

HAWAIIAN HOMES COMMISSION

Minutes of July 9, 2019

Hale Pono‘i, Kapolei Parkway, Kapolei, O‘ahu, Hawaii

Pursuant to proper call, the Meeting of the Hawaiian Homes Commission was held at the Hale Pono‘i, 91-5420 Kapolei Parkway, Kapolei, O‘ahu, Hawai‘i, beginning at 12:48 p.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
Dennis L. Neves, Kaua‘i Commissioner
Patricia L. Teruya, O‘ahu Commissioner

EXCUSED Pauline N. Namu‘o, O‘ahu Commissioner
Vacant, O‘ahu Commissioner
Vacant, East Hawai‘i Commissioner

COUNSEL Ryan Kanaka‘ole, Deputy Attorney General

STAFF 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
Leah Burrows-Nu‘uanu, Secretary to the Commission
Cedric Duarte, ICRO Information Officer
Allen Yanos, Property Development Agent

ORDER OF BUSINESS

CALL TO ORDER

Chair Aila called the meeting to order at 12:48 p.m.

Six (6) members were present at roll call. The O‘ahu and East Hawai‘i seats were vacant.

APPROVAL OF AGENDA

MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Ka‘apu, to approve the agenda.

Motion carried unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

ITEM A-1 DeMont Conner

D. Conner testified about getting the best use of the 149-acres of homelands. They heard testimony from a native Hawaiian company which rents 1 acre from a private company for \$200,000. They (Innergex) are non-native Hawaiians, and native Hawaiians are supposed to have the priority.

ITEM A-2 Iwalani McBrayer

I. McBrayer stated from the testimony of the Association’s President that she read earlier, more details need to be discussed with the beneficiaries. The main purpose of the Hawaiian Homes Commission Act is to serve the native Hawaiians.

MOTION

Moved by Commissioner Ka’apu, seconded by Commissioner Neves to convene in an 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 on these matters.

EXECUTIVE SESSION IN 12:52 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.

1. Kalaeloa Renewable Energy Project

EXECUTIVE SESSION OUT 2:14 p.m.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

LAND MANAGEMENT DIVISION

- ITEM F-1 Approval to Issue a Right-of-Entry Permit and Conditional Approval for a General Lease to Innergex Renewables USA LLC and Delegate to the HHC Chairman the Authority to Negotiate the Final Terms and Conditions of the Lease at Kalaeloa, Oahu, Tax Map Key No. (1) 9-1-013:038 & 040.**

RECOMMENDED MOTION

Acting Land Management Division Administrator Kahana Albinio presented the following: That the Hawaiian Homes Commission (HHC) authorizes the following:

1. Issuance of Right-of-Entry permit (“ROE”) to Innergex for two parcels, as shown highlighted in Exhibit “A” attached hereto. The ROE shall be for due diligence activities to assess the potential of developing an estimated 20MW solar project (“project”) on Hawaiian home lands in Kalaeloa, Island of O’ahu;
2. Conditional approval of the General Lease to Innergex or its authorized assignee for the development, construction, operations, management, and maintenance of the project on the two parcels, to be more fully described in a mete and bounds survey, and necessary non-exclusive licenses for access, maintenance, and other project purposes upon exercising the option for the General Lease;
3. Issuance of the ROE and the General Lease shall be upon the proposed terms and conditions attached hereto as Exhibit “B”; In Exhibit “B,” specifically the Term Sheet, Condition No. 2 Premises: Uses (a) Demised Land, the acreage is REVISED from one hundred forty-seven (147) acres to one hundred seven

(107) acres. Additionally, Condition No. 5 Rent (g) Site Preparation Credit shall be DELETED entirely.

4. Delegate authority to the HHC Chairman to negotiate the final terms and conditions of the ROE and a General Lease with Innergex, and ancillary documents reasonably necessary or contemplated in connection with the Project; and to negotiate with existing ROE holders at the proposed site regarding the continued use of their respective ROE Premises;
5. Prescribe such terms and conditions deemed prudent and necessary by the HHC.
6. That the Commission find the subject area is not required for homesteading, pursuant to Section 204 of the HHCA, 1920, as amended.

DISCUSSION

Chairman Aila stated the Commission take into consideration the existing ROE tenants with regards to any final disposition. There was a discussion about the Commission making a finding that the lands are not required for homesteading purposes.

Commissioner Teruya stated she would not support this project. She asked the Commission and staff to look into providing commercial lots for commercial activities for native Hawaiians, whether they be beneficiaries or not.

MOTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the motion as provided above.

ACTION

Moved by Commissioner Neves to approve the motion as provided above.						
Seconded by Commissioner Helm						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Kaapu			X			
Commissioner Helm		X	X			
Commissioner Namu' o						X
Commissioner Neves	X		X			
Commissioner Teruya				X		
Chair Aila			X			
TOTAL VOTE COUNT			5	1		1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passed: five (5) Yes, one (1) No, one (1) Excused. O'ahu & East Hawai'i Vacant						

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING

The next meeting will be held on July 15 & 16, 2019, Kapolei, O'ahu.

MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Neves, to adjourn the meeting.
Motion carried unanimously.

ADJOURNMENT

3:18 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:

William J. Aila Jr., Chairman