

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA
Hana Community Center Main Hall, 5091 Uakea Road, Hana, Hawai'i 96713
Sunday, August 18, 2019, at 1:00 p.m.

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov, by Thursday, August 15, 2019.

I. ORDER OF BUSINESS

- A. Call to Order
- B. Roll Call
- C. Approval of Agenda

II. ITEMS FOR INFORMATION/DISCUSSION

PLANNING OFFICE

G-1 For Information Only – Overview of DHHL's East Maui Lands

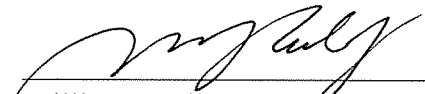
OFFICE OF THE CHAIRMAN

C-1 For Information Only – Presentation on Potential Options for East Maui Awards

III. PUBLIC TESTIMONY ON AGENDIZED ITEMS AND OTHER EAST MAUI BENEFICIARY ISSUES (testimony may be limited to 3 minutes)

IV. ANNOUNCEMENTS AND ADJOURNMENT

A. Next Regular Meeting – August 19 & 20, 2019, Lahaina, Maui, Hawai'i



William J. Aila Jr., Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

Randy K. Awo, Maui
Patricia L. Teruya, O'ahu
Pauline N. Namu'o, O'ahu
Vacant, East Hawai'i

Zachary Z. Helm, Moloka'i
David B. Ka'apu, West Hawai'i
Dennis L. Neves, Kaua'i
Vacant, O'ahu

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

ITEM C-1



Department of Hawaiian Home Lands

HHC Hana Community Meeting

Potential Options for East Maui Offers

**Paula Aila
Contact and Awards**

August 18, 2019



Evolution of Residential Waitlists

1. **Pre 1963:** No established consistent procedure

2. **Priority System List: (1963)**

Priority I Successor 100% Hawaiian	Priority II Successor 50% Hawaiian	Priority III No Qualified Successor
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- Determined by blood quantum
- Problem: As long as there was an applicant in Priority I, regardless of application date, Priorities II & III never moved.
- Converted to Area waitlists starting August 1972

3. **Area Waitlists (August 1972)**

1. Oahu: Nanakuli, Waianae, Papakolea/Kewalo, Waimanalo
2. Maui: Paukukalo
3. Hawaii Island: Keaukaha/Waiakea, Kawaihae, Waimea
4. Kauai: Anahola, Kekaha/Puu Opae
5. Molokai: Kalamaula, Hoolehua, Kapaakea, One Alii

❖ Area applicants also placed on Island-wide Waitlists in chronological order

4. **Island-wide Waitlists (November 1977)**

- Oahu, Maui, Hawaii Island, Kauai, Molokai



Evolution of Residential Waitlists

4. Lanai Waitlist (2002)

5. Undivided Interest Leases (started 2005) – Lessee; not applicant

Oahu: Kapolei (Kanehili, Ka`uluokaha` IIB & C)

Waimanalo (Kumuhau, Kakaina)

Maui: Waiohuli

Hawaii Island: La`i Opuia

Kauai: Anahola



Residential Waitlists in order of priority

1. Undivided Interest Leases (started 2005)

Oahu: Kapolei (Kanehili, Ka`uluokaha` IIB & C)
Waimanalo (Kumuhau, Kakaina)
Maui: Waiohuli
Hawaii Island: La`i Opua
Kauai: Anahola

2. Area Waitlists (1963-1972)

Oahu: Nanakuli, Waianae, Papakolea/Kewalo, Waimanalo
Maui: Paukukalo
Hawaii Island: Keaukaha/Waiakea, Kawaihae, Waimea
Kauai: Anahola, Kekaha/Puu Opae
Molokai: Kalamaula, Hoolehua, Kapaakea, One Alii

3. Island-wide Applicant Waitlists (1977)

Oahu, Maui, Hawaii Island, Kauai, Molokai

1. Lanai Waitlist (2002)



Offer Process

Offer invitation mailing:

- Mail Packet includes:
 - Letter, Frequently Asked Questions (FAQ's), Response Form, Proxy
 - Additional information based on home product type i.e. Turn-key brochures, vacant lot reservation form, etc.
 - Calls routed to the Contact Center first
- Number of invitations dependent upon:
 - Number of available lots
 - Undivided Interest Lessees
 - Area Lists
 - Islandwide applicant waitlist
- Mailed packets are *determined by application* dates, always starting with the earliest application date.
- Post mailing outreach:
 - Depending on the number mailed, Awards will contact list by phone and email.



Offer Process (continued)

- Offer remains open until all lots are offered.
- Back up list:
 - There are back up lists in case a UI or Applicant changes their mind and defers. If this happens, then the Awards team will go to the next person on the same offer list. Once all lots are determined to be selected, the offer is closed.



Lanai Offer Process

Administrative Rule: §10-3-11 Lanai Awards - (HHC approved July 27, 2004)

Phase I - Preference

- Applicants then *residing* on the Island of Lanai
- Applicants with a *Lanai mailing address*
- Applied on *any* residential waiting list as of *April 30, 2002*

Priority I – Lanai Kupuna (62 yrs+)

- (A) Applicants with documented genealogy to biological or legal (Hanai) ancestors
 - resided on the island of Lanai *prior to 1900*
 - ranked by age
-
- (B) Those Kupuna who are children of Lanai kupuna; ranked by age;
 - (C) Those Kupuna who fail to meet the above criteria will be ranked by age, 62 and older.

Priority 2 – Lanai resident families (under 62 yrs)

- Descendants of Lanai ancestors ranked by earliest source documents, then by age.

Priority 3

- Applicants who do not meet the criteria above ranked by date of application.

*Upon exhaustion of the preference list, future awards will be based on the standard process of date of application.



Department of Hawaiian Home Lands

Mahalo

ITEM G-1

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

August 18, 2019

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew Choy, Acting Planning Program Manager *AC*
From: Julie-Ann Cachola, Planner, Maui Planning Liaison *JAC*
Subject: For Information Only - Overview of DHHL's East Maui
Lands

Recommended Action

None; For information only.

Background

The original Hawaiian Homes Commission Act did not set aside any lands in East Maui for homesteading purposes. In spite of this exclusion from the Act, East Maui communities-- Hāna, Ke'anae and Wailuanui--have continued cultural traditions have maintained their special kuleana to their land and water. Ancestral lines remain rooted in place and genealogies, family networks, are woven tight, further strengthening today's 'ohana.

In this way, East Maui communities are excellent examples of "cultural kīpuka," where Hawaiians have been able to persist and survive as a distinct and unique people while under direct rule by the United States of America. Here it is argued that just as kipuka, or oases of forest in otherwise barren lava fields, are the source for continual regeneration of the rainforest, isolated rural Hawaiian communities have served as 'cultural kipuka' for the regeneration of Hawaiian culture in our modern world. These are safe traditional centers of spiritual power where Native Hawaiian beliefs and practices were able to develop long before Western and Christian influences (McGregor, 2007).

The DHHL East Maui lands, totaling 898 acres, are located in Hāna, Ke'anae and Wailuanui. They became part of the Hawaiian Home Lands Trust with the passage of Act 14, SpSLH 1995, which authorized the transfer of 16,518 acres of public

lands to DHHL and required the State to make 20 annual payments of \$30 million to the Hawaiian Home Lands Trust Fund for a total of \$600 million. Act 14 was a means to resolve claims filed by the Hawaiian Homes Commission against the State of Hawai'i for the uncompensated use or nominal rent that the State paid for the use of Hawaiian Home Lands, over many decades.

The maps on the following pages identify DHHL's East Maui lands. The breakdown of acreage among the three areas is as follows:

Table 1: Land Area

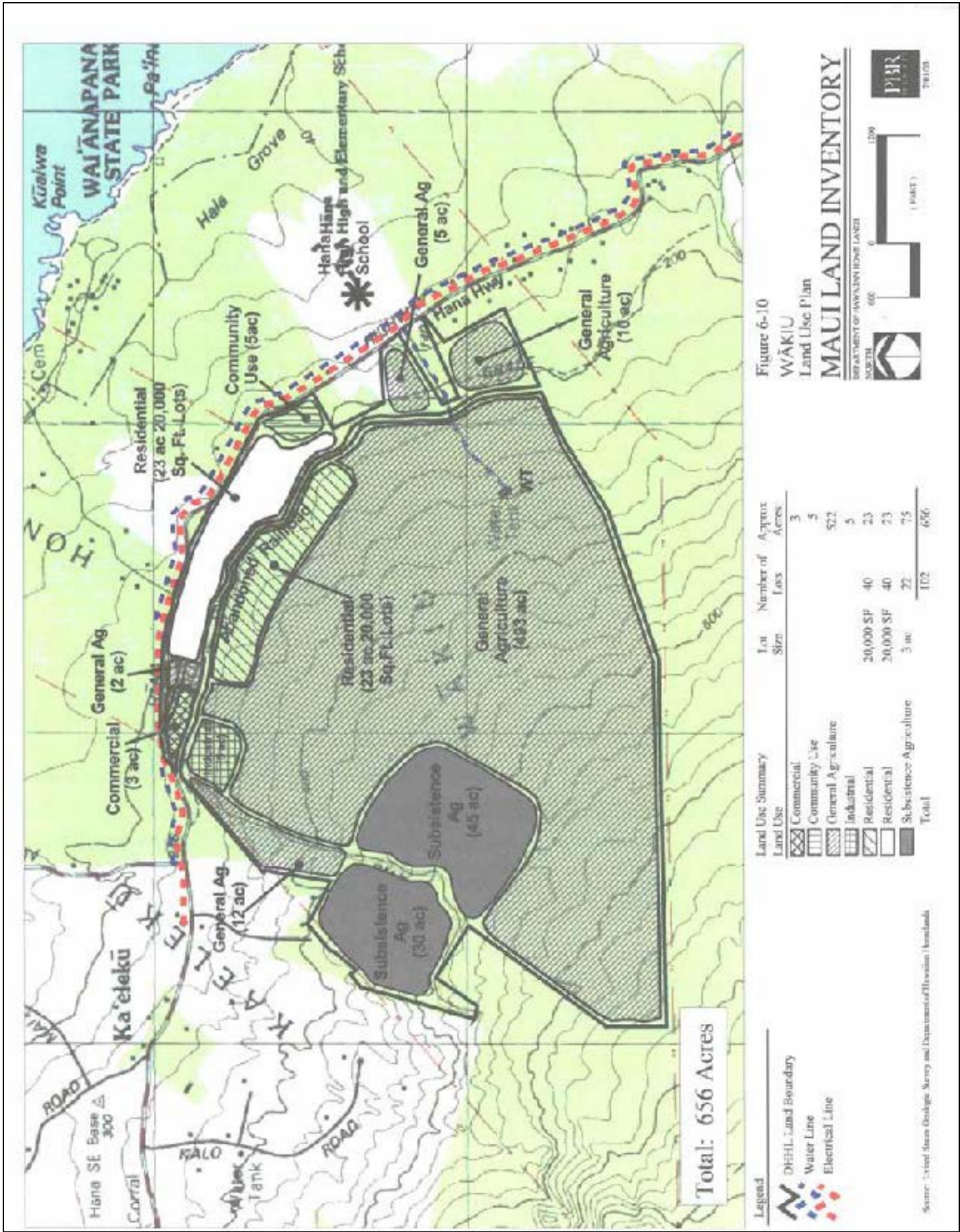
HOMESTEAD AREA	ACRES	PERCENT
Wākiu	656 acres	73%
Ke`anae	151 acres	17%
Wailuanui	91 acres	10%
TOTAL EAST MAUI LANDS	898 acres	100%

The designated land uses, in acres, are presented for each tract in Table 2:

Table 2: Land Use Designations (in acres)

Land Use Designation	Wākiu	Ke`anae	Wailuanui	TOTALS
Residential	46			46
Subsistence Ag	75	57	28	160
General Ag	522	92	53	667
Community Use	5	2		7
Conservation			10	10
Commercial	3			3
Industrial	5			5
TOTALS (acres)	656	151	91	898

The Land Use Designations consider development factors, including: topography/slope, rainfall, soil conditions, drainage, flood zones, historic and cultural resources, endangered species and critical habitat. The availability of and accessibility to infrastructure systems are also factored-in, which includes: water, roads, wastewater, solid waste disposal facilities.



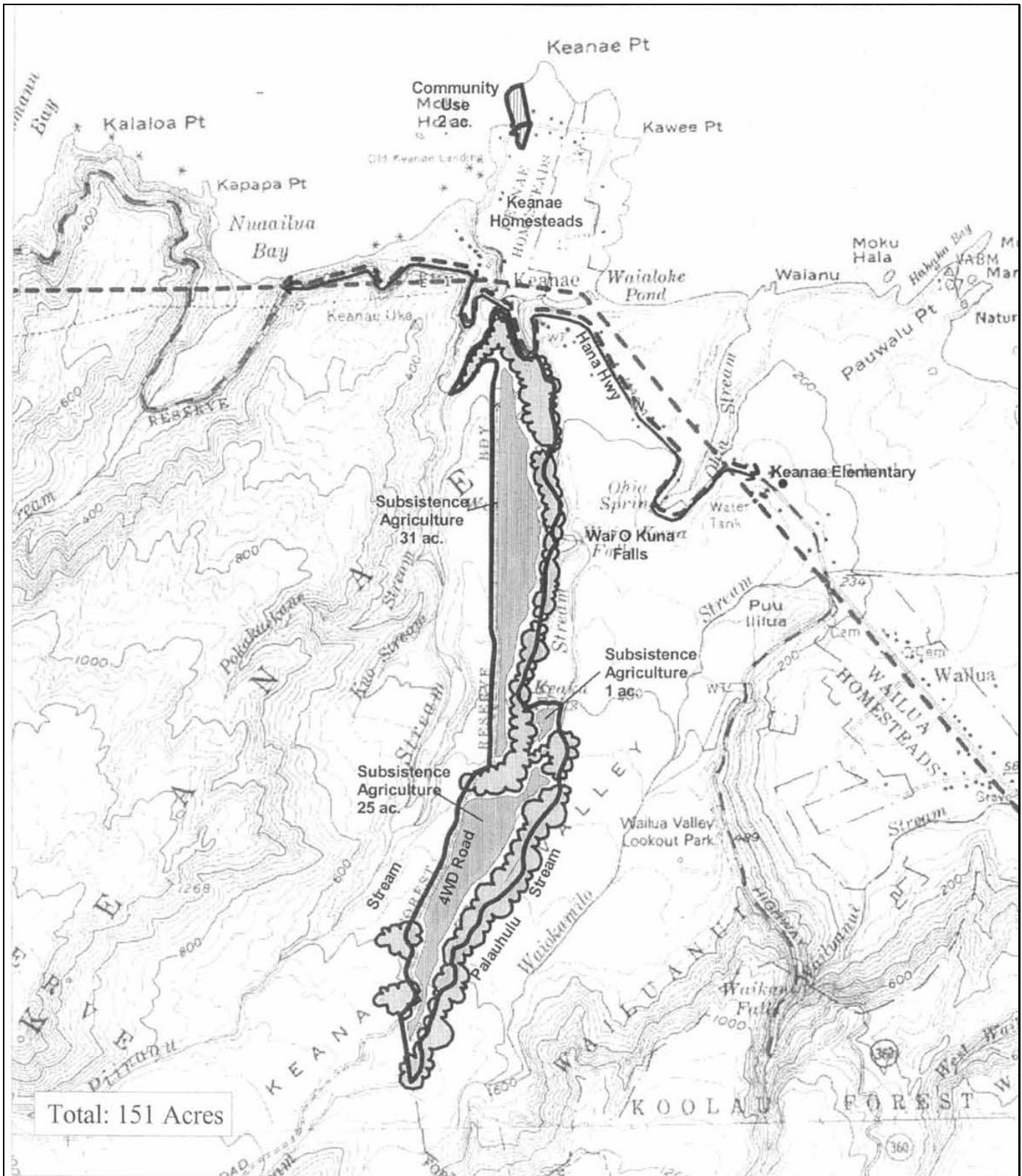
Total: 656 Acres

Figure 6-10
WĀKIU
 Land Use Plan
MAUI LAND INVENTORY
 DEPARTMENT OF LAND AND NATURAL RESOURCES

Land Use Summary	Lot Size	Number of Lots	Approx. Acres
Commercial		3	
Community Use		5	
General Agriculture		527	
Industrial		5	
Residential	20,000 SF	40	23
Residential	20,000 SF	40	23
Subsistence Agriculture	3 ac	22	75
Total		102	656

Legend
 DEHL Land Boundary
 Water Line
 Electrical Line

Source: United States Geological Survey and Department of Hawaiian Home Lands



Total: 151 Acres

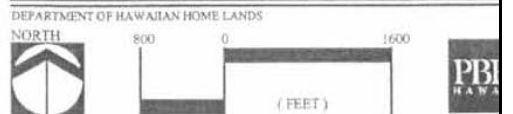
Legend

- DHHL Land Boundary
- Water Line
- Electrical Line

Land Use Categories

Land Use Category	Lot Size	Number of Lots	Approx Acres
Subsistence Agriculture	3 ac	32	57
Community Use			2
General Agriculture			92
Total		32	151

Figure 6-21
 KE ANAE
 Land Use Plan
 MAUI LAND INVENTORY



Source: United States Geologic Survey and Department of Hawaiian Home Lands

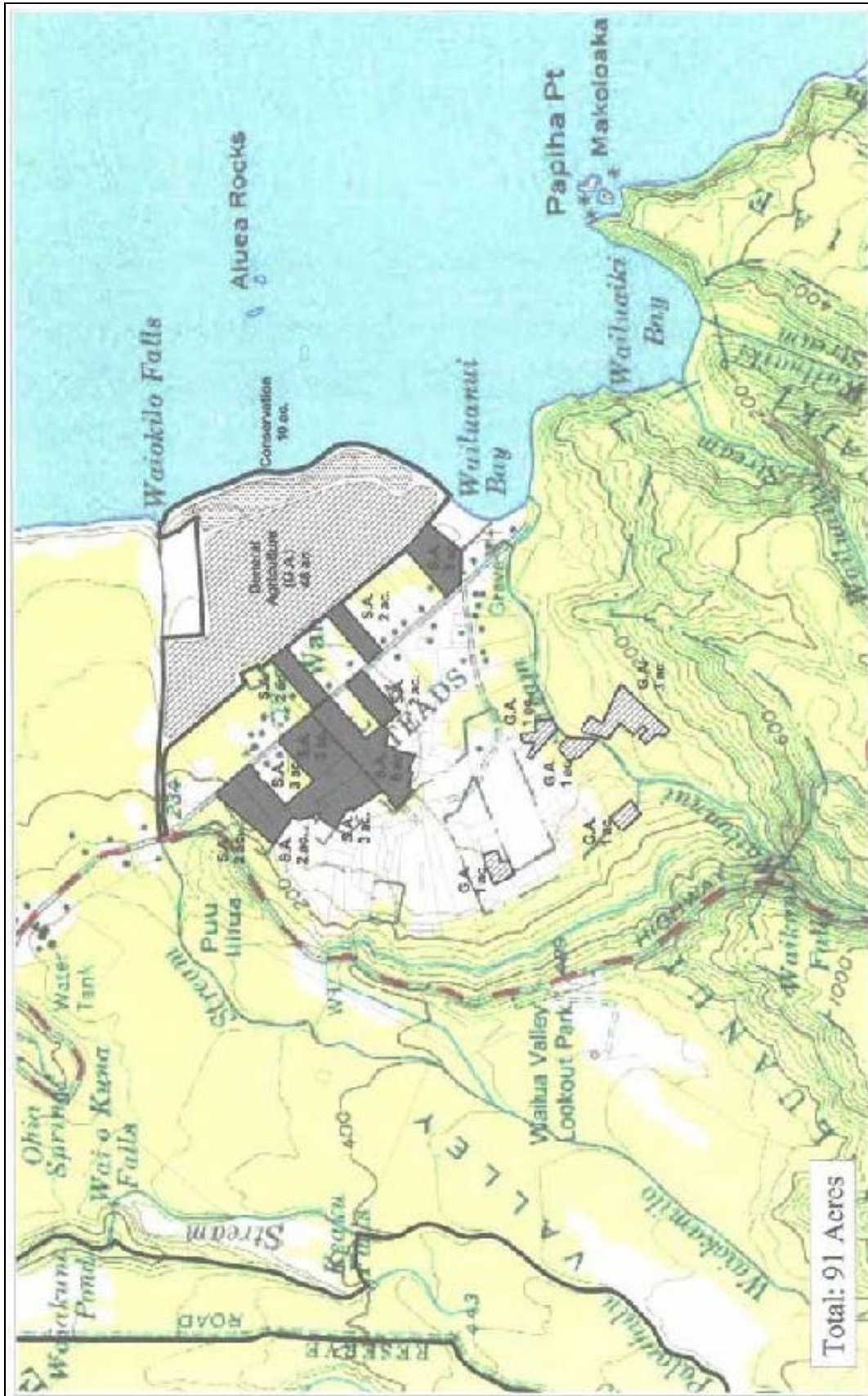


Figure 1
WAIIUA
 Land Use Plan
MAUI LAND INVENTORY
 DEPARTMENT OF HAWAIIAN FORELANDS



Land Use Summary	Lot Size	Number of Lots	Approx. Acres
Conservation			10 ac
General Agriculture			53 ac
Subsistence Agriculture	2-3 ac	11	28 ac
		11	91 ac

Legend
 DHHL Land Boundary

Source: United States Geologic Survey and Department of Hawaiian Forelands

In the siting of actual homestead lots, lot size is determined by the type of homestead award that will be issued. Residential lots range from 7,500 square feet to 20,000 square feet; Subsistence Agricultural lots range in size from 1 acre to 3 acres; and Agricultural lots are larger than 2 acres. For DHHL's East Maui lands, a total of 145 residential and subsistence agricultural lots were projected for development. The majority of the homestead lots -- 102 of 145 lots, or 70% of the lots were targeted for development in Wākiu. Table 3 presents the projected lot sizes and the total number of lots for the region..

Table 3: Homestead Lots

Homestead Lots	Wākiu	Ke 'anae	Wailuanui	TOTALS
Residential Lots				
Lot Size	20,000 sf		2-3 acres	
Acres	46 acres		28 acres	74 acres
Lots	80 Lots		11 Lots	91 lots
Subsistence Ag Lots				
Lot Size	3 acres	3 acres		
Acres	75 acres	57 acres		132 acres
Lots	22 lots	32 lots		54 lots
TOTAL HOMESTEAD LOTS	102	32	11	145 lots

Overview of DHHL's Wākiu Lands

While the development of DHHL lands in East Maui has not been a high priority for the Department, the parcels in Wailuanui and Wākiu have attributes that make them relatively easy to develop. The Wākiu tract is comprised of two parcels. The main parcel is shaped like a large pie-slice where the wide end of the 'slice' is located along an old railroad right-of-way. The second parcel is a 'band' of land bound on one side by the right-of-way and bound on the other side by the Hāna Highway. This swath of land is located along Hāna Highway with the 'band' width between the right of way and Hāna Highway ranging from 200 to 800 feet. The swath of land along Hāna Highway is accessible and flat, with utility lines that run along the Highway.

In addition to the frontage of land along Hāna Highway, the parcel contains dirt and gravel roads on both ends of the parcel. The gravel road across from the High School provides DWS access to monitor and maintain a well site and water tank. In addition, DWS recently completed a new well site that could service the first phase of development at Wākiu.

Proposed Uses of Wākiu Lands

The Maui Island Plan identified a mix of land uses for the 656 acres at Wākiu, which are identified in Table 4 below and in the attached map.

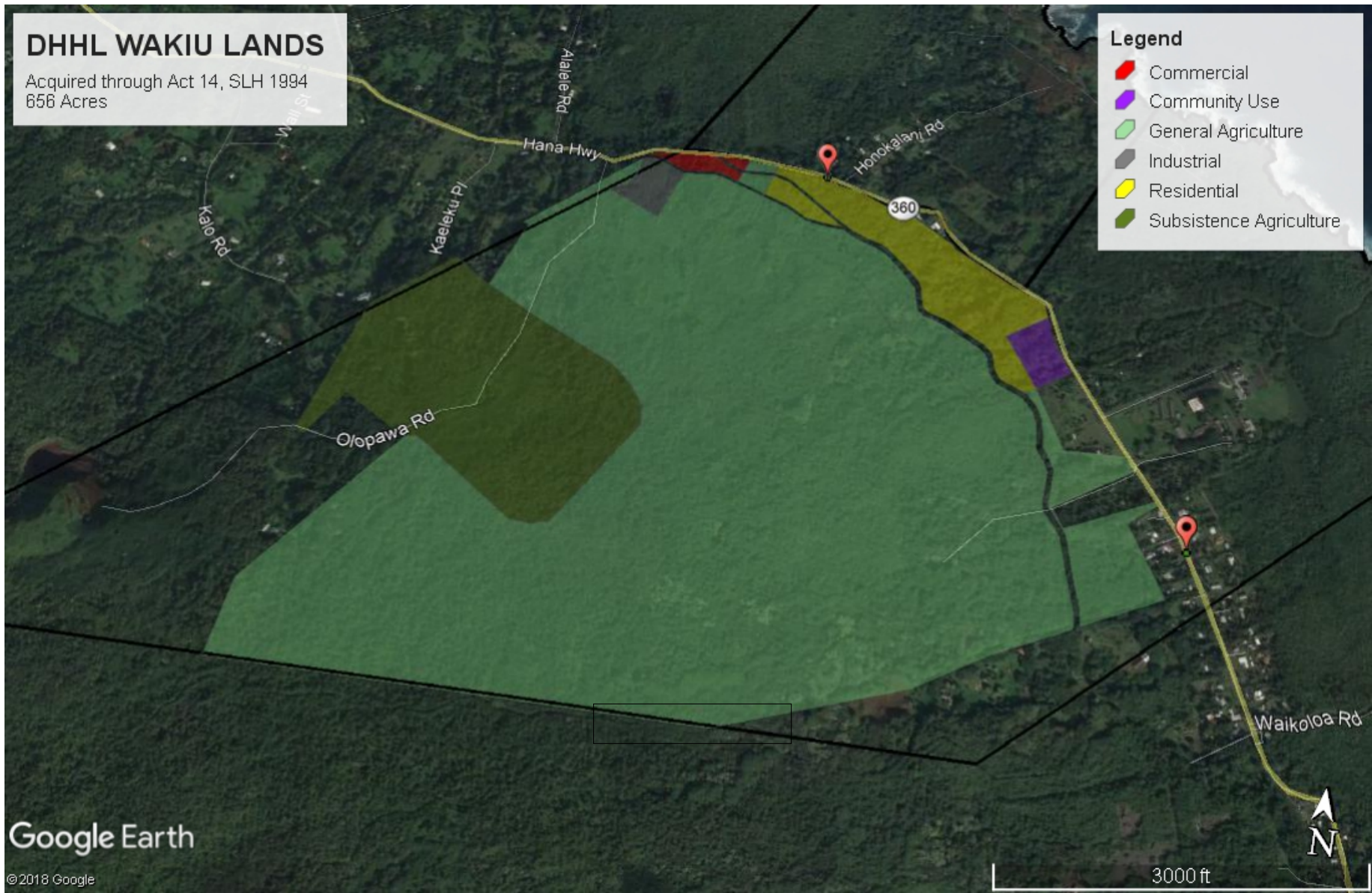
Table 4: Designated Land Uses at Wākiu

Land Use Designation	Acres	Homestead Lots
Residential	46	80
Subsistence Ag	75	22
General Ag	522	
Community Use	5	
Commercial	3	
Industrial	5	
TOTALS	656 ACRES	102 Lots

Based on the opportunities and constraints of the tract, there is potential for a mix of uses on the property, including residential, agricultural, and industrial/commercial. The major constraint to development of the parcel are the high sloped lands that are located in the upper elevations of the tract. According to the site analysis, of the 656 acres at Wākiu, approximately 200 acres that are generally located in the lower portion of the tract would be relatively easy to develop. For instance, there are opportunities for residential use along Hāna Highway where there is easy access from the highway, no slope constraints, and readily available infrastructure.

In addition to residential homestead development, 3-acres of commercial use and 5-acres of industrial use could be developed at Wākiu. Based on the County's Hāna Community Plan, existing commercial and industrial uses in Hāna are very limited and there is demand for additional commercial and industrial space. In addition, during Island Plan meetings, beneficiaries voiced support for commercial and industrial uses at Wākiu. Commercial and industrial development on the Wākiu lands would support recommendations of the Hāna Community Plan, as well as the input we received from our beneficiaries.

The 5-acres of community use are proposed along the highway in the area that was previously licensed to Kukulu Kumu Hāna. The balance of the tract (522 acres) is designated General Agriculture. This designation gives DHHL the flexibility to re-designate the lands for homestead uses if demand increases in the future.



Policy Issues in the Development of Homestead Lots in Rural Hawaiian Communities

When DHHL received the East Maui tracts of land, it seemed like an excellent fit—Hawaiian Home Lands in communities that have perpetuated cultural traditions and practices--and have maintained ancestral ties to place. The DHHL could expose more Hawaiians to this special place. We could also provide land for the existing expanding 'ohana. These were beautiful and abundant lands—who wouldn't want to live there? We believed it was a good fit.

However, when we met with the Hāna community to designate land uses for our newly acquired land, we were met with formidable opposition. We were seen as a threat that would destroy their place, their wahi pana...their traditional ties to their lands. They explained that since there were no Hawaiian Home Lands in Hāna, many of the East Maui Hawaiians never signed up for Hawaiian Home Lands because they wouldn't want to live away from East Maui. They knew that even if they all filed homestead applications, they would be at the bottom of a very long list, which meant that the homestead lots would be quickly taken up by people with little or no ties to their precious 'āina. Many of the residents asked that homestead lands in East Maui be awarded to those with genealogical ties to the region. While we understood the request, we also understood the sanctity of the Wait List.

Staff decided to go back to the drawing board. We went back to our offices, with a better understanding of how we impact our communities, and we focused our work in other areas. It took us 20 years to come back to Hāna and when we did, our approach was more along the lines of, "how can DHHL help your community?"

We have to be aware that we are responsible for up-rooting families from their ancestral lands and we then we plant them on new lands, in a new place where they don't have the competitive edge of knowing the resources, the mo'olelo, the winds, and seas. As we displace people from their environs are we promoting or detracting from 'rehabilitation?' Could 'rehabilitation' occur more naturally, more permanently, if there is a better alignment to place? How do we perpetuate knowledge of place that has been handed down to us over generations of our ancestors? How can we uplift and honor traditional knowledge, native intuition and ingenuity and make them common elements of 'rehabilitation?' What is the Department's role with respect to cultural kipuka? Is cultural kipuka fundamental to 'rehabilitation?'