

HAWAIIAN HOMES COMMISSION
Minutes of November 14-15, 2011
Meeting Held in Kapolei, O`ahu

Pursuant to proper call, the 621st Regular Meeting of the Hawaiian Homes Commission was held at the Department of Hawaiian Home Lands, 91-5420 Kapolei Parkway, Kapolei, Hawai`i, beginning at 10:00 a.m.

PRESENT Mr. Albert "Alapaki" Nahale-a, Chairman
 Mr. Imaikalani Aiu, Commissioner, Kaua`i
 Mr. Perry O. Artates, Commissioner, Maui
 Ms. Leimana DaMate, Commissioner, West Hawai`i
 Mr. J. Kama Hopkins, Commissioner, O`ahu
 Mr. Michael P. Kahikina, Commissioner, O`ahu
 Mr. Henry K. Tancayo, Commissioner, Moloka`i
 Mr. Renwick V.I. Tassill, Commissioner, O`ahu

EXCUSED Mr. Ian B. Lee Loy, Commissioner, East Hawai`i

COUNSEL Deputy Attorneys General Kalani Bush

STAFF Michelle Ka`uhane Deputy to the Chairman
 Wai`ale`ale Sarsona, Chief of Staff
 Linda Chinn, Administrator, Land Management Division
 Dean Oshiro, Acting Administrator, Homestead Services Division
 Darrell Yagodich, Administrator, Planning Office
 Sandy Pfund, Administrator, Land Development Division
 Francis Apoliona, Compliance Officer
 Juan Garcia, Administrator, District Homestead Operations
 Kaleo Manuel, Planner, Planning Division
 Kamana`o Mills, Special Assistant, Office of the Chairman
 Kana`i Kapeliela, Applications Branch Manager, HSD
 Jeff Fujimoto, Engineer, Land Development Division
 Kala Enos, Special Assistant
 Crystal Kua, Administrator, Information and Community Relations
 Julie Cachola, Planner, Planning Division
 Kahana Albinio, Land Agent, Land Management Division
 Todd Gray, Land Agent, Land Management Division
 Elaine Searle Secretary to the Commission

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION WORKSHOP/AGENDA
91-5420 Kapolei Parkway, Kapolei, O`ahu, Hawai`i
Monday, November 14, 2011, 10:00 a.m., & November 15 2011, 8:30 a.m.

2nd Revision

ORDER OF BUSINESS

Roll Call
Approval of Agenda
Approval of Minutes of October 17, 2011

A - WORKSHOP PRESENTATIONS

- Land Dispositions - General Licenses
- Na Kupa`a O Kuhio - Overview

B - PUBLIC TESTIMONY ON AGENDIZED ITEMS

C - OFFICE OF THE CHAIRMAN

- C-1 Approval of Hawaiian Homes Commission Calendar for 2012
- C-2 Policy Development for Amendments to HAR Title 10
- C-3 Kulia Ika Nu`u Organization Certification
- C-4 Council for Native Hawaiian Advancement Proposal Homestead Energy Program - NAHASDA 2011 Grant Cycle for 2010 Native Hawaiian Housing Plan
- C-5 Papakolea Community Development Corporation - NAHASDA 2011 Grant Cycle for 2010 Native Hawaiian Housing Plan
- C-6 Implementation of Native American Graves Protection and Repatriation Act (NAGPRA) for Lalamilo, Hawai`i, Establish Procedures for Hawaiian Home Lands
- C-7 Approval to Create Alternative Energy Ad Hoc Committee

D - HOMESTEAD SERVICES DIVISION

- D-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 FHA Construction Loans
 - E - DHHL Guarantees for Habitat for Humanity Loans

- D-2 Approval of Consent to Mortgage
- D-3 Schedule of Loan Delinquency Contested Case Hearings
- D-4 Homestead Application Transfers / Cancellations
- D-5 Commission Designation of Successors to Application Rights - Public Notice 2009 and 2010
- D-6 Ratification of Designation of Successors to Leasehold Interest and Designation of Persons to Receive Net Proceeds
- D-7 Approval of Exchange of Lease
- D-8 Approval of Assignment of Leasehold Interest
- D-9 Approval of Amendment of Leasehold Interest
- D-10 Request to Invalidate Transfer of Lease No. 11748- **Roxanne L.K. Reyes**
- D-11 Designation of Successor - **Lokelani Larinaga**
- D-12 Request to Allow Kapolei Phase II Undivided Interest Lessees to Transfer to Phase I

F- LAND MANAGEMENT DIVISION

- F-1 Issuance of License Easement, Hawaii State Civil Defense, Keaukaha, Island of Hawai'i
- F-2 Issuance of Right-of-Entry Permit to County of Maui, Department of Water Supply, Wakiu, Maui
- F-3 Ratification of Consents and Approvals by Chairman, Hawaiian Homes Commission
- F-4 Notices of Default and Revocations, Statewide
- F-5 Memorandum of Understanding, Kamehameha Schools, Ma`ili, O`ahu

G - PLANNING OFFICE

- G-1 Approval of Waimanalo Regional Plan Update

J - GENERAL AGENDA

- J-1 Request to Address Commission - **Catherine Hamilton**
- J-2 Request to Address Commission - **Annie Aea, Maylene Keamo and Iwalani McBrayer**
- J-3 Request to Address Commission - **Mabel Ann Spencer**
- J-4 Request to Address Commission - **Melvin L. Kiaaina**

EXECUTIVE SESSION

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.

1. Richard Nelson, III, Kaliko Chun et al. v HHC, Civil No. 09-1-161507
2. Honokaia `Ohana v HHC & DHHL, Civil No. 09-00395
3. Honokaia `Ohana v HHC & DHHL, Civil No. 09-101615-07
4. Kalima v. SOH, DHHL, Civil No. 99-0-4771-12 (EHH) (Class Action)
5. Petition for Certiorari to US Supreme Court, Corboy v Louie
6. Resolution of Property Tax Liability
7. Potential Conflicts of Interests of Commissioners Under HRS 84-14(a)
8. Defect of Title Claims
9. In the Matter of Piliialoha, et al. v Thomas Rogers, Civil No. 07-1-002185
10. UPW Agreement and Possible Strike Plan
11. Alternate Land Use for Pastoral & Agricultural Homestead Leases
12. Regarding HRS 10-2-33

ANNOUNCEMENTS AND ADJOURNMENT

1. Next Meeting – December 12, 2011, Kapolei, Hawai`i
2. Other Announcements
3. Adjournment



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

COMMISSION MEMBERS

**Imaikalani P. Aiu, Kaua`i
Perry O. Artates, Maui
Leimana DaMate, West Hawai`i
J. "Kama" Hopkins, O`ahu**

**Michael P. Kahikina, O`ahu
Ian B. Lee Loy, East Hawai`i
Henry K. Tancayo, Moloka`i
Renwick V.I. Tassill, O`ahu**

The next community meeting will be held on Monday, December 12, 2011 at Ka Waihona O Ka Na`auao Charter School, Nanakuli (former Nanaikapono Elem. School) 89-195 Farrington Hwy, Nanakuli at 6:00 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.

PULE & Commissioner Kama Hopkins
MELE Kaulana `O Waimanalo written by Sam Nae`ole

AGENDA Commissioner H. Tancayo moved, seconded by Commissioner M. Kahikina, to approve the agenda. Motion carried unanimously.

MINUTES Commissioner K. Hopkins moved, seconded by Commissioner R. Tassill, to approve the minutes of October 17, 2011 as circulated. Motion carried unanimously.

MOTION/ACTION

Moved by Commissioner K. Hopkins seconded by Commissioner I. Aiu to convene with Public Testimony on Agendized Items. Motion carried unanimously.

B - PUBLIC TESTIMONY ON AGENDIZED ITEMS

Ref: Item No. D-8 - Puni Kekauoha and Adrian Dillard

Puni Kekauoha, Papakolea Homestead Community Association leader, extended mahalo to Enforcement Officers Francis Apoliona and Kip Akana for providing assistance above and beyond in aiding Adelaide Kauhi, a Papakolea Kupuna, who was relocated to another facility nearby. Ms. Kauhi extended appreciation to the department for looking out for her safety and welfare.

A - WORKSHOP PRESENTATIONS

1. Land Dispositions – General Licenses - Presented by Administrator Linda Chinn

- Licenses - Under Section 207(c)(1) is authorized to grant licenses as easements for
Railroads, telephone lines, electric power and light lines and gas lines;
- Licenses - Under Section 207 (c)(2) authorized to grant licenses for reservations, roads and other rights-of-way, water storage and;
- Licenses - Under Section 207 (c)(3) is subject to terms and conditions and restrictions in performing duties DHHL Administrative Rules:
- 10-4-21 - Steps needed to issuing a license
- 10-4-22 - Issue licenses for utility easement and public purposes
- 10-4-24 - Mercantile establishments for native Hawaiian organizations to be determined by Commission. This section determines native Hawaiian preference and this is section determines how it will be done

- 10-4-26 - Licenses to churches, subject to 20% of lessees in district.
(Refers to any religious establishments, not specific to native Hawaiian practitioners)

Two types of Licenses:

- a) Benefit Licenses - directly benefits beneficiary of the department, gratis which are utility lines servicing homestead area.
- b) Non Benefit Licenses - Benefit other non-native Hawaiians. Pays fair market rent.

Action taken May 31, 1985 - Authorized chairman to issue benefit licenses for easements exclusively servicing Hawaiian home lands or beneficiaries.

Commissioner M. Kahikina asked how the interpretation of Administration Rules of Section 10-4-24 help rehabilitate beneficiaries as opposed to non-beneficiaries who may not have the same process as native Hawaiians?

Licenses issued to non-profits under this provision is based on various types of uses and follow a different process. A matrix workshop was presented to the commission in 2005 detailing the justification of various rents for licenses. An update can be presented at the next monthly meeting, if required, noted Ms. Chinn.

Commissioner L. DaMate inquired whether a \$200 processing fee is adequate enough compensation for water usage on the neighboring islands?

Rates are negotiated with each county and will depend if the water storage facility strictly services the homestead lands or adjoining lands.

Commissioner Hopkins inquired whether the price of water changes and could the department collect a percentage for each new home built?

Counties generally pay a one-time service fee for water lines that pass through Hawaiian home lands servicing neighboring subdivisions. Appraisals are based on square footage. There may be opportunities to seek better terms as newer development expands. Robin Danner suggested easements for utility and water be used as leverage in exchange for real property exemptions.

2. Na Kupa`a O Kuhio - Overview - Presented by Gigi Cairel, Planner

MISSION - to assist the department with infrastructure particularly water and wastewater statewide.

Na Kupa`a was incorporated in 2006 in Hawai`i and received exempt tax status in 2007.

USDA and DHHL formed a partnership in 2000 with infrastructure being the primary

requirement. USDA provides the project financing. USDA RD focuses on rural areas incapable of receiving conventional financing.

Na Kupa`a partners with DHHL to access federal funds as the department is ineligible to apply directly. The steps are as follows:

1. DHHL prioritizes the project.
2. Na Kupa`a then prepares and submits the application to USDA. USDA reviews the application and rewards funding to Na Kupa`a with a "letter of conditions". Once Na Kupa`a completes the "letter of conditions", there is a procurement process to hire a construction contractor, manager and engineer. Once the loan is completed, Na Kupa`a then accesses funds for construction to begin. The department also assists Na Ku Pa`a with repayment of the loan once construction is completed.

A memorandum of understanding (MOU) exists between the department and Na Ku Pa`a which lists the responsibilities for each organization that includes a contract. An agreement spells out responsibilities between the two entities for each specific project. A license agreement is issued to Na Kupa`a to have access to the property to build the water and sewer system. A maintenance agreement is prepared to operate and maintain the water- sewer system until the county assumes responsibility. Na Ku Pa`a issues a lease agreement to the department which rents the system from Na Kupa`a on behalf of the beneficiaries. Currently, only one loan has closed on a project on Moloka`i. Each agreement is subject to commission approval on various agreements.

In the roles of construction, once procurement selects the three contractors, the department will acquire its own state contract with one of these services and Na Ku Pa`a is required to utilize the USDA set of contract documents for water-sewer portion only.

USDA is a lending institution offering grants up to 75% of total project. Annual allocation for the state of Hawai`i is \$9 million with 2.4 million in grant funds and 6.6 million in loan funds. Projects on Hawaiian home lands have approximately \$15 million available. Six projects awarded by USDA total \$16.2 million. Letters of conditions have been issued.

USDA has a formula for projects: generally a 60% loan and 40% grant. USDA is funding only wastewater projects while the Department is obligated to cover roads, street lights, etc. which engages the entire subdivision.

Challenges involve Un-liquidated obligations (ULO) - monies set aside for a project but have yet to be spent. An agreement was reached with USDA to allow those projects under construction for next year to have the state office request a waiver to keep those funds. The department still struggles with houses having been built that are still vacant.

USDA is attempting to qualify the department as a direct applicant and are addressing other challenges, added Ms. Cairel. The department will attempt to change USDA rules either administratively or through legislation.

Commissioner Hopkins questioned why the grant portion for Kaka`ina project in Waimanalo was costlier than other projects such as Maku`u and Moloka`i? Because the Waimanalo project is a priority project, the department would be obligated to fund the entire project. Having USDA cover the wastewater portion of funding helped defray some additional expense for the department.

Na Kupa`a representative Pat Brandt explained that Na Ku Pa`a incorporated added value to the department by bringing in \$1 for every \$8 the department spent. Over the course of time, both the department and USDA experienced changes to a point where the promise of total grants disappeared and scheduling of projects ran into problems due to the economic downturn. The department was unable to fill the 900 homes promised in Maku`u, on the Big Island, because beneficiaries were unable to qualify. With USDA timelines, even a 30% instead of 100% coverage would satisfy Na Ku Pa`a operations. Costs need to be reviewed to determine what kind of leverage the department has.

Commissioner L. DaMate inquired whether agriculture and pastoral leases can benefit from USDA funding?

According to Ms. Cairel, this is just one of USDA's programs. It is called the Water and Waste Disposal Branch for potable drinking water and community wastewater system. USDA made an exception due to the Department's extensive waiting list. It compelled the department to prioritize the undivided wait list in 2008 for Na Ku Pa`a assistance. As the projects appear, perhaps the irrigation side of USDA may fit for the agriculture program with a different funding source, added Planning Administrator Darrell Yagodich.

Chair emphasized this is not the agenda to resolve this type of concern. It is merely to bring awareness of the issues involved.

Was there any consideration to put some infrastructures on hold and ask USDA if other monies could be available to benefit another project queried Commissioner Hopkins?

Ms. Cairel responded with an affirmative "Yes". The response from USDA is that these awards are based on certain projects. If the department decided not to advance the project, then USDA would obligate the department to return the money. Chair Nahale-a confirmed his attempts to divert funding to other projects.

CNHA CEO Robin Danner claims CNHA is responsible for the \$15 million dollars set aside for DHHL and exempted DHHL to be eligible for USDA funding. The beneficiary homestead policy is responsible for getting a law passed making it feasible for DHHL to not require intermediary Na Ku Pa`a assistance.

Since 2006 trust funds have been appropriated via grant funds to Na Ku Pa`a to operate its non-profit. It has no staff and ended up having to pay DHHL staff on top of the grant money that is given each year. Ms. Danner feels the commission needs to re-evaluate the capacity issue and sensibility of utilizing a start-up with no beneficiary leaders governing it. The biggest indicator of what the grant will be is the "census". There has been a lack of due diligence in putting the applications together in projecting what household incomes of a particular subdivision is going to be. With that information available, one would be able to deem what the grant - loan ratio would be.

Ms. Danner challenges the commission to attain grants to 75% and loans to 25%. There is a need for better organization between department policy and development issues, as well. Commissioner Tassill inquired if Ms. Danner will prepare a workshop on the matter. Chairman says he has been in conversation with Ms. Danner on the issue.

Ms. Brandt informed the commission that Na Ku Pa`a has been diligent in working with USDA to secure these grants. However, USDA has been unable to provide resources even though they are motivated to work with the department. There needs to be continual lobbying to achieve success, she added.

C - OFFICE OF THE CHAIRMAN

ITEM NO: C-1

SUBJECT: Approval of Hawaiian Homes Commission Calendar for 2012

MOTION

Moved by Commissioner K. Hopkins, seconded by Commissioner M. Kahikina

AMENDED MOTION/ACTION

Moved by Commissioner Hopkins, seconded by Commissioner M. Kahikina to amend the May meeting to commence on Monday-Tuesday, May 14-15, 2012. Motion carried unanimously.

ITEM NO: C-2

SUBJECT: Policy Development for Amendments to HAR Title 10

MOTION/ACTION

Moved by Commissioner M. Kahikina, seconded by Commissioner K. Hopkins.

Policy Analyst Dre Kalili noted three options are outlined in this submittal in affording beneficiaries an opportunity to secure a lease:

- 1) Take no Action,
- 2) Adopt a "one chance" policy - once a beneficiary accepts a lease whether residential, pastoral or agriculture, he/she cannot take on another lease unless certain conditions and exceptions are met.
- 3) Adopt a policy that restricts previous lessees from re-applying for a second award -

This has been a complicated issue because of the various ways to secure a lease, noted Ad Hoc Chair Imai Aiu. The Ad Hoc committee is considering a policy in which a beneficiary may be required to wait over a period of 20 years before re-applying again.

In reviewing reports, there appear instances where a lessee may surrender his/her lease and have a good case to renew an original place on the application list. A major concern is for the beneficiary who purchases a lease, who is not on the waitlist, then surrender his/her lease only to secure another lease to circumvent the process.

Commissioner Hopkins concurs with the 20-year wait. Anything less should be brought back to the commission for consideration. The Hawaiian Homes Commission Act (HHCA) is not set up as a real estate business. The amount of different circumstances exists and the burden will be placed on staff to address these issues. Both Commissioners Tassill and Kahikina agree with the recommendation. Commissioner Kahikina added that this is a birth right and speculation in the sale of leases need to be addressed.

The beneficiaries will weigh in to have further discussion. Commissioner DaMate recommends 10 years instead of 20 years and welcomes input by beneficiaries. Commissioner Artates applauds the efforts of the Ad Hoc committee, and is appalled how native people have circumvented the process - paying \$1 for the lease and being

(cont. Item C-2)

compensated up to \$80,000 to sell it. This has been an issue from day one. He empathizes with the kupuna who have to wait years for a lease.

MOTION TO DEFER

Moved by Commissioner Imai to defer this matter until next month, seconded by Commissioner DaMate.

DISCUSSION

Commissioners DaMate and Tancayo believe more input is needed. Chairman Nahale-a pointed out this process will provide direction for the department as the community's input is still required.

MOTION TO RECESS

Commissioner Tassill requested a motion to recess to Executive Session to share additional information with the members of the commission. There being no second, the motion was lost.

MOTION WITHDRAWN

ADDITIONAL DISCUSSION

Commissioner Tassill cautioned that Hawai'i State legislators are ready to submit a bill For action on the sale of homes. He recommends the department support the resolution. Commissioner Kahikina commends the commission in addressing the policy, however, opposes Legislative involvement in department business. Commissioner Hopkins reaffirms to defer action.

ACTION

Motion carried unanimously to defer action.

ITEM NO: C-3

SUBJECT: Kūlia I Ka Nu`u Organization Certification

RECOMMENDATION

1) Certification of Stage 4 Ho`omakua to Homestead Community Development Corporation (HCDC), as the Anahola Regional Entity to be eligible for a one-time grant

of \$250,000 regional funding for the community subject to terms and conditions to work with DHHL staff to resubmit the grant proposal to DHHL by November 30, 2011 and continue to show progress in community involvement and leveraging of funding for its community economic needs.

MOTION

Moved by Commissioner L. DaMate, seconded by Commissioner R. Tassill.

DISCUSSION

Anahola Hawaiian Homestead Association president, Shirley Rapozo thanked Commissioner Tassill and commissioners for their assistance.

2) Certification of Stage 4 Ho`omakua to Nanakuli Hawaiian Homestead Community Association (NHHCA) and name NHHCA as the Nanakuli Regional Entity to be eligible for the one-time \$250,000 regional grant for this community subject to terms and conditions; to work with DHHL staff to resubmit the Economic Development Grant proposal to DHHL by November 30, 2011; to continue to show progress of community involvement and leverage funding for the community's economy; and to provide evidence of support and collaboration with Princess Kahanu Estates lessees.

MOTION

Moved by Commissioner R. Tassill, seconded by Commissioner L. DaMate.

DISCUSSION

NHHCA president, Kamaki Kanahele, announced NHHCA signed a contract with Longs Drugs to build on Hawaiian trust lands on O`ahu. They have successfully settled with the department on the financing of the Agnes Cope Community Center to be built in Nanakuli. There is a 100% financing for a low-income housing as well. Mr. Kanahele recognized Kali Watson and Mike Kahikina for their efforts in bringing these projects to fruition. It has taken seven years to fulfill this dream. Mr. Kanahele pointed out the department staff have offered minimal accommodations, forcing them to "jump through hoops" to conform to a more democratic process, requiring them to modify its by-laws in order to qualify for a commercial product. He feels the problem lies within the department and not with his community organization. He feels ostracized from having to compete with other commercial entities and having to ask permission from Kapolei neighboring community associations in its quest to secure a SCHHA (Sovereign Council of Hawaiian Homestead Assembly) office in Kapolei. He believes no other community organization has been challenged as much as they have been.

Kali Watson, chairman for the Economic Development of SCHHA, thanked the administration for its assistance in working on this project that will serve as a model and precedent within the communities. Waianae Comprehensive Center will be adding a pediatric, dentistry and health clinic on this site. The \$250,000 grant is critical seed money for its various programs. Partnerships among the association, beneficiaries and department are important components, he added. SCHHA has designs to develop 10 other sites and the \$250,000 grant funding will assist many communities.

Shirley Swinney, Kapolei Community Development Corporation (KCDC) expressed her congratulatory wishes to both AHHA and NHHCA for its commitment to their projects. She stated KCDC also been held to the same beneficiary consultation requirements to keep other communities informed. Commissioner DaMate noted that the department will address Mr. Kanahele's concerns.

ACTION

Motion carried unanimously. Commissioner M. Kahikina recused himself from voting due to his appointed position as a NHHCA board member.

ITEM NO: C-4

SUBJECT: Council for Native Hawaiian Advancement Proposal Homestead Energy Program

RECOMMENDATION

That Hawaiian Homes Commission approves funding and authorizes the Chairman to negotiate final grant amount of specific terms and conditions and to enter into a subrecipient agreement with this organization using Native Hawaiian Block Grant (NHHBG) funds.

MOTION

Moved by Commissioner K. Hopkins, seconded by Commissioner R. Tassill.

DISCUSSION

Deputy M. Ka`uhane stated Council Native Hawaiian Advancement submitted a proposal to convert and retrofit homes for solar water heating purposes. The program has four components: community outreach, review of applicant and eligibility and provides direct grants and work with contractors. Ms. Ka`uhane noted CNHA was also a recipient of ARRA (American Recovery and Reinvestment Act) funds. Grants will be available for 80% or below median area income families who were not captured in the original ARRA Funds. A total of 104 families were solar retrofitted with ARRA funding.

MOTION TO WITHDRAW

Commissioner Hopkins withdrew his motion and recused himself from voting due to his supervisor's position on the board of directors for CNHA.

MOTION

Moved Commissioner R. Tassill, seconded by Commissioner M. Kahikina. Motion carried unanimously with one abstention. 7 - Yeah, 1 - Abstain.

ITEM NO: C-5

SUBJECT: Papakolea Community Development Corporation – NAHASDA 2011
Grant Cycle for 2010 Native Hawaiian Housing Plan

To approve funding and authorize chairman to negotiate final grant amount, specific terms and conditions and to enter into a sub-recipient agreement with PCDC for the project described.

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner P. Artates

DISCUSSION

Deputy M. Ka`uhane described this project as a home retention program and a training workshop on how to identify various programs and services in a home ownership assistance program. It is a continuation of a project that was previously funded. This is Part 2 of the project. Puni Kekauoha, PCDC director, explained how this project began in 2009 which provided information to all beneficiaries in understanding the entire process of home ownership, the selling or transferring of leases and successorships. A residential curriculum was created which can be applied to every homesteader in any community and their kuleana in the community. She believes this program can be adapted for agriculture and pastoral uses. Advisors from University of Hawai`i Urban Development Division and Lunalilo Homes have contributed extensively on this project. Commissioner Tassill requested material for this project.

ACTION

Motion carried unanimously.

ITEM NO: C-6

SUBJECT: Implementation of Native American Graves Protection and Repatriation Act

RECOMMENDATION

Four recommendations are being considered noted Kamana`o Mills, Special Asst:

- 1) To approve relocation of one burial site in Lalamilo, site 21920
- 2) To approve preservation of two burials in Lalamilo site 21955 and 21959
- 3) To approve the procedure that any future inadvertent discoveries encountered in Lalamilo be on a case by case basis
- 4) To authorize a development of a NAGPRA policy and procedures manual for DHHL

MOTION/ACTION

Moved by Commissioner I. Aiu, seconded by Commissioner P. Artates.

DISCUSSION

Kana`i Kapeliela, Applications Branch Manager, with 14 years experience of historical preservation for burial sites program, Glenn Escott, Archaeologist, Scientific Consulting Services, Kamana`o Mills, Special Assistant for DHHL who worked with DLNR's State Historical Preservation Division and Burial Council, Jeff Fujimoto, Land Development Division Project Manager for Lalamilo presented information on the NAGPRA project. team member Lisa Oshiro, Department of Interior, Native Hawaiian Relations who oversees NAGPRA was not present. This is the department's first attempt to standardize the implementation of NAGPRA protection on Hawaiian home lands, claimed Kamana`o Mills. The State of Hawai`i and private developers follow rule 13300 of the State's Historical Preservation process not NAGPRA. Because we are on federal lands, we are bound to follow NAGPRA rules, he added.

Jeff Fujimoto gave a brief overview of the Lalamilo project with distribution of Exhibit "A" to be made a part of these minutes which shows the locations of the burials within the project area.. Through a consultation process, a burial site is being considered for relocation of 21920 burial site which will become a preservation lot to preserve the burial site. The waterline project is in progress. The complete "build out" of the subdivision is scheduled for 2021 with 400 residential lots.

Kamana`o Mills gave a synopsis of the NAGPRA procedures when a burial is encountered. All work ceases for 30 days and immediately implement protection measures for the area. Consultation with Office of Hawaiian Affairs (OHA), Hui Malama I Na Kupuna o Hawai`i Nei and `ohana from the respective areas. There are three dispositions to consider: 1) preserve a burial in perpetuity, 2) offer a relocation of a burial, 3) transfer custody of burial or relocation.

The department has consulted with the several `ohana; the Perez `ohana, the Lindsey `ohana, the Campbell `ohana, Tanimoto `ohana, Bobby Hind `ohana, Keawe Greenberg `ohana, Keli`inoe `ohana, totaling nearly 35 family members. After consultation at the Kona meeting, the majority agreed to move the burial site of 21920.

RECESS: 12:50 P.M.

MOTION/ACTION

Moved by Commissioner K. Hopkins, seconded by Commissioner R. Tassill to convene in Executive Session to consult with its attorney on questions and issues pertaining to this matter. Motion carried unanimously.

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner K. Hopkins to include staff members Kamana`o Mills, Kana`i Kapeliela, Jeff Fujimoto and archaeologist specialist Glenn Escott in Executive Session. Motion carried unanimously.

RECONVENE: 1:20 P.M.

Chairman Nahale-a reconvened in open session to continue with Item No. 6. Motion carried unanimously.

ITEM NO. C-6 (cont)

SUBJECT: Implementation of Native American Graves Protection and Repatriation Act

RECOMMENDATION

Chairman Nahale-a proposed a recommendation to append to Item No. 1:

"Relocation shall be done in consultation with the community"

AMENDED MOTION/ACTION

Moved by Commissioner I. Aiu, seconded by Commissioner K. Hopkins to amend Item No. 1 as stated. Motion carried unanimously.

DISCUSSION

Chairman Nahale-a proposed a recommendation to add : **Item No. 5: To Direct Department of Hawaiian Home Lands to investigate how this subdivision was designed to require the relocation, and to put practices in place to prevent this from occurring again.**

AMENDED MOTION

Moved by Commissioner I. Aiu, seconded by Commission K. Hopkins to add Item 5.

DISCUSSION

Commissioner I. Aiu has faced unpleasant situations like this as a planning commissioner where there was little wiggle room to deny a project because of a burial site. It still hurts to move a burial, even though it's the responsibility of the commission. "We need to be concerned for our living Hawaiians". He supports the higher standard this commission is about to impart.

Chairman Nahale-a recommends to append to Item No. 4 **A Policy shall seek to assure every effort is made to identify the lineal descendants.**

ACTION

Motion carried unanimously.

MOTION/ACTION

Moved by Commissioner K. Hopkins, seconded by Commissioner R. Tassill to commence with "J Agenda" items after Item C-7. Motion carried unanimously.

ITEM NO: C-7

SUBJECT: Approval to Create Alternative Energy Ad Hoc Committee

MOTION

Moved by Commissioner L. DaMate, seconded by Commissioner K. Hopkins.

DISCUSSION

This Alternative Energy Ad Hoc committee replaces the Ad Hoc Geothermal Energy committee stated Chairman Nahale-a. Commissioner M. Kahikina is willing to chair this committee. Commissioners R. Tassill and L. DaMate volunteered as committee members. Chairman Nahale-a suggested all options be considered and allow staff to process it. Deputy Ka`uhane offered to assist.

ACTION

Motion carried unanimously.

ITEM NO: J-1

SUBJECT: Request to Address Commission – Catherine Hamilton

MOTION/ACTION

None. For Information Only.

Catherine Hamilton did not appear as requested.

ITEM NO: J-2

SUBJECT: Request to Address Commission – Annie Aea, Maylene Keamo and Iwalani McBrayer

MOTION/ACTION

Kaupe`a residents Iwalani McBrayer, Maylene Keamo and Annie Aiea appeared before the commission to address safety concerns within their community. Material was distributed to be made a part of these minutes as Exhibits A-I. Ms. McBrayer claimed she is one of the first residences of Kaupe`a built in 2007 in Kapolei. She reported disturbances of domestic violence, gun shooting and car accidents due to speeding and drunk driving have plagued their community and the fear is it may one day affect their families and neighbors in their community.

A pedestrian walkway opening on Kama`aha is wider than other neighboring areas and creates concern for cars attempting to enter through this opening. They have appealed to prior chairmen and staff from Land Development who have assessed the situation but have offered no resolution. They feel strongly that the department is responsible for their safety and welfare and peace of mind and extend the retaining wall on Kapolei Parkway along Kama`aha. Ms. McBrayer claims her subdivision is the only subdivision in the Villages of Kapolei lacking a retaining wall in a high visibility traffic area. In

conversations with Villages of Kapolei Association (VOKA) they were told it was to the discretion of the developer to decide what type of wall to build. A retaining wall ends slightly around the corner of Kapolei Parkway and Kama`aha Street.

Kapolei Parkway has a "No Zone" drop-off area for kids attending Kapolei Middle School (across Kaupe`a subdivision). Traffic is heavy between the hours of 6:45 - 8:00 a.m. Because of the safety concerns, the middle school is looking to change the drop off area on Kama`aha which may create problems because drivers may utilize alternate routes within Kaupe`a subdivision, noted Ms. McBrayer. The lessees believe their complaints are valid and are requesting the department's commitment to resolve the matter. Ms. McBrayer has also considered having this as a group project for the community. The cost to build it in 2009 was then \$254,000. They are hopeful others in the community will work together to resolve this matter.

Annie Aea said she has been advocating for the past three years to find resolution. She believes in the safety of the kids and `Ohana. She said Kapolei Parkway looks like Campbell Industrial Raceway. The pictures handed out earlier show some signs of racing.

Maylene Keamo hears the screeching noises every night and fears for her life. She would like the department to take the initiative to come and see for themselves. The women expressed appreciation for the opportunity to share their mana`o to listen to their concerns

ITEM NO: J-3

SUBJECT: Request to Address Commission – Mabel Ann Spencer

MOTION/ACTION

None. For Information Only.

Ms. Spencer appeared before the commission and read verbatim of her letter to be made a part of these minutes as Exhibit "A". Ms. Spencer expressed dismay regarding a garden that was utilized by the Waimanalo Health Center and the community for 20 years at Bellows Air Force Base in Waimanalo, then to suddenly be fenced up without explanation in 2002. Ms. Spencer claimed this garden provided a sense of connection to Hawaiian values where people cultivated vegetables, shared nutritional information and provided a lifeline to the many that used it.

She queried why the Department of Hawaiian home lands did not take advantage of an opportunity to develop the 170 acres of lands offered at Bellows Field even though there was an easement issue. She claims to be a pro-active leader and would like to see this erroneous decision corrected. Ms. Spencer provided an agenda of a meeting that took place with legislative, community, military and staff to discuss options to continue with a garden.

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner K. Hopkins to commence with Item F-2. Motion carried unanimously.

ITEM NO: F-2

SUBJECT: Issuance of Right-of-Entry Permit to County of Maui, Department of Water Supply, Wakiu, Maui

RECOMMENDATION

- 1) To issue an 18 month right-of-entry permit to Maui County, Department of Water Supply (DWS) for the purpose of drilling of a development of an exploratory well for Wakiu Well Replacement Project;
- 2) To issue a subsequent non-benefit license to DWS should the hydraulic capacity prove adequate enough to continue development which would then replace the existing well on Hawaiian home lands.

MOTION

Moved by Commissioner P. Artates, seconded by Commissioner H. Tancayo.

DISCUSSION

Commissioner Hopkins favors this recommendation and trusts the chairman to make the correct decision to benefit the trust. Commissioner DaMate agrees that the chairman will develop reasonable fees or conditions for this license. However, she opposes this recommendation; namely, due to the fact Maui County will be utilizing an aquifer on Hawaiian home lands for other non-Hawaiian beneficiaries. She would recommend free water for Hawaiians. Commissioner Tassill favors a compensation policy be set up. Commissioner Aiu favors negotiating a share of the revenue for use of the water.

Maui county always has water issues, noted Commissioner Tancayo. He is thankful DWS is exploring new water resources for agriculture and potable drinking water. Commissioner Artates said the cost of building a well is costly. Maui County has one

of the most difficult ordinances in water usage. He claims the chairman is in a prime condition to negotiate terms and conditions with the County. He visualizes partnering with DWS in providing opportunities for native Hawaiians for future development similar to the Waiohuli subdivision on Maui where water was provided. If it were not for DWS, Waiohuli would be non-existent. A delegation of SCHHA representatives will be meeting with Maui mayor and legislators to discuss the intent to remove the special relationship that exists between the two entities. He is requesting Ms. Chinn keep this matter as part of that discussion.

There have been discussions in the past two years exploring the possibility of the department building its own well. The projected cost is estimated at \$6,000,000 with no guarantees of water. Chairman Nahale-a claims the attorney general's office would need to be consulted before assuming a project of this magnitude. There needs to be further discussion.

ACTION

Motion carried unanimously. 7 – Affirmative votes; 1 – Nay vote (DaMate)

ITEM NO: J-4

SUBJECT: Request to Address Commission – Melvin L. Kiaaina

MOTION/ACTION

None. For Information Only

Melvin Kiaaina appeared before the commission to clarify he filed for Chapter 7 Bankruptcy several years ago which frees him from any obligation to pay an outstanding loan. According to his documents, it is unlawful for any creditor to contact him by mail or telephone regarding the bankruptcy. A deputy attorney general contacted Mr. Kiaaina informing him of his obligation to pay his loan to the department. He requested a written request but has not received any letter from anyone. He refinanced a loan with another lender and was told he needed to repay a loan for \$16,207.97 to Hawaiian home lands as a condition for his loan approval. He claims he signed documents without reading it.

Hawaiian home lands was paid \$6,000 during refinancing said Mr. Kiaaina. He believes he has been wronged by the Department of Hawaiian home lands. Mr. Kaaina is here today to request an investigation and explanation as to why interest was allowed to accrue. He thanked the commission for allowing him time to express his concerns. Mr. Kiaaina submitted material to be made a part of these minutes as Exhibits A-L.

D - HOMESTEAD SERVICES DIVISION

ITEM NO: D-1

SUBJECT: HSD Status Reports

MOTION/ACTION

None, for information only.

ITEM NO: D-2

SUBJECT: Approval of Consent to Mortgage

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner P. Artates. Motion carried unanimously.

ITEM NO: D-3

SUBJECT: Schedule of Loan Delinquency Contested Case Hearings

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner H. Tancayo. Motion carried unanimously.

ITEM NO: D-4

SUBJECT: Homestead Application Transfers/Cancellations

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner M. Kahikini. Motion carried unanimously.

ITEM NO: D-5

SUBJECT: Commissioner Designation of Successors to Application Rights – Public
Notice 2009 and 2010

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner H. Tancayo. Motion carried unanimously.

ITEM NO: D-6
SUBJECT: Ratification of Designation of Successors to Leasehold Interest and
Designation of Persons to Receive Net Proceeds

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner P. Artates, seconded by Commissioner H. Tancayo. Motion carried unanimously.

DISCUSSION

Commissioner Hopkins questioned the purpose of ratification since a decision was approved by the commission giving the chairman the authority to follow through with its decision. In the case where chairman has "signed off" first, ratification by the commission is necessary, responded Deputy Attorney General K. Bush.

ITEM NO: D-7
SUBJECT: Approval of Exchange Of Lease

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner H. Tancayo. Motion carried unanimously.

ITEM NO: D-8
SUBJECT: Approval of Assignment of Leasehold Interest

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner H. Tancayo. Motion carried unanimously.

ITEM NO: D-9
SUBJECT: Approval of Amendment of Leasehold Interest

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner M. Kahikina. Motion carried unanimously.

ITEM NO: D-10

SUBJECT: Request to Invalidate Transfer of Lease No. 11748. Roxanne L.K. Reyes

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner I. Aiu. Motion carried unanimously.

ITEM NO: D-11

SUBJECT: Designation of Successor – **Loke Larinaga**

MOTION/ACTION

Moved by Commissioner P. Artates, seconded by Commissioner H. Tancayo. Motion carried unanimously.

ITEM NO: D-12

SUBJECT: Request to Allow Kapolei Phase II Undivided Interest Lessees to
Transfers to Phase I.

MOTION/ACTION

Moved by Commissioner P. Arates, seconded by Commissioner H. Tancayo. Motion carried unanimously.

COMMENT

Since the initial awarding of Undivided Interest East Kapolei Phase I, there are beneficiaries still on this waitlist who have yet to qualify for a turn-key lot. The department has made a number of awards and have exhausted this list. There are still a number of lots available, noted Deputy M. Ka`uhane. The department would like to see those homes filled and is requesting to authorize those lessees in the Phase II project who are ready for an award, have an option to receive a lease Phase I subdivision. This would provide extra time to those families who are not yet ready to meet their financial obligations.

RECESS: 3:00 P.M.

Motion/Action

Moved by Commissioner I. Aiu, seconded by Commissioner K. Hopkins to reconvene at 8:30 a.m. Tuesday, November 15, 2011. Motion carried unanimously.

RECONVENE: 8:40 A.M.

Meeting reconvened Tuesday, November 15, 2011. Commissioner M. Kahikina is en route to the meeting. All members present with the exception of Commission I. Lee Loy.

F - LAND MANAGEMENT DIVISION

ITEM NO: F-1

SUBJECT: Issuance of License Easement, Hawaii State Civil Defense, Keaukaha, Island of Hawai`i

MOTION/

Moved by Commissioner I. Aiu, seconded by Commissioner P. Artates.

DISCUSSION

This project is between the state and the county to install a new civil defense warning device in Keaukaha. The last time there was a civil defense warning, the siren did not operate. Both Commissioners DaMate and Lee Loy were commended for having Civil Defense and County of Hawai`i respond quickly to right this shortcoming.

ACTION

Motion carried unanimously.

ITEM NO: F-3

SUBJECT: Ratification of Consents and Approvals by Chairman, Hawaiian Homes Commission

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner P. Artates. Motion carried unanimously.

COMMENT

Chairman Nahale-a noted that all three licenses were previously approved

ITEM NO: F-4

SUBJECT: Notices of Default and Revocations, Statewide

MOTION/ACTION

None. No notices of revocation for the month. A new monthly coupon book is being initiated. Although the new system will cost time, money and postage, it should be well worth it, noted Ms. Chinn.

ITEM NO: F-5

SUBJECT: Memorandum of Understanding, Kamehameha Schools, Ma`ili, O`ahu

MOTION/ACTION

Moved by Commissioner R. Tassill, seconded by K. Hopkins to defer this item until Commissioner Kahikina arrives.

G - PLANNING DIVISION

ITEM NO: G-1

SUBJECT: Approval of Waimanalo Regional Plan Update

MOTION

Moved by Commissioner R. Tassill, seconded by Commissioner P. Artates.

Commissioner M. Kahikina has arrived. (9:05 a.m.)

DISCUSSION

Planner Kaleo Manual maintained three community meetings are scheduled to update the current regional plan. Applicants were also invited to participate in the planning process. Much of the focus centered around housing and residential where previously it addressed more community based issues. Six projects were selected as priority projects:

- 1) Emergency Evacuation Plan, 2) Hawaiian Cultural Learning Center,
- 3) Honolulu Police Department Satellite Office, 4) Support and Develop Affordable & Obtainable Homestead Alternatives in Waimanalo, 5) Waikupanaha Improvements/ Ilauhole Street Extension, 6) Waimanalo Business Park (Industrial/Technology)

Commissioner Aiu suggested commercial/civic uses need to be concentrated in a tighter area and not be sprawled out to make those successes happen. He would need to look at the map in detail to discover the challenges it would create. Watersheds and water protection are very important and flooding with infrastructure are not up to grade. Are these part of a greater plan? Everything is piecemeal noted Kaleo Manual.

Chairman Nahale-a articulated that the role of the planning division needs to be clarified whether they have capacity to address those conversations. Commissioner Aiu said a lot of focus is on the ditch to provide irrigation. Does it have the capacity to take on the run-off? Chairman Nahale-a acknowledged we do not have the capacity to address those matters.

Watersheds are critically important on all islands and Commissioner DaMate would like to meet with the contractor to address the connectivity of the water structures and its capacities. Commissioner Tancayo would like to see Waimanalo create its own shopping center to bring income to the community to include a service station per se. Waimanalo has lots of water percolating into the island's biggest reservoir added Commissioner Tassill. Chairman Nahale-a thanked Planner Kaleo Manual for his fine work and solid efforts to update this regional plan.

ITEM NO. F-5

SUBJECT: Memorandum of Understanding, Kamehameha Schools, Ma`ili, O`ahu

Moved by Commissioner M. Kahikina, seconded by Commissioner I. Aiu to adjourn in Executive Session. Motion carried unanimously.

RECESS: 9:25 A.M

EXECUTIVE SESSION

The commission convened in executive meeting Pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the business components of the MOU.

MOTION/ACTION

Moved by Commissioner K. Hopkins, seconded by Commissioner L. DaMate to include Julie Cachola, staff member, in Executive Session.

RECONVENE 10:05 A.M.

MOTION

Moved by Commissioner L. DaMate, seconded by Commissioner K. Hopkins to reconvene in regular meeting and continue with Item No. F-5. Motion carried unanimously.

DISCUSSION

Chairman Nahale-a announced that this MOU is not a legally binding agreement. It is an opportunity to partner with Kamehameha Schools to fulfill a portion of the Ka Pua subdivision on Ma`ili lands and the department is excited to be a part of this venture for the beneficiaries of Ma`ili.

ACTION

Motion carried unanimously.

RECESS 10:20 A.M.

MOTION/ACTION

Moved by Commissioner K. Hopkins, seconded by Commissioner I. Aiu to address Contested Case Hearings prior to Executive Session. Motion carried unanimously.

EXECUTIVE SESSION 12:20 P.M.

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. Richard Nelson, III, Kaliko Chun et al. v HHC, Civil No. 07-1-1663-08 BIA
2. Honokaia `Ohana v HHC & DHHL, Civil No. 09-00395
3. Honokaia `Ohana v HHC & DHHL, Civil No. 09-101615
4. Kalima v SOH, DHHL, Civil No. 99-0-4771-12 (EHH) (Class Action)
5. Petition for Certiorari to US Supreme Court, Corboy v Louie.
6. Resolution of Property Tax Liability
7. Potential Conflicts of Interests of Commissioners Under HRS 84014(a)
8. Defect of Title Claims

9. In the Matter of Piliialoha, et al. v Thomas Rogers, Civil No. 07-1-002185
10. UPW Agreement and Possible Strike Plan
11. Alternate Land Use for Pastoral & Agricultural Homestead Leases
12. Regarding HRS 10-2-33

RECONVENE: 2:20 P.M.

Moved by Commissioner K. Hopkins seconded by Commissioner H. Tancayo to reconvene in regular monthly meeting. Motion carried unanimously.

ADJORNMENT: 2:20 P.M.

Moved by Commissioner L. DaMate, seconded by Commissioner K. Hopkins to adjourn the regular meeting. Motion carried unanimously.

Hawaiian Home Lands, November 14-15, 2011
Kapolei, Hawai'i

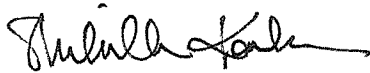
ANNOUNCEMENTS AND ADJOURNMENT


NEXT MEETING December 12, 2011, Kapolei, Hawai'i

ANNOUNCEMENTS Community meeting scheduled on December 12, 2011 at
Ka Waihona O Ka Na'auao Charter School, Nanakuli, Hawai'i

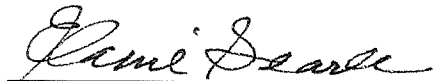
ADJOURNMENT 2:20 p.m.

Respectfully submitted,



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


Prepared by:



Elaine Searle, Secretary
Hawaiian Homes Commission

APPROVED BY:
The Hawaiian Homes Commission
At Its Regular Monthly Meeting Of
December 12, 2011



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

HAWAIIAN HOMES COMMISSION

SIGN IN SHEET
TESTIMONY

Date & Time: _____

Re: _____

Location: _____

FULL NAME (PLEASE SIGN)	ADDRESS (STREET, CITY, ZIP)	E-MAIL	BUSINESS / MOBILE
1. Nabel Ann Spencer	41-1378 Kahi'ima'ana St.	nspencer@aol.com	259-564
2. B. Puni Kukanohu	2150 Tantalus Dr	punikukanohu@gmail.com	358-6722
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			



Department of Hawaiian Home Lands

Land Management Division

Presentation to the Hawaiian Homes Commission on Licensing of Hawaiian Home Lands

November 14, 2011

Land Management Division

- Four (4) types of agreement to use Hawaiian home lands:
 - General Leases
 - Revocable Permits
 - **Licenses**
 - Right of-Entry Permits

Policy

To grant licenses as authorized under the Hawaiian Homes Commission Act, 1920, as amended.

Licenses

As of June 30, 2010

- 423 licenses are in effect statewide
- \$754,000 generated in annual revenue

Hawaiian Homes Commission Act

Section 207(c)(1), states in part that “The department is authorized to grant licenses as easements for all railroads, telephone, lines, electric power and light lines, gas mains, and the like. The department is also authorized to grant licenses for lots within a district in which lands are leased...for (A) churches, hospitals, public schools, post offices, and other improvements for public purposes; and (B) theaters, garages, service stations, markets, stores, and other mercantile establishments (...owned by native Hawaiians or organizations owned and controlled by native Hawaiians).”

Section 207(c)(2), also states in part that “The department is also authorized to grant licenses to the United States for reservations, roads, and other rights-of-way, water storage and distribution facilities, and practice target ranges.”

Hawaiian Homes Commission Act

Section 207(c)(3), states in part that “Any licenses issued this subsection shall be subject to such terms, conditions, and restrictions as required by the department in carrying on its duties, nor interfere in any way with the department’s operation or maintenance activities.”

DHHL Administrative Rules

- **10-4-21**

General provisions on Issuance of licenses: HHC approval of terms and conditions required upon written request for licenses

- **10-4-22**

Licenses for easements and public purposes: The department may issue licenses for utility easements and improvements for public purposes

DHHL Administrative Rules

- **10-4-24**

Licenses for mercantile establishment: The department may issue licenses for mercantile establishments, all of which shall be owned by native Hawaiians or organizations controlled by native Hawaiians, subject to public notification and sealed bids, with rental to be determined by the department

- **10-4-26**

Licenses to churches: The department may issue licenses to churches within a homestead district subject to petition by 20% of lessees in the district, and the annual fee shall be one-half on one cent per square foot, or \$200, whichever is greater

Licenses

Two Types:

Benefit (B) – of direct benefit to beneficiaries or the department

Non-Benefit (NB) – intended to benefit other than native Hawaiians

Licenses

Benefit Licenses:

- Issue for easements, homestead associations, non-profit organizations
- Term can be perpetual or shorter, subject to reverter upon termination or abandonment
- May allow the monthly fees to be nominal
- May waive processing/documentation fees

Licenses

Non-Benefit Licenses:

- Issue to government agencies, churches, and for-profit tele-communication entities
- Fees established by appraisal; or negotiate by conducting appraisal in-house
- Assess \$200 processing fee
- Licensee to pay for all costs, including, but not limited to advertising, survey, and appraisal cost

HHC Action

HHC Action of May 31, 1985:

HHC authorized the Chairman to issue licenses, in accordance with DHHL Administrative Rules for easements exclusively servicing HHL or homestead beneficiaries.



Department of Hawaiian Home Lands

Mahalo!

Request for Trust Lands from the Hawaiian Home Land Trust

This application is completed by an interested party in receiving lands dedicated under the Hawaiian Homes Commission Act. HHCA lands are to be used for homesteading purposes for beneficiary native Hawaiians (residential, and agricultural or pastoral), and when necessary, in the best interest of the trust and its beneficiaries, for public purpose, commercial and multipurpose use.

Section I: Name of Applicant Requesting Trust Lands

Name of Requesting Organization: _____

Address of Organization: _____

Officers and/or Principal Representatives: _____

Mission of Organization: _____

Date Incorporated: _____ State of Incorporation: _____

Section II: Type of Organization

☐ **Requesting Organization – Non-Profit**

Type of Non-Profit: ☐ Private Nonprofit – governed by self appointed board
☐ Member Nonprofit – governed by voting members
☐ *Homestead Organization – governed by HHCA beneficiary members

*Non-profit is Democratically Elected by and for HHCA Beneficiaries or a Subsidiary thereof

Capacity Assessed by DHHL Kulia Ika Nuu Program: ☐ Yes ☐ No

Current Capacity and Service to HHCA Beneficiary Community: _____

☐ **Requesting Organization – Individual or Business**

☐ Individual ☐ Sole Proprietorship ☐ Partnership
☐ Corporation ☐ Limited Liability Corporation ☐ Other

Is an Individual HHCA Beneficiary/is Owned by an HHCA Beneficiary ☐ Yes ☐ No

☐ **Requesting Organization – Government Agency**

☐ Federal ☐ State ☐ County

Section III: Land Request Instrument, Terms & Purpose

Applicant requests the following land transaction instrument:

☐ Right of Entry ☐ Revocable Permit ☐ Easement:
☐ License ☐ General Lease ☐ Other:



WRKshap
 11-14-11
 1 m d

Land Description: _____

Term: _____ **Payment Amount:** ☐ Undetermined ☐ Market value land rents
☐ Gratis/or Less than Market value land rents ☐ \$ _____

*If Gratis or Less than Market – Explain Why the Trust Should Not be Compensated: _____

Land Use or Purpose: _____

Land Use Benefit to the Trust and/or its Beneficiaries: _____

If Applicant is Not a Homestead Beneficiary Organization or a Subsidiary Thereof, Describe How the Applicant is Partnered with Such Organizations: Applicant is a Homestead Beneficiary Organization Subsidiary, of three democratically-elected homestead associations.

Section IV. Relevant HHCA Sections to Non-Homesteading Trust Land Disposition

The HHCA addresses non-homesteading public purpose licenses, such as community facilities, commercial or multi-purpose functions, when such purpose supports the overall mission and well-being of the trust and its HHCA beneficiaries.

Section 207(c) – This application relates to which of the following four categories under Section 207(c) of the Hawaiian Homes Commission Act wherein a License may be issued:

- ☐ Section 207(c)(1) – Railroads, Telephone Lines, Electric/Utility Lines, Gas Mains, etc; OR
- ☐ Section 207(c)(1)(A) – Churches, hospitals, public schools, post offices and other improvements for public purposes; OR
- ☐ Section 207(c)(1)(B) – Theatres, garages, service stations, markets, stores and other mercantile establishments (all of which shall be owned by native Hawaiians or by organizations formed and controlled by native Hawaiians); OR
- ☐ Section 207(c)(2) – Reservations, roads and other right of way, water storage and distribution facilities and practice target ranges of the United States;
- ☐ None of the Above

Section 204(1) – Lands not required for leasing under 207(a) (homesteading), DHHL may issue a general lease for public, commercial or multipurpose use. This application is a commercial or multipurpose use:

- ☐ Land use or improvements will generate commercial profit to the applicant
- ☐ Land use or improvements will not generate commercial profit to the applicant

Section 204(2) – Lands not required for leasing under 207(a) (homesteading), DHHL is expressly authorized to negotiate, prior to negotiations with the general public, the disposition of Hawaiian home lands or any improvements thereon to a native Hawaiian, or organization or association owned or



controlled by native Hawaiians, for commercial, industrial or other business purposes in accordance to section 171HRS.

- ☐ This Land Request IS made by an *HHCA Homestead Beneficiary Organization.
- ☐ This Land Request IS NOT made by an *HHCA Homestead Beneficiary Organization or individual or business owned and controlled by HHCA Beneficiaries.

Section V. Beneficiary Consultation, Applicant Capacity and Land Use Benefit Analysis

Trust Lands represent a finite amount of land, with thousands of HHCA eligible beneficiaries awaiting an award under the Residential, Agricultural or Pastoral Homesteading program, as well as dozens of Homestead Associations controlled by HHCA Beneficiaries working on homestead based development projects.

As a result, the applicant acknowledges that part of the process of considering applications for trust lands should include the following:

1. Beneficiary Consultation

- a. A Notice of All Land Requests to License/Lease Hawaiian Home Lands for non-homesteading purposes should be sent to all Homestead Associations with an opportunity for beneficiaries of the trust to comment and provide input.
- b. All input received should be provided to the Hawaiian Homes Commission.

2. Applicant Capacity

- a. If a Nonprofit Organization – should be assessed by DHHL Kulia i ka Nuu capacity program to determine financial, programmatic, governance and leadership capacity and determine legal structure. Additional information may be required to be submitted to DHHL.
- b. If an Individual/Business – should be assessed by DHHL to determine financial and leadership capacity and legal structure. Additional information may be required to be submitted to DHHL.

3. Land Use Benefit Analysis

- a. The land requested should have a direct or significant indirect benefit to the trust or to the beneficiaries of the trust. Additional information may be required to be submitted to DHHL.
- b. The land requested should comply with the spirit and intent of Section 207(c) and Section 204(2) by engaging beneficiary organizations. Additional information may be required to be submitted to DHHL to determine how Beneficiary Organizations are directly connected to the land request use.

The following authorized representative, submits this request for Hawaiian Home Lands:

Print Individual or Organization Name

Date

Authorized Representative Name & Title

Signature



Template for Hawaiian Homes Commission Action on Land Requests

Date: [Current Date]

To: Chairman and Members, Hawaiian Homes Commission

Fr: Land Management Division

Re: [Description of Action Item]

Section I. About the Land Applicant

This land request is made by:

- ☐ Private or Member Nonprofit
- ☐ Commercial Enterprise
- ☐ Government Agency
- ☐ Homestead Beneficiary Controlled Nonprofit or Subsidiary Thereof

Applicant, if a Nonprofit, has been assessed under the DHHL Kulia Ika Nuu Program:

- ☐ Yes ☐ No

The Applicant will pay land rent values:

- ☐ Market Value Land Rents ☐ Less Than Market Value Land Rents
- ☐ Land Rents Shared at 80/20 (Must be a Homestead Beneficiary Nonprofit or Subsidiary)

Transaction includes a Homestead Benefits Agreement Component:

- ☐ Yes ☐ No

Section II. Recommended Motion/Action

[Standard Information About Land Request and Transaction]

Section III. Discussion & Authority

HHC Authority – [State section of HHCA under which land transaction and HHC have authority]

About Requesting Party – [Describe Applicant and Financial and Land Stewardship Capacity]

About Project & Financing – [Describe Project, Land Use, and Financing Sources]

About Land Valuation & Land Rent Amount – [Describe Basis Land Rent Values]

About Regional Plan – [Describe How Addressed in Regional Plan]

About Homestead Benefits Agreement – [Describe Content of Homestead Benefits Agreement]

About Beneficiary Consultation – [Describe Method of Consultation and Any Input Provided]

Section IV. Summary



NĀ KUPA'A O KŪHIŌ

Nā Kupa'a o Kūhiō Overview

Hawaiian Homes Commission
Workshop
November 14, 2011

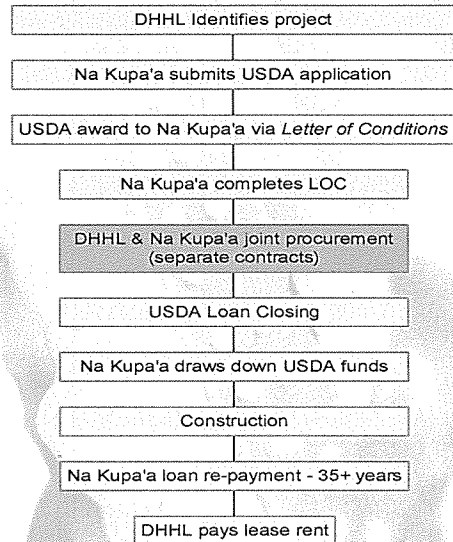
NĀ KUPA'A O KŪHIŌ

Who
What
When
Where
Why
How

Workshop
HHC Item No. PLO
Exhibit A
Date 11-14-11

NĀ KUPA'A O KŪHIŌ

The "How"



NĀ KUPA'A O KŪHIŌ

DHHL – Nā Kupa'a o Kūhiō Partnership

- (1) MOU* between DHHL and Nā Kupa'a o Kūhiō
- (2) DHHL Contract for Services

For each project,

- (3) Project Agreement*
- (4) DHHL License*
- (5) DHHL Operations & Maintenance agreement
- (6) Nā Kupa'a o Kūhiō lease agreement*
 - 15% fee per loan payment
 - DHHL lease rent - Nā Kupa'a o Kūhiō

*Subject to Commission approval

NĀ KUPA'A O KŪHIŌ

Roles in Construction

Joint Procurement – Separate Contracts

DHHL (state contract)

(roads, etc.)

- Construction contract
- Construction Manager or “CM”
- Engineer services during construction

Nā Kupa'a (EJCDC docs)

(water and wastewater only)

- Construction contract
- Construction Manager or “CM”
- Engineer services during construction

NĀ KUPA'A O KŪHIŌ

Opportunity

US Department of Agriculture Rural Development

Water & Waste Disposal Grant & Loan Program

(maximum grant allowed is 75% of total project cost)

	Grant funds	Loan funds	Total
National	\$451,000,000	\$900,000,000	\$1,351,000,000
Hawaii state	2,400,000	6,600,000	9,000,000
Set-aside	15,000,000	- 0 -	15,000,000
TOTAL	\$ 17,400,000	\$ 6,600,000	\$ 24,000,000

NĀ KUPA'A O KŪHIŌ

Accomplishments USDA funded projects

	Grant	Loan	Total
Moloka'i improvements	\$1,163,475	\$1,323,525	\$2,487,000
Kaka'ina	377,800	541,000	918,800
Maku'u off-site well	2,100,000	3,148,000	5,248,000
La'i 'Opua Village 4	917,350	2,134,000	3,051,350
Pi'ilani Mai Ke Kai	339,000	471,000	810,000
East Kapolei 2B	1,513,000	2,188,000	3,701,000
TOTAL	\$6,410,625	\$9,805,525	\$16,216,150

NĀ KUPA'A O KŪHIŌ

USDA grant:loan ratio

	Grant (%)	Loan (%)
Molokai	45%	55%
Kaka'ina	40	60
Maku'u	40	60
La'i 'Opua Village 4	30	70
Pi'ilani Mai Ke Kai	40	60
East Kapolei 2B	40	60

NĀ KUPA'A O KŪHIŌ

Overall Subdivision Costs

	USDA water/wastewater	DHHL roads, other	TOTAL	%
Molokai improvements	\$2,487,000	\$0	\$2,487,000	100%
Kaka'ina	918,800	8,830,000	\$9,748,800	9%
Maku'u off-site well	5,248,000	0	5,248,000	100%
La'i 'Opua Village 4	3,051,350	24,400,000	27,451,350	11%
Pi'ilani Mai Ke Kai	810,000	5,460,000	6,270,000	13%
E Kapolei	3,701,000	17,800,000	21,501,000	17%
TOTAL	\$16,216,150	\$56,490,000	\$72,706,150	22%

NĀ KUPA'A O KŪHIŌ

Challenges

- Un-Liquidated Obligations or ULO's
- Schedule delays in subdivision development
- More applications, more debt
- Capacity of Nā Kupa'a o Kūhiō

NĀ KUPA'A O KŪHIŌ

Next Steps

- DHHH as direct applicant to USDA
- Change focus to only water/wastewater
 - Molokai water system improvements
 - Improve sewers in older homesteads
 - Off-site infrastructure
- Utilize multiple sources: USDA, NAHASDA, HUD/CDBG, EPA, SRF, EDA
- Pursue legislation and rule changes
- Participate in USDA consultation process

CENTRAL PRESERVATION AREA

Department of Hawaiian Home Lands
Lalamilo Housing Phase 2
Waimea, South Kohala, Island of
Hawaii, Hawaii

HHC Item No. C-6
Exhibit A
Date 11-14-11

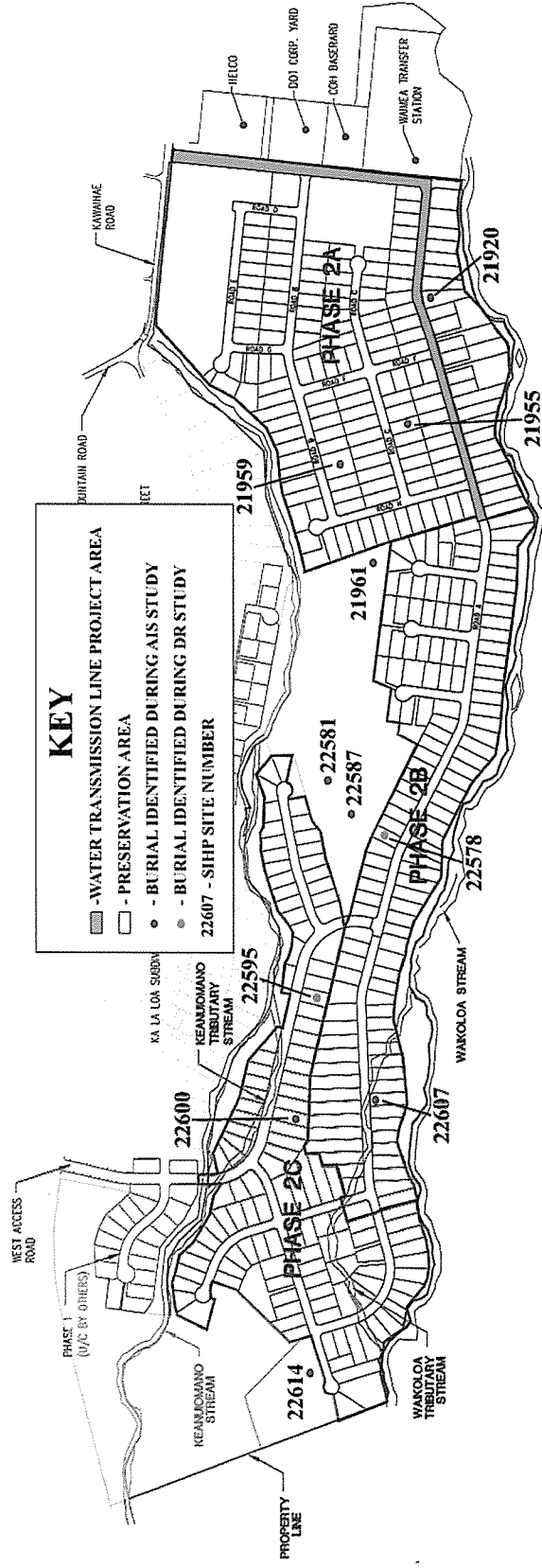
34



Aerial Photo Showing the Location of the DHHL Lalamilo Housing Phase 2 Project Site.



Property Map Showing Locations of the Burials within the Project Area.



TRUE NORTH

Locations of Burials within the Project Site.

SITE	LOCATION
21920	Phase 2A
21955	Phase 2A
21959	Phase 2A
21961	Central Preservation Area
22581	Central Preservation Area
22587	Central Preservation Area
22578	Phase 2B
22607	Phase 2B
22595	Phase 2C
22600	Phase 2C
22614	Western Preservation Area

Photo of Burial Site 21920 Looking West.

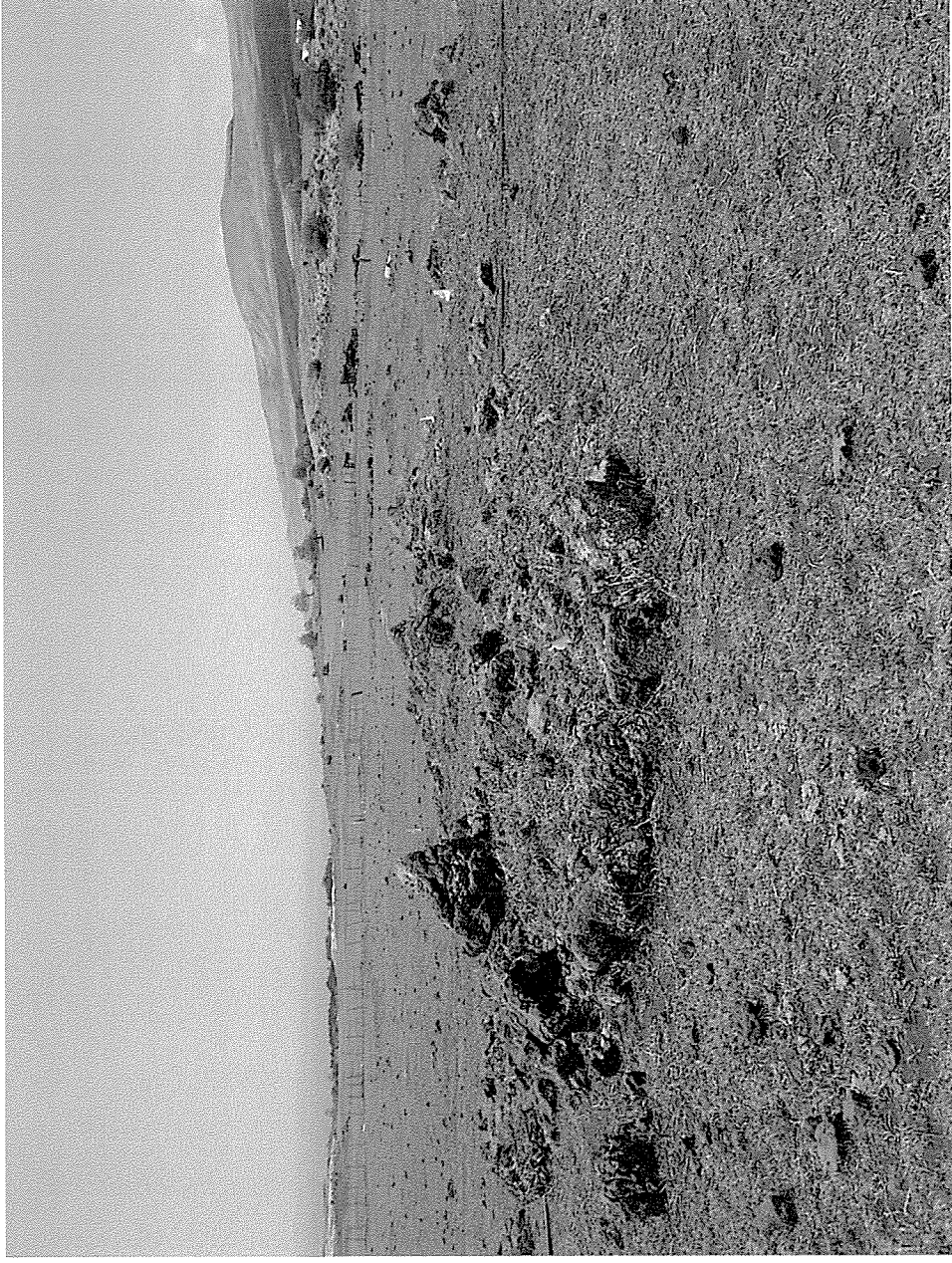
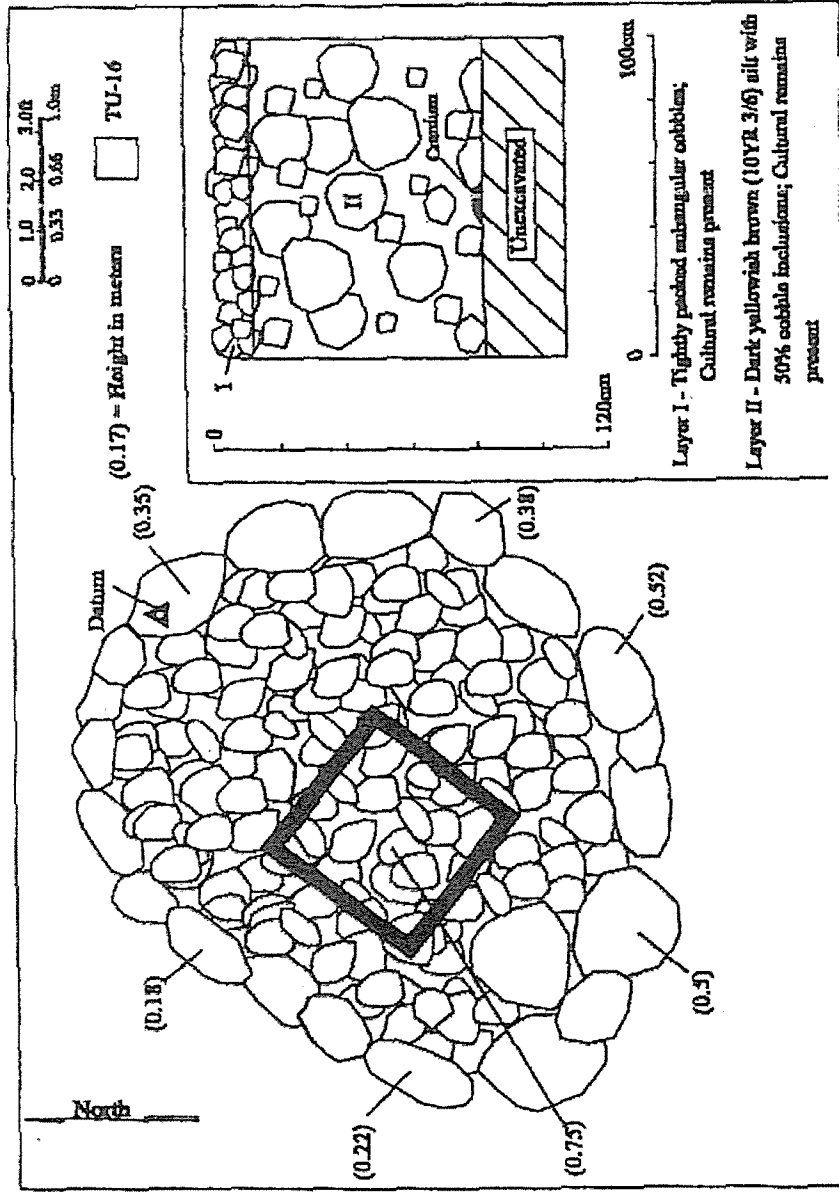


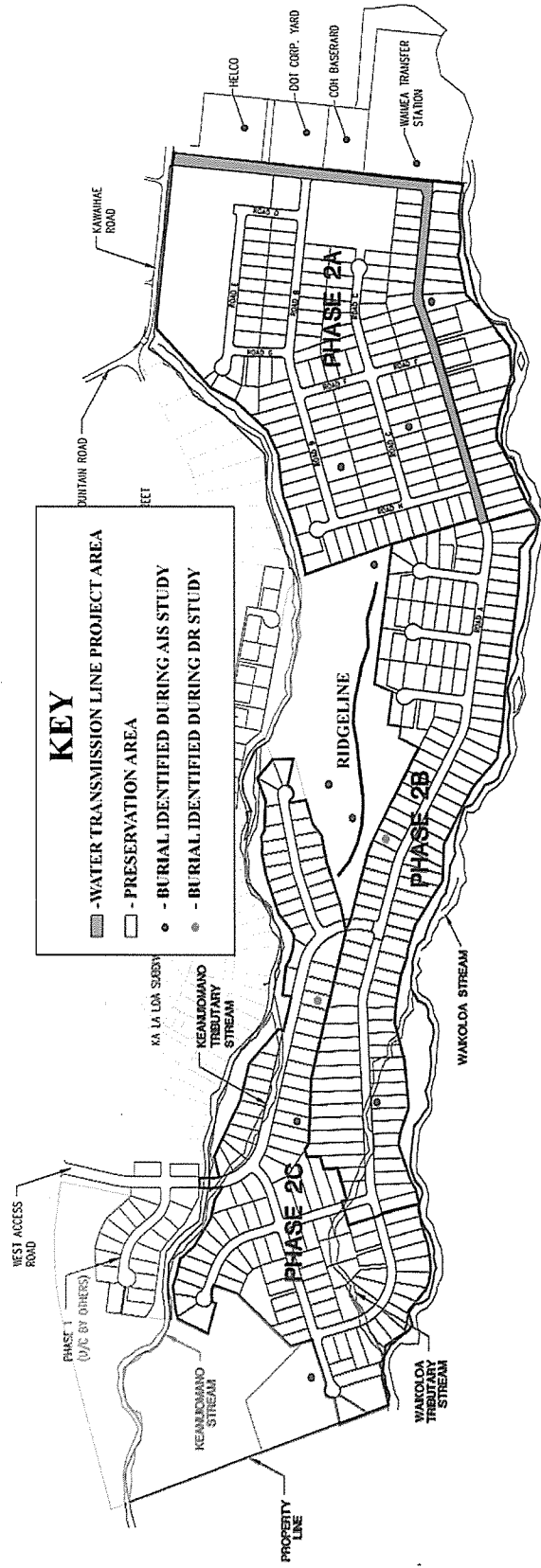
Photo of Burial Site 21920 Looking South.



Plan View Sketch of Burial Site 21920.



Central Preservation Areas.



TRUE NORTH

Looking West Towards the Raised Ridge of the Central Preservation Area.



Looking West Towards the Raised Ridge of the Central Preservation Area.



View from Top of Ridge Looking Southeast Towards Mauna Kea.



View from Top of Ridge Looking South toward Pu`u Pa.



view from top of ridge looking Northwest towards the Kohala Mountains.



View from Top of Ridge looking Southeast towards Mauna Kea.



View from Top of Ridge Looking East towards Waimea.



View from Top of Ridge Looking South
towards the Hualalai Mountains.



Kaupea
91-1054 Hoakalei St.
Kapolei, HI 96707
November 12, 2009

Department of Hawaiian Home Lands
Chairman, Kaulana Park
Larry Sumida
91-5420 Kapolei Parkway
Kapolei, HI 96707

Dear Kaulana Park,

My name is Annie Aea and I have been a resident at Kaupea for almost three years. Through the years I have been blessed with having great neighbors and got to experience many different community functions. I am proud to be a resident of Kaupea, where I have built my house and planted my roots. This is the place I have chosen to raise my grand nephews, and give an extended home to my ohana when they visit. The community here is overflowing with such a variety of different people. However, the main thing that bonds us all is the love of our children, and the sense of ohana that exudes beyond the walls in our own home.

This is why I feel it's imperative that I write you this letter. There are many concerns that I have regarding the need for a retaining wall. As I drive home every day I can't help but notice that Kaupea is the only village out of eight, which does not have a retaining wall. My house is located at the corner of a very busy intersection, Kapolei Parkway and Kamaaha Loop. This opens the possibilities for potential accidents that may lead to cars being driven into my living room, my home. Knowing that Kapolei Parkway will be opening and that will double or even triple the traffic, is increasing the need for attention for the retaining wall. There are too much cars speeding, running the red lights or failing to yield at the corners to turn. Many nights there have been numerous fighting near the road that have spewed into the community through the opening of the gate. At times they even came into the community through the gate just to taunt some of the neighborhood teenagers. Officers have been called to control the situation. The only thing is, due to the wall they tend to get a way and have been seen hiding behind cars and even behind homes. With the retaining wall having gates that are locked, these troublemakers wouldn't have such easy access in or out. Speaking of the easy access into the community through that open gate our own children who play in the cul-de-sac sometimes have their balls roll into the road outside the gate. Their safety is the communities' top priority along with our own safety. I don't want this to be issues that we as a community have to accept as we all chose to plant our roots here in Hawaiian Homelands.

How would a retaining wall help our community? Well, first of all it would give our community a strong sense of peace. Knowing that we all can rest assured that we can sit in our own home or backyard and not have to worry about cars driving into your home. Speeding and failing to yield at corners is something that we can't control. What we can control is the amount of protection for ourselves and our families. Not having to stare out your window when you see people fighting or drinking on the side of the road. Making sure they're not going to make trouble or worse. Our children in the community can

HHC Item No. 7-2
Exhibit A
Date 11-14-11

play in the cul-de-sac and not have to worry about their ball rolling way into the street. When they play outside that they won't see the drug activity that take place near the opening of the gate. We as parents shouldn't have to worry since we, the community, would be the ones who would control the access in or out of the gates.

Please take this matter into deep consideration based on the importance of our need for the retaining wall and the fact that time is not on our side, with the Kapolei Parkway opening soon. I know you are extremely busy and I don't expect you to take this matter on by yourself. I'm only asking that you pass on the matter to the right department who would get it started. I would like to add that my neighbor, Eva Macbrayer, and I had tried to contact Jon Pieper by email on several occasions. I'm not sure if was read over or not received at all. I am a very concerned resident of Kapolei. If you could please have someone from your office call me at # (808) 590-1187, to give me some insight on this situation, this way I won't have to call or write another letter. I would appreciate it.

Thank you for your attention and cooperation on this matter regarding the retaining wall.

Sincerely,

Annie M. Aea

Subject: RE: Kaupe'a Homestead Association & Community Safety and Health Concerns
From: Iwalani McBrayer (imcbrayer@yahoo.com)
To: kamakane73@gmail.com;
Cc: imcbrayer@yahoo.com; puuhonua2@gmail.com;
Date: Friday, November 4, 2011 8:36 PM

Aloha Commissioner Kama Hopkins and Commissioner Joe Tassil,

I would like to thank you for taking the time out today you and Uncle Joe Tassil in allowing Annie Aea, Maylene Keamo and I in sharing our concerns regarding our Kaupe'a Community. Commissioner Hopkins and Tassil we address our concerns to you in expressing our mana'o regarding the safety and health concerns pertaining to the ongoing traffic accidents, domestic violence, gun shooting, speeding cars, police chase, drug paraphenelia, breaking in of cars, damages to fence line along Kamaaha Avenue. Last week a pedestrian was killed along our Kapolei Parkway in front of Kapolei Middle School. This safety concern was addressed to our previous two Chairman Kane and Chairman Park. Dialogue is documented for the last 3 1/2 years with the Department of Hawaiian Homelands. We have done all that we can do in fulfilling our kuleana in taking the steps for a resolution to this serious matter that life and death awaits. No life should be compromised with a price tag as Homestead Beneficiaries, its keikis and guests. We strongly believe that as beneficiaries we stand on the mission and vision of our Hawaiian Homes Commission Act for the betterment of us Native Hawaiians. We urge you to please assist us to kuka kuka (open discussion) regarding this serious matter and hopefully after this 3 1/2 years finally render a decision to address this safety and health concerns immediately. Thank for your time and we look forward to meeting again.

A Hui Hou Malama Pono,

Iwalani McBrayer

HHC Item No. I-2
Exhibit B
Date 11-14-11

February 3, 2011

Aloha Kimo and Darrel,

On behalf of our Kaupea community residents within the common areas along Kamaaha Ave, as well as the residents in Phase 3 along Kapolei High School we are hoping to keep an open dialogue to address some of our concerns we discussed back in November 2009 and in April 2010.

We are aware of changes within the Department and its transition of new administration leadership within Hawaiian Homes, however, as time has lapsed we urgently request to address the safety concerns once again.

Today what brings us too much concern is the evidence of drugs outside of our community and the safety concerns for our keikis including all 326 homes in Kaupe'a. A police report was made today to document this repeated incidents (Report # 42908 Officer V. Leong)

Just this morning 6 packets of ice were found along the white fences outside of homes along Kamaaha Avenue, backside of Kawaihuna Street. Prior to this Annie

HHC Item No. J-2
Exhibit C
Date 11-14-11

Aea and I have been cleaning the common area left with paraphernalia, packets of drugs, used condoms etc. With the support of HPD Officer Pacheco, Kaupe'a Neighborhood Watch, VOKA and Department of Hawaiian Homes we look forward to discussing immediately steps we all can take to ensuring a safe community for all of us in Kapolei.

Please advise point of contact for us to discuss these issues. I will inform Michelle Kauhane, Kaupe'a President, of concerns brought to me by homesteaders today and the Kaupe'a Board would be able to discuss this again at our next meeting. As we coordinate our next board meeting we hope the department participation will lead to a joint effort in ensuring the Department of Hawaiian Homes Mission in collaborating partnership with us, the beneficiaries, in developing Kaupe'a Homestead toward a healthy, safe, drug free community.

Mahalo Nui Loa a Hui Hou,

Iwalani McBrayer
Kaupe'a Board of Director
Lot # 244

Annie Aea
Leese Kaupe'a Homestead
Lot # 243

Subject: Re: Kaupe'a Common Area along Kamaaha Ave and Retaining Wall
From: James.K.Kai@hawaii.gov (James.K.Kai@hawaii.gov)
To: imcbrayer@yahoo.com;
Cc: colleenhiga24@hotmail.com; Darrell.H.Ing@hawaii.gov; mkauhane@hclending.com;
Date: Monday, April 26, 2010 9:40 AM

Hi Iwalani,

It was nice meeting you last week. I am responding to the concerns you shared with me on Monday the 19th, please let me know if I missed anything. Also, feel free to discuss this situation with your neighbor Annie Aea as well since she was the first person I spoke to regarding this matter last week Monday - she was unavailable to meet me at site and had you call me.

1. Tree with nuts on ground - we will be removing tree by next week at the latest.
2. Retaining wall - please pertain to memo to Annie Aea dated November 9, 2009 from Juan Garcia, Homestead District Supervisor, see attached.
3. Pedestrian walkway - please pertain to memo to Annie Aea dated November 9, 2009 from Juan Garcia, Homestead District Supervisor, see attached.
4. Defining of common areas - DHHL will be meeting with VOK in next few weeks to discuss these issues.

Kimo Kai
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, HI 96805
808.620.9281 | 808.620.9299 fax
james.k.kai@hawaii.gov

Iwalani McBrayer <imcbrayer@yahoo.com>

04/19/2010 10:10 AM

To Darrell.H.Ing@hawaii.gov, james.k.kai@hawaii.gov

cc Michelle Kauhane <mkauhane@hclending.com>, colleenhiga24@hotmail.com

Subject Kaupe'a Common Area along Kamaaha Ave and Retaining Wall

Aloha Kimo,

Thank you so much for coming out to Kaupe'a early this morning to discuss the issue with the retaining wall and the common area's on Kamaaha Ave along Kapolei Intermediate School rear entryway, your prompt response to this sensitive issue is greatly appreciated.

These issues do have many safety concerns as well as liability matters to who's responsibility is it for the common area's outside of our fence boundaries?

HHC Item No. J-2
Exhibit D
Date 11-14-11

<http://us.mg3.mail.yahoo.com/neo/launch?.rand=bqkeck0g9cuqq>

10/19/2011

As discussed the injury to the Kapolei Kai resident who had broken her wrist and hip due to slipping on the nuts outside of Kawaihuna Street sidewalk brings great concern to us residents along Kamaaha Ave.

The defining of common areas for Kamaaha and who's responsibility and liability needs to be made clear to us to take the necessary actions to keep that safe and accident free whether its DHHL or Kaupe'a residents or VOKA.

Annie Aea and I will continue in our part to keep the area clean and safe. We look forward in working with DHHL together in resolving this matter so that we can inform our neighbors we consulted the department, created dialogue and are currently working on a resolution.

Thank you Darryl Ing for executing this concern immediately.

Mahalo Nui Loa,

Iwalani McBrayer

KAMAHA AVE




HHC Item No.	J-2
Exhibit	F
Date	11-14-1

КАМАЛНА АВЕ



ИЛИ РАМКА



 **Kapolei**
**BOARD
MEETING
WEDNESDAY
7:00 PM
RECREATION
CENTER**

A'ELOA

Kaupe's Homestead Association

I support our neighbors in the Kaupe'a community along with Kaupe'a Homestead Association to address to DHHL the safety concerns of building a retaining wall to ensure safety for our keiki's and residents along Kamaaha Ave.

NAME	ADDRESS	LOT #	PHONE	EMAIL	SIGNATURE
LINDA HEWLEN	91-1053 HAULELE ST.		499-8145	ghewlen@yahoo.com	Linda Hewlen
EUGENE HEWLEN	91-1053 HAULELE ST		499-8145	ehewlen@yahoo.com	E. Eugene Hewlen
EVAN P. ROSS	91-1053 Haulele St		366-2255	ross.ev@cox.net	Evan P. Ross
Jonno Kim	91-1052 Haulele		342-7675		Jonno Kim
Jerry Kenna	91-1052 "		11 11		Jerry Kenna
John	91-1056 Haulele St		306-1864	Keali Kama	John
Maleari armstrong	" "		" "		Maleari armstrong
Raymond	91-1050 Haulele St.		282-80407		Raymond
Carolyn	Same		282-8051		Carolyn
Karari Wong	91-1046 Haulele	272	342-8407	keikiplayhouse@hotmail.com	Karari Wong
Royce Wong	91-1046 Haulele	272	342-6651		Royce Wong
Abraham Kapuku	91-1045 Haulele	279	216-7942	Gillapuku	Abraham Kapuku
Donald Kapuku	91-1045 Haulele	279	216-7942	GILLAPUKU	Donald Kapuku
Daryl Keawe-Alko	91-1043 Haulele St		393-3964	hkeabo3@gmail.com	Daryl Keawe-Alko
Ricky Silva	92-582 Paluadecisi		502-450-6559	mukunu1977@yahoo.com	Ricky Silva
Sinda Racaden	91-1038 Haulele St		226-9761	lracaden1001@merit.net	Sinda Racaden
Joe Racaden	91-1038 Haulele St		729-4570		Joe Racaden
ERIC CACADEN	91-1038 HAULELE ST		479-9666	ericcacaden@gmail.com	Eric Cacaden
LAURA LEWIS	91-1035 Haulele St	282	953-0321	hawaii.kids@hawaii-rr.com	Laura Lewis
CHERI KUKAHIKO	91-1037 KAUOA STREET #		216-8199		Cheri Kukahiko
VAL KUKAHIKO	91-1037 KAUOA STREET #		216-9122		Val Kukahiko
CHELSEY KUKAHIKO	91-1037 KAUOA STREET		861-6612		Chelsey Kukahiko
JOANNE KAWAHUNA	91-1055 KAWAHUNA #309		620-9618		Joanne Kawahuna
Kimberly Pacheco	"	"	"		Kimberly Pacheco
Lena Hook	"	"	"		Lena Hook
THEODORE KABRAHAM	91-1060 KAWAHUNA ST	308	620-7608		Theodore Kabraham
OSWALD M. KABRAHAM	91-1060 KAWAHUNA ST	308	"		Oswald M. Kabraham
LIFFORD L. KAHKI	91-1069 KAWAHUNA ST		271-4577		Lifford L. Kahki
Jathan Mapihao	91-1042 KAWAHUNA ST 303		225-5717	mapihao@hawaii.gov	Jathan Mapihao
Benny Mapihao	Same	Same	526-2340	Same	Benny Mapihao
Randi Kaka	91-1039 KAWAHUNA ST		927-7866	kamailekale@yahoo.com	Randi Kaka
Awa H. Kaka	91-1039 KAWAHUNA ST		"	"	Awa H. Kaka
Ronald Kaka	91-1039 KAWAHUNA ST		620-1452	ronkjones@yahoo.com	Ronald Kaka
Lila + Lionel Barry Chun	91-1051 KAWAHUNA ST		1231353		Lila + Lionel Barry Chun
Deborah Keane	91-1057 Haulele St		308-9644	none	Deborah Keane
Kaulia, Noe	"		620-9644	none	Kaulia, Noe

HHC Item No. J-20
Exhibit G
Date 11-14-11

NAME	ADDRESS	LOT #	PHONE	EMAIL	SIGNATURE
Sarah Halbuna	91-1032 Haukalei St	268	620 9615		Sarah Halbuna
Juan Halbuna	91-1032 Haukalei St	268	620 9615		Juan Halbuna
Iwalei McBrayn	91-1053 Hoakalei St	244	368-6052	imcbrayn@yahoo.com	Iwalei McBrayn
Annie Aeg	91-1054 Hoakalei St	243	783 9526		Annie Aeg
Adeline Kala	91-1050 Hoakalei St	242	620-9654		Adeline Kala
Kaula Kamaka	91-1042 Hoakalei St	240	620-9658		Kaula Kamaka
Patty Ngalaic/ag	91-1040 Hoakalei St	239	277-3337	Puanani Nela	Patty Ngalaic/ag
Pam Kalaikim	91-1043 Hoakalei St	247	620-9660		Pam Kalaikim
Hubert Fernandez	91-1043 Hoakalei St	247	620-9665		Hubert Fernandez
Norm Crowell	91-1036 Hoakalei St	238	620-9691		Norm Crowell
Robert Crowell	91-1036 Hoakalei St	238	620-9696		Robert Crowell
Thomas Pora	91-1032 Hoakalei St	237	285-9549	TPORA76@yahoo.com	Thomas Pora
Julianne Reantato	91-1027 Hoakalei St	235	943 9456	annkreantato@yahoo.com	Julianne Reantato
Jeffrey Maunalo	91-1022 Hoakalei St	236	853-0206	Kaukapoia@yahoo.com	Jeffrey Maunalo
Cherie Elliott	91-1018 Hoakalei St	233	398-4781	Kahizkey@yahoo.com	Cherie Elliott
ANSEN RECHILLMAN	91-1014 Hoakalei St	232	620 9620		ANSEN RECHILLMAN
Frank Kaniupia	91-1010 Hoakalei St	231	668 4527	Kaniupia63@ymail.com	Frank Kaniupia
TANIS DE COSTA	91-1004 Kualakau		620-9664	shux 922@yahoo.com	TANIS DE COSTA
Beverly Ah-Sin	91-1007 Kualakau		620 9440		Beverly Ah-Sin
Sharon Ah-Sin	91-1007 Kualakau		620 9440	none	Sharon Ah-Sin
Lois Pora	91-1011 Kualakau	227	620-9680		Lois Pora
Leifilia Kapa	91-1011 Kualakau	227	620-9680		Leifilia Kapa
Louis Kapa II	91-1011 Kualakau	227	620-9680		Louis Kapa II
BEVERLY SHELTON	91-1011 Kualakau	227	620-9680		BEVERLY SHELTON
GARY SHELTON	91-1011 Kualakau	227	620-9680		GARY SHELTON
Robert Shelton	91-1011 Kualakau	227	620-9680		Robert Shelton
Neo Lessing Kaida	94-1605 Hoakalei		306-9647		Neo Lessing Kaida
GERMANO	91-1006 Hoakalei	230	216-7924		GERMANO
Francis Thompson	91-1046 Hoakalei	241	478-6371		Francis Thompson
Maenus Tamala	91-1039 Hoakalei	248	804-8541	Maenus Tamala	Maenus Tamala
Manc Rangel	91-1035 Hoakalei	249	620-9603	rangel.freddy@aol.com	Manc Rangel
Gary Klongon	91-1025 Hoakalei		277 6448		Gary Klongon
Stanley Belbin	91-1015 " "	255	688-6219		Stanley Belbin
DANCE/SAUCIO	91-1011 " "		382-1206	mar_inhwa@yahoo.com	DANCE/SAUCIO
Kandy Pora	91-1009 Hoakalei		421-4776	Kandelcast@yahoo.com	Kandy Pora
Boyd Puna	91-1045 Hoakalei	246	292-9061	boycece1@yahoo.com	Boyd Puna
Eric Emmstey	91-1028 Hoakalei	203	381-5813		Eric Emmstey
Jane Hiro	91-1029 Hoakalei	251	236-0894		Jane Hiro
Jeff Hiro	91-1029 Hoakalei	251	" "		Jeff Hiro
Kama Emmstey	91-1028 Hoakalei	203	381-3910		Kama Emmstey
Billy Makala	91-1033 Hoakalei St	lot 250	620 9610		Billy Makala
Doreen Beamer	91-1033 Hoakalei St	250	306 3142		Doreen Beamer
Laudia Quintanilla	91-1049 Hoakalei St	245	620-9601	octapridani-garcia@yahoo.com	Laudia Quintanilla

NAME	ADDRESS	LOT #	PHONE	EMAIL	SIGNATURE
Diana Furtado	91-1774 Kamaa Pk	74	664-7592		Diana Furtado
John Teixeira	91-1770 Kamaa Pk	73	806-8426	jtex808@yahoo.com	John Teixeira
Renovia Teixeira	91-1770 Kamaa Pk	73	386-9997	rtteixeira@hotmail.com	Renovia Teixeira
George Furtado	91-1774 Kamaa Pk	74	664-7592	KERBA27@aol.com	George Furtado
Rudy Lee Domogsoe	91-1776 Kamaa Pk	76	620-9850	rdomogsoe@hawaii.com	Rudy Lee Domogsoe
Isaac K. White	91-1774 Kamaa Pk		712-6619	shcabra@ksbc.edu	Isaac K. White
Isaac K. White	91-1774 Kamaa Pk		954-4521	isaac.white@earthlink.net	Isaac K. White
EKOLU OSORIO	91-1760 Kamaa Pk		261-2661	EKOLU3333@yahoo.com	EKOLU OSORIO
ANI OSORIO	91-1760 Kamaa Pk		295-3000	EKOLU3333@yahoo.com	ANI OSORIO
Dane Johnson	91-1754 Kamaa Pk	68	386-3815	Cmcc@hawaii.com	Dane Johnson
Helen Knocks	91-1472 Kamaa Pk		393-5582		Helen Knocks

Date: November 6, 2011

RE: Retaining Wall

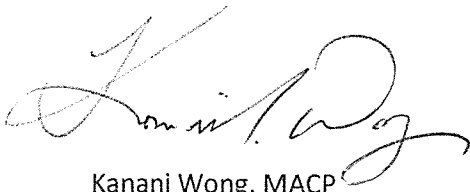
To: Dept. of Hawaiian Homelands

Aloha,

I am writing this letter to show my strong support in the efforts to have a retaining wall built at the cul-de-sac end of Haulele Street. I too feel that our street will be much safer with it then with out it. Many children use Kama'aha Avenue to walk to school and recreation. The constant traffic hinders their safety and welfare. As a parent, not only am I concerned about the large entry at the end of the cul-de-sac making is easy for strangers to enter our street but that the white vinyl fence provides a false sense of security and can easily be run down by an automobile. Kama'aha is a very busy street providing service to student drivers, middle school traffic, large company vehicles, visitors, and local residents. Having a retaining wall will add much needed security from an out of control driver and future accident.

Please help us to protect our families and to feel safe in our community.

Mahalo,

A handwritten signature in black ink, appearing to read 'Kanani Wong', written in a cursive style.

Kanani Wong, MACP

Kaupe'a resident

Haulele Street

HHC Item No. J-2
Exhibit H
Date 11-14-11

Claudia C.K. Quintanilla
91-1049 Hoakalei St.
Kapolei, HI 96707
Ph: 620-9601/636-4307

November 14, 2011

To The Department of Hawaiian Home Lands and To Whom It May Concern:

Aloha and Mahalo for this opportunity to allow time on your agenda for my neighbors, Annie Aea and Iwalani McBrayer, to voice a few reasons of concerns regarding the safety and financial support to assist in reconstructing a retaining wall. The location of concern is at the corner of Kapolei Pkwy & Kamaaha St. (across of the Kapolei Middle School.) It is a pleasure to know that the department has the intent to avoid any mishaps or deaths within our new subdivision.

First, since living almost five years in Kaupea Phase 1, I can testify that I have witnessed the neighborhood police attend to some close call casualties. Not only speeding cars attempting to make its turns onto Kamahaa St., but the many mop heads, motor cycles, and a truck going through the open path or walkway at the end of Hoakalei St., between the houses of Annie Aea and Iwalani McBrayer. Having a retaining wall with a gate would be a valid solution to help protect the lives of neighbors and their home investment, and redirect motorist to safely use the roadway. The loyalty from DHHS by protecting their Hawaiian people would be a great impact.

Second, I would also like to voice another concern of mine. I noticed that along Kamahaa St., again across of the Middle School the sidewalk area on the ground, I noticed small plastic drug bags, used condoms, and trash from parked cars, or from the children that purchase from food vendors. It would be wonderful to have a maintenance crew to up keep the cleanliness of this area and provide trash cans. Our Middle school could inform the students to be mindful of where they can put their trash. Our children are easily impressed with safety & cleanliness (well kept streets (green GRASS and not WEEDS on sidewalk strips) by this action they would probably respect the community even more. Our children, families and visitors do not need to visually see such things, but to know that we have pride and that we care about our community.

In conclusion, we are appreciative for what we have been blessed with. However, all we want is to live in a safe, secured, and clean environment. I do hope that there will be a way to fulfill all the issues and concerns that have been addressed for the sake of everyone that lives in Kaupea, the other residents in Kapolei, visitors and especially the liability and responsibility on which DHHL has development in partnership with Village of Kapolei Association and all their Hawaiian people in this community.

Mahalo,



Claudia C.K. Quintanilla
Lot 245

HHC Item No. J-2
Exhibit I
Date 11-14-11

November 14, 2011

Aloha Commissioners,

My name is Mabel Ann Spencer I am here regarding the issue of the ceded land in Bellows Air Force Base. I hope that you have received my letter of intent request submitted to you earlier.

I am bringing before you an issue that have plagued us from 2002. This decision has taken away a pristine garden that our community have labored and nurtured for at least 20 years. This garden was a healing site that we used to help ourselves find peace and enjoy the serenity that has brought many a time to ponder and think . It was cultivated to provide food to many . It was used as a site for sharing nutritional demonstrations that have provided educational support for the many patients that suffer with anxiety , mental illness , diabetes, high blood pressure and other health issues.

We have used this garden as a place for our youth to connect to their Hawaiian values and culture.

It was a place used for us to gather , paina and celebrate occasions like the passing of one of our beloved Board of Directors . As staff employees have often use the garden for lunch breaks , fellowship, time outs, or just walk . Doctors and social worker used it as an alternative site to help patients to focus on their feelings . Many feel comfortable enough to talk story about deep emotional issues that could not be shared in a closed in office . Patients should have alternative environments that they feel safe enough for them to start to talk about their needs . Lomilomi and Canoe Builders use this site to carve their crafts and service clients. Kupuna gather la'au. I could really go on and on how this parcel of property has been a life line to the many people that use it .

The Waimanalo Health Center is a community based non -profit corporation that provides medical, dental and outreach services. The Ku I Ka Mana program is a mentoring program that is located in the school funded and staffed by the Waimanalo Health Center.

This center under the direction of Dr Charman Akina federally funded an pilot program that implemented a diabetes educational action plan that screened all 5th graders of both schools and went out to the community to each street corner in Waimanalo to service and screen patients to alleviate barriers in getting screened for diabetes.

The result in a nut shell was that we found children with diabetes , adults that had no clue , many came to learn more about this illness in free follow up small group educational sessions that provided them with services if they were un insured and if they had insurance and their own provider the information was forwarded to them . This was what we called our new aggressive cutting edge outreach program using our new state of the art technology that we believed saved lives.

You may ask why am I sharing this with you . I want you to know the work that we have done and the impact and loss we felt when the military started putting up a fence that forbid us to use

this garden. The daily reminder of “No Trespassing on Military property”. No explanations to help us to understand what happened. The sadness we felt watching it die as it turned brown.

If you are privy to my hand out you will note that Waimanalo Health Center has been corresponding, advocating, pleading, begging and requesting with who ever and what ever hierarchy to request support and help. The effort has produced some results and negotiations to secure at least the garden and some parking is currently on the table. But it is tiny when you look at the bigger picture of the 170 acres verses 6 acres.

This center has a existing lease with Department of Land and Natural Resources(DLNR). Waimanalo residents as well as the center was unaware and had no knowledge of an inter-agency agreement between the DLNR and DHHL. When access lands are returned to the State of Hawaii it usually goes to the Department of Land and Natural Resources. In this case because of this agreement the first 200 acres of land go to Department of Hawaiian Homes Land.(DHHL) A DHHL Chairman declined 170 acres of land and it was returned back to the military. While many struggle to accept such a horrid fact we seek restoration and relief.

This is unacceptable to me and empowered me to go up the chain of command. Today I stand here before you to bring this issue to the forefront in the hopes that you will be led, encouraged and outraged at the loss of 170 acres of land. Knowing that native people are displaced or wait on list comprising of 19,000 applicants for that American dream a place to call home. Knowing that this land could be used for the betterment of native people is unbearable and breaks my heart.

As a Board member I am aware that the responsibility lies with you. It is your responsibility to be accountable to the people for whom you represent and I am holding you responsible.

I am pro-active leader and I am not here to play the blame game it not beneficial to anyone, but as board members you are responsible for the protocol and procedures that hold this department of Hawaiian homeland accountable.

We have identified that a erroneous decision was made by a Chairman, I question, “Did he have the authority to make this decision?”(that declines 170 acres in Bellows because of easement.) (Easement is the right held by one property owner to make use of land of another for a limited purpose; right of passage.) Bellows Air Force Base has 2 entrances and is open to the public on week-ends, which should address the easement issue.

If the protocol gives him that power, I ask you to add into that policy that Chairman must get approval from the Board. If he did not have that authority then,"There should be a mechanism that triggers the Board to be involved."

Board members must take the authority to do what is right to guide and ensure that the protocol and procedures are in place and the staff are operating accordingly. If the Board approved the decision, then (we) the native Hawaiian community should have a open forum to participate and bring to you evidence information that will give you that help you need to make right choice.

It is you duty to us as native Hawaiian that we are given due process. As a resident a community leader and advocate for native Hawaiian , we should have been afforded due process and granted

notice of that process . In this case Native Hawaiian was not given that process , which makes that decision unfair and breaks the trust we had put in you as commissioners and destroys the integrity of the Department of Hawaiian homeland you represent.

You might even say as did Chairman Micah Kane to me, “Aunt, I did not make that decision, It was done before I came in .” Well I will tell you what I told him , “You all are currently the members here today and therefore knowing what you do today can correct the error that was made then.” Although Chairman Micah Kane resigned and moved on , I will be forever grateful that he was willing to sit down and bring all of the members involved in this issue together . You have that document before you.

I am requesting that as a Board you make a decision today or soon to revisit this Bellows land issue and request the return of this land in Bellows Air Force Base back to the State of Hawaii, and that this issue of Bellows Air Force Base land supersede the DHHL regional plan.

In closing the constant turnover of leadership have impacted on the resolutions of important issues that should be addressed in a timely manner . This decision was made in 2002 it has taken close to 10 years to get to this point . While many wait longer , my father Samuel Keliioomalu waited over 40 years and died waiting for homestead . I am on the list too since 1984, I have waited 27 years, I guess when you weigh that kind of waiting, then 10 years is good.

You might say to me Mabel Spencer you don’t know of the accomplishments we have done so much and have done more than others . I ask you to not be satisfied with it , ten years is too long, do more, make it a goal to correct the injustices that is brought before you and strive to complete it to the best of your ability if at all possible with in your term.

Kupuna Lydia Hale our beloved Board member believed as I do that to pule before the meeting and ask Ke Akua for the kokua you need. Look for the miracles and blessing and don’t forget to give thanks when your meeting is over. This is the basics inbred ed in us by our Kupuna . As one of the founders of the Waimanalo Health Center our success is attributed to it . For we stood on the biblical foundation of 3 John 2. “Beloved we wish above all things that we prosper and be in health.”

It is my pleasure to be here today and to bring this kuleana before you . I await your response to me and I thank you for this opportunity to address such a grave issue.

Until we meet again,

Mabel Ann Spencer
41-1378 Kuhimana Street
Waimanalo, Hawaii 96795
(808) 259-5647
mspencer12@hawaii.rr.com

Zabrina H. Spencer
41-778 Kalanianaʻole Hwy.
Waimanalo, Hawaii 96795
808 259-5647
haukealani@gmail.com

MINUTES
Military Lands Behind Waimanalo Health Center (WHC)
Thursday, May 21, 2009

Meeting Location: Department of Hawaiian Home Lands
91-5420 Kapolei Parkway
Oahu Conference Room 2nd Floor

Meeting Time: 2:10 p.m. – 3:39 p.m.

Present:

Representative Chris Lee, State House District 51
Micah A. Kane, Chairman Hawaiian Homes Commission (DHHL)
Robert J. Hall, Executive Assistant (DHHL)
Darrel Yagodich, Planning Program Manager (DHHL)
Kaipo Duncan, Land Agent (DHHL)
Didi Ahakuelo, Admin Assistant (DHHL)
Major Alan F. Crouch, Director of Public Affairs, U.S. Marine Corps
Janice Goo, Command Realty Specialist, U.S. Air Force, HQ PACAF Civil Engineer
May Akamine, R.N., M.S. Executive Director, Waimanalo Health Center
Mabel Ann Spencer, Waimanalo Health Center
Andy Jamila Jr., Waimanalo Health Center
Wilson Kekoa Ho, Chair, Waimanalo Neighborhood Board No. 32

I. Call to order - Introduction

The meeting was called to order by DHHL Chairman Micah Kane at 2:10 p.m. Chairman Kane thanked Representative Chris Lee for setting up this meeting and preparing the Agenda.

II. Order of Business – History/Background – Objective: To identify and obtain approximately 200 acres of military excess lands located on Bellow Air Force Base to expand services to the Waimanalo community including the health center, parks and base yard. D. Yagodich distributed DHHL Planning Office, DHHL & Bellows AFB Chronology of Major Events.

Discussion/concerns:

- The Waimanalo community through various organizations (Restoration Committee, WHC, etc.) have attended and participated in many meetings and they're still not fully informed. Hereafter, need better communication with all parties i.e. DLNR, DHHL, WHC, and Waimanalo community.
- Chairman Kane suggested making this part of DHHL's Regional Plan. The WHC should schedule an informational meeting with Paul Richards, President of Waimanalo Homestead Association. The Association meets quarterly.
- Marines drilling fence post, WHC to send inquiry letter.
- WHC using the site for a garden need to submit request in writing.
- WHC also seeking assistance from OHA.

HHC Item No. J-3
Exhibit B
Date 11-13-11

- DHHL may revisit 20 acre parcel/138 acres; convey to DLNR, Parcel 6 and 7
- WHC will do three options: 1) Formal request to Navy for Parcel 5A,D 2) have good relationship w/DLNR and Senator Inouye, use this option; 3) DHHL Regional Plan, get high priority.
- WHC attended Homestead meetings before and had concerns because they don't reside on homestead. They would like their support because the WHC benefits the entire Waimanalo community including homesteaders.
- J. Goo explained if and when the Marines no longer need the land, then it would go back to the State. The other 2 parcels are with the Air Force.

III. Follow Up:

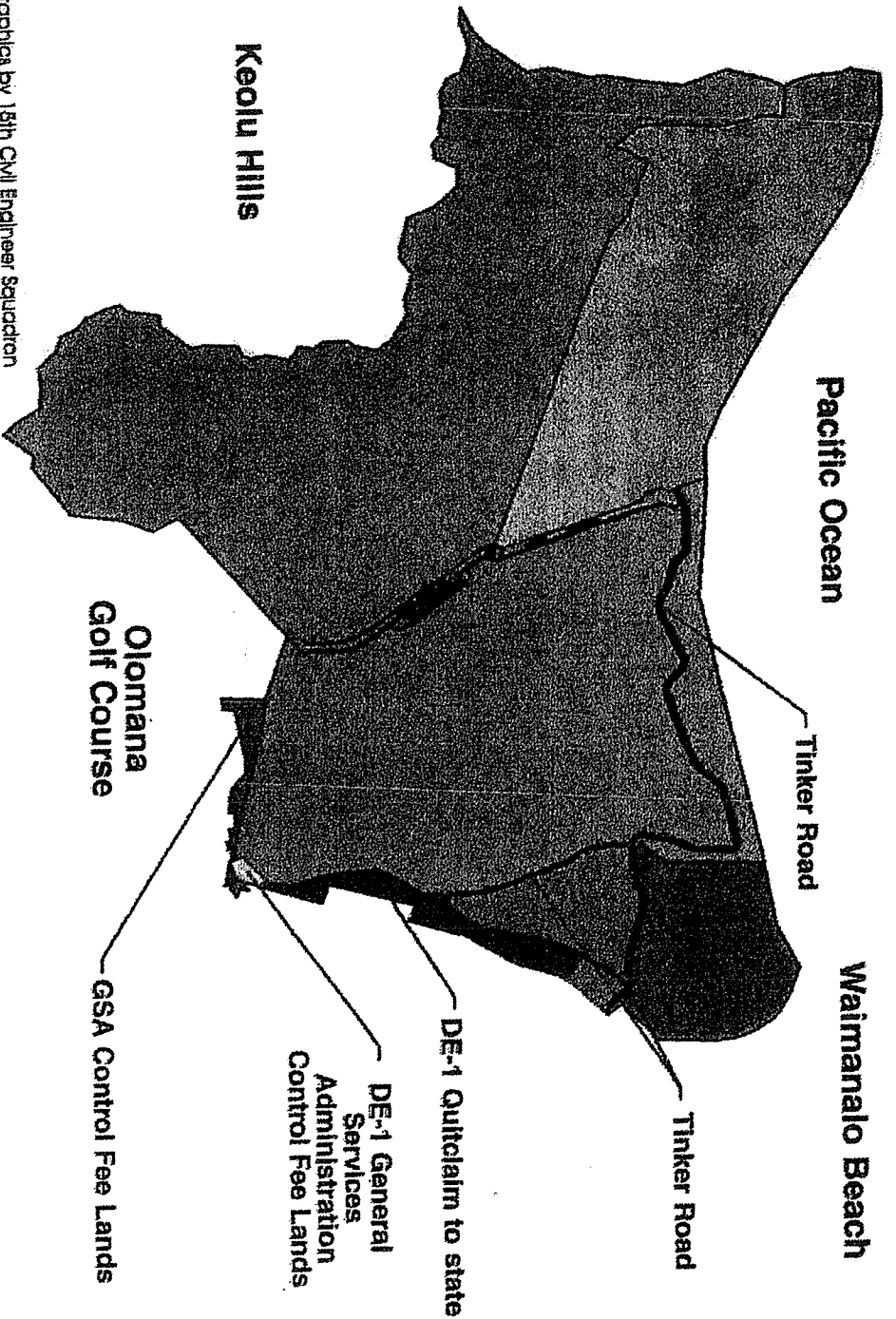
- DHHL (D.Yagodich) will communicate with Paul Richards Waimanalo Homestead Board to put on Agenda.
- DHHL will update/add WHC to contacts to be included on invite to community meetings.
- WHC write letter to appropriate person
- Goal to get on Regional Plan
- Major Crouch to check if WHC can use Land survey?
- M. Spencer requested DHHL email her list of Waimanalo Board members. (D.Yagodich)
- Rep. Lee mentioned that he would provide status to Senator Inouye and also schedule the next meeting.

IV. Handouts:

DHHL Planning Office, DHHL & Bellows AFB Chronology of Major Events
Waimanalo Health Center Fact Sheet
Waimanalo Health Center – Philosophy & Strategic Priorities
7/22/04 Letter from DLNR to Charles G. Braden Jr.
6/29/04 Letter from Waimanalo Health Center to Peter T. Young DLNR
6/27/09 Letter from U.S. General Services Admin to Peter T. Young DLNR
Email dated 6/22/09 from OHA to WHC, Mabel Spencer
Waimanalo 25 year plan
Proposal area by Andy Jamila

Respectfully submitted,

Didi Ahakuelo
DHHL/Office of the Chairman



Graphics by 18th Civil Engineer Squadron

Bellows Air Force Station Land Use Key

	Air Force retains - 222,623 acres (AF recreational and Tinker Road)
	Transfer to Marines - 1049,404 acres
	Ceded land - 85,10 acres
	Ceded land - 63,870 acres
	Ceded land - 20,454 acres (DE-1)
	Fee Land - 8,64 acres (GSA in process of selling)
	Fee Land - 2,228 acres (DE-1)

Bellows land transfer complete

The land transfer of 1,049 acres on Bellows Air Force Station from the Air Force to the Navy on behalf of the Marines is complete.

The final transfer document was signed Jan. 25. The transfer is a result of a May 1996 Record of Decision for Land Use and Development Plan Final Environment Impact Statement for Bellows AFB. Marine Corps Base Hawaii has used the land as a major training site for years.

This transfer will not affect the Bellows recreational area. The Air Force will maintain ownership of 283 acres of recreational areas and

Tinker Road. The Navy has established a new lease with the City and County of Honolulu to allow the public continued use of Bellows beaches and amenities on weekends and holidays.

Even though the transfer is complete, Air Force presence will continue.

The Air Force and Marines/Navy have partnered to conduct environmental cleanup of Bellows. The total cleanup of Bellows is estimated to cost \$50 million, shared between Air Force and Marines/Navy.

Hickam will complete the Air Force portion of the cleanup by 2002.

August 7, 2011

TO: Albert Alapaki Nahale'a, Chairman Hawaiian Homes Commission

FROM: Melvin Kiaaina, Hawaiian Home Lands Lessee

SUBJECT: REQUEST FOR ASSISTANCE

Dear Mr. Nahale'a,

I am writing to your office in final hope that you would be able to assist me in a matter of grave importance. I have enclosed numerous documents surrounding this matter to assist you in what has transpired into a (9) year nightmare for me and my family.

I know you must be a very busy man and the demands put on you are extremely high. But if you could just take (5) minutes of your time to read some of my documents you will see that there was a terrible unjust done to me and my family by then Deputy Attorney General Lisa Oshiro, and I am praying you would be able to assist me.

I have also sent copies of this letter to Attorney General Kalani Bush, and Dan Kelii.

Your response or assistance would be greatly appreciated. Mahalo Nui Loa.

Sincerely,

Melvin Kiaaina

Date: _____

My address and number is as follows:

89-578 Farrington Highway
Waianae, Hi. 96992

Telephone: 808-391-4725

HHC Item No. J-4
Exhibit A
Date 11-14-11

August 11, 2011

TO: Kalani Bush, Deputy Attorney General

FROM: Melvin Kiaaina, Hawaiian Home Lands Lessee

SUBJECT: RESPONSE TO LETTER

Dear Mr. Bush,

After reviewing some of my bankruptcy paper work that I have at home, I came across the following enclosed document. As you can see in the **"Certificate of Service"** document, **"First Hawaiian Bank Recovery"** was the entity that was served by electronic transmission back in June 29, 2002.

I have written to you in response to your letter that you E-MAILED to my attorney on June 28, 2001. In your letter you stated in the 2nd paragraph in the last sentence to provide proof that DHHL was noticed as a creditor in the underlying bankruptcy and the legal basis for the claim.

As you can see by the document that I have enclosed DHHL is not noticed as a creditor in the **"CERTIFICATE OF SERVICE"** but instead **"FIRST HAWAIIAN BANK RECOVERY, BOX 4070, HNL, HI 96812"**

As for the legal basis of my claim, the **"DISCHARGE OF DEBTOR"** document that I received from court dated June 28, 2002 and signed by United States Bankruptcy Judge Robert J. Faris states:

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. **"For example a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. (In a case involving community property) There are special rules that protect certain community property owed by the debtor's spouse, even if that spouse did not file a bankruptcy case. A creditor who violates this order can be required to pay damages and attorney's fees to the debtor"**.

As a United States Citizen I believe I am entitled under federal law to file for bankruptcy and be protected under the law. It is unfortunate that I had to file for bankruptcy and "YES" I understand the fiduciary duty the Hawaiian Homes Commission Act has by protecting its beneficiaries but we all make mistakes. I made a critical financial mistake and was forced to file for bankruptcy. Because of this I had to endure years and years of poor credit ratings which resulted in my inability to borrow money, buy a car, and make certain loans. I had to suffer and so did my children because of my mistake Why do I have to be penalized, and suffer a second time? The money taken by Hawaiian Homes Lands was to pay off certain bills. This is not right. Why do we have a Federal Bankruptcy Court in Hawaii? Why do we have laws?

HHC Item No. J-4
Exhibit B
Date 11-14-11

As for the amended lease I signed on July 27, 2009 with Hawaiian Home Lands, I did not realize that the section in question meant I would have to repay \$15, 705.00. Where this amount came from I do not know. All I know was that I was in an extreme hurry to finalize the deal with Bank of America, Hawaiian Home Lands, and fly to Florida to see my grandsons for the very first time. I did not realize until July 2011 that I had agreed to repay \$15, 705.00 to Hawaiian Homes lands until reading the document from Mr. Bush.

Note: Mr. John Nelson of Bank of America can confirm my urgency to want to fly to

Florida during the signing of the refinance documents. Telephone: 808-275-8900

Note: The total taken from me during my refinancing with Bank of America by Hawaiian Home lands was: **\$16,207.97.**

During my bankruptcy the total allowed amount discharged was **\$ 12,979.21**

Instead of sending me a letter as I requested from then Deputy Attorney General Lisa Oshiro, she allowed my loan (Which was discharge in bankruptcy) to accumulate interest for a total of **\$3,228.76**

During the signing of my amended lease I was in the middle of attempting to take advantage of the low interest rates like everyone else, and refinance my home mortgage with Bank of America. One of the conditions required was an extension of my homestead lease. This is where I see Lisa Oshiro took advantage of the situation and **I see deceived me.** Yes I signed the documents but I did not know that I had to pay back a debt that was discharged during a **“Federal Chapter 7 Bankruptcy”.**

If Lisa Oshiro was the Deputy Attorney General whom signed the document she was fully aware that **I requested for years from her a letter** in writing explaining why I needed to repay my debt to the Department of Hawaiian Homelands after I had filed for bankruptcy. If I was wrong she could have explained it to me in a letter and allowed me to pay off my debt instead of allowing it to build up interest.

This statement can be verified by Hawaiian Home Loans officer **Vernon Nishimura.** I spoke to him for years and he was fully aware of my request to have Ms. Oshiro or someone send me something in writing stating I had to repay my debt to Hawaiian home lands even if I had filed for **“Federal Chapter 7 Bankruptcy.”**

Now I feel I am being threatened and bullied by Deputy Attorney General Kalani Bush as he quotes: **“The Hawaiian Homes Commission Act, 1920 as amended (HHCA) at sections 216(c) and (d) provides a remedy to DHHL TO, inter alia, FORFEIT THE LIEN ON THE PROPERTY AND CANCEL THE LEASE.**

And why did Ms. Lisa Oshiro not send a letter with the above stated phrase to me and an explanation as to why **I am still** obligated to repay my debt. Your response to my letter will be greatly appreciated. I believe I should be reimbursed the sum of \$3, 228.26 due to the fact that Ms. Oshiro did not do her job properly and allowed my loan to build interest and not properly inform me that I still was obligated to repay my debt under law.

Sincerely,

Date: _____

Melvin L. Kiaaina

NEIL ABERCROMBIE
GOVERNOR



DAVID M. LOUIE
ATTORNEY GENERAL

RUSSELL A. SUZUKI
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1500

October 12, 2011

Melvin Kiaaina
87-578 Farrington Highway
Waianae, Hawaii 96992

Dear Mr. Kiaaina:

This acknowledges receipt of your letter dated August 7, 2011. I cannot give you legal advice regarding the position you have taken or the questions you have articulated in your letter. Please refer your questions to your attorney, Raymond Cho, Esq. If Mr. Cho no longer represents you, I recommend that you retain legal counsel licensed to practice law in the state of Hawaii to assist you in your legal matter.

Please be advised that in or about June 2011 I provided Mr. Cho with documentation supporting the department's position and gave him until July 20, 2011 to respond as to whether he intended to pursue litigation after review of said documents. To date, Mr. Cho has failed to respond. As such, we consider this matter closed.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Kalani Bush".

S. Kalani Bush
Deputy Attorney General

c: Alapaki Nahale-a, Chairman
Dean Oshiro, HSD Administrator

HHC Item No. J-4
Exhibit C
Date 11-14-11

October 18, 2011

TO: Albert NAHALE-A, Chairman Hawaiian Homes Lands

THROUGH: Michelle Kauhane, Deputy to the Chairman
M. Waialaleale Sarsona, Executive Assistant

FROM: Melvin Kiaaina, Hawaiian Homelands Lessee

SUBJECT: **REQUEST TO BE PLACED ON HAWAIIAN HOMELANDS
COMMISSIONS AGENDA SCHEDULE**

Sir,

After several weeks of talking to family and friends, I have decided to respond to the letter sent to my home by Deputy Chairwomen Michelle Kauhane. I am requesting at this time to be placed on the agenda for the next up coming scheduled Hawaiian Homes Commission meeting. I am not going away and I will not rest until this issue is settled.

I was wrongfully treated and I will not continue to be pushed aside and be taken advantage of by people whom I believe do not know what they are doing or just do not care.

As explained in my letter I sent to your office dated on or about August 7, 2011 in which Mrs. Kauhane responded too, I believe I was wrongfully deceived by then Attorney General Lisa Oshiro whom represented the Department many years ago when I filed for bankruptcy back in 2002.

Mrs. Kauhane has copies of all my original documents that I sent to your office. I am also enclosing a copy of the letter that she sent to my home in response to my letter, and the letter I sent to Attorney Kalani Bush. As indicated in my letter I am not asking for the \$16,207.97 taken during my refinancing with Bank of America but only the interest I believe I am rightfully due because of the incompetence on part due to Attorney General Lisa Oshiro, or maybe individuals from the Office of Hawaiian Affairs or from Hawaiian Homes Lands. **All I know is that someone failed to do their job.**

Note: Verification can be made with Hawaiian Homes Lands employee Vernon Nishimura that **I have requested for years something** in writing to address problem.

Sincerely,

Melvin Leialoha Kiaaina

Date: _____

If you have any questions please feel free to contact me at the following address or telephone number. As of the writing of this letter I no longer have an Attorney representing me.

Address: 89-578 Farrington Highway
Waianae, Hi. 96792

Telephone: 808- 391-4725



naomi Kiaaina <naomi808k@gmail.com>

Fwd: Melvin Kiaaina

1 message

Thu, Jun 30, 2011 at 6:28 PM

Raymond Cho <rcho@affinitylaw.com>
To: "Melvin Kiaaina (Kimo)" <naomi808k@gmail.com>

Hey Melvin:

I was finally able to speak with Kalani Bush from Public Safety, Hawaiian Home Lands And Housing Division Department of the Attorney General on Tuesday (June 28, 2011). After communicating with Kalani, he has clarified and represented to me that First Hawaiian Bank was not the secured creditor and was only the servicer of the loan on behalf of OHA and DHHL. If the representation is true, then OHA and DHHL would be the secured creditor, securing the property, located at 89-578 Farrington Highway, Waianae, HI 96792. After your bankruptcy filing, OHA and DHHL will no longer be able to go after any deficiency from foreclosure of the property, but they are allowed to continue to hold the security interest in the property.

On a second note, he has also informed me that on or around 2009, after you filed for Bankruptcy relief, you have signed a new lease agreeing to reaffirm the debt in question. This argument would be irrelevant if the representation provided by Kalani Bush above is true.

Sincerely,

Raymond C. Cho, Esq.

Affinity Law Group, LLC

Attorneys-at-Law

1188 Bishop Street, Suite 3408

Honolulu, Hawaii 96813

Bus: (808) 545-4600

Fax: (808) 545-4601

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----- Forwarded message -----

HHC Item No. J-4
Exhibit D
Date 11-14-11

7/4/11 5:50

From: <S.Kalani.Bush@hawaii.gov>

Date: Tue, Jun 28, 2011 at 3:58 PM

Subject: Melvin Kiaaina

To: rcho@affinitylaw.com

Cc: Dan.F.Kelli@hawaii.gov, Dean.T.Oshiro@hawaii.gov, renee.s.kondo@hawaii.gov, m.waialeale.sarsona@hawaii.gov, diane.k.taira@hawaii.gov, Matthew.S.Dvonch@hawaii.gov

Raymond,

Your client's lease and amended lease are attached hereto for your review. As discussed, DHHL was not noticed as a creditor in your client's bankruptcy. In 1993, DHHL and OHA entered into a memorandum of agreement whereby DHHL would guaranty loans made by OHA to DHHL lessees. In 2004, Mr. Kiaaina made a loan with OHA (with FHB servicing the debt) and filed for bankruptcy soon thereafter. Later that year your client's discharge was filed. In 2006, OHA demanded and received payment from DHHL for Mr. Kiaaina's debt. In 2009, Mr. Kiaaina executed the amended lease and reaffirmed the debt on page 10 of the lease.

Based on the information you provided, my client's position is that Mr. Kiaaina clearly reaffirmed the debt, did not rescind his reaffirmation within the time limitations, and has thereby waived his discharge regarding the OHA-related debt. See 11 USC 524(f). However, if your client believes that he is entitled to a return of the monies paid to DHHL, pursuant to his agreement under the amended lease, please provide me with proof that DHHL was noticed as a creditor in the underlying bankruptcy and the legal basis for the claim.

Please note that the Hawaiian Homes Commission Act, 1920, as amended (HHCA), at sections 216(c) and (d) provides a remedy to DHHL to, inter alia, forfeit the lien on the property and cancel the lease. The Commission and DHHL have a fiduciary duty to its beneficiaries under the HHCA to seek reimbursement for monies it has expended to pay the debts of its lessees.

Please provide me with your client's position by Friday, July 1, 2011 after you have reviewed the amended lease.

Kalani

S. Kalani Bush
Deputy Attorney General
Public Safety, Hawaiian Home Lands
And Housing Division
Department of the Attorney General
Telephone: 587-3035/Facsimile: 586-1372
email: s.kalani.bush@hawaii.gov

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HHC Item No. J-4
Exhibit E
Date 11-14-11

BAE SYSTEMS

11400 Commerce Park Drive
Suite 600
Reston, Virginia 22091-1506

CERTIFICATE OF SERVICE

District/off: 0975-1
Case: 01-04890

User: FJ
Form ID: DIS-001

Page 1 of 1
Total Served: 17

Date Rcvd: Jun 28, 2002

The following entities were served by first class mail on Jun 30, 2002.

D KIAAINA, MELVIN LEIALOHA, 89-578 FARRINGTON HWY., WAIANAE, HI 96792
DA DAWN SMITH, 733 BISHOP ST., STE 1610, HONOLULU, HI 96813
T MARY LOU WOO, 91-590 FARRINGTON HWY #210 UNIT 303, KAPOLEI, HI 96707
OFFICE OF THE U.S. TRUSTEE, 1132 BISHOP STREET, SUITE 602, HONOLULU, HI 96813
1 ASSOCIATES, BOX 64606, BALTIMORE, MD 21264
2 AT&T, BOX 29980, HON., HI 96820
3 CAPITAL ONE, BOX 26030, RICHMOND, VA 23276
4 CITIBANK, BOX 6405, THE LAKES, NV 88901-6405
6 DISCOVER, BOX 29028, PHOENIX, AZ 85038
7 FIRST HAW'N BANK RECOVERY, BOX 4070, HNL, HI 96812
8 FIRST USA BKRY SUPPORT, BOX 149265, AUSTIN, TX 78714
9 HAWAII STATE FCU, BOX 79265, CITY OF INDUSTRY, CA 91716
10 MBNA AMERICA, BOX 15026, WILMINGTON, DE 19850-5026
11 +UNION PLUS, BOX 80023, SALINAS, CA 93912-0023
12 WELLS FARGO BANK, BOX 33410, PORTLAND, OR 97292
13 MICHAEL JAY GREEN, ESQ., 345 QUEEN ST., 2ND FLR., HONOLULU, HI 96813

The following entities were served by electronic transmission on Jun 29, 2002 and receipt of the transmission was confirmed on:

+EDI: IRS.COM Jun 29 2002 09:24:00 INTERNAL REVENUE SERVICE - HAWAII, IRS SPF INSOLVENCY,
300 ALA MOANA BLVD., STOP H240, HONOLULU, HI 96850-0001

TOTAL: 1

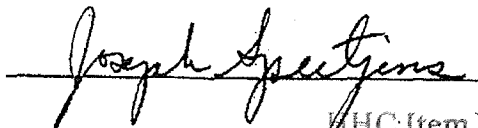
***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
5 DEPARTMENT OF VETERANS AFFAIR

TOTALS: 1, * 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

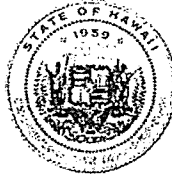
I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

Date: Jun 30, 2002

Signature: 

NHC Item No. J-4
Exhibit F
Date 11-14-11

NEIL ABERCROMBIE
GOVERNOR



DAVID M. LOUIE
ATTORNEY GENERAL

RUSSELL A. SUZUKI
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1500

May 2, 2011

Raymond C. Cho, Esq.
Affinity Law Group
1188 Bishop Street, Suite 3408
Honolulu, Hawai'i 96813

Re: Kiaaina, Melvin Jr. (89-578 Farrington Highway, Waianae, HI 96792);
(Residence Lot Lease No. 744-A and Amendment to Lease No. 744-A)

Dear Mr. Cho:

We are in receipt of your letter dated April 4, 2011 to our client, the Department of Hawaiian Home Lands ("DHHL"), along with your letters dated January 24, 2011 and October 26, 2010. In order to evaluate your client's demand for reimbursement of \$16,207.97, please provide our office with documentation, facts and legal citation which explains your client's position for our review.

Please do not hesitate to contact the undersigned should you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "S. Kalani Bush".

S. Kalani Bush
Deputy Attorney General

c: Dean Oshiro

AFFINITY LAW GROUP

A Limited Liability Law Corporation

-Attorneys at Law-

Van-Alan H. Shima, Esq.
Raymond C. Cho, Esq.

1188 Bishop Street, Suite 3408
Honolulu, Hawaii 96813

Telephone: (808) 545-4600
Facsimile: (808) 545-4601
rcho@affinitylaw.com

TRANSMITTAL

TO:

DATE: January 26, 2011

Melvin Kiaaina
89-578 Farrington Highway
Waianae, HI 96792

Via First Class Mail

FR: Raymond Cho

RE: Dipute with Hawaiian Home Lands

COPIES	DATE	DESCRIPTION
1	01/24/2011	Letter to Hawaiian Home Lands from Raymond Cho at Affinity Law Group

TRANSMITTED FOR:

<input type="checkbox"/> For your information	<input type="checkbox"/> For necessary action
<input type="checkbox"/> For your signature and return	<input type="checkbox"/> Per our conversation
<input type="checkbox"/> For your signature and forwarding as noted below	<input type="checkbox"/> For your approval
<input type="checkbox"/> For signature in <u>black ink</u> before a Notary Public	<input type="checkbox"/> Per your request
<input checked="" type="checkbox"/> For review	<input type="checkbox"/> See remarks below

REMARKS:

HHC Item No. J-4
Exhibit A
Date 11-14-11

NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAII



ALBERT "ALAPAKI" NAHALE-A
CHAIRMAN DESIGNATE
HAWAIIAN HOMES COMMISSION

ROBERT J. HALL
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

February 3, 2011

Raymond C. Cho, Esquire
Affinity Law Group
1188 Bishop Street, Suite 3408
Honolulu, HI 96813

Aloha Mr. Cho:

I am in receipt of your letter dated January 24, 2011 regarding your client, Mr. Melvin Kiaaina. As we feel this is a legal issue, your letter has been forwarded to the State of Hawaii's Attorney General's Office ("AGs") for response. The AGs handles all legal matters for the Department of Hawaiian Home Lands (DHHL).

Aloha and mahalo,

Dean T. Oshiro
Loan Services Branch Manager

HHC Item No. J-4
Exhibit I
Date 11-14-11

AFFINITY LAW GROUP
A Limited Liability Law Company

Van-Alan H. Shima, Esq.
Raymond C. Cho, Esq.

1188 Bishop Street, Suite 3408
Honolulu, Hawaii 96813

Telephone: (808) 545-4601
Facsimile: (808) 545-4601
rcho@affinitylaw.com

COPY

June 14, 2011

Delivery via USPS Return-receipt

S. Kalani Bush, Esq.
State of Hawaii
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813

RE: Kiaaina, Melvin (Property: 89-578 Farrington Highway, Waianae, HI 96792)

Dear Ms. Bush:

This correspondence is in response to your letter, dated May 2, 2011, requesting documentation, facts and legal citation explaining Mr. Kiaaina's position. In my letter dated October 26, 2010, I have provided details regarding the dealings between Mr. Kiaaina and Department of Hawaiian Home Lands ("DHHL") and the reasoning as to why the amount of \$16,207.97 was inappropriately transferred to DHHL. I have enclosed the October 26, 2010 letter for your convenience.

Mr. Kiaaina, on December 18, 2001, filed for bankruptcy relief and on June 28, 2002, received a Discharge Order. I have also enclosed the Discharge Order for your review. DHHL was never a secured creditor against Mr. Kiaaina. Also, if for argument sake, DHHL was an unsecured creditor against the Debtor, which I disagree, it would have been discharge through the June 28, 2002 Discharge Order. Pursuant to 11 U.S.C. § 362(a) of the Bankruptcy Code, any attempt to collect pre-petition unsecured debts, which has been discharged is a clear violation of the automatic stay of the Bankruptcy Code.

HHC Item No. J-4
Exhibit J
Date 11-14-11

COPY

AFFINITY LAW GROUP

A Limited Liability Law Company

Van-Alan H. Shima, Esq.
Raymond C. Cho, Esq.

1188 Bishop Street, Suite 3408
Honolulu, Hawaii 96813

Telephone: (808) 545-4600
Facsimile: (808) 545-4601
rcho@affinitylaw.com

October 26, 2010

Delivery via USPS First Class Mail
Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, HI 96707

RE: Kiaaina, Melvin (Property: 89-578 Farrington Highway, Waianae, HI 96792)

To Whom It May Concern:

This law firm has been retained by Mr. Melvin Kiaaina to assist in demanding reimbursement of funds paid to your office. On or around September 2010, Mr. Kiaaina refinanced his current primary residence, located at 89-578 Farrington Highway, Waianae, Hawaii 96792 (hereinafter referred to as "Property"). Mr. Kiaaina has represented to me that during the course of his refinance, your office informed First American Title Company, Inc. that in order to clear title to approve the new loan with Bank of America, N.A., a payment amount of \$16,207.97 must be paid to your office.

Mr. Kiaaina is disputing your offices position you have a security lien on the Property in the amount of \$16,207.97. That said amount should have never been a condition to approve his new loan. In researching the Bureau of Conveyance database, I am not aware of any liens on the Property recorded by Hawaiian Home Land.

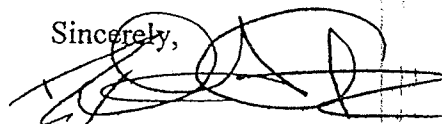
If this is not your position, please provide me an explanation of Hawaiian Home Land's position as to why the said amount was a condition to approve the new loan. Currently Mr. Kiaaina is not interested in any protracted litigation and is demanding reimbursement for the full amount. If I do not hear from your office to discuss this matter by the end of business of November 15, 2010, I will have no choice but to either reopen Mr. Kiaaina's previous bankruptcy case and file a Motion for Sanctions against your office for violating the Bankruptcy Code or initiate a separate legal proceeding in the Circuit Court of the First Circuit; State of Hawaii requesting for a declaratory judgment. In either event, I will not only request the court for reimbursement of the said amount but also request for damages, including but not limited to court fees and attorney's fees.

HHC Item No. J-4
Exhibit K
Date 11-14-11

I am optimistic that, after reviewing the matter, you will come to the same resolution that it would be in both parties' best interest to resolve this matter without court assistance.

If there are any further questions or concerns, please feel free to contact me at the number listed above.

Sincerely,



Raymond C. Cho

AFFINITY LAW GROUP
A Limited Liability Law Company

Van-Alan H. Shima, Esq.
Raymond C. Cho, Esq.

1188 Bishop Street, Suite 3408
Honolulu, Hawaii 96813

Telephone: (808) 545-4600
Facsimile: (808) 545-4601
rcho@affinitylaw.com

COPY

January 24, 2011

Delivery via USPS First Class Mail and
Confirmation Delivery via Certified Mail
Hawaiian Home Lands
Hale Kalaniana'ole
91-5420 Kapolei Parkway
Kapolei, HI 96707

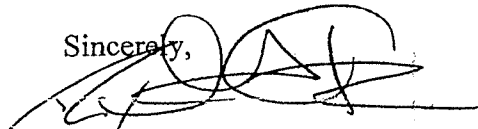
RE: Kiaaina, Melvin (Property: 89-578 Farrington Highway, Waianae, HI 96792)

To Whom It May Concern:

On or around October 26, 2010, this law office submitted to your office a letter requesting a response to the Mr. Melvin Kiaanina's concern regarding an alleged lien against his Primary Residence. It has been almost three months and to date, I have not received a response and resubmitting original letter, dated October 26, 2010. Please respond to this letter no later than January 31, 2011 or I will have no option but to initiate legal proceedings to address and resolve this matter.

If there are any further questions or concerns, please feel free to contact me at the number listed above.

Sincerely,



Raymond C. Cho

Enclosure