STATE OF HAWAI’I
DEPARTMENT OF HAWAIIAN HOME LANDS

HA'AWAIAN HOMES COMMISSION AGENDA
3060 Elwa Street, Lihue, Hawai‘i, Conference Rm A - C
May 26, 2011, 9:00 a.m.

ORDER OF BUSINESS

Roll Call
Approval of Agenda
Approval of Minutes of April 19, 2011

A - OFFICE OF THE CHAIRMAN

A-1 Resolution No. 253 - Stuart Keahiahi Hanchett
A-2 Native Hawaiian Government Reorganization Act of 2011

B - HOMESTEAD SERVICES DIVISION

B-1 HSD Status Reports
Exhibits:
A - Homestead Lease and Application Totals and Monthly Activity Reports
B - Delinquency Report and Status of Contested Case Hearings
C - DHHL Guarantees for USDA-RD Loans
D - DHHL Guarantees for Habitat for Humanity Loans
E - Report on Amendments to Lease
F - Report on Exchanges of Leases

B-2 Notification of Various Lease Awards and Cancellation of Corresponding Applications
B-3 Use of Native Hawaiian Block Grant Funds - Kahehili Phase 4
(East Kapolei I Subdivision), Kapolei, O‘ahu
B-4 Rescission of Homestead Lease Awards and Reinstatement of Applications
B-5 Ratification of Loan Approvals
B-6 Ratification of Consent to Mortgage
B-7 Refinance of Loans
B-8 Schedule of Loan Delinquency Contested Case Hearings
B-9 Homestead Application Transfers / Cancellations
B-10 Commission Designation of Successors to Application Rights (Deceased)
B-11 Ratification of Designations of Successors to Leasehold Interest and Designation of Persons to Receive the Appraised Value
B-12 Ratification of Assignment of Leasehold Interest
B-13 Commission Designation of Successor - Annette L. Jardine
B-14 Commission Designation of Successor - Tracy A. Kuoha
D - LAND MANAGEMENT DIVISION

D-1  Annual Renewal of Revocable Permits, Statewide
D-2  Issuance of Right-of-Entry Permit, City and County of Honolulu, Department of Design and Construction, Papakolea, Island of O‘ahu
D-3  Issuance of Right-of-Entry Permit, State Department of Land and Natural Resources, Ka‘u, Island of Hawai‘i
D-4  Issuance of License as Easement, Hawai‘i Electric Light Company, Inc., Āhualoa, Hamakua, Island of Hawai‘i
D-5  Issuance of License as Easement, State of Hawai‘i Department of Transportation, Kohala, Island of Hawai‘i
D-6  License Agreement No. 673, ‘Oiwi Lokahi O Ka Mokupuni O Keawe, Humu‘ula, Hawai‘i
D-7  Ratification of Notices of Default and Revocation, Statewide
D-8  Ratification of Consents and Approvals by Chairman, Hawaiian Homes Commission, Statewide
D-9  Issuance of General Lease, Pacific West Energy, LLC, Kekaha, Island of Kaua‘i

E - PLANNING DIVISION

E-1  Na Kupa‘a O Kuhio Project Agreement and License for East Kapolei IIB Water and Wastewater System Project

EXECUTIVE SESSION

The Commission anticipates convening in executive meeting Pursuant to §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.

1. Richard Nelson, III, Kaliko Chun et al. vs HHC, Civil No. 09-1-161507
2. Leimomi Lum vs HHC, Civil No. 09-1-2332-10
3. Beth Ann Wong vs DHHL, Civil No. 10-1-2237-10 RAT
4. Hui Makainana a Kalawahine vs HHC, et. al
5. Issues Relating to Commission’s Powers, Duties, Privileges, Immunities and Liabilities Under the HHCA of 1920 and HAR, Pursuant to §92-5(a)(4), HRS
ANNOUNCEMENTS AND ADJOURNMENT

1. Next Meeting – June 21, 2011, Hilo, Hawai‘i
2. Other Announcements
3. Adjournment

Albert "Alapaki" Nahale-a, Chairman
Hawaiian Homes Commission

COMMISSIONERS

Perry O. Artates, Maui
Donald S.M. Chang, O‘ahu
Imaikalani P. Aiu, Kaua‘i
Vacant, West Hawai‘i

J. "Kama" Hopkins, O‘ahu
Trish Morikawa, O‘ahu
Ian B. Lee Loy, East Hawai‘i
Henry K. Tancayo, Moloka‘i

The next community meeting will be held on Monday, June 20, 2011 at Nani Mau Gardens, 421 Makalika St., Hilo, Hawai‘i at 5:30 p.m.

Special Accommodations (such as Sign Language interpreter, large print, taped materials) can be provided, if requested at least five (5) working days before the scheduled meeting on the respective island by calling (808) 620-9590.
HAWAIIAN HOMES COMMISSION
Minutes of May 26, 2011
Meeting Held in Lihue, Kaua‘i, Hawai‘i

Pursuant to proper call, the 615th Regular Meeting of the Hawaiian Homes Commission was held at the Department of Hawaiian Home Lands, Kaua‘i District Office, 3060 Eiwa Street, Lihue, Kaua‘i, Hawai‘i, beginning at 9:00 a.m.

PRESENT
Mr. Albert “Alapaki” Nahale-a, Designate Chairman
Mr. Imaikalani Aiu, Commissioner, Kaua‘i
Mr. Donald S.M. Chang, Commissioner, O‘ahu
Ms. Leimana Damate, Commissioner, West Hawai‘i
Mr. Ian Lee Loy, Commissioner, East Hawai‘i
Ms. Trish Morikawa, Commissioner, O‘ahu
Mr. Henry Tancayo, Commissioner, Moloka‘i

EXCUSED
Mr. Perry Artates, Commissioner, Maui
Mr. Kama Hopkins, Commissioner, O‘ahu

COUNSEL
Craig Iha, Deputy Attorney General

STAFF
M. Wai‘ale‘ale Sarsona, Executive Assistant
Dan Keli‘i, Administrator, Home Services Division
Linda Chinn, Administrator, Land Management Division
Darrell Yagodich, Administrator, Planning Office
Leolani Kini, Supervisor, Land Management Division
Francis Apoliona, Compliance Officer
Julie Cachola, Planner, Planning Division
John Peiper, Enforcement Officer
Crystal Kua, Information & Community Relations Officer
Don Aweau, Information & Community Relations
Juan Garcia, District Supervisor, Homestead Services Division
Isaac Takahashi, Supervisor, Housing Division
Dre Kalili, Legislative Assistant, Office of the Chairman
Elaine Searle Secretary to the Commission

PULE
Liberta Albao, Kaua‘i homesteader

AGENDA
Commissioner D. Chang moved, seconded by Commissioner Ian Lee Loy, to approve the agenda. Motion carried unanimously.

MINUTES
Commissioner H. Tancayo moved, seconded by Commissioner D. Chang, to approve the minutes of April 19, 2011 as circulated. Motion carried unanimously.
COMMENT

Chairman Nahale-a introduced former Kaua`i Commissioner Tommy Contrades

ITEM NO: A-1
SUBJECT: Resolution No. 253 – Stuart Keahiahi Hanchett

MOTION

Moved by Commissioner D. Chang, seconded by Commissioner I. Lee Loy.

Chairman Nahale-a read Resolution 253 and acknowledged his gratitude and appreciation to retiring Commissioner Stuart Hanchett for his devotion and sincerity in serving the people of Hawai`i and its beneficiaries. Commissioner Trish Morikawa expressed her fond aloha to “Uncle Stu” and how the commission will miss his wisdom and hard work and presence as a commissioner. Incoming Commissioner Imaikalani Aiu shared his mana`o as an incoming member who is beginning to learn the ropes and who will have big shoes to fill. He hopes to meet the expectations as a commission member and continue to serve the beneficiaries in that capacity. Commissioner Tancayo shared words of encouragement to Commissioner Hanchett to continue to be strong in health. As a kūpuna who can outwork someone on the ranch, Chairman Nahale-shared how Commissioner Hanchett embodies what kūpuna stands for as Uncle Stu represents a role model for him and others. He will leave a "big space" on the commission. His work with an outdoor youth program has given kids a lifelong experience that will leave an indelible mark.

RECESS 9:10 a.m.

MOTION/ACTION

Moved by Commissioner I. Lee Loy, seconded by Commissioner L. DaMate, to recess for five (5) minutes to express congratulatory well wishes to retiring Commissioner Stuart Hanchett who has served as Hawaiian Homes Commissioner since 2005. Motion carried unanimously.

RECONVENE 9:15 a.m.

MOTION/ACTION

Moved by Commissioner D. Chang, seconded by Commissioner H. Tancayo to reconvene to regular meeting. Motion carried unanimously.
ITEM NO: A-2  
SUBJECT: Native Hawaiian Government Reorganization Act of 2011

RECOMMENDATION

1) To support passage of legislation regarding the relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity
2) Department efforts to educate Native Hawaiians and the general public about legislation for federal recognition and advocate for its passage into law

MOTION/ACTION

Moved by Commissioner D. Chang, seconded by Commissioner H. Tancayo. Motion carried unanimously.

COMMENT

Chairman Nahale commented that he appreciates the support and backing of the commission when he is involved in these efforts done locally and in Washington D.C.

ITEM NO: B-1  
SUBJECT: HSD Status Reports

MOTION/ACTION

None, for information only.

COMMENT

Homestead Services Administrator Dan Keli`i presented a summary of the various monthly activity reports. Chairman Aiu was impressed with the compilation in the detailing of reports presented which provides a quick overview of the monthly transactions. Deputy Chairman Bob Hall, Dan Keli`i and staff were commended for the excellent information that is provided in this report.

ITEM NO: B-2  
SUBJECT: Notification of Various Lease Awards and Cancellation of Corresponding Applications
MOTION/ACTION

Moved by Commissioner D. Chang, seconded by Commissioner T. Morikawa. Motion carried unanimously.

ITEM NO:  B-3
SUBJECT:  Use of Native Hawaiian Block Grant Funds – Kaehehi Phase 4 (East Kapolei
I Subdivision), Kapolei, Oʻahu

MOTION/ACTION

None, for information only.

COMMENT

Chairman Nahale-a acknowledged department staff for their assistance in leveraging these resources.

ITEM NO:  B-4
SUBJECT:  Rescission of Homestead Lease Awards and Reinstatement of Applications

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner D. Chang. Motion carried unanimously.

ITEM NO:  B-5
SUBJECT:  Ratification of Loan Approvals

MOTION/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner Ian Lee Loy. Motion carried unanimously.

ITEM NO:  B-6
SUBJECT:  Ratification of Consent to Mortgage
MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner D. Chang. Motion carried unanimously.

ITEM NO: B-7  
SUBJECT: Refinance of Loans

MOTION/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner H. Tancayo. Motion carried unanimously.

ITEM NO: B-8  
SUBJECT: Schedule of Loan Delinquency Contested Case Hearings

MOTION/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner D. Chang. Motion carried unanimously.

ITEM NO: B-9  
SUBJECT: Homestead Application Transfers/Cancellations

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner D. Chang. Motion carried unanimously.

ITEM NO: B-10  
SUBJECT: Commissioner Designation of Successors to Application Rights (Deceased)

MOTION/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner H. Tancayo. Motion carried unanimously.
ITEM NO:  B-11  
SUBJECT:  Ratification of Designations of Successors to Leasehold Interest and 
Designation of Persons to Receive the Appraised Value

MOTION/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner D. Chang. Motion carried unanimously.

ITEM NO:  B-12  
SUBJECT:  Ratification of Assignment of Leasehold Interest

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner D. Chang. Motion carried unanimously.

ITEM NO:  B-13  
SUBJECT:  Commission Designation of Successor – Annette L. Jardine

MOTION/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner D. Chang. Motion carried unanimously.

ITEM NO:  B-14  
SUBJECT:  Commissioner Designation of Successor – Tracy A. Kuoha

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner D. Chang. Motion carried unanimously.

ITEM NO:  B-15  
SUBJECT:  Commission Designation of Successor – Ainsley K. Aiwohi

MOTION/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner H. Tancayo. Motion carried unanimously.
ITEM NO:  B-16
SUBJECT:  Request to Schedule Contested Case Hearing – Lease Violation

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by T. Morikawa. Motion carried unanimously.

ITEM NO:  B-17
SUBJECT:  Lease Cancellations

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner D. Chang. Motion carried unanimously.

ITEM NO:  B-18
SUBJECT:  Request for Contested Case Hearing – Gwendolyn Vida

MOTION/ACTION

Moved by Commissioner D. Chang, seconded by Commissioner H. Tancayo.

AMENDED MOTION/ACTION

Moved by Commissioner D. Chang, seconded by Commissioner, L. Damate to table this item to the end of this agenda.

ACTION

Motion carried unanimously.

ITEM NO:  D-1
SUBJECT:  Annual Renewal of Revocable Permits, Statewide

RECOMMENDATION

1) Continuation of the Revocable Permits listed on Exhibit “A” at the recommended rentals, effective July 1, 2011.
2) Department be authorized to extend all Revocable Permits issued by June 30, 2011 on a month-to-month basis for up to twelve months, but no longer than June 30, 2012 as deemed appropriate.
3) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed appropriate and necessary.

MOTION/ACTION

Moved by Commissioner I. Aiu seconded by Commissioner I. Lee Loy. Motion carried unanimously.

DISCUSSION

Chairman Nahale-a re-emphasized Revocable Permits (RP) are month-to-month leases and steps need to be taken to continue to reissue these permits for the next twelve months. A status report is being prepared on all of the land dispositions described under Revocable Permits (RP’s), General Leases (GL’s) and General Licenses.

ITEM NO: D-2
SUBJECT: Issuance of Right-of-Entry Permit, City and County of Honolulu, Department of Design and Construction, Papakolea, Island of O‘ahu

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner D. Chang. Motion carried unanimously.

ITEM NO: D-3
SUBJECT: Issuance of Right-of-Entry Permit, State Department of Land and Natural Resources, Ka`u, Island of Hawai`i

RECOMMENDATION

To authorize the issuance of a permit to Department of Land and Natural Resources - Division of Forestry and Wildlife (DLNR - DOFAW) to enter Hawaiian home lands in Ka`u. The purpose of the Right-of-Entry (ROE) shall be for surveying and eradication of Axis deer subject to the conditions listed.

MOTION

Moved by Commissioner T. Morikawa, seconded by Commissioner L. DaMate.

DISCUSSION

Mr. Paul Conroy, DOFAW Administrator, expressed appreciation to the Commission in granting access to DHHL lands in Ka`u to locate and eradicate Axis deer at South Point. DLNR is
currently collecting data and plan to survey the area by helicopter to locate the extent of the deer. Eradication of the Axis deer is to preserve the agricultural and koa forest lands as well the water sheds which are unique to the Big Island. The recommendation to remove the Axis deer has been evidenced by the damage caused to the island of Maui in its agricultural and native ecosystems. Mr. Conroy noted that Axis deer has never been introduced on the Big Island. Eminent protection is deemed necessary in protecting the Big Island’s ecosystem before damages are elevated. Use of 8 ft fencing may hamper or deter the damage deer have created from striping the bark off of trees. Commissioner L. DaMate, a resident of Ka‘u, concurs that the Axis deer is a genuine problem and a danger to the community. She asked that DLNR consider having the Hawaiian homestead community be asked to partner in this endeavor as they are very familiar with the terrain. Mr. Conroy is willing to engage in partnering with anyone who wishes to assist in this effort including land owners. It was suggested to have the carcasses of meat be distributed by the hunters amongst the community. Commissioner L. DaMate recommended a stipulation be added to "allow Hawaiian homestead members who live in the area be utilized as guides and be part of the working groups." Chairman Nahale-a noted these two conditions can be incorporated into Item No.18 "All other terms and conditions deemed prudent by the Chairman of the Hawaiian Homes Commission."

A liability issue was addressed. Mr. Conroy indicated DLNR would manage that aspect for volunteers who are deemed agents and who abide by certain guidelines. Testimony from DLNR Chairperson William Aila was circulated among commission members supporting these efforts.

Mr. Conroy requested to utilize ATV’s on established roads. Chairman Nahale-a asked for commission input and, if acceptable, consider this request be appended to Items No.9 and 10, Page 2 "except for established roads", enlisting the use of all terrain vehicles (ATV).

AMENDED MOTION #1

Motion by Commissioner I. Lee Loy, seconded by Commissioner T. Morikawa in support.

DISCUSSION.

Concern and apprehension was expressed regarding the usage of ATV’s which are known to "tear up" the road sides. Mr. Conroy clarified that state 4-wheel drive state vehicles are not built to sustain the kinds of punishment on unimproved roads whereas ATV’s can provide that kind of buffer on harsh lands.

ACTION

Motion carried unanimously.
DISCUSSION

DOFAW Administrator Conroy asked that Item No. 14 be eliminated due to the fact that the state is self-insured and therefore not required to be additionally insured.

AMENDED MOTION #2/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner I. Lee Loy to remove Item No. 14. Motion carried unanimously.

ACTION

Motion carried unanimously.

COMMENT

DOFAW Administrator Conroy expressed appreciation in having this request approved. Chairman Nahale-a thanked DLNR for the quick response in handling the eradication efforts. In matters other than the Axis deer, Kekaha community has expressed concern that lands turned over to DHHL have not benefited the beneficiaries namely because the lands are being utilized for hunting purposes. Chairman recommends the two entities come together and work on a viable solution. Commissioner I. Lee Loy suggested the police in Ka`u be notified when the eradication process begins so they can anticipate and co-ordinate in handling any complaints in an appropriate manner.

ITEM NO: D-4
SUBJECT: Issuance of License as Easement, Hawai`i Electric Light Company, Inc., Ahualoa, Hamakua, Island of Hawai`i

MOTION/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner L. DaMate. Motion carried unanimously.

DISCUSSION

Although not part of this submittal, Commissioner I. Lee Loy queried about a spigot for DHHL beneficiaries. Land Management Administrator Linda Chinn said the license is for HECO to service Board of Water Supply (BOWS). Part of the agreement is to have BOWS provide the spigot for beneficiaries. Discussions are in progress to determine the roles and responsibilities of this tri-party agreement. West Hawai`i District Supervisor Jim DuPont is aware of this process and will determine the placing of the spigot. Ms. Chinn indicated a report to the commission will follow when the issue of the spigot arises.
ITEM NO: D-5
SUBJECT: Issuance of License as Easement, State of Hawai‘i Department of Transportation, Kohala, Island of Hawai‘i

MOTION/ACTION

Moved by L. Damate, seconded by Commissioner I. Lee Loy. Motion carried unanimously.

ITEM NO: D-6
SUBJECT: License Agreement No. 673, ‘Owi Lokahi O Ka Mokupuni O Keawe, Humu‘ula, Hawai‘i

RECOMMENDATION

Grant approval to the following amendments to License Agreement 673:
1) Grant extension of twenty-four months to License Agreement with extended term to expire 12/31/13;
2) Grant additional acres up to 1,000 acres for remainder of Laumaia II and portion located on bottom half of Laumaia I;
3) Consent to Exclusive sub-license agreement with Carbon Bio-Engineers, Inc. for partnering to eradicate and processing of gorse shrubs.

MOTION

Moved by Commissioner Lee Loy, seconded by Commissioner L. DaMate.

DISCUSSION

Ms. Kanani Kapunī‘ai, OIWI president, requested a sentence be added for clarification on Page 4 at the end of Discussions. "Should CBE default, terms and conditions of the exclusive sub-license agreement and all the initial existing license agreement, OIWI should have the option to execute another sub-license agreement with another entity to carry out the purpose and activity listed therein upon approval by the Chairman." Commissioner T. Morikawa said she is uncomfortable with a sub-licensing to a non-native Hawaiian group and is hesitant to place the burden on the Chairman without it first coming before the commission. If CBE defaults, it should be worked out between OIWI and CBE, not the department. If a default occurs, then the department should be notified immediately, added Chairman Nahale-a. It was further noted that a new technology is being introduced. The equipment is modular and can be moved to different sites. The gorse will be processed on site then removed in containers. Thus far, no gorse has been processed. Commission agreed not to add changes to the initial agreement.
ACTION

Motion carried unanimously.

COMMENT

This agreement covers 1,000 acres, nothing more. Should this technology be proven effective, a relationship may be formed between the department and the contractor.

**ITEM NO:  D-7**
**SUBJECT:  Ratification of Notices of Default and Revocation, Statewide**

**MOTION/ACTION**

Moved by Commissioner D. Chang, seconded by Commissioner T. Morikawa. Motion carried unanimously.

**DISCUSSION**

Land Management Division (LMD) is improvising a better method of reporting delinquencies. The report may be available at next month's meeting.

**ITEM NO:  D-8**
**SUBJECT:  Ratification of Consents and Approvals of Chairman, Hawaiian Homes Commission, Statewide**

**MOTION**

Moved by Commissioner T. Morikawa, seconded by Commissioner L. DaMate. Motion carried unanimously.

**ACTION**

Motion carried unanimously.

**RECESS:**  10:10 a.m.

**MOTION/ACTION**

Moved by Commissioner I. Lee Loy, seconded by Commissioner L. DaMate. Motion carried unanimously.
RECONVENE: 10:25 a.m.

ITEM NO: D-9
SUBJECT: Issuance of General Lease, Pacific West Energy, LLC, Kekaha, Island of Kaua‘i

RECOMMENDATION

Land Management Administrator Linda Chinn read the joint effort recommendation of Planning Office and Land Management Division which is a two-part motion:
1) Approve the Beneficiary Consultation Report prepared by DHHL’s Planning Office, as a means to identify and address the concerns of trust beneficiaries with regard to renewable energy development on Hawaiian home lands in Waimea, Kaua‘i;
2) Authorize the issuance of a general lease to Pacific West Energy, for the use of approximately 14,000 acres of land in Kekaha and is subject to the conditions as listed in the recommendation.

MOTION

Moved by Commissioner T. Morikawa, seconded by Commissioner D. Chang. Motion carried unanimously.

DISCUSSION

Chairman Nahale-a requested a motion to defer this matter based on the comments and testimony received the previous day at workshop and community meeting venues.

AMENDED MOTION

Moved by Commissioner L. DaMate, seconded by Commissioner T. Morikawa to defer this item.

DISCUSSION

Chairman Nahale-a thanked Commission for its decision as this project clearly lacks the necessary support from the community in Kekaha. By deferring, it allows conversations to continue, and community and developer to work on these issues. He encourages conversation to continue and welcomes a meeting with Kekaha community directly to improve the department’s process. Commissioner T. Morikawa concurs the community needs to embrace the project. There is a lot of good behind this project, but with a lack of support, it appears everything may go awry. Commissioner I. Lee Loy thanked Planning Office for partnering with Pac-West to utilize resources available in maintaining waterways and road access. Money issues are difficult and partnering with private businesses serves as a viable resource. Commissioner I. Aiu believes
this project doable in sustaining clean energy, but without community support, he cannot support
the project. Commissioner D. Chang favors a dialogue to address all other issues and concerns.

ACTION

Motion carried unanimously.

ITEM NO: E-1
SUBJECT: Na Kupa`a O Kūhio Project Agreement and License for East Kapolei IIB
Water and Wastewater System Project

RECOMMENDATION

Planning Office Administrator Darrell Yagodich read recommendation to approve issuance of:

1) Project agreement to Nā Kūpa`a O Kūhio to define project specific roles between
DHHL and Nā Kūpa`a O Kūhio related to East Kapolei IIB potable water and
wastewater system improvement project which has funds obligated from USDARD.
2) Non-exclusive and benefit license as easement to Nā Kūpa`a O Kūhio.

MOTION

Moved by Commissioner T. Morikawa, seconded by Commissioner H. Tancayo.

DISCUSSION

Chairman Nahale-a introduced Nā Kūpa`a O Kūhio member Tom Contrades who thanked the
commission for the opportunity to represent Nā Kūpa`a. Mr. Contrades articulated how essential
it is to strengthen a working relationship with the department to assist with servicing the
beneficiaries. Chairman Nahale-a communicated to the new commissioners the benefits of
creating a non-profit was to secure federal funds. It is important to note that members of Nā
Kupa`a offer their free time and expertise. Commissioner T. Morikawa added that most people
are not aware of how much money the department saves through engineered water projects
provided by Nā Kūpa`a. Notable board members include retiring KSBE president Michael
Chun, former DHHL Chairman Micah Kāne and Riley Smith. The department has dedicated
Planning Office staff member, Gigi Cairel to manage this important program, and she has done a
very commendable and challenging feat, added Chairman Nahale-a. Mr. Contrades added Gigi
Cairel has done an outstanding job. Other projects included water projects on Moloka`i, Maku`u
(Big Island), Kapolei, O`ahu and Pi`ilani Mai Keakai, Kaua`i.

Commissioner Imai Aiu inquired what role does commission need to play in assisting this
relationship. Chairman Nahale-a suggested more involvement by the commission in its policy
level decisions as these types of projects call for leverage when dealing with non-profit through
"in kind" or "loan" issues. Understanding staff level is critical as the Planning Office has limited personnel to handle all the varied projects.

**ACTION**

Motion carried unanimously.

**RECESS:** 10:45 A.M.

**MOTION/ACTION**

Moved by Commissioner I. Lee Loy, seconded by Commissioner T. Morikawa to adjourn to Executive Session. Motion carried unanimously.

**EXECUTIVE SESSION**

The Commission convened in Executive Session Pursuant to Section 92-5 (a), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities.

1. Leimomi Lum vs HHC, Civil No. 09-1-2332-10
2. Richard Nelson III, Kaliko Chun, et al. vs HHC, Civil No. 09-1-161507
3. Beth Ann Wong vs DHHL, Civil No. 10-1-2237 – 10 RAT.
4. Hui Makaainana a Kalawahine vs HHC, et al
5. Issues Relating to Commission's Powers, Duties, Privileges, Immunities and Liability Under the HHCA of 1920 and HAR, Pursuant to

**RECONVENE:** 1:30 P.M.

**MOTION/ACTION**

Moved by Commissioner T. Morikawa, seconded by Commissioner I. Lee Loy to reconvene to regular meeting. Motion carried

**ADJOURNMENT:** 1:30 P.M.

**MOTION/ACTION**

Moved by Commissioner Morikawa, seconded by Commissioner I. Aiu to adjourn the meeting. Motion carried unanimously.
Hawaiian Home Lands, May 26, 2011
Lihue, Hawaiʻi

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING       June 21, 2011, Hilo, Hawaiʻi

ANNOUNCEMENTS      Community meeting scheduled on June 20, 2011 at Nani Mau Gardens, 421 Makalika St., Hilo, Hawaiʻi.

ADJOURNMENT        1:30 p.m.

Respectfully submitted,

[Signature]
Albert "Alapaki" Nahale-a, Chairman
Hawaiian Homes Commission

Prepared by:

[Signature]
Elaine Searle, Secretary
Hawaiian Homes Commission

APPROVED BY:
The Hawaiian Homes Commission
At Its Regular Monthly Meeting Of
June 21, 2011

[Signature]
Albert "Alapaki" Nahale-a, Chairman
Hawaiian Homes Commission