

HAWAIIAN HOMES COMMISSION
Minutes of February 18, 2015
Meeting held at Hale Pono'i, Kapolei, Oahu

Pursuant to proper call, the 660th Regular Meeting of the Hawaiian Homes Commission was held at the Department of Hawaiian Home Lands, 91-5420 Kapolei Parkway, Kapolei, Hawaii, beginning at 10:00 a.m.

PRESENT Jobie M. K. Masagatani, Chairman
Doreen N. Canto, Commissioner, Maui
Gene Ross K. Davis, Commissioner, Moloka'i
Wallace A. Ishibashi, Commissioner, East Hawai'i
David B. Kaapu, Commissioner, West Hawai'i
Michael P. Kahikina, Commissioner, O'ahu
William Richardson, Commissioner, O'ahu
Kathleen Pua Chin, Commissioner Kaua'i

EXCUSED Renwick V. I. Tassill, Commissioner, O'ahu

COUNSEL Matthew Dvonch, Deputy Attorney General

STAFF William Aila Jr., Deputy to the Chairman, Office of the Chair
Norman Sakamoto, Development Officer, Office of the Chair
Niniau Simmons, NAHASDA Manager, Office of the Chair
Linda Chinn, Administrator, Land Management Division
Dean Oshiro, Acting Homestead Services Division Manager
Juan Garcia, Homestead Services Supervisor
Francis Apoliona, Compliance Officer
Kip Akana, Enforcement Officer
Paul Ah Yat, Enforcement Office
Kaleo Manuel, Acting Manager, Planning Office
Andrew Choy, Planner, Planning Division
Jeffrey Fujimoto, Engineer, Land Development Division
Paul Ching, Acting Technical Services/Project Manager
Stewart Matsunaga, Community Development Manager
Gigi Cairel, Grants Specialist, Planning Officer
Michelle Brown Secretary to the Commission

ORDER OF BUSINESS

CALL TO ORDER

Chair Masagatani called the meeting to order at 10:08 a.m.

ROLL CALL

Eight (8) members were present at roll call.

APPROVAL OF AGENDA

Chair Masagatani announced the Commission will hear Item F-1 after Item E-1, followed by Item G-1. Minutes for September 2013 were distributed and will be addressed on the Tuesday agenda.

MOTION/ACTION

Commissioner Canto moved, seconded by Commissioner Davis, to approve the agenda. Motion carried, unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

ITEM A-1 Kanani Kapuniai Re: Item F-1 and Item G-1

K. Kapuniai had concerns with the verbiage in Item F-1. She felt the motion should specifically state where the vendors can be and a map should be included to show the license boundaries. She also felt the 20 conditions in the submittal should be in the motion.

Regarding Item G-1, she thanked staff for their work. She felt whenever environmental assessment reports are done, a copy of the report should be provided in the local district office of the community affected.

ITEM A-2 Janeen-Ann Olds, President Sandwich Isle Communications (SIC) Re: Item F-2

J. Olds stated for the past 20-years SIC has provided telecommunication services to the beneficiaries of the DHHL trust. It was one of the first successful private-public relationships undertaken by the state. The exclusivity of the license enabled SIC to obtain federal monies to develop and construct the necessary infrastructure to remote homestead areas.

SIC has always considered DHHL as partners and part of that relationship is transparency, respect and support for one another. J. Olds stated although there was an agreement on how easements of that type would be handled, she wanted to ensure that the amendment will be consistent with what the Commission agreed to in October, that the easement would fold into SIC's license after a two-year period. SIC reiterated the importance of the exclusivity of their license to continue financing opportunities from the federal government.

ITEMS FOR DECISION MAKING

LAND DEVELOPMENT DIVISION

ITEM E-1 Implementation of Act 227, 2014, Relating to Sewer Systems Servicing in Hawaiian Home Lands

RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Norman Sakamoto and Community Development Manager Stewart Mastunaga presented Item E-1.

1. Approve the concept of the issuance of a "Bill of Sale", shown as Exhibit B, to various City and County jurisdictions, for the purpose of implementing Act 227, 2014, Relating to Sewer Systems Servicing on Hawaiian Home Lands.
2. Authorize the Chairman undertake the actions required to implement Act 227, 2014 and to implement the issuance of a "Bill of Sale" for existing sewer systems that meet the conditions outlined in Act 227, 2014.

MOTION/ACTION

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

Commissioner Kahikina asked what type of costs will be associated with implementing the Act. N. Sakamoto used the Papakōlea sewer system as an example, stating it would cost \$25-40 million dollars to bring the system up to par. Newer systems have no current costs but become a liability if not maintained properly. This bill provides a mechanism to formalize the practice of providing a license to have the counties maintain the systems. The compromise is that the Department will need to bring the older system up to standard. Some of the Department's lines are also used by the county for non-homestead areas. Agreements still need to be formalized with the county on shared system costs where these exist.

Chair Masagatani confirmed that repair and maintenance expenditures were classified under Purpose 4 – Operations and Administration. N. Sakamoto stated it is an operating expense.

Commissioner Canto asked what the Department's relationship is with the County of Maui as it relates to Paukūkalo. S. Matsunaga said that aside from two pump stations, the County does accept responsibility for the improvements. The hope is that Act 227 will clarify the roles between DHHL and the County.

Chair Masagatani asked what is the overall benefit to the Department. N. Sakamoto said the advantages will come later when systems need to be upgraded or repaired. The trust will save millions in maintenance and repairs.

ACTION

Motion carried unanimously.

LAND MANAGEMENT DIVISION

ITEM F-1 Final Approval to Issue Eight (8) Right of Entry Permits to Eight (8) Commercial Tour Operators to Use a Portion of Humu'ula Sheep Station as a Rest and Picnic Shelter Area, Humu'ula, Island of Hawai'i

RECOMMENDED MOTION/ACTION

Land Management Division Administrator Linda Chinn and Acting Technical Services/Project Manager Paul Ching provided the following motion:

That the Hawaiian Homes Commission gives its final approval to issue eight (8) Right of Entry Permits to eight (8) commercial tour operators, permitted by the University of Hawai'i at Hilo through the Office of Mauna Kea Management (OMKM) to conduct tours on the University's managed lands on Mauna Kea including the Mauna Kea Science Reserve.

Chair Masagatani noted for the record that Commissioner Ishibashi was recused from the discussion and motion for Item F-1.

MOTION

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

L. Chinn stated at the December HHC Meeting the Commission granted its preliminary approval and asked the Department to prepare an implementation and operations plan. The Commission also requested a study on the fee schedule. L. Chinn also introduced Stephanie Nagata who is the Executive Director of OMKM.

Commissioner Richardson asked if adding tour operators will be a problem with OMKM. S. Nagata stated the University is going through the process of developing administrative rules governing public and commercial activities on the managed lands of Mauna Kea. Until the

rules are in place, the university will not allow additional operators. The eight operators were grandfathered in when the Department of Land and Natural Resources transferred the function over to the University. Once the rules are in place they can open the permitting process to everyone.

Chair Masagatani asked if it would be possible to do a memorandum of understanding between DHHL and the University. She asked if there were any factors that limit the number of operators, to eight. S. Nagata stated OMKM felt it would eventually enter a memorandum of understanding to allow the DHHL to find additional operators. Since the rulemaking process is already started, it makes sense to wait until it is completed before making further adjustments.

Commissioner Ka'apu felt the fee of \$4 per person was too low. He felt the market could bare more than \$4. S. Nagata stated OMKM plans to charge operators \$10 per head, which would include \$4 for DHHL. If the charge is higher than \$10, they might not use the Humu'ula station.

Commissioners expressed concern that the Department hasn't done due diligence in setting the fee that is charged.

Chair Masagatani added one possibility is to issue a right of entry for six months. The Department can revisit the issue and see what is working and what isn't. Commissioner Ka'apu stated waiting six months could only ingrain the price further when the Department has leverage now.

Chair Masagatani asked if there is anything in the current permits and prevents DHHLs from talking directly with the tour operators about the fee. She asked where the other \$6 goes. S. Nagata stated she is unaware of any issues with direct communication. The \$6 dollars goes to operation of the management area including utilities, trash and water which is trucked up to the visitor center daily.

MOTION/ACTION

Moved by Commissioner Canto, seconded by Commissioner Kahikina to recuse into executive session pursuant to HRS Section 92-5 (a)(4). Motion carried unanimously.

EXECUTIVE SESSION IN

11:10 AM

EXECUTIVE SESSION OUT

12:05 PM

Chair Masagatani thanked everyone for their patience. She asked S. Nagata what discretion OMKM has as it related to the permits and are they able to increase the fees or do the rules to do it. S. Nagata stated they needed Board of Regents approval to change the fees. Regarding the fee, if the operators did lunch at the Sheep Station the \$4 would be paid directly to DHHL. If the operators didn't do lunch at the Sheep Station the entire \$10 would go to OMKM. Under the current permit OMKM cannot prohibit operators from lunching at the visitor center.

Chair Masagatani asked for a timeframe on the rulemaking. S. Nagata stated it could take 2-years to complete the entire process.

Chair Masagatani announced that the item will be deferred to allow staff additional time for due diligence on the fee structure and the timing of the administrative rules. She thanked S. Nagata for attending and for her patience.

ITEMS FOR INFORMATION

PLANNING DIVISION

ITEM G-1 For Information Only: Draft Environmental Assessment for the Community Economic Development Pilot Project, Waimea Nui, Hawai'i and Anticipated Finding of No Significant Impact TMK No. (3) 6-4-038:011 (por.)

RECOMMENDED MOTION/ACTION

None. For Information Only.

Acting Planning Program Manager Kaleo Manuel and Planner Andrew Choy presented the informational briefing to update the Commission on the status of the pilot project. He introduced Mike Hodson President Waimea Hawaiian Homestead Association.

M. Hodson stated the community is driving the project and the beneficiary organizations worked hard to get to this point. There are many more issues and details that need to be worked out with the Department. The goal is to help beneficiaries be self-sustainable and have food security.

Commissioner Ka'apu expressed concern that beneficiaries and the community have a difficult time understanding what is the process, what is going on, and that they can participate. A. Choy offered that the Department is committed to providing technical assistance to the Waimea Hawaiian Homestead Association throughout the process.

Chair Masagatani asked what the \$3.5 million from the Department of Agriculture (DOA) would be used for. M. Hodson stated the money was used for infrastructure like drinking water and a waste water system. Unfortunately, the money cannot be used for irrigation water systems.

Chair Masagatani asked if the environmental assessment meets the requirements of the DOA and whether they need to issue a FONSI as well. K. Manuel stated DHHL is the approving authority for this project.

RECESS 1:10 PM

RECONVENE 1:56 PM

ITEMS FOR DECISION MAKING

HOMESTEAD SERVICES DIVISION

ITEM D-1 HSD Status Reports

Exhibits:

A - Homestead Lease and Application Totals and Monthly Activity Reports

B - Delinquency Report

Commissioners had no questions about the submittal.

ITEM D-2 Approval of Consent to Mortgage

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro recommended the following: To approve the consents listed in the submittal 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 (BUD 184A) guaranteed loans and Conventional (CON) loans insured by private mortgage insurers.

MOTION

Moved by Commissioner Canto, seconded by Commissioner Kahikina. Motion carried unanimously.

ITEM D-3 Approval of Streamline Refinance of Loans

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro recommended the following: To approve the refinancing of loans from the Hawaiian Home General Loan Fund as listed in the submittal.

MOTION/ACTION

Moved by Commissioner Canto, seconded by Commissioner Kahikina. Motion carried unanimously.

ITEM D-4 Approval to Schedule Loan Delinquency Contested Case Hearings

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro recommended the following: To authorize the scheduling of the loan delinquency contested case hearings as shown in the submittal.

MOTION

Moved by Commissioner Kahikina, seconded by Commissioner Ishibashi.

Commissioner Kaapu asked a question about the size of the arrears for the listed lessees. His desire is to get to the beneficiaries as soon as possible. D. Oshiro stated the amount is unclear until the loan comes back to the Department.

ACTION

Motion carried unanimously.

ITEM D-5 Approval of Homestead Application Transfers/Cancellations

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro recommended the following: To approve the transfers and cancellations of applications from the Application Waiting Lists for reasons described in the submittal.

MOTION/ACTION

Moved by Commissioner Kahikina, seconded by Commissioner Davis. Motion carried unanimously.

ITEM D-6 Commission Designation of Successors to Application Rights – Public Notice 2009-2011.

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro recommended the following:
To designate the individuals listed in the submittal as successors to the application rights of deceased applicants who failed to designate a successor.

MOTION/ACTION

Moved by Commissioner Davis, seconded by Commissioner Kahikina. Motion carried unanimously.

ITEM D-7 Cancellation of Deceased Applicants from Waiting List Public Notice 2005 - 2011

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro recommended the following:
To cancel the following applications of deceased applicants pursuant to Section 10-3-8 (c) and (d) of the Department's Administrative Rules.

Chair Masagatani asked if an applicant succeeded to a lease, does their name automatically come off the waitlist. D Oshiro stated their name is removed as an applicant because they are now a lessee.

MOTION/ACTION

Moved by Commissioner Davis, seconded by Commissioner Ishibashi. Motion carried unanimously.

ITEM D-8 Ratification of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro recommended the following:
To ratify the approval of 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. This designation was previously approved by the Chairman.

Commissioner Ishibashi asked why the names of the successors are not listed in the submittal. D Oshiro stated the information is confidential and can be changed by the lessee any number of times.

MOTION/ACTION

Moved by Commissioner Davis, seconded by Commissioner Kahikina. Motion carried unanimously.

ITEM D-9 Approval of Assignment of Leasehold Interest

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro recommended the following: 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.

MOTION

Moved by Commissioner Kaapu, seconded by Commissioner Chin.

J. Garcia stated #3 is an undivided interest award that is being transferred to the lessee's daughter.

MOTION/ACTION

Moved by Commissioner Canto, seconded by Commissioner Kahikina to recuse into executive session pursuant to HRS Section 92-5 (a)(4). Motion carried unanimously.

EXECUTIVE SESSION IN 2:10 PM

EXECUTIVE SESSION OUT **2:15 PM**

ACTION

Motion carried unanimously.

ITEM D-10 Approval of Amendment of Leasehold Interest

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro recommended the following:
To approve the amendment of the leasehold interest as listed in the submittal.

MOTION/ACTION

Moved by Commissioner Davis, seconded by Commissioner Kahikina. Motion carried unanimously.

ITEM D-11 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro recommended the following: 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 in the submittal. The non-exclusive license is necessary as the Lessee cannot issue his/her own licenses.

MOTION/ACTION

Moved by Commissioner Davis, seconded by Commissioner Ishibashi. Motion carried unanimously.

ITEM D-12 Approval of Subdivision, Transfer of a Portion of Lease, Amendment of Lease No. 1732, Lot No. 81, Waimanalo, O‘ahu Georgelyn A.K.K. Kahihikolo

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro recommended the following:

1. To approve the request of Georgelyn A.K.K. Kahihiko10 (Georgelyn) to subdivide Department of Hawaiian Home Lands Residential Lease No. 1732, Lot No. 81, Waimanalo, Oahu, consisting of 17,424 square feet, and further identified as TMK (1) 4-1-016:058 into Lots 81-A and 81-B, provided that the Lessee is responsible for all cost incurred in the processing and obtaining of the subdivision, including but not limited to surveying fees, fees imposed by the City and County of Honolulu (County), fees for utility (electric, water, etc.) and other fees associated with the subdivision of Lot No. 81.
2. To approve the amendment of Lease No. 1732, to reflect the subdivision of the Lot into Lots 81-A and 81-B; update the property description of original Lot No. 81; and to incorporate the currently used terms, covenants, and conditions in the lease.
3. To approve the designation of Residential Lease No. 1732, demising Lot No. 81-A.
4. To approve the transfer of Lot No. 81-B, under Lease No. 1732-B, to Henry K. Kanoa Jr. (Henry).
5. The above are subject to the completion of the survey work 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, preparing and submitting the legal description of the lots to the Department of Hawaiian Home Lands (Department), applying to the County for subdivision approval, obtaining the tax map keys for the Lots, and final subdivision approval by the County of Honolulu.

MOTION/ACTION

Moved by Commissioner Canto, seconded by Commissioner Kahikina. Motion carried unanimously.

LAND MANAGEMENT DIVISION

ITEM F-2 Approval to Issue Interim License Easement, Hawaiian Telcom, Inc., and Oceanic Time Warner Cable, Lālāmilo, Island of Hawai‘i

RECOMMENDED MOTION/ACTION

Land Management Division Administrator Linda Chinn and Land Agent Jeffrey Fujimoto presented the Item F-2 submittal.

That the Hawaiian Homes Commission (HHC) approve the issuance of an Interim, non-exclusive utility easement as license to HAWAIIAN TELCOM, INC., and OCEANIC TIME WARNER CABLE, as CO-LICENSEES, to install, repair, operate and maintain a ten (10) -foot wide by eight hundred twelve (812) -foot corridor for seven (7) overhead transmission line poles, anchor poles, guy wires, anchors and other equipment used over, under and across a portion of Hawaiian home lands identified by TMK No.: (3) 6-6001: 040, situated in Lālāmilo, Island of Hawaii and more specifically delineated in Exhibit "A" attached hereto for purposes of maintaining reliability of its respective telecommunication services to native Hawaiian beneficiaries and the greater community at large.

Approval and issuance of this non-exclusive license easement shall be inclusive with CO-LICENSEES Lālāmilo Housing Phase 1, Kawaihae Road Improvements Project license as approved by the Hawaiian Homes Commission at its regular monthly meeting of September 22-23, 2014 under Item No. F-1 Exhibit "B", subject to the conditions in the submittal.

L. Chinn started by correcting Condition #1 in the submittal. There are (7) seven transmission lines, instead of (6) six.

MOTION

Moved by Commissioner Canto, seconded by Commissioner Davis to approve the motion as stated in the submittal.

Chair Masagatani reconfirmed that the 14 poles are covered under the same 2-year license. L. Chinn stated at the end of 2-years the Department will evaluate whether to change the license to perpetual or cancel. The 2-years will provide the Department with time to do due diligence

Commissioner Canto asked about the emphasis given to condition #5. L. Chinn stated the verbiage addressed SIC's concern about their exclusive license.

Commissioner Richardson asked staff to follow-up on SIC's submittal of its finances. He asked to convene in executive session.

MOTION/ACTION

Moved by Commissioner Canto, seconded by Commissioner Kahikina to recuse into executive session pursuant to HRS Section 92-5 (a)(4). Motion carried unanimously.

EXECUTIVE SESSION IN

2:34 PM

EXECUTIVE SESSION OUT

3:02 PM

Chair Masagatani suggested an amendment to Condition #3, to read:

3. The license term shall be for an interim period that is yet to be determined but shall not exceed 2-years. ~~and become immediately effective upon full execution of the interim license easement document;~~

MOTION ON AMENDMENT/ACTION

Moved by Commissioner Chin, seconded by Commissioner Kahikina to amend Condition #3, as stated by Chair Masagatani. Motion carried unanimously.

ACTION ON AMENDED MOTION

Motion carried unanimously

ITEM F-3 Approval to Cancel License No. 518, Moloka'i Habitat for Humanity, Inc., Ho'olehua, Moloka'i

RECOMMENDED MOTION/ACTION

Land Management Division Administrator Linda Chinn recommended the following:
That the Hawaiian Homes Commission (HHC) grant its approval to cancel License NO. 518 (LA 518) to Molokai Habitat for Humanity, Inc., a Hawaii non-profit corporation (hereinafter "MHFH"), for approximately 289 square feet () of office space situated within Lanikeha Ho'olehua Community Building (Lanikeha), identified by Tax Map Key No. (2) 5-02-015:053 (por.) (see Exhibit "A"), used for the purpose of maintaining office space for the operation of a self-help housing program. Approval to cancel this license is subject to the conditions listed in the submittal.

MOTION

Moved by Commissioner Davis, seconded by Commissioner Kaapu to approve the motion as stated in the submittal.

L. Chinn stated the organization does not owe any money and is working with the Department to remove furniture and clear the space.

ACTION

Motion carried unanimously.

ITEM F-4 Approval to Terminate General Lease No. 205, Kawaihae Millwork, Inc., Kawaihae, Hawai'i

RECOMMENDED MOTION/ACTION

Land Management Division Administrator Linda Chinn recommended the following:

That the Hawaiian Homes Commission (HHC) terminate the following:

1. Terminate General Lease No. 205 issued to Kawaihae Millwork, Inc., Tax Map Key No. (3) 6-1-006:013, located in the Kaei Hana II Industrial Subdivision, Kawaihae, Island of Hawaii (See Exhibit "A"), for failure to pay lease rent owing in the total amount of \$95,053.76; and failure to pay real property taxes to the County of Hawaii in the amount of \$57,443.19 covering the period 2010 - 2013.
2. Authorize the Department of the Attorney General initiate legal proceedings against Kawaihae Millwork, Inc. and any other parties as may be necessary, to enforce the termination and forfeiture of General Lease No. 205 and the collection of delinquent rent and other obligations.
3. Authorize for the Chairman to allow the sub lessee, Kohala Coast Concrete & Precast, LLC, to continue the use of the subject property, subject to the following:
 - a) The right to terminate these sublease agreements by either party with a twenty-four (24) months written notice;
 - b) The right to adjust the monthly rent per the sublease agreements and should Kohala Coast exercise the option provided in the sublease to utilize more of the building space;
 - c) Kohala Coast shall pay directly to the County of Hawaii the real property taxes associated with the land/space area under the subleases; and
 - d) Kohala Coast shall be responsible to pay for all utilities and procure the liability and/or fire insurance applicable to the use of the land/space area

MOTION/ACTION

Moved by Commissioner Canto, seconded by Commissioner Davis to approve the motion as stated in the submittal. Motion carried unanimously.

RECESS

3:16 PM

HAWAIIAN HOMES COMMISSION
Minutes of February 17 and 18, 2015
Meeting held at Hale Pono‘i, Kapolei, Oahu

PRESENT Jobie M. K. Masagatani, Chairman
Doreen N. Canto, Commissioner, Maui
Gene Ross K. Davis, Commissioner, Moloka‘i
Wallace A. Ishibashi, Commissioner, East Hawai‘i
David B. Kaapu, Commissioner, West Hawai‘i
Michael P. Kahikina, Commissioner, O‘ahu
William Richardson, Commissioner, O‘ahu
Kathleen Pua Chin, Commissioner Kaua‘i

EXCUSED Renwick V. I. Tassill, Commissioner, O‘ahu

COUNSEL Matthew Dvonch, Deputy Attorney General

STAFF William Aila Jr., Deputy to the Chairman, Office of the Chair
Norman Sakamoto, Development Officer, Office of the Chair
Niniau Simmons, NAHASDA Manager, Office of the Chair
Linda Chinn, Administrator, Land Management Division
Dean Oshiro, Acting Homestead Services Division Manager
Juan Garcia, Homestead Services Supervisor
Francis Apoliona, Compliance Officer
Kip Akana, Enforcement Officer
Paul Ah Yat, Enforcement Office
Kaleo Manuel, Acting Manager, Planning Office
Andrew Choy, Planner, Planning Division
Jeffrey Fujimoto, Engineer, Land Development Division
Paul Ching, Acting Technical Services/Project Manager
Stewart Matsunaga, Community Development Manager
Gigi Cairel, Grants Specialist, Planning Officer
Michelle Brown Secretary to the Commission

ORDER OF BUSINESS

CALL TO ORDER

Chair Masagatani called the meeting to order at 12:56 PM

ROLL CALL

Eight (8) members were present at roll call.

APPROVAL OF MINUTES

Moved by Commissioner Canto, seconded by Commissioner Davis to approve the Minutes of September 2013. Motion carried unanimously.

ITEMS FOR INFORMATION

GENERAL AGENDA - Requests to Address the Commission

ITEM J-1 Wayde Lee, Moloka'i Farming Project

W. Lee is a Moloka'i resident and beneficiary. He is before the Commission to follow-up on the status of his request for 35 acres of non-homesteading land on Moloka'i. He submitted his request to the Department in January of 2014. He provided an overview of one of the projects he would like to develop on Moloka'i. One project is to plant kukui nut trees and ship the harvest to Hawai'i Island for processing into bio-diesel.

Commissioner Davis thanked W. Lee for his persistence. The felt the project is a good idea and supported his effort. He had a concern about water, both availability getting it to the site.

Commissioner Kahikina asked for a status of W. Lee's application from 2014. Chair Masagatani stated the application is probably pending because the Department is redoing the revocable permit program.

W. Lee asked if the fact that his is one of the priority projects for Moloka'i, that it can be grandfathered in. He is also on the Moloka'i Ag Waitlist.

Commissioner Ishibashi stated he supported the project but the biodiesel plants on Hawai'i Island shut down. Moloka'i would need its own plant to be self-sufficient. He also expressed concerns about access to water.

ITEM J-2 Kekoa Enomoto, Secretary of Waiohuli Homestead Association

K. Enomoto stated she is the secretary of the Kēōkea Homestead Farm Lots Association and founding secretary of the Waiohuli Undivided Interest Lessees Association Inc. She is also a resident of Waiohuli Phase I residential homestead.

The Kēōkea Homestead Farm Lots Association board opposes a proposed DHHL land-use policy. The opposition comes especially in view of James Sakugawa renting 5,000 acres of adjacent DHHL trust lands to run cattle, while 4,562 applicants compose the longest of three (residential/agricultural/pastoral) DHHL Maui waitlists.

K. Enomoto updated the Commission on Waiohuli Undivided Interest Lessees Association matters. She urged the Department to expedite the award of lots in Waiohuli so families can start implementing their plans.

She cited a telecast by the Maui County Council Water Resources Committee meeting where residents were alarmed by the revelation that the county water Department seeks to redirect water meters intended for 320 undivided-interest lots, to 500 people seeking Upcountry water meters.

Meeting attendees also asserted that the Department of Hawaiian Home Lands is not ready to build home or use preauthorized water meters. Council Water Resources Committee Chairwoman Gladys Baisa, who presided over the meeting, has reason to believe the assertion because her husband, Sherman Baisa, is an undivided-interest lessee.

ITEM J-3 Robin Danner, Beneficiary Advocate

R. Danner testified as a beneficiary advocate. She congratulated the Commission on its dialogue of Item F-4. Her testimony focused on the Department's land use policy from December 2014. Chair Masagatani clarified the action was the approval of the New Revocable Permit Program.

R. Danner reminded Commissioners about the Nelson agreement signed in 2009. The Commission shall justify right of entry permits that the Department feels is not required for homesteading purposes. The Department needs to put the justification in writing whenever it issues a right of entry permit to a non-beneficiary. She felt the Department should have taken the matter to the beneficiaries before having it come before the Commission.

Commissioner Kaapu stated what came before the Commission is not a final product. He is open to working collaboratively to capture the good ideas and develop a product that makes sense and benefits everyone.

R. Danner asked the Department to adopt a mercantile program for beneficiaries. She recommended the Commission go to the beneficiaries and ask them what they want.

ITEM J-4 Jeff Gilbreath, Executive Director Hawaiian Community Assets

J. Gilbreath stated his testimony is to follow up on his January presentation to the Hawaiian Homes Commission where he provided findings from a request for service provider proposals for the HALE program.

He reiterated his earlier testimony that called into question the ability of State Department Hawaiian Home Lands' staff to objectively analyze the information submitted by service providers for the HALE program and render a decision based on merit.

ITEM J-5 Michelle Kauhane, President Kaupe'a Homestead Association

M. Kauhane expressed her concern from last month's Commission meeting about the 9-acre park Kaupe'a lessees were promised 5 years ago. Last month she asked that the Department send someone to the Kaupe'a Homestead Association monthly meeting to update the community on the status of the parcel. She also asked the Department to facilitate a meeting with HHFDC officials. The community understands that DHHL doesn't own the parcel but the community should have been informed that plans changed and that a RFP had gone out. Neither DHHL nor HHFDC consulted residents of Kaupe'a regarding the agreement/plans.

She shared that lessees chose lots specifically because of their proximity to a future site of a community center. The community does not want a pass-through-park, they want a real park. The youth in the area are playing on the streets.

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING

The next regular monthly meeting will be held on March 16 & 17, 2015, in Kapolei, Oahu.

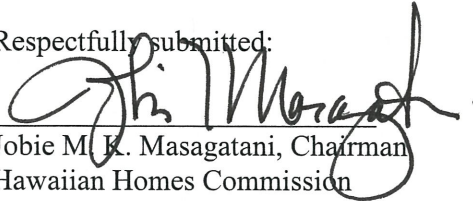
MOTION/ACTION

Moved by Commissioner Davis, seconded by Commissioner Canto to adjourn the meeting.
Motion carried unanimously.

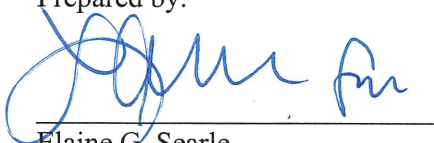
ADJOURNMENT

4:07 p.m.

Respectfully submitted:


Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

Prepared by:


Elaine G. Searle
Secretary to the Commission

APPROVED BY:

The Hawaiian Homes Commission
At Its Regular Monthly Meeting On

October 16, 2018, Paikukalo, Maui


Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission