

HAWAIIAN HOMES COMMISSION
Minutes of May 30, 2019
Paukūkalo Community Center, Wailuku,

Pursuant to proper call, the Meeting of the Hawaiian Homes Commission was held at the Paukukalo Community Center, 657 Kaumuali‘i Street, Wailuku, Maui, Hawai‘i, beginning at 10:52 a.m.

PRESENT William J. Aila Jr., Chairman
Randy K. Awo, Maui Commissioner
Zachary Z. Helm, Moloka‘i Commissioner
Michael P. Kahikina, O‘ahu Commissioner
Pauline N. Namu‘o, O‘ahu Commissioner
Dennis L. Neves, Kaua‘i Commissioner

EXCUSED David B. Ka‘apu, West Hawai‘i Commissioner
Wren Wescoatt, O‘ahu Commissioner
Vacant, East Hawai‘i Commissioner

COUNSEL Ryan Kanaka‘ole, Deputy Attorney General

STAFF Paula Aila, Director of Communications Contract & Awards Division
Kahana Albinio, Acting Land Management Division Administrator
Dean Oshiro, Acting Administrator, Homestead Services Division
Andrew Choy, Acting Manager, Planning Office
Stewart Matsunaga, Acting Land Development Division Administrator
Leah Burrows-Nuuanu Secretary to the Commission
James Du Pont, West Hawai‘i District Office Supervisor
Halealoha Ayau, Water Specialist Planning Office
Cedric Duarte, ICRO Officer Information & Community Relations Office
Debra Aliviado, Customer Service Manager
Allen Yanos, Property Development Agent
Gigi Cairel, Grant Specialist Planning Office

ORDER OF BUSINESS

CALL TO ORDER

Chair Aila called the meeting to order at 10:52 a.m.
Six (6) members were present at roll call. The East Hawai‘i seat was vacant.

APPROVAL OF AGENDA

MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Namu‘o, to approve the agenda.
Motion carried unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

ITEM A-1 Blossom Feiteira Re: Items E-1, E-2, F-1, G-1 and G-2

B. Feiteira testified in support of all the items listed on the agenda today, particularly Item E-2. As President of the Association of Hawaiians for Homestead Lands, the project in La‘i ‘Opua for the long-term rental and rent-to-own is crucial to the needs of the beneficiaries of the Big Island. She encourages the Commission to approve that submittal. Testified in approval for Item F-1. B. Feiteira noted acceptance for Item G-1 for Pulehunui and support for Item G-2.

ITEM A-2 Delane Osorio Re: Item E-2

D. Osorio testified she is here on behalf of Ikaika Ohana. She stated without the change in the source of funding in order to allow Ikaika Ohana to move forward with the development, they may be jeopardizing the low-income housing tax credits that have been applied for in order to start the project. She believes that they are on the agenda for June 13, 2020, with HHFDC to get the Viatec funding. She hopes that the Commission will approve Item E-2 to allow them to move forward and start with the first 60 homes in the rent-to-own project in La‘i ‘Opua.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

LAND DEVELOPMENT DIVISION

ITEM E-1 Approval to Increase the Funding Ceiling for the Design and Construction of the Honokaia Non-Potable Water System Project at Honokaia, Island of Hawai'i, previously designated as Tax Map Key No . : (3) 4-6-11:03, 11, 12 & 13.

RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Stewart Matsunaga presented the following: That the Hawaiian Homes Commission approve to increase the funding ceiling for the design and construction of the Honokaia Non-potable Water System project from \$1.165 million to \$1.465 million subject to written contractual assurance by the plaintiffs from Honokaia Ohana versus Hawaiian Homes Commission that users and licensees of the water system shall be responsible for said system's operation and maintenance as provided in the stipulated settlement agreement filed September 19, 2013.

MOTION

Moved by Commissioner Helm, seconded by Commissioner Namu‘o, to approve the motion as stated in the submittal.

ACTION

Motion carried unanimously.

ITEM E-2 Approval to Amend the Source of Funding for the Development Agreement between the Department of Hawaiian Home Lands and Ikaika Ohana for Hawaiian Home Lands Rental Housing in the Villages of La‘i ‘Opua.

RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Stewart Matsunaga presented the following:

That the Hawaiian Homes Commission approve to amend the FY 2019 Development Budget Source of Funding in the amount of \$5 million from the Native American Housing and Self Determination Act Fund (NAHASDA) to Hawaiian Home Lands Trust Fund for the Development Agreement between the Department of Hawaiian Home Lands and Ikaika Ohana for Hawaiian Home Lands Rental Housing in the Villages of La‘i ‘Opua subject to no increase above the current funding level established by the Hawaiian Homes Commission or its FY 2019 Development Budget.

MOTION

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

ACTION

Motion carried unanimously.

PLANNING OFFICE

- ITEM G-1 Recommend the transmission of the Final Environmental Impact Statement (FEIS) for the Pulehunui Regional Infrastructure Master Plan Pulehunui, Maui; TMK (2) 3-8- 008, 035, 036 (Pulehunui North) and (2) 3-8-008:034 (Pulehunui South) for acceptance by the Governor of the State of Hawai‘i**

RECOMMENDED MOTION/ACTION

Acting Manager Planning Office Andrew Choy presented the following:

That the Hawaiian Homes Commission approved the recommendation for the transmission of the Final Environmental Impact Statement (FEIS) for the Pulehunui Regional Infrastructure Master Plan Pulehunui, Maui; TMK (2) 3-8- 008, 035, 036 (Pulehunui North) and (2) 3-8-008:034 (Pulehunui South) for acceptance by the Governor of the State of Hawai‘i

MOTION

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

ACTION

Motion carried unanimously.

- ITEM G-2 Acceptance of Beneficiary Consultation Report on a Water Reservation Related to the East Maui Irrigation System's Request for Water Lease from DLNR and Reauthorize the Chairman to Formally Request a Related Water Reservation from the Commission on Water Resource Management for Hawaiian Home Lands on Maui.**

RECOMMENDED MOTION/ACTION

Acting Manager Planning Office Andrew Choy presented the following:

That the Hawaiian Homes Commission acceptance of the Beneficiary Consultation Report on a Water Reservation Related to the East Maui Irrigation System's Request for Water Lease from DLNR and Reauthorize the Chairman to Formally Request a Related Water Reservation from the Commission on Water Resource Management for Hawaiian Home Lands on Maui.

Recommends the Hawaiian Homes Commission:

1. Accept the Beneficiary Consultation Report as the official record of the beneficiaries' issues, questions, concerns and comments regarding the East Maui Irrigation Request for the Water Lease from DLNR, and DHHL's proposed water reservation related to the same, and
2. Reauthorize the Chairman to Formally Request a Related Water Reservation from the Commission on Water Resource Management for Hawaiian Home Lands in Keokea, Waiohuli, and Pulehunui, supplementing and clarifying the authorization given in Action 1 of Item G-3 taken on August 10, 2015, and
3. Take other actions as necessary to effectuate these requests.

MOTION

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the motion as stated in the submittal.

ACTION

Motion carried unanimously.

MOTION

Moved by Commissioner Ka'apu, seconded by Commissioner Awo to convene in executive session pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities. Motion carried unanimously.

EXECUTIVE SESSION IN

11:31 A.M.

The Commission anticipates convening in an executive meeting pursuant to Section 92-5(a)(4) HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities on these matters.

1. Royal Contracting v. DHHL
2. Kahikinui Energy Project

EXECUTIVE SESSION OUT

12:43 P.M.

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to Issue a Right-of-Entry Permit and Conditional Approval for a General Lease to AEP Wind Holdings, LLC and Delegate to the HHC Chairman the Authority to Negotiate the Final Terms and Conditions of the Lease at Kahikinui, Island of Maui, Tax Map Key No. (2) 1-9-001:003 (por).

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: That the Hawaiian Homes Commission approve the issuance of the Right-of-Entry Permit and conditional approval for a General Lease to AEP Wind Holdings, LLC and delegate to the HHC

Chairman the authority to negotiate the final terms and conditions of the Lease at Kahikinui, Island of Maui, Tax Map Key No. (2) 1-9-001:003 (por).

Chairman Aila stated the motion to consider the staff's recommendation along with an additional condition, condition No. 6, Bi-annual reports to the Commission by AEP concerning the studies on flora and fauna and the archaeological inventory study.

MOTION

Moved by Commissioner Ka'apu, seconded by Commissioner Namu'o, to approve the motion as stated in the submittal along with the additional condition No. 6.

ACTION

Motion carried unanimously.

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING

The next meeting will be held on June 17 & 18, 2019, Kapolei, O'ahu, Hawai'i.

MOTION/ACTION

Moved by Commissioner Kahikina, seconded by Commissioner Namu'o, to adjourn the meeting. Motion carried unanimously.

ADJOURNMENT

12:49 P.M.

Respectfully submitted:

William J. Aila Jr., Chairman
Hawaiian Homes Commission

Prepared by:

Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

APPROVED BY:

The Hawaiian Homes Commission at its regular monthly meeting on:

William J. Aila Jr., Chairman