I. PERSONS TO BE SERVED IN THIS MATTER

Georgette Anne Yaindl HSBA #8940

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Attorney for Lionel A. Avilla, Complainant

Tina K. Cox

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent

II. STATEMENT OF THE CLAIM

- A. Lionel A. Avilla (Lionel) is the lawful and rightful successor to Lease No. 9303, Kaniohale, Hawai'i.

IN THE MATTER OF LEASE NO. 9303, KANIOHALE, HAWAII AND TRANSFER THROUGH  
SUCCESSORSHIP (LEASE NO. 9303), RECORDED APRIL 29, 2016; LIONEL A. AVILLA'S REQUEST FOR  
CONTESTED CASE HEARING

1. Rachel J. Loo (Rachel) abandoned her leasehold interest in Lease No. 9303 on or about February 29, 2000.
  2. Gwendolyn L. Avilla (Gwen) succeeded Rachel as lessee of Lease 9303 on or about February 29, 2000 pursuant to Rachel's designation of successor, dated on or about March 1, 1999.
  3. Assignment of Lease and Consent, dated June 14, 2004, by and between Rachel and Gwen is null and void because Rachel held no interest in Lease No. 9303 to convey.
  4. When Gwen passed away in 2006, her husband, Lionel A. Avilla, Complainant, was the priority successor, as a matter of law.
- B. The *Designation of Successor to DHHL Homestead Leasehold Interest*, appearing to be executed by Rachel and to have designated Tina K. Cox (Tina) successor to Lease No. 9303, dated November 22, 2006, is null and void because Rachel had no leasehold interest to assign and she had neither capacity nor intent to convey any interest in Lease No. 9303 to Tina.
  - C. Even if Rachel did possess a leasehold interest in Lease No. 9303 on November 22, 2006, the *Designation of Successor to DHHL Homestead Leasehold Interest*, dated November 22, 2006, is ineffective because Tina already was a homestead lessee and therefore not qualified to succeed Rachel as lessee to Lease 9303.
  - D. Even if the *Transfer Through Successorship (Lease No. 9303)*, recorded April 29, 2016, is valid, Tina abandoned her interest by failing to take occupancy and use the residential lot by April 10, 2014 or at any time since thereafter; and failing to pay property taxes.
  - E. An award of Lease No. 9303 to Lionel preserves the values, traditions, and culture of native Hawaiians; is just; and is as equity requires.

### III. LAW AND RULES THAT THE CLAIM IS BASED ON

#### A. Hawaiian Homes Commission Act, 1920.

"The term 'native Hawaiian' means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778." Hawaiian Homes Commission Act, 1920 (HCCA) § 201. HCCA "policy" includes "preservation of the values, traditions, and culture of native Hawaiians," HHCA § 101(a), and a "principal purpose" of

"[p]lacing native Hawaiians on the lands set aside under [HCCA] in a prompt and efficient

IN THE MATTER OF LEASE NO. 9303, KANIOHALE, HAWAII AND TRANSFER THROUGH  
 SUCCESSORSHIP (LEASE NO. 9303), RECORDED APRIL 29, 2016; LIONEL A. AVILLA'S REQUEST FOR  
 CONTESTED CASE HEARING

manner and assuring long-term tenancy to beneficiaries of [HCCA] and their successors,”  
HHCA § 101(b)(2).

“The time period by which a lessee is required to occupy a residential lot . . . shall be stipulated in the lease.” Hawaii Administrative Rule (HAR) §10-3-39(a) (7/30/81). “The lessee, thereafter, for at least such part of each year as [Department of Hawaiian Homelands (DHHL)] shall prescribe by rules, shall occupy and use or cultivate the tract on the lessee’s own behalf.” HCCA § 208(4). “The lessee shall pay all taxes assessed upon the tract and improvements thereon.” HCCA § 208(7).

“A lessee, with the written approval of [Hawaiian Homes] commission [(“commission”), may transfer the leasehold to any individual who is a native Hawaiian and is at least 18 years old. The transferee shall immediately occupy the residence lot[.] Failure to occupy or use the lot within sixty days from date of transfer shall constitute grounds for cancellation of the lease.” HAR § 10-3-16 (9/24/83). “A lessee who is at least one-quarter Hawaiian who has received an interest in the tract through succession or transfer may, with the approval of [DHHL], transfer the lessee’s leasehold interest to a brother or sister who is at least one-quarter Hawaiian.” HCCA § 208(5).

“‘Successor’ means a qualified person designated by an applicant or lessee to succeed to the applicant’s application rights or the lessee’s lease.” HAR § 10-1-5 (03/21/17). “Transfer of a residence lot lease through successorship may be made to an otherwise qualified designated successor who had been a lessee if at the time of the designation the former lessee had already transferred or surrendered the lease and if the designation was filed with and approved by the department.” HAR § 10-3-23(2) (7/30/81).

“In case of the death of any lessee . . . who has failed to specify a successor or successors as approved by the department, 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[.]” HCCA § 209(a). “Where a lessee dies having failed to designate a qualified successor, the department may select a successor under the [foregoing] procedure[.] If no selection can be made, the lease shall be cancelled.” HAR § 10-3-62 (7/30/81).

B. Secondary Authority.

1. The original lease, dated March 1, 1999.

“The lessee shall occupy and commence to use the residence lot as Lessee’s home within one year of the date of this lease, and shall thereafter continue to occupy and use said lands on Lessee’s own behalf.” DHHL Residential Lot Lease No. 9303, recorded March 25, 1999, Special Term, Covenant, and Condition ¶19.

2. Residential Lessee Handbook

“The lessee must occupy the residential homestead for the duration of the lease.” *Residential Lessee Handbook*, DHHL, at 18, available at: [dhhl.hawaii.gov/wp-content/uploads/2011/09/Lessee-Handbook.pdf](http://dhhl.hawaii.gov/wp-content/uploads/2011/09/Lessee-Handbook.pdf) (last viewed November 19, 2017).

“No DHHL lessee may possess 2 or more residential lots.” *Id.*, at 18.

“If a lessee has abandoned a Hawaiian Homestead lot by failing to use or occupy the premises . . . DHHL may cancel the lease.” *Id.*, at 32.

IV. SHORT AND SIMPLE STATEMENT OF THE FACTS CONSTITUTING THE ALLEGED VIOLATION

1. Rachel J. Loo (Rachel) is the natural mother of Gwendolyn L. Avilla (Gwen) and Gwen is the natural mother of Tina K. Cox (Tina). Lionel A. Avilla (Lionel) and Gwen were married in 1982 when Tina was five years old. Lionel is Tina’s stepfather.



2. Rachel, Lionel, and Gwen are native Hawaiian, as defined by HCCA. Lionel was born and raised in North Kohala, Hawai'i.
3. Tina made application for a homestead lease and was placed on the DHHL Applicant Waiting List ("the wait list"), dated March 8, 1994.
4. Rachel made application for a homestead lease and was placed on the wait list, dated February 5, 1998. At the time of application, Rachel designated Gwen to succeed to Rachel's application rights.
5. On March 24, 1999, the commissioner approved the award of residential Lot No. 90 Lease No. 9303, Kaniohale, Hawai'i to Rachel, effective March 1, 1999. On a date certain but unknown between March and July 1999, Rachel designated Gwen to succeed to Rachel's leasehold interest in Lease No. 9303. DHHL notified Gwen that Rachel's designation had been approved via letter dated July 2, 1999.
6. Gwen made application for a homestead lease and was placed on the wait list, dated November 17, 1999.
7. Residential Lot No. 90 was undeveloped at the time of the March 24, 1999 lease award of Lease No. 9303 to Rachel. Lionel obtained a VA Loan to finance 100% construction of a residence on the lot to be built in conformity with La'i'opua "village" plans, drawings, and specifications, in the amount of \$123,654.
8. Construction was completed and the residence made ready for occupancy in or about August 1999. Rachel decided she did not want to live in Kailua-Kona. At no time from March 1, 1999 until the date of her passing on February 9, 2014, did Rachel ever occupy or use residential Lot 90, Lease No. 9303.
9. Lionel and Gwen took occupancy of the Lot 90 residence in or about August 1999. Gwen continuously maintained her residence at Lot 90 from August 1999 until she passed away on October 24, 2006. Lionel continuously has maintained his residence at Lot No. 90 since August 1999.
10. Sometime in or about the year 2000, Gwen was informed she was selected for a lease award of Lease No. 9429, Kaniohale, Hawai'i. Gwen transferred her interest in the lease to Tina. Tina became lessee of Lease No. 9429 sometime in or about the year 2000.
11. On January 20, 2004, Rachel executed a Homestead Lease Transfer Request seeking to transfer her leasehold interest in Lease No. 9303 to Gwen with reservation of a life estate interest. DHHL personnel informed Rachel that

she could not effect a transfer reserving a life estate and it appears DHHL personnel advised Rachel instead to transfer her interest to herself and Gwen, as joint tenants.

12. DHHL personnel prepared and delivered *Assignment of Lease and Consent*, to Rachel and Gwen for their execution. Rachel and Gwen executed the *Assignment of Lease and Consent* while on Oahu on April 19, 2004 and the assignment was made effective and approved by the commissioner, dated June 14, 2004. Via letter dated June 14, 2004, DHHL informed Gwen of the approved transfer to joint tenancy and reminded, "the lease requires permanent occupancy on improved lots."
13. Gwen passed away on October 24, 2006.
14. Less than one month after Gwen had passed, Tina flew to Oahu to obtain Rachel's signature on a *Designation of Successor to DHHL Homestead Leasehold Interest* form that Tina had prepared naming herself primary and sole successor to Lease No. 9303. The designation form prepared by Tina apparently was executed by Rachel at the office of the commissioner, dated November 22, 2006.
15. Prior to 2006, Rachel had been diagnosed with dementia. Sometime in or about 2006, Rachel had expressed to Gwen and Lionel a distinct alienation from Tina over a matter of a \$10,000 loan Rachel had made to Tina.
16. At no time on or near November 22, 2006 did Tina act to transfer her leasehold interest in Lease No. 9429 to a sibling or anyone else.
17. Lionel made application for a homestead lease and was placed on the wait list, dated November 21, 2007.
18. The commissioner did not act to approve Rachel's purported November 22, 2006 designation of Tina as Rachel's successor to lease No. 9303 until two years and four months later, on February 19, 2009.
19. By letter dated March 23, 2009, Lionel complained to DHHL of the commissioner's February 19, 2009 approval of Rachel's purported November 22, 2006 designation of successor.
20. Rachel passed away at her Oahu residence on February 9, 2014.
21. Tina appears finally to attempt to divest her leaseholder interest in Lease No. 9429 no sooner than January 15, 2015 on which date the Hawaiian Homes Commission met to consider, in part, "Approval(s) of Assignment of Leasehold Interests" and "Approval(s) of Amendment to Leasehold

Interest", including that of Tina K. Cox, Lessee, Lease No. 9429, Kaniohale, Hawai'i.

22. *Transfer Through Successorship (Lease No. 9303)*, recorded April 29, 2016, executed by Tina K. Cox as "successor" on December 9, 2015, made effective February 9, 2014, was subscribed to under the seal and signature of one James W. DuPont, Notary Public, State of Hawai'i.
23. James W. Dupont has been employed by DHHL in the position of Supervisor, West Hawai'i District, since at least September 28, 1999. Based on information and true and honest belief, James W. DuPont is a close relative of Tina's husband.
24. On June 9, 2016, Lionel received a letter from the Real Property Tax division of the Department of Finance, County of Hawai'i informing him that based on information that Lot 90 had sold or transferred, Lionel no longer qualified for a real property tax home exemption. Tina has failed to pay property taxes on Lot 90 and as of October 31, 2017, the amount of property tax reported owing was \$8,000.78.
25. By letter dated June 21, 2016 mailed to DHHL's Kapolei headquarters Office, Lionel contested *Transfer Through Successorship (Lease No. 9303)*, recorded April 29, 2016.
26. By letter entitled "Question", mailed to DHHL's Kapolei headquarters on October 28, 2016, Lionel contested *Transfer Through Successorship (Lease No. 9303)*, recorded April 29, 2016.
27. As of the date stated below, DHHL has not responded to Lionel's letters contesting *Transfer Through Successorship (Lease No. 9303)*, recorded April 29, 2016, dated June 21, 2016 and October 28, 2016.

V. NAME AND ADDRESS OF THE ALLEGED VIOLATOR(S)

Tina K. Cox

[REDACTED]

Commissioner, Hawaiian Homes Commission  
Department of Hawaiian Homelands  
State of Hawai'i

[REDACTED]

DHHL Personnel John and Jane Does 1-10, Inclusive  
c/o Commissioner, Hawaiian Homes Commission  
Department of Hawaiian Homelands  
State of Hawai'i  
91-5420 Kapolei Parkway  
Kapolei, HI 96707

VI. IT IS RIGHT THAT THE MATTER BE SET FOR CONTESTED CASE HEARING

"Such a hearing is required by Chapter 91, HRS [Hawai'i Revised Statutes]," HAR § 10-5-32(a)(1) (7/30/81) because:

(1) Mr. Avilla is native Hawaiian, as defined by HHCA, and, "Whenever the department has reason to believe that any condition enumerated in section 208 or any provision of section 209, of [HHCA] has been violated, the department shall give due notice and afford opportunity for a hearing to the lessee of the tract in respect to which the alleged violation relates or to the successor of the lessee's interest therein, as the case demands," HCCA § 110;

(2) "There is a reason to believe that a law or rule of the commission has been violated," HAR § 10-5-32(a)(2), including as identified here within at § III, Law And Rules The Claim Is Based On;

(3) "Such a hearing would be in the best interest of one or more of the beneficiaries of [HCCA]," HAR § 10-5-32(a)(3), including Complainant Lionel A. Avilla and a class of similarly situated native Hawaiian persons, as defined by HCCA; and,

(4) "A proceeding by the commission would be in the interest of the department," HAR § 10-5-32 (a)(4), because the matters complained of are of uniquely paramount state and local public interest, and the state of Hawai'i, DHHL and Hawaiian Homes Commission have a "fiduciary duty to faithfully administer the provisions of [HHCA] on behalf of the native Hawaiian beneficiaries of the [HCCA]," HHCA § 101(c)(1). See and compare, HAR § 10-5-31 (d) ("it is the

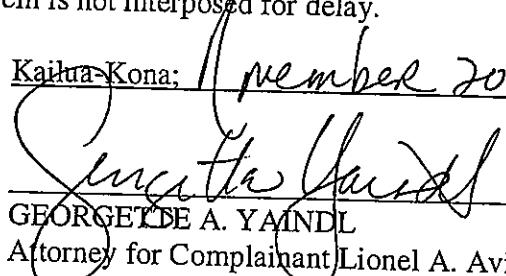
policy of the commission *not to initiate proceedings* . . . where the public interest is *not* involved” (emphasis added)).

VII. ATTESTATION

By my signature below, pursuant to HAR § 10-5-5(c) (3/31/17), I, GEORGETTE ANNE YAINDL, do declare that every statement contained in this request, filed on behalf of LIONEL A. AVILLA, is true and correct, based on honest and true belief, no statements are misleading, and the request made hereby and herein is not interposed for delay.

DATED:

~~Kailua-Kona~~; November 20, 2017

  
GEORGETTE A. YAINDL

Attorney for Complainant Lionel A. Avilla

CERTIFICATE OF SERVICE

The undersigned hereby certifies pursuant to HAR § 10-5-35(b) and (d) (7/30/81) that an un-filed copy of the document within duly shall be served on the date stated below to the following at their last known addresses via U.S. Mail, certified, return receipt requested.

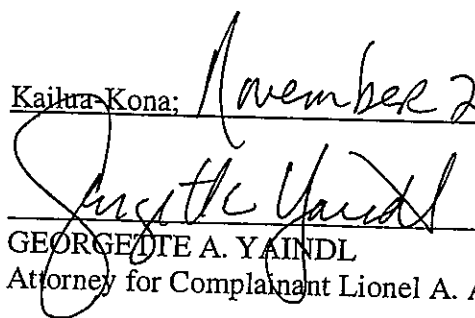
Tina K. Cox



Respondent

DATED:

~~Kailua-Kona~~; November 20, 2017

  
GEORGETTE A. YAINDL

Attorney for Complainant Lionel A. Avilla

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION  
February 20 & 21, 2018  
Kapolei, O'ahu

E-ITEMS  
**LAND DEVELOPMENT DIVISION**


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 20, 2018

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: **Rescission of Homestead Lease Award and Reinstatement of Application - East Kapolei I, Undivided Interest - Albert S. N. Hee**

RECOMMENDED MOTION/ACTION

1. To approve the rescission of one (1) Residential Leases, East Kapolei I Undivided Interest Program, which commenced on December 2, 2006.
2. To reinstate one (1) residential lease applications to the appropriate Residential Lease Waiting list according to the original date of application.

DISCUSSION

On October 22, 2006, at the East Kapolei I Undivided Interest Selection Meeting, DHHL Oahu residential applicants executed their selection agreements and their lease awards were approved on December 2, 2006.

The following lessee has decided to rescind his lease at this time because of financial or personal reasons. The department has received his written request to rescind his lease and return to the Application list according to his original date of application.

<u>NAME</u>	<u>LEASE INFORMATION</u>	<u>APPLICANT INFORMATION</u>
Hee, Albert S. N.	Lease No. 11656	Oahu IW Res
	Commencement Date: 12/02/06	Area Code: 193
	Area: Kapolei	App Date: 06/05/1984

As a matter of information, since 2008, the Hawaiian Homes Commission has approved the rescission of 52 leases in the East Kapolei I Undivided Interest Program.

ITEM NO. E-1

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION  
February 20 & 21, 2018  
Kapolei, O'ahu

F-ITEMS  
**LAND MANAGEMENT DIVISION**



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 20-21, 2018

To: Chairman and Members, Hawaiian Homes Commission

Through: Peter "Kahana" Albinio, Jr., Acting Administrator  
Land Management Division   
  
M. Kaleo Manuel, Acting Program Manager  
Planning Office

From: Shelly Carreira, Land Agent   
Land Management Division  
  
Julie-Ann Cachola, Planner   
Planning Office

Subject: Approval to Issuance of Right of Entry to KIA Hawaii for Feral Ungulate Removal,  
Kahikinui, Maui, TMK: (2) 19001003 (por.), 007 & 011 (por.)

APPLICANT:

KIA Hawaii "PERMITTEE"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) grant its approval to issue a Right of Entry (ROE) permit to KIA Hawaii, for the purpose of conducting feral ungulate removal for the protection and restoration of watershed forest at Kahikinui, Maui.

Approval of the Right of Entry is subject, but not limited to the following conditions:

1. Authorize the issuance of a Right of Entry permit to KIA Hawaii covering the subject area under the terms and conditions cited below, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current right of entry permit form, as may be amended from time to time;
  - B. The term of the Right of Entry shall be month to month for up to twelve (12) months, commencing upon February 24, 2018, with the option for two (2) additional twelve (12) month extensions at the sole discretion of PERMITTOR;
  - C. The fee for the term of this ROE shall be gratis;
  - D. PERMITTEE shall submit a Project Business Plan. The Project Business Plan shall include a description of need for the project, project timeline and schedule, and expense and income budget (start-up/initial costs, operating budget, reserve fund, fundraising campaign);

- E. PERMITTEE shall submit a bi-annual progress report to include the number of ungulates removed, pounds of meat distributed, updates to timelines and funding, and continued community support;
  - F. All associated cost under this ROE shall be borne solely by the PERMITTEE and shall not, in any case, be reimbursable by PERMITTOR; and
  - G. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interest of the Hawaiian Home Lands Trusts;
2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR this project will probably have minimal or no significant effect on the environment.

LOCATION:

Portion of Hawaiian home lands situated in Kahikinui, Island of Maui, identified as TK: (2) 1-9-001:003 (por.), 007 & 011 (por.) (See Exhibit "A")

AREA:

Kahikinui, Maui

BACKGROUND/DISCUSSION

Through the attached Request Form For Non-Homesteading Land Use form dated February 2, 2018, KIA Hawaii (KIA) is requesting disposition for the purpose of executing ungulate management as outlined by the Ka Ohana O Kahikinui Board (KOOK) within the parameters agreed upon, see attached Exhibit "B".

Pursuant to Item No. G-5 Update on Kahikinui Fence Project, presented to the Hawaiian Homes Commission (HHC) at its meeting of January 29, 2018 and attached herewith as Exhibit "C", the Kahikinui fence project is near completion. Upon completion, the 9.1 miles long fence line will enclose 4,500 acres for forest restoration activities. Prior to fence closure, efforts to remove ungulates were successful under a pilot project conducted by KIA. The pilot project allowed KIA to conduct feasibility studies, develop strategies for harvesting ungulates in a humane way and processing meat for distribution to the Kahikinui homestead community.

Under the pilot project, KIA has collected enough data necessary to execute ungulate management. In addition, KIA has attracted potential funders and funding options. Issuance of a Right of Entry will allow KIA to proceed with the strategies developed to successfully remove ungulates from the Kahikinui Forest Reserve and support the Kahikinui community.

The proposed timeline is as follows and subject to funding:

- Remove all large, aggressive, problematic bulls from the interior and exterior fence within 6-8 months of fence completion.
- Remove all deer and cattle within interior fence within 12 months of fence completion.

As shown in Exhibit "D" Kahikinui Cost Estimates show total cost over a period of 30 months (167 days) is approximately \$1.7 million. This includes helicopter time, staff time, fees, equipment and supplies. Funding sources to cover cost may come from donations, revenues generated from the sale of beef, corporate and non-profit sponsorships.

KIA is also interested in “crowd funding” as an option to finance the project. Kickstarter is an online community funding platform that allows people throughout the world to support a project they feel strongly about by purchasing a product online at a premium price. KIA would use the Kickstarter to crowd fund initial cattle and small animal removal efforts at Kahikinui through the sale of a USDA certified beef jerky product. Percentages of the revenues generated from Kickstarter would then be allocated to harvesting operations, meat distribution, jerky production and shipping, partnering agency and food bank program, as described in attached Exhibit “E”.

The Ka Ohana O Kahikinui has expressed support for this project. (Exhibit “F”)

## **PLANNING SYSTEM**

### **CHARACTER OF USE:**

Special District

### **CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:**

In accordance with the Department of Hawaiian Home Lands Comprehensive Exemption List as Reviewed and Concurred Upon by the Environmental Council on June 30, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class #5, which states “Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.”

### **CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS**

The recommended disposition is consistent with the following plans, policies, and programs:

- 1) DHHL General Plan (2002) goals and objectives:

#### ***Land and Resource Management***

Goals:

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

Objectives:

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

- 2) Maui Island Plan

- Land Use Designation: Special District, Conservation, September 2004, Figure M Kahikinui Land Use Plan

- 3) Kahikinui Forest Reserve Community Management Conceptual Plan (July 1995)

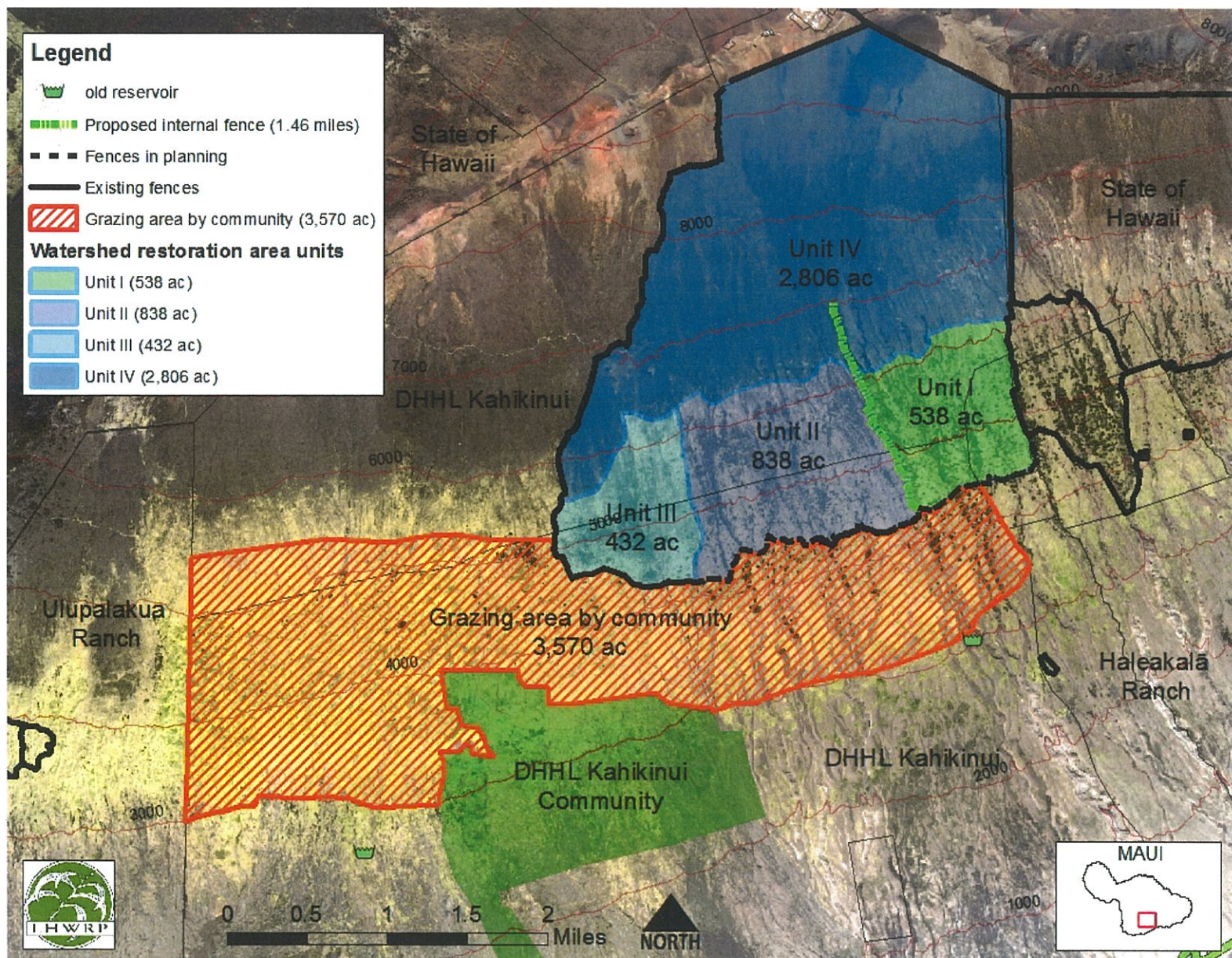
- 4) Kahikinui Regional Plan (July 2011)

- Priority Project: Develop a New Stewardship Economy for Kahikinui
- Priority Project: Resource Management

### RECOMMENDATION

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





ITEM NO. F-1

**EXHIBIT 'A'**



DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII

SHAN S. TSUTSUI  
LT. GOVERNOR  
STATE OF HAWAII



JOEIE M. K. MASAGATANI  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

WILLIAM J. AHA, JR.  
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879  
HONOLULU, HAWAII 96805

REQUEST FORM FOR NON-HOMESTEADING LAND USE PURPOSES

**PART I: APPLICANT INFORMATION**

Name: Jake Muise

Address: PO Box 941 Pepeekeo, HI 96783

Phone No.: 808-936-2409

Cell: 808-936-2409

email: jakemuise@gmail.com

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

Name: KIA Hawaii

Address: PO Box 941 Pepeekeo, HI 96783

Phone No.: 808-936-2409

Cell: 808-936-2409

email: jakemuise@gmail.com

☐ Requesting Organization is a Non-Profit

Type of Non-Profit:

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

☒ Requesting Organization is For Profit - Individual or Business

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

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

☐ Requesting Organization is a Government Agency

- ☐ Federal ☐ State ☐ County

Officers and/or Principal Representatives: Jake Muise

Mission of Organization: Help Hawaii manage and utilize its feral ungulate populations.

Date Incorporated: 06/10 State of Incorporation: Hawaii

Federal Tax ID#: 45-5501588

State Tax ID#: W71815948-01

**PART 2: NON-HOMESTEADING LAND USE REQUEST**

Describe proposed non-homesteading land use envisioned under this request as submitted is to execute ungulate  
management as outlined by the KOOK board within the parameters agreed upon.

\*Please attach additional information if necessary

Land Request Form No. 18:007

ITEM NO. F-1

EXHIBIT "B"

2018 FEB 12 AM 10:46

RECEIVED  
LAND MANAGEMENT  
DIVISION

Land Area requested: Acreage/Sq.Ft. ~ 12,000 acres

Term: Permanent 1 Yr

Island: Maui

Tax Map Key No.: 190010030000 / 190010070000

Indicate Character of Use:

☒ Agricultural

☐ Commercial

☐ Church

☐ Other

☐ Pastoral

☐ Industrial

☐ Community Facility

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

If yes, under what type of use and disposition: \_\_\_\_\_

Describe how proposed land use request will have direct or significant indirect benefit to the Trust and/or its Beneficiaries (Applicants & Lessees): Ungulate Management at Kahikinui will provide a food resource to the Kahikinui community along with other DHHL communities across the state. Management and removal of these animals are necessary for reforestation efforts to be successful.

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

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

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

KIA Hawaii

Print Individual or Organization Name

Jake Muise

Authorized Representative Name & Title

02/07/18

Date

Signature

Land Request Form No. 18:007





Jan 30<sup>th</sup> 2018

Ka 'Ohana O Kahikinui Inc  
P.O Box 1103  
Kula, Hawaii 96790

Via email: [ainoakaiaokamalie@gmail.com](mailto:ainoakaiaokamalie@gmail.com)

Re: Parameters and Preliminary Agreement for Ungulate Management at Kahikinui

Aloha Ainoa,

Outlined below are the preliminary parameters for ungulate management described at the last meeting on 01/27/18. As discussed, I am submitting these for approval by the board so we can start moving forward with an understanding of the work that needs to be completed, the timeline associated with that work and the entities involved in doing so. As the project moves forward this document and agreement can be changed and adapted to best serve the community and forest.

**Timeline:**

Upon completion of the fence and any needed repairs to stop ingress we agree too:

1. Within 6-8 months remove all large, aggressive, problematic bulls from both the interior and exterior of the fence. Removal will start as soon as funding is available to do so.
2. Within 12 months remove all cattle from the interior of the fence.
3. Within 12 months remove all deer from the interior of the fence.
4. Within 16-18 months remove all ungulates from the interior of the fence
5. Within 24-30 months remove and or relocate all cattle on the exterior of the fence to the communities desired density and locations, TBD.

**Funding:**

We agree to submit a funding report, every 6 months, or as necessary, to show that the required funds are available to complete the work proposed in the agreed upon timeline above. Funding for ungulate management, in preferential order, may come from:

1. Donations directly to KIA LLC
2. Donations to a 501c3 of KIA LLC's choosing
3. Revenue generated from the sale of beef originating from the interior and exterior of the fence, on Kahikinui lands.



4. Revenue generated from the sale of individuals participating in ungulate management at Kahikinui.
5. Corporate or Non Profit Sponsorships, which would include agreed upon marketing on behalf of the sponsoring entity.
6. Events at Kahikinui, ie.. Farm to table dinners.

Any marketing for sponsorships or events specific to Kahikiuni will require pre-approval by the board president. All participants in ungulate management will do so as KIA staff or volunteers. The first funding report will be submitted July 2018.

### **Harvesting:**

We agree that as many ungulates as is practical be harvested and consumed. This will be directly related too:

1. Funding designated for consumption
2. Safe operating conditions for staff to remove the ungulates
3. The health of the ungulate and any other food safety considerations as determined by KIA staff, its volunteers, contractors or USDA.

We agree that the order of priorities for the harvest, consumption and sale of ungulates be:

1. Fund ungulate management costs through the sale of beef by KIA
2. Distribute for consumption or processing beef, venison, goat and pork too:
  - a. DHHL communities on Maui, including Kahikinui
  - b. DHHL communities across Hawaii
  - c. Foodbank and or homeless shelters
  - d. Other low-income communities
3. Fund Kahikinui community projects

We agree that all ungulates to be processed on Kahikinui lands by KIA staff or community members participating in processing be:

1. In an area, or areas, designated by the KOOK board
2. In a USDA, mobile slaughter facility provided by KIA
3. Field processed by community members under KIA supervision.
4. Rendered (killed) only by KIA staff or KIA volunteers
5. Removed from Kahikinui, for disposal, as is necessary to maintain proper food safety conditions.

### **Access:**

We agree that:

1. KIA staff and volunteers will have access to the mauka areas either via helicopter or vehicle using community roads in conjunction with an approved schedule and ROE from DHHL.

2. The KOOK board will support in writing ROE requests to DHHL by KIA for ungulate management within the parameters outlined.
3. As soon as possible close recreational hunting and harvesting of cattle at Kahikinui to all but permanent residents, their guests, KIA staff and KIA volunteers.
4. Upon completion of the fence and any needed repairs to stop ingress the community will:
  - a. Close recreational hunting and ungulate management within the fence to all but permanent Kahikinui residents, their guests, KIA staff and KIA volunteers.
  - b. Close recreational hunting and ungulate management of cattle on all Kahikinui lands to all but permanent residents, their guests, KIA staff and KIA volunteers.
  - c. To the best of their ability restrict access to the mauka areas during scheduled ungulate management by KIA staff and volunteers.

**Term:**

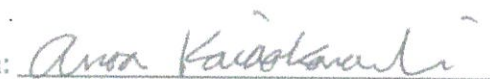
The terms of this agreement are for 30 months upon completion of the fence and any needed repairs to stop ingress (est. June 2018). The KOOK board may end or request a change of this agreement at any time. KIA LLC may end or request a change of this agreement at any time.

Name (Print): Jacob Muise

Sign: 

KIA LLC


Name (Print): Ainoa Kaiokanali'e

Sign: 

Ka 'Ohana O Kahikinui Inc

STATE OF HAWAI'I  
DEPARTMENT OF HAWAIIAN HOME LANDS

January 29-30, 2018

To: Chairman and Members, Hawaiian Homes Commission  
Thru: M. Kaleo Manuel, Acting Planning Program Manager  
From: Julie-Ann Cachola, Planner   
Subject: G-5 Update on Kahikinui Fence Project

Recommended Action

None; For information only.

Discussion

The moku of Kahikinui is comprised of 8 ahupua'a, encompassing 22,860 acres, from the summit of Haleakalā, down the southern slope to the ocean; it is the second largest parcel of land in the Hawaiian Home Lands inventory. Roughly a third of the moku, just over 7,000 acres contains the realm of the forest. Unfortunately, cattle ranching practices, occurring since the early 1800's, which were continued by the Department under a General Lease nearly destroyed the native forest that once encompassed the moku all the way down to the shoreline. In 1994, nearing the expiration of the ranching General Lease, beneficiaries organized as Ka 'Ohana o Kahikinui. They presented a Conceptual Master Plan to the HHC as an alternative development model where beneficiaries would be given immediate access to the lands for homesteading purposes while also assuming community management responsibilities for Kahikinui's natural and cultural resources. From 1994 to the present, Ka 'Ohana o Kahikinui has been engaged in community-based planning to manage the moku and restore the forest.

In the area of natural resource management, the 'Ohana worked with the Department and other partners to develop the Kahikinui Forest Reserve Community Management Conceptual Plan, which recognized that healthy native ecosystems were integral to the successful resettlement of Kahikinui and conveyed a vision for multi-generational restoration and perpetuation of natural



and cultural resources. The Plan, approved by the HHC in 1995, specified actions including: creation of an on-site propagation facility; aerial and ground hunts to displace feral ungulates; fire suppression and prevention planning; and invasive species control. However, the first order of business was to erect a fence around the reforestation area to keep the feral animals out of the forest.

The Leeward Haleakalā Watershed Restoration Partnership (LHWRP) has taken on the kuleana of the Kahikinui Fence Project. The LHWRP has been conducting resource management activities in the mauka forest for many years. Since its inception, LHWRP secured nearly \$2 million in grants and have contributed thousands of hours of staff time to construct forest protection fences, control invasive species, protect rare native species, complete fire planning and firebreaks, and conduct restoration planning for the mauka site. They have worked in collaboration with Ka 'Ohana o Kahikinui toward their shared long-range goals to increase biodiversity, forest resilience, improved watershed function, and enhance opportunity for economic and cultural resource utilization.

It is through their efforts, that the Kahikinui Fence Project is nearly complete. At completion, the fenceline will be 9.1 miles long, encompassing 4,500 acres in order to protect the remaining native forest on the slopes of leeward Haleakalā. To date, 5.6 miles of the fence has been constructed. Construction for the final phase of the fence (3.5 miles) will begin in February and should be completed in 3-6 months. The completion of the fence will mark the completion of a major benchmark in the restoration plan. In anticipation of the closing of the fence and before restoration can be initiated, feral ungulates must be removed to allow for natural regeneration and survival of outplanted native species. While customary practices of removal involve 100% eradication through aerial shooting by DLNR resource managers, the 'Ohana expressed concern over the waste of life and the waste of a resource. In search for a solution, the LHWRP and the 'Ohana found KIA Hawai'i.

KIA Hawai'i is a full-service ungulate management company that specializes in the planning, detection, assessment, capture, removal and certification of ungulate or small mammal populations utilizing Forward Looking Infrared (FLIR) technology. Recognizing that the feral animals are a valuable resource, over the past year, KIA Hawai'i has been working with LHWRP and the 'Ohana to develop an innovative process to remove the ungulates from within the fenced area and salvage the meat.

KIA produced the first map and count of the ungulate population in the forest<sup>1</sup> and conducted a pilot project to ensure that his method of capture was viable at Kahikinui. The pilot project was completed and the group now has a viable method to capture and utilize cattle at Kahikinui. Over the next 18 months, the animals will be killed humanely and in accordance with all DHHL, State, and Federal regulations and the meat will be distributed to the DHHL Homesteaders at Kahikinui and to other homestead communities as resources allow.

The 'Ohana (homesteaders) at Kahikinui, the LHWRP and KIA Hawai'i seeks the support of the Commission to protect and restore the forests and community resources at Kahikinui. Specifically, HHC support is requested for a 1-year Right-of-Entry permit to KIA Hawai'i so they may begin implementing the ungulate management and meat delivery program. This program is planned to be implemented outside of the fenced forest protection area into the future as part of a sustainable food production program to manage and utilize the feral animals to provide consistent sources of protein to the local community as a complement to a community pasture and other food production endeavors identified by the 'Ohana. KIA expects that it will require 3-years for the removal of the ungulates from within the resource management fence.

Commission support will also be needed as ungulate management is underway. The 'Ohana and LHWRP will be seeking funds for internal fencing so that community-based restoration can begin in priority areas. In addition, funds would be needed for longer-term restoration efforts of outplanting, invasive species management, fire protection, and community outreach.

The Planning Office supports these efforts as they represent a new paradigm in conservation that aligns cultural and conservation goals with goals to improve sustainable food production and secure freshwater resources.

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<sup>1</sup> Results of the survey KIA conducted on September 9, 2016 confirmed:

- 988 cows were present with 389 detected inside the fence, 45 (8.6%) of those were calves.
- 1,324 goats were present with 931 detected inside the fence.
- 449 deer were present with 131 detected inside the fence.
- 124 pigs were present with 89 detected inside the fence.



### Kahikinui Cost Estimates (30 Months ~167 days)

Cattle Harvest Cost (1000)					
Cost	Units	Operations	Hours	Rate	Total
Heli Time	1	167	2	\$1,400.00	\$467,600.00
Team Captain	1	167	4.5	\$45.00	\$33,817.50
Team Members	3	167	4.5	\$35.00	\$78,907.50
Team Overhead	na	167	na	32.00%	\$36,072.00
USDA Fees	1	167	8	\$86.75	\$115,898.00
Supplies	1	167	na	\$375.00	\$62,625.00
Small Animal Harvesting Cost (2000)					
Heli Time	1	167	1.7	\$1,400.00	\$397,460.00
Team Captain	1	167	8	\$45.00	\$60,120.00
Team Members	3	167	8	\$35.00	\$140,280.00
Team Overhead	na	na	na	32.00%	\$64,128.00
Supplies	1	167	na	\$375.00	\$62,625.00
Equipment					
Live Stock Trailer	1	1	1	\$36,750.00	\$36,750.00
Refurb Cattle Net	1	1	1	\$3,600.00	\$3,600.00
Yamaha Viking (ATV)	1	na	na	\$14,500.00	\$14,500.00
Margin of Error	1	167	1	7.00%	\$110,206.81
Total Cost					<b>\$1,684,589.81</b>

### Kahikinui Protien

Est Protien Produced				
	# of Animals	Avg. Whole Carcass (lbs)	Avg Boneless Yield (lbs)	Total Yield (lbs)
Beef	1000	700	420	420,000
Deer/Goat/Pig	2000	45	33.75	67,500
Protien Production Costs				
Slaughter (Decoites/Hoku Nui)	.52/lb			
Steak Cuts (Decoites/Hoku Nui)	.44/lb			
Debone (Decoites/Hoku Nui)	.51/lb			

ITEM NO. F-1  
**EXHIBIT "D"**

**Revenue- Kickstarter Jerky- Beef (~200 cows)(34 days)**

Total Boneless Lbs (50% yeild)	42,000	
Jerky Lbs (25% loss)	31,500	
# of oz's	504,000	
# of 2.5 oz bags (- 10% loss)	186,667	3.5
Harvest Cost	\$336,918	
Beef Production Cost (Slaughter Debone)	\$144,200	2.58
Jerky Production Cost @ \$3.00/bag	\$560,000	
Dist Fee \$0.50/pack	\$93,333	
Total Cost	\$1,134,451	
Total Revenue @ \$7.50 / bag	\$1,400,000	
Profit	<b>\$265,548.70</b>	
Margin	123%	

**Kickstarter Revenue**

Harvest The Cows	\$2.50		
Make the Jerky	\$3.50		
Meat For DHHL Communities	\$0.50		
LHWRP	\$0.20	\$98,000	
Kids Back Pack	\$0.20	\$42,000	
Kickstarter Fees	\$0.60	\$42,000	14,000 packs
Price Per Pack	\$7.50		
Total	\$0.00		

**Total Cost to Donate all Meat**

Total Cows	1000
Est Whole Carcass Weight	600
Est Total Steak Cut Lbs	450,000
Slaughter Cost @.54/lb	\$324,000
Steak Cuts @.44/lb	\$264,000
Harvest Cost	\$1,684,590
Shipping @ \$55 / 1,000 lbs	\$92,652
Beef Lbs to Donate 75% yld	450,000
Small Animal Lbs to Donate	67,500
<b>Total Cost</b>	<b>\$2,365,242.25</b>

ITEM NO. F-1  
**EXHIBIT "E"**

**Ka 'Ohana O Kahikinui Inc.  
P.O.Box 1103  
Kula, Hawaii 96790**

10/20/2017

DHHL Representatives and those concerned,

We would like to express our continued support for our partnership with KIA Hawai'i. We appreciate the services that Jake Muise and his crew are bringing to our community in terms of accessing and salvaging the wild meat resources from the ungulates at Kahikinui. We cannot express enough the need for the watershed to be returned to its native state, and ungulate removal is a key piece of that effort. We respectfully approve any access, by KIA Hawai'i staff, its volunteers, and contractors, for ungulate removal and continued partnership in restoring our Native Forest at Kahikinui.

Mahalo, KOOK Inc.



*KOOK Board of Directors*

Ainoa Kaiaokamalie – KOOK President

Angel Kamaka – Vice President

Chad Newman

Charmaine Day

Kaleo Cullen

Mo Mohler

Akua Po


ITEM NO. F-1  
**EXHIBIT "F"**




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

February 20-21, 2018

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 Issuance of Right-of-Entry Permit to  
U-Haul of Hawaii, Inc.  
Shafter Flats, Island of Oahu, TMK No: (1) 1-1-064:010 (por.)

**APPLICANT:**

U-Haul of Hawaii, Inc., a Hawaii corporation ("PERMITTEE")

**RECOMMENDED MOTION/ACTION:**

That the Hawaiian Homes Commission ("HHC") authorize the issuance of a Right-of-Entry permit ("ROE") to PERMITTEE covering the Premises for parking of its company vehicles under the terms and conditions described below and further subject to the following:

1. The term for the ROE shall be on a month-to-month basis, for a period not to exceed six (6) months and commencing as of March 1, 2018 or as soon as possible thereafter. PERMITTEE understands that this is a month-to-month permit to use Hawaiian home lands and may be cancelled by the Department of Hawaiian Home Lands (PERMITTOR), at PERMITTOR'S sole discretion and for any reason whatsoever, at any time during the month-to-month term, upon thirty (30) days advance notice in writing to PERMITTEE;
2. PERMITTEE shall use the premises only for parking of its company vehicles. No other use shall be allowed without PERMITTOR'S prior written approval.
3. The monthly fee for this ROE shall be established at ONE THOUSAND TWO HUNDRED NINETY-FIVE AND NO/100 DOLLARS (\$1,295.00) where PERMITTEE shall pay, without notice or demand, at the Fiscal Office of PERMITTOR, at 91-5420 Kapolei Parkway, Kapolei, Hawaii and whose mailing address is P. O. Box 1721, Honolulu, Hawaii 96806-1721, due and payable on the first day of every month.
3. PERMITTEE shall pay non-refundable processing and documentation fees totaling \$175.00 and place a security deposit equal to one month rent \$1,295.00.
4. The Premises shall consist of a portion of the vacant, concrete slab on the property at 650 Kakoi Street containing an area of approximately 2,100 sq. ft. as shown on the attached Exhibit "A".

5. PERMITTEE shall be responsible to keep the Premises clean and upkeep maintenance of the interior and exterior of the premises.
6. PERMITTEE shall undertake no construction or renovation, vehicle repair or store derelict vehicles on the Premises.
7. PERMITTEE shall provide proof of and keep in full force a general liability insurance policy of no less than \$1 million per occurrence, and \$2 million in the aggregate and an automobile liability insurance policy of no less than \$500,000.00 per occurrence, and \$1 million in the aggregate, if PERMITTEE operates any motor vehicle on the premises. DHHL shall be named as additional insured on the policy.
8. PERMITTEE shall comply with all federal, state and county statutes, regulations, codes and ordinances applicable to PERMITTEE's use of the Premises;
9. PERMITTEE understands that there are no utility services on the property and agrees to pay for all the costs of establishing utility services and trash disposal and consumption on the property, should PERMITTEE'S use require such services;
10. PERMITTEE shall be responsible for the security of the Premises and all of PERMITTEE'S personal property thereon;
11. The premises and all improvements thereon are accepted in an "as is" condition;
12. The ROE document is subject to the approval of the State of Hawaii Department of Attorney General; and
13. Other terms and conditions deemed prudent and necessary by the HHC.

**LOCATION:**

Portion of Hawaiian home lands situated at Shafter Flats, at 650 Kakoi Street, Honolulu, identified as Lot 8, Tax Map Key: (1) 1-1-064:010 (por.)

**PARCEL AREA:**

41,187 sq. ft. Premises under the ROE shall consist of approximately 2,100 sq. ft. out of this total area.

**DISCUSSION:**

PERMITTEE is a moving equipment rental and storage business and the current lessee under General Lease No. S-4113 and No. S-4114 which cover two parcels of Hawaiian home lands adjacent to 650 Kakoi Street. See Exhibit "B" attached hereto. Due to its expanded operations, PERMITTEE is seeking additional space to serve as a temporary overflow lot for new vehicles arriving and waiting for registration and licensing. At times, PERMITTEE has often found it necessary to park its vehicles in the street, reducing the number of spaces for people working in the area to park their cars.

Issuance of an ROE will allow PERMITTEE to plan for its long-term parking needs and have the vehicles readily accessible near its main sales and operations center. Land Management Division plans to lease the property later this year for a limited-use and limited-term general lease arrangement until DHHL's redevelopment plans for the Shafter Flats area are more certain. Until that time, however, and to provide a

presence on the property which would otherwise be vacant and attract the homeless who frequent the area, PERMITTEE's use of the premises would be beneficial.

**FEE:**

The subject parcel is classified as Industrial and the assessed value per square footage per annum, based on the City and County of Honolulu's Real Property Tax assessment for 2018 is \$92.48 (rounded off). At 8% rate of return, the annual fair market rent for one (1) square foot is \$7.40 (rounded off). This fee payment will be a direct benefit to the Trust and its beneficiaries.

TMK: 1/1-1-064-010 (por.) – City & County of Honolulu Real Property Assessment			
Assessment Information			
Year	Property Class	Assessed Land Value	Land Area
2018	Industrial	\$3,808,900.00	41,187 sq ft
		Assessed Bldg Value	Building Area
		N/A	N/A
Land/sq ft/year		$\$3,808,900.00 / 41,187 = \$92.478 \text{ sq ft/year}$	
Bldg/sq ft/year		N/A	
Land Value Calculation		\$92.48 sq ft/year (rounded off)	
Per Sq. Ft. Value at 8% return		$\$92.48 \times .08 = \$7.40 \text{ (rounded off)}$	
Area of Premises		2,100 sq ft	
Calculation of annual rent		$2,100 \times \$7.40 = \$15,540$	
Monthly ROE Rent		$\$15,540/12 = \$1,295.00/\text{month}$	

**PLANNING AREA:**

Moanalua

**LAND USE DESIGNATION:**

Industrial per the Oahu Island Plan (2014); Figure 6-5, Moanalua Ahupua'a Land Use Designations, pp. 6-13

**CURRENT STATUS:**

Currently vacant. The property was previously under various other ROEs where the permittees have been relocated due to the regular flooding from the drainage ditch occurs regularly on the property during high tides and the deteriorating condition of the Mauka warehouse which was demolished in January 2018.

**CHARACTER OF USE:**

Industrial use



## **CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:**

### **Triggers:**

Use of State Lands

### **Exemption Class No. & Description:**

In accordance with the Exemption List for the State of Hawaii, Department of Hawaiian Home Lands (“DHHL”), as reviewed and concurred upon by the Environmental Council on June 30, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, “Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.” The request is to park vehicles on an existing asphalt or concrete surface on the Premises.

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

- “2. Operation, maintenance, overhauling, repairing, repainting, reroofing, cleaning, polishing, greasing, oiling, and servicing of the following facilities, structures, and equipment:
  - i. Existing structures, including but not limited to:....”

## **CONSISTENCY WITH DHHL PLANS, POLICIES, AND PROGRAMS**

### **DHHL General Plan (2002)**

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

#### ***Land Use Planning***

##### **Goals:**

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

##### **Objectives:**

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

### ***Land and Resource Management***

#### Goals:

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

#### Objectives:

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

### ***Economic Development***

#### Goals:

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

#### Objectives:

- Create a professionally managed investment portfolio with a well-balanced mix of assets.

### **Oahu Island Plan (2014)**

The recommended disposition is consistent with the opportunity to redevelop the area and also address flooding and drainage issues as discussed in Section 6.2.2, P. 6-11, and the Land Use Plan for continued industrial use in Section 6.2.3, on P. 6-12.

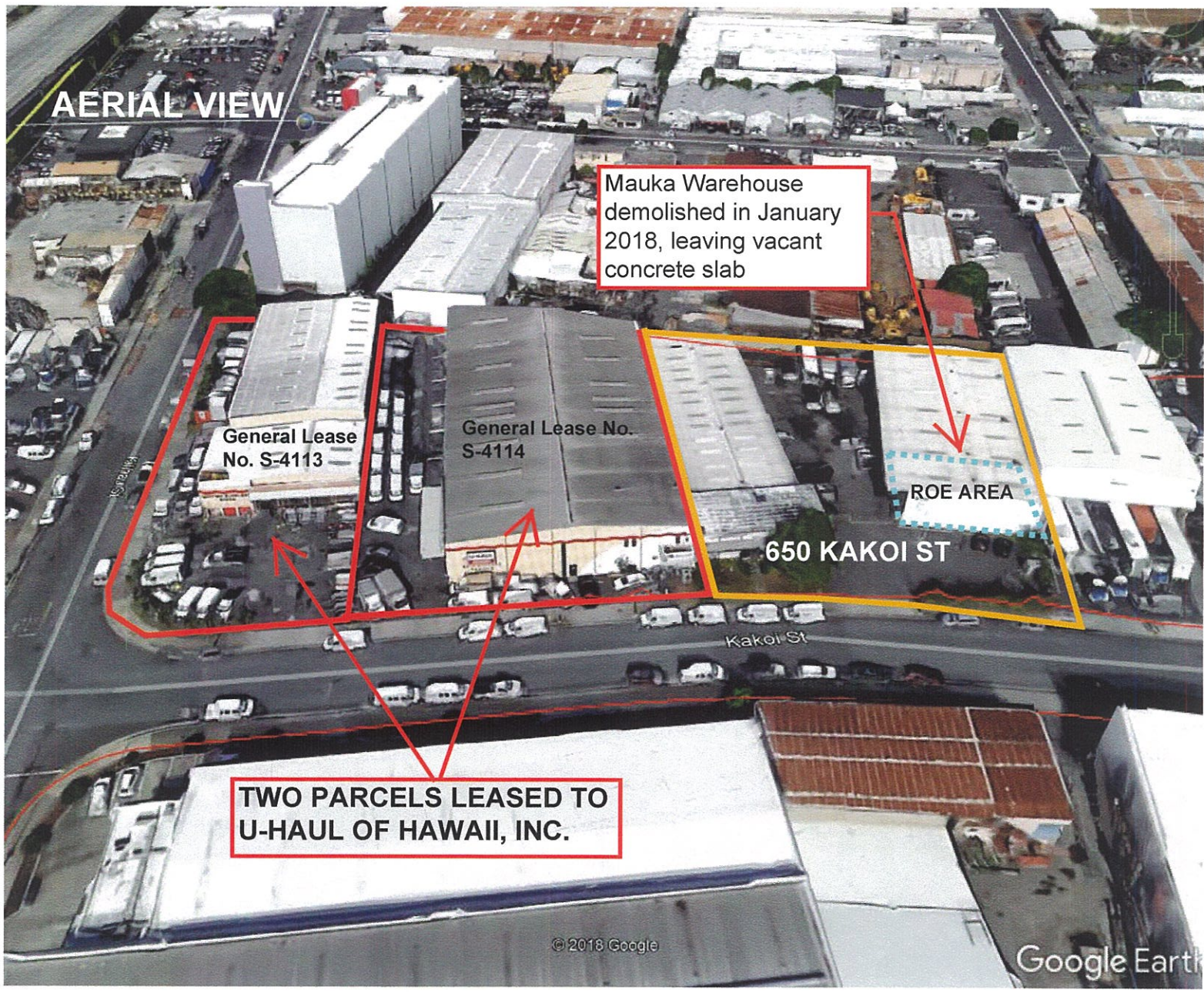
### **RECOMMENDATION**

Land Management Division requests approval to issue an ROE to PERMITTEE as stated.









**AERIAL VIEW**

Mauka Warehouse  
demolished in January  
2018, leaving vacant  
concrete slab

General Lease  
No. S-4113

General Lease No.  
S-4114

ROE AREA

650 KAKOI ST

TWO PARCELS LEASED TO  
U-HAUL OF HAWAII, INC.

EXHIBIT "B"

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION  
February 20 & 21, 2018  
Kapolei, O'ahu

G-ITEMS  
**PLANNING PROGRAM DIVISION**



State of Hawaii

Department of Hawaiian Home Lands

February 20 - 21, 2018

To: Chair and Members, Hawaiian Homes Commission

Through: M. Kaleo Manuel, Acting Planning Program Manager

From: Gigi O. Cairel, Grants Specialist *Mail*  
E. Halealoha Ayau, Water Resources Specialist

Subject: Approval to proceed to Beneficiary Consultation  
For the proposed water rate schedules and fees for  
the DHHL-owned water systems.

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) approve proceeding to beneficiary consultation for proposed water rate schedules and fees for the DHHL-owned water systems.

BACKGROUND AND PURPOSE

The Department of Hawaiian Home Lands (DHHL) owns and operates four water systems statewide: Ho'olehua Water System on Moloka'i; Anahola Farm Lots Water System on Kaua'i; Kawaihae Water System and Pu'ukapu Water System in West Hawai'i. (See Exhibit A) Three are regulated Public (drinking) Water Systems (PWS). Pu'ukapu is a non-potable water system and is not a regulated PWS. These water systems serve 874 homestead lots (residential, agriculture, pastoral) and 56 non-homestead connections (ie, Ho'olehua airport, Ho'olehua Post Office, Lanikeha Center, schools, churches, etc.). All other homesteads receive water service from County water departments.

As the owner of water systems, HHC and DHHL are responsible for providing safe, clean water and protecting community health and safety, while maintaining compliance with federal and state laws. In addition, the HHC adopted a Water Policy Plan in 2014 and a Water System Enterprise Accounting Policy in 2012.

As with any government-owned water system, a major challenge is balancing water service adequacy and dependability with costs and customer rate affordability. DHHL's aging systems need continued investment to keep them operational. Many parts of our systems are near the end of their life cycle, such as storage

tanks, booster pumps, and distribution lines. DHHL is not alone. Water utilities across the country are facing the same challenge. Over the past year, DHHL studied our systems needs and worked to understand the costs of providing water service. Every component critical to delivering water, protecting our ground water source wells, storage, distribution, and treatment, was closely analyzed and planned to ensure sustainability and viability for future generations. The results tell us that we must raise rates to continue providing clean, safe and dependable water supply to our beneficiaries and customers served by the DHHL systems. At the same time, the costs of providing service have grown steeply - labor, materials, fuel, electric power to run our well pumps and other components. For example, for Ho'olehua, since 2003, costs increased by 90%, yet our last rate increase of 10% was in 2004.

Priority policy #3 in the HHC Water Policy Plan states "develop, manage, and steward water in a manner that balances cost, efficiency measures, and Public Trust uses in the short and long term." The plan further states to "secure revenue and reduce operation costs so department water systems break even financially over the long term."

At the regularly scheduled HHC meeting in June 2017, a nonprofit conducted a workshop on "Water System 101", based on the US Environmental Protection Agency guidance on "Technical, Managerial, Financial" or TMF capacity for water system owners. A follow up workshop was conducted by DHHL staff on the Cost of Water [service delivery] at the January 29, 2018 regularly scheduled HHC meeting.

In November 2017, DHHL staff conducted a series of well-received community education meetings statewide to increase awareness of the department's costs to deliver clean, safe water to beneficiaries.

For most small water systems, the main source of revenue is derived from Water Rate schedules. Water rates fund daily operations, routine maintenance, repairs, electricity. And for DHHL systems, water rates fund the cost to purchase water from County of Hawaii (source for our Pu'ukapu system) and from Kohala Ranch (source for our Kawaihae system).

The current DHHL water rate schedules for Ho'olehua and Anahola water systems expire on June 30, 2018. The last time rates were raised was in 2004. The increase (10%) was done incrementally over a 10-year period to achieve parity with County water rates. For Kawaihae, rates were set in 1999, for parity with County rates. For Pu'ukapu, a flat rate was set in 2014. Rates for Kawaihae and Pu'ukapu remain the same today.



DHHL utilized a nonprofit expert to prepare a Cost of Service analysis to assess DHHL expenses and revenues for operating the four water systems. In Fiscal Year 2016, the systems operated at a loss of \$859,000. When factoring in non-payment of water bills, the shortfall is \$1,093,000. After reserve funding is taken into consideration, the shortfall increases to over \$2.3 million.

The DHHL systems serve less than 900 connections - 90% are beneficiaries. By industry standards, the DHHL systems are considered very small, so DHHL is not able to achieve economies of scale such as the County water departments. Additionally, our current rate schedules are very low and have not kept up with rising costs, so revenue generated from the rate schedules do not produce enough to recover costs.

To financially break even, DHHL must look at decreasing expenses and finding new ways to increase revenue. Here are current approaches:

Decrease expenses	Increase revenues
<ul style="list-style-type: none"> <li>• Seek cost efficiencies in the water system budgets</li> <li>• Review third-party operator contracts for cost efficiencies</li> <li>• Continue leak detection</li> <li>• Investigate un-accounted for water</li> <li>• Increase routine maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Address non-payment of water bills</li> <li>• Explore increasing rate schedules</li> <li>• Secured \$16 million in CIP funds from US Department of Agriculture Rural Development</li> <li>• Explore other sources for CIP funding</li> </ul>

In anticipation of the current rate schedules expiring on June 30, 2018, an Interim Water Rate Study was prepared by the same nonprofit that did the COS analysis - Rural Community Assistance Corporation, a federal 501(c)(3) nonprofit corporation, with expertise and 40 years experience in effective rural and small water system utility and financial management.

## DISCUSSION

Typically, water rate studies identify the total revenue required by a utility to conduct its normal day-to-day operations, while anticipating future operating and capital needs, such as an emergency replacement of a pump. After determining revenue needs, a rate structure is developed to divide the costs of delivering clean, safe water among users.

There are numerous ways that rates can be structured. Examples include the following:

- Uniform rates - all users pay the same amount regardless of the quantity of water used. This is the rate structure used for the DHHL Pu'ukapu water system.
- Increasing block rates - a schedule of rates where each succeeding block (e.g., 0 - 10,000 gallons; 10,001 - 20,000 gallons; etc.) is charged at a higher rate than the previous blocks. This is the rate structure used by the DHHL Ho'olehua, Anahola, Kawaihae water systems.

Water systems typically adopt policies or criteria to guide structuring rates such as encouraging water conservation, ensuring affordability for residents, etc.

For DHHL, the following five criteria was used for the Rate Study.

1. Aligned with the mandates of the Hawaiian Homes Commission Act of 1920 (HHCA) and the HHC Water Policy Plan.
2. DHHL is first and foremost a Public Trust for HHCA beneficiaries. For the Ho'olehua system rate schedule, customer classes identify HHCA beneficiaries from non-beneficiaries, so support from Trust resources can be made available only to beneficiaries.
3. Beneficiary affordability - Industry standard is that rates are considered affordable up to 3% of the US Census median household income.
4. Equitability - rates are considered fair and equitable when each customer class pays its proportional share of the cost to provide for the delivery of clean, safe water.
5. Financial sustainability or "break even", per Water Policy Plan Goal #17.

#### *Interim Water Rate Study - Findings and Recommendations*

Major findings:

- Though DHHL's rate schedules are complex, they are highly equitable.
- Each DHHL water system serves diverse and unique communities with varying operating costs and numbers of connections. Thus, rate options were calculated separately and are unique to a particular system. Because of the uniqueness of each system, comparing rates among DHHL's four systems is generally not useful. Nor is it useful to compare DHHL's rate schedules to the County water departments. The Counties are able to achieve economies of scale, due to their large population base and wide range of customer classes (residential, agriculture, community facilities, commercial/industrial).



- With the current rates, DHHL four water systems are operating at a deficit - over \$1 million.
- The current DHHL accounting system is not structured in a manner that allows capturing of costs by each individual water system. Thus, the amount each water system is supported by other funds is unclear.
- Management and operations of the DHHL water systems is highly de-centralized and severely under-staffed. Addressing staffing levels is an important step as this can increase costs further or reduce them; build internal capacity and expertise; and increase operational efficiencies.

#### Overall Recommendations:

- For rate recommendations for all DHHL water systems, it is advisable to add a 3% annual increase for inflation. And to minimize rate shock for customers, spread the increases to base and usage rates over a 10-year period.
- To ensure rate affordability, while moving DHHL towards greater fiscal sustainability, it is recommended that DHHL implement rates in the range of 1.5% to 3.0% of US Census median household income. Also, it is recommended that DHHL consider conducting median household income surveys to more accurately inform the setting of rate structures, if US Census data is not accurate.
- Change from bi-monthly billing to monthly to achieve fiscal sustainability and customer affordability objectives.
- When more reliable financial statements (based on Enterprise Accounting) are consistently generated, it is recommended that DHHL compare the projected costs used in the Rate Study to calculate rates to actual costs tracked.
- It is recommended that DHHL review the operations service contracts as these are very large expenses that skew the rates. It is recommended to separately track routine operations and maintenance service, one-time meter /backflow prevention device installations, and repairs.
- Develop long-term plan and have written policies to fund reserve accounts.
- Conduct annual reviews of accounts receivable's aging reports to verify the amounts that are deemed uncollectible. This should be done every year as part of the budgeting process.
- Educate water customers regarding the costs of service and the need for rate increases. Often, when customers understand this, resistance to rate increases lessens.
- Develop stringent collections and water service shut-off policies to keep delinquent accounts at a minimum.

Specific rate options and recommendations for each water system are discussed below, with the exception of the Pu'ukapu system. (See Exhibit B)

#### *Ho'olehua water system*

The Ho'olehua water system on the island of Moloka'i serves approximately 2,400 customers and has an average of 599 accounts. The homestead areas served are Ho'olehua, Kalama'ula, Na'iwa, and Pala'au. This system also provides water to PWS 299 Kualapu'u and PWS 245 Kipu. This is the only DHHL system that provides water service to both beneficiaries and non-beneficiaries - Ho'olehua Airport, Ho'olehua Post Office, Lanikeha Center, schools, churches, businesses, etc. The average daily demand on this system is nearly 400,000 gallons. Drinking water comes from two DHHL-owned groundwater wells and treatment consists of sodium hypochlorite. The system has approximately 50 miles of distribution lines, over 400 fire hydrants, and over 8 million gallons of storage in six tanks and booster tanks. The source water is excellent and water quality testing meets all water quality standards. Water quantity is an area of concern. The Ho'olehua system is operated by DHHL personnel, who are also beneficiaries. This system is required to have a certified Grade 2 water operator.

In 2016, the US Department of Agriculture (USDA) Rural Development obligated \$10 million for major capital improvements to the Ho'olehua system. DHHL is contributing over \$12 million, making the total project cost \$22 million. Typically, CIP reserves are budgeted from the rates schedules. DHHL is very fortunate to receive this federal grant assistance, thus making it possible to not pass on these CIP costs to the user rates. The improvements, which includes installing a photovoltaic system and re-alignment of road access to the system, are scheduled to be completed by 2021. And, it is anticipated the system will achieve significant operational efficiency and cost reductions.

Six Rate options were considered ranging from "Do Nothing - Continue using current rates" to "Full recovery of operational costs and reserve funding." The recommended rate option that best meets the five criteria is as follows.

- For beneficiaries, 79% increase to the base rate and 50% increase to the usage rate. Spread over 10 years, this becomes 7.9% and 5%, respectively.
- For non-beneficiaries, 315% increase to the base rate and 200% increase to the usage rate. Spread over 10 years, this becomes 31.5% and 20%, respectively.

The table below is an example of the effects of this increase over the proposed 10-year period on a water bill (bi-monthly) for



residential and agriculture lessees and a non-beneficiary/  
commercial account using 10,000 gallons bi-monthly (Tier 1).

	Today	FY 19	FY 20	FY 21	FY 22	FY 23
Residential/ Agriculture	\$19.80	\$21.51	\$23.32	\$25.03	\$26.74	\$28.55
Non- Beneficiary/ Commercial	\$48.00	\$62.45	\$77.00	\$91.45	\$106.00	\$120.45

	FY 24	FY 25	FY 26	FY 27	FY 28
Residential/ Agriculture	\$30.26	\$32.09	\$33.78	\$35.49	\$37.30
Non- Beneficiary/ Commercial	\$134.90	\$149.45	\$163.90	\$178.45	\$192.90

#### *Anahola Farm Lots water system*

The Anahola Farm Lots water system on the island of Kauai serves approximately 385 customers and has an average of 77 accounts. The homestead areas served are Bay View residential and Anahola Farm Lots. This system also provides water to one non-homestead lot, currently under a DHHL Revocable Permit, and to the County as an emergency inter-connect. The average daily demand on this system is 42,271 gallons. Drinking water comes from one DHHL-owned groundwater well and treatment consists of sodium hypochlorite. The system has approximately 11,800 linear feet of distribution lines and one 0.50 million gallon storage tank. The source water is good and water quality testing meets all water quality standards. The Anahola system operations is contracted out to a private, third-party. This system is required to have a certified Grade 1 water operator.

In 2016, the USDA obligated \$3 million for major capital improvements to the Anahola system. DHHL is contributing over \$3.8 million, making the total project cost \$6.8 million. Typically, CIP reserves are budgeted from the rates schedules. DHHL is very fortunate to receive this federal grant assistance. The improvements, which include replacement of the storage tank and creation of two pressure zone areas, are scheduled to be completed by 2021. And, it is anticipated the system will achieve significant operational efficiency and cost reductions.

Four Rate options were considered ranging from "Do Nothing - Continue using current rates" to "Full recovery of operational costs and reserve funding." The recommended rate option that best meets the criteria is as follows.

- 515% increase to both the base rate and the usage rate, spread over 10 years. This becomes a 51.5% increase per year.

The table below is an example of the effects of this increase over the proposed 10-year period on a water bill (bi-monthly) for residential and agriculture lessees using 20,000 gallons bi-monthly (Tier 1).

	Today	FY 19	FY 20	FY 21	FY 22	FY 23
Residential 5/8" meter	\$67.20	\$103.74	\$140.48	\$177.02	\$213.76	\$250.30
Agriculture 1-1/2" meter	\$100.20	\$154.73	\$209.45	\$263.98	\$318.70	\$373.23

	FY 24	FY 25	FY 26	FY 27	FY 28
Residential 5/8" meter	\$287.04	\$323.58	\$360.12	\$396.86	\$433.40
Agriculture 1-1/2" meter	\$427.95	\$482.48	\$537.00	\$591.73	\$646.25

#### *Kawaihae water system*

The Kawaihae water system on the island of Hawai'i serves an average of 155 accounts. The homestead area served is the Kailapa residential lots. The system also provides water to the community pavilion managed by the Kailapa Community Association. The average daily demand is 61,458 gallons. Drinking water is purchased from the Kohala Ranch PWS and is then chlorinated. The source water is good and water quality testing meets all water quality standards. Water quantity is an area of concern. DHHL's agreement to purchase water from the Ranch is temporary. The Kawaihae system operations is contracted out to a private, third-party. This system is required to have a certified Grade 1 water operator.

Seven options were considered ranging from "Do Nothing - Continue using current rates" to "Full recovery of operational costs and reserve funding." The recommended rate option that best meets the criteria is as follows.

- 380% increase to both the base rate and the usage rate, spread over 10 years. This becomes a 38% increase per year.

The table below is an example of the effects of this increase over the proposed 10-year period on a water bill (bi-monthly) for a residential lessee using 10,000 gallons bi-monthly (Tier 1).



	Today	FY 19	FY 20	FY 21	FY 22	FY 23
Residential	\$60.80	\$85.77	\$110.64	\$135.60	\$160.47	\$185.44

	FY 24	FY 25	FY 26	FY 27	FY 28
Residential	\$210.41	\$235.28	\$260.24	\$285.11	\$310.08

#### *Authority*

- HHCA of 1920, as amended, Section 221f. "Water systems under the exclusive control of the department shall remain under its exclusive control."
- DHHL Hawaii Administrative Rules, Section 10-3-76(i). "Water from department systems shall be sold at rates established by the commission. The department shall establish the frequency of billing and may determine a minimum monthly charge."
- Public Utilities, Hawaii Revised Statutes Chapter 269, Section 31(a), regarding setting water rates. "This chapter shall not apply to . . . public utilities owned and operated by the State, or any county, or other political subdivision."
- Water Policy Plan, HHC approved July 2014
  - o Mission: Understand our trust water assets and manage water systems.
  - o Priority Policies: Develop, manage and steward water in a manner that balances cost, efficiency measures, and Public Trust uses; and educate beneficiaries, DHHL, HHC and other stakeholders continually on our water kuleana.
  - o Goals: Secure revenue and reduce operation costs to break even; and increase security and reliability for DHHL beneficiaries and water system users.
- Water System Enterprise Accounting Policy, HHC adopted 2012  
DHHL will budget for the Water System utilizing an enterprise account accounting structure.

#### RECOMMENDATION

Staff requests approval of the recommended motion as stated above.



# DHHL water systems

## At-a-glance

	Ho'olehua PWS 230	Anahola PWS 432	Kawaihae PWS 164	Pu'ukapu PWS n/a
Age of system	85 years est.	30 years est.	20 years est.	3 years
Service area	Ho'olehua, Kalama'ula, Nā'iwa, Pālā'au & Comm. Fac.	Anahola Farm Lots & Bay View residents	Kailapa residential	Pu'ukapu pastoral lots
Avg. # service connections	600	77	151	43
Water source	DHHL-owned Groundwater well	DHH-owned Groundwater well	Kohala Ranch	County of Hawaii
Dept. of Health regulated?	Yes - Certified Level 2	Yes - Certified Level 1	Yes - Certified Level 1	No
Operations handled by:	DHHL personnel	Contracted operator	Contracted operator	Contracted operator



Ho'olehua Water System  
Residential & Agriculture Beneficiaries

Existing meter service (base) fees

<b>Meter size (inches) Bi-Monthly</b>	<b>Existing Base fee (\$) Bi- Monthly</b>
5/8"	\$5.60
3/4"	\$7.00
1"	\$11.50
1 1/2"	\$22.00
2"	\$30.00
3"	\$60.00
4"	\$110.00
6"	\$195.00
8"	\$300.00

Proposed meter service (base) fees

<b>Meter size (inches) Bi-Monthly</b>	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>	<b>FY 28</b>
5/8"	\$6.21	\$6.82	\$7.43	\$8.04	\$8.65	\$9.26	\$9.87	\$10.48	\$11.09	\$11.70
3/4"	\$7.76	\$8.53	\$9.29	\$10.05	\$10.82	\$11.58	\$12.34	\$13.10	\$13.87	\$14.63
1"	\$12.75	\$14.01	\$15.26	\$16.51	\$17.77	\$19.02	\$20.27	\$21.53	\$22.78	\$24.04
1 1/2"	\$24.40	\$26.80	\$29.19	\$31.59	\$33.99	\$36.39	\$38.79	\$41.18	\$43.58	\$45.98
2"	\$33.27	\$36.54	\$39.81	\$43.08	\$46.35	\$49.62	\$52.89	\$56.16	\$59.43	\$62.70
3"	\$66.54	\$73.08	\$79.62	\$86.16	\$92.70	\$99.24	\$105.78	\$112.32	\$118.86	\$125.40
4"	\$121.99	\$133.98	\$145.97	\$157.96	\$169.95	\$181.94	\$193.93	\$205.92	\$217.91	\$229.90
6"	\$216.26	\$237.51	\$258.77	\$280.02	\$301.28	\$322.53	\$343.79	\$365.04	\$386.30	\$407.55
8"	\$332.70	\$365.40	\$398.10	\$430.80	\$463.50	\$496.20	\$528.90	\$561.60	\$594.30	\$627.00

The rates and fees are based on a 7.9% increase to the base fee per year (or 79% increase for base spread over 10 years), plus 3% inflation per year, or a total of 10.9% increase to base fee per year.

Ho'olehua Water System  
Residential & Agriculture Beneficiaries

**Residential**

Existing water service delivery (usage) fees

	<b>Gallons Bi-Monthly</b>	<b>Usage Fee per 1,000 gallons</b>
Tier 1	0 - 10,000	\$1.42
Tier 2	10,001 - 25,000	\$1.91
Tier 3	Over 25,000	\$2.25

Proposed water service delivery (usage) fees

<b>Per 1,000 gallons</b>	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>	<b>FY 28</b>
Tier 1	\$1.53	\$1.65	\$1.76	\$1.87	\$1.99	\$2.10	\$2.22	\$2.33	\$2.44	\$2.56
Tier 2	\$2.06	\$2.22	\$2.37	\$2.52	\$2.67	\$2.83	\$2.98	\$3.13	\$3.29	\$3.44
Tier 3	\$2.43	\$2.61	\$2.79	\$2.97	\$3.15	\$3.33	\$3.51	\$3.69	\$3.87	\$4.05

**Agriculture**

Existing water service delivery (usage) fees

	<b>Gallons Bi-Monthly</b>	<b>Usage Fee per 1,000 gallons</b>
Tier 1	0 - 10,000	\$1.42
Tier 2	10,001 - 25,000	\$1.91
Tier 3	Over 25,000	\$0.76

Proposed water service delivery (usage) fees

<b>Per 1,000 gallons</b>	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>	<b>FY 28</b>
Tier 1	\$1.53	\$1.65	\$1.76	\$1.87	\$1.99	\$2.10	\$2.22	\$2.33	\$2.44	\$2.56
Tier 2	\$2.06	\$2.22	\$2.37	\$2.52	\$2.67	\$2.83	\$2.98	\$3.13	\$3.29	\$3.44
Tier 3	\$0.82	\$0.88	\$0.94	\$1.00	\$1.06	\$1.12	\$1.19	\$1.25	\$1.31	\$1.37

The rates and fees are based on a 5% increase to the usage fee per year (or 50% increase for usage spread over 10 years), plus 3% inflation per year, or a total of 8% increase to base fee per year.

Ho‘olehua Water System  
Non-Beneficiaries

Existing meter service (base) fees

<b>Meter size (inches) Bi-Monthly</b>	<b>Existing Base fee (\$) Bi- Monthly</b>
5/8"	\$30.00
3/4"	\$44.00
1"	\$70.00
1 1/2"	\$136.00
2"	\$210.00
3"	\$390.00
4"	\$640.00
6"	\$1,270.00
8"	\$2,000.00

Proposed meter service (base) fees

<b>Meter size (inches) Bi-Monthly</b>	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>	<b>FY 28</b>
5/8"	\$40.35	\$50.70	\$61.05	\$71.40	\$81.75	\$92.10	\$102.45	\$112.80	\$123.15	\$133.50
3/4"	\$59.18	\$74.36	\$89.54	\$104.72	\$119.90	\$135.08	\$150.26	\$165.44	\$180.62	\$195.80
1"	\$94.15	\$118.30	\$142.45	\$166.60	\$190.75	\$214.90	\$239.05	\$263.20	\$287.35	\$311.50
1 1/2"	\$182.92	\$229.84	\$276.76	\$323.68	\$370.60	\$417.52	\$464.44	\$511.36	\$558.28	\$605.20
2"	\$282.45	\$354.90	\$427.35	\$499.80	\$572.25	\$644.70	\$717.15	\$789.60	\$862.05	\$934.50
3"	\$524.55	\$659.10	\$793.65	\$928.20	\$1,062.75	\$1,197.30	\$1,331.85	\$1,466.40	\$1,600.95	\$1,735.50
4"	\$860.80	\$1,081.60	\$1,302.40	\$1,523.20	\$1,744.00	\$1,964.80	\$2,185.60	\$2,406.40	\$2,627.20	\$2,848.00
6"	\$1,708.15	\$2,146.30	\$2,584.45	\$3,022.60	\$3,460.75	\$3,898.90	\$4,337.05	\$4,775.20	\$5,213.35	\$5,651.50
8"	\$2,690.00	\$3,380.00	\$4,070.00	\$4,760.00	\$5,450.00	\$6,140.00	\$6,830.00	\$7,520.00	\$8,210.00	\$8,900.00

The rates and fees are based on a 31.5% increase to the base fee per year (or 315% increase for base spread over 10 years), plus 3% inflation per year, or a total of 34.5% increase to base fee per year.

Ho'olehua Water System  
**Non-Beneficiaries**

Existing water service delivery (usage) fees

	<b>Gallons Bi-Monthly</b>	<b>Usage Fee per 1,000 gallons</b>
Tier 1	0 - 10,000	\$1.80
Tier 2	10,001 - 30,000	\$3.35
Tier 3	Over 30,000	\$4.95

Proposed water service delivery (usage) fees

<b>Per 1,000 gallons</b>	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>	<b>FY 28</b>
Tier 1	\$2.21	\$2.63	\$3.04	\$3.46	\$3.87	\$4.28	\$4.70	\$5.11	\$5.53	\$5.94
Tier 2	\$4.12	\$4.89	\$5.66	\$6.43	\$7.20	\$7.97	\$8.74	\$9.51	\$10.28	\$11.06
Tier 3	\$6.09	\$7.23	\$8.37	\$9.50	\$10.64	\$11.78	\$12.92	\$14.06	\$15.20	\$16.34

The rates and fees are based on a 20.0% increase to the usage fee per year (or 200% increase for usage spread over 10 years), plus 3% inflation per year, or a total of 23% increase to usage fee per year.



Anahola Farm Lots Water System  
Residential beneficiaries

Existing meter service (base) fees

<b>Meter size (inches) Bi-Monthly</b>	<b>Existing Base fee (\$) Bi-Monthly</b>
5/8"	\$12.00
3/4"	\$16.00
1"	\$25.00
1 1/2"	\$45.00
2"	\$75.00
4"	\$220.00

Proposed meter service (base) fees

<b>Meter size (inches) Bi-Monthly</b>	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>	<b>FY 28</b>
5/8"	\$18.54	\$25.08	\$31.62	\$38.16	\$44.70	\$51.24	\$57.78	\$64.32	\$70.86	\$77.40
3/4"	\$24.72	\$33.44	\$42.16	\$50.88	\$59.60	\$68.32	\$77.04	\$85.76	\$94.48	\$103.20
1"	\$38.63	\$52.25	\$65.88	\$79.50	\$93.13	\$106.75	\$120.38	\$134.00	\$147.63	\$161.25
1 1/2"	\$69.53	\$94.05	\$118.58	\$143.10	\$167.63	\$192.15	\$216.68	\$241.20	\$265.73	\$290.25
2"	\$115.88	\$156.75	\$197.63	\$238.50	\$279.38	\$320.25	\$361.13	\$402.00	\$442.88	\$483.75
4"	\$339.90	\$459.80	\$579.70	\$699.60	\$819.50	\$939.40	\$1,059.30	\$1,179.20	\$1,299.10	\$1,419.00

Existing water service delivery (usage) fees

	<b>Gallons Bi-Monthly</b>	<b>Usage Fee per 1,000 gallons</b>
Tier 1	0 - 20,000	\$2.76
Tier 2	20,001 - 40,000	\$3.20
Tier 3	Over 40,000	\$4.50

Proposed water service delivery (usage) fees

<b>Per 1,000 gallons</b>	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>	<b>FY 28</b>
Tier 1	\$4.26	\$5.77	\$7.27	\$8.78	\$10.28	\$11.79	\$13.29	\$14.79	\$16.30	\$17.80
Tier 2	\$4.94	\$6.69	\$8.43	\$10.18	\$11.92	\$13.66	\$15.41	\$17.15	\$18.90	\$20.64
Tier 3	\$6.95	\$9.41	\$11.86	\$14.31	\$16.76	\$19.22	\$21.67	\$24.12	\$26.57	\$29.03

The rates and fees are based on a 51.5% increase per year to both base and usage fees (or 515% spread over 10 years), plus 3% inflation per year, or a total of 54.5% increase per year.

Anahola Farm Lots Water System  
Agriculture beneficiaries

Existing meter service (base) fees

<b>Meter size (inches) Bi-Monthly</b>	<b>Existing Base fee (\$) Bi- Monthly</b>
3/4"	\$16.00
1 1/2"	\$45.00
2"	\$75.00
2"	\$110.00

Proposed meter service (base) fees

<b>Meter size (inches) Bi-Monthly</b>	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>	<b>FY 28</b>
3/4"	\$24.72	\$33.44	\$42.16	\$50.88	\$59.60	\$68.32	\$77.04	\$85.76	\$94.48	\$103.20
1 1/2"	\$69.53	\$94.05	\$118.58	\$143.10	\$167.63	\$192.15	\$216.68	\$241.20	\$265.73	\$290.25
2"	\$115.88	\$156.75	\$197.63	\$238.50	\$279.38	\$320.25	\$361.13	\$402.00	\$442.88	\$483.75
2"	\$169.95	\$229.90	\$289.85	\$349.80	\$409.75	\$469.70	\$529.65	\$589.60	\$649.55	\$709.50

Existing water service delivery (usage) fees

	<b>Gallons Bi-Monthly</b>	<b>Usage Fee per 1,000 gallons</b>
Tier 1	0 - 25,000	\$2.76
Tier 2	Over 25,000	\$0.70

Proposed water service delivery (usage) fees

<b>Per 1,000 gallons</b>	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>	<b>FY 28</b>
Tier 1	\$4.26	\$5.77	\$7.27	\$8.78	\$10.28	\$11.79	\$13.29	\$14.79	\$16.30	\$17.80
Tier 2	\$1.08	\$1.46	\$1.84	\$2.23	\$2.61	\$2.99	\$3.37	\$3.75	\$4.13	\$4.52

The rates and fees are based on a 51.5% increase per year to both base and usage fees (or 515% spread over 10 years), plus 3% inflation per year, or a total of 54.5% increase per year.



Kawaihae Water System  
Residential Beneficiaries

Existing meter service (base) fees

<b>Meter size (inches) Bi-Monthly</b>	<b>Existing Base fee (\$) Bi-Monthly</b>
5/8"	\$34.80

Proposed meter service (base) fees

<b>Meter size (inches) Bi-Monthly</b>	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>	<b>FY 28</b>
5/8"	\$49.07	\$63.34	\$77.60	\$91.87	\$106.14	\$120.41	\$134.68	\$148.94	\$163.21	\$177.48

Existing water service delivery (usage) fees

	<b>GallonsBi-Monthly</b>	<b>Usage Fee per 1,000 gallons</b>
Tier 1	0 - 10,000	\$2.60
Tier 2	10,001 - 30,000	\$3.49
Tier 3	30,001 - 80,000	\$4.89
Tier 4	Over 80,000	\$5.89

Proposed water service delivery (usage) fees

<b>Per 1,000 gallons</b>	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>	<b>FY 28</b>
Tier 1	\$3.67	\$4.73	\$5.80	\$6.86	\$7.93	\$9.00	\$10.06	\$11.13	\$12.19	\$13.26
Tier 2	\$4.92	\$6.35	\$7.78	\$9.21	\$10.64	\$12.08	\$13.51	\$14.94	\$16.37	\$17.80
Tier 3	\$6.89	\$8.90	\$10.90	\$12.91	\$14.91	\$16.92	\$18.92	\$20.93	\$22.93	\$24.94
Tier 4	\$8.30	\$10.72	\$13.13	\$15.55	\$17.96	\$20.38	\$22.79	\$25.21	\$27.62	\$30.04

The rates and fees are based on a 38% increase per year to both base and usage fees per year (or 380% spread over 10 years), plus 3% inflation per year, or a total of 41% increase per year.

Kawaihae Water System  
Kailapa Community Association

Existing meter service (base) fees

<b>Meter size (inches) Bi-Monthly</b>	<b>Existing Base fee (\$) Bi-Monthly</b>
5/8"	\$34.80

Proposed meter service (base) fees

<b>Meter size (inches) Bi-Monthly</b>	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>	<b>FY 28</b>
5/8"	\$49.07	\$63.34	\$77.60	\$91.87	\$106.14	\$120.41	\$134.68	\$148.94	\$163.21	\$177.48

Existing water service delivery (usage) fees

	<b>Gallons Bi-Monthly</b>	<b>Usage Fee per 1,000 gallons</b>
Tier 1	9,999,999	\$8.90

Proposed water service delivery (usage) fees

<b>Per 1,000 gallons</b>	<b>FY 19</b>	<b>FY 20</b>	<b>FY 21</b>	<b>FY 22</b>	<b>FY 23</b>	<b>FY 24</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>	<b>FY 28</b>
Tier 1	\$12.55	\$16.20	\$19.85	\$23.50	\$27.15	\$30.79	\$34.44	\$38.09	\$41.74	\$45.39

The rates and fees are based on a 38% increase per year to both base and usage fees per year (or 380% spread over 10 years), plus 3% inflation per year, or a total of 41% increase per year.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 20 & 21, 2018

TO: Chairman and Members, Hawaiian Homes Commission  
FROM: Kaleo Manuel, Acting Planning Program Manager  
SUBJECT: G-3 Honomu Subsistence Agricultural Homestead Project Update

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

ITEM NO. G-3

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 20-21, 2018

To: Chairman and Members, Hawaiian Homes Commission  
Through: Kaleo Manuel, Acting Planning Program Manager *KM*  
From: Lehua Kinilau-Cano, HHL Legislative Analyst *Lehua Kinilau-Cano*  
Subject: Legislative Updates 2018

RECOMMENDATION/ACTION:

None; For information only.

DISCUSSION

*Bill Tracking*

Staff has prepared a bill tracking spreadsheet listing all bills that impact the department. The current spreadsheet with the status of each bill as of 02-14-18 is enclosed in Exhibit 'A'.

Of the 20 bills on this bill tracking spreadsheet, 18 are still alive. The DHHL bill in the Governor's Package is still alive in the Senate.

A measure (HB2464 HD1/SB2984) that would make any person who sells or transfers an interest in a Hawaiian home lands lease ineligible to receive a subsequent lease for the same class of land except in limited circumstances is moving in both the House and Senate. DHHL will continue to provide comments and be available to respond to questions on these and other measures. Additionally, there is a measure in the Senate (SB2557) that would allow Hawaiian homestead lessees who meet the minimum Hawaiian blood quantum requirement who have adopted children to pass their homestead lease to their adopted children. DHHL submitted comments that this bill may be unnecessary if the intent of the measure is to treat an adopted child like a child who can succeed to a lease under section 209 of the Hawaiian Homes Commission Act (HHCA). But if the intent of the measure is to allow a non-Hawaiian adopted child to be designated as a successor under section 209 of the HHCA, then DHHL would be opposed to this measure.

Finally, DHHL submitted comments on a measure (HB2473/SB2424) that authorizes the construction and use of micro housing units on Hawaiian home lands managed by DHHL and noted that the measure is unnecessary because section 214 of the HHCA includes broad authority so specifically defining a micro housing unit is unnecessary. Discussion on these two measures in the House and Senate resulted in a recommended approach of providing a vehicle to finance micro housing units.

In addition to the 20 bills that specifically reference the department, staff monitors and prepares testimony as appropriate on measures that would impact Hawaiian Home lands or the department as a state agency.

RECOMMENDED MOTION/ACTION

None; For information only.

Measure #	Report Title	Measure Title	Description	Status	Introducer(s)	Current Referral	Comp.
<a href="#">HB65 HD1</a>	CIP; Redevelopment of Bowl-O-Drome property; GO Bonds; Appropriation	RELATING TO THE REDEVELOPMENT OF THE BOWL-O-DROME PROPERTY.	Authorizes general obligation bonds and appropriates funds to the Department of Hawaiian Home Lands for the redevelopment of the Bowl-O-Drome property, located at 820 Isenberg Street, with the assistance of the Hawaii Community Development Authority. (HB65 HD1)	H 2/7/2017: Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Representative(s) Oshiro excused (1).	SAY	OMH, FIN	
<a href="#">HB372</a>	Department of Hawaiian Home Lands; Hawaii Island Working Group	RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.	Establishes a working group to address and provide findings and recommendations regarding issues that beneficiaries of the department of Hawaiian home lands on Hawaii island face relating to the financing and insuring of homes. Appropriates funds.	H 2/17/2017: Passed Second Reading and referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Representative(s) DeCoite, Tokioka excused (2).	EVANS, MCKELVEY, MIZUNO, NAKASHIMA, TODD, Creagan, Lowen, Luke, San Buenaventura	OMH, FIN	
<a href="#">HB389 HD1</a>	Appropriation; Housing Omnibus; Affordable Housing	RELATING TO HOUSING.	Authorizes the issuance of general obligation bonds and appropriates funds to the Hawaii Housing Finance and Development Corporation and the Department of Hawaiian Home Lands for improving and increasing the existing public and affordable housing stock in the State. Requires both agencies to each submit reports to the Legislature prior to the 2018 and 2019 Regular Sessions on the set-aside plan for upkeep and maintenance of the housing facilities to be constructed. (HB389 HD1)	H 2/17/2017: Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Representative(s) DeCoite, Tokioka excused (2).	BROWER, MIZUNO	HSG, FIN	
<a href="#">HB869 HD1</a>	Affordable Housing; Hawaii Housing Finance and Development Corporation; Hawaii Public Housing Authority; Department of Hawaiian Home Lands; Conveyance Tax; Appropriation	RELATING TO HOUSING.	Authorizes the issuance of general obligation bonds to construct affordable rental units and homes. Allows moneys from the conveyance tax and the county surcharge on state tax to be used to repay the bonds. (HB869 HD1)	H 2/15/2017: Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Representative(s) Kobayashi, Oshiro excused (2).	BROWER	HSG, FIN	SB591
<a href="#">HB1095</a>	Hawaiian Homes Commission; Composition	RELATING TO THE HAWAIIAN HOMES COMMISSION.	Amends the Hawaiian Homes Commission Act to reduce the number of commissioners that are residents of the city and county of Honolulu and adds a commissioner from the island of Lanai.	H 2/7/2017: Passed Second Reading and referred to the committee(s) on JUD with none voting aye with reservations; none voting no (0) and Representative(s) Oshiro excused (1).	SOUKI (Introduced by request of another party)	OMH, JUD	SB961
<a href="#">HB1722 HD1</a>	Department of Hawaiian Home Lands; Cesspools; Upgrade, Conversion, or Connection; Grant Program; Appropriation	RELATING TO CESSPOOLS.	Establishes a grant program and special fund to assist beneficiaries on Hawaiian home lands with cesspool upgrade or conversion costs. Establishes that a recipient of a cesspool upgrade grant shall not be eligible for the cesspool upgrade, conversion, or connection income tax credit. Appropriates moneys for the grant program. (HB1722 HD1)	H 2/9/2018: Passed Second Reading as amended in HD 1 and referred to the committee(s) on EEP/WAL with none voting aye with reservations; none voting no (0) and Representative(s) Har, McDermott, Souki, Tupola, Woodson excused (5).	ING, DECOITE, GATES, KEOHOKALOIE, TAKAYAMA, Brower, Lowen, Thielen	OMH, EEP/WAL, FIN	SB2717

Measure #	Report Title	Measure Title	Description	Status	Introducer(s)	Current Referral	Comp.
HB1900	State budget.	RELATING TO THE STATE BUDGET.	To adjust and request appropriations for Fiscal Biennium 2017-19 funding requirements for operations and capital improvement projects of Executive Branch agencies and programs.	H 1/22/2018: Referred to FIN, referral sheet 4	SAIKI (Introduced by request of another party)	FIN	
HB2355 HD1	Department of Hawaiian Home Lands; Disclosure of Government Records	RELATING TO PERSONAL PRIVACY.	Exempts DHHL records related to beneficiary loan applications, beneficiary vital records, and lease succession from disclosure and inspection requirements for public records. Permits DHHL to discuss such records in closed executive meetings exempt from Sunshine Law requirements. (HB2355 HD1)	H 2/9/2018: Passed Second Reading as amended in HD 1 and referred to the committee(s) on JUD with none voting aye with reservations; none voting no (0) and Representative(s) Har, McDermott, Souki, Tupola, Woodson excused (5).	SAIKI (Introduced by request of another party)	OMH, JUD, FIN	SB2782
HB2464 HD1	Department of Hawaiian Home Lands; Lessees; Waitlists	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Makes any person who sells or transfers an interest in a Hawaiian home lands lease ineligible to receive a subsequent lease for the same class of land except in limited circumstances. (HB2464 HD1)	H 2/13/2018: Bill scheduled to be heard by JUD on Thursday, 02-15-18 2:00PM in House conference room 325.	DECOITE, CULLEN, GATES, HASHEM, HOLT, ITO, KEOHOKALO, LOWEN, LUKE, ONISHI, SAY, SOUKI, TODD, TOKIOKA, TUPOLA, WARD, YAMANE, YAMASHITA, Evans, Har, Ing, McKelvey	OMH, JUD, FIN	SB2984
HB2473	Department of Hawaiian Home Lands; Hawaii Housing Finance and Development Corporation; Micro Housing; Tiny Homes; Appropriation	RELATING TO HOUSING FOR NATIVE HAWAIIANS.	Authorizes the construction and use of micro housing units on Hawaiian home lands managed by DHHL, notwithstanding zoning laws, permit provisions, and building codes. Authorizes the use of the Hawaiian home loan fund and Hawaiian home general fund for assistance in purchasing or renting micro housing units for use on Hawaiian home lands managed by DHHL and leased to beneficiaries. Makes an appropriation to the Hawaii housing finance and development corporation for construction of micro housing units, subject to certain conditions, and to build general organizational capacity of native Hawaiian-controlled nonprofit housing developers.	H 2/13/2018: The committees on OMH recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 6 Ayes: Representative(s) Ing, DeCoite, Creagan, Say, Takayama, Thielen; Ayes with reservations: none; Noes: none; and 1 Excused: Representative(s) Gates.	BROWER, CREAGAN, EVANS, ICHYAMA, JOHANSON, KEOHOKALO, KONG, LEARMONT, MCKELVEY, MORIKAWA, NISHIMOTO, OHNO, QUINLAN, TAKAYAMA, TODD	HSG/OMH, FIN	SB2424
HB2620	Affordable Housing; Hawaii Housing Finance and Development Corporation; Hawaii Public Housing Authority; Department of Hawaiian Home Lands; Conveyance Tax; Appropriation	RELATING TO HOUSING.	Authorizes the issuance of general obligation bonds for construction and infrastructure development projects to provide affordable housing units for middle class and low income residents. Allows moneys from the conveyance tax and the county surcharge on state tax to be used to repay the bonds.	H 2/13/2018: The committees on HSG recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 4 Ayes: Representative(s) Brower, Nakamura, Hashem, Quinlan; Ayes with reservations: none; Noes: none; and 3 Excused: Representative(s) Aquino, San Buenaventura, McDermott.	BROWER (Introduced by request of another party)	HSG, FIN	SB2421

Measure #	Report Title	Measure Title	Description	Status	Introducer(s)	Current Referral	Comp.
SB591	Affordable Housing; Hawaii Housing Finance Development Corporation; Hawaii Public Housing Authority; Department of Hawaiian Home Lands; Conveyance Tax; Appropriation	RELATING TO HOUSING.	Authorizes the issuance of general obligation bonds for construction and infrastructure development projects to provide affordable housing units for middle class and low income residents. Allows moneys from the conveyance tax and the county surcharge on state tax to be used to repay the bonds.	S 2/17/2017: Report adopted; Passed Second Reading and referred to WAM.	ESPERO, BAKER, S. CHANG, ENGLISH, GREEN, INOUE, KEITH-AGARAN, KIDANI, K. RHOADS, SHIMABUKURO, Dela Cruz, Harimoto, Ihara, K. Kahele, Kim, Kouchi, Nishihara, Ruderman, Taniguchi, Wakai	TRE/HOU, WAM	HB869
SB641	Commission on Water Resource Management; Hawaiian Homes Commission Representation	RELATING TO THE CHAIRPERSON OF THE HAWAIIAN HOMES COMMISSION.	Amends the membership of the commission on water resource management to add the chairperson of the Hawaiian homes commission or the chairperson's designee to serve as an ex officio voting member.	S 2/17/2017: Report adopted; Passed Second Reading and referred to WAM.	SHIMABUKURO, Dela Cruz, English, Espero, Keith-Agaran, Kidani, Nishihara	HWN/WTL, WAM	HB846
SB961 HD1	Hawaiian Homes Commission; Composition	RELATING TO THE HAWAIIAN HOMES COMMISSION.	Amends the Hawaiian Homes Commission Act to reduce the number of commissioners that are residents of the city and county of Honolulu and adds a commissioner from the island of Lanai. (SB961 HD1)	H 3/22/2017: Passed Second Reading as amended in HD 1 and referred to the committee(s) on JUD with none voting aye with reservations; none voting no (0) and Representative(s) Ichiyama, C. Lee, Lowen excused (3).	KOUCHI (Introduced by request of another party)	OMH, JUD	HB1095
SB2421 SD1	Affordable Housing; Hawaii Housing Finance and Development Corporation; Hawaii Public Housing Authority; Department of Hawaiian Home Lands; Conveyance Tax; Appropriation	RELATING TO HOUSING.	Authorizes the director of finance to issue general obligation bonds to construct affordable rental units and homes, homeless shelters or transitional housing centers for the homeless, and a condominium and tiny homes on Hawaiian home lands. Allows moneys from the conveyance tax and the county surcharge on state tax to be used to repay the bonds. Increases the percentage of the conveyance tax collected to be paid into the rental housing revolving fund and repeal the statutory cap of \$38,000,000. (SD1)	S 2/13/2018: Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.	ESPERO, HARIMOTO, Keith-Agaran, Shimabukuro	HOU, WAM	HB2620
SB2424	Department of Hawaiian Home Lands; Hawaii Housing Finance and Development Corporation; Micro Housing; Tiny Homes; Appropriation	RELATING TO HOUSING FOR NATIVE HAWAIIANS.	Authorizes the construction and use of micro housing units on Hawaiian home lands managed by DHHL, notwithstanding zoning laws, permit provisions, and building codes. Authorizes the use of the Hawaiian home loan fund and Hawaiian home general fund for assistance in purchasing or renting micro housing units for use on Hawaiian home lands managed by DHHL and leased to beneficiaries. Makes an appropriation to the Hawaii housing finance and development corporation for construction of micro housing units, subject to certain conditions, and to build general organizational capacity of native Hawaiian-controlled nonprofit housing developers.	S 2/13/2018: The committee(s) on HOU recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in HOU were as follows: 3 Aye(s): Senator(s) Espero, Harimoto, Green; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) K. Kahele, Nishihara.	ESPERO, Harimoto, Keith-Agaran, Shimabukuro	HWN/HOU, WAM	HB2473



Measure #	Report Title	Measure Title	Description	Status	Introducer(s)	Current Referral	Comp.
<u>SB2557</u>	Hawaiian Homes Commission Act; Hawaiian Home Lands; Successors; Blood Quantum; Adopted Children	RELATING TO HAWAIIAN HOME LAND BENEFICIARIES.	Allows Hawaiian homestead lessees who meet the minimum Hawaiian blood quantum requirement who have adopted children to pass their homestead lease to their adopted children.	S 2/6/2018: The committee(s) on HWN recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in HWN were as follows: 3 Aye(s): Senator(s) Shimabukuro, Galuteria, English; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Green, Riviere.	GABBARD, GREEN	HWN, JDC	
<u>SB2717</u>	Department of Hawaiian Home Lands; Cesspools; Upgrade, Conversion, or Connection; Grant Program; Appropriation	RELATING TO CESSPOOLS.	Establishes a grant program and special fund to assist beneficiaries on Hawaiian home lands with cesspool upgrade or conversion costs. Establishes that a recipient of a cesspool upgrade grant shall not be eligible for the cesspool upgrade, conversion, or connection income tax credit. Appropriates moneys for the grant program.	S 2/13/2018: The committee(s) on HWN recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in HWN were as follows: 3 Aye(s): Senator(s) Shimabukuro, Galuteria, Riviere; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) English, Green.	GALUTERIA, INOUE, SHIMABUKURO, K. Kahele, Kidani, Kim	HWN/CPH, WAM	HB1722
<u>SB2782</u>	Department of Hawaiian Home Lands; Disclosure of Government Records	RELATING TO PERSONAL PRIVACY.	Specifies certain records of the Department of Hawaiian Home Lands are not required to be publicly disclosed or made open to inspection pursuant to public records requests and may be discussed during an executive meeting of the Hawaiian Homes Commission.	S 2/6/2018: The committee(s) on HWN recommend(s) that the measure be PASSED, UNAMENDED. The votes in HWN were as follows: 3 Aye(s): Senator(s) Shimabukuro, Galuteria, English; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Green, Riviere.	KOUCHI (Introduced by request of another party)	HWN, JDC	HB2355
<u>SB2984</u>	DHHL; Lessees; Waitlists	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Excludes from any waiting list maintained by the Department of Hawaiian Home Lands any lessee or successor who sells or transfers their lease on a tract of Hawaiian home lands.	S 2/6/2018: The committee(s) on HWN recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in HWN were as follows: 3 Aye(s): Senator(s) Shimabukuro, Galuteria, English; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Green, Riviere.	ENGLISH, BAKER, INOUE, K. KAHELE, KEITH-AGARAN, TOKUDA, Gabbard, Ihara, Kim, Nishihara, L. Thielen	HWN, JDC	HB2464

EXHIBIT A

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 20-21, 2018

To: Chairman and Members, Hawaiian Homes Commission  
Thru: M. Kaleo Manuel, Acting Planning Program Manager *Q*  
From: Lehua Kinilau-Cano, Legislative Analyst *Lehua Kinilau-Cano*  
Subject: Kapolei Regional Plan Updates

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 February 2018, the Planning Office will be providing an update on the regional plan for Kapolei.

Discussion

EXISTING PLANS & IMPLEMENTATION STATUS

*O'ahu Island Plan Policies Related to Kapolei*

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 Kapolei, East Kapolei & Kalaeloa (See Maps in "Exhibit A").

Land Use Designation (LUD)	Kapolei, East Kapolei & Kalaeloa	Percent of LUD on O'ahu
Special District	0	
Conservation	0	
General Ag	0	
Residential	345	21%
Pastoral	0	
Subsistence Ag	0	
Supplemental Ag	0	
Industrial	550	81%
Community Use	35	11%
Commercial	80	84%
TOTALS	1,010	15%

#### *O'ahu Island Plan Implementation Status*

Since its adoption in July 2014, no suggested land use amendments or updates to the Kapolei region are being considered at this time in the O'ahu Island Plan. The plan acknowledges that Kapolei has been DHHL's focus for the development of new Homesteads on O'ahu and noted expected changes for Malu'ohai and Kānehili Homestead Communities with the conversion of approximately 70 renter-occupied homes to owner-occupied homes in Malu'ohai and an additional 51 homes to be constructed in Kānehili. Within Kauluokahai, roughly 190 acres are proposed for the development of about 1,120 Homestead Residential lots. The first 160 single-family residential lots on 24.5 acres are in the early development stages.

A considerable portion of land in Kapolei is designated as Commercial because of its location within areas where residential density is restricted by an easement from Kalaeloa Airport. Approximately 65 acres of land has been leased to DeBartolo for Ka Makana Ali'i, a regional shopping center that opened in October 2016. In addition to land designated for commercial use, a significant portion of land within Kalaeloa has been identified as Industrial based on proximity to the active airfield.

### *Kapolei Regional Plan*

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

- (1) Support Heritage Center & Community Commercial Development
- (2) Support New School Development
- (3) Engage Beneficiaries in a Planning Charette Process
- (4) Develop Pedestrian/Bike Path Network to Community Resources
- (5) Preserve & Develop Parks to Service the Homestead Community

### *Kapolei 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. Kapolei Regional Plan (November 2010)**

<b>Priority Project</b>	<b>Description</b>	<b>Current Status</b>
<b>Support Heritage Center &amp; Community Commercial Development</b>	The Kapolei Heritage Center is a family learning center, business incubator and community hub intended to serve the homestead residents in Kapolei. In addition to the Kapolei Heritage Center, the business plan for the Center includes the development of a 5-acre commercial site along Kapolei Parkway to generate revenue that will support programs at the Kapolei Heritage Center.	The first phase of the Kapolei Heritage Center is open and features a certified community kitchen and two classrooms. Additional Phases are planned. The HHC granted preliminary approval in March 2017 for KCDC to pursue a CPR of the 5-acre commercial site and a request to amend the general lease is scheduled for this month.
<b>Support New School Development</b>	This priority project supports the timely development of schools to accommodate the growth of the Homestead and surrounding communities without undue crowding in existing facilities.	The design of the East Kapolei Middle School is in progress and the legislature appropriated \$77 million in last year's budget for construction for a new East Kapolei Middle School. D.R. Horton has agreed to provide a 45-acre site for a new high school in their Ho'opili Development. The physical site is currently available but needed infrastructure may not be in place for several years. Funding released in 2016 is being used to study the Ho'opili site.
<b>Engage Beneficiaries in a Planning Charette Process</b>	The vacant lands in Kapolei that are not planned for residential development are strategically located around the intersection of Kapolei Parkway and the Kūalaka'i Parkway. These strategic parcels have been identified for commercial development, community/public facilities, and other community amenities, like parks and pedestrian/bikeways. However, a "master plan" that integrates these vacant parcels into the residential community, while also maintaining its commercial viability has not been developed. In order to maximize the potential of these important vacant lands, the community expressed a desire to engage in a comprehensive, strategic planning exercise in order to ensure that the land uses in these vacant parcels complement and enhance the quality of life for the homestead community and are consistent with community desires.	A charrette for the community building at Kapolei, which is a portion of the vacant lands in Kapolei that are not planned for residential development was held on November 21, 2014. A more comprehensive, strategic planning exercise for the area as a whole is still needed. There have been initial discussions about the proximity of DHHL lands to the TOD stations at Kroc Center and UHWO. DHHL Land Development Division and Planning Office staff are actively participating in the State's TOD Strategic Planning process, and there may be opportunities for engaging beneficiaries in the future.

Priority Project	Description	Current Status
<b>Develop Pedestrian/ Bike Path Network to Community Resources</b>	Homesteaders are concerned with pedestrian safety and access to facilities; especially for keiki and kūpuna. Safe pathways for pedestrians and bicyclists should be developed throughout the region. These improvements should be planned and designed in an integrated fashion along with street landscaping designed to improve the pleasantness of the walking and bicycling experiences. The streetscape should be safe and inviting to the residents of Kapolei.	The Oahu Bike Plan calls for an aggressive expansion of the existing network of bikeways in Kapolei. The plan would add bike lanes to virtually every major road in the area.
<b>Preserve &amp; Develop Parks to Service the Homestead Community</b>	The community expressed the need for parks and related facilities within or in close proximity to the residential areas.	An appropriate land disposition has been entered into with the Kanehili Community Association for the Kanehili Area Park and improvements are underway.

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION  
February 20 & 21, 2018  
Kapolei, O'ahu

J-ITEMS  
**GENERAL AGENDA**



**Burrows-Nuuanu, Leatrice W**

---

**Subject:** FW: RE: HHC Feb Agenda

**From:** Shirley Swinney [mailto:[sskswinney@yahoo.com](mailto:sskswinney@yahoo.com)]

**Sent:** Wednesday, January 10, 2018 1:12 PM

**To:** Burrows-Nuuanu, Leatrice W <[leatrice.w.burrows-nuuanu@hawaii.gov](mailto:leatrice.w.burrows-nuuanu@hawaii.gov)>

**Subject:** HHC Feb Agenda

Aloha e Leah,

I left voicemail and thought to follow-up with email. I request being placed on HHC February 2018 "J" agenda.

Mahalo, Shirley Swinney

Malu'ohai Homestead

(808) 520-2338

Georgette Anne Yaindl  
Attorney and Counselor at Law

DEPT. OF HAWAIIAN  
HOME LANDS

P.O. Box 307 Kailua-Kona, Hawai'i 96745-0307  
2018 FEB -2 PM 12:21 (808) 224-0219 v/txt (877) 300-8869 fax  
gyaindl@gmail.com

February 1, 2018

Ms. Jobie Masagatani  
Chairman, Hawaiian Homes Commission  
Department of Hawaiian Homelands  
State of Hawai'i  
91-5420 Kapolei Parkway  
Kapolei, HI 96707

Via: U.S. Mail, Priority with Return Receipt

Dear Commissioner Masagatani,

RE: Requesting Opportunity to Present Oral Testimony at the Commission's Regular Monthly Meeting Scheduled for February 20 and/or 21, 2018 re: Lionel A. Avilla's Request For Contested Case Hearing, filed November 21, 2017 re: In the Matter of Lease No. 9303, Kaniohale, Hawai'i and Transfer Through Successorship (Lease No. 9303), recorded April 29, 2016

As authorized by HAR § 10-2-11 (10/26/98), Mr. Lionel A. Avilla, through his undersigned counsel, makes this request for an opportunity to present oral testimony before the Commission at its regular monthly meeting scheduled for February 20 and/or 21, 2018, and in lieu or in addition, that said opportunity is afforded the undersigned counsel as Mr. Avilla's designated representative (hereinafter, "Counsel").

Mr. Avilla and/or Counsel request an opportunity to address the Commission in the matter of Mr. Avilla's request for a contested case hearing as captioned above. Mr. Avilla and/or Counsel intend to provide testimony that shall include the following:

1. Statement on the Law.

The rules governing contested case hearings at the Commission are to be "construed to effect a just and speedy determination of every procedure." HAR § 10-5-1 (10/26/98). "Upon receipt of the complaint [aka request for contested case hearing], [DHHL] shall initiate an investigation of the matters complained in the complaint. The complaint shall be presented within a reasonable time to the commission, together with investigator's report and staff recommendation and on the basis thereof the commission shall determine whether proceedings shall be initiated and the matter set for hearing." HAR § 10-5-31(c) (10/26/98).

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## II. Statement of Facts.

1. Mr. Avilla's request for a contested case hearing as captioned above was received, and pursuant to HAR § 10-5-5(a) (10/26/98), therefore deemed filed with the Commission on November 21, 2017.

2. Via letter dated December 12, 2017 addressed to the undersigned counsel, Chairman Masagatani stated that Mr. Avilla's request for a contested case hearing (CCH) had been forwarded to the West Hawaii District Office "to initiate the CCH process" and that further inquiry should be directed to Mr. James DuPont, West Hawaii District Supervisor.

3. Via letter dated January 19, 2018 addressed to Mr. DuPont at the West Hawaii District Office, with copy provided to Chairman Masagatani, Counsel requested information about the status of the investigation.

4. As of the date stated above, neither Chairman Masagatani nor Mr. DuPont have responded to Mr. Avilla's request for a contested case hearing, filed November 21, 2017, or Counsel's letter to Mr. DuPont, dated January 19, 2018.

5. Mr. Avilla is 82 years old. He was born in North Kohala on the island of Hawai'i and is Native Hawaiian as defined by the Hawaiian Homes Commission Act of 1920. Mr. Avilla paid cash to finance construction of the residence located on the subject property, as well as subsequent improvements thereupon, and has lived in the residence on the subject property since the time construction was completed in 1999.

6. Any other facts in addition to those stated in #5 within as alleged in Mr. Avilla's request for a contested case hearing, filed November 21, 2017, as may be appropriate.

## III. Argument

A period that now exceeds seventy-one days is an unreasonable length of time for the Commissioner and/or DHHL to have conducted, completed and presented to the Commission a recommended disposition of Mr. Avilla's request for a contested case hearing, filed November 21, 2017. The failure of the Commissioner and/or DHHL to conduct and complete an investigation, and present to the Commission a proposed disposition of Mr. Avilla's request for a contested case hearing, filed November 21, 2017 has deprived and continues to deprive Mr. Avilla of a just and speedy determination of his request.


## IV. Relief requested

Mr. Avilla and/or Counsel shall request that Mr. Avilla's request for a contested case hearing, filed November 21, 2017, is granted and that the Commission act at the regular meeting scheduled for February 20 or 21, 2018 to set the date for the contested case hearing, noting that the Commission has scheduled to hold a regular monthly meeting on May 15, 2018 in Kailua-Kona.



Thank you for your consideration of this request. While it is understood that Mr. Avilla can expect your response shall be made in writing at least one week prior to the February 20, 2018 regularly scheduled monthly Commission meeting, pursuant to HAR 10-2-11 (b) (10/26/98), Counsel respectfully requests that said response also is communicated by phone and/or mail as early as possible.

Sincerely,

  
Georgette A. Yaindl, HSBA #8940  
Attorney for Lionel A. Avilla

c:/ Lionel A. Avilla



**Burrows-Nuuanu, Leatrice W**

---

**Subject:** FW: Request to Address the Commission

Aloha Lea

On behalf of Laiopua 2020 and the Villages of Laiopua Association, I would like to placed on the Commission Agenda for the months of January and February 2018. I will provide you and agenda one week prior to the Commission meeting.

Mahalo Nui

Craig "Bo" Kahui

Executive Director

Laiopua 2020

808-327-1221

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