

HAWAIIAN HOMES COMMISSION
Minutes of August 19, 2019
Lahaina Civic Center, Lahaina, Maui, Hawai'i

Pursuant to proper call, the 714th Regular Meeting of the Hawaiian Homes Commission was held at the Lahaina Civic Center, 1840 Honoapi'ilani Highway, Lahaina, Maui, Hawai'i, beginning at 9:30 a.m.

PRESENT William J. Aila Jr., Chairman
Randy K. Awo, Maui Commissioner
Zachary Z. Helm, Moloka'i Commissioner
David B. Ka'apu, West Hawai'i Commissioner
Pauline N. Namu'o, O'ahu Commissioner
Dennis L. Neves, Kauai Commissioner
Patricia A. Teruya, O'ahu Commissioner

EXCUSED Vacant, East Hawai'i Commissioner,
Vacant, O'ahu Commissioner

COUNSEL Ryan Kanaka'ole, Deputy Attorney General

STAFF Paula Aila, Contact and Awards Division Manager
Kahana Albinio, Acting Land Management Division Administrator
Dean Oshiro, Acting Homestead Services Division Administrator
Andrew Choy, Acting Planning Office Manager
Stewart Matsunaga, Acting Land Development Division Administrator
Niniau Simmons, NAHASDA Manager
Cedric Duarte, Information and Community Relations Officer
David Hoke, Enforcement Supervisor
Leah Burrows-Nuuanu, Commission Secretary
Julie Cachola, Planner
Akoni Shannon, Enforcement Officer
Michelle Brown, Secretary
Toni Eaton, Maui District Office Supervisor
Jane Gordon, Maui District Office
Michael Lowe, Information Specialist
Jamilia Epping, Information Specialist

ORDER OF BUSINESS

CALL TO ORDER

Chair Aila called the meeting to order at 9:37 a.m.
Seven (7) members were present at roll call. The East Hawai'i and O'ahu seats were vacant.

APPROVAL OF AGENDA

MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Kaapu, to approve the amended agenda; Item G-2 deferred to Tuesday, August 20, 2019. Motion carried unanimously.

APPROVAL OF MINUTES

Approval of Minutes for April 2015 and July 2018.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Kaapu Motion carried unanimously to approve the Minutes of April 2015 and July 2018.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

ITEM A-1 Bo Kahui Re: Villages of La'i `Opua (VLOP) Item G-3, Item D-11

B Kahui testified on Item G-3 relating to 2020 legislative proposals. VLOP asked for the support of their \$14 million water initiative for their community projects. They are prepared to dig the well once the Legislature approves the funding. VLOP is working with a private company but asked the Department to assist with financing for preliminary engineering and the entitlement report.

Regarding Item D-11, VLOP asked that the Department assist with getting Yolanda Campbell to come current on her association dues before approving her rooftop photovoltaic system.

ITEM A-2 Daryl Aiwohi Re: Request for Information

D. Aiwohi stated that most meetings he attends, the information is about what the Board has accomplished. Reading the materials distributed would take days to read and understand. Hawaiians have three main goals; homes, education, and taking care of the kupuna.

Chair Aila stated that homes are being built in Waiohuli and that there were 25 vacant lots awards. A PowerPoint version could be provided to show the development process. D. Aiwohi added that people in their community need help to fix their run-down homes.

ITEM A-3 Ben Rodriguez Re: Item F-4

B. Rodriguez testified in support of the right of entry permit for Ka Ohana O Kahikinui's economic development project. The project is located at the Hale Pili site and will be an economic engine for community sustainability. He stated that more than 1,100 visitors go through Kahikinui every day. The project will also help educate visitors about the moku and general values of the Hawaiian people. The community has the capacity for economic sustainability in their moku.

ITEM A-4 Keaumoku Kapu Re: Homestead Services Actions

K. Kapu testified as a resident of kuleana land in Kaua'ula Valley. He has been on the waitlist for years. He stated that using Robert's Rules of Order is a malihini way of conducting business, and that the Commission should set aside those rules and conduct itself with kanaka in mind. People have adopted a foreign way of living under the United States' illegal occupation. Everything on the agenda under Homestead Services subjects Hawaiians to provisions that come from banks, the Legislature, and the Governor. He stated that the Commission needs to find ways to provide more services to the beneficiaries.

ITEM A-5 Bobby Pahia, Norman Abihai, Aukai Hatchie, Re: Right of Entry (ROE) for Pa'upena Commercial Development Corporation

B. Pahia testified in support of the right of entry for Pa'upena CDC. He knows Pa'upena applied for 5,000-acres and thinks the recommendation was for 127 acres. He is disappointed but grateful that the Commission is allowing them to steward the land. His concern is conservation and fire prevention. He offered his services and wants to work together to make the project successful.

N. Abihai testified that Pa'upena's application does not include a subdivision, golf course, schools, or housing. He stated that the application for 5,000 acres was for ranching and farming, nothing more. He does not know what the Commission considers when evaluating capacity when it deals

with ranching and farming. He stated that there are two farmers on their staff to provide expertise. They also have ranchers on staff that have 25-plus years of ranching. He stated that the application for 5,000 acres still stands, and they plan to do ranching and farming. He continued to thank the Commission for the 127 acres to prove what they can do.

B. Pahia testified that whether Pa'upena starts with 127 acres or 5,000 acres, they will complete what they say. The idea is to feed Maui families and to educate them about farming and ranching. She started with 200 chickens, and now has 2,000 chickens, thus having more eggs than she cares to eat. She gives them away. She asked the Commission to award Pa'upena CDC the 5,041 acres it requested.

A. Hatchie testified that the Pa'upena CDC mission is farming and ranching. The application diversification was meant to provide options for the people. He stated that Pa'upena could build houses, set aside lands for livestock and ag parks, create a food hub to be able to distribute goods and create a feedlot to export livestock to the mainland. It is a vision that is viable and sustainable and needs to be done to create a solid foundation for the next generation.

ITEM A-9 Blossom Feiteira, President Association of Hawaiians for Homestead Lands and Board Member of Ka Ohana O Kahikinui Re: Item F-1 to F-5

B. Feiteira testified in support of all three right of entry permit applications by the homestead organizations. All have worked diligently to understand the needs of their communities and to work on projects to make those improvements. She encouraged the Commission to approve the ROE for the Waiohuli Homesteaders Association, asked the Commission to take Pa'upena CDC at their word and move them forward.

B. Feiteira also added that the Maui Regional Plan needed an update.

ITEM A-10 Kaleo Cullen, Angel Kamaka, Ka Ohana O Kahikinui (KOOK) Re: F-4

K. Cullen testified that on July 9, 2019, he was elected to serve as the President of Ka Ohana O Kahikinui. He supported the issuance of a right of entry permit for the use of Hale Pili in Kahikinui. KOOK adopted a conceptual plan to provide a space for lessees and family members to set up small businesses, and KOOK has secured a food truck.

A. Kamaka asked to address the Commission about an incident involving a private matter, but Commissioner Ka'apu suggested that it would be more appropriate after the case was resolved. A. Kamaka still gave an official apology to the Commission.

ITEM A-11 Rikki Torres-Pestana Re: Moku O Keawe

R. Torres-Pestana testified that his ohana on the Big Island is not happy with the Department for removing two ahu and one hale on Hawaiians' land. Under international laws, the Department is the criminal. Times are changing, and the kanaka will no longer be abused. The Department is promoting the abuse and oppression of the kanaka.

ITEM A-12 Donna Sterling and Mikahala Crimavon Re: Item F-4

D. Sterling testified as a resident of Kahikinui and against the right of entry permit for Hale Pili. She stated that economic development is needed, but not in that location because it used to be a Catholic Church called Santa Inez. A Kahikinui man named Simeon Kaauao built the Church with walls of basalt rocks bound together with coral lined mortar. The original name, Pu'uani, is now what is called Kahikinui and Hale Pili. She is asking that the area is not made for buses, tourists, or with port-a-johns. She has asked that KOOK find an alternate location.

ITEM A-13 Kaniloa Kamaunu Re: Items F-3 to F-5

K. Kamaunu testified as the seventh-generation living on his kuleana land in Waihe'e Valley. He stated it was important to understand the liability of the Commission as well as the State entity and the federal entities that govern the HHL Administration. He quoted the Hawaiian Homes Commission Act, 1920, [§101. Purpose.] (a)(b)(1)(2)(4)(5)(c)(d)(1)(2). Listening to the conversations, he stated it is up to the people to be able to act for themselves.

ITEM A-14 Johanna Kamaunu Re: Item G-1

J. Kamaunu testified on the Pu'unani Homestead in Waikapu. She asked to participate in consultations on the culture and history of the area. She stated that she is a member of the State Burial Council and was concerned about the area. Her suggestion to DHHL is to move forward with the project because it sounds like a lot is being done. However, regarding subsistence agriculture and farming, it is not enough.

ITEM A-15 Princeslehuani Kumaewakainakaleomomona Re: Leiali'i and Kaanapali

P. Kumaewakainakaleomomona testified as a Maui native living on O'ahu for the past five years. She stated that she has been on the waitlist since 1993 and is still waiting. The last time she spoke at a Maui Commission meeting there were nine different faces. She felt frustrated about having to educate a new set of Commissioners. She stated she is on the pastoral waitlist and the only pastoral area on Maui is in Kahikinui. She said there is land in Kahikinui, so why is she still on the waitlist? She wants DHHL to put her on her land before she dies.

ITEM A-16 Kanani Higbee Re: Applicants on the List and Leiali'i 1B

K. Higbee testified that she and her siblings are applicants and have been for 13 years. Her mom has been an applicant since 1986, and her grandpa died as an applicant on the DHHL waitlist. A year ago, she was listening to a discussion about Leiali'i 1B, and she liked what she heard. She heard that currently the plan is to build only 75 homes, instead of the entire project of about 300 lots. She encouraged DHHL to build all of it because it's behind schedule. K. Higbee stated that using Habitat for Humanity to build instead of contractors is more affordable. Regarding the rent-to-own homes, she would like that to happen in Maui, too.

ITEM A-17 Kekoa Enomoto – Pa'upena Community Development Corporation Re: F-5

K. Enomoto provided the Commission with her written testimony. K. Enomoto is the Chairwoman of Pa'upena Community Development Corporation and testified on agenda Item F-5, regarding the right of entry to 127 acres in Waiohuli, Keokea. She asked that the Commission reconsider and approve a 2-year due diligence ROE to Pa'upena of 5,041.1 acres from 2019 to 2021. She stated that she is happy to receive the 127 acres, but it would be more efficient to do the due diligence on all 5,000 acres at the same time.

ITEM A-18 Cornelia Applegate Re: D-3

C. Applegate testified on Item D-3 and asked why beneficiaries need the Commission's approval. Chairman Aila stated because the land has a homestead lease it cannot be used as collateral, so the Department has to provide a guarantee to lenders or they won't issue the mortgage. C. Applegate asked if the Department could make it easier to process a mortgage because it takes two months for anything to get approved.

ITEM A-19 Charmaine Kailipaka Re: Item F-4

C. Kailipaka asked to be deferred.

ITEMS FOR DECISION MAKING

CONSENT AGENDA

HOMESTEAD SERVICES DIVISION

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro presented the following:
Motion to approve the Consent Agenda as listed in the submittal.

DISCUSSION

Chair Aila asked Commissioners if there were any Items from the Consent Agenda that they wanted to move to the Regular Agenda. Chair stated there was a request to remove Item D-11, #2 to the Regular Agenda.

- ITEM D-2** Ratification of Loan Approvals (see exhibit)
- ITEM D-3** Approval of Consent to Mortgage (see exhibit)
- ITEM D-4** Approval of Streamline Refinance of Loans (see exhibit)
- ITEM D-5** Approval to Schedule Loan Delinquency Contested Case Hearings (see exhibit)
- ITEM D-6** Approval of Homestead Application / Cancellations (see exhibit)
- ITEM D-7** Commission Designation of Successors to Application Rights - Public Notice 2018 (see exhibit)
- ITEM D-8** Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- ITEM D-9** Approval of Assignment of Leasehold Interest (see exhibit)
- ITEM D-10** Approval of Amendment of Leasehold Interest (see exhibit)
- ITEM D-12** Commission Designation of Successor-**DARRYL L. LEONG**, Residential Lease No. 9883, Lot No. 13848, Maluohai, Oahu
- ITEM D-13** Commission Designation of Successor-**SHANNELL K.Y. MOKU**, Residential Lease No. 3723, Lot No.5, Waimanalo, Oahu
- ITEM D-14** Commission Designation of Successor-**ELIZABETH I. KAUAI, DECEASED**, Lease No. 10569, Lot No. UNDV272, Waiohuli, Maui
- ITEM D-15** Conditional Approval of Subdivision, Transfer of a Portion of Lease and Amendment **MICHELLE H. AIKAU**, Lease No. 09047, Lot No. 19, Puukapu, Hawaii
- ITEM D-16** Commission Designation of Successor-**RICHARD IUDA KEALOHA KANAHELE**, Lease No. 5380, Lot No. 68, Kekaha, Kauai

MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Teruya, to approve the Consent Agenda without Item D-11. Motion carried unanimously.

REGULAR AGENDA

HOMESTEAD SERVICES DIVISION

- ITEM D-11** Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)

RECOMMENDED MOTION

Motion that a condition for the approval of D-11 #2 includes a payment of \$289.00 for outstanding association fees.

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Ka`apu, to approve the motion as stated. Motion carried unanimously.

LAND MANAGEMENT DIVISION

- ITEM F-3** Approval to Issuance of Right of Entry Permit to Waiohuli Hawaiian Homesteaders Association, Inc., Waiohuli-Keokea, Maui Island, TMK: (2) 2-2-0 28: 181 (por.), (2) 2-2-002:014 (por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:

Motion that the Hawaiian Homes Commission approve the issuance of a right of entry permit to the Waiohuli Hawaiian Homesteaders Association, Inc. in Waiohuli-Keokea, Maui, TMK: (2) 2-2-028: 181 (por.), (2) 2-2-002:014 (por.).

MOTION

Moved by Commissioner Awo, seconded by Commissioner Ka`apu, to approve the motion as stated in the submittal.

DISCUSSION

K. Albinio introduced Perry Artates, President of the Waiohuli Hawaiian Homesteaders Association, Inc. (WHHA), and Bobby Hall.

P. Artates stated that the WHHA has been successful with the support of private and public funds in moving forward with their projects in Waiohuli. A few of those organizations that have funded WHHA include the Department of Hawaiian Home Lands, A&B Properties, Everett Downing Companies, Hawai'i Tug & Barge, Boeing Enterprise, and GIA funds from the Legislature.

P. Artates thanked DHHL Land Management, and Planning Divisions for aiding WHHA with the tools to complete its certified kitchen. Waiohuli has a certified kitchen, an amphitheater, hale and other things for the community. They have been able to generate revenue to award scholarships to their opio.

Commissioner Ka`apu stated that he appreciates the fact that Waiohuli will be reporting to the Department every 6-months, and voiced the request to all three ROE applicants. The idea of giving the ROEs was to impact the waitlist. He said he did not see it on anybody's report. He suggested reaching out to the Kula mauka well-to-do landowners for purposes of the Waiohuli scholarships.

ACTION

Motion carried unanimously.

ITEM F-1 Approval of Annual Renewal of Right of Entry Permits, Maui Island

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:
Motion that the Hawaiian Homes Commission approve the annual renewal of the right of entry permits on Maui Island.

MOTION

Moved by Commissioner Awo, seconded by Commissioner Ka`apu, to approve the motion as stated in the submittal.

DISCUSSION

K. Albinio stated that there were three right of entries on the island of Maui which are covered by the Waiohuli Hawaiian Homesteaders Association, Inc., Keokea Homestead Farm Lot Association, and the Village of Lei Ali`i Association.

ACTION

Motion carried unanimously.

ITEM F-2 Annual Approval of Annual Renewal of Right of Entry Permits, Lana`i Island

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:
Motion that the Hawaiian Homes Commission approve the annual renewal of the right of entry permit on the Lana`i Island.

MOTION

Moved by Commissioner Ka`apu, seconded by Commissioner Awo, to approve the motion as stated in the submittal.

DISCUSSION

K. Albinio stated that there is one right of entry renewal for pastoral use to Alton and Joelle Aoki, who are homesteaders.

ACTION

Motion carried unanimously.

MOTION

Moved by Commissioner Ka`apu, seconded by Commissioner Awo to convene in executive session 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. Motion carried unanimously.

EXECUTIVE SESSION IN

12:44 P.M.

1. Discussion about Kalaeloa Land Disposition to Innergex Renewables USA LLC
2. Discussion on Honoka'ia Water System Settlement Agreement
3. Update on Enforcement Lease Compliance on Hawaiian home lands

EXECUTIVE SESSION OUT

2:35 P.M.

LAND MANAGEMENT DIVISION

ITEM F-4 Approval to Issuance of Right of Entry Permit to Ka Ohana O Kahikinui, Inc., Kahikinui, Maui, TMK: (2) 1-9-001:003 (portion)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the issuance of the right of entry permit to Ka Ohana O Kahikinui Inc., Kahikinui, Maui.

MOTION

Moved by Commissioner Awo, seconded by Commissioner Teruya, to approve the motion as stated in the submittal.

DISCUSSION

B. Feiteira stated that Ka Ohana O Kahikinui (KOOK) has been working to address the needs of their community which led them back to their Master Plan that was adopted by the Commission in 1997. Hale Pili was identified as a place where businesses could be developed and a place for training and educating visitors about the history of Kahikinui. The right of entry permit request is to conduct due diligence activities to determine if an environmental assessment (EA) is necessary. An extensive archaeological inventory survey of Kahikinui has shown that the pohaku used for the foundation of the Church came from a deconstructed heiau that was there. B. Feiteira stated if there is a burial area, it needs to be identified, and the Kahikinui Board needs to change their plan.

ACTION

Motion carried unanimously.

ITEM F-5 Approval to Issuance of Right of Entry Permit to Pa'upena Community Development Inc., Waiohuli-Keokea, Maui Island, TMK: (2) 2-2-034:026(por.) & :028 (por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the issuance of the right of entry permit to Pa'upena community Development Inc., Waiohuli-Keokea, Maui Island, for approximately 127.0 acres of Hawaiian Home Lands for the purpose of conducting due diligence studies including but not limited to project master plan, business plan, and related Chapter 343, HRS compliance requirements and Chapter 6E, HRS compliance requirements.

MOTION

Moved by Commissioner Ka'apu, seconded by Commissioner Awo, to approve the motion as stated in the submittal.

DISCUSSION

K. Enomoto stated that Pa'upena CDC is grateful to have reached this level in the process. She stated that they were willing to accept the decision of the Commission.

ACTION

Motion carried unanimously.

PLANNING OFFICE

ITEM G-1 Amend Maui Island Plan to apply Community Use, Commercial Use, General Agriculture, Industrial, Subsistence Agriculture, and Supplemental Agriculture Land Use Designations to Pulehunui, Maui; TMK (2) 3-8-008:034 (Pulehunui South)

RECOMMENDED MOTION/ACTION

Acting Planning Office Manager Andrew Choy presented the following: Motion that the Hawaiian Homes Commission approve an amendment to the Maui Island Plan 2004, to apply community use, commercial use, general agriculture, industrial, subsistence agriculture, and supplemental agriculture land use designations to Pulehunui, Maui, known as Pulehunui South.

MOTION

Moved by Commissioner Ka`apu, seconded by Commissioner Teruya to approve the motion as stated in the submittal.

DISCUSSION

A. Choy stated the recommended motion only applies to Pulehunui South comprised of 646 acres, and not Pulehunui North, which is the remaining 184 acres. The approval would change the land use designations from general agriculture and industrial, to community use, commercial use, supplemental agriculture, subsistence agriculture, general agriculture and industrial to support the master planning efforts and DHHL's General Plan goals. The proposed land use designations for Pulehunui South:

Land Use Designation	Available for Homestead use	Maui Island Plan 2004 acreage	Proposed Maui Island Plan Amendment acreage
General Ag	No	545	154
Industrial	No	100	31
Supplemental Ag	Yes	0	28
Subsistence Ag	Yes	0	259
Community Use	No	0	80
Commercial Use	No	0	84

Commissioner Ka`apu said he doesn't remember the EIS, but asked if there was one done on the subsistence property. The land was formerly used to grow sugar cane, so there is a concern about residual chemicals. A. Choy stated that the EIS did not state what was for subsistence agriculture. The appropriation from the Legislature was set aside for wastewater.

Commissioner Ka`apu asked if a study will be done to make sure the soil is safe for subsistence agriculture. A. Choy stated that Commissioners Helm and Awo raised the same concern and that the Planning Office would investigate and get back to the Commission with an answer.

ACTION

Motion carried unanimously.

ITEMS FOR INFORMATION/DISCUSSION

REGULAR AGENDA

PLANNING OFFICE

ITEM G-3 For Information Only - Summary of Responses to Proposed Legislative Action Request for 2020 & Draft Legislative Proposals

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION

Hawaiian Home Lands (HHL) Legislative Analyst Lehua Kinilau-Cano stated that 29 proposals were received.

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
Independent legal counsel	Stakeholder	HHC approved a proposal for the 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 a 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 a 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 home lands	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 the ability to waive off the waitlist if accept rental	Stakeholder	Proposed rules allow renters to remain on the waiting list
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 a pilot on res lots
Allow DHHL awardee to live on a 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 three attempts	Stakeholder	Post names to DHHL website, social media & newsletter and seek other channels to publish the 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

L. Kinilau-Cano stated that the proposal being suggested for the Commission's consideration is the Independent Legal Counsel idea. However, given past attempts it will probably not make it into the Governor's Legislative Package.

GENERAL AGENDA

REQUESTS TO ADDRESS THE COMMISSION

ITEM J-2 Donna Sterling- President of Helekunihi Cultural Foundation, Kahikinui

D. Sterling stated that she is a resident of Kahikinui and a lineal descendant to her family's property. She received a 5-year easement with an amendment not to enter outside of her parcel, no hunting access because the mission statement is to engage in reforestation. D. Sterling stated that the Helekunihi Cultural Foundation (HCF) is planning to pave the easement.

ITEM J-1 Blossom Feiteira- Lei Alii and Ka Ohana O Kahikinui

B. Feiteira stated that DHHL's Land Development Division (LDD) would be providing the current inventory of unencumbered lots. The number is 93 for Maui. She thanked the Commission and is looking forward to talking about another million-dollar allocation.

Managing Director of renewable energy for American Electric Power (AEP) Richard Chandler was introduced by B. Feiteira. R. Chandler stated that they are not officially able to advance the right of entry permit for the proposed Kahikinui Wind Farm. HECO (Hawaiian Electric Company) finalized their submittal to the Public Utilities Commission for approval, where they were not able to bolster the grid to be able to accommodate the amount of renewable energy AEP was offering. Therefore, AEP is not able to pursue the proposed wind farm project. He stated that AEP will still seek approval of an ROE to conduct the bat study. The study will help everyone understand the bats and their part of the ecosystem of Kahikinui.

ITEM J-3 Kau'ilani Almeida- Panaewa Hawaiian Home Lands Community Association (PHHLCA)

K. Almeida introduced herself as the President of the PHHLCA. She announced that there will be a general membership meeting to discuss issues concerning their community. She asked for the status of the parcel PHHLCA designated to build the Kamoleau Health and Wellness Center. The license executed in 1995 was for 14 acres, for 30 years. PHHLCA also received a community benefit contribution from the Waiakea Center development. She added that PHHLCA wanted the Kamoleau Center to be built instead of receiving money. However, Lorraine Shin wanted it in the form of money, so \$100,000 was allocated for the community contribution. She didn't understand why the Memorandum of Agreement (MOA) changed.

Chair Aila understood that the two homestead community entities have a dispute over which entity is on the MOA. The Department has a process for distributing the funds, and neither entity was or is fulfilling the process. K. Almeida stated that the first MOA listed 13 recipients. In 2015, the MOA was amended, and she wanted to know why. She also asked who the President of PHHLCA is.

EXECUTIVE SESSION IN

4:50 P.M.

The Commission anticipates convening in an 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.

EXECUTIVE SESSION OUT

5:00 P.M.

Chair Aila addressed K. Almeida that the Commission asked the AG to look into some of the issues she raised. Chair Aila also asked if the Commission could make a copy of her binder to help with the investigation. K. Almeida agreed to allow the Commission to make a copy of her binder. K. Almeida stated that she brought up the MOA 2013 because of the 2015 amended version. She asked if there are legal documents that state that the monies are going to the right association.

ITEM J-4 Princeslehuani Kumaweainakaleomomona-Waitlist

P. Kumaweainakaleomomona reiterated that she has been on the waitlist for 27 years. She planned to attend every meeting to remind Commissioners to put her on her land before she dies. She stated she signed up for Kahikinui in 2004.

WORKSHOP

OFFICE OF THE CHAIRMAN

ITEM C-1 Draft 2019 Annual Performance Report-Native Hawaiian Housing Block Grant

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION

Native American Housing Assistance and Self-determination Act (NAHASDA) Manager Niniau Simmons presented a summary of the Draft 2019 Annual Performance Report for the Native Hawaiian Housing Block Grant. N. Simmons stated that this year NAHASDA did a significant amount of homeowner financing \$4.6 million of NAHASDA funds to families.

She noted that \$5,064,741 was paid back to the NAHASDA account for the Lalamilo Phase I & II on Hawai'i Island and will be used to fund future NAHASDA activities. In 2002, the Department completed a combined federal and state environmental review record and made a request to the US Department of Housing and Urban Development (HUD) for a million dollars of funding for Phase I & II. The available balance for NAHASDA after the encumbered contracts were deducted is \$7,599,393.

The American Indians have put in a request for \$20 million, and DHHL submitted a request for \$15 million.

Commissioner Helm asked how the Commission can assist in lobbying for more money. N. Simmons stated that Congressman Ed Case is on the House Appropriations Committee and Senator Brian Schatz is on the Senate Appropriations Committee. Both have been advocating for additional funding for Native Hawaiians under Title 8. HUD staff from Washington DC will be coming to Honolulu during the second week of September, and they want to meet with DHHL. It would be a good opportunity for the Commission members to meet the HUD staff.

RECESS

5:13 P.M.

HAWAIIAN HOMES COMMISSION
Minutes of August 20, 2019
Lahaina Civic Center, Lahaina, Maui, Hawai'i

PRESENT

William J. Aila Jr., Chairman
Randy K. Awo, Maui Commissioner
Zachary Z. Helm, Moloka'i Commissioner
David B. Ka'apu, West Hawai'i Commissioner
Pauline N. Namu'o, O'ahu Commissioner
Dennis L. Neves, Kauai Commissioner
Patricia A. Teruya, O'ahu Commissioner

EXCUSED

Vacant, East Hawai'i Commissioner
Vacant, O'ahu Commissioner

COUNSEL

Ryan Kanaka'ole, Deputy Attorney General

STAFF

Paula Aila, Contact and Awards Division Manager
Kahana Albinio, Acting Land Management Division Administrator
Dean Oshiro, Acting Homestead Services Division Administrator
Andrew Choy, Acting Planning Office Manager
Stewart Matsunaga, Acting Land Development Division Administrator
Niniau Simmons, NAHASDA Manager
Cedric Duarte, Information and Community Relations Officer
David Hoke, Enforcement Supervisor
Leah Burrows-Nuuanu, Commission Secretary
Julie Cachola, Planner
Akoni Shannon, Enforcement Officer
Michelle Brown, Secretary
Toni Eaton, Maui District Office Supervisor
Jane Gordon, Maui District Office
Michael Lowe, Information Specialist
Jamilia Epping, Information Specialist

ORDER OF BUSINESS

CALL TO ORDER

Chair Aila called the meeting to order at 9:13 a.m.

Seven (7) members were present at roll call. The East Hawai'i and O'ahu seats were vacant.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

ITEM A-1 Blossom Feiteira Re: Item D-1, E-1, E-2 and G-4

B. Feiteira testified regarding Item D-1 that it is imperative for Maui to get contract services on Maui. Regarding Item E-1 & E2, she thanked the Commission on behalf of West Maui. Regarding Item G-4, the Maui County Water & Infrastructure Committee held a hearing on the water license. The vote was approved unanimously.

ITEM A-2 Bo Kahui Re: Villages of La'i 'Opua.

B. Kahui asked the Department to issue letters to the lessees in their association to pay their association fees. He also announced his resignation from La'i 'Opua 2020. He will continue to serve his community in other capacities.

ITEMS FOR INFORMATION/DISCUSSION

REGULAR AGENDA

PLANNING OFFICE

ITEM G-2 For Information Only – Maui Regional Update

RECOMMENDED MOTION/ACTION

Acting Planning Office Manager Andrew Choy introduced Planner Julie Cachola to present the following:

DISCUSSION

J. Cachola offered a presentation of the Maui Island Plan. She stated the Pulehunui Plan was completed and the Final Environmental Impact Statement was submitted and will be sent to the Governor's office for approval. The Honokowai Plan will be updated next.

ITEM G-4 For Information Only- Maui Water Issues Update

RECOMMENDED MOTION/ACTION

Acting Planning Program Manager Andrew Choy introduced Water Resource Management Specialist Halealoha Ayau to present the following:

DISCUSSION

H. Ayau provided an update and overview of water issues and projects of significance for Maui Island. Keokea-Waiohuli is allowed 500 gallons of water per day, per an agreement with the Maui County Department of Water Supply (MCDWS). The total future potable demand is .8197 mgd (million gallons per day). Any future development will require a supplemental water source.

H. Ayau stated water diversion will affect Keokea, Waiohuli, and Pulehunui. DHHL has been pursuing reserving water from the East Maui Irrigation System for a long-term lease. At the HHC May 30, 2019 special meeting, the Commission approved:

1. Accept the beneficiary consultation report as the official record of the beneficiary issues, questions, concerns, and comments regarding the EMI request for a water lease from the DLNR, and DHHL's proposal for water reservation relating to the same.
2. Reauthorize the Chairman to formally request a water reservation from the Commission of Water Resource Management for DHHL lands in Keokea, Waiohuli, and Pulehunui.

Pulehunui has a sustainable yield of 1 mgd of brackish water. DHHL's planned potable demand is 1.734 mgd. Possible water source alternatives for Pulehunui is continued

diversions from the East Maui streams and altering the use from pumping to desalinating the brackish water. DHHL is also looking at other options.

For DHHL land in Waialua, Waiuku, Kealahou, and East Maui, the total domestic water demand is projected to increase to .33 mgd by the year 2020. Potable water needs are served by the MCDWS.

For Kahikinui, future water needs are primarily for pastoral use. The long-term potable water demand is .063 mgd; non-potable demand is .0135 mgd. The ambient waterfall is insufficient to support water catchment. DHHL awarded a grant to Ka Ohana O Kahikinui to plan, design and construct a pilot fog drip catchment system to provide water to the community. A boundary dispute has slowed the process down.

For Paukukalo and Waiehu, MCDWS supplies those areas. Future potable water demands for these tracts are .0238 mgd. Maui faces significant water issues that must be addressed.

Commissioner Awo asked about potential water sources for Pulehunui. DHHL Water Consultant Jonathan Scheuer stated that A&B and the East Maui Irrigation Co. (EMI) is seeking a long-term water license from the State of Hawai'i for extracting water from State lands in East Maui to divert it to Central Maui. One of the conditions in HRS 171-58, states that before a water lease is issued, the State must reserve water sufficient for DHHL's future needs from that water source. J. Scheuer stated that a request will be made for 11 million gallons a day of water from the EMI System to the Water Commission.

HOMESTEAD SERVICES DIVISION

ITEM 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

RECOMMENDED MOTION/ACTION

None. For information only. Acting Homestead Services Division Administrator Dean Oshiro asked if Commissioners had any questions about the submittal. There were none.

LAND DEVELOPMENT DIVISION

ITEM E-1 For Information Only- West and Central Maui Project Updates

RECOMMENDED MOTION/ACTION

None. For information only. Acting Land Development Division Administrator Stewart Matsunaga presented the following:

DISCUSSION

S. Matsunaga stated that the Land Development Division (LDD) is in the process of conducting an environmental assessment for Lei Ali'i 1B, the highway improvements, and designing the first 75 lots. The development of the 75 lots is limited by funding. The first development will be in the lower portion followed by additional increments in the upper section.

Regarding the community's concern about the Lei Ali'i Parkway, there will be a discussion with Hawai'i Housing Finance & Development Corporation (HHFDC) to determine the status of the dedication of the Parkway to the County.

The Master Plan calls for the development of a well site that will transmit water through Hawaiian Home Lands crossing the Honokowai Gulch and tying back into the County's water transmission line. There is a joint effort with the County to do the construction.

The Maui County Council Water Committee and DHHL discussed the issuing of licenses for easements, for facilities sitting on Hawaiian Home Lands for 20 plus years without a disposition. In exchange for the licenses, the County has agreed to provide 200,000 gallons of water per day from the available capacity, which equates to 333 lots. The development of Lei Ali'i 1B can start without having to wait for the DHHL well coming online.

S. Matsunaga commended former Planning Manager Kaleo Manuel for brokering the deal. The funding of \$10 million for this system is being funded by the State – HHFDC to DHHL. LDD is proceeding with the acquisition of the Puunani Homestead which will provide 161 new homestead lots in Central Maui.

ITEM E-2 For Information Only-Maui County Unencumbered Lot Inventory

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION

S. Matsunaga stated that the purpose of the submittal is to identify lots that can be quickly made available if they are unencumbered. The lots are recorded but turned back to the inventory. For the island of Maui there are 141 unencumbered lots.

Maui Homestead Lot Inventory			
Subdivision	Type	Leases	Unencumbered
Keokea	A	65	4
Kahikinui	P	75	26
Waiohuli UNDV	R	272	
Waiohuli (Kula)	R	310	9
Hikina	R	33	4
Keokea Waiohuli Residential @	R	9	94
Waiehu	R	39	0
Waiehu 2	R	109	0
Waiehu 3	R	114	1
Waiehu 4	R	97	1
Paukukalo Unit 1	R	51	1
Paukukalo Unit 2	R	38	0
Paukukalo Unit 3, Phase 1	R	48	0
Paukukalo Unit 3, Phase 2	R	10	1
Paukukalo Unit 3, Phase 3	R	33	0
Leialii	R	104	0
MAUI TOTAL		1407	141

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING

The next Commission meeting is scheduled for September 16 & 17, 2019, in Lihu'e, Kaua'i.

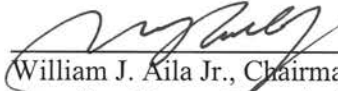
MOTION/ACTION

Moved by Commissioner Ka'apu, seconded by Commissioner Helm, to adjourn the meeting.
Motion carried unanimously

ADJOURNMENT

12:15 P.M.

Respectfully submitted:



William J. Aila Jr., Chairman
Hawaiian Homes Commission

Prepared by:




Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

APPROVED BY:

The Hawaiian Homes Commission at its regular monthly meeting on:

November 19, 2019



William J. Aila Jr., Chairman