

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

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

Monday, March 19, 2018 at 9:30 a.m. to be continued, if necessary, on

Tuesday, March 20, 2018, at 9:00 a.m.

*Note: Commission Meeting Packets will be available at [dhhl.hawaii.gov](http://dhhl.hawaii.gov), by Saturday, March 17, 2018.*

**I. ORDER OF BUSINESS**

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

**II. ITEMS FOR DECISION MAKING**

**A. CONSENT AGENDA**

Homestead Services Division

- D-2 Approval of Consent to Mortgage (see exhibit)
- D-3 Approval of Streamline Refinance of Loans (see exhibit)
- D-4 Approval of Homestead Application / Cancellations (see exhibit)
- D-5 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- D-6 Approval of Assignment of Leasehold Interest (see exhibit)
- D-7 Approval of Amendment of Leasehold Interest (see exhibit)
- D-8 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)

**B. REGULAR AGENDA**

Homestead Services Division

- D-9 Request to Hold a Contested Case Hearing – **YOLANDA N. KALEIOHI**, Related to Residential Lease No. 4313, Lot No. 62, Anahola, Kauai, Hawaii
- D-10 Final Approval of Subdivision, Transfer of a Portion of Lease and Amendment to Lease No. 4004, Lot 95, Panaewa, Hawaii – **MAUREEN LEE LOY RAWLINS**

Land Management Division

- F-1 Request for Amendment to Easement License Fee – License No. 785, Kalaeloa Home Lands Solar, LLC; Kalaeloa, Island of Oahu, TMK No. (1)-9-1-013:119
- F-2 Request for Amendment to General Lease No. 290, Kapolei Community Development Corp. (KCDC), East Kapolei, O'ahu, TMK (1)9-1-151:002
- F-3 Request for Amendment to General Lease No. 281 and Consent to New Market Tax Credit related documents, Nanakuli Hawaiian Homestead Community Association (NHHCA), Nanakuli, O'ahu, TMK (1)8-9-002:001

Planning Office

- G-1 Approval to Request Statewide Reservations of Water for DHHL's Lands
- G-2 Approval to Proceed with Beneficiary Consultation for Pu'ukapu Water System Rate Increase

Administrative Services Office

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

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

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

1. Update on issues related to Sandwich Isles Communications
2. Issues associated with multiple co-lessees holding as joint tenants, tenants-in-common, and tenants-by-the-entirety.
3. Approval of settlement in Department of Hawaiian Home Lands v. Char, DC-Civil No. 1RC 15-1-11007, District Court of the First Circuit.
4. Outstanding issues related to implementation of Act 14, 1995 Special Legislative Session.

**IV. ITEMS FOR INFORMATION/DISCUSSION**

**A. GENERAL AGENDA**

Requests to Address the Commission

- J-1 Bo Kahui – La'iOpua 2020 and Villages of La'iOpua
- J-2 Hercules Freitas – Removal of Concrete Bollards
- J-3 Princeslehuanani Kumaewakainakaleomomona – Homestead Lease Application
- J-4 Naomi Mitchell – Carol H. Mitchell Palakiko Waitlist Application

**B. WORKSHOPS**

Land Management Division

- F-4 For Information Only. Solicitation for Developers of Renewable Energy Projects in response to Hawaiian Electric Company's Request for Proposals; Kalaeloa, Island of Oahu, TMK No. (1)9-1-013:038,040,117&118; and Kahikinui, Island of Maui, TMK No. (2)1-9-001:003(portion)

Planning Office

- G-3 State Water Projects Plan Technical Approach and Water Reservations Under the State Water Code
- G-5 Legislative Updates
- G-6 Waimānalo, O'ahu Regional Update to the Hawaiian Homes Commission

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

91-5420 Kapolei Parkway, Kapolei, O'ahu, Hawai'i  
Tuesday, March 20, 2018, at 9:00 a.m.

**I. ORDER OF BUSINESS**

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

**II. ITEMS FOR INFORMATION/DISCUSSION**

**A. REGULAR AGENDA**

Office of the Chairman

C-1 2018-2019 Draft Native Hawaiian Housing Block Grant Annual Housing Plan

Homestead Services Division

D-1 HSD Status Reports

A - Homestead Lease and Application Totals and Monthly Activity Reports

B - Delinquency Report

C - DHHL Guarantees for FHA Construction Loans

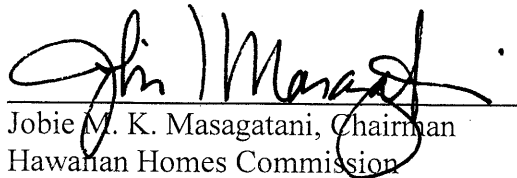
Planning Division

G-4 For Information Only -- Preliminary Transit-Oriented Development (TOD)  
Conceptual Plans for Moanalua Kai (Shafter Flats) and Kapālama, Kona, Island  
of O'ahu, Multiple TMK's

**IV. ANNOUNCEMENTS AND ADJOURNMENT**

- A. Next Meeting – April 16 & 17, 2018, Kalama'ula, Moloka'i.
- 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,  
March 19, 2018 at Ho'oilina Na Kūhiō Community Center  
41-253 Ilauhole Street, Waimānalo, O'ahu 96795

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**  
APPROVAL OF CONSENT TO MORTGAGE

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
ADAMS, Mark K.	9547	Waiehu 2, Maui
ALBINIO, Seymour	8980	Waianae, Oahu
CASTILLO, Frederick M.	12101	Kaupea, Oahu
CLARKE, Israel K. M.	12792	Hoolimalima, Oahu
CRAMER, Stephen J. K.	3463	Paukukalo, Maui
DEPERALTA, Laurel K.	9629	Kalawahine, Oahu
DUCRET, Theresa M.	6841	Waiakea, Hawaii
DUTRO, Hansrenda K. M.	1577	Keaukaha, Hawaii
FLORES, Pixie U.	9381	Kaniohale, Hawaii
HOOMANAWANUI, Melvin	9273	Kaniohale, Hawaii
HOOMANAWANUI, Odetta I.	9273	Kaniohale, Hawaii
JEFFERY, Aulani S.	3392D	Puukapu, Hawaii
KAHANU, Pamela K.	9357	Kaniohale, Hawaii
KAHUANUI, Shayne O.	11415	Kaupea, Oahu
KAIWI, Joseph B.	9821	Maluohai, Oahu
KALEIKINI, Bellerina H.	5632	Lualualei, Oahu
KALEOHANO, Richard K., Jr.	2841	Keaukaha, Hawaii
KAMAKA, Sherlene K.	5271	Waianae, Oahu
KANEAIAKALA, Chad K.	3921	Waimanalo, Oahu
KANUI, Danielle R. S.	8453	Princess Kahanu Estates, Oahu
LEWIS, Irene K.	7652	Waiohuli, Maui
MAGNANI, Kellyann N.	12575	Kanehili, Oahu
MANINI-YOUNG, Darnell M.	12091	Kaupea, Oahu
OMEROD, James N.	711	Kewalo, Oahu
PEREIRA, Jayson K. K.	11287	Kumuhau, Oahu
PETERSON, David E.	12015	Kaupea, Oahu
PUAOI, William K. D.	5012	Hoolehua, Molokai
PUULEI, Robert W.	6764	Waianae, Oahu
RODRIGUES, Lucille P.	10132	Waiohuli, Maui
WAIKIKI, Rulan G. N.	3490	Paukukalo, Maui
YEE HOY, Hastings J., III	11206	Kumuhau, Oahu

**ITEM D-3 EXHIBIT**  
APPROVAL OF STREAMLINE REFINANCE OF LOANS

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
HAYGHE, Kirk K.	12083	Nanakuli, Oahu

**ITEM D-4 EXHIBIT**

**HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS**

<b>APPLICANT</b>	<b>AREA</b>
AKAU, Richard J., Jr.	Kauai IW Agr to Oahu IW Agr
BISHAW, James B.K.	Hawaii IW Res
BRIGHT, Eileen I.	Oahu IW Agr to Kauai IW Agr
DUDOIT, Donald K., Jr.	Molokai IW Res to Maui IW Res
KAHALEAUKI, Marvelee K.	Oahu IW Res to Maui IW Res
KAHOONEI, Wilbert K.	Oahu IW Agr
KALEIOHI, Ellsworth	Kauai IW Agr
KANE, Lawrence	Molokai IW Res
KANEAKUA, Momi Ann K.	Kauai IW Agr
KANEAKUA, Momi Ann K.	Kauai IW Res
KEAWE, Viheart K.	Maui IW Agr
LEONG, John, Jr.	Waimanalo Area / Oahu IW Res
LEOPOLDO, Iwalani L.	Hawaii IW Agr
MAKAIKE, Ernest K.	Oahu IW Agr
MIURA, Beatrice	Oahu IW Res
MONTERVON, Dennis K.	Hawaii IW Pas
NEEDHAM, Elaine A.L.	Maui IW Agr
NOA, Joseph P.	Oahu IW Agr
ORLANDO, May K.A.D.	Kauai IW Agr
PAHIA, Elsie A.	Kauai IW Pas
PAU, Ezekiel, Jr.	Molokai IW Agr
PHILLIP, James	Hawaii IW Res
PILILAAU, Oliver K.	Oahu IW Res to Kauai IW Res
RUST, James P.	Maui IW Agr
SOARES, Cheryl Moana Marie	Maui IW Pas to Oahu IW Agr
SOARES, Cheryl Moana Marie	Maui IW Res to Oahu IW Res
TAMPOS, Arcadio K., Jr.	Hawaii IW Res
TODD, Shirley P.	Hawaii IW Agr
TODD, Shirley P.	Hawaii IW Res
TORRES, Naynine	Oahu IW Agr
TORRES, Naynine	Oahu IW Res
WAIPA, Susan K.	Hawaii IW Agr

\* IW = Islandwide

**ITEM D-5 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>
APOLO, Eleanor E.	310	Nanakuli, Oahu
DAVIS, Jesse K.	9178	Kahikinui, Maui
EATON, Cleighton K.	10049	Waiehu Kou III, Maui
JOAQUIN, Maynon L.	9620	Kalawahine, Oahu
KAM, Annabelle P.	11192	Anahola, Kauai
KANEAKUA-BASSO, Hannah K.K.	2963	Kewalo, Oahu
MORRISON, Coelho J.K.	9508	Waiehu Kou II, Maui

**ITEM D-6 EXHIBIT****APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
ARIAS, Nettie	9776	Maluohai, Oahu
GONSALVES, Beatrice K.	4855	Nanakuli, Oahu
KAIWI, John	9381	Kaniohale, Hawaii
COSMA, Carilynne N.	9381	Kaniohale, Hawaii
KAOHU, Edward C.K.	4382	Nanakuli, Oahu
KAUPU, Lydell T.B.	2801	Hoolehua, Molokai
PETERSON, Louis H., Jr.	10637	Laiopua, Hawaii
CONTRERAS, Lora Lee P.	7015	Makuu, Hawaii
MAHI-GODDARD, Hua-Wai M.	6928	Puukapu, Hawaii
TERUKINA, Diana	10135	Honokaia, Hawaii
LILLY, Leialoha A.	6169	Puukapu, Hawaii
YOUNG, Wardell J.	2689A	Nienie, Hawaii

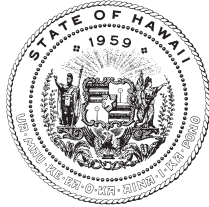
**ITEM D-7 EXHIBIT****APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
AKI, James Y.	10043	Waiehu Kou, III, Maui
APOLO, Eleanor E.	310	Nanakuli, Oahu
EATON, Cleighton K.	10049	Waiehu Kou III, Maui
KAIWI, John	9381	Kaniohale, Hawaii
PANUI, William K.	5706	Nanakuli, Oahu
KANEAKUA-BASSO, Hannah K.K.	2963	Kewalo, Oahu
TUI, Hannah H.	2963	Kewalo, Oahu
YOUNG, Wardell J.	2689A	Nienie, Hawaii
ALANA-SWAIM, Jamelyn T.	787	Kewalo, Oahu

**ITEM D-8 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>
AH NEE, Cheryl Ann	12756	Ho'olimalima, O'ahu
ALBORO, Darylene K.	7346	Nānākuli, O'ahu
ATIENZA, Mary A.	12435	Kānehili, O'ahu
CAZIMERO, Lionel A.	8197	Waimānalo, O'ahu
CORDEIRO, Mele-Elena	11961	Kaupe'a, O'ahu
KAMAKELE, Anuhea A.D.	12407	Kānehili, O'ahu
KONG, Glennlee E.K.	7252	Kawaihae, Hawai'i
PADEKEN, August M., III	11689	Kānehili, O'ahu
RIVERA, Tracy K.	9376	Kānīohale, Hawai'i
SWANN, Selena K.	9871	Maluohai, O'ahu



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

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

on Monday, March 19, 2018 at 9:30 a.m.  
and Tuesday, March 20, 2018 at 9:00 a.m.\*

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

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

on Monday, March 19, 2018 from 6:30 p.m. – 8:30 p.m.

at Ho'oilina Na Kūhiō Community Center

41-253 Ilauhole Street, Waimānalo, O'ahu 96795

### 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

March 19 & 20, 2018

Kapolei, O'ahu

C-ITEMS  
**OFFICE OF THE CHAIRMAN**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

March 19 & 20, 2018

TO: Chairman and Members, Hawaiian Homes Commission  
FROM: Niniau Simmons, NAHASDA Manager  
SUBJECT: C-1 2018-2019 Draft Native Hawaiian Housing Block Grant Annual Housing Plan

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

ITEM NO. C-1

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION

March 19 & 20, 2018


Kapolei, O'ahu

D-ITEMS  
**HOMESTEAD SERVICES DIVISION**

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 16, 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  
Exhibit C: DHHL Guarantees for FHA Construction  
Loans

March 20, 2018

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through February 28, 2017

	As of 1/31/18	Add	Cancel	As of 2/28/18
Residential	8,375	5	7	8,373
Agricultural	1,095	0	0	1,095
Pastoral	410	1	1	410
<b>Total</b>	<b>9,880</b>	<b>6</b>	<b>8</b>	<b>9,878</b>

The number of Converted Undivided Interest Lessees represents an increase of 416 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 1/31/18	Converted	Rescinded/ Surrendered/ Cancelled	As of 2/28/18
Undivided	911	2	1	908

Balance as of 2/28/2018

Awarded	1,434
Relocated to UNDV	7
Rescinded	110
Surrendered	5
Cancelled	2
Converted	416
<b>Balance to Convert</b>	<b>908</b>

Lease Report For the Month Ending February 28, 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	70	0	0	70	0	0	0	0	0	0	0	0	70	0	0	70
Kakaina	3	4	0	7	0	0	0	0	0	0	0	0	3	4	0	7
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	1	255	0	0	0	0	0	0	0	0	256	0	1	255
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
Maluohai	155	0	0	156	0	0	0	0	0	0	0	0	156	0	0	156
Nanakuli	1,049	0	1	1,048	0	0	0	0	0	0	0	0	1,050	0	0	1,048
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	742	0	4	738	2	0	0	2	0	0	0	0	744	0	4	740
<b>TOTAL</b>	<b>4,275</b>	<b>4</b>	<b>6</b>	<b>4,273</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>5</b>	<b>4,333</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>1,256</b>	<b>0</b>	<b>0</b>	<b>1,256</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
Kamama	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaumana	44	0	1	43	0	0	0	0	0	0	0	0	44	0	1	43
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	262	0	0	262	0	0	0	0	262	0	0	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>1</b>	<b>840</b>	<b>395</b>	<b>0</b>	<b>0</b>	<b>395</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>25</b>	<b>1,261</b>	<b>0</b>	<b>1</b>	<b>1,260</b>
<b>WEST HAWAII</b>																
Honokala	0	0	0	0	0	0	0	0	23	1	0	24	23	1	0	24
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
Kanichale	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
Laiohua	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 Vll	114	1	0	115	110	0	0	110	216	0	1	215	440	1	1	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>1</b>	<b>0</b>	<b>872</b>	<b>110</b>	<b>0</b>	<b>0</b>	<b>110</b>	<b>282</b>	<b>1</b>	<b>1</b>	<b>282</b>	<b>1,263</b>	<b>2</b>	<b>1</b>	<b>1,264</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>																
Hoolahua	157	0	0	157	345	0	0	345	21	0	0	21	523	0	0	523
Kalemaula	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>8,375</b>	<b>5</b>	<b>7</b>	<b>8,373</b>	<b>1,095</b>	<b>0</b>	<b>0</b>	<b>1,095</b>	<b>410</b>	<b>1</b>	<b>1</b>	<b>410</b>	<b>9,880</b>	<b>6</b>	<b>8</b>	<b>9,878</b>

**HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING  
February 28, 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	1	72	4	0	0	4	5	0	0	5	81
Hawaii District	134	0	1	133	15	0	0	15	59	0	0	59	207
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>2</b>	<b>1,296</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>1,434</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	9,667	9	8	9,668	3,690	2	3	3,689	0	0	0	0	13,357
Maui	3,780	0	1	3,779	4,647	2	3	4,646	602	0	0	602	9,027
Hawaii	5,713	4	5	5,712	7,138	2	4	7,136	1,871	1	0	1,872	14,720
Kauai	1,609	0	1	1,608	2,213	0	1	2,212	298	0	0	298	4,118
Molokai	790	2	0	792	1048	1	1	1048	198	0	0	198	2,038
Lanai	85	1	0	86	0	0	0	0	0	0	0	0	86
<b>TOTAL</b>	<b>21,644</b>	<b>16</b>	<b>15</b>	<b>21,645</b>	<b>18,736</b>	<b>7</b>	<b>12</b>	<b>18,731</b>	<b>2,969</b>	<b>1</b>	<b>0</b>	<b>2,970</b>	<b>43,346</b>

**AREA AND ISLANDWIDE LISTS**

	RES				ADDITIONS		CANCELLATIONS	
	RES	AG	PAS	TOTAL				
OAHU	10,683	3,692	0	14,375	New Applications	22	New Lease Awards	3
MAUI	3,851	4,650	607	9,108	Application Transfers	2	Application Transfers	2
HAWAII	5,845	7,151	1,931	14,927	Lease Rescissions	0	Succ'd and Cancel Own	1
KAUAI	1,664	2,215	327	4,206	App Reinstatements	0	Public Notice Cancel	0
MOLOKAI	812	1,067	199	2,078	HHC Adjustments	0	Voluntary Cancellations	0
LANAI	86	0	0	86	<b>TOTAL</b>	<b>24</b>	Lease Successorships	0
<b>TOTAL</b>	<b>22,941</b>	<b>18,775</b>	<b>3,064</b>	<b>44,780</b>			HHC Adjustments	0
							Dec'd No Successor	23
							Additional Acreage	0
							NHQ Unqualified	0
							<b>TOTAL</b>	<b>29</b>

ITEM NO. D-1  
EXHIBIT A

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

**February 28, 2018**

	RESIDENCE				AGRICULTURE				PASTURE				
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	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	9,667	9	8	9,668	3,690	2	3	3,689	0	0	0	0	13,357
<b>TOTAL OAHU APPS</b>	<b>10,682</b>	<b>9</b>	<b>8</b>	<b>10,683</b>	<b>3,693</b>	<b>2</b>	<b>3</b>	<b>3,692</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,375</b>
<b>MAUI DISTRICT</b>													
Paukukalo	73	0	1	72	0	0	0	0	0	0	0	0	72
Kula	0	0	0	0	4	0	0	4	5	0	0	5	9
Subtotal Area	73	0	1	72	4	0	0	4	5	0	0	5	81
Islandwide	3,780	0	1	3,779	4,647	2	3	4,646	602	0	0	602	9,027
<b>TOTAL MAUI APPS</b>	<b>3,853</b>	<b>0</b>	<b>2</b>	<b>3,851</b>	<b>4,651</b>	<b>2</b>	<b>3</b>	<b>4,650</b>	<b>607</b>	<b>0</b>	<b>0</b>	<b>607</b>	<b>9,108</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	1	18	0	0	0	0	0	0	0	0	18
Waimea	43	0	0	43	0	0	0	0	58	0	0	58	101
Subtotal Area	134	0	1	133	15	0	0	15	59	0	0	59	207
Islandwide	5,713	4	5	5,712	7,138	2	4	7,136	1,871	1	0	1,872	14,720
<b>TOTAL HAWAII APPS</b>	<b>5,847</b>	<b>4</b>	<b>6</b>	<b>5,845</b>	<b>7,153</b>	<b>2</b>	<b>4</b>	<b>7,151</b>	<b>1,930</b>	<b>1</b>	<b>0</b>	<b>1,931</b>	<b>14,927</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	1	1,608	2,213	0	1	2,212	298	0	0	298	4,118
<b>TOTAL KAUAI APPS</b>	<b>1,665</b>	<b>0</b>	<b>1</b>	<b>1,664</b>	<b>2,216</b>	<b>0</b>	<b>1</b>	<b>2,215</b>	<b>327</b>	<b>0</b>	<b>0</b>	<b>327</b>	<b>4,206</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	790	2	0	792	1,048	1	1	1,048	198	0	0	198	2,038
<b>TOTAL MOLOKAI APPS</b>	<b>810</b>	<b>2</b>	<b>0</b>	<b>812</b>	<b>1,067</b>	<b>1</b>	<b>1</b>	<b>1,067</b>	<b>199</b>	<b>0</b>	<b>0</b>	<b>199</b>	<b>2,078</b>
<b>LANAI DISTRICT</b>													
Islandwide	85	1	0	86	0	0	0	0	0	0	0	0	86
<b>TOTAL LANAI APPS</b>	<b>85</b>	<b>1</b>	<b>0</b>	<b>86</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>86</b>
<b>TOTAL AREA ONLY</b>	<b>1,298</b>	<b>0</b>	<b>2</b>	<b>1,296</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>1,434</b>
<b>TOTAL ISLANDWIDE</b>	<b>21,644</b>	<b>16</b>	<b>15</b>	<b>21,645</b>	<b>18,736</b>	<b>7</b>	<b>12</b>	<b>18,731</b>	<b>2,969</b>	<b>1</b>	<b>0</b>	<b>2,970</b>	<b>43,346</b>
<b>TOTAL STATEWIDE</b>	<b>22,942</b>	<b>16</b>	<b>17</b>	<b>22,941</b>	<b>18,780</b>	<b>7</b>	<b>12</b>	<b>18,775</b>	<b>3,063</b>	<b>1</b>	<b>0</b>	<b>3,064</b>	<b>44,780</b>

4

ITEM NO. D-1  
EXHIBIT A

# DELINQUENCY REPORT - STATEWIDE

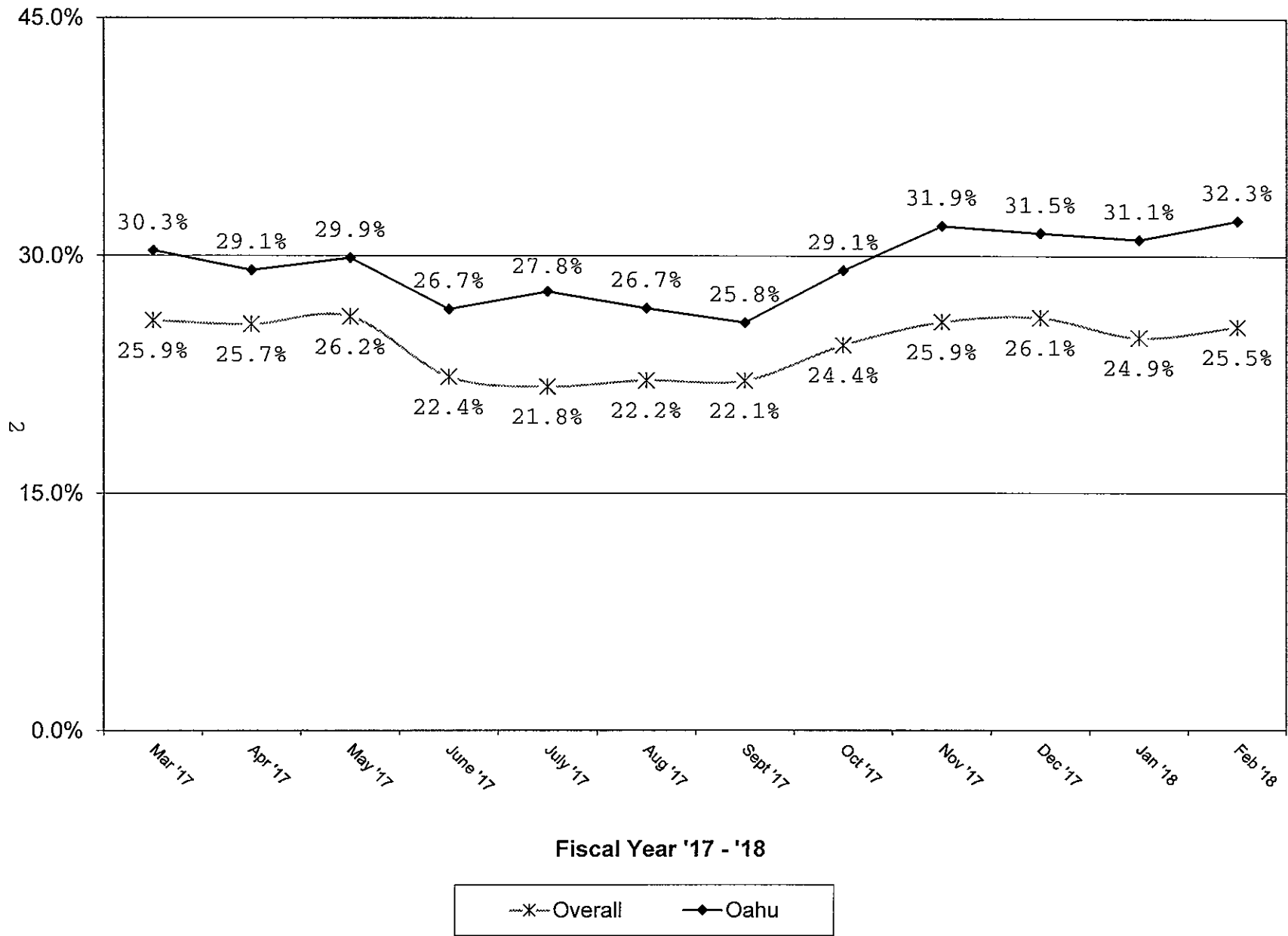
March 19, 2018

(\$Thousands)

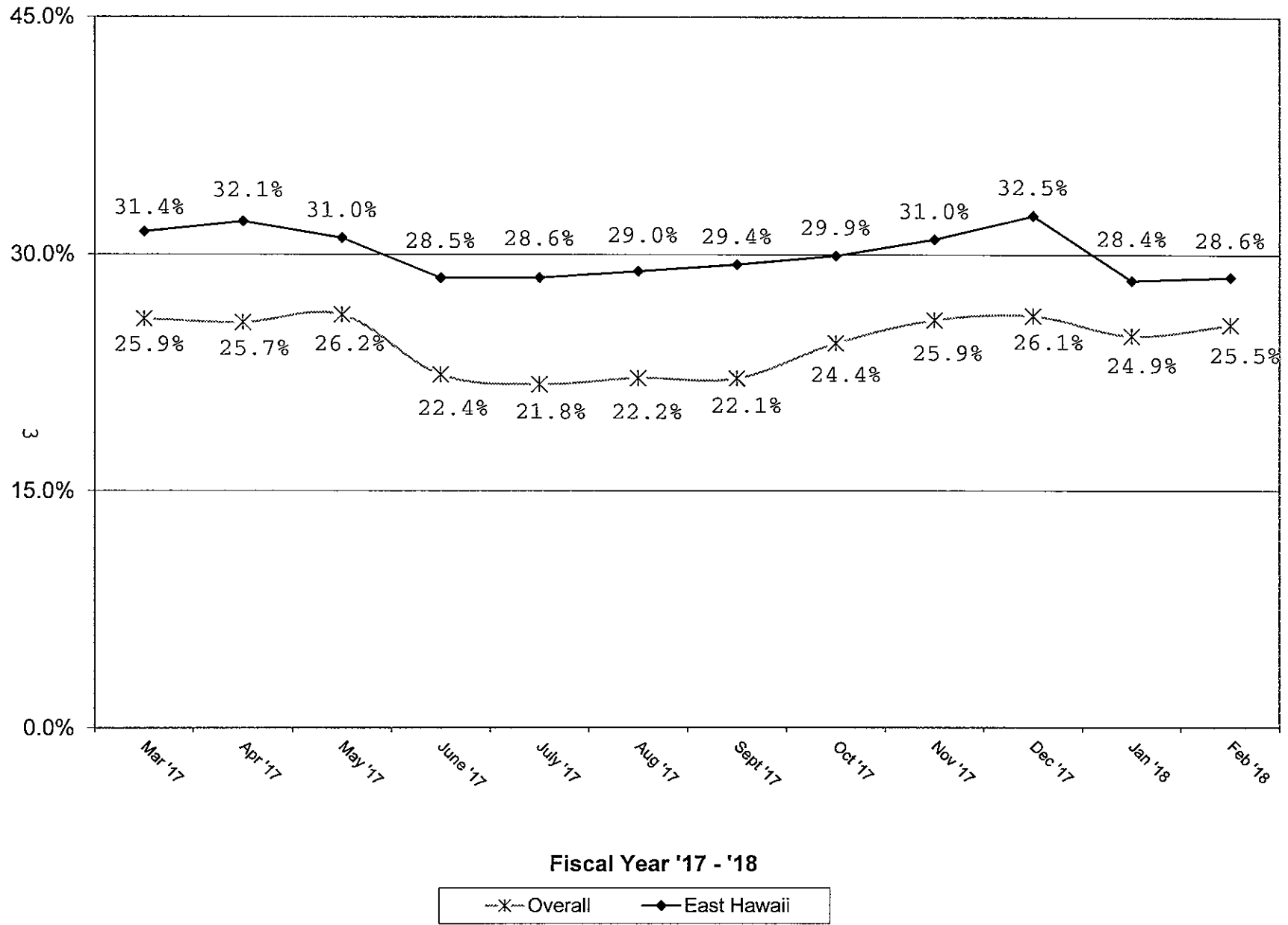
	Total Outstanding		Total Delinquency		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)		% of Totals 2/28/2018	
	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	\$
<b>DIRECT LOANS</b>														
OAHU	407	34,986	112	11,291	18	1,711	13	632	25	2,466	56	6,481	27.5%	32.3%
EAST HAWAII	223	13,644	63	3,900	10	438	2	20	10	325	41	3,117	28.3%	28.6%
WEST HAWAII	80	8,038	9	692	1	214	0	0	1	132	7	346	11.3%	8.6%
MOLOKAI	87	6,132	20	696	3	35	1	18	2	52	14	590	23.0%	11.4%
KAUAI	103	7,228	19	1,249	5	436	1	3	3	115	10	695	18.4%	17.3%
MAUI	87	10,113	22	2,639	5	428	2	330	4	546	11	1,335	25.3%	26.1%
<b>TOTAL DIRECT</b>	<b>987</b>	<b>80,142</b>	<b>245</b>	<b>20,467</b>	<b>42</b>	<b>3,263</b>	<b>19</b>	<b>1,004</b>	<b>45</b>	<b>3,635</b>	<b>139</b>	<b>12,564</b>	<b>24.8%</b>	<b>25.5%</b>
	100.0%	100.0%	24.8%	25.5%	4.3%	4.1%	1.9%	1.3%	4.6%	4.5%	14.1%	15.7%		
<b>Advances (including RPT)</b>	<b>242</b>	<b>7,925</b>	<b>242</b>	<b>7,925</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>242</b>	<b>7,925</b>			<b>100%</b>	<b>100%</b>
<b>DHHL LOANS &amp; Advances</b>	<b>1,229</b>	<b>88,067</b>	<b>487</b>	<b>28,392</b>	<b>42</b>	<b>3,263</b>	<b>19</b>	<b>1,004</b>	<b>287</b>	<b>11,561</b>	<b>139</b>	<b>12,564</b>	<b>39.6%</b>	<b>32.2%</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	1,334	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>451</b>	<b>44,683</b>	<b>95</b>	<b>7,874</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>95</b>	<b>7,874</b>			<b>21.1%</b>	<b>17.6%</b>
PMI Loans	206	34,215	16	3,210	8	1,753	3	569	5	888			7.8%	9.4%
<b>HUD REASSIGNED for Recovery</b>	<b>135</b>	<b>17,491</b>	<b>114</b>	<b>16,299</b>	<b>1</b>	<b>72</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>97</b>	<b>111</b>	<b>16,130</b>	<b>84.4%</b>	<b>93.2%</b>
FHA Insured Loans	2,795	425,941	216	27,392	0	0	0	0	216	27,392			7.7%	6.4%
<b>TOTAL INS. LOANS</b>	<b>3,136</b>	<b>477,647</b>	<b>346</b>	<b>46,901</b>	<b>9</b>	<b>1,825</b>	<b>3</b>	<b>569</b>	<b>223</b>	<b>28,377</b>	<b>111</b>	<b>16,130</b>	<b>11.0%</b>	<b>9.8%</b>
<b>OVERALL TOTALS(EXC Adv/RP)</b>	<b>4,574</b>	<b>602,472</b>	<b>686</b>	<b>75,242</b>	<b>51</b>	<b>5,088</b>	<b>22</b>	<b>1,573</b>	<b>363</b>	<b>39,886</b>	<b>250</b>	<b>28,695</b>	<b>15.0%</b>	<b>12.5%</b>
<b>ADJUSTED TOTALS</b>	<b>4,816</b>	<b>610,397</b>	<b>928</b>	<b>83,167</b>	<b>51</b>	<b>5,088</b>	<b>22</b>	<b>1,573</b>	<b>605</b>	<b>47,812</b>	<b>250</b>	<b>28,695</b>		<b>13.6%</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.

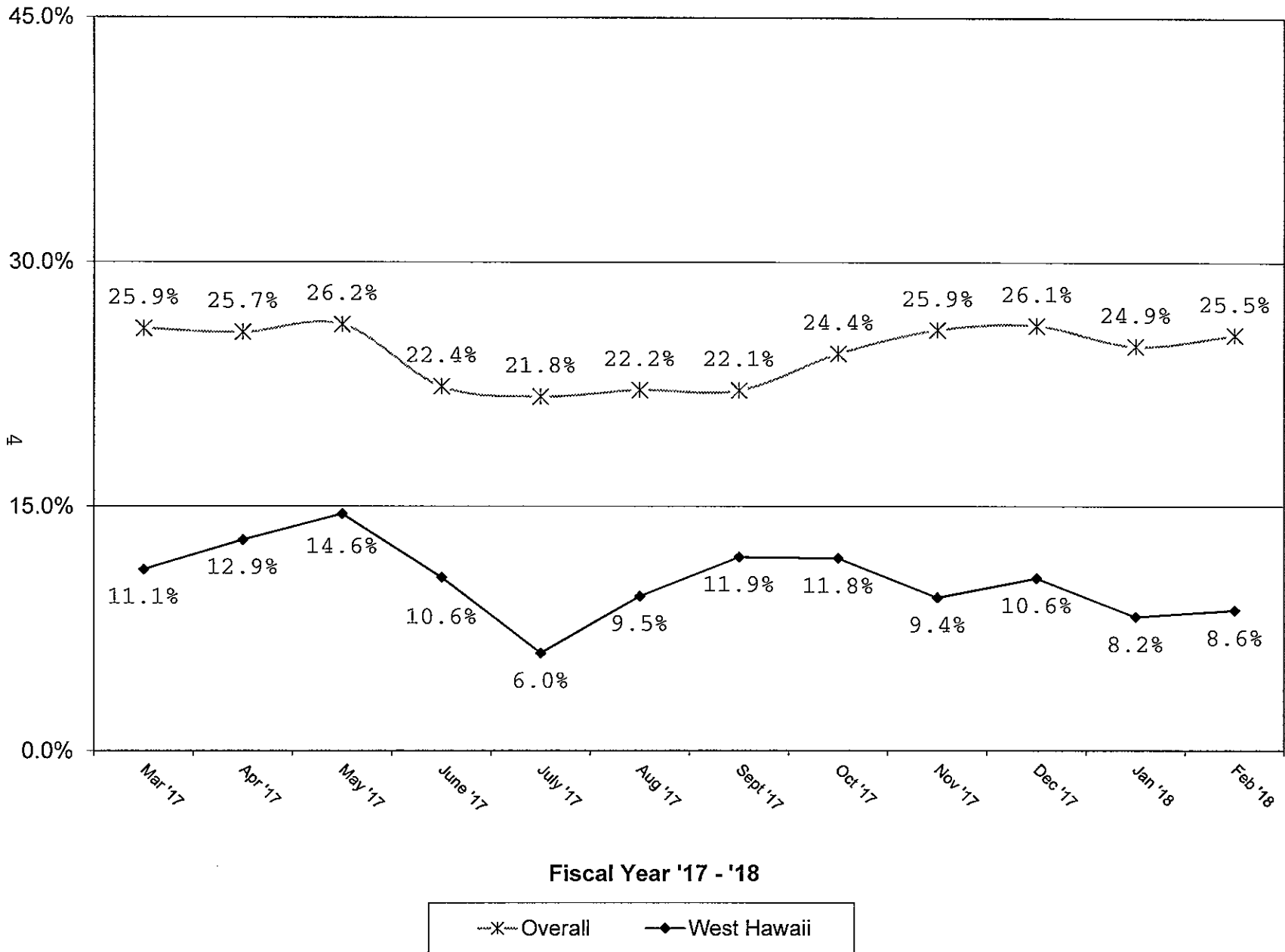
OAHU  
Direct Loans  
Delinquency Ratio Report



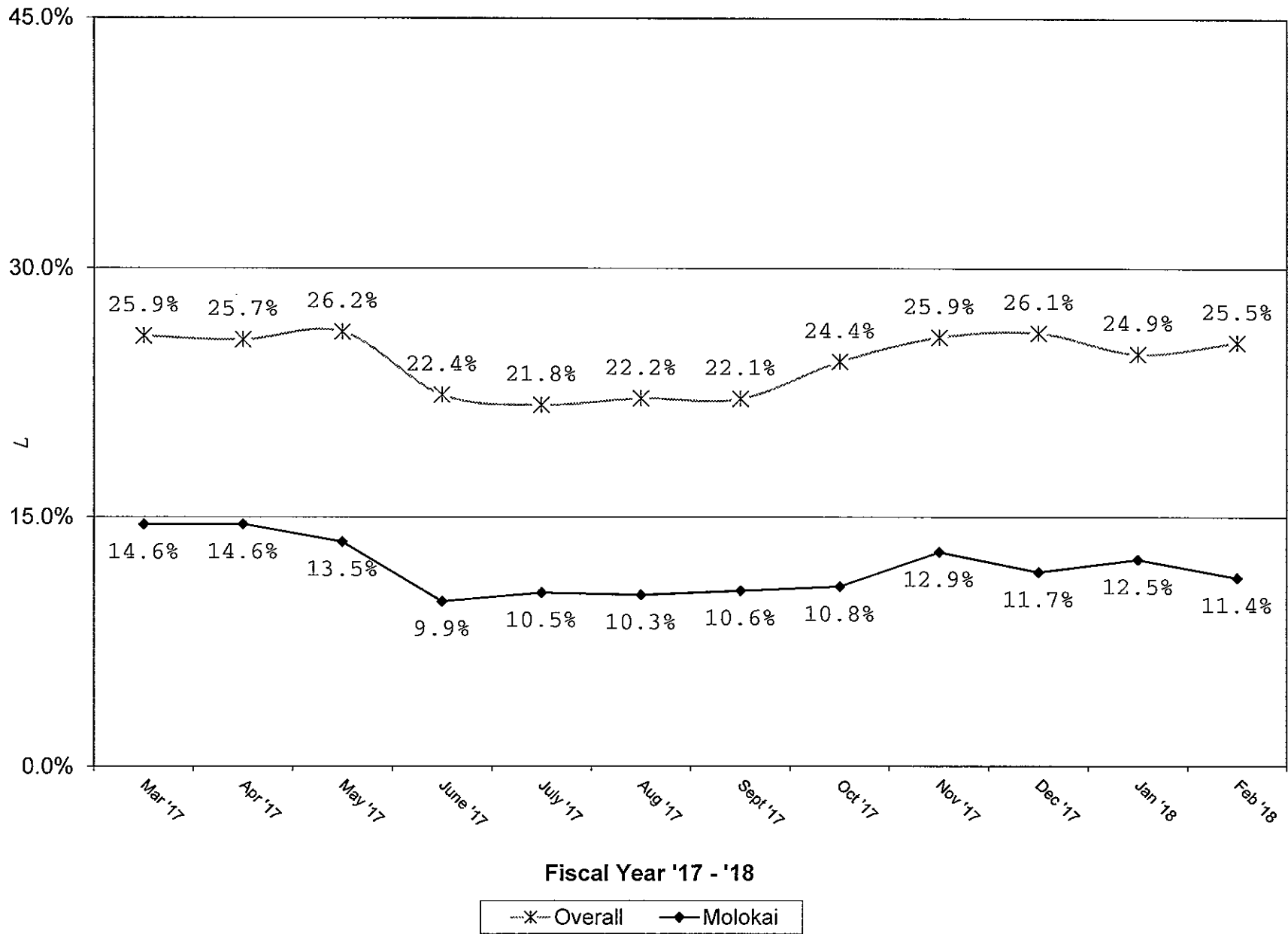
# EAST HAWAII Direct Loans Delinquency Ratio Report



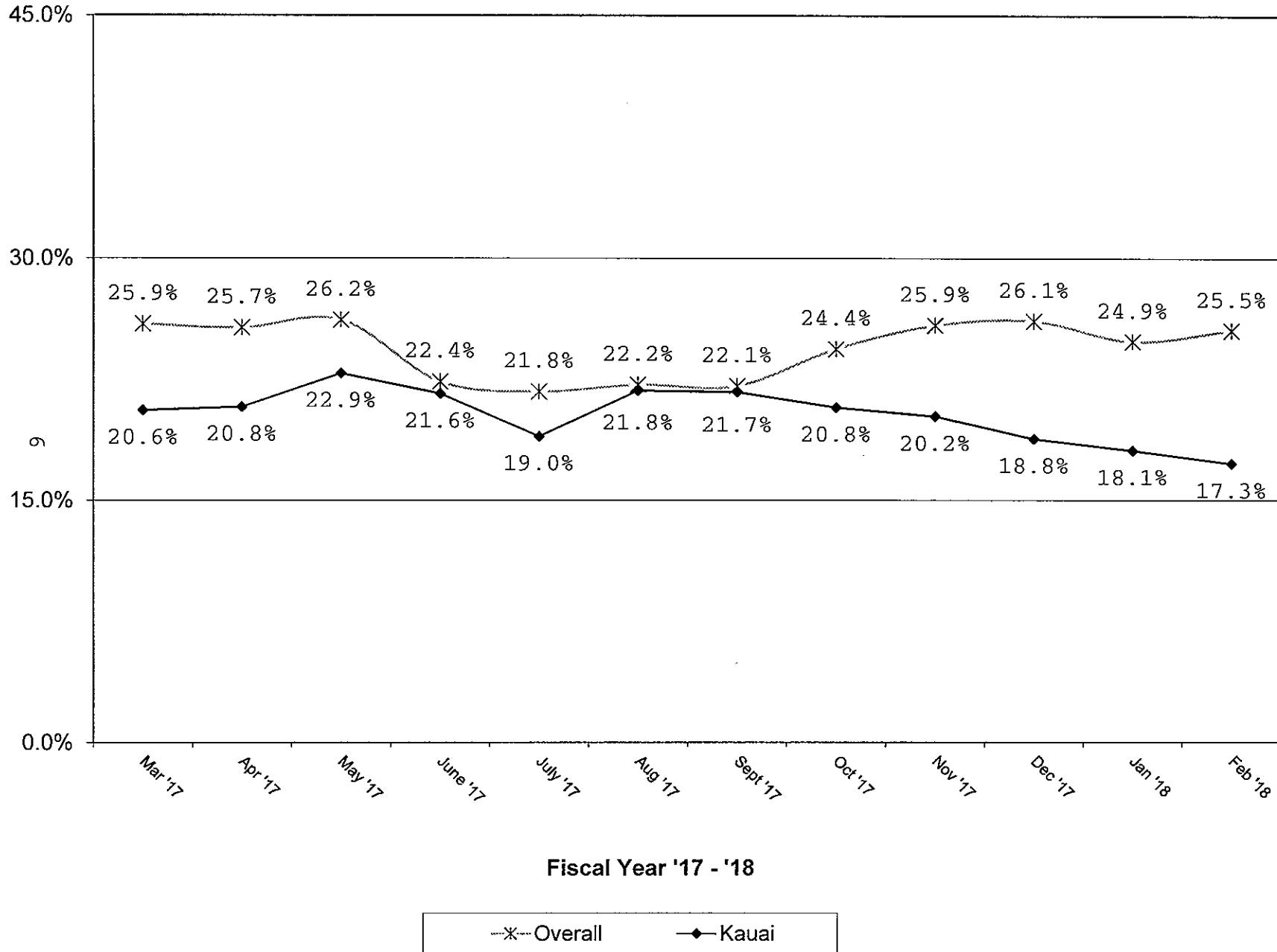
# WEST HAWAII Direct Loans Delinquency Ratio Report



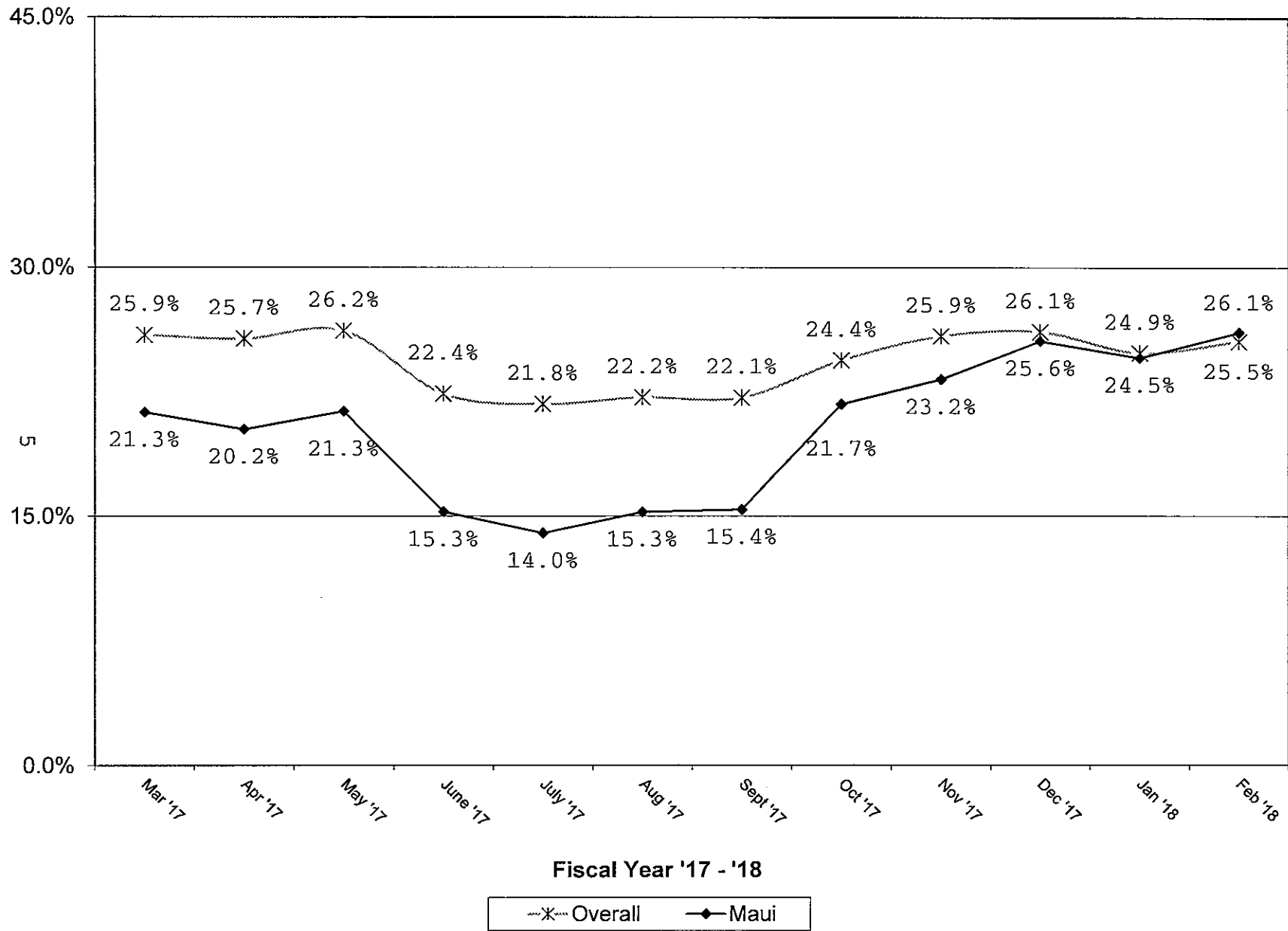
**MOLOKAI  
Direct Loans  
Delinquency Ratio Report**



# KAUAI Direct Loans Delinquency Ratio Report



**MAUI  
Direct Loans  
Delinquency Ratio Report**



March 19, 2018

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

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

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

<u>LEASE NO.</u>	<u>AREA</u>	<u>LESSEE</u>	<u>Loan Amount</u>	<u>Date Approved</u>
11078	PMKK	Holland, Jorina A.L.S.L.	\$254,233	2/14/18

	<u>No.</u>	<u>Balance</u>
FY Ending 6/30/17	5	\$ 1,536,859
Previous Months	1	\$ 354,638
This Month	<u>1</u>	<u>254,233</u>
FY '17-'18 to date	2	\$ 608,871

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 19, 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>			
Kaupea Lease No. 12091 TMK: 1-9-1-140:093	MANINI-YOUNG, Darnell M. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 359,560
Kaupea Lease No. 12101 TMK: 1-9-1-140:084	CASTILLO, Frederick M. Cash Out Refi) HUD 184A	Bank of Hawaii	\$ 292,900
Kalawahine Lease No. 9629 TMK: 1-2-4-043:018	DEPERALTA, Laurel K. (Cash Out Refi) FHA	Hightechlend ing Inc.	\$ 372,000
Kaupea Lease No. 11415 TMK: 1-9-1-139:134	KAHUANUI, Shayne O. (Purchase)VA	Department of Veterans Affairs	\$ 325,000

OAHU

Waianae Lease No. 5271 TMK: 1-8-5-032:020	KAMAKA, Sherlene K. (Cash Out Refi) FHA	Mann Mortgage LLC	\$ 149,000
Kaupea Lease No. 12015 TMK: 1-9-1-139:017	PETERSON, David E. (Cash Out Refi) FHA	Mann Mortgage LLC	\$ 220,000
Kewalo Lease No. 711 TMK: 1-2-5-021:016	OMEROD, James N. (Cash Out Refi) HUD 184A	Bank of Hawaii	\$ 367,640
Waimanalo Lease No. 3921 TMK: 1-4-1-030:045	KANEAIKALA, Chad K. (Cash Out Refi) FHA	Guild Mortgage Co.	\$ 227,000
Kumuhau Lease No. 11287 TMK: 1-4-1-040:004	PEREIRA, Jayson K. K. (Cash Out Refi) FHA	Bank of Hawaii	\$ 447,637
Waianae Lease No. 8980 TMK: 1-8-5-031:068	ALBINIO, Seymour (Cash Out Refi) FHA	Hightechlend ing Inc.	\$ 277,000
Maluohai Lease No. 9821 TMK: 1-9-1-119:034	KAIWI, Joseph B. (Cash Out Refi) FHA	Guild Mortgage Co.	\$ 321,000
Kumuhau Lease No. 11206 TMK: 1-4-1-040:019	YEE HOY, Hastings J., III (Cash Out Refi) FHA	Aries Loans Inc dba Leaf Funding Mortgage	\$ 303,000
Lualualei Lease No. 5632 TMK: 1-8-6-023:130	KALEIKINI, Bellerina H. (Purchase)FHA	Guild Mortgage Co.	\$ 373,000

ITEM NO. D-2

OAHU

Hoolimalima	CLARKE,	Guild	\$ 313,000
Lease No. 12792	Israel K. M. (Cash	Mortgage Co.	
TMK: 1-9-1-120:069	Out Refi) FHA		

Kanehili	MAGNANI,	Guild	\$ 304,000
Lease No. 12575	Kellyann N. (Cash	Mortgage Co.	
TMK: 1-9-1-152:021	Out Refi) FHA		

Princess Kahanu Estates	KANUI,	Guild	\$ 106,000
Lease No. 8453	Danielle R. S.	Mortgage Co.	
TMK: 1-8-7-042:080	(Cash Out Refi) FHA		

Waianae	PUULEI,	Hightechlend	\$ 274,000
Lease No. 6764	Robert W. (Cash Out	ing Inc.	
TMK: 1-8-5-031:071	Refi) FHA		

MOLOKAI

Hoolehua	PUAOI,	Mann	\$ 155,000
Lease No. 5012	William K. D. (Cash	Mortgage LLC	
TMK: 2-5-2-023:024	Out Refi) FHA		

MAUI

Paukukalo	CRAMER,	Mann	\$ 158,000
Lease No. 3463	Stephen J. K. (Cash	Mortgage LLC	
TMK: 2-3-3-005:022	Out Refi) FHA		

Waiehu 2	ADAMS,	Aries Loans	\$ 287,000
Lease No. 9547	Mark K. (Cash Out	Inc dba Leaf	
TMK: 2-3-3-023:054	Refi) FHA	Funding	
		Mortgage	

Paukukalo	WAIKIKI,	Aries Loans	\$ 256,000
Lease No. 3490	Rulan G. N. (Cash	Inc dba Leaf	
TMK: 2-3-3-005:041	Out Refi) FHA	Funding	
		Mortgage	

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MAUI

Waiohuli	RODRIGUES,	Allied First	\$ 152,000
Lease No. 10132	Lucille P. (Cash	Bank, SB	
TMK: 2-2-2-028:151	Out Refi) FHA		

Waiohuli	LEWIS,	Mann	\$ 287,000
Lease No. 7652	Irene K. (Rate &	Mortgage LLC	
TMK: 2-2-2-027:137	Term Refi) FHA		

HAWAII

Waiakea	DUCRET,	Bank of	\$ 155,700
Lease No. 6841	Theresa M. (Cash	Hawaii	
TMK: 3-2-2-063:027	Out Refi) FHA		

Kaniohale	FLORES,	HomeStreet	\$ 255,425
Lease No. 9381	Pixie U.	Bank	
TMK: 3-7-4-023:068	(Purchase) FHA		

Kaniohale	HOOMANAWANUI,	HomeStreet	\$ 205,535
Lease No. 9273	Melvin &	Bank	
TMK: 3-7-4-022:060	HOOMANAWANUI,		
	Odetta I. (Cash Out		
	Refi) HUD 184A		

Keaukaha	DUTRO,	HomeStreet	\$ 188,097
Lease No. 1577	Hansrenda K. M.	Bank	
TMK: 3-2-1-024:063	(Cash Out Refi) HUD		
	184A		

Kaniohale	KAHANU,	HomeStreet	\$ 144,022
Lease No. 9357	Pamela K.	Bank	
TMK: 3-7-4-023:044	(Cash Out Refi) FHA		

Puukapu	JEFFERY,	Mann	\$ 319,000
Lease No. 3392D	Aulani S.	Mortgage LLC	
TMK: 3-6-4-004:058	(Cash Out Refi) FHA		

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HAWAII

Keaukaha  
Lease No. 2841  
TMK: 3-2-1-023:026

KALEOHANO,  
Richard K., Jr.  
(Cash Out Refi) FHA

Mann                   \$ 126,000  
Mortgage LLC

ITEM NO. D-2

<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	180	\$ 46,480,563	7	\$3,080,000	6	\$2,035,413
This Month	<u>24</u>	<u>5,981,784</u>	<u>1</u>	<u>325,000</u>	<u>0</u>	<u>0</u>
Total FY '17-'18	204	\$ 52,462,347	8	\$3,405,000	6	\$2,035,413
HUD 184A						
FY Ending 6/30/17	105	\$25,483,508				
Prior Months	50	\$13,950,071				
This Month	<u>5</u>	<u>1,413,732</u>				
Total FY '17-'18	55	\$15,363,803				


ITEM NO. D-2

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 19, 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>
Hayghe, Kirk K.	12083, Nanakuli	NTE \$325,000 @4.5% interest per annum, NTE \$1,650 monthly, repayable over 30 years.

Loan Purpose: Refinance Contract of Loan no. 18911.  
Original loan amount of \$297,075 at 6%  
per annum, \$1,781 monthly, repayable  
over 30 years. A Contested Case  
Hearing was held on July 21, 2015, for  
this account.

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STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 19, 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 AGRICULTURAL LEASE LIST

BRIGHT, Eileen I.	01/24/2005	KAUAI	AGR	11/09/2017
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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KAHALEAUKI, Marvelee K.	01/11/2012	MAUI	RES	10/16/2017
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PILILAAU, Oliver K.	08/30/2010	KAUAI	RES	11/13/2017
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MAUI ISLANDWIDE PASTORAL LEASE LIST

SOARES, Cheryl Moana Marie	09/29/2008	OAHU	AGR	08/28/2017
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

SOARES, Cheryl Moana Marie	09/29/2008	OAHU	RES	08/28/2017
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KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

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AKAU, Richard J., Jr.	12/01/2010	OAHU	AGR	10/19/2017
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MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

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DUDOIT, Donald K., Jr.	05/16/1988	MAUI	RES	11/20/2017
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2. Deceased Applicants

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WAIMANALO AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

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LEONG, John, Jr.	PN 11/2016			03/29/1971
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OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

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KAHOONEI, Wilbert K.	PN 11/2016			04/17/1986
MAKAIKE, Ernest K.	PN 11/2016			08/09/1985
NOA, Joseph P.	PN 11/2016			03/18/1994
TORRES, Naynine H.	PN 11/2016			09/09/1994

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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

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MIURA, Beatrice	PN 11/2016			07/05/2012
TORRES, Naynine H.	PN 11/2016			04/10/1992

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MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

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KEAWE, Viheart K.	PN 11/2016			02/19/1993
NEEDHAM, Elaine A.L.	PN 11/2016			06/16/1986
RUST, James P.	PN 11/2016			10/06/2003

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HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

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LEOPOLDO, Iwalani L.	PN 11/2016			03/08/1988
TODD, Shirley	PN 11/2016			07/15/1986

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HAWAII ISLANDWIDE PASTORAL LEASE LIST

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MONTERVON, Dennis K.	PN 11/2016	04/10/2006
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

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TAMPOS, Arcadio K., Jr.	PN 11/2016	05/18/1987
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TODD, Shirley P.	PN 11/2016	07/15/1986
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KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

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KALEIOHI, Ellsworth	PN 11/2016	02/19/1987
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KANEAKUA, Momi Ann K.	PN 11/2016	07/26/1989
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ORLANDO, May K.A.D.	PN 11/2016	05/23/1985
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KAUAI ISLANDWIDE PASTORAL LEASE LIST

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PAHIA, Elsie A.	PN 11/2016	10/15/1991
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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

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KANEAKUA, Momi Ann K.	PN 11/2016	07/26/1989
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MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

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PAU, Ezekiel, Jr.	PN 11/2016	01/11/1991
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MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

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KANE, Lawrence	PN 11/2016	08/27/1985
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3. Awards of Leases

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HAWAII ISLANDWIDE AGRICULTURE LEASE LIST

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WAIPA, Susan K.	Assigned Agriculture Lease #6266, Lot 161-B in Panaewa, Hawaii dated 10/20/1998. Remove application dated 05/23/1985.
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

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BISHAW, James B.K.

Assigned Residential Lease  
#2752, Lot 37C1&2 in Hoolehua,  
Molokai dated 09/11/2017.  
Remove application dated  
01/05/2000.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

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PHILLIP, James

Cancel application dated  
08/23/2007 at the request of  
applicant dated 02/10/2018.

6. Successorship

NONE FOR SUBMITTAL

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL

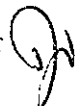
Last Month's Transaction Total	29
Last Month's Cumulative FY 2017-2018 Transaction Total	204
Transfers from Island to Island	7
Deceased	22
Cancellations:	
Awards of Leases	2
NHQ	0
Voluntary Cancellations	1
Successorship	0
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	32
<b>This Month's Cumulative FY 2017-2018 Transaction Total</b>	<b>236</b>

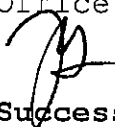
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 19, 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 March 2018	7
Previous FY 2017 - 2018	<u>58</u>
FY 2017 - 2018 Total to Date	65

Ratified for FY '16 - '17	104
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Net Proceeds

Ratified for March 2018	0
Previous FY 2017 - 2018	<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 MARCH 2018

<u>Deceased Lessee</u>	<u>Designated Successor</u>
1. Eleanor E. Apolo Lot No.: 112 Area: Nanakuli, Oahu Lease No. 310	<u>PRIMARY: Joint Tenants</u> Georgene K. Militante, Granddaughter Gwendolyn N. Apela, Daughter  <u>ALTERNATE:</u> N/A  <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
2. Jesse K. Davis Lot No.: 87 Area: Kahikinui, Maui Lease No. 9178	<u>PRIMARY:</u> Harriet Davis, Wife  <u>ALTERNATE: Joint Tenants</u> Jade Fong, Daughter Kerry Davis, Daughter  <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
3. Cleighton K. Eaton Lot No.: 20 Area: Waiehu Kou III, Maui Lease No. 10049	<u>PRIMARY: Tenants in Common</u> Kauaokalanimehiwaila C. J. Eaton, Son Kalenakapuaaalaokalani E. A. Eaton, Daughter Keomailani S. L. Eaton, Daughter  <u>ALTERNATE:</u> N/A  <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> June S. Eaton, Wife

Deceased Lessee

Designated Successor

4. Maynon L. Joaquin  
Lot No.: 12  
Area: Kalawahine, Oahu  
Lease No. 9620

PRIMARY:  
Haaheo Joaquin, Daughter

ALTERNATE:  
N/A

DESIGNEE TO RECEIVE NET  
PROCEEDS:  
N/A

5. Annabelle P. Kam  
Lot No.: 11  
Area: Anahola, Kauai  
Lease No. 11192

PRIMARY: Joint Tenants  
Wendell K. H. K. Kam, Son  
Christopher K. Kam, Son  
Gaylord M. K. Kam, Son

ALTERNATE:  
N/A

DESIGNEE TO RECEIVE NET  
PROCEEDS:  
N/A

6. Hannah K. K. Kaneakua-Basso  
Lot No.: 205  
Area: Kewalo, Oahu  
Lease No. 2963

PRIMARY:  
Hannah H. Tui, Daughter

ALTERNATE:  
N/A

DESIGNEE TO RECEIVE NET  
PROCEEDS:  
N/A

Deceased Lessee

7. Coelho J. K. Morrison  
Lot No.: 70  
Area: Waiehu Kou II, Maui  
Lease No. 9508

Designated Successor

PRIMARY: Joint Tenants  
Maydeen P. Morrison, Wife  
Hiileiikapoliokaealiikamehameha  
S. T. Morrison, Son  
Hoala I. Morrison, Daughter

ALTERNATE:  
N/A


DESIGNEE TO RECEIVE NET.  
PROCEEDS:  
N/A

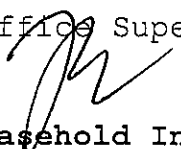
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 19, 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

Twelve (12) assignments of lease.

<u>LESSEE</u>	<u>TRANSFeree</u>
1. Name: Nettie Arias Res. Lease No.: 9776 Lease Date: 9/1/2001 Lot No.: 13699 Area/Island: Maluohai, Oahu Property Sold: Yes Amount: \$188,939.00 Improvements: 3 bedroom, 2 bath dwelling	Name: Joy K. Simmons Relationship: Daughter Loan Assump: N/A Applicant: No
Reason for Transfer: "Giving lease to relative." Special Condition: Transferee to obtain funds to pay purchase price.	

LESSEETRANSFeree

2.      Name: Beatrice K. Gonsalves      Name: Donald K. Kaulia  
         Res. Lease No.: 4855              Relationship: Grandnephew  
         Lease Date: 7/15/1978              Loan Assump: N/A  
         Lot No.: 78-A-1                      Applicant: No  
         Area/Island: Nanakuli, Oahu  
         Property Sold: No  
         Amount: N/A  
         Improvements: 3 bedroom, 1-1/2 bath dwelling

Reason for Transfer: "Giving lease to relative."

3.      Name: John Kaiwi                      Name: Carilynne N. Cosma  
         Res. Lease No.: 9381                  Relationship: None  
         Lease Date: 9/1/2000                  Loan Assump: N/A  
         Lot No.: 68                              Applicant: Yes, Hawaii IW  
         Area/Island: Kaniohale,              Res., 3/7/2017  
         Hawaii  
         Property Sold: Yes  
         Amount: \$255,000.00

Improvements: 3 bedroom, 2 bath dwelling

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

4.      Name: Carilynne N. Cosma              Name: Pixie U. Flores  
         Res. Lease No.: 9381                  Relationship: Daughter  
         Lease Date: 9/1/2000                  Loan Assump: N/A  
         Lot No.: 68                              Applicant: No  
         Area/Island: Kaniohale,  
         Hawaii  
         Property Sold: Yes  
         Amount: \$255,000.00  
         Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "I want my daughter to have this  
homestead lease." Special Condition: Transferee to obtain  
funds to pay purchase price.

LESSEETRANSFeree

5.     Name: Edward C. K. Kaohu                      Name: Janelle L. Kaohu  
       Res. Lease No.: 4382                        Relationship: Daughter  
       Lease Date: 1/23/1978                      Loan Assump: N/A  
       Lot No.: 42                                  Applicant: Yes, Oahu IW Res.,  
       Area/Island: Nanakuli, Oahu               10/25/2005  
       Property Sold: No  
       Amount: N/A  
       Improvements: 4 bedroom, 2 bath dwelling

Reason for Transfer: "Giving lease to relative."

6.     Name: Lydell T. B. Kaupu                    Name: Ryan K. Mahiai  
       Res. Lease No.: 2801                        Relationship: Cousin  
       Lease Date: 6/17/1953                      Loan Assump: N/A  
       Lot No.: 140-A-4                           Applicant: No  
       Area/Island: Hoolehua,  
       Molokai  
       Property Sold: No  
       Amount: N/A  
       Improvements: 3 bedroom, 1 bath dwelling

Reason for Transfer: "Because my cousin is in a better position to take over."

7.     Name: Louis H. Peterson, Jr.                Name: Derek K. Peterson  
       Res. Lease No.: 10637                       Relationship: Son  
       Lease Date: 12/3/2005                      Loan Assump: N/A  
       Lot No.: UNDV011                           Applicant: No  
       Area/Island: Laiopua, Hawaii  
       Property Sold: No  
       Amount: N/A  
       Improvements: None

Reason for Transfer: "Giving lease to relative."

LESSEETRANSFeree

8.      Name: Lora Lee P. Contreras      Name: Kiva Contreras  
Agr. Lease No.: 7015      Relationship: Daughter  
Lease Date: 10/1/1986      Loan Assump: N/A  
Lot No.: 73      Applicant: No  
Area/Island: Makuu, Hawaii  
Property Sold: No  
Amount: N/A  
Improvements: None
- Reason for Transfer: "Giving to daughter."
9.      Name: Hua-Wai M. Mahi-      Name: Wayne K. Mahi  
Goddard      Relationship: Father  
Agr. Lease No.: 6928      Loan Assump: N/A  
Lease Date: 10/1/1986      Applicant: No  
Lot No.: 59  
Area/Island: Puukapu, Hawaii  
Property Sold: No  
Amount: N/A  
Improvements: None
- Reason for Transfer: "Giving lease to relative."
10.      Name: Diana Terukina      Name: Leialoha A. Lilly  
Pas. Lease No.: 10135      Relationship: Daughter  
Lease Date: 12/15/2004      Loan Assump: N/A  
Lot No.: 14      Applicant: Yes, Hawaii IW  
Area/Island: Honokaia,      Pas., 9/16/2008  
Hawaii  
Property Sold: No  
Amount: N/A  
Improvements: None

Reason for Transfer: "Giving to relative." See simultaneous transfer below.

LESSEETRANSFeree

11. Name: Leialoha A. Lilly  
Agr. Lease No.: 6169  
Lease Date: 11/1/1985  
Lot No.: 11  
Area/Island: Puukapu, Hawaii  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: Diana Terukina  
Relationship: Mother  
Loan Assump: N/A  
Applicant: No

Reason for Transfer: "Giving to relative."

12. Name: Wardell J. Young  
Pas. Lease No.: 2689A  
Lease Date: 10/1/1952  
Lot No.: 4  
Area/Island: Nienie, Hawaii  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: Christopher J. N. Young  
Relationship: Son  
Loan Assump: N/A  
Applicant: No


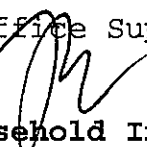
Reason for Transfer: "Giving lease to relative."

Assignments for the Month of March '18	12
Previous FY '17 - '18 balance	<u>185</u>
FY '17 - '18 total to date	197
Assignments for FY '16 - '17	229

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 19, 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

Eight (8) amendments of lease.

1. Lessee: James Y. Aki  
Res. Lease No.: 10043  
Lot No., Area, Island: 14, Waiehu Kou III, Maui  
Amendment: To update the property description.
2. Lessee: Eleanor E. Apolo  
Res. Lease No.: 310  
Lot No., Area, Island: 112, Nanakuli, Oahu  
Amendment: To amend 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: Cleighton K. Eaton  
Res. Lease No.: 10049  
Lot No., Area, Island: 20, Waiehu Kou III, Maui  
Amendment: To update the property description.

4. Lessee: John Kaiwi  
Res. Lease No.: 9381  
Lot No., Area, Island: 68, Kaniohale, Hawaii  
Amendment: To amend the lease, to release the 5 years retention period established for the Affordable Housing Program Granrt.
5. Lessee: William K. Panui  
Res. Lease No.: 5706  
Lot No., Area, Island: 13, Nanakuli, Oahu  
Amendment: To amend lease title and lessor's name.
6. Lessee: Hannah K. K. Kaneakua- Basso & Hannah H. Tui  
Res. Lease No.: 2963  
Lot No., Area, Island: 205, Kewalo, Oahu  
Amendment: To amend lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease, to update the property description, and to extend the lease term to an aggregate term of 199 years.
7. Lessee: Wardell J. Young  
Pas. Lease No.: 2689A  
Lot No., Area, Island: 4, Nienie, Hawaii  
Amendment: To amend the lease title and lessor's name, to complete 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.

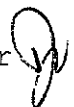
8. Lessee: Jamelyn T. Alana-Swaim  
 Res. Lease No.: 787  
 Lot No., Area, Island: 141, Kewalo, Oahu  
 Amendment: To amend the lease to release a  
 life interest, to complete the  
 property description, to  
 incorporate the currently used  
 terms, covenants, and conditions in  
 the lease, and to extend the lease  
 term to an aggregate term of 199  
 years.

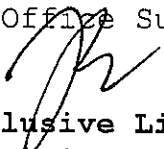
Amendments for the Month of March '18	8
Previous FY '17 - '18 balance	<u>158</u>
FY '17 - '18 total to date	166
Amendments for FY '16 - '17	193

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

March 19, 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

Ten (10) non-exclusive licenses.

1. Lessee: Cheryl Ann Ah Nee  
Res. Lease No.: 12756  
Lot No., Area, Island: 13801, Hoolimalima, Oahu  
Permittee: Sunrun Inc.
2. Lessee: Darylene K. Alboro  
Res. Lease No.: 7346  
Lot No., Area, Island: 115, Nanakuli, Oahu  
Permittee: Sunrun Inc.
3. Lessee: Mary A. Atienza  
Res. Lease No.: 12435  
Lot No., Area, Island: 18467, Kanehili, Oahu  
Permittee: Atienza

4. Lessee: Lionel A. Cazimero  
Res. Lease No.: 8197  
Lot No., Area, Island: 28, Waimanalo, Oahu  
Permittee: Sunrun Inc.
5. Lessee: Mele-Elena Cordeiro  
Res. Lease No.: 11961  
Lot No., Area, Island: 17127, Kaupea, Oahu  
Permittee: Sunrun Inc.
6. Lessee: Anuheia A.D. Kamakele  
Res. Lease No.: 12407  
Lot No., Area, Island: 18529, Kanehili, Oahu  
Permittee: Sunrun Inc.
7. Lessee: Glennlee E.K. Kong  
Res. Lease No.: 7252  
Lot No., Area, Island: 63, Kawaihae, Hawaii  
Permittee: Sunrun Inc.
8. Lessee: August M. Padeken, III  
Res. Lease No.: 11689  
Lot No., Area, Island: 18506, Kanehili, Oahu  
Permittee: Sunrun Inc.
9. Lessee: Tracy K. Rivera  
Res. Lease No.: 9376  
Lot No., Area, Island: 63, Kaniohale, Hawaii  
Permittee: Sunrun Inc.
10. Lessee: Selena K. Swann  
Res. Lease No.: 9871  
Lot No., Area, Island: 13856, Maluohai, Oahu  
Permittee: Sunrun Inc.

Non-Exclusive License for the Month of February '18	10
Previous FY '17 - '18 balance	<u>72</u>
FY '17 - '18 total to date	82
Non-Exclusive License for FY '16 - '17	69

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 19, 2018

TO: Jobie Masagatani, Chairman  
Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Homestead Services Division  
Administrator

FROM: Erna A. Kamibayashi, Kauai District Office  
Supervisor

SUBJECT: **Request to Hold a Contested Case Hearing -  
Yolanda N. KALEIOHI, Related to Residential Lease  
No. 4313, Lot No.62, Anahola, Kauai, Hawaii**

RECOMMENDED MOTION/ACTION

To deny the request to schedule a contested case hearing for Yolanda N. Kaleiohi regarding Lease No. 4313, Lot No. 62 situated at Anahola, Kauai, Hawaii previously held by Ellsworth Abraham Kaleiohi, Deceased.

DISCUSSION

Mrs. Yolanda N. Kaleiohi was married to Ellsworth Abraham Kaleiohi. In a letter dated December 18, 2017, submitted in her behalf by her attorney Kai Lawrence, Mrs. Yolanda Kaleiohi request seeking a contested case hearing to challenge the validity of her husband's designated successorship to their son Kevin. Her complaint states that Kevin placed a pen in his dad's hand, and then lifted his dad's hand to a new successor designation paper, and essentially moved his dad's hand and the pen in a signing motion on said designation paper. She further stated that through undue influence, fraud, duress, and/or mistake forced his father to sign the successorship document to Lease No. 4313, Lot 62, Anahola, Kauai, Hawaii (see exhibit A).

Ellsworth Kaleiohi was awarded Residential Lease No. 4313 to Lot No. 62 at Anahola, Kauai, Hawaii with a lease commencement date of June 28, 1977.

On June 30, 2016, Mrs. Yolanda Kaleiohi called the Kauai District Office and requested the staff person to come to her home to assist her husband to fill out paperwork relating to his Hawaiian Homestead Lease. The staff person went to the home and assisted Mr. Ellsworth Abraham Kaleiohi with his designation of successorship. (see exhibit B)

Mr. Ellsworth Abraham Kaleiohi named his son Kevin Kaohimaunu Kaleiohi, as the person to succeed to all of his rights, title and interest in and to the Lease, together with all of his interest in and to all of the improvements on the land.

On July 4, 2016, Mr. Ellsworth Abraham Kaleiohi passed away.

The designation of successorship was approved by or for the chairman, Hawaiian Homes Commission on May 2, 2017 and ratified by the Hawaiian Homes Commission on May 22, 2017.

Pursuant to section 209 of the Hawaiian Homes Commission Act, 1920, as amended, the rights, title and interest of the decedent Ellsworth Abraham Kaleiohi transferred to the successor, Kevin Kaohimaunu Kaleiohi. Mr. Kevin Kaleiohi executed the transfer through successorship documents on July 13, 2017 and the lease was recorded on July 27, 2017.

#### RECOMMENDATION

The department requests the Hawaiian Homes Commission deny Mrs. Yolanda Kaleiohi'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 Mr. Kevin Kaohimauni Kaleiohi was not present during the time the Designation of successorship form was filed, we believe that no law or rule of the commission was violated and thus, the request for a hearing should be denied.

KAI LAW, LIMITED LIABILITY LAW COMPANY

3-3367 KUHIO HWY, STE 205

LIHUE, HI 96766

DEPT. OF HAWAIIAN

PH: 808.346.3239 FX: 877.689.5990 EM: KAILAW.LA@GMAIL.COM

2018 JAN -9 AM 9:52

December 18, 2017

Jobie Masagatani  
Hawaiian Homes Commission  
P.O. Box 1879  
Honolulu, Hawaii 96805

RE: Request for Contested Case Hearing  
Lease No. 4313, Lot No. 62, 4302 Hakuaina Street, Anahola, Kauai, Hawaii 96703

Aloha Ms. Masagatani,

My name is Kai Lawrence of Kai Law LLLC. I represent Yolanda N. Kaleiohi, and I write this complaint on her behalf seeking a Contested Case Hearing for the above Lease/Lot. Enclosed please find a notice of representation signed by Ms. Kaleiohi. Several of Ms. Kaleiohi's adult children, as well as her minor child, join in this complaint. Their signatures are below.

This complaint is brought pursuant to Hawaii Administrative Rules (HAR) 10-5-31. Below is a short and simple statement of the facts constituting the alleged violation together with the name and address of the alleged violator.

**STATEMENT OF FACTS:**

Ms. Yolanda N. Kaleiohi's late husband was Ellsworth Abraham Kaohimaunu Kaleiohi. He held a valid Leasehold for the above-noted lot, granted by the Department of Hawaiian Homelands (DHHL) and approved by the Hawaiian Homes Commission (HHC). He held such Leasehold for over forty years. Throughout the entire application process and during the entire time that Ellsworth held the Lease, Ellsworth and Yolanda were married. In the late 1970's Ellsworth and Yolanda received a loan from DHHL to build their home on said lot. They built said home, and Yolanda has lived in that home for around forty years, and still lives there to this day. Yolanda is at least one-quarter Hawaiian, and all of Yolanda and Ellsworth's children are at least one-quarter Hawaiian and are all therefore qualified to succeed to the Lease per the HARs and the Hawaiian Homes Commission Act (Act).

Ellsworth's son, Kevin Kaleiohi, has been granted successorship of the Lease via a "Transfer Through Successorship" document recorded with the State of Hawaii Department of Hawaiian Homelands on July 27<sup>th</sup>, 2017. This successorship is invalid, however, as it was procured by Kevin through undue influence, fraud, duress, and/or mistake, as Kevin had forced his father to sign a successorship designation four-days before Ellsworth died of advance staged cancer while Ellsworth was incompetent, incapacitated, and on his deathbed. In fact, prior to this invalid re-designation, Ellsworth had previously named either his wife as successor or all of his children together as joint successors, and this prior designation was never validly revoked/replaced.

The name and address of the alleged violator are:

Name: Kevin Kaleiohi  
Address: PO Box 30966,  
Anahola, HI 96703

Exhibit A

To be more specific re the allegations of wrongdoing, Ellsworth was diagnosed with advanced-stage cancer in the spring of 2016. His health deteriorated quickly and he was placed on hospice care in or around June of 2016 – receiving numerous end-of-life medications to ease his pain, thereby rendering him incapacitated and incompetent. Ellsworth died on July 4, 2016. On June 30, 2016, four days before Ellsworth died, Kevin came to the house with a DHHL representative and an independent third party witness. While Ellsworth was incompetent and incapacitated due to his illness and medication, Kevin placed a pen in his dad's hand, and then lifted his dad's hand to a new successor designation paper, and essentially moved his dad's hand and the pen in a signing motion on said designation paper, or procured the signature through some other wrongdoing including mistake, fraud, undue influence, and/or duress. The paper named Kevin as sole successor to the Lease. The DHHL representative, and the independent third party signed as well.

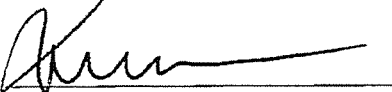
Other witnesses were present however and will attest that the above "signing" was invalid as it was not done volitionally by Ellsworth, but was instead procured by Kevin via undue influence, fraud, duress, and/or mistake. Witnesses will also attest to the deteriorating health of Ellsworth and to his lack of capacity, and hospice records will confirm the state of Ellsworth's health and his lack of capacity on the date in question. Said wrongdoing by Kevin Kaleiohi was in violation of the HARs succession rules – HAR 10-3-61.

## CONCLUSION

Based on the above, we respectfully request a Contested Case Hearing so that the matter of successorship may be properly addressed and the aggrieved parties may seek appropriate remedy. **You are hereby given sixty-day notice pursuant to Hawaii Revised Statutes (HRS) § 673-3 that unless appropriate remedial action is taken by your office, suit will be filed in the appropriate Circuit Court pursuant to HRS Chapter 673.**

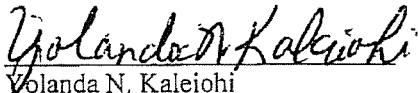
If you have any questions please contact me using the contact information in the header of this letter.

Sincerely,

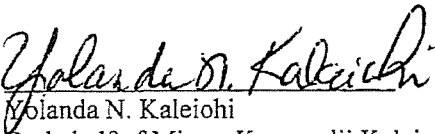


Kai Lawrence  
Attorney for Yolanda N. Kaleiohi

BY OUR SIGNATURES BELOW, WE HEREBY APPROVE OF THE ABOVE AND ATTEST TO THE VALIDITY AND TRUTHFULNESS THEREOF.

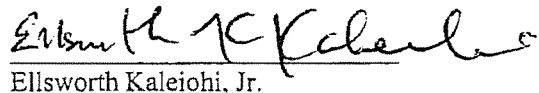


Yolanda N. Kaleiohi

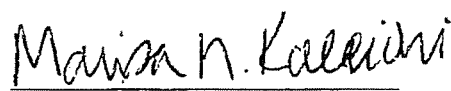


Yolanda N. Kaleiohi

On behalf of Minor, Kaumualii Kaleiohi-Rapoza



Ellsworth Kaleiohi, Jr.



Marisa Kaleiohi



Lilia Kaleiohi-Rapoza

Exhibit A

CERTIFIED MAIL

KAI LAW, LLC  
KAI LAW OFFICE  
3-33673 Kalia HWY  
STE 205  
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Jobie Masagatani  
Hawaiian Homes Commission  
P.O. Box 1879  
Honolulu, Hawaii 96805

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96805-187979

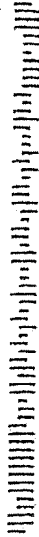


Exhibit A

IN THE DISTRICT COURT OF THE FIFTH CIRCUIT  
STATE OF HAWAII

KEVIN AND GINGER KALEIOHI,

Petitioner

v.

YOLANDA N. KALEIOHI; LILIA RAPOZO-  
KALEIOHI,

Respondent.

CIVIL. NO. RC 17-1-0644  
(Ejectment)

DECLARATION OF ERNA A.  
KAMIBAYASHI

**DECLARATION OF ERNA A. KAMIBAYASHI**

I, ERNA A. KAMIBAYASHI, declare as follows:

1. I am employed by the State of Hawaii, Department of Hawaiian Home Lands ("DHHL"), as the Homestead District Supervisor for Kauai. I am qualified and competent to testify to the matters stated in this declaration, and I make this declaration based on my own personal knowledge.

2. On June 30, 2016, I was contacted by Yolanda Kaleiohi, the wife of Ellsworth Kaleiohi, Sr. ("Mr. Kaleiohi"). Mr. Kaleiohi was the lessee of DHHL Homestead Lot No. 62 in Anahola, Kauai ("Premises").

3. Mrs. Kaleiohi asked me to come to the house to assist Mr. Kaleiohi in filling out some paperwork related to his DHHL lease.

4. I went to the Premises on June 30, 2016 and met with Mr. Kaleiohi. When I arrived, there were only three people present at the Premises – Mr. Kaleiohi, his wife Mrs. Kaleiohi, and their daughter Marisa.

5. Mr. Kaleiohi told me that he wanted to designate his son, Kevin Kaleiohi, as the sole successor of his DHHL homestead lease upon Mr. Kaleiohi's passing. I

Exhibit B

asked Mr. Kaleiohi if he was sure that he wanted Kevin to succeed to the lease, and he answered in the affirmative.

6. I assisted Mr. Kaleiohi in completing the DHHL "Designation of Successor" form, naming Kevin as the individual who would succeed to all of Mr. Kaleiohi's rights under his homestead lease upon Mr. Kaleiohi's passing.

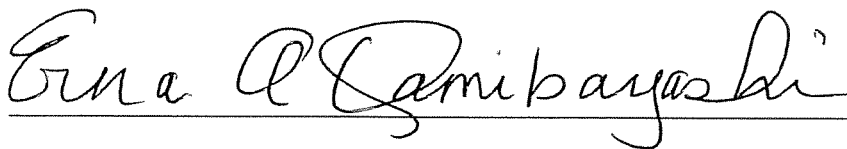
7. I personally saw Mr. Kaleiohi sign the Designation of Successor form naming Kevin as the designated successor.

8. In addition to myself, Clement Kaneholani also witnessed Mr. Kaleiohi sign the form. Mr. Kaneholani had come to the house at my request to serve as a witness.

9. At no time did I see Kevin Kaleiohi at the Premises on June 30, 2016.

I declare under penalty of perjury under the laws of the state of Hawaii that the facts I have provided in this declaration are true.

Signed on 15 February 2018 at Lihue, Kauai, Hawaii.

A handwritten signature in cursive script, reading "Erna A. Kamibayashi", written over a horizontal line.


Erna A. Kamibayashi

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 19, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator 

FROM: Olinda Fisher, East Hawaii District Supervisor  
Homestead Services Division

SUBJECT: **Final Approval of Subdivision Transfer of a  
Portion of Lease and Amendment to Lease No. 4004,  
Lot 95, Panaewa, Hawaii - MAUREEN LEE LOY RAWLINS**

RECOMMENDED MOTION/ACTION

1. To authorize the final approval for the request of Maureen C.N. Lee Loy Rawlins (Maureen) to subdivide Department of Hawaiian Home Lands (DHHL) Agricultural Lease No. 4004, Lot 95, Panawea, Hawaii. The homestead consists of 10 acres, and further identified as TMK: (3) 2-1-025-096 will be subdivided into two (2) separate lots of five (5) acres each, see attached proposal labeled Exhibit A, The Hawaiian Homes Commission (HHC) granted preliminary approval of this request on August 22, 2016 and was subject to the following conditions:

- a) The Lessee is responsible for all costs incurred in the processing and obtaining of the subdivision, including but not limited to surveying fees, fees imposed by the County of Hawaii (County), fees for utility (electric, water, etc.). - Lessee has utilized the services of True North Surveys, LLC to complete this task at the lessee's expense.

- b) An updated farm plan from Maureen's lot must be submitted within ninety (90) days pursuant to HAR§10-3-26(f) and §10-3-24(c). - Maureen will have until June 18, 2018 to submit her updated farm plan.
- c) Transfer of subdivided lot shall only be to lessee's son, Makaala Joshua Rawlins (Makaala). - Pursuant to request submitted.
- d) Amend Lease No. 4004, to reflect the subdivision of the lessee's lot, update the property description of original lot and to incorporate the currently used terms, covenants, and conditions in the lease. - Upon final approval staff will draft documents for lessee and transferee's signature.
- e) Survey work to be 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 of Hawaii, preparing and submitting the legal description of the lots to the DHHL, applying to the County of Hawaii for subdivision approval, obtain the tax map keys for the lots, and final subdivision approval by the County of Hawaii. - Task has been completed with the services of True North Surveys, LLC. County of Hawaii Planning Department issued approval letter dated January 26, 2018 and subdivision has been recorded with the Bureau of Conveyances on February 28, 2018.

#### DISCUSSION

On May 20, 2012, The HHC approved the Implementation Plan to allow Subdivisions and Transfer of Agriculture and Pastoral Leases. On January 15, 2013, the HHC approved Item G-1 to remove the moratorium on subdivisions of agricultural and pastoral leases as authorized under section 10-3-26 of the DHHL Hawaii

Administrative Rules (HAR). On January 13, 2014, a "for information only" submittal was presented to the HHC by DHHL's Planning Office. The submittal outlined the procedure for processing agricultural and pastoral subdivision requests.

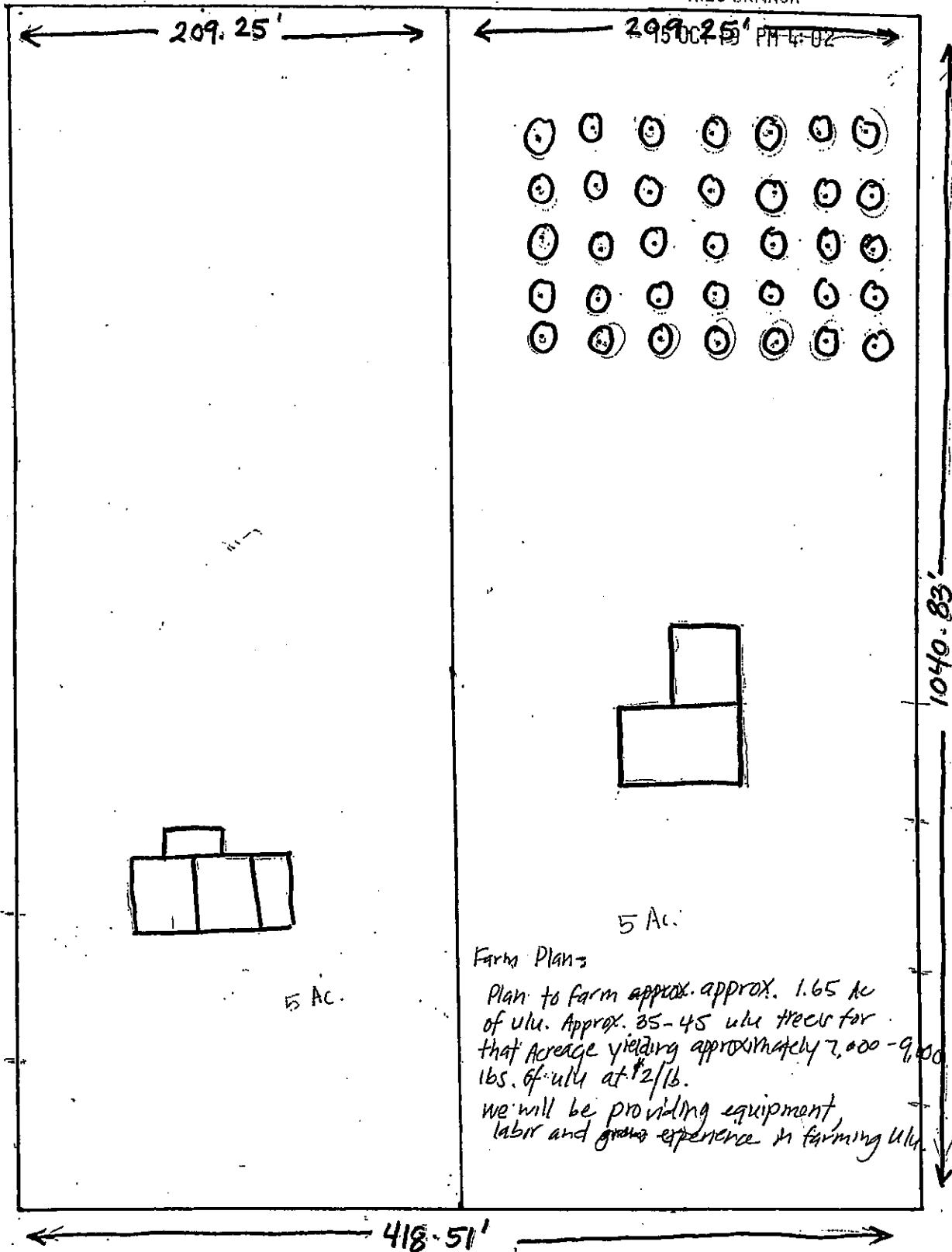
Department Lease No. 4004, Lot 95, located in Panaewa, Hawaii (Lease), was awarded to Genesis Lee Loy (Genesis), commencing on November 8, 1972. The lease was then transferred to Maureen Lee Loy Rawlins by way of the Assignment of Lease and Consent and Amendment to Lease No. 4004, dated February 25, 1983. Maureen is requesting approval to subdivide the agricultural homestead lot and transfer a portion of the lot to her son, Makaala. He is currently an applicant on the waitlist and has been deemed to have at least 50% Hawaiian ancestry and is therefore qualified to receive his subdivided portion of the lot.

There is no outstanding loan attached to the lease. The lease rent to the Department and the real property tax owed to the County of Hawaii are paid current.

The Department recommends FINAL approval of its recommendation.

Ag Lot NO 95  
Pāhala Hi.  
Tax Map Key: 21-025: 96

DEPARTMENT OF  
HAWAIIAN HOME LANDS  
HILO BRANCH



ITEM NO. D-20  
EXHIBIT A

ITEM NO. D-10  
EXHIBIT A

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION

March 19 & 20, 2018


Kapolei, O'ahu


F-ITEMS  
**LAND MANAGEMENT DIVISION**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

March 19-20, 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: Request for Amendment to Easement License Fee  
License No. 785, Kalaeloa Home Lands Solar, LLC  
Kalaeloa, Island of Oahu, TMK No.: (1) 9-1-013:119

APPLICANT:

Kalaeloa Home Lands Solar, LLC ("KHLS")

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) approves the adjustment of the one-time fee for a non-exclusive easement license and right-of-way to Kalaeloa Home Lands Solar, LLC ("KHLS"), as Licensee, from \$42,377.54 to \$17,000.00, subject to the following conditions:

1. The adjusted license fee of \$17,000.00, payable to the Department of Hawaiian Home Lands ("DHHL"), shall be accompanied by a payment \$275.00 for processing and documentation fees.
2. The purpose of the license shall be to install, construct, operate, maintain, repair and remove an underground transmission line through adjacent DHHL land leased to Kalaeloa Solar Two, LLC ("KS2") under General Lease No. 293 to an interconnection point prescribed by the Hawaiian Electric Company ("HECO") from Licensee's premises as shown on Exhibit "A" attached hereto.
3. The license term shall run concurrently with the term of the Licensee's General Lease No. 294, as amended.
4. Licensee shall submit evidence of insurance applicable to the licensed premises. The insurance policies or policies shall include DHHL as "Additional Insured" and as "certificate holder". Valid certificate(s) of insurance for the insurance policy or policies shall be issued by an insurance company qualified to do business as such in the State of Hawaii.

March, 2018

5. Licensee shall be required to maintain the easement in a neat and clean condition at Licensee's own expense and shall not use the easement area for parking, storing, stockpiling or dumping any material, equipment or vehicles of any kind.
6. Licensee shall submit for approval all plans and specifications for any improvements, modifications, alterations, or additions constructed on the land, including clearing, grading, grubbing, and building construction of any kind.
7. Licensee, at its own expense, has completed the requirement to obtain a metes and bounds survey of the proposed easement area and provided a copy to DHHL.
8. Licensee has provided evidence, satisfactory to DHHL, that the Memorandum of Understanding dated June 28, 2012 with KS2 regarding the easement and right-of-way is still in effect.
9. All documents related to this request shall be subject to the review and approval by the State of Hawaii, Department of the Attorney General.

LOCATION:

The easement license will cover Hawaiian home lands situated in Kalaeloa, Island of Oahu, identified as a portion Tax Map Key: (1) 9-1-013:119 (formerly a portion of Parcel 28).

AREA:

Approximately 13.825 sq. ft. (2,765 feet long x five feet wide)

DISCUSSION:

The HHC approved a license to Licensee on July 22, 2013 for a utility easement from Licensee's solar project to be constructed on premises identified as Tax Map Key (1) 9-1-013:029 ("Parcel 29") through adjacent DHHL land, identified as Tax Map Key (1) 9-1-013:119 (formerly a portion of Parcel 28), to an interconnection point prescribed by HECO. Due to various delays, and changes in ownership since then, Licensee was unable to construct its solar project as scheduled. While a license number was assigned and a draft of the easement license initiated in 2013, it has not been finalized and executed.

Arion Energy, LLC, a Colorado limited liability company, recently completed its purchase of the Licensee's assets from SunEdison Holdings, including its lease on Parcel 29 for the solar project and will continue operating under KHLS' name. Licensee's lease is also currently in the process of being amended pursuant to the changes and assignment approved by the HHC on September 19, 2017 and described in the "Approval to Assignment of Lease and Amendments, and Issuance of Easement License" attached hereto as Exhibit "B".

At the time the easement license was negotiated in 2013, the annual lease rent proposed to DHHL under General Lease No. 294 was \$302,760 for the first ten (10) years; \$378,450 for the 11<sup>th</sup> through 15<sup>th</sup> years; and \$425,756 for the 16<sup>th</sup> year through the end of the 20-year term. The one-time easement license fee of \$42,377.54 approved by the HHC in July, 2013 was based on the net present value of the cash flows over 20 years for the 13,825 sq. ft. easement area. Since the HHC approved the adjustment of the lease rent to \$120,000 with a 1% increase annually from the original \$302,760 annually, Licensee has requested that the HHC likewise consider approving the adjustment of its one-time license fee to \$17,000.00, rounded up

March, 2018

from the actual \$15,807.72 as calculated in Exhibit “C” attached. The original 2013 license fee of \$42,377.54 was based on 29 acres, rounded-off, as the area for Parcel 29. The calculations in Exhibit “C” are based on the more accurate 29.853 acres in Parcel 29.

PLANNING AREA:

Honouliuli Ahupua’a – Kalaeloa, Oahu

LAND USE DESIGNATION:

Industrial, Oahu Island Plan (2014)

CURRENT STATUS:

The parcel through which the easement will run is the site of KS2’s solar project which is in currently in operation and generating power. The easement will generally run along the western boundary fence of KS2’s parcel to the point of connection.

CHARACTER OF USE:

The land will be used for a utility easement and for ingress and egress.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

The utility easement should be exempt from the preparation of an environmental assessment in accordance with DHHL’s Exemption List, as reviewed and concurred by the Environmental Council on June 30, 2015 and based on Exemption Class #6: “Construction or placement of minor structures accessory to existing facilities”, Item No. 5: “Installation of utilities (telecommunications, electrical, drainage, waterlines and faucets, sewers) for use within a site/property.” The underground transmission cable will be connected to an existing interconnection site from Licensee’s solar project to be constructed.

In August 2012, a Final Environmental Assessment for a 5MW solar project on Parcel 29 was issued with a determination that the solar project was not expected to result in significant adverse environmental impacts and that a Finding of No Significant Impacts was appropriate.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

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

The transmission line and easement to support Licensee’s solar project on adjacent land is consistent with the following elements of the Oahu Island Plan:

The site is designated for industrial use and is among 110 acres being utilized for energy production and for longer-term dispositions for revenue generation, Honouliuli Ahupua’a, Section 5.1.3.4, Page 5-11 and Figure 5.5, Honouliuli Ahupua’a-Kalaeloa Land Use Designations, Page 5-14.

March, 2018

***DHHL Ho'omaluo Energy Policy (2009)***

As pointed out previously, the solar project will help achieve two objectives of DHHL's energy policy:

1. Facilitate the use of diverse renewal energy resources, by:
  - identifying properties in DHHL's land inventory that have potential for renewable energy projects
  - pursuing the leasing of those lands that are identified as suitable for renewable energy projects.
  - Seeking partnerships for the development of renewal energy resources
2. Provide energy efficiency, self-sufficiency, and sustainability opportunities to existing homesteaders and their communities by:
  - Assisting homestead communities to achieve potential energy self-sufficiency by identifying properties near existing homesteads that could be utilized for community renewable energy projects that could also generate revenue for their respective regional plan projects

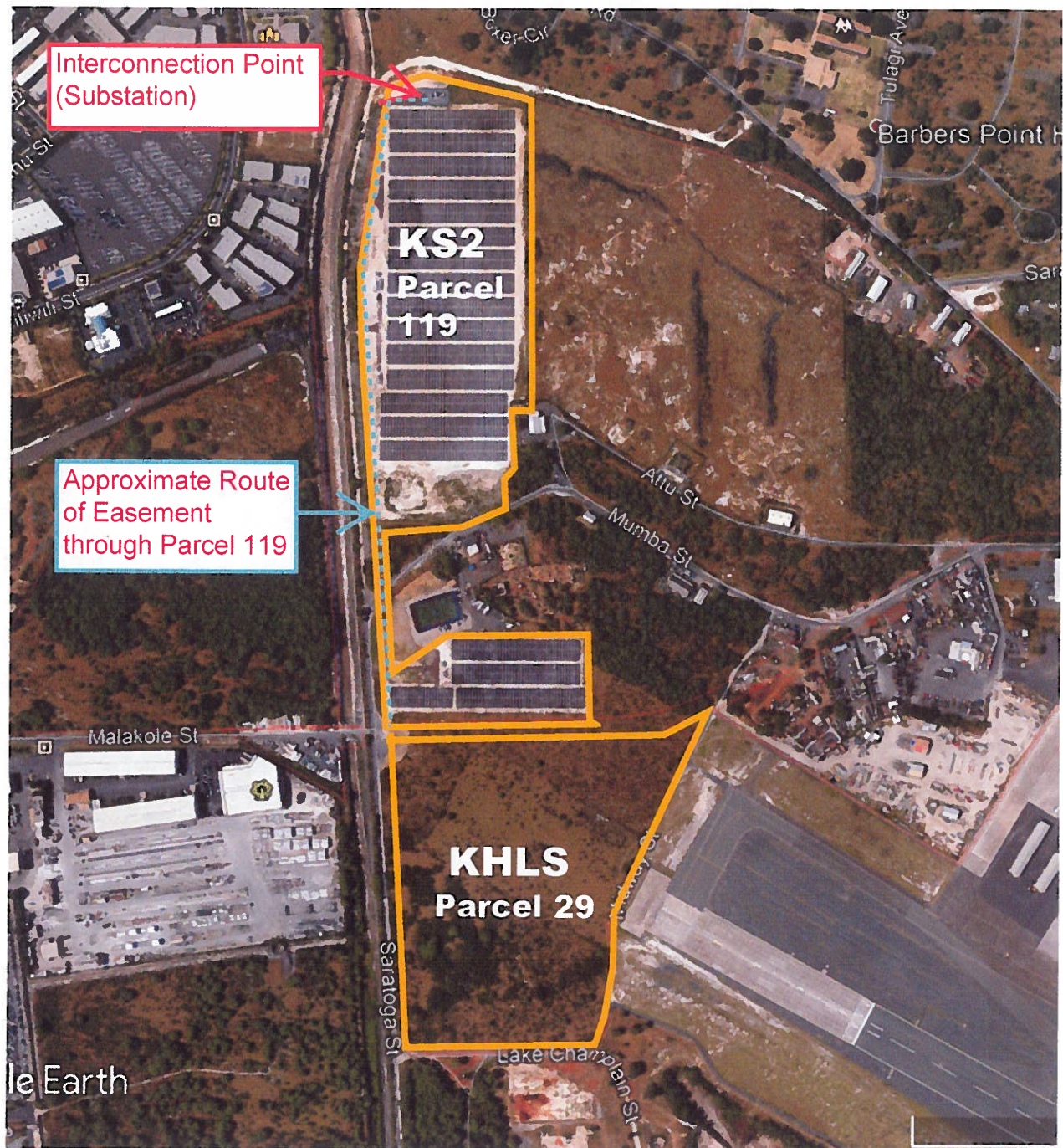
**AUTHORITY**

Section 207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, authorizes the issuance of licenses as easements for railroads, telephone lines, electric power and light lines, gas mains and the like.

Section 10-4-22 of the DHHL Administrative Rules authorizes the issuance of license as easements in perpetuity or for a shorter term subject to reverter to DHHL upon termination or abandonment.

**RECOMMENDATION:**

Land Management Division requests approval of the motion as stated.



## LOCATION OF EASEMENT


Exhibit "A"


ITEM NO. F-1

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

September 18-19, 2017

To: Chairman and Members, Hawaiian Homes Commission

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

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

Subject: Approval to Assignment of Lease and Amendments, and Issuance of Easement License  
Kalaeloa Home Lands Solar, LLC / General Lease No. 294  
Kalaeloa, Island of Oahu, Tax Map Key No.: (1) 9-1-013:029

**APPLICANT:**

Kalaeloa Home Lands Solar, LLC

**RECOMMENDED MOTION/ACTION:** That the Hawaiian Homes Commission (HHC): 1) consent to the assignment of General Lease No. 294 ("Lease") from Kalaeloa Home Lands Solar, LLC ("KHLS") to Arion Energy, LLC ("Arion") to develop a solar project on land identified by Tax Map Key No. (1) 9-1-013:029; 2) approve various amendments to the Lease; and 3) approve a license to Arion for an easement from the Premises to an interconnection point on adjacent DHHL land identified by Tax Map Key No. (1) 9-1-013:119.

Consent to the assignment and approval of the amendments of Lease and the license easement shall be subject to the following conditions. Details of other financial terms and conditions concerning the amendment of the Lease will be disclosed and discussed in Executive Session.

1. Payment of a one-time fee of \$42,377.54 to DHHL and \$275.00 as processing and documentation fees for an easement license from the Premises through adjacent DHHL land identified by Tax Map Key No. (1) 9-1-013:119 to an interconnection point to be issued and effective eighteen (18) months from the execution date of the amendment of lease or the COD, whichever is sooner, and for a term to run concurrently with the Lease, as amended. The license easement previously approved by the HHC to KHLS on July 23, 2013 shall be issued to Arion instead.
2. Receipt by DHHL of fully-executed and complete copies of the Purchase and Sale Agreement, including extensions, from Arion and the Assignment of Lease prior to the preparation of the Consent to the Assignment and Amendment of Lease documents by DHHL. The Assignment of Lease to Arion, in a form satisfactory to DHHL, will be executed upon the HHC's approval of the transfer the Lease. Arion agrees to make a good faith effort to negotiate a reduction of the buyout fees from SunEdison Holdings Corporation, a subsidiary of SunEdison, Inc. ("SunEdison"). Arion will share the proceeds of any reductions in payments to SunEdison on a pro rata basis with DHHL.

September, 2017

3. Arion to submit evidence of insurance applicable to the leasehold premises. The insurance policies or policies to include the Department of Hawaiian Home Lands ("DHHL") as "Additional Insured" and as "certificate holder". Valid certificate(s) of insurance for the insurance policy or policies shall be issued by an insurance company qualified to do business as such in the State of Hawaii.
4. Arion to submit a lease performance (surety) bond upon the COD, at commencement of the 20-year lease term and keep in full force and effect during the first two years of the Lease for the full and faithful observance and performance by Arion of all of the terms, covenants, and conditions of the Lease. The amount of the bond shall equal the annual rent under the Lease.
5. Arion shall acknowledge in writing its receipt and review of DHHL's Revised Sublease Rent participation policy currently in effect.
6. Arion shall undertake no construction or renovation until DHHL has reviewed and approved the plans for consistency with the stated purpose of the Lease.
7. Arion shall comply with all federal, state and county statutes, regulations, codes and ordinances applicable to Arion's use of the premises.
8. Arion agrees to pay for all the costs of establishing utility services to the property and pay for all consumption of utilities on the premises, should Arion's use require such utility services.
9. Arion shall be responsible for the security of the premises and all of Arion's personal property thereon.
10. The premises are accepted in an "as is" condition.
11. Remit payment of \$75.00 for the assignment and amendment documentation fee, payable to DHHL.
12. Review and approval by the State of Hawaii, Department of the Attorney General.

**PREMISES:**

Hawaiian home lands situated in Kalaeloa, Island of Oahu, identified as Tax Map Key: (1) 9-1-013:029. See Exhibit "A" attached.

**AREA:**

29 853 acres

**DISCUSSION:**

On April 22, 2013, the HHC granted consent to amend the Lease for an extension of time for the lease commencement date and the lease rental payments from April 1, 2013 to August 1, 2014, for a total extension of sixteen (16) months. See Exhibit "B" attached hereto. \$130,000.00 was paid to DHHL as consideration for the extension to August 1, 2014. The reason for the extension to August 1, 2014 was to allow for completion of the interconnection study by HECO which was then expected to take three-to-five months. A review of the PPA by both HECO and the PUC would then follow which was expected to take

September, 2017

another six-to-nine months. KHLS could not proceed with the development phase of the project until the PPA was approved. The lease payments, pursuant to the terms of the Lease, would start on the lease rent commencement date or when the solar project was placed into service, whichever was earlier. No lease rent payments have been received after August 1, 2014.

As it turned out, HECO took much longer to complete the interconnection study and completed it in the latter part of 2014 moving the project timetable further back. HECO's interconnection study was expected for completion in June 2013; the PPA was expected to be executed by August, 2013; and approval of the PPA by the PUC was expected by April 2014. Construction of the project was expected to begin thirty (30) days after approval of the PPA with the anticipated commercial operation date by December 2014.

Meanwhile, SunEdison acquired a 50% ownership interest in the solar project in July, 2014 via its 50% acquisition in Silver Ridge Power, LLC which was the sole member of AES Solar Power, LLC which, in turn, was the sole member of KHLS. The remaining 50% interest in Silver Ridge Power, LLC was held by an affiliate of Riverstone Holdings, LLC. SunEdison eventually acquired the remaining 50% interest and was made responsible for proceeding with development of all the pending solar projects, including the KHLS solar project at Kalaeloa. SunEdison was also responsible for the operations and management of the KHLS solar project.

By correspondence dated October 26, 2015, SunEdison informed the Land Management Division of a further delay in developing the project and payment of lease rent, including SunEdison's plans to submit a proposal in response to HECO's Request for Proposals for projects up to 5MW to participate in a proposed CBRE program on October 1, 2015. The CBRE program would allow customers, who wish to participate, to purchase an interest in the energy from the solar facility to offset their monthly electric bills without installing solar panels on their property.

Details of the original General Lease No. 294 are as follows:

General Lessee:	Kalaeloa Home Lands Solar, LLC
Location:	Kalaeloa, Oahu
Tax Map Key No.:	(1) 9-1-013:029
Land Area:	29.853 acres
Lease Term:	20 years, with the lease effective date and rent commencement date on April 1, 2013 (by HHC action approved April 22, 2013, the lease effective and rent commencement date was extended to August 1, 2014)
Character of Use:	5MW solar project
Lease Rent:	Lease Years 1-10 \$302,760.00 per annum Lease Years 11-15 \$378,450.00 per annum Lease Years 15-20 \$425,756.00 per annum

DHHL's renewable energy consultant, SPS Energy & Financial, LLC, ("SPS Energy") reviewed KHLS' October 2015 request for rent reduction and the information submitted to justify its request. In light of HECO's solar pricing which had consistently dropped over the past several years, SPS Energy believed, at that time, that KHLS' lease rent reduction request deserved merit and should be considered. SPS Energy, however, did not comment on the appropriate lease rent reduction, leaving that to the discretion of the HHC.

SunEdison's financial condition began to deteriorate in November, 2015 and SunEdison informed DHHL via a letter dated November 3, 2015 of its intent to sell the project to a party that would be able to continue negotiations with DHHL to amend the general lease terms and payment plan. Subsequently, by letter dated March 3, 2016, SunEdison requested approval for the assignment of lease to Arion. Land Management Division conducted due diligence, consulted with SPS Energy and the Attorney General's Office, and

September, 2017

determined that Arion was acceptable as an assignee but requested changes to its proposed amendments and lease rent payments.

On April 21, 2016, KHLS' parent company, SunEdison, filed for Chapter 11 bankruptcy protection. A purchase and sale agreement with Arion had been executed meanwhile and did not require approval by the bankruptcy court administrator since KHLS was not named as a debtor in the bankruptcy proceedings, according to DIIHL's deputy attorney general. Arion attempted to request amendments to the lease on several occasions with DIIHL which were rejected until recently, on August 8, 2017, and supplemented by Arion's letter dated September 5, 2017 when the updated terms and conditions for the assignment and amendments to the Lease adequately addressed SPS Energy's and the Land Management Division's concerns. Those terms and conditions have been incorporated into this request for favorable consideration by the HHC.

The HHC approved a license to KHLS on July 23, 2013 for a utility easement to transmit electricity from the solar project through adjacent DHHL land. Tax Map Key (1) 9-1-013:119, to an interconnection point requested by HECO as evidenced in Exhibit "C" attached hereto. The license easement approved by the HHC to KHLS will be issued to Arion instead. It will be processed upon HHC approval of the assignment and shall run concurrently with the term of the Lease, as amended.

Arion currently has sufficient financial resources and the partners to take over the solar project from KHLS and continue its development as the Lessee. By taking over the development of the solar project, Arion will have an advantage over other companies that may have to start from the beginning. The solar project will begin generating revenue sooner than later if the Lease were terminated and another Lessee were to initiate development of another solar project all over again.

The following are additional reasons why the HHC should approve the assignment of lease, the proposed amendments to the Lease, and revised structure of payments for Arion:

- Extensive development work has already been accomplished over the past six years in order to facilitate the sale of power from the solar project to HECO. Arion is acquiring development assets including the geotechnical studies, interconnection study, survey work, biological survey work, Federal Aviation Administration ("FAA") study and other physical and electrical design work.
- A CBRE program is contemplated for launch by HECO for which Arion intends to offer the solar project. Another developer having to start from the beginning would not be in a position to timely bid for that solicitation for a community solar project.
- There is currently lack of access to water, sewer, and other infrastructure in the area.
- Use of the Premises is severely restricted due to the 10-foot height restriction (above ground level) imposed by the FAA since the parcel is in the extended runway area of Kalaeloa Airport.<sup>1</sup>
- The FAA prohibits use of the Premises for residences or public assembly including schools, churches, office buildings, shopping centers, and for fuel storage facility or parking facility that would create glint or glare or anything that would attract wildlife.<sup>2</sup>

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<sup>1</sup> Letter issued to KHLS November 30, 2012 by the Federal Aviation Administration, Southwest Regional Office, Obstruction Evaluation Group, Aeronautical Study No. 2012-AWP-8129OL

<sup>2</sup> Final Environmental Assessment, Kalaeloa Home Lands Solar, LLC 50 Photovoltaic Park, Kalaeloa, Oahu, Hawaii, TMK #9-1-013:029, by North Shore Consultants, LLC, Haleiwa, Hawaii, August, 2012.

September, 2017

- An appraisal of the Premises dated July 15, 2016 and issued by Appraisal Hawaii, Inc. for DHHL noted that 15.5 acres of the 29.853-acre parcel is within Kalaeloa Airport's Runway Protection Zone, leaving only 14.353 acres for their "highest and best use" as "a base yard, manufacturing, processing and light packaging; repair establishments; and wholesale distribution property uses." Also, according to the appraisal, a solar project may also satisfy the highest and best use requirements of the Premises.<sup>3</sup>
- Any developer pursuing solar energy on the Premises would still need to renegotiate the lease terms with DHHL to make the project financially feasible.

As a result of the delays and market changes since the original Lease was executed and due to the reduced PPA rates that HECO has been paying for solar energy over the past several years, a reduction in the lease rents is being requested. The reasons for requesting the reduction in the lease rent will be discussed in Executive Session.

The solar project, when built, will generate revenue for DHHL, be another significant contribution to the Hawaii Clean Energy Initiative, and demonstrate DHHL's commitment to its *Ho'omaluo* energy policy by: 1) facilitating the use of diverse renewable energy resources; and 2) providing energy efficiency, self-sufficiency, and sustainability opportunities to existing homesteaders and their communities.

Time is of the essence for SunEdison to consummate the sale of this project and assign the lease from KHLS to Arion. Due to the expiration of SunEdison's purchase and sale agreement which expires on November 1, 2017, Land Management Division respectfully requests that a decision on the assignment to Arion, amendments to the lease, and the easement license be made at the HHC September meeting in Lahaina, Maui, and without any further delay.

#### PLANNING AREA:

Honouliuli Ahupua'a – Kalaeloa, Oahu

#### LAND USE DESIGNATION:

Industrial, Oahu Island Plan (2014)

#### CURRENT STATUS:

Overgrown vacant parcel at the end of the Kalaeloa Airport runway. The land has no infrastructure and is subject to limited use by the FAA.

#### CHARACTER OF USE:

3 to 5 MW Solar Project contemplated for participation under a CBRE program, in phases.

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<sup>3</sup> Appraisal Report of the Former NAS Barbers Point Parcel 29, by Appraisal Hawaii Inc., Honolulu, Hawaii, July 15, 2016.

September, 2017

#### CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

A Final Environmental Assessment for a 5MW solar project was issued in August 2012 with a determination that the solar project was not expected to result in significant adverse environmental impacts and that a Finding of No Significant Impacts was appropriate. The same finding is anticipated for the updated solar project.

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

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

A solar project on the site is consistent with the following elements of the Oahu Island Plan:

The site is designated for industrial use and is among 110 acres being utilized for energy production and for longer-term dispositions for revenue generation, Honouliuli Ahupua'a, Section 5.1.3.4, Page 5-11 and Figure 5.5, Honouliuli Ahupua'a-Kalaehoa Land Use Designations, Page 5-14.

##### *DHHL Ho'omuluo Energy Policy (2009)*

As pointed out previously, the solar project will help achieve two objectives of DHHL's energy policy:

1. Facilitate the use of diverse renewal energy resources, by:
  - identifying properties in DHHL's land inventory that have potential for renewable energy projects
  - pursuing the leasing of those lands that are identified as suitable for renewable energy projects.
  - Seeking partnerships for the development of renewal energy resources
2. Provide energy efficiency, self-sufficiency, and sustainability opportunities to existing homesteaders and their communities by:
  - Assisting homestead communities to achieve potential energy self-sufficiency by identifying properties near existing homesteads that could be utilized for community renewable energy projects that could also generate revenue for their respective regional plan projects

#### AUTHORITY

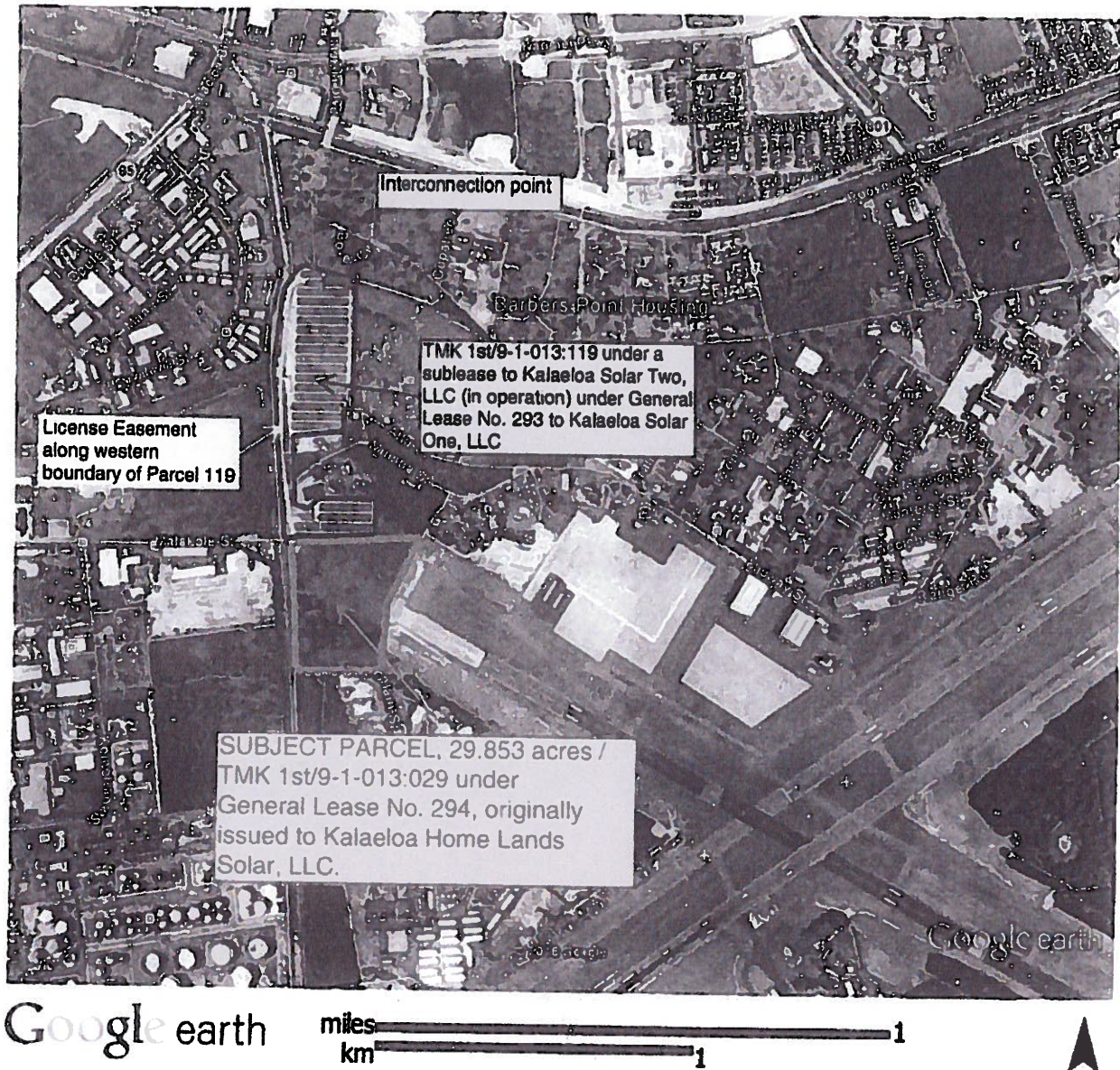
Under authority granted by Section 10-2-16(c)(4) of the DHHL Administrative Rules, the Chairman can grant consent to assignments, subleases, mortgages and approve construction plans. The Chairman is obligated, under Section 10-2-17, to report to the commission for ratification of any actions taken as permitted under Section 10-2-16. The Lessee's right to assign the demised premises, with written approval of the HHC, is also allowed under the Lease, subject to the provisions of Section 171-36, Hawaii Revised Statutes.

Section 207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, authorizes the issuance of licenses as easements for railroads, telephone lines, electric power and light lines, gas mains and the like.

Section 10-4-22 of the DHHL Administrative Rules authorizes the issuance of license as easements in perpetuity or for a shorter term subject to reverter to DHHL upon termination or abandonment.

#### RECOMMENDATION:

Land Management Division requests approval of the motion as stated.



THE PREMISES - TMK 1st/9-1-013:029

Exhibit "A"

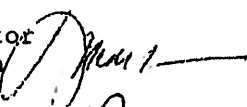
Item No. F-3


ITEM NO. F-1

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

April 22, 2013

To: Chairman and Members, Hawaiian Homes Commission

Thru: Linda Chinn, Administrator  
Land Management Division 

From: Carolyn Darr, Land Agent  
Land Management Division 

Subject: Amendment to General Lease No. 294, Kalaeloa Home Lands  
Solar, LLC, Kalaeloa, Oahu

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) grant its consent to an amendment to General Lease No. 294, demised to Kalaeloa Home Lands Solar, LLC, (KHLS), for the development of a solar project at Kalaeloa, island of Oahu, for an extension of time for lease and rent commencement from April 1, 2013 to August 1, 2014, a total extension of sixteen (16) months.

The consent granted shall be subject to the following:

- 1) Lessee shall pay a one-time fee of \$130,000.00 as payment to the department for the impact attributed to Lessee's delays in placing this solar facility into service;
- 2) Upon approval of the Hawaiian Homes Commission, the Chairman shall be authorized to issue the lease amendment and to set forth any additional terms and conditions deemed necessary.
- 3) Lessee shall pay a non-refundable processing and documentation fee totaling \$275.00 for the processing of this request;
- 4) All documents related to this request shall be subject to the review and approval by the Department of the Attorney General.
- 5) Except as changed or modified in the amendment document, all other terms and conditions of General Lease No. 294 shall continue and remain in full force and effect.

Exhibit "B

Item No. F-3

ITEM NO. F-1

ITEM NO. F-1

## DISCUSSION

On June 22, 2010, the Hawaiian Homes Commission authorized the issuance of a general lease to Kalaeloa Home Lands Solar, LLC (KHLS) for the use of approximately 29.853 unencumbered acres of Hawaiian home lands in Kalaeloa, Oahu. The lease was executed on October 1, 2011 for the development, operation, management, and maintenance of a solar power production facility.

The following is pertinent information regarding General Lease No. 294:

General Lessee:	Kalaeloa Home Lands Solar, a limited liability corporation
Location:	Kalaeloa, Oahu
Tax Map Key No:	(1) 9-1-13:029 (Exhibit "A")
Land Area:	29.853 acres, more or less
Lease Term:	20 years; with effective date and rent commencement date at commercial operation or April 1, 2013, whichever is sooner
Character of Use:	4.5MW solar power production facility
Lease Rent:	Lease Years 1 - 10 \$302,760.00 per annum
	Lease Years 11 - 15 \$378,450.00 per annum
	Lease Years 15 - 20 \$425,756.00 per annum

### Extension of Commencement Date

Patricia L. Rollin, Vice President of KHLS, through a letter dated February 14, 2013 (See Exhibit "B") has requested an extension of time to the commencement date of the lease.

KHLS is asking for this necessary extension since the comprehensive interconnection study process is moving slowly. KHLS has a contract in place with Hawaiian Electric Company (HECO) to do the study and is moving forward. HECO has stated that it will take them another three to five months to complete this interconnect study.

Once the study is complete, the review of the Power Purchase Agreement (PPA) with HECO will start. The review of the PPA by Hawaii Public Utility Commission will realistically take another six to nine months to review and approve the PPA.

KHLS is not able to move forward with the development phase of the project until the PPA is approved. Per the terms of the General Lease, the lease payments will commence once the solar system is placed into service.

KHLS has shown its commitment to this project by its completion of extensive studies and activities for this project since lease execution:

- Completed a Phase 1 Environmental Assessment
- Completed an Archaeological Inventory Study
- Completed the Environmental Assessment which received a FONSI from the Hawaiian Homes Commission in August, 2012
- Received approval from the FAA to develop the solar project on this site
- Completed a site boundary and topographical survey
- Executed an interconnection studies agreement with HECO.
- Completed Geotechnical Studies
- Installed a meteorological station on site to monitor solar radiance and weather conditions
- Purchased a substantial amount of solar panels that are stored in warehouse now

The major tasks remaining to be completed prior to construction include, but not limited to the following:

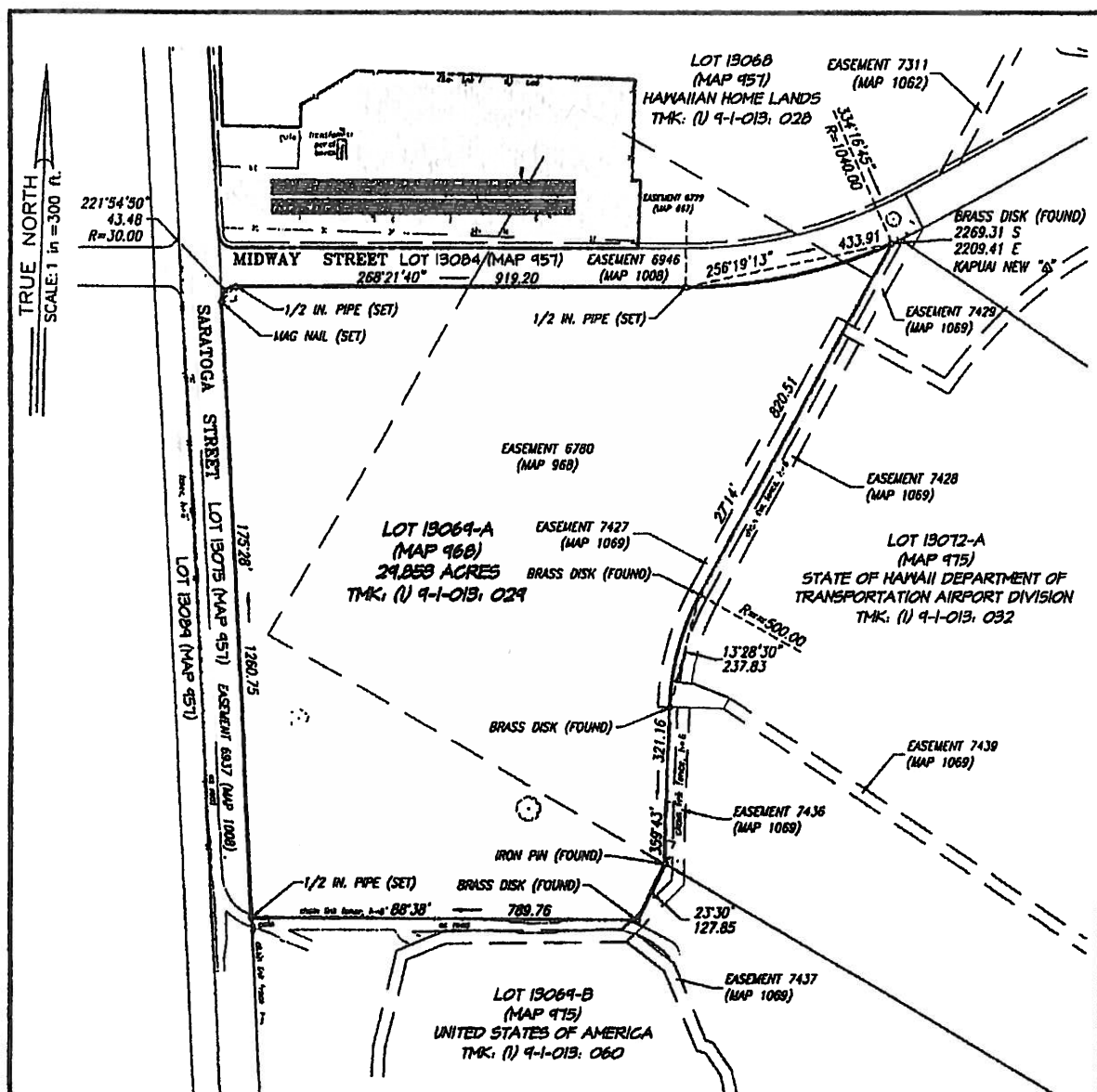
- HECO to complete the Interconnection Requirement Studies (expected in June 2013)
- Execute the Power Purchase Agreement (PPA) with HECO (expected in August 2013)
- PUC to review and approve the PPA (expected by April 2014)
- Construction to commence 30 days after the PPA is approved
- Commercial Operation Date (expected by December 2014)

KHLS is in good standing with the State of Hawaii and has not had any disposition of state lands terminated due to non-compliance with the terms and conditions.

#### RECOMMENDATION

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

FILE: Y:\2012\12-107\SURVEY\DESIGN\KALAELOA SOLAR EXHIBIT.DWG  
JOB NO.: 12-107



**EXHIBIT MAP**  
**OF PROPOSED KALAELOA HOME LANDS SOLAR SITE**  
BEING ALL OF LOT 13069-A (MAP 968)  
LAND COURT APPLICATION 1069  
SITUATED AT HONOLULU, EWA, OAHU, HAWAII  
TMK: (1) 9-1-013: 029

ITEM NO. F-1

**EXHIBIT**

ITEM NO. F-1  
DECEMBER 28, 2012

**ATA** AUSTIN, TSUTSUMI & ASSOCIATES, INC.  
ENGINEERS, SURVEYORS • HONOLULU, WAILUKU, HAWAII

8.5" X 11" = 0.65 SQ. FT.

ITEM NO. F-1



AES Solar Energy, Ltd.  
901 North Stuart Street  
Suite 810  
Arlington, VA 22203  
tel 1(703) 682 6603  
fax 1 (703) 682 1157  
[www.aes-solar.com](http://www.aes-solar.com)

February 14, 2013

Department of Hawaiian Homelands  
91-5420 Kapolei Parkway  
Kapolei, HI 96707  
Attn: Land Management Division  
Linda Chinn

Department of the Attorney General  
425 Queen Street  
Honolulu, Hawaii 96813  
Attn: AG PSHH

Re: General Lease No. 294 between the Department of Hawaiian Homelands ("DHHL") and  
Kalaheo Home Lands Solar, LLC ("KHLS"), dated October 1, 2011

KHLS respectfully requests an extension of the date set forth in the Lease by which KHLS is to execute a Power Purchase Agreement and certain other clarifications detailed below. We attach a proposed form of amendment for your review and comment.

Although the process has taken longer than originally anticipated, AES Solar Power, LLC continues to devote substantial resources to the development of the 4.5 MW solar project planned for this site. We are one of several projects that have been delayed and ask for DHHL's cooperation in adjusting the Lease to address these schedule changes.

The Power Purchase Agreement with Hawaiian Electric Company ("HECO") can't be finalized until the comprehensive interconnection study is complete. This process continues to move slowly as certain changes in HECO's technical requirements necessitated a design revision. We have a contract in place with HECO to complete the study and expect it to move forward in the next few weeks. According to HECO, it will likely take three to five months to complete the study. We are encouraging HECO to negotiate the final PPA terms with us simultaneously. Regardless, once signed, the process for the Hawaii Public Service Commission to approve the PPA will realistically take six to nine months. KHLS will be prepared to commence construction as soon as the PUC approval is considered final. Based on the foregoing, we ask that "Rent Commencement Date" set forth in the opening paragraph of Article Three be extended to August 1, 2014 as reflected in paragraph (i) of the attached amendment.

ITEM NO. F-1

**EXHIBIT "B"**

ITEM NO. F-1

We understand that in the lease agreement executed recently by DHHL for the adjacent solar property, the lessee was allowed to commence paying rent upon reaching commercial operation. We are not asking DHHL to match this term. However, we are requesting some relief from KHLS's current liability for property taxes that were triggered because of the opening language in the lease referencing the "effective date" in light of the substantial delays that KHLS has experienced. Please see paragraph (ii) and (ii) of the attached. In addition, in order to preserve the ability of KHLS to finance this project, KHLS also proposes that any other improvements to the material terms of the Lease which are made available to other power projects be added to the Lease automatically. Please understand that KHLS accepted terms in the Lease which traditionally a lender would reject in a financing in deference to DHHL's long-standing practices. If future projects receive better terms, no lender will accept the argument that the terms of our Lease consistently reflect local practice. Please see paragraph (iv) of the attached.

In addition to the above, we are concerned that the language in the opening paragraph of the Lease has created confusion as to the effective date. We would also like to clarify KHLS' right to remove equipment at the end of the Lease term in certain circumstances. Finally, we need to update the notice address for KHLS. Please see paragraphs (v) thru (vii) of the attached amendment.

AES Solar Power has invested heavily in this project to date as reflected below in the list of KHLS' various commitments and development progress. These efforts have been undertaken in good faith despite the uncertainty surrounding the PPA negotiations and in recognition of DHHL's commitment under the Lease. We will continue to move development forward as quickly as we can.

- Completed a Phase 1 Environmental Assessment
- Completed an archaeological study
- Completed the Environmental Impact Statement which received a FONSI from DHHL in August, 2012.
- Received approval from the FAA for building on this site. Extended approval received in November, 2012.
- Conducted a site boundary and topographical survey in January, 2013.
- Conducted a survey outlining a ROW and underground utility route for interconnection to the utility in January, 2013.
- Negotiated with the County of Hawaii for reasonable and fair property tax assessment.
- Purchased a substantial amount of solar panels that have been warehoused on Oahu for a year.
- Executed an interconnection studies agreement with HECO. We are told HECO's designated subcontractor will commence work on the study this month.
- Completed substantial redesign in order to comply with new HECO requirements.
- Completed Geotechnical Studies in February, 2012.
- Installed a meteorological station on site to monitor solar radiance and weather conditions.

ITEM NO. F-1

**EXHIBIT "B"**

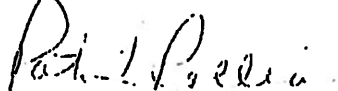
ITEM NO. F-1

The major development tasks remaining to be completed are outlined below.

- HECO to complete Interconnection Requirements Study (expected approximately June, 2013)
- Negotiate Utility ROW and easement with both DHHL and KHS lease holders. (expected approximately June, 2013)
- Execute PPA with HECO; HECO to submit to PUC (expected approximately August, 2013)
- PUC Review Period (expected approximately April, 2014)
- EPC Contract Negotiations (during PUC approval process)
- County building permits (during PUC approval process)
- Start construction 30 days after PUC approval is issued (expected approximately May, 2014)
- Commercial Operation Date (expected approximately December, 2014)

AES Solar Power remains committed to getting this project to construction completion. We hope we will have the support of DHHL and HECO. Unfortunately, KHLS will have no choice but to terminate the Lease and abandon the project if we are not able to agree on an extension. We are glad to participate in whatever process is required to obtain the approval of the DHHL board. Thank you for your time and attention.

Sincerely,



Patricia L. Rollin  
Vice President  
Kalaheo Home Lands Solar, LLC

Attachment

cc: Carolyn I. Darr, Land Management Division  
Jody Allione, Hawaii Project Development AES Solar

ITEM NO. F-1


EXHIBIT "B"


ITEM NO. F-1

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

July 22-23, 2013

To: Chairman and Members, Hawaiian Homes Commission

Thru: Linda Chinn, Administrator  
Land Management Division 

From: Carolyn Darr, Land Agent   
Land Management Division

Subject: Issuance of License as Easement, Kalaeloa Home Lands  
Solar, LLC, Kalaeloa, Oahu

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) grant approval to the issuance of a non-exclusive license as easement to Kalaeloa Home Lands Solar, LLC, (KHLs), as Licensee, for the right, privilege and authority to construct, use, maintain and repair a 13,825 square foot right-of-way under and across Hawaiian home lands at TMK: (1) 9-1-013:028 (Portion), Kalaeloa, Oahu, Hawaii for utility purposes (Exhibit "A").

The consent granted shall be subject to the following:

- 1) The purpose of the easement is for utility purposes;
- 2) The term of the License is twenty (20) years and two (2) months, effective August 1, 2013 and ending September 30, 2033;
- 3) The one time fee for the easement is \$42,377.54;
- 4) The Licensee shall be required to maintain the easement in a neat and clean condition at Licensee's own expense and shall not use the easement area for parking, storing, stockpiling or dumping any material, equipment or vehicles of any kind;
- 5) Lessee shall pay a non-refundable processing and documentation fee totaling \$275.00 for the processing of this request;

Exhibit "C"

ITEM NO. F-6

Item No. F-3

ITEM NO. F-1

6) Licensee shall submit for approval all plans and specifications for any improvements, modifications, alterations, or additions constructed on the land, to include, clearing, grading, grubbing, and building construction of any kind;

7) Licensee, at its own expense, has completed the requirement to obtain a metes and bounds survey of the proposed easement area; and

8) All documents related to this request shall be subject to the review and approval by the Department of the Attorney General.

#### DISCUSSION

On June 22, 2010, the Hawaiian Homes Commission authorized the issuance of a general lease to Kalaeloa Home Lands Solar, LLC (KHLS) for the use of approximately 29.853 unencumbered acres of Hawaiian home lands in Kalaeloa, Oahu. The lease was executed on October 1, 2011 for the development, operation, management, and maintenance of a solar power production facility.

The following is pertinent information regarding General Lease No. 294:

General Lessee:	Kalaeloa Home Lands Solar, a limited liability corporation
Location:	Portion of Government Lands of Kapolei situated at Kalaeloa, Oahu
Tax Map Key No:	(1) 9-1-13:029 (Exhibit "B")
Land Area:	29.853 acres, more or less
Lease Term:	October 1, 2011 -September 30, 2033
Character of Use:	Converting Solar Energy into Electrical Energy
Lease Rent:	Lease Years 1 - 10 \$302,760.00 per annum Lease Years 11 - 15 \$378,450.00 per annum Lease Years 15 - 20 \$425,756.00 per annum

### Request for License as Easement

The parcel of Hawaiian home lands under lease to KHLS is adjacent to the department's General Lease No. 293 issued to Kalaeloa Solar One, LLC's (KS1), 5MW solar project. KS1 is interconnected to the Hawaiian Electric Company (HECO) grid on the north side of their leased parcel where they have constructed a substation to interconnect to Hawaiian Electric Company.

Hawaiian Electric Company has requested KHLS interconnect at the same Point of Interconnection as KS1. This request by Hawaiian Electric Company has necessitated the request by KHLS for an easement over Hawaiian home lands along side the KS1 boundary in order to run their underground cable to the Point of Interconnection. The easement will be used for transmission of electricity generated at the KHLS project to the Point of Interconnection. The total area of the easement requested, per the survey completed by KHLS, is 13,825 square feet (Exhibit "B").

### AUTHORITY

207(c)(1)(A) of the Hawaiian Homes Commission act, 1920, as amended, states that: "the department is authorized to grant licenses as easements for railroads, telephone lines, electric power and light lines, gas mains, and the like."

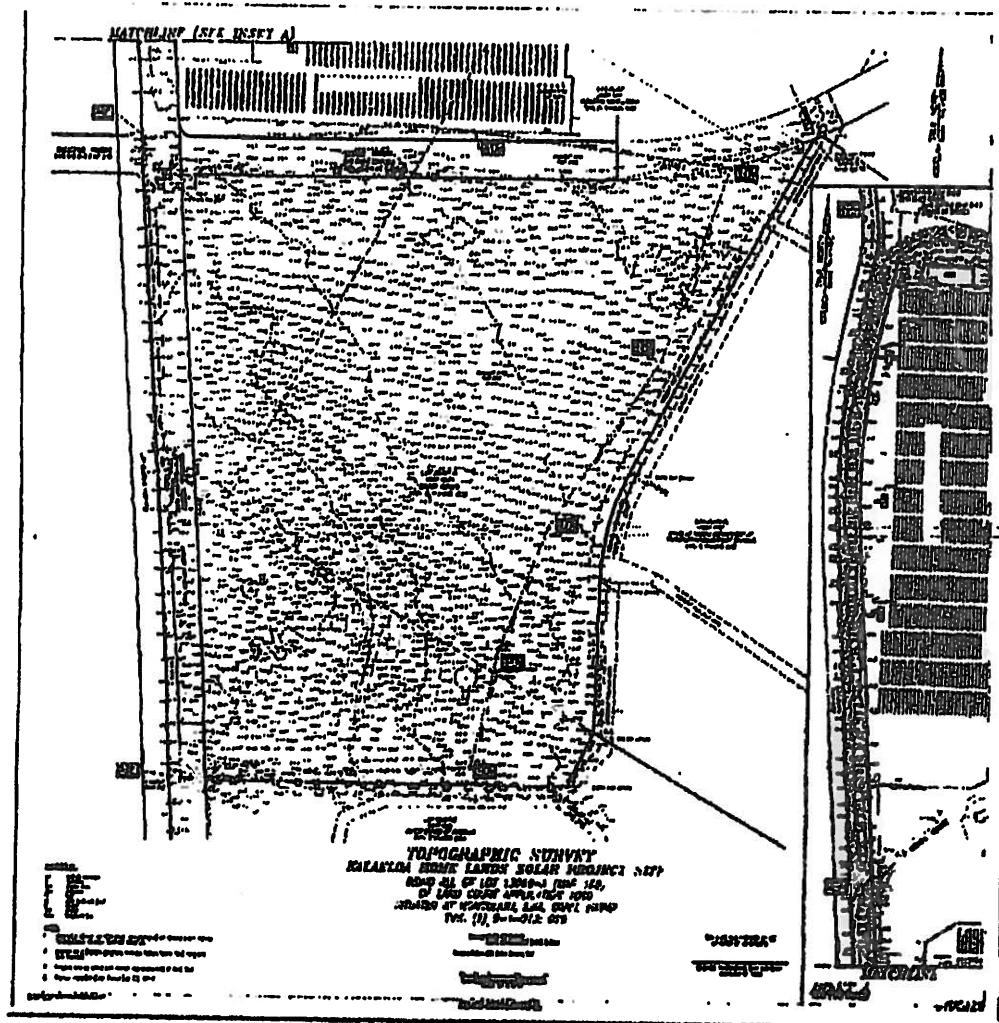
10-4-21 of the DHHL Administrative Rules requires that the applicant pay for all costs incurred by DHHL for the processing of a license application, including a non-refundable processing fee of \$200 and also allows for fees to be charged should the use benefit other than the department or native Hawaiian.

10-4-22 of the DHHL Administrative Rules authorizes the issuance of license as easements in perpetuity or shorter term subject to reverter to the department upon termination or abandonment.

KHLS is a Lessee in good standing with the department.

### RECOMMENDATION

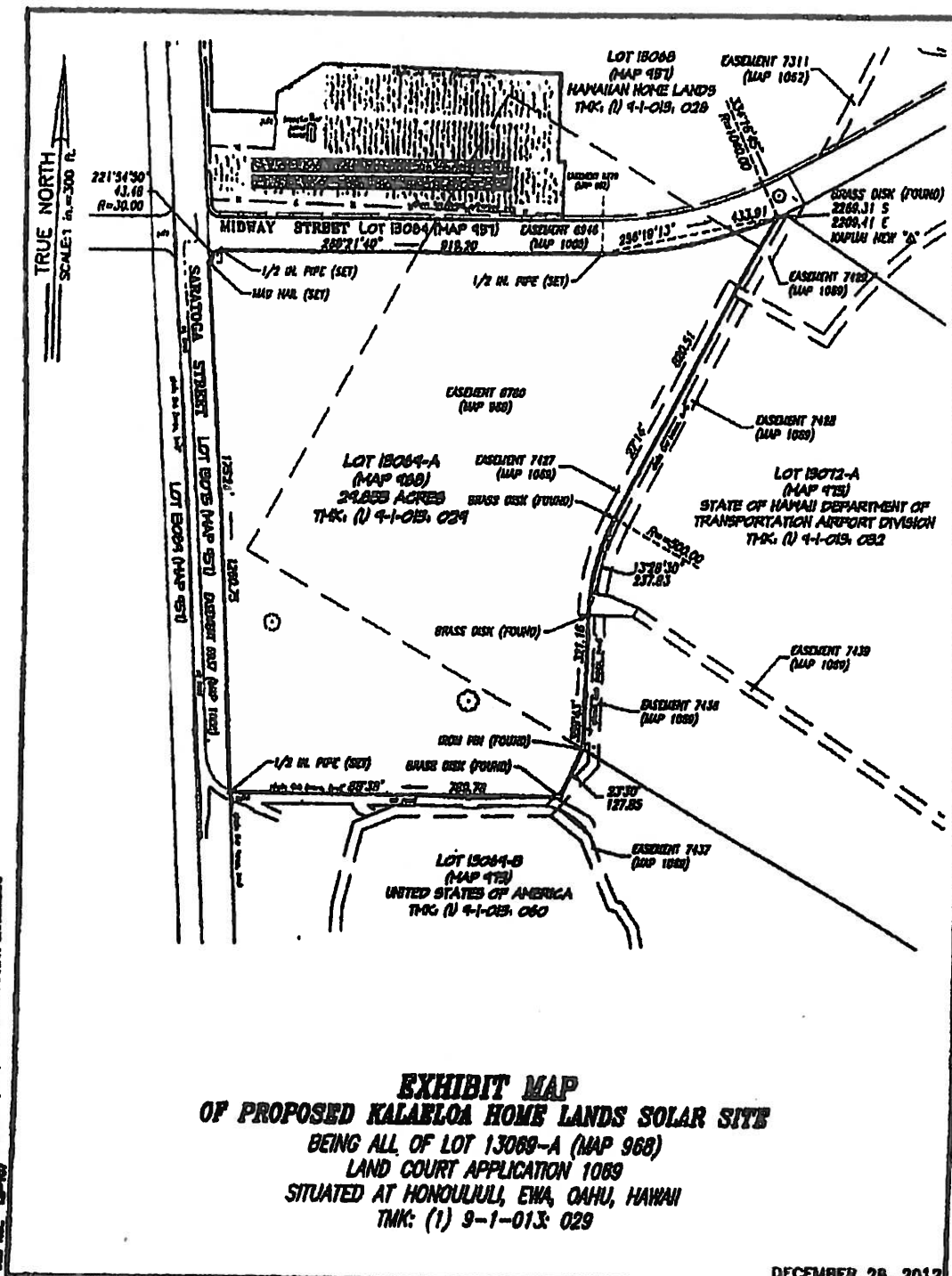
Land Management Division requests approval of the recommended motion as stated.



Survey of Kalaeloa Home Lands Solar site. ROW shown in the inset on the right.

**EXHIBIT "A"**  
Item No. F-6

FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF HONOLULU, HAWAII, ON DECEMBER 28, 2012.



ATA AUSTIN, TSUTSUMI & ASSOCIATES, NC.  
ENGINEERS, SURVEYORS • HONOLULU, HAWAII

DECEMBER 28, 2012  
8.5" X 11" = 0.85 SQ. FT.

EXHIBIT "B"  
Item No. F-6



March 7, 2018

Hawaiian Homes Commission  
Department of Hawaiian Homelands  
c/o Land Management Division  
91-520 Kapolei Parkway  
Kapolei, HI 96707

Attn: Allen Yanos, Property Development Agent

Re: Updated License #785 Easement for Underground utilities  
Kalaeloa Home Lands Solar LLC  
License No. 785, not executed

Arion Energy is requesting to update the attached Easement and Right of Way License for the underground utility interconnection line from the project site on Parcel 29 to the Point of Connection (POC) on the adjacent KS-2 parcel (Parcel 28). This easement ROW was surveyed by KHLS and approved by the Commission in 2013, with an effective date of August 1, 2015. However, it was not executed due to the acquisition of the company by SunEdison.

KHLS now owned by Arion Energy, requests that the parties make the following changes to License document prior to execution.

- (p.1) Change the address of Kalaeloa Home Lands Solar, LLC to 500 Ala Moana Blvd., Bldg 7, Suite 400, Honolulu, HI 96813
- (p.2) Change the date to: "commencing on the Commercial Operation Date of the solar facility and terminating 20 years from that date."

***Confidential***

Colorado Office: 8400 E. Crescent Pkwy Suite 600 Greenwood Village 80111 Tel: 720/357-7436

Hawaii Office: 500 Ala Moana Blvd. Building 7, Suite 400 Honolulu, HI 96813 Tel: 808/543-2029

[www.arionenergy.com](http://www.arionenergy.com)

Exhibit "C"

ITEM NO. F-1



- Arion Energy is requesting consideration of a reduction in the one-time fee for the Easement License for the right of way along the fence line of the KS-2 project up to the point of interconnection requested by HECO for a solar project on TMK 9-1-013:029.
- Price adjustment as shown on the attached Exhibit A. The original basis for the fee was the NPV @ 6% of 20 years of lease payments at the same rate as the previous lease rates. This Exhibit shows the same calculation for the current lease rates escalating at 1% / yr. Under the same assumptions, the revised rate would be \$15,807.00. Arion is offering a one-time fee of \$17,000.00 paid upon COD of the solar project. The attached spreadsheet shows the calculations of the original offer and the revised offer using the current lease fee.

We appreciate your review of these considerations. Please call Nick or me at the numbers below to discuss if needed.

Mahalo for your consideration,

*Jody Allione*

Jody Allione  
Project Development Consultant  
Arion Energy  
808-347-3174

Cc: Nick Azari 303-906-0030

Attachment

**Confidential**

Colorado Office: 8400 E. Crescent Pkwy Suite 600 Greenwood Village 80111 Tel: 720/357-7436

Hawaii Office: 500 Ala Moana Blvd. Building 7, Suite 400 Honolulu, HI 96813 Tel: 808/543-2029

[www.arionenergy.com](http://www.arionenergy.com)



ITEM NO. F-1



EXHIBIT A ROW DHHL				
	Original Basis (\$/acre-yr) ROW Payment	Annual Lease Rate(29.853 acres)	Acreage (2765 LF x 5 FT W)	ROW Payment Arion Basis Lease Rate esc @ 1%/ yr
Year	Original Lease		0.31737833	\$ 120,000.00
1	\$ 3,313.43	\$ 302,760.00		\$ 1,275.76
2	\$ 3,313.43			\$ 1,288.52
3	\$ 3,313.43			\$ 1,301.41
4	\$ 3,313.43			\$ 1,314.42
5	\$ 3,313.43			\$ 1,327.57
6	\$ 3,313.43			\$ 1,340.84
7	\$ 3,313.43			\$ 1,354.25
8	\$ 3,313.43			\$ 1,367.79
9	\$ 3,313.43			\$ 1,381.47
10	\$ 3,313.43			\$ 1,395.28
11	\$ 4,141.79	\$ 378,450.00		\$ 1,409.24
12	\$ 4,141.79			\$ 1,423.33
13	\$ 4,141.79			\$ 1,437.56
14	\$ 4,141.79			\$ 1,451.94
15	\$ 4,141.79			\$ 1,466.46
16	\$ 4,659.51	\$ 425,756.00		\$ 1,481.12
17	\$ 4,659.51			\$ 1,495.93
18	\$ 4,659.51			\$ 1,510.89
19	\$ 4,659.51			\$ 1,526.00
20	\$ 4,659.51			\$ 1,541.26
TOTAL	\$ 77,140.77			\$ 28,091.06
Original Rate \$42,319.17		NPV @ 6%	Revised	
Rate:			\$15,807.72	
			Offer	\$17,000.00

**Confidential**

Colorado Office: 8400 E. Crescent Pkwy Suite 600 Greenwood Village 80111 Tel: 720/357-7436

Hawaii Office: 500 Ala Moana Blvd. Building 7, Suite 400 Honolulu, HI 96813 Tel: 808/543-2029

[www.arionenergy.com](http://www.arionenergy.com)



ITEM NO. F-1

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

March 19 & 20, 2018

TO: Chairman and Members, Hawaiian Homes Commission

FROM: P. Kahana Albinio, Acting Administrator Land Management Division

SUBJECT: F-2 Request for Amendment to General Lease No. 290, Kapolei Community  
Development Corp. (KCDC), East Kapolei, O'ahu, TMK (1)9-1-151:002

F-3 Request for Amendment to General Lease No. 281 and Consent to New Market  
Tax Credit related documents, Nanakuli Hawaiian Homestead Community Association  
(NHHCA), Nanakuli, O'ahu, TMK (1)8-9-002:001


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


ITEM NO. F-2, F-3

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

March 19-20, 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: FOR INFORMATION ONLY  
Solicitation for Developers of Renewable Energy Projects in Response to Hawaiian  
Electric Company Request for Proposals  
Kalaeloa, Island of Oahu, TMK No. (1) 9-1-013:038, 040, 117 & 118; and  
Kahikinui, Island of Maui, TMK No.: (2) 1-9-001:003 (portion)

RECOMMENDED MOTION/ACTION

None; for information only.

DISCUSSION

**Purpose:**

The purpose of this informational briefing is to update the Hawaiian Homes Commission ("HHC") on the status of the Land Management Division's plan to solicit letters of interest for renewable energy projects on Hawaiian home lands in conjunction with the Hawaiian Electric Company, Inc., Maui Electric Company, Limited, and Hawaii Electric Light Company, Inc., ("HECO") Request for Proposals.

**Background:**

On October 23, 2017, HECO filed draft Request for Proposals ("RFP") for various renewable energy generation on Oahu, Maui, and Hawaii Island with the state Public Utilities Commission ("PUC") in Docket No. 2017-0352. In anticipation that the review process would be completed soon and the PUC would approve issuance of HECO's final RFPs sometime in the first quarter of 2018, Land Management Division conducted an informational briefing regarding its plans to solicit proposals for projects on 14 parcels of Hawaiian home lands statewide shown in Table 1 for the HHC at its January 2018 meeting. For public utilities and governmental entities, the leasing process would be via Section 171-95, HRS; for "renewable energy producers", as defined in Section 171-95(c), HRS, the process would be via Section 171-95.3, HRS.

Table 1. Available DHHL Land for Renewable Energy Projects. (Initial Proposed List)

ISLAND	TMK	ACRES <sup>*</sup>	LOCATION	NOTES
Oahu	8-9-007:002 (portion)	448.48	Nanakuli	
Oahu	9-1-013:038	97.54	Kalaeloa	
Oahu	9-1-013:040	49.18	Kalaeloa	
Oahu	9-1-013:117	57.51	Kalaeloa	
Oahu	9-1-013:118	43.62	Kalaeloa	
Maui	1-9-001:003 (portion)	15,620	Kahikinui	Up to 1000 acres for due diligence purposes; up to 500 acres under general lease.
Molokai	5-2-001:004 (portion)	462.5	Hoolehua	
Molokai	5-2-011:016	104.991	Pala'au	
Molokai	5-4-003:003 (portion)	4993.3	Makakupa'ia	
Hawaii	6-1-001:003 (portion)	7563.83	Kawaihae	
Hawaii	6-1-006:003 (portion)	20.82	Kawaihae	
Hawaii	6-1-006:010	20.37	Kawaihae	
Hawaii	7-3-010:007	200	Kalaoa	Up to 100 acres in the lower half.
Hawaii	9-3-001:002 (portion)	10,089.74	Kamaoa-Pu'ueo	

<sup>\*</sup>Approximate

Following the January informational briefing, Land Management Division's request to authorize the leasing of those lands was to be presented for HHC approval so that the solicitation could be issued. However, the HHC lacked quorum at that time and was unable to authorize the leasing of the 14 parcels. Land Management Division meanwhile took no further action regarding the solicitation but continued, with the assistance of the Attorney General's Office and DHHL's renewable energy consultants, to further refine the solicitation and the process for selecting applicants that have met DHHL's solicitation guidelines and criteria, eligible to proceed further in the leasing process ("qualified Lessees").

HECO issued its final RFP on February 27, 2018. Due to the deadline for prospective developers to respond to HECO's RFP by April 30, 2018, it was imperative for DHHL's solicitation to be issued on an expedited basis. Land Management Division, in consultation with the Planning Office, Attorney General's Office, and Chairman's Office, issued the public notice of the solicitation on March 9, 2018 with the deadline of March 30, 2018 to submit all applications to DHHL for consideration.

To expedite the solicitation process, DHHL issued the solicitation for projects on an extremely tight schedule and only offered five parcels to make efficient use of DHHL staff time and resources. Table 2 reflects the revised list.

Table 2. Available DHHL Land for Renewable Energy Projects. (Revised List)

ISLAND	TMK	ACRES*	LOCATION	NOTES
Oahu	9-1-013:038	97.54	Kalaeloa	
Oahu	9-1-013:040	49.18	Kalaeloa	
Oahu	9-1-013:117	57.51	Kalaeloa	
Oahu	9-1-013:118	43.62	Kalaeloa	
Maui	1-9-001:003 (portion)	15,620	Kahikinui	Up to 1000 acres for due diligence purposes; up to 500 acres under general lease

\*Approximate

Maps showing the locations of these five parcels are attached in Exhibits “A-1 and A-2” hereto.

The solicitation, which includes a copy of the public notice published statewide pursuant to Section 171-95.3, HRS, is relatively large document. It is posted on DHHL’s Procurement web page at [www.dhhl.hawaii.gov/procurement/](http://www.dhhl.hawaii.gov/procurement/). An “Information Packet” provides details about the solicitation, the parcels being offered for renewable energy projects on Oahu and Maui, application requirements, and the basis for selection, among other things.

For applicants concerned about meeting HECO’s April 30<sup>th</sup> RFP deadline, DHHL will evaluate applications submitted by March 23, 2018 and immediately notify those applicants, if any, that have been selected to proceed further in the leasing process. Applications received after March 23<sup>rd</sup> and up to and including the deadline of March 30, 2018 will also be evaluated and any selected applicants will likewise receive immediate notification of their selection. The only difference will be that the group whose applications are evaluated later will have less time to respond to HECO’s April 30<sup>th</sup> deadline.

DHHL expects that all of the applications it receives will be submitted by renewable energy producers. Applications from governmental entities and public utilities are not expected by DHHL. HECO and its affiliates will not be participating in this first stage of procurement for renewable energy generation. Thus, the general leasing process developed by DHHL is focused primarily on renewable energy producers to accommodate the RFP schedules and the requirements in Section 171-95.3, HRS. A general overview of the leasing process is shown in Exhibit “B” attached hereto.

DHHL’s solicitation provides that once all applications for projects are submitted by the March 30<sup>th</sup> deadline and evaluated, DHHL will have the right to select one or more qualified Lessees for each site and issue a Letter of Intent to provide evidence satisfying the RFP’s project site control requirement. HECO’s RFP requirement for site control allows that a Letter of Intent does not need to be exclusive and may be contingent upon selection of the qualified Lessee’s proposal to HECO’s Final Award Group.

According to the RFP schedule, those developers whose projects have been selected on HECO’s “Short List” in May 2018 will undergo more detailed evaluation for consideration of a final award in September 2018. The Right-of-Entry (“ROE”) issued by DHHL following this stage in HECO’s evaluation process will include an option to convert to a general lease upon the satisfaction of certain conditions, including compliance with Chapter 343, HRS, final award of a qualified Lessee’s project, and the issuance of a Power Purchase Agreement. When that option is exercised, DHHL will then resume the statutory leasing process with beneficiary consultations and public hearings when more definitive information is available, including

March 2018

what projects were selected by HECO, who will be the eventual developers, and the general lease terms and conditions.

#### LEGAL AUTHORIZATION:

Section 204(a)(2) of the Hawaiian Homes Commission Act, 1920, as amended, reads in part...“In the management of any retained available lands not required for leasing under Section 207(a), the department may dispose of such lands to the public, including native Hawaiians, on the same terms, conditions, restrictions and uses applicable to the disposition of public lands as provided in Chapter 171, Hawaii Revised Statutes, provided that the Department may not sell or dispose of such land in fee simple....”

Pursuant to Section 202 of the Hawaiian Homes Commission Act, 1920, as amended, “the Commission may delegate to the chairman such duties, powers, and authority, or so much thereof, as may be lawful or proper for the performance of the functions vested in the Commission....”

Section 220.5 of the Hawaiian Homes Commission Act, 1920, as amended, also authorizes DHHL to enter into project developer agreements with a qualified developer for commercial or multi-purpose projects, subject to Section 171-60(a)(3), HRS.

Section 10-4-1 of the DHHL’s Administrative Rules, as amended, also states in part that... “The department may lease, license or otherwise deal with any available lands as may not be immediately needed for the purposes of the Act as provided by Section 204(a)(2) of the act and Chapter 171, HRS, upon such terms and conditions as to it may deem fair reasonable.”

Section 171-95, HRS, as amended, authorizes disposition to public utilities and renewable energy producers of public lands for terms up to, but not in excess of, sixty-five years at such rental and on such other terms and conditions as the Board may determine. For the purposes of this section, “renewable energy producer” means “any producer or developer of electrical or thermal energy produced by wind, solar energy hydropower, geothermal resources, landfill gas, waste-to-energy; ocean thermal energy conversion, cold seawater, wave energy, biomass, including municipal solid waste...that sell all of the net power produced from the demised premises to an electric utility company regulated under Chapter 269....”

Section 171-95.3, HRS, authorizes the lease or renewal of a lease of public lands “to renewable energy producers, as defined in section 171-95, without public auction only pursuant to a public process that includes public notice under Section 1-28.5 providing other interested renewable energy producers opportunity to participate in the process....”

#### NEXT STEPS

- Seek HHC approval to approve the issuance of the ROEs to the qualified Lessees who have been “short-listed” by HECO
- Seek HHC approval to authorize the ROE sites for general leasing

#### RECOMMENDATION

None, for information only.

# LOCATION OF KALAELOA PARCELS AVAILABLE FOR RENEWABLE ENERGY PROJECTS

Tax Map Parcel  
118 - 43.62  
acres

Tax Map Parcel  
38 - 97.54 acres

Tax Map Parcel  
117 - 57.51  
acres

Tax Map Parcel 40 -  
49.18 acres

**DHHL = 555.351 Acres**

PACIFIC OCEAN  
**KALAELOA**

NOTE: SCALE DOES NOT PERMIT  
ESIMTS ON TAX MAP.  
SEE LAND MAPS FOR  
LOCATIONS A,  
AREAS OF EASEMENTS NOT SHOWN

DROPPED PARCELS: 5, 6, 8, 11-13, 15,  
17, 18, 28, 35, 36, 47, 65, 80, 84, 90, 98,  
102, 108

DEPARTMENT OF BUDGET & FISCAL SERVICES  
REAL PROPERTY ASSESSMENT DIVISION  
TAX MAPS BRANCH  
CITY & COUNTY OF HONOLULU  
TAX MAP

FIRST TAXATION DIVISION		
ZONE	SECTION	PLAT
9	1	013

SCALE 1 INCH = 800 FEET

EXHIBIT "A-1"

26

26

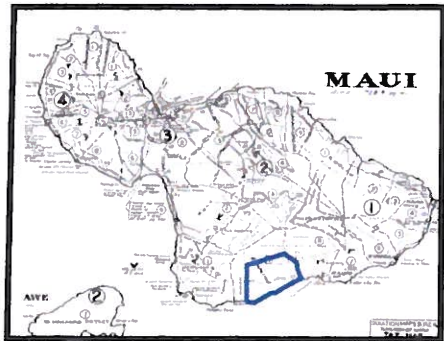
ITEM NO. F-4

Date: 07/08/2015 LGS

LCAPP: 1069, US NAVAL RESERVATION, BARBERS POINT AIRPORT, HONOLULU, EWA, HAWAII

COPYRIGHT CITY & COUNTY OF HONOLULU - ALL RIGHTS RESERVED 2015  
FOR PROPERTY ASSESSMENT PURPOSES, PARCELS MAY NOT BE LEGAL SUBDIVIDED LOTS - SUBJECT TO CHANGE

**LOCATION OF THE KAHIKINUI, MAUI PARCEL - Up to 1000 acres for due diligence purposes; up to 500 acres under general lease**



Tax Map Parcel 3 -  
Portion of 15,620 acres

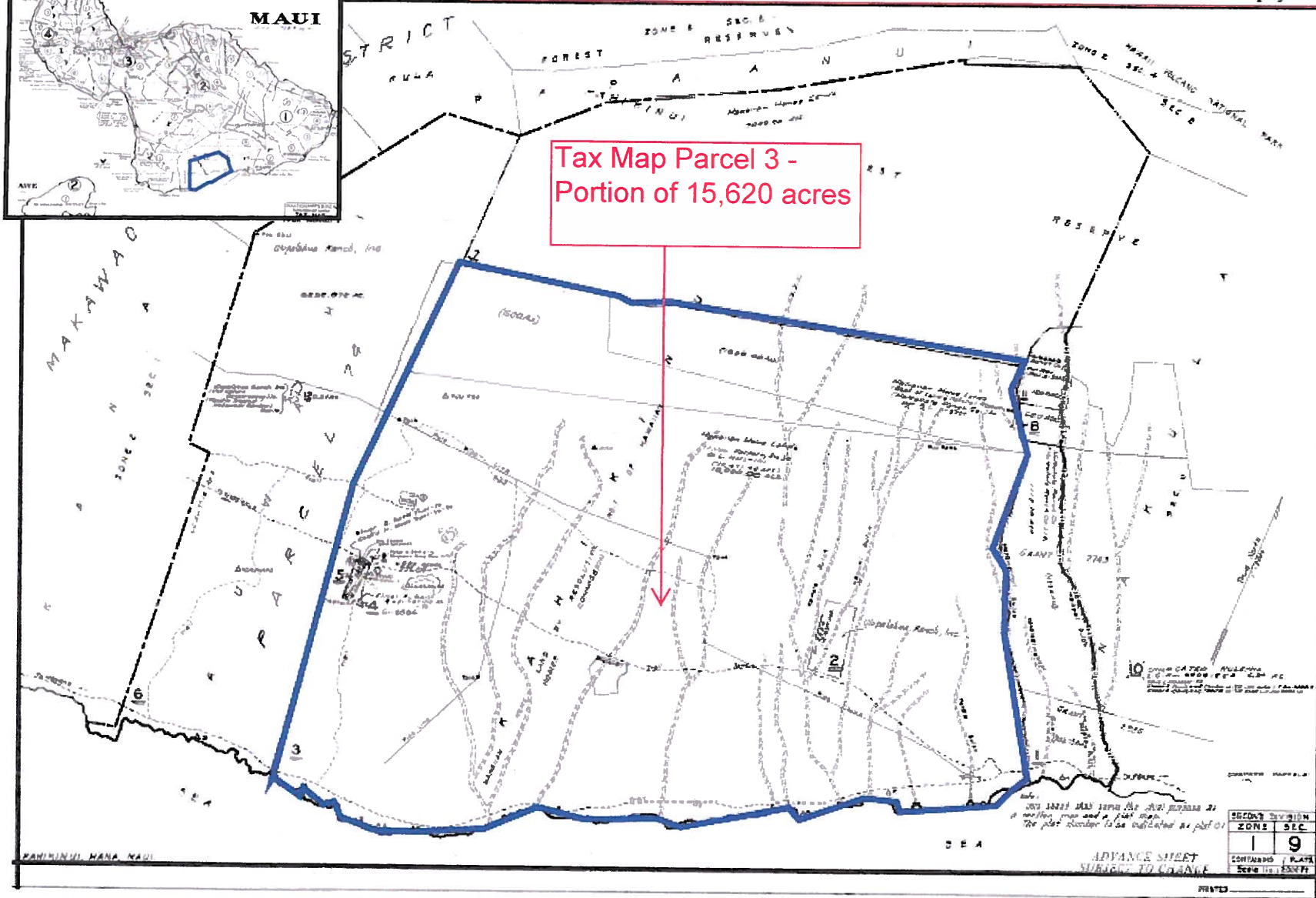
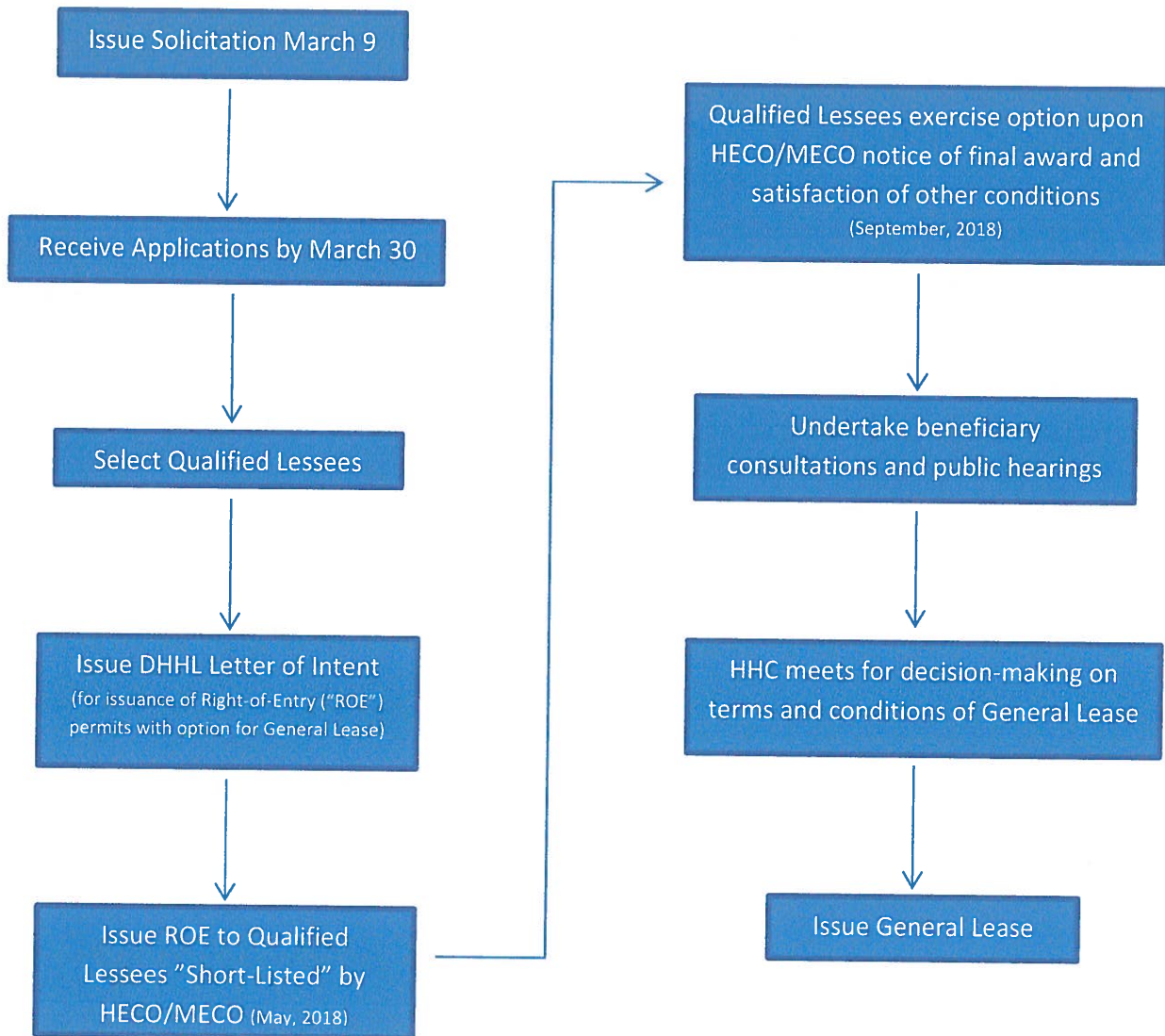


EXHIBIT "A-2"

ITEM NO. F-4

**DHHL 2018 RENEWABLE ENERGY PROJECTS SOLICITATION  
LEASING PROCESS OVERVIEW**



**EXHIBIT "B"**

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION

March 19 & 20, 2018

Kapolei, O'ahu

G-ITEMS  
**PLANNING PROGRAM DIVISION**

ORIGINAL

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 19-20, 2018

To: Chairman and Members, Hawaiian Homes Commission

From: M. Kaleo Manuel, Acting Planning Program Manager

Subject: Approval to Request Statewide Reservations of Water  
for DHHL's Lands

RECOMMENDED MOTION/ ACTION

That the Hawaiian Homes Commission (HHC) authorizes the Chairman of the Department of Hawaiian Home Lands ("Department" or "DHHL") to:

1. Formally request that the State of Hawai'i Commission on Water Resource Management (CWRM) reserve ground water for current and foreseeable development and use of Hawaiian Home lands statewide based on information in the State Water Projects Plan; and
2. Take other actions as necessary to effectuate the foregoing.

DISCUSSION

This submittal outlines: (1) background on the 2017 update to the State Water Project Plan ("SWPP");<sup>1</sup> (2) legal authorities and policy guidelines supporting the recommended motion/ action; and (3) the rationale for the Department's requesting reservations of ground water from CWRM based on information in the SWPP.

I. Background.

The SWPP is part of the Hawai'i Water Plan, which is developed under a mandate from the State Water Code, Hawaii

<sup>1</sup> State Water Project Plan Update Final Report, prepared for the Department of Hawaiian Home Lands by Fukunaga & Associates (May 2017) available at: <http://files.hawaii.gov/dlnr/cwrmp/planing/swpp2017.pdf>

Revised Statutes (HRS) chapter 174C. The purpose of the SWPP is to review current and future State governmental projects and assess their water needs, to thereby serve as a framework for the planning and implementation of water development over a twenty-year planning horizon. The previous SWPP applicable to all State projects was published in February 2003. Planning for an update to the SWPP began in at least 2010, and in 2012 due to funding constraints, CWRM determined that the next update to the SWPP would focus solely on DHHL needs. CWRM also chose to focus on DHHL needs in recognition that "DHHL possesses the largest area of land of all State agencies and thus could have significant impact and requirements on water resources" and "water needs of DHHL are public trust uses of water and have a special protection and priority in the State Water Code."<sup>2</sup>

The information in the SWPP update resulted from years of close work and analysis by CWRM, Department of Land and Natural Resources and DHHL staff, and their consultants. In developing the SWPP, DHHL division operations, priorities, and plans were surveyed to inventory future water requirements of proposed DHHL projects. Proposed water demands for DHHL projects have a firm basis in DHHL's tiered land use plans, which include the General, Island, and Regional Plans, and current and planned projects under control of the Land Development and Land Management Divisions. These plans and projects consider the water needs of agricultural and conservation lands, as well as those of residential and community uses. SWPP water requirements were assessed over a 20-year planning horizon, in one-year increments for the period between 2012 and 2016, then in five-year increments between the years 2016 and 2031. These resulted in a range of water use forecasts (high, medium and low) for potable and non-potable water needs. The following are noted for ease of reference:

- SWPP Appendix B consists in a listing of DHHL projects and their *potable* water demands, under a medium projection, for each island from 2012-2031.
- SWPP Appendix C consists in a listing of *non-potable* water demands for various *water development strategies*, under a medium projection, for each island from 2012-2031.
- SWPP Appendix D consists in a listing of DHHL projects and their *non-potable* water demands, under a medium projection, for each island from 2012-2031

---

<sup>2</sup> CWRM Website "State Water Projects Plan" (accessed Mar. 7, 2018) available at: <http://dlmr.hawaii.gov/cwr/planning/hiwaterplan/swpp/>.

In January 2017, six public hearings were held by CWRM on the SWPP Update on DHHL water projects at locations across the State (Lihue, Kaua'i; Kaunakakai, Moloka'i; Wailuku, Maui; Hilo, Hawai'i; Kailua-Kona, Hawai'i; and Honolulu, O'ahu). DHHL staff attended these meetings. The SWPP Update was approved and published in May 2017, specifically and only for DHHL water projects.

In addition to the need to complete the SWPP projections of DHHL water needs for state CWRM planning purposes, it has been the intent of the DHHL staff that these data also serve as a significant basis for future DHHL water reservations across the islands.

## II. Legal authorities and policy guidelines supporting the recommended motion/ action.

### A. *DHHL's duty to obtain water reservations.*

Section 220 of the Hawaiian Homes Commission Act (HHCA) titled "Development projects; appropriations by legislature; bonds issued by legislature; mandatory reservation of water" provides in relevant part:

(a) Subject to subsection (d), *the department is authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian home lands and to undertake other activities having to do with the economic and social welfare of the homesteaders, including the authority to derive revenue from the sale, to others than homesteaders, of water and other products of such projects or activities, or from the enjoyment thereof by others than homesteaders, where such sale of products or enjoyment of projects or activities by others does not interfere with the proper performance of the duties of the department; provided that roads through or over Hawaiian home lands, other than federal-aid highways and roads, shall be maintained by the county in which the particular road or roads to be maintained are located.*

[ . . . . ]

(d) For projects pursuant to this section, sufficient water shall be reserved for current and foreseeable domestic, stock water, aquaculture, and irrigation activities on tracts leased to native Hawaiians pursuant to section 207(a).

HHCA §220(a) & (d) (emphases added). The department is directly authorized to undertake water projects and, for such projects, "sufficient water *shall* be reserved[.]" Id. Under, this direct authorization and mandatory requirement, the department's duties

to obtain reservations for water projects on Hawaiian home lands are not discretionary and are administrative in nature. This Commission has expressed its "desire . . . that functions and duties, administrative in nature, be delegated to the chairman and duties requiring the exercise of judgment or discretion continue to reside with the commission." HAR §10-2-16(a) (titled, "Delegation of duties to chairman").

The HHC Water Policy Plan (WPP), adopted by the HHC on July 22, 2014 after two years of beneficiary consultation, further guides the HHC and DHHL in seeking water reservations. Goal 6 of the WPP specifically states the DHHL shall "Secure adequate and enforceable reservations of water for current and foreseeable future needs for all of its lands across the islands. Doing so is a key method to achieve Priority Goal 2 of the WPP to: "[a]ggressively, proactively, consistently and comprehensively advocate for the kuleana of the beneficiaries, the DHHL, and the HHC to water before all relevant agencies and entities."

Accordingly, the Recommended Motion/ Action seeks authorization for the chairman to carry out the department's administrative duty to obtain reservations of water for Hawaiian home lands.

#### *B. Reservation provisions under the Water Code.*

The State and its subdivisions, including CWRM, are obligated to protect DHHL's rights in water resources as set forth in the Hawaiian Homes Commission Act, 1920, as amended (HHCA), §§ 101(b)(4), 220, 221; the Hawai'i Constitution, article XI, §§ 1 and 7; and the Water Code (HRS Chapter 174C). Under the State Water Code, CWRM must incorporate and protect adequate reserves of water for Hawaiian home lands:<sup>3</sup>

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<sup>3</sup> See e.g., HHCA § 221(b) (stating that all water licenses issued shall be subject to the condition that DHHL is entitled to use, without charge any water that DHHL deems necessary in order to "adequately to supply the livestock, aquaculture operations, agriculture operations, or domestic needs of individuals upon any tract"); HHCA § 221(c) (stating that the Department may use without charge water not covered by a water license, or covered by a water license issued after passage of the HHCA in order "adequately to supply the livestock, aquaculture operations, agriculture operations, or domestic needs of individuals upon any tract[.]").

Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.

HRS § 174C-101(a) (emphases added). DHHL reservations and water uses are also public trust uses,<sup>4</sup> as recognized by the Hawai'i Supreme Court in its opinions on the use of Hawai'i's water resources. These legal authorities protect and affirm DHHL's water rights and those of its beneficiaries.<sup>5</sup>

The Water Code provides for reservations of water in areas whether or not they are "designated" as Water Management Areas (WMA). In WMAs, water reservations may be made pursuant to HRS §174C-49(d), which states:

[CWRM or "commission"] by rule, may reserve water in such locations and quantities and for such seasons of the year as in its judgment may be necessary. Such reservations shall be subject to periodic review and revision in the light of changed conditions; provided that all presently existing legal uses of water shall be protected.

CWRM's Hawaii Administrative Rule (HAR) §13-171-60 provides further guidance:

(a) As provided in HRS §174C-49(d), the commission, by rule, may reserve water in such locations and quantities and for such seasons of the year as in its judgment may be necessary.

(b) The commission shall adopt within this subchapter specific reservations of water in water management areas in such quantities as are deemed necessary for purposes which are consistent with the public

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<sup>4</sup> Other public trust purposes include (1) water resource protection, (2) domestic water use, and (3) the exercise of Native Hawaiian and traditional and customary rights. Public trust uses do not include private commercial uses. *Kukui*, 116 Hawai'i at 791 n.6, 174 P.3d at 330 n.6; *see also Waiāhole I*, 94 Hawai'i at 136-37, 9 P.3d at 448-49.

<sup>5</sup> *See In re Water Use Permit Applications*, 94 Hawai'i 97, 9 P.3d 409 (2000), *In re Water Use Permit Applications*, 105 Hawai'i 1 93 P.3d 643 (2004), *In re Kukui (Moloka'i) Inc.*, 116 Hawai'i 481, 486, 174 P.3d 320, 325 (2007), *In re 'Iao Ground Water Mgmt. Area High-Level Source Water use Permit Applications*, 128 Hawai'i 228, 287 P.3d 129 (2012), and *Kauai Springs, Inc. v. Planning Comm'n of County of Kauai*, 133 Hawai'i 141, 173-75, 324 P.3d 951, 982-85 (2014); *see also In re Wai'ola o Moloka'i*, 103 Hawai'i 401, 431, 83 P.3d 664, 694 (2004) (recognizing home land water entitlements as a public trust purpose), HRS §§ 174C-101(a), -49(a), -49I, -31(q); HHCA §§ 101(b)(4), 220(d); *see also HAR* §§ 13-171-60 to -63.

interest, including the provision of water for current and foreseeable development and use of Hawaiian home lands pursuant to section 221 of the Hawaiian Homes Commission Act and HRS §174C-101(a).

(c) Proceedings for the establishment of a reservation of water resources within a designated water management area by the commission may be initiated: (1) Upon recommendation by the chairperson; or (2) Upon written petition to the commission by any interested person with proper standing.

(d) Reserved water shall not be allocated from water management areas by the commission except upon application for a water use permit by the party, or parties, for whom the water was reserved.

(e) All reservations shall be subject to periodic review and revision in light of changed conditions.

To date, CWRM has only established three water reservations by rule in WMAs, and all three were for DHHL. See HAR §§13-171-61 to 13-171-63 (reserving water in Waipahu-Waiawa (O'ahu), Waimānalo (O'ahu), and Kualapu'u (Moloka'i)). As described in their August 2015 submittal recommending approval of DHHL's request for a water reservation in Keauhou (not a WMA), CWRM staff received legal advice indicating that HRS §174C-101(a) authorizes CWRM to reserve water for DHHL regardless of whether the areas of reservation are designated as WMAs.

Currently, upon CWRM approval, DHHL water reservations are documented in the State Water Resource Protection Plan (WRPP). Should the location of the reservation later become designated as a WMA, CWRM initiates review and rule-making on the reservation pursuant to HRS §174C-49(d) HRS and Hawaii Administrative Rule §13-171-60(b). Water reserved to DHHL is also incorporated into CWRM's calculation of "authorized planned uses" of water, which calculation is considered in determining whether to designate a WMA. HRS §§ 174C-3 & -44(1); HAR §§13-171-2 & -7(1).

### III. Rationale for SWPP-based reservation requests

In recent years, the Department has sought authorization from this Commission to submit requests to CWRM to reserve water for Hawaiian Home Lands in areas where there were significant ongoing or emerging conflicts over water, including East Maui/Pūlehunui, Maui; Waimea, Kaua'i; and Keauhou, Hawai'i. The SWPP, however, offers a means through which many of the foreseeable water needs Department may be more comprehensively coordinated and integrated into statewide water development projects.

The State has a broad mandate to provide "adequate amounts of water and supporting infrastructure" for Hawaiian home lands.

HHCA §101(b)(4). The SWPP thus specifies instances of cooperation whereby Hawai'i's political subdivisions, including its counties and agencies, may comply with their common obligation to ensure the provision of "adequate amounts of water and supporting infrastructure" to Hawaiian home lands. In particular, SWPP water development strategies are premised on extensive coordination with other state and county agencies. SWPP Table 4.1, titled "Water Development Strategy Option Codes," indicates options consisting in use of existing and planned water systems, city and county water department credits, private water purveyor systems under agreement, state permitted stream diversions, and existing and planned state wells. SWPP at 4-2. SWPP estimates for DHHL's foreseeable water requirements in the next twenty years may provide templates for new approaches to integrating DHHL water reservations into CWRM permits, instruments, and plans. Implementation of SWPP water development strategies may be facilitated by prior authorization of this Commission to the Chairman to develop and request water reservations.

Notwithstanding any agreement on how to implement reservations of water in locations and amounts specified in the SWPP, the department is entitled to request reservations of greater amounts in light of its more than twenty-year planning horizon and changed conditions or information concerning the needs of DHHL beneficiaries or homesteaders. Approving the recommended motion/ action would not bind the department to SWPP estimates, but would ensure that those amounts could be used to develop water reservation requests. The Chairman and the department would retain the ability to request increased amounts of water to be reserved for foreseeable domestic, stock water, aquaculture, and irrigation activities on Hawaiian Home Lands.

#### RECOMMENDED MOTION/ ACTION

Staff respectfully requests approval as recommended.

State of Hawaii

Department of Hawaiian Home Lands

March 19 - 20, 2018

To: Chair and Members, Hawaiian Homes Commission

Through: M. Kaleo Manuel, Acting Planning Program Manager

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

Subject: Approval to proceed to Beneficiary Consultation  
For the proposed water rate schedule and fees for  
the Pu'ukapu water system.

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) approve to proceed with beneficiary consultation for the Pu'ukapu Water System Rate Increase.

BACKGROUND AND PURPOSE

The Department of Hawaiian Home Lands (DHHL) owns and operates the Pu'ukapu Water System in West Hawai'i. Pu'ukapu is a non-potable water system and is not regulated by the Department of Health. The water system was initially built to serve 184 pastoral lots. Currently, there are 43 lots actively using the water system. In 2014, HHC approved a flat rate fee of \$122.41 per month (See Exhibit A).

Pu'ukapu water system  
At-a-Glance

Age of System	3 years
Service area	Pu'ukapu pastoral lots
Average number of users	43
Water source	County of Hawaii
Department of Health regulated?	No
Operations handled by:	Contracted operator

As with any government-owned water system, a major challenge is balancing water service adequacy and dependability with costs and customer rate affordability. Over the past year, DHHL

studied our system needs and worked to understand the costs of providing water service. Every component critical to delivering water, storage, and distribution, 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 served by the DHHL Pu'ukapu system. At the same time, the costs of providing service have grown.

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, which is the source for our Pu'ukapu system.

DHHL utilized a nonprofit expert to prepare a Cost of Service analysis to assess DHHL expenses and revenues for operating the Pu'ukapu water system. In Fiscal Year 2016, actual expenses for the system was as follows.

Pu'ukapu Water System  
Fiscal Year 2016

Actual Expenses	% of Total	Amount
Personnel	3.5%	\$7,568
Contract operator	86.0%	\$183,496
<ul style="list-style-type: none"> <li>• Routine operations &amp; maintenance</li> <li>• Repairs</li> <li>• Meter installation</li> </ul>		
Water Purchase from County	10.2%	21,761
Electricity	0.3%	614
Reserves	0%	0
<b>TOTAL</b>	<b>100%</b>	<b>\$213,439</b>

In FY 2016, revenue billed was \$52,547. Thus, the Pu'ukapu system operated at a loss of \$161,000. After reserve funding is taken into consideration, the shortfall increases to \$320,000.

The DHHL Pu'ukapu system serves 43 connections - all are pastoral beneficiaries. By industry standards, the system is considered very small, so DHHL is not able to achieve economies of scale such as the County water departments. Additionally, our current flat rate schedule is very low and has not kept up with rising costs, so revenue generated from the rate schedule does 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 any 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 schedule</li> <li>• Explore other sources for CIP funding</li> </ul>

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 equipment. After determining revenue needs, a rate schedule 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.
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:

- 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).

- 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:

- 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.
- 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 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 the Pu'ukapu water system is discussed below.

Five 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 "partial recovery of operational costs." The proposed rate increase is as follows.

- First year, increase flat rate by 22.5% - from \$122.41 to \$149.95. Then, increase by 8% annually thereafter.
- The projection is that revenues generated from this proposed rate increase will reduce the shortfall from \$161,000 to \$150,000 and remain consistent in future years.

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

	Today	FY 19	FY 20	FY 21	FY 22	FY 23
Pu'ukapu pastoral	\$122.41	149.95	161.95	174.90	188.90	204.01

	FY 24	FY 25	FY 26	FY 27	FY 28
Pu'ukapu pastoral	220.33	237.96	256.99	277.55	299.76

Other rate options considered are as follows.

	Rate Option	Impact on Water Bill	Shortfall
1	Continue current flat rate	\$122.41 Flat rate	\$161,000
2	Full recovery of operational costs and funds all reserves	\$752.82 Flat rate	\$0
3	Full recovery of operational costs only (no reserves)	\$440.68 Flat rate	\$0
4	New schedule with a base rate and water usage fee	\$313.82  Based on 25,000 gallons per month	\$91,852

Option 4 is a new schedule with a base rate and water usage fee as follows.

- Base rate: \$244.82
- Usage:
  - o Tier 1 (0 - 50,000 gallons) = \$2.76 (per 1,000 gallons)
  - o Tier 2 (50,001 + gallons) = \$0.70 (per 1,000 gallons)

#### 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.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 19, 2014

To: Chairman and Members, Hawaiian Homes Commission

From: Sandra Pfund, Administrator *Sandra Pfund*  
Land Development Division

Subject: Puukapu Hybrid Water System, Waimea, Hawaii,  
Establishment of Equipment and Installation Fees  
And Interim Water Rate for One Year

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve the establishment of Equipment and Installation Fees and Interim Water Rate to be charged to lessees of the Puukapu Pastoral Lots for a period of one year from the effective date of this action.

FACTS

1. In 1983 a Federal-State Task Force on the Hawaiian Homes Commission Act issued a report which concluded that the award of homestead leases should be accelerated even though site improvements were not provided ("Acceleration Program").
2. In 1990, DHHL prepared a "paper subdivision" of approximately 4,600 acres at Puukapu into 184 lots and awarded homesteads:
  - 97 leases @ 10 acres
  - 54 leases @ 15 acres
  - 17 leases @ 20 acres
  - 8 leases @ 100 acres
  - 8 leases @ 200 acres
3. Actual use and occupancy of the lots was conditioned upon the availability of adequate access roads and water, estimated at that time to take about 5 years to develop.

ITEM NO. E-4

EXHIBIT A

4. In 1992, the County of Hawaii required a water master plan detailing the type of water service that would be developed. Over the ensuing years, the Department completed a water master plan, negotiated with the County of Hawaii Department of Water Supply (DWS) for the cost of water allocation credits and assessed various options for the provision of water to the area.
5. In May 2002, a study entitled, "DHHL Puukapu Water Strategy Report", by Engineers Survey Hawaii, Inc., recommended that a DWS standard system was not feasible due to the extremely high cost and length of time for completion of such a system. In the alternative, a non standard system was recommended for development.
6. In March 2014, construction of non-potable water system consisting of storage and fire fighting tank reservoirs, booster pumps and transmission mains within the gravel road system was completed.
7. Water system costs to date:

Construction	\$3,261,700
Facilities Charge to DWS	\$ 849,420
(184 lots & 14 livestock credits)	\$4,111,120

#### DISCUSSION

1. The Puukapu Hybrid non-potable water system is ready to be placed online for service, subject to establishment of equipment and installation fees, a water rate and execution by each homesteader of an Internal Elevation Agreement and Lease Addendum.
2. Staff conducted community meetings in Waimea on September 19, 2013 and December 12, 2013 to provide opportunities for public comment on the proposed water rate.
3. On March 18, 2014, a workshop was presented to the Hawaiian Homes Commission and it was proposed that the Hawaiian Homes Commission establish an Interim Water Rate for a period of one year in which time the operation and maintenance of the system would be tested, water usage by homesteaders monitored and a review of the water rate structure conducted at the conclusion of one year.

4. Hawaiian Homes Commission authority to set water rates and fees:

- a. Sections 220, 220.5, and 221 of the Hawaiian Homes Commission Act provide extensive authority to the HHC and DHHL to own, operate, and manage water systems, to set rates, and to derive revenue from the delivery of water to both homesteads and non-homesteaders. How rates are set is specifically addressed in Section 10-3-76(i) of the Hawaii Administrative Rules that states:

"Water from department systems shall be sold at rates established by the commission. The department shall establish the frequency of billing and may determine a minimum monthly charge."

- b. Generally, water utilities must charge rates that allow for a financial break even point while addressing all needed costs to maintain and operate the system. This is described in an Attorney General's Opinion dated August 22, 1994, which states that:

"Every water system has operation and maintenance expenses as well as infrastructure capital requirements...Those costs are not for the water per se but for the delivery system, namely, for the "furnishing of water and for water service" (emphasis in original) as authorized in HRS §54-24. Customarily, those costs are prorated to consumers based on the amount of water used on some per unit basis. In the case of capital expenses, these may be paid in advance by the relevant legislative body or obtained through the issuance of bonds which are then repaid by collecting fees for water service on some unit basis. This is simply a means of amortizing the debt incurred in building the system."

5. The recommended Interim Water Rate is as follows:

COST COMPONENT	RATE PER MONTH
• Standby Charge: 4-Inch Master Meter \$255.00 per month. \$255.00/184 lots = \$1.39 per lot	\$ 1.39
• Flat Rate Water Charge	\$ 18.00
• Electricity Charge (\$1,692/40 users)	\$ 42.30
• Operations and Maintenance (10,761/184 users)	\$ 58.48
• Potable Water via Spigot (600 gpd/40 users)	\$ 2.24
<b>TOTAL</b>	<b>\$122.41</b>

6. In addition to the monthly water rate, each homesteader will be required to pay the following one-time equipment and installation costs:

EQUIPMENT/INSTALLATION	COST
5/8" Meter	\$114.00
Backflow Preventer	\$675.00
<b>TOTAL</b>	<b>\$789.00</b>

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve the establishment of Equipment and Installation Fees and Interim Water Rate to be charged to lessees of the Puukapu Pastoral Lots for a period of one year from the effective date of this action.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

March 19 & 20, 2018

TO: Chairman and Members, Hawaiian Homes Commission  
FROM: Kaleo Manuel, Acting Planning Program Manager  
SUBJECT: G-3 State Water Projects Plan Technical Approach and Water Reservations Under the  
State Water Code


*THIS WILL BE AN ORAL PRESENTATION. RELEVANT MATERIAL MAY BE DISTRIBUTED  
AT THE TABLE*



ITEM NO. G-3

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

March 19-20, 2018

To: Chairman and Members, Hawaiian Homes Commission

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

From: Nancy McPherson, Planner, Planning Office   
Allen G. Yanos, Property Development Agent, Land  
Management Division 

Subject: For Information Only -- Preliminary Transit-Oriented  
Development Conceptual Plans for Moanalua Kai (Shafter  
Flats) and Kapālama, Kona, Island of O'ahu, Multiple  
TMKs

RECOMMENDED ACTION

None. For information only.

DISCUSSION

**Purpose**

The purpose of this informational briefing for the Hawaiian Homes Commission (HHC) is to provide a progress report on the transit-oriented development (TOD) conceptual planning project nearing completion for Department of Hawaiian Home Lands (DHHL) lands in Shafter Flats which has been tentatively branded as "Moanalua Kai" and Kapālama, Kona Moku, Island of O'ahu.

**Background**

In July 2016, PBR Hawaii & Associates, Inc. was contracted to assist DHHL in conducting feasibility studies and preparing TOD conceptual plans for Hawaiian Homes lands located at Moanalua Kai and Kapālama. See Exhibit 'A', Location Maps. DHHL has an opportunity to redevelop these lands, which are located in close proximity to the planned Lagoon Drive, Middle Street, and Kapālama transit stations for the Honolulu Area Rapid Transit (HART) rail project currently under construction. The attached Exhibits 'B' and 'C' show the location of Moanalua Kai and Kapālama lands in relation to the rail transit stations.

The primary assignment given to PBR Hawaii was to develop conceptual plans and supporting studies that would:

- 1) serve as a comprehensive guide for TOD of these two project areas;
- 2) assist the City and County of Honolulu with planning for future infrastructure needs in each project area; and
- 3) assist with coordination of DHHL's TOD plans with other adjacent landowners' plans.

The focus of the conceptual plans project was to provide DHHL the information needed to determine the feasibility of potential future use of these properties that will take advantage of TOD plans, zoning, and other related benefits.

The Moanalua Kai lands, shown in the attached Exhibit 'D', consist of 20 parcels comprising approximately 14 acres, primarily in industrial use, that were acquired as part of the Act 14 Settlement with the State of Hawai'i. These parcels have warehouses or buildings dating back from the late 1960's and early 1970's when they were still under the control of the Department of Land and Natural Resources. The majority of general leases in this area will terminate in 2022.

The Kapālama lands, also acquired as part of the Act 14 Settlement, consist of three parcels comprising a total of five acres, shown in the attached Exhibit 'E', which are primarily in commercial use. One parcel of 5,590 sq. ft. is under a license for a radio transmission tower site. Another parcel of 1.57 acres is under a general lease for a fresh produce warehouse and distribution facility. The largest parcel of 2.75 acres includes an office building and two buildings which comprise the makai portion of the City Square Shopping Center. The Kamehameha Schools owns the land under the mauka portion of the City Square Shopping Center, fronting Dillingham Boulevard. Although the lease termination dates range from 2029 to 2070 in this area, DHHL is taking a proactive approach by including the Kapālama lands in the TOD conceptual planning effort. Doing so will provide DHHL with long-range planning options that can be used in development of a high-density mixed-use project that could include a residential rental component.

### ***O'ahu Island Plan***

Beneficiary consultation on the O'ahu Island Plan (OIP) was conducted from April 2013 through February 2014 and included three open houses and two rounds of consultation meetings in various locations on O'ahu. Information on the revenue generating parcels in Moanalua Kai and Kapālama, including information on TOD potential and sea level rise impacts, were shared with

beneficiaries, and their suggestions and feedback were incorporated into the plan where appropriate.

After the primary priority of residential and subsistence agricultural homesteading, a secondary priority of the OIP is the development of commercial and industrial lands for revenue generation. Revenue generation is necessary to fund and implement the OIP's top priority of homestead development. These land uses will be developed or redeveloped based upon lease status, market demand, and in some instances, infrastructure availability.

### ***Preliminary Conceptual Plans***

Exhibits 'F' and 'G' show preliminary conceptual plans for the properties at both sites. At Kapālama, high rise residential rental towers are envisioned on top of a parking structure with commercial spaces on the ground floor. At Moanalua Kai, redevelopment is envisioned to occur in phases and involves large, multi-story industrial buildings.

Some major issues to be addressed when the final summary report is issued are:

- Determining capacity of the land to handle larger, high density structures
- Addressing recurrent flooding and anticipated sea level rise in terms of future redevelopment
- Identifying the constraints and limitations to future redevelopment
- Estimating potential costs of these redevelopment plans

### ***Process***

Eventually, depending on the final conceptual redevelopment plans, parcels may be consolidated/re-subdivided and solicitations issued to master developers under general leases for large tracts of land. DHHL will generate revenue from the lease and sublease rents in this case.

### **NEXT STEPS**

- Conduct informational meetings for the beneficiary community
- Update TOD plans as opportunities arise
- Seek approval from the HHC to authorize short-term extensions of the general leases expiring depending on the redevelopment leasing schedule

- Determine whether it would be appropriate to reconsolidate parcels and subdivide them to make the properties more attractive for redevelopment
- Issue solicitations for proposals for future redevelopment as soon as feasible to select master developers in order to begin mobilization for redevelopment when the leases expire.

#### RECOMMENDATION

None. For information only.

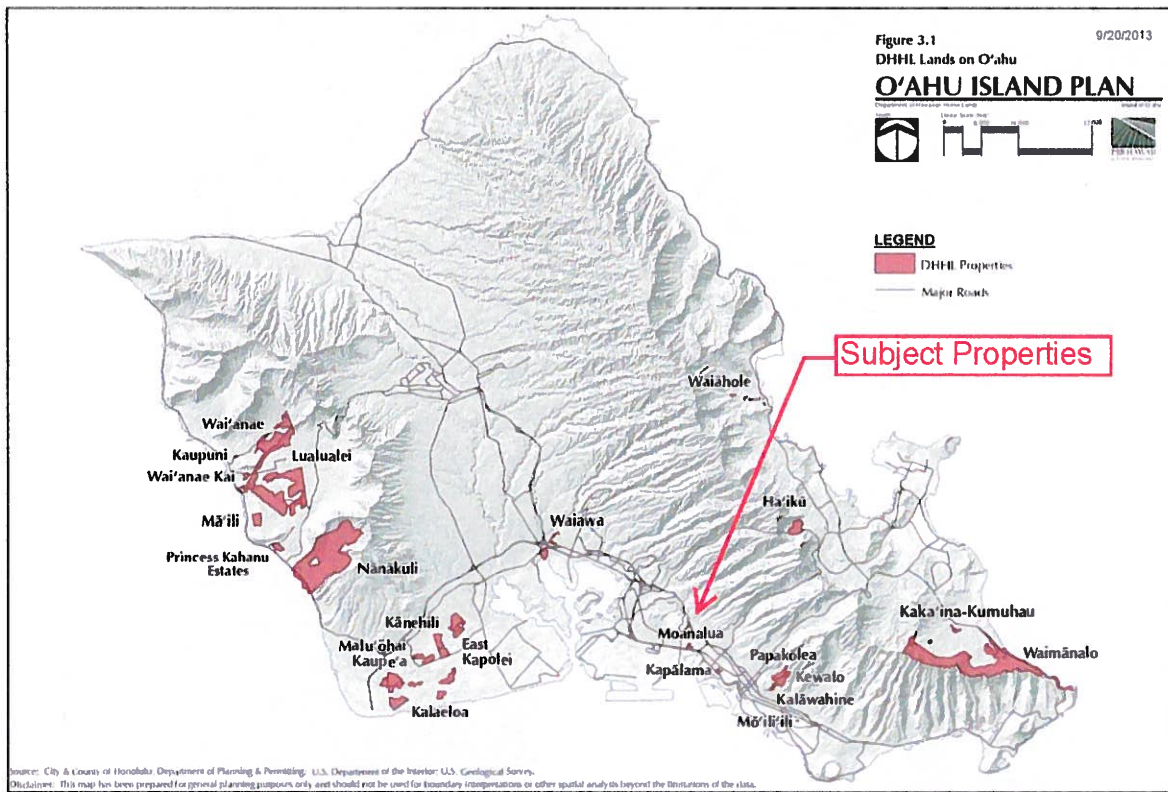


Figure 3-1 DHHL landholdings on O'ahu



Figure 6-4 Moanalua Ahupua'a

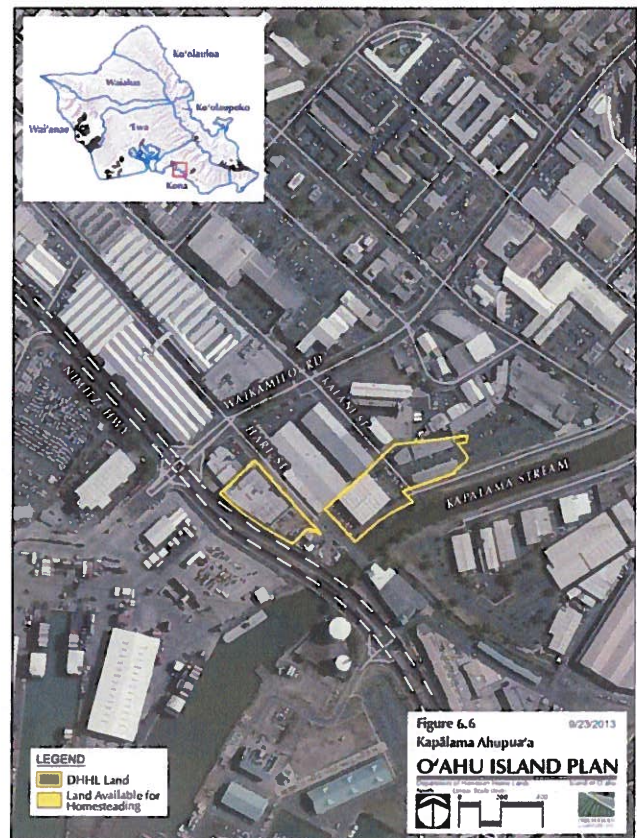
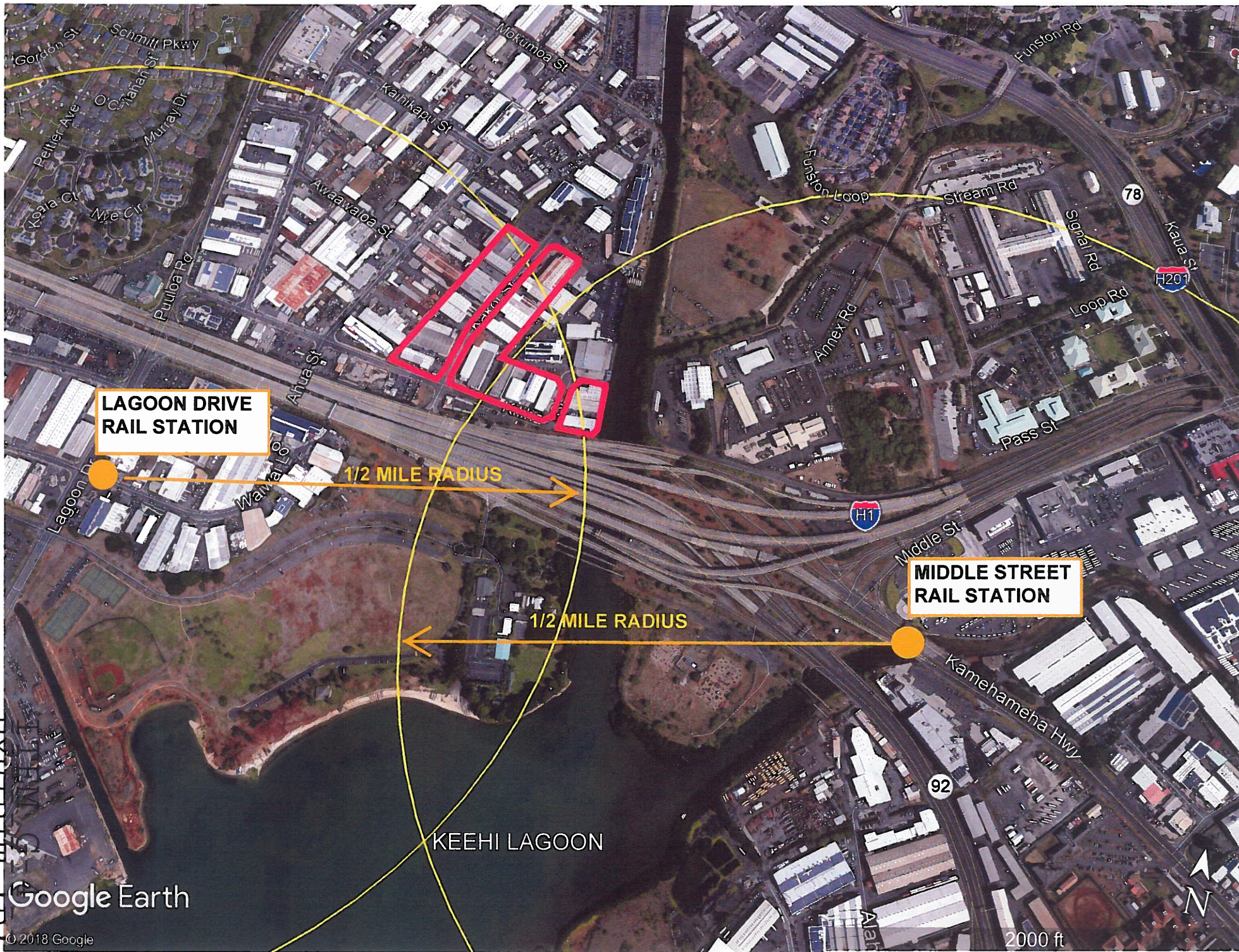


Figure 6-6 Kapālama Ahupua'a



**LAGOON DRIVE  
RAIL STATION**

1/2 MILE RADIUS

1/2 MILE RADIUS

**MIDDLE STREET  
RAIL STATION**

KEEHI LAGOON

Google Earth

© 2018 Google

2000 ft

EXHIBIT B

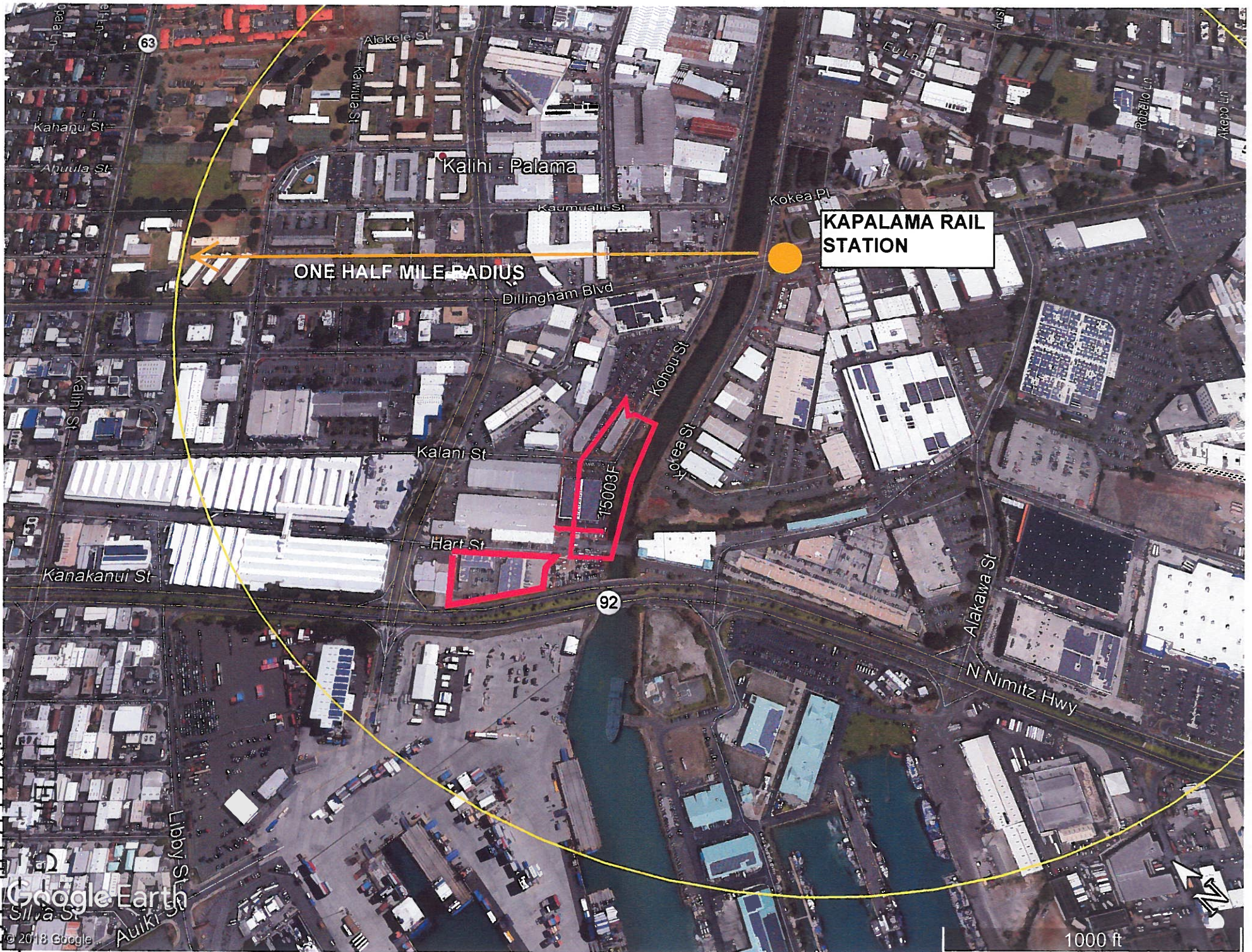


EXHIBIT C

Google Earth  
© 2018 Google

# DHHL Shafter Flats

20 PARCELS - APPROX 14 ACRES



ITEM 4  
EXHIBIT D

Google Earth

© 2018 Google

92

N Nimitz Hwy

Queen Liliuokalani Fwy



400 ft

# DHHL Kapalama Parcels

3 PARCELS - APPROX 5 ACRES



## LEASE EXPIRATION

● 2029

● 2045

● 2070

Google Earth

© 2018 Google

EXHIBIT  
ITEM G-4



1" = 200'

0 50 100 200 400 feet

ITEM G-4

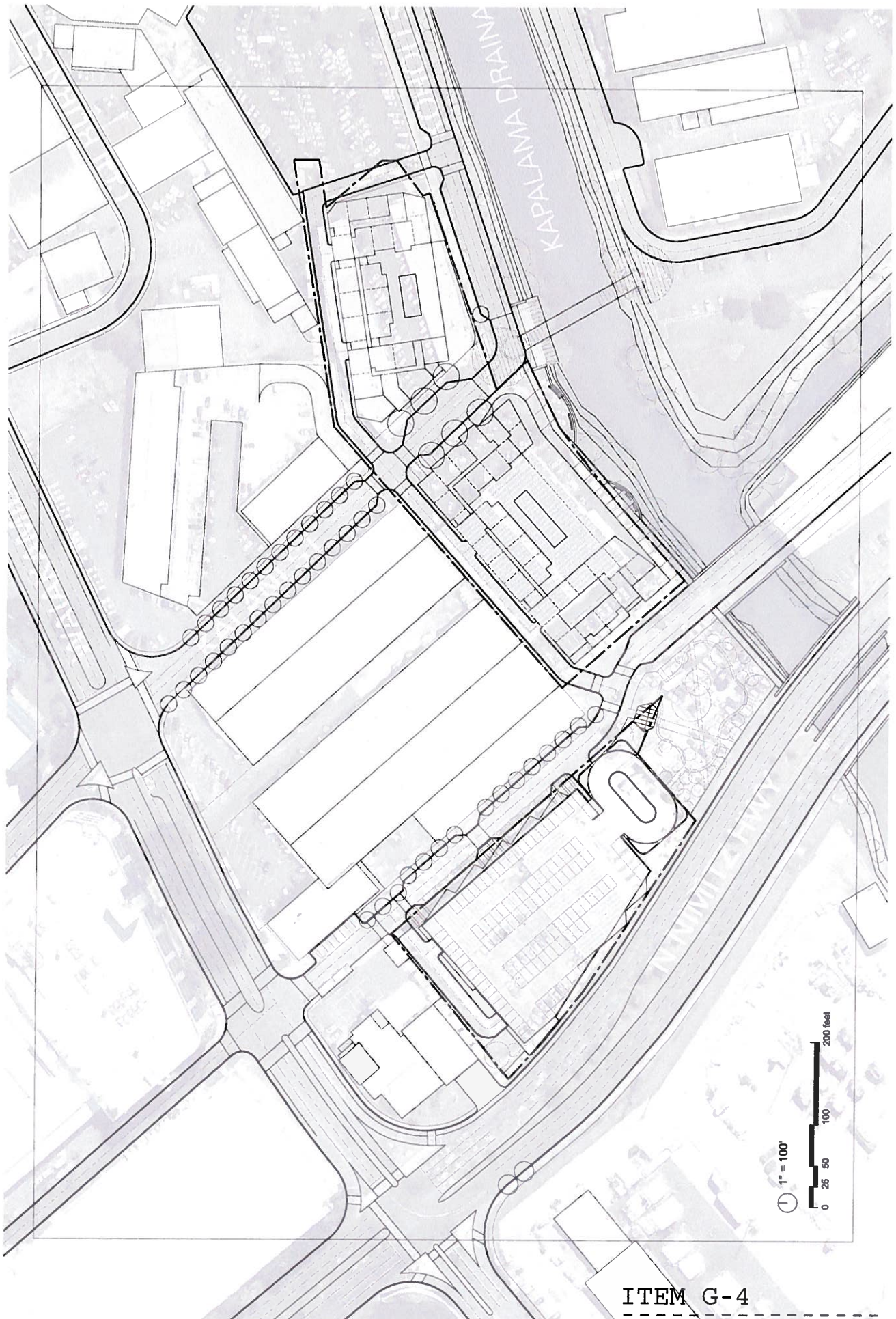
EXHIBIT 'F' P.1





ITEM G-4  
EXHIBIT 1F1 P.3





ITEM G-4

EXHIBIT 'G' P.1







STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

ORIGINAL

March 19-20, 2018

To: Chairman and Members, Hawaiian Homes Commission

Through: Kaleo Manuel, Acting Planning Program Manager

From: Lehua Kinilau-Cano, HHL Legislative Analyst *Lehua Kinilau-Cano*

Subject: Legislative Updates 2018

RECOMMENDATION/ACTION:

None; For information only.

DISCUSSION

*The State Budget*

The House Finance Committee voted to amend the State Budget reflected in HB1900, HD1. The House reduced the Governor's Operating Funds request for DHHL of \$25,120,730 in general funds for fiscal year 2019 to \$23,590,442 which reflects a reduction of 24 positions that were vacant over a year and a half. The House also didn't incorporate the Governor's revised proviso, thus requiring \$6,865,887 in fiscal year 2019 be transferred to B&F for fringe benefit costs. With regard to the Governor's CIP request of \$15 million in fiscal year 2019 for lot development, the House Finance Committee amended the request by appropriating \$9.58 million. The Governor also proposed \$10 million in CIP for R&M for existing infrastructure and the House Finance Committee amended the request by appropriating \$3 million in fiscal year 2019. A chart highlighting the budget request for fiscal year 2019 for Purpose 4 - Operating & Admin expenses and Purposes 1-3 - Lots, Loans & Rehabilitation Projects as well as detail of the CIP funding in HB1900, HD1 is attached as Exhibit 'A'.

*Measure Tracking*

Staff has prepared a measure tracking spreadsheet listing all measures that impact the department that are still moving in the Legislature. The current spreadsheet with the status of each measure as of 03-13-18 is attached as Exhibit 'B'.

Of the DHHL bills in the Governor's Package, the Senate bills allowing for a commissioner from Lanai (SB961, HD1) and protecting the privacy of beneficiary information (SB2782, HD1)

are still moving. A measure (HB2464, HD2) 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 still under consideration. DHHL will continue to provide comments and be available to respond to questions on these and other measures. The measure tracking sheet also includes resolutions specifically referencing DHHL or affecting Hawaiian Home lands.

In addition to the bills and resolutions 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.

# DHHL's "Sufficient Funds" & Executive Supplemental Budget FY 19 – Purpose #4

	FY2019 DHHL	FY2019 GOV	FY2019 HB1900 HD1
A & O Budget Request (A)	(260) \$31,831,519	(200) \$25,120,730	(176) *\$23,590,442
Operating R&M for Existing Infrastructure (A)	\$3,613,000		
CIP R&M for Existing Infrastructure (C)	\$35,315,000	\$10,000,000	\$3,000,000
Total HHC A & O Budget Request	\$70,759,519	\$35,120,730	\$26,590,442

\*Includes \$6,865,887 in FY 19 to reflect the fringe benefit cost



# DHHL's "Sufficient Funds" & Executive Supplemental Budget FY 19 – Purposes #1-3

	FY2019 DHHL	FY2019 GOV	FY2019 HB1900 HD1
Lot Development (C)	\$147,125,000	\$15,000,000	\$9,580,000
Loans (C)	\$73,100,000		
Rehab Projects (C)	*\$29,050,000		
Rehab Projects (A)	^\$13,109,100		
Total	\$262,384,100	\$15,000,000	\$9,580,000

\*Total reflects projects requested by homestead leaders.

^ Includes \$365,000 requested by homestead leaders.



HB1900 HD1 CIP Spreadsheet  
(Appropriations in 000's)

ProgID	Title	Description	FY18	FY19	MOF
HHL602	HAWAIIAN HOME LANDS LOT DEVELOPMENT, HAWAII	PLANS, DESIGN, AND CONSTRUCTION FOR DEVELOPMENT OF KAUMANA SUBDIVISION LOT REHABILITATION, KAUMANA, HAWAII.	500	-	C
HHL602	HAWAIIAN HOME LANDS LOT DEVELOPMENT, HAWAII	PLANS, DESIGN, AND CONSTRUCTION FOR DEVELOPMENT OF KAU WATER SYSTEM, KAU, HAWAII.	1,500	-	C
HHL602	HAWAIIAN HOME LANDS LOT DEVELOPMENT, KAUAI	PLANS, DESIGN, AND CONSTRUCTION FOR DEVELOPMENT OF HANAPEPE RESIDENTIAL SUBDIVISION PHASE 2, HANAPEPE, KAUAI.	1,000	-	C
HHL602	HAWAIIAN HOME LANDS LOT DEVELOPMENT, MAUI	DESIGN AND CONSTRUCTION FOR THE DEVELOPMENT OF AGRICULTURAL OFF-SITE WATER SYSTEM, KEOKEA, MAUI AKA WATER SYSTEM IMPROVEMENTS, KEOKEA-WAIOHULI.	2,000	-	C
HHL602	HAWAIIAN HOME LANDS LOT DEVELOPMENT, MAUI	DESIGN AND CONSTRUCTION FOR THE DEVELOPMENT OF LEIALII PARKWAY AND HIGHWAY IMPROVEMENTS, LEIALII, MAUI.	-	1,400	C
HHL602	HAWAIIAN HOME LANDS LOT DEVELOPMENT, MAUI	DESIGN AND CONSTRUCTION FOR THE DEVELOPMENT OF PHASE 2 SITE IMPROVEMENTS (76 LOTS), KEOKEA-WAIOHULI, MAUI.	1,000	-	C
HHL602	HAWAIIAN HOME LANDS LOT DEVELOPMENT, MOLOKAI	DESIGN AND CONSTRUCTION FOR THE DEVELOPMENT OF SCATTERED LOTS SITE IMPROVEMENTS, HOOLEHUA, MOLOKAI.	1,500	-	C
HHL602	HAWAIIAN HOME LANDS LOT DEVELOPMENT, MOLOKAI	DESIGN AND CONSTRUCTION FOR THE DEVELOPMENT OF NAIWA SUBDIVISION SITE IMPROVEMENTS, HOOLEHUA, MOLOKAI.	-	1,500	C
HHL602	HAWAIIAN HOME LANDS LOT DEVELOPMENT, OAHU	PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION AND EQUIPMENT FOR LOT DEVELOPMENT, OAHU.	6,900	-	C
HHL602	HAWAIIAN HOME LANDS LOT DEVELOPMENT, OAHU	PLANS, DESIGN, AND CONSTRUCTION FOR DEVELOPMENT OF VOICE OF AMERICA, PHASE I INFRASTRUCTURE, NANAKULI, OAHU.	800	-	C
HHL602	HAWAIIAN HOME LANDS LOT DEVELOPMENT, OAHU	PLANS, DESIGN, AND CONSTRUCTION FOR DEVELOPMENT OF AGRICULTURAL LOTS, WAIMANALO, OAHU.	1,300	-	C
HHL602	KAILAPA COMMUNITY ASSOCIATION, HAWAII	CONSTRUCTION FOR THE KAILAPA COMMUNITY RESOURCE CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	500	-	C
HHL602	LA'I'OPUA 2020, HAWAII	CONSTRUCTION FOR A COMMUNITY CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	500	-	C
HHL602	NAHASDA DEVELOPMENT PROJECTS, STATEWIDE	PLANS, DESIGN, AND CONSTRUCTION FOR VARIOUS HAWAIIAN HOMESTEAD PROJECTS AND IMPROVEMENTS STATEWIDE, PURSUANT TO THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT, PUBLIC LAW 107-73, 107TH CONGRESS. FUNDS NOT NEEDED IN A COST ELEMENT MAY BE USED IN ANOTHER. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.	15,000	15,000	N

EXHIBIT A

HB1900 HD1 CIP Spreadsheet  
(Appropriations in 000's)

ProgID	Title	Description	FY18	FY19	MOF
HHL602	PULEHUNUI SITE IMPROVEMENT AND INFRASTRUCTURE, PULEHUNUI, MAUI.	PLANS, DESIGN, AND CONSTRUCTION FOR SITE IMPROVEMENTS AND INFRASTRUCTURE DEVELOPMENT FOR SEWAGE TREATMENT SYSTEM IMPROVEMENTS. TO SERVICE THE ENTIRE PULEHUNUI DEVELOPMENT AREAS THAT SHALL INCLUDE ALL PSD, LNR, HHL AND MAUI COUNTY RECREATION AREAS; GROUND AND SITE IMPROVEMENTS.	17,500	-	C
HHL602	R & M - HAWAIIAN HOME LANDS EXISTING INFRASTRUCTURE, MAUI	DESIGN AND CONSTRUCTION FOR THE REPAIR AND MAINTENANCE OF ROADWAY SAFETY AND DRAINAGE IMPROVEMENTS, KULA MAUI.	1,200	-	C
HHL602	R & M - HAWAIIAN HOME LANDS EXISTING INFRASTRUCTURE, MAUI	DESIGN AND CONSTRUCTION FOR THE REPAIR AND MAINTENANCE OF ARCHAEOLOGICAL PRESERVATION IMPROVEMENTS, KEOKEA-WAIOHULI, MAUI.	1,000	-	C
HHL602	R & M - HAWAIIAN HOME LANDS EXISTING INFRASTRUCTURE, STATEWIDE	DESIGN AND CONSTRUCTION FOR THE REPAIR AND MAINTENANCE OF UTILITIES IN EXISTING HOMESTEAD SUBDIVISION, WATER, SEWER, DRAINAGE, AND STREETLIGHTS, STATEWIDE.	2,900	-	C
HHL602	R & M HAWAIIAN HOME LANDS EXISTING INFRASTRUCTURE, STATEWIDE	DESIGN AND CONSTRUCTION FOR THE REPAIR AND MAINTENANCE OF MOLOKAI AND KAUAI WATER SYSTEMS SECURITY ENHANCEMENTS.	500	-	C
HHL602	R & M HAWAIIAN HOME LANDS EXISTING INFRASTRUCTURE, STATEWIDE	PLANS, DESIGN, AND CONSTRUCTION FOR THE REPAIR AND MAINTENANCE OF ENVIRONMENTAL MITIGATION AND REMEDIATION ON EXISTING LOTS, STATEWIDE.	2,000	-	C
HHL602	WAIANAE COAST SECOND ACCESS ROAD, OAHU	PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR SECONDARY ACCESS ROAD FOR LEEWARD COAST INCLUDING BUT NOT LIMITED TO SAFETY IMPROVEMENTS, SYSTEM PRESERVATION AND TRAFFIC/CONGESTION RELIEF.	3,000	-	C
HHL602	WAIHOLI HAWAIIAN HOMESTEADERS ASSOCIATION, INC. (WHHA), MAUI	CONSTRUCTION FOR A COMMUNITY CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	500	-	C
HHL602	LUMP SUM R&M - HAWAIIAN HOME LANDS EXISTING INFRASTRUCTURE, STATEWIDE	PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR REPAIR AND MAINTENANCE TO EXISTING INFRASTRUCTURE ON VARIOUS HAWAIIAN HOME LANDS, STATEWIDE.	-	3,000	C
HHL602	KULA RESIDENCE LOTS, MAUI	PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR ROADWAY SAFETY AND DRAINAGE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	-	1,200	C
HHL602	KEOKEA-WAIOHULI DEVELOPMENT, MAUI	PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR PHASE 2 SITE IMPROVEMENTS (76 LOTS); EQUIPMENT AND APPURTENANCES.	-	5,480	C

Measure #	Report Title	Measure Title	Description	Status	Introducer(s)	Current Referral	Comp.
<a href="#">HB1900 HD1</a>	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.	S 3/13/2018: Referred to WAM.	SAIKI (Introduced by request of another party)	WAM	
<a href="#">HB2464 HD2</a>	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 HD2)	S 3/13/2018: The committee(s) on HWN deferred the measure until 03-20-18 1:30PM in conference room 016.	DECOITE, CULLEN, GATES, HASHEM, HOLT, ITO, KEOHOKALO, LOWEN, LUKE, ONISHI, SAY, SOUKI, TODD, TOKIOKA, TUPOLA, WARD, YAMANE, YAMASHITA, Evans, Har, Ing, McKelvey	HWN, JDC	SB2984
<a href="#">SB641 SD1</a>	Commission on Water Resource Management; Hawaiian Homes Commission Representation	RELATING TO THE CHAIRPERSON OF THE HAWAIIAN HOMES COMMISSION.	Adds the chairperson of the Hawaiian Homes Commission or the chairperson's designee to serve as an ex officio, voting member of the Commission on Water Resource Management. Effective 7/1/2050. (SD1)	H 3/8/2018: Referred to OMH/WAL, FIN, referral sheet 35	SHIMABUKURO, Dela Cruz, English, Espero, Keith-Agaran, Kidani, Nishihara	OMH/WAL, FIN	HB846
<a href="#">SB961 HD1</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. (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
<a href="#">SB2424 SD2</a>	DHHL; HHFDC; Micro Housing; Tiny Homes; Appropriation	RELATING TO HOUSING FOR NATIVE HAWAIIANS.	Authorizes the construction and use of micro housing units on Hawaiian home lands approved by the Department of Hawaiian Home Lands, and leased to native Hawaiian beneficiaries who meet the minimum Hawaiian blood quantum requirement, notwithstanding county zoning laws. Authorizes the use of the Hawaiian home loan fund and Hawaiian home general loan fund for assistance in purchasing or renting micro housing units for use on approved Hawaiian home lands and leased to beneficiaries who meet the minimum Hawaiian blood quantum requirement. Makes appropriations to the Department of Hawaiian Home Lands for construction of micro housing units, subject to certain conditions, and to build general organizational capacity of native Hawaiian-controlled nonprofit housing developers. Effective 7/1/2050. (SD2)	H 3/13/2018: This measure has been deleted from the meeting scheduled on Thursday 03-15-18 9:53AM in conference room 423.	ESPERO, Harimoto, Keith-Agaran, Shimabukuro	HSG/OMH, FIN	HB2473
<a href="#">SB2717 SD2</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 lessees on Hawaiian home lands with cesspool upgrade, conversion, or connection 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. Effective 7/1/2050. (SD2)	H 3/13/2018: The committees on OMH recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 5 Ayes: Representative(s) Ing, DeCoite, Creagan, Say, Takayama; Ayes with reservations: none; Noes: none; and 2 Excused: Representative(s) Gates, Thielen.	GALUTERIA, INOUE, SHIMABUKURO, K. Kahele, Kidani, Kim	OMH, EEP/WAL, FIN	HB1722
<a href="#">SB2782 SD1</a>	Department of Hawaiian Home Lands; Disclosure of Government Records	RELATING TO PERSONAL PRIVACY.	Specifies certain government records maintained by 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. Effective 7/1/2050. (SD1)	H 3/13/2018: The committees on OMH recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 5 Ayes: Representative(s) Ing, DeCoite, Creagan, Say, Takayama; Ayes with reservations: none; Noes: none; and 2 Excused: Representative(s) Gates, Thielen.	KOUCHI (Introduced by request of another party)	OMH, JUD, FIN	HB2355


Measure #	Report Title	Measure Title	Description	Status	Introducer(s)	Current Referral	Comp.
HCR9		APPROVING THE DEDICATION OF LEALIÂË'I PARKWAY, LAHAINA, HAWAII, TO THE COUNTY OF MAUI.		H 2/13/2018: The committees on OMH recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 7 Ayes: Representative(s) Ing, DeCoite, Creagan, Gates, Say, Takayama, Thielen; Ayes with reservations: none; Noes: none; and Excused: none.	SAIKI (Introduced by request of another party)	HSG/OMH, FIN	SCR16
HCR176	Ewa Field Aircraft Revetments; National Historic Monument; National Historic Landmark; Preservation	URGING FULL PRESERVATION OF THE 1942 EWA FIELD AIRCRAFT REVETMENTS AT FORMER MARINE CORPS AIR STATION EWA AS A NATIONAL HISTORIC MONUMENT.		H 3/9/2018: Offered	LOPRESTI		
HR157	Department of Hawaiian Homelands	URGING THE DEPARTMENT OF HAWAIIAN HOMELANDS TO COMMIT TO PROVIDING HOUSING FIRST FOR NATIVE HAWAIIAN BENEFICIARIES.		H 3/9/2018: Offered	WARD, BROWER, CACHOLA, CREAGAN, DECOITE, MCDERMOTT, SOUKI, THIELEN, TUPOLA, Ichiyama, Nishimoto, Saiki, Takayama, Takumi		
SCR16	Approving the Dedication of LealiâË'I Parkway, Lahaina, Hawaii, to the County of Maui	APPROVING THE DEDICATION OF LEALIÂË'I PARKWAY, LAHAINA, HAWAII, TO THE COUNTY OF MAUI.		S 3/12/2018: The committee(s) on WTL recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WTL were as follows: 3 Aye(s): Senator(s) K. Rhoads, Riviere, L. Thielen; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Gabbard, Inouye.	KOUCHI (Introduced by request of another party)	WTL, WAM	HCR9
SCR48	Department of Hawaiian Home Lands; Housing for Native Hawaiians	REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PROVIDE HOUSING FOR NATIVE HAWAIIANS.		S 3/12/2018: Referred to HWN/HOU, WAM.	HARIMOTO, ESPERO, INOUE, KEITH-AGARAN, K. RHOADS, TOKUDA, S. Chang, Galuteria, Green, K. Kahele, Nishihara, Riviere, Shimabukuro, Taniguchi, L. Thielen, Wakai, Ruderman	HWN/HOU, WAM	
SCR50	Hawaii Community Development Authority; Community Development Districts; Kakaako; East Kapolei; Heeia; Legislative Reference Bureau; Report	REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING DESIGNATING, DISSOLVING, OR TRANSFERRING CERTAIN COMMUNITY DEVELOPMENT DISTRICTS UNDER THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.		S 3/12/2018: Referred to WTL, WAM.	DELA CRUZ, ENGLISH, GALUTERIA, INOUE, KIDANI, S. Chang, K. Kahele, Keith-Agaran, Kim, Nishihara, Shimabukuro, Wakai	WTL, WAM	


EXHIBIT B

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

March 19-20, 2018

To: Chairman and Members, Hawaiian Homes Commission

Thru: Kaleo M. Manuel, Acting Planning Program Manager 

From: Sharde Freitas, Planner  
Andrew H. Choy, Planner 

Subject: Waimanalo, Oahu Regional Update to the Hawaiian  
Homes Commission

Recommended Action

For information only. No action required.

Background

Planning Office will be providing the Hawaiian Homes Commission (HHC) with updates of the respective DHHL geographic region in which the HHC conducts its monthly community meeting. The purpose of the monthly update is to provide the HHC with information related to DHHL plans, programs, and projects previously adopted by the HHC that are specific to that particular geographic region. A status report of DHHL's progress in implementing these initiatives is also included for the HHC's consideration.

For March 2018, Planning Office will be providing an update to the HHC for Waimanalo, Oahu.

Discussion

EXISTING PLANS & IMPLEMENTATION STATUS

Oahu Island Plan Policies Related to Waimanalo

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island, (2) establish land use goals and objectives of the General Plan specific to each island, and (3) identify island-wide needs, opportunities, and priorities. The Oahu Island Plan

was adopted by the HHC in July 2014. For Waimanalo, the plan identifies the following land use designations (see map, Exhibit A) and acreage amounts in Table 1 below.

Table 1

Waimanalo, Oahu Land Use Designation	Acres	Percent of total
Residential Homestead	210	11%
Subsistence Agriculture	15	0.7%
Industrial	35	1.8%
General Agriculture	100	5.3%
Community Use	120	6.4%
Conservation	1,430	74.8%
Total Acres	1,910	100%

#### *Oahu Island Plan Implementation Status*

Since its recent adoption in July 2014, no suggested land use amendments or updates to the Waimanalo region are being considered at this time in the Oahu Island Plan. The plan also acknowledges that DHHL will need to acquire additional lands to meet the demand of its beneficiaries waiting for a homestead on Oahu.

In Waimanalo, DHHL has been in the process of acquiring a 50-acre parcel commonly known as "Wong Farm" from the Department of Land and Natural Resources. DHHL submitted a sub-division application to the City and County of Honolulu Department of Planning and Permitting for the purposes of conveyance. Once conveyance occurs, DHHL plans to develop additional homestead opportunities for its Oahu Island waitlist applicants.

The Waikupanaha parcel (also commonly referred to as the "Char" property) (TMK 4-1-008:095) has returned to DHHL's inventory. Per the Oahu Island Plan, the parcel is designated for subsistence agricultural homesteading. The Land Development Division and Planning Office will be working on a homestead lot layout plan and environmental assessment for the property in 2018-2019 with the eventual goal of awarding subsistence agriculture homestead awards.

#### *Waimanalo Regional Plan*

The Waimanalo Regional Plan was first adopted by the HHC in August 2008 and subsequently updated in November

2011. Outreach with Waimanalo beneficiaries through the planning process identified the following priority projects:

- (1) Emergency Evacuation Plan
- (2) Hawaiian Cultural Learning Center
- (3) Honolulu Police Department Satellite Office
- (4) Develop Affordable & Obtainable Homestead Alternatives in Waimanalo
- (5) Waimanalo Business Park (Industrial / Technology)

*Waimanalo Regional Plan Implementation Status*

Table 2 below identifies the "project champion" as well as summarizes the status of each regional plan priority project.

Table 2: PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Emergency Evacuation Plan	Hawaii Hazards Awareness and Resilience Program (HHARP)	In-Progress. HHARP, a program of the state Civil Defense Department, was created to help communities prepare to be self-reliant during and after natural hazard events. HHARP has been conducting monthly meetings in the Waimanalo community (second Wednesday of each month).
Hawaiian Cultural Learning Center	Halau Na Pualei O Likolehua	Not Started. DHHL completed a rock fall mitigation feasibility study in 2016 for the same site in which the halau requested long-term use of. Rock fall mitigation measures suggested in the study are exceedingly expensive (\$30M plus) making homestead use of the site not financially viable at this time. Any party proposing a non-homestead use for the site would need to cover cost of rock fall mitigation.
Honolulu Police Department Satellite Office	State Rep. Chris Lee & HPD	Not Started. Funding for the project did not materialize. Need to re-engage project champions to see if project is still a priority.
Support & Develop Affordable & Obtainable Homestead Alternatives in Waimanalo	DHHL	In-Progress. This issue is a state-wide issue among DHHL beneficiaries. DHHL has been analyzing various affordable housing alternatives, including rentals as well as providing financial literacy services via its HALE program.
Waimanalo Business Park (Industrial/Technology)	Waimanalo Hawaiian Homestead Association (WHHA)	In-Progress. WHHA completed construction of its Community Technology and Education Center (CTEC) and obtained a Certificate of Occupancy for the building.

*DHHL Water Policy Plan Implementation Status*

In Windward Oahu, DHHL has an existing water reservation of 0.124 mgd for its foreseeable future needs. The Honolulu BWS is providing DHHL Waimanalo homestead residents with water on its system.

Recommendation

For information only. No action required.

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION

March 19 & 20, 2018


Kapolei, O'ahu

H-ITEMS  
**ADMINISTRATIVE SERVICES  
DIVISION**

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 19, 2018

TO: Chairman and Members, Hawaiian Homes Commission  
FROM: Rodney K. M. Lau, Administrative Services Officer   
SUBJECT: Transfer of Hawaiian Home Receipts Money at the End  
Of the Third Quarter, FY 2018

RECOMMENDED MOTION/ACTION

That the Commission approve the transfer of the entire receipts deposited in the Hawaiian Home Receipts Fund as of March 31, 2018 to the Hawaiian Home General Loan Fund.

DISCUSSION

Section 213 (g) of the Hawaiian Homes Commission Act, 1920, as amended, reads in part as follows:

"(3) Hawaiian home receipts fund. All interest moneys from loans or investments received by the department from any fund except as provided for in each respective fund, shall be deposited into this fund. At the end of each quarter, all moneys in this fund may be transferred to the Hawaiian home operating fund, the Hawaiian home administration account, the Hawaiian home trust fund, and any loan fund in accordance with rules adopted by the department."

Section 10-3-52(b) of Title 10, DHHL Administrative rules, provides that:

"If the Commission fails to approve a plan for transfer, all moneys in the Hawaiian home receipts fund shall be transferred at the end of that respective quarter as follows:

- (1) Nine per cent to the operating fund; and
- (2) Ninety-one per cent to the general loan fund."

As of March 31, 2018, the estimated balance in the Hawaiian Home Receipts Fund will be approximately \$1.1 million. Based on the

ongoing loan requirements for fiscal year 2018, it is recommended that cash receipts in the Hawaiian Home Receipts Fund for the quarter ending March 31, 2018 be transferred to the Hawaiian Home General Loan Fund.

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION  
March 19 & 20, 2018  
Kapolei, O'ahu

J-ITEMS  
**GENERAL AGENDA**

**Burrows-Nuuanu, Leatrice W**

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**From:** Bo Kahui <bokahui@laiopua.org>  
**Sent:** Monday, March 12, 2018 12:11 PM  
**To:** Burrows-Nuuanu, Leatrice W

Aloha Lea,  
i would like to request to be on the J Agenda for Mar 19th & 20th.  
I sent you an earlier email but not sure what happen.  
I've made arrangement to be present.  
Please advise  
Mahalo Nui  
Craig "Bo" Kahui  
Executive Director  
Laiopua 2020  
808-327-1221

*NOTICE: The information contained in this electronic mail transmission is intended by the sender for the sole use of the named individual(s) or entity(ies) to which it is directed and may contain information that is privileged or otherwise confidential. Please do not copy it or use it for any purpose or disclose its contents to any other person. To do so could violate state and federal privacy laws. If you have received this electronic mail transmission in error, please delete it from your system without copying or forwarding it and notify the sender of the error by reply email or by telephone so that the sender's address records can be corrected. Thank you for your cooperation.*

February 26, 2018

Jobie Masagatani  
Chair Hawaiian Homes Commission  
PO Box 1879  
Honolulu, Hawaii 96808

NOTICE & DEMAND

Aloha Chair Masagatani and Members of the Commission,

My name is Hercules E. K. Freitas, a native Hawaiian as defined under the HHCA, 1920, amended July 9, 1921 and this Notice & Demand STEMS from an action before the Hawaiian Homes Commission, State of Hawaii Docket No. 17-019, FINDINGS OF FACTS, CONCLUSIONS OF LAW AND DECISION AND ORDER dated Nov 17, 2017 @ 11:03am.

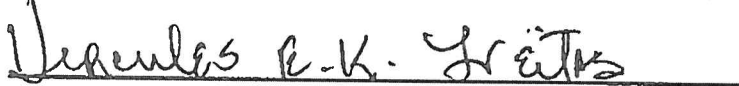
Even after the Order is issued I am still awaiting the REMOVAL of the concrete bollards still in place on the now trust property of which the DHHL has *exclusive control* over as the driveway portion of the leases which was a bone of contention between two native Hawaiians each having complained to the DHHL about the orderly and progressive development of the Rehabilitation project set forth by Prince Kuhio and *codified* by the 67<sup>th</sup> Congress in 1921.

I believe I complied with all the conditions to rectify the issues between my neighbors however it is taking Dean Oshiro 3-4 months to remove the concrete bollards which continue to hinder our orderly & progressive development of our lives on trust lands. The record submitted and the Contested Case Hearing (CCH) held and Decision and Order rendered by Richard L Hoke, hearings officers and the Order signed by Chair Masagatani on November 17, 2017 and yet today February 26, 2018 the concrete bollards STILL OBSTRUCT EMERGENCY VEHICLES from safely accessing my property Lot No. 4 Residential Lease 8977, as was expressed by the letter to DHHL by Hawaii County Fire Chief Darren Rosario dated March 5, 2014 evidence in the record under consideration by the hearings officer Richard Hoke. My question is when is it going to be removed?

Since the exclusive jurisdiction now sits with the DHHL is it the Department's kalian (responsibility) to remove concrete bollards and allow a pumping truck and emergency vehicles to access and enter my property?

I want to go home and enjoy my home but until the order is complied with by those whose fiduciary duties it is to care for and enforce the decisions of the Hearings office and based upon the Findings and Conclusions in the Nelson v. State wherein Judge Castingetti noted that the Department cannot serve two Masters... their obligations is towards the beneficiaries of the HHCA, 1920 as amended July 9, 1921.

I hope to receive a response from you in a timely manner

  
Hercules E. K. Freitas

Cc:

Richard Hoke, Hearings Officer (CCH)

Moses Haia, Esq.

Kaiini Kaloi, DOI-OHR

Wally Ishibashi, East Hawaii Commissioner

Nina Fisher, District Supervisor, EHO

Patrick L. Kahawaiolaa, President Keaukaha Community Association

# Pana'ewa Hawaiian Home Lands Community Association

P.O. Box 4788 ♦ Hilo, Hi 96720 ♦ Telephone: 808-315-2141 ♦ Email: phhlca@aol.com

Jobie Masagatani  
Chair Hawaiian Homes Commission  
PO BOX 1879  
Honolulu, HI 96808

RE: HERCULES FREITAS, TMK: (3) 1-7-007:042

Aloha Chair,

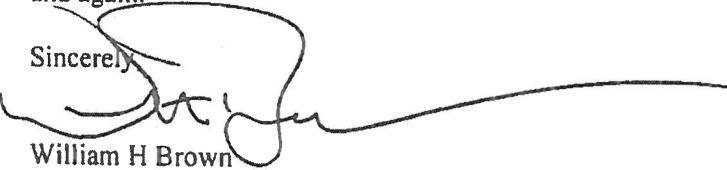
On behalf of Mr. Freitas and as a valued member of PHHLCA, we agree that the outcome in the Contested Hearing with Mr. Freitas' safety dilemma is just and have probable value to all homesteaders, we NOW hope that DHHL's procedures to rectify Mr. Freitas concern is swift in accordance to DHHL's processing measures by Dean Oshiro of the Planning Dept.

Mr. Freitas's contribution to Pana'ewa is a litany of values on giving back, his knowledgeable acumen has bolster our programs also with the giving of his own resources to the betterment of homesteaders. I have had the privilege to visit his home obtaining his donated items for several of our projects, I've witness the concern expressed by Mr. Freitas now I'm no engineer but to have a utility pole in the middle of a shared driveway is disconcerting. When I asked Mr. Freitas of HELCO's oversight, it was DHHL's engineering for the placement of the utility pole. *Auwe nohi e!*

The Health and Welfare of any beneficiary on the homestead is being threaten and the primary goals for the Rehabilitation of native Hawaiians should be on set precedent that befalls on the "Act of 1920", However to have no due diligence and/or any communication time line to Mr. Freitas court mandate is appalling and a major concern to ALL and to the "Act." Engagement to parties by proceedings of court findings needs corrective measures of transparency to include beneficiaries of the Trust on progress.

We pray that the engagement of this agency fares treatment to its most endearing purpose of its existence, it is for the betterment of native Hawaiians on Trust Lands created in 1920 as Mr. Freitas is seeking relief and due diligence to end this decade nightmare which is unconventional to most governing prowess. I leave you with this, to defend what is most cherished is to defend what is on principles made by laws to govern us for without the swiftness of laws and procedures we are made impoverished again and again and again.

Sincerely,



William H Brown  
President

Cc:

Hecules Freitas, Respondent  
Richard Hoke, Esq. (CCH)  
Kai'ini Kaloi, DOI-OHR  
Wally Ishibashi, EHC  
Nina Fisher, District Supervisor, EHO  
Patrick L. Kahawaiola'a, President of Keaukaha Community Association

*"To establish a viable & strong Hawaiian community through education & respect for our cultural heritage and stewardship of the aina & its people"*



PO Box 5146, HILO, HI 96720

Email: [kcaiprez@gmail.com](mailto:kcaiprez@gmail.com)

Phone: (808) 937-8217

March 8, 2018

Aloha Chair Masagatani and Members of the Commission,

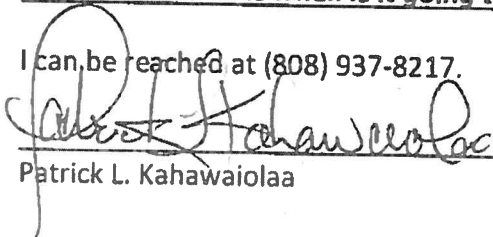
My name is Patrick L. Kahawaiolaa, and I am the current president of the Keaukaha Community Association, a native Hawaiian as defined under the HHCA, 1920, amended and *codified* by the 67<sup>th</sup> Congress July 9, 1921 and I am here sending a request on behalf of Hercules E. K. Freitas, a dues paying member of our Association who has asked for help in bringing a resolution to an action STEMMING from a Contested Case Hearing (CCH) before the Hawaiian Homes Commission, State of Hawaii Docket No. 17-019, FINDINGS OF FACTS, CONCLUSIONS OF LAW AND DECISION AND ORDER dated Nov 17, 2017 @ 11:03am.

Since the Order was issued Mr. Freitas is still awaiting the REMOVAL of the concrete bollards which are still in place on the now trust property of which the DHHL has *exclusive control* over as the driveway portion of the leases which was the bone of contention between two native Hawaiians each having *complained* to the DHHL about the orderly and progressive development of the Rehabilitation project set forth by Prince Kuhio. Mr. Freitas believes he has complied with all the conditions to *rectify* the issues between him and his neighbor however it is taking Dean Oshiro HSD 3-4 months to remove the concrete bollards which continues to hinder his orderly & progressive development of his and his ohana's lives on trust lands.

The record submitted of the Contested Case Hearing (CCH) held and Decision and Order rendered by Richard L Hoke, hearings officers and the Order signed by Chair Masagatani on November 17, 2017 shows that the decision was rendered and as of yet today March 8, 2018 the concrete bollards is **STILL OBSTRUCTING EMERGENCY VEHICLES** from safely accessing his property Lot No. 4 Residential Lease 8977, as was expressed by the letter to DHHL by Hawaii County Fire Chief Darren Rosario dated March 5, 2014 evidence in the record under consideration by the hearings officer Richard Hoke. Since the *exclusive jurisdiction* now sits with the DHHL is it the Department's responsibility to remove the bollards and allow a pumping truck and emergency vehicles to access and enter his property?

He wants to go home and enjoy his house but until the order is complied with by those whose fiduciary duties it is to care for and enforce the decisions of the Hearings office and also based upon the Findings and Conclusions in the Nelson v. State wherein Judge Castingetti noted that the Department cannot serve two Masters... their obligations is towards the beneficiaries of the HHCA, 1920 as amended July 9, 1921. His major question remains is when is it going to be removed?

I can be reached at (808) 937-8217.

  
Patrick L. Kahawaiolaa

**Burrows-Nuuanu, Leatrice W**

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**Subject:** FW: Waiting List

Aloha Leah... Michelle and JOBIE ,  
Thank you for all you do.... in your positions with our OAHU DHHL PROGRAM.  
I last spoke back in Jan. 2018 and I have NOT HEARD FROM ANYONE ... to SOLVE MY CASE OF BEING ON OUR MAUI  
AWARDED  
LIST FOR OVER 25 years is UNACCEPTABLE.  
I am now again ASKING TO PLACE ME ON MY AWARDED 1920 PROMISED MAUI LANDS .....BEFORE I DIE.  
I would like to at least sit with someone (Randy Awo)....to GO OVER MY CONCERNS, to Seek a SOLUTION AND JUSTIFY  
MY LEGAL MAUI BIRTHRIGHTS.  
Thank you  
PrincesLehuanani  
Kumaewakainakaleomomona

Sent from Yahoo Mail for iPhone

Aloha Leah

I'm getting back to see if the COMISSIONERS,...have settle

with the RESULTS OF ME GETTING

ON MY MAUI AWARDED LANDS BEFORE I DIE.... For over 25 years of waiting on this DHHL DEATH LIST.....  
I would like to settle on my MAUI AWARDED LANDS .... THANK YOU

PLEASE CAN I SET UP A MEETING WITH JOBIE OUR DHHL CHAIR TO SETTLE THIS MATTER.....MAHALO

PrincesLehuanani

Kumaewakainakaleomomona

attention of Chairman (3/8/2018)  
OF Hawaiian Homelands (Thursday)

So Whom it may Concern,  
Department of Hawaiian Homelands

2018 MAR 12 PM 12:00

I am Writing to your Agency today  
on Behalf of my Sister her Name  
is Carol H. Mitchell Palakiko

This letter is regarding a very  
important matter."

My Sister Carol is on the Homestead  
Waiting list since the 1980's for  
Residential and Ag lands.

She has for fast been homeless  
for 15 years could be a little  
longer. She has been on the Street  
in the Rain, Wind and Cold.

She has been destitute alone  
and Raped, thrown out of 2 Shelters  
and Beaten by police officers  
been given so many tickets  
has been to Court.

For Sleeping on the Beach → Ohana"

they called it Camping, we called it Heirs of

EXHIBIT


5-4

2)

Attacked by Foreigners eaten  
had her front Teeth Knocked  
out all of her front Teeth.

Just because She Was Sleeping on  
Liliuokalani's land in Waikiki  
Beach called Queens Beach  
and also in Waianae ticketed Raped  
Prince Kuhio had said get my  
People out of the Streets and off  
the Streets. its the Departments Job Now  
Well Carol H. Mitchell P has no  
Roof over her head, and this  
is a true fact! all what I  
had stated in this letter, addressed  
to the Chairman of Dept of Hawaiian  
Homelands.

my Sister is also 75% percent  
Hawaiian. So many things  
has happened to her that  
now I need to Step in



Before my Sister Carol  
loses her life out there of  
Being Homeless  
I am requesting her original  
applications for Residential, and  
agriculture land from Hawaiian  
Homelands and her Rank be  
investigated, I strongly believe  
that others who applied after  
her has gotten land through  
the Department

I am also requesting that my  
Sister Carol receive her  
agriculture land for island wide  
Oahu, this is an "Emergency"  
We are also Direct Descendant  
of Kaluikokalani, Kalakaua Ehu  
Kala'eloa in the Genealogy  
of my mother's Parents Maiden  
Name. —————→

Our Family Or Direct, Decendants  
I haven't even Read the genealogy  
on my Fathers Side yet!!

This is just my Mothers Side

She Was 100% Pure Hawaiian

and my father was 5% percent  
Hawaiian. So my Sister Carol

is 75% Hawaiian from an  
Alii lineage from an ancient  
Royal line. of Maunali Loa

It Breaks my heart to see her  
with no home yet,

Please help me to accomplish this  
Very Vital Important matter.

So she could have a piece of  
land to live on and I can help her  
to Build the house and I could put a Trailer

Please contact me at Home  
For Now.

Phone 808-351-3991

Aloha Wai ia OE Malama' pono  
Mahalo Nui Loa

Naomi Mitchell

P.S. I'm requesting an appointment  
to meet with the Chairman AND the Board of Hawaiian.

(5.)

Mailing address

91-204 Pipili Ula Place  
Kapolee, HI 96707

Phone # 808-351-3991

Carol doesn't want to live with  
family now, she said she wants  
her own home for her and  
then her children will come  
home and live with her.

She's waited long enough on the  
wait list of Hawaiian homes.

Please ~~help~~ help me so I  
can help her, with God's Blessings.

Thank You  
NM