

## **HAWAIIAN HOMES COMMISSION**

Minutes of October 19 & 20, 2020, via Videoconference  
DHHL Main Office, Hale Pono'i, Kapolei, O'ahu, Hawai'i

Pursuant to proper call, the 728<sup>th</sup> meeting of the Hawaiian Homes Commission was held via teleconference, moderated by Chairman William Aila Jr., from Hale Pono'i, 91-5420 Kapolei Parkway, Kapolei, O'ahu, Hawai'i, beginning at 9:30 a.m.

### **PRESENT**

William J. Aila Jr., Chairman  
Randy K. Awo, Maui Commissioner (via videoconference)  
Zachary Z. Helm, Moloka'i Commissioner (via videoconference)  
David B. Ka'apu, West Hawai'i Commissioner (via videoconference)  
Michael L. Kaleikini, East Hawai'i Commissioner (via videoconference)  
Russell K. Ka'upu, O'ahu Commissioner (via videoconference)  
Pauline N. Namu'o, O'ahu Commissioner (via videoconference)  
Dennis L. Neves, Kaua'i Commissioner (via videoconference)  
Patricia A. Teruya, O'ahu Commissioner (via videoconference)

### **COUNSEL**

Ryan Kanaka'ole, Deputy AG (via videoconference)

### **STAFF**

Tyler I. Gomes, Deputy to the Chairman  
Leah Burrows-Nuuanu, Secretary to the Commission  
Andrew Choy, Acting Planning Manager  
Kahana Albinio, Acting Land Management Division Administrator  
Juan Garcia, Homestead Services Division Administrator  
Cedric Duarte, Information & Community Relations Officer  
Stewart Matsunaga, Acting Land Development Division Administrator  
Paula Aila, Acting Contact and Awards Division Administrator  
Jamilia Epping, Information Specialist  
Michael Lowe, Information Specialist

## **ORDER OF BUSINESS**

### **CALL TO ORDER**

Chair Aila called the meeting to order at 9:35 a.m. Nine (9) members were present via videoconference at roll call.

Pursuant to the Governor's fourteenth proclamation, related to COVID-19 Emergency, Hawai'i Revised Statutes ("HRS") Chapter 92 regarding public agency meetings and records are currently suspended through November 30, 2020, to the extent necessary to enable boards to conduct business without holding meetings open to the public and to allow state agencies the ability to effectively and efficiently provide emergency relief engage in emergency management functions.

### **APPROVAL OF AGENDA**

#### **MOTION/ACTION**

Moved by Commissioner Helm, seconded by Commissioner Ka'apu, to approve the agenda. Motion carried unanimously.

## **APPROVAL OF SEPTEMBER 21 & 22, 2020 HHC MEETING MINUTES**

### **MOTION/ACTION**

Moved by Commissioner Namu‘o, seconded by Commissioner Ka‘apu, to approve the September 21 & 22, 2020 HHC Meeting Minutes. Motion carried unanimously.

### **PUBLIC TESTIMONY ON AGENDIZED ITEMS (via weblink only)**

#### **ITEM A-1      Kekoa Enomoto**

Note: Testimony is attached.

### **ITEMS FOR DECISION MAKING**

#### **CONSENT AGENDA**

#### **HOMESTEAD SERVICES DIVISION**

- ITEM D-3      Approval of Streamline Refinance of Loans (see exhibit)**
- ITEM D-4      Approval of Homestead Application Transfers / Cancellations (see exhibit)**
- ITEM D-6      Reinstatement of Deferred Application – JOY N. ROBLES & ERNEST B. KANOA**
- ITEM D-7      Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)**
- ITEM D-9      Approval of Amendment of Leasehold Interest (see exhibit)**
- ITEM D-10     Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)**
- ITEM D-11     Commission Designation of Successor – FRANCIS K. KAUHOLA, Residential Lease No. 8797, Lot No. 33, Waimanalo, O`ahu**
- ITEM D-12     Request to Surrender Lease, KIVA O. CONTRERAS, Agricultural Lease No. 7015, Lot No. 73, Makuu, Hawai`i**
- ITEM D-13     Approval of Designation of Successorship to Leasehold Interest for BLOSSOM E. BURDETT, Residential Lease No. 1230, Lot No. 7, Hikina, Maui**
- ITEM D-14     Approval of Designation of Successorship to Leasehold Interest for DAPHNE ORPHA SING, Residential Lease No. 4148, Lot No. 18, Paukukalo, Maui**

### **RECOMMENDED MOTION/ACTION**

Homestead Services Division Administrator Juan Garcia presented the following:  
Motion to approve the Consent Agenda D-2 through D-15, as listed in the submittal.

Chair Aila asked if there were any items that Commissioners wanted to be pulled out of the Consent Agenda. Commissioner Ka‘apu requested that Items D-2, D-5, and D-8 be pulled from the Consent Agenda. Commissioner Ka‘upu asked to remove Item D-15 due to a conflict of interest.

AMENDED MOTION/ACTION

Moved by Commissioner Ka'apu to approve the Consent Agenda except for Items D-2, D-5, D-8, and D-15						
Seconded by Commissioner Neves						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu	X		X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			9			
MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passed unanimously- nine (9) Yes votes						

**REGULAR AGENDA**

**HOMESTEAD SERVICES DIVISION**

**ITEM D-2 Approval of Consent to Mortgage (see exhibit)**

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:  
Motion that the Hawaiian Homes Commission approves consent mortgages for FHA insured loans, as shown in the submittal.

DISCUSSION

Commissioner Ka'apu stated there two mortgages that are well over \$700,000. He asked what amount the Department is liable for. Do the lenders want to be on the hook for anything past \$1 million if the Department does not 100% guarantee the loans.

Commissioner Ka'apu asked what happens if the person defaults. Loan Services Branch Manager Dean Oshiro stated the funds affected are the insurance premium fund. The money is not taken out of the DHHL trust funds (a guaranteed loan). The money is taken out of HUD's insurance pool, which are monies collected from insurance premiums.

Commissioner Ka'apu asked if it would ever go back to the Department in the event of a default. D. Oshiro stated the loans that come back and get canceled are re-awarded. The appraised value is put back into the fund should HUD claim the Department to pay. The Department is supposed to be setting aside money based on lease cancellations, appraisals, and re-awards; that money is what is used to pay back the insurance pool.

Chair Aila stated the Commission would have a workshop with all the different loan products offered, an explanation of how that's impacted, and suggestions for the Commission to change policy.

Commissioner Ka'apu stated he would vote no on Jason Hoopai and Angus Peters.

MOTION/ACTION

Moved by Commissioner Neves, to approve the Consent to Mortgage. Seconded by Commissioner Awo						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Helm			X			
Commissioner Ka'apu				X		
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			8	1		
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed eight (8) Yes votes, and one (1) No vote						

**ITEM D-5 Commission Designation of Successors to Application Rights – Public Notice 2016, 2017, 2018, 2019 (see exhibit)**

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:  
Motion that the Hawaiian Homes Commission approve the Designation of Successors to Application Rights of Deceased Applicants

DISCUSSION

Commissioner Ka'apu stated for Item D-5, numbers 7, 8, and 9; some time lapsed between the beneficiary passing and Commission designation. He asked why it takes so long for it to come before the Commission.

J. Garcia stated the delay is primarily from clearing the successor's native Hawaiian qualification ("NHQ"). The Department has to verify documentations to qualify the successor. Applications Manager Nicole Bell said the family brings in the documentation for the Department to initiate the process, and sometimes it takes them a while.

Commissioner Neves asked how long it takes to clear once the death certificate is in. N. Bell stated it's quicker if a successor is listed, but still, the NHQ has to be verified. If there is no successor listed, it has to go through the Public Notice process, which happens once a year, usually in November. There's a 6-month window for the family to file a claim.

MOTION/ACTION

Moved by Commissioner Neves to approve the Designation of Successors to Application Rights of Deceased Applicants Seconded by Commissioner Awo						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu	X		X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- nine (9) Yes votes						

**ITEM D-8 Approval of Assignment of Leasehold Interest (see exhibit)**

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:  
Motion that the Hawaiian Homes Commission approves the assignment of Leasehold Interest pursuant to the Hawaiian Homes Commission Act. These are lessees who want to transfer their lease interest to another qualifying native Hawaiian.

MOTION

Moved by Commissioner Neves, seconded by Commissioner Ka`apu, approved the motion as stated in the submittal.

DISCUSSION

Commissioner Ka'apu noted Item D-8, #1, for Jason Hoopai, the lease was sold for \$850,000. It raises concerns for him on the financing and that the Department may ultimately be on the hook for this property.

Chair Aila stated there would be a workshop at the next Commission meeting.

ACTION

Moved by Commissioner Neves to approve the assignment of Leasehold Interest Seconded by Commissioner Ka'apu						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu		X	X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- nine (9) Yes votes						

**ITEM D-15 Commission Designation of Successor – TOMI LOU MAMUAD, Agricultural Lease No. 199, Lot No. 144, Hoolehua, Moloka'i**

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:  
Motion that the Hawaiian Homes Commission approve the Commission designation of a successor – Tomi Lou Mamuad.

The lessee passed away without designating a successor. Catalino is the husband of the deceased, who has come forward to claim successorship of the lease.

MOTION/ACTION

Moved by Commissioner Helm to approve the Commission designation of a successor – Tomi Lou Mamuad. Seconded by Commissioner Neves						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu		X	X			
Commissioner Kaleikini			X			
Commissioner Ka'upu					X	
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed - eight(8) Yes, votes. One (1) abstention						

**OFFICE OF THE CHAIRMAN**

**ITEM C-1 Approval of Lease Awards Kauluokahai Subdivision Kapolei (see exhibit)**

RECOMMENDED MOTION/ACTION

Acting Contact and Awards Division Administrator Paula Aila and Kaila Bolton of the project management team presented the following:

MOTION/ACTION

Moved by Commissioner Awo to approve the lot leases in Ka'uluokahai to the applicants listed in the submittal for 99-years. Seconded by Commissioner Neves						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo	X		X			
Commissioner Helm			X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Aila			X			
<b>TOTAL VOTE COUNT</b>			9			1
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- nine (9) Yes votes						

**ITEM C-2 Approval of Native Hawaiian Qualification Process**

RECOMMENDED MOTION/ACTION

Executive Assistant Jobie Masagatani presented the following:  
Motion that the Hawaiian Homes Commission recalls the acceptance of the Native Hawaiian Qualification Determination as a function requiring the exercise of judgment or discretion and adopts the Investigative Committee's recommended process to review the Native Hawaiian Qualifications for final acceptance.

MOTION

Moved by Commissioner Ka'apu, seconded by Commissioner Neves, to approve the motion as stated in the submittal.

DISCUSSION

J. Masagatani noted the recommended process outline and requested that the Commission delegate to the Chair the authority to certify when someone has no NHQ minimum. For cases that they are not easily qualified as a beneficiary, the determination will be delegated to the Chairman so that the cases brought before the Commission are those in which discretion and judgment need to be exercised.

ACTION

Moved by Commissioner Ka'apu to approve the Native Hawaiian Qualification Process Seconded by Commissioner Neves						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu	X		X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			9			
MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED Motion passed unanimously- nine (9) Yes votes						

**LAND DEVELOPMENT DIVISION**

**ITEM E-1 Approval of a Finding of No Significant Impact for Pu`unani Homestead Subdivision, Wailuku, Maui, Final Environmental Assessment**

RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Stewart Matsunaga presented the following: Motion that the Hawaiian Homes Commission approve a Finding of No Significant Impact based on the Final Environmental Assessment for the Pu`unani Homestead Subdivision in Waikapu, District of Wailuku, Maui Island.

Note: Slide presentation is attached.

MOTION

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

DISCUSSION

Commissioner Teruya asked about telecommunications. S. Matsunaga stated it would be open to all providers.

Commissioner Ka'upu asked if the roads in the subdivision will be at County standards. S. Matsunaga stated the Department would license the roadways to the County. He also asked about the dispute of the name. S. Matsunaga stated that after the Homesteaders are settled in, they will determine the subdivision's name.

Commissioner Ka'apu asked if the homes will be open for NAHASDA funding. S. Matsunaga stated the homes are at the target price of 80% AMI (area median income), so there is no NAHASDA funding. DHHL will work with HUD and CAD (Contact and Awards Division).



Commissioner Awo thanked S. Matsunaga and the LDD team for their work on the project. After going through the 1100+ page EA, he agrees with the Department that an EA is sufficient, and EIS is not necessary. He realized from some of the community comments that there may be a disconnect between a County General Plan versus the Department's Island and Regional Planning process. The Department's connection to our beneficiaries in consulting with them first and foremost helps to drive the manner in which we develop our projects. Some a green belt that would provide sightlines to places they like to gather, but such action would be the loss of 68 homes, or 43% of the project. There were also comments from an association saying they support the project, but to do it in Lahaina. Our surveys show beneficiaries want to live in Central Maui, and Waikapu is highly desirable. He commends the Department for engaging the community in good faith. Striking the right balance between accommodating requests without relinquishing its kuleana to beneficiaries can be challenging. There were comments from some who said they support the lahui and want to strengthen the lahui but only under certain conditions. Some of those conditions are not reasonable, but he does want to focus on the strengthening of the lāhui as a common goal. He can think of no better way to strengthen the lāhui than by returning native Hawaiians to these ancestral lands that were once fully occupied by native Hawaiians. There is a lot of development in Waikapu and much of it is inaccessible to beneficiaries because it is too expensive. This is right step forward in strengthening our lāhui. His hope is that beyond this 47 acres, and 161 homes, the Department can expand further into Waikapu and provide more opportunities for our beneficiaries.

Commissioner Helm asked about infrastructure costs and if the Legislature needed. S. Matsunaga stated it's \$18 million and that Leg funding is needed.

MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Neves to approve a Finding of No Significant Impact based on the Final Environmental Assessment for the Pu'unani Homestead Subdivision						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo	X		X			
Commissioner Helm			X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- nine (9) Yes votes						

**LAND MANAGEMENT DIVISION**

**ITEM F-1 Approval to Annual Renewal of Right-of-Entry Permits for East, Central, & South Hawai'i Island**

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the annual renewal of Right-of-Entry Permits for East, Central, & South Hawai'i Island

MOTION

Moved by Commissioner Ka'apu, seconded by Commissioner Teruya, to approve the motion as stated in the submittal.

DISCUSSION

K. Albinio stated there were two additional entries to Exhibit A, Hanoa, and Connect Point. The submittal should have ten entries and not eight. Also, the annual rent went from \$18,134 to \$49,000, noted on page 2.

Commissioner Ka'apu commented that he doesn't remember the Commission taking action on increasing acreage for D. Kaluau and D. Kaniho. K. Albinio said the ROE was amended via the Chairman's authority.

Chair Aila stated it was meant to be temporary until appropriate land use could be determined. Commissioner Ka'apu was concerned that the Commission had not been notified and that the Department is getting market value rent.

Deputy AG Ryan Kanaka'ole stated that because the two additional items were not on the table with the rest of the items, the Commission would need a two-thirds vote to amend the agenda, adding the two items.

MOTION/ACTION

Moved by Commissioner Ka'upu to amend the agenda by adding the two additional ROEs, ROE 467 and ROE 692, to the existing eight ROEs listed in the submittal. Seconded by Commissioner Namu'o						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu	X		X			
Commissioner Namu'o		X	X			
Commissioner Neves			X			
Commissioner Teruya			X			
Chairman Aila			X			
<b>TOTAL VOTE COUNT</b>			9			
MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED Motion passed unanimously- nine (9) Yes votes						

AMENDED MOTION/ACTION

Moved by Commissioner Awo to approve ROE 467 and ROE 692, along with the existing eight ROEs listed in the submittal. Seconded by Commissioner Neves						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo	X		X			
Commissioner Helm			X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passes with nine (9) Yes votes.						

MOTION/ACTION ON

Moved by Commissioner Ka'apu to approve the motion as amended. Seconded by Commissioner Teruya						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu	X		X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves			X			
Commissioner Teruya		X	X			
Chairman Aila			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passes with nine (9) Yes votes.						

**ITEM F-2 Approval to Rescind December 17-18, 2018, Hawaiian Homes Commission Action on LMD Agenda Item No. F-4, Approval of Application & Review Process for New Revocable Permit Pilot Program, and Approve Revised Approval of Application & Review Process for New Revocable Permit Pilot Program**

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:

Motion that the Hawaiian Homes Commission approve the revised Approval of Application & Review Process for New Revocable Permit Pilot Program

MOTION

Moved by Commissioner Ka`apu, seconded by Commissioner Neves, to approve the motion as stated in the submittal.

DISCUSSION

Commissioner Ka`apu was concerned that the Commissioners who were not around in 2018 did not hear the presentation from LMD. He was also concerned about what the process would be for educating the beneficiaries. Reading the criteria would not help beneficiaries apply for the potential properties. There are a lot of criteria, and the Department can cancel a revocable permit at any time.

Commissioner Teruya proposed a motion to defer the item until the Commissioners can have a workshop to understand the process.

Chair Aila agreed to defer the item and have a workshop with further explanations and a roll-out plan.

Commissioner Ka`apu suggested that a particular ROE property is selected as an example of how things work and will work in the future.

Commissioner Neves was concerned about the discount because some ROE's have been in place for 20-years. There needs to be a sliding scale, so the Department gets highest and best use.

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Neves to DEFER ITEM F-2						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka`apu			X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Commissioner Teruya	X		X			
Chairman Aila			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passes with nine (9) Yes votes.						

**RECESS**

**11:02 AM**

**RECONVENE**

**11.25 AM**

## ITEMS FOR INFORMATION/DISCUSSION

### GENERAL AGENDA

#### REQUEST TO ADDRESS THE COMMISSION

**ITEM J-1      Bambi Lau & Pua Kalima – Honokoa and Kailapa Homesteads**  
**ITEM J-2      Jojo Tanimoto – Issues in Kawaihae**

Commissioner Helm asked for an update and whether or not Ms. Tanimoto was notified. K. Albinio stated that LMD is working with the West Hawai'i District Office to find a vendor to install that gate and check if a response was sent to Ms. Tanimoto.

**ITEM J-3      John McBride – Kalaupapa License**

Commissioner Kaleikini stated his support for the application. Chair Aila stated an application is premature at this point. When the Department of Health ceases management, and new roles are doled out, the discussions can start.

Commissioner Helm asked how many leases are there now. K. Albinio stated there is one general lease in Kalaupapa through the National Park Service.

**ITEM J-4      Donna Sterling – Kahikinui Hawaiian Homestead Association**  
**ITEM J-5      Kekoa Enomoto – Maui/Lanai Moku-puni Council**

Commissioner Ka'apu asked for clarity; he remembers a request for due diligence for agricultural and pastoral lands for waitlisters. He is concerned that it morphed into providing housing, and the Big Water company was doing research.

Commissioner Awo stated that K. Enomoto sent an email saying that the ROE issued for the 127 acres was for building homes within sustainable communities. The ROE presented to the Commission in 2019 was for due diligence for agricultural and pastoral purposes, not for building homes in a sustainable community. The information went to the Department for review, and the Department acknowledged that it was a misrepresentation. K. Enomoto was asked to remove the information. He reviewed the ROE and stated it wasn't very detailed.

Acting Planning Manager Andrew Choy stated they met with Paupena to help them through their due diligence process. As part of the due diligence, Paupena was supposed to submit a master plan, a business plan and comply with HRS Chapter 343 and HRS Chapter 6E. At this time, they submitted a master plan, a business plan, and information related to their Chapter 343 due diligence. The master plan they submitted did not show any residential development.

**ITEM J-6      Scott Reis-Moniz – Kapili Like Resource Center**

Commissioner Teruya asked that the Commission be notified if a parcel is being looked at. Chair Aila stated there are no plans to issue any land dispositions at this point.

**ITEM J-7 Sue Lee Loy – Unlawful conduct in homestead communities**

Commissioner Kaleikini stated that he reached out to the East Hawai'i District Manager, followed up with the Hawai'i Police Department, and understand efforts are underway. Chair Aila stated the Department would pursue an investigation to bring on a contested case.

**ITEM J-8 Pomai Freitas – Hui Ho`olako for Hawaiian Initiatives**

Chair Aila stated the request is premature, as the discussion has to happen with the University of Hawai'i first because DHHL's jurisdiction begins further down the mountain. Commissioner Kaleikini supported this item.

**WORKSHOPS**

**HOMESTEAD SERVICES DIVISION**

**ITEM D-16 For information only – Conversion of Waiahole, O`ahu Agricultural Leases to Residential Leases**

RECOMMENDED MOTION/ACTION

None. For information only. Homestead Services Division Administrator Juan Garcia presented the following:

DISCUSSION

J. Garcia stated Commissioners asked for a way to convert Waiahole agricultural leases to residential leases. Several factors have come up that staff felt should be put before the Commission for further discussion.

He summarized that sixteen agriculture lessees from Pahe`ehe`e chose to relocate to Waiahole due to poor agricultural conditions. The HHFDC designated thirteen of these lots as DCCR residential lots. The issue surfaced because one of the residential lessees wanted to refinance a loan from the 184A program, which does not allow financing on agricultural leases.

One factor in preparing the submittal is six lessees also hold residential applications. Should the lease be converted from agricultural to residential, the residential applications would need to be canceled. Also, of the 13 lessees, there are six lessees with homes on the lot. Since these are agricultural leases, they were required to cultivate two-thirds of the land and not required to build a home or occupy the lot.

When they signed the agricultural lease, their respective agricultural applications were canceled. If the leases are converted to a residential lease, what happens to their agricultural application. Some lessees received leases through transfer or succession, and those lessees maybe 25% or less than 50% and would not qualify as applicants.

The Department scheduled a meeting with the Office of Native American Programs (ONAP) regarding the 184A on October 21, 2020, and will ask for an update on their consideration of allowing financing for agricultural leases.

Commissioner Neves asked if the Department knows how many of the lessees are 50%, 25%, or less. J. Garcia stated at least six are beneficiaries because they have residential applications on file. The lessees can get financing through the FHA 284 program, but Ms. Balauro was

trying to refinance her loan using the 184A Program. Commissioner Neves preferred doing it on a one-for-one basis.

O'ahu District Manager Kanai Kapeliela highlighted that four lessees are the original Pahe'ehe'e Ridge lessees. The minimum size for an agricultural lot is 10,000 square feet, but only two lots are at or above 10,000 sq. ft. or above. Chair Aila added that when the lessees were offered Waiahole; it was an option.

Chair Aila stated the Department also needs to motivate the lessees who are not in compliance with cultivating. Staff discovered how complex the situation was and wanted to share that with the Commission.

Commissioner Kaleikini asked if the DCCR could be amended. J. Garcia stated they are HHFDC's (Hawai'i Housing Finance and Development Corporation) rules.

J. Garcia stated that one of the options rather than a blanket conversion is to provide the lessees with the opportunity to choose whether they want to convert or not.

Commissioner Helm asked who owns that land surrounding the DHHL parcels. Chair Aila stated they are HHFDC leases.

Commissioner Ka'upu asked if the Department could change the DCCR's. DAG Kanaka'ole stated the DCCRs came with the land, and it was the choice at that time. It would be a conversation between DHHL and HHFDC. Chair Aila stated that he did not know the results of that discussion but will include it as an option going forward.

## **ADMINISTRATIVE SERVICES OFFICE**

### **ITEM H-1 For Information Only – DHHL Biennium Budget Requests for FB 221-2023 (Sufficient Sums Budget) (relative to H-1)**

#### RECOMMENDED MOTION/ACTION

Administrative Services Officer Rodney Lau presented the following:

Motion that the Hawaiian Homes Commission approves the Fiscal Biennium 2021-2023 Operating and CIP Budget request, which is a Sufficient Sums Budget that will be presented to the Governor for consideration in his Executive Budget.

Motion that the Hawaiian Homes Commission approve the Operating and CIP Sufficient Sums Budget to be presented to the State Legislature for the 2021 session.

Motion that the Hawaiian Homes Commission authorize the Chair to adjust the Operating and CIP Budget request to make technical adjustments before it's incorporated into the Governor's Executive Budget.

#### DISCUSSION

Chair Aila stated the Department is fiducially required to request a Sufficient Sums Budget from the Governor and the Legislature. The presentation is part of the package going to the Governor and submitted to the Legislature for the next Biennium. It is anticipated that the Budget, which will include DHHL's Administrative and Operating Costs, will be restricted by some amounts necessary for the COVID crisis.

Commissioner Teruya asked if the staff was downsized. R. Lau stated in Act 9, 149 positions were funded by the Legislature. She asked who receives the Nanakuli Cemetery Restoration Project funds. R. Lau answered this request is to the Department.

Commissioner Teruya asked about the beautification project on Maui for \$200,000 and whether it covers all islands. R. Lau stated the request came from Maui community leaders for Maui abandoned vehicles. Chair Aila stated the request came as a result of the Puwalu that happened in 2018.

Commissioner Teruya asked about the Nanakuli Ocean Safety Cultural Educational Planning. Chair Aila replied it was a request from the Nanakuli leadership at the Pūwalu in 2018. Since there hasn't been another Pūwalu, the requests were carried forward. Commissioner Teruya stated there is no homestead [associations] in Nānākuli. Chair Aila stated there are several homestead association beneficiary groups.

Commissioner Teruya asked if the Waiaanae Valley's Kaupuni Park Development is GIA funded. R. Lau stated it was a request by the community association at the 2018 Pūwalu. She asked if the Kapolei Place of Worship and Place of Rest Cemetery is a facility that will be built. Chair Aila stated it is a request from the community at the 2018 Pūwalu.

Commissioner Kaleikini wanted more information on the proposed line items for the rehabilitation projects for Hawai'i island. R. Lau stated Planning Office has notes on the Pūwalu that could be provided.

## **LAND DEVELOPMENT DIVISION**

### **ITEM E-2 For Information Only – Progress of Draft Environmental Assessment, Honokowai Water System, Lahaina, Maui**

#### RECOMMENDED MOTION/ACTION

None. For information only. Acting Administrator Land Development Division Steward Matsunaga presented a progress report on the Honokowai Water System improvements in Lahaina, Maui.

#### DISCUSSION

S. Matsunaga stated the Draft Environmental Assessment (DEA) is stalled because of an additional investigation for a proposed transmission line in and through Honokowai Valley. He hopes to submit a DEA by next summer. S. Matsunaga offered a slide presentation.

Note: Slide presentation is attached.

Commissioner Awo asked for a timeline to get the system online. S. Matsunaga stated the DEA work in Honokowai would impact the design and the construction of the waterline. They estimate a starting the highway improvements and the design for the first 75 lots at Lei Ali'i in 2023. The submittal for Item E-3 has more information on the timeline.

Commissioner Teruya asked for more information about HHFDC and whether or not they are a state agency. S. Matsunaga confirmed they are a State agency under Budget and Finance.



**ITEM E-3 For Information Only – Maui Development Projects Status Updates**

RECOMMENDED MOTION/ACTION

None. For information only.

Acting Administrator Land Development Division Steward Matsunaga presented the following:  
The PPT presentation is an update of the Maui development projects.

Note: Slide presentation is attached.

DISCUSSION

None.

**LAND MANAGEMENT DIVISION**

**ITEM F-3 For Information Only – Rent Relief Request Status General Lessees, Licensees, and Permittees - Statewide**

RECOMMENDED MOTION/ACTION

None. For information only.

Acting Land Management Division Administrator Kahana Albinio presented a status update on the rent relief requests for general lessees, licensees, and permittees statewide.

DISCUSSION

K. Albinio stated the submittal is a snapshot of what was presented to the Commissioners in April 2020. The submittal shows what has been done, what has been issued, and what the Chairman has approved.

Commissioner Teruya asked what items were approved by the Chairman. K. Albinio stated the Commission approved a request to delegate authority to the Chairman to grant rent relief from April to September 2020. In October of 2020, regular rent resumes. In April of 2021, the lessees will start paying the deferred rent plus interest.

Commissioner Ka'upu asked about the two requests that were eligible but not approved. K. Albinio stated Millenium Carbon was delinquent, and their request was not considered for deferred rent. Jeremiah Trucking was also not considered for deferred rent for the same reason. Commissioner Ka'upu asked about the AUW211 Program. Chair Aila stated it is a rental program for assistance not available to commercial tenants, but applications are still submitted.

Commissioner Kaleikini asked what's the status of the Millenium Carbon lease. K. Albinio stated a letter was sent but had to be redrafted.

Commissioner Ka'apu asked about DeBartolo and when they were due to resume payments. K. Albinio stated they are set to resume payments this month.

**ITEM F-4 For Information Only – ROE 294, Malama Aina Hana Ka Aina (MAHA, Inc.)**

RECOMMENDED MOTION/ACTION

None. For information only. Acting Land Management Division Administrator Kahana Albinio presented Information on ROE 294 for Malama Aina Hana Ka Aina (MAHA, Inc.)

DISCUSSION

Chair Aila stated the Enforcement Team's investigation is not yet completed for King's Landing situation.

K. Albinio stated the information is from when the ROE was issued. In 2000 the ROE was converted from ROE 76 to ROE 294. He could not find the Commission action taken in the 1980s when it was ROE 76. He walked through the timeline, which was provided in the submittal. He stated he would make a copy of the book if the Commissioners wished to view it.

Commissioner Ka'apu stated that the ROE never came up for renewal while he was a Commissioner, even though it should have expired long ago. K. Albinio stated to his knowledge; it's an ongoing situation and different from a revocable permit.

Chair Aila stated this has been on the to-do list; however, there have been other higher priority matters. What's driving it now is the new leadership's request to convert this ROE to another form of land disposition. For the last year, the Department has been trying to get the organization to update its information to have an idea and understanding of what King's Landing was meant to be, where it's at, and where it should be as an ROE before considering its request to change its disposition.

Commissioner Ka'apu stated the ROEs only last a year, and this ROE has never been renewed; there isn't an ROE or a disposition for MAHA. Procedurally, there should have been some action to do something with this ROE. He is not sure why it is called an ROE; it's something, but not an ROE.

Commissioner Ka'apu asked to go into an executive session for Item F-4.

Commissioner Kaleikini asked for a copy of the book K. Albinio was referring to.

**RECESS**  
**RECONVENE**

**1:12 PM**  
**1:22 PM**

MOTION/ACTION

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

**EXECUTIVE SESSION IN**

**1:22 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. ROE 294, Malama Aina Hana Ka Aina (MAHA, Inc.)

**EXECUTIVE SESSION OUT**

**2:20 PM**

## PLANNING OFFICE

### **ITEM G-1 For Information Only – U.S. Geological Survey (USGS) Presentation on Scientific Investigation Report 2019-5150 Numerical Simulation of Groundwater Availability in Central Moloka'i**

#### RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Office Manager Andrew Choy, Water Consultant Dr. Jonathan Likeke Scheuer, and USGS Delwyn Oki presented the update.

Note: Slide presentation is attached.

#### DISCUSSION

Commissioner Helm asked if the County decided to build another well on the Northeast side of Moloka'i, whether it would affect the current aquifer. D. Oki said it would depend on where the well is located and its distance from the existing well. Commissioner Helm asked how close are we to hitting the saltwater table. D. Oki contended pumping at current rates is sustainable. Still, once pumping is increased, it will be difficult to maintain.

Chair Aila asked how much of the recharge rates are related to rainfall. D. Oki stated recharge was estimated at average rain conditions from 1978 to 2007. They did look at what would happen if groundwater recharge reduced and whether it would cause problems in terms of salinity of the groundwater pumped from the well.

Chair Aila asked if the model was aligned with current projections of rainfall reduction due to climate change. He asked about changes in the amount of water, making its way to the nearshore waters impacting traditional and customary uses. D. Oki stated it is in general alignment. He added that if recharge changed by 15%, the same amount would change the nearshore.

Chair Aila stated they would have to help the Water Commission (Commission on Water Resource Management) decide how much water can be removed from the aquifer based on beneficiary water use and coastal resources. D. Oki said it would be a trade-off between producing more fresh groundwater for drinking vs. letting more groundwater flow to the coast. They have a study with the Water Commission on what might happen mid-century in groundwater recharge.

Chair Aila asked if surface water used in central Moloka'i impacted the aquifer's recharge. D. Oki stated if surface water is used to irrigate in Hoolehua, it will enhance recharge in Hoolehua. The stream where the water is taken from will be impacted.

J. Scheuer stated if DHHL pumped at the requested .595 mgds, the County got its request, and the Ranch was allowed to pump just what they need, everything should be good. When the Ranch starts increasing the use of water, DHHL and the County will see its wells impacted. How will DHHL advocate for its water use and respond when the Ranch wants to increase its water use.

Commissioner Ka'apu asked if the study accounted for sea-level rise and saltwater intrusion into freshwater and how it would impact pumping. D. Oki stated they did not look at sea-level rise. Conceptually, if the sea level rises by a meter because freshwater floats on salt water, the

freshwater will also go up. It would have a small effect on Kualapuu, but it will have a large effect on wells near the coast.

Commissioner Helm asked if the Kualapuu reservoir with non-potable water impacts the aquifer. D. Oki stated the recharge maps show the Kualapu'u aquifer system is in an area where groundwater recharge is enhanced because of estimated leakage from that reservoir.

**ITEM G-2 For Information Only – Submittal of the DHHL Water Use Permit Application to the State Commission on Water Resources Management in the Kualapu'u Aquifer System Area, Island of Moloka'i**

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Office Manager Andrew Choy and Water Consultant Dr. Jonathan Likeke Scheuer presented the update.

Note: Slide presentation is attached.

DISCUSSION

Commissioner Helm asked if there is a possibility of the permit not going through. J. Scheuer stated the Ranch's application is incomplete because it did not address the impacts on traditional and customary practices. They would argue that the Water Commission would be in error if it accepted the Ranch's application as complete. The County wants a small increase in its water use. If DHHL pumps the amount it wants and the County pumps what they want, it's okay. The damage to the increase in chlorides and the significance to the coast comes when the Ranch's use increases. He talked of competition, and maybe the County's commercial uses are competing with the Ranch's commercial uses. The courts have said the first award of water is to the Public Trust. DHHL is not competing; it is separate and apart, which is in the water code design.

Commissioner Helm asked the timeframe for the Water Commission to move forward if approved is. J. Scheuer stated the comment period on an application is 60 or 90 days. If there is no objection, it would be filed in October and go on the January Water Commission agenda.

Commissioner Helm asked if the increase of water use includes the supplemental dwelling on residential lots. A. Choy stated the estimation of lots had the subdivision of Naiwa and anticipated homesteaders wanting to subdivide their existing lot to allow other family members to reside. J. Scheuer stated up to 210 units.

Commissioner Kaleikini asked if similar studies have been done for different areas of the State. J. Scheuer stated the USGS had done studies on the Pearl Harbor Aquifer, which is the largest and most impactful. D. Oki is finishing a study on the Keauhou Aquifer and has done studies on Central and Northwest Maui. J. Scheuer stated he incorporates the studies when available and are relevant to the water assets inventory.

**ITEM G-3 For Information Only – DHHL Beneficiary Consultation Meeting re: the Waioli Kalo Farmers’ Board of Land and Natural Resources Water License Request under HRS 171-58, Halele’a, Kaua’i**

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Office Manager Andrew Choy, Water Consultant Dr. Jonathan Likeke Scheuer, and UH Law Professor Kapua Sproat and students presented the update.

Note: Slide presentation is attached.

DISCUSSION

Chair Aila stated the video would be posted on the DHHL website along with the agenda.

A. Choy stated staff would be conducting a virtual Beneficiary Consultation meeting on November 10, 2020. Due to the distance and elevation between Waioli and other DHHL lands on Kauai, including Moloa’a and Anahola, the recommendation is not to make a water reservation request for that particular water license. The water is being used for traditional and customary practices, so staff recommends that no lease payment be made in association with the lease. In lieu of the lease payment, staff recommended a special condition be inserted into the DLNR water release. The DHHL beneficiaries would be included in the education opportunities provided by the kalo farmers.

**RECESS**

**4:10 PM**

**HAWAIIAN HOMES COMMISSION**  
Minutes of October 20, 2020, via Videoconference  
DHHL Main Office, Hale Pono'i, Kapolei, O'ahu, Hawai'i

Pursuant to proper call, the meeting of the Hawaiian Homes Commission was held via teleconference, moderated by Chairman William Aila Jr. from Hale Pono'i, Kapolei, O'ahu, beginning at 9:30 a.m.

**PRESENT** William J. Aila Jr., Chairman  
Randy K. Awo, Maui Commissioner (via videoconference)  
Zachary Z. Helm, Moloka'i Commissioner (via videoconference)  
Michael L. Kaleikini, East Hawai'i Commissioner (via videoconference 9:38 a.m.)  
Russell K. Kaupu, O'ahu Commissioner (via videoconference)  
Pauline N. Namu'o, O'ahu Commissioner (via videoconference)  
Dennis L. Neves, Kauai Commissioner (via videoconference)  
Patricia A. Teruya, O'ahu Commissioner (via videoconference)

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

**COUNSEL** Ryan Kanaka'ole, Deputy AG (via videoconference)

**STAFF** Tyler I. Gomes, Deputy to the Chairman  
Leah Burrows-Nuuanu, Secretary to the Commission  
Andrew Choy, Acting Planning Manager  
Kahana Albinio, Acting Land Management Division Administrator  
Juan Garcia, Homestead Services Division Administrator  
Cedric Duarte, Information & Community Relations Officer  
Stewart Matsunaga, Acting Land Development Division Administrator  
Paula Aila, Acting Contact and Awards Division Administrator  
Jamilia Epping, Information Specialist  
Michael Low, Information Specialist

**ORDER OF BUSINESS**

**CALL TO ORDER**

Chair Aila called the meeting to order at 9:35 a.m. Seven (7) members were present via videoconference at roll call.

Pursuant to the Governor's 14th proclamation related to COVID 19, Hawai'i Revised Statutes ("HRS") Chapter 92 regarding public agency meetings and records is currently suspended through November 30, 2020, to the extent necessary to enable boards to conduct business without holding meetings open to the public and to allow state agencies the ability to effectively and efficiently provide emergency relief and to engage in emergency management functions.

**PUBLIC TESTIMONY ON AGENDIZED ITEMS (via weblink only)**

**ITEM A-1 Glenn Teves.**

Note: Testimony is attached.

Commissioner Awo asked to revisit J-Agenda Item J-4 for Donna Sterling. She was asking for consideration of 22 vacant lots in Kahikinui, advocating for beneficiaries who want to be part of Kahikinui. He asked that the Department look if what is being recommended is appropriate.

Chair Aila stated that a second homestead association is outside of the Department's procedures due to Kahikinui's DCCR's and that the explanation will be outlined in a written response to Ms. Sterling.

Commissioner Awo commented on Item J-7 about the fear that is being put on the community. He suggested the Department look into Councilwoman Sue Lee Loy's offer because she can work with the County's Police Department. Chair Aila stated he had a discussion with Hawai'i Island's Police Chief and Deputy Chief.

## **ITEMS FOR DECISION MAKING**

### **PLANNING OFFICE**

**ITEM G-4     **Declare a Finding of No Significant Impact for the DHHL Hanapepe Homestead Community Master Plan Final EA, Hanapepe, Waimea District, Kaua'i Island, TMK's (4) 1-8-007:003, 018, 021 and (4) 1-8-008:035, 081, 086, and 087****

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

Acting Planning Program Manager Andrew Choy and Planner Nancy McPherson presented the following:

Motion that the Hawaiian Homes Commission issue a Finding of Significant Impact declaration based on the Final Environmental Assessment for the DHHL Hanapepe Homestead Community in Hanapepe, District of Waimea, Kaua'i Island for TMK's (4) 1-8-007:003, 018, 021 and (4) 1-8-008:035, 081, 086, and 087.

#### **MOTION**

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

#### **DISCUSSION**

N. McPherson stated Senator Kouchi and the State Legislature facilitated the funding for the project. She introduced SSFM International Lead Planner Jared Chang, who was in charge of the EA process. J. Chang offered a slide presentation.

J. Chang stated they are close to wrapping up the EA, and with the Commission's approval, it will be published in the next month. After this process, the project moves into design and engineering with LDD. Contingent upon funding, construction, and awards is anticipated in 5-8 years. Full build-out is anticipated in the next 20-years.

Commissioner Teruya asked about the funding. A. Choy stated the \$1million from the Legislature was for planning and design. The Department has to go back to the Legislature for the construction phase. Regarding telecommunications, a provider is yet to be determined.

ACTION

Moved by Commissioner Neves to approve the motion as stated in the submittal Seconded by Commissioner Awo						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Helm			X			
Commissioner Ka'apu						X
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passes with eight (8) Yes votes						

**ITEM G-5 Amend the Kaua'i Island Plan to apply Subsistence Agriculture, Residential Homestead, Community Use, Commercial, Special District and Conservation Land Use Designations to Hanapēpē, Kaua'i, TMK's (4) 1-8-007:003, 018 and 021**

RECOMMENDED MOTION/ACTION

Acting Planning Program Manager Andrew Choy and Planner Nancy McPherson presented the following:

Motion that the Hawaiian Homes Commission approve an amendment to the Kaua'i Island Plan 2004 to apply and adjust subsistence agriculture residential homestead, community use, commercial, special district, and conservation land use designations to the land use plan for the mauka lands in Hanapepe.

MOTION

Moved by Commissioner Neves, seconded by Commissioner Namu'o, to approve the motion s stated in the submittal.

DISCUSSION

N. McPherson stated the Island Plan is being refined during the master planning process using newer information and newer techniques. Adjustments are made to the land use designation, so it was necessary to amend the Kaua'i Island Plan to reflect the new land use designations.

Commissioner Teruya asked how often is the Island Plan revised and whether or not the County of Kaua'i has a Sustainable Community Plan, which is updated every 5 or 10 years. A. Choy stated the Island Plans have a shelf life of 20-years. N. McPherson added that the West Kaua'i Community Development Plan was recently updated.



**ACTION**

Moved by Commissioner Neves to approve the motion as stated in the submittal. Seconded by Commissioner Namu‘o,						
Commissioner	1	2	‘AE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka‘apu						X
Commissioner Kaleikini			X			
Commissioner Ka‘upu			X			
Commissioner Namu‘o		X	X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passes with eight (8) Yes votes						

**ADMINISTRATIVE SERVICES OFFICE**

**ITEM H-1 DHHL Biennium Budget Requests for FB 2021-2023 (Sufficient Sums Budget)**

**RECOMMENDED MOTION/ACTION**

Administrative Services Officer Rodney Lau presented the following:  
Motion that the Hawaiian Homes Commission:

1. Approve the Fiscal Biennium 2021-2023 Operating and CIP Budget request which is a Sufficient Sums Budget that will be presented to the Governor for consideration in his Administration Executive Budget request to the 2021 Legislature.
2. Approve the Fiscal Biennium 2021-2023 Operating and CIP Budget request, Sufficient Sums Budget, be presented to the 2021 Legislature.
3. Authorize the Chairman to adjust the Operating and CIP Budget request to make technical adjustments due to minor errors before it is incorporated into the Administration’s Executive Budget.

**MOTION**

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

**DISCUSSION**

Commissioner Teruya asked how Commissioners can help lobby lawmakers to support the DHHL Budget, whether it is feasible to talk to Senators for support. Chair Aila said it helps and support of beneficiaries is critical as well.

Commissioner Kaleikini asked once the Budget is approved and submitted to the Governor, when would the Commission know the results. R. Lau stated a decision could be anticipated by the middle or end of November. Chair Aila explained how the Budget moves

through the Legislature and how the Departments were asked to justify its core mission. He believes the Department has a strong justification for its ask.

Commissioner Ka'upu asked that Chair Aila provide talking points for Commissioners to use when seeking support from lawmakers. Chair stated the Department's Legislative Analyst Lehua Kinilau-Cano would work with R. Lau to provide Commissioners with regular updates and talking points.

Commissioner Teruya asked about the GIAs. Chair Aila stated in the Legislative process, GIAs are submitted. The Budget Committees look if they have money left over. The GIAs are the last that the House and the Senate will agree or disagree. Commissioner Teruya asked if neighborhood boards can add DHHL's Budget to their agendas. DAG Ryan Kanaka'ole stated as a matter of advocacy, it's fine.

Commissioner Awo stated at the last Mokupuni Council meeting that it was stressed how important it is for beneficiaries to lobbying the Legislature for funding intended to benefit them. Chair Aila stated the SCHHA was created to advocate for DHHL funding at the Legislature.

Commissioner Teruya asked if L. Kinilau-Cano could be available to attend a neighborhood board meeting when support for the Budget is on the agenda. Chair Aila agreed.

ACTION

Moved by Commissioner Namu'o, seconded by Commissioner Neves, to approve the motion as stated in the submittal.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'upu						X
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o	X		X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Aila			X			
<b>TOTAL VOTE COUNT</b>			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with eight (8) Yes votes						

## ITEMS FOR INFORMATION/DISCUSSION

### OFFICE OF THE CHAIRMAN

#### **ITEM C-3 For Information Only – Administrative Rules for Supplemental Dwelling Units Background Information**

##### RECOMMENDED MOTION/ACTION

None. For information only. Administrative Rules Officer Hokulei Lindsey presented an Administrative Rules update on the Supplemental Dwelling Units (SDU).

##### DISCUSSION

H. Lindsey reviewed the submittal highlighting the steps that have been completed and the steps necessary to adopt rules for the SDUs on Hawaiian Home Lands. For a lessee to rent out or want to rent a portion of their own home, that renter must be a native Hawaiian. The Department would have to verify the renter's 50% blood quantum. The Department might be able to facilitate and make the 50% requirement easier to determine. The process poses implementation issues.

Commissioner Teruya asked about the County approval process and how long the application could take. H. Lindsey stated she is not sure, but the County would do a pre-check for water, wastewater, roads, and engineering at no charge. When the applications are cleared, they can apply for a permit review. Commissioner Teruya asked what it means to be in good standing at all times H. Lindsey stated in lease compliance, and Chair Aila added it also means being up-to-date with property taxes.

Commissioner Neves asked about the size of the SDU. He is concerned about parking, amenities, the size, and limiting the number of people. H. Lindsey said the rules rely on the County requirements for the unit's size and the space ratio. The rules aren't explicit in how many people can live there. Chair Aila stated when it goes to the Commission for approval, it should include conditions. It is a pilot project, and that may be one way to deal with it. In cases where sewer is not available, the SDU will trigger an assessment of the existing IWS from the DOH to see if it can handle the additional volume.

Commissioner Ka'upu asked about 10-3-40.07(b)(2); Exhibit D. H. Lindsey stated if the lessee has a potential tenant on the DHHL waiting list, that application will take priority over an application that has no potential tenant or has a tenant who is claiming 50% but is not verified. Commissioner Kaupu asked if it affects the position of the potential lessee on the waitlist. H. Lindsey stated status as a renter or tenant in a SDU will not affect their place on the waitlist.

Commissioner Helm asked it all depends on each County's code. If someone wanted to modify a shipping container, it would depend on the County. H. Lindsey agreed.

Commissioner Helm asked what the possibility was in continuing the pilot project. Chair Aila stated it is an economic decision as many beneficiaries are still using cesspools. It would mean conversion to an individual wastewater system.

Commissioner Teruya asked if Commissioners will be able to see the draft requests before it goes to the Governor. H. Lindsey stated that after public hearings are conducted, the

Commission will see the report of the public hearings and make changes based on the testimonies and comments received. Once the Commission okays the final version, it will go to the Governor for his signature. If the Commission has any language changes, it would be best to do it now before the public hearing. Chair Aila asked the Commissioners to get their comments to H. Lindsey within 14-days.

## ANNOUNCEMENTS AND ADJOURNMENT

### **NEXT MEETING**

The next meeting will be held on November 16 & 17, 2020, TBA

### MOTION/ACTION

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

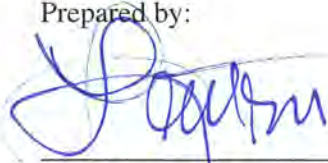
### **ADJOURNMENT**

**11:14 AM**

Respectfully submitted:

  
\_\_\_\_\_  
William A. 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:

November 16, 2020

**Hawaiian Homes Commission Meeting**

**October 19, 2020**

**PUBLIC TESTIMONY on  
AGENDIZED ITEMS**

- 1. Kealii Reichel**
- 2. Blossom Feiteira**

William J. Aila, Jr.  
Chairperson, Hawaiian Homes Commission  
91-5420 Kapolei Parkway  
Kapolei, HI 96707

Delivered via email

RE: KAHIKINUI FOREST

Aloha Mr, Chair and members of the Hawaiian Homes Commission

Mahalo for the opportunity to speak on the protection of our kupuna forest in Kahikinui.

My name is Kealii Reichel, Kumu Hula and Kuleana Homesteader in Kahikinui Hawaiian Home Lands. I also help run a cultural/ceremony based reforestation/agroforestry project with the Hewahewa 'Ohana in Pi'iholo.

Within the traditional guild of Hula practitioners, there are 3 **Kuahu** or sacred spaces upon which we derive spiritual and creative connectivity. The greatest of those kuahu is the upper forest where our elemental akua continue to dwell. The second kuahu is one built within the hālau - where we recreate in miniature, the bigger forest kuahu. The third kuahu is the body of the dancer or chanter when we adorn ourselves with lei. Through this practice, we connect ourselves to the greater forest kuahu, to our kupuna elementals and the many kinolau body forms found in nature.

Like other traditional and modern practitioners, environmental kinship continues to be the key to our continued understanding and relationship to our surroundings.

Our forests are crucial in attracting clouds and rain, providing water to our communities. Our ancestral kupuna knew this critical function of the highland forests as evidenced by many prayer chants that describe their function - paying particular attention to the 'ōhi'a as water gatherers:

*“Ulu ka 'ōhi'a a lau ka wai, ka 'ie'ie...may the 'ohi'a grow until the waterways are plentiful and 'ie'ie flourish”*

The term 'ōhi'a is a contraction of **'ohi 'ia** - to “gather”. The shape of the leaves helps to conduct rain and cloud condensation from the branches to its main trunk, down into the earth - where the taproot breaks through the blue rock to help replenish our aquifers. Understory companions such as a'ali'i and ferns help keep that moisture locked in the upper soil crust.

In order for our communities and practices to exist and continue, our forest must be healthy and thriving. The watershed needs to be restored and protected, and our native flora and fauna must have a safe environment to heal, grow and flourish.

Our forests are being attacked on many fronts: Climate change, disease (i.e. ROD), invasive plants and insects...and most especially the presence of wild cattle, deer, goats and pigs. Left unchecked, they threaten the ability of our forest to regenerate and maintain its presence and life-giving function.

Collectively, Kahikinui has an amazing diverse community - including hunters, gatherers, mahi'ai, lawai'a, kupuna plant experts, teachers, 'uhau humu (rock wall builders), firemen and long-time and skilled residents of this place who I continually look to for friendship and advice. There are many kanaka maoli whose connection to Kahikinui whose mana'o will be instrumental in helping to save our upper watershed.

It is my hope that you, the Hawaiian Homes Commission can help find a way to bring the Kahikinui community together to find a short term plan to immediately address the continued negative impact these animals and other plant invasives present to the forest, and a longer term plan that will manage and maintain our forests for generations to come.

Mahalo for your time.

Kealii Reichel

October 15, 2020

Mr. William J. Aila, Jr.  
Chairperson, Hawaiian Homes Commission  
91-5420 Kapolei Parkway  
Kapolei, Oahu

Submitted via email

RE: TESTIMONY ON AGENDIZED ITEMS, HAWAIIAN HOMES COMMISSION MEETING  
October 19 and October 20, 2020

Aloha Mr. Chair, and members of the Hawaiian Homes Commission. My name is Blossom Feiteira, and I serve as the President of the Association of Hawaiian Home Lands-Maui Island. AHHL Maui is an advocacy organization that works on behalf of the beneficiaries currently waiting for an award of homestead lands on Maui.

Thank you for this opportunity to speak to various items on the agenda before you.

Regarding agenda items:

PART II ITEMS FOR DECISION MAKING

B. REGULAR AGENDA

C-2: Approval of Native Hawaiian Qualification Process.

I am in support of this submittal. I have seen the staff get mired down in the research in trying to help a potential beneficiary prove their quantum sometimes to the point where there needs to be a higher authority that can say "that's enough".

E-1: Approval of FINDING OF NO SIGNIFICANT IMPACT for Pu`unani Homestead Subdivision, Wailuku Maui Final Environment Assessment

I am in full support of providing 161 waitlist applicants and Undivided Interest lessees with the opportunity to secure their homestead. I want to extend my deepest appreciation for our Land Development Team and its leader Steward Matsunaga for continuing to stay the course necessary to serve our people here on Maui. To Bryan Esmeralda and Munekiyo and Hiraga, the level of responses you provided to those who are in opposition to this project is exemplary.

While I can understand the concerns and challenges the opposition has posed to this project, many of their issues have been addressed in previous archeology assessments, surveys and research. At the end of the day, our beneficiaries have as much right to establish their homestead community on the slopes



of Waikapu as anyone else. When it was said that these are ancestral lands, that is correct. And we as beneficiaries of the trust are its descendants. So mahalo ia oukou Mr. Chair and Commissioners for your support in approving the FONSI for this much needed project.

F-2: I would ask the Commission to defer this item until beneficiary consultation can be conducted on the revised proposal before you.

Under the new recommendations, the qualification process is overburdensome for a land use disposition that is short term in nature. 30 day Revocable permit provides discretionary authority to the department to determine continued use. Requirements found in the proposed new Application and Review process requires a level of documentation that makes the process cumbersome and “off-putting” AND expensive and is not conducive to attract potential applicants to the table.

Secondly and as important is the process itself. Putting both beneficiaries and non-beneficiaries at the same level that creates a sense of competition will not serve the purposes of the act, if the beneficiary cannot compete with the non-beneficiary.

I would recommend a revision of the process that would provide a “right to first refusal” to beneficiaries and beneficiary organizations. Secondly, the application requirements are as stated earlier extremely burdensome for the short term use of our trust lands. A more simple and minimum requirement would serve our beneficiaries better.

Whenever there is a potential for land use dispositions, beneficiary consultation should be undertaken. I would ask our Commission to provide the necessary direction to LMD staff to do so.

### PART III ITEMS FOR INFORMATION AND DISCUSSIONS

B. Workshops. I understand that the listed items are for information only, and no decisionmaking will occur at this time.

However, given that these items are also important for both beneficiaries and the department I would like to take this time to comment.

Land Development Division

Items E: The progress being made in the development of the Draft EA for the Honokowai water system is ongoing. I would like to extend my appreciation to Land Development for continuing to push this much awaited project forward. In addition the status of the other projects taking place on Maui is another opportunity to extend my thanks to the Department for their continued support of our beneficiaries on Maui.

TUESDAY, OCTOBER 20, 2020

### PART II FOR DECISION MAKING

H1: Budget Proposal.

Mr. Chair and Commissioners. I would ask all of you to take a bold step and approve the submission of this budget as written.


I know that times are difficult, and our state government is now in a situation where tough economic decisions will have to be made. I ask you to approve this submittal as is and let us we what we can garner. We absolutely have nothing to lose by making the request.

Mahalo Mr. Chair for allowing me to bring my thoughts to our Commission.

Aloha,

//s//

Blossom Feiteira



**HAWAIIAN HOME LANDS**  
HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS


**Pu'unani Homestead Subdivision  
Final Environmental Assessment  
Finding of No Significant Impact**

Waikapū Ahupua'a, Wailuku District, Maui , Hawai'i

Item No. E-1  
October 19, 2020

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1



**PURPOSE OF PRESENTATION**

- 1** Presentation to HHC on the Final Environmental Assessment (EA) for the Pu'unani Homestead Subdivision
- 2** Request HHC approval of a Finding of No Significant Impact (FONSI) Determination

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2

# PRESENTATION OUTLINE

- 1 Project Location
- 2 Acquisition Timetable
- 3 Description and Plan
- 4 Project Offering
- 5 Site Design
- 6 House Design
- 7 Community Outreach
- 8 Final EA Summary
- 9 Next Steps
- 10 Anticipated Timeline

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3

# PROJECT LOCATION

Source: DDC LLC

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4

# ACQUISITION TIMETABLE

- October 2018: Request for Proposals No. RFP-19-HHL- 004 issued to seek development projects on Maui for homestead housing and awards.
- May 2019: Proposal Review and selection of developer, Dowling Co. was accepted by Chairman and ratified by the Hawaiian Homes Commission.  
Maui Island Plan recommends acquiring land in Central Maui. Acquisition was based on the agreement of transferring 300 current and future Affordable Housing Credits to developer.
- November 2019: Amended and Restated Development Agreement was executed.
- May 2020: Draft EA published


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5

# PRELIMINARY SITE PLAN

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6




## PROJECT DESCRIPTION

1. Project will feature maximum of 161 lots
  - 137 turnkey homes and
  - 24 improved vacant lots
2. Six (6) Turnkey model types with 3 or 4 bedrooms and 2 to 3 baths, ranging in size from 1,088 square feet to 1,674 square feet, living area (subject to change)
3. House prices aimed at affordability at 80% Area Median Income (2020; prices subject to change)

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7



## PROJECT DESCRIPTION

4. Related improvements include internal County Standard roadways and sidewalks, potable waterlines, sanitary sewerlines, drainage detention basin, electrical and telecommunication connections, streetlighting, and roadway frontage improvements along Honoapi'ilani Highway.
5. DHHL will work with beneficiary residents of the subdivision, once occupied, to select a place-appropriate name for the homestead.

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8

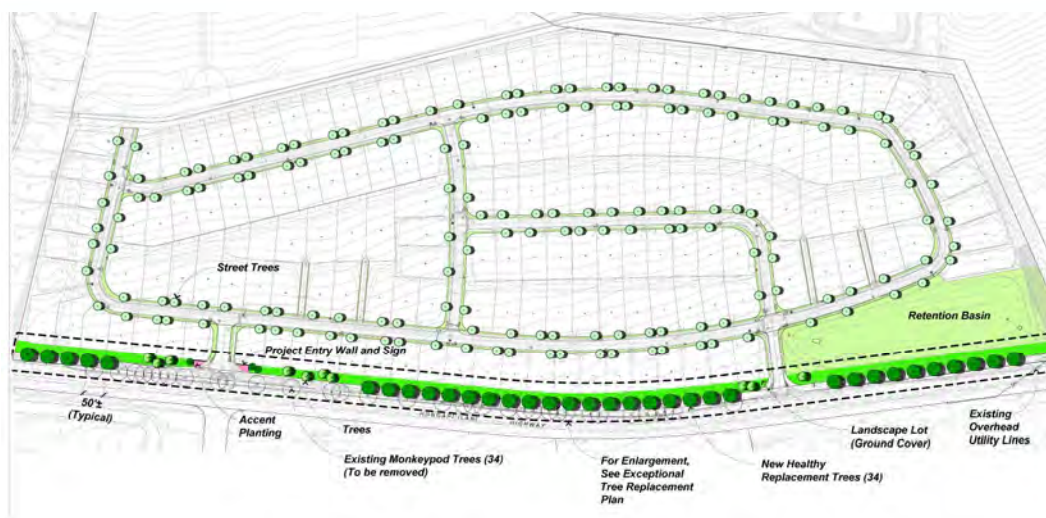
## PROJECT OFFERING

1. In 2010, the Hawaiian Homes Commission approved a relocation option to Waiohuli Undivided Interest lessees to relocate to other available residential offerings.
2. Pu'unani Homestead Offering for Turnkey and Vacant Lots will be made first to Waiohuli Undivided Interest lessees in their original selection order.
3. Should turnkey lots or vacant lots be available after the offer and qualifications, then the Maui Islandwide Residential list will be offered in rank order for remaining lots.

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9

## SITE DESIGN - CONCEPTUAL LANDSCAPE PLAN



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10

## SITE DESIGN - EXCEPTIONAL TREES

**TYPICAL SECTION**  
SCALE: 1/4" = 1'-0"

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**FEBRUARY 12, 2020**  
 Secured County Arborist Committee Approval  
  
**August 20, 2020**  
 County Council and Mayor approved Ordinance 5109 (Bill 79) based on County Department of Parks & Recreation's recommendation to de-list the exceptional trees fronting the DHHL property to provide safe access and create a new landscaped frontage

11

## SITE DESIGN - ARCHAEOLOGICAL MONITORING

- SHPD confirmed no further archaeological mitigation is necessary for the DHHL property
  - However, DHHL will conduct archaeological monitoring during the ground disturbance period
- As recommended by the Cultural Impact Assessment, an archaeological field inspection was conducted in August 2020 to locate Pōhāko'i
  - No discoveries were made for the grinding stone. Future location efforts will be made during archaeological monitoring.

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12



## SITE DESIGN – STATE AND COUNTY EXEMPTIONS

- State Land Use Ag District
- County's Maui Island Plan
- County Zoning
- County's Community Plan

Compliance with County's Maui Island Plan Greenbelt Buffer areas would eliminate at least 68 homes.

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13

## HOUSE DESIGN

Source: DDC LLC

### Conceptual Rendering of Street Elevation

HOUSE DESIGNS SUBJECT TO CHANGE

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14

## HOUSE DESIGN

### FEATURES

- Architect Designed Plans
- All 2-story Models have Bedroom on Ground Floor
- Enclosed 2-car Garage
- Solar Water Heating System
- Vinyl Dual-Glazed Energy Efficient Windows
- Water Efficient Plumbing Fixtures
- Solid Surface Kitchen and Bath Countertops
- Options to be provided at Orientation/Lot Selection

HOUSE DESIGNS SUBJECT TO CHANGE

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15

## COMMUNITY OUTREACH

### MEETING DATE

December 9, 2019

February 10, 2020

February 12, 2020

February 18, 2020

July 8, 2020

July 9, 2020

July 13, 2020

July 21, 2020

July 24, 2020

July 24, 2020

August 18, 2020

### ORGANIZATION

Waikapū Community Association

DHHL Maui Beneficiary Leaders

Maui County Arborist Committee

Hawaiian Homes Commission

DHHL Maui Beneficiary Leaders

Maui County Council, Healthy Families & Communities Committee

Waikapū Community Association

Kehalani Community Association, Board of Directors

Maui County Council (Exceptional Trees)

Wailuku Apartment Rental Housing Project

Maui County Council (Exceptional Trees)

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16



## EA SIGNIFICANCE CRITERIA ASSESSMENT

1. Irrevocably commit a natural, cultural, or historic resource.
2. Curtail the range of beneficial uses of the environment.
3. Conflict with the State's environmental policies or long-term environmental goals established by law.
4. Have a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State.
5. Have a substantial adverse effect on public health.
6. Involve adverse secondary impacts, such as population changes or effect on public facilities.
7. Involve a substantial degradation of environmental quality.
8. Be individually limited but cumulatively have substantial adverse effect upon the environment or involves a commitment for larger actions.

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17




## EA SIGNIFICANCE CRITERIA ASSESSMENT

9. Have a substantial adverse effect on a rare, threatened, or endangered species, or its habitat.
10. Have a substantial adverse effect on air or water quality or ambient noise levels.
11. Have a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.
12. Have a substantial adverse effect on scenic vistas and viewplanes, day or night, identified in county or state plans or studies.
13. Require substantial energy consumption or emit substantial greenhouse gasses.

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18




## FINAL EA SUMMARY

- Proposed land use is not anticipated to have a significant impact on the surrounding environment**
- Project will implement necessary mitigation measures (E.g. BMPs, drainage basin, arch monitoring)**
- Project provides homestead opportunities consistent with goals of the DHHL General Plan and Maui Island Plan**

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19




## NEXT STEPS FOR THE PROJECT

- 1** Secure FONSI determination from HHC for the Final EA to submit to OEQC for publication
- 2** Continue to coordinate with DHHL beneficiaries and various State and County agencies
- 3** Secure sufficient budget appropriation from State Legislature
- 4** Complete engineering design and site construction of Project and obtain subdivision approval with lot TMKs from County of Maui
- 5** Start house construction and initiate Homestead vacant lot award and turnkey award offerings

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20



## ANTICIPATED TIMELINE

- OCTOBER 2020** Finding of No Significant Impact for HHC review
- NOVEMBER 2020** Final Environmental Assessment Complete
- WINTER 2020** Start Engineering Design
- WINTER 2021** Begin Sitework Construction
- FALL 2022** Begin Turnkey Home Construction
- FALL 2022** Begin Vacant Lot Awards
- SUMMER 2023** First Turnkey Home Occupancy
- SUMMER 2024** Project Completion

TIMELINE SUBJECT TO CHANGE; SUBJECT TO BUDGET APPROPRIATION

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21



## MAHALO

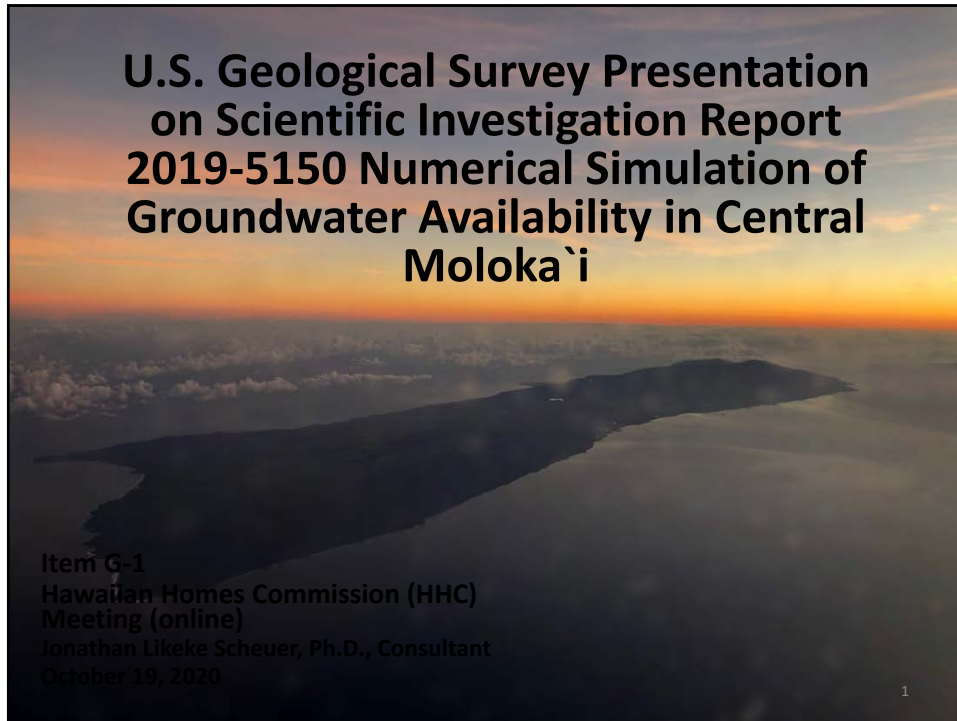


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[www.dhhl.hawaii.gov](http://www.dhhl.hawaii.gov)

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22




**U.S. Geological Survey Presentation  
on Scientific Investigation Report  
2019-5150 Numerical Simulation of  
Groundwater Availability in Central  
Moloka`i**

Item G-1  
Hawaiian Homes Commission (HHC)  
Meeting (online)  
Jonathan Likeke Scheuer, Ph.D., Consultant  
October 19, 2020

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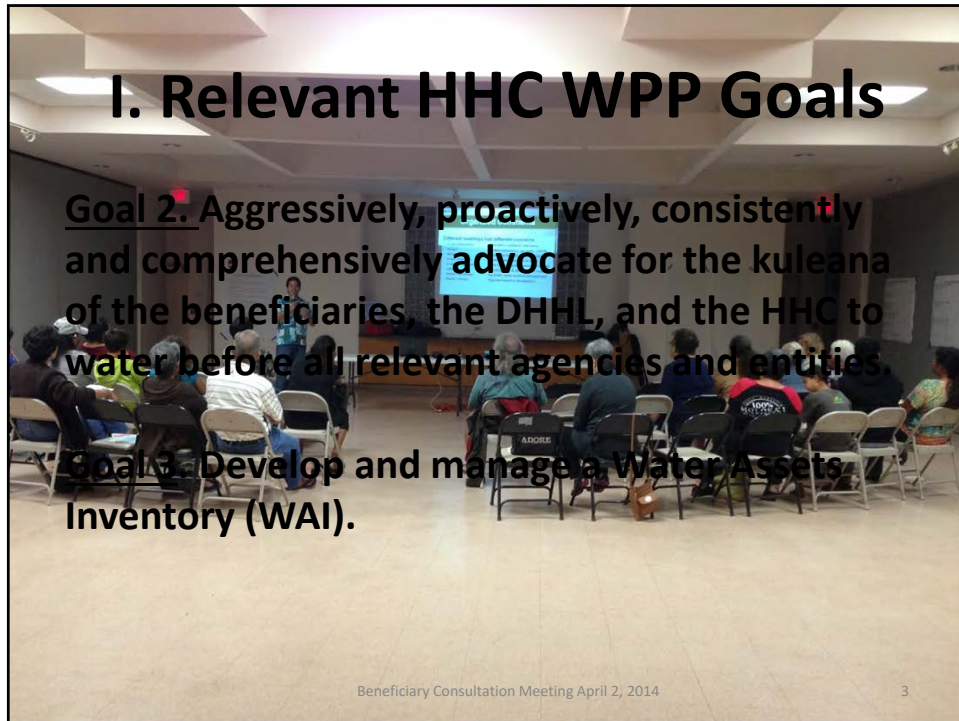
**DHHL and the USGS Moloka`i  
Study**

- I. Relevant HCC WPP Goals**
- II. Why was the study commissioned?**
- III. Short and long term implications for DHHL**

Molokai at sunrise November 25, 2018

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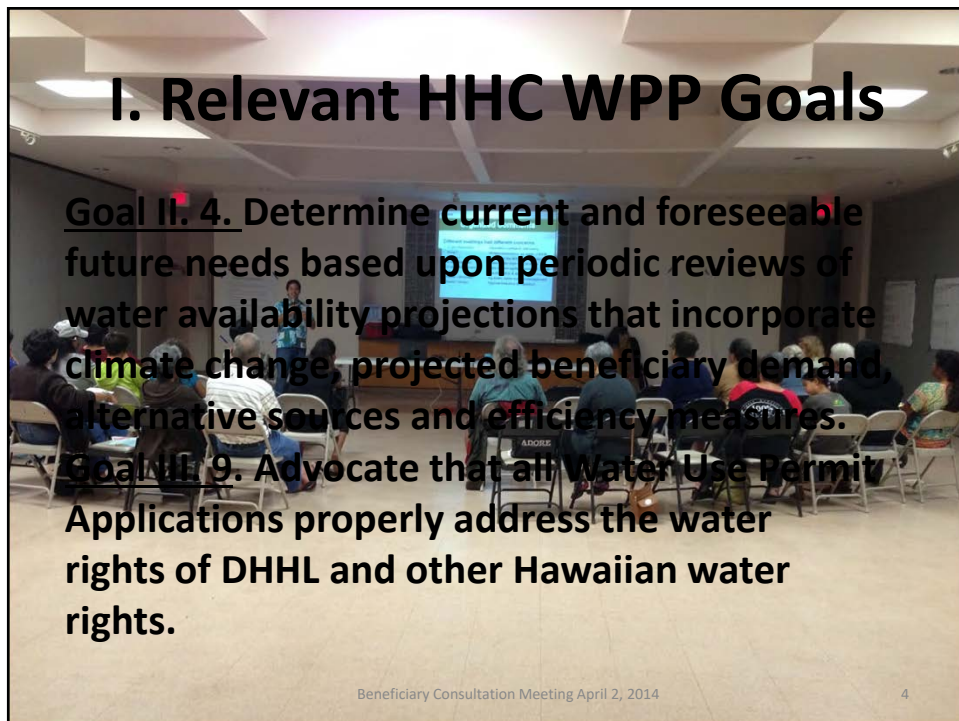
# I. Relevant HHC WPP Goals

**Goal 2. Aggressively, proactively, consistently and comprehensively advocate for the kuleana of the beneficiaries, the DHHL, and the HHC to water before all relevant agencies and entities.**

**Goal 3. Develop and manage a Water Assets Inventory (WAI).**

Beneficiary Consultation Meeting April 2, 2014 3

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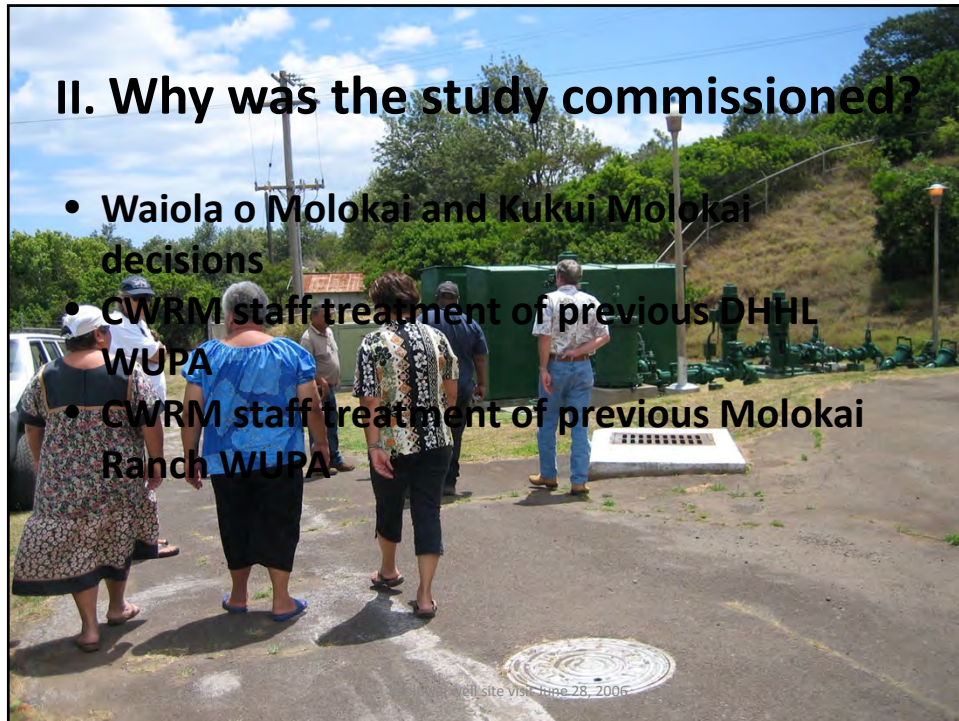
# I. Relevant HHC WPP Goals

**Goal II. 4. Determine current and foreseeable future needs based upon periodic reviews of water availability projections that incorporate climate change, projected beneficiary demand, alternative sources and efficiency measures.**

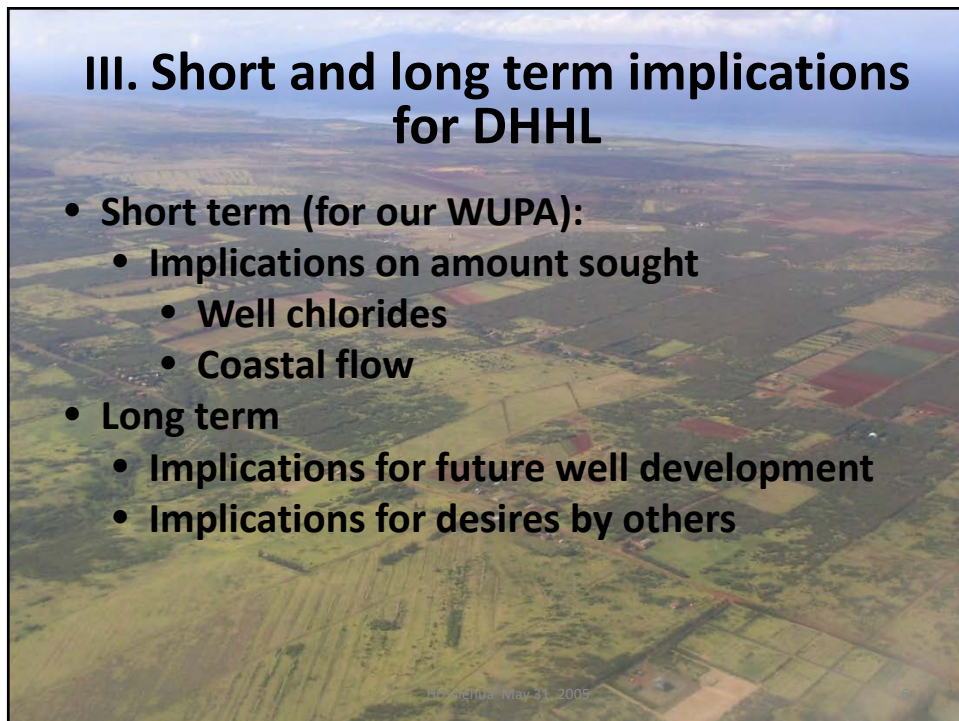
**Goal III. 9. Advocate that all Water Use Permit Applications properly address the water rights of DHHL and other Hawaiian water rights.**

Beneficiary Consultation Meeting April 2, 2014 4

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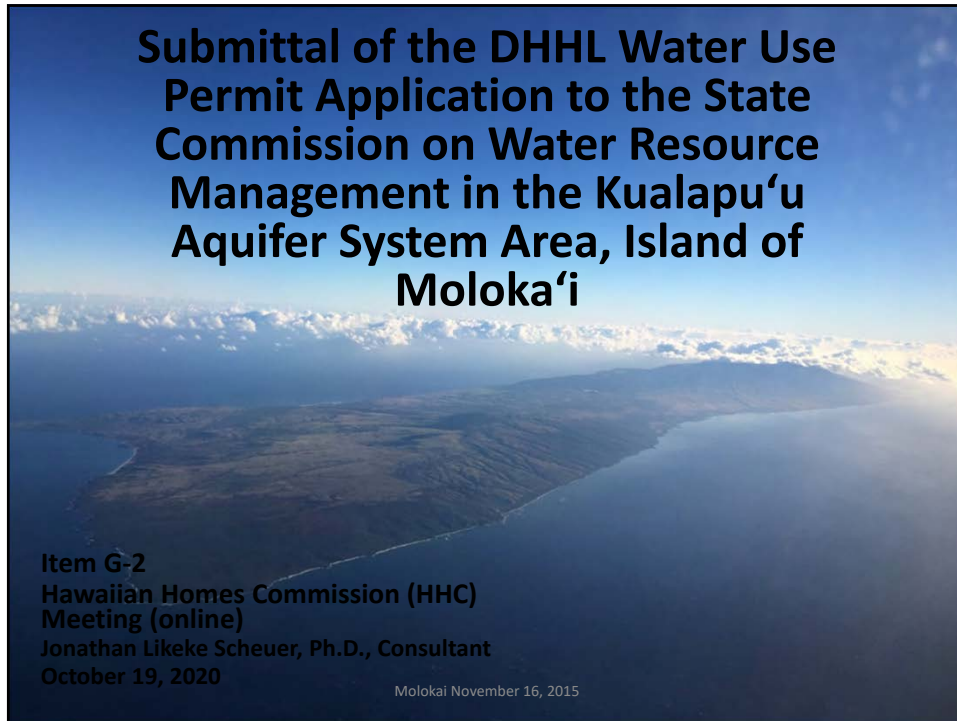


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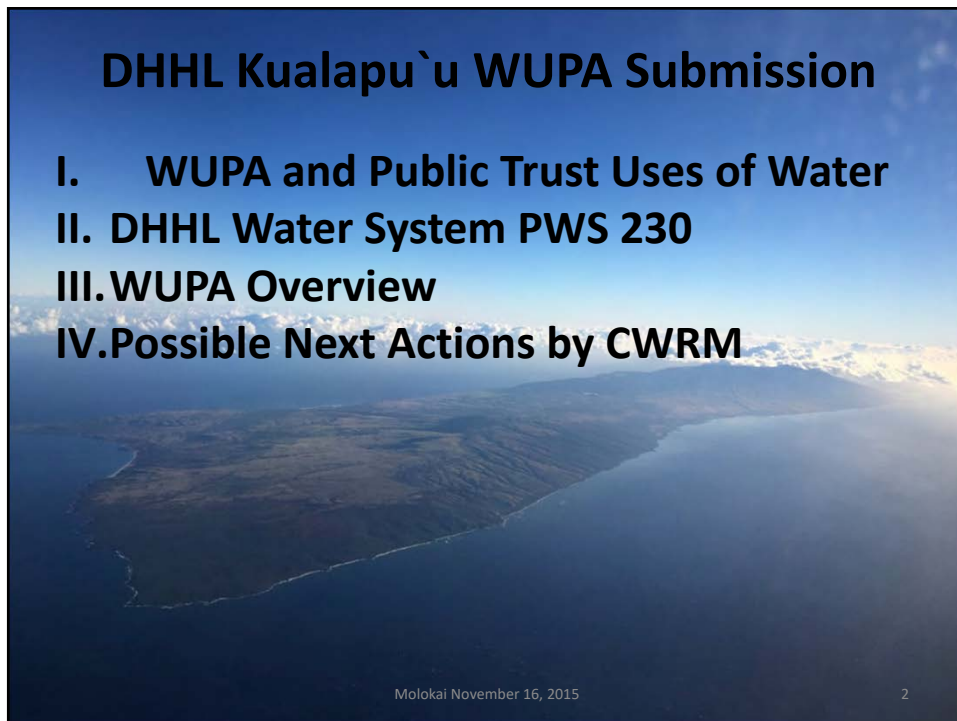


**Submission of the DHHL Water Use Permit Application to the State Commission on Water Resource Management in the Kualapu'u Aquifer System Area, Island of Moloka'i**

Item G-2  
Hawaiian Homes Commission (HHC)  
Meeting (online)  
Jonathan Likeke Scheuer, Ph.D., Consultant  
October 19, 2020

Molokai November 16, 2015

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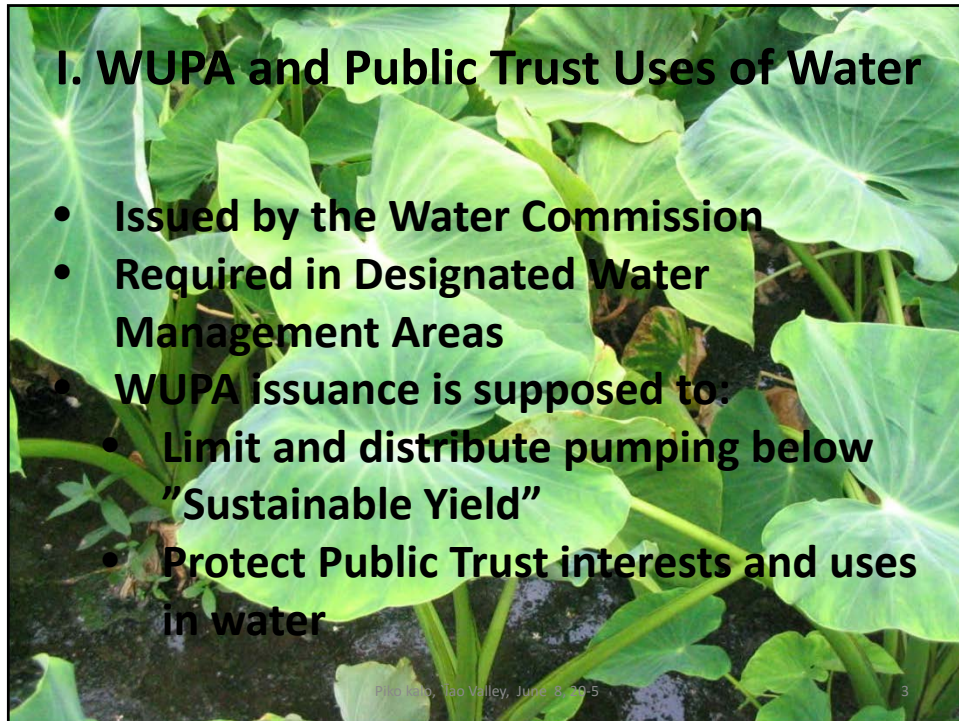
**DHHL Kualapu`u WUPA Submission**

- I. WUPA and Public Trust Uses of Water**
- II. DHHL Water System PWS 230**
- III. WUPA Overview**
- IV. Possible Next Actions by CWRM**

Molokai November 16, 2015

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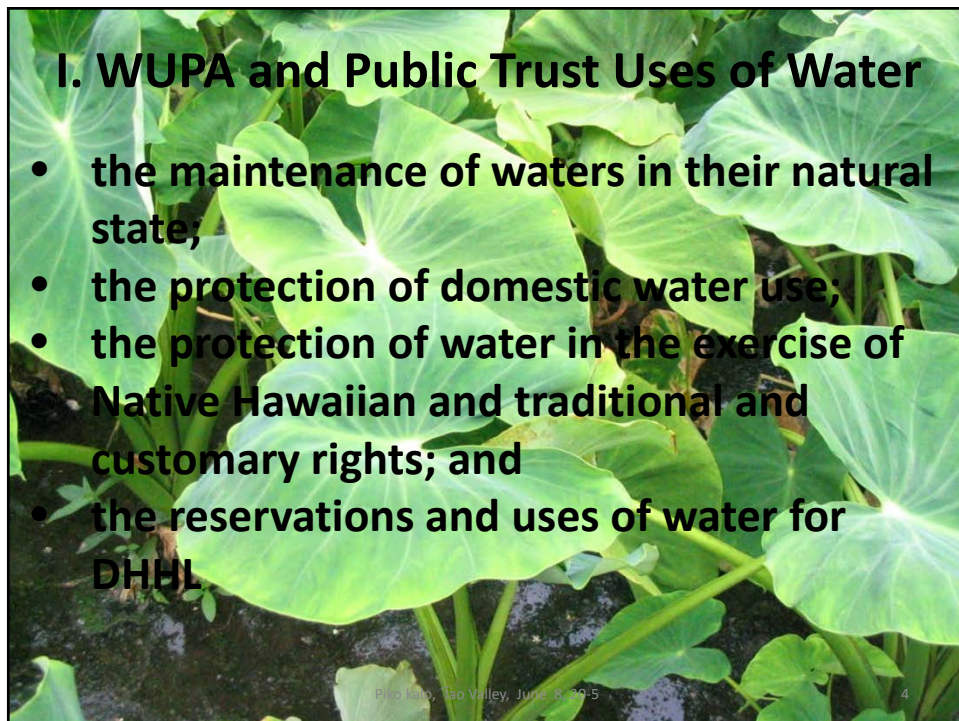
**I. WUPA and Public Trust Uses of Water**

- Issued by the Water Commission
- Required in Designated Water Management Areas
- WUPA issuance is supposed to:
  - Limit and distribute pumping below "Sustainable Yield"
  - Protect Public Trust interests and uses in water

Photo: Tao Valley, June 8, 2015

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**I. WUPA and Public Trust Uses of Water**

- the maintenance of waters in their natural state;
- the protection of domestic water use;
- the protection of water in the exercise of Native Hawaiian and traditional and customary rights; and
- the reservations and uses of water for DHH

Photo: Tao Valley, June 8, 2015

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## I. WUPA and Public Trust Uses of Water

- **Public Trust uses are to be satisfied BEFORE any private, commercial uses of water are considered**

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## II. The DHHL water system PWS 230

Location: Kualapu'u Aquifer System

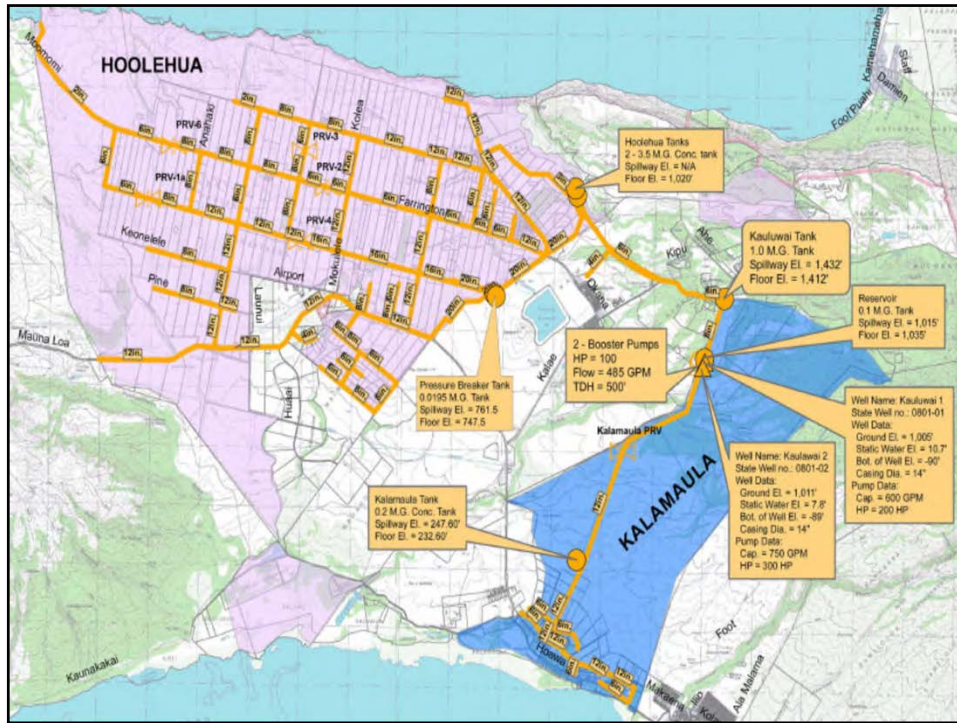
Water sources: Kaulaui Well Nos. 1 & 2 to water tanks

Users: 2,400 customers & approximately 581 service connections:

APPROXIMATELY 33% OF ISLAND RESIDENTS

- Homestead users
- Homestead supporting uses
- Non Homestead Domestic uses
- Non-Homestead uses

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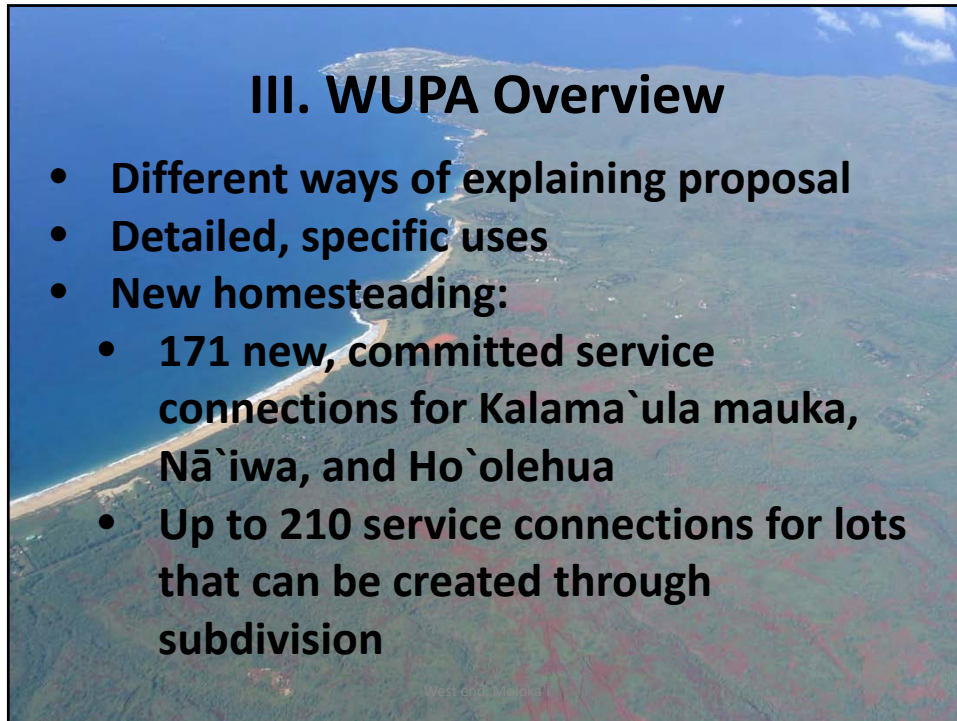


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### III. WUPA Overview

- Current WUP allows .367
- GWUPA-N seeks .595 mgd total

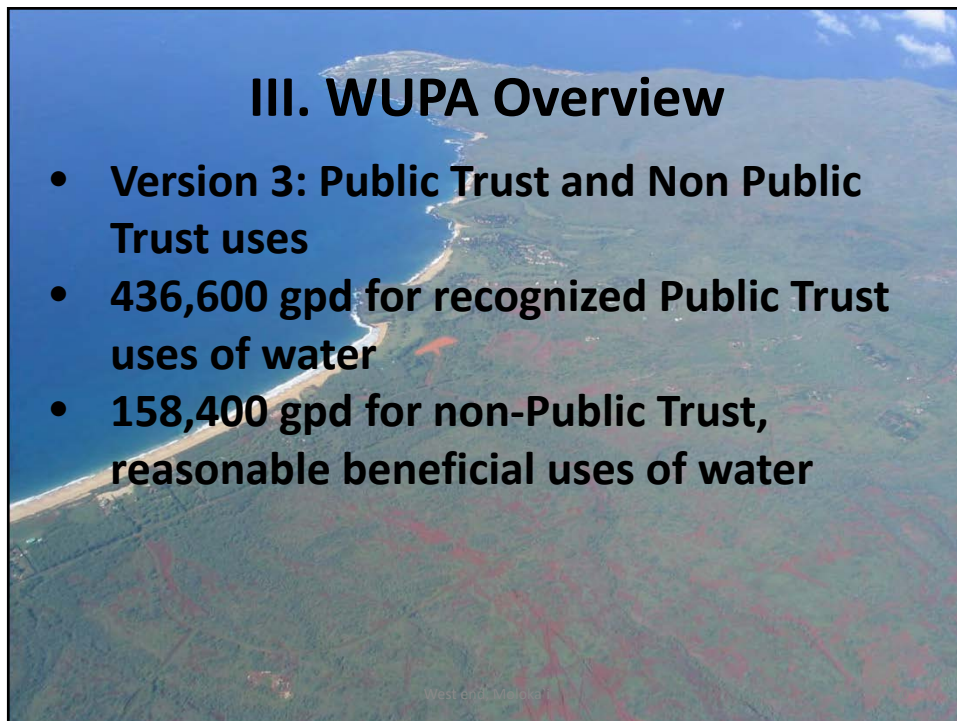
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### III. WUPA Overview

- Different ways of explaining proposal
- Detailed, specific uses
- New homesteading:
  - 171 new, committed service connections for Kalama`ula mauka, Nā`iwa, and Ho`olehua
  - Up to 210 service connections for lots that can be created through subdivision

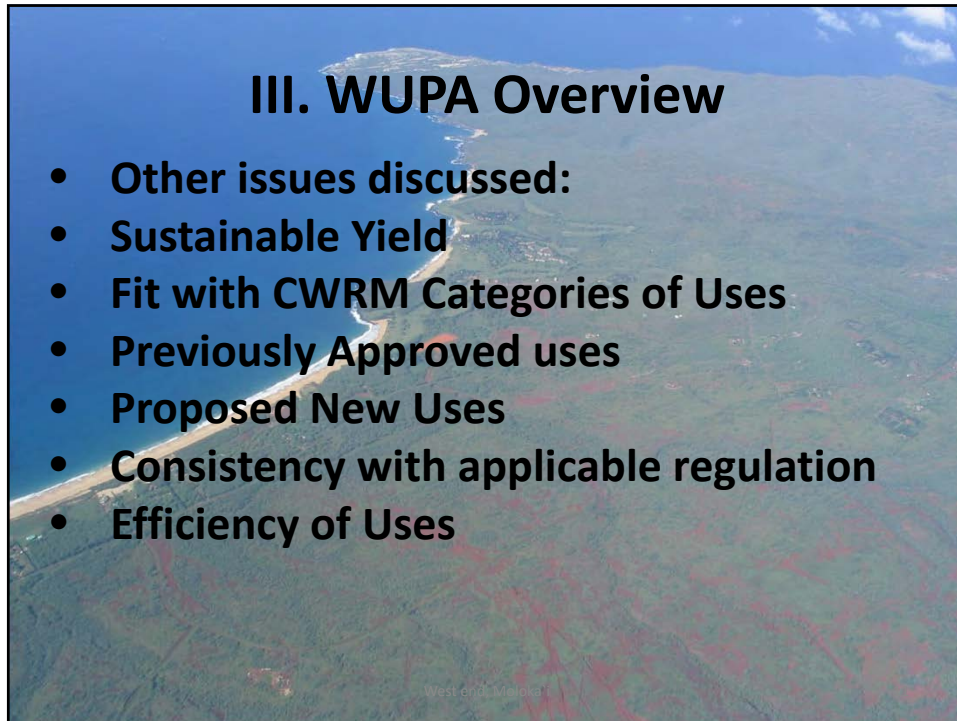
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### III. WUPA Overview

- Version 3: Public Trust and Non Public Trust uses
- 436,600 gpd for recognized Public Trust uses of water
- 158,400 gpd for non-Public Trust, reasonable beneficial uses of water

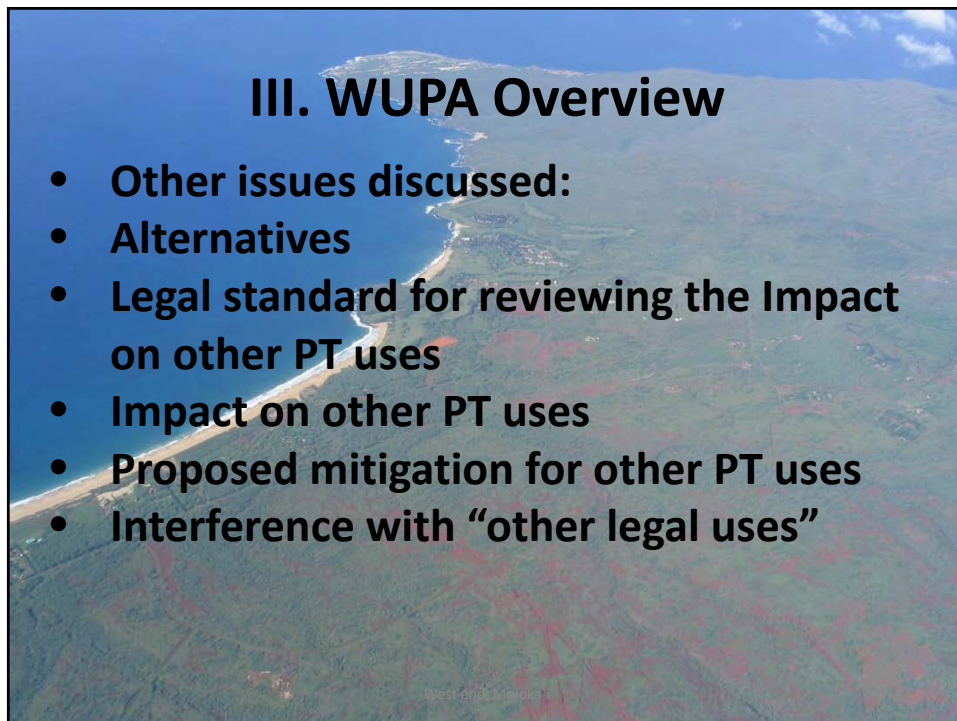
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### III. WUPA Overview

- Other issues discussed:
- Sustainable Yield
- Fit with CWRM Categories of Uses
- Previously Approved uses
- Proposed New Uses
- Consistency with applicable regulation
- Efficiency of Uses

11



### III. WUPA Overview

- Other issues discussed:
- Alternatives
- Legal standard for reviewing the Impact on other PT uses
- Impact on other PT uses
- Proposed mitigation for other PT uses
- Interference with “other legal uses”

12



13



14