STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA

Līhu'e State Building, 3060 Eiwa Street, Līhu'e, Kaua'i, Rooms A-C Monday, September 16, 2019 at 9:30 a.m. to be continued, if necessary, on Tuesday, September 17, 2019, at 9:00 a.m.

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov, by Thursday, September 12, 2019.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for November 2015, May 2019
- D. Public Testimony on Agendized Items

II. ITEMS FOR DECISION MAKING

A. REGULAR AGENDA

Office of the Chairman

C-1 Acceptance of the 2019 Annual Performance Report (APR) – Native Hawaiian Housing Block Grant (NHHBG)

Land Management Division

- F-1 Annual Renewals of Right of Entry Permits, Island of Kauai,
- F-2 Approval to Issue a Right of Entry to AEP Wind Holdings, LLC, Kahikinui, Maui, TMKS: (2) 1-9-001:003 (p), 007 (p), 008 (p), 011(p)
- F-3 Request to Schedule Contested Case Hearing Sovereign Council of Hawaiian Homestead Associations, Right-of-Entry Permit and Conditional Approval for a General Lease to Innergex Renewables USA LLC for Kalaeloa, Oahu, Tax Map Key No. (1)9-1-013:038 & 040.
- F-4 Request to Schedule Contested Case Hearing Eddie Maria dba EC Trucking LLC, Right-of-Entry Permit and Conditional Approval for a General Lease to Innergex Renewables USA LLC for Kalaeloa, Oahu, Tax Map Key No. (1)9-1-013:038 & 040.

Planning Office

- G-1 Approval of 2020 Legislative Proposal
- G-2 Accept Beneficiary Consultation Report for Two Land Use Requests, Anahola Farmers' Market and Ulupono Anahola, Anahola, Kauai Tax Map Key Nos. (4)-4-8-005:026 and (4)-4-8-003:019

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. Kekaha Residence Lots Unit 4 Soils Remediation
- 2. Contested Case Hearing Requests Procedures Under Sunshine Law
- 3. Roads and Highways Claim Pursuant to Act 14, Special Session Laws of Hawaii 1995.

IV. ITEMS FOR INFORMATION/DISCUSSION

A. GENERAL AGENDA

Requests to Address the Commission

- J-1 Dion Maeda Connect Point Church Seeking Long-term Disposition
- J-2 Kawai Warren Puu Opae Committee
- J-3 Sherri Cummings Anahola Coastline
- J-4 Mike DeMotta Buffer Zone for Lessees

B. WORKSHOPS

Land Development Division

- E-1 For Information Only Kauai Project Updates
- E-2 For Information Only Kauai Unencumbered Homestead Lot Inventory

Land Management Division

- F-5 Green Energy Team LLC, One Time Albizia Removal/Cleanup with No Replanting, Anahola Mauka, Anahola, Tax Map Key Nos.: (4)4-7-002:004 and (4)4-8-002:001 and (4)4-8-003:006, 007, & 022 and (4) 4-8-005:006 & 011
- F-6 For Information Only Presentation by Kauai Police Department (KPD) regarding Anahola and other DHHL lands on Kauai

Planning Office

G-3 For Information Only – Kauai Regional Update

Administrative Services Office

H-1 DHHL Supplemental Budget Requests for Fiscal Year 2021 (Sufficient Sums Budget) (relative to H-1)

STATE OF HAWAI'I

DEPARTMENT OF HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA

Līhu'e State Building, 3060 Eiwa Street, Līhu'e, Kaua'i, Rooms A-C Tuesday, September 17, 2019, at 9:00 a.m.

I. ORDER OF BUSINESS

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

II. ITEMS FOR DECISION MAKING

A. CONSENT AGENDA

Homestead Services Division

- D-2 Approval of Consent to Mortgage (see exhibit)
- D-3 Approval of Streamline Refinance of Loans (see exhibit)
- D-4 Approval to Schedule Loan Delinquency Contested Case Hearings (see exhibit)
- D-5 Approval of Homestead Application / Cancellations (see exhibit)
- D-6 Commission Designation of Successors to Application Rights Public Notice 2018 (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 of Leasehold Interest (see exhibit)
- D-9 Approval of Amendment of Leasehold Interst (see exhibit)
- D-10 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhbit)
- D-11 Final Approval of Subdivision, Transfer of a Portion of Lease and Amendment to Lease No. 6973, Lot No. 29, Makuu, Hawaii **JOHN I. KEKAHUNA**

B. REGULAR AGENDA

Land Management Division

- F-7 Issuance of License Agreement, Kalalea/Anehola Farmers Hui, Anahola Farm Lots Farmer's Market, Anahola, Island of Kaua'i, Tax Map Key No.: (4)4-8-005:026(por.)
- F-8 Issuance of a Right of Entry Permit, Ulupono Anahola Agricultural Garden Training Site and Youth Center, Kukulu Kumuhana O Anahola and Piilani Mai Ke Kai Subdivision, Anahola, Kauai, Tax Map Key No.: (4)4-8-003:019 (por.) & 21(por.)
- F-9 Issuance of a Right of Entry Permit, Green Energy Team LLC, One Time Albizia Removal/Cleanup with No Replanting, Anahola Mauka, Anahola, Tax Map Key Nos.: (4)4-7-002:004 and (4)4-8-002:001 and (4)4-8-003:006, 007, & 022 and (4) 4-8-005:006 & 011

Administrative Services Office

H-1 DHHL Supplemental Budget Requests for Fiscal Year 2021 (Sufficient Sums Budget)

H-2 Transfer of Hawaiian Home Receipts Fund Money at the End of the First Quarter, FY 2020

III. ITEMS FOR INFORMATION/DISCUSSION

Homestead Services Division

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

Planning Office

G-4 For Information Only – Kauai Water Issues Update

IV. ANNOUNCEMENTS AND ADJOURNMENT

- A. Next Meeting October 21 & 22, 2019, Keaukaha, Hawai'i, Hawai'i
- B. Adjournment

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

William J. Aila Jr., Charman Hawaiian Homes Commission

COMMISSION MEMBERS

Randy K. Awo, Maui Patricia L. Teruya, Oʻahu Pauline N. Namuʻo, Oʻahu Vacant, East Hawaiʻi

Zachary Z. Helm, Molokaʻi David B. Kaʻapu, West Hawaiʻi Dennis L. Neves, Kauaʻi Vacant, Oʻahu

Next community meeting is scheduled on Monday, September 16, 2019, 6:30 p.m. – 8:30 p.m., Chiefess Kamakahelei Middle School Cafeteria

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

ITEM D-2 EXHIBIT

APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
AGANUS, Juanita J.	4979	Waimea, Hawaii
AKANA, Matthew K.	1769	Nanakuli, Oahu
ALANA-KEKAHUNA, Bernadette A.	578	Nanakuli, Oahu
ALLEN, Karllene P. K. S.	12870	Ka'uluokaha'i, Oahu
BACLIG, Billie I.	6614	Waiakea, Hawaii
BAILEY, Milton K., Sr.	8730	Waianae, Oahu
CASTANEDA, Connie L.K.	11326	Kekaha, Kauai
CLARKE, Israel K. M.	12792	Hoolimalima, Oahu
DOWNEY, Jo-Lynn	11943	Kaupea, Oahu
DOWNEY, Richard	12864	Kauluokahai, Oahu
KAHOOPII, Alan P.	8305	Princess Kahanu Estates, Oahu
KAINA, Sharlynn	12872	Kauluokahai, Oahu
KALANI, Kevin K.	4415	Kewalo, Oahu
KALEHUAWEHE, Audon-Cy W.	10037	Waiehu 3, Maui
KALEHUAWEHE, Donald M. N., Jr.	12262	Waiehu 4, Maui
KAMA, Gary K., Jr.	11391	Kaupea, Oahu
KANEHAILUA, Charles	10266	Nanakuli, Oahu
KAUAI, Casey K. K.	7573	Waiohuli, Maui
KUPAHU, Dianna N.	8769	Waimanalo, Oahu
LEE, Darren T. W. M.	3161	Keaukaha, Hawaii
LEWIS, Stacy N.	7272	Nanakuli, Oahu
MATSU, Lindo K. T., III	9841	Kawaihae, Hawaii
MOLE, Richard	12871	Kauluokahai, Oahu
MOLE, Richard D.	12871	Ka'uluokaha'i, Oahu
ONEKEA, Edward K., III	11688	Kanehili, Oahu
PERREIRA, Deborah M.	5989	Waimanalo, Oahu
PUU, Keoki R.	11584	Kanehili, Oahu
RAMOS, Mary	4222	Panaewa, Hawaii
RICHARDS, Radford K.	3596	Waimanalo, Oahu
SANBORN, Anthony K.	12017	Kaupea, Oahu
SEXTON, Andrew M. V., III	8560	Princess Kahanu Estates, Oahu
VELASCO, Joetta Mae N.	670	Waimanalo, Oahu
VELASCO, Quinn I.	670	Waimanalo, Oahu
VIELA, Jaymieann	3489	Paukukalo, Maui
WATSON, David K.	11478	Leialii, Maui
WHITEHEAD, Mew Lin	7088	Kawaihae, Hawaii

ITEM D-3 EXHIBIT

APPROVAL OF STREAMLINE REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
QUEEN, Harriet K.	9083	Keaukaha Hawaii

ITEM D-4 EXHIBIT

APPROVAL TO SCHEDULE LOAN DELINQUENCY CONTESTED CASE HEARINGS

LESSEE	LEASE NO.	AREA
DEREGO, Shirley N.	6190	Puukapu, Hawaii
HANOHANO-WRIGHT, Brandon	5362	Waianae, Oahu
KAOLULO, Elizabeth H.	2158	Kewalo, Oahu
KAOLULO, Mervin	2158	Kewalo, Oahu
REVILLA, Anna Marie K.	10093	Waiehu Kou III, Maui
VILLARIN, Maile M.	3951	Waimanalo, Oahu

ITEM D-5 EXHIBIT

HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
AALONA, Larry K.	Molokai IW Res
AGANOS, Juliana	Maui IW Pas
AGANOS, Juliana	Maui IW Res
BADON, Valerie H.	Maui IW Agr
BADON, Valerie H.	Maui IW Res
BRIGHT, Oliver K., Sr.	Maui lW Agr
CHU HING, William A.S.	Hawaii IW Res
CONTRERAS, Lora Lee P.	Hawaii IW Res
COTTON, Len-Erna H.W.	Maui IW Agr
DELA PENA, Velma K.	Molokai IW Agr
FALEVAI, Wanza U.	Hawaii IW Res
FARM, Lokalia P.	Maui IW Pas
GABIN, Joseph	Maui IW Agr
GABIN, Walter, Jr.	Maui IW Res
GANON, Diana May L.	Molokai IW Agr
GOMES HOOHULI, Samson L.K.	Oahu IW Res
GUTING, Gwendolyn C.	Oahu IW Res
HAI, Richard K.	Maui IW Res
HAIA, Brian K.	Maui IW Agr
HAU, Sharon K.L.H.	Hawaii IW Agr to Molokai IW Agr
HAU, Sharon K.L.H.	Hawaii IW Res to Molokai IW Res
HENRIQUES, Rose L.	Hawaii IW Res
JOHNSON, Jamesette K.	Oahu IW Res to Kauai IW Res
JURY, Jerri-Deen M.	Oahu IW Res
JURY, Jerri-Deen M.	Maui IW Agr
KAHAKUA, Wesley K.	Hawaii IW Pas
KAHAKUA, Wesley K.	Hawaii IW Res
KAHIKINA, Bradford	Oahu IW Agr
KAHIKINA, Bradford	Oahu IW Res
KAILIMAI, Wesley K.	Hawaii IW Agr
KAILIMAI, Wesley K.	Hawaii IW Res

ITEM D-5 EXHIBIT (continued)

HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
KAIO, David K.K.	Hawaii IW Res
KALAMA, Kapono T.	Maui IW Res
KALUAHINE, Stanley, Jr.	Kauai IW Agr
KAMAI, Janice H.	Oahu IW Res
KANAHELE, Richard I.K.	Kauai IW Pas
KAUHANE, Noble R.	Maui IW Agr
KAUHANE, Noble R.	Maui IW Res
KAUVAKA, Charlene K.	Hawaii IW Res
KOA, William K.F.	Maui IW Res
LAUAKI, La Rue L.	Hawaii IW Res
MAO, Somerset K.M.	Oahu IW Res
MORRISON, Maydeen P.	Oahu IW Res
QUANAN, Willyann K.	Hawaii IW Pas
RIVERA, Janel L.	Maui IW Res
TABON, Sasha I.	Maui IW Res
TAKAHASHI, Patricia M.K.	Oahu IW Res
YASUTAKE, Tami K.M.	Hawaii IW Pas to Kauai IW Agr
YASUTAKE, Tami K.M.	Hawaii IW Res to Kauai IW Res

ITEM D-6 EXHIBIT

COMMISSION DESIGNATION OF SUCCESSORS - PUBLIC NOTICE 2018

APPLICANT	AREA
	ANEA

BELL, Russell V.I.

KAIO, David K.K.

Papakolea-Kewalo Area / Oahu IW Res
RECAIDO-HUIHUI, Natasha N.

Maui IW Agr
RECAIDO-HUIHUI, Natasha N.

Maui 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
CHUNG, Penny N.	4583	Waianae, Oahu
GALLINGER, Clara K.	6089	Kalamaula, Molokai
IOKEPA, Albert K.	8504	PKE, Oahu
KAUPU, John K.	9088	Keaukaha, Hawaii
KEALA, Raymond K., Jr.	2891	Panaewa, Hawaii
KUA, John K., Jr.	2782-A	Keaukaha, Hawaii
MORGAN, Theorne L.	5560	Lualualei, Oʻahu
PUOU, Johnson O.	11424	Kaupea, Oahu
TOLER, Leona Ann	1828	Keaukaha, Hawaii

ITEM D-8 EXHIBIT

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
ARRINGTON, Eric A.	8317	PKE, Oahu
CHAR, Jacqueline L.	2167	Kewalo, Oahu
GREGG, Juliana P.	669	Waimanalo, Oahu
HANOHANO, Naomi L.	9978	PKE, Oahu
KAWAI, Harry H. Y.	2683	Nienie, Hawaii
KEAULANA LUI-DYBALL, Tremaine	3913	Waimanalo, Oahu
KOLO, Kealiiaukai, Jr.	11318	Kekaha, Kauai
NAIPO, Rodgers L. L.	3691	Waimanalo, Oahu
POKINI, Tristan K.	8176	Waimanalo, Oahu
REYES, Joelin K.	5331	Waianae, Oʻahu
ROLDAN, Gayleen L.	5376A	Panaewa, Hawaii
GOUVEIA, Shyla A.	6230	Panaewa, Hawaii
GRACE, Michael L.	6515	Anahola, Kauai
LEMN, Ward J., Jr.	5782	Hoolehua, Molokai
WAIAMAU, James J. K.	6995	Makuu, Hawaii
GREGG, Juliana P.	6995	Makuu, Hawaii

ITEM D-9 EXHIBIT

APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
CHAR, Jacqueline L.	2167	Kewalo, Oahu
GALLINGER, Clara K.	6089	Kalamaula, Molokai
KEALA, Raymond K., Jr.	2891-A	Panaewa, Hawaii
KEAULANA LUI-DYBALL, Tremaine	3913	Waimanalo, Oahu
KNUTSON, Isabelle L.	4222	Panaewa, Hawaii
KUA, John K., Jr.	2782	Keaukaha, Hawaii
NAIPO, Rodgers L. L.	3691	Waimanalo, Oahu
TOLER, Leona Ann	1828	Keaukaha, Hawaii

ITEM D-10 EXHIBIT

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

LESSEE	LEASE NO.	AREA
IOKEPA, Johnette K.	8504	PKE, Oahu
MAKILAN, Pedro	12760	Hoolimalima, Oahu
YOKOYAMA, Janet	5064	Keaukaha, Hawaii

<u>ITEM F-1 EXHIBIT</u> RIGHT OF ENTRY PERMITS KAUAI ISLAND

ACRE	NO.	USE	PERMITTEE	LOCATION	Date Started
11	533	Agriculture	Don Mahi	Anahola	10/1/1990
0.344	550	Agriculture	Kuini Contrades	Anahola	5/1/2003
8	554	Agriculture	Linda Kaauwai-Iwamoto	Anahola	11/1/2000
1.07	558	Agriculture	Frank S. Rivera, Sr. and Amber Rivera	Anahola	5/1/2005
20	543	Agriculture	Palahiko Farms	Kekaha	7/28/2009
0.25	540	Caretaker	Michael J. DeMotta	Hanapepe	9/1/2002
0.188	549	Caretaker	William Leleo	Anahola	9/1/2005
0.092	553	Caretaker	Sunny L. Honda	Anahola	6/1/1992
3.6	560	Caretaker	Valerie Woods	Anahola	3/8/2002
0.009	536	Commercial	Patricia Contrades	Anahola	7/23/2013
0.023	564	Commercial	Woodrow K. Contrades	Anahola	4/1/1994
16.072	475	Industrial	Honsador Lumber, LLC/Mona Lisa Boyer	Kapaa	
0.46	538	Industrial	Kauai Habitat for Humanity	Hanapepe	7/1/1996
0.58	542	Industrial	Kauai Farm Fuels	Hanapepe	4/1/2007
0.059	574	Industrial	Paul T. Esaki	Kapaa	2/1/1986
0.23	537	Industrial	Roger Palama	Hanapepe	10/1/1995
0.344	541	Industrial	Wallace Rita and Clyde Odo	Hanapepe	7/1/2005
0.367	544	Industrial	Akita Enterprises, Ltd.	Hanapepe	7/1/1999
0.55	546	Industrial	Akita Enterprises, Ltd.	Kapaa	7/22/2013
0.918	566	Industrial	Jack L. and Margaret C. Phillips	Kapaa	3/1/2001
3.264	531	Pastoral	Solomon Lovell	Anahola	12/1/1981
14.903	532	Pastoral	Esther K. Medeiros	Anahola	2/1/1984
30	534	Pastoral	Richard Kaui	Anahola	4/1/1994
13	535	Pastoral	Gordon Rosa	Anahola	4/1/1994
2.866	545	Pastoral	Clay Kelekoma	Anahola	4/15/1982
50	547	Pastoral	Patrick Kelekoma and Clay Kelekoma	Anahola	7/5/2005
5	551	Pastoral	John Hanson	Anahola	5/1/2005
2.849	552	Pastoral	Lono K.M. Fu	Anahola- Kamalomaloo	9/1/2005
0.55	556	Pastoral	Richard and Kuulei Ornellas	Anahola/ Kamalomaloo	8/1/2003
173	557	Pastoral	Tarey Low	Anahola/ Kamalomaloo	4/1/2004
21.03	562	Pastoral	Joseph Borden	Anahola/ Kamalomaloo	7/23/2013





DEPARTMENT OF HAWAIIAN HOME LANDS

MEETING ANNOUNCEMENT



Hawaiian Homes Commission Meeting – Lihue, Kaua'i

Monday, Sept. 16 at 9:30 a.m. Tuesday, Sept. 17 at 9:00 a.m.

Lihue State Office Building 3060 'Eiwa Street Lihue, HI 96766

Hawaiian Home Lands Community Meeting – Lihue, Kaua'i

Monday, Sept. 16 at 6:30 p.m.

Chiefess Kamakahelei Middle School Cafeteria 4431 Nuhou Street Lihue, HI 96766



P.O. Box 1879 Honolulu, Hawai'i 96805

PRSRTD STD U.S. POSTAGE PAID HONOLULU, HI PERMIT NO. 574

To request accommodations for a sign language interpreter or accessible parking or for more information, please contact DHHL at 808-620-9590 or dhhl.icro@hawaii.gov

Must be requested 5 days prior to the meeting date.

HAWAIIAN HOMES COMMISSION SEPTEMBER 16 & 17, 2019 LIHU'E, KAUA'I, HAWAI'I

C – ITEMS OFFICE OF THE CHAIRMAN

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: Niniau K. Simmons, NAHASDA Manager

Subject: 2019 Annual Performance Report (APR) - Native Hawaiian

Housing Block Grant

RECOMMENDED MOTION/ACTION:

To accept the 2019 Annual Performance Report (APR) - Native Hawaiian Housing Block Grant (NNHBG) for transmittal to the U.S. Department of Housing & Urban Development (HUD).

DISCUSSION:

Title VIII of the Native American Housing and Self Determination Act requires the Department of Hawaiian Homes Lands, as the sole recipient of Native Hawaiian Housing Block Grant funds, to report annually on activities performed in the past year. The report, disseminated for thirty days of public comment on August 19, 2019, will be finalized and submitted to the U.S. Office of Housing and Urban Development by September 30, 2019. Public comment is still ongoing thru September 18, 2019 so any additional comments received will be included in the final submittal to HUD and provide to the commission.

One emailed comment was received thus far and is included, with the writer's permission, as Exhibit "A" of this submittal.

The shaded sections of the APR report on activities approved as the Annual Housing Plan in April 2018.

Fiscal Year 2018 - 2019 Expenditures by AHP Activity:

AHP 1.	2018 Capital Improvement Projects	\$ 1,282,047
AHP 2.	Developer Financing	\$ 0
AHP 3.	HALE Risk Mitigation	\$ 95,660
AHP 4.	HALE Loss Mitigation	\$ 16,176
AHP 5.	Homeowner Financing	\$ 4,657,059

AHP 6.	Home Assistance Program	\$ 25 , 600
AHP 7.	Emergency Financing	\$ 11,539
AHP 8.	Rental Operating Subsidy	\$ 0
AHP 9.	Rental Vouchers	\$ 40,656

Annual Expenditures 2013 - 2019:

Spenddown Sixth Year July 1, 2018 - June 30, 2019:

\$7,021,592 expended

Spenddown Fifth Year July 1, 2017 - June 30, 2018:

\$17.3 million expended

Spenddown Fourth Year July 1, 2016 - June 30, 2017:

\$19.3 million expended

Spenddown Third Year July 1, 2015 - June 30, 2016:

\$11.6 million expended

Spenddown Second Year July 1, 2014 - June 30, 2015:

\$14.1 million expended

Spenddown First Year July 1, 2013 - June 30, 2014:

\$5.6 million expended

TOTAL EXPENDITURES: \$74,921,592

Current NAHASDA Balance: \$14,638,221 (as of June 30, 2019)

Encumbered by Contract: \$ 7,038,828

Available NAHASDA Balance: \$ 7,599,393

Simmons, Niniau

From:

Simmons, Niniau

ent:

Wednesday, September 04, 2019 7:13 PM

To:

Jade Smith Paul. Trisha C

Cc: Subject:

RE: DRAFT 2019 Annual Performance Report for review and Comment

Hiki no!

Me ka mahalo nui,

Niniau K. Simmons
Native American Housing Assistance
& Self Determination Act
Office of the Chairman
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway

91-5420 Kapolel Parkway Kapolei, Hawai'i 96707

Kelepona: (808) 620-9513 | Kelepa'i: (808) 620-9529 | Punaewele: HawaiianHomeLands.org

Lekauila: Niniau.Simmons@hawaii.gov

NOTICE: This information and attachments are intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged and/or confidential. If the reader of this message is not the intended recipient, any dissemination, distribution or copying of this communication is strictly prohibited and may be punishable under state and federal law. If you have received this communication and/or attachments in error, please notify the sender via email immediately and destroy all electronic and aper copies of the original message.

From: Jade Smith <kaukaulani@gmail.com>
Sent: Wednesday, September 04, 2019 6:24 PM
To: Simmons, Niniau <niniau.simmons@hawaii.gov>
Cc: Paul, Trisha C <trisha.c.paul@hawaii.gov>

CC: Paul, Trisha C <trisha.c.paul@nawaii.gov>

Subject: Re: DRAFT 2019 Annual Performance Report for review and Comment

Yes, please use my comments word for word from my identity. I greatly appreciate it. A hui hou.

Alohalani Smith Kaupo Representative Aha Moku Island Council Act 212, Section 1 Phone: 808-870-2820

Let's take care of Kaupo together

On Sep 4, 2019, at 4:56 PM, Simmons, Niniau <niniau.simmons@hawaii.gov> wrote:

Mahalo for that history of Waiohuli! That kind of information does help me with context and understanding where the beneficiaries are coming from.

May I ask if you would like your email comments printed for the final APR? Or would you prefer my summarizing without identification?



Me ka mahalo nui,

Niniau K. Simmons
Native American Housing Assistance
& Self Determination Act
Office of the Chairman
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway
Kapolei, Hawai'i 96707

Kelepona: (808) 620-9513 | Kelepa'i: (808) 620-9529 | Punaewele: HawaiianHomeLands.org

Lekauila: Niniau.Simmons@hawaii.gov

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From: Jade Smith < kaukaulani@gmail.com > Sent: Wednesday, September 04, 2019 4:00 PM To: Simmons, Niniau < niniau.simmons@hawaii.gov >

Cc: Paul, Trisha C <trisha.c.paul@hawaii.gov>

Subject: Re: DRAFT 2019 Annual Performance Report for review and Comment

Aloha Niniau,

Thank you for this information.

I was one of these Beneficiaries that signed onto a collaborative Program by DHHL, Good Will and the Carpenters Union back in 2009 to create an elite team of Carpenters to help build homes in this Waiohulu, Kula sector, then to other DHHL Sectors.

The 45 lots were awarded to a small number of the awardees initially awarded back in 2005 (me included). Then this first increment got awarded for the specific lots in 2016; but the rest of us have to wait for the next increments now going on 14 years. This situation is manini to what the greater picture truly is and a great example. So being awarded is nothing compared to as it can go one for 50 year without an actual home to build and moving in.

Remember, I was awarded 14 years ago. My own Tutu was awarded 30 years and have since passed. Where is the logic in all this? I'm happy for the 15 Families but that is still a millipede of a fraction to the 30,000 plus. When I signed up with DHHL it was 2,000 people then. That was decades ago. See my point? What about housing for the seniors?

The Federal and State are illegally allowing types of investments into our Trust of the people and lands? Maybe not in the NAHASDA but within the chains of commands there are pilfering and embellishments going on. So it's at a different level from you folks.

A suggestion that I made in my Testimony to Chair Aila and the Island Commisioners last month is to help the State with its housing disaster and get the Kanaka's on the land immediately. This huge problem would be solved Statewide. Consider all the new applicants that are ready for a home. If Princes Kuhio was alive? He would cry for his people and his lands that were taken away and still see his people under more distress today.



Thank you for keeping dialogue with me and in no way did we dis-respect our stand and views. It's a good thing. So with that said., "Mahalo Nu'i Loa Niniau and Trisha." Thank you for doing your best in your service.

Alohalani Smith
Kaupo Representative
Aha Moku Island Council
Act 212, Section 1
Phone: 808-870-2820
Let's take care of Kaupo together

On Sep 4, 2019, at 2:24 PM, Simmons, Niniau <niniau.simmons@hawaii.gov> wrote:

Aloha Alohalani,

Mahalo for your comments!

I'd like to provide some answers to your comments regarding Kula, Maui. DHHL was able to develop 45 lots in Waiohuli with NAHASDA and awarded them almost two years ago. Right now, I have 15 NAHASDA families waiting on construction quotes and loans with the first 5 families actually opening escrow this week. Since March 2013, the Hawaiian Homes Commission has utilized NAHASDA to develop lots state wide: 45 Waiohuli, Maui; 118 Lai Opua, Kona; 45 Kakaina, Waimanalo; and 160 East Kapolei 2B (now known as Kauluokaha'i). Happily, all of those lots were awarded save for Lai Opua which is being constructed as a rental with option to purchase.

With regards to the \$25 million investment of NAHASDA for two years in a savings account, here follows the federal statute in Title VIII that provides such authority:

SEC. 812. TYPES OF INVESTMENTS. [25 USC 4231] (a) In General.--Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have-- (1) the discretion to use grant amounts for affordable housing activities through the use of- (A) equity investments; (B) interest-bearing loans or advances; (C) noninterest-bearing loans or advances; (D) interest subsidies; (E) the leveraging of private investments; or (F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and (2) the right to establish the terms of assistance provided with funds referred to in paragraph (1). (b) Investments.--The Director may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary

The savings interest rate was less than 1% and by law, any interest earned went directly back to NAHASDA housing activities. There was no trading of stocks or such with NAHSADA funds.

However I may be of service to the legacy and the vision of Prince Kuhio, I am happy to be doing so. Mahalo nunui for your comments. I hear the 'eha as you observe the lengthy process the Department takes when trying to get families on the land.

Ke aloha nui!

Me ka mahalo nui,

Niniau K. Simmons
Native American Housing Assistance
& Self Determination Act
Office of the Chairman
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway
Kapolei, Hawai'i 96707
Kelepona: (808) 620-9513 | Kelepa'i: (808) 620-9529 | Punaewele: HawaiianHomeLands.org
Lekauila: Niniau.Simmons@hawaii.gov

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From: Jade Smith < kaukaulani@gmail.com >
Sent: Wednesday, September 04, 2019 12:26 PM
To: Paul, Trisha C < trisha.c.paul@hawaii.gov >
Cc: Simmons, Niniau < niniau.simmons@hawaii.gov >

Subject: Re: DRAFT 2019 Annual Performance Report for review and Comment

Aloha Trisha,

Thank you for the Draft for 2019 Performance Report.

This is a very bitter statistic to see that the DHHL Mission hasn't served its purpose of these funds or previous fund being used in getting the majority of people on the lands for decades. There has been some strides but I too am waiting 14 years now. In the past 14 years what was done to put people on the undivided property that has infrastructure in Kula? Every year you folks are given funds but where has it gone for our 1/2 acre in Kula? Deals after deals and we continue to suffer. I had to pass my property to my Child because I will be advancing in my years and end up dead before something happens.

The Native Hawaiians, Beneficiary's of DHHL and Kanakas have been and are being educated since this Mauna Kea Event unveiled the "true State Corporate Mission" makes the Department look as if it's performing it's due diligence. To know our Trust from Prince Kuhio has a Dunn and Brad Street number to trade shares and stock? This is illegal to represent the people's Trust for financial gain while all those on your list are houseless and dying. There are more lands than the people on your list yet people are dying to your slow process and making the Department money in our people's dreams that turned to deaths. It's War Crimes and its actually murder to our people.

I cannot support your Department until I see people living on DHHL prime lands that aren't traded or sold while the people continue to suffer under distress as Prince Kuhio created this Trust for this very reason. We need a public audit of "all" transaction ever performed by DHHL since its creation and I believe, it will help to correct the wrong and start to make things better

I hope your Department and the powers of Investors take a real good look at this with truth and no hidden facts. If they don't care? They shouldn't be involved. Keep me in the loop when there is improvements to the people.

Thank you for having me share my knowledge as to what is already unfolding in Hawai'i Nei and in the World.

"Live on the Land, don't die on the List!"

Alohalani Smith
Kaupo Representative
Aha Moku Island Council
Act 212, Section 1
Phone: 808-870-2820
Let's take care of Kaupo together

On Sep 4, 2019, at 10:52 AM, Paul, Trisha C < trisha.c.paul@hawaii.gov wrote:

TO: NATIVE HAWAIIAN ORGANIZATIONS

FROM: NINIAU SIMMONS, NAHASDA MANAGER

Aloha,

The Native Hawaiian Housing Block Grant (NHHBG), as authorized by the Native American Housing Assistance and Self-Determination Act (NAHASDA), Title VIII, has been a significant source of funding that has allowed the Department of Hawaiian Home Lands (DHHL) to provide a variety of services to eligible low income households that are eligible to reside on Hawaiian home lands. Department of Hawaiian Homes Lands is required, as the sole recipient of Native Hawaiian Housing Block Grant funds, to report annually on activities performed during the past year. The report, is disseminated for thirty days of public comment.

Attached please find the DRAFT 2019 Annual Performance Report for your information and comment. This report, as required by HUD, documents how DHHL has utilized NHHBG funds from July 1, 2018 to June 30, 2019.

Comments should be submitted to DHHL via email niniau.simmons@hawaii.gov Attention: Niniau Simmons, NAHASDA Manager. Comments received by the end of the public comment period ending, **Wednesday**, **September 18**, **2019**, will be taken into consideration in finalizing the APR.

Aloha and Mahalo,

7rish

Trisha C. Paul, Program Specialist

<image003.jpg>
Department of Hawaiian Home Lands
Office of the Chairman / NAHASDA
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Phone: (808) 620 - 9285 Fax: (808) 620 - 9269

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<Draft 2019 Annual Performance Report.pdf>

Native Hawaiian Housing Block Grant (NHHBG)

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

NHHP/APR

Ù.S. Department of Housing and Urban Development

Office of Public and Indian Housing Office of Native American Programs

For DHHL's Use: July 1, 2018 thru June 30, 2019 Annual Performance Report				

ANNUAL PERFORMANCE REPORT

(NAHASDA §§ 803(b)(1), 803(c)(1) and 820(a)(2))

This form meets the requirements for a Native Hawaiian Housing Plan (NHHP) and Annual Performance Report (APR) required by the United States Department of Housing and Urban Development. The information requested does not lend itself to confidentiality.

Regulatory and statutory citations are provided throughout this form as applicable. The Department of Hawaiian Home Lands (DHHL) is encouraged to review these citations when completing the NHHP and APR sections of the form.

Under Title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 et seq.), HUD will provide grants under the Native Hawaiian Housing Block Grant (NHHBG) program to DHHL to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands. To be eligible for the grants, DHHL must submit a NHHP that meets the requirements of the Act. To align the NHHBG program with recent improvements made to the Indian Housing Block Grant program, HUD is requiring DHHL to submit the NHHP to HUD at least 75 days prior to the start of its 12-month fiscal year. The APR is due no later than 60 days after the end of DHHL's fiscal year (24 CFR § 1006.410).

The NHHP and the APR (previously two separate forms) are now combined into one form. The sections pertaining to the NHHP are submitted **before** the beginning of the 12-month fiscal year, leaving the APR (shaded) sections blank. If the NHHP has been updated or amended, use the most recent version when preparing the APR. After the 12-month fiscal year, enter the results from the 12-month fiscal year in the shaded sections of the form to complete the APR. More details on how to complete the NHHP and APR sections of the form can be found in the body of this form. In addition, DHHL may find it helpful to refer to the IHP/APR form guidance available at <a href="http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/codetalk/nahasda/guidance_until a guidance specific to the NHHP/APR form is made available.

FORM COMPLETION OPTIONS: The NHHP/APR form may be completed either in hard copy or electronically. Hard copy versions may be completed either by hand or typewriter. Alternatively, the form may be completed electronically as it is a Word document. It is recommended that the form be completed electronically because it is more efficient to complete, submit, and review the form. Furthermore, electronic versions of the form may be submitted to HUD as an email attachment. To document official signatures on the electronic version, you should sign a hard copy of the pages and either fax (808-457-4694) that signed page or email (claudine.c.allen@hud.gov) it as an attachment to the Office of Native American Programs – Attention: Claudine Allen in the HUD Honolulu Field Office. The sections of the NHHP that require an official signature are the Cover Page and Sections 13 and 14, if applicable. For the APR, the Cover Page requires an official signature.

The NHHP data is used to verify that planned activities are eligible, expenditures are reasonable, and DHHL certifies compliance with related requirements. The APR data is used to audit the program accurately and monitor DHHL's progress in completing approved activities, including reported expenditures, outputs, and outcomes. This form is exempt from OMB Approval pursuant to 5 CFR 1320.3(4)(c).

U.S. Department of Housing and Urban Development

Office of Public and Indian Housing Office of Native American Programs

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Note: The page numbers in the Table of Contents can update automatically as the NHHP or APR is completed. To update the page numbers, right-click anywhere in the table, select "Update Field" and select "update page numbers only."

Native Hawaiian Housing Block Grant (NHHBG) Exempt from OMB Approva

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

NHHP/APR

Office of Public and Indian Housing Office of Native American Programs

COVER PAGE

(1) Grant Number: 14HGBHI0001;	15HBGHI0001; 17HBGHI0001	; 18HBGHI0001
(2) Recipient Fiscal Year: 2019		
(3) Federal Fiscal Year: 2019		
(4) Initial Plan (Complete this	Cover Page then proceed to S	ection 1)
(5) Amended Plan (Complete	this Cover Page and Section 1	14)
(6) Annual Performance Repo	ort (Complete items 24-27 and	proceed to Section 3)
(7) Name of Recipient: D	epartment of Hawaiian Home L	ands
(8) Contact Person: Niniau Sir	nmons, NAHASDA Manager	
(9) Telephone Number with Are	a Code: 808-620-9513	
(10) Mailing Address: PO Box 18	79	
(11) City: Honolulu	(12) State: HI	(13) Zip Code: 96805
(14) Fax Number with Area Cod	e (if available): 808-620-9529	
(15) Email Address (if available): Niniau.Simmons@hawaii.go	ov .
· · · · · · · · · · · · · · · · · · ·		The state of the s

(16) Tax Identification Number: 99-0266483		
(17) DUNS Number: 809935661		
(18) CCR/SAM Expiration Date: 03/17/19		
(19) NHHBG Annual Grant Amount: \$2,000,000		
(20) Name of Authorized NHHP Submitter: Jobie M. K. Masagatani		
(21) Title of Authorized NHHP Submitter: Chairman, Hawaiian Homes Commission		
(22) Signature of Authorized NHHP Submitter:		
(23) NHHP Submission Date: April 27, 2018		
(24) Name of Authorized APR Submitter. William J. Aila, Jr.		
(25) Title of Authorized APR Submitter: Chairman, Hawaiian Homes Commission		
(26) Signature of Authorized APR Submitter:		
(27) APR Submission Date:		

Certification: The information contained in this document is accurate and reflects the activities actually planned or accomplished during the program year. Activities planned and accomplished are eligible under applicable statutes and regulations.

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under 18 U.S.C 1001. In addition, any person who knowingly and materially violates any required disclosure of information, including intentional disclosure, is subject to a civil money penalty not to exceed \$10,000 for each violation.

SECTION 1: FIVE YEAR PLAN

The Five Year Plan is intended to cover the Department of Hawaiian Home Lands' (DHHL) long range plans for affordable housing. Each housing plan must contain, for the five-year period beginning with the fiscal year for which the plan is first submitted, the following information.

Five Year Period: 2018

through

2023

MISSION STATEMENT (NAHASDA § 803(b)(2)(A))

A Mission Statement describes the mission of the DHHL to serve the needs of Native Hawaiian low-income families.

Enter the DHHL's Mission Statement here:

To manage the Hawaiian Home Lands Trust effectively and to develop and deliver land to native Hawaiians.

GOALS, OBJECTIVES AND PROGRAMS/ACTIVITIES (NAHASDA § 803(b)(2)(B) and (C))

DHHL must provide a statement of the goals, objectives, and programs/activities planned for the beneficiaries over the five year period. The goals are the intended result of the NHHBG activity and are based on the types of outcomes that the DHHL will report in the APR. The objectives are the means or approach that the DHHL will use to reach the goal. The programs/activities are the specific programs/activities that will be funded in order to achieve the goal and the objective.

Goals May Include:

- (1) Reduce over-crowding
- (2) Assist renters to become homeowners
- (3) Improve quality of substandard units
- (4) Address homelessness
- (5) Create new affordable rental units

Objectives May Include:

- (1) [RESERVED DO NOT USE THIS NUMBER]
- (2) [RESERVED DO NOT USE THIS NUMBER]
- (3) Acquisition of rental housing
- (4) Construction of rental housing
- (5) Rehabilitation of rental housing
- (6) Acquisition of land for rental housing development
- (7) Development of emergency shelters
- (8) Conversion of other structures to affordable housing
- (9) Other rental housing development
- (10) Acquisition of land for homebuyer unit development
- (11) New construction of homebuyer units
- (12) Acquisition of homebuver units
- (13) Downpayment/Closing cost assistance

- (6) Assist affordable housing for college students
- (7) Provide accessibility for disabled/elderly persons
- (8) Improve energy efficiency
- (9) Reduction in crime reports
- (10) Other
- (14) Lending subsidies for homebuvers
- (15) Other homebuyer assistance activities
- (16) Rehabilitation assistance to existing homeowners
- (17) Tenant based rental assistance
- (18) Other Housing Service
- (19) Housing Management Services
- (20) Operation and maintenance of NHHBG units
- (21) Crime Prevention and Safety
- (22) Model Activities
- (23) [RESERVED DO NOT USE THIS NUMBER]
- (24) Infrastructure to support housing
- (25) [RESERVED DO NOT USE THIS NUMBER]

Use the sections below to describe the DHHL's goals, objectives, and programs/activities during the five year period.

Goal(s) Number: I

(2) Assist renters to become homeowners

Select from the goals listed above.

Objective(s) Number: Ia.

(24) Infrastructure to support housing

Select from the objectives listed above.

Program/Activity
Description:
Infrastructure
Development
(Statewide)

To build infrastructure for lots statewide, water infrastructure improvements for Hoolehua, Molokai and Anahola, Kauai.

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: II

(2) Assist renters to become homeowners

Select from the goals listed above.

Objective(s) Number: IIa.

(18) Other Housing Service

Select from the objectives listed above.

Program/Activity Description: Risk Mitigation (Statewide)

At minimum, every family that receives a NAHASDA-funded loan will receive financial literacy education; case management assistance; and servicing by HALE vendor post-home ownership or home repair as needed.

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s)

Number: III

(2) Assist renters to become homeowners

Select from the goals listed above.

Objective(s) Number: IIIa. (11) New construction of homebuyer units; (14) Lending subsidies for homebuyers;

(13) Downpayment/Closing cost assistance

Select from the objectives listed above.

Program/Activity Description:

Homeowner Financing (Statewide)

To provide NHHBG-funded home loans (including down payment assistance, individual development accounts) to lessee families participating in new construction. This activity also provides for down payment/closing cost assistance where NHHBG funds are not the primary loan source.

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: IV.

(2) Assist renters to become homeowners

Select from the goals listed above.

Objective(s) Number: IVa.

(8) Conversion of other structures to affordable housing

Select from the objectives listed above.

Program/Activity
Description:
Housing Conversion

This activity supports the exploration of converting existing land and structures to affordable housing whose general lease or license may soon expire and revert back to the department.

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: V.

(5) Create new affordable rental units

Select from the goals listed above.

Objective(s) Number: Va.

(4) Construction of rental housing

Select from the objectives listed above.

Program/Activity Description:

Lai Opua Rent with Option to Purchase, Developer Financing This activity will provide NAHASDA funding as part of a capital stack to conduct vertical construction of 118 units in Village 4 of Lai Opua.

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s)

Number: VI.

(5) Create new affordable rental units

Select from the goals listed above.

Objective(s) Number: VIa.

(4) Construction of rental housing

Select from the objectives listed above.

Program/Activity Description:

Kupuna Housing Development This activity will support the development of elderly housing for the aging native Hawaiian population. Sites may include the departments land at Isenberg and East Kapolei II.

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s)

Number: VII.

(7) Provide accessibility for disabled/elderly persons

Select from the goals listed above.

Objective(s) Number: VIIa.

(16) Rehabilitation assistance to existing homeowners

Select from the objectives listed above.

Program/Activity Description:

Home Assistance Program (Statewide) This activity provides three types of assistance: (1) a deferred, no payment loan up to \$100,000; (2) a small repayment loan (up to \$50,000) for costs exceeding the original \$100,000 amount; and (3) a demolition/new build loan for properties who cost to repair exceed the appraised or tax assessed value.

Over 60 families identified for this program are located in: Kalamaula/Hoolehua, Molokai; Keaukaha-Panaewa, Hawaii; Nanakuli/Waianae/Waimanalo/Papakolea, Oahu.

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s)

Number: VIII.

(3) Improve quality of substandard units

Select from the goals listed above.

Objective(s) Number: VIIIa.

(24) Infrastructure to support housing

Select from the objectives listed above.

Program/Activity Description:

Potable Water

Development (Statewide)

This activity will support the development and delivery of potable water to new and existing homesteads.

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s)

Number: IX.

(1) Reduce over-crowding; (5) Create new affordable rental units; (2) Assist renters to become homeowners

Select from the goals listed above.

Objective(s) Number: IXa. (10) Acquisition of land for homebuyer unit development; (6) Acquisition of land for rental housing development;

Select from the objectives listed above.

Program/Activity Description:

Land Acquisition (Oahu – Priority)

This activity will support land purchase(s) for home development.

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: X.

(1) Reduce over-crowding

Select from the goals listed above.

Objective(s) Number: Xa.

(18) Other Housing Service

Select from the objectives listed above.

Program/Activity Description:

Alternative Housing Design

This activity will support the design of alternative housing models, to include multi-family; multi-lease; and culturally-relevant housing models.

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: XI.

(8) Improve energy efficiency

Select from the goals listed above.

Objective(s) Number: XIa.

(16) Rehabilitation assistance to existing homeowners

Select from the objectives listed above.

Program/Activity Description: Energy Retrofits

This program reduces the high cost of energy in the State by installing solar panels or photovoltaic panels on lessee homes thru the use of subrecipient/vendor and/or new construction loans.

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s)

Number: XII.

(10) Other

Select from the goals listed above.

Objective(s) Number: XIIa.

(18) Other Housing Service

Select from the objectives listed above.

Program/Activity Description:

Loss Mitigation

HALE vendors, and/or HUD certified housing agencies, address loss mitigation efforts for those lessees with guaranteed/insured loans or DHHL direct loans.

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s)
Number: XIII.

(3) Improve quality of substandard units

Select from the goals listed above.

Objective(s)
Number: XIIIa. (19) Housing Management Services

Select from the objectives listed above.

Program/Activity Description: Waimanalo Kupuna Housing Operating Subsidy

This activity establishes an Operating Subsidy for the Waimanalo Kupuna Housing from 2017 – 2046. Built in 2002 utilizing Low Income Housing Tax Credits, the operating subsidy will assist in stabilizing rental increases over the remainder of the project's LIHTC existence. The use of NHHBG funds in the project will result in tenant's maximum contribution not exceeding 30% of their gross monthly income.

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

ONE YEAR PLAN & ANNUAL PERFORMANCE REPORT

SECTION 2: HOUSING NEEDS (NAHASDA § 803(c)(2)(B))

(1) Type of Need: Check the appropriate box(es) below to describe the estimated types of housing needs and the need for other assistance for low-income Native Hawaiian families (columns B and C) and non-low-income Native Hawaiian families, including non-Native Hawaiian essential families [809(a)(2)(B) and (C)] (column D) eligible to be served by DHHL.

	Check All That Apply			
(A)	(B)	(C)	(D)	
Type of Need	Low-Income Native Hawaiian Families on Hawaiian Home Lands	Low-Income Native Hawaiian Families on Wait List	Non-Low- Income Native Hawaiian Families	
(1) Overcrowded Households		\boxtimes		
(2) Renters Who Wish to Become Owners		×		
(3) Substandard Units Needing Rehabilitation		×	\boxtimes	
(4) Homeless Households				
(5) Households Needing Affordable Rental Units		\boxtimes		
(6) College Student Housing	×		\boxtimes	
(7) Disabled Households Needing Accessibility		\boxtimes		
(8) Units Needing Energy Efficiency Upgrades	⊠	×	\boxtimes	
(9) Infrastructure to Support Housing	⊠			
(10) Other (specify below)				

(2) Other Needs. (Describe the "Other" needs below. Note: this text is optional for all needs except "Other."):

The Hawaiian Homes Commission Act of 1920, as amended, established the Hawaiian Home Lands Trust and defined the population eligible to reside on Hawaiian home lands as those native Hawaiians with at least 50% Hawaiian blood and their successors or assignees of less than 50% Hawaiian blood. With approximately 8,876 leases on homesteads stretching from Hawaii Island unto Kauai, the Department of Hawaiian Home Lands was created to assist the commission meet its fiduciary obligations.

In 2014, DHHL contracted with SMS Research & Marketing Services, Inc. (SMS) to update the Beneficiary Needs Survey conducted in 1995, 2002 and 2008. The results estimate *half* of all existing lessees; *almost half* of all waitlist applicants; and *over half* of all potential applicants are at or below 80% of the area median income as determined by the US Department of Housing & Urban Development. Thus, over 34,000 native Hawaiian individuals/households are eligible for services under Title VIII of the Native American Housing and Self Determination Act.

Of that amount, approximately 12,000 are applicants and 17,000 are potential applicants. If we extrapolate and say that the average DHHL turnkey home is \$350,000, then the sufficient funding amount for NAHASDA new construction would look like this:

 $30,000 \times $350,000 = 10.5 billion sufficient funding for NAHASDA new homes

Of the balance of individuals/households residing on the home lands, approximately 4,500 need home repair or rehabilitation. If the average cost for home repair is \$100,000, then the sufficient funding amount for NAHASDA home rehabilitation would look like this:

4,500 x \$100,000 = \$450,000,000 sufficient funding for NAHASDA rehab

Native Hawaiian Rehabilitation

The kupuna of our past left the native Hawaiian people a wealth of information held in the Hawaiian newspapers and the archives of the many entities that Prince Jonah Kuhio Kalanianaole was credited with founding. One of those entities, the Ahahui Puuhonua, served as the catalyst toward the chronicling of the despair and destitution of the makaainana (commoner) in 1911. By 1918, one of the Prince's closest confidants and the kahu (pastor) of Kawaiahao Church, put the results of many years of study in publishing, "The Sinews for Racial Development." This book, which the Prince carried with him every day, was dedicated, "... for leaders, for those whose hearts are touched by the pressing needs of the race and are willing to offer the very best of their lives and service freely for its uplift."

The book provides a guide to the rehabilitation of the native Hawaiian people from the perspective of those who developed and championed the Hawaiian Homes Commission Act. It covers the following areas and seeks to offer counsel to any whose direction may not be clear:

- 1. Race Consciousness: to mean pride for, and faith in the race. That "Hawaiians must play the primary part in the solution" and that self-respect for oneself and others was a "true foundation for a successive progression in life."
- 2. Broadmindedness: to maintain a broad outlook on life and "a sympathetic attitude toward humanity as a whole." It encourages natives to "Give out to those about us, and to the community in which we live, the very best that we possess" and to "cultivate the ability to observe, to absorb, and to assimilate the good in other races."
- 3. Education: both 1 and 2 above need the "discerning power and the balanced judgment of proper education." He describes a "Thoroughly trained mind, and a broadly cultivated hear are luminous in the soul of a nation."
- 4. The Home Life: the home life is the foundation of the development of 1, 2 and 3. It is the "starting point of all social organization, the foundation of civilization."

¹ Akana, Akaiko. (1992) Light Upon the Midst. Mahina Productions: Kailua-Kona, Hawaii.

- 5. Systematic Living: the execution of the afore-mentioned activities cannot be achieved at once or in burst of energy but rather cultivated over time in a systematic fashion. Regular, good habits such as mindful eating and exercise can help to develop the fortitude to continue no matter the circumstance.
- 6. Godliness: the thought of ke Akua; the worship and observance of His laws provides a stabilizing relationship that leads to one's fulfillment of one's purpose in life. Today, with the many religious beliefs, spirituality is important to the self-fulfillment each experiences in his/her own life.

The work of the Ahahui Puuhonua and its members provided Prince Kuhio the much-needed support, both at home in Hawaii and abroad in Washington, D.C. to finally pass the Hawaiian Homes Commission Act of 1920. It was an arduous task that encouraged and/or developed the following community strengthening organizations:

Royal Order of Kamehameha Mamakakaua Hale O Na Alii Counties of Hawaii, Maui, Oahu and Kauai Honolulu Civic Club Territorial Legislature Hawaii Republican Party

Through the Prince's leadership and participation in each of these community endeavors, the legacy of the Prince lives on for us today. This housing plan, a descendant of Kuhio's legacy thru the HHCA, is but a small piece of a much broader articulation of need in the State of Hawaii today. By focusing on housing, this most basic of needs acknowledged in the Western world by Maslow, the department attempts to participate in the rehabilitation of the Hawaiian people. Should every Hawaiian have a safe, affordable, decent home, with fresh water for bathing and eating and cooking and food grown or gathered nearby, we could claim success. But with over \$10 billion in need and as the average 57-year-old applicant dies on the waiting list, it does not seem likely we will be able to make such a claim without immediate and swift monetary assistance in the next few years.

(3) Planned Program Benefits. (Describe below how your planned programs and activities will address the needs of low income families identified above. Also describe how your planned programs will address the various types of housing assistance needs. NAHASDA § 803(c)(2)(B)):

Over the past four housing plans, DHHL has developed nearly 400 lots for vertical development. Focus has been on homeowner financing and leveraged loans with USDA Rural Housing to provide new awardees with the opportunity for safe, affordable and decent housing. However, with the drastic drop in Title VIII funding the past two years (zero in 2016 and \$2 million in 2017) and currently being zeroed out in the present HUD budget, the department realizes it will no longer be able to aggressively address the need identified in the preceding paragraph but rather focus on smaller, less costly activities like housing assistance vouchers.

(4) Geographic Distribution. (Describe below how the assistance will be distributed throughout the geographic area and how this geographic distribution is consistent with the needs of low income families, including the needs for various categories of housing assistance. NAHASDA § 803(c)(2)(B)(i)):

In early 2013, the Department confirmed the Hawaiian Homes Commission's commitment in the \$75 million NAHASDA spend down to addressing new housing opportunities for home ownership. Since the need for housing was statewide, a priority had to be developed that beneficiaries and lessees could readily understand and accept. It was determined that prioritizing based on the homestead mookuauhau would serve as the best methodology in prioritizing NAHASDA funding and the initial first three homesteads of Kalamaula, Hoolehua and Keaukaha were chosen. The programmatic funding of Home Assistance Program (home rehabilitation); HALE (financial literacy/foreclosure prevention); and Homeowner Financing (60/40 split; Deferred Sales Price; Self Help; IDA; DPA) were utilized in these areas and then expanded to other homestead areas in the last two years. Homeowner Financing are direct loans (or DPA) from the department and the availability is limited to new homestead awards coming online.

SECTION 3: PROGRAM DESCRIPTIONS

(NAHASDA § [803(c)(2)(A)], [802(c)], [820(b)], 24 CFR §1006.410(b)(2) and (3)])

Planning and Reporting on Program Year Activities

For the NHHP, the purpose of this section is to describe each program that will be operating during the 12-month fiscal year. Each program must include the eligible activity, its planned outputs, intended outcome, who will be assisted, and types and levels of assistance. Each of the eligible activities has a specific, measurable output. The first column in the table below lists all eligible activities, the second column identifies the output measure for each eligible activity, and the third column identifies when to consider an output as completed for each eligible activity. Copy and paste text boxes 1.1 through 1.10 as often as needed so that all of your planned programs are included.

For the APR, the purpose of this section is to describe your accomplishments, actual outputs, actual outcomes, and any reasons for delays.

Eligible Activities May Include (citations below reference sections in NAHASDA)

Eligible Activity	Output Measure	Output Completion
(1) RESERVED – DO NOT USE THIS NUMBER		
(2) RESERVED – DO NOT USE THIS NUMBER		
(3) Acquisition of Rental Housing [810(b)(1)]	Units	When recipient takes title to the unit
(4) Construction of Rental Housing [810(b)(1)]	Units	All work completed and unit passed final inspection
(5) Rehabilitation of Rental Housing [810(b)(1)]	Units	All work completed and unit passed final inspection
(6) Acquisition of Land for Rental Housing Development [810(b)(1)]	Acres	When recipient takes title to the land
(7) Development of Emergency Shelters [810(b)(1)]	Households	Number of households served at any one time, based on capacity of the shelter
(8) Conversion of Other Structures to Affordable Housing [810(b)(1)]	Units	All work completed and unit passed final inspection
(9) Other Rental Housing Development [810(b)(1)]	Units	All work completed and unit passed final inspection
(10) Acquisition of Land for Homebuyer Unit Development [810(b)(1)]	Acres	When recipient takes title to the land
(11) New Construction of Homebuyer Units [810(b)(1)]	Units	All work completed and unit passed final inspection
(12) Acquisition of Homebuyer Units [810(b)(1)]	Units	When recipient takes title to the unit
(13) Down Payment/Closing Cost Assistance [810(b)(1)]	Units	When binding commitment signed
(14) Lending Subsidies for Homebuyers (Loan) [810(b)(1)]	Units	When binding commitment signed
(15) Other Homebuyer Assistance Activities [810(b)(1)]	Units	When binding commitment signed
(16) Rehabilitation Assistance to Existing Homeowners [810(b)(1)]	Units	All work completed and unit passed final inspection
(17) Tenant Based Rental Assistance [810(b)(2)]	Households	Count each household once per year

(18) Other Housing Service [810(b)(2)]	Households	Count each household once per year
(19) Housing Management Services [810(b)(3)]	Households	Count each household once per year
(20) Operation and Maintenance of NHHBG- Assisted Units [810(b)(3)]	Units	Number of units in inventory at Fiscal Year End
(21) Crime Prevention and Safety [810(b)(4)]	Dollars	Dollars spent (report in Uses of Funding Table only)
(22) Model Activities [810(b)(5)]	Dollars	Dollars spent (report in Uses of Funding Table only)
(23) RESERVED – DO NOT USE THIS NUMBER		
(24) Infrastructure to Support Housing [810(b)(1)]	Improved Lots	All work completed and lot passed final inspection
(25) RESERVED – DO NOT USE THIS NUMBER		

Outcome May Include:

Succome May included	
(1) Reduce over-crowding	(7) Create new affordable rental units
(2) Assist renters to become homeowners	(8) Assist affordable housing for college students
(3) Improve quality of substandard units	(9) Provide accessibility for disabled/elderly persons
(4) Improve quality of existing infrastructure	(10) Improve energy efficiency
(5) Address homelessness	(11) Reduction in crime reports
(6) Assist affordable housing for low income	(12) Other – must provide description in boxes 1.4
households	(NHHP) and 1.5 (APR)

NHHP: PLANNED FISCAL YEAR ACTIVITIES (NAHASDA § 803(c)(2)(A))

For each planned activity, complete all the non-shaded sections below. It is recommended that for each program name you assign a unique identifier to help distinguish individual programs. This unique number can be any number of your choosing, but it should be simple and clear so that you and HUD can track tasks and results under the program and collect appropriate file documentation tied to this program.

- One way to number your programs is chronologically. For example, you could number your programs 2014-1, 2014-2, 2014-3, etc.
- Or, you may wish to number the programs based on type. For example rental 1, rental 2, homebuyer 1, homebuyer 2, etc. This type of numbering system might be appropriate if you have many programs that last over several years.
- Finally, you may wish to use an outline style of numbering. For example, all programs under your first eligible activity would start with the number 1 and then be consecutively numbered as 1.1, 1.2, 1.3, etc. The programs under the second eligible activity would be numbered as 2.1, 2.2., 2.3, etc.

APR: REPORTING ON PROGRAM YEAR PROGRESS (NAHASDA § 820(b))

Complete the shaded section of text below to describe your completed program tasks and actual results. <u>Only report on activities completed ouring the 12-month fiscal year.</u> Financial data should be presented using the same basis of accounting as the Schedule of Expenditures of Federal Awards (SEFA) in the annual OMB Circular A-133' audit. For unit accomplishments, only count units when the unit was completed and occupied during the year. For households, only count the household if it received the assistance during the previous 12-month fiscal year.

DHHL should note that new Federal government regulations on Administrative Requirements, Cost Principles, and Audit
Requirements were promulgated on December 26, 2013 at 2 G.F.R. Part 200. HUD intends to update its regulations by December 26, 2014 to imprement these new requirements in its programs. In the meantime, applicable OMB Carculars and the regulations at 2 C.F.R. Part 225 will continue to apply to existing grants. After HUD implements the new requirements in 2 C.F.R. Part 200 (after December 26, 2014), all grants will be subject to 2 C.F.R. Part 200, as implemented by HUD.

- 1.1 Program Name and Unique Identifier: 2018 Capital Improvement Projects (AHP I)
- 1.2 Program Description (This should be the description of the planned program.):

Panaewa

This activity provides infrastructure and lot development of 16 subsistence ag lots in Panaewa, Hawaii. Draft EA being updated and awaiting County approval of DHHL zoning and subdivision request.

No new NAHASDA money exists in the amount needed to begin new infrastructure developments.

Waiohuli

Additional site work for some of the 45 lots developed over the past three years is needed. No new lots will be developed but money will be spent this year on this project.

- **1.3 Eligible Activity Number** (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
- (24) Infrastructure to Support Housing [810(b)(1)]
- **1.4 Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
- (2) Assist renters to become homeowners

Describe Other Intended Outcome (Only if you selected "Other" above.):

- 1.5 Actual Outcome Number (In the APR identify the actual outcome from the Outcome list.):
- (2) Assist renters to become homeowners

Describe Other Actual Outcome (Only if you selected "Other" above.):

1.6 Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):

Applicant lessees or undivided interest lessees who meet NAHASDA criteria will receive vacant or improved lots for new home construction.

1.7 Types and Level of Assistance (Describe the types and the level of assistance that will be provided to each household, as applicable.):

This activity covers the cost of the infrastructure for each of the projects. As most of the infrastructure is completed, and no new moneys exist to start new CIP developments, the outputs for this housing plan year will be expenditures made for planning and design.

1.8 APR: (Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):

For Waiohuli, this activity was listed as expenditures were occurring for the punchilist or finishing activities by DHHL's contractor completing the lot development. Lots were awarded to lessees beginning in 2017-2018 and over the past fiscal/program year, many lessees utilized FHA. VA and USDA homeowner financing to begin vertical construction on their own homes.

For Panaewa, consultants worked on obtaining soil samples and above ground storage container information to complete the federal NEPA requirements of the ERR.

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter one of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Improved Lots		Waiohuli: All of the lots were completed last fiscal year; however, because some punchlist items would result in expenditures, this activity was listed to account for the expenditure of NHHBG funds. Panaewa: only ERR work was completed.

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2)

Wainfull infrastructure is completed.

Panaewa is behind due to County of Hawaii legal concerns over zoning authority of the HHCA. The HRS 343 EA received Finding of No Significant Impact in 2016 from the Hawaiian Homes Commission. However, the federal NEPA FRR is not complete due to DHIII, is considering removing this activity from its current AHP and substituting Trust funds in order to move forward.

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

DHHI could have included the expenditures for Panaewa ERR under Admin Planning instead of this activity. Had it decided to do so, DHHI, would have removed the Panaewa activity from the AHP.

- 1.1 Program Name and Unique Identifier: Developer Financing (AHP II)
- **1.2 Program Description** (This should be the description of the planned program.):

This activity will provide for funding as part of a capital stack to conduct vertical construction of 70 rent with option to purchase units in Lai Opua, Village 4. Proposals received from developers in late Fall 2016; currently seeking best and final from the top three scores. Actual construction date estimated in the 3rd or 4th quarter of the fiscal year.

- **1.3 Eligible Activity Number** (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
- (4) Construction of Rental Housing [810(b)(1)]
- **1.4 Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
- 7) Create new affordable rental units

Describe Other Intended Outcome (Only if you selected "Other" above.):

(7) Create new affordable rental units

Describe Other Actual Outcome (Only if you selected "Other" above.):

1.6 Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):

Undivided interest lessees meeting the 80% AMI income guidelines will have the opportunity to rent with an option to purchase their unit. NAHASDA guidelines for rental projects keep the unit rents at or below 30% of the tenant's gross monthly income.

1.7 Types and Level of Assistance (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The assistance being provided will go directly to the developer as part of the capital stack for vertical construction financing.

1.8 APR: (Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):

The developer for this project was unfamiliar with NAHASDA rental requirements. After clarification from HUD, the developer opted not to utilize NAHASDA funding in the project in the fourth quarter of the fiscal year.

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter one of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	
Units	0	0

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

After realizing the NAHASDA requirements regarding rentals, the developer for the project opted against using NAHASDA.

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006 410(b)(4)): NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

Nene

1.1 Program Name and Unique Identifier: HALE Program – Risk Mitigation (AHP III)

1.2 Program Description (This should be the description of the planned program.):

The HALE Program has two branches: 1) Risk Mitigation, in the form of homebuyer education services; and 2) Loss Mitigation, in the form of lease cancellation/foreclosure prevention services. This first activity will deal with Risk Mitigation.

The department began the HALE program pilot in August 2013, and identified barriers to loan approval and developed risk mitigation efforts to address/remove those barriers.

1.3 Eligible Activity Number (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(18) Other Housing Service [810(b)(2)]

1.4 Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(2) Assist renters to become home owners

Describe Other Intended Outcome (Only if you selected "Other" above.):

1.5 Actual Outcome Number (In the APR identify the actual outcome from the Outcome list.): (2) Assist renters to become home owners

Describe Other Actual Outcome (Only if you selected "Other" above.)

1.6 Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):

HALE's risk mitigation services will serve the following projects statewide, assisting beneficiaries to become loan qualified:

Kauai: 10 lessees, Piilani Mai Ke Kai

Maui: 6 Undivided Interest Lessees

Molokai: 6 Package Home lessees

Molokai: 6 Home Repair lessees

Oahu: 2 Kanehili lessees for turnkey units

Oahu: 4 Kakaina lessees for self-help units

Oahu: 2 Kakaina lessees for Packaged Home units

Oahu: 160 East Kapolei IIB

Hawaii: 118 Lai Opua lessees, Village 4

Hawaii: 5 Self Help lessees, Kawaihae Mauka

Hawaii: 33 Package Home lessees in Keaukaha

Hawaii: 12 Home Repair lessees in Keaukaha

Hawaii: 38 Discovery Harbor lessees in Kau

Total: 412 lessees

HALE may also assist other families as necessary, statewide.

1.7 Types and Level of Assistance (Describe the types and the level of assistance that will be provided to each household, as applicable.):

In the past three years, the department has discovered that many lessees who are attempting to qualify for homestead offerings simply do not have the credit to do so. Many of these lessees have taken homebuyer education courses that have had no impact to their behavior and as a result, for example, within six months of pre-qualifying for a self-help loan, they are debt ridden and not on a budget.

The department has moved the two housing specialists into HALE and a new manager promoted to oversee the program. HALE staff now conduct lease awards on projects statewide and under this housing plan, expect to conduct lease awards across the islands.

The following vendors have agreements that will focus on this goal and activity and will be reported as follows in the Annual Performance Report to enhance transparency and facilitate information dissemination:

Executed Agreements:

- Hawaii Home Ownership Center, 2014 Award, \$622,263; bal. \$599,313.83 (Assist families on Hawaii Island & Kauai with homeownership preparation)
- Helen Wai, LLC, 2014 Award, \$498,000; bal. \$442,097 (Assist families on Oahu with homeownership preparation)

1.8 APR: (Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):

Hawaii Homeownership Center: Contract ended July 31, 2019. Ending Balance: approximately \$599,314.00 (no classes were held on Kauai or Hawaii Island during this timeframe as only 1 residential offer was made)

Helen Wai, LLC: Contract scheduled to expire on November 30, 2019 however funding may deplete prior to contract end date. Two classes scheduled for the remainder of the contract: August and September.

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter one of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Households	35	124 Attended; 20 secured Home Loans

.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

This activity is coming to an end with new contracts being procured with non-federal funds.

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006 410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

Ynar

- 1.1 Program Name and Unique Identifier: HALE Program Loss Mitigation (AHP IV)
- 1.2 Program Description (This should be the description of the planned program.):

This activity in the second branch of the HALE Program: 2) Loss Mitigation, in the form of lease cancellation/foreclosure prevention services.

At present, the department currently offers two distinct types of loans: external loans (247, 184A, USDA-RD, etc.) and direct loans (with Trust or NHHBG monies). Spurred to action based on the 11/30/14 Delinquency Report compiled by HSD that showed the direct loan portfolio at 26% delinquent (approximately \$16 million), it was the FHA Insured Loan portfolio that caused the greatest consternation: just 11% (307 loans) delinquent but representing approximately \$39 million in external loans that are on the path to defaulting back to the Trust.

As part of its implementation of loss mitigation, the HALE Manager will now be able to refer families at key points in the delinquency continuum at 30-,60-, and 90-days instead of waiting to make the referral to HALE providers. Working with HSD staff, Fiscal and the NAHASDA Manager, HALE will be able to export data from its providers and identify the following outcomes in the APR:

- family remains in home with workout plan
- family remains in home, delinquency refinanced
- family remains in home, mortgage loan refinanced
- family remains in home, contested case hearing scheduled
- family remains in home, contested case hearing ongoing
- family remains in home, lease cancelled/transition plan begins
- family evicted
- **1.3 Eligible Activity Number** (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.): (18) Other Housing Service [810(b)(2)]
- **1.4 Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.): (12) Other

Describe Other Intended Outcome (Only if you selected "Other" above.):

1.5 Actual Outcome Number (In the APR identify the actual outcome from the Outcome list.):

Describe Other Actual Outcome (Only if you selected "Other" above.): Family remains in home.

1.6 Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):

The lessess listed on the department's monthly statewide report who are delinquent 30+ days or more are eligible for loss mitigation services under HALE. Lessess listed in the HUD-FHA delinquency report who are 30+ days or more delinquent will also be eligible.

- **1.7 Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):
 - Temporary financial assistance, short term
 - Direct loan forbearance, interest rate reduction, and/or deferment
 - Counseling and advocacy assistance for external loan lessees
 - Counseling and advocacy assistance for direct loan lessees in the lease cancellation process

Executed Agreements:

- Hawaii Community Assets, 2015 Award, \$300,000 (Assist up to 150 lease cancellation families)
- Helen Wai, 2015 Award, \$200,000 (Assist up to 100 lease cancellation families)
- Nanakuli Housing Corporation, 2015 Award, \$100,000 (Assist up to 50 lease cancellation families)

1.8 APR: (Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):

The contract for lease cancellation/foreclosure prevention closed in August 2018. Only one family was served and they remain in their home. A new contract was awarded in November 2018 and that contract is funded with non-federal funds.

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter one of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Households	75	1 (contract ended 8/2018)

1.10: APR: if the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

Contract coned in August 2018, shortly after the start of the program year.

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006 410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.
None.

- 1.1 Program Name and Unique Identifier: Homeowner Financing (AHP V)
- **1.2 Program Description** (This should be the description of the planned program.):

This activity will utilize statewide contracts with federally insured, federally regulated financial institutions to deploy financing for the housing projects identified in 5.6 above. The deployment of NHHBG monies to federal depository institutions means a high level of compliance with regulatory requirements common in the industry while disseminating loan origination and servicing duties to the communities where the homesteads are located.

Financing will also be provided directly by the department through its Direct Loan Program.

- **1.3 Eligible Activity Number** (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
- (14) Lending Subsidies for Homebuyers (Loan) [810(b)(1)]
- **1.4 Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
- (2) Assist renters to become homeowners

Describe Other Intended Outcome (Only if you selected "Other" above.):

1.5 Actual Outcome Number (In the APR identify the actual outcome from the Outcome list.): (2) Assist renters to become homeowners

Describe Other Actual Outcome (Only if you selected "Other" above.):

1.6 Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):

Kauai: 3 lessees, Piilani Mai Ke Kai

Maui: 6 Waiohuli lessees

Molokai: 3 Package Home Lessees

Molokai: 6 Home Repair lessees

Oahu: 4 Kakaina lessees for self-help units

Oahu: 2 Kakaina lessees for Packaged Home units

Hawaii: 5 Self Help lessees, Kawaihae Mauka

Hawaii: 3 Package Home lessees in Keaukaha

Hawaii: 3 Home Repair lessees in Keaukaha

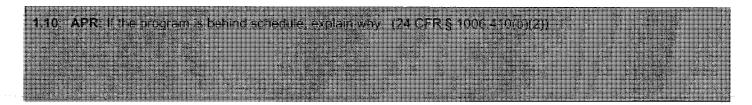
Total: 35 lessees

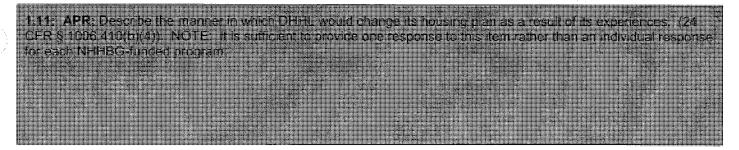
1.7 Types and Level of Assistance (Describe the types and the level of assistance that will be provided to each household, as applicable.): Financing for home loans statewide utilizing NHHBG funds for projects aforementioned.

1.8 APR: (Describe the accomplishments for the APR in the 12 month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter one of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	of Outputs to be completed in	APR: Actual Number of Outputs Completed in Fiscal Year
Units	10	6





- 1.1 Program Name and Unique Identifier: Home Assistance Program (HAP) (AHP VI)
- 1.2 Program Description (This should be the description of the planned program.):

This program covers the department's attempt to address substandard, aging housing on the homelands. Using its existing partnerships with community agencies, the goal is to service the beneficiary lessees of: Kalamaula/Hoolehua/Kapaakea; Keaukaha-Panaewa; Nanakuli/Waianae; and Papakolea/Waimanalo. There are already 50 families identified or being served at present by the department.

- **1.3 Eligible Activity Number** (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
- (16) Rehabilitation Assistance to Existing Homeowners [810(b)(1)]
- **1.4 Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
- (3) Improve quality of substandard units

Describe Other Intended Outcome (Only if you selected "Other" above.):

1.5 Actual Outcome Number (In the APR identify the actual outcome from the Outcome list.):

Describe Other Actual Outcome (Only if you selected "Other" above.):

1.6 Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):

Families determined and identified by HAP or subrecipient staff as eligible will be assisted. This includes the 20 families who were waiting for help from the C&C of Honolulu program.

1.7 Types and Level of Assistance (Describe the types and the level of assistance that will be provided to each household, as applicable.): Families determined and identified by HAP or subrecipient staff as eligible will be assisted. This includes the 20 families who were waiting for help from the C&C of Honolulu program.

Deferred payment loans, as defined by HAP or the respective subrecipient agreement, will be provided.

The following subrecipients have/will have agreements that will focus on this goal and activity and will be reported as follows in the Annual Performance Report to enhance transparency and facilitate information dissemination:

Executed Agreements:

- Nanakuli Housing Corporation, 2012 Award: \$360,850; bal. \$90,000.00 (Assist 5 lessees)
- **1.8 APR:** (Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter one of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	of Outputs to be completed in	APR: Actual Number of Outputs Completed in Fiscal Year
Units	1	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its expenences. (24 CFR § 1006 410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

- 1.1 Program Name and Unique Identifier: Emergency Financing (AHP VII)
- **1.2 Program Description** (This should be the description of the planned program.):

This activity provides emergency funding (CIP, fee for services) for the DHHL to use on behalf of existing lessees. In the instance where health or safety of lessee(s) may be compromised, this activity will allow for the use of NHHBG funds for emergency CIP or contract services to assist eligible families.

- **1.3 Eligible Activity Number** (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
- (24) Infrastructure to Support Housing [810(b)(1)]
- **1.4 Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
- (4) Improve quality of existing infrastructure

Describe Other Intended Outcome (Only if you selected "Other" above.):

1.5 Actual Outcome Number (In the APR identify the actual outcome from the Outcome list.):

Describe Other Actual Outcome (Only if you selected "Other" above.):

1.6 Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):

Assistance would be for lessees who have need for help on an emergency basis (retaining wall collapse; sewer/septic tank backup; shifting foundation; earthquake/flood/tsunami/lava flow)

1.7 Types and Level of Assistance (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The DHHL would use NHHBG funds to carry out assistance for lessees who may be in imminent danger or health/sanitation compromised by an existing/new situation.

1.8 APR: (Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):

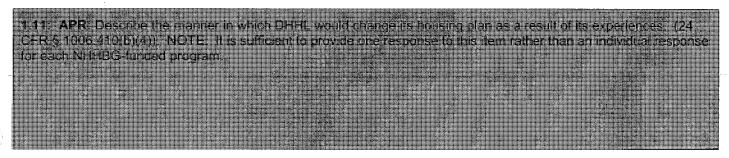
The DHHL will remove this activity from future AHP as state funding has become available.

This activity will be reported on the Uses of Funding Table

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter one of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	of Outputs to be completed in	APR: Actual Number of Outputs Completed in Fiscal Year
		A COMPANY OF THE PROPERTY OF T





- 1.1 Program Name and Unique Identifier: Rental Operating Subsidy (AHP VIII)
- **1.2 Program Description** (This should be the description of the planned program.):

This activity provides funds for use as a rental operating subsidy to eligible rental housing on Trust Lands in Waimanalo.

- **1.3 Eligible Activity Number** (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
- (20) Operation and Maintenance of NHHBG-assisted Units
- **1.4 Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
- (6) Assist Affordable Housing for Low-Income Households

Describe Other Intended Outcome (Only if you selected "Other" above.):

1.5 Actual Outcome Number (In the APR identify the actual outcome from the Outcome list.): (6) Assist Affordable Housing for Low-Income Households

Describe Other Actual Outcome (Only if you selected "Other" above.):

1.6 Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):

The rental housing project, with up to 85 units, on Trust Lands in Waimanalo will be assisted.

1.7 Types and Level of Assistance (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The project would be assisted with an annual operating subsidy paid directly to the development company. This elderly housing project was first occupied in 2002 and was constructed with funds from the state's Low Income Housing Trust Fund and Rental Housing Trust Fund along with funds from DHHL and the Office of Hawaiian Affairs.

1.8 APR: (Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)). The DHHL completed its agreement with Waimanalo Kupuna Housing at the end of the fourth quarter. As a result, no expenditures were made in this program year but have begun under the current program year.

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter one of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Units in Inventory	40	0

L10: APR: If the program is behing schedule, explain why (24 CFR § 1006 410(b)(2))

The development of the agreement for this project was a long process that took almost a year. The rents remained steady for the elders located in the project during the agreement's development.

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006-410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG funded program.
Name

SECTION 4: AFFORDABLE HOUSING RESOURCES

This section of the NHHP is designed to provide the public with basic background information on the characteristics shaping DHHL's affordable housing programs. Each portion of the text below has several required components that must be discussed. DHHL is encouraged to carefully review the instructions for each section and provide text covering all required elements.

Housing Market (NAHASDA § 803(c)(2)(D)(i) and (ii)) (Describe the key characteristics of the housing market in the State of Hawaii, currently, and in the period of time covered by the plan. Include a description of the availability of housing from other public sources and private market housing, and how this supply of housing affected the DHHL's program/activity choices.):

Wages remain relatively low in Hawai'i making housing affordability a major issue for residents of the state. Because wages remain low, families living in Hawai'i often work more than one job to make endsmeet. The SMS Study of 2006 indicated that 44% of all households in the state were at or below 80% of median income. According to the same report, even families with household incomes between 120% and 140% of median income in Hawai'i require affordable housing units given the high costs of housing.

Almost one fourth (22.7%) of all Hawai'i residents pay over 40% of their monthly household income toward their shelter costs and approximately one third (34%) pay over 30% of their monthly household income toward their shelter costs. However, when examined closer it is clear that those households with income levels below 80% of the area median income are more likely to be paying over 30% of their household income toward shelter costs. More specifically, for all households in the state that are at or below 80% of area median income levels, about half (52.22%) pay over 30% of their monthly income toward shelter costs and approximately 38.33% pay over 40% of their monthly income toward shelter costs. As stated previously, shelter to income ratios are higher for native Hawaiian households in that 45.5% pay over 40% of their monthly household income toward their shelter costs whereas only 36.6% of non-native households pay over 40% of their monthly household income toward shelter costs.

The department's NHHBG funded mortgage loans provide single family housing for the same or lower price than a studio in a multi-family high rise built by another housing agency in the urban core. Without NHHBG funding, the department would be unable to build or finance housing for the 80% AMI or below target population.

Cooperation (NAHASDA § 803(c)(2)(D)(iii) (Describe the structure, coordination, and means of cooperation between DHHL and other relevant partners and organizations [including private nonprofit organizations experienced in the planning and development of affordable housing] in the development, submission, or implementation of its housing plan. In addition, DHHL must indicate if it plans to use loan guarantees under Section 184A of the Housing and Community Development Act of 1992 and any other housing assistance provided by the Federal Government.):

The department currently partners with a number of housing agencies and organizations either thru subject matter meetings or formal MOUs or agreements. Included in each of the activities of the plan above were the names of the organizations currently or about to receive, monies from the NHHBG.

The Section 184A Loan Guarantee Program, which is similar to the Section 184 Loan Guarantee Program giving Native Americans access to private mortgage financing by providing loan guarantees to lenders, was implemented in 2007. Currently, Home Street Bank and Bank of Hawai'i are approved lenders for the Section 184 A loan program.

DHHL has been utilizing the FHA 247 loan program since 1987. Almost \$390 million in mortgage loans are outstanding through the FHA 247 loan program to lessees on Hawaiian home lands. Also available is the FHA 203K program for rehabilitation of homes. The Veterans Affairs direct loan, Rural Development (U.S. Department of Agriculture) loan programs, Federal Home Loan Bank (Seattle) Affordable Housing Program grants and low-income housing tax credits are other financing options and tools utilized on Hawaiian home lands.

Demolition and Disposition (NAHASDA § 803(c)(2)(D)(viii), 24 CFR 1006.101(b)(4)(viii)) (Describe any planned demolition or sale of NHHBG-assisted housing units, or any other demolition or disposition that will be carried out with NHHBG funds. Be certain to include a financial analysis of the proposed demolition, the timetable for any planned demolition or disposition and any other information that is required by HUD with respect to the demolition or disposition.):

There are no 1937 Act housing on Hawaiian home lands. The DHHL does not anticipate demolishing any units funded by the NHHBG.

Coordination (NAHASDA § 803(c)(2)(D)(ix) (Describe how DHHL will coordinate with partners to promote employment and self-sufficiency opportunities for residents of affordable housing.):

The State of Hawai'i Department of Human Services (DHS) administers individual and family financial assistance programs that provide cash payments to help individuals and families meet their basic needs. The programs include Temporary Assistance to Needy Families (TANF), Temporary Assistance to Other Needy Families (TAONF), General Assistance (GA), Aid to the Aged, Blind and Disabled (AABD) and the Food Stamps program. Medical assistance is provided through the Hawai'i QUEST and Medicaid feefor-services programs. Vocational rehabilitation services are provided to persons with disabilities. Whenever the DHHL staff is made aware of a lessee in need, the families are referred to DHS or to an appropriate non-profit service provider.

Safety (NAHASDA § 803(c)(2)(D)(x)) (Describe how DHHL will promote crime prevention and resident involvement in affordable housing.):

The DHHL continues to coordinate efforts with the Police Narcotics Division, the Sherriff's Office and the Attorney General's Office—Investigative Division to do surveillance and to evict the offending occupants whenever there is evidence of drug problems or other crimes in the homestead areas. If investigation results in a conviction, the lessee is taken to a contested case hearing for lease cancellation.

Capacity (NAHASDA § 803(c)(2)(D)(xi)) (Describe the structure, capacity, and key personnel of the entities that will carry out the program/activities of the housing plan.):

The DHHL was created by the State Legislature in 1960 to administer the Hawaiian home lands program and manage the Hawaiian home lands trust. The DHHL is one of eighteen principal agencies of the Executive Branch of the State of Hawai'i.

The DHHL serves native Hawaiians or individuals of at least 50% Hawaiian blood, as defined by the Hawaiian Homes Commission Act of 1920, as amended, and their successors and assigns. These native Hawaiians are the beneficiaries of the Hawaiian home lands trust consisting of a land trust of over 200,000 acres, settlement monies from the State for the mismanagement of trust lands, funds received from the State general fund for a portion of its operating costs, and revenues and earnings from the land leasing program.

The DHHL is governed by a nine-member board of commissioners headed by the Chairman, who also serves as the executive officer of the DHHL. The Governor of the State of Hawai'i appoints each commissioner and Chairman to a four-year term. The terms of the commissioners are staggered.

Currently, there are 99 full time employees in DHHL with six offices statewide. DHHL's main administrative office is located in Kapolei, Oahu and the five (5) district offices are located on neighbor islands. There are two (2) district offices on the Big Island, one in Hilo (East Hawaii) and one in Waimea (West Hawai'i), Hawai'i; one (1) district office in Lihue, Kauai; one (1) district office in Wailuku, Maui; and one (1) district office in Kalamaula, Molokai. DHHL is organized into five offices and three divisions under the Hawaiian Homes Commission and Office of the Chairman. The various offices and divisions are described as follows:

Office of the Chairman (OCH) — 18 staff members

The Office of the Chairman consists of the Chairman of the Hawaiian Homes Commission, who is also the Director of Department of Hawaiian Home Lands; the Deputy to the Chairman, the Executive Assistant; the NAHASDA Manager, HALE Manager, NAHASDA Program Specialist, NAHASDA Compliance Specialist, NAHASDA Clerk; and executive staff.

Administrative Services Office (ASO) – 8 staff members

The Administrative Services Office provides DHHL staff support in the areas of personnel, budgeting, program evaluation, information and communication systems, risk management, facilities management, clerical services and other administrative services. This office also provides support services in preparation of legislative proposals and testimonies, coordinates the preparation of reports to the legislature and facilitates the rule-making process.

Fiscal Office (FO) – 12 staff members

The Fiscal Office provides accounting support for DHHL. One accountant is dedicated to the NHHBG whose position is currently vacant.

Planning Office (PO) - 10 staff members

The Planning Office conducts research and planning studies required in the development of policies, programs, and projects to benefit native Hawaiians. The PO coordinates and develops the Regional Plans, administers the Native Hawaiian Development Program, provides capacity building training

for homestead organizations, and provides community based grants for the implementation of Regional priority projects, community based economic development, and membership development.

Information and Community Relations Office (ICRO) - 3 staff members

The Information and Community Relations Office disseminates information to the public on Department issues, oversees community relations with the various homestead communities and coordinates DHHL's ceremonies. They also publish DHHL's annual reports to the State Legislature.

Homestead Services Division (HSD) - 32 staff members

HSD is composed of three branches: 1) Homestead Applications, 2) District Operations, and 3) Loan Services. HSD is the largest division in DHHL, has staff on all islands, and services more than 25,000 applicants and 8,000 lessees on five islands.

Land Management Division (LMD) - 11 staff members

LMD is responsible for managing Hawaiian home lands that are not used for homestead purposes. Unencumbered lands are managed and disposed of for long and short term uses in order to generate revenues and keep the lands productive while minimizing the occurrence of vegetative overgrowth, squatting or illegal dumping. LMD is responsible for properly managing the lands in DHHL's inventory.

Land Development Division (LDD) – 19 staff members

LDD is charged with the responsibility of developing trust lands for homesteading and income-producing purposes. This is accomplished through the development of properties for residential, agricultural, pastoral, and economic development uses. LDD has three operating branches: 1) Design and Construction – concentrating on the design and construction of off-site and on-site improvements for the various subdivisions; and 2) Master-Planned Community – expediting the construction of housing options through partnerships with private sector and exploring other housing opportunities; and, 4) Housing Project—awards leases.

The following is a listing of the key personnel responsible for the implementation of DHHL and NAHASDA assisted programs:

Hawaiian Homes Commission (HHC)

Jobie M.K. Masagatani, Chairman
David Kaapu, West Hawaii Commissioner
Wallace "Wally" Ishibashi, East Hawaii Commissioner
Vacant, Maui Commissioner
Vacant, Molokai Commissioner
Vacant, Oahu Commissioner
Michael P. Kahikina, Oahu Commissioner
Wren Wescoatt, Oahu Commissioner

Department of Hawaiian Home Lands

Vacant, Kauai Commissioner

Jobie M. K. Masagatani, Director
William J. Aila, Jr., Deputy to the Chairman
Derek Kimura, HHL Executive Assistant
Rodney Lau, Administrative Services Officer
Pearl Teruya, Fiscal Management Officer

Kaleo Manuel, Acting Planning Program Manager
Kip Akana, HHL Compliance and Community Relations Officer
Niniau Simmons, Manager (NAHASDA)
Trisha Paul, Program Specialist (NAHASDA)
Michelle Hitzeman, HALE Manager
Paula Aila, ICRO Manager
Juan Garcia, Homestead Services District Supervisor III
Nina Fisher, East Hawaii Homestead District Supervisor
James Du Pont, West Hawaii Homestead District Supervisor II
Gene Ross Davis, Molokai Homestead District Supervisor II
Dean Oshiro, Housing Services Division Administrator
Carol Ann Takeuchi, Housing Specialist (NAHASDA)
Nadine Pomroy, Clerk (NAHASDA)
Norman Sakamoto, Land Development Division Administrator

SECTION 5: BUDGETS

(1) Sources of Funding (NAHASDA § 803(c)(2)(C)(i) and 820(b)(1)) (Complete the non-shaded portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month fiscal year. APR Actual Sources of Funding -- Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month fiscal year,

	Estimated Estinated amount on amount on pand at receive beginning of 12-mor fiscal year y	7,400,000 1,0	Program 0 4	LEVERAG ED Funds				7,400,000 1,4
	Estimated Es amount to be received during 12-month fiscal year	1,000,000	480,000					1,480,000
NHHP	(C) Estimated total sources of funds (A + B)	8,400,00	480,000					8,880,000
	Estimated funds to be expended during 12. month fiscal	7,400,000	480,000					7.880.00
	(E) Estimated unexpended funds remaining at end of fiscal year (C minus D)	1,000,000	•					1.000.000
	Actual amount on hand at beginning of fiscal year	14,436,443						14,436,443
	(G) Actual amount received during 12- month fiscal year	2,000,000	158,630		5,064,741			177.826.7
APR	(H) Actual total sources of funding (F + G)	16,436,443	158,630		5,064,741	City City City City City City City City		21.659.814
	Actual funds expended during 12- month fiscal year	1,798,221	158.630		5.064.741		100 mm (100 mm) (100	7.02.1.502
	Actual unexpended funds remaining at end of 12. month fiscal year (H minus I)	14,638,222			E.C. Charles and C. Sangara			CCC 859 FT
il Line	(K) Actual unexpended funds obligated but not expended at end of 12- month fiscal	7,038,828	12 (12 m) 12 m) 12 m)			100		7.038.878

Notes:

- a. For the NHHP, fill in columns A, B, C, D, and E (non-shaded columns). For the APR, fill in columns F, G, H, I, J, and K (shaded columns).
 - b. Total of Column D should match the total of Column N from the Uses Table on the following page.
- c. Total of Column I should match the Total of Column Q from the Uses Table on the following page. d. For the NHHP, describe any estimated leverage in Line 3 below. For the APR, describe actual leverage in Line 4 below (APR)

(2) Uses of Funding (NAHASDA § 803(c)(C)(ii)) (Note that the budget should not exceed the total funds on hand (Column C) and insert as many rows as needed to include all the programs identified in Section 3. Actual expenditures in the APR section are for the 12-month fiscal year.)

COL	Total NHHBG (only) funds expended in expen 12-month fiscal month	00 932,809 349,238 1,282,047	00 25.044 70.616 95.660	16.176	4,500 4,652,559	25,600	111,539		40.656 40.656	835,868 56,987 8		00 1,798,221 5,223,371 7,021,592
	(N) Total funds to be expended in 12-month fiscal year (L+M)	350,000	20,000	50,000	5,000,000	1,200,000	200,000	250,000		780,000		7,880,000
HHN	(M) Total all other funds to be expended in 12- month fiscal year	100,000					100,000			280,000		480,000
	(L) Prior and current year NHHBG (only) funds to be expended in 12- month fiscal year	250,000	50,000	50,000	5,000,000	1,200,000	100,000	250,000	100,000	500,000		7,400,000
	Unique Identifier	AHP I	AHP III	AHP IV	AHP V	AHP VI	AHP VII	AHP VIII	AHP IX			
	PROGRAM NAME (tie to program names in Section 3 above)	2018 CIP Developer Financing	HALE Risk Mitigation	HALE Loss Mitigation	Homeowner Financing	НАР	Emergency Financing	Rental Operating Subsidy	Rental Vouchers	Planning and Administration	Loan Repayment – describe in 3 and 4 below.	TOTAL

Notes:

- a Total of Column L cannot exceed the NHHBG funds from Column C, Row 1 from the Sources Table on the previous page.
 - b Total of Column M cannot exceed the total from Column C, Rows 2-10 from the Sources Table on the previous page.
- c. Total of Column O cannot exceed total NHHBG funds received in Column H, Row 1 from the Sources Table on the previous page. d. Total of Column P cannot exceed total of Column H, Rows 2-10 of the Sources Table on the previous page.
 - - e. Total of Column Q should equal total of Column I of the Sources Table on the previous page.

(3) Estimated Sources or Uses of Funding (NAHASDA § 803(c)(2)(C)). (Provide any additional information about the <u>estimated</u> sources or uses of funding, including leverage (if any). You must provide the relevant information for any planned loan repayment. The text must describe which specific loan is planned to be repaid and the NAHASDA-eligible activity and program associated with this loan):

The department anticipates using only program income and block grant balances for activities in this housing plan.

(4) APR (NAHASDA § 820(b)(1)) (Enter any additional information about the actual sources or uses of funding, including leverage (if any).

This program year saw the reimbursement of NHHBG funds for Lalamilo Phases 1 & 2. In 2002, DHHL requested the use of NHHBG funds for both phases of Lalamilo. However, HUD only approved the use of NHHBG in Phase 1. Unknowingly in 2011, DHHL utilized NHHBG funds in Phase 2, believing HUD had approved its use. During a site monitoring visit in June 2016, HUD informed DHHL that it did not have approval to use NHHBG in Lalamilo Phase 2 and that the Environmental Review Record would need additional corrections in order for retroactively approval to be obtained. After assessing the necessary re-creation of documents and consultation from over a decade ago would likely exceed the total of NHHBG used, DHHL requested to substitute DHHL funds for Lalamilo Phase 1 & 2, resulting in the "other federal funds" on Line 3 of page 40, Budgets (\$5,064,741).

SECTION 6: OTHER SUBMISSION ITEMS

	determining the useful life/affordability	NAHASDA § 813, 24 CFR § 1006.305) (Describe your plan or system for period of the housing assisted with NHHBG funds. A record of the current, or housing units assisted with NHHBG funds must be maintained in for the useful life/affordability period.):
	DHHL has established the following affordable:	dability periods to describe the term during which DHHL will keep the unit
	NHHBG Funds Invested	Affordability Period
	Up to \$24,999 \$25,000 to \$50,000	6 months 1 year
	\$50,001 to \$100,000	10 years
	\$100,001 to \$150,000	20 years
	\$150,001 to \$150,000 \$150,001 and above	30 years
	\$150,001 and above	50 years
	rehabilitation of a housing unit. Resal	the total amount of NHHBG funds invested in the development and/or le and recapture provisions will be included as a condition of the Hawaiian bility restriction for each assisted housing unit.
)		
	1006.301(b)) (If you wish to undertake during the 12-month fiscal year, those	ctivities (NAHASDA § 810(b)(5) and 809(a)(2)(B), 24 CFR § 1006.225 and a model housing activity or wish to serve non-low-income households activities may be described here. Each approved model activity must be ction 3 (Program Descriptions) and the APR portions of Section 3 must be any approved model activity.):
(3	3) Anticipated Planning and Administration	on Expenses (NAHASDA § 802(d), 24 CFR § 1006.230)
	Do you intend to exceed your allowable s	pending cap for Planning and Administration? Yes 🔲 No 🔀
	If yes, describe why the additional funds ar	re needed for Planning and Administration.

Native Hawaiian Housing Block Grant (NHHBG)

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

U.S. Department of Housing and Urban Development

NHHP/APR

Office of Public and Indian Housing Office of Native American Programs

(4) Actual Planning and Administration Expenses (NAHASDA § 802(d), 24 CFR § 1006,230)

Oid you exceed your spending cap for Planning and Administration? Yes _____ No. X

If yes, did you receive HUD approve to exceed your spending can on Planning and Administration? Yes _____ No. ____

If you did not receive approval for exceeding your sportting cap on Planning and Administration costs, describe the reasonts for exceeding the cap:

I his year the dersonnel costs for NAHASDA staff were paid with General Funds from the State of Haway

SECTION 7: NATIVE HAWAIIAN HOUSING PLAN CERTIFICATION OF COMPLIANCE (NAHASDA § 803(c)(2)(E))

By signing the NHHP, you certify that you have all required policies and procedures in place in order to operate any planned NHHBG programs.
(1) In accordance with applicable statutes, the recipient certifies that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out the NHHBG program, to the extent that such Acts are applicable, and other applicable federal statutes.
Yes No
The following certifications will only apply where applicable based on program activities.
(2) The recipient will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under NAHASDA, in compliance with such requirements as may be established by HUD.
Yes No Not Applicable
(3) Policies are in effect and are available for review by HUD and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under NAHASDA.
Yes No Not Applicable
(4) Policies are in effect and are available for review by HUD and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under NAHASDA.
Yes No Not Applicable and
(5) Policies are in effect and are available for review by HUD and the public governing the management and maintenance of housing assisted with grant amounts provided under NAHASDA.
Yes No Not Applicable

SECTION 8: SELF-MONIT	'ORING \$ 819(b), 24 CFR \$	1006 401)	
(1) Do you have a procedure and/o			
Yes No	nel dina montariog	informants?	
Yes 🛛 No 🗍			
(3) Self-Monitoring Results. program year.)	(Describe the results o	f the monitoring activities. и	icluding inspections for this
Self monitoring was conduc			
recommendation to located Development Division house program ERRs (home repair	es the ERRs for all s Thomeowner financ	statewide project areas ing) with the lessee file	OCH staff retain individual
discuss how to improve acc	ess to ERR files be	ween divisions.	

SECTION 9: INSPECTIONS

(NAHASDA § 819(b))

(1) Inspection of Units (Use the table below to record the results of inspections of assisted housing.)

e) Dia you comply with your	inspection policy: Ye	s [△] No: [_]		
		,		
(3) If no, why not:				
to, miles with more				

SE	CTI	ON	1	O·	ΔI	ID	ITS	
JL	CI.	CIN.		v.	$\boldsymbol{\pi}$) L/	111	,

(24 CER § 1006.375(d))

This section is used to indicate whether an Office of Management and Budget Circular A-133 audit is required, based on a review of your financial records.

Did you expend \$500 COO or more in total Federal awards during the APR reporting period?

Yes 📉 No.

if Yes, an audit is required to be submitted to the Federal Audit Clearinghouse and the Office of Native American Programs

Audit submitted to the Federal Audit Clearinghouse and HUD-UNAP.

if Novan audit is not required.

DHHL should note that new Federal government regulations on Administrative Requirements. Cost Principles, and Audit
Requirements were promulgated on December 26, 2013 at 2 C.F.R. Part 200. HUD intends to update its regulations by December 26, 2014 to implement these new requirements in its programs. Audits covering recipients' fiscal years that begin in January 2015 will be subject to the revised audit requirements. In the meantline, applicable OMB Circulars and the regulations at 2 C.F.R. Part 225 will continue to apply to grants until implementation of the new requirements.

Native Hawaiian Housing Block Grant (NHHBG) Exempt from OMB Approva

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

NHHP/APR

Office of Public and Indian Housing Office of Native American Programs

SECTION 11: PUBLIC AVAILABILITY (NAHASDA § 820(d), 24 CFR § 1006.410(c)) (1) Did you make this APR available to the beneficiaries of the Hawaiian Homes Commission Act before it was submitted ir Hjor (2) If you answered "No" to question #1, provide an explanation as to why not and indicate when you will do so Summarize any comments received from the beneficiaries (NAHASDA § 820(d)(2)). Public comment will be received from August 19, 2019 thru September 18, 2019. The final draft of this APR will be submitted to HUD by September 30, 2019. As of September 10, 2019, one public comment was received thus far and is attached as Exhibit A of this submittal. Any additional public comments will be included in the final version submitted to HUD at the month's end.

Native Hawaiian Housing Block Grant (NHHBG) Exempt from OMB Approva

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

NHHP/APR

Office of Public and Indian Housing Office of Native American Programs

SECTION 12: JOBS SUPPORTED BY NAHASDA (NAHASDA § 820)

Use the table below to record the number of jobs supported with NHHBG funds each year (including DHHL staff, Subrecipient staff, Contractors, etc.).

Native Hawaiian Housing Block Grant Assistance (NHHBG)	
(1) Number of Permanent Jobs Supported	

(3) Narrative (optional)		

Native Hawaiian Housing Block Grant (NHHBG)

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

NHHP/APR

U.S. Department of Housing and Urban Development

Office of Public and Indian Housing Office of Native American Programs

SECTION 13: NHHP WAIVER REQUESTS

(NAHASDA § 802(b)(2), 24 CFR 1006.20(b))

THIS SECTION IS ONLY REQUIRED IF DHHL IS REQUESTING A WAIVER OF A NHHP SECTION OR A WAIVER OF THE NHHP SUBMISSION DUE DATE. Fill out the form below if you are requesting a waiver of one or more sections of the NHHP. **NOTE**: This is NOT a waiver of the NHHBG program requirements but rather a request to waive some of the NHHP submission items because DHHL cannot comply due to circumstances beyond its control.

 List below the sections of the NHH (List the requested waiver section 	HP where you are requesting a waiver and/or a waiver of the NHHP due date. is by name and section number):
-	
2) Describe the reasons that you are particular section of the NHHP or	e requesting this waiver (Describe completely why you are unable to complete a could not submit the NHHP by the required due date.):
and/or submit the NHHP by the re	equired due date. (This section should completely describe the procedural, nat you will make in order to submit a complete NHHP in the future and/or
and/or submit the NHHP by the re staffing or technical corrections the	nat you will make in order to submit a complete NHHP in the future and/or
and/or submit the NHHP by the re staffing or technical corrections the submit the NHHP by the required	equired due date. (This section should completely describe the procedural, nat you will make in order to submit a complete NHHP in the future and/or
and/or submit the NHHP by the re staffing or technical corrections the submit the NHHP by the required (4) Recipient:	equired due date. (This section should completely describe the procedural, nat you will make in order to submit a complete NHHP in the future and/or
and/or submit the NHHP by the restaffing or technical corrections the submit the NHHP by the required (4) Recipient: (5) Authorized Official's Name and	equired due date. (This section should completely describe the procedural, nat you will make in order to submit a complete NHHP in the future and/or

Native Hawaiian Housing Block Grant (NHHBG)

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

NHHP/APR

Ù.S. Department of Housing and Urban Development

Office of Public and Indian Housing Office of Native American Programs

SECTION 14: NHHP AMENDMENTS

(24 CFR § 1006.101(d))

Use this section for NHHP amendments only.

Fill out the text below to summarize your NHHP amendment. Copy and paste Section 14 for each amendment. This amendment is only required to be submitted to the HUD Office of Native American Programs when the recipient is adding a new activity that was not described in the current One-Year Plan that has been determined to be in compliance by HUD. All other amendments will be reflected in the APR and do not need to be submitted to HUD.

NOTE: A Cover Page is strongly recommended but not required with a NHHP Amendment submission.

APR: REPORTING ON PROGRAM YEAR PROGRESS (NAHASDA S 820/b))

Complete the <u>shaded</u> section of text below to describe your completed program tasks and actual results. <u>Only report on activities completed during the 12-month fiscal year</u>. Financial data should be presented using the same basis of accounting as the Schedule of Expenditures of Federal Awards (SEFA) in the annual OMB Circular A-133 audit. For unit accomplishments, only count units when the unit was completed and occupied during the year. For households, only count the household if it received the assistance during the previous 12-month fiscal year.

"DHFIL should note that new Federal government regulations on Administrative Requirements, Cost Principles, and Audit
Requirements were promulgated on Department 26, 2013 at 2 C.F.R. Part 200. HUD intends to update its regulations by December
26, 2014 to implement thisse new requirements in its programs. In the meantime, applicable QMB Circulars and the requiations at 2
C.F.R. Part 225 will continue to apply to existing grants. After HUD implements the new requirements in 2 C.F.R. Part 200 (after December 26, 2014), all grants will be subject to 2 C.F.R. Part 200, as implemented by HUD.

- (1) Program Name and Unique Identifier:

 (2) Program Description (This should be the description of the planned program.):
- (3) Eligible Activity Number (Select one activity from the Eligible Activities list in Section 3. Do not combine homeownership and rental housing in one activity, so that when units are reported in the APR they are correctly identified as homeownership or rental.):

(4) Intended Ou	tcome Number (S	elect one Outcome	from the Outcon	ne list in Section 3.)	
		÷			
Describe Other	Intended Outcom	ne (Only if you sele	cted "Other" abov	/e.):	
(5) Actual Outco	ome Number (Sele	ect one Outcome fr	om the Outcome	list in Section 3.):	
Describe Other	Actual Outcome	Only if you selected	d "Other" above.		
note: assi		able to families who	ose incomes exce	e assisted under the eed 80 percent of th	
	Level of Assistand, as applicable.):	i ce (Describe the t	ypes and the leve	of assistance that	will be provided to
				th fiscal year. In ac of cost overruns or	
(9). Planned an	d Actual Outputs	for 12-Month Fisc	cal Year		
Planned Number of Units to be Completed in Year Under this Program	Planned Number of Households To Be Served in Year Under this Program	Planned Number of Acres To Be Purchased in Year Under this Program	APR: Actual Number of Units Completed in Fiscal Year	APR: Actual Number of Households Served in Eiscal Year	APR: Actual Number of Acres Purchased in Fiscal Year

(10). APR: If the program is behind schedule	:: explain why. (24 CFR § 1006.410(b)(2))

form HUD-50090 (02/28/2014)

(11) Amended Sources of Funding (NAHASDA § 803(c)(2)(C)(i)) (Complete the non-shaded portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month fiscal year. APR Actual Sources of Funding -- Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month fisca (ear.)

unexpended funds obligated expended at month fiscal end of 12but not Actual unexpended funds remaining /ear (H minus I at end of 12month fiscal Actual funds during 12-month fiscal expended Veal APR sources of ctual total funding (F+G) during 12-month fiscal received (G) Actual amount year amount on hand at beginning of fiscal year (F) Actual funds remaining at end of fiscal nnexpended (C minus D) **Estimated** year during 12-month fiscal (D) Estimated funds to be expended year total sources NHP **Estimated** (A + B) of funds amount to be during 12-month fiscal **Estimated** received year **@** beginning of amount on **Estimated** fiscal year hand at € LEVERAGED FUNDS 7. NHHBG Program 6. NHHBG Funds 8. Other Federal 10. Non-Federal Income Funds 9. LIHTC SOURCE Funds TOTAL

Notes:

a. For the NHHP, fill in columns A, B, C, D, and E (non-shaded columns). For the APR, fill in columns F, G, H, I, J, and K (shaded columns). b. Total of Column D should match the total of Column N from the Uses Table on the following page.

c. Total of Column I should match the Total of Column Q from the Uses Table on the following page.

(12) Amended Uses of Funding (NAHASDA § 803(c)(2)(ii)) (Note that the budget should not exceed the total funds on hand and insert as many rows as needed to include all the programs identified in Section 3. Actual expenditures in the APR section are for the 12-month fiscal year.)

APR	(Q) (Q) Total NHHBG (only) Total all other funds Total funds expended funds expended in 12-month fiscal year year year (O+P)				state of the state			
	(N) Total funds to be T expended in 12- f month fiscal year (L + M)							
NHHP	(M) Total all other funds to be expended in 12- month fiscal year							
	(L) Prior and current year NHHBG (only) funds to be expended in 12- month fiscal year							
	Unique Identifier							
	PROGRAM NAME (tie to program names in Section 3 above)					Planning and Administration	Loan repayment	TOTAL

Notes:

- a. Total of Column L cannot exceed the NHHBG funds from Column C, Row 1 from the Sources Table on the previous page.
 - b. Total of Column M cannot exceed the total from Column C, Rows 2-10 from the Sources Table on the previous page.
- c. Total of Column O cannot exceed total NHHBG funds received in Column H, Row 1 from the Sources Table on the previous page.
 d. Total of Column P cannot exceed total of Column H, Rows 2-10 of the Sources Table on the previous page.
 e. Total of Column Q should equal total of Column I of the Sources Table on the previous page.

(13) Estimated Sources or Uses of Funding (NAHASDA § 803(c)(2)(C)). (Provide any additional information about the <u>estimated</u> sources or uses of funding, including leverage (if any). You must provide the relevant information for any planned loan repayment listed in the Uses Table on the previous page. The text must describe which specific loan is planned to be repaid and the NAHASDA-eligible activity and program associated with this loan):

(14) APR (NAHASDA § 820(b)(1)) (Enter any additional information about the actual sources or uses of funding, including leverage (if any). You must provide the relevant information for any actual loan repayment listed in the Uses Table on the previous page. The text must describe which loan was repaid and the NAHASDA-eligible activity and program associated with this loan.):

(15) Recipient:		
(16) Authorized Official's Name and Title:		
(17) Authorized Official's Signature:	I certify that all other sections of the NHHP approved on are accurate and reflect the activities planned.	
(18) Date (MM/DD/YYYY):		

HAWAIIAN HOMES COMMISSION SEPTEMBER 16 & 17, 2019 LIHU'E, KAUA'I, HAWAI'I

D – ITEMS HOMESTEAD SERVICES DIVISION

DEPARTMENT OF HAWAIIAN HOME LANDS

September 17, 2019

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

September 16, 2019

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through August 31, 2019

	As of 7/31/19	Add	Cancel	As of 8/31/19
Residential	8,401	7	5	8,403
Agriculturual	1,096	1	1	1,096
Pastoral	410	0	0	410
Total	9,907	8	6	9,909

The number of Converted Undivided Interest Lessees represents an increase of 498 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 7/31/19	Converted	Rescinded/ Surrendered/ Cancelled	As of 8/31/19
Undivided	826	3	0	823
Balance as of 8/31/2019				
Awarded Relocated to UNDV Rescinded Surrendered Cancelled Converted	_	1,434 7 111 5 4 498		
Balance to Convert		823		

Lease Report For the Month Ending August 31, 2019

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	STATEWIDE TOTAL	6,401	1	5	0,403	1,096	1		1,036	410	U	U	410	\$1201			3,303

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING August 31, 2019

TOTAL Last Month Add Cancel TOTAL	
Last Month Add Cancel TOTAL Last Month Add Cancel	r
AGRICULTURE AGRICULTURE 1	Add Canc
AGRICULTURE PASTURE TOTAL Last Month Add Cancel TOTAL TOTA	0
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Last Month Add Cancel TOTAL	0
AGRICULTURE	
Last Month	RESIDENCE
3,741 13	Last Month Add Cancel
1,656 5 10 4,661 610 1 2 609 910 1,215 6 14 7,207 1,872 1 1 1,872 14,8 1,059 1	12 1
1,215 5	o 1
16,907 28 32 18,903 2,982 2 4 2,980 2,0 18,907 28 32 18,903 2,982 2 4 2,980 43,7 14,491	5,742 / 5
18,907 28 32 18,903 2,982 2 4 2,980 43,7	·-
18,907 28 32 18,903 2,982 2 4 2,980 43,7	0
TOTAL ADDITIONS 14,491 New Applications 43 14,491 New Lease Awards 9,118 Application Transfers 19 4,227 App Reinstatements 0 2,103 HHC Adjustments 0 89 TOTAL 62 145,055 Decd No Successor A45,055 Additional Acreage NHQ Unqualified	21,833 32 32
TOTAL	
14,491 New Applications 43 New Lease Awards 9,118 Application Transfers 19 Application Transfers 15,027 Lease Recissions 0 Succd and Cancel Own 4,227 App Reinstatements 0 Voluntary Cancellations 2,103 HHC Adjustments 0 Voluntary Cancellations 89 TOTAL 62 Lease Successorings 45,055 Dec'd No Successor Additional Acreage NHQ Unqualified NHQ Unqualified	RES AG
9,118 Application Transfers 15,027 Lease Rescissions 0 Succ'd and Cancel Own 4,227 App Reinstatements 0 Public Notice Cancel 2,103 HHC Adjustments 0 Voluntary Cancellations 89 TOTAL 62 Lease Successor hips HHC Adjustments Dec'd No Successor A5,055 Additional Acreage NHQ Unqualified TOTAL	10,738 3,753
15,027 Lease Rescissions 0 Succ'd and Cancel Own 4,227 App Reinstatements 0 Public Notice Cancel 2,103 HHC Adjustments 0 Voluntary Cancellations 89 TOTAL 62 Lease Successorships 45,055 HHC Adjustments Decd No Successor Additional Acreage Additional Acreage NHQ Unqualified TOTAL	
4,227 App Reinstatements 0 Public Notice Cancel 2,103 HHC Adjustments 0 Voluntary Cancellations 89 TOTAL 62 Lease Successorships HHC Adjustments Dec'd No Successor Additional Acreage NHQ Unqualified TOTAL TOTAL	
2,103 HHC Adjustments 0 Voluntary Cancellations 89 TOTAL 62 Lease Successorships HHC Adjustments Dec'd No Successor Additional Acreage NHQ Unqualified TOTAL	1,677 2,225
89 TOTAL 62 Lease Successorships HHC Adjustments Decd No Successor Additional Acreage NHQ Unqualified TOTAL	
45,055 HHC Adjustments Decd No Successor Additional Acreage NHQ Unqualified TOTAL	0
TOTAL	23,039 18,956 3,

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

DELINQUENCY REPORT - STATEWIDE September 17, 2019 (\$Thousands)

	Total Outstanding	anding	Total Delinquency	nguency	30 Days (low)		R 60 Days (Medium)	R I	S K 90 Days (High)		180 Days (Severe)	Severe)	% of Totals 8/31/2019	tals 119
DIRECT LOANS OAHU	No. 397	(000s) Amt. 36,642	No. 118	(000s) Amt. 11,648	No.	(000s) Amt. 736	No. 16	(000s) Amt. 1,101	No. 25	(000s) Amt. 2,172	No.	(000s) Amt. 7,640	No. 29.7%	\$ 31.8%
EAST HAWAII	212	13,101	63	4,200	10	285	4	342	თ	298	40	3,275	29.7%	32.1%
WEST HAWAII	84	8,645	13	1,216	4	540	2	223	က	204	4	249	15.5%	14.1%
MOLOKAI	85	6,670	19	625	0	0	က	102	7	20	4	473	22.4%	9.4%
KAUAI	26	7,454	21	1,315	ဖ	473	က	186	വ	285	7	371	21.6%	17.6%
MAUI	91	11,985	<u>25</u>	3,445	∞ I	1,118	2	<u>256</u>	41	831	듸	1.241	27.5%	28.7%
TOTAL DIRECT	966 100.0%	84,498 100.0%	259 26.8%	22,449 26.6%	4.2%	3,152 3.7%	30 3.1%	2,209 2.6%	48 5.0%	3,839 4.5%	140 14.5%	13,249 15.7%	26.8%	26.6%
Advances (including RPT)	239	8,565	239	8,565	0	0	0	0	239	8,565			100%	100%
DHHL LOANS & Advances	1,205	93,063	498	31,014	4	3,152	30	2,209	287	12,405	140	13,249	41.3%	33.3%
LOAN GUARAN I EES, as of June 30, 2018 SBA USDA-RD Habitat for Humanity Maui County Nanakuli NHS City & County FHA Interim OHA	297 297 5 5 11 11 21	35,079 2,142 2,142 74 274 1,445 87	22 22 12 12 14 15 15 16 17 17 18 18 18 18 18 18 18 18 18 18 18 18 18	6,039 896 0 7 258 258 7 258	0000000	0000000	00000000	0000000	25 25 17 17 17 18	6,039 896 896 0 7 258 0 0			0.0% 17.8% 39.3% 0.0% 85.7% 0.0% 4.8%	0.0% 41.8% 0.0% 100.0% 94.2% 0.0% 6.9%
PMI Loans HUD REASSIGNED for Recovery FHA Insured Loans TOTAL INS. LOANS	176 159 2.807 3.142	27,819 19,742 445,061 492,622	135 195 333	612 18,178 24,342 43,132	0 - 0 m	. 446 12 0 458	0 - 01-1	0 % 0 1 %	1 195 201	166 381 24,342 24,889	128	17,721	1.7% 84.9% <u>6.9%</u> 10.6%	2.2% 92.1% 5.5% 8.8%
OVERALL TOTALS(EXC Adv/RP) DUSTED TOTALS	4,514 4,753	616,316 624,881	681 920	72,787 81,352	4 4	3,609	3 3	2,273 2,273	338	35,935 44,500	268	30,970 30,970	15.1%	11.8% 13.0%

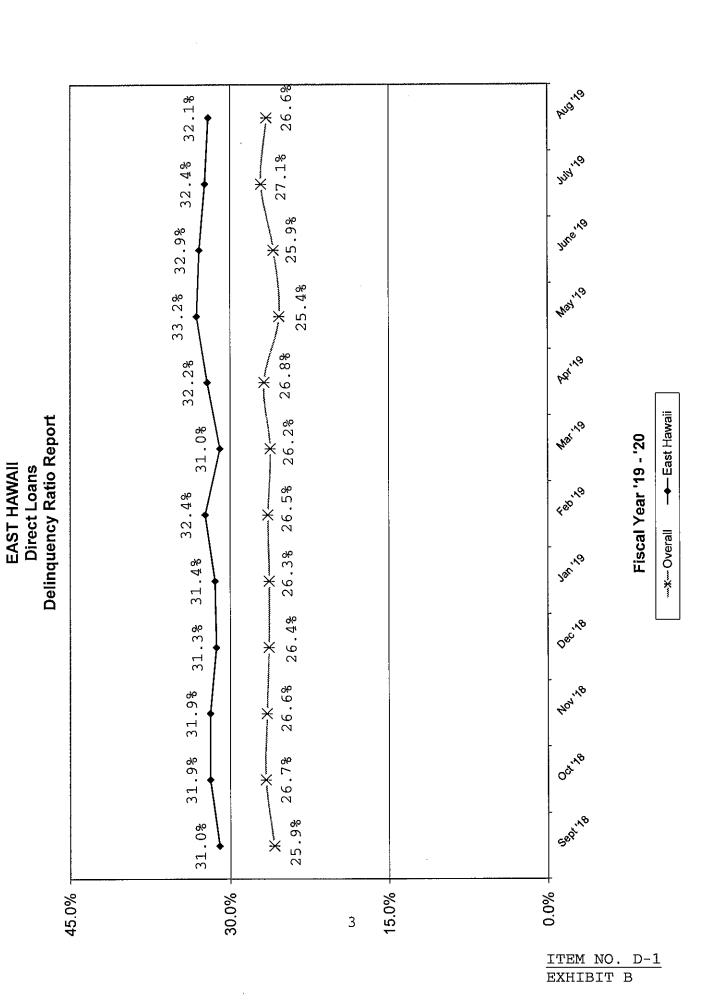
Note: HUD 184A loan program has 499 loans, with a total outstanding principal balance of \$111,905,370.46 as of June 30, 2019. 23 loans, totalling \$5,381,378.94 are delinquent.

26.68 31.8% 32.9% 27.1% 25.9% 30.9% 25.4% 30.3% 32.0% 26.8% Delinquency Ratio Report 30.9% 26.2% →-Oahu Fiscal Year '19 - '20 26.5% 30.3% 26.3% 29.8% 30.2% 26.48 26.68 32.0% O_G, 1/6 26.78 31.0% Serins 30.68 25.9% 45.0% 30.0% 15.0% %0.0 2

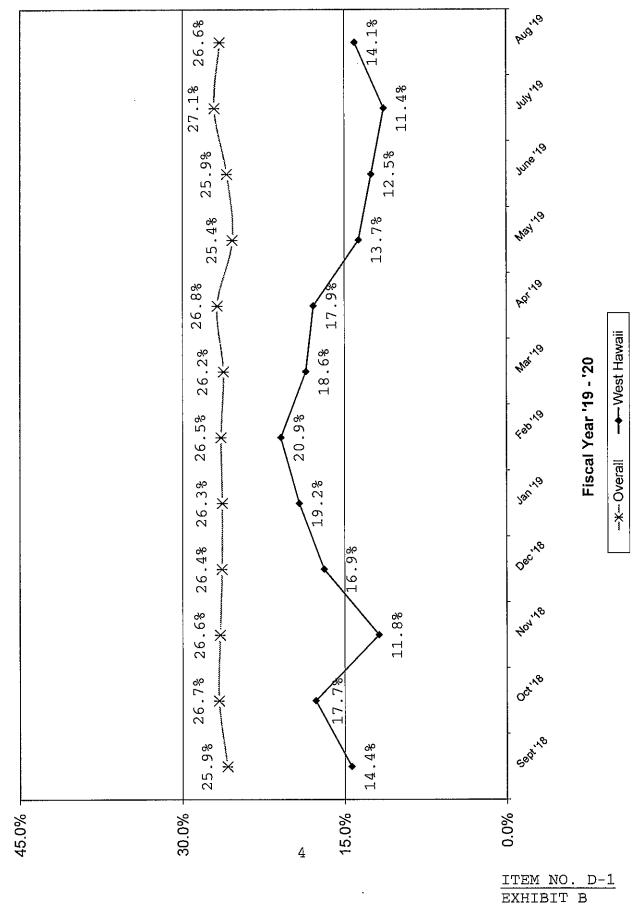
Direct Loans

OAHO

ITEM NO. D-1 EXHIBIT B



WEST HAWAII Direct Loans Delinquency Ratio Report

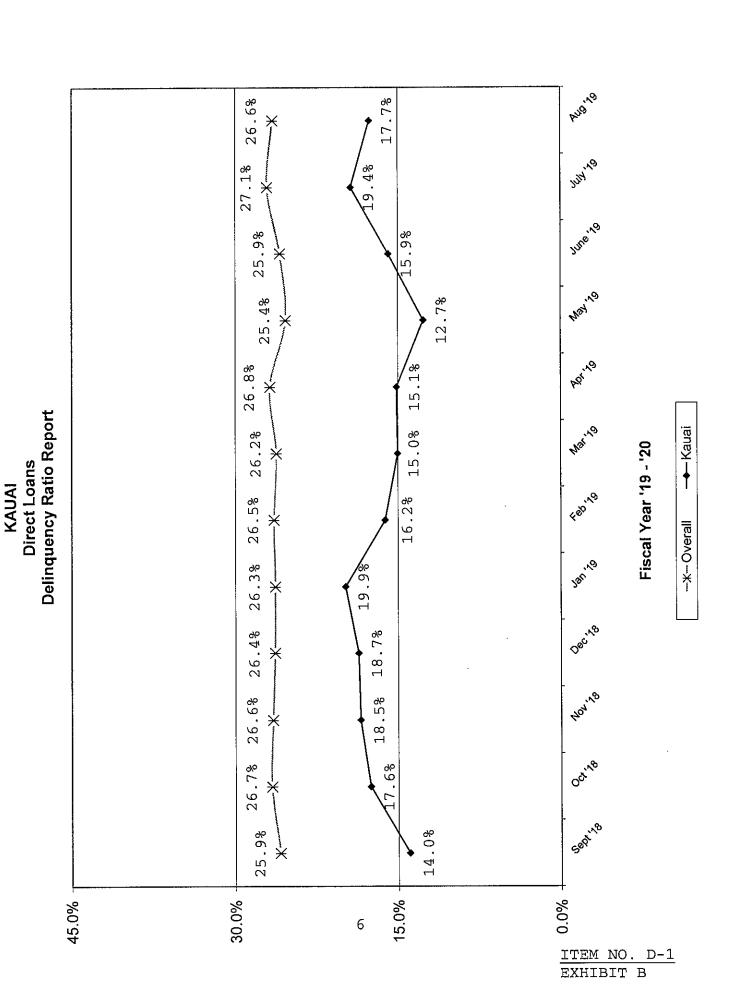


Prig.18 9.4% 26.6% 111.19 27.18 25.9% 10.4% 25.4% 9.48 POLYO 26.8% 9.48 haira Delinquency Ratio Report Molokai 26.2% 9.3% Fiscal Year '19 - '20 680,48 26.5% 9. % -x-Overall 26.3% 10.0% 0ec,1/8 26.48 11.3% 404,48 11.5% 26.6% 12.1% 26.78 12.5% 25.9% 45.0% 15.0% 0.0% 30.0% 7

Direct Loans

MOLOKAI

ITEM NO. D-1
EXHIBIT B



26.6% 28.8% WH. 19 28.2% 25.9% 27.78 25.4% 27.68 26.8% 28.9% 29.2% 26.28 —◆—Maui Fiscal Year '19 - '20 26.5% 28.7% 26.3% 29.1% 26.48 29.8% 26.6% 28.8% 26.7% 25.9% 28.6% 45.0% 30.0% 15.0% 0.0% 5

Delinquency Ratio Report

Direct Loans

MAUI

ITEM NO. D-1 EXHIBIT B

September 17, 2019

SUBJECT: DHHL Guarantees for FHA Construction Loans

<u>DISCUSSION</u>: 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.

LEASE NO.	AREA	LESSEE	Loan <u>Amount</u>	Date <u>Approved</u>
6206	Panaewa	Launiu, Leinaala K.	\$193,775	8/8/19
10304	Waiohuli	Kaililaau, Sherri Ann U.	\$290,484	8/8/19

	No.	Balance
FY Ending 6/30/19	16	\$ 4,472,865
Previous Months This Month	2 _2	\$ 512,027 484,259
FY '19-'20 to date	4	\$ 996,286

DEPARTMENT OF HAWAIIAN HOME LANDS

September 17, 2019

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

PROPERTY	LESSEE	LENDER	LOAN AMOUNT
OAHU			
Waimanalo Lease No. 5989 TMK: 1-4-1-036:023	PERREIRA, Deborah M.(Cash Out Refi)FHA		\$ 176,460
Waianae Lease No. 8730 TMK: 1-8-5-033:089	BAILEY, Milton K., Sr. (Cash Out Refi)FHA		\$ 233,550
<pre>Kanehili Lease No. 11584 TMK: 1-9-1-153:057</pre>	PUU, Keoki R.(Cash Out Refi)HUD 184A		\$ 333,250
Princess Kahanu Estates Lease No. 8560 TMK: 1-8-7-033:030	Andrew M. V., III	Guild Mortgage Co.	\$ 388,000

DEPARTMENT OF HAWAIIAN HOME LANDS

September 17, 2019

TO:

Chairman and Members, Hawaiian Homes Commission

FROM:

Dean Oshiro, Acting HSD Administrator

Homestead Services Division

SUBJECT: Approval of Streamline Refinance of Loans

RECOMMENDED MOTION/ACTION

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

DISCUSSION

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

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

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

LESSEE

LEASE NO. & AREA

REFINANCING LOAN TERMS

Queen, Harriet K.

9083, Keaukaha

NTE \$51,000 @4.5% interest

per annum, NTE \$400

monthly, repayable over 15

years.

Loan Purpose: Refinance Contract of Loan no. 17425.

Original loan amount of \$63,602 at

6.25% per annum, \$392 monthly,

repayable over 30 years. A Contested Case Hearing was not held for this

account.

DEPARTMENT OF HAWAIIAN HOME LANDS

September 17, 2019

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:

Lessee	Lease No.	Area	Loan <u>No.</u>	Monthly Payment	Amount at 8/19	Balance At 8/19
<u>Oahu</u>						
Villarin, Maile M.	3951	Waimanalo	19662 (HUD Buy- back)	TBD	TBD	TBD
Hanohano-Wright, Brandon	5362	Waianae	19661 (HUD Buy- back)	TBD	TBD	TBD
Kaolulo, Mervin & Kaolulo, Elizabeth H.	2158	Kewalo	17687	\$862	\$4,389	\$115,394

Lessee	<u>Lease</u> <u>No.</u>	Area	Loan <u>No.</u>	Monthly Payment	Amount at 8/19	Balance At 8/19
Maui						
Revilla, Anna Marie K.	10093	Waiehu Kou III	19661 (HUD Buy- back)	TBD	TBD	TBD
<u>Hawaii</u>						
Derego, Shirley N.	6190	Puukapu	19663 (HUD Buy- back)	TBD	TBD	TBD

DEPARTMENT OF HAWAIIAN HOME LANDS

September 17, 2019

Chairman and Members, Hawaiian Homes Commission TO:

THROUGH: Dean T. Oshiro, Acting HSD Administratok

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

SUBJECT: Approval of Homestead Application Transfers/Cancellations

RECOMMENDED MOTION/ACTION

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

DISCUSSION

1. Requests of Applicants to Transfer

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST						
JOHNSON, Jamesette K.	08/11/2008	KAUAI	RES	06/19/2019		
HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST						
HAU, Sharon K.L.H.	02/13/1990	MOLOKAI	AGR	03/22/2019		
HAWAII ISLANDWIDE PASTORAL LEASE LIST						
YASUTAKE, Tami K.M.	04/17/2001	KAUAI	AGR	06/10/2019		
HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST						
HAU, Sharon K.L.H.	02/13/1990	MOLOKAI	RES	03/22/2019		
YASUTAKE, Tami K.M.	04/17/2001	KAUAI	RES	06/10/2019		

2. Deceased Applicants

OAHU ISLANDWIDE AGRICULTURA	L LEASE LIST		
KAHIKINA, Bradford	PN 11/2018	07/13/1999	
ONIUL TOLANDUTDE DECEDENMENTAL	I E A C E I T C M		
OAHU ISLANDWIDE RESIDENTIAL	LEASE LIST		
GUTING, Gwendolyn C.	PN 11/2018	08/21/2012	
JURY, Jerri-Deen M.	PN 11/2018	02/25/2004	
KAHIKINA, Bradford	PN 11/2018	07/13/1999	
MAUI ISLANDWIDE AGRICULTURA	L LEASE LIST		
BADON, Valerie H.	PN 11/2018	06/23/2006	
BRIGHT, Oliver K., Sr.	PN 11/2018	07/21/1986	
COTTON, Len-Erna H.W.	PN 11/2018	08/26/1985	
GABIN, Joseph	PN 11/2018	05/28/1996	
JURY, Jerri-Deen M.	PN 11/2018	05/17/1985	
KAUHANE, Noble R.	PN 11/2018	06/04/2009	
MAUI ISLANDWIDE PASTORAL LE	ASE LIST		
AGANOS, Juliana	PN 11/2018	10/16/2015	
MAUI ISLANDWIDE RESIDENTIAL	LEASE LIST		
	1 000		
AGANOS, Juliana	PN 11/2018	10/16/2015	
BADON, Valerie H.	PN 11/2018	06/23/2006	
GABIN, Walter, Jr.	PN 11/2018	08/04/1986	
KAUHANE, Noble R.	PN 11/2018	06/04/2009	
HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST			
KAILIMAI, Wesley K.	PN 11/2018	04/01/2004	

HAWAII ISLANDWIDE PASTORAL	LEASE LIST	
KAHAKUA, Wesley K.	PN 11/2018	07/31/2006
HAWAII ISLANDWIDE RESIDENTI	AL LEASE LIST	
HENRIQUES, Rose L.	PN 11/2018	12/16/2002
KAHAKUA, Wesley K.	PN 11/2018	07/31/2006
KAILIMAI, Wesley K.	PN 11/2018	04/01/2004
KAUAI ISLANDWIDE AGRICULTUF	AL LEASE LIST	2000
KALUAHINE, Stanley, Jr.	PN 11/2018	04/14/1988
KAUAI ISLANDWIDE PASTORAL I	EASE LIST	
KANAHELE, Richard I.K.	PN 11/2018	03/29/1994
MOLOKAI ISLANDWIDE AGRICULI	URAL LEASE LIST	
DELA PENA, Velma K.	PN 11/2018	09/04/1985
GANON, Diana May L.	PN 11/2018	02/22/1994
3. Awards of Leas	es	
OAHU ISLANDWIDE RESIDENTIAL	LEASE LIST	
GOMES HOOHULI, Samson L.K.	#309, Lot 111 dated 07/26/20	in Nanakuli, Oahu
KAMAI, Janice H.	dated 08/07/20	in Waianae, Oahu

MAO, Somerset K.M.

Assigned Residential Lease #7954, Lot 79-B in Waimanalo, Oahu dated 08/22/2019. Remove application dated 01/29/1993.

MORRISON, Maydeen P.

Assigned Residential Lease #9508, Lot 70 in Waiehu Kou 2, Maui dated 08/02/2018. Remove application dated 02/09/2010.

TAKAHASHI, Patricia M.K.

Assigned Residential Lease #4367, Lot 170-A in Nanakuli, Oahu dated 04/17/2019. Remove application dated 01/23/1998.

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

HAIA, Brian K.

Assigned Agricultural Lease #7396, Lot 51, Keokea, Maui dated 08/02/2018. Remove application dated 10/27/2015.

MAUI ISLANDWIDE PASTORAL LEASE LIST

FARM, Lokalia P.

Assigned Pastoral Lease #9181, Lot 94, in Kahikinui, Maui dated 08/09/2018. Remove application dated 02/28/2018.

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

HAI, Richard K.

Assigned Residential Lease #10483, UNDV186, in Waiohuli, Maui dated 03/14/2018. Remove application dated 02/03/2005.

KALAMA, Kapono T.

Assigned Residential Lease #7703, Lot 267, in Waiohuli, Maui dated 07/20/2018. Remove application dated 07/08/2013.

KOA, William K.F.

Assigned Residential Lease #7782, Lot 7, in Waimanalo, Oahu dated 08/01/2019. Remove application dated 09/25/1986.

RIVERA, Janel L.

Assigned Residential Lease #3834, Lot 6, in Paukukalo, Maui dated 09/13/2018. Remove application dated 06/08/2006.

TABON, Sasha I.

Assigned Residential Lease #9491, Lot 53, in Waiehu Kou 2, Maui dated 07/26/2018. Remove application dated 01/02/2018.

HAWAII ISLANDWIDE PASTORAL LEASE LIST

QUANAN, Willyann K.

Assigned Agricultural Lease #6267, Lot 162-B in Panaewa, Hawaii dated 08/22/2019. Remove application dated 06/09/1995.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

CHU HING, William A.S.

Assigned Residential Lease #5659, Lot 356 in Keaukaha, Hawaii dated 08/01/2019. Remove application dated 05/11/2000.

CONTRERAS, Lora Lee P.

Assigned Residential Lease #3765, Lot 49 in Papakolea, Oahu dated 08/30/2018. Remove application dated 06/26/1985.

FALEVAI, Wanza U.

Assigned Residential Lease #2909, Lot 7 in Waiakea, Hawaii dated 08/22/2019. Remove application dated 12/01/1980.

KAUVAKA, Charlene K.

Assigned Residential Lease #2909, Lot 7 in Waiakea, Hawaii dated 08/22/2019. Remove application dated 10/01/1981.

LAUAKI, La Rue L.

Assigned Residential Lease #2909, Lot 7 in Waiakea, Hawaii dated 08/22/2019. Remove application dated 03/28/1979.

AALONA, Larry K.

Assigned Residential Lease #4844, Lot 86-D in Hoolehua, Molokai dated 08/01/2019. Remove application dated 08/13/2004.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KAIO, David K.K.

Succeeded to Papakolea-Kewalo Area / Oahu Islandwide Residential application of mother, Vincentilina E. Kaio, dated 07/09/1962. Remove application dated 10/21/1993.

- 7. Additional Acreage

 NONE FOR SUBMITTAL
- 8. HHC Adjustments

NONE FOR SUBMITTAL

This Month's Cumulative FY 2019-2020 Transaction Total	156
This Month's Transaction Total	49
HHC Adjustments	0
Additional Acreage	0
Successorship	1
Voluntary Cancellations	0
NHQ	0
Awards of Leases	19
Cancellations:	
Deceased	24
Transfers from Island to Island	5
Last Month's Cumulative Fr 2019-2020 Transaction Total	107
Last Month's Cumulative FY 2019-2020 Transaction Total	107
Last Month's Transaction Total	68

DEPARTMENT OF HAWAIIAN HOME LANDS

September 17, 2019

TO: Chairman and Members, Hawaiian Homes Compission

THROUGH: Dean T. Oshiro, Acting HSD Administrator

FROM: Ross K. Kapeliela, Applications Officer

Homestead Services Division

SUBJECT: Commission Designation of Successors to Application

Rights - Public Notice 2018

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. recommends approval of the following designees:

1.Deceased Applicant:

Date of death:

Successor to application rights

Relationship to decedent:

Island:

Type:

Date of Application:
Date of Public Notice:

Robert V.A. Bell Jr.

January 12, 2017 Russell V.I. Bell

Child Oahu

Islandwide Residential

December 2, 1983 November, 2018 2.Deceased Applicant:

Date of death:

Successor to application rights

Relationship to decedent:

Island:

Type:

Date of Application:

Date of Public Notice:

3a.Deceased Applicant:

Date of death:

Successor to application rights

Relationship to decedent:

Island:

Type:

Date of Application:

Date of Public Notice:

3b.Island:

Type:

Date of Application:

Date of Public Notice:

Vincentilina E. Kaio

April 12, 2017

David K.K. Kaio

Child

Oahu

Papakolea-Kewalo Area /

Islandwide Residential

July 9, 1962

November, 2018

Mei-Lee K. Requilman

March 21, 2018

Natasha N. Recaido-Huihui

Child

Maui

Islandwide Agricultural

January 17, 1990

November, 2018

Maui

Islandwide Residential

January 17, 1990

November, 2018

Previous Cumulative Total for Current FY 4
Current Month's Total 4
Fiscal Year Total: July 2019-June 2020 8

DEPARTMENT OF HAWAIIAN HOME LANDS

September 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrato

Homestead Services Division

FROM: Juan Garcia, Oahu District Office Jupervisor

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.

<u>Leasehold Interest:</u> Approved for September 2019 Previous FY 2019 - 2020 FY 2019- 2020 Total to Date	9 <u>8</u> 17
Approved for FY '18 - '19	92
Net Proceeds Approved for September 2019 Previous FY 2019- 2020 FY 2019 - 2020 Total to Date	0 _0 0
Approved for FY '18 - '19	1

LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR LEASEHOLD INTEREST AND DESIGNEE TO RECEIVE NET PROCEEDS FOR MONTH OF SEPTEMBER 2019

Deceased Lessee

1. Penny N. Chung Lot No.: 144

Area: Waianae, Oahu

Lease No. 4583

2. Clara K. Gallinger Lot No.: 61

Area: Kalamaula, Molokai

Lease No. 6089

Designated Successor

PRIMARY:

Milton P. Chung, Husband

ALTERNATE: Tenants in Common Kristine K. Chung, Daughter

Brandon P. Chung, Son

DESIGNEE TO RECEIVE NET

PROCEEDS:

N/A

PRIMARY: Tenants in Common Davalynn Hoopai, Daughter Davadinn Hoopai, Daughter David Hoopai, Son

ALTERNATE:

N/A

DESIGNEE TO RECEIVE NET

PROCEEDS:

N/A

3. Albert K. Iokepa Lot No.: 214 Area: PKE, Oahu Lease No. 8504 PRIMARY:

Johnnette Iokepa, Daughter

ALTERNATE: Tenants in Common Albert K. Iokepa, Jr., Son* Ellareen F. Iokepa Labaniego, Daughter* Dodilyn H. Iokepa, Daughter* *Omit due to lack of genealogy

*Omit due to lack of genealogy documents to determine eligibility to successorship.

eligibility to successorship

DESIGNEE TO RECEIVE NET PROCEEDS:

N/A

4. John K. Kaupu Lot No.: 385

Area: Keaukaha, Hawaii

Lease No. 9088

PRIMARY: Joint Tenants Sheila Kaupu, Daughter Sean Kaupu, Son Shannon Kaupu, Son

ALTERNATE:

N/A

DESIGNEE TO RECEIVE NET PROCEEDS:

N/A

5. Raymond K. Keala, Jr.
Lot No.: 127
Area: Panaewa, Hawaii
Lease No. 2891

PRIMARY: Joint Tenants
Raelynn K. Carpenter, Sister
Rory Keala, Brother
Raymond P. Keala, Nephew

ALTERNATE:

N/A

DESIGNEE TO RECEIVE NET PROCEEDS:

N/A

6. John K. Kua, Jr.
Lot No.: 144-A
Area: Keaukaha, Hawaii
Lease No. 2782-A

PRIMARY:
Jerred C. K. Kua, Son

ALTERNATE:

N/A

DESIGNEE TO RECEIVE NET PROCEEDS:

N/A

7. Theorne L. Morgan
Lot No.: 73
Area: Lualualei, Oahu
Lease No. 5560

PRIMARY:

Colby K. Morgan, Grandson

ALTERNATE:

N/A

DESIGNEE TO RECEIVE NET PROCEEDS:

8. Johnson O. Puou Lot No.: 17138 Area: Kaupea, Oahu Lease No. 11424

PRIMARY:

Kelly Jean K. Lopez, Daughter

ALTERNATE:

N/A

DESIGNEE TO RECEIVE NET

PROCEEDS:

N/A

9. Leona Ann Toler
Lot No.: 168-A
Area: Keaukaha, Hawaii
Lease No. 1828

PRIMARY:

Tiffany R. P. Toler, Daughter

ALTERNATE:

N/A

DESIGNEE TO RECEIVE NET

PROCEEDS:

N/A

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator

Homestead Services Division

FROM: Juan Garcia, Oahu District Offige 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

Sixteen (16) assignments of lease.

1. Lessee Name: Eric A. Arrington Res. Lease No. 8317, Lot No. 26

Lease Date: 4/1/1996

Area: PKE, Oahu

Property Sold & Amount: Yes, \$485,000.00.00 Improvements: 4 bedroom, 2-1/2 bath dwelling

Transferee Name: Gloria A. M. A. Mansfield

Relationship: None Loan Assumption: No

Applicant: Yes, Oahu IW Res., 9/27/2011

Reason for Transfer: "Moving off island." Special

Condition: Transferee to obtain funds to pay purchase

price.

 Lessee Name: Jacqueline L. Char Res. Lease No. 2167, Lot No. 232

> Lease Date: 6/29/1949 Area: Kewalo, Oahu

Property Sold & Amount: No, N/A

Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Jacqueline L. Char & Kelsie K. Char

Relationship: Lessee & Granddaughter

Loan Assumption: No

Applicant: No

Reason for Transfer: "Adding relative to lease."

3. Lessee Name: Juliana P. Gregg Res. Lease No. 669, Lot No. 8

> Lease Date: 3/17/1938 Area: Waimanalo, Oahu

Property Sold & Amount: No, N/A

Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: Matthew M. Ayers

Relationship: Co-lessee Loan Assumption: No

Applicant: No

Reason for Transfer: "Giving lease to relative."

4. Lessee Name: Naomi L. Hanohano Res. Lease No. 9978, Lot No. 169

Lease Date: 3/1/2004

Area: PKE, Oahu

Property Sold & Amount: Yes, \$425,000.00 Improvements: 4 bedroom, 2-1/2 bath dwelling

Transferee Name: Primrose L. U. Cablay

Relationship: None Loan Assumption: No

Applicant: Yes, Oahu IW Res., 3/19/2018

Reason for Transfer: "To Big." Special Condition: Transferee to obtain funds to pay purchase price.

5. Lessee Name: Harry H. Y. Kawai Pas. Lease No. 2683, Lot No. 20

Lease Date: 10/1/1952 Area: Nienie, Hawaii

Property Sold & Amount: Yes, \$400,000.00 Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Carol P. Edmondson

Relationship: None Loan Assumption: Np

Applicant: Yes, Hawaii Pas., 11/2/1990

Reason for Transfer: "Selling to friend." Special Condition: Transferee to obtain funds to pay purchase

price.

6. Lessee Name: Tremaine M.K. Keaulana Lui-Dyball

Res. Lease No. 3913, Lot No. 5

Lease Date: 11/24/1971 Area: Waimanalo, Oahu

Property Sold & Amount: Yes, \$100,000.00 Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Tremaine M. K. Keaulana Lui-Dyball, Donald

R. K. Lee & Joseph W. Muller, III, Relationship: Lessee, Son & Grandson

Loan Assumption: No

Applicant: Yes, Hawaii IW Res., 2/21/2007-Donald R. K. Lee

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

7. Lessee Name: Kealiiaukai Kolo, Jr.

Res. Lease No. 11318, Lot No. 19

Lease Date: 9/15/2006 Area: Kekaha, Kauai

Property Sold & Amount: Yes, \$337,000.00 Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Ladd K. Turalde

Relationship: None Loan Assumption: No

Applicant: Yes, Kauai IW Res., 11/16/2018

Reason for Transfer: "Divorce settlement." Special Condition: Transferee to obtain funds to pay purchase

price.

8. Lessee Name: Rodgers L. L. Naipo Res. Lease No. 3691, Lot No. 41

> Lease Date: 2/24/1967 Area: Waimanalo, Oahu

Property Sold & Amount: No, N/A

Improvements: 5 bedroom, 3-1/2 bath dwelling

Transferee Name: Rene L. L. Lowe

Relationship: Daughter Loan Assumption: No

Applicant: Yes, Oahu Iw Res., 5/8/1986

Reason for Transfer: "Giving lease to relative."

9. Lessee Name: Tristan K. Pokini Res. Lease No. 8176, Lot No. 17

> Lease Date: 2/15/1993 Area: Waimanalo, Oahu

Property Sold & Amount: Yes, \$120,000.00 Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Joshua Chase

Relationship: Brother Loan Assumption: No

Applicant: No

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

price.

10. Lessee Name: Joelin K. Reyes

Res. Lease No. 5331, Lot No. 80

Lease Date: 10/1/1982 Area: Waianae, Oahu

Property Sold & Amount: No, N/A

Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Joelin K. Reyes & Guy E. Reyes

Relationship: Lessee & Husband

Loan Assumption: No

Applicant: No

Reason for Transfer: "Adding relative to the lease."

11. Lessee Name: Gayleen L. Roldan

Agr. Lease No. 5376A, Lot No. 13-A

Lease Date: 3/1/1983 Area: Panaewa, Hawaii

Property Sold & Amount: No, N/A

Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: Marco N. Roldan & Eloy A. Roldan

Relationship: Sons Loan Assumption: No

Applicant: No

Reason for Transfer: "Giving lease to relatives."

12. Lessee Name: Shyla A. Gouveia

Agr. Lease No. 6230, Lot No. 83-A

Lease Date: 6/22/1993 Area: Panaewa, Hawaii

Property Sold & Amount: No, N/A

Improvements: None

Transferee Name: Lillian K. C. L. Kekaualua

Relationship: None Loan Assumption: No

Applicant: No

Reason for Transfer: "Giving lease to Lillian."

13. Lessee Name: Michael L. Grace Res. Lease No. 6515, Lot No. 13

Lease Date: 7/1/1986 Area: Anahola, Kauai

Property Sold & Amount: No, N/A

Improvements: None

Transferee Name: David O. Kealoha & Michael L. Grace

Relationship: None & Lessee

Loan Assumption: No

Applicant: Yes, Kauai IW Res., 7/19/1996

Reason for Transfer: "Medical and financial reasons and

share lease with David O. Kealoha."

14. Lessee Name: Ward J. Lemn, Jr. Res. Lease No. 5782, Lot No. 7

Lease Date: 2/28/1996 Area: Hoolehua, Molokai

Property Sold & Amount: No, N/A

Improvements: None

Transferee Name: Michael A. Elderts

Relationship: Nephew Loan Assumption: No

Applicant: Yes, Molokai IW Res., 6/2/2017

Reason for Transfer: "Giving lease to relative."

15. Lessee Name: James J. K. Waiamau Agr. Lease No. 6995, Lot No. 51

Lease Date: 10/1/1986 Area: Makuu, Hawaii

Property Sold & Amount: No, N/A

Improvements: None

Transferee Name: Juliana P. Gregg

Relationship: None Loan Assumption: No

Applicant: No

Reason for Transfer: "Giving lease to friend." See

simultaneous transfer below.

16. Lessee Name: Juliana P. Gregg Agr. Lease No. 6995, Lot No. 51

> Lease Date: 10/1/1986 Area: Makuu, Hawaii

Property Sold & Amount: No, N/A

Improvements: None

Transferee Name: Juliana P. Gregg & Toni M. K. Gregg

Relationship: Lessee & Daughter

Loan Assumption: No

Applicant: No

Reason for Transfer: "Adding relative to lease."

Assignments for the Month of September `19 16
Previous FY '19 - '20 balance 27
FY '19 - '20 total to date 43

Assignments for FY '18 - '19

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator

FROM: Juan Garcia, Oahu District Of Lac Supervisor

Homestead Services Division /

SUBJECT: Approval of Amendment of Leasehold Interest

RECOMMENDED MOTION/ACTION

To approve the amendment of the leasehold interest listed below.

DISCUSSION

Eight (8) amendments of lease.

1. Lessee: Jacqueline L. Char

Res. Lease No.: 2167

Lot No., Area, Island: 232, Kewalo, Oahu

Amendment: To amend the lease title and Lessor's name and to incorporate

the currently used terms,

covenants, and conditions to the

lease.

2. Lessee: Clara K. Gallinger

Res. Lease No.: 6089

Lot No., Area, Island: 61, Kalamaula, Molokai

Amendment: To amend the commencement date due

to final subdivision.

3. Lessee:

Agr. Lease No.:

Lot No., Area, Island:

Amendment:

Raymond K. Keala, Jr.

2891-A

127, Panaewa, Hawaii

To amend the lease title and

Lessor's name, to incorporate the currently used terms, covenants, and conditions to the lease, to

extend the lease term to an

aggregate term of 199 years, and to

amend the lease number.

4. Lessee:

Res. Lease No.:

Lot No., Area, Island:

Amendment:

Tremaine M. K. Keaulana Lui-Dyball

3913

5, Waimanalo, Oahu

To amend the lease title and

Lessor's name and to incorporate

the currently used terms,

covenants, and conditions to the

lease.

5. Lessee:

Agr. Lease No.:

Lot No., Area, Island:

Amendment:

Isabelle L. Knutson

4222

142, Panaewa, Hawaii

To update the property description,

and to amend the tenancy to severalty due to the death of a

joint tenant.

6. Lessee:

Res. Lease No.:

Lot No., Area, Island:

Amendment:

John K. Kua, Jr.

2782

144-A, Keaukaha, Hawaii

To amend the lease title and

Lessor's name and to incorporate

the currently used terms,

covenants, and conditions to the

lease.

7. Lessee: Rodgers L. L. Naipo Res. Lease No.: 3691 Lot No., Area, Island: 41, Waimanalo, Oahu Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, covenants, and conditions to the lease, and to update the property description. 8. Leona Ann Toler Lessee: Res. Lease No.: 1828 Lot No., Area, Island: 168-A, Keaukaha, Hawaii Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, covenants, and conditions to the lease, to extend the lease term to an aggregate term of 199 years, and to amend the lease number. Amendments for the Month of September '19 8 Previous FY '19 - '20 balance 8 FY '19 - '20 total to date 16

Amendments for FY '18 - '19

155

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator

FROM: Juan Garcia, Oahu District Of 19 Supervisor

Homestead Services Division

SUBJECT: Approval to Issue a Non-Exclusive License for Rooftop

Photovoltaic Systems for Certain Lessees

RECOMMENDED MOTION/ACTION

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

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

DISCUSSION

Three (3) non-exclusive licenses.

1. Lessee: Johnette K. Iokepa

Res. Lease No.: 8504

Lot No., Area, Island: 214, PKE, Oahu Permittee: Vivint Solar

2. Lessee: Pedro Makilan

Res. Lease No.: 12760

Lot No., Area, Island: 13740, Hoolimalima, Oahu

Permittee: Sunrun Installation Services, Inc.

Lessee: Janet Yokoyama

Res. Lease No.: 5064

Lot No., Area, Island: 227-B, Keaukaha, Hawaii

Permittee: Sunrun Installation Services, Inc.

Non-Exclusive License for August '19	3
Previous FY '19 - '20 balance	7
FY '19 - '20 total to date	10
Non-Exclusive License for FY '18 - '19	83

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Homestead Services Division

Administrator

FROM: Olinda L. Fisher, East Hawaii District Office

Homestead District Assistant Supervisor

SUBJECT: Final Approval of Subdivision, Transfer of a Portion

of Lease and Amendment to Lease No. 6973, Lot No. 29,

Makuu, Hawaii - JOHN I. KEKAHUNA

RECOMMENDED MOTION/ACTION

- 1. To authorize the final approval for the request of John I. Kekahuna (John) to subdivide Department of Hawaiian Home Lands Agricultural Lease No. 6973, Lot No. 29, Makuu, Hawaii. The homestead consists of five (5) acres, and further identified as TMK: 3-1-5-120:012 will be subdivided into three (3) separate lots of 1.667 acres each, see attached subdivision of Lot No. 29 map labeled Exhibit A, subject to the following conditions:
- A) The Lessee is responsible for all costs incurred in the processing and obtaining of the subdivision, including but not limited to surveying fees, fees imposed by the County of Hawaii (County), fees for utility (electric, water, etc.). Lessee has utilized the services of Niels Christensen to complete the task of surveying at the lessee's expense.
- B) An updated farm plan from John's lot must be submitted within ninety (90) days pursuant to HAR 10-3-26 (f) and 10-3-24(C). John submitted an updated farm plan on February 15, 2017.
- C) Transfer of subdivided lot shall only be to lessee's daughter, Lauae Kekahuna (Lauae) and lessee's son, Ioane Kekahuna (Ioane). Pursuant to request submitted.

- D) Amend Lease No. 6973, to reflect the subdivision of the lessee's lot, update the property description of original lot and to incorporate the currently used terms, covenants, and conditions in the lease. Upon final approval staff will draft documents for lessee and transferee's signature.
- E) Survey work to be done by a licensed surveyor, including but not limited to the surveying and staking of boundary corners of the lots, submitting the required number of final subdivision maps to the County of Hawaii, preparing and submitting the legal description of the lots to the Department of Hawaiian Home Lands, applying to the County of Hawaii for subdivision approval, obtain the tax map keys for the lots, and final subdivision approval by the County of Hawaii. Task has been completed with the services of Niels Christensen, Land surveyor. County of Hawaii Planning Department issued approval letter dated April 26, 2019 and subdivision has been recorded with the Bureau of Conveyances on April 4, 2019.
- F) Applicant must comply with Chapter 343, of the Hawaii Revised Statutes (HRS), prior to obtaining final subdivision approval by the HHC. Per HAR 11-200.1-14 (c) "Determination of level of environmental review" and HAR 11-200.1-15 (c)(3) "General types of actions eligible for exemption", John I. Kekahuna is exempt from complying with Chapter 343, of the Hawaii Revised Statutes (HRS).

DISCUSSION

On January 23, 2017, the Department approved a Conditional Approval of Subdivision for Agricultural Lease No. 6973, Lot No. 29, situate at Makuu, Hawaii (Lease).

John has complied and obtained all approvals with the County of Hawaii and The Department of Hawaiian Home Lands regarding the subdivision of Lot No. 29.

The County of Hawaii has assigned new Tax Map Keys numbers for the two newly subdivided lots. The original Tax Map Key of (3) 1-5-120:012 will remain with John I. Kekahuna, Agricultural Lease No. 6973, Lot No. 29, to be amended to Lot No. 29-A. As for the two newly subdivided lots they will now be Lot No. 29-B to Ioane Kekahuna and Lot No. 29-C to Lauae Kekahuna. The Tax Map Key issued by The County of Hawaii for Lot No. 29-B will be (3) 1-5-120:037, and Lot No. 29-C will be (3) 1-5-120:038, respectively.

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

RECOMMENDATION

The Department requests approval of its recommendation.

HAWAIIAN HOMES COMMISSION SEPTEMBER 16 & 17, 2019 LIHU'E, KAUA'I, HAWAI'I

E – ITEMS LAND DEVELOPMENT DIVISION



HAWAIIAN HOME LANDS

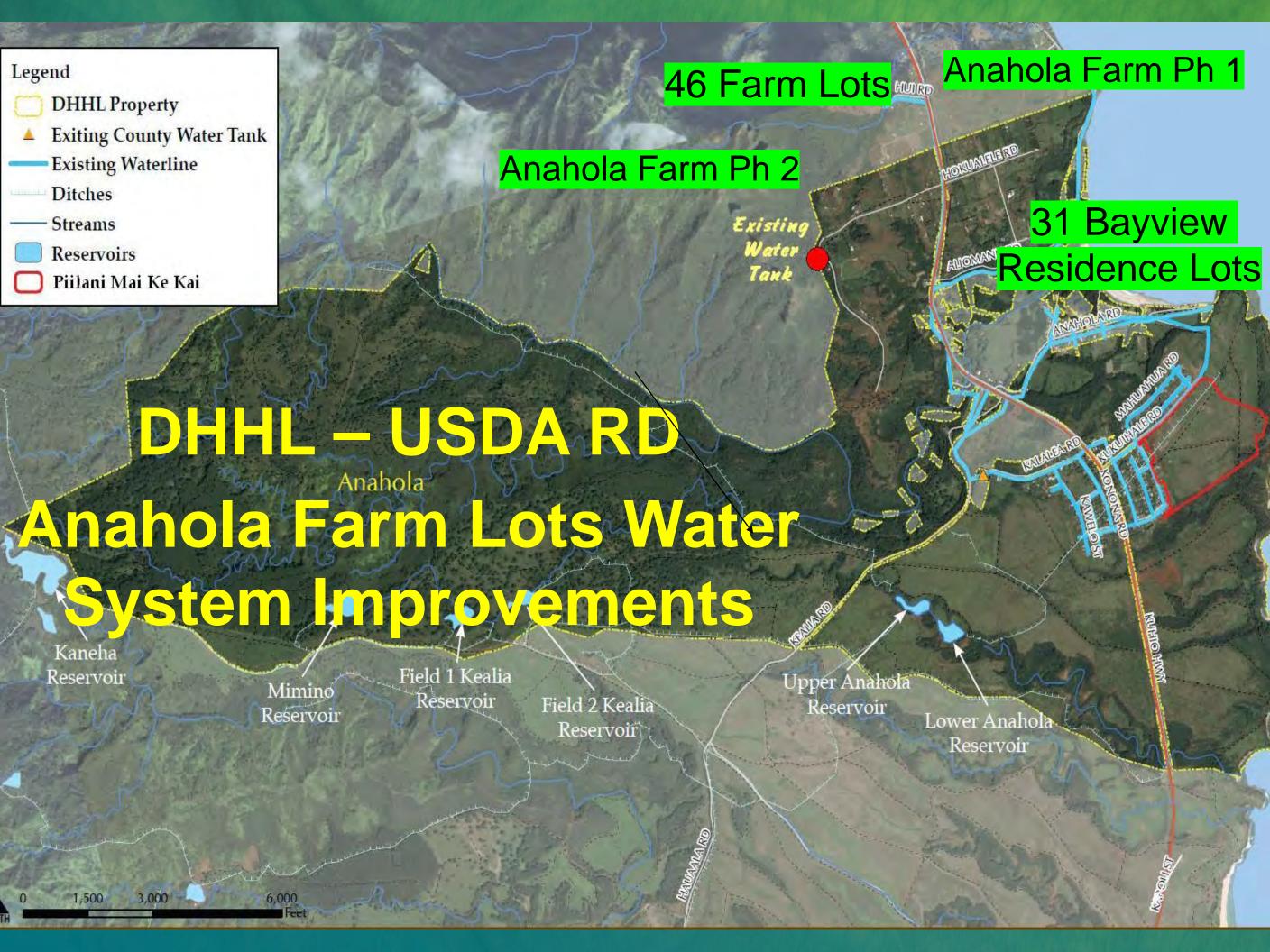
HAWAIIAN HOMES COMMISSION
DEPARTMENT OF HAWAIIAN HOME LANDS

KAUAI Project Updates

LAND DEVELOPMENT DIVISION
Item E-1 Workshop
September 16, 2019

ISLAND OF KAUAI **MOLOAA WAIMEA PUU OPAE ANAHOLA KEKAHA WAILUA**

HANAPEPE



FUNDS AWARDED BY USDA RD

(Accepted by HHC, Nov. 2018)

USDA 2016 FUNDING PACKAGE

DHHL CONTRIBUTION \$3,770,723

USDA GRANT \$3,055,137

SUBTOTAL \$6,825,860

USDA 2018 FUNDING PACKAGE ADDS:

USDA LOAN \$4,100,000 USDA GRANT \$1,999,946

SUBTOTAL \$6,099,946

GRAND TOTAL \$12,955,806

ANAHOLA FARM LOTS WATER SYSTEM IMPROVEMENTS

Phase 1:

LOW BID: \$3,196,408

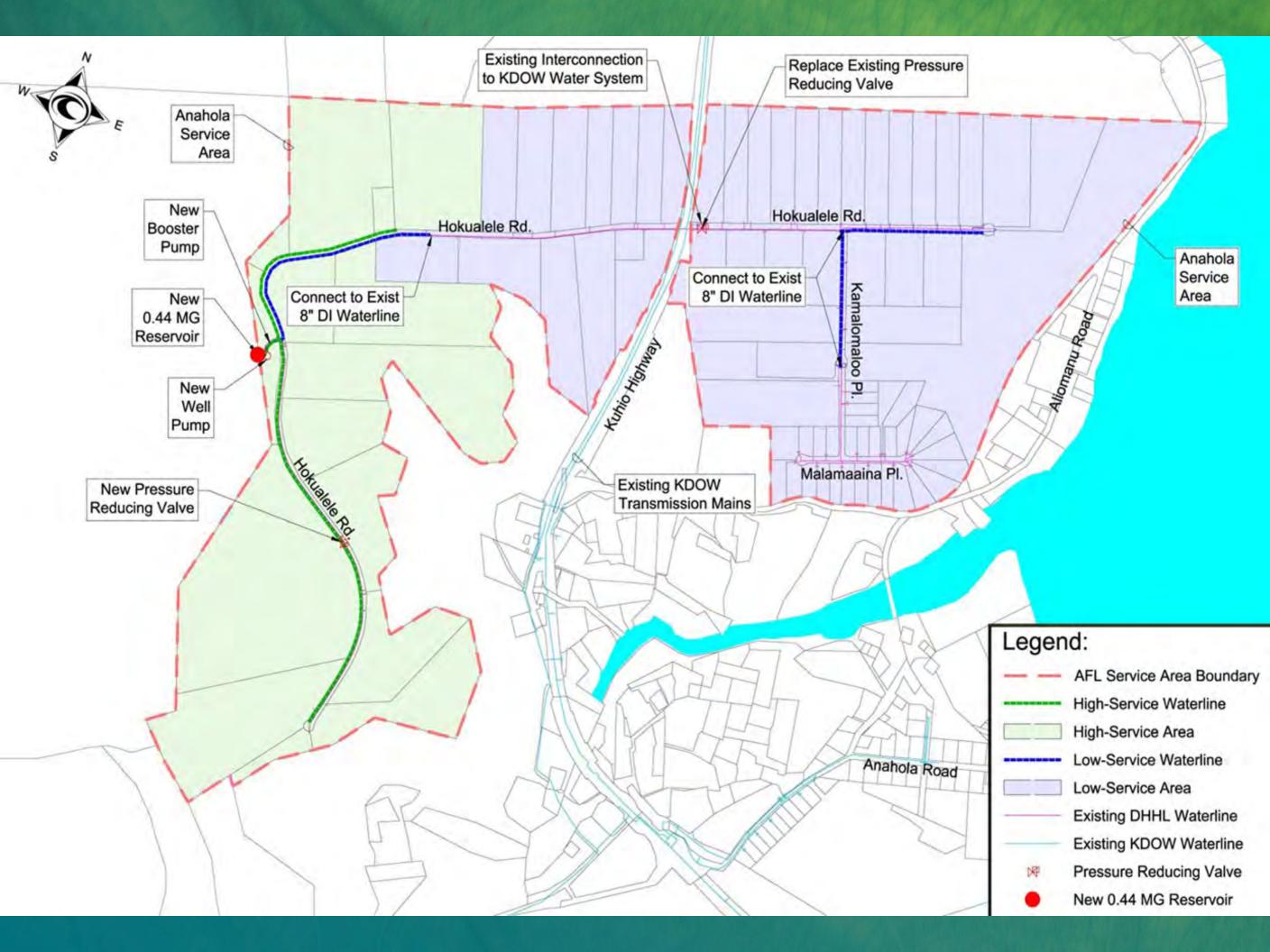
- Replacement of transmission and distribution lines
- Improvement of pressure in mauka and makai lots
- Upgrades to meters and backflow preventers
- Upgrades to fire protection

Phase 2:

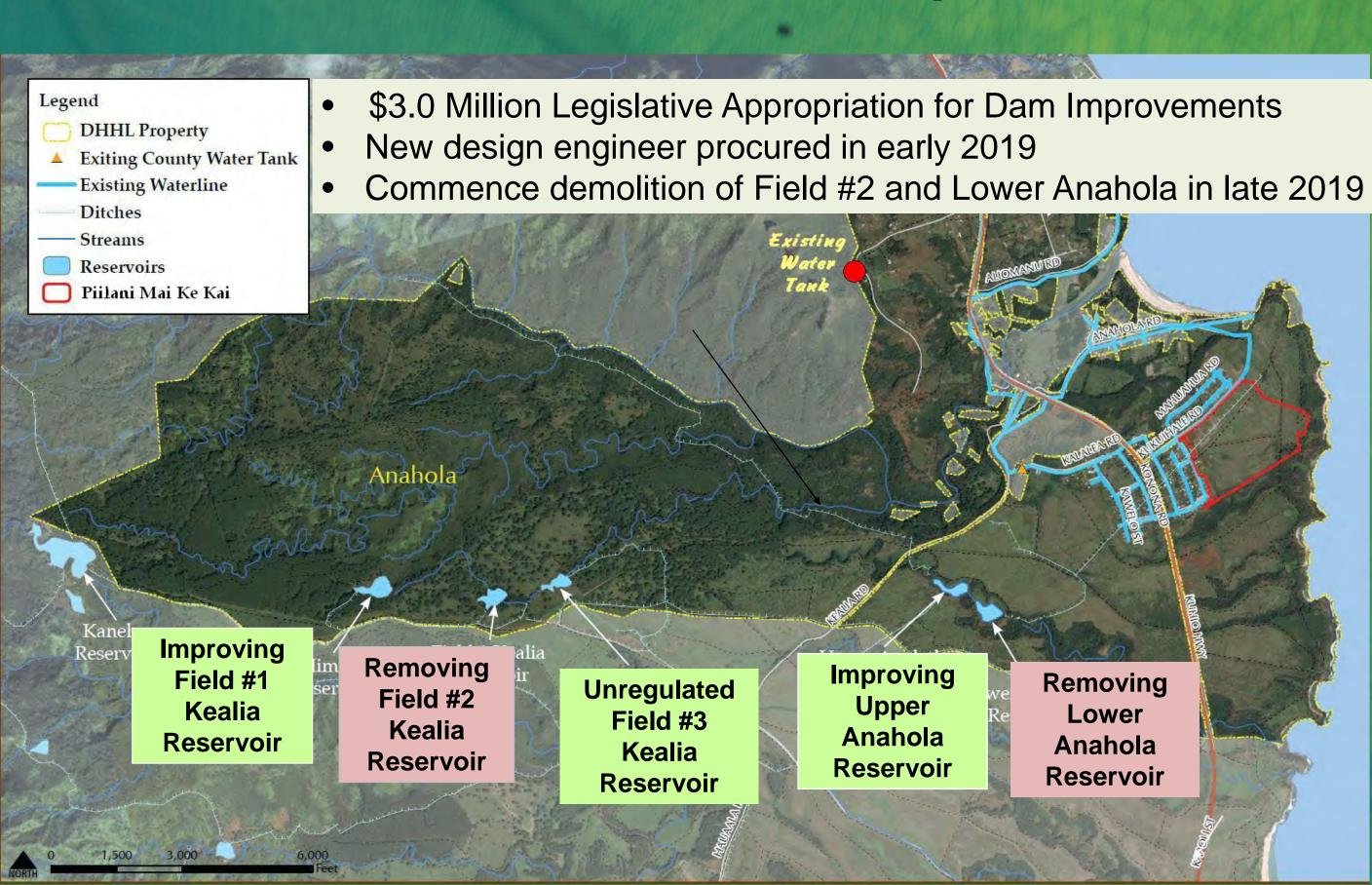
LOW BID: \$6,692,786

- New concrete water tank
- Pump station upgrades

CONSTRUCTION CONTRACT DOCUMENTS IN PROCESS
TO COMPLY WITH USDA RD CONDITIONS



Anahola Dam & Reservoir Improvements



ANAHOLA DAM AND RESERVOIR IMPROVEMENTS

"REMOVING"

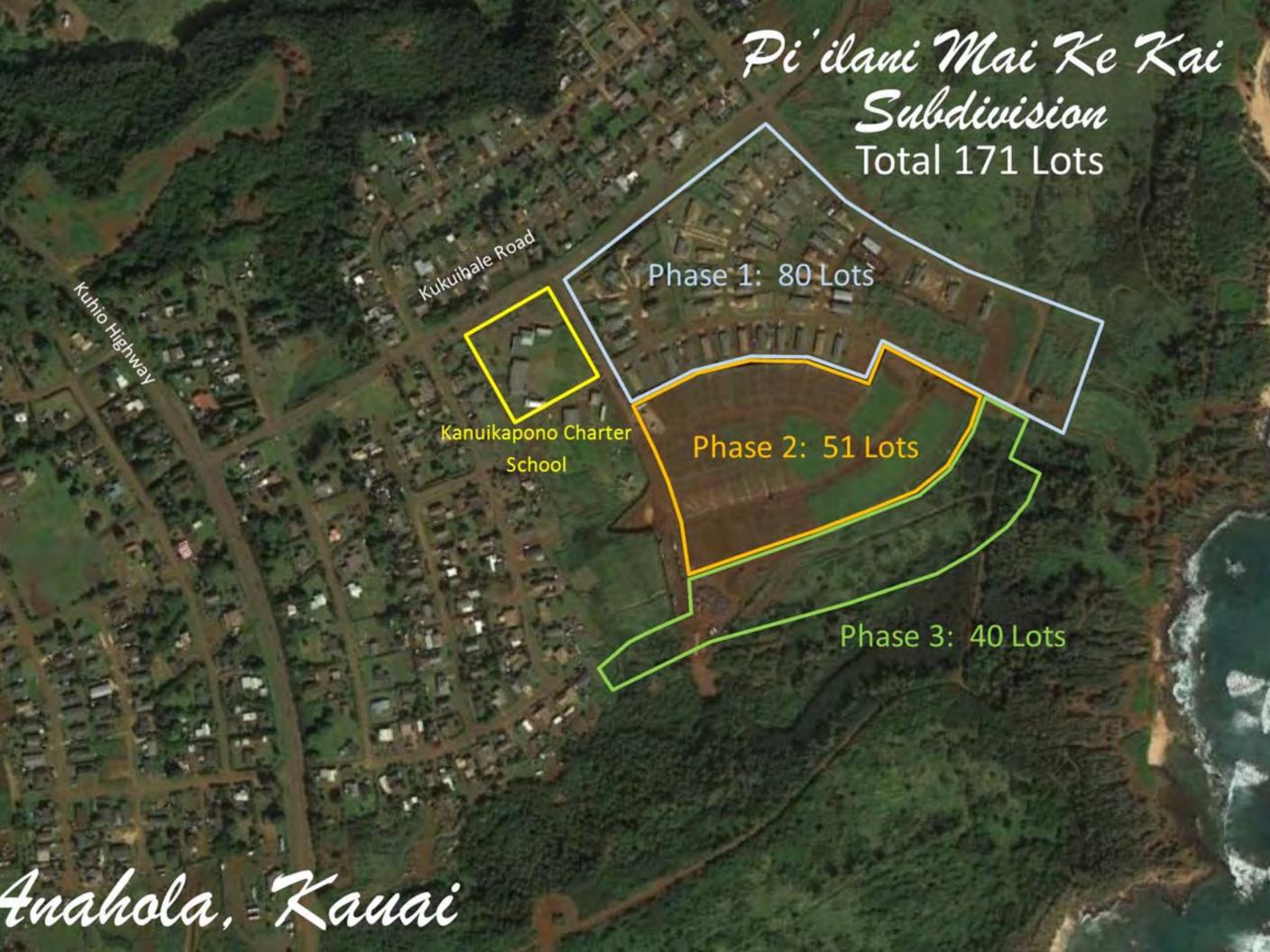
Kealia Field #2 and Lower Anahola

- Designs complete and NPDES permit application at DOH.
- Awaiting revised pricing from Goodfellow Brothers (original contractor from 2016 bid).
- Estimated construction start by December 2019.

"IMPROVING"

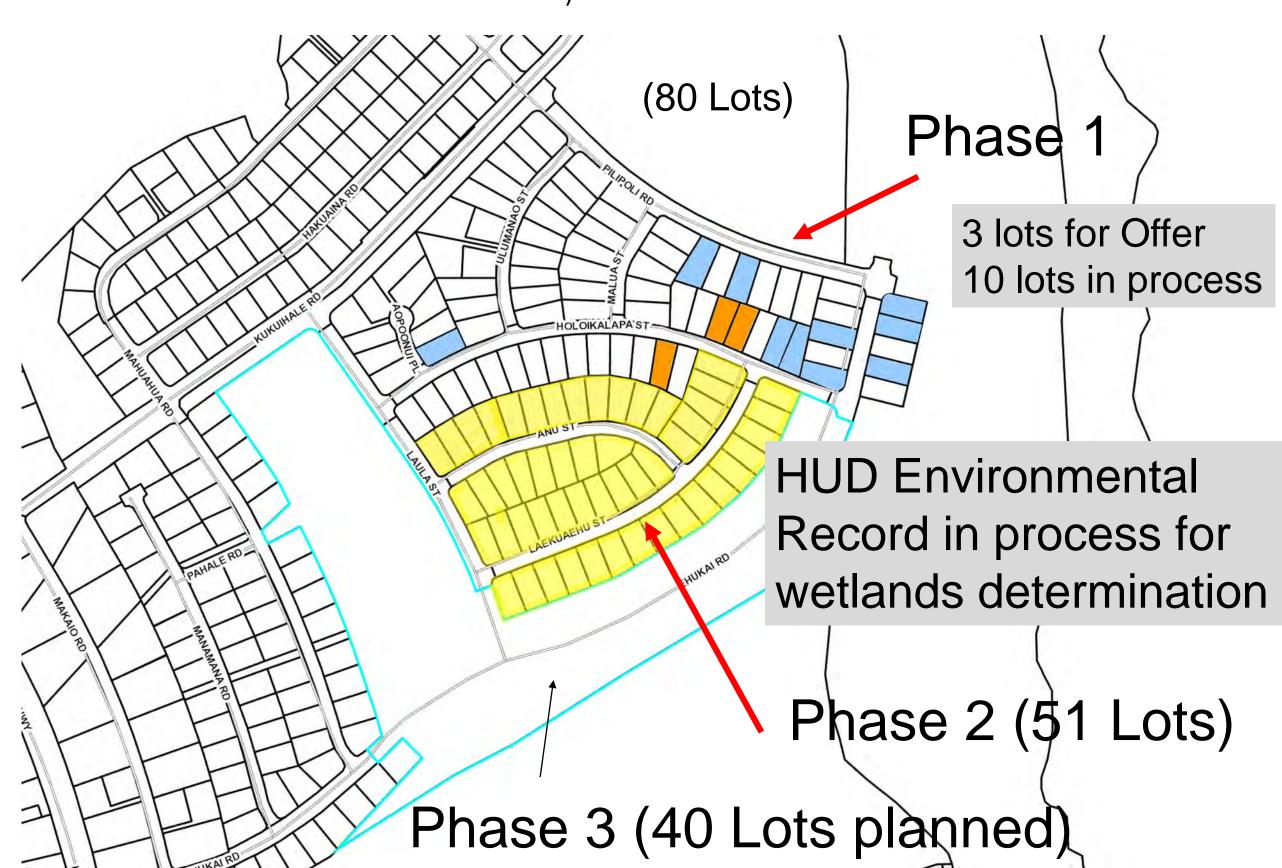
Kealia Field #1 and Upper Anahola

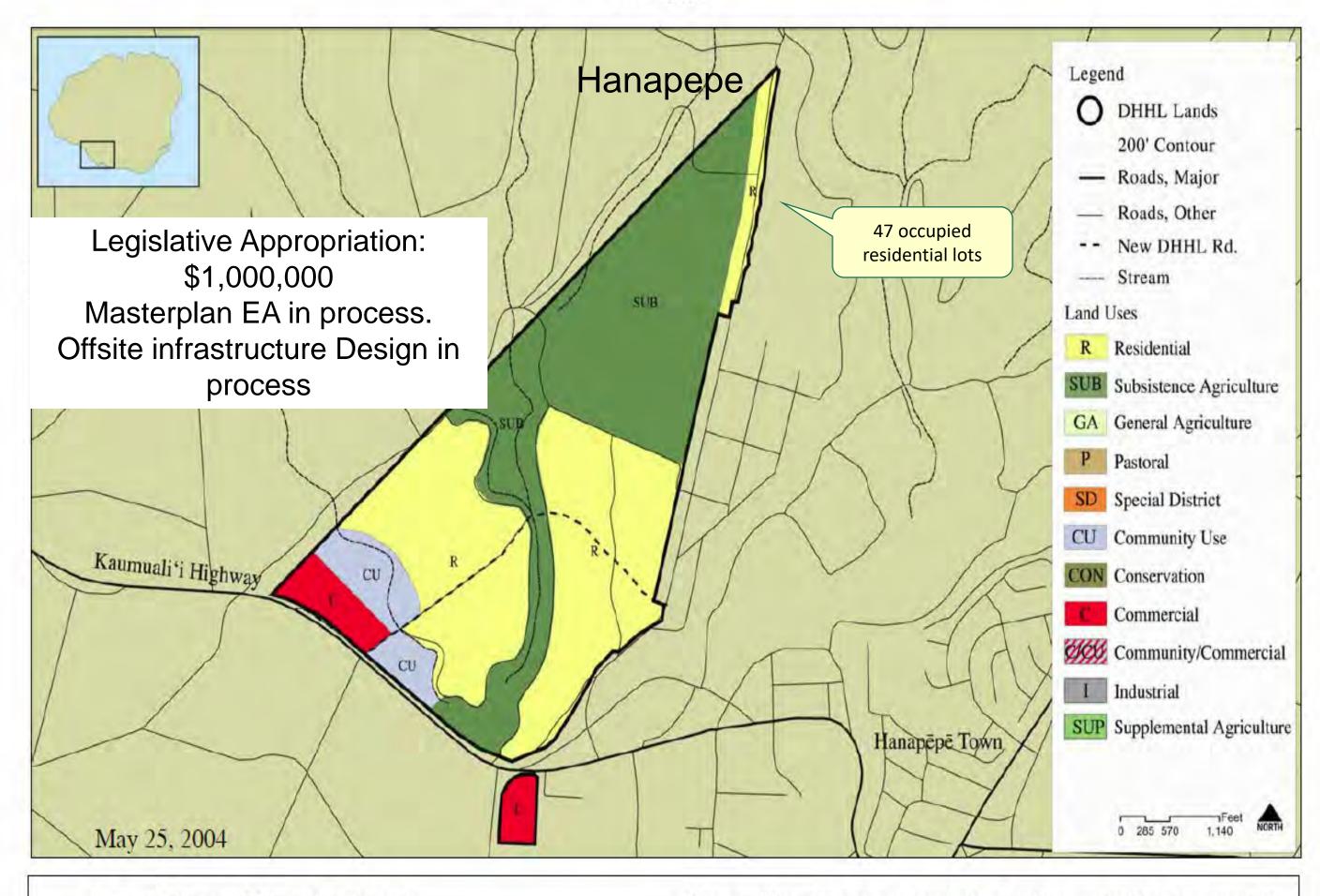
- Projects redesigned to maximize reservoir capacity to the extent practical, and to meet State Dam Safety regulations.
- Revised designs to be submitted to DLNR for review in October 2019.
- Estimated construction start in early 2020, subject to permitting.



Lot Assessment, Preparation for award & Offering in Progress

(Anahola – Piilani Mai Ke Kai Phases 1 & 2)





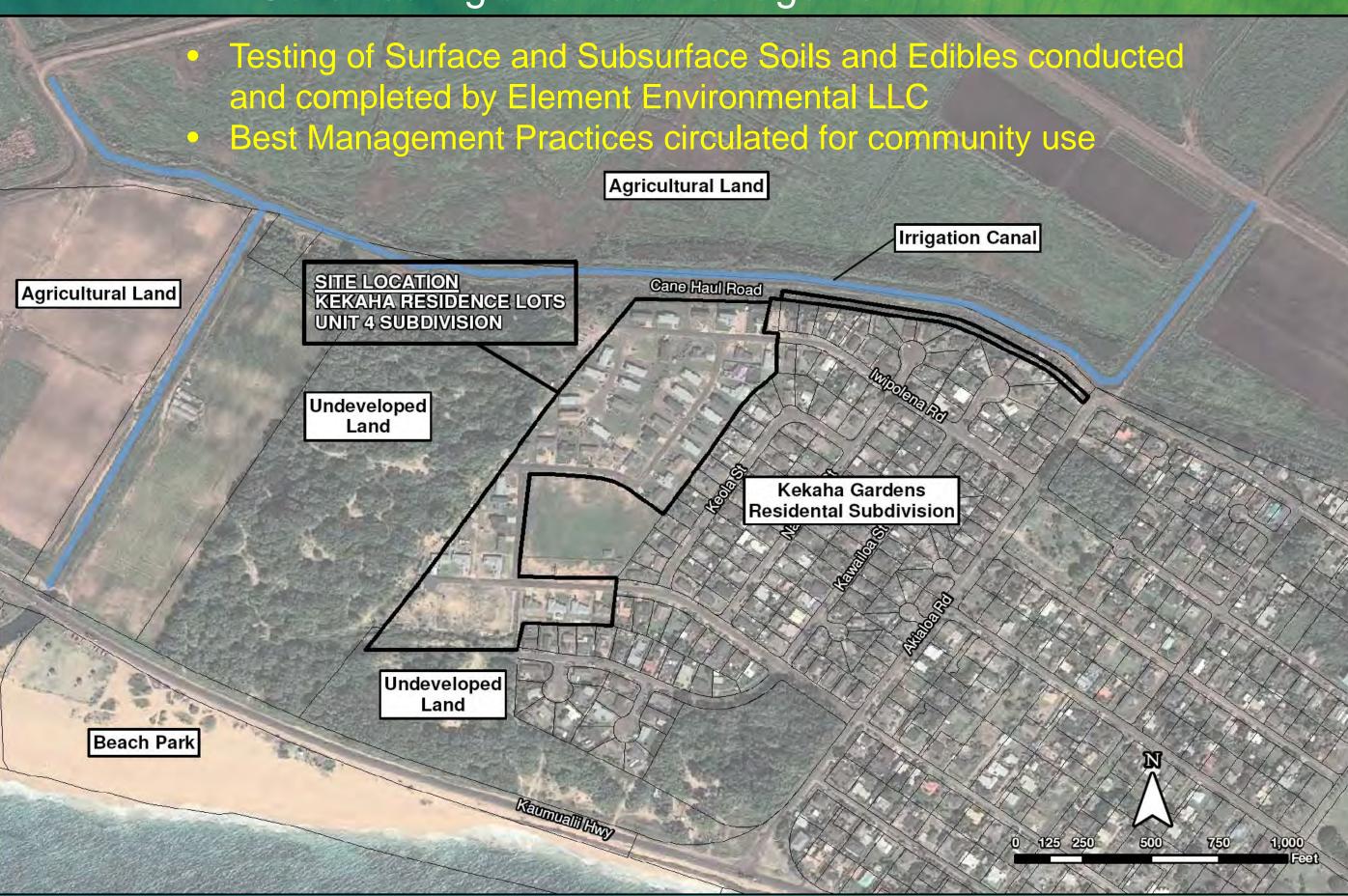
R = 168 acres; 482 lots @ 10,000 sf

SUB = 158 acres; 13 lots @ 3 acres & 36 @ 2 acres

CU = 22 acres; 7 acres along Hwy & 15 acres behind Commercial

C = 17 acres; 6 acres makai & 11 acres mauka

KEKAHA RESIDENCE LOTS UNIT 4 Soils Testing and Best Management Practices



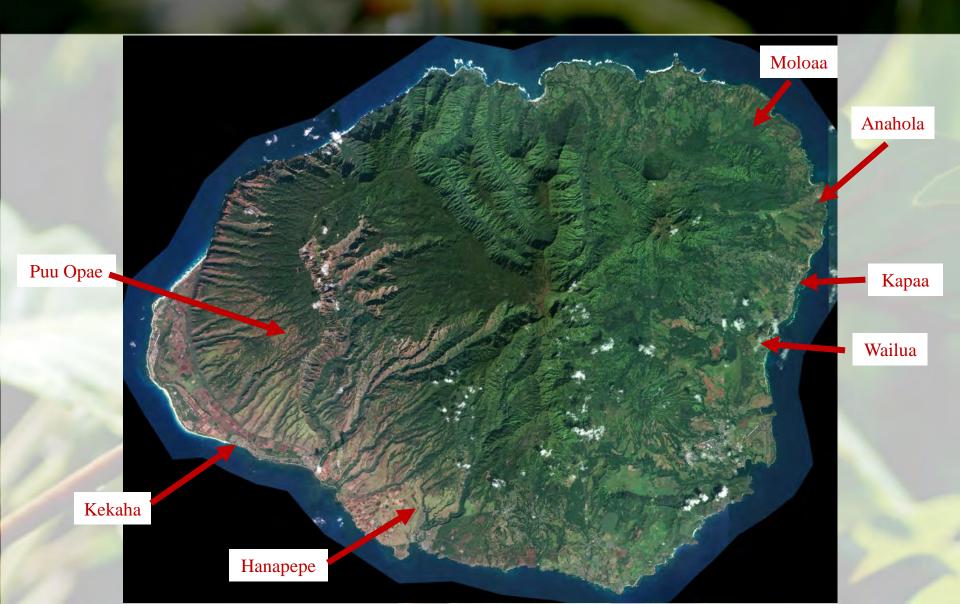


Department of Hawaiian Home Lands

Kauai Unencumbered Homestead Lot Inventory

Hawaiian Homes Commission Land Development Division Item E-2 Workshop September 16, 2019

Kauai County Map



Lease & Lot Summary

Kauai Homestead Lot Inventory					
Subdivision	Туре	Leases	Unencumbered		
Anahola Ag Lots Unit 1	Α	25	2		
Anahola Ag Lots Unit 2	Α	20	1		
Anahola Village Ag Lot	Α	1	0		
Puu Opae *3 lot entries under 1 lease#	Р	3	2		
Anahola First Increment	R	80	9		
Anahola Second Increment	R	73	2		
Anahola Third Increment	R	36	0		
Anahola Village Res Lots, Unit 1 & mis	R	39	14		
Anahola - Kamika	R	66	0		
Anahola Bayview	R	31	0		
Anahola Fifth Increment	R	39	0		
Anahola (Piilani Mai Ke Kai - phase 1)	R	67	13		
Anahola (Piilani Mai Ke Kai - phase 2)	R	0	51		
Anahola UNDV	R	103			
<u>Hanapepe</u>	R	47	0		
Kekaha, Unit 4	R	49	0		
Kekaha, Unit II	R	21	0		
<u>Kekaha</u>	R	47	0		
KAUAI TOTAL		747	94		

Unencumbered Summary

	category				
Area	lot assessment*	cancellation being finalized	prepare for award	offered	Dwelling / Structure
Anahola Ag Lots Unit 1	2	0	0	0	2
Anahola Ag Lots Unit 2	1	0	0	0	0
Puu Opae Pasture Lots	2	0	0	0	1
Anahola Res First Increment	8	0	1	0	1
Anahola Res Second Increment	2	0	0	0	0
Anahola <mark>Village Res Lots</mark> Unit 1 & misc.	14	0	0	0	0
Anahola (Piilani Mai Ke Kai - phase 1)	0	0	3	10	0
Anahola (Piilani Mai Ke Kai - phase 2)	51	0	0	0	0
TOTAL	80	0	4	10	
TOTAL			4 Division is repons		4

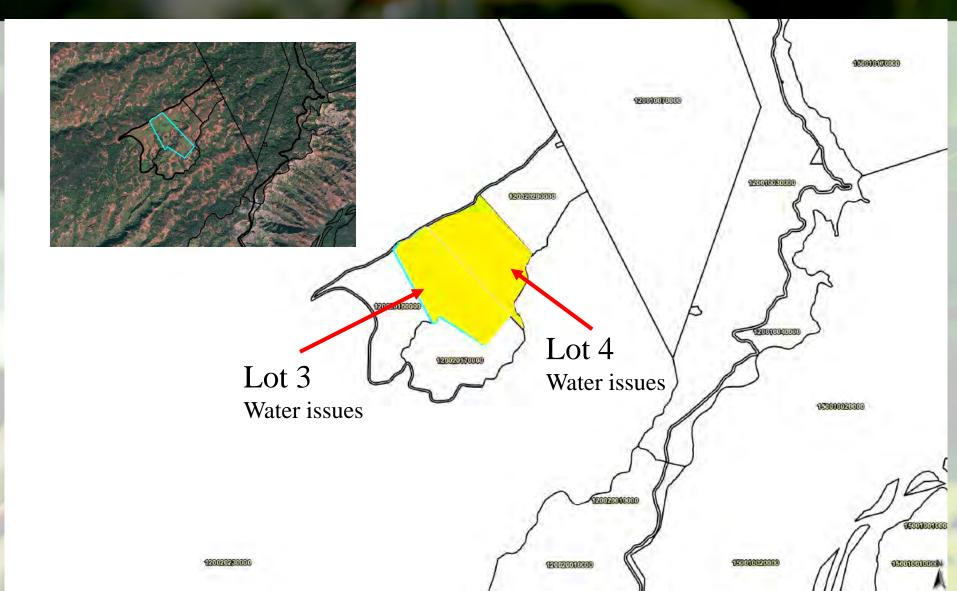
Lot Assessment

(Anahola Agriculture Lots Units 1 & 2)



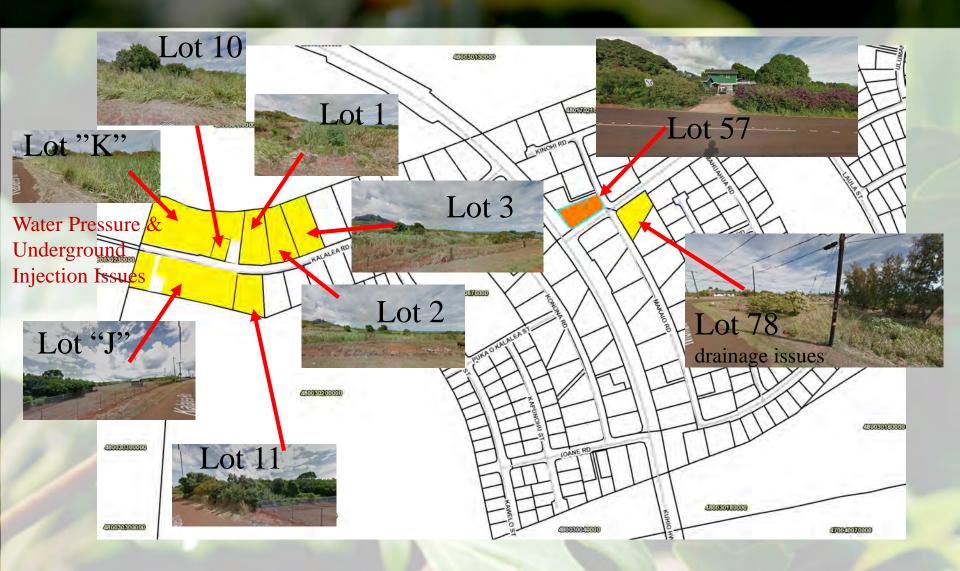
Lot Assessment

(Puu Opae Pasture Lots)



Lot Assessment & Preparation for Award

(Anahola Residence Lots First Increment)



Lot Assessment

(Anahoa Residence Lots Second Increment)

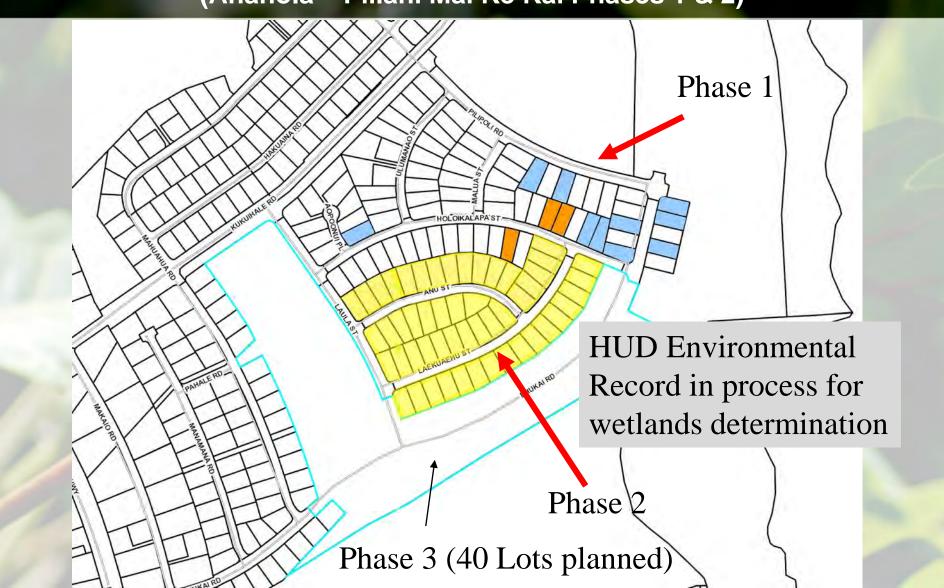


Lot Assessment (Anahola Village Res Unit 1 & misc.)



Lot Assessment, Preparation for award & Offering in Progress

(Anahola – Piilani Mai Ke Kai Phases 1 & 2)





Mahalo!

www.dhhl.hawaii.gov

HAWAIIAN HOMES COMMISSION SEPTEMBER 16 & 17, 2019 LIHU'E, KAUA'I, HAWAI'I

F – ITEMS LAND MANAGEMENT DIVISION

DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division KA

Subject: Approval of Annual Renewal of Right of Entry Permit(s), Kaua'i Island

<u>RECOMMENDED MOTION/ACTION</u>: That the Hawaiian Homes Commission (HHC) approve the following actions while developing a process to making short-term agricultural and pastoral land dispositions available to beneficiaries:

- A) Renew all Kaua'i Island Right of Entry Permit(s) as listed on Exhibit "A" and identified by approximate location on the Kaua'i Island Map Exhibit "A-1" that are in compliance and issued temporary approvals, as of October 1, 2019.
- B) The annual renewal period, shall be on a month-to-month basis, for up to twelve (12) months, but no longer than September 30, 2020, or at the next scheduled HHC meeting on Kauai island whichever occurs sooner.
- Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

DISCUSSION

This submittal represents annual renewals for all Kaua'i Island ROE permit(s) only, which shall effectively expire on September 30, 2020. As a means of maintaining a process by which PERMITEE'S can be assured that their permits have been renewed, notification letters will be transmitted accordingly.

For information purposes Exhibit "A" references all Right of Entry Permits on Kaua'i Island by order of commencement date, land use, then by acreage. While Right of Entry Permits generate additional revenue to the Trust, its primary purpose provides DHHL the ability to efficiently manage its lands through the issuance of these short-term dispositions which are typically not needed for longer-term dispositions (such as homesteading or general leases) over a 20-year time period or as dictated by DHHL's respective island plans. DHHL's total Kaua'i Island land inventory covers approximately 20,565.0 acres or 10% of DHHL's statewide inventory. The short-term disposition(s) within the Kaua'i Island inventory cover approximately 698.0 acres or 3% of its inventory.

Right of Entry Permits help in having 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.

DHHL Kaua'i Island Plan - Final Report, Group 70 International, June 2004

Permitees are required to assume responsibility for the land, post insurance, indemnify the department, and manage and maintain the land.

Until improvements to the Revocable Permit Program can be implemented, this process will be used for Annual Renewals of these month-to-month ROE Permit dispositions.

The table below reflects the revenue generated from ROE permit(s) on Kaua'i Island, which is approximately 3.0% (\$97,716) of the ROE total revenues (\$2,967,511) that DHHL receives statewide. Kaua'i Island holds 31 of the 145 ROE permits Statewide. The permits fall under a variety of land use purposes.

FY 2019		Total
Agriculture	\$3,792	5
Caretaker/Landscape	\$1,464	4
Commercial	\$965	2
Community	\$0	
Industrial	\$76,520	9
Office	\$0	10
Pastoral	\$14,160	11
Preservation	\$0	Object-
Recreation	\$0	
Research	\$0	-
Stabling	\$0	
	\$97,716	31

FY 2020		Total
Agriculture	\$3,792	5
Caretaker/Landscape	\$1,464	4
Commercial	\$965	2
Community	\$0	1
Industrial	\$76,520	9
Office	\$0	10
Pastoral	\$14.160	11
Preservation	\$0	115
Recreation	\$0	1/2 -
Research	\$0	2
Stabling	\$0	
	\$97.716	31
		1

According to research done by Colliers International, (See Exhibit "B") "the Oahu Industrial vacancy rate will likely remain near 2.0%... during the past year, the Oahu direct weighted average asking base rent declined from \$1.30 per square foot per month ("psf/mo") to \$1.21 psf/mo. The 6.9% drop in asking base rents have been affectionately labeled "Bottom of the Barrel Syndrome" and reflects the prevalence of below-market, poor quality spaces that drive the average asking rent down." In light of this research, LMD respectfully recommends maintaining its current rental rates without any increase.

For FY 2019, renewals for the 31 Right of Entry Permits located on Kauai Island total annual rent revenue of \$97,716 as referenced in the table above. Rental fees for agricultural and pastoral use permits vary and are typically established at less than fair market rates (discounted) but not less than \$240/annum due to various site issues such as, insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.

AUTHORITY / LEGAL REFERENCE:

§171-55, Hawaii Revised Statutes, as amended, a "permit on a month-to-month basis may continue for a period not to exceed one year from the date of issuance; provided that the commission may allow the permit to continue on a month-to-month basis for additional one-year periods."

RECOMMENDATION:

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

Date Current Fees All Proposed Fees for Started ROE Permits Commercial/Industrial permits	10/1/1990 \$1,488.00	5/1/2003 \$264.00	11/1/2000 \$576.00	5/1/2005 \$264:00	7/28/2009 \$1,200.00	9/1/2002 \$408:00	9/1/2005 \$264.00	6/1/1992 \$264.00	3/8/2002 \$528.00	7/23/2013 \$396.00	4/1/1994 \$569.00	\$35,232.00 \$36,641.28	7/1/1996 \$546.00 \$567.84	4/1/2007 \$10,382.40 \$10,797.70	2/1/1986 \$494.40 \$514.18	10/1/1995 \$1,360.00 \$1,414.40	7/1/2005 \$6,885.00 \$7,160.40	7/1/1999 \$5,574.00 \$5,796.96	7/22/2013 \$5,352.00 \$5,566.08	3/1/2001 \$7,750.80 \$8,060.83		12/1/1981 \$528.00
"(p)" denotes portion of	(4) 4-8-018:031	(4) 4-8-008:001 (p)	(4) 4-8-005:042 (p) 1	(4) 4-8-003:020 (p)	(4) 1-2-002:023 (p) 7	(4) 1-8-007:021 (p)	(4) 4-8-003:018 (p) 5	(4) 4-8-009:010 (p) 6		(4) 4-8-011:045 (p) 7.	(4) 4-8-011:045 (p) 4	(4) 4-5-015:003 (p) & 034	(4) 1-8-008:035 (p) 7	(4) 1-8-008:081 (p) 4	(4) 4-5-015:048	(4) 1-8-008:035 (p) 10	(4) 1-8-008:035 (p) 7	(4) 1-8-008:035 (p) 7	(4) 4-5-005:006 (p) 7/	(4) 4-5-005:006 (p) 3		(4) 4-8-006:004
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4/1/1994	4/1/1994 \$636.00	4/15/1982	7/5/2005	5/1/2005	9/1/2005	8/1/2003	4/1/2004	7/23/2013
(4) 4-8-005:038 (p) 4/1/1994 \$1,380.00	(4) 4-8-005:038 (p)	(4) 4-8-015:024 to 026	(4) 4-7-004:022 (p)	(4) 4-8-003:013 (p)	(4) 4-8-003:020 (p) 9/1/2005 \$264.00	(4) 4-8-011:063 (p) 8/1/2003 \$2,184.00	(4) 4-7-002:004	Anahola/Kama (4) 4-8-003:004 (p) 7/23/2013 \$960.00 fomaloo
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Denotes Beneficiary

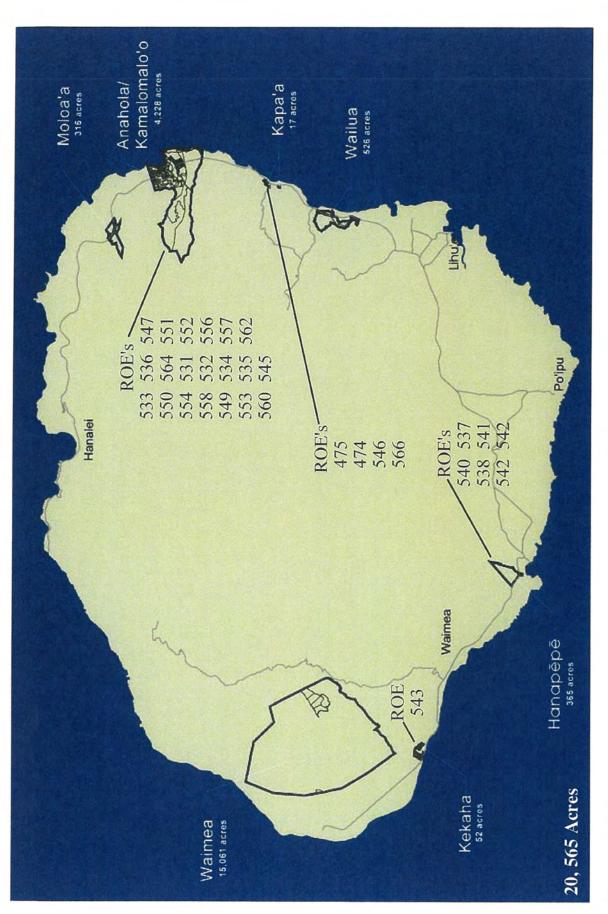


Figure ES.1

DHHL's Kaua'i Lands







Market Summary

Mike Hamasu Director of Research | Hawaii

- At the end of 2018, the ingravial market posted to sectors service yas or occupantly firsts. Discaping the description 1513,020 against feel of occupantly firsts. Discaping the System feet of occupantly first service of one of the service of one of the occupant of one of the occupant of one of the occupant of one occupantly of the occupant of
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Oahu Industrial Direct Wid. Avg. Asking NNN Rents



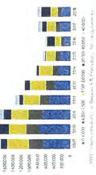
Market Indicators

Market Marketon	-
ALIEN BUSINESS	202018 vs. 402018
ABSORPTION	11)
VACANCY RATE	40
REHTAL RATES	(1)
CONSTRUCTION	40
Summary Statistics	

(25,997) SF Direct Weighted Average Asking Rent \$1.21 PSF/Mo. 40 YTD 2018 Net Absorption Vacancy Rate

Average Operating Expense

Total Square Footage of Available Listings by Size Calegory



Oahu Industrial Net Absorption vs. Vacancy Rate

4th QUARTER 2018 Oahu Industrial Market Statistics

INDUSTRIAL MARKET - BY SUBMARKET AREA

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fortal industrial Park	12	99,680	Fee Simple	0	0	0	0.000%	\$1.26	50.24
aleston industrial.	16	47,137	Fee Smela		0	0	0.00%	11.26	10.24
lotal Kapolet	194	6,856,372		284,507	(\$3,405)	(62,972)	A.12%	\$1,25	\$6.30
WANDWAYD DAND									
Gabb Indight of ****	17	577,381	Fee Simple	39,902	1983	74,281	6.91%	\$2.67	\$0.31
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TERMS AND DEFINITIONS

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EXECUTIVE MANAGEMENT CONSULTING & RESEARCH INDUSTRIAL SERVICES

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EXHIBIT "B" Item No. F-4

DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To: Chairman and Members, Hawaiian Homes Commission

Through: Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division VI

From: Shelly Carreira, Land Agent

Land Management Division

Subject: Approval to Issue a Right of Entry to AEP Wind Holdings, LLC, Kahikinui, Maui,

TMKS: (2) 1-9-001:003 (p), 007 (p), 008 (p), 011 (p)

APPLICANT:

AEP Wind Holdings, LLC, "PERMITTEE"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) grant its approval to issue a Right of Entry (ROE) permit to AEP Wind Holdings, LLC, for approximately 140.0 square feet (more or less) of Hawaiian home lands TMKS: (2) 1-9-001:003 (p), 007 (p), 008 (p), 011(p) for the purpose of conducting an occupancy study on the 'ope'ape'a (Hawaiian hoary bat).

- Authorize the issuance of a Right of Entry permit to PERMITTEE covering the subject area under the terms and conditions cited below, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right of entry permit form, as may be amended from time to time:
 - B. The term of the Right of Entry shall be month to month for up to twelve (12) months, commencing upon September 20, 2019, with the option for one (1) additional twelve (12) month extension at the sole discretion of PERMITTOR:
 - C. The fee for the term of this ROE shall be \$100.00 month or \$1,200.00 per annum;
 - D. Any studies or reports generated as a result of this access shall be shared with PERMITTOR;
 - E. PERMITTEE shall pay the \$175.00 processing and documentation fee;
 - F. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interest of the Hawaiian Home Lands Trusts;
- Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR this project will probably have minimal or no significant effect on the environment.

LOCATION:

Portion of Hawaiian home lands situated in Kahikinui, Island of Maui, identified as TMK: (2) 1-9-001:003 (portion), 007 (portion), 008 (portion) & 011 (portion) (See Exhibit "A")

AREA:

140.0 square feet

BACKGROUND/DISCUSSION:

Through the attached Exhibit "B" AEP Wind Holdings, LLC (AEP) is seeking a right of entry permit for use of Hawaiian home lands for the purpose of conducting an occupancy study of the Hawaiian hoary bat ('ope'ape'a). The study consists of deploying seven acoustic monitors at seven locations, further identified as Site-040, Site-104, Site-012, Site-120, Site-056, Site-060 and Site-092 on various Hawaiian home lands parcels. The footprint at each site is approximately 20 square feet for a total of 140 square feet (more or less). Each site will be enclosed with 4' fencing.

The acoustic monitors will collect data needed to investigate distribution and seasonal changes in occupancy and acquire baseline data useful for assessing trends in occupancy over time. See attached Exhibit "C" for the Leeward Haleakala Bat Occupancy Study Summary of Study Design and Objectives.

The 'ope'ape'a occupancy study area is vast and extends beyond Hawaiian home land boundaries covering multiple landowners along the Leeward side of Haleakala. The Ka Ohana o Kahikinui (KOOK) is supportive of the proposed study and use of Hawaiian home lands, see Exhibit "D". AEP intends to share the information and data collected with KOOK and DHHL. The 'ope'ape'a is an endangered species that is endemic to Hawaii. The data and information from the occupancy study will benefit KOOK as they plan for restoration activities in the Kahikinui forest, which is critical to the survival of the native and endangered plant and animal species in Kahikinui.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

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

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

Land and Resource Management

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

Objectives: Preserve and protect significant natural, historic and community resources on Trust lands.

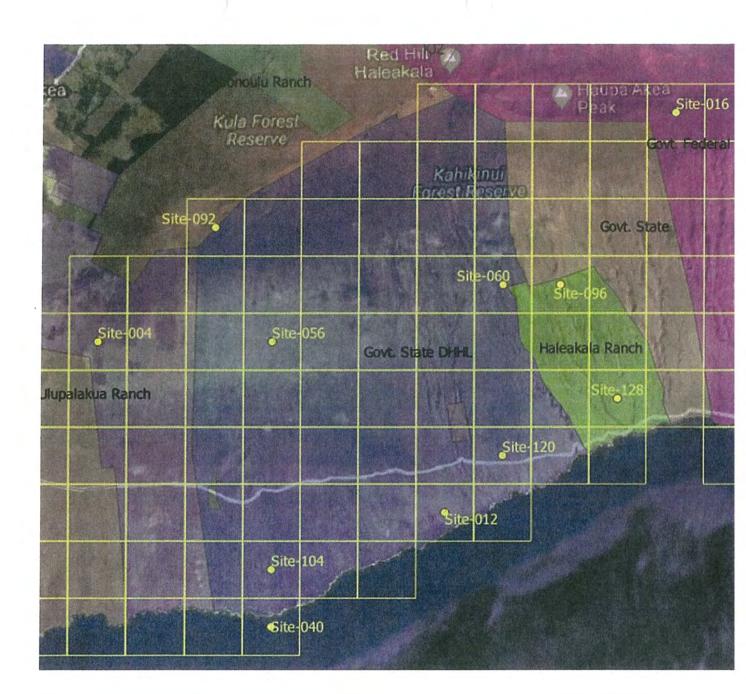
- Maui Island Plan, September 2004
 - Land Use Designation: Special District, Conservation, September 2004, Figure M, Kahikinui Land Use Plan
- Regional Plan: Kahikinui Regional Plan dated July 2011, Priority Project: Resource Management, which describes the need to preserve and protect the Kahikinui forest, which is critical to the survival of native and endangered plants and animals. (See Exhibit "E")

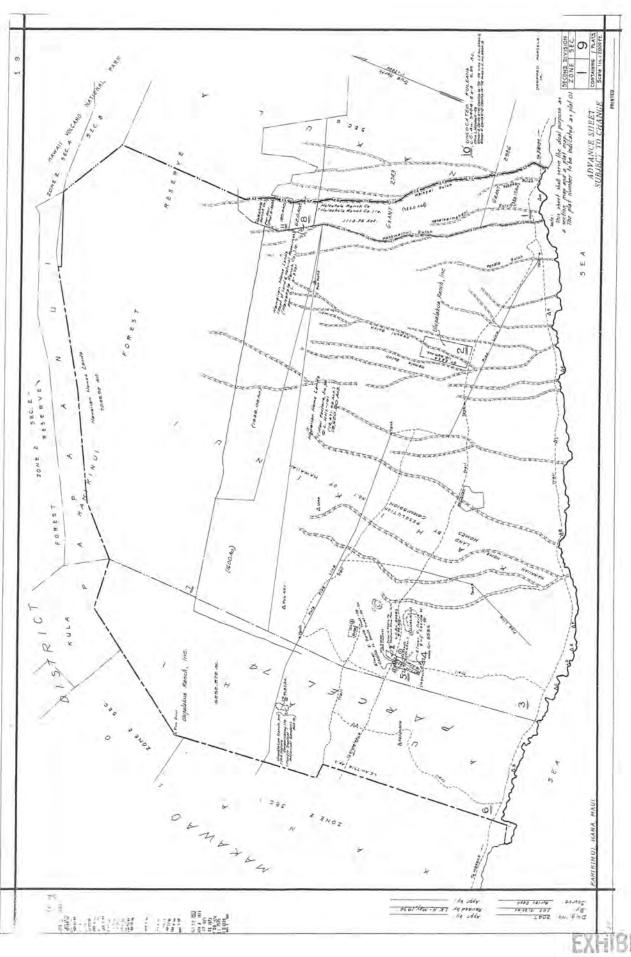
CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

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

RECOMMENDATION

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







EDUNDIESE ENERGY

September 5, 2019

Department of Hawaiian Home Lands PO Box 1879 Honolulu, HI 96805

Request for Right of Entry to conduct on-site inspection and field work related to the 'ope'ape'a (Hawaiian hoary bat) acoustic study on DHHL lands at Kahikinui, Island of Maui

Dear Sir or Madam:

AEP Wind Holdings, LLC is respectfully requesting a Right-of-Entry (RoE) onto the Department of Hawaiian Homelands (DHHL) Kahikinui parcel to conduct a one year 'ope'ape'a (Hawaiian hoary bat) occupancy study on the Leeward side of Haleakalā. The purpose of this study is to: 1. Investigate 'ope'ape'a distribution and seasonal changes in occupancy 2. Acquire baseline data useful in informing future studies designed to assess trends in occupancy over time (i.e., monitoring of population trends). The occupancy study consists of deploying seven acoustic monitors at seven locations on DHHL land for a period of one year (Attachment 1). Acoustic monitors will be checked every 1-2 months and data cards will be transferred for analysis.

Details specific to the request for ROE

Date(s): September 20, 2019 - August 20, 2020 (with an option for one year extension)

Time(s): Sunrise to Sunset (reasonable daylight hours)

Location(s): Kahikinui, Island of Maui

Tax Map Keys/s: Portions of TMKS: (2) 1-9-001:003, 007, 008, and 011, excluding the Kahikinui Homestead Division (Locations Identified in Attachment 1 - Site-040. Site-104, Site-012, Site-120, Site-056, Site-060, Site-092)

We are happy to collaborate with DHHL and the Ka Ohana O Kahkinui (KOOK) on this study. In lieu of monetary compensation, all raw data along with the final summary report will be provided to DHHL and the KOOK community. Please contact me at 808.495.5234 if there are any follow up questions or comments.

Sincerely,

Marie VanZandt

Environmental Permitting and Safety Manager

Marie VanZandt

AEP Wind Holdings, LLC

Page 2September 5, 2019

Attachment 1

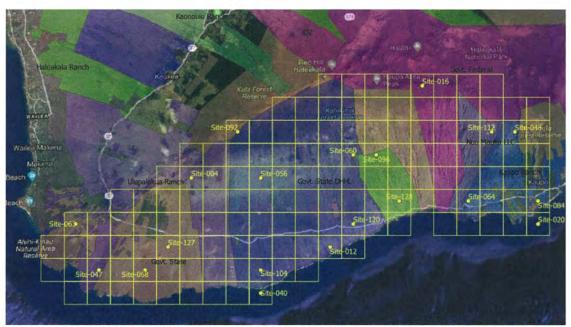


Figure 1. DHHL land and seven selected sample cells (Site-040. Site-104, Site-012, Site-120, Site-056, Site-060, Site-092) used in the 'Ope'ape'a (Hawaiian hoary bat) study.



Figure 2. Example of acoustic detector, surrounded by 4ft enclosure fence, used in the 'Ope'ape'a (Hawaiian hoary bat) study.

Leeward Haleakala Bat Occupancy Study Summary of Study Design and Objectives

PRIMARY OBJECTIVES:

- 1. Investigate bat distribution and seasonal changes in occupancy(i.e., bat use)
- 2. Acquire baseline data useful in informing future studies designed to assess trends in occupancy over time (i.e., monitoring of population trends)
- 3. If possible, assess correlation between bat occupancy and habitat variables (e.g., cattle, tree cover, water)

METHODS:

- Acoustic sampling of bat echolocation calls using bat detectors placed at ~20 randomly selected locations throughout the study area (see maps)
- Detectors to remain at each location for duration of study
- Data stored in detector on removable memory cards
- Detectors are small and use external batteries and solar panels to extend time between checks
- Detectors checked once approximately every 2 months to swap out data cards and check functionality
- Detectors accessed via helicopter or vehicle/foot pending ease of access

RESULTS:

- Where are bats within the study area (distribution)?
- Where are bats most active (average number of detections per night)?
- How often are bats using particular areas (proportion of nights with detections)?
- Does bat activity change seasonally?
- If use changes seasonally, can we tell why (food source, habitat, weather)?



Ka Ohana O Kahikinui

September 5, 2019

Testimony

In Support of the 'Ope'ape'a (Hawaiian hoary bat) acoustic study on the Leeward side of Haleakalā

Submitted by:

Ka Ohana O Kahikinui

Aloha Mr. Chair and members of the Hawaiian Homes Commission;

Ka Ohana O Kahkinui would like to thank the Commission for the opportunity to submit testimony in support of the issuance of a Right-of-Entry ("RoE") to AEP Wind Holdings, LLC for the 'Ope'ape'a (Hawaiian hoary bat) acoustic study on the the Leeward side of Haleakalā.

The Ohana would like to join a collaborative effort with AEP Energy Partners, Inc and multiple landowners across with the Leeward side of Haleakalā to further understand distribution and activity of the 'Ope'ape'a. The purpose of this study is to: 1. Investigate 'ope'ape'a distribution and seasonal changes in occupancy 2. Acquire baseline data useful in informing future studies designed to assess trends in occupancy over time (i.e., monitoring of population trends) 3. Understand habitat features and management actions correlated with the 'ope'ape'a (e.g., cattle, tree cover, water).

AEP Wind Holdingds, LLC has agreed to provide all the raw data along with the final summary report to Ka Ohana O Kahikinui. We see the value of this study and finding out more about the 'ope'ape'a, in addition to having full access to both the report and raw acoustic data.

As beneficiaries we look to you, our Commissioners to ensure that our best interests are being served in every decision you are called upon to make. We believe that awarding this RoE to AEP is in our best interest, and we look forward to continued dialog with both our Commission and AEP.

Once again, mahalo ia oukou for the opportunity to speak in support of this study.

O wau me ka ha'aha'a.

Ka Ohana O Kahikinui

Board of Directors

EXHIBIT "D"

Priority Project: Resource Management

Description

Kahikinui is a pilot project in the relationship of people to the land; a pilot project to bring kanaka maoli back to the 'āina to practice and live lives centered on traditional values. It is an attempt to live to the meaning and purpose of Kahikinui. Resource management and alien species control are at the a lifestyle on the basis of values such as aloha 'āina and mālama 'āina; to live sustainably in harmony with the nature. It is homesteading with a Hawaiian heart. As such, the relationship to nature is key heart of the program.

As mentioned previously, Haleakalā and specifically the south flank of Haleakalā is an extinction epicenter of the world. Kahikinui is home to the largest intact mature mesic koa forest on Maui and therefore critical to the preservation of the native ecosystem that is home to many the endemic species that call Maui home. The Maui parrotbill is one of these poster endangered species that live in these forests. The protection and preservation of the Kahikinui forest is critical to the survival of the parrotbill and other native and endangered plants and animals. Resource Management Fencing is needed to protect the forest. It must be designed to prevent alien species (cattle, goats, deer and sheep) from decimating the native ecosystem. There is an existing project that is partially funded to enclose the heart of the Kahikinui forest. A major component of the plan is the project represented by the agreement between the Leeward Haleakalā partnership and LIFE. This section of forest is located adjacent to another, smaller area owned by the DLNR that has been designated as a NAR site. DLNR is in the process of fencing their NAR area. The Kahikinui site can be fenced with about 3/4ths of the perimeter involved by eliminating the east NAR perimeter fence.

the potential to spread here and become a problem. Currently KGLMO has the license with DHHL to manage hunting on the vacant mauka Kahikinui lands. This arrangement should be reviewed to see Alien species eradication and control program is needed. This program must address both flora and fauna since, in addition to feral ungulates, gorse has been sighted on the land and miconia also has if additional programs or policies are needed to fully implement the plan and ensure its compatibility with other activities. The gorse eradication program has funding from DHHL. Homesteaders should be included in the eradication program and hired to do the field work as much as practicable. Mike Robinson is the DHHL contact person for this program.

Phasing and Cost

The existing project is a federally funded through a partnership between the Leeward Haleakalā Watershed Restoration Partnership and LIFE. Funding for Phase 1 include the following:

- Fencing (\$200,000 Leeward Partnerships) (\$500,000 LIFE)
 - \$1.3 million is the estimated cost for the whole enclosure.

Other measures to consider include:

- husbandry. Only animals that have the potential to be controlled would be gathered for this Relocation of pipi or cows & other species to the homestead area for ranching and animal
- plan should be designed so the pasture/grazing areas can double as fire break areas to protect Homestead area fencing for corrals and enclosures are needed to implement this plan. This the homestead.
- lands. This project is currently underway with resources coming from the Ranch and the Wind The gap in the 'Ulupalakua Ranch Fence (approximately 2 miles) should be closed to prevent current situation leads to interbreeding of ranch and feral cattle that causes problems on both the unregulated movement of cattle from 'Ulupalakua Ranch to the Kahikinui lands. The Project.
- eradicate gorse, the effort has been slow in moving forward. The homestead community should be engaged to assist with this program. They are, after all, the maka 'aina's literal eyes on the The gorse problem is currently at a manageable level. This window of opportunity will not last long and the problem should be attacked immediately. While DFIHL has a program to







Grazing cattle

Sandalwood tree

KAHIKINUI

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DEPARTMENT OF HAWAIIAN HOME LANDS

September 16, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division \

Subject: Request to Schedule Contested Case Hearing;

SOVERIGN COUNCIL OF HAWAIIAN HOMES ASSOCIATIONS

RECOMMENDED MOTION/ACTION:

Deny petitioner Sovereign Council of Hawaiian Homes Associations' (*Petitioners*) request to schedule a contested case hearing on their written request of July 15, 2019.

DISCUSSION:

On July 15, 2019, Petitioners requested a contested case hearing to "appeal" the "Innergex Land Disposition". They claim that the Department and the Commission violated Section 204(a)(2) in approving a right-of-entry (ROE) to Innergex Renewables LLC for lands in Kalaeloa, Oahu (the Property). They assert that so long as there is a waitlist to use lands for any purpose under Section 207, all lands are required (by definition), and no lands can be deemed "available lands" under Section 204. As a matter of law, they argue, the Property could not be deemed "available lands".

The Petitioners did not allege a procedural irregularity in the Innergex Land Disposition. They assert a "pure" question and issue of law. Their claim depends on the Commission adopting their proposed theory and construction of Sections 204 and 207: that the Commission lacks discretion to determine what Hawaiian home lands can be deemed "available lands" under Section 204.

Upon the advice of counsel, this claim is not supported by a clear reading of Sections 204 and 207. The Petitioners have, therefore, failed to state a claim on the face of their complaint.

RECOMMENDATION:

It is the Commission's policy to not initiate a contested case proceeding if it is clear on the face of a complaint that there has been no violation of law or rule of the Commission. HAR § 10-5-31(d). The Department, therefore, respectfully requests that the Commission deny the Petitioners' request for a contested case hearing.

DEPARTMENT OF HAWAIIAN HOME LANDS

September 16, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division

Subject: Request to Schedule Contested Case Hearing;

EDDIE MARIA and EC TRUCKING LLC

RECOMMENDED MOTION/ACTION:

Deny petitioners Eddie Maria and EC Trucking LLC's (*Petitioners*) request to schedule a contested case hearing on their written request of July 12, 2019.

DISCUSSION:

On July 12, 2019, the Petitioners requested a contested case hearing under HAR § 10-5-31. They claimed that the Department and Commission: (1) systematically denied beneficiaries access to long-term commercial and industrial leases on Hawaiian home lands; (2) systematically granted such leases to non-beneficiaries; and that (3) the Department and Commission violated Section 204(a)(2) by not first offering to lease or license available lands in Kalaeloa, O'ahu (the Property) to them before approving a right-of-entry (ROE) to Innergex Renewables LLC. They imply that Section 204(a)(2) entitles them to a right of first offer or refusal for leases and licenses of available lands.

The Department investigated the allegations of the Petitioners' complaint and evaluated the validity of their claims. The Department's investigation showed that the Commission properly issued an ROE for available lands in Kalaeloa, O'ahu to Innergex under Section 204(a)(2), HRS § 171-95.3, and applicable administrative rules. The Petitioners' other allegations (concerning claims (1) and (2)) are unsubstantiated.

In December 2018, the Department solicited invitations for renewable energy projects on the Department's available lands in Kalaeloa, Oʻahu and Kahikinui, Maui by public notice. The solicitation and disposition were made pursuant to Section 204 and HRS Chapter 171. Innergex Renewables USA LLC submitted a timely response to the Department's solicitation on January 18, 2019. The Department held beneficiary consultation meetings on March 5 and 21, 2019. The Department and Innergex pursued direct negotiations of the terms of an ROE and option for a general lease, with material terms and conditions satisfactory to the Department. These terms were presented to the Commission at a properly noticed meeting on June 24, 2019. The Commission held two public meetings on Oʻahu on July 8 and 9 2019 before approving an ROE for Innergex. There was no evidence of procedural irregularity in the Department and Commission's compliance with Section 204, HRS Chapter 171, or the terms of its solicitation.

The Petitioners' claims concerning any "systematic" conduct is not supported by their allegations of the Department's investigation. Their allegations do not amount to any pattern that qualifies as "systemic". Moreover, at the time the Petitioners sought available lands at Kalaeloa, O'ahu, the Department was prohibited from issuing ROEs. The Petitioners did not renew their requests or solicitations after their initial inquiry. Moreover, the Department was not then nor is it now required to lease, license, or offer such lands to the Petitioners.

Contrary to the Petitioners' theory, Section 204(a)(2) does not entitle them to any right of first offer or refusal. Section 204 gives the Commission the power and discretion to dispose of available lands. Because the Petitioners have no entitlement to a right of first offer or refusal under Section 204(a)(2), the Commission could not have violated the Act as the Petitioners' alleged. As a matter of law, the Petitioners failed to state a claim.

RECOMMENDATION:

It is the Commission's policy to not initiate a contested case proceeding if it is clear on the face of a complaint that there has been no violation of law or rule of the Commission. HAR § 10-5-31(d). It is clear on the face of the Petitioners' complaint that neither the Department nor Commission has violated any law or rule. The Department, therefore, respectfully requests that the Commission deny the Petitioners' request for a contested case hearing.

DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To:

Chairman and Members, Hawaiian Homes Commission

From:

Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division

Subject:

Green Energy Team LLC, One Time Albizia Removal/Cleanup with No

Replanting, Anahola Mauka, Anahola, Island of Kauai

RECOMMNEDED MOTION/ACTION:

None; For Information Only; Green Energy Team LLC to present a power point presentation to the Hawaiian Homes Commission (HHC).

DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division

Subject: For Information Only - Kauai Police Department (KPD), Anahola and DHHL

Lands, Island of Kauai

RECOMMNEDED MOTION/ACTION:

None; For Information Only; Kauai Police Department (KPD) to present a power point presentation to the Hawaiian Homes Commission (HHC).

DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division

Subject: Issuance of a License Agreement, Kalalea/Anehola Farmer's Hui, Anahola Farm Lots,

Anahola, Island of Kaua'i, TMK No.: (4)4-8-005:026 (por.)

APPLICANT:

Kalalea/Anehola Farmer's Hui (See Exhibit "A")

<u>RECOMMENDED MOTION/ACTION</u>: That the Hawaiian Homes Commission (HHC) authorize the issuance of a 5-year License Agreement to Kalalea/Anehola Farmer's Hui (KAF Hui), covering the subject area as identified and described below to use as a Farmer's Market.

Approval and issuance of this License shall be subject to the following conditions:

- 1. 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 and is therefore exempt from the preparation of an environmental assessment.
- 2. Authorize the issuance of a 5-year License to KAF Hui, covering the subject area for use as a Farmer's Market 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 License form, as may be amended from time to time;
 - 1) Licensee shall use the Premises for a Farmer's Market only. No other use shall be allowed without DHHL's prior written approval.
 - 2) KAF Hui shall use approximately one (1) acre of DHHL land to be used under this License.
 - 3) Monthly fee shall be gratis.
 - 4) Permittee shall pay non-refundable processing and documentation fees totaling \$175.00.
- 3. This License shall conform to federal, state and county (government agencies) standards. Permittee 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;

- 4. Any construction or alteration of the License area shall require DHHL approval;
- 5. The KAF Hui is aware that the existing bathroom facility is not operational and one (1) or more port a potty(s) will need to be used during Farmer's Market hours. A sewer cesspool exists on the site and may need to be converted to a septic tank in the future.
- 6. The Farmer's Market will run during normal daylight hours on most Wednesdays, Saturdays, Sundays and most holidays throughout the year.
- 7. Preference for the use of the Farmer's Market shall be given to the Anahola Farm Lot lessees, approximately 48 homeowners, wishing to sell fruits, vegetables, and plants grown on their lot.
- 8. All utilities shall be paid by the KAF Hui. Approval by the DHHL Kauai District Office (KDO) is needed to access potable water and electricity needs the approval of Kauai Island Utility Cooperative (KIUC).
- 9. The items approved for sale are fruits, vegetables, plants, tropical flowers, crafts, lei, plate lunches, etc.
- 10. Customer and vendor vehicle parking will need to have traffic control enforcement. Parking will be on a small portion of the one (1) acre site as well as street parking. KAF Hui members and staff including possibly Kauai Police should be used for traffic control to limit complaints by neighbors.
- 11. All trash and debris accumulated during Farmer's Market hours shall be removed immediately from the site the same day or at the latest the next day. This is to deter the presence of flies and bad odors from being a nuisance to area neighbors.
- 12. All pets shall always be on leashes. Pets not on leashes and pets with foul odors shall be removed from the Farmer's Market immediately.
- 13. The License document shall be subject to other standard terms and conditions of similar License's issued by DHHL;
- 14. Review and approval by the State of Hawaii, Department of the Attorney General; and
- 15. Such other terms and conditions deemed prudent and reasonable by the Chairman of the Hawaiian Homes Commission (HHC) and/or the HHC to serve the best interests of the trust and its beneficiaries.

LOCATION:

Hawaiian Home Lands situated at the Anahola Farm Lots on Hokualele Road, Anahola, Island of Kaua'i, identified as tax map key no.: (4)4-8-005:026

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AREA:

Approximately one (1) acre

DISCUSSION:

Item No. F-7

Ms. Agnes Marti-Kini, President of Kalalea/Anehola Farmer's Hui (KAF Hui) submitted a Land Use Request Form (LURF) dated May 28, 2015, for the former Anahola Farm Lots Marketplace site located at the Anahola Farm Lots TMK No.:(4)4-8-005:26, in Anahola, Kauai.

The Marketplace site was formerly used by the now defunct Anahola Land Farmer's Association (ALFA) under General Lease No. 244 which was terminated in February 2015.

At the time the Anahola Farm Lots were created in the 1980's, the Marketplace was specifically made for the Anahola Farm Lot lessees to sell the fruits, vegetables, plants, and flowers they grew on their farm lots.

The KAF Hui is now using the site under Right of Entry Permit No. 584 to conduct the Farmer's Market.

DHHL staff has developed procedures, processing criteria, and the required documentation necessary to conduct a thorough due diligence review based on the Hawaiian Home Commission's (HHC) discussions and approvals. On Wednesday August 7, 2019 at 600pm staff held a Beneficiary Consultation at the Anahola Clubhouse with most of the DHHL beneficiaries in attendance supporting this Project.

Process/Procedure Work Flow

- 1. Applicant submits LURF
- 2. DHHL sends Acknowledgement letter, notification that additional documents will be required pending HHC submittal, and that other applicants may also be requesting use which will trigger a community meeting to insure a fair opportunity to use the land and so that the best project is selected for the property based on homestead community needs.
- 3. DHHL submits HHC information submittal (October 19-20, 2015) which starts due diligence review sends checklist to applicant to collect all of the documentation required for the disposition.
- 4. Applicant submits supporting documents to allow DHHL Divisions to conduct review and report to LMD.
- 5. LMD packages disposition for HHC approval.
- 6. LMD letter to applicant commencement of the disposition.

Proposed due Diligence Review Checklist:

- 1. Land Use Request Form (LURF)
- 2. Land Use Request Assessment Worksheet(consistency)
- 3. Governing Documents, Mission Statement, DCCA
- 4. Number of members who are homesteaders from the affected homestead community (controlling interest)
- 5. Business/Project Plan review (feasibility)
- 6. Financial Plan Review (sustainability)
- 7. Project development schedule and timeline
- 8. Verification experience, track record and homestead acceptance explain relationship to homestead community (consultation, letters of support, partnerships)
- 9. Environmental Review and Community Benefits if applicable.

DHHL staff has held discussions with and attended Kalalea/Anehola Farmer's Hui meetings during 2015-2016 and KAF has provided the necessary documentation as follows:

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- 1. Land Use Request Form (LURF) requests the use of a one-acre property for a farmer's market and cultural learning center for farm education and healthy food services and a central place for the Anahola Farmer's to market their crops and by products. (May 28, 2015)
- 2. Land Use Request Assessment Worksheet was completed by DHHL staff, as a former farmer's market the use will not change and should not require an environmental assessment. (June 2015)
- 3. Governing Documents, Mission Statement, DCCA and IRS documents were submitted and are on file. (November 7, 2014)
- 4. 25 of the 47 Anahola homestead Farmers are members of the KAF organization, efforts are underway to recruit more homesteaders.
- 5. Business/Project Plan was submitted and is on file.
- 6. Financial Plan and Pro-forma were submitted and reviewed to assure sustainability for the first five years of operation. (March 4, 2016)
- 7. Project development schedule and timeline will be further detailed during right of entry period and presented prior to consultation for long term lease or license.
- 8. Verification experience, track record and homestead acceptance explain and relationship to homestead farm community will be developed during right of entry period prior to consultation and disposition approval.
- 9. Environmental Review and Community Benefits, environmental not applicable, serves farm community and provides benefit to Farmer's to market their products.

PLANNING AREA:

Anahola Farm Lots, Hokualele Road, Anahola, Kauai (See Exhibit "B")

LAND USE DESIGNATION:

Subsistence Agriculture (SUB), Kaua'i Island Plan (2004), Figure 8.2 – <u>Anahola/Kamalomalo'o Land Use Plan.</u> pg. 8-4

CURRENT STATUS:

The site has a dilapidated small green house structure (including a lanai) that appears to be over 30 years old and needs to be renovated for the KAF Hui to be able to use. Numerous trees and plants are growing on the site.

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CHARACTER OF USE:

Farmer's Market

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. 6, "Construction or placement of minor structures accessory to existing facilities..."

Exemption Item Description from Agency Exemption List:

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 DHHL Planning Office (PO) has documented the action as being eligible for exemption from the preparation of an Environmental Assessment under the Exemption Class as referenced above. (See Exhibit "C")

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

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

Land Use Planning

Goals:

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

Objectives:

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

Kauai Island Plan (2004)

The recommended disposition is consistent with the following elements of the Kauai Island Plan:

The site is designated for Subsistence Agriculture (GA) consistent with the Kauai Island Plan. Table 2.1 <u>DHHL Land Use Designations</u> page 2-7 and Figure 8.2 <u>Anahola/Kamalomalo'o Land Use Plan</u> page 8-4.

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RECOMMENDATION:

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

Item No. F-7

EHANG FOUTSUI TO GOOD TO STATE TO STATE OF HAWAII



JOBIE M. K. MACAGATANI Stalican Inwairanhorics Corbigaton

ALALA AL WAILLE MANNANDENTOT TUTED

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

REQUEST FORM FOR NON-HOMESTEADING LAND USE PURPOSES

PART I: APPLICANT INFORMATION	
Name:	
Address:	
Phone No.: Cell: email	
If Corporation/Organization/Company/LTC/Non-Profit-	- Allender of the control of the con
Name: Kalalea/ Anchola Farmers Hui BATE:	5-25-15
Name: Kalalea/Anchola Farmers Hui BATE: Address: Po. Box 520 Anchola, HI. 96703 Phone No.: Cell 808) 346-0473 email: Kafarmers	
Phone No.: Cell (808) . 346 - 0473 email: kafarmer 5	agmartices.
☑ Requesting Organization is a Non-Profit	
Type of Non-Profit: Private Nonprofit – governed by self appointed board Member Nonprofit – governed by voting members Homestead Organization – governed by HHCA beneficiary	members
Requesting Organization is For Profit - Individual or Business	
☐ Individual ☐ Sole Proprietorship ☐ Partnership	
☐ Corporation ☐ Limited Liability Corporation ☐ Other	
Is an Individual HHCA Beneficiary or is Owned by an HHCA Beneficiary 🔲 Yes [□ No
Requesting Organization is a Government Agency	
☐ Federal ☐ State ☐ County	
Officers and/or Principal Representatives: Pres: Agnes Marti-Kini Vice I Hahralani Hookano Servetary Treasurer: Danuelle Loo Mission of Organization: Our mission is officered as well as Vision (see adjached statement)	1855 Manager States
Date Incorporated: ## State of Incorporation: ## PUT	
Federal Tax ID#: 47-4083184 State Tax ID#:	
PART 2: NON-HOMESTEADING LAND USE REQUEST	•
Describe proposed non-homesteading land use envisioned under this request as submitted Land Carter of Carter of Learning the Force of Carter	end would senter acceptage
Land Request Form No	ITEM NO.F-7
	EXHIBIT "A"

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ure Termisty years General Lerse
10: (4) 4-8-005: 26
C. Typ Condition of Land
☐ Church ☐ Other
Community Facility
on issued by Hawaiian home lands for non-homesteading
or reacted by Hawarran Home rands for non-homesteading
ave direct or significant indirect benefit to the Trust and/or
e of this land will directly benefit
& bu-product and to parti ant
Settices releted to farming
the from als a to toble
sthis request for use of Hawaiian home lands under non-
bject to further review, evaluation and consideration by
on to be submitted; DHHL approval to this non-homesteading land use request
res the right to exercise its prudent authority pursuant to and
THE SELECT A CT / Section III Section 004/-1/01 continu
tes, Chapter 171, as amended and the Hawaii
e non-homesteading land use request will be posted for a
IN NENGLO STI STO BURNE A AMBRAHA
idery Consultation will be required per the DHHL
d to the Hawailan Homes Commission If/when approval
ocumentation fees shall be assessed for each respective
come nation research de assessed for each respective
General Lessa - Cost Documentation (ell)\$75.00
(KAF HUI) 5/28/15 Date
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Janes alt Su
Signature
6 h
2 Land Request Form No

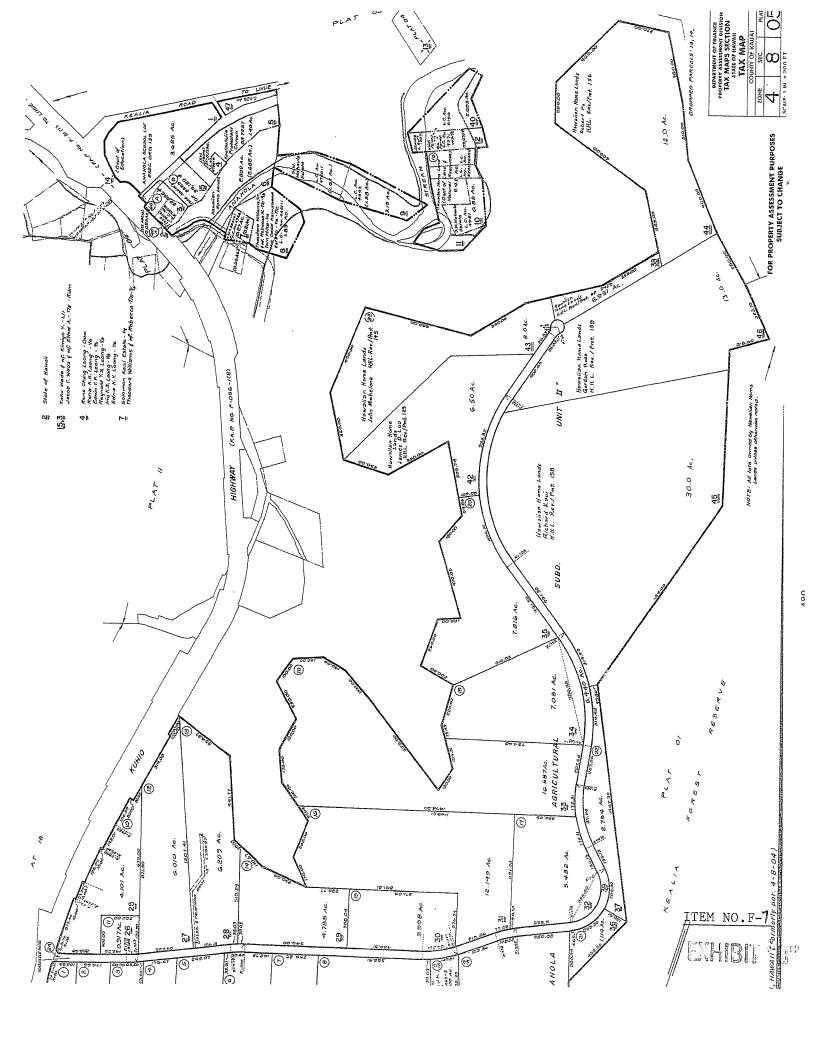
PROJECT INFORMATION	FULL REGUES	o i modeobine:	MI WORKSHEET	
LRF# / Project Name	KAF Hui	Kalale	a/Anahola Farmers Hul. Ad	ine's Marti-Kini
TMK Number(s)	(4)4-8-005:26			
Date Submitted to LMD / Date fransmitted to PO / Date Reviewed				
Ahupue'a/Moku/Mokupuni	Anahola, Kauai			
Acraage Requested (entire parcel, or portion?)	Existing Anahola Farm	Lot, former Anahol.	a Farmers Market sile	
Type of Disposition Requested (ROE, R.P., License, General Lease, other)	License, Community Fa	acility, Farmers Mar	ket	
Length of Term Requested, Timeframe (start & and dates), Phasing		The Control of the Co		
Island Plan / Land Use Designation				
Regional Plan Area / Regional Plan				
Homestead Area	Anahola Farm Lots			يمو مودر ويسلسون وميودي ويوخيون ويوارون
Beneficiary Organization, Contact Person, Contact Info	Agnes Marti-Kini (808)3 Note: Need to determin farmers, efforts under currently membership	ie if this Homester way to verify that	td organization is govern	ed by the 47 Anahola Homestead nts the interests of the farmers,
Consultant/Company Name(s), Contact Info, License(s)/Qualifications		NOT WOOD (NOTEGO)	iomesiadu idsseus.	
Project Description (narrative & site plan, to scale) - existing & proposed: uses, purposes, sq. footage, dimensions & heights of all structures; lot coverage (floor area as % of total acres); access, grading, parking etc; floor plans, elevations, photos, drawings of proposed facilities	This land would be used food services and a cent	l as a Farmers Marl tral place for farmer	ket and Cultural Lierning C is to market their crops and	enter in farm education and healthy by products.
Infrastructure Connections/Extensions needed (Weter, Wastewater, Roads/Access, Electricity, Internet/Ceble/Phone)	Cesspool may require we	ork		
Known Site Constraints (Use TMK Maps, Surveys, GIS): SMA/on shoreline/other setbecks; easements, flood zones/floodweys; sand dunes, wetlands, slopes, puu, caves, etc.)				
Community Benefit Elements	Commercial market oppo	rtunity for homeste	ed farmers to sell their prod	lucts and receive training.
Community Outreach (project presented to Homestead Area esidents, applicants, greater community, other orgs?)	KAF Regular Meetings			
Funding & source(s) (disclose county, state, & federal funds, if used)	Need to identify funding s Weimea tiered approach	ource and review b for homesteaders a	usiness plan and rate struc nd non-homesteaders.	ture for participation in venture, (see
Other (specify)	More information regarding	a Community Deve		d. Need to insure that KAF

ISLAND AND REGIONAL PLAN CONSISTENCY / COMPATIBILITY WIADJACENT LAND USES & ZONING

Site Consistency & Uses	Compatibility with Surrounding	Y/N	Acdon	Analysis
DHHL PLAN CONSISTENCY	Compalibility w/General Plan? List goals & objectives	Y	and the second s	
	In Special District or CON? Y/N In General Ag? Y/N	N	If Y, Then further analysis If Y, Then further analysis	4-1-1-2-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-
	Proposed uses consistent w/Island Plan LU Designation(s)? How so?	Y	If N, recommend changes to project to improve consistency, OR Analyze for LU Amendment with consultation, HHC approval	
	Priority Project in Regional Plan?	Y	If N, then is it on list of potential projects?	

		1	4	(vinaryoro
	Consistent with other DHHL Plans & Programs (CIP, Devi Plans, Water, Energy, etc.)?			
STATE AG CRITERIA CONSISTENCY	List ALISH, IAL status, LSB rating, NRCS Soll suitability	N/	A	ALISH: LSB: ALUM: NRCS.
ADJACENT STATE LU COMPATIBILITY	List adjacent SLU's – any incompatibility issues?		If Y, then discuss w/OP	141(00)
ADJACENT COUNTY PLAN LU & ZONING COMPATIBILITY	List adjacent Co. LU's and Zonings – any incompatibility issues?		If Y, then discuss w/County Planning Dept.	
FEDERAL CONSI		Y//	V Action	Analysis
CULTURAL RESOURCES	Potential trigger for NAGPRA? Y/N	N	for language on protocol)	And the result of the second o
	Section 106 Consultation needed? Y/N	N	If Y, transmit to SHPD for comment & consultation	
NATURAL RESOURCES	Endangered Species Act triggered? Y/N	N	The state of the s	
	Coastal Zone Management Act triggered? Y/N	N		
	Construction in Floodzones/Floodways? Y/N	N	If fed. funds received, recommend to resite structures out of harm's way and flag for LMD review	
	EPA trigger - Water, Wastewater, NPDES etc.?	N	If Y, note that other permits may be needed	
and the state of t	Wetlands? Y/N	N	If Y, transmit to Army Corps for comment	
OTHER NATURAL	REVIEW, CZIM & SMA, HAZARD OVERLAYS	YZW	Action	Amelysis
ENVIRONMENTAL REVIEW	Eligible for Exemption from Ch. 3437	Y	If Y, cite Exemption If N, EA required - proceed to EA Prep worksheets	Make or write the specific trade to the state of the specific trade to the specific trade trade to the specific trade trade to the specific trade trade trade to the specific trade
CZM/SIVA	In SMA?	N	If Y, then criteria x-xx	
	On shoreline?		If Y, then criteria x-xxx If Y, has shoreline survey? Y/N If Y, Year Erosion? Y/N	And the state of t
SENSITIVE ENV'T	Presence of beaches, shoreline, streams, rivers, ocean, muliwai (estuaries), anchialine or other ponds, fishponds, springs, wetlands or marshes, lo'l?	N	If Y, describe & locate on site plan as existing feature, recommend mitigations through site planning and design of structures (e.g. post and pier v. slab on grade)	
OTHER HAZARDS	In geological hazard zone (lava flows, cracks, earthquakes, rock falls)?	N	If Y, then mitigate with site planning and structure design	
	In tsunami or storm surge inundation zone?	N	If Y, then mitigate with site planning and structure design	
***************************************	In high erosion rate area?	N	If Y, then mitigate with site planning and structure design	
CULTURAL & HISTO		Y/H	Action	Analysis
ARCHAEOLOGICAL RESOURCES / BACRED SITES	Presence of culturally significant sites (helau, ko'a, other shrines, wahi kapu)	2	If Y, refer to Kamana'o - research archaeo.surveys or reports, require documentation/research	
	Presence of noa features (house foundations, cooking places, etc.)	N	If Y, refer to Kamana'o - research archaeo.surveys or reports, require documentation/research	
	Ag. or Aquacultural Features (Terraces / Io'i / Ioko I'a)	N	If Y, refer to Kamana'o - research archaeo.surveys or reports, require documentation/research	
	Wahi pana (storied places)	N	If Y, refer to Kamana'o	
iologia avabile - 1	'lwi (known burials)	N	If Y, refer to Kamana'o	
storic architecture	Any structures 50 years old or older	N	If Y, require documentation/ research	
ummary Comments on La	nd Kednest			THE REAL PROPERTY OF THE PERSON OF THE PERSO







JOBIE M. K. MASAGATANI Chairman Hawaiian homes commission

> WILLIAM J. AILA, JR. DEPUTY TO THE CHAIRMAN

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879 HONOLULU, HAWAH 96805

May 6, 2016

Ms. Agnes Marti-Kini, President Kalalea / Anehola Farmer's Hui P.O. Box 520 Anahola, Hawaii 96703

Dear Ms. Marti-Kini:

SUBJECT: Exemption Declaration

AGENCY OR APPLICANT ACTION

Check applicable box

- ☐ This exempted action is an agency action as defined by Section 343-5(B), HRS, and Section 11-200-5, HAR.
- □ This exempted action is an applicant action as defined by Section 343-5(C), HRS, and Section 11-200-6, HAR.

SPECIFY EXEMPTION CLASS

Check applicable box

- ☐ The Exemption Declaration for the action described below is based on the Exemption List for the Department of Hawaiian Home Lands, reviewed and concurred to by the Environmental Council on June 30, 2015.
- The Exemption Declaration for the action described below is based on the consultation process prescribed by Section 11-200-8(a), Hawai'i Administrative Rules (HAR), Exemption Class #6, "Construction or placement of minor structures accessory to existing facilities."

DESCRIPTION OF ACTION

Proposing Agency or Applicant: Kalalea-Anehola Farmers' Hui (KAF Hui)

Project Name: KAF Hui Farmers' Market

Anticipated Start Date: May 2016

Anticipated End Date: TBD

Island and District: Anahola, Kauai

Tax Map Key(s) and/or Latitude/Longitude Coordinates: (4)-4-8-005:026

All Necessary Permits and Approvals: None

NARRATIVE

The KAF Hui is proposing to conduct a farmers' market on the above TMK parcel. Vendors will be selling produce, tropical plants, plate lunches, and crafts. Vendors will erect temporary tents and shade for shelters during the farmers' market. The tents and shade will be removed from the premises at the end of each farmers' market. All structures associated with the farmers' market are temporary in nature. Port-a-potties will be used in lieu of permanent restroom facilities. The size of the farmers' market site is approximately 1-acre in size. The farmers' market will start off as a once-a-week operation, but may expand to two-days a week and/or on holidays depending upon interest and demand from the surrounding community. All trash and debris will be collected on-site in receptacle bins and will be removed from the property at the close of the market.

RECEIVING ENVIRONMENT

The subject TMK was previously developed. A single-family house exists on the property but has fallen into disrepair and is no longer occupied. The house is not currently in use. The site is also sparsely vegetated with trees and plants. Customers will park their vehicles off-site along Hokualele Road. The surrounding uses around the subject parcel include existing DHHL agriculture lessees. The lessees currently cultivate fruit and crops. Lot sizes range from one to 10 acres. The farmers' market is a compatible use with the existing farm lots.

Ms. Agnes Marti-Kini May 6, 2016 Page 3

ENVIRONMENTAL ANALYSIS

I have considered the potential effects of the proposed project and all related activities against the criteria checked below:

1571		Not Applicable
\boxtimes	Little Coo and Lonning Comormance	
\times	Traffic (Vehicles, Bicycles, Pedestrian)	
\boxtimes	Infrastructure (Roads, Buildings, Utilities)	П
\boxtimes	Air Quality Pollutant Emissions	П
\boxtimes	Noise Emissions	П
\boxtimes	Solid, Hazardous, and Liquid Waste Management	
\boxtimes	Social	
\boxtimes	Economic	
\boxtimes	Health and Safety	
\boxtimes	Recreation	
\boxtimes	Public Beach Access	, 🗀
\boxtimes	Cultural Resources and Practices	
\boxtimes	Visual/Aesthetic	
\boxtimes	Environmental Justice	
\boxtimes	Rare, Threatened, and/or Endangered Species	
	Surface and Ground Water Resources	
	Wetlands	\boxtimes
X	Floodplains	
	Riparian/Coastal Resources	
	Other	
		\boxtimes

The proposed project will not have significant negative impact on the above criteria.

Ms. Agnes Marti-Kini May 6, 2016 Page 4

MITIGATION

The proposed use is temporary. At the end of each market day, all temporary structures and facilities will be removed. No permanent improvements are currently proposed to the property at this time. Trash and solid waste will also be removed at the end of each market day and disposed of in an approved county solid waste station.

EXEMPT DECLARATION

The direct, cumulative, and potential impacts of the action described above have been considered pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules. I declare that the action described above will have minimal or no significant impact on the environment and is therefore exempt from the preparation of an environmental assessment.

This document is on file in our office and is available for public review.

Aloha,

Jobie M. K. Masagatani, Chairman Hawaiian Homes Commission

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To:

Chairman and Members, Hawaiian Homes Commission

From:

Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division

Subject:

Issuance of a Right of Entry Kermit, Kukulu Kumuhana O Anahola (KKOA) and the Piilani Mai Ke Kai (PMKK) Association, Ulupono Anahola Agricultural Garden Training Site and Youth Center, Anahola, Island of Kaua'i, TMK No.: (4)4-8-

003:019 (por.) & 021 (por.)

APPLICANT:

KKOA and PMKK (See Exhibit "A")

<u>RECOMMENDED MOTION/ACTION</u>: That the Hawaiian Homes Commission (HHC) authorize the issuance of a Two (2) year Right of Entry Permit to KKOA/PMKK covering the subject area as identified and described below to use as the Ulupono Anahola Agricultural Garden Training Site and Youth Center (UAAG).

Approval and issuance of this Two (2) year Right of Entry (ROE) shall be subject to the following conditions:

- 1. 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 and is therefore exempt from the preparation of an environmental assessment (EA).
- 2. Authorize the issuance of a 2-year ROE Permit to KKOA/PMKK, covering the subject area for use as the Ulupono Anahola Agricultural Garden Training Site and Youth Center (UAAG) 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 ROE Permit form, as may be amended from time to time;
 - 1) Permittee shall use the Premises for the Ulupono Anahola Agricultural Garden Training Site and Youth Center (UAGG). No other use shall be allowed without DHHL's prior written approval.
 - 2) KKOA/PMKK shall use approximately ten (10) acres of DHHL land to be used under this ROE permit for phase 1. An additional 20 acres or 30 total acres may be used for phases 2 and 3.

- Monthly fee shall be gratis with the possibility of the future conversion of this ROE to a DHHL License.
- 4) Permittee shall pay non-refundable processing and documentation fees totaling \$175.00.
- 3. This ROE shall conform to federal, state and county (government agencies) standards. Permittee 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;
- 4. Any construction or alteration of the permit area shall require DHHL approval;
- 5. All utilities shall be paid by the KKOA/PMKK. Approval by the DHHL Main Kapolei Office and the County of Kauai is needed to access potable water and address sewer requirements. Electricity needs the approval of Kauai Island Utility Cooperative (KIUC).
- 6. All trash and debris accumulated shall be removed immediately from the site the same day or at the latest the next day. This is to deter the presence of flies and bad odors from being a nuisance to area neighbors. Furthermore, any bad odors from animals or any other entity shall be addressed immediately.
- 7. The ROE document shall be subject to other standard terms and conditions of similar ROE's issued by DHHL;
- 8. Review and approval by the State of Hawaii, Department of the Attorney General; and
- 9. Such other terms and conditions deemed prudent and reasonable by the Chairman of the Hawaiian Homes Commission (HHC) and/or the HHC to serve the best interests of the trust and its beneficiaries.

LOCATION:

Hawaiian Home Lands situated East of Pilipoli Road Makai of the PMKK Subdivision in Anahola, Island of Kaua'i, identified as tax map key no.: (4)4-8-003:019 (por.) and 021 (por.)

AREA:

Approximately ten (10) acres for Phase 1. A total of 30 acres to include Phases 2 and 3 built out in the future.

DISCUSSION:

Mrs. Kahanu Keawe, PMKK submitted a Land Use Request Form (LURF) dated January 17, 2019, for the UAGG located Makai of PMKK at TMK No. (4)4-8-003:019 (por.) and 021 (por.), in Anahola, Kauai.

The current status of this land has been plagued with multiple fires that have been dangerous to the residential area of the PMKK Community and the Anahola Community at large. This Project would deter illegal dumping and provide a safe and productive environment for current and future beneficiaries.

2

The goal of PMKK is to partner with KKOA a well-respected non-profit organization in Anahola. Every summer KKOA puts on free movie nights at the Anahola Clubhouse to bring the Anahola Community together. The UAGG will provide an Agricultural Garden Training Center and youth facility providing education, skill building, and cultural practices.

Like the DHHL Hale Program which provides Homebuyer Education classes and Foreclosure Prevention Management, this training and youth facility would equip beneficiaries (lessees and applicants) with skills to choose the most effective method that would provide sustainability for their land and family (current and future).

An Agricultural training center and youth facility would provide skill-building, education and continued learning of cultural practices. Education referring to academics is only one aspect of learning. Providing resources, life skills and programs for youth and their families have the potential for lessee's and applicants to make choices to choose a meaningful and productive future.

DHHL staff has developed procedures, processing criteria, and the required documentation necessary to conduct a thorough due diligence review based on the Hawaiian Home Commission's (HHC) discussions and approvals of the Waimea Homestead Association's Waimea Nui Project.

Process/Procedure Work Flow

- 1. Applicant submits LURF
- 2. DHHL sends Acknowledgement letter, notification that additional documents will be required pending HHC submittal, and that other applicants may also be requesting use which will trigger a community meeting to insure a fair opportunity to use the land and so that the best project is selected for the property based on homestead community needs.
- 3. DHHL submits HHC submittal (September 16-17, 2019) which starts due diligence review sends checklist to applicant to collect all the documentation required for the disposition.
- 4. Applicant submits supporting documents to allow DHHL Divisions to conduct review and report to LMD.
- 5. LMD packages disposition for HHC approval.
- 6. LMD letter to applicant commencement of the disposition.

Proposed due Diligence Review Checklist:

- 1. Land Use Request Form (LURF)
- 2. Land Use Request Assessment Worksheet(consistency)
- 3. Governing Documents, Mission Statement, DCCA
- 4. Number of members who are homesteaders from the affected homestead community (controlling interest)
- 5. Business/Project Plan review (feasibility)
- 6. Financial Plan Review (sustainability)
- 7. Project development schedule and timeline
- 8. Verification experience, track record and homestead acceptance explain relationship to homestead community (consultation, letters of support, partnerships)
- 9. Environmental Review and Community Benefits if applicable.

DHHL staff has held discussions with PMKK/KKOA during 2018-2019 and they have provided the necessary documentation as follows:

3

- 1. Land Use Request Form (LURF) requests the use of a 30-acre property for the UAGG education training site and youth center a central place for the Anahola Community to gather and share crops and products. (January 17, 2019)
- 2. Land Use Request Assessment Worksheet was completed by DHHL staff. The use will not change and should not require an environmental assessment. (September 2019)
- 3. Governing Documents, Mission Statement, DCCA and IRS documents were submitted and are on file. (September 2019)
- 4. Business/Project Plan was submitted and is on file.
- 5. Financial Plan and Pro-forma were submitted and reviewed to assure sustainability for the first five years of operation. (September 2019)
- 6. Project development schedule and timeline will be further detailed during right of entry period and presented prior to consultation for long term lease or license.
- 7. Verification experience, track record and homestead acceptance explain and relationship to the Anahola DHHL Homestead community will be developed during right of entry period prior to consultation and disposition approval.
- 8. Environmental Review and Community Benefits, environmental not applicable, serves farm community and provides benefit to farmers to market their products.

PLANNING AREA:

PMKK Subdivision, Makai of Pilipoli Road, Anahola, Kauai (See Exhibit "B")

LAND USE DESIGNATION:

Community Use (CU) and Residential (R), Kaua'i Island Plan (2004), Figure 8.2 – <u>Anahola/Kamalomalo'o Land Use Plan</u>, pg. 8-2

CURRENT STATUS:

The site is vacant with grass and shrubbery. In the last five (5) years many fires have burned in this vicinity causing panic to the area residents. Also, the site is prone to heavy illegal dumping.

4

CHARACTRER OF USE:

Ulupono Anahola Education Center and Youth Training Facility

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. 5, "Resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. Any grubbing will be required to have erosion control measures in place."

Exemption Item Description from Agency Exemption List:

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 DHHL Planning Office (PO) has documented the action 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 Use Planning

Goals:

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

Objectives:

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

Kauai Island Plan (2004)

The recommended disposition is consistent with the following elements of the Kauai Island Plan:

The site is designated for Community Use (CU) and Residential (R) consistent with the Kauai Island Plan. Table 2.1 <u>DHHL Land Use Designations</u> page 2-7 and Figure 8.2 <u>Anahola/Kamalomalo'o Land Use Plan</u> page 8-4.

5

RECOMMENDATION:

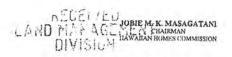
Land Management Division (LMD) respectfully requests approval of the motion as stated.

Item No. F-8

DAVID Y. IGE GOVERNOR STATE OF HAWAII

SHAN S. TSUTSUI LT. GOVERNOR STATE OF HAWAII





2019 FEB -7 AM IPPUTS THE CHAIRMAN

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879 HONOLULU, HAWAH 96805

REQUEST FORM FOR NON-HOMESTEADING LAND USE PURPOSES PART I: APPLICANT INFORMATION

Name:		
Address:		
Phone No.:	Cell:	email:
If Corporation/Organization	on/Company/LLC/Non-Profit:	
The state of the s	e Kai Community Association	
	5, Anahola, HI 96703	
Phone No.:	Cell: (808)392-6119	email:kahanukeawe@gmail.cor
✓ Requesting Organiza	tion is a Non-Profit	
Type of Non-Profit:	Private Nonprofit – governed by Member Nonprofit – governed by Homestead Organization – gove	self appointed board by voting members rned by HHCA beneficiary members
Requesting Organization	tion is For Profit - Individual or Busin	
Individual	Sole Proprietorship	Partnership
☐ Corporation	Limited Liability Corporation	Other
Is an Individual HHC	A Beneficiary or is Owned by an HH	CA Beneficiary Yes No
	tion is a Government Agency	
☐ Federal	☐ State ☐ County	
Officers and/or Principal Karen Kahanu Keawe, Pres	Representatives:	tont / Kinukai Kualiii Saaratany
		ommunity association created
and established as a Pi'ilani	Mai Ke Kai Community Association: for	charitable purposes which promote the
betterment of the Native F	lawaiian community in the Anahola re	gion by establishing, implementing and
managing charitable, relig	ious, educational and scientific progra	ims.
Date Incorporated: S	tate of Incorporation: Hawaii	
Federal Tax ID#: 45-5	5312378 State Tax ID#: GE	064-015-3600-01
NAME A NOVI FROM STORY		
	EADING LAND USE REQUEST	
Describe proposed non-hom Pijlani Mai Ke Kai Communi	nesteading land use envisioned under the	is request as submitted The goal of Kumuhana O Anahola (KKOA), a non-profit
organization serving the A	nahola community, to provide an Agric	cultural Garden Training Center and Youth
facility that will provide a p	lace of education, skill building and cu	ultural practices.
Please attach additional informe	ation if necessary	
		19
	Land	d Request Form No

ITEM NO. F-3

EXHIBIT "A"

Land Area requested: Ac	reage/Sq.Ft. 30 a	ICI'ES Term:_	Lease - 30 YEARS
Island: Kaua'i	Tax Map Key No.: 4	-4-8-003-19 (pur	(11 <u>9</u>))
ndicate Character of Use:		4	
✓ Agricultural	✓ Commercial	Church	Other
Pastoral	☐ Industrial	Community	Facility
Ooes applicant have any exsepurposes? Yes	isting land disposition iss No	ued by Hawaiian home	lands for non-homesteading
f yes, under what type of us	se and disposition:		
escribe how proposed land s Beneficiaries (Applicants	l use request will have dir & Lessees): Please see	rect or significant indire attachment that respond	ect benefit to the Trust and/or ds to this question.
as submitted; In the best interest of the in accordance with the H 220.5, Section 207(c), Ha Administrative Rules, Tit Once the application is do 30 day review period on Additional Island or Register Energiciary Consultation	additional information to astitute any form of DHH trust, DHHL reserves the awaiian Homes Commiss awaii Revised Statutes, Cale 10; seemed complete, the non-the DHHL website for be onal Specific Beneficiary Policy;	be submitted; L approval to this non- eright to exercise its pro- sion Act (Section III, Se hapter 171, as amended chomesteading land use neficiary and public con y Consultation will be re-	homesteading land use request udent authority pursuant to and ection 204(a)(2), Section and the Hawaii request will be posted for a mment;
for disposition is consider Associated non-refundable disposition request as follows:	red by the HHC; le processing and docume		
		eneral Lease – Cost Do	cumentation (all)\$75.00
Pi'ilani Mai Ke Kai Com	munity Association	1/17/19	
int Individual or Organiz	ation Name	Date	0
Kahanu Keawe, Presiden	t	4	1/2
thorized Representative	Name & Title	Signature	1.0.
		8	
	2	Land Regi	uest Form No

Response to the following question from Page 2 of Request Form for Non-Homesteading Land Use Purposes

Describe how proposed land use request will have direct or significant indirect benefit to the Trust and/or its Beneficiaries (Applicants & Lessees):

- 1) The current status of this land has been plagued with multiple fires that have been dangerous to the residential area of the PMKK Community and the Anahola community at large. This project would deter illegal dumping and provide a safe and productive environment for current and future beneficiaries.
- 2) Similar to the DHHL Hale program, which provides Homebuyer Education classes and Foreclosure Prevention Management, this training and youth facility would equip beneficiaries (lessees and applicants) with skills to choose the most effective method that would provide sustainability for their land and family (current & future).
- 3) An agricultural training center and youth facility would provide skill-building, education and continued learning of cultural practices. Education referring to academics is only one aspect learning. Providing resources, life skills and programs for youth and their families have the potential for lessees and applicants to make choices to choose a meaningful and productive future.



LAND MANAGEMENT DIVISION PO Box 30891 • Anahola, HI 96703-0891 KKOA.org FMgABRp: &KMAO:015ANA

February 21, 2019

Re: Application Submitted for TMK # 4.4.8.003.19

Aloha no Commissioner Jobie and Kaipo,

We hope this letter finds you and your 'ohana in the best of health.

Thank you for your direction and encouragement to complete and submit the Land Use Request Application.

As directed by Bob Freitas, KKOA has partnered with Piilani Mai Ke Kai Association to steward the 'aina ma kai of the PMKK residential area. PMKK President Kahanu Keawe submitted and confirmed with KKOA that your office has received the application.

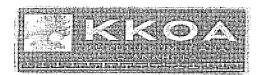
This letter is to follow up with our (KKOA &PMKK) completed application. What are the next steps that we can look forward to from DHHL?

We are presently working on grant applications and other fund raising possibilities. In order to move forward with our grant applications and meet the required deadlines, the most essential support needed is from DHHL in the form of an agreement of commitment for KKOA's "Ulupono Anahola" – "Thrive Anahola" program.

We are hoping to start Phase 1 of "Ulupono Anahola" in September 2019. We appreciate your expertise and guidance in helping the Anahola Hawaiian Community to succeed.

For more info. Or any questions, please contact PMKK <u>Kahanukeawe@gmail.com</u> and KKOA <u>kkoa96703@ymail.com</u>, <u>mitihi@gmail.com</u> with future communications.

Mahalo nui loa, Ke Akua pu Me ke aloha pumehana, In behalf of Kukulu Kumuhana O Anahola Kuuleialoha Punua President KKOA



Department of Hawaiian Homelands Hale Kalaniana'ole 91-5420 Kapolei Parkway Kapolei, Hawaii 96707

May 30,2019

RE: KKOA's 2 year Timeline/ Checklist for Property TMK#4-4-8-00-019

Aloha Kaipo,

2017

Feb. 9:

Bob Freitas directed KKOA to Property TMK#4-4-8-00-019 and encouraged KKOA to meet with PMKK Assn., in order to share KKOA's vision and ask for PMKK's Partnership for future KKOA plans.

Feb 22:

Met with Pillani Mai Ke Kai Assn. President - Kahanu Keawe.

Mar 1,2 ANA Grant Workshop-Oahu. KKOA focus on "Garden/Farm training site". Met with Kaipo Duncan on Wed, Mar 1.

Mar 8:

Kahanu – Pres. from Piilani Mai Ke Kai, informed us that Piilani Assn. Board voted last night to support garden idea, and discuss more.

Mar 8:

KKOA Update Letter to Kaipo Duncan and Bob Freitas with KKOA's recent activities and also Requested a map from Kaipo of Property TMK#4-4-8-00-019

Mar 14:

Kaipo sent KKOA Map of TMK#4-4-8-00-019

June:

Deputy William Aila received a copy of the 3/16 /17 letter and said we would be hearing from the office of HHL. Two weeks later, KKOA received an invitation from DHHL to the **August:** Hawaii Agricultural Convention, which **we did attend**.

<u>2018</u>





KKOA Letter to Kaipo: Resent KKOA proposal to DHHL from last year Feb. 2017. Also documents that account for KKOA's recent (2017) activities and ground work from 2/7/17-3/16/17. A site plan was also drafted and submitted.

2018 continued:

Other actions such as taking detailed surveys from community, Meeting with Kilauea Comm. Garden Director, Yoshi LHote, another model of community garden, tightening up our vision, being involved with the Kalalea Anehola Farmers Hui weekly market, has given KKOA a greater sense of determination for our Hawaiian community

July 6:

KKOA Letter to Bob re: Meeting with PMKK Officers, Agreement to move forward with plans, and doing a presentation to the Community members.

August 9

Meeting with KKOA/PMKK Association members. Rae Makanani Nam did the "Ulupono Anahola-Thrive Anahola" Presentation.

Community responded positively. Bob Freitas Attended this meeting. \checkmark

August 20: Kanai HHC

KKOA presented the Vision Boards of "Ulupono Anahola- Thrive Anahola" to the Commissioners. KKOA was Directed to Fill Land Use Request Application with PMKK, and submit to DHHL.

<u> 2019</u>

Feb 2:

Kahanu Keawe, President of PMKK, submitted the Land Use Request Application to DHHL. Kaipo received Application.

Feb 21:

KKOA Letter to DHHL Commissioner Jobie and Kaipo: Application Submitted... Next Steps? Grants require DHHL agreement/ commitment... KKOA hopes to start Ulupono Anahola Program in Sept 2019.

Feb 25:

Letter from Kaipo: Dhhl will respond shortly. Kaipo mention Kaleo M. and Bob F no longer with DHHL. Andrew Choy in Kaleo's position and Nancy McPherson filling in for Bob.

May 11-13:

Kaipo and Nancy to meet KKOA on Kauai 5/16... Cancelled

May 20:

KKOA letter to Kaipo: Follow up on meeting Nancy and Kaipo. Also 4-6 cabins offered to KKOA program. Need to move by end of June.

May 24:

County of Kauai Parks and Recreation, Kapaa Manager, Marta Hussman, notified KKOA that The present storage space at the Clubhouse will need not be available, possibly in July-August for 6 months, due to renovations at Kapaa Neighborhood Center.

May 30:

Kuulei call Kaipo, Kaipo to set up meeting with Nancy and KKOA for June 10 on Kauai. Kaipo will check with Nancy and let Kuulei know by 5/31. KKOA has fulfilled the process that was advised by DHHL. Kuulei emphasized to Kaipo the circumstances are directing that this is the time to move. If meeting date for June 10th is confirmed, Rae will change her Honolulu stay to come home earlier for this meeting.

June 10 Mesting & site visit. Informed a need for Moster Plang EA; BC Mtg. Question - BC needed for ROE? License < 5 years? or can wait? Not in RP. Cu Il'd for education/ in KIP.

Minus &

AC

*

ULUPONO ANAHOLA (Thrive Anahola) Community Center

An agricultural & youth training center

Objective 1. Creating SAFE spaces and places (Rehabilitation)





Project Location - Existing Condition



Community Garden Model

<u>ULUPONO ANAHOLA (Thrive Anahola) Community Center</u> An agricultural & youth training center

Objective 2: Strengthening Self Identity





Phase 1: Prepare Site

- Clear land
- Mapping survey
- Test & amend soil
- Acquire permits
- Install infrastructure
- Prepare structures
- Fence borders
- Training



ULUPONO ANAHOLA (Thrive Anahola) Community Center An agricultural & youth training center

Objective 3: Garden Training Options & Youth Clubhouse (Marae)









<u>ULUPONO ANAHOLA (Thrive Anahola) Community Center</u> An agricultural & youth training center

Objective 4: Building Community









Native Hawaiian trained volunteers and staff start 10 acres of community garden and youth center.

Phase 3: Expand youth and community center; Prepare Nursery and Orchard; Processing Structure; Movie nite location.









Kukulu kumuhana means the pooling of strengths - emotional, psychological, and spiritual -- for a shared purpose.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division

Subject: Issuance of a Right of Entry Permit, Green Energy Team LLC, One Time Albizia

Removal/Cleanup with No Replanting, Anahola Mauka, Anahola, TMK Nos.: (4)4-7-002:004 and (4)4-8-002:001 and (4)4-8-003:006, 007, & 022 and (4) 4-8-005:006 & 011

APPLICANT:

Green Energy Team LLC (See Exhibit "A")

<u>RECOMMENDED MOTION/ACTION</u>: That the Hawaiian Homes Commission (HHC) authorize the issuance of a Two (2) year Right of Entry Permit to Green Energy Team LLC covering the subject area as identified and described below for the one-time removal of Albizia trees with no replanting at Anahola Mauka, Anahola, Kauai

Approval and issuance of this Two (2) year Right of Entry (ROE) shall be subject to the following conditions:

- 1. 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 and is therefore exempt from the preparation of an environmental assessment (EA).
- 2. Authorize the issuance of a 2-year ROE Permit to Green Energy Team LLC, covering the subject area for the removal of Albizia trees 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 ROE Permit form, as may be amended from time to time;
 - Permittee shall use the Premises to remove and clear out Albizia trees. No other use shall be allowed without DHHL's prior written approval.
 - 2) Green Energy Team LLC shall use approximately 900 acres of DHHL land to be used under this ROE permit.
 - 3) Monthly fee shall be gratis in return for the removal and clearance of thousands of Albizia trees.
 - 4) Permittee shall pay non-refundable processing and documentation fees totaling \$175.00.

- 3. This ROE shall conform to federal, state and county (government agencies) standards. Permittee 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;
- 4. Any construction or alteration of the permit area shall require DHHL approval;
- 5. All utilities shall be paid by the Green Energy Team LLC. Approval by the DHHL Main Kapolei Office and the County of Kauai is needed to access potable water and address sewer requirements. Electricity needs the approval of Kauai Island Utility Cooperative (KIUC).
- 6. All trash and debris accumulated shall be removed immediately from the site the same day or at the latest the next day.
- 7. The ROE document shall be subject to other standard terms and conditions of similar ROE's issued by DHHL;
- 8. Review and approval by the State of Hawaii, Department of the Attorney General; and
- 9. Such other terms and conditions deemed prudent and reasonable by the Chairman of the Hawaiian Homes Commission (HHC) and/or the HHC to serve the best interests of the trust and its beneficiaries.

LOCATION:

Hawaiian Home Lands situated at Anahola Mauka North of Kealia Road, Island of Kaua'i, identified as tax map key nos.: (4)4-7-002:004 and (4)4-8-002:001 and (4)4-8-003:006, 007, & 022 and (4) 4-8-005:006 & 011

AREA:

Approximately 900 acres.

DISCUSSION:

Mr. Gilles Libbe, Green Energy Team LLC (GET), President has submitted a Land Use Request Form (LURF) dated November 15, 2018, to harvest and remove Albizia trees at TMK nos. (4)4-7-002:004 and (4)4-8-002:001 and (4)4-8-003:006, 007, & 022 and (4) 4-8-005:006 & 011 located at Anahola Mauka in Anahola, Kauai.

The condition of the site is a heavily vegetated forest with thousands of Albizia trees and unusable for any purpose due to the invasion of Albizia. GET is proposing to clear Albizia on approximately 900 acres of DHHL lands at no cost to DHHL.

Only above ground biomass trees will be removed on the former can land generally shown on the attached map. No tree removal will occur in valleys or land that was not farmed in the past. GET will provide a detailed harvesting plan that complies with existing rules and regulations and the best managing practices (BMP) established by the DLNR Department of Forestry and Wildlife 1996 edition. GET will work with the current Right of Entry holders in this area to minimize the impact of harvesting on their activities. DHHL will not be charged a fee for the removal of the Albizia and payment will not be made to DHHL for the wood.

GET owns and operates the only biomass to energy facility on Kauai and has extensive experience in harvesting Albizia.

This is a great opportunity for DHHL to rid this area of the overabundance of Albizia trees and by clearing the land then providing agricultural and pastoral lots to DHHL waitlist applicants.

DHHL staff has developed procedures, processing criteria, and the required documentation necessary to conduct a thorough due diligence review based on the Hawaiian Home Commission's (HHC) discussions and approvals.

Process/Procedure Work Flow

- 1. Applicant submits LURF
- 2. DHHL submits HHC submittal (September 16-17, 2019) which starts due diligence review sends checklist to applicant to collect all the documentation required for the disposition.
- 3. Applicant submits supporting documents to allow DHHL Divisions to conduct review and report to LMD.
- 4. LMD packages disposition for HHC approval.
- 5. LMD letter to applicant commencement of the disposition.

Proposed due Diligence Review Checklist:

- 1. Land Use Request Form (LURF)
- 2. Land Use Request Assessment Worksheet(consistency)
- 3. Business/Project Plan review (feasibility)
- 4. Financial Plan Review (sustainability)
- 5. Project development schedule and timeline
- 6. Environmental Review and Community Benefits if applicable.

DHHL staff has held discussions with Green Energy Team LLC during 2018-2019 and they have provided the necessary documentation as follows:

- 1. Land Use Request Form (LURF) requests the use of 900 acres to remove Albizia trees and take them to the GET biomass plant in Koloa, Kauai (January 17, 2019)
- 2. Land Use Request Assessment Worksheet was completed by DHHL staff. The use will not change and should not require an environmental assessment. (September 2019)
- 3. Business/Project Plan was submitted and is on file.
- 4. Project development schedule and timeline will be further detailed during right of entry period and presented later.
- 5. Environmental Review and Community Benefits, environmental not applicable. Removal of Albizia trees only. Entire area was used previously to grow and cultivate sugar cane.

<u>PLANNING</u> <u>ARE</u>A:

Approximately 900 acres at Anahola Mauka, North of Kealia Road, Anahola, Kauai (See Exhibit "B")

LAND USE DESIGNATION:

Community Use (CU), General Agriculture (GA), Special District (SD), Subsistence Agriculture (SA), Pastoral (P), and Conservation (C), Kaua'i Island Plan (2004), Figure 8.2 – <u>Anahola/Kamalomalo'o Land Use Plan</u>, pg. 8-2

CURRENT STATUS:

The site is vacant forest area with thousands of Albizia trees. Approximately, four (4) users have Right of Entry Permits with DHHL Land Management Division for pastoral purposes. All users support this GET Project to remove Albizia.

CHARACTRER OF USE:

Green Energy Team LLC to remove Albizia trees and take all green waste to its biomass facility in Koloa, Kauai.

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. 1, "Maintenance and restoration of existing pastoral lands utilizing an approved forestry plan. No expansion or change of use beyond that previously existed."

Exemption Item Description from Agency Exemption List:

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 DHHL Planning Office (PO) has documented the action 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 Use Planning

Goals:

• Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.

Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Objectives:

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

Kauai Island Plan (2004)

The recommended disposition is consistent with the following elements of the Kauai Island Plan:

The site is designated for Community Use (CU), General Agriculture (GA), Special District (SD), Subsistence Agriculture (SA), Pastoral (P), and Conservation (C), consistent with the Kauai Island Plan. Table 2.1 <u>DHHL Land Use Designations</u> page 2-7 and Figure 8.2 <u>Anahola/Kamalomalo'o Land Use Plan</u> page 8-4.

RECOMMENDATION:

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



an Equal Opportunity Provider and Employer

5031, Ku'ia Road • Kōloa, HI, 96756 43-2600 Kaumuali'i Hwy, STE 1300 #300 • Līhu'e, HI, 96766

Lina 6, 111, 50700

(808) 647-2049 🕾

www.greenenergykauai.com

November 15, 2018

Mrs. Jobie Masagatani Department of Hawaiian Home Lands Land Management Division P.O. Box 1879 Honolulu, HI 96805

Per Certified Mail

Right of Entry Request for Anahola-Kamalomalo DHHL lands, Island of Kaua'i. TMK (4) 4-7-002:004, 4-8-002:001, 4-8-003:006 and 4-8-003:022.

Dear Mrs. Masagatani,

Please consider this letter and its attachments as our application for the use of the above-mentioned property under management of the Department of Hawaiian Home Lands.

The property is currently unusable for any purpose due to its invasion with albizia trees. We propose to clear the albizia trees from the parcel at no cost to the DHHL at the following conditions:

- Only above ground biomass (trees) will be removed on former cane land generally shown on the attached map. No tree removal will occur in valleys or land that was not farmed in the past.
- We will provide a detailed harvesting plan that complies with existing rules and regulations and the BMP's
 established by the DLNR Department of Forestry and Wildlife 1996 edition.
- We will work with the current legitimate RP holders to minimize the impact of harvesting on their activities and expect the assistance of the local land agent in this.
- DHHL will not be charged a fee for the removal of albizia and we will not pay the DHHL for the wood.

The required Land Use Request Form is attached to this letter.

Green Energy Team owns and operates the only biomass to energy facility on Kauai and has extensive experience in harvesting albizia. We can provide excellent references upon request.

I sincerely believe that this application is an exceptional opportunity for your Department to bring the lands back to a usable condition. Green Energy will stop harvesting Albizia by the end of 2019 this might be the last chance to clear the property.

Please call me if you have any question regarding this application.

I would appreciate if this application could be negotiated and brought before the Commission for decision in the best possible delays.

Sincerely,

Gilles Lebbe

DAVID Y. IGE GOVERNOR STATE OF HAWAII

SHAN S. TSUTSUI LT. GOVERNOR STATE OF HAWAII



JOBIE M. K. MASAGATANI CHAIRMAN HAWAIIAN HOMES COMMISSION

WILLIAM J. AILA, JR. DEPUTY TO THE CHAIRMAN

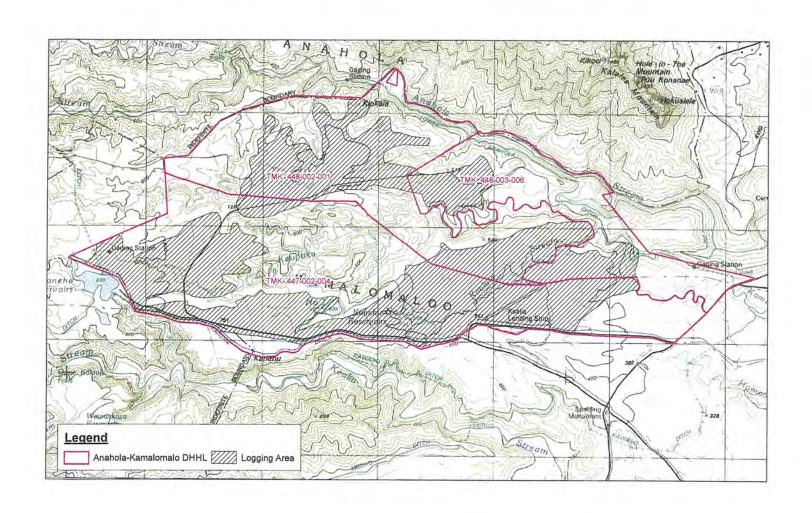
STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

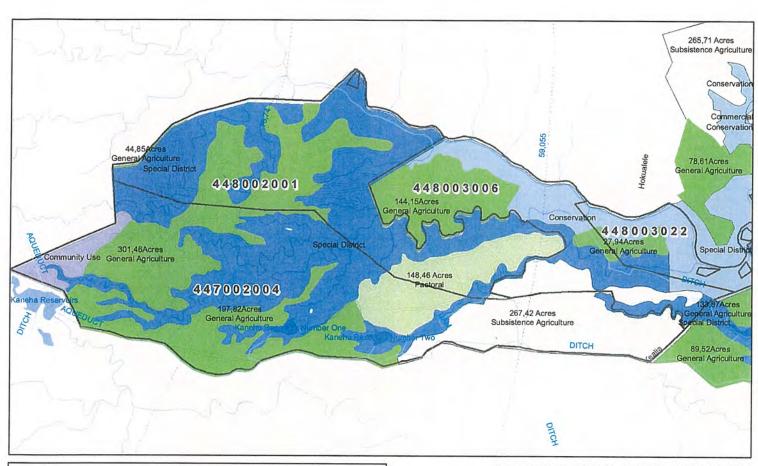
P. O. BOX 1879 HONOLULU, HAWAII 96805

REQUEST FORM FOR NON-HOMESTEADING LAND USE PURPOSES

PART I: APPLICANT I	<u>NFORMATION</u>	
Name:	voir Transference Househouse and American age of the American age	
Address:	Al	
Phone No.:	Cell:	email:
If Corporation/Organization	on/Company/LLC/Non-Profit:	
Name: Green Energy Team LLC		
Address: 3-2600	Kaumualii Hwy Ste 1300-300	
Phone No.: 808 647 2049	Cell: (808) 634 8845	email:gilles@greenenergykauai.com
☐ Requesting Organiza	tion is a Non-Profit	
Type of Non-Profit:	Member Nonprofit – gove	
Requesting Organiza	tion is For Profit - Individual or	Business
Individual	Sole Proprietorship	Partnership
Corporation	Limited Liability Corporat	tion Other
Is an Individual HHC	A Beneficiary or is Owned by a	n HHCA Beneficiary 🔲 Yes 🗹 No
Requesting Organiza	tion is a Government Agency	
Federal	State Cou	inty
Officers and/or Principal	Representatives: Gilles Lebbe	
	Representatives.	
The facility uses wood chips	as a fuel source. 2019 will be the las	erates a biomass to energy power plant on Kauai. st year Green Energy Team will harvest albizia,
after 2019 only plantation euc trees from the property at no		ergy Team offers DHHL to harvest invasive albizia
•	State of Incorporation: Hawaii	OF 400 004 0000 04
Federal Tax ID#: 00-12/96.	State Tax ID#:	GE-183-621-8368-01
PART 2: NON-HOMEST	TEADING LAND USE REQUE	ST
	nesteading land use envisioned un	
T-AMENIA AND AND AND AND AND AND AND AND AND AN		
	And the second s	
*Please attach additional inform	ation if necessary	
		Land Request Form No

Land Area requested:	Acreage/Sq.Ft. 900 Acres, see	attached map Term: 1 year
Island: Kaua'i	Tax Map Key No.:_(4) 4-7-002:004, (4) 4-8-002:001, (4) 4-8-003:006, (4)-8-003:022
Indicate Character of Use Agricultural	: Commercial	☐ Church ☐ Other
Pastoral	Industrial	Community Facility
	_	• •
use purposes? Yes	✓ No	ued by Hawaiian home lands for non-homesteading
If yes, under what type of	use and disposition:	
its Beneficiaries (Applica recognized as an threat to the H cost of its removal. Due to the over	nts & Lessees): The requester awaiian Islands for its invasiveness, sergrowth with albizia, the property is	
		ts beneficiaries. The trust's liability will have be significantly reduced lbizia, lands downstream of the two rivers will not be flooded with albiza tr
		effect on the environment (removal of invasive species), the economy
		and social life (property can be accessed safely).
homesteading purposes ar 1. This is an application DHHL and may requir 2. This request does not as submitted; 3. In the best interest of the in accordance with the 220.5, Section 207(c), Administrative Rules, 4. Once the application is 30 day review period of 5. Additional Island or R. Beneficiary Consultation of the disposition is consistent of the consultation of the disposition request as a Revocable Permit - \$100.0	and acknowledges that: process that will be subject the additional information to constitute any form of DHE the trust, DHHL reserves the Hawaiian Homes Commis Hawaii Revised Statutes, C Title 10; Is deemed complete, the non on the DHHL website for be degional Specific Beneficiar on Policy; ceived will be provided to to dered by the HHC; lable processing and docum follows:	request for use of Hawaiian home lands under non- to further review, evaluation and consideration by be submitted; IL approval to this non-homesteading land use request e right to exercise its prudent authority pursuant to and sion Act (Section III, Section 204(a)(2), Section Chapter 171, as amended and the Hawaii a-homesteading land use request will be posted for a eneficiary and public comment; y Consultation will be required per the DHHL the Hawaiian Homes Commission if/when approval sentation fees shall be assessed for each respective General Lease – Cost Documentation (all)\$75.00
Green Energy Team LLC	. A. B.T.	11/15/2018
Print Individual or Orga	nization Name	Date
Gilles Lebbe		
Authorized Representati	ve Name & Title	Signature
	,	2 I and Request Form No.

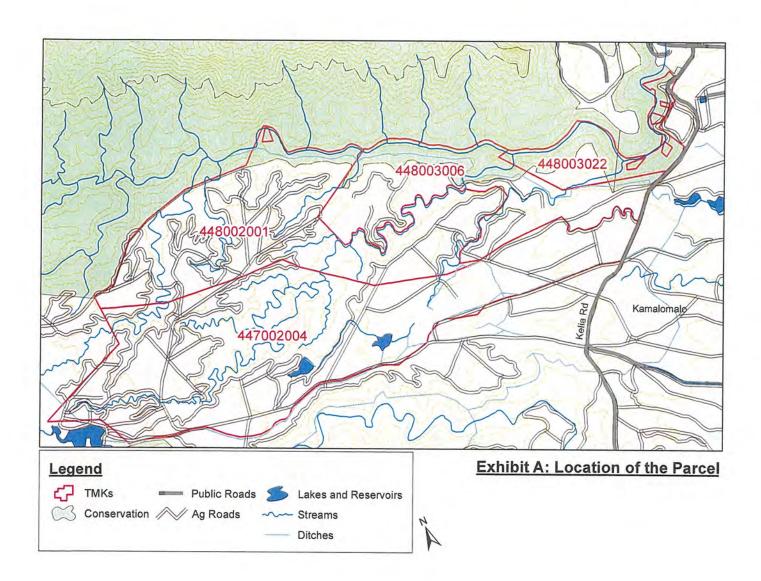




Legend

Community Use
Pastoral
Conservation
Special District
Subsistence Agriculture

Exhibit B: DHHL LAND USE PLAN



HAWAIIAN HOMES COMMISSION SEPTEMBER 16 & 17, 2019 LIHU'E, KAUA'I, HAWAI'I

G – ITEMS PLANNING OFFICE

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To: Chairman and Members, Hawaiian Homes Commission

Through: Andrew Choy, Acting Planning Program Manager

From: Lehua Kinilau-Cano, HHL Legislative Analyst Solve Kent Com

Subject: Approval of 2020 Legislative Proposal

RECOMMENDED ACTION/MOTION:

That the Hawaiian Homes Commission approve the legislative proposal to be recommended for inclusion in the Administration's legislative package for the 2020 Regular Session.

DISCUSSION

The Department of Hawaiian Home Lands has prepared a draft legislative proposal to be recommended for inclusion in the next Administration's legislative package. The draft legislative proposal, upon submission, will be under review by the Department of the Attorney General, the Department of Budget & Finance, and the Governor. The proposal is pending final approval and no proposal is considered part of the package until final approval is granted. In this phase of the review proce3ss, the department may amend or withdraw the measure.

As explained at last month's commission meeting the department solicited recommendations for legislative proposals and received 29 proposals. Here is a summary of the proposals:

Issue	Submitted by	Result
Lower BQ for successorship	Lessee	Legislation enacted, Congressional consent required
Assist homestead community associations to build land-based aquaculture facilities	Lessee	Budget
\$14+ million for water source development	Beneficiary	Sufficient sums budget included \$15.5 million from Puwalu
\$2 million in operating funding	Beneficiary	Sufficient sums budget included \$750,000 from Puwalu
Ability to rent to any Native Hawaiian	Lessee	Not recommended

Issue	Submitted by	Result
Independent legal counsel	Stakeholder	HHC approved proposal for 2017 Session
DHHL build an approved museum on its land to house artifacts and iwi	Stakeholder	No Capacity
Operation of a Kupuna Day Care Center or one care home in the community	Homestead association	Sufficient sums budget included \$250,000 from Puwalu for feasibility study
\$5,000 for a grant writer	Homestead association	Budget or possibly next grant cycle
No apartments, applicants should get land/lot	Applicant	Proposed multi-family rules under consideration
\$100 million for lot development	Applicant	Sufficient sums budget included \$74.7 million in FY20 and \$79.9 million in FY21 for lot development
\$500,000 for new Enforcement and Compliance Division	Beneficiary	Budget
Build affordable rentals on ceded lands for Hawaiians	Lessee	More review
Hemp farming on Hawaiian Home Lands	Stakeholder	Consider a feasibility study
More loan products and financial counseling for ag and pastoral lessees	Stakeholder	Legislation not required
Create a directory of elected leaders on the homelands	Stakeholder	Legislation not required
Improve DHHL's foreclosure process	Stakeholder	Foreclosure prevention and lease cancellation assistance services provided by HALE
Increase access to home equity	Stakeholder	Legislation not required
Secure State investments in affordable housing for Native Hawaiians	Stakeholder	Budget
Better coordination and collaboration with DHHL	Stakeholder	Legislation not required
Create ability to waive off waitlist if accept rental	Stakeholder	Proposed rules allow renters to remain on waiting list

Issue	Submitted by	Result
Create expedited lease cancellation process	Stakeholder	Contested case rules are planned to be revised
Grievance form	Stakeholder	Administrative burden
Detached ADUs on res/ag/ pastoral lots	Stakeholder	Proposed rules for SDUs would allow for pilot on res lots
Allow DHHL awardee to live on vacant lot in a temporary structure while building home	Stakeholder	Health & safety concerns
List HHC commissioners' direct phone & email	Stakeholder	HHC Commissioners can be reached through the HHC Commission Secretary
Alternate means of communication after 3 attempts	Stakeholder	Post names to DHHL, website, social media & newsletter and seek other channels to publish list
Remove deceased beneficiaries from the waitlist	Stakeholder	Review and update MOU with DOH
Create a process to apply for Hawaiian homestead online	Stakeholder	Legislation not required

In addition to considering the responses received, a review of prior legislative proposals was also completed. As a result of this review and the responses received, the summary of the draft legislative proposal is presented below and the actual draft of the bill and justification sheet is enclosed in Exhibit 'A'.

PROPOSAL SUMMARY

Proposal HHL-01(20)
RELATING TO INDEPENDENT LEGAL COUNSEL.

This proposal allows the Department to retain independent legal counsel to be paid by the State and use the services of the attorney general as needed when the interests of the State and the department are aligned.

The department has a trust duty to its beneficiaries and in the fulfillment of its trust obligations, the department may at times be at odds with the interests of the State. It is at these times that the department must be assured that its counsel provides legal guidance strictly in the interest of its client. Independent counsel that is hired and retained by the department eliminates any cloud of uncertainty that there is a conflict of interest that the department is represented by the Attorney General's office that also represents the State of Hawai'i.

This measure has not been part of the Administration's legislative package, but it has been introduced by several legislators over the past few years and has not passed.

RECOMMENDED ACTION/MOTION:

Staff respectfully requests approval of the motion as recommended.

B.	NO.	
┙.	110.	

A BILL FOR AN ACT

RELATING TO INDEPENDENT LEGAL COUNSEL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 28-8.3, Hawaii Revised Statutes, is amended as follows: 2 3 (1) By amending subsection (a) to read as follows: "(a) No department of the State other than the attorney general may employ or retain any attorney, by contract or otherwise, for the purpose of representing the State or the department in any litigation, rendering legal counsel to the 8 department, or drafting legal documents for the department; 9 provided that the foregoing provision shall not apply to the 10 employment or retention of attorneys: 11 (1) By the public utilities commission, the labor and industrial relations appeals board, and the Hawaii 12 13 labor relations board; 14 (2) By any court or judicial or legislative office of the 15 State; provided that if the attorney general is 16 requested to provide representation to a court or 17 judicial office by the chief justice or the chief 18 justice's designee, or to a legislative office by the

__.B. NO.____

1		speaker of the house of representatives and the
2		president of the senate jointly, and the attorney
3		general declines to provide such representation on the
4		grounds of conflict of interest, the attorney general
5		shall retain an attorney for the court, judicial, or
6		legislative office, subject to approval by the court,
7		judicial, or legislative office;
8	(3)	By the legislative reference bureau;
9	(4)	By any compilation commission that may be constituted
10		from time to time;
11	(5)	By the real estate commission for any action involving
12		the real estate recovery fund;
13	(6)	By the contractors license board for any action
14		involving the contractors recovery fund;
15	(7)	By the office of Hawaiian affairs;
16	(8)	By the department of commerce and consumer affairs for
17		the enforcement of violations of chapters 480 and
18		485A;
19	(9)	As grand jury counsel;
20	(10)	By the Hawaii health systems corporation, or its
21		regional system boards, or any of their facilities;
22	(11)	By the auditor;

1	(12)	By the office of ombudsman;
2	(13)	By the insurance division;
3	(14)	By the University of Hawaii;
4	(15)	By the Kahoolawe island reserve commission;
5	(16)	By the division of consumer advocacy;
6	(17)	By the office of elections;
7	(18)	By the campaign spending commission;
8	(19)	By the Hawaii tourism authority, as provided in
9		section 201B-2.5;
10	(20)	By the division of financial institutions for any
11		action involving the mortgage loan recovery fund;
12	(21)	By the office of information practices; [er]
13	(22)	By the department of Hawaiian home lands; provided
14		that:
15		(A) The department of Hawaiian home lands may use the
16		services of the attorney general as needed and
17		when the interests of the State and the
18		department of Hawaiian home lands are aligned;
19		and
20		(B) Legal fees owed to independent counsel shall be
21		paid by the State; or

22

1	$[\frac{(22)}{(23)}]$ By a department, if the attorney general, for
2	reasons deemed by the attorney general to be good and
3	sufficient, declines to employ or retain an attorney
4	for a department; provided that the governor waives
5	the provision of this section."
6	(2) By amending subsection (c) to read as follows:
7	"(c) Every attorney employed by any department on a full-
8	time basis, except an attorney employed by the public utilities
9	commission, the labor and industrial relations appeals board,
10	the Hawaii labor relations board, the office of Hawaiian
11	affairs, the Hawaii health systems corporation or its regional
12	system boards, the department of commerce and consumer affairs
13	in prosecution of consumer complaints, insurance division, the
14	division of consumer advocacy, the University of Hawaii, the
15	Hawaii tourism authority as provided in section 201B-2.5, the
16	office of information practices, the department of Hawaiian home
17	lands, or as grand jury counsel, shall be a deputy attorney
18	general."
19	SECTION 2. Statutory material to be repealed is bracketed
20	and stricken. New statutory material is underscored.
21	

1	SECTION 3.	This Act shall	take effect	upon its	approval.
2					
3		INTRODUCED I	BY:		
4				BY REQUE	ST

.D. 110.

Report Title:

Department of Hawaiian Home Lands; Legal Counsel

Description:

Allows the Department of Hawaiian Home Lands to retain independent legal counsel as needed. Authorizes the Department of Hawaiian Home Lands to use the services of the Attorney General as needed and when the interests of the State and the Department of Hawaiian Home Lands are aligned. Provides that funds owed to independent legal counsel shall be paid by the State.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO INDEPENDENT

LEGAL COUNSEL.

PURPOSE: Allows the Department of Hawaiian Home

Lands to retain independent legal counsel to be paid by the State and also use the services of the Attorney General as needed when the interests of the State and the Department of Hawaiian Home Lands

are aligned.

MEANS: Amend section 28-8.3(a) and (c), Hawaii

Revised Statutes.

JUSTIFICATION: The department has a trust duty to its

beneficiaries and in the fulfillment of its trust obligations, the department may at times be at odds with the interests of the State. It is at these times that the

department must be assured that its counsel provides legal quidance strictly in the

interest of its client. Independent counsel that is hired and retained by the department eliminates any cloud of uncertainty that there is a conflict of interest that the department is represented by the Attorney General's office that also represents the

State of Hawaii.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing the department to retain independent legal counsel.

Impact on the department and other agencies:

This proposal could reduce the legal

services provided by the Attorney General's

office.

GENERAL FUND: \$500,000.

Page 2

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES: None.

EFFECTIVE DATE: Upon approval.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To: Chairman and Members, Hawaiian Homes Commission

Thru: Andrew H. Choy, Acting Planning Program Manager

From: Nancy McPherson, Planner/Kaua'i Liaison

Julie-Ann Cachola, Planner

Subject: Accept Beneficiary Consultation Report for Two Land Use

Requests, Anahola Farmer's Market and Ulupono Anahola, Anahola, Kaua'i, TMK (4)4-8-005:026 and TMK (4)4-8-

003:019

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) accept this Beneficiary Consultation Report as the official record of beneficiary comments and concerns related to the use of Hawaiian Home Lands in Anahola, as identified by the Beneficiary Organizations of: (1) Kalalea Anehola Farmers' Hui; and (2) Pi'ilani Mai Ke Kai Community Association in partnership with Kukulu Kumuhana o Anahola.

DISCUSSION

Historical Background on Processing Land Use Requests from Non-Profit Organizations

In 2009, DHHL initiated the Kūlia I Ka Nu'u Program (Kūlia). The Kūlia program provided homestead associations with a process and procedure to apply for DHHL land and grant funding to help associations with initial planning and due diligence studies. The program also provided a series of trainings intended to increase the capacity of association board members to successfully implement their development projects. With the successful completion of the training sessions, DHHL awarded the association a grant of land and money. Unfortunately, the Kūlia program was discontinued by the Hawaiian Homes Commission in 2012.

In the absence of the Kūlia program, there was no trigger for an internal procedure to receive and process unsolicited requests for the use of Hawaiian Home Lands for non-profit purposes. Assessing capacity was one issue, but the process also had to be applied in a consistent and fair manner. From 2015 to

2016, the DHHL Planning Office and Land Management Division staff met over a series of meetings to make improvements to the process and to guide staff on when and how to process unsolicited requests. As a result, many non-profits, including DHHL community associations, submitted proposals to DHHL addressing the criteria outlined in Exhibit 'A', "Information That May Be Needed To Evaluate Non-Revenue Generating Land Use Requests." However, without a process in place, many proposals were not acted upon in a timely manner.

In March 2019, the Planning Office presented a revised application process for unsolicited requests for the use of Hawaiian Home Lands from non-profit organizations. See Table 1, "Revised Land Use Request Process," below. The new application incorporated most of the criteria that were identified in April 2016. The purpose of the application is to:

- (1) Create a fair and transparent internal process for processing requests for use of Hawaiian Home Lands for eleemosynary (charitable) purposes; and
- (2) Ensure that the proposed use of Hawaiian Home Lands does not significantly impact DHHL's ability to provide programs and services to current and future beneficiaries.

Table 1 Revised Land Use Request Process

Application Step	Timeframe	Responsible Entity
DHHL receives pre-application. Notifies applicant if pre-application is complete	Up to 30 days	LMD
2. DHHL reviews project proposal and schedules review meeting with applicant to review questions, concerns, staff may have*	Up to 90 days	PO & LMD
3. DHHL schedules beneficiary consultation meeting	Meeting scheduled 3 months before on island HHC meeting	PO & Applicant
4. HHC ROE approval for due diligence	3 months after beneficiary consultation meeting	LMD & HHC
5. Conduct due diligence studies*	12-24 months	Applicant*
6. HHC approves FONSI	TBD	PO & HHC
7. HHC approves long-term disposition	TBD	LMD & HHC
8. Monitoring and reporting	TBD	Applicant & PO & LMD

The new application process provides clear steps and a general timeframe for completion of each step. However, it should be noted that one shortcoming of the new process is a lack of ability to measure an applicant's current capacity as well as growth of capacity needed over time to successfully implement the proposed project.

As part of the new application process, one action-step that is required on the part of DHHL is to conduct a Beneficiary Consultation Meeting regarding the proposed project in instances where the project was not identified as a priority project in a DHHL Regional Plan.

These two proposed projects on Kaua'i were not reflected in the Anahola Regional Plan Priority Projects, thus each of the projects required Beneficiary Consultation. The consultation requirement is consistent with the DHHL Beneficiary Consultation Policy that was adopted by the HHC in 2009, which states that prior to any approval for a long-term lease or license, beneficiaries that may be affected by the proposed use of Hawaiian Home Lands must be consulted to collect their input and feedback.

With the new application process in place, and in light of multiple land use requests that were submitted by homestead associations but were never acted upon, the Planning Office committed to transfer the application information to the new application process and to schedule and conduct the requisite Beneficiary Consultation meetings so that a decision can be rendered on the outstanding land use requests.

Anahola Land Use Requests

The Kalalea Anehola Farmers' Hui (KAF HUI) and the Pi'ilani Mai Ke Kai Community Association in partnership with Kukulu Kumuhana o Anahola (KKOA) have requested the use of Hawaiian Home Lands for non-homesteading purposes. A summary description of each request is presented in Table 2, "Summary Descriptions of Land Use Requests from Beneficiary Organizations in Anahola," below. The parcel locations of the lands requested are presented in Figure 1, "Anahola Land Use Requests."

Table 2: Summary Descriptions of Land Use Requests from Beneficiary Organizations in Anahola

Hawaiian	Summary Project Description	Land	Parcel No.
Homestead		Disposition	and Acreage
Association		Requested	Requested
Kalalea Anehola	Convert the existing Right-of-Entry permit to a	34-vear	TMK (4)4-8-

Farmer's Hui (KAF	long-term General Lease for continued use as	General Lease	005:026
HUI)	Anahola Farmer's Market to: 1) provide a		
	permanent location for the Anahola Farmer's		0.9 acre
	Market for Agricultural Lessees to market and sell		
	their crops and value-added products; 2) increase		
	the days of operation; and 3) utilize the site as a		
	Cultural Learning Center promoting farm education		
	and healthy food services, including a food bank, an		
	open pavilion and a certified kitchen.		
Piʻilani Mai Ke Kai	To develop Ulupono Anahola an agricultural and	30-year	TMK (4)4-8-
Community	youth training center that includes a 10-acre	General Lease	003:019
Association, in	Community Garden, Youth Marae (clubhouse),		(portion)
partnership with	pavilion, office, and kitchen. Long-term plans		
Kukulu Kumuhana O	include land stewardship, deterrence of dumping, a		30 acres
Anahola (KKOA)	nursery, orchard, processing facility and a		
	permanent location for Movie Nite.		



Beneficiary Consultation Meeting

Since the proposed projects are not Priority Projects in the current Anahola Regional Plan, the Planning Office is required to conduct a Beneficiary Consultation meeting on the land use requests. In order to make the most efficient use of DHHL resources, land use requests in the same general geographic area

may be grouped and discussed during the same meeting. The main consideration in consultation is the determination of who should be consulted. In this case, the Planning Office determined that all beneficiaries (lessees and applicants) residing in Anahola (i.e., with the Anahola zipcode of 96703) should be consulted. Four hundred forty-nine (449) invitation letters (Exhibit 'B') were mailed out two weeks prior to the meeting date.

On Wednesday, August 7, 2019, the Planning Office conducted a Beneficiary Consultation meeting on the two land use requests (LUR's) at the Anahola Clubhouse from 6:00 p.m. to 8:00 p.m. A total of 50 people signed in at the registration table (Exhibit 'C', "Sign-in Sheets"), but a headcount indicated that there were at least 60 people in attendance. Chairman William Aila, Jr., Kaua'i Hawaiian Homes Commissioner, Dennis Neves, and the Kaua'i District Office Manager, Erna Kamibayashi were in attendance. Staff from the Land Management Division and the Planning Office were also present. Nancy McPherson, the Kaua'i Liaison from the Planning Office, provided a short introduction to the meeting. Each association was given 20 minutes to present background information about their association and their project proposal to utilize Hawaiian Home Lands (Exhibit 'D', "Powerpoint Slides"). Following each presentation, DHHL facilitated a 15-minute question and comment session. Notes on the presentations as well as verbatim questions, answers and comments from the discussion may be found in Exhibit 'E', "Presentation Notes and Questions/ Comments."

In addition to verbal questions and comments received at the meeting, a total of five (5) written comments were received at the meeting (Exhibit 'F'). In addition to the August 7, 2019 meeting, beneficiaries were given the opportunity to provide comments to DHHL over the course of a 30-day comment period from August 7, 2019 to September 6, 2019. A total of two (2) written comments were received via email and postal mail during the 30-day comment period (Exhibit 'G'). The following table summarizes all comments received for each proposed project, along with DHHL and/or requestor responses.

Consultation Findings and Analysis

Table 3 below summarizes information DHHL received from all sources including:

 Questions and coments made during the Consultation Meeting • Comments received during the 30-day comment period, August 7, 2019 to September 6, 2019

Table 3 Summary of Comments re: Anahola Land Use Requests

Topic	Comments/Questions	Response/Recommendation
	a" - PMKK Community Ass	
Long-term Sustainability	How are you planning for future generations?	Training the youth to be farmers and food self-sufficient successors
Business Plan	How will you pay for utilities, maintenance, employees, equipment etc.?	Business Plan to be developed during due diligence phase & shared with community
	Where will funding come from to pay teachers?	Business Plan to be developed during due diligence phase & shared with community
	Who will be receiving any profits?	Business Plan to be developed during due diligence phase & shared with community
Need More Project Details	What is this project going to look like?	Site Plan to be refined, Planning Office (PO) to provide some Technical Assistance (TA)
Detailed Site Plan	On what part of the parcel are you doing what?	Site Plan to be refined, Planning Office (PO) to provide some Technical Assistance (TA)
Proximity to residential homesteads	Where will the project be located in terms of existing residential lots?	Makai of last row of houses. PO will work with KKOA to avoid any impacts to neighboring residential lots.
Ensuring Beneficiary Participation	Will beneficiaries be doing the gardening?	Project is designed for Anahola youth in partnership with Pi'ilani Mai Ke Kai Community Association.
	I support it if the site will be used by beneficiaries & prioritize Anahola residents.	Project is designed for Anahola youth in partnership with Pi'ilani Mai Ke Kai Community Association.
	Who will be allowed to use the Youth Center?	Operational plan and programming concepts to be developed during due diligence phase.

Topic	Comments/Questions	Response/Recommendation
Liability	Who will assume	ROE Holder/Licensee must
	liability?	maintain liability
	ITADITICY:	insurance of \$1 million
DOGS D / ~	Do the Hemen armania	·
DCC&R's	Do the Homeowner's	The site was identified
	Association Rules	for community use and
	apply to this site?	was not included in the
		DCC&R's for PMKK
Homeless in	Need to remove	DHHL in partnership with
coastal area	homeless individuals	County of Kaua'i and
	living makai of	State DOT-Highways is
	Pi`ilani Mai Ke Kai,	working to clear out
	near the lighthouse	homeless encampments in
		the unencumbered lands
	s Market" - Kalalea Ane	ehola Farmer's Hui (KAF
HUI)		
Ensuring	I support it if the	Proposed training
Beneficiary	site will be used by	program will be designed
Participation	beneficiaries &	to increase # of Anahola
	prioritize Anahola	Ag Lessees farming and
	residents.	vending at Market.
Impacts to	Concerns: Safety,	KAF HUI will be advised
neighbors	traffic, congestion,	that they need to
	trespassing,	address these impacts to
	urinating/defecating	the neighborhood, and
	in public, loose	that DHHL will be
	animals defecating	monitoring progress in
	and trespassing	alleviating concerns
Long term lease	34-year lease is not	LMD & PO not supporting
	acceptable.	a long-term lease at
		this time.
Expanding	Adding additional	DHHL will monitor
activities/uses	days and uses will	operations more closely
and # of days	just aggravate these	and evaluate regularly
operating	problems	and evaluate regularly
Both Projects	problems	
In support of	Beautiful vision,	DHHL supports
both projects	KKOA has a good	beneficiary-serving
Docti projects	reputation in the	organizations that
		enhance well-being and
	community.	
	Engenos / a Maralast last	support agriculture
	Farmer's Market has	DHHL supports
	been a good addition	beneficiary-serving
	to the community	organizations that
		enhance well-being and
		support agriculture

RECOMMENDED ACTION

DHHL Staff respectfully requests approval of the motion as recommended.

LIST OF EXHIBITS

EXHIBIT 'A': Information That May Be Needed To Evaluate

Non-Revenue Generating Land Use Requests

EXHIBIT 'B': Invitation Letters

EXHIBIT 'C': Sign-in Sheets

EXHIBIT 'D': Powerpoint Slides

EXHIBIT 'E': Presentation Notes and Questions/Comments

EXHIBIT 'F': Written Comments from Meeting

EXHIBIT 'G': Writen Comments During Comment Period

DHHL LAND MANAGEMENT DIVISION AND PLANNING OFFICE Information That May Be Needed To Evaluate Non-Revenue Generating Land Use Requests

The following is a preliminary list of information to assist Land Management Division and the Planning Office in reviewing your land use request. Please provide as much of this information as you can, and keep in mind that after our initial review, we may have additional questions or follow up items.

Organizational documents

- Narrative that describes the following:
 - o Who is the organization vision, mission, purpose;
 - o How your organization benefits the Hawaiian Home Lands Trust and its beneficiaries;
 - o How and why your organization was created;
 - Your organization's relationship with, connection to, and representation of beneficiaries, as defined by the Hawaiian Homes Commission Act (HHCA), as amended;
 - O Qualifications and experience in planning & implementing the proposed project or a similar project;
 - o Relationship between your organization and the beneficiary organization(s). Documentation for this may include, but not be limited to:
 - 1) Board resolution that your organization is owned and controlled by HHCA beneficiaries;
 - 2) Beneficiary organization(s) is the sole member of your organization;
 - 3) Beneficiary organization(s) appoints individuals to serve on the board of your organization;
 - 4) Primary purpose of your organization is to further the mission of the beneficiary organization(s);
 - 5) Your organization and the beneficiary organization(s) adopted a joint board resolution that your organization is serving as the project development arm of the beneficiary organization(s)
- Articles of Incorporation, with certification stamp from DCCA
- Bylaws, dated and signed
- Current list of board members, include positions/title & term expiration date. Also identify if each board member is a beneficiary or not
- If you are a member-based organization, provide a current list of members and identify if each member is a beneficiary or not
- Any other material describing the organization's vision, mission and purpose
- Any other documents organization brochure, newsletter, reports
- Certificate of Good Standing from DCCA
- State of Hawaii General Excise Tax Number (GET)
- Federal Employer Identification Number (FEIN)

If IRS 501c3 tax exempt status is required for the proposed land disposition, then please include the following items

- Full copy of your organization's IRS 501(c)(3) tax exemption application (IRS Form 1023 & any attachments)
- IRS 501(c)(3) determination letter

Proposed project plan and business plan

- Narrative describing the need/problem/opportunity you are trying to address
- Narrative describing how the proposed use or project for the property will benefit the Trust and HHCA beneficiaries
- Narrative describing how the proposed use or project is consistent with DHHL Island Plan & Regional Plan, and other governmental plans County General Plan, County Community Development Plan (CDP), EDA CEDS strategy, HUD consolidated plan, etc.
- Narrative describing how HHCA beneficiaries and/or the at-large community were involved in the planning of the proposed project
- Most recent financial statement, treasurer's report, or IRS Form 990
- Pro Forma
- Expense & Income Budget start up/initial costs, operating budget, reserve fund, projected income
- Project timeline/schedule

Community support

- Evidence of support from the surrounding homestead communities and HHCA beneficiaries Examples include, but are not limited to: list of meeting dates, # attended, sign-in sheets, meeting minutes, support letters or board resolutions from each homestead association, surveys, petitions
- Evidence of support from the broader, at-large community

 Examples include, but are not limited to: list of meeting dates, # attended, sign-in sheets, meeting minutes, support letters or board resolutions from partner organizations/individuals, community nonprofits, County Mayor, County Council

STATE OF HAWAII

JOSH GREEN LT. GOVERNOR STATE OF HAWAII



WILLIAM J. AILA, JR CHAIRMAN HAWAIIAN HOMES COMMISSION

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879 HONOLULU, HAWAII 96805

July 18, 2019

Aloha!

The Department of Hawaiian Home Lands (DHHL) invites you and your 'ohana to a Beneficiary Consultation meeting on **Wednesday**, **August 7**, **2019 at the Anahola Clubhouse from 6:00 p.m. to 8:00 p.m.** The purpose of the consultation meeting is to give beneficiaries who reside in the Anahola zipcode (96703) the opportunity to get information, ask questions, and comment on proposals submitted by the Kalalea Anehola Farmer's Hui (KAF HUI) and Pi'ilani Mai Ke Kai Community Association (in partnership with Kukulu Kumuhana o Anahola (KKOA)). A summary of each project and their request for land is presented in the table below; the map identifies the locations of the lands requested.

At the Beneficiary Consultation meeting, each organization will have 15-20 minutes to present their proposal. The presentations will explain what they want to do, where they want to do it, and how the project will benefit and involve Hawaiian Home Lands beneficiaries. After each presentation, DHHL staff will facilitate questions, answers, and comments on the proposed project.

It is the policy of the Department to consult with beneficiaries on proposals that request a long-term commitment of land, not previously consulted on through the Regional Plan process, before any decision is made. Beneficiary Consultation meetings give beneficiaries the opportunity to meet project proponents, hear their proposals, and provide input early in the development process, when it truly counts. We hope you will take advantage of this opportunity and we look forward to your participation at the August 7th meeting.

Aloha!

William J. Aila, Jr., Chairman Hawaiian Homes Commission

Enclosure

Proposed Projects for the August 7, 2019 Beneficiary Consultation Meeting

Hawaiian Homestead Association	Project Description	Land Disposition Requested	Number of Acres
Kalalea Anehola Farmer's Hui (KAF HUI)	Convert Right of Entry (ROE) to long term General Lease for continued use as Anahola Farmer's Market to provide a location for Anahola farmers to market their crops and value-added products; adding additional days of operation, and providing additional use as a Cultural Learning Center for farm education and healthy food services, to include a food bank, an open pavilion and a certified kitchen.	34-year General Lease, for TMK (4)4-8-005:026	0.9 acre
Pi'ilani Mai Ke Kai Community Association, in partnership with Kukulu Kumuhana O Anahola (KKOA)	Ulupono Anahola – Agricultural and Youth Training Center, to include a 10-acre Community Garden, Youth Marae (clubhouse), pavilion, office and kitchen. Long term plans include land stewardship, deterrence of dumping, nursery, orchard, processing structure and a location for Movie Nite.	30-year General Lease, for TMK (4)4-8-003:019 (portion)	30 acres

LOCATIONS OF PROPOSED PROJECTS

KAF HUI - Anahola Farmer's Market



Pi'ilani Mai Ke Kai - Ulupono Anahola



Beneficiary Consultation Meeting Anahola Land Use Requests August 7, 2019 6 p.m. - 8 p.m. Anahola Clubhouse

(Please print)

	CIRCLE	NAME
	Lessee Applicant Other	george K. BRUELLA
	Lessee Applicant Other	D'Irah Curuff
	Lessee Applicant Other	Puasi, Georg
	Lessee Applicant Other	Avery Puari
	Lessee Applicant Other	Camille Parchong
	Lessee Applicant Other	EDWARD TANISUCH
	Lessee Applicant Other	DRICA TANIGUELLY
Ł	Lessee Applicant Other	TELLIPIOOHAILILANI PA
	Lessee Applicant Other	Jeppica Man
(Lessee Applicant Other	Gerald Godse Vs



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DEPARTMENT OF HAWAIIAN HOME LANDS

Page 1

Beneficiary Consultation Meeting Anahola Land Use Requests August 7, 2019 6 p.m. - 8 p.m. Anahola Clubhouse

(Please print)

	CIRCLE		NAME
Lessee	Applicant	Other	Allison Kaili
Lessee	Applicant	Other	· David B. Haymen
Lessee	Applicant	Other	Henry Expilea ?
Lessee	Applicant (Other	nomenla " Lacona Maxton
Lessee	Applicant	Other	Kasla Clarke
Lessee	Applicant	Other	SALVADOR MARTI I
Lessee	Applicant	Other	Alton Nomura
Lessee	Applicant	Other	Maridlan Warrotte
Lessee	Applicant ,	Other	Amber River
Lessee	Applicant	Other	LIHUE Lopez



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DEPARTMENT OF HAWAIIAN HOME LANDS

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Beneficiary Consultation Meeting Anahola Land Use Requests August 7, 2019 6 p.m. - 8 p.m. Anahola Clubhouse

(Please print)

		CIRCLE		NAME
21.	Lessee	Applicant	Other	Robin Kinimaka
22.	Lessee	Applicant	Other	Tim Karris
23.	Lessee	Applicant	Other	Iris Caycaegon
24.	Lessee	Applicant	Other	Coplyn Golatzan
25.	Lessee	Applicant	Other	Russell Galatzan
26.	Lessee	Applicant	Other	Tom John Denights
27.	Lessee	Applicant	Other	D-In Vali
28.	Lessee	Applicant	Other	Bily Quarre
19.	Lessee	Applicant	Other	Laure Brier
30.	Lessee	Applicant	Other	



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DEPARTMENT OF HAWAIIAN HOME LANDS

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(Please print)

Beneficiary Consultation Meeting Anahola Land Use Requests August 7, 2019 6 p.m. - 8 p.m. Anahola Clubhouse

(Please print)

	CIRCLE		NAME
Lessee	Applicant	Other	Timothie A. Hard
Lessee	Applicant	Other	swegano Vivian Jatori
Lessee	Applicant	Other	Tem Mahijh Semprino
Vessee	Applicant	Other	Mokihana Kanvaka
Lessee	Applicant	Other	Nashan Kepinia
Lessee	Applicant	Other	MEYANIE THOMPSON
Lessee	Applicant	Other	CISO LOONA LAGMAY
Lessee	Applicant	Other	Manufele BCI crke
Lessee	Applicant	Other	Mane Noelan Ruso Onella
Lessee	Applicant	Other	John WY exhelats



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DEPARTMENT OF HAWAIIAN HOME LANDS

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Beneficiary Consultation Meeting Anahola Land Use Requests August 7, 2019 6 p.m. - 8 p.m. Anahola Clubhouse

(Please print)

	CIRCLE		NAME
Lessee	Applicant	Other	Malulia Kinimaka
Lessee	Applicant	Other	Leona Sa McDermoll
Lessee	Applicant	Other	Vaurie C. Avola
Lessee	Applicant	Other	Raulin KFernandez
Lessee	Applicant	Other	Kahanu Kawe
Lessee	Applicant	Other	



DEPARTME

Page 5

Beneficiary Consultation Meeting Anahola Land Use Requests August 7, 2019 6 p.m. - 8 p.m. Anahola Clubhouse

(Please print)

		CIRCLE		NAME
21.	Lessee	Applicant	Other	Joe Kaaumoana
22.	Lessee	Applicant	Other	Summer Marti-Kini Arnold
23.	Lessee	Applicant	Other	Kimo ROSA
24.	Lessee	Applicant	Other	Kaiulani Lnell
25.	Lessee	Applicant	Other	
26.	Lessee	Applicant	Other	
27.	Lessee	Applicant	Other	
28.	Lessee	Applicant	Other	
19.	Lessee	Applicant	Other	
30.	Lessee	Applicant	Other	



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DHHL Beneficiary Consultation Meeting Anahola Land Use Request Applications

August 7, 2019

Meeting Purpose

- Collect DHHL beneficiary feedback on proposed long-term use of DHHL land for two separate project proposals:
 - 1. Kalalea-Anehola Farmer's Hui Anahola Farmer's Market
 - 2. Pi'ilani Mai Ke Kai Community Association & Kukulu Kumuhana o Anahola Ulupono Anahola
- Provide an opportunity for requesting Beneficiary Organizations to share information about their project proposals with the Anahola homestead community

DHHL Land Use Request Process

Application Step	Timeframe	Responsible Entity
DHHL receives pre-application. Notifies applicant if pre- application is complete*	Up to 30 days	LMD
DHHL reviews project proposal and schedules review meeting with applicant to review questions, concerns, staff may have*	Up to 90 days	PO & LMD
3. DHHL schedules beneficiary consultation meeting	Meeting scheduled 3 months before on island HHC meeting	PO & Applicant
4. HHC ROE approval for due diligence	3 months after beneficiary consultation meeting	LMD & HHC
5. Conduct due diligence studies	12-24 months	Applicant
6. HHC approves FONSI	TBD	PO & HHC
7. HHC approves long-term disposition	TBD	LMD & HHC
8. Monitoring and reporting	TBD	Applicant & PO & LMD

*As of March 2019, Non-profit Organization Submits Pre-application

Meeting Agenda

6:00 - 6:20	Pule, DHHL Introduction
6:20 - 6:40	Presentation #1
6:40 – 6:55	Q&A, Comments
6:55 – 7:10	Refreshment Break
7:10 – 7:30	Presentation #2
7:30 – 7:45	Q&A, Comments
7:45 – 8:00	Next Steps, Overall Q&A/Closing Remarks

Meeting Framework

- Each association will be given 20 minutes to present their proposal
- Following each presentation, beneficiaries in the audience will have 15 minutes to ask questions and/or make comments regarding the association's presentation
- We will also collect and read <u>questions/comments</u> (purple half-sheets) at this time
- Question/Comment sheets
 - name must be filled in
 - all comment sheets will be compiled and made available publicly in the Beneficiary Consultation Report

Homestead Association Presentations White Presentations KAF HUI Homestead Association Presentations Fillani Mai Ke Kai

Kalalea-Anehola Farmer's Hui Anahola Farmer's Market

Pi'ilani Mai Ke Kai Community Association & Kukulu Kumuhana O Anahola *Ulupono Anahola*

ULUPONO ANAHOLA

* Thrive Anahola *

Agricultural Garden Training Site and Youth Center

Presented by
Pi'ilani Mai Ke Kai and
Kukulu Kumuhana O Anahola

APPLICANT INFORMATION



- ➤ Pi'ilani Mai Ke Kai Community Association
- > Homestead Organization
- ➤ Board members include:
 - ❖ Kahanu Keawe, President
 - ❖Lance "Leko" Nobriga, Vice President
 - ❖ Kipukai Kuali'i, Secretary
 - ❖ Keola Ka'aihue-Paopao

PMKK MISSION & VISION

To administer and manage community association created and established a Pi'ilani Mai Ke Kai Community Association for:

- Charitable purposes which promote the betterment of the Native Hawaiian community in the Anahola region
- Establishing, implementing and managing charitable, religious, educational and scientific programs

THE GOAL

To partner with **Kukulu Kumuhana O Anahola** (**KKOA**), a non-profit organization serving the Anahola community for over 10 years

To provide an Agricultural Garden Training Center and Youth Center that will provide a safe place of

EDUCATION
SKILL BUILDING
CULTURAL ENRICHMENT



BRIEF HISTORY

- ❖ Founded by Manulele Clarke and Kuuleialoha Punua in Dec 2008 due to the tragic loss of three Native Hawaiian youth in Anahola.
- ❖ Through much prayer with family and friends, the founders believed the key to reaching our 'opio (youth) was through trusting in the Paipala Hemolele (Holy Bible) and strengthening through cultural values.
- ❖ Kukulu Kumuhana means the pooling of strengths emotional, psychological, and spiritural for a shared purpose.
 ❖ From Nana 1 Ke Kumu (Look to the Source) Vol. 1
- *Our work today continues in loving memory of those we lost.

KKOA MISSION & VISION

*We are compelled and committed to providing safe places and spaces to deter suicide by BUILDING life skills to strengthen their identity through Hawaiian values, by

EMPOWERING individuals to successfully manage

their future and by **ESTABLISHING** a healthy, sustainable and thriving Hawaiian community.

PREVIOUSLY SERVED ANAHOLA BENEFICIARIES 2008 - 2009

- 2008 ... Manulele attended community luncheon and talk story after three suicides took place. Initiated by Hui O Na Makua Ho'okahi O Kaua'i. Resulted in initial conversation between Manulele and Kuulei about safe places and spaces for the children.
- 2008 ... Door to door asking permission from kupuna and ohana to begin movie nights; to do something positive in the community. Resulted in meeting with grieving families and receiving permission to begin Anahola Movie Nights.
- 2009 ... Supported the Hokualele Canoe Club through donations to purchase new paddles. This canoe club is still an active club in the Anahola community.
- ❖ 2009 ... Partnered with Queen Lili'uokalani Children's Center to put together an Anahola Resource Directory. Directories were distributed through organizations in the directory.

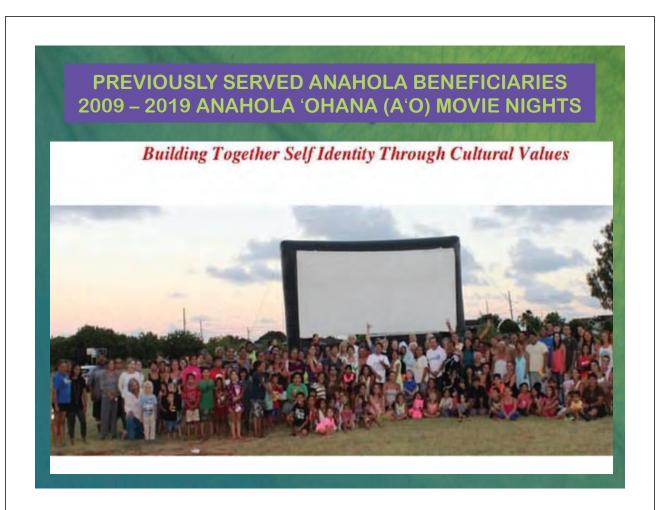
PREVIOUSLY SERVED ANAHOLA BENEFICIARIES 2009 – 2019 ANAHOLA 'OHANA (A'O) MOVIE NIGHTS

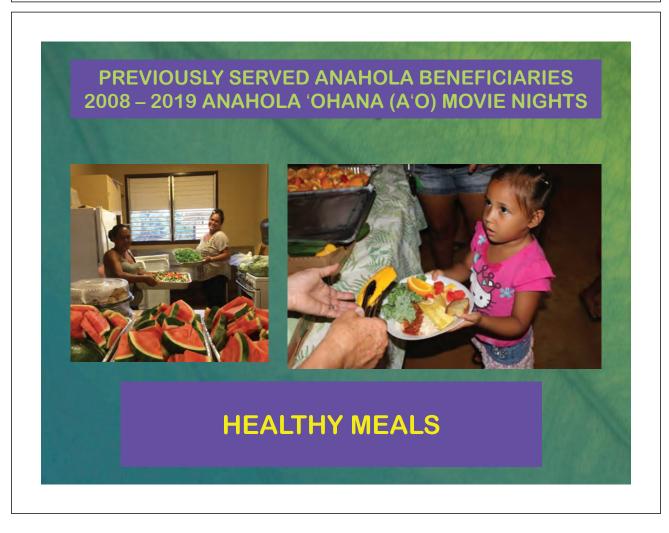
Anahola movie nights consisted of art activities for the children, hot meal and a movie, which ran for 10 months the first year, on the last Sunday of every month.

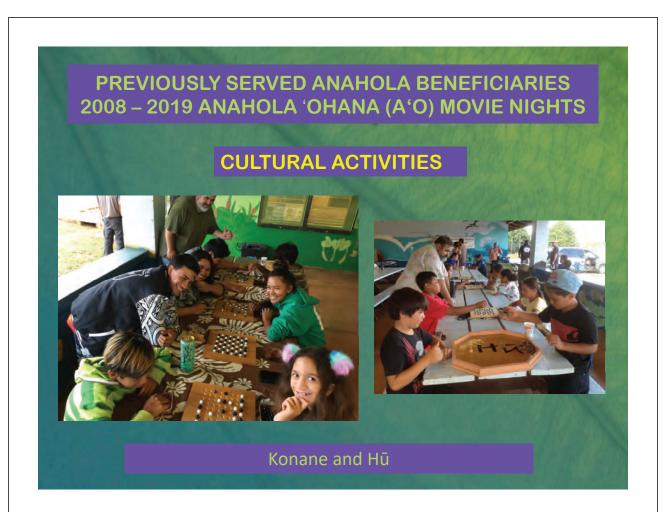
La Contrades - Ka Hale Pono

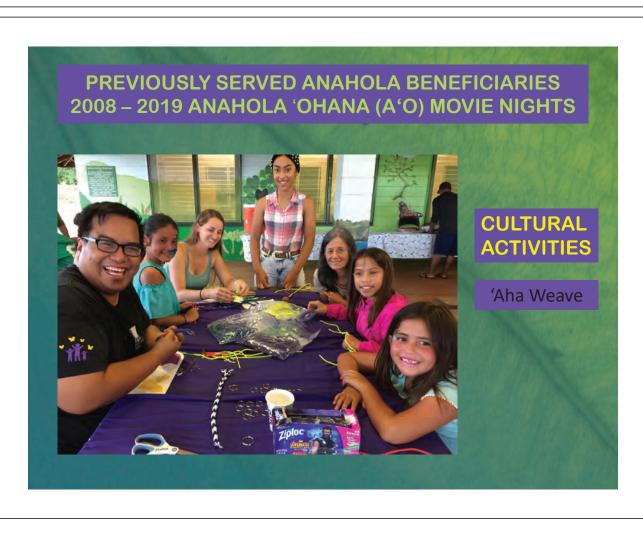
Keola Kaaihue-Paopao - Queen Lili'uokalani Children's Center

> Uncle John Ka'ohelauli'i - Hawaiian Checkers.com/Soulmates









PREVIOUSLY SERVED ANAHOLA BENEFICIARIES 2008 – 2019 ANAHOLA 'OHANA (A'O) MOVIE NIGHTS



CULTURAL ACTIVITIES



Lauhala and Coconut Weaving

PREVIOUSLY SERVED ANAHOLA BENEFICIARIES 2008 – 2019 ANAHOLA 'OHANA (A'O) MOVIE NIGHTS



Taught & shared by Masters in our community

UKULELE CLASSES

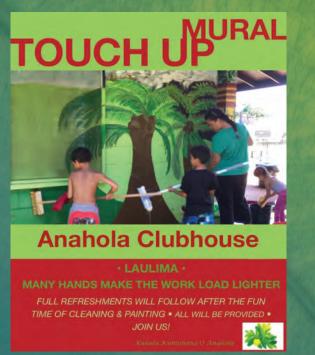


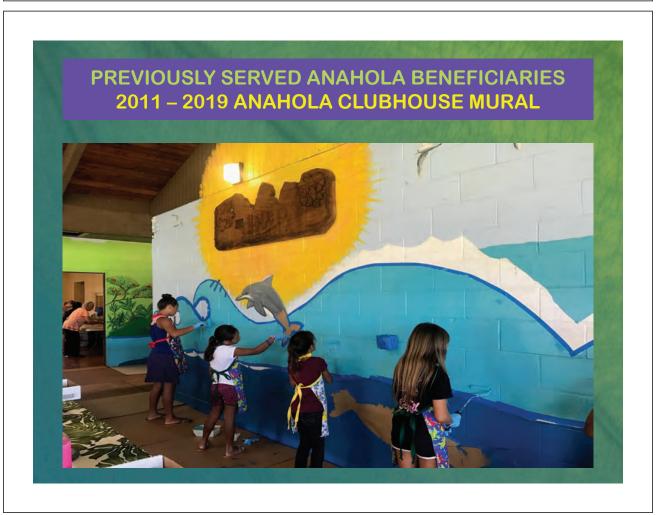


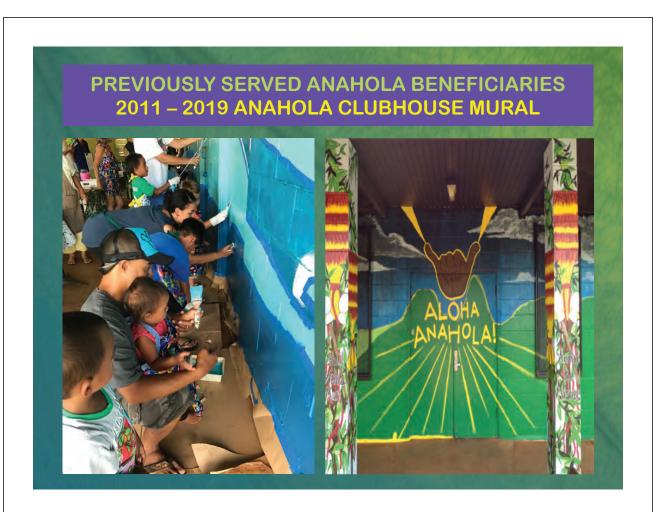




- Decrease of daily drug and alcohol activity
- Empowering the community to be proud of the clubhouse
- Decreased the defacing of that property.
- KKOA exceeded agreement with City & County to upkeep mural from 2yrs to 6+ years.





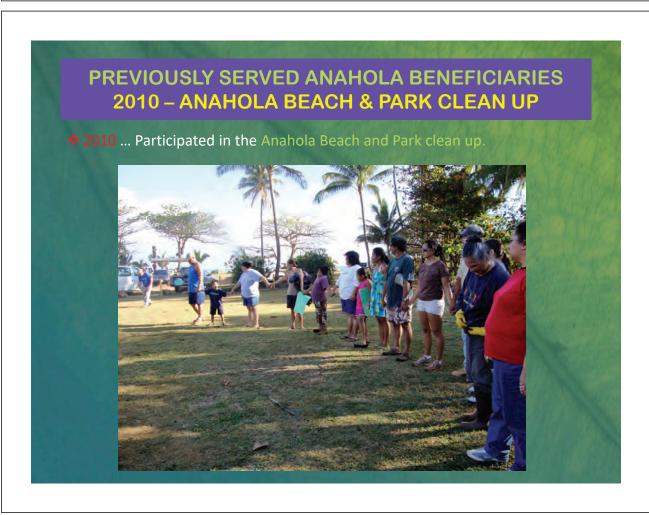


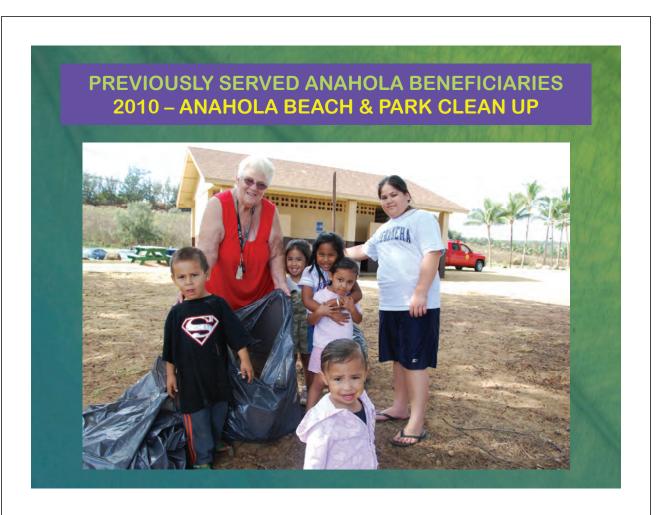
PREVIOUSLY SERVED ANAHOLA BENEFICIARIES 2011-2016 PARTNERSHIP WITH CONSUELO FOUNDATION

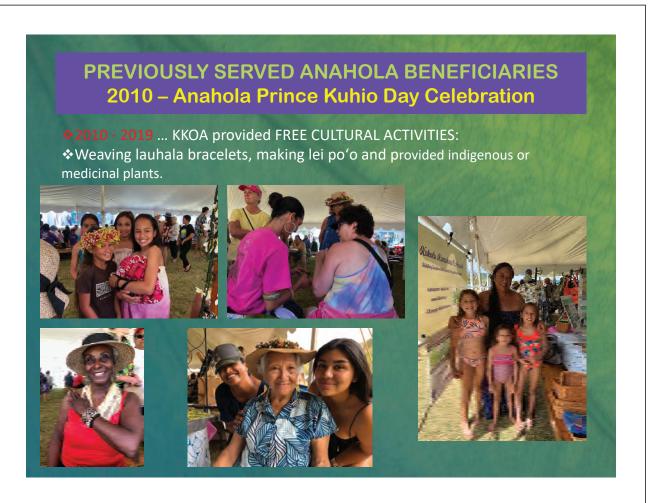
Introduced to Consuelo Foundation.

Resulted in FREE assistance to complete our 501(c)(3) status, developed 5-year strategic plan and provided training for board development.









PREVIOUSLY SERVED ANAHOLA BENEFICIARIES 2012

- 2012 2019 ... Began conversations with Anahola beneficiaries about their desire to have a community garden. Resulted in KKOA looking for a location in various areas, visiting different models of community gardens, attending agricultural workshops and conferences, networking with other organizations that provide valuable resources for this project.
 - ◆ Kaua'i ... Visited 5 models (Go Farms at Kauai Community College, Kekaha Community Garden, Kalaheo Community Garden, Malama Kauai, 'Aina Ho'okupu O Kilauea)
 - ◆Big Island ... Visited 3 models (Hodson Ohana of Waimea Homesteader's Association, Mala'ai Culinary Garden at Waimea Middle School and YWAM University of the Nations Garden in Kona
 - ◆Oahu ... Visited 2 models (Ma'o Farms and Ho'oulu 'Aina)

PAST 5YRS SERVICE TO ANAHOLA BENEFICIARIES 2014 - 2015

- ❖ 2014 ... Anahola movie nights shifts to 4 months in the summer last Sunday of each month from May to August. Resulted in being able to offer other areas of skill building that is consistent with our mission/vision and focus on finding a location for garden training site/community garden and youth center.
- ❖ 2014-2015 ... Started training on writing ANA grant. Not able to submit application due to no location available. community garden site was at Anahola Clubhouse then shifted to KAF location, then Kealia Farms, then stalled. Began ukulele classes prior to movie nights.
- ❖ 2014-2015 ... Partnered with DHHL and QLCC to survey 518 lessee families in Anahola seeking information of communities concerns. Resulted in top 3 results: Education, Culture, Skill Building.
- ❖ 2014 2019 ... Active members of KAF Hui and partcipants at Kalalea Anehola Farmers (KAF) Hui Farmers Market. Provides an avenue for more visibility of who KKOA is.

RECENT SERVICE TO ANAHOLA BENEFICIARIES 2016

❖ 2016 ... Began pilot after-school program with QLCC at Kanuikapono for 4th - 5th graders. Invitation offered to all elementary schools. Students from 3 different elementary schools participated. Resulted in including 2nd to 5th graders, improvement in grades and participation in class and parents and students confident they can succeed.









RECENT SERVICE TO ANAHOLA BENEFICIARIES 2017 - 2019

❖ 2017 - 2019 ... Met with PMKK officers to discuss the current project, developed presentation boards to communicate to PMKK members, beneficiaries that attended movie nights and community meeting with DHHL commissioners present. Resulted in the partnership with PMKK in completing and submitting the Land Use Request application to DHHL for this project.

RECENT SERVICE TO ANAHOLA BENEFICIARIES 2018

- Partnered with CCF to contribute 75 gift bags to KAF for their Christmas Craft Fair. Gift bags were distributed to children in attendance.
- 10-YEAR ANNIVERSARY CELEBRATION of continuing A'O movie night and serving the Anahola community.
- Raised \$3K for victims of April 15th Flood. Distributed funds to Anahola residents, farmers and volunteers affected by the flood.

RECENT SERVICE TO ANAHOLA BENEFICIARIES 2019

- Raised approximately \$8K for KKOA by participating in the Kauai Charity Walk. Final amount will not be disclosed till August 13. All funds raised will benefit the Anahola community.
- Attended SafeTalk workshop brought together by a collaboration between LT, OHA and Suicide Prevention Office. Resulted in current discussions to provide this resource to the Anahola community.
- ❖ Invited as guest speakers at the Kick-off of the Kauai Resilience Project which consisted of government & community leaders encouraging members in the community to be proactive in implementing their ideas to help our youth and families to be resilient. We were asked to participate as a grassroots group.









Creating a healthier Hawai'i











PROJECT INFORMATION #1 – CREATING SAFE SPACES / SAFE PLACES

ULUPONO ANAHOLA (Thrive Anahola) Community Center An agricultural & youth training center

Objective 1. Creating SAFE spaces and places (Rehabilitation)





Project Location - Existing Condition



Community Garden Model

PROJECT INFORMATION #2 - STRENGTHEN SELF IDENTITY

ULUPONO ANAHOLA (Thrive Anahola) Community Center An agricultural & youth training center

Objective 2: Strengthening Self Identity





Phase 1: Prepare Site

- Clear land
- Mapping survey
- Test & amend soil
- Acquire permits
- Install infrastructure
- Prepare structures
- Fence borders
- Training





PROJECT INFORMATION #4 - BUILDING COMMUNITY

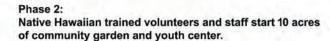
ULUPONO ANAHOLA (Thrive Anahola) Community Center An agricultural & youth training center

Objective 4: Building Community









Phase 3: Expand youth and community center; Prepare Nursery and Orchard; Processing Structure; Movie nite location.







Kukulu kumuhana means the pooling of strengths -emotional, psychological, and spiritual -- for a shared purpose.

BENEFITS TO BENEFICIARIES

- Deter illegal dumping and provide a safe and productive environment for current and future beneficiaries.
- **❖ Compliments** the growing residential community by working together on the 'aina.
- All beneficiaries have the potential to learn through this training center.
- Family participation everyone can be involved from keiki to kupuna.
- Resources available for skill building through partnerships internships, mentoring, workshops, etc.
- ❖ Network with other beneficiaries learning from one another.
- ❖ Equip beneficiaries with skills to choose effective methods to provide sustainability for their land and family (current & future) like the DHHL Hale program
- Apply what you learn to your family or your own backyard (small or big)
- ❖ Be a model to other Native Hawaiian communities
- Provide and eat fresh, healthy food

BENEFICIARY INVOLVEMENT

- Work with community, DHHL and other professionals on design and construction
- Community involvement in all phases with PMKK and KKOA leadership
 - Organize interested and committed beneficiaries
 - Pool community resources and skills
 - Gather outside resources where necessary
 - Hire Project and Operations Manager for Agricultural Training Center and Youth Training Center through application process

TIME FRAME OF IMPLEMENTATION

- ❖ ACQUIRE RIGHT OF ENTRY FROM DHHL 1 mo SEPT 2019
- ❖ LAND BLESSING 2 mo OCT 2019
- ❖ PHASE 1

1-2 yrs OCT 2019 – OCT 2021

- **❖ CONDUCT & COMPLETE DUE DILIGENCE**
- ❖ TRAINING INTERNS / PROVIDING GO FARM CLASSES
- ❖ PHASE 2

1-2 yrs JAN 2020 – JAN 2022

- ❖ DEVELOP AGRICULTURAL TRAINING SITE
- *** DEVELOP YOUTH TRAINING CENTER**
- ❖ PHASE 3

1-2 yrs JAN 2022 – JAN 2024

- *** EXPAND YOUTH & COMMUNITY CENTER**
- **SEXPAND NURSERY, ORCHARD AND PROCESSING STRUCTURE**
- *** BEGIN NEW MOVIE NIGHT LOCATION**

Next Steps

TENTATIVE TIME FRAME

- **September 6, 2019** is the comment deadline. When submitting comments, <u>please include your name and specify which project(s) you are commenting on.</u> Comments can be submitted via email to **dhhl.planning@hawaii.gov**
- **Early September** DHHL will meet with both associations to review comments received, modify individual land use requests if needed, and work on potential terms and conditions for dispositions
- DHHL will compile comments into a Beneficiary Consultation Report and submit it to the Hawaiian Homes Commission for acceptance at its
 September 16 meeting on Kaua'i
- **September 17** Hawaiian Homes Commission meeting (Kaua'i): Action on land use requests

Presentation Notes and Questions/Comments: BC for Anahola Land Use Requests

Piilani Mai Ke Kai and KKOA – Ulupono Anahola Presentation Notes

The presentation was coordinated among 4 speakers:
Kahanu Keawe, President, Pi'ilani Mai Ke Kai
Ku'uleialoha Punua, President, Kukulu Kumuhana O Anahola
Rae Makanani Nam, Vice President, Kukulu Kumuhana O Anahola
Nalani Mahelona, Advisory Board Member, Kukulu Kumuhana O Anahola

- I. Background on Kukulu Kumuhana O Anahola (KKOA)
 - a. They started with Movie Night, which was a way for people to get together
 - b. They served healthy meals at every movie night.
 - c. They started to introduce cultural activities.
 - d. They partnered with Ali'i Trusts—for example, they partnered with Queen Lili'uokalani Trust to provide 'ukulele classes.
 - e. They brought in special guests like Jason Momoa, who spoke on how important community is—which is what Kukulu wants to encourage
- II. Work at Anahola Clubhouse and Examples of Partnerships they are involved with
 - a. Nalani talked about their mural project at the Clubhouse—everyone is involved in beautifying community space. They have an agreement with the county to up keep the mural for 2 years, but they've been maintaining it for 6 years.
 - b. Known artists, like Patrick Ching, came and painted some items.
 - c. The 'Tutu and Me' program uses the facility and expressed how they see a big difference in the community
 - d. Consuelo Foundation—provided Kukulu free assistance to get their 501(c)(3) status. The Foundation also helped Kukulu develop a 5-year Strategic Plan and sent the Board members to the Big Island to attend a Board Training session.
 - e. Anahola Beach Clean Up in 2010: Beautiful to experience community working together.
 - f. Ka Hale Pono: for 10 years, they've sponsored the Kuhio Day celebration—everyone contributes to the event
 - g. 2012 Community Survey

III. President of KKOA

- a. We're committed to help the families.
- b. Hopefully you will be able to see the connection between keiki and kupuna— everything they do they emphasize this. It's our passion to present something to the community that makes kids have to come face to face with kupuna.
- c. In 2012 we began a conversation with the Anahola community through movie nights and surveys. We asked, what is meaningful to you? What is important to you?
- d. Then we started to hear their answers: community garden, getting beneficiaries on the land.
- e. In 2014-2015 DHHL AND QLCC sent out a survey and got 518 surveys back. The 3 key things that the community wanted was: Education, Culture, Skill-Building
- f. In 2014 Kukulu started partnering with farmers markets because they wanted to assist with that.

- g. Started an after-school program that focused on 4th and 5th graders since this is a critical time. All grades were welcome. They saw improvement in grades; they saw parents and kids building their self-esteem---getting confident together.
- h. In 2017-2019 Bob Freitas from the DHHL Planning Office helped us look for land to promote ag training.
- i. Developed presentation boards
- j. Completed land use request application

More partnerships:

- CCF to contribute 75 gift bags to KADF for Christmas
- Flood in April -- raised \$3K to assist.
- 2019–charity walk wanted to have some financial funding to put back into community set a goal of \$5K BUT RAISED \$8K
- Attended safe talk workshop with QLT, OHA and Suicide Prevention folks -- still primary function. Resulted in them communicating with leaders in community that they want to provide that kind of programming.
- Got a call from HI Resilience Project
- When we were keiki, our family didn't have to worry about us, not because we were good, but because they knew their community—that people watched each other's kids.
- Need partners—can't do this alone.
- When we started, shore seemed so far away and we were wondering what are we doing here, but there's others saying "no worry, just keep going!"

Third speaker (Rae Makanani Nam):

- Fire (in Pi'ilani Mai Ke Kai) ignited spark
- Pono procedure in community to start a project -- community gets together to talk about it.
- Met at Anahola Clubhouse.
- 10-acre proposal, but 30 acres when all phases completed.
- In Island Plan, area is already zoned for community use.
- We made visits to other farmers: Maku'u, Ma'o Farms, plus GoFarm program
- Garden training and youth center
- GoFarm is educational program with KCC, start with little acreage of land, by end of the program, you're learning how to run your own farm business.

Project's Benefits to Community:

- 1. Deters illegal dumping
- 2. Lowers wildfire hazard
- 3. Implements community ag for a growing residential community
- 4. All beneficiaries have potential to learn keiki to kupuna
- 5. Will achieve success through partnerships
- 6. Equip beneficiaries to make their own choices similar to home ownership—but for ag
- 7. Can be model for other communities.
- 8. Training site for community garden, other DHHL communities can come and see—to not be dependent on shipping container to bring food
- 9. To have fruit trees that you can just pick and eat from is a different story
- 10. Want to organize people who are interested in doing something like this.

- Want to first have an ROE so can do due diligence.
- First 10 acres is Phase I, then next two phases will use entire 30 acres.

Piilani Mai Ke Kai and KKOA – Ulupono Anahola Questions and Comments

Q: How do you plan to do long term sustainability for the project so when this young generation is older how it will still be a pono thing?

A: Part of long term vision is to have a facility so we can grow produce. Nothing can get started until you have a land base—can't apply for funds, etc. So DHHL has the application. Since this was not part of the Regional Plan, that's why having this meeting. I wouldn't start something that is not sustainable, so who is going to maintain it? So this is step before this—need land base. Commitment is long term, but can't plan this until get land. But have talked with people who have done it. So there are partners that have skills set to build capacity.

A: To remind you, every dream has to start somewhere. Our bylaws are a picture of what we wanted to do 10 years ago, you don't need to keep it—change it.

Any ideas you have to engage and inspire young community—please come forward.

MA'O farms—like doctors of the 'aina, they are being paid to go to college.

A: We already put into grants.

Q: I totally supports KKOA—they are truly community oriented, they feed our community and I really support them, Burt wondering what this is going to look like? Is it beneficiaries that will do the gardening? As community, where's it going to be? Whole bunch of homesteads right across the street, so where is it going to be.

A: Once we get the lease, then we'll come out and say, right now is a dream

PO: Planning Office will work with group to ensure least amount of impact, we will provide technical support.

A: We want beneficiaries to participate -- the question is what if they no like?

Q: We just want to know what part of the parcel are you doing what?

A: Kilauea—ag community center is a good example.

C: I think the layout is good at Kilauea, but the homes are not right there. Just want to know where things are going to be.

A: How should we share with the community? How to get information to community, so people are aware before not after?

A: Maybe email? Have sign in sheet at community bulletin boards.

Chairman Aila -- explained Ma'o Farm. Shared that Commissioner Teves asks the most questions.

The last two years, DHHL has had the most legislative funding in its whole 96 years. \$20M CIP plus \$5M maintenance. To get Kapolei lots cost \$100,000 per lot. This budget cycle took \$20m LEGIS. \$12M FROM US, PLUS? The most money we had we put in infrastructure. When will you see it? About 3 years. Have to do environmental, site planning – whole development cycle takes about 6 years

Chairman is an ag homesteader.

Kalalea Anehola Farmer's Hui – Anahola Farmer's Market Presentation Notes & Comments/Discussion

- Waited five years for this BC
- 29 years ago started Anahola Farmers Association

Amount improvements to the property we have facilities to do product development—we would have the ability to incubate...one of the reasons why we need the lease.

Q: Are there any obstacles to getting the long terms lease?

A: Not that I know of, but tonight is critical. Asking for a 34-year lease.

Next steps—send in your comments.

If you want garden plots come down

Q: I'm curious. You have a big footprint—30 acres, you don't know how big the parcel is. Wondering, look at September (HHC on Kaua'i) – at what point will you clear it so people can see what we're dealing with?

A: The certified kitchen -- all the community going to come...they can sell and participate in a certified kitchen. Took Waipa a long time, but they did it. And it can be done in Anahola.

Q: Upon approval for the land use request, who will assume liability?

A: The entity with the disposition.

Q: Why only so many people got letters? Going lock it (the land) up for 30 years.

Comment: This is the same situation as Anahola marketplace -- DHHL not there to enforce.

Q: Is there a timeline? You say you're working on the problem, but what is the timeline? This is the first time I lived on Hawaiian Home lands -- was raised in Kapahulu but job was here, I raised my family. I used to live in Wailua homestead, told everyone moving to Anahola—why what's wrong? No one stole anything. Took 2.5 years to build it. I go to Anahola beach regularly, there's people that live around the bend where lighthouse was. Prior to building of the school and the houses behind the school, everything was nice. There's things you cannot do that you can do now. I used to fish, pick limu, I don't want to go there

PMKK Phase 2

Went to a meeting at Kapa'a Elementary School. Re: for or against solar panels. I was against it. I know KIUC is making money off DHHL land. I asked the question to KIUC, you getting land from DHHL what are you doing for the Hawaiians? President said he was giving people jobs? Lies. Why don't you build a community gym. I not criticizing these guys...what they doing is fine. When you this age, and you say, you're soaking on this...how long are talking about? It's

easy to talk, but where's the action? Hawaiians getting shafted everywhere. I envy people that work hard.

You work for Hawaiian Home lands.

Have a stipulation in black and white...if you do it with stipulation, we going shut you down. If the money not going in the right direction—then we take the money back. Before you give this project, take care of the Anahola Marketplace situation.

It's all to confuse and frustrate us Why gotta divide us?

Dennis: I hear your frustration. It's wrong, we got nothing. We're approving renewable energy projects and only going directly to homestead associations. I don't want to see the same mistakes. Anahola Hawaiian Homestead Association is responsible for that. If you don't like what's going on, go to the meeting. If you don't like them, vote them out.

The problem is can't come to meeting unless you're a member, and can't be a member until you get bought in, sponsored in.

Dennis: it's a sour note, but it's your responsibility to right this wrong.

Kimo: no buts on DHHL lands—paper should have what the stipulations are.

I went to a meeting with Anahola Hawaiian Homestead Association and felt so uncomfortable.

The system is screwed up, but gotta get through paperwork. At least now going through a pono process. Discussing with the community...which was not done before.

Most people support KKOA, but have concerns about size of the project. Especially along the road.

Farmers, not Hawaiian Homes people.

Name: May alani Marrotte Email: Marrotte. Macialoni legmail. Coms



QUESTIONS/COMMENTS:

upon approval of the land Department of Hawaiian Home Lands
BENEFICIARY CONSULTATION use request (month) uno uill assume liamity? Being that it is in the PMKK how will the Horse mans Amounting rules apply?

Name: BONARD TANIGUCH

Email:

QUESTIONS/COMMENTS:



DEPARTMENT OF HAWAIIAN HOME LANDS BENEFICIARY CONSULTATION

I support KKOA & KAS this Both Receiving long form leases at these locations for their projects, if the site vill be used by Beneficiaries, prioritizing Analula Residents

ITEM G-2

EXHIBIT 'F'

Name: Email:

QUESTIONS/COMMENTS:

ERICA TANIGUETT anuheamiti @ yahoo con



nt of Hawaiian Home Lands

I am in support of the Department awarding Long form leases to both proposed projects to KKOA & KAF His at the proposed Land spreads, if the usate of site will be by Hawaiian Beneficiaries prioritising Anchola community.

Name: MELANTE THOMPSON Email: Kipilani 79@ yahoo.com

QUESTIONS/COMMENTS:

1. Where will the funds come from to maintain the cost of utilities that are.



DEPARTMENT OF HAWAIIAN HOME LANDS BENEFICIARY CONSULTATION

2. Who benefits from any profits that may occur from the project? 3. Where will the funding come from to employ teachers & etc.?

4. When the youth center gets built, where is parking going to be, who is allowed to utilize the youth center and again where will the funds come from to maintain, utilities, janiforial, timployess, recreational equipment and etc?

ITEM G-2

Name: Email:



QUESTIONS/COMMENTS:

Awarded a residental for prior
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Louds to your because of the section.

De l'ating this section.

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Individuals.

ITEM G-2

EXHIBIT 'F'



7 August 2019

State of Hawaii - Department of Hawaiian Home Lands (*DHHL*'s) - Planning Office PO Box 1879 Honolulu, Hawai'i 96805

RE Proposed Project:

Anahola Farmer's Hui (*KAF HUI*) - Anehola Farmer's Market TMK (4) 4-8-005:026

Dear William J. Aila, Jr., Chairman, and DHHL Commissioners,

Aloha! As beneficiaries we appreciate the opportunity to give our comment on the proposal submitted by *KAF HUI*. We are totally against the proposed 34-year General Lease for TMK (4)4-8-005:026 from Department of Hawaiian Home Lands.

Please keep *KAF HUI* lease as a Right of Entry (*ROE*) as it stands - A 34-year General Lease is not acceptable for TMK (4)4-8-005:026.

Currently, the Kalalea Anehola Farmers Market incurs the following concerns:

Safety, traffic, congestion, trespassing, public defecating / urinating, public nuisance by *KAF HUI* Farmers Markets vendor's animals defecating and trespassing and et cetera.

The proposed project's expansion of Kalalea Anehola Farmers Market is not in the best interest of any Hawaiian Home Lands Beneficiaries (present or future).

Since there's all this pilikia already happening, how can Hawaiian Homes even consider giving *KAF HUI* a 34-year lease? Furthermore, the current Kalalea Anehola Farmers Market only involves *one* (1) Hawaiian Home Lands beneficiary farmer/vendor.

It truly counts to offer input into a proposal which requests a long-term commitment with *DHHL* Lands. Please do not repeat the same abomination by approving a 34-year lease for this proposed "project"; as prior *DHHL* Commissioners have failed miserably in the past. For example, in Anahola on Kuhio Hwy, where Homestead Community Development Corporation (*HCDC*) Micro Enterprise exist, it consists of plenty non-beneficiaries.

KAF HUI request of *DHHL* approval for a 34-year lease to add additional days of operation, further uses, such as a Cultural Learning Center(s), food bank, an open pavilion, and a certified kitchen - ALL these components will surely aggravate the magnitude of the issues that are already out of hand.

Mahalo for taking this time and consideration to deny the Kalalea Anehola Farmers Hui (*KAF HUI*) a 34-year lease TMK (4)4-8-005:026 for 0.9 acre DHHL Farm Lots at Hoku'alele Road, Anahola Kaua'i.

We look forward to a response via U.S. mail from Department of Hawaiian Home Lands - Planning Office at your earliest convenience. Also, please keep us abreast of any updates regarding this proposal.

Sincerely,

Laurie Avilla and 'Ohana

 \mathbf{C}

(Including ALL my Successors)

McPherson, Nancy M

From:

Kaala Clarke (kclarke@hokualakauai.com)

Sent:

Thursday, August 08, 2019 12:40 PM

To:

McPherson, Nancy M

Subject:

DHHL Anahola meeting

Aloha Nancy, DHHL and whom this may concern,

I am the daughter of Bridget "Manulele" Clarke and we have been on our Anahola farm lot since 1986. Before that we rented a home down in the village. I was in attendance last night and heard both proposals. I am in support of both. I love the idea of KKOA's plan for the 30acre's 10 to start. What a beautiful vision that can mean life for the community. I love KKOA and have been able to watch them grow through the years always with the best intentions for our community. Anahola is blessed with their love, presence, persistence, and genuine heart for this place and it's people. How ever you can support them you should. They have a stellar reputation in the community, are honest and straightforward and have the connections and persistence to see this project through.

Also the farmers proposal. They have been a beautiful addition to our farm lot community. What they are wanting makes complete sense and truly we should support them.

Warmest aloha, Kaala Clarke

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165

STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To: Chairman and Members, Hawaiian Homes Commission

Thru: Andrew H. Choy, Acting Planning Program Manager

From: Nancy M. McPherson, Planner Www

Subject: For Information Only -- Kaua'i Regional Update

Recommended Action

For information only. No action required.

Background

By request of the Chairman, the Planning Office provides the Hawaiian Homes Commission (HHC) with a status report on prior policies and/or plans that affect lands and homestead communities located where the HHC conducts its monthly community meeting. For September 2019, the Planning Office is providing an update on implementation of various plans and programs for the island of Kaua'i.

Discussion

EXISTING PLANS & IMPLEMENTATION STATUS

Kaua'i Island Plan (2004)

The purpose of each DHHL Island Plan is to:

- (1) Provide a comprehensive resource for planning and land management purposes, including identification of land use goals and objectives of the General Plan specific to each island,
- (2) Identify island-wide needs, opportunities, and priorities, and

- 1 -

(3) Assign land use designations (LUD's) for all land holdings to promote orderly land use and efficient development of infrastructure systems

The Kaua'i Island Plan was adopted by the HHC in 2004. The 2004 Kaua'i Island Plan delineated seven planning areas - Waimea, Kekaha, Hanapēpē, Wailua, Kapa'a, Anahola/Kamalomalo'o, and Moloa'a.

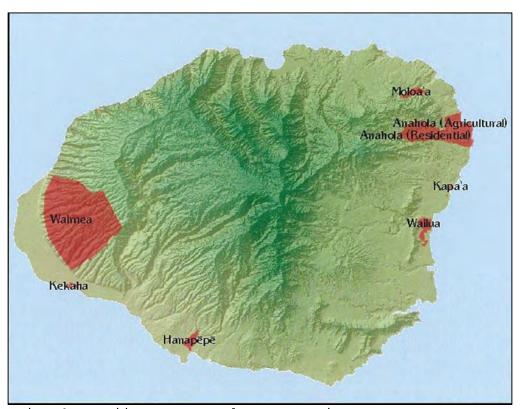


Fig. 1 Hawaiian Home Lands on Kaua'i

Land Use	WAIMEA	KEKAHA	HANAPĒPĒ	WAILUA	KAPA'A	ANAHOLA	MOLOA'A	TOTAL	
Designation	(Acres)	(Acres)	(Acres)	(Acres)	(Acres)	(Acres)	(Acres)	(Acres)	%
Residential	202	39	168	216	0	565	0	1,190	5.79%
Subsistence									
Agriculture	214	0	158	99	0	533	200	1,204	5.85%
Supplemental									
Agriculture	0	0	0	0	0	0	0	0	0.00%
Pastoral	475	0	0	0	0	148	0	623	3.03%
General									
Agriculture	12,527	0	0	52	1	1,018	86	13,684	66.54%
Special									
District	1,258	13	0	92	0	1,419	30	2,812	13.67%
Community									
Use	42	0	22	20	0	127	0	211	1.03%
Conservation	343	0	0	0	0	350	0	693	3.37%
Commercial	0	0	17	47	0	68	0	132	0.64%
Industrial	0	0	0	0	16	0	0	16	0.08%
TOTALS	15,061	52	365	526	17	4,228	316	20,565	100.00%

Table 1 - Kaua'i Island Land Use Designations and Acreage Amounts

Kaua'i Island Plan - Residential Priorities and Implementation Status

1. Residential Lots in Wailua (231 lots)

• Off-site water wells and storage facilities and on-site roads and water and sewage transmission lines are required. Additionally, intersection improvements and fill are needed to level a topographic depression. Status: DHHL's Wailua Well #1 is now capped and cased and can be put in to production when DHHL decides to move forward with homestead planning and development. This well will be the primary source of potable water for DHHL's 526 acres of land in Wailua for residential homesteads and community and commercial uses. Other issues, including provision of a bypass road, are still under discussion with County of Kaua'i and the State Department of Transportation-Highways Division.

2. Residential Lots in Hanapēpē (40 lots)

• Project can be completed without major off-site infrastructure costs.

Status: Legislature approved \$1 million in CIP funding for FY 18 for planning, design, and construction of Phase 2 of the residential subdivision. The Planning Office is conducting a Master Plan and Environmental Assessment for all 365 acres of its Hanapēpē lands. See more detailed discussion of the Hanapepe Homestead Master Plan and Environmental Assessment project following Table 2, "Kaua'i Regional Plans Implementation Status," below.

3. Residential Lots in Anahola/Kamalomalo'o (350 lots)

• This area is prioritized because there are larger tracts of undeveloped land that can be served by the existing wells, but a sewage treatment plant may be needed. Status: Pi'ilani Mai Ke Kai homestead subdivision has three phases planned. In Phase 1, 80 lots total, 3 lots are currently being offered and 10 more lots are in process. Phase 2 will be offering 51 vacant lots but is currently on hold due to a wetlands determination. Phase 3 has 40 lots planned.

Kaua'i Island Plan - Amendments and Updates

Since the Kaua'i Island Plan was adopted in May 2004, there have been no formal amendments or updates. However, there has been one significant planning initiative for the Anahola area, the Anahola Town Center Plan, which was approved by the HHC in

July of 2009 and included as a Priority Project in the Anahola Regional Plan update in 2010.

The Anahola Town Center Plan (ATCP) had a strong community-based planning emphasis, winning an award from the American Planning Association on that basis. Unfortunately, the Plan was not implemented via an amendment to the Kaua'i Island Plan (KIP). Subsequently, a solar farm and utility substation received approval from the HHC on land designated for General Agriculture in the KIP, but which was intended for other uses in the Anahola Town Center Plan. However, there may still be opportunities for implementation with an update to the KIP.

Kaua'i Regional Plans - Implementation Status

Kaua'i has three Regional Plans, for Wailua (2009), Anahola (2010), and West Kaua'i (2011). Table 2, "Kaua'i Regional Plans Implementation Status," below, lists Priority Projects for all Kaua'i Regional Plans and reports on the current status of each project.

Regional Plan	Priority Project	Description	Current Status
Wailua (2009)	Cultural Resources Inventory - Malae Heiau Restoration Project, Wailua River State Park	State-owned land to south & west of Malae heiau conveyed to DHHL in 1994. ACTION: Establish procedures, forms, electronic forms & databases necessary to inventory, document, map & catalog cultural resources located on DHHL's Wailua lands.	Kaua'i Island Plan identifies cultural buffer on DHHL lands along Wailua River by designating lands as Special District. Future discussions on how to protect & manage cultural sites need to take place when development in Wailua moves forward.
Wailua (2009)	Potable Water Sources (Refer to Item No. G-4, Kauai Water Issues Update, for more info)	Water Master Plan for proposed DHHL Wailua subdivision completed in January 2009. Source, storage and transmission lines needed to support development. ACTION: Secure funding for design, drilling, casing, outfitting & testing of two new potable well sources. Second well is needed as backup source.	DHHL's Wailua Well #1 is now capped & cased, to be put into production when DHHL decides to move ahead with homestead planning & development. DHHL/ DLNR/State need to secure land in Kālepa Forest Reserve for proposed 330' elev. 0.5 MG tank site.

Regional Plan	Priority Project	Description	Current Status
Wailua (2009) Wailua (2009)	Kalepa Ridge Surface Water System Maintenance (Refer to Item No. G-4, Kauai Water Issues Update, for more info) Kapa'a Relief Route	DHHL identifying opportunities to utilize surface water resource for agricultural uses for proposed Wailua development. Community has expressed interest in creating agricultural lots to feed their families. State Department of	Staff coordinating with Agribusiness Development Corporation (ADC) & Commission on Water Resource Management (CWRM) on potential allocation & use of water in the region. More details included in Item G-4. Staff continues to
		Transportation's (DOT) #1 priority on Kaua'i was Kapa'a Relief Route; considered four alternative alignments through or abutting DHHL's Wailua lands.	coordinate with County of Kauaʻi & DOT on road alignment alternatives.
Wailua (2009)	Wailua Wastewater Treatment Plant (WWTP) Facility	Wailua WWTP requires expansion & potential relocation due to recent growth in area & as a function of long-term wastewater treatment capacity needs for Wailua-Kapa'a area.	Staff continues to coordinate with County of Kaua'i on potential relocation & expansion of WWTP.
Anahola (2010)	Ke Aloha O Ko Kakou 'Āina Anahola Town Center Plan (ATCP)	Create a gathering place with recreational, educational, business, health & civic service opportunities, including a cemetery/final resting place for iwi kupuna.	Commercial kitchen constructed. Iwi kupuna that need a secure resting place in Anahola remain in waiting for final internment. Plan & implementation strategy need to be revisited.
Anahola (2010)	Anahola Clubhouse & Park Improvements	Improvements needed to ensure safety & continued use of resources: - Motion sensor lights - General building improvements - upgrades to existing kitchen, restrooms & computer room - Improved maintenance of playground & basketball courts - Expansion of baseball field to support little league tournaments	Improvements by County are underway to ensure safety & continued use.

Regional Plan	Priority Project	Description	Current Status
Anahola (2010)	Secure & Manage Surface Water Resources (non- potable)	USGS study conducted on Anahola Stream looks at availability of surface water resources. Assessed reservoirs, made recommendations for remediation, removal, & deregulation. Action: construction work to be conducted.	Funding has been obtained. Construction to be initiated pending a permit from DLNR Dam Safety.
Anahola (2010)	Support Kanuikapono 21st Century Ahupua'a Place Based Labs	Kanuikapono is a charter school in Anahola which integrates resource management of natural & cultural resources within ahupua'a. Actions: new Learning Resource Center, establishment of mobile educational place based learning labs throughout Anahola.	Funding needed for construction. DHHL to work with Anahola community to identify locations for educational learning labs in Anahola. Could be looked at when revisiting Anahola Town Center Plan.
Anahola (2010)	Improve Road & Traffic Circulation to Kūhiō Highway	Increase direct access to Kūhiō Highway. Town Center Plan reflected need for access to highway & connectivity within existing community. ACTIONS: roadway circulation hierarchy & connectivity study; redesignation of segment of Kūhiō Highway to allow slower speeds & greater access.	Discussions with State Department of Transportation-Highways and County of Kaua'i are ongoing.
W. Kaua'i (2011)	Develop Agricultural & Water Plan (Puʻu ʻŌpae)	Three-part project to integrate ag uses and water availability via: 1) Land exchange of mauka hunting lands for DLNR lands at a lower elevation that are better suited for homesteading; 2) Restoration of Pu'u 'Ōpae Reservoir & irrigation system; agricultural lease master plan; evaluation of increasing water diversion from Pu'u Moe Divide; diversified ag projects; 3) maintenance/improvement & continued	HHC issued Kekaha Hawaiian Homestead Association (KKHA) a 20- year license for 231 acres of land at Pu'u 'Ōpae to implement Phase I of their Farm & Irrigation Plan (FIP). DHHL contracted with G70 to prepare a Special Area Plan for 1,192 acres of Waimea lands that coordinates planning, design, & implementation of land uses & homestead development around & adjacent to Pu'u 'Ōpae. G70

Regional Plan	Priority Project	Description	Current Status
		use of existing West Kauaʻi Water System.	is currently assisting with the Kuleana Homestead Lot Settlement Plan process.
W. Kaua'i (2011)	Develop a Multi- purpose, Evacuation & Education Center/ Shelter	This multi-purpose facility would serve as a culture & education center when not used as a disaster shelter.	Planning Office has identified the need for a Community Resilience Plan & is participating in County of Kaua'i's W. Kaua'i Community Plan.
W. Kaua'i (2011)	Support Development of the Kekaha Enterprise Center	Kauai Community College & Council for Native Hawaiian Advancement developed a 2,000 square foot single story facility on 2.629 acres used to provide social & community services to Beneficiaries living in Kekaha.	Project completed and in operation; facility managed by the West Kaua'i Hawaiian Homestead Association.
W. Kaua'i (2011)	Develop Renewable Energy Projects Compatible with Agriculture	Community indicated a willingness to support RE projects that meet goal of compatibility with agriculture.	DHHL is partnering with KIUC to develop a pumped hydroelectric project on its Waimea lands. Resulting ditch improvements will increase reliability of nonpotable water for ag.
W. Kaua'i (2011)	Develop Agricultural Uses for Hanapepe Farm Lots/Lease Areas	Existing residential lots in Hanapepe are too narrow & feel crowded. Residents have expressed a desire to use area behind their lots for agricultural, recreational or open space uses.	Planning Office has contracted SSFM to prepare a Master Plan & Environmental Assessment for 349 acres of Hanapepe lands to include residential & subsistence agricultural uses, resulting in expansion of homestead area. Alternative uses for buffer behind existing residential lots are being considered.

Table 2 Kaua'i Regional Plans Implementation Status

Kaua'i Planning Projects Currently Underway

Hanapēpē Homestead Master Plan and Environmental Assessment

Initiated in 2018, this project is a joint Planning Office and Land Development Division effort to use funds for planning, environmental review and design appropriated by the State

Legislature to implement Phase II of the Hanapēpē Residential Homesteads. Hanapēpē was identified as a priority area for homestead development in the Kaua'i Island Plan. It was determined that the best use of the funds would be to master plan the entire tract and clear environmental review to more efficiently develop future phases.

The Hanapēpē homestead project was identified in DHHL's Kaua'i Island Plan (2004) to include a mix of land uses including subsistence agricultural, residential, commercial, and community uses, and at buildout will be DHHL's largest residential and agricultural community on the west side of Kaua'i. The mauka lands include some of the most fertile agricultural lands within DHHL's holdings, and its location near Hanapēpē town and within commuting distance of regional job centers make it an attractive location for homestead development.

To date, two beneficiary outreach meetings have been held, the first with existing Hanapēpē lessees in December 2018, and the second with Kaua'i Residential and Agricultural Waitlist Applicants in July 2019. A meeting intended for the wider West Kaua'i community will be held in September 2019, and the second beneficiary meeting with Applicants is tentatively scheduled for November of this year. For more information on the project, see Exhibit 'A', Project Fact Sheet.

The objectives of the project are to:

- 1. Provide housing to DHHL beneficiaries on the wait list
- 2. Create a thriving rural homestead community
- 3. Honor cultural identity and sense of place through design elements and solutions that reflect the unique context and character of Hanapēpē and the west side

Pu'u 'Ōpae Special Area Plan & Kuleana Homestead Lot Settlement Plan

There are over 14,500 acres of Hawaiian Home Lands in the Waimea area (see Fig. 1), one of the original tracts identified in section 203 of the Hawaiian Homes Commission Act of 1920, as amended. Homested development in this area was not a priority in the Kaua'i Island Plan (2004) but the area around Pu'u 'Ōpae reservoir was designated as Special District, meaning additional planning would be needed. The need to do planning for integrated agricultural development and water management was identified as

a Priority Project in the West Kaua'i Regional Plan in 2011. A Farm and Irrigation Plan (FIP) was initiated by the Kekaha Hawaiian Homestead Association. In addition, a historic water settlement in the Waimea area facilitated a 65 year lease with the Kaua'i Island Utility Cooperative (KIUC) to develop the Waimea Hydroelectric Project on Hawaiian Home Lands, which will include improvements to the Kekaha Ditch System, benefitting agricultural uses in the Pu'u 'Ōpae area. See Figure 2, Existing DHHL Land Use in Waimea, Kaua'i.

DHHL is currently looking at providing kuleana agriculture homestead opportunities in the area. Based on comments received at an August 2019 beneficiary meeting, DHHL may also consider kuleana pastoral homestead development opportunities, but needs to look at feasibility and suitability of additional pastoral homesteading in the area. Chapter 343 Environmental Review will also be performed for this project and the tentative schedule for completion is the second quarter of 2020.

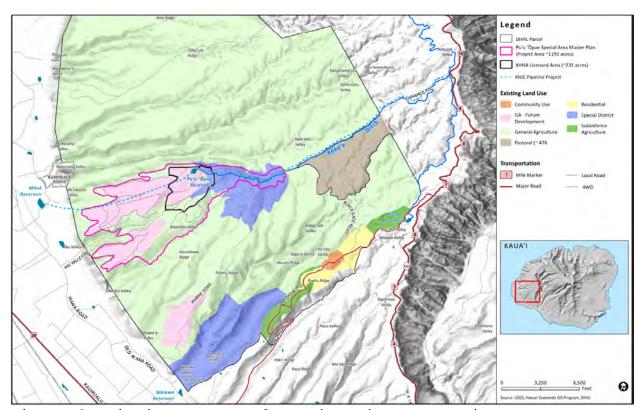


Figure 2 Existing DHHL Land Use in Waimea, Kaua'i

Anahola Homestead Lot Settlement Plan

DHHL intends to provide kuleana agriculture and kuleana pastoral opportunities on 275 acres of land in Anahola. The planning process is currently in progress. A beneficiary consultation meeting was held in August 2019 to provide beneficiaries with a better understanding of the Kuleana Homesteading program, provide information related to the site characteristics and conditions of the project area, and get a better understanding of the beneficiaries' vision for the area and beneficiary preference for lot size and configuration. See Figure 3, Existing DHHL Land Use in Anahola, Kaua'i.

In addition, as part of this process one or two additional beneficiary meetings are planned to review draft plan concepts. Tentatively, the next beneficiary consultation meeting is scheduled in November to review draft plan concepts. A Chapter 343 Environmental Assessment (EA) will also be prepared as part of this process. Completion of the EA is tentatively scheduled for the second or third quarter of 2020.

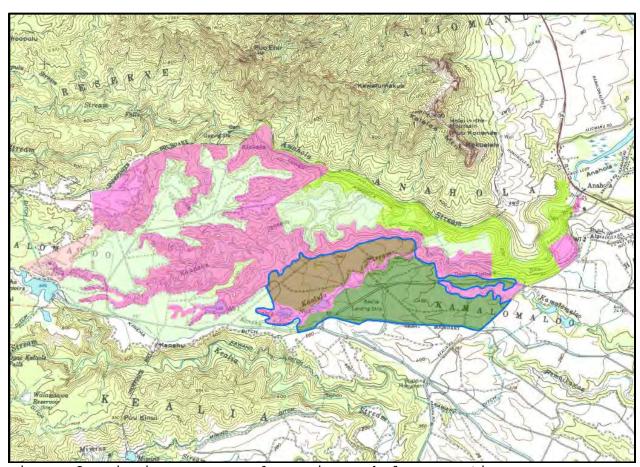


Figure 3 Existing DHHL Land Use in Anahola, Kaua'i

Anahola Land Use Requests

The Planning Office has assisted the Land Management Division with Beneficiary Consultation and review of applications for two land use requests in Anahola, for enhanced activities at the Anahola Farmer's Market and for a new 10-acre community garden and youth training center, the Ulupono Anahola initiative. Item G-2 is the Beneficiary Consultation Report for the two requests. Both requests are intended to support agricultural activities of Anahola homesteaders. The Ulupono Anahola project is also intended to focus on the youth of the community by providing training in agriculture and related skills. See Figure 4, KAF HUI Map, and Figure 5, Ulupono Anahola Proposed Community Garden, below.



Figure 4 KAF HUI Map

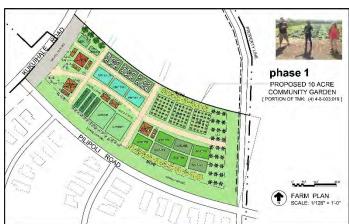


Figure 5 Ulupono Anahola Proposed Community Garden

Recommendation

For information only. No action required.

Department of Hawaiian Home Lands

Hanapēpē Homestead Project

ITEM G-3



Project Overview

The State Department of Hawaiian Home Lands (DHHL) is developing a land use plan and seeking environmental approvals for a homestead community on approximately 365 acres of lands at Hanapēpē, Kaua'i. The purpose of the project is to provide residential and subsistence agriculture homesteading opportunities to DHHL's waitlist beneficiaries.

The Hanapepe homestead community was identified in DHHL's Kaua'i Island Plan (2004) with a mix of land uses including subsistence agricultural, residential, commercial, and community use. It is envisioned to be DHHL's largest residential and agricultural community on the west side of Kaua'i.

The mauka lands include some of the most fertile agricultural lands within DHHL's holdings, and its location near Hanapēpē town and within commuting distance of regional job centers make it an attractive location for homestead development.

EXHIBIT 'A'

Land Suitability Analysis

To identify areas suited to development and/or with with sensitive resources

Infrastructure Assessment

To identify needed improvements to water and transportation infrastructure

Environmental Assessment

To assess environmental impacts of the proposed land use plan

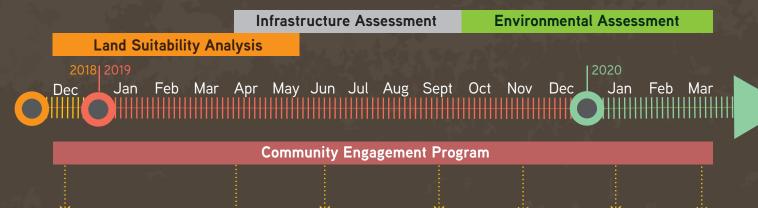
Community Engagement Program

To seek input and involvement from beneficiary leaders, lessees, applicants and the Hanapēpē community throughout the project

Project Objectives

- 1) Provide housing to DHHL beneficiaries on the wait list
- 2) Create a thriving rural homestead community
- 3) Honor cultural identity and sense of place through design elements and solutions that reflect the unique context and character of Hanapēpē and the west side

Project Schedule

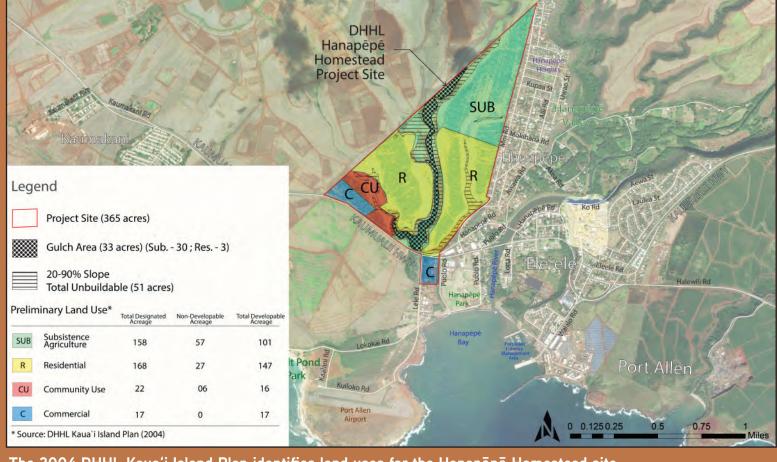


Lessees Meeting

Agency Beneficiary
Consultations Consultation
Meeting 1

Community Beneficiary
Meeting 1 Consultation
Meeting 2

Community Beneficiary Meeting 2 Consultation Meeting 3



The 2004 DHHL Kaua'i Island Plan identifies land uses for the Hanapepe Homestead site.

FAQ: 1) Will the land uses for the site change?

This project will involve studies and community engagement to verify or update the land use plan and identify infrastructure needs for the site. It will also recommend a location for the next phase of residential and subsistence agriculture development.

2) When will the next homes be awarded?

Design and engineering for the next phase of homes will begin in 2020 after the environmental assessment is completed. Construction and awards of homesteads for the next phase is anticipated within the next 5 to 8 years. However, the timeframe for the start of construction for the next phase is dependent upon DHHL receiving sufficient funding.

3) When will the site be fully developed?

Full buildout of the entire site could occur over the next 20 years. Again, the timeframe for development of DHHL's Hanapēpē lands is dependent upon DHHL receiving sufficient funding.

Where do you come in?

Your participation is critical to develop a plan that meets the needs of DHHL's beneficiaries and reflects the history and identity of Hanapēpē. We need your mana'o! Ways to get involved:

- 1) Attend a community meeting/beneficiaries meeting
- 2) Join the mailing list by sending us an e-mail (see contact information below)
- 3) Visit the project website

ITEM G-3

EXHIBIT 'A'

For more information, please visit https://dhhl.hawaii.gov/hanapepe-homestead-project/ or contact:



Department of Hawaiian Home Lands

Contact: Nancy McPherson Phone: (808) 620-9519

Email: Nancy.M.McPherson@hawaii.gov



SSFM International

International Contact: Melissa White Phone: (808) 628-5861
Email: mwhite@ssfm.com

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To: Chairman and Members, Hawaiian Homes Commission

Thru: Andrew Choy, Acting Planning Program Manager

From: E. Halealoha Ayau, Water Resource Management

Specialist

Subject: DHHL Kaua'i Water Projects and Issues

RECOMMENDED MOTION/ACTION

None; for information only.

DISCUSSION

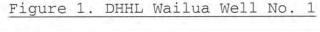
Several water issues and efforts of significance to beneficiaries and the Department of Hawaiian Home Lands (DHHL) have been ongoing on Kaua`i. This submittal updates the 2018 submittal to the Hawaiian Homes Commission (HHC) and provides current information select items including:

- (1) Wailua Well No. 1
- (2) Wailua River/Stream Interim Instream Flow Standards
- (3) Anahola Water System Improvements
- (4) Moloa'a Opportunities
- (5) Waimea River Updates

(1) Wailua Well No.1

DHHL successfully completed the casing and testing of Wailua Well No. 1 and is in the process of completing all legal requirements necessary for it to be dedicated to Kaua'i County and used as a potable water source. This well is projected to be one of three groundwater sources of potable water for DHHL's 526 acres of land in Wailua for residential homesteads and community and commercial uses. DHHL anticipates Wailua Well #1 to produce up to 216,000

gallons per day, enough to supply potable needs for up to approximately 288 residences subject to final pump installation. As of September 2019, the use of the well as a drinking water source is being reviewed by the Safe Drinking Water Branch of the state Department of Health. See Figure 1.



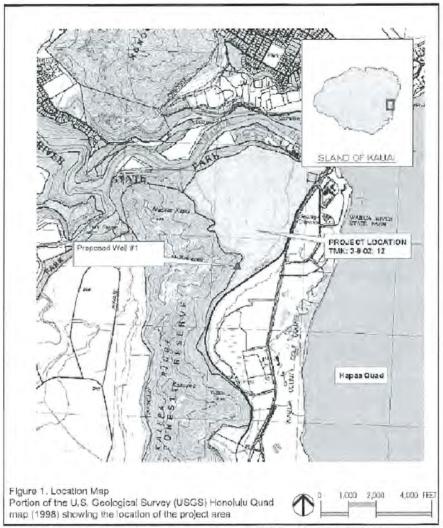


Figure 1. Location Map from Final Environmental Assessment DHHL Wailua Well No. 1 Project, August 2017

(2) Wailua River/Stream Interim Instream Flow Standards

On August 21, 2018, the CWRM heard Item B-2 on its monthly agenda related to amending the Interim Instream Flow Standards (IIFS) for the Surface Water Hydrologic Unit of Wailua (2040): Waikoko and North Fork Wailua Stream On page 15 of the staff submittal, there is a brief analysis of the impact to Hawaiian Home Lands that identifies a pending reservation request by DHHL for 7.564 million gallons per day (mgd) of non-potable water in Wailua of which there is a projected demand of 0.337 mgd by 2031 per the State Water Projects Plan (May 2017). staff submittal also concluded that DHHL's Wailua lands can only be served via the Hanamā'ulu Ditch on the South Fork Wailua Stream based on how water was historically delivered during the plantation era. Therefore, the staff submittal does not recommend action on DHHL's pending reservation request.

Unfortunately, the staff submittal does not account for other opportunities for DHHL to secure water from Wailua River downstream, which runs as close to 600 feet adjacent to DHHL's Wailua lands. Engineering and feasibility of that option still needs to be investigated, but it may be a more practical transmission and source option than relying on miles of old sugar ditch systems to provide water to DHHL's Wailua lands at the end of the old plantation system.

DHHL staff submitted testimony on the CWRM staff submittal and recommend that the CWRM approve a surface water reservation for DHHL simultaneously with setting the IIFS, which is in their authority per the State Water Code Chapter 174C- 101(a) that states:

"Provisions of this chapter shall not be construed to amend or modify rights or entitlements to water as provided for by the Hawaiian Homes Commission Act, 1920, as amended, and by chapters 167 and 168, relating to the Molokai irrigation system. Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State

shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act."

At the hearing, the Kaua'i Island Utility Cooperative (KIUC) unexpectedly requested a contested case on the matter. DHHL staff requested to participate as a necessary party. As of September 2019, the water commission has finally identified a hearings officer and proceedings are expected to begin shortly. While in October 2018, CWRM did subsequently grant a water reservation to the department for water from this surface water source, the resolution of any outstanding issues in the contested case could negatively impact DHHL's water kuleana here.

In related matters, KIUC has been seeking a long term water lease for these waters from the Board of Land and Natural Resources, and DHHL staff and consultants have continued to be actively involved in these processes and discussions to protect Department and beneficiary interests.

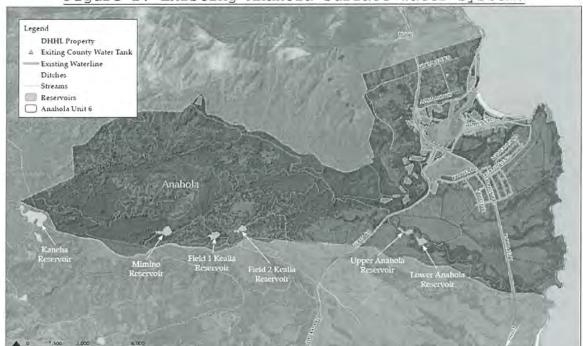


Figure 2. Existing Anahola surface water system.

Figure 2. DHHL's Anahola lands include reservoirs created during previous plantation uses of the area. From DHHL, Anahola Regional Plan, at 16 (Jun. 2010).

(3) Anahola Farm Lots Water System (PWS #432) Improvements Project

In August 2016, the Department of Hawaiian Home Lands (DHHL) received notice of a funding award of \$3 million in federal grant funds from the US Department of Agriculture (USDA) Rural Development. With DHHL's contribution of \$3.8 million, the total project cost is \$6.8 million. These funds are to be used for major capital improvements to the DHHL Anahola Farm Lots Public (drinking) Water System (PWS #432), as defined by the State Department of Health. The system serves the Anahola Farm Lots and Bayview residents on Kaua'i. The system has a total of 77 connections: 45 agriculture lessees; 30 Bayview residential lessees; 1 nonhomestead lot under a DHHL Revocable Permit; and an interconnection to the County of Kaua'i water system for emergency purposes. Improvements are needed to address the following:

- Many components of the system have reached their useful life span and need to be replaced, such as the storage tank and distribution lines.
- Improve water system pressure issues.
 - Address safety and security measures at the DHHL Water Storage Tank Site and at the Inter-connect site with the KDOW system.
- Increase operational efficiencies of the well pumps, control valves, and fire protection facilities.

The project has completed the engineering design phase, Project construction is expected to be completed by August 2021, subject to USDA authorization to contract. The project includes:

- Replacement of the current 0.5MG steel storage water tank with a new 0.5MG concrete tank.
 - Construction of a new distribution system with a High Pressure Zone and a Low Pressure Zone.
- Increasing security at the tank site and at the County inter-connect site.
- Install new SCADA control facilities, smart meters, new chlorination system, and new emergency generator.

(4) Moloa'a Opportunities

The Moloa's agricultural community is located north of Anahola. DHHL holds 316 acres of undeveloped land in Moloa's. There are no homesteads on the property and the land is currently used for grazing. The Kaua'i Island Plan land use designations and proposed development for Moloa's consist of the following:

Subsistence Agriculture	47 three-acre lots on 200 acres
General Agriculture	86 acres on steep topography
Special District	30 acres along the stream

Wet conditions, intermittent stream flow and the steep topography make portions of these areas unsuitable for buildings. Rainfall averages 80 inches per year on the makai lands and 120 inches per year on the mauka lands.

Rainfall catchment systems could provide sufficient potable water for uses in Moloa'a.

The Commission on Water Resource Management and Department of Land and Natural Resources (DLNR) are looking at leasing water from Moloa's Well No. 1 (USGS no. 1020-02) per HRS 171-58. As part of that process, DHHL has been working with DLNR and the existing revocable permit holder to and determine a water reservation for DHHL's current and foreseeable needs. In addition, DHHL is entitled to 30% of all revenues from the water lease that will be issued via auction to qualified bidders.

(5) Waimea River settlement implementation

DHHL was an essential party to the historic May 2017 settlement agreement on a number of water issues related to the Waimea River, Kaua'i. One of the results of that settlement was a subsequent reservation of water for DHHL by the CWRM for use on DHHL lands in and around Pu'u 'Opae, from waters delivered from those sources by the Koke'e Ditch Irrigation System (see Figure 3, below). Specifically, in June 20, 2017, the State of Hawaii Commission on Water Resources Management granted DHHL's Modified Petition for Reservation of surface water of 6.903 Million Gallons Per Day originating from the watershed of, and tributary to, the Waimea River and diverted by the Koke'e and Kekaha Ditch Systems (including water originating in Waikoali, Kawaikoi, Kauaikinana, and Koke'e Streams and other tributaries of the Waimea River) for use in the Waimea, Kaua'i Hawaiian Home Lands. This was the first surface water reservation ever issued to DHHL or any other entity.

Since the agreement was reached, the parties to the agreement have met regularly for updates on implementation on various aspects of the agreement. DHHL staff and consultants have continued to participate. Progress, while not as fast as anticipated due to regulatory issues, has been made. Simultaneously, DHHL has been engaged with detailed planning for land use in this area with the to be water provided in furtherance of the reservation held.

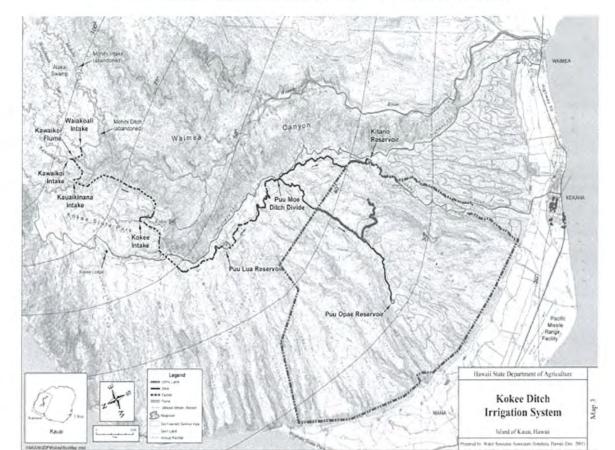


Figure 3. Koke'e Ditch Irrigation System.

Figure 3. DHHL 's Waimea lands currently use some irrigation water from the Koke'e Ditch and could be further irrigated by that system. From DHHL, West Kaua'i Regional Plan, at 16 (Mar. 2011).

RECOMMENDATION

None; for information only.

HAWAIIAN HOMES COMMISSION SEPTEMBER 16 & 17, 2019 LIHU'E, KAUA'I, HAWAI'I

H – ITEMS ADMINISTRATIVE SERVICES OFFICE

50STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Rodney K. M. Lau, Administrative Services Officer

SUBJECT: Approval of DHHL Supplemental Budget Requests for

Fiscal Year 2021 (Sufficient Sums Budget)

RECOMMENDED MOTION/ACTION

1. That the Commission approve the FY 2021 Operating and Capital Improvement Program (CIP) budget request (Sufficient Sums Budget) presented below to the Governor for consideration in the Administration's Executive Budget requests to the 2020 Legislature.

- 2. That the Commission approve the FY 2021 Operating and Capital Improvement Program (CIP) budget request (Sufficient Sums Budget) be presented to the 2020 Legislature.
- 3. That the Commission authorize the Chairman to adjust the Operating and CIP budget request to make technical adjustments due to minor errors before it is incorporated into the Administration's Executive Budget.

DISCUSSION

For your information is a chronology of DHHL's supplemental budget request for FY 2021.

Article XII, Section 1 of the State Constitution states "The legislature shall make sufficient sums available for the following purposes: (1) development of home, agriculture, farm and ranch lots; (2) home, agriculture, aquaculture, farm and ranch loans; (3) rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved; (4) the administration and operating budget of the department of Hawaiian home lands..."

On October 19, 2007, several beneficiaries filed a lawsuit against the State and the Hawaiian Homes Commission claiming that the State violated its constitutional duty to sufficiently fund the Department of Hawaiian Home Lands.

On March 9, 2012, the Supreme Court affirmed the Intermediate Court of Appeals judgment in part that the courts can determine what constitutes "sufficient sums" for the DHHL's administrative and operating expenses to carry out the purposes of the Hawaiian Homes Commissions Act, 1920, as amended.

The Supreme Court also determined that "sufficient sums" for (1) development of lots, (2) loans, and (3) rehabilitation projects are political in nature and could not be judicially determined.

On November 17, 2015, the First Circuit Court entered its Findings of Fact, Conclusions of Law and Order concerning Plaintiffs' claim that the State of Hawaii failed to make sufficient sums available to the DHHL as required by article XII, section 1 of the Hawaii Constitution.

Judge Castagnetti declared in her order that:

- "1. The State of Hawaii has failed to provide sufficient funds to the Department of Hawaiian Home Lands for its administrative and operating budget in violation of the State's constitutional duty to do so under article XII, section 1 of the Hawaii Constitution.
- ...3. Although what is "sufficient" will change over the years, the sufficient sums that the legislature is constitutionally obligated appropriate in general funds for DHHL's administrative and operating budget (not including significant repairs) is more than \$28 million for fiscal year 2015-16.
- 4. Prior to 2012, the DHHL Defendants breached their trust duties by failing to take all reasonable efforts including filing suit to obtain all the funding it needs for its administrative and operating budget.
- 5. The defendants shall prospectively fulfill their constitutional duties and trust

responsibilities. They are enjoined from violating these obligations."

Final Judgment was entered on December 14, 2015.

On December 21, 2015, the State Defendants filed a Motion for Reconsideration of, or to Alter or Amend, the Judgment and Order.

On February 29, 2016, the court orally granted in part the Motion stating that:

"...paragraphs 3 and 5 of the Order previously entered on November 27, 2015 shall be AMENDED to read as follows:

- 3. Although what is sufficient will change over the years, the amount of general funds appropriated to DHHL for its administrative and operating budget for fiscal year 2015-16 (\$9,632,000) is not sufficient. The State is required to comply with the Hawaii Constitution and must fund DHHL's administrative and operating expenses by making sufficient general funds available to DHHL for its administrative and operating budget for fiscal year 2015-16.
- 5. The defendants must fulfill their constitutional duties and trust responsibilities.

The remaining paragraphs of the Order issued November 27, 2015 shall remain in full force and effect."

Plaintiffs filed a motion for reconsideration asking the circuit court to add into its revised order a statement saying that "Sufficient sums for DHHL's (A&O) budget (not including significant repairs) is more than \$28 Million for fiscal year 2015-16." The motion was denied. State Defendants files a notice of appeal, and Plaintiffs filed a notice of cross-appeal. The appeal and cross-appeal were filed in the Intermediate Court of Appeals. Briefing in both appeals is completed, and the Legislature was allowed, and filed an amicus curiae support of the State Defendant's positions on February 23, 2017.

On March 8, 2017, in response to the DHHL Defendant's application for transfer, the Hawaii Supreme Court transferred

the appeal and cross-appeal from the Intermediate Court of Appeals to the Hawaii Supreme Court.

On February 9, 2018, the Hawaii Supreme Court ruled that the Circuit Court exceeded its mandate in Nelson I when it determined the "sufficient sum" amount actually needed for DHHL's administrative and operating expenses.

The case is remanded back to the Circuit Court to determine whether the Legislature provided "sufficient sums" for DHHL's administrative and operating budget for FY 2016 using the only "judicially discoverable and manageable standard in Nelson I; the 1978 baseline of \$1.3 million, adjusted for inflation."

Based on the Article XII, Section I, the Hawaiian Homes Commission, the head of the Department of Hawaiian Home Lands, has a fiduciary responsibility to ask for amounts the Commission considers "sufficient sums" for the Department's administrative and operating expenses.

The Hawaiian Homes Commission request is formulated in two parts:

- a) Administrative and Operation costs relating to the Supreme Court ruling regarding purpose no. 4 of Article XII, Section I. This part also includes existing infrastructure projects with a long-standing history of operational, maintenance, and repair issues that have become capital improvement issues.
- b) Costs aligned with purposes numbers 1, 2 and 3, of Article XII, Section I, of the Hawaii State Constitution relating to: ...(1) development of home, agriculture, farm and ranch lots"; (2) home, agriculture, aquaculture, farm and ranch loans; and (3) rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved..." which the Supreme Court ruled as political in nature and could not be judicially determined.

State General Fund Budget - FY 2021

Act 5, SLH 2019 appropriated a non-recurring general fund appropriation of \$18,644,280 for FY 2021 may be expended only for the administrative and operating costs of the DHHL.

General fund fringe benefit costs (\$6,865,887) are absorbed separately in a Department of Budget and Finance appropriation, consistent with all other State general funded programs. "Personal Services" costs (\$11,832,582) is comprised of funding base salaries of 200 positions. General fund financing for "Other Current Expenses" total \$6,811,698 annually.

All position financing, other than federal funds, were kept as general funded. Act 5, SLH 2019, appropriated DHHL special and trust funds as follows: 1) \$4,824,709 (FY 2021), for the administrative and operating costs of the Hawaiian Home Administration Account and 2) \$3,740,534 (FY 2021) for a portion of the administrative and operating costs, from the Hawaiian Home Operating Fund.

State General Obligation Bonds - FY 2021

No general obligation bond financing was provided for FY 2021 for the DHHL's capital improvement program.

For FY 2020, Act 40, SLH 2019, appropriated a total of \$25 million in general obligation bonds (GOB) for the Capital Improvement Program. This consisted of GOB funding for "Lot Development" (\$20,000,000 - FY 2020) and "Repair and Maintenance to Existing Infrastructure" (\$5,000,000 - FY 2020).

Also appropriated for FY 2020, pursuant to Act 40, SLH 2019, is \$1 million for land acquisition on Oahu (TMK 39008034, 39005001).

DHHL Supplemental Budget Requests - Fiscal Year 2020

Operating Budget:

DHHL's Operating budget general fund request total \$45,783,188 and reflects the administrative and operating costs necessary to carry out the purposes of the HHCA. This request is tied to DHHL's biennium "sufficient sums" request (FY 2020 and FY 2021) that was submitted and approved by the Hawaiian Homes Commission at their regular meeting in September 2018. (See EXHIBIT "A")

Act 5, SLH 2019 provides a position count of 204 FTE (Full Time Equivalent) positions and 2 temporary positions from DHHL's Special and Trust funds. In addition, to sufficiently meet out

program needs, DHHL is requesting an additional 60 positions to be general funded along with the 200 existing FTE positions to increase the total general fund position count to 260. Seven (7) of the 60 new positions requested are enforcement and compliance positions.

Current Authorized Positions	204.00	(P)	.00	(T)
Federal Fund Positions	(4.00)	(P)	(2.00)	(T)
Authorized Non-Federal Fund Positions	200.00	(P)	.00	(T)
Sufficient Sums Additional Positions Request	60.00	(P)	.00	(T)
Total General Fund Positions Request	260.00	(P)	.00	(T)
(P) = Included in Position Ceiling				
(T) = Not Included in Position Ceiling				

General Fund Budget:

In summary, DHHL proposes general fund position counts and full general funding of all non-federal fund positions.

Summarized below is the department's supplemental operating budget request:

Hawaiian Homes Commission Budget Request: Purpose no. 4 - State Constitution, Ar	ticle XII, Section 1	
	FY 2021	
	(260.00)	
Administrative and Operating Budget Request	\$32,170,188	(A)
Operating Budget: Repairs and Maintenance of Existing Infrastructure	\$3,613,000	(A)
CIP Budget: Repairs and Maintenance of Existing Infrastructure	\$57,500,000	(C)
Total HHC Administrative and Operating Budget Request	\$93,283,188	
Means of Financing: (A)= General Fund; (C) = General Obligation Bond		

Capital Improvement Program (CIP) Budget:

The department separated the capital improvement program (CIP) requests between ongoing maintenance and repair projects that are readily identifiable with existing infrastructure and new capital projects.

The existing infrastructure projects have a long-standing history of operational, maintenance and repair issues that have

become capital improvement issues. The existing infrastructure projects are aligned with purpose no. 4 of Article XII, Section I of the Hawaii State Constitution that states "The legislature shall make sufficient sums available for the following purposes: ...(4) the administration and operating budget of the department of Hawaiian home lands;". Many of these maintenance and repair costs are typically covered by the counties off Hawaiian home lands. Therefore, clarifying the line of responsibility between the DHHL and the counties as it relates to emergency repair CIP projects is a critical area to address moving forward.

DHHL's CIP general obligation bond request relating to existing infrastructure projects is made as a lump sum request under the title of "Hawaiian Home Lands Development, Statewide" totaling \$57,500,000 in general obligation bond funds for Fiscal Year 2021 (Attachment A). Attachment A is comprised of projects that were previously requested in the Biennium Budget Request for FY 2020 and FY 2021 (EXHIBIT A - Attachment B-1) and was used as a base for the request. Projects that were funded under Act 40, SLH 2019 were deleted. Several estimates of the projects were revised. The same process was used to determine the sufficient sums request for Lot Development as provided in purpose number 1.

A total of \$3,613,000 in general funds is requested for ongoing maintenance costs for existing infrastructure. This request was previously requested in the Biennium Budget request for FB 2019-2021 (See EXHIBIT A - Attachment B-2).

Lot Development, Loans, and Rehabilitation Programs is aligned with purposes numbers 1, 2 and 3 of Article XII, Section I of the Hawaii State Constitution that states "The legislature shall make sufficient sums available for the following purposes: ...(1) development of home, agriculture, farm and ranch lots"; (2) home, agriculture, aquaculture, farm and ranch loans; and (3) rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved;...".

The supplemental request for Rehabilitation projects increased by \$50,000 when compared with DHHL's Biennium Request for BB 2019-2021 (see Attachment "B").

The supplemental request for Loans is the same since no funding for these activities were received from the Legislature (See Exhibit A - Attachments D). The FY 2021 funding request

for Lot Development covers projects that can be undertaken if DHHL is sufficiently funded and is shown in Attachment "A".

Summarized below is the department's supplemental CIP budget request:

Means of Financing: (A) = General Fund; (C)=General Obligation Bond

Hawaiian Homes Commission Budget Request: Purposes no. 1, 2, 3, State Const	itution, Article XII, Section 1	
	FY 2021	
Purpose 1: Lot Development	\$135,280,000	(C)
Purpose 2: Loans	\$73,100,000	(C)
Purpose 3: Rehabilitation Projects	\$108,964,000	(C)
Rehabilitation Projects	\$14,704,100	(A)
Total	\$332,048,100	

EXHIBIT "A" provides a frame of reference of DHHL's Supplemental Budget request for "Sufficient Sums" in relation to DHHL's Biennium Budget Request for FB 2019-2021 as approved by the Hawaiian Homes Commission and submitted to the Department of Budget and Finance in September 2018.

The Commission's approval of the above recommended motion is respectfully requested.

Department of Hawaiian Home Lands Purpose 1: Lot Development Purpose 4: Administrative and Operating Costs FY 2021 Sufficient Sums Budget Request

PROJECT DESCRIPTION	Lots	PHASE	FY 2021
PURPOSE 1: Lot Development			
<u>Hawaii</u>			
Kau Water System (Phase 2)		DC	2,500,000
Kau Farm and Ranch Lots Site Improvements		D	1,000,000
Honomu Agricultural Lots, Phase 1	16	DC	3,000,000
Hilo Community College Model Home	1	С	230,000
Lalamilo Phase 1 Kawaihae Road Improvements		DC	1,000,000
Lalamilo Phase 2A (Increment 2)	151	D	6,000,000
Puukapu Roadway Improvements		DC	2,000,000
Puukapu Pastoral Lots Electrical Facilities		DC	2,100,000
Kawaihae Water Storage & Transmission		PD	750,000
North Kona Exploratory Well		PD	2,000,000
Laiopua Village 4 (Hema) USDA grant	125	DC	13,000,000
UXO Mitigation and Construction Support (Island-wide)		PDC	500,000
Panaewa Lots 185	16	PDC	1,000,000
Laiopua Village 1	260	D	3,000,000
Kauai			
Anahola Fire Station		PD	50,000
Anahola Farm Lots, New Backup Well		D	1,000,000
Piilani Mai Ke Kai III, Drainage & Subdivision Improvements	41	D	750,000
Moloaa Farm Lots	47	PD	500,000
Wailua Residential Lots Masterplan		PD	1,000,000
Wailua Second Well exploration		PD	1,000,000
Hanapepe Residential Subdivision Phs 2 Offsite Development	50	PD	2,000,000
Lanai			
Lanai Residence Lots, Phase 2 Off-site Development and Lots	40	PD	3,000,000
<u>Maui</u>			
Keokea Agricultural Off-site Water System Feasibility Study		PD	1,500,000
Keokea-Waiohuli Phase 3 Site Improvements	29	D	750,000
Honokowai Master Plan		Р	700,000
Honokowai Water System Improvements (storage)		DC	4,000,000
Leialii Parkway & Highway Improvements		DC	10,000,000
Villages of Leialii Ph1B, Increment 1	75	DC	10,000,000
Pu'unani Homestead	161	D	6,000,000
Pulehunui Offsite Water	100	LD	3,000,000
Molokai			
Hoolehua Water System Improvements		DC	7,000,000

Department of Hawaiian Home Lands Purpose 1: Lot Development

Purpose 4: Administrative and Operating Costs FY 2021 Sufficient Sums Budget Request

PROJECT DESCRIPTION	Lots	PHASE	FY 2021
Kanakaloloa Cemetery Improvements		С	1,000,000
Hoolehua Pasture Lot Development	30	DC	500,000
Naiwa Subdivision Site Improvements	58	DC	9,000,000
Hoolehua Scattered Agriculture Lots	12	DC	3,000,000
Kalamaula Farm Lots Site Improvements	40	DC	1,000,000
Kalamaula Water & Drainage System Improvements		D	1,000,000
Kalamaula & Kapaakea Aquaculture Development Plan		Р	250,000
<u>Oahu</u>			***************************************
Voice of America, Ph I Infrastructure	72	DC	10,000,000
Waimanalo Agricultural Lots	50	DC	5,200,000
Statewide			
Acquisition: Land and/or Building Purchase		L	9,000,000
Statewide Lot Development		DC	5,000,000
Total Purpose 1	1,604		\$135,280,000
PURPOSE 4: Administrative and Operating Costs			
Repair and Maintenance of Existing Infrastructure			
R&M Sewer/ Wastewater Infrastructure			5,000,000
Papakolea Sewers, Phase 2	:	С	12,500,000
Nanakuli Sewers		С	10,000,000
Waimanalo Sewers		DC	3,000,000
R&M Existing Infrastructure			5,000,000
Anahola Water System (Phase 1 and 2)		С	7,000,000
Papakolea Slope Remediation, including roadways		DC	5,000,000
Waimanalo, Bell Street/Kalinianaole Hwy drainage improvements		DC	3,000,000
Molokai Drainage Improvements			2,000,000
Kauai Dams and Reservoirs		С	5,000,000
Total Purpose 4			\$57,500,000
Grand Total			\$192,780,000
Phase: P = Planning			
D = Design			
C = Construction			
L = Acquisition			
Means of Financing: General Obligation Funds (C)			

Attachment B ITEM NO. H-1

Department of Hawaiian Home Lands Purpose 3: Rehabilitation Projects FY 2021 Supplemental Budget Request

				FY 2020	20	EY 2021	
				DHHL	GIA	DHH	GIA
ISLAND	AREA	PROJECT COMPONENTS	PHASE	OPERATING CIP		OPERATING CIP	
Hawaii	Kaumana	Community Center	Planning			100,000	10
Hawaii	Piihonua	Community Pasture	Planning	25,000			
Hawaii	Panaewa	Kamoleao Infrastructure & Bldg	Construction		4,500,000		
Hawaii	Keaukaha Panaewa	Agricultural Education Center	Planning			425,000	
Hawaii	Makuu	Community Center	Construction		6,000,000		6,000,000
Hawaii	Keaukaha	Community Pavilion	Planning		1,500,000		
Hawaii	Kamaoa Puueo	Water Master Plan Implementation	Construction	2,00	5,000,000		
Hawaii	Kamaoa Puueo	Cultural & Natural Resource Land Mgmt		3,00	3,000,000		
		Implementation					
Hawaii	Waiohinu	Agriculture Homestead Leases	Planning			100,000	
Hawaii	Kau	Discovery Harbor Res Lots, Scattered Lots (38)				200,000	
Hawaii	Waimea	WHHCC Ag Complex Infrastructure	Construction		1,000,000		TOTAL CONTRACTOR OF THE PROPERTY OF THE PROPER
Hawaii	Waimea	WHHCC Cemetery	Design		200,000		
Hawaii	Waimea	Finalizing Access Road to Lalamilo Phase I		2,50	2,500,000		
Hawaii	Waimea	WHHC Operations			180,000		
Hawaii	Waimea	Research and develop criteria for unpermitted		75,000			
		structures					
Hawaii	Kailapa	Community Resource Ctr/Emergency Shelter			1,000,000		
Hawaii	Kailapa	Emergency Access Road	Planning and EA	13,	134,000		
Hawaii	Kailapa	Community Association Operations			50,000		
Hawaii	North Kona	Test Well for Gianulias site	Design and Construction	2,50	2,500,000		
Hawaii	North Kona	Well for Gianulias site	Design and			13.000.000	
1000		Vicinity of distribution of the control of the cont	Construction			00,000	
Hawaii	Laiopua	Laiopua 2020 Operation Funding	110000000000000000000000000000000000000		520,000		
Hawaii	Laiopua	Renewable energy project	Planning and EA			280,000	
Hawaii	Laiopua	Internal driveway to connect L2020 community	Planning and			300,000	
		parcel to Ane Keohokalole Hwy	Design				
Kauai	Puu Opae	Refurbish existing irrigation system			250,000		***************************************
Kauai	Puu Opae	Farm equipment for education program			200,000		
Kauai	Puu Opae	Training, processing, storing and repair facility					200,000
Kauai	Puu Opae	Road Improvements		200	200,000		
Kauai	Puu Opae	Temporary lodging					100,000
Kauai	Anahola	Irrigation System (\$1,000,000)	Planning &				
Kauai	Wailua	Access to surface/ground water			100,000	000'000'9	
Kauai	Kekaha	Ag with homestead		10,000		PROPRESENTAL PROPR	
Kauai	West Kauai	Multi-Purpose: Evacuation & Education Ctr		250	250,000		

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Department of Hawaiian Home Lands Purpose 3: Rehabilitation Projects FY 2021 Supplemental Budget Request

					FY 2020			FY 2021	
				DHHI	١.١		DHHL		GIA
ISLAND	AREA	PROJECT COMPONENTS	PHASE	OPERATING	CIP	OPE	RATING	CIP	
Kauai		Study drug rehab facilities within the community							200,000
Kauai		Educational programs					100,000		
Kauai		Bring assn's together to collaborate (\$100,000)*							
Kauai	Hanapepe	Ag land			250,000				
Lanai		Award remaining 16 residential homestead lots			100,000				
Lanai		Establish homestead community association		20,000					
Lanai		Interim Use of Undeveloped Land					20,000		
		Acquire additional lands for ag and pastoral							
Lanai		homesteads		200200000000000000000000000000000000000				2,000,000	
		Community Beautification: clean-up debris and							
Maui	All Homesteads	abandoned vehicles		200,000			200,000		
Maui	All Homesteads	Lot Development & Road Repair	Equipment		2,500,000		400,000		0.00
Maui	All Homesteads	Maui Homeowner Financial Education		250,000			250,000		
Maui	Keokea	Farmers Marketplace & Community Center	Planning and EA		550,000			550,000	000'009
Maui	Keokea	Water sourced infrastructure for potable and	Planning, EA						
		nonpotable water	&Construction		4,750,000		'	4,750,000	
Mauí	Keokea-Waiohuli	Community Based Planning for Cultural Preserves	Survey, Research, Planning & Dev						
					150,000			200,000	
Maui	Keokea-Waiohuli	Safety Awareness Program		200,000			200,000		
Maui	Keokea-Waiohuli	Speed humps on Ahulua St.			100,000				
Maui	Waiohuli UI	Acquire Lands for Community Development			150,000			200,000	
		-	Planning, Design		6			1	
Maui	Paukukalo	Armory Site Development	and EA		150,000			200,000	
Maui	Paukukalo	Pihana Heiau Restoration	Planning and EA					100,000	
			Playground						
Maui	Paukukalo	Park Beautification and Upgrades	equipment, courts		200,000				
Maui	Waiehu Kou	Community Center & Bus Stop				**************************************		200,000	Official and American Street,
Maui	Waiehu Kou	Landscaping Maintenance Contract		150,000			150,000		
Maui	Waiehu Kou	Community Garden - Water Development			30,000			1,500,000	· material and a second and a s
Maui	Waiehu Kou	Drainage Basins - siltation clean up (\$3,500,000)		,					
Maui	Kahikinui	Community Center/Pavilion			1,000,000			1,000,000	
Maui	Kahikinui	Community Economic Center and Hale Pili	Planning & EA	250,000					
Maui	Kahikinui	Road Construction and Repair			2,000,000			2,000,000	
Maui	Kahikinui	Road Development and Repair	Equipment		400,000		100,000		

Department of Hawaiian Home Lands Purpose 3: Rehabilitation Projects FY 2021 Supplemental Budget Request

PROJECT COMPONENTS PHASE OPERATING GIA OPERATING CIP G Fige Carthment System: Phase 2 System 150,000 250,000 250,000 250,000 Water Storage (verter ranks) Community Pasture Paddocks/Fencing Confidence 250,000 500,000 500,000 Stewardship Economy Confidence Planning & 100,000 100,000 60,000 500,000 Neighbrichood Park Planning & 150,000 150,000 500,000 500,000 Neighbrichood Park Perign 50,000 50,000 500,000 Community Subsistence Ag Program Development Trianking, Ag 50,000 50,000 50,000 Revealth of Community Subsistence Ag Program Development English and Development Trianking Revealth and Program Developes to Supplie Subsistence Ag Program Developes Trianking Revealth and Project 15,000 75,000 Revealth of Community Subsistence Ag Program Developes In Supplied Revealth Revealth Community Subsistence Ag Program Developes In Supplied Revealth Reve	İ		Company of the action and the action action action and the action action action action action action action action and the action			0101.			F1 2021	
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Kehlikruui Fog Catchment System: Phase 2 Distribution T55,000 T55,000 Kehlikruui Kehlikruui 150,000 250,000 500,000 Kehlikruui Community Paszure Paddocks/Fancing Design & 250,000 250,000 500,000 Kehlikruui Stewardship Exonevoul and Reforestation Planning & 100,000 250,000 500,000 Lebilit Unpalate Removal and Reforestation Planning & 100,000 500,000 500,000 Lebilit Neighborhood Park Training Age 50,000 500,000 500,000 Honokowai Actuation and Training Federation Federation 50,000 500,000 Honokowai Act Usate Or Ag Ingadon Federation 1,500,000 500,000 750,000 Honokowai Act Usate Or Ag Ingadon Planning and Dec 1,500,000 750,000 750,000 Honokowai Act Waser Or Ag Ingadon Act Waser Or Ag Ingadon Planning and Dec 1,500,000 1,500,000 Hollanna Park Lond Use Designation & Master Plan Planning and Dec 1,500,000 1,500,000 <	AND	AREA	PROJECT COMPONENTS	PHASE	OPERATING	CIP		OPERATING	CIP	
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Kahlikiuui Community Pasture Paddacka/Fenting Design &		Kahikinui	Water Storage (water tanks)			150,000				
Kehlkinui Steewardship Economy Economy 500,000 Kehlkinui Ungulate Removal and Reforestation Planning & Popo 50,000 500,000 Lealili Neighborhood Park Planning & Design 50,000 500,000 500,000 Honokowal Community Subsistence Ag Program Development Education, Federal Community Subsistence Ag Program Development Federal Community Subsistence Age Transition Frogram Development Federal Community Subsistence Age Transition Frogram Development Federal Computer Program Development Federal Com		Kahikinui	Community Pasture Paddocks/Fencing	Design & Construction	250,000			250,000		4110.000
Keplikinuji Ungulate Removal and Reforestation Egi.000 60,000 500,000 Lejaliji Neighborhood Park Dejaning & 100,000 100,000 500,000 Honokowai Community Subsistence Ag Program Development Training, Ag Decention of Training and Development 50,000 500,000 Honokowai Ag Education and Training Program Development Training, Ag Decention of Training and Development 1,500,000 1,500,000 Honokowai R.1 Water for Ag Irrigation Research Complete Park (Park Plan Research Pla		Kahikinui	Stewardship Economy			250,000			200,000	
Legibili Neighborhood Park Planning & Pool 100,000 500,000 Honokowail Community Subsistence Ag Program Development Education, 100,000 50,000 50,000 Honokowail Ag Education and Training Poolgram 50,000 7,500,000 7,500,000 Honokowail R-1 Water for Ag Irrigation Research 1,500,000 7,500,000 7,500,000 Malama Park Lansiston Cespools to Septic Systems Lansiston Cespools to Septic Systems 1,500,000 7,500,000 Malama Park Lansiston Cespools to Septic Systems Lansiston Cespools to Septic Systems 1,500,000 7,500,000 Malama Park Lansiston Cespools to Septic Systems Lansiston Cespools to Septic Systems 1,500,000 7,500,000 Malama Park Lansiston Register Plan Planning 5,000,000 7,50,000 Malama Park Lansiston Register Plan Planning 5,000,000 1,50,000 Malama Park Langiound and youth center Planning 5,000,000 1,50,000 Kapaskea Remodel/Perovate Kupuna Aguara Remodel/Perovate Kupuna Aguara 1,500,000		Kahikinui	Ungulate Removal and Reforestation		000'09			000'09		
Honokowai Community Subsistence Ag Program Development Education, Development Education Education and Training Age		Leialii	Neighborhood Park	900		100,000			200,000	
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Department of Hawaiian Home Lands Purpose 3: Rehabilitation Projects FY 2021 Supplemental Budget Request

				FY 2020	120		FY 2021	
				DHHL	GIA	DHHI	1 .	GIA
ISLAND	AREA	PROJECT COMPONENTS	PHASE	OPERATING CIP		OPERATING	CIP	
Oahu	Princess Kahanu	Community center expansion	Land acquisition					1,500,000
Oahu	Waianae Valley	Coumbarium with large area for cultural uses	Ping and Dsgn	30	300,000			
Oahu	Waianae Valley	Kaupuni Park Development						3,500,000
Oahu	Kapolei	Kapolei Heritage Center Phase II			2,500,000	0		
Oahu	Kanehili	Park Development		30	300,000			
Oahu	Kaupea	Perimeter wall at Kamaaha/Kapolei Pkwy (\$500,000)						
Oahu	Kapolei	Safety/Drug coalition with NSW		20,000	**************************************			
Oahu	Kapolei	NSW equipment		2,000				
Oahu	Kapolei	Maintenance/Repair for dedication of roads						
		(\$125,000)						
Oahu	Kapolei	Place of worship & place of rest/cemetery					250,000	
Oahu	Waimanalo	Emergency Evacuation and Street Extension		1,50	1,500,000		13,500,000	
Oahu	Waimanalo	Land Based Aquaculture Facilities						
			Puwalu: Subtotal	\$1,775,000 \$52,524,000 \$24,900,000	4,000 \$24,900,000		\$1,960,000 \$56,440,000	\$14,150,000
	Homeowner Affordability Initiative	ability Initiative		2,000,000		2,000,000		
	Lease Cancellation F	Lease Cancellation Prevention/Financial Literacy		5,000,000		5,000,000		
	Native Hawaiian De	Native Hawaiian Development Program Plan		2,744,100		2,744,100		
			Total	\$14,519,100 \$52,524,000	4,000 \$24,900,000		\$14,704,100 \$56,440,000	\$14,150,000
	Means of Financing:	•		(A) (C)	((A)	(c)	
	(A) General Funds	8						
	(C) General Obligation Bonds	ation Bonds						
	* Projects are funded in other budgets	ed in other budgets						

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 25, 2018

TO: Chairman and Members, Hawaiian Homes Commission

Porhey dan Rodney K. M. Lau, Administrative Services Officer FROM:

SUBJECT: Approval of DHHL Biennium Budget Requests for Fiscal

Biennium 2019-2021 (Sufficient Sums Budget)

RECOMMENDED MOTION/ACTION

1. That the Commission approve the FB 2019-2021 Operating and Capital Improvement Program (CIP) budget request (Sufficient Sums Budget) presented below to the Governor for consideration in the Administration's Executive Budget requests to the 2019 Legislature.

- 2. That the Commission approve the FB 2019-2021 Operating and Capital Improvement Program (CIP) budget request (Sufficient Sums Budget) be presented to the 2019 Legislature.
- 3. That the Commission authorize the Chairman to adjust the Operating and CIP budget request to make technical adjustments due to minor errors before it is incorporated into the Administration's Executive Budget.

DISCUSSION

For your information is a chronology of DHHL's biennium budget request for FB 2019-2021.

Article XII, Section 1 of the State Constitution states "The legislature shall make sufficient sums available for the following purposes: (1) development of home, agriculture, farm and ranch lots; (2) home, agriculture, aquaculture, farm and ranch loans; (3) rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved; (4) the administration and operating budget of the department of Hawaiian home lands ... "

On October 19, 2007, several beneficiaries filed a lawsuit against the State and the Hawaiian Homes Commission claiming that the State violated its constitutional duty to sufficiently fund the Department of Hawaiian Home Lands.

On March 9, 2012, the Supreme Court affirmed the Intermediate Court of Appeals judgment in part that the courts can determine what constitutes "sufficient sums" for the DHHL's administrative and operating expenses to carry out the purposes of the Hawaiian Homes Commissions Act, 1920, as amended.

The Supreme Court also determined that "sufficient sums" for (1) development of lots, (2) loans, and (3) rehabilitation projects are political in nature and could not be judicially determined.

On November 17, 2015, the First Circuit Court entered its Findings of Fact, Conclusions of Law and Order concerning Plaintiffs' claim that the State of Hawaii failed to make sufficient sums available to the DHHL as required by article XII, section 1 of the Hawaii Constitution.

Judge Castagnetti declared in her order that:

- "1. The State of Hawaii has failed to provide sufficient funds to the Department of Hawaiian Home Lands for its administrative and operating budget in violation of the State's constitutional duty to do so under article XII, section 1 of the Hawaii Constitution.
- ...3. Although what is "sufficient" will change over the years, the sufficient sums that the legislature is constitutionally obligated to appropriate in general funds for DHHL's administrative and operating budget (not including significant repairs) is more than \$28 million for fiscal year 2015-16.
- 4. Prior to 2012, the DHHL Defendants breached their trust duties by failing to take all reasonable efforts including filing suit to obtain all the funding it needs for its administrative and operating budget.
- 5. The defendants shall prospectively fulfill their constitutional duties and trust

responsibilities. They are enjoined from violating these obligations."

Final Judgment was entered on December 14, 2015.

On December 21, 2015, the State Defendants filed a Motion for Reconsideration of, or to Alter or Amend, the Judgment and Order.

On February 29, 2016, the court orally granted in part the Motion stating that:

"...paragraphs 3 and 5 of the Order previously entered on November 27, 2015 shall be AMENDED to read as follows:

- 3. Although what is sufficient will change over the years, the amount of general funds appropriated to DHHL for its administrative and operating budget for fiscal year 2015-16 (\$9,632,000) is not sufficient. The State is required to comply with the Hawaii Constitution and must fund DHHL's administrative and operating expenses by making sufficient general funds available to DHHL for its administrative and operating budget for fiscal year 2015-16.
- 5. The defendants must fulfill their constitutional duties and trust responsibilities.

The remaining paragraphs of the Order issued November 27, 2015 shall remain in full force and effect."

Plaintiffs filed a motion for reconsideration asking the circuit court to add into its revised order a statement saying that "Sufficient sums for DHHL's (A&O) budget (not including significant repairs) is more than \$28 Million for fiscal year 2015-16." The motion was denied. State Defendants files a notice of appeal, and Plaintiffs filed a notice of cross-appeal. The appeal and cross-appeal were filed in the Intermediate Court of Appeals. Briefing in both appeals is completed, and the Legislature was allowed, and filed an amicus curiae support of the State Defendant's positions on February 23, 2017.

On March 8, 2017, in response to the DHHL Defendant's application for transfer, the Hawaii Supreme Court transferred

the appeal and cross-appeal from the Intermediate Court of Appeals to the Hawaii Supreme Court.

On February 9, 2018, the Hawaii Supreme Court ruled that the Circuit Court exceeded its mandate in Nelson I when it determined the "sufficient sum" amount actually needed for DHHL's administrative and operating expenses.

The case is remanded back to the Circuit Court to determine whether the Legislature provided "sufficient sums" for DHHL's administrative and operating budget for FY 2016 using the only "judicially discoverable and manageable standard in Nelson I; the 1978 baseline of \$1.3 million, adjusted for inflation."

Based on the Article XII, Section I, the Hawaiian Homes Commission, the head of the Department of Hawaiian Home Lands, has a fiduciary responsibility to ask for amounts the Commission considers "sufficient sums" for the Department's administrative and operating expenses.

The Hawaiian Homes Commission request is formulated in two parts:

- a) Administrative and Operation costs relating to the Supreme Court ruling regarding purpose no. 4 of Article XII, Section I. This part also includes existing infrastructure projects with a long-standing history of operational, maintenance, and repair issues that have become capital improvement issues.
- b) Costs aligned with purposes numbers 1, 2 and 3, of Article XII, Section I, of the Hawaii State Constitution relating to: ...(1) development of home, agriculture, farm and ranch lots"; (2) home, agriculture, aquaculture, farm and ranch loans; and (3) rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved..." which the Supreme Court ruled as political in nature and could not be judicially determined.

DHHL Biennium Budget Requests - Fiscal Years 2020 and 2021

Administrative and Operating Costs: Purpose 4 of Article XII, Section I

The proposed biennium budget request for administrative and operating costs total \$45,783,188 and \$45,783,188 for fiscal years 2020 and 2021, respectively.

In the Nelson case I decision, the Circuit Court determined that more than \$28 million was the "sufficient sums" amount for fiscal year 2015-2016. "Personal Services" category costs were based on 260 (FTE) positions which was used to determine the "sufficient sums" amount in the court decision. Fringe benefit costs were to be absorbed by a separate Department of Budget and Finance general fund appropriation. The funding of general fund fringe benefit costs separately in a Department of Budget and Finance appropriation is a policy consistent with all other State general funded programs.

The 260 "sufficient sums" positions were kept intact as provided by the Circuit Court in Nelson I, except for those positions affected by actual and projected position variances. The annual personnel costs request represents an aggregate of the annual base salaries.

In the proposed FB 2019-2021 request, the DHHL's fiscal year 2019 budget for the "Other Current Expenses" category was used as a base line and adjusted to exclude costs related to development of homestead lots, loans, and rehabilitation projects. Consequently, the base budget was adjusted for debt service costs, loans, grants in aid and grants. The annual "Other Current Expenses" category totaled \$17,503,591. Attachment A-1 provides the "Other Current Expenses" category approved by the Commission relating to the Administrative and Operating Costs, with adjustments, to determine the "sufficient sums" amount.

Ongoing repairs and maintenance for existing infrastructure on Hawaiian home lands totaled \$3,613,000 annually for fiscal years 2020 and 2021 and is requested as a separate general fund "Repair and Maintenance" request in the "Other Current Expenses" category (See Attachment B-2).

DHHL's initial CIP general obligation bond request relating to existing infrastructure is made as a lump sum request under the title of "Hawaiian Home Lands Development, Statewide"

totaling \$10,000,000 and \$10,000,000 for fiscal years 2020 and 2021, respectively (See Attachment B-1). The existing infrastructure projects have a long-standing history of operational, maintenance and repair issues that have become capital improvement issues.

Attachments "A" provides a summary recap of the discussion.

Hawaiian Homes Commission Budget Request: Purpose no. 4 - State Constitu	ution, Article XII, S	Section 1	
	FY 2020	FY 2021	
	(260.00)	(260.00)	
Administrative and Operating Budget Request	\$32,170,188	\$32,170,188	(A)
Operating Budget: Repairs and Maintenance of Existing Infrastructure	\$3,613,000	\$3,613,000	(A)
CIP Budget: Repairs and Maintenance of Existing Infrastructure	\$10,000,000	\$10,000,000	(C)
Total HHC Administrative and Operating Budget Request	\$45,783,188	\$45,783,188	
Means of Financing: (A)= General Fund; (C) = General Obligation Bond			

Hawaii State Constitution: Purposes 1, 2, 3 of Article XII, Section I; Lot Development, Loans and Rehabilitation Projects

The proposed biennium budget request for Purposes 1, 2, 3 of Article XII, Section I (Lot Development, Loans and Rehabilitation Projects) total \$214,918,100 and \$224,169,100 for FY 2018 and 2019, respectively. Details of the request are shown in Attachments "C" (Lot Development), "D" (Loans), and "E" (Rehabilitation Projects).

•	FY 2020	FY 2021	
Purpose 1: Lot Development	\$74,775,000	\$79,975,000	(
Purpose 2: Loans	\$73,100,000	\$73,100,000	(
Purpose 3: Rehabilitation Projects	\$52,524,000	\$56,440,000	(
Rehabilitation Projects	\$14,519,100	\$14,654,100	(
Total	\$214,918,100	\$224,169,100	

In August 2018, DHHL participated in a Puwalu discussion in Maui that brought native Hawaiian beneficiary leaders state-wide together regarding priorities in their communities and programmatic needs. These needs provided by the beneficiaries were identified and sorted according to the purposes provided by

Article XII, Section 1 of the State Constitution and included in the FB 2019-2021 request. These projects are identified in Attachment "E".

Separate from the "sufficient sums" request, that is also included in Attachment "E", are grants-in-aid (GIA) projects that were brought up in the Puwalu discussion. DHHL will provide information to the Administration and the Legislature on GIA projects that may be coming forward. The GIA requesters will still need to go through the normal GIA process to secure funding.

CIP Budget: HHC Federal Fund Request

Separate from the "sufficient sums" request is a request for authorization to expend \$2 million in Federal funds for fiscal years 2020 and 2021 as provided by the U.S. Department of Housing and Urban Development (HUD) under the Native American Housing Assistance and Self Determination Act (NAHASDA) program.

Also separate from the "sufficient sums" request is a request to fund four (4) (FTE) positions and two (2) temporary positions funded by the Native American Housing Assistance and Self Determination Act (NAHASDA) program.

The Commission's approval of the above recommended motion is respectfully requested.

Department of Hawaiian Home Lands Purpose 4: Administrative and Operating Costs FY 2020 and FY 2021 Budget Request Summary

	FY 2020 Budget Request to HHC	MOF	FY 2021 Budget Request to HHC	MOF
State Constitution, Article XII, Section 1, Purpose 4: Administrative and Operating Costs				
Personnel Costs	\$14,666,597	A	\$14 CCC 507	
Other Current Expenditures	\$17,503,591	A	\$14,666,597 \$17,503,591	A
Subtotal Administrative and Operating Costs	\$32,170,188		\$32,170,188	
Repair and Maintenance of Existing Infrastructure	\$3,613,000	A	\$3,613,000	A
Repair and Maintenance of Existing Infrastructure	\$10,000,000	Ċ	\$10,000,000	- Ĉ-
Subtotal R&M of Existing Infrastructure	\$13,613,000		\$13,613,000	
Total Administrative and Operating Costs	\$45,783,188		\$45,783,188	

Means of Financing:				
A = General Fund	\$35,783,188	4	\$35,783,188	À
C = General Obligation Bonds	\$10,000,000	D	\$10,000,000	С
Total	\$45,783,188		\$45,783,188	

Purpose 4: "Other Current Expenses" Category								
Executive Budget for FY 2019 as Approved by the HHC on June 19, 2018								
Administration and Operating Costs TOTAL								
Object		General	Administration	Operatir	ng Fund	Operating Fund (Non App)		Other Current
Code		Fund	Account	Operating Portion	Development Portion	Operating Portion	Development Portion	Expenditures
2900	Other Personal Services	704,000	100,000	25,000	0	0	0	829,000
3010	Operating Supplies - Gas & Oil Supplies	68,300	8,000	0	0	20,000	0	96,300
3020	Operating Supplies - Fuel & Oil Other	2,450	3,000	1,500	0	25,000	0	31,950
3030	Operating Supplies - Janitorial	24,380	0	1,048	0	500	l ö	25,928
3040	Operating Supplies- Medical	0	0	0	0	15,000	0	15,000
3090	Operating Supplies - Others	24,000	850	2,084	0	0	0	26,934
3100	Maintenance Materials Supplies & Parts	11,800	О	0	0	130,000	0	141,800
3200	Office Supplies	142,400	0	0	0	800	0	143,200
3400	Other Supplies	25,066	0	0	0	1,500	0	26,566
3500	Dues and Subscriptions	19,562	0	0	0	300	0	19,862
3600	Freight and Delivery Charges	5,770	1,200	0	ō	4,000	0	10,970
3700	Postage	179,490	0	550	0	4,000	0	184,040
3800	Telephone	130,210	0	400	0	0	0	130,610
3900	Printing and Binding	108,700	84,000	0	0	0	0	192,700
4000	Advertising	106,200	0	0	0	0	0	106,200
4100	Car Mileage	23,500	0	0	0	0	0	23,500
4200	Transportation, Intrastate	375,700	0	0	0	15,000	0	390,700
4300	Subsistence Allowance, Intra-State	211,970	0	0	0	5,000	0	216,970
4400	Transportation, Out of State	78,000	0	0	0	0	0	78,000
4500	Subsistence Allowance, Out of State	72,500	0	0	0	0	0	72,500
4600	Hire of Passenger Cars	85,356	94	0	0	3,000	0	88,450
5000	Electricity	754,000	225,000	63,000	0	428,100	0	1,470,100
5200	Water Plds	138,200	200,000	50,000	0	200,000	0	588,200
5500 5600	Rental of Land and Bldg.	22,800	0	0	0	0	0	22,800
5700	Rental of Equipment Other Rentals	83,400 1,449,750	36,500 0	0	0	1,000	0	120,900
5810	Repairs- Data Processing	14,000	0	0	0	0	0	1,449,750
5815	Maintenance - Data Processing	130,000	0	0	0	0	0	14,000 130,000
5820	Repairs- Equipment, Building, etc.	77,910	52,000	4,800	0	20,000	0	154,710
5825	Maintenance- Equipment, Building, etc.	337,100	23,050	10,500	0	11,500	0	382,150
5830	Repairs- Motor Vehicles	35,450	3,000	0	0	10,000	0	48,450
5835	Maintenance- Motor Vehicles	27,000	5,000	0	0	5,000	0	37,000
5840	Maintenance-Unencumbered Lands & Othr	75,000	615,900	0	0	0	0	690,900
5895	Maintenance-Other Miscellaneous	81,684	0	0	0	10,000	0	91,684
5900	Insurance	75,000	0	0	0	0		75,000
7110	Services Fee Basis	897,050	2,584,115	2,620,295	936,885	802,450	350,000	8,190,795
7230	Training Costs	138,500	30,000	10,000	0	12,000	0	190,500
7290	Other Current Expenditures	44,700	8,000	0	0	2,500	0	55,200
6500	Grant-in-Aid	0	0	0	0	50,000	0	50,000
7700	Equipment	30,800	475,000	14,472	0	0	0	520,272
7700	Motor Vehicle	0	80,000	0	0	0	. 0	80,000
7900	Construction in Progress	0	290,000	-	0 :	0	0	290,000
I otal - C	Current Expenditure & Equipment	6,811,698	4,824,709	2,803,649	936,885	1,776,650	350,000	17,503,591

Department of Hawaiian Home Lands Purpose 4: Administrative and Operating Costs Repair and Maintenance of Existing Infrastructure FB 2019 - 2021 Budget Request

ISLAND	AREA or SUBDIVISION	MAINTENANCE COMPONENTS- PURPOSE	FY 2020	FY 2021
Hawaii	Kawaihae	Water System Operation and Maintenance	120,000	120,000
Hawaii	Laiopua Villages	Brush Clearing and Fire Breaks	50,000	50,000
Hawaii	Puukapu	Water System Operation and Maintenance	255,000	255,000
Kauai	Anahola	Water System Operation, Maint, Emerg Call	75,000	
Kauai	Piilani MKK and Anahola	Maintenance	75,000	
Lanai	Lanai City	Maintenance	75,000	
Maui	Kula	Maintenance	200,000	
Maui	Leialii	Leialii Parkway Maintenance	85,000	
Maui	Waiehu Kou	Detention Basins and Ditches	125,000	125,000
Maui	Waiehu Kou	Sewage Pump Station	80,000	
Oahu	East Kapolei II	Detention Basins (2)	30,000	30,000
Oahu	Kapolei .	Maluohai, Kaupea, Kanehili Maintenance	75,000	
I	Nanakuli	Princess Kahanu Road Repairs	30,000	30,000
	Oahu	Sewage Spill Response and Repair	150,000	150,000
	Oahu	Street Light Replacement	375,000	375,000
	Oahu	Scattered Location Repair and Maintenance	1,200,000	1,200,000
	Oahu	Albizia Control	290,000	
	Waimanalo	Drainage Channel and Tree Trimming	38,000	38,000
Oahu	Waimanalo	Detention Basin	30,000	
State	Statewide	Sign Replacement	255,000	
		Total	\$3,613,000	\$3,613,000

Means of Financing: General Fund

Department of Hawaiian Home Lands Purpose 1: Lot Development Purpose 4: Administrative and Operating Costs FB 2019-2021 Sufficient Sums Budget Request

PROJECT DESCRIPTION	Lots	PHASE	FY 2020	FY 2021
PURPOSE 1: Lot Development				
Hawaii				
Kau Water System		DC	2,000,000	2,000,000
Kau Farm and Ranch Lots Site Improvements Honomu Agricultural Lots, Phase 1	15	DC	5,000,000	2,000,000
Ulila Carraniti Oalla - Marial II.	1	C	225,000	225,000
Kaumana Subdivision Lot Rehabilitation				223,000
	4	D.C	500,000	
Honokaia Water System		C	1,300,000	
Lalamilo Phase 1 Kawaihae Road Improvements		DC	1,000,000	
Lalamilo Septic System Improvements		DC	500,000	
Lalamilo Phase 2A	151	DC		6,000,000
Puukapu Roadway Improvements		DC	2,000,000	
Puukapu Pastoral Lots Electrical Facilities		DC	2,100,000	
Kawaihae Water Production, Storage & Transmission		PD	750,000	
North Kona Exploratory Well		PD	2,000,000	
Laiopua Utility and Infrastructure Changes		С	500,000	
Laiopua Village 4 (Hema)	103	DC	14,300,000	
UXO Mitigation and Construction Support (Island-wide)		PDC	1,000,000	~ ** **
<u>Kauai</u>				
Anahola Fire Station		PD	50,000	
Anahola Farm Lots, New Backup Well		DC	1,000,000	2,000,000
Pillani Mai Ke Kai III, Drainage & Subdivision Improvements	40	DC	500,000	4,000,000
Moloaa Farm Lots	47	PD		1,000,000
Wailua Residential Lots Masterplan	200	PD	1,000,000	
Wailua Second Well exploration	200	PD	1,000,000	
Hanapepe Residential Subdivision Phs 2 Offsite Development	50	PD	1,500,000	7,500,000
Lanai				<u> </u>
Lanai Residence Lots, Phase 2 Off-site Development and Lots	40	PD	3,000,000	
<u>Maui</u>				
Keokea Agricultural Off-site Water System Feasibility Study		Р	2,000,000	
Keokea Archaeological Preservation			1,000,000	
Keokea Farm Lots Drainage System Improvements		DC	2,000,000	
Keokea-Waiohuli, Phase 2 Site Improvements	76	DC	***************************************	12,500,000
Keokea-Waiohuli Phase 3 Site Improvements	27	D		750,000
Honokowai Master Plan		Р	1,000,000	
Honokowai Water System Improvements		DC		4,000,000

Department of Hawaiian Home Lands

Purpose 1: Lot Development

Purpose 4: Administrative and Operating Costs FB 2019-2021 Sufficient Sums Budget Request

PROJECT DESCRIPTION	Lots	PHASE	FY 2020	FY 2021
Leialii Parkway & Highway Improvements		DC		10,000,000
Villages of Leialii Ph1B, Increment 1, Subdivision Design	75	DC	500,000	8,000,000
<u>Molokai</u>				
Hoolehua Water System Improvements		DC	2,000,000	2,000,000
Kanakaloloa Cemetery Improvements		C-	1,500,000	
Hoolehua Pasture Lot Development	30	DC		1,000,000
Naiwa Subdivision Site Improvements		DC		1,000,000
Hoolehua Scattered Agriculture Lots -	8	DC	1,000,000	
Kalamaula Farm Lots Site Improvements	40	DC		1,000,000
Kalamaula Water & Drainage System Improvements		D	1,000,000	
Kalamaula & Kapaakea Aquaculture Development Plan		Р	250,000	
<u>Oahu</u>				
Voice of America, Ph I Infrastructure	72	DC	800,000	10,000,000
East Kapolei Transit Oriented Development	150	PDC	2,000,000	***************************************
Waimanalo Agricultural Lots	50	DC	1,500,000	
Statewide				
Acquisition: Land and/or Building Purchase		L	10,000,000	
Statewide Lot Development	-	DC	5,000,000	5,000,000
Environmental Mitigation and Remediation on HHL		PDC	2,000,000	2,000,000
R & M of Utilities in Existing Homestead Subdivisions		PDC	2,000,000	2,000,000
Total Purpose 1	1,379		\$74,775,000	\$79,975,000
PURPOSE 4: Administrative and Operating Costs	-			
Repair and Maintenance of Existing Infrastructure				
R&M Sewer/ Wastewater Infrastructure			5,000,000	5,000,000
R&M Existing Infrastructure			5,000,000	5,000,000
Total Purpose 4			\$10,000,000	\$10,000,000
Grand ₹otal			\$84,775.000	\$89,975,000
Phase: P = Planning				
D = Design				
C = Construction				
L = Acquisition				
Means of Financing: General Obligation Funds (C)				

Department of Hawaiian Home Lands Purpose 2: Loans FB 2019 - 2021 Budget Request

Purpose	FY 2020	FY 2021
Mortgage Capitalization for Gap Group and Low to Moderate Income Families	37,500,000	37,500,000
Interim Financing (for Turnkey)	32,400,000	32,400,000
Debt Service - Revenue Bonds	3,200,000	3,200,000
Total	\$73,100,000	\$73,100,000

Department of Hawaiian Home Lands	Purpose 3: Rehabilitation Projects	FB 2019-2021 Budget Request	

					FY 2020			FY 2021	
				рниг	7	GIA	DHHL		GIA
ISLAND	AREA	PROJECT COMPONENTS	PHASE	OPERATING	CIP		OPERATING	CIP	
Hawaii	Kaumana	Community Center	Planning					100,000	
Hawaii	Piihonua	Community Pasture	Planning	25,000			Para and the para		
Hawaii	Panaewa	Kamoleao Infrastructure & Bldg	Construction			4,500,000			
Hawaii	Keaukaha Panaewa	Agricultural Education Center	Planning					425,000	
Hawaii	Makuu	Community Center	Construction			6,000,000			6,000,000
Hawaii	Keaukaha	Community Pavilion	Planning	The state of the s		1,500,000			
Hawaii	Kamaoa Puueo	Water Master Plan Implementation	Construction		5,000,000	and a second sec			
Hawaii	Kamaoa Puueo	Cultural & Natural Resource Land Mgmt Implementation			3,000,000	The second secon		111111111111111111111111111111111111111	
Hawaii	Waiohinu	Agriculture Homestead Leases	Planning					100,000	
Hawaii	Kau	Discovery Harbor Res Lots, Scattered Lots (38)						200,000	
Hawaii	Waimea	WHHCC Ag Complex Infrastructure	Construction			1,000,000			
Hawaii	Waimea	WHHCC Cemetery	Design			200,000			
Hawaii	Waimea	Finalizing Access Road to Lalamilo Phase I			2,500,000				
Hawaii	Waimea	WHHC Operations				180,000			
Hawaii	Waimea	Research and develop criteria for unpermitted structures		75,000					
Hawaii	Kailapa	Community Resource Ctr/Emergency Shelter				1,000,000			
Hawaii	Kailapa	Emergency Access Road	Planning and EA		134,000				
Hawaii	Kailapa	Community Assn Operations				20,000			
Hawaii	North Kona	Test Well for Gianulias site	Design and Construction		2,500,000				
Hawaii	North Kona	Well for Gianulias site	Design and Construction					13,000,000	
Hawaii	Laiopua	Laiopua 2020 Operation Funding		·		520,000			
Hawaii	Laiopua	Renewable energy project	Planning and EA					280,000	
Hawaii	Laiopua	Internal driveway to connect L2020 community parcel to Ane Keohokalole Hwy	Planning and Design					300,000	
Kauai	Puu Opae	Refurbish existing irrigation system				250,000			A CONTRACTOR OF THE CONTRACTOR
Kauai	Puu Opae	Farm equipment for education program				200,000	AND THE PROPERTY AND TH		
Kauai	Puu Opae	Training, processing, storing and repair facility							200,000
B Kauai	Puu Opae	Road Improvements			200,000				
auai	Puu Opae	Temporary lodging							100,000

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Department of Hawaiian Home Lands Purpose 3: Rehabilitation Projects FB 2019-2021 Budget Request

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			in John William		FY 2020			FY 2021	
		A A A A A A A A A A A A A A A A A A A		DHHL	H	GIA	DHHL	II.	GIA
ISLAND	AREA	PROJECT COMPONENTS	PHASE	OPERATING	CIP		OPERATING	CIP	
Kauai	Anahola	Irrigation System (\$1,000,000)	Planning & Design	- Transmission					
Kauai	Wailua	Access to surface/ground water	7,717,777,22,22,22,23		100,000			6,000,000	
Kauai	Kekaha	Ag with homestead		10,000					
Kauai	West Kauai	Multi-Purpose: Evacuation & Education Ctr			250,000				
Kanaí		Study drug rehab facilities within the community							200 000
Kauai		Educational programs					100,000		onofono
Kauai		Bring assn's together to collaborate (\$100.000)*	AND THE PROPERTY OF THE PROPER						
Kauai	Hanapepe	Agland			250,000				
Lanai		Award remaining 16 residential homestead lots			100,000				
Lanai		Establish homestead community association		50,000					
Lanai		Interim Use of Undeveloped Land					20,000		
Lanai		Acquire additional lands for ag and pastoral homesteads						5,000,000	
Maii	All Homostpads	Community Beautification: clean-up debris and ahandoned wehicles		200.000			200.000		Application of the state of the
Maui	All Homesteads	Lot Development & Road Repair	Equipment		2,500,000		400,000		
Maui	All Homesteads	Maui Homeowner Financial Education		250,000			250,000		
Maui	Keokea	Farmers Marketplace & Community Center	Planning and EA		550,000			550,000	600,000
Maui	Keokea	Water sourced infrastructure for potable and nonootable water	Planning, EA		000 054 8			4 750 000	
			מרטווטון מרנוטון		מסיים ייד			ממימה ייד	
Maui	Keokea-Waiohuli	Community based Planning for Cultural Preserves	Survey, Research, Planning & Dev		150,000			200,000	
Maui	Keokea-Waiohuli	Safety Awareness Program		200,000			200,000		
Maui	Keokea-Waiohuli	Speed humps on Ahulua St.			100,000				
Maui	Waiohuli UI	Acquire Lands for Community Development			150,000			200,000	
Mauí	Paukukalo	Armory Site Development	Planning, Design and EA		150,000			200,000	
Maui	Paukukalo	Pihana Heiau Restoration	Planning and EA					100,000	The state of the s
Maui	Paukukalo	Park Beautification and Upgrades	Playground equipment, courts		500,000				:
Maui	Waiehu Kou	Community Center & Bus Stop			A CONTRACTOR OF THE CONTRACTOR			200,000	Victoria
Maui	Waiehu Kou	Landscaping Maintenance Contract		150,000			150,000		

Department of Hawaiian Home Lands Purpose 3: Rehabilitation Projects FB 2019-2021 Budget Request

				Ē	DHHL	GIA	DHHI	1	GIA
ISLAND	AREA	PROJECT COMPONENTS	PHASE	OPERATING	CIP		OPERATING	CIP	
Mauî	Waiehu Kou	Community Garden - Water Development			30,000			1,500,000	
Maui	Waiehu Kou	Drainage Basins - siltation clean up (\$3,500,000)							
Maui	Kahikinui	Community Center/Pavilion			1,000,000			1,000,000	
Maui	Kahikinui	Community Economic Center and Hale Pili	Planning & EA	250,000					
Maui	Kahikinui	Road Construction and Repair			5,000,000			5,000,000	
Maui	Kahikinui	Road Development and Repair	Equipment		400,000		100,000		
Maui	Kahikinui	Fog Catchment System: Phase 2	Distribution		750,000				
Mani	Kahikiani	Water Storage (water tanks)			150.000				
Mani	Kahikinui	Community Pasture Paddocks/Fencing	Desjøn &	250.000			250.000		
אומיתו אומיתו	יאפוויא אינויי	ממנים בין ממנים בין ממנים בין היים בין	Construction						
Maui	Kahikinui	Stewardship Economy			250,000			200,000	
Maui	Kahikinui	Ungulate Removal and Reforestation		000'09			000'09		
Maui	Leialii	Neighborhood Park	Planning & Design		100,000			200,000	
Maui	Honokowai	Community Subsistence Ag Program Development	Education,	20,000					į
			Training, Ag		-				
			program						
Maui	Honokowai	Ag Education and Training	Facility and		20,000				
			Program Dev						
Maui	Honokowai	R-1 Water for Ag Irrigation	Research, Planning		1,500,000				
			and Dev						
Maui	Pulehunui	Community-Based Economic Dev			15,000,000				
Molokai		Transition Cespools to Septic Systems			1,500,000				
Molokai	Malama Park	Land Use Designation & Master Plan			200,000				
Molokai	Kiowea Park	Complete Pavilion Project				750,000			
Molokai	(Value of the state of the stat	Deer management plan	Planning		200,000				
Molokai	The state of the s	Cross fencing/deer fencing	·		`				200,000
Molokai	Hoolehua	Playground and youth center						100,000	
Molokai		Tiny homes						80,000	
Molokai	Kalamaula Mauka	Passive Park	Planning					150,000	
Mołokai	Kapaakea	Temporary residence shelter						125,000	
Molokai		Renovate Ahupuaa o Molokai Hale						250,000	

Page 3 of 4

Department of Hawaiian Home Lands Purpose 3: Rehabilitation Projects FB 2019-2021 Budget Request

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			NAME OF THE PARTY		11 2020			FT 2021	
		The state of the s		DHHI	- 1	GIA	DHKI	=	GIA
ISLAND	AREA	PROJECT COMPONENTS	PHASE	OPERATING	CIP		OPERATING	CIP	
Molokai	Kapaakea	Remodel/renovate kupuna hsg in flood zone						300,000	
Molokai		Transitional home						80,000	
Oahu	Papakolea	Address Abandoned Homes		150,000	AAAA daa aaaa aaaa aaaa aaaaa aaaaa aaaaa aaaa		150,000		
Oahu	Papakolea	Kupuna Supportive Living Ctr Feasibility Study			250,000				The state of the s
Oahu	Papakolea	Operate Kupuna Community Care Network				400,000			400,000
Oahu	Papakolea	Puowaina EA			250,000				
Oahu	Papakolea	Basketball Complex Improvements				5,000,000			-
Oahu	Papakolea	Education/Health Programs		The state of the s		850,000			850,000
Oahu	Nanakuli	Ocean safety & Cultural education	Planning		250,000				
Oahu	Princess Kahanu	Traffic calming			000'09				
Oahu	Princess Kahanu	Community center expansion	Land acquisition						1,500,000
Oahu	Waianae Valley	Coumbarium with large area for cultural uses	Plng and Osgn		300,000				WASTELL TO THE PERSON NAMED IN COLUMN
Oahu	Waianae Valley	Kaupuni Park Development				The state of the s			3,500,000
Oahu	Kapolei	Kapolei Heritage Center Phase II				2,500,000			
Oahu	Kanehili	Park Development			300,000				
Oahu	Kaupea	Perimeter wall at Kamaaha/Kapolei Pkwy (\$500,000)			A				
Oahu	Kapolei	Safety/Drug coalition with NSW		20,000					
Oahu	Kapolei	NSW equipment		2,000					The second secon
Oahu	Kapolei	Maintenance/Repair for dedication of roads (\$125,000)							
Oahu	Kapolei	Place of worship & place of rest/cemetery						250,000	
Oahu	Waimanalo	Emergency Evacuation and Street Extension			1,500,000		TO THE TOTAL PROPERTY AND THE TOTAL PROPERTY	13,500,000	
			Puwalu: Subtotal	\$1,775,000	\$52,524,000 \$24,900,000	\$24,900,000	\$1,910,000 \$56,440,000	356,440,000	\$14,150,000
	Homeowner Affordability Initiative	/ Initiative		2,000,000			5,000,000		
	Lease Cancellation Prevention/Financial Literacy	ntion/Financial Literacy		2,000,000			2,000,000		
	Native Hawaiian Development Program Plan	ment Program Plan		2,744,100			2,744,100		
			Total	\$14,519,100	\$52,524,000 \$24,900,000	\$24,900,000	\$14,654,100 \$56,440,000	556,440,000	\$14,150,000
	Means of Financing:			(A)	(c)		(A)	(C)	
	(A) General Funds					The state of the s			
	(C) General Obligation Bonds	Bonds							
	* Projects are funded in other budgets	other budgets							
IBIT "A									H ON WELL
			Page 4 of 4						Attachment

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Rodney K. M. Lau, Administrative Services Officer

SUBJECT: Transfer of Hawaiian Home Receipts Money at the End

Of the First Quarter, FY 2020

RECOMMENDED MOTION/ACTION

That the Commission approve the transfer of the entire receipts deposited in the Hawaiian Home Receipts Fund as of September 30, 2019 to the Hawaiian Home General Loan Fund.

DISCUSSION

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

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

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

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

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

As of September 30, 2019, the estimated balance in the Hawaiian Home Receipts Fund will be approximately \$1,000,000. Based on the on-going loan requirements for fiscal year 2020, it is

recommended that cash receipts in the Hawaiian Home Receipts Fund for the quarter ending September 30, 2019 be transferred to the Hawaiian Home General Loan Fund.

HAWAIIAN HOMES COMMISSION SEPTEMBER 16 & 17, 2019 LIHU'E, KAUA'I, HAWAI'I

J – ITEMS REQUESTS TO ADDRESS THE COMMISSION

FW: Request to be on J Agenda on Kauai

From: Dion Maeda <

Sent: Friday, August 30, 2019 10:59 AM

Subject: Request to be on J Agenda on Kauai

Aloha,

My name is Revered Dion Kekoa Maeda and I'm Senior Pastor Connect Point Church located at 168 Holomua Street in Hilo, Hawaii which is on Department of Hawaiian Home Lands. I'm requesting to be on the Jagenda on the September meeting in Kauai. After our former landlords lease got terminated, we are <u>seeking a long term disposition</u> with Department of Hawaiian Home Lands to remain on the same property we have been at for 24 years. We have invested <u>hundreds of thousands of doallars</u> in materials and labors doing renovations, including doing structural repair and maintenance on the building even though it was the former landlords responsibility but he refused to maintain and repair the building. We will be mailing out a packet of information for the Commission Board to review regarding this situation.

Mahalo,

Dion Kekoa Maeda

Lead Pastor – Connect Point Church <u>www.connectpointchurch.com</u>
Ordained Minister with Assemblies of God - <u>https://ag.org/</u>
District Youth Director – Hawaii Assemblies of God <u>http://www.hawaiiaog.com</u>
Advisory Board - Convoy of Hope Hawaii <u>https://www.convoyofhope.org</u>
Board Member – Camp Agape Big Island <u>http://campagapehawaii.com/</u>

Follow me on...

Facebook: https://www.facebook.com/dmaedahawaii Instagram: https://www.instagram.com/dionmaeda

C: 808-937-6968

Joshua 1:9 "Be strong and courageous, be not afraid neither be dismayed for the Lord is with you wherever you go."

Connect Point Church

168 Holomua Street Hilo, Hawaii 96720 W: 808-961-5651

www.connectpointchurch.com info@connectpointchurch.com

Member – (ICIA) Interfaith Communities In Action https://interfaithhawaii.org

FW: Kauai Commission Meeting

From: Mike DeMotta <

Sent: Thursday, September 05, 2019 10:26 AM

To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>

Subject: Kauai Commission Meeting

Hello Leah

I am writing to let you know that we have an agenda item for the Kauai meeting that we'd like to discuss. We can participate on the meeting scheduled for Tuesday, Sept 17. Our agenda item is a petition to DHHL to add the buffer zone land behind out houses to our leases. Please let me know if you have any questions. I will call you shortly to be sure this email go through to you.

Thanks

Mike DeMotta

Michael J. DeMotta Curator Living Collections & Horticulture NATIONAL TROPICAL BOTANICAL GARDEN 3530 Papalina Road Kalaheo, HI 96741 USA



"The mission of the National Tropical Botanical Garden is to enrich life through discovery, scientific research, conservation and education by perpetuating the survival of plants, ecosystems and cultural knowledge of tropical regions

FW: Sherri Cummings and Green Energy Workshop at Kauai HHC meeting

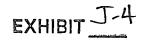
Sent: Wednesday, August 28, 2019 10:32 AM

To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov> **Subject:** Sherri Cummings and Green Energy Workshop at Kauai HHC meeting

Hi Leah,

I just wanted to let you know that Sherri Cummings from Anahola, Kauai will be contacting you soon(if she hasn't already) to be on the J agenda for next months HHC meeting on Kauai. It will be about her and other Anahola community members proposal to adopt the Anahola coastline and area across Kuhio Highway from the Anahola solar farm.

Aloha,



FW: Kekaha Hawaiian Homestead Association Request to address HHC Septembers meeting

Sent: Monday, August 26, 2019 4:22 PM

To: Kawai Warren <kawaiwarrenkhha@gmail.com>

Cc: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>

Subject: RE: Kekaha Hawaiian Homestead Association Request to address HHC Septembers meeting

Aloha e Kawai:

Hope all is well with you on Kauai island.

Mahalo for your request to address the Hawaiian Homes Commission in September.

Your request is being forwarded to Leah, HHC Secretary for review and action.

If I can be of any further assistance please don't hesitate to contact me.

Mahalo

Sent: Sunday, August 25, 2019 8:40 PM

To: Lota, Norgaard U < notated and a doing a wait gov

Subject: Kekaha Hawaiian Homestead Association Request to address HHC Septembers meeting

Aloha e' Ulu,

I would like to request to address the Hawaiian Homes Commission September meeting on Kauai Re: Pu'u Opae committee would like to keep the irrigation Ditch for KHHA 231 acres license.

Mahalo Kawai Warren Chair Pu'u Opae Committee

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