

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

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

Monday, December 17, 2018 at 9:30 a.m. to be continued, if necessary, on

Tuesday, December 18, 2018, at 9:00 a.m.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for April 2018, March 2015
- D. Public Testimony on Agendized Items

II. ITEMS FOR DECISION MAKING

A. CONSENT AGENDA

Homestead Services Division

- D-3 Approval of Consent to Mortgage (see exhibit)
- D-4 Approval to Schedule Loan Delinquency Contested Case Hearings (see exhibit)
- D-5 Approval of Homestead Application / Cancellations (see exhibit)
- D-6 Commission Designations of Successor to Application Rights - Public Notices 2017 (see exhibit)
- D-7 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- D-8 Approval of Assignment to Leasehold Interest (see exhibit)
- D-9 Approval of Amendment of Leasehold Interest (see exhibit)
- D-10 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-11 Commission Designation of Successor – **CLAUDIO BORGE, JR.**, Residential Lease No. 8928, Lot No. 53, Waianae, Oahu
- D-14 Request to Schedule Contested Case Hearing – Authorization to Proceed to Public Notice Under Section 209, HHCA, Due to Nonresponsive Designated Successor(s) (see exhibit)
- D-15 Request to Surrender Lease – **EYVETTE KIMI MAHUKA**, Residential Lease No. 5137, Lot No. 40, Nanakuli, Oahu, Hawaii
- D-16 Approval of Subdivision Transfer of a Portion of Lease and Amendment to Lease No. 1211, Lot No. 68, Keaukaha, Hawaii, **ERNEST A. MATSU**
- D-17 Commission Designation of Successor – **VIOLET L. NOBRIGA**, Pastoral Lease No. 03734, Lot No. 22, Nienie, Hawaii
- D-18 Request to Approve Third Party Agreement – **DANIEL HARRY NAKOA**, Agricultural Lease No. 6927, Lot No. 58, Puukapu, Hawaii
- D-19 Request to Approve Third Party Agreement – **RHONDA K. SANBORN**, Pastoral Lease No. 02677, Lot No. 1, Nienie, Hawaii

Land Development Division

- E-1 Approval of Lease Awards—Ka‘uluokaha‘i Residential Subdivision (see exhibit)

- E-2 Approval of Lease Award—Mamo M. Brown, Keaukaha Residence, Lease Number 12825, Lot Number 151-C, Keaukaha, Hawaii

B. REGULAR AGENDA

Office of the Chairman

- C-1 Approval of Amended 2019 HHC Meeting Schedule

Homestead Services Division

- D-12 Commission Designation of Successor – **BENJAMIN K. KELIIHOLOKAI**, Residential Lease No. 1758, Lot No. 87, Waimanalo, O‘ahu
- D-13 Commission Designation of Successor – **JEANETTE M. HANAWAHINE**, Residential Lease No. 1758, Lot No. 87, Waimanalo, Oahu

Land Management Division

- F-1 Approval to Issuance of a Non-Exclusive License as Easement to the County of Hawaii for Public Roadway Access, Maintenance, and Water Utility Purposes, Waiakea, Hawaii Island, TMK: (3) 2-1-012:029, Parcel A (por.)
- F-2 Approval to Issuance of Right of Entry Permit to the Department of Interior, Nanakuli, Lualualei, and Waianae, Oahu, Various TMK’s
- F-3 Request for Approval to proceed with 2019 Renewable Energy Projects Solicitation and for Delegation of Authority to the Chairman to Facilitate Implementation of these Solicitations: Various Hawaiian Home Lands listed herein: Islands of Oahu, Maui, Molokai and Hawaii Island

Planning Office

- G-1 Approval of the Wai‘anae and Lualualei Regional Plan Update December 2018
- G-2 Declare a Finding of No Significant Impact (FONSI) for the Keaukaha Residential Lots Rehabilitation And Infill New Construction Final Environmental Assessment, TMK Various, Keaukaha, Hilo, Hawai‘i

Administrative Services Office

- H-1 Transfer of Hawaiian Home Receipts Money at the End of the Second Quarter, FY 2019.

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. F-5 General Lease No. 276, Kapolei Hawaii Property Company, LLC, East Kapolei, O‘ahu

IV. ITEMS FOR INFORMATION/DISCUSSION

A. GENERAL AGENDA

Requests to Address the Commission

- J-1 Perry Artates – Waiohuli Hawaiian Homesteaders Association
- J-2 Bobby and Paulette Kahana – Hawai'i Extreme Paintball & Air-Soft
- J-3 Princesslehuani Kamaewakainakaleomomona – Maui Waitlist
- J-4 Roscoe Swain – Lease Cancellation
- J-5 Bo Kahui – La'iOpuā 2020

B. WORKSHOPS

Homestead Services Division

- D-2 For Information Only – Notification Process To DCCR Homestead Associations For Lease Transfers And Successorships

Land Management Division

- F-4 Workshop on Application & Review Process for Revocable Permit Pilot Program
- F-5 Workshop on General Lease No. 276, Kapolei Hawaii Property Company, LLC, East Kapolei, Oahu

Planning Office

- G-3 Hoa 'Aina Partnership Agreement
- G-4 Wai'anāe Moku Regional Plan Updates
- G-5 Wai'anāe Moku Water Plans and Updates

AMENDED

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

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

Tuesday, December 18, 2018, at 9:00 a.m.

The agenda for the December 18, 2018 Commission Meeting, originally posted on December 11, 2018, is amended by adding Item F-3 and accompanying exhibit.

The agenda for the December 17, 2018 Commission Meeting is unchanged.

I. ORDER OF BUSINESS

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

II. ITEMS FOR DECISION MAKING

A. REGULAR AGENDA

Land Management Division

- F-3 Request for Approval to Proceed with 2019 Renewable Energy Projects Solicitations and for Delegation of Authority to the Chairman to Facilitate Implementation of these Solicitations Various Hawaiian Home Lands listed herein Islands of Oahu, Maui, Molokai, and Hawaii Island (see exhibit).

The Commission anticipates convening in executive meeting pursuant to Section 92-5(a), HRS, to discuss portions of Item F-3.

- F-4 Approval of Application & Review Process for Revocable Permit Pilot Program

III. ITEMS FOR INFORMATION/DISCUSSION

A. REGULAR AGENDA

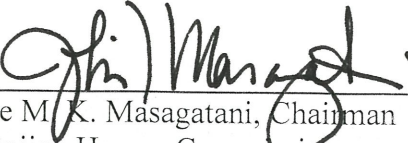
Homestead Services Division

- D-1 HSD Status Reports
 - A - Homestead Lease and Application Totals and Monthly Activity Reports
 - B - Delinquency Report
 - C - DHHL Guarantees for FHA Construction Loans
 - D - DHHL Guarantees for Small Business Administration Loans

IV. ANNOUNCEMENTS AND ADJOURNMENT

- A. Next Meeting January 28 & 29, 2019, Kapolei, Oahu, Hawai'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
Michael P. Kahikina, O'ahu
David B. Ka'apu, West Hawai'i
Pauline N. Namu'o, O'ahu

Zachary Helm, Moloka'i
Wallace A. Ishibashi, East Hawai'i
Wren Wescoatt, O'ahu
Vacant, Kaua'i

Community meeting is scheduled for Monday, December 17, 2018, 6:30 p.m. – 8:30 p.m., at Ka Waihona O Ka Na'auao Public Charter School, Nānākuli, O'ahu 96792

For auxiliary aids, services (Sign Language interpreter, notetaker, etc.) or assistance due to a disability, contact the Information and Community Relations Office, on Oahu at (808) 620-9590 or email Cedric.R.Duarte@hawaii.gov, as soon as possible. Requests made as soon as possible will provide time to make arrangements to fulfill your requests. This notice is available in alternate formats such as large print, Braille, or electronic format upon request.

ITEM D-3 EXHIBIT
APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
AWONG, Darin	12769	Hoolimalima, Oahu
BALONICK, Jaylee K.	6588	Anahola, Kauai
DINKEL, Erryn K.	6272	Panaewa, Hawaii
ESTRELLA, Jenny L. M.	10124	Waiohuli, Maui
GREENLEAF, Louis, III	3016	Kapaakea, Molokai
HAINA, Wallace, Jr.	12488	Kauluokahai, Oahu
HATORI, Inez K.	5513	Maluohai, Oahu
HAUANIO, Wallace M.	9434	Kaniohale, Hawaii
KAHEIKI, Mary H.	6984	Makuu, Hawaii
KAIMI, Daniel K.	5150	Nanakuli, Oahu
KALAKAU, William K., IV	8774	Waimanalo, Oahu
KALILIMOKU, Oriana	12452	Kauluokahai, Oahu
KEIKI, Emelalaokekai K. M.	8390	Princess Kahanu Estates, Oahu
KEOPUHIWA, Marvin K.	1720	Waimanalo, Oahu
KEOPUHIWA, Marvin K., II	1720	Waimanalo, Oahu
KEOPUHIWA, Paulette K.	1720	Waimanalo, Oahu
KUHAULUA, Gifford K.	9472	Waiehu 2, Maui
LAKE-FARM, Naomi K.	10104	Waiehu 3, Maui
MARTIN, Laurie-Jean K.	4311	Anahola, Kauai
MAUNAKEA, Buddy	8589	Nanakuli, Oahu
NAEOLE-CASUGA, Ululani T. A.	5155	Nanakuli, Oahu
NAKIHEI, Brent K.	5	Kalamaula, Molokai
OHELO, Steven J. K.	2244	Waimanalo, Oahu
ORTIZ, Rochel A. L.	11282	Kumuhau, Oahu
PALING, Stephen, IV	9703	Waianae, Oahu
RICHARDS, Radford K.	3596	Waimanalo, Oahu
SCHUTTE, Barney J.	3392-E	Puukapu, Hawaii
SPENCER, Jared L.	11700	Kanehili, Oahu

ITEM D-4 EXHIBIT
APPROVAL TO SCHEDULE LOAN DELINQUENCY CONTESTED CASE HEARINGS

LESSEE	LEASE NO.	AREA
KAUANUI, Keala W.	11361	Kekaha, Kauai
NAVOR, Agapito J.K.	5491	Anahola, Kauai
NAVOR, Larlene S.	5491	Anahola, Kauai

ITEM D-5 EXHIBIT

HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
AKO, Herbert K.	Hawaii IW Res
BAUTISTA, Uilani J.	Maui IW Agr
BAUTISTA, Uilani J.	Maui IW Res
CAMPBELL, Andrietta M.	Maui IW Res
CLARKE, Sandra N.	Oahu IW Res
CONSELVA, Johnette L.	Oahu IW Res
ENRIQUE, Jodine S.	Kauai IW Agr
GIBSON, Janna-Jay S.	Oahu IW Res
GOINS, Kaiaomaikalani	Oahu IW Res
GOINS, Kaiaomaikalani	Hawaii IW Pas
GOMES, Karen K.H.	Hawaii IW Res to Oahu IW Res
HELM, Raiatea M.M.	Maui IW Res
HOLU, Kevin K.	Oahu IW Res
KAHAWAIOLAA, Kimberly K.	Hawaii IW Res
KAILI, James K.K.	Hawaii IW Res
KALEIOPU, Robin M.	Hawaii IW Res to Oahu IW Res
KAOHU, Janelle L.	Oahu IW Res
KAWAA, Earl	Oahu IW Res
MAHI-GODDARD, Hua-Wai M.	Hawaii IW Res
MULLER, Katherine P.	Hawaii IW Agr
NAHOLOWAA, Elizabeth H.	Oahu IW Res
PEREIRA, Shaunna-Ann E.	Hawaii IW Agr
PUAA, Rowan K.K.L.	Molokai IW Res
SANTANA, Deborah H.	Oahu IW Res to Kauai IW Res
SMITH, Arthur H.T., III	Maui IW Res
SMITH, Arthur H.T., III	Kauai IW Agr
SOUZA, Thalia Ann K.	Molokai IW Res
TEO, Ottilia A.	Oahu IW Res to Hawaii IW Res
WARREN, Leonard K.	Hawaii IW Res
WILLIAMS, Susan K.	Oahu IW Agr
WILLIAMS, Susan K.	Oahu IW Res

* IW = Islandwide

ITEM D-6 EXHIBIT

COMMISSION DESIGNATIONS OF SUCCESSOR TO APPLICATION RIGHTS

PN 2017

APPLICANT	AREA
BAUTISTA, Uilani J.	Maui IW Agr
BAUTISTA, Uilani J.	Maui IW Res
GOINS, Kaiaomaikalani	Oahu IW Res

GOINS, Kaiaomaikalani
 SMITH, Arthur H.T., III
 SMITH, Arthur H.T., III
 WILLIAMS, Susan K.
 WILLIAMS, Susan K.

Hawaii IW Agr
 Kauai IW Agr
 Kauai IW Res
 Oahu IW Agr
 Oahu IW Res

* IW = Islandwide

ITEM D-7 EXHIBIT

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

LESSEE	LEASE NO.	AREA
AIPOALANI, Joseph E.I.	4724	Waianae, Oahu
CHUNG, Penny N.	4583	Waianae, Oahu
DESHA, George A.V.	6221	Panaewa, Hawaii
HAUPU, Harold, Jr.	7759	Waiehu Kou II, Maui
JALE, Shirley M.	4505	Nanakuli, Oahu
KALEHUAWHEHE, Allan G., Sr.	3465	Paukukalo, Maui
KUALII, Leonell L.L.	2614	Keaukaha, Hawaii
MONTGOMERY, William K.	9813	Maluohai, Oahu
NAKI, Nelson N.	12382	Kapolei, Oahu
PAI, Julia K.M.	4471	Waianae, Oahu
POEPOE, Daniel F.P., Jr.	12499	Kapolei, Oahu
PU, Hazel W.	5518	Lualualei, Oahu
PU, Frederick K., Jr.	5435	Paukukalo, Maui
PUAA, Harry N.H.	687	Hoolehua, Molokai
ROCHA, Faith M.	10664	Laiopua, Hawaii
TOPLEY, Gregory K.	4501	Nanakuli, Oahu

ITEM D-8 EXHIBIT

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
AARONA, Annie G.	9737	Maluohai, Oahu
AIPOALANI, Cheryl E.K.	4724	Waianae, Oahu
BARDO, Mary Ann	12831	Kauluokahai, Oahu
CAMARA, Thadd R.	3146	Kalamaula, Molokai
CARAVALLLO, Audrey M.P.	8352	PKE, Oahu
ENOMOTO, Kekoa C.A.	7421	Keokea, Maui
PETERS, Angus K.	7421	Keokea, Maui
HANOHANO, Mary Ann R.	413-A	Nanakuli, Oahu
HANOHANO, Rani Ann N.	6993	Makuu, Hawaii
IBANA, Shawn K.	6187	Puukapu, Hawaii
DEAN, Yolanda J.	6187	Puukapu, Hawaii
JONES, Janice U.	3763	Kewalo, Oahu
KAOHU, Theodore K., Jr.	5128	Nanakuli, Oahu
KEKAUOHA, Sasha N.K.K.I.	2278	Waimanalo, Oahu

LOPES, Carol L.	5149	Nanakuli, Oahu
LOPEZ, Jimmienne G.L.	12833	Kauluokahai, Oahu
MAGILL, Manuel J.H.	11265	Kumuhau, Oahu
MATSUSHIMA, Kimberly K.	4408	Nanakuli, Oahu
PALING, Stephen, III	9703	Waianae, Oahu
MOSSMAN, Albert K.M.	2244	Waimanalo, Oahu
NIKAIDO, Shawn K.A.	7558	Waiohuli, Maui
NIKAIDO, Ellsworth E.T.	7558	Waiohuli, Maui
LEGSAY, Elicia L.S.	7558	Waiohuli, Maui
PELEKAI-WAI, Kalena K.	8390	PKE, Oahu
SANTOS, Dennis N.	9811	Maluohai, Oahu
SOUZA, John K.	5876	Kalamaula, Molokai
SILIEZAR, Bernadette L.	1392	Keaukaha, Hawaii
WHITE, Georgith L.	3799	Nanakuli, Oahu
KAHAWAI, Daniel	12374	Kapolei, Oahu
TESHIMA, Lisa S.K.	10358	Waiohuli, Maui
GOUVEIA, Lena L.	6962	Makuu, Hawaii
KAHELE, Ramona L.	7021	Makuu, Hawaii
KEOLA, Jujen-Ann K.	2008	Kewalo, Oahu
MONTGOMERY, Teri K.	6623	Waiahole, Oahu
MONTGOMERY, Junius K.	6623	Waiahole, Oahu
PU, Wendell A.	7947	Kalamaula, Molokai

ITEM D-9 EXHIBIT

APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
HANOHANO, Mary Ann R.	413-A	Nanakuli, Oahu
JOHNSON, Anelaonalani S.J.F.	2073	Hoolehua, Molokai
JONES, Janice U.	3763	Kewalo, Oahu
KALEHUAWEHE, Allan G., Sr.	3465	Paukukalo, Maui
KAUPU, Myrna M.	3677	Hoolehua, Molokai
KEOLA, Jujen-Ann Kahanu	2008	Kewalo, Oahu
MOSSMAN, Albert K.A.	2244	Waimanalo, Oahu
NANIHO, Alicia S.H.	3977	Waimanalo, Oahu
PU, Wendell A.	7947	Kalamaula, Molokai
SHIMAOKA, Roland L.H., Sr.	1879	Keaukaha, Hawaii
STENBACK, Evelyn O.	1896	Keaukaha, Hawaii
TAVARES, Hannah M.	44	Kalamaula, Molokai

ITEM D-10 EXHIBIT

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

LESSEE	LEASE NO.	AREA
FOKI, Lisa U.	12778	Hoolimalima, Oahu
GAMBILL, Mahealani M.	7128	Kawaihae, Hawaii

GRACE, Richard K.	7123	Kawaihae, Hawaii
LEWIS, Cheryl K.	12744	Hoolimalima, Oahu
OBREY, Travis M.	7187	Kawaihae, Hawaii
PALING, Stephen, III	4408	Nanakuli, Oahu
PECK, Samuel K.	7091	Kawaihae, Hawaii

ITEM D-14 EXHIBIT

REQUEST TO SCHEDULE CONTESTED CASE HEARING – AUTHORIZATION TO PROCEED
WOT PUBLIC NOTICE UNDER SECTION 209, HHCA, DUE TO NON RESPONSIVE
SUCCESSOR(S)

LESSEE	LEASE NO.	AREA
MOLLENA, Victoria A..	186	Hoolehua, Molokai
OILI, Roman M.	8144	Waiakea, Hawaii
YOUNG, Elaine H.	2247	Waimanalo, Oahu

ITEM E-1 EXHIBIT

APPROVAL OF LEASE AWARDS—KA‘ULUOKAHA‘I RESIDENTIAL SUBDIVISION

LESSEE	LEASE NO.	AREA
MONTEZ, Mary J.U.	12834	Ka‘uluokaha‘i, Oahu
SANBORN, Randolph	12835	Ka‘uluokaha‘i, Oahu
KAMANAO, Jamie K.	12836	Ka‘uluokaha‘i, Oahu
CARROLL, William R., Jr.	12837	Ka‘uluokaha‘i, Oahu
GALDEIRA, Raynard	12838	Ka‘uluokaha‘i, Oahu
SILVA, Louise W.	12839	Ka‘uluokaha‘i, Oahu
VIELA, Joewella	12840	Ka‘uluokaha‘i, Oahu
ASING, Hogarth	12841	Ka‘uluokaha‘i, Oahu
HANO HANO, Robert	12842	Ka‘uluokaha‘i, Oahu
KAPANA, Francis K.	12843	Ka‘uluokaha‘i, Oahu
JOHNSON, Jennie M.K.L.	12844	Ka‘uluokaha‘i, Oahu
SANBORN, Lowell K.	12845	Ka‘uluokaha‘i, Oahu
KELIIHOLOKAI, Steven	12846	Ka‘uluokaha‘i, Oahu
ARMBRUSTER, Esther B.	12847	Ka‘uluokaha‘i, Oahu
MARTIN, Elizabeth M.	12848	Ka‘uluokaha‘i, Oahu
DIAS, Eliza	12849	Ka‘uluokaha‘i, Oahu
UAHINUI, Alexander E.	12850	Ka‘uluokaha‘i, Oahu
KAMAE, Darlene K.	12851	Ka‘uluokaha‘i, Oahu
HAUHIO, June K.	12852	Ka‘uluokaha‘i, Oahu
LAURENSEN, Lori-Ann L.S.	12853	Ka‘uluokaha‘i, Oahu
RAMOS, Phyllis N.	12854	Ka‘uluokaha‘i, Oahu
MOISA, Leonora K.	12855	Ka‘uluokaha‘i, Oahu
RICHARDSON, Robert D.	12856	Ka‘uluokaha‘i, Oahu
SLATER, Lovey M.H.	12857	Ka‘uluokaha‘i, Oahu
RODRIGUEZ, Elizabeth K.	12858	Ka‘uluokaha‘i, Oahu
QUINDICA, Joanne L.	12859	Ka‘uluokaha‘i, Oahu
KOMODA, Besilluan C.M.	12860	Ka‘uluokaha‘i, Oahu
DE COSTA, Thomas D.	12861	Ka‘uluokaha‘i, Oahu

MERSBURGH, Stanley, Sr.	12862	Ka'uluokaha'i, Oahu
PALAKIKO, James C., Jr.	12863	Ka'uluokaha'i, Oahu
DOWNEY, Richard A.	12864	Ka'uluokaha'i, Oahu
HANOHANO, Edward A.	12865	Ka'uluokaha'i, Oahu
AMARAL, Beverly K.	12866	Ka'uluokaha'i, Oahu
ENOKA, James A.	12867	Ka'uluokaha'i, Oahu
AMINA, Edward K.	12868	Ka'uluokaha'i, Oahu
HAIOLA, Charles, Sr.	12869	Ka'uluokaha'i, Oahu
SATO, Hyenie E.W.	12870	Ka'uluokaha'i, Oahu
MOLE, Charles D.	12871	Ka'uluokaha'i, Oahu
ROSE, Yolanda M.	12872	Ka'uluokaha'i, Oahu

ITEM F-3 EXHIBIT

DHHL LANDS IDENTIFIED FOR POTENTIAL RENEWABLE ENERGY PROJECTS

ISLAND	TMK	ACRES*	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 (portion)	200	Kalaoa	Up to 100 acres in the lower half.
Hawaii	9-3-001:002 (portion)	10,089.74	Kamaoa-Pu'ueo	

*Approximate

Notice of Annual
Hawaiian Homes Commission
Regular Meeting - Kapolei
on Monday, December 17, 2018 at 9:30 a.m.*
and Tuesday, December 18, 2018 at 9:00 a.m.
at Hale Pono'i Building
91-5420 Kapolei Parkway, Kapolei, HI 96707

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

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

Hawaiian Home Commission Meeting
with the Nānākuli and Waianae
Homestead Communities

on Monday, December 17, 2018 from 6:30 p.m. - 8:30 p.m.
at Ka Waihona O Ka Na'auao Public Charter School

89-195 Farrington Highway, Waianae, HI 96792 (meeting in the cafeteria)

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 beneficiary questions.

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

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
December 17 & 18, 2018
Kapolei, Oahu

C-ITEMS
OFFICE OF THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 17 & 18, 2018

To: Chairman and Members, Hawaiian Homes Commission
From: William Aila Jr., Deputy to the Chairman
Subject: Approval of Amended 2019 Hawaiian Homes Commission
Meeting Schedule

RECOMMENDED MOTION/ACTION:

To approve the Amended 2019 Hawaiian Homes Commission Meeting
Schedule.

DISCUSSION:

Amendment:

- June 16, 2019 - Community Meeting title changed from Keanae to East Maui, to include Hana. The community meeting is tentatively scheduled to be held at a location in Hana.



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

*Amended

HAWAIIAN HOMES COMMISSION 2019 CALENDAR

January 28, 2019	HHC Mtg, Kapolei – (No Community Mtg)
January 29, 2019	HHC Mtg, Kapolei, Hawai‘i
February 19, 2019 (Tue)	HHC Mtg, Kapolei - Kapolei
February 20, 2019 (Wed)	HHC Mtg, Kapolei, Hawai‘i
March 18, 2019	HHC Mtg, Community Mtg – Waimānalo
March 19, 2019	HHC Mtg, Kapolei, Hawai‘i
April 15, 2019	HHC Mtg, Community Mtg – Moloka‘i
April 16, 2019	HHC Mtg, Kalama‘ula, Hawai‘i
May 20, 2019	HHC Mtg, Community Mtg – Waimea
May 21, 2019	HHC Mtg, Waimea, Hawai‘i
June 16, 2019 (Sun)	HHC Mtg – Community Mtg - East Maui (Keanae-Hana)*
June 17, 2019	HHC Mtg, Kapolei– (No Community Mtg)
June 18, 2019	HHC Mtg, Kapolei, Hawai‘i
July 15, 2019	HHC Mtg, Community Mtg – Papakōlea
July 16, 2019	HHC Mtg, Kapolei, Hawai‘i
August 19, 2019	HHC Mtg, Community Mtg – Lahaina
August 20, 2019	HHC Mtg, Lahaina, Hawai‘i
September 16, 2019	HHC Mtg, Community Mtg – Kaua‘i
September 17, 2019	HHC Mtg, Līhue, Hawai‘i
October 21, 2019	HHC Mtg, Community Mtg – Hilo
October 22, 2019	HHC Mtg, Hilo, Hawai‘i
November 18, 2019	HHC Mtg, Community Mtg – Wai‘ohuli
November 19, 2019	HHC Mtg, Wailuku, Hawai‘i
December 16, 2019	HHC Mtg, Community Mtg – Nānākuli/Wai‘anae
December 17, 2019	HHC Mtg, Kapolei, Hawai‘i

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

*Community meetings are held in the evenings, except East Maui.
No O‘ahu community meetings scheduled for January and June 2019.*

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
December 17 & 18, 2018
Kapolei, Oahu

D-ITEMS
HOMESTEAD SERVICES DIVISION

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 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

Exhibit D: DHHL Guarantees for Small Business
Administration Loans

December 17, 2018

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through November 30, 2018

	As of 10/31/18	Add	Cancel	As of 11/30/18
Residential	8,373	0	1	8,372
Agricultural	1,094	1	0	1,095
Pastoral	410	0	0	410
Total	9,877	1	1	9,877

The number of Converted Undivided Interest Lessees represents an increase of 425 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 10/31/18	Converted	Rescinded/ Surrendered/ Cancelled	As of 11/30/18
Undivided	897	0	0	897

Balance as of 11/30/2018

Awarded	1,434
Relocated to UNDV	7
Rescinded	111
Surrendered	5
Cancelled	3
Converted	425
Balance to Convert	897

Lease Report For the Month Ending November 30, 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
OAHU																
Hoolimalima	70	0	0	70	0	0	0	0	0	0	0	0	70	0	0	70
Kakaia	14	0	0	14	0	0	0	0	0	0	0	0	14	0	0	14
Kalawahine	91	0	0	91	0	0	0	0	0	0	0	0	91	0	0	91
Kanehili	359	0	0	359	0	0	0	0	0	0	0	0	359	0	0	359
Kapolei	254	0	0	254	0	0	0	0	0	0	0	0	254	0	0	254
Kaupae	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
Luahale	149	0	0	149	31	0	0	31	0	0	0	0	180	0	0	180
Maluohai	156	0	0	156	0	0	0	0	0	0	0	0	156	0	0	156
Nanakuli	1,048	0	0	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	419	0	0	419	11	0	0	11	0	0	0	0	430	0	0	430
Waimanalo	731	0	0	731	2	0	0	2	0	0	0	0	733	0	0	733
TOTAL	4,271	0	0	4,271	60	0	0	60	0	0	0	0	4,333	0	0	4,331
MAUI																
Hikina	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Kahikinui	0	0	0	0	0	0	0	0	75	0	0	75	75	0	0	75
Keokea	0	0	0	0	65	0	0	65	0	0	0	0	65	0	0	65
Leaia	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
Waiehu 5	593	0	0	593	0	0	0	0	0	0	0	0	593	0	0	593
TOTAL	1,266	0	0	1,266	65	0	0	65	75	0	0	75	1,406	0	0	1,406
EAST HAWAII																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamaea	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaunalo	42	0	0	42	0	0	0	0	0	0	0	0	42	0	0	42
Keaukaha	473	0	0	473	0	0	0	0	0	0	0	0	473	0	0	473
Kulistown	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3
Makua	0	0	0	0	121	0	0	121	0	0	0	0	121	0	0	121
Panaea	0	0	0	0	261	0	0	261	0	0	0	0	261	0	0	261
Pihonua	17	0	0	17	0	0	0	0	0	0	0	0	17	0	0	17
Puuhi	0	0	0	0	12	0	0	12	0	0	0	0	12	0	0	12
University Heights	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	4
Waialea	298	0	0	298	0	0	0	0	0	0	0	0	298	0	0	298
TOTAL	839	0	0	839	394	0	0	394	25	0	0	25	1,258	0	0	1,258
WEST HAWAII																
Honokaa	0	0	0	0	0	0	0	0	24	0	0	24	24	0	0	24
Huonua	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	189	0	1	188	0	0	0	0	1	0	0	1	190	0	0	190
Laiopua	284	0	0	284	0	0	0	0	0	0	0	0	284	0	0	284
Lalamilo	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Nihoa	0	0	0	0	0	0	0	0	21	0	0	21	21	0	0	21
Puukapu/Waimea/Kuhio Vll	116	0	0	116	110	0	0	110	215	0	0	215	441	0	0	441
Puupulehu	33	0	0	33	0	0	0	0	0	0	0	0	33	0	0	33
TOTAL	876	0	1	875	110	0	0	110	282	0	0	282	1,258	0	1	1,268
KAUAI																
Anahola	534	0	0	534	46	0	0	46	0	0	0	0	580	0	0	580
Hanapepe	47	0	0	47	0	0	0	0	0	0	0	0	47	0	0	47
Kekaha	117	0	0	117	0	0	0	0	0	0	0	0	117	0	0	117
Puu Opae	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
TOTAL	698	0	0	698	46	0	0	46	1	0	0	1	745	0	0	745
MOLOKAI																
Hoolahua	156	0	0	156	345	1	0	346	21	0	0	21	522	1	0	523
Kalamaula	153	0	0	153	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
TOTAL	394	0	0	394	419	1	0	420	27	0	0	27	840	1	0	841
LANAI																
Lanai	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
TOTAL	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
STATEWIDE TOTAL	8,373	0	1	8,372	1,094	1	0	1,095	410	0	0	410	9,877	1	1	9,877

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING
November 30, 2018

AREA WAITING LIST

DISTRICT AREA	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
Oahu District	961	0	0	961	0	0	0	0	0	0	0	0
Maui District	50	0	0	50	4	0	0	4	5	0	0	5
Hawaii District	130	0	0	130	28	0	0	28	46	0	0	46
Kauai District	51	0	0	51	3	0	0	3	28	0	0	28
Molokai District	20	0	0	20	18	0	0	18	1	0	0	1
TOTAL	1,212	0	0	1,212	53	0	0	53	80	0	0	80
												1,345

ISLANDWIDE WAITING LIST

ISLAND	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
Oahu	9,740	22	17	9,745	3,704	6	6	3,704	0	0	0	0
Maui	3,802	5	6	3,801	4,662	1	4	4,659	609	4	3	610
Hawaii	5,743	10	11	5,742	7,186	9	6	7,189	1,877	0	3	1,874
Kauai	1,618	2	3	1,617	2,220	0	2	2,218	300	0	1	299
Molokai	799	3	0	802	1053	5	1	1057	201	0	0	201
Lanai	87	0	0	87	0	0	0	0	0	0	0	0
TOTAL	21,789	42	37	21,794	18,825	21	19	18,827	2,987	4	7	2,984
												43,605

AREA AND ISLANDWIDE LISTS

	RES				AG				PAS				TOTAL			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU	10,706	3,704	3,704	14,410	0	0	0	0	0	0	0	0	0	0	0	0
MAUI	3,851	4,663	4,663	9,129	615	0	0	615	0	0	0	0	0	0	0	0
HAWAII	5,872	7,217	7,217	15,009	1,920	0	0	1,920	0	0	0	0	0	0	0	0
KAUAI	1,668	2,221	2,221	4,216	327	0	0	327	0	0	0	0	0	0	0	0
MOLOKAI	822	1,075	1,075	2,099	202	0	0	202	0	0	0	0	0	0	0	0
LANAI	87	0	0	87	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	23,006	18,880	18,880	44,950	3,064	0	0	3,064	67	0	0	0	67	0	0	0
																63

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

November 30, 2018

	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU DISTRICT												
Nanakuli	170	0	0	170	0	0	0	0	0	0	0	0
Waianae	142	0	0	142	0	0	0	0	0	0	0	0
Luialalei	0	0	0	0	0	0	0	0	0	0	0	0
Papakolea/Kewalo	71	0	0	71	0	0	0	0	0	0	0	0
Waimanalo	578	0	0	578	0	0	0	0	0	0	0	0
Subtotal Area	961	0	0	961	0	0	0	0	0	0	0	0
Islandwide	9,740	22	17	9,745	3,704	6	6	3,704	0	0	0	0
TOTAL OAHU APPS	10,701	22	17	10,706	3,704	6	6	3,704	0	0	0	0
MAUI DISTRICT												
Paukukalo	50	0	0	50	0	0	0	0	0	0	0	0
Kula	0	0	0	0	4	0	0	4	5	0	0	5
Subtotal Area	50	0	0	50	4	0	0	4	5	0	0	5
Islandwide	3,802	5	6	3,801	4,662	1	4	4,659	609	4	3	610
TOTAL MAUI APPS	3,852	5	6	3,851	4,666	1	4	4,663	614	4	3	615
HAWAII DISTRICT												
Keaukaha/Waiakea	69	0	0	69	0	0	0	0	0	0	0	0
Panaewa	0	0	0	0	16	0	0	16	0	0	0	0
Humuula	0	0	0	0	0	0	0	0	0	0	0	0
Kawaihae	16	0	0	16	0	0	0	0	0	0	0	0
Waimea	45	0	0	45	12	0	0	12	46	0	0	46
Subtotal Area	130	0	0	130	28	0	0	28	46	0	0	46
Islandwide	5,743	10	11	5,742	7,186	9	6	7,189	1,877	0	3	1,874
TOTAL HAWAII APPS	5,873	10	11	5,872	7,214	9	6	7,217	1,923	0	3	1,920
KAUAI DISTRICT												
Anahola	43	0	0	43	3	0	0	3	21	0	0	21
Kekaha/Puu Opae	8	0	0	8	0	0	0	0	7	0	0	7
Subtotal Area	51	0	0	51	3	0	0	3	28	0	0	28
Islandwide	1,618	2	3	1,617	2,220	0	2	2,218	300	0	1	299
TOTAL KAUAI APPS	1,669	2	3	1,668	2,223	0	2	2,221	328	0	1	327
MOLOKAI DISTRICT												
Kalamaula	4	0	0	4	0	0	0	0	0	0	0	0
Hoolehua	8	0	0	8	18	0	0	18	1	0	0	1
Kapaakea	7	0	0	7	0	0	0	0	0	0	0	0
One Alii	1	0	0	1	0	0	0	0	0	0	0	0
Subtotal Area	20	0	0	20	18	0	0	18	1	0	0	1
Islandwide	799	3	0	802	1,053	5	1	1,057	201	0	0	201
TOTAL MOLOKAI APPS	819	3	0	822	1,071	5	1	1,075	202	0	0	202
LANAI DISTRICT												
Islandwide	87	0	0	87	0	0	0	0	0	0	0	0
TOTAL LANAI APPS	87	0	0	87	0	0	0	0	0	0	0	0
TOTAL AREA ONLY	1,212	0	0	1,212	53	0	0	53	80	0	0	80
TOTAL ISLANDWIDE	21,789	42	37	21,794	18,825	21	19	18,827	2,987	4	7	2,984
TOTAL STATEWIDE	23,001	42	37	23,006	18,878	21	19	18,880	3,067	4	7	3,064

DELINQUENCY REPORT - STATEWIDE

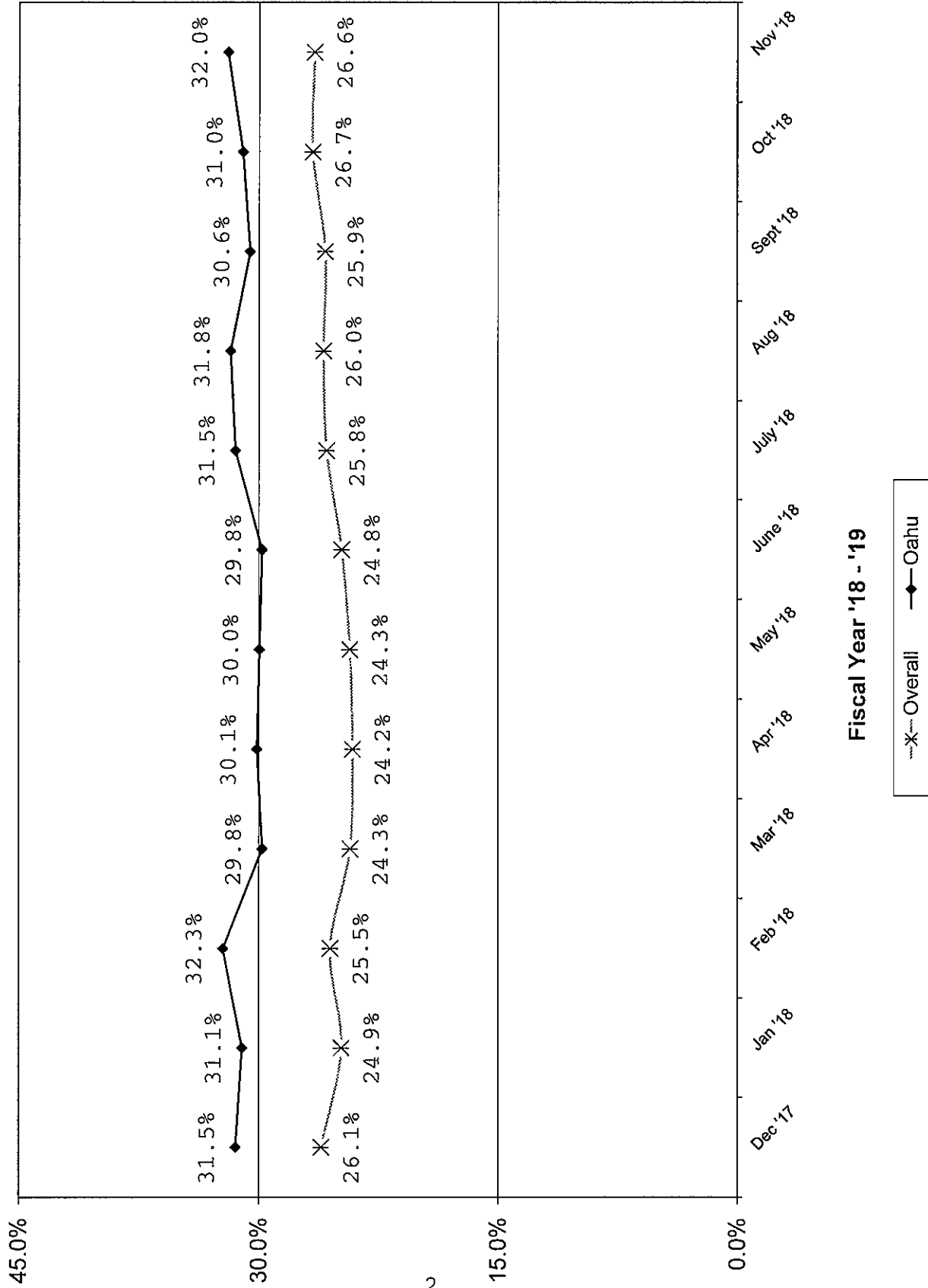
December 17, 2018

(\$Thousands)

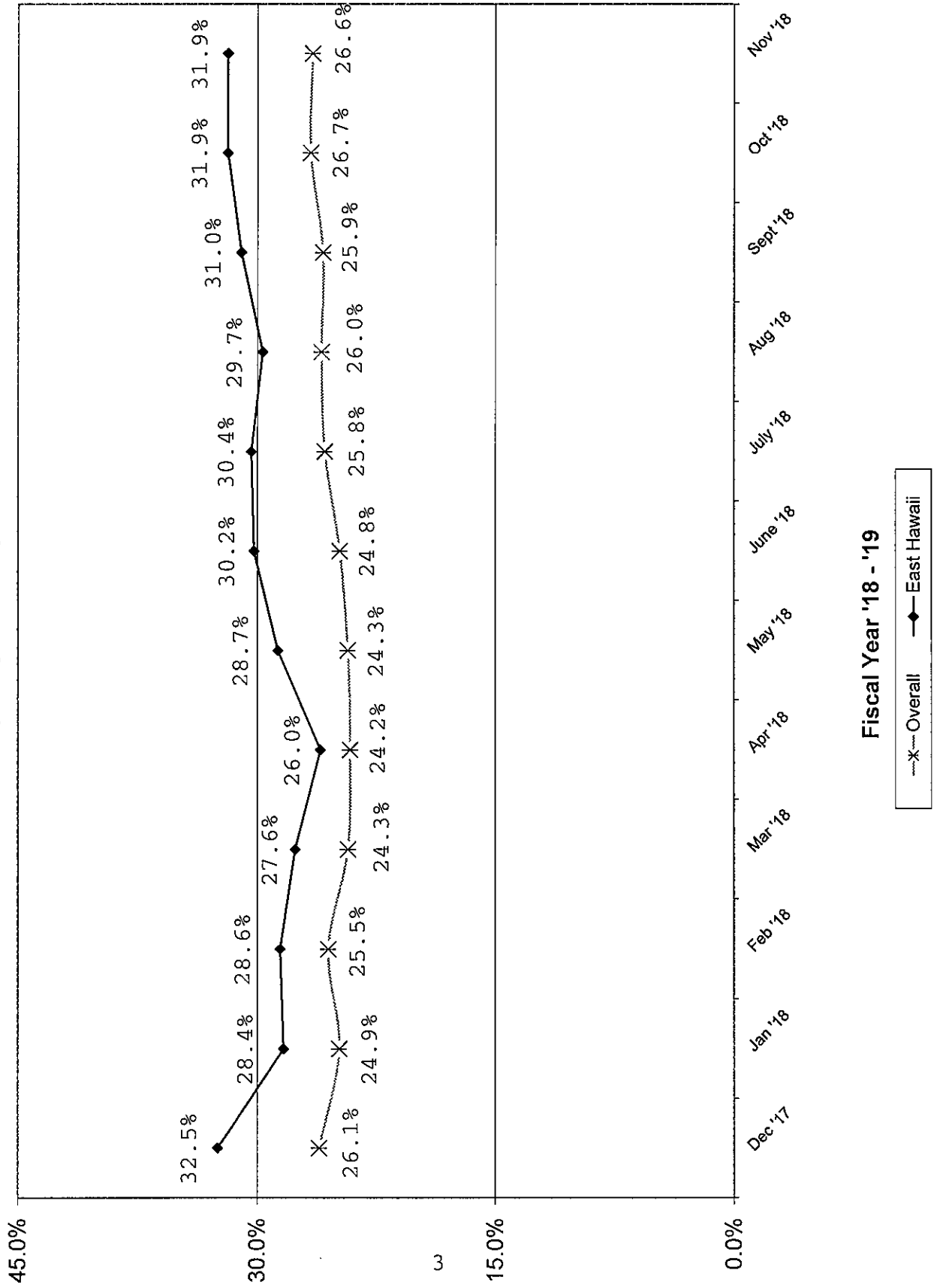
DIRECT LOANS OAHU	Total Outstanding (000s)		Total Delinquency (000s)		30 Days (low) (000s)		60 Days (Medium) (000s)		90 Days (High) (000s)		180 Days (Severe) (000s)		% of Totals 11/30/2018	
	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	\$
	408	35,796	120	11,445	18	1,166	12	1,023	26	2,432	64	6,824	29.4%	32.0%
EAST HAWAII	220	13,385	66	4,265	10	375	6	300	10	421	40	3,170	30.0%	31.9%
WEST HAWAII	83	8,236	14	974	4	335	0	0	3	299	7	341	16.9%	11.8%
MOLOKAI	90	6,918	22	798	1	78	4	197	3	55	14	468	24.4%	11.5%
KAUAI	104	7,733	20	1,429	5	512	5	263	4	151	6	502	19.2%	18.5%
MAUI	89	10,285	23	2,958	3	141	1	43	5	727	14	2,046	25.8%	28.8%
TOTAL DIRECT	994	82,353	265	21,870	41	2,605	28	1,826	51	4,086	145	13,351	26.7%	26.6%
	100.0%	100.0%	26.7%	26.6%	4.1%	3.2%	2.8%	2.2%	5.1%	5.0%	14.6%	16.2%		
Advances (including RPT)	229	7,664	229	7,664	0	0	0	0	229	7,664			100%	100%
DHHL LOANS & Advances	1,223	90,017	494	29,534	41	2,605	28	1,826	280	11,750	145	13,351	40.4%	32.8%
LOAN GUARANTEES as of June 30, 2018														
SBA	1	94	0	0	0	0	0	0	0	0			0.0%	0.0%
USDA-RD	287	33,996	50	6,142	0	0	0	0	50	6,142			17.4%	18.1%
Habitat for Humanity	56	2,309	31	1296	0	0	0	0	31	1,296			55.4%	56.1%
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	16	301	14	290	0	0	0	0	14	290			87.5%	96.3%
FHA Interim	8	1,260	0	0	0	0	0	0	0	0			0.0%	0.0%
OHA	41	258	2	11	0	0	0	0	2	11			4.9%	4.3%
TOTAL GUARANTEE	415	38,299	98	7,746	0	0	0	0	98	7,746			23.6%	20.2%
PMI Loans	190	30,678	5	950	4	763	1	187	0	0			2.6%	3.1%
HUD REASSIGNED for Recovery	150	18,151	127	16,934	1	16	0	0	4	351	122	16,567	84.7%	93.3%
FHA Insured Loans	2,794	433,061	203	24,770	0	0	0	0	203	24,770			7.3%	5.7%
TOTAL INS. LOANS	3,134	481,890	335	42,654	5	779	1	187	207	25,121	122	16,567	10.7%	8.9%
OVERALL TOTALS(EXC Adv/RP)	4,543	602,541	698	72,270	46	3,385	29	2,013	356	36,952	267	29,919	15.4%	12.0%
ADJUSTED TOTALS	4,772	610,206	927	79,934	46	3,385	29	2,013	585	44,616	267	29,919		13.1%

Note: HUD 184A loan program has 459 loans, with a total outstanding principal balance of \$102,001,583.84 as of June 30, 2018. 16 loans, totalling \$3,917,537.94 are delinquent.

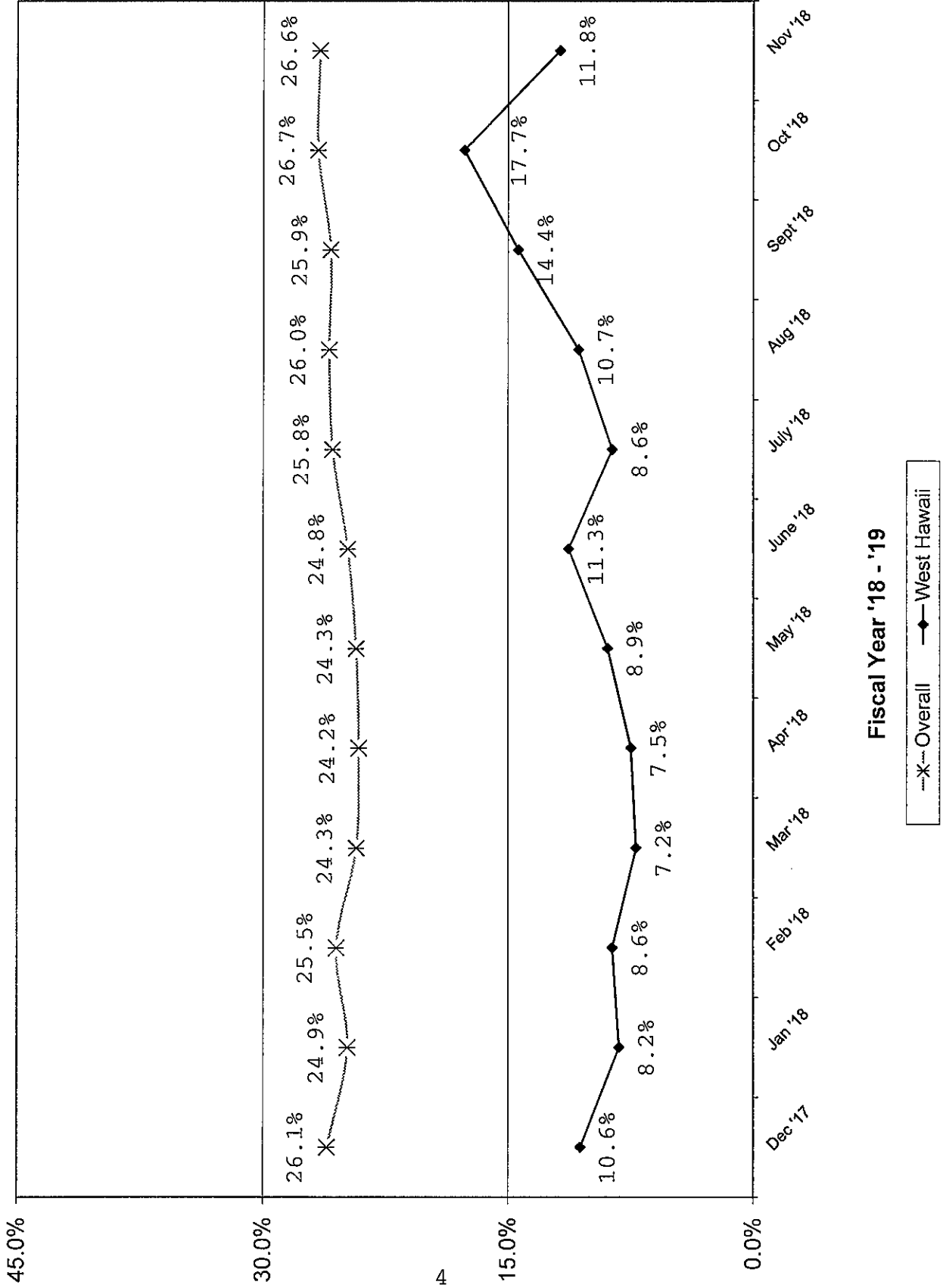
**OAHU
Direct Loans
Delinquency Ratio Report**



EAST HAWAII
Direct Loans
Delinquency Ratio Report



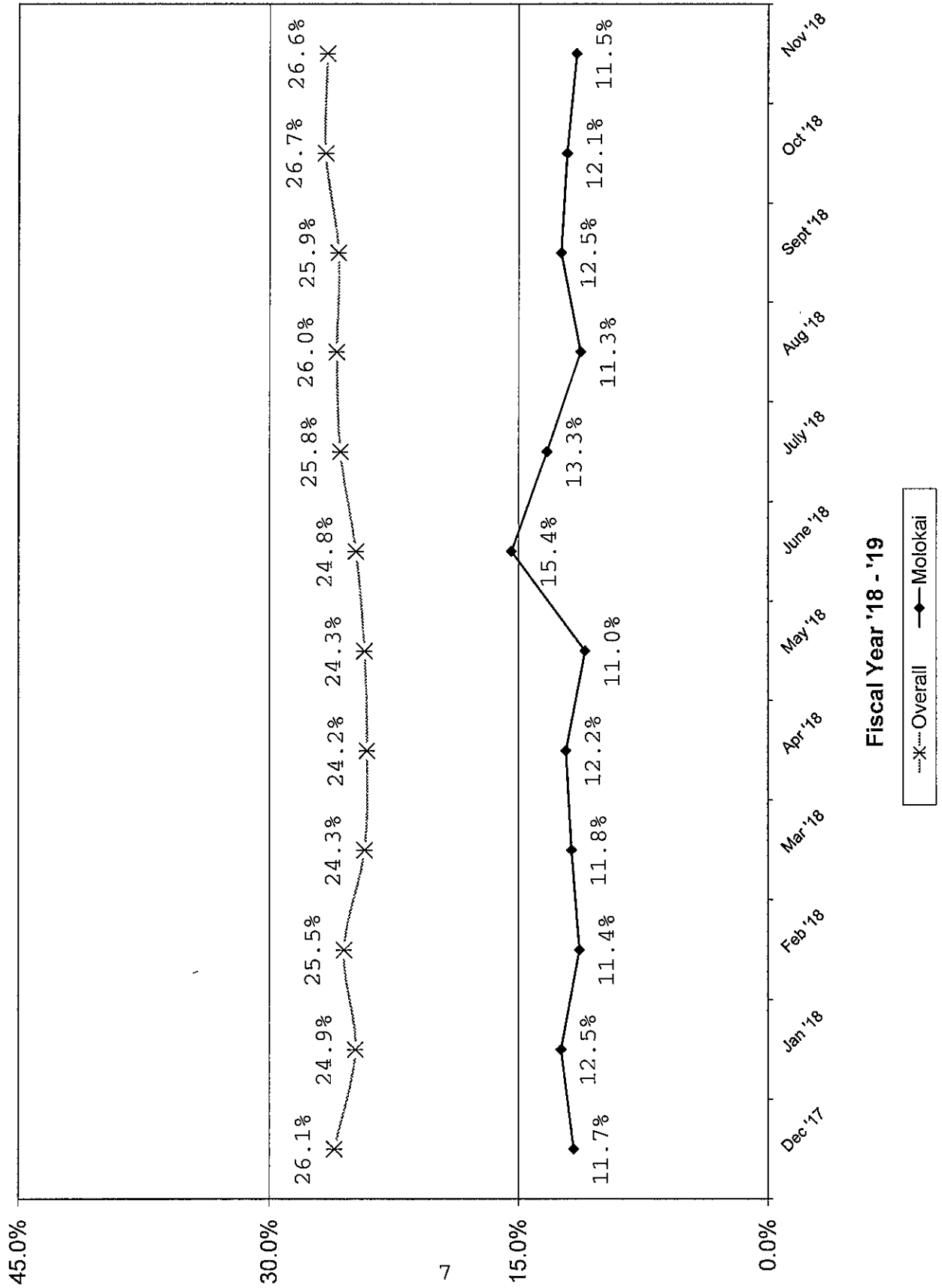
WEST HAWAII
Direct Loans
Delinquency Ratio Report



Fiscal Year '18 - '19

--x-- Overall --◆-- West Hawaii

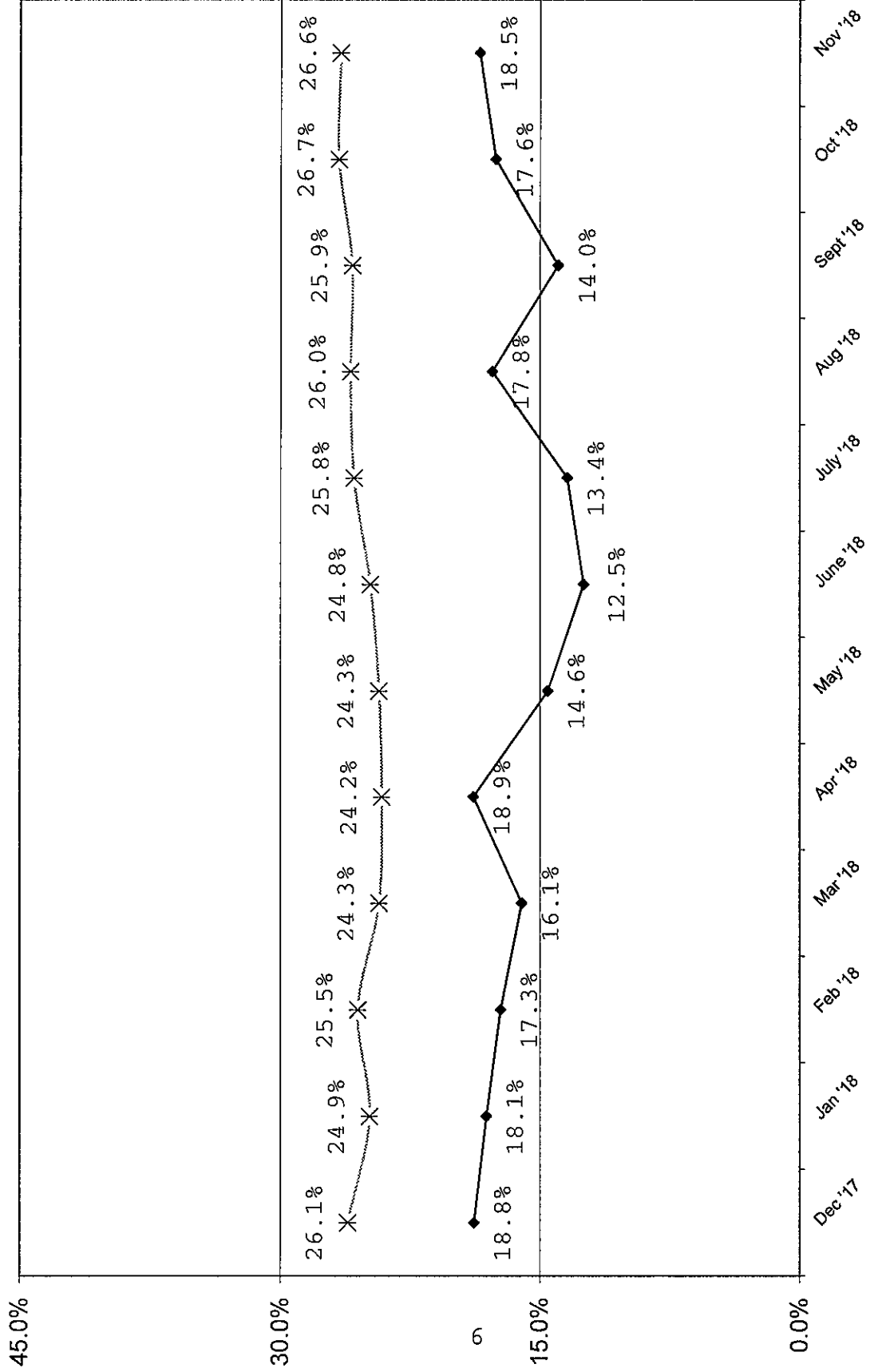
MOLOKAI
Direct Loans
Delinquency Ratio Report



Fiscal Year '18 - '19

x Overall ♦ Molokai

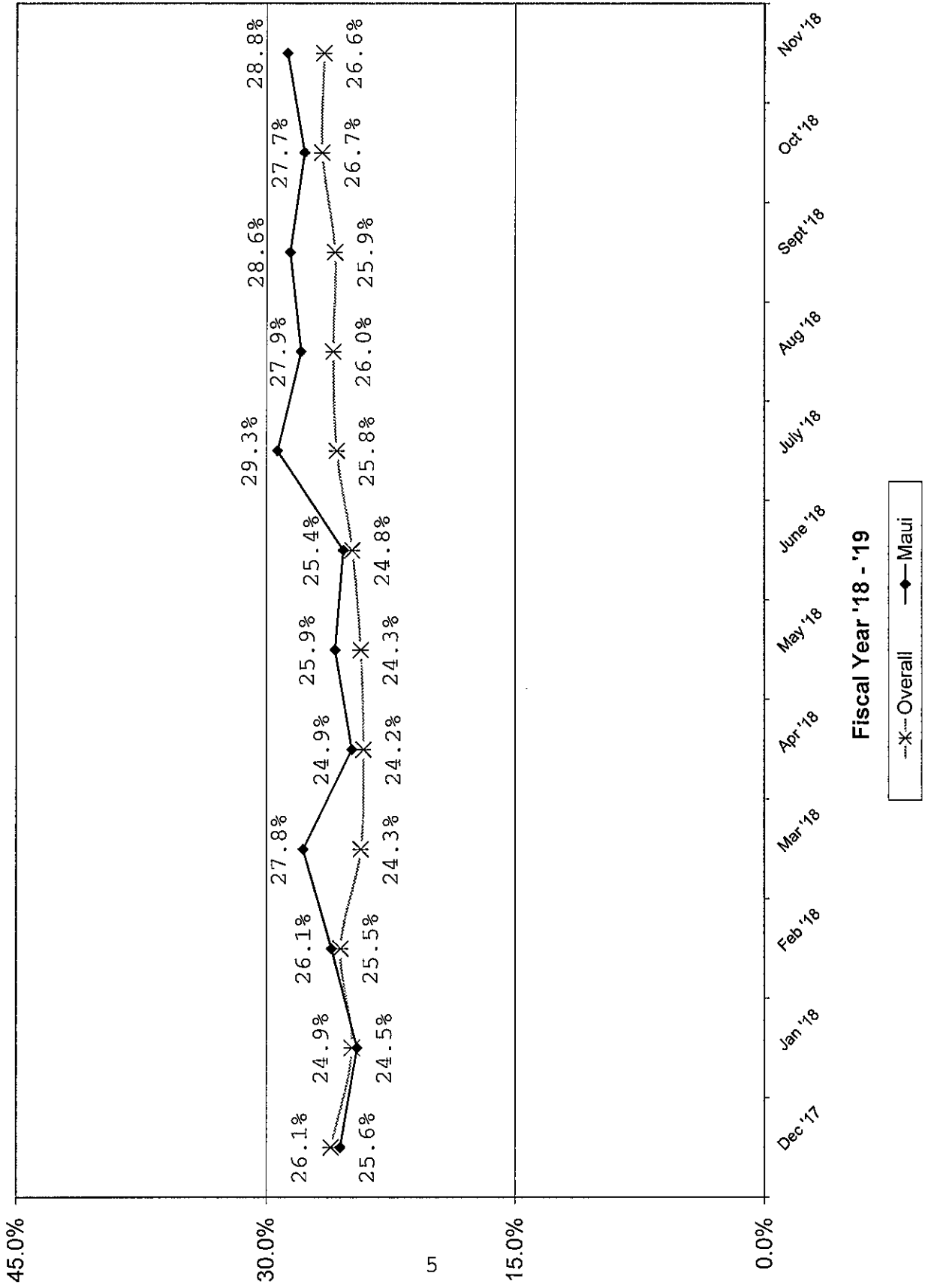
KAUAI
Direct Loans
Delinquency Ratio Report



Fiscal Year '18 - '19



MAUI
Direct Loans
Delinquency Ratio Report



December 17, 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>
11281	Waimanalo	Kahui, Kaponu K.	\$360,525	11/15/18
11030	Anahola	Kinney, Kiha W.	\$345,116	11/28/18

	<u>No.</u>	<u>Balance</u>
FY Ending 6/30/18	3	\$ 885,331
Previous Months	3	\$ 737,433
This Month	<u>2</u>	<u>705,641</u>
FY '18-'19 to date	5	\$ 1,443,074

December 17, 2018

SUBJECT: **DHHL Guarantees for U.S. Small Business
Administration**

DISCUSSION: The Department issued guarantees for the following
SBA loans:

<u>LOT NO.</u>	<u>AREA</u>	<u>LESSEE</u>	<u>Loan Amount</u>	<u>Date Approved</u>
14	Waimanalo	Keleikilo, Leandra	\$93,300	10/25/18

	<u>No.</u>	<u>Balance</u>	
FY Ending 6/30/18	0		\$ -0-
Previous Months	0		\$ -0-
This Month	<u>1</u>		<u>93,300</u>
FY '18-'19 to date	1		\$ 93,300

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 2018

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator
Homestead Services Division

SUBJECT: **Approval of Consent to Mortgage**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

<u>PROPERTY</u>	<u>LESSEE</u>	<u>LENDER</u>	<u>LOAN AMOUNT</u>
<u>OAHU</u>			
Princess Kahanu Estates Lease No. 8390 TMK: 1-8-7-043:033	KEIKI, Emelalaokekai K. M. (Purchase)FHA	Guild Mortgage Co.	\$ 277,000
Waimanalo Lease No. 1720 TMK: 1-4-1-016:034	KEOPUHIWA, Paulette K., KEOPUHIWA, Marvin K., & KEOPUHIWA, Marvin K., II (Cash Out Refi)FHA	Sistar Mortgage Co.	\$ 102,000
Kumuhau Lease No. 11282 TMK: 1-4-1-040:043	ORTIZ, Rochel A. L. (Cash Out Refi)FHA	Hightechlend ing Inc.	\$ 352,000

OAHU

Kauluokahai Lease No. 12452 TMK: 1-9-1-017:081	KALILIMOKU, Oriana (Purchase) FHA	HomeStreet Bank	\$ 310,817
Waimanalo Lease No. 3596 TMK: 1-4-1-029:029	RICHARDS, Radford K. (Cash Out Refi) FHA	Sistar Mortgage Co.	\$ 306,000
Waianae Lease No. 9703 TMK: 1-8-5-033:094	PALING, Stephen, IV (Purchase) FHA	HomeStreet Bank	\$ 425,709
Nanakuli Lease No. 5155 TMK: 1-8-9-013:004	NAEOLE-CASUGA, Ululani T. A. (Cash Out Refi) FHA	SecurityNati onal Mortgage Co.	\$ 307,000
Nanakuli Lease No. 5150 TMK: 1-8-9-012:015	KAIMI, Daniel K. (Cash Out Refi) FHA	Guild Mortgage Co.	\$ 210,000
Waimanalo Lease No. 2244 TMK: 1-4-1-021:027	OHELO, Steven J. K. (Purchase) FHA	Guild Mortgage Co.	\$ 496,000
Kanehili Lease No. 11700 TMK: 1-9-1-153:164	SPENCER, Jared L. (Purchase) HUD 184A	Bank of Hawaii	\$ 549,440
Maluohai Lease No. 5513 TMK: 1-9-1-119:023	HATORI, Inez K. (Cash Out Refi) FHA	Hightechlend ing Inc.	\$ 352,000
Nanakuli Lease No. 8589 TMK: 1-8-9-012:031	MAUNAKEA, Buddy (Cash Out Refi) FHA	HomeStreet Bank	\$ 266,006

ITEM NO. D-3

OAHU

Hoolimalima Lease No. 12769 TMK: 1-9-1-120:086	AWONG, Darin (Cash Out Refi)FHA	HomeStreet Bank	\$ 167,396
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Waimanalo Lease No. 8774 TMK: 1-4-1-038:010	KALAKAU, William K., IV (Cash Out Refi)HUD 184A	HomeStreet Bank	\$ 170,000
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Kauluokahai Lease No. 12488 TMK: 1-9-1-017:073	HAINA, Wallace, Jr. (Purchase)HUD 184A	Bank of Hawaii	\$ 338,140
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MOLOKAI

Kalamaula Lease No. 5 TMK: 2-5-2-008:030	NAKIHEI, Brent K. (Cash Out Refi)FHA	Aries Loans Inc.	\$ 180,000
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Kapaakea Lease No. 3016 TMK: 2-5-4-007:007	GREENLEAF, Louis III (Cash Out Refi)FHA	Aries Loans Inc.	\$ 154,000
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MAUI

Waiehu 2 Lease No. 9472 TMK: 2-3-2-022:034	KUHAULUA, Gifford K. (Purchase)FHA	Siwell Inc., dba Capital Mortgage Services of Texas	\$ 433,000
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Waiohuli Lease No. 10124 TMK: 2-2-2-028:070	ESTRELLA, Jenny L. M. (Purchase)FHA	Siwell Inc., dba Capital Mortgage Services of Texas	\$ 498,000
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Waiehu 3 Lease No. 10104 TMK: 2-3-2-024:002	LAKE-FARM, Naomi K. (Cash Out Refi)FHA	HomeStreet Bank	\$ 243,170
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ITEM NO. D-3

KAUAI

Anahola Lease No. 4311 TMK: 4-4-8-016:083	MARTIN, Laurie-Jean K. (Purchase)FHA	SecurityNational Mortgage Co.	\$ 402,000
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Anahola Lease No. 6588 TMK: 4-4-8-017:030	BALONICK, Jaylee K. (Cash Out Refi)FHA	HomeStreet Bank	\$ 128,990
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HAWAII

Makuu Lease No. 6984 TMK: 3-1-5-120:015	KAHEIKI, Mary H. (Purchase)FHA	HomeStreet Bank	\$ 200,334
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Kaniohale Lease No. 9434 TMK: 3-7-4-023:121	HAUANIO, Wallace M. (Cash Out Refi)FHA	Bank of Hawaii	\$ 211,752
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Panaewa Lease No. 6272 TMK: 3-2-1-061:076	DINKEL, Erryn K. (Cash Out Refi)FHA	HomeStreet Bank	\$ 281,583
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Puukapu Lease No. 3395-E TMK: 3-6-4-004:059	SCHUTTE, Barney J. (Cash Out Refi)FHA	Mann Mortgage LLC	\$ 383,000
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<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 6/30/18	298	\$ 77,704,372	13	\$4,914,100	12	\$3,929,543
Prior Months	100	\$ 26,767,256	3	\$1,023,495	7	\$2,194,681
This Month	<u>23</u>	<u>6,687,757</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total FY '18-'19	123	\$ 33,455,013	3	\$1,023,495	7	\$2,194,681
HUD 184A						
FY Ending 6/30/18	82	\$23,579,214				
Prior Months	26	\$ 8,673,271				
This Month	<u>3</u>	<u>1,057,580</u>				
Total FY '18-'19	29	\$ 9,730,851				


ITEM NO. D-3

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 2018

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator 
Homestead Services Division

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

RECOMMENDED MOTION/ACTION

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

DISCUSSION

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

<u>Lessee</u>	<u>Lease No.</u>	<u>Area</u>	<u>Loan No.</u>	<u>Monthly Payment</u>	<u>Amount at 11/18</u>	<u>Balance At 11/18</u>
<u>Kauai</u>						
Navor, Agapito J.K. & Navor, Larlene S.	5491	Anahola	17509	\$619	\$3,272	\$44,505
Kauanui, Keala W.	11361	Kekaha	18129	\$407	\$2,138	\$75,269

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2018

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

RECOMMENDED MOTION/ACTION

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

DISCUSSION

1. Requests of Applicants to Transfer

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

SANTANA, Deborah H.	07/15/2010	KAUAI	RES	08/01/2018
TEO, Ottilia A.	10/08/1998	HAWAII	RES	08/09/2018

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

GOMES, Karen K.H.	03/24/1987	OAHU	RES	08/21/2018
KALEIOPU, Robin M.	09/20/2017	OAHU	RES	08/07/2018

2. Deceased Applicants

NONE FOR SUBMITTAL

3. Awards of Leases

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

CLARKE, Sandra N.	Assigned Residential Lease #3960, Lot 28 in Waimanalo, Oahu dated 11/07/2016. Remove application dated 11/18/1980.
CONSELVA, Johnette L.	Assigned Residential Lease #2967, Lot 244-B in Nanakuli, Oahu dated 10/22/2018. Remove application dated 07/26/1985.
GIBSON, Janna-Jay S.	Assigned Residential Lease #2173, Lot 37 in Kewalo, Oahu dated 08/20/2018. Remove application dated 02/11/2010.
HOLU, Kevin K.	Assigned Residential Lease #3273, Lot 24-B in Nanakuli, Oahu dated 10/26/2018. Remove application dated 10/02/2008.
KAOHU, Janelle L.	Assigned Residential Lease #4382, Lot 42 in Nanakuli, Oahu dated 11/05/2018. Remove application dated 10/25/2005.
KAWAA, Earl	Assigned Residential Lease #3441, Lot 6 in One Alii, Molokai dated 08/21/2017. Remove application dated 09/16/2002.
NAHOLOWAA, Elizabeth H.	Assigned Residential Lease #3769, Lot 305 in Nanakuli, Oahu dated 09/28/2018. Remove application dated 05/03/1985.

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

CAMPBELL, Andrietta M.	Assigned Residential Lease #8207, Lot 3 in Paukukalo, Maui dated 05/08/2018. Remove application dated 09/07/1989.
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HELM, Raiatea M.M.

Assigned Residential Lease
#6068, Lot 37 in Kalamaula,
Molokai dated 10/05/2018.
Remove application dated
08/10/2005.

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

MULLER, Katherine P.

Assigned Residential Lease
#4760, Lot 19-A in Puukapu,
Hawaii dated 10/17/2018. Remove
application dated 09/06/1985.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

AKO, Herbert K.

Assigned Residential Lease
#9377, Lot 64 in Kaniohale,
Hawaii dated 11/05/2018. Remove
application dated 02/27/2017.

KAHAWAIOLAA, Kimberly K.

Assigned Residential Lease
#3338, Lot 342 in Keaukaha,
Hawaii dated 06/02/2017. Remove
application dated 03/19/1986.

KAILI, James K.K.

Assigned Residential Lease
#3796, Lot 12 in Waiakea,
Hawaii dated 10/01/2018. Remove
application dated 12/08/1995.

MAHI-GODDARD, Hua-Wai M.

Assigned Residential Lease
#9371, Lot 58 in Kaniohale,
Hawaii dated 10/05/2018. Remove
application dated 05/15/1997.

WARREN, Leonard K.

Assigned Residential Lease
#9430, Lot 117 in Kaniohale,
Hawaii dated 10/17/2018. Remove
application dated 12/20/2006.

MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

PUAA, Rowan K.K.L.	Assigned Residential Lease #6058, Lot 4 in Kalamaula, Molokai dated 10/10/2018. Remove application dated 06/02/2011.
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4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

PEREIRA, Shaunna-Ann E.	Succeeded to Hawaii Islandwide Agricultural application of mother, Louisa L.W. Pereira, dated 01/12/1978. Remove application dated 03/08/2018.
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KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

ENRIQUE, Jodine S.	Succeeded to Anahola Area / Kauai Islandwide Pastoral application of mother, Bernadine K.Y. Enrique, dated 09/14/1976. Remove application dated 03/05/1986.
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MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

SOUZA, Thalia Ann K.

Succeeded to Oahu Islandwide Residential application of mother, Pearl K. Souza, dated 11/12/1997. Remove application dated 10/08/2007.

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL

Last Month's Transaction Total	63
Last Month's Cumulative FY 2018-2019 Transaction Total	130
Transfers from Island to Island	4
Deceased	0
Cancellations:	
Awards of Leases	16
NHQ	0
Voluntary Cancellations	0
Successorship	3
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	23
This Month's Cumulative FY 2018-2019 Transaction Total	153

ITEM D-5 EXHIBIT
HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

<u>APPLICANT</u>	<u>AREA</u>
AKO, Herbert K.	Hawaii IW Res
BAUTISTA, Uilani J.	Maui IW Agr
BAUTISTA, Uilani J.	Maui IW Res
CAMPBELL, Andrietta M.	Maui IW Res
CLARKE, Sandra N.	Oahu IW Res
CONSELVA, Johnette L.	Oahu IW Res
ENRIQUE, Jodine S.	Kauai IW Agr
GIBSON, Janna-Jay S.	Oahu IW Res
GOINS, Kaiaomaikalani	Oahu IW Res
GOINS, Kaiaomaikalani	Hawaii IW Pas
GOMES, Karen K.H.	Hawaii IW Res to Oahu IW Res
HELM, Raiatea M.M.	Maui IW Res
HOLU, Kevin K.	Oahu IW Res
KAHAWAIOLAA, Kimberly K.	Hawaii IW Res
KAILI, James K.K.	Hawaii IW Res
KALEIOPU, Robin M.	Hawaii IW Res to Oahu IW Res
KAOHU, Janelle L.	Oahu IW Res
KAWAA, Earl	Oahu IW Res
MAHI-GODDARD, Hua-Wai M.	Hawaii IW Res
MULLER, Katherine P.	Hawaii IW Agr
NAHOLOWAA, Elizabeth H.	Oahu IW Res
PEREIRA, Shaunna-Ann E.	Hawaii IW Agr
PUAA, Rowan K.K.L.	Molokai IW Res
SANTANA, Deborah H.	Oahu IW Res to Kauai IW Res
SMITH, Arthur H.T., III	Maui IW Res
SMITH, Arthur H.T., III	Kauai IW Agr
SOUZA, Thalia Ann K.	Molokai IW Res
TEO, Ottilia A.	Oahu IW Res to Hawaii IW Res
WARREN, Leonard K.	Hawaii IW Res
WILLIAMS, Susan K.	Oahu IW Agr
WILLIAMS, Susan K.	Oahu IW Res

* IW = Islandwide

ITEM D-6 EXHIBIT
COMMISSION DESIGNATIONS OF SUCCESSOR TO APPLICATION RIGHTS
PN 2017

<u>APPLICANT</u>	<u>AREA</u>
BAUTISTA, Uilani J.	Maui IW Agr
BAUTISTA, Uilani J.	Maui IW Res
GOINS, Kaiaomaikalani	Oahu IW Res
GOINS, Kaiaomaikalani	Hawaii IW Agr
SMITH, Arthur H.T., III	Kauai IW Agr
SMITH, Arthur H.T., III	Kauai IW Res
WILLIAMS, Susan K.	Oahu IW Agr
WILLIAMS, Susan K.	Oahu IW Res

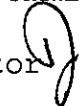
* IW = Islandwide

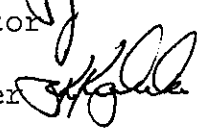
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean T. Oshiro, Acting HSD Administrator 

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

SUBJECT: **Commission Designations of Successor to Application Rights - Public Notice 2017**

RECOMMENDED MOTION/ACTION

To designate the following individuals as successors to the application rights of deceased applicants who have no qualified successors of record.

DISCUSSION

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

1a. Deceased Applicant:	Noreen I.L. Caldwell
Date of death:	June 27, 2017
Successor to application rights:	Susan K. Williams
Relationship to decedent:	Sibling
Island:	Oahu
Type:	Islandwide Agricultural
Date of Application:	November 8, 2006
Date of Public Notice:	November 2017

1b.Island:	Oahu
Type:	Islandwide Residential
Date of Application:	November 8, 2006
Date of Public Notice:	November 2017
2a.Deceased Applicant:	Everett H. K. Goins
Date of death:	March 15, 2017
Successor to application rights:	Kaiaomaikalani Goins
Relationship to decedent:	Child
Island:	Oahu
Type:	Islandwide Residential
Date of Application:	March 31, 1994
Date of Public Notice:	November 2017
2b.Island:	Hawaii
Type:	Islandwide Agricultural
Date of Application:	June 18, 1996
Date of Public Notice:	November 2017
3a.Deceased Applicant:	William Kukaua, Jr.
Date of death:	October 27, 2016
Successor to application rights:	Uilani J. Bautista
Relationship to decedent:	Niece
Island:	Maui
Type:	Islandwide Agricultural
Date of Application:	October 20, 1986
Date of Public Notice:	November 2017
3b.Island:	Maui
Type:	Islandwide Residential
Date of Application:	October 20, 1986
Date of Public Notice:	November 2017
4a.Deceased Applicant:	May Rose K. Smith
Date of death:	November 12, 2005
Successor to application rights:	Arthur H.T. Smith, III
Relationship to decedent:	Child
Island:	Kauai
Type:	Islandwide Agricultural
Date of Application:	July 14, 1989
Date of Public Notice:	November 2017
4b.Island:	Kauai
Type:	Islandwide Residential
Date of Application:	July 14, 1989
Date of Public Notice:	November 2017

Previous Cumulative Total for Current FY	33
Current Month's Total	8
Fiscal Year Total: July 2018-June 2019	41

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 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 December 2018	16
Previous FY 2018 - 2019	<u>31</u>
FY 2018 - 2019 Total to Date	47

Ratified for FY '17 - '18	87
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Net Proceeds

Ratified for December 2018	0
Previous FY 2018 - 2019	<u>0</u>
FY 2018 - 2019 Total to Date	0

Ratified for FY '17 - '18	1
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LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR
LEASEHOLD INTEREST
FOR MONTH OF DECEMBER 2018

<u>Deceased Lessee</u>	<u>Designated Successor</u>
1. Joseph E. I. Aipoalani Lot No.: 83 Area: Waianae, Oahu Lease No. 4724	<u>PRIMARY: Tenants in Common</u> Kevin K. K. Aipoalani, Son Cheryl E. K. Aipoalani, Daughter <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
2. Penny N. Chung Lot No.: 144 Area: Waianae, Oahu Lease No. 4583	<u>PRIMARY:</u> Milton P. K. Chung, Husband (Deceased) <u>ALTERNATE:</u> Kristine K. Chung, Daughter (Omit, Cancelled by CCH for no response) Brandon K. Chung, Son <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
3. George A. V. Desha Lot No.: 70A Area: Panaewa, Hawaii Lease No. 6221	<u>PRIMARY:</u> Ainahau G. Desha, Son <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A

<u>Deceased Lessee</u>	<u>Designated Successor</u>
<p>4. Harold Haupu, Jr. Lot No.: 50 Area: Waiehu Kou II, Maui Lease No. 7759</p>	<p><u>PRIMARY:</u> Gail K. Haupu, Wife</p> <p><u>ALTERNATE:</u> Malia N. Haupu, Daughter* *Omit due to lack of genealogy documents to determine eligibility to successorship.</p> <p><u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A</p>
<p>5. Shirley M. Jale Lot No.: 65 Area: Nanakuli, Oahu Lease No. 4505</p>	<p><u>PRIMARY: Joint Tenants</u> Nicomedes H. Jale, Husband Inez L. Sajor, Daughter Cheryl-Ann L. Jale, Daughter</p> <p><u>ALTERNATE:</u> N/A</p> <p><u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> Nicomedes H. Jale, Husband Inez L. Sajor, Daughter Cheryl L. Jale, Daughter *Omit due to they all meet the 25% Hawaiian blood quantum to succeed.</p>
<p>6. Allan G. Kalehuawehe, Sr. Lot No.: 24 Area: Paukukalo, Maui Lease No. 3465</p>	<p><u>PRIMARY:</u> Conrad M. K. Kalehuawehe, Grandson</p> <p><u>ALTERNATE:</u> N/A</p> <p><u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A</p>

<u>Deceased Lessee</u>	<u>Designated Successor</u>
7. Leonell L. L. Kualii Lot No.: 305-A Area: Keaukaha, Hawaii Lease No. 2614	<u>PRIMARY:</u> Kimberlee K. Kualii- DeMello, Daughter <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
8. William K. Montgomery Lot No.: 13821 Area: Maluohai, Oahu Lease No. 9813	<u>PRIMARY: Joint Tenants</u> Gladys K. Montgomery, Wife Teri K. Montgomery, Daughter <u>ALTERNATE:</u> Kahea Montgomery, Grandson <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
9. Nelson N. Naki Lot No.: UNDV063 Area: Kapolei, Oahu Lease No. 12382	<u>PRIMARY:</u> George K. Naki, III, Father <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
10. Julia K. M. Pai Lot No.: 117 Area: Waianae, Oahu Lease No. 4471	<u>PRIMARY:</u> Evelyn U. Pai, Daughter <u>ALTERNATE:</u> Tehani Lee K. Pai, Granddaughter <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A

<u>Deceased Lessee</u>	<u>Designated Successor</u>
11. Daniel F. P. Poepoe, Jr. Lot No.: UNDV180 Area: Kapolei, Oahu Lease No. 12499	<u>PRIMARY:</u> Charles Poepoe, Son <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
12. Hazel W. Pu Lot No.: 117 Area: Lualualei, Oahu Lease No. 5518	<u>PRIMARY: Tenants in Common</u> Mary Ellen Farias, Daughter Daniel Pu, Husband <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
13. Frederick K. Pu, Jr. Lot No.: 12 Area: Paukukalo, Maui Lease No. 5435	<u>PRIMARY:</u> Paul S. K. Pu, Son <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
14. Harry N. H. Puaa Lot No.: 28 Area: Hoolehua, Molokai Lease No. 687	<u>PRIMARY: Joint Tenants</u> Alexis P. Puaa-Adams, Niece Ann K. Puaa, Niece <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A

Deceased Lessee

Designated Successor

15. Faith M. Rocha
Lot No.: UNDV038
Area: Laiopua, Hawaii
Lease No. 10664

PRIMARY:
David Rocha, Husband

ALTERNATE: Tenants in Common
David Rocha, Son, Daphne
Rocha, Daughter,
Dean Rocha, Son, Daniel
Rocha, Son
*Omit due to lack of
genealogy documents to
determine eligibility to
successorship.

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

16. Gregory K. Topley
Lot No.: 54-B
Area: Nanakuli, Oahu
Lease No. 4501

PRIMARY:
Jaylynn Topley, Daughter

ALTERNATE:
N/A

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 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

Thirty-five (35) assignments of lease.

<u>LESSEE</u>	<u>TRANSFeree</u>
1. Name: Annie G. Aaronson Res. Lease No.: 9737 Lease Date: 5/15/2001 Lot No.: 13719 Area/Island: Maluohai, Oahu Property Sold: Yes Amount: \$525,000.00 Improvements: 4 bedroom, 2-1/2 bath dwelling	Name: Jeana L. Laimana Relationship: None Loan Assump: N/A Applicant: Yes, Maui IW Res, 3/13/2008

Reason for Transfer: "Medical reasons, financial reasons, home too big." Special Condition: Transferee to obtain funds to pay purchase price.

LESSEETRANSFeree

2. Name: Cheryl E. K. Aipoalani Name: Kevin K. K. Aipoalani
 Res. Lease No.: 4724 Relationship: Brother
 Lease Date: 11/22/1977 Loan Assump: N/A
 Lot No.: 83 Applicant: No
 Area/Island: Waianae, Oahu
 Property Sold: No
 Amount: N/A
 Improvements: 3 bedroom, 3 bath dwelling

Reason for Transfer: "Giving lease to relative."

3. Name: Mary Ann Bardo Name: Vincent K. Bardo
 Res. Lease No.: 12831 Relationship: Son
 Lease Date: TBD Loan Assump: N/A
 Lot No.: 84 Applicant: No
 Area/Island: Kauluokahai,
 Oahu
 Property Sold: Yes
 Amount: \$370,000.00
 Improvements: 5 bedroom, 3 bath dwelling

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

4. Name: Thadd R. Camara Name: Keahi G. Hanakahi
 Res. Lease No.: 3146 Relationship: Brother
 Lease Date: 1/1/1923 Loan Assump: N/A
 Lot No.: 10A Applicant: No
 Area/Island: Kalamaula,
 Molokai
 Property Sold: No
 Amount: N/A
 Improvements: 3 bedroom, 1 bath dwelling

Reason for Transfer: "Give my interest to brother Keahi
Hanakahi."

LESSEETRANSFeree

5. Name: Audrey M. P. Caravallo Name: Jacqueline L. Wise
 Res. Lease No.: 8352 Relationship: Daughter
 Lease Date: 11/1/1995 Loan Assump: N/A
 Lot No.: 61 Applicant: No
 Area/Island: PKE, Oahu
 Property Sold: Yes
 Amount: \$300,000.00
 Improvements: 3 bedroom, 2-1/2 bath dwelling

 Reason for Transfer: "Giving lease to relative." Special
 Condition: Transferee to obtain funds to pay purchase
 price.
6. Name: Kekoa C. A. Enomoto Name: Angus K. Peters
 Agr. Lease No.: 7421 Relationship: None
 Lease Date: 3/16/2010 Loan Assump: N/A
 Lot No.: 52 Applicant: Yes, Maui IW Agr.,
 Area/Island: Keokea, Maui 2/26/1986
 Property Sold: Yes
 Amount: \$75,000.00
 Improvements: Farm structure and 8 foot wooden hogwire
 fence

 Reason for Transfer: "Medical reasons." Special Condition:
 Transferee to obtain funds to pay purchase price. See
 simultaneous transfer below.
7. Name: Angus K. Peters Name: Lee K. Peters
 Agr. Lease No.: 7421 Relationship: Son
 Lease Date: 3/16/2010 Loan Assump: N/A
 Lot No.: 52 Applicant: No
 Area/Island: Keokea, Maui
 Property Sold: Yes
 Amount: \$75,000.00
 Improvements: Farm structure and 8 foot wooden hogwire
 fence

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

LESSEETRANSFeree

8. Name: Mary Ann R. Hanohano Name: Rani Ann N. Hanohano
 Res. Lease No.: 413-A Relationship: Daughter
 Lease Date: 11/24/1930 Loan Assump: N/A
 Lot No.: 186-A-1 Applicant: No
 Area/Island: Nanakuli, Oahu
 Property Sold: No
 Amount: N/A
 Improvements: 4 bedroom, 1 bath dwelling

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

9. Name: Rani Ann N. Hanohano Name: Mary Ann R. Hanohano
 Agr. Lease No.: 6993 Relationship: Mother
 Lease Date: 11/14/1997 Loan Assump: N/A
 Lot No.: 49 Applicant: No
 Area/Island: Makuu, Hawaii
 Property Sold: No
 Amount: N/A
 Improvements: None

Reason for Transfer: "Giving lease to relative."

10. Name: Shawn K. Ibana Name: Yolanda J. Dean
 Agr. Lease No.: 6187 Relationship: Aunt
 Lease Date: 2/11/1998 Loan Assump: N/A
 Lot No.: 25 Applicant: Yes, Hawaii IW
 Area/Island: Puukapu, Agr., 8/22/2006
 Hawaii
 Property Sold: Yes
 Amount: \$375,000.00
 Improvements: 3 bedroom, 3 bath dwelling

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

LESSEETRANSFeree

11. Name: Yolanda J. Dean Name: Jolynn L. Dean
 Agr. Lease No.: 6187 Relationship: Son
 Lease Date: 2/11/1998 Loan Assump: N/A
 Lot No.: 25 Applicant: No
 Area/Island: Puukapu, Hawaii
 Property Sold: Yes
 Amount: \$375,000.00
 Improvements: 3 bedroom, 3 bath dwelling

 Reason for Transfer: "Giving lease to relative. Special
 Condition: Transferee to obtain funds to pay purchase
 price.
12. Name: Janice U. Jones Name: Leinaala E. Jones
 Res. Lease No.: 3763 Relationship: Daughter
 Lease Date: 11/22/1968 Loan Assump: N/A
 Lot No.: 2 Applicant: No
 Area/Island: Kewalo, Oahu
 Property Sold: No
 Amount: N/A
 Improvements: 3 bedroom, 1 bath dwelling

 Reason for Transfer: "Medical reasons."
13. Name: Theodore K. Kaohu, Jr. Name: Deidra K. Kaohu
 Res. Lease No.: 5128 Relationship: Sister
 Lease Date: 8/2/1982 Loan Assump: N/A
 Lot No.: 13 Applicant: Yes, Oahu IW Res.,
 Area/Island: Nanakuli, Oahu 1/25/2007
 Property Sold: Yes
 Amount: \$58,000.00
 Improvements: 4 bedroom, 2 bath dwelling

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

LESSEETRANSFeree

14. Name: Sasha N. K. K. I.
 Kekauoha
 Res. Lease No.: 2278
 Lease Date: 11/30/1949
 Lot No.: 67
 Area/Island: Waimanalo, Oahu
 Property Sold: Yes
 Amount: \$90,790.00
 Improvements: 4 bedroom, 3 bath dwelling
- Name: Sasha N. K. K. I.
 Kekauoha & Jarrett K.
 Kekauoha
 Relationship: Lessee &
 Brother
 Loan Assump: N/A
 Applicant: Yes, Oahu IW Res.,
 1/6/2000

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

15. Name: Carol L. Lopes
 Res. Lease No.: 5149
 Lease Date: 8/2/1982
 Lot No.: 91
 Area/Island: Nanakuli, Oahu
 Property Sold: Yes
 Amount: \$625,000.00
 Improvements: 5 bedroom, 3-1/2 bath dwelling
- Name: Leinaala N. Salausa
 Relationship: Granddaughter
 Loan Assump: Yes
 Applicant: No

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

16. Name: Jimmienne G. L.
 Lopez
 Res. Lease No.: 12833
 Lease Date: TBD
 Lot No.: 86
 Area/Island: Kauluokahai,
 Oahu
 Property Sold: Yes
 Amount: \$357,800.00
 Improvements: 5 bedroom, 3 bath dwelling
- Name: Brandon K. Lopez
 Relationship: Son
 Loan Assump: N/A
 Applicant: No

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

LESSEETRANSFeree

17. Name: Manuel J. H. Magill Name: Ricky L. Magill, Jr.
 Res. Lease No.: 11265 Relationship: Brother
 Lease Date: 3/14/2012 Loan Assump: Yes
 Lot No.: 10 Applicant: No
 Area/Island: Kumuhaui, Oahu
 Property Sold: No
 Amount: N/A
 Improvements: 2 bedroom, 2 bath dwelling

 Reason for Transfer: "Giving lease to relative."
18. Name: Kimberly K. Matsushima Name: Stephen Paling, III
 Res. Lease No.: 4408 Relationship: Brother
 Lease Date: 11/30/1977 Loan Assump: N/A
 Lot No.: 261-B Applicant: No
 Area/Island: Nanakuli, Oahu
 Property Sold: Yes
 Amount: \$475,000.00
 Improvements: 4 bedroom, 3 bath dwelling

 Reason for Transfer: "Moving off island, giving lease to
 relative." Special Condition: Transferee to obtain funds
 to pay purchase price. See simultaneous transfer below.
19. Name: Stephen Paling, III Name: Stephen Paling, IV
 Res. Lease No.: 9703 Relationship: Son
 Lease Date: 5/15/2001 Loan Assump: N/A
 Lot No.: 17 Applicant: Yes, Oahu IW Res.,
 Area/Island: Waianae, Oahu 5/28/2015
 Property Sold: Yes
 Amount: \$470,000.00
 Improvements: 6 bedroom, 2-1/2 bath dwelling

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

LESSEETRANSFeree

20. Name: Albert K. M. Mossman Name: Steven J. K. Ohelo
 Res. Lease No.: 2244 Relationship: None
 Lease Date: 11/30/1949 Loan Assump: N/A
 Lot No.: 4 Applicant: Yes, Oahu IW Res.,
 Area/Island: Waimanalo, Oahu 11/1/1993
 Property Sold: Yes
 Amount: \$625,000.00
 Improvements: 5 bedroom, 3 bath dwelling

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

21. Name: Shawn K. A. Nikaido Name: Ellsworth E. T. Nikaido
 Res. Lease No.: 7558 & Elicia L. S. Legsay
 Lease Date: 2/7/2002 Relationship: Father & Sister
 Lot No.: 16 Loan Assump: N/A
 Area/Island: Waiohuli, Maui Applicant: No
 Property Sold: No
 Amount: N/A
 Improvements: 4 bedroom, 2-1/2 bath dwelling

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

22. Name: Ellsworth E. T. Name: Ellsworth E. T. Nikaido
 Nikaido & Elicia L. S. & Elicia L. S. Legsay & Shyla
 Legsay K. K. Nikaido
 Res. Lease No.: 7558 Relationship: Lessees,
 Lease Date: 2/7/2002 Granddaughter & Daughter
 Lot No.: 16 Loan Assump: N/A
 Area/Island: Waiohuli, Maui Applicant: No
 Property Sold: No
 Amount: N/A
 Improvements: 4 bedroom, 2-1/2 bath dwelling

Reason for Transfer: "Adding relative to lease."

LESSEETRANSFeree

23. Name: Kalena K. Pelekai-Wai Name: Emelalaokekai K. M.
 Res. Lease No.: 8390 Keiki
 Lease Date: 5/1/1996 Relationship: None
 Lot No.: 99 Loan Assump: N/A
 Area/Island: PKE, Oahu Applicant: Yes, Oahu IW Res.,
 Property Sold: Yes 7/19/2007
 Amount: \$275,000.00
 Improvements: 2 bedroom, 1 bath dwelling

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

24. Name: Dennis N. Santos Name: Shalane K. Tehotu
 Res. Lease No.: 9811 Relationship: None
 Lease Date: 10/1/2001 Loan Assump: N/A
 Lot No.: 13835 Applicant: Yes, Oahu IW Res.,
 Area/Island: Maluohai, Oahu 2/20/2014
 Property Sold: Yes
 Amount: \$485,000.00
 Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Medical reasons." Special Condition:
Transferee to obtain funds to pay purchase price.

25. Name: John K. Souza Name: Joseph Souza, Jr.
 Res. Lease No.: 5876 Relationship: Father
 Lease Date: 4/10/2001 Loan Assump: N/A
 Lot No.: 21 Applicant: No
 Area/Island: Kalamaula,
 Molokai
 Property Sold: No
 Amount: N/A
 Improvements: 4 bedroom, 3 bath dwelling

Reason for Transfer: "Giving lease to relative."

LESSEETRANSFEREE

26. Name: Bernadette L. Siliezar Name: Bernadette L. Siliezar
 Res. Lease No.: 1392 & Jessie K. Lee
 Lease Date: 10/2/1942 Relationship: Lessee & Niece
 Lot No.: 90-A Loan Assump: N/A
 Area/Island: Keaukaha, Applicant: No
 Hawaii
 Property Sold: No
 Amount: N/A
 Improvements: 3 bedroom, 1 bath dwelling

Reason for Transfer: "Adding relative to lease."

27. Name: Georgith L. White Name: Shannon I. P. W. Silva
 Res. Lease No.: 3799 Relationship: Niece
 Lease Date: 8/22/1969 Loan Assump: N/A
 Lot No.: 408 Applicant: Yes, Kauai IW
 Area/Island: Nanakuli, Oahu Res., 10/4/1988
 Property Sold: No
 Amount: N/A
 Improvements: 4 bedroom, 1 bath dwelling

Reason for Transfer: "Giving lease to relative."

28. Name: Daniel Kahawai Name: Jonah A. K. Kahawai
 Res. Lease No.: 12374 Relationship: Son
 Lease Date: 12/6/2008 Loan Assump: N/A
 Lot No.: UNDV055 Applicant: No
 Area/Island: Kapolei, Oahu
 Property Sold: No
 Amount: N/A
 Improvements: None

Reason for Transfer: "Giving lease to relative."

LESSEETRANSFeree

29. Name: Lisa S. K. Teshima
Res. Lease No.: 10358
Lease Date: 6/18/2005
Lot No.: UNDV061
Area/Island: Waiohuli, Maui
Property Sold: No
Amount: N/A
Improvements: None

Name: Beirne L. Teshima
Relationship: Son
Loan Assump: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative."

30. Name: Lena L. Gouveia
Agr. Lease No.: 6962
Lease Date: 10/1/1986
Lot No.: U2-18
Area/Island: Makuu, Hawaii
Property Sold: No
Amount: N/A
Improvements: None

Name: Tiara Marie M. K. F.
Hoohuli
Relationship: Niece
Loan Assump: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative."

31. Name: Ramona L. Kahele
Agr. Lease No.: 7021
Lease Date: 10/1/1986
Lot No.: 79
Area/Island: Makuu, Hawaii
Property Sold: No
Amount: N/A
Improvements: None

Name: Ramona Nakagawa
Relationship: Daughter
Loan Assump: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative."

LESSEETRANSFeree

32. Name: Jujen-Ann K. Keola
Res. Lease No.: 2008
Lease Date: 9/29/1948
Lot No.: 186
Area/Island: Kewalo, Oahu
Property Sold: No
Amount: N/A
Improvements: None

Name: Jujen-Ann K. Keola,
Keolani J. K. Keola,
Kahalewai J. Keola, Kauiolani
J. Keola, & Kapiolani J.
Keola
Relationship: Lessee, Son &
Daughters
Loan Assump: N/A
Applicant: No

Reason for Transfer: "Adding relatives to lease."

33. Name: Teri K. Montgomery
Agr. Lease No.: 6623
Lease Date: 4/28/2001
Lot No.: 91
Area/Island: Waiahole, Oahu
Property Sold: No
Amount: N/A
Improvements: None

Name: Junius K. Montgomery
Relationship: Uncle
Loan Assump: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative." See
Simultaneous Transfer below.

34. Name: Junius K. Montgomery
Agr. Lease No.: 6623
Lease Date: 4/28/2001
Lot No.: 91
Area/Island: Waiahole, Oahu
Property Sold: No
Amount: N/A
Improvements: None

Name: Yvonne N. Ah Sue
Relationship: Daughter
Loan Assump: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative."

LESSEETRANSFeree

35. Name: Wendell A. Pu Name: Ipolani K. Pu
 Res. Lease No.: 7947 Relationship: Daughter
 Lease Date: 6/1/1987 Loan Assump: N/A
 Lot No.: 107 Applicant: Yes, Maui IW Res.,
 Area/Island: Kalamaula, 5/19/2017
 Molokai
 Property Sold: No
 Amount: N/A
 Improvements: None

Reason for Transfer: "Giving lease to relative."

Assignments for the Month of December `18	35
Previous FY '18 - '19 balance	<u>111</u>
FY '18 - '19 total to date	146
 Assignments for FY '17 - '18	 271

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 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

Twelve (12) amendments of lease.

1. Lessee: Mary Ann R. Hanohano
Res. Lease No.: 413-A
Lot No., Area, Island: 186-A-1, Nanakuli, Oahu
Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, covenants, and conditions into the lease, and to extend the lease term to an aggregate term of 199 years.
2. Lessee: Anelaonalani S. J. F. Johnson
Agr. Lease No.: 2073
Lot No., Area, Island: 33-H-1&2, Hoolehua, Molokai
Amendment: To amend the lease to incorporate the currently used terms, covenants, and conditions into the lease, to extend the lease term to an aggregate term of 199 years.

3. Lessee: Janice U. Jones
Res. Lease No.: 3763
Lot No., Area, Island: 2, Kewalo, Oahu
Amendment: To amend the lease to incorporate the currently used terms, covenants, and conditions into the lease.
4. Lessee: Allan G. Kalehuawehe, Sr.
Res. Lease No.: 3465
Lot No., Area, Island: 24, Paukukalo, Maui
Amendment: To amend the lease to update the property description.
5. Lessee: Myrna M. Kaupu
Res. Lease No.: 3677
Lot No., Area, Island: 44-A, Hoolehua, Molokai
Amendment: To amend the lease title and Lessor's name, and to incorporate the currently used terms, covenants, and conditions into the lease.
6. Lessee: Jujen-Ann Kahanu Keola
Res. Lease No.: 2008
Lot No., Area, Island: 186, Kewalo, Oahu
Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, covenants, and conditions into the lease, and to extend the lease term to an aggregate term of 199 years.
7. Lessee: Albert K. A. Mossman
Res. Lease No.: 2244
Lot No., Area, Island: 4, Waimanalo, Oahu
Amendment: To amend the lease title and Lessor's name.

8. Lessee: Alicia S. H. Naniho
Res. Lease No.: 3977
Lot No., Area, Island: 46, Waimanalo, Oahu
Amendment: To amend the lease title and Lessor's name, and to incorporate the currently used terms, covenants, and conditions into the lease.
9. Lessee: Wendell A. Pu
Res. Lease No.: 7947
Lot No., Area, Island: 107, Kalamaula, Molokai
Amendment: To update the property description and commencement date due to final subdivision.
10. Lessee: Roland L. H. Shimaoka, Sr.
Res. Lease No.: 1879
Lot No., Area, Island: 34-A, Keaukaha, Hawaii
Amendment: To amend the lease title and Lessor's name, to update the property description, to incorporate the currently used terms, covenants, and conditions into the lease, and to extend the lease term to an aggregate term of 199 years.
11. Lessee: Evelyn O. Stenback
Res. Lease No.: 1896
Lot No., Area, Island: 258, Keaukaha, Hawaii
Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, covenants, and conditions into the lease, and to extend the lease term to an aggregate term of 199 years.


12.	Lessee:	Hannah M. Tavares
	Res. Lease No.:	44
	Lot No., Area, Island:	63, Kalamaula, Molokai
	Amendment:	To amend the lease to incorporate the currently used terms, covenants, and conditions into the lease, to extend the lease term to an aggregate term of 199 years, to remove the life interest of the successor.

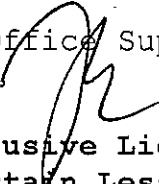
Amendments for the Month of December '18	12
Previous FY '18 - '19 balance	<u>70</u>
FY '18 - '19 total to date	82
 Amendments for FY '17 - '18	 249

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 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 can not issue his/her own licenses.

DISCUSSION

Seven (7) non-exclusive licenses.

1. Lessee: Lisa U. Foki
Res. Lease No.: 12778
Lot No., Area, Island: 13794, Hoolimalima, Oahu
Permittee: Sunrun Inc.
2. Lessee: Mahealani M. Gambill
Res. Lease No.: 7128
Lot No., Area, Island: 107, Kawaihae, Hawaii
Permittee: Sunrun Inc.
3. Lessee: Richard K. Grace
Res. Lease No.: 7123
Lot No., Area, Island: 102, Kawaihae, Hawaii
Permittee: Sunrun Inc.


4. Lessee: Cheryl K. Lewis
 Res. Lease No.: 12744
 Lot No., Area, Island: 13749, Hoolimalima, Oahu
 Permittee: Sunrun Inc.
5. Lessee: Travis M. Obrey
 Res. Lease No.: 7187
 Lot No., Area, Island: 171, Kawaihae, Hawaii
 Permittee: Sunrun Inc.
6. Lessee: Stephen Paling, III
 Res. Lease No.: 4408
 Lot No., Area, Island: 261-B, Nanakuli, Oahu
 Permittee: Vivint Solar
7. Lessee: Samuel K. Peck
 Res. Lease No.: 7091
 Lot No., Area, Island: 35, Kawaihae, Hawaii
 Permittee: Sunrun Inc.

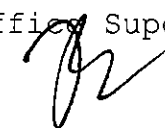
Non-Exclusive License for December '18	7
Previous FY '18 - '19 balance	<u>40</u>
FY '18 - '19 total to date	47
Non-Exclusive License for FY '17 - '18	102

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Dean Oshiro, Acting HSD Administrator 

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

SUBJECT: Commission Designation of Successor - CLAUDIO BORGE,
JR., Residential Lease No. 8928, Lot No. 53, Waianae,
Oahu

RECOMMENDED MOTION/ACTION

To approve the designation of Claudio Kalani Borge (Claudio) and Twinkle Alohalani Borge (Twinkle), as successors to Residential Lease No. 8928, Lot No. 53, Waianae, Oahu (Lease), for the remaining term of the lease.

DISCUSSION

Claudio Borge, Jr. (Decedent), was awarded the Lease commencing on December 1, 1998.

On December 22, 1998, the Decedent designated his wife, Jennie K. Borge (Jennie), as successor to the Lease.

On June 5, 2012, Jennie passed away.

On November 29, 2017, the Decedent passed away.

On January 16, 2018, the Department received death certificates for the Decedent and Jennie.

In compliance with the Administrative Rule 10-3-63, the department published legal ads in the Honolulu Star Advertiser, The Garden Island Newspaper, the Hawaii Tribune Herald, the West Hawaii Today, and The Maui News on June 3, 13, 17, and 27, 2018, to notify all interested, eligible and

qualified heirs of Decedent, to submit their lease successorship claims.

The Department received successorship claims from the Decedent's son, Claudio, and daughter, Twinkle, who have been determined to be 50% Hawaiian ancestry and are eligible for successorship to the Decedent's lease as tenants-in-common.

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

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

Based on the Act, Claudio and Twinkle have the same priority to succeed to the leasehold interest and both have agreed to be designated as co-successors.

Improvements to the homestead lot consist of a 4 bedroom and 2 bath, single family dwelling, which was constructed in 1999.

There is an outstanding mortgage with Continental Savings Bank dated December 15, 1998, with an original loan amount of \$112,500. Claudio and Twinkle are aware of the outstanding loan and both have agreed to accept the loan obligation should they be designated as successors.

The lease rent account reports a credit balance of \$78 and the real property tax is current.


The Department requests approval of its recommendation.

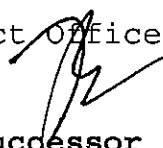
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator 
Homestead Services Division

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

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

RECOMMENDED MOTION/ACTION

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

DISCUSSION

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

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

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

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

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

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

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

As of December 17, 2018, there are no outstanding loans and Lease rent is current. The real property taxes are delinquent in the amount of \$1,107, and Lei and Cecelia have agreed to pay the amount due prior to final execution of the successorship.

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

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

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

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

At its meeting on February 19, 2018, the Commission made the decision to defer action again on the Department's recommendation and instructed the Department staff to schedule a meeting with all successors, to discuss their respective plans to occupy the home.

On August 9, 2018 the Department staff met with Lei, Cecelia and Kuulei Petty-Hanawahine, the successor of the other 50% tenant-in-common interest in the Lease. It was expressed by all three successors that they intend to occupy the homestead, but no decision was made on how they were going to move forward. They decided that they needed more time and would come together on their own to discuss further.

As of December 17, 2018, there has been no confirmation from the successors on what decision was agreed upon them.


The Department requests approval of its recommendation.

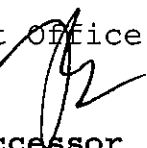
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator 
Homestead Services Division

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

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

RECOMMENDED MOTION/ACTION

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

DISCUSSION

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

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

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

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

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

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

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

As of December 17, 2018, there are no outstanding loans and Lease rent is current. The real property taxes are delinquent in the amount of \$1,107, and Kuulei has agreed to pay the amount due prior to final execution of the successorship.

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

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

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

At its meeting on February 19, 2018, the Commission decided to defer action again on the Department's recommendation and instructed the Department staff to schedule a meeting with all the successors, to discuss their respective plans to occupy the home.

On August 9, 2018 the Department staff met with Kuulei, Lei Makaanani, Cecelia Keliiholokai, the two successors of the other 50% tenant-in-common interest in the Lease. It was expressed by all three successors that they intend to occupy the homestead, but no decision was made on how they were going to move forward. They decided that they needed more time and would come together on their own to discuss further.

As of December 17, 2018, there has been no confirmation from the successors on what decision was agreed upon them.


The Department requests approval of its recommendation.

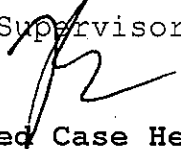
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator 
Homestead Services Division

FROM: Juan Garcia, Oahu District Supervisor 
Homestead Services Division

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

RECOMMENDED MOTION/ACTION

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

DISCUSSION

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

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

The Department recommends approval of the motion as stated.

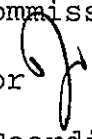
<u>Deceased Lessee</u>	<u>Designated Successor(s)</u>
1. Victoria A. Mollena Lot No.: 55 Area: Hoolehua, Molokai Lease No.: 186	Troy M. A. Mollena, Son
2. Roman M. Oili Lot No.: 53 Area: Waiakea, Hawaii Lease No.: 8144	Keahi Oili, Son
3. Elaine H. Young Lot No.: 7 Area: Waimanalo, Oahu Lease No.: 2247	Michael K. Young, Son


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean T. Oshiro, Acting HSD Administrator 

FROM: Darlene K. Fernandez, Homestead Lease Coordinator 
Homestead Services Division

SUBJECT: **Request to Surrender Lease - EYVETTE KIMI MAHUKA
Residential Lease No. 5137, Lot No. 40, Nanakuli,
Oahu, Hawaii**

RECOMMENDED MOTION/ACTION

1. To approve the surrender of Department of Hawaiian Home Lands Residential Lot Lease No. 5137, Lot No. 40, Nanakuli Residence Lots, 4th and 5th Series, Increment II, Phase I, situate at Nanakuli, Oahu, Hawaii, consisting of approximately 8,700 square feet, and further identified as Tax Map Key: 1-8-9-013:040;

2. To accept the appraisal of the improvements, and to pay net proceeds or to collect on deficiency if the value of the improvements is deemed to be less than the amount of the outstanding debt; and

3. To authorize the department to award Lot No. 40, Nanakuli, Oahu, Hawaii to another qualified applicant on the waitlist.

DISCUSSION

Residential Lot Lease No. 5137, Lot No. 40, Nanakuli, Oahu, Hawaii, and commenced on August 2, 1982, was awarded to Franklin Kim Sing Mahuka.

Franklin Kim Sing Mahuka passed away on May 31, 2014.

On December 18, 2015, Residential Lot Lease No. 5137, Lot No. 40, was transferred to Claudetta Kekahiliaulani Mahuka by way of Transfer Through Successorship.

On June 15, 2016, Claudetta Kekahiliaulani Mahuka designated her daughter, Eyvette Kimi Mahuka, as the person to succeed to all of her right, title and interest in and to the Lease, together with all of her interest in and to all of the improvements on the land demised thereby, which designation was approved by or for the Chairman, Hawaiian Homes Commission, on December 20, 2016 and ratified by the Hawaiian Homes Commission on January 23, 2017.

On August 24, 2016, Claudetta Kekahiliaulani Mahuka passed away.

On February 15, 2017, Residential Lot Lease No. 5137, Lot No. 40, was transferred to Eyvette Kimi Mahuka by way of Transfer Through Successorship.

On September 5, 2018, the Department received a Notice of Surrender of Lease from Eyvette Kimi Mahuka, stating that she no longer wishes to have her relatives reside in the home due to family feuding and she strongly feels a new family deserves the home.

On September 24, 2018, the Department sent her an acknowledgement letter requesting a response for appraisal method. A response for appraisal method was received by the Department on October 19, 2018.

An appraisal still needs to be completed to determine the value of the home. The current tax assessed building value is \$193,000.

As of November 27, 2018, there is one outstanding Department loan with an approximate total balance of \$25,571.54, loan is paid current. Real property taxes are delinquent in the amount of \$171.60. Lease rent is past due.


The department requests approval of its recommended motion.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2018

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

THROUGH: Dean Oshiro, Acting Administrator 
Homestead Services Division

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

SUBJECT: **Commission Designation of Successor - Violet L.
Nobriga, Pastoral Lease No. 03734, Lot No. 22,
Nienie, Hawaii**

RECOMMENDED MOTION/ACTION

To approve the designation of Garrard Puakealoha Carvalho and William Carvalho, III, as successors to Pastoral Lease No. 03734, Nienie, Hawaii for the remaining term of the lease.

DISCUSSION

Beatrice Nobriga was awarded Pastoral Lease No. 03734 to Pastoral Lot No. 22 (Nienie) dated March 31, 1968 but commencing on January 19, 1968.

On March 30, 1987, Beatrice Nobriga passed away naming her son, Alfred P. Nobriga Jr. and daughters, Sheila L. Chambers and Violet L. Nobriga as successors to her lease, holding title as tenants in common.

On September 14, 2016, Violet L. Nobriga passed away without naming a successor to her interest in the lease.

In compliance with the Administrative Rules 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Hawaii Tribune Herald, The West Hawaii Today, The Maui News, and The Garden Island newspapers on June 3, 13, 17, 27, 2018, to notify all interested, eligible and qualified heirs of the Decedent, to submit their lease Successorship claims.

Respondents to the Public Notice included the Decedent's sons, Garrard Puakealoha Carvalho and William Carvalho, III.

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

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

Improvements to the lot includes a 384 square feet structure which includes a one bedroom and one full bath, and boundary fencing. The structure is in disrepair and currently unoccupied.


Based on the Act, as children, Garrard Puakealoha Carvalho and William Carvalho, III, have the highest priority for successorship to the Decedent's leasehold interest, holding title as tenants in common. The Department requests approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2018

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

THROUGH: Dean Oshiro, Acting Administrator 
Homestead Services Division

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

SUBJECT: Request to Approve Third Party Agreement - **DANIEL
HARRY NAKOA**, Agricultural Lease Lot No. 58, Lease
No. 06927, Lot No. 58, Puukapu, Hawaii

RECOMMENDED MOTION/ACTION

To approve a request for a Third Party Agreement (Exhibit A) for Agricultural Lot Lease No. 06927, Lot No. 58, situated at Puukapu, Hawaii for Daniel Harry Nakoa.

DISCUSSION

Mr. Nakoa submitted a Third Party Agreement (TPA) for aqua farming purposes dated August 1, 2018, and received by the department on August 10, 2018.

Mr. Nakoa is requesting approval of the TPA to his friend, Vincent K. Bell. Mr. Bell is a pastoral and residential applicant on the Hawaii Islandwide waitlist and has been determined to be native Hawaiian. Mr. Bell will be aqua farming.

RECOMMENDATION

The department's Administrative Rule 10-3-35 Contracts covering lease lands. No lessee may, without written approval from the commission, enter into any contract, joint venture, agreement or other arrangement of any sort with a third party person on lands covered by lessee's lease for the cultivation of crops or raising of livestock.

HSD recommends approval of the motion stated.

THIRD-PARTY PLANTING / GRAZING AGREEMENT

THIS AGREEMENT ("Agreement"), made this 1 day of August, 20 18, by and between Daniel Harry Nakoa, whose mailing address is [REDACTED], hereinafter the "Licensor," and Vineent K. Bell, whose mailing address is [REDACTED], hereinafter the "Licensee."

WITNESSETH:

WHEREAS, the Licensor is the lessee to State of Hawaii Department of Hawaiian Home Lands Pastoral / Agricultural (circle one) Lot Lease No. 06927, dated 8-1-18, demising unto the Licensor Lot No. 58, Hawaiian Home Lands, situate at Puukapu, Waimea, Hawaii, hereinafter the "Lot;" and

WHEREAS, the Licensor desires to allow the Licensee non-exclusive and concurrent use of the Lot; and

WHEREAS, the Licensee is a "native Hawaiian" as defined in the Hawaiian Homes Commission Act, 1920, as amended ("HHCA"); and

WHEREAS, the Licensee desires to use the Lot, non-exclusively and concurrently with the Licensor; and

WHEREAS, the Licensee agrees to pay the Licensor for the non-exclusive and concurrent use of the Lot; and

WHEREAS, the Licensor and the Licensee understand and agree that there is no term to this Agreement, that this Agreement is "at will" and may be terminated at any time by the Licensor upon written notice and without entitlement to compensation by the Licensee for such termination; and

WHEREAS, the Licensor and the Licensee understand and agree that this Agreement is neither, nor is it intended to be, a sublease or other transfer of the Licensor's possessory interest in the Lot, and that no interest whatsoever in the Lot is expressly or impliedly created by way of this Agreement; and

WHEREAS, the Licensor and the Licensee understand and agree that this Agreement is not assignable; and

WHEREAS, the Licensor and the Licensee desire and agree that this Agreement shall govern their relationship; and

DEPT OF LANDS
HAWAIIAN HOME
LANDS OFFICE
WEST HAWAII
18 AUG 10 10:49

WHEREAS, the Licensors and the Licensee understand and agree that, while this Agreement is subject to the approval of the Hawaiian Homes Commission ("Commission"), neither the Commission nor the Department of Hawaiian Home Lands ("Department") is a party to this Agreement.

NOW THEREFORE, the Licensors permits the Licensee use of the Lot, subject to the following terms and conditions:

1. Use of Lot - The Licensors and the Licensee shall jointly enjoy use of the Lot with the Licensee's use being for the exclusive purpose of fencing improvements; agave farming

2. Term - This Agreement is revocable at the will of the Licensors upon written notice to the Licensee at any time and for any reason.

3. Use Fee - The Licensee agrees to pay the Licensors [REDACTED]

4. Compliance with Laws and Lease Conditions - The Licensee shall comply with the following:

- a. The HHCA as may be amended;
- b. The Department's administrative rules, as amended, or as may be amended; and
- c. All federal, state and county laws, ordinances, regulations and rules.

Further, the Licensee shall not do or permit any act on the Lot that may subject the Licensors to any liability or interfere with the Licensee's performance of all duties required under the Licensee's homestead lease.

5. Assignment - This Agreement may not be assigned or transferred in whole or in part.

6. Vacation Upon Revocation - The Licensee shall, upon termination or revocation of this Agreement, at the request of the Licensors, immediately vacate the Lot and leave the Lot in as good condition as it was at the beginning of the Agreement, reasonable use and wear and concurrent use excepted.


7. Amendments to Agreement - This Agreement shall not be amended in any way without the mutual consent of the Licensors and the Licensee; any such consent shall be evidenced by a written amendment to the Agreement executed by the Licensors and the Licensee and approved by the Commission.

8. Indemnity - The Licensor and the Licensee will indemnify, defend and hold the Commission and Department, and its officers, agents and employees harmless from and against (a) any claim or demand for loss, liability or damage, including claims for property damage, personal injury or death, arising out of this Agreement and (b) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms, covenants and conditions herein or the rules, regulations, ordinances and laws of the federal, state or county governments.

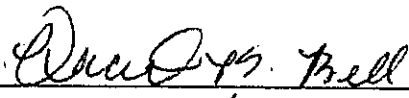
9. Costs of Litigation - If the Commission or the Department is, without any fault on its part, made a party to any litigation commenced by or against the Licensor or Licensee, the Licensor and Licensee shall jointly and severally pay all attorneys' fees, costs and expenses incurred by or imposed on the Commission and/or the Department.

10. Special Conditions - _____

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the date first written above.


Printed Name: DANIEL H. NAKOA

• Licensor


Printed Name: Vincent K. Bell

Licensee

APPROVED:

Chairman, Hawaiian Homes Commission

Hawaiian Homes Commission ratification date: _____

**REQUEST FOR APPROVAL OF
THIRD-PARTY PLANTING / GRAZING AGREEMENT**

HOMESTEAD LESSEE'S INFORMATION:

Name(s): Daniel Harry Nakoa

Mailing address: [REDACTED]

Telephone numbers: Res. [REDACTED] Bus. [REDACTED] Cellular [REDACTED]

Email address: [REDACTED]

DHHL Pastoral / Agricultural (circle one) Lot Lease No. 6927, Lot No. 58

Island: HAWAII Area: PUUKAUA

PROPOSED LICENSEE'S INFORMATION:

Name(s): Vincent Bell

Mailing address: [REDACTED]

Telephone numbers: Res. [REDACTED] Bus. [REDACTED] Cellular [REDACTED]

Email address: [REDACTED]

DHHL homestead lessee? Yes / (No)

If "yes," DHHL Lease No. _____, Lot No. _____, Area: _____

Native Hawaiian blood quantum ("NHQ"): 50 %

Verified by DHHL? (Yes) / No (if "no," must submit certified vital records sufficient to establish 50% or greater NHQ)

Proposed use of Lot: fencing / improvements / aqua farming

[Signature]
Homestead lessee signature

8-1-18
Date

Send this completed form along with the original Third-Party Planting / Grazing Agreement to:

Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, Hawaii 96805
Attention: Homestead Services Division


or deliver to the DHHL District Office on your island

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator 
Homestead Services Division

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

SUBJECT: Request to Approve Third Party Agreement - **RHONDA K. SANBORN**, Pastoral Lot Lease No. 02677, Lot No. 1, Nienie, Hawaii

RECOMMENDED MOTION/ACTION

To approve a request for a Third Party Agreement (Exhibit A) for Pastoral Lot Lease No. 02677, Lot No. 1, situated at Nienie, Hawaii for Rhonda K. Sanborn.

DISCUSSION

Ms. Sanborn submitted a Third Party Agreement (TPA) for grazing purposes dated September 6, 2018, and received by the department on October 12, 2018.

Ms. Sanborn is requesting approval of the TPA to her friend, Paula I. Boteilho. Mrs. Boteilho is a pastoral lessee in Honokaia and has been determined to be native Hawaiian. Mrs. Boteilho will be grazing cattle.

RECOMMENDATION

The department's Administrative Rule 10-3-35 Contracts covering lease lands. No lessee may, without written approval from the commission, enter into any contract, joint venture, agreement or other arrangement of any sort with a third party person on lands covered by lessee's lease for the cultivation of crops or raising of livestock.

HSD recommends approval of the motion stated.

THIRD-PARTY PLANTING / GRAZING AGREEMENT

THIS AGREEMENT ("Agreement"), made this 6th day of September, 2018, by and between Rhonda K. Sanborn, whose mailing address is [REDACTED], hereinafter the "Licensor," and Paula I. Boteilho, whose mailing address is [REDACTED], hereinafter the "Licensee."

WITNESSETH:

WHEREAS, the Licensor is the lessee to State of Hawaii Department of Hawaiian Home Lands Pastoral / Agricultural (circle one) Lot Lease No. 02677, dated _____, demising unto the Licensor Lot No. 1, Hawaiian Home Lands, situate at Nienie, Hamakua, Hawaii, hereinafter the "Lot;" and

WHEREAS, the Licensor desires to allow the Licensee non-exclusive and concurrent use of the Lot; and

WHEREAS, the Licensee is a "native Hawaiian" as defined in the Hawaiian Homes Commission Act, 1920, as amended ("HHCA"); and

WHEREAS, the Licensee desires to use the Lot, non-exclusively and concurrently with the Licensor; and

WHEREAS, the Licensee agrees to pay the Licensor for the non-exclusive and concurrent use of the Lot; and

WHEREAS, the Licensor and the Licensee understand and agree that there is no term to this Agreement, that this Agreement is "at will" and may be terminated at any time by the Licensor upon written notice and without entitlement to compensation by the Licensee for such termination; and

WHEREAS, the Licensor and the Licensee understand and agree that this Agreement is neither, nor is it intended to be, a sublease or other transfer of the Licensor's possessory interest in the Lot, and that no interest whatsoever in the Lot is expressly or impliedly created by way of this Agreement; and

WHEREAS, the Licensor and the Licensee understand and agree that this Agreement is not assignable; and

WHEREAS, the Licensor and the Licensee desire and agree that this Agreement shall govern their relationship; and

WHEREAS, the Licensor and the Licensee understand and agree that, while this Agreement is subject to the approval of the Hawaiian Homes Commission ("Commission"), neither the Commission nor the Department of Hawaiian Home Lands ("Department") is a party to this Agreement.

NOW THEREFORE, the Licensor permits the Licensee use of the Lot, subject to the following terms and conditions:

1. Use of Lot - The Licensor and the Licensee shall jointly enjoy use of the Lot with the Licensee's use being for the exclusive purpose of cattle grazing;

2. Term - This Agreement is revocable at the will of the Licensor upon written notice to the Licensee at any time and for any reason.

3. Use Fee - The Licensee agrees to pay the Licensor [REDACTED]

4. Compliance with Laws and Lease Conditions - The Licensee shall comply with the following:

- a. The HHCA as may be amended;
- b. The Department's administrative rules, as amended, or as may be amended; and
- c. All federal, state and county laws, ordinances, regulations and rules.

Further, the Licensee shall not do or permit any act on the Lot that may subject the Licensor to any liability or interfere with the Licensee's performance of all duties required under the Licensee's homestead lease.

5. Assignment - This Agreement may not be assigned or transferred in whole or in part.

6. Vacation Upon Revocation - The Licensee shall, upon termination or revocation of this Agreement, at the request of the Licensor, immediately vacate the Lot and leave the Lot in as good condition as it was at the beginning of the Agreement, reasonable use and wear and concurrent use excepted.

7. Amendments to Agreement - This Agreement shall not be amended in any way without the mutual consent of the Licensor and the Licensee; any such consent shall be evidenced by a written amendment to the Agreement executed by the Licensor and the Licensee and approved by the Commission.

8. Indemnity - The Licensor and the Licensee will indemnify, defend and hold the Commission and Department, and its officers, agents and employees harmless from and against (a) any claim or demand for loss, liability or damage, including claims for property damage, personal injury or death, arising out of this Agreement and (b) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms, covenants and conditions herein or the rules, regulations, ordinances and laws of the federal, state or county governments.

9. Costs of Litigation - If the Commission or the Department is, without any fault on its part, made a party to any litigation commenced by or against the Licensor or Licensee, the Licensor and Licensee shall jointly and severally pay all attorneys' fees, costs and expenses incurred by or imposed on the Commission and/or the Department.

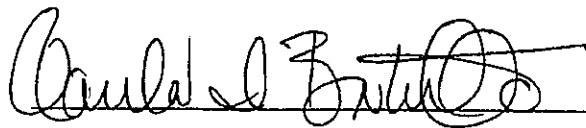
10. Special Conditions - _____

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the date first written above.



Printed Name: Rhonda K. Sanborn

Licensor



Printed Name: Paula I. Boteilho

Licensee

APPROVED:

Chairman, Hawaiian Homes Commission

Hawaiian Homes Commission ratification date: _____

DEPT OF
HAWAIIAN HOME LANDS
WEST HAWAII OFFICE

HOMESTEAD LESSEE'S INFORMATION:

Island: Hawaii Area: Nienie

Proposed use of Lot: Cattle grazing.

9/30/2018
Date

ITEM NO.18
Exhibit A

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
December 17 & 18, 2018
Kapolei, Oahu

E-ITEMS
LAND DEVELOPMENT DIVISION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 2018

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Norman L. Sakamoto, LDD Administrator *N Sakamoto*
FROM: Carol Ann Takeuchi, Homestead Housing Specialist *IVent*
SUBJECT: Approval of Lease Awards

RECOMMENDED MOTION/ACTION

Approve the awards of Department of Hawaiian Home Lands Residence Lot Leases to the applicants listed below for ninety-nine (99) years, subject to the purchase of the existing improvements on the lot by way of a loan or cash.

DISCUSSION

Ka`uluokaha`i Residential Subdivision, Ewa Beach, Hawaii

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO.</u>	<u>TAX MAP KEY</u>	<u>LEASE NO.</u>
Mary J.U. Montez	05/13/1981	88	(1)9-1-017-161	12834
Randolph Sanborn	12/08/1961	90	(1)9-1-017-161	12835
Jamie K. Kamanao	03/04/1974	130	(1)9-1-017-161	12836
William R. Carroll Jr.	12/05/1983	129	(1)9-1-017-161	12837
Raynard Galdeira	10/27/1976	128	(1)9-1-017-161	12838
Louise W. Silva	09/05/1968	132	(1)9-1-017-161	12839
Joewella Viela	04/24/1973	134	(1)9-1-017-161	12840
Hogarth Asing	09/20/1978	135	(1)9-1-017-161	12841
Robert Hanohano	01/23/1980	126	(1)9-1-017-161	12842
Francis K. Kapana	04/07/1978	125	(1)9-1-017-161	12843
Jennie M.K.L. Johnson	02/05/1973	124	(1)9-1-017-161	12844
Lowell K. Sanborn	02/02/1977	136	(1)9-1-017-161	12845
Steven Keliiholokai	05/16/1972	137	(1)9-1-017-161	12846
Esther B. Armbruster	01/17/1978	138	(1)9-1-017-161	12847
Elizabeth M. Martin	05/08/1967	139	(1)9-1-017-161	12848
Eliza Dias	09/29/1978	123	(1)9-1-017-161	12849

Alexander E. Uahinui	02/05/1979	122	(1)9-1-017-161	12850
Darlene K. Kamae	10/25/1976	121	(1)9-1-017-161	12851
June K. Hauhio	05/07/1979	140	(1)9-1-017-161	12852
Lori-Ann L.S. Laurenson	10/16/1980	141	(1)9-1-017-161	12853
Phyllis N. Ramos	02/07/1979	142	(1)9-1-017-161	12854
Leonora K. Moisa	12/15/1977	143	(1)9-1-017-161	12855
Robert D. Richardson	06/27/1978	119	(1)9-1-017-161	12856
Lovey M.H. Slater	12/24/1975	117	(1)9-1-017-161	12857
Elizabeth K. Rodriquez	02/14/1972	116	(1)9-1-017-161	12858
Joanne L. Quindica	06/09/1975	144	(1)9-1-017-161	12859
Besilluan C.M. Komoda	08/28/1968	145	(1)9-1-017-161	12860
Thomas D. De Costa	05/12/1976	115	(1)9-1-017-161	12861
Stanley Mersburgh Sr.	11/18/1983	114	(1)9-1-017-161	12862
James C. Palakiko Jr.	10/29/1971	113	(1)9-1-017-161	12863
Richard A. Downey	07/12/1983	112	(1)9-1-017-161	12864
Edward A. Hanohano	12/30/1983	148	(1)9-1-017-161	12865
Beverly K. Amaral	06/27/1979	149	(1)9-1-017-161	12866
James A. Enoka	03/16/1978	150	(1)9-1-017-161	12867
Edward K. Amina	07/01/1981	151	(1)9-1-017-161	12868
Charles Haiola Sr.	09/20/1971	111	(1)9-1-017-161	12869
Hyenie E.W. Sato	01/17/1983	152	(1)9-1-017-161	12870
Charles D. Mole	02/19/1968	153	(1)9-1-017-161	12871
Yolanda M. Rose	07/15/1976	154	(1)9-1-017-161	12872

With the execution of the foregoing leases, 39 single family home awards have been completed.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 2018

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Norman L. Sakamoto, Acting LDD Administrator *N Sakamoto*
FROM: Carol Ann Takeuchi, LDD Housing Specialist *cat*
SUBJECT: Approval of Lease Award - MAMO M. BROWN, Keaukaha
Residence, Lease Number 12825, Lot Number 151-C,
Keaukaha, Hawaii

RECOMMENDED MOTION/ACTION

Approve the award of Department of Hawaiian Home Lands Residence Lot Lease to the applicant listed below for ninety-nine (99) years, subject to the purchase of the existing improvements on the lot by way of a loan or cash. This lease award was previously offered to Kumukoa-Pomaikai Yasso and approved by the Hawaiian Homes Commission on June 18, 2018, but the applicant was unable to complete the purchase transaction.

DISCUSSION

Hawaii Community College Home 2018, Keaukaha, Hilo, Hawaii

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO.</u>	<u>TAX MAP KEY</u>	<u>LEASE</u>
Mamo M. Brown	12/04/1981	151-C	(3) 2-1-023-172	12825

DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
December 17 & 18, 2018
Kapolei, Oahu


F-ITEMS
LAND MANAGEMENT DIVISION


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 17 & 18, 2018

To: Chairman and Members, Hawaiian Homes Commission

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

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

Subject: Approval to Issuance of a Non-Exclusive License as Easement to the County of Hawaii and Department of Water Supply for Public Roadway Access, Maintenance, and Water Utility Purposes, Waiakea, Hawaii Island, TMK: (3)-2-1-012:029, Parcel A (por.)

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission approve the issuance of a non-exclusive, perpetual License as a Public Roadway and Utility Easements "W-1" to the County of Hawaii and the Water Board of the County of Hawaii, the governing board of the Department of Water Supply, County of Hawaii, a semi-autonomous agency of the County of Hawaii, (hereinafter referred to as "Grantees" or "County"), for a 1.211-Acres (52,751 Sq./Ft.) portion of that certain parcel of Hawaiian home lands identified by TMK 321012029 traversing over Department of Hawaiian Home Lands ("DHHL") Parcel A, situate at Waiakea, known as Hoolaulima Road, and further described in the attached metes and bounds description of said easements as prepared by the civil & structural engineering-land surveying firm of Inaba Engineering, Inc., for access, maintenance, and water utility purposes only, subject to the following conditions:

1. Licensee shall provide a survey map and description of the easement as described above according to State DAGS standards which is to be absorbed by Licensee's own cost;
2. Processing and document fee shall be waived;
3. Consideration fee will be gratis¹;
4. License easement will be issued in perpetuity, and shall become effective upon execution of the license easement document;
5. The license shall not be assignable to a third party;
6. Licensee's work shall conform to federal, state and county (government agencies) standards. Licensee shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals;
7. Any construction or alteration of the easement area shall require the DHHL approval;

¹ In-kind benefit to trust discussed in justification narrative below.

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

DISCUSSION:

Background

The County of Hawaii, several decades ago, constructed, installed, and continues to maintain the present Hoolaulima Road, a vital access road that skirts the western border of DHHL Parcel A, which consists of approximately 185 acres in total area, and is currently zoned for Light Industrial use. The road is heavily used as a Public Roadway as main connection to the new County Solid Waste Facility. Concurrently, the County Department of Water Supply constructed, installed, and continues to maintain the water supply pipeline along this proposed easement.

To date, there is no formal agreement between the County of Hawaii and DHHL to identify the entity responsible to service, maintain, and repair the road and existing water supply line. The proposed easement represents less than seven-tenths of one percent ($>0.7\%$) of the total land area contained in Parcel A.

On March 18, 2016, A survey was conducted by Inaba engineering, Inc. to specifically identify the metes and bounds of Easement "W-1" within DHHL Parcel A. The County and DHHL could now make an accurate assessment of the size and location of the requested easement. See Exhibit "A".

On December 14, 2017, County of Hawaii Corporate Counsel sent DHHL a "Grant of Easement" document for the affected roadway and water supply line in Parcel A. It asked that DHHL formally establish this easement to the County. The County agreed to continue to maintain, service, and repair the roadway and pipeline within the easement in perpetuity. The document was taken under review by the Attorney Generals' Office. DHHL requested a formal letter from the County concerning the Easement.

On April 26, 2018, the Land Management Division received a formal request from Acting Mayor Wil Okabe for the easement to be reviewed by the Department and granted to the County of Hawaii. The letter reiterated the County's commitment to maintaining the roadway and pipeline. See Exhibit "B".

LOCATION:

Portion of Hawaiian Home Lands situate in Waiakea, Hilo, Island of Hawaii, identified as Parcel A, Tax Map Key (3)-2-1-012:029 (por.)

Affected Land Area:

Easement W-1: 1.211-Acres (52,751 Sq./Ft.) square feet. See: Exhibit "A".

Affected DHHL Entities, and others:

- State of Hawaii (DHHL);
- All Public and Private drivers utilizing the road;
- County of Hawaii Road and Maintenance crews; and
- Department of Water Supply

JUSTIFICATION:

This license will formalize a non-exclusive use and access easement between the County of Hawaii and DHHL. Hawaii County has agreed to maintain the existing road and easement without cost to the Department. The Department of Water Supply has agreed to maintain service and repair its line running through the easement. This road provides vital access to the County Solid Waste Facility. The easement will benefit the trust as follows:

- Nearby homestead communities, general lessees and licensees will have access to solid waste disposal facilities.
- The Department of Water Supply can continue to provide essential water service to the neighboring general lessees who use this water supply service lateral that feeds the area.
- DHHL Parcel A has continued immediate access to water lines and roadway, which would allow further opportunity to use and develop the 185 acre tract as an income-producing property for the trust.
- The County of Hawaii will assume all costs for the maintenance, service, repair and replacement of the road and water supply line.
- The County will also assume maintenance responsibilities in the easement area.

AUTHORITY:

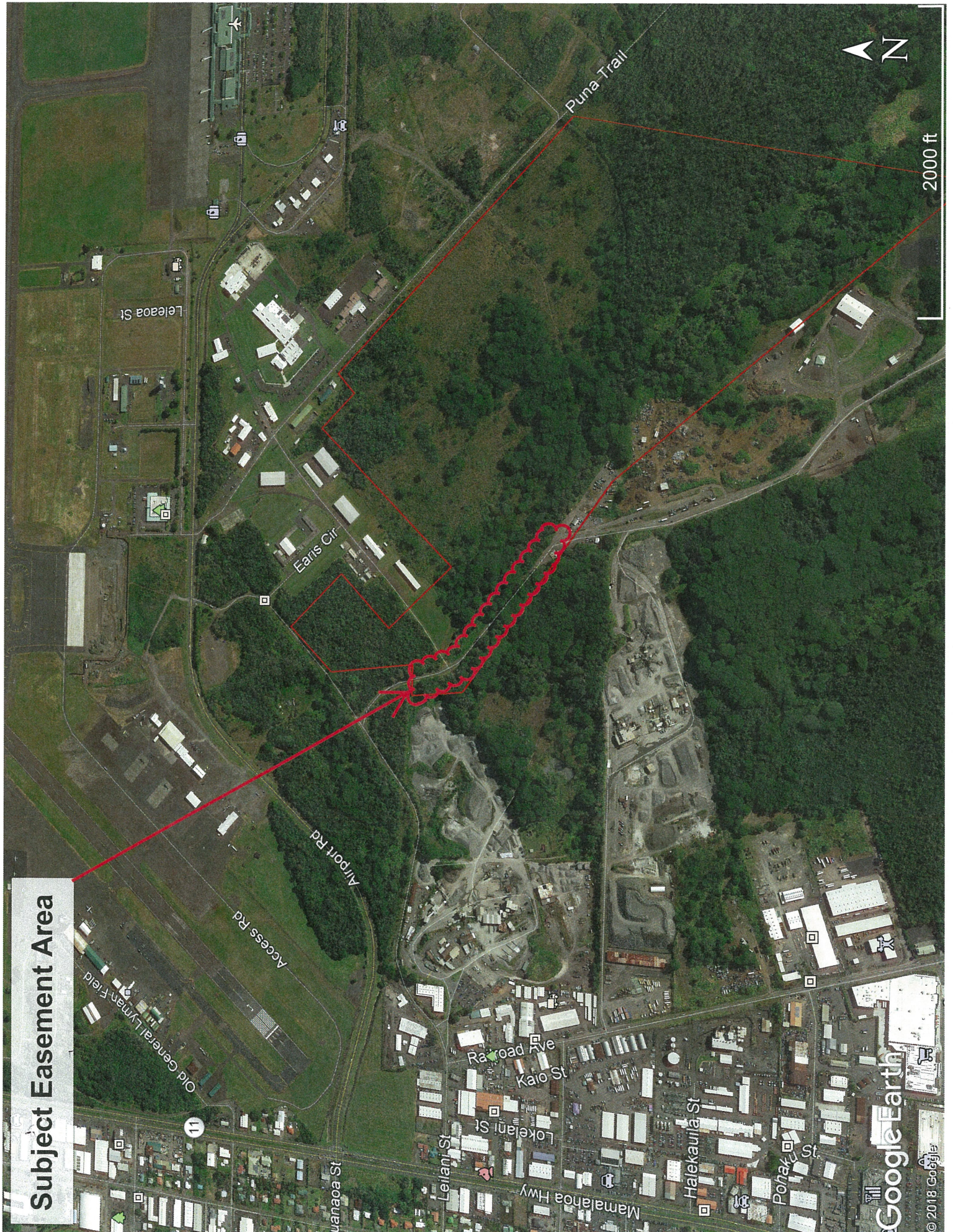
§ 207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, authorizes the department to grant licenses for the use of Hawaiian Home Lands for public purposes.

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

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

RECOMMENDATION:

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



Subject Easement Area

EASEMENT "W-1"

for Water Pipeline Purposes

a Portion of the Government (Crown) Land of Waiakea

Being a Portion of Parcel A
Grant S-15,831 to
Department of Hawaiian Home Lands
(C.S.F.22,289)
Waiakea, South Hilo, Island of Hawaii, Hawaii

DESCRIPTION

Beginning at the west corner of this easement, on the northeasterly side of Perpetual Non-Exclusive Easement for Water Pipeline Purposes, Governor's Executive Order 3826, being a portion of Mana Quarry Site, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2,629.51 feet South and 14,640.02 feet East, and running by azimuths measured clockwise from True South:

- | | | | |
|----|--|--------|--|
| 1. | 236° 32' | 151.91 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 2. | 326° 32' | 79.65 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 3. | Thence along the remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands on a curve to the left with a radius of 330.00 feet, the chord azimuth and distance being:
316° 29' 115.18 feet; | | |
| 4. | 306° 26' | 93.96 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 5. | 305° 16' | 387.62 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |

Easement "W-1"
Page 1 of 4

INABA ENGINEERING, INC.
273 WAIANUENUE AVENUE HILO, HAWAII 96720
Telephone: (808) 961-3727 Facsimile: (808) 935-8033

EXHIBIT "A"

- | | | | |
|-----|--|--------|--|
| 6. | 309° 00' | 178.45 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 7. | 310° 00' | 286.36 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 8. | Thence along the remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands on a curve to the right with a radius of 290.00 feet, the chord azimuth and distance being:
325° 16' 05" 152.73 feet; | | |
| 9. | 125° 13' 45" | 87.03 | feet along Easement "W-3" for Water Pipeline Purposes, being a portion of New County Dump Site, Governor's Executive Order 2432; |
| 10. | Thence along the remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands on a curve to the left with a radius of 250.00 feet, the chord azimuth and distance being:
137° 00' 56" 61.07 feet; | | |
| 11. | 130° 00' | 112.59 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 12. | 40° 00' | 20.37 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 13. | 310° 00' | 7.00 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 14. | 40° 00' | 0.96 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 15. | 125° 13' 45" | 17.06 | feet along New County Dump Site, Governor's Executive Order 2432; |

Easement "W-1"
Page 2 of 4

INABA ENGINEERING, INC.
273 WAIANUENUE AVENUE HILO, HAWAII 96720
Telephone: (808) 961-3727 Facsimile: (808) 935-8033

EXHIBIT "A"

- | | | | |
|-----|---|--------|---|
| 16. | 220° 00' | 22.76 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 17. | 130° 00' | 163.42 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 18. | 129° 00' | 176.80 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 19. | 125° 16' | 386.72 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 20. | 126° 26' | 94.37 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 21. | Thence along the remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands on a curve to the right with a radius of 460.00 feet, the chord azimuth and distance being:
136° 29' 160.55 feet; | | |
| 22. | 146° 32' | 33.72 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 23. | 56 32' | 100.58 | feet along remainder of Parcel A, Grant S-15,831 to Department of Hawaiian Home Lands; |
| 24. | 125° 13' 45" | 16.10 | feet along Perpetual Non-Exclusive Easement for Water Pipeline Purposes, being a portion of Mana Quarry Site to the point of beginning and containing an area of 1.211 Acres. |

Easement "W-1"
Page 3 of 4

INABA ENGINEERING, INC.
273 WAIANUENUE AVENUE HILO, HAWAII 96720
Telephone: (808) 961-3727 Facsimile: (808) 935-8033

EXHIBIT "A"



INABA ENGINEERING, INC.

A handwritten signature of Alan Z. Inaba in black ink.

Alan Z. Inaba
Licensed Professional Land Surveyor
Certificate Number 5626
License Expires: April 30, 2016
March 18, 2016

Easement "W-1"
Page 4 of 4

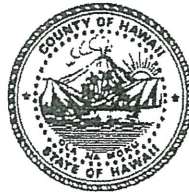
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IEI No.: 16006 FB: 483

INABA ENGINEERING, INC.
273 WAIANUENUE AVENUE HILO, HAWAII 96720
Telephone: (808) 961-3727 Facsimile: (808) 935-8033

EXHIBIT "A"

Harry Kim
Mayor



Wil Okabe
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i
Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokalole Hwy., Bldg. C • Kailua-Kona, Hawai'i 96740
(808) 323-4444 • Fax (808) 323-4440

April 26, 2018

Peter K. Albinio, Jr., Acting Administrator
Land Management Division of the Department of Hawaiian Home Lands
P. O. Box 1879
Honolulu, Hawai'i 96805

Re: Request from the County of Hawai'i for a Grant of Easement from the
State of Hawai'i, Department of Hawaiian Home Lands, Tax Map Key
Number (3) 2-1-012-029

Dear Administrator Albinio,

The purpose of this letter is to request a Grant of Easement from the State of Hawai'i,
Department of Hawaiian Home Lands to the County of Hawai'i for Tax Map Key Number
(3) 2-1-012-029, as described in the enclosed Grant of Easement.

As you may recall, the County of Hawai'i has constructed, installed and continue to
maintain a public road for people to access our Hilo Solid Waste Facility and the Department of
Water Supply for the County of Hawai'i has constructed, installed and continue to maintain a
water pipeline as indicated on the map which is attached to the Grant of Easement.

I respectfully ask for your favorable consideration in this matter.

Sincerely,

Wil Okabe
Acting Mayor, County of Hawai'i

Enclosure

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 17-18, 2018

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Approval to Issuance of Right of Entry Permit to Department of Interior, Nanakuli, Lualualei, & Waianae, O'ahu, Various TMK's

APPLICANT:

U.S. Department of Interior "PERMITEE"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) authorize the issuance of a Right of Entry Permit, covering the subject area as described below for a series of land surveying field activities which include but is not limited to traverse/location surveys and data collection, and boundary survey monumentation.

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

1. Authorize the issuance of a Right-of-Entry permit to U.S. Department of Interior covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. The premises shall be utilized strictly for boundary survey and monumentation activities as described only and for no other purposes whatsoever; and
 - C. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interests of the Hawaiian Home Lands Trust;
2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR this project will probably have minimal or no significant effect on the environment.

LOCATION:

Portion of Hawaiian Home Lands situated in Nanakuli, Lualualei, & Waianae, Island of O'ahu, as identified and delineated by bold white outline in Nanakuli Map ("A-1"), and red outline in Lualualei and

Waianae maps (“ covering various TMK’s out as Tax Map Key: (3)6-1-001:003(por.) (See Exhibit “A-2” and “A-3”)

AREA:

Approximately 9 miles of ungulate proof fence to create a around 7,800 acre Honokoa ecological restoration unit encompassing the Honokoa Watershed.

DISCUSSION:

The U.S. Department Interior Office of Native Hawaiian Relations presented its Federal Survey of Hawaiian Home Lands Project (See Exhibit “B”) under a workshop to the Hawaiian Homes Commission at regular monthly meeting held on November 19, 2018 at DHHL Kapolei office. The Presentation provided the HHC with insight as to the task for which DOI is required to conduct pursuant to and in accordance with the 1995, Hawaiian Home Lands Recovery Act.

Therefore, given the requirement to survey all HHL based on the report entitled, ‘Survey Needs for the Hawaiian Home Lands’, issued by the Bureau of Land Management of the Department of Interior, dated July 21, 1991, U.S. DOI has a procured professional services contract with local surveying consultants Control Point Surveying, Inc. to support and assist in the necessary survey work to be conducted pursuant to and in accordance with the 1995, HHLRA. This initial ROE request will cover boundaries located in the Nanakuli, Lualualei, & Waianae areas on Oahu Island.

According to its informational workshop info as presented the Benefits of the Federal Survey will provide the following:

- A genealogical history of the lands going back prior to 1920 by compiling the legal authority for the transfer of lands to the Trust and the boundary lines of those lands
- Place boundary monumentation in place where none exists
- Where boundary monumentation currently exists, the survey can, through the use of modern technology, provide greater accuracy and resolve discrepancies between earlier surveys and maps
- Create a Federal Records Base that will be a powerful land management tool for current and future land development and dispositions
-

PLANNING AREA:

Nanakuli, Lualualei, & Waianae

LAND USE DESIGNATION:

Various residential, special district Oahu Island Plan (2014), Figure 4.3 – Waianae Planning Area, and Figure 4.5 – Nanakuli Planning Area

CURRENT STATUS:

DHHL, Residential Subdivision

CHARACTER OF USE:

Residential Purposes

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

Exemption Class No. & Description:

In accordance with the "Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands, as Reviewed and Concurred Upon by the Environmental Council on June 30, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption List Class No. 2, "Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced."

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

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

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

Land and Resource Management

Goals:

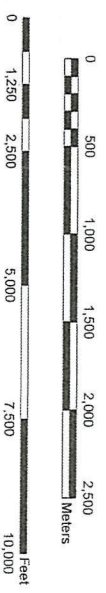
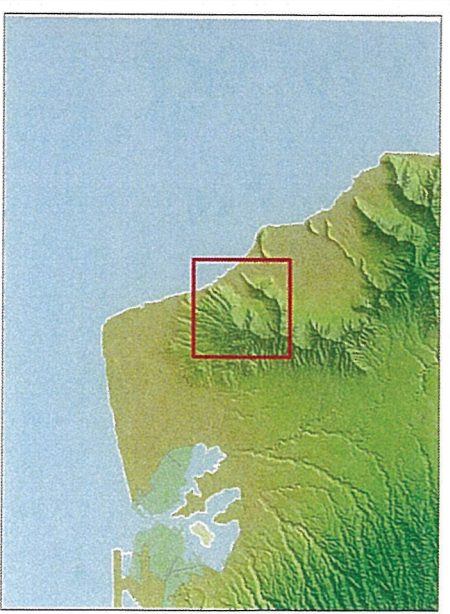
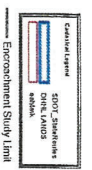
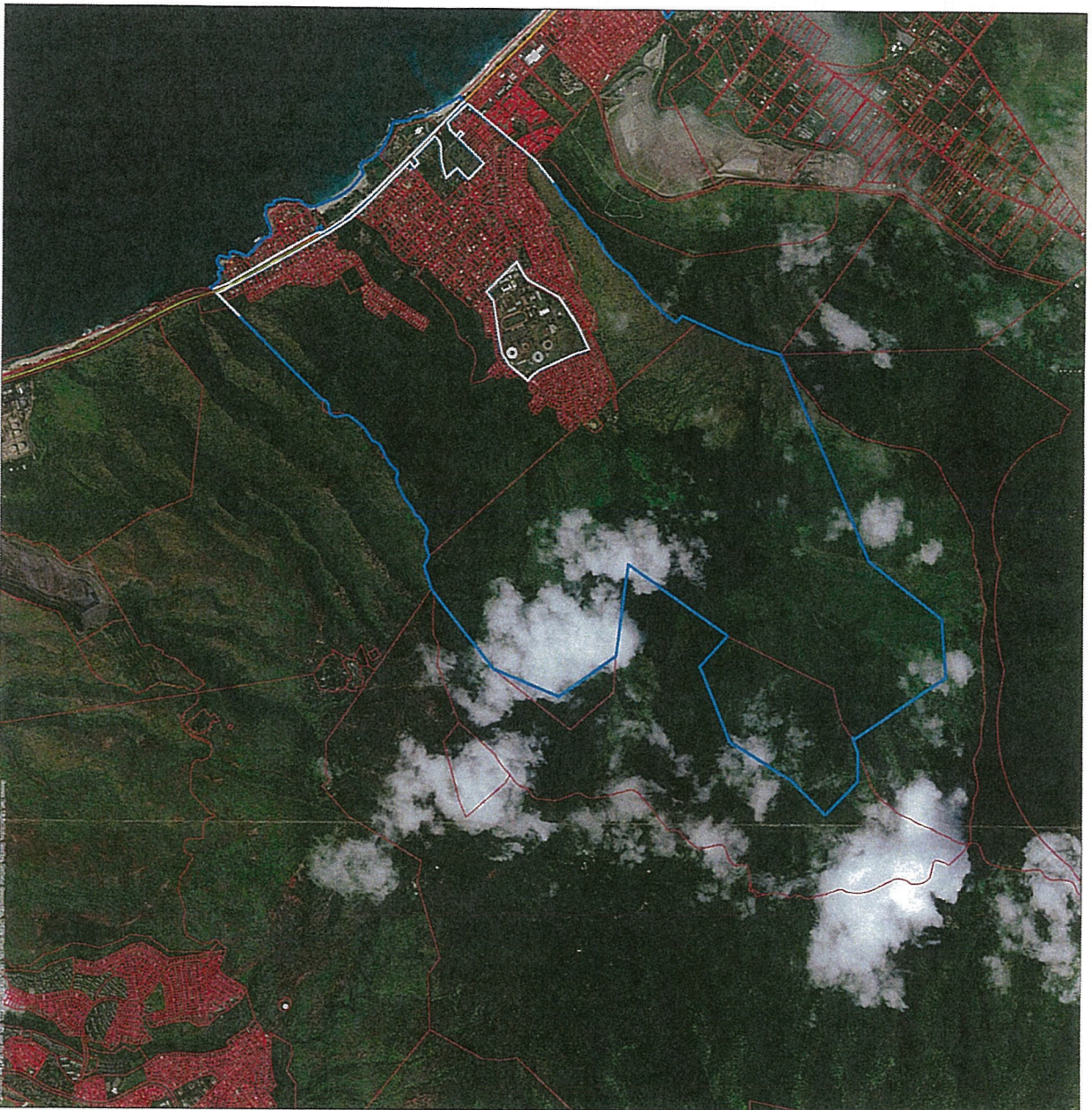
- Be responsible, long-term stewards of the Trust's lands and the natural, historic and community resources located on these lands.

Objectives:

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

RECOMMENDATION:

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



1 inch = 1,000 feet

Coordinate System: NAD 83 StatePlane Hawaii 3 FIPS 5103
 Datum: North American 1983
 Spheroid: GRS 1980
 Prime Meridian: Greenwich
 Central Meridian: -155.0000
 False Easting: 156,000.00
 False Northing: 160,000.00
 Units: Meter

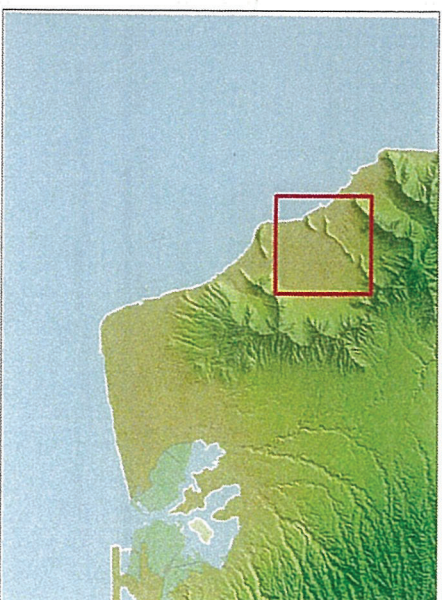
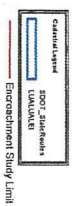
---DHEIL AND HIGHWAY DATA FROM STATE OF HAWAII GIS

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NAHAKULI DHEIL

DATE: 08/20/18
 SCALE: 1/12,500
 SHEET: 1 OF 1
 REAL ESTATE DRAWING NO.
 RE 18-84

Exhibit "A-1"
 Item No. F-2



1 inch = 1,000 feet

Coordinate System: NAD 1983 StatePlane Hawaii 3 FIPS 5103
 Projection: Transverse Mercator
 Datum: North American 1983
 False Easting: 500,000.0000
 Central Meridian: -155.0000
 Scale Factor: 1.0000
 Units: Meter
 Units Meter: 0.001, 0.002

***GULF AND HIGHWAY DATA FROM STATE OF HAWAII GIS

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DEPT. OF THE NAVY, NAVAL FACILITIES ENGINEERING COMMAND
 ONAH, HAWAII

OWNED BY: B. DAVENPORT

APPROVED BY: B. DAVENPORT

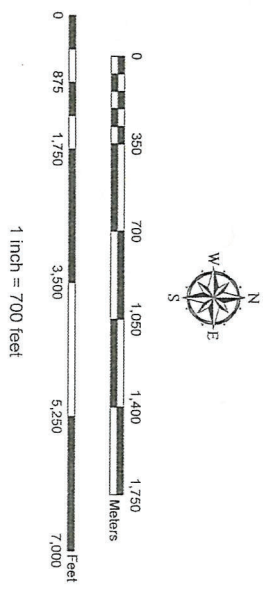
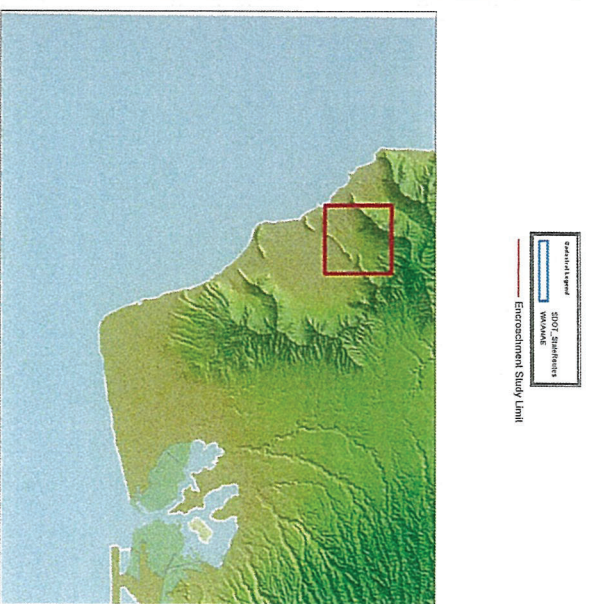
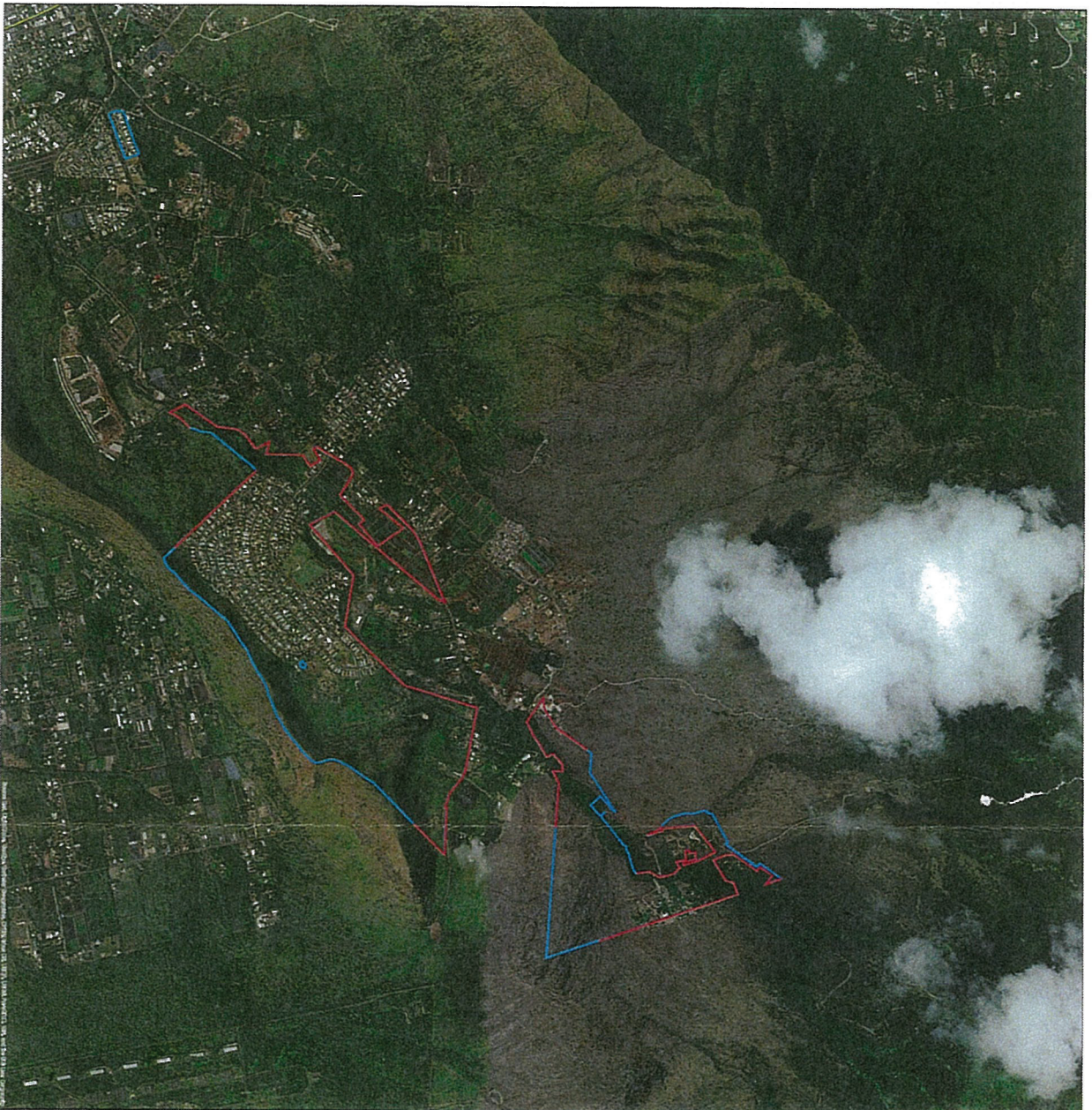
DATE: 08/29/16

SCALE: 1:12,000

SHEET 1 OF 1

REAL ESTATE DRAWING NO. RE 18-85

Exhibit "A-2"
 Item No. F-2



Coordinate System: NAD 1983 StatePlane Hawaii 3 FIPS 5103
 Datum: North American 1983
 Spheroid: GRS 1980
 Prime Meridian: Greenwich
 Central Meridian: -155.0000
 Scale Factor: 1.0000
 False Easting: 500,000.0000
 False Northing: 500,000.0000
 Units: Meter

NO. AND ORIGIN		DEPARTMENT OF TRANSPORTATION		DATE		REVISION	
PROJECT		DEPT. OF THE NAVY		NAVAL FACILITIES ENGINEERING COMMAND			
DRAWN BY: R. DANIELSON		OAHU, HAWAII					
CHECKED BY: R. DANIELSON							
APPROVED BY: R. DANIELSON							
DATE: 08/20/18		REAL ESTATE DRAWING NO.					
SCALE: 1/4" = 1'		RE 18-96					
SHEET 1 OF 1							

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

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF NATIVE HAWAIIAN RELATIONS

**FEDERAL SURVEY OF
HAWAIIAN HOME LANDS
PROJECT**

Hawaiian Homes Commission Workshop
November 19, 2018 • Hale Ponoʻī



Presentation Overview

15 minutes	Introductions
	History of Survey Recommendation
	Project Overview
	Work in the Field
	Pilot Boundary Field Work
	Communication and Coordination
	Timeline of Activities
15 minutes	Discussion – Q & A

Exhibit "B"
Item No. F-2

Office of Native Hawaiian Relations



Lisa Oshiro
Suganuma
Policy Analyst



Stanton Enomoto
Senior Program
Director

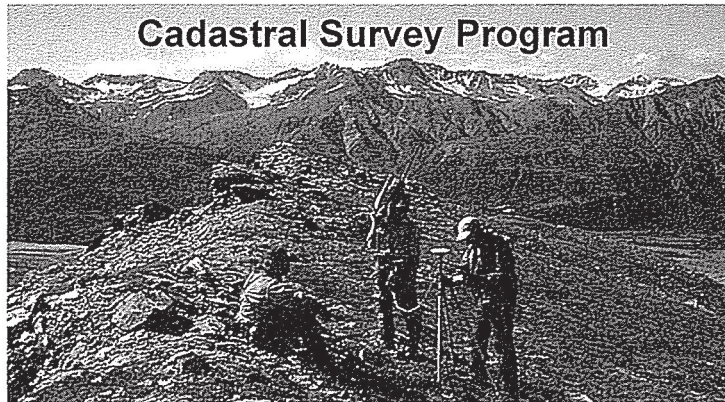


Ka'i'ini "Kimo"
Kalo
Director



Bureau of Land Management

Cadastral Survey Program



Jon L. Kehler
Chief Cadastral Surveyor
Branch of Cadastral Survey
California & Hawai'i
Sacramento, California

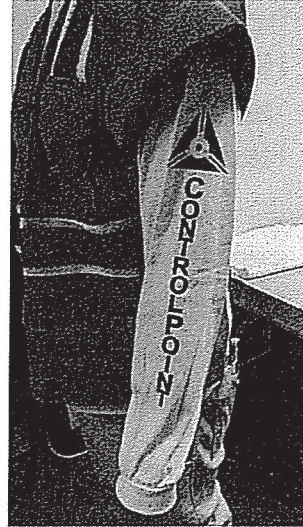
Ralph "Ed" Patton✓
Supervisory Land Surveyor
BLM Cadastral Survey
Hawaiian Islands Field Unit
O'ahu, Hawai'i



ControlPoint Surveying, Inc.

Project Team

- Alden Kajioka, LPLS
Senior Project Manager
- Rico Erolin, LPLS
Project Manager
- Jeanie Lam
CAD Project Manager & Field
Coordinator



DHHL Assistance/Cooperation

Bureau of Land Management letter to Chair Masagatani (2/28/2018) requested DHHL's assistance

- Office of the Chair
- Planning Office
- Land Management Division
- Information and Community Relations Office
- Homestead Services Division
- O'ahu District Office
- *Land Development Division
- *Compliance and Community Relations Team

*Meetings to be scheduled

HHLRA – Survey of Trust Lands

In 1995, Congress required in the Hawaiian Home Lands Recovery Act that the Secretary of the Interior conduct a survey of Hawaiian home lands.

Sec. 205(e) – The Secretary shall conduct a survey of all Hawaiian Home Lands based on the report entitled ‘Survey Needs for the Hawaiian Home Lands’, issued by the Bureau of Land Management of the Department of the Interior, and dated July 1991.

7

Benefits of the Federal Survey

- Provides a genealogical history of the lands going back prior to 1920 by compiling the legal authority for the transfer of lands to the Trust and the boundary lines of those lands.
- Places boundary monumentation in places where none exists.
- Where boundary monumentation currently exists, the survey can, through the use of modern technology, provide greater accuracy and resolve discrepancies between earlier surveys and maps.
- Creates a Federal Records Database that will be a powerful land management tool for current and future land development and dispositions.

8

Researching Back to the Source

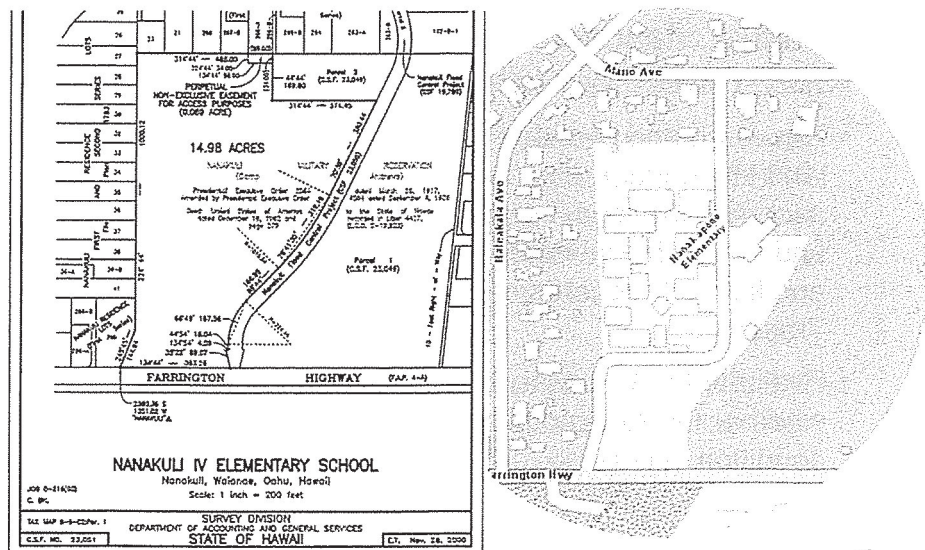
Research and review of all existing records, conveyance and title documents, previous surveys, and historical documents to ascertain the legal boundaries of the Trust lands.

Sources of documents:

- Department of Hawaiian Home Lands
- Land Survey Division, Department of Accounting and General Services
- Title company compiling chain of title reports
- Bureau of Conveyances, Department of Land and Natural Resources

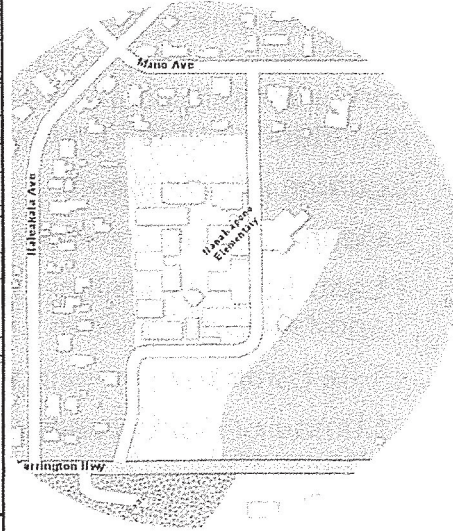
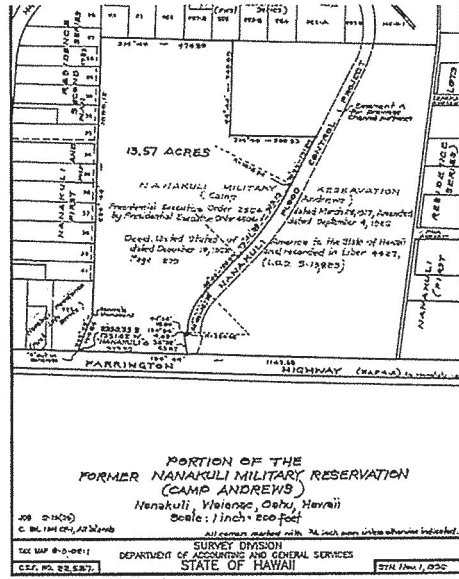
9

2000 DAGS Survey Division Map v. Office of Planning GIS Map



10

1996 DAGS Survey Division Map v. Office of Planning GIS Map



11

BLM Cadastral Survey Process

- Conduct Standards for Boundary Evidence (SBE) review for each parcel.
 - Research and evaluate all existing survey records, land title documents, and historical documents to ascertain the legal boundaries of the Trust lands, and determine whether the existing survey records and land title records are sufficient to protect the Trust lands.
- Evaluate the boundary monumentation to determine whether the existing survey monuments are in good condition, disturbed, or missing.

12

BLM Cadastral Survey Process

- Determine whether a Federal authority boundary survey is necessary.
 - If the existing survey records and land title records are not sufficient to protect the Trust lands, a Federal authority boundary survey is required.
 - If the existing survey records and land title records are sufficient to protect the Trust lands, but existing survey monumentation is insufficient due to age or disturbance, a Federal authority boundary survey is required.

13

BLM Cadastral Survey Process

- Conduct Federal authority boundary survey if required.
- Officially file plats of survey in the BLM, California & Hawai'i Office, Sacramento, California.
 - 30-day notice is published in the Federal Register;
 - Written notices of protest must be filed during 30 calendar days period;
 - Plats officially filed 30 calendar days from publication of notice or the day after all protests have been dismissed or otherwise resolved.

14

Scope of Project – Phase I

Under the current budgeted project –

- Work has begun with the island of O‘ahu.
- Standards for Boundary Evidence (SBE) review will be completed for all parcels of Hawaiian Home Lands on O‘ahu.
- Field survey work can run concurrently with the SBE review process.
- Field survey work will be limited to the first three priority areas, as determined by DHHL.

15

Nānākuli

Boundary lines shown in white will be surveyed by ControlPoint.

Projected Communities Affected:
 Homestead households – 97
 Other HHL tenants – 10
 Non-HHL neighbors - 33



16

Lualualei

Boundary lines shown in red will be surveyed by ControlPoint.

Projected Communities Affected:
Homestead ag lots – 20
Other HHL tenants – 5
Non-HHL neighbors - 22



17

Wai'anae

Boundary lines shown in red will be surveyed by ControlPoint.

Projected Communities Affected:
Homestead households – 34
Other HHL tenants – 8
Non-HHL neighbors - 25



18



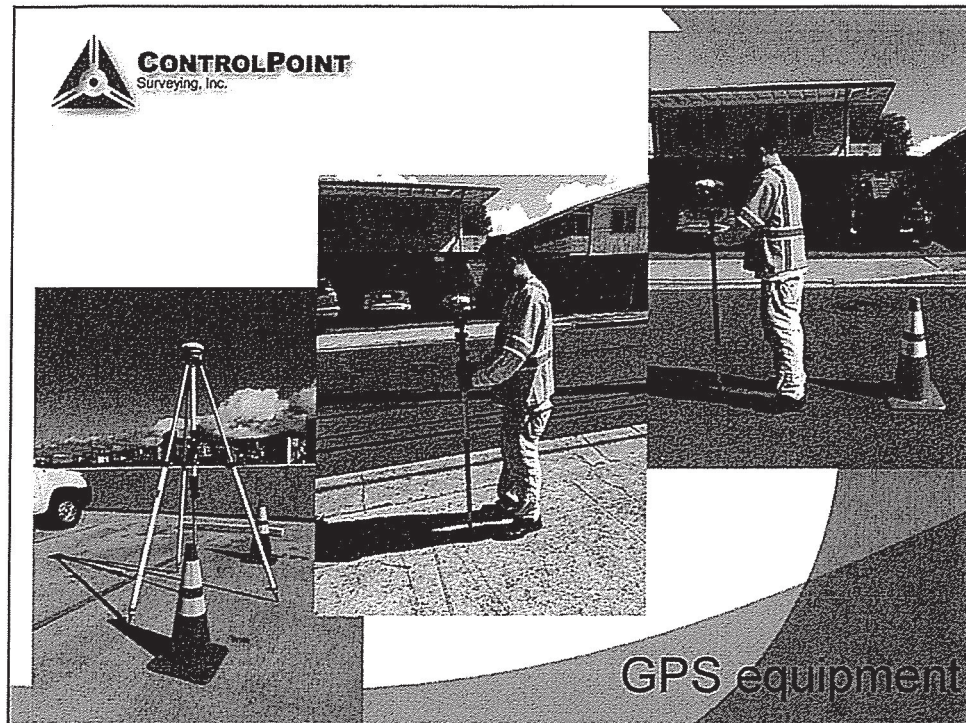
Work in the Field



Series of Activities in the Field

Establish Survey Project Control Network

- Set permanent survey nails or spikes within 1000 feet of the boundary, mostly in public areas such as along roadways.
- Collect static GPS data over several hours and establish survey project control network of fixed points.
- Completed under DHHL Limited Right of Entry Permit No. 19:032, effective 10/31/2018 through 12/4/2018



CONTROLPOINT
Surveying, Inc.

Series of Activities in the Field

Traverse/Location Surveys
and Data Collection

- Search for and recover existing monuments.
- Collect survey data, including Real Time Kinematic (RTK) GPS measurements, and angle and distance measurements using conventional survey instruments (Total Stations).
- Identify and locate encroachments along parcel boundaries.

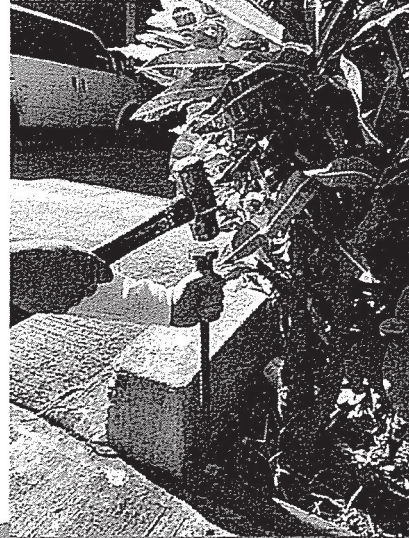
Total Stations



Series of Activities in the Field

Boundary Survey Monumentation

Set new monuments where necessary monuments do not exist or existing monuments are not in the proper location consistent with BLM's Standards for Boundary Evidence for the parcel.



Monument Cap

Monument cap may be customized as in the pictured example.

- Lines and angles will be stamped
- "HHL" will be stamped to indicate location with respect to such lines
- Other information may include: "Unlawful to Disturb"; "For information contact . . ."; etc.



Pilot Boundary Field Work

Nānākuli High and Intermediate School (*under consideration*)

- Mostly non-homestead boundaries
- Boundary does run along 12 homestead lots which may be surveyed from the School side of the boundary and revisited later if access to homestead lots is necessary.

Under 30-day Limited Right of Entry Permit from DHHL

25

Boundary Field Work

Boundary work along boundaries of homestead lots will begin after –

- Hawaiian Homes Commission grants a Right of Entry Permit;
- DOI outreach and coordination with the Homestead community associations and individual homestead lessees; and
- DOI outreach and coordination with the Neighborhood Boards and neighbor landowners and tenants, which will include public and private entities.

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Communication and Outreach

- Hawaiian Homes Commission
- Hawaiian Homestead Communities
- Individual lessees and tenants on HHL
- Neighborhood Boards
- Neighboring landowners and tenants
- State Agencies who are Neighbors
 - Department of Education
 - Department of Land and Natural Resources
- Government and community officials and representatives for the affected areas

27

Information and Updates

- Introduction letters
- Fact sheet w/ ONHR contact information
 - Limited Right of Entry Permit attached for Pilot duration
 - Right of Entry Permit attached for remaining duration of the Project
- Frequently Asked Questions
- Webpage on www.doi.gov/hawaiian
- Individual letters to affected landowners and tenants

28

Timeline (Projected)

- **Now**
 - Standards for Boundary Evidence Review
 - Obtain 30-day Limited Right of Entry Permit for Pilot
 - Pilot Boundary Field Work
- **November – December**
 - Seek Right of Entry Permit from the HHC
 - Informational workshop at HHC November meeting
 - Presentation and Q&A at HHC's Community Meeting in December
 - Decision-making at HHC December meeting

29

Timeline (Projected)

- **January 2019**
 - Outreach and Coordination
- **January – March 2019**
 - On-going outreach and coordination
 - Traverse/Location Surveys and Data Collection
- **April 2019**
 - BLM Reviews and Approvals
- **May – July 2019**
 - Monumentation of Boundaries

30

How to Contact ONHR

WASHINGTON, D.C. OFFICE
1849 C Street, NW (MS 3561)
Washington, D.C. 20240

HONOLULU OFFICE
300 Ala Moana Blvd, Rm 6-229
Honolulu, Hawai'i 96850

Kimo Kaloi
Director

Phone: (202) 208-7462
Fax: (202) 208-3698
Email: kaiini_kaloi@ios.doi.gov

Stanton Enomoto
Senior Program Director

Phone: (808) 541-2693 Ext. 731
Mobile: (202) 768-3493
Email: stanton_enomoto@ios.doi.gov

Lisa Oshiro Suganuma
Policy Analyst

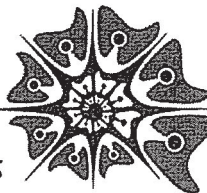
Phone: (808) 541-2693 Ext. 723
Email: lisa_oshiro_suganuma@ios.doi.gov

ON THE INTERNET: www.doi.gov/hawaiian

31

MAHALO PIHA! Discussion – Q & A

OFFICE OF
NATIVE
HAWAIIAN
RELATIONS



32

Department of the Interior
Departmental Manual

Effective Date: 11/21/14
Series: Public Lands
Part 600: Public Land Policy
Chapter 5: Standards for Federal Lands Boundary Evidence

Originating Office: Bureau of Land Management

600 DM 5

5.1 Purpose.

A. This chapter provides managers of Federal interest assets with the means to effectively apply boundary evidence to protect assets. Commercially available title insurance insures against many defects but not against boundary defects. Assets are often based on errors or misrepresentations in the records, i.e., the land description may not describe the boundaries accurately or sufficiently. Further, this chapter provides standards for Federal lands boundary evidence. The standards provide Department-wide guidance and instruction to reduce conflicts over Federal interest assets and minimize unnecessary land surveys. The standards provide guidance to managers on when and how to involve boundary location subject matter experts at key stages of land and resource transactions. (Appendix 1 contains Frequently Asked Questions Concerning the Standards for Federal Lands Boundary Evidence.)

B. The policy and requirements in this chapter enhance the Department's management of land boundaries. Reference is made to the DOI Office of Inspector General (OIG) Final Audit Report, "Department of the Interior's Management of Land Boundaries" (Audit No. C-IN-MOA-0001-2009), July 16, 2010, and to the Assistant Secretary – Land and Minerals Management, supplemental response of August 6, 2010. Implementation of this procedure, with surveyor input, is to avoid many boundary issues as identified in the OIG report.)

C. This policy is not intended to, and does not, create any right to administrative or judicial review or any legal right or benefit, substantive or procedural, enforceable against the United States, its agencies, or instrumentalities, its officers or employees, or any other person. It will be administered as closely as possible with 303 DM 7.

5.2 Scope.

A. All bureaus and offices, except as noted, must observe and apply the provisions of this chapter. The Bureau of Indian Affairs (BIA) must observe and apply the provisions of 303 DM 7 - Standards for Indian Trust Lands Boundary Evidence.

11/21/14 #3992
New

B. Transactions that are impacted by this policy include and are not limited to:

(1) Conveyances, acquisitions, sales, exchanges, creation of an interest in real estate or lands, patents, grants, selections, withdrawals, subdivisions, partitions, orders, proclamations, restrictions, reservations, easements, and reversions; or associated resource activities affecting Federal interest lands, including lands and resources with future Federal interest, and lands adjoining Federal interest lands or probable future Federal interest lands. (A reversion is a form of future interest.)

(2) Resource sales, rights-of-way, agreements, special uses, permits, and leases.

5.3 Authorities. This chapter is issued under the following authorities:

A. The statutes along with their implementing regulations.

(1) 5 U.S.C. § 301. Heads of Executive Departments may prescribe regulations governing their department.

(2) 16 U.S.C. § 715e. Examination of title. The Secretary of the Interior may do all things and make all expenditures necessary to secure the safe title.

(3) Economy Act (31 U.S.C. § 1535). The Head of an agency or major organizational unit within an agency may place an order with a major organizational unit within the same agency or another agency for services.

(4) 40 U.S.C. § 3111. Sufficiency of title prior to acquisition.

(5) 43 U.S.C. § 1201. The Secretary of the Interior is authorized to enforce and execute the requirements under this Title.

(6) 43 U.S.C. § 1457. The Secretary of the Interior is charged with the supervision of public business relating to numerous subjects and agencies, i.e., the Bureau of Land Management (BLM), Bureau of Reclamation (Reclamation), Fish and Wildlife Service (FWS), National Park Service (NPS), and public lands, including mines.

(7) 43 U.S.C. § 1473a. Authorizes the Secretary of the Interior to accept contributions and fees from public and private sources and to prosecute projects using such contributions and fees.

(8) 43 U.S.C. § 1737(a). Authorizes the Secretary of the Interior to conduct investigations and studies involving the management, protection, development, acquisition, and conveying of the public lands.

(9) 43 U.S.C. § 1737(c). The Secretary of the Interior may accept contributions for cadastral surveying performed on federally controlled or intermingled lands.

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New

B. Other Authorities that include:

(1) Executive Order 12906. Requires the use of the Federal Geographic Data Committee (FGDC) standard and Cadastral Data Content Standard to avoid wasteful duplication of effort and promote effective and economical management of resources by Federal, State, local and tribal governments.

(2) Office of Management and Budget (OMB) Circular No. A-16. Assigns agencies responsibility for data categories and establishes requirements to ensure that the data produced by all agencies are compatible.

(3) 757 DM 1-3. Prescribes policy, responsibility, coordinating arrangements and procedures for the Department to administer its own surveying and mapping activities and its assigned responsibilities for coordinating Federal surveying and mapping activities.

5.4 Definitions. For the purpose of this chapter, the following definitions apply:

A. Department of the Interior (DOI) or Secretary of the Interior (SOI) Responsibility. As used in this chapter, pertains to Federal interest land and related assets.

B. Federal Interest Land or Federal Interest Asset. As used in this chapter, means land or resource or an interest in either, held by the United States and administered by a DOI bureau or office.

C. Boundary. Means every natural and/or artificial demarcation of the bounds or territorial extent of a Federal interest asset.

D. Evidence. Any medium that furnishes or tends to furnish proof of a fact. In a court of law, the location of a land boundary constitutes an issue of fact.

E. Authorized Officer (AO). Any employee of the Department delegated the authority to perform the duties described as affected transactions in this chapter.

F. Department of the Interior Land Surveyor. An employee of the Department assigned to the Office of Personnel Management 1373 series performing Standards for Federal Lands Boundary Evidence work. This includes those employees who are qualified as a 1373 land surveyor, but who may be employed in another series.

G. Certified Federal Surveyor (CFedS). A State licensed land surveyor who has successfully completed the certification process established by the BLM Cadastral Survey Program and is in good standing.

H. Certified DOI Land Surveyor (CILS). A CILS is a DOI Land Surveyor who has successfully completed the Department's Standards for Boundary Evidence (SBE) Certification training. Each bureau and office may designate DOI Land Surveyors as interim CILS. The

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New

interim CILS responsibility terminates 12 months after the first SBE Certification training certificate is issued. (See Appendix 2, section 1.1.2.)

5.5 Policy. The acquisition and use of boundary evidence as it pertains to the boundaries of Federal interest assets will follow the BLM *Manual of Surveying Instructions*, its amendments and supplements, applicable State laws governing the practice of land surveying, and the DOI *Standards for Federal Lands Boundary Evidence: A Cadastral Business Practice Standard* (Standards), as amended and supplemented.

5.6 Objectives. The objectives of this policy are to:

A. Provide for a consistent, timely, efficient, and economical assessment of boundary evidence relative to Federal interest assets.

B. Provide procedures for expeditious processing of Federal interest asset transactions.

C. Provide managers with a cost-and time-saving tool that assists them in making appropriate determinations for solutions to Federal interest asset boundary issues.

D. Protect and preserve Federal interest assets from boundary conflicts, trespass, unauthorized use, and invalid or ambiguous land descriptions.

E. Discharge the Secretary's duties and responsibilities for management of land boundaries relative to Federal interest assets with a high degree of compatibility, proficiency, integrity, and care.

5.7 Responsibilities.

A. Office of the Secretary oversees all Departmental efforts within the bureaus and offices that are responsible for carrying out the Secretary's management of land boundaries duties and responsibilities.

B. Assistant Secretaries ensure that bureaus and offices under their jurisdictions comply with this chapter.

C. Heads of Bureaus and Offices ensure that the standards are applied consistently within their bureau and office programs.

D. Bureau and Office Program Staff apply the standards and coordinate management of land boundaries issues associated with Federal interest assets with other DOI bureaus and offices. (See 757 DM 2 and OMB Circular A-16.)

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New

5.8 **Description of the Standards for Boundary Evidence (SBE).** The standards identify two modes of boundary evidence. The primary source is a land survey executed by skilled and trained professional surveyors. The standards concentrate on the secondary mode of boundary evidence. The standards include: (1) a land description review/chain of surveys review, and (2) a physical inspection of the land, including inquiries as to possible unrecorded possessory and other off-record interests. While the standards review may indicate that a land survey is recommended, often issues can be resolved or mitigated with the AO and the surveyor working closely together before the boundary evidence is submitted for certification.

5.9 **Need for the Standards for Boundary Evidence.**

A. Standards for Boundary Evidence often supplement the Department of Justice Title Standards and title insurance. The standards provide a consistent methodology to evaluate deficiencies in land description or boundary location, i.e., latent ambiguities, whether the description can be placed on-the-ground, gaps and overlaps not of record, unwritten title rights, identification of unexpected land use or location problems. The process can validate acreages and provides contemporaneous documentation of the rationale and any considerations regarding a particular transaction or transactions in the event that questions arise.

B. Standardized procedures enable managers to better manage risks and provide assurance for proper and efficient discharge of the Secretary's management of land boundaries duties and responsibilities. Standards are normally applied before a land or resource transaction, but may also be applied in other situations as well.

5.10 **Development of the Standards for Boundary Evidence.** The BLM, Reclamation, FWS, and NPS developed the Standards with assistance from BIA, Office of Special Trustee for American Indians (OST), and Office of the Solicitor (SOL) to provide guidance to DOI employees and CFedS when gathering and evaluating boundary evidence. (Appendix 2 to this chapter contains the Standards.)

11/21/14 #3992
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Appendix 1

Frequently Asked Questions Concerning the
Standards for Federal Lands Boundary Evidence:
A Cadastral Business Practice Standard

What are the Standards for Boundary Evidence (SBE)?

The SBE provides a standardized risk-based system of identifying and documenting boundary evidence for lands administered by Department of the Interior (DOI) bureaus and offices (bureaus), except lands administered through the Bureau of Indian Affairs (BIA). We designed the SBE to assist bureau and office managers in determining whether boundaries are sufficient for the intended land and resource transaction.

What will change?

You will complete a Land Survey Services Request (LSSR), in coordination with your DOI Land Surveyor. The Surveyor will provide you with an opinion and/or a risk assessment based on the condition of the boundary evidence in the area of interest of land and resource transactions.

Why now?

With this change in management of land boundaries policy, the DOI will resolve and implement Recommendation 8 of the DOI Office of Inspector General Final Audit Report "Department of the Interior's Management of Land Boundaries" No. C-IN-MOA-0001-2009 (July 16, 2010), and the supplemental response by the Assistant Secretary – Land and Minerals Management (ASLM) (August 6, 2010) (OIG Report).

How does the SBE work?

The SBE takes the complex work of management of land boundaries and breaks it down into the basic practical and legal components for efficient risk assessment. The SBE uses expertise of field and program managers, realty and resource specialists, transaction and project managers, and land surveyors working in a collaborative manner. Land tenure professionals work together and report their boundary evidence findings via standardized and formalized documentation, known as the SBE, to assist DOI bureaus and offices in meeting their management of land boundaries responsibilities and obligations.

Who will benefit?

The bureaus and offices, members of the public and commercial entities will benefit. The SBE will minimize delays, potential for conflicts, and other costs caused by erroneous or ambiguous land descriptions; ancient, antiquated, or obliterated land boundaries; and/or conflicting boundaries or use. The SBE's timely documentation of the location of the boundaries could affect a transaction by decreasing bureau, public, and commercial entity costs.

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For acquisitions of new lands, we have Department of Justice Title Standards: why have SBE, too?

Title Standards seek to identify and eliminate title defects. Surveys perform the same functions with respect to boundary defects that may cloud title. The SBE helps to identify when a land survey is not necessary for a successful land and resource transaction.

Will every transaction and resource transaction have to go through the SBE process?

The SBE are mandatory for acquisitions; for transactions more than \$10,000 in value and less than 1/4 mile from a boundary; in an area represented in a protraction diagram; or located against a body of water, unless a waiver has been issued by a designated bureau official. A waiver of the SBE process may be issued on either a case-by-case or programmatic basis. Such waiver will document the justification for the waiver and remain in the case file(s), or other appropriate record.

How is/are the value of land/resources transactions determined?

The Authorized Officer (AO) will estimate the value of the land/resource transaction(s) based on analyzing the market rates for resources and lands to determine their values. In addition, the AO may use commercial project income estimates and non-resource factors, such as aesthetic value, wildlife habitat, etc., to determine the proper value for any given transaction. The following is a non-exclusive list of considerations that may contribute to a determination of value; rent for a right-of-way, boundary location, the cost of materials, and labor for fence building or fire rehabilitation, species inventory, planning meetings for the project, boundary dispute resolution, publication cost, maintenance trips, upkeep, etc.

Why is the threshold for a transaction \$10,000?

Given limited resources, we cannot examine all transactions. The \$10,000 threshold exists to ensure analysis of the high revenue/value cases and manage the workload.

How do we know that a \$10,000 threshold will generate a manageable number of cases?

Evidence presented in the OIG Report suggests that \$10,000 is an appropriate threshold amount for a significant transaction. The OIG reports that 50 percent of all Public Land Survey System (PLSS) boundaries for Federal interest lands have fair to high reliability, meaning that we have surveyed the land since 1910. We will therefore likely be able to handle cases involving these boundaries using only records of these particular boundaries. Experience has shown that only 50 percent or fewer of transactions may require field verification.

What is provided?

We provide to the AO, SBE Certificate(s), compiled by a DOI Land Surveyor or a Certified Federal Surveyor (CFedS) and approved by a Certified DOI Land Surveyor (CILS). The SBE Certificates are a management tool for AOs. The SBE Certificates are not a land survey. They

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are a non-survey alternative bureaus and offices use to determine the sufficiency of the boundary evidence for the intended purpose. The SBE Certificate(s) addresses the risk associated with the transaction caused by erroneous, misrepresented, or ambiguous land descriptions, ancient, antiquated, or obliterated boundaries, and conflicting boundaries or use, excluding those only determined by a land survey.

What is new?

The standardization of existing work processes and formalized documentation establishes the new work product. The type of work is not new, but the systematization of the business processes is new. The SBE is a compilation of best practices taken from DOI bureaus and offices.

Who is responsible for a sound and efficient transaction?

The AO is in charge and ultimately responsible for a sound and efficient transaction and the outcome. The SBE provides, in many cases, more efficient and cost-effective tools than a land survey to accomplish the transaction in the most efficient manner, while minimizing risks associated with boundary identification and management.

Will the SBE mean I never need a land survey?

No. The SBE Certificate(s) may describe higher risks to the transaction than a prudent AO will want to assume. After consultation with your surveyor about what the limitations in the certificate(s) mean and your knowledge of the intended transaction, you may decide that there is a need to know more details that can only be revealed by a land survey. In some transactions, the need for unambiguous land description or corner and boundary markers will require further investigation or a land survey.

If I know I just want a land survey will I have to go through the standards process?

No. The AO can still request a land survey. However, the surveyor, based upon research conducted prior to every land survey, may provide the AO with a less costly or faster solution, e.g., SBE Certificate(s).

But if I have a land survey, how will an SBE benefit me?

The SBE provides a tool for your surveyor to review land surveys. The SBE Certificate(s) can alert you to transaction risks associated with such land surveys.

How will the SBE benefit bureaus and offices, and land and resource Authorized Officers?

The SBE provides a standardized process and documentation for the exchange of information between bureaus and offices, and AOs (those who deal with the "what" and "who" of the transaction) and the boundary experts (those who deal with the "where" of the transaction). We train surveyors to identify latent ambiguities in land descriptions, land surveys, and boundary

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encroachments. Surveyors interpret land descriptions, land survey records, and use and compare them with title records and the physical conditions on-the-ground to guard against potentially costly ambiguities and unauthorized use of lands, e.g., encroachments, unauthorized uses, and/or trespassing.

Why should I have a surveyor supplement a Certificate of Inspection and Possession (CIP)?

A surveyor brings the unique knowledge combination of title records, land survey records, and physical boundary evidence. Surveyors distinguish between ownership corner markers and spurious boundary markers. For example, in many cases, the surveyor can, after a records research, determine by physical inspection whether a fence or other use or occupancy line is the true boundary or is sufficient for the intended purpose of the transaction.

What is a SBE Certificate?

The SBE Certificate is a management tool for AOs. The SBE Certificate is not a land survey. It is a non-survey alternative bureaus and offices use to determine if the boundary evidence is sufficient for the intended transaction. There are three types of SBE Certificates: (1) Land Surveyor Report (LSR), (2) Certificate of Inspection and Possession (CIP), and (3) Boundary Assurance Certificate (BAC).

How is a SBE Certificate prepared?

The SBE Certificate is prepared from information gained by a diligent search of land descriptions, title related records, previous land surveys, and survey related records, maps, aerial photographs, physical inspection, and other controlling evidence pertaining to the condition and certainty of the location of boundaries. Evidence may include records and/or physical evidence that disclose the location of the surrounding property boundaries and may contain a sufficient summary of the material facts for the purpose of authenticating or not authenticating various boundary locations, including exceptions, reservations, subject to, caveats, reversions, or objections to specific portions of the boundary location(s). A field visit may be required to identify existing physical evidence of the location of the parcel boundary.

Is a SBE a land survey?

No. While it is true that the SBE process cannot furnish the kind of detail that would be available through a land survey, it is a reasoned and examined opinion based on the available records and evidence, providing an estimation of the risk from the condition of the boundary(s) involved in managing transactions.

Will Stakeholders, Commercial Entities, and the Public be misled?

The SBE Certificate is not a land survey and does not satisfy the needs that a land survey fulfills. The SBE Certificate can quantify and qualify the risk associated with transactions and resource activities related to boundary location. The SBE Certificates are kept on file permanently for future reference.

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What is the estimated cost savings?

By maximizing the limited and specialized expertise of surveyors, the savings will be significant. Not only are savings likely to be realized in management of land boundaries costs similar to those estimated to result from the implementation of the Standards for Indian Trust Lands Boundary Evidence (303 DM 7), but the potential savings in avoidance of conflicts over boundaries could also be significant. In addition, there is potential for recovering millions of dollars in revenue from unauthorized use of rights-of-way and/or the unauthorized extraction of oil, gas, or other valuable minerals.¹

Where is the increased capacity?

The SBE allows DOI to increase its land survey services capacity without sacrificing quality.

Can the SBE process be changed?

Yes. We can amend the SBE process as experience teaches us how to improve it.

Who bears the cost for the SBE process?

The program, commercial entity, or land owner requesting the work is responsible for the cost. We will estimate the costs associated with preparation of the LSSR and SBE Certificate(s) in accordance with cost recovery regulations and establish special accounts to benefit the activity or the commercial entity(s). We will use special accounts to cover the costs when appropriate.

Land and resource transactions are often described by aliquot parts. What happens if the transaction is located in a township with a Protraction Diagram?

Protraction Diagrams are a plan of survey, not an actual land survey. By policy, you may not subdivide a protracted block. For more details, contact your DOI Land Surveyor.

What do I do if I am uncertain of the transaction boundary or land description?

Consult with your DOI Land Surveyor.

¹ OIG Final Audit Report, "Department of the Interior's Management of Land Boundaries" (C-IN-MOA-0001-2009), July 2010; 303 DM 7, Appendix 1, noting an estimated savings of 8 percent direct costs, and 6 percent in surveyor work months, equivalent to 8 additional surveys based on fiscal year 2004 appropriated dollars.
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Department of the Interior Standards for Federal Lands Boundary Evidence A Cadastral Business Practice Standard

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Department of the Interior Standards for Federal Lands Boundary Evidence A Cadastral Business Practice Standard

The Department of the Interior (we/DOI) will apply these Standards for Boundary Evidence (SBE), as appropriate, to all Federal interest land or resource transactions. Following the SBE helps Federal agencies to protect the interests of the public and the Government.

INTRODUCTION:

The Department of the Interior *Standards for Federal Lands Boundary Evidence: A Cadastral Business Practice Standard* (hereinafter referred to as SBE) provides guidance and instruction for the gathering and application of several important types of boundary evidence applicable to Federal interest lands. THE MODES OF BOUNDARY EVIDENCE DISCUSSED IN THE SBE INCLUDE FIRST AND FOREMOST LAND SURVEYS IN THE SPECIAL SENSE THAT WHEN PROPERLY EXECUTED LAND SURVEYS ARE RECOGNIZED BY THE SBE AS THE PRIMARY MODE OF BOUNDARY EVIDENCE. THE SBE, HOWEVER, DOES NOT PURPORT TO ESTABLISH ANY GUIDANCE OR INSTRUCTION APPLICABLE TO THE EXECUTION OF LAND SURVEYS. We can apply the SBE to acquisitions, conversions, transfers, partitions, asset management, donations, rights-of-way, easements, leases, and other land and resource transactions. The SBE interrelates with the Office of Management and Budget Circular No. A-16, *Coordination of Geographic Information and Related Spatial Data Activities*; the Departmental Manual, 303 DM 7 and 757 DM 1 and 2; the Department's *Specifications for Descriptions of Land: For Use in Land Orders, Executive Orders, Proclamations, Federal Register Documents, and Land Description Data Bases*; and the Bureau of Land Management (BLM) *Manual of Surveying Instructions* (Survey Manual), as amended and supplemented.

1. BOUNDARY EVIDENCE

As used in these SBE, boundary evidence is authenticated documentation used to describe a natural or artificial/political separation that delineates and identifies a tract of land sufficient to ascertain the actual location of the land on-the-ground. Boundary evidence typically is in the form of a deed or other document describing the boundary to property, a land survey or other document locating the boundary to property, or an action or behavior upon the land determining the boundary to property. We will present boundary evidence through SBE Certificates. These certificates are: Land Surveyor Report (LSR), Certificate of Inspection and Possession (CIP), and Boundary Assurance Certificate (BAC).

The SBE requires both title and boundary evidence to be examined in totality for conflict-free land boundaries. Relying solely on title evidence and title insurance creates the potential for overlooking boundary defects. Boundary evidence involves the compilation, examination, and evaluation of title documents and boundary documents combined with the physical inspection of the boundary. We examine the assembled boundary evidence to identify insufficient land

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descriptions, ambiguous boundary location, conflicts in use, unauthorized encroachments, boundary gaps or overlaps, changed river or road locations, and other conflicts along a boundary line. Use of the SBE will help to assure conflict-free land boundaries and stable and predictable land boundary management for the benefit of the public and the Federal Government.

The SBE procedures conform to the system for the storage and dissemination of cadastral data for use by local and national realty, land title, and mapping interests. Cadastral data describe the geographic extent of past, current, and future right, title, and interest in real property, and the framework to support the description of that geographic extent. The geographic extent includes land description and land survey frameworks such as the Public Land Survey System (PLSS), as well as parcel-by-parcel surveys and descriptions.

DOI bureaus and offices will consult with a DOI Land Surveyor to determine if boundary evidence is needed and the type of boundary evidence to be obtained. The AO and boundary expert will keep in mind the differing and unique requirements of each transaction, project, planned activity, local practice, reliability, potential for boundary location conflict, economy, efficiency, and speed. In general, the character and scope of boundary evidence falls into three categories, each addressed by specific certificates. The SBE process will be completed, as required, unless a waiver has been issued by a designated bureau official. Such waiver will document the justification for the waiver and be filed in the case file(s), or other appropriate record. Documentation of the waiver, whether transaction-specific or programmatic in scope, can be in any form; however, documentation must include the following, at a minimum:

1. Name, signature, and title of authorized officer;
2. Effective date(s);
3. Name of transaction or project for case-by-case waiver, or names of transactions and projects for programmatic waiver; and
4. Reason(s) for issuance of waiver.

At times, one or all of the certificates will be needed:

1. Land Surveyor Report (LSR)

a. Land Description Review (LDR). An evaluation of the title policy to determine if the description contains a sufficient summary of the material facts for the purpose of authenticating or not authenticating various boundary locations, including exceptions, reservations, subject to, caveats, reversions, or objections to specific portions of the boundary location(s).

b. Chain of Surveys (COS). A diligent search of previous land surveys or survey related records, and other controlling evidence (such as identification of the best available evidence of the original survey; proper reference to interdependent corners, evidence of the acts and testimony of the interested landowners, witnesses, surveyors, or other authorities – e.g., local courts, state highway engineers or water masters) pertaining to boundary location for the interests to be conveyed or managed.

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2. Certificate of Inspection and Possession. A search of the land records and physical evidence that reveal evidence of possible claims of use or ownership, disclose the location of the surrounding property boundaries to the proposed conveyance, unexpected lands uses (buried hazardous waste), or managed land interest (apparent ingress/egress not of record).²
3. Boundary Assurance Certificate. An assurance, subject to stated exceptions and caveats, of the sufficiency of the subject boundary(s) for the intended purpose, based upon a LSR and CIP.

A. Land Surveys – The Primary Mode of Boundary Evidence

Boundary line surveys conformal to Federal or State requirements, as appropriate, constitute the primary mode of boundary evidence. Where an SBE Certificate has identified a high risk boundary, we will prepare land surveys for all high value acquisitions and transactions, projects, conveyances, conversions, transfers, partitions, and management activities.

Departmental land surveying will follow the *Manual of Surveying Instructions* (Survey Manual), its amendments and supplements, and/or applicable State laws governing the practice of land surveying. The Survey Manual describes how cadastral surveys are made in conformance with statutory law and its judicial interpretation. The 2009 edition of the Survey Manual supersedes all previous instructions or directives on the technical subjects contained therein. Care should be exercised when examining the land status in each survey situation to determine the applicable laws and statutes to be applied, for example; acquired land, public domain, Spanish land grant, etc.

An American Land Title Association/American Congress on Surveying and Mapping Land Title Survey (ALTA/ACSM Land Title Survey) often meets the minimum standards and/or laws of the Federal and State governments where the land is located. CAUTION: A survey that meets the needs for title insurance purposes may not meet the needs of the Federal Government.

Land surveys conducted by non-licensed surveyors often are inadequate, potentially unlawful, and can disrupt legitimate Federal programs involving national park construction projects, water lines, sanitation systems, etc. One of the purposes of the SBE is to eliminate this practice or, at a minimum, encourage consultation with a DOI Land Surveyor.

Bureaus and offices will have land surveys filed/recorded in the state/county/borough/parish record system in the state(s)/county(ies)/borough(s)/parish(es) in which the land is located. Even though the sovereign nature of the Federal Government may exempt recording, as prescribed by State laws and regulations, it is important for the protection of Federal interest boundaries that these surveys be accessible through state/county/borough/parish record systems. Thus, these land surveys will be public records and

² See the Department of Justice *Standards for the Preparation of Title Evidence in Land Acquisitions by the United States*, 2001, section 4b.
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easier for interested parties to retrieve in the future. Bureaus and offices may also provide copies of land surveys to the BLM for integration into the Cadastral National Spatial Data Infrastructure (CadNSDI) and the Federal land status records system.

If necessary to convey land or an interest in land with a United States patent, the land shall be returned upon (described by) an official survey plat (General Land Office (GLO)/BLM).³

The DOI Land Surveyor will determine the appropriate authority (Federal or State) for conducting the necessary land survey.

B. Secondary Modes of Boundary Evidence

The following, prepared in accordance with the requirements of these SBE by a DOI Land Surveyor or Certified Federal Surveyor (CFedS), and approved by a Certified DOI Land Surveyor (CILS) are acceptable modes of secondary boundary evidence:

1. Land Surveyor Report (LSR) (see attached LSR); and
2. Certificates of Inspection and Possession (CIP) (see attached Department of Justice CIP forms).

The LSR and CIP Certificates are the modes of secondary boundary evidence most used in Federal interest transactions, land acquisitions, conversions, transfers, partitions, and management activities. Secondary boundary evidence always applies to acquisitions, together with the primary evidence represented by a properly executed survey. Boundary defects, such as latent boundary ambiguities, conflicting surveys, adverse claims, encroachments, unauthorized uses, etc., normally do not appear in the public records. Nor are they usually insured against by a title insurance policy or disclosed in a serial case file. The SBE Certificates provide an added degree of security that does not exist with less formal modes of boundary evidence or most title insurance policies. A Boundary Assurance Certificate (BAC) based on and in conformance with the LSR and CIP Certificates, gives added confidence that a boundary defect has not gone undetected.

C. When to Obtain Boundary Evidence

A bureau or office should obtain boundary evidence for any land or an interest in land that is being acquired. Boundary evidence is to be obtained promptly to avoid delay in payment to landowners, lessees, or governments, and to permit timely completion of a transaction. The condition of boundary evidence should be included with the transaction planning. We should obtain boundary evidence for all interests in the land contiguous to the land or resource that is

³ Before any new land description is created for a patent, check the official survey plats (GLO/BLM) to make an administrative determination that the land is described and suitable for this purpose. The inclusion of the land on the plat of an official survey provides evidence of the administrative determination. All land descriptions for patents are made with reference to the official survey plat. *Sampson v. United States*, 533 F.2d 499, 501 (9th Cir. 1976); *Wise v. United States*, 297 F.2d 822, 825 (10th Cir. 1961); *Lemieux v. United States*, 15 F.2d 518, 522 (8th Cir. 1926), cert. denied, 273 U.S. 749 (1927); *Cragin v. Powell*, 128 U.S. 691 (1888).

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being acquired or used. If land is being assembled for a project, consider obtaining boundary evidence that initially covers each separate ownership or parcel, but that is ultimately consolidated into a single product. Prior to gathering or contracting for boundary evidence, consult a DOI Land Surveyor.

If the acquiring or managing bureau or office has determined that oil, gas, or other minerals do not need to be acquired, or can be subordinated to the surface interest to be acquired, or managed (because they are not needed and because the rights associated with such mineral interests, such as a right of surface access, will not interfere with the contemplated use of the surface of the land), then do not include evidence of mineral interests or evidence of coincidental location of surface and subsurface rights, and other instruments relating to the descriptions and locations of such interests in the boundary evidence. If the acquiring or managing bureau or office wishes to obtain relevant documents or location inspection reports of such severed or subordinated interests, it will request them when it authorizes a Land Survey Services Request. When we can develop boundary evidence of oil, gas, and other mineral interests at a reasonable expense, it makes sense usually to do so. Such information may be useful if the federal government decides to conduct surface activities not originally contemplated. In addition, such subsurface boundary evidence can protect surface interests from interference due to incorrectly located surface access by the owner or operator of the subsurface mineral interests.

D. Responsibility for Obtaining Boundary Evidence

Consult a DOI Land Surveyor in all circumstances in which boundary evidence may be needed, e.g., road construction, capital investment project, very long linear right-of-way, oil and gas well pad location, coal lease, water boundary, or timber sale. Always consult with a land boundary expert if in doubt as to whether or not we should execute a land survey.

E. Guidelines for Preparation of Boundary Evidence

The bureau or office will keep SBE documents in their permanent files. In preparation of SBE:

1. We require the attached Land Survey Services Request (LSSR) and applicable Certificates (LSR, CIP, and/or BAC) for each boundary evidence request. The request and the certificates are part of the Standards and we will use them to comply with the SBE.
2. The LSR should disclose the name of each and every person known to have any title to, or interest in, the land or natural resource, and every person known to have any title to, or any interest in the surrounding land or natural resource; for governmental entities, the name of the administering agency. You should identify addresses of parties having any interest in the subject land or natural resource and in the surrounding land or natural resource by examining the public records or bureau or office land status records. Title reports may provide useful location, ownership, and encumbrance information.

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If available, a Cadastral National Spatial Data Infrastructure (CadNSDI) reliability diagram and a geographic information system (GIS) tract map provide spatial representation and adjacent landholdings. All acreage determinations and methods used to obtain the acreage must be included.

3. Obtain complete, legible copies and images, or a sufficient abstract or digest, of all instruments referenced in the boundary evidence.
4. Develop the boundary evidence for each subsurface (mineral) interest in the property to be acquired, conveyed or managed including all data or exceptions, if applicable.

F. Boundary Evidence Search Timeframe

The timeframe for searching boundary evidence for the acquisition or conveyance of a particular tract of land should run from the inception of the transaction planning process until the recording of the deed or completion of Federal interest asset transaction. Title insurance companies continue searches of only the record title up until the recording of the deed. Policy coverage typically limits the period of search, such as easements, is limited to the period of search prescribed by the policy coverage. This coverage usually excludes the most common boundary evidence, namely, recording a deed after updating a land survey plat. Sometimes you can negotiate with the title insurance company to eliminate or modify this exclusion.

G. Subsequent Boundary Evidence

Boundary evidence collected subsequent to the last physical inspection will indicate that the search or inspection has continued since the date of that inspection. The subsequent boundary evidence will include the recordation or filing of the previous transaction, updated agency land status, survey, and CadNSDI records, when available and applicable.

H. Boundary Assurance Certificates (BAC)

The BAC enhances confidence that a boundary location is clear of conflicts and uncertainties, except as noted or as stated in caveats. When a BAC is needed, the certificate will have an effective date as of or subsequent to the date of recording of the deed to the United States, updated agency land status, survey, and CadNSDI records or completion of Federal interest land asset transaction.

I. Individuals Having the Authority and Responsibility for Compiling/Evaluating and Standards for Boundary Evidence Certificate(s)

1. DOI Land Surveyors or CFedS familiar with the preparation of such evidence in the jurisdiction in which the lands are situated will compile and evaluate the boundary evidence. Individuals that compile and/or evaluate boundary evidence must not have an interest in the land or surrounding land.

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2. The SBE Certification training will be developed in coordination and cooperation with the Bureau of Land Management (BLM), Bureau of Reclamation (Reclamation), Fish and Wildlife Service (FWS), National Park Service (NPS), and the Office of the Solicitor (SOL). Training should cover topics such as survey manual/law/SBE compliance, risk management, records management, and management of land boundary principles.

3. Upon successful completion of the SBE Certification training the DOI Land Surveyor will be identified as a Certified Department of the Interior Land Surveyor (CILS), and can approve SBE Certificates.

4. A CILS may approve SBE Certificates for another bureau or office.

5. A CILS may approve SBE Certificates evaluated by her or himself; however, it is recommended the individual bureaus require a review of the evaluation by another CILS.

J. Certified Federal Surveyors (CFedS)

CFedS must be licensed to practice land surveying in the State where the land lies to evaluate boundary evidence for a SBE Certificate. CFedS must work in cooperation and coordination with the appropriate CILS.

2. BOUNDARY EVIDENCE – SPECIAL SITUATIONS

A. Records, Lost or Destroyed

When boundary location or description records, such as patents, deeds, probates, and land surveys, have been lost or destroyed, or are otherwise permanently unavailable, supplement the LSSR by the following:

The SBE Certificate will attest to the fact of:

1. the loss or destruction of records;
2. property corner monuments or boundary markers exist on-the-ground of unknown origin; or
3. landowners and land surveyors in the community commonly acknowledge the unavailability of the record(s).

Such certification must also provide:

1. proof of compliance with requirements of statutory proceedings, if any, to reestablish boundaries affected by the loss or destruction of the records; or

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2. secondary documentary evidence, such as a land survey, that complies with statutory requirements and which, if offered in an administrative or judicial proceeding, would be admissible as boundary evidence, or evidence of boundary by adverse possession, as provided in the instructions established in section 2.I.

B. When Probate is Involved

The acquiring or managing bureau or office must satisfy itself that all required conditions and contingencies in the will relative to the boundary's location have been met. The following may not apply in every jurisdiction, but is offered as a general guideline.

To assure individual privacy, reproduce only the boundary description of the land interest portion of the will. Show all essential portions of probate proceedings disclosing all material facts of record relating to the boundary location including, for example, land partitions and land descriptions.

C. Foreclosure, Tax Sale, or a Judicial Proceeding

In cases involving foreclosure proceedings, the boundary evidence will disclose sufficient information regarding the description of the land or natural resource subject to the lien or encumbrance being foreclosed. The boundary evidence will determine the validity and effect of the foreclosure as to location, including descriptions of the land and surrounding premises, land surveys, on-the-ground boundary conditions, sales, transfers, and other administrative or judicial proceedings affecting the boundary.

If the foreclosure is by judicial proceeding, the boundary evidence will show the description of the relevant land, sufficient portions of the record to determine the jurisdiction of the court, and that all relevant boundary evidence has been considered.

Tax sales, foreclosures, and some judicial proceedings result in changed land descriptions and/or can affect the statute of limitations for vesting unwritten rights. The boundary evidence will disclose sufficient information to determine the apparently changed land description and the correct land description, and to determine the on-the-ground limit of written and unwritten rights, title, and interest.

D. Conveyance or Transfer by a Trustee or Fiduciary

The boundary evidence should contain the entire contents of each trust instrument, land description, survey plat, and conveyance in the chain of title made by fiduciaries or persons acting in a representative capacity, as well as a statement of the on-the-ground boundary conditions. Establish any conditions, limitations, or changes to the land description, boundary location or use, and occupancy reflected in such instruments or record of proceedings, or in any deed to the trustee, or to the beneficiary or principal for whom such trustee or representative is acting. The boundary evidence will show whether such conditions, limitations, change, or use will impact the boundary location or transaction.

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E. Searches of Federal and State Court Records

If title records and land survey records do not record court judgments and decrees, search for boundary evidence in Federal court records (in all divisions of the district where the land lies) and State court records, where the land lies.

F. Streets and Alleys

If the land includes streets or alley areas, ingress and egress, easements dedicated or vacated, all records affecting the boundary location of such areas should include the following:

1. The complete record of the proceeding for the dedication and, if vacated, the vacation proceedings, relevant to the boundary location of the area and to the location upon the dominant and servient estate.
2. All facts of record bearing on the location of existing prior rights, prescriptive or otherwise, and location of public and private utilities, if any.
3. All instruments, land surveys, and occupancy bearing on boundary locations or conflicts of all relevant areas and estates.

G. Special Improvement Districts

Boundary evidence containing references to boundary locations of drainage, school, or other special improvement districts; water; paving; or sewer should delineate all relevant land descriptions, land surveys, as-built plans, and post-construction locations.

H. Executive Orders, Proclamations, Administrative Withdrawals, Reservations

Proposed descriptions of tracts of land shall conform, as far as practicable, to the current edition of the *Specifications for Descriptions of Land: For Use in Land Orders, Executive Orders, Proclamations, Federal Register Documents, and Land Description Data Bases*, Executive Order No. 11030, and its supplements and updates. The LSR will determine conformance of the proposed order or proclamation. If we have not reviewed land descriptions, land surveys, and on-the-ground boundary conditions, an LSR, CIP, and/or BAC will be considered, based on specific criteria set forth in bureau and office manuals and handbooks.

I. Adverse Possession and Other Boundary Settlement Doctrines

When required, an unwritten title/adverse possession report must contain the following:

1. Evidence of the occupancy or use upon which the claim is based. This evidence may consist of undisputed, or disputed, testimony, taken under oath, and/or authenticated documents or photographs.

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2. A statement of facts, relevant to the claim, as determined by the surveyor or other specialist making the report.

In cases where large tracts of land are being conveyed, or actively managed, which encompass what formerly were smaller tracts, the report of unwritten title/adverse possession must relate specifically to the component parts of such tracts and contain sufficient facts to establish or reject the claim as to each part.

If two or more conflicting grants, patents, or transfers affect the same land, a land survey conducted under an appropriate authority and the unwritten title/adverse possession report will show the exact location of the land over which the acts of possession are claimed or relied upon.

NOTE: Adverse possession, based on State law, does not apply to land owned by the United States, unless perfected before the period of Federal ownership.

J. Unrecorded Boundary Documents and/or Unrecorded Boundary Monuments

In all cases, any unrecorded boundary location documents, land surveys, maps, plats, field notes, court decisions, copies of resolutions, ordinances, deeds, and boundary opinions containing references to the condition or location of a boundary or objections thereto with respect to such land, should accompany the boundary evidence.

The administrative record will incorporate any monument or other possible boundary evidence, physical or otherwise, in the vicinity of a boundary corner or along or near a boundary line not documented in the public record. The administrative record will also include a written report describing the extent and result of any investigation and other sources of relevant information.

3. REPORTING BOUNDARY EVIDENCE

A. General

Boundary examination coupled with a title examination will provide a more complete assessment of the land parcel and associated risks to the transaction. Title examination means an examination and evaluation by a qualified title examiner of the completeness and accuracy of title documents affecting a particular tract of Federal interest land with certification of the findings. Boundary examination means an examination and evaluation by a qualified surveyor of the completeness and accuracy of boundary location documents affecting a particular tract of Federal interest land with certification of the findings.

The absence of vital supporting boundary data may delay the closing of transactions or implementation of a management activity and result in the purchase of boundary problems, which can be costly and time consuming to resolve. Below are processes covering many of these items. A transaction is sufficiently prepared if the evidence does not contain any unacceptable risk relating to the matters mentioned in sections B through E below, no supplemental evidence

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is required, and results in the issuance of a BAC. Vital record documents will be maintained in the permanent files.

With respect to the boundary defects, conflicts, or ambiguities which you cannot eliminate administratively, a DOI Land Surveyor will provide guidance on how they can be cured, if necessary. Discussion with interested parties may resolve many defects, conflicts, and ambiguities. Some situations may require the landowner or manager to undertake various curative steps to seek title or boundary remedies, such as quiet title actions, exchange of quit claim deeds, recordable disclaimer of interest documents, issuance of corrective conveyance documents, written boundary line agreements, additional records research, land surveys, or other administrative or judicial proceedings.

A land survey will be recommended for all high value acquisitions and transactions, projects, conveyances, conversions, transfers, partitions, and management activities where the SBE Certificate has identified a high risk boundary is involved, and:

1. Significant improvements to the land exist or are contemplated;
2. New boundaries are being created (any boundary not shown on an official survey plat);
3. Boundaries and titles are complex and confusing;
4. An official survey is needed to create an acceptable land description or acreage;
5. Litigation is probable; or
6. The acquiring or managing bureau or office requires a land survey.

For Surveys:

All bureaus and offices, working through the Interagency Cadastral Coordination Council (ICCC), will coordinate Federal cadastral surveying activities.⁴

We will show and/or note any encroachments or rights-of-way on or over the land on the land survey plat.

If the land is described by metes-and-bounds or by reference to lands of surrounding owners, abutting streets, ways, etc., we will define its boundaries on the plat by courses, distances, and monuments, natural or otherwise. The plat also should identify the surrounding lands and other natural or manmade features that aid in locating the property.

When the land is part of a subdivision, we will obtain a copy of the subdivision plat, or the section in which the land is located.

⁴ See 757 DM 1.2C. and 2.7C.
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We will use a common scale on an orthophotograph and superimpose the boundary details (bearings and distances) from the survey of the land being acquired or managed. If the land being acquired, conveyed or managed is part of a larger tract, we will show the larger tract and any successive diminishing tracts on the orthophotograph.

Caution: The BAC should not have exceptions to "parties in possession" or to "matters which would be revealed by a land survey," which are standard exceptions in most title insurance policies. To do so would effectively exclude the value of the certificate as providing a sense of comfort concerning the presence or absence of, for example, unrecorded leases, rights-of-way, conflicting land surveys, and unauthorized use or occupancy. If the CIP reveals there may be third parties who have rights to use the land, or there may be potential boundary location conflict(s), provide copies of any available unrecorded documents, facts derived from the CIP and investigation, and a diagram showing their relative locations.

B. Land Surveyor Report (LSR)

1. Land Description Review: An essential component of boundary evidence is a clear, unambiguous and conflict-free land description. There are three general types of land descriptions:
 - i. Lands described by legal subdivisions (aliquot part or government lot) based upon rectangular surveys.
 - ii. Lands described by lot and block (minor or major subdivision).
 - iii. Lands described by distance and direction measurements or by naming their boundaries or both (metes-and-bounds).

The bureau or office will make a thorough review of the land description documents early in the transaction, acquisition, conversion, transfer, partition, or management activity process. The Authorized Officer (AO) will prepare an LSSR, in collaboration with the DOI Land Surveyor, which should include the bureau or office's boundary evidence, and submit it to a CILS as early in the project planning as practicable.

Copies of a bureau or office land status report or other title evidence should be included with the request. If not included, the AO will consult with the DOI Land Surveyor and, if need be, legal counsel, to determine what documents are required.

2. Chain of Surveys: A compendium of successive land surveys, or other forms of boundary and corner identification, location, or opinion, concerning the location of a particular parcel of land, arranged consecutively, from the government or original land survey down to the present. This enables the examining surveyor to often identify boundary conflicts and location inconsistencies. The role of the surveyor, in conjunction with the acquiring or managing bureau or office, is to identify those defects, conflicts, and ambiguities to the boundary location which may be waived administratively. A waiver will not be issued unless it is clear, beyond a reasonable doubt, that a defect to the boundary location will not preclude the bureau or office from administering the property for the purposes for which it is conveyed or managed.

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Whenever possible obtain the land surveys of the land and surrounding land early in the transaction, acquisition, conversion, transfer, partition, or management activity process. The AO will prepare an LSSR, in collaboration with the DOI Land Surveyor, which should include the bureau or office's boundary evidence, and submit it to a CILS as early in the transaction planning as practicable.

The LSR-COS should contain every known land survey document, including documents claiming an opinion on the location of a corner or boundary line affecting the boundary and corners of the land described. No attempt is made in this discussion to specify all items which should be shown, but the following will be shown as they appear in the records, the survey plat title block; the dates, certificates, and filing notations of public plats and field notes; and the dates, certificates if any, and location/repository of non-public plats and field notes. Where boundaries to separate parcels are derived from a common preceding LSR, prepare a master LSR and supplement it by individual LSRs.

If, after investigation, you believe land survey records are lost, destroyed, cannot be found, or are otherwise unavailable, supplement the LSR-COS by a statement describing the situation and that competent land surveyors and title examiners in the community commonly acknowledge the nonexistence or absence of the record(s). If a significant number of survey monuments of record are lost, obliterated, or in conflict, and that fact is not apparent on the face of the records obtained, supplement the LSR-COS by a statement of the fact that competent land surveyors and title examiners in the community commonly acknowledged the significant obliteration of original monuments or conflicts between survey monuments or boundary lines.

C. Certificate of Inspection and Possession (CIP)

All subject matter experts contributing to the CIP should contact the surveyor for information about the location of the land boundaries. The surveyor should show the boundaries to the experts or describe them to such an extent that they can locate the boundaries on-the-ground.

The relationship between an area and the true boundary line is potentially an encroachment, trespass, unauthorized use or occupancy.

The three most critical components of secondary boundary evidence are:

1. A search of the title (land) records.
2. A search of the land survey records.
3. A physical inspection of the boundary.

Each can independently reveal evidence of possible defects, conflicts, ambiguities, and adverse claims of use or ownership and without linkage, may not reveal the same.

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Normally an investigation is made and a CIP issued immediately prior to the closing of a transaction. In some instances, you may obtain an early investigation and CIP to ascertain conditions on the land at that time. In condemnation actions, conduct an inspection and inquiry immediately in advance of the date of taking if possible, or otherwise, as soon as the court grants the right of possession. The DOJ forms, currently *Standards for the Preparation of Title Evidence in Land Acquisitions by the United States 2001* (DOJ forms attached and available at <http://www.usdoj.gov>) will document the CIP. Other forms of CIP are not acceptable. We encourage the use of referenced attachments which provide further explanations and clarifications of the boundaries.

If needed, promptly order a field investigation required for a boundary CIP conducted under the direction of a CILS. The CIP does not take into account off-record facts, rights, claims not disclosed by the LSSR, land survey work, or by an inquiry and physical inspection of the land.

Both DOJ forms anticipate that you can and often will attach additional information to the CIP, especially if the inspection or inquiry reveals possible possessory rights or claims of others in the property, or confused or ambiguous boundary location, such as those caused by conflicting land surveys or placement of improvements. Bureau and office inspectors may find it convenient and economical to coordinate their cultural, engineering, historical, hazardous, or environmental matters or inquiries with the boundary CIP.

Determine the interest or claim of any person(s) other than the record owner(s) occupying or using any part of the lands prior to closing or commencement of a transaction. In addition, gather evidence of an overlap of boundaries or a gap between boundaries, or questionable or uncertain boundary locations, prior to the closing or commencement of a transaction. Consideration will be given as to whether, under the circumstances of the transaction, acquisition, conversion, transfer, partition, or management activity, the use, occupancy, interest, boundary overlap, gap, confused, or uncertain location will interfere with the contemplated use of the land.

Eliminate claims, encroachments, and questionable or conflicting boundaries which are not compatible by obtaining disclaimers, agreements, quitclaim deeds, etc. Based upon the advice of the surveyor, we may use these devices to deal with potential interests or conflicts and make them compatible as they exist or if modified. For example, by obtaining boundary line clarification, or term agreements from tenants with unrecorded leases, or by agreeing to grant a private right-of-way pipeline easement with specific terms and an agreed-to location and dimension, we could obtain, in return, the claimant's agreement to quitclaim any poorly defined easement which may have been acquired by prescription.

D. Boundary Assurance Certificate (BAC)

A BAC is issued only after (a) an LSSR is submitted, and (b) we have issued LSR (-LDR and COS) and CIP Certificates. Generally, BACs will be acceptable when in a form approved by the CILS. The CILS is the responsible person who approves the BAC.

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A BAC is based upon the findings of the three boundary evidence components (LSR (-LDR and COS) and CIP). It cannot take into account any other boundary evidence findings unless clearly noted. The BAC should not be mistaken for a land survey. The BAC is only as good as the boundary evidence it is built upon.

4. REQUEST AND CERTIFICATES

The LSSR can be used to request or receive any of the three SBE Certificates. The LSR and CIP address separate aspects of boundary evidence, each providing a portion of the total boundary assurance process. The BAC is used in those cases where all three boundary evidence components have been evaluated, and when we can authorize an assurance on the boundary location. The SBE process includes the following request, report, and certificates.

A. Land Survey Services Request (LSSR)

The LSSR is acceptable to request SBE Certificates. The Request should contain all of the relevant information known to the submitting bureau or office. Depending upon the needs of the bureau or office, the SBE Certificate(s) can provide a number of informational services. The Request should be filled out in collaboration with the DOI Land Surveyor.

B. Land Surveyor Report (LSR)

During the SBE process, land description and land survey evidence often is evaluated simultaneously. For this reason they can be combined in the LSR. The LSR consists of four parts: the LSSR, the land description evaluation (if applicable), the land survey evaluation (if applicable), and the Report. Depending upon the needs of the bureau or office, the LSR may provide a number of informational services, including:

1. The review of boundary description(s) of land and/or interests in land, including surrounding interests when necessary;
2. The condition of the corner monuments, boundary line markings, and the sufficiency of the boundaries for the intended land use, based upon:
 - i. minimal research to provide a general summary,
 - ii. a search of Federal records, local public records, and private records, and
 - iii. a field inspection;
3. The CudNSDI location reliabilities of the tract corners and boundaries;
4. Reporting of the area as shown on the official plat(s) (GLO/BLM);
5. Reporting of area based upon other sources;
6. The review of land surveys and other boundary location information on the location of the corners and boundary lines of land and/or interest in land

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described, out to the controlling corners and lines, from the original survey to date;

7. A history of corner recovery, a description of every corner:
 - i. without a field visit, or
 - ii. with a field visit;
8. A history of lines, a description of every record or computed measurement between corners;
9. The sufficiency of the corners and/or lines for the intended land use; and/or
10. Other related information (after a discussion between the AO and surveyor).

The land description review will require a search of all possible sources of title and related documents. The land survey evaluation will require a search of all possible sources of land surveys and related documents, including recorded and unrecorded, Federal, tribal, State, local, and private records. A DOI Land Surveyor or CFedS compiles and evaluates an LSR under the direction and control of a CILS.

C. Certificate of Inspection and Possession (CIP)

A CIP consists of two parts: the LSSR and one of the two forms of the CIP from the Department of Justice. These latter forms are contained in the *Standards for the Preparation of Title Evidence in Land Acquisitions by the United States 2001* (DOJ forms attached and available at: <http://www.usdoj.gov>). See the DOJ Title Standards for use of the forms for title evidence purposes. The DOJ forms are the only acceptable forms. We encourage attachments providing further explanations and clarifications for boundary evidence CIP.

Form #1 is designed to be completed by one individual. Form #2 is designed to be completed by two individuals. For boundary evidence purposes, the forms are to be adopted to report on-the-ground inspection of the boundary and corners by a DOI Land Surveyor or CFedS, under the direction of a CILS for acquisitions, exchanges, withdrawals, leases, permits, conversions, transfers, partitions, rights-of-way, transactions, and other activities.

Bureau and office inspection personnel for cultural, engineering, historical, hazardous, or environmental matters should coordinate their inquiries and inspections with the boundary CIP.

D. Boundary Assurance Certificate (BAC)

Subject to the limitations stated in section 3D, a BAC consists of an LSSR, LSR, and CIP, and a statement of known boundary location defects, conflicts, ambiguities, gaps, overlaps, unwritten rights, and failure of land descriptions, land surveys, use and occupancy, and other boundary evidence for a tract of land, compiled by and signed by a DOI Land Surveyor or CFedS. A CILS approves the BAC.

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CAUTION: A BAC is not a land survey, and will not be used in lieu of a land survey. An actual land survey may reveal further evidence or clarify the proper use of existing evidence thereby resulting in a different corner or boundary location than certified to in the BAC.

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Way, Boise, Idaho 83709-1657. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Mr. Quincy. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: A person or party who wishes to protest one or more plats of survey identified above must file a written notice with the Chief Cadastral Surveyor for Idaho, Bureau of Land Management. The protest must identify the plat(s) of survey that the person or party wishes to protest and contain all reasons and evidence in support of the protest. The protest must be filed before the scheduled date of official filing for the plat(s) of survey being protested. Any protest filed after the scheduled date of official filing will be untimely and will not be considered. A protest is considered filed on the date it is received by the Chief Cadastral Surveyor for Idaho during regular business hours; if received after regular business hours, a protest will be considered filed the next business day. If a protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in a protest, you should be aware that the documents you submit, including your personal identifying information, may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Timothy A. Quincy,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 2018-13706 Filed 6-26-18; 8:45 am]
BILLING CODE 4310-49-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLC942000 L57000000 BX0000 17X L5017AR; MO#4500122014]

Filing of Plats of Survey: California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of lands described in this notice are scheduled to be officially filed in the Bureau of Land Management (BLM), California State Office, Sacramento, California 30 calendar days from the date of this publication. The surveys, which were executed at the request of U.S. Forest Service, U.S. Fish and Wildlife Service, Bureau of Reclamation, Department of Defense, Bureau of Indian Affairs and Bureau of Land Management, are necessary for the management of these lands.

DATES: Unless there are protests to this action, the plats described in this notice will be filed on July 27, 2018.

ADDRESSES: You may submit written protests to the BLM California State Office, Cadastral Survey, 2800 Cottage Way W-1623, Sacramento, CA 95825. A copy of the plats may be obtained from the BLM, California State Office, 2800 Cottage Way W-1623, Sacramento, California 95825, upon required payment.

FOR FURTHER INFORMATION CONTACT: Jon Kehler, Chief, Branch of Cadastral Survey, Bureau of Land Management, California State Office, 2800 Cottage Way W-1623, Sacramento, California 95825; 1-916-978-4323; jkehler@blm.gov. Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are:

Mount Diablo Meridian, California
T. 34 N, R. 9 W, dependent survey and subdivision of section 31, accepted August 2, 2017.

T. 26 N, R. 9 E, dependent survey, accepted August 15, 2017.

T. 33 N, R. 10 W, dependent survey and metes-and-bounds survey, accepted August 23, 2017.

T. 2 N, R. 26 E, metes-and-bounds survey, accepted August 30, 2017.

T. 2 N, R. 17 E, corrective dependent survey, dependent survey and subdivision, accepted August 30, 2017.

T. 8 S, R. 9 E, dependent survey, subdivision of section 13 and metes-and-bounds survey, accepted September 6, 2017.

T. 3 S, R. 26 E, dependent survey and subdivision of sections, accepted September 25, 2017.

T. 23 N, R. 13 E, dependent survey and subdivision of sections, accepted September 27, 2017.

T. 12 S, R. 22 E, dependent survey, subdivision of sections and metes-and-bounds survey, accepted December 5, 2017.

T. 28 S, R. 42 E, dependent survey, survey and metes-and-bounds survey, accepted January 19, 2018.

T. 29 S, R. 42 E, dependent survey and metes-and-bounds survey, accepted January 19, 2018.

T. 29 S, R. 43 E, dependent survey, accepted January 19, 2018.

T. 19 S, R. 28 E, dependent survey and subdivision of section 9, accepted February 21, 2018.

T. 30 S, R. 44 E, dependent survey, survey and metes-and-bounds survey, accepted February 26, 2018.

T. 42 N, R. 16 E, dependent survey, subdivision and metes-and-bounds survey, accepted March 12, 2018.

T. 30 S, R. 42 E, dependent survey, subdivision and metes-and-bounds survey, accepted April 30, 2018.

T. 30 S, R. 43 E, dependent survey and metes-and-bounds survey, accepted April 30, 2018.

T. 31 S, R. 43 E, dependent survey and subdivision, accepted April 30, 2018.

T. 19 N, R. 1 W, dependent survey, metes-and-bounds survey, meander survey and infravestiture, accepted May 14, 2018.

T. 8 S, R. 33 E, dependent survey and subdivision, accepted May 17, 2018.

T. 5 N, R. 3 E, metes-and-bounds survey, accepted December 22, 2017.

T. 5 N, R. 5 E, dependent survey and metes-and-bounds survey, accepted December 22, 2017.

T. 3 S, R. 23 E, supplemental plat of the SE ¼ of section 35, accepted April 19, 2018.

T. 4 S, R. 23 E, supplemental plat of section 2, accepted April 19, 2018.

T. 4 S, R. 23 E, supplemental plat of section 11, accepted April 19, 2018.

A person or party who wishes to protest one or more plats of survey must file a written notice of protest within 30 calendar days from the date of this publication at the address listed in the ADDRESSES section of this notice. Any notice of protest received after the due date will be untimely and will not be considered. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed within 30 calendar days after the notice of protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your

comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time.

While you can ask the BLM in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chapter 3.

Jon L. Kehler,
Chief Cadastral Surveyor.

[FR Doc. 2018-13707 Filed 6-26-18; 8:45 am]
BILLING CODE 4310-49-P

comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask the BLM in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chapter 3.

Jon L. Kehler,

Chief Cadastral Surveyor.

[FR Doc. 2018-13707 Filed 6-26-18; 8:45 am]
BILLING CODE 4310-49-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-489 and 731-TA-1201 (Review)]

Drawn Stainless Steel Sinks From China; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 ("the Act") to determine whether revocation of the antidumping duty and countervailing duty orders on drawn stainless steel sinks from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: June 4, 2018.

FOR FURTHER INFORMATION CONTACT: Drew Dushkes ((202) 295-3229), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20466. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-295-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-295-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: **Background:**—On June 4, 2018, the Commission determined that the domestic interested party group response to its notice of institution (83 FR 6887, March 1, 2018) of the subject five-year reviews was adequate and that

the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.¹ Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).²

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report:—A staff report containing information concerning the subject matter of the reviews will be placed in the nonpublic record on June 29, 2018, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions:—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,³ and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before July 10, 2018 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by July 10, 2018. However, should the Department of Commerce ("Commerce") extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's

¹ A record of the Commission's votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

² Commissioner Jason E. Kasma did not participate.

³ The Commission has found the responses submitted by Sllay Manufacturing Company to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(5)).

rules. The Commission's rules with respect to filing were revised effective July 25, 2014. See 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's website at <https://edis.usitc.gov>.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination:—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.
Issued: June 21, 2018.

Katherine Hiner,
Supervisory Attorney.

[FR Doc. 2018-13775 Filed 6-26-18; 8:45 am]
BILLING CODE 7020-02-P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Joint Board for the Enrollment of Actuaries gives notice of a meeting of the Advisory Committee on Actuarial Examinations (portions of which will be open to the public) at the Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC, on July 12 and 13, 2018.

DATES: Thursday, July 12, 2018, from 9:00 a.m. to 5:00 p.m., and Friday, July 13, 2018, from 8:30 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at the Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth Van Osten, Designated Federal Officer, Advisory Committee on Actuarial Examinations, (703) 414-2163.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory


STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 17-18, 2018

To: Chairman and Members, Hawaiian Homes Commission

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

M. Kaleo Manuel, Acting Planning Program Manager
Planning Office

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

Julie-Ann Cachola, Planner
Planning Office

Subject: REQUEST FOR APPROVAL TO PROCEED WITH 2019 RENEWABLE ENERGY
PROJECTS SOLICITATIONS AND FOR DELEGATION OF AUTHORITY TO THE
CHAIRMAN TO FACILITATE IMPLEMENTATION OF THESE SOLICITATIONS
Various Hawaiian Home Lands listed herein
Islands of Oahu, Maui, Molokai, and Hawaii Island

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission ("HHC") approves:

- 1) The issuance of solicitations for renewable energy projects, covering parcels of Hawaiian home lands described in Table 1 without the need to seek approval to proceed each time the circumstances warrant throughout the calendar year 2019 and that will result, at the conclusion of the solicitation process, the issuance of Right-of-Entry ("ROE") permits for due diligence tasks and conditional general leases for approval by the HHC; and
- 2) To delegate authority to the Chairman to take whatever action is necessary to facilitate the timely offering of the lands identified herein to solicit renewable energy projects.

DISCUSSION:

Hawaiian Home Lands Identified for 2019 Solicitations

In response to a December 12, 2016 Request for Information to landowners by the Hawaiian Electric Companies ("HECO") regarding available Hawaiian home lands for future utility scale renewable energy projects, DHHL provided information regarding the lands shown in Table 1. This is also the same list that LMD shared at an informational briefing conducted at the January 2018 HHC meeting in Kapolei,

prior to issuance of DHHL's 2018 solicitation and in anticipation of HECO's Phase 1 RFP. The list was the result of discussions between representatives of LMD, Land Development Division, and Planning Office. These were lands not required for homestead use, culled from those identified in each of the respective Island Plans for general agriculture, industrial or commercial use and specifically those that lacked infrastructure that would not support development for the foreseeable future. DHHL submitted the information to HECO with the condition that the lands would not be available until DHHL issued an RFP or a formal solicitation for renewable energy developers.

Table 1. DHHL Lands Identified for Potential Renewable Energy Projects.

ISLAND	TMK	ACRES*	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 (portion)	200	Kalaoa	Up to 100 acres in the lower half.
Hawaii	9-3-001:002 (portion)	10,089.74	Kamoa-Pu'ueo	

*Approximate

DHHL's 2018 Renewable Energy Projects Solicitation Status

None of the applicants selected by DHHL under its just-completed 2018 renewable energy projects solicitation that made the HECO short lists, were successful in obtaining final award of their projects. This effectively terminated the development of their proposed projects on Hawaiian home lands and the potential revenue stream to DHHL that these projects represented. All the lands in Table 1, therefore, continue to remain on the list for potential renewable energy projects.

Lessons Learned from the 2018 Solicitation

Among the lessons learned from DHHL's 2018 solicitation and shared at the informational briefing conducted for the HHC at its meeting on October 16, 2018 in Wailuku, Maui were the following:

- Attempting to structure DHHL's solicitation to run parallel with HECO's relatively tight schedule under the Phase 1 RFP was difficult because it required expediting DHHL's internal processes causing undue strain on staff time and resources

- HECO's Phase 1 RFP was more conducive for renewable projects on private lands and without any future adjustments in the scheduling, developers using public lands, especially Hawaiian home lands, would have difficulty meeting the deadlines prescribed under a similar RFP
- Developers prefer to secure a lease for site control purposes ahead of a HECO RFP so their focus can be on meeting other requirements under the RFP to submit a proposal
- There is more risk to a developer to submit a proposal under a HECO RFP and then initiate the process for a lease than it is to enter into a process to lease land and await the issuance of an RFP to sell the energy that the proposed project will generate
- Developers are more willing to invest in the cost to do studies and other due diligence that will give them more comfort proposing lease rents and other benefits if they have an exclusive, rather than a non-exclusive right, to develop the land for their proposed project

DHHL's future solicitations will attempt to address several of the aforementioned concerns that developers shared.

HECO's Phase 1 RFP process is ending with the final awardees concluding their power purchase agreement ("PPA") negotiations this month and awaiting Public Utilities Commission ("PUC") approval. Meanwhile, other developers are looking forward to HECO's Phase 2 RFP which the PUC directed should begin no later than January 2019. Although it is not the intent for DHHL to subject its first 2019 solicitation to coincide with the upcoming HECO Phase 2 RFP schedule, there is an advantage to issuing DHHL's solicitation sooner rather than later. By issuing DHHL's first solicitation soon and starting the general leasing process, developers will have the flexibility to respond to HECO's Phase 2 RFP should they wish to do so with site control on Hawaiian home lands. Otherwise, they would be free to await another future opportunity. Since Hawaii is committed to achieving 100% of its energy needs through renewable energy sources by 2045, there are developers who are looking past HECO's Phase 2 RFP, willing to position themselves with the ability to respond to future RFPs.

LMD and the Planning Office are therefore seeking approval from the HHC to issue solicitations on all or part of the parcels in Table 1 as circumstances warrant and subject to staff resources throughout the calendar year 2019. To begin the 2019 solicitations, LMD and the Planning Office have scheduled the first solicitation for certain parcels from the list for issuance later this month. The applications would be due in early 2019. Details of the upcoming solicitation will be presented to the HHC in executive session as disclosing the details publicly before they are published statewide would give some applicants an unfair advantage over others.

Approval for Delegation of Authority to the Chairman

LMD and the Planning Office believe timely action is important to take advantage of opportunities to lease these lands that have already been designated for revenue-generating purposes and specifically identified for potential renewable energy projects use. For that reason, approval is being requested for the HHC to delegate authority to the Chairman to take whatever action is needed to facilitate these solicitations and leasing process. These actions would include prioritizing and/or approving, with DHHL staff and renewable energy consultants' recommendations, which lands shall be offered, or which projects shall proceed with the leasing process. The HHC will still make the final decision on whether to approve the issuance of a general lease as prescribed by law.

By approval of the motions stated, the HHC also reaffirms its support of DHHL's 2009 *Ho'omalūō* Energy Policy to facilitate the use of diverse renewable energy resources and where one of the objectives is to pursue leasing of lands that are identified as suitable for renewable energy projects. The HHC also recognizes the uncertainty when future utility company RFPs will be issued and that it is reasonable that DHHL needs the flexibility to react as quickly as possible to take advantage of the circumstances that will facilitate leasing of lands for renewable energy projects.

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 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....”

RECOMMENDATION:

Land Management Division recommends approval of the motions as stated.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 17-18, 2018

To: Chairman and Members of Hawaiian Homes Commission

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

Subject: General Lease No. 276, Kapolei Hawaii Property Company, LLC, East Kapolei,
Oahu

RECOMMENDED MOTION/ACTION

For Information Only.

DISCUSSION

PROPERTY BACKGROUND

The parcel of land is located in East Kapolei consisting of an area of 67.270 acres, and further identified as a portion of Tax Map Key No. 1-9-1-016:108. The Department of Hawaiian Home Lands (DHHL) received this parcel of land as part of the 16,518 acres of land settlement with the State of Hawaii under Act 14 of the 1995 State Legislature.

Prior to the transfer, the land was under the jurisdiction of Housing and Development Corporation of Hawaii (HDCH). HDCH petitioned the Land Use Commission to reclassify certain lands in Ewa, including this parcel, from Agricultural District to Urban District. The LUC granted the reclassification, subject to twenty-seven (27) conditions on the future use of the land, including but not limited to zoning, noise restriction, and drainage requirements.

On March 23, 2012, DHHL filed its Motion to Amend the 1999 Decision and Order to achieve consistency between the conditions of the 1999 Decision and the proposed regional commercial center being proposed to be developed by Hawaii DeBartolo LLC.

The Motion to Amend recognized DHHL as the fee owner of the property (not HFDC); re-designate a new docket for the property, separate and apart from the original docket; releasing the property from the conditions of the 1999 Decision and Order; and the issuance of a new findings of facts, conclusions of law, and decision and order for the property for the purpose of proceeding with the development.

On January 14, 2013, the LUC issued an Order Amending Findings of Facts, Conclusions of Laws, and Decision and Order under Docket No. A99-728(c). The D&O imposes twenty-eight (28) land use conditions related to the development of a mixed-use commercial center on the property that shall run with the land.

On February 11, 2013, a Declaration of Conditions was recorded at the Bureau of Conveyances on the final D&O issued by the LUC.

NOTICE OF PROPOSED DISPOSITION – FEBRUARY 2006

In February 2006, DHHL issued a Notice of Proposed Disposition for General Lease by way of a public auction for the property with pertinent information provided in an Information Packet.

DHHL subsequently deemed DeBartolo Development LLC, now Hawaii DeBartolo LLC (“DeBartolo”), as the sole qualified bidder for the project, and entered into lease negotiations with DeBartolo in May 2006.

SIGNED OPTION AGREEMENT WITH LEASE – JUNE 17, 2008

The project, envisioned by DeBartolo, consists of retail, entertainment, and office facilities, with the ability to expand for future hotel use. The Information Packet initially designated the zoning as BMX-3, Community Business Mixed Use, however after discussion with the developer, DHHL agreed to designate up to 82,000 square feet as BMX-4, Central Business Mixed Use District, to allow for the hotel component and the annual base rental was adjusted with this redesignation.

Instead of immediately entering into a general lease (“Lease”), certain circumstances necessitated that DHHL negotiate first an Option Agreement with DeBartolo. The utilization of the Option Agreement allows DHHL and DeBartolo to ensure that issues such as addressing the LUC conditions, DeBartolo’s ability to obtain title policy, and financing for the project are resolved prior to entering into a long-term lease. In May 2008, the parties tentatively agreed to a form of the Option Agreement and Lease, subject to final review and comment from the Deputy Attorney General of the State of Hawaii and DeBartolo’s financial partners. The final Option Agreement was executed on June 17, 2008. Option Agreement shall expire on June 30, 2011 with an option to extend to November 30, 2012 subject to LUC Amended Certificate filing.

The economic downturn and the collapsed financial market created challenges for DeBartolo to develop the entire 67 acres immediately. In early 2009, DeBartolo proposed adjustments to the negotiated terms and conditions signed in June 2008 to allow them to develop the project in phases. DeBartolo has acknowledged it is responsible to pay the annual base rental of \$4.7 million if given the ability to phase the development and remains obligated to pay the entire amount once the lease is executed and becomes effective.

DHHL reserved the right and option to subdivide and to consolidate and resubdivide the parcel and withdraw the land from the lease.

DeBartolo is authorized to subject the Land to a condominium property regime ("CPR"), and issue subleases to tenants for the condominiumized units.

The Hawaiian Homes Commission, at its regular monthly meeting of March 22, 2011 granted approval to the amendment request and the Amendment to and Restatement of Option to Lease was fully executed on January 12, 2012.

On September 21, 2012, DeBartolo provided written notice to the Department of its election to extend the term of its option to lease the site of its planned Ka Makana Ali'i regional shopping center by one year, i.e. from November 30, 2012 to November 30, 2013. The right to extend the option term for the additional one year is granted DeBartolo under Section 1.2 of the Amendment to and Restatement of Option to Lease dated January 12, 2012.

Request for Further Amendment to Option to Lease

Shortly before giving its September 21, 2012 notice, DeBartolo requested that the Department agree to a further amendment of the Option to Lease pursuant to which DeBartolo would be granted a right to extend the term of its option for up to one additional year, i.e. the one year covered by its September 21 notice plus one additional year. If the Department agrees to the request, DeBartolo will have until November 30, 2014 within which to exercise its option to lease.

The primary reason for DeBartolo's request for a further extension was a June 2012 decision by Macy's to accelerate its plans to open a store in the Ka Makana Ali'i project. Because of Macy's commitment to open a store in August of 2015, the entire project was overhauled - DeBartolo replaced its 18-acre neighborhood center concept with a 50-acre regional shopping center with Macy's as its preeminent anchor tenant. Basically the entire project was reorganized to accommodate Macy's schedule.

Construction of the Parkway extension requires approvals and funding from the State Department of Transportation ("DOT"). Once approvals and funding are obtained, DOT will have to actually construct the extension. For all of these reasons, Phase 1 of the project has been delayed to the point where DeBartolo lacks assurance that it will have completed all pre-construction activities and obtained all permits and approvals for the project by November 30, 2014. DeBartolo may not need the extension, but if it does, it needs to know now that it will be available. Hence DeBartolo's request for a further extension of its option term. At the Special Meeting held on November 14, 2013, the Hawaiian Homes Commission (HHC) approved the request for a one-year extension of the Option term to November 30, 2014.

The HHC at its meeting on July 21, 2014, approved the assignment of the Option Agreement from Hawaii DeBartolo LLC to Kapolei Hawaii Property Company, LLC (KHPC). KHPC is a joint venture between DeBartolo Development, LLC and OPTrust KMA, Inc. in the development and operation of Ka Makana Alii Shopping Center (KMA). Hawaii DeBartolo (HD) is responsible for the development and management of the KMA project on behalf of

KHPC. At that time, the development cost of the Mall Phase of KMA was estimated at \$285 millions.

EXECUTED GENERAL LEASE NO. 276

General Lease No. 276 was executed on December 1, 2014 with Kapolei Hawaii Property Company, LLC. The project is envisioned to be developed in two phases, The Mall Phase and The Expansion Phase.

Basic Lease Term:

Tax Map Key No.: (1) 9-1-016:142 (See Exhibit "A")

Zoning: BMX 3 with a portion of BMX 4

Amended Annual Base Rent:

Year 1-10	\$4,714,606.00 (based on BMX 3/4)
Year 11-15	\$5,747,105.00
Year 16-20	\$6,345,378.00
Year 21-25	\$7,005,932.00
Year 26-65	Reopened and redetermined as provided in the Lease agreement.

Participation Rent:

Starting from Lease Year 11, KHPC will pay, in addition to the regular rent, a sum calculated to be fifty percent (50%) of the tenants Percentage Rent as defined in the Lease.

Deferment of Rent

Up to \$9.1 million of Mall Phase rent will be deferred from Lease Year 4 through Lease Year 10. Interest is compounded annually at Bank of Hawaii's Base Rate in effect at the beginning of each Lease Year plus one percent (1%), but not less than 4-1/2% or greater than 6-1/2%. The deferred rent and interest will be repaid in monthly payment with simple interest from Lease Year 11 and shall be paid in full by Lease Year 25.

Offsets to Annual Base Rent

1. Borrow Pit Credit in the sum of \$8,970,000.00 to be taken at \$2,500,000.00 per year for LY 1 & 2, \$2,250,000.00 for LY 3, and \$1,720,000.00 for LY 4 in equal monthly amount. So far the Borrow Pit credit taken is \$6,293,023.10.
2. Power line Credit in the sum of \$800,000.00 to be taken in monthly for each of the 96 months during LY 2 through LY 9. Total credit taken for this is \$472,426.88.

Community Benefits

1. A separate agreement, Homestead Community Benefits Agreement, dated November 29, 2013, executed between Hawaii DeBartolo and DHHL, set forth an amount equal to 4% of the base ground lease rent due under the Lease, separate and apart from DeBartolo's obligation under the Lease and payments shall be made concurrently with each monthly lease rent payment. This resulted in a monthly contribution of \$12,060.00. Kapolei Community Development Corp. (KCDC), the non-profit arm of all homestead communities in the Kapolei area, has been designated to receive this money until further notice
2. Another obligation under this Homestead Community Benefits Agreement is to have DeBartolo build a park for Kanehili Community Association (KCA) within 2 years of the Lease. DeBartolo satisfied this term by providing \$500,000.00 cash payment to KCA in late 2016.

KHPC broke ground on the Mall Phase in February 2015 with the grand opening of the mall on October 21, 2016. The total cost for the Mall Phase, with about 82 tenants, is approximately \$315 million. The Mall Phase is about 91% occupied with tenants such as Macys (retail), Cheesecake Factory (Restaurant), Consolidated Olina Theatre (entertainment), Hampton Inn (hospitality), 24 hours Fitness Center (health and wellness) to name a few.

REQUEST TO SURRENDER THE EXPANSION PHASE

Back in April 2017, KHPC wrote to DHHL requesting an amendment to General Lease No. 276 giving them additional time to commence construction on the 15.7-acre Expansion Phase. The reason cited was the construction of the Expansion Phase is dependent on Department of Transportation (DOT) completing the extension of Kualakai Parkway to Roosevelt for access to the Expansion Phase. This latter project has been placed on hold indefinitely by DOT. Approval of an additional on-grade access point from Roosevelt Road to the project is under the Federal Highways Administration and its programmatic analyses has been delayed to at least 2020. These circumstances are beyond DHHL and KHPC's control. KHPC stated that if the amendment allowing KHPC additional time was not granted, KHPC had no other option but to surrender the Expansion Phase as allowed under the terms of the general lease.

On December 1, 2017, KHPC submitted a letter providing DHHL with the required 30-day notice that it was exercising its right under Section 2.8 of the lease to surrender the Expansion Phase effective December 31, 2017.

On December 29, 2017, KHPC delivered all of the documentation they believed were required by the Lease, together with the surrender fee of \$312,580.00, to DHHL to effectuate the surrender. On the same date, DHHL's outside legal counsel responded to KHPC declining to accept the surrender on the ground that the requirement under Section 2.8 of the Lease had not been met.

On January 3, 2018, KHPC responded to DHHL's letter noting that KHPC had offered numerous proposals to DHHL in an effort to avoid surrendering the Expansion Phase. DHHL met with KHPC a number of times without reaching an agreement on the path forward. KHPC noted that they have little choice but to surrender to avoid having to start paying the full annual base rent of roughly \$1.1 million for the Expansion Phase.

On November 15, 2018, DHHL, through its outside counsel, delivered a letter to KHPC's attorney, detailing DHHL's position that KHPC had failed to comply with the requirements of Section 2.8 of the Lease to effectuate the surrender, therefore the Lease is still in full force with respect to the Expansion Phase and with the result that KHPC is required to start paying for the full annual base rent due for the Expansion Phase starting December 1, 2018.

On November 29, 2018, DHHL met with KHPC to discuss options for development on the Expansion Phase.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 17-18, 2018

To: Chairman and Members, Hawaiian Homes Commission

From: Peter “Kahana” Albinio, Jr., Acting Administrator
Land Management Division *PA*

Subject: Approval of Application & Review Process for New Revocable Permit Pilot Program

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission grants its approval to the Application & Review Process for New Revocable Permit Program as shown on Exhibit “A.”

DISCUSSION

Authority to Issue Revocable Permits

- Hawaiian Homes Commission Act, 1920, as amended, Section 204(2)
- Hawaii Revised Statutes, Chapter 171, Section 171-55, Permits, as amended
- Hawaii Administrative Rules, Title 10, Department of Hawaiian Home Lands, Chapter 4, Management of Hawaiian Home Lands, Subchapter 1, Land Management, Section 10-4-1 Lease of Lands.

The New Revocable Permit Program

The Hawaiian Homes Commission had in the past issued position statements on the issuance of Revocable Permits, based on the statutory authorities granted. The following statements are still valid and prudent and are recommended to be incorporated into the new program.

- 1) All available Hawaiian home lands that are not immediately required for native Hawaiian homesteading, general leasing, and/or other purposes for long-term durations shall be available to the general public for month-to-month tenancy through the issuance of revocable permits;

- 2) Supplements DHHL's annual revenue from available lands through good land management practices conducted on lands utilized by way of revocable permits;
- 3) Reduce the acreage of available lands utilized under revocable permits; and
- 4) Authorize the Chairman to amend and terminate Revocable Permits (HHC to approve new RP issuance)

The basic program will include the following steps:

1) PARCEL LIST

- a) Identification of non-homestead parcel(s) that are suitable for disposition on a month-to-month basis.
- b) Establish the proper method of determining appropriate rent(s) for the identified parcel(s), by considering the following methods:
 - Prudent in-house analysis of the fair market rent through either
 - Market Comparison Analysis
 - Rate of Return
 - Independent Fair Market Summary Appraisal
 - Due to nature of short-term disposition and other limiting factors (access, infrastructure, inability to obtain financing, etc.) a 50% discount would be applied to the base land rate as determined.

2) APPLICATION

- a) New Permitting System, not founded on a "first come, first served" basis, for lands envisioned to be developed within a 20-year timeframe.
 - Implement a competitive process for disposition that is available to native Hawaiians and the public at large.
 - Provide parcel details as follows: TMK; Location; Land Area; Proposed permitted use; Rent; Terms, etc.

3) SCORING CRITERIA

- a) Establish proof of the necessary experience and ability to be able to maintain proposed use: To meet this criterion applicant must demonstrate each of the following: **(50 Points Total)**
 - **(20 Points)** - Proof of work in such capacity that will demonstrate knowledge and/or experience in the specific field/area of the use as proposed in the State of

Hawaii for not less than two of the last five years. This is best established by submittal of a resume and/or tax return.

- **(10 Points)** - Proof of current Certificate of Good Standing issued by the State of Hawaii Department of Commerce and Consumer Affairs. This is best established by providing a current Certificate of Good Standing copy as issued by the State of Hawaii, DCCA.
 - **(10 Points)** - Proof of history as excellent tenant on State and/or other private owned lands; no termination or enforcement action against applicant within the last 5 years. This is best established by submittal of at least three (3) professional references.
 - **(10 Points)** - Proof of written understanding and acknowledgement that proposed use is exempt from preparing and Environmental Assessment under HRS Chapter 343, per DHHL's June 30, 2015 exemption list as approved by the Environmental Council which shall demonstrate knowledge and/or personal experience in dealing with federal, state, and county regulations and other agencies governing such use.
- b) Upset minimum Rent (\$) Proposal. To meet this criterion applicant must demonstrate each of the following: **(50 Points Total)**
- **(15 Points)** - Proof of financial capability to pay rent in a manner that is consistent, and on-time based on its proposed upset minimum rent. If two or more proposals exceed the proposed minimum upset rent, the proposal that provides the highest monetary offer shall receive the maximum point total.
 - **(10 Points)** - Proof of means to deposit with DHHL an amount equal to two (2) times the proposed monthly rental as a security deposit including the first month's rent payable on or before the first day of the month the permit is to be executed.
 - **(10 Points)** – Proof of procuring, and maintaining, at its own cost and expense, in full force and effect throughout the term of the permit, general liability insurance with an insurance company authorized to do business in the State of Hawaii in an amount of not less than \$1,000,000.00 for each occurrence and \$2,000,000.00 in the aggregate and name the State of Hawaii, Department of Hawaiian Home Lands as additional insured.
 - **(15 Points)** – Proof of work experience that demonstrates in writing how applicant's proposal would benefit native Hawaiians, directly and indirectly.

4) Award

- a) Process ensures more consistent decisions

- Applicant with highest combined score (100pts max) would be awarded the Revocable Permit disposition

5) Renewal

- a) Re-application keeps tenants accountable

Once approval is granted for the Proposed Revocable Permit Program by the Hawaiian Homes Commission, LMD will collaborate with the Planning Office to coordinate and conduct informational meetings statewide to inform beneficiaries and tenants of DHHL on this new program.

RECOMMENDATION

Land Management Division respectfully recommends approval of the motions as stated for the following reasons:

- Provide greater transparency and fairness to the DHHL's beneficiaries and the general public;
- Improve efforts to ensure the safe, appropriate, and approved use of Hawaiian home lands; and
- Strengthen DHHL's ability to carry its mission in service to its native Hawaiian beneficiaries.



Department of Hawaiian Home Lands

Land Management Division

Application & Review Process for New Revocable Permit Pilot Program

December 17-18, 2018

Revocable Permit Pilot Program

PURPOSE:

- Revocable Permit allows for presence on DHHL lands thereby reducing costs for land management activity functions (i.e. signage, landscaping, fencing, removing trash and derelict vehicles, and prevents trespassing on unencumbered lands) that DHHL would bear if the lands were to sit vacant
- Supplements DHHL's annual revenue from available lands
- Reduces the acreage of available lands utilized under revocable permits
- Revocable Permits are short-term (30-day month-to-month, annually renewable), which can be cancelled by DHHL at its sole discretion and for any reason whatsoever, at any time during the twelve month period, upon thirty (30) days advance notice in writing to tenant.

Exhibit "A"
Item No. F-4

Application & Review Process Highlights



Process Highlights

Application

Clear Process, Open to All Beneficiaries

Parcel List

1. Identify non-homestead parcel(s) that are suitable for disposition on a month-to-month basis.
2. Establish proper method of determining appropriate rent(s)

Application

1. Implement a competitive process for disposition that is available to native Hawaiians and the public at large.
2. Provide parcel details as follows: TMK, Location, Land Area, Proposed permitted use, rent, terms, etc.

Scoring Criteria

1. Establish proof of the necessary experience and ability to be able to maintain proposed use.
2. Upset minimum Rent (\$) Proposal

Process Highlights

Review

Methodology that Reflects Commission Priorities

Criteria

Criteria to score applications that reflect priorities

Scoring

Review each application and score on criteria

Selection

Select the application with the highest score

Process Highlights

Review of Criteria/Scoring

Establish proof of the necessary experience and ability to be able to maintain proposed use: To meet criterion applicant must demonstrate each of the following: **(50 Points Total)**

- **(20 Points)** – Proof of work in such capacity that will demonstrate knowledge and/or experience in the specific field/area of the use as proposed in the State of Hawaii for not less than two of the last five years.
- **(10 points)** – Proof of current Certificate of Good Standing issued by the State of Hawaii, DCCA.
- **(10 Points)** – Proof of history as excellent tenant on State an/or other private owned lands; no termination or enforcement action against applicant with the last 5 years.
- **(10 Points)** – Proof of written understanding and acknowledgement that proposed use is exempt from preparing an Environmental Assessment under HRS Chapter 343, per DHHL's June 30, 2015 exemption list as approved by the Environmental Council which shall demonstrate knowledge and/or personal experience in dealing with federal, state, and county regulations and other agencies governing such use.

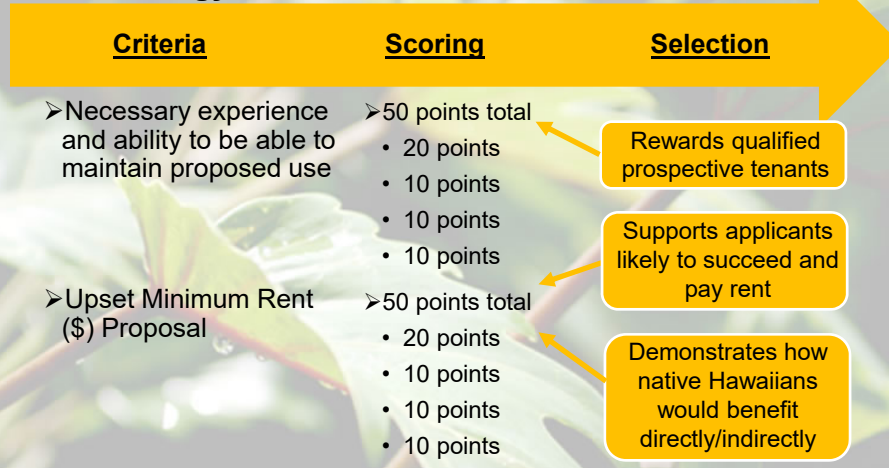
Upset Minimum Rent (\$) Proposal **(50 Points Total)**

- **(15 Points)** – Proof of financial capability to pay rent consistently, and on-time based on proposed upset rent.
- **(10 points)** – Proof of means to deposit with DHHL an amount equal to two (2) times the proposed monthly rental as a security deposit including the first month's rent payable on or before the first day of the month the permit is executed.
- **(10 Points)** – Proof of procuring, and maintaining at its own cost and expense, and keeping in full force and effect through out the term of the permit a general liability insurance policy as required by DHHL.
- **(15 Points)** – Proof of work experience that demonstrates in writing how proposal would benefit native Hawaiians, directly and indirectly.

Process Highlights

Review

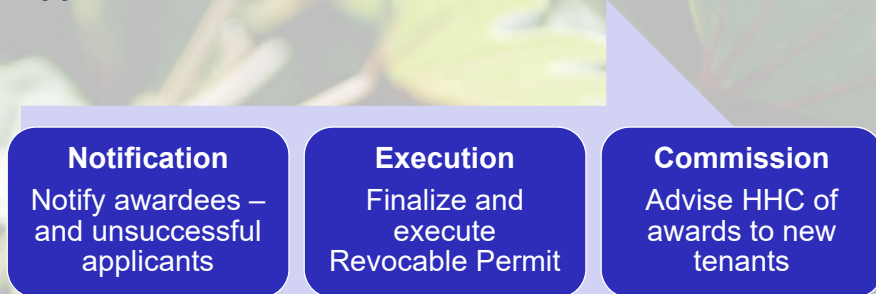
Methodology that Reflects Commission Priorities



Process Highlights

Award

Approved Process Ensures More Consistent Decisions



Process Highlights

Renewal

Re-application Keeps Tenants Accountable

Notification

Notify awardees – and unsuccessful renewals

Commission

Recommend selected renewals for HHC approval

Execution

Update and execute Revocable Permit extensions; update list with renewal date



Department of Hawaiian Home Lands

Discussion...