

**HAWAIIAN HOMES COMMISSION**  
Minutes of September 19, 2016  
Paukukalo Community Center, Wailuku, Maui

Pursuant to proper call, the 679th Regular Meeting of the Hawaiian Homes Commission was held at Paukukalo Community Center, 657 Kaunualii Street, Wailuku, Maui, Hawai`i, beginning at 9:30 a.m.

**PRESENT** Jobie M. K. Masagatani, Chair  
Doreen N. Canto, Maui Commissioner  
Cathleen P. Chin, Kauai Commissioner  
Gene Ross K. Davis, Moloka`i Commissioner  
Wallace A. Ishibashi, East Hawai`i Commissioner  
Michael P. Kahikina, O`ahu Commissioner  
William K. Richardson, O`ahu Commissioner  
Wren Wescoatt, O`ahu Commissioner

**EXCUSED** David B. Ka`apu, West Hawai`i Commissioner

**COUNSEL** Craig Y. Iha, Deputy Attorney General

**STAFF** William J. Aila Jr., Deputy to the Chairman  
Niniau Simmons, NAHASDA Manager  
Paula Aila, Hale Manager  
Hokulei Lindsey, Administrative Rules Officer  
Leah Burrows-Nuuanu, Secretary to the Commission  
Francis Apoliona, Compliance Officer  
Norman Sakamoto, Acting Land Development Division Administrator  
P. Kahana Albinio, Acting Land Management Division Administrator  
Kaleo Manuel, Acting Planning Office Manager  
Dean Oshiro, Acting Homestead Services Administrator  
Ku`uwehi Hiraishi, Info. Specialist,  
Susie Richey, Secretary  
Andrew Choy, Planner  
Stewart Matsunaga, Master Plan Community Dev. Manager

**ORDER OF BUSINESS**

**CALL TO ORDER**

Chair Masagatani called the meeting to order at 9:40 a.m. Eight (8) members were present at roll call.

**APPROVAL OF AGENDA**

**MOTION/ACTION TO AMEND THE AGENDA**

Moved by Commissioner Ishibashi, seconded by Commissioner Kahikina, to approve the agenda as amended. Motion carried unanimously.

Chair Masagatani stated that the Commission would break at 12:00 pm for executive session.

**APPROVAL OF MINUTES**

Approval of Minutes for April 2014 and September 2015

## **PUBLIC TESTIMONY ON AGENDIZED ITEMS**

### **ITEM A-1 Blossom Feiteira Re: Items in F-1, Item H-3, Item G-1**

B. Feiteira testified regarding Item F-1 to deny the request for ROEs to 487, 488, 494, 492, 491, and 489 commercial entities. For item Nos. 490, 493, 496, and 497; 490, the request was to convert those into long-term license agreements. ROE 495 is used as a parking lot and should be looked for converting to a general lease for that property.

Regarding Item H-3, the request is for the Commission to deny. Item G-1 that the Commission directs the Department to address this matter. Another request was that the Commission give up an O`ahu seat and convert it into a Lanai seat.

Chair Masagatani addressed B. Feiteira that Item H-3 transfers the receipts from the Receipt Fund into the Hawaiian Home General Loan Fund. B. Feiteira was okay with that.

### **ITEM A-2 Norman Abihai Re: Need more land**

N. Abihai is a Kula lessee in Waiohuli. He is requesting more land because his land is full of fruits and vegetables. In February, he put in a request for 10-acres and has not received any response yet.

### **ITEM A-3 Rod Paahana Re: Item F-1**

R. Paahana is the President of the LeiAlii Homestead Association and a member of the SCHHA. He requested the Commission to deny using Section 204, and have Hawaiians have the first right of refusal. All the pastoral and agricultural land not in Hawaiian hands-on Hawaiian homes should be denied.

### **ITEM A-4 Alika Akana Re: Item F-1**

Alika Akana stated he represents the Keokea Board and is the Sargent-of-Arms. He testified the Keokea Farm Lots are the only ag lots on Maui. He requested that the Keokea Farm Lots get the 69-acre area along with a long-term 60-year general license. The area was used by Kiewitt.

### **ITEM A-5 Kellie Pearson and Kapono Naeole Re: BGCH Maui**

K. Pearson is the CEO of the Boys and Girls Club of Maui, and Kapono Naeole is Club Director at Paukukalo. She stated that the Paukukalo Community Center serves as an after school home for hundreds of kids. She is determined to build a club in Paukukalo with the 30-year lease that the Commission granted BGCH Maui.

### **ITEM A-6 Angus Peters Re: Agricultural lands**

Angus Peters testified his concern is that the Commission work for agriculture. He stated there is plenty of room for agriculture.

### **ITEM A-7 Garrett Hue Re: HC&S**

G. Hue testified he is an employee with HC&S and wanted to update the Commission on the company's ROE Nos. 491, and 492. HC&S leased the Hawaiian Home Lands since after WWII. HC&S is doing an EA of the property, and the report should be provided to the Commission in 3-4 weeks, at which time HC&S will terminate its ROE with Hawaiian Homes.

### **ITEM A-8 Zantel Lindo Re: Items on the budget and other issues**

Z. Lindo is the Executive Director for the Moloka'i Habitat for Humanity testified in support of Item D-9 for Tamanaha. She testified that the comments she makes are for Moloka'i. She testified that it is not inherently cultural for the Commission to look at everything and do a blanket procedure on policies.

**ITEM A-9 Kahu Laki Kaahumanu Re: Homeless**

K. Kaahumanu testified it's sad that the Hawaiians are homeless. He has been sheltering people at his Church ministry for over 30-years — he and his wife hanai 18 children that were left at their Church step. His request is to take the homeless people out of his house and put them in the Hawaiian Home Lands' house.

**ITEM A-10 Carol Lee Kamekona Re: Items F-1 and G-1**

C. Kamekona testified regarding ROE's 489, 491, and 492, which is a total of 790 acres of agricultural land. Her request is that the Commission form or develop an agricultural department that will address the question about how many people actually farm. Maybe they don't know how to. Regarding Item G-1, regarding the blood quantum, she suggests the Commission reduce the blood quantum for successors.

**ITEM A-11 Kekoa Enomoto Re: Item G-3**

K. Enomoto testified of water issues in Keokea in regards to Item G-3 and funds for native water projects.

**ITEM A-12 Olinda Aiwohi Re: F-1**

O. Aiwohi testified that for 2-1/2 years, they'd had the ROE to the Paukukalo 1.7 acre parcel, and June 30<sup>th</sup> was their last day for their ROE. Their moku President volunteered to submit a license instead of an ROE which did not happen. She put in another request for an ROE.

**ITEM A-13 Marvalee Crawford Re: Waiohuli Lessee**

M. Crawford testified that she needs a driveway for emergency vehicles to come to her cottage because she has a hard time to get out of bed. She was told in order for emergency vehicles to drive into her property; her driveway has to be asphalt or concrete. The plan she was given by Habitat has only one door. She asked the Commission to help her build an emergency exit door in her bedroom so she can get out safely. She applied for USDA help in May 2013, as of April 2016 she is still waiting.

**ITEMS FOR DECISION MAKING**

**REGULAR AGENDA**

**HOMESTEAD SERVICES DIVISION**

**ITEM D-13** Approval of the Assignment of a Tenant-In-Common Leasehold Interest – **SANDRALYNN H. NAEA**, Lease No. 3159, Lot No. 13A, Waimanalo, Oahu

**RECOMMENDED MOTION/ACTION**

Acting Administrator, Homestead Services Division Dean Oshiro presented the following:  
That the Hawaiian Homes Commission approves the assignment of a Tenant-In-Common Leasehold Interest for Sandralynn H. Naea Lease No. 3159, Lot No. 13A, Waimanalo, Oahu .

MOTION

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

DISCUSSION

D. Oshiro stated lease is held co-lessees by two siblings, Sandra Naea and Carter Spencer. Ms. Naea is requesting to transfer her interest to Mr. Herbert Kaniaupio. Sandra and Carter received the lease through successorship, and the issue is that Sandra wants to transfer her part of the lease to Mr. Kaniaupio, who is not related in any way, shape or form to Carter Spencer. Carter Spencer is not in agreement with the transfer. Sandralyn is in Alaska having medical treatment. With the permission of Sandralynn Naea, the Kaniaupios are living in the home. Carter Spencer lives in Hilo.

MOTION/ACTION

Moved by Commissioner Davis, seconded by Commissioner Canto to convene in an 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**

**1:10 PM**

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 on these matters.

**EXECUTIVE SESSION OUT**

**1:20 PM**

ACTION

Item was deferred for 6 months, February 2017, to seek a resolution via mediation.

**ITEM D-12** Approval of Amendment of Leasehold Interest to Extend the Lease Term, Residential Lease No. 2817, Lot No. 79-A, Waimanalo, O`ahu, **JOSEPH M. MAUKELE**, Deceased Lessee

RECOMMENDED MOTION/ACTION

Acting Administrator, Homestead Services Division Dean Oshiro presented the following: Motion that the Hawaiian Homes Commission approves the amendment of the leasehold interest to extend the lease term for residential Lease No. 2817, Lot No. 79-A, Waimanalo, O`ahu to Joseph M. Maukele, the deceased lessee.

MOTION

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

DISCUSSION

D. Oshiro stated the action is to amend the lease for another 100 years. Mr. Maukele, through the designation of the successorship form, named his sister Kauai Maukele as his successor.

ACTION

Motion carried unanimously.

MOTION/ACTION

Moved by Commissioner Davis, seconded by Commissioner Richardson to convene in an 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**

**1:30 PM**

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 on these matters.

1. Update on Nelson Case – Richard Nelson, III et al., v HHC, Civil No. 07-1-1663

**EXECUTIVE SESSION OUT**

**2:30 PM**

**ITEMS FOR DECISION MAKING**

**CONSENT AGENDA**

**HOMESTEAD SERVICES DIVISION**

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro presented the following: Motion to approve the Consent Agenda as listed in the submittal.

DISCUSSION

Chair Masagatani asked Commissioners if there were any Items from the Consent Agenda that they wanted to move to the Regular Agenda. D. Oshiro stated for Item D-17, that transaction No. 2 for lessee June Coelho be removed and deferred for this month.

- ITEM D-2** Ratification of Loan Approvals (see exhibit)
- ITEM D-3** Approval to Consent to Mortgage (see exhibit)
- ITEM D-4** Approval of Streamline Refinance of Loans (see exhibit)
- ITEM D-5** Approval to Schedule Loan Delinquency Contested Case Hearings (see exhibit)
- ITEM D-6** Approval of Homestead Application Transfers/Cancellations (see exhibit)
- ITEM D-7** Commission Designation of Successors to Application Rights Public Notice 2015 (see exhibit)
- ITEM D-8** Ratification of Designations of Successors to Leasehold Interest and Designation of Persons to Receive Net Proceeds (see exhibit)
- ITEM D-9** Approval of Assignment of Leasehold Interest (see exhibit)
- ITEM D-10** Approval of Amendment of Leasehold Interest (see exhibit)
- ITEM D-11** Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- ITEM D-14** Approval for Payment of Net Proceeds -**NAOMI R. ALOY from ALVIN F. JARDINE, JR. (Dec'd)**, Residential Lot lease No. 5948, Lot No. 27, Waiehu-Kou Subdivision, Wailuku, Maui
- ITEM D-15** Request to Schedule Contested Case Hearing – Authorization to Proceed to Public Notice Under Section 209, HHCA, Due to Nonresponsive Designated Successor – **CASEY J. K. BALLAO**, Lease No. 2358, Lot No. 37, Kapaakea, Molokai

- ITEM D-16** Commission Designation of Successor to Public Notice – **ROBIN CANTIBEROS**, Agricultural Lease No. 6909, Lot No. 40, Puukapu, Waimea, Hawai`i
- ITEM D-17** Request to Schedule a Contested Case Hearing for Lease Violations (see exhibit)

MOTION/ACTION

Moved by Commissioner Canto, seconded by Commissioner Davis, to approve the Consent Agenda with the elimination of June Coelho from Item D-17. There was no discussion. Motion carried unanimously.

**REGULAR AGENDA**

**LAND MANAGEMENT DIVISION**

- ITEM F-2 Approval to grant a Right of Entry Permit to American Renaissance Academy, Kalaeloa, O`ahu, TMK No. (1) 9-1-013:024 (por.)**

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Home Lands Commission approves and grant the right of entry permit to American Renaissance Academy, Kalaeloa, O`ahu, subject to the terms identified.

K. Albinio stated that Item No. 1-B should state permittee and not licensee, and Item No. 1-C should state permittee instead of licensee.

MOTION

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

DISCUSSION

K. Albinio stated it was formally a license to the school, and the request is to grant them an additional year.

Chair Masagatani asked K. Albinio that the school has been told that the Commission does not intend to extend the license. The year is for them to find a new location.

ACTION

Motion carried unanimously.

**LAND DEVELOPMENT DIVISION**

- ITEM E-1 Approval of Various Lease Awards (see exhibit)**

RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Norman Sakamoto presented the following: Motion that the Hawaiian Homes Commission approves the awards of the Department of Hawaiian Home Lands residential lot leases to applicants listed for 99-years subject to the purchase of the existing improvements on the lot by way of loan or cash.

MOTION/ACTION

Moved by Commissioner Davis, seconded by Commissioner Kahikina, to approve the motion as stated in the submittal. There was no discussion. Motion carried unanimously.

**PLANNING OFFICE**

**ITEM G-1 Approval of 2017 Legislative Proposals**

RECOMMENDED MOTION/ACTION

Acting Manager, Planning Office Kaleo Manuel presented the following:

Motion that the Hawaiian Home Commission approve the Legislative Proposals recommended for inclusion in the Administration Legislative Package for the 2017 Legislative Session.

MOTION

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

DISCUSSION

Commissioner Chin made a motion to amend the proposal HHL-03 (17) to keep the Commission as a nine-member Board and reduce the number of O`ahu Commissioners to 2.

AMENDED MOTION

Moved by Commissioner Chin, seconded by Commissioner Canto, to amend HHL-03 (17) to keep the Commission as a nine-member Board and reduce the number of O`ahu Commissioners to two.

Commissioner Kahikini spoke against the amendment, and Commissioner Richardson concurred.

Chair Masagatani stated the motion is to amend HHL-03 (17) to replace the proposed bill with a new one that would reduce the O`ahu Commissioners by one and add a Lanai Commissioner, keeping the number at nine.

ACTION

| Commissioner   | 1 | 2 | 'AE (YES) | A'OLE (NO) | KANALUA ABSTAIN | EXCUSED |
|--|---|---|-----------|------------|-----------------|---------|
| Commissioner Canto   |   | X | X         |            |                 |         |
| Commissioner Chin  | X |   | X         |            |                 |         |
| Commissioner Davis   |   |   | X         |            |                 |         |
| Commissioner Ishibashi                                       |   |   | X         |            |                 |         |
| Commissioner Ka`apu  |   |   |           |            |                 | X       |
| Commissioner Kahikina  |   |   |           | X          |                 |         |
| Commissioner Richardson                                      |   |   |           | X          |                 |         |
| Commissioner Wescoatt  |   |   | X         |            |                 |         |
| Chair Masagatani   |   |   | X         |            |                 |         |
| <b>TOTAL VOTE COUNT</b>                                      |   |   | 6         | 2          | 0               | 1       |
| MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED   |   |   |           |            |                 |         |
| Motion passes with six (6) YES, two (2) NO. one (1) Excused. |   |   |           |            |                 |         |

ACTION TO THE MAIN MOTION AS AMENDED

Motion carried unanimously.

## **ITEMS FOR INFORMATION/DISCUSSION**

### **GENERAL AGENDA**

### **REQUESTS TO ADDRESS THE COMMISSION**

#### **ITEM J-1 Mishel Narvaez – Hawai`i Mural Arts**

M. Narvaez stated she is asking the support of the Commission to present her proposal to be a voice through art.

## **ITEMS FOR DECISION MAKING**

### **REGULAR AGENDA**

### **LAND MANAGEMENT DIVISION**

#### **ITEM F-1 Annual Renewal of Right of Entry Permits, Maui Island (see exhibit)**

#### **RECOMMENDED MOTION/ACTION**

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approves the annual renewal of the right of entry permits for the Island of Maui. The ROEs are on a month-to-month basis for up to 12-months but no longer than September 30, 2017, and to authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

#### **MOTION**

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

#### **DISCUSSION**

Mr. Jerry Sakugawa of the Sakugawa Ranch thanked the Commission for the opportunity to speak. He stated they are a family operation and the 3<sup>rd</sup> generation. Mr. Sakugawa stated they are not a big company. The cattle business is an erratic and challenging business. You need to know management, land management and knowing your land. He stated he hopes to continue to have the permit.

Chair Masagatani asked Mr. Sakugawa how long it would take for him to find another location for his cattle. Mr. Sakugawa stated (indiscernible).

Chair Masagatani asked staff how does the Department get the lands into beneficiary hands without compromising or mismanaging the resource. What would the Department suggest to programmatically get something in place to get a presence on the land if Mr. Sakugawa is transitioned off the land and transitioning beneficiaries on the land?

Ryan Nobriga, General Manager at the Westin Kaanapali Ocean Resort Villas, stated that they have held the parcel for 10-years and utilized it for parking. The parking is paved with asphalt.

Commissioner Canto recused herself from ROE No. 493. Chair Masagatani asked for a motion to remove ROE No. 493.



AMENDED MOTION #1/ACTION

Moved by Commissioner Davis, seconded by Commissioner Ishibashi, to approve the motion to remove ROE No. 493. Motion carried unanimously.

Chair Masagatani stated the Commission is considering all of the rest of the ROEs except for ROE No. 493.

Commissioner Wescoatt noted one small edit on page 2 of the F-1 submittal. He stated above the chart states, “totaling an increase of \$78,000 should be **to** \$78,000 not **of**.”

Chair Masagatani asked Kahana about No. 495, how did he calculate the fee. K. Albinio (indiscernible) Chair Masagatani stated it’s \$77,000 per annum for 2-acres.

Commissioner Wescoatt proposed an amendment to the motion stating a change to the initial recommended motion to read to indicate our intent following this discussion that the Department is going to work on a new system, proposing the following:

- The Hawaiian Homes Commission approves the following actions while developing a process to make short-term agricultural and pastoral land dispositions available to beneficiaries.

AMENDED MOTION #2

Moved by Commissioner Wescoatt, seconded by Commissioner Davis, to approve the remaining ROEs except for #493, including that the Hawaiian Homes Commission approves the following actions while developing a process to make short-term agricultural and pastoral land dispositions available to beneficiaries.

Chair Masagatani spoke in favor of the motion as the Department has been in a catch 22, and the homestead leases expect a standard of infrastructure, which takes a while to get that in place. Pastoral lands have been challenging. RP’s are a sort of way to manage the lands while figuring out a process to make the lands available to beneficiaries.

ACTION ON AMENDED MOTION #2

| Commissioner   | 1 | 2 | ‘AE (YES) | A’OLE (NO) | KANALUA ABSTAIN | EXCUSED      |
|--|---|---|-----------|------------|-----------------|--------------|
| Commissioner Canto   |   |   | X         |            |                 |              |
| Commissioner Chin  |   |   | X         |            |                 |              |
| Commissioner Davis   |   | X | X         |            |                 |              |
| Commissioner Ishibashi   |   |   |           | X          |                 |              |
| Commissioner Ka’apu  |   |   |           |            |                 | X            |
| Commissioner Kahikina  |   |   |           | X          |                 |              |
| Commissioner Richardson  |   |   |           |            |                 | Left 4:30 pm |
| Commissioner Wescoatt  | X |   | X         |            |                 |              |
| Chair Masagatani   |   |   | X         |            |                 |              |
| <b>TOTAL VOTE COUNT</b>  |   |   | <b>5</b>  | <b>2</b>   | <b>0</b>        | <b>2</b>     |
| MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED<br>Motion passes with five (5) YES, two (2) NO. one (1) Excused one (1) Departed. |   |   |           |            |                 |              |

Chair Masagatani stated the Commission is back to the main motion discussing all of the ROEs except for No. 493.

Chair Masagatani stated she had concerns that 495 is undervalued, but she had no way of confirming if it is or not. For the purpose of being fair, she tasked K. Albinio to take a look, and if it needs to be raised, then the Commission may need to revisit that.

Commissioner Kahikina asked to vote to support the beneficiaries and vote no to the non-beneficiaries. Chair Masagatani suggested taking 496 and 497, then-Commissioner Canto can vote; then, the Commission can work through with that.

AMENDED MOTION #3 /ACTION

Moved by Commissioner Canto, seconded by Commissioner Kahikina, to approve ROEs 496 and 497. Motion carried unanimously.

AMENDED MOTION #4 /ACTION

Moved by Commissioner Chin, seconded by Commissioner Kahikina, to approve ROE 493. Motion carried. Commissioner Canto recused. Commissioner Richardson departed.

AMENDED MOTION#5/ACTION

Moved by Commissioner Chin, seconded by Commissioner Davis, to approve ROEs 487, 488, 494, 492, 491, 489, 490 AND 495.

ACTION ON MAIN MOTION AS AMENDED

| Commissioner   | 1 | 2 | 'AE<br>(YES) | A'OLE<br>(NO) | KANALUA<br>ABSTAIN | EXCUSED      |
|--|---|---|--------------|---------------|--------------------|--------------|
| Commissioner Canto   |   |   | X            |               |                    |              |
| Commissioner Chin  |   |   | X            |               |                    |              |
| Commissioner Davis   |   | X | X            |               |                    |              |
| Commissioner Ishibashi   |   |   |              | X             |                    |              |
| Commissioner Ka'apu  |   |   |              |               |                    | X            |
| Commissioner Kahikina  |   |   |              | X             |                    |              |
| Commissioner Richardson  |   |   |              |               |                    | Left 4:30 pm |
| Commissioner Wescoatt  | X |   | X            |               |                    |              |
| Chair Masagatani   |   |   | X            |               |                    |              |
| <b>TOTAL VOTE COUNT</b>  |   |   | 5            | 2             | 0                  | 2            |
| MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED                     |   |   |              |               |                    |              |
| Motion passes with five (5) YES, two (2) NO. one (1) Excused one (1) Departed. |   |   |              |               |                    |              |

**ITEMS FOR INFORMATION/DISCUSSION**

**GENERAL AGENDA**

**REQUESTS TO ADDRESS THE COMMISSION**

**ITEM J-4 Terry Miller – Imogene Maio Lease**

Marchelle Busbus stated Terry Miller gave her the Power of Attorney to speak on her behalf regarding her cousin Imogene K. Maio. T. Miller and Imogene Maio are cousins. Imogene's intent was to leave her lease to T. Miller. On December 3, 2007, signs Power of Attorney to T. Miller. In 2008 I. Maio requested T. Miller be her successor to her lease. In 2008, I. Maio passed away. M. Busbus stated the Department of Hawaiian Home Lands failed to acknowledge and honor I. Maio's request. M. Busbus stated the State failed to address I. Maio's intent and request to failure and due diligence in keeping personal records and documents that T. Miller that had been submitted by her and to appropriately inform her of her rights as a successor of I. Maio's lease.

**ITEM J-2 Tasha Kama – Keokea Subdivision**

Deferred

**ITEM J-3 Velma Mariano – Paukukalo Association Right of Entry**

Deferred

## **WORKSHOPS**

### **ADMINISTRATIVE SERVICES OFFICE**

#### **ITEM H-1 DHHL Biennium Budget Requests for Fiscal Biennium 2017-2019 (Sufficient Sums Budget)**

##### RECOMMENDED MOTION/ACTION

None. For information only. Deputy William Aila and Administrative Services Officer Rodney Lau presented the following:

R. Lau stated the DHHL Biennium Budget Requests for Fiscal Biennium 2017-2019 would be submitted to the Department of Budget & Finance which incorporates the Department's Sufficient Sums Budget that includes the Operating Budget and the CIP Budget. Also included are the rehabilitation projects, loans and development projects 1, 2, and 3. R. Lau stated it's done in 3 parts:

##### Part I

- a. The Biennium Budget will be submitted to the Department of Budget & Finance on September 23, 2016
- b. On November 15, 2016, B & F will submit their recommendations to the Governor
- c. On November 30, 2016, the Governor will notify the Department what the final outcome is on the budget request
- d. The Department then prepares documents for the January Executive Budget Report to the Legislature.

##### Part II

- a. The Department makes the same request to the Legislature in January 2017 in the Biennium Budget Review

##### Part III

- a. If there are any technical adjustments needed, the Department to ask that the Chairman be authorized to make the adjustments.

**RECESS**

**5:59 PM**

**HAWAIIAN HOMES COMMISSION**  
Minutes of September 20, 2016  
Paukukalo Community Center, Wailuku, Maui

**PRESENT** Jobie M. K. Masagatani, Chair  
Doreen N. Canto, Maui Commissioner  
Cathleen P. Chin, Kauai Commissioner  
Gene Ross K. Davis, Moloka'i Commissioner  
Wallace A. Ishibashi, East Hawai'i Commissioner  
Michael P. Kahikina, O'ahu Commissioner  
William K. Richardson, O'ahu Commissioner  
Wren Wescoatt, O'ahu Commissioner

**EXCUSED** David B. Ka'apu, West Hawai'i Commissioner

**COUNSEL** Craig Y. Iha, Deputy Attorney General

**STAFF** William J. Aila Jr., Deputy to the Chairman  
Niniau Simmons, NAHASDA Manager  
Paula Aila, Hale Manager  
Hokulei Lindsey, Administrative Rules Officer  
Leah Burrows-Nuuanu, Secretary to the Commission  
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Dean Oshiro, Acting Homestead Services Administrator  
Ku'uwehi Hiraishi, Info. Specialist,  
Susie Richey, Secretary  
Andrew Choy, Planner  
Stewart Matsunaga, Master Plan Community Dev. Manager

**ORDER OF BUSINESS**

**CALL TO ORDER**

Chair Masagatani called the meeting to order at 9:05 a.m. Seven (7) members were present at roll call. Commissioner Kaapu was excused.

**PUBLIC TESTIMONY ON AGENDIZED ITEMS**

**ITEM A-1 Harry Brown Re: Sandwich Isle Communication**

H. Brown wanted to know why the Department had to have just Sandwich Isle Communication and eliminate other companies from serving the beneficiaries. It takes away his choice to choose who he wants to be his service provider. He was referred to Kahana Albinio.

## **ITEMS FOR DECISION MAKING**

### **REGULAR AGENDA**

#### **ADMINISTRATIVE SERVICES OFFICE**

##### **ITEM H-2 Approval of DHHL Biennium Budget Requests for Fiscal Biennium 2017-2019 (Sufficient Sums Budget)**

###### **RECOMMENDED MOTION**

Administrative Services Officer Rodney Lau presented the following:

1. Recommended that the Hawaiian Homes Commission approve the Fiscal Biennium 2017-2019 Operating and CIP Budget Requests (Sufficient Sums Budget) present it to the Governor for consideration in the Administration's Executive Budget Request to the 2017 Legislative Session.
2. It is recommended that the Hawaiian Homes Commission approve the Fiscal Biennium 2017-2019 Operating and CIP Budget Requests (Sufficient Sums Budget) and present it to the 2017 Legislature.
3. That the Commission authorizes the Chairman to adjust the Operating and CIP Budget Requests to make technical adjustments due to minor errors before it is incorporated into the Administration's Executive Budget.

###### **MOTION**

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

###### **DISCUSSION**

Chair Masagatani stated per the discussions yesterday; a line item will be added to the Lot Development Request for Statewide acquisition of \$10 million to provide the Commission and the Department working on behalf of the Commission with options to consider land and or building purchases.

Chair Masagatani stated that the Budget could be sent out to all the leaderships that participated and provide some mechanism for feedback. If there are adjustments, the Department will just have to return to seek the Commission's approval.

###### **ACTION**

Motion carried unanimously.

##### **ITEM H-3 Transfer of Hawaiian Home Receipts Fund Money at the End of the First Quarter, FY 2017**

###### **RECOMMENDED MOTION/ACTION**

Administrative Services Officer Rodney Lau presented the following:

Motion that the Hawaiian Homes Commission approve the transfer of the entire Receipts Deposited in the Hawaiian Homes Receipt Funds as of September 30, 2016, to the Hawaiian Homes General Loan Funds.

MOTION/ACTION

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

**ITEMS FOR INFORMATION/DISCUSSION**

**WORKSHOPS**

**PLANNING OFFICE**

**ITEM G-2 For Information Only – Maui Regional Plan Priority Projects Updates**

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Office Manager Kaleo Manuel and Maui Planning Office Liaison Julie Ann Cachola presented the following:

DISCUSSION

J. Cachola stated the focus is the Island Plan, which gives the land inventory, what exists on the land uses and what is planned. Planned uses are identified by land use designations which are the land zones. The Regional Plans are also identified in the area where the homesteads get involved in developing projects. The focus of the presentation of Item G-2 is the Island Plan and the Regional Plan.

**ITEM G-3 For Information Only – Maui Island Water Issues and Projects**

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Office Manager Kaleo Manuel presented the following:

The Maui Island Water Issues and Projects update are in the submittal, and there is a PowerPoint.

DISCUSSION

K. Manuel briefed the Commission on the East Maui Irrigation System (EMI) and its relationship to Keanae, Wakiu, Waialua lands, Keokea and Waiohuli, Pulehunui, Honokowai, Leialii, Kahikinui and Paukukalo.

**ITEM G-4 For Information Only – Planning Office Grants Status Report End of 3<sup>rd</sup> Quarter**

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Office Manager Kaleo Manuel presented the following:

DISCUSSION

K. Manuel stated, based on the conversations about community associations, their budgets and what kind of grants they've been getting, that staff has been trying to do a quarterly grant report or a status report on where the community associations are at in their grants. The submittal contains a simple table explaining the islands where the grants are, the type of grants, the index and the legion are below the table. It shows the start date and end dates of the grants per the contract agreement, what association and organization the grant is for and what the project is.

**ITEM G-5 For Information Only – Declaration of Covenants, Conditions, and Restrictions (DCCRs)**

RECOMMENDED MOTION/ACTION MOTION

None. For information only. Acting Planning Office Manager Kaleo Manuel presented the following:

An update on the DCCRs. There are 15 homestead properties with DCCRs. There are two distinct differences:

1. DCCR that the Department acquired or were tied to the land that the Department acquired. A lot of them came from HHFDC: Maluohai, Kaupea on O`ahu, La`i `Opua and Kealakehe on Bis Island and Leialii on Maui.
2. DCCRs that the Department is required to have according to Section 207.5 of the HHC Act.

MOTION/ACTION

Moved by Commissioner Davis, seconded by Commissioner Wescoatt to convene in an 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 12:10 PM**

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 on these matters.

- b. Update on status of the case entitled, *Hui Maka`ainana a Kalawahine v. Hawaiian Homes Commission, et al.*, Civil No. 08-1-1855, First Circuit Court.

**EXECUTIVE SESSION OUT 1:10 PM**

**ITEM G-6 For Information Only – Planning for our Makai Communities – Integrating Coastal Zone Management, Community Resilience and Hazard Mitigation on Hawaiian Home Lands along the shoreline, Statewide**

RECOMMENDED MOTION/ACTION MOTION

None. For information only. Acting Planning Office Manager Kaleo Manuel and Planner Nancy McPherson presented the following:

DISCUSSION

N. McPherson provided information on planning for the makai communities by integrating coastal zone management, community resilience, and hazard mitigation along the shoreline of Hawaiian Home Lands statewide.

Base flood elevation is what FEMA has determined a structure should be above to be safe.

**REGULAR AGENDA**

**OFFICE OF THE CHAIRMAN**

**ITEM C-1 For Information Only – Native Hawaiian Housing Block Grant Annual Performance Report**

RECOMMENDED MOTION/ACTION MOTION

NAHASDA Manager Niniau Simmons presented the following:

DISCUSSION

N. Simmons stated the report is for information only for the Native Hawaiian Housing Block Grant Annual Performance Report. The reports and activities are from FY July 1, 2015, to June 30, 2016.

**HOMESTEAD SERVICES DIVISION**

**ITEM D-1 HSD Status Reports**

- A – Homestead Lease and Application Totals and Monthly Activity Reports
- B – Delinquency Report

**ANNOUNCEMENTS AND ADJOURNMENT**

**NEXT MEETING**

The next meeting will be held on October 17 & 18, 2016, Keaukaha, Hawai`i.

MOTION/ACTION

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

**ADJOURNMENT**

**2:04 PM**

Respectfully submitted:

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Jobie M. K. Masagatani, Chair  
Hawaiian Homes Commission

Prepared by:

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Leah Burrows-Nuuanu, Commission Secretary  
Hawaiian Homes Commission



DRAFT