

HAWAIIAN HOMES COMMISSION
Minutes of September 24, 2018
Meeting held at the Grand Naniloa Hotel, Hilo, Hawai;i

Pursuant to proper call, the 703rd Regular Meeting of the Hawaiian Homes Commission was held at the Grand Naniloa Hotel, 93 Banyan Drive, Hilo, Hawai`i 96720, beginning at 9:30 a.m.

PRESENT Jobie M. K. Masagatani, Chairman
Zachary Z. Helm, Moloka'i Commissioner
Wallace A. Ishibashi, East Hawai'i Commissioner
David B. Ka'apu, West Hawai'i Commissioner
Michael P. Kahikina, O'ahu Commissioner
Pauline N. Namu'o, O'ahu Commissioner

EXCUSED Randy K. Awo, Maui Commissioner
Wren Wescoatt, O'ahu Commissioner
Vacant, Kaua'i Commissioner

COUNSEL Craig Iha, Deputy Attorney General

STAFF William Aila Jr., Deputy to the Chairman
Paula Aila, Contact and Awards Division Manager
Kahana Albinio, Acting Land Management Division Administrator
Dean Oshiro, Acting Homestead Services Division Administrator
Niniau Simmons, NAHASDA Manager
Stewart Matsunaga, Acting Land Development Division Administrator
Kaleo Manuel, Acting Planning Program Manager
Andrew Choy, Planner
Leah Burrows-Nuuanu, Secretary to the Commission
Cedric Duarte, ICRO Manager
Debra Aliviado, Customer Service Manager
Kualii Camara, Land Agent
Nancy McPherson, Planner
Mark Yim, Land Agent

ORDER OF BUSINESS

CALL TO ORDER

Chair Masagatani called the meeting to order at 9:30 a.m.
Six (6) members were present at roll call. Commissioners Awo and Wescoatt were excused. The Kaua'i Commission seat was vacant.

APPROVAL OF AGENDA

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Kahikina, to approve the agenda.
Motion carried unanimously.

APPROVAL OF MINUTES

Chair Masagatani noted approval of the minutes for March 2018 and February 2015 would be deferred to the Tuesday agenda.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

ITEM A-1 Scott Spencer – Testifying on F-3 and F-1, Access to the Mountain.

S. Spencer asked questions regarding the No Trespassing, No Hunting, No Camping, No Weapons and No Hunting signs on the mountain. He asked if that was because of him.

ITEM A-2 TJ Forsythe – Testifying on F-3 and F-1.

TJ Forsythe expressed his reasons for ROE to practice his spiritual, cultural and hunting rights.

ITEM A-3 Florence K.P. Namau‘u – Testifying on D-7 regarding successorship.

F. Namau‘u testified as the successor to her sister’s lease in Keaukaha. The paperwork was done prior to her sisters’ demise. She was told the death certificate and ID was needed and she would receive a letter, which she provided, and papers were forwarded to the Honolulu office. She contacted the Honolulu office and was told no paperwork with her sister’s name can be found.

ITEM A-4 Charmaine Bugado – Testifying on Panaewa Hawaiian Homelands Association.

C. Bugado expressed that there is one law that says you can get the land, International law, Kingdom of Hawai‘i, and another law that says you have to wait on a list, DHHL. She asked that this be agendized and not ignored.

ITEM A-5 Sue Lee Loy – Testifying on C-2.

S. Lee Loy stated the events in Puna prompted the County to create the Housing Task Force to accelerate the immediate needs. The HTF looked into building codes and zoning laws and identified ADUs or Additional Dwelling Units. The request is that DHHL interface with Planning and Public Works Departments. The building industry has stepped up and filled the gap in creating pre-approved packaged homes that fit into the ADUs. The homes are fixed at 600, 800 and 1000 sq. ft. which are pre-approved by the departments. The hope is that this pre-approved package with the ADU will be secured in 48 hours. The obstacle is with the Department of Health and how the ADU is connected to the waste water system, waste water or sewer systems. Some of the ADUs don’t have bathrooms and kitchens, not a problem for water, however, the ones with, water and sewer issues. Section 8 vouchers will be available for those eligible and for kupuna. It’s hard at the County level to close the gap and we want to invite DHHL to the table.

ITEM A-6 Kalaniaka Wilson – Testifying on the Hawaiian Kingdom Laws

K. Wilson demanded that HHL cease and desist. He believes the Hawaiian Kingdom laws exist and quoted from the Hague and Geneva Conventions. He believes that the United States has occupied the Hawaiian Islands illegally since 1983.

ITEM A-7 Bo Kahui – Testifying on C-2, G-3, H-1, D-3 and D-10

B. Kahui testified for C-2, swap DLNR lands for DHHL lands, easy legislation. H-1 transfer of receipts; consider transferring some of that to the Associations. D-3 Kapaku, Virginia – Association approves consent to the mortgage. D-10 had a request from a beneficiary to get a photovoltaic on her roof.

ITEM A-8 Patrick Kahawaiolaa – Is DHHL really working for the Native Hawaiians

P. Kahawaiolaa questioned if the Department of Hawaiian Home Lands is really working for the best of the native Hawaiians. He stated, look deep at the legacy of the Panaewa lawsuits. He also stated, look at the time HHL said no sleep overs in the gym. He talked about the tidal wave of 1960 that devastated Hilo and all the businesses were located, HHL; they were give a 40-year extension on top of the existing lease. Non-native Hawaiians. He stated the HHL has the inherent power for land use, the County cannot rezone HHL's lands.

ITEM A-9 Sergio Mamone - Testifying on dropping the no sleep over rule

S. Mamone testified to have the "no sleep over" rule to be dropped at the Keaukaha Gym so the kids he works with can have the use of the gyms when they have games or events. The Merry Monarch is an event when many people ask to use the gyms for sleep overs because the gyms have showers and bathroom facilities.

ITEM A-10 Mauwe Segawa – Testifying on cleanup of the vacant lot next to hers

M. Segawa stated that the vacant lot next to hers is overgrown and the trees over-hand her home. She fears that lightning may set the trees on fire and her home caught up in that fire and be burnt-down. She is asking the DHHL to clean up the vacant lot as she has already brought it to the attention of a few people in the Department and nothing has been done to date.

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 Masagatani asked Commissioners if there were any Items from the Consent Agenda that they wanted to move to the Regular Agenda.

- 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** Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- ITEM D-8** Approval of Assignment to Leasehold Interest (see exhibit)
- ITEM D-9** Approval of Amendment of Leasehold Interest (see exhibit)
- ITEM D-10** Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- ITEM D-11** Commission Designation of Successor – **RICHARD H.E. PELFREY**, Residential Lease No. 2688z, Lot No. 66, Kuhio Village, Kamuela, Hawai'i

MOTION/ACTION

Moved by Commissioner Ishibashi, seconded by Commissioner Ka`apu, to approve the motions as stated in the submittals. Motion carried unanimously.

ITEMS FOR INFORMATION

OFFICE OF THE CHAIRMAN

- ITEM C-2 Acceptance of Beneficiary Consultation Report on Department of Hawaiian Home Lands Proposed Amendments to Title 10, Hawaii Administrative Rules for DCCRs; Multi-Family, Rentals, and Kupuna Housing; and Supplemental Dwelling Units**

RECOMMENDED MOTION/ACTION

None. For information only.

Administrative Rules Officer Hokulei Lindsey presented the following:

DISCUSSION

From April 30 to July 30, the Department held statewide homestead community beneficiary consultations, two of which was held on Maui, on the topics of multi-family rentals, kupuna housing and supplemental dwelling units for the HARs DCCRs for each topic, three questions were posed to the beneficiaries. H. Lindsey stated there is a need for enforcement and assistance for the enforcement.

H. Lindsey stated the HHC Act says a lessee can rent a portion of their home or a separate unit, however, the renter must be 50% Hawaiian. Each County has different requirements and homesteaders have commented on the difficulties with the Counties. Enforcing the issue of the Department knowing whether the renter is 50% or not, is a problem that needs to be worked out.

The plan is to present the recommendations to the Commission next month and then move into Chapter 91 which will need the Governor's signature, and public hearing. Hokulei stated, the goal is early summer of next year.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

- ITEM C-1 Acceptance of Beneficiary Consultation Report on Department of Hawaiian Home Lands Proposed Amendments to Title 10, Hawaii Administrative Rules for DCCRs; Multi-Family, Rentals, and Kupuna Housing; and Supplemental Dwelling Units**

RECOMMENDED MOTION/ACTION

The Commission has received and accept the Beneficiary Consultation Report, it is not a statement of agreement or disagreement, just an acknowledgment that the work is being done.

MOTION

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

ACTION

Motion carried unanimously.

ITEMS FOR INFORMATION

WORKSHOPS

LAND MANAGEMENT DIVISION

ITEM F-3 'Āina Mauna Legacy Program Updates

RECOMMENDED MOTION

None. For information only.

Planner Andrew Choy and Land Agent Kualii Camara presented the following:

DISCUSSION

K. Camara provided an update on the Āina Mauna Legacy Program and distributed handouts for the PowerPoint. Goats are being used to graze on a test plot of 6-acres; the idea is to help reduce the use of herbicides/poisons. In reforestation, the koa has good potential. The Hawaiian Reforestation Program has planted almost 3000 sandalwood and 5000 total native plants; all free of charge. There is hope to continue a mutual ROE partnership with DLNR/DOFA, who has constructed 21-miles of fencing.

A. Choy talked about the Hoa Aina Initiative which is the lands across the state that is within Hawaiian Home Lands inventory that beneficiaries would like to malama. The draft application is being worked on with the UH C-Grant Program extension agent, P. Andrade. She collected mana`o from groups on the land that are doing malama aina with the focus was on the following five values: honoring place, honoring heritage, supporting a group effort and not an individual effort, strengthening relationships between multiple generations for the transmission of knowledge between generations and to respect and care for those that have the knowledge of how to take care of the place, so we properly treat them well.

K. Camara stated a visual survey was done on 50,600 acres, thus knowing the whereabouts of cattle, sheep and pigs. The survey has not been made public, but has been provided to the Commission. With the new feral cattle removal license the program should be more successful than just the current license, now moreso with the ungulate data taken from the survey. K. Camara believes, with the new license, ungulate removal will be successful in 3 to 5 years.

A. Choy stated they wanted to reconvene the advisory group, present the draft to the group and get their mana`o, tweak it, improve it and with their advice, take it to the larger beneficiary community.

MOTION/ACTION

Chair Masagatani noted the Commission will convene in an executive session. Moved by Commissioner Awo, seconded by Commissioner Kahikina, 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

1:00 p.m.

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. Review of something legal

EXECUTIVE SESSION OUT

2:10 p.m.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

PLANNING OFFICE

ITEM G-1 **Declare a Finding of No Significant Impact for the Panaewa Hawaiian Home Lands Community Association & Panaewa Community Alliance Project Kamoleao Master Plan Final Environmental Assessment, TMK (3) 2-2-047:075, Panaewa, Hilo, Hawaii Island**

RECOMMENDED MOTION/ACTION

Acting Planning Program Manager K. Manuel and Planner Andrew Choy presented the following: Motion that the Commission issue and Declare a Finding of No Significant Impact Declaration based on the Final Environmental Assessment for the Panaewa Hawaiian Home Lands Association & Panaewa Community Alliance Project Kamoleao Master Plan.

MOTION

Moved by Commissioner Ishibashi, seconded by Commissioner Helm, to approve the motion as stated in the submittal.

DISCUSSION

A. Choy stated Project Kamoleao was identified in the 2017 Panaewa Regional Plan as a priority project. He covered the Overview of the EA process and findings, the revisions made to the FEA, the 13 criteria of significance that State agencies are supposed to consider when declaring a FONSI, and the next steps. The Community Associations hold a 30-year license to the site, for the Island Plan, the site is designated for community use. The materials provided to the Commission are the culmination of the presented effort. Comments are included in the EA. Language in the EA is in alignment with the State Functional Plans. Consultants were hired to validate the findings. The next steps are hoping that the Commission agrees with the FONSI, if agreed on, the FEA will be published at the OEQC, then there's a 30-day challenge period for anyone who feels whether or not it will cause a significant impact, when the 30-day period expires, then the EA is considered complete.

ACTION

Motion carried unanimously.

LAND MANAGEMENT DIVISION

ITEM F-2 **Status and Approval to Disburse Fund Balance in accordance with the Memorandum of Agreement (“MOA”) between DHHL and the East Hawaii Island Hawaiian Homes Community Associations, pursuant to the Community Benefit Contribution as provided by and through General Lease No. 245, Hilo Power Partners, LLC (Waiakea Shopping Mall).**

RECOMMENDED MOTION/ACTION

Acting Administrator Land Management Division K. Albinio presented the following: Motion that the HHC grant its approval to respectively allocate a total fund disbursement of \$287,000, in accordance with the subject MOA. The respective funds will make the MOA recipients “Co” for the 7-year period covering FY 2013 thru FY 2019.

MOTION

Moved by Commissioner Kahikina, seconded by Commissioner Helm to approve the motion as stated in the submittal.

DISCUSSION

K. Albinio stated, since the inception of the MOA in 2013, DHHL has allocated up to \$413,000; it should have been \$700,00, but some of the other Associations did not send in their corporate reports, and so, they weren't allocated the funds. Gigi continuously meets with the Associations to update and answer their questions with regards to compliance. Once each Association can provide the budget reports to be in compliance with HCE, then they will receive their full balance due from 2013. The report is what they use the monies for, what they plan to use the monies for to be in compliance with the HCE.

ACTION

Motion carried unanimously.

PLANNING OFFICE

ITEM G-2 Acceptance of Beneficiary Consultation Report for DHHL Intergovernmental Agreement with County of Maui Department of Water Supply Related to Mahinahina Treatment Plant, TMK (2) 4-4-002:018 (por.), Honokowai, Maui.

RECOMMENDED MOTION/ACTION

Acting Planning Office Manager K. Manuel and Planner Brian Esmeralda presented the following: Motion that the HHL Commission accept the Beneficiary Consultation Report as the official record of beneficiary issues, questions, concerns and comments regarding a proposed Intergovernmental Agreement with the County of Maui, Department of Water Supply for the continued operation of the existing Mahinahina Surface Water Treatment Plant of access, utility and grading easements and other planned water system improvements on the subject parcel at Honokowai, Lahaina, Maui.

MOTION

Moved by Commissioner Ishibashi, seconded by Commissioner Kahikina, to approve the motion as stated in the submittal.

DISCUSSION

B. Esmeralda stated the Maui Planning Office acquired the Honokowai parcel from DLNR in 1995. The Mahinahina Surface Water Treatment Plant (MSWTP) was constructed via a ROE given by DLNR and has been operating since this time. When DHHL acquired the property, no disposition was given to the County for operation of the MSWTP. Last year, the DWS approached DHHL and requested a license for the operation of the MSWTP in exchange for a cash payment equivalent to the appraised value of the lands on which the plant sits. The Commission requested a meet with DWS towards an agreement where DWS would provide the water allocation to DHHL in exchange for the license for the plant. The past year, DWS determined that an allocation of 200,000 gallons per day was within the existing capacity of the plant and could be provided to DHHL as part of the proposed agreement. In exchange for the allocation, DHHL is requesting a perpetual license for the uses listed: 11.6 acres for the existing plant, 2.3 acres for an expansion area for the plant, a 1.2 acres site for a proposed 500 gallon control tank which will accept water from DWS's well, as well as DHHL's Honokowai well when it comes online, a 0.5 acre easement (grading and draining easement for the control tank site, 5.5 acres access and utility easement and a 1.4 acre tank site for a future 2-million gallon tank.

ACTION

Motion carried unanimously.

ITEMS FOR INFORMATION

GENERAL AGENDA

REQUEST TO ADDRESS THE COMMISSION

ITEM J-3 William Brown - Project Kamoleao

W. Brown thanked the Commission for the EA.

ITEM J-1 Pat Kahawaiolaa – Keaukaha Community Association

P. Kahawaiolaa requested a limited ROE/a license to access the area remove the building to someplace on DHHL land in close proximity to the Sheep Station.

ITEM J-6 Rodney Bivens – Transfer of Ethel Andrade’s property

R. Biven stated that he is not paying any money for this lease from Ethel Andrade.

Chair Masagatani explained the rules that became effective in 2017; transfer of vacant leases, as well as undivided interest leases for compensation, is not allowed anymore. For consistency and compliance with Administrative Rules, the Department needs to make sure that the transfer is occurring in alignment with the Rules. The investigation is not complete.

ITEM J-7 Louisa Lee on behalf of Olani Lily - Ka`Umeke Kaeo

L. Lee’s request is for a site for their Charter School and they are looking for options outside of the tsunami inundation zone.

Chair stated, regarding the DHHL parcel of interest, it’s an assignment of lease; the use there is commercial and industrial which is about income production. The use you are talking about is more of a community use.

ITEM J-8 Kepa Kaolulo – Aina Mauna Legacy

K. Kaolulo requested access to the mauna. He introduced Liliu Ross who testified about as an agriculture lessee in Waimea. Stating that allegiance to Hawai`i means you are 100% Hawaiian. Maxine Kahauleleo testified about the military bombing Pohakuloa right down the road from the Mauna while the keiki wait to have access the Mauna.

ITEM J-9 Hercules Freitas – Kurtistown Lessee

H. Freitas requested authorization to remove obstructions to his DHHL residential lease property.

Chair Masagatani deferred all other items to the Tuesday agenda.

RECESSED

5:20 p.m.

HAWAIIAN HOMES COMMISSION
Minutes of September 25, 2018
Meeting held at the Grand Naniloa Hotel, Hilo, Hawai'i

PRESENT Jobie M. K. Masagatani, Chairman
Zachary Z. Helm, Commissioner, Moloka'i
Wallace A. Ishibashi, Commissioner, East Hawai'i
David B. Ka'apu, Commissioner, West Hawai'i
Michael P. Kahikina, Commissioner, O'ahu
Pauline N. Namu'o, Commissioner, O'ahu

EXCUSED Randy K. Awo, Commissioner, Maui
Wren Wescoatt, Commissioner, O'ahu
Kaua'i Seat, Vacant

COUNSEL Craig Iha, Deputy Attorney General

STAFF William Aila Jr., Deputy to the Chairman, Office of the Chair
Paula Aila, ICRO Manager
Kahana Albinio, Acting Land Management Division Administrator
Dean Oshiro, Acting Administrator, Homestead Services Division
Kaleo Manuel, Acting Manager, Planning Office
Norman Sakamoto, Acting Land Development Division Administrator
Leah Burrows-Nuuanu Secretary to the Commission
James Du Pont, West Hawai'i District Office Supervisor
Halealoha Ayau, Water Specialist
Debra Aliviado, Customer Service Manager
Allen Yanos, Property Development Agent
Gigi Cairel, Grant Specialist
Susie Richey, Secretary

ORDER OF BUSINESS

ROLL CALL

Chair Masagatani called the meeting to order at 9:40 a.m.

Six (6) members were present at roll call. Commissioners Awo and Wescoatt were excused. The Kaua'i Commission seat is vacant.

ITEMS FOR INFORMATION/DISCUSSION

GENERAL AGENDA

REQUESTS TO ADDRESS THE COMMISSION

ITEM J-2 Paula and Lauae Kekahuna – Maku'u Farmers Association

P. Kekahun stated the lessees of lots 26 & 27 are deceased, and there are drug users squatting on the homesteads, none of which are family to the deceased, and are a nuisance to the community. The request is for a letter to the County stating the police have the ability and authority to enforce the law on homestead lands.

ITEM J-4/J-5 Dora Aio-Leamons / Bo Kahui – Villages of La`i`Opua

D. Aio-Leamons requested a DHHL office in Kona to help with the requests from the community. A payment plan has been worked out, thanks to the help of Mr. Dvonch, to help with the outstanding debts, and gave the people an option to pay instead of going through a contested case hearing. Delinquency is down by \$7000. B. Kahui did a PowerPoint presentation with an update of La`i`Opua and the plans for La`i`Opua 2020.

ITEM J-9 Donna Galdeira – Testifying on Hercules Freitas

D. Galdeira stated she lives behind H. Freitas and says there is an easement that could be shared. The easement was being used by her family 15 years to get in and out of their property before H. Freitas got there. When he came, he put a fence across the easement and barricaded the Galdeira family inside. D. Galdeira is requesting to be able to get in and out of her property and to get back a 15-acre pastoral lot that used to be hers.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

ADMINISTRATIVE SERVICES

ITEM H-1 Transfer of Hawaiian Home Receipts Fund Money at the End of the First Quarter, FY 2019

RECOMMENDED MOTION/ACTION

Administrative Services Officer, R. Lau presented the following:
Transfer of the Hawaiian Homes Receipts Fund as of September 30, 2018 to the Hawaiian Homes General Loan Fund.

MOTION

Moved by Commissioner Kahikina, seconded by Commissioner Helm, to approve the motion as stated in the submittal.

DISCUSSION

R. Lau reported the total is \$630,000 which is lower compared to what the Department normally receives, about a million dollars a quarter. It's because of the processing of the cash from the district offices and part of it is B&F is short of cashiers.

ACTION

Motion carried unanimously.

ITEMS FOR INFORMATION

WORKSHOPS

ADMINISTRATIVE SERVICES OFFICE

ITEM H-2 DHHL Biennium Budget Requests for Fiscal Biennium 2019-2021 (Sufficient Sums Budget (relative to H-s))

RECOMMENDATION

None. For information only.

Administrative Services Officer R. Lau presented the following:

DISCUSSION

The Sufficient Sums Budget for the Fiscal Biennium period FY2019-2021, a two-year period, FY2020 and FY2021. R. Lau requested that when the Commission approves the budget that the Operating and CIP budget request would be transmitted to the Governor to be included in his Executive Budget and that, separately, the Commission approves that the Sufficient Sums request would be submitted to the Legislature, so they know that this is what the Department wants. The 3rd motion is to authorize the Chairman to adjust Operating and CIP budget request for technical type adjustments. Article 12 Section 1 states that the Legislature shall sufficiently fund the Department for 4 purposes; development of lots, loans, rehabilitation projects, and administrative and operating costs. Articles 1-3 must be discussed with the Legislature because it falls under the political doctrine. The administrative and operating costs can be judicially determined and DHHL has been in the courts since October 2007.

On February 9, 2018, the Supreme Court ruled that the Circuit Court exceeded its mandate when they determined the sufficient sums amount needed for DHHLs administrative and operating expenses. The interpretation for baseline computation was different for the Court, the Legislature and DHHL. DHHL 's formulated budget is based according to the needs of DHHL in two parts; administrative and operating, and cost alignment. The request for FY2020 is 45.7 million and the request for FY2021 is 45.7 million. Castagnetti determined that 260 positions are considered sufficient sums. DHHL kept those position counts intact, and the personnel costs was based on base salaries, 14.6 million.

DHHL is requesting that the fringe benefits cost be provided through B&F through a separate appropriation. STF is included in GF totaling 17.5 million annually for OCE. A lump sum request for general obligation bonds is 10 million dollars annually for projects that are beyond repair and maintenance. The total amount for purposes 1-3 is 214 million for FY2020 and 224 million in 2021. Grants and Aids types of costs that the Associations ask for will be transmitted to the Governor and the Legislature, so they have an idea of what the needs are for the beneficiaries. A NAHASDA fund request for FY2020 and FY 2021 is also being submitted for 2 million dollars annually.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

ADMINISTRATIVE SERVICES

ITEM H-2 DHHL Biennium Budget Requests for Fiscal Biennium 2019-2021 (Sufficient Sums Budget (relative to H-2))

RECOMMENDED MOTION/ACTION

Administrative Services Officer R. Lau presented the following:
Motion to approve the Fiscal Biennium period 2019-2021 Operating and Capital Improvement Program Budget request, Sufficient Sums Budget presented to the Governor for consideration in Administrations Executive Budget request to the 2019 Legislature. 2. That the Commission approve the Fiscal Biennium 2019-2021 Operating and Capital Improvement Program 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 Administrations Executive Budget.

MOTION

Moved by Commissioner Kahikina, seconded by Commissioner Helm, to approve the motion as stated in the submittal.

DISCUSSION

Chair Masagatani acknowledged R. Lau and S. Mendoza for their hard work on the budget.

ACTION

Motion carried unanimously.

ITEMS FOR INFORMATION

REQUESTS TO ADDRESS THE COMMISSION

ITEM F-1 Darrell Kaluau Re: F-1 Renewal of Right of Entry

D. Kaluau testified that he is a cattle rancher and owns a water meter but has no water. He halls his water in for his cattle.

PLANNING OFFICE

ITEM G-3 For information only – Draft Environmental Assessment for the DHHL Honouliuli Subsistence Agricultural Homestead Community, Honouliuli, District of South Hilo, Hawai'i Island and Anticipated Finding of No Significant Impact (AFONSI) TMKs (3)2-8-011-009, 011, 019, and 999

RECOMMENDED MOTION/ACTION

Acting Planning Program Manager K. Manuel and Planner Julia Cachola presented the following:

DISCUSSION

J. Cachola presented a PowerPoint and briefed the Commission on the submittal. Stuart is the Engineer and updated the Commission on where they are with the drainage, the land, and the roadway. J. Cachola stated that the project is not going to pose a significant impact to the environment. The DEA has not been published yet, but on October 8, 2018, the DEA will be out in the OEQC environmental bulletin, then the public will have a chance to voice their comments. There is a 30-day comment period then a meeting will be held for the beneficiaries and community on October 25 to go over the EA with them.

ITEM G-4 For Information Only - East Hawai'i Regional Update to the Hawaiian Homes Commission

RECOMMENDED MOTION/ACTION

Acting Planning Program Manager K. Manuel and Planner Andrew Choy presented the following:

DISCUSSION

The East Hawai'i Regional Update included a PowerPoint stating that the Department is guided by a planning system; tier 1- the General Plan; tier 2- the Island Plan and the Strategic Programs Plan; tier 3- Regional Plan and; tier 4- the Development Plan. Majority lands in East Hawai'i are designated pastoral use, then for agricultural use. Revenues from the East Hawai'i lands make up the majority of Trust Revenues. East Hawai'i has five Regional Plans and Andrew briefed the Commission on the five plans which are in the submittals.

ITEM G-5 East Hawai'i Water Issues and Projects

RECOMMENDED MOTION/ACTION

Acting Planning Program Manager, K. Manuel presented the following:

DISCUSSION

CWRM unanimously approved State-wide water reservations for all of DHHLs potable water needs outside of ground water management areas. The staff at CWRM have a fiduciary obligation to make sure that the water permits are issued, and it does not directly impact DHHLs rights. K. Manuel stated, ways to get water to the Ka`u pastoral and ag lots are being investigated. The recommendation now to meet the needs of the current pastoral lot lessees is to build a 100,000 gallon tank as the pipe enters DHHL lands, upgrade the transit pipe as it runs through DHHL property down to the South Point tank. All of this should be able to be done with the 1.5 million. Putting in a request for an additional 5 million to increase and add on to the rest of the system, all of which will be done in phases. Update, all of the revocable permits, month-to-month water licenses were renewed annually for over 20/30 years. In HB1501, it will allow the renewals for 3-years which ends in June 2019. The Legislature wants the month-to-month to convert into long term license which takes a long process. This process has a condition that before giving out water licenses, water must be reserved for DHHL. HELCO operates two hydroelectric facilities and has requested to convert their month-to-month into a license. DHHL is looking to request and reserve 1.74 million gallons of non-potable water from the CWRM. There are fourteen conversions that will be happening.

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-3 2018 Draft Native American Housing Assistance and Self Determination Act (NAHASDA) Annual Performance Report

RECOMMENDED MOTION/ACTION

NAHASDA Manager Niniau Simmons presented the following:

DISCUSSION

P. Kahawailoaa, President of the Keaukaha Community Association stated Keaukaha was identified as one of the two recipients of the NAHASDA funding. The funding is in regards to building homes on vacant lots for families in the medium income base. The contractors identified were Hawai`i Planning Mill and Honsador who offered packaged homes. However, it took a long time to build the homes. He believes that the NAHASDA program lacked in how to help the people. Hawai`i Community College quickly built a brand-new custom house which cost less than the \$250,000 loan from NAHASDA. The NAHASDA house had 2 bedrooms and the custom house by HCC had 3 bedrooms, 2 baths and a nice garage. He will be reviewing the NAHASDA Annual Report and has requested to respond to the report before action is taken at the next meeting.

HOMESTEAD SERVICES DIVISION

ITEM D-1 HSD Status Reports

- A - Homestead Lease and Application Totals and Monthly Activity Reports
- B - Delinquency Report

ITEM D-2 For Information Only – Status Report for Streamline Refinanced Loans That Were Previously Delinquent.

RECOMMENDED MOTION/ACTION

None. For information only.

Acting Homestead Services Division Administrator Dean Oshiro updated the Commissioners on the Streamline Refinanced Loans that were previously delinquent. He provided the Commission with a handout of the report.

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING

The next regular meeting will be held at Paukukalo, Maui, Hawai'i, October 15 & 16, 2018.

MOTION/ACTION

Moved by Commissioner Ka`apu, seconded by Commissioner Ishibashi, to adjourn the meeting.
Motion carried unanimously.

ADJOURNMENT

12:15 p.m.

Respectfully submitted:

Jobie M. K. Masagatani, 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:

Jobie M.K. Masagatani, Chairman
Hawaiian Homes Commission