

HAWAIIAN HOMES COMMISSION

Minutes of September 21 & 22, 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. and Commission Secretary Leah Burrows-Nuuanu, 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)(9:43)
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, Kauai Commissioner (via videoconference)(9:50)
Patricia A. Teruya, O‘ahu Commissioner (via videoconference)

COUNSEL

Jason Hirata, Deputy Attorney General (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 9:38 a.m. Seven (7) members were present via videoconference at roll call.

Pursuant to the Governor’s August 20, 2020, Supplementary Emergency Proclamation for COVID-19, Hawai‘i Revised Statutes (“HRS”) Chapter 92 regarding public agency meetings and records is currently suspended through September 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 for emergency relief and to engage in emergency management functions.

APPROVAL OF AGENDA

Chair Aila stated agenda Item C-4 will be moved to the end of the agenda after the executive session, and as requested, Item D-7 will be moved to the regular agenda.

MOTION/ACTION

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

APPROVAL OF AUGUST 18, 2020 MEETING MINUTES

Chair Aila asked if there were any edits to the minutes for August 18, 2020.

Commissioner Teruya reminded Chair Aila that she asked for follow up on Ulu Ke Kukui.

Commissioner Ka’upu noted a typo on page 9, and an incomplete sentence on page 10. Regarding his comments on page 11, 2nd paragraph, he suggested the sentence end after the word “process.”

Chair Aila stated Commissioner Ka’upu’s comments have been noted.

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Teruya, to approve with amendments, the August 18, 2020, Commission Meeting Minutes. Motion carried unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS (via weblink only)

Testimony on agendized items was submitted in writing via the Department of Hawaiian Home Lands website at www.dhhl.hawaii.gov/hhc/hhc-contact. Testimonies received by yesterday’s 4:30 p.m. deadline were forwarded to Commissioners. Testimonies received after the deadline will be stamped “Late” and submitted to the Commissioners after the meeting is adjourned.

- | | |
|---------------------|--|
| 1. Blossom Feiteira | 6. Kekoa Enomoto |
| 2. Donna Sterling | 7. Marion Kapuniaia |
| 3. Holly Kalawa | 8. Milton Kalai |
| 4. Kai MacDonald | 9. Liko Wallace |
| 5. Kaleo Cullen | 10. Princeslehuanani Kumaewakainakaleomomona |

Note: Testimonies are attached.

ITEMS FOR DECISION MAKING

CONSENT AGENDA

HOMESTEAD SERVICES DIVISION

- ITEM D-3 Ratification of Loan Approvals (see exhibit)**
- ITEM D-4 Approval of Consent to Mortgage (see exhibit)**
- ITEM D-5 Approval of Homestead Application Transfers / Cancellations (see exhibit)**
- ITEM D-6 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)**
- ITEM D-8 Approval of Amendment of Leasehold Interest (see exhibit)**
- ITEM D-9 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)**

**ITEM D-10 Commission Designation of Successor – DOLORES W.K. KONG,
Residential Lease No. 8311, Lot No. 20, Princess Kahanu Estates, Oahu**

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion to approve the Consent Agenda D-3 through D-10, as listed in the submittal, except for Item D-7 which was moved to the regular agenda.

MOTION/ACTION

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

Commissioner Ka'apu commented on D-4 stating there was a discussion on whether or not a cap should be put on the amount of the mortgages that the Commission consents to. The numbers are getting higher and the Commission is consenting to mortgages well above \$500,000. The Department is on the hook for these mortgages. He would like to get this on the agenda for discussion.

Chair Aila stated the discussion can be continued. He will meet with staff and get back to the Commissioners. The concern is shared because of the liability it puts the Trust in.

ITEM D-7 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 approve the assignment of Leasehold Interest

DISCUSSION

Commissioner Awo stated it was brought to his attention that a lessee is making a transfer to his son, is occupying another dwelling in Kahikinui until their home is built. It is believed the home has been constructed and he is able to occupy the residence.

Chair Aila asked Commissioner Awo if it would be helpful to pull that transaction from D-7, have the staff look at it, and the Commission can move forward with the other transfers on the agenda items. Commissioner Awo stated that would work.

MOTION/ACTION

Moved by Commissioner to approve Item-D-7 with the withdrawal of number 13 on the list, Earl Moler. 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: <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-2 Approval to Extend Postponement of Mortgage Payments

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion that the Hawaiian Homes Commission approve the continuance of postponement of mortgage loan payments for all Department of Hawaiian Home Lands Direct Loans and loans assigned to the Department, for an additional three (3) months, commencing October 1, 2020 and ending December 31, 2020.

In March 2020, the Commission approved the postponement of payments for the same loans for a period of six (6) months which is schedule to expire September 30, 2020.

The action also includes the postponement of additional three (3) months, if needed, to be delegated to the Chairman for consideration/action.

MOTION

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

DISCUSSION

Commissioner Helm asked how staff determined the amount of months for extension.

J. Garcia stated its based upon the atmosphere resulting from the COVID-19 pandemic. Staff initially looked at an additional 6-months, however in discussions with the Chairman, it mutually agreed that it would be best to request for the 3-months extension instead.

MOTION/ACTION

Moved by Commissioner Ka'apu to approve the motion as stated in the submittal. 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: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- nine (9) Yes votes						

OFFICE OF THE CHAIRMAN

ITEM C-1 Approval of Activities for the July 9, 2021 – July 8, 2022 Centennial Celebration of the Hawaiian Homes Commission Act of 1920, as Amended

RECOMMENDED MOTION/ACTION

Special Assistant to the Deputy Niniau Kawaihae presented the following:
Motion that the Hawaiian Homes Commission approve the proposed activities for the July 9, 2021 – July 8, 2022 Centennial Celebration of the Hawaiian Homes Commission Act of 1920, as amended.

MOTION/ACTION

Moved by Commissioner Teruya to approve the motion as stated in the submittal. Seconded by Commissioner Helm,						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka'apu			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			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 Lease Awards Kanehili Subdivision Kapolei, Hawai`i and Lanai Subdivision, Lanai, Hawai`i (see exhibit)

RECOMMENDED MOTION/ACTION

Acting Contact and Awards Division Administrator Paula Aila and Awards Case Management Specialist Kaila Bolton presented the following:

Motion that the Hawaiian Homes Commission approve the lease award in the Kanehili Subdivision in Kapolei, O`ahu, Hawai`i, and the lease award in the Lanai Subdivision on the Island of Lanai, Hawai`i for the awards of the Department of Hawaiian Homes Lands, resident and lot leases to the applicants listed, or as stated, for ninety-nine (99) years subject to the purchase of the existing improvements on the lot by way of a loan or cash.

- Lovee Garanger for the Kanehili Subdivision, Kapolei, O`ahu, Hawai`i
- Naalehua Mano for the Lanai Subdivision, Lanai, Hawai`i

MOTION/ACTION

Moved by Commissioner Ka`apu to approve the awards for the Department of Hawaiian Home Lands resident and lot leases as stated in the submittal. Seconded by Commissioner Helm						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka`apu	X		X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves			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						

ITEM C-3 Approval of 2021 Legislative Proposals

RECOMMENDED MOTION/ACTION

Legislative Analyst Lehua Kinilau-Cano presented the following:

Motion that the Hawaiian Homes Commission approve the Legislative Proposals to be recommended for inclusion in the the administration`s Legislative Package for the 2021 regular session.

MOTION

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

DISCUSSION

L. Kinilau-Cano stated there are 14 Legislative proposals with larger packages than normal. She walked through each proposal for the Commissioners as they followed on the submittal provided to them.

Commissioner Teruya asked who is studying the Commission nomination process. L. Kinilau-Cano stated the Hawaiian Homes Commission is not like other agencies as it was originally under federal law. At the time of Statehood, the responsibility transferred to the State. It may be more appropriate to have Ka Huli Ao do the study rather than the Legislature.

Commissioner Teruya also asked if expediting an agency hearing means that the Department has to wait in order to move on illegal activities happening on the homesteads. Chair Aila stated it would make the process more efficient and effective. Commissioner Teruya asked Lehua if an amendment could be made to include abandoned vehicles.

Commissioner Namu‘o asked about the process moving forward. L. Kinilau-Cano stated if the Commission approves all the bills, the next step is to submit them to the Governor.

Commissioner Ka‘upu asked about the Kuhio Lease option. L. Kinilau-Cano stated it would allow for a lease for applicants on the waitlist to have the ability to designate a successor who meets the requirements for lessees. Currently a person needs to be 50% in order to be on the waitlist. The idea was to bring equity, but there are issues related and what the needs are is not enough to be implemented.

Commissioner Ka‘upu asked about the historic preservation reviews, and if it is DHHLs intention to take on the kuleana of SHHPD (State of Hawai‘i Historic Preservation Division) and the State Burial Council. Chair Aila stated DHHL believes it can take on with the help of some contracting. The Burial Council issue is something that DHHL has been doing in conjunction with SHHPD because when DHHL deals with artifacts and funerary objects they are processed through the Native American Graves Protection and Repatriation Act (NAGPRA) because our federal . Chair stated it is something DHHL will be able to do and is in the best interest of moving forward DHHL development projects.

Commissioner Ka‘upu asked if the genesis for this proposal is because the process wasn’t quick enough or that the Department can do a better job of it. Approvals of development processes going forward.

Commissioner Ka‘upu stated he is not sure if the Department is in a better position to complete the work as opposed to SHHPD. Chair Aila shared about the case in Waiohuli, to obtain the subdivision approval an archaeological inventory and historical records surveys done. Maui County approved the subdivision, but when DHHL went do to an offering of vacant lots, Maui County’s new archaeologist requested all who became awardees do an additional archaeological survey. The Department felt that to be duplicative and worked something out where the Department can remind them of the studies that have been done which is attached to the individual request from the Department by Maui County, through SHHPD. For some families on Maui, it added 6-months to their building process. It seeks to increase efficiency to the process going forward. The Department is seeking to hire an outside archaeologist. If there is a discovery, the Department would adopt the same process used by SHHPD.

Commissioner Ka‘upu also had concerns about medical cannibas as a way to make additional money. Cannibas has not been accepted by the federal government and it is not approved, there

are still too many problems at this point. He stated he will oppose it because he thinks it will create more problems for the Department and the beneficiaries.

Commissioners Neves, Helm, Ka’upu, Teruya, and Awo concurred with Commissioner Ka’apu.

Commissioner Kaleikini stated he hears the concerns about the cannibas not being legal federally. He will be opposed today, but may be convinced at a later date after he learns more about how that process will be proposed. He asked questions about the process. He requested a write up on proposal 14 before it is submitted. L. Kinilau-Cano stated she will do a follow up, but an approval is needed now by the Commission.

Commissioner Awo stated he appreciates any kind of effort to expedite any hearings pertinent to the health and safety of the beneficiaries. If it is just a bill that expedites hearings but nothing whether it remedies systemic problems the Department faces like limited enforcement, AG challenges etc. Chair Aila stated he will ask for a discussion in executive session to go over the issues that need to be fixed which he thinks will help make things clearer for the Commissioners.

Commissioner Ka’apustated he and Commissioner Kaleikini visited King’s Landing and wanted to address the illegal activities and the people who do not belong there.

Commissioner Namu’o stated she supports the medical cannibas bill.

Chair Aila stated his informal tally counted five (5) votes against the marijuana dispensary, and four (4) votes in support. He asked if the Commissioners are prepared to approve the motion with an amendment. Lehua stated the amendment would be to remove Legislative proposal number eleven (11), and forward thirteen (13) Legislative proposals for the upcoming session.

MOTION/ACTION

Moved by Commissioner Ka’apu, to amended Legislative Proposals to remove proposal No. 11 and move forward 13 Legislative proposals for inclusion in the administration’s Legislative Package for the 2021 regular session 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			7	2		
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with seven (7) Yes votes. Two (2) No votes.						

Chair Aila asked for the approval of the original motion as amended:

MOTION/ACTION

Moved by Commissioner Neves to approve the original motion as amended for inclusion in the administration’s Legislative Package for the 2021 regular session. Seconded by Commissioner Kaleikini						
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’apu			X			
Commissioner Namu’o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Aila				X		
TOTAL VOTE COUNT			8	1		
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) Yes votes. One (1) No vote.						

RECESS

11:10 AM

RECONVENED

11:21 AM

LAND DEVELOPMENT DIVISION

ITEM E-1 Approval to Delegate Authority to the Chairman to negotiate and execute Project Lands Agreement and Promissory Note to Ikaika Ohana/A0597 Kona, LP for Hawaiian Home Lands Rental Housing in the Villages of La`i`Opua

RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Stewart Matsunaga presented the following: Motion that the Hawaiian Homes Commission approve to Delegate Authority to the Chairman to negotiate and execute Project Lands Agreement and Promissory Note and other associated financing documents required of Ikaika Ohana/A0597 Kona, LP Developer for Hawaiian Home Lands Rental Housing in the Villages of La`i`Opua

MOTION

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

DISCUSSION

S. Matsunaga stated the project is a rent with option to purchase project which tenants have the option to purchase the home they’ve been renting after the 15-year affordable rental compliance period. The project is in the midst of completing the Project Lands Agreement which is a 65-year agreement to maintain affordability in the project. After the 15-years compliance period and the sales, incrementally the project land agreement would be terminated by each lot as they

are sold and leased to the tenants. The tenants will receive a 99-years homestead lease. After the sales period the project will be completed and the Project Land Agreement will then be terminated. If there are remaining sales, the project will continue to rent and offered to the next applicant for sale or the Department could purchase the home. The intent is to get all of the homes into the hands of the tenants and convert them over to homestead leases.

The developer was provided with \$5 million which the Commission approved, to be handled as an affordable loan to the developer. Based on the sales proceeds, DHHL will be reimbursed the \$5 million with a small interest.

Commissioner Neves asked during the 15-year period is the developer responsible for the roads and infrastructure, or are those going to be turned over to the County. S. Matsunaga stated while the Department has final subdivision approval, the County will start maintenance of the roads after the homes are turned over. Until then, the developer is responsible should there be any issues with the roads. Commissioner Neves asked are people taken off the list when they sign up for these programs. S. Matsunaga replied that tenants are not taken off the list until a lease is signed.

Commissioner Ka'apu asked what is the anticipated conversion value at the end of 15-years. S. Matsunaga stated it is almost 20-years removed from Ho'olimalima so financing will be different. The intent is to target the affordability of the applicants as they enter the project. If they enter at 60% the houses will be sold to those who can achieve that AMI level. DHHL is working with the developer to include in the rental agreement a statement regarding equity sharing or retention at the time of the sale. S. Mastunaga stated he will follow up with Commissioners question after talking with the developer.

MOTION/ACTION

Moved by Commissioner Neves to approve the motion as stated in the submittal. Seconded by Commissioner Helm.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	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.						

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to Issuance of Right of Entry Permit to Waimea Hawaiian Homesteaders' Association, Inc. (WHHAI), Waimea, Hawai'i Island, TMK: (3)6-4-001 :059 (por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the issuance of Right of Entry Permit to Waimea Hawaiian Homesteaders’ Association, Inc. (WHHAI), Waimea, Hawai`i Island TMK: (3)6-4-001 :059 (por.)

MOTION

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

DISCUSSION

K. Albinio stated the parcel will be used for community food prep and distribution during the COVID-19 pandemic period, and farmer’s market purposes only.

Commissioner Ka’apu stated he has a concern is the traffic from people driving thru. He hopes the WHHAI will move back to the lawn once DHHL decides to rent out Kuhio Hale for parties, etc. K. Albinio stated when the pandemic is over WHHAI will go back to using only the lawn area, and until such time they will be using both areas.

MOTION/ACTION

Moved by Commissioner Ka’apu to approve the motion as stated in the submittal. 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: <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 Issuance of Right of Entry Permit to Kukulu Kumuhana `O Anahola (KKOA), Anahola Farm Lots, Anahola, Kaua`i Island, TMK No. (4) 4-8-005 :026 (por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the issuance of the Right of Entry Permit to Kukulu Kumuhana `O Anahola (KKOA), Anahola Farm Lots, Anahola, Kaua`i Island, TMK No. (4) 4-8-005 :026 (por.), for temporary garden and agricultural purposes only.

MOTION

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

DISCUSSION

K. Albinio stated Auntie Aggie terminated her use of the property and KKOA is ready to take over that lot and start planting.

MOTION/ACTION

Moved by Commissioner Neves to approve the motion as stated in the submittal. 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 passes with nine (9) Yes votes.						

ADMINISTRATIVE SERVICES OFFICE

ITEM H-1 Transfer of Hawaiian Home Lands Receipts Fund Moneys at the End of the First Quarter, FY 2021

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 into the Hawaiian Home Lands Receipts Fund as of September 30, 2020 to the Hawaiian Homes General Loan Fund.

MOTION ACTION

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

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			
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 passes with nine (9) Yes votes.						

LAND MANAGEMENT DIVISION

ITEM F-3 Approval and Authorization for an Additional Rent Relief and Deferment Period, to DCI Paradise LLC, Hilton Garden Inn-Kaua`i, General Lease Nos. S-3831, S-3840, and S-4647, Wailua, Kaua`i Island, TMK Nos. (4)3-9-006:016 and 020.

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve and authorize an additional rent relief and deferment period to DCI Paradise LLC, Hilton Garden Inn-Kaua`i, General Lease Nos. S-3831, S-3840, and S-4647, located in Wailua, Kaua`i Island

MOTION

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

DISCUSSION

Patricia Mode of DCI stated they are requesting additional deferment of rent payments for their three general leases. They've had a drop of 94% occupancy to 11% for the third and fourth quarters, and there are no new reservations for the next 120-days. The profit impact in the loss is in excess of \$1.9 million for the year of 2020. They are asking some assistance in deferral.

Commissioner Ka'upu commented that 12-months is too long a period on the deferral. He said 3-months is more appropriate, then the Department can see where things are with the visitor market and COVID during that period.

Commissioner Ka'apu agreed with Commissioner Ka'upu. He also stated that he did not see the financials submitted in the submittals by DCI. He would like to see the financials and he would support a 3-month deferral subject to receiving the financials.

Chair Aila responded to Patricia Mode of DCI that Fhe does not think there is any hesitation on the part of the Commissioners to revisit the situation. He believes the Commission is supportive with at least 3-months, and will reconvene and look at the financials that you will provide.

K. Albinio stated there is a format used on the rents that will be deferred and it's 4% applied and a 3-year term to pay it back. The discussions means the terms need to be adjusted with the deferment.

Chair Aila stated the submittal needs to be amended to reflect 3-months instead of 12-months.

MOTION TO AMEND

Moved by Commissioner Ka'upu, seconded by Commissioner Neves to amend the motion to reflect 3-months instead of 12-months. Motion passed.

MAIN MOTION AS AMENDED/ACTION

Moved by Commissioner Awo, to approve the main motion as amended as stated in the submittal. Seconded by Commissioner Helm						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo	X		X			
Commissioner Helm		X	X			
Commissioner Ka'upu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves			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.						

**RECESS
RECONVENED**

**11:59 AM
12:11 PM**

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves 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

12:12 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 issues related to Sandwich Isles Commuications

2. Discussion on U.S. Department of Agriculture Rural Development (USDA RD) Water and Environment Program (WEP) for major capital improvements to the DHHL-owned Anahola Farm Lots Water System (PWS 432) on the island of Kaua'i and Ho'olehua Water System (PWS 230) on the island of Moloka'i
3. Update on Honokaia Non-Potable Water System Settlement

EXECUTIVE SESSION OUT

2:15 PM

OFFICE OF THE CHAIRMAN

ITEM C-4 Approval of license to operate and maintain non-potable stock water system pursuant to Honokaia `Ohana, et al., v. Masagatani, et al, Civ. No. 09-1-1615-07 – Wai Ola Honokaia, Honokaia, Hawai`i Island, TMK Nos. : (3) 4-6-013 :001 through :046; and (3) 4-7-007:005.

RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Stewart Matsunaga presented the following: Motion that the Hawaiian Homes Commission approve the license to operate and maintain non-potable stock water system pursuant to Honokaia `Ohana, et at., v. Masagatani, et al, Civ. No. 09-1-1615-07 affecting Wai Ola Nonokaia, Honokaia, Hawai`i Island, TMK Nos. (3) 4-6-013 :001 through :046; and (3) 4-7-007:005; and Delegating to the Chairman the authority to finalize terms and execute said license.

MOTION/ACTION

Moved by Commissioner Awo, to approve the motion as stated in the submittal. Seconded by Commissioner Ka'apu						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo	X		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			
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.						

LAND MANAGEMENT DIVISION

ITEM F-4 Approval of Annual Renewal of Right of Entry Permits, Maui 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 the right of entry Permits, Maui Island

MOTION/ACTION

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

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

ITEMS FOR INFORMATION AND DISCUSSION

WORKSHOPS

PLANNING OFFICE

ITEM G-1 For Information Only – Re-affirm and authorize the borrowing of a total of \$11,555,000 under the U.S. Department of Agriculture Rural Development (USDA RD) Water and Environment Program (WEP) for major capital improvements to the DHHL-owned Anahola Farm Lots Water System (PWS 432) on the island of Kaua'i and Ho'olehua Water System (PWS 230) on the island of Moloka'i

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Manager Andrew Choy and Grants Specialist Gigi Cairel presented the following:

DISCUSSION

Grants Specialist Gigi Cairel stated the negotiations with USDA RA is nearing the end, and the loan amount is \$11.55 million. The total amount for both the projects is \$16 million.

G. Cairrel also wanted to make the Commissioners aware of the loan security resolution on the last six pages on the back of the packet in the exhibit.

Chair Aila stated Item G-1 will come up for decision making in tomorrow's meeting.

ITEM G-2 For Information Only – Memorandum of Understanding Agreement Among DHHL, Hawai'i Housing Finance Development Authority, and the Natural Energy Laboratory of Hawai'i Authority Regarding Allocation of Water Credits from the Ota Well Development, North Kona, Hawai'i Island TMK (3) 7-5-001: 165

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Manager Andrew Choy presented the following: The MOU agreement among DHHL, HHFDA and the NELHA regarding the allocation of water credits from the Ota Well Development in North Kona, Hawai'i Island, TMK (3) 7-5-001: 165.

DISCUSSION

A. Choy introduced Dr. Jonathan Scheuer who briefed the Commissioners on the MOU and background information related to the agreement.

Note: See slide presentation attached.

The next step for the Commission is to authorize the Chairman to execute the MOA. A. Choy stated the credits are at no cost to the Department.

Acting Land Development Division Administrator Stewart Matsunaga stated that the Department is short 25 water credits. The 30 water credits will help with the full construction of La'i'ōpua Village 4, Hema Subdivision. LDD is preparing to bid that out at the end of 2020.

Commissioner Ka'apu stated one of the reasons La'i'ōpua has not completed their park is because they are short two water credits. Hearing that the Department has five water credits left over, maybe the Department can allow the La'i'ōpua Association to move forward with their plannings.

A. Choy stated that is a good idea. He has to confirm with the county how many water credits are needed for the park. He hopes it will be five or fewer credits.

REGULAR AGENDA

HOMESTEAD SERVICES DIVISION

- ITEM D-1 HSD Status Reports**
A - Homestead Lease and Application Totals and Monthly Activity Reports
B – Delinquency Report
C – DHHL Guarantees for FHA Construction Loans

DISCUSSION

There were no questions or discussions.

GENERAL AGENDA - REQUESTS TO ADDRESS THE COMMISSION

ITEM J-1	Blossom Feiteira – Association of Hawaiians for Homestead Lands
ITEM J-2	Lauae Kekahuna – Maku`u Farmers Association
ITEM J-3	Maile Lavea-Malloe – Hawai`i Community Lending
ITEM J-4	Sharmaine Taua – Homestead Vandalism
ITEM J-5	Kathleen Chase – Waiver of Interest, Fees and Penalty for Deferred Taxes
ITEM J-6	Pat Aiona – Kohana-Kahanuola
ITEM J-7	Louise Mata - Blood Quantum Review
ITEM J-8	Kelii Ioane – Kings Landing
ITEM J-9	Kekoa Enomoto – Maui/Lanai Mokupuni Council
ITEM J-10	Donna Sterling – KHHAA and Fire Mitigation at Kahikinui
ITEM J-11	Cora Schnackenberg – Ahonui Homestead Association Cultural and Resource Management Plan
ITEM J-12	Shawndelle Kamalani – Pu`unani Homestead Association
ITEM J-13	Kimberly Balauro – Waiahole Agriculture Leases

Commissioner Helm asked to be copied on J-11 and the correspondence to Liko Wallace.

Commissioner Neves stated it would be good that the island Commission be copied on the responses. Commissioner Kaleikini wanted the same for J-2 and J-8. Commissioner Ka`apuasked to be copied on Item J-6 and J-7.

Chair Aila stated regarding the request on telecommunications, the Department is in communication with Hawaiian Tel to futher the beneficiaries desire to have telecommunications services brought to them.

Commissioner Teruya requested a follow up on Item J-4. Chair Ails stated the Department will have to conduct an investigation and see what the recommendations are.

Commissioner Awo stated he would like to be copied on items J-1, J-9, J-10, J-11, and J-12.

Commissioner Namu`o she would like to be cc'd on the responses, and wants the status on the Kalawahine homeless situation. She assuming that it is okay. Chair Aila stated the Department will be posting no parking signs, fence off the area they are congregating in and including them in the process of the homeless sweep policies and procedures.

RECESS

2:50 PM

HAWAIIAN HOMES COMMISSION

Minutes of September 22 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, 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, Kauai Commissioner (via videoconference)
Patricia A. Teruya, O'ahu Commissioner (via videoconference)

COUNSEL

Jason Hirata, Deputy Attorney General (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. All members were present via videoconference at roll call.

Pursuant to the Governor's August 30, 2020, Supplementary Proclamation in response to the COVID-19 pandemic, Hawai'i Revised Statutes ("HRS") Chapter 92 regarding public agency meetings and records are currently suspended through September 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 more effectively provide emergency relief and engage in emergency management functions.

PUBLIC TESTIMONY ON AGENDIZED ITEMS (via weblink only)

Testimony on agendized items was submitted in writing via the Department of Hawaiian Home Lands website at www.dhhl.hawaii.gov/hhc/hhc-contact. Testimonies received by yesterday's 4:30 p.m. deadline were forwarded to Commissioners.

1. Blossom Feiteira
2. Kapua Keliikoa-Kamai

3. Raelyn Reyno-Yeomans
4. Brandon Maka'awa'awa

Note: Testimonies are attached.

ITEMS FOR DECISION MAKING

PLANNING OFFICE

ITEM G-1 Re-affirm and authorize the borrowing of a total of \$11,555,000 under the U.S. Department of Agriculture Rural Development (USDA RD) Water and Environment Program (WEP) for major capital improvements to the DHHL-owned Anahola Farm Lots Water System (PWS 432) on the island of Kaua'i and Ho'olehua Water System (PWS 230) on the island of Moloka'i

RECOMMENDED MOTION/ACTION

Acting Planning Manager Andrew Choy presented the following:

Motion that the Hawaiian Homes Commission (HHC) Re-affirm and authorize the borrowing of a total of \$11,555,000 under the U.S. Department of Agriculture Rural Development (USDA RD) Water and Environment Program (WEP) for major capital improvements to the DHHL-owned Anahola Farm Lots Water System (PWS 432) on the island of Kaua'i and Ho'olehua Water System (PWS 230) on the island of Moloka'i

MOTION

Commissioner Helm moved, seconded by Commissioner Neves to accept the motion, as stated in the submittal.

ACTION

Moved by Commissioner Helm, to approve the motion as stated in the submittal. Seconded by Commissioner Neves						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm	X		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.						

ITEM G-2 Authorize the Chairman to Enter into Memorandum of Understanding Agreement Among DHHL, Hawaii Housing Finance Development Authority, and the Natural Energy Laboratory of Hawaii Authority Regarding Allocation of Water Credits from the Ota Well Development, North Kona, Hawaii Island TMK (3) 7-5-001: 165

RECOMMENDED MOTION/ACTION

Acting Planning Manager Andrew Choy presented the following:
 Motion that the Hawaiian Homes Commission (HHC) Authorize the Chairman to Enter into Memorandum of Understanding Agreement Among DHHL, Hawaii Housing Finance Development Authority, and the Natural Energy Laboratory of Hawaii Authority Regarding Allocation of Water Credits from the Ota Well Development, North Kona, Hawaii Island TMK (3) 7-5-001: 165

MOTION

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

ACTION

Moved by Commissioner Neves, to approve the motion as stated in the submittal. 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: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with nine (9) Yes votes.						

ITEMS FOR INFORMATION/DISCUSSION

OFFICE OF THE CHAIRMAN

ITEM C-5 For Information Only –Report of the Investigative Committee on Native Hawaiian Qualification Process

RECOMMENDED MOTION/ACTION

None. For information Only – Executive Assistant Jobie Masagatani and Administrative Rules Officer Hokulei Lindsey presented the Report of the Investigative Committee on Native Hawaiian Qualification.

DISCUSSION

J. Masagatani reviewed the submittal and recommendation that the HHC recall, pursuant to §10-2-16(a), HAR, the final acceptance of the NHQ determination as a function requiring the exercise of judgment or discretion. The Committee further recommends the HHC use three categories to review NHQ for final acceptance:

1. Qualified through Kumu 'ohana and accepted by consent of the HHC;
2. Unqualified based upon uncertain and/or exhausted documentation to be reviewed and acted upon by the HHC with detailed analysis and recommendation from the Department; and
3. Unqualified because impacted by subsequent information to be addressed by the HHC through a contested case brought by the Department.

J. Masagatani noted the Commission would need to take action on the recommendation, and stated that there is a second phase to the process. The Committee will be making additional recommendations on the criteria that would be applied to try to delineates those cases that may not have complete documentation.

The overall recommendation involves acceptance by the Commission of people meeting the minimum NHQ. In the converse situation, where NHQ is determined not to meet the minimum threshold, the committee recommends those findings made by staff be certified or accepted by the Chairman on behalf of the Commission.

The committee anticipates the following timeline:

- October 2020 HHC meeting: present full recommendations to the Commission for decision;

If the Commission adopts the committee's recommendations:

- November 2020 HHC meeting: consideration of cases begin;
- April 2021: evaluation of the process and recommendations if adjustments to the process are needed.

RECOMMENDATION:

In addition to the recommendations contained in this committee's report at the August 2020 regular meeting of the HHC, this committee recommends:

- A Department process where a committee of staff with expertise in the NHQ methodology reviews the file and findings of a case with uncertain/exhausted documentation and no clear NHQ determination. Following this committee review cases recommended by the committee would be presented to the Commission. This would be the process for applications requiring a 50% minimum blood quantum and for lease transfers to certain eligible family members and successors to leases, which require a 25% minimum.
- The Commission delegate to the Chairman authority to certify a finding by staff of "no NHQ minimum."

ITEM C-6 For Information Only –Update on Administrative Rules for Supplemental Dwelling Units

RECOMMENDED MOTION/ACTION

None. For information Only–Administrative Rules Officer Hokulei Lindsey presented the Update.

Note: Slide presentation attached.

DISCUSSION

Commissioner Awo asked if the non-rental blood quantum is required. H. Lindsey stated blood quantum is not required but ohana status is required.

Commissioner Neves asked if the leases would be amended. H. Lindsey stated the request currently provides for a rider to be attached to the rental agreement. The application process would require the lessee to apply with the Department first, then go to the County, and back to the Department with building plans.

Commissioner Neves asked who qualifies that renters are native Hawaiian right now. H. Lindsey stated when the lessee applies for the SDU they would declare if they are renting or ohana dwelling. There is a bit of process and enforcement which is a whole other layer that needs to be worked out.

Commissioner Ka‘apu asked for an opportunity to look at the entire document one more time before it goes to the governor. He also asked if it still going to be a pilot project. H. Lindsey stated it is a pilot project on all islands.

Commissioner Helm asked about agriculture lease workers quarters dwellings. Chair Aila stated staff will send the rules for workers quarters by email.

Commissioner Kaleikini stated he would like to see the draft rules to get a better understanding of the pilot project. He also asked for a timeline once the draft is sent to the Governor. H. Lindsey stated it could take between three months to a year.

Commissioner Ka‘upu asked if non-Hawaiian rentals is a major problem. Chair Aila stated there is an increase in complaints. He also received a complaint that one lessee is running a short-terms rental business to tourists. There will be an investigation and efforts to bring the lease into compliance if it is warranted. The renter must be 50% Hawaiian.

H. Lindsey stated she will provide a workshop next month and provide the draft rules as a submittal.

ITEM C-7 For Information Only –Update on Native Hawaiian Qualification Process

RECOMMENDED MOTION/ACTION

None. For information Only –Homestead Services Division Administrator Juan Garcia and O‘ahu District Officer Manager Ross Kana’i Kapeliela presented the Update.

Note: Slide presentation attached.

DISCUSSION

Commissioners Ka‘upu, Awo, and Namuo thanked staff for the presentation.

Commissioner Kaleikini asked how many beneficiaries have fallen into bucket number three and denied a lease bases on blood quantum. K. Kapeliela said he could not wager a guess.

Commissioner Helm asked how long it takes to qualify someone when they apply. K. Kapeliela stated it takes between 60-90 days. The process can be faster if they have their documents or have permission to use ‘ohana records already on file.

RECESS

11:18 AM

RECONVENE

11:29 AM

LAND DEVELOPMENT DIVISION

ITEM E-2 For Information Only – Bowl-O-Drome/Isenberg

RECOMMENDED MOTION

None. For information Only – Acting Land Development Division Stewart Matsunaga introduced Land Development Specialist Darryl Ing to provide the overview of the submittal.

Following the overview, D. Ing introduced Koloa Robinson, Christopher Oaks, and Stanford Carr of Stanford Carr Development, who provided a slide presentation that is attached.

DISCUSSION

Commissioner Helm asked about parking and K. Robinson stated at least one stall per unit and a mechanism for the rental of an additional staff. The parking structure could utilize an automated license plate recognition system.

Commissioner Teruya asked how long the comment period for the Environmental Assessment is. K. Robinson stated the comment period is 45 days.

Commissioner Teruya asked if the asbestos clean-up is the developer’s responsibility or the Department. D. Ing stated it is part of the developer’s budget to take care of. K. Robinson stated there is a specialized contractor for removal of that type of material.

Commissioner Teruya asked about the pricing structure for the rentals and if Section 8 subsidies would be accepted. K. Robinson stated the pricing is predicated on the area median income set by the US Housing and Urban Development (“HUD”). When the project was proposed a studio would be rented for \$630 and a 3-bedroom apartment in the tower for \$2,500.

Commissioner Kaleikini asked if any studies are stating interest from wait listers for rental units. Chair Aila state there is interest in the urban core for rentals. The Department has been urged by the Hawai‘i Congressional Delegation and the State Legislature to provide rentals, so this is the Department’s response.

Commissioner Ka‘upu asked if there is a problem filling the rentals with qualified native Hawaiians what happens. D. Ing stated when the Waimānalo Kupuna Housing faced a similar situation it was filled with non-waitlisted Native Hawaiians and was able to fill the units. Chair Aila added that it is an affordable housing project based on annual median income and there is no shortage of beneficiaries who fit into those qualifications.

Commissioner Ka'upu asked if the commercial space is under the Department or the developer and is there a preference to beneficiaries. Chair Aila stated the retail space income is managed by the developer and used to offset the maintenance.

RECESS **12:05 PM**
RECONVENE **12:10 PM**

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo 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 **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.

1. Update on *Richard Nelson, III et al., v Hawaiian Homes Commission*, Civil No. 07-1-1663
2. Discussion on *Bank of America Corp. et al. v. County of Maui*, Civ No. 1:20-cv-00310, U.S. District Court for the District of Hawaii
3. Update on Waiahole Agriculture Leases
4. Continued Discussion on Pana'ewa Hawaiian Home Lands Community Association Leadership
5. Update on DHHL Relocation Policy

EXECUTIVE SESSION OUT **3:29 PM**

Note: Commissioner Teruya left the meeting at 1:35 p.m.

LAND DEVELOPMENT DIVISION

ITEM E-3 For Information Only - Hawai'i Island Project Updates

RECOMMENDED MOTION

None. For information Only – Acting Land Development Division Stewart Matsunaga provided the overview of the slide presentation in the submittal.

DISCUSSION

Commissioner Kaleikini asked if the Honomū lots in the presentation are already awarded. S. Matsunaga stated the lots are not awarded and offering of lots will coincide with those in Pana'ewa.

Commissioner Kaleikini asked what the process is for rehabilitating dilapidated homes. S. Matsunaga stated they are working with Homestead Services Division about how to reoffer the parcels.

PLANNING OFFICE

ITEM G-2 For Information Only – DHHL Beneficiary Consultation Policy

RECOMMENDED MOTION

None. For information Only – Acting Planning Manager Andrew Choy provided an overview of the slide presentation included in the packets.

DISCUSSION

Commissioner Ka'apu asked if the information can be distributed to the leadership of the associations. He feels it would help leaders understand when a consultation is required. A. Choy stated the policy and presentation is on the website.

Chair Aila noted several weeks ago the Department issued a request for proposals for community based renewable energy. The beneficiary consultation will be done if there are any responses to the request. In this situation it would be more efficient to consult once a proposal is received. Without a proposal, there is nothing to consult on. The Department has not received any proposals as of today.

ANNOUNCEMENTS AND ADJOURNMENT

MOTION/ACTION

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

ADJOURNMENT

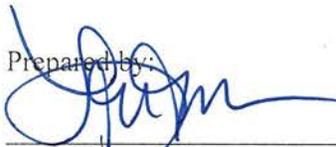
4:15 PM

Respectfully submitted:



William J. Aila Jr., Chairman
Hawaiian Homes Commission

Prepared by:



Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

APPROVED BY:

The Hawaiian Homes Commission at its regular monthly meeting on:

October 19, 2020

Attachments

1. Public Testimony – Blossom Feiteira
2. Public Testimony – Donna Sterling
3. Public Testimony – Holly Kalawa
4. Public Testimony – Kai MacDonald
5. Public Testimony – Kaleo Cullen

6. Public Testimony – Kekoa Enomoto
7. Public Testimony – Marion Kapuniai
8. Public Testimony – Milton Kalai
9. Public Testimony – Liko Wallace
10. Public Testimony – Princeslehuanani Kumaewakainakaleomomona
11. Public Testimony – Blossom Feiteira
12. Public Testimony – Kapua Keliikoa-Kamai
13. Public Testimony – Raelyn Reyno-Yeomans
14. Public Testimony - Brandon Maka'awa'awa
15. Slide Presentation – Item C-6
16. Slide Presentation – Item C-7
17. Slide Presentation – Item E-2
18. Slide Presentation – Item G-2

Hawaiian Homes Commission Meeting

September 21 & 22, 2020

PUBLIC TESTIMONY on AGENDIZED ITEMS

- 1. Blossom Feiteira**
- 2. Donna Sterling**
- 3. Holly Kalawa**
- 4. Kai MacDonald**
- 5. Kaleo Cullen**
- 6. Kekoa Enomoto**
- 7. Marion Kapuniai**
- 8. Milton Kalai**
- 9. Liko Wallace**
- 10. Princeslehuanani
Kumaewakainakaleomomona**

Association of Hawaiians for Homestead Lands-Maui
P.O. Box 2963
Wailuku, Maui, Hawaii 96793
blossom96708@yahoo.com

September 18, 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
SEPTEMBER 21-22, 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. I also want to extend my appreciation to the Chair for returning to an expanded time frame in which to conduct Commission meetings. I believe, that given the current environment we are finding ourselves in, having adequate time to address the many issues before you will go a long way in finding both institutional and alternative solutions.

Regarding agenda items:

C-1: I extend my absolute support for the list of activities recommended by Mr. Duarte and Ms. Simmons. Recognition of the work of Kuhio during his lifetime is long overdue and I appreciate the desire and commitment to making this celebration happen.

I would also like to add two additional recommendations. That is, 1- that the department, either alone or in partnership with other entities, establish a "special event" grant fund that will allow for beneficiary communities on each island to work in partnership with the department in the development of celebratory activities for their island as well.

The other recommendation has to do with Kuhio and his relationship in Congress. I am still astounded that this one man of color who had no voting rights was able to convince 337 white men that this federal law was necessary and valid. His speech on the congressional floor was the result of an oratory skill that is rarely found in our communities today. I propose that the department, as part of the documentary portion or as a stand alone activity sponsor an oratory contest among the homestead associations using Kuhio's speech as the oratory requirement.

D-1: Regarding item D-1, leasehold and applicant totals for the month..

Exhibit A. The most recent Applicant waitlist is dated December 31, 2018. We are coming up to the end of 2020. When can we expect another updated waitlist we can access?

Exhibit B. In light of pandemic impacts, restrictions and constraints, the economic instability of our beneficiary applicants is of great concern. With several homestead projects coming online in the next 2-3 years, it is imperative that applicants wishing to participate be financially ready and capable to receive a lot and carry a mortgage. If they are not ready, they will be unable to secure their homestead opportunity. Even if this pandemic was resolved tomorrow, Hawaii's economic future will take many years to stabilize enough for residents to become financially stable. And, all socio-economic statistics surrounding the native Hawaiian and Native Hawaiian community puts us at close to the bottom of this ladder, which only means we will take longer to recover.

I would ask the Commission and the Department to consider the development of a "special" fund that could provide mortgage subsidies, down payment assistant grants, "silent seconds (a type of equity position that allows the buyer to acquire the home), and support the development of Individual Development Account matched savings program among other opportunities. These opportunities can be provided to our beneficiaries based on need, not income limitations. I believe that until our economy can become stable, our beneficiaries will need some level of assistance in order to achieve their goal of living on homestead lands.

D-7: No. 13 on the list.

Mr. Earl Moler, lessee in Kahikinui is seeking approval of a transfer of his Kahikinui homestead to his son as is his right. And by the HHCA, the Hawaiian Homes Commission and the Department is obligated to provide Mr. Moler with the ability to do so.

However, at issue here is not his right to transfer his homestead lease, but his illegal occupation of a converted Water Tank in Kahikinui known as Hale Malama. Mr. Moler has occupied that area since 1997, under a license agreement with Ka Ohana O Kahikinui, and served as a caretaker of the area and a monitor of the Kahikinui parcel. At lease signing in May of 1999, Mr. Moler chose his lot and expressed his desire to continue staying at Hale Malama until his home was constructed on his chosen lot. With the help of his now adult hanai sons, Mr. Moler's home is now complete. Enough so that he is now able to transfer his lease to his biological son.

The license agreement for Hale Malama expired somewhere between 2012 and 2015. Mr. Moler has stated several times that he will not vacate Hale Malama until the road to his homestead was improved. In the meantime he continues to occupy Hale Malama with no Land Use Disposition. With his request to now transfer his lease, his continued occupation of Hale Malama must come to an end. The area in question is part of a larger master plan for Kahikinui.

I ask the commission to defer this item until such time as this matter can be resolved, and Mr. Moler has vacated Hale Malama.

E-1: This submittal requests approval for a contract with Ikaika Ohana and affiliate partner for the development of 163 rent with option to purchase units in Laiopua Village Phase 4 Subdivision Phase 1 and Phase 2. However, the power

point presentation shows a total of 219 units. My question is for clarification is: What will happen to the remaining 56 units?

G-1: Support

G-2: Support

EXECUTIVE SESSION AGENDA:

Item 1: Update on issues related to Sandwich Isles Communication.

I have been tasked with identifying a resolution to issues related to the connectivity problem being experienced by homestead families in Lei Ali`i and Waiohuli homesteads.

Most of the schools in Lahaina and Upcountry Maui has gone to distance learning. For our homestead families, the inability to maintain connectivity to the internet is causing a measure of distress for these families.

In order for the school to count the student as being present, they must log on to the school system by a certain time. Failure to connect will result in an unexcused absence for the child.

The DOE protocols require that after a certain threshold has been met (five days of unexcused absences) require that the school contact parents for a parent/teacher conference. Should the unexcused absences persist (fifteen days), a report is filed with the Maui Police Department juvenile division and a in home visit is conducted. Should the absences continue (20 days) the school is required to contact Child Protective Services. Absences do not need to be consecutive, but accumulative. Parents are already receiving calls from the teacher. Although they explain the problem, the schools are still required to follow the protocol which is now leading to much frustration for the parents and the children.

I understand that the Department is stuck between a rock and a hard place in their relationship with Sandwich Isles Communication. A call to their service tech on Maui resulted in a commitment to follow-up with their engineers on Oahu and a site visit to the homestead areas.

Because of the contract restrictions, service providers such as Hawaiian TelCom and Spectrum are unable to service our homestead communities.

This issue is serious enough Mr. Chair that I ask that you add this conversation to your deliberations in Executive Session, and hope that there can be some kind of resolution be it a temporary reprieve from this onerous issue.

Mr. Chair and Commissioners, mahalo for this opportunity to provide testimony on items in your September 21-22 agenda.

O wau me ka ha`aha`a,

//ss//

Blossom Feiteira

Aloha

Please consider this my public testimony to be forwarded to the DHHL Commieioner's meeting on September 21, 2020

Kealoha Nui Commissioners

Although I am on the J10 Item Agenda, I felt I needed to address an issue that came up in the Zoom Meeting for the Mokupuni Maui yesterday. The issue is the with J1 item agenda (Kahikinui Lease Compliance Issue) from Blossom Feteira.

Our newly formed Kahikinui Hawaiian Homestead Association takes the position of inclusive, transparent and with compassion in issues as conceived by Prince Jonah Kuhio Kalaniana'ole for the benefit of the Hawaiian People. We recommend that DHHL stop any movement forward to cancel leases until you meet with us. Ms Feteira in her report did not produce current data from a wide range of homesteaders. We request a meeting with Julie Cachola to hear our options of approaching those lessees with little or no activity. Aren't you interested in our conversations from those in the front line of homesteading in Kahikinui.

Ms. Feteira is not a homesteader and therefore DHHL perhaps should consider other Beneficiary input regarding what life is like up here. We would be most happy to meet with Julie. We recommend that 1) dhhl staff meet with KHHA 2) Dhhl do not move towards contested case hearing immediately (as we have updates for considerations) 3) suggest Dhhl begin process of the 22 vacant lots to waitlisters (using an updated current 2020 Waitlist) while we all work to transition those lessees who are not compliant at this date, and to work with each family. In fact we have reached out to many lessees during this period. DHHL should reconsider such a harsh non Hawaiian way of treating our beneficiaries.

We consciously choose, without hesitation or doubt, to guard the Kapu of this 'aina and our Kupuna, who are keepers of the past. Our Kuleana is to individually and collectively preserve, protect, and thrive through education of ALOHA in ancient Hawaiian Spiritual Beliefs, both in archaeological sites and natural resources.

For your information we have been inclusive and transparent with KOOK for the past year and will continue our mission.

Aloha

Kealapono Donna Sterling
President
Kahikinui Hawaiian Homestead Association

President
Helekunihi Cultural Foundation

Aloha Commissioner

My name is Holly Kalua'u Kalawa. I have been a resident of Hawaiian Homes La'iohua in Kailua Kona for approximately 21 years. We used to receive our internet, cable and phone services from Oceanic (now Spectrum) prior to SIC. When SIC entered the scene, they promised competitive rates with the same service that we were used to with Spectrum. We have had internet service with SIC for many years now. Although the service is cheaper- we definitely get what we pay for.

Over the years, we have experienced many service interruptions, and have grown accustomed to "slow" or "lagging" internet service where only one or two users can use the internet at once. We have always "dealt with it" as we were told by SIC that there was nothing that could be done to upgrade our service. We were told that we had the fastest service available to us due to the old copper wiring that our aging neighborhood was originally outfitted with. Over the years, I called many times to inquire what could be done or if anything was in the works being planned to improve our service. It was during one of these phone calls that I received the disturbing news that SIC owned exclusive rights to service our Hawaiian Homes neighborhood with internet service. They said people who had Spectrum prior to them coming in were grandfathered in, and able to keep their other service. Those of us who were foolish enough to sign up with SIC, would get the short end of the stick and be bound to receiving their horrible service.

Last week on or around 8/31/2020, our internet began running even slower than it had in times before. Then suddenly it quit working all together. My daughter called SIC last week for assistance and was told that there was no one able to address our internet interruption for another two weeks 9/15/20. We have since exhausted our Tmobile cell phone service monthly data allotment in an attempt to keep my grandchildren on track with their online distance learning home studies.

In frustration, I reached out to SIC myself this week Wednesday 9/9/20, and was told by their representative that there was nothing more she could do to assist me in having my internet service restored before 9/15/20. When asked if there was a member of management I could speak with to voice my concerns of their "disservice rather than service" their company was providing me, she said no one was available. The only advice she could recommend was for me to write an email that she would "forward to the higher ups". I am attaching a copy of the email that I sent on 9/10/20 to SIC where I asked to receive immediate service in dealing with my interruption of internet service, or to be granted permission to no longer be bound by the agreement which apparently DHHL made (without my approval) on my behalf with SIC to be the only internet service provider for my area.

In my last attempt to call SIC on Friday 9/11/20 to see if there was a form I could fill out to claim exemption from their monopoly as my internet service was not working, and I wished to seek service outside the representative (Carlo) that I spoke to said casually "Well, we are already coming next week Tuesday" really was the straw that broke the camels back. I apologized first, and then proceeded to inform Carlo that I was upset by his comment, and surely if he could put himself in my shoes, going without internet, being "cut off" during a time where we must all stay at home and social distance I'm sure he would be strongly advocating on his own behalf. His choice of words were poorly chosen and really stung. If the people of SIC had to put up with the horrible internet service that we have had to endure for the past years, I'm sure that they would have had it fixed, working with the fastest internet speed that is out there!

Mr. Ka'apu, during this time of social distancing brought on by Covid-19 we are so isolated. Not having internet service only brings more isolation, lost opportunities for my mo'opuna to thrive and learn. In

today's economy, my 'Ohana is unable to afford internet AND cable television. Therefore, we only subscribe to internet service and rely on it heavily to be a source of information, news updates, health updates and entertainment. SIC is failing us miserably and I ask humbly for your assistance in making this right. Please do whatever is within your power to help rid us of this company being a monopoly in our La'iohua Community, and holding us hostage to their service.

Mahalo Nui Loa,
Holly "Pua" Kalua'u Kalawa
pua.kalawa@gmail.com

Aloha Mai

I wanted to see if it is still possible to be included on the J agenda of this month's DHHL online meeting. I would like to advocate on behalf of a partnership with myself & Pa'upena CDC on Maui with regards to providing online meetings/events due to the events unfolding during the COVID-19 pandemic. As a result of providing a digital platform for those who were adversely affected by the stay at home requirements, I provided services to assist & facilitate meetings via Zoom. I was able to identify the challenges that some would face by moving from in-person to digital online meeting platforms and bridged a gap between various Hawaiian Homestead communities and it's leaders. My main focus was to assist those who would be technologically challenged I would assist in scheduling meetings, facilitate in sound and chat room discussions, and provide a recording of all meetings along with a brief. With recent Hawaiian Homestead developments, it was important that we allow fellow/current DHHL beneficiaries and waitlisters as well as future successors to stay informed. During this pandemic, this partnership empowered leaders, connecting the community to learn more about what Prince Kuhio wanted for his people. On April 30th, 2020 we held our first virtual event to celebrate Prince Kuhio 100 year (centennial) of the Hawaiian Homes Commission Act of 1921 this event originally was supposed to be an in-person 1.5-day event with panelists that were represented from every facet of the act including Residential, Agricultural, Pastoral, Mercantile & Water. Due to the pandemic, we were not able to host an in-person event which led to it being held virtually instead. Since then we have been able to successfully engage with multiple communities across Hawaii but mainly on in Maui & Moloka'i. This virtual platform via Zoom has assisted in empowering leaders to envision what kind of community they want to see, what steps they can take to ensure their voices can be heard, it has helped wait lister's to understand the HHCA of 1921, inspired them to create Homestead Associations, write and submit federal grants and open the lines of communications with other funding sources like local CDFI's (Community Development Financial Institutions) to lift these ideas thru grant and mercantile initiatives. It also has connected our community with agencies like DHHL staffer Paula Aila who presented & gave direction on steps to update online beneficiary/waitlist information through the newly formed Customer Service Division. Most importantly we are able to provide education, direction & clarity to our lāhui at a time when the stresses of economic hardship is overwhelming. While the need for in-person activities is part of gaining information we are residing in a digital world due to this pandemic, so having a platform to kokua our lāhui ensures our voices are heard with the hopes that our actions are also acknowledged.

Mahalo Nui in advance for your assistance in helping me present on the J agenda. I think that I may be late in sending this request, however I was out of touch for a few days over the holiday weekend spending time with 'ohana. No electronics or internet. If I am able to be considered can you please provide direction on how I must go about the submission process.

--

Ke aloha nō,

Kainoa Lei MacDonald - Zoom Digital Platform Facilitator

Native Hawaiian Mercantile Owner & Credit Consultant at Credit Edge Solutions:Score Navigator

First Name

Kaleo

Last Name

Cullen

Phone

Email

Kaleoc67@gmail.com

Subject

Submit Written Testimony

Message

Aloha Chairman Aila and members of the Commission,
I oppose to any type of business that is being conducted by Donna Sterling and her Kahikinui Hawaiian Homes Association in Kahikinui.

- 1) It is made up of lessees that has no intentions on residing in Kahikinui, but wants to set the rules for those who do.
- 2) The Kuleana Homestead Program was set up to have all full time residents become members and to participate in creating a thriving and a sustainable community. Manage it's resources.
- 3) KHHA wants rights to hunt but yet not participate in any community work parties and events set up by Ka Ohana O Kahikinui.
- 4) Donna and KHHA has been counter productive in anything that was set forth by Ka Ohana. They only bring division! Mahalo Nui!



Pa`upena Community Development Inc.

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Email: paupena.kekoa@gmail.com

#6

September 21, 2020

Aloha mai kakou e na Hawaiian Homes Commissioners,

On behalf of the beneficiary organization, Pa`upena Community Development Corporation (CDC), I present advocacy on three agendized items: F-4 Approval of annual renewal of Right Of Entry [ROE] permits, Maui Island Administrative Services Office; C-1 Approval of activities for the July 9, 2021, to July 8, 2022, Centennial Celebration of the Hawaiian Homes Commission Act [HHCA] of 1920, as amended, and J-10 Donna Sterling advocating for Kahikinui Hawaiian Homestead Association and fire mitigation at Kahikinui.

Regarding agendized item F-4, I ho`omahalo the DHHL Planning Office for meeting with Pa`upena principals this past Tuesday 9/15/20 about the CDC's due-diligence ROE to a 127-acre Waiohuli/Keokea homelands tract. The Planning staff is advancing expeditiously the due-diligence process toward prospective commission approval of the CDC's land-use request for a 30-year long-term license to the tract. Under the license, Pa`upena will offer farming/ranching training to beneficiaries; thereby fulfilling the 2002 General Plan objective to "assist existing and future lessees in acquiring technical, marketing and financial assistance to increase productivity, economic efficiency and markets for their products."

Concerning agendized item C-1, I sincerely thank Maui Commissioner Randy Awo for attending this past Thursday's 9/17/20 Maui/Lana`i Mokupuni Council meeting via Zoom. The 18 Zoom participants discussed the Centennial Celebration in the context of procurement rules that impact beneficiary businesses prospectively competing to provide centennial-related items, such as a 10-part documentary series, book and calendar.

Retired Chief Judge Shackley Raffetto of the Maui 2nd Circuit was among the 18 Zoom participants. His unabridged comments via Zoom Chat Box in favor of procurement preference toward beneficiary businesses are, as follows:

"What are the 'minimum requirements' for beneficiaries to provide services or products to DHHL, and how and by who was that decided? Recommend a preference for beneficiaries and perhaps an educational program to bring beneficiaries up to speed; so they can become involved. Thanks.

"Where does it say in the HHCA that the State of Hi Legislature has the legal authority to regulate how DHHL contracts for services (procurement)? Procurement is a challenge and can be a bureaucratic nightmare for beneficiaries. Education? Preferences in order to provide for a level

Pa`upena Community Development's vision is to fulfill Prince Kuhio's century-old dream for native Hawaiians to reconnect with Waiohuli ahupua`a in thriving agricultural and pastoral communities, and to share this paradigm throughout the pae`aina.



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playing field?? Beneficiaries should not be required to “compete with the big guys”; they should be entitled to a reasonable preference, consistent with reasonable business practices.

“Hi Folks: Please never forget that the HHCA was required by the United States Congress as a condition of granting the Territory of Hawaii Statehood. Good idea/bad idea?? But, it was done and all of your rights are appended in the Constitution of the State of Hawaii. Anything that attempts, from the Leg or bureaucratic agencies (procurement, etc.,) are subordinate to the HHCA as incorporated in our Constitution. It is the supreme law of our ‘Aina. Any time the State attempts, or DHHL for that matter, should be challenged as to its legal basis. Just a recommendation and a suggestion for a state of mind to protect beneficiary rights.

“FYI I think Kekoa Enomoto is a terrific leader and should be applauded for her outstanding leadership...”

Finally, with respect to agenda item J-10, I thank Maui District operations supervisor Toni Eaton for her timely follow-up regarding Ka`ono`ulu Ranch use of 400 homestead acres, in the context of fire mitigation on homelands, per J-Agenda Kahikinui advocacy.

Ka`ono`ulu is running cattle on 400 of 5,057 Waiohuli/Keokea homelands acres, for which Pa`upena has a four-year-long land-use application and series of beneficiary submissions, meetings and due diligence, in order for the CDC to receive official DHHL authorization of land use vis-a-vis Ka`ono`ulu’s one-week unofficial authorization of land use, per attached email string. Pa`upena awaits DHHL Land Management Division’s promised investigation and conclusions in the matter.

Mahalo for this opportunity to advocate for commission consideration of Pa`upena’s ROE due diligence and request for a 30-year long-term license to 5,057 Waiohuli/Keokea homeland acres; of beneficiary preference in contracting for Centennial Celebration-related programs, and of Pa`upena’s desire to malama our precious trust lands via beneficiary-driven fire-mitigation efforts.

Me ka `onipa`a kakou,

-Kekoa Enomoto

Chairwoman of the board

Pa`upena Community Development Corporation
2019-23 president, Maui/Lana`i Mokupuni Council

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September 3, 2020

Mr. Kahana Albinio
Acting Director
Land Management Division
Department of Hawaiian Home Lands
Post Office Box 1879
Honolulu, Hawai`i 96805

Aloha mai kua e Kahana,

At the Aug. 23 board meeting of Pa`upena Community Development Corporation (CDC), directors discussed that non-Hawaiian, nonbeneficiary Ka`ono`ulu Ranch has its cattle grazing on the 5,057-acre Waiohuli/Keokea homelands tract, for which Pa`upena CDC has unresolved land-use requests. The CDC previously had submitted to your division a Dec. 24, 2016, land-use request for a two-year due-diligence Right Of Entry (ROE) to the Waiohuli/Keokea parcel, followed by an April 1, 2020, pre-application for a long-term license to the parcel.

With my board's consensus, I am sending this letter requesting that DHHL Land Management Division email by Sept. 18 to Pa`upena and the CDC's attorney, copies of Ka`ono`ulu Ranch land-use-request-related documents, as follows:

- . Ka`ono`ulu's land-use request for a two-year due-diligence ROE with accompanying conservation, cultural and wildlife plans; archaeological survey; Environmental Assessment, and business plan and budget, or the ranch's pre-application for a month-to-month Revocable Permit.
- . Confirmation of a beneficiary consultation.
- . Confirmation of Hawaiian Homes Commission approval of the land-use request.
- . Specification of rental fees being charged to Ka`ono`ulu Ranch for use of the 5,057-acre tract, in the context of (1) DHHL Director William Aila's contention that nonbeneficiary use of homelands is

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justified by lease-rent fees to be used to underwrite infrastructure, and (2) Maui Hawaiian Homes Commissioner Randy Awo's references to DHHL as "chronically underfunded."

As a beneficiary organization, Pa`upena CDC has as its attorney, Mr. Ka`i`ini Kimo Kaloi, director of the Office of Native Hawaiian Relations that fulfills the Department of the Interior Secretary's oversight of the Hawaiian Home Lands trust. Kindly forward by Sept. 18 copies of the above Ka`ono`ulu Ranch land-use-request documents to Mr. Kaloi at the following addresses:

Mr. Ka`i`ini Kimo Kaloi, Esq.

Director, Office of Native Hawaiian Relations

U.S. Department of the Interior

Email: kaiini.kaloi@ios.doi.gov

Mail: 1849 C Street, NW -- MS 3561

Washington D.C. 20240

Mahalo for your kokua in this matter,



Kekoa Enomoto

Chairwoman of the board

Hard copy to follow via certified mail, U.S. Postal Service.

Cc: Ka`i`ini Kimo Kaloi, Esq.

State Representative Kyle Yamashita, senior member, House Committee on Finance

Maui County Councilwoman Tasha Kama

Randy Awo, Maui Hawaiian Homes commissioner

Antonette G. Eaton, DHHL Maui district operations supervisor

Monalani Kapaku, DHHL Neighbor Islands district operations supervisor

Pa`upena Community Development's vision is to fulfill Prince Kuhio's century-old dream for native Hawaiians to reconnect with Waiohuli ahupua`a in thriving agricultural and pastoral communities, and to share this paradigm throughout the pae`aina.

Marion K A Kapuniai,
Lessee at Honokaia – Lot No. 6
TMK (3)-4-6-013:22
P. O. Box 6753
Kamuela, HI 96743

September 18, 2020

Hawaiian Homes Commission
Department of Hawaiian Home Lands
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

RE: **Hawaiian Homes Commission Meeting/Workshop Agenda**

**II. ITEMS FOR DECISION MAKING
B. REGULAR AGENDA**

Subject : C-4 Approval of License to operate and maintain non-potable stock water system. . . TMKs

I concur, the Honokaia ‘Ohana should be awarded **a LICENSE** to operate and maintain non-potable water system . . . TMKs, as stated in the “Subject” of this agenda item.

RECOMMENDED MOTION/ACTION

I OPPOSE APPROVAL OF THE “DRAFT” LICENSE submitted as EXHIBIT 2.

This Recommended Motion/Action FAILS TO DISCLOSE THAT WHAT IS BEING PRESENTED FOR YOUR APPROVAL IS A “DRAFT”.

This “Draft License” FAILS TO INCLUDE NECESSARY CONSIDERATIONS OF THE LESSEE and is offered prematurely.

- 1) Access to property with agreed upon prior notification
- 2) Protocols on the land
- 3) Coverages and Protections afforded to Lessor/Licensors
Shall include the Lessee

Though the activity should take place on an “easement”, I believe I, along with other lessees whose land will be impacted, deserve the same basic considerations

I will include my Memorandum for specific review.

Thank you,
Marion K A Kapuniai

MEMORANDUM FROM: Marion K A Kapuniai
P. O. Box 6753
Kamuela, HI 96743
September 16, 2020

RE: LICENSE AS EASEMENT NO. between STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS as “Licensor”, and WAI OLA HONOKA’IA AS “Licensee”

TO DHHL Land Management Division
Ryan Kanaka’ole, AG
Wai Ola Honoka’ia
Alan Murakami, Atty/Ohana-WHO
Jim DuPont, WHDO

This “License as Easement NO. ” Draft as of August 27, 2020, as presented, is incomplete, unsatisfactory, and is not ready for presentation to, nor for approval by the Hawaiian Homes Commission and execution by the parties.

It fails to acknowledge the “EASEMENT LESSEE’S CONCERNS AND RIGHTS”.

I have particular amendments:

- 1) Page 3, paragraph 2, at the end, INSERT, **after having communicated with the respective lessee and having arranged for access.**
- 2) Page 3, #3. **NON-EXCLUSIVE EASEMENT.**

OMIT THIS SECTION ENTIRELY.

The easement was recommended and agreed upon, only for the specific use of facilitating construction and operation and management of this specific water system.

There shall be no further use of this easement!

The LICENSOR, AND ITS SUCCESSORS SHALL NOT RESERVE ANY RIGHT TO “FULL USE AND ENJOYMENT OF ANY EASEMENT AREA, NOR HAVE THE RIGHT TO GRANT SAME TO OTHERS.

- 3) Page 4, #4 **WASTE . . .EASEMENT AREA.**

Sentence 4. Add **LESSEE** after LICENSOR.

- 4) Page 4, #5. **DUE CARE AND DILIGENCE.**

Sentence 4. Add, **AS WELL AS THE EASEMENT AREA ACCESSED.**

5) Page 4, #6 **INDEMNITY**

All protections required and reserved by the LICENSOR SHALL INCLUDE THE LESSEE.

Include "LESSEE" after each reference to the "LICENSOR".

6) Page 4 & 5, #7 **LIABILITY INSURANCE.**

That the LICENSEE . . . shall procure, maintain listed Insurance Coverages, naming the LICENSOR **and LESSEES as additional insured parties.** **Marion K A Kapuniai and Successors,** as well as additional 3 lessees who have granted easement for this water system.

7) Page 5 & 6, #8 **HAZARDOUS MATERIALS.**

LICENSEE shall request for, shall be given approval by **LICENSOR AND LESSEE . . .**

LICENSEE shall agree to indemnify **LICENSOR AND LESSEE . . .**

8) Page 6 #9 **CONDEMNATION.**

Sentence #5: Include "**LESSEE** after LICENSOR

9. Page 7 11. **RIGHT TO ENTER.**

Sentence #4: after representatives, **insert after having provided written notice to the respective lessee, and agreeing on a time to meet,**

10. Page 7 12. **ASSIGNMENT.**

Insert at end of sentence: and written acknowledgement to LESSEE.

11. Page 10 **i. LICENSEE shall maintain and submit to LICENSOR (insert) and easement LESSEES a current list. . .emergency personnel.**

12. Page 10 **o.**

i. Notify related lessee and set an appointment for each need.

iii. Use the LESSEE designated roadways within the lot;

iv. As is.

Respectfully submitted, Marion K A Kapuniai

First Name

MILTON

Last Name

KALAI

Phone**Email****Subject**

To all Hawaiian Homes Commissioners

Message

September 18, 2020

RE: EXECUTIVE SESSION ON CONTINUE DISCUSSION W/ PHHLCA LEADERSHIP

Aloha DHHL Commissioners,

I hope you and your 'ohana are doing well during these unpredictable times with the COVID-19 Pandemic amongst us. I would like to mahalo you in advance for coming together to discuss Pana'ewa Hawaiian Home Lands Community Association aka PHHLCA at this DHHL meeting which gives me the opportunity to share my mana'o with you.

Our Pana'ewa Hawaiian Home Lands Community Association (which is the original recognized board since 1983) continues to strive with our mission towards improving the well-being of our families and to strengthen our community. I am assuming you are all aware of the unfortunate situation we the board have been facing these past 2 years, it has been extremely difficult with the continued harassment and badgering from the leader of this newly created association in the Pana'ewa community who claims to represent the rightful board. We have practiced taking the higher road and continue to remain focused on our purpose to why we are here; to serve our community.

During the past 2 years, we have come forward and attempted to resolve the issue with this leader on three separate occasions which proved futile. We have done our part to resolve but are unable to if the other party refuses to even come to the table to begin the remediations. We ask for your support on a fair intervention to remedy this problem for the greater good of our community.

Me ka ha'a ha'a,

Milton Kalai
President of PHHLCA

September 22, 2020

Aloha e Hawaiian Homes Commissioners,

I am the founding president of Nā'iwa Homestead Association on Molokai. You have received a similar letter from me at a previous meeting and my intention is to shepherd this through to ensure another 30 years doesn't pass before we see movement. I mahalo you for your indulgence and trying to receive an update on this important matter.

After 3.5 decades since DHHL awarded 58 Nā'iwa leases, the Association urges this commission to ensure that:

- \$9 million allocated in the DHHL Development Budget goes to Nā'iwa infrastructure of water (both potable and Molokai Irrigation System water), electricity and rural-grade roads. Indeed, the 2005 Molokai Island Plan estimated Nā'iwa infrastructure costs at \$8.67 million (Page 158).
- DHHL obtains Nā'iwa subdivision certification from the County of Maui; so the county can assign Tax Map Keys to the 58 farm lots.
- Nā'iwa is a priority, as mandated 15 years ago.
- The 2005 Molokai Island Plan said that "priority areas were determined by an assessment of beneficiary preferences, the location of the parcels, the physical conditions of the land, and development costs. In the ranking of these priorities, it was determined that the awarded but unbuilt Nā'iwa agricultural homestead development would be the first priority for completion" (Page 116).

To achieve the first priority, we request that DHHL Land Development Division (LDD) name a project manager and a planner specifically for Molokai. And LDD deploy immediately a \$1.5 million legislative appropriation designated for Nā'iwa for FY 2019, toward a Nā'iwa archaeological survey; so the to-be-designated DHHL Molokai planner can configure correctly the subdivision design and roadways.

Mahalo again for your attention to this important matter.

Me ke aloha,

Liko Wallace

Liko Wallace

President, Nā'iwa Homestead Association

**Nā'iwa homestead is a planned, awarded and to-be-built community
featuring 58 lots on 298 Molokai acres that were part of a
Hawaiian homelands accelerated award program in 1986.**

Just to update, yes please can you submit my testimony to the DHHL commissioners my voice of truth.

1). Once again I am begging for the past 27 solid years to place me on my Maui Spoken Promised awarded lands....back in 1993 I was awarded 2 acres of Residential lands, in Westside Lahaina, and 10 acres of Pastoral lands that was only on our Maui Kahikinui Ahupuaa, with rules back then was to fence your entire 10 acres of Pastoral Fence for 5 years and or it will be given to another Pastoral Animal land Beneficial Awarded person next on list to achieve and accomplish a Pastoral Living Missions, as did for these Leases on Residential with their rules of living as a residency Leases.

I am now still waiting as our Pastoral Lands, is now turned into PART TIME homeless residential for choke people NOT even on the waiting list and is now on our Pastoral Kahikinui lands living homeless and bringing disrespect to our Kahikinui as Kanaka Maoli is fighting each other instead of raising a animal farm as was its original plans and purpose.

I feel like I have been cheated from having the LIFETIME opportunity to raise my 4 kids and my 11 birth maui moopunas from the AWARDS OF THIS 1920 LAND PROMISED TO ME BACK IN 1993.

PLEASE PLACE ME ON MY MAUI AWARDED LANDS BEFORE I DIE. LIFE 4 LIFE AS WAS TRADITIONAL PROTOCOLS. EO....EA

2) I am now in front of a brand new team of Oahu DHHL COMMISSIONERS, however I am not new to them. I moved to

Oahu to be heard as I had no choice on Maui Nui, and yet i am again,

faced with NEGLECT, BEING IGNORED, AND NO ONE TILL TODAY,

HAS ASSISTED ME TO EVEN BEGIN GETTING ME BACK HOME ON MY AWARDED 1920 MAUI DHHL LANDS THAT WAS PROMISED TO ME 27 YEARS AGO SINCE 1993.

I NOW SEEK FOR MY MAUI JUSTICE TO BE HEARD AND DEALT WITH IN MY GOD GOVERN GENERATION, FOR IF I DO DIE, MY NEXT GENERATION WILL HAVE NO CHOICE BUT TO MAKE SURE THEY KEEP SEEKING MY MAUI BIRTHRIGHT JUSTICE....LIFE 4 LIFE...AS WAS....TRADITIONAL PROTOCOLS MAUI STYLE.....AND BE PREPARED FOR MASSIVE HULIAU.....EO...EA

3). I am now in deep cleansing and correction, with new oahu DHHL registrar Nicole Bell, to properly and correctly update all my files and records....she is now correcting my DHHL KUMU Chart that had choke mistakes concerning my name Aquino verse Kumaewakainakaleomomona, as i now hold my MAUI mama kahili birth Maui Na Kupuna Kahiko Last surnames.

I notice that oahu DHHL, had a Major turn over in your facility and after 5 solid years its like dealing with babies to train again, as i again wait and wait and wait not to die, just so my next 7 MAUI KINGDOM LIVING HEIRS CAN BE AWARDED A LIFETIME, BEFORE I DIE.

4) SOLUTION..... All of you is aware that I am looking at our Westside Honokowai DHHL lands, that will soon be available, that is Where i am looking at to raise my Maui Next 7 Generation...Mahalo Ke Akua...O MAU KAU KAU

I noticed get choke pilikia troubles at our Maui DHHL Kahikinui Pastoral lands....with illegal homeless humans running wild out of control and it is not safe in the moment to raised my animals on Pastoral

DHHL Kahikinui land until it is cleaned up....CLEANcorrected and all illegal persons and activities is REMOVED.

This is because of Bad Irresponsible Mismanagement and DISRESPECTFUL POWERS of those in positions, that has gone out of control and needs to be REMOVED IMMEDIATELY, to once again bring back PEACE AND HARMONY, BACK HOME TO OUR MAUI LANDS. If our Hana DHHL lands also open and be available for Residential and or Patoral....I would also love to go back home Hana, where my Maui mama Kahili was also raised and my Ancestors comes out of our Wailuanui Valley Ahupuaa, Mahalo Ke Akua, just to get my foot back home on the Lands of my Maui spoken Ancestors Kuleana.

Now at 58....all I am doing is waiting for your team of experts calls commissioners to step up and fulfill our DHHL life awards that is awarded to me, BEFORE I DIE.

O MAU KAU KAU

Princeslehuanani

Kumaewakainakaleomomona

waitlist since 1993



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

C-6

For Information Only: Update on Administrative Rules for Supplemental Dwelling Units

September 21-22 2020



Roadmap

- **Background**
- **Key Provisions**
- **Known Challenges**
- **Current Status**



Background

- What is an “SDU”?
 - Supplemental Dwelling Unit
 - Smaller than the primary dwelling, separate entry, its own kitchen, bedroom, and bathroom
 - Includes “ohana dwelling unit” in Hawaii County and “additional dwelling unit” in Maui and Kauai Counties and the City and County of Honolulu



Background

- **Why on Hawaiian Home Lands?**
 - **Crowding**
 - **Multi-generational households**
 - **Parity with the counties**



Key Provisions & Challenges

- **Pilot program**
 - 5 years; review after 3 years; option to continue if found to be successful
 - All islands
- **Residential lots only**
 - Agriculture and Pastoral lots have options to increase number of dwellings
 - Beneficiary consultation feedback indicated a desire for all lot types to be eligible but staff recommendation was to limit to residential lots



Key Provisions & Challenges

- **Comply with County approval, permitting, and building code requirements**
 - Infrastructure capacity and occupant as well as public safety
 - Each county has its own terminology and its own process for approval and permitting



Key Provisions & Challenges

- **Waiver by the Commission and DHHL**
 - Lots in older developments in particular may not receive county approval
 - Commission may waive certain county requirements
 - If there is a denial by the county, DHHL may approve the SDU if the denial is based on lot conditions



Key Provisions & Challenges

- **Allowed uses**
 - Ohana occupancy; non-rental
 - Rental occupancy; tenant must be native Hawaiian as defined by the HHCA
- **No short term rentals**



Current Status

- **Preparing to submit request to Governor for approval for public hearing**

Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov



**HOMESTEAD
SERVICES
DIVISION
APPLICATIONS
BRANCH**

Methodology

Methodology Strategy

- The general strategy for determining an individual's percentage of Hawaiian ancestry is to first trace his or her descent back to ancestors of pure ancestry, Hawaiian or otherwise.

Methodology Strategy (continued)

- Once ancestors of pure descent are identified, staff can then assign Hawaiian percentages to each generation, coming forward in time, with each succeeding generation being accorded exactly half the percentage of the generation immediately preceding it.
- **An applicant's quantum percentage is the net result of this process.**

Information Sources

Information Sources

- Section 10-3-3.1 (a) (3) of the current version of the *Hawaii Administrative Rules* (amended March 31, 2017) states in part:

Information Sources (continued 2)

- ***“The determination [of whether an applicant qualifies] shall be based upon the application form and birth certificates, as well as any secondary documents, and additional documentation as may be submitted to the department for verification and qualification.”***

Information Sources (continued 3)

- Most historical sources for genealogical research fall under one of two major categories:
 - Primary Sources – created shortly after an event by someone who had personal knowledge of the event; and
 - Secondary Sources – which are compiled from primary sources or written from memory long after the event.

Primary Sources

- Government-issued records
 - Birth Certificates (1st in importance)
 - Marriage Certificates (2nd in importance)
 - Death Certificates (3rd in importance)

Primary Sources (continued)

- The department does not require that prospective applicants provide birth, marriage, and death certificates (where available) for each and every ancestor on their pedigree charts.

Primary Sources (continued 2)

- Birth certificates generally carry the most weight because of the reasoning that the individual's birth parents provided the race information for the child.
- The department can, and does, qualify individuals as native Hawaiians using government-issued birth records alone.

Primary Sources (continued 3)

- This approach is a reflection of the greater weight the department places upon birth records as well as the department's attempt to balance bloodline accuracy with a prospective applicant's potential research time and cost [e.g., 10.00 + 2.50 service fee per DOH record search—regardless of whether or not a record is located].

Primary Sources (continued 4)

- Birth and marriage certificates are generally considered more reliable than death certificates because the reasoned assumption is that the individuals named on birth and marriage documents were alive to verify the biographical information recorded on them.

Primary Sources (continued 5)

- In contrast, informants often provide the biographical information on death certificates; hence there is also a reasoned assumption that death certificate information may be somewhat less reliable.

Primary Sources (continued 6)

- Government-issued birth, marriage, and death records are, arguably, the most important sources of biographical information pertaining to any individual.

Department of Health
No Record Certification

No Record Certification

- Where the Department of Health (DOH) cannot produce a birth, marriage, or death record for a given individual, the DHHL requires the appropriate Department of Health *No Record Certification* voucher for each unobtainable record.

No Record Certification (continued)

- A *No Record Certification* voucher indicates to DHHL staff that either a certain primary record does not exist or that it could not be located at the time the DOH executed their record search.

NO-RECORD CERTIFICATION

Date February 16, 1993

Type of Event: Birth	Name of Registrant: [NAME]		
Date of Event: March 20, 1895	Place of Occurrence: Honolulu	City or Town: Honolulu	Island: Oahu
Names of Parents: Father: [NAME] Mother: [NAME]	Period Searched: Mar. 1894-Mar. 1896		

Index: 1865-1909

This is to certify that no record has been found of the above alleged event.

State Registrar

No Record Certification (continued 2)

- Where the department cannot obtain a government-issued birth record for a given individual, the DHHL will use an individual's government-issued marriage record as his or her most important primary record--provided that it is submitted with a *No Record of Birth Certification*.

No Record Certification (continued 3)

- Likewise, the department will use a given individual's government-issued death record as his or her most important primary record, provided that it is submitted with both a *No Record of Birth Certification* and a *No Record of Marriage Certification*.

Exhausting Primary Documentation

- **The department does not consider secondary records for a given individual unless all primary documentation has been exhausted first.** This means that all primary documentation (birth, marriage, and death certificates) or their appropriate no-record equivalents have already been obtained for the individual in question.

Primary Records Inconclusive

- In the event the department cannot reasonably determine a Hawaiian ancestry percentage for a given individual based solely upon available primary records, staff may examine secondary records to supplement the incomplete or unclear primary information.

Secondary Sources

- Secondary records serve to supplement the information found on existing primary records and may even serve to fill in historical gaps where no primary records appear to exist.
- Secondary sources of information include, but are not limited to:

Secondary Sources (continued)

- Sibling primary records
- Baptismal certificates
- LDS (Mormon) family group sheets
- School records
- Medical records
- Miscellaneous family records (*i.e.*, charts, etc.)
- **Census records**

Census Records

- As with birth and marriage certificates, census records hold a higher degree of credibility because of the reasoned assumption that either the head of the household was present to answer the census taker's questions or that, at the very least, answers were provided by an individual living in the same household (*i.e.*, the individuals who are most likely to give accurate answers).

Census Records (continued)

- Census records are often paired with death certificates where possible because of the given nature of information sources for death records (*i.e.*, an informant provides the decedent's biographical information).

How Far Back?

How Far Back?

- As a general guideline, where available government-issued primary records of births, marriages, or deaths occurring in the 1920s or earlier state solely Hawaiian ancestry for a given individual, in the absence of significant historical information to the contrary, the department may accept the individual as being of pure Hawaiian ancestry.

How Far Back? (continued)

- The 1920s threshold represents the department's efforts at placing a reasonable limit on the depth of research required to meet the quantum requirement of the statute.

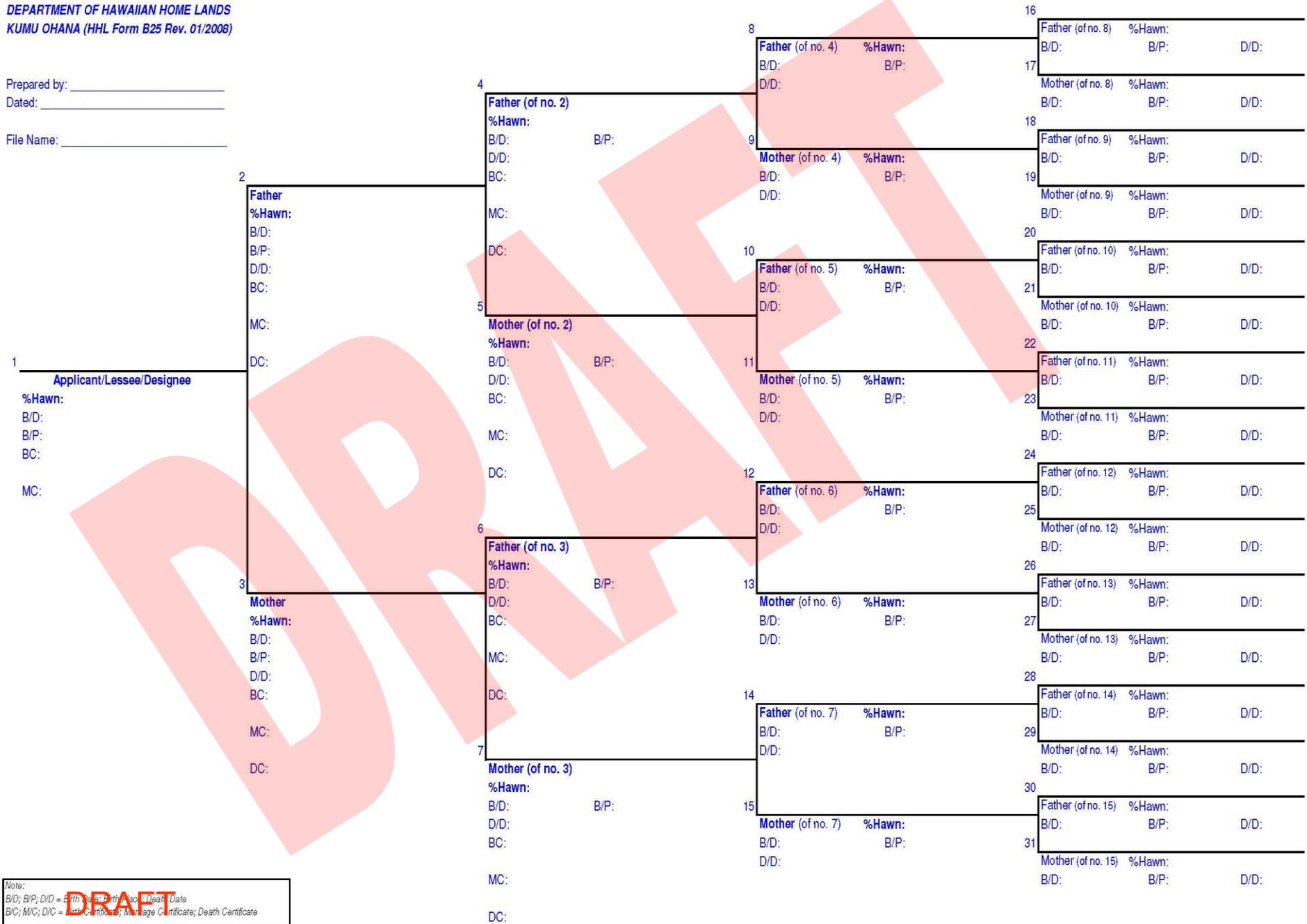
Pedigree Chart

(“Kumu Ohana”)

Prepared by: _____

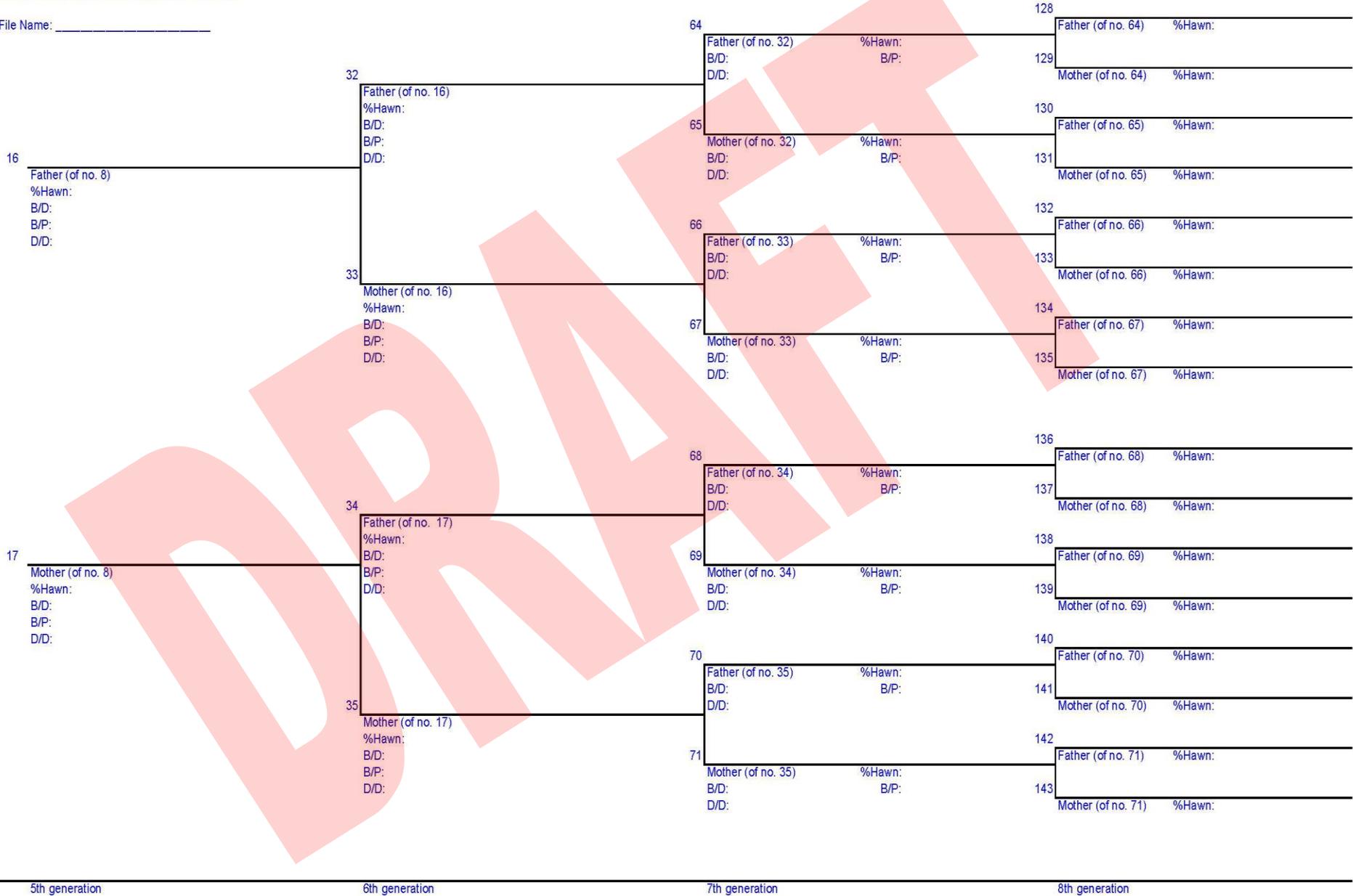
Dated: _____

File Name: _____



Note:
B/D; B/P; D/D = Birth, Marriage, Death Date
B/C; M/C; D/C = Birth Certificate; Marriage Certificate; Death Certificate

File Name: _____



5th generation

6th generation

7th generation

8th generation

DRAFT

Pedigree Chart

- To the extent possible, all pertinent information is transferred from each record to the pedigree chart exactly as it appears on the document.
- Example:
A record states “Chinese-Hawaiian” ancestry for an individual so staff writes “Chinese-Hawaiian” on the pedigree chart instead of writing “part-Hawaiian.”

Pedigree Chart (continued)

- The pedigree chart is a cumulative summary of what information is known for each ancestor in an applicant's bloodline.
- Under the current methodology, all successive changes (e.g., new information, etc.) are noted on the same pedigree chart so there is a record of what alterations were made and approximately when those changes were made.

Other General Methodology Guidelines

DRAFT

Consistency

- In the overall process of determining a Hawaiian ancestry percentage, the **consistency** of race information across multiple records is always an important factor to consider.

Earlier Vs. More Recent

- The Department generally assigns more weight to documented information from an earlier generation over documentation from a more recent generation, particularly in cases where there is a disagreement over race.

Information Source

- Who provided the information on a given record and how credible is that source?

Historical Context

- What historically significant events were in play at the time a given ancestor lived or was born? (e.g., What is the likelihood that an individual born in a specific time and place would be Hawaiian-Chinese?)

August 24, 1860, *Act to Regulate Names*

- Signed into law by Alexander Liholiho (Kamehameha IV)
- Married women and all children born in wedlock required to take the name of their husband or father as a family name.
- Christian names required.

Act to Regulate Names (continued)

- Children up to the age of 20 years required to assume their father's name as a surname.
- Illegitimate children to take their mother's name as a surname.
- Prior to the *Act*, single names common.

Christian Names

- Although Christian names are not traditional Hawaiian names, the *Act to Regulate Names* resulted in the widespread use of these names among pure Hawaiians.
- Examples: Lahela, Iokepa, Hekekoa, Malia, Iakopa, Hailama, Kamekona, etc.

Christian Names (continued)

- In the event an individual carrying a Biblical surname is cited on a document (1920s and earlier) as being solely of Hawaiian ancestry, the department may accept the individual as being of pure Hawaiian ancestry in the absence of any credible information to the contrary.

Cited Ancestry Vs. Name

- If an individual is cited as being solely of Hawaiian ancestry and his or her name is non-Hawaiian, the department requires a reasonable explanation for the discrepancy before it is able to find that the individual is of pure Hawaiian ancestry.

On birth, marriage, death and other historical documents, what does the word “Hawaiian” mean?

“Are you a Hawaiian?”

Vs.

“Are you a pure Hawaiian?”

Adoptions

DRAFT

Adoptions

- The DHHL determines quantum percentage only through biological parents and not through legal or adoptive parents.

Adoptions (continued)

- The department has a working relationship with the family court system in Hawaii which allows limited access to sealed adoption records for the sole purpose of determining whether an adopted individual, or the descendant of an adopted individual, qualifies for department benefits.

Adoptions (continued 2)

- Although affected individuals may apply for this assistance through staff, the adoption information itself is confidential and the department is prohibited from disclosing most details to the requestor with the exception of blood quantum percentage.

Adoptions (continued 3)

- A recent amendment to the already existing adoption records law allows adopted individuals to request their own adoption records directly from the Family Courts in the State of Hawaii.

Adoptions (continued 4)

- *The adoption records law was amended by Act 80 of 2016, effective June 21, 2016, and applies to adoptions granted by a judge in the State of Hawaii. Adult adoptees and their natural or adoptive parents (“Applicant”) may access the court’s adoption records, upon request.*

[Excerpted from “*Instructions for Requests Regarding Confidential Adoption Records of the Family Court (Act 80 of 2016).*” (FC Adm 8/10/16)]

Quantum Determinations

DRAFT

Quantum Determinations

- When the department finds that an individual is of a particular quantum percentage, **the determination is based upon a preponderance of evidence drawn from all available information known to the department at the time the department renders its determination.**

Changes in Quantum Percentage

Changes in Quantum Percentage

- In the event relatives of a qualified applicant submit previously unknown information to the department regarding a common ancestor (e.g., marriage records, death record, etc.), the DHHL has a fiduciary duty to examine the new evidence to determine if additional information is required to maintain the previously qualified applicant's native Hawaiian status.

Changes (continued)

- Trust obligations preclude the Department from ignoring new information which suggests that a previously qualified applicant or original lessee does not meet the 50 percent quantum requirement.

(*SEE: Letter dated October 25, 2000, Deputy AG Bryan Yee to Reynard C. Soon, Chairman, Hawaiian Homes Commission.)

Questions?



STANFORD CARR
DEVELOPMENT



HAWAIIAN DREDGING
CONSTRUCTION COMPANY, INC.

820 Isenberg Street

Stanford Carr Development & Hawaiian Dredging and Construction Company

Hawaiian Homes Commission Meeting 09/22/20

SCD | HDCC History

- 2017 Keauhou Place 433 Units High Rise Condo Units
- 2015 Ho'olea Terrace 174 Affordable for Sale Townhouse Units
- 2014 Halekauwila Place 203 High Rise Affordable Rental Units
- 2006 Colony at Peninsula 320 Low Rise Condo Units
- 2004 Kehalani Gardens 132 Affordable For Sale Townhouse Units
- 2004 Maunaleo 83 Single Family Homes
- 1997 Trovare 84 Single Family Homes



Construction Cost:
\$178,000,000

Architect/Engineer:
Alakea Design Group
(Designer)
Richard Matsunaga
(Construction Docs)
Baldrige & Associates
(Structural Engineering)

Date Completed:
October 2017

KEAUHOU PLACE *An Urban Expression of Hawaii's Lifestyle*



Construction Cost:
\$48,700,000

Architect/Engineer:
Richard Matsunaga &
Associates/AECOM
(Civil), Baldrige &
Associates (Structural),
Moss Engineering
(Electrical), Mechanical
Enterprises (Mechanical)

Date Completed:
April 2014

HALEKAUWILA PLACE Affordable Rental Housing with A Flair



Construction Cost:
\$103,000,000

Architect/Engineer:
MV&P International,
LLC

Date Completed:
June 2006

THE COLONY AT PENINSULA *Luxurious Renaissance in An East Oahu Gated Community*



Construction Cost:
\$21,800,000

Architect/Engineer:
Architecture 20/20

Date Completed:
January 2006

MAUNALEO (KEHALANI MODULE 20)



Construction Cost:
\$24,600,000

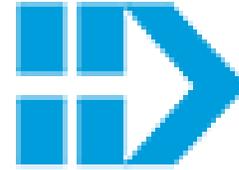
Architect/Engineer:
Alakea Design Group

Date Completed:
October 2014

HOOLEA TERRACE

SCD

STANFORD CARR
DEVELOPMENT



**HAWAIIAN DREDGING
CONSTRUCTION COMPANY, INC.**

820 Isenberg Development

Development Program

Building Size

Number of Stories/Building Height 23 / 209'5"

Rental Units

Size	# Units	Size/Unit	Total SF
Studio	23	390	8,970
1 Bedroom	23	540	12,420
2 Bedroom	201	760	152,760
3 Bedroom	23	960	22,080
Townhomes (3 Bedroom)	7	1380	9,660
Total	277		205,890

Other Uses

Use	# Units	Size/Unit	Total SF
Management Office	1	240	240
Retail	4	Various	4,680
Office	0	0	0
Community Facilities	1	500	500
Laundry Facilities	1	530	530
Parking	295	Various	
Other (Maker Lab)	1	240	240

Special Design Features

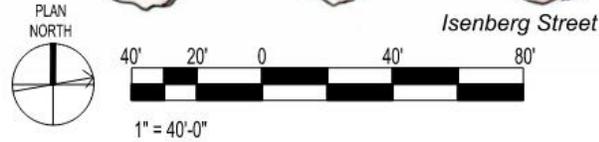
Use	Number of Units	Size/Unit	Total SF
Townhomes (3 Bedroom)	7	1380	9,660





NOTES:

1. Landscaping shall use native Hawaiian and Polynesian-introduced plants.
2. Irrigation shall be high-efficiency, permanent, automatically-controlled systems.

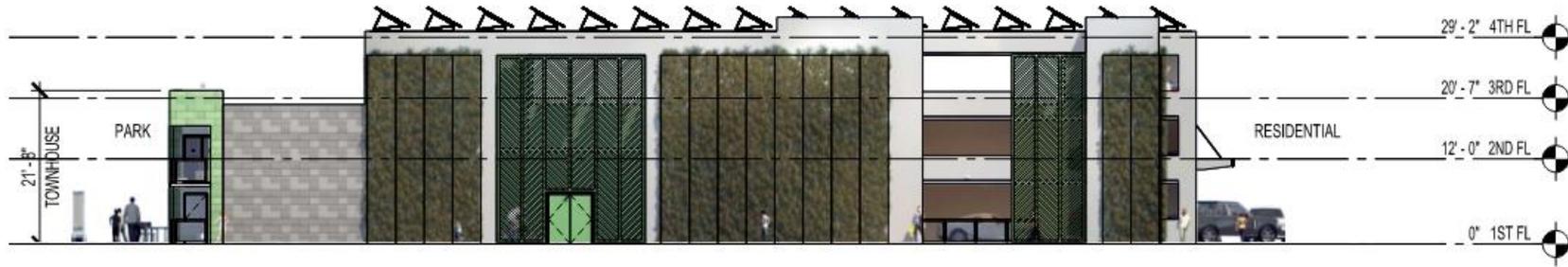




20

RETAIL

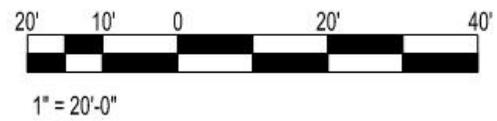
RETAIL



1 PARKING NORTH ELEVATION
1" = 20'-0"



2 PARKING SOUTH ELEVATION
1" = 20'-0"





1 TOWER SOUTH ELEVATION
1" = 30'-0"



ALAKEA DESIGN GROUP, LLC
ARCHITECTURE, PLANNING, INTERIORS
1100 Alakea Street, Suite 1500
Honolulu, Hawaii 96813

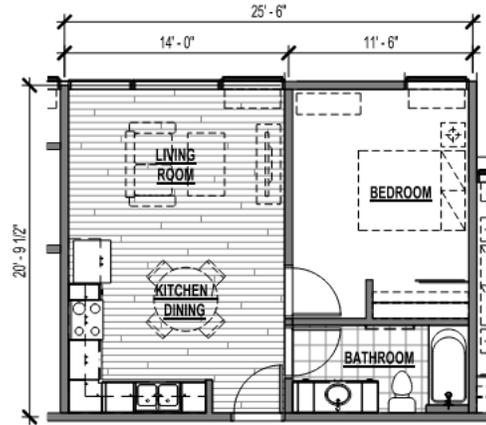
DHHL ISENBERG RFP
TOWER SOUTH ELEVATION
A-202
Date: NOV 15, 2019



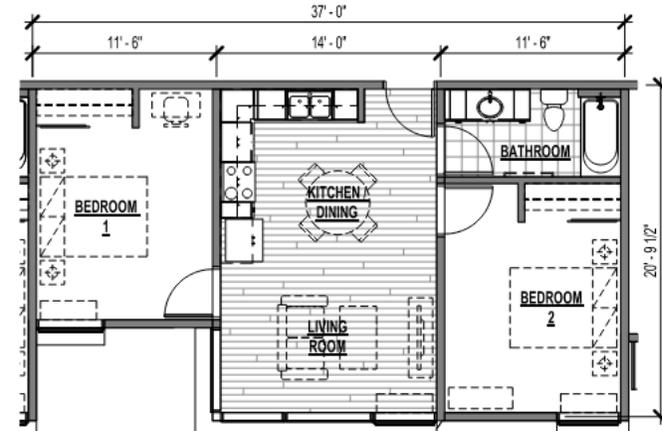




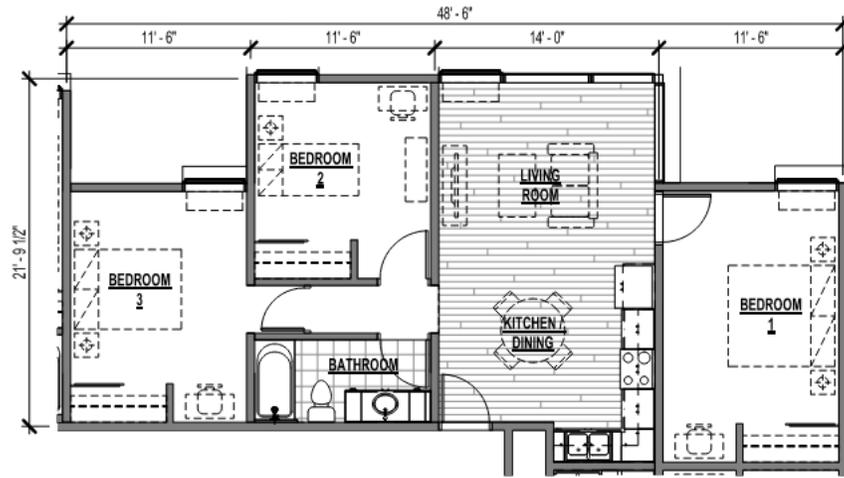




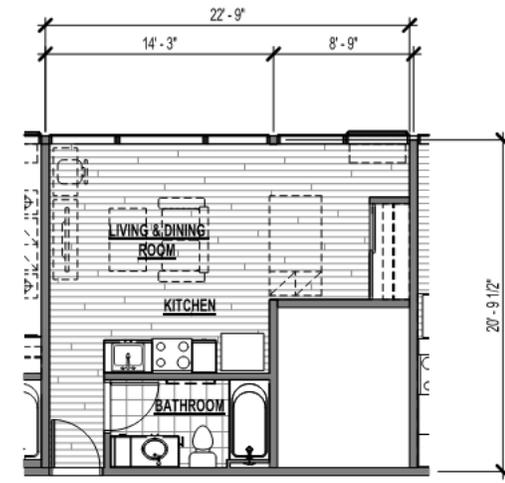
1 UNIT - 1BEDRM
1/8" = 1'-0"



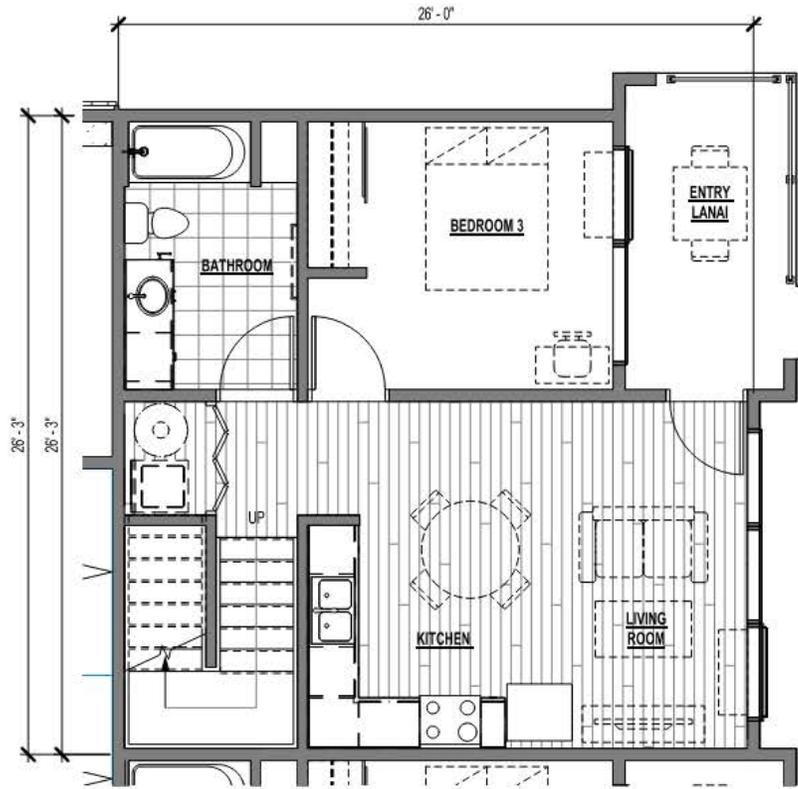
2 UNIT - 2BEDRM - TYPE A
1/8" = 1'-0"



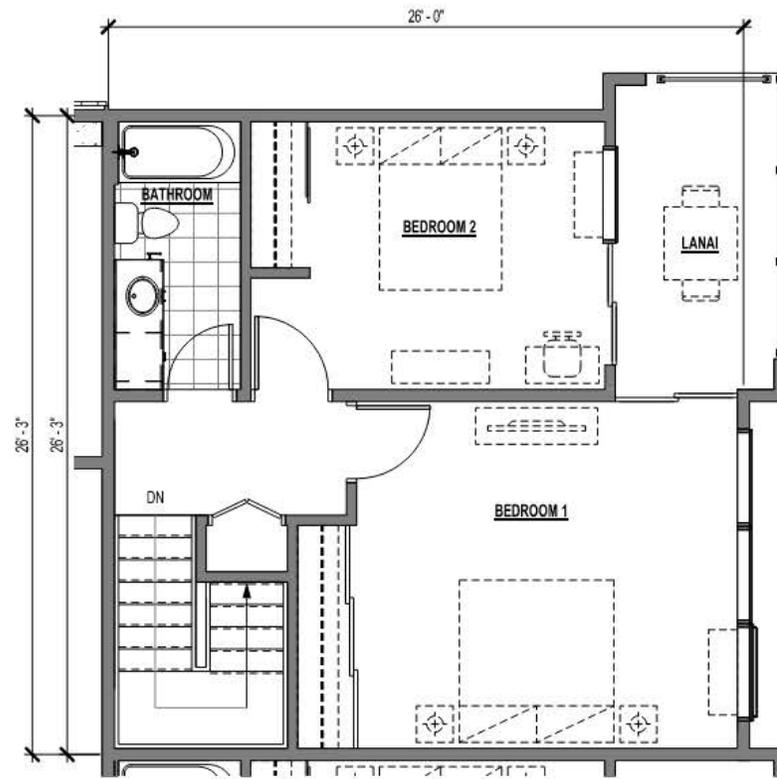
3 UNIT - 3BEDRM
1/8" = 1'-0"



4 UNIT - STUDIO
1/8" = 1'-0"



1 TOWNHOUSE - TYPE A - 1ST FLR
3/16" = 1'-0"



2 TOWNHOUSE - TYPE A - 2ND FLR
3/16" = 1'-0"



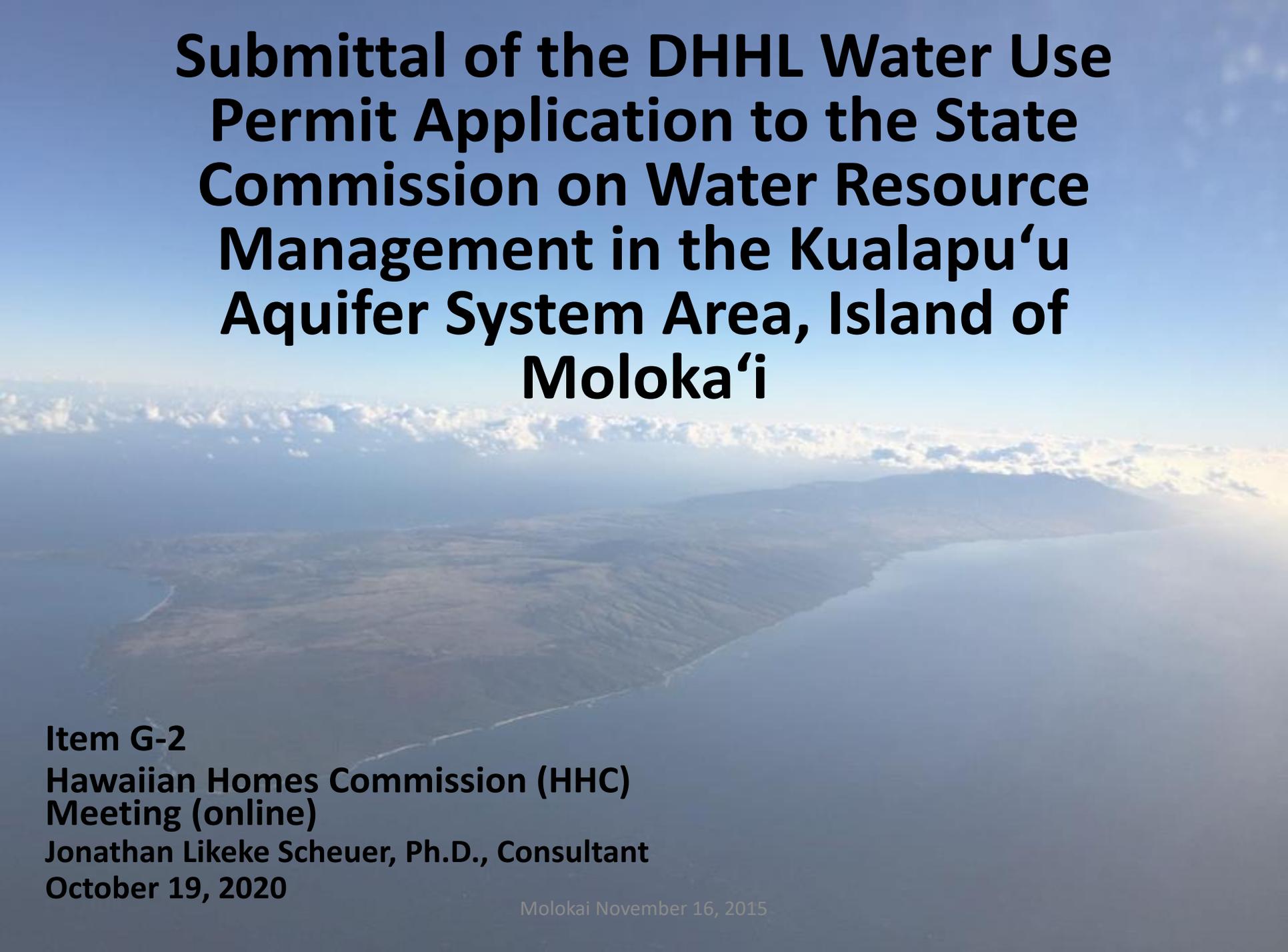
Schedule

Schedule and Next Steps

- Execution of the Development Agreement • Oct 2020
- Environmental Assessment pursuant to HRS Chapter 343 • Oct 2021
- Determination of historic preservation measures in accordance with Section 106 of the • Oct 2021
- National Historic Preservation Act • Oct 2021
- Close financing and commence construction • July 2022
- Complete Project, lease up • July 2024



Mahalo!



Submittal 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

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

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**

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 DHHL**

I. WUPA and Public Trust Uses of Water

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

II. The DHHL water system PWS 230

Location: Kualapu`u Aquifer System

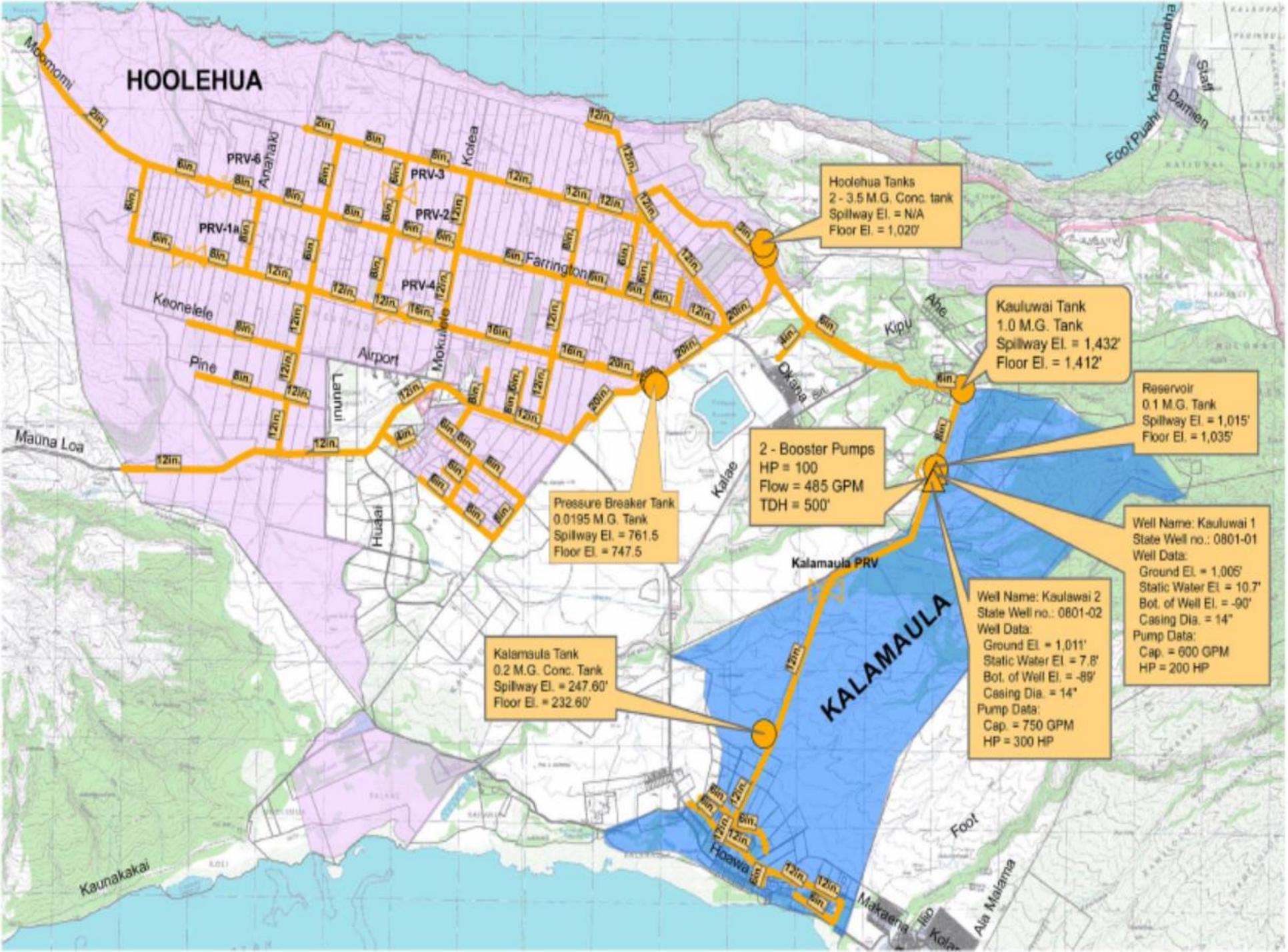
Water sources: Kauluwai Well Nos. 1 & 2 to water tanks

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

HOOLEHUA



Hoolehua Tanks
2 - 3.5 M.G. Conc. tank
Spillway El. = N/A
Floor El. = 1,020'

Kauluwai Tank
1.0 M.G. Tank
Spillway El. = 1,432'
Floor El. = 1,412'

Reservoir
0.1 M.G. Tank
Spillway El. = 1,015'
Floor El. = 1,035'

2 - Booster Pumps
HP = 100
Flow = 485 GPM
TDH = 500'

Pressure Breaker Tank
0.0195 M.G. Tank
Spillway El. = 761.5
Floor El. = 747.5

Kalamaula Tank
0.2 M.G. Conc. Tank
Spillway El. = 247.60'
Floor El. = 232.60'

Well Name: Kauluwai 1
State Well no.: 0801-01
Well Data:
Ground El. = 1,006'
Static Water El. = 10.7'
Bot. of Well El. = -90'
Casing Dia. = 14"
Pump Data:
Cap. = 600 GPM
HP = 200 HP

Well Name: Kauluwai 2
State Well no.: 0801-02
Well Data:
Ground El. = 1,011'
Static Water El. = 7.8'
Bot. of Well El. = -89'
Casing Dia. = 14"
Pump Data:
Cap. = 750 GPM
HP = 300 HP

KALAMAULA

III. WUPA Overview

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

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

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**

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**

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”**

IV. Possible Next Actions by CWRM

- Acceptance
- Publication of Notice
- Objections?
- Hearing
- Contested Case Hearing
- Approval
- Litigation?

Nīnau?

