

**HAWAIIAN HOMES COMMISSION**  
Minutes of February 16, 2021 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 Ailā Jr., from Hale Pono‘i, 91-5420 Kapolei Parkway, Kapolei, O‘ahu, Hawai‘i, beginning at 9:30 a.m.

**PRESENT** William J. Ailā Jr., Chairman  
Randy K. Awo, Maui Commissioner (via videoconference) (10:10 a.m.)  
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** Ryan Kanaka‘ole, Deputy AG (via videoconference)

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

**ORDER OF BUSINESS**

**CALL TO ORDER**

Chair Ailā called the meeting to order at 9:35 a.m. eight (8) members were present via videoconference at roll call.

Pursuant to the Governor’s Emergency Proclamation, Hawai‘i Revised Statutes Chapter 92 regarding public agency meetings and records are currently suspended, to the extent necessary to enable boards to conduct business without holding meetings open to the public and to allow state agencies the ability to effectively and efficiently provide emergency relief and engage in emergency management functions.

**APPROVAL OF AGENDA**

Chair Ailā noted the typo in Item D-6, which should read 2013 and not 2023.

**MOTION/ACTION**

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

## **APPROVAL OF MINUTES FOR JANUARY 12, 2021 AND JANUARY 19 & 20, 2021**

Chair Ailā asked for a motion to approve the January 12, 2021 Minutes.

### **MOTION**

Moved by Commissioner Teruya, seconded by Commissioner Helm, to approve January 12, 2021.

Commissioner Teruya stated the heading should reflect that it was a Special Meeting Agenda. Special Meeting should be added into the insert on to the Minutes.

Commissioner Ka'apu stated he thinks he participated in the January 12<sup>th</sup> meeting, and he did not see anything that he said captured in the Minutes. He stated perhaps it was not worth capturing, and he stated he does not remember what he said. He wanted to note this.

Chair Ailā stated Commissioner Ka'apu could send what he thinks he said, and it could be included. Commissioner Ka'apu said he was not sure it was worth the time and effort, but he stated he would make sure that the notes his comments for the Minutes.

Commissioner Teruya suggested that the Commission defer the item to allow Commissioner Ka'apu time to submit his inserts. Chair Ailā agreed to defer and suggested that the section could be transcribed verbatim.

Commissioner Kaleikini commented that he knows Commissioner Ka'apu shared quite a bit but may have been in the executive session portion. Chair Ailā agreed that the Minutes would only capture the open session discussion.

Commissioner Teruya stated that it is very important because we normally shut down executive sessions, but Mr. Ka'apu stated a lot of information in the opening of the meeting before we went into the executive session. It is vital that everything is documented in the Minutes for record-keeping. It is very important that we just do not push the minutes quickly, but we make sure that we document this correctly.

Chair Ailā stated the next business is the January 19 & 20, 2021 Minutes. Chair asked if there were any suggested corrections.

Commissioner Kaleikini stated he wanted to provide clarification on page 11 of 30, the third paragraph regarding the comment he made about Uncle Pat's testimony. The testimony in support from the Maku'u Homestead was supporting Uncle Pat's testimony. It had nothing to do with Maku'u supporting gaming. He wanted to clarify that for the record.

Commissioner Teruya stated on page 3, the last paragraph, she also mentioned that she submitted her application like everyone else. She wants to make sure that was inserted, and she also thanked the staff for their assistance; please insert that.

### **MOTION/ACTION**

Moved by Commissioner Teruya, seconded by Commissioner Neves, approve the January 19 & 20, 2021 Minutes. Motion carried unanimously.

## **PUBLIC TESTIMONY ON AGENDIZED ITEMS**

Testimony on agendized items was submitted in writing via the Department of Hawaiian Home Lands website at [www.dhhl.hawaii.gov/hhc/hhc-contact](http://www.dhhl.hawaii.gov/hhc/hhc-contact).

Chair Ailā stated there were six (6) testimonies received. The testimonies were added to the Commissioner's cloud folders.

Note: Testimonies are attached.

## **ITEMS FOR DECISION MAKING**

### **CONSENT AGENDA**

#### **HOMESTEAD SERVICES DIVISION**

- ITEM D-2**      **Ratification of Loan Approval (see exhibit)**
- ITEM D-3**      **Approval of Consent to Mortgage (see exhibit)**
- ITEM D-4**      **Approval of Streamline Refinance of Loans (see exhibit)**
- ITEM D-5**      **Approval of Homestead Application Transfers/Cancellations (see exhibit)**
- ITEM D-6**      **Commission Designation of Successors to Application Rights – Public Notice 2023 2013 (see exhibit)**
- ITEM D-8**      **Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)**
- ITEM D-9**      **Approval of Assignment of Leasehold Interest (see exhibit)**
- ITEM D-10**     **Approval of Amendment of Leasehold Interest (see exhibit)**
- ITEM D-11**     **Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees**
- ITEM D-12**     **Request to Approve Third-Party Agreement – LOUELLA N. SCHUTTE – Pastoral Lease No. 3392, Lot No. 16-A, Pu'ukapu, Hawaii**

#### **RECOMMENDED MOTION**

Homestead Services Division Administrator Juan Garcia and Loans Manager Dean Oshiro presented the following:  
Motion to approve Items D-2 to D-12.

#### **DISCUSSION**

Commissioner Helm asked how long loans take to process. D. Oshiro stated standard loans take about 30-60 days to process. The documents go to the AG's office for review, then approved by the Chairman, then the lease documents are prepared and executed.

Chair Ailā asked for a step-by-step account of what happens when a lessee refinances a loan. D. Oshiro stated there is an application process, credit report, verification of income, the underwriting process, a loan presentation document is prepared and submitted to the Chairman for his approval and recommendation. Once approved, it goes to the Commission for ratification before it can be executed.

Chair Ailā asked where delays would occur. D. Oshiro stated the delay would be if the beneficiary has problems providing the necessary documents, i.e., income paystubs and explanation for the credit report's issues.

Commissioner Teruya asked how long it stays in the AG and the Chairman's hands; D. Oshiro stated for the Chairman, normally about one day. AG Ryan Kanaka'ole's turnaround time is in 2-3 days.

Commissioner Ka'apu asked what the prevailing mortgage rate for Hawaiian Home Lands is in the open market right now. The mortgage rate for private mortgages is around 2.25%, and DHHL is still giving streamlined loans at 4.50%. He is wondering why that is. D. Oshiro stated the Department's loan rates are determined by the Commission and by the rules which allow the Department to go 1% or ½% below the RD rates. D. Oshiro stated the interest rate could be revisited; they usually do the review at the beginning of the year. Commissioner Ka'apu suggested that this be looked at as significant savings for the beneficiaries over time. It would be an incentive for those at 7.5% and 8% to get 12 payments to get a 2.5% or 3% loan.

Commissioner Ka'apu stated the Commission had conversations in the past couple of months about the waitlist and why it was necessary to raise monies to address it. Understanding that the waitlist is an animal that the Commission created and based on staff testimony, he thinks testified that 60% of the existing people on the waitlist already have a home. He would like to take a deeper dive and decide, as a matter of policy, whether the Department owes Hawaiian homelands to everyone who is 50%. And if the Department is going to prioritize how it will address the waitlist. If the focus is on getting lands to people who don't have a home or don't qualify for a home, that may change how the Department looks at things. He stated that he would like to dive deeper into that in the future Commission meeting because it has not been discussed.

Chair Ailā stated the Commission would be covering the Hawaiian Homes Commission Policy actions and concerns impacting the Application Branch. At the end of that presentation, the Commission can begin that dive and get more guidance from other Commissioners on setting that up for the March Commission meeting.

Commissioner Ka'upu asked about Item D-12; he supported the approval but wanted to know more about the process. J. Garcia stated in the February 2 case; the existing parties had a previous agreement that was never taken to the Commission for approval. It is not typically taken in the same month or the following month, but in this case, it was dated February 2.

Commissioner Ka'upu asked if the Department looks at the substance of the licensee as to the type of assignment or transfer, they are looking for, such as grazing, is there a judgment process or strictly affirmed that the person is a native Hawaiian? J. Garcia stated the Department's responsibility is to confirm that the licensee is 50% native Hawaiian; there is no input concerning the third-party agreement's fee or length.

Commissioner Ka'apu stated he would recuse himself from voting on Item D-12. It is one of his clients. Chair Ailā stated he is taking Item D-12 out so the recusal can be recorded.

Note: Commissioner Teruya's computer needed to be rebooted.

Note: Commissioner Awo joined the meeting at 10:10 a.m.

Chair Ailā asked for a motion to approve Items D-2 to D-11.

#### MOTION

Moved by Commissioner Helm, seconded by Commissioner Awo, to approve the Consent Agenda, Items D-2 to D-11, except Item D-12. Motion unanimously passed.

Moved by Commissioner Helm, seconded by Commissioner Awo, to approve Items D-2 to D-11, except Item D-12.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	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						Rebooting
Chairman Ailā			X			
TOTAL VOTE COUNT			8			1
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed-eight (8) Yes votes. One (1) not connected to videoconference						

Note: Chair Ailā deferred approval of Item D-12 to wait for Commissioner Teruya to rejoin the meeting.

## REGULAR AGENDA

### OFFICE OF THE CHAIRMAN

#### ITEM C-1 Approval of Resolution No. 304 Honoring Hawaiian Home Lands Lessee, William Punapaiaalaikahala Kenoī

#### RECOMMENDED MOTION/ACTION

Special Assistant Niniau Kawaihae presented the following:

Motion that the Hawaiian Homes Commissioner approve Resolution No. 304 Honoring Hawaiian Home Lands Lessee, William Punapaiaalaikahala Kenoī

#### MOTION/ACTION

Moved by Commissioner Ka'apu, seconded by Commissioner Neves, to approve the motion as stated in the submittal						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu	X		X			
Commissioner Namu'o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Ailā			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						

**ITEM C-2      Adoption of Proposed Hawai'i Administrative Rules Chapter 10-4.1,  
Entitled Management of Water Systems**

**RECOMMENDED MOTION/ACTION**

Administrative Rules Officer Hokulei Lindsey and Grant Specialist Gigi Cairel presented the following:

Motion that the Hawaiian Homes Commission approve the adoption of the Proposed Hawai'i Administrative Rules Chapter 10-4.1, Entitled Management of Water Systems

**MOTION**

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

**DISCUSSION**

H. Lindsey stated the submittal was split into three pieces for approval. The water service rates for Ho'olehua, Exhibit A; the water service rates for Anahola Exhibit C; the water service rates for Kawaihae Exhibit B; and the Pu'ukapu maintenance fee attached as Exhibit D.

H. Lindsey stated staff is recommending a few administrative changes:

Section 10-4.1-7 c. Installation of water services; clarity was made in the last sentence: if a replacement of the shut-off valve is necessary, on the consumer side, it shall be installed by the Department and paid for by the consumer.

Section 104.1-10. Clarity of business days was inserted into all the relevant places to clarify business days.

Sub-section C. Clarity made for if there is an appeal to a shut-off and an in-conference is requested it was clarifying that the District Office Supervisor is the one who will travel to meet with the consumer.

Sub-section F. Clarity in the last sentence that buildings with water service are to be demolished. The Department shall be notified so that water can be shut off.

Commissioner Neves thanked H. Lindsey and G. Cairel for providing information regarding the changes and clarity. He was concerned about why the Department is going through an enterprise type of process. A lack of funding is why money is being pulled out of the Trust funds to supplement these systems. Chair Ailā stated that is correct.

G. Cairel stated the Commission approved enterprise accounting to understand the water systems' cost and how much the Trust was subsidizing. The Department was seeking funding from the USDA for capital improvements for the water systems; however, the Department is not set up as a utility. At the time, the USDA was unable to determine the Department's financial needs. So, it was the premise for the enterprise accounting policy. The USDA granted \$30 million for capital improvements to the three systems.

Commissioner Neves asked what the Department's plan is to break even with the lots and the water system? G. Cairel stated the Department needs thousands of customers to break even. There are fixed costs that the Department cannot cover with the current setup. Commissioner Neves stated it is the Department's responsibility to do the best to merge the system; otherwise, the costs will keep going up. The Department may pay a lesser rate than other systems, but if nothing is

done to the infrastructure to make things break even, in 10 years, and there are not enough users, it will be out of control. The Department has a responsibility to correct the system. The water formula is 16%, which is the cost of personnel, and as a beneficiary, he looks at it as a double whammy. The State pays for personnel costs. Does the Department go back to get credited for all the money the Department spent on personnel costs?

Commissioner Neves asked why the Department is not merging the system with the County. If it will take thousands of people to get it to a reasonable rate, why not tie it to the County?

Chair Ailā asked G. Cairel for clarity with the personnel costs if it is contributed to State personnel or the contractor's cost. G. Cairel stated Commissioner Neves is referring to State employees who operate the system.

Chair Ailā asked DAG Kanaka'ole about merging or turning Anahola over to the County; what advice does he have regarding the Department's responsibility and what can it dispose of in terms of resources? DAG Kanaka'ole stated under the Hawaiian Homes Commission Act, Section 221, the Department is responsible for its water systems. To pass on the responsibility would be limited because the Department would still own the system. There would have to be an agreement working around the Section 221 language, but the Department could pass the water system on to the County.

Chair Ailā asked there is a possibility of some licensing agreement if the Department maintains ownership? DAG Kanaka'ole agreed. Chair Ailā stated the Department could start discussions with the County's Water Department to see how receptive they would be.

Chair Ailā stated that the Rules would be posted, and the Department will look at how to implement the suggestions from Commissioner Neves.

Commissioner Awo stated the Department is willing to continue service to the beneficiaries recognizing that it operates at a loss. The Commission would like to reduce the subsidy required to provide the service. He mentioned a solution brought up regarding the proposal in merging Honokowai and the County of Maui. There must be a benefit to both sides. The question posed was where the Department is, the pros, cons, and challenges of merging with the County?

Chair Ailā stated the Department did not own any components of the water system. HHFDC contributed some money, and the Department got the well from DLNR. The plan was to build a transmission line from the County's water processing facilities, put it into their tank, and those water credits and water becomes available to the Lei Ali'i subdivision.

Acting Land Development Division Administrator Stewart Matsunaga explained the Honokowai as a DHHL owned well sitting on DLNR land. The next process was to link a transmission line from the well site going north, traversing the Honokowai gulch and connecting to the County's Mahinahina surface water treatment plant to a joint tank with the Department of Water Supply and DHHL, and DHHL draws from that tank. The Department would then use the transmission line to take the water south to Lei Ali'i. The County controls part of the system. His understanding of a water system's definition is owning the source, which is the well, owning the transmission, and owning the storage. He stated, in this case, the Department cannot statutorily divest its interest in those improvements. Under the County Charter, they maintain what they own. The asset is still DHHL's. The point is the County would not take over the Anahola water system.

Commissioner Awo asked what the incentive for the Honokowai for the Department and the County to enter into a complex agreement. S. Matsunaga explained that when the lands were transferred from DLNR to DHHL, the water system improvements on the Honokowai lands were not set aside in the land transfer. The County was incentivized to discuss with DHHL what that transaction would be in return for licenses and access to the County's water system and improvements.

Commissioner Helm stated his bottom line is that the water rates do not impact the beneficiaries on Moloka'i. He was also concerned about the personnel costs. He asked about the non-beneficiaries that purchase water from the Ho'olehua system. Does that money go back into the general fund, or does it go back into the water system? Chair Ailā stated it goes back into the water system to subsidize to keep the water users' cost on Molokai down. The Moloka'i system does include the personnel costs for staff that do the repairs. The Department must continue subsidizing all three water systems until there are enough customers to subsidize costs.

Commissioner Neves stated for clarity that he favors the rules but not in favor of DHHL's calculation with DHHL's personnel in that calculation.

Note: Commissioner Ka'apu was excused at 10:45 a.m.

Note: Commissioner Teruya rejoined at 10:42 a.m.

#### MOTION/ACTION

Moved by Commissioner Ka'apu, seconded by Commissioner Neves, to approve the motion as stated in the submittal						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu						X
Commissioner Kaleikini			X			
Commissioner Ka'upu	X		X			
Commissioner Namu'o			X			
Commissioner Neves		X		X		
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			7	1		1
MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED						
Motion passed – seven (7) Yes, one (1) No, (1) Excused.						

#### **HOMESTEAD SERVICES DIVISION**

##### **ITEM D-12 Request to Approve Third-Party Agreement – LOUELLA N. SCHUTTE – Pastoral Lease No. 3392, Lot No. 16-A, Pu'ukapu, Hawai'i**

Note: Commissioner Teruya had a question before encountering technical difficulties.

Commissioner Teruya stated on the approval of streamlined financing of loans, she read through the documents and wanted to bring a success story to the Commission's attention. In 2020, Steven Ellis was before the Commission in a contested case and they worked on an agreement.



They successfully recovered their home, refinanced their mortgage, and made 1-year successful payments. She thanked the staff for working with the beneficiary through the process.

**MOTION/ACTION**

Moved by Commissioner Neves, seconded by Commissioner Teruya, to approve Item D-12						
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 Ailā			X			
TOTAL VOTE COUNT			8		1	
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed - eight (8) Yes votes. One (1) Excused						

**ITEM C-3 Approval of Lease Awards Lanai Subdivision and Ka'uluokaha'i Increment B Subdivision (See Exhibit)**

**RECOMMENDED MOTION/ACTION**

Acting Contact and Awards Division Administrator Paula Ailā presented the following:  
Motion that the Hawaiian Homes Commission approve the Lease Awards for the Island of Lanai Subdivision and Ka'uluokaha'i Increment B Subdivision in Kapolei, O'ahu, a total of 32 awards.

**MOTION**

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

**DISCUSSION**

P. Ailā acknowledged Michelle Hitzman and Moana Freitas for Ka'uluokaha'i and stated they are getting ready to close out the 160 awards. Moana Freitas has been working on the Lanai project and closing out the last of 16 leases.

Commissioner Teruya asked how many beneficiaries and homes does the Department has existing right now in Ka'uluokaha'i? Michelle Hitzman stated there are currently 100 homes completed; of the remaining 60, 23 are vacant lots, and one is under construction. The remaining 37 homes are turn-key homes that are being presented to the Commission for approval.

Commissioner Teruya asked if they formed an association in the area. P. Ailā stated she does not have the status if they have or not, but they have had meetings regarding an association.

## MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the motion as stated in the submittal.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka'apu						X
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			8			1
MOTION: [X] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED Motion passed unanimously- eight (8) Yes votes. One (1) Excused						

**RECESS**

**11:30 AM**

**RECONVENED**

**11:40 AM**

Note: Commission Ka'apu rejoined at 11:40 a.m.

## ITEMS FOR INFORMATION/DISCUSSION

### **WORKSHOPS**

### **OFFICE OF THE CHAIRMAN**

**ITEM C-4 For Information Only – Budget Amendment to Cover Implementation of Memorandum of Agreement with Amerind Critical Infrastructure Related to Tribal Broadband Connectivity Program and 2.5 GHz Licenses**

### RECOMMENDED MOTION/ACTION

Deputy to the Chairman Tyler Gomes presented the following for information only:  
Budget Amendment to Cover Implementation of Memorandum of Agreement with Amerind Critical Infrastructure Related to Tribal Broadband Connectivity Program and 2.5 GHz Licenses

Deputy Gomes stated the Commission was briefed last month on the status of the 2.5 GHz applications. They also discussed the \$30 million grant by way of the last stimulus package, announced at the end of December 2020. The \$30 million must be expended in a short amount of time. So, the Department entered a Memorandum of Agreement (MOA) with Amerind Critical Infrastructure (ACI), a Tribal owned Section 17 Corporation under the Indian Reorganization Act. The MOA was the best agile solution to enter an agreement with ACI. The ACI team consists of Geoffrey Blackwell and Irene Flannery, both familiar with telecommunication issues, and Edyel Cassaparelta. They are to help execute the expenditure of the \$30 million and plan for the future requirements for broadband build-out.

Commissioner Teruya stated that this is another quick one with action the next day. She just got this, and the presentation was “we” did a Memorandum of Agreement. She asked if that “we” is that the Memorandum of Agreement in front of the Commission to view?

Deputy Gomes stated the MOA had been executed as an authority delegated to the Chairman. The MOA itself was included in the packet for information only. The Department of Commerce, which has oversight of the \$30 million, has tight timelines and will release the application for the funds shortly. The Department has 6-months to encumber those funds and one year to spend them.

Commissioner Teruya stated it seems that the Commission always must make tight decisions. The Department needs to get away from that and give the Commission time to look, read, digest, elaborate, and discuss. It seems that we are pushing lots of tight squeeze things, and she feels she does not have the opportunity to digest things. She does not feel comfortable as a Commissioner. She does not want to see the money lapse; if we do not move it quickly, will the budget lapse?

Deputy Gomes confirmed that if the Department does not submit a timely application, encumber the funds, and does not spend the money in the next year, there are consequences. The Department was not notified of the money until the end of December, and it had one month to prepare this for the Commission.

Chair Ailā stated it is a Congressional appropriation to increase broadband on the homesteads. The Department is as surprised as Commissioner Teruya. Still, when the Congressional says in the COVID action, there is this money for the Department and wants the Department to spend it, so homesteaders have better quality internet services. Our Congressional delegation wants the Department to spend it because there may be more money coming behind it. Chair Ailā apologized; however, he stated that the Department is not in control of this situation.

Commissioner Ka’apu stated he does not disagree with Amerind, and he knows that the Commission approved going after broadband services. He is unclear about the MOA, which he stated is a binding legal contract, has been signed before coming to the Commission. Any concerns that the Commission may have regarding the contract are gone because it is already signed. He does not remember authorizing the Chair to enter into a Memorandum of Agreement with Amerind. He understands the need to mobilize the monies, but the submittal says the Department hopes it will be reimbursed for three-quarters of a million dollars over five years. The Department does not know if that will be reimbursed.

Executive Assistant to the Chairman Jobie Masagatani stated the vendors were informed that although the MOA is signed, it is subject to the funding being made available by the Commission. The timeframe at the federal level is lightning speed fast. Commissioner Ka’apu understood, but the submittal does not include the time and what it all entails.

Deputy Gomes stated G. Blackwell and I. Flannery did not do a presentation but are available to answer questions. With federal granting money, the overseeing agency, NTIA (National Telecommunications and Information Administration), must give guidance under the Department of Commerce and has not put out their guidance yet. It is hard for the Department to anticipate what is allowable and unallowable use for the funds. He stated G. Blackwell and I. Flannery could speak on the timeline on the Memorandum of Agreement.

G. Blackwell gave a brief background of his family history and his business experiences. Their office is called the Office of Native Affairs and Policy and not the Office of Tribal Affairs, to

assert jurisdiction. In the past, all he had to leverage jurisdiction was the Hawaiian Homes Commission Act to assert the FCC jurisdiction and to make FCC programs available on the homelands. They were involved with telecommunications on the federal level, and back then, there was a lot going on with telecommunications, particularly with a company named Waimana and Sandwich Isles. Six years ago, he left the FCC and joined Amerind, a household name in Indian country doing business with about 400 tribes in financial management. He is the Chief Strategy Officer in General Council and gets involved with new businesses and legal and regulatory. He stated Irene Flannery oversaw the telecom access policy division, which now distributes about \$11 billion a year in subsidy. They work in a division that has the capacity to access large amounts of funding and have the experience of working on tribal lands, in the homesteads, and on the homelands.

In December, the call came out to see what more can be done for native communities in the recent COVID Stimulus Act. The National Congress of American Indians wrote a concept on tribal broadband. He was appointed to Chair the Economic Finance and Community Development Committee involved in policy at the national level. At Amerind, they are supporting the mission of Hawaiians and native Hawaiian institutions. He stated they helped to acquire the 2.5GHz licenses throughout the islands. He believes Chair Ailā and Deputy Gomes have almost undersold the speed the Legislation flew through Congress and was signed by the former President. It is a billion-dollar fund.

G. Blackwell stated it is significant that a Legislative set aside \$30 million, and the defined entity is the Department of Hawaiian Home Lands. The Tribal Broadband fund is a 13-year personal and professional priority for him as they developed the concept right after the Stimulus Act passed. What is important is the direct funding to DHHL, and it is not running through another entity. The timelines are extremely tight because it is related to COVID. There is a 2% administrative load, and NTIA is looking to move the money as they recognize the need for professional assistance. The Legislation comes with a 3% load for the agency. On February 26, they will know what the application will look like. The statement of work has already begun.

The answer to the first question; there is no indication from NTIA that they would not approve the 2% load for all the DHHL is retaining Amerind to do. The second question about timing is important; G. Blackwell stated he needs the Commission's help because it is super fast-tracked. The Hawai'i Delegation was involved before passage. This involves infrastructure and build-outs and programs, other types of federal funding, and working with other organizations that may fill other holes to bring services and connectivity back and forth between the homelands and the homelands' families.

J. Masagatani answered the question of what the MOA delivers to the Commission and the Department. The Statement of Work is broken into part A and part B.

- Part A has two significant parts: one is the strategic plan with a number of tasks broadly stated, and the second part is specific about the management and deployment of the 2.5GHz broadband initiative.
  - The strategic plan part is evolving with the \$30 million appropriation's availability because of the desire of the Hawai'i Delegation Senior Senator to make sure that the resources touch the programmatic partners

Commissioner Ka'apu asked if the Commission will be able to participate in the strategic planning? J. Masagatani stated she believes so if the Commission wants to be a part of it. She stated it could be incorporated into the timeframes to make sure the Commission participates.

- Part B is focused on looking forward to securing an opportunity on the island of O`ahu because the Department does not have that license right now. Procuring that license from the FCC may be more complicated than it has been in the past.

J. Masagatani stated that the Statement of Work's speed was the best that could be done given the uncertainties regarding the opportunities and the current environment.

Commissioner Ka'apu asked if this was available on the outer islands, or is it just O`ahu? Deputy Gomes stated the neighbor island homesteads are nearly all covered under the 2.5GHz licenses. The idea for O`ahu is trying to figure out additional ways to expand coverage on O`ahu. He thinks the Department has both bases covered. Commissioner Ka'apu asked if it is available to the Hawaiians as a greater whole or restricted to the homelands. Deputy Gomes stated on its face, the money is intended for "capital N" Native Hawaiians and not restricted to Hawaiian homelands.

Commissioner Teruya asked if Indian Tribes will make money off our people's backs. The train is going really quick, will that happen? Chair Ailā stated he believes the answer is no, they have their pot of money, and they are in consultation regarding that money. The Department's portion of the allotment is specific to Hawai'i.

Commissioner Teruya stated what bothers her is the MOU. It was discussed in December 2020, and you are signing off with the Attorney General's Office in January of 2021. She asked if Amerind is the only company in the US and if the Department looked at other companies.

Deputy Gomes stated Amerind Critical Infrastructure is not the only telecommunications planning company in the United States. Based on the Department's satisfaction with their work with the 2.5 GHz applications, the ability they had to get the applications done with 53 home-track lists that had to be recombined, the Department was satisfied that they had the capacity to do so. The execution of the Memorandum of Agreement does not require the Department to consider additional vendors.

Commissioner Teruya asked for confirmation that \$800,000 will be going to the company for the first two years, Deputy Gomes agreed.

Commissioner Teruya stated she felt like he violated some laws here. Chair Ailā signed an agreement prior to the Commission's approval or even prior to the Commission's discussion. She asked who authorized and delegated that authority. She stated she was confused and who are the Commissioners here? It seemed like after-the-fact, everything gets signed, MOU is signed, and say hey, the train is moving really quick, the rail, we got to hurry up and vote today or tomorrow, we got to make sure. She stated she just does not understand the process. That is what she is trying to understand. She is not a rubber stamper.

Chair Ailā stated due to the speed at which some of these decisions have to be made, and the Department consulted with the Attorney General's Office. He did not break any laws and stated he has never attempted to break any laws. Commissioner Teruya asked what about the Commission? Chair Ailā continued that the Commission meets once a month, and sometimes decisions have to move faster, depending on what is before us. If Commissioners do not feel like this is moving in the right direction, you have the authority to disagree.

Commissioner Teruya stated it is an open meeting, and she is expressing herself. She felt Chair Ailā kept interrupting and trying to correct her. As a Commissioner, she allows others to speak, and she listens. She wants to share her concerns as a Commissioner and be able to dialogue and digest this and vote in a pono way. She does not like things shoved down her throat and rubber stamp-like some others.

Chair Ailā asked Irene Flannery to introduce herself and asked G. Blackwell to hold off on the presentation till next month till the Department has the application's results and more information available.

Commissioner Teruya stated she does not want the presentation to last too long and keeps J-agenda beneficiaries waiting to speak to the Commission. They have been waiting because the Deputy's agenda was moved forward. Commissioners are here to listen to our beneficiaries.

Director of Amerind Critical Infrastructure Irene Flannery gave a brief introduction and stated she is a third-generation Washington DC native. The most special visit she had the honor of participating in was when she was the Deputy Chief of the Office of Native Affairs and Policy. She spent 14-years with the Federal Communications Commission, did two different tours of duty, and was there just before passing the 1996 Telecommunications Act.

She stated strategic planning had been used as a collaborative and interactive process. The question was raised the Commission will have an opportunity to participate? I. Flannery stated they would embrace that, yes. All state entities must be heard; each strategic plan is different from one community to another. The question regarding accountability, Amerind highly values and understands how important it is that they be accountable. The Department is investing in Amerind, and a lot of the specifics are not known yet but will be known in a couple of weeks which will allow Amerind to dig more deeply on specific milestones then a process of regular reporting can be set up so that the Commission is aware of going forward basis and on an ongoing basis. The work that is being done and the progress made so that the Commission holds Amerind accountable.

Commissioner Kaleikini asked when the last time DHHL has been considered for an award of \$30 million? Deputy Gomes stated maybe never. Commissioner Kaleikini asked what about grant for any amount prior to this? Deputy Gomes stated apart from NAHASDA, very unusual and even more unusual to have the Department called out by name. Commissioner Kaleikini stated that he supports Commissioner Ka'apu's statement regarding concerns of the MOA. He stated he also supports Commissioner Teruya's mana'o on fast-tracking. Given the situation he wants it to go on record, he is confident that the AG is looking out for the Department that it is not getting out of order or getting out of order on the legal side. He just wanted to share that he does support what the staff and the Department are doing to help our beneficiaries.

Commissioner Ka'upu thanked G. Blackwell and I. Flannery for the presentation and their introduction. He stated he is an attorney and has a few points of interest with MOA and would probably be best served if he talked with G. Blackwell directly.

G. Blackwell stated there have never been a billion dollars that have been identified like this. Amerind fought to articulate the need for native Hawaiians, both from his committee and their jobs and in the circles, they are involved in. G. Blackwell stated they never dreamed it would turn into this, and the law happened so quickly there was not much input in it.

Commissioner Ka'apu asked Commissioner Ka'upu if his questions are about the MOA or potential changes to that. It is more appropriate to bring it out in an open session as opposed to a private call. Commissioner Ka'upu stated his question specifically is to the limited waiver of sovereign immunity. He has not had a lot of experience with that type of provision. He just wanted to follow up on that, and he trusts that the AG has vetted on the matter and stated he knows who contracted with these folks before, so it is gone through that process. It is a matter of personal contractual drafting curiosity. G. Blackwell stated he thinks it is a good question, and the Commission would appreciate hearing the answer.

G. Blackwell stated Amerind Critical Infrastructure is a Tribal Corporation and not privately or publicly held. Hence, all their profits after expenses go into their reserves to withstand the 200-year event. Amerind Critical Infrastructure is an insurance company that is more diverse than an insurance company created under the Indian Reorganization Act of 1935 and is a governmental corporation and has tribal sovereign immunity. G. Blackwell stated they would perform the contract to DHHL's satisfaction and waive their sovereign immunity. They do a limited waiver for all their contracts when they hire vendors or perform services. It is limited where only damages based on the contract will be paid. The Department's AG Office reviewed the MOA, and this was found to be the most appropriate method.

**RECESS**

**12:24 p.m.**

**RECONVENED**

**12:31 p.m.**

## **GENERAL AGENDA**

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

#### **ITEM J-5 Evelyn Hegent – Pu'ukapu Lessee**

Ivan Hegent stated both he and his mother are visually impaired, and Roxanne Taylor is assisting them today. I. Hegent explained that his mother is a joint lessee with Hursley Alani, who refuses to let them work on the property. They were referred to the Commission to state their case. I

Commissioner Ka'apu suggested working toward subdividing the property. Chair Ailā suggested they work with the West Hawai'i District Office Manager, Jim Dupont, and there is the option of a contested case process should one co-lessee not agree to a subdivision.

**ITEM J-1 Liko Wallace – Na'iwa Homestead Association (deferred)**

**ITEM J-2 Emily Naeole – Maku'u Vacant Lots (deferred)**

#### **ITEM J-3 Germaine Meyers – Lessee Concerns**

G. Meyers stated she is concerned about the way the Department and the Chair are not fulfilling the Commissioners' fiduciary duties. She is concerned about getting 245 pages of material on Thursday and digesting and understanding it in three days. Due diligence is taken more by a stranger than the Department doing the due diligence.

Commissioner Awo stated regarding Item C-4, the Department's decision not to bring the Memorandum of Agreement to the Commissioners first is like skipping an essential step toward moving the project forward. G. Blackwell and I. Flannery's background and expertise laid the framework for decision making. The MOA could have been brought before the Commission and

the request to approve the budget at the same time Geoffrey and Irene were able to speak in which decisions were rendered to the MOA. When the Department decides to sign the MOA before the discussion, he views it a problematic. He stated he recognizes moving within the timeframe given, but he thinks it an act of good faith to bring the MOA before the Commission and have the workshop even if it was not planned.

**RECESS**

**1:28 PM**

**RECONVENED**

**1:47 PM**

**ITEM J-4      Kekoa Enomoto – Pa‘upena Community Development Corporation and the Maui/Lanai Moku Puni Council**

K. Enomoto advocated for 1. Quantitative Measurable Goals and Objectives, 2. Preference for Beneficiary Use of Homestead Trust Lands. A DHHL staff member made a unilateral decision to run cattle on 400 acres of land. 3. Extension of the deadline to submit testimony on agenda items. She congratulated the Moloka‘i Moku Puni Council on their Zoom meeting event. She requested the change in submitting testimony because it did not give ample time to review the documents.

Commissioner Awo asked to make a comment about allowing cattle on 400 acres on her land, and he agreed that is a problem. It was a decision rendered without entering a right of entry. As a result, he received calls from beneficiaries complaining about cattle entering their lands and eating vegetables. He discussed this with the DHHL district office. A right of entry was required, and it was not pursued.

Chair Ailā stated when he became aware of the situation, and steps were taken to undo that process and asked the entity to remove their cattle. The DHHL employee was counseled not to do that.

**ITEMS FOR DECISION MAKING**

**REGULAR AGENDA**

**OFFICE OF THE CHAIRMAN**

**ITEM C-2      Adoption of Proposed Hawai‘i Administrative Rules Chapter 10-4.1, Entitled Management of Water Systems**

Chair Ailā asked Commissioners for their indulgence while DAG Kanakaole explains the need to reconsider the Commission’s vote on Item C-2.

DAG Kanaka‘ole stated Item C-2 should have been taken in three separate motions. One would approve the Rules and Exhibits B and D. There would be a second motion to approve water service rates for Ho‘olehua. Commissioner Helm would be given the opportunity to recuse since he is a user of that water system. The third motion would be to approve the water service rates for Anahola, allowing Commissioner Neves to recuse himself as a user of that water system.

To get this back on the agenda, there needs to be a motion to reconsider the approval of motion, and then Commission can go through each of the three motions on the water Rules and the Exhibits.



Chair Ailā asked if the original movers and seconds need to do anything? DAG Kanaka'ole stated it should be the mover of the initial motion to get Item C-2 on the floor, move to reconsider.

**RECOMMENDED MOTION TO RECONSIDER ITEM C-2**

Moved by Commissioner Ka'apu to reconsider Item C-2 so the Commission can consider whether the Commissioners living in particular areas should recuse themselves. Seconded by Commissioner Neves.

**ACTION TO RECONSIDER ITEM C-2**

Moved by Commissioner Ka'apu to reconsider Item C-2 so the Commission can consider whether the Commissioners living in particular areas should recuse themselves. 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			
Commissioner Kaleikini			X			
Commissioner Ka'upu	X		X			
Commissioner Namu'o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Ailā			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.						

**MOTION/ACTION #1**

Moved by Commissioner Neves, seconded by Commissioner Ka'apu to approve the proposed water rules with the exception to Exhibits A and C, which are the specific rates for Anāhola and Ho'olehua						
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 Ailā			X			
TOTAL VOTE COUNT			8	1		
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed - eight (8) Yes votes. One (1) No vote.						

## MOTION/ACTION #2

Moved by Commissioner Ka'apu, seconded by Commissioner Neves to approve Exhibit A.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm					X	
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu	X		X			
Commissioner Namu'o			X			
Commissioner Neves		X		X		
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			7	1	1	
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed unanimously- seven (7) Yes votes. One (1) No vote. One (1) Recused						

## MOTION/ACTION #3

Moved by Commissioner Neves, seconded by Commissioner Ka'apu, to approve Exhibit C						
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 Ailā			X			
TOTAL VOTE COUNT			8		1	
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed unanimously- eight (8) Yes votes. One (1) Recused						

## **LAND MANAGEMENT DIVISION**

### **ITEM F-1 Approval to Extend Right of Entry Permit 684 to Kailapa Community Association, Kawaihae, Hawai'i, TMK No. (3) 61001007**

#### RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio and Land Agent Kualii Camara presented the following:

Motion that the Hawaiian Homes Commission approve to extend the right of entry permit 684 to Kailapa Community Association, Kawaihae, Hawai'i, TMK No. (3) 61001007

Public Development Land Agent K. Camara presented a video to the Commission on the Kailapa Community Association. He read through the presentation.

#### MOTION

Moved by Commissioner Ka'upu, seconded by Commissioner Helm to approve the motion as submitted in the submittal.

#### DISCUSSION

Commissioner Neves asked for a copy of the video and to share it with the community as they have sort of the same plan for the coastal area in Kaua'i. He asked if this would fall under the revocable permit or community? K. Albinio stated it would fall under community. He stated this was a right of entry permit issued back in 2019. The Association wanted the opportunity to mālama the area.

Commissioner Awo asked if there is in their long-term vision a pathway for the community surrounding them to participate with the incentive they can come to gather and share in the kuleana being promoted. K. Camara stated they built partnerships with multiple groups.

Commissioner Ka'apu asked when someone asks for a renewal for an ROE, does the Department request what they are planning to do next year. So that when they come back, the Department can see what they have accomplished? He appreciated the video, but there was nothing from Kailapa showing this was accomplished in 2020 and what they hope to accomplish in 2021. He would like to see some parameters set so the Department knows what it is getting from the ROE. He received emails from Kailapa residents saying they do not know what is going on regarding the coastline.

The residents' concerns were if there were surveys for iwi and people picking up rocks and moving them. Are there any protections that would prevent that? K. Camara stated the benchmark was to create a coastal management plan. There are some archaeological surveys in the plan and to work with the community. There were reports of people taking rocks, probably for rock walls, because the area is open and anyone on Hawai'i island could have access. Commissioner Ka'apu asked K. Camara who he is working with now due to a change in administrators? K. Camara stated he doesn't believe they have a Director now, but he has been working with people on the board. He stated the Vice-President now is Pualani Lincoln-Amaielua, and they are still looking for someone to fill the Executive Director's position. Commissioner Ka'apu stated maybe they could come and let the Commission know what they are doing to help understand what is going on. K. Albinio stated the Kailapa Association did want to be present but could not, so they sent the video.

Commissioner Neves asked how are they restricting access? K. Camara stated there is a gate, but the gate was vandalized and taken off; they put up two temporary cement barriers and a chain.

Commissioner Helm asked K. Albinio if the Kailapa Community Association must have insurance and what is the amount? K. Albinio stated he believes the minimum is \$1 million for liability.

## ACTION

Moved by Commissioner Ka'upu, seconded by Commissioner Helm to approve the motion as stated in the submittal.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka'apu	X		X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves			X			
Commissioner Teruya			X			
Chairman Ailā			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 F-2      Approval to Issue a Right of Entry Permit to State of Hawai'i, Department of Agriculture, Wailua, Hana, Island of Maui, TMK No. (2) 11005022 (por.)**

### RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio and Land Agent Shelly Carreira presented the following:

Motion that the Hawaiian Homes Commission approve to issue a Right of Entry Permit to State of Hawai'i, Department of Agriculture, Wailua, Hana, Island of Maui, TMK No. (2) 11005022 (por.)

### MOTION

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

### DISCUSSION

S. Carreira stated the Department of Agriculture is requesting temporary roadway access to a portion of the Hawaiian Home Land for ingress, egress access to their East Maui Water System improvement project. The road will be restored to its original condition when the project is completed. The project is on DLNR lands and not Hawaiian Home lands.

## ACTION

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

## ITEMS FOR INFORMATION/DISCUSSION

### **WORKSHOPS**

### **LAND DEVELOPMENT DIVISION**

#### **ITEM E-1 For Information Only – East and West O`ahu Project Updates**

#### RECOMMENDED MOTION/ACTION

None. For information only. Acting Land Development Division Administrator Stewart Matsunaga, Darrell Ing, and Mitchell Kawamura presented the following:

Note: Slide presentation attached.

#### DISCUSSION

Commissioner Ka'apu stated understanding that the cost would escalate and inherent problems with all the lots, what is the fix. S. Matsunaga stated there could be lots of possibilities with huge price tags, depending on the location and the condition of the homes. Many of the sewer lines are over 50 years old. In Papakōlea, there are lots of water intrusion into the sewer lines, and it impacts the lines to a point it backs up from the intrusion of rain.

S. Matsunaga stated they could put together a matrix for all the costs and stated it is in the hundreds of millions. The sufficient sums budget for purpose four repair and maintenance was higher than lot development.

## **PLANNING OFFICE**

### **ITEM G-1 For Information Only – Upcoming Beneficiary Consultation Meetings Regarding the DHHL General Plan Update**

#### RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Program Manager Andrew Choy presented the following:

#### DISCUSSION

A. Choy stated the purpose of the presentation is to update the Commission on the General Plan and the upcoming Beneficiary Consultation Meetings in March and April 2021. The Department is looking to get Commission approval on an updated General Plan by June 2022.

Commissioner Awo asked if the primary intent and focus of the General Planning Committee is to determine land use designations. A. Choy stated the entire planning system is meant to be comprehensive and collaborative, General Plans, Island Plans, Regional Plans, and the Program Plans. Based on the Hawai'i Administrative Rules, the thrust of the General Plan is and will be focused on land use designations and appropriate criteria regarding the siting of those designations.

It is important to note, because of the Department's unique mission to develop and deliver lands to Hawaiians, it is important to articulate the land use designation and how the Department should utilize its lands to benefit the beneficiaries.

Commissioner Awo asked if the land use designation is meant to establish a foundation for the Island Plans and then Regional Plans. A. Choy stated that the Department should perhaps consider an enforcement program plan in the Tier 2 planning that would focus on how the Department can better provide safe and healthy communities to its beneficiaries.

Commissioner Ka'apu stated in Table 1, Residential, Subsistence, Ag, and Pastoral, there is a waiting list attached to that. Given the lack of land for many of these uses, when does the Department begin to consider the waitlist? Should the Department look at prioritizing people that are on the waitlist? Does the Department owe every 50 percent a lot? What does the Department do with the people who have a fee simple house right now, but they are on the list? What about the people who have a lease but are waiting for a second lease; how does the Department prioritize them relative to those who have not had the opportunity to get an offer? How does the Department prioritize people that have received offers but for whatever reason have turned it down? That is the whole gamut, and there are all kinds of valid reasons people would turn down an offer. At some point, should the Department try and examine that as a policy matter?

A. Choy stated those are excellent questions for Beneficiary Consultation. He stated that when the Department does designate an area for a particular use, that designation considers those types of policy questions. He thinks both sides of the conversation can start during the General Planning Update. He stated he could not promise how far the Planning Department will resolve some of those questions, but he thinks the conversation can at least start on the questions you raised.

Commissioner Neves stated the Department needs to look at the 50% because many children are not.

Commissioner Teruya talked about entire families having homesteads. She isn't sure how that works.

Commissioner Awo stated the system is a creation of the Department which has created all the options and opportunities for the beneficiaries to work the system.

Commissioner Helm asked about the lessees that sell their lot if they go back on the list. Chair Ailā stated they go to the bottom of the list. Commissioner Helm asked, even though they were given a lot some time ago? It does not sound right because they had the opportunity. It was given to them. He stated that's why the list doesn't go down.

Chair Ailā stated it is, in the purview of the Commission, something to think about.

Commissioner Ka'apu talked about the Beneficiary Consultation there was about people selling their vacant lot. It turned out that an overwhelming number of people said no, they should not sell their vacant lot. Going out in a BC is a good time to test the waters.

**RECESS**

**3:15 PM**

## **HAWAIIAN HOMES COMMISSION**

Minutes of February 17, 2021 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 Ailā Jr., from Hale Pono'i, 91-5420 Kapolei Parkway, Kapolei, O'ahu, Hawai'i, beginning at 9:30 a.m.

### **PRESENT**

William J. Ailā 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) (9:36 a.m.)  
Michael L. Kaleikini, East Hawai'i Commissioner (via videoconference)  
Russell K. Ka'upu, O'ahu Commissioner (via videoconference)  
Pauline N. Namū'o, O'ahu Commissioner (via videoconference)  
Dennis L. Neves, Kauai Commissioner (via videoconference)  
Patricia A. Teruya, O'ahu Commissioner (via videoconference)

### **COUNSEL**

Ryan Kanaka'ole, Deputy AG (via videoconference)

### **STAFF**

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

## **ORDER OF BUSINESS**

### **CALL TO ORDER**

Chair Ailā called the meeting to order at 9:35 a.m. eight (8) members were present via videoconference at roll call. Commissioner Ka'apu joined the call at 9:58 a.m.

Pursuant to the Governor's Emergency Proclamation, Hawai'i Revised Statutes Chapter 92 regarding public agency meetings and records are currently suspended, to the extent necessary to enable boards to conduct business without holding meetings open to the public and to allow state agencies the ability to effectively and efficiently provide emergency relief and engage in emergency management functions.

## **PUBLIC TESTIMONY ON AGENDIZED ITEMS**

Testimony on agendized items was submitted in writing via the Department of Hawaiian Home Lands website at [www.dhhl.hawaii.gov/hhc/hhc-contact](http://www.dhhl.hawaii.gov/hhc/hhc-contact).

Chair Ailā stated two (2) testimonies were received and added to the Commissioner's cloud folders.

Note: Testimonies are attached.



## **ITEMS FOR DECISION MAKING**

### **OFFICE OF THE CHAIRMAN**

Note: ITEM C-5 was deferred to allow Commissioners the opportunity to address legal questions in an executive session before acting in an open session.

## **ITEMS FOR INFORMATION/DISCUSSION**

### **WORKSHOPS**

#### **OFFICE OF THE CHAIRMAN**

#### **ITEM C-6 For information Only – Hawaiian Homes Commission Policy on Actions Project**

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

None. For information only. DHHL Rules Officer Hokulei Lindsey presented the following:

Note: Slide presentation attached.

##### **DISCUSSION**

H. Lindsey stated the purpose of the project is to compile all the Hawaiian Homes Commission's policies. The project was started by a former employee and transferred to her when his employment with the Department ended.

##### **Purpose of the Project**

- Compilation of policies adopted by the HHC
- March 2007 –March 2016
- April 2016 –September 2020
- Coordinate current and future policy actions
- Create and establish criteria for HHC policy development
- Maintain and review policies regularly

##### **Authorities Affecting DHHL**

##### **Types of HHC Policy Actions**

Examples of HHC Policy Actions Commission Policy: HHC Water Policy Plan

Commission Policy: HHC NHQ Policy

Operational Policy: Administrative Rule Amendment Process Policy

Commissioner Neves asked if the idea is that each division would have its own policies and procedures. H. Lindsey agreed and stated some policies are older than

Commissioner Ka'apu asked if staff would be bringing sections of policies before the Commission to revisit some of them to determine if they are still relevant or need to be redone. He suggested taking small sections for review instead of trying to wade through an entire binder. Last month the Commission came across a policy that was created in 1982. It is important to go through the policies to update them regularly.

Commissioner Kaleikini asked if the list of delegated authorities to the Chairman is part of the project. H. Lindsey stated it would likely come up as part of the project because the

Administrative Rules list the specific things delegated to the Chair. The divisions often ask for other delegations as well.

Commissioner Teruya asked if there would be a guideline of the State procurement process, the request for proposals process, who has authority. The process of memorandums of agreements and things like that. It is something she would like to understand and thinks it would be helpful for projects moving forward.

Commissioner Namuo asked if the staff can check with H. Lindsey about a policy's validity before bringing it before the Commission. H. Lindsey stated it had not been the practice because each division houses the policies that impact them. This is the first effort that she knows of to bring them together in one location. Chair Ailā added that if there is a question about the statute or administrative rule interpretation, the division supervisors will consult with the AG's office.

Commissioner Kaleikini asked about the decision to use March 2007 as the starting point. Chair stated if through this process there are policies that predate the 2007 starting point, they can be considered as well.

Commissioner Namuo stated if there is a list of valid policies, then the supervisors can go to Hokulei instead of going to the AG's anymore.

## **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 Habitat for Humanity Loans

### **DISCUSSION**

None.

### **ITEM D-7 For Information Only – Presentation on Concerns Impacting Applications Branch**

### **RECOMMENDED MOTION/ACTION**

None. For information only. Homestead Services Division Administrator Juan Garcia and Applications Branch Supervisor Nicole Bell presented the following:

Note: Slide presentation attached.

### **DISCUSSION**

Commissioner Helm asked if a successor passes and another successor wants to apply for the lease, do they need to have 25% or 50% blood quantum. N. Bell responded that the successor to an application must also be 50%. The successor to a lease can be 25% Hawaiian.

Commissioner Neves asked that the information presented be put in writing. His concern about the lack of reasonable time limits to submit successorship documents. When families take years to submit information the homes are left sitting and depreciating while there are thousands of folks on the waitlist. The Department should identify the most frustrating parts for the Commission to deal with first.

Commissioner Ka'apu asked if the 3,600 unverifiable addresses could be dealt with through a public notice process, just to try to get in touch with them. DAG Kanakaole stated if there is no Department action taken. To remove names from the wait list administrative rules would need to be created. Commissioner Ka'apu added that administrative rules would also be needed to remove those identified as being 80 to 100 years old according to their birthdates. DAG Kanakaole recommended administrative rules for any mass adjustments like those being discussed.

Commissioner Ka'apu asked what percentage of the Pending Applications ("P Applicant") are waiting for additional information verses those that clearly do not qualify. He suggested bringing those that clearly do not qualify, before the Commission first, to get those off the books. The Commission can wait for a recommendation from the Department regarding those that are pending additional information. He understands that some people, for whatever reason, do not want to do that. N. Bell stated they have not been able to go through the entire list of Pending applications yet.

He also understands that there may be spouses right now that would qualify if their other spouse passed away. N. Bell clarified that for Spousal Substitutions the P Applicant can still be alive. If they are a P Applicant but have a qualified spouse, it would be ideal to be able to use it in that situation. Commissioner Ka'apu suggested the Commission look at that policy again to make a decision if any changes need to be made so that anyone who falls into that situation can benefit. N. Bell offered one point of discussion and consideration may come from spouses who have already held a lease.

Commissioner Ka'upu asked whether an applicant could have their child marry someone who is 50% Hawaiian and use that person's NHQ to transfer your pending application. N. Bell stated the Spousal Substitution policy is limited to only the applicant's spouse. If the applicant is a P'd and they have a spouse who is qualified and they were married to each other at the time of application, the policy would apply. It cannot be applied to your child's spouse.

Commissioner Ka'upu clarified that a Kupuna on the waitlist would need to name a successor with 50% Hawaiian. N. Bell stated successors must have a specific familial relationship as well.

Commissioner Ka'upu asked for an explanation of how leases are being sold. J. Garcia stated that a lessee can transfer their lease to any 50% Hawaiian or a 25% spouse, child, grandchild, or sibling. A lessee could transfer their lease interest to anyone who is 50% or more.

Commissioner Ka'upu asked if the Commission could extend the Spousal Substitution Policy expand the policy to permit an applicant's successor's spouse. He also asked if the Commission could permit an applicant's successor to be less than 25%. J. Garcia stated the HHCA is clear that wait listers must be 50% Hawaiian.

Commissioner Ka'upu asked about the Undivided Interest program. He felt it was a good idea and would consider it again because it allows kupuna who are dying on the Waitlist to pass their interest to someone who is less than 50% within the familial relationships. Chair Ailā stated it is within the Commission's ability to consider something similar. He asked J. Masagatani to talk about Kūhiō Leases.

J. Masagatani offered that staff has done a lot of due diligence in looking at the concept that is an undivided interest but relabeling it as a Kūhiō Lease. There is an inequity between applicants on the Waitlist and their ability to leave their application to family members who are less than 50%,

as compared to lessees. There were some legal complexities that can be discussed in an executive session. Those issues stopped the momentum of the project. There were logistical issues about how to transition the Waitlist from applicants to becoming Kūhiō lessees. It could be revisited and considered again. Commissioner Ka'upu asked for a workshop on Kūhiō Lease program on a future agenda.

Chair Ailā offered to include an executive session discussion on the March agenda. DAG Kanakaole would need time to prepare.

Commissioner Ka'upu stated he did not see the same legal issues that the Attorney General's office was concerned with. He has done quiet title type cases with undivided interests of 1/3280. He does not see a difference between hold that in a fee simple interest or a lease product that is attached to a piece of land. There are other issues, but it would allow the Commission to clear out the Waitlist, because everyone would be attached to a piece of land. Other issues, like when will they get on the land will be there, but at least they would not lose the ability to transfer to a successor in the meantime. He asked if lowering of the blood quantum was with the consent of Congress.

J. Masagatani stated the lowering of the blood quantum to 25% for successors required the consent of Congress, along with the transfer to the specific eligible class of successors. Commissioner Ka'upu asked if this is a good time to move forward the 1/33 blood quantum issue. Chair Ailā stated the Department is in discussions with the US Department of the Interior (DOI) about a package of legislative initiatives to request of Congress.

Commissioner Helm asked how long it takes to process new applications. N. Bell stated it takes approximately two months, sometimes longer.

Commissioner Ka'upu asked if the list of legislative issues being discussed with the DOI could be provided to Commissioners. J. Masagatani stated the list of issues presented to the DOI include legislation that have already been approved by the State Legislature and signed by the Governor. The list goes back to the mid 90's of actions that require the consent of Congress, including the Purpose Clause. The implementation of the DOI's Part 47 Code of Federal Regulations Administrative Rules and the passage of the Hawaiian Homes Recovery Act that lays out a very specific process that the DOI must go through in reviewing and recommending to Congress whether consent is required. In the case of the blood quantum reduction, which is the most recent amendment to the HHCA, that DOI review process is still ongoing. When Chair Ailā talks about speaking with the congressional delegation, the strategy for getting these through Congress depends on them. We must be careful when talking about amendments, because we could end up with amendments we didn't want. Commissioner Ka'upu appreciated the overview and felt a simple list of the things in the cue and their status in the CFR process.

**RECESS**  
**RECONVENED**

**11:05 AM**  
**11:09 AM**

## **ITEMS FOR DECISION MAKING**

### **OFFICE OF THE CHAIRMAN**

**ITEM C-5      Approval of Budget Amendment to Cover Implementation of Memorandum of Agreement with Amerind Critical Infrastructure Related to Tribal Broadband Connectivity Program and 2.5 GHz Licenses**

Note: Commissioners had legal questions before addressing the requested action.

**MOTION/ACTION**

Moved by Commissioner Ka'apu, 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**

**11:08 AM**

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

**EXECUTIVE SESSION OUT**

**11:46 AM**

**RECOMMENDED MOTION/ACTION**

Deputy to the Chairman Tyler Iokepa Gomes presented the following:

Motion to approve Budget Amendment to Cover Implementation of Memorandum of Agreement with Amerind Critical Infrastructure Related to Tribal Broadband Connectivity Program and 2.5 GHz Licenses.

**MOTION/ACTION**

Moved by Commissioner Neves, seconded by Commissioner Ka'upu, to approve the motion as stated in the submittal						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu		X	X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X w/R			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED Motion passed unanimously- nine (9) Yes votes. Commissioner Teruya: Aye with Reservations						

**Approval of Minutes**

Chair Ailā asked Commissioner Ka'apu if there were edits to the meeting minutes of the January 12, 2021, Special Commission Meeting. Commissioner Ka'apu had none.

**MOTION/ACTION**

Moved by Commissioner Teruya, seconded by Commissioner Helm to approve the January 12, 2021 Special Meeting Minutes. Motion carried unanimously.

**MOTION/ACTION**

Moved by Commissioner Ka'apu, 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**

**11:52 AM**

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

1. Update on issues related to Criminal Investigations on Hawaiian Home Lands

**EXECUTIVE SESSION OUT**

**2:03 PM**

**ANNOUNCEMENTS AND ADJOURNMENT**

**NEXT MEETING**

The next meeting will be held on March 17 & 18, 2021, Videoconference

**MOTION/ACTION**

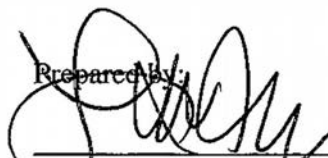
Moved by Commissioner Neves, seconded by Commissioner Teruya, to adjourn the meeting. Motion carried unanimously.

**ADJOURNMENT**

**2:05 PM**

Respectfully submitted:

  
\_\_\_\_\_  
William I. Ailā, 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:  
March 15, 2021

**Attachments:**

- 1) Public Testimony on Agednized Items (8)
- 2) Slide Presentation Item C-6
- 3) Slide Presentation Item D-7
- 4) Slide Presentation Item E-7

**From:** dhhl.icr01@hawaii.gov  
**Sent:** Tuesday, February 09, 2021 7:02 PM  
**To:**  
**Subject:** HCC Contact:

**First Name**

Benjamin

**Last Name**

Rodrigues

**Phone****Email****Subject**

Submit Written Testimony

**Message**

Aloha no ka lahui, Hawai'i

I speak today as one kanaka, who has seen the divide of people, land, and resources. This divide is not uncommon to many indigenous peoples. The Hawaiian has been active in protecting the iwi (bones) of our ancestors, we have been busy protecting our sacred spaces, such Mauna Kea, protecting our native forest such as Kahikinui. The Hawaiian has called for the return of the waters to streams and estuaries of Maui, politically the Hawaiian has had to constantly be on the defense, to properly steward the lands of our ancestors. Our beach fronts, our coconut groves, our sacred spaces are cleared for development to build luxury communities, shopping malls and hotels. All to import money and revenue into our economic model. An economic model and luxury that majority of Hawaiians cannot even afford. The economics of tourism has long been the focal point of business here in these islands and 2020 has shown us that we cannot be a one trick pony. I hope we see that building a whole economy on import in an island chain is foolish. For the last century our economy has been built on parading our culture and it's been sold as a Hawaiian lu'au. The very appropriation of aloha has continued to drive the Hawaiian into deeper poverty. All the while the Hawaiian has been displaced without access to financial vehicles such as the Bank of America \$150 million dollar Native Hawaiian Loan promise. Without access to loans how can the Hawaiian qualify for their Hawaiian homestead lease? Our community has lived largely within the poverty statistics for over 128 years following the overthrow of the Hawaiian Kingdom January 17, 1893. A Kingdom and country overthrown by large foreign and domestic business interest such as Alexander & Baldwin and Dole. The Hawaiian still lives with policies created by the very business interest that altered the fate of its sovereign kingdom 128 years ago. Implementing 50% blood quantum requirements to be considered a native Hawaiian, written into federal law. By the same governments who signed treaties of friendship with our sovereign kingdom. Not only is the barriers for the Hawaiian both political & financial, there is a racist policy created in 1897 to outlaw 'Olelo Hawai'i, our Native language from being spoken in schools, government, and outlawed our Hawaiian language from being written in our Newspapers. It took in to the 80's for the language policies to be reformed. Then again we see this racist policy in 1921 when the definition of native Hawaiian required us to be 50% native Hawaiian to receive benefit. This policy created to divide and subjugate the first peoples of Hawai'i. Written by foreign interest, to determine the interest of an indigenous nations people. The Hawaiian has endured the policy genocide and ethnic cleansing practices of removal of language, and the policy of requiring the Native to be a certain percentage to be put on a list to receive lands in lease when they become available. The Hawaiian commission act states that its purpose is for the rehabilitation of Hawaiians. I've seen nothing that resembles the rehabilitation of our people. I've been through the processes set forth to gain access to the lands held in trust for the Hawaiian. The trust that has long been politically monopolized for generations. How will homes come available for Hawaiians if we do not even qualify for loans to be placed in a home? 700,000 dollar home prices throughout Hawaii. The home price for the Hawaiian fluctuates around the larger population. The average family buckles under the weight of the finances required to live on these shores. The Native American has a reservation that he needs to prove the same blood quantum requirements to participate in, the native Hawaiian has a homestead he must qualify for on many levels to receive any benefit from. How many Hawaiians have died waiting on the DHHL wait list? How many more don't qualify for the benefit to be recognized by the Federal government as a Native? Essentially the definition of the native Hawaiian is defined by meeting the minimum requirement of 50% blood. Those of under 50% which is

now majority and is growing exponentially, with every Hawaiian birthed today. If we wait any longer the Hawaiian will go further into dilution and soon no one will qualify. This policy seems like planned obsolescence to the Hawaiian. The policy of kill the Native, save the man has influenced at large the education system we fill today. The education system that has influenced the statistics of marginalization of the Hawaiian. If not the education itself, the limited access to it is another issue. Then is the truth being taught to the Hawaiian? We see Projects fast tracked in a system where a fine is a slap on the wrist to the affluent. Permits given to cut down our sacred Koa trees to those with the infrastructure and money to pay it. Many industries of the Hawaiian in which he cannot participate in, using his homeland resources to profit. How many Hawaiians applying for permits to reduce the biodiversity of our native forest? All of these things happening against the values of the Hawaiian, the same system that governs the Hawaiian, who's current fiduciary duties is rooted in the 1921 Hawaiian homes commission act. It is the same system that actively works in opposition to the Hawaiian. Lobbyists at large control the political sphere in which the Hawaiian exist. The various department heads appointed by the governor of the state of Hawai'i. Many of them former department heads in the other sectors of the same government. Leaders placed over the Hawaiian that create policy for the Hawaiian. The DHHL chair is therefor appointed by a government which has vastly different interest than the Hawaiian. Who then truly advocates for the Hawaiian? Who holds fiduciary obligation for the Hawaiian? Why isn't it the Hawaiians themselves? The same government that at large is influenced by the corporations. Corporate interest that has long lobbied and secured their business on the backs of the Hawaiian. Leaving the Hawaiian with weak political influence to advocate for his own governance. We've seen corruption on the highest level in this very government in the last year with deputy prosecutors being imprisoned along with her husband the police chief with a career that spans 30 years. How can we ensure the Hawaiian is in control of the of this casino? Is the Hawaiian or the state of Hawai'i the one with greater interest in the casino? How are we going to operate a casino in a pandemic? Have we studied the success of other native casinos? What are the community level packages that the native will benefit from? Are we doubling down on a casino in a failing economy? But before we can even ask these questions we need to revisit and reform what it is to be considered a native Hawaiian because the benefits of this casino will go to the few that still qualify. As a 49% Hawaiian, what benefits do I receive from this proposed casino? How long will we go on using description of our colonizers to define what is native Hawaiian? Then you say if we lower the blood quantum the benefits aren't enough to supply us all. The purpose of racist policy to divide and eventually weed out the undesired population. But is a casino what the Hawaiians need? We are seeing the flailing of the American economy. How is this a wise investment? Considering the 47% increase in shipping cost to Hawai'i will the dollar Bill be enough to truly secure the Hawaiian? As its stands we have 200,000 acre held in Trust. How can we think creatively to make our communities more food secure. How can this department create sustainable and regenerative food programs on the lands Hawaiians live upon. How can we create a universal food security program, that not only benefits Hawaiians, but all of Hawaii. The political change that Hawaiians need is far away with years of reform to come. But what we can do now is secure all Hawaiians by planting a thousand acres of ulu on each island, help fund food distribution infrastructure to harvest and deliver food to benefit homestead communities. Create Hawaiian owned slaughter houses to help offset a growing ungulate problem on trust lands such as Kahikinui. Ran by Hawaiians for Hawaiians. We need to ask ourselves that when money can be printed unrestricted how can there ever be enough? When the dollar stops, what happens? I do know what happens when we plant ulu. Feeding people without cost, ho'okipa and laulima to me embodies aloha and makes distinctly unique Hawaiian policy. I believe food sovereignty comes long before, political sovereignty, and education sovereignty comes long before we can truly see a modern renaissance of the Hawaiian. Free food, free water, end institutional racist policy. I do not believe a casino is what we need. I also see that we cannot ensure the Hawaiian is the primary stake holder for these endeavors until we answer larger questions. Many questions to be asked. I say no to sb1321. A'ole casino. Aloha.



**From:** dhhl.icro1@hawaii.gov  
**Sent:** Sunday, February 07, 2021 12:30 PM  
**To:**  
**Subject:** HCC Contact:

<b>First Name</b>
D
<b>Last Name</b>
Shimata
<b>Phone</b>
<b>Email</b>
<a href="#">_____</a>
<b>Subject</b>
Submit Written Testimony
<b>Message</b>
Please take time to read "Gambling a costly burden in South Dakota", Honolulu Star-Advertiser, Friday 2/5/2021, views and voices. This commentary comes from a former educator, a former city councilor, a former state senator, and Senate majority leader - couple who are viewing their state's choice on gambling in retrospect. The challenge is to further look for more information at the South Dakota Department of Revenue site.

February 12, 2021

Aloha e Hawaiian Homes commissioners,

RE: Maui Game and Land Management Project (MGLM)

ʻO Donna Kealaponi Sterling koʻu inoa mai Kahikinui ma ka mokupuni o Maui nei – my name is Kealaponi Sterling from Kahikinui, Maui. I serve as president of the year-old beneficiary organization, Kahikinui Hawaiian Homestead Association.

I am advocating on agenda items F-2 and G-1. Regarding agenda item F-1 Approval to issue a Right of Entry permit to State of Hawaii Department of Agriculture, Wailua, Hana, island of Maui, TMK No: (2) 11005022(por.), I want to describe a \$300,000 feral grant submitted this past Friday on behalf of the Kahikinui Hawaiian Homestead Association.

My point today is that there is a creeping encroachment by state and other non-beneficiary entities to have Rights of Entry and other land-use permits to 30 percent, or more than 60,000 acres, of the 203,000-acre Hawaiian Homes trust-lands inventory. But we beneficiaries and beneficiary organizations seek o malama our own kaʻaina hoʻokuʻonoʻono (homestead lands). Therefore, Kahikinui Hawaiian Homestead Association will be applying to DHHL for a 6-month or longer Right of Entry to 4,500 acres of homelands forest on the leeward slopes of Haleakala crater for purposes of the feral-assessment grant project.

Under the proposed feral grant project, Kahikinui Hawaiian Homestead Association aims to be able to manage and control the feral animals within the Kahikinui community by assessing the current status of the forest land, assessing the ungulate population and harvesting the ungulates in the process. The goal is to assist the land with recovering from the damage that has been done by feral animals, and reduce the ungulate population.

The initial focus group concluded the following, “The largest group to form was that of the Hawaiian Culture, Hunting and Ethics. No one signed up for the Public Safety group, although public safety issues were addressed by the other Groups.”. It is here that first reflects how perhaps Public Safety was unfortunately overlooked. MGLM takes pride in shifting the attention towards public safety over profit.

Within the scope of the grant Maui Game and Land Management has included work calendars in which partnerships are initiated and a continual communication feed of feral animal management information is created with all Departments and Divisions of local government. This includes but is not limited to: Hawaii Health Institute, Cooperative Game Management, Hunter Education and Department of Transportation, and fellow Hawaiian Homeland Associations.

It is with appropriate tenor that the very homesteaders of the largest span of land in Kahikinui take the lead on how to best deal with island wide issues. The sound organization of KGLMO set the bar on sensibility and cultural respect while in the forest. It is a natural course of action that grant goals complement the continuing work to educate about hunting and gathering rights by aboriginal Hawaiians.

Approval to issue a Right of Entry permit to State of Hawai'i, Department of Agriculture, Wailua, Hana, island of Maui, TMK No.: (2)11005022 (por.), I want to describe a \$300,000 feral grant submitted this past Friday on behalf of the Kahikinui Hawaiian Homestead Association.

With respect to agenda item G-1 For information only – Upcoming beneficiary consultation meetings regarding the DHHL General Plan update: Kahikinui Hawaiian Homestead Association will be advocating that the next 20-year General Plan feature a goal to prioritize in perpetuity beneficiary and beneficiary-organization applications when DHHL and the commission consider and approve statewide homestead land-use requests.

This goal will fulfill the Hawaiian Homes Commission Act's mission under Section 207, authorizing DHHL to grant licenses for "improvements for public purposes; and theaters, garages, service stations, markets, stores and other mercantile establishments (all of which shall be owned by native Hawaiians or by organizations formed and controlled by native Hawaiians)."

In conclusion, on behalf of the Kahikinui Hawaiian Homestead Association, I call upon DHHL and the commission to support and approve (1) the association's ROE application to 4,500 acres of homelands forest for purposes of the feral-assessment grant project, and (2) all measures, including a General Plan provision, to fulfill the Hawaiian Homes Commission Act's mission to provide beneficiary and beneficiary-organization access to and use of statewide ka 'aina ho'oku'ono'ono.

Sincerely

Kealapono Donna Sterling  
President  
Kahikinui Hawaiian Homestead Association

Ms. Jojo Tanimoto  
P.O. Box 44337  
Kamuela, Hawaii 96743  
Email: Guavaland [622@gmail.com](mailto:622@gmail.com)

January 11, 2021

Hawaiian Homes Commission  
91-5420 Kapolei Parkway  
Kapolei, Hawaii 96707

Aloha All

Re: Support for Casino Establishment—in Kawaihae.

Mahalo for the opportunity to comment on this issue.

First, let me say that I do not gamble; but I enjoy the entertainment very much. I do not smoke; but I enjoy the restaurants and window shopping-especially Hawaiian arts and crafts. The state is currently trying to upgrade the prison facilities and infrastructure; but have limited financial resources. Organizations that deal with abuse, drugs, homelessness, etc.; are having troubles with financial support and staffing. The general public woes have continued in the best of times, and in the worst of times. Funding has been reported as the restraining factor all these years.

This issue came before the Legislature about 35-40 years ago. I can remember when our Kupuna in Hilo supported this Revenue stream because until then, building subdivisions were created without infrastructure, and awarding beneficiary leases were almost nil. A lot of criticism of DHHL's failure to award leases were at it's high.

What was created instead was permission to create Commercial zones and Industrial zones for people who included those who had no blood quantum. Casino follows the same idea. At one of the statewide Hawaiian Homelands (HHL) conventions, the Kupuna from Hilo suggested South Point in Ka'u. The location was far from any neighbors and the road system was one way in-one way out. Another location was Kawaihae because there was so much land not being used and the participants in this venture could be sequestered.

Rules were really a serious discussion. How to avoid gamblers who cannot pay their debt? How to avoid drugs on the establishment and in the general public. What happens to the general public?

Some of the benefits to the general public were use of hotel rooms, rental cars, restaurant catering and dining; funds to hire more police, DOCARE officers, firemen and equipment, etc. There could be more funds in the State and County budget to improve on roads, equipment, etc. Taxes from this establishment could increase the State and County coffure.

Since that time, HHL was successful in awarding AS IS subdivisions. Kawaihae had no infrastructure. As the families began building their homes, Hawaiian Homes followed along with the infrastructure.

In Kawaihae, we currently have a problem that could use better funding for better Planning and Development considerations. Currently in Kawaihae, this community is dealing with an Industrial Land Use Cement Company in a Commercial area. The TOXIC cement dust flies over the Akoni Pule Highway in a fog bank; regularly during the windy season. This Cement Co. lease was established when there was no subdivision across the street and without an Environmental Impact Statement. Today, this subdivision of young families has no choice but to live in this environment, because this Company is a form of revenue for HHL. How can this legislature help these families?

Also, there is no Bypass Road to move the General Public traffic out of the Tsunami area across from the Kawaihae Harbor. This Bypass Road was planned over 35 years ago to alleviate the traffic entering and exiting the Kawaihae Harbor. Much of the traffic from Kohala must pass the harbor to go to school and to go to work at the hotels in South Kohala. Today, Kawaihae has two small boat harbors that add to the traffic in this area. Recently, we had a windy day and some electric poles fell down-again; and traffic was created for almost 24 hours. Besides the electric pole, kiawe trees fell alongside the harbor road. The closest detour is 6 miles through a private gated subdivision, 12 miles along the mountain road to the Waimea intersection and down 14 miles to the same intersection that normally takes 3 miles. Gas at almost \$4.00 a gallon and personal time; is very costly for these families who utilize this corridor.

It is time the State and Counties stop overlooking Kawaihae and the homestead subdivisions. This Casino enterprise could be better regulated and fenced in. It would create jobs and public improvement. There could be a Pilot Program implemented for a time period. But, please give this Project your consideration. Mahalo

Sincerely

Ms. Jojo Tanimoto  
Homestead Lessee

---

**From:** dhhl.icro1@hawaii.gov  
**Sent:** Friday, February 12, 2021 3:23 PM  
**To:**  
**Subject:** HCC Contact:

**First Name**

Marion Kanani A

**Last Name**

Kapuniai

**Phone**

**Email**

**Subject**

Submit Written Testimony

**Message**

I recognize that the prior testimonies were included, in its entirety, in this agenda submission. Thank You!!  
I have the same issues with "leased property access" and "written notices along with time to allotted for cure", AND MY RECOMMENDATIONS ARE THE SAME, because my recommendations have not been considered.  
A. NO ENTRY, UNLESS CONSUMER HAS BEEN CONTACTED , CONSUMER HAS AGREED TO UNACCOMPANIED ENTRY OR  
CONSUMER HAS AGREED UPON APPOINTMENT TO ACCOMPANY STAFF. CONSTITUTIONAL RIGHT!!!  
B. AFTER COURTESY CALL, ALL WRITTEN NOTICES ARE TO BE SENT CERTIFIED MAIL, RETURN RECEIPT REQUESTED;  
CONSUMER SHALL BE GIVEN 5 DAYS TO RESPOND, AND TOTAL OF 10 DAYS TO CURE ISSUE.

**From:** dhhl.icro1@hawaii.gov  
**Sent:** Thursday, February 11, 2021 6:05 PM  
**To:**  
**Subject:** HCC Contact:

<b>First Name</b>
Rodney
<b>Last Name</b>
Souza
<b>Phone</b>
<b>Email</b>
<u>                                </u>
<b>Subject</b>
To all Hawaiian Homes Commissioners
<b>Message</b>
Concerning a casino on Hawaiian Home Land. There is always the concern of organized crime getting a foothold in Hawaii. I can tell You from past experience, both the Mafia and Yakuza are in Hawaii now, owning legit businesses.

---

**From:** dhhl.icro1@hawaii.gov  
**Sent:** Tuesday, February 16, 2021 12:50 PM  
**To:**  
**Subject:** HCC Contact:

**First Name**

Lauralee

**Last Name**

Baoy

**Phone**

**Email**

[\\_\\_\\_\\_\\_](#)

**Subject**

Submit Written Testimony

**Message**

A'ole Casinos in Hawaii on Hawaiian Home Lands. Those on waiting list should be getting their land that they have a right to, not get slapped in the face with a Casino instead. Put people's needs first not greed. Find another options such as agriculture to drive revenue.



## He Kanikau no Wiliama Billy Punapaia'alaikahala Kenoī

Lu'ulu'u Puna i ka ua nui

*Puna is bent and sagging in the weight of the heavy rains (of sadness)*

Ha'aha'a Kalapana pē wale auē

*Kalapana is humbled in the crushing realization*

Kaumaha lehua ua wailani

*Lehua blooms sadly drenched in tears*

I halihali 'ia e ka Pu'ulena ē

*Carried forth by the famous Pu'ulena wind*

Ali'i kolo i ka pūweuweu

*Chief who did not mind being amongst the humble clumps of grass*

Kama a Puna 'o Wiliama Punapaia'alaikahala Kenoī

*Child of Puna, William Puna-forest-boughs-laden-with-fragrant-hala-blossom Kenoī*

Koa Puna, lā'au kū ho'okahi!

*Fierce Puna warrior who is a singular spear standing upright!*

Kanaka makua i koho 'ia

*The one with the elder mindset, selected for leadership/service*

E ka lehulehu a Moku o Keawe Lani Nui la ē

*By the throngs of Hawaii Island of high chief Keawe*

Pē wale no mākou i ou ala ho'i 'ole mai

*We are battered at the realization of your path of no return*

Ho'i i ka pō a i ke ao ākea

*Return to the source, to light force energy*

He kama a Puna 'o Wiliama Punapaia'alaikahala Kenoī.

*A fierce Puna warrior, William Puna-forest-boughs-laden-with-fragrant-hala-blossoms Kenoī*

Auē! Ua hala loa, auē anuanu o'u mau 'iwi hilo nei!

*Gone! Passed on, I am chilled to the very core of my bones....*

Haku 'ia e Kanani Aton lāua 'o Kanoē Wilson



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

D-7

# CONCERNS IMPACTING APPLICATIONS BRANCH

February 16-17 2021

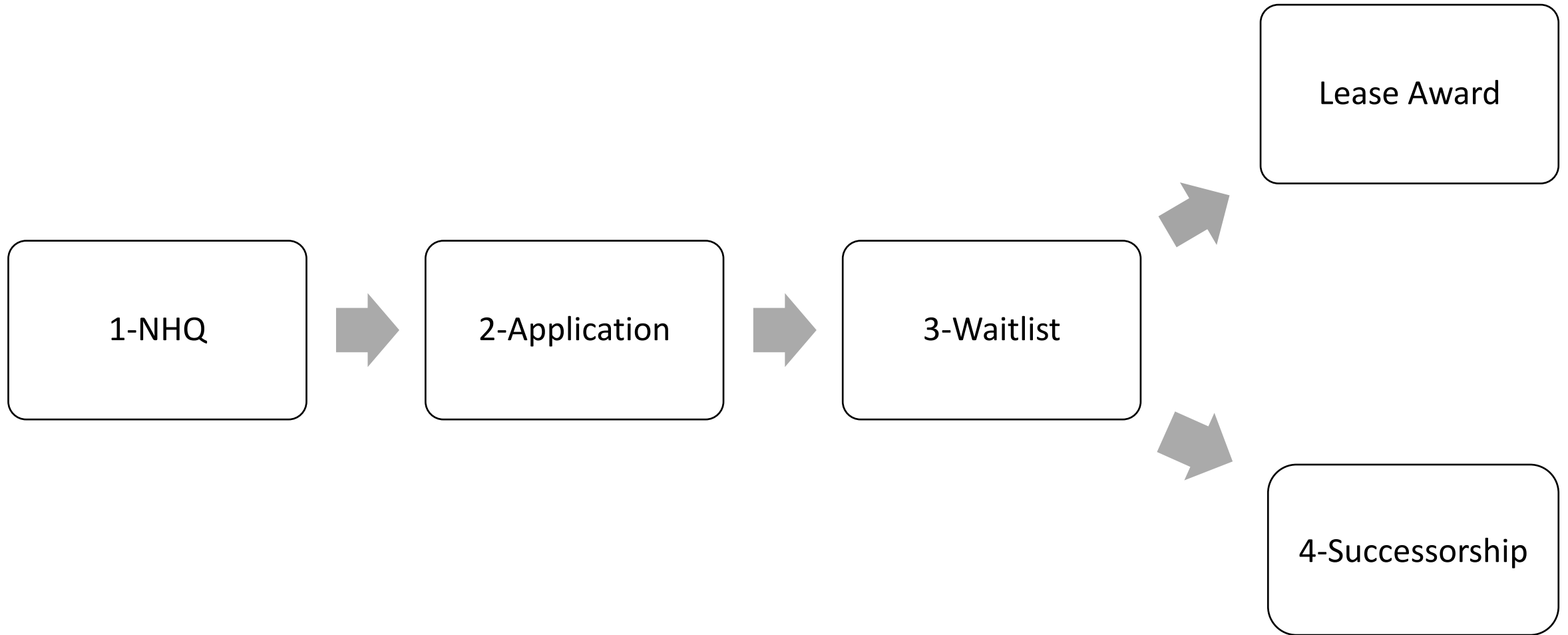


# OUTLINE

- Applications Branch Overview
- Policy
- Concerns
  - Waitlist
  - Successorship
  - NHQ

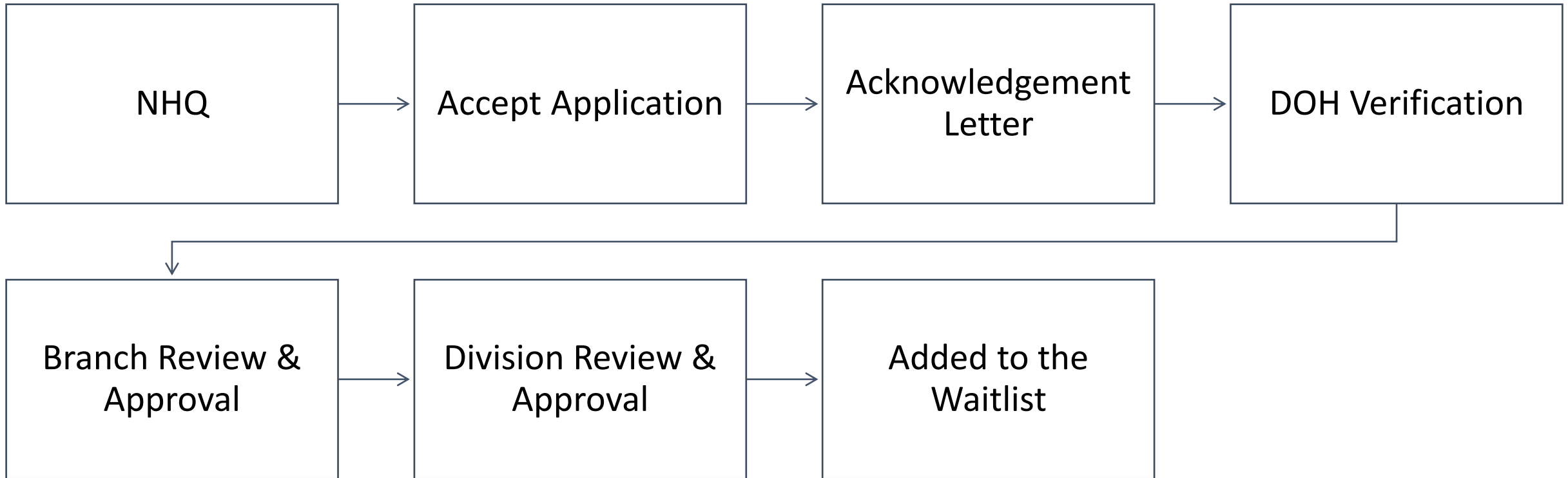


# OVERVIEW



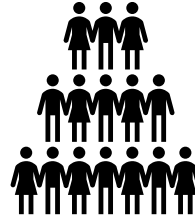


# OVERVIEW





# OVERVIEW



28,730 applicants  
45,869 applications



350 new  
applications  
annually



300 HHC  
transactions  
annually



100 Public  
Notice



150+ calls



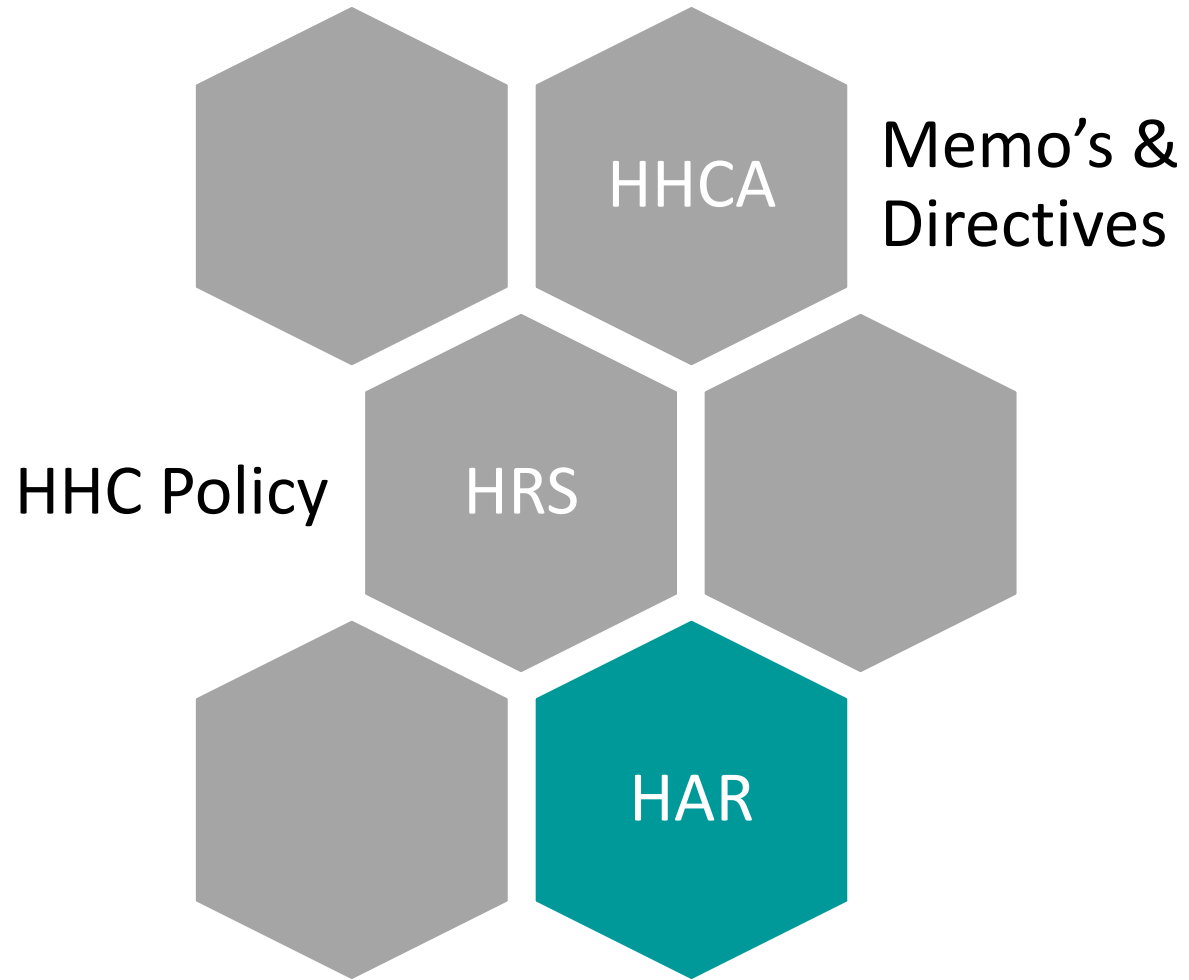
293 application  
packet inquiries



365 appx  
transactions



# POLICY





# POLICY

Hawaii Administrative Rules

Title 10

Department of Hawaiian Home Lands

Chapter 3

Native Hawaiian Rehabilitation Program

Subchapter 1 Applications for Homestead Leases

Qualifications of applicants

§ 10-3-1 Application forms

§ 10-3-2 Qualification of applicants

§ 10-3-3 Application processing

§ 10-3-6 Island-wide waiting lists

§ 10-3-8 Transfer of application rights





# CONCERNS

## Waitlist

3,603 applicants with invalid mailing  
address

971 applicants born between  
1905 -1930



# CONCERNS

## Successorship

1,070 deceased applicants on the  
waitlist

970 pending successorships  
(approx.)

### Types of Successorships:

- Named successor/applicant
- Name successor/non-applicant
- Public notice/applicant
- Public notice/non-applicant



# CONCERN

## NHQ

Establishing biological  
parentage

767 Pending NHQ applicants on  
the waitlist

## HHC Policy

2020 NHQ Process

1982 Spousal Substitution



# Mahalo



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C-6

# Hawaiian Homes Commission Policy Actions Project

February 16-17 2021



# Roadmap

- Purpose of the Project
- Authorities Affecting DHHL
- Types of HHC Policy Actions
- Examples of HHC Policy Actions
  - Commission Policy: HHC Water Policy Plan
  - Commission Policy: HHC NHQ Policy
  - Operational Policy: Administrative Rule Amendment Process Policy
- What Would This Look Like?
  - Example: HSD Applications Branch



# Purpose

- Compilation of policies adopted by the HHC
  - March 2007 – March 2016
  - April 2016 – September 2020
- Coordinate current and future policy actions
- Create and establish criteria for HHC policy development
- Maintain and review policies regularly



# Authorities Affecting DHHL

- Governing
  - Hawaiian Homes Commission Act
  - Hawaii Revised Statutes
  - Hawaii Administrative Rules Title 10
- Impacting
  - Federal law
    - Hawaiian Home Lands Recovery Act and 43 CFR parts 47 & 48
    - NAHASDA, NAGPRA, NHPA, environmental laws
    - Funding, permitting, or approval requirements
  - Case law
  - Other state regulations and policies
    - Ex: Governor's memorandums, AG opinions, DHRD policies & procedures, SPO circulars & directives, PPB administrative rules



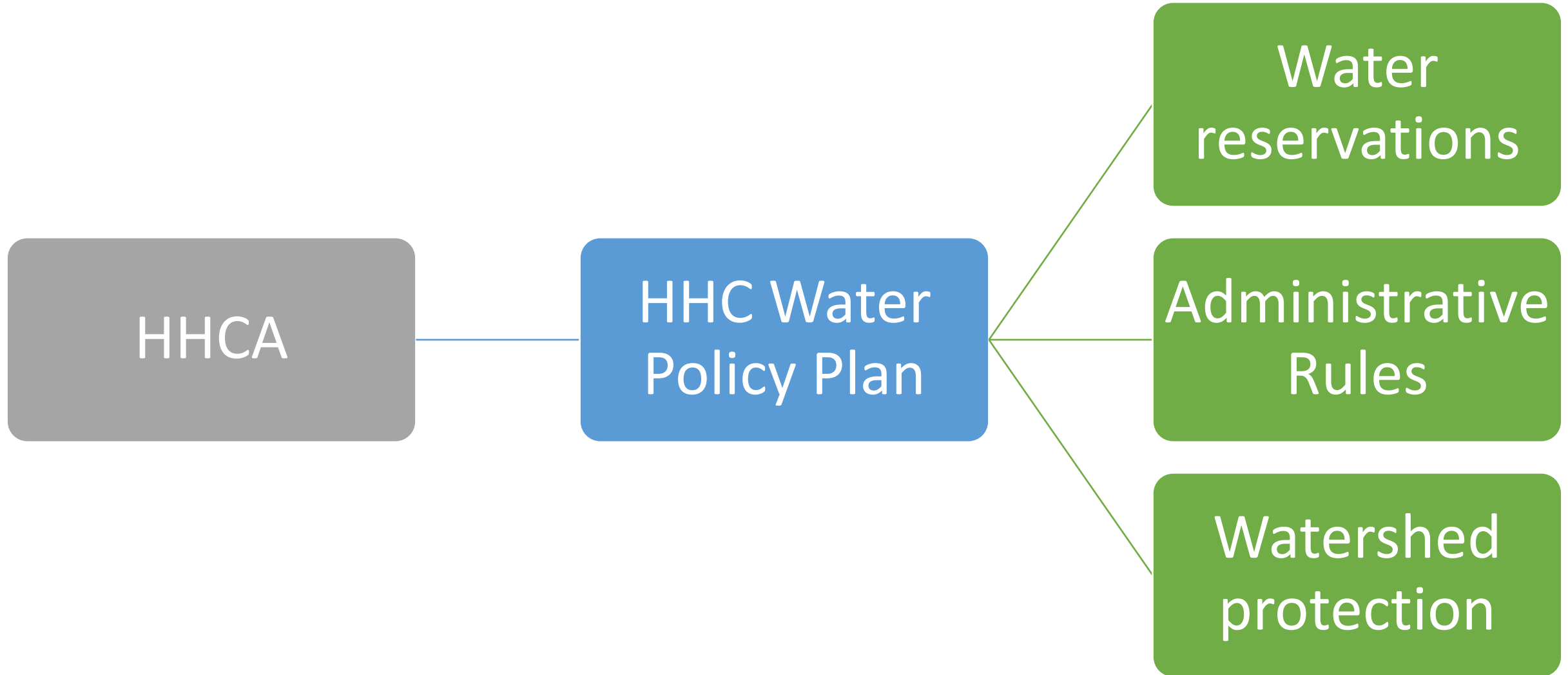


# Types of HHC Policy Actions

- HHC Policies
  - Protect and advance the Hawaiian Home Lands trust
  - Protect beneficiary interests
- Operational Policies
  - Confirm or guide DHHL operations

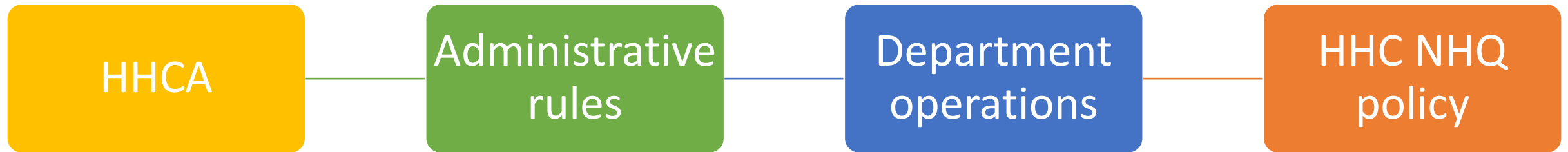


# Example: Commission Policy





# Example: Commission Policy





# Example: Operational Policy





# HSD Applications Branch

NHQ

- HHCA
- HAR
- Policies

Waitlist  
Maintenance

- HAR

Successorship

- HHCA
- HAR

# Mahalo



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E-1

For Information Only

WEST and EAST OAHU

Project Updates

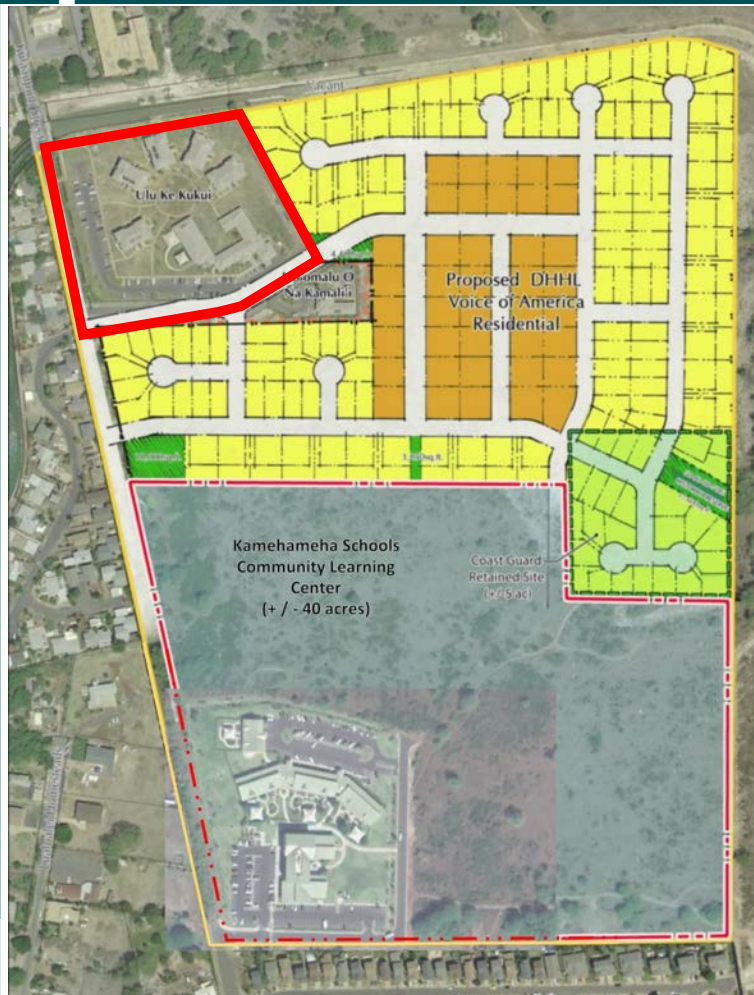
February 16, 2021

# Former Voice of America Property, Mā'ili

## • Ulu Ke Kukui

Development agreement executed with Hawaiian Community Development Board, Inc.

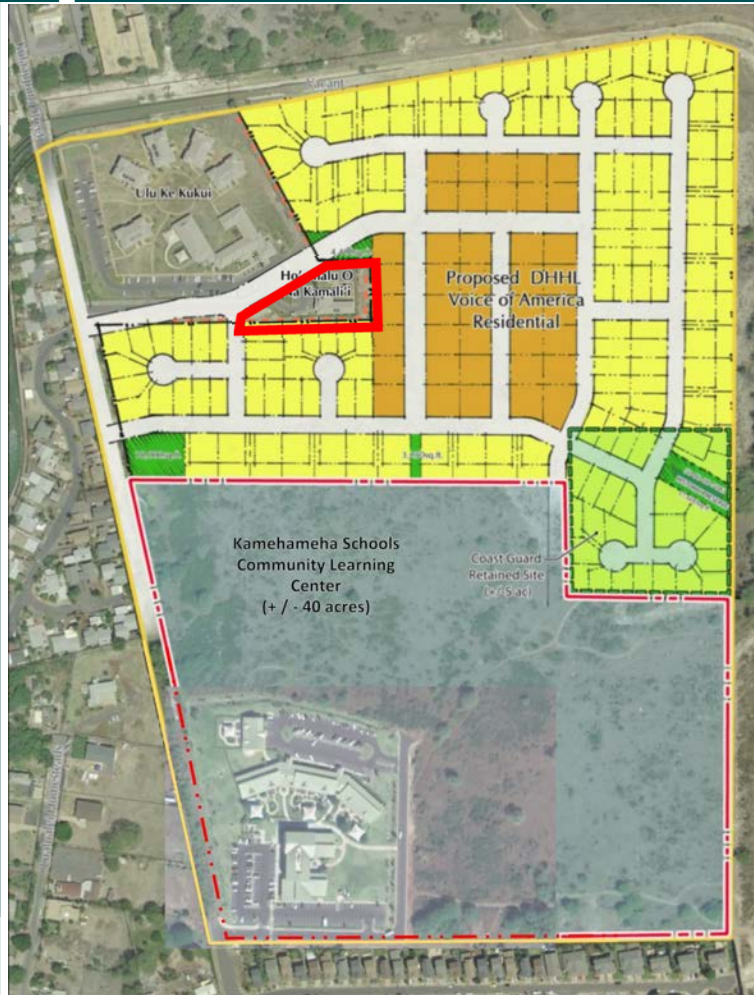
Developer finalizing construction plans and securing financing.



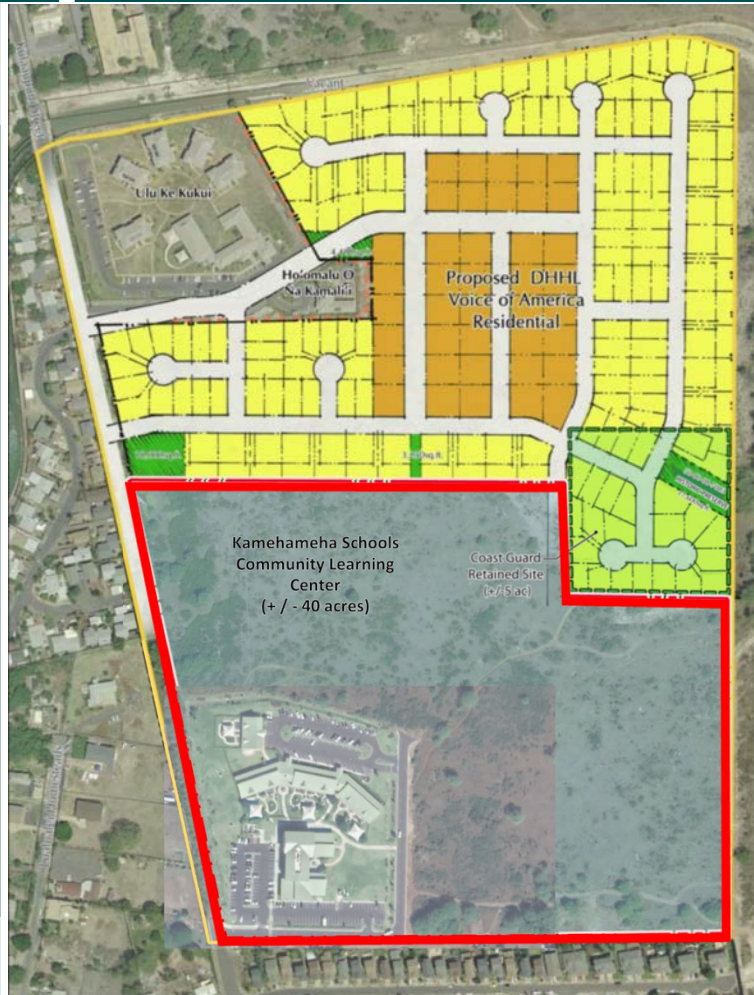


# Former Voice of America Property, Mā'ili

- **Ulu Ke Kukui**
- **Ho'omalū O Nā Kamali'i**
  - **General Lease to Department of Human Services expires in 2028**

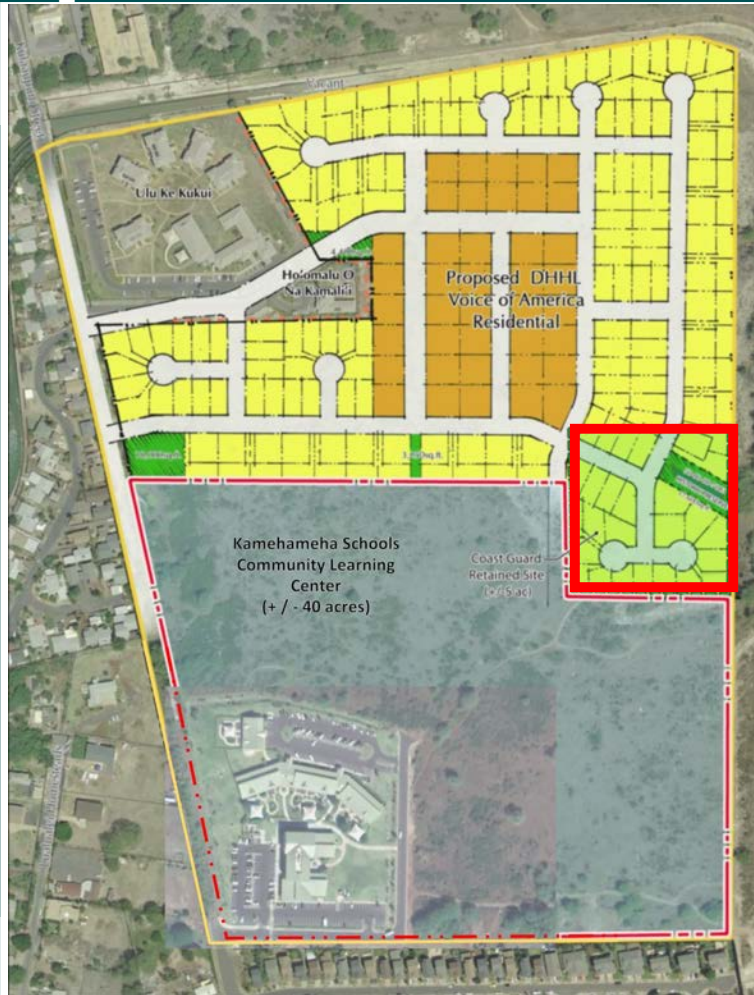


# Former Voice of America Property, Mā'ili



- **Ulu Ke Kukui**
- **Ho'omalū O Nā Kamali'i**
- **Kamehameha Schools Community Learning Center**
  - **General Lease issued in 2012**
  - **Subject to land exchange**

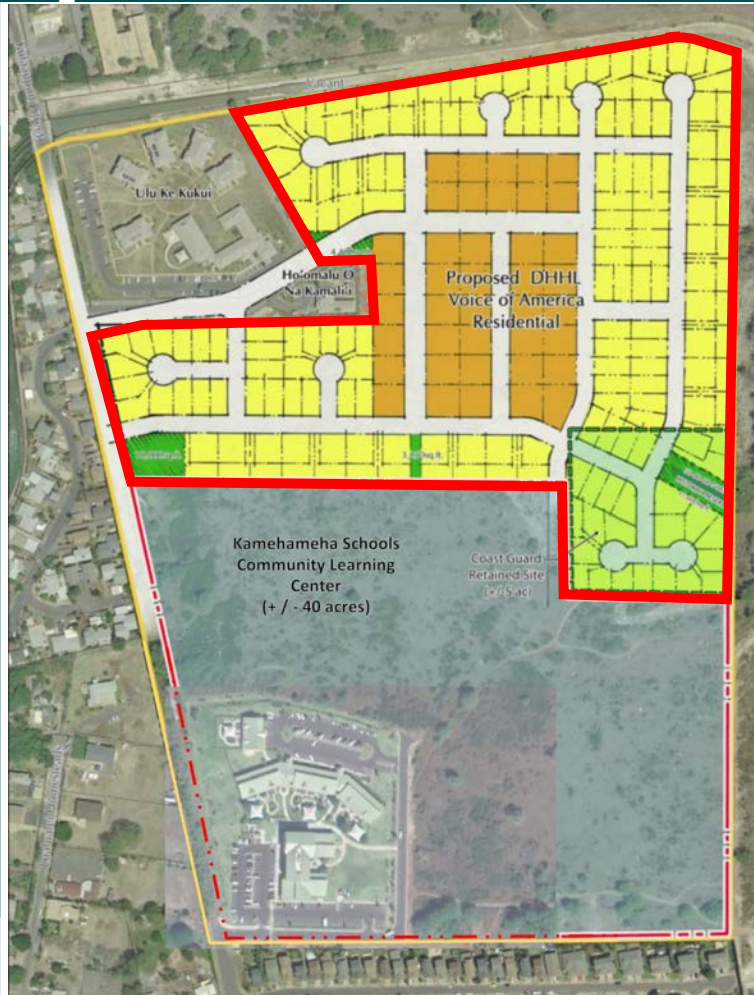
# Former Voice of America Property, Mā'ili



- **Ulu Ke Kukui**
- **Ho'omalulu O Nā Kamali'i**
- **Kamehameha Schools Community Learning Center**
- **USCG Retained 5-acre site**
  - Clean-up completed
  - Conveyance document executed



# Former Voice of America Property, Mā'ili



- **Ulu Ke Kukui**
- **Ho'omalū O Nā Kamali'i**
- **Kamehameha Schools Community Learning Center**
- **USCG Retained 5-acre site**
- **DHHL Residential Community**
  - Approximately 40 acres
  - Legislative Appropriations - \$800,000 (Planning, Designs)
  - Consultant preparing conceptual plans / alternatives
  - Next step: Beneficiary Consultation and Environmental Assessment
  - Approximately 250-340 units
  - Estimated construction cost \$48 million

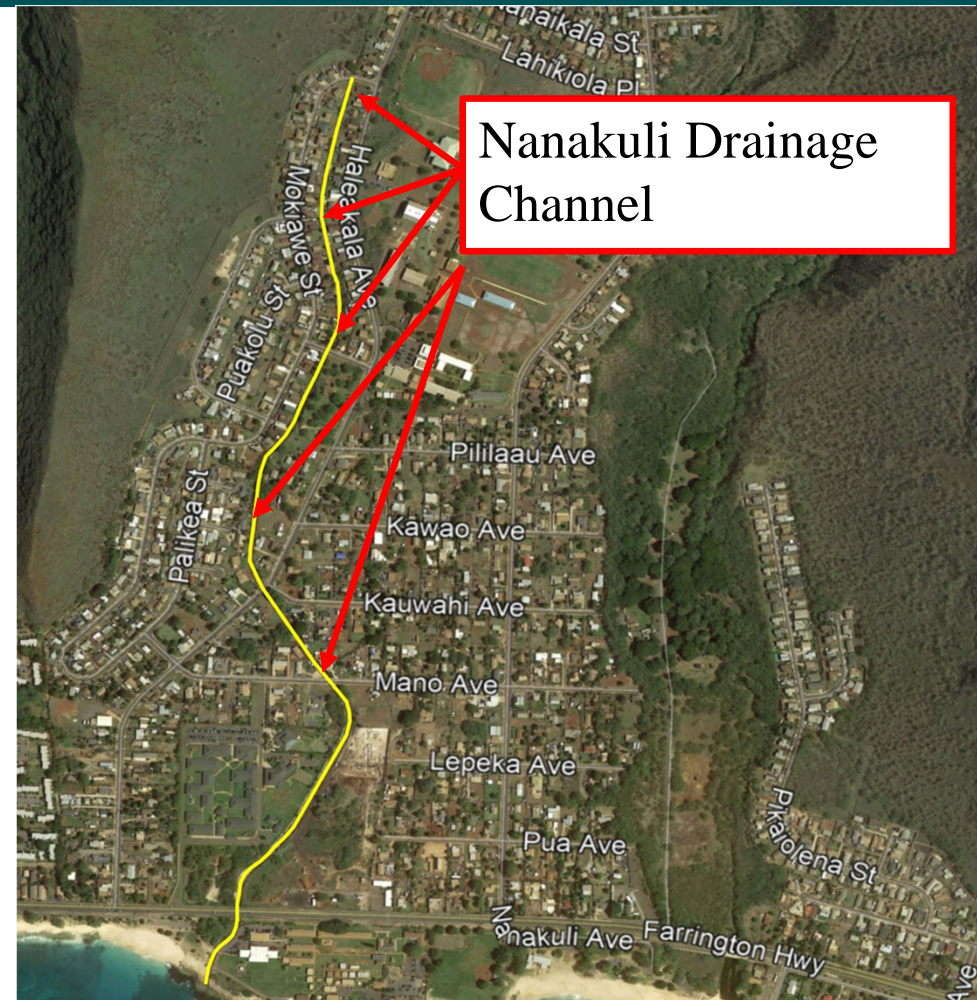
# NANAKULI DRAINAGE CHANNEL IMPROVEMENTS

## PHASE 1

Scope: Re-line channel walls – 5,000 linear feet  
Cost: \$3.2 million  
Schedule: Construction complete - Summer 2021

## ADDITIONAL PHASES

Scope: Additional repairs to lateral channels  
Cost: \$2.2 Million required  
Schedule: Designs in progress; bid in Fall 2021





# NANAKULI SECURITY FENCE



- Installation of Security Fence on the east side of the channel from Farrington Hwy to Lepeka Ave.
- 1,000 linear feet of fence
- Cost: \$270,000
- Schedule: Completed



# NANAKULI TRAFFIC CALMING

**Legislative Appropriation: \$1,000,000**

**Procure traffic engineering consultant to determine best means of traffic calming, to include speed humps and tables, crosswalk signals, striping and signage.**

**Locations to include, but not limited to:**

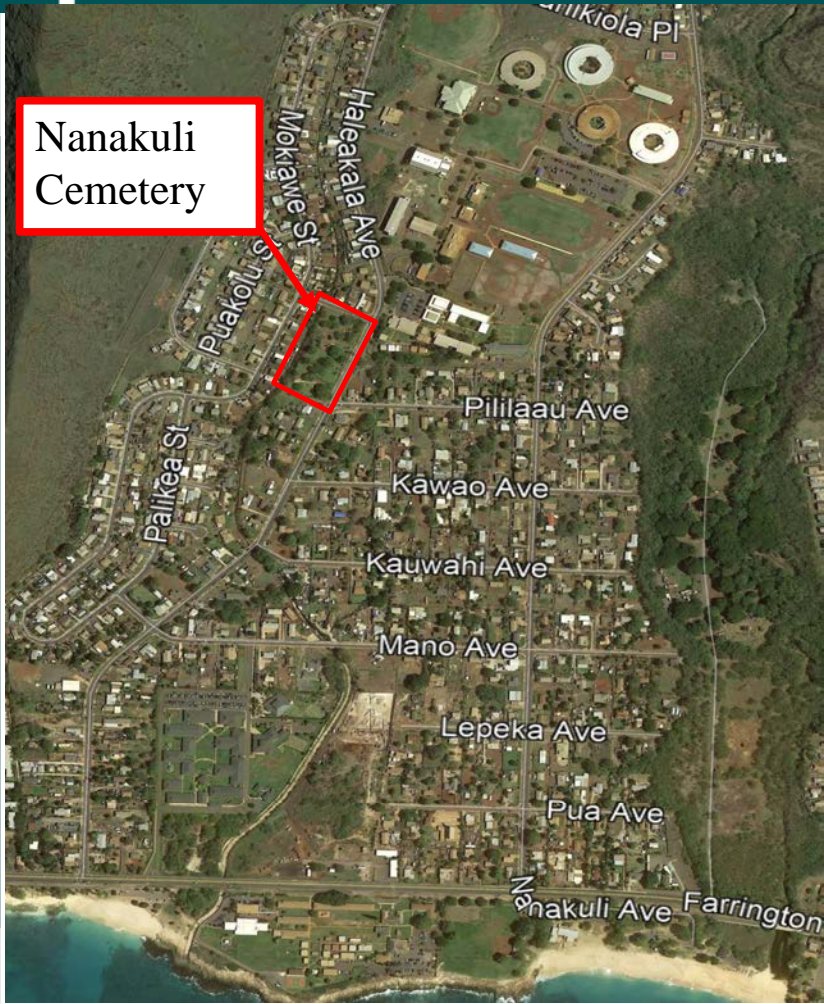
1. Nanakuli Ave & Pua Ave
2. Haleakala Ave & Mano Ave
3. Nanakuli Ave & Pililaau Ave.
4. Nanakuli Ave & Ilimapapa Ave.
5. Haleakala Ave. & Opuhe St.
6. Haleakala Ave. & Mokiawe St.
7. Haleakala Ave. & Pililaau St.
8. Mano Ave fronting Nanaikapono Elementary School
9. Nanakuli Ave. outside Nanakuli High School
10. Nanakuli Ave. & Lepeka Ave.

**Designs in progress – review by City**





# NANAKULI CEMETERY REPAIRS



Nanakuli Cemetery

## Proposed Repairs

- Fencing installation: 1,000 linear feet
- Wall Repair: 700 linear feet
- Remove excess excavated soil
- Repair water line

Cost estimate: \$370,000

## Schedule

- Permit approval in progress
- Request bids Spring 2021





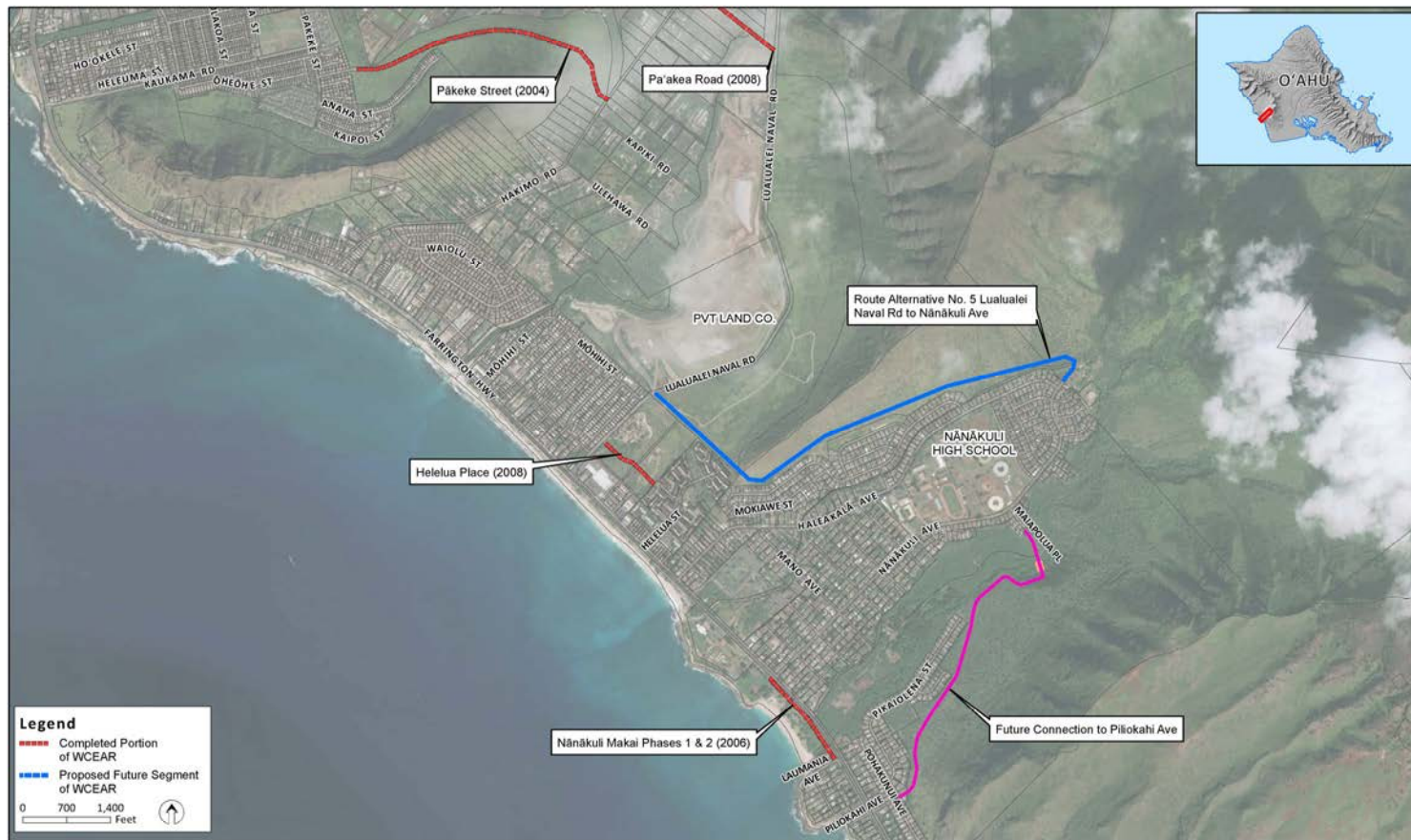
# WAIANAE VALLEY, INCREMENT 4

Kaupuni  
Neighborhood  
Park

Waianae Residence Lots

- 8 Lots.
- Lots range from 7,071 square feet to 9,274 square feet.
- Project Construction Cost: \$1.275M (Close Construction, Inc.)
- Estimated Project Schedule:
  - Start Construction: March 2021
  - Estimated Duration: 270 calendar days
  - Estimated completion: December 2021

# Waianae Coast Emergency Access Road



Waianae Coast Emergency Access Road  
Proposed Route Alternatives through Nānākuli  
June 29 2018



## Waianae Coast Emergency Access Road

- Reassess routes, conduct research, analyze alternatives.
- DHHL is coordinating our research with the State of Hawaii, Department of Transportation (HDOT).
- Total funding: \$3,000,000



# 820 Isenberg Street Re-development

Development Team: Stanford Carr Development and Hawaiian Dredging Construction Company  
Proposed Development

210-foot, 23-story, 270-unit high rise

23 studios

23 1-bedroom

201 2-bedroom

23 3-bedroom

4-story, 266-stall parking structure lined with 7 (3-bedroom) townhouse units

4,680 square feet of retail space

Environmental Assessment consultations – Fall 2021



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# Kaka'ina House Construction

Act 227 (SLH 2014) Implementation  
Bill of Sale and License Easement to City

Kumuhau Subdivision (52 lots)  
45 Turnkey (all completed & occupied)  
7 Self-help (all completed & occupied)

**Kumuhau  
Subdivision**

**Kakaina  
Subdivision**

Kakaina Subdivision (45 lots)  
15 Turnkey (all completed & occupied)  
30 Vacant Lots (9 completed & occupied)





# Waikupanaha Agricultural Lots

30 subsistence agricultural lots (0.5 - 0.7 acres)

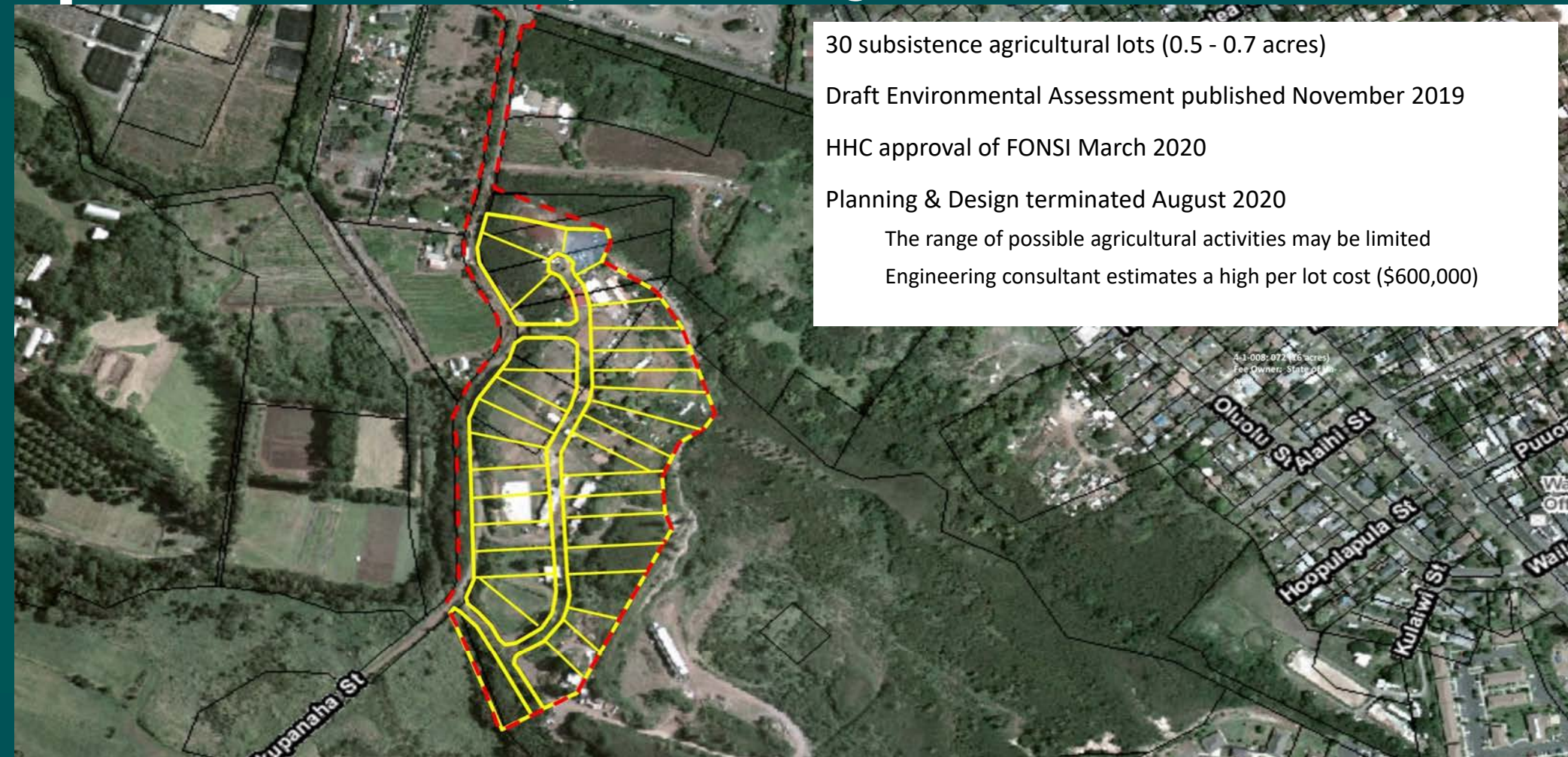
Draft Environmental Assessment published November 2019

HHC approval of FONSI March 2020

Planning & Design terminated August 2020

The range of possible agricultural activities may be limited

Engineering consultant estimates a high per lot cost (\$600,000)



DEPARTMENT OF HAWAIIAN HOME LANDS - LAND DEVELOPMENT DIVISION



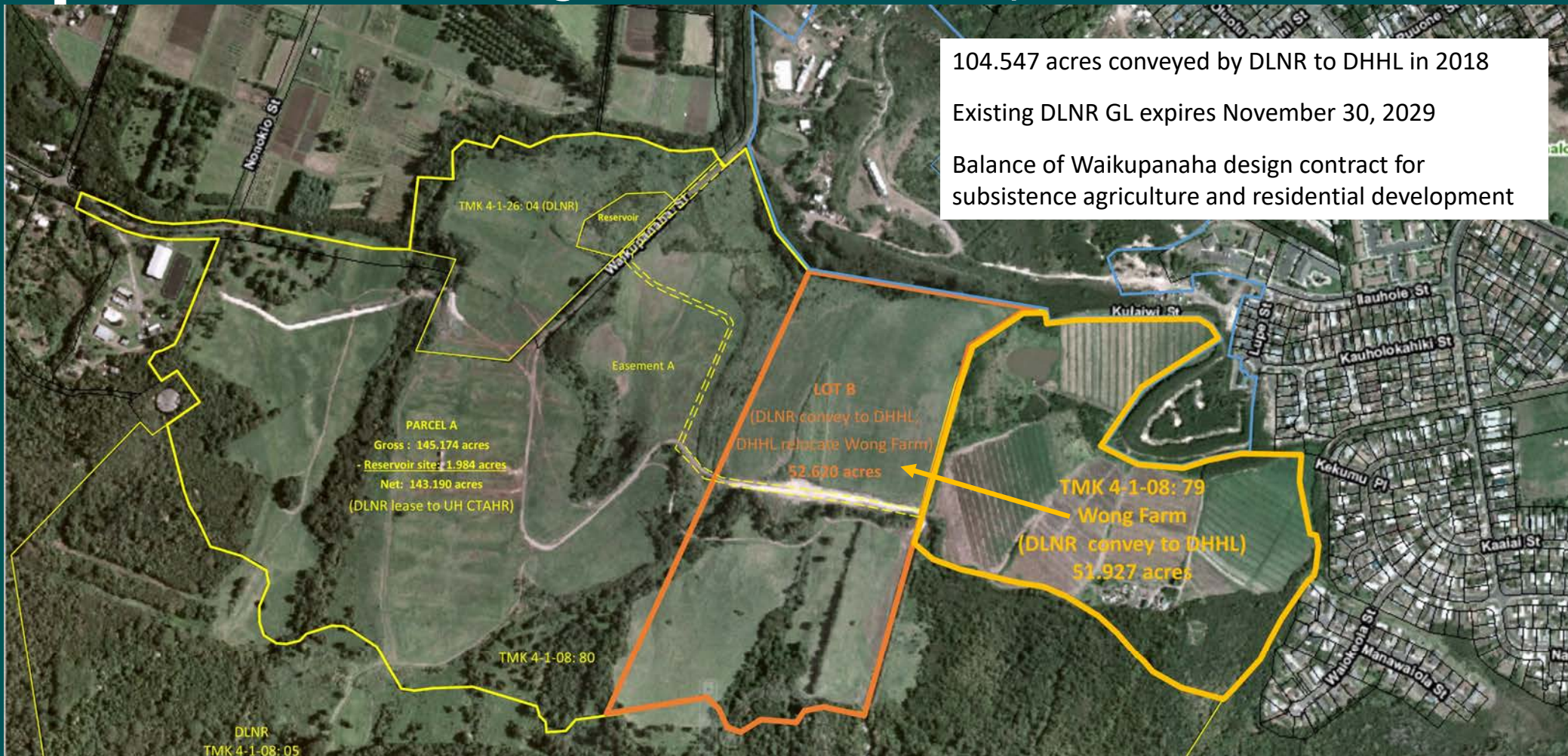


# Wong Farm Land Acquisition

104.547 acres conveyed by DLNR to DHHL in 2018

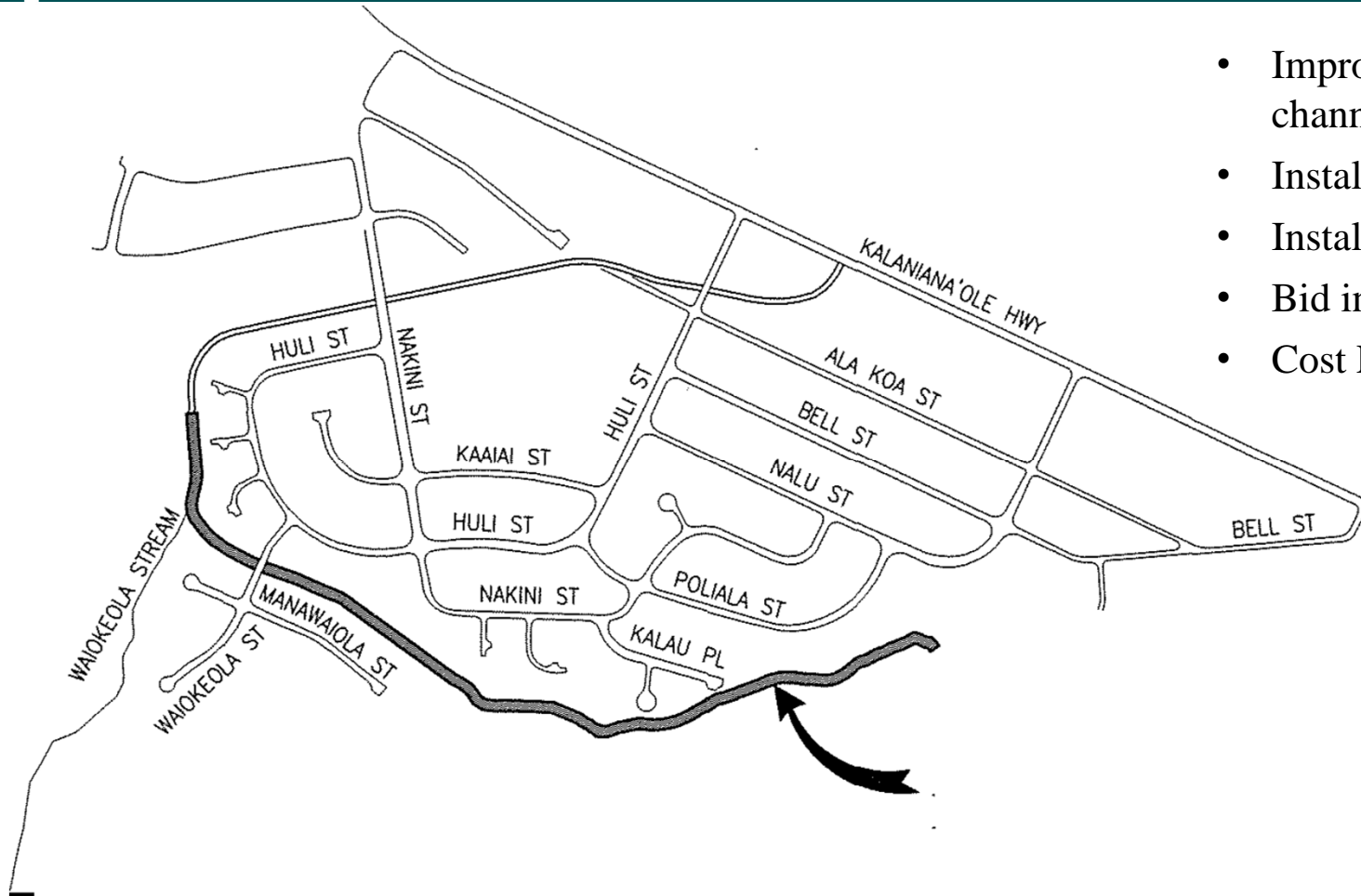
Existing DLNR GL expires November 30, 2029

Balance of Waikupanaha design contract for subsistence agriculture and residential development



DEPARTMENT OF HAWAIIAN HOME LANDS - LAND DEVELOPMENT DIVISION

# Waiokeola Stream & Drainage Channel Improvements




- Improvements to dirt drainage channel
- Install rip rap in various areas
- Install Fencing
- Bid in Summer 2021
- Cost Estimate: \$1.5 million






# Waimanalo Flood Control Channel Improvements

- 
- Concrete lined channel (approximately 2,000 linear feet)
  - Runs from Kamauna Place down to Kalanianaʻole Highway
  - Improvements include:
    - Spall work
    - Crack Repair
    - Fence Repair
    - Tree Removal
    - Lining
  - Cost Est. \$ 3.0 Million
  - Advertise for bids in summer 2021





# Bell Street Drainage Improvements

- 
- An aerial photograph of a residential neighborhood. A yellow line is drawn across the map, indicating the proposed drainage improvement project. The line starts on the left, runs horizontally across the middle, and then curves to the right towards the top right corner. The area is filled with houses, green lawns, and trees. Street names like 'Ala Koa St' and 'Bell St' are visible. In the top right, there is a beach and the ocean.
- Design conversion to pipe drainage and new outlet (approximately 1,000 linear feet)
  - Design to be completed in summer 2021
  - Funds required: \$3 million

# WAIMANALO WASTEWATER SYSTEM IMPROVEMENTS

## Project Objectives

1. Fix sewer deficiencies identified through various field inspections
2. Upgrade existing DHHL sewers to the current City standards for ownership transfer to the City
3. Convert cesspools as required by Act 125 (SLH 2017) by 2050.

## Summary

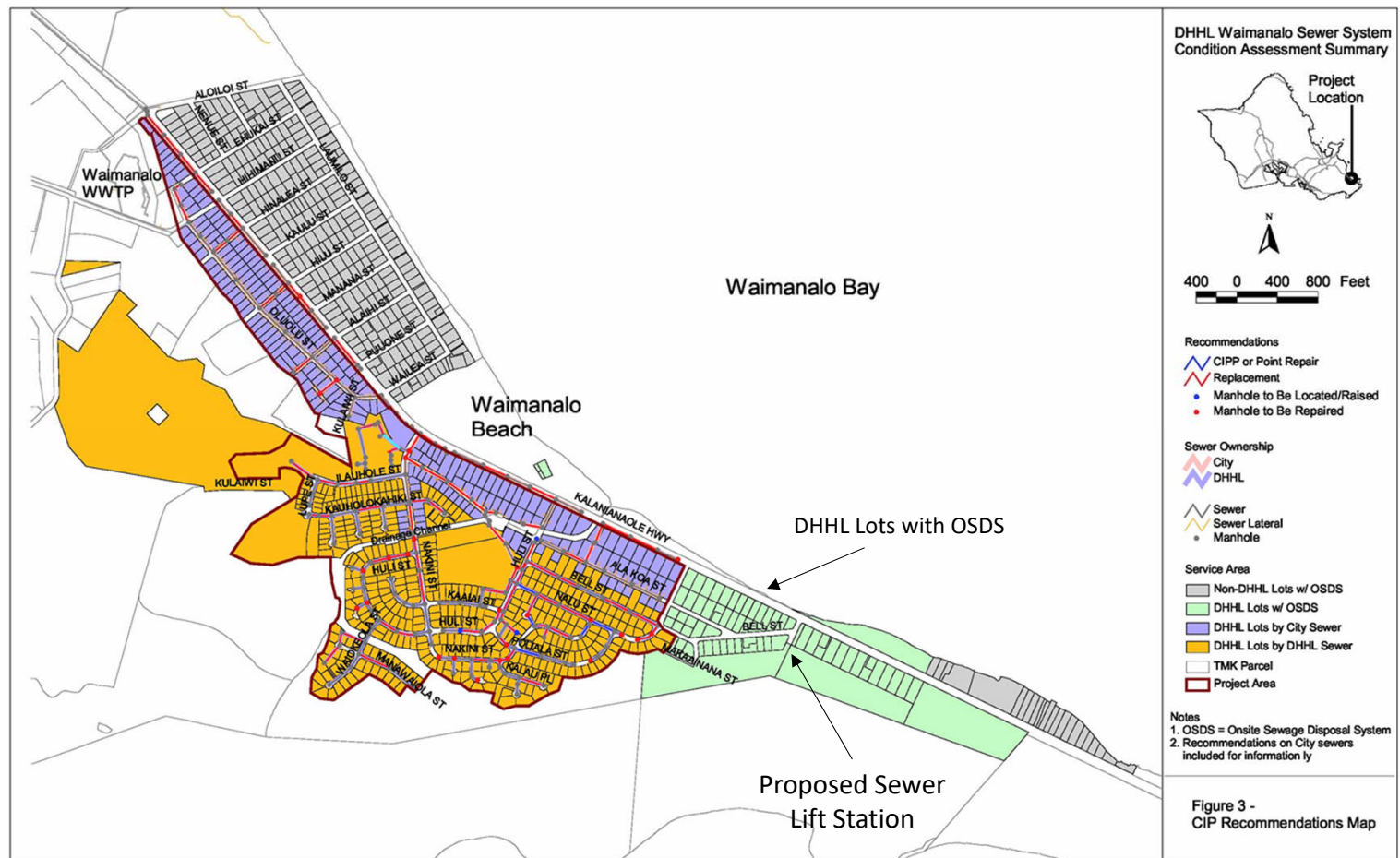
650 lots connected to City sewer system

80 individual onsite sewage disposal systems (OSDS)

## Remedial Actions

Repair/replace existing DHHL sewers (\$18 million)

Conversion of OSDS with pump station and new collector (\$12+ million)





# West Oahu Sewer System Assessment

## **PURPOSE:**

**Improve existing sewer collector lines to City and County standards**

## **LOCATIONS:**

DHHL Sewerlines in Waianae, Princess Kahanu Estates, and Nanakuli.

## **SCOPE OF WORK:**

- Replacing sewer lines, manholes and cleanouts
- Reconnecting laterals
- Re-surface paving, and perform traffic control.

## **STATUS:**

- Video-camera inspection, smoke testing and cleanout survey completed.
- Designs in progress.





## Waianae Sewer System

Approximately 100 lots impacted

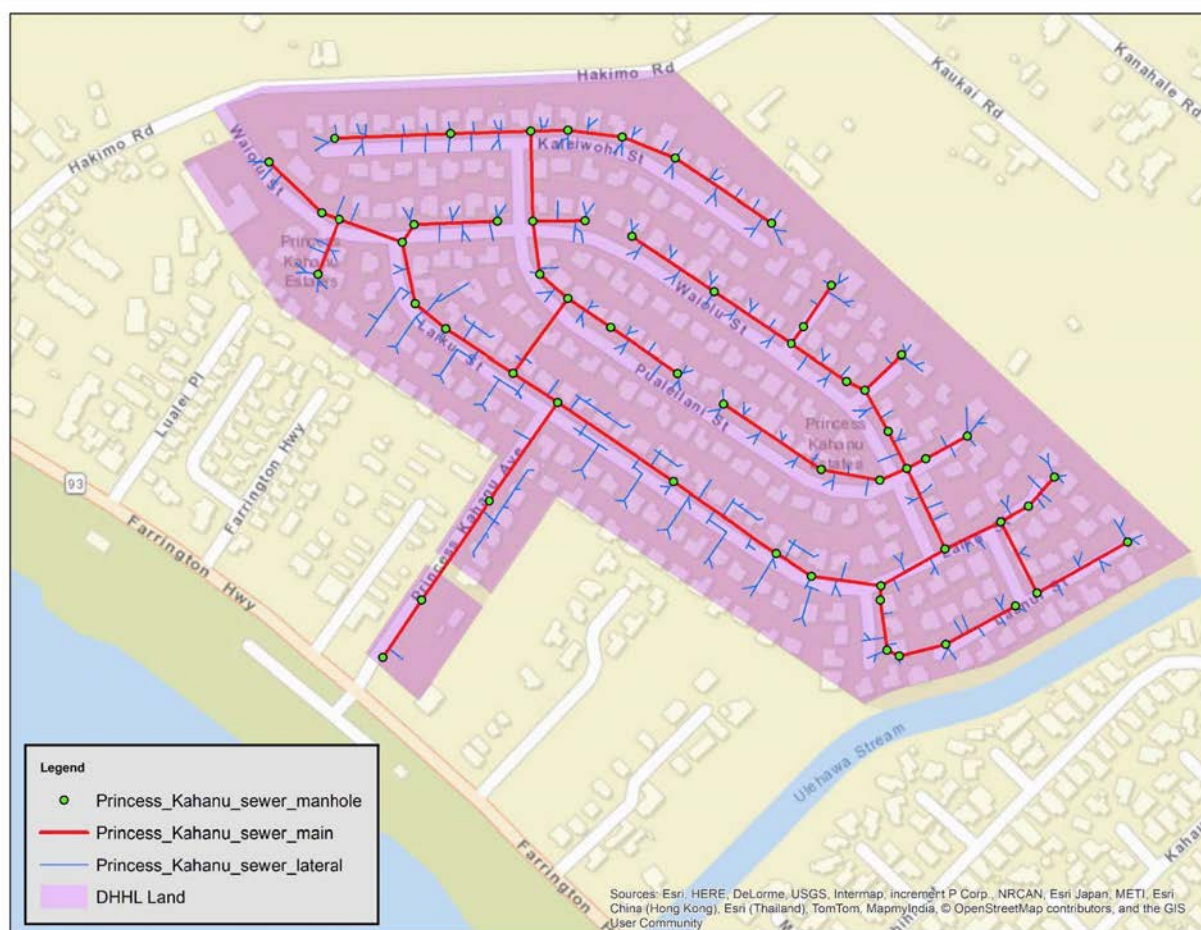
Estimated Costs of Construction: \$4.3 million

## Inspections conducted mid-2020

## Design complete – Spring 2021

## Advertise for bids – Fall 2021

# West Oahu Sewer System Assessment



## Princess Kahanu Estates System

Approximately 80 lots impacted

Estimated Costs of Construction:

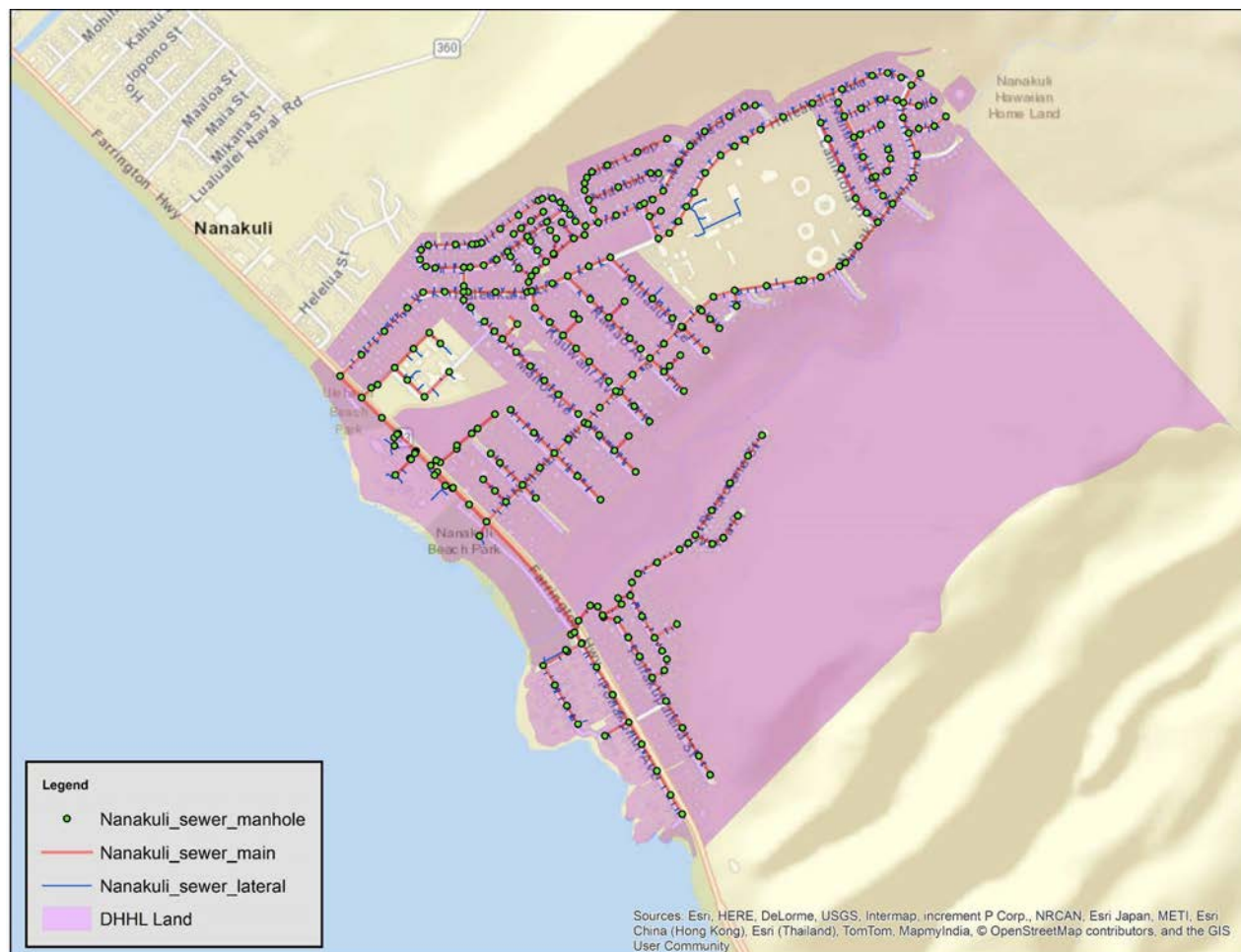
\$14.3 million

Inspections conducted 2020

Design in progress

Advertise for bids – Fall 2021

# West Oahu Sewer System Assessment



## Nanakuli Sewers

Approximately 120 lots impacted

Estimated Costs of Construction:

\$38.3 million

Inspections completed 2020

Procuring design consultant

Cost estimate \$800,000

Advertise for bids – Spring 2022



[illegible][illegible]

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- 28 LPSS
- 4,725 ft, 8-in gravity pipes
- 1,350 ft, 3-in sewer force mains
- Upsize SL A to 12-in, Requires DHHL coordination with the City
- Estimated Cost: \$9.0 million
- Continue to work with City on sewer maintenance within DHHL lots (SL D-2, D-4, I, K-2)





# Papakolea Sewer Improvements, Phase 2



## Phase 2B – Alternative 2

- 21 LPSS
- 1,600 ft, 8-in gravity pipes
- 720 ft, 3-in sewer force mains
- Estimated Cost: \$4.0 million
- City will decline ownership and maintenance of sewerlines within DHHL lots and under homes



# Mahalo



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