

# **HAWAIIAN HOMES COMMISSION**

Minutes of August 18, 2019  
Hana Community Hall, Hana, Maui

Pursuant to proper call, the Hawaiian Homes Commission Public Hearings on the East Maui Beneficiary Issues and Agendized Items was held at 5091 Uakea Road, Hana, Maui, Hawai'i, beginning at 1:00 p.m.

**PRESENT** William J. Aila Jr., Chairman  
Randy K. Awo, Maui Commissioner  
Zachary Z. Helm, Moloka'i Commissioner  
David B. Ka'apu, West Hawai'i Commissioner  
Dennis L. Neves, Kaua'i Commissioner

**EXCUSED** Patricia A. Teruya, O`ahu Commissioner  
Pauline N. Namu`o, O`ahu Commissioner  
Vacant, 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 1:29 p.m.  
Five (5) members were present at roll call. The O`ahu and East Hawai'i seats were vacant.

### **APPROVAL OF AGENDA**

### **MOTION/ACTION**

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the agenda.  
Motion carried unanimously.

## **ITEMS FOR INFORMATION/DISCUSSION**

### **PLANNING OFFICE**

**ITEM G-1 For information only – Overview of DHHL's East Maui Lands**

For information only. Acting Manager Planning Office Andrew Chow introduced Staff Planner Julie Ann Cachola to present the overview of DHHL’s East Maui Lands.

J. Cachola stated when the Hawaiian Homes Commission (HHC) Act was passed in 1920, no lands were set aside for East Maui, but despite that, the people of East Maui have thrived. In 1995, with the passage of Act 14, which authorized the transfer of 16, 518 acres of public lands to DHHL and required the State to make 20 annual payments of \$30 million to the Hawaiian Home Lands Trust Fund for a total of \$600 million, 898 acres of DHHL East Maui lands became part of the HHL Trust. These lands are located in Hana, Ke`anae and Wailuanui.

The breakdown of acreage among the three areas are as follows:

- Wakiu            656 acres
- Ke`anae        151 acres
- Wailuanui      91 acres

The land use designations are as follows:

<b>Land Use Designation</b>	<b>Wakiu</b>	<b>Ke`anae</b>	<b>Wailuanui</b>	<b>Totals</b>
Residential	46			46
Subsistence Ag	75	57	28	160
General Ag	522	92	53	667
Community Use	5	2		7
Conservation			10	10
Commercial	3			3
Industrial	5			5
<b>TOTALS (acres)</b>	<b>656</b>	<b>151</b>	<b>91</b>	<b>898</b>

The Land Use Designations consider development factors inclusive of topography/slope, rainfall, soil conditions, drainage, flood zones, historic and cultural resources, endangered species, and critical habitat. Accessibility to infrastructure systems is factored in inclusive of water, roads, wastewater and solid waste disposal facilities.

When DHHL met with the Hana community to designate land uses for the acquired lands, the community opposed, viewing it as a threat that would destroy their wahi pana, their traditional ties to their lands. Many of the East Maui people did not sign up for Hawaiian Home Lands knowing if they filed, they would be at the bottom of the list, and people would take homestead lots with little or no ties to East Maui. Many of the residents asked that the homestead lands in East Maui be awarded to those with genealogical ties to the region.

**OFFICE OF THE CHAIRMAN**

**ITEM C-1      For information only – Presentation on Potential Options for East Maui Awards**

Director of Communications Contract & Awards Division Paula Aila presented the potential options for the East Maui Awards.

P. Aila stated she would provide information on the waitlist that the Department has and the offer process that is being used currently by the Department.

Focusing on the residential waitlist, P. Aila stated that before 1963 there were no established consistent procedures, and people would get onto the list with no process for getting on the list. In 1963, there was the priority system list which was determined by blood quantum. Priority-1 was 100% Hawaiian, Priority-2 was successorship of 50% Hawaiian and Priority-3; there was no qualified successor. Over time the Department discovered that as long as there was someone in the Priority-1 position, Priorities 2 & 3 had no movement. The Department converted the area waiting list in August 1973.

P. Aila stated that the Department has area waitlists; on O`ahu, there's Nanakuli, Waianae, Papakolea, Kewalo and Waimanalo. On Maui, there's an area waitlist in Paukukalo. On Hawai`i Island, there's an area waitlist for Keaukaha, Waiakea, Kawaihae and Waimea. On Kaua`i, there's an area waitlist for Anahola, Kekaha and Pu`u Opai. On Moloka`i, there's an area waitlist in for Kalamaula, Ho`olehua, Kapa`akea and Oneali`i. The area applicants are also placed on the island-wide waitlist in chronological order.

In 1977 the Department utilized the island-wide waitlist. Each island has an island-wide waitlist as well as an area waitlist. In 2002, there was a Lanai waitlist.

Regarding the undivided interest (UI) lease program, which started in 2005, the applicant was no longer an applicant but became a lessee with a paper lease but no lot. Undivided interest leases are available on O`ahu in Kapolei for Kanehili and Kauluokaha`i B & C only. In Waimanalo for Kumuhau and Kakaina. On Maui, the UI lease is in Waiohuli. On Hawai`i Island the UI lease is in La`i `Opua and on Kaua`i, the UI is in Anahola.

Regarding the offer process, an offer is when the Department has lots available in different subdivisions, and it's offered to people on the list. The undivided lessees have priority because they have a lease and the Department has to fulfill the obligation of a lot to the UI lessees in that area. The area list has second priority and then the island-wide waitlist and then the Department does the Lanai waitlist.

When there are offers, the Department does a mailed invitation inclusive of a letter with information on where the offer is, how many lots are available, response time, meeting times and location. There is an orientation meeting and then a lot of selection meetings. A proxy form is included in case a beneficiary is not able to physically make the lot selection meeting; someone can stand in for them to pick their lot. The proxy requires a notary. In the mailed packets are additional information such as the developer's brochures and information about the lot reservation and the process.

## **PUBLIC TESTIMONY ON AGENDIZED ITEMS AND OTHER EAST MAUI BENEFICIARY ISSUES**

### **ITEM A-1 Earl**

Gentleman stated a correction of the meeting in 1995, he was not sure is 1995, but he stated Morioka was running DHHL and visited Hana. The Governor was Linda Lingle. The people did not say no, but they wanted the people from Hana. There are five families in one house, so why get somebody from Waianae to come to Hana and take. DHHL said they would come back and they never came and never replied.

He stated there was a Councilperson who wanted to open up the Hawaiian Home Lands for everybody. The Prince made the decision thinking of the people, the Hawaiians. The gentleman stated if you are not from Hana, we know when we kuka. If the lands are open up to everybody, we giving what was given to us to everybody, enough already. We cannot be so generous that we give away everything. We live on an island and can only go so far. Hawaiian Home Lands is for the Hawaiians. If anything needs to be worked on, it is to lower the quantum. When he looks at it, it looks like they are waiting for all the half Hawaiians to die. They promised a long time ago and still nothing.

**ITEM A-2      Napua Hueu**

N. Hueu stated her family has seven people waiting on the waitlist. She wanted to make sure as DHHL moves forward with the preliminary planning for East Maui, DHHL follows protocols to ensure that the East Maui people don't end up like other homesteads on the island, particularly Kahikinui.

She testified that the Kahikinui forest affects East Maui. She wants to ensure that the East Maui people don't fall into disadvantages like Kahikinui's Homestead Association. She stated for the record that the Kahikinui Homestead Association is extremely fractured and currently only speaking for the full-time residents of Kahikinui. They are leaving out a large portion of the Kahikinui lease-holders out of the conversations in decision making for the homestead. There is a Board of eleven people making decisions for 22,000 acres without taking in the perspective of their neighbors. As the Department establishes homestead associations for East Maui, give the East Maui beneficiaries guidelines regarding policies, procedures, and protocols to make sure they have good bylaws to follow. The Kahikinui forest was managed under kuleana holders and there was a beneficiary organization that was care-takers of the forest for 25-years with extensive records of that kuleana. That organization's right of entry was removed to accommodate a commercial operator, Kia LLC. As the Department moves forward for the East Maui planning, that the Department considers beneficiary organizations for anything that is going on before considering corporate organizations to manage the people's kuleana.

**ITEM A-3      Mavis Olivera-Medeiros**

M. Oliver-Medeiros testified that Hana did not want Hawaiian Homes because DHHL could not give a promise that Hana would have a preference. People need homes, and it is hopeful that the Department can find some way for the Hana people to have the first choice. The homes she has seen come up in Waiehu Kou; she heard that people have to pay \$250,000, which is a big loan for Hana families to make. She does not know what can be done, but maybe make smaller homes so people can qualify because it is hard for people to qualify. It may sound cheap compared to the average home in Hawai'i, \$700,000, \$250,000 is still high.

**ITEM A-4      Anjoline Ho`opai-Waikoloa**

A. Ho`opai-Waikoloa testified there were no lands in 1925 assigned to East Maui for DHHL because in 1925 most of the lands were still under Royal Patent for the people of the aina until it was illegally taken, so there was no land for the people to live on until it can be returned to the people. She stated her mom is 100% Hawaiian and never applied for Hawaiian Homes because she does not want to leave Hana. She should have aina to live on if it stayed within families and not have to go through illegal quiet titles.

**ITEM A-5      Claudia Kalaola**

C. Kalaola testified she supports the protectors of the Mauna. She stated her husband has been on the waitlist since 1973 and is 100% Hawaiian and both her children are on the list since 1992 and 1993 and still waiting. In their 46 years together, he had one offer for Paukukalo and they were living and working on the Big Island then. That was the last time they heard anything from the Commission. She thinks it is wrong and the Department should have a user family site to go online and update their information. She stated the excuse is the Department did not have the beneficiary's current address. She supports how the Lanai awards are set up and hope to the Department can utilize the same process for Hana. Help the people of Hana and budget the money that will help the people of kuahiwi because those are rough lands, it is not easy.

**ITEM A-6 Kawika Davidson**

K. Davidson is a lessee of Kahikinui before Ka Ohana O Kahikinui existed. He gained access through the lower lands of Kahikinui because his brother-in-law Max Coleman had connections with Perreira. The land is magical, and he enjoyed the sport of hunting and a food resource. He realized it was Hawaiian Home Lands and he and a group of people initiated the stand in Kahikinui for the Department to allow the people to live in Kahikinui. It took beyond 10-years for that process but the leases were finally signed in 1999. Hana is unique and the Kahikinui forest is unique. With limited resources, no help for DHHL and DLNR stopped taking care of the place in 1986. In 1995 he took it upon himself to take care of the forest. He and a group of hunters started cleaning the forest and taking care of it. Hunting was secondary and hunting was a way that was protecting the native plants. The people grew from being hunters to caretakers of the land. The document given to the Commissioners is about what has been done over the years. He is sad that he cannot access the area anymore.

**ITEM A-7 Irish O'Hara**

O'Hara testified that he supports Hawaiian Homes and has been successful with putting two of his daughters on Hawaiian Home Lands. He stated his wife signed up for Princess Kahanu in Waianae which was turned over to his No. 2 daughter. He signed up for Hawaiian Home Lands and awarded for Waiehu Kou and his oldest daughter now lives on that land. He stated the system works, however, he stated he was on the waitlist less than 10-years. Something is wrong with the Department's process. If he can get two lands in that short time and some of the people have never seen Hawaiian homelands, something is wrong. He doesn't know what or where it is or maybe he was blessed by God, but he has two homelands and some guys have none. That has to be looked at, how the Department goes about it.

The types of awards Hana needs are the self-help and the open space land. Hana's income is not high, and most people who get awarded a home would not be able to buy it. He proposed the self-help and the leases for the people to build their own. Hana can build on their own.

**ITEM A-8 Loretta O'Hara**

L. O'Hara testified her husband spoke from her heart and soul and wants the Commission to listen to what the people want and not what the Commission wants.

**ITEM A-9 Fushia Pua**

F. Pua asked how many acres of land does DHHL have and how many applicants. Chairman Aila stated 203,000 acres and 2700. At the rate of 1100 lots in 5-years the kupuna in their graves will

get their leases. She stated DHHL has lands where there are colleges, military, airports, hospitals (Chairman Aila's words were indiscernible).

**ITEM A-10 Nelson Armitage**

N. Armitage testified that he supports the Hana people. He spoke as Minister of Foreign Affairs of the Lawful Hawaiian Government and stated that the Commission has a fiducial obligation and duty to support the federal law. He objected to the meeting because of Federal Rule 12, for the record.

He stated the people has to deal with the worst hypocrisy which he called the "application process to genocide". He stated that is the way he looks at it.

**ITEM A-11 Shane Sinensi**

S. Sinensi is the Representative for the County Council seat. He spoke to the issue of housing for the Hana residents. He stated the Maui County put in \$14 million for affordable housing and another \$5 million towards experimental housing. The housing committee believes that for all Maui residents the county need at least 14,000 housing. There is concerns with the developments coming through and the majority of the Council feels that some of the issues is with the 10-year buy back clause. After 10-years a lot of the affordable housing projects go back on the market, and if a person bought it at an affordable rate and sold it after 10-years at market rate, it takes it out of affordability and now the residents cannot afford the \$700,000 to \$800,00 homes. Outside investors are picking up properties for personal investments and using them as short-term rentals to pay for those mortgages.

For Hana, he stated there is nothing below \$1 million, everything is upward of the \$1 million. Hana people cannot afford that kind of prices. There are many multi-generational families living in one family household. He stated opening up to other residents around Hawai'i is a concern because Hana is a rural and isolated area.

One developer, Ikaika Ohana, came through Hana and they have an affordable rent to own model. They have a rental for 15-years rented at a person's income level, which looks at the lower income level of 60% and 30% AMI and below. If a person makes so much money, that is what the rent will be for 15-years, and after 15-years the person has the option of buying the property. The 15-years accumulation of rent goes towards the construction of the home. That is one of the options that La'i `Opua in Kona has. S. Sinensi stated the County is looking to lease property in Hana for those housing.

Chairman Aila explained how the La'i `Opua project happened with the Department putting in the infrastructure than putting out a request for proposal for someone to build and manage the vertical. DHHL put in significant amounts of money to put in the infrastructure and to get the water credits. S. Sinensi stated he does not think the County was going to ask DHHL to put in the infrastructure. He stated they are just looking for a lease.

**ITEM A-12 Fawn Helekahi-Burns**

F. Helikahi-Burns testified she does not know when the Commission was last in Hana. She stated Hana people encounter numerous socio-economical hardships with housing, economic stability, and the maintenance of Hawaiian presence in Hana.

She stated she has some suggested options and solutions to the dilemma that the Hana people want the Commission to consider. Noting Lanai's situation, she stated it is good to know that the Department is willing to make preferences for Hana. She recommended that the Commission open ag lots for beneficiaries to build their homes, nourish their families, and have the opportunity to have land to subsidize their cost of living. Land to the farm will allow beneficiaries to defer the costs of living. She also recommended that the Commission give special consideration to the Hana people as it was given to Lanai and be ready to open Hana lands within a couple of years with the ho`omana`o that the beneficiaries of Hana have the same preferences as Lanai. She requested that the Commission not let another generation in Hana pass while waiting for the Commission to come to Hana again. She stated she personally would probably go for action and state that she is "sue-happy." She stated that she gotta get like the haoles who are "sue happy," and it drives the Hana people to take people to court to show their seriousness. F. Helekahi-Burns stated legally she is willing to be able to hui together Hawaiians to have to pursue that, unfortunately, it does not come to that conclusion. She stated Hana wants a multi-family aina base, not multi-family homes. If the Commission gives ag lots, Hana can have multi-family aina.

**ITEM A-13 Barbara Ann Benton**

B. Benton testified that she applied for Hawaiian Homes in 1974. She had a chance for Kula and Waiehu Kou, but she stated she wants to stay in Hana. She testified that 25-years ago she was there when the Commission showed a map across Wainapanapa. She just found out why the Commission stopped the project. It was because the Hana people did not want to extend outside of Hana. She stated by right the Hana people should have the choice first in Hana to have Hawaiian homestead. She has waited 45 years and she wanted her beneficiary to be in Hana.

**ITEM A-14 Faith Chase**

F. Chase asked to shake the Chairman's hand and stated people say the way to get things done is only who you know and so she stated she knows him now. She testified of her background and the people she worked with and the volunteer work she did. She has been attending the meetings for Kahikinui and doing her research about the progress or lack thereof. There is a situation in Kahikinui. She stated Hana built her. She suggested the Department create two or three positions that work on LRM, Leaseholder Relationship Management. She stated the Department's leaseholder reach is corroded and not only in Kahikinui. She stated she has tons of evidence of it.

**ITEM A-15 Samuel Akoi**

S. Akoi testified he was born and raised in Hana, 6<sup>th</sup> generation from Keanae to Kahikinui and a practitioner. He stated the people of Hana are furious with Hawaiian Homes because they have nothing. The Department visits, the land is there, but there is nothing for them. He stated the solution is to turn over the lease to Hana and help them to pintail the issues the people are going through. He state Hana has enough people to form a committee to work with the Department to work with the issues.

**ITEM A-16 Jay Alohalani Smith**

J. Smith testified she came with hopes to find solutions in Hana where she came from. She testified on Item C-1, options for East Maui awards. She stated overcrowded homes are a big problem for Hana and the people need help. In 2012 DHHL did a collaboration plan with the Carpenter's Union to help build homes that were to be built between Waiohuli and Keokea's half acres. She stated it'd been 14-years and she is still waiting, it never happened. The solution is to work with the

beneficiaries who have the skills and equipment. The second solution is for the Department to help expedite the process.

**ITEM A-17 Maryanne Pahukoa**

M. Pahukoa testified she is representing her kupuna who died on the waitlist. She stated she does not appreciate the Commission rushing the community members, especially those from Kahikinui. She believes there are 40,000 people on the waitlist and only 9,000 awarded in the past 100-years. Regarding the right of entries, she stated the Commission has work to approve the right of entries for commercial operators and non-beneficiaries which have led to economic suffering, mismanagement of Hana's ecosystem and native forests, the largest forest being Kahikinui. She stated the Commission had granted a commercial operator the right of entry over Hawaiians. The Commission has worked to put up no trespassing signs to subsistence gathers, lessees and beneficiaries of the area. She stated for the record that all the illegal commercial activity the Commission is approving is an act of war and breach under the 1949 Geneva Convention. She mentioned judicial notices were sent via email in regards to occupying the forest reserves that the Department has yet to respond to.

**ITEM A-18 Leipua Kahaleuahi**

L. Kahaleuahi testified that she would like to echo upon the many comments that were made. One example is working with the Hana community, the people knows the aina. They know the location of the cultural sites, the know the hunters, the gatherers, hula practitioners that access the aina for resources. A committee should be formed and the Hana people should be sitting at the table with the Department. This kind of meeting things go in one ear and out the other and maybe stick and maybe not. The people of Hana need to be at the table working with the Department in order for the lands to be developed, it needs to come from the people.

**ITEM A-19 Mac Cate**

M. Cate testified that his mom was born and raised in hana, and her maiden name was Pu, and her mom's name was Hele. He stated he was born and raised in Hana and is 63 years old but by the time his 99-year lease comes about, he will be 162 years old. The ladies who spoke before him were on point. He stated he is open to discussion.

**ITEM A-20 Kekoa Enomoto**

K. Enomoto testified she has been meeting with the people of East Maui since March because she wanted to prepare whoever wanted to meet with her about Hana meeting. She wanted to educate the Hana people about their entitlements under the Hawaiian Homes Commission Act. She stated the PowerPoint she had was all of the Hana people's drawings about the farms, ranches, and residences on the 985 acres in East Maui that under Prince Kuhio's legacy are the entitlements. She asked the Commission to consider that there be a regional plan for East Maui and to inform the Commission that Keanae and Hana are two separate communities. The people of Keanae are not Hana and the people of Hana are not Keanae. She stated when the Department presents to Hana and includes information about Keanae and Waialuanui; It is not Hana's community so they are not relating.

Chairman Aila stated the Commission would take into consideration what was said and come back to talk about a process. It is the people's community so he urged them to start the discussion



amongst themselves about what they are thinking in terms of a potential rulemaking process. Rules have to be established to give preference (indiscernible).

**ANNOUNCEMENTS AND ADJOURNMENT**

**NEXT MEETING**

The next meeting will be held on August 19 & 20, 2019, in Lahaina, Maui, Hawai`i.

**MOTION/ACTION**

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

**ADJOURNMENT**

**12:15 P.M.**

Respectfully submitted:

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William J. Aila Jr., Chairman  
Hawaiian Homes Commission

Prepared by:

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Leah Burrows-Nuuanu, Commission Secretary  
Hawaiian Homes Commission

**APPROVED BY:**  
The Hawaiian Homes Commission at its regular monthly meeting on:

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William J. Aila Jr., Chairman