

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA
91-5420 Kapolei Parkway, Kapolei, O'ahu, Hawai'i, Interactive Conference Technology
Monday, April 19, 2021, at 9:30 a.m. to be continued, if necessary, on
Tuesday, April 20, 2021, at 9:30 a.m.
Livestream available at www.dhhl.hawaii.gov/live

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov by Thursday, April 15, 2021.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for March 15 & 16, 2021-Regular, and March 23, 2021-Special
- D. Public Testimony on Agendized Items – Written Via weblink only; see information below

II. ITEMS FOR DECISION MAKING

A. CONSENT AGENDA

Homestead Services Division

- D-2 Ratification of Loan Approvals (see exhibit)
- D-3 Approval of Consent to Mortgage (see exhibit)
- D-4 Approval of Streamline Refinance of Loans (see exhibit)
- D-5 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-7 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- D-8 Approval of Assignment of Leasehold Interest (see exhibit)
- D-9 Approval of Amendment of Leasehold Interest (see exhibit)
- D-10 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-11 Approval of Subdivision Transfer of a Portion of Lease and Amendment, **IOANE K. KUA**, Lease No. 1370, Lot No. 152A, Keaukaha, Hawaii
- D-12 Commission Designation of Successor – **FAITH EVALANI FERNANDEZ**, Residential Lease No. 4939, Lot No. 17, Waiakea, Hawaii
- D-13 Commission Designation of Successor – **HINANO H.E. KAWAAUHAU**, Residential Lease No. 7203, Lot No. 108, Kawaihae, Hawaii
- D-14 Commission Designation of Successor – **JONETTE L.F. JONES**, Residential Lease No. 4058, Lot No. UNDV221, Laiopua, Hawaii
- D-15 Commission Designation of Successor – **NATHAN KAHAKULANI YASSO**, Agricultural Lease No. 7912, Lot No. 16, Hoolehua, Molokai

B. REGULAR AGENDA

Office of the Chairman

- C-1 Approval of authorization to include seven (7) lots in the Kanehili subdivision located in Kapolei, Oahu into the Telecommunication Infrastructure Program provided by the Department of Hawaiian Home Lands. (see exhibit)

Land Management Division

- F-1 Approval to Amendment of General Lease No. 290, Kapolei Community Development Corp. (KCDC), East Kapolei, Oahu, TMK (1) 91151002
- F-2 Approval to Annual Renewal of Right of Entry Permit(s), Moloka'i Island
- F-3 Approval to Amend Right of Entry No. 683, The Kohala Center for fence project and watershed management, Kawaihae, Hawaii, TMK (3)61003003,016
- F-4 Approval to Issue a Right of Entry, Molokai Hunting Club, Hoolehua, Molokai, TMKs (2)52002029,053,054; (2)52005019; (2)52011004

III. ITEMS FOR INFORMATION/DISCUSSION

A. GENERAL AGENDA

Requests to Address the Commission

- J-1 Bo Kahui – Housing Issues
- J-2 Steven Kauī – Malama Anahola
- J-3 Matthew Kakalia – Lease cancelation
- J-4 Kekoa Enomoto – Maui/Lanai Mokuḡuni Council and Paupena CDC
- J-5 Blossom Feiteira – Various Maui Concerns
- J-6 Liko Wallace – Naiwa Homestead Association

IV. EXECUTIVE SESSION

The Commission anticipates convening an executive meeting pursuant to Section 92-5(a)(3), HRS, to discuss the acquisition of real property and 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 the following matters:

1. Update on *Richard Nelson, III et al., v. Hawaiian Homes Commission et al.*, Civil No. 07-1-1663
2. Potential Land Exchanges and Acquisitions on the island of Oahu.

V. ITEMS FOR INFORMATION/DISCUSSION

B. WORKSHOPS

Office of the Chairman

- C-2 For Information Only – Draft Native Hawaiian Housing Block Grant Annual Housing Plan 2021-2022
- C-3 For Information Only – Update on Activities for the Centennial of the Hawaiian Homes Commission Act of 1920, as amended
- C-4 For Information Only – Update on Moloka'i NAHASDA projects

Homestead Services Division

- D-6 For Information Only – Presentation on Non-Qualified Applicants

Land Development Division

- E-1 For Information Only – Molokai Island Capital Improvement Project Updates

Planning Office

- G-1 For Information Only - Status Update on Plan Implementation on Moloka'i
- G-2 For Information Only - Moloka'i Water Projects and Issues Update
- G-3 For Information Only - Status Update on South Moloka'i Shoreline Erosion Management Plan

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA
91-5420 Kapolei Parkway, Kapolei, O'ahu, Hawai'i, Interactive Conference Technology
Tuesday, April 20, 2021, at 9:30 a.m.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Public Testimony on Agendized Items

II. ITEMS FOR INFORMATION/DISCUSSION

Homestead Services Division

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

Planning Office

- G-4 For Information Only – DHHL Grant Program Quarterly Status Update
- G-5 For Information Only – Anahola Kuleana Settlement Plan Final Environmental Assessment Finding of No Significant Impact (FONSI), District of Kawaihau, Kaua'i TMK (4) 4-4-8-002:001, 003:006, (4) 4-7-002:004

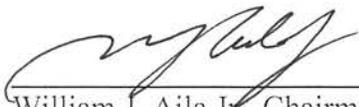
III. EXECUTIVE SESSION

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 the following matters:

1. Impact of postponement of mortgage payments and reduction of interest rate to 4%
2. Update on issues related to Telecommunication and Broadband Services on Hawaiian Home Lands
3. Legal issues pertaining to unauthorized rental properties on Hawaiian Home Lands
4. Update on Department review of contractor Lyon Associates, Inc. procurement
5. Discussion on *Irene Sato v. Hawaiian Homes Commission, et al.*, Civil No. 3CCV-18-0000071
6. Discussion on *Kalima, et al. v. State of Hawai'i*, Civil No. 99-4771-12

IV. ANNOUNCEMENTS AND ADJOURNMENT

- A. Moloka'i Community Meeting via Zoom – 6:30 p.m. (see information below)
- B. Next Meeting – May 17 & 18, 2021, Interactive Conference Technology
- C. Adjournment



William J. Aila Jr., Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

Randy K. Awo, Maui
Patricia A. Teruya, O'ahu
Pauline N. Namu'o, O'ahu
Michael L. Kaleikini, East Hawai'i

Zachary Z. Helm, Moloka'i
David B. Ka'apu, West Hawai'i
Dennis L. Neves, Kaua'i
Russell K. Ka'upu, O'ahu

Public testimony can be submitted in writing via the Department of Hawaiian Home Lands website at <https://dttl.hawaii.gov/hhc/testimony/>

Livestream available at www.dttl.hawaii.gov/live

Pursuant to the Governor's Nineteenth Proclamation Related to the COVID-19 Emergency, Hawai'i Revised Statutes Chapter 92 regarding public agency meetings and records is currently suspended through till June 8, 2021 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.

Community Meeting Link available via the Department of Hawaiian Home Lands website at <https://dttl.hawaii.gov/hhc/2021-hawaiian-homes-commission-meeting-schedule/>

ITEM C-1 EXHIBIT

LOTS IN THE KANEHILI SUBDIVISION TO BE INCLUDED IN THE TELECOMMUNICATION
INFRASTRUCTURE PROGRAM PROVIDED BY DHHL

| LEASE NO. | LOT NO. | AREA | COM DATE |
|------------------|----------------|----------------|-----------------|
| 11854 | 18520 | Kanehili, Oahu | 9/22/2016 |
| 11786 | 18521 | Kanehili, Oahu | 2/10/2017 |
| 11659 | 18522 | Kanehili, Oahu | 6/28/2017 |
| 11626 | 18524 | Kanehili, Oahu | 10/11/2017 |
| 11859 | 18550 | Kanehili, Oahu | 8/29/2019 |
| 11599 | UI | Kanehili, Oahu | 12/2/2006 |
| 11717 | UI | Kanehili, Oahu | 12/2/2006 |

ITEM D-2 EXHIBIT

RATIFICATION OF LOAN APPROVALS

| LESSEE | LEASE NO. | AREA |
|--------------------------|------------------|-------------------|
| ACANG, Kristopher K. | 7522 | Waiohuli, Maui |
| MATSUYAMA, Arron J. L. | 9383 | Kaniohale, Hawaii |
| MATSUYAMA, Tainato D. K. | 9383 | Kaniohale, Hawaii |
| NEWHOUSE, Kimberley K. | 10305 | Waiohuli, Maui |

ITEM D-3 EXHIBIT

APPROVAL OF CONSENT TO MORTGAGE

| LESSEE | LEASE NO. | AREA |
|--------------------------------|------------------|-------------------------------|
| AHMAD, Judith-Theresa M. | 12592 | Kanehili, Oahu |
| ALEJO, Lenora L. | 9667 | Kawaihae, Hawaii |
| ALVERIO, Joel K. K. | 3805 | Nanakuli, Oahu |
| APELA, Margaret M | 7271 | Nanakuli, Oahu |
| AWONG, Darin | 12769 | Maluohai, Oahu |
| BUSTILLOS, Joseph H. | 12270 | Waiehu 4, Maui |
| CELEBRADO, Patrick | 9773 | Maluohai, Oahu |
| CEZAR, Dale A. K. | 8413 | Princess Kahanu Estates, Oahu |
| CULLEN, Breland | 12465 | Kauluokahai, Oahu |
| DE LA NUX, Konaneakamahina Awo | 9930 | Waiehu 3, Maui |
| DE LIMA, Lance K. | 5274 | Waianae, Oahu |
| DE LIMA, Mohala T. G. | 5274 | Waianae, Oahu |
| ESKARAN, Lavenda I. | 10962 | Lanai, Lanai |
| FABRAO, Dawn K. | 9820 | Maluohai, Oahu |
| FLORES-IRVINE, John A. | 11790 | Kanehili, Oahu |
| FRAMPTON, Kathleen L. | 7528 | Waiohuli, Maui |
| GASPER, Guy Lee | 10271 | Nanakuli, Oahu |
| HERA, Kimberly K. | 9544 | Waiehu 2, Maui |
| HO , Lavern | 3968 | Waimanalo, Oahu |
| HOOPII, Carrie K. | 6296 | Keaukaha, Hawaii |
| KAHALEWAI, Joseph K., Jr. | 11243 | Kakaina, Oahu |
| KALAKAU, William K., IV | 8774 | Waimanalo, Oahu |
| KALEIKINI, Melvin K. | 12780 | Maluohai, Oahu |

| | | |
|-----------------------------|-------|--------------------|
| KALEIOHI, Jason K. | 12679 | Anahola, Kauai |
| KALEOHANO, Kupono | 4256 | Keaukaha, Hawaii |
| KALILIMOKU, Frederick K. | 12467 | Kauluokahai, Oahu |
| KAPAHUA, Joseph C., Jr. | 9690 | Waianae, Oahu |
| KE, Bill K. | 9421 | Kaniohale, Hawaii |
| KEA, Alexander K., Jr. | 12599 | Kanehili, Oahu |
| KEAKEALANI, Roberta K. | 9050 | Puukapu, Hawaii |
| KEALOHA-BEAUDET, Claren K. | 4964C | Waimea, Hawaii |
| KEAWE, Mitchell, Jr. | 12925 | Kauluokahai, Oahu |
| KEKUEWA, Susan R. N. | 9877 | Maluohai, Oahu |
| LEE, Dwyle | 10206 | Kekaha, Kauai |
| LEE, Herbert A. M. | 6357 | Kawaihae, Hawaii |
| LIN KEE-ESPANIOLA, Janna M. | 10618 | Kalamaula, Molokai |
| LLANES, Edwina K. | 9364 | Kaniohale, Hawaii |
| LOPERFIDO, Desiree S. | 11871 | Kanehili, Oahu |
| LOPEZ, Brandon K. | 12833 | Kauluokahai, Oahu |
| LUM KING, Mona | 12958 | Kauluokahai, Oahu |
| MAHELONA, Nalani R. | 6563 | Anahola, Kauai |
| MIGUEL, Clarisa | 12924 | Kauluokahai, Oahu |
| MIRANDA, Lee Ann K. K. | 12094 | Kaupea, Oahu |
| MIZUKAMI, Yodie N. | 8755 | Waianae, Oahu |
| NAIPO, Ramona U. | 6201 | Panaewa, Hawaii |
| NEILSON, Davilyn | 12341 | Kauluokahai, Oahu |
| NEILSON, Patrick | 12341 | Kauluokahai, Oahu |
| PAREDES, Geraldine N. | 12037 | Kaupea, Oahu |
| PERRY, Jayna K. K. | 2257 | Waimanalo, Oahu |
| PICO, Edwina K. K. | 6056 | Hoolehua, Molokai |
| POWELL, Cherish | 12927 | Kauluokahai, Oahu |
| RAWLINS, Christopher | 11227 | Kumuhau, Oahu |
| TOM, Lizzie P. K. | 9866 | Maluohai, Oahu |
| YAMAMOTO, Gavin K. | 7186 | Kawaihae, Hawaii |
| YUEN, Daniel C. | 12189 | Waiehu 4, Maui |

ITEM D-4 EXHIBIT

APPROVAL OF STREAMLINE REFINANCE OF LOANS

| LESSEE | LEASE NO. | AREA |
|------------------------|-----------|----------------|
| KUAHINE, Charles C. K. | 5214 | Nanakuli, Oahu |

ITEM D-5 EXHIBIT

HOMSTEAD APPLICATION TRANSFERS / CANCELLATIONS

| APPLICANT | AREA |
|-----------------------|-------------------------------|
| COX, Clarence W., III | Hawaii IW Agr |
| CROWTON, Shareen S.U. | Kauai IW Agr to Maui IW Agr |
| FAULKNER, Leialoha | Maui IW Agr to Oahu IW Agr |
| FAULKNER, Leialoha | Maui IW Res to Oahu IW Res |
| KEALA, William Jr. | Hawaii IW Agr to Kauai IW Agr |

| | |
|------------------------------|-------------------------------|
| KEALA, William Jr. | Hawaii IW Res to Kauai IW Res |
| KUA, Ioane K. | Hawaii IW Res |
| LANNING, Kyson M.L. | Maui IW Res to Hawaii IW Res |
| LEOPOLDO, Debra Ann L. | Hawaii IW Res |
| MILLER, Rose K.J. | Oahu IW Res |
| MOSES, Mabel K. | Hawaii IW Res |
| PAHIA, Matthew J.K.P. | Oahu IW Res |
| PURDY, Koapakaonalani K. | Hawaii IW Res to Lanai IW Res |
| TINAO-JOHNSON, Charleen M.A. | Molokai IW Res to Maui IW Res |
| VILORIA, Lorraine L.B. | Molokai IW Res |

ITEM D-7 EXHIBIT

APPROVAL OF DESIGNATION OF SUCCESSORS TO LEASEHOLD INTEREST AND
DESIGNATION OF PERSONS TO RECEIVE THE NET PROCEEDS

| LESSEE | LEASE NO. | AREA |
|-----------------------|------------------|-----------------|
| ALAMA, Williamae H. | 3871 | Papakolea, Oahu |
| FUKINO, Julia May K. | 5608 | Lualualei, Oahu |
| JACKSON, Caroldean K. | 8385 | PKE, Oahu |
| LOW, Janice K. | 2287 | Waimanalo, Oahu |
| NAPIHAA, Peter, Sr. | 9723 | Maluohai, Oahu |

ITEM D-8 EXHIBIT

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

| LESSEE | LEASE NO. | AREA |
|-------------------------------|------------------|----------------------|
| AIWOHI-ALO, Kainea K. G. | 10128 | Waiohuli, Maui |
| FILIMOEATU, Renee-May K. A. | 10391 | Waiehu Kou III, Maui |
| FILIMOEATU, Viliami M. T. | 10466 | Waiohuli, Maui |
| KAUHANE, Paul M. | 949 | Papakolea, Oahu |
| LEAO, Faith L. | 949 | Papakolea, Oahu |
| KENUI, Lorraine P. | 3744 | Paukukalo, Maui |
| KUAHIWINUI, Eddie K., Jr. | 9364 | Kaniohale, Hawaii |
| MADRONA, Teri Lynn M. | 12655 | Kanehili, Oahu |
| MADRONA, Clayton F. H. | 12655 | Kanehili, Oahu |
| RENAUD, Elizabeth L. K. | 12655 | Kanehili, Oahu |
| RANO, Pooui Kinikahikoinoa M. | 5428 | Paukukalo, Maui |
| KAMAKA, Richard Nixon N. | 3498 | Paukukalo, Maui |
| NAMAUU, Maryann L. | 9646 | Keaukaha, Hawaii |
| SILVA, Cecelia M. | 12933 | Kauluokahai, Oahu |
| SMITH, Luana Hattie | 3039 | Waimanalo, Oahu |
| CUSON, Annie K. | 3039 | Waimanalo, Oahu |
| CRABBE, Mark N. | 10345 | Waiohuli, Maui |
| MAIOHA, Eli L. N/ | 7A | Hoolehua, Molokai |
| PUAOI, William K. | 6100 | Kalamaula, Molokai |
| PUAOI, Ernest K. B., Jr. | 6100 | Kalamaula, Molokai |

ITEM D-9 EXHIBIT
APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

| LESSEE | LEASE NO. | AREA |
|--------------------------|------------------|--------------------|
| KAMAKA, Richard Nixon N. | 3498 | Paukukalo, Maui |
| KAUHANE, Paul M. | 949 | Papakolea, Oahu |
| LEAO, Faith L. | 949 | Papakolea, Oahu |
| LII, Donna D. | 3696 | Kewalo, Oahu |
| LOW, Janice K. | 2287 | Waimanalo, Oahu |
| MAIOHO, Eli L. N. | 7A | Hoolehua, Molokai |
| NEWHOUSE, Kimberley K. | 10305 | Waiohuli, Maui |
| PUAOI, William K. | 6100 | Kalamaula, Molokai |
| AH SAM, Ivan G. | 12349 | Kanehili, Oahu |
| RUBIO, Icelynn K. N. | 12349 | Kanehili, Oahu |
| SMITH, Luana Hattie | 3039 | Waimanalo, Oahu |
| WHITFORD, Elliott K. | 11562 | Kanehili, Oahu |
| WHITFORD, Kimberly | 11562 | Kanehili, Oahu |

ITEM D-10 EXHIBIT
APPROVAL TO ISSUE A NON-EXCLUSIVE LICENSE FOR ROOFTOP PHOTOVOLTAIC SYSTEMS FOR CERTAIN LESSEES

| LESSEE | LEASE NO. | AREA |
|------------------------|------------------|-------------------|
| AIWOHI, Helaman K. | 9935 | Waiehu 3, Maui |
| FORSBERG, Doreen N. | 12234 | Waiehu 4, Maui |
| HANOHANO, Kaori-Lei K. | 7550 | Waiohuli, Maui |
| HIRO, Jacqueline P. | 123A | Hoolehua, Molokai |
| KALAHIKI, Daniel K. K. | 9510 | Waiehu 2, Maui |
| KAPU, Larry K. | 5144 | Nanakuli, Oahu |
| SHIM, Timothy Ah-Loe | 7686 | Waiohuli, Maui |

ITEM F-2 EXHIBIT
RIGHT OF ENTRY PERMITS, MOLOKAI ISLAND

| NO. | ACRE | USE | PERMITTEE/ADDRESS | TMK | Started |
|----------------------|-------------|--------------|---|---------------------------------------|----------------|
| 499 | 30.000 | Agricultural | Monsanto Hawaii | (2) 5-2-011:033 | 2/1/2005 |
| 501 | 35.000 | Agricultural | Harry K. & Marlene K. Purdy, III | (2) 5-2-007:079 and:080 | 4/1/2000 |
| 498 | 0.860 | Commercial | Patricio Jr. & Cora Sanchez, dba Kalamaula Motors | (2) 5-2-008:107 | 8/1/1997 |
| 504 | 0.975 | Community | Molokai Humane Society | (2) 5-2-004:052 | 7/1/2007 |
| 507 | 0.490 | Community | Ahupua'a O Molokai | (2) 5-2-030:007 | 9/1/2003 |
| 502 | 0.036 | Office | Partners in Development Foundation | (2) 5-2-015:053(P) | 4/1/2005 |
| 500 | 9370.000 | Pastoral | Molokai Homestead Livestock Association | (2) 5-2-010:001(P) & (2) 5-2-003 | 5/1/1995 |
| 503 | 78.640 | Pastoral | Desmund & Christy Manaba | (2) 5-2-001:004 & (2) 5-2-001:030 (p) | 4/1/2007 |
| *Denotes Beneficiary | | | | | |

**HAWAIIAN HOMES COMMISSION
APRIL 19 & 20, 2021
INTERACTIVE CONFERENCE
TECHNOLOGY
9:30 A.M.**

**C – ITEMS
OFFICE OF THE CHAIRMAN**

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Paula Aila, Finance & Development Specialist 

SUBJECT: Authorization to include lots in the Kanehili subdivision into the Telecommunication Infrastructure Program provided by the Department of Hawaiian Home Lands. (See Exhibit)

RECOMMENDED MOTION/ACTION

Request authorization to add seven (7) lots in the Kanehili subdivision located in Kapolei, Oahu to the Payment for Telecommunication Infrastructure Program.

BACKGROUND:

The Telecommunications Infrastructure Program addresses lots in development on the homelands affected by Sandwich Isle Communications (SIC) inability to pay for trenching and installation of telecommunication infrastructure costs.

The Program was approved by the Hawaiian Homes Commission on November 19, 2019. The approved submittal is attached.

It was recently discovered that seven (7) homes being built by Leeward Habitat in the Kanehili subdivision in Kapolei, Oahu should have been included in the Telecommunication Infrastructure payment program. The project team managing these seven (7) homes were unaware SIC was no longer covering the telecommunication infrastructure costs as they had done in the past.

The inclusion of these seven (7) homes will bring the new total of eligible lots to 195.

The following is a list of subdivisions and the number of lots affected by this situation:

| Subdivision | Area | Number of lots |
|--------------------------------------|-----------------|-----------------------|
| Kakaina | Waimanalo, Oahu | 45 |
| Pi'ilani Mai Ke Kai | Anahola, Kauai | 22 |
| Keokea-Waiohuli, Maui | Kula, Maui | 45 |
| Lanai | Lanai | 16 |
| Ka'uluokaha'I | Kapolei, Oahu | 23 |
| Kanehili – Habitat (added 3/15/20210 | Kapolei, Oahu | 7 |
| Total | | 195 |

ITEM C-1 EXHIBIT**LOTS IN THE KANEHILI SUBDIVISION TO BE INCLUDED IN THE TELECOMMUNICATION
INFRASTRUCTURE PROGRAM PROVIDED BY DHHL**

| LEASE NO. | LOT NO. | AREA | COM DATE |
|-----------|---------|----------------|------------|
| 11854 | 18520 | Kanehili, Oahu | 9/22/2016 |
| 11786 | 18521 | Kanehili, Oahu | 2/10/2017 |
| 11659 | 18522 | Kanehili, Oahu | 6/28/2017 |
| 11626 | 18524 | Kanehili, Oahu | 10/11/2017 |
| 11859 | 18550 | Kanehili, Oahu | 8/29/2019 |
| 11599 | UI | Kanehili, Oahu | 12/2/2006 |
| 11717 | UI | Kanehili, Oahu | 12/2/2006 |

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 18, 2019

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Paula Aila, Finance and Development Specialist

SUBJECT: Authorization to establish limited financing program to cover unanticipated costs associated with the provision of telecommunication and broadband services for lots offered between October 8, 2016 and December 31, 2019.

RECOMMENDED MOTION/ACTION

Authorization to Chairman to establish a limited financing program, not to exceed \$1,000,000 to assist lessees in specific subdivisions offered between October 8, 2016 to December 31, 2019, to cover the unanticipated costs to connect telecommunication services to their homes.

DISCUSSION:BACKGROUND:

In 1995, the Department of Hawaiian Home Lands issued License No. 372, to Waimana Enterprises, Inc., operating as Sandwich Isles Communications (SIC), in perpetuity beginning in May 1, 1995. This license provided for statewide telecommunication services, both wire and wireless. Sandwich Isles Communications first began telecommunications infrastructure installation in the Waimanalo Unit 9 subdivision; under the subject license, SIC funds the materials and installation of underground cabling, wiring and appurtenances. SIC also began establishing its statewide network of central offices on all islands.

SIC also funds and provides for connections from pull boxes within the road right of way to houses. Lessees are responsible to pay for the junction box attached to the home, as well as the internal wiring. Likewise, in turnkey house development, SIC pays for the direct drop or conduit drop from the street to the house, while the contractor includes the cost of the junction box and internal house wiring in the sales price of the turnkey home. In many instances, SIC contracted with the house contractor to install the direct drop or conduit from the street to the house.

Pursuant to License No. 372 and the practice and responsibility of SIC providing the costs of telecommunication facilities and installation to the homes, the Department coordinated orientations and lot selections with this understanding, beginning with the Waimanalo Unit 9 subdivision.

TIMELINE OF EVENTS:

The department hosted a series of orientation and lot selection meetings to offer lots in new subdivisions starting in October 2016. At the meetings SIC provided collateral to beneficiaries with information about setting up telecommunication services (Exhibit I).

In February 2018, the DHHL notified SIC of the next Turn Key development in Kapolei to prepare them for families who would need telecommunication services. SIC responded, “SIC is not presently able to construct new telecommunications infrastructure for new projects on Hawaiian Home Lands.”

The timing of this notification was very problematic as it affected families who were offered vacant and Turn-Key lots in (5) five subdivisions with more offers of lots to follow. In order to mitigate an urgent situation at the time, the department was able to assist some families to obtain telecommunications service. In addition, beginning in June 2018, SIC started to inform beneficiaries directly that they would have to pay for telecommunications connection costs which caused a lot of confusion and frustration for beneficiaries. The department received many complaints and continues to receive calls on a regular basis requesting help to establish telecommunications service.

If the beneficiaries knew they had to cover telecommunications start-up costs before building the home, that amount would have been included into the construction loan. However, the beneficiaries are now left to fund the expense out of pocket with estimates ranging from \$1500 to \$7,000 depending on the subdivision, size of the lot, and distance from the home to the connection line.

The following is a list of subdivisions and the number of lots affected by this situation:

| Subdivision | Area | Number of lots |
|-----------------------|-----------------|-----------------------|
| Kakaina | Waimanalo, Oahu | 45 |
| Pi'ilani Mai Ke Kai | Anahola, Kauai | 22 |
| Keokea-Waiohuli, Maui | Kula, Maui | 45 |
| Lanai | Lanai | 16 |
| Ka'uluokaha'I | Kapolei, Oahu | 23 |
| Total | | 188 |

Due to the urgency of this situation, the department is requesting authorization by the Hawaiian Homes Commission to establish a limited financing program, not to exceed \$1,000,000 to assist the families in these specific subdivisions to cover the unanticipated costs to connect telecommunication services for their homes.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

To: Chairman and Members, Hawaiian Homes Commission
From: Lehua Kinilau-Cano, HHL Legislative Analyst
Subject: For Information Only - Draft Native Hawaiian Housing
Block Grant Annual Housing Plan 2021-2022

RECOMMENDED MOTION/ACTION:

None. For information only.

DISCUSSION

Each year, as part of its compliance with 24 CFR Part 1006, Title VIII of the Native American Housing Assistance and Self-Determination Act (NAHASDA), the Department of Hawaiian Home Lands (DHHL) must file an approved annual housing plan (AHP) with the U.S. Department of Housing and Urban Development (HUD). As part of that process, the department releases the draft housing plan. DHHL submitted a request to HUD to submit its AHP by May 21, 2021 to provide additional time for the consideration of programs to complement funding provided in the American Rescue Plan Act of 2021 and the ongoing budget considerations occurring at the State Legislature while also allowing for appropriate review.

Notable changes to the AHP:

- Homeowner assistance (mortgage, utilities, insurance, or association fees) to mitigate financial hardships associated with the Coronavirus pandemic to promote housing stability.
- Housing conversion to rehabilitate an existing building for transitional housing.
- Property acquisition of land and/or existing housing to increase affordable housing inventory.
- Crime prevention for safety, security, and law enforcement measures to protect residents of homestead communities from crime.

For DHHL's Use: July 1, 2021 thru June 30, 2022 Annual Housing Plan

NATIVE HAWAIIAN HOUSING PLAN

(NAHASDA §§ 803(b)(1), 803(c)(1) and 820(a)(2))

This form meets the requirements for a Native Hawaiian Housing Plan (NHHP) and Annual Performance Report (APR) required by the United States Department of Housing and Urban Development. The information requested does not lend itself to confidentiality.

Regulatory and statutory citations are provided throughout this form as applicable. The Department of Hawaiian Home Lands (DHHL) is encouraged to review these citations when completing the NHHP and APR sections of the form.

Under Title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 et seq.), HUD will provide grants under the Native Hawaiian Housing Block Grant (NHHBG) program to DHHL to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands. To be eligible for the grants, DHHL must submit a NHHP that meets the requirements of the Act. To align the NHHBG program with recent improvements made to the Indian Housing Block Grant program, HUD is requiring DHHL to submit the NHHP to HUD at least 75 days prior to the start of its 12-month fiscal year. The APR is due no later than 60 days after the end of DHHL's fiscal year (24 CFR § 1006.410).

The NHHP and the APR (previously two separate forms) are now combined into one form. The sections pertaining to the NHHP are submitted **before** the beginning of the 12-month fiscal year, leaving the APR (shaded) sections blank. If the NHHP has been updated or amended, use the most recent version when preparing the APR. After the 12-month fiscal year, enter the results from the 12-month fiscal year in the shaded sections of the form to complete the APR. More details on how to complete the NHHP and APR sections of the form can be found in the body of this form. In addition, DHHL may find it helpful to refer to the IHP/APR form guidance available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/codetalk/nahasda/guidance until a guidance specific to the NHHP/APR form is made available.

FORM COMPLETION OPTIONS: The NHHP/APR form may be completed either in hard copy or electronically. Hard copy versions may be completed either by hand or typewriter. Alternatively, the form may be completed electronically as it is a Word document. It is recommended that the form be completed electronically because it is more efficient to complete, submit, and review the form. Furthermore, electronic versions of the form may be submitted to HUD as an email attachment. To document official signatures on the electronic version, you should sign a hard copy of the pages and either fax (808-457-4694) that signed page or email (claudine.c.allen@hud.gov) it as an attachment to the Office of Native American Programs – Attention: Claudine Allen in the HUD Honolulu Field Office. The sections of the NHHP that require an official signature are the Cover Page and Sections 13 and 14, if applicable. For the APR, the Cover Page requires an official signature.

The NHHP data is used to verify that planned activities are eligible, expenditures are reasonable, and DHHL certifies compliance with related requirements. The APR data is used to audit the program accurately and monitor DHHL's progress in completing approved activities, including reported expenditures, outputs, and outcomes. This form is exempt from OMB Approval pursuant to 5 CFR 1320.3(4)(c).

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Native Hawaiian Housing Block Grant (NHHBG)

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

NHHP/APR

U.S. Department of Housing and Urban Development

Office of Public and Indian Housing

Office of Native American Programs

COVER PAGE

(1) Grant Number: 14HGBHI0001; 15HBGHI0001; 17HBGHI0001; 18HBGHI0001; 19HBGHI0001; 20HBGHI0001

(2) Recipient Fiscal Year: 2022

(3) Federal Fiscal Year: 2022

(4) Initial Plan (Complete this Cover Page then proceed to Section 1)

(5) Amended Plan (Complete this Cover Page and Section 14)

(6) Annual Performance Report (Complete items 24-27 and proceed to Section 3)

| | | |
|--|-----------------------|-----------------------------|
| (7) Name of Recipient: Department of Hawaiian Home Lands | | |
| (8) Contact Person: Lehua Kinilau-Cano, HHL Legislative Analyst | | |
| (9) Telephone Number with Area Code: 808-620-9486 | | |
| (10) Mailing Address: PO Box 1879 | | |
| (11) City: Honolulu | (12) State: HI | (13) Zip Code: 96805 |
| (14) Fax Number with Area Code (if available): 808-620-9529 | | |
| (15) Email Address (if available): Nicole.L.Kinilau-Cano@hawaii.gov | | |

| |
|--|
| (16) Tax Identification Number: 99-0266483 |
| (17) DUNS Number: 809935661 |
| (18) CCR/SAM Expiration Date: 08/04/2021 |
| (19) NHHBG Annual Grant Amount: \$2,000,000 |
| (20) Name of Authorized NHHP Submitter: William J. Aila, Jr. |
| (21) Title of Authorized NHHP Submitter: Chairman, Hawaiian Homes Commission |
| (22) Signature of Authorized NHHP Submitter: |
| (23) NHHP Submission Date: 05/21/2021 |
| (24) Name of Authorized APR Submitter: |
| (25) Title of Authorized APR Submitter: |
| (26) Signature of Authorized APR Submitter: |
| (27) APR Submission Date: |

Certification: The information contained in this document is accurate and reflects the activities actually planned or accomplished during the program year. Activities planned and accomplished are eligible under applicable statutes and regulations.

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under 18 U.S.C 1001. In addition, any person who knowingly and materially violates any required disclosure of information, including intentional disclosure, is subject to a civil money penalty not to exceed \$10,000 for each violation.

SECTION 1: FIVE YEAR PLAN

The Five Year Plan is intended to cover the Department of Hawaiian Home Lands' (DHHL) long range plans for affordable housing. Each housing plan must contain, for the five-year period beginning with the fiscal year for which the plan is first submitted, the following information.

Five Year Period: **2021** through **2025**

MISSION STATEMENT (NAHASDA § 803(b)(2)(A))

A Mission Statement describes the mission of the DHHL to serve the needs of Native Hawaiian low-income families.

Enter the DHHL's Mission Statement here:

To manage the Hawaiian Home Lands Trust effectively and to develop and deliver land to native Hawaiians. We will partner with others toward developing self-sufficient and healthy communities.

GOALS, OBJECTIVES AND PROGRAMS/ACTIVITIES (NAHASDA § 803(b)(2)(B) and (C))

DHHL must provide a statement of the goals, objectives, and programs/activities planned for the beneficiaries over the five year period. The goals are the intended result of the NHHBG activity and are based on the types of outcomes that the DHHL will report in the APR. The objectives are the means or approach that the DHHL will use to reach the goal. The programs/activities are the specific programs/activities that will be funded in order to achieve the goal and the objective.

Goals May Include:

- | | |
|--|--|
| (1) Reduce over-crowding | (6) Assist affordable housing for college students |
| (2) Assist renters to become homeowners | (7) Provide accessibility for disabled/elderly persons |
| (3) Improve quality of substandard units | (8) Improve energy efficiency |
| (4) Address homelessness | (9) Reduction in crime reports |
| (5) Create new affordable rental units | (10) Other |

Objectives May Include:

- | | |
|--|---|
| (1) [RESERVED – DO NOT USE THIS NUMBER] | (14) Lending subsidies for homebuyers |
| (2) [RESERVED – DO NOT USE THIS NUMBER] | (15) Other homebuyer assistance activities |
| (3) Acquisition of rental housing | (16) Rehabilitation assistance to existing homeowners |
| (4) Construction of rental housing | (17) Tenant based rental assistance |
| (5) Rehabilitation of rental housing | (18) Other Housing Service |
| (6) Acquisition of land for rental housing development | (19) Housing Management Services |
| (7) Development of emergency shelters | (20) Operation and maintenance of NHHBG units |
| (8) Conversion of other structures to affordable housing | (21) Crime Prevention and Safety |
| (9) Other rental housing development | (22) Model Activities |
| (10) Acquisition of land for homebuyer unit development | (23) [RESERVED – DO NOT USE THIS NUMBER] |
| (11) New construction of homebuyer units | (24) Infrastructure to support housing |
| (12) Acquisition of homebuyer units | (25) [RESERVED – DO NOT USE THIS NUMBER] |
| (13) Downpayment/Closing cost assistance | |

Use the sections below to describe the DHHL's goals, objectives, and programs/activities during the five year period.

| | |
|-------------------------------|---|
| Goal(s) Number: I. | (2) Assist renters to become homeowners |
|-------------------------------|---|

Select from the goals listed above.

| | |
|-------------------------------------|--|
| Objective(s) Number: Ia. | (24) Infrastructure to support housing |
|-------------------------------------|--|

Select from the objectives listed above.

| | |
|---|----------------------------|
| Program/Activity Description: Infrastructure Development (Statewide) | To develop lots statewide. |
|---|----------------------------|

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

| | |
|--------------------------------|---|
| Goal(s) Number: II. | (2) Assist renters to become homeowners |
|--------------------------------|---|

Select from the goals listed above.

| | |
|--------------------------------------|--|
| Objective(s) Number: IIa. | (11) New construction of homebuyer units |
|--------------------------------------|--|

Select from the objectives listed above.

| | |
|---|---|
| Program/Activity Description: Developer Financing | This activity provides NHHBG funding for the construction of homebuyer units. |
|---|---|

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

| | |
|---------------------------------|---|
| Goal(s) Number: III. | (2) Assist renters to become homeowners |
|---------------------------------|---|

Select from the goals listed above.

| | |
|---------------------------------------|---------------------------------------|
| Objective(s) Number: IIIa. | (14) Lending subsidies for homebuyers |
|---------------------------------------|---------------------------------------|

Select from the objectives listed above.

| | |
|--|---|
| Program/Activity Description: Homeowner Financing (Statewide) | To provide NHHBG-funded home loans (including down payment assistance, individual development accounts) to lessee families for new construction or home purchase. This activity also provides for down payment/closing cost assistance where NHHBG funds are not the primary loan source. |
|--|---|

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

| | |
|--------------------------------|--|
| Goal(s) Number: IV. | (3) Improve quality of substandard units |
|--------------------------------|--|

Select from the goals listed above.

| | |
|--------------------------------------|---|
| Objective(s) Number: IVa. | (16) Rehabilitation assistance to existing homeowners |
|--------------------------------------|---|

Select from the objectives listed above.

| | |
|--|--|
| Program/Activity Description: Home Assistance Program (Statewide) | This activity provides three types of assistance: (1) a deferred, no payment loan up to \$100,000; (2) a small repayment loan (up to \$100,000) for costs exceeding the original \$100,000 amount; and (3) a demolition/new build loan for properties where cost to repair exceed the appraised or tax assessed value. |
|--|--|

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

| | |
|-------------------------------|------------|
| Goal(s) Number: V. | (10) Other |
|-------------------------------|------------|

Select from the goals listed above.

| | |
|-------------------------------------|----------------------------------|
| Objective(s) Number: Va. | (19) Housing Management Services |
|-------------------------------------|----------------------------------|

Select from the objectives listed above.

| | |
|--|--|
| Program/Activity Description: Waimanalo Kupuna Housing Operating Subsidy | This activity establishes an Operating Subsidy for the Waimanalo Kupuna Housing from 2019 – 2046. Built in 2002 utilizing Low Income Housing Tax Credits, the operating subsidy will assist in stabilizing rental increases over the remainder of the project's LIHTC existence. The use of NHHBG funds in the project will result in tenant's maximum contribution not exceeding 30% of their gross monthly income. |
|--|--|

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

| | |
|--------------------------------|--------------------------|
| Goal(s) Number: VI. | (4) Address homelessness |
|--------------------------------|--------------------------|

Select from the goals listed above.

| | |
|--------------------------------------|-------------------------------------|
| Objective(s) Number: VIa. | (17) Tenant based rental assistance |
|--------------------------------------|-------------------------------------|

Select from the objectives listed above.

| | |
|---|---|
| Program/Activity Description: Rental Vouchers | This activity establishes the use of rental housing vouchers for eligible beneficiaries. Provides financial assistance to families facing eviction, experiencing homelessness or at risk of homelessness. |
|---|---|

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

| | |
|---------------------------------|---|
| Goal(s) Number: VII. | (2) Assist renters to become homeowners |
|---------------------------------|---|

Select from the goals listed above.

| | |
|---------------------------------------|----------------------------|
| Objective(s) Number: VIIa. | (18) Other Housing Service |
|---------------------------------------|----------------------------|

Select from the objectives listed above.

| | |
|--|---|
| Program/Activity Description: Housing Counseling | At minimum, every family that receives NHHBG assistance will be offered financial literacy education; case management assistance; and servicing by housing counseling vendor. |
|--|---|

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

| | |
|----------------------------------|------------|
| Goal(s) Number: VIII. | (10) Other |
|----------------------------------|------------|

Select from the goals listed above.

| | |
|--|----------------------------|
| Objective(s) Number: VIIIa. | (18) Other Housing Service |
|--|----------------------------|

Select from the objectives listed above.

| | |
|--|--|
| Program/Activity Description: Homeowner Assistance | This activity is aimed at mitigating financial hardships by providing financial assistance to promote housing stability. |
|--|--|

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

| | |
|--------------------------------|--|
| Goal(s) Number: IX. | (3) Improve quality of substandard units |
|--------------------------------|--|

Select from the goals listed above.

| | |
|--------------------------------------|--|
| Objective(s) Number: IXa. | (24) Infrastructure to support housing |
|--------------------------------------|--|

Select from the objectives listed above.

| | |
|--|--|
| Program/Activity Description: Potable Water Development (Statewide) | This activity will support the development and delivery of potable water to new and existing homesteads. |
|--|--|

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

| | |
|-------------------------------|--------------------------|
| Goal(s) Number: X. | (4) Address homelessness |
|-------------------------------|--------------------------|

Select from the goals listed above.

| | |
|-------------------------------------|--|
| Objective(s) Number: Xa. | (8) Conversion of other structures to affordable housing |
|-------------------------------------|--|

Select from the objectives listed above.

| | |
|--|--|
| Program/Activity Description: Housing Conversion | This activity supports the conversion of existing land and structures to affordable housing. |
|--|--|

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

| | |
|--------------------------------|---|
| Goal(s) Number: XI. | (1) Reduce over-crowding; (2) Assist renters to become homeowners |
|--------------------------------|---|

Select from the goals listed above.

| | |
|--------------------------------------|--|
| Objective(s) Number: XIa. | (10) Acquisition of land for homebuyer unit development; (12) Acquisition of homebuyer units |
|--------------------------------------|--|

Select from the objectives listed above.

| | |
|---|--|
| Program/Activity Description: Property Acquisition (Oahu – Priority) | This activity will support land and/or unit purchase(s) for housing. |
|---|--|

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

| | |
|---------------------------------|--------------------------------|
| Goal(s) Number: XII. | (9) Reduction in crime reports |
|---------------------------------|--------------------------------|

Select from the goals listed above.

| | |
|---------------------------------------|----------------------------------|
| Objective(s) Number: XIIa. | (21) Crime Prevention and Safety |
|---------------------------------------|----------------------------------|

Select from the objectives listed above.

| | |
|--|--|
| Program/Activity Description: Crime Prevention | This activity will provide NHHBG funding for safety, security, and law enforcement measures and activities appropriate to protect residents of homestead communities from crime. |
|--|--|

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

ONE YEAR PLAN & ANNUAL PERFORMANCE REPORT

SECTION 2: HOUSING NEEDS

(NAHASDA § 803(c)(2)(B))

(1) Type of Need: Check the appropriate box(es) below to describe the estimated types of housing needs and the need for other assistance for low-income Native Hawaiian families (columns B and C) and non-low-income Native Hawaiian families, including non-Native Hawaiian essential families [809(a)(2)(B) and (C)] (column D) eligible to be served by DHHL.

| (A) Type of Need | Check All That Apply | | |
|--|---|---|--|
| | (B) Low-Income Native Hawaiian Families on Hawaiian Home Lands | (C) Low-Income Native Hawaiian Families on Wait List | (D) Non-Low- Income Native Hawaiian Families |
| (1) Overcrowded Households | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (2) Renters Who Wish to Become Owners | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| (3) Substandard Units Needing Rehabilitation | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| (4) Homeless Households | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (5) Households Needing Affordable Rental Units | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| (6) College Student Housing | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| (7) Disabled Households Needing Accessibility | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| (8) Units Needing Energy Efficiency Upgrades | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| (9) Infrastructure to Support Housing | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (10) Other (specify below) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

(2) Other Needs. *(Describe the "Other" needs below. Note: this text is optional for all needs except "Other.")*:

The Hawaiian Homes Commission Act of 1920, as amended, established the Hawaiian Home Lands Trust and defined the population eligible to reside on Hawaiian home lands as those native Hawaiians with no less than 50% Hawaiian blood and their successors or assignees of less than 50% Hawaiian blood. With approximately 9,164 leases on homesteads stretching from Hawaii Island to Kauai, the Department of Hawaiian Home Lands was created at statehood to assist the commission in meeting its fiduciary obligations.

DHHL, through SMS Research, completed its 2020 Beneficiary Survey detailed in the *DHHL Beneficiaries Study Lessee Report, 2020* and the *DHHL Beneficiaries Study Applicant Report, 2020*.

The native Hawaiian subset for the purpose of this plan is determined as follows:

| | |
|---------------|---|
| 9,164 | Lessees residing on the DHHL lands — as of February 28, 2021 ¹ |
| 23,302 | Unduplicated waitlist as of February 28, 2021 ² |
| 21,399 | Estimated Potential Applicants based on SMS 2019 respondents ³ |
| 53,865 | Total native Hawaiian individuals/households |

The *DHHL Beneficiaries Study Lessee Report, 2020* detailed the following about HUD Median Income: “While the median household income has consistently increased, the percentage of Lessee households classified as earning 80 percent or less of the Department of Housing and Urban Development (HUD) Area Median Income (AMI) has risen. In 2008, 46 percent of Lessee households were considered low income according to the HUD guidelines. By 2014, this had increased to 55 percent. The percentage of Lessee households considered low income stayed about the same at 56 percent in 2020.”

The *DHHL Beneficiaries Study Applicant Report, 2020* noted the following about HUD Income Categories: “In 2020, the percent of applicant households below 80 percent of HUD AMI level is back up to 51 percent.”

| | |
|---------------|--|
| 5,132 | Lessees residing on the DHHL Lands – 9,164 x 56% |
| 11,884 | Applicants – 23,302 x 51% |
| 12,197 | Potential Applicants – 21,399 x 57% (SMS 2019 Study) |
| 29,213 | Total native Hawaiian households eligible for NAHASDA |

If we extrapolate and say that the average DHHL turnkey home is \$350,000, then the sufficient funding amount for NAHASDA would look like this:

| | |
|--------|--|
| 11,884 | Applicants – 23,302 x 51% |
| 12,197 | Potential Applicants – 21,399 x 57% (SMS 2019 Study) |
| 24,081 | x \$350,000 = \$8,428,350,000.00 sufficient funding for NAHASDA |

Additional Research - 2017 HUD Report

Some of the key findings of *the Housing Needs of Native Hawaiians: A Report From the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs* prepared for HUD and dated May 2017 include the following:

- Native Hawaiian households tend to be larger. In 2010, the average size of a Native Hawaiian’s household was 4.1 people compared with 2.7 people for residents of Hawaii households.

1 Homestead Services Division, 3/15/21 Commission submittal. Includes lessees residing on residential, agricultural and pastoral lots, one lessee per lease, one house per lease/lot, as applicable. 793 Undivided Interest lessees omitted.

2 *Ibid.*

3 The SMS Hawaii Housing Policy Study, 2019 included a category for native Hawaiians with at least 50% blood quantum and not DHHL lessees or applicants.

- Although improvements were made during the 2000-to-2010 decade, Native Hawaiians living in Hawaii continue to be more economically disadvantaged: they have lower incomes, higher rates of assistance receipt, and higher poverty rates than do other residents of Hawaii.
- Native Hawaiian households also experience higher rates of overcrowding (15 percent) compared with residents of Hawaii households (8 percent).
- Homelessness among Native Hawaiians is prevalent. Although not typically chronically homeless, they are overrepresented in Hawaii's homeless population. Homeless Native Hawaiians often have jobs but cannot afford housing, so they double up (hidden homeless) or live in tents, shelters, cars, or garages.
- HHCA beneficiary households on the waiting list are more economically disadvantaged than are Native Hawaiian households overall, residents of Hawaii households, and Native Hawaiian households living on the home lands.
 - HHCA beneficiary households on the waiting list have the lowest median income of all four groups by a substantial margin: \$48,000 compared with more than \$60,000 for all other groups.
 - HHCA beneficiaries on the waiting list also receive public cash assistance at more than twice the rate of the other groups: about 20 percent of households on the waiting list received public cash assistance compared with about 7 percent of Native Hawaiians and those living on the home lands and 3 percent for residents of Hawaii.
- HHCA beneficiary households on the waiting list face more significant housing challenges across all dimensions than do the other groups.
 - Nearly 40 percent of HHCA beneficiary households on the waiting list were overcrowded compared with only 19 percent of households on sampled Hawaiian home lands, 15 percent of the state's Native Hawaiian households, and 8 percent of residents of Hawaii households.
 - About 10 percent of HHCA beneficiary households on the waiting list lack complete plumbing compared with 1 percent for all other groups.
 - Nearly one-half (46 percent) of HHCA beneficiary households on the waiting list experience cost burden compared with 40 percent of Native Hawaiian households, 42 percent of residents of Hawaii households, and only 21 percent of households on the sampled Hawaiian home lands. The much lower rate of cost burden among home lands households is due, at least in part, to the financial benefits of home lands leases, which reduce monthly housing costs, including minimal lease payments for the land and a 7-year exemption from real estate property tax.

Native Hawaiian Rehabilitation

The statistics shared in preceding paragraphs are not new to the native Hawaiians. Over 100 years ago, moved by the poor living conditions and low incomes of his people, Prince Jonah Kuhio Kalaniana'ole created the Ahahui Puuhonua o Na Hawaii, an organization comprised of royal men of lesser rank than himself who collectively served as the catalyst toward the chronicling of the despair and destitution of the makaainana (commoner) in 1911.

By 1918, one of the Prince's closest confidants and the kahu (pastor) of Kawaiaha'o Church, put the results of many years of study in publishing, "*The Sinews for Racial Development*."⁴ This book, which the Prince carried with him every day, was dedicated, "...for leaders, for those whose hearts are touched by the pressing needs of the race and are willing to offer the very best of their lives and service freely for its uplift."

The book provides a guide to the rehabilitation of the native Hawaiian people from the perspective of those who developed and championed the HHCA. It covers the following areas and seeks to offer counsel to any whose direction may not be clear:

1. Race Consciousness: to mean pride for, and faith in the race. That "Hawaiians must play the primary part in the solution" and that self-respect for oneself and others was a "true foundation for a successive progression in life."
2. Broadmindedness: to maintain a broad outlook on life and "a sympathetic attitude toward humanity as a whole." It encourages natives to "Give out to those about us, and to the community in which we live, the very best that we possess" and to "cultivate the ability to observe, to absorb, and to assimilate the good in other races."
3. Education: both 1 and 2 above need the "discerning power and the balanced judgment of proper education." He describes a "Thoroughly trained mind, and a broadly cultivated heart are luminous in the soul of a nation."
4. The Home Life: the home life is the foundation of the development of 1, 2 and 3. It is the "starting point of all social organization, the foundation of civilization."
5. Systematic Living: the execution of the afore-mentioned activities cannot be achieved at once or in burst of energy but rather cultivated over time in a systematic fashion. Regular, good habits such as mindful eating and exercise can help to develop the fortitude to continue no matter the circumstance.
6. Godliness: the thought of ke Akua; the worship and observance of His laws provides a stabilizing relationship that leads to one's fulfillment of one's purpose in life. Today, with the many religious beliefs, spirituality is important to the self-fulfillment each experience in his/her own life.

The work of the Ahahui Puuhonua o Na Hawaii and its members provided Prince Kuhio the much-needed data to create support, both in Hawaii and abroad in Washington, D.C. to pass the HHCA.

Through the Prince's leadership and participation in each of these community endeavors, the legacy of the Prince lives on for us today. This housing plan, a descendant of Kuhio's legacy thru the HHCA, is but a small piece of a much broader articulation of need in the State of Hawaii today. By focusing on housing, this most basic of needs acknowledged in the Western world, the department attempts to participate in the rehabilitation of the Hawaiian people. Should every Hawaiian have a safe, affordable, decent home, with fresh water for bathing and eating and cooking and food grown or gathered nearby, we could claim success. But with a little over \$8 billion in need and as the average 57-year-old applicant dies on the waiting list, it does not seem likely we will be able to make such a claim without immediate and swift monetary assistance in the next few years.

4 Akana, Akaiko. (1992) *Light Upon the Midst*. Mahina Productions: Kailua-Kona, Hawaii.

(3) Planned Program Benefits. *(Describe below how your planned programs and activities will address the needs of low income families identified above. Also describe how your planned programs will address the various types of housing assistance needs. NAHASDA § 803(c)(2)(B)):*

The planned programs and activities are aimed at assisting as many native Hawaiian households that earn 80% or less of HUD AMI to realize homeownership as part of the ongoing lot awards and production. The 2017 HUD Report noted that “many renters (63 percent) on the HHCA beneficiary waiting list who would prefer to own a home are unable to do so because they cannot afford a downpayment or save enough for a house.” Thus, focus will be on homeowner financing, leveraged loans with USDA Rural Housing, or other downpayment assistance options to provide new awardees with the opportunity for safe, affordable and decent housing.

While the 2017 HUD Report noted that HHCA beneficiary households on the waiting list face more significant housing challenges, lessees, especially in our older homestead communities face aging substandard housing. The 2020 Beneficiary Study Lessee Report identified 2,538 lessees that earn 80% or less of HUD AMI with a house needing either minor or major repairs. The planned home assistance program is geared to addressing this need.

DHHL recognizes the need for increased housing stability, especially as families have experienced financial hardships associated with the Coronavirus pandemic and took swift action first by approving the postponement of mortgage loan payments for all DHHL direct loans and loans assigned to DHHL. A report for the period ended February 19, 2021 reflected that roughly 84.2% (128 of 152) of the loans reassigned by HUD/FHA took advantage of postponing one or more payments since April 2020 and 48.3% (465 of 962) of the accounts in the direct loan portfolio have one or more payments being postponed. DHHL also initially utilized NAHASDA funds to provide emergency rental assistance and has since received other federal funds for this purpose. The planned rental voucher and homeowner assistance is aimed at providing financial assistance for families at risk of homelessness or facing financial hardship.

The 2017 HUD Report identified homelessness among Native Hawaiians as a significant problem, but also acknowledged that data is not available for only Native Hawaiians. In an effort to fill this gap, DHHL entered into a Memorandum of Understanding with Partners in Care – Oahu Continuum of Care to understand how pervasive the situation of homelessness might be among its beneficiaries and especially those on its homestead applicant waiting list. The conversion of an existing structure to a transitional housing facility for beneficiaries is intended to begin addressing this need.

DHHL’s Oahu Island Plan dated July 2014 noted that approximately 1,390 acres of land suitable for residential development is necessary to meet the homestead needs of all applicants on the residential list that are not otherwise accommodated assuming full implementation of the Oahu Island Plan. One of the program activities would be to identify land or units for housing.

In addition to land, water is just as critical to homestead development. DHHL secured approved water reservations for DHHL’s foreseeable groundwater needs statewide and the potable water infrastructure improvements would allow for improved and increased potable water service delivery.

All NAHASDA assisted activities will be supported by housing counseling for both homeowners and renters.

(4) Geographic Distribution. (Describe below how the assistance will be distributed throughout the geographic area and how this geographic distribution is consistent with the needs of low income families, including the needs for various categories of housing assistance. NAHASDA § 803(c)(2)(B)(i)):

The 2020 Beneficiary Study Applicant Report provided HUD Income Categories by Island as follows:

| 80% or > AMI | Oahu | | Maui | | Hawaii | | Kauai | | Molokai | | Lanai | | Total | |
|--------------------|------|-----|------|-----|--------|-----|-------|----|---------|----|-------|-----|--------|-------|
| | # | % | # | % | # | % | # | % | # | % | # | % | # | % |
| | 6824 | 61% | 1282 | 12% | 2048 | 18% | 600 | 5% | 368 | 3% | 36 | .3% | 11,158 | 99.3% |

This distribution is similar to the % of DHHL Applicants by Island:

| | Oahu | Maui | Hawaii | Kauai | Molokai | Lanai | Total |
|-------|------|------|--------|-------|---------|-------|-------|
| % App | 57% | 12% | 21% | 6% | 3% | .3% | 99.3% |

NAHASDA-Assisted units by island to date align closely to this distribution and is expected to continue, but notes that assistance to neighbor islands is above the percent of households classified as earning 80 percent or less of the HUD AMI:

| | Oahu | Maui | Hawaii | Kauai | Molokai | Lanai | Total |
|------------|------|------|--------|-------|---------|-------|-------|
| % Assisted | 49% | 15% | 19% | 8% | 7% | 2% | 100% |

At the same time, emergency rental assistance in response to the pandemic funded by NAHASDA resulted in the following assistance by island with higher rates on Oahu and Maui, which anecdotally mirrored disbursement rates for programs administering funds made available by the Counties:

| | Oahu | Maui | Hawaii | Kauai | Molokai | Lanai | Total |
|------------|------|------|--------|-------|---------|-------|-------|
| % Assisted | 66% | 21% | 10% | 3% | 0% | 0% | 100% |

SECTION 3: PROGRAM DESCRIPTIONS

(NAHASDA § [803(c)(2)(A)], [802(c)], [820(b)], 24 CFR §1006.410(b)(2) and (3))

Planning and Reporting on Program Year Activities

For the NHHP, the purpose of this section is to describe each program that will be operating during the 12-month fiscal year. Each program must include the eligible activity, its planned outputs, intended outcome, who will be assisted, and types and levels of assistance. Each of the eligible activities has a specific, measurable output. The first column in the table below lists all eligible activities, the second column identifies the output measure for each eligible activity, and the third column identifies when to consider an output as completed for each eligible activity. Copy and paste text boxes 1.1 through 1.10 as often as needed so that all of your planned programs are included.

For the APR, the purpose of this section is to describe your accomplishments, actual outputs, actual outcomes, and any reasons for delays.

Eligible Activities May Include (citations below reference sections in NAHASDA)

| Eligible Activity | Output Measure | Output Completion |
|--|----------------|---|
| (1) RESERVED – DO NOT USE THIS NUMBER | | |
| (2) RESERVED – DO NOT USE THIS NUMBER | | |
| (3) Acquisition of Rental Housing [810(b)(1)] | Units | When recipient takes title to the unit |
| (4) Construction of Rental Housing [810(b)(1)] | Units | All work completed and unit passed final inspection |
| (5) Rehabilitation of Rental Housing [810(b)(1)] | Units | All work completed and unit passed final inspection |
| (6) Acquisition of Land for Rental Housing Development [810(b)(1)] | Acres | When recipient takes title to the land |
| (7) Development of Emergency Shelters [810(b)(1)] | Households | Number of households served at any one time, based on capacity of the shelter |
| (8) Conversion of Other Structures to Affordable Housing [810(b)(1)] | Units | All work completed and unit passed final inspection |
| (9) Other Rental Housing Development [810(b)(1)] | Units | All work completed and unit passed final inspection |
| (10) Acquisition of Land for Homebuyer Unit Development [810(b)(1)] | Acres | When recipient takes title to the land |
| (11) New Construction of Homebuyer Units [810(b)(1)] | Units | All work completed and unit passed final inspection |
| (12) Acquisition of Homebuyer Units [810(b)(1)] | Units | When recipient takes title to the unit |
| (13) Down Payment/Closing Cost Assistance [810(b)(1)] | Units | When binding commitment signed |
| (14) Lending Subsidies for Homebuyers (Loan) [810(b)(1)] | Units | When binding commitment signed |
| (15) Other Homebuyer Assistance Activities [810(b)(1)] | Units | When binding commitment signed |
| (16) Rehabilitation Assistance to Existing Homeowners [810(b)(1)] | Units | All work completed and unit passed final inspection |
| (17) Tenant Based Rental Assistance [810(b)(2)] | Households | Count each household once per year |
| (18) Other Housing Service [810(b)(2)] | Households | Count each household once per year |

| | | |
|--|---------------|--|
| (19) Housing Management Services [810(b)(3)] | Households | Count each household once per year |
| (20) Operation and Maintenance of NHHBG-Assisted Units [810(b)(3)] | Units | Number of units in inventory at Fiscal Year End |
| (21) Crime Prevention and Safety [810(b)(4)] | Dollars | Dollars spent (report in Uses of Funding Table only) |
| (22) Model Activities [810(b)(5)] | Dollars | Dollars spent (report in Uses of Funding Table only) |
| (23) RESERVED – DO NOT USE THIS NUMBER | | |
| (24) Infrastructure to Support Housing [810(b)(1)] | Improved Lots | All work completed and lot passed final inspection |
| (25) RESERVED – DO NOT USE THIS NUMBER | | |

Outcome May Include:

| | |
|---|---|
| (1) Reduce over-crowding | (7) Create new affordable rental units |
| (2) Assist renters to become homeowners | (8) Assist affordable housing for college students |
| (3) Improve quality of substandard units | (9) Provide accessibility for disabled/elderly persons |
| (4) Improve quality of existing infrastructure | (10) Improve energy efficiency |
| (5) Address homelessness | (11) Reduction in crime reports |
| (6) Assist affordable housing for low income households | (12) Other – must provide description in boxes 1.4 (NHHP) and 1.5 (APR) |

NHHP: PLANNED FISCAL YEAR ACTIVITIES (NAHASDA § 803(c)(2)(A))

For each planned activity, complete all the non-shaded sections below. It is recommended that for each program name you assign a unique identifier to help distinguish individual programs. This unique number can be any number of your choosing, but it should be simple and clear so that you and HUD can track tasks and results under the program and collect appropriate file documentation tied to this program.

- One way to number your programs is chronologically. For example, you could number your programs 2014-1, 2014-2, 2014-3, etc.
- Or, you may wish to number the programs based on type. For example rental 1, rental 2, homebuyer 1, homebuyer 2, etc. This type of numbering system might be appropriate if you have many programs that last over several years.
- Finally, you may wish to use an outline style of numbering. For example, all programs under your first eligible activity would start with the number 1 and then be consecutively numbered as 1.1, 1.2, 1.3, etc. The programs under the second eligible activity would be numbered as 2.1, 2.2., 2.3, etc.

APR: REPORTING ON PROGRAM YEAR PROGRESS (NAHASDA § 820(b))

Complete the shaded section of text below to describe your completed program tasks and actual results. Only report on activities completed during the 12-month fiscal year. Financial data should be presented using the same basis of accounting as the Schedule of Expenditures of Federal Awards (SEFA) in the annual OMB Circular A-133' audit. For unit accomplishments, only count units when the unit was completed and occupied during the year. For households, only count the household if it received the assistance during the previous 12-month fiscal year.

*DHHL should note that new Federal government regulations on Administrative Requirements, Cost Principles, and Audit Requirements were promulgated on December 26, 2013 at 2 C.F.R. Part 200. HUD intends to update its regulations by December 26, 2014 to implement these new requirements in its programs. In the meantime, applicable OMB Circulars and the regulations at 2 C.F.R. Part 225 will continue to apply to existing grants. After HUD implements the new requirements in 2 C.F.R. Part 200 (after December 26, 2014), all grants will be subject to 2 C.F.R. Part 200, as implemented by HUD.

1.1 Program Name and Unique Identifier: 2021 Capital Improvement Projects (AHP I)

1.2 Program Description *(This should be the description of the planned program.):*

This activity develops lots for residential use on Trust Lands statewide.

1.3 Eligible Activity Number *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(24) Infrastructure to Support Housing [810(b)(1)]

1.4 Intended Outcome Number *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(2) Assist renters to become homeowners

Describe Other Intended Outcome *(Only if you selected "Other" above.):*

1.5 Actual Outcome Number *(In the APR identify the actual outcome from the Outcome list.):*

Describe Other Actual Outcome *(Only if you selected "Other" above.):*

1.6 Who Will Be Assisted *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

Undivided interest lessees and applicants meeting the 80% AMI income guidelines will receive vacant or improved lots for new home construction.

1.7 Types and Level of Assistance *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

This activity covers the cost of the infrastructure for projects, including planning, design, engineering, construction, and construction management services. The level of NAHASDA funding for this activity continues to decrease as the contracts for engineering services and construction management continues until project completion.

1.8 APR: *(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):*

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

| Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres | Planned Number of Outputs to be completed in Fiscal Year Under this Program | APR: Actual Number of Outputs Completed in Fiscal Year |
|---|--|---|
| Improved Lots | 0 | |

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

| |
|--|
| <p>1.1 Program Name and Unique Identifier: Developer Financing (AHP II)</p> |
| <p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity utilizes NHHBG funding for the development of homes eliminating the financing costs to the developer thereby keeping the price of the home affordable.</p> |
| <p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(11) New Construction of Homebuyer Units [810(b)(1)]</p> |
| <p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(2) Assist renters to become homeowners</p> |
| <p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p> |
| <p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> |
| <p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p> |
| <p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p>Undivided interest lessees and applicants meeting the 80% AMI income guidelines will have the opportunity to qualify for homes.</p> |
| <p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>The assistance provided will go directly to the developer as part of the capital stack for vertical construction financing.</p> |
| <p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> |

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

| Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres | Planned Number of Outputs to be completed in Fiscal Year Under this Program | APR: Actual Number of Outputs Completed in Fiscal Year |
|---|--|---|
| Units | 2 | |

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

1.1 Program Name and Unique Identifier: Homeowner Financing (AHP III)

1.2 Program Description *(This should be the description of the planned program.):*

This activity utilizes the Department's Direct Loan program, providing homeowner financing to eligible NAHASDA families for new construction or home purchase. DHHL is working to identify families in upcoming project areas for direct loans, down payment assistance, or individual development accounts.

1.3 Eligible Activity Number *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(14) Lending Subsidies for Homebuyers (Loan) [810(b)(1)]

1.4 Intended Outcome Number *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(2) Assist renters to become homeowners

Describe Other Intended Outcome *(Only if you selected "Other" above.):*

1.5 Actual Outcome Number *(In the APR identify the actual outcome from the Outcome list.):*

Describe Other Actual Outcome *(Only if you selected "Other" above.):*

1.6 Who Will Be Assisted *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

Molokai: 4 families

Maui: 8 families

Hawaii: 10 families

Oahu: 13 families

Kauai: 3 families

Lanai: 2 families

1.7 Types and Level of Assistance *(Describe the types and the level of assistance that will be provided to each household, as applicable.):* Financing for home loans statewide utilizing NHHBG funds for projects in areas listed in 1.6.

1.8 APR: *(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):*

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

| Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres | Planned Number of Outputs to be completed in Fiscal Year Under this Program | APR: Actual Number of Outputs Completed in Fiscal Year |
|---|--|---|
| Units | 5 | |

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

1.1 Program Name and Unique Identifier: Home Assistance Program (HAP) (AHP IV)

1.2 Program Description *(This should be the description of the planned program.):*

This program covers the department's attempt to address substandard and/or aging housing on the homelands by providing assistance to low income households to repair their existing homes, including home replacement (demolition & construction), energy retrofit, building code compliance, and home repair.

1.3 Eligible Activity Number *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(16) Rehabilitation Assistance to Existing Homeowners [810(b)(1)]

1.4 Intended Outcome Number *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(3) Improve quality of substandard units

Describe Other Intended Outcome *(Only if you selected "Other" above.):*

1.5 Actual Outcome Number *(In the APR identify the actual outcome from the Outcome list.):*

Describe Other Actual Outcome *(Only if you selected "Other" above.):*

1.6 Who Will Be Assisted *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

Lessee families meeting the 80% AMI income guidelines identified over the past few years are being assisted.

1.7 Types and Level of Assistance *(Describe the types and the level of assistance that will be provided to each household, as applicable.):* Families determined and identified by HAP or subrecipient staff as eligible will be assisted. This includes the 20 families who were waiting for help from the C&C of Honolulu program.

Deferred, no-payment loans, subject to conditional recapture, as defined by HAP will be provided. NAHASDA eligible families will receive \$100,000 to repair their home according to HUD Housing Quality Standards. The standards would prioritize repairs for the home. Those families whose homes have been identified as needing more than \$100,000 to fix repairs are offered 1% loans on the amount that exceeds the first \$100,000, up to an additional \$100,000. A demolition/new build loan is the third option offered for properties where cost to repair exceed the appraised or tax assessed value.

1.8 APR: *(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):*

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

| Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres | Planned Number of Outputs to be completed in Fiscal Year Under this Program | APR: Actual Number of Outputs Completed in Fiscal Year |
|---|--|---|
| Units | 2 | |

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

| |
|---|
| <p>1.1 Program Name and Unique Identifier: Rental Operating Subsidy (AHP V)</p> |
| <p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds for use as a rental operating subsidy to eligible rental housing on Trust Lands in Waimanalo.</p> |
| <p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(20) Operation and Maintenance of NHHBG-assisted Units</p> |
| <p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(6) Assist Affordable Housing for Low-Income Households</p> |
| <p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p> |
| <p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> |
| <p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p> |
| <p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p>The rental housing project, with up to 85 units, on Trust Lands in Waimanalo will be assisted.</p> |
| <p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>This elderly housing project assisted with an annual operating subsidy paid directly to the development company was first occupied in 2002 and constructed with funds from the state's Low Income Housing Trust Fund and Rental Housing Trust Fund along with funds from DHHL and the Office of Hawaiian Affairs. Many of the elderly are living on fixed income and cannot afford current rental rates under Hawaii Housing and Finance Development Corporation (HHFDC) which oversees the project and approves the rates from the developer. The subsidy covers the difference between the NAHASDA required 30% cap on tenant's adjusted gross income and the approved LITHC rent. The subsidy payments shall be used exclusively to assist tenants and for the Project's operating expenses including property management fees; maintenance expenses; utilities; partnership management fees; interest on loans (whether or not currently payable); and all other costs reasonably related to the Project, such as accrued development and legal fees and costs, to ensure these costs are not passed on to the Project tenants.</p> |
| <p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> |

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

| Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres | Planned Number of Outputs to be completed in Fiscal Year Under this Program | APR: Actual Number of Outputs Completed in Fiscal Year |
|---|--|---|
| Units in Inventory | 60 | |

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

| | |
|--|---|
| 1.1 Program Name and Unique Identifier: | Rental Vouchers (AHP VI) |
| 1.2 Program Description (This should be the description of the planned program.): | This activity provides funds for rental housing vouchers (rent/security deposit) for temporary relocation assistance or emergency assistance (rent, rental arrears, utilities, or utility arrears) to mitigate financial hardships associated with the Coronavirus pandemic. |
| 1.3 Eligible Activity Number (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.): | (17) Tenant Based Rental Assistance [8IO(b)(2)] |
| 1.4 Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.): | (6) Assist Affordable Housing for Low-Income Households |
| Describe Other Intended Outcome (Only if you selected "Other" above.): | |
| 1.5 Actual Outcome Number (In the APR identify the actual outcome from the Outcome list.): | |
| Describe other Actual Outcome (Only if You selected "Other." above.): | |
| 1.6 Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate program</u> within this section.): | Eligible families will be 80% AMI and beneficiaries of the HHCA. |
| 1.7 Types and Level of Assistance (Describe the types and the level of assistance that will be provided to each household, as applicable.): | This activity will provide for temporary relocation assistance. Furthermore, DHHL will contract with a service provider to provide assistance to families eligible for this activity given that a number of non-profits provide deposit/rent/emergency rent for families at risk of homelessness, overcrowding, or without shelter. The average monthly emergency rental assistance is \$1500/month with utilities averaging \$250/month. |
| 1.8 APR.: (Describe the accomplishments for the APR in the 12 months in accordance with 24 .CFR §1006.4JQ(b)(2) and (3)): | |

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

| Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres | Planned Number of Outputs to be completed in Fiscal Year Under this Program | APR: Actual Number of Outputs Completed in Fiscal Year |
|---|--|---|
| Households | 5 | |

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

1.1 Program Name and Unique Identifier: Housing Counseling (AHP VII)

1.2 Program Description *(This should be the description of the planned program.):*

Independent, expert advice customized to the need of the Native Hawaiian lessee, applicant or household to address housing barriers in order to achieve housing goals through homeownership counseling or rental housing counseling and include the following processes: intake, financial and housing affordability analysis, an action plan, and a reasonable effort to have follow-up communication when possible.

1.3 Eligible Activity Number *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(18) Other Housing Service [810(b)(2)]

1.4 Intended Outcome Number *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(6) Assist Affordable Housing for Low-Income Households

Describe Other Intended Outcome *(Only if you selected "Other" above.):*

1.5 Actual Outcome Number *(In the APR identify the actual outcome from the Outcome list.):*

Describe Other Actual Outcome *(Only if you selected "Other" above.):*

1.6 Who Will Be Assisted *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

Native Hawaiian lessee, applicants or households who received or are eligible to receive assistance including but not limited to homeowner financing, home repair assistance, rental and homeowner assistance.

1.7 Types and Level of Assistance *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

Initial contact will be made with lessee, applicants or households who received assistance informing them of housing counseling services available and any Native Hawaiian requesting assistance who is deemed eligible to receive assistance will also be referred to housing counseling services.

1.8 APR: *(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3):*

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

| Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres | Planned Number of Outputs to be completed in Fiscal Year Under this Program | APR: Actual Number of Outputs Completed in Fiscal Year |
|---|--|---|
| Households | 100 | |

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

| |
|--|
| <p>1.1 Program Name and Unique Identifier: Homeowner Assistance (AHP VIII)</p> |
| <p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds for homeowner assistance (mortgage, utilities, insurance, or association fees) to mitigate financial hardships associated with the Coronavirus pandemic to promote housing stability.</p> |
| <p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(18) Other Housing Service [810(b)(2)]</p> |
| <p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(12) Other</p> |
| <p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p> <p>Homeowner assistance to mitigate financial hardships associated with the Coronavirus pandemic.</p> |
| <p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> |
| <p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p> |
| <p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):</i></p> <p>Eligible families will be 80% AMI and beneficiaries of the HHCA.</p> |
| <p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>The average monthly mortgage assistance is projected to be \$1500/month with utilities, insurance, or other fees to average \$300/month.</p> |
| <p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> |

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

| Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres | Planned Number of Outputs to be completed in Fiscal Year Under this Program | APR: Actual Number of Outputs Completed in Fiscal Year |
|---|--|---|
| Households | 100 | |

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

1.1 Program Name and Unique Identifier: Existing Potable Water Infrastructure Improvements (AHP IX)

1.2 Program Description *(This should be the description of the planned program.):*

This activity will utilize NHHBG funding leveraged with USDA to improve potable water infrastructure for systems in, but not limited to, Hoolehua, Molokai and Anahola, Kauai. This activity intends the use of NAHASDA funds as matching for any USDA potable water system application.

1.3 Eligible Activity Number *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(24) Infrastructure to Support Housing [810(b)(1)]

1.4 Intended Outcome Number *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(4) Improve quality of existing infrastructure

Describe Other Intended Outcome *(Only if you selected "Other" above.):*

1.5 Actual Outcome Number *(In the APR identify the actual outcome from the Outcome list.):*

Describe Other Actual Outcome *(Only if you selected "Other" above.):*

1.6 Who Will Be Assisted *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

New and existing lessees in homestead areas with approved USDA DHHL applications would be assisted with potable water infrastructure improvements.

1.7 Types and Level of Assistance *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

Improved potable water service delivery and/or new potable water service delivery for lessees in homestead areas with an approved DHHL USDA water application.

1.8 APR: *(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):*

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

| Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres | Planned Number of Outputs to be completed in Fiscal Year Under this Program | APR: Actual Number of Outputs Completed in Fiscal Year |
|---|--|---|
| Improved Lots | 0 | |

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

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| <p>1.1 Program Name and Unique Identifier: Housing Conversion (AHP X)</p> |
| <p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity supports the conversion of existing land and structures to affordable housing.</p> |
| <p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(8) Conversion of Other Structures to Affordable Housing [810(b)(1)]</p> |
| <p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(5) Address homelessness</p> |
| <p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p> |
| <p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> |
| <p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p> |
| <p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):</i></p> <p>Undivided interest lessees and applicants meeting the 80% AMI income guidelines who are homeless would be assisted through transitional housing.</p> |
| <p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>The assistance will provide funding to rehabilitate an existing building for transitional housing.</p> |
| <p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> |

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

| Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres | Planned Number of Outputs to be completed in Fiscal Year Under this Program | APR: Actual Number of Outputs Completed in Fiscal Year |
|---|--|---|
| Units | 0 | |

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

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| <p>1.1 Program Name and Unique Identifier: Property Acquisition (AHP XI)</p> |
| <p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds for the Department to purchase vacant land or existing housing.</p> |
| <p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(10) Acquisition of Land for Homebuyer Unit Development [810(b)(1)]</p> |
| <p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(1) Reduce over-crowding</p> |
| <p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p> |
| <p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> |
| <p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p> |
| <p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):</i></p> <p>Native Hawaiians meeting the 80% AMI income guidelines will be assisted by having additional affordable housing stock.</p> |
| <p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>Land and/or existing housing will be considered for purchase to increase affordable housing inventory.</p> |
| <p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> |

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

| Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres | Planned Number of Outputs to be completed in Fiscal Year Under this Program | APR: Actual Number of Outputs Completed in Fiscal Year |
|---|--|---|
| Acres | 0 | |

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

| |
|---|
| <p>1.1 Program Name and Unique Identifier: Crime Prevention (AHP XII)</p> |
| <p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds for safety, security, and law enforcement measures and activities appropriate to protect residents of homestead communities from crime.</p> |
| <p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(21) Crime Prevention and Safety [810(b)(4)]</p> |
| <p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(11) Reduction in crime reports</p> |
| <p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p> |
| <p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> |
| <p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p> |
| <p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p>Homestead communities would benefit from funding for programs and services aimed at reducing illegal activity. The 2020 Beneficiary Study Lessee Report noted that residents of DHHL Homestead communities generally know and look out for one another and want to remain in their neighborhood with close to eight out of ten residents reporting that they feel safe in their community day and night. Nevertheless, recent incidents like the investigation of illegal activity such as an illegal game room, unauthorized campers necessitating cleanup and the installation of a fence, or illegal dumping requiring removal of intentionally abandoned vehicles and gate installation should be addressed through appropriate crime prevention measures.</p> |
| <p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>The assistance will be tailored to meet the needs and concerns of each homestead community.</p> |
| <p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> |

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

| Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres | Planned Number of Outputs to be completed in Fiscal Year Under this Program | APR: Actual Number of Outputs Completed in Fiscal Year |
|---|--|---|
| Dollars | \$100,000 | |

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

SECTION 4: AFFORDABLE HOUSING RESOURCES

This section of the NHHP is designed to provide the public with basic background information on the characteristics shaping DHHL's affordable housing programs. Each portion of the text below has several required components that must be discussed. DHHL is encouraged to carefully review the instructions for each section and provide text covering all required elements.

Housing Market (NAHASDA § 803(c)(2)(D)(i) and (ii)) *(Describe the key characteristics of the housing market in the State of Hawaii, currently, and in the period of time covered by the plan. Include a description of the availability of housing from other public sources and private market housing, and how this supply of housing affected the DHHL's program/activity choices.):*

The Hawaii Housing Planning Study, 2019 pointed out that the most distinctive characteristic of Hawaii's housing market is high prices. Hawaii also continues to have the highest average rents in the nation, followed by the District of Columbia and New York. For the past decade, Hawaii's median gross rent has consistently been 50 to 55 percent higher than the national median gross rent.

In addition, the Study noted the slowing of residential housing construction. Total housing units grew by about 5,600 units per year (2.2%) between 2009 and 2011. Between 2011 and 2014, growth slowed to 2,800 units per year – half what it was in the previous five years. Between 2014 and 2017, growth slowed further to about 2,675 units per year. In recent years, Hawaii has been building more units that aren't being used for Hawaii families.

The Study also reported that Hawaii has typically been in the top 15 percent of states losing housing units to vacancies. Hawaii ranked 12th for percent of total housing units held for seasonal, recreational, and occasional use in 2017. Only two states ranked higher than the counties of Hawaii, Kauai, and Maui with respect to the percent of total units held off the market for seasonal use. Across the State, there were differences in the percent of total housing units counted as housing stock. In Honolulu, 6.8 percent of all units were unavailable. In the other counties, that figure was significantly higher as in 19 percent for Kauai County, 16 percent in the County of Hawaii, and 13 percent for Maui County.

The Study further indicated that one in ten households statewide devotes 30 to 40 percent of their income to shelter costs. For nearly one-quarter of households statewide (23.1%), shelter payments take up more than 40 percent of their income each month. Most disturbing is the evidence that Hawaii's shelter to income ratios are higher than most of the nation. In 2019, the percentage of mortgage holders whose monthly housing cost was greater than 30 percent of monthly income was 40.3 percent, the highest in the nation. The percentage of renters paying more than 30 percent was 55.6 percent, ranking Hawaii third in the nation after Florida (59.0%) and California (57.2%). When you factor Hawaii's Housing Wage (\$36.13) with the average wage of a renter in the state (\$16.16), it is understandable that there are many households with high shelter-to-income. In 2018, Hawaii had the largest shortfall (-\$19.98) between the average renter wage (amount renters earn) and the two-bedroom housing wage (amount required to afford an average two-bedroom rental unit).

Hawaii's crowding rate has long been among the highest in the nation. In 2017, Hawaii was ranked first in crowding for owner-occupied units (6.3%) and second for renter-occupied conditions (12.8%).

The department's NHHBG funded mortgage loans provide single family housing for the same or lower price than a studio in a multi-family high rise built by another housing agency in the urban core. Without NHHBG funding, the department would be unable to build or finance housing for the 80% AMI or below target population.

Cooperation (NAHASDA § 803(c)(2)(D)(iii) *(Describe the structure, coordination, and means of cooperation between DHHL and other relevant partners and organizations [including private nonprofit organizations experienced in the planning and development of affordable housing] in the development, submission, or implementation of its housing plan. In addition, DHHL must indicate if it plans to use loan guarantees under Section 184A of the Housing and Community Development Act of 1992 and any other housing assistance provided by the Federal Government.):*

The department currently partners with a number of housing agencies and organizations either thru subject matter meetings or formal MOUs or agreements.

The Section 184A Loan Guarantee Program, which is similar to the Section 184 Loan Guarantee Program giving Native Americans access to private mortgage financing by providing loan guarantees to lenders, was implemented in 2007. Currently, 1st Tribal Lending, Bank of Hawai'i, Homebridge Financial Services, Inc. and HomeStreet Bank are approved lenders for the Section 184A loan program.

DHHL has been utilizing the FHA 247 loan program since 1987. Over \$475 million in mortgage loans are outstanding through the FHA 247 loan program to lessees on Hawaiian home lands. The Veterans Affairs direct loan, Rural Development (U.S. Department of Agriculture) loan programs, and low-income housing tax credits are other financing options and tools utilized on Hawaiian home lands.

Demolition and Disposition (NAHASDA § 803(c)(2)(D)(viii), 24 CFR 1006.101(b)(4)(viii) *(Describe any planned demolition or sale of NHHBG-assisted housing units, or any other demolition or disposition that will be carried out with NHHBG funds. Be certain to include a financial analysis of the proposed demolition, the timetable for any planned demolition or disposition and any other information that is required by HUD with respect to the demolition or disposition.):*

There are no 1937 Act housing on Hawaiian home lands. The DHHL does not anticipate demolishing any units funded by the NHHBG.

Coordination (NAHASDA § 803(c)(2)(D)(ix) *(Describe how DHHL will coordinate with partners to promote employment and self-sufficiency opportunities for residents of affordable housing.)*):

The State of Hawai'i Department of Human Services (DHS) administers individual and family financial assistance programs that provide cash payments to help individuals and families meet their basic needs. The programs include Temporary Assistance to Needy Families (TANF), Temporary Assistance to Other Needy Families (TAONF), General Assistance (GA), Aid to the Aged, Blind and Disabled (AABD) and the Food Stamps program. Medical assistance is provided through the Hawai'i QUEST and Medicaid fee-for-services programs. Vocational rehabilitation services are provided to persons with disabilities. Whenever the DHHL staff is made aware of a lessee in need, the families are referred to DHS or to an appropriate non-profit service provider.

Safety (NAHASDA § 803(c)(2)(D)(x)) *(Describe how DHHL will promote crime prevention and resident involvement in affordable housing.)*:

The DHHL continues to coordinate efforts with the Police Narcotics Division, the Sherriff's Office and the Attorney General's Office—Investigative Division to do surveillance and to evict the offending occupants whenever there is evidence of drug problems or other crimes in the homestead areas. If investigation results in a conviction, the lessee is taken to a contested case hearing for lease cancellation.

Capacity (NAHASDA § 803(c)(2)(D)(xi)) *(Describe the structure, capacity, and key personnel of the entities that will carry out the program/activities of the housing plan.):*

The DHHL was created by the State Legislature in 1964 to administer the Hawaiian home lands program and manage the Hawaiian home lands trust. The DHHL is one of eighteen principal agencies of the Executive Branch of the State of Hawai'i.

The DHHL serves native Hawaiians or individuals of no less than 50% Hawaiian blood, as defined by the Hawaiian Homes Commission Act of 1920, as amended, and their successors and assigns. These native Hawaiians are the beneficiaries of the Hawaiian home lands trust consisting of a land trust of over 200,000 acres, settlement monies from the State for the mismanagement of trust lands, funds received from the State general fund for operating costs, and revenues and earnings from the land leasing program.

The DHHL is governed by a nine-member board of commissioners headed by the Chairman, who also serves as the executive officer of the DHHL. The Governor of the State of Hawai'i appoints each commissioner and Chairman to a four-year term. The terms of the commissioners are staggered.

Currently, there are 121 full time employees in DHHL with six offices statewide. DHHL's main administrative office is located in Kapolei, Oahu and the five (5) district offices are located on neighbor islands. There are two (2) district offices on the Big Island, one in Hilo (East Hawaii) and one in Waimea (West Hawai'i), Hawai'i; one (1) district office in Lihue, Kauai; one (1) district office in Wailuku, Maui; and one (1) district office in Kalamaula, Molokai. DHHL is organized into five offices and three divisions under the Hawaiian Homes Commission and Office of the Chairman. The various offices and divisions are described as follows:

Office of the Chairman (OCH) — 17 staff members

The Office of the Chairman consists of the Chairman of the Hawaiian Homes Commission, who is also the Director of Department of Hawaiian Home Lands; the Deputy to the Chairman, the Executive Assistant; the NAHASDA Manager, NAHASDA Program Specialist, NAHASDA Compliance Specialist, Mortgage Loan Specialist, NAHASDA Clerk; and executive staff.

Administrative Services Office (ASO) – 7 staff members

The Administrative Services Office provides DHHL staff support in the areas of personnel, budgeting, program evaluation, information and communication systems, risk management, facilities management, clerical services and other administrative services. This office also provides support services in preparation of legislative proposals and testimonies, coordinates the preparation of reports to the legislature and facilitates the rule-making process.

Fiscal Office (FO) – 12 staff members

The Fiscal Office provides accounting support for DHHL. One accountant is dedicated to the NHHBG whose position is currently vacant.

Planning Office (PO) – 8 staff members

The Planning Office conducts research and planning studies required in the development of policies, programs, and projects to benefit native Hawaiians. The PO coordinates and develops the Regional Plans, administers the Native Hawaiian Development Program, provides capacity building training for homestead organizations, and provides community based grants for the implementation of Regional priority projects, community based economic development, and membership development.

Information and Community Relations Office (ICRO) – 4 staff members

The Information and Community Relations Office disseminates information to the public on Department issues, oversees community relations with the various homestead communities and coordinates DHHL's ceremonies. They also publish DHHL's annual reports to the State Legislature.

Homestead Services Division (HSD) – 43 staff members

HSD is composed of three branches: 1) Homestead Applications, 2) District Operations, and 3) Loan Services. HSD is the largest division in DHHL, has staff on all islands, and services more than 25,000 applicants and 9,000 lessees on five islands.

Land Management Division (LMD) – 8 staff members

LMD is responsible for managing Hawaiian home lands that are not used for homestead purposes. Unencumbered lands are managed and disposed of for long and short term uses in order to generate revenues and keep the lands productive while minimizing the occurrence of vegetative overgrowth, squatting or illegal dumping. LMD is responsible for properly managing the lands in DHHL's inventory.

Land Development Division (LDD) – 14 staff members

LDD is charged with the responsibility of developing trust lands for homesteading and income-producing purposes. This is accomplished through the development of properties for residential, agricultural, pastoral, and economic development uses. LDD has three operating branches: 1) Design and Construction – concentrating on the design and construction of off-site and on-site improvements for the various subdivisions; 2) Master-Planned Community – expediting the construction of housing options through partnerships with private sector and exploring other housing opportunities; and, 3) Housing Project—providing turn-key homes and assisting lessees of vacant lots in arranging financing and in contracting with a builder, including self-help and Habitat programs.

The following is a listing of the key personnel responsible for the implementation of DHHL and NAHASDA assisted programs:

Hawaiian Homes Commission (HHC)

William J. Aila, Jr., Chairman
David Kaapu, West Hawaii Commissioner
Michael Kaleikini, East Hawaii Commissioner
Randy Awo, Maui Commissioner
Zachary Helm, Molokai Commissioner
Pauline Namuo, Oahu Commissioner
Patricia (Patty) Kahanamoku-Teruya, Oahu Commissioner
Russell Kaupu, Oahu Commissioner
Dennis Neves, Kauai Commissioner

Department of Hawaiian Home Lands

William J. Aila, Jr., Director
Tyler Iokepa Gomes, Deputy to the Chairman
Jobie Masagatani, Executive Assistant
Rodney Lau, Administrative Services Officer
Pearl Teruya, Fiscal Management Officer
Andrew Choy, Acting Planning Program Manager
Cedric Duarte, Info Community & Relations Officer

Lehua Kinilau-Cano, Legislative Analyst
Cynthia Rezendes, NAHASDA Compliance Specialist
Nadine Pomroy, Clerk (NAHASDA)
Aloha Kaikaina, Mortgage Loan Specialist
Michelle Hitzeman, HALE Manager
Juan Garcia, HSD Administrator
Nina Fisher, East Hawaii Homestead District Supervisor
James Du Pont, West Hawaii Homestead District Supervisor
Erna Kamibayashi, Kauai Homestead District Supervisor
Antoinette Eaton, Maui Homestead District Supervisor
Dean Oshiro, Housing Services Loan Manager
Kip Akana, Enforcement Officer
Stewart Matsunaga, Acting Land Development Division Administrator
Kehaulani Quartero, Labor Compliance Specialist

SECTION 5: BUDGETS

(1) Sources of Funding (NAHASDA § 803(c)(2)(C)(i) and 820(b)(1)). (Complete the non-shaded portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month fiscal year. **APR Actual Sources of Funding -- Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month fiscal year.**)

| SOURCE | NHHP | | | | | APR | | | | | |
|-------------------------|---|--|---|---|---|--|---|--|--|---|--|
| | (A) Estimated amount on hand at beginning of fiscal year | (B) Estimated amount to be received during 12-month fiscal year | (C) Estimated total sources of funds (A + B) | (D) Estimated funds to be expended during 12-month fiscal year | (E) Estimated unexpended funds remaining at end of fiscal year (C minus D) | (F) Actual amount on hand at beginning of fiscal year | (G) Actual amount received during 12-month fiscal year | (H) Actual total sources of funding (F + G) | (I) Actual funds expended during 12-month fiscal year | (J) Actual unexpended funds remaining at end of 12-month fiscal year (H minus I) | (K) Actual unexpended funds obligated but not expended at end of 12-month fiscal year |
| 1. NHHBG Funds | 14,000,000 | 2,000,000 | 16,000,000 | 6,105,000 | 9,895,000 | | | | | | |
| 2. NHHBG Program Income | 0 | 140,000 | 140,000 | 140,000 | 0 | | | | | | |
| LEVERAGED FUNDS | | | | | | | | | | | |
| 3. Other Federal Funds | | 1,500,000 | 1,500,000 | 1,500,000 | 0 | | | | | | |
| 4. LIHTC | | | | | | | | | | | |
| 5. Non-Federal Funds | 0 | 25,000 | 25,000 | 25,000 | 0 | | | | | | |
| TOTAL | 14,000,000 | 3,665,000 | 17,665,000 | 7,770,000 | 9,895,000 | | | | | | |

Notes:

- For the NHHP, fill in columns A, B, C, D, and E (non-shaded columns). For the APR, fill in columns F, G, H, I, J, and K (shaded columns).
- Total of Column D should match the total of Column N from the Uses Table on the following page.
- Total of Column I should match the Total of Column Q from the Uses Table on the following page.**
- For the NHHP, describe any estimated leverage in Line 3 below. For the APR, describe actual leverage in Line 4 below (APR).

(2) Uses of Funding (NAHASDA § 803(c)(2)(C)(iii)) (Note that the budget should not exceed the total funds on hand (Column C) and insert as many rows as needed to include all the programs identified in Section 3. **Actual expenditures in the APR section are for the 12-month fiscal year.**)

| PROGRAM NAME (tie to program names in Section 3 above) | Unique Identifier | NHHB | | | | APR | | |
|---|-------------------|---|---|---|--|---|---|--|
| | | (L) Prior and current year NHHBG (only) funds to be expended in 12-month fiscal year | (M) Total all other funds to be expended in 12-month fiscal year | (N) Total funds to be expended in 12-month fiscal year (L + M) | (O) Total NHHBG (only) funds expended in 12-month fiscal year | (P) Total all other funds expended in 12-month fiscal year | (Q) Total funds expended in 12-month fiscal year (O+P) | |
| 2021 CIP | AHP I | 250,000 | | 250,000 | | | | |
| Developer Financing | AHP II | | | | | | | |
| Homeowner Financing | AHP III | 1,335,000 | 165,000 | 1,500,000 | | | | |
| HAP | AHP IV | 600,000 | | 600,000 | | | | |
| Rental Operating Subsidy | AHP V | 250,000 | | 250,000 | | | | |
| Rental Vouchers | AHP VI | 50,000 | | 50,000 | | | | |
| Housing Counseling | AHP VII | 500,000 | | 500,000 | | | | |
| Homeowner Assistance | AHP VIII | 1,500,000 | 1,500,000 | 3,000,000 | | | | |
| Water Infrastructure Improvements | AHP IX | 20,000 | | 20,000 | | | | |
| Housing Conversion | AHP X | 1,000,000 | | 1,000,000 | | | | |
| Property Acquisition | AHP XI | 100,000 | | 100,000 | | | | |
| Crime Prevention | AHP XII | 100,000 | | 100,000 | | | | |
| Planning and Administration | | 400,000 | | 400,000 | | | | |
| Loan Repayment – describe in 3 and 4 below. | | | | | | | | |
| TOTAL | | 6,105,000 | 1,665,000 | 7,770,000 | | | | |

Notes:

- a. Total of Column L cannot exceed the NHHBG funds from Column C, Row 1 from the Sources Table on the previous page.
- b. Total of Column M cannot exceed the total from Column C, Rows 2-10 from the Sources Table on the previous page.
- c. **Total of Column O cannot exceed total NHHBG funds received in Column H, Row 1 from the Sources Table on the previous page.**
- d. **Total of Column P cannot exceed total of Column H, Rows 2-10 of the Sources Table on the previous page.**
- e. **Total of Column Q should equal total of Column I of the Sources Table on the previous page.**

(3) Estimated Sources or Uses of Funding (NAHASDA § 803(c)(2)(C)). *(Provide any additional information about the estimated sources or uses of funding, including leverage (if any). You must provide the relevant information for any planned loan repayment. The text must describe which specific loan is planned to be repaid and the NAHASDA-eligible activity and program associated with this loan):*

The department anticipates using \$1.5 million in federal funding from the American Rescue Plan Act for homeowner assistance. Program income and income from lease transfers are the other sources of funding.

(4) APR (NAHASDA § 820(b)(1)) *(Enter any additional information about the actual sources or uses of funding, including leverage (if any)).*

SECTION 6: OTHER SUBMISSION ITEMS

(1) Useful Life/Affordability Period(s) (NAHASDA § 813, 24 CFR § 1006.305) *(Describe your plan or system for determining the useful life/affordability period of the housing assisted with NHHBG funds. A record of the current, specific useful life/affordability period for housing units assisted with NHHBG funds must be maintained in DHHL's files and available for review for the useful life/affordability period.):*

DHHL has established the following affordability periods to describe the term during which DHHL will keep the unit affordable:

| <u>NHHBG Funds Invested</u> | <u>Affordability Period</u> |
|-----------------------------|-----------------------------|
| Up to \$24,999 | 5 years |
| \$25,000 to \$100,000 | 10 years |
| \$100,001 to \$200,000 | 20 years |
| \$200,001 and above | 30 years |

The affordability period is based on the total amount of NHHBG funds invested in the development and/or rehabilitation of a housing unit. Resale and recapture provisions will be included as a condition of the Hawaiian homestead lease to enforce the affordability restriction for each assisted housing unit.

(2) Model Housing and Over-Income Activities (NAHASDA § 810(b)(5) and 809(a)(2)(B), 24 CFR § 1006.225 and 1006.301(b)) *(If you wish to undertake a model housing activity or wish to serve non-low-income households during the 12-month fiscal year, those activities may be described here. Each approved model activity must be included as a separate program in Section 3 (Program Descriptions) and the APR portions of Section 3 must be completed in the APR submission for any approved model activity.):*

None.

(3) Anticipated Planning and Administration Expenses (NAHASDA § 802(d), 24 CFR § 1006.230)

Do you intend to exceed your allowable spending cap for Planning and Administration? Yes No

If yes, describe why the additional funds are needed for Planning and Administration.

Native Hawaiian Housing Block Grant (NHHBG)

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

NHHP/APR

U.S. Department of Housing and Urban Development

Office of Public and Indian Housing

Office of Native American Programs

(4) Actual Planning and Administration Expenses (NAHASDA § 802(d), 24 CFR § 1006.230)

Did you exceed your spending cap for Planning and Administration? Yes No

If yes, did you receive HUD approval to exceed your spending cap on Planning and Administration? Yes No

If you did not receive approval for exceeding your spending cap on Planning and Administration costs, describe the reason(s) for exceeding the cap.

SECTION 7: NATIVE HAWAIIAN HOUSING PLAN CERTIFICATION OF COMPLIANCE
(NAHASDA § 803(c)(2)(E))

By signing the NHHP, you certify that you have all required policies and procedures in place in order to operate any planned NHHBG programs.

- (1) In accordance with applicable statutes, the recipient certifies that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out the NHHBG program, to the extent that such Acts are applicable, and other applicable federal statutes.

Yes No

The following certifications will only apply where applicable based on program activities.

- (2) The recipient will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under NAHASDA, in compliance with such requirements as may be established by HUD.

Yes No Not Applicable

- (3) Policies are in effect and are available for review by HUD and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under NAHASDA.

Yes No Not Applicable

- (4) Policies are in effect and are available for review by HUD and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under NAHASDA.

Yes No Not Applicable and

- (5) Policies are in effect and are available for review by HUD and the public governing the management and maintenance of housing assisted with grant amounts provided under NAHASDA.

Yes No Not Applicable

SECTION 8: SELF-MONITORING

(NAHASDA § 819(b), 24 CFR § 1006.401)

(1) Do you have a procedure and/or policy for self-monitoring?

Yes No

(2) Did you conduct self-monitoring, including monitoring sub-recipients?

Yes No

(3) Self-Monitoring Results. *(Describe the results of the monitoring activities, including inspections for this program year.):*

SECTION 9: INSPECTIONS

(NAHASDA § 819(b))

(1) **Inspection of Units** (Use the table below to record the results of inspections of assisted housing.)

| (A) | | (B) | (C) |
|--|-----------------------------------|---------------------------------|-----------------------------------|
| Activity | | Total number of units inspected | Total number of units (Inventory) |
| NAHASDA-Assisted Units: Running inventory as of Fiscal Year Beginning (July 1) a 12-month total. | | | |
| a. | New Construction Completed | | |
| b. | Rehab/Repair Completed | | |
| c. | Rental Assistance (if applicable) | | |
| d. | Other | | |
| Total | | | |

(2) Did you comply with your inspection policy: Yes No:

(3) If no, why not:

SECTION 10: AUDITS

(24 CFR § 1006.375(d))

This section is used to indicate whether an Office of Management and Budget Circular A-133* audit is required, based on a review of your financial records.

Did you expend \$500,000* or more in total Federal awards during the APR reporting period?

Yes No

If Yes, an audit is required to be submitted to the Federal Audit Clearinghouse and the Office of Native American Programs.

If No, an audit is not required.

*DHHL should note that new Federal government regulations on Administrative Requirements, Cost Principles, and Audit Requirements were promulgated on December 26, 2013 at 2 C.F.R. Part 200. HUD intends to update its regulations by December 26, 2014 to implement these new requirements in its programs. Audits covering recipients' fiscal years that begin in January 2015 will be subject to the revised audit requirements. In the meantime, applicable OMB Circulars and the regulations at 2 C.F.R. Part 225 will continue to apply to grants until implementation of the new requirements.

SECTION 11: PUBLIC AVAILABILITY

(NAHASDA § 820(d), 24 CFR § 1006.410(c))

(1) Did you make this APR available to the beneficiaries of the Hawaiian Homes Commission Act before it was submitted to HUD?

Check one: Yes No

(2) If you answered "No" to question #1, provide an explanation as to why not and indicate when you will do so.

(3) Summarize any comments received from the beneficiaries (NAHASDA § 820(d)(2)).

SECTION 12: JOBS SUPPORTED BY NAHASDA
(NAHASDA § 820)

Use the table below to record the number of jobs supported with NHHBG funds each year (including DHHL staff, Subrecipient staff, Contractors, etc.).

| Native Hawaiian Housing Block Grant Assistance (NHHBG) | |
|---|--|
| (1) Number of Permanent Jobs Supported | |
| (2) Number of Temporary Jobs Supported | |

(3) Narrative (optional):

SECTION 13: NHHP WAIVER REQUESTS

(NAHASDA § 802(b)(2), 24 CFR 1006.20(b))

THIS SECTION IS ONLY REQUIRED IF DHHL IS REQUESTING A WAIVER OF A NHHP SECTION OR A WAIVER OF THE NHHP SUBMISSION DUE DATE. Fill out the form below if you are requesting a waiver of one or more sections of the NHHP. **NOTE:** This is NOT a waiver of the NHHBG program requirements but rather a request to waive some of the NHHP submission items because DHHL cannot comply due to circumstances beyond its control.

(1) List below the sections of the NHHP where you are requesting a waiver and/or a waiver of the NHHP due date. *(List the requested waiver sections by name and section number):*

(2) Describe the reasons that you are requesting this waiver *(Describe completely why you are unable to complete a particular section of the NHHP or could not submit the NHHP by the required due date.):*

(3) Describe the actions you will take in order to ensure that you are able to submit a complete NHHP in the future and/or submit the NHHP by the required due date. *(This section should completely describe the procedural, staffing or technical corrections that you will make in order to submit a complete NHHP in the future and/or submit the NHHP by the required due date.):*

| | |
|--|--|
| (4) Recipient: | |
| (5) Authorized Official's Name and Title: | |
| (6) Authorized Official's Signature: | |
| (7) Date (MM/DD/YYYY): | |

SECTION 14: NHHP AMENDMENTS

(24 CFR § 1006.101(d))

Use this section for NHHP amendments only.

Fill out the text below to summarize your NHHP amendment. Copy and paste Section 14 for each amendment. This amendment is only required to be submitted to the HUD Office of Native American Programs when the recipient is adding a new activity that was not described in the current One-Year Plan that has been determined to be in compliance by HUD. All other amendments will be reflected in the APR and do not need to be submitted to HUD.

NOTE: A Cover Page is strongly recommended but not required with a NHHP Amendment submission.

APR: REPORTING ON PROGRAM YEAR PROGRESS (NAHASDA § 820(b))

Complete the shaded section of text below to describe your completed program tasks and actual results. Only report on activities completed during the 12-month fiscal year. Financial data should be presented using the same basis of accounting as the Schedule of Expenditures of Federal Awards (SEFA) in the annual OMB Circular A-133' audit. For unit accomplishments, only count units when the unit was completed and occupied during the year. For households, only count the household if it received the assistance during the previous 12-month fiscal year.

DHHL should note that new Federal government regulations on Administrative Requirements, Cost Principles, and Audit Requirements were promulgated on December 26, 2013 at 2 C.F.R. Part 200. HUD intends to update its regulations by December 26, 2014 to implement these new requirements in its programs. In the meantime, applicable OMB Circulars and the regulations at 2 C.F.R. Part 225 will continue to apply to existing grants. After HUD implements the new requirements in 2 C.F.R. Part 200 (after December 26, 2014), all grants will be subject to 2 C.F.R. Part 200, as implemented by HUD.

(1) Program Name and Unique Identifier:

(2) Program Description (*This should be the description of the planned program.*):

(3) Eligible Activity Number (*Select one activity from the Eligible Activities list in Section 3. Do not combine homeownership and rental housing in one activity, so that when units are reported in the APR they are correctly identified as homeownership or rental.*):

Native Hawaiian Housing Block Grant (NHHBG)

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

U.S. Department of Housing and Urban Development

NHHP/APR

Office of Public and Indian Housing

Office of Native American Programs

(4) Intended Outcome Number (*Select one Outcome from the Outcome list in Section 3.*):

Describe Other Intended Outcome (*Only if you selected "Other" above.*):

(5) Actual Outcome Number (*Select one Outcome from the Outcome list in Section 3.*):

Describe Other Actual Outcome (*Only if you selected "Other" above.*):

(6) Who Will Be Assisted (*Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median income should be included as a separate program within this Section.*):

(7). Types and Level of Assistance (*Describe the types and the level of assistance that will be provided to each household, as applicable.*):

(8). APR: (*Describe the accomplishments for the APR in the 12-month fiscal year. In accordance with 24 CFR § 1006.410(b)(2) and (3), provide an analysis and explanation of cost overruns or high unit costs.*):

Native Hawaiian Housing Block Grant (NHHBG)

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

U.S. Department of Housing and Urban Development

NHHP/APR

Office of Public and Indian Housing

Office of Native American Programs

(9). Planned and Actual Outputs for 12-Month Fiscal Year

| Planned Number of Units to be Completed in Year Under this Program | Planned Number of Households To Be Served in Year Under this Program | Planned Number of Acres To Be Purchased in Year Under this Program | APR: Actual Number of Units Completed in Fiscal Year | APR: Actual Number of Households Served in Fiscal Year | APR: Actual Number of Acres Purchased in Fiscal Year |
|---|---|---|---|---|---|
| | | | | | |

(10). APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

(11) Amended Sources of Funding (NAHASDA § 803(c)(2)(C)(i)) (Complete the non-shaded portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month fiscal year. **APR Actual Sources of Funding -- Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month fiscal year.**)

| SOURCE | NHHP | | | | APR | | | | | | |
|-------------------------|---|--|---|---|---|--|---|--|--|---|--|
| | (A) Estimated amount on hand at beginning of fiscal year | (B) Estimated amount to be received during 12-month fiscal year | (C) Estimated total sources of funds (A + B) | (D) Estimated funds to be expended during 12-month fiscal year | (E) Estimated unexpended funds remaining at end of fiscal year (C minus D) | (F) Actual amount on hand at beginning of fiscal year | (G) Actual amount received during 12-month fiscal year | (H) Actual total sources of funding (F + G) | (I) Actual funds expended during 12-month fiscal year | (J) Actual unexpended funds remaining at end of 12-month fiscal year (H minus I) | (K) Actual unexpended funds obligated but not expended at end of 12-month fiscal year |
| 6. NHHBG Funds | | | | | | | | | | | |
| 7. NHHBG Program Income | | | | | | | | | | | |
| LEVERAGED FUNDS | | | | | | | | | | | |
| 8. Other Federal Funds | | | | | | | | | | | |
| 9. LIHTC | | | | | | | | | | | |
| 10. Non-Federal Funds | | | | | | | | | | | |
| TOTAL | | | | | | | | | | | |

Notes:

- a. For the NHHP, fill in columns A, B, C, D, and E (non-shaded columns). **For the APR, fill in columns F, G, H, I, J, and K (shaded columns).**
- b. Total of Column D should match the total of Column N from the **Uses Table** on the following page.
- c. **Total of Column I should match the Total of Column Q from the Uses Table on the following page.**

(12) Amended Uses of Funding (NAHASDA § 803(c)(2)(C)(ii)) (Note that the budget should not exceed the total funds on hand and insert as many rows as needed to include all the programs identified in Section 3. **Actual expenditures in the APR section are for the 12-month fiscal year.**)

| PROGRAM NAME (tie to program names in Section 3 above) | Unique Identifier | NHHHP | | | APR | | |
|---|-------------------|---|---|---|--|---|---|
| | | (L) Prior and current year NHHBG (only) funds to be expended in 12-month fiscal year | (M) Total all other funds to be expended in 12-month fiscal year | (N) Total funds to be expended in 12-month fiscal year (L + M) | (O) Total NHHBG (only) funds expended in 12-month fiscal year | (P) Total all other funds expended in 12-month fiscal year | (Q) Total funds expended in 12-month fiscal year (O+P) |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Planning and Administration | | | | | | | |
| Loan repayment | | | | | | | |
| TOTAL | | | | | | | |

Notes:
a. Total of Column L cannot exceed the NHHBG funds from Column C, Row 1 from the Sources Table on the previous page.
b. Total of Column M cannot exceed the total from Column C, Rows 2-10 from the Sources Table on the previous page.
c. Total of Column O cannot exceed total NHHBG funds received in Column H, Row 1 from the Sources Table on the previous page.
d. Total of Column P cannot exceed total of Column H, Rows 2-10 of the Sources Table on the previous page.
e. Total of Column Q should equal total of Column I of the Sources Table on the previous page.

(13) Estimated Sources or Uses of Funding (NAHASDA § 803(c)(2)(C)). (Provide any additional information about the estimated sources or uses of funding, including leverage (if any). You must provide the relevant information for any planned loan repayment listed in the Uses Table on the previous page. The text must describe which specific loan is planned to be repaid and the NAHASDA-eligible activity and program associated with this loan):

(14) APR (NAHASDA § 820(b)(1)) (Enter any additional information about the actual sources or uses of funding, including leverage (if any). You must provide the relevant information for any actual loan repayment listed in the Uses Table on the previous page. The text must describe which loan was repaid and the NAHASDA-eligible activity and program associated with this loan.):

Native Hawaiian Housing Block Grant (NHHBG)

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

U.S. Department of Housing and Urban Development

NHHP/APR

Office of Public and Indian Housing

Office of Native American Programs

| | |
|---|--|
| (15) Recipient: | |
| (16) Authorized Official's Name and Title: | |
| (17) Authorized Official's Signature: | I certify that all other sections of the NHHP approved on _____ are accurate and reflect the activities planned. |
| (18) Date (MM/DD/YYYY): | |

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

To: Chairman and Members, Hawaiian Homes Commission

Through: Tyler I. Gomes, Deputy to the Chairman *TG*

From: Niniau Kawaihae, Special Assistant *NK*
Cedric Duarte, Information & Community Relations *CD*
Officer

Subject: Update of Activities for the July 9, 2021 - July 8, 2022
Centennial Celebration of the Hawaiian Homes Commission
Act of 1920, as Amended

RECOMMENDED MOTION:

None; for information only.

DISCUSSION:

The Hawaiian Homes Commission Act of 1920 was passed in session I of the Sixty-Seventh United States Congress by voice votes on the Senate floor on June 27, 1921 and the House floor on June 30, 1921 before being signed into law on July 9, 1921 by newly-elected President William G. Harding. The Hawaiian Homes Commission approved Resolution No. 303 at its March 16, 2020 meeting prior to the escalation of the COVID19 pandemic. The Commission approved the list of suggested activities below on September 21, 2020. Revisions were made and feedback from the Commission on the changes is being requested and a final list based on said feedback will be brought to the Commission at its May 2021 meeting. Strikethrough text indicates recommended deletions. Potential new activities are indicated with an underline.

Suggested Activities:

- A. Creation of a Centennial Logo/Theme: to be used throughout the Centennial Year on applicable letterhead; banners; website; social media; and if any, sponsored events.

~~E. Creation of Ten (10) Documentaries: 50 minutes, 1 episode per month for ten months. Suggested episode topics include:~~

I. Ho'onui 'Ike Lecture Series: social media hosting of a lecture series by notable scholars on Prince Kūhiō including Dr. Kalani Akana, Dr. Davianna McGregor, Manu Boyd, etc. Distribution and recording would be similar to what is now being scene on social media during the pandemic (Facebook Live, Kanaeokana, OHA, etc.). The bulleted topic list below is from the original ten documentaries initially suggested in September 2020. However, given the success of social media in replacing the more costly productions of TV videos, staff is recommending the use of social media platforms instead.

- Episode One: chronicling the life and public policy work of Prince Jonah Kūhiō Kalaniana'ole
- Episode Two: the creation of Ahahui Puuhonua o na Hawaii which documented the socio-economic needs of Hawaiians from 1912-1919. Said data was used to introduce the HHCA in 1918 & 1919 into the Territorial Legislature.
- Episode Three: a look at the US Congress during Kūhiō's time in elected office (1902-1922). Understanding the political forces at the national level. Visits to Hawaii by prominent US officials.
- Episode Four: insight into the Territorial and US Congressional committee hearings on the HHCA. The passing of the HHCA and Kūhiō's passing.
- Episode Five: "The Great Experiment" as the first 5 years of the HHCA was called. A look into Kalaniana'ole Settlement and the first homesteaders on Molokai. A look into the first residential settlement of Keaukaha, Kūhiō Settlement.
- Episode Six: the development of the HHC from 1926-1940. Using DHHL archival records, weave the story of the first commissions pre- World War II. Review of

Territorial and US Congressional political influence as well as profiling noted historical figures of the time.

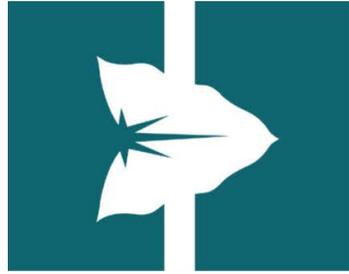
- Episode Seven: the impact of World War II on the HHC and Trust Lands; a look at Executive Orders for Trust Lands spanning 1941- 1959; evolution of the Commission and the creation of the Department of Hawaiian Home Lands
- Episode Eight: a look at the Hawaiian Renaissance; the 1978 Hawaii Constitutional Convention; and the U.S. Civil Rights Task Force; reviewing the homesteads created since Statehood.
- Episode Nine: Modern day; the impacts of the Nelson and Kalima lawsuits as seen from community, legal and administrative perspectives.
- Episode Ten: "What the Future Holds?" a look from various perspectives on the future of the HHCA and its relevance to modern political movements

- O. Creation of a printed calendar: featuring photos of the Prince; historic accounts/documents; homestead settlements.
- U. Publishing of a Limited Run Commemorative Book: composed of the Commission's first five annual reports.
- H. Huaka'i to Mauna 'Ala: for Commission and DHHL employees to honor the 100th anniversary of the Prince's passing, Friday, January 7, 2022.
- ~~K. Viral Music Video: Project Kuleana will be invited to produce a video honoring the Centennial.~~
- ~~L. Nä Hökü Hanohano Awards Special Category: Commission will request a special category for Haku Mele (new songs about a homestead) and to have the awards show debut the Project Kuleana video.~~
- M. Commemorative Promotional Items: Centennial logo items for distribution at commission, community, orientation, lot

selection, etc. Items may include pens, caps, lanyards, and face masks.

N. Assuming ability to gather during the Centennial timeframe, HHC and DHHL participation in community and public events such as parades, homestead celebration) will be included.

P. Conversations have begun with other recipients of federal block grants under health and education. Exploratory discussions of a potential contingent of HHHCA commissioners to observe the July 9, 2021 Centennial in Washington, D.C. is ongoing.



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

C-4

For Information Only

Update on Molokai NAHASDA Projects

April 20, 2021



NAHASDA ASSISTANCE

Over \$8 million expended, nearly \$2 million needed

| Type | Completed | | In Process | | Funding Needed | |
|---------------------------|-----------|--------------------|------------|--------------------|----------------|--------------------|
| | Count | Total | Count | Total | Count | Total |
| Demo/Rebuild | | | 1 | \$479,000 | 4 | \$1,638,511 |
| Home Energy | 6 | \$47,200 | | | | |
| Home Repair | 1 | \$50,000 | 3 | \$300,000 | | |
| Package Home | 15 | \$5,024,283 | | | 3 | *\$350,000 |
| Rental Assistance | 1 | \$14,200 | 1 | \$11,724 | | |
| Self Help | 4 | \$582,000 | | | | |
| Subsidy | 21 | \$449,107 | | | | |
| <i>Hoolehua Water Sys</i> | | | | \$1,060,006 | | |
| TOTAL | 48 | \$6,166,790 | 5 | \$1,850,730 | 7 | \$1,988,511 |

*Funding reflects cost for 1 of 3



NAHASDA ASSISTANCE



- 3BR/1BA Home Completed
- Partnership with Molokai Habitat for Humanity
- Family asked to contribute at least 700 hours of volunteer work



NAHASDA ASSISTANCE

NHHBG home replacement Hoolehua, Molokai



BEFORE



AFTER



NAHASDA ASSISTANCE

Kalamaula, Molokai



BEFORE



AFTER



NAHASDA ASSISTANCE

- Package Home for Vacant Lots
- 2BR/2BA Homes Completed
- Monthly payment approximately \$400/month





NAHASDA PROGRAM REQUIREMENTS

- Household Income at or below 80% Area Median Income (AMI)
- Environmental, Abatement & Mitigation
- Labor or Prevailing Wage Rates under the Davis Bacon Act
- Affordability Restrictions with a Lease Addendum
- Adequate Insurance Coverage Required
- Housing Counseling Required



NAHASDA PROGRAM REQUIREMENTS - INCOME

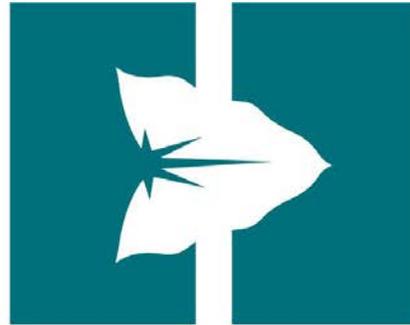
Federal Fiscal Year 2020

HUD established Income Limits – 80% AMI

| | 1 person | 2 person | 3 person | 4 person | 5 person | 6 person | 7 person | 8 person |
|-------------|----------|----------|----------|----------|----------|----------|----------|----------|
| Maui County | 57,400 | 65,600 | 73,800 | 82,000 | 88,600 | 95,150 | 101,700 | 108,250 |



MAHALO



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov



**HAWAIIAN HOMES COMMISSION
APRIL 19 & 20, 2021
INTERACTIVE CONFERENCE
TECHNOLOGY
9:30 A.M.**

D – ITEMS

HOMESTEAD SERVICES DIVISION

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission
From: Juan Garcia, HSD Administrator 
SUBJECT: **Homestead Services Division Status Reports**

RECOMMENDED MOTION/ACTION

NONE

DISCUSSION

The following reports are for information only:

- Exhibit A: Homestead Lease & Application Totals
and Monthly Activity Reports
- Exhibit B: Delinquency Report
- Exhibit C: DHHL Guarantees for FHA construction
Loans

April 19, 2021

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through March 31, 2021

| | As of 2/28/21 | Add | Cancel | As of 3/31/21 |
|--------------|------------------|----------|----------|------------------|
| Residential | 8,455 | 0 | 1 | 8,454 |
| Agricultural | 1,092 | 0 | 0 | 1,092 |
| Pastoral | 410 | 0 | 0 | 410 |
| Total | 9,957 | 0 | 1 | 9,956 |

The cumulative number of Converted Undivided Interest Lessees represents an increase of 528 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

| | As of 2/28/21 | Converted | Rescinded/ Surrendered/ Cancelled | As of 3/31/21 |
|-----------|------------------|-----------|---|------------------|
| Undivided | 793 | 0 | 0 | 793 |

Balance as of 3/31/2021

| | |
|--------------------|------------|
| Awarded | 1,434 |
| Relocated to UNDV | 7 |
| Rescinded | 111 |
| Surrendered | 5 |
| Cancelled | 4 |
| Converted | <u>528</u> |
| Balance to Convert | 793 |

Lease Report For the Month Ending March 31, 2021

| | RESIDENCE | | | AGRICULTURE | | | PASTURE | | | TOTAL LEASES | | |
|--------------------------|--------------|----------|----------|--------------|--------------|----------|----------|--------------|------------|--------------|----------|--------------|
| | Last Month | Add | Cancel | TOTAL | Last Month | Add | Cancel | TOTAL | Last Month | Add | Cancel | TOTAL |
| OAHU | | | | | | | | | | | | |
| Kaikaina | 25 | 0 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 |
| Kalawahine | 90 | 0 | 0 | 90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 90 |
| Kanehili | 399 | 0 | 0 | 399 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 399 |
| Kapolei | 183 | 0 | 0 | 183 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 183 |
| Kaulaokahai | 101 | 0 | 0 | 101 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 101 |
| Kaupea | 326 | 0 | 0 | 326 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 326 |
| Kaupuni | 19 | 0 | 0 | 19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 |
| Kewalo | 249 | 0 | 0 | 249 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 249 |
| Kumuohau | 52 | 0 | 0 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 52 |
| Luuluaiei | 148 | 0 | 1 | 147 | 31 | 0 | 0 | 31 | 0 | 0 | 0 | 178 |
| Malu'ohai | 226 | 0 | 0 | 226 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 226 |
| Nanakuli | 1,045 | 0 | 0 | 1,045 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1,045 |
| Papakolea | 64 | 0 | 0 | 64 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 64 |
| Princess Kahanu Estates | 271 | 0 | 0 | 271 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 271 |
| Waiahole | 0 | 0 | 0 | 0 | 16 | 0 | 0 | 16 | 0 | 0 | 0 | 16 |
| Waianae | 421 | 0 | 0 | 421 | 11 | 0 | 0 | 11 | 0 | 0 | 0 | 432 |
| Waimanalo | 721 | 0 | 0 | 721 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 723 |
| TOTAL | 4,340 | 0 | 1 | 4,339 | 60 | 0 | 0 | 60 | 0 | 0 | 0 | 4,400 |
| MAUI | | | | | | | | | | | | |
| Hikina | 31 | 0 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 31 |
| Kahikinui | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 75 | 0 | 0 | 75 |
| Keekeea | 0 | 0 | 0 | 0 | 65 | 0 | 0 | 65 | 0 | 0 | 0 | 65 |
| Lelalii | 104 | 0 | 0 | 104 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 104 |
| Paukukalo | 178 | 0 | 0 | 178 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 178 |
| Waiehu 1 | 39 | 0 | 0 | 39 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 39 |
| Waiehu 2 | 109 | 0 | 0 | 109 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 109 |
| Waiehu 3 | 114 | 0 | 0 | 114 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 114 |
| Waiehu 4 | 97 | 0 | 0 | 97 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 97 |
| Waiohuli | 593 | 0 | 0 | 593 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 593 |
| TOTAL | 1,265 | 0 | 0 | 1,265 | 65 | 0 | 0 | 65 | 75 | 0 | 0 | 1,405 |
| EAST HAWAII | | | | | | | | | | | | |
| Discovery Harbour | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Kamaoa | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 0 | 25 |
| Kaunana | 42 | 0 | 0 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 |
| Keaukaha | 473 | 0 | 0 | 473 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 473 |
| Kuristown | 3 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Makuu | 0 | 0 | 0 | 0 | 121 | 0 | 0 | 121 | 0 | 0 | 0 | 121 |
| Panaewa | 13 | 0 | 0 | 13 | 260 | 0 | 0 | 260 | 0 | 0 | 0 | 273 |
| Piihonua | 17 | 0 | 0 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 |
| Pueo | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 0 | 0 | 0 | 12 |
| University Heights | 4 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| Waiakea | 286 | 0 | 0 | 286 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 286 |
| TOTAL | 840 | 0 | 0 | 840 | 393 | 0 | 0 | 393 | 25 | 0 | 0 | 1,258 |
| WEST HAWAII | | | | | | | | | | | | |
| Honokaia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 0 | 0 | 24 |
| Humuula | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 5 |
| Kamoku | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 0 | 0 | 16 |
| Kanihale | 225 | 0 | 0 | 225 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 225 |
| Kawaihae | 191 | 0 | 0 | 191 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 192 |
| Laiopua | 283 | 0 | 0 | 283 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 283 |
| Lalamilo | 30 | 0 | 0 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 |
| Nienie | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 21 | 0 | 0 | 21 |
| Puukapu/Waimea/Kuhio Vil | 116 | 0 | 0 | 116 | 110 | 0 | 0 | 110 | 215 | 0 | 0 | 441 |
| Puupulehu | 33 | 0 | 0 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 33 |
| TOTAL | 878 | 0 | 0 | 878 | 110 | 0 | 0 | 110 | 282 | 0 | 0 | 1,270 |
| KAUAI | | | | | | | | | | | | |
| Anahola | 532 | 0 | 0 | 532 | 46 | 0 | 0 | 46 | 0 | 0 | 0 | 578 |
| Hanapepe | 47 | 0 | 0 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 |
| Kekaha | 117 | 0 | 0 | 117 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 117 |
| Puu Opae | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| TOTAL | 696 | 0 | 0 | 696 | 46 | 0 | 0 | 46 | 1 | 0 | 0 | 743 |
| MOLOKAI | | | | | | | | | | | | |
| Hoolihua | 154 | 0 | 0 | 154 | 344 | 0 | 0 | 344 | 21 | 0 | 0 | 519 |
| Kalamaula | 165 | 0 | 0 | 165 | 71 | 0 | 0 | 71 | 3 | 0 | 0 | 239 |
| Kapaakea | 47 | 0 | 0 | 47 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 50 |
| Moomomi | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 0 | 3 |
| One Aii | 27 | 0 | 0 | 27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 27 |
| TOTAL | 393 | 0 | 0 | 393 | 418 | 0 | 0 | 418 | 27 | 0 | 0 | 838 |
| LANAI | | | | | | | | | | | | |
| Lanai | 43 | 0 | 0 | 43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 43 |
| TOTAL | 43 | 0 | 0 | 43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 43 |
| STATEWIDE TOTAL | 8,455 | 0 | 1 | 8,454 | 1,092 | 0 | 0 | 1,092 | 410 | 0 | 0 | 9,956 |

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING
March 31, 2021

AREA WAITING LIST

| DISTRICT AREA | RESIDENCE | | | AGRICULTURE | | | PASTURE | | | TOTAL |
|------------------|--------------|----------|----------|-------------|----------|----------|------------|----------|----------|--------------|
| | Last Month | Add | Cancel | Last Month | Add | Cancel | Last Month | Add | Cancel | |
| Oahu District | 938 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 938 |
| Maui District | 50 | 0 | 0 | 4 | 0 | 0 | 5 | 0 | 0 | 59 |
| Hawaii District | 130 | 0 | 0 | 28 | 0 | 0 | 46 | 0 | 0 | 204 |
| Kauai District | 51 | 0 | 0 | 3 | 0 | 0 | 27 | 0 | 0 | 81 |
| Molokai District | 20 | 0 | 0 | 18 | 0 | 0 | 1 | 0 | 0 | 39 |
| TOTAL | 1,189 | 0 | 0 | 53 | 0 | 0 | 79 | 0 | 0 | 1,321 |

ISLANDWIDE WAITING LIST

| ISLAND | RESIDENCE | | | AGRICULTURE | | | PASTURE | | | TOTAL |
|--------------|---------------|-----------|-----------|---------------|-----------|-----------|--------------|----------|----------|---------------|
| | Last Month | Add | Cancel | Last Month | Add | Cancel | Last Month | Add | Cancel | |
| Oahu | 9,955 | 30 | 7 | 3,820 | 15 | 2 | 0 | 0 | 0 | 13,811 |
| Maui | 3,825 | 8 | 6 | 4,684 | 8 | 6 | 616 | 2 | 0 | 9,131 |
| Hawaii | 5,795 | 12 | 5 | 7,261 | 10 | 5 | 1,894 | 2 | 0 | 14,964 |
| Kauai | 1,645 | 1 | 2 | 2,237 | 3 | 0 | 302 | 0 | 1 | 4,185 |
| Molokai | 819 | 0 | 0 | 1,080 | 0 | 0 | 204 | 0 | 0 | 2,103 |
| Lanai | 74 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 76 |
| TOTAL | 22,113 | 53 | 20 | 19,082 | 36 | 13 | 3,016 | 4 | 1 | 44,270 |

AREA AND ISLANDWIDE LISTS

| AREA AND ISLANDWIDE LISTS | RES | | | AG | | | PAS | | | TOTAL | | | ADDITIONS | | | CANCELLATIONS | | | | | | | | | | | | | |
|---------------------------|---------------|---------------|--------------|---------------|-----------|-----------|---------------|--------------|----------|------------|--------------|----------|------------------|-----------------------|-------------------|--------------------|-----------------|------------------|-----------------------|-----------------------|----------------------|-------------------------|----------------------|-----------------|--------------------|--------------------|-----------------|----------|-----------|
| | Last Month | Add | Cancel | Last Month | Add | Cancel | Last Month | Add | Cancel | Last Month | Add | Cancel | New Applications | Application Transfers | Lease Rescissions | App Reinstatements | HHC Adjustments | New Lease Awards | Application Transfers | Succ'd and Cancel Own | Public Notice Cancel | Voluntary Cancellations | Lease Successorships | HHC Adjustments | Dec'd No Successor | Additional Acreage | NHQ Unqualified | | |
| OAHU | 10,916 | 3,833 | 0 | 3,820 | 15 | 2 | 0 | 0 | 0 | 3,833 | 0 | 0 | 81 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| MAUI | 3,877 | 4,690 | 623 | 4,684 | 8 | 6 | 4,686 | 0 | 0 | 4,686 | 616 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 |
| HAWAII | 5,932 | 7,294 | 1,942 | 7,261 | 10 | 5 | 7,266 | 1,894 | 2 | 1,896 | 1,894 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 |
| KAUAI | 1,695 | 2,243 | 328 | 2,237 | 3 | 0 | 2,240 | 302 | 0 | 301 | 302 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MOLOKAI | 839 | 1,098 | 205 | 1,080 | 0 | 0 | 1,080 | 204 | 0 | 204 | 204 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| LANAI | 76 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 23,335 | 19,158 | 3,098 | 19,082 | 36 | 13 | 19,105 | 3,016 | 4 | 1 | 3,019 | 4 | 1 | 3,019 | 93 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 34 |

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING

March 31, 2021

| | RESIDENCE | | | AGRICULTURE | | | PASTURE | | | TOTAL |
|---------------------------|------------|-----|--------|-------------|-----|--------|------------|-----|--------|--------|
| | Last Month | Add | Cancel | Last Month | Add | Cancel | Last Month | Add | Cancel | |
| OAHU DISTRICT | 163 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 163 |
| Nanakuli | 141 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 141 |
| Waianae | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Luahaolei | 69 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 69 |
| Papakolea/Kewalo | 565 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 565 |
| Waimanalo | 938 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 938 |
| Subtotal Area | 9,955 | 30 | 7 | 3,820 | 15 | 2 | 0 | 0 | 0 | 13,811 |
| Islandwide | 10,893 | 30 | 7 | 3,820 | 15 | 2 | 0 | 0 | 0 | 14,749 |
| TOTAL OAHU APPS | | | | | | | | | | |
| MAUI DISTRICT | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 |
| Paukukalo | 0 | 0 | 0 | 4 | 0 | 0 | 5 | 0 | 0 | 9 |
| Kula | 50 | 0 | 0 | 4 | 0 | 0 | 5 | 0 | 0 | 59 |
| Subtotal Area | 3,825 | 8 | 6 | 4,684 | 8 | 6 | 616 | 2 | 0 | 9,131 |
| Islandwide | 3,875 | 8 | 6 | 4,688 | 8 | 6 | 621 | 2 | 0 | 9,190 |
| TOTAL MAUI APPS | | | | | | | | | | |
| HAWAII DISTRICT | 69 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 69 |
| Keaukaha/Waiakea | 0 | 0 | 0 | 16 | 0 | 0 | 0 | 0 | 0 | 16 |
| Panaewa | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Huimuula | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 |
| Kawaihae | 45 | 0 | 0 | 12 | 0 | 0 | 46 | 0 | 0 | 103 |
| Waiimea | 130 | 0 | 0 | 28 | 0 | 0 | 46 | 0 | 0 | 204 |
| Subtotal Area | 5,795 | 12 | 5 | 7,261 | 10 | 5 | 1,894 | 2 | 0 | 14,896 |
| Islandwide | 5,925 | 12 | 5 | 7,289 | 10 | 5 | 1,940 | 2 | 0 | 15,168 |
| TOTAL HAWAII APPS | | | | | | | | | | |
| KAUAI DISTRICT | 43 | 0 | 0 | 3 | 0 | 0 | 20 | 0 | 0 | 66 |
| Anahola | 8 | 0 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 15 |
| Kekaha/Puu Opae | 51 | 0 | 0 | 3 | 0 | 0 | 27 | 0 | 0 | 81 |
| Subtotal Area | 1,645 | 1 | 2 | 2,237 | 3 | 0 | 302 | 0 | 1 | 4,185 |
| Islandwide | 1,696 | 1 | 2 | 2,240 | 3 | 0 | 329 | 0 | 1 | 4,266 |
| TOTAL KAUAI APPS | | | | | | | | | | |
| MOLOKAI DISTRICT | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| Kalamaula | 8 | 0 | 0 | 18 | 0 | 0 | 1 | 0 | 0 | 27 |
| Hoohehua | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 |
| Kapaakea | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| One Alii | 20 | 0 | 0 | 18 | 0 | 0 | 1 | 0 | 0 | 39 |
| Subtotal Area | 819 | 0 | 0 | 1,080 | 0 | 0 | 204 | 0 | 0 | 2,103 |
| Islandwide | 839 | 0 | 0 | 1,098 | 0 | 0 | 205 | 0 | 0 | 2,142 |
| TOTAL MOLOKAI APPS | | | | | | | | | | |
| LANAI DISTRICT | 74 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 76 |
| Islandwide | 74 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 76 |
| TOTAL LANAI APPS | | | | | | | | | | |
| TOTAL AREA ONLY | 1,189 | 0 | 0 | 53 | 0 | 0 | 79 | 0 | 0 | 1,321 |
| TOTAL ISLANDWIDE | 22,113 | 53 | 20 | 19,082 | 36 | 13 | 3,016 | 4 | 1 | 44,270 |
| TOTAL STATEWIDE | 23,302 | 53 | 20 | 19,135 | 36 | 13 | 3,095 | 4 | 1 | 45,591 |

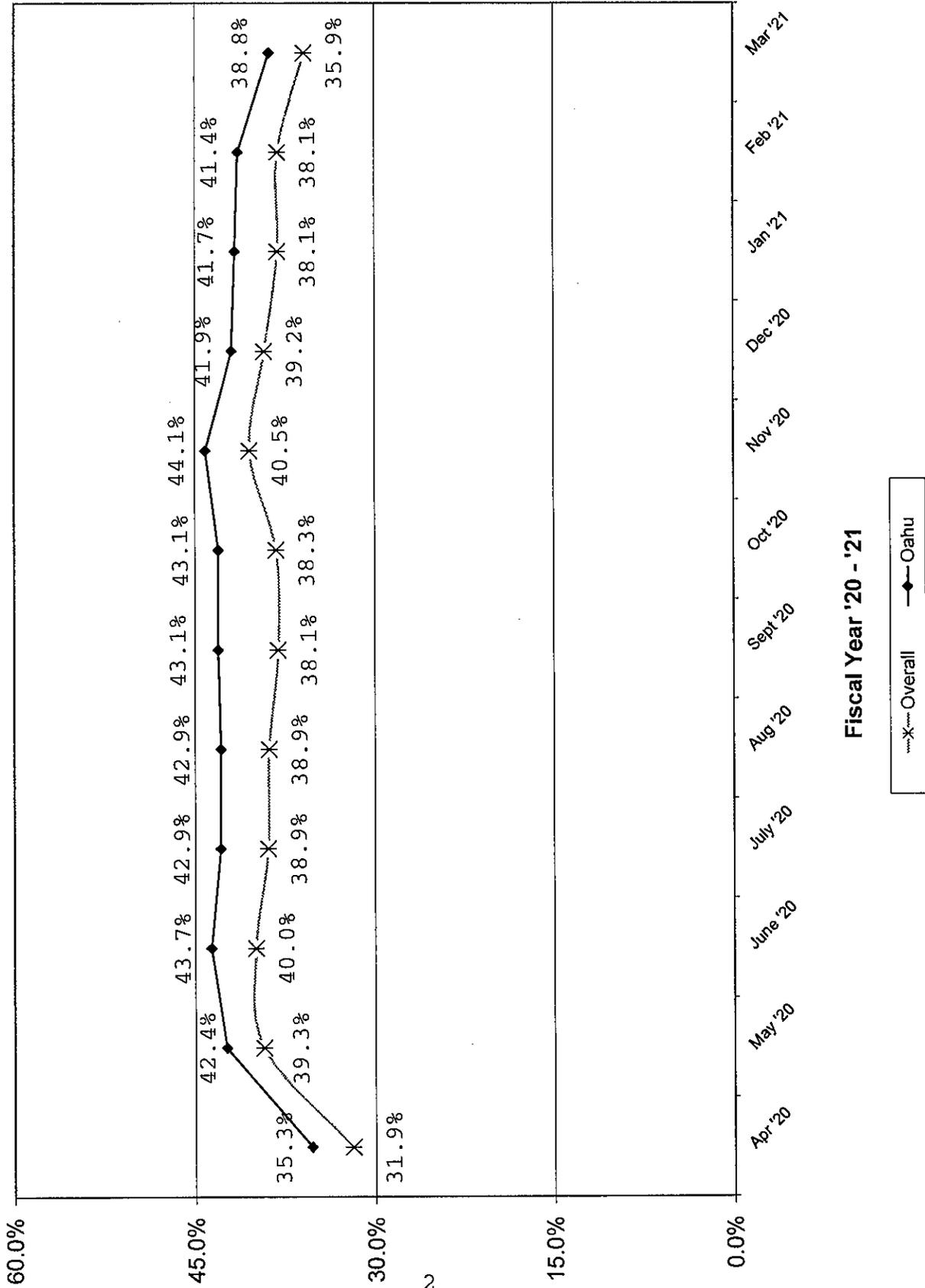
DELINQUENCY REPORT - STATEWIDE

April 19, 2021
(\$Thousands)

| DIRECT LOANS | R I S K | | | | | | | | | | | | % of Totals 3/31/2021 | | | | | | | | | | | |
|-------------------------------------|-------------------|---------|--------|-------------------|------|--------|---------------|-------|--------|------------------|-------|--------|--------------------------|----------------|------|--------|-------------------|------|--------|-----|------|--------|-----|------|
| | Total Outstanding | | | Total Delinquency | | | 30 Days (low) | | | 60 Days (Medium) | | | | 90 Days (High) | | | 180 Days (Severe) | | | | | | | |
| | No. | Amt. | (000s) | No. | Amt. | (000s) | No. | Amt. | (000s) | No. | Amt. | (000s) | | No. | Amt. | (000s) | No. | Amt. | (000s) | No. | Amt. | (000s) | No. | Amt. |
| OAHU | 398 | 38,149 | 157 | 14,806 | 17 | 1,190 | 7 | 314 | 38 | 2,788 | 95 | 10,513 | 39.4% | 38.8% | | | | | | | | | | |
| EAST HAWAII | 210 | 12,635 | 85 | 5,950 | 4 | 253 | 2 | 178 | 26 | 1,088 | 53 | 4,430 | 40.5% | 47.1% | | | | | | | | | | |
| WEST HAWAII | 84 | 8,686 | 15 | 1,432 | 2 | 74 | 1 | 199 | 7 | 655 | 5 | 504 | 17.9% | 16.5% | | | | | | | | | | |
| MOLOKAI | 84 | 6,818 | 19 | 965 | 2 | 270 | 0 | 0 | 6 | 189 | 11 | 506 | 22.6% | 14.2% | | | | | | | | | | |
| KAUAI | 96 | 7,467 | 28 | 1,926 | 3 | 80 | 2 | 124 | 14 | 850 | 9 | 872 | 29.2% | 25.8% | | | | | | | | | | |
| MAUI | 93 | 12,406 | 43 | 5,848 | 1 | 20 | 4 | 230 | 10 | 1,189 | 28 | 4,410 | 46.2% | 47.1% | | | | | | | | | | |
| TOTAL DIRECT | 965 | 86,161 | 347 | 30,926 | 29 | 1,887 | 16 | 1,045 | 101 | 6,758 | 201 | 21,236 | 36.0% | 35.9% | | | | | | | | | | |
| | 100.0% | 100.0% | 36.0% | 35.9% | 3.0% | 2.2% | 1.7% | 1.2% | 10.5% | 7.8% | 20.8% | 24.6% | | | | | | | | | | | | |
| Advances (including RPT) | 240 | 7,393 | 240 | 7,393 | 0 | 0 | 0 | 0 | 240 | 7,393 | | | 100% | 100% | | | | | | | | | | |
| DHHL LOANS & Advances | 1,205 | 93,554 | 587 | 38,319 | 29 | 1,887 | 16 | 1,045 | 341 | 14,152 | 201 | 21,236 | 48.7% | 41.0% | | | | | | | | | | |
| LOAN GUARANTEES as of June 30, 2020 | | | | | | | | | | | | | | | | | | | | | | | | |
| SBA | 2 | 102 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.0% | 0.0% | | | | | | | | | | |
| USDA-RD | 300 | 33,639 | 56 | 6,790 | 0 | 0 | 0 | 0 | 56 | 6,790 | | | 18.7% | 20.2% | | | | | | | | | | |
| Habitat for Humanity | 45 | 1,385 | 27 | 986 | 0 | 0 | 0 | 0 | 27 | 986 | | | 60.0% | 71.2% | | | | | | | | | | |
| MauI County | 5 | 74 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | 0.0% | 0.0% | | | | | | | | | | |
| Nanakuli NHS | 1 | 7 | 1 | 7 | 0 | 0 | 0 | 0 | 1 | 7 | | | 100.0% | 100.0% | | | | | | | | | | |
| City & County | 13 | 270 | 12 | 260 | 0 | 0 | 0 | 0 | 12 | 260 | | | 92.3% | 96.3% | | | | | | | | | | |
| FHA Interim | 15 | 2,531 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | 0.0% | 0.0% | | | | | | | | | | |
| OHA | 9 | 22 | 2 | 9 | 0 | 0 | 0 | 0 | 2 | 9 | | | 22.2% | 40.9% | | | | | | | | | | |
| TOTAL GUARANTEE | 390 | 38,030 | 98 | 8,052 | 0 | 0 | 0 | 0 | 98 | 8,052 | | | 25.1% | 21.2% | | | | | | | | | | |
| PMI Loans | 157 | 22,718 | 6 | 950 | 2 | 247 | 1 | 228 | 3 | 475 | | | 3.8% | 4.2% | | | | | | | | | | |
| HUD REASSIGNED for Recovery | 151 | 18,283 | 127 | 16,781 | 1 | 27 | 1 | 69 | 4 | 370 | 121 | 16,314 | 84.1% | 91.8% | | | | | | | | | | |
| FHA Insured Loans | 2,834 | 475,967 | 348 | 58,058 | 0 | 0 | 0 | 0 | 348 | 58,058 | | | 12.3% | 12.2% | | | | | | | | | | |
| TOTAL INS. LOANS | 3,142 | 516,968 | 481 | 75,789 | 3 | 274 | 2 | 297 | 355 | 58,903 | 121 | 16,314 | 15.3% | 14.7% | | | | | | | | | | |
| OVERALL TOTALS(EXC Adv/RPTs) | 4,497 | 641,159 | 926 | 114,767 | 32 | 2,161 | 18 | 1,342 | 554 | 73,714 | 322 | 37,550 | 20.6% | 17.9% | | | | | | | | | | |
| ADJUSTED TOTALS | 4,737 | 648,552 | 1,166 | 122,160 | 32 | 2,161 | 18 | 1,342 | 794 | 81,107 | 322 | 37,550 | | 18.8% | | | | | | | | | | |

Note: HUD 184A loan program has 531 loans, with a total outstanding principal balance of \$116,367,560 as of June 30, 2020. 45 Loans, totaling \$10,558,792 are delinquent.

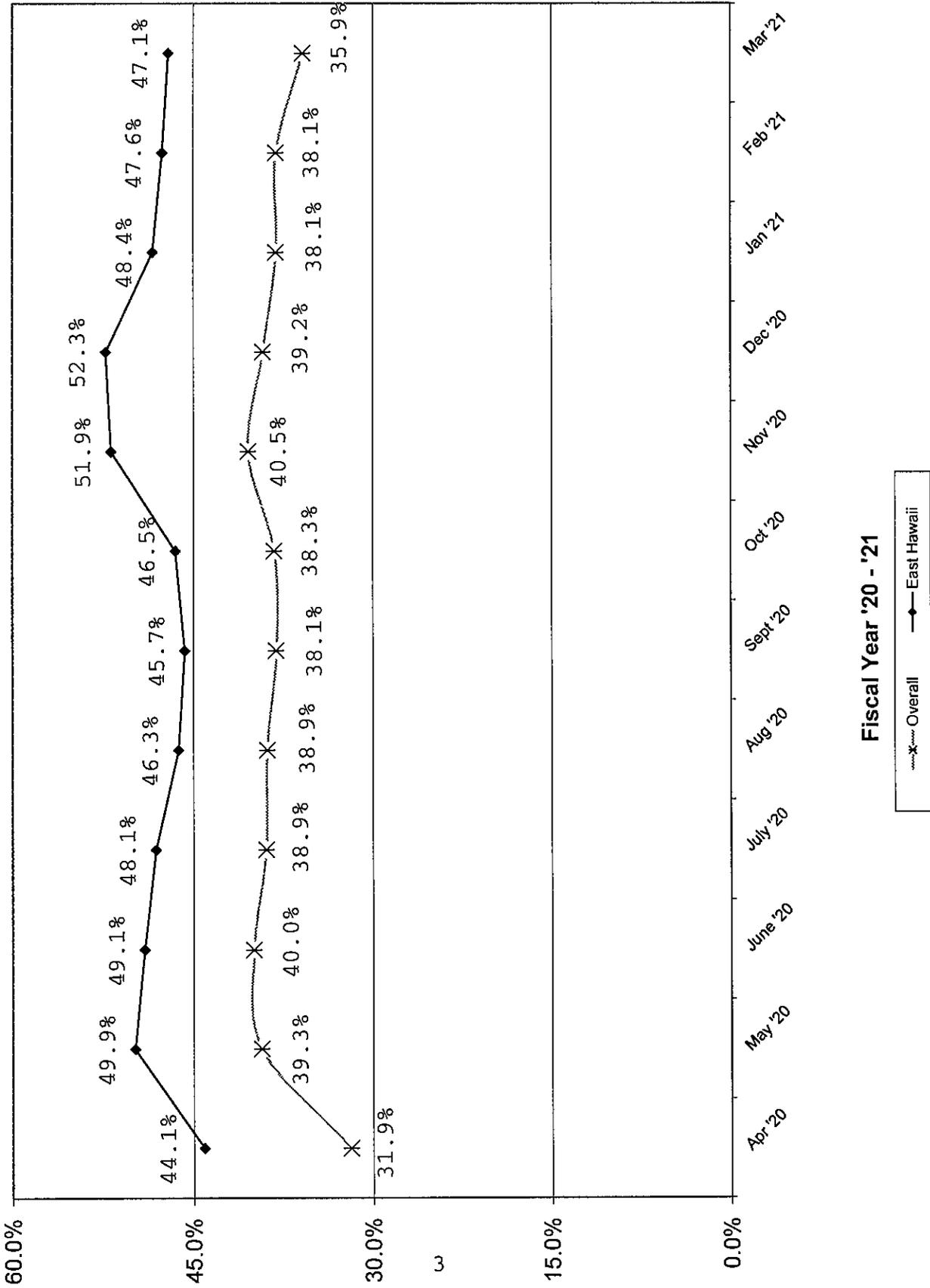
OAHU
Direct Loans
Delinquency Ratio Report



Fiscal Year '20 - '21

-----*----- Overall —◆— Oahu

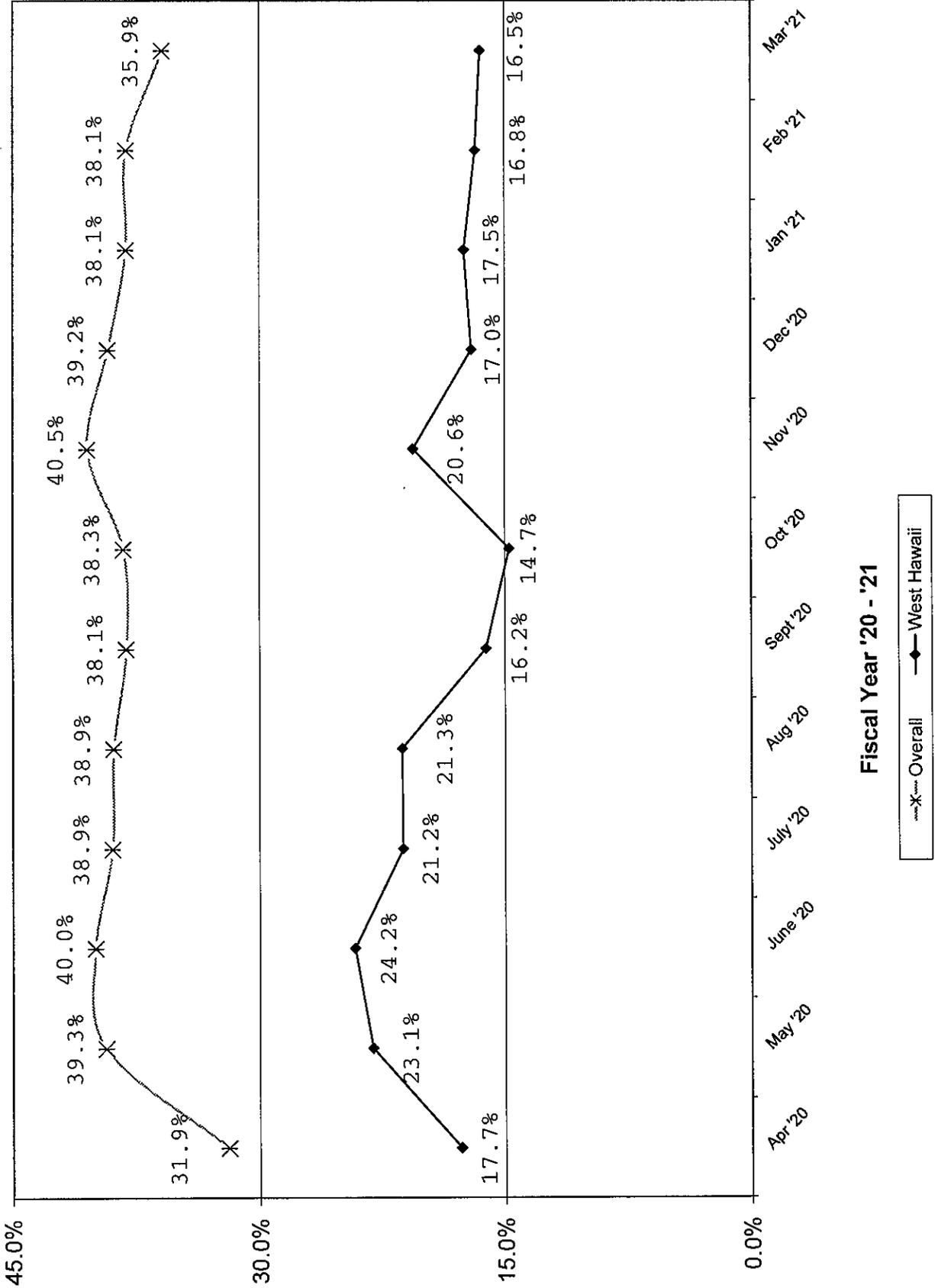
**EAST HAWAII
Direct Loans
Delinquency Ratio Report**



Fiscal Year '20 - '21

-----x----- Overall —◆— East Hawaii

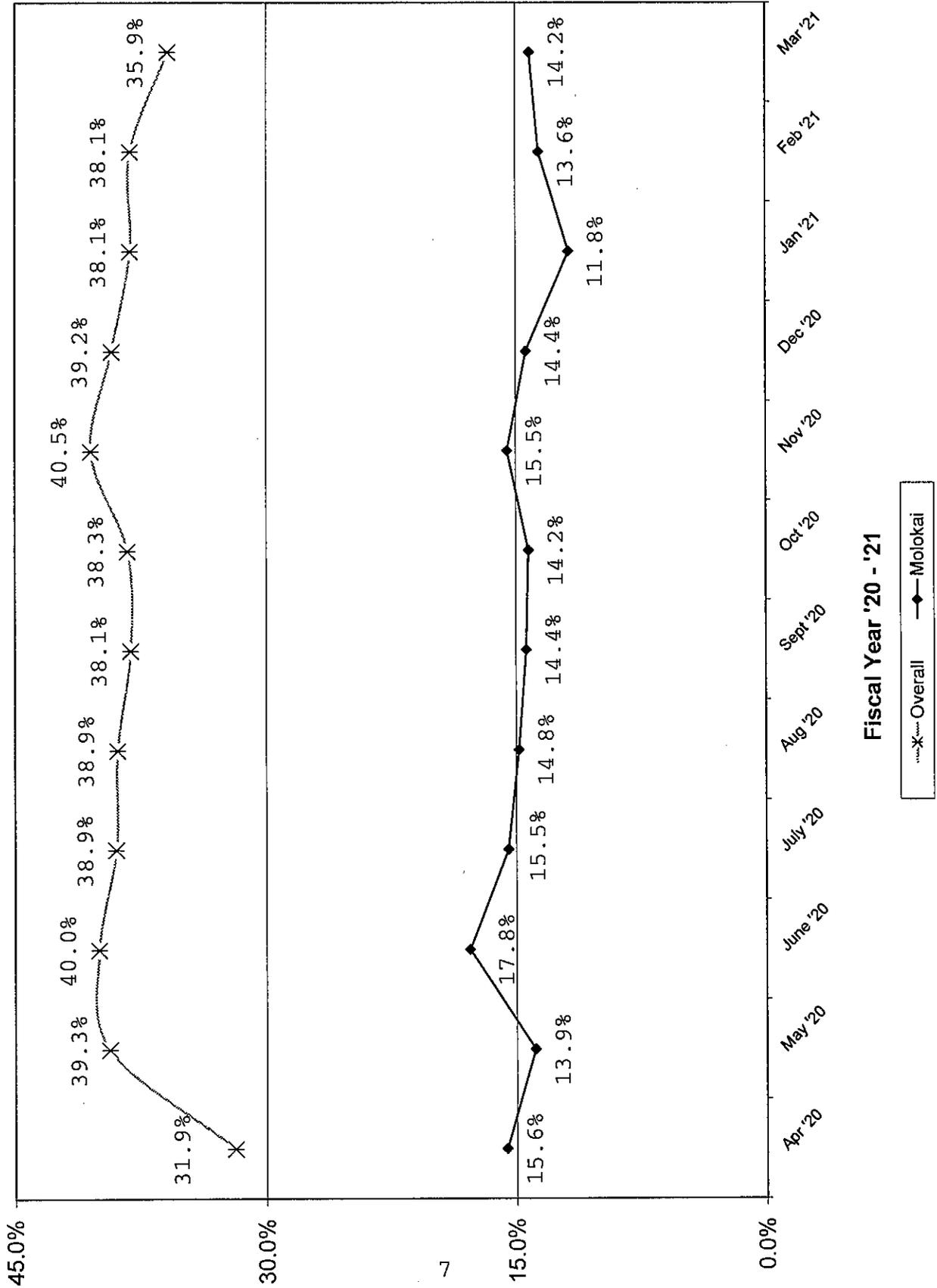
**WEST HAWAII
Direct Loans
Delinquency Ratio Report**



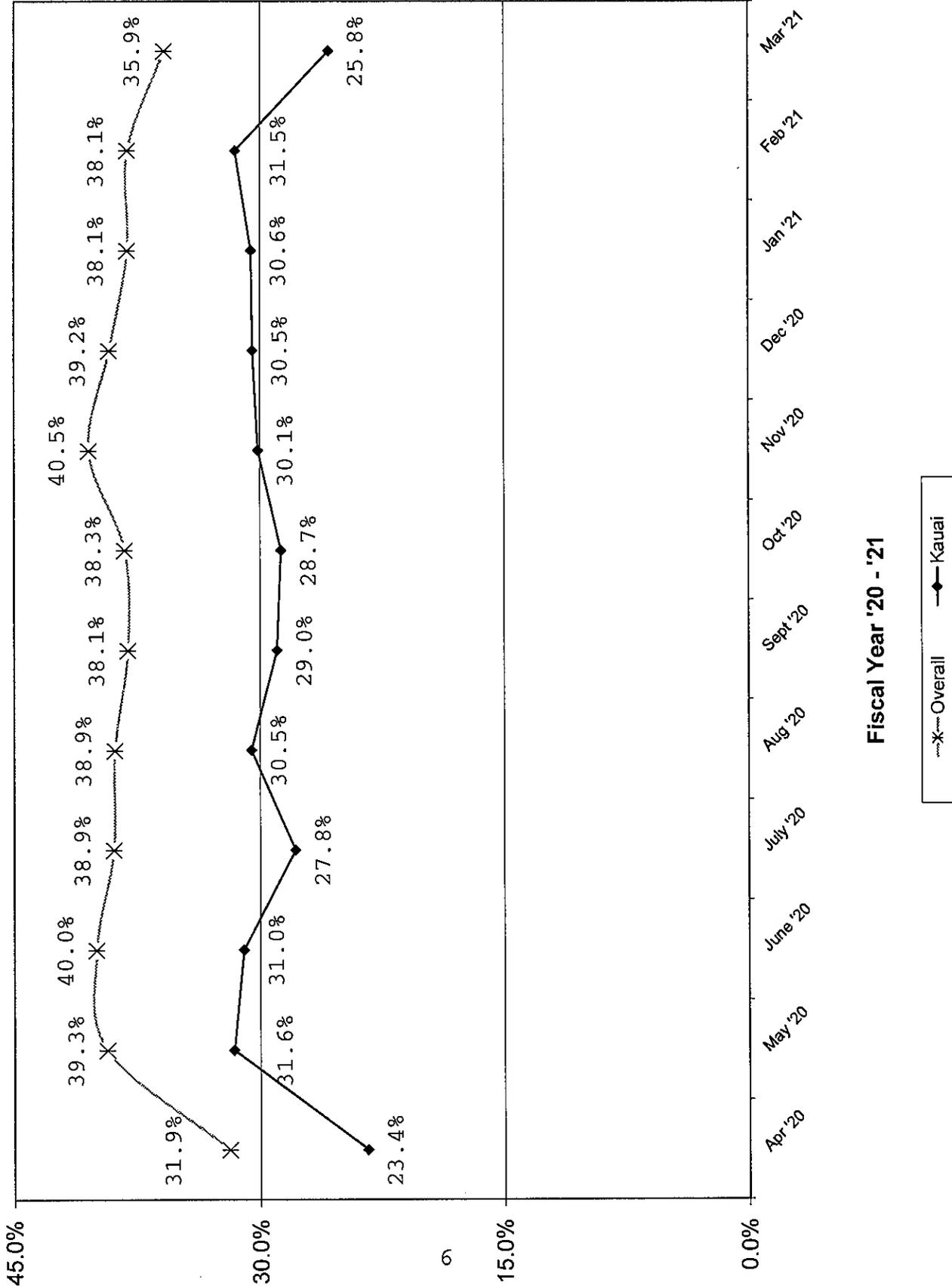
Fiscal Year '20 - '21

---x--- Overall ◆--- West Hawaii

MOLOKAI
Direct Loans
Delinquency Ratio Report



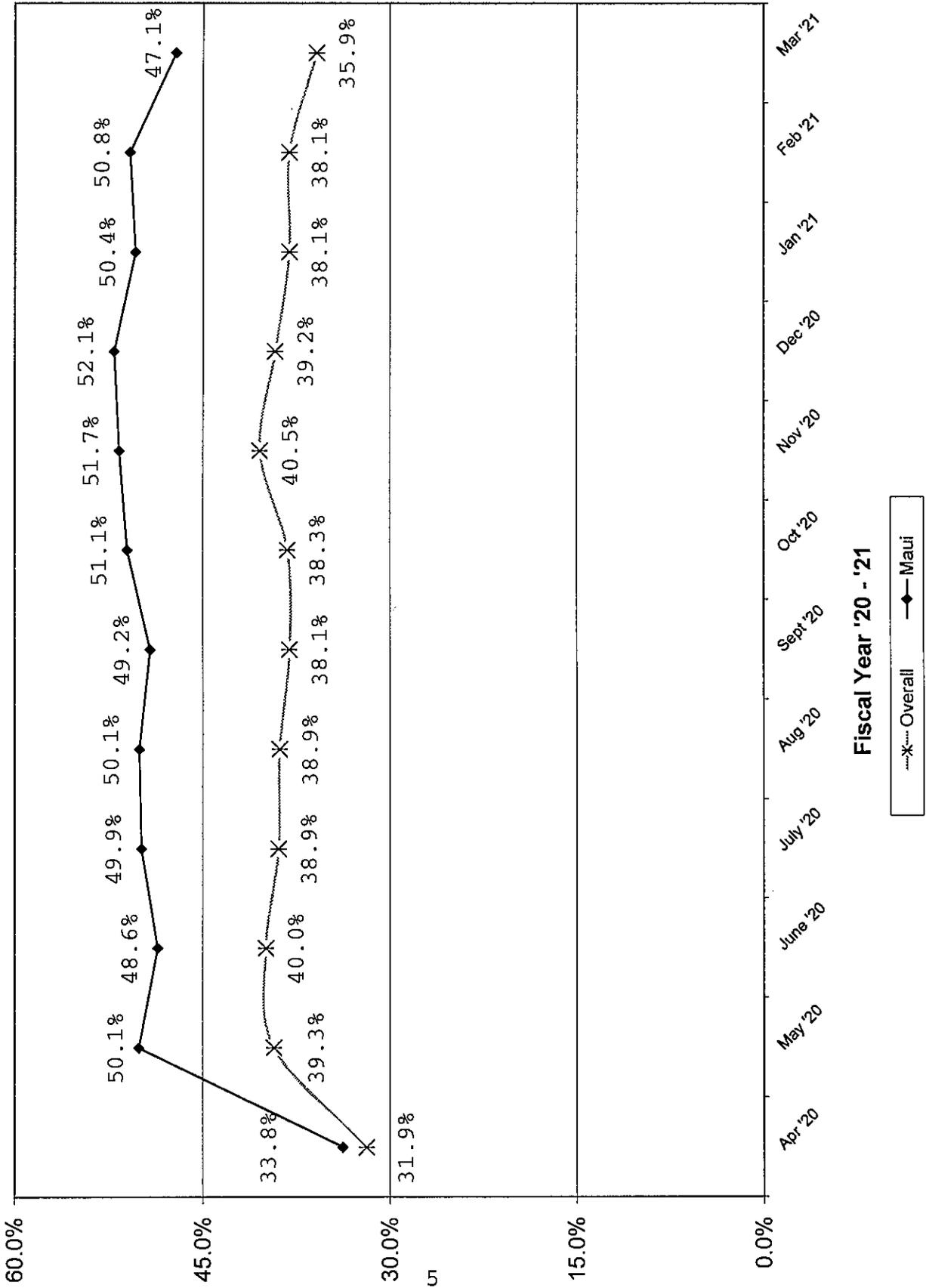
KAUAI
Direct Loans
Delinquency Ratio Report



Fiscal Year '20 - '21

x Overall ◆ Kauai

**MAUI
Direct Loans
Delinquency Ratio Report**



April 19, 2021

SUBJECT: **DHHL Guarantees for FHA Construction Loans**

DISCUSSION: The Department issues guarantees to FHA lenders during the construction period of a home, as FHA does not insure the loan until the home is completed. The loan term for these loans do not exceed fifteen (15) months from the date of loan signing. The following FHA Interim Construction loans were issued guarantees:

*Note: FHA loans are insured by the U.S. Department of Housing and Urban Development (HUD) and do not impact the State's guaranty ceiling.

| <u>LEASE NO.</u> | <u>AREA</u> | <u>LESSEE</u> | <u>Loan Amount</u> | <u>Date Approved</u> |
|------------------|-------------|----------------------------------|--------------------|----------------------|
| 3892 | Nanakuli | Mahuka-Nishimura, Corey H. | \$123,506 | 3/15/21 |
| 328 | Nanakuli | Holt, Allen O., Jr. | \$357,487 | 3/29/21 |
| 5109-A | Panaewa | Pukahi-Viernes, Lucianne Z.P. | \$181,000 | 3/31/21 |

| | <u>No.</u> | <u>Balance</u> |
|--------------------|------------|----------------|
| FY Ending 6/30/20 | 9 | \$ 2,648,717 |
| Previous Months | 4 | \$ 1,255,185 |
| This Month | 3 | 661,993 |
| FY '20-'21 to date | 7 | \$ 1,917,178 |

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission
THRU: Juan Garcia, HSD Administrator
Homestead Services Division
FROM: Dean Oshiro, Loan Services Branch Manager
SUBJECT: **Ratification of Loan Approvals**

RECOMMENDED MOTION/ACTION

To ratify the approval of the following loan previously approved by the Chairman, pursuant to section 10-2-17, Ratification of Chairman's action, of the Department of Hawaiian Home Lands Administrative Rules.

| <u>LESSEE</u> | <u>LEASE NO. & AREA</u> | <u>LOAN TERMS</u> |
|----------------------|-----------------------------|--|
| Acang, Kristopher K. | 7522, Waiohuli | NTE \$143,000 @ 4% interest per annum, NTE \$683 monthly, repayable over 30 years |

Loan Purpose: Refinance USDA-RD guaranteed loan No. 18802.
Original advance amount of \$137,000 at 5.875% per
annum. A contested case hearing was held on June
24, 2014.

| <u>LESSEE</u> | <u>LEASE NO. & AREA</u> | <u>LOAN TERMS</u> |
|---|-----------------------------|--|
| Matsuyama, Tainato D.K. & Arron J.L. | 9383, Kaniohale | NTE \$60,600 @ 4% interest per annum, NTE \$751 monthly, repayable over 8 years |

Loan Purpose: Refinance HUD buyback Loan No. 18987 in conjunction with a lease assignment to add a co-lessee and to reduce the interest rate. Original loan amount of \$94,710 at 8.375% per annum, \$720 monthly, repayable over 30 years. A contested case hearing for this account was held on March 25, 2014.

| | | |
|-----------------------|-----------------|--|
| Newhouse, Kimberly K. | 10305, Waiohuli | Loan #1: NTE \$258,695 @ 4% interest per annum, interest only payments, one year term |
| | | Loan #2: NTE \$258,695, 4% interest per annum, NTE \$1,236 monthly, repayable over 30 years |

Loan Purpose: Loan #1: Interim construction loan to construct a new 3 bedroom/2 bath residence. Loan #2: Permanent take out loan to fully amortize Loan #1.

| <u>REFINANCE</u> | <u>NO.</u> | <u>LOAN AMOUNT</u> |
|---------------------------|------------|--------------------|
| FY Ending 6/30/20 | 4 | \$ 560,760 |
| Prior Months | 5 | 619,500 |
| This Month | 2 | 203,600 |
| Total FY '20-'21 | 7 | \$ 823,100 |
| | | |
| <u>REPAIR</u> | <u>NO.</u> | <u>LOAN AMOUNT</u> |
| FY Ending 6/30/20 | 0 | \$ -0- |
| Prior Months | 0 | -0- |
| This Month | 0 | -0- |
| Total FY '20-'21 | 0 | \$ -0- |
| | | |
| <u>HOME CONSTRUCTION</u> | <u>NO.</u> | <u>LOAN AMOUNT</u> |
| FY Ending 6/30/20 | 0 | \$ -0- |
| Prior Months | 2 | 555,500 |
| This Month | 1 | 258,695 |
| Total FY '20-'21 | 3 | \$ 814,195 |
| | | |
| <u>FARM</u> | <u>NO.</u> | <u>LOAN AMOUNT</u> |
| FY Ending 6/30/20 | 0 | \$ -0- |
| Prior Months | 0 | -0- |
| This Month | 0 | -0- |
| Total FY '20-'21 | 0 | \$ -0- |
| | | |
| <u>TRANSFER WITH LOAN</u> | <u>NO.</u> | <u>LOAN AMOUNT</u> |
| FY Ending 6/30/20 | 0 | \$ -0- |
| Prior Months | 0 | -0- |
| This Month | 0 | -0- |
| Total FY '20-'21 | 0 | \$ -0- |
| | | |
| <u>AWARD</u> | <u>NO.</u> | <u>LOAN AMOUNT</u> |
| FY Ending 6/30/20 | 4 | \$ 491,818 |
| Prior Months | 1 | 290,000 |
| This Month | 0 | -0- |
| Total FY '20-'21 | 1 | \$ 290,000 |
| | | |
| <u>OTHER</u> | <u>NO.</u> | <u>LOAN AMOUNT</u> |
| FY Ending 6/30/20 | 0 | \$ -0- |
| Prior Months | 0 | -0- |
| This Month | 0 | -0- |
| Total FY '20-'21 | 0 | \$ -0- |

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Juan Garcia, HSD Administrator
Homestead Services Division
FROM: Dean Oshiro, Loan Services Manager
SUBJECT: **Approval of Consent to Mortgage**

RECOMMENDED MOTION/ACTION

To approve the following consents to mortgages for Federal Housing Administration (FHA) insured loans, Department of Veterans Affairs (VA) loans, United States Department of Agriculture, Rural Development (USDA, RD) guaranteed loans, United States Housing and Urban Development (HUD 184A) guaranteed loans and Conventional (CON) loans insured by private mortgage insurers.

DISCUSSION

| <u>PROPERTY</u> | <u>LESSEE</u> | <u>LENDER</u> | <u>LOAN AMOUNT</u> |
|---|--|--|--------------------|
| <u>OAHU</u> | | | |
| Maluohai Lease No. 9773 TMK: 1-9-1-119:075 | CELEBRADO, Patrick (Cash Out Refi) FHA | Mann Mortgage LLC | \$ 275,000 |
| Waimanalo Lease No. 8774 TMK: 1-4-1-038:010 | KALAKAU, William K., IV. (Cash Out Refi) FHA | HomeBridge Financial Services, Inc. | \$ 271,956 |
| Waianae Lease No. 5274 TMK: 1-8-5-032:023 | DE LIMA, Mohala T. G. & DE LIMA, Lance K. (Purchase) FHA | HomeStreet Bank | \$ 401,000 |

OAHU

| | | | |
|--|--|--------------------------------------|------------|
| Kanehili Lease No. 11790 TMK: 1-9-1-153:079 | FLORES-IRVINE, John A. (Cash Out Refi) FHA | Freedom Mortgage Corp. | \$ 452,000 |
| Kauluokahai Lease No. 12467 TMK: 1-9-1-017:088 | KALILIMOKU, Frederick K. (Cash Out Refi) HUD 184A | Bank of Hawaii | \$ 435,000 |
| Kakaina Lease No. 11243 TMK: 1-4-1-041:015 | KAHALEWAI, Joseph K., Jr. (Streamline)VA | Department of Veterans Affairs | \$ 314,318 |
| Kanehili Lease No. 12599 TMK: 1-9-1-152:097 | KEA, Alexander K., Jr. (Cash Out Refi) HUD 184A | HomeStreet Bank | \$ 353,000 |
| Kanehili Lease No. 11871 TMK: 1-9-1-153:092 | LOPERFIDO, Desiree S. (Cash Out Refi) FHA | Freedom Mortgage Corp. | \$ 426,000 |
| Waimanalo Lease No. 2257 TMK: 1-4-1-020:057 | PERRY, Jayna K. K. (Cash Out Refi) FHA | HighTechLen- ding Inc. | \$ 427,656 |
| Maluohai Lease No. 9866 TMK: 1-9-1-120:056 | TOM, Lizzie P. K. (Cash Out Refi) FHA | HighTechLen- ding Inc. | \$ 311,400 |
| Kauluokahai Lease No. 12833 TMK: 1-9-1-017:110 | LOPEZ, Brandon K. (Cash Out Refi) FHA | Freedom Mortgage Corp. | \$ 452,000 |
| Nanakuli Lease No. 10271 TMK: 1-8-9-009:036 | GASPER, Guy Lee (Purchase) FHA | Mid America Mortgage Inc. | \$ 202,000 |

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OAHU

| | | | |
|--|---|--------------------------------------|------------|
| Maluohai Lease No. 9820 TMK: 1-9-1-119:047 | FABRAO, Dawn K. (Streamline) FHA | Mid America Mortgage Inc. | \$ 242,000 |
| Kauluokahai Lease No. 12927 TMK: 1-9-1-017:110 | POWELL, Cherish (Purchase) HUD 184A | Bank of Hawaii | \$ 407,600 |
| Kauluokahai Lease No. 12924 TMK: 1-9-1-017:110 | MIGUEL, Clarisa (Purchase) FHA | Bank of Hawaii | \$ 410,668 |
| Kauluokahai Lease No. 12925 TMK: 1-9-1-017:110 | KEAWE, Mitchell, Jr. (Purchase) USDA, RD | Guild Mortgage | \$ 410,000 |
| Kauluokahai Lease No. 12341 TMK: 1-9-1-017:088 | NEILSON, Patrick & NEILSON, Davilyn (Purchase) VA | Department of Veterans Affairs | \$ 422,510 |
| Nanakuli Lease No. 7271 TMK: 1-8-9-016:019 | APELA, Margaret M. (Cash Out Refi) FHA | Freedom Mortgage Corp. | \$ 168,000 |
| Kumuhau Lease No. 11227 TMK: 1-4-1-040:042 | RAWLINS, Christopher (Rate & Term Refi) FHA | Freedom Mortgage Corp. | \$ 267,000 |
| Kauluokahai Lease No. 12958 TMK: 1-9-1-017:110 | LUM KING, Mona (Construction) VA | Department of Veterans Affairs | \$ 250,000 |
| Kaupea Lease No. 12094 TMK: 1-9-1-140:090 | MIRANDA, Lee Ann K. K. (Cash Out Refi) FHA | HighTechLen- ding Inc. | \$ 363,300 |

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OAHU

| | | | |
|--|---|---------------------------------|------------|
| Maluohai Lease No. 9877 TMK: 1-9-1-120:062 | KEKUEWA, Susan R. N. (Rate & Term Refi) FHA | Mid America Mortgage Inc. | \$ 159,000 |
| Maluohai Lease No. 12780 TMK: 1-9-1-120:101 | KALEIKINI, Melvin K. (Rate & Term Refi) FHA | Mid America Mortgage Inc. | \$ 225,000 |
| Kanehili Lease No. 12592 TMK: 1-9-1-152:066 | AHMAD, Judith-Theresa M. (Cash Out Refi) FHA | Bank of Hawaii | \$ 415,000 |
| Waimanalo Lease No. 3968 TMK: 1-4-1-031:023 | HO, Lavern (Cash Out Refi) HUD 184A | HomeStreet Bank | \$ 171,700 |
| Waianae Lease No. 9690 TMK: 1-8-5-030:027 | KAPAHUA, Joseph C., Jr. (Streamline)HUD 184A | HomeStreet Bank | \$ 227,250 |
| Maluohai Lease No. 12769 TMK: 1-9-1-120:086 | AWONG, Darin (Cash Out Refi) FHA | loanDepot.c- om, LLC | \$ 242,651 |
| Kauluokahai Lease No. 12465 TMK: 1-9-1-017:088 | CULLEN, Breland (Cash Out Refi) HUD 184A | HomeStreet Bank | \$ 300,000 |
| Kaupea Lease No. 12037 TMK: 1-9-1-140:102 | PAREDES, Geraldine N. (Cash Out Refi) FHA | HomeStreet Bank | \$ 311,400 |
| Waianae Lease No. 8755 TMK: 1-8-5-033:104 | MIZUKAMI, Yodie N. (Streamline) HUD 184A | HomeStreet Bank | \$ 247,248 |

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OAHU

Princess Kahanu Estates CEZAR,
Lease No. 8413 Dale A. K. (Cash
TMK: 1-8-7-043:056 Out Refi) FHA HomeStreet \$ 307,200
Bank

Nanakuli ALVERIO,
Lease No. 3805 Joel K. K. (Cash
TMK: 1-8-9-066:042 Out Refi) FHA HomeBridge \$ 311,400
Financial
Services,
Inc.

MOLOKAI

Kalamaula LIN KEE-ESPANIOLA,
Lease No. 10618 Janna M. (Purchase)
TMK: 2-5-2-032:011 HUD 184A HomeBridge \$ 88,880
Financial
Services,
Inc.

Hoolehua PICO,
Lease No. 6056 Edwina K. K. (Cash
TMK: 2-5-2-017:039 Out Refi) FHA HomeBridge \$ 285,000
Financial
Services,
Inc.

MAUI

Waiehu 4 YUEN,
Lease No. 12189 Daniel C. (Cash Out
TMK: 2-3-2-025:040 Refi) HUD 184A HomeBridge \$ 172,205
Financial
Services,
Inc.

Waiehu 4 BUSTILLOS,
Lease No. 12270 Joseph H. (Cash Out
TMK: 2-3-2-026:025 Refi) HUD 184A HomeBridge \$ 318,150
Financial
Services,
Inc.

Waiehu 2 HERA,
Lease No. 9544 Kimberly K. (Rate &
TMK: 2-3-2-023:051 Term Refi) HUD 184A HomeBridge \$ 234,825
Financial
Services,
Inc.

HAWAII

| | | | |
|---|--|--|------------|
| Keaukaha Lease No. 6296 TMK: 3-2-1-021:105 | HOOPII, Carrie K. (Permanent Take Out) FHA | Mid America Mortgage Inc. | \$ 241,000 |
| Kawaihae Lease No. 9667 TMK: 3-6-1-008:012 | ALEJO, Lenora L. (Purchase) FHA | Mid America Mortgage Inc. | \$ 313,000 |
| Kawaihae Lease No. 7186 TMK: 3-6-1-008:053 | YAMAMOTO, Gavin K. (Cash Out Refi) FHA | HomeBridge Financial Services, Inc. | \$ 280,000 |
| Panaewa Lease No. 6201 TMK: 3-2-1-025:025 | NAIPO, Ramona U. (Cash Out Refi) FHA | HomeStreet Bank | \$ 310,000 |
| Kaniohale Lease No. 9364 TMK: 3-7-4-023:051 | LLANES, Edwina K. (Purchase) FHA | Mid America Mortgage Inc. | \$ 137,000 |
| Kaniohale Lease No. 9421 TMK: 3-7-4-023:108 | KE, Bill K. (Rate & Term Refi) HUD 184A | HomeBridge Financial Services, Inc. | \$ 127,260 |
| Kawaihae Lease No. 6357 TMK: 3-6-1-005:005 | LEE, Herbert A. M. (Permanent Take Out) FHA | Mid America Mortgage Inc. | \$ 262,000 |
| Waimea Lease No. 4964C TMK: 3-6-4-002:124 | KEALOHA-BEAUDET, Claren K. (Cash Out Refi) FHA | Mid America Mortgage Inc. | \$ 426,000 |

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| <u>RECAP</u> | | <u>FHA</u> <u>AMOUNT</u> | | <u>VA</u> <u>AMOUNT</u> |
|-------------------|------------|----------------------------------|------------|---------------------------------|
| | <u>NO.</u> | | <u>NO.</u> | |
| FY Ending 6/30/20 | 295 | \$ 94,516,967 | 18 | \$ 7,261,256 |
| Prior Months | 433 | \$ 141,011,862 | 13 | \$ 4,254,296 |
| This Month | 36 | 10,770,356 | 3 | 986,828 |
| Total FY '20-'21 | <u>469</u> | <u>\$ 151,782,218</u> | <u>16</u> | <u>\$ 5,241,124</u> |
| | | <u>HUD 184A</u> <u>AMOUNT</u> | | <u>USDA-RD</u> <u>AMOUNT</u> |
| FY Ending 6/30/20 | 61 | \$ 18,080,394 | 12 | \$ 3,322,000 |
| Prior Months | 49 | \$ 15,384,789 | 10 | \$ 4,196,000 |
| This Month | 13 | 3,229,568 | 1 | 410,000 |
| Total FY '20-'21 | <u>62</u> | <u>\$ 18,614,357</u> | <u>11</u> | <u>\$ 4,606,000</u> |

ITEM NO. D-3

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Juan Garcia, HSD Administrator
Homestead Services Division 

FROM: Dean Oshiro, Loan Services Branch Manager 

SUBJECT: **Approval of Streamline Refinance of Loans**

RECOMMENDED MOTION/ACTION

To approve the refinancing of loans from the Hawaiian Home General Loan Fund.

DISCUSSION

The following lessees have met the "Streamline/Interest rate reduction loan" criteria, which was approved by the Hawaiian Homes Commission at its August 19, 2013 meeting. This criteria includes twelve (12) consecutive monthly payments, borrower's current interest rate is higher than the current DHHL interest rate, current with their Homeowners Insurance, Real Property Tax, Lease Rent, county sewer/refuse fees, and does not have any advances made by DHHL on the borrowers behalf.

HSD's recommendation for approval is based on actual payment history, over the past twelve (12) months and the review of the above-mentioned criteria. Streamline/Interest Rate Loan refinancing will provide lessees a chance to simply reduce their interest rate and payments without DHHL having to credit and/or income qualify the borrower.

The following lessee(s) has met the aforementioned criteria and is recommended for Streamline/Interest rate reduction loan refinance program:

| <u>LESSEE</u> | <u>LEASE NO. & AREA</u> | <u>REFINANCING LOAN TERMS</u> |
|--------------------------|-----------------------------|--|
| Kuahine, Charles C.K. | 5214, Nanakuli | NTE \$107,950 @4% interest per annum, NTE \$516 monthly, repayable over 30 years. |

Loan Purpose: Refinance Contract of Loan No. 17150.
Original loan amount of \$141,665 at 6%
per annum, \$849 monthly, repayable
over 30 years. A Contested Case
Hearing was not held for this account.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOMELANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Juan Garcia, HSD Administrator 
FROM: Nicole F. Bell, Specialist V
Application Branch, Homestead Services Division
SUBJECT: **Approval of Homestead Application Transfers/Cancellations**

RECOMMENDED MOTION/ACTION

To approve the transfers and cancellations of applications from the Application Waiting Lists for reasons described below:

DISCUSSION

1. Requests of Applicants to Transfer

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

| | | | | |
|--------------------|------------|------|-----|------------|
| FAULKNER, Leialoha | 11/16/2012 | OAHU | AGR | 02/08/2021 |
|--------------------|------------|------|-----|------------|

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

| | | | | |
|--------------------|------------|------|-----|------------|
| FAULKNER, Leialoha | 11/16/2012 | OAHU | RES | 02/08/2021 |
|--------------------|------------|------|-----|------------|

| | | | | |
|---------------------|------------|--------|-----|------------|
| LANNING, Kyson M.L. | 02/04/2009 | HAWAII | RES | 01/04/2021 |
|---------------------|------------|--------|-----|------------|

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

| | | | | |
|--------------------|------------|-------|-----|------------|
| KEALA, William Jr. | 09/24/2014 | KAUAI | AGR | 01/15/2021 |
|--------------------|------------|-------|-----|------------|

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

| | | | | |
|--------------------|------------|-------|-----|------------|
| KEALA, William Jr. | 09/24/2014 | KAUAI | RES | 01/15/2021 |
|--------------------|------------|-------|-----|------------|

| | | | | |
|--------------------------|------------|-------|-----|------------|
| PURDY, Koapakaonalani K. | 01/06/2020 | LANAI | RES | 03/01/2021 |
|--------------------------|------------|-------|-----|------------|

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

CROWTON, Shareen S.U. 08/11/1989 MAUI AGR 02/11/2021

MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

TINAO-JOHNSON, Charleen M.A. 09/05/1978 MAUI RES 12/28/2020

2. Deceased Applicants

NONE FOR SUBMITTAL

3. Awards of Leases

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

MILLER, Rose K.J. Assigned Residential Lease #7773,
Lot 12 in Waimanalo, Oahu dated
03/02/2021. Remove application
dated 02/28/1985.

PAHIA, Matthew J.K.P. Assigned Residential Lease #9883,
Lot 13848 in Maluohai, Oahu dated
12/04/2020. Remove application
dated 03/20/2013.

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

COX, Clarence W., III Assigned Agricultural Lease #2896-
A, Lot 165 in Panaewa, Hawaii
dated 07/20/2020. Remove
application dated 08/22/2019.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KUA, Ioane K. Assigned Residential Lease #1370,
Lot 152-A in Keaukaha, Hawaii
dated 07/10/2020. Remove
application dated 08/16/2010.

LEOPOLDO, Debra Ann L.

Assigned Residential Lease #5549,
Lot 396 in Keaukaha, Hawaii dated
01/07/2018. Remove application
dated 08/21/1985.

MOSES, Mabel K.

Assigned Residential Lease #3646,
Lot 8 in Waimanalo, Oahu dated
09/08/2020. Remove application
dated 04/19/1988.

MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

VILORIA, Lorraine L.B.

Assigned Residential Lease #10261,
Lot 98 in Kalamaula, Molokai dated
11/19/2015. Remove application
dated 06/05/1973.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

NONE FOR SUBMITTAL

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL

| | |
|---|------------|
| Last Month's Transaction Total | 34 |
| Last Month's Cumulative FY 2020-2021 Transaction Total | 327 |
| Transfers from Island to Island | 8 |
| Deceased | 0 |
| Cancellations: | |
| Awards of Leases | 7 |
| NHQ | 0 |
| Voluntary Cancellations | 0 |
| Successorship | 0 |
| Additional Acreage | 0 |
| HHC Adjustments | 0 |
| This Month's Transaction Total | 15 |
| This Month's Cumulative FY 2020-2021 Transaction Total | 342 |

ITEM D-6

To be provided at the table

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor 
Homestead Services Division

SUBJECT: **Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds**

RECOMMENDED MOTION/ACTION

To approve the designation of successor to the leasehold interest and person to receive the net proceeds, pursuant to Section 209, Hawaiian Homes Commission Act, 1920, as amended.

*See attached list of Lessee.

Leasehold Interest:

| | |
|------------------------------|-----------|
| Ratified for April 2021 | 4 |
| Previous FY 2020 - 2021 | <u>60</u> |
| FY 2020 - 2021 Total to Date | 64 |

| | |
|---------------------------|----|
| Ratified for FY '19 - '20 | 92 |
|---------------------------|----|

Net Proceeds

| | |
|------------------------------|----------|
| Ratified for April 2021 | 0 |
| Previous FY 2020- 2021 | <u>0</u> |
| FY 2020 - 2021 Total to Date | 0 |

| | |
|---------------------------|---|
| Ratified for FY '19 - '20 | 0 |
|---------------------------|---|

**LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR
LEASEHOLD INTEREST
FOR MONTH OF APRIL 2021**

| <u>Deceased Lessee</u> | <u>Designated Successor</u> |
|--|---|
| 1. Julia May K. Fukino Lot No.: 84 Area: Lualualei, Oahu Lease No. 5608 | <u>PRIMARY:</u> Rockwell D. Fukino, Son <u>ALTERNATE: Joint Tenants</u> Chiyome L. F. Carter, Daughter Leimano N. F. Nitta, Daughter <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A |
| 2. Caroldean K. Jackson Lot No.: 94 Area: PKE, Oahu Lease No. 8385 | <u>PRIMARY:</u> Peter Kama, Brother <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A |
| 3. Janice K. Low Lot No.: 34 Area: Waimanalo, Oahu Lease No. 2287 | <u>PRIMARY: Joint Tenants</u> Daniel L. Low, Husband Deborah K. Lee, Daughter <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A |

4. Peter Napihaa, Sr.
Lot No.: 13662
Area: Maluohai, Oahu
Lease No. 9723

PRIMARY: Joint Tenants
Chasity K. A. Pogi,
Granddaughter
Ramona M. S. Lewis,
Granddaughter

ALTERNATE:
N/A

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator
Homestead Services Division 

FROM: Ross K. Kapeliela, Acting ODO Supervisor 
Homestead Services Division

SUBJECT: **Approval of Assignment of Leasehold Interest**

RECOMMENDED MOTION/ACTION

To approve the assignment of the leasehold interest, pursuant to Section 208, Hawaiian Homes Commission Act, 1920, as amended, and subject to any applicable terms and conditions of the assignment, including but not limited to the approval of a loan.

DISCUSSION

Eighteen (18) assignments of lease.

1. Lessee Name: Kainea K. G. Aiwohi-Alo
Res. Lease No. 10128, Lot No. 110
Lease Date: 11/15/2004
Area: Waiohuli, Maui
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Lorraine N. A. Alo
Relationship: Mother-in-Law
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

2. Lessee Name: Renee-May K. A. Filimoeatu
Res. Lease No. 10391, Lot No. 93
Lease Date: 10/25/2016
Area: Waiehu Kou III, Maui
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Viliami M. T. Filimoeatu
Relationship: Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative." See simultaneous transfer below.

3. Lessee Name: Viliami M. T. Filimoeatu
Res. Lease No. 10466, Lot No. UNDV169
Lease Date: 6/18/2005
Area: Waiohuli, Maui
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Renee-May K. A. Filimoeatu
Relationship: Mother
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

4. Lessee Name: Paul M. Kauhane
Res. Lease No. 949, Lot No. 75
Lease Date: 4/30/1946
Area: Papakolea, Oahu
Property Sold & Amount: No, N/A
Improvements: 5 bedroom, 2 bath dwelling

Transferee Name: Faith L. Leao
Relationship: Sister
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative." See simultaneous transfer below.

5. Lessee Name: Faith L. Leao
Res. Lease No. 949, Lot No. 75
Lease Date: 4/30/1946
Area: Papakolea, Oahu
Property Sold & Amount: No, N/A
Improvements: 5 bedroom, 2 bath dwelling

Transferee Name: Lesi-Marie W. L. Kapua
Relationship: Daughter
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

6. Lessee Name: Lorraine P. Kenui
Res. Lease No. 3744, Lot No. 40
Lease Date: 4/26/1968
Area: Paukukalo, Maui
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Waynette L. Awana
Relationship: Daughter
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

7. Lessee Name: Eddie K. Kuahiwinui, Jr.
Res. Lease No. 9364, Lot No. 51
Lease Date: 5/1/1999
Area: Kaniohale, Hawaii
Property Sold & Amount: Yes, \$135,000.00
Improvements: 2 bedroom, 1 bath dwelling

Transferee Name: Edwina K. Llanes
Relationship: Sister
Loan Assumption: No
Applicant: No

Reason for Transfer: "Relocation to Ka'u." Special
Condition: Transferee to obtain funds to pay purchase
price.

8. Lessee Name: Teri Lynn M. Madrona, Clayton F. H. Madrona & Elizabeth L. K. Renaud
Res. Lease No. 12655, Lot No. 18376
Lease Date: 9/28/2010
Area: Kanehili, Oahu
Property Sold & Amount: Yes, \$402,000.00
Improvements: 2 bedroom, 2 bath dwelling

Transferee Name: Charles P. Noa, Jr.
Relationship: None
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 5/8/2019

Reason for Transfer: "Financial reasons." Special Condition: Transferee to obtain funds to pay purchase price.

9. Lessee Name: Pooui Kinikahikoinoa M. Rano
Res. Lease No. 5428, Lot No. 10
Lease Date: 10/1/1984
Area: Paukukalo, Maui
Property Sold & Amount: No, N/A
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Daisy P. K. Aunese
Relationship: Daughter
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative." See simultaneous transfer below.

10. Lessee Name: Richard Nixon N. Kamaka
Res. Lease No. 3498, Lot No. 51
Lease Date: 6/3/1963
Area: Paukukalo, Maui
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Pooui Kinikahikoinoa M. Rano
Relationship: None
Loan Assumption: No
Applicant: No

Reason for Transfer: "To another qualified native Hawaiian."

11. Lessee Name: Maryann L. Namaau
Res. Lease No. 9646, Lot No. 183-A
Lease Date: 7/15/2000
Area: Keaukaha, Hawaii
Property Sold & Amount: Yes, \$280,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Kainoa A. Crum
Relationship: None
Loan Assumption: No
Applicant: Yes, Hawaii IW Res., 8/18/2011

Reason for Transfer: "Moving off island." Special
Condition: Transferee to obtain funds to pay purchase
price.

12. Lessee Name: Cecelia M. Silva
Res. Lease No. 12933, Lot No. 95
Lease Date: To be determined
Area: Kauluokahai, Oahu
Property Sold & Amount: Yes, \$387,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Wayne A. Silva
Relationship: Husband
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative." Special
Condition: Transferee to obtain funds to pay purchase
price.

13. Lessee Name: Luana Hattie Smith
Res. Lease No. 3039, Lot No. 102
Lease Date: 1/4/1957
Area: Waimanalo, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 1-1/2 bath dwelling

Transferee Name: Annie K. Cuson
Relationship: Sister
Loan Assumption: No
Applicant: Yes, Waimanalo/Oahu IW Res., 4/2/1969

Reason for Transfer: "Giving lease to relative." See
simultaneous transfer below.

14. Lessee Name: Annie K. Cuson
Res. Lease No. 3039, Lot No. 102
Lease Date: 1/4/1957
Area: Waimanalo, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 1-1/2 bath dwelling

Transferee Name: Hattie K. Appineru
Relationship: Daughter
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

15. Lessee Name: Mark N. Crabbe
Res. Lease No. 10345, Lot No. UNDV048
Lease Date: 6/18/2005
Area: Waiohuli, Maui
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Kamana'opono M. Crabbe
Relationship: Brother
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

16. Lessee Name: Eli L. N. Maioho
Agr. Lease No. 7A, Lot No. 176
Lease Date: 1/3/1958
Area: Hoolehua, Molokai
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Eli L. N. Maioho & Ian K. N. Maioho
Relationship: Lessee & Brother
Loan Assumption: No
Applicant: No

Reason for Transfer: "Adding relative to lease."

17. Lessee Name: William K. Puaoi
Res. Lease No. 6100, Lot No. 80
Lease Date: 10/1/1985
Area: Kalamaula, Molokai
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Ernest K. B. Puaoi, Jr.
Relationship: Nephew
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative." See simultaneous transfer below.

18. Lessee Name: Ernest K. B. Puaoi, Jr.
Res. Lease No. 6100, Lot No. 80
Lease Date: 10/1/1985
Area: Kalamaula, Molokai
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Liana L. E. Kahookano
Relationship: Sister
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative." Special Condition: One year to build and occupy.

| | |
|--|------------|
| Assignments for the Month of April `21 | 18 |
| Previous FY '20 - '21 balance | <u>140</u> |
| FY '20 - '21 total to date | 158 |
| Assignments for FY '19 - '20 | 176 |

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor 
Homestead Services Division

SUBJECT: **Approval of Amendment of Leasehold Interest**

RECOMMENDED MOTION/ACTION

To approve the amendment of the leasehold interest listed below.

DISCUSSION

Ten (10) amendments of lease.

1. Lessee: Richard Nixon N. Kamaka
Res. Lease No.: 3498
Lot No., Area, Island: 51, Paukukalo, Maui
Amendment: To amend the lease to incorporate the currently used terms, covenants, and conditions in the lease.

2. Lessee: Paul M. Kauhane & Faith L. Leao
Res. Lease No.: 949
Lot No., Area, Island: 75, Papakolea, Oahu
Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.

3. Lessee: Donna D. Lii
 Res. Lease No.: 3696
 Lot No., Area, Island: 243, Kewalo, Oahu
 Amendment: To amend the lease to update the property description.

4. Lessee: Janice K. Low
 Res. Lease No.: 2287
 Lot No., Area, Island: 34, Waimanalo, Oahu
 Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease, to update the property description, and to extend the lease term to an aggregate term of 199 years.

5. Lessee: Eli L. N. Maioho
 Agr. Lease No.: 7A
 Lot No., Area, Island: 176, Hoolehua, Molokai
 Amendment: To amend the lease to incorporate the currently used terms, conditions, and covenants to the lease, and to update the property description.

6. Lessee: Kimberley K. Newhouse
 Res. Lease No.: 10305
 Lot No., Area, Island: UNDV008, Waiohuli, Maui
 Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.

7. Lessee: William K. Puaoi
 Res. Lease No.: 6100
 Lot No., Area, Island: 80, Kalamaula, Molokai
 Amendment: To update the commencement date and property description due to final subdivision.

8. Lessee: Ivan G. Ah Sam & Icelynn K. N. Rubio
 Res. Lease No.: 12349
 Lot No., Area, Island: 18291, Kanehili, Oahu
 Amendment: To amend the tenancy due to the death of a joint tenant lessee.
9. Lessee: Luana Hattie Smith
 Res. Lease No.: 3039
 Lot No., Area, Island: 102, Waimanalo, Oahu
 Amendment: To amend the lease to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.
10. Lessee: Elliott K. Whitford & Kimberly Whitford
 Res. Lease No.: 11562
 Lot No., Area, Island: 18428, Kanehili, Oahu
 Amendment: To amend the tenancy due to the death of a joint tenant lessee.

| | |
|---------------------------------------|-----------|
| Amendments for the Month of April '21 | 10 |
| Previous FY '20 - '21 balance | <u>87</u> |
| FY '20 - '21 total to date | 97 |
| Amendments for FY '19 - '20 | 138 |

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor 
Homestead Services Division

SUBJECT: **Approval to Issue a Non-Exclusive License for Rooftop Photovoltaic Systems for Certain Lessees**

RECOMMENDED MOTION/ACTION

To approve the issuance of a non-exclusive license to allow the Permittee to provide adequate services related to the installation, maintenance, and operation of a photovoltaic system on the premises leased by the respective Lessees.

The non-exclusive license is necessary as the Lessee cannot issue his/her own license.

DISCUSSION

Seven (7) non-exclusive licenses.

1. Lessee: Helaman K. Aiwohi
Res. Lease No.: 9935
Lot No., Area, Island: B, Waiehu 3, Maui
Permittee: Sunrun, Inc.

2. Lessee: Doreen N. Forsberg
Res. Lease No.: 12234
Lot No., Area, Island: 8, Waiehu 4, Maui
Permittee: Vivint Solar Developer, LLC

- 3. Lessee: Kaori-Lei K. Hanohano
 Res. Lease No.: 7550
 Lot No., Area, Island: 118, Waiohuli, Maui
 Permittee: Sunrun, Inc.

- 4. Lessee: Jacqueline P. Hiro
 Agr. Lease No.: 123A
 Lot No., Area, Island: 188, Hoolehua, Molokai
 Permittee: Sunrun, Inc.

- 5. Lessee: Daniel K. K. Kalahiki
 Res. Lease No.: 9510
 Lot No., Area, Island: 72, Waiehu 2, Maui
 Permittee: Sunrun, Inc.

- 6. Lessee: Larry K. Kapu
 Res. Lease No.: 5144
 Lot No., Area, Island: 65, Nanakuli, Oahu
 Permittee: Sunrun, Inc.

- 7. Lessee: Timothy Ah-Loe Shim
 Res. Lease No.: 7686
 Lot No., Area, Island: FP288, Waiohuli, Maui
 Permittee: Sunrun, Inc.

| | |
|--|-----------|
| Non-Exclusive License for April '21 | 7 |
| Previous FY '20 - '21 balance | <u>49</u> |
| FY '20 - '21 total to date | 56 |
| Total Non-Exclusive License for FY '19 - '20 | 53 |

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: Olinda L. Fisher, East Hawaii District Office
Homestead District Assistant Supervisor

SUBJECT: **Approval of Subdivision**
Transfer of a Portion of Lease and Amendment -
IOANE K. KUA, Lease No. 1370,
Lot No. 152-A, Keaukaha, Hawaii,

RECOMMENDED MOTION/ACTION

1. To approve the request of Ioane K. Kua (Ioane) to subdivide Department of Hawaiian Home Lands Residential Lease No. 1370, Lot No. 152-A, Keaukaha Hawaii, consisting of 42,310 square feet, and further identified as TMK (3) 2-1-023:126 into Lots 152-A1 and 152-A2, provided that the Lessee is responsible for all cost incurred in the processing and obtaining of the subdivision, including but not limited to surveying fees, fees imposed by the Hawaii County (County), fees for utility (electric, water, etc.) and other fees associated with the subdivision of Lot No. 152-A; and

2. To approve the amendment of Lease No. 1370 to reflect the new lot description of Lot No. 152-A1; and

3. To approve the designation of Residential Lease No. 1370-A, demising Lot No. 152-A2; and

4. To approve the transfer of Lot No. 152-A2, under Lease No. 1370-A, from Ioane to Kerwina Reis (Kerwina); and

5. The above are subject to the completion of the survey work done by a licensed surveyor, including but not limited to the surveying and staking of boundary corners of the lots, submitting the required number of final subdivision maps to the County, preparing and submitting the legal description of the lots to the Department of Hawaiian Home Lands (Department), applying to the County for subdivision approval, obtaining the tax map keys for the Lots, and final subdivision approval by the County.

DISCUSSION

Ioane received Residence Lease No. 1370, Lot No. 152-A, by way of the Assignment of Lease and Consent, dated July 10, 2020.

Ioane is requesting the approval to subdivide his lot into two (2) lots, Lot No. 152-A1 and Lot No. 152-A2. See attached Exhibit A.

Ioane will retain Lot No. 152-A1 for himself, which consist of an existing dwelling, constructed in 1977. Ioane will transfer the newly created Lot No. 152-A2 to his cousin, Kerwina, who is deemed to be at least 50% Hawaiian ancestry.

There is no loan attached to the lease. The lease rent to the Department and real property tax to the County are paid current.

The Department recommends the approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Juan Garcia, Administrator 
Homestead Services Division

FROM: Olinda L. Fisher, EHDO District Supervisor
Homestead Services Division

SUBJECT: **Commission Designation of Successor -
Faith Evalani Fernandez, Residential Lease No. 4939,
Lot No. 17, Waiakea, Hawaii**

RECOMMENDED MOTION/ACTION

1. To approve the selection of Shane Kaua ("Shane") to succeed to the interest of Faith Evalani Fernandez ("Decedent") in Residential Lease No. 4939, Lot No. 17, Waiakea, Hawaii (Lease) for the remaining term of the Lease, subject to the payment of the appraised value of the improvements, in the amount of \$161,500, to the Department within 90 days from the execution of the documents noted below;

2. To stipulate that Shane's right and interest in the Lease does not vest until Shane has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Shane does not sign all such documents on or before **June 30, 2021** (the Deadline) that the Commission's selection of Shane as a successor is automatically revoked;

3. To authorize the Department to extend the Deadline up to 30 days for good cause; and

4. To declare that if Shane's selection as a successor is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, as amended, "the lease shall resume its status as unleased Hawaiian home lands the department is authorized to lease the land to a native Hawaiian as provided by the Act;"

5. To amend the Lease document to reflect the new lease title and Lessor's name, to incorporate the currently used conditions, covenants and terms.

DISCUSSION

Decedent received the Lease by way of the Department of Hawaiian Home Lands Assignment of Lease and Consent to Lease No. 4939, dated August 24, 1978.

On August 24, 1978, Decedent designated her son, Randall Kulia Fernandez (Randall), to receive the appraise value of the improvements less any outstanding debts attached to the Lease.

The Decedent passed away On July 13, 2018 and the department received a death certificate on November 1, 2018.

The Department also received Randall's death certificate on December 24, 2019, confirming his passing death on August 10, 2019.

In compliance with Section 10-3-63 of the Hawaii Administrative Rules, the Department published legal notices in the Honolulu Star Advertiser, the Garden Isle, the Hawaii Tribune Herald, West Hawaii today, and The Maui News on December 1, 8, 15, 22, and 29, 2019, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the lease.

The Department received a successorship claim from decedent's grandson, Joshua F. Fernandez, who has been determined to be less than 25% Hawaiian ancestry and therefore ineligible to succeed to the Lease

The Department also received a successorship claim from the Decedent's nephew, Shane Kaua, who is deemed eligible as he meets the 50% Hawaiian ancestry requirement to succeed to the lease.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee designates an ineligible successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
2. If there is no husband or wife, then the children;
or

3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

An appraisal report dated February 26, 2021, by Valley Isle Appraisals, valued the improvements at \$161,500. Improvements to the homestead lot consist of a 3-bedroom and 2-bath single family dwelling, which was constructed in 1979.

There are no outstanding mortgage loans and the lease rent and real property tax are current.

The net proceeds shall be paid to Randall's estate.

The Department requests approval of its recommendation.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: James W. Du Pont, WHDO District Supervisor
Homestead Services Division

SUBJECT: **Commission Designation of Successor -
Hinano H.E. Kawaauhau, Residential Lease No. 7203
Lot No. 108, Kawaihae, Hawaii**

RECOMMENDED MOTION/ACTION

1. To approve the selection of Althea P. Kawaauhau-Case ("Althea") to succeed to the interest of Hinano H.E. Kawaauhau ("Decedent") to Residential Lease No. 7203, Lot No. 108, Kawaihae, Hawaii (Lease), for the remaining term of the Lease;

2. To stipulate that Althea's right and interest in the Lease does not vest until Althea has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Althea does not sign all such documents on or before **June 30, 2021** (the Deadline) that the Commission's selection of Althea as a successor is automatically revoked;

3. To authorize the Department to extend the Deadline up to 30 days for good cause; and

DISCUSSION

The Decedent and Althea were awarded the Lease by way of Assignment of Lease and Consent, dated March 30, 2011, as tenants in common.

On May 20, 2016, the Decedent passed away without naming a successor.

In compliance with Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, Hawaii Tribune Herald, West Hawaii Today, Maui News, and The Garden Island newspapers on June 6, 12, 16, 26, 2019 to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claim to the Lease.

The Department received a successorship claim from the Decedent's sister, Althea, who has been determined to be at least 25% Hawaiian ancestry and eligible for successorship to the Lease.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee designates an ineligible successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

Improvements to the homestead lot consist of a 4-bedroom, 2 full bath, single-family dwelling, which was constructed in 2012.

There are no outstanding loans with the Department and lease rent and real property taxes are paid current.

The Department requests approval of its recommendation.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Juan Garcia, Administrator 
Homestead Services Division
FROM: James W. Du Pont, WHDO District Supervisor
Homestead Services Division
SUBJECT: **Commission Designation of Successor -
Jonette L.F. Jones, Residential Lease No. 10847
Lot No. UNDV221, Laiopua, Hawaii**

RECOMMENDED MOTION/ACTION

1. To approve the selection of Leeshaw Kawailehua Jones ("Leeshaw") to succeed to the interest of Jonette L.F. Jones ("Decedent") to Undivided Interest (UND) Residential Lease No. 10847, Lot No. UNDV221, La'i'Opua, Hawaii (Lease), for the remaining term of the Lease;

2. To stipulate that Leeshaw's right and interest in the Lease does not vest until Leeshaw has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Althea does not sign all such documents on or before **June 30, 2021** (the Deadline) that the Commission's selection of Althea as a successor is automatically revoked;

3. To authorize the Department to extend the Deadline up to 30 days for good cause; and

4. To declare that if Leeshaw's selection as a successor is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, as amended, "the lease shall resume its status as unleased Hawaiian home lands the department is authorized to lease the land to a native Hawaiian as provided by the Act."

DISCUSSION

The Decedent was awarded the Lease, commencing on December 3, 2005.

On December 9, 2018, the Decedent passed away without naming a successor.

In compliance with Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, Hawaii Tribune Herald, West Hawaii Today, Maui News, and The Garden Island newspapers on June 6, 12, 16, 26, 2019 to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claim to the Lease.

The Department received a successorship claim from the Decedent's sister, Leeshaw, who has been determined to be at least 25% Hawaiian ancestry and eligible for successorship to the Lease.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee designates an ineligible successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

This is an Undivided Interest Lease with no improvements and lease rent is paid current.

The Department requests approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Juan Garcia, HSD Administrator 
Homestead Services Division

FROM: Mona Kapaku, Homestead District Operations Manager
Homestead Services Division

SUBJECT: **Commission Designation of Successor
Nathan Kahakulani Yasso, Agricultural Lease No. 7912
Lot No. 16, Hoolehua, Molokai**

RECOMMENDED MOTION/ACTION

1. To approve the selection of Kimmie Renee Iwalani Kaalekahi ("Kimmie") to succeed to the interest of Nathan Kahakulani Yasso ("Decedent") in Agricultural Lease No. 7912, Lot No. 16, Hoolehua, Molokai (Lease), for the remaining term of the Lease;

2. To stipulate that Kimmie's right and interest in the Lease does not vest until Kimmie has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Kimmie does not sign all such documents on or before **June 30, 2021** (the Deadline) that the Commission's selection of Kimmie as a successor is automatically revoked;

3. To authorize the Department to extend the Deadline up to 30 days for good cause; and

4. To declare that if Kimmie's selection as a successor is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, as amended, "the lease shall resume its status as unleased Hawaiian home lands the department is authorized to lease the land to a native Hawaiian as provided by the Act."

DISCUSSION

The Lease was transferred to Decedent by way of the Assignment of Lease and Consent, dated April 15, 2019.

On August 18, 2019, the Decedent passed away without naming a successor to the Lease.

In compliance with the Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, the Hawaii Tribune Herald, the West Hawaii Today, The Garden Island newspapers on June 7, 14, 21, and 28, 2020 and The Maui News on June 5, 12, 19 and 26, 2020 to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claim to the Lease.

The Department received a successorship claim from the Decedent's daughter, Kimmie, who has been determined to be at least 50% Hawaiian ancestry and eligible for successorship to the Lease.

The Department also received a successorship claim from the Decedent's grandson, Nakana James Kahakulani Kaalekahi (Nakana), who has been determined to no less than 25% Hawaiian ancestry.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee fails to designate a successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

Pursuant to Section 209 of the Act, Kimmie has priority over Nakana as a successor to the Lease.

The homestead lot is located in the Naiwa Agricultural Subdivision, Hoolehua, Molokai, is undeveloped and without utility and road infrastructure.

The lease rent is paid current and as the lot is undeveloped, no real property tax is being assessed.

The Department requests approval of its recommendation.

**HAWAIIAN HOMES COMMISSION
APRIL 19 & 20, 2021
INTERACTIVE CONFERENCE
TECHNOLOGY
9:30 A.M.**

E – ITEMS

LAND DEVELOPMENT DIVISION

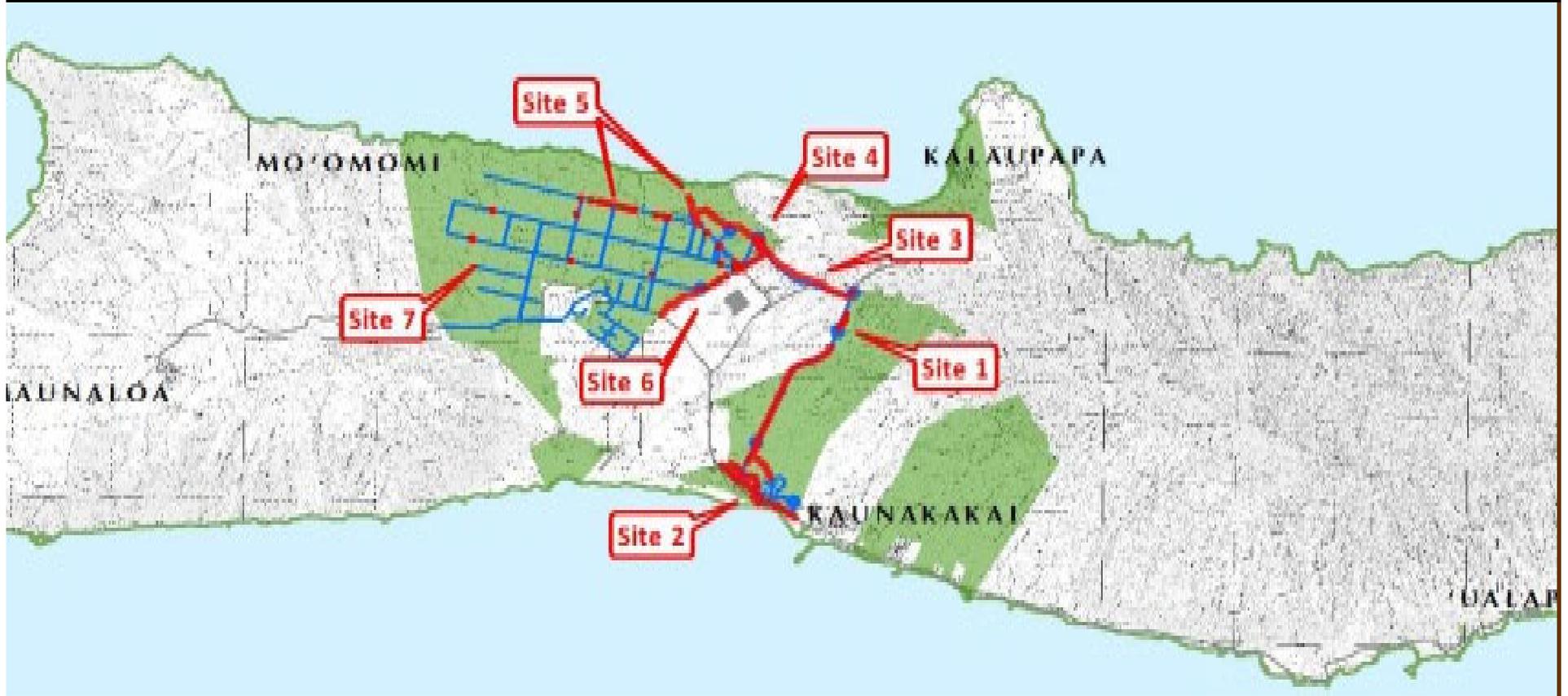


HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
DEPARTMENT OF HAWAIIAN HOME LANDS

Molokai Island Capital Improvement Project Updates

**Item E-1 Workshop
Hawaiian Homes Commission
Monday, April 19, 2021**

Ho'olehua Water System Improvements



Improvements Located at Seven Areas



Project Funding

| | |
|----------------------|-------------------|
| • USDA Loan: | \$ 7,455,000 |
| • USDA Grants: | \$ 11,634,083 |
| • DHHL Contribution: | \$ 12,923,250 |
| • Legislature CIP: | <u>\$ 500,000</u> |
| Total Funds: | \$ 31,362,333 |



Status of Project

- **Package 1: Ho'olehua**
- **Package 2: Kalamaula**
 - Project bids submitted in August 2018
 - Construction contracts awarded to Goodfellow Bros. LLC for Package 1 and 2.
 - Package 2 under construction.
 - Package 1 commencing construction by May 2021; 18 month construction duration.
- **Package 3: Photovoltaic system**
 - Continue negotiations with Maui Electric Co.
- **Package 4: Equipment for Operations and Maintenance**
 - Bids received on March 31, 2021 are under review.

Naiwa Ag Subdivision Site Improvements

SCOPE OF WORK

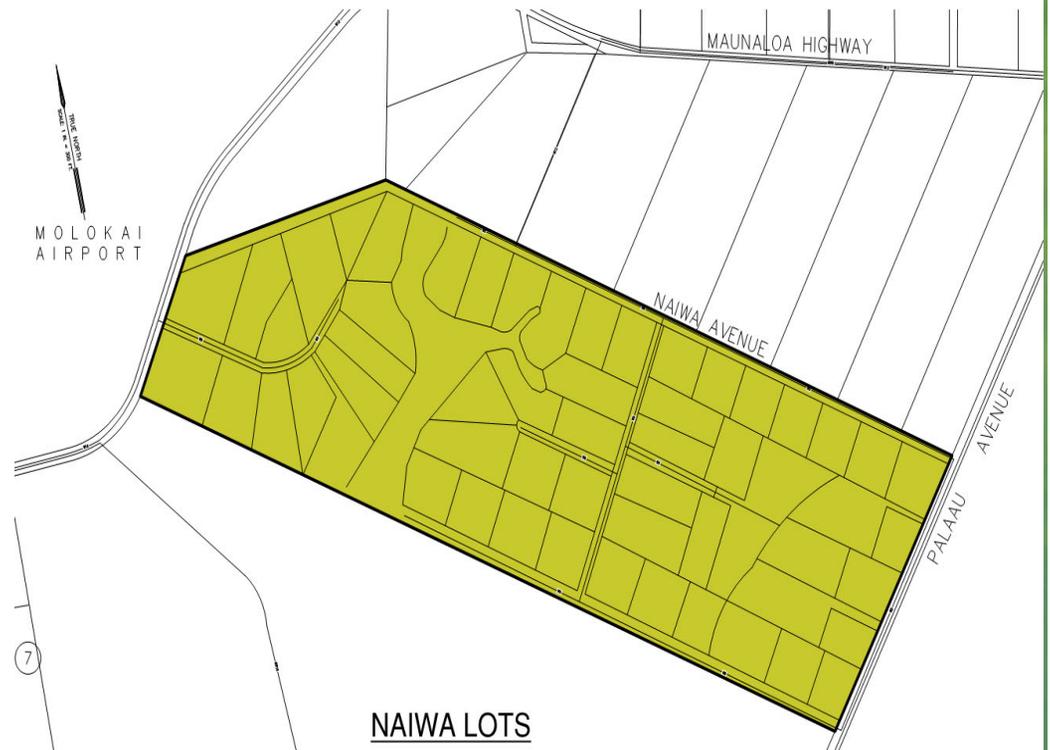
- 58 lot subdivision
- Planned Infrastructure Improvements
 - Roadways
 - Irrigation water
 - Potable water (subject to DHHL water reservations)
 - Electrical service

BUDGET

- Environmental Assessment & Preliminary Engineering Report: \$550,000
- Design & Subdivision Approval: \$950,000
- Construction: \$9,500,000 (estimated)

SCHEDULE

- Early 2021: Start Chap. 343 Environmental Documentation
- Late 2021: Complete Environmental Documentation
- Mid 2022: Complete design
- Mid 2022: Advertise bids for construction
- Early 2023: Begin construction
- Late 2024: Construction completed; Final Subd. Approval



***Subject to construction funding**

Hoolehua Scattered Lots Site Improvements

SCOPE OF WORK

- Create at least 11 new lots from existing vacant ag lots
- Potential Infrastructure Improvements
 - Roadway and electrical
 - Irrigation water

BUDGET

- Design: \$350,000
- Environmental Assessment: \$600,000
- Construction: \$550,000
- Additional construction: \$2,000,000 (estimated)

SCHEDULE

- Late 2021: Complete Environmental Documentation
- Early 2022: Complete design
- Mid 2022: Advertise bids for construction
- Fall 2022: Begin construction.
- Early 2023: Construction completed



HO'OLEHUA VACANT LOTS

Molokai Veterans and Homestead Residents Center



Project Location

Legislative
Appropriation:
\$4,000,000

1. New joint use facility for the Molokai Veterans and DHHL Homestead Residents.
2. Design 90% complete as of Feb 2021; bldg permit app in March 2021
3. Estimated construction start in Winter 2021.

Lanikeha Center



- 1. Internal wastelines video inspected in February 2021.**
- 2. Invitation to Bid Procurement to repair/replace the sewerlines to be issued in Summer 2021.**

**HAWAIIAN HOMES COMMISSION
APRIL 19 & 20, 2021
INTERACTIVE CONFERENCE
TECHNOLOGY
9:30 A.M.**

F – ITEMS

LAND MANAGEMENT DIVISION

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19-20, 2021

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator
Land Management Division 

Subject: Approval to Amendment of General Lease No. 290, Kapolei Community Development Corp. (KCDC), East Kapolei, Oahu, TMK (1) 91151002

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) grant its approval to the following:

To amend General Lease No. 290 as follows:

1. Delete Article One, Section 3, titled Progress Evaluation, as amended by Section 1 of the Third Amendment, which reads in its entirety as follows:

"During the term of the General Lease, LESSEE shall cause Sublessee to make significant progress toward completion of LESSEE's economic development (self-sustaining) component. Progress shall be measured against milestones set over the first eleven (11) years of the General Lease. Failure to meet any milestone or an otherwise negative evaluation of LESSEE'S project may be grounds for early termination of the General Lease. The milestones that must be met in reference to the commencement date of this General Lease are as follows:

- 1) Complete HRS Chapter 343 compliance.
- 2) Grub, clear and maintain entire Premises.
- 3) Submit preliminary development plan for review and comment.
- 4) Initiate design for all backbone infrastructures - access roads, water meter, water lines, waste water system, drainage and utilities connection.
- 5) Submit development plans for review and approval.

- 6) Application of all required permits for the development of the project. LESSEE shall seek and secure all approvals and permits which may be required from any governmental authority having jurisdiction. LESSEE shall bear all costs and expenses of obtaining the necessary approvals and permits.
- 7) Entire infrastructure and majority of buildings on project substantially completed as planned.”

LESSOR acknowledges that with respect to the foregoing obligations set forth in Article One, Section 3, LESSEE has caused Sublessee to satisfy conditions (1)-(3), as of the date of this Amendment. LESSOR further acknowledges that in connection with condition (5), LESSOR has reviewed and approved the development plans attached hereto as Exhibit “A”.

2. Insert new Section 3, titled Progress Evaluation, to read as follows:

“During the term of the General Lease, LESSEE shall cause Sublessee to make significant progress toward completion of LESSEE’s economic development (self-sustaining) component. Progress shall be measured against milestones set over the first twelve (12) years of the General Lease. Failure to meet any milestone or an otherwise negative evaluation of LESSEE’S project may be grounds for early termination of the General Lease. The milestones that must be met in reference to the commencement date of this General Lease are as follows:

- 1) Complete HRS Chapter 343 compliance.
- 2) Grub, clear and maintain entire Premises.
- 3) Submit preliminary development plan for review and comment.
- 4) Initiate design for all backbone infrastructures - access roads, water meter, water lines, waste water system, drainage and utilities connection.
- 5) Submit development plans for review and approval.
- 6) Application of all required permits for the development of the project. LESSEE shall seek and secure all approvals and permits which may be required from any governmental authority having jurisdiction. LESSEE shall bear all costs and expenses of obtaining the necessary approvals and permits.
- 7) Substantially complete the work detailed in the construction drawings referenced in the LESSOR approval letter as detailed in the attached Exhibit “A” described below.

LESSOR acknowledges that with respect to the foregoing obligations set forth in Article One, Section 3, LESSEE has caused Sublessee to satisfy conditions (1)-(3), as of the date of this Amendment. LESSOR further acknowledges that in connection with conditions (4)-(6), LESSOR has provided written approval of the development and construction plans for HMP Common Element including the utility infrastructure and roads referenced in condition (4) and Building Improvement Plans for Unit 1, 2, and 5 as detailed in the attached Exhibit "A".



The Chairman of the Hawaiian Homes Commission may set forth other terms and conditions deemed prudent and necessary including but not limited to extending the Progress Evaluation period for good cause;

4. The Amendment to Lease document shall be subject to the review and approval of the State of Hawaii Department of Attorney General; and
5. Except as amended herein, all of the terms, covenants, conditions and provisions of General Lease No. 290 shall remain in full force and effect and shall be binding upon the parties hereto.

DISCUSSION

The Hawaiian Homes Commission, at its regular monthly meeting of July 20, 2010, approved the issuance of a General Lease No. 290 to Kapolei Community Development Corporation to use a portion of Hawaiian home lands in Kapolei for the purpose of facilitating an economic development venture by subleasing the parcel to a private developer whereby the rental revenue received would be used to support its community project, the Cultural Heritage Center that would encompass a community center, and social service facilities to provide services benefitting the Department of Hawaiian Home Lands (DHHL) or native Hawaiians residing in the Kapolei region and the broader West O'ahu area. General Lease No. 290 was issued to La'i'Opua 2020 for a term of sixty-five (65) years effectively commencing on May 17, 2011.

A First Amendment to General Lease No. 290, fully executed as of June 25, 2012 is filed with the Department of Hawaiian Home Lands but is not recorded with the Bureau of Conveyances of the State of Hawaii. The subject amendment provides LESSEE an opportunity to explore some alternative residential opportunities that may be feasible and prudent for native Hawaiian beneficiaries of the Hawaiian Home Lands Trust.

A Second Amendment to General Lease No. 290, fully executed as of June 27, 2018 is filed with the Department of Hawaiian Home Lands but is not recorded with the Bureau of Conveyances of the State of Hawaii. The subject amendment provided LESSEE an opportunity to facilitate its intent to develop the demised premises into a shopping center called the Ho'omaka Market Place (the "Shopping Center"), which development will fulfill certain of Lessee's obligations under the Lease.

A Third Amendment to General Lease No. 290, fully executed as of November 6, 2020 is filed with the Department of Hawaiian Home Lands but is not recorded with the Bureau of Conveyances of the State of Hawaii. The subject amendment provided LESSEE an opportunity to facilitate its access and utility rights over Kekahili Street and address unforeseen permitting delays and other delays caused by the COVID-19 pandemic.

The following pertinent information on GL No. 290 are as follows:

General Lessee: Kapolei Community Development Corporation, a Hawaii 501(c)(3) non-profit corporation

Location: Kapolei, Island of O’ahu

TMK No./Land Area: (1) 91151002 / 4.992 Acre (217,452 sq.ft.)

Land Area: 4.992 Acre (217,452 sq.ft.)

Term: Sixty-five (65) years; 05/17/2011 – 05/16/2076

Rent: Annual Rent for Yrs. 1 – 10 \$520,000
Annual Rent for Yrs. 11 – 15 \$572,000
Annual Rent for Yrs. 16 – 20 \$692,200
Annual Rent for 10 yr. option periods thereafter shall be determined by Fair Market Value

Zoning Designation: Commercial Mixed Use (BMX3)

On behalf of the Kapolei Community Development Corporation, its President Scott Abrigo is requesting support from the Hawaiian Homes Commission on granting approval for a Fourth Amendment to General Lease No. 290 (See Exhibit “A”) as proposed.

In summary, KCDC has been working closely with Ho’omaka Market Place and DHHL to obtain final approval from the Department of Transportation (DOT) for the Right-In (RI) access from Kualakai Parkway. After some time, the parties have reached an agreement on the basic conditions of the DOT approval. A formal letter is being worked on to memorialize the DOT conditions of approval for the RI. Therefore, if the amendment as proposed is approved, KCDC the project timeline would be reset accordingly and construction development will continue through completion.

RECOMMENDATION

Land Management Division respectfully request approval of the motion/action as stated.

Exhibit "A"
ITEM NO. F-1

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOMELANDS
FOURTH AMENDMENT TO GENERAL LEASE NO. 290

THIS FOURTH AMENDMENT TO GENERAL LEASE NO. 290 (this “Amendment”), is made this day of _____, 2021, by and between the STATE OF HAWAII, by its DEPARTMENT OF HAWAIIAN HOME LANDS, whose principal place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii, and whose mailing address is P.O. Box 1879, Honolulu, Hawaii 96805, hereinafter “**LESSOR**,” and KAPOLEI COMMUNITY DEVELOPMENT CORPORATION, a Hawaii Non-Profit 501(c)(3) Corporation, hereinafter “**LESSEE**,” whose mailing and business address is P.O. Box 700911, Kapolei, Hawaii 96709, collectively the “**PARTIES**”;

WITNESSETH:

WHEREAS, by that certain unrecorded Lease dated May 3, 2011 and effective May 17, 2011 (the “**Lease**”), LESSOR leased to LESSEE, and LESSEE leased from LESSOR, the premises located at Kapolei, Island of Oahu, City and County of Honolulu, Tax Map Key No. (1) 9-1-151:002, comprising 4.992 acres, more or less of Hawaiian Home Lands, as more particularly described therein (the “**Premises**”);

WHEREAS, by that First Amendment to General Lease No. 290 dated June 25, 2012, that Second Amendment to General Lease No. 290 dated June 27, 2018, and that Third Amendment to General Lease No. 290 dated November 6, 2020 (the “**Third Amendment**”), LESSOR and LESSEE amended said Lease;

WHEREAS, LESSEE, as Sublessor, subleased the Premises to KZ Companies , LLC (“**KZC**”) pursuant to that certain Ground Sublease dated June 6, 2017, as amended by that certain unrecorded First Amendment to Ground Sublease dated as of February 28, 2019, that certain unrecorded Second Amendment to Ground Sublease dated as of June 11, 2020, and as further amended by that certain unrecorded Third Amendment to Ground Sublease dated as of March 6, 2021, between Sublessor and KZC (as amended, the “**Sublease**”), and KZC assigned the sublessee’s interest in the Ground Sublease to HO‘OMAKA MARKETPLACE LP, a Hawaii limited partnership (“**Sublessee**”) pursuant to that certain unrecorded Assignment of Sublease dated September 25, 2019;

WHEREAS, Sublessee intends to develop the Premises into a shopping center called Ho‘omaka Marketplace (the “**Shopping Center**”), which development will fulfill certain of LESSEE’S obligations under the Lease;

WHEREAS, in order to facilitate Sublessee’s development of the Premises, LESSOR and LESSEE desire to further amend the Lease as more fully set forth herein;

NOW THEREFORE, for and in consideration of the foregoing and mutual covenants, terms and conditions hereinafter provided, the PARTIES, for and on behalf of

themselves, their successors and assigns, do here by agree to amend General Lease No. 290 as follows:

- 1) Delete Article One, Section 3, titled Progress Evaluation, as amended by Section 4 of the Third Amendment, which reads in its entirety as follows:

“During the term of the General Lease, LESSEE shall cause Sublessee to make significant progress toward completion of LESSEE’s economic development (self-sustaining) component. Progress shall be measured against milestones set over the first eleven (11) years of the General Lease. Failure to meet any milestone or an otherwise negative evaluation of LESSEE’S project may be grounds for early termination of the General Lease. The milestones that must be met in reference to the commencement date of this General Lease are as follows:

- 1) Complete HRS Chapter 343 compliance.
- 2) Grub, clear and maintain entire Premises.
- 3) Submit preliminary development plan for review and comment.
- 4) Initiate design for all backbone infrastructures - access roads, water meter, water lines, waste water system, drainage and utilities connection.
- 5) Submit development plans for review and approval.
- 6) Application of all required permits for the development of the project. LESSEE shall seek and secure all approvals and permits which may be required from any governmental authority having jurisdiction. LESSEE shall bear all costs and expenses of obtaining the necessary approvals and permits.
- 7) Entire infrastructure and majority of buildings on project substantially completed as planned.”

LESSOR acknowledges that with respect to the foregoing obligations set forth in Article One, Section 3, LESSEE has caused Sublessee to satisfy conditions (1)-(3), as of the date of this Amendment. LESSOR further acknowledges that in connection with condition (5), LESSOR has reviewed and approved the development plans attached hereto as Exhibit “A”.

- 2) Insert new Article One, Section 3, titled Progress Evaluation, to read as follows:

“During the term of the General Lease, LESSEE shall cause Sublessee to make significant progress toward completion of LESSEE’s economic development (self-sustaining) component. Progress shall be measured against milestones set over the first twelve (12) years of the General Lease. Failure to meet any milestone or an otherwise negative evaluation of LESSEE’S project may be grounds for early termination

of the General Lease. The milestones that must be met in reference to the commencement date of this General Lease are as follows:

- 1) Complete HRS Chapter 343 compliance.
- 2) Grub, clear and maintain entire Premises.
- 3) Submit preliminary development plan for review and comment.
- 4) Initiate design for all backbone infrastructures - access roads, water meter, water lines, waste water system, drainage and utilities connection.
- 5) Submit development plans for review and approval.
- 6) Application of all required permits for the development of the portions of the project described in item 7 below. LESSEE shall seek and secure all approvals and permits which may be required from any governmental authority having jurisdiction. LESSEE shall bear all costs and expenses of obtaining the necessary approvals and permits.
- 7) Substantially complete the work detailed in the plans referenced in the LESSOR approval letters attached hereto as Exhibit "B".

LESSOR acknowledges that with respect to the foregoing obligations set forth in Article One, Section 3, LESSEE has caused Sublessee to satisfy conditions (1)-(3), as of the date of this Amendment. LESSOR further acknowledges that (i) in connection with condition (5), LESSOR has reviewed and approved the development plans attached hereto as Exhibit "A", and (ii) in connection with conditions (4) and (6), LESSOR has reviewed and approved the development and construction plans for the project's common elements including the utility infrastructure and roads referenced in condition (4) and building improvement plans for Units 1, 2, and 5 as detailed in the LESSOR approval letters attached hereto as Exhibit "B".

- 3) Delete Article Five, Section 15(h), as amended by Section 8 of the Third Amendment, which reads in its entirety as follows:

"(h) Intentionally omitted."

- 4) Insert new Article Five, Section 15(h), to read in its entirety as follows:

"(h) For good cause shown, the Chairman of the Hawaiian Homes Commission may extend the Progress Evaluation period set out in Article One, Section 3, as previously amended and as further amended by Section 2 of this Amendment."

- 5) Except as amended herein, all of the terms, covenants, conditions and provisions of General Lease No. 290 shall remain in full force and effect and shall be binding upon the parties hereto.

IN WITNESS HEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

APPROVED BY THE HHC
AT ITS MEETING HELD ON
_____, 2021

APPROVED AS TO FORM:

Deputy Attorney General
State of Hawaii

State of Hawaii
DEPARTMENT OF HAWAIIAN HOME LANDS

By _____
William J. Aila, Jr,
Chairman
Hawaiian Homes Commission

LESSOR

KAPOLEI COMMUNITY DEVELOPMENT
CORPORATION,
a Hawaii 501(c)(3) Non-Profit Corporation

By _____
Scott A. Abrigo
Its President

LESSEE

STATE OF HAWAII)
)
CITY & COUNTY OF HONOLULU)

On _____, 2021, in the First Circuit, State of Hawaii, before me appeared WILLIAM J. AILA, JR., to me personally known, who, being by me duly sworn or affirmed, did say that he is the deputy to Hawaiian Homes Commission Chairman WILLIAM J. AILA, JR, and who executed the foregoing instrument identified or described as FOURTH AMENDMENT TO GENERAL LEASE NO. 290, as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

The foregoing instrument is undated, and contained _____ () pages at the time of this acknowledgment/certification.

Print Name:
Notary Public, State of Hawaii
My commission expires: _____

STATE OF HAWAII)
)
CITY & COUNTY OF HONOLULU)

On _____, 2021, in the First Circuit, State of Hawaii, before me appeared SCOTT A. ABRIGO, to me personally known, who, being by me duly sworn or affirmed, did say that such person is the President of Kapolei Community Development Corporation, a Hawaii 501(c)(3) Non-Profit Corporation, and the person executed the foregoing instrument identified or described in this FOURTH AMENDMENT TO GENERAL LEASE NO. 290, as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

The foregoing instrument is undated, and contained _____ () pages at the time of this acknowledgment/certification.

Print Name:
Notary Public, State of Hawaii
My commission expires: _____

EXHIBIT "A"

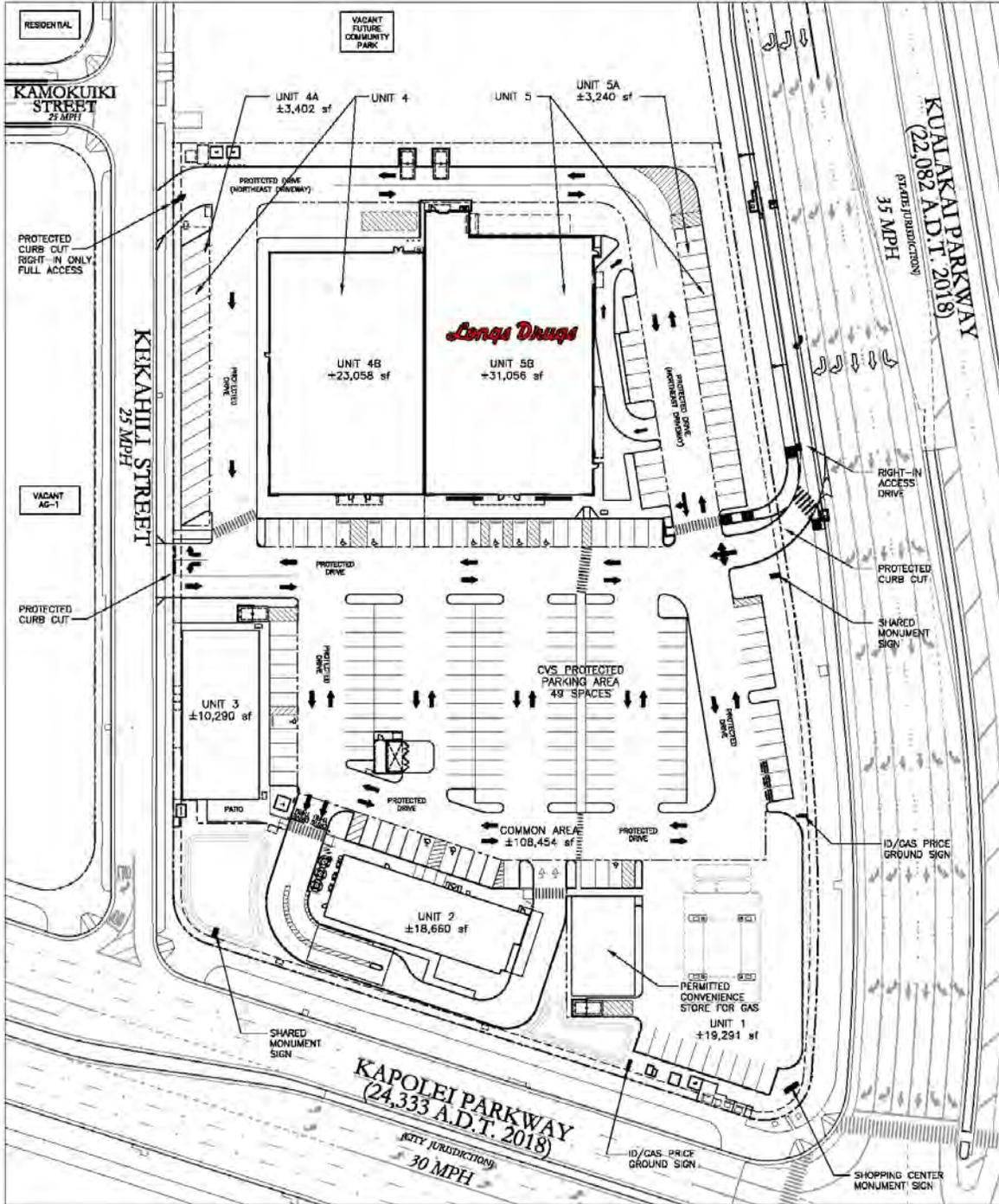


Exhibit "A"

EXHIBIT "B"

DAVID V. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM L. AHLA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER L. GOMES
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1879
HONOLULU, HAWAII 96805

November 14, 2019

VIA EMAIL: president@kapoleiheritage.org

Kapolei Community Development Corporation
ATTN: Mr. Scott Abrigo, President
P. O. Box 700911
Kapolei, Hawaii 96709

Dear Mr. Abrigo:

Subject: Consent to Respective "Ho'omaka Place" Tenant Improvements, General Lease No. 290, Kapolei Community Development Corporation ("KCDC"), Kapolei, Island of O'ahu, TMK 191151002

The Department of Hawaiian Home Lands (DHHL) is pleased to inform you that it acknowledges receipt and review of the referenced improvement plan as submitted by permit processing consultant, Mr. Corey Schmidt, of Bureau Veritas, on behalf of its client KZ Companies ("Sublessee/Developer"). Enclosed herewith for record and filing are Building Permit Application Nos. A2019-11-0023 and A2019-11-0450 signed by DHHL respectively on November 13, 2019.

Please be advised, although the referenced Building Permit Applications have been signed, DHHL has yet to receive documentation that provides the Department of Transportation's ("DOT") final approval on KZ's proposed access from North/South Road ("Kualaka'i") to its Ho'omaka site. Therefore, as a courtesy reminder please provide proper DOT documentation that addresses the access subject matter (positive or negative) for our record and filing.

Should there be any questions, please do not hesitate to contact me directly at 808.620.9451 or by email at peter.k.albinio.jr@hawaii.gov

Aloha,

Kahana Albinio

Peter "Kahana" Albinio, Jr.,
Acting Administrator
Land Management Division

Enc.

C: Mark Zimmerman (via email: mz@kzcompanies.com)
Corey Schmidt (Corey.schmidt@usbureauveritas.com)

DEPARTMENT OF PLANNING AND PERMITTING
 CITY AND COUNTY OF HONOLULU
 650 SOUTH KING STREET • HONOLULU, HAWAII 96813
 Phone: (808) 733-5276 • Fax: (808) 733-5111

BUILDING PERMIT APPLICATION 077220064-002
 (Third Party Review)

AP2019-11-0450
 Contact Info: Valerie Ogawa-722-8835, Corey Schmidt-690-2844

LOCATION: 9 1 151 002
 ZONE: 151-002
 Area: 217,452 Sq. Ft.
 Revised Print

Site Address (if other than primary):
 PROJECT: [TMK: 91151002] [TMK: 91016142] Longs Drugs (CVS Store No. 10987) - New Retail Building [THIRD PARTY REVIEW]

Estimated Value of Work: \$3,600,000.00
 Floor Level:

OWNER: PLAN MAKER
 BRIGGS, William A.
 Contact Info: (808) 552-9494
 1000 KALANIANA'OHU BLVD
 HONOLULU, HI 96813
 MACHIDA, KEVIN M.
 Contact Info: (808) 348-2447
 1000 KALANIANA'OHU BLVD
 HONOLULU, HI 96813
 CHANG, JAMES M.
 Contact Info: None
 LIC. No.: PE1929
 Murooka, Brian C.
 Contact Info: (808) 433-2310
 1000 KALANIANA'OHU BLVD
 HONOLULU, HI 96813
 KEVIN T DOTO
 Contact Info: (808) 433-2310
 1000 KALANIANA'OHU BLVD
 HONOLULU, HI 96813

APPLICANT: K2 SERVICE, LP
 Contact Info: (808) 722-8838

Permit Processors: Jerald
 Contact Info: (808) 722-8889

Approved Use: Store

GENERAL CONTRACTOR: ELECTRICAL CONTRACTOR
 TYPE OF WORK: Electrical Work Y, Fire Sprinkler Y, New Building Y, Plumbing Work Y
 Electrical Phases: Plumbing Phases:
 RIGHT OF WAY WORK: Driveway: New, Existing: X, Private: Driveway Ticks, Driveway Ticks
 Streetwork: Curbing Type: Curbing Type, Linear Ft. of Street: Linear Ft. of Curbing: Linear Ft. of Driveway:

SEWAGE: Sewage Disposal Type: Sewage Disposal Method: Urinals to be Replaced: Toilet to be Replaced:
 RETROFIT Showers to be Replaced: Commercial: Historic: Industrial: Residential:
 Major Occupancy Group: Commercial: Historic: Industrial: Residential:
 No. of Stories: 1
 Elevation: 1st Floor: 1st Floor
 Elevation: 2nd Floor: 2nd Floor
 Elevation: 3rd Floor: 3rd Floor
 Elevation: 4th Floor: 4th Floor
 Elevation: 5th Floor: 5th Floor
 Elevation: 6th Floor: 6th Floor
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 Elevation: 100th Floor: 100th Floor

NOTES:
 APPROVALS REQUIRED FROM: BWS, Engineering, Traffic, Wastewater, SWOR
 Other Agencies: State Health (AC Ventilation)
 State - Hawaiian Homes Land
 Approved by: [Signature]
 Date: 11/1/19

Please visit DPP's website at: <http://dppweb.honolulu.gov> for permit information and status.
 NOTICE TO HOMEOWNERS: This is a permit of record and is subject to public review. If you have any questions or need more information, please contact the Department of Planning and Permitting at (808) 733-5276.

APPLICATION NO.: A2019-11-0450
 Job No. 7728728
 Estimated: 077220064-002
 Initial Print Date: Friday November 8, 2019 8:47 am
 Page 1 of 2

DEPARTMENT OF PLANNING AND PERMITTING
 CITY AND COUNTY OF HONOLULU
 650 SOUTH KING STREET • HONOLULU, HAWAII 96813
 Phone: (808) 733-5276 • Fax: (808) 733-5111

BUILDING PERMIT APPLICATION 077220064-002
 (Third Party Review)

AP2019-11-0450
 Contact Info: Valerie Ogawa-722-8835, Corey Schmidt-690-2844

LOCATION: 9 1 151 002
 ZONE: 151-002
 Area: 217,452 Sq. Ft.
 Revised Print

Site Address (if other than primary):
 PROJECT: [TMK: 91151002] [TMK: 91016142] Longs Drugs (CVS Store No. 10987) - New Retail Building [THIRD PARTY REVIEW]

Estimated Value of Work: \$3,600,000.00
 Floor Level:

OWNER: PLAN MAKER
 BRIGGS, William A.
 Contact Info: (808) 552-9494
 1000 KALANIANA'OHU BLVD
 HONOLULU, HI 96813
 MACHIDA, KEVIN M.
 Contact Info: (808) 348-2447
 1000 KALANIANA'OHU BLVD
 HONOLULU, HI 96813
 CHANG, JAMES M.
 Contact Info: None
 LIC. No.: PE1929
 Murooka, Brian C.
 Contact Info: (808) 433-2310
 1000 KALANIANA'OHU BLVD
 HONOLULU, HI 96813
 KEVIN T DOTO
 Contact Info: (808) 433-2310
 1000 KALANIANA'OHU BLVD
 HONOLULU, HI 96813

APPLICANT: K2 SERVICE, LP
 Contact Info: (808) 722-8838

Permit Processors: Jerald
 Contact Info: (808) 722-8889

Approved Use: Store

GENERAL CONTRACTOR: PLUMBING CONTRACTOR
 TYPE OF WORK: Electrical Work Y, Fire Sprinkler Y, New Building Y, Plumbing Work Y
 Electrical Phases: Plumbing Phases:
 RIGHT OF WAY WORK: Driveway: New, Existing: X, Private: Driveway Ticks, Driveway Ticks
 Streetwork: Curbing Type: Curbing Type, Linear Ft. of Street: Linear Ft. of Curbing: Linear Ft. of Driveway:

SEWAGE: Sewage Disposal Type: Sewage Disposal Method: Urinals to be Replaced: Toilet to be Replaced:
 RETROFIT Showers to be Replaced: Commercial: Historic: Industrial: Residential:
 Major Occupancy Group: Commercial: Historic: Industrial: Residential:
 No. of Stories: 1
 Elevation: 1st Floor: 1st Floor
 Elevation: 2nd Floor: 2nd Floor
 Elevation: 3rd Floor: 3rd Floor
 Elevation: 4th Floor: 4th Floor
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 Elevation: 100th Floor: 100th Floor

NOTES:
 APPROVALS REQUIRED FROM: BWS, Engineering, Traffic, Wastewater, SWOR
 Other Agencies: State Health (AC Ventilation)
 State - Hawaiian Homes Land
 Approved by: [Signature]
 Date: 11/1/19

Please visit DPP's website at: <http://dppweb.honolulu.gov> for permit information and status.
 NOTICE TO HOMEOWNERS: This is a permit of record and is subject to public review. If you have any questions or need more information, please contact the Department of Planning and Permitting at (808) 733-5276.

APPLICATION NO.: A2019-11-0450
 Job No. 7728728
 Estimated: 077220064-002
 Initial Print Date: Friday November 8, 2019 8:47 am
 Page 2 of 2

EXHIBIT "B"

DAVID W. BIRD
ATTORNEY
STATE OF HAWAII

JOSH GREEN
ATTORNEY
STATE OF HAWAII



WILLIAM J. AILA, JR.
ATTORNEY
STATE OF HAWAII

TYLER J. GONER
ATTORNEY
STATE OF HAWAII

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1875
HONOLULU, HAWAII 96817

June 1, 2020

Via Electronic Mail: president@kapoleiheritage.org

Kapolei Community Development Corporation
ATTN: Mr. Scott Abrigo, President
P. O. Box 700911
Kapolei, Hawaii 96709

Dear Mr. Abrigo:

Subject: Consent to New Chick-Fil-A Restaurant Tenant Improvement Plan, General Lease No. 290, Kapolei Community Development Corporation ("KCDC"), Kapolei, Island of O'ahu, TMK 191151002

The Department of Hawaiian Home Lands (DHHL) is pleased to inform you that it acknowledges receipt and review of the subject new plan improvement as submitted by respective tenant. Enclosed herewith are the respective Building Permit Applications signed by DHHL on May 29, 2020 and approved by the Chairman of the Hawaiian Homes Commission on June 1, 2020:

- **Building Permit Application No. A2020-03-0773; Chick-Fil-A New Bldg – 1 Story Restaurant**
- **Building Permit Application No. A2020-03-0838; Chick-Fil-A Various Site Work**

You may proceed to commence with the work as proposed and described and apply for the necessary permits. Please be advised that our Land Development Division engineers notes that no exceptions were taken to the building plans, and further that the plans were not reviewed for compliance with building codes or constructability. Therefore, please advise your respective engineers that all work shall be in strict and full compliance with any and all applicable county, state, and federal guidelines, and building codes.

If you have any questions or need further clarification you can contact me directly at 808.620.9451 or email peter.k.albinio,jr@hawaii.gov.

Aloha,

Peter Kahana Albinio, Jr.,
Acting Administrator
Land Management Division

Enc.

c: Mark Zimmerman (via email: mz@kzcompanies.com)

SC-047
1/2

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET • HONOLULU, HAWAII 96813
Phone: (808) 768-5229 • Fax: (808) 768-6111

BUILDING PERMIT APPLICATION
A2020-03-0773 / 0637 (Third Party Review) 080264345-002

Location: Vol Opaewa #22-3889, Corey Schmidt 890-2844

Site Address (if other than primary): 217,452 Sq. Ft. **REVISED PRINT**

PROJECT: [LINK: 91161002] ***TEMP ADDRESS*** PAD 2 // CHICK-FLA - NEW BLDG - 4 STORY RESTAURANT [MULTI APP A2020-03-0773 / 0637] [THIRD PARTY REVIEW]

Proposed Use: RESTAURANT

APPLICANT: CHICK-FLA
Contact Info: (808) 722-3888

OWNER: CLARENCE
Contact Info: (808) 722-3888

PLUMBER: GUY W. MATTHEW
Contact Info: (808) 722-3888

PLUMBING CONTRACTOR: ERIC ALLEN
Contact Info: (808) 722-3888

GENERAL CONTRACTOR: ELECTRICAL CONTRACTOR

TYPE OF WORK: Electrical Work Y, Fire Sprinkler Y, Plumbing Work Y

RIGHT OF WAY WORK: Driveway New, Easement New, Fire Lane P. of Closing, Fire Lane P. of Closing

SEWAGE: Storage Disposal Method: Fused to be Replaced, Urinal to be Replaced, Toilet to be Replaced

RETIROFIT: Showers to be Replaced, Urinal to be Replaced, Toilet to be Replaced

Notes: Requires Special Inspector, Requires Certified Inspector, Requires Permit

APPROVALS REQUIRED FROM: BWS, Wastewater, Zoning, Fire, SWOR

APPROVAL BY: [Signature]

DATE: 3/2/20

NOTICE TO HOMEOWNERS: This is to inform all homeowners and improvements to your home may require approval by your Homeowners Association or other representative prior to the commencement of construction.

APPLICATION NO.: A2020-03-0773 JOBID: 00287859 ExternalID: 080264345-002

Issue Print Date: Wednesday, March 18, 2020 1:18 pm Page 1 of 2

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET • HONOLULU, HAWAII 96813
Phone: (808) 768-5229 • Fax: (808) 768-6111

BUILDING PERMIT APPLICATION
A2020-03-0773 (Third Party Review) 080264345-002

Location: Vol Opaewa #2172844

APPLICANT: CHICK-FLA
Contact Info: (808) 722-3888

PLUMBER: GUY W. MATTHEW
Contact Info: (808) 722-3888

PLUMBING CONTRACTOR: ERIC ALLEN
Contact Info: (808) 722-3888

GENERAL CONTRACTOR: ELECTRICAL CONTRACTOR

TYPE OF WORK: Electrical Work Y, Fire Sprinkler Y, Plumbing Work Y

RIGHT OF WAY WORK: Driveway New, Easement New, Fire Lane P. of Closing, Fire Lane P. of Closing

SEWAGE: Storage Disposal Method: Fused to be Replaced, Urinal to be Replaced, Toilet to be Replaced

RETIROFIT: Showers to be Replaced, Urinal to be Replaced, Toilet to be Replaced

Notes: Requires Special Inspector, Requires Certified Inspector, Requires Permit

APPROVALS REQUIRED FROM: BWS, Wastewater, Zoning, Fire, SWOR

APPROVAL BY: [Signature]

DATE: 3/2/20

NOTICE TO HOMEOWNERS: This is to inform all homeowners and improvements to your home may require approval by your Homeowners Association or other representative prior to the commencement of construction.

APPLICATION NO.: A2020-03-0773 JOBID: 00287859 ExternalID: 080264345-002

Issue Print Date: Wednesday, March 18, 2020 1:17 pm Page 2 of 2

EXHIBIT "B"



DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
 850 SOUTH KING STREET * HONOLULU, HAWAII 96813
 Phone: (808) 758-8229 * Fax: (808) 758-6111

BUILDING PERMIT APPLICATION

A2020-03-0838 / 0773 (Third Party Review) **080264345-003**

LOCATION

Contact Info: Val Ogawa 722-8858; Corey Schmidt 690-2844

| Zone | Section | Plot | Parcel |
|------|---------|------|--------|
| 9 | 1 | 151 | 002 |

217,452 Sq. Ft.

REVISED PRINT

Site Address (if other than primary)

PROJECT: [TMK: 91151002] ***TEMP ADDRESS***, PAD 2 // CHICK-FIL-A - VARIOUS SITework
 [MULTI APP A2020-03-0773 / 0838] [THIRD PARTY REVIEW] [THIRD PARTY REVIEW]

Proposed Use: **SITework** Floor Level: Estimated Value of Work: **\$200,000.00**

APPLICANT

Permit Processors Hawaii
 Contact Info: (808) 722-8858

OWNER

Chick Fil-A
 Contact Info:

PLAN MAKER

GILBERTSON, MATTHEW W.
 Contact Info:
 Lic. No. AR0014
 TANAKA ROSS R
 Contact Info:
 Lic. No. PE0001
 TIMOTHY G S BOSCH
 Contact Info:
 Lic. No. PE0073

GENERAL CONTRACTOR

ELECTRICAL CONTRACTOR

PLUMBING CONTRACTOR

TYPE OF WORK

Electrical Work Y

Other SITework

Plumbing Work Y

Electrical Phases:

Plumbing Phases:

RIGHT OF WAY WORK

Sidewalk Type:

Driveway: New: Existing: Private:

Curbing Type:

Driveway Type:

Linear Ft. of Sidewalk:

Linear Ft. of Curbing:

Linear Ft. of Driveway:

SEWAGE

Sewage Disposal Type:

Sewage Disposal Method:

RETROFIT

Showers to be Replaced:

Faucets to be Replaced:

Urinals to be Replaced:

Toilets to be Replaced:

Meat Occupancy Group:

Commercial:

Hotel:

Industrial:

Residential:

Type of Construction

No. of Stories

Flood Hazard Dist.

Floor Area (Sq. Ft.)

Minimum:

Existing:

N/A

Existing:

Actual:

Final:

Example:

New:

Completed:

Total:

Requires Special Inspection:

C.O. Required:

WORK WILL:

ADD:

DELETE:

Requires Coded Inspection:

Restrictive Covenant required:

Residential Utility:

0

Remarks:

7513ADV-610(LUG exempt); Ord 82-82; ***ACR Required***

Private Rents:

ZONING AND LUG DATA

TMK: 9-1-151-002

Unincorporated Plan Areas: EWA

Flood Zones: X - Beyond 500 Year Flood Plain

Height Limit: 30'

Historic Site Register: None

Lot Relationship: One Dwelling Per Lot Per Plan Determination

Side Areas: None

SMA / SMOA: Not in SMA

Special Districts: Not in Special District

State Land Use: Urban District

Street Section: NONE

Zoning (LUG): A2-1 (Residential Agricultural District)

NOTES

APPROVALS REQUIRED FROM: BWS Wastewater Zoning SWQR

Other Agencies:

State - Hawaiian Home Lands

Approved by:

Chay

Date:

8/25/20

Please visit DPP's website at: <http://dppweb.honolulu.gov> for permit information and status

NOTICE TO HOMEOWNERS: This is to inform all homeowners that improvements to your home may require approval by your Homeowners Association or authorized representative prior to the commencement of construction.

Approval by the Department of Planning and Permitting does not certify compliance with the Covenants, Conditions and Restrictions or other design restrictions administered and enforced by your Homeowners Association.

Electrical and Plumbing work to be done by licensed persons and required under Chapter 44B E, Hawaii Revised Statutes.

This permit may be revoked if work is not started within 180 days of date of issuance or if work is suspended or abandoned for 120 days.

DATE CREATED: 03/18/2020 FMS Staff Assignment: Third Party Reviewer

APPLICATION NO.: **A2020-03-0838** Job#: 80297692 E-mail#: **080264345-003**

EXHIBIT "B"

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

December 28, 2020

Via Electronic Mail: president@kapoleiheritage.org

Kapolei Community Development Corporation
ATTN: Mr. Scott Abrigo, President
P. O. Box 700911
Kapolei, Hawaii 96709

Dear Mr. Abrigo:

Subject: Consent to New 7-Eleven Store No. 54297 Tenant Improvement Plan, General Lease No. 290, Kapolei Community Development Corporation ("KCDC"), Kapolei, Island of O'ahu, TMK 191151002

The Department of Hawaiian Home Lands (DHHL) is pleased to inform you that it acknowledges receipt and review of the subject new plan improvement as submitted by respective tenant. Enclosed herewith is the respective Building Permit Application signed by DHHL on November 24, 2020 and approved by the Chairman of the Hawaiian Homes Commission on December 28, 2020:

- **Building Permit Application No. A2020-09-0130; New 7-Eleven Store No. 54297**

You may proceed to commence with the work as proposed and described and apply for the necessary permits. Please be advised that our Land Development Division engineers notes that no exceptions were taken to the building plans, and further that the plans were not reviewed for compliance with building codes or constructability. Therefore, please advise your respective engineers that all work shall be in strict and full compliance with any and all applicable county, state, and federal guidelines, and building codes.

If you have any questions or need further clarification you can contact me directly at 808.620.9451 or email peter.k.albinio.jr@hawaii.gov.

Aloha,

Peter "Kahana" Albinio, Jr.,
Acting Administrator
Land Management Division

Enc.

c: Palekana Permits, J. Serikawa (via email: jonn@palekanapermits.com)
Mark Zimmerman (via email: mz@kzcompanies.com)

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19-20, 2021

To: Chairman and Members, Hawaiian Homes Commission
From: Peter "Kahana" Albinio, Jr., Acting Administrator
Land Management Division 
Subject: Annual Renewal of Right of Entry Permit(s), Moloka'i Island

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) approves the following actions while developing a process to making short-term agricultural and pastoral land dispositions available to beneficiaries:

- A) Renew all Moloka'i Island Right of Entry Permit(s) as listed on Exhibit "A" and identified by approximate location on the Moloka'i Island Map Exhibit "A-1" that are in compliance and issued temporary approvals, as of May 1, 2021.
- B) The annual renewal period, shall be on a month-to-month basis, for up to twelve (12) months, but no longer than April 30, 2022 or at the next scheduled HHC meeting on Moloka'i island whichever occurs sooner.
- C) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

DISCUSSION

This submittal represents annual renewals for all Moloka'i Island ROE permit(s) only, which shall effectively expire on April 30, 2022. As a means of maintaining a process by which PERMITEE'S can be assured that their permits have been renewed, notification letters will be transmitted accordingly.

For information purposes Exhibit "A" references all Right of Entry Permits on Moloka'i Island by order of commencement date, land use, then by acreage. While Right of Entry Permits generate additional revenue to the Trust, its primary purpose provides DHHL the ability to efficiently manage its lands through the issuance of these short-term dispositions which are typically not needed for longer-term dispositions (such as homesteading or general leases) over a 20-year time period or as dictated by DHHL's respective island plans. DHHL's total Moloka'i Island land inventory covers approximately 25,900.0 acres¹ or 13% of DHHL's statewide inventory. The short-term disposition(s) cover approximately 9,980.0 acres or 39% of its inventory.

Right of Entry Permits help in having presence on DHHL lands thereby reducing costs for land management activity functions (i.e. signage, landscaping, fencing, removing trash and derelict vehicles, and prevents trespassing on unencumbered lands) that DHHL would bear if the lands were to sit vacant.

¹ DHHL Moloka'i Island Plan, June 2005

Permittees are required to assume responsibility for the land, post insurance, indemnify the department, and manage and maintain the land.

Until improvements to the Revocable Permit Program can be implemented, this process will be used for Annual Renewals of these month-to-month ROE Permit dispositions.

The table below reflects the revenue generated from ROE permit(s) on Moloka'i Island, which is less 1.0% (\$16,533) of the ROE total revenues (\$2,575,985) that DHHL receives statewide. Moloka'i Island holds 8 of the 145 ROE permits Statewide which are used for various purposes outside of industrial/commercial use. Land Management Division (LMD) proposes an average increased rent of 4% to permittees whose land use is designated for commercial/industrial purposes.

| FY 2021 | | Total | FY 2022 | | Total |
|---------------------|----------|-------|---------------------|----------|-------|
| Agriculture | \$2,353 | 2 | Agriculture | \$0 | 2 |
| Caretaker/Landscape | \$0 | - | Caretaker/Landscape | \$0 | - |
| Commercial | \$2,622 | 1 | Commercial | \$0 | 1 |
| Community | \$1,440 | 2 | Community | \$0 | 2 |
| Industrial | \$0 | - | Industrial | \$0 | - |
| Office | \$7,478 | 1 | Office | \$0 | 1 |
| Pastoral | \$2,640 | 2 | Pastoral | \$0 | 2 |
| Preservation | \$0 | - | Preservation | \$0 | - |
| Recreation | \$0 | - | Recreation | \$3 | - |
| Research | \$0 | - | Research | \$0 | - |
| Stabling | \$0 | - | Stabling | \$0 | - |
| | \$16,533 | 8 | | \$16,533 | 8 |

According to research done by Colliers International, (See Exhibit “B”) “the Oahu Industrial vacancy rate rose to 3.05%, its highest in seven years, the Oahu direct weighted average asking base rent decreased to at \$1.24 per square foot per month (“psf/mo”). In light of this research, LMD respectfully recommends maintaining its current rental rates without any increase.

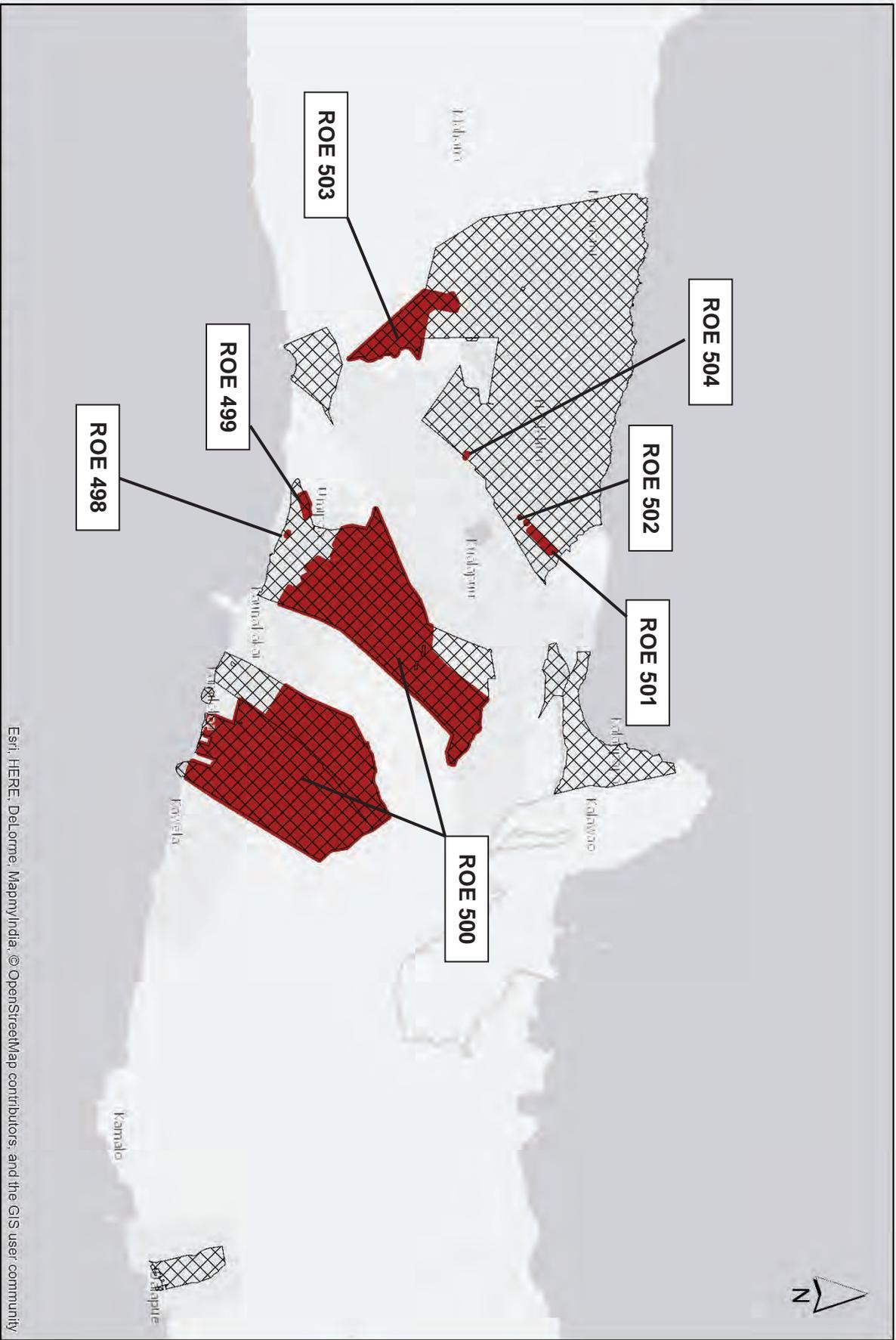
For FY 2020, renewals for the 8 Right of Entry Permits located on Moloka'i Island total annual rent revenue of \$16,533 as referenced in the table above. Rental fees for agricultural and pastoral use permits vary and are typically established at less than fair market rates (discounted) but not less than \$240/annum due to various site issues such as, insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.

AUTHORITY / LEGAL REFERENCE:

§171-55, Hawaii Revised Statutes, as amended, a “permit on a month-to-month basis may continue for a period not to exceed one year from the date of issuance; provided that the commission may allow the permit to continue on a month-to-month basis for additional one year periods.”

RECOMMENDATION:

Land Management Division respectfully requests approval of the motion as stated.



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community.

MOLOKAI RIGHTS-OF-ENTRIES (Note map depicts general locations and size of areas under existing ROE.)

Legend

-  DHHL Land
-  Existing ROE

**Exhibit "A-1"
Item No. F-2**



RIGHT OF ENTRY PERMITS - MOLOKAI ISLAND, as of APRIL 2021

| NO. | ACRE | USE | PERMITTEE/ADDRESS | TMK | Date Started | Denotes Beneficiary | | Comments: rent amount and reasons (site issues - insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.)/why no long-term disposition |
|-----|----------|--------------|--|---------------------------------------|--------------|---------------------|----------------------|---|
| | | | | | | Current Annual Rent | Proposed Annual Rent | |
| 499 | 30.000 | Agricultural | Monsanto Hawaii | (2) 5-2-011:033 | 2/1/2005 | \$2,352 | - | Rent is current; portion of a larger parcel that is designated Special District Use. Insufficient infrastructure. |
| 501 | 35.000 | Agricultural | Harry K. & Marlene K. Purdy, III | (2) 5-2-007:079 and:080 | 4/1/2000 | \$1 | - | Rent is current; portion of a larger parcel that is designated Subsistence-Agricultural Use. Insufficient Infrastructure. |
| 498 | 0.860 | Commercial | Patricio Jr. & Cora Sanchez, dba Kalamula Motors | (2) 5-2-008:107 | 8/1/1997 | \$2,622 | - | Rent is current; portion of a larger parcel that is designated Special District Use. Insufficient Infrastructure. |
| 504 | 0.975 | Community | Molokai Humane Society | (2) 5-2-004:052 | 7/1/2007 | \$1,200 | - | Rent is current; parcel that is designated Community Use. |
| 507 | 0.490 | Community | Ahupua'a O Molokai | (2) 5-2-030:007 | 9/1/2003 | \$240 | - | Rent is current; parcel identified as a power line easement; Insufficient infrastructure. |
| 502 | 0.036 | Office | Partners in Development Foundation | (2) 5-2-015:053(P) | 4/1/2005 | \$7,478 | - | Rent is current; parcel that is designated Community Use. |
| 500 | 9370.000 | Pastoral | Molokai Homestead Livestock Association | (2) 5-2-010:001(P) & (2) 5-2-003 | 5/1/1995 | \$240 | - | Rent is current; portion of a larger parcel that is designated General Agriculture & Special District Use. Insufficient infrastructure. |
| 503 | 78.640 | Pastoral | Desmund & Christy Manaba | (2) 5-2-001:004 & (2) 5-2-001:030 (P) | 4/1/2007 | \$2,400 | - | Rent is current; portion of a larger parcel that is designated General Agricultural Use. Insufficient infrastructure. |

Denotes Beneficiary

Denotes Delinquent

Exhibit "A-2"
Item No. F-2

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

ITEM F-3, LMD

April 19, 2021

To: Chairman and Members, Hawaiian Homes Commission

Thru: Peter "Kahana" Albinio, Jr., Acting Administrator
Land Management Division 

From: Joseph Kualii Camara, Property Development Agent
Land Management Division 

Subject: Approval to Amend Right of Entry Permit 683 to The Kohala Center for Fence Project and Watershed Management, Kawaihae, Hawai'i, TMK No. (3)-6-1-001:003, :016

APPLICANT:

The Kohala Center "PERMITEE"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) authorize the renewal of a Right of Entry Permit (ROE) 683 To the Kohala Center (TKC) covering the subject area as described below for construction and completion of a total of 13 miles of ungulate-proof fencing and assisting DHHL in Watershed Management thereby controlling erosion within the larger Honokoa Watershed to prevent land-based pollutants from damaging the coral reef.

Approval and issuance of this Right of Entry Permit (ROE) shall be subject to the following conditions:

1. Authorize the extension and amendment of a ROE permit 683 to The Kohala Center covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. The premises shall be utilized primarily for construction and installation of the proposed fence-line and additional fencing as permitted by DHHL for ungulate management and other watershed management activities as permitted in ROE 683.
 - C. Other permitted activities to include, planting of native Hawaiian forest species, assisting in the management and removal of feral goats, installation of sediment check dams and other erosion control efforts.
 - D. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interests of the Hawaiian Home Lands Trust;

2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR this project will probably have minimal or no significant negative effect on the environment.

LOCATION:

Portion of Hawaiian Home Lands situated in Kawaihae, Island of Hawai'i, identified as Tax Map Key: (3)6-1-001:003,:016(por.) (See Exhibit "B")

AREA:

Approximately 13 miles of ungulate proof fence to protect over 8,000 acres including the Honokoa ecological restoration unit and the Kailapa homestead community and encompassing a majority of the Honokoa watershed.

DISCUSSION:

TKC received a grant from the Dorrance Family Foundation to erect an ungulate-proof fence-line around the Kailapa Homestead area and DHHL lands in the Honokoa watershed to address the dramatic increase in the feral goat population on DHHL land in Kawaihae. Protection and rehabilitation of terrestrial resources within the Kailapa Community from ungulate damage will promote revegetation by native plants and decrease the amount of sediment discharged into the ocean, alleviating stress on fragile coral reef ecosystems. The purpose of the fence contains the restoration unit to prevent the entry of ungulates. TKC has completed much of the fence-line work surrounding the Kailapa Homestead and along the boundaries of the subject TMK (3) 6-1-001:003,:016 as depicted in attached map attached hereto as Exhibit "B." This fence project prevents feral goats from coming on to homestead properties and from further degrading the Honokoa watershed.

Although boundary fencing of the subject property is essentially complete, inspection and maintenance of installed infrastructure is still needed and funding for watershed activities are available through 2022. Providing TKC continued access to DHHL through ROE 683 makes TKC staff and resources available to address watershed issues that arise and allows for TKC to be involved in ungulate management efforts.

TKC presented an informational workshop at the February 2017 HHC meeting regarding this project. (Exhibit "C"). The combined Phase I and II of the project would consist of fence line approximately twelve (12) miles in length around the encompassing an area of over 8,000 acres.

According to its informational workshop info as presented the Phase II work includes the following objectives: 1) Constructing approximately 9 miles of ungulate proof fence to create a 7,800-acre Honokoa ecological restoration unit encompassing the Honokoa Watershed. The ecological restoration unit will protect terrestrial resources within the Honokoa Watershed from ungulate damage, will allow revegetation by native plants, and the resulting decrease in sediment discharge into the ocean will alleviate stress on fragile coral reef ecosystems. A fence will contain the restoration unit to prevent the entry of ungulates; 2) Removing ungulates from the unit; 3) Adopting lessons learned from Pelekane Bay and USGS research; 4) Installing sediment check dams in critical erosion areas to reduce coral reef sediment loading; 5) Working with lessees to develop Better Management Practices regarding cattle grazing, i.e., more paddock rotation, additional or movement of trough location...etc. (if applicable); 6) Monitoring effectiveness; 7) Fence

checks and repairs to be completed by TKC; and 8) Planting of native plant species in areas cleared of ungulates

The Kailapa Community Association (KCA) has expressed support of this project to DHHL. (Exhibit "D")

WORK COMPLETED UNDER ROE 683

March 2018 to present:

Over 12 miles of woven wire mesh fence has been completed thus far under ROE 683. Estimated value of infrastructure to the trust to date including materials and labor is over \$550,000 at no cost to DHHL. The total approximate value of 12 miles of fence as proposed under this project, is over \$950,000. Other proposed improvements include planting over 2000 native plants, restoring native forest riparian corridors, consultation and development of BMPs for DHHL and the Kailapa community. Together these improvements and services represent over \$1,000,000 in value at no cost to DHHL through partnering with TKC to protect and enhance the Honokoa watershed.

The fence infrastructure installed by TKC is compatible with and beneficial to all possible future land uses for the subject property including residential development, pastoral use, general agriculture and native reforestation.

PLANNING AREA:

Kawaihae

LAND USE DESIGNATION:

Recommended for Residential, General Agriculture, Hawai'i Island Plan (2002), Figure 3 – North Hawaii, Hawaii Land Inventory

CURRENT STATUS:

DHHL, Kailapa Homestead Residential Subdivision

CHARACTER OF USE:

Residential Purposes

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

Exemption Class No. & Description:

In accordance with the "Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands, as Reviewed and Concurred Upon by the Environmental Council on June 30, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption List Class No. 2, "Replacement or reconstruction of existing structures and facilities where the new structure

will be located generally on the same site and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced.”

The direct, cumulative, and potential impacts of the action described have been considered pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules. Since the action as proposed is determined to have minimal or no significant impact on the environment it would therefore be exempt from the preparation of an environmental assessment. The Planning Office has reviewed the proposed action and determines it as being eligible for exemption from the preparation of an Environmental Assessment under the Exemption Class as referenced above.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

The recommended disposition is consistent with the following General Plan goals and objectives:

Land Use Planning

Goals:

Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.

- Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Objectives:

- Provide space for and designate a mixture of appropriate land uses, economic opportunities and community services in a native Hawaiian-friendly environment.

Land and Resource Management

Goals:

- Be responsible, long-term stewards of the Trust’s lands and the natural, historic and community resources located on these lands.

Objectives:

- Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.

Program Plans

Water Policy Plan (2014)

While the ROE does not specify activities that would implement DHHL’s Water Policy Plan, it is anticipated that renovations facilitated by the granting of the license will include water conservation measures to make the facility more efficient in the use of water if necessary.

Ho‘omaluo Energy Policy (2009)

While the ROE does not specify activities that would implement DHHL’s Energy Policy, it is anticipated that renovations facilitated by the granting of the license will include energy conservation measures to make the facility more efficient in the use of energy if necessary.

‘Ehu`ehu i ka Pono – Kailapa Community Resiliency Plan (2019)

The recently completed Kailapa Community Resiliency Plan expresses KCA’s vision through 6 fundamental cultural values to promote a thriving and resilient community and environment. KCA’s value of malama aina is in alignment with TKC’s actions under ROE 683, and TKC would be a valuable resource and partner to support and help implement KCA’s vision of resiliency for the watershed and reef ecosystems of Honokoa and Kawaihae.

RECOMMENDATION:

Land Management Division respectfully requests approval of the motion as stated

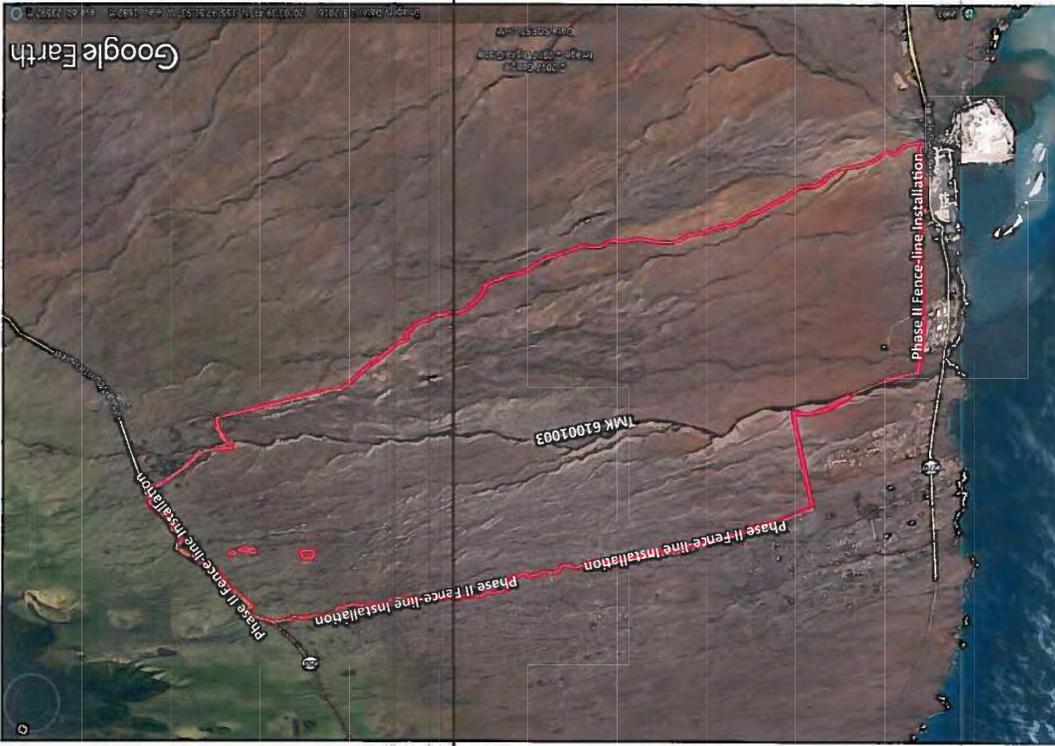


EXHIBIT "A"

Item No. F-3

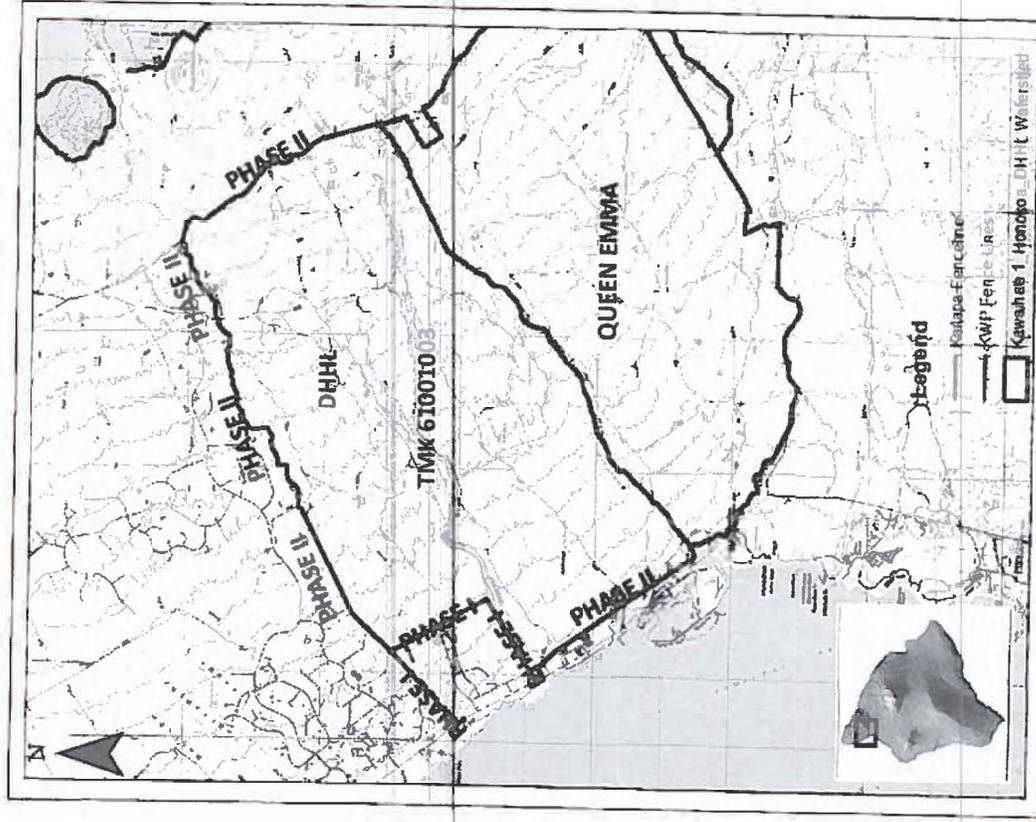


EXHIBIT "B"

Item No. F-3

Proposed Honokoa Watershed Restoration Project:

Phase I: Kailapa Community Ecological Restoration Unit
(funding secured)

Phase II: Honokoa Watershed Ecological Restoration Unit
(potential funding: NOAA grants due 3/23/17)

Project Coordinator

Cody Dwight, Kohala Watershed Partnership Program Coordinator, The Kohala Center -
cdwight@kohalacenter.org

Project Description

West Hawaii, which contains some of the world's most unique marine habitats, has been identified by NOAA as a Habitat Blueprint Focus Area due to the high threat of coral reef damage from erosion and sedimentation. The Honokoa (Kawaihae 1) Watershed is one of the Focus Area's most degraded watersheds due to overgrazing by feral ungulates. Continued erosion and sedimentation have created chronically impaired nearshore marine waters. Our primary goal is to improve coral reef health by reducing the threat of sedimentation from the Honokoa Watershed. The project is planned in two phases due to the availability of funding sources.

Phase I: Controlling erosion within the Honokoa Watershed's near shore coastal area—the 500-acre Kailapa Hawaiian Homes Community—to prevent land-based pollutants from damaging the coral reef.

Phase I's objectives include:

- 1) Constructing 3 miles of unguilate proof fence to create a 500-acre Kailapa ecological restoration unit encompassing the Kailapa Community. The ecological restoration unit will protect terrestrial resources within the Kailapa Community from unguilate damage, allow revegetation by native plants, and the resulting decrease in sediment discharge into the ocean will alleviate stress on fragile coral reef ecosystems. Prior to enclosing the unit, TKC-KWPP will drive out unguilates within the unit.
- 2) Creating a 1-acre unguilate trapping unit, adjacent to the southeast corner of the restoration unit, to trap feral goats that live within Honokoa Gulch. The trapping unit will decrease the number of feral goats overgrazing lands mauka of the restoration unit, while providing a food source, land management/livestock prevention resource, and/or revenue source for the community.
- 3) Supporting an ongoing Kailapa Community Restoration Project by training the community on: (1) building and operating unguilate traps, (2) conducting goat drives to trap goats, (3) working with mobile slaughter units to process trapped goats, (4) accessing markets for live goats, (5) utilizing goats to mitigate fire risk along the perimeter fence through targeted grazing, (6) revegetating the land with native plants, and (7) creating water catchment and irrigation systems to support revegetation.

Phase II: Controlling erosion within the larger Honokoa Watershed to prevent land-based pollutants from damaging the coral reef.

Phase II includes the following objectives:

- 1) Constructing approximately 9 miles of unguilate proof fence to create a 7,800-acre Honokoa ecological restoration unit encompassing the Honokoa Watershed. The ecological restoration unit will protect terrestrial resources within the Honokoa Watershed from unguilate damage, will allow revegetation by native plants, and the resulting decrease in sediment discharge into the ocean will alleviate stress on fragile coral reef ecosystems. A fence will contain the restoration unit to prevent the entry of unguilates.
- 2) Removing unguilates from the unit.
- 3) Adopting lessons learned from Pelekeone Bay and USGS research.
- 4) Installing sediment check dams in critical erosion areas to reduce coral reef sediment loading.
- 5) Working with lessees to develop Better Management Practices regarding cattle grazing, i.e. more paddock rotation, additional or movement of trough location...etc. (if applicable).
- 6) Monitoring effectiveness.
- 7) Fence checks and repairs to be completed by KWPP.

Project Partners

- Landowners/Lessees
 - o Department of Hawaiian Home Lands
 - o Honokoa (Kailapa) Community Association
- Project Manager
 - o The Kohala Center - Kohala Watershed Partnership Program
- Funders
 - o Dorrance Family Foundation
 - o NOAA (if funding is secured)



Kohala Mountain:

Like No Other Place on Earth!

According to the United Nations Environment Programme (UNEP), montane cloud forests like those found on the summit of Kohala are globally rare and contain a disproportionately large number of the world's rare and endemic species. The native species of Kohala are unique: 90% of the plants and animals in Kohala's forests are found nowhere else on Earth. By protecting the last remaining forests where these species live, we help to ensure their long-term survival.

A range of environments in a relatively small area also sets Kohala apart from other tropical environments. In the 11 miles from Kawahae at sea level to the summit of Kaunua o Kaula'oulu at 5,400 feet elevation, the annual rainfall ranges from 4 inches to more than 150 inches! This spectrum of habitats creates a diversity of species from dry forest trees to mosses, ferns, and flowering shrubs of the cloud forest.



Join Us!

Our dedicated volunteers support watershed protection by removing invasive weeds, building conservation fences, collecting native seeds, and planting native species. We work twice a month on Sunday mornings followed by a hike in the forest in the afternoon. Bring a friend or the 'ohana and do your part to makahua the forested watershed of Kohala Mountain!

Check out our website for more information and to add your name to our volunteer email list.

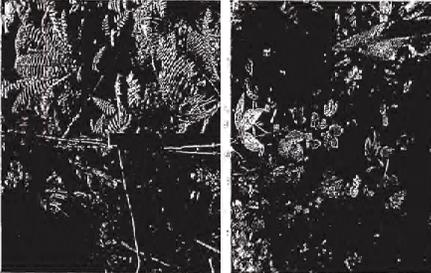


P.O. Box 457462, Kaneohe, HI 96743
808-837-6411
kohalacenter.org

The Kohala Center is an equal opportunity employer, provider, and funder.



Working to protect and sustain the forests, water, and people of Kohala Mountain



Fences in the Forest?

It may seem counterintuitive to put a man-made structure within a wild habitat in order to protect it. However, there are examples from Kohala and across Hawaii that demonstrate the effectiveness of fences in protecting native forest. In the top photo) and the fenced area (on the left side of the photo) and the unfenced area (on the right side of the photo) are in just four years between dramatic (Kohala Stream, Kohala). Once pigs are removed from a fenced area, the native vegetation will often recover, and the greater or year plants like banana poka (seen growing out of pig droppings in the bottom photo) will be allowed down.

The forest is a sponge, soaking up the rain

Protecting the Source of Water

The Kohala Center's Kohala Watershed Partnership (KWP) program represents a voluntary coalition of private land owners and State land managers to work across property boundaries to manage the forested watershed of Kohala Mountain and protect it from threats. The Partnership has written a 20-year management plan that defines these threats and prescribes actions to address them.

Invasive alien plants, with the help of people and feral animals, are the greatest threat to the watershed. Plants like Kalua ginger and starbanyan grow up the forest by completely displacing native species and altering the movement of water and sediments. Native Hawaiian rainforests have a thick layer of fine ferns and mosses on the forest floor, which allow sponges to effectively absorb rainwater and slowly release it to infiltrate into underground aquifers. When this understory vegetation is replaced by fern, pig or cow, the sponges absorb the forest floor's ability to hold water, resulting in a severe loss of rainfall that runs off into streams and eventually into the ocean.

| KWP Land-owning Partners | Land Area |
|---|--------------|
| Lampahachae 'Ahi I I C | 2,100 acres |
| Ponoholo Ranch | 2,300 acres |
| O'ayon Iimua Land Co. | 2,300 acres |
| Kohala Ranch | 2,400 acres |
| Hawai'i State Dept. of Hawaiian Home Lands | 3,000 acres |
| Kohala Preserve Conservation Trust | 4,100 acres |
| Parker Ranch | 4,400 acres |
| Kaunaloa Schools | 9,000 acres |
| Hawai'i State Dept. of Planning and Natural Resources | 14,500 acres |

Watershed Management

The Partnership's small but mighty field crew is funded solely by grants and local donors. Our management strategy includes fencing about 15% of the total land area of the manka watershed to keep out feral animals in order to protect habitat for native flora and fauna. Traditional uses of the watershed, including gathering of native plants, is enhanced by protecting native forests, hunting is employed to reduce and contain feral animal populations. Invasive weed control occurs in riparian habitats, and the forest floor is periodically weeded.



March 9, 2017

Aloha Commissioners,

The Honokoa Community of Kawaihae DBA Kailapa Community Association (KCA) is in full support of the Kohala Watershed Partnership (KWP) fencing project and approval of the Right of Entry (ROE) for that purpose.

The proposed ungulate proof fencing will eliminate damage from the feral goats in our community as well as provide an avenue to create a firebreak on both sides of the fence adding the benefit of fire protection from the ma uka and north side of the community boundaries. Since Honokoa gulch is on the south side of our community and Akoni pule Hwy is on the ma kai side we would have firebreaks around the entire property protecting lives and property from wild fires. This would enhance the safety of our community as we work towards building a stronger, safer place thrive and care for our 'aina.

We strongly urge you to approve the ROE and fencing project as proposed by Cody Dwight from the KWP.

Mahalo Nui for your consideration to approve this request

Me ke ha'aha'a,

A handwritten signature in black ink, appearing to read 'Diane M. Kanealii'.

Diane "Maka'ala" Kanealii
Executive Director

EXHIBIT "D"
Item No. F-3

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19-20, 2021

To: Chairman and Members, Hawaiian Homes Commission

Through: Peter "Kahana" Albinio, Jr., Acting Administrator
Land Management Division 
 Kalei Young, Supervising Land Agent
Land Management Division

From: Shelly Carreira, Land Agent 
Land Management Division

Subject: Approval to Issue a Right of Entry, Molokai Hunting Club, Hoolehua, Palaaau, Molokai,
Tax Map Keys: (2) 5-2-002:029, 053, 054; (2) 5-2-005:019; (2)5-2-011:004

APPLICANT:

Molokai Hunting Club "PERMITTEE"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) grant its approval to issue a Right of Entry to the Molokai Hunting Club, for the purpose of conducting axis deer management.

Approval of the Right of Entry is subject, but not limited to the following conditions:

1. Authorize the issuance of a Right of Entry permit to Molokai Hunting Club covering the subject area under the terms and conditions cited below, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right of entry permit form, as may be amended from time to time;
 - B. The term of the ROE shall be month to month commencing upon full execution of the Right of Entry document and ending on June 30, 2021;
 - C. The fee for the term of this ROE shall be gratis;
 - D. PERMITTEE shall submit a progress report to include the number of axis deer removed, pounds of meat distributed, updates to timelines and funding, and continued community support;
 - E. Access is limited to a maximum ten (10) members at each site. PERMITTEE shall provide PERMITTOR a list showing the names of each member and the date they will be accessing the Premises;

- F. All associated cost under this ROE shall be borne solely by the PERMITTEE and shall not, in any case, be reimbursable by PERMITTOR; and
 - G. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interest of the Hawaiian Home Lands Trusts;
2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR this project will probably have minimal or no significant effect on the environment.

LOCATION:

Portion of Hawaiian home lands situated in Hoolehua, Palaau, Island of Molokai, identified as Tax Map Keys: (2) 5-2-002:029, 053, 054 (Exhibit “A”); (2) 5-2-005:019 (Exhibit “B”); (2) 5-2-011:004 (Exhibit “C”)

AREA:

Approximately 2,035.3 acres (more or less)

BACKGROUND/DISCUSSION

The County of Maui has suffered under drought conditions since 2019. In March 2020, the Secretary of the U. S. Department of Agriculture designated County of Maui as a primary natural disaster due to drought conditions.

Drought conditions coupled with axis deer overpopulation has caused axis deer to migrate into homesteads, pastures, and agricultural lands in search of a food and water source. The axis deer compete with ranchers’ livestock for feed and pasture forage and consume crops from industry farming and household gardens.

Pursuant to the Office of the Governor, State of Hawaii Proclamation dated January 27, 2021, Governor Ige declared a disaster emergency to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people of County of Maui.

Pursuant to the Governor’s Proclamation, the Molokai Hunting Club (Club) requested access to various Hawaiian home lands parcels on the island of Molokai for the purpose of conducting axis deer management and control measures. A limited right of entry permit was issued for an 18-day period, see Exhibit “D” and a subsequent permit was issued for a period covering April 5, 2021 - April 30, 2021.

The Club conducted community outreach with current lessees under adjacent homestead parcels prior to commencing activities. The Club submitted the attached letters reflecting community support, see Exhibit “E”. In addition, community leaders have formed the Hoolehua Deer Management Committee to develop island wide coordination efforts for long-term management and deer control with committees and subcommittees along different districts on Molokai as well as respective state agencies.

The Club has received a \$197,800 grant through County of Maui Department of Housing and Human Concerns for Molokai Feral Axis Deer Management purposes. The Governor’s Proclamation expired on March 28, 2021; however, the Molokai Hunting Club is requesting continued access to the subject parcels so that they may continue axis deer management operations until June 30, 2021, which is in alignment with their grant deadline, see Exhibit “F”.

PLANNING SYSTEM

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the Department of Hawaiian Home Lands Comprehensive Exemption List as Reviewed and Concurred Upon by the Environmental Council on June 30, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class #4, which states “Minor alteration in the conditions of land, water, or vegetation.”

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

The recommended disposition is consistent with the following plans, policies, and programs:

1) DHHL General Plan (2002) goals and objectives:

Land and Resource Management

Goals:

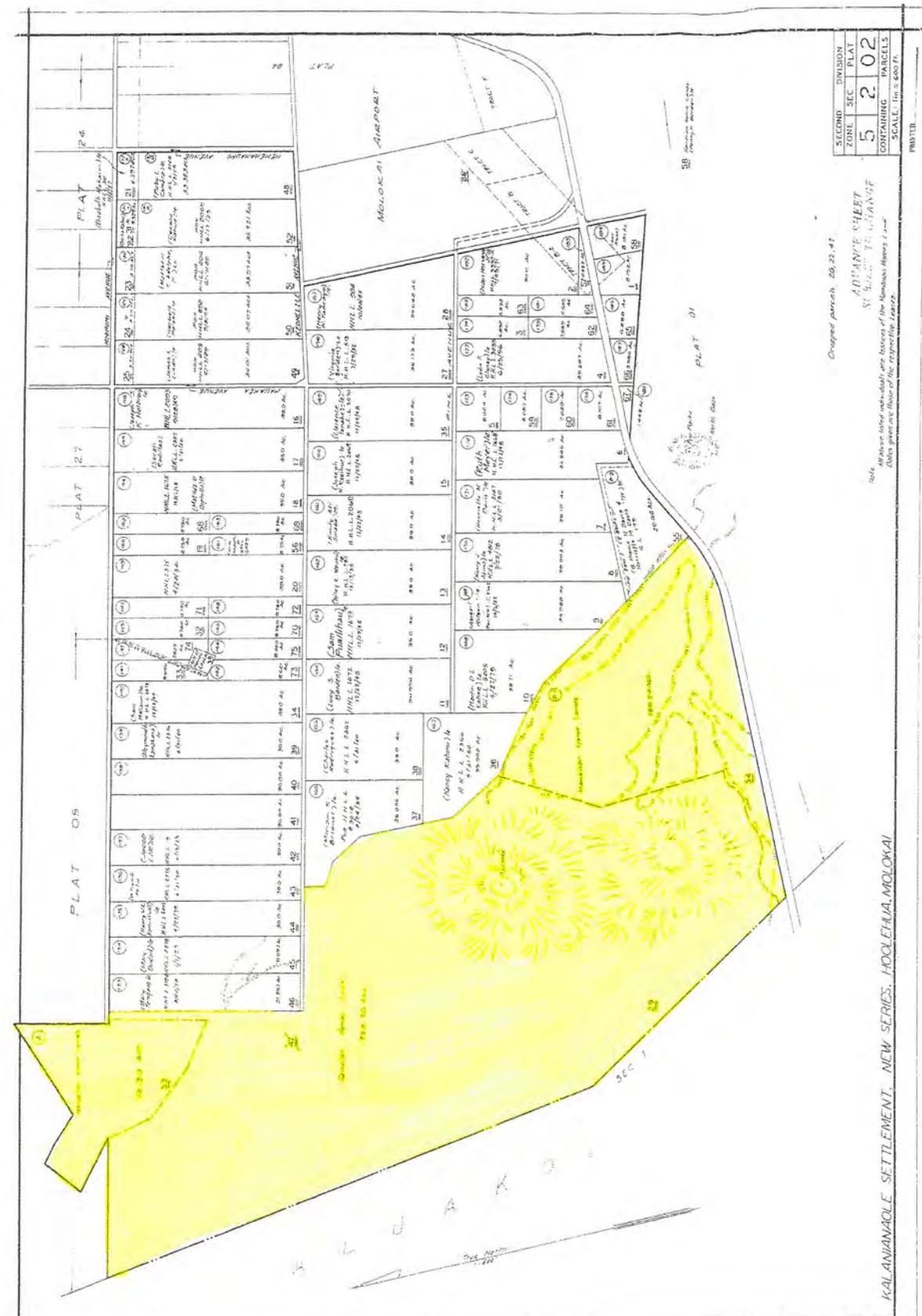
- Be responsible, long –term stewards of the Trust’s lands and the natural, historic and community resources located on these lands.

Objectives:

- Manage interim land dispositions in a manner that is environmentally sound and does not jeopardizes their future uses.

EECOMMENDATION

Land Management Division and Planning Office recommends approval of the requested motion/action as stated.



SECOND DIVISION
 ZONE SEC PLAT
 5 2 02
 CONTAINING PARCELS
 SCALE: 1 in. = 600 Ft.
 PRINTED

ADVANCE SHEET
 ST. 32.00' TO CHANGE
 Dropped parcels 26, 27, 47

Note:
 All lots shown are subject to the provisions of the Hawaiian Homestead Act.
 Zones govern those of the respective owners.

KALANIANAKOLE SETTLEMENT, NEW SERIES, HOOLEILUA, MOLOKAI

EXHIBIT "A"
ITEM NO. F-4

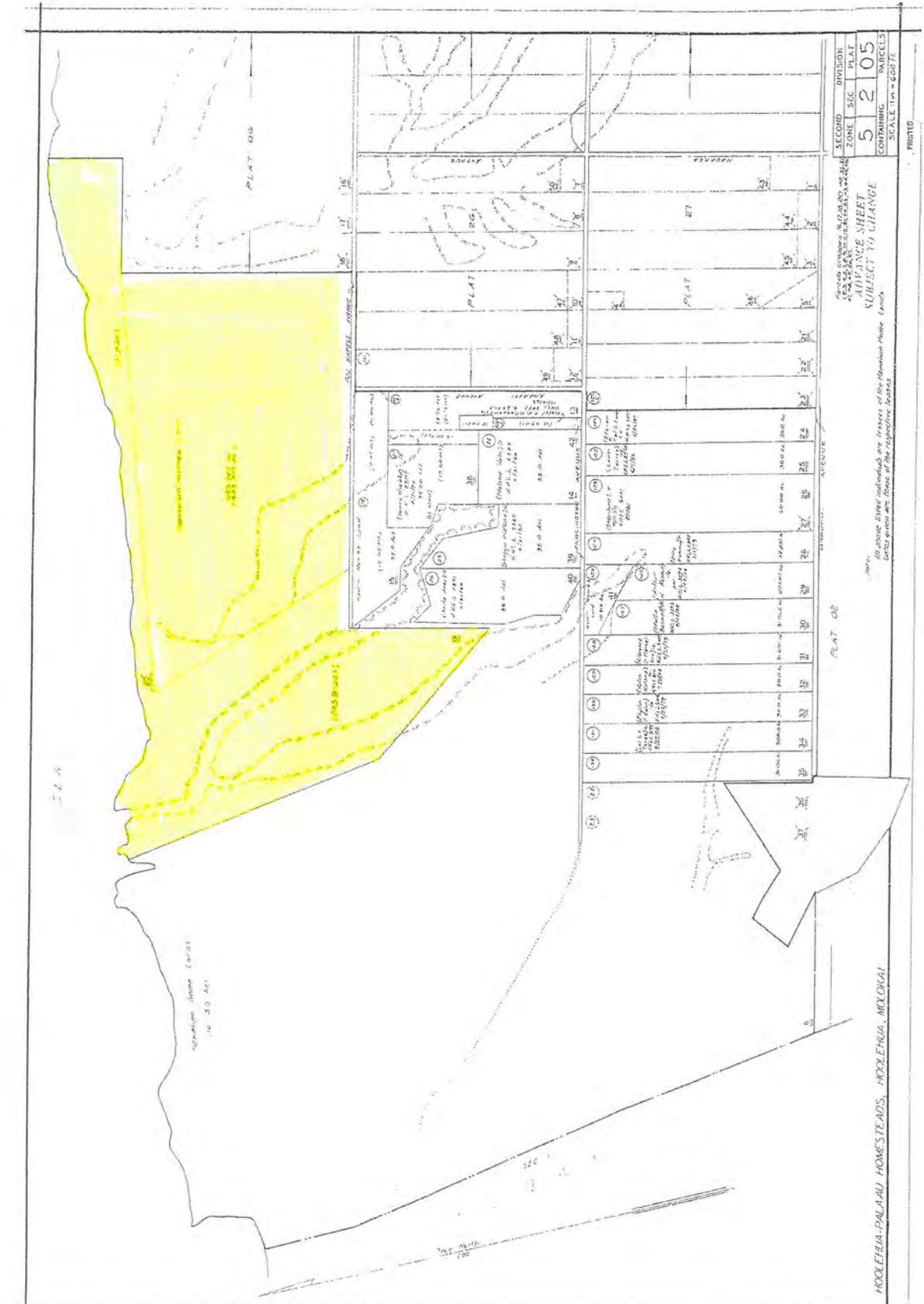


EXHIBIT "B"
ITEM NO. F-4



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

HONOLULU, HAWAII 96813

LIMITED RIGHT ON ENTRY PERMIT NO. 21:051

The DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL), STATE OF HAWAII, by its Hawaiian Homes Commission, as PERMITTOR, hereby grants a limited right of entry to:

PERMITTEE Name: **Molokai Hunting Club**

Project Name: **Axis Deer Control Pursuant to Governors Proclamation Dated January 27, 2021.**

Contact Name: **Mr. Justin Iusafalemana, President**
Email: molokaihuntingclub@gmail.com

Cell Phone: 308.273.4382

Address: P.O. Box 712, Kaunakakai, Hawaii 96748

To engage in the following activity:

To cull unhealthy axis deer and reduce the herds of axis deer to sustainable numbers pursuant to and in accordance with Governors Proclamation dated January 27, 2021 and attached hereto as Exhibit "E".

On the following date(s), time(s) and location(s):

Term: Commencing upon DHHL execution of this limited right of entry permit document and ending on March 28, 2021.

Time: 7:00 a.m. - 5:00 p.m. only

Location(s): Hoolehua, Uaiepue, Island of Molokai

Tax Map Key: (1) S-2-005-029, 052, 054 (Exhibit "A")
(2) S-2-005-019 (Exhibit "B")
(3) S-2-006-017 (Exhibit "C")
(4) S-2-011-004 (Exhibit "D")

Fee: \$0.00

Subject to the following:

- PERMITTEE will access Hawaiian home lands within the vacant and unencumbered lands, as designated in this permit, to engage in the activity identified on page one of this permit. Permitted areas are shown on the attached maps shown as Exhibits "A", "B", "C", and "D".
- The permission granted limits the entry onto the Premises to PERMITTEE at a **maximum of ten (10) club members at each site**, for the purpose as stated above and for no other purposes. PERMITTEE shall provide PERMITTOR a list showing the names of each club member and the date they will be accessing the premise;
- PERMITTEE shall release, defend, indemnify and hold harmless PERMITTOR, its officers, employees, and agents from and against all liability, loss, damage, cost, and expense, including all attorneys' fees, and all claims, suits, and demands therefore, arising out of or resulting from the acts or omissions of PERMITTEE and/or PERMITTEE'S officers, employees, agents, or contractors occurring during or in connection with the exercise of this limited Right-of-Entry. The provisions of this paragraph shall remain in full force and effect notwithstanding the expiration of this Limited Right-of-Entry;
- PERMITTEE and all participants agree to not cause any action instituting any claim, suit or other similar cause against the State of Hawaii, Department of Hawaiian Home Lands and its officers, employees, or agents because of death, personal injury, property damage or property loss, if any, arising out of any accident on the Premises covered by this Permit and roadways adjacent thereto occasioned by any act or omission of PERMITTEE and all participants;
- PERMITTEE shall, at its own expense, effect, maintain and keep in force throughout the life of this Limited Right-of-Entry, a comprehensive public liability insurance policy, with limits of not less than \$1,000,000.00 for each occurrence, including property damage, personal injury and advertising injury; \$100,000.00 for fire damages to the Premises for any one fire; \$10,000.00 in medical expenses for any one person, and an aggregate limit of \$2,000,000.00 per policy year. The specification of these limits as contained herein shall not be construed in any way to be a limitation on the amount of liability of PERMITTEE for fees, interest or other charges under this Limited Right-of-Entry.
PERMITTEE shall provide a certificate(s) of insurance necessary to evidence compliance with the insurance provisions of this Limited Right-of-Entry. PERMITTEE shall keep such insurance in effect and the certificate(s) on deposit with PERMITTOR during the entire term of this Limited Right-of-Entry. In addition:
 - Failure of PERMITTEE to provide and keep in force such insurance shall be regarded as material default under this Limited Right-of-Entry.

3. PERMITTEE shall share with PERMITTOR all data collected and/or reports generated pertaining to the operation of this activity;

13. THIS PERMIT IS NOT TRANSFERABLE; and

14. All archaeological/cultural sites noted on the Premises shall be respected, protected and preserved.

MOLOKAI HUNTING CLUB

BY Justin Suckalman
AGENT
Date: 3/10/21

PERMITTEE

Approved:

BY [Signature]
Date: 3/10/21
Chairman
Hawaiian Homes Commission

PERMITTOR

c. PERMITTOR is a self insured State agency. PERMITTEE'S insurance shall be primary. Any insurance maintained by PERMITTOR and/or the State of Hawaii shall apply in excess of, and shall not contribute with, insurance provided by PERMITTEE.

Such insurance policy shall (a) be issued by an insurance company or surety company authorized to do business in the State of Hawaii or approved in writing by the Chairman, Hawaiian Homes Commission; (b) name the State of Hawaii and its DEPARTMENT OF HAWAIIAN HOME LANDS as an insured; (c) provide that the DEPARTMENT OF HAWAIIAN HOME LANDS shall be notified at least thirty (30) days prior to any termination, cancellation or material change in the insurance coverage; and (d) cover all injuries, losses or damages arising from, growing out of or caused by any acts or omissions of PERMITTEE, its officers, agents, employees, invitees or licensees in connection with PERMITTEE'S use or occupancy of the Premises.

6. PERMITTEE and its employees hereby assumes the risk for any injuries that may be sustained in the pursuit of the activity while on the Premises and does hereby remise, release, and forever discharge the State of Hawaii, its Department of Hawaiian Home Lands, its agents, and employees, from any and all actions, suits, damages, claims or judgments, that may result from said death, personal injury, property damage, or property loss that PERMITTEE and any participant may sustain while on the Premises of the Department of Hawaiian Home Lands while engaged in the activities specified above;

7. PERMITTEE shall not commit or permit or suffer to be done, any willful or voluntary waste or destruction in and upon the Premises permitted use under this Permit;

8. PERMITTEE shall keep the Premises neat and clean and shall remove all equipment and litter brought onto the property in conjunction with its activities and shall not commit or permit any willful waste or destruction of the Premises;

9. Legal enforcement of these conditions shall be done by DHHL staff/ Department of Land and Natural Resources Enforcement and Conservation Officers and/or Maui County Police Department;

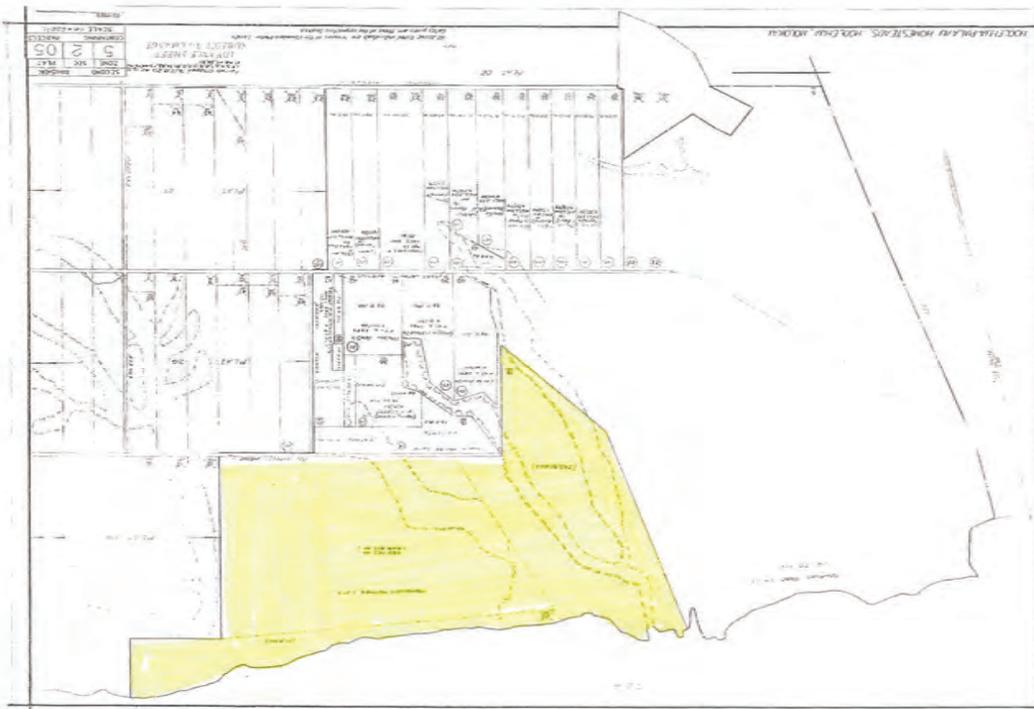
10. PERMITTEE is aware of possible drought conditions in the area and must exercise extreme caution to prevent fire, no open fires are permitted;

11. PERMITTEE hereby acknowledges that they have been informed of the potential risk and hazards present on the Premises of the Department of Hawaiian Home Lands while engaged in the activities specified above. The risks and hazards include, and are not limited to, injury and/or death, property loss or damage from feral animals and other unauthorized activities such as hunting and unauthorized ATV traffic;



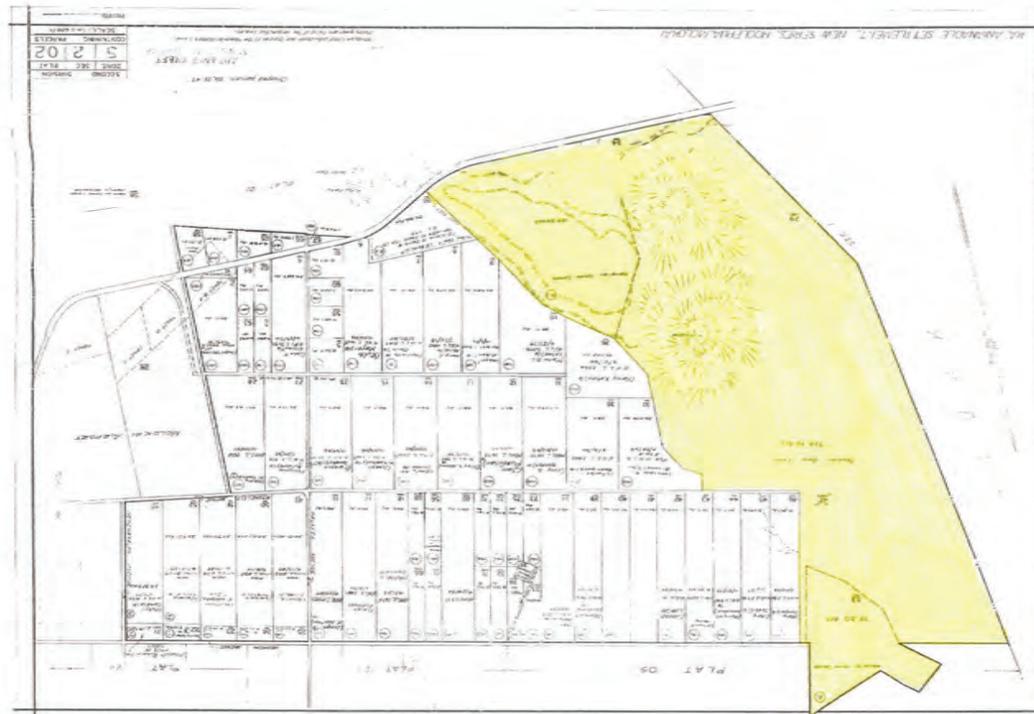
DRILLING

EXHIBIT 'B'



DRILLING

EXHIBIT 'A'



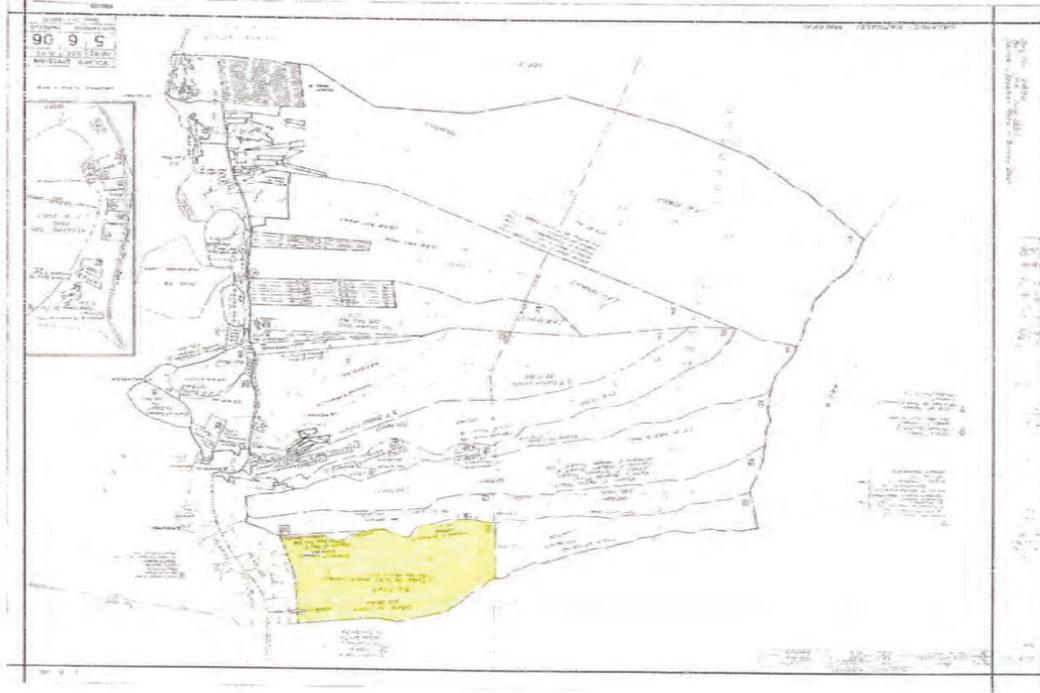


EXHIBIT "C"

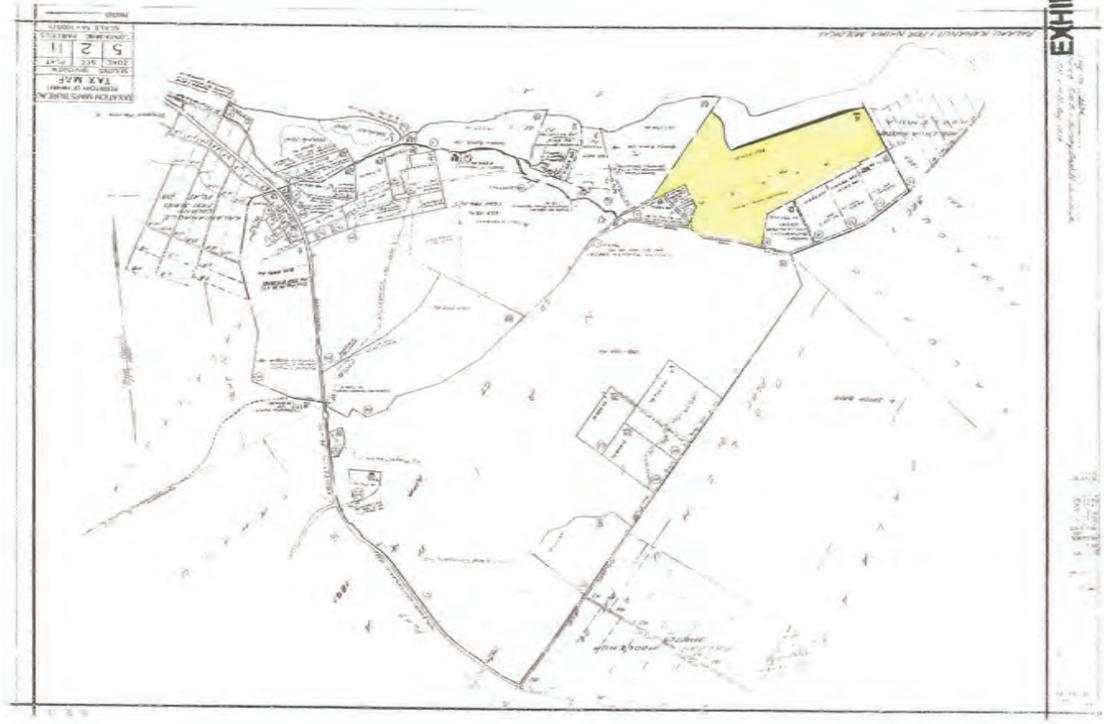


EXHIBIT "D"

OFFICE OF THE GOVERNOR
STATE OF HAWAII

PROCLAMATION

By the authority vested in me by the Constitution and laws of the State of Hawaii, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawaii, hereby determine, designate and proclaim as follows:

WHEREAS, Hawaii, including the County of Maui (Maui County), has suffered under drought conditions since March, 2019;

WHEREAS, rainfall, stream flow, and ground water levels in Maui County, specifically on the islands of Maui, Molokai, and Lanai, have been and continue to be significantly below normal; and

WHEREAS, current forecasts indicate that drought conditions are likely to persist or intensify for Maui County; and

WHEREAS, in March 2020, the Secretary of the U.S. Department of Agriculture designated Maui County as a primary natural disaster area due to drought conditions. Since that designation, drought conditions have not changed, so Maui County continues as a designated primary natural disaster area; and

WHEREAS, due to these persistent drought conditions, ranches and farms operating in Maui County have reported loss of pasture forage for cattle, death of cattle, destruction of farms, and reduced crop yields, which have resulted in significant economic losses; and

WHEREAS, axis deer have propagated to numbers that cannot currently be sustained by the environment in Maui County; and

WHEREAS, the axis deer population in Maui County has not been sufficiently reduced through hunting efforts alone; and

WHEREAS, the large number of axis deer in Maui County have devastated pasture forage and most vegetation already scarce due to drought conditions; and

WHEREAS, the devastation of vegetation has forced wildlife, in particular axis

deer in Maui County, to migrate into agricultural and developed areas seeking food and water, which has resulted in the destruction of individual farms and has contributed to industry crop loss; and

WHEREAS, the increased numbers of axis deer foraging in urbanized areas and along roadways in Maui County have caused a number of traffic accidents that have resulted in injury and death to motorists; and

WHEREAS, the numbers and habitat patterns of axis deer on the island of Maui have driven the deer into the town of Kahului, where they are foraging around the fence line of the Kahului Airport, thereby potentially creating an unsafe condition for aircraft landing and taking off should the deer access the airport property and travel onto an active runway; and

WHEREAS, the combination of significantly increased wildlife numbers and severe reduction in food and water have led to the death of hundreds of axis deer due to starvation; and

WHEREAS, the axis deer are dying at such high rates that the deer carcasses cannot be disposed of in a timely manner; and

WHEREAS, the large number of unattended rotting axis deer carcasses on the island of Molokai has created a rotting flesh stench that is affecting air quality and the decomposing carcasses threaten to leach into the ocean from streams and runoff that could potentially contaminate the water and ocean reefs; and

WHEREAS, state and county officials, land owners, and the community have attempted to address the large number of unattended axis deer carcasses on Molokai through mass burials but have been unable to keep up with the rate at which the deer are dying; and

WHEREAS, immediate measures to appreciably reduce and control axis deer populations in Maui County through the culling of unhealthy axis deer to sustainable levels and to remove and dispose of carcasses in an expeditious manner are needed to protect the health and welfare of the community; and

WHEREAS, the current threat to the health, safety, and welfare of the people of Maui County caused from the axis deer overpopulation constitutes an emergency under section 127A-14, Hawaii Revised Statutes, and warrants preemptive and protective actions; and

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawaii, hereby authorize and invoke the following emergency provisions if not already in effect upon this declaration of an emergency:

I. Invocation of Laws

Section 127A-12(b)(13), Hawaii Revised Statutes, requiring each public utility, or any person owning, controlling, or operating a critical infrastructure, to protect and safeguard its or the person's property, or to provide for the protection and safeguarding thereof, and provide for the protection and safeguarding of all critical infrastructure and key resources; provided that without prejudice to the generality of the foregoing two clauses, the protecting or safeguarding may include the regulation or prohibition of public entry thereon, or the permission of the entry upon terms and conditions as I may prescribe.

Section 127A-12(b)(16), HRS, directing all state agencies and officers to cooperate and extend their services, materials, and facilities as may be required to assist in emergency response efforts.

Section 127A-16, Hawaii Revised Statutes, by activating the Major Disaster Fund.

II. Deer Control

Pursuant to sections 127A-12 and 127A-13, Hawaii Revised Statutes, the county and state agencies are to provide emergency relief and engage in emergency management functions as defined in section 127A-2, Hawaii Revised Statutes, to enable the removal and disposal of axis deer carcasses, create buffers to keep the deer away from roadways, take action to immediately cull unhealthy axis deer, and reduce the herds of axis deer to sustainable numbers, so as to provide protection and relief from damages, losses, and suffering caused by the emergency.

III. Suspension of Laws

The following specific provisions of law are suspended, as allowed by federal law, pursuant to section 127A-13(a)(3), Hawaii Revised Statutes, to the extent that the law impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws which by this chapter specifically are made applicable to emergency personnel:

Chapter 6E, Hawaii Revised Statutes, **historic preservation**.

Section 37-41, Hawaii Revised Statutes, **appropriations to revert to state treasury; exceptions**.

Section 37-74(d), Hawaii Revised Statutes, **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), Hawaii Revised Statutes, and any such transfers or changes considered to be authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.

Section 40-66, Hawaii Revised Statutes, **lapsing of appropriations**.

Chapter 46, Hawaii Revised Statutes, **county organization and administration**, as any county ordinance, rule, regulation, law, or provision in any form applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede efforts to safely remove carcasses or cull axis deer under this Proclamation. These would include but not be limited to chapter 20.08, Maui County Code, **soil erosion and sedimentation control** and chapter 12-302, Rules for the Molokai Planning Commission, **special management area rules**.

Chapter 89, Hawaii Revised Statutes, **collective bargaining in public employment**.

Chapter 89C, Hawaii Revised Statutes, **public officers and employees excluded from collective bargaining**.

Section 103-2, Hawaii Revised Statutes, **general fund**.

Section 103-53, Hawaii Revised Statutes, **contracts with the State or counties; tax clearances, assignments**.

Section 103-55, Hawaii Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services.**

Chapter 103D, Hawaii Revised Statutes, **hawaii public procurement code.**

Chapter 104, Hawaii Revised Statutes, **wages and hours of employees on public works.**

Sections 105-1 to 105-10, Hawaii Revised Statutes, **use of government vehicles, limitations.**

Chapter 205A, Part II, Hawaii Revised Statutes, **coastal zone management.**

Chapter 322, Hawaii Revised Statutes, **nuisances; sanitary regulations,** and chapter 11-26, **vector control.** Hawaii Administrative Rules.

Chapter 342D, Hawaii Revised Statutes, **water pollution,** and chapters 11-54, **water quality standards,** and 11-55, **water pollution control,** Hawaii Administrative Rules.

Chapter 342H, Hawaii Revised Statutes, **solid waste pollution,** and chapter 11-58.1, Hawaii Administrative Rules, **solid waste management control.**

Chapter 343, Hawaii Revised Statutes, **environmental impact statements,** and chapter 11-200.1, Hawaii Administrative Rules, **environmental impact statement rules.**

IV. **Sovereignty**

If any provision of this Proclamation is rendered or declared illegal for any reason, or shall be invalid or unenforceable, such provision shall be modified or deleted, and the remainder of this Proclamation and the application of such provision to other persons or circumstances shall not be affected thereby but shall be enforced to the greatest extent permitted by applicable law.

V. **Enforcement**

No provision of this Proclamation, or any rule or regulation hereunder, shall be construed as authorizing any private right of action to enforce any requirement of this Proclamation, or of any rule or regulation. Unless the

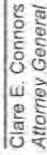
Governor, Director of Emergency Management, or their designee issues an express order to a non-judicial public officer, no provision of this Proclamation, or any rule or regulation hereunder, shall be construed as imposing any ministerial duty upon any non-judicial public officer and shall not bind the officer to any specific course of action or planning in response to the emergency or interfere with the officer's authority to utilize his or her discretion.

I FURTHER DECLARE that the disaster emergency relief period shall commence immediately and continue through March 28, 2021, unless terminated or superseded by separate proclamation, whichever shall occur first.

Done at the State Capitol, this
27th day of January, 2021.


DAVID Y. IGE,
Governor of Hawaii

APPROVED:


Clare E. Connors
Attorney General
State of Hawaii



The Molokai Farm Bureau serves as Molokai's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community. We are also an arm of the Hawaii Farm Bureau Federation, organized in 1948 and comprised of 1800 farm families statewide.

Farm Bureau, Molokai Chapter
April 6, 2021

Support for extension to right of entry for DHHL Lands

Aloha DHHL Staff, Representatives, and Respected Committee Members:

Thank you for the opportunity to submit testimony my name is Nate Oswald and I am the President of the Molokai Farm Bureau, serving our members on Molokai.

As farmers one of our biggest challenge is to sustain our crop's health and yields to harvest. Utilizing all tools available to us in timely coordination with our crops needs, is vital. Managing the deer population has been a perennial challenge for all producers.

We respectfully **SUPPORT** the Molokai Hunting Club, with the following **COMMENTS**:

- We would like to suggest that the club be allowed to continue having access of entry to DHHL lands, with the purpose of deer control and data collection.
- We also ask for an extension for the right of entry.
- We recognize the long-term value a program like this can have for Hawaii agriculture, and how it can help Hawaii farmers support the state's goal towards food security and sustainability.

We respectfully **SUPPORT** the Molokai Hunting Club, with our comments, and thank you for your time and consideration.

Respectfully submitted on behalf of the members of the Molokai Farm Bureau,

Nate Oswald

Nathaniel Oswald
President, Molokai Farm Bureau

April 2, 2021

Mr. William Aila, Chairman
Hawaiian Homes Commission
Department of Hawaiian Home Lands
P. O. Box 1879
Honolulu, Hawai'i 96707

Dear Chairman Aila,

This is a letter of support for the Molokai Hunting Club's request to extend their right of entry permit on unawarded department lands on Molokai through June 30, 2021. Our Hoolehua Deer Management adhoc committee has been working to develop and implement short-term and long-term solutions to reduce and then manage (in the long-term) the population of axis deer in the homestead community. David Bush is assigned to be the department's liaison with our adhoc committee and is an active participant in our meetings. We maintain communication with the club's president, Justin Luafalemana, through email and virtual meetings and have been in recent discussions about how we can collaborate on addressing the issue as well as support each other in our separate efforts. We have homesteaders who are active members with the club and this connection should help with coordinating strategies to reduce the population before summer.

As I'm sure you are aware, the overpopulation of deer in Hoolehua did significant damage to farms, gardens, and fruit trees, all of which are part of our homestead subsistence lifestyle and Molokai's lifestyle in general. As a recipient of a significant County grant, Molokai Hunting Club is a key resource and partner to addressing the problem.

Me ke aloha pumehana,
Barbara Kalipi for
Hoolehua Deer Management adhoc committee
Killa Purdy-Avellino
Glenn Teves
Barbara Kalipi, Co-facilitators

Ho'olehua Homestead Agriculture Association
Ho'olehua, Molokai, Hawaii 96729

April 7, 2021

To Whom It May Concern:

This letter is to advocate support from DHHHL in our community effort to manage our deer overpopulation.

The board of Ho'olehua Homestead Agriculture Association, realising the urgency to protect our people and crops, stands behind the community of champions that have organized to develop short-term and long-term plans that will assist in the management of our deer.

Molokai has seen an increase and overpopulation of deer that has been directly affecting our food production. As the Ho'olehua Homestead Agriculture Association, we are being directly affected by the overpopulation of deer. Furthermore, deer being hit by motorists are becoming more frequent. Immediate attention for short-term and long-term management needs to take place.

The Molokai Hunters Club is a principal partner of the community-based group that has worked together to devise solutions. The Molokai Hunters Club practices safe hunting protocols and requires licensed hunters. Working with DHHHL to make lands available and to schedule safe and controlled hunts will allow the group to carry out an immediate solution. The meat from these hunts can also be processed and given away to the community, which also helps feed our community during these times.

The efforts have been made and our community is ready to take action. We urge DHHHL through our commissioners and staff to support the next steps and continue to work together with our community for our community. Another couple months of waiting will continue to be detrimental to our livelihoods!

me ka ha'aha'a,



Killa W. Purdy-Avellino, Secretary

Cc:

Robert Danner, President

Fred Aki III, Vice President

Weldon Wichman, Treasurer

Charles Kaahanui, Sgt.-at-Arms

RECEIVED
LAND MANAGEMENT
DIVISION

2021 MAR 12 AM 10:21

March 12, 2021

Aloha Chairman William Aila, Jr.,

The Molokai Hunting Club would like to send our gratitude to you for granting access to our club for project Axis Deer Control. Pursuant to Governors Proclamation Dated January 27, 2021 with a limited right on entry permit No. 21:051 on the Department of Hawaiian Home Lands (DHHL) here on Molokai. This will allow our club members to utilize this permit until March 28, 2021.

In addition, the Molokai Hunting Club was recently awarded the FY2021 Feral Animal Management Program Grant with the County of Maui. This grant will be used by our club to reduce the herd population of axis deer between April 1, 2021 to June 30, 2021.

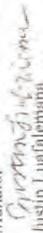
Therefore, the Molokai Hunting Club is requesting an extension to access to the project listed above to June 30, 2021 which aligns with the County of Maui grant deadline. This extension will allow the club to collect more accurate data using a GIS software, create positive changes within the community with more food donation, manage the overpopulation of feral axis deer, and establish long lasting relationships with multiple landowners.

With all the past problems that the overpopulation of the axis deer has caused, Governor Ige initiated a Federal Agriculture Disaster Declaration for Maui County Drought in March 2019, at which they predicted another drought will happen. The club will like to take action and make an impact now so that the Molokai farmers and community does not go through a tough situation again at which the axis becomes more of a problem than an asset to Molokai.

The Molokai Hunting Club hopes you consider our request so we can be part of the solution, be consistent, and serve the Molokai community today, tomorrow, and into the future.

Please feel free to contact me with any questions or concerns.

Mahalo,


Justin Luatulemaua

President of Molokai Hunting Club

Press Releases

Posted on: March 15, 2021

County awards more than \$775,000 for feral animal management in Maui County

The County of Maui Department of Housing and Human Concerns has awarded six grants to assess and manage feral animal populations, including axis deer, throughout Maui County.

"Maui County's axis deer population has become much more than a nuisance. This invasive species is a threat to the livelihoods of our farmers and ranchers," said Mayor Michael Victorino. "They also cause traffic accidents and damage yards and backyard gardens on Lanai, Molokai and Maui. Left unmanaged, axis deer will suffer and die from starvation and disease. These grants will help to assess the scope of the problem and employ humane ways to keep deer populations in check."

Entities that submitted proposals to the Department were focused on the axis deer and feral chicken populations.

The following grants have been awarded:

| Feral Animal Assessment Study | Axis Deer Assessment Study | \$86,000 |
|--|--|-----------------------|
| Living Pono Project for Kia LLC | Lanai Terrestrial Program Axis Deer Management | \$95,000 \$120,443 |
| The Nature Conservancy Lanai Resorts LLC | Molokai Terrestrial Program Molokai Feral Axis Deer Management | \$59,929 \$197,800 |
| The Island of Lanai The Nature Conservancy Lanai Resorts LLC | Feral Chicken Relocation and Egg Donation Maui Deer Management and Venison Donation | \$25,000 \$138,968 |

Awards resulted from a grant proposal review process that closed Feb. 12. Eligible applicants included businesses incorporated under the laws of Hawaii or federal tax-exempt nonprofit organizations. Final individual program funding amount is dependent upon the grantee's acceptance of review process conditions and ability to comply with the grant contracting requirements.

Tools
RSS
Mail Us

- Categories
- All Categories
 - Road Notifications
 - Parks/Recreation
 - Water Department
 - Real Property/DM
 - Division
 - MPD Press Releases



**HAWAIIAN HOMES COMMISSION
APRIL 19 & 20, 2021
INTERACTIVE CONFERENCE
TECHNOLOGY
9:30 A.M.**

**G – ITEMS
PLANNING OFFICE**

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 19 - 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

Through: Andrew H. Choy, Acting Planning Program Manager
Stewart T. Matsunaga, Acting Administrator,
Land Development Division

FROM: Gigi O. Cairel, Grants Specialist
Mitchell H. Kawamura, Engineer

Subject: Status Update on Plan Implementation on Moloka'i

Recommended Action

None. For information only.

Background

The Department of Hawaiian Home Lands (DHHL) will be providing the Hawaiian Homes Commission (HHC) with updates of the respective DHHL geographic region in which the HHC conducts its monthly community meeting. The purpose of the monthly updates is to provide the HHC with information related to DHHL plans, programs and projects previously adopted by the HHC that are specific to that particular geographic region. A status report of DHHL's progress in implementing these initiatives is also included for the HHC's consideration.

For April 2021, DHHL is providing an update on Planning, Design and Construction projects to the HHC for the island and region of Moloka'i.

Discussion

EXISTING PLANS AND IMPLEMENTATION STATUS

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island; (2) establish land use goals and objectives of the General Plan specific to each island; and (3) identify island-wide needs, opportunities and priorities. The Moloka'i Island Plan was adopted by the HHC

in June 2005. DHHL lands on Moloka'i are situated in five major areas that include 'Ualapu'e, Kapa'akea, Makakupa'ia, Kamiloloa, Kalama'ula, Pālā'au and Ho'olehua.

Since the 2005 Moloka'i Island Plan, the following updates were made:

- Mo'omomi-Anahaki land use designation was amended from "General Agriculture" and "Community Use" to "Special District." This amendment was approved by the HHC in December 2010.
- Completed in 2010 was a land exchange for 34 acres of land on Moloka'i for 89 acres of State land in Mā'ili on O'ahu for DHHL to develop residential homesteads. The 34 acres of land that was exchanged consisted of 22 acres in Community Use and 12 acres in Subsistence Agriculture. This 34 acres is adjacent to the Ho'olehua Fire Station and the Lanikeha Community Center, including the Moloka'i High School and Middle School site and the athletic field across from the school site.
- In June 2011, the Department of Land and Natural Resources (DLNR) transferred to DHHL four parcels totaling 4.6 acres at Malama Park, near Kaunakakai Wharf. In January 2018, the HHC approved the recommended land use designation as "Special District."
- In January 2021, DLNR approved the return to DHHL of approximately 42.313 acres in Nā'iwa.

These amendments to the 2005 Moloka'i Island Plan and changes to the DHHL land inventory have resulted in the following land use designations and acreage amounts in Table 1 below.

Table 1
Moloka'i Land Use Designations (2021)

| Moloka'i Land Use Designations | Acres | Percent |
|--------------------------------|--------|---------|
| Residential Homestead | 742 | 2.87 |
| Subsistence Agriculture | 2,338 | 9.04 |
| Supplemental Agriculture | 5,862 | 22.66 |
| Pastoral | 1,927 | 7.45 |
| General Agriculture | 6,415 | 24.80 |
| Special District | 7,758 | 29.99 |
| Community Use | 93 | 0.36 |
| Conservation | 655 | 2.53 |
| Commercial | 58 | 0.22 |
| Industrial | 16 | 0.06 |
| TOTALS | 25,864 | 100.0 |

Moloka'i Island Plan Implementation Status

As stated in the 2005 Moloka'i Island Plan, the following are the plan priorities and current status.

Priority for completion: Nā'iwa Agricultural homestead

- 58 agricultural lots awarded in the 1986 Acceleration Program.
- Located on 298 acres southeast of the Ho'olehua Airport.
- Implementation challenges:
 - No new potable water meters for these lots until DHHL's water allocation is increased from the State Commission on Water Resources Management (CWRM) and/or additional water source is identified and developed.
 - DHHL \$9.5 million request for Design and Construction funds is pending at the current State Legislature.

Status:

- DHHL is currently conducting due diligence, including preparing the Hawaii Revised Statutes (HRS) Chapter 343 Environmental Assessment (EA), to pursue subdividing these lots.
- A community informational meeting (virtual) was conducted on April 6, 2021.
- DHHL received \$1.5 million in State CIP funds, authorized by Act 49, SLH 2017. Funds will be used for Planning and Design.
- DHHL is seeking \$9.5 million in construction funds in Fiscal Year 2022-2023, as part of DHHL's sufficient sums budget request.

First Priority for new homestead area: 'Ualapu'e

- Develop 74 residential homestead lots on 25 acres in Mana'e (East End), mauka of Kamehameha V Highway.
- During the 2019-2020 Moloka'i Regional Plan update process, beneficiaries indicated that they would rather pursue kuleana homesteads (homesteads requiring minimal infrastructure) in the 'Ualapu'e tract. More detail provided below in discussion of the Moloka'i Regional Plan.
- The HHC approved budget for the development of a 'Ualapu'e Kuleana Homestead Settlement Plan and Environmental Assessment. The planning process is expected to begin later this year in 2021 as DHHL completes the procurement and contracting process with the selected consultant.

Second Priority for new residential areas: Kapa'akea, Kamiloloa, Makakupa'ia

- Develop 286 residential homestead lots on 201 acres two miles east of Kaunakakai, mauka of Kamehameha V Highway.
- An on-site wastewater treatment facility will be required.
- Project on hold until the County of Maui water allocation is increased by the State CWRM and/or additional water source is identified and developed.

Moloka'i Regional Plan

The Moloka'i Regional Plan was updated in 2019, then approved by the HHC in February 2020. Moloka'i beneficiaries, responding to outreach and engagement efforts throughout the extensive planning process, identified the following priority projects:

- (1) 'Ualapu'e Kuleana Homestead Project and Cultural Resources Management Plan
- (2) Ho'olehua Hale Improvements
- (3) Water Rates Assessment and Legal Analysis of Beneficiary Rights Given Potable Water Rate Disparities
- (4) Shared Farm Equipment for Agricultural Lessees
- (5) Road Improvements

Moloka'i Regional Plan Implementation Status

Table 2 below identifies the "project champion" and summarizes the status of each Regional Plan Priority Project.

Table 2
2020 Moloka'i Regional Plan Priority Projects Status

| 2020 PRIORITY PROJECTS | PROJECT CHAMPION(S) | STATUS |
|--|---------------------------------------|---|
| 'Ualapu'e Kuleana Homestead Project and Cultural Resource Management Plan | Ahonui Homestead Association and DHHL | <p>Ahonui Homestead Association (AHA) was awarded a DHHL Capacity Building grant.</p> <p>AHA intends to submit its initial plan to DHHL and DHHL's consultant to explore during the EA process.</p> <p>DHHL selected a planning consultant to assist with conducting the required EA.</p> <p>DHHL approved a Limited Right-Of-Entry (LROE) for AHA.</p> |
| Ho'olehua Hale Improvements | Ahupua'a o Moloka'i | Ahupua'a o Moloka'i obtained both a State Grant in Aid and a DHHL Regional Plan Priority Grant. |
| Water Rates Assessment and Legal Analysis of Beneficiary Rights Given Potable Water Rate Disparities | DHHL | DHHL is currently undergoing the Cost of Water Service study. |
| Shared Farm Equipment | Ahupua'a o Moloka'i | Napuaiei o Hina (NOH) was awarded a DHHL Regional Plan Priority Grant. NOH will conduct this project in partnership with the Ahupua'a. |
| Road improvements | DHHL | Pending resource allocation. |

PROJECTS IN THE PLANNING PHASE

Ho'olehua Scattered Lots

- Create 12 new lots from three (3) existing un-encumbered agricultural lots
- \$1.5 million secured from the State Legislature
 - \$900,000 will be budgeted for surveying, conveyance, planning and engineering design services for the subdivision and infrastructure improvements.
 - \$600,000 will be budgeted for two (2) separate EAs: (1) for the subdivision of the larger un-encumbered lot and (2) for the entire Ho'olehua subdivision to allow future subdivision of un-encumbered lots.

Next Step:

- Procure Planning consultant to prepare the HRS Chapter 343 Environmental Assessment

Kalama'ula Agricultural Lots

- 72 agricultural lots awarded in the 1986 Acceleration Program.
- Implementation challenge:
 - No new potable water meters for these lots until DHHL's water allocation is increased from the State Commission on Water Resources Management (CWRM) and/or additional water source is identified and developed.

Next Step:

- Procure Planning consultant to prepare the HRS Chapter 343 Environmental Assessment

Kūlana 'Ōiwi office complex - Photovoltaic System

- An energy audit was completed last year to help determine what energy efficiency measures to install.

Next Step:

- DHHL plans to release an Invitation for Bid (IFB) to install the energy efficiency measures to help monitor the power needs of the office complex.

Malama Park Special Area Plan

In 2011, DHHL acquired a portion of the lands comprising the Malama Cultural Park from the State of Hawai'i. DHHL, beneficiaries and stakeholders are developing a Special Area Plan to address park concerns such as responsible access, facility and infrastructure management, and natural and cultural resource stewardship.

- In the past year, the following studies were conducted: archaeology field inspection, biological survey, literature review and infrastructure assessment.
- Meetings were held with DHHL beneficiaries, Moloka'i homestead association leadership, current park users and license holders, government agencies and community members.
- Beneficiary Consultation #1 was held in October 2020

Next Step:

- Beneficiary Consultation #2 is expected to be held in April 2021.

Mo'omomi-Anahaki Special Area Plan

This project has been postponed pending staff and resource allocation.

South Moloka'i Shoreline Erosion Management Plan - Kalama'ula, Kapa'akea and Kamiloloa-One Ali'i, Kona, Moloka'i

For more information, please refer to HHC Agenda Item G-3. Below is a summary:

- The Kalama'ula homestead area was added to the original scope of the project in response to beneficiary requests
- Since May 2019, site visits and interviews with homestead shoreline lessees were conducted, followed by a virtual meeting with a small focus group.
- Draft Plan is in progress

Next Steps

- A second focus group is planned to meet in late spring
- A community meeting to review the draft plan is planned for late summer
- The final plan is expected to be completed in September 2021

Ho'olehua Water System Improvements

- Construction started in January 2021 and is expected to continue for two years
- Seven construction sites affecting Ho'olehua-Pālā'au, Kalama'ula and Mo'omomi
- Major capital improvement project to improve reliability and functionality of water delivery to all customers; address water pressure issues; address fire protection deficiencies; improve water system safety and security
- Total project cost: \$31 million secured
 - \$12 million in Trust Funds
 - \$19 million in federal funds from the US Department of Agriculture Rural Development

Moloka'i Veterans and Homestead Residents Center

- Total project cost: \$4 million secured from the State Legislature
- Design-build project
- 90% design plans complete
- Estimated construction to begin - Winter 2021

REPAIR AND MAINTENANCE

Lanikeha Center

- Individual wastewater system (IWS) approved for commercial use in 2019.
- Underground plumbing issues after 24 years in service.
- The sewer line from the Day Care Center to the septic tank will be inspected via video camera to verify the recurring blockage/leak.
- The plan is to replace or re-line the existing sewer line from the Day Care Center to the septic tank and the sewer line from the kitchen to the septic tank.
- Develop short- and long-term maintenance program.

Recommendation

None. For information only.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19 - 20, 2021

To: Chairman and Members, Hawaiian Homes Commission
From: Andrew Choy, Acting Planning Program Manager *AC*
Subject: For Information Only - Molokai Water Projects and
Issues Update

RECOMMENDED MOTION/ACTION

None; for information only.

DISCUSSION

The following is an update to previous annual submittals to the Hawaiian Homes Commission (Commission) which also concerned water projects of significance to beneficiaries and the Department of Hawaiian Home Lands (Department) on Molokai. These updates are provided under the Commission's Water Policy Plan (WPP) Goal 1, to "Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights on a regional and annual basis."

While the Department has provided these updates annually at the April Commission meeting on Molokai in 2016 - 2019, last year's meeting was cancelled on island due to the COVID-19 Pandemic, thus no update was provided. Notable updates since April 2019 include: (I) Finalization of the Molokai Groundwater Study by the United States Geological Survey (USGS); (II) Submission of a Water Use Permit Application by the Department for our wells in the Kualapu`u Aquifer ; (III) Pursuit of water resources for recently planned homesteading uses at Ualapu`e; and (IV) the Department's anticipated seeking of additional groundwater reservations by rule on Molokai beyond its existing reservations in the Kualapu`u Aquifer.

I. Molokai Groundwater Study by the United States Geological Survey

As was addressed in item G-1 for the October 2020 Commission meeting, on January 30, 2020, the USGS published Scientific Investigation Report 2019-5150 Numerical Simulation of Groundwater Availability in Central Moloka`i. This was the culmination of an effort lasting more than a decade where the Department, in cooperation with the Office of Hawaiian Affairs and Maui County and the USGS supported a better understanding of the groundwater resources of central Moloka`i.

One of the notable observations in the study is that while the sustainable yield of the Kualapu`u aquifer is 5 mgd as set by the CWRM, the numerical simulation (model) shows that due to the constraints of geology and hydrology, it may not be possible to pump more than 4.5 mgd without impacting the chloride levels of existing wells and coastal discharge to levels of concern.

II. Submission of a Water Use Permit Application by the Department for our wells in the Kualapu`u Aquifer

Also presented at the October 2020 Commission meeting in Item G-2, the publication of the USGS report has been instrumental in our completion of the Water Use Permit Application (WUPA) to the Commission on Water Resource Management (CWRM) for the use of .595 mgd from the Kualapu`u Aquifer on Moloka`i. The Department officially submitted the WUPA on October 12, 2020.

Our WUPA seeks to increase our permitted pumping from .367 mgd to .595 mgd, for both Public Trust and non-Public Trust, reasonable beneficial uses on Molokai. Our application was comprised of a cover letter, the application form, four attachments and four exhibits. If granted, expressed as a percentage of Sustainable Yield (SY), the Department is seeking to increase its current allowed rate of using 7.34% by 4.56% to 11.9% of the SY in Kualapu`u.

While this if granted will not allow for all of our long-term needs, it will be a significant step forward in providing for current and near-term needs in the area. This would allow us to deliver water for 171 new, committed service connections for Kalama`ula mauka, Nā`iwa, and

Ho`olehua, and up to 210 service connections for lots that can be created through subdivision, out of the maximum 544 homesteads that could be created through subdivision under the 2005 Molokai Island Plan.

WUPA status

During the preparation of the WUPA and immediately prior to its submittal, the Department staff and consultant stayed in close contact with CWRM staff. Prior to our submission, CWRM staff's reviewed a draft form of the application and stated their commitment that it would be accepted as complete. This was significant, as the Department's previous attempts to submit updated an application September 1997 were met with serial requests for additional information and our application was not accepted as complete for over a year.

Despite these assurances, on December 18, 2020, DHHL was emailed with additional questions regarding our application. On March 26, 2021, the Department sent an addendum to our WUPA to CWRM, addressing all of the questions raised. In the Department's letter, Chair Aila asked "With these responses to the staff's additional questions, we again ask that this application be accepted as complete and noticed as soon as possible."

However, on March 31, 2021 CWRM groundwater staff member emailed and stated "Sorry for the last minute requirement, but all our permits are now required to go through the Department's State Historic Preservation (SHPD) review that require applicants to fill out a [6E form](#) to be reviewed under HRS 6E-42 and submitted through their new [HICRIS web portal](#). A completed 6E form is a new requirement for all our applications as part of completeness. If the application is otherwise complete, which is the case for your GWUPA 1100, CWRM will then provide a transmittal memo to the applicants to attach to their 6E submission to the HICRIS system. Please let us know when the 6E form is complete then we can official accept and route for agency review along with the SHPD memo to attach to your HICRIS submission."

Department staff have submitted all the required information and forms to CWRM staff. On Monday April 12 they replied "Got it. Will draft acknowledgement letter to start review process soon."

III. Pursuit of water resources for newly planned homesteading uses at Ualapu`e

On February 18, 2020, the Commission approved an updated Molokai Regional Plan, which culminated a more than two-year, community-based planning process that was kicked off with a community meeting on November 1, 2018. See <http://dhhl.hawaii.gov/po/molokai-regional-plan-2019/>. Among other matters it calls for the development of 175 homestead lots on a 376-acre parcel of land at `Ualapu`e. The proposal included a request for minimum infrastructure, including roads and water spigots.

In May of 2020, the Department received a WUPA from Maui County (No. 01094 `Ualapu`e Shaft Well (Well No. 4-0449-001, `Ualapu`e System, Southeast Sector, Molokai), wherein the County was seeking to increase its pumping to approximately 0.350 million gallons per day (mgd) total permitted uses, an increase from 0.185 mgd for residential, agricultural, irrigation, and system flushing uses. We understood that this is an amount closer to what is being currently used, and some of this water will allow for future use, though the information provided in the WUPA was insufficient to determine how much water was for new potential uses.

We also understood that the need for the county to "flush" the system (dump water) was, in its own words, because their water line "...is not looped, and has relatively low demand, which can lead to the accumulation of stagnant water in the pipe..." (letter from Jeff Pearson to Kaleo Manuel, February 7, 2020).

Because of this, the Department sent a comment letter seeking, among other matters, that the County to pursue providing some water through a spigot or other means to our lands at Ualapu`e. This would presumably increase demand and lessen the need to "flush" water. The comment letter from the Department also formally requested a reservation of water for Ualapu`e. Specifically, our letter stated the Department requested that CWRM "reserve for DHHL by rule sufficient water for the proposed 175 DHHL homesteads at `Ualapu`e on a 376-acre parcel. DHHL believes on preliminary analysis a reservation of mgd (100,800 gpd for 175 lots at the applicable water system standard of 600 gallons per unit per day), and 750,000 gallons per day for

irrigation of 300 acres of the 376-acre parcel at a duty of 2500 gallons per acre per day, totaling .850 mgd."

Unfortunately, the County Department of Water Supply responded to the Department's letter and stated that they would not support providing water through their existing well or permit, but instead would support "collaborative well development" (letter from Jeff Pearson to Kaleo Manuel, June 19, 2020).

At a subsequent public hearing on the WUPA on August 25, 2020, a number of parties, including the Ahonui Homestead Association, requested a contested case proceeding on the WUPA. The Department requested to be included in any contested case as a necessary party, and the CWRM later granted standing to the Department, Ahonui, and other parties on October 20, 2020.

However, on February 10, 2021, the County submitted a letter to the Commission withdrawing GWUPA 1094 and stated that it would limit its pumping at 'Ualapu'e Shaft to its previously permitted amount.

On Friday evening, April 9, 2021, Department staff and a consultant met virtually with members of the Ahonui Homestead Association to discuss next steps, including identifying all potential sources of water for this priority project.

IV. The Department's anticipated seeking of additional groundwater reservations by rule for other areas of Molokai

While the County has now withdrawn GWUPA 1094, the Department still wishes to reserve water by rule¹ for future

¹ The state Water Code (HRS Chapter 174C) provides two methods by which the CWRM must reserve water for the Department. In designated water management areas, under HRS 174C-49(d), the CWRM shall set water reservations by rulemaking. It is under this provision that we hold groundwater reservations for Kualapu'u Molokai and on O`ahu. In all other parts of the state, under HRS 174C-101(a), the CWRM "shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act." In practice this has been done by CWRM vote on a staff

uses at `Ualapu`e. Currently the Department holds water reservations on Molokai only for the Kualapu`u Aquifer.

Department staff and consultants earlier in 2021 inquired with CWRM staff about the status of our reservation request for Ualapu`e. In response, CWRM staff asked for additional information and also inquired if the Department wished to secure any other reservations of water on the island, and possibly combine the public hearings on rulemaking that are necessary.

After initially compiling calculations of potential future water needs and sources available, planning staff and a consultant concluded that, in accordance with WPP Policy 4 ("Affirmatively communicate our decisions, our reasoning, and our performance in managing, stewarding, and using water before and after making major water decisions."), it was appropriate to seek beneficiary consultation prior to requesting these reservations.

A beneficiary consultation meeting, to be held virtually, is tentatively scheduled for the evening of May 5, 2021.

RECOMMENDATION

None; for information only.

recommendation at a regular meeting. This practice, while possibly reversible by CWRM action, has been used to secure surface and groundwater reservations around Hawai`i.

EXHIBIT A

DHHL KUALAPUU AQUIFER SYSTEM AREA, MOLOKAI WATER USE PERMIT APPLICATION

AND RELATED CORRESPONDENCES WITH DLNR COMMISSION ON WATER RESOURCE MANAGEMENT

Choy, Andrew H

From: Hardy, Roy
Sent: Monday, April 12, 2021 12:39 PM
To: Cox, Malia M
Cc: Jonathan Scheuer; Choy, Andrew H; Manuel, Kaleo L
Subject: RE: SHPD 6e-42 documentation for DHHL Kualapuu ASYA WUPA GWUPA 1100- 6E

Got it. Will draft acknowledgement letter to start review process soon.

From: Cox, Malia M <malia.m.cox@hawaii.gov>
Sent: Monday, April 12, 2021 11:20 AM
To: Hardy, Roy <roy.hardy@hawaii.gov>
Cc: Jonathan Scheuer <jllscheuer@gmail.com>; Choy, Andrew H <andrew.h.choy@hawaii.gov>; Manuel, Kaleo L <kaleo.l.manuel@hawaii.gov>
Subject: Re: SHPD 6e-42 documentation for DHHL Kualapuu ASYA WUPA GWUPA 1100- 6E

Aloha e Roy,

I just wanted to make sure you got my email last week regarding DHHL's need for a determination letter for us to proceed in submitting the WUPA to SHPD's HICRIS.

As a clarification, the project effect determination should be, "no historic properties affected."

If you have any questions, please don't hesitate to call me.

Mahalo,
Malia Cox, LEED AP BD+C
Planning Office
Department of Hawaiian Home Lands
(808)620-9500

From: Cox, Malia M
Sent: Friday, April 9, 2021 4:35 PM
To: Hardy, Roy <roy.hardy@hawaii.gov>
Cc: Jonathan Scheuer <jllscheuer@gmail.com>; Choy, Andrew H <andrew.h.choy@hawaii.gov>; Manuel, Kaleo L <kaleo.l.manuel@hawaii.gov>
Subject: SHPD 6e-42 documentation for DHHL Kualapuu ASYA WUPA GWUPA 1100- 6E

Aloha e Roy,

DHHL has completed the 6E intake form and is ready submit to SHPD via HICRIS. As part of the HICRIS submission, DHHL needs a determination letter from the permit issuing authority, CWRM. Because the project does not include any ground or structure disturbing activities, the letter should indicate an effect determination of "no-effect."

I have included the material that DHHL will be including the SHPD-HICRIS submittal along with the CWRM determination letter you provide.

I will be overseeing the HICRIS submission process for DHHL, so once the CWRM determination letter is signed, please send an electronic copy to me, and copy Andrew and Jonathan.

I look forward to hearing from you soon.

Mahalo,
Malia Cox, LEED AP BD+C
Planning Office
Department of Hawaiian Home Lands
(808)620-9500

Choy, Andrew H

From: Hardy, Roy
Sent: Wednesday, March 31, 2021 6:37 AM
To: Choy, Andrew H; Manuel, Kaleo L; Fujii, Neal D
Cc: McPherson, Nancy M; Aila Jr, William J; Masagatani, Jobie K; Matsunaga, Stewart T; Garcia, Juanito P; Kapaku, Mona; Cairel, Gigi O; Jonathan Scheuer; Pruet, Kealaonalani A
Subject: RE: DHHL Kualapuu ASYA WUPA GWUPA 1100

Mahalo for the update Andrew.

Sorry for the last minute requirement, but all our permits are now required to go through the Department's State Historic Preservation (SHPD) review that require applicants to fill out a [6E form](#) to be reviewed under HRS 6E-42 and submitted through their new [HICRIS web portal](#). A completed 6E form is a new requirement for all our applications as part of completeness. If the application is otherwise complete, which is the case for your GWUPA 1100, CWRM will then provide a transmittal memo to the applicants to attach to their 6E submission to the HICRIS system. Please let us know when the 6E form is complete then we can official accept and route for agency review along with the SHPD memo to attach to your HICRIS submission.

Again, apologies for this recent updated requirement. Any questions feel free to ask.
Mahalo,
Roy

From: Choy, Andrew H <andrew.h.choy@hawaii.gov>
Sent: Monday, March 29, 2021 3:19 PM
To: Hardy, Roy <roy.hardy@hawaii.gov>; Manuel, Kaleo L <kaleo.l.manuel@hawaii.gov>
Cc: McPherson, Nancy M <nancy.m.mcpherson@hawaii.gov>; Aila Jr, William J <william.j.ailajr@hawaii.gov>; Masagatani, Jobie K <jobie.k.masagatani@hawaii.gov>; Matsunaga, Stewart T <stewart.t.matsunaga@hawaii.gov>; Garcia, Juanito P <juanito.p.garcia@hawaii.gov>; Kapaku, Mona <mona.kapaku@hawaii.gov>; Cairel, Gigi O <gigi.o.cairel@hawaii.gov>; Jonathan Scheuer <jillscheuer@gmail.com>; Pruet, Kealaonalani A <kealaonalani.a.pruet@hawaii.gov>
Subject: RE: DHHL Kualapuu ASYA WUPA

Aloha Roy and Kaleo,

We are attaching an addendum to our current application to address the questions CWRM previously raised on DHHL's Kualapuu WUPA. Please see attached.

Please confirm if the application can now be accepted as complete by CWRM.

Thanks,
Andrew

From: Hardy, Roy <roy.hardy@hawaii.gov>
Sent: Friday, December 18, 2020 4:24 PM
To: Choy, Andrew H <andrew.h.choy@hawaii.gov>; Manuel, Kaleo L <kaleo.l.manuel@hawaii.gov>
Cc: McPherson, Nancy M <nancy.m.mcpherson@hawaii.gov>; Aila Jr, William J <william.j.ailajr@hawaii.gov>; Masagatani, Jobie K <jobie.k.masagatani@hawaii.gov>; Matsunaga, Stewart T <stewart.t.matsunaga@hawaii.gov>; Garcia, Juanito P <juanito.p.garcia@hawaii.gov>; Kapaku, Mona <mona.kapaku@hawaii.gov>; Cairel, Gigi O

<gigi.o.cairel@hawaii.gov>; Jonathan Scheuer <jillscheuer@gmail.com>

Subject: RE: DHHL Kualapuu ASYA WUPA

Aloha Andrew,

An amendment to attach to the beginning of the current application or a revised application are both acceptable to us. Whichever you prefer. I'm also attaching a PDF of the linked image in the Kaleo's email as it didn't show up on mine and that may have been the case on yours too.

Happy Holidays, stay safe & healthy all.

-Roy

From: Choy, Andrew H

Sent: Friday, December 18, 2020 3:39 PM

To: Manuel, Kaleo L <kaleo.l.manuel@hawaii.gov>; Hardy, Roy <roy.hardy@hawaii.gov>

Cc: McPherson, Nancy M <nancy.m.mcpherson@hawaii.gov>; Aila Jr, William J <william.j.ailajr@hawaii.gov>; Masagatani, Jobie K <jobie.k.masagatani@hawaii.gov>; Matsunaga, Stewart T <stewart.t.matsunaga@hawaii.gov>; Garcia, Juanito P <juanito.p.garcia@hawaii.gov>; Kapaku, Mona <mona.kapaku@hawaii.gov>; Cairel, Gigi O <gigi.o.cairel@hawaii.gov>; Jonathan Scheuer <jillscheuer@gmail.com>

Subject: RE: DHHL Kualapuu ASYA WUPA

Mahalo Kaleo and Roy for taking the time to review our application and provide us comments/questions – we can fully relate to being short staffed.

We will address these comments – do you want us to submit a revised application? Please advise.

Happy Holidays!

Andrew

From: Manuel, Kaleo L <kaleo.l.manuel@hawaii.gov>

Sent: Friday, December 18, 2020 11:55 AM

To: Choy, Andrew H <andrew.h.choy@hawaii.gov>; Hardy, Roy <roy.hardy@hawaii.gov>

Cc: McPherson, Nancy M <nancy.m.mcpherson@hawaii.gov>; Aila Jr, William J <william.j.ailajr@hawaii.gov>; Masagatani, Jobie K <jobie.k.masagatani@hawaii.gov>; Matsunaga, Stewart T <stewart.t.matsunaga@hawaii.gov>; Garcia, Juanito P <juanito.p.garcia@hawaii.gov>; Kapaku, Mona <mona.kapaku@hawaii.gov>; Cairel, Gigi O <gigi.o.cairel@hawaii.gov>; Jonathan Scheuer <jillscheuer@gmail.com>

Subject: Re: DHHL Kualapuu ASYA WUPA

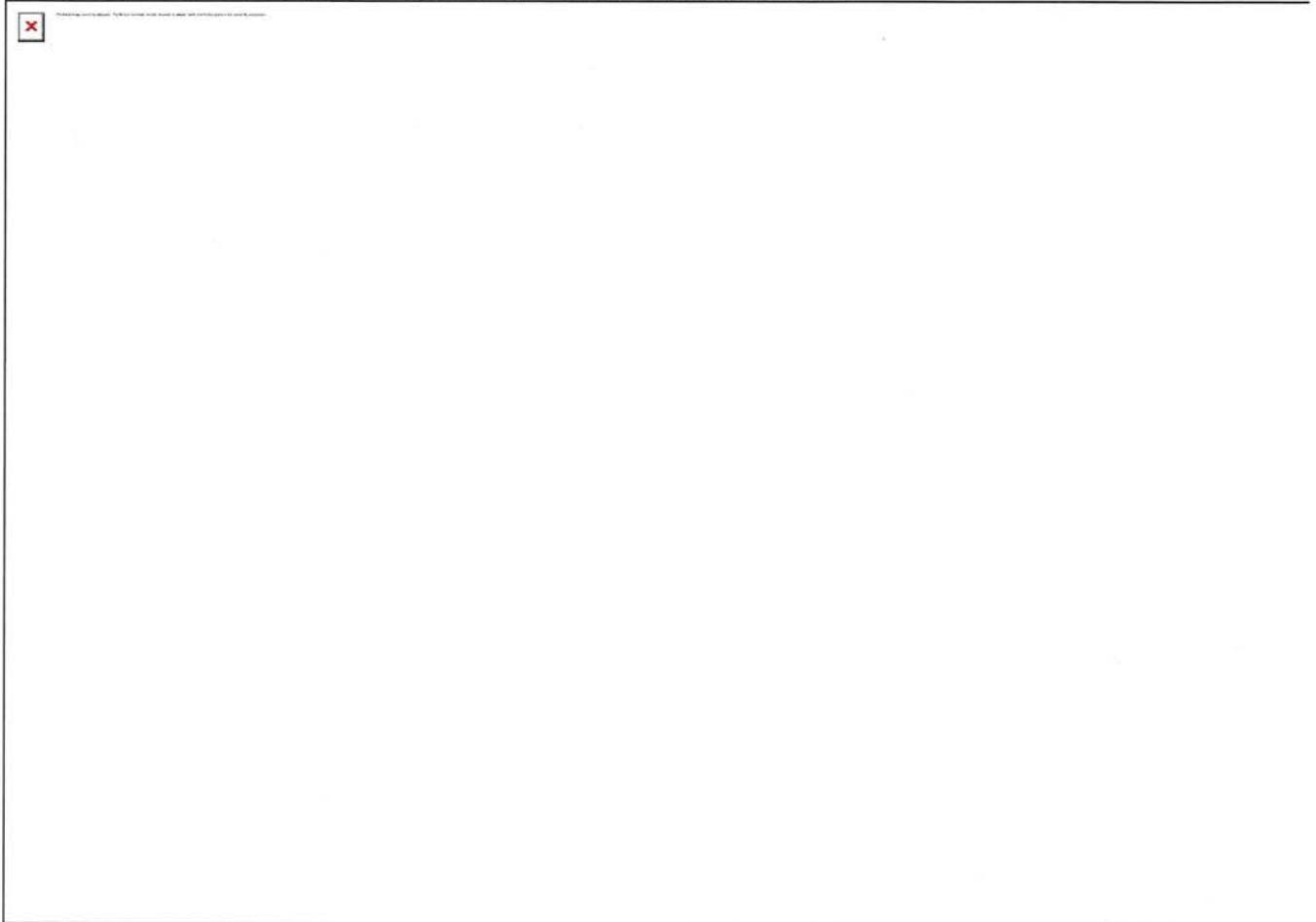
Aloha Andrew,

Mahalo for reaching out and apologize for the delayed response. Charley Ice has retired so Roy has been covering/catching up on his projects.

Here are the few clarifications needed for completion:

1. The well sources TMK should be (2) 5-2-010:003 rather than that listed in GWUPA as (2) 5-2-010:007. Please confirm.
2. Would it be fair to say all TMKs serviced by PWS 230 fall within TMK: 5-2-various?
3. Table DHHL-3 lists Maui county service as 21,000 gpd but under proposed modified request on pg. 6 item 3. lists it as 22,000 gpd, which would bring total request to 0.596 mgd. 21,000 is the correct value or is 22,000 gpd, which would change the total to 0.596 mgd?

4. Please verify that the 61 commercial connections in Table DHHL-3 are the uses referred to under proposed modified request item 5. on pg. 6.
5. How does the #1 alternate way of characterizing the request for 210 sub-dividable up to 544 sub-dividable lots compare with the 40 requested in Table DHHL-3 of 40 sub-dividable lots up to 544 sub-dividable lots.
6. Please clarify on pg.9 why is existing homestead agricultural needs are non-potable but remaining needs are potable? Does this mean future agricultural needs require potable and is there an estimate?
7. Below is the tally as we can glean from the application - any corrections?:



If you have any questions let us know.

Mahalo.

Kaleo

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From: Choy, Andrew H <andrew.h.choy@hawaii.gov>

Sent: Monday, December 7, 2020 7:47:58 AM

To: Hardy, Roy <roy.hardy@hawaii.gov>; Manuel, Kaleo L <kaleo.l.manuel@hawaii.gov>

Cc: McPherson, Nancy M <nancy.m.mcpherson@hawaii.gov>; Aila Jr, William J <william.j.ailajr@hawaii.gov>;

Masagatani, Jobie K <jobie.k.masagatani@hawaii.gov>; Matsunaga, Stewart T <stewart.t.matsunaga@hawaii.gov>;

Garcia, Juanito P <juanito.p.garcia@hawaii.gov>; Kapaku, Mona <mona.kapaku@hawaii.gov>; Cairel, Gigi O

<gigi.o.cairel@hawaii.gov>; Jonathan Scheuer <jillscheuer@gmail.com>

Subject: DHHL Kualapuu ASYA WUPA

Aloha Roy and Kaleo,

We just wanted to confirm whether DHHL's Kualapuu ASYA WUPA (submitted on October 12) has been accepted as a complete application by CWRM. Also, if possible please let us know CWRM's anticipated timeframe for taking action on DHHL's WUPA request.

Mahalo!
Andrew

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From: Hyatt, RaeAnn P <raeann.p.hyatt@hawaii.gov>
Sent: Tuesday, October 13, 2020 2:10 PM
To: Choy, Andrew H
Subject: RE: DHHL Kualapuu ASYA WUPA

Aloha Andrew~

I hope this finds you well and in good spirits.

Mahalo for transmitting DHHL's response to the Kualapuu ASYA WUPA.

I will forward this to our Groundwater Branch team for their appropriate action.

Malama Pono,

Rae Ann Hyatt
Private Secretary to Deputy M. Kaleo Manuel
DLNR-Commission on Water Resource Management
1151 Punchbowl St., #227 / Honolulu 96813
Tel: 808.587.0214
www.dlnr.hawaii.gov/cwrm

From: Choy, Andrew H <andrew.h.choy@hawaii.gov>
Sent: Monday, October 12, 2020 3:40 PM
To: Hyatt, RaeAnn P <raeann.p.hyatt@hawaii.gov>
Cc: Aila Jr, William J <william.j.ailajr@hawaii.gov>; Matsunaga, Stewart T <stewart.t.matsunaga@hawaii.gov>; Garcia, Juanito P <juanito.p.garcia@hawaii.gov>; Kapaku, Mona <mona.kapaku@hawaii.gov>; McPherson, Nancy M <nancy.m.mcpherson@hawaii.gov>; Cairel, Gigi O <gigi.o.cairel@hawaii.gov>; Pruet, Kealaonalani A <kealaonalani.a.pruet@hawaii.gov>; Jonathan Scheuer <jllscheuer@gmail.com>; Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>
Subject: DHHL Kualapuu ASYA WUPA

Aloha Rae Ann,

I hope all is well!

I am transmitting DHHL's completed and signed water use permit application for the Kualapuu Aquifer System Area, Molokai to CWRM staff for its acceptance as a complete application. Please let me know if there is any other action that DHHL needs to take in the submittal of its WUPA. We are very excited to have reached this milestone and hope our application request will be heard and acted upon by the Water Commission in the near future.

Mahalo nui!

CWRM Question 5: How does the #1 alternate way of characterizing the request for 210 sub-dividable up to 544 sub-dividable lots compare with the 40 requested in Table DHHL-3 of 40 sub-dividable lots up to 544 sub-dividable lots.

DHHL Response: The 40 requested meters in in Table DHHL-3 for 40 sub-dividable lots means that based on that Table, we would not have the capacity to add additional meters for the remaining 504 sub-dividable lots. DHHL believes that 40 additional meters would address some immediate needs, and ongoing efficiency measures, described in our application, could free up supply for some portion of the remaining subdividable lots.

CWRM Question 6: Please clarify on pg.9 why is existing homestead agricultural needs are non-potable but remaining needs are potable? Does this mean future agricultural needs require potable and is there an estimate?

DHHL Response: The statement on page 9, responding to the application requirement that potable and non-potable needs are identified, acknowledges that existing irrigation for existing Homestead service agricultural connections and the five commercial agricultural service connections uses potable water, and the only source currently available to them is our potable system, but the uses do not per se require potable water. Future agricultural homesteading will require water, both potable (for the residential components of agricultural homesteads and any agricultural processing requiring potable water), and non-potable. We are not requesting additional uses in this application for agricultural use of potable water. Future needs beyond what is being requested here are generally outside the scope of this application.

CWRM Question 7: Below is the tally as we can glean from the application - any corrections?

Use Summary
 Quality of Water Requests
 Fresh Brackish Salt Potable Non-Potable
 New Proposed Use
 Agriculture Municipal Individual Domestic Irrigation Industrial Military Other Use

| Requested Amount (GPD) | Requested Amount (Mgd) | CWRM Permitted Potential (Mgd) | | | | | |
|--|------------------------|--------------------------------|----------|-------|----------------|-------------------|----------------|
| 595,000 | 0.595 | | | | | | |
| Description | Tier | Existing | New | Total | Units | GPD | Mgd |
| emergency provision to provide water to MDWS & Molokai Ranch | (5) 0-0-000 000 | various | Existing | | 1.0 | 0 | 0 |
| Maui County Service | (5) 0-0-000 000 | various | Existing | | 1.0 | 21,000 | 21,000 |
| 5 private commercial agricultural meters | (5) 2-0-000 000 | various | Existing | | 2,536.0 | 5 | 12,400 |
| 25 homestead agricultural connections | (5) 2-0-000 000 | EXEMPT | Existing | | 315.5 | 127 | 40,000 |
| 40 sub-dividable homestead lots | (5) 2-0-000 000 | EXEMPT | New | | 40.0 | 600 | 24,000 |
| 536 existing homestead residential units | (5) 2-0-000 000 | EXEMPT | Existing | | 539.0 | 462 | 249,000 |
| 61 commercial connections for 8 existing non-homestead uses | (5) 2-0-000 000 | various | Existing | | 61.0 | 2,393 | 146,000 |
| 171 new homestead lots | (5) 2-0-000 000 | EXEMPT | New | | 171.0 | 600 | 102,600 |
| Total Units: | | | | | 3,664.5 | Total GPD: | 595,000 |

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

JOSH GREEN
LT GOVERNOR
STATE OF HAWAII

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P O BOX 1879
HONOLULU, HAWAII 96805

March 26, 2021

ref.:PO-21-083

Ms. Suzanne Case, Chairperson
Mr. M. Kaleo Manuel, Deputy Director
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

Subject: ADDENDUM TO Ground Water Use Permit Application - New
(GWUPA-New) for Kauluwai wells 1 & 2, Kualapu`u Molokai

Dear Ms. Case and Mr. Manuel,

On October 12, 2020, the Department of Hawaiian Home Lands (DHHL) submitted a GWUPA-New, for Kauluwai wells 1 & 2, Kualapu`u Molokai, seeking to increase our permitted pumping from .367 mgd to .595 mgd, for both Public Trust and non-Public Trust, reasonable beneficial uses on Molokai.

Prior to our submission, your staff's reviewed a draft form of this application and state their commitment that it would be accepted as complete. However, on December 18, 2020, DHHL was emailed with additional questions regarding our application. We below respond to those requests for additional information.

CWRM Question 1: The well sources TMK should be (2) 5-2-010:003 rather than that listed in GWUPA as (2) 5-2-010:007. Please confirm.

DHHL Response: Yes, the TMK should end in 003 rather than 007

CWRM Question 2: Would it be fair to say all TMKs serviced by PWS 230 fall within TMK: 5-2-various.

DHHL Response: Yes.

CWRM Question 3: Table DHHL-3 lists Maui county service as 21,000 gpd but under proposed modified request on pg. 6 item 3. lists it as 22,000 gpd, which would bring total request to 0.596 mgd. 21,000 is the correct value or is 22,000 gpd, which would change the total to 0.596 mgd?

DHHL Response: The correct value is 21,000 gpd, and our total request is 0.595 mgd.

CWRM Question 4: Please verify that the 61 commercial connections in Table DHHL-3 are the uses referred to under proposed modified request item 5. on pg. 6.

DHHL Response: Yes, they refer to the same connections.

Ms. Suzanne Case, Chairperson, CWRM
Mr. M. Kaleo Manuel, Deputy Director, CWRM
March 26, 2021
Page 3

DHHL Response: The 61 commercial connections are for a variety of non-homestead uses. The limitation or specification of eight non-homestead uses should be removed.

With these responses to the staff's additional questions, we again ask that this application be accepted as complete and noticed as soon as possible.

We also here repeat our request that rather than consider this application in conjunction with others, which may subject our beneficiaries to further delay, you consider this application before considering any other additional uses in the aquifer.

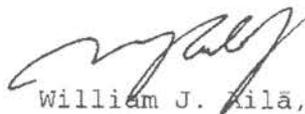
DHHL believes there are no other current, accepted, valid applications for water from the Kualapu'u Aquifer System Area at this time. A previously accepted application from Molokai Ranch has become outdated as it assumed use in conjunction with the Molokai Irrigation System, which the Ranch has now disconnected its system from. That application should simply be dismissed as incomplete by letter due to changed circumstances of the applicant's own doing.

Your records will show that DHHL objected to the acceptance of this application as complete, including due to a complete absence of any examination of the possible impact of the proposed pumping on traditional and customary rights along the coast of Molokai. It is troubling that the CWRM staff is willing to accept applications of complete with such obvious omissions, and yet has not done so for the very minor issues they belatedly identified with our application.

The continued deference of the staff to the ranches outdated applications, especially when seen in light of their continued pumping of approximately 500,000 gallons per day of water from this aquifer without any valid permit and without any enforcement, is deeply concerning to this Department.

We thank you for your consideration of these requests.

Mahalo,



William J. Ailā, Jr., Chairman
Hawaiian Homes Commission

C. Hawaiian Homes Commission

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY DIRECTOR
HAWAIIAN HOMES COMMISSION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P O BOX 1879
HONOLULU, HAWAII 96805

October 12, 2020

Ms. Suzanne Case, Chairperson
Mr. M. Kaleo Manuel, Deputy Director
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

Subject: Ground Water Use Permit Application – New (GWUPA-New) for
Kauluwai Wells 1 & 2, Kualapu`u, Moloka'i

Dear Ms. Case and Mr. Manuel,

The Department of Hawaiian Home Lands (DHHL) here submits a GWUPA-New, for Kauluwai wells 1 & 2, Kualapu`u Molokai, seeking to increase our permitted pumping from .367 mgd to .595 mgd, for both Public Trust and non-Public Trust, reasonable beneficial uses on Molokai. Our application is comprised of this letter, the application form, four attachments and four exhibits. If granted, expressed as a percentage of Sustainable Yield (SY), DHHL is seeking to increase its current allowed rate of using 7.34% by 4.56% to 11.9% of the SY in Kualapu`u.

As you know, beneficiaries have been waiting nearly three decades for DHHL to be able to provide additional homesteading opportunities on the island. Our requests to increase our pumping, even as Molokai Ranch has been permitted to continue to pump without a permit, have to this date been unsuccessful. The challenges to our securing an increased allocation have been many, beyond even the Molokai Ranch's previous request for a contested case against us, later withdrawn. This has directly and negatively affected our ability to increase homesteading on the island.

Because our agencies share a commitment to protecting the water resources of Molokai and their Public Trust uses, we would like to highlight that for over two decades, DHHL has taken the following actions to better understand these resources:

- DHHL & the United States Geological Survey (USGS) funded the Molokai water budget study to establish baseline information on the Kualapu`u and surrounding Aquifers

- DHHL & USGS funded the original Kualapu'u Aquifer computer model to estimate the hydrologic impacts of groundwater withdrawals under different pumping level and location scenarios
- DHHL, USGS and Maui County funded construction of the Kualapu'u Monitoring Well to provide information on water levels and salinity variations with depth in the aquifer
- County of Maui, DHHL, the Office of Hawaiian Affairs, and USGS funded a more complex three-year \$900,000 study to provide updated groundwater recharge estimates and quantify hydrologic impacts of groundwater. This study has now been published and is available to CWRM to inform allocation decisions.

Please also note that Molokai Ranch and CWRM were invited to provide funding for these studies, but declined.

We have appreciated your staff's recent willingness to review a draft form of this application and their commitment that it would be accepted as complete. We ask that this application be accepted as complete and noticed as soon as possible. We also seek that rather than consider this application in conjunction with others, which may subject our beneficiaries to further delay, you consider this application before considering any other additional uses in the aquifer.

We thank you for your consideration of these requests.

C. Hawaiian Homes Commission



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

APPLICATION FOR GROUND WATER USE PERMIT FOR
PROPOSED NEW USE IN A DESIGNATED GROUND WATER
 MANAGEMENT AREA

FORM GWUPA-N

- Application for New Use
 Application to Modify WUP No. 267

For Official Use Only:

For detailed instructions on filling out this application form completely, refer to the attached instructions. Incomplete applications will not be accepted for processing.

The following must be attached before this application is accepted as complete:

- Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) with source location labeled and include the name of the quad map.
- Property tax map, showing source location referenced to established property boundaries.
- Photograph(s) of the source(s) and location(s) of proposed end use(s), if applicable. **SEE ATTACHMENT A**

APPLICANT INFORMATION

Note 1: In accordance with HRS § 174C-51(1), the landowner shall be the joint applicant in the event the applicant is a lessee, licensee, developer or any person with a terminable interest or estate in the land that is the water source of the permitted water.

| 1. APPLICANT'S INFORMATION | | | 2. SOURCE LANDOWNER'S INFORMATION | | |
|--|---|------------------------------------|-----------------------------------|------------------------|----------------|
| Name/Company William J. Ailā, Jr. Chairman Department of Hawaiian Home Lands | Contact Person Andrew Choy, Acting Planning Program Manager | | Name/Company Same | Contact Person Same | |
| Mailing Address P.O. Box 1879 Honolulu, Hawai'i 96805 | | | Mailing Address Same | | |
| Phone (808) 620-9500 | Fax (808) 620-9559 | E-mail andrew.h.choy@hawaii.gov | Phone Same | Fax Same | E-mail Same |

SOURCE INFORMATION

| | | |
|----------------------|--|--|
| 3. ISLAND Molokai | 4. GROUND WATER MANAGEMENT AREA Kualapu'u | 4A. SUSTAINABLE YIELD FOR ITEM 4 5 ^A MGD (SEE ATTACHMENT B) |
|----------------------|--|--|

5. SOURCE INFORMATION
 Attach additional sheets, if necessary.

| Well Number (if known) | Well Name | Existing or Proposed? | TMK | Flowmeter installed? |
|------------------------|------------|-----------------------|--|---|
| 4-0801-001 | Kauluwai 1 | Existing | 5 - 2 - 10 : 07 zone sector plat parcel | X Yes, date installed 10 / 12 / 1995 <input type="checkbox"/> No |
| 4-0801-002 | Kauluwai 2 | Existing | 5 - 2 - 10 : 07 zone sector plat parcel | X Yes, date installed 10 / 12 / 1995 <input type="checkbox"/> No |
| | | | zone sector plat parcel | <input type="checkbox"/> Yes, date installed ___ / ___ / ___ <input type="checkbox"/> No |
| | | | zone sector plat parcel | <input type="checkbox"/> Yes, date installed ___ / ___ / ___ <input type="checkbox"/> No |
| | | | zone sector plat parcel | <input type="checkbox"/> Yes, date installed ___ / ___ / ___ <input type="checkbox"/> No |
| | | | zone sector plat parcel | <input type="checkbox"/> Yes, date installed ___ / ___ / ___ <input type="checkbox"/> No |

PROPOSED USE INFORMATION §§174C-51(4), (5), (6) HRS

6. TOTAL QUANTITY OF WATER REQUESTED: In the space below, enter total from Box M in Item 11 (Table 1) of this application.
 595,000 gallons per day, averaged over 1 year **(SEE ATTACHMENT B)**

7. PROPOSED USE(S): Agriculture Domestic Industrial **(SEE ATTACHMENT B)**
 Check all that apply. Irrigation Military Municipal

8. LOCATION OF PROPOSED WATER USE(S): Show the location of the proposed use on the same USGS and TMK maps as the proposed source location. Otherwise, attach similar maps. See Item 11 (Table 1, column B) of this application. **(SEE ATTACHMENT A)**

Note 2: Signing below indicates that the signatories understand and affirm that the information provided on this application is accurate and true to the best of their knowledge. Further, the signatories understand that: (1) if necessary, further information may be required before the application is considered complete; (2) if a water use permit is granted by the Commission, this permit is subject to any existing legal uses, changes in sustainable yields and instream flow standards, reserved uses as defined by the Commission, and Hawaiian Home Lands' future uses; and (3) the applicant is responsible for paying the public notice fees associated with this application. Additionally, as stated in Note 1, above, HRS § 174C-51(1) the landowner shall be the joint applicant in the event the applicant is a lessee, licensee, developer or any person with a terminable interest or estate in the land that is the water source of the permitted water.

| | |
|--|--|
| 9. APPLICANT Signature William J. Ailā Jr. Print Name 10/12/20 Date | 10. SOURCE LANDOWNER/JOINT APPLICANT (if applicable) Signature William J. Ailā Jr. Print Name 10/12/20 Date |
|--|--|

PROPOSED NEW USE OR MODIFIED USE INFORMATION

11. TABLE 1: LAND USE CONSISTENCY / EFFICIENCY OF USE (Attach additional copies, if necessary) (SEE ATTACHMENT B)

| LAND USE CONSISTENCY | | EFFICIENCY OF USE | | | | EFFICIENCY OF USE | | EFFICIENCY OF USE | |
|---|--|-------------------------|--|--------------------|--|----------------------|---------------------|-----------------------|--|
| A | B | C | D | E | F | G | H | I | J |
| PURPOSE / WATER USE CATEGORY (See the instructions for water use category descriptions.) | MARK FOR PROPOSED LOCATION OF USE ATTACH THE FOLLOWING: • Property tax map showing proposed location of use referenced to established property boundaries. • Photograph of the area of proposed use | STATE LAND USE DISTRICT | GCUP REQUIRED? Check the appropriate box and write in the date approved, if applicable. | COUNTY ZONING CODE | SWAP REQUIRED? Check the appropriate box and write in the date approved, if applicable. | UNITS OR NET ACREAGE | GPD UNIT or CAPTURE | QUANTITY OF USE (GPD) | JUSTIFICATION FOR QUANTITY OF WATER REQUESTED (If applicable, attach additional sheets showing how the quantity was calculated.) For irrigation uses, list in Table 2. |
| USES THAT REQUIRE POTABLE (DRINKING) WATER | | | | | | | | | |
| | zone _____ sector _____ plat _____ parcel _____ | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | | | |
| | zone _____ sector _____ plat _____ parcel _____ | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | | | |
| | zone _____ sector _____ plat _____ parcel _____ | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | | | |
| | zone _____ sector _____ plat _____ parcel _____ | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | | | |
| TOTAL POTABLE USE | | | | | | | | | |
| | | | | | | | | K | GPD |
| USES THAT DO NOT REQUIRE POTABLE WATER | | | | | | | | | |
| | zone _____ sector _____ plat _____ parcel _____ | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | | | |
| | zone _____ sector _____ plat _____ parcel _____ | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | | | |
| | zone _____ sector _____ plat _____ parcel _____ | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | | | |
| | zone _____ sector _____ plat _____ parcel _____ | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | <input type="checkbox"/> Yes, date approved / <input type="checkbox"/> Yes, not acquired / <input type="checkbox"/> No | | | | |
| TOTAL NON-POTABLE USE | | | | | | | | | |
| | | | | | | | | L | GPD |
| | | | | | | | | M | GPD |

Please explain if there are any limitations (e.g., legal, contractual) on the proposed water use(s) described in Table 1. Ref. HRS § 174C-5(5).

OTHER PERTINENT INFORMATION

13. TABLE 3: ALTERNATIVES ANALYSIS (SEE ATTACHMENT B)

| | A. Analysis of <i>potable</i> alternatives Attach additional sheets if necessary. | B. Analysis of <i>non-potable</i> alternatives Attach additional sheets if necessary. |
|-----------------------|--|--|
| Municipal sources | | |
| Wastewater reuse | | |
| Ditch system | | |
| Desalinization | | |
| Surface water | | |
| Conservation Measures | | |
| Other (specify) | | |

14. PUBLIC INTEREST

§174C-2(C), HRS states: *The state water code shall be liberally interpreted to [a] obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, [b] adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

Explain how the proposed new use(s) in your application are consistent with items [a] and [b] above.

(SEE ATTACHMENTS B AND C)

15. INTERFERENCE WITH THE RIGHTS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS

Explain how the proposed new use(s) of water will not interfere with the rights of the Department of Hawaiian Home Lands, as provided in section 221 of the Hawaiian Homes Commission Act.

(SEE ATTACHMENT B)

16. INTERFERENCE WITH ANY EXISTING LEGAL USES

Explain how the proposed new use(s) of water will not interfere with any other existing legal use(s) of water.

(SEE ATTACHMENTS B AND C)

17. PUBLIC WATER SYSTEM INFORMATION

Check the appropriate box or boxes. **Sources serve PWS 230, a DHHL owned, non-PUC-Regulated System**

PUC-Regulated Private System / Non-PUC-Regulated Private System / Not a Public Water System

Intended dedication to Honolulu Board of Water Supply or to County of Maui, Department of Water Supply.

18. CHAPTER 343

An Environmental Assessment was completed, and

An Environmental Impact Statement was required and has been accepted (attach letter of acceptance). Publication date in The Environmental Notice:

A Finding of No Significant Impact has been determined (attach letter). Publication date in The Environmental Notice: June 8, 2016 **(SEE ATTACHMENT D)**

This project proposes:

Use of state or county lands, or use of state or county funds

Use within a state conservation district

Use within a shoreline setback area

Use within a national or Hawaii registered historic site

Use within the Waikiki Special District

The construction, expansion or modification of helicopter facility

A wastewater treatment unit

Waste-to-energy facility

Landfill

Oil refinery

Power-generating facility

None of the above 11 items

INSTRUCTIONS FOR FILLING OUT APPLICATION FOR GROUND WATER USE PERMIT FOR A PROPOSED NEW USE OR TO MODIFY A GROUND WATER USE PERMIT

This application form is to be used for proposed new uses, including modifications of existing ground water use permits. **If you are applying for an existing ground water use, which are uses prior to the effective date of designation, do not use this form.** Instead, use the *Application for Ground Water Use Permit for Existing Use* (Form GWUPA-E) for existing uses.

Most questions can be addressed by visiting our website at <http://www.hawaii.gov/dlnr/cwrm> or by contacting the Regulation Branch at 587-0225 or by e-mail at dlnr.cwrm@hawaii.gov. If you need further assistance, call the Regulation Branch. The current application forms are available at: http://www.hawaii.gov/dlnr/cwrm/resources_permits.htm.

REQUIREMENTS FOR A COMPLETE APPLICATION

- a. Fill in the most recent application form. A current form can be obtained by going to our website or contacting us by phone or e-mail.
- b. Print in ink or type the information on the application.
- c. The application form has a total of 16 items on 4 pages. Items 11, 12, and 13 are tables, with multiple line items. Fill in the required information for every item in the application form as it relates to your proposed new use or permit modification.
- d. Enclose a check for the non-refundable filing fee of \$25 payable to: Department of Land and Natural Resources. (Government agencies are not required to pay the filing fee.)
- e. Please be aware that the applicant is responsible for paying the cost of publishing any required public notices associated with this application. The cost for public notices is currently approximately \$400.00. Commission staff will provide instructions later in the permit process regarding payment of these costs.
- f. Mark the proposed source and end use location(s) on the appropriate USGS quad map (scale 1:24,000) and property tax map, and attach these maps to the application.
- g. Attach photos showing the existing or proposed source(s), meter(s) (if applicable), and end use area(s).
- h. Both the applicant and the landowner where the source is located ("source landowner") must sign the application form in ink.
- i. Submit the original application, **15 copies** of the application form and all attachments (maps, photos, and other attachments), and the filing fee to the Commission on Water Resource Management, P. O. Box 621, Honolulu, HI 96809.

Further, the applicant must address §174C-49(a) of the State Water Code, which states that:

To obtain a permit pursuant to this part, the applicant shall establish that the proposed use of water:

- (1) *Can be accommodated with the available water source;*
- (2) *Is a reasonable-beneficial use¹ as defined in section 174C-3;*
- (3) *Will not interfere with any existing legal use of water;*
- (4) *Is consistent with the public interest²;*
- (5) *Is consistent with state and county general plans and land use designations;*
- (6) *Is consistent with county land use plans and policies; and*
- (7) *Will not interfere with the rights of the department of Hawaiian home lands as provided in section 221 of the Hawaiian Homes Commission Act.*

¹ According to §174C-3, HRS, "Reasonable-beneficial use" means the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest.

² Public interest is described in §174C-2(c), HRS, which states: *[t]he state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

NOTE: Filling in the application completely will address §174C-49(a), HRS.

LINE-BY-LINE INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM

APPLICANT INFORMATION

In accordance with the Hawaii Water Code, both the applicant and the person who owns the property where the water source is located are required to apply for a water use permit. §174C-51(1)(B), HRS, states, *In the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land, which is the water source of the permitted water, applies for a water permit, the landowner shall also be stated as a joint applicant for the water permit.*

1. **APPLICANT INFORMATION** Fill in the information for the applicant. This should be the person who will be responsible for all conditions of the water use permit.
2. **SOURCE LANDOWNER INFORMATION** Fill in the information for the landowner of the property where the proposed ground water source (e.g., well, modified spring, tunnel, shaft, etc.) is located.

SOURCE INFORMATION

3. **ISLAND** Check the appropriate box, noting the island where the source is located.
4. **GROUND WATER MANAGEMENT AREA** The name of the aquifer system area where the source is located.
- 4A. **SUSTAINABLE YIELD** The sustainable yield for the aquifer system area.
5. **SOURCE INFORMATION**
 - **WELL NUMBER** If the source already has a state-assigned well number, write the state well number here.
 - **WELL NAME** If the proposed source already has a name, write the name here. Otherwise, give it a short name that will differentiate it from other wells.
 - **SOURCE TMK** Fill in the current Tax Map Key number of the parcel where the source is located.
 - **FLOWMETER INFORMATION** Check either "Yes" or "No." If you answer "Yes," write in the date the flowmeter was installed month/day/year in the space provided. (The definition of a working flowmeter is a water meter with a totalizer that gives the total quantity of water used from a source.)

PROPOSED USE INFORMATION

(Ref. §§ 174C-51(4), (5), (6), HRS)

6. **TOTAL QUANTITY OF WATER REQUESTED** Enter the amount of water requested as gallons per day (GPD) averaged over one year. Fill out Table 1 and enter the amount in Box 14, "Total Use Requested."

7. **PROPOSED USE(S)** Check all the boxes that apply for the proposed use. Refer to the instructions for Table 1: Land Use Consistency/Efficiency of Use, Item 1: Purpose/Water Use Category below to determine which water use category to use.
8. **LOCATION OF PROPOSED WATER USE(S)** Show the location of the proposed use on the same USGS and TMK maps as the proposed source location. Otherwise, attach similar maps and show the location of the proposed use.

APPLICANT SIGNATURES REQUIRED

9. **APPLICANT** The Applicant must sign and date the application. Please print or type the Applicant's name in the space provided.
10. **SOURCE LANDOWNER** The Source Landowner must also sign and date the application. Please print or type the Source Landowner's name in the space provided.

PROPOSED NEW USE OR MODIFIED USE INFORMATION

11. **Table 1: LAND USE CONSISTENCY / EFFICIENCY OF USE** Provide information on all of the proposed uses you are applying for or seeking to modify. In the space provided below the table or on a separate sheet, explain whether there are any limitations [e.g., a contract or other legal agreement(s)] on your proposed water use(s), as required by §174C-51(5), HRS.

A. **PURPOSE / WATER USE CATEGORY** For each purpose of use, choose one of the categories listed in the table below and enter the appropriate code in the space provided (e.g., AGRAQ, IRRGC, etc.)

| | |
|--|---|
| <p>x</p> <p>AGRAQ Aquatic Plants & Animals</p> <p>AGRCP Crops & Processing</p> <p>AGRLI Livestock & Processing, and Pasture</p> <p>AGRON Ornamental & Nursery Plants</p> <p>AGROTH Other</p> | <p>DOMESTIC</p> <p>DOM Single & Multi Low-Rise & High-Rise Household</p> <p>DOMN Domestic (Non-residential)</p> <p>DOMNCB Commercial Businesses</p> <p>DOMNRI Religious Institutions</p> <p>DOMNHOS Hospitals</p> <p>DOMNHOT Hotels</p> <p>DOMNOB Office buildings</p> <p>DOMNOTH Domestic Non-Residential - Other</p> <p>DOMNSC Schools</p> |
| <p>IRRIGATION</p> <p>IRRGC Golf Course</p> <p>IRRHM Habitat Maintenance</p> <p>IRRHOT Hotel</p> <p>IRRLA Landscape/Water Features</p> <p>IRROTH Other</p> <p>IRRPCA Parks</p> <p>IRRSC Schools</p> | <p>INDUSTRIAL</p> <p>INDEL Geothermal, Thermoelectric Cooling, Power Development</p> <p>INDFP Fire Protection</p> <p>INDMI Mining, Dust Control</p> <p>INDOTH Industrial - Other</p> |
| <p>MILITARY</p> <p>MIL Military</p> | <p>MUNICIPAL</p> <p>MUNCO County</p> <p>MUNPR Privately-owned but defined as public water system by</p> <p>MUNST DOH State</p> |

- B. **USE TMK** Enter the tax map key (TMK) number for the parcel of land over which the use is applied. There should only be one parcel for each line. Also, attach:
 - (1) A TMK map (or maps) showing each of the lots listed and the boundaries of the end use area(s); and
 - (2) A photograph of the area of use.
- C. **STATE LAND USE DISTRICT** Write in the name of the current land use district. To find the Land Use District, contact the Land Use Commission at (808) 587-3822.
- D. **CDUP REQUIRED?** Check the appropriate box. If a Conservation District Use Permit (CDUP) is required and you have a CDUP applicable to this project, check "Yes" and write in the date approved in the space provided (month/day/year). If your parcel is in a conservation district, as indicated in Column C of this table, contact the Office of Conservation and Coastal Lands at (808) 587-0328 to find out if a CDUP is required.
- E. **COUNTY ZONING CODE** To find out the County Zoning Code for Oahu, contact the City and County of Honolulu at 768-8041. For Maui County, contact at 270-7253.
- F. **SMAP REQUIRED?** Check the appropriate box. If a Special Management Area Permit (SMAP) is required, and you have an SMAP applicable to this project, check "Yes" and write in the date approved in the space provided (month/day/year). To find out if your parcel is in a Special Management Area and requires an SMAP, for Oahu call the City and County of Honolulu at 768-8014 or for Maui County call the Planning Department at 270-8205.
- G. **UNITS or NET ACREAGE** This is the total number of units or the net number of acres as a basis for calculating your requested allocation. "Unit" can mean a dwelling unit, number of people, or number of animals. Some examples of units or acreages to enter in this column would be 400 dwelling units, 500 people, or 3.74 acres.
- H. **GPD/UNIT or GPD/ACRE** (GPD = gallons per day) Enter the gallons per day per unit (GPD/unit) or gallons per day per acre (GPD/acre) for each water use category listed in Column A.
- I. **QUANTITY OF USE** Enter the proposed quantity of water use in gallons per day (GPD). Justification (see Column J) for the quantity(ies) requested may depend on the information provided in columns G and H of this table.
- J. **JUSTIFICATION FOR QUANTITY OF WATER REQUESTED** Explain how you are justifying the quantity of water requested for each use, in Column I of this table. Attach additional sheets, if necessary, showing how the proposed quantity was calculated. For all proposed irrigation uses, you are required to also complete Item 12 (Table 2) of the application.
- K. **TOTAL POTABLE USE** Add the quantities listed in the Column I for proposed potable water use(s). Enter the total quantity in gallons per day (GPD) in Box K.
- L. **TOTAL NON-POTABLE USE** Add the quantities listed in Column I for proposed uses that do not require potable water. Enter the total quantity of proposed non-potable water use in gallons per day (GPD) in Box L.
- M. **TOTAL QUANTITY OF WATER REQUESTED** Add the totals in Box K and Box L, and enter the sum in Box M. The quantity in Box M should be the same as the amount entered under Item 6 on the page 1 of the application.

12. TABLE 2: IRRIGATION INFORMATION

On Table 2, provide the information requested for all the crops you are proposing to grow, including landscapes and golf course turf and plants. Enter only one crop and one parcel number (TMK) per line. For multiple crops, list each one as a separate line item. All proposed or modified irrigation uses you are applying for must be listed. Attach additional copies of Table 2, if necessary.

- A. **TMK FOR PROPOSED LOCATION OF USE** Enter the parcel number where the crop will be grown. Also, attach a property tax map with an outline around the area(s) of proposed use(s) and a photograph of each area of proposed use.
- B. **CROP** Enter the crop type
- C. **TOTAL ACREAGE** Enter the total acreage of the parcel listed.
- D. **NET IRRIGATED ACREAGE** Enter the acreage that the specific crop will be grown.
- E. **BEGIN GROWTH PERIOD (MONTH)** This is the month of the start of the growth cycle.
- F. **END GROWTH PERIOD (MONTH)** This is the month of the end of the growth cycle.
- G. **IRRIGATION SYSTEM** Enter one of the following:
 - TRICKLE, DRIP
 - TRICKLE, SPRAY
 - MULTIPLE SPRINKLERS
 - SPRINKLER, CONTAINER NURSERY
 - SPRINKLER, LARGE GUNS
 - SEEPAGE, SUBIRRIGATION
 - CROWN FLOOD
 - FLOOD (TARO)
 - OTHER – Please describe in the space provided for comments (Column I and/or below the table).
- H. **IRRIGATION PRACTICE** Enter one of the following:
 - IRRIGATE TO FIELD CAPACITY
 - APPLY A FIXED DEPTH PER IRRIGATION
 - DEFICIT IRRIGATION
 - OTHER – Please describe in the space provided for comments (Column I and/or below the table).

13. TABLE 3: ALTERNATIVES ANALYSIS

You should address every alternative and explain why each alternative is or is not available for your proposed potable and non-potable water needs. Other alternatives (last row of Table 3), may include stormwater reclamation, rainwater catchment, or other alternatives not already listed above.

Surface water is defined in §174C-3, HRS as: ... both contained surface water—that is, water upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes, reservoirs, and coastal waters subject to state jurisdiction—and diffused surface water—that is, water occurring upon the surface of the ground other than in contained waterbodies. Water from natural springs is surface water when it exits from the spring onto the earth's surface.

For **Conservation Measures**, please describe any conservation measures that will be used to ensure that your water use is or will be efficient. Conservation measures may include, but are not limited to, water reuse or recycling systems, monitoring the water distribution system for pressure drops that are indicative of leaks or line breaks, or use of drought-tolerant and xeriscape landscape plants.

14. PUBLIC INTEREST

Explain in the space provided or on a separate sheet why the proposed new use(s) on your application are consistent with the public interest.

15. INTERFERENCE WITH THE RIGHTS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS

Explain in the space provided or on a separate sheet how the proposed new use(s) of water will not interfere with the rights of the Department of Hawaiian Home Lands, as provided in section 221 of the Hawaiian Homes Commission Act. To inquire about potential interference, you may contact the Department of Hawaiian Home Lands main line at 620-9500, or the DHHL Planning Office at 620-9480. You may also visit their website at dhhl.hawaii.gov, where you can review DHHL's Island Plans, Regional Plans, and their Water Policy Plan.

The State Water Code in §174C-101(a), HRS [Native Hawaiian water rights], states: *Provisions of this chapter shall not be construed to amend or modify rights or entitlements to water as provided for by the Hawaiian Homes Commission Act, 1920, as amended, and by chapters 167 and 168, relating to the Molokai irrigation system. Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act.*

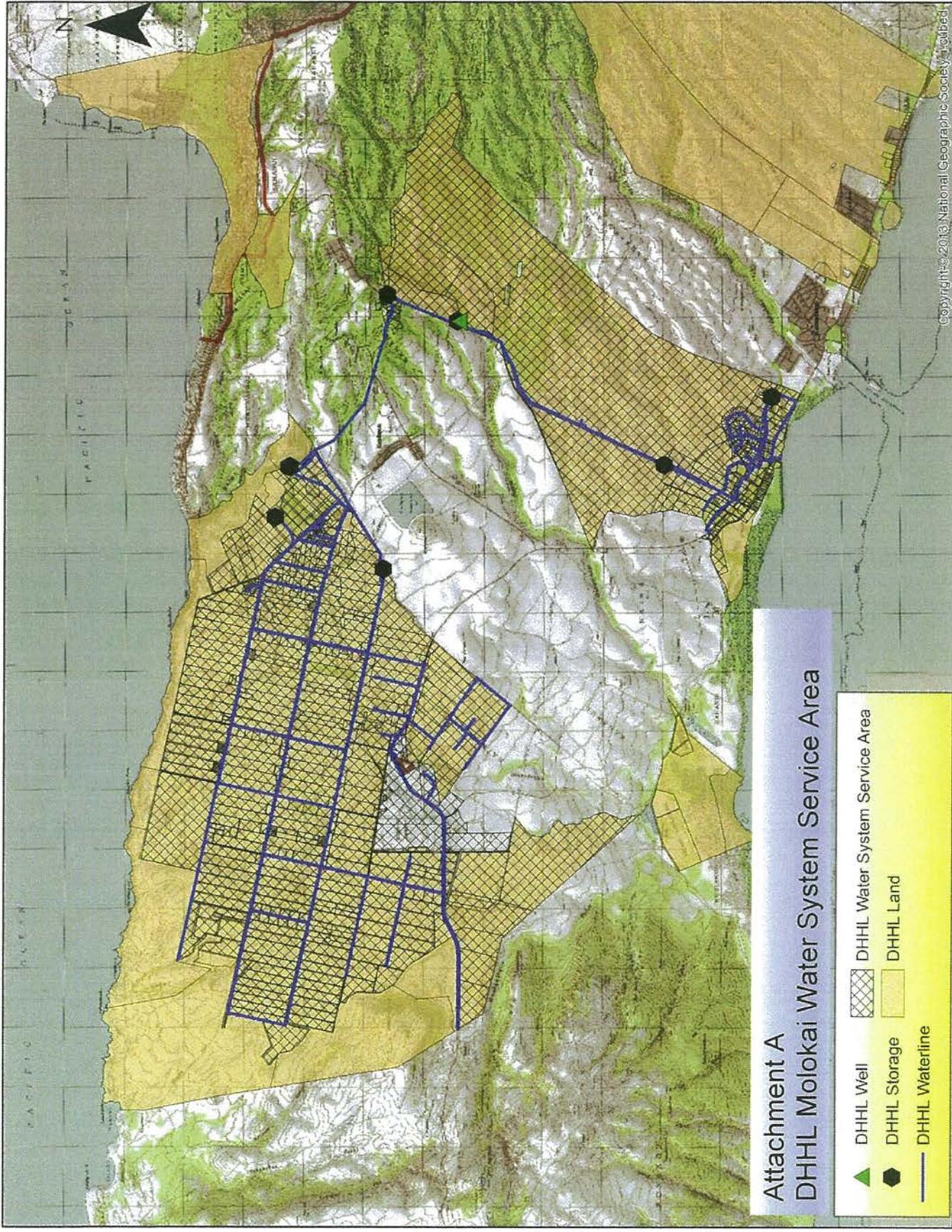
16. INTERFERENCE WITH ANY EXISTING LEGAL USES

Explain in the space provided or on a separate sheet how the proposed new use(s) of water will not interfere with any other existing legal use(s) of water.

17. PUBLIC WATER SYSTEM INFORMATION

Check the appropriate box or boxes relating to your existing or proposed new water system.

18. CHAPTER 343 If an Environmental Assessment was completed, fill in the dates of publication and acceptance. For additional information about the proposed uses checkboxes, refer to http://luc.state.hi.us/docs/hrs_343.pdf



Attachment A
DHHL Molokai Water System Service Area

-  DHHL Well
-  DHHL Storage
-  DHHL Waterline
-  DHHL Water System Service Area
-  DHHL Land

Attachment B.
Attachment to Water Use Permit Application (WUPA) to modify WUP 267
Draft September 17, 2020

4. A. SUSTAINABLE YIELD FOR ITEM 4

The current Sustainable Yield (SY) for the Kualapu`u Aquifer System Area is currently 5.0 million gallons per day (mgd), set when the Commission on Water Resource Management (CWRM) adopted the Water Resources Protection Plan 2019 Update (WRPP) on July 16, 2019. That document left the Kualapu`u Aquifer System Area SY at the same amount as in the 2008 WRPP. This was explained by CWRM in part by footnote 17 to Table F-10 of Appendix F of the 2019 Update:

The Previously Adopted SY (2007) for the Kualapuu Aquifer System Area dates to a 1996 recalculation of sustainable yield based on a revised recharge number and modified RAM calculation (see comment 5 above). Based on (1) current ground water demands within the system, (2) the fact that the 5 MGD falls within the predicted range of sustainable yields for the aquifer system, (3) the presence of a deep monitor well within the system that will allow for long-term monitoring of the transition zone, and (4) the existence of ground water models for the system, CWRM elected to maintain the sustainable yield at 5 MGD.

In a previous Public Hearing Draft Submittal dates January 28, 1998 for the DHHL September 13, 1996 WUPA for these same sources, CWRM staff noted:

This is the maximum average rate that ground water can be withdrawn from the aquifer system without impairing the utility or quality of the aquifer system as a whole. However, this is water availability on a regional aquifer-wide scale as opposed to a localized well infrastructure scale.

The current SY of 5.0 mgd was chosen by CWRM staff and adopted by that Commission itself as a number at the bottom of a range of 5-8 mgd which is noted as being the SY Range 2019 in the Table F-10 of Appendix F of the 2019 Update. According to footnote 3 of that table and the 2019 SY Range column, "The bounds of the sustainable yield range were set based on the minimum and maximum estimates resulting from the comparison between the green columns: corrected RAM 2008, RAM + Updated best available Information, and RAM 2 + Updated best available Information."

The upper limit of 8 mgd appears in Tale F-10 in the column labeled "RAM + Updated Information", which itself has a footnote 2. Footnote 2 states that the numbers are "RAM or RAM 2 methodology using updated best information available for recharge estimates. In cases where multiple valid studies were published ranges of SY are shown."

We also note that the reference in Table F-10 for Molokai is a United States Geological Survey (USGS) publication from 1997 (Shade, P.J., 1997, Water budget for the Island of Molokai, Hawai'i: U.S. Geologic Survey Water-Resources Investigations Report 97-4155, 20pp.). That study estimated a recharge rate of 11 mgd, which would result in a calculated SY of 4.8125 mgd using the Robust Analytical Model (RAM) equation.

The basis for an upper limit of 8 in the range of SY for Kualapu`u is based on the lesser known 2008 Department of Health Source Water Assessment Program (SWAP) study using a recharge of 14 mgd. This results in a SY of 7.6, and CWRM chooses to round SY to nearest whole number, or 8 mgd.

6. TOTAL QUANTITY OF WATER REQUESTED. DHHL is requesting 0.595 million gallons per day (mgd), the amount of water it can reliably pump and deliver from its two wells. This accounts for a portion *but not all* of our near-term needs, as described further below. As of June 30, 2020, there are 2,089 qualified beneficiaries on the Molokai waiting lists (816 for residential, 1,069 for agricultural, and 204 for pastoral lots). Expressed as a percentage of SY, DHHL is seeking to increase its current allowed rate of using 7.34% by 4.56% to 11.9% (see 4, above).

7. PROPOSED USE(S) As they fall into the GWUPA-N (January 28, 2016) form "use" categories, DHHL proposed uses could be characterized as Agriculture, Domestic, Industrial, and Municipal, or alternately, simply Municipal (as the wells are the source for Public Water System (PWS) 230. **Here, DHHL is seeking to have this well permitted as a municipal well, but with the amount allocated for municipal use based on the additional information provided in this application.**

DHHL also makes the following observations for the record:

- The categories military, agriculture and industrial given in the instructions of FORM GWUPA-N (January 28, 2016) (page 6) are not defined by the state Water Code (HRS 174C-3).
- The category "municipal" is defined in the application identically to its definition in the code and in rule (e.g. HAR 13-171-2). However, municipal is not a category of use, as municipal systems can deliver water for multiple uses.
- The category "domestic" is defined in the application identically to its definition in the code and in rule (e.g. HAR 13-171-2). However, the subcategories offered in the form may contradict these definitions. For example, water used in office buildings does not clearly fall within the definition of domestic which "means any use of water for individual personal needs *and for household purposes* such as drinking, bathing, heating, cooking, noncommercial gardening, and sanitation" (emphasis added).

We note the use categories may provide CWRM some basis to determine whether actual use rates or proposed duties are efficient and comparable to other uses. However, it does not

provide a basis for determination if the proposed uses fall within protected Public Trust use categories of water. DHHL notes here for the record there should not be conflation of the domestic category on the form with the protected Public Trust domestic uses as identified by Hawai'i courts (*see* Kaua'i Springs, 130 Haw. 407, 312 P.3d 283), as CWRM considers this and other applications for water.

DHHL also notes here for the record that DHHL reservations *and uses* are Public Trust uses of water. CWRM must recognize that in the Wai'ola case - which is the basis of key Hawai'i Supreme Court findings regarding DHHL reservation – the only issue presented to the Court was whether or not DHHL water *reservations* might have been harmed by the CWRM decision, which is why the court referred only to reservations.

However, the Water Code itself recognizes the Public Trust purpose of DHHL reservations *and uses*. For instance, all Water Use Permits issued in Water Management Areas – such as this one – are subject to the rights of DHHL (HRS 174C-49(a)(7)). Also, HRS 174C-101(a) protects reservations of water “for current and foreseeable development *and use*” (emphasis added) of water by DHHL, consistent with Section 221 of the HHCA. Thus, *current and foreseeable uses* are part of the reservation, and it is clear that DHHL uses, not only reservations are also a protected Public Trust purpose.

This is important because if CWRM staff only acknowledges that reservations for DHHL are Public Trust uses, the implication is that once water is delivered, protection for DHHL water use would evaporate and be equivalent to private commercial uses of water. Absent such a recognition, it would be as if the CWRM immediately passed new Interim Instream Flow Standards for all streams but did nothing to implement them once passed, including failing to stop new actual diversions. **The actual uses of water by DHHL and its beneficiaries are required to have the full protections of being a Public Trust use of water.**

Item 11 (Table 1). Item 11 of the WUPA asks for data regarding the proposed new or modified uses sought by the applicant. It seeks information allowing the CWRM and its staff to assess two broad areas of concern:

- The consistency of any proposed land uses requiring water with existing State Land Use District classifications, County Zoning, and Coastal Zone Management Act requirements (e.g. Special Management Area Permits); and
- The efficiency of the proposed uses and justification for the quantity sought.

This section of the attachment to our WUPA consequently describes:

- **Previously permitted uses under WUP 267;**
- **Proposed modified uses, including the proportion of non-potable uses and Public Trust uses;**

- **The consistency of uses with applicable regulations; and**
- **The efficiency of the current and future uses for which water is sought.**

Each of these four points is addressed in turn immediately, below.

Previously permitted uses under WUP 267

The current WUP held by DHHL (WUP 267), which we seek to modify here, was approved by CWRM on September 15, 1993. It was based on an application submitted dated July 2, 1993. According to the WUP 267 itself, transmitted to DHHL by letter dated March 19, 1996, the permitted amount was for "0.367 mgd (based on 358 domestic service connections and agriculture use)". The application itself had requested .5 mgd for "350 individual customers including Molokai Airport."

The staff submittal which the CWRM considered when granting WUP 267 noted the following:¹

According to a summary of DHHL's existing and foreseeable future water needs provided in a July 2, 1993 letter to the Commission (see Attachment C), existing withdrawals from DHHL Wells 1 & 2 for municipal use and for domestic consumption via 358 service connections are estimated at about 250,000 gpd.² However, the reports of actual monthly water usage submitted by the applicant indicate that the 12-month moving average withdrawal from the two sources is about 367,000 gpd.

In contrast, in Attachment C to that staff submittal, DHHL notes that "It currently has 306 homestead customers and 52 non-homestead customers, including the airport and high school." This does add up to 358 service connections, but not "358 domestic service connections," which imply household uses and demands (see also Item 7 response regarding the definitions of domestic uses).

In addition, the letter included as Attachment C to the staff submittal goes on to note "This same system serves the Moloka`i Airport, Moloka`i Intermediate and High School, Moloka`i Electric, the county fire department, and industrial needs, which currently consume an average 35,000 g[p]d."

The September 15, 1993 staff submittal indicated that there was a use of 35,000 gpd for 52 non-homestead customers (an average meter use of approximately 675 gpd). The DHHL has not been able to locate records for actual usage data from that time period. The 35,000 gpd amount seems a significant underestimation, as the 61 commercial meters now on the system

¹ "Applications for Water Use Permits. Kualapu`u Ground Water Management Area, Molokai" Staff submittal for agenda item 9, Commission on Water Resource Management meeting of September 5, 1993, on file with CWRM.

² Gallons per day

used an average of approximately 146,000 gpd in 2019. DHHL believes it is likely that the commercial uses were higher in 1992 and the agricultural uses lower than indicated in the staff submittal. In addition, the 1993 staff submittal did not indicate if any of the agricultural uses were homestead uses, as opposed to commercial agricultural uses.

Based on the forgoing and in the absence of other records to the contrary, it appears the CWRM voted on September 15, 1993, to grant the following water uses summarized in Table DHHL-1, below.

Table DHHL-1. Water allocations, WUP 267³

| Existing uses | Proposed Duty | Estimated demand (1992) (gpd) |
|-----------------------------------|----------------------|--------------------------------------|
| 306 homestead service connections | 600 gpd/unit | 183,600 ⁴ |
| 52 non-homestead customers | - | 35,000 ⁵ |
| Agricultural use | - | 148,400 ⁶ |
| TOTAL PERMITTED AMOUNT | | 367,000 |

Proposed Modified Uses

At a high level, DHHL seeks here to modify WUPA 267 to authorize the pumping of .595 mgd primarily for existing customers, and to add new homesteads as well (the latter being a Public Trust use of water). More specifically DHHL seeks water:

1. ***For 539 currently existing residential homestead service connections*** (a Public Trust use of water);
2. ***For 26 currently existing homestead agricultural service connections*** (a Public Trust use of water);

³ According to the CWRM minutes a representative of the Department of Hawaiian Home Lands “stated that the existing amount is acceptable but they would eventually have to come back to the Commission to request additional irrigation and potable water for future developments.”

⁴ The staff submittal for September 15, 1993 noted “It currently has 306 homestead customers and 52 non-homestead customers, including the airport and high school.”

⁵ Attachment C to the staff submittal of September 15, 1993 stated “This same system serves the Moloka`i Airport, Moloka`i Intermediate and High School, Moloka`i Electric, the county fire department, and industrial needs, which currently consume an average 35,000 g[p]d.”

⁶ Calculated by the remainder after water for other customers is subtracted from the total allocation.

3. ***For the existing use by the County of Maui, which in turn delivers it to currently existing domestic and possibly other customers*** at Kala`e in the amount of 22,000 gpd on average;⁷
4. ***For five (5) currently existing commercial agricultural meters*** (a private, commercial use of water); and
5. ***For currently existing various non-homestead uses of water*** including the Moloka`i Airport, Moloka`i Intermediate and High School, Moloka`i Electric, the county fire department, churches, civic organizations, small businesses, DHHL and other state facilities etc. (which are beneficial “commercial” use of water under Hawai`i water law).
6. ***For at least 171 new homestead residential service connections for lots*** at Ho`olehua (13), Nā`iwa (58), and Kalama`ula Mauka (100) (a Public Trust use of water);
7. ***For new homestead residential service connections meters to be made available for subdivided homestead lots*** (a Public Trust use of water).

To determine the amount of existing water use and its relationship to CWRM WUPA use categories, DHHL identified the relationship between existing customer categories in the DHHL utility billing system and the WUPA categories. This is presented in table DHHL-2.

⁷ Because DHHL does not have full information on the nature of Maui County’s customers or their usage rates, we do not assert here that the uses are a Public Trust use of water. We are not however asserting their uses are a private, commercial use of water and would welcome comment from Maui County on this matter.

Table DHHL-2. Crosswalk between PWS 230 Account Structure & WUPA Use Categories

| DHHL Billing Usage Code (Utility Star) | DHHL Usage Category | Meter size (in inches) | 2019 # of meters | Purpose / water use category (CWRM WUPA) ⁸ |
|--|---------------------|------------------------|------------------|---|
| R301 | Residential | 5/8 | 530 | DOM |
| R302 | Residential | 2 | 0 | DOM |
| R303 | Residential | 1 | 9 | DOM |
| WAG1M | Homestead Ag | 5/8 | 22 | AGRICULTURE |
| WAG2M | Homestead Ag | ¾ | 0 | AGRICULTURE |
| WAG3M | Homestead Ag | 1 | 4 | AGRICULTURE |
| CAG3 | Commercial Ag | 1 | 5 | AGRICULTURE |
| W310 | Commercial | 5/8 | 29 | COMM ⁹ |
| W312 | Commercial | 1 | 3 | COMM ¹⁰ |
| W313 | Commercial | 1 ½ | 4 | COMM ¹¹ |
| W314 | Commercial | 2 | 11 | COMM ¹² |
| W315 | Commercial | 3 | 1 | COMM ¹³ |
| W316 | Commercial | 4 | 2 | COMM ¹⁴ |
| W318 | Commercial | 8 | 1 | COMM ¹⁵ |
| W319 | Commercial | Low flow | 2 | COMM ¹⁶ |
| W320 | Fire Rate | | 1 | INDFP (Airport) |
| W365 | N/a | | 8 | DHHL |

Based on the analysis in Table DHHL-2 and the information from our 2019 uses as reported in our billing software for customers, DHHL identified the following existing and future water needs.

⁸ All DHHL Uses are also MUNST – Municipal, State; however, that “Usage Code” is a manner of delivery rather than a use.

⁹ Veteran’s Cemetery, State Agencies, Churches, Credit Union, Post Office, FAA, Hikiola Coop, Maui Electric Company, Sandwich Isles Communications, University of Hawai`i, Molokai Humane Society, Molokai Homestead Livestock Association., Kalaniana’ole Hall

¹⁰ Akea Farms, Church, US Department of Agriculture Plant Material Center

¹¹ Ho’olehua Fire Station, Molokai Baptist Church, Department of Education (Athletic Field)

¹² Airport, Kulana ‘Oiwī, Church, Kualapu’u Charter School, Island Utility Services (Molokai Ranch)

¹³ R.W. Meyer Ltd.

¹⁴ Department of Education, Molokai Slaughterhouse

¹⁵ County of Maui, Water Supply

¹⁶ R.W. Meyer Ltd., Department of Education

Table DHHL-3. Requested Water Allocations, 2020 WUPA

| Proposed uses | Quantity | Water System Standard (WSS) | Demand based on WSS | 2019 average gpd (rounded) ¹⁷ | 2020 requested amount |
|--|---|-----------------------------|---------------------|--|-----------------------|
| Homestead residential service connections | 539 | 600 gpd/unit | 329,400 | 249,000 | 249,000 |
| Homestead agricultural service connections | 26 meters serving approximately 315.5 acres | 5000 gad ¹⁸ | 1,577,500 | 39,186 | 40,000 |
| 2 commercial agricultural (farming) service connections | 2 meters serving 30 acres | 5000 gad | 150,000 | 12,243 | 12,400 |
| 3 commercial agricultural (livestock) service connections | 3 meters serving 2,506 acres | n/a | | | |
| New, committed service connections (Kalama`ula mauka, Nā`iwa, Ho`olehua) | 171 | 600 gpd/unit | 102,600 | - | 102,600 |
| Maui County delivered water | 1 meter | | 21,000 | 21,000 | 21,000 |
| Other commercial connections | 61 meters | various | - | 146,000 | 146,000 |
| Sub-dividable homestead lots | 40 ¹⁹ | 600 gpd/unit | 24,000 | - | 24,000 |
| TOTALS | | | 2,028,700 | 524,429 | 595,000 |

Depending on how CWRM chooses to authorize the permit that responds to this WUPA, there are two alternate ways to characterize our proposed request:

1. DHHL seeks an additional 228,000 gpd beyond its permitted 367,000 gpd for additional homestead lots, which includes 171 new, committed service connections for Kalama`ula mauka, Nā`iwa, and Ho`olehua and up to 210 service connections for

¹⁷ Based on data from the DHHL Utility Star system

¹⁸ Gallons per acre per day

¹⁹ Molokai Island Plan (https://dhhl.hawaii.gov/wp-content/uploads/2012/05/Island_Plan_Molokai_2005.pdf), which is still in effect, authorized the subdivision of specific lands in Ho`olehua that could potentially yield 544 agriculture homesteads (p. ES-3).

- lots that can be created through subdivision, out of the maximum 544 homesteads that could be created through subdivision under the 2005 Molokai Island Plan; or
2. DHHL seeks an allocation of 436,600 gpd for recognized Public Trust uses of water, and an additional 158,400 gpd for non-Public Trust, reasonable beneficial uses of water.

The agricultural uses of water (Homestead service agricultural connections and the five commercial agricultural service connections) require only non-potable water, for a total of 52,400 gad. The remaining uses require potable water.

Finally, we note that it has been the practice of the three major water providers in central Molokai (Maui DWS, the relevant subsidiaries of Molokai Ranch, and DHHL) to provide water to each other when one water system has become inoperable due to pump failure or other reasons. To the extent that such emergency provision of water must be authorized by CWRM, DHHL seeks such authorization in this WUPA.

Land Use Consistency for Modified Proposed Uses

To the extent the WUPA form seeks information to determine if existing and proposed uses are consistent with land use controls, we note that the HHCA holds jurisdiction for determining the uses of its lands under its control, and does so under its own planning system. Hence, the requested information under columns C, D, E, and F are not applicable to DHHL. The inapplicability of State Land Use Commission and County zoning to DHHL lands has been addressed in Attorney General's Opinions, most recently on November 13, 2019. While based on numerous provisions of the HHCA and legislative history, two provisions are particularly relevant.

Section 204 of the Hawaiian Homes Commission Act of 1920 provides:

"...all available lands shall immediately assume the status of Hawaiian home lands and be under the control of the department to be used and disposed of in accordance with the provisions of this title..."

Section 206 provides:

"The powers and duties of the governor and the board of land and natural resources, in respect to lands of the State, shall not extend to lands having the status of Hawaiian home lands, except as specifically provided in this title."

Based on these provisions and other law, the request for information under columns C, D, E, and F are not applicable to DHHL.

12. TABLE 2: IRRIGATION INFORMATION

While DHHL is the title holder of almost all of the land to which irrigation water is provided, it is not the operator or lessee and has no control of the crops or livestock choices made by lessees. **We note that Table DHHL-3 above shows that the actual 2019 irrigation use is minimal, and below what County Water System Standards would allow.**

13. TABLE 3: ALTERNATIVES ANALYSIS

DHHL's responses to this item are as follows, which support that DHHL's request in this WUPA cannot be practicably served by alternative sources at this time.

Municipal sources, for potable and non-potable use: There are two other "municipal" sources of water in close proximity to the two DHHL wells, owned by the County and Molokai Ranch and its subsidiaries. They are not meaningfully "alternate" sources when looking at the sustainability of the Kualapu`u Aquifer due to their proximity to each other.

Wastewater reuse for potable and non-potable use. The only major, non distributed source of wastewater in any proximity to the DHHL lands is the Kaunakakai Wastewater Reclamation Facility. It is owned by the County of Maui and was constructed in 1969 with a design capacity of 0.086 mgd. In 1984, the WWRF's design capacity was increased to 0.3 mgd. The WWRF provides secondary treatment of sewage and features rotating biological contractors, secondary clarifier, effluent filters, and chlorinators. Currently 0.289 mgd or 96% of the WWRF's design capacity of 0.3 mgd has been allocated. Reclaimed water from the Kaunakakai WWRF is used for irrigation purposes with the excess disposed of by injection wells.²⁰

There is no infrastructure DHHL is aware of to treat this effluent for potable use or to transport it for nonpotable use to areas where it could be a practicable alternative to current sources.

Ditch System and Surface Water Alternatives, for potable and non-potable use. The Molokai Irrigation System (MIS), owned and controlled by the state Department of Agriculture, is a theoretically available alternate source of water for non-potable uses in the DHHL service area. The MIS currently provides water to some homesteaders but not all who desire service. As it pertains to this application, 52,000 gpd of water is used for irrigation purposes. Not all of the areas that are currently serviced by this system can be serviced by the MIS, however.

Desalinization, for potable and non-potable use. Desalinization is not a practicable alternative due to energy costs on Molokai, the volume of water required, uncertain effects of disposal of

²⁰ <https://www.mauicounty.gov/DocumentCenter/View/83252/Maui-Infrastructure-Assessment-Update-condensed?bidId=>

residual brine, and unavailable capital. Requiring DHHL to develop a costly source of water to serve its Public Trust uses while CWRM continues to allow Molokai Ranch to serve non-Public Trust uses of water with less expensive groundwater (and without a valid permit) would be inconsistent with CWRM constitutional and statutory duties and case law.

Conservation Measures, for potable and non-potable use. DHHL's 2019 Performance audit of PW 230, our Non-revenue water as a percentage of volume of water supplied was 9%. Planned improvements to the Ho'olehua Water System will increase water conservation by reducing existing leakage and loss across the system (reduction of "non-revenue water"). These planned improvements were addressed in detail in a Final Environmental Assessment published in the Environmental Notice on June 8, 2016.²¹

14. PUBLIC INTEREST

As explained above, DHHL seeks an allocation of 436,600 gad for recognized Public Trust uses of water, and an additional 158,400 gad for non-Public Trust, beneficial uses of water. It further seeks CWRM to consider that CWRM's own documents and other peer reviewed scientific information suggests that the full SY should not be allocated in order to provide for "the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest."

DHHL further notes for the record that the analysis required by the CWRM to determine whether a permit should be granted, granted in part, or denied, must go well beyond the excerpt of the purpose section of the Code contained in this question. Extensive case law has explained the duties of CWRM and how this broad language must be implemented. Below we detail one key consideration, how any proposed use may impact traditional and customary practices.

Traditional and customary practices *Legal background that guided DHHL research*

DHHL conducted research in order to determine how its increased uses may impact traditional and customary practices. **Before we summarize our research detailed in Attachment C and its exhibits, we explain here how we determined our research purposes based on existing legal requirements.**

²¹ http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2016-06-08-MO-FA-Hoolehua-Water-System.pdf#search=Hoolehua

Section §174C-49(a) of the State Water Code stipulates that to obtain a WUPA an applicant shall establish that the proposed use of water will not “interfere with any existing legal use of water” and “is consistent with the public interest.”

Earlier in the Code, the public interest is defined **in part** as follows (HRS §174C-2(c)):

The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.

This broad purpose language in conjunction with other Code provisions has been subject to further interpretation by appellate Hawai`i courts. Two critical cases specifically dealing with groundwater withdrawal on Molokai (Waiola o Molokai, 103 Hawai`i 401, 83 P.3d 664 (2004) and Kukui Molokai, 116 Hawai`i 481, 174 P.3d 320 (2007)) helped develop this case law. Among other matters these cases clarified what the protected Public Trust uses of water were in Hawai`i, and that non-Public Trust users of water held a burden to show that their proposed uses did not harm Public Trust uses.

Building on those and other cases, clear guidance to agencies on how to evaluate requests was provided in the Kaua`i Springs case (130 Haw. 407, 312 P.3d 283). The Hawai`i Supreme Court stated (notes and citations omitted):

To assist agencies in the application of the public trust doctrine, we distill from our prior cases the following principles:

- a. The agency’s duty and authority is to maintain the purity and flow of our waters for future generations and to assure that the waters of our land are put to reasonable and beneficial use.
- b. The agency must determine whether the proposed use is consistent with the trust purposes:
 - i. the maintenance of waters in their natural state;
 - ii. the protection of domestic water use;
 - iii. the protection of water in the exercise of Native Hawaiian and traditional and customary rights; and
 - iv. the reservation of water enumerated by the State Water Code.

- c. The agency is to apply a presumption in favor of public use, access, enjoyment, and resource protection.
- d. The agency should evaluate each proposal for use on a case-by-case basis, recognizing that there can be no vested rights in the use of public water.
- e. If the requested use is private or commercial, the agency should apply a high level of scrutiny.
- f. The agency should evaluate the proposed use under a “reasonable and beneficial use” standard, which requires examination of the proposed use in relation to other public and private uses.

Applicants have the burden to justify the proposed water use in light of the trust purposes.

- a. Permit applicants must demonstrate their actual needs and the propriety of draining water from public streams to satisfy those needs.
- b. The applicant must demonstrate the absence of a practicable alternative water source.
- c. If there is a reasonable allegation of harm to public trust purposes, then the applicant must demonstrate that there is no harm in fact or that the requested use is nevertheless reasonable and beneficial.
- d. If the impact is found to be reasonable and beneficial, the applicant must implement reasonable measures to mitigate the cumulative impact of existing and proposed diversions on trust purposes, if the proposed use is to be approved.

Thus, following the principles in Kaua`i Springs, applicants for a permit from CWRM must:

- **Determine the degree to which the proposed uses are either:**
 - **consistent with trust purposes, or**
 - **private commercial uses**
- **If any proposed uses are inconsistent with trust purposes, determine for the proposed uses:**
 - **If they are reasonable and beneficial;**
 - **What their actual needs are;**
 - **If there is absence of practicable alternatives; and**
 - **If there is a reasonable allegation of harm to public trust purposes.**
- **If any proposed uses are inconsistent with trust purposes and they are reasonable and beneficial, the applicant must implement reasonable measures to mitigate the cumulative impact of existing and proposed diversions on trust purposes, if the proposed use is to be approved.**

The courts have not established any priority among the four Public Trust uses of water. However, it is notable that two are in situ, non-consumptive uses (waters in their natural state and water used in the exercise of Native Hawaiian and traditional and customary rights).

To further guide how applicants requesting consumptive uses of water should evaluate such impacts, the Hawai'i Supreme Court's guidance in *Ka Pa`akai o Ka `Āina* (94 Hawai'i 31, 7 P.3d. 1068 (2000)) is applicable, which was an appeal of a decision by the state Land Use Commission (LUC). There the court noted:

We therefore provide this analytical framework in an effort to effectuate the State's obligation to protect native Hawaiian customary and traditional practices while reasonably accommodating competing private interests: In order to fulfill its duty to preserve and protect customary and traditional native Hawaiian rights to the extent feasible, the LUC, in its review of a petition for reclassification of district boundaries, must -- at a minimum -- make specific findings and conclusions as to the following:

- (1) the identity and scope of "valued cultural, historical, or natural resources" in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
- (2) the extent to which those resources -- including traditional and customary native Hawaiian rights -- will be affected or impaired by the proposed action; and
- (3) the feasible action, if any, to be taken by the LUC to reasonably protect native Hawaiian rights if they are found to exist. "

The guidance to the LUC there is applicable to and binding against other agencies, including DHHL and CWRM.

Based on this legal background, the research undertaken by DHHL was designed to fulfill the following purposes:

- 1. Review the peer reviewed 2020 USGS study of Molokai groundwater that identified the coastal areas that may experience reduced groundwater flow as result of increased DHHL pumping; and**
- 2. Within that area, determine:**
 - a. The identity and scope of any valued cultural, historical, or natural, groundwater dependent resources;**
 - b. The extent to which traditional and customary native Hawaiian rights have been, are, or are planned to be exercised in relation to those resources;**
 - c. The extent to which there may be a reasonable allegation of harm by practitioners to those resources and practices, resulting from the proposed pumping; and**

- 3. If the proposed DHHL uses are determined by the CWRM to be either consistent with Public Trust purposes and/or reasonable and beneficial, help identify reasonable measures to mitigate the cumulative impact of existing and proposed pumping on those groundwater dependent resources and practices.**

Traditional and customary practices research summary

The research conducted is summarized in the attached memorandum, "Investigation of Cultural Impacts for the Molokai Water Use Permit Application", which itself has four exhibits. Trusted interviewers discussed traditional and customary resources and practices with selected practitioners in the Kalama`ula area.

Long term, multi-generational Kalama`ula homesteaders are aware without prompting of the importance of mauka-makai freshwater flows to the health of their nearshore environment, and this information comes from generational experience. While the practice of subsistence fishing and harvesting of limu and shellfish is slowly diminishing, it still plays an important role in the society, culture and identity of homesteaders in Kalama`ula, and there is a desire to see it revived and perpetuated. Proper care and protection of these resources is important to the homesteaders interviewed, and to their `ohana.

As the community gradually loses its cherished kupuna, like Aunty Kauila Reyes, there is concern that the values and traditional practices and ecological knowledge that sustained Kalama`ula for generations may not be perpetuated.

Just as is the case with scientists studying groundwater dependent ecosystems elsewhere in the world, homesteaders knew that ongoing groundwater flow was critical to the perpetuation of these valued resources, but they also knew that other physical, biological, and social impacts were also affecting them. From the interview with Penny Martin:

Native mullet – need freshwater seeps. Used to be way more fresh water. She has come to understand that kiawe trees and mangrove both use up lots of fresh water. She thinks there are less `ōpae (shrimp) because there is less fresh water. She thinks there are less `āholehole (Hawaiian flagtail) for the same reason.

The known experience of this complexity did not lead interviewees to merely conclude the issues should simply be studied more, however. Rather, interviewees sought to take other actions to address the impacts of these withdrawals, by directly managing other harmful impacts on these areas. Again, Ms. Martin:

She recommends removing the mangrove (shrub/small tree that grows in coastal saline or brackish water) and kiawe (*Prosopis pallida*) to counteract less fresh water reaching the shoreline.

Cattle up mauka – deer – eating the vegetation. [Soil is] running off. She said we must consider how to control erosion before removing the mangrove, which was planted to control erosion. Mangrove helps control silt run off but it takes/uses so much fresh water. She said the key to erosion control is managing mauka rain runoff and therefore proper management of the watershed.

Based on this research, DHHL believes that if this WUPA is issued for the requested amount, permit conditions should include that DHHL shall

- **Work to implement community-led efforts to replace invasive species with native species to try to improve the health of the coastal ecosystem;**
- **Supported and encourage efforts to reduce erosion and restore native vegetation in Kalama`ula's mauka areas; and**
- **Make available certain Community Use designated areas as outdoor classrooms for schoolchildren, particularly for the perpetuation of traditional and customary groundwater dependent practices and resource management.**

These conditions would be consistent with policies in DHHL's Water Policy Plan (<http://dttl.hawaii.gov/wp-content/uploads/2013/09/HHC-Water-Policy-Plan-140722.pdf>) which stipulates that DHHL shall "Develop, manage, and steward water in a manner that balances cost, efficiency measures, and Public Trust uses in the short and long term."

in coordination with the traditional ecological knowledge, ingenuity, resourcefulness and cultural grounding of the Kalama`ula homestead community, would serve as a shining example of collaborative natural and cultural resource management and education that could serve to mitigate potential impacts to nearshore resources and protect our most precious island resource, our wai.

15. INTERFERENCE WITH THE RIGHTS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS

The proposed uses of water will be by the Department of Hawaiian Home Lands, the applicant here. As described above, there are "private, commercial uses" of water that are non-Section 221 uses on the DHHL system, such as water used by the Molokai Airport and Molokai High School. To the degree that such uses can be said to interfere with Section 221 uses, DHHL believes they are reasonable and beneficial, and the granting of this permit will allow other new Section 221 uses to begin.

DHHL intends that some of the permitted water, if this WUPA is granted, drawn against the reservation it holds for water from this aquifer. This is detailed immediately below.

DHHL's reserved and permitted water in Kualapu'u

DHHL holds both an existing permit for water as well as a reservation made by rule. The latter is codified in HAR §13-171-63 which states:

Department of Hawaiian home lands reservation for Kualapuu, Molokai. The commission hereby reserves 2.905 million gallons per day of ground water from state lands in the Kualapuu aquifer system for use on Hawaiian home lands on Molokai. This amount shall be in excess of the existing uses of water on Hawaiian home lands as of the effective date of this rule. [Eff. June 10, 1995]

Determination of the "existing uses of water on Hawaiian home lands as of the effective date of this rule" is challenging, however. Some considerations are:

- DHHL has its average daily pumping rate for June 1995;
- It delivers water to lands that are not "Hawaiian home lands" (e.g. the airport and Molokai High School);
- DHHL has not located delivery records for that date;
- The existing use permit (WUP 267) (approved September 15, 1992) is for .367 mgd;
- WUP 267 specified it is for "0.367 mgd (based on 358 domestic service connections and agriculture use)";

Based on the above it appears that DHHL's rights to water in the aquifer – its permitted amount and its reservation amount – are at a minimum of 2.905 mgd + .367 mgd.

Also based on the above DHHL is here requesting additional water requested beyond our currently permitted amount (0.595 - 0.367 mgd, or 0.228 mgd). As detailed above, currently DHHL delivers a one-year average (based on 2019 numbers) of 158,400 gad of water not used on DHHL lands or water used on DHHL lands for non HHCA 221 purposes. Thus, consistent with the reservation cited above which is solely for water on Hawaiian home lands, we currently are permitted 367,000 gpd "for use on Hawaiian home lands"; our current permit seeks 436,600 gpd "for use on Hawaiian home lands," and therefore the difference (436,600 – 367,000) or **69,600 gpd would be understood by DHHL to be a draw from our reservation for the use of water "on Hawaiian Home Lands"**.

16. INTERFERENCE WITH ANY EXISTING LEGAL USES

Currently, the only major existing permit holder with existing legal uses is the County. The USGS model referenced earlier indicates that the uses DHHL seeks here along with the current and anticipated requests of the County will not cause chlorides to exceed EPA secondary standards.

The other "existing legal uses" are the uses of water in the exercise of traditional and customary practices described in response 14, above and Attachment C and its exhibits.

Molokai Ranch does not have an existing legal use of water from Well 17. As the Hawai'i Supreme Court noted in Kukui on this exact subject, referring to the Ranch's subsidiary Kukui Molokai Inc or KMI: "In light of the foregoing, DHHL is correct that the Commission erred by considering KMI's untimely request for existing uses. Therefore, we vacate the Commission's Decision and Order to the extent that it grants KMI a permit for existing uses. If, on remand, KMI wishes to "revive" these expired uses, it must apply for a permit under HRS § 174C-51 as the uses are now presumed abandoned. See HRS § 174C-50(c)." Kukui Molokai, 116 Hawai'i 481, 174 P.3d 320 (2007).

MEMORANDUM

TO: Andrew Choy, Acting Planning Program Manager
FROM: Nancy McPherson, Planner
REVIEWED: Jonathan Likeke Scheuer, Ph.D., Water Policy Consultant
SUBJECT: Investigation of Cultural Impacts for the Molokai Water Use Permit Application
DATE: September 15, 2020

Introduction and Purpose the Research

The Department of Hawaiian Home Lands (DHHL) undertook research in support of its Water Use Permit Application (WUPA) that will request a small increase in the volume of water pumped from the Kualapu'u Aquifer on Molokai, Hawai'i. If granted in full, the WUPA would raise DHHL's overall pumping allocation from about 7% to just under 12% of the "Sustainable Yield" of the aquifer as that is determined by the Commission on Water Resource Management (CWRM). However, for CWRM to grant any WUPA request – no matter how small an increase – applicants must affirmatively demonstrate their uses are both in the public interest and will not interfere with existing legal uses of water.

Due to the hydrological connection between pumping of the Kualapu'u aquifer and outflow of fresh water along the southern shoreline of Molokai at Kalama'ula, as evidenced by the results of the USGS Water Model for the Kualapu'u Aquifer¹, DHHL staff and consultants felt it would be highly desirable to prepare this research designed to evaluate potential impacts to native Hawaiian users of the shoreline that could be reasonably alleged to occur due to increased pumping of the aquifer. Molokai is known for the relatively high percentage of people who practice subsistence hunting, fishing and gathering to provide healthy food for their families as well as to supply resources for cultural practices, such as pā'ina for a baby's first birthday.

More specifically, to help meet these two permit application requirements, our research purposes were to:

1. Review the peer reviewed 2020 USGS study of Molokai groundwater that identified the coastal area that may experience reduced groundwater flow as result of increased DHHL and other pumping; and
2. Within that coastal area, determine:
 - a. The identity and scope of any valued cultural, historical, or natural, groundwater dependent resources;

¹ Oki, D.S., Engott, J.A., and Rotzoll, K., 2020, Numerical simulation of groundwater availability in central Moloka'i, Hawai'i: U.S. Geological Survey Scientific Investigations Report 2019–5150, 95 p., <https://doi.org/10.3133/sir20195150>.

- b. The extent to which traditional and customary native Hawaiian rights have been, are, or are planned to be exercised in relation to those resources;
 - c. The extent to which there may be a reasonable allegation of harm by practitioners to those resources and practices, resulting from the proposed pumping; and
3. If the proposed DHHL uses are determined by the CWRM to be either consistent with Public Trust purposes and/or reasonable and beneficial, help identify reasonable measures to mitigate the cumulative impact of existing and proposed pumping on those groundwater dependent resources and practices.

These research purposes were determined by a review of relevant legal guidance including case law. That legal analysis is contained in the other attachments to the WUPA DHHL is submitting.

Methodology – interviewers selected

E. Halealoha Ayau and Nancy M. McPherson conducted the research. After reviewing the USGS study, including discussions of its findings with the authors, Ayau and McPherson conducted interviews with lifelong Kalama'ula homesteaders who, either in the past or currently, used the resources of the Kalama'ula shoreline area for traditional cultural and subsistence purposes. DHHL believed it was necessary the research be conducted by interviewers with long established relationships and high levels of trust with the interviewees. Discussions seeking to identify the and scope of valued cultural, historical, or natural resources mean that interviewees are being asked to share highly valuable and closely held generational knowledge, and it is not realistic to expect that such information would be casually shared with outside interests. **See also Exhibit 'A', Statement of Qualifications.**

Methodology – interviewees selected

The USGS study previously mentioned notes that decreased coastal flow due to increased pumping of wells in Kualapu'u will affect both the northern and southern coasts of the island. The northern coastal areas affected under all scenarios other than the baseline are nearly all small strips of coastline at the base of high sea cliffs. While used for the exercise of traditional and customary practices, the impacts of pumping are more extensive on the southern coast and coincides with known areas of subsistence activity, including fishponds. This information, along with the skills and relationships of the interviewers, led to the decision to have interviews focused on individuals from the Kalama'ula area on the south shore of Molokai. For proposed pumping scenarios where pumping is significantly increased, especially for non-Public Trust uses of water, a much broader set of interviewees from a larger stretch of the south coast of Molokai would be necessary.

Interview subjects were chosen based on a number of criteria, such as length of time living in Kalama'ula, proximity of residence to the shoreline, knowledge of traditional and customary

practices such as subsistence harvesting of ocean resources and use of shoreline plants, and peer recommendations received from other Kalama'ula homesteaders. **See also Exhibit 'B', Ahupua'a Map, and Exhibit 'C', Area of Study.**

Methodology – interview questions and structure

For several of the interviews, the interviewers were joined by two shoreline consultants from the firm Planning Consultants Hawai'i LLC, who had been contracted by DHHL to work on another project, a shoreline erosion management plan for homestead communities along the southern shoreline of Molokai. The shoreline interviewers asked additional questions about ecological conditions, shoreline erosion and other changes to the shoreline area that had been noticed over the informants' lifetimes, and other traditional ecological knowledge. There was a prepared list of questions that was loosely used, although informants often followed a train of thoughts and memories that responded to multiple questions in varying sequences.

See Exhibit 'D', Interview Questions.

Seven Kalama'ula homesteaders were interviewed over four days, November 20-22, 2019 and February 10, 2020. The average length of interview was 90 minutes. Each interviewer took notes, and the notes were merged once transcribed. Often, after receiving a response to a question, interviewers asked follow-up questions for clarification, being careful not to ask leading questions that might influence the results. Once the notes were transcribed and merged, the draft transcription of their interview was emailed to informants for their review, correction and final approval. Transcribed interviews have been retained by DHHL.

Informants were initially asked about their and their 'ohana's connection to the Kalama'ula shoreline, which provided information about historic uses of the shoreline, the way of life in Kalama'ula in the early days, and similar information. Informants shared about having various kinds of knowledge taught to them by their grandparents and parents, particularly about the significance of the springs in the area and the sacredness of the Kapuāiwa Coconut Grove. They also talked about how they and their 'ohana practiced subsistence from the sea, caught various kinds of crab, fish and 'ōpae, gathered various kinds of limu, how abundant the resources were (particularly limu 'ele'ele because of the presence of fresh water), and how resources were shared with those homestead families who couldn't access the resources themselves. Types and traditional uses of plants along the shoreline were discussed. The informants talked about how self-sufficient the homesteaders were, how the 'ohana lived off of their ahupua'a (land and sea), and how everyone practiced mālama, kuleana and aloha 'āina, from the youngest keiki to the kūpuna.

The informants also provided important information about the amount and makai direction of flow of fresh water underneath the area, particularly under Kapuāiwa Coconut Grove, the history of uses and conditions of the various springs, and various mo'olelo and stories about the mo'o wahine that protects the springs. Out of respect, no one walked through the grove – they

either walked along the highway or walked along the shoreline. It was known that all the springs were connected, from 'Olo'olo on down. The most makai spring was always open to the ocean. Homesteaders reported that there were always large volumes of fresh water flowing mauka to makai, and that there were legendary instances of items being dropped into pools up mauka that were later found in the springs by the shoreline, so informants were very aware of the underground links between mauka sources of water and the makai springs, as well as the substantial amounts of water moving underground. One recent event that was shared was an instance where a waterline on the mauka side of the highway was being repaired, and a water pump was dramatically sucked underground by the strength of the flow of water toward the shoreline. The pump was never located.

Findings

Using the shoreline for subsistence was a way of life for most Kalama'ula 'ohana, but has become less so over time partially because the younger generation isn't practicing subsistence as actively and it's easier for homesteaders to go to the store to buy crab and ogo, for example. In addition, the invasion of mangrove and kiawe has made using the shoreline more difficult for Kalama'ula homesteaders over the generations, as it was reported that 50 years ago one could walk along the shoreline from Kalama'ula to the Wharf on a sandy beach. There was a sense from some informants that the mangrove and kiawe might be "sucking up" fresh water and depriving the shoreline ecosystems of fresh water sources that support limu, 'ōpae, crab and fish larvae that use nearshore areas as a nursery. It was reported that both in the springs and in the nearshore waters, the 'ōpae are nowhere near as abundant as they used to be when the informants were children. Others said that there are still 'ōpae, but it's not as easy to find them as it used to be.

Another impact that was reported was sedimentation caused by soil washing down from up mauka, due to soil erosion, that was smothering the reef, creating anaerobic conditions, and possibly obstructing offshore springs. Accelerated shoreline erosion may also be releasing increasing amounts of sediment into the nearshore waters. One informant reported that in his recollection, the shoreline areas were better maintained and cared for by the people in the past. In addition, several informants expressed the opinion that when the wharf road was made solid more than 50 years ago, the area west of the wharf started losing sand and became muddier. One informant said that the shoreline along Kapuāiwa Grove used to be muddy before, and now is hard.

An issue that was commonly reported is that the resources may be diminishing over time because of overharvesting and improper harvesting. Informants reported that non-homesteaders have been fishing and crabbing extensively on the Kalama'ula shallows, and collecting limu, in ways that are not the ways that the informants were taught to harvest, e.g. traditional practices such as using scissors to harvest and never pulling the roots of the limu off of the substrate, which ensured the long term sustainability and momona (abundance) of the

resource. In addition, the homesteaders never took more than they could eat, and if there was surplus, it was shared, first with the kūpuna who couldn't go out and harvest for themselves anymore. Another sentiment was that the native limu may be being outcompeted by the invasive gorilla ogo, which has been proliferating along the shoreline and taking all the nutrients. It was also reported that the most prolific limu in Kalama'ula was limu 'ele'ele, and that other types, such as manaua, were more easily found in Kamiloloa to the east.

Concern over recreational use of Kapuāiwa Grove and pollution of the springs was expressed. Young people have been going into the grove and partying, and it was felt that this was disrespectful and potentially harmful to the resources. Prior to World War II there was a caretaker's house on stilts out over the water, and a couple lived there (Burke) and watched over the Grove, so there was less pilikia and trespassing. People also respected the Grove as kapu and didn't go inside, which might have served to protect the springs. The homesteaders of Kalama'ula always used the shoreline for family gatherings and parties, but it seems there may have been more supervision of activities in the Grove and more enforcement in the past.

Most of the interviewees recommended removal of invasive species such as mangrove, kiawe, banyan, naupaka and false akulikuli (badis maritima, pickleweed) and replacing them with native shoreline and salt-tolerant species such as 'aki'aki grass, pōhinahina (beach vitex), hinahina (native gray heliotrope), 'Ilima, pōhuehue (beach morning glory), native akulikuli, naio (Myoporum sandwicense), milo, kou, hau, hala and native (not false) kamani. There were cultural, practical and medicinal uses for most of these plants, and even the weed uhaloa was useful as medicine.

The shoreline served as the community's icebox – that's where their food came from. Because of its history and cultural significance, two informants felt strongly that the Grove has an important role to play in educating the schoolchildren and the community. One informant suggested that a good community project would be to start measuring the amount of freshwater flow coming through the springs, along with salinity, to collect the data. There is a fear that the cultural and subsistence knowledge isn't being passed on.

Conclusion

Long term, multi-generational Kalama'ula homesteaders are aware without prompting of the importance of mauka-makai freshwater flows to the health of their nearshore environment, and this information comes from generational experience. While the practice of subsistence fishing and harvesting of limu and shellfish is slowly diminishing, it still plays an important role in the society, culture and identity of homesteaders in Kalama'ula, and there is a desire to see it revived and perpetuated. Proper care and protection of these resources is important to the homesteaders interviewed, and to their 'ohana.

As the community gradually loses its cherished kūpuna, like Aunty Kauila Reyes, there is concern that the values and traditional practices and ecological knowledge that sustained Kalama'ula for generations may not be perpetuated.

Just as is the case with scientists studying groundwater dependent ecosystems elsewhere in the world, homesteaders knew that ongoing groundwater flow was critical to the perpetuation of these valued resources, but they also knew that other physical, biological, and social impacts were affecting these precious things. From the interview with Penny Martin:

Native mullet – need freshwater seeps. Used to be way more fresh water. She has come to understand that kiawe trees and mangrove both use up lots of fresh water. She thinks there are less 'ōpae (shrimp) because there is less fresh water. She thinks there are less 'āholehole (Hawaiian flagtail) for the same reason.

The known experience of this complexity did not lead interviewees to merely throw up their hands and conclude the issues should simply be studied more, however. Rather, interviewees sought to take other actions to address the impacts of these withdrawals, by directly managing other harmful impacts on these areas. Again, Ms. Martin:

She recommends removing the mangrove (*Rhizophora mangle*, a shrub/small tree that grows in coastal saline or brackish water) and kiawe (*Prosopis pallida*) to counteract less fresh water reaching the shoreline.

Cattle up mauka – deer – eating the vegetation. [Soil is] running off. She said we must consider how to control erosion before removing the mangrove, which was planted to control erosion. Mangrove helps control silt run off but it takes/uses so much fresh water. She said the key to erosion control is managing mauka rain runoff and therefore proper management of the watershed.

Should the WUPA request be approved, programmatic implementation of the applicable values, policies and goals in DHHL's Water Policy Plan, in coordination with the traditional ecological knowledge, ingenuity, resourcefulness and cultural grounding of the Kalama'ula homestead community, would serve as a shining example of collaborative natural and cultural resource management and education that could serve to mitigate potential impacts to nearshore resources and protect our most precious island resource, our wai.

Community-led efforts to replace invasive species with native species to try to improve the health of the coastal ecosystem should be supported by DHHL, as should efforts to use certain Community Use areas as outdoor classrooms for schoolchildren. Efforts to reduce erosion and restore native vegetation in Kalama'ula's mauka areas should be supported and encouraged.

Edward Halealoha Ayau

- Raised on Molokai in the Ho'olehua homestead; grounded in traditional cultural knowledge, mo'olelo and 'ōlelo no'ēau, by, among others, his tutu wahine, Kahu Harriet Ahiona Ayau Ne, a highly regarded kumu hula, educator, historian and Pa'a Mo'olelo Nō Molokai Nui a Hina (keeper of Molokai history)
- Trained since early adulthood by Kumu Edward Lavon Huihui Kanahale and Dr. Pualani Kanaka'ole Kanahale in cultural protocols of caring for iwi kūpuna (ancestral bones) and moepū (funerary possessions)
- Successfully repatriated over 6,000 sets of iwi kūpuna and moepū, nationally and internationally, over the past thirty years, in 120 cases
- Bachelor of Science in Business Management with a Minor in Cultural Anthropology; Juris Doctor degree in American Indian Law from University of Colorado School of Law; graduate of Kamehameha Schools
- Director, DLNR-SHPD Burial Sites Program for six years; drafted & promulgated first administrative rules for that program
- Consultant for Bishop Museum, Kamehameha Schools and Office of Hawaiian Affairs in his capacity as a cultural practitioner, researcher, and repatriation expert
- Assisted multiple Native Hawaiian-oriented nonprofits in achieving IRS §501(c)3 tax-exempt status, successfully applied for grants focusing on Hawaiian community capacity building, organizing and improvement including cultural and language practice; a project of double-hulled canoe voyaging with traditional navigation, and legal rights advocacy
- DHHL Acting Molokai District Supervisor from 2011 – 2016; provided services to Hawaiian homestead lessees, supervised operation of the Molokai Public Water System (700 customers) and was responsible for effective management of all DHHL trust resources on Molokai.

Nancy Muir McPherson

- Born in Northern California and raised on O'ahu from the age of ten; grounded in Lakota cultural traditions and language in childhood by her Unci (grandmother); descended from a maternal line of tribal members of the Standing Rock Sioux Tribe (Hunkpapha Lakota), Chief Gall's band; great-grandmother was a tribal historian
- Spent a summer at the Bishop Museum as a student intern assisting the Anthropology Department with the 1973 Statewide Inventory of Historic Resources
- Bachelor of Arts degree in Urban and Regional Planning and Economics; completed all coursework required for the Masters in Urban and Regional Planning at UH-DURP; has practiced as a professional planner in California and Hawai'i for 25 years
- Worked as a research assistant to Professor Luciano Minerbi at UH-DURP for two years studying coastal cultural and natural resources, mo'olelo and historic documentation of North Kohala for a research project funded by OHA. Conducted multiple interviews with Native Hawaiian informants from North Kohala.
- First County of Maui planner to be posted full time on Molokai; spent 6 years living in and providing planning services for the Molokai community; assisted the community in conducting a participatory mapping, oral history and GIS project of known cultural sites in Mana'e, Molokai

Kalama'ula - Area of Study

Molokai WUPA - Cultural Impact Assessment



Google Earth

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KALAMA'ULA HOMESTEADER INTERVIEWS
INTERVIEW QUESTIONS

Interviewee: _____ Date: _____

Interviewee affiliation: _____ Interview Location: _____

Interviewee residence address/homestead lot: _____

Type of stakeholder _____ Interviewer: _____

1. What is your and your 'ohana's relationship to this place?
 - a. Do you have 'ike you'd like to share of the area's history, mo'olelo or place names?
 - b. Why is the Kalama'ula area, particularly the coastline, important to you?
 - c. How do you use the shoreline, and when?
2. Based on your knowledge, what are the primary activities occurring along the shoreline? How many people? What time of day? Where are the users from?
3. Are you aware of any existing user conflicts along the shoreline?
4. Do you have a special use for any of the plants that grow along the shore?
5. Are most of the plants native or non-native?
6. How has the vegetation along the shore changed over time (for instance, trees instead of shrubs, or shrubs instead of grasses, or no vegetation at all)?
7. What changes have you observed along the entire coastline fronting the homestead area you reside in?

- a. Have the changes been slow and over time or dramatic?
 - b. What was the event or cause of the changes?
8. In your opinion, what are the three most important challenges or threats to the Kalama'ula shoreline at this time?

SHORELINE EROSION-SPECIFIC QUESTIONS

9. What time(s) of year are the waves destructive or erosive?
10. In what season have you observed loss of the shoreline? Do you feel that erosion is seasonal?
11. Was the erosion gradual over time, or fast such as after a destructive event?
12. Does the shoreline regularly change in width in any particular place?
13. Have you seen areas where the composition of the shore has changed? For instance, from sand to silt, or silt to pebbles, or sand to rocky?
14. What are the three most important challenges or threats that should be addressed by a shoreline erosion management plan?
15. Are there any specific actions (improvements and/or management activities) that you would like to see to prevent or mitigate shoreline erosion?
16. What actions do you not want to see taken?
17. Are there other people/organizations you think we should reach out to?
18. What other information could you share, based on your experience, that could be useful to DHHL and the people living in the Kalama'ula homestead area?

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

SHAN S. TSUTSUMI
LIEUTENANT GOVERNOR
STATE OF HAWAII



FILE COPY

JOHNNIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

WILLIAM J. AHA, JR.
DEPUTY CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU 13, HAWAII 96805

May 20, 2016

Mr. Scott Glenn, Director
Office of Environmental Quality Control
State of Hawai'i - Department of Health
235 South Beretania Street, Room 702
Honolulu, Hawai'i 96813

Dear Mr. Glenn:

The Department of Hawaiian Home Lands (DHHL) hereby transmits the Final Environmental Assessment and Finding of No Significant Impact (FEA-FONSI) for the Ho'olehua Water System PWS 230 Improvements situated in portions of various TMK parcels, in the Kalama'ula and Ho'olehua Hawaiian Homestead Communities on the island of Moloka'i, for publication in the next available edition of the Environmental Notice.

The FEA-FONSI includes copies of comments and responses received during the 30-day public comment period on the draft environmental assessment and anticipated finding of no significant impact (DEA-AFNSI).

Enclosed is a completed OEQC Publication Form as a Word file, a hard copy of the FEA-FONSI, and a searchable Adobe Acrobat PDF file of the same. Simultaneous with this letter, we have submitted the summary of the action in a text file by electronic mail to your office.

Should there be any questions, please contact Jeffrey Fujimoto, Project Manager, Land Development Division, at (808) 620-9270.

Sincerely,

Jobie M.K. Masagatani, Chairman
Hawaiian Homes Commission

Enclosures:

- OEQC Publication Form (MS Word file on CD)
- FEA-FONSI (Adobe Acrobat PDF file on CD)
- FEA-FONSI (1 hard copy)

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QUALITY CONTROL

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 19-20, 2021

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Acting Planning Program Manager
From: Nancy M. McPherson, Planner *Nancy McPherson*
Subject: For Information Only - Status Update on South
Molokai Shoreline Erosion Management Plan,
Kalama'ula, Kapa'akea and Kamiloloa-One Ali'i,
Kona, Molokai

RECOMMENDED ACTION

None; for information only.

BACKGROUND

Context

The Planning Office (PO) last updated the Hawaiian Homes Commission (HHC) on the South Molokai Shoreline Erosion Management Plan (SM-SEMP) project two years ago at its April 2019 meeting, as part of the Molokai Planning Projects Update. For more detailed background information on the project, please refer to Exhibit A, "Item G-3, Molokai Planning Projects Status," pages 5-87.

Changes to the project since the last update

Based on the level of project funding available, the original project area only encompassed the coastal homestead communities of Kapa'akea and Kamiloloa-One Ali'i. Due to strong interest from Kalama'ula beneficiaries in addressing coastal erosion and sea level rise (SLR) impacts affecting that pioneering Molokai homestead community, the project's scope, budget and timeframe were amended to include affected lots within the historic homestead originally named "Kalaniana'ole Colony," which was so successful that by 1925 the "Molokai Miracle" had ensured the enactment of the Hawaiian Homes Commission Act (HHCA) homesteading program.

See Figure 1, "Project Area Map," below.

Figure 1 Project Area Map



In order to deepen the cultural context and properly situate the understanding of Traditional Ecological Knowledge (TEK), additional research by a Molokai cultural practitioner on ahupua'a and place names, wahi pana, pre-contact history, mo'olelo, mele, nā makani, nā ua, nā wai etc. was performed, which resulted in cultural documentation that is enriching the plan's analysis and which will be added to the SEMP as an appendix.

Over the past two years, impacts from shoreline erosion have continued to affect Molokai's kona (leeward/southern) shoreline, due to multiple factors such as sea level rise, episodic extreme high tides, also known as "King Tides," and other climate change-related phenomena. Lessees living in close proximity to the shoreline have continued to experience seawater inundation and erosion of their lots during high tide and/or high wave action events, as well as other climate change-related problems such as groundwater upwelling, cesspool failures, and flooding due to excessive stormwater runoff during heavy rain events.



Extreme high tides in Kapa'akea July 1, 2019
Photos courtesy of Bridget Mowat



Stormwater flooding in Kapa'akea
January 18, 2021 Photos courtesy of Doreen
"Pinky" Gaspar

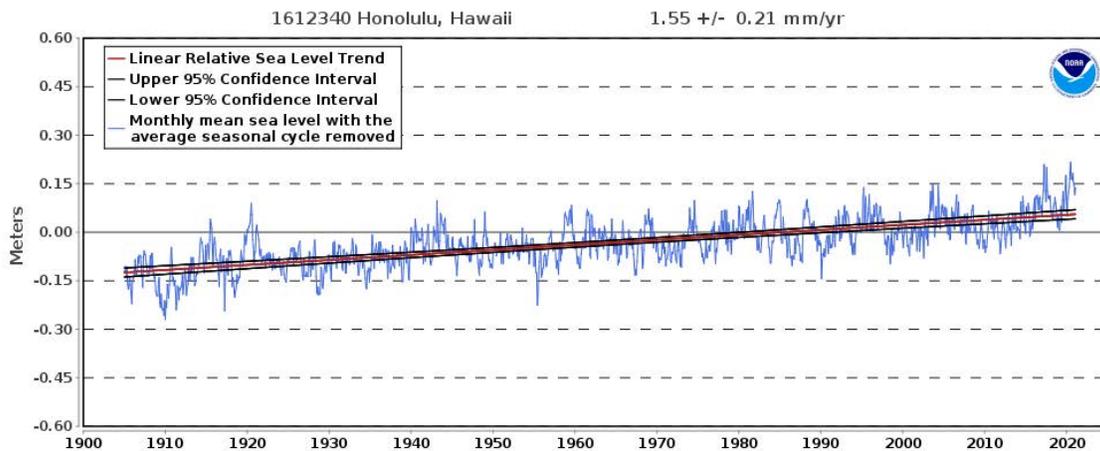
Official Climate Change and Sea Level Rise (SLR) Projections

DHHL continues to build capacity of staff, explore ways to implement mitigation and adaptation strategies, and participate in State- and County-level discussions on climate change and SLR adaptation as a fiduciary duty to the beneficiaries and the Hawaiian Home Lands Trust, and as mandated by Act 32 (<https://climateadaptation.hawaii.gov/wp-content/uploads/2015/07/Act-32.pdf>) and recent amendments to

HRS CH. 343. The State Climate Commission's focus is on two main areas: greenhouse gas emissions reduction, and climate change adaptation. For more information, please go to the State's Climate Change Portal: <https://climate.hawaii.gov/>

While the situation is dynamic, there are geographic variations between islands, and there will always be some uncertainty, it is clear that sea levels are rising and that the rate of change may be accelerating. The sea level around Hilo Bay has risen by 10 inches since 1950, and is now rising faster at about 1 inch every 4 years. This increases the frequency and reach of coastal floods, which affect our communities.

Based on past rates of change, the following figure illustrates the trend line for sea level rise in Honolulu:



Even with dramatic reductions in carbon dioxide and other greenhouse gases as intended by goals in the Paris Accord, there's a high probability that a minimum SLR of between three (3) and six (6) feet by the end of the century, possibly earlier, is inevitable. The State of Hawai'i and City and County of Honolulu continue to plan for a minimum of six (6) feet of SLR for critical infrastructure with project lifetimes of 75-100 years, and three (3) feet of SLR for all other development. It is recommended that local decision-makers implement sea level rise adaptation programs, and an appropriate planning target would include a sea level benchmark of 1 foot by mid-century and into the lower end (about 3 feet) of 2.5 to 6.2 ft by the end of the century. For more information on sea level rise, go to: <https://climate.hawaii.gov/hi-facts/sea-level-rise/>

DISCUSSION

Need for the Project

The homestead area of Kapa'akea was created in the late 1940's using what was then known simply as "reclamation," or the filling in of wetlands. According to a 1900 map drawn for the American Sugar Company, half of the subdivision was saltwater marsh. During interviews, lessees reported that there were several springs in the area that were filled in when the subdivision was created. Since the homestead's inception, lessees on lots in certain areas have experienced seepage of fresh and brackish water, and historically, the Molokai District Office had assisted lessees in Kapa'akea who were experiencing groundwater inundation with clean fill by providing red cinder excavated from the Pu'u Maninikolo cinder pit mauka of the Kapa'akea Cemetery. Shoreline lessees have also experienced gradual loss of the seaward areas of their lots, with many makai TMK boundaries now lying underwater, even at low tide. See Exhibit 'B', 1900 American Sugar Co. Map.

The Kamiloloa homestead area consists mainly of deep lots that lie between the coastal Kamehameha V Highway and the ocean. While the lots are fairly large, a number of the homes were built very close to the shoreline, and these lots will eventually start to experience significant impacts from the effects of sea level rise.

While the One Ali'i lots that lie mauka of the Ali'i fishpond benefit from some protection from wave action, as sea levels rise, the deflection of energy by fishpond walls as well as from the fringing reef offshore will gradually diminish, and shoreline erosion could accelerate.

Adjustments to Project Scope, Purpose and Methodology

The purpose of the SM-SEMP project has not changed - it is to prepare a shoreline erosion management plan for the project area that will:

- Enable DHHL to proactively plan for and manage shoreline erosion;
- Investigate underlying causes of shoreline erosion, and likely future progression;

- Identify effective and sustainable shoreline erosion management strategies that maintain natural processes and consider community needs; and
- Educate the community as to the causes of shoreline erosion and appropriate management responses.

The scope was amended to include the Kalama'ula coastal homestead area as requested by beneficiaries as well as the Malama Park area in Kaunakakai, since it is an important cultural, natural and recreational resource for homesteaders and the island as a whole. Additional site visits and interviews with Kalama'ula lessees were conducted in November of 2019.

Project Methodology

The project's methodology has been revised slightly to augment the scoping phase with additional research on cultural context and place-based traditional knowledge. Specific outcomes of the scoping phase now will include:

1. Identification of key factors affecting physical coastal processes and existing responses;
2. Evaluation of shoreline erosion management options and prudent mitigation strategies; and
3. Documentation of cultural and historic knowledge that will provide a cultural context to inform evaluation of options and strategies in terms of protection and enhancement of cultural and natural resources in the Project Area.

The Plan Preparation phase has not changed, however it has been affected the modifications to project scope and by a slowing down of the Community Engagement Program due to COVID-19 restrictions. It was hoped that an in-person Open House-format Community Meeting could be held, but it eventually became clear that this wouldn't be possible. In response to those restrictions, the approach was modified to include two virtual focus group meetings, one of which was held on April 10, 2021. A second focus group is being planned for early summer 2021. The focus group has been reviewing the data on shoreline hydrodynamics and potential erosion management options and mitigation strategies and providing feedback. A larger Community Meeting to review the Draft Plan will be held in late summer 2021 and could potentially be an in-person and virtual hybrid meeting. For more information on project methodology, refer to Exhibit A.

Adjusted budget and timeline

The original amount allocated to the project was \$100,000, but in order to accommodate the inclusion of the Kalama'ula homestead and Malama Park in the project area, which meant revising project materials and conducting additional interviews and site visits, the project budget was augmented by \$75,000 and the time for completion was increased by one year, to September 2021.

Summary and Next Steps

- The planning team is currently processing the data from the first focus group meeting, and will provide a newsletter update to the community in April 2021
- A second focus group meeting will be held in early summer 2021
- The final SM-SEMP Community Meeting, which will be an Open House format designed to present a Draft Plan and get feedback from beneficiaries, will be held in late summer 2021.

RECOMMENDATION

None; for information only.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 15 - 16, 2019

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Acting Planning Program Manager *AC*
From: Gigi O. Cairel, Grants Specialist *G. Cairel*
Nancy M. McPherson, Planner *N. McPherson*
Subject: Moloka'i Planning Projects Status

Recommended Action

For information only - No action required.

Background

Planning Office will be providing the Hawaiian Homes Commission (HHC) with updates of the respective DHHL geographic region in which the HHC conducts its monthly community meeting. The purpose of the monthly update is to provide the HHC with information related to DHHL plans, programs, and projects previously adopted by the HHC that are specific to that particular geographic region. A status report of DHHL's progress in implementing these initiatives is also included for the HHC's consideration.

For April 2019, Planning Office will be providing an update to the HHC for the island/region of Moloka'i.

Discussion

EXISTING PLANS AND IMPLEMENTATION STATUS

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island; (2) establish land use goals and objectives of the General Plan specific to each island; and (3) identify island-wide needs, opportunities, and priorities. The Moloka'i Island Plan was adopted by the HHC in June 2005. DHHL lands on Moloka'i are situated in five major areas that include 'Ualapu'e, Kapa'akea, Makakupa'ia, Kamiloloa, Kalama'ula, Pālā'au, and Ho'olehua.

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Since the 2005 Moloka'i Island Plan, the following updates were made:

- Mo'omomi-Anahaki land use designation was amended from "General Agriculture" and "Community Use" to "Special District." This amendment was approved by the HHC in December 2010.
- Completed in 2010 was a land exchange for 34 acres of land on Moloka'i for 89 acres of State land in Mā'ili on O'ahu for DHHL to develop residential homesteads. The 34 acres of land that was exchanged consisted of 22 acres in Community Use and 12 acres in Subsistence Agriculture. This 34 acres is adjacent to the Ho'olehua Fire Station and the Lanikeha Community Center, including the Moloka'i High School and Middle School site and the athletic field across from the school site.
- In June 2011, the Department of Land and Natural Resources transferred to DHHL four parcels totaling 4.6 acres at Malama Park, near Kaunakakai Wharf. In January 2018, the HHC approved the recommended land use designation as "Special District."

These amendments to the 2005 Moloka'i Island Plan and changes to the DHHL land inventory have resulted in the following land use designations and acreage amounts in Table 1 below.

Table 1
Moloka'i Land Use Designations (2018)

| Moloka'i Land Use Designations | Acres | Percent |
|--------------------------------|--------|---------|
| Residential Homestead | 742 | 2.87 |
| Subsistence Agriculture | 2,338 | 9.04 |
| Supplemental Agriculture | 5,862 | 22.66 |
| Pastoral | 1,927 | 7.45 |
| General Agriculture | 6,415 | 24.80 |
| Special District | 7,758 | 29.99 |
| Community Use | 93 | 0.36 |
| Conservation | 655 | 2.53 |
| Commercial | 58 | 0.22 |
| Industrial | 16 | 0.06 |
| TOTALS | 25,864 | 100.0 |

Moloka'i Island Plan Implementation Status

As stated in the 2005 Moloka'i Island Plan, the following are the plan priorities and current status.

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Priority for completion: Nā'iwa Agricultural homestead

- 58 agricultural lots awarded in the 1986 Acceleration Program.
- Located on 298 acres south-east of the Moloka'i Airport.
- Implementation challenge: no water meters for these lots until DHHL's water allocation is increased and/or additional water source identified and developed.

Status:

- DHHL is currently conducting due diligence to pursue subdividing these lots.
- \$1.5 million in State CIP funds was authorized by Act 49, SLH 2017.

First priority for new residential areas: 'Ualapu'e

- Develop 74 residential homestead lots on 25 acres in Mana'e (East End), mauka of Kamehameha V Highway.
- Project on hold until the County of Maui water allocation is increased and/or additional water source identified and developed.

Second priority for new residential areas: Kapa'akea, Kamiloloa, Makakupa'ia

- Develop 286 residential homestead lots on 201 acres two miles east of Kaunakakai, mauka of Kamehameha V Highway.
- An onsite wastewater treatment facility will be required.
- Project on hold until the County of Maui water allocation is increased and/or additional water source identified and developed

Moloka'i Regional Plan

The Moloka'i Regional Plan was updated in April 2010. Moloka'i beneficiaries, responding to outreach and engagement efforts throughout the planning process, identified the following priority projects:

- (1) Alternative Energy Initiative
- (2) Conduct Beneficiary Consultation on Large Scale Renewable Energy Development
- (3) Water Pressure Testing in Kalama'ula
- (4) Modify Septic Tank Kiowea Park
- (5) Support Moloka'i Sustainment Farming Project

Moloka'i Regional Plan Implementation Status

Table 2 below identifies the "project champion" and summarizes the status of each Regional Plan priority project.

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Table 2
2018 Moloka'i Regional Plan Priority Projects Status

| 2010 PRIORITY PROJECTS | PROJECT CHAMPION | STATUS |
|--|---|--|
| Alternative Energy Initiative | Moloka'i Homestead Farmers Alliance | Construction for a photovoltaic system for the Lanikeha Center expected to be completed in 2019. |
| | DHHL | Photovoltaic system for the Kūlana 'Ōiwi office complex is currently in planning phase to determine size of system. |
| | DHHL | Photovoltaic system for the DHHL water system currently in planning phase. |
| Conduct Beneficiary Consultation on Large Scale Renewable Energy Development | DHHL | Completed. Results of the BC was the HHC approval to designate the Mo'omomi-Anahaki lands as "Special District." Next step is to prepare a Special Area Plan. |
| Water Pressure Testing in Kalama'ula | DHHL | Completed. Next step is to address the test results in the major improvements planned for the DHHL water system that services Kalama'ula and Ho'olehua homesteads. |
| Modify Septic Tank at Kiowea Park | DHHL Kalama'ula Homesteaders Association | Completed. FYI - a new pavilion is under construction. |
| Support Moloka'i Sustainment Farming Project | Ho'olehua Homestead Association (HHA) | Project on hold. HHA continues to propagate and distribute kukui trees to interested agriculture homesteaders. |

The update and process of the Moloka'i Regional Plan started in November 2018. Three Beneficiary Consultation meetings have been conducted so far, with the fourth meeting scheduled for April 11, 2019. From the first 3 meetings, twenty-seven

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potential projects and ideas have been gathered from the community (see Exhibit A). The purpose of the April 11 meeting is to come to consensus on beneficiary priorities and identify the most important projects from the list of twenty-seven potential projects.

Mālama Park Special Area Plan

Beneficiary Consultation for the land use designation for Mālama Park was completed in 2017. The HHC accepted the BC report and approved the land use designation as "Special District" in January 2018. The next step is to prepare a Special Area Plan. DHHL has procured a consultant and is currently negotiating the scope of work. The plan will include discussions on access, cultural and natural resources management, and traditional and customary practices of native Hawaiians and will coordinate with adjacent land users and landowners such as the County of Maui Parks and Recreation and the Moloka'i Yacht Club.

Mo'omomi-Anahaki Special Area Plan

In July 2010, Beneficiary Consultation on large-scale renewable energy development proposed in the Mo'omomi-Anahaki was completed. The result was that the HHC amended the DHHL Moloka'i Island Plan to designate lands from "Community Use" and "General Agriculture" at Mo'omomi-Anahaki to "Special District." The next step is to prepare a Special Area Plan. DHHL has procured a consultant and is currently negotiating the scope of work. The plan will include discussions on access, cultural and natural resources management, and traditional and customary practices of native Hawaiians and will coordinate with adjacent land users and landowners.

South Moloka'i Shoreline Erosion Management Plan Phase 1 - Kapa'akea and Kamiloloa-One Ali'i, Kona, Moloka'i

BACKGROUND

Context

Within the last fifteen years, the effects of accelerated shoreline erosion have become increasingly pronounced along Moloka'i's kona (leeward) shoreline. The Planning Office became aware of this issue while assisting the Moloka'i District Office in responding to beneficiaries' requests for assistance regarding shoreline erosion and other climate change-related impacts and concerns. DHHL initially responded by sponsoring a UH-DURP practicum project, "Coastal Resilience for DHHL Communities," which provided DHHL with data and tools to analyze DHHL lands in terms of coastal hazard vulnerability and conduct community resilience workshops tailored to beneficiaries.

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In August of 2015, with the assistance of three UH-DURP graduate students, a one-day Moloka'i Coastal Homestead Resilience & Disaster Planning Workshop was held at Kūlana Ō'iwi with all the Moloka'i coastal homestead (Kalama'ula, Kapa'akea & One Ali'i) leaders. During that workshop, the severity of the shoreline erosion situation in Kapa'akea was discussed, and the need for further study and action became apparent.

In an effort to respond specifically to the Kapa'akea and Kamiloloa-One Ali'i erosion situations, the DHHL Planning Office formulated a project initially titled the Kapa'akea-Kamiloloa Shoreline Erosion Assessment, which was subsequently renamed the South Moloka'i Shoreline Erosion Management Plan, or SM-SEMP. Funding for the project was approved by the Hawaiian Homes Commission (HHC) in 2016. A consulting firm, Planning Consultants Hawai'i LLC, was procured, and the contract initiated in July 2018. The project is designed to assess the causes and impacts of shoreline erosion in the Kapa'akea and Kamiloloa-One Ali'i homestead areas, and make recommendations for mitigation measures. See Exhibit 'B', SM-SEMP Fact Sheet.

Official Climate Change and Sea Level Rise (SLR) Projections

DHHL has been participating continuously in State-level discussions on climate change and SLR adaptation since the formation of the Interagency Climate Adaptation Committee (ICAC) in 2015 and its transition into the State of Hawaii Climate Change Mitigation & Adaptation Commission in October 2017¹. After release of the ICAC's report, "Hawaii Sea Level Rise Vulnerability and Adaptation Report" (SLR Report) in December 2017, work began on formulating legislative initiatives based on the recommendations in the SLR Report.

The HHC was last updated on climate change and SLR at its June 2018 meeting (Item G-4, "Update on DHHL Efforts in the Areas of Climate Change and Sea Level Rise Adaptation, Community Resilience and Hazard Mitigation on Hawaiian Home Lands, Statewide") (Exhibit 'C'), and may refer to that submittal for more detailed background information on those subjects. The State also maintains a Climate Change Portal, including a Sea Level Rise Viewer, at climate.hawaii.gov. A more detailed informational update on these topics will be provided to the HHC in June of this year.

Current projections for SLR and global temperature increase are not encouraging. The City and County of Honolulu has created an Office of Climate Change, Sustainability, and Resilience

¹ Authorized by Act 83 in 2014 (Hawaii Climate Change Adaptation Initiative) and expanded by Act 32 in 2017 (Hawai'i Climate Change Mitigation and Adaptation Initiative).

(www.resilientoahu.org) and formed a Climate Change Commission that released two white papers in 2018, "Climate Change Brief" (See Exhibit 'D') and "Sea Level Rise Guidance" (See Exhibit 'E') based on the latest and best scientific information available.

In October 2018, the Intergovernmental Panel on Climate Change (IPCC), the United Nations body tasked with assessing the science related to climate change, released a special report on the impacts of global warming of 1.5°C (2.7°F) above pre-industrial levels, stating that global warming is likely to reach 1.5°C between 2030 and 2052 if temperatures continue to increase at the current rate. Furthermore, "Sea level rise will continue beyond 2100 even if global warming is limited to 1.5°C in the 21st century (high confidence). Marine ice sheet instability in Antarctica and/or irreversible loss of the Greenland ice sheet could result in multi-metre rise in sea level over hundreds to thousands of years. These instabilities could be triggered at around 1.5°C to 2°C of global warming (medium confidence)".²

In November 2018, Volume II of the Fourth National Climate Assessment report, titled "Impacts, Risks, and Adaptation in the United States" was released by the U.S. Global Change Research Program (USGCRP). Dr. Victoria Keener of the University of Hawai'i was the Principal Researcher for the chapter on Hawai'i and the U.S.-Affiliated Pacific Islands. The Assessment states that "The impacts of sea level rise in the Pacific include coastal erosion, episodic flooding, permanent inundation, heightened exposure to marine hazards, and saltwater intrusion to surface water and groundwater systems. Sea level rise will disproportionately affect the tropical Pacific and potentially exceed the global average."³

Even if drastic reductions in carbon dioxide and other greenhouse gases are achieved in the very near future (the next 10 years or less), there's a high probability that we are locked into a minimum SLR of between three (3) and six (6) feet by the end of the century, possibly earlier. The State of Hawai'i and City and County of Honolulu are now planning for a minimum of six (6) feet of SLR for critical infrastructure with project lifetimes of 75-100 years, and three (3) feet of SLR for all other development.

DISCUSSION

Need for the Project

Over the years, lessees in Kapa'akea have asked the Moloka'i District Office and DHHL for assistance with efforts to preserve the makai sides of their lots that are eroding into the ocean due

²https://www.ipcc.ch/site/assets/uploads/sites/2/2018/07/SR15_SPM_version_standalone_LR.pdf

³<https://nca2018.globalchange.gov/chapter/27/>

to SLR impacts. After making several site visits to individual lessees' lots and walking the Kapa'akea shoreline at low and medium tides, the Planning Office had enough information to determine that a more comprehensive coastal zone management assessment would be required to effectively and adequately address the moderate to severe shoreline erosion issues affecting a number of lessees in Kapa'akea. Shoreline hardening measures on some lots have had a "domino effect," increasing erosion rates for adjacent lots down-current, which in turn has triggered more shoreline hardening.

Piecemeal, lot-by-lot interventions would most likely be an expensive, time consuming burden on individual lessees, a complex regulatory exercise for the lessees and DHHL, and probably be only effective in the short term. Little was in DHHL records regarding what the shoreline was like originally, there was only anecdotal data on the impacts currently being experienced, and a lack of scientific data on erosion rates or the coastal hydrodynamics of the area. A thorough, coordinated and comprehensive approach to study the issues was clearly needed.

Project Scope and Purpose

Due to the nature of alongshore sediment transport, coastal hydrodynamics, and erosion rates, it was decided that the best way to determine erosion and accretion patterns, erosion hot spots, and effective intervention measures would be to study the entire length of shoreline from the eastern boundary of Hawaiian Home lands at Makakupa'ia to the eastern side of Kaunakakai Wharf, with the majority of time to be spent analyzing the sections of coastline in Hawaiian Home lands, including several fishponds. Areas to the west of the Wharf were to be assessed in a subsequent study. See Exhibit 'F', Map of Study Area.

The purpose of the SM-SEMP project is to prepare a shoreline erosion management plan for the project area that will:

- Enable DHHL to proactively plan for and manage shoreline erosion;
- Investigate underlying causes of shoreline erosion, and likely future progression;
- Identify effective and sustainable shoreline erosion management strategies that maintain natural processes and consider community needs; and
- Educate the community as to the causes of shoreline erosion and appropriate management responses.

The SM-SEMP project is not a plan for managed retreat from the shoreline. The management plan will make recommendations for strategic interventions to mitigate shoreline erosion, and some order-of-magnitude cost estimates, but will not provide detailed

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cost estimates for those measures. Further study and engineering will have to be done in order to provide enough level of detail for a through cost-benefit analysis. However, it is anticipated that the SM-SEMP will identify some lower-cost measures that could potentially be done by lessees, with technical assistance provided by DHHL and others.

Project Methodology

The project will include a scoping phase and a plan preparation phase. The scoping phase will be characterized by a literature search and desktop analysis, aerial and field surveys of the project area and consultation with relevant agency and community stakeholders. Specific outcomes of the scoping phase will include:

1. Identification of key factors affecting physical coastal processes and existing responses; and
2. Evaluation of shoreline erosion management options and prudent mitigation strategies.

The Plan Preparation Phase will be characterized by the preparation of a draft, pre-final and final shoreline erosion management plan for the project area. The plan preparation phase will include additional agency and community outreach focused around potential management responses and mitigation measures. Specific outcomes of the plan preparation phase will include:

1. Summary of public outreach highlights;
2. Draft Shoreline Erosion Management Plan;
3. Pre-final Shoreline Erosion Management Plan; and
4. Final Shoreline Erosion Management Plan.

See Exhibit 'G', Planning Process.

The Community Engagement Program is designed to

- develop data about historical and existing shoreline conditions in the project area;
- identify and document beneficiary experiences, concerns, preferences, and Traditional Ecological Knowledge; and
- identify shoreline management techniques to help avoid or mitigate future shoreline erosion within the project area.

Key stakeholders that have been interviewed include homestead lessees living along the shoreline, cultural practitioners with Traditional Ecological Knowledge (TEK), appropriate State and County personnel, and adjacent land managers. The outreach program is comprised of the following key elements:

- Key Stakeholder Interviews (*conducted Jan. 30-Feb. 1, 2019*)
- Project Orientation Meeting (*held January 31, 2019*)

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- Community Open House (*scheduled for late September/early October 2019*)
- Hawaiian Homes Commission Meeting briefings (*April 2019 and April 2020, others as needed*)

A survey form for beneficiaries to fill out was provided at the Project Orientation Meeting, and a set of interview questions was used when interviewing stakeholders. (See Exhibit 'H' User Survey and Exhibit 'I' Interview Questions)

Budget and timeline

The total amount allocated to the project is \$100,000, and the projected is scheduled to be completed within a two-year period. See Exhibit 'G', Work Flow Schedule.

Other Outreach Activities

In response to Kapa'akea and Kamiloloa-One Ali'i lessees' concerns expressed during the Moloka'i Regional Plan update process, a special community meeting was held by staff on November 14, 2018 to give lessees an update on South Shore Moloka'i shoreline erosion & flooding projects. A mapping exercise was conducted, and lessees provided valuable information by placing color coded dots on large aerial maps of the homestead areas, marking specific problem areas such as places where water ponds, cesspools overflow, or the shoreline is eroding. This important data will be used and added to during the SM-SEMP project's analysis phase.

Relationship to Existing Plans

The Planning Office intends to begin incorporating best practices in integrated coastal zone management, community resilience and hazard mitigation planning into the Planning System, beginning with the General Plan. Future Island and Regional Plans will reflect SLR and coastal hazard area projections when designating land uses and locating infrastructure, community uses, and commercial activity.

DHHL General Plan

The General Plan contains broad goals and objectives intended to implement the purpose and intent of the Hawaiian Homes Commission Act at a policy level. The following goals and objectives support the SM-SEMP Project:

Land Use Planning

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Goal: Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Residential Uses

Goal: Ensure existing homestead neighborhoods are maintained as healthy and attractive communities for future generations.

Land and Resource Management

Goal: Be responsible, long-term stewards of the Trust's lands and the natural, historic and community resources located on these lands.

Objectives:

- Preserve and protect significant natural, historic and community resources on Trust lands.
- Enforce governmental health and safety standards and protect life and property from the effects of natural hazards and disasters on Hawaiian home lands.

Building Healthy Communities

Goal: Establish self-sufficient and healthy communities on Trust lands.

Objective:

- Build partnerships with public and private agencies to ensure reliable and adequate delivery of services to homesteaders.

Moloka'i Island Plan

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island, (2) establish land use goals and objectives of the General Plan specific to each island, and (3) identify island-wide needs, opportunities, and priorities.

The Moloka'i Island Plan (2005) took into account some, but not all, environmental conditions when conducting land suitability analysis and determining land use designations. Because Moloka'i homelands have been settled for multiple generations prior to the formulation of the Moloka'i Island Plan, coastal and flood hazard vulnerabilities were not thoroughly or specifically analyzed for existing uses.

Although the State of Hawaii had issued a climate action plan as far back as 1998 intended to begin the discussion, there was no real statutory mandate to start analyzing land use in terms of SLR, because knowledge of the potential long-term effects and timing of SLR at that time were extremely limited. Flooding and drainage issues were identified as major concerns for the Kapa'akea and Kamiloloa-One Ali'i homestead communities, but shoreline erosion was not mentioned.

Luckily, alternatives for additional homestead development are all located mauka of the coastal highway, and proposed land uses for future consideration include the transformation of some makai areas for community use with a proposed coastal park and restoration of an inland fishpond. A major limitation for development of the mauka areas is that potable water service can only be provided to the 150' elevation level. Any proposed development further mauka would require the provision of booster pump stations and storage tanks which would be cost prohibitive. The development alternatives for the Kapa'akea, Kamiloloa and Makakupa'ia mauka lands were identified as the Island Plan's second residential homestead priority after 'Ualapu'e.

Moloka'i Regional Plan

The Moloka'i Regional Plan (2010) identifies a broad spectrum of issues and opportunities, potential projects, and priority projects, with a mixture of DHHL- and community-led initiatives. The Regional Plan is currently being updated. Coastal erosion, flooding and inundation are known problems for all the low-lying coastal homestead communities on Moloka'i.

DHHL Water Policy Plan

There is no language in the Water Policy Plan that specifically discusses adapting to sea level rise, although climate change is to be taken into account when planning for future water needs and resources.

DHHL Energy Policy - Ho'omalūō

There is no language in the Energy Policy specific to adapting to sea level rise, although full implementation of all Ho'omalūō policies will serve to lower carbon emissions and therefore indirectly mitigate sea level rise.

State Plans

Hawai'i State Planning Act - Hawai'i Climate Adaptation Priority Guidelines

Act 286, passed in 2012, created a climate change adaptation policy for the State of Hawaii by amending the Hawaii State Planning Act to include climate change adaptation priority guidelines. The following guidelines apply:

4. Consider Native Hawaiian traditional knowledge and practices in planning for the impacts of climate change;
5. Encourage the preservation and restoration of natural landscape features, such as coral reefs, beaches and dunes, forests, streams, floodplains, and wetlands, that have the inherent capacity to avoid, minimize, or mitigate the impacts of climate change;
6. Explore adaptation strategies that moderate harm or exploit beneficial opportunities in response to actual or expected climate change impacts to the natural and built environments

State-Level Initiatives

The State of Hawai'i, while being the only coastal state yet to formulate a Climate Change Adaptation Plan, has a number of initiatives underway and plans in place that address various aspects of sea level rise adaptation. DLNR-OCCL and OP-CZM have several plans and initiatives that are being implemented programmatically. DHHL participates in these initiatives at various levels. The following initiatives may be helpful in implementing the recommendations of the SM-SEMP. For further discussion, see Exhibit 'C', DHHL Climate Change Update.

- *Hawai'i Coastal Erosion Management Plan (COEMAP)*
- *Ocean Resources Management Plan (ORMP) (Updating now)*

Hawai'i Climate Change Mitigation and Adaptation Commission (State Climate Commission)

The enabling legislation for this Commission is the Hawai'i Climate Adaptation Initiative Act of 2014 (Act 83) and Act 32, Session Laws of Hawai'i, which formally established the Commission in 2017. The State Climate Commission, which meets quarterly, has been tasked with implementing the recommendations of the *Hawaii Sea Level Rise Vulnerability and Adaptation Report (SLR Report)*, which it adopted in January 2018. In 2018, the Commission passed the following five recommendations focused on State agencies and county governments:

1. Support legislation for disclosure for private property and public offerings located in areas with potential exposure to sea level rise;

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2. Request all new development, redevelopment, and modifications be directed away from beach areas;
3. Urge counties to incorporate the 3.2 ft. sea level rise exposure area (SLR-XA) into their general and development plan;
4. Encourage agencies and non-governmental utility providers to identify and prioritize assets within the 3.2 ft SLR-XA, or more, as described in the State's Sea Level Rise report, identify adaptation measures, and to provide a status update on this activity annually to the Climate Commission; and
5. Support legislation that funds State programs to meet mitigation goals, and to bring resources to assist in planning and implementation for sea level rise and other climate related impacts.

Maui County Initiatives

- Post-Disaster Reconstruction Guidelines and Protocols (PDRGP) – The current status of Maui County's implementation of these guidelines and protocols will be provided at the June HHC Meeting. For further discussion of the PDRGP, see Exhibit 'C', DHHL Climate Change Update

Preliminary results from meetings and interviews held to date

A wealth of useful information has been gathered from the Kapa'akea and Kamiloloa-One Ali'i beneficiaries so far, and the planning team is still in the process of analyzing it, but a few preliminary observations and conclusions can be drawn:

- Homesteaders have been experiencing and living with the impacts of shoreline erosion for many years, if not decades, particularly in Kapa'akea
- Homesteaders' observations over time are that ocean behavior, such as current patterns, is changing, and that sea level is rising
- The lifestyle in these communities is tied to the ocean, and outdoor living along the shoreline is very important to beneficiaries' health and well-being
- Homesteaders are aware of the need to protect and, if possible, restore the health of the nearshore environment due to the importance of subsistence fishing and gathering -- "taking care of our icebox" - and cultural values
- There is a need for more information and education about what is occurring, and how fast the changes are predicted to happen
- There is a need for information on "best practices" in shoreline erosion mitigation

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- There is concern that DHHL is "making plans" for relocation of lessees along the shoreline without consulting with the lessees first
- There is a willingness to partner with the DHHL to work toward solutions that will have the best outcome for lessees, their families, and the coastal environment.

Summary and Next Steps

Preliminary Activities, Kalama'ula SEMP

In response to requests from the Kalama'ula Homesteaders Association (KHA) for help with the shoreline erosion impacts their community is experiencing, the Planning Office is initiating the following:

- DHHL will be submitting a budget request for the next fiscal year for a SEMP project for Kalama'ula
- DHHL will be sending out a letter to the KHA to announce plans to do a SEMP project for Kalama'ula, and that the Planning Office will be contacting shoreline lessees to do interviews the third week of April 2019

Next Steps, Kapa'akea and Kamiloloa-One Ali'i SM-SEMP Project

- The planning team is processing the SM-SEMP data from the interviews and fieldwork now, and will provide a newsletter update to the community in June 2019
- The next SM-SEMP Community Meeting, which will be an Open House format designed to present a Draft Plan and get feedback from beneficiaries, will be held in September/October 2019

Recommendation

For information only. No action required.

**2019 Moloka'i Regional Plan
POTENTIAL MOLOKA'I REGIONAL PLAN PROJECTS**

March 27, 2019

ALOHA!

We have had 3 Regional Plan meetings since November 2018 to prepare the new 2019 Moloka'i Regional Plan and are at the critical point in the process where homesteaders will identify their top priorities. **Please come to the next meeting on April 11, 2019 at the Kūlana 'Ōiwi Hālau from 5:00 p.m. to 8:00 p.m.** to ensure that the priorities truly represent the needs, opportunities and interests of the homestead lessees. Everyone who attends the meeting will vote on the projects listed below, to identify the 2019 Regional Plan Priority Projects.

Where did the list of potential projects come from?

The potential projects came from three (3) sources:

1. The 2010 Moloka'i Regional Plan which listed potential projects that were discussed at that time;
2. Projects identified by Moloka'i homesteader leaders who attended a statewide Puwālu Conference of homestead leaders held in August 2018; and
3. Discussions and ideas generated in the three (3) Moloka'i Regional Plan meetings which were held on November 1, December 5 and January 30.

Why do some of the Project Titles look different from previous listings?

At one point in the process, we had a list of over 80 potential projects! It included projects that were completed and projects that were funded that were already in progress. Coming from different sources, there were projects that were similar to each other or that represented different parts of the same project. To make it easier, DHHL staff took out all the completed projects and the projects that were already occurring –they are included in a separate list in this mailout. For the remaining projects, staff edited the titles so they would all be at the same level. Necessary details were preserved in the project descriptions. If there are glaring problems with the project titles, please see Gigi or Julie before the meeting starts so we can note your concerns.

How should I prepare for the April 11 meeting?

Read through the projects and circle the top 5 projects that you support. You will have the opportunity to cast 5 votes at the April 11 meeting and we will have a final list of the priorities.

What is a PRIORITY project? What happens to projects not selected as priority?

All projects on this Potential Projects List are important and will be included in the final 2019 Moloka'i Regional Plan. Any project can be championed by any member of the community at any time. A "PRIORITY PROJECT" is selected by the community during the planning process to be made a priority by both the community and DHHL. Time and resources will be focused on the completion of the priority projects. The priority projects are recognized as clearly striving towards achieving the Visions within the Moloka'i region.

**2019 Moloka'i Regional Plan
POTENTIAL MOLOKA'I REGIONAL PLAN PROJECTS**

March 27, 2019

Please review this list for the April 11 meeting.

| Project Title | Project Lead | Description |
|---|--|---|
| 1. Ualapu'e Kuleana Homestead Development and Cultural Resource Management Plan | | Develop a Cultural Resource Management Plan and a Kuleana Settlement Plan for the Ualapu'e lands. Use the Kuleana Homestead Program to expedite award of 175 homestead leases and promote settlement on the 376-acre parcel at Ualapu'e. Work with the Mana'e community and the Ma'ana nonprofit organization to identify cultural resources and develop a cultural resource management plan. |
| 2. Tiny Homes | Ahupua'a o Moloka'i | Develop a pilot demonstration project that features "tiny homes" as an alternate housing option. |
| 3. Community Hālau | | The cost for lodging on Moloka'i can be expensive. The development of community hālau(s) can provide lodging. |
| 4. Recreational Facilities at Lanikeha Center | | There is a need for recreational facilities at Lanikeha to service the existing community and the 80+ families that will reside in the new residential lots. |
| 5. Kalama'ula Mauka Passive Park | Kalama'ula Mauka Homestead Association | The long-term vision for the park includes a wide range of amenities designed to encourage people to be active, engage in community gatherings and learn ways to incorporate healthy choices and fitness into everyday life. |
| 6. Emergency Shelter for Kapa'akea | Kapa'akea Homestead Association | Kapa'akea is an area that is prone to flooding. An Emergency Shelter should be developed for families at Kapa'akea. |
| 7. Ho'olehua Hale Improvements | Ahupua'a o Moloka'i | Renovate the Hale currently being used by the Ahupua'a o Moloka'i. |
| 8. Self-Governance Task Force | | Establish a community-based self-governance task force that promotes the intent of the original HHCA. |
| 9. Kanakaloloa Cemetery Improvements | | Kanakaloloa Cemetery needs repairs and improvements. |
| 10. Moloka'i Irrigation System (MIS) Assessment | | The MIS is an aging system that many people depend on. Instead of dealing with problems as they arise, an assessment of all deficiencies should be developed so that repairs can be made before they become larger problems. The assessment should also identify the number of lessees that can be moved to the MIS to reduce pressure on ground water resources. |
| 11. Non-potable Water Sources for Agriculture and Other Uses | | Explore potential use of non-potable water sources, such as: water from the regular flushing of fire hydrants, reclaimed water and recycled wastewater. |

2019 Moloka'i Regional Plan
POTENTIAL MOLOKA'I REGIONAL PLAN PROJECTS
 March 27, 2019

| Project Title | Project Lead | Description |
|--|--|---|
| 12. Supplies and Materials for Cross-Fencing and Deer Fencing | Moloka'i Homestead Livestock Association | Design and construct fencing for the area under license by the Moloka'i Homestead Livestock Association |
| 13. Deer Management Plan | Ahupua'a o Moloka'i and Moloka'i Homestead Livestock Association | Develop a Deer Management Plan to control the deer population on Hawaiian Home Lands. The Plan should identify data on the deer population that are on Hawaiian Home Lands and assess the feasibility of different management alternatives. Management strategies should identify what homesteaders can do to help control the deer population. |
| 14. Protection of our Natural Environment from Invasive Species | | DHHL should advocate to protect beneficiaries and DHHL lands from invasive species. For example, we are concerned about Big Island bees keepers moving to Moloka'i. |
| 15. Green Trades Training Program | | Green Trades support sustainability, renewable energy, and environmental industries. The development of an on-island training program in green-trades would address one facet of sustainability. |
| 16. Land for Homesteaders to Pursue Light Industrial Activities | | Unencumbered lands suitable for industrial uses in Ho'olehua should be identified and the Island Plan amended to accommodate proposed industrial uses by homesteaders. An alternative would be to pursue a land transfer with DLNR for lands near the airport where industrial uses would be more appropriate. |
| 17. Road Improvement | | Installation of fiber optic cables by Sandwich Isle Communications (SIC) has left the road bumpy. The community would like the road to be repaired to previous conditions at SIC's expense. |
| 18. Water Rate Assessment and Legal Analysis of Beneficiary Rights Regarding Water Rate Disparities. | | Homestead lots that are connected to the County water system pay higher water rates than the homestead lots connected to DHHL's water system. A Water Rate Assessment of all Moloka'i lessees would document differences in water rates. The Assessment would include a legal analysis of beneficiary rights regarding water rate disparities. |
| 19. Action Plan to Convert Cesspools to Septic Tanks. | | State Department of Health Administrative Rules require all cesspools in Hawai'i to be converted to septic tanks by the year 2050. DHHL and beneficiaries should work together to develop a plan and raise funds for this undertaking |
| | | |

**2019 Moloka'i Regional Plan
POTENTIAL MOLOKA'I REGIONAL PLAN PROJECTS**

March 27, 2019

| Project Title | Project Lead | Description |
|---|-------------------------------------|---|
| 20. Resources to Renovate Kūpuna Homes in the Flood Zone | Kapa'akea Homestead Association | Identify and secure resources to renovate kupuna homes that are located in the flood zone. |
| 21. Community Garden Plots | | Develop community garden plots in residential homesteads in order encourage lessees to grow food for their families. |
| 22. Soil Testing for Contaminants | | Assist homesteaders to obtain free assistance from UH CTAHR or DOA for soil testing on former pineapple production lands |
| 23. Shared Farm Equipment for Agricultural Lessees | | Explore options for the shared use of farm equipment among agricultural lessees. |
| 24. Kalama'ula Shoreline Erosion Management Plan | Kalama'ula Homesteaders Association | Prepare a Shoreline Erosion Management Plan for the Kalama'ula area, similar to the plan being developed for Kapa'akea and Kamiloloa-One Ali'i. |
| 25. Coordinated and Comprehensive Hawaiian Trust Services | | Bring all the Hawaiian trust agencies back to Moloka'i to work together to improve services to Native Hawaiians. Encourage Ali'i trusts to become partners. |
| 26. Moloka'i as its Own County | | Conduct a feasibility study to explore the pros and cons, and legal means for Moloka'i to be its own county. |
| 27. Climate Change | | Assemble a committee or hold 'talk-story' sessions to determine what Moloka'i should do to prepare for and address climate change. |

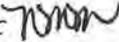
South Moloka'i Shoreline Erosion Management Plan



| | | |
|------------------------|---|------------------------|
| BACKGROUND | <p>The Hawaiian homestead communities of Kapa'akea and Kamiloloa-One Ali'i are located along the coastal plains of Molokai's south shore starting one mile east of Kaunakakai Town. This two and one-half mile stretch of coastline has experienced substantial shoreline erosion due to various factors, resulting in the loss of homestead property, challenges to shoreline access, and harm to cultural and environmental resources. In the future the effects of climate change, sea level rise, and more frequent extreme weather scenarios could increase coastal erosion and lessees' exposure to coastal hazards such as flooding, storm surge, and beach loss.</p> <p>To proactively manage erosion and strengthen community resilience, DHHL has contracted Planning Consultants Hawaii, LLC, to assist with the preparation of a coastal erosion assessment and management plan for the coastal homestead communities of Kapa'akea and Kamiloloa-One Ali'i.</p> | |
| PROJECT PURPOSE | <p>Preparation of a shoreline erosion management plan for the project area that will:</p> <ol style="list-style-type: none"> 1. Enable DHHL to proactively plan for and manage shoreline erosion; 2. Investigate underlying causes of shoreline erosion, and likely future progression; 3. Identify effective and sustainable shoreline erosion management strategies that maintain natural processes and consider community needs; and 4. Educate the community as to the causes of shoreline erosion and appropriate management responses. | |
| APPROACH | <p>The project will employ a community-based planning process founded on the input, knowledge, and values of those key stakeholders that have an intimate understanding of the lands and coastal waters that comprise the project area.</p> <p>Community meetings to gather information from Kapa'akea and Kamiloloa-One Ali'i homesteaders will be held Spring 2019 to Spring 2020. Additional opportunities for beneficiary input will be offered during the Draft and Final Plan preparation phases. The Hawaiian Homes Commission will also be briefed at key project milestones.</p> | |
| KEY TASKS | Literature research and desktop analysis | Aug. 2018 - Feb. 2019 |
| | Field surveys of the project area Unmanned aerial systems (UAV) technology will be used to survey the coastline the week of November 1 | Nov. 2018 - Feb. 2019 |
| | Community engagement ◆ Stakeholder/beneficiary interviews ◆ Orientation meeting ◆ Community open house ◆ Hawaiian Homes Commission meeting briefings | Nov. 2018 - April 2020 |
| | Data assessment | May - Sept. 2019 |
| | Shoreline Erosion Management Plan preparation | Oct. 2019 - Apr. 2020 |
| OTHER PROJECTS | <p><i>Coastal Resilience for Hawaiian Homestead Communities:</i> The two-day Community Resilience Planning workshops scheduled for Kalama'ula and Kapa'akea/Kamiloloa-One Ali'i in Summer/Fall 2018 have been rescheduled to Summer/Fall 2020.</p> | |
| CONTACT | Nancy McPherson Planner, DHHL Planning Office | 808-620-9519 |

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

June 18-19, 2018

To: Chairman and Members, Hawaiian Homes Commission
Thru: M. Kaleo Manuel, Acting Planning Program Manager 
From: Nancy M. McPherson, Planner 
Subject: Update on DHHL Efforts in the Areas of Climate Change and Sea Level Rise Adaption, Community Resilience and Hazard Mitigation on Hawaiian Home Lands, Statewide

RECOMMENDED ACTION

None; for information only.

BACKGROUND

Context

This informational submittal was prepared in response to a request by the Hawaiian Homes Commission (HHC) at the April 16-17, 2018 HHC meeting on Molokai for an update on DHHL initiatives and activities in the areas of climate change and sea level rise adaptation. The Planning Office previously provided the HHC with an informational submittal outlining development of a coastal zone management (CZM) approach that proposes the integration of CZM, community resilience and hazard mitigation planning at the September 19-20, 2016 HHC Meeting on Maui (Item G-6). The submittal included a discussion of climate change and sea level rise adaptation efforts to that point. See Exhibit 'A'.

Since that update, initiatives at the county, state and federal levels to plan for climate change and sea level rise impacts and improve and integrate disaster preparedness, hazard mitigation and community resilience planning have been ongoing, and the Department of Hawaiian Home Lands (DHHL) has continued to participate in these efforts. The Chairman and Planning Office staff have been meeting internally to discuss these issues and have been attending regular meetings of the Interagency Climate Adaptation Committee (ICAC), its successor, the Hawai'i Climate Change Mitigation and Adaptation Commission (HCCMAC), and the Honolulu City and County's Climate Change Commission (CCC),

as well as special events and activities such as climate change workshops and federal grant solicitations.

| Activity | Dates | Topics discussed |
|---|---|---|
| ICAC Meetings | 9/27/16, 5/17/17 | Reviewed Draft Report; finalized |
| HCCMAC Meetings | 10/11/17, 12/21/17, 2/27/18, 5/22/18 | Orientation, Briefing on Report; Mission & Priority setting |
| Hawai'i Sea Level Rise Vulnerability & Adaptation Workshop II | 1/31/17 | Reviewed Report Methods & Preliminary O`ahu Results; Identified refinements & additions to report recommendations |
| PICCC Resilient Hawaiian Communities Initiative | EOI submitted 11/14/17 | Agency & community coordination for Resiliency Planning on Molokai |
| Honolulu Climate Change Commission Meetings | 4/19/18, 5/8/18, 5/21/18, 6/5/18 | Orientation, discussions w/C&C departments; 2017 SLR Vulnerability & Adaptation Report; HART; draft Climate Change Brief & SLR Guidance documents |

Table 1 - Summary of Major CCA/SLR Activities since Sept. 2016

DISCUSSION

Federal-level Planning Activities

A "Solicitation for Expressions of Interest" for the Pacific Islands Climate Change Cooperative (PICCC) Resilient Hawaiian Communities (RHC) Initiative, a multi-agency sponsored, two-year project designed to support community resilience planning in two Native Hawaiian communities, was responded to in November 2017 by Planning Office staff in collaboration with Molokai groups working on climate change adaptation. The Initiative provides technical assistance and funding through a collaborative process informed by an expert group of organizations and individuals who are leaders in natural and cultural resource management, climate change science, and planning in Hawai'i.

The proposal, "Molokai Community Resilience Strategy for Hawaiian Home Lands Communities," sought to increase the Molokai community's coordination with DHHL and other

agencies that may have control over access to land and resources, as well as to increase capacity of the community to network and coordinate their efforts to obtain the necessary resources to carry out their projects. The intent was for DHHL to collaborate with the community to do strategic community resilience planning, ultimately to be incorporated into the DHHL Planning System and implemented on Hawaiian Home Lands, starting with homestead areas on Molokai.

While the Molokai proposal was not selected, two other homestead communities, Kailapa on Hawai'i Island and Waiehu Kou III on Maui, did have successful proposals, and DHHL is administering the grant monies for those projects. The process of developing the Molokai proposal was educational and stimulated an in-depth conversation that will lead to further community resilience planning efforts on Molokai as well as for Homestead communities statewide. Previously, Ka Honua Momona Intn'l, which is currently restoring two fishponds on Molokai, received a grant from PICCC to explore adaptive management strategies for responding to climate change impacts to the fishponds. Unfortunately, PICCC, established in 2009, has recently been disbanded due to changes in federal program priorities. See Exhibit 'B' "Incorporating Science and Traditional Knowledge in Moloka'i..."

State-Level Initiatives

There has been significant activity at the state level since the September 2016 HHC update regarding climate change adaptation, sea level rise mitigation and community resiliency planning, and greenhouse gas emission reduction, led by the State Legislature and the Governor.

Interagency Climate Adaptation Committee (ICAC), now the Hawai'i Climate Change Mitigation and Adaptation Commission (State Climate Commission)

In 2016, Governor David Ige signed Act 32 Session Laws of Hawai'i, 2017, making Hawai'i the first state to enact legislation implementing parts of the Paris Agreement. The Paris Agreement was signed by 195 nations on November 4, 2016, and is the largest concerted global effort to combat climate change to date. Act 32 amended Hawai'i Revised Statutes (HRS) Chapter 225P by renaming the Interagency Climate Adaptation Committee (ICAC) the "Hawai'i Climate Change Mitigation and Adaptation Commission" (HCCMAC, or State Climate Commission) as well as assigning various tasks to the HCCMAC related to climate change mitigation and adaptation. The State Climate Commission had its first

meeting on October 11, 2017. The Chairman of the HHC has a seat on the Commission and is supported by Planning Office staff.

A two-plus-year long research and community engagement effort produced the Hawai'i Sea Level Rise Vulnerability and Adaptation Report (Report), which was completed and adopted by the State Climate Commission in December 2017. The Report contains sea level rise hazard and inundation maps produced via a Geographic Information Systems (GIS) analysis, and recommendations for implementation of the report's findings. The Report can be downloaded here:

https://climateadaptation.hawaii.gov/wp-content/uploads/2018/01/SLR-Report_-January-2018.pdf

See pp. 4-8 of the Report for a detailed discussion of the history of Hawai'i climate change policy development.

The State Climate Commission is tasked with implementing HRS Chapter 225P, as amended, by providing direction, facilitation, coordination and planning among state and county agencies, federal agencies, and other partners about climate change mitigation (reduction of greenhouse gases) and climate change resiliency strategies, including, but not limited to, sea level rise adaptation, water and agricultural security, and natural resource conservation.

The draft Mission Statement of the Climate Commission states, "Hawaii's Climate Commission recognizes the urgency of climate threats and the need to act quickly. It promotes ambitious, carbon-neutral, culturally-relevant strategies for climate change adaptation and mitigation in a manner that is Clean, Equitable & Resilient." DHHL will continue to participate fully in the State Climate Commission's activities and analyze all recommendations in terms of the Hawaiian Homes Commission Act and its beneficiaries.

Carbon Neutrality, Sequestration and Offsets

On June 4, 2018, two bills related to carbon neutrality and carbon offsets were signed into law by Governor Ige:

- HB2182 - Makes Hawai'i carbon neutral by 2045 and establishes the Greenhouse Gas Sequestration Task Force. HB 2182 becomes Act 15 and takes effect on July 1, 2018.
- HB1986 - Creates a framework for a carbon offset program that allows for carbon credits through global

carbon sequestration protocols. HB 1986 becomes Act 16 and takes effect on July 1, 2018.

At the bill signing ceremony, Gov. Ige said, "We see tremendous potential for restoration, protection and management of forest areas in Hawai'i to offer cost-efficient climate change mitigation. That's why this framework for capturing carbon through reforestation and carbon farming is an important step forward." There is potential for DHHL and the beneficiaries to participate in this effort and fund restoration of forests on Hawaiian Home lands via the carbon offset program, so the Planning Office will be investigating this opportunity further.

Ocean Resources Management Plan (ORMP)

The Office of Planning is currently working with various stakeholders, primarily through the Ocean Resources Management Plan (ORMP) program, to implement HRS §226-109, the Climate Change Adaptation Priority Guidelines. The ORMP includes county, state, and federal stakeholders who implement public projects and programs and incorporates input from the community, businesses, and non-profits who contribute to and support these efforts. DHHL's Planning Office has been attending meetings since 2013. It's foreseen that the ORMP Implementation Working Group will start focusing significant attention on climate change and sea level rise adaptation efforts, and the Planning Office will continue to participate in this process.

County-level Planning Activities

The Planning Office has been tracking and/or participating in County-led climate change adaptation and community resilience planning efforts, both separately and via the comprehensive planning process, whenever possible.

Honolulu City & County

The City and County of Honolulu now has an Office of Climate Change, Sustainability and Resiliency (CCSR), established by City Charter in 2016, which supports the recently formed Climate Change Commission (CCC) and is tasked with integrating sustainable and environmental values into City plans, programs, and policies. The role of the CCC is to gather the latest science and information on climate change impacts to Hawai'i and provide advice and recommendations to the mayor, City Council, and executive departments as they look to draft policy and engage in planning for future climate scenarios. Planning Office staff attend the monthly meetings of the CCC whenever possible.

See <https://www.resilientoahu.org/> and <https://www.resilientoahu.org/about-the-commission/> for more information.

In addition, in May 2016, Honolulu was selected as a member of the 100 Resilient Cities network, pioneered by the Rockefeller Foundation (100RC). Cities in the 100RC network are provided with the resources necessary to develop a roadmap to resilience, including the creation of a Chief Resiliency Officer position. For more information, see <https://www.resilientoahu.org/100-resilient-cities/>

The Department of Planning and Permitting (DPP) has been conducting an update to the O'ahu General Plan for the last several years, and the Planning Office has participated in that process. The Proposed Revised General Plan was transmitted from the Planning Commission to the City Council on April 20, 2018 for adoption. The updated plan includes climate change and sea level rise objectives and policies.

Kaua'i County

The update to the Kaua'i County General Plan, "Kaua'i Kakou," was adopted in March 2018, and the Planning Office participated in that process. The Plan contains multiple goals, policies and implementing actions that discuss or pertain directly to adapting to impacts from climate change, including sea level rise, managing shorelines and increasing community resiliency, and includes an appendix of climate change and coastal hazard assessment maps, data for which was derived from a Climate Change and Coastal Hazards Assessment technical background report. Policy #14, "Prepare for Climate Change," advises planning for a minimum of three feet of sea level rise, and directs the County to "Prepare for impacts to the island economy, food systems, and infrastructure that will be caused by climate change."

Maui County

The DHHL Planning Office has been participating in Maui County's Molokai Community Plan update process since 2015. Planning for climate change and sea level rise impacts, including managed retreat scenarios, were discussed, and goals, policies and implementing actions included in the draft Community Plan, which was transmitted to the Maui County Council's Planning Committee in May 2016. A revised draft was submitted May 1, 2018, which is still under review. An entire chapter of the Plan is devoted to hazards mitigation and planning. The Maui County Council's Planning Committee is also considering how best to utilize the data

and recommendations in the Hawai'i Sea Level Rise Vulnerability and Adaptation Report.

Relationship to Existing DHHL Plans

Policy statements contained in various DHHL plans previously approved by the HHC generally support the precepts of coastal zone management, community resilience and hazard mitigation, but there is still no overall policy framework, system or programmatic approach to operationalizing current data and projections and implementing recommendations Department-wide. The Planning System is the logical place to institute a comprehensive planning effort to respond to this increasingly serious situation. The Hawai'i State Planning Act was amended in 2012 with the addition of the *Climate Change Adaptation Priority Guidelines* (Act 286). DHHL has a responsibility to ensure consistency of its plans and programs with the State Plan as long as those plans don't unduly impede the administration of the Hawaiian Homes Commission Act of 1920, as amended. See Exhibit 'C', CCA Priority Guidelines and Aloha+ Challenge Sustainable Development Goals.

DHHL General Plan

The Planning Office has been given preliminary approval to schedule an update to the General Plan. It is recommended that there be significant focus on climate change and sea level rise adaptation and hazard mitigation using a combination of data and recommendations from the Sea Level Rise Report, the Climate Adaptation Priority Guidelines, and best practices in climate change adaptation planning for indigenous communities that incorporates mo'olelo/traditional ecological knowledge (TEK).

Island Plans

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island, (2) establish land use goals and objectives of the General Plan specific to each island, and (3) identify island-wide needs, opportunities, and priorities. The 2005 Island Plan for Molokai used an ahupua'a-based approach for designating land uses, incorporating mauka-makai access for traditional and customary purposes, and designating multiple areas as Special District with provisions for subsistence and cultural resources protection. Implementation of lands in Special District require preparation of Special Area Plans that will guide access to and management of these areas. See Exhibits 'D,' 'E' & 'F', Land Use Designation Maps

The Planning Office would like to begin incorporating best practices in integrated coastal zone management, community resilience and hazard mitigation planning in all future Island Plan updates. The SLR-XA maps in the Sea Level Rise Vulnerability and Adaptation Report provide an overlay which could be used by DHHL to analyze risks to existing Hawaiian Home Lands, homesteads and infrastructure and develop policies and strategic responses to plan for the threat. See Exhibit 'G,' "SLR-XA 3 ft. for Kaunakakai"

Regional Plans

The Wai'anae and Nānākuli Regional Plan updates have continued to highlight the need for a coordinated, multi-agency response to community concerns about evacuation routes, drainage and flooding, and overall disaster preparedness and response strategies. While still in the planning process, beneficiary outreach has gathered concerns about disaster preparedness, evacuation routes, flooding, climate change and sea level rise. Draft Priority Projects reflect beneficiary awareness of the importance of timely, coordinated and effective responses to the changes that are coming, and in some ways, are already here. See Exhibit 'H'

DHHL Water Policy Plan

The Water Policy Plan adopted by the Hawaiian Homes Commission (HHC) in 2014 articulates a vision, mission and values as well as goals and policies as guidance for implementing the language in the Hawaiian Homes Commission Act (HHCA) regarding the rights and responsibilities of the Hawaiian Homes Commission (HHC) and DHHL to ensure the availability of adequate, quality water for the purposes of the HHCA. It is hoped that with the formation of a Water Utility Branch, more staff and resources will foster better coordination with other DHHL divisions and implement watershed, water resource and infrastructure protections per Water Policy Plan recommendations.

Coastal Zone Management (CZM) -- Projects Near the Shoreline

The Planning Office provides ongoing environmental review and planning technical assistance to other DHHL divisions regarding development along the shoreline, shoreline erosion, springs, drainage, flooding and inundation. As shoreline erosion impacts increase due to accelerating sea level rise, monitoring the situation and proposing mitigation measures will become increasingly important.

Current Planning Office CZM activities:

- South Shore Molokai Shoreline Erosion Assessment - a consultant has been contracted for this project, designed to assess the shoreline erosion at Kapa'akea, Kamiloloa and One Ali'i homestead areas along the south shore of the island of Moloka'i and make recommendations for mitigation measures. There will be a robust beneficiary participation component, and project initiation is expected in July of this year.
- Continue to participate in CZM and Climate Change Adaptation planning processes.
- Pursue pilot projects in culturally-based adaptive management approaches for natural and cultural resources management on Hawaiian Home Lands.
- Continue to pursue analysis and legal review of HHC authorities in relation to CZM, particularly jurisdictional issues regarding the Special Management Area (SMA).
- Continue to pursue Memoranda of Understanding with all the Counties re: zoning and development standards, infrastructure, building permits etc., to include agreement on procedures related to coastal zone and SMA regulation, climate change adaptation, sea level rise and other coastal hazard impact mitigations.

Planning with Complexity

Coastal zone management, hazard mitigation and community resilience planning, climate change and sea level rise adaptation, and sustainability are all interrelated on multiple levels and scales. This presents a challenge due to the complexity of the issues, as well as an opportunity to leverage resources and identify synergies that will minimize gaps and redundancies and make DHHL's efforts more efficient, cost-effective and successful.

What happens mauka affects makai, so a systems-based, holistic, adaptive and collaborative approach is indicated. Ahupua'a-based planning practices, partnerships with beneficiaries and non-governmental organizations (NGO's), and the wisdom embedded in mo'olelo and Traditional Ecological Knowledge (TEK) will inform programs and strategies that can overcome administrative silos, schisms between beneficiaries and DHHL staff, and divisions within homestead communities on what the best ways to move forward might be.

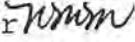
The Planning Office will continue to work on framing the issues and developing a programmatic approach for integrating DHHL efforts in these areas. As climate change, global ice melt, and sea level rise continue at potentially accelerating rates, a coherent response and proactive measures on the part of DHHL will become more and more critical to the future health and well-being of our beneficiaries.

RECOMMENDATION

None; for information only.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

Sept. 19-20, 2016

To: Chairman and Members, Hawaiian Homes Commission
Thru: M. Kaleo Manuel, Acting Planning Program Manager 
From: Nancy M. McPherson, Planner 
Subject: For Information Only - Planning for our Makai
Communities - Integrating Coastal Zone Management,
Community Resilience and Hazard Mitigation on
Hawaiian Home Lands Along the Shoreline, Statewide

RECOMMENDED ACTION

None; for information only.

BACKGROUND

Context

Within the last five years, several instances of jurisdictional conflict due to questions of the applicability of County Special Management Area (SMA) Rules on Hawaiian Home Lands on the island of Molokai have occurred. This has affected beneficiary-serving organizations and individual homestead lessees in various ways, throwing the building permit approval process into confusing territory and in effect impeding administration of one or more of the expressed purposes of the Hawaiian Homes Commission Act.

In addition, significant initiatives at the county, state and federal levels to improve and integrate disaster preparedness, hazard mitigation and community resilience planning are underway, and the Department of Hawaiian Home Lands (DHHL) has an important role to play in those efforts. In response to the pressing need for government to address climate change adaptation and plan for the effects of sea level rise, President Obama released his Climate Action Plan in June of 2013. On June 9, 2014, Governor Abercrombie signed Act 83, "Related to Climate Change," which initiated a research project on impacts of climate change and vulnerability to sea level rise statewide, and authorized the formation of the Interagency Climate Adaptation

Committee (ICAC), which was first convened jointly by the State Office of Planning (State OP) and the Department of Land and Natural Resources (DLNR) on June 3, 2015. The Committee is comprised of legislative committee chairs, representatives of eleven State agencies, including DHHL, and all the Counties. The research will result in a report that will inform legislative proposals and planning efforts, leading to development of a State of Hawaii climate adaptation plan.

DISCUSSION

Need for a more comprehensive, integrated and formalized approach to Coastal Zone Management, Community Resilience and Hazard Mitigation

Historically, long-serving County staff understood that zoning and other land use regulations, including SMA Rules, could not be implemented on Hawaiian Home Lands due to lack of jurisdiction. More recently, as the Counties have enhanced and expanded their Coastal Zone Management (CZM) programs, and as old staff retire and newer staff unfamiliar with the history of the Hawaiian Homes Commission Act and Hawaiian Home Lands' relationship with the Counties come on board, the mostly informal understanding of the special status of Hawaiian Home Lands is now being challenged in some cases.

In addition, County of Maui has at times tried to exercise enforcement powers over projects on Hawaiian Home Lands, notably on Molokai's southern shoreline. In the past, unpermitted grading activities at Kiowea Park in Kalama'ula were investigated due to complaints submitted to County of Maui, and more recently, complaints received regarding structures in the shoreline setback area at Malama Park as well as on a homesteader's lot in Kamiloloa were responded to by the County's Molokai Planner and Zoning and Enforcement Officer. Subsequently, County of Maui consulted with the State Department of Land and Natural Resources, Office of Conservation and Coastal Lands (DLNR-OCCL), confirming that neither DLNR-OCCL nor the County have jurisdiction over development on Hawaiian Home Lands. See Exhibit 'A'.

The Hawaiian Homes Commission Act clearly states, in Section 206, that the powers of the Board of Land and Natural Resources (BLNR) do not extend to Hawaiian Home Lands:

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§206. Other officers not to control Hawaiian home lands; exception. The powers and duties of the governor and the board of land and natural resources, in respect to lands of the State, shall not extend to lands having the status of Hawaiian home lands, except as specifically provided in this title. [Am L 1963, c 207, §5(a), (b); ree L 1997, c 197, §4]

As the Counties are subdivisions of the State, it is normally accepted that the State can exercise "sovereign immunity" and that County regulations do not apply unless specified in State law. In the case of the administration of Hawaii Revised Statutes, Chapter 205A, the counties have authority to promulgate rules and enforce them in the Special Management Area (SMA) under their jurisdiction. DHHL is assumed to be defined as an "agency" but is not expressly identified as such in the chapter. Agencies such as Hawaii Community Development Authority (HCDA) have promulgated their own SMA Rules and the State OP issues SMA permits for projects in the SMA in the community development districts they control, per HRS §206E-8.5. Research done to date indicates that neither DHHL nor the Hawaiian Homes Commission was expressly involved in the formulation of the Special Management Area boundary in the 1970's, and more research needs to be done on the jurisdictional issues and the HHC's and DHHL's fiduciary duty regarding implementation of HRS Ch. 205A. See Exhibit 'B'.

Relationship To Existing Plans

Policy statements contained in various DHHL plans already approved by the HHC generally support the precepts of coastal zone management, community resilience and hazard mitigation, but there is a lack specificity or an overall framework to integrate these types of policies, coordinate implementation efforts and promote internally consistent application of these principles throughout the Planning System and operationalize them throughout DHHL as a whole.

DHHL General Plan

The General Plan contains broad goals and objectives intended to implement the purpose and intent of the Hawaiian Homes Commission Act at a policy level. The following goals and objectives support the development of DHHL policies and programs for coastal zone management, community resilience and hazard mitigation.

Land Use Planning

Goal: Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Objectives:

- Direct urban growth to priority development areas based on infrastructure availability, feasible site conditions, beneficiary preferences and job opportunities.
- Develop improved relationships with the Counties to ensure reliable and adequate delivery of services to homesteaders.

Residential Uses

Goal: Ensure existing homestead neighborhoods are maintained as healthy and attractive communities for future generations.

Land and Resource Management

Goal: Be responsible, long-term stewards of the Trust's lands and the natural, historic and community resources located on these lands.

Objectives:

- Preserve and protect significant natural, historic and community resources on Trust lands.
- Enforce governmental health and safety standards and protect life and property from the effects of natural hazards and disasters on Hawaiian home lands.

Building Healthy Communities

Goal: Establish self-sufficient and healthy communities on Trust lands.

Objective:

- Build partnerships with public and private agencies to ensure reliable and adequate delivery of services to homesteaders.

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Island Plans

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island, (2) establish land use goals and objectives of the General Plan specific to each island, and (3) identify island-wide needs, opportunities, and priorities.

To date, the Island Plans have taken into account some, but not all, environmental conditions when conducting land suitability analysis. Coastal hazard vulnerabilities, with the exception of flood zone and tsunami inundation, have not been thoroughly or specifically analyzed in terms of environmental constraints and suitability of proposed land uses. The Planning Office intends to begin incorporating best practices in integrated coastal zone management, community resilience and hazard mitigation planning in all future Island Plan updates.

Regional Plans

There are 21 Regional Plans for existing homestead areas throughout the state. The Regional Plans identify a broad spectrum of issues and opportunities, potential projects, and priority projects, with a mixture of DHHL- and community-led initiatives. Table 1, "Regional Plan Issues, Opportunities, Potential and Priority Projects Related to CZM-DPP-CR" summarizes those issues, ideas and priority projects that are related to coastal zone management, community resilience and hazard mitigation. See Exhibit C (Table 1).

Several main themes emerge when reviewing what was elicited during the Regional Plan process. Common to many communities was the desire for better ways to evacuate people from coastal areas in case of a hurricane or tsunami, improved access for emergency vehicles, and new or enhanced emergency shelters.

The next most popular request was for drainage improvements and maintenance of drainage ways to reduce flooding in homestead areas. Flooding and drainage problems were issues on Hawai'i Island, Kaua'i, Lāna'i, Maui and O'ahu. In addition, flooding and inundation are known problems for all the low-lying coastal homestead communities on Molokai.

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EXHIBIT 'C'

DHHL Water Policy Plan

The Water Policy Plan adopted by the Hawaiian Homes Commission (HHC) in 2014 articulates a vision, mission and values as well as goals and policies as guidance for implementing the language in the Hawaiian Homes Commission Act (HHCA) regarding the rights and responsibilities of the Hawaiian Homes Commission (HHC) and DHHL to ensure the availability of adequate, quality water for the purposes of the HHCA.

Priority Policy

1. Expressly determine and plan for future water needs and actively participate in broader water management, use and protection efforts in Hawai'i in order to secure water.

Additional Goals

Part II. Plan for our water needs

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

DHHL Energy Policy - Ho'omalūō

This policy in particular contains multiple objectives that when implemented will increase community resilience for our homestead communities by promoting energy self-sufficiency and increased use of renewable energy alternatives.

- Objective 1: Mālama 'āina: Respect and protect our native home lands.
- Objective 2: Ko'o: Facilitate the use of diverse renewable energy resources.
- Objective 3: Kūkulu pono: Design and build homes and communities that are energy efficient, self-sufficient and sustainable.
- Objective 4: Kōkua nō i nā kahu: Provide energy efficiency, self-sufficiency, and sustainability opportunities to existing homesteaders and their communities.

- Objective 5: Ho'ona'auao: Prepare and equip beneficiaries to promote a green, energy efficient lifestyle in and around communities.

Coastal Zone Management (CZM) Review of Projects Near the Shoreline

The Planning Office provides ongoing environmental review and planning technical assistance to the District Offices and, when needed, coordinates DHHL efforts among the line agencies (LMD, LDD, HSD), the District Offices and beneficiaries regarding important environmental, cultural and natural resource issues in homestead communities.

When questions about best practices in shoreline development, CZM and jurisdiction in the SMA arise, the project previously was not reviewed by the Planning Office. In the past, DHHL projects (but not homestead lessee projects) and non-homesteading projects (e.g. commercial developments) in the County SMA were submitted to the Counties for SMA permits, if applicable.

This practice began to change with the Ka Honua Momona International office and restroom project on Community Use land adjacent to Ali'i Fishpond in Makakupa'ia, Molokai. In July of 2011, The Land Management Division issued an "Exemption" from SMA permitting for the project, on advice from the County of Maui, which had determined that it did not have jurisdiction. The new structures were located as far mauka from the shoreline as feasible, were elevated and a state of the art composting toilet system was installed, therefore no leach field was needed. An informational presentation of the project was voluntarily brought before the Molokai Planning Commission in June of 2011 as a courtesy and was well received. See Exhibit 'B' and Exhibit 'D'.

Subsequently, the County of Maui Planning Director challenged DHHL's ability to grant "exemptions" from SMA permitting requirements based on his reading of Chapter 205A HRS. See Exhibit 'A'.

Recent projects in the SMA receiving CZM technical assistance from the Planning Office include:

(1) Kiowea Park Pavilion

- Evaluated shoreline erosion and determined an appropriate shoreline setback for a new pavilion at Kiowea Park in Kalama'ula. Addressed Ch. 205A

HRS Coastal Zone Management goals and policies in the Environmental Assessment for the project.

- (2) Kapa'akea Flood Mitigation (MoDO/LDD/PLO)
 - Provided CZM technical assistance to Land Development Division for a three (3) foot high concrete masonry unit (CMU) wall and footing that will extend makai from the south side of Kamehameha V Highway to within 60 feet of the shoreline. The project is currently in the Environmental Review (Ch. 343 HRS) phase.
- (3) Kapuāiwa Coconut Grove Cleanup and Fencing (MoDO/LMD/PLO)
 - Assisted the Molokai District Office in determining the best location and makai extent of fencing around Kapuāiwa Coconut Grove given accelerating shoreline erosion due in part to sea level rise.
- (4) Kumu Camp, Anahola, Kaua'i (LMD/PLO)
 - Determined adequate shoreline setback for makai structures based on established erosion rates for Anahola Bay. Did coastal hazard assessment for project.

State-Level Initiatives

The State of Hawai'i, while being the only coastal state to not yet have a Climate Change Adaptation Plan, has a number of initiatives underway and plans in place that address various aspects of coastal zone management, disaster preparedness and community resilience.

DLNR-OCCL and OP-CZM have several plans and initiatives underway that are being implemented programmatically. The following initiatives are intended to involve all State and County agencies in coastal zone management, climate change adaptation, hazard mitigation and disaster preparedness. DHHL participates in these initiatives at various levels.

Hawai'i Coastal Erosion Management Plan (COEMAP)

A recent study by the U.S. Geological Survey and University of Hawai'i researchers, *National Assessment of Shoreline Change: Historical Shoreline Change in the Hawaiian Islands*, finds that the majority of beaches (70%) in Hawai'i are experiencing coastal erosion and many miles

of beach have been severely narrowed or lost over the past century. DLNR-OCCL promotes more sustainable alternatives for coastal erosion management, beach restoration and "soft" approaches to shoreline protection through the COEMAP. This information will be useful to DHHL as efforts are made to deal with shoreline erosion and armoring on Hawaiian Homes land, and DHHL will participate in future updates to the COEMAP.

Ocean Resources Management Plan (ORMP)

The ORMP is a requirement under Hawaii Revised Statutes §205A-62(1) and is a major component of the State's Coastal Zone Management (CZM) Program. The ORMP supports effective management, beneficial use, protection, and development of the state's coastal zone, and is implemented via a partnership of State and county agencies. DHHL's Planning Office has been informally participating since 2013.

Interagency Climate Adaptation Committee (ICAC)

The Hawai'i Climate Adaptation Initiative Act of 2014 (Act 83) is designed to address the effects of climate change through 2050 to protect the State's economy, health, environment, and way of life. The initial focus of the Initiative is on the effects of sea level rise on the islands. Specific actions authorized by the Act include:

- Establishing an interagency climate adaptation committee, attached administratively to the Department of Land and Natural Resources, to develop a sea level rise vulnerability and adaptation report for Hawai'i, projecting through the year 2050;
- Authorizing the Office of Planning to coordinate the development of a statewide climate adaptation plan and to use the sea level rise vulnerability and adaptation report as a framework for addressing other climate threats and climate change adaptation priorities identified in Act 286, Session Laws of Hawai'i 2012; and
- Allocating funds and creating positions to carry out these purposes.

Multi-Hazard Mitigation Planning

The State of Hawaii Department of Defense, Civil Defense Division has a Multi-Hazard Mitigation Plan, last

updated in 2013. The Plan addressed hazards such as high wind and wave events, tsunami etc. and also analyzes the potential effects of climate change, including sea level rise and the potential for more severe storms. The plan describes the hazard, the probability of occurrence, does a risk assessment and presents mitigation strategies, by County. DHHL does not have direct participation or representation in this planning process, but comments on draft updates.

County-level Initiatives

Post-Disaster Reconstruction Guidelines and Protocols

County of Maui Planning Department's Coastal Zone Management Team, with technical assistance from their Sea Grant Extension agent, undertook a project in 2014-2015 to develop post-disaster recovery guidelines and protocols intended to facilitate rebuilding in sensitive coastal areas post-disaster. Planning Office staff contributed to outreach and workshop design and participated in workshops as well as encouraging participation by the beneficiary community on Molokai in the planning process. The guidelines will be used internally by County of Maui personnel in reviewing various types of permits.
See Exhibit 'E'.

University of Hawai'i - National Disaster Preparedness Training Center (NDPTC)

The federally-funded NDPTC offers courses that cover coastal community resilience, natural disaster awareness for community leaders, hurricane, tsunami and volcanic crisis awareness, and use of social media for disaster preparedness and response, among other topics. Several Molokai homestead leaders have taken courses when offered on island, and upon request, NDPTC is willing to take their courses out the community to train interested beneficiaries, as well as to conduct trainings here in Kapolei for DHHL staff, free of charge.

University of Hawaii - Department of Urban and Regional Planning (UH-DURP)

Over the past several years, graduate students at UH-DURP, under the guidance of Professor Luciano Minerbi, have selected DHHL's homestead communities for Practicum projects, analyzing community vulnerability to coastal hazards and the role of social capital in community resilience. Students drafted culturally appropriate guidance

for planning with homestead communities for disaster preparedness and resilience, and produced a guidebook with an outline for a two-day community workshop with sample worksheets.

Using the guidebook, a condensed one day training on disaster preparedness planning and coastal hazard mitigation strategies for homestead leaders from Kalama'ula, Kapa'akea and Kamiloloa-One Ali'i homesteads was conducted by Planning Office staff and two graduate students on Molokai in August 2015. The workshop, titled "Molokai Coastal Homestead Resilience & Disaster Planning Workshop" was well received and homestead leaders expressed interest in the Planning Office following up with full two-day workshops involving entire homestead communities. HHC members received copies of the Practicum report, titled "Coastal Resilience for DHHL Communities" at a previous meeting. Also analyzed were some of the jurisdictional issues that DHHL has in regards to Ch. 205A HRS. See Exhibit 'F'.

Activities by Individual Homestead Associations

The Waimānalo homestead community has been actively engaging for several years with Honolulu City and County and State Civil Defense disaster preparedness activities. Waimanalo was honored as a Hawaii Hazards Awareness and Resilience Program (HHARP) disaster resilient community by local, state, and federal officials during the Waimanalo Emergency Preparedness Fair in June 2015. A Hawai'i Emergency Management Agency-sponsored HHARP (Hawaii Hazards Awareness and Resilience Program) meeting held in Waimānalo in July 2015 was well attended. Both the Wai'anae and Waimānalo homesteads are in communities considered to be active HHARP communities.

Potential Funding Sources

There are several options that DHHL could pursue in formulating and implementing an integrated Coastal Zone Management, Hazard Mitigation and Community Resilience (CZM-HM-CR) program. One avenue would be to work with State OP and the National Oceanic and Atmospheric Administration (NOAA) to implement a DHHL-specific CZM program and receive CZM funding from the federal program through State OP-CZM.

In addition, the State of Hawaii, Office of Planning and DLNR-OCCL have jointly been applying for grants from NOAA to do coastal hazard mitigation and community resilience. DHHL needs to engage with these agencies on an ongoing basis to ensure that homestead communities and DHHL

lands are included in projects being funded by federal grant sources. Other funding sources include the Federal Emergency Management Administration (FEMA) and the United States Department of Agriculture, Rural Community Development Initiative (USDA-RCDI).

Summary and Next Steps

There are various activities at multiple levels of government that need to be tied together in order for DHHL to implement its efforts in the overlapping areas of Coastal Zone Management, Hazard Mitigation and Community Resilience (CZM-HM-CR). Developing an integrated policy framework that permeates the entire Planning System is recommended. A more coordinated approach to DHHL representation and involvement in various disaster preparedness and community resilience plans, policies, and implementation activities is also needed. Current Planning Office activities in this area include:

- Kapa'akea Shoreline Erosion Assessment - funding for the project was approved this year by the HHC. The Planning Office will be initiating this project.
- Continued participation by Planning Office staff in CZM and Climate Change Adaptation planning processes.
- Further analysis and legal review of HHC authorities in relation to CZM, particularly the SMA.
- Identification and initial discussions with other partners willing to assist DHHL in its efforts.

The Planning Office will continue to work on framing the issues and developing a programmatic framework for integrating DHHL efforts in these areas.

RECOMMENDATION

None; for information only.

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



2015 NOV 27 AM 8:55

COUNTY OF MAUI

DEPARTMENT OF PLANNING

November 25, 2015

Certified Receipt No. (7015 0640 0000 9507 3425)

Mr. Mervin Dudoit
P.O. Box 1034
Kaunakakai, Hawaii 96748

Certified Receipt No. (7015 0640 0000 9507 3432)

Hawaiian Home Lands
P.O. Box 1874
Honolulu, Hawaii 96805

Dear Mr. Dudoit:

RE: NOTICE OF WARNING AND FIRST (1ST) REQUEST TO CORRECT APPARENT VIOLATION(S) WITHIN THE SPECIAL MANAGEMENT AREA (SMA)

TMK: (2) 5-4-006:012-0000 and possibly (2) 5-4-006:029-0000

RFS No.: 15-0001486

Description: Failure to obtain SMA assessment/determination for structures located near the shoreline at 1480 Kamehameha V Highway Kaunakakai, Hawaii, on the island of Molokai

Based on information obtained, we have reason to believe that on your property, on or before November 9, 2015, there were one or more violations. The foundation and roofed structure along the shoreline, are in violation of including but not limited to Section 12-202-12, SMA Rules for the Maui Planning Commission, which states that all actions within the SMA shall be subject to an assessment/determination made by the Planning Director.

The information obtained includes: photographs and witness statements.

You must correct any violation(s) by **December 28, 2015**. We will investigate further, and if we find any of the above-described apparent violations, you will be subject to civil and possible criminal enforcement action.

Civil Fines for the violation will be up to 1) \$100,000.00; and 2) a daily fine of up to \$10,000.00 for each day the violation continues.

This request is only for violations of regulations that are enforced by the Department of Planning. There may be additional violations of regulations that are enforced by other County,

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EXHIBIT 'C'

ITEM G-6

EXHIBIT 'A'

Mr. Mervin Dudoit
November 25, 2015
Page 2

State, or Federal agencies. If you have questions about this request, please contact me at Tammy.Osurman@mauicounty.gov or (808)270-7194; and please refer to **RFS 15-0001486**.

Sincerely,



Tammy Osurman
Zoning Inspector

cc: Jay Arakawa, Supervising Zoning Inspector (via e-mail)
Tammy Osurman, Zoning Inspector (PDF)
RFS No. 15-0001486 (KIVA; RFS Project File)
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ITEM G-3

EXHIBIT 'C'

ITEM G-6

EXHIBIT 'A'

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI

2012 NOV -1 AM 10:40

DEPARTMENT OF PLANNING

October 30, 2012

Ms. Jobie Masagatani, Chair-Designate
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, Hawaii 96805

Dear Chair-Designate Masagatani:

**SUBJECT: KA HONUA MOMONA PROJECT AND APPLICABILITY OF
CHAPTER 205A, HAWAII REVISED STATUTES**

A question has recently been posed to the County of Maui Department of Planning (Department) relating to uses on Department of Hawaiian Home Lands (DHHL) property. We are hoping that you would offer comments on this issue so that we may respond appropriately.

This relates to Ka Honua Momoa's Kauhale Project on Molokai. You wrote to us on March 27, 2012 and July 8, 2011, stating that "DHHL is exempting this project from the SMA permit requirements" pursuant to the Molokai Planning Commission's Special Management Area rules, which were promulgated pursuant to Chapter 205A, Hawaii Revised Statutes.

It is not clear to us that DHHL has the authority to declare exemptions from state or county SMA requirements for projects that, while on DHHL lands, are not DHHL projects and are not projects for homesteading purposes.

Can you please provide us with specific citations from the Hawaiian Homes Commission Act, relevant case law and/or Attorney General opinions to substantiate this authority?

Your review and response to this issue would be greatly appreciated. If you have any questions or require additional information, please feel free to contact Deputy Planning Director Michele McLean by email at michele.mclean@co.maui.hi.us or by phone at 808-270-7735.

Thank you, in advance, for your time and attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "William Spence".

WILLIAM SPENCE
Planning Director

ITEM G-3

EXHIBIT 'C'

ITEM G-6

EXHIBIT 'B'

Ms. Jobie Masagatani, Chair-Designate
October 30, 2012
Page 2

xc: Council Chair Danny Mateo
Michele McLean, Deputy Director
Clayton Yoshida, Planning Program Administrator
Aaron Shinmoto, Planning Program Administrator
Michael J. Hopper, Deputy Corporation Counsel

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ITEM G-3

EXHIBIT 'C'

ITEM G-6

EXHIBIT 'B'

Table 1 Regional Plan Issues, Opportunities, Potential and Priority Projects Related to CZM-DPP-CR

| Island | Region | Date HHC Adopted | In Coastal Area | Category | Issue | Opportunity | Priority Project | CZM-related | Disaster Prep & Prevent | Comm. Resilience |
|---------|----------|------------------|-----------------|--|--|--|------------------|-------------|-------------------------|------------------|
| Hawai'i | Kawaihae | Sept. 2010 | X | Residential Homestead Needs | No Natural Disaster Evacuation Plan | Develop emergency evacuation plan: do risk analysis, ID evac routes & shelter locations, coordinate w/stakeholders, agencies | | | X | X |
| Hawai'i | Kawaihae | Sept. 2010 | X | Infrastructure Development | Flood Mitigation | Assess flooding risks of drainage ways; coordinate debris removal | | X | X | X |
| Hawai'i | Kawaihae | Sept. 2010 | X | Natural Resource Management | Pelekane Bay Restoration | Work w/Federal & State gov't agencies to mitigate impacts from Kawaihae Harbor | | X | X | X |
| Hawai'i | Kawaihae | Sept. 2010 | X | Natural Resource Management | Jet Ski Restriction | Restrict Jet Ski use abutting HHL | | X | | |
| Hawai'i | Ka'ū | May 2012 | X | Alternative Building Code | County code not flexible; increases housing costs | Evaluate use of non-standard building code for HHL | | X | X | X |
| Hawai'i | Ka'ū | May 2012 | X | Transportation & Circulation | Lack of maintained roads & paths causing erosion, damaging coastal resources | Develop vehicular roadways & pedestrian pathways in coastal Kalae to better manage coastal access, mitigate impacts. Designate sensitive areas as "Off Limits" to vehicles | | X | | |
| Hawai'i | Ka'ū | May 2012 | X | Natural & Cultural Resource Management | Within the coastal areas of Kamā'oa Pu'u'eo near Kalae is an area of great cultural importance requiring protection. | Protect and Preserve Cultural Sites & Natural Resources in Kamā'oa | X | X | | |

ITEM G-3

EXHIBIT 'C'

Table 1 Regional Plan Issues, Opportunities, Potential and Priority Projects Related to CZM-DPP-CR

| Island | Region | Date HHC Adopted | In Coastal Area | Category | Issue | Opportunity | Priority Project | CZM-related | Disaster Prep & Prevent | Comm. Resilience |
|---------|------------|------------------|-----------------|---|---|---|------------------|-------------|-------------------------|------------------|
| Hawai'i | Ka'ū | May 2012 | X | Natural Resource Management | Need a more coordinated approach to wildfire risk reduction | Develop a Regional Fire Control Plan | | | X | X |
| Hawai'i | Keaukaha | Dec. 2012 | X | Emergency Access & Evacuation Planning | Need to improve disaster preparedness | Improve Current Emergency Evacuation Plan w/KS, County, DOT | | | X | X |
| Hawai'i | Maku'u | Dec 2012 | X | Infrastructure Development / Roads / Emergency Access | Need alternate access route for emergency vehicles | Develop lower roadway connection between Maku'u Farm Lots and Hawaiian Paradise Park for emergency access only | | | X | X |
| Hawai'i | Waimea Nui | Jan. 2012 | | Infrastructure Development / Roads / Emergency Access | Single access point for Lālāmilo is a problem in an emergency | Open both Lālāmilo Access Roads (east and west) | | | X | X |
| Hawai'i | Waimea Nui | Jan. 2012 | | Alternative Building Code | County code not flexible; increases housing costs | Evaluate use of non-standard building code for HHL | X | X | X | X |
| Kaua'i | Anahola | June 2010 | | Infrastructure Development / Roads / Emergency Access | Improve Road and Traffic Circulation to Kūhiō Highway | Improve road connectivity in Anahola by increasing direct access to Kūhiō Highway. | X | | X | X |
| Kaua'i | Anahola | June 2010 | X | Natural Resource Management | Need more comprehensive planning approach for makai areas | Develop plan that identifies shoreline resources & access points to better manage coastal land between Anahola Beach Park and N edge of DHHL lands. | | X | | X |

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Table 1 Regional Plan Issues, Opportunities, Potential and Priority Projects Related to CZM-DPP-CR

| Island | Region | Date HHC Adopted | In Coastal Area | Category | Issue | Opportunity | Priority Project | CZM-related | Disaster Prep & Prevent | Comm. Resilience |
|---------|-------------|------------------|-----------------|---|--|--|------------------|-------------|-------------------------|------------------|
| Kaua'i | West Kaua'i | Feb. 2011 | X | Emergency Shelter, Access, & Evacuation | Community needs an emergency shelter | Develop a Multi-purpose Evacuation / Cultural / Education Center / Shelter | X | | X | X |
| Kaua'i | Wailua | Dec. 2009 | X | Flood Mitigation | Flooding occurs during rainy season makai of the highway & near the jail | Design and implement drainage improvements | | | X | |
| Lāna'i | Lāna'i | June 2010 | | Community Safety | Vegetation overgrowth on undeveloped lands & vacant lots poses fire & safety hazards, loss of sidewalk access & reduces visibility at intersections. | Provide work by hiring on-island contractor to conduct maintenance, control vegetation on vacant lots & planting strips. Clear lands / develop fire break. | | | X | X |
| Lāna'i | Lāna'i | June 2010 | | Infrastructure Development - Drainage | Inadequate drainage - not adequately protecting land from soil erosion. | Install off-site retaining wall to mitigate drainage issues, control soil erosion | | | X | |
| Lāna'i | Lāna'i | June 2010 | | Natural Resource Management, Community Use of Interim lands | Interim Community Use & Management of Vacant & Undeveloped Lands | Develop program for interim land use, community agriculture / farming. | X | | | X |
| Molokai | Molokai | April 2010 | | Infrastructure Development - Roads | Many roads in Ag Homestead areas not paved – become 4 WD only / impassable in wet conditions | Pave dirt roads (feedback from NHDPP outreach) | | | X | X |

ITEM NO. G-3
 EXHIBIT 'C'

Table 1 Regional Plan Issues, Opportunities, Potential and Priority Projects Related to CZM-DPP-CR

| Island | Region | Date HHC Adopted | In Coastal Area | Category | Issue | Opportunity | Priority Project | CZM-related | Disaster Prep & Prevent | Comm. Resilience |
|--------|-----------------------|------------------|-----------------|---|---|---|------------------|-------------|-------------------------|------------------|
| Maui | Waiehu Kou/ Paukukalo | June 2010 | X | Infrastructure Development - Drainage | Address Drainage Issue at Paukūkalo - problem w/ sinking houses at Kalākaua and Kūhiō Streets. 1950's homes built on sand, floods when it rains. | Need drainage improvements for homes along a section of Kalākaua Street that intersects with Kūhiō Place and Keali'i Drive. | X | | X | X |
| Maui | Kahikinui | July 2011 | | Infrastructure Development / Roads | Condition of spine road affects daily lives of all residents. Health & safety issue - emergency vehicles are either unable to reach the scene or take a very long time to come up to site of emergency. | Repair and maint. of mauka-makai road critical. Create new secondary road at lower elevation, below loop road, to provide access to lower lots, firebreak & emergency vehicle access. Need better access to upland forests areas. | X | | X | X |
| Maui | Keokea-Waiohuli | June 2010 | | Community Safety / Emergency Access & Evacuation Planning | Civil Defense Sirens, kupuna safety | Ensure that civil defense siren system provides coverage for Homestead area. Ensure safety of kupuna in event of an emergency. | | | X | X |
| O'ahu | Waimānalo | Nov. 2011 | X | Infrastructure Development / Roads | Congestion along highway at rush hour is a real problem. Alternate route during emergency events is needed. | Investigate Potential Routes for Alternative Access or Bypass Road | | | X | X |

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 EXHIBIT 'C'
 ITEM G-6, EXHIBIT 'C'

Table 1 Regional Plan Issues, Opportunities, Potential and Priority Projects Related to CZM-DPP-CR

| Island | Region | Date HHC Adopted | In Coastal Area | Category | Issue | Opportunity | Priority Project | CZM-related | Disaster Prep & Prevent | Comm. Resilience |
|--------|----------------------|------------------|-----------------|--|--|--|------------------|-------------|-------------------------|------------------|
| O'ahu | Waimānalo | Nov. 2011 | X | Emergency Access & Evacuation Planning | Information gap currently exists for community & visitors on recommended evacuation routes from the coastal areas. | DEM preparing a plan w/ travel routes in Waimānalo; identifies refuge areas & shelter facilities; coordination / collaboration requirements; GIS evacuation route/ tsunami boundary signage plan | X | | X | X |
| O'ahu | Waimānalo | Nov. 2011 | X | Infrastructure Development / Roads | Waikupanaha Improvements / Ilauhole Street Extension was proposed in 2006, funding lapsed. | This road will provide emergency access (e.g. in case of tsunami), and better access to jobs (i.e., CTAHR) from subdivisions. | X | | X | X |
| O'ahu | Wai'anae / Lualualei | July 2010 | X | Emergency Access | No alternate route if only highway is blocked | Implement emergency access road through Kolekole Pass | | | | |
| O'ahu | Wai'anae / Lualualei | July 2010 | X | Infrastructure Development / Roads | Constant traffic backups on Farrington Highway | Wai'anae Trans. Corridor Coordination & Improvements - need coordination among stakeholders | X | X | X | X |
| O'ahu | Nanakuli | Dec. 2009 | X | Community-based economic development | Need more economic opportunities in region | Promote community-based management & use of ocean resources | | X | | X |

Table 1 Regional Plan Issues, Opportunities, Potential and Priority Projects Related to CZM-DPP-CR

| Island | Region | Date HHC Adopted | In Coastal Area | Category | Issue | Opportunity | Priority Project | CZM-related | Disaster Prep & Prevent | Comm. Resilience |
|--------|----------|------------------|-----------------|--|--|---|------------------|-------------|-------------------------|------------------|
| O'ahu | Nanakuli | Dec. 2009 | X | Infrastructure Maintenance & Improvements - Drainage | Streams and canals accumulate debris, Homesteaders along the canal/ditch are responsible for keeping them clean. | Identify ways to encourage homesteaders; ID need for assistance. Organize community workdays; collaborate with non-profit organizations for community drainage improvement projects | | X | X | X |

NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P O BOX 1379
HONOLULU, HAWAII 96803

ALBERT "ALAPAKI" NAHALE-A
CHAIRMAN
HAWAIIAN HOMES COMMISSION

MICHELLE K. KAUHANE
DEPUTY TO THE CHAIRMAN

M. WAI'ALEALE SARSONA
EXECUTIVE ASSISTANT

July 8, 2011

bc: LMD Reading
LMD File: LA 744
LMD Staff: TG
Maui DO
Commissioner Artates

Mr. William Spence
Director of Planning
Department of Planning
County of Maui
250 S. High Street
Kalana Pakui Building, Suite 200
Wailuku, Hawaii 96793

Aloha Mr. Spence:

Subject: Declaration of Exemption, Ka Honua Momona
Kauhale Project, Building Permit
Application Nos. T2011/0815 and T2011/0817
Tax Map Key: (2) 5-4-006:019

Under provisions of the Hawaiian Homes Commission Act (HHCA) of 1920, as amended, the Department of Hawaiian Home Lands (DHHL) is exempting itself from the Shoreline Management Area (SMA) Permit requirements pursuant to the County of Maui, Department of Planning related to the development of the above-mentioned project.

Exemption from the following County of Maui, Department of Planning, SMA Rules is being declared:

1. Title MC-12, Subtitle 03, Chapter 302
§12-302-14 Special management area minor permit procedures

DHHL is exempting this project from the SMA permit requirements to facilitate the construction of a small office (no greater than 775 square feet), a restroom facility including

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EXHIBIT 'C'

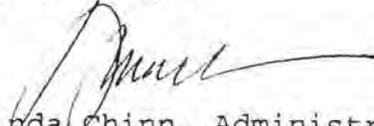
ITEM G-6
EXHIBIT 'D'

Mr. William Spence
July 8, 2011
Page 2

composting toilets and measuring approximately 10' x 14', a traditional hale made of natural and local materials measuring 20' x 40', a gray water system which incorporates subsurface irrigation, and an outdoor performance platform made of mounded earth.

Should you have any questions, please call Todd Gray, Land Agent, Land Management Division, at (808) 620-9460.

Me ke aloha,



Linda Chinn, Administrator
Land Management Division

c: Ka Honua Momona International

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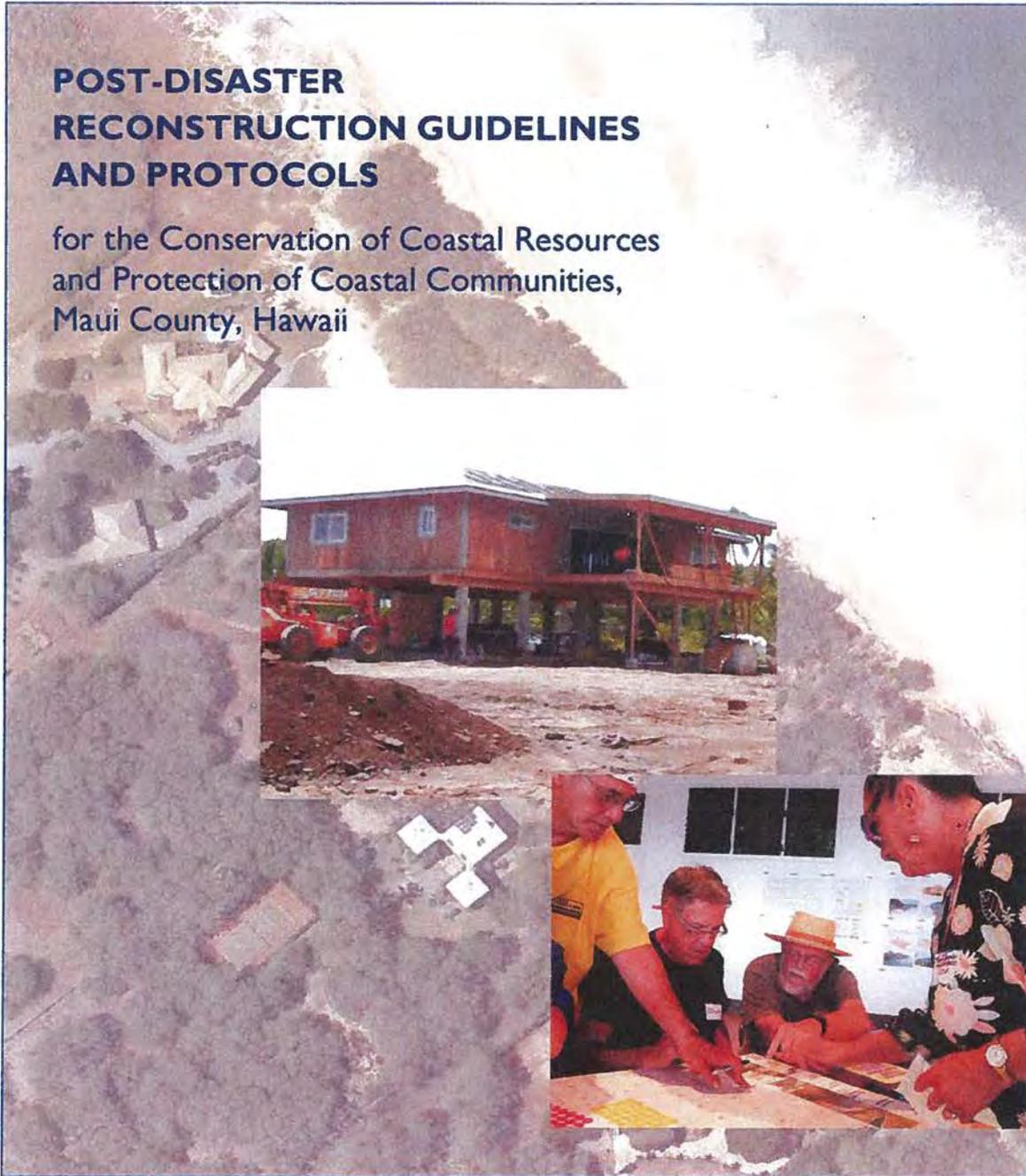
EXHIBIT 'C'

ITEM G-6

EXHIBIT 'D'

POST-DISASTER RECONSTRUCTION GUIDELINES AND PROTOCOLS

for the Conservation of Coastal Resources
and Protection of Coastal Communities,
Maui County, Hawaii



Building Back Safer, Stronger, Smarter!

JANUARY 2015



ITEM NO. G-3

EXHIBIT 'C'

ITEM G-6

EXHIBIT 'E'

Coastal Resilience for DHHHL Communities



A resource for the Department of Hawaiian Home Lands and its beneficiaries

Information to help officials and residents assess coastal hazards, enhance beneficiaries' disaster-readiness, improve management of the resource, and clarify jurisdictional issues.

Prepared by the Department of Urban and Regional Planning's Spring 2015 Practicum Team, University of Hawai'i at Mānoa

May 2015
Honolulu, Hawai'i



ITEM NO. G-3
ITEM G-6 EXHIBIT 'C'
EXHIBIT 'F'

Pacific Islands Climate Change Cooperative



Incorporating science and traditional knowledge in Moloka'i to prepare fishponds for climate change

How will local communities prepare infrastructure for climate change? To answer this question, this project brings together climate change scientists, Moloka'i's traditional fishpond managers, and other natural resource managers to share scientific and cultural knowledge and work together as a team to identify adaptive management strategies for two of Moloka'i's ancient fishponds.

Moloka'i is a small, rural, culturally rich Hawaiian island with much of its human infrastructure (including culturally critical ancient fishponds) located on the coast. It also protects some of the best native coastal plant communities in Hawai'i. Yet, predicted ecosystem response to climate change has not yet been a major topic of discussion.

In order to explore and discuss the impact of climate change upon the local fishponds, this project pursued a short series of workshops that include field trips, presentations, brainstorming sessions, shared meals, and cultural protocol. This formed new and strengthened existing partnerships between and among workshop participants so resources can be pooled and the island can respond as one in the face of climate change. The workshop results will be incorporated into the strategic plan for the ponds and upland

areas. In addition, the K-6 educational curriculum will be revised, a climate change video featuring Moloka'i kūpuna will be created, a community meeting will be held, a "community engagement protocol" will be created to help scientists work with other small communities throughout Hawai'i Nei (and the Pacific), and experiences will be shared with others in the scientific and cultural management communities.

This project has several goals. The first is to bring Hawaii's climate change scientists, Molokai's traditional fishpond managers, and other coastal natural resource managers together to share scientific and cultural knowledge about predicted ecosystem response due to climate change, and work together as a team to identify adaptive management strategies to protect two of Molokai's ancient fishponds. The aim is to create new, and strengthen existing, partnerships between scientists and cultural resource managers, so we can better respond to predicted ecosystem changes and protect cultural and ecological resources.

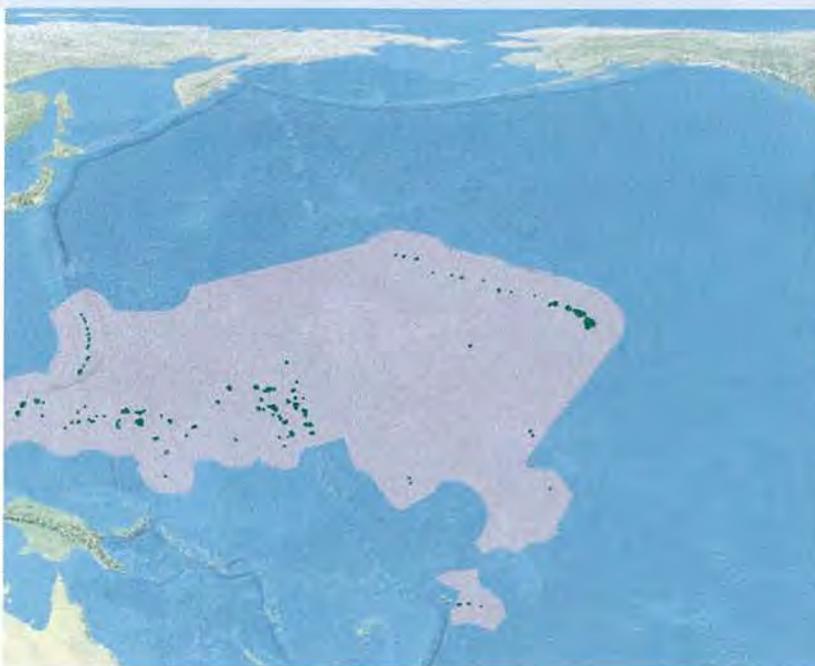
Additionally, the project has the goal of starting the community of Moloka'i thinking about how to respond to climate change, as individuals and as an island, by sharing what we have learned.

The project aims to improve the ability of scientists to engage traditionally based communities to address climate change. Through climate change workshops and the development of community engagement protocol, this project helps to enable scientists to engage traditionally based communities in order to more effectively address on-the-ground impacts of climate change.

For more details about this project, visit the PICCC projects page: piccc.net/our-projects.



The map below depicts the PICCC geography, which includes Hawai'i, American Sāmoa, Guam, the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau and 4 Marine National Monuments.



Principal Investigators

Kauwila Hanchett

Project Partners

US National Park Service
University of Hawai'i, Mānoa
USGS

The Pacific Islands Climate Change Cooperative (PICCC) was established in 2009 to assist those who manage native species, island ecosystems, and key cultural resources in adapting their management to climate change for the continuing benefit of the people of the Pacific Islands. The PICCC provides a range of services and tools to help managers in Hawai'i, the Mariana Islands, American Sāmoa, and other Pacific Island groups make informed decisions for conservation of natural and cultural resources including climate models at the scale of islands and archipelagos, ecological response models, and implementation and monitoring strategies for island species, resources, and communities. Our goal is to help managers reach explicit biological and cultural conservation objectives in the face of climate change and ongoing threats such as fire, land conversion, and invasive species.

Contact:

Jeff Burgett
PICCC Science Coordinator
jeff.burgett@piccc.net
677 Ala Moana Blvd., Suite 320
Honolulu, HI 96813
Phone: 808-687-6175
Fax: 808-664-8510

Banner photo by Matthew Wingate, NOAA
Photo Library; SLR diagram by Kane &
Fletcher

ITEM NO. G-3

EXHIBIT 'C'

Box 1. Hawai'i Climate Adaptation Priority Guidelines (Hawai'i State Planning Act)

1. Ensure that Hawai'i's people are educated, informed, and aware of the impacts climate change may have on their communities;
2. Encourage community stewardship groups and local stakeholders to participate in planning and implementation of climate change policies;
3. Invest in continued monitoring and research of Hawai'i's climate and the impacts of climate change on the State;
4. Consider Native Hawaiian traditional knowledge and practices in planning for the impacts of climate change;
5. Encourage the preservation and restoration of natural landscape features, such as coral reefs, beaches and dunes, forests, streams, floodplains, and wetlands, that have the inherent capacity to avoid, minimize, or mitigate the impacts of climate change;
6. Explore adaptation strategies that moderate harm or exploit beneficial opportunities in response to actual or expected climate change impacts to the natural and built environments;
7. Promote sector resilience in areas such as water, roads, airports, and public health, by encouraging the identification of climate change threats, assessment of potential consequences, and evaluation of adaptation options;
8. Foster cross-jurisdictional collaboration between county, state, and federal agencies and partnerships between government and private entities and other nongovernmental entities, including nonprofit entities;
9. Use management and implementation approaches that encourage the continual collection, evaluation, and integration of new information and strategies into new and existing practices, policies, and plans; and
10. Encourage planning and management of the natural and built environments that effectively integrate climate change policy.

Box 2. Aloha+ Challenge Sustainable Development Goals

- **Clean Energy:** 70% clean energy, including 40% from renewables and 30% from efficiency
- **Local Food:** At least double local food production with a goal of 20 to 30% of food consumed grown locally
- **Natural Resource Management:** Reverse the trend of natural resource loss mauka to makai by increasing freshwater security, watershed protection, community- based marine management, invasive species prevention, and native species restoration
- **Waste Reduction:** Reduce the solid waste stream prior to disposal by 70% through rough source reduction, recycling, bioconversion, and landfill diversion methods
- **Smart Sustainable Communities:** Increase livability and resilience in the built environment through planning and implementation at the state and county levels
- **Green Workforce and Education:** Increase local green jobs and education to implement these targets

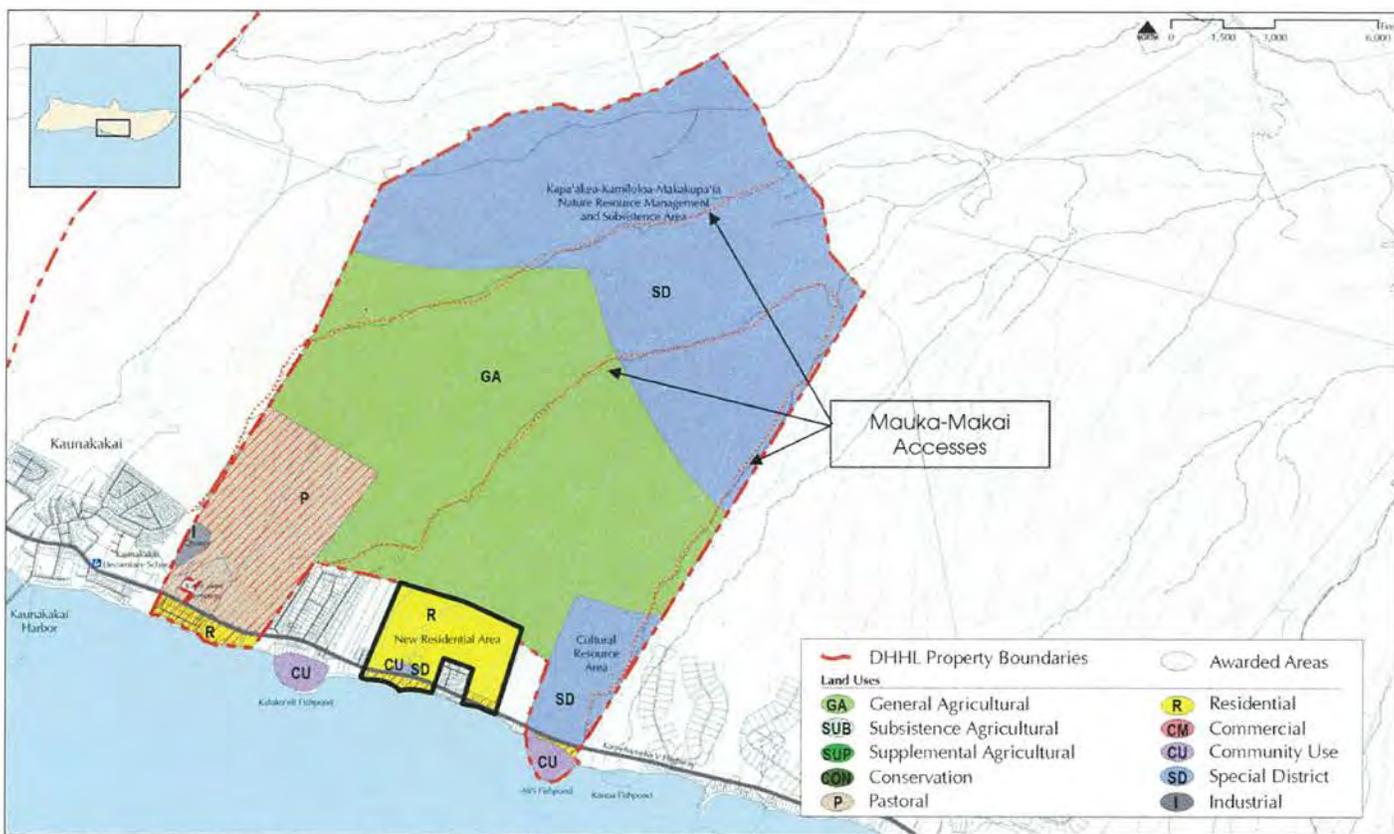


Figure 4.2 - Kapa'akea, Makakupa'ia, Kamiloloa Preferred Land Use Plan

ITEM NO. G-3
EXHIBIT 'C'

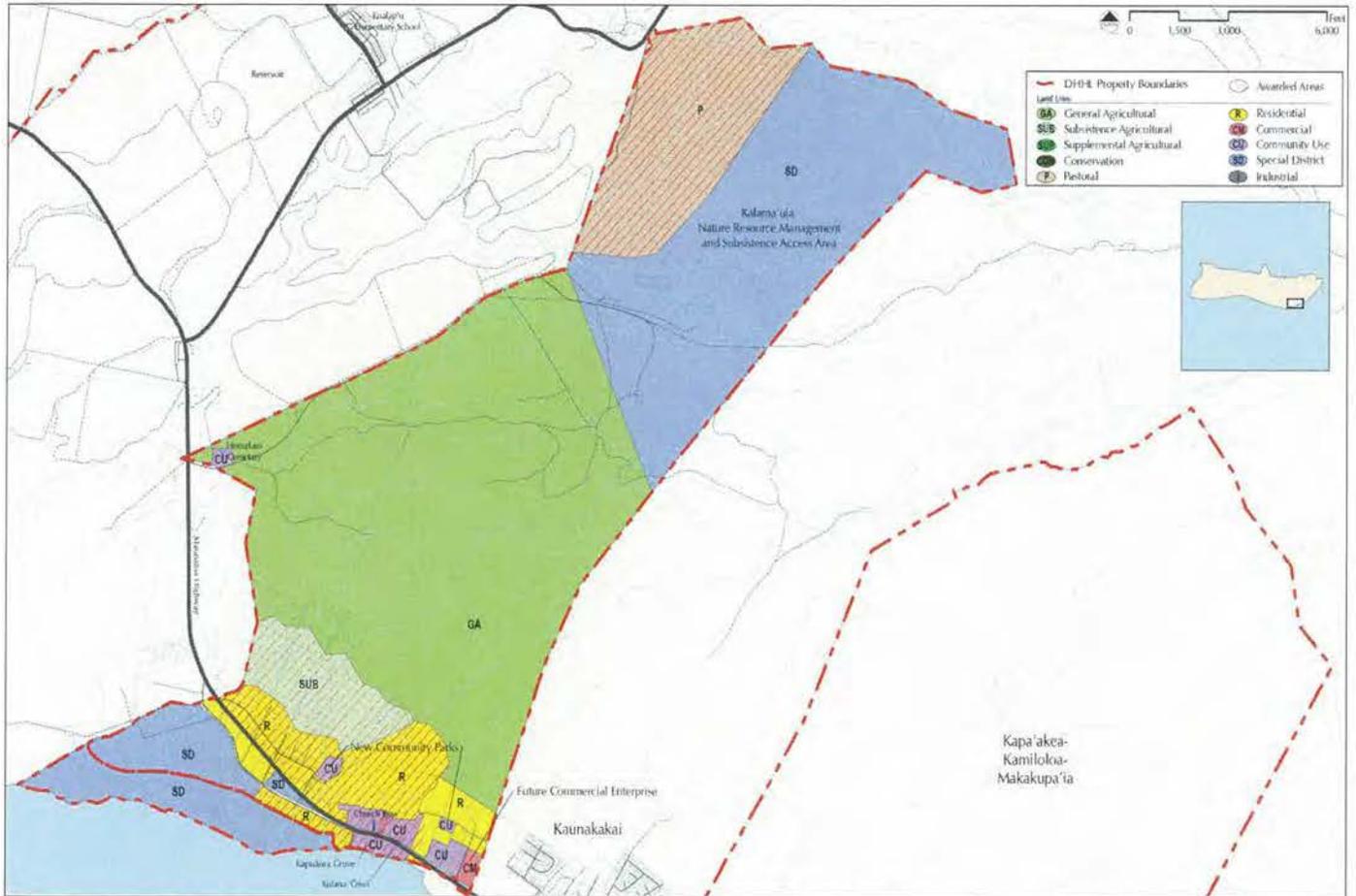


Figure 5.2 - Kalama'ula Preferred Land Use Plan

ITEM NO. G-3
EXHIBIT 'C'

EXISTING LAND USE DESIGNATIONS AREA FOR PROPOSED CHANGES

The HHC amended the Moloka'i Island Plan in 2010, changing the entire hashed area to Special District.

- Area for Proposed Special District
- Commercial
- Residential
- Supplemental Agriculture
- Subsistence Agriculture
- Conservation
- General Ag
- Community
- Pastoral
- Special District



ITEM NO. G-3
EXHIBIT 'C'



Molokai Veterans Center



Molokai Veterans Center

Malama Cultural Park

ITEM G-3

EXHIBIT 'C'

Legend ITEM NO. G-4

SLR-XA (3.2ft)

EXHIBIT 'G'

0 600 1,200 Feet



Climate Change, Disaster Preparedness, & the Wai'anae Coast Parallel Route



- "The impacts of climate change on O'ahu could be significant, most especially the **increased storm severity**, including **flooding, tidal surges, high winds**, and [...] predicted rise in **both sea level and groundwater table**." (O'ahu Regional Transportation Plan 2040)
- Future community development, especially **transportation corridors**, should be planned considering the effects of **climate change and sea level rise**.
- Notably, a **Wai'anae Coast Parallel Route** has been proposed for the Wai'anae Coast. This may:
 - (1) provide relief for traffic into and out of Wai'anae Moku during peak hours, and
 - (2) provide a viable evacuation alternative to Farrington Highway in the event of an extreme tsunami.



DISASTER PREPAREDNESS & COORDINATION

Objectives

- A safe community with comprehensive emergency procedures, routes, and facilities, prioritizing the safety of our kūpuna and keiki
- Disaster preparedness and climate change mitigation via community self-sustainability
- Coordinated and efficient disaster-minded roadway improvements, including the Wai'anae Coast Emergency Access Road (WCEAR) and the Wai'anae Coast Parallel Route

| Implementation Actions <i>(in no particular order)</i> | Kūleana <i>Who will help to implement?</i> |
|--|--|
| Hold Community Resilience Workshops and prepare a disaster mitigation plan. | DHHL coordinate and hold workshops for the Wai'anae & Luualalei homestead communities. |
| Clarify a process for determining the community's desired route for the Wai'anae Coast Emergency Access Road (WCEAR). | [to be edited by DHHL] |
| Continue to explore the construction of a Wai'anae Coast Parallel Route mauka of Kawao Avenue ("6th Road"). | [to be edited by DHHL] |
| Increase cross-department coordination and regular progress reports on roadway maintenance, improvements, and other construction affecting emergency procedures. | DHHL and homestead communities push for cross-department coordination beginning with the Community Resilience Workshops (see above). |
| Explore creation of homestead Community Resilience Plan that integrates short-term disaster response and long-term community resilience. | DHHL explore what work has been done in this area, existing information, and identify potential partners who might collaborate with DHHL to create a Community Resilience Plan. Could potentially result from Community Resilience Workshops (see above). |
| | Homestead communities participate and contribute their mana'o to the planning process. |
| Explore community-led projects to increase home and neighborhood self-sufficiency (food, water, energy, and other forms). | Homestead communities assess existing resources and opportunities, coordinating with DHHL and other community partners to plan and initiate small-scale community projects. |

PURPOSE

Pursuant to the Revised Charter of Honolulu (“RCH”) Section 6-107(h), the City and County of Honolulu (“City”) Climate Change Commission is charged with gathering the latest science and information on climate change impacts to Hawai‘i and providing advice and recommendations to the mayor, City Council, and executive departments as they look to draft policy and engage in planning for future climate scenarios and reducing Honolulu’s contribution to global greenhouse gas emissions.

To establish the factual basis and broad impact of climate change, the City Climate Change Commission adopts this CLIMATE CHANGE BRIEF – JUNE 5, 2018. This document describes the local, regional, and global impacts of climate change as documented by the peer-reviewed scientific literature and credible empirical data sources. It provides a benchmark for the commission, attesting to our concern, underpinning our decisions and recommendations, and serving to inform those we serve.

The information in this report reinforces the need for an urgent and sweeping transformation in our energy sources, food systems, and land-use practices to achieve a decarbonized world economy. Mitigation of future climate change must be achieved to avoid the very worst aspects of global warming. In the words of Dr. Jim Hansen, former chief scientist at the NASA Goddard Institute of Space Science, “There is a possibility, a real danger, that we will hand young people and future generations a climate system that is practically out of their control... we have a global emergency. Fossil fuel CO₂ emissions should be reduced as rapidly as practical.”¹

Because many changes in global biogeochemical systems have been irreversibly set into motion, and these threaten the health and welfare of human populations, it is important that the City and County of Honolulu take bold steps to reduce greenhouse gas emissions and build sustainability and resilience in the face of a rapidly changing climate.

INTRODUCTION

Excess heat, trapped by the anthropogenic greenhouse gases carbon dioxide, methane, nitrous oxide, and others in the atmosphere, is causing dramatic changes in ecosystems, the ocean, weather patterns, and other climate-dependent aspects of Earth’s surface. Hawai‘i, and other Pacific islands are impacted, and these impacts are growing.²

The negative impacts of climate change fall disproportionately on disadvantaged groups in a type of “vicious cycle”.³ Initial inequity or vulnerabilities can be exacerbated by climate change; for example, low-income people are less likely to have air conditioning and can be much more susceptible to the effects of a heat wave. This in turn lowers the ability of already disadvantaged groups to cope and recover. It is important to recognize and resolve the impacts of climate change on vulnerable populations as the City pivots to meet the challenges of climate change.

Unrelenting impacts to Earth’s ecosystems⁴ and natural resources have led researchers to conclude that our planet is perched on the edge of a tipping point⁵, a planetary-scale critical transition resulting from human impacts.⁶ These changes include the following.

CARBON DIOXIDE

- Carbon dioxide levels in the air have passed 410 ppm compared to a natural level of 280 ppm⁷ – an increase of over 45%. This is the highest level in millions of years.⁸
- Today, release of planet-warming carbon dioxide is ten times faster than the most rapid event in the past 66 million years, when an asteroid impact killed the dinosaurs.⁹

TEMPERATURE

- Global temperature has risen approximately 1.8°F (1°C) from the late 19th Century.¹⁰
- The likely global temperature increase this century is a median 5.76°F (3.2°C). There is only a 5% chance that it

will be less than 3.6°F (2°C), and a 1% chance that it will be less than 2.7°F (1.5°C).¹¹

- The last time it was this warm, 125,000 years ago, global sea level was 20 ft (6.6 m) higher.^{12 13 14}
- Atmospheric humidity is rising.¹⁵
- The global water cycle has accelerated.¹⁶
- Air temperature over the oceans is rising.¹⁷

HAWAI‘I – LOCAL AND REGIONAL IMPACTS***Air Temperature***

- In Hawai‘i, the rate of warming air temperature has increased in recent decades. Currently, the air is warming at 0.3°F (0.17°C) per decade, four times faster than half a century ago.¹⁸

- Statewide, average air temperature has risen by 0.76°F (0.42°C) over the past 100 years, and 2015 and 2016 were the warmest years on record.¹⁹
- Warming air temperatures lead to heat waves, expanded pathogen ranges and invasive species, thermal stress for native flora and fauna, increased electricity demand, increased wildfire, potential threats to human health, and increased evaporation which both reduces water supply and increases demand. Rapid warming at highest elevations impedes precipitation, the source of Hawai'i's freshwater.²⁰
- During the strong El Niño of 2015, Honolulu set or tied 11 days of record heat.²¹ This compelled the local energy utility to issue emergency public service announcements to curtail escalating air conditioning use that stressed the electrical grid.²²
- Some model projections for the late 21st century indicate that surface air temperature over land will increase 1.8° to 7.2°F (2° to 4°C) with the greatest warming at the highest elevations and on leeward sides of the major islands.²³
- Under continued strong greenhouse gas emissions, high elevations above 9,800 ft (3000 m) reach up to 7.2° to 9°F (4 to 5°C) warmer temperatures by the late 21st Century.²⁴

Wind and Precipitation

- The frequency of gale-force winds is increasing in the western and south Pacific but decreasing in the central Pacific.²⁵
- Average daily wind speeds are slowly declining in Honolulu and Hilo, while remaining steady across western and south Pacific sites.²⁶
- Studies indicate there will be future changes to winds and waves due to climate change, which affects ecosystems, infrastructure, freshwater availability, and commerce.²⁷
- Hawai'i has seen an overall decline in rainfall over the past 30 years, with widely varying precipitation patterns on each island. The period since 2008 has been particularly dry.²⁸
- Declining rainfall has occurred in both the wet and dry seasons and has affected all the major islands. On O'ahu, the largest declines have occurred in the northern Ko'olau mountains.²⁹
- Heavy rainfall events and droughts have become more common, increasing runoff, erosion, flooding, and water shortages.³⁰
- Consecutive wet days and consecutive dry days are both increasing in Hawai'i.³¹
- There is disagreement regarding precipitation at the end of the century.³² Model projections range from small increases to increases of up to 30% in wet areas, and from small decreases to decreases of up to 60% in dry areas.^{33 34}

- Generally, windward sides of the major islands will become cloudier and wetter. The dry leeward sides will generally have fewer clouds and less rainfall.³⁵
- Stream flow in Hawai'i has declined over approximately the past century, consistent with observed decreases in rainfall.³⁶ This indicates declining groundwater levels.
- More frequent tropical cyclones are projected for the waters near Hawai'i. This is not necessarily because there will be more storms forming in the east Pacific; rather, it is projected that storms will follow new tracks that bring them into the region of Hawai'i more often.³⁷

El Niño-Southern Oscillation

- Frequency of intense El Niño events is projected to double in the 21st century, with the likelihood of extreme events occurring roughly once every decade.³⁸
- Models project a near doubling in the frequency of future extreme La Niña events, from one in every 23 years to one in every 13 years. Approximately 75% of the increase occurs in years following extreme El Niño events, thus projecting more frequent swings between opposite extremes from one year to the next.³⁹
- Strong El Niño years in Hawai'i bring more hot days, intense rains, windless days, active hurricane seasons, and spikes in sea surface temperature.⁴⁰

Forest Ecosystems

- Hawai'i is home to 31% of the nation's plants and animals listed as threatened or endangered, and less than half of the landscape on the islands is still dominated by native plants. Studies indicate that endemic and endangered birds and plants are highly vulnerable to climate change and are already showing shifting habitats.⁴¹
- Even under moderate warming, 10 of 21 existing native forest bird species are projected to lose over 50% of their range by 2100. Of those, three may lose their entire ranges and three others are projected to lose more than 90% of their ranges making them of high concern for extinction.⁴²
- Warming air temperatures are bringing mosquito-borne diseases to previously safe upland forests, driving several native bird species toward extinction.⁴³

Ocean Warming, Acidification, and Reefs

- Globally averaged sea surface temperature (SST) increased by 1.8°F (1.0°C) over the past 100 years. Half of this rise has occurred since the 1990s. North Central Pacific averaged SST trends follow the globally averaged trend. Over the last 5 years almost the entire tropical Pacific, in particular areas along the equator, have seen temperatures warmer than the 30-year average.⁴⁴

- Nearly 30 years of oceanic pH measurements, based on data collected from Station ALOHA, Hawai'i, show a roughly 8.7% increase in ocean acidity over this time.⁴⁵
- Increasing ocean acidification reduces the ability of marine organisms to build shells and other hard structures. This adversely impacts coral reefs and threatens marine ecosystems more broadly.⁴⁶
- In Hawai'i, extended periods of coral bleaching did not first occur until 2014 and 2015 as part of the 2014–17 global scale bleaching event that was the longest ever recorded.⁴⁷
- Ocean warming and acidification are projected to cause annual coral bleaching in some areas, like the central equatorial Pacific Ocean, as early as 2030 and almost all reefs by 2050.⁴⁸ This will not only devastate local coral reef ecosystems but will also have profound impacts on ocean ecosystems in general. Ultimately it will threaten the human communities and economies that depend on a healthy ocean.⁴⁹

Sea Level Change

- The mean sea level trend at the Honolulu tide station is 0.055 in (1.41 mm) per year with a 95% confidence interval of ± 0.008 in (0.21 mm) per year based on monthly mean sea level data, 1905 to 2015. This is equivalent to a change of 0.46 ft (14.0 cm) over the past century.⁵⁰
- The frequency of high tide flooding in Honolulu since the 1960's, has increased from 6 days per year to 11 per year.⁵¹
- With 3.2 ft (0.98 m) of sea level rise, 25,800 acres experience chronic flooding, erosion, and/or high wave impacts. One third of this land is designated for urban use. Impacts include 38 mi (61 km) of major roads, and more than \$19 billion in assets.⁵²
- Due to global gravitational effects, estimates of future sea level rise in Hawai'i and other Pacific islands are about 20%–30% higher than the global mean.⁵³
- Over 70% of beaches in Hawai'i are in a state of chronic erosion.⁵⁴ This is likely related to long-term sea level rise as well as coastal hardening.^{55 56}
- Coastal hardening of chronically eroding beaches caused the combined loss of 9% (13.4 mi, 21.5 km) of the length of sandy beaches on Kaua'i, O'ahu, and Maui.⁵⁷

Indigenous Communities

- Indigenous populations will be disproportionately impacted by climate change due to their strong ties to place and greater reliance on natural resources for sustenance.⁵⁸
- About 550 Hawaiian cultural sites are exposed to chronic flooding with a sea level rise of 3.2 ft (0.98 m).⁵⁹
- Sea level rise impacts on traditional and customary practices (including fishpond maintenance, cultivation of

salt, and gathering from the nearshore fisheries) have been observed.⁶⁰

- Because of flooding and sea level rise, indigenous practitioners have had limited access to the land where salt is traditionally cultivated and harvested since 2014. Detachment from traditional lands has a negative effect on the spiritual and mental health of the people.⁶¹
- Ocean warming and acidification, sea level rise and coastal erosion, drought, flooding, pollution, increased storminess, and over-development are negatively affecting tourism, fisheries, and forested ecosystems. This directly impacts the livelihood and security of Pacific communities. For example, across all Pacific Island countries and territories, industrial tuna fisheries account for half of all exports, 25,000 jobs, and 11% of economic production.⁶² In Hawai'i, between 2011 and 2015, an annual average of 37,386 Native Hawaiians worked in tourism-intensive industries; based on the 2013 U.S. census, this number represents 12.5% of the Native Hawaiian population residing in Hawai'i.⁶³
- In Hawai'i, climate change impacts, such as reduced streamflow, sea level rise, saltwater intrusion, episodes of intense rainfall, and long periods of drought, threaten the ongoing cultivation of taro and other traditional crops.⁶⁴

GLOBAL ECOSYSTEMS

- Climate change impacts have been documented across every ecosystem on Earth, including shifts in species ranges, shrinking body size, changes in predator-prey relationships, new spawning and seasonal patterns, and modifications in the population and age structure of marine and terrestrial species.⁶⁵
- In 2017 over 15,000 scientists published a "Warning to Humanity".⁶⁶ They said humans have pushed Earth's ecosystems to their breaking point and are well on the way to ruining the planet.
- Human activities have increased the acidity of oceans; increased the acidity of freshwater bodies and soils because of acid rain; increased acidity of freshwater streams and groundwater due to drainage from mines; and increased acidity of soils due to added nitrogen to crop lands.⁶⁷
- Researchers have labeled ecosystem impacts "biological annihilation," and identify that a "sixth major mass extinction" is underway as a result of dwindling population sizes and range shrinkages among vertebrates.⁶⁸
- Humans are causing the climate to change 170 times faster than natural forces.⁶⁹
- Tree lines are shifting poleward and to higher elevations.⁷⁰
- One-third of burnt forests experience no tree regeneration at all.⁷¹

- Species are migrating poleward and to higher elevations.⁷²
- Spring is coming sooner to some plant species in the Arctic while other species are delaying their emergence amid warm winters. The changes are associated with diminishing sea ice.⁷³
- Spring is coming earlier.⁷⁴
- The tropics have expanded.⁷⁵
- Warmer winters with less snow have resulted in a longer lag time between spring events and a more protracted vernal window (the transition from winter to spring).⁷⁶
- Plants are leafing out and blooming earlier each year.⁷⁷
- Climate-related local extinctions have already occurred in hundreds of species, including 47% of 976 species surveyed.⁷⁸
- Plant and animal extinctions, already widespread, are projected to increase from twofold to fivefold in the coming decades.⁷⁹

FOOD AND HUMAN HEALTH

- Harvests of staple cereal crops, such as rice and maize, could decline by 20 to 40% as a function of increased surface temperatures in tropical and subtropical regions by 2100.⁸⁰
- One billion people are classified as food insecure.⁸¹
- Rising CO₂ decreases the nutrient and protein content of wheat, leading to a 15% decline in yield by mid-century.⁸²
- Higher levels of CO₂ are lowering amounts of protein, iron, zinc, and B vitamins in rice with potential consequences for a global population of approximately 600 million.⁸³
- By 2050, climate change will lead to per-person reductions of 3% in global food availability, 4% in fruit and vegetable consumption, and 0.7% in red meat consumption. These changes will be associated with 529,000 climate-related deaths worldwide.⁸⁴
- Without changes to policy and improvements to technology, food productivity in 2050 could look like it did in 1980 because, at present rates of innovation, new technologies won't be able to keep up with the damage caused by the climate change in major growing regions.⁸⁵
- Certain groups of Americans—including children, elders, the sick and the poor—are most likely to be harmed by climate change.⁸⁶
- Climate change is harming human health now. These harms include heat-related illness, worsening chronic illnesses, injuries and deaths from dangerous weather events, infectious diseases spread by mosquitoes and ticks, illnesses from contaminated food and water, and mental health problems.⁸⁷
- Warming of Earth's surface is changing life on a global scale.⁸⁸

EXTREME WEATHER

- The global percentage of land area in drought has increased about 10%.⁸⁹
- The global occurrence of extreme rainfall has increased 12%.⁹⁰
- Heavy downpours are more intense and frequent.⁹¹
- Extreme weather events are more frequent.⁹²
- Half a degree Celsius of global warming has been enough to increase heat waves and heavy rains in many regions of the planet.⁹³
- Storm tracks are shifting poleward.⁹⁴
- The number of weather disasters is up 14% since 1995-2004, and has doubled since 1985-1994.⁹⁵
- There has been a global increase in the frequency and intensity of extremely hot three-day periods.⁹⁶
- The number of unusually cold days and nights has decreased, and the number of unusually warm days and nights has increased.⁹⁷
- Extreme heat waves are projected to cover double the amount of global land by 2020 and quadruple by 2040, regardless of future emissions trends.⁹⁸
- New records continue to be set for warm temperature extremes: For instance, in the U.S. during February, 2017 there were 3,146 record highs set compared to only 27 record lows, a ratio of 116 to 1.⁹⁹
- Nine of the ten deadliest heat waves have occurred since 2000 causing 128,885 deaths around the world.¹⁰⁰
- Nearly one third of the world's population is now exposed to climatic conditions that produce deadly heat waves.¹⁰¹
- Extreme weather is increasing.¹⁰²
- If global temperatures rise 3.6°F (2°C), the combined effect of heat and humidity will turn summer into one long heat wave. Temperature will exceed 104°F (40°C) every year in many parts of Asia, Australia, Northern Africa, South and North America.¹⁰³
- If global temperatures rise 7.2°F (4°C), a new "super-heatwave" will appear with temperatures peaking at above 131°F making large parts of the planet unlivable including densely populated areas such as the US east coast, coastal China, large parts of India and South America.¹⁰⁴

GLACIERS, SEA ICE, PERMAFROST

- The world's major ice systems including Antarctica and Greenland,¹⁰⁵ and the mountain glaciers¹⁰⁶ of the world are all in a state of decline.^{107, 108, 109}
- Over the past three million years, when global temperatures increased 1.8 to 5.4°F (1 to 3°C), melting polar ice sheets caused global sea levels to rise at least 20 ft (6 m) above present levels.¹¹⁰
- Under high emission pathways, a sea level rise exceeding 8 ft (2.4 m) by 2100 is physically possible.¹¹¹

- The West Antarctic ice sheet is in “unstoppable” retreat.¹¹²
- Atmospheric warming that exceeds 2.7 to 3.6°F (1.5 to 2°C) above present (ca. 2015) will trigger a centennial-to millennial-scale response of the Antarctic ice sheet that produces an unstoppable contribution to sea-level rise.¹¹³ Substantial Antarctic ice loss can be prevented only by limiting greenhouse gas emissions to RCP2.6 levels. Higher-emissions scenarios lead to ice loss from Antarctica that will raise sea level by 1.9 to 9.8 ft (0.6 to 3 m) by the year 2300.¹¹⁴
- If emissions continue unabated, Antarctica has the potential to contribute more than 3.28 ft (1 m) of sea-level rise by 2100 and more than 49.2 ft (15 m) by 2500. In this case, atmospheric warming will soon become the dominant driver of ice loss, but prolonged ocean warming will delay its recovery for thousands of years.¹¹⁵
- The Greenland ice sheet is more sensitive to long-term climate change than previously thought. Studies¹¹⁶ estimate that the warming threshold leading to an essentially ice-free state is in the range of 1.4 to 5.8°F (0.8 to 3.2°C), with a best estimate of 2.9°F (1.6°C) above preindustrial levels. The Arctic is on track to double this amount of warming before mid-century.¹¹⁷
- Cloud cover over Greenland is decreasing at 0.9 +/-3% per year. Each 1% of decrease drives an additional 27 +/-13 billion tons of ice melt each year.¹¹⁸
- Further melting of mountain glaciers cannot be prevented in the current century - even if all emissions were stopped now.¹¹⁹ Around 36% of the ice still stored in mountain glaciers today will melt even without further emissions of greenhouse gases. That means: more than one-third of the glacier ice that still exists today in mountain glaciers can no longer be saved even with the most ambitious measures.
- Alpine glaciers have shrunk to their lowest levels in 120 years and are wasting two times faster than they did in the period 1901-1950, three times faster than they did in 1851-1900, and four times faster than they did 1800-1850.¹²⁰
- Arctic sea ice is shrinking (13% per decade) as a result of global warming.¹²¹
- Winter Arctic sea ice was the lowest on record in 2017.¹²²
- In the Arctic, average surface air temperature for the year ending September 2016 was the highest since 1900, and new monthly record highs were recorded for January, February, October, and November 2016.¹²³
- Rapid warming in the Arctic is causing the jet stream to slow down and become unstable.¹²⁴
- Regions of Earth where water is frozen for at least one month each year are shrinking with impacts on related ecosystems.¹²⁵
- Extreme warm events in winter are much more prevalent than cold events.¹²⁶

- Global snow cover is shrinking.¹²⁷
- The southern boundary of Northern Hemisphere permafrost is retreating poleward.¹²⁸
- Large parts of permafrost in northwest Canada are slumping and disintegrating into running water. Similar large-scale landscape changes are evident across the Arctic including in Alaska, Siberia, and Scandinavia.¹²⁹
- In North America, spring snow cover extent in the Arctic is the lowest in the satellite record, which started in 1967.¹³⁰

OCEANS

- The Atlantic Meridional Overturning Circulation has decreased 20%. The North Atlantic has the coldest water in 100 yrs of observations.¹³¹
- Global sea surface temperature is rising.¹³²
- The oceans are warming rapidly.¹³³
- Sea level is rising and the rate of rise has accelerated.¹³⁴
- Today global mean sea level is rising three times faster than it was in the 20th Century.¹³⁵
- Between 1993 and 2014, the rate of global mean sea level rise increased 50% with the contribution from melting of the Greenland Ice Sheet rising from 5% in 1993 to 25% in 2014.¹³⁶
- With existing greenhouse gas emissions, we are committed to future sea level of at least 4.3 to 6.2 ft (1.3 to 1.9 m) higher than today and are adding about 0.32 m/decade to the total: ten times the rate of observed contemporary sea-level rise.¹³⁷
- Over 90% of the heat trapped by greenhouse gases since the 1970's has been absorbed by the oceans and today the oceans absorb heat at twice the rate they did in the 1990's.¹³⁸
- Excess heat in the oceans has reached deeper waters,¹³⁹ and deep ocean temperature is rising.¹⁴⁰
- Sea surface temperatures have increased in areas of tropical cyclone genesis suggesting a connection with strengthened storminess.¹⁴¹
- Oxygen levels in the ocean have declined by 2% over the past five decades because of global warming, probably causing habitat loss for many fish and invertebrate species.¹⁴²
- Marine ecosystems can take thousands, rather than hundreds, of years to recover from climate-related upheavals.¹⁴³
- Marine ecosystems are under extreme stress.¹⁴⁴
- The world's richest areas for marine biodiversity are also those areas mostly affected by both climate change and industrial fishing.¹⁴⁵
- The number of coral reefs impacted by bleaching has tripled over the period 1985-2012.¹⁴⁶
- By 2050 over 98% of coral reefs will be afflicted by bleaching-level thermal stress each year.¹⁴⁷
- Scientists have concluded that when seas are hot enough for long enough nothing can protect coral reefs.

The only hope for securing a future for coral reefs is urgent and rapid action to reduce global warming.¹⁴⁸

- Average pH of ocean water fell from 8.21 to 8.10, a 30% increase in acidity. Ocean water is more acidic from dissolved CO₂, which is negatively affecting marine organisms.¹⁴⁹
- Dissolved oxygen in the oceans is declining because of warmer water.¹⁵⁰
- Production of oxygen by photosynthetic marine algae is threatened at higher temperatures.¹⁵¹

The likely (66%) range of global temperature increase this century will be a median 5.8°F (3.2°C).¹⁵² ¹⁵³ If greenhouse gas concentrations were stabilized at their current level, existing concentrations would commit the world to at least an additional 1.1°F (0.6°C) of warming this century.¹⁵⁴ Beyond the next few decades, the magnitude of climate change depends on emissions of greenhouse gases and aerosols and the sensitivity of the climate system. Projected changes range from 4.7° to 8.6°F (2.6° to 4.8°C) under a higher scenario, to 0.5° to 1.3°F (0.3° to 1.7°C) under the lowest scenario.¹⁵⁵ CO₂ concentration has now passed 400 ppm, a level not seen since 3 million years ago, when global temperature and sea level were significantly higher than today. Testing revealed most climate models underestimate the effects of anthropogenic greenhouse gases.¹⁵⁶ Models that do the best job of simulating observed climate change predict some of the worst-case scenarios for the future. If countries stay on a high-emissions trajectory, there is a 93% chance the planet will warm more than 4°C by the end of the century. Previous studies placed those odds at 62%.

What will this >5.4°F (3°C) world look like?

- Heat waves drive a global scale refugee crisis, as low-latitude continental lands lose habitability¹⁵⁷;
- Drought¹⁵⁸, wildfires¹⁵⁹, water scarcity¹⁶⁰, crop failure¹⁵¹ and other threats to critical resources leading to increased human conflict¹⁶²;
- Multi-meter sea level rise continuing over many centuries¹⁶³;
- Extreme weather disasters¹⁶⁴, massive floods¹⁶⁵, great tropical cyclones¹⁶⁶, mega-drought¹⁶⁷, and torrential rainfall¹⁶⁸ will be widespread.

Ironically, with the ongoing global revolution in clean power, all this suffering and dystopia will be taking place in a world of solar panels, wind mills, electric cars, and cleaner air.

ENERGY OUTLOOK

Global

The U.S. Energy Information Administration projects the following global energy patterns to the year 2040.¹⁶⁹

- Strong, long-term economic growth drives an increasing demand for energy;
- World energy consumption grows by 28%;
- China and India alone account for over half of this increase;
- Fossil fuels maintain a market share of 77% through 2040, even though renewable energy experiences explosive growth;
- World energy-related carbon dioxide emissions rise 15% by 2040.

To hold global temperature below an increase of 3.6°F (2°C) per the 2015 Paris Agreement, it is necessary to decrease carbon emissions by 50% per decade.¹⁷⁰ Clearly, the projections by the EIA move in the opposite direction and present a massive challenge to humanity.

Hawai'i

What is Hawai'i's contribution to greenhouse gas emissions?

- In 2007, Hawai'i's total greenhouse gas emissions were 24 million metric tons of CO₂ equivalent;¹⁷¹
- Total CO₂ emissions have slightly declined in the last decade, largely due to gains in the electricity sector.¹⁷²

O'ahu had 20.8% of net sales of electricity from sources deemed renewable in 2017, the law requires 100% by 2045.¹⁷³

- Fossil fuel use for transportation continues to increase;¹⁷⁴
- Hawai'i's CO₂ emissions are 20% lower than the national average;¹⁷⁵
- However, U.S. CO₂ emissions per capita are over three times the world average and Hawai'i's are approximately 12 times larger than other Pacific Islands;¹⁷⁶
- Passed in 2018, Act 15 establishes a *Greenhouse Gas Sequestration Task Force* and sets a 2023 deadline for crafting a plan to meet a zero emissions target by 2045.
- Also passed in 2018, Act 16 directs the state Office of Planning to work with the task force to create a *carbon offset program*.

- ¹ Hansen, J., et al. (2016) Ice melt, sea level rise and superstorms: evidence from paleoclimate data, climate modeling, and modern observations that 2°C global warming could be dangerous, *Atmos. Chem. Phys.*, 16, 3761-3812, <https://doi.org/10.5194/acp-16-3761-2016>.
- ² Keener, V.W., et al. (in review, 2018) Chapter 27, Hawai'i and Pacific Islands, Fourth National Climate Assessment, U.S. Global Change Research Program.
- ³ Islam, N.S. and Winkel, J. (2017) Climate Change and Social Inequality, UN-DESA Work Paper 152, http://www.un.org/esa/desa/papers/2017/wp152_2017.pdf.
- ⁴ Ullah, H., et al. (2018) Climate change could drive marine food web collapse through altered trophic flows and cyanobacterial proliferation. *PLOS Biology*; 16 (1): e2003446 DOI: 10.1371/journal.pbio.2003446.
- ⁵ Barnosky, A.D., et al. (2011) Has the Earth's sixth mass extinction already arrived? *Nature*, 471, 51-57 (03 March).
- ⁶ Barnosky, A.D., et al. (2012) Approaching a state shift in Earth's biosphere, *Nature*, 486, 7 June, 52-58.
- ⁷ NOAA, Earth System Research Laboratory, Global Monitoring Division, Frequently Asked questions: https://www.esrl.noaa.gov/gmd/ccgg/faq_cat-3.html.
- ⁸ Tripathi, A.K., et al. (2009) Coupling of CO₂ and ice sheet stability over major climate transitions of the last 20 million years, *Science*, 326(5958), 1394-1397.
- ⁹ Zeebe, R.E., et al. (2016) Anthropogenic carbon release rate unprecedented during the past 66 million years, *Nature Geoscience*, doi: 10.1038/ngeo2681.
- ¹⁰ Hausteil, K. et al. (2017) A global warming index. *Nature Scientific Reports*, doi:10.1038/s41598-017-14828-5.
- ¹¹ Raftery, A.E., et al. (2017) Less than 2°C warming by 2100 unlikely, *Nature Climate Change*, 7, 637-641, DOI:10.1038/nclimate3352.
- ¹² Hoffman, J.S., et al. (2017) Regional and global SST's during the last interglaciation, *Science*, 355(6322), 276-279, doi: 10.1126/science.aai8464.
- ¹³ Kopp, R.E., et al. (2009) Probabilistic assessment of sea level during the last interglacial stage, *Nature*, 462, 863-867, doi: 10.1038/nature08686.
- ¹⁴ Dutton, A., et al. (2015) Sea-level rise due to polar ice-sheet mass loss during past warm periods, *Science*, v. 349, Is. 6244, DOI: 10.1126/science.aaa4019.
- ¹⁵ Willett, K., et al. (2007) Attribution of observed surface humidity changes to human influence, *Nature*, 449, 710-712, doi: 10.1038/nature06207.
- ¹⁶ Durack, P., et al. (2012) Ocean salinities reveal strong global water cycle intensification during 1950 to 2000, *Science*, 336(6080), 455-458.
- ¹⁷ NOAA National Climatic Data Center, "State of the Climate: Global Analysis for May 2011," published online June 2011, <http://www.ncdc.noaa.gov/sotc/global/>
- ¹⁸ Giambelluca, T.W., et al. (2008) Secular Temperature Changes in Hawai'i, *Geophysical Research Letters*, 35:L12702.
- ¹⁹ McKenzie, M.M. (2016) Regional temperature trends in Hawai'i: A century of change, 1916–2015 (MS thesis). Dept. of Geog., University of Hawai'i at Mānoa.
- ²⁰ See for example: University of Hawai'i Sea Grant College Program (2014) Climate Change Impacts in Hawai'i - A summary of climate change and its impacts to Hawai'i's ecosystems and communities. UNIH-SEAGRANT-TT-12-04.
- ²¹ New York Times weather chart: <https://www.nytimes.com/interactive/2016/02/19/us/2015-year-in-weather-temperature-precipitation.html#honorolulu-hi>.
- ²² <http://www.hawaiinewsnow.com/story/26551141/hawaiian-electric-asks-oahu-customers-to-convert-power-tonight>
- ²³ Zhang, C., et al. (2016) Dynamical downscaling of the climate for the Hawaiian Islands. Part II: Projection for the late twenty-first century, *Journal of Climate* 29: 8333–8354. doi:10.1175/JCLI-D-16-0038.1.
- ²⁴ Timm, O.E. (2017) Future Warming Rates over the Hawaiian Islands Based on Elevation-Dependent Scaling Factors. *Int. J. Clim.*, doi:10.1002/joc.5065.
- ²⁵ Marra, J.J., and Kruk, M.C. (2017) State of Environmental Conditions in Hawai'i and the U.S. Affiliated Pacific Islands under a Changing Climate: https://coralreefwatch.noaa.gov/satellite/publications/state_of_the_environment_2017_hawaii-usapi_noaa-nedis-ncei_oct2017.pdf.
- ²⁶ Marra and Kruk (2017)
- ²⁷ Storlazzi, C.D., et al. (2015). Future wave and wind proj. for US and US-API, USGS OFR No. 2015–1001, <http://dx.doi.org/10.3133/ofr20151001>.
- ²⁸ Frazier, A.G. and Giambelluca, T.W. (2017) Spatial trend analysis of HI rainfall from 1920 to 2012. *Int. J. Climatol.*, 37: 2522-2531, DOI: 10.1002/joc.4862.
- ²⁹ Frazier and Giambelluca (2017)
- ³⁰ Kruk, M. C., et al. (2015). On the state of the knowledge of rainfall extremes in the western and northern Pacific basin, *Int. J. Climatol.*, 35(3), 321–336.
- ³¹ Kruk et al. (2015)
- ³² PIRCA (2016) Expert Consensus on Downscaled Climate Projections for the Main Hawaiian Islands. PIRCA Information Sheet, HI. <http://bit.ly/2yoY0II>.
- ³³ Zhang et al (2016)
- ³⁴ Timm, O.E., et al. (2015). Stat. downscaling of rainfall changes in HI, based on CMIP5 model proj., *JGR Atmos.*, 120(1), 92–112, doi:10.1002/2014JD022059.
- ³⁵ Zhang et al (2016)
- ³⁶ Bassiouni, M., and D.S. Oki. 2013. Trends and shifts in stream flow in Hawai'i, 1913-2008. *Hydrological Processes* 27(10):1484-1500.
- ³⁷ Murakami, H., et al. (2013) Projected increase in tropical cyclones near Hawai'i. *Nature Climate Change*, v. 3, August, pp. 749-754.
- ³⁸ Cai, W., et al. (2015) Inc. frequency of extreme El Niño events due to greenhouse warming. *Nature Climate Change* 4, 111–116, doi:10.1038/nclimate2100.
- ³⁹ Cai, W., et al. (2015) Inc. freq. of extreme La Niña events induced by greenhouse warming, *Nature Climate Change*, 5, 132–137, doi: 10.1038/nclimate2492.
- ⁴⁰ Keener et al. (in review, 2018)
- ⁴¹ Jacobi, J.D., et al. (2017) Baseline land cover. In Selmants, P.C., et al., eds., USGS, <http://pubs.er.usgs.gov/publication/pp1834>.
- ⁴² Fortini, L., et al. (2015) Large-scale range collapse of HI forest birds under CC and the need 21st century conservation options. *PLoS ONE*, 10.
- ⁴³ Paxton, E.H., et al. (2016) Collapsing avian community on a Hawaiian island. *Science Advances*, 2, e1600029.
- ⁴⁴ Marra and Kruk (2017)
- ⁴⁵ Marra and Kruk (2017)
- ⁴⁶ Marra and Kruk (2017)
- ⁴⁷ Marra and Kruk (2017)
- ⁴⁸ Van Hooijdonk, R., et al. (2014) Opposite latitudinal gradients in projected ocean acidification and bleaching impacts on coral reefs. *Global Change Biology*, 20.
- ⁴⁹ Marra and Kruk (2017)
- ⁵⁰ Marra and Kruk (2017)
- ⁵¹ Marra and Kruk (2017)
- ⁵² Hawai'i Sea Level Rise Vulnerability and Adaptation Report (2017) Tetra Tech, Inc. and the State of Hawai'i DLNR, OCCL, DLNR Contract No: 64064.
- ⁵³ Marra and Kruk (2017)
- ⁵⁴ Fletcher, C.H., et al. (2012) National Assessment of Shoreline Change: Historical shoreline change in the Hawaiian Islands. USGS OFR 2011-1051, 55p.
- ⁵⁵ Romine, B.M., et al. (2013) Are beach erosion rates and sea-level rise related in Hawai'i? *Global and Planetary Change*, 108: 149-157.
- ⁵⁶ Romine, B.M. and Fletcher, C.H. (2012) Armoring on eroding coasts leads to beach narrowing and loss on O'ahu, HI. DOI 10.1007/978-94-007-4123-2_10.
- ⁵⁷ Fletcher et al. (2012)
- ⁵⁸ Climate Home News (2014) 5 ways CC harms indigenous people. <http://www.climatechangenews.com/2014/07/28/five-ways-climate-change-harms-indigenous-people/>.
- ⁵⁹ Hawai'i Climate Change Mitigation and Adaptation Commission (2017).
- ⁶⁰ Sproat, D. K. (2016) An Indigenous People's Right to Environmental Self-Determination: Native Hawaiians and the Struggle Against Climate Change Devastation. *Stanford Environmental Law Journal*, 35.
- ⁶¹ Akutagawa, M., et al. (2016) Health Impact Assessment of the Proposed Mo'omomi Community-Based Subsistence Fishing Area (Report). The Kohala Center.
- ⁶² Gillett, R., et al. (2001) Tuna: a key economic resource in the Pacific Islands. Pacific studies series. Manila, Philippines: Asian Development Bank.

- ⁶³ Keener et al. (in review, 2018)
- ⁶⁴ Sproat (2016)
- ⁶⁵ Scheffers, B.R., et al. (2016) The broad footprint of climate change from genes to biomes to people. *Science*, Nov., DOI: 10.1126/science.aaf7671.
- ⁶⁶ Ripple, W.J., et al. (2017) World Scientists' Warning to Humanity: A Second Notice. *BioScience*.
- ⁶⁷ Rice, K. and Herman, J. (2012) Acidification of Earth: an assessment across mechanisms and scales, *Applied Geochemistry*, 27(1), 1-14.
- ⁶⁸ Ceballos, G., et al. (2017) Biological annihilation via the ongoing sixth mass extinction signaled by vertebrate population losses and declines, *PNAS*, 114 (30) E6089-E6096; doi:10.1073/pnas.1704949114
- ⁶⁹ Gaffney, O., and Steffen, W. (2017) The Anthropocene equation, *The Anthropocene Review*, <http://dx.doi.org/10.1177%2F2053019616688022>
- ⁷⁰ Beck, P.S.A., et al. (2011) Changes in forest productivity across Alaska consistent with biome shift, *Ecology Letters*, doi: 10.1111/j.1461-0248.2011.01598.x
- ⁷¹ Stevens-Rumann, C.S., et al. (2018) Evidence for declining forest resilience to wildfires under climate change, *Ecology Letters*, 21:243-252.
- ⁷² Loarie, S.R., et al. (2009) The velocity of climate change, *Nature*, 462, 1052-1055.
- ⁷³ Post, E., et al. (2016) Highly individualistic rates of plant phenological advance associated with arctic sea ice dynamics, *Biology Letters*, 12(12), 20160332.
- ⁷⁴ The U.S. Geological Survey hails an early spring and ties it to climate change: <http://www.chron.com/news/houston-weather/article/The-U-S-Geological-Survey-hails-an-early-spring-10958042.php>. Kahru, M., et al. (2010) Are phytoplankton blooms occurring earlier in the Arctic? *Global Change Biology*, doi: 10.1111/j.1365-2486.2010.02312.x.
- ⁷⁵ Seidel, D.J., et al. (2008) Widening of the tropical belt in a changing climate, *Nature Geoscience*, 1, 21-24, doi: 10.1038/ngeo.2007.38.
- ⁷⁶ A. R. Contosta, et al. (2017) A longer vernal window: the role of winter coldness and snowpack in driving spring transitions and lags. *Global Change Biology*, 23 (4): 1610 DOI: 10.1111/gcb.13517.
- ⁷⁷ Wolkovich, E., et al. (2012) Warming experiments underpredict plant phenological responses to climate change, *Nature*, 485(7399), 494-497.
- ⁷⁸ Wiens, J.J. (2016) Climate-related local extinctions are already widespread among plant and animal species, *PLOS Biology*, 14(12), e2001104.
- ⁷⁹ Wiens, J.J. (2016)
- ⁸⁰ Battisti, D.S. and Naylor, R.L. (2009) Historical warnings of future food insecurity with unprecedented seasonal heat. *Science* 323, 240–244.
- ⁸¹ Barrett, C.B. (2010) Measuring food insecurity. *Science* 327, 825–828.
- ⁸² Myers, S.S., et al. (2014) Increasing CO₂ threatens human nutrition, *Nature*, 510, 139-142, doi: 10.1038/nature13179. Feng, Z., et al. (2015) Constraints to nitrogen acquisition of terrestrial plants under elevated CO₂, *Global Change Biology*, 21(8), 3152-3168, doi: 10.1111/gcb.12938.
- ⁸³ Zhu, C., et al. (2018) Carbon dioxide (CO₂) levels this century will alter the protein, micronutrients, and vitamin content of rice grains with potential health consequences for the poorest rice-dependent countries, *Science Advances*, 23 May, v. 4, no. 5, DOI:10.1126/sciadv.aag1012.
- ⁸⁴ Springmann, M., et al. (2016) Global and regional health effects of future food production under climate change: a modeling study, *The Lancet*.
- ⁸⁵ Liang, X.Z., et al. (2017) Determining climate effects on US total agricultural productivity, *PNAS*, www.pnas.org/cgi/doi/10.1073/pnas.1615922114
- ⁸⁶ Medical Alert! Climate change is Harming Our Health, report by the Medical Society Consortium on Climate and Health, 24p. https://medsocietiesforclimatehealth.org/wp-content/uploads/2017/03/medical_alert.pdf.
- ⁸⁷ U.S Global Change Research Program (2016) The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment. Crimmins, A., et al. GCRP, Washington, DC, 312 pp. <http://dx.doi.org/10.7930/JOR49NQX>.
- ⁸⁸ Rosenzweig, C., et al. (2008) Attributing Physical and Biological Impacts to Anthropogenic Climate Change, *Nature* 453, no. 7193: 353–357.
- ⁸⁹ Dai, A. (2011) Characteristics and trends in various forms of the Palmer drought severity index during 1900–2008, *Journal of Geophysical Research* 116.
- ⁹⁰ Lehmann, J., et al. (2015) Increased record-breaking precipitation events under global warming. *Climatic Change*, doi: 10.1007/s10584-015-1434-y
- ⁹¹ See NOAA, <https://www.climate.gov/news-features/featured-images/heavy-downpours-more-intense-frequent-warmer-world>.
- ⁹² Medvigy, D. and Beaulieu, C. (2011) Trends in daily solar radiation and precipitation coefficients of variation since 1984, *Journal of Climate*, 25(4), 1330-1339.
- ⁹³ Schluessner, C-F, et al. (2017) In the observational record half a degree matters, *Nature Climate Change*. DOI: 10.1038/nclimate3320.
- ⁹⁴ Bender, F. A-M, et al. (2012) Changes in extratropical storm track cloudiness 1983–2008: Observational support for a poleward shift, *Climate Dynamics* 38.
- ⁹⁵ Centre for Research on the Epidemiology of Disasters, UN International Strategy for Disaster Reduction, <http://reliefweb.int/report/world/human-cost-weather-related-disasters-1995-2015>.
- ⁹⁶ Wehner, M., et al. (2018) Early 21st Century anthropogenic changes in extremely hot days as simulated by the C20C+ detection and attribution multi-model ensemble, *Weather and Climate Extremes*, v. 20, June, p. 1-8, <https://doi.org/10.1016/j.wace.2018.03.001>.
- ⁹⁷ Easterling, D.R., et al. (2016) Detection and attribution of climate extremes in the observed record, *Weather and Climate Extremes*, 11, March, p. 17-27.
- ⁹⁸ Coumou, D. and Robinson, A. (2013) Historic and future increase in the global land area affected by monthly heat extremes, *Environmental Research Letters*, 8(3), 034018, doi: 10.1088/1748-9326/8/3/034018.
- ⁹⁹ See Climate Central.org, <http://www.climatecentral.org/news/record-high-temperature-february-21186>.
- ¹⁰⁰ Vaidyanathan, G. (2015) Killer heat grows hotter around the world, *Scientific American*, August 6.
- ¹⁰¹ Mora, C. et al. (2017) Global risk of deadly heat. *Nature Climate Change*; DOI: 10.1038/nclimate3320.
- ¹⁰² S. Rahmstorf and D. Coumou (2011) Increase in Extreme Events in a Warming World, *PNAS* 108, no. 44: 17905–17909. Francis, J.A., and Vavrus, S.J. (2012) Evidence linking Arctic amplification to extreme weather in mid-latitudes. *GRL*, 39, L06801. Stott, P. (2016) How climate change affects extreme weather events. *Science*, 352, 1517–1518, doi:10.1126/science.aaf7271.
- ¹⁰³ Russo, S., et al. (2017) Humid heat waves at different warming levels. *Scientific Reports*; 7 (1) DOI: 10.1038/s41598-017-07536-7.
- ¹⁰⁴ Russo, S., et al. (2017)
- ¹⁰⁵ Data from NASA's GRACE satellites show that the land ice sheets in both Antarctica and Greenland have been losing mass since 2002. Both ice sheets have seen an acceleration of ice mass loss since 2009: <https://climate.nasa.gov>.
- ¹⁰⁶ Marzeion, B., et al. (2018) Limited influence of climate change mitigation on short-term glacier mass loss, *Nature Climate Change*.
- ¹⁰⁷ Radić, V. and Hock, R. (2011) Regionally differentiated contribution of mountain glaciers and ice caps to future sea-level rise, *Nature Geoscience*, 4, 91-94.
- ¹⁰⁸ Zemp, M., et al. (2015) Historically unprecedented global glacier decline in the early 21st century. *Journal of Glaciology*, 61 (228): 745.
- ¹⁰⁹ Rignot, E., et al. (2011) Acceleration of the contribution of the Greenland and Antarctic ice sheets to sea level rise, *Geophysical Research Letters*, 38, L05503.
- ¹¹⁰ Dutton, A., et al. (2015) Sea-level rise due to polar ice-sheet mass loss during past warm periods, *Science*, 10 Jul., v. 349, Is. 6244.
- ¹¹¹ USGCRP (2017)
- ¹¹² Joughlin, I., et al. (2014) Marine ice sheet collapse potentially underway for the Thwaites Glacier Basin, West Antarctica, *Science*, May 12. Rignot, E., et al. (2014) Widespread, rapid grounding line retreat of Pine Island, Thwaites, Smith and Kohler glaciers, West Antarctica from 1992 to 2011, *GRL*.
- ¹¹³ Golleddge, N.R., et al. (2015) The multi-millennial Antarctic commitment to future sea-level rise, *Nature*, 526 (7573): 421 DOI: 10.1038/nature15706.
- ¹¹⁴ Golleddge et al. (2015)
- ¹¹⁵ DeConto, R.M. and Pollard, D. (2016) Contribution of Antarctica to past and future sea-level rise, *Nature*, 531 (7596):591–597.
- ¹¹⁶ Robinson, A., et al. (2012) Multistability and Critical Thresholds of the Greenland Ice Sheet, *Nature Climate Change*, 2, 429–432.
- ¹¹⁷ Smith, S.J., et al. (2015) Near-term acceleration in the rate of temperature change, *Nature Climate Change*, March 9, DOI: 10.1038/nclimate2552.

- ¹¹⁸ Hofer, S., et al. (2017) Decreasing cloud cover drives the recent mass loss on the Greenland ice sheet. *Science Advances*, 28 June, v. 3, no. 6, e1700584.
- ¹¹⁹ Marzeion et al. (2018)
- ¹²⁰ Zemp et al. (2015)
- ¹²¹ Arctic Report Card: <http://www.arctic.noaa.gov/Report-Card/Report-Card-2016>. Serreze, M., et al. (2007) Perspectives on the Arctic's shrinking sea-ice cover. *Science* 315, 1533-1536.
- ¹²² See <http://nsidc.org/arcticseaicenews/>.
- ¹²³ See <http://www.arctic.noaa.gov/Report-Card/Report-Card-2016>.
- ¹²⁴ Francis, J., and Skific, N. (2015) Evidence linking rapid Arctic warming to mid-latitude weather patterns. *Phil. Trans. R. Soc. A*, 373, 20140170.
- ¹²⁵ Fountain, A., et al. (2012) The disappearing cryosphere: Impacts and ecosystem responses to rapid cryosphere loss, *BioScience* 62(4), 405-415.
- ¹²⁶ Guirguis, K., et al. (2011) Recent warm and cold daily winter temperature extremes in the northern hemisphere, *Geophysical Research Letters*, 38, L17701.
- ¹²⁷ Déry, S. J. and Brown, R.D. (2007) Recent NH snow cover extent trends and implications for the snow albedo feedback. *GRL*, 34, L22504
- ¹²⁸ Thibault, S. and Payette, S. (2009) Recent permafrost degradation in bogs of the James Bay area, Northern Quebec, Canada, *Permafrost and Periglacial Processes*, 20(4), 383, doi: 10.1002/ppp.660.
- ¹²⁹ Kokeij, S.V., et al. (2017) Climate-driven thaw of permafrost preserved glacial landscapes, northwestern Canada, *Geology*, Feb. doi: 10.1130/G38626.1
- ¹³⁰ See Arctic Report Card, <http://www.arctic.noaa.gov/Report-Card/Report-Card-2016>
- ¹³¹ Rahmstorf, S., et al. (2015) Exceptional twentieth-century slowdown in Atlantic Ocean overturning circulation. *Nature Climate Change*.
- ¹³² Levitus, S., et al. (2008) Global ocean heat content in light of recently revealed instrumentation problems. *GRL*, 36, L07608, doi: 10.1029/2008GL037155
- ¹³³ Wang, G., et al. (2017) Consensuses and discrepancies of basin-scale ocean heat content changes in different ocean analyses, *Climate Dynamics*.
- ¹³⁴ Nerem, R.S., et al. (2018) Climate-change-driven accelerated sea-level rise detected in the altimeter era. *PNAS*. DOI: 10.1073/pnas.1717312115.
- ¹³⁵ Dangendorf, S., et al. (2017) Reassessment of 20th Century global mean sea level rise, *PNAS*, doi: 10.1073/pnas.1616007114
- ¹³⁶ Chen, X., et al. (2017) The increasing rate of global mean sea-level rise during 1993–2014, *Nature Climate Change*. DOI: 10.1038/nclimate3325
- ¹³⁷ Strauss, B.H. (2015) Rapid accumulation of committed sea level rise from global warming, *PNAS*, 110(34), 13699-13700.
- ¹³⁸ Cheng L., et al. (2015) Global upper ocean heat content estimation: recent progress and the remaining challenges. *Atmospheric and Oceanic Science Letters*, 8. DOI:10.3878/AOSL20150031. Glecker, P.J., et al. (2016) Industrial era global ocean heat uptake doubles in recent decades. *Nature Climate Change*.
- ¹³⁹ Cheng, L., et al. (2017) Improved estimates of ocean heat content from 1960 to 2015, *Science Advances* 10 Mar., v. 3, no. 3, e1601545.
- ¹⁴⁰ Song, Y.T. and Colberg, F. (2011) Deep ocean warming assessed from altimeters, GRACE in situ measurements, and a non-Boussinesq ocean general circulation model, *JGR* 116, C02020. Volkov, D.L., et al. (2017) Decade-long deep-ocean warming detected in the subtropical South Pacific, *GRL*.
- ¹⁴¹ Defforge, C.L. and Merlis, T.M. (2017) Observed warming trend in sea surface temperature at tropical cyclone genesis, *GRL*.
- ¹⁴² Schmidtko, S., et al. (2017) Decline in global oceanic oxygen content during the past five decades, *Nature*, 542, 335-339, 16 February.
- ¹⁴³ S.E. Moffitt, et al. (2015) Response of seafloor ecosystems to abrupt global climate change. *PNAS*, 2015 DOI: 10.1073/pnas.1417130112.
- ¹⁴⁴ McCauley, D.J., et al. (2015) Marine defaunation: Animal loss in the global ocean, *Science*, 347(6219), 16, Jan. Henson, S.A., et al. (2017) Rapid emergence of climate change in environmental drivers of marine ecosystems, *Nature Communications*, 8, 14682, doi: 10.1038/ncomms14682.
- ¹⁴⁵ Ramirez, F., et al. (2017) Climate impacts on global hot spots of marine biodiversity. *Science Advances*; 3 (2). e1601198 DOI: 10.1126/sciadv.1601198.
- ¹⁴⁶ Heron, S.F., et al. (2016) Warming trends and bleaching stress of the worlds coral reefs 1985-2012, *Scientific Reports*. 6, 38402, doi: 10.1038/srep38402.
- ¹⁴⁷ Heron, S.F., et al. (2016)
- ¹⁴⁸ Hughes, T.P., et al. (2017) Global warming and recurrent mass bleaching of corals. *Nature*; 543 (7645): 373 DOI: 10.1038/nature21707.
- ¹⁴⁹ Barton, A., et al. (2012) The Pacific oyster, *Crassostrea gigas*, shows negative correlation to naturally elevated carbon dioxide levels: Implications for near-term ocean acidification effects. *Limnology and Oceanography* 57(3), 698-710, doi: 10.4319/lo.2012.57.3.0698.
- ¹⁵⁰ L. Stramma, et al. (2011) Expansion of Oxygen Minimum Zones May Reduce Available Habitat for Tropical Pelagic Fishes, *Nature Climate Change* 2: 33–37.
- ¹⁵¹ Sekerci, Y. and Petrovskii (2015) Mathematical modeling of Plankton-Oxygen dynamics under the climate change. *Bulletin of Mathematical Biology*.
- ¹⁵² Raftery et al. (2017)
- ¹⁵³ Tollefson, J. (2018) Can the world kick its fossil fuel addiction fast enough? *Nature*, News Feature, 25 April.
- ¹⁵⁴ Hayhoe, K., et al. (2017) Climate models, scenarios, and projections. In: C SSR: 4NCA, v I [Wuebbles, D.J., et al. (eds.)]. USGCRP, Wash., DC.
- ¹⁵⁵ Hayhoe et al. (2017)
- ¹⁵⁶ Brown, P.T., Caldeira, K. (2017) Greater future global warming inferred from Earth's recent energy budget, *Nature* 552, 45-50, DOI:10.1038/nature24672.
- ¹⁵⁷ Russo, S., et al. (2017). Mora, C., et al. (2017)
- ¹⁵⁸ Dai, A. (2013) Increasing drought under global warming in observations and models, *Nature Climate Change*, 3, p. 52-58, doi:10.1038/nclimate1633.
- ¹⁵⁹ Jolly, W.M., et al. (2015) Climate-induced variations in global wildfire danger from 1979 to 2013, *Nature Communications* 6, DOI:10.1038/ncomms8537.
- ¹⁶⁰ Richey, A. S., et al. (2015) Quantifying renewable groundwater stress with GRACE, *Water Resour. Res.*, 51, 5217–5238, doi:10.1002/2015WR017349.
- ¹⁶¹ Zhao, C., et al. (2017) Temperature increase reduces global yields of major crops in four independent estimates *PNAS* 114 (35) 9326-9331.
- ¹⁶² Raleigh, C., et al. (2014) Extreme temperatures and violence. *Nature Climate Change*, 4, 76–77.
- ¹⁶³ Dutton et al. (2015) See also Colledge, N.R., et al. (2015) The multi-millennial Antarctic commitment to future sea-level rise: *Nature*, 2015; 526 (7573): 421.
- ¹⁶⁴ Centre for Res. on the Epidemiology of Disasters, UN Intl. Strat. for Disaster Red.: <http://reliefweb.int/report/world/human-cost-weather-related-disasters-1995-2015>
- ¹⁶⁵ Arnell, N.W., and Gosling, S.N. (2016) The impacts of climate change on river flood risk at the global scale, *Climatic Change*, 134, 3, pp 387-401.
- ¹⁶⁶ Kossin, J.P., et al. (2017) Extreme storms. In: C SSR: NCA4, v I [Wuebbles, D.J., et al. eds.] UGCRP, Wash, DC, pp. 257-276. doi: 10.7930/J07S7KXX.
- ¹⁶⁷ Ault, T.R., et al. (2016) Relative impacts of mitigation, temperature, and precipitation on 21st Century megadrought risk in the American Southwest. *Science Advances*. Oct 5, v. 2, no. 10, DOI:10.1126/sciadv.1600873.
- ¹⁶⁸ Lehmann, J., et al. (2015) Increased record-breaking precipitation events under global warming. *Climatic Change*, doi: 10.1007/s10584-015-1434-y
- ¹⁶⁹ EIA (2017) International Energy Outlook, U.S. Energy Information Administration, [https://www.eia.gov/outlooks/ieo/pdf/0484\(2017\).pdf](https://www.eia.gov/outlooks/ieo/pdf/0484(2017).pdf)
- ¹⁷⁰ Rockström, J. et al. (2017) A roadmap for rapid decarbonization. *Science*, 355 (6331): 1269. Gasser, T., et al. (2015) Negative emissions physically needed to keep global warming below 2°C, *Nature Communications* 6, DOI: 10.1038/ncomms8958. Carbon Brief (2016) Explainer: 10 ways negative emissions could slow climate change. <https://www.carbonbrief.org/explainer-10-ways-negative-emissions-could-slow-climate-change>
- ¹⁷¹ Hawaii's Greenhouse Gas Inventory. 1990 and 2007. <https://energy.hawaii.gov/wp-content/uploads/2011/10/ghg-inventory-20081.pdf>
- ¹⁷² State Carbon Dioxide Emissions Data. <https://www.eia.gov/environment/emissions/state/>
- ¹⁷³ Renewable Portfolio Standards Law Examination, Docket No. 2007-0008. <https://puc.hawaii.gov/wp-content/uploads/2018/02/RPS-HECO-2017.pdf>
- ¹⁷⁴ State Energy Data System (SEDS) 1960-2015. <https://www.eia.gov/state/seds/seds-data-complete.php?sid=HI#CompleteDataFile>
- ¹⁷⁵ State Carbon Dioxide Emissions Data. <https://www.eia.gov/environment/emissions/state/>
- ¹⁷⁶ U.S. Department of Commerce, Census Bureau. <https://www.census.gov/programs-surveys/popest/data/tables.html>
- ¹⁷⁷ CO2 emissions (metric tons per capita). https://data.worldbank.org/indicator/EN.ATM.CO2E.PC?year_high_desc=false

PURPOSE

Pursuant to the Revised Charter of Honolulu ("RCH") Section 6-107(h), the City and County of Honolulu ("City") Climate Change Commission is charged with gathering the latest science and information on climate change impacts to Hawai'i and providing advice and recommendations to the mayor, City Council, and executive departments as they look to draft policy and engage in planning for future climate scenarios and reducing Honolulu's contribution to global greenhouse gas emissions. This report provides a description of findings and recommendations with regard to adapting to sea level rise.

INTRODUCTION

There has been considerable detailed research on the global and local implications of accelerating sea level rise. This report by the City Climate Change Commission builds on findings in the Hawai'i Sea Level Rise Vulnerability and Adaptation Report (2017), Sweet et al. (2017), USGCRP (2017), Sweet et al. (2018), and other scientific literature to provide specific policy and planning guidance on responding to sea level rise by the City.

SUMMARY OF KEY FINDINGS

1. The projected median global temperature increase this century is 5.8°F (3.2°C).¹
 - a. The likely range of global temperature increase is 3.6 to 8.8°F (2.0 to 4.9°C), with a 5% chance that it will be less than 3.6°F (2°C) and a 1% chance that it will be less than 2.7°F (1.5°C) by the end of this century.²
2. Relative to the year 2000, the projected rise of global mean sea level (GMSL) by the end of this century is 1.0 to 4.3 ft (0.3 to 1.3 m).³
 - a. Relative to the year 2000, GMSL is very likely (90 to 100% confidence) to rise 0.3 to 0.6 ft (0.09 to 0.18 m) by 2030, 0.5 to 1.2 ft (0.15 to 0.36 m) by 2050, and 1.0 to 4.3 ft (0.3 to 1.3 m) by 2100.⁴
3. High tide flooding will arrive decades ahead of any GMSL rise scenario.⁵
 - a. Table 1 (supplementary information) provides estimates of when minor high tide flooding will arrive in Honolulu 6, 12, and 24 days per year.
 - b. Based on the location of the Honolulu Tide Station,⁶ high tide flooding will occur by mid-century, and as early as 2028, at least two dozen times per year, at certain locations in the 3.2SLR-XA.⁷
4. Modeling results, as mapped in the Hawai'i Sea Level Rise Viewer,⁸ reveal a critical elevation in GMSL rise between 2.0 and 3.2 ft (0.6 to 1 m) relative to mean higher high water.⁹
 - a. This is a critical range of rising sea level where there is a rapid increase in the amount of land exposed to hazards on low-lying coastal plains, such as characterize the urbanized south shore of O'ahu.
 - b. This is a dangerous elevation range, where reacting after the fact to establish adaptation strategies is likely to be less successful and costlier than taking proactive measures.
5. Globally, energy-related carbon dioxide emissions are projected to grow an average 0.6% per year between 2015 and 2040, 1.3% per year below the level from 1990 to 2015.⁷
6. Future emission pathways have little effect on projected GMSL rise in the first half of the century, but significantly affect projections for the second half of the century.⁸
 - a. Table 2 (supplementary information) provides estimates of projected GMSL under NOAA scenarios.⁹
7. Regardless of emissions pathway, it is extremely likely (95 to 100% confidence) that GMSL rise will continue beyond 2100.¹⁰
8. The world's major ice systems including Antarctica and Greenland,¹¹ and the mountain glaciers¹² of the world are all in a state of decline.

^a"SLR-XA" is an acronym that stands for *sea level rise-exposure area*. The Hawai'i Sea Level Rise Vulnerability and Adaptation Report (2017) recommends (p. 217) that the SLR-XA at 3.2 ft (0.98 m) of sea level rise be recognized as a state-wide vulnerability zone and that it be employed by agencies to formulate comprehensive adaptation strategies. 3.2 ft (0.98 m) of sea level rise is modeled by Church et al. (2013) as the worst case scenario at the end of the century. However, the scenario does not take into account potential instability in marine-based sectors of the Antarctic ice sheet.

^b The online Hawai'i Sea Level Rise Viewer is served by the Pacific Islands Ocean Observing System at the School of Ocean and Earth Science and Technology, University of Hawai'i at Mānoa: <http://www.pacioos.hawaii.edu/shoreline/slr-hawaii/>

^c Mean higher high water (MHHW) is the average of the higher high water height of each tidal day observed over the National Tidal Datum Epoch, a 19 year period determined by the National Oceanic and Atmospheric Administration.

- a. Research indicates that on multiple occasions over the past three million years, when global temperatures increased 1.8 to 5.4°F (1 to 3°C), melting polar ice sheets caused global sea levels to rise at least 20 ft (6 m) above present levels.¹³
 - b. If atmospheric warming exceeds 2.7 to 3.6°F (1.5 to 2°C) above present (ca. 2015), collapse of the major Antarctic ice shelves triggers a centennial- to millennial-scale response of the Antarctic ice sheet that produces a long-term commitment (an unstoppable contribution) to sea-level rise.¹⁴ Substantial Antarctic ice loss can be prevented only by limiting greenhouse gas emissions to RCP2.6^d levels. Higher-emissions scenarios lead to ice loss from Antarctica that will raise sea level by 1.9 to 9.8 ft (0.6 to 3 m) by the year 2300.¹⁵
 - c. Antarctica has the potential to contribute more than 3.28 ft (1 m) of sea-level rise by 2100 and more than 49.2 ft (15 m) by 2500, if emissions continue unabated. In this case atmospheric warming will soon become the dominant driver of ice loss, but prolonged ocean warming will delay its recovery for thousands of years.¹⁶
 - d. Emerging science regarding Antarctic ice sheet stability suggests that under high emission pathways, a GMSL rise exceeding 8 ft (2.4 m) by 2100 is physically possible.¹⁷
 - e. The Greenland ice sheet is more sensitive to long-term climate change than previously thought. Studies¹⁸ estimate that the warming threshold leading to an essentially ice-free state is in the range of 1.4 to 5.8°F (0.8 to 3.2°C), with a best estimate of 2.9°F (1.6°C) above preindustrial levels. The Arctic is on track to double this amount of warming before mid-century.¹⁹
 - f. Further melting of mountain glaciers cannot be prevented in the current century - even if all emissions were stopped now.²⁰ Around 36% of the ice still stored in mountain glaciers today will melt even without further emissions of greenhouse gases. That means: more than one-third of the glacier ice that still exists today in mountain glaciers can no longer be saved even with the most ambitious measures.
9. Rising seas threaten human communities and natural ecosystems in multiple ways.
- a. Urbanized coastal areas become increasingly vulnerable to four types of flooding during high water and high wave events:
 - 1) Flooding across the shoreline due to wave run-up.
 - 2) Saltwater intrusion of engineered drainage systems.
 - 3) Groundwater inundation.²¹
 - a) Intrusion of buried infrastructure and other buried assets that are not sealed.
 - b) Formation of new wetlands, initially concurrent with high tide.
 - 4) Rainstorms, especially concurrent with high tide.
 - b. Land loss and coastal erosion.
 - 1) If the back-beach area is composed of sand-rich dunes, sandy paleo shoreline deposits, or high wave sand berms, the released sand nourishes the retreating beach.
 - 2) If the back-beach area is hardened, a beach is prevented from retreating. This leads to beach erosion, beach narrowing, and beach loss. Hardening has caused at least 5.4 mi (8.7 km) of beach loss on O'ahu.²²
 - c. Saltwater will intrude streams and coastal wetlands, increasing the salinity of the environment and threatening low-lying agriculture (e.g., kalo farming) and wildlife sanctuaries.
 - d. Wave, and eventually still water overtopping of Loko I'a kuapā (fishpond walls) will increase.
 - 1) Interior circulation will change (including at mākāhā).
 - 2) Upland discharge into the pond will change.
 - 3) Fishpond connections to the shore will become unstable.
 - e. Wave energy at the shore will increase.
 - 1) Muddy shore deposits may be released.
 - f. Damaging flooding will increase when hurricanes, tsunamis, and seasonal high waves strike.
 - g. Annual high waves, which arrive in Hawai'i seasonally, will flood further landward and cause more damage, as sea level continues to rise.

^d To provide guidance for developing mitigation and adaptation strategies, scientists have defined four different 21st century pathways of greenhouse gas emissions called "RCP's" for Representative Concentration Pathways. The RCP's include a stringent mitigation scenario (RCP2.6), two intermediate scenarios (RCP4.5 and RCP6.0), and one scenario with very high greenhouse gas emissions (RCP8.5).

RECOMMENDATIONS (underlined & ital proposed re-wording)

Given the tools available to planners, stakeholders and policy-makers with the Hawai'i Sea Level Rise Viewer, the NOAA SLR Viewer, and the Climate Central–Surging Seas Risk Finder,⁸ the City Climate Change Commission, pursuant to RCH Section 6-107(h), recommends that:

1. The mayor, City Council, and executive departments of the City utilize the 2017 Hawai'i Sea Level Rise Vulnerability and Adaptation Report (hereafter "Report") and online Viewer, for baseline planning activity and infrastructure assessment and development with regard to sea level rise.
2. The research finds that it is reasonable to set as a planning benchmark up to 3.2 ft (~1 m; 3.2SLR-XA) of GMSL rise by the end of the century. High-tide flooding will arrive decades earlier and the 3.2SLR-XA will be an area experiencing chronic high tide flooding by mid-century.
3. Because global emissions are currently on a warming pathway of over 5.4°F (3.0°C) by the end of this century, the research finds that it is reasonable to set as a planning benchmark up to 6 ft (1.8 m; 6SLR) of GMSL rise toward the end of 2100. Critical infrastructure projects with long expected lifespans and low risk tolerance will want to plan accordingly, as the 6SLR will be an area experiencing chronic high tide flooding decades earlier.
4. The Special Management Area (SMA) boundary be revised to include parts of the 3.2SLR-XA that are not currently in the SMA.
5. Disclosure of all lands be required in the 3.2SLR-XA and 6SLR.
 - a. Disclosure on all real estate sales, City Property Information Sheets, and all other real estate transactions.
6. The 3.2SLR-XA and 6SLR be adopted as a vulnerability zone (hazard overlay) for planning by the City.
 - a. The hazard overlays should be used for planning purposes, for example in the general plan, all development plans, and sustainable community plans.
7. That all City departments and agencies be directed to use the Report, the 3.2SLR-XA, and the 6SLR in their plans, programs, policies, and capital improvement decisions, to mitigate impacts to infrastructure and critical facilities related to sea level rise.
8. All ordinances related to land development, such as policy plans and regulations should be reviewed and updated, as necessary.
9. Relevant City departments and agencies be supported with adequate resources and capacity to implement these recommendations and proactively plan for sea level rise, as it will rapidly become a major challenge to City functions.

The City Climate Change Commission adopts the precautionary principle and a scenario-based planning approach and supports these recommendations as planning targets informed by the best available science. This set of recommendations are important each and in their own right and are designed to complement each other and be implemented together. Implementing one does not eliminate the need to adopt the others. The City Climate Change Commission fully acknowledges that there is uncertainty in the timing and magnitude of sea level rise projections globally and for Hawai'i. This is a living document that will be updated as additional information becomes available.

⁸ Surging Seas Viewer: https://riskfinder.climatecentral.org/county/honolulu-county,hi.us?comparisonType=postal-code&forecastType=NOAA2017_int_p50&level=3&unit=ft

SUPPLEMENTARY INFORMATION

NOAA has published a model of high tide flooding for the Honolulu Tide Station (Sweet et al., 2018). Relative to MHHW, the threshold for minor high tide flooding is 1.7 ft (0.52 m), for moderate high tide flooding is 2.6 ft (0.8 m), and for major high tide flooding is 3.8 ft (1.17 m). High tide flooding will arrive decades ahead of global mean sea level rise.

High tide flooding, as defined by NOAA, has never occurred at the Honolulu Tide Station as none of these thresholds has ever been crossed. Table 1 provides estimates of when minor high tide flooding will arrive in Honolulu 6, 12, and 24 days per year using the NOAA model.

| Scenario | 6 x per year | 12 x per year | 24 x per year |
|----------------------------|--------------|---------------|---------------|
| Intermediate Scenario | 2038 | 2041-2042 | 2044-2045 |
| Intermediate High Scenario | 2030 | 2033 | 2035-2036 |
| High Scenario | 2025-2026 | 2028-2029 | 2030-2031 |
| Extreme Scenario | 2024 | 2026 | 2028-2029 |

Because of the exponential nature of the NOAA sea level scenarios, the doubling time of high tide flooding is rapid in all scenarios. High tide flooding events are likely to cluster around the summer and winter solstices. High tide flooding will occur first at certain locations in the 3.2SLR-XA as defined in the Hawai'i Sea Level Rise Vulnerability and Adaptation Report (2017).

High tide flooding can take several forms. Beach erosion will be pronounced during high tide flooding events. Storm drain flooding will occur where marine water blocks drainage and spills out onto the street, or where runoff cannot drain and causes flooding around storm drain sites. Groundwater inundation will develop where the water table rises to break the ground surface and creates a wetland.

At first this flooding will be most common when high tide and precipitation occur simultaneously, but eventually will occur without precipitation at high tide. Rainfall that occurs at high tide when storm drains are blocked and the ground is saturated will lead to widespread flooding. Marine flooding will occur at high tide when seawater flows across the shoreline. Wave flooding will occur at high tide during typical seasonal swell events as waves run-up past the shoreline and into the backshore. Tsunami and storm surge occurring at high tide will cause greater flood damage than historically.

Global mean sea level will rise 3.2 ft (~1 m) relative to the year 2000. NOAA (Sweet et al., 2017) has published scenarios that provide estimates, by decade, of when GMSL will hit this benchmark (Table 2).

| | |
|----------------------------|----------------------|
| Intermediate Scenario | end of the century |
| Intermediate High Scenario | decade of the 2080's |
| High Scenario | decade of the 2070's |
| Extreme Scenario | decade of the 2060's |

Gravitational forces will cause regional sea level in the North Central Pacific to rise above the global mean (Spada et al., 2015). NOAA suggests planners use higher scenarios for large projects with low risk tolerance. This recommendation is also made by the U.S. Army Corps of Engineers.

Modeling of sea level rise impacts on O'ahu (Report) reveals the following:

1. Homes and businesses on Oahu's shorelines will be severely impacted by sea level rise. Nearly 4,000 structures will be chronically flooded with 3.2 ft (~1 m) of sea level rise (**Figure 1**).
2. Of the 9,400 acres of land located within the 3.2SLR-XA, over half is designated for urban land uses, making O'ahu the most vulnerable of all the islands.

3. With 3.2 ft (~1 m) of sea level rise, almost 18 mi (30 km) of Oahu's coastal roads will become impassible, jeopardizing access to and from many communities.
4. O'ahu has lost more than 5 mi (8 km) of beaches to coastal erosion fronting seawalls and other shoreline armoring. Many more miles of beach will be lost with sea level rise if widespread armoring is allowed. In the Report, Chapter 5 (Recommendations) explores opportunities to reduce beach loss by improving beach protection policies.
5. A more detailed economic loss analysis is needed of Oahu's critical infrastructure, including harbor facilities, airport facilities, sewage treatment plants, and roads. State and County agencies should consider potential long-term cost savings from implementing sea level rise adaption measures as early as possible (e.g., relocating infrastructure sooner than later) compared to the cost of maintaining and repairing chronically threatened public infrastructure.

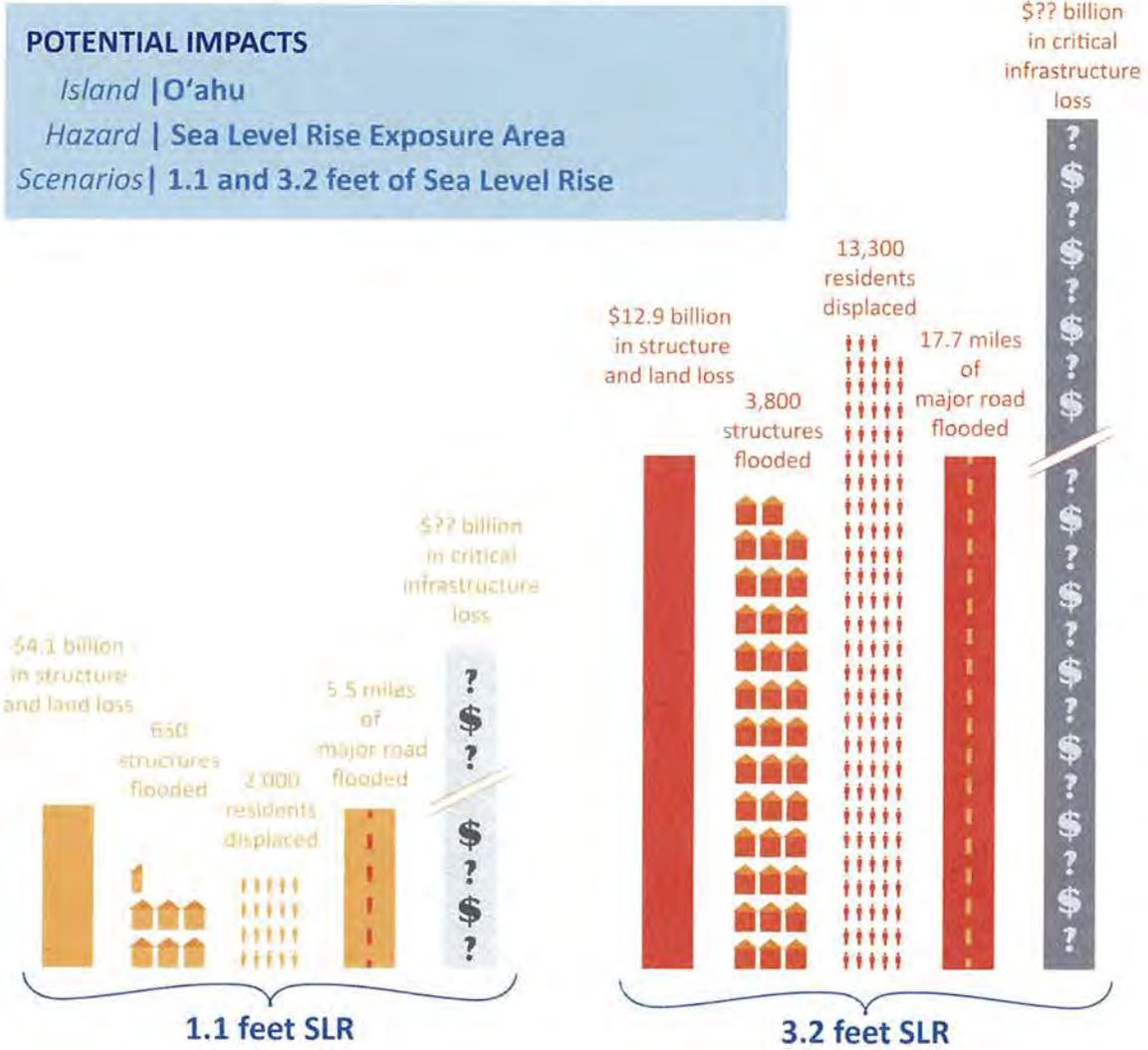


Figure 1. Sea level rise impacts on O'ahu.

REFERENCES, ADDITIONAL READING, AND ENDNOTES

- Anderson, T.R., et al. (2015) Doubling of coastal erosion under rising sea level by mid-century in Hawai'i. *Natural Hazards*, 78(1), 75–103. <https://doi.org/10.1007/s11069-015-1698-6>.
- Anderson, T.R., et al. (in review) Modeling recurrent sea level rise stresses reveals 50% more land at risk. Manuscript.
- Church, J.A., et al. (2013) Sea Level Change. In: *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* [Stocker, T.F., et al., eds.]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.
- Dutton, A., et al. (2015) Sea-level rise due to polar ice-sheet mass loss during past warm periods. *Science*, 10 Jul., v. 349, Is. 6244, DOI: 10.1126/science.aaa4019
- EIA (2017) International Energy Outlook 2017, U.S. Energy Information Administration, [https://www.eia.gov/outlooks/ieo/pdf/0484\(2017\).pdf](https://www.eia.gov/outlooks/ieo/pdf/0484(2017).pdf)
- Fletcher, C.H., et al. (2012) National assessment of shoreline change: Historical shoreline change in the Hawaiian Islands: U.S. Geological Survey Open-File Report 1051.
- Golledge, N.R., et al. (2015) The multi-millennial Antarctic commitment to future sea-level rise, *Nature*, 2015, 526 (7573): 421 DOI: 10.1038/nature15706.
- Habel, S., et al. (2017) Development of a model to simulate groundwater inundation induced by sea-level rise and high tides in Honolulu, Hawai'i, *Water Research*. ISSN 0043-135.<http://dx.doi.org/10.1016/j.watres.2017.02.035>
- Hawai'i Sea Level Rise Vulnerability and Adaptation Report (2017) Prepared by Tetra Tech, Inc. and the State of Hawai'i Department of Land and Natural Resources, for the Hawai'i Climate Mitigation and Adaptation Commission Office of Conservation and Coastal Lands, under the State of Hawai'i Department of Land and Natural Resources Contract No: 64064.
- Kane, H.H., et al. (2015) Modeling sea-level rise vulnerability of coastal environments using ranked management concerns. *Climate Change*. DOI 10.1007/s10584-015-1377-3
- Kopp, R.E., et al. (2017) Evolving understanding of Antarctic ice-sheet physics and ambiguity in probabilistic sea-level projections, *Earth's Future*, 5, 1217-1233, <https://doi.org/10.1002/2017EF000663>, Dec. 13.
- Lentz, E.E., et al. (2016) Evaluation of dynamic coastal response to sea-level rise modifies inundation likelihood. *Nature Climate Change*, 6, 696–700, doi:10.1038/nclimate2957.
- Levermann, A., et al. (2013) The multimillennial sea-level commitment of global warming; *Proceedings of the National Academy of Sciences*, July 15, DOI: 10.1073/pnas.1219414110.
- Raftery, A.E., et al. (2017) Less than 2°C warming by 2100 unlikely, *Nature Climate Change*, 7, 637-641, DOI: 10.1038/nclimate3352.
- Rockström, J., et al. (2017) A roadmap for rapid decarbonization. *Science*, 355 (6331): 1269 DOI: 10.1126/science.aah3443
- Romine, B.M., et al. (2016) Beach erosion under rising sea-level modulated by coastal geomorphology and sediment availability on carbonate reef-fringed island coasts. *Sedimentology*, 63(5), 1321-1332.
- Spada, G., et al. (2013) The gravitationally consistent sea-level fingerprint of future terrestrial ice loss. *Geophysical Research Letters*, 40, 482–486.
- Sweet, W.V., et al. (2017) Global and regional sea level rise scenarios for the United States, NOAA Technical Report NOS CO-OPS 083.
- Sweet, W.V., et al. (2018) Patterns and projections of high tide flooding along the U.S. coastline using a common impact threshold. NOAA Technical Report NOS CO-OPS 086.
- Tollefson, J. (2018) Can the world kick its fossil fuel addiction fast enough? *Nature*, 556, 422-425, DOI: 10.1038/d41586-018-04931-6.XXX
- USACE. Frequently Asked Questions about the Sea Level Rise Planning Tool, "Which sea level rise scenario should I use?" <http://www.corpsclimate.us/Sandy/FAQs.asp>

USGCRP, 2017: Climate Science Special Report: Fourth National Climate Assessment, Volume I [Wuebbles, D.J., et al., eds.]. U.S. Global Change Research Program, Washington, DC, USA, 470 pp, doi: 10.7930/J0J964J6.

- ¹ Raftery, A.E., et al. (2017) Less than 2°C warming by 2100 unlikely, *Nature Climate Change*, 7, 637-641, DOI: 10.1038/nclimate3352.
- ² Raftery et al. (2017)
- ³ USGCRP (2017) Climate Science Special Report: Fourth National Climate Assessment, Volume I [Wuebbles, D.J., et al. eds.]. U.S. Global Change Research Program, Washington, DC, USA, 470 pp, doi: 10.7930/J0J964J6.
- ⁴ USGCRP (2017)
- ⁵ Sweet, W.V., et al. (2018) Patterns and projections of high tide flooding along the U.S. coastline using a common impact threshold. NOAA Technical Report NOS CO-OPS 086.
- ⁶ Sweet et al (2018)
- ⁷ EIA (2017) International Energy Outlook 2017, U.S. Energy Information Administration, [https://www.eia.gov/outlooks/ieo/pdf/0484\(2017\).pdf](https://www.eia.gov/outlooks/ieo/pdf/0484(2017).pdf)
- ⁸ Sweet, W.V., et al. (2017) Global and regional sea level rise scenarios for the United States, NOAA Technical Report NOS CO-OPS 083.
- ⁹ Sweet et al. (2017)
- ¹⁰ USGCRP (2017)
- ¹¹ Data from NASA's GRACE satellites show that the land ice sheets in both Antarctica and Greenland have been losing mass since 2002. Both ice sheets have seen an acceleration of ice mass loss since 2009; <https://climate.nasa.gov>
- ¹² Marzeion, B., et al. (2018) Limited influence of climate change mitigation on short-term glacier mass loss, *Nature Climate Change*, DOI: 10.1038/s41558-018-0093-1
- ¹³ Dutton, A., et al. (2015) Sea-level rise due to polar ice-sheet mass loss during past warm periods, *Science*, 10 Jul., v. 349, Is. 6244, DOI: 10.1126/science.aaa4019
- ¹⁴ Golledge, N.R., et al. (2015) The multi-millennial Antarctic commitment to future sea-level rise, *Nature*, 2015; 526 (7573): 421 DOI: 10.1038/nature15706.
- ¹⁵ Golledge et al. (2015)
- ¹⁶ DeConto, R.M. and Pollard, D. (2016) Contribution of Antarctica to past and future sea-level rise, *Nature*, 531 (7596):591–597.
- ¹⁷ USGCRP (2017)
- ¹⁸ Robinson, A., et al. (2012) Multistability and Critical Thresholds of the Greenland Ice Sheet, *Nature Climate Change*, 2, 429–432, doi: 10.1038/NCLIMATE1449
- ¹⁹ Smith, S.J., et al. (2015) Near-term acceleration in the rate of temperature change, *Nature Climate Change*, March 9, DOI: 10.1038/nclimate2552.
- ²⁰ Marzeion et al. (2018)
- ²¹ Habel, S., et al. (2017) Development of a model to simulate groundwater inundation induced by sea-level rise and high tides in Honolulu, Hawai'i, *Water Research*. ISSN 0043-135.<http://dx.doi.org/10.1016/j.watres.2017.02.035>
- ²² Fletcher, C.H., et al. (2012) National assessment of shoreline change: Historical shoreline change in the Hawaiian Islands: U.S. Geological Survey Open-File Report 1051.

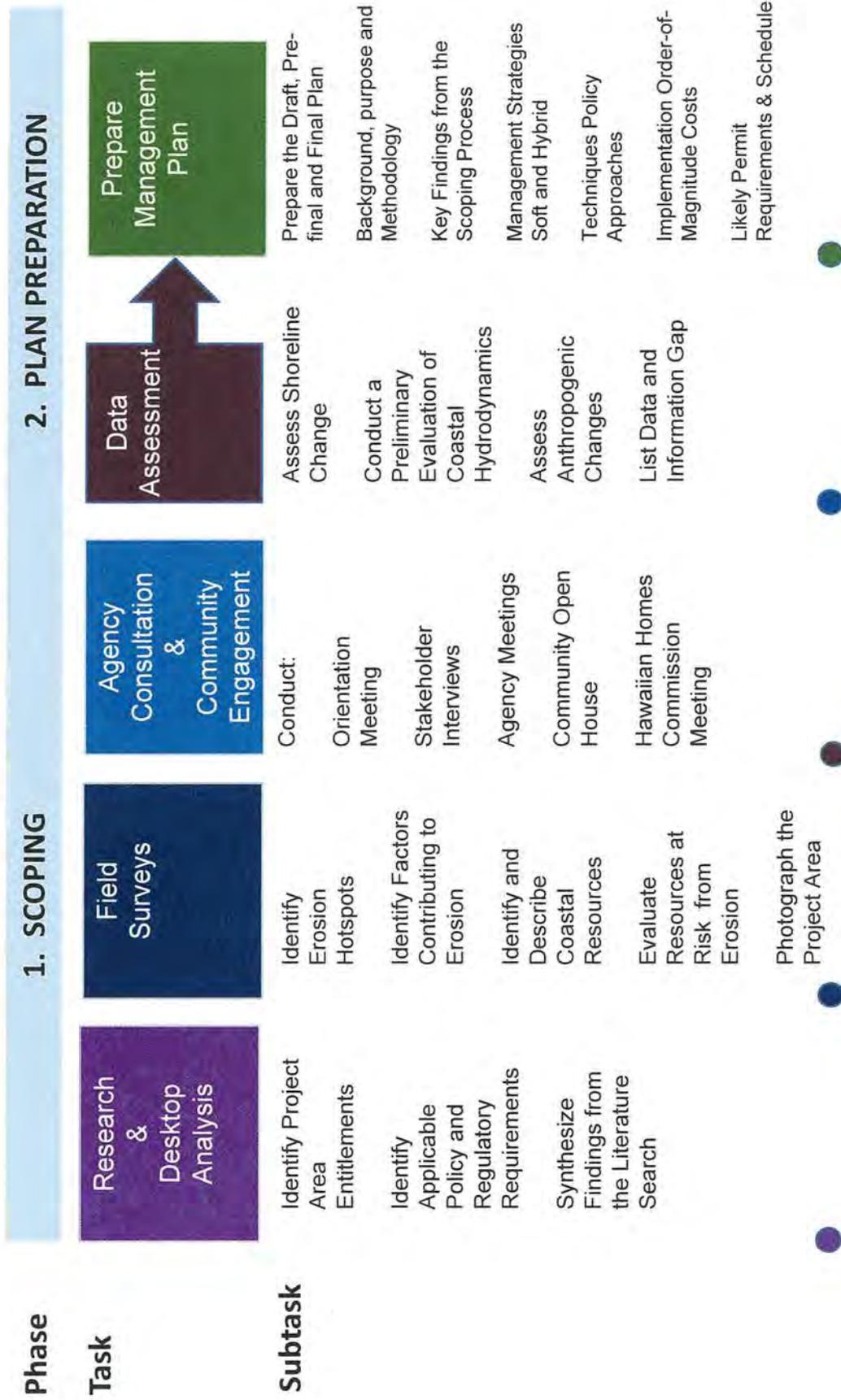
Kapa'akea, Kamiloaloa and Makakupa'ia - Residential homestead lots along the shoreline



Revised 7/27/2018



Planning Process



Shoreline Erosion Management Plan

Hawaiian Home Lands Resident Survey

| | |
|--------------|--------------|
| Name: | Date: |
|--------------|--------------|

- 1) **Which of the homesteads do you live in? (Check one box)**

| | |
|------------------------------------|---|
| <input type="checkbox"/> Kapa'akea | <input type="checkbox"/> One Ali'i |
| <input type="checkbox"/> Kamiloloa | <input type="checkbox"/> Other location |
- 2) **How long have you lived there?**

| | |
|-------------------------------------|---|
| <input type="checkbox"/> 0-5 years | <input type="checkbox"/> 11-20 years |
| <input type="checkbox"/> 6-10 years | <input type="checkbox"/> More than 20 years |
- 3) **How close is your house or home to the ocean?**

| | |
|---|--|
| <input type="checkbox"/> 0 to 50 feet | <input type="checkbox"/> 150 to 300 feet |
| <input type="checkbox"/> 50 to 150 feet | <input type="checkbox"/> More than 300 feet away |
- 4) **How close is your house or home to a drainage ditch or swale?**

| | |
|---|--|
| <input type="checkbox"/> 0 to 50 feet | <input type="checkbox"/> 150 to 300 feet |
| <input type="checkbox"/> 50 to 150 feet | <input type="checkbox"/> More than 300 feet away |
- 5) **How often has your wastewater system backed up in the last 5 years?**

| | |
|--|--|
| <input type="checkbox"/> Never | <input type="checkbox"/> 3 to 5 times |
| <input type="checkbox"/> Once or twice | <input type="checkbox"/> Occurs frequently |
- 6) **Was it usually a rainy day or a dry, sunny day when the backups occurred?**

| | |
|--|---|
| <input type="checkbox"/> Wet / rainy | <input type="checkbox"/> Dry / Sunny |
| <input type="checkbox"/> A bit of each | <input type="checkbox"/> Don't know or recall |
- 7) **How often is your property flooded during the year? (Check ALL that apply)**

| | |
|--|--|
| <input type="checkbox"/> Never or rarely | <input type="checkbox"/> After big sea storms |
| <input type="checkbox"/> Regularly | <input type="checkbox"/> After heavy rains upcountry / mauka |
| <input type="checkbox"/> Seasonally (winter or summer) | <input type="checkbox"/> No consistent pattern |
- 8) **How often do you see water standing or ponding in your yard? (Check ALL that apply)**

| | |
|--|--|
| <input type="checkbox"/> Never or rarely | <input type="checkbox"/> On or after high tide |
| <input type="checkbox"/> For a few hours after a rainstorm | <input type="checkbox"/> On or after a full moon |
| <input type="checkbox"/> For hours after a heavy rainstorm | <input type="checkbox"/> On or after a 'King' tide |
| <input type="checkbox"/> For days after a heavy rainstorm | <input type="checkbox"/> Only over the cesspool (overflow) |
- 8) **What was the source of this excess water or flooding (Check ALL that apply)**

| | |
|---|---|
| <input type="checkbox"/> Mauka / upland rainstorm | <input type="checkbox"/> Rising ocean waters |
| <input type="checkbox"/> Over flow from ditch or grassy swale | <input type="checkbox"/> Wave inundation (water with force) |
| <input type="checkbox"/> Rising or elevated groundwater table | <input type="checkbox"/> Storm surge |
| <input type="checkbox"/> Cesspool overflow | <input type="checkbox"/> No clear source of the water |
- 9) **When does the shoreline move the most? (Erosion = check mark, Accretion = 'X' mark)**

| | | |
|--|---|---|
| <input type="checkbox"/> January – March | <input type="checkbox"/> July-September | <input type="checkbox"/> Only after storm events |
| <input type="checkbox"/> April-June | <input type="checkbox"/> October - December | <input type="checkbox"/> Only after big wave events |

10) How often do waves bigger than 3 feet high reach the shoreline at this homestead area?
(Check ALL that apply)

- Never or rarely
- Regularly
- Winter season
- Summer season
- During big sea storms
- During hurricane watches or warnings
- No consistent pattern

11) How does the shoreline change?

- Erodes quickly (days to week)
- Recovers quickly (days to weeks)
- Narrows with no recovery
- Widens after heavy rain storms
- Erodes slowly (weeks to seasonally)
- Recovers slowly (weeks or seasonally)
- No consistent pattern
- Accretes or widens slowly

11) Does shoreline erosion occur at any particularly place, or time of year, or event?
(write in answer)

12) How has the composition of the shore changed? Has it become:

- Rockier
- More sand / sandier
- More silt or clay
- Overgrown with plants
- More pebbles or cobble
- Inaccessible or hardened

13) Are most of the plants along the shore:

- Native
- Invasive
- Useful / traditional
- Weeds / nuisance

14) Have you observed a particularly good solution to respond to shoreline change?
(what, where, when, how)

15) What did you like or dislike about the solution?

16) What has been the greatest change that you have observed and its likely cause?

17) Any other comments, history, stories or mo'olelo you would like to share with us?

This concludes the survey. Mahalo for your time!

MOLOKA'I SHORELINE EROSION MANAGEMENT PLAN PROJECT
STAKEHOLDER INTERVIEWS
INTERVIEW QUESTIONS

Interviewee: _____ Date: _____

Interviewee affiliation: _____ Interview Location: _____

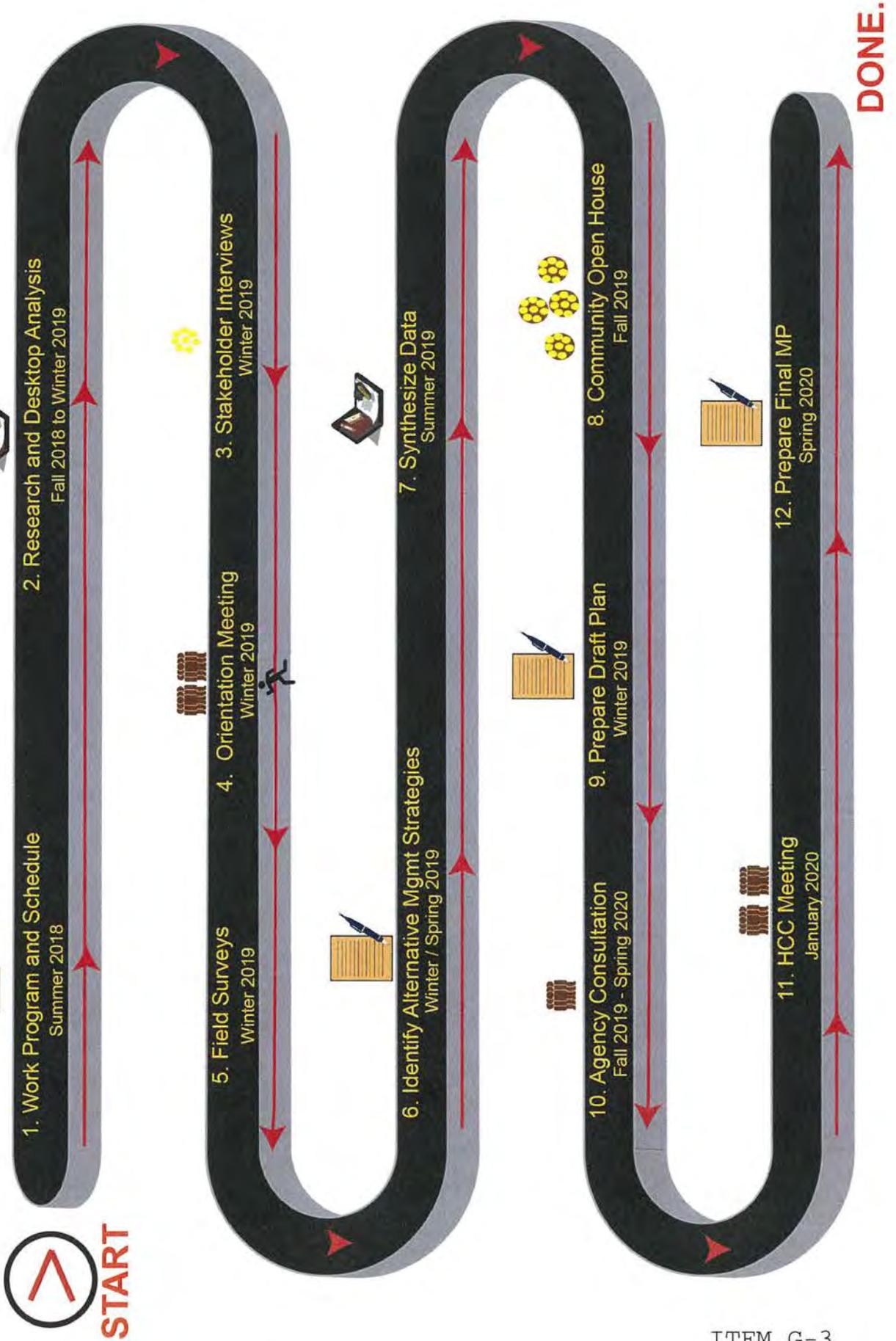
Interviewee residence address/homestead lot: _____

Type of stakeholder _____ Interviewer: _____

1. What is your history and relationship to the project area?
2. How do you use the shoreline?
3. Why is the project area, particularly the coastline, important to you?
4. Based on your knowledge, what are the primary activities occurring along the shoreline? How many people? What time of day? Where are the users from?
5. Are you aware of any existing user conflicts along the shoreline?
6. What time(s) of year are the waves destructive or erosive?
7. In what season have you observed loss of the shoreline? Do you feel that erosion is seasonal?
8. Was the erosion gradual over time, or fast such as after a destructive event?
9. Does the shoreline regularly change in width in any particular place?

10. Have you seen areas where the composition of the shore has changed? For instance, from sand to silt, or silt to pebbles, or sand to rocky.
11. How has the vegetation along the shore changed over time? For instance, trees instead of shrubs, or shrubs instead of grasses, or no vegetation at all.
12. Are most of the plants native?
13. Do you have a special use for any of the plants that grow along the shore?
14. What changes have you observed along the entire coastline fronting the homestead area you reside in?
 - a. Have the changes been slow and over time or dramatic?
 - b. What was the event or cause of the changes?
15. In your opinion, what are the three most important challenges or threats that should be addressed by the shoreline erosion management plan?
16. Are there any specific actions (improvements and/or management activities) that you would like to see to prevent or mitigate shoreline erosion?
17. What actions do you not want to see?
18. Do you have insights you'd like to share of the area's history, mo'olelo or place names?
19. Are there other people/organizations you think we should reach out to?
20. What other information could you share, based on your experience, that could help DHHL and the people living in the Kapa'akea and Kamiloloa-One Ali'i homestead areas?

Work Flow Schedule



MAP
OF
KAUNAKAKAI VICINITY
SHOWING IMPROVEMENTS
OF THE
AMERICAN SUGAR CO.
MOLOKAI HAWAIIAN ISLANDS
SURVEYED MAY 1900.

By
H. D. Pope
Under supervision of
W. Lindgren



Scale - 500' = 1"

Note
Elevations in blue figures
(Datum plane 4' above mean high tide.)

ITEM G-3
EXHIBIT B

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 19 - 20, 2021

To: Chairman and Members, Hawaiian Homes Commission

Through: Andrew H. Choy, Acting Planning Program Manager ↩

From: Gigi O. Cairel, Grants Specialist *Gigi Cairel*

Subject: FOR INFORMATION ONLY - DHHL Grant Program Quarterly Status Update

RECOMMENDED MOTION/ACTION

For information only. No action required.

BACKGROUND

The Department of Hawaiian Home Lands (DHHL) Grants program consists of the following:

- \$10.23 million total
 - o \$7.85 million in State Grant-In-Aid Funds
 - o \$2.38 million in DHHL Trust Funds
- grants total
 - o 66 active grants
 - o 38 grants completed
- 25 nonprofit organizations with active grants

Authority

Pursuant to Chapter 6.1 of Title 10 Hawai'i Administrative Rules (HAR), DHHL prepares the Native Hawaiian Development Program Plan (NHDPP) every two years for review and approval by the Hawaiian Homes Commission (HHC). The goal of the NHDPP is to "increase the self-sufficiency and self-determination of native Hawaiian individuals and native Hawaiian communities." This is accomplished through the NHDPP by "improve[ing] the general welfare and conditions of social, cultural, and other programs."

At the June 2020 regularly scheduled HHC meeting, HHC approved to time extend the NHDPP through June 30, 2022. The department continues to implement the NHDPP areas of individual development (homeownership assistance and agriculture lessee assistance) and community development (i.e. community liaison, DHHL Trust grants, and State Grant-In-Aid administration.)

Further, pursuant to HAR §10-6.1-5 ". . . common to all types of assistance shall be the minimum requirement that the beneficiaries of the assistance must be native Hawaiian . . . Grants shall only be awarded to public agencies and non-profit organizations."

Funding

The NHDPP is funded directly by the Native Hawaiian Rehabilitation Fund (NHRF), which was created by the 1978 Constitutional Convention to finance various activities intended to exclusively benefit native Hawaiians. This includes, but is not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are improved and perpetuated. The source of funds for this fund is primarily derived from 30% of state receipts collected by the state Department of Land and Natural Resources (DLNR), derived from lands previously cultivated as sugarcane lands and from water licenses issued by DLNR as authorized under HRS 171-58.

The HHC at its June 2020 meeting approved a total budget of \$1,000,000 for the implementation of DHHL Trust grants for two types of grants: (1) Project Implementation grants for COVID-19 Relief projects; and (2) Regional Plan Priority Project grants.

DISCUSSION

Current DHHL Grants Administration

Below is a summary of changes since the previous Grants Status Report in November 2020. See Exhibit A for a complete listing of all grants and for further details.

- State Grant-In-Aid (GIA)

- o Processed time extensions for Moloka'i Homestead Farmers Alliance, Pana'ewa Community Alliance.
- Capacity Building Grants
 - o Processed time extensions for Kaumana Hawaiian Homes Community Association, Ka 'Ohana o Kahikinui.
 - o Contract for Ahahui 'Aina Ho'opulapula o Waiohuli is being drafted.
 - o Contract for Wai'anae Valley Homestead Community Inc. is still pending documents from the fiscal sponsor.
- Project Implementation Grants for COVID-19 Relief projects
 - o At the January 2021 regularly scheduled HHC meeting, the HHC approved grant awards to three (3) organizations.
 - o Two (2) contracts have been drafted and signed by all parties. The contracts are awaiting final contract certification by the state Department of Accounting and General Services (DAGS). Estimated start date is May 1, 2021.
 - o The third contract is currently being drafted.
- Regional Plan Priority Project Grants
 - o At the January 2021 regularly scheduled HHC meeting, the HHC approved grant awards to five (5) organizations.
 - o All five (5) contracts have been drafted and signed by all parties. The contracts are awaiting final contract certification by DAGS. Estimated start date is May 1, 2021.
- Hawaii Compliance Express (HCE) Not Compliant *as of April 12, 2021*
 - o Ahonui Homestead Association, Moloka'i
 - o Kailapa Community Association, Hawai'i
 - o Kalama'ula Homesteaders Association, Moloka'i
 - o Kaumana Hawaiian Homes Community Association, Hawai'i
 - o Pana'ewa Community Alliance, Hawai'i

RECOMMENDATION

For information only No action required

DHHL Grants Status Report

April 19 - 20, 2021

| ISLAND | GRANT TYPE | ORGANIZATION (legal name) | PROJECT DESCRIPTION | START DATE | END DATE | DHHL Land Disposition (if applicable) | TOTAL GRANT | BALANCE | STATUS |
|--------|------------|---|---|------------|------------|---------------------------------------|-------------|-----------|--|
| HAWAII | CB | Kailapa Community Association | Data management, board training, donor development, quarterly newsletter, travel to DHHL meetings and Legislative hearings. | 6/22/2017 | 12/31/2018 | LIC 751 | \$5,000 | \$0 | COMPLETE |
| HAWAII | CB | Kailapa Community Association | Seek training on nonprofits, project management and administration, and grant writing. | 6/30/2020 | 7/31/2022 | N/A | \$5,000 | \$500 | ACTIVE Project underway HCE NOT COMPLIANT |
| HAWAII | GIA-CIP | Kailapa Community Association | Community Center CIP | 12/29/2017 | 12/31/2019 | LIC 751 | \$500,000 | \$200,000 | COMPLETE |
| HAWAII | GIA-CIP | Kailapa Community Association | Community Center CIP | 8/1/2019 | 6/30/2021 | LIC 751 | \$600,000 | \$120,000 | ACTIVE Project underway |
| HAWAII | RP | Kailapa Community Association | Community Center CIP | 6/20/2018 | 12/31/2019 | LIC 751 | \$51,529 | \$26,529 | COMPLETE |
| HAWAII | RP | Kailapa Community Association | Community Center CIP | 6/30/2020 | 7/31/2024 | LIC 751 | \$100,000 | \$100,000 | ACTIVE Project underway |
| HAWAII | CB | Kaumana Hawaiian Homes Community Association | Increase membership, get training to create and maintain website, create and distribute KHHCA logo shirts to members, survey homesteaders and surrounding residents about community issues. | 6/22/2017 | 12/31/2022 | N/A | \$4,900 | \$400 | ACTIVE Project underway HCE NOT COMPLIANT |
| HAWAII | RP | Keaukaha Panaewa Farmers Association FS: Keaukaha Panaewa Community Alliance | Complete site master plan for the Agricultural Marketing and Training Center. | TBD | TBD | ROE 482 | \$100,000 | \$100,000 | PENDING Contract in process |
| HAWAII | CB | Lai Opua Community Development Corp. FS: West Hawaii Athletic & Parks Corp. | Obtain 501c3 and board training. | 6/30/2020 | 7/31/2022 | N/A | \$5,000 | \$500 | ACTIVE Project underway |
| HAWAII | GIA-CIP | La'i'Opua 2020 | Community Center CIP | 12/22/2017 | 12/31/2019 | GL 286 | \$500,000 | \$0 | COMPLETE |
| HAWAII | GIA-CIP | La'i 'Opua 2020 | Community Center CIP | 1/28/2019 | 9/30/2021 | GL 286 | \$450,000 | \$5,000 | ACTIVE Project underway |
| HAWAII | GIA-OP | La'i 'Opua 2020 | Administrative and operational costs | 12/14/2018 | 9/30/2021 | GL 286 | \$200,000 | \$50,000 | ACTIVE Project underway |
| HAWAII | RP | Maku'u Farmers Association | Maku'u Sustainable Garden Project - monthly ag training classes | 7/3/2018 | 6/30/2019 | LIC 551 | \$100,000 | \$10,000 | COMPLETE |
| HAWAII | GIA-CIP | Pana'ewa Community Alliance | Kamoleao Cultural Resource Center planning and design | 6/1/2016 | 12/31/2022 | LIC 788 | \$150,000 | \$75,000 | ACTIVE Project underway HCE NOT COMPLIANT |
| HAWAII | CB | Piihonua Hawaiian Homestead Community Association | Secure new partnerships, promote board engagement, and increase membership through a logo design and creation process involving homesteaders, students, and faculty at HCC. Logo will be put on t-shirts, website, and educational materials. | 8/4/2017 | 12/31/2020 | N/A | \$5,000 | \$500 | PENDING Retro-active time extension |
| KAUAI | RP | Community Capacity Projects Hawaii | Implement the Pu'u 'Opae agriculture and water plan - install fencing, construct tool shed, and conduct stewardship training and work summit | 6/20/2018 | 11/30/2020 | Kekaha Association LIC 816 | \$41,600 | \$0 | COMPLETE Processing final report and invoice |

DHHL Grants Status Report

April 19 - 20, 2021

| ISLAND | GRANT TYPE | ORGANIZATION (legal name) | PROJECT DESCRIPTION | START DATE | END DATE | DHHL Land Disposition (if applicable) | TOTAL GRANT | BALANCE | STATUS |
|--------|------------|--|---|------------|------------|---------------------------------------|-------------|----------|--|
| KAUAI | CB | Kalalea/Anehola Farmers Hui | Improve website, develop social media, marketing training, facility repairs, create a business center, increase membership | 8/23/2019 | 12/31/2020 | ROE 584 | \$1,000 | \$0 | Grantee request to CANCEL |
| KAUAI | RP | Kalalea/Anehola Farmers Hui | Advocacy and public education campaign; purchase bicycle rack; and fees to rent parking spaces from neighbors near the Hui's farmers market. | N/A | N/A | N/A | \$16,168 | \$0 | Grantee request to CANCEL |
| KAUAI | AG | Kekaha Hawaiian Homestead Association | Conduct 18-month pilot test of Pu'u 'Opae Ho'omakaukau Training Program with 5 - 8 beneficiaries on Kauai Ag and Pastoral Waitlist | 8/4/2017 | 6/30/2019 | LIC 816 | \$15,000 | \$0 | COMPLETE |
| KAUAI | CB | Kekaha Hawaiian Homestead Association | Conduct regular community activities, including movie nights, holiday celebrations, community concerns meetings. Secure long-term lease for Pu'u 'Opae Farm plan. | 6/6/2017 | 12/31/2018 | N/A | \$5,000 | \$0 | COMPLETE |
| MAUI | CB | Ahahui Aina Hoopulapula o Waiohuli | Board training, strategic planning, develop marketing strategies, develop organizational functions, increase membership. | TBD | TBD | N/A | \$5,000 | \$5,000 | PENDING Contract in process |
| MAUI | RP | Ka 'Ohana o Kahikinui, Inc. | Install a fog drip catchment system with water tanks/reservoirs | 6/20/2018 | 12/31/2022 | ROE 696 | \$100,000 | \$30,000 | ACTIVE Project underway |
| MAUI | AG | Keokea Homestead Farm Lots Association | Train 28 beneficiaries on farm lot prep using heavy equipment; plan and purchase green houses; cultivate cash crops | 6/15/2017 | 12/31/2019 | ROE 496 | \$75,700 | \$0 | COMPLETE |
| MAUI | CB | Keokea Homestead Farm Lots Association | Train farmers to use heavy construction equipment so they can prepare their land for crops | 6/15/2017 | 6/30/2018 | ROE 496 | \$5,000 | \$0 | COMPLETE |
| MAUI | CB | Paukukalo Hawaiian Homes Community Assoc., Inc. | Update community vision plan for the re-development of the former Armory site as a health and education center | 12/1/2017 | 12/31/2020 | N/A | \$3,608 | \$608 | COMPLETE Processing final report and invoice |
| MAUI | RP | Pa'upena Community Development, Inc. | Build 6 10,000 gallon water catchment systems on 5 individual lessee lots and 1 on Keokea Association property; and train 2 homesteaders on how to build them | 7/18/2018 | 12/31/2020 | Keokea Assoc ROE 496 | \$46,871 | \$0 | COMPLETE |
| MAUI | RP | Waiehu Kou Phase 3 Association FS: Ka'ehu | Feasibility study on the use of a 4.0 acre property for a community garden, subsistence agriculture. | TBD | TBD | TBD | \$92,805 | \$92,805 | PENDING Contract in process |
| MAUI | GIA-CIP | Waiohuli Hawaiian Homesteaders Association, Inc. | Community Center and Park CIP | 8/18/2015 | 6/30/2018 | LIC 695 | \$1,500,000 | \$0 | COMPLETE |
| MAUI | GIA-CIP | Waiohuli Hawaiian Homesteaders Association, Inc. | Community Center and Park CIP | 3/18/2018 | 12/31/2020 | LIC 695 | \$500,000 | \$25,000 | ACTIVE Project Underway |
| MAUI | GIA-CIP | Waiohuli Hawaiian Homesteaders Association, Inc. | Community Center and Park CIP | 7/16/2019 | 12/21/2021 | LIC 695 | \$450,000 | \$0 | COMPLETE |
| MAUI | GIA-OP | Waiohuli Hawaiian Homesteaders Association, Inc. | Administrative and operating costs | 10/29/2019 | 6/30/2021 | LIC 695 | \$150,000 | \$70,000 | ACTIVE Project underway |
| MAUI | RP | Waiohuli Hawaiian Homesteaders Association, Inc. | Community Center and Park CIP | 7/18/2018 | 9/30/2021 | LIC 695 | \$60,000 | \$0 | COMPLETE |

DHHL Grants Status Report

April 19 - 20, 2021

| ISLAND | GRANT TYPE | ORGANIZATION (legal name) | PROJECT DESCRIPTION | START DATE | END DATE | DHHL Land Disposition (if applicable) | TOTAL GRANT | BALANCE | STATUS |
|---------|------------|--|--|------------|------------|---------------------------------------|-------------|-----------|--|
| MAUI | RP | Waiohuli Hawaiian Homesteaders Association, Inc. | Conduct assessments to help determine technical, regulatory, financial, operational needs to advance DHHL's existing water test well into operations. | TBD | TBD | N/A | \$100,000 | \$100,000 | PENDING Contract in process |
| MOLOKAI | CB | Ahonui Homestead Association | Startup operations; off-grid lifestyle training; advocate for the applicants; serve as the community partner for the Kuleana Homestead project in 'Ualapu'e. | 6/30/2020 | 7/31/2022 | N/A | \$5,000 | \$500 | ACTIVE Project Underway HCE NOT COMPLIANT |
| MOLOKAI | AG | Ahupua'a o Moloka'i | Hanai a Ulu: business training, seed-saving, subsistence gardening | 7/3/2018 | 8/31/2020 | N/A | \$84,300 | \$12,650 | COMPLETE Awaiting reports. Final payment withheld. |
| MOLOKAI | CB | Ahupua'a o Moloka'i | Board training, strategic planning, develop/improve organizational management processes, increase membership and outreach for 6 homestead organizations | 8/4/2017 | 12/31/2018 | N/A | \$33,310 | \$0 | COMPLETE |
| | CB | Ahupua'a o Moloka'i Ho'olehua Homestead Association Makakuoha Cooperative | Leadership development; increase membership; manage and maintain a website; and repair farm equipment to be shared. | 6/30/2020 | 7/31/2022 | N/A | \$15,000 | \$1,500 | ACTIVE Project Underway |
| MOLOKAI | GIA-CIP | Ahupua'a o Moloka'i | Renovations to the Ho'olehua Hale (old schoolhouse) | 2/21/2020 | 8/31/2022 | ROE 507 | \$100,000 | \$30,000 | ACTIVE Project Underway |
| MOLOKAI | RP | Ahupua'a o Moloka'i | Alternative energy for Ho'olehua Hale and Kiowea Park (Kalama'ula) | 6/30/2020 | 7/31/2024 | ROE 507 | \$100,000 | \$50,000 | ACTIVE Project Underway |
| MOLOKAI | RP | Hoolehua Homestead Agricultural Assoc FS: Homestead Community Dev Corp | Micro food systems on individual homestead lots | 6/30/2020 | 7/31/2024 | N/A | \$13,832 | \$1,332 | ACTIVE Project Underway |
| MOLOKAI | CB | Kalamaula Homesteaders Association | Update strategic plan and governing documents. | 6/30/2020 | 7/31/2022 | N/A | \$5,000 | \$500 | ACTIVE Project Underway HCE NOT COMPLIANT |
| MOLOKAI | GIA-CIP | Kalamaula Homesteaders Association | Kiowea Park improvements | 4/1/2016 | 9/30/2021 | LIC 754 | \$500,000 | \$5,000 | ACTIVE Project Underway |
| MOLOKAI | RP | Kalamaula Homesteaders Association | Kiowea Park improvements | 6/30/2020 | 7/31/2024 | LIC 754 | \$100,000 | \$25,000 | ACTIVE Project Underway |
| MOLOKAI | AG | Makakuoha Cooperative (Fiscal Sponsor: Molokai Community Service Council, Inc.) | Natural Farming Systems | 6/2/2016 | 6/30/2019 | N/A | \$70,000 | \$1,000 | COMPLETE Awaiting reports. Final payment withheld. |
| MOLOKAI | CB | Moloka'i Hawaiian Home Lands Kupuna FS: Moloka'i Homestead Farmers Alliance | Financial training for kupuna | 8/4/2017 | 6/30/2018 | N/A | \$5,000 | \$0 | COMPLETE |
| MOLOKAI | CB | Moloka'i Homestead Farmers Alliance | Develop a website, host a professional presentation on Hawaiian culture and history | 8/4/2017 | 6/30/2018 | N/A | \$5,000 | \$0 | COMPLETE |
| MOLOKAI | GIA-CIP | Moloka'i Homestead Farmers Alliance | Lanikeha Center Improvements | 8/4/2016 | 12/31/2022 | LIC 789 | \$1,750,000 | \$80,000 | ACTIVE Project Underway |
| MOLOKAI | CB | Moloka'i Homestead Farmers Alliance | Membership outreach and recruitment by organizing an Agricultural Festival. | 6/30/2020 | 7/21/2022 | N/A | \$5,000 | \$500 | ACTIVE Project Underway |
| MOLOKAI | PI | Moloka'i Homestead Farmers Alliance | COVID-19 Relief -- food, hot meals, clothing distribution | TBD | TBD | N/A | \$200,000 | \$200,000 | PENDING Contract in process |

DHHL Grants Status Report

April 19 - 20, 2021

| ISLAND | GRANT TYPE | ORGANIZATION (legal name) | PROJECT DESCRIPTION | START DATE | END DATE | DHHL Land Disposition (if applicable) | TOTAL GRANT | BALANCE | STATUS |
|---------|------------|--|---|------------|------------|---------------------------------------|-------------|-----------|--|
| MOLOKAI | CB | Molokai Hawaiian Home Lands Kupuna FS: Moloka'i Homestead Farmers Alliance | To increase membership by conducting presentation on renewable energy appliances; to build board awareness | 6/30/2020 | 7/21/2022 | N/A | \$5,000 | \$500 | ACTIVE Project Underway |
| MOLOKAI | CB | Napualei o Hina Hoopili Farmers | Board training, office equipment and supplies, and membership outreach | 6/30/2020 | 7/21/2022 | N/A | \$10,000 | \$1,000 | ACTIVE Project Underway |
| MOLOKAI | RP | Napualei o Hina | Shared farm equipment | TBD | TBD | N/A | \$100,000 | \$100,000 | PENDING Contract in process |
| MOLOKAI | AG | Sons of Ho'olehua Cooperative (Fiscal Sponsor: Sust Aina Ble Molokai) | Train and assist 4 Co-op members to develop ag lots into commercial farming businesses | 9/26/2017 | 6/30/2020 | N/A | \$69,300 | \$26,300 | ACTIVE Project Underway |
| OAHU | CB | Aha Kuka FS: Princess Kahanu Estates Assoc. | Increase membership in PKEA and grow new board members. | 6/30/2020 | 7/31/2022 | N/A | \$5,000 | \$5,000 | ACTIVE Project Underway |
| OAHU | AG | Kaala Farm, Inc. | Train 6 Wai'anae homesteaders to participate in the 'Ohana gardens project, including starting own garden at Ka'ala Farm or on own homestead lot | 6/29/2015 | 12/31/2016 | LIC 724 | \$36,032 | \$0 | COMPLETE |
| OAHU | AG | Kaala Farm, Inc. | Train 6 Wai'anae homesteaders and their families about farming wet- and dry-land kalo processing and marketing kalo products | 6/22/2017 | 12/31/2018 | LIC 724 | \$40,000 | \$0 | COMPLETE |
| OAHU | RP | Kanehili Community Association | Due diligence, EA and 6E for public park | TBD | TBD | LIC 834 | \$100,000 | \$100,000 | PENDING Contract in progress |
| OAHU | GIA-CIP | Kapolei Community Development Corporation | Heritage Center project construction | 4/1/2016 | 12/31/2018 | GL 288 | \$500,000 | \$0 | COMPLETE |
| OAHU | CB | Papakolea Community Development Corporation | Update and implement a strategic plan and conduct at least 3 community and family engagement activities | N/A | N/A | N/A | \$5,000 | \$5,000 | Grantee declined funds. |
| OAHU | CB | Papakolea Hawaiian Civic Club (Fiscal Sponsor: PAC Foundation) | Focus group interviews with residents to plan products and services to serve the needs of Papakolea residents | 6/15/2017 | 6/30/2018 | N/A | \$5,000 | \$500 | GRANT EXPIRED Awaiting reports from grantee. Final payment withheld. HCE Expired |
| OAHU | CB | Princess Kahanu Estates Association | Membership outreach by hiring a facilitator to train and mentor participants in traditional Hawaiian food making and preservation techniques. | 6/30/2020 | 7/31/2022 | N/A | \$5,000 | \$500 | ACTIVE Project Underway |
| OAHU | RP | Princess Kahanu Estates Association | Expand the existing community center, incl. enclose the patio area to use as a multi-purpose room; add certified kitchen & plans for a larger, new pavilion. | 6/30/2020 | 7/31/2024 | LIC 406 | \$100,000 | \$50,000 | ACTIVE Project Underway |
| OAHU | CB | Princess Kahanu Estates Association | Develop the capacity to locate, apply for, execute, and report on government and foundation funding by hiring a grantwriter to train board members and guide them through the proposal writing process for 3 projects | 12/11/2017 | 6/30/2019 | N/A | \$5,000 | \$0 | COMPLETE |
| OAHU | CB | Waianae Valley FS: TBD | Update governing documents and address compliance issues. | TBD | TBD | N/A | \$5,000 | \$5,000 | PENDING New contract Waiting on Fiscal Sponsor |

DHHL Grants Status Report

April 19 - 20, 2021

| ISLAND | GRANT TYPE | ORGANIZATION (legal name) | PROJECT DESCRIPTION | START DATE | END DATE | DHHL Land Disposition (if applicable) | TOTAL GRANT | BALANCE | STATUS | |
|-----------|------------|---------------------------|---|------------|----------|---------------------------------------|--------------|---------------------|---------------------------------------|--|
| STATEWIDE | PI | Helping Hands Hawaii | COVID-19 Relief -- financial assistance for rent, mortgage, utilities and client referrals to a network of social services, health and housing stability providers. | TBD | TBD | N/A | \$107,195 | \$107,195 | PENDING Contract in process | |
| STATEWIDE | PI | Ke Kula Nui O Waimanalo | COVID-19 Relief -- aquaponics and train-the-trainer in Waimanalo, Hilo, Maui | TBD | TBD | N/A | \$200,000 | \$200,000 | PENDING Contract in process | |
| | | | | | | | TOTAL | \$10,233,150 | \$2,020,819 | |
| | | | | | | | DHHL Trust | \$2,383,150 | | |
| | | | | | | | STATE GIA | \$7,850,000 | | |

NOTES:

HCE = Hawaii Compliance Express

GRANT TYPES:

AG = DHHL Agriculture Peer-to-Peer grants

CB = DHHL Capacity Building grants

PI = Project Implementation grant for COVID-19 Relief projects

RP = DHHL Regional Plan Priority Project grants

GIA-CIP = HRS Chapter 42F State Grant-In-Aid, Capital Improvement Project grant

GIA-OP = HRS Chapter 42F State Grant-In-Aid, Operating grant

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

April 19-20, 2021

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Acting Planning Program Manager *AC*
From: Julie -Ann Cachola, Planner
Subject: For Information Only - Anahola Kuleana Homestead Settlement Plan and Final Environmental Assessment, District of Kawaihau, Kaua'i Anticipated Finding of No Significant Impact (AFONSI) TMK (4) 4-4-8-002:001, 003:006, (4) 4-7-002:004

Recommended Action

None; for information only.

Discussion

PURPOSE

The purpose of this informational briefing is to update the HHC on the status of the Anahola Kuleana Homestead Settlement ("the Project"); to present summary highlights of the public comments received during the public comment period on the Draft Environmental Assessment (DEA) that was published at the state Office of Environmental Quality Control on May 8, 2020 and subsequent recommended proposed changes to be made for the final environmental assessment.

BACKGROUND

In 1998, the Kuleana Homestead Program was officially adopted as part of the Department's Hawai'i Administrative Rules (HAR) §10-3-30. The program was designed to provide opportunities for beneficiaries to manage their lands and deliver homestead lots at a faster rate by awarding raw, undeveloped land. Initial programmatic goals of the Kuleana Homestead Program are:

1. To provide immediate access for the purposes of settlement and active use of the land for waitlist beneficiaries;
2. To provide an alternative development model by providing "off-grid" living options with minimal levels of infrastructure;
3. To empower, educate, and engage beneficiaries with higher levels of individual and communal responsibilities;

HHC ITEM G-5

4. To encourage beneficiary utilization of traditional ecological knowledge derived from place-based learning and observation to effectively manage Hawaiian Home Lands.

The purpose of the Anahola Kuleana Homestead Settlement is to award Kuleana Subsistence Agriculture and Pastoral lots to beneficiaries on the Kaua'i Island Agriculture and Pastoral Waitlists. In 2019, over 500 native Hawaiians residing on Kaua'i have received a homestead lease award; while approximately 4,000 applicants remain unawarded. Many people have been waiting for over 20 years. As of 2020, Agriculture leases account for approximately 50% of unawarded applicants.

The site characteristics of various DHHL tracts were assessed and Anahola was selected as a location to implement a Kuleana Homestead Program on Kaua'i. The Anahola Hawaiian Home Lands property is located on the windward side of Kaua'i Island and is within the traditional ahupua'a of Anahola and Kamalomalo'o. The entire DHHL Anahola tract is approximately 4,228 acres. Of those acres in Anahola, the Kuleana Settlement Plan Project area is 462 acres. This area fulfills the requirements for designation as Kuleana Homestead Lots as defined under HAR §10-3-30, which include the following:

- 1) Physical and environmental characteristics of the land;
- 2) Excessive cost to develop the tract for any reason including: the physical characteristics of the land, the distance of the land from existing electrical, water, wastewater disposal, communications, and other utility systems;
- 3) Department land management plans and programs;
- 4) Applicant interest or proposals identifying tracts of land; and
- 5) Suitability for use by lessees who wish immediate access to the land for subsistence uses and who are willing to live on the land and accept an unimproved lot.

The Settlement Plan Area sites mauka of Keālia Road. The Settlement Plan Area is located midway between Līhu'e (14 miles south) and Hanalei (18 miles north), and just north of the residential / resort towns of Kapa'a and Wailua. The Settlement Plan Area is bordered to the south by Cornerstone Holdings, a private investment company owned by the McCloskey family. The Keālia Forest Reserve, managed by DLNR borders the DHHL property to the north and west. DHHL owns the lands Makai of the project area all the way to the coast. Access to the project area is via two unimproved former cane haul roads off of Keālia Road.

The subject property was previously utilized for both sugar cane and pineapple plantation agriculture. Remnants of the infrastructure that serviced these operations still remain. The existing condition of the property is currently dominated by vegetative overgrowth that consists in large part of albizia trees. In September 2019, the HHC approved a Right-of-Entry (ROE) Permit to the Green Energy Team (GET) to cut-down and harvest albizia trees in Anahola. In addition, GET will

HHC ITEM G-5

also be making improvements to existing roads. GET albizia removal is currently on-going.

The use of DHHL lands, as state lands, subject the project to the environmental review process outlined in Hawai'i Revised Statutes (HRS) Chapter 343 and as promulgated through HAR 11-200.1. The DEA provides a detailed framework and lotting scheme for the settlement and development of the Anahola project area.

DRAFT ENVIRONMENTAL ASSESSMENT (DEA) SUMMARY

The DEA assesses the potential environmental impact of the proposed Anahola Kuleana Homestead Settlement, as described below:

| Summary of Proposed Land Uses | |
|--|------------------|
| Subsistence Agriculture <ul style="list-style-type: none"> • Lots no larger than two acres in size. • Lessees are required to actively cultivate subsistence agriculture OR reside and cultivate subsistence agriculture on their lot. • Crops are expected to provide food to be consumed in the home or provide supplemental household income. | 202 acres |
| Pastoral <ul style="list-style-type: none"> • Lots no larger than 10-acres in size. • Intended for pastoral uses and grazing. | 140 acres |
| Community Use <ul style="list-style-type: none"> • To provide a central gathering place for community-building • Land uses to be determined by the future homestead community. • Possible uses include parks, community-based economic development, utilities, other facilities and amenities. | 152 acres |
| Special District <ul style="list-style-type: none"> • Areas requiring special attention because of unusual opportunities and/or constraints. • These may include natural hazard areas, open spaces, raw lands far from infrastructure, mixed use areas, or greenways. | 88 acres |
| TOTAL | 462 acres |

The enclosed illustration (*Figure 1-1*) depicts DHHL lands in Anahola and the location of the project area within those lands. *Figure 1-2* depicts the spatial layout of the proposed land uses and the proposed lot scheme for the Project. In summary, these proposed land uses and lot scheme are not anticipated to have a significant impact on the surrounding environment. However, the lack of action will lead to an agricultural waitlist that continues to grow.

The 462-acre Project Area remains essentially undeveloped. Per HAR §10-3-30, DHHL is only responsible for the survey and stake for each lot to determine the metes and bounds descriptions of each kuleana homestead lot, and prepare an unpaved right-of-way to the awarded lots. Beneficiaries who are awarded Kuleana Homestead Lots agree to accept unimproved land in "as-is" condition. The lessees are responsible for providing their own utility and infrastructural needs such as electrical, water, solid waste and wastewater disposal, and communications.

| Proposed Infrastructure | |
|--|---|
| Roads and Access | <ul style="list-style-type: none"> • Lot scheme planned to maximize use of existing road network • DHHL will provide improvements to existing four-wheel-drive gravel roads. • DHHL will construct some new unpaved gravel roads to provide access to the Kuleana Homestead Lots • DHHL currently coordinating with Green Energy Team on roadway improvements. • Roads will not be dedicated to the County • Beneficiaries will be responsible for roadway upkeep and maintenance |
| Grading and Runoff, Drainage, and Erosion Control | <ul style="list-style-type: none"> • Drainage improvements will be designed in compliance with the County's Storm Drainage Standards. • Minor grading and installation of road culverts will be required to mitigate the erosion currently exhibited at the site. • Individual lessees will be responsible for constructing drainage improvements on their specific lot and improvements should be designed to minimize downstream impacts |
| Water Supply | <ul style="list-style-type: none"> • Irrigation water supplied by natural rainfall (average annual rainfall of 61 inches per year in Anahola) • Domestic water supplied by water catchment tanks to be constructed by the lessee • Potential possibility to consider utilization of the existing reservoirs and agricultural ditch systems located within the project area as a non-potable water source. |

Wastewater Disposal

- Individual wastewater systems or composting toilets can be constructed by the lessee
- The Kuleana Homestead Association may decide to opt for a cluster wastewater system
- Lessees will be encouraged to reuse grey water (domestic wastewater) for irrigation
- For livestock waste, the lessee shall be responsible for all required waste management plans for proper disposal or management of non-domestic / agricultural wastes, as required by HAR. A farm plan or conservation plan (NRCS) may be required and is the responsibility of the lessee

Solid Waste

- Solid waste disposal to be the responsibility of each lessee
- Individual composting and green waste recycling is encouraged
- The Kuleana Homestead Association could develop a community green waste recycling program

Electrical Power

- Electrical power to be the responsibility of each lessee
- The Kuleana Homestead Association could opt for a community solar microgrid
- Installation of new KIUC buried distribution line will provide a potential source of electrical power and will allow lessees to arrange for electrical services

Communications

- Communications, such as telephone and internet service, will be the responsibility of each lessee

A summary description of the natural and cultural resources and infrastructure in the vicinity of the project area is included in Exhibit A. A more detailed description of the project area characteristics is in the Draft Environmental Assessment (Exhibit B).

Public Comments Received on the DEA

The following table provides a summary of substantive written comments that were received by DHHL and its consultant during the draft EA public comment period. Comments received on the DEA are included in their entirety in Exhibit C.

| Agency | Comment/Summary | Response to Comment |
|--|--|--|
| State Agencies | | |
| DLNR Commission on Water Resource Management | Recommendation for water efficient fixtures and practices, alternative water sources, BMPs for stormwater management, and coordination with State and County to incorporate Project into ongoing and future water and development plans. The EA should discuss the 2017 State Water Projects Plan. Permits will be required if the Project involves any alteration to stream channels or diversions, or new/expanded diversions. The Project's water demand should be identified and calculated. | The future Anahola Kuleana Homestead Association will develop its own governing documents could determine the types of water fixtures and conservation practices that they deem are appropriate. The Final EA will identify and provide the calculations used to estimate water demands for the Project. The Final EA will also include a discussion of the 2017 State Water Projects Plan as recommended. |

| Agency | Comment/Summary | Response to Comment |
|--|---|---|
| DLNR Division of Aquatic Resources | Project will not have impacts to aquatic resources as long as BMPS are implemented. Recommends use of erosion control and LBSP barrier measures where excavation or grading will occur. | <p>"Runoff from construction will be managed under grading permit requirements. According to Hawai'i Administrative Rules (HAR) §11-55, an NPDES Construction Stormwater permit will be required as grading of the planned improvements will involve one acre or more.</p> <p>The contractors will implement the practice of utilizing erosion control and land-based sources of pollution (LBSP) barrier measures at the project site where there is the opportunity for sediment discharge into nearby waters.</p> <p>Future lessees shall be responsible for all required waste management plans for proper disposal or management of non-domestic and agricultural wastes, as required by rule and statute.</p> |
| DLNR Division of Forestry and Wildlife | Recommends use of downward facing and fully shielded lights to prevent impacts to sea birds. Other seabirds not mentioned could potentially inhabit the Project Area. Nene is endangered per State of Hawaii endangered species law. Waterbirds have the potential to occur in the area. Mitigate predator presence, prevent spread of Rapid Ohia Death, and minimize spread of invasive species. | A discussion of the DLNR guidelines related to seabird-friendly light styles will be included into the Final EA and will include a discussion of these State-listed water birds that may inhabit the region. The future homestead association may consider developing appropriate mitigation and conservation programs. Mitigation may include actions to minimize predator presence, mitigate the spread of Rapid 'Ōhi'a Death, and prevent the spread of invasive species; however, these programs must ultimately be determined and approved by the future homestead association. |

| Agency | Comment/Summary | Response to Comment |
|-------------------------|---|--|
| DOH – Wastewater Branch | Domestic wastewater generated by the project shall be collected, treated and disposed of in accordance with HAR, Chapter 11-62, "Wastewater Systems." The reuse of effluent for irrigation from individual wastewater systems is currently not allowed under HAR, Chapter 11-62. A cluster wastewater treatment system shall be required to comply with applicable provisions of HAR, Chapter 11-62, Subchapter 2, Wastewater Treatment Works. A wastewater treatment system which serves a commercial kitchen or kitchens in the planned community areas shall also comply with the requirements under HAR, Chapter 11-62, Subchapter 2, Wastewater Treatment Works. | DHHL acknowledges that any wastewater treatment system which would serve a potential commercial kitchen must comply with the requirements under HAR, Chapter 11-62, Subchapter 2, Wastewater Treatment Works. Any commercial kitchen developed for the project will be equipped with a grease interceptor in accordance with the Uniform Plumbing Code to capture fats, oils, and grease from the kitchen before entering the site's IWS system. Any kind of butcher shop or agricultural processing center will also require pre-treatment to remove solids and oils prior to IWS disposal. " |
| DOT | A Traffic Assessment or Traffic Impact Analysis Report should be included and should be prepared by a Professional Engineer with State license and traffic expertise. The EA and Traffic Study should include a discussion on the anticipated uses of the Community Use areas. | The specific uses within the planned Community Use areas are not defined in this EA and will be determined by the future Kuleana Homestead Association. At the time that DOT permits are required for the Project, DHHL will provide relevant data that is collected and analyzed in accordance with DOT standards. Potential impacts and proposed mitigation strategies will be determined. |
| County Agencies | | |
| Planning Department | The EA should discuss the Kaua'i County General Plan. The County Zoning District of the Project area is Agriculture and Open Space. | Chapter 5 of the EA will include discussion of these County Planning elements. |
| Public Works Department | The valleys and gullies throughout the Project Area are subject to flooding. Amend reference to Storm Water Runoff System Manual, July, 2001. | The Final EA will update the flood information and amend the reference to the Storm Water Runoff Systems Manual. |

| Agency | Comment/Summary | Response to Comment |
|---|---|---|
| Fire Department | Concern over where water to fill cisterns would be sourced. The EA needs more attention to address structural fires. Water must be made available for emergencies. Concern over access for emergency vehicles. | A helicopter/water tender could collect water from an on-site reservoir. Each homestead lot will be equipped with a rainwater catchment system with accessible standpipe. As discussed in the EA Chapter 3.10.5, roads will comply with the following standards outlined in The National Fire Protection Association’s (NFPA) 1141-Standard for Fire Protections Infrastructure for Land Development in Wildland, Rural, and Suburban Areas, in rural areas where water may not be available. |
| Non-Government Organizations and Individuals (Next Page) | | |
| Sovereign Council of Hawaiian Homestead Associations (SCHHA) | Consider issuing lease awards for the Anahola Kuleana Homestead Development either under the Kuleana administrative rules, or to issue through the decades practice of Undivided Interest awards, whichever will expedite awards to waitlist beneficiaries. DHHL should fully disclose the condition of a “Kuleana” lot award. DHHL should NOT predetermine, nor require any “kanawai” (DCC&Rs of a homeowners association), versus a homestead association. We recommend that DHHL NOT predetermine State agency approval for access through our trust lands by anyone to access adjacent, non-trust lands, and instead include in the planning functions of the project, gated access points for such access. | <p>DHHL agrees that the future community should determine the form of its governing structure and will not pre-determine or require DCC&Rs, that should be a decision for the future association to make. DHHL also agrees that awards to waitlist applicants for the kuleana homestead should be expedited in order to convene community conversations to develop the community’s governing documents. DHHL is currently looking at the pros and cons of all potential options to expedite awards including undivided interest lease tool, however, those discussions are still on-going internally. DHHL also agrees that the future association should determine gated access points to adjacent neighboring lands. Access points should be located in areas that are deemed appropriate by the future homestead community.</p> <p>The specific process and tools of how DHHL will offer awards to interested waitlist applicants will not be explicitly discussed in the context of the EA as the focus of the EA is to assess potential environmental impacts that may be caused by this future homestead development. The EA also identifies potential mitigation measures for potential impacts.</p> |

| Agency | Comment/Summary | Response to Comment |
|------------------|--|--|
| Gerald Gonsalves | <p>Will lessees be allowed to reside on their lot or can they only farm or raise livestock? It will be difficult to protect the property from thieves without a continual presence.</p> <p>How many buildings are allowed on the property? What size? How will lots be assigned? Do you have a future date for awarding lots? Will there be access to any of the streams / reservoirs in that area to pump water? What are installation costs for water and electricity? Will the road be fixed?</p> | <p>Lessees are allowed and encouraged to reside on their homestead lot. HAR §10-3-26 allows one residence per lessee on Agricultural or Pastoral Lots within three years of award. In addition, a workers' quarters may be permitted per lessee on Pastoral lots subject to conditions of §10-3-26(c). The maximum structure size will be determined by the future Homestead Association.</p> <p>The lots will be offered for award in the order of the agricultural and pastoral waitlists for Kaua'i per HAR §10-3-7. There is no definitive timetable for lease award at this time, but it is the intent of DHHL to award as soon as possible. Waitlist applicants will be made aware of award offerings by DHHL.</p> <p>There can be access to the streams and reservoirs within the Project area. Rules related to access will need to be developed by the future homestead association and the decision to pump water will also be at the discretion of the future association. Initial cost projections for water and electric are listed in Section 2.4 of the Final EA. It is currently unknown whether the roads outside the project area will be fixed. It will be necessary to negotiate with the owners of the roads, which are primarily the County of Kaua'i. Information on road development and maintenance within the project area is described in Section 3.10.5 of the Final EA.</p> |

| Agency | Comment/Summary | Response to Comment |
|-----------------|---|--|
| John Kaohelauii | <p>For this project to be successful, it needs to start organizing a homestead organization(s) now and not in 2022 after the fact. A homestead organization(s) could lease out lands for eco-tourism activities to beneficiary or Native Hawaiian small businesses thus creating opportunities for homesteaders in the area. Having an alternative source and delivery of drinking water not only eases the burden on lessees, but supports the eco-tourism opportunity. Well & Tank site” (77) is recognized as a possible source of water and should have been investigated in the draft. I also had a concern about the decommission of Keālia number 2 & Lower Anahola reservoirs. I also understand that historic rainfall in the area should be enough, but the effects of global warming is right around the corner.</p> | <p>DHHL agrees that awards to waitlist applicants for the kuleana homestead should be expedited in order to convene community conversations to develop the community’s governing documents. DHHL is currently looking at the pros and cons of all potential options to expedite, however, those discussions are still on-going internally.</p> <p>Potential activities that are deemed appropriate for the new kuleana homestead area such as eco-tourism will be discussed by the future homestead association and incorporated into its governing documents</p> <p>DHHL agrees that the affects of global warming could substantively change the amount of rainfall in the area and catchment systems to supply the homestead area may not be sufficient during times of drought.</p> <p>DHHL has conducted an additional non-potable water infrastructure assessment as part of this Settlement Plan and EA process to look at other potential water supply options for irrigation.</p> |
| Nicolai Barca | <p>The plan could be improved if it addressed mauka access to the neighboring State land, which lays adjacent and mauka to the proposed development.</p> | <p>The future homestead association will determine appropriate points of access to neighboring non-DHHL lands.</p> <p>In addition, safety zones must be developed as a buffer to ensure safety of future homestead residents. A MOU will need to be developed among DLNR, DHHL, and the future homestead association that identifies agreements related to hunter access, enforcement, and homesteader safety.</p> |
| Paul Alston | <p>Cornerstone Holdings and the McCloskey family sold the property more than two years ago. The new owner is an entity owned by Frank Vandersloot.</p> | <p>The EA will be updated with the recent land ownership information.</p> |

In addition to the written public comments received, a beneficiary that currently resides in Anahola provided comments to DHHL staff verbally via phone in August 2020. The beneficiary strongly suggested that DHHL further study and analyze the water resources and historic sugar plantation water system infrastructure located in the mauka area of DHHL's Anahola lands as potential sources of non-potable water that could service the future kuleana homestead area in Anahola. According to the beneficiary, the removal of the albizia trees in the mauka area of Anahola revealed existing water resources and portions of the sugar plantation system that the beneficiary, who is a long-time Anahola lessee and very familiar with the region, had not previously seen before.

Supplemental Non-Potable Water Infrastructure Study

Per the comment received by DHHL staff from a beneficiary during the DEA comment period regarding the need to re-assess the surface water resources in the mauka areas of Anahola, DHHL decided to conduct an additional a Non-Potable Water Infrastructure Study as part of the Anahola Kuleana Settlement Plan and Environmental Assessment. The purpose of the study was to provide information on the historical and existing water infrastructure for the DHHL Anahola Mauka property. Information and data were gathered through research, consultation with residents with historic knowledge of the plantation era water systems, site visit observations, and analysis of new topographic data and imagery. Residents were also consulted about possible water system infrastructure that could serve the proposed Anahola Kuleana lots project.

Consultations with residents with experiences on the land either through past plantation employment or through cultural access practices further informed or confirmed assumptions made with the initial examination of the historical irrigation operations. Residents also provided opinions on how a future water irrigation system can be implemented to serve the proposed Anahola Kuleana Homestead project area. A site visit which included DHHL staff, it's consultants, and Anahola residents to gather and observe actual site conditions, now cleared of Albizia and improved, was conducted on March 1, 2021.

Historical water and irrigation systems were researched to understand the irrigation operations and how the remaining historical irrigation systems once functioned. Reports and available aerial data were analyzed to determine historical plantation irrigation operations.

Updated topographical data and imagery were obtained from Resource Mapping Hawai'i as the Albizia removal efforts with Green Energy progressed with clearing majority of the DHHL property. Areas

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previously unseen with available imagery data were now uncovered revealing ditches, roads, reservoirs, and streams. New imagery and topographic data assisted in determining ditches, extents of the existing gulches and streams, and elevation data which was used to examine future water system infrastructure for the proposed Anahola Kuleana Homestead project lots.

The improvements discussed and considered with the Anahola residents that would ultimately serve the Anahola Kuleana Homestead project with non-potable water was also outlined in this study. All options considered in this report would require repairs to the existing Upper Anahola Ditch which is located on State/DLNR lands. A sidewall collapse is currently preventing stream flow from entering the ditch and the Upper Anahola Ditch is currently inaccessible due to a damaged culvert crossing on DHHL lands. Piped systems were the preferred option over an open ditch system to avoid any water loss and to develop a pressurized system that can reach all areas of the Anahola Kuleana Homestead project area.

Each option presents benefits and challenges in implementation, with different limitations or opportunities for future growth and settlement of the property. Options to source the Anahola Kuleana project area with non-potable water include:

- (1) Developing an under-regulated onsite water storage and pipe system;
- (2) Restoring Upper Anahola Ditch discharge into Kaneha Reservoir and seeking a water mediation agreement with Kealia Irrigation Company to use Kaneha Reservoir water and;
- (3) Installing a direct pipe intake with Upper Anahola Ditch and piping the water to the Anahola Kuleana Homestead project area or providing a spigot intended for community use. The expected water demand for the proposed Anahola Kuleana project is approximately 0.99 MGD. According to the 2012 USGS Anahola Stream study, 2.7 MGD of stream flow was measured passing at a point near the Upper Anahola Ditch intake during periods between 2011 and 2012.

Non-potable service for future DHHL Anahola Mauka areas outside of the Anahola Kuleana Homestead project was also considered. Due to the elevation differences, and locations of existing infrastructure and water source, non-potable water service cannot directly service these areas without introducing a pump system. It should be noted that Anahola residents described these mauka areas as extremely wet and historically did not require irrigation infrastructure during the plantation era. Rainfall data provided in this study alludes to this condition where rainfall data showed an abundance of rainfall at higher elevations near Kaneha Reservoir and less rainfall at lower elevations beyond the project area.

A formal water master plan may be the next step for analysis and design of improvements desired. This report is intended to provide an overall framework and accounting of potential solutions brought forth by historical research and the community.

Anticipation of a Finding of No Significant Impact

Based upon the analysis completed in the DEA, staff anticipates a finding of no significant impact for the Anahola Kuleana Homestead Settlement. This determination is based upon the 13 criteria of significance that approving agencies must consider as specified in HAR 11-200-12. An analysis of the 13 criteria of significance is presented below:

1. Involve an irrevocable loss or destruction of any natural or cultural resources.

The archaeological and cultural landscapes have been documented in studies conducted specifically for the project area. The project does not involve any known loss or destruction of existing, natural, cultural, archaeological or historic resources. There is the unknown potential for the inadvertent discovery of subsurface historical or cultural resources including the unknown possibility of iwi kūpuna (ancestral remains). If any cultural resources are inadvertently discovered, the DLNR SHPD, the Kauai Island Burial Council representative and participating interests from lineal descendants and individuals will be notified. The treatment of these resources will be conducted in strict compliance with the applicable historic preservation and burial laws including HRS 6E and NAGPRA.

2. Curtail the range of beneficial uses of the environment.

The project will not curtail the range of beneficial uses of the environment. Although the project is located on DHHL-owned land, which is not subject to County land use regulations, proposed uses conform to existing land use designations. The project will provide a beneficial effect, following the mission set by the DHHL of delivering lands to native Hawaiians.

3. Conflict with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344 HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders.

The project does not conflict with the State's long-term environmental policies or goals and guidelines as expressed in

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HRS Chapter 344, and any revisions thereof and amendments thereto, court decisions, or executive orders.

4. Substantially affects the economic or social welfare of the community or state.

The project will benefit the economic welfare, social welfare, and cultural practices of the community and State by providing native Hawaiians beneficiaries opportunities to develop and manage their community. Homesteaders will be able to return to the land while sustaining themselves. Opportunities to expand economic agriculture as a community may generate an income for homesteaders.

5. Substantially affects public health.

The project is consistent with existing land uses and is not expected to affect public health. However, there will be temporary short-term impacts to air quality from possible dust emissions and temporary degradation of the acoustic environment in the immediate vicinity resulting from construction equipment operations. The project will comply with the State and County regulations during the construction period and will implement best management practices to minimize temporary impacts.

6. Involves substantial secondary impacts, such as population changes or effects on public facilities.

Although the project will increase the population of Anahola, the increase in population will not incur secondary impacts to the public facilities serving the Anahola area. All lessees will be required to pay property taxes on their lot, which will contribute toward public facilities and services. Wastewater will be managed through DOH-approved IWS, so there will be no impact on public wastewater treatment facilities. Similarly, water will most likely be supplied by individual catchment systems, so that the County water system will not be impacted.

7. Involves a substantial degradation of environmental quality.

The project will not involve a substantial degradation of environmental quality. Long-term impacts to air and water quality, noise, and natural resources are not anticipated. The use of standard construction and erosion BMPs will minimize the anticipated construction-related short-term impacts.

8. Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger

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actions.

The project will re-establish agricultural and pastoral practices, while also preserving Special District areas around natural streams and drainage areas, providing an overall general improvement to the environment. This project does not require or influence a commitment for larger actions.

9. Substantially affects a rare, threatened or endangered species, or habitat.

The project site does not contain known identified rare, threatened, or endangered species or habitat. Tree disturbance will be timed outside of the bat birthing and pup rearing season to avoid potential impacts to Hawaiian hoary bats. Hawaiian seabird BMPs will be implemented in the unlikely event that they may nest within the project area.

10. Detrimentally affects air or water quality or ambient noise levels.

Construction activities will cause some impacts to air quality, noise, and drainageways in the area of the project, but these are temporary in nature, will follow appropriate regulations, and will be mitigated by best management practices in accordance with DOH and County of Kaua'i guidance. After construction, the Project is not expected to have a detrimental impact on air and water quality or noise levels.

11. Affects or is likely to suffer damage by being located in an environmentally sensitive area such as flood plain, tsunami zone, beach, or erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal water.

The Project is not located in an environmentally sensitive area. It is located outside of the flood plain, tsunami zone, beach area, geologically hazardous land, estuary and coastal water.

12. Substantially affects scenic vistas and view-planes identified in county or state plans or studies.

The project involves the conversion of invasive albizia forest into Pastoral and Subsistence Agricultural lots. Lessees may build single family homes on their lots. Felling of the albizia will have a positive impact on viewsheds by removing trees that may obstruct coastal views and scenic vistas. Views mauka to Kalalea mountain are not expected to be obstructed. No significant adverse impacts are anticipated.

13. Require substantial energy consumption.

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The new agricultural activities and homes will require an increase in energy consumption, but nothing more substantial when compared to other similar projects. The impact to local energy sources is not anticipated, as the project is expected to primarily rely on alternative energy sources such as photovoltaic systems.

NEXT STEPS FOR EA COMPLETION

The following is a list of anticipated next steps and milestones in the completion of the EA.

- Finalize Non-Potable Water Infrastructure Study with stakeholders that participated in the March 1, 2020 site visit;
- Present FEA to HHC; HHC issues Finding of No Significant Impact (FONSI) declaration for the project (May 2021)
- HHC FONSI declaration for the project and FEA submitted to OEQC for publication in OEQC bi-monthly bulletin. (June 2021)

NEXT STEPS FOR OVERALL PROJECT IMPLEMENTATION

In addition to the completion of the FEA and HHC declaration of FONSI for the project in accordance with HRS Chapter 343 and HAR 11-200, the following actions will need to be implemented prior to beneficiary settlement of the kuleana lots:

- State Historic Preservation Division - ensure compliance with historic preservation laws
- Topographic survey, staking of lots, and recordation of metes and bounds
- Coordinate roadway improvements to be made by Green Energy Team and roadway improvements to be made by DHHL to provide access to and within the project area
- Finish albizia removal by Green Energy Team (currently on-going)
- Notification to the existing ROE permit holders in the homestead settlement area that ROE permits will be cancelled
- Interim management of cleared albizzia areas during the period of time between albizia clearing and lessee settlement of the area
- Waitlist applicant orientation to the kuleana homestead lifestyle and award offerings
- Convene conversations related in which Kuleana Homestead Association develops its governing documents
- DOH- wastewater disposal compliance
- U.S. Department of Agriculture - rural development loans

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Note, the above steps do not need to be completed sequentially, and can occur concurrently while other steps are also being implemented.

Recommendation

None. For Information Only.

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

April 21, 2020

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Acting Planning Program Manager *AC*
From: Julie -Ann Cachola, Planner
Subject: For Information Only - Anahola Kuleana Homestead Settlement Plan and Draft Environmental Assessment, District of Kawaihau, Kaua'i Anticipated Finding of No Significant Impact (AFONSI) TMK (4) 4-4-8-002:001, 003:006, (4) 4-7-002:004

Recommended Action

None; for information only.

Discussion

PURPOSE

The purpose of this informational briefing is to update the HHC on the status of the Anahola Kuleana Homestead Settlement ("the Project"); to present summary highlights of the Draft Environmental Assessment (DEA); and to provide an opportunity for Commissioners to provide comments on the Project prior to publication in the Office of Environmental Quality Control's Environmental Notice Bulletin.

BACKGROUND

In 1998, the Kuleana Homestead Program was officially adopted as part of the Department's Hawai'i Administrative Rules (HAR) §10-3-30. The program was designed to provide opportunities for beneficiaries to manage their lands and deliver homestead lots at a faster rate by awarding raw, undeveloped land. Under this non-traditional homestead program, the Department agrees to provide a compacted unpaved roadway suitable for four-wheel drive vehicles to access the lots, survey, and stake and award lots. The Kuleana Homestead Program provides this homesteading alternative for immediate access to raw land and an opportunity to create a new self-sufficient community.

The purpose of the Anahola Kuleana Homestead Settlement is to award Kuleana Subsistence Agriculture and Pastoral lots to beneficiaries on the Kaua'i Island Agriculture and Pastoral Waitlists. In 2019, over 500 native Hawaiians residing on Kaua'i have received a homestead lease award; while approximately 4,000 applicants remain unawarded. Many people have been waiting for over 20 years. As of

2020, Agriculture leases account for approximately 50% of unawarded applicants.

The site characteristics of various DHHL tracts were assessed and Anahola was selected as a location to implement a Kuleana Homestead Program on Kaua'i. The Anahola Hawaiian Home Lands property is located on the windward side of Kaua'i Island and is within the traditional ahupua'a of Anahola and Kamalomalo'o. The entire DHHL Anahola tract is approximately 4,228 acres. Of those acres in Anahola, the Kuleana Settlement Plan Project area is 462 acres. This area fulfills the requirements for designation as Kuleana Homestead Lots as defined under HAR §10-3-30, which include the following:

- 1) Physical and environmental characteristics of the land;
- 2) Excessive cost to develop the tract for any reason including: the physical characteristics of the land, the distance of the land from existing electrical, water, wastewater disposal, communications, and other utility systems;
- 3) Department land management plans and programs;
- 4) Applicant interest or proposals identifying tracts of land; and
- 5) Suitability for use by lessees who wish immediate access to the land for subsistence uses and who are willing to live on the land and accept an unimproved lot.

The Settlement Plan Area sites mauka of Keālia Road. The Settlement Plan Area is located midway between Lihu'e (14 miles south) and Hanalei (18 miles north), and just north of the residential / resort towns of Kapa'a and Wailua. The Settlement Plan Area is bordered to the south by Cornerstone Holdings, a private investment company owned by the McCloskey family. The Keālia Forest Reserve, managed by DLNR borders the DHHL property to the north and west. DHHL owns the lands Makai of the project area all the way to the coast. Access to the project area is via two unimproved former cane haul roads off of Keālia Road.

The subject property was previously utilized for both sugar cane and pineapple plantation agriculture. Remnants of the infrastructure that serviced these operations still remain. The existing condition of the property is currently dominated by vegetative overgrowth that consists in large part of albizia trees. In September 2019, the HHC approved a Right-of-Entry (ROE) Permit to the Green Energy Team (GET) to cut-down and harvest albizia trees in Anahola. In addition, GET will also be making improvements to existing roads. GET albizia removal is currently on-going.

The use of DHHL lands, as state lands, subject the project to the environmental review process outlined in Hawai'i Revised Statutes (HRS) Chapter 343 and as promulgated through HAR 11-200.1. The DEA provides a detailed framework and lotting scheme for the settlement and development of the Anahola project area.

DRAFT ENVIRONMENTAL ASSESSMENT (DEA) SUMMARY

The DEA assesses the potential environmental impact of the proposed Anahola Kuleana Homestead Settlement, as described below:

| Summary of Proposed Land Uses | |
|---|-----------------|
| Subsistence Agriculture | 202 acre |
| <ul style="list-style-type: none">• Lots no larger than two acres in size.• Lessees are required to actively cultivate subsistence agriculture OR reside and cultivate subsistence agriculture on their lot.• Crops are expected to provide food to be consumed in the home or provide supplemental household income. | |
| Pastoral | 140 acre |
| <ul style="list-style-type: none">• Lots no larger than 10-acres in size.• Intended for pastoral uses and grazing. | |
| Community Use | 152 acre |
| <ul style="list-style-type: none">• To provide a central gathering place for community-building• Land uses to be determined by the future homestead community.• Possible uses include parks, community-based economic development, utilities, other facilities and amenities. | |
| Special District | 88 acre |
| <ul style="list-style-type: none">• Areas requiring special attention because of unusual opportunities and/or constraints.• These may include natural hazard areas, open spaces, raw lands far from infrastructure, mixed use areas, or greenways. | |
| TOTAL | 462 acre |

EXHIBIT "A"

The enclosed illustration (*Figure 1-1*) depicts DHHL lands in Anahola and the location of the project area within those lands. *Figure 1-2* depicts the spatial layout of the proposed land uses and the proposed lot scheme for the Project. In summary, these proposed land uses and lot scheme are not anticipated to have a significant impact on the surrounding environment. However, the lack of action will lead to an agricultural waitlist that continues to grow.

The 462-acre Project Area remains essentially undeveloped. Per HAR §10-3-30, DHHL is only responsible for the survey and stake for each lot to determine the metes and bounds descriptions of each kuleana homestead lot, and prepare an unpaved right-of-way to the awarded lots. Beneficiaries who are awarded Kuleana Homestead Lots agree to accept unimproved land in "as-is" condition. The lessees are responsible for providing their own utility and infrastructural needs such as electrical, water, solid waste and wastewater disposal, and communications.

| Proposed Infrastructure | |
|--|---|
| Roads and Access | <ul style="list-style-type: none"> • Lot scheme planned to maximize use of existing road network • DHHL will provide improvements to existing four-wheel-drive gravel roads. • DHHL will construct some new unpaved gravel roads to provide access to the Kuleana Homestead Lots • DHHL currently coordinating with Green Energy Team on roadway improvements. • Roads will not be dedicated to the County • Beneficiaries will be responsible for roadway upkeep and maintenance |
| Grading and Runoff, Drainage, and Erosion Control | <ul style="list-style-type: none"> • Drainage improvements will be designed in compliance with the County's Storm Drainage Standards. • Minor grading and installation of road culverts will be required to mitigate the erosion currently exhibited at the site. • Individual lessees will be responsible for constructing drainage improvements on their specific lot and improvements should be designed to minimize downstream impacts |
| Water Supply | <ul style="list-style-type: none"> • Irrigation water supplied by natural rainfall (average annual rainfall of 61 inches per year in Anahola) • Domestic water supplied by water catchment tanks to be constructed by the lessee • Potential possibility to consider utilization of the existing reservoirs and agricultural ditch systems located within the project area as a non-potable water source. |

Wastewater Disposal

- Individual wastewater systems or composting toilets can be constructed by the lessee
- The Kuleana Homestead Association may decide to opt for a cluster wastewater system
- Lessees will be encouraged to reuse grey water (domestic wastewater) for irrigation
- For livestock waste, the lessee shall be responsible for all required waste management plans for proper disposal or management of non-domestic / agricultural wastes, as required by HAR. A farm plan or conservation plan (NRCS) may be required and is the responsibility of the lessee

Solid Waste

- Solid waste disposal to be the responsibility of each lessee
- Individual composting and green waste recycling is encouraged
- The Kuleana Homestead Association could develop a community green waste recycling program

Electrical Power

- Electrical power to be the responsibility of each lessee
- The Kuleana Homestead Association could opt for a community solar microgrid
- Installation of new KIUC buried distribution line will provide a potential source of electrical power and will allow lessees to arrange for electrical services

Communications

- Communications, such as telephone and internet service, will be the responsibility of each lessee

Figure 1-1



EXHIBIT "A"

Figure 1-2

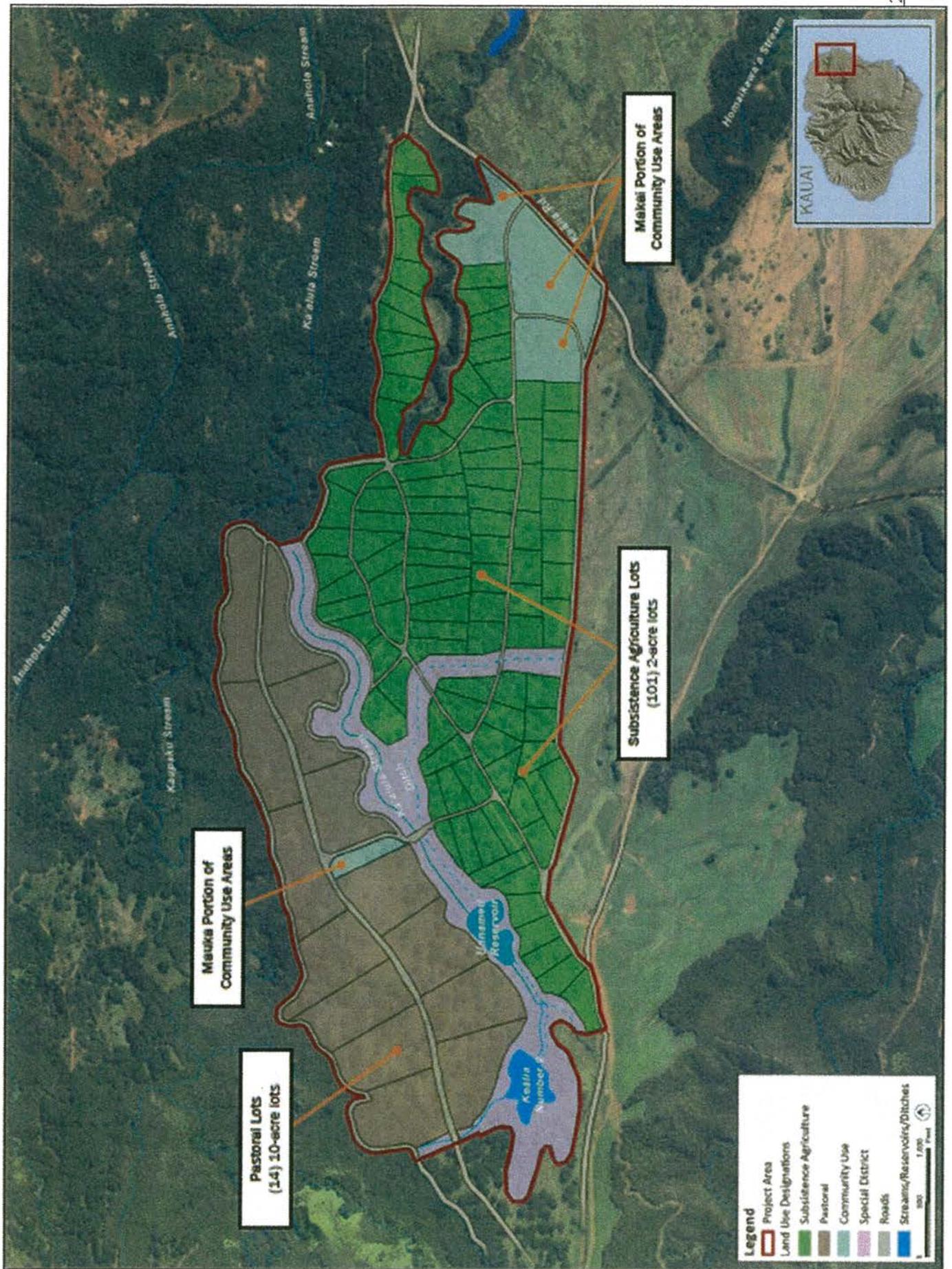


EXHIBIT "A"

Natural Resources

Due to its long history of intensive sugarcane cultivation, a biological survey found the site to be dominated by non-native vegetation, with just a few native species present in certain areas of the site. The survey identified two endemic species Ni'ani'au, (aka sword fern) and koa. The survey also found seven indigenous species: uluhe (staghorn fern), moa, hau popolo, alahe'e, and hala. There were no endangered or threatened species found within the project area.

Historic and Cultural Resources

An archeological reconnaissance survey concluded that the majority of the Project area has been extensively modified by historic sugar and pineapple cultivation. The survey identified one traditional Hawaiian stone tool (an adze "preform") on the ground surface. This isolated find was the only traditional Hawaiian material observed during the survey. In addition to the one traditional Hawaiian stone tool, eight plantation-era historic properties were identified during the survey.

- 1) Irrigation ditch, sluice gate, and culvert;
- 2) Railroad bed right-of-way
- 3) Reservoir 2
- 4) Reservoir 3
- 5) Airstrip
- 6) Dam & culvert
- 7) Retaining wall
- 8) Earthen road system

The Project is not expected to result in significant adverse impacts to historic properties of the site. Several of the historic sites that were identified in the survey lie outside areas targeted for lease awards. For those areas identified as affected by a historic property at present, DHHL will engage in the historic preservation review process to determine if identified historic properties could either be 1) integrated into the care and protection of the lessee under a future preservation plan; 2) be documented sufficiently under data recovery to then warrant their removal; or 3) be determined as historically insignificant at present suggesting no further work is necessary.

Management/protection of any unknown historic property within each respective parcel would be the responsibility of the family within whose parcel a site may lie. Although a limited Archaeological Reconnaissance Survey was completed as a part of the Settlement Plan study, future lessees of the Kuleana Homesteading Lots within Anahola would be required to comply with HRS Chapter 6E and the applicable administrative rules for any project that may require a State or County permit or approval. Further, since DHHL lands are defined as tribal lands under the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, if iwi kūpuna, funerary objects,

sacred objects, or objects of cultural patrimony are encountered, its statutory requirements and rules for notification, inventory, consultation, and resolution will apply. Sites undocumented at present would be recorded to certain standards sufficient for State Historic Preservation Division (SHPD) review. Lessees must agree to a non-disclosure of sites beyond informing SHPD and DHHL.

Hydrology and Drainage

The project area generally slopes to the east and discharges to nearby streams and gulches. There are currently no County municipal drainage systems in the general area of the project site. Based on the Federal Management Agency's Flood Insurance Maps (FIRM), the proposed locations of the lots are located within Flood Zone X, defined as "Area of Minimal Flood Hazard." The areas in the immediate vicinity of the existing reservoirs are located within Flood Zone A, defined as "1% Annual Chance of Flooding with no Base Flood Elevations."

Infrastructure

The Project site has no centralized wastewater service or public water system. Beneficiaries who are awarded Kuleana Homestead Lots agree to accept unimproved land in "as-is" condition. The lessees are responsible for providing their own utility and infrastructural needs such as electrical, water, solid waste and wastewater disposal, and communications.

Rainfall within Anahola is considered to be a dependable source for non-potable water. Rainfall, combined with catchment and storage, offers a viable option for non-potable water for the project. There are possibilities to consider including the re-implementation of the existing reservoirs and agricultural ditch systems located within the project area as a non-potable water source. There are two existing reservoirs in the project area. Keālia Reservoir 2 and an Unnamed Reservoir. Keālia Reservoir 2 is currently in the process of being decommissioned. Unnamed Reservoir could be improved to feed the homesteaders directly with untreated non-potable water.

Individual wastewater systems or composting toilets will be the responsibility of the lessee. For composting toilets, specific design requirements shall be reviewed and approved by the director on a case-by-case basis, until the community develops its own codes and permitting process. The Kuleana Homestead Association could decide to use shared common spaces located within the Subsistence Agriculture areas to develop a clustered wastewater system.

Primary access to the project site is currently provided by two unimproved roads from Keālia Road. This portion of Keālia Road is a paved two-lane road owned and maintained by the County of Kaua'i. The project area is interwoven with several unimproved 4-wheel drive roads, many of which originated during the plantation-era. Some roads

are still in use, while others are completely overgrown with vegetation or blocked by fallen trees, making it difficult to traverse the entire property. These roads exhibit extensive erosion with significant deep ruts. An abandoned airstrip is also located in the project area and has become part of the road system. The lotting scheme was designed to utilize the existing roadways to the extent practical. These existing roads may require some minimal improvements such as grading and filling. DHHL is currently trying to coordinate road improvement with GET per its ROE permit agreement with DHHL. However, DHHL anticipates that it will be responsible for roughly two miles of new 4x4 gravel roads to improve access and circulation throughout the Settlement.

Electrical Power will be the responsibility of the lessee. This could be achieved by installing solar panels or using generators. The Kuleana Homestead Association could decide to utilize shared common spaces located within areas designated for Community-Use for renewable energy generation.

DHHL Planning System Consistency

The DEA also addresses the proposed project uses for consistency with existing plans and applicable land use policies. Previous plans related to the project area include the 2004 DHHL Kaua'i Island Plan (KIP).

The KIP found that applications for agricultural leases made up the largest type of applications, with residential awards being the most preferred. Community input from the KIP included inquiries about availability of agricultural lots. According to a community-wide survey, the majority (71%) of agriculture applicants prefer a lot that is five acres or less to use for small-scale agriculture operations or a home garden. In addition, beneficiary preference is for small pastoral lots, less than 50 acres in size. Agriculture and pastoral applicants also voiced a preference to live on their homesteads. The Kuleana Homestead lots to be awarded in Anahola are designated as Subsistence Agriculture and Pastoral, two acres to ten acres, respectively. The Kuleana Homestead is in alignment with the KIP vision of a subsistence agriculture and pastoral homestead located mauka of Kūhiō Highway serving for the envisioned contemporary ahupua'a.

Anticipation of a Finding of No Significant Impact

Based upon the analysis completed in the DEA, staff anticipates a finding of no significant impact for the Anahola Kuleana Homestead Settlement. This determination is based upon the 13 criteria of significance that approving agencies must consider as specified in HAR 11-200-12. An analysis of the 13 criteria of significance is presented below:

EXHIBIT "A"

1. Involve an irrevocable loss or destruction of any natural or cultural resources.

The archaeological and cultural landscapes have been documented in studies conducted specifically for the project area. The project does not involve any known loss or destruction of existing, natural, cultural, archaeological or historic resources. There is the unknown potential for the inadvertent discovery of subsurface historical or cultural resources including the unknown possibility of iwi kūpuna (ancestral remains). If any cultural resources are inadvertently discovered, the DLNR SHPD, the Kauai Island Burial Council representative and participating interests from lineal descendants and individuals will be notified. The treatment of these resources will be conducted in strict compliance with the applicable historic preservation and burial laws including HRS 6E and NAGPRA.

2. Curtail the range of beneficial uses of the environment.

The project will not curtail the range of beneficial uses of the environment. Although the project is located on DHHL-owned land, which is not subject to County land use regulations, proposed uses conform to existing land use designations. The project will provide a beneficial effect, following the mission set by the DHHL of delivering lands to native Hawaiians.

3. Conflict with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344 HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders.

The project does not conflict with the State's long-term environmental policies or goals and guidelines as expressed in HRS Chapter 344, and any revisions thereof and amendments thereto, court decisions, or executive orders.

4. Substantially affects the economic or social welfare of the community or state.

The project will benefit the economic welfare, social welfare, and cultural practices of the community and State by providing native Hawaiians beneficiaries opportunities to develop and manage their community. Homesteaders will be able to return to the land while sustaining themselves. Opportunities to expand economic agriculture as a community may generate an income for homesteaders.

5. Substantially affects public health.

The project is consistent with existing land uses and is not expected to affect public health. However, there will be temporary short-term impacts to air quality from possible dust emissions and temporary degradation of the acoustic environment in the immediate vicinity resulting from construction equipment operations. The project will comply with the State and County regulations during the construction period and will implement best management practices to minimize temporary impacts.

6. Involves substantial secondary impacts, such as population changes or effects on public facilities.

Although the project will increase the population of Anahola, the increase in population will not incur secondary impacts to the public facilities serving the Anahola area. All lessees will be required to pay property taxes on their lot, which will contribute toward public facilities and services. Wastewater will be managed through DOH-approved IWS, so there will be no impact on public wastewater treatment facilities. Similarly, water will most likely be supplied by individual catchment systems, so that the County water system will not be impacted.

7. Involves a substantial degradation of environmental quality.

The project will not involve a substantial degradation of environmental quality. Long-term impacts to air and water quality, noise, and natural resources are not anticipated. The use of standard construction and erosion BMPs will minimize the anticipated construction-related short-term impacts.

8. Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.

The project will re-establish agricultural and pastoral practices, while also preserving Special District areas around natural streams and drainage areas, providing an overall general improvement to the environment. This project does not require or influence a commitment for larger actions.

9. Substantially affects a rare, threatened or endangered species, or habitat.

The project site does not contain known identified rare, threatened, or endangered species or habitat. Tree disturbance will be timed outside of the bat birthing and pup rearing season to avoid potential impacts to Hawaiian hoary bats. Hawaiian seabird BMPs will be implemented in the

unlikely event that they may nest within the project area.

10. Detrimentially affects air or water quality or ambient noise levels.

Construction activities will cause some impacts to air quality, noise, and drainageways in the area of the project, but these are temporary in nature, will follow appropriate regulations, and will be mitigated by best management practices in accordance with DOH and County of Kaua'i guidance. After construction, the Project is not expected to have a detrimental impact on air and water quality or noise levels.

11. Affects or is likely to suffer damage by being located in an environmentally sensitive area such as flood plain, tsunami zone, beach, or erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal water.

The Project is not located in an environmentally sensitive area. It is located outside of the flood plain, tsunami zone, beach area, geologically hazardous land, estuary and coastal water.

12. Substantially affects scenic vistas and view-planes identified in county or state plans or studies.

The project involves the conversion of invasive albizia forest into Pastoral and Subsistence Agricultural lots. Lessees may build single family homes on their lots. Felling of the albizia will have a positive impact on viewsheds by removing trees that may obstruct coastal views and scenic vistas. Views mauka to Kalalea mountain are not expected to be obstructed. No significant adverse impacts are anticipated.

13. Require substantial energy consumption.

The new agricultural activities and homes will require an increase in energy consumption, but nothing more substantial when compared to other similar projects. The impact to local energy sources is not anticipated, as the project is expected to primarily rely on alternative energy sources such as photovoltaic systems.

NEXT STEPS FOR EA COMPLETION

The following is a list of anticipated next steps and milestones in the completion of the EA.

- DEA anticipated to be published in the May 8, 2020 OEQC bi-monthly bulletin
- 30-day public comment period on the DEA ends June 8, 2020;
- Revise DEA per public comments and complete Final Environmental Assessment (FEA) (June/July 2020);
- Present FEA to HHC; HHC issues Finding of No Significant Impact (FONSI) declaration for the project (July 2020)
- HHC FONSI declaration for the project and FEA submitted to OEQC for publication in OEQC bi-monthly bulletin. (August 2020)

NEXT STEPS FOR OVERALL PROJECT IMPLEMENTATION

In addition to the completion of the FEA and HHC declaration of FONSI for the project in accordance with HRS Chapter 343 and HAR 11-200, the following actions will need to be implemented prior to beneficiary settlement of the kuleana lots:

- State Historic Preservation Division - ensure compliance with historic preservation laws
- Topographic survey, staking of lots, and recordation of metes and bounds
- Coordinate roadway improvements to be made by GET and roadway improvements to be made by DHHL to provide access to and within the project area
- Albizia removal by KIUC (currently on-going)
- Notification to the existing ROE permit holders in the homestead settlement area that ROE permits will be cancelled
- Interim management of cleared albizzia areas during the period of time between albizzia clearing and lessee settlement of the area
- Waitlist applicant orientation and award offerings
- Convene conversations related in which Kuleana Homestead Association defines covenants, conditions and restrictions (CC&Rs), building codes, and permit processes
- DOH- wastewater disposal compliance
- U.S. Department of Agriculture - rural development loans

Recommendation

None. For Information Only.

Exhibit B

Draft Anahola Kuleana Settlement Plan Environmental Assessment

Published May 2020

Available Electronically at:

http://oeqc2.doh.hawaii.gov/Doc_Library/2020-05-08-KA-DEA-Anahola-Kuleana-Homestead-Settlement-Plan.pdf

Exhibit C

Public comments received on
May 2020
Anahola Kuleana Settlement Plan
Draft Environmental Assessment

Barbara Natale

Subject: RE: DOH Clean Air Branch Comments on Draft EA for Anahola Kuleana Homestead Settlement Plan

From: Cab General <Cab.General@doh.hawaii.gov>

Sent: Tuesday, May 26, 2020 11:21 AM

To: Cachola, Julie-Ann <julie-ann.cachola@hawaii.gov>; Kawika McKeague <kawikam@g70.design>

Subject: DOH Clean Air Branch Comments on Draft EA for Anahola Kuleana Homestead Settlement Plan

Aloha

Thank you for the opportunity to provide comments on the subject project.

Please see our standard comments at:

<https://health.hawaii.gov/cab/files/2019/04/Standard-Comments-Clean-Air-Branch-2019.pdf>

Please let me know if you have any questions.

Barry Ching
Clean Air Branch
Hawaii Department of Health
(808) 586-4200

EXHIBIT "C"

**Standard Comments for Land Use Reviews
Clean Air Branch
Hawaii State Department of Health**

If your proposed project:

Requires an Air Pollution Control Permit

You must obtain an air pollution control permit from the Clean Air Branch and comply with all applicable conditions and requirements. If you do not know if you need an air pollution control permit, please contact the Permitting Section of the Clean Air Branch.

s

Includes construction or demolition activities that involve asbestos

You must contact the Asbestos Abatement Office in the Indoor and Radiological Health Branch.

Has the potential to generate fugitive dust

You must control the generation of all airborne, visible fugitive dust. Note that construction activities that occur near to existing residences, business, public areas and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne, visible fugitive dust. The plan, which does *not* require Department of Health approval, should help you recognize and minimize potential airborne, visible fugitive dust problems.

Construction activities must comply with the provisions of Hawaii Administrative Rules, §11-60.1-33 on Fugitive Dust. In addition, for cases involving mixed land use, we strongly recommend that buffer zones be established, wherever possible, in order to alleviate potential nuisance complaints.

You should provide reasonable measures to control airborne, visible fugitive dust from the road areas and during the various phases of construction. These measures include, but are not limited to, the following:

- a) Planning the different phases of construction, focusing on minimizing the amount of airborne, visible fugitive dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;
- b) Providing an adequate water source at the site prior to start-up of construction activities;
- c) Landscaping and providing rapid covering of bare areas, including slopes, starting from the initial grading phase;
- d) Minimizing airborne, visible fugitive dust from shoulders and access roads;
- e) Providing reasonable dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
- f) Controlling airborne, visible fugitive dust from debris being hauled away from the project site.

If you have questions about fugitive dust, please contact the Enforcement Section of the Clean Air Branch

| | |
|--|---|
| Clean Air Branch (808) 586-4200 cab@doh.hawaii.gov | Indoor Radiological Health Branch (808) 586-4700 |
|--|---|

April 1, 2019

EXHIBIT "C"

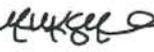


STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

June 12, 2020

REF: RFD.5370.2

TO: Kawika McKeague, AICP, Principal
Group 70 International, Inc.

FROM: M. Kaleo Manuel, Deputy Director 
Commission on Water Resource Management

SUBJECT: Draft Environmental Assessment (DEA) Anahola Kuleana Homestead Settlement Plan, Anahola
and Kamalomaloo Ahupuaa, Koolau District, Kauai

FILE NO.: RFD.5370.2
TMK NO.: (4) 4-8-002:001; 003:006; and (4) 4-7-002:004 (por.)

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://dlnr.hawaii.gov/cwrn>.

Our comments related to water resources are checked off below.

1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EAP as having high water efficiency can be found at <http://www.epa.gov/watersense>.
5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://planning.hawaii.gov/czm/initiatives/low-impact-development/>
6. We recommend the use of alternative water sources, wherever practicable.
7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/green-business-program>.
8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at

EXHIBIT "C"

http://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf.

- 9. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.
 - 10. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
 - 11. A Well Construction Permit(s) is (are) are required before the commencement of any well construction work.
 - 12. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
 - 13. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
 - 14. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
 - 15. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a steam channel.
 - 16. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
 - 17. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
 - 18. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.
- OTHER: The projected water demands for the project, both potable and non-potable, should be identified and the calculations used to estimate demands should be provided. Water conservation and efficiency measures to be implemented should also be discussed. The report should discuss the 2017 State Water Projects Plan, which was updated exclusively for DHHL lands and water needs, and the degree to which this proposed project is consistent with the 2017 study.

If you have any questions, please contact Lenore Ohye of the Planning Branch at 587-0216 or Dean Uyeno of the Stream Protection and Management Branch at 587-0234.

DAVID Y. IGE
GOVERNOR



CURT T. OTAGURO
COMPTROLLER
AUDREY HIDANO
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

(P) 20.073

MAY 15 2020

Mr. Kawika McKeague, AICP, Principal
G70
111 South King Street, Suite 170
Honolulu, Hawaii 96813

Dear Mr. McKeague:

Subject: Draft Environmental Assessment
Anahola Kuleana Homestead Settlement Plan
Anahola and Kamalomaloo Ahupuaa, Koolau District, Kauai
TMK: (4) 4-8-002:001; 003:006; and (4) 4-7-002:004 (por.)

Thank you for the opportunity to provide comments for the subject project. We have no comments to offer at this time, as the subject project does not appear to directly impact any of the Department of Accounting and General Services' managed facilities or properties.

If you have any questions or require further information, please call Mr. Dennis Chen of the Public Works Division at 586-0491.

Sincerely,

CHRISTINE L. KINIMAKA
Public Works Administrator

DC:mo

EXHIBIT "C"



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 28, 2020

LD 497

MEMORANDUM

TO: **DLNR Agencies:**
 ___ Division of Aquatic Resources
 ___ Division of Boating & Ocean Recreation
X Engineering Division (via email: *DLNR.Engr@hawaii.gov*)
X Division of Forestry & Wildlife
 ___ Division of State Parks
X Commission on Water Resource Management (via email: *DLNR.CWRM@hawaii.gov*)
 ___ Office of Conservation & Coastal Lands
X Land Division – Kauai District (via email: *DLNR.Land@hawaii.gov*)
X Historic Preservation (via email: *DLNR.Intake.SHPD@hawaii.gov*)

FROM: Russell Y. Tsuji, Land Administrator *Russell Tsuji*

SUBJECT: **Anahola Kuleana Homestead Settlement Plan,
Draft Environmental Assessment (DEA)**

LOCATION: Anahola and Kamalomalo'o Ahupua'a, Ko'olau District, Island of Kauai
 TMK: (4) 4-8-002:001 (por.), 4-8-003:006 (por.); and (4) 4-7-002:004 (por.)

APPLICANT: **Group70 International, Inc., on behalf of the State of Hawai'i
Department of Hawaiian Home Lands**

Transmitted for your review and comment is information on the above-referenced subject. The DEA was published on May 08, 2020 in the Office of Environmental Quality Control's periodic bulletin, The Environmental Notice, at the following link:

http://oeqc2.doh.hawaii.gov/The_Environmental_Notice/2020-05-08-TEN.pdf

Please submit any comments to the Land Division via email at DLNR.Land@hawaii.gov by **June 04, 2020**. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Barbara Lee via email at barbara.j.lee@hawaii.gov. Thank you.

- () We have no objections.
- () We have no comments.
- (X) Comments are attached.

Signed: *nr*
 Print Name: Brian J. Neilson
 Division: Division of Aquatic Resources
 Date: Jun 4, 2020

Attachments
Cc: Central Files

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 96813

Date: 6-3-2020

DAR # LD497

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORY PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

MEMORANDUM

TO: Brian J. Neilson
DAR Administrator

FROM: Heather Ylitalo-Ward, PhD, Aquatic Biologist

SUBJECT: Anahola Kuleana Homestead Settlement Plan Draft Environmental
Assessment (DEA)

Request Submitted by: Russell Y. Tsuji, Land Administrator

Location of Project: Anahola and Kamalomalo'o Ahupua'a, Ko'olau District, Island of Kauai

Brief Description of Project:

This Draft Environmental Assessment provides information on the potential impacts of a proposed housing development in Anahola. The Department of Hawaiian Home Land (DHHL) is proposing the Anahola Kuleana Homestead Settlement Plan to offer 110 homestead lots (14 Pastoral and 101 Subsistence Agriculture) on 432 acres on the Island of Kaua'i.

Comments:

No Comments Comments Attached

Thank you for providing DAR the opportunity to review and comment on the proposed project. Should there be any changes to the project plan, DAR requests the opportunity to review and comment on those changes.

Comments Approved:  Date: Jun 4, 2020
Brian J. Neilson
DAR Administrator

EXHIBIT "C"

DAR# LD497

Brief Description of Project

As a nontraditional program, the Kuleana Homestead Program places responsibility for development of infrastructure in the hands of native Hawaiian beneficiaries. This arrangement provides beneficiaries land within a shorter time frame than the traditional DHHL awarding process, as well as the opportunity to create a new self-sufficient community. The Project is proposing the following DHHL land uses: Subsistence Agriculture, Pastoral, Community Use and Special District. These uses are intended to integrate the Settlement Plan area with the Anahola Town Center to create an intact contemporary ahupua'a.

DAR# LD497

Comments

The proposed project should not have direct impacts to aquatic resources in the area, as long as Best Management Practices are followed that minimize erosion and surface runoff from construction into neighboring stream systems. DAR would like to suggest erosion control and LBSP barrier measures at all of the proposed project sites where there is the opportunity for sediment discharge into nearby waters (e.g. any site where there will be excavation, grading, sediment/pollutant producing activities). The measures would include any type of barrier (e.g. sediment fences, silt screens, bags, environmental socks, petroleum absorption diapers) that limits the amount of sediment or LBSP to the maximum extent practicable.

Thank you for providing DAR the opportunity to review and comment on the proposed project. Should any changes be made to the project, DAR requests the opportunity to review and comment on the changes.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:

LUD – 4 4 8 002 001 etc DEA
Anahola Kuleana Homestead ID 5133

May 27, 2020

Mr. Kawika McKeague, AICP
Principal
G70
111 South King Street Suite 170
Honolulu, Hawaii 96813
Email: DHHLAnahola@g70.design

Dear Mr. McKeague:

Subject: Draft Environmental Assessment (DEA)
Anahola Kuleana Homestead Settlement Plan
Anahola and Kamalomalo'o Ahupua'a, Ko'olau District, Kaua'i
TMK (4) 4-8-002: 001, 003, 006 and (4) 4-7-002: 004 (portion)

Thank you for allowing us the opportunity to provide comments for the subject DEA.

The proposed project is located in the critical wastewater disposal area as determined by the Kauai Hawaii County Wastewater Advisory Committee. As connection to the County of Kauai's sewer system is not available, domestic wastewater generated by the project shall be collected, treated and disposed of in accordance with Hawaii Administrative Rules (HAR), Chapter 11-62, "Wastewater Systems."

The subject DEA, Section 2.1, Description of the Project specifies that: 101, two (2) acres subsistence agriculture lots; 14, ten (10) acres pastoral lots; and, 28 acres for community use will be are presently planned for the proposed project. The DEA, Section 3.10.2, p. 3-27 specified that the proposed project development density will be two (2) acres per dwelling unit and that individual wastewater systems may be utilized. Alternatively, a cluster wastewater treatment system was also mentioned as a possible consideration for wastewater treatment. The DEA also cited that commercial kitchens are being considered in the planned community areas.

In accordance with HAR, Section 11-62-31.1(a)(1)(B), individual wastewater systems may temporarily be used in lieu of wastewater treatment works where the total development of an area exceed fifty single family residential lots or exceed fifty dwelling units provided that the proposed project development density of two (2) acres per dwelling unit is adhered to. However, the reuse of effluent for irrigation from individual wastewater systems is currently not allowed under HAR, Chapter 11-62.

EXHIBIT "C"

Mr. Kawika McKeague

May 27, 2020

Page 2

A cluster wastewater treatment system which serves more than two (2) dwellings or more than a total of five (5) bedrooms, shall be required to comply with applicable provisions of HAR, Chapter 11-62, Subchapter 2, Wastewater Treatment Works. A wastewater treatment system which serves a commercial kitchen or kitchens in the planned community areas which treats a design wastewater flow of more than 1,000 gallons per day shall also comply with the requirements under HAR, Chapter 11-62, Subchapter 2, Wastewater Treatment Works. In addition, treated effluent and its' use shall comply with applicable requirements under HAR, Chapter 11-62, Subchapter 2 and the Department of Health's "Reuse Guidelines" Volumes 1 and 2.

Please be informed that the proposed wastewater systems for the subdivision/development may have to include design considerations to address any effects associated with the construction of and/or discharges from the wastewater systems to any public trust, Native Hawaiian resources or the exercise of traditional cultural practices. In addition, all wastewater plans must conform to applicable provisions of the Hawaii Administrative Rules, Chapter 11-62, "Wastewater Systems," and the Department of Health's "Reuse Guidelines" Volumes 1 and 2.

Should you have any questions, please call Mr. Mark Tomomitsu of my staff at 586-4294.

Sincerely,



SINA PRUDER, P.E., CHIEF
Wastewater Branch

LM/MST:lmj

c: Ms. Lori Vetter, WWB-Kauai, via email

EXHIBIT "C"



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
DIRECTOR

Deputy Director
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:
DIR 0443
HWY-PS 2.3037

June 10, 2020

Mr. Mark Kawika McKeague
Principal
Group 70 International, Inc.
111 South King Street, Suite 170
Honolulu, Hawaii 96813

Dear Mr. McKeague:

Subject: Draft Environmental Assessment and Traffic Assessment
Anahola Kuleana Homestead Masterplan – Anahola, Kauai, Hawaii
Tax Map Key Nos.: (4) 4-8-002: 001, 4-8-003: 006, (4) 4-7-002: 004

Thank you for your letter dated May 5, 2020 to review the subject project on the preparation of a Draft Environmental Assessment (DEA) required by Chapter 343 Hawaii Revised Statutes, due to the use of State lands and State funds.

The proposed 462-acre settlement owned by The Department of Hawaiian Home Lands consists of 101 2-acre rural lots with residential dwellings, a total of 14 10-acre Pastoral lots, as well 28 acres to be used as parks, community centers, agricultural uses and farmer markets on the remainder portions of the land. The settlement serves lease beneficiaries for 99 years.

The project site appeared to have 2 access points approximately 1.3 miles from the State Kuhio Highway (Route 56) via Kealia Road, a County roadway.

The Hawaii Department of Transportation has the following comments:

1. A Traffic Assessment or Traffic Impact Analysis Report should be included in the Final Environmental Assessment and should be prepared by a Professional Engineer with State license and traffic expertise.
 - 1.1. The study should clarify and identify the primary and secondary access points at the site.
 - 1.2. The study should provide an analysis to identify any project impacts to the State Kuhio Highway, as well as any mitigation measures that may be required.

EXHIBIT "C"

Mr. Mark Kawika McKeague
June 10, 2020
Page 2

HWY-PS 2.3037

2. The DEA and the Traffic Study should include a discussion on the anticipated uses of the 23 acres of land set aside for community centers, agricultural and cultural uses opened to the general public, in particular, the expected days and times or frequency to be used for high-volume public gatherings and events.

If you have any questions, please contact Jeyan Thirugnanam, Systems Planning Engineer, Highways Division, Planning Branch at (808) 587-6336 or by email at jeyan.thirugnanam@hawaii.gov. Please reference file review number PS 2020-073.

Sincerely,



JADE T. BUTAY
Director of Transportation

c: Office of Environmental Quality Control

EXHIBIT "C"

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

June 7, 2020

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Log No. 2660

Kawika McKeague
G70
111 South King Street, Suite 170
Honolulu, HI 94813

Dear Mr. McKeague:

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) has received your notice of availability for the Anahola Kuleana Homestead Settlement Plan Draft Environmental Assessment (DEA) for Hawaiian Home Lands off Keālia Road in Anahola and Kapa'a on the island of Kaua'i, TMKs: (4) 4-8-002:001 (por.), (4) 4-8-003:006 (por.), and (4) 4-7-002:004 (por.). The proposed project consists of the development of 462 acres of former agricultural and unimproved lands into homestead lots for residential and subsistence settlement. Proposed work will vary depending on the individual lessees but may include clearing of invasive vegetation, construction of homes and other structures, installation of utilities, roads, or renewable energy facilities, landscaping, and farming.

We appreciate the inclusion of mitigation measures in the DEA intended to avoid construction and site clearing impacts to the State listed Hawaiian Hoary Bat or 'Ōpe'ape'a (*Lasiurus cinereus semotus*).

The DEA states there will be no night work during the seabird fledgling season from September 15 through December 15, the period when young seabirds take their maiden voyage to the open sea, to avoid grounding of birds disorientated from artificial lighting. We also recommend the Department of Hawaiian Home Lands require all beneficiaries at the site to follow seabird friendly lighting guidelines for the homesites, community centers, and other facilities that may require nighttime lighting. There are known colonies of protected seabirds in the Forest Reserves mauka of the proposed project site. DOFAW recommends that all lights be fully shielded and downward facing to minimize impacts, and streetlights should be full cut-off. For illustrations and guidance related to seabird-friendly light styles that also protect the dark, starry skies of Hawai'i please visit: <https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>.

The fauna survey in the DEA notes the occurrence of the Hawaiian Goose or Nēnē (*Branta sandvicensis*) transiting the project site. While the DEA identifies that the Nēnē has been downlisted to threatened under the Federal Endangered Species Act, the species remains listed as endangered under the State of Hawaii endangered species law, codified in Chapter 195D, Hawaii Revised Statutes. A construction barrier should be installed to prevent Nēnē from entering the construction zone.

EXHIBIT "C"

Although the DEA does not identify any other State listed waterbird species at the project site, the Hawaiian Duck (*Anas wyvilliana*), Hawaiian Stilt (*Himantopus mexicanus knudseni*), Hawaiian Coot (*Fulica alai*), and Hawaiian Common Gallinule (*Gallinula chloropus sandvicensis*) have the potential to occur, for instance, if pooled water forms, or the reservoirs or irrigation system were to be improved. It is against State law to harm or harass these species. If any of these species are present during construction activities, then all activities within 100 feet (30 meters) should cease, and the bird should not be approached. Work may continue after the bird leaves the area of its own accord. If a nest is discovered at any point, please contact the Kaua'i DOFAW Office at (808) 274-3433.

DOFAW is concerned about attracting vulnerable birds to areas that may host nonnative predators such as cats and rodents. We recommend taking action to minimize predator presence; remove cats, place bait stations for rodents, and provide covered trash receptacles.

To prevent the spread of Rapid 'Ōhi'a Death (ROD), if 'ōhi'a trees are present and will be removed, trimmed, or potentially injured DOFAW requests that the information and guidance at the following website be reviewed and followed: <https://cms.ctahr.hawaii.edu/rod>.

DOFAW recommends minimizing the movement of plant or soil material between worksites, such as in fill. Soil and plant material may contain invasive fungal pathogens, vertebrate and invertebrate pests (e.g. Little Fire Ants), or invasive plant parts that could harm our native species and ecosystems. We recommend consulting the Kaua'i Invasive Species Committee at (808) 821-1490 in planning, design, and construction of the project to learn of any high-risk invasive species in the area and ways to mitigate spread. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species. Gear that may contain soil, such as work boots and vehicles, should be thoroughly cleaned with water and sprayed with 70% alcohol solution to prevent the spread of Rapid 'Ōhi'a Death and other harmful fungal pathogens.

We recommend that you refer to www.plantpono.org for guidance on selection and evaluation for landscaping plants.

We appreciate your efforts to work with our office for the conservation of our native species. Should the scope of the project change significantly, or should it become apparent that threatened or endangered species may be impacted, please contact our staff as soon as possible. If you have any questions, please contact Lauren Taylor, Protected Species Habitat Conservation Planning Coordinator at (808) 587-0010 or lauren.taylor@hawaii.gov.

Sincerely,



DAVID G. SMITH
Administrator



DEPARTMENT OF PLANNING
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHILIG, MANAGING DIRECTOR

KA'ĀINA S. HULL
DIRECTOR

JODI A. HIGUCHI SAYEGUSA
DEPUTY DIRECTOR

G70
111 South King Street, Suite 170
Honolulu, HI 96813
Attn: Kawika McKeague, AICP, Principal

RE: DHHL Anahola Kuleana Homestead Settlement Plan Draft Environmental Assessment TMK (4)-4-8-002:001, 003:006, and (4)-4-7-002:004 (por.), Ko'olau District on the island of Kaua'i

Dear Mr. McKeague

Thank you for the opportunity to review the Draft Environmental Assessment (DEA) for the Anahola Kuleana Homestead Settlement Plan. According to the DEA, the plan aims to establish an Anahola Kuleana Homestead Settlement by subdividing a portion of the land owned by the Department of Hawaiian Home Lands in the Anahola region. The subdivision will include 101 two-acre subsistence agricultural lots, 14 ten-acre pastoral lots, and 28 acres for community use.

Pursuant to the HHCA §206, Hawaiian Home Lands are not subject to County zoning or other land use controls. However, the County encourages the Department of Hawaiian Home Lands to review the County's General Plan and use it as an aid during project development. The General Plan was updated in 2018 and is the County's guiding land use policy.

The Planning Department appreciates the DEA's assessment of consistency with the General Plan, Special Management Area, and Comprehensive Zoning Ordinance. We offer the following comments:

Kaua'i County General Plan (DEA, Section 5.9)

In addition to the five policies mentioned in the Section 5.9 of the DEA, the General Plan includes other objectives and actions that are relevant to the project. They are described below:

Preliminary Community Planning Guidance for East Kauai (General Plan, pg. 82)

The Wailua-Kapa'a Development Plan has not been updated in several decades. However, the General Plan contains preliminary guidance for community planning in East Kaua'i. One of the preliminary goals is to support DHHL's Island General Plan and Anahola Plan.

Housing Sector Objectives and Actions (General Plan, pg. 122)

The Housing Sector includes a "Hawaiian Home Lands" subsection. The subsection's objective is to support the Department of Hawaiian Home Lands in their mission to provide housing to their beneficiaries. The relevant action is to respect and support the mission of DHHL to prioritize planning for their beneficiaries.

www.kauai.gov

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Opportunity and Health for All Objectives and Actions (General Plan, pg. 200)

Community access is addressed in the “Improving Access to Subsistence and Recreational Activities” subsection. The subsection’s objective is to actively protect, restore, and increase access to the places where recreational and subsistence activity occur. Given the project’s proximity to State-owned land within the conservation district, there is an opportunity to further the following actions:

- Inventory and improve hunting access to Forest Reserves and government trails.
- Increase opportunities for access to subsistence hunting, fishing, and gathering.
- Focus trail acquisition in areas with low number of public trails compared to the population, including South Kaua‘i, Līhu‘e, Anahola, and Hanapēpē-Ēle‘ele.

East Kaua‘i Community Plan (DEA, Section 5.10)

No additional comments.

County of Kaua‘i Comprehensive Zoning Ordinance (DEA, Section 5.11)

In addition to being zoned Agriculture District by the County, the settlement area is also zoned Open District.

Special Management Area Rules and Regulations (DEA, Section 5.12)

No additional comments.

We hope these comments are useful as you finalize the environmental assessment for the Anahola Kuleana Homestead Settlement Plan. Should you have any questions, please contact the Planning Department at (808) 241-4050.

Mahalo,

Ka`aina Hull

Ka`aina Hull (Jun 10, 2020 16:39 HST)

Ka`aina A. Hull
Planning Director

DHHL Anahola Kuleana Homestead Settlement Plan DEA_06082020 (002)_MWedit

Final Audit Report

2020-06-11

| | |
|-----------------|--|
| Created: | 2020-06-11 |
| By: | Shelea Blackstad (sblackstad@kauai.gov) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAA4re_JIEzyYF1FGScw0l4zh7_MNhh0IYZ |

"DHHL Anahola Kuleana Homestead Settlement Plan DEA_06082020 (002)_MWedit" History

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ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI
DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

TROY K. TANIGAWA
ACTING COUNTY ENGINEER

MICHAEL H. TRESLER
ACTING DEPUTY COUNTY ENGINEER

May 27, 2020

G70
111 S. King Street, Suite 170
Honolulu, HI 96813
Attention: Kawika McKeague

SUBJECT: Draft Environmental Assessment (DEA) Anahola Kuleana Homestead Settlement Plan, Anahola and Kamalomalo'o Ahupua'a, Ko'olau District, Kaua'i, TMK (4) 4-8-002:001, 003:006, and (4) 4-7-002:004 (por.)
PW 05.20.034

Dear Mr. McKeague:

This is in response to a letter dated May 5, 2020 requesting the Department of Public Works review on the subject Draft Environmental Assessment (DEA). We have the following comments on following sections of the DEA:

1. Section 3.6 Natural Hazards, Floodplain and Tsunami Inundation. Although the settlement area is in Zone X on the FIRM, the project area contains valleys, gullies, and drainage ways that are subject to flooding.
2. Section 3.10.3 Anticipated Impacts and Proposed Mitigation. Amend the first sentence to read as follows: "At a minimum, proposed drainage improvements will be designed in compliance with the **Storm Water Runoff System Manual, July 2001.**"

Thank you for providing this opportunity for consultation on this pending project. We look forward to receiving a copy of the DEA. Should you have any questions, please contact Paul Togioka at (808) 241-4889.

Sincerely,

Michael Moule, P.E.
Chief, Engineering Division

MM/SI/PT
cc: Design and Permitting Section

www.kauai.gov

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EXHIBIT "C"



Barbara Natale

From: Daryl Date <DDate@kauai.gov>
Sent: Tuesday, May 12, 2020 7:57 AM
To: Anahola Project
Cc: Solomon Kanofo
Subject: Anahola Kuleana Homestead

Aloha Kawika

The Kauai Fire Department's main concerns for the Anahola Kuleana Homestead Settlement Plan is: Access and Water Supply.

After reading through the DEA, the mitigation measures proposed for wildfires sound reasonable. But, where will the water to fill the cisterns come from?

The issue of structure fires need more attention. It is imperative that water be made available.

Different options could be acceptable, such as standpipes from catchment tanks, residential sprinklers, water tenders.

The other concern is access. It sounds as if some roadways may be suited for only four wheeled drive vehicles.

Further discussions will need to be made with the Fire Department to resolve these life safety issues.

Mahalo,

Daryl Date

Fire Prevention Captain
County of Kauai
Piikoi Building
4444 Rice Street, Suite 315
Lihue, HI 96766
Phone: O:808-241-4982 C:808-645-6353
Fax: 808-241-6508



1481 South King St #448
Honolulu, HI 96814
PO Box 646
Anahola, HI 96703
151 North Carolina Ave SE
Washington DC 20020
info@hawaiianhomesteads.org

Date: June 5, 2020

To: Julie Cachola, Department of Hawaiian Home Lands

Fr: Robin Puanani Danner, SCHHA Chair & Kauai Elected Councilmember

Re: Anahola Kuleana Homestead Development Comments

The Sovereign Council of Hawaiian Homestead Associations (SCHHA), founded in 1987, is the largest and oldest national beneficiary organization dedicated to the Hawaiian Homes Commission Act. Our enrolled members of the SCHHA are HHCA beneficiaries on the waitlist residing in Hawaii and other states in the country, as well as lessees and successors of trust land awards located in all counties of Hawaii. We are registered with the federal Department of Interior as a Beneficiary Organization and Homestead Association, as defined by 43 CFR Part 47/48.

The SCHHA elects a governing council serving 4-year terms, with each councilmember elected by an island mokuuni. Our SCHHA governing council with a term of 2019 – 2023 is as follows:

Robin Puanani Danner, SCHHA Councilmember for **Kauai**
Sybil Lopez, SCHHA Councilmember for **Molokai**
Kekoa Enomoto, SCHHA Councilmember for **Maui/Lanai**
Richard Soo, SCHHA Councilmember for **Oahu**
Ron Kodani, SCHHA Councilmember for **Hawaii Island**

Mahalo for the invitation to comment on the Anahola Kuleana Homestead Development under consideration by the state of Hawaii, DHHL, on the island of Kauai, in the homestead region of Anahola. Please consider the following:

- A. DHHL has not awarded any meaningful farming or ranching awards on Kauai since 1986, 34 years ago. We would like the current decision makers at DHHL to consider this sobering reality, that beneficiaries on the Kauai waitlist, have waited 34 years, and so many that have died waiting.
- B. We request that DHHL consider the reality that those on the farming and ranching waitlist signed up as young adults, and many are now in their 50's, 60's, 70's and evening 80's. As such, we support every effort of DHHL that leads to the issuance of farming and ranching homestead leases to HHCA beneficiaries on the Kauai list, in an expedited manner.
- C. The Kuleana award approach is novel, as its only been executed one time in the history of the trust, at Kahikinui, Maui, over 20 years ago. DHHL staff, and HHCA beneficiaries in the Kahikinui project have been transparent about the pros and cons of the approach, and we mahalo the sharing SCHHA leaders have facilitated through virtual meetings with Anahola and Molokai leaders, directly with Kahikinui beneficiaries.

With these three important and sobering realities as the basis of our comments, we offer the following:

1. **No Delay – Expedite Awards.** The Kuleana award approach is but one option to issue lease awards. We request that DHHL consider issuing lease awards for the Anahola Kuleana Homestead Development either under the Kuleana administrative rules, or to issue through the decades practice of Undivided Interest awards, whichever will expedite awards to waitlist beneficiaries.

Founded in 1987, SCHHA is the oldest and largest national advocate dedicated to the Hawaiian Homes Commission Act of 1920, and is registered with the Department of Interior, exercising sovereignty & self-determination on Hawaiian Home Lands

EXHIBIT "C"

This comment is grounded in the SCHHA priority to immediately protect the rights of our waitlist beneficiaries and their legitimate successors, given the more than three decades lost to these beneficiaries in waiting for a farm or ranch award.

2. **Full Disclosure to Waitlist.** DHHL should fully disclose the condition of a “Kuleana” lot award, in plain language in notifications to the Kauai waitlist, leaving legalese for the actual lease document.

This comment is grounded in the SCHHA priority to ensure every waitlist beneficiary has every opportunity to freely exercise their choice to take an award under the “no infrastructure” approach of the DHHL Kuleana program.

3. **No Predetermined Kanawai.** DHHL should NOT predetermine, nor require any “kanawai” (DCC&Rs of a homeowners association), versus a homestead association. We recommend instead, that language be included in any lease instrument, a requirement of the lessee to be a member in good standing of a homestead association as defined by 43 CFR part 47/48 that has a direct kuleana to represent, govern and implement the priorities of the lessees in the Anahola Kuleana Homestead Development. Moreover, that a minimum set of responsibilities be identified and included in the lease instrument for the homestead association.

This comment is grounded in the tenets of the HHCA itself, which is purposed to advance self-determination by HHCA beneficiaries. Requiring every lessee awarded in this development to be a member in good standing, mandates a homestead association by and for HHCA beneficiaries, which is very different from a homeowners association with historically, DHHL has predetermined the criteria through staff or a consultant even before a single HHCA beneficiary is awarded a lot.

This comment also ensures that the lessees in this new project, are organized together in an organizational vehicle that achieves the goals of DHHL when it created the Kuleana award program some 20 years ago.

4. **No Predetermined Approval of Land Access.** We recommend that DHHL NOT predetermine State agency approval for access through our trust lands by anyone to access adjacent, non-trust lands, and instead include in the planning functions of the project, gated access points for such access. We recommend DHHL leave the kuleana and administration of any access to the governing homestead association to establish rules subject to the approval of the Hawaiian Homes Commission.

For example, it would be prudent for any access to these trust lands by hunters, to require registration with the homestead association described under item #3 above. Historically, misbehavior and disrespect of our trust lands and our beneficiaries stems from an evolved entitlement, especially by non-HHCA beneficiaries, that has led to terrorizing our lands with illegal trash dumping, race track motor cross and vehicle driving on our beach lands – all wholly unacceptable on our trust lands. Kuleana by the lessees of the development via a homestead association is a prudent approach to helping DHHL to steward and oversee abuses of our lands.

In short, while we support hunting in the example, we do not support unregulated and unfettered access through our lands to hunting areas by anyone claiming to be a hunter. There must be gates for the homestead association to control, if DHHL is to include or expend our HHCA beneficiary trust dollars to create access through our lands.

Moreover, once a homestead association for the project is identified, SCHHA will suggest to the leaders of that homestead association, to deny access to any hunter that is not a member of a “Kauai hunters organization” that is duly incorporated in the State of Hawaii, to further ensure that hunters hold themselves accountable for the behavior of their members.

Should you have any questions or require elaboration, please contact SCHHA at info@hawaiianhomesteads.org.

Founded in 1987, SCHHA is the oldest and largest national advocate dedicated to the Hawaiian Homes Commission Act of 1920, and is registered with the Department of Interior, exercising sovereignty & self-determination on Hawaiian Home Lands

EXHIBIT “C”

Barbara Natale

From: gerald gonsalves <gerald.gonsalves@gmail.com>
Sent: Tuesday, May 12, 2020 7:51 PM
To: Anahola Project
Subject: Re: ATTN; Bob Freitas / Those concerned:

Thank you for the information!
I'll check out the Environmental Assessment and the link that you sent.

Thanks,

On Tue, May 12, 2020 at 12:21 PM Anahola Project <DHHLAnahola@g70.design> wrote:

Aloha Gerald,

Yes, we are starting to get more calls and emails!

Have you had a chance to review the Environmental Assessment? It may be able to answer some of your questions, although there are still many that need to be answered, and won't be until later on in the process. Here is a link to the report: http://oeqc2.doh.hawaii.gov/Doc_Library/2020-05-08-KA-DEA-Anahola-Kuleana-Homestead-Settlement-Plan.pdf

There are some initial cost projections on page 2-14, Section 2.4. I don't know whether the roads outside the project area will be fixed – I believe those are county roads. But more on the interior roads is on page 3-29, Section 3.10.5.

Although you are right, a lot depends on the removal of the albizia trees, but DHHL could be awarding lots as early as 2022. Just a few more years! You can hang in there! Lol!

Thank you for all the questions, please let me know if you think of anything else.

Mahalo,

Barbara



Barbara Natale, AICP
Senior Planner

t 808.441.2117
e barbaran@g70.design

From: gerald gonsalves <gerald.gonsalves@gmail.com>
Sent: Monday, May 11, 2020 10:03 PM
To: Anahola Project <DHHLAnahola@g70.design>
Subject: Re: ATTN; Bob Freitas / Those concerned:

Those are all good questions. Have there been anyone else who are interested as I am?

It would be nice if other Hawaiian homesteaders are excited as I am. There were lots of homesteaders that attended the meeting for this project. Do you have any idea what the installation costs for water? electric? up by the Spalding Monument could be?

Will the road be fixed, talking about the pukas from Anahola to the project areas and the road from the Spalding Monument to the project

areas?

I guess nothing can be done until KIUC is completed with the removal of the albeza trees in the kuleana project areas. Do you have a future

date when you will be awarding lots up there? I'm not getting younger and I still got a gas in my tank to make it a go or not! So any pertinent

information from you will be greatly appreciated!

Thank you Barbara,

On Mon, May 11, 2020 at 3:12 PM Anahola Project <DHHLAnahola@g70.design> wrote:

Aloha Gerald,

Yes, thank you for your call, and I'm glad you were able to speak with Erna as well. From our conversation today, I wanted to add on a few more things that I will be looking into for you (so that I don't forget!):

- Is there a time limit for doing what you want to do on the property?
- How many buildings are allowed on the property, and what size?

Have a good day!

Mahalo,

Barbara



Barbara Natale, AICP
Senior Planner

t 808.441.2117

e barbaran@g70.design

From: gerald gonsalves <gerald.gonsalves@gmail.com>

Sent: Monday, May 11, 2020 2:56 PM

To: Anahola Project <DHHLAnahola@g70.design>

Subject: Re: ATTN; Bob Freitas / Those concerned:

Aloha Barbara,

I spoke to Erna Kamibayashi and she gave me what she knew about the Kuleana project in Kealia up Spalding Monument.

Thank you for answering some questions that I had on that kuleana homestead lot plan in Kealia and I look forward on your correspondence back to me.

A hui hou,

Pa'aluhi Gonsalves

On Mon, May 11, 2020 at 9:51 AM Anahola Project <DHHLAnahola@g70.design> wrote:

Aloha Gerald,

Mahalo for your comments. This email is to acknowledge your correspondence. We'll have a letter for you soon that will better address your concerns.

Thank you for your participation in the meetings as well as the Environmental Assessment process.

Mahalo,

Barbara



Barbara Natale, AICP
Senior Planner

t 808.441.2117

e barbaran@g70.design

From: gerald gonsalves <gerald.gonsalves@gmail.com>

Sent: Friday, May 8, 2020 5:14 AM

To: Anahola Project <DHHLAnahola@g70.design>

Subject: ATTN; Bob Freitas / Those concerned:

Anahola: Kuleana Homestead Lot Plan on Kaua'i Island

So it;s just for agriculture or pastoral. Plant a garden or raise sheep or cows.

Not for houses but I would like to look further about this plan.

How will the lots be assigned? Will there be access to any of the streams/resevoirs in that area to pump water? Will occupants be allowed to put

a fence and a garden shed?

But you cannot live up in the area specified as kuleana lands. Being so far away you are faced with thieves, animals since you're not there to monitor what you are planning to do

I did attend both meetings that were presented about this plan but nothing really rejuvenated me to jump up and do what I want to do. I am a lesse of Anahola

Barbara Natale

From: John Kaohelaulii <kauaitourdriver@yahoo.com>
Sent: Monday, June 1, 2020 2:27 PM
To: Anahola Project
Subject: Anahola Kuleana Homestead Settlement Plan Draft Environmental Assessment

6-1-2020

Subject: Commets Anahola Kuleana Homestead Settlement Plan Draft Environmental Assessment

Aloha Kawika,

Sorry, I was not able to make the January 2020 meeting due to a business trip, so I don't know if these items I'm about to comment on came up. I don't see it in the draft so I will submit my comments which I would have if I was able to make the meeting.

Other than my concerns, to me, this is a good Draft Environmental Assessment. I do like the cultural information included in this draft. Many I haven't seen before, so Mahalo.

A few things I believe that are missing from this Draft Environmental Assessment that I wish should have been included and would have made a big difference in the long term success of this project if that was its goal.

1). All the resources needed for the development of a homestead organization(s) to manage the area to insure long term success.

This draft talks about a homestead organization, but as an after thought. After the project is over. These should have been the first two questions that the DHHL staff and Group 70 should have asked in their meeting rooms in Honolulu.

- How can we provide the homestead organization(s) a realistic path for success.
- What resources does this area have that can support them to achieve sustainability for long term success.

For this project to be successful, it needs to start organizing a homestead organization(s) now while the beneficiaries are here in the room and not in 2022 after the fact.

There are questions, situations or issues that will pop up in the early stages of the project that would be good for the homestead organization to consult with before DHHL makes a final decision.

2). The impact of eco-tourism or small scale economic development to supplement the needed revenue to support the Homestead organization(s) and or Beneficiaries.

Anahola is the gateway to the North Shore of Kaua'i. A large percentage of the visitor population will pass through Anahola to get to that side of the island. This is a golden opportunity to take advantage of location, location location that is not in the Draft Environmental Assessment and is a huge asset for the beneficiaries.

During the Anahola Town Center meetings, the community I believe recognized the importance of this location and the opportunity to tap into the visitor industry, so I'm not sure why real eco-tourism was not addressed during the meetings or in this Draft Environmental Assessment.

Here are some of the eco-tourism activities I believe could happen and would have an impact to the environment.

- Zip line
- ATV
- Tubing (?)
- Hiking
- Biking
- Horseback riding
- Hawaiian based education
- Event hosting
- Kayaking
- Others I can't think of now

A homestead organization(s) could lease out these areas for these activities to beneficiary or Native Hawaiian small businesses thus creating opportunities for homesteaders in the area.

The revenues from these activities would go to help fund the homestead organization(s). This steady steam of revenue would help drive the long term success of this project and I believe lessen the financial burden for both DHHL and the lessees involved this project.

This is what I'm guessing for a volunteer organization is going to need to staff and manage the operation:

Association personal

| | |
|--------------------------------------|-----------------------|
| Executive Director | Salary & benefits 75k |
| Executive Assistant | Salary & benefits 50k |
| Secretary | Salary & benefits 40k |
| Maintenance Supervisor | Salary & benefits 50k |
| Maintenance crew 1 | Salary & benefits 40k |
| Maintenance crew 2 | Salary & benefits 40k |
| Total estimate \$ 395k a year | |

We will need seed money for bulk buying, matching funds for grants, insurance, education and others things. Estimate **\$400k a year.**

Based on a million dollar yearly operating budget, where is this money going to come from?

But with a little more planning and adding a true economic develop plan, this project has a real shot of being super successful.

3). The probability of drilling a well and building water storage for both the project area and the Anahola Town Center.

We are going to need a new source of drinking water for both lessees in this project, the Anahola Town Center and to support the current water system feeding the future homesteaders in Anahola.

I understand that the lessees involved in this project would have to get their own portable water, but that can be taxing and a challenge for many homesteaders. According to my research the average age for a agricultural lessee on the 2018 wait list will be about 53 and up and the age for a pastoral lessee will be about 62 and up. Not their fault for being in the Kupuna category its the department's fault.

But expecting Kupuna to haul drinking water when there are alternative resources that are available is not only cruel, but unrealistic.

Having an alternative source and delivery of drinking water not only eases the burden on lessees, but supports the eco-tourism opportunity I talked about earlier. I believe that this Draft Environmental Assessment is not addressing that challenge, but it should.

On page 1-15 of the draft. Figure 1-7 shows "Well & Tank site" (77) on the 1987 Anahola-Kamalomalo`o and Moloa`a Plan Use map. This well site is already recognized as a posable source of water and should have been investigated in the draft.

I also had a concern about the decommission of Keālia number 2 & Lower Anahola reservoirs at this time and should not take place until the newly organized Homestead organization(s) has determined that they will not need this reservoirs for irrigation or commercial use. But I just found out via The Garden Island Newspaper that work is beginning on the removal of those reservoirs. The Department should have waited.

I wish Group 70 designs would have consulted with the participants of the Anahola Town Center plan first before they went into the community. There still is a lot of good information in those brains.

Because the success for the future homestead organization(s) hasn't been fully addressed in this Draft Environmental Assessment, decommissioning these reservoirs has eliminated a posable vital revenue source not only for raising funding for the homestead organization(s) but the adequate delivery of irrigation to the lessees of this project.

I also understand that historic rainfall in the area should be enough, but the effects of global warming is right around the corner.

I believe that the key to the long term success for the beneficiaries and our families is the strength of the new Homestead Association(s).

For years I have been advocating to the Department about education and training for the community to develop a non profit(s) or Co-op(s) targeted for this area to help alleviate the funding and management of these lands knowing that this day would come. But my voice was never loud enough.

Now with Covid-19 sucking up the State funding and Hawai`i being way behind on the 2020 Census. Government funding is going to be challenging for the next few years, so outside funding for this project in 2022 is going to be critical for success.

DHHL has an opportunity to make something great happen here in Anahola that could be a model for future Homesteads. Not all homestead areas have this type of opportunity. The success of the Anahola Kuleana Homestead Settlement Plan could trickle down to the Anahola Town Center and open up the Makai lands for better community use.

The key will always be a strong sustainable homestead organization and in my opinion this kind of organization is missing in Anahola at this moment.

Please except my comments to the Anahola Kuleana Homestead Settlement Plan Draft Environmental Assessment

My name is John W. Kaohelaulii
Residential Lessee Anahola Hawaiian Homes since 1991
Participant in the Anahola Town Center process
Participant in the Kealia Water Study process
Participant in regional and island planning process
Applicant number 79 on the 2018 agricultural waitlist
PO Box 684

Anahola, HI. 96703

Aloha and Mahalo,
John W. Kaohelaulii

EXHIBIT "C"

Public comment to DHHL c/o Julie Cachola at julie-ann.cachola@hawaii.gov and CC the consultant c/o Kawika McKeague at kawikam@g70.design

From Nicolai Barca
808-443-9542 (cell)
6540 Olohena Road
Kapaa, HI 96746
barcaman419@gmail.com

To the Department of Hawaiian Home Lands, State of Hawai'i

This letter is my "public comment" regarding the Anahola Kuleana Homestead Settlement Plan-- Draft EA (AFNSI). I am pleased to see this project proceed and have ideas which could improve either this project or future projects within the Kamalomalo'o-Anahola area. My comments are regarding mauka access by the community, particularly in regard to hunting.

The Kealia Forest Reserve (adjacent State land, Hunting unit-C) used to be a popular pig hunting area but was blocked about 10 or 15 years ago when the department locked the gates (see maps). I am not completely familiar with why the gates were locked but understand the need to prevent theft, vandalism, rubbish dumping and trespassing as well as protect people from falling albizia; however the gates had the negative affect of disrupted community access to important hunting grounds. There used to be open access via the dirt roads through DHHL's lands (See maps I've made: 1. Former Hunter Access Through DHHL Land and 2. Access to Important Community Hunting Grounds). The State even maintained a *hunter checking station* at the bottom which documented over 300 hunting trips per year, showing it to be a popular hunting area. Road access made for an enjoyable hunting experience and allowed hunters to access all parts of the adjacent State forest reserve, including overnight trips to the most remote portions. After gates went up, they served to landlock large portions of the State hunting unit which are inaccessible via any other practical or legal route. The number of recorded hunter trips dwindled to just 30 trips per year. Most local hunters now had to know somebody to get access, even to the public hunting areas on State land, and most hunters decided to go elsewhere or perhaps even hunt less.

To be fair, I am told that about 20 hunters do in fact utilize the DHHL lands today. I do not mean to cause conflict or otherwise step on their toes, but rather to improve access to the neighbor State lands and provide opportunities for future generations of hunters.

The plan could be improved if it addressed mauka access to the neighboring State land, which lays adjacent and mauka to the proposed development. I see that "creating a mauka access plan design" was even a recommendation of the Cultural Impact Assessment (p.71).

To help, I have done my best to draft maps of some of the more important access routes to the State land using my own memory, GPS hunting tracks, road maps, old aerial imagery (1950s to present), and a little bit of my own intuition. These should be cross-checked with others who are more familiar with these lands. While the proposed plan does not involve these mauka access points directly (except in controlling access through the bottom), future lease boundaries further mauka could be drawn to allow vehicular access routes to as many of these access points as possible. Hunters generally like to have some space between each other, and the various access points would provide for this space.

I have been in contact with some from the Anahola and West Kauai Hawaiian Homesteader Associations and it has been mentioned that a possible solution could be for hunters to register with the kuleana homesteader association which would result from this project. This could allow for streamlined access by legitimate hunters while keeping out undesirables such as thieves, dumpers, tourists, and even hunters whose dogs are not trained to ignore livestock.

EXHIBIT "C"

I respectfully ask that as part of the development, hunter access routes be considered so that hunters, fishermen and other mauka users can once again drive through the DHHL property in order to access the neighbor State parcel. To be clear, this is NOT a request to hunt on DHHL itself but simply to pass through this property to hunt on the landlocked State lands adjacent and mauka of the DHHL parcels. There are no other practical access points to legally get to these lands.

Although all potential mauka access points are mauka of the proposed project, one access point is very close to the project area and could serve as an easy throughway for hunters to access some makai portions of the state land (See map: Mauka Access Suggestion). No extra development would be needed on the part of DHHL. The existing dirt road already has an existing parking room on a shoulder. All that would be needed is there to be no closed gates up until that point.

There are benefits to having better hunter access:

Lessees will be farming and the ability to efficiently control pigs is very important to farmers. All around Hawaii, people are struggling with pig damage. In many areas of Hawaii there is a shortage of wild forage from about Jan to May. Consequently, hungry pigs try their luck in adjacent farmlands and residential neighborhoods causing great damage. Hunting can pressure pigs to stay more in the forest, but there needs to be enough hunting pressure to effectively do so. When hunters chase or kill a pig, the rest of the pigs tend to stay away for a while, and when pigs return, the hunting effort can be repeated. It becomes very difficult to apply enough hunting pressure when there exists barriers-to-entry, such as required permission to enter through gates. When wild guava starts to drop its fruit (usually in summer through December) pigs prefer eating these sweet fruits so much that they hardly touch any other food except earthworms which they also eat daily for protein. But the pigs return each spring when hunters are again needed.

There are also benefits to the environment by having adequate hunter access. While pigs are fun game to hunt and are a resource as meat for the table, it must also be acknowledged that too high of a pig population can be a problematic source of erosion onto reefs and can harm native plants and animals. Too low a pig population and a valued resource becomes scarce. State hunting restrictions prevent this with bag limits and closed days. Hunters are crucial to managing these populations to a level which, ideally, maximizes the benefits while minimizing any drawbacks. Without enough hunters, problems commonly occur.

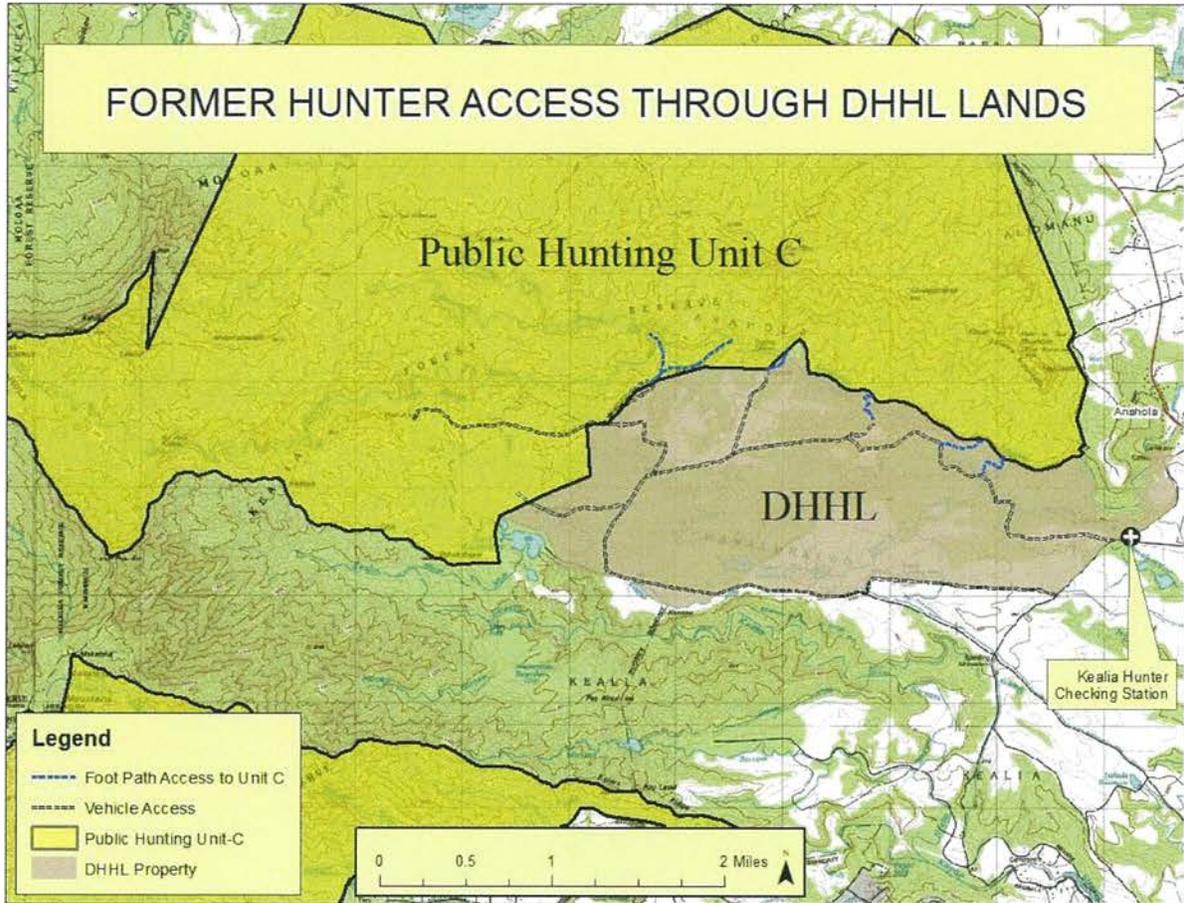
Mahalo for receiving my comments and I hope that these suggestions provide win-win solutions so that future generation of hunters will be able to enjoy these mauka resources the way we were able to.

Aloha,

Nicolai Barca
Kaua'i Hunter, Fisherman, and Conservationist.
808-443-9542 (cell)
6540 Olohena Road
Kapaa, HI 96746
barcaman419@gmail.com

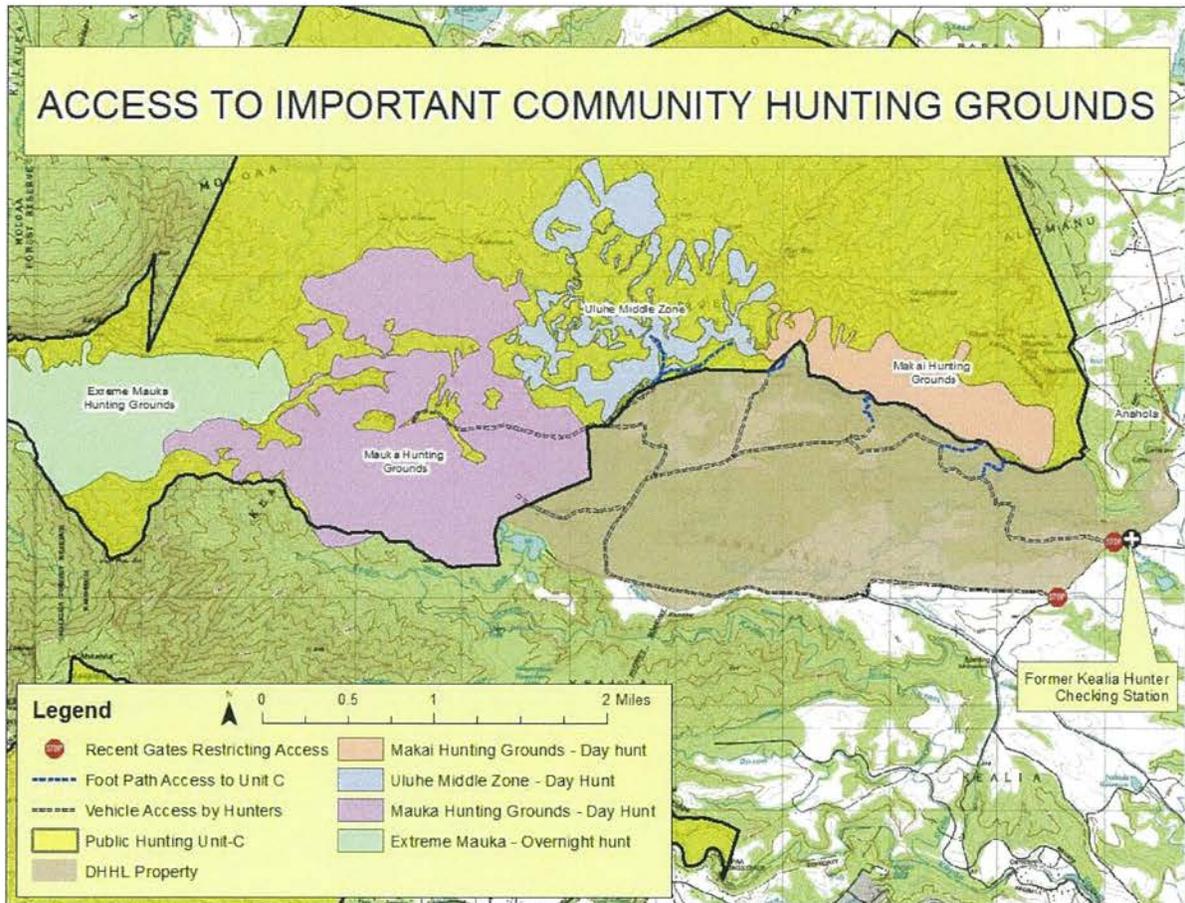
See attached maps:

EXHIBIT "C"

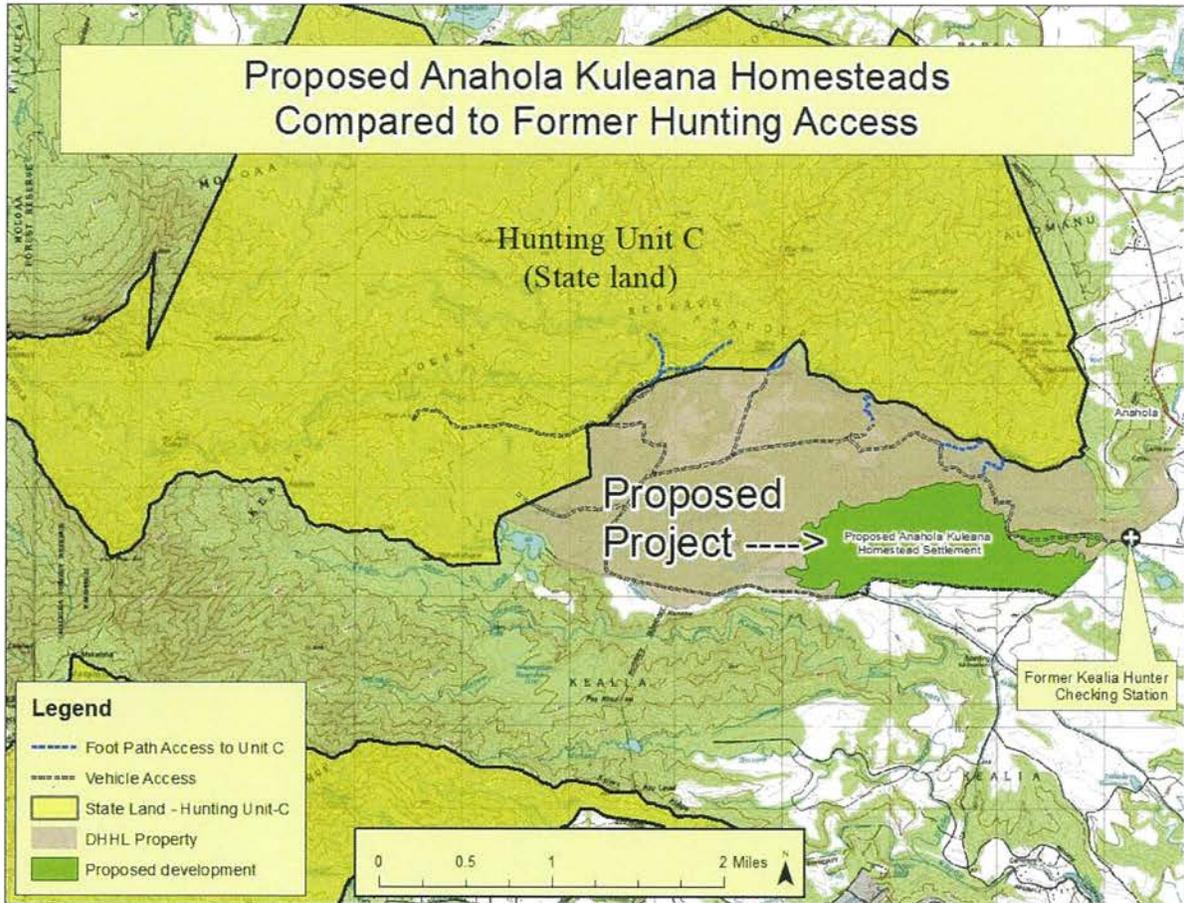


1. former hunter access through DHHL lands before gates were put up.

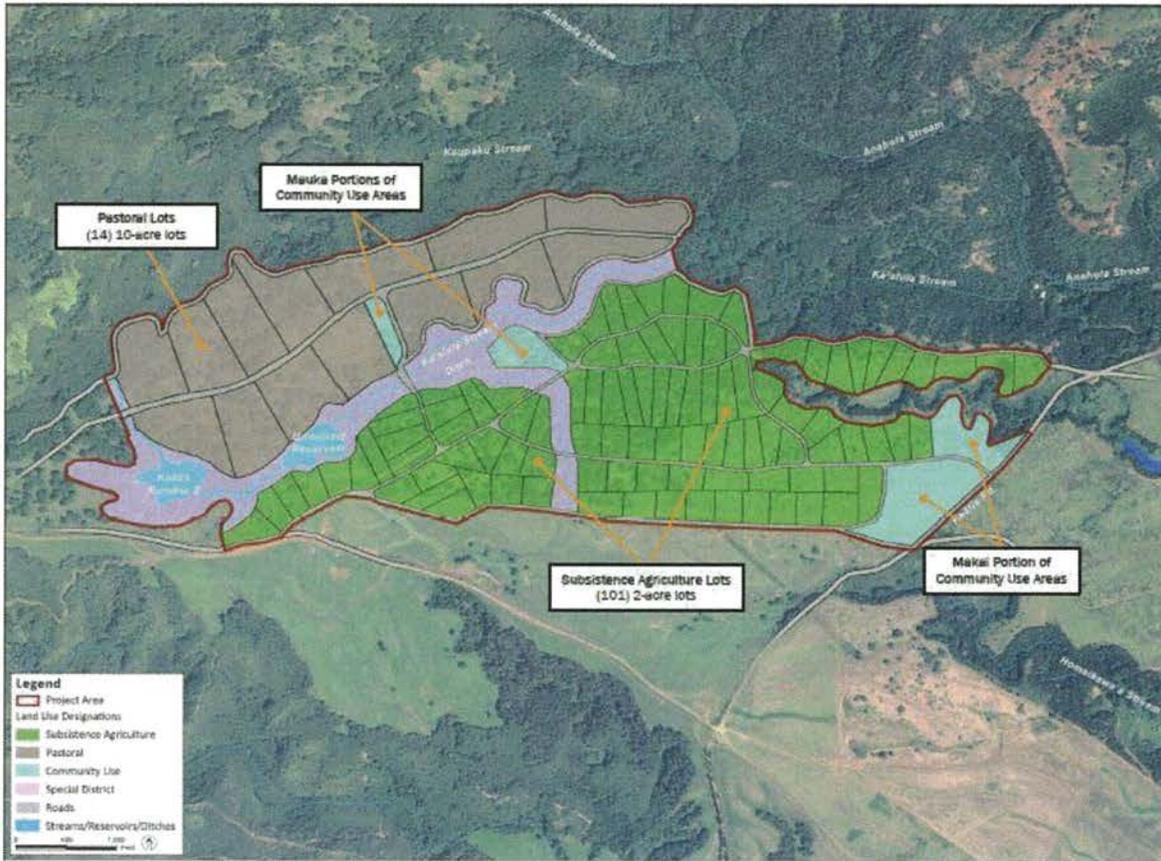
EXHIBIT "C"



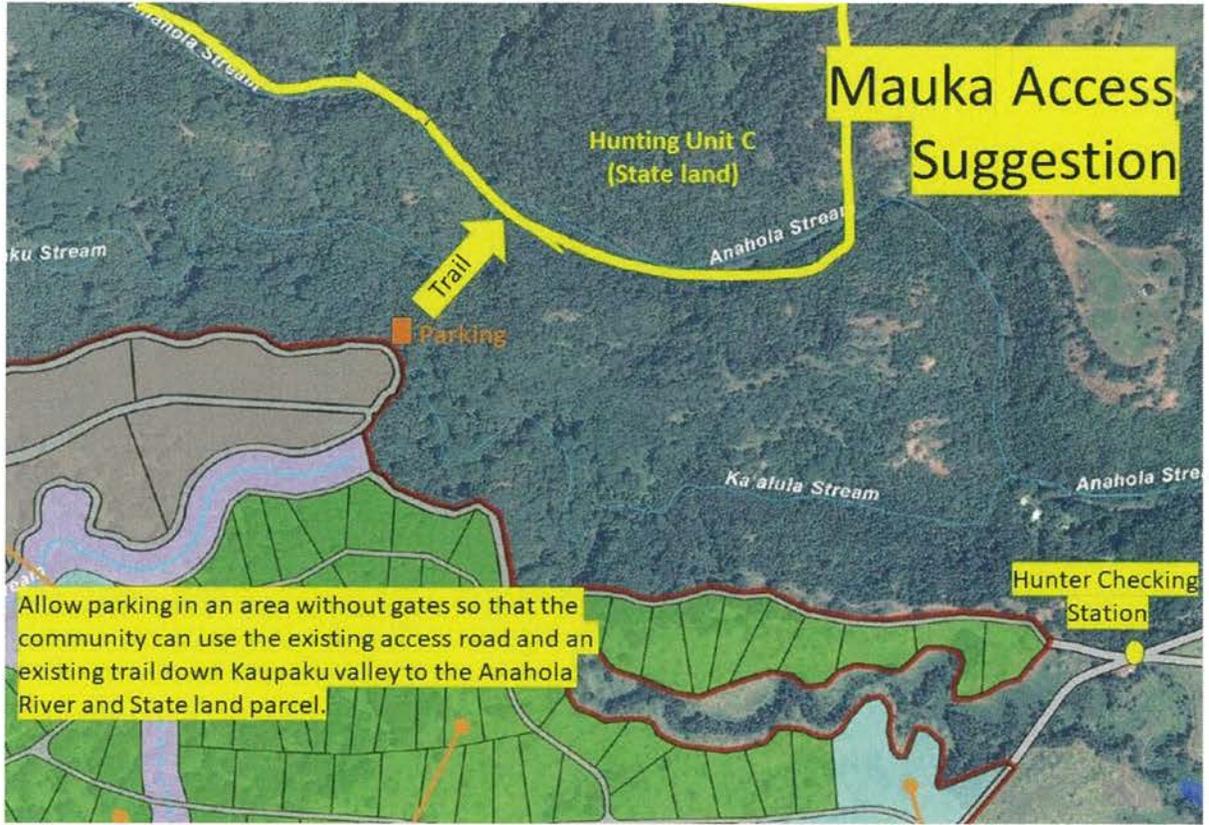
2. I made this map to show important hunting grounds. This is not meant to give out spots but rather to demonstrate why driving access to the top of the DHHL property was so important to hunters. Areas which are cut out from "important hunting grounds" are either very steep or solid uluhe fern which makes for poor pig habitat, or portions of unit-C which are simply not accessed from these routes.



3. Location of proposed Anahola Kuleana Homestead Settlement (green). Access routes both run through the proposed project area but no access points are directly within the proposed project. However, one access point is very close to it. See map 5 below.



4. Detailed map of the Settlement Plan



5. A suggested location for a parking and trail route to access the lowest part of hunting unit-C (State lands). There would need to be no gates up until at least the parking spot. It's only about 300 yards to the river. Consider a State easement.

Barbara Natale

From: Alston, Paul <paul.alston@dentons.com>
Sent: Wednesday, May 13, 2020 10:53 AM
To: Anahola Project
Cc: Tom McCloskey
Subject: Anahola Kuleana Homestead Settlement Plan

Attention: Kawika McKeague

Sir:

In Section 3 of your draft Environmental Assessment, you identify Cornerstone Holdings and the McCloskey family as the owners of the adjacent property in Kealia.

They sold the property more than two years ago. The new owner is an entity owned by Frank Vandersloot.

 **Paul Alston**
Hawai'i Managing Partner

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paul.alston@dentons.com
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EXHIBIT "C"

**HAWAIIAN HOMES COMMISSION
APRIL 19 & 20, 2021
INTERACTIVE CONFERENCE
TECHNOLOGY
9:30 A.M.**

**J – ITEMS
REQUESTS TO ADDRESS THE
COMMISSION**

Hawaiian Homes Commission

Meeting April 19, 2021

J Agenda Index

- 1. Bo Kahui**
- 2. Steven Kauai**
- 3. Matthew Kakalia**
- 4. Kekoa Enomoto**
- 5. Blossom Feiteira**
- 6. Liko Wallace**

From: Craig Bo Kahui <bokahui65@gmail.com>
Sent: Thursday, March 04, 2021 8:16 AM
To:
Subject: Re: [EXTERNAL] Request to be on J Agenda

Aloha Lea,
How many days before the deadline should the request be submitted? Maipoina.
Also, Can you place me on the April Commission hearing J Agenda.
We hope we can address the Commission on the issues of Housing.

My talking points are as follows;
Habitat FH- Kawaihae Build Delays
Village 4 Parks Development
Holualoa Water Development

Please advise.
Mahalo Nui
Bo Kahui



Talking points for DHHL Commissioners Meeting:

Habitat has been in the pre-development stage with 5 families for Kawaihae lots since 2017.

Kawaihae Project Timeline

December 2017 - DHHL Lease and NAHASDA contract of loan signed

January 2019 – requested revised budget due to construction cost increase

September 2019 – Budget increase approved

December 2019 – HPM sent plans to DHHL for review and approval to submit to the county

June 2020 - Per DHHL - NAHASDA is officially under new management and carefully monitored, therefore there are some changes we have to work with the (5) families and are required to revise the lease and loan docs.

July 2020 – Signed revised lease and loan docs mailed.

August 4, 2020 – Kawaihae docs are scheduled for recordation on AUGUST 11, 2020

August 11, 2020 – Per DHHL, NAHASDA can't locate the Environmental Review Record (ERR) for Kawaihae.... so they are holding all draws and builds until it is located.

March 9, 2021 - New plans are needed due to new electrical codes. What can be done to expedite this process? Construction cost continues to increase.

In closing...

The overall concern is no new families are in the pipeline for future builds with Habitat. Our goal is to build 10-15 homes per year with DHHL.

Of the 60 new homes, Habitat Hawaii Island has built, 40 of them are homes for beneficiaries on DHHL leasehold property.

In 2017, we expanded our geographic service area to include all of the Hilo side of Hawaii Island. Habitat has two staff members trained and certified to complete loan packages for USDA 502 loans, but no families to offer service too...

What is the plan and process for partnering with Habitat on Hawaii Island?

From: steven kauli <skauli2636@gmail.com>

Sent: Monday, March 15, 2021 1:43 PM

To: Duncan, Kaipo <kaipo.duncan@hawaii.gov>

Subject: [EXTERNAL] DHHL-Malama Anahola Presentation April Agenda 2021

Aloha e Kaipo,

This is Steven Kauli President of Malama Anahola, Vice President Wes Chow, Secretary Kamealoha Smith, Treasurer Kipukai Kualii, Frank Cummings Board Member.

I am reaching out to you and wanted to introduce myself along with our organization. I'm sure you are familiar with our Board Members working with them in the past and currently.

Our members are former homestead people who lived there before or living there now. Our ohana moved into Anahola in 1966 and continue to have our family home there.

Malama Anahola would like to be on the April DHHL agenda for a 10 minute power point presentation explaining who we are and our purpose. Our intention is mauka regarding the Albiza tree stump removal and the right of entry to the property.

Our mitigation plan is a result of DHHL not having a phase in program of 100% removal of the Albiza stumps and guinea grass.

Our presentation will outline our objective and action plan with the proper funding. I would appreciate any assistance to our request. Malama Anahola is a newly created 501-C/NHO/Duns & Bradstreet organization.

We are seeking an opportunity to Malama the area in keeping with the preservation of the aina. Looking forward to your response.

Respectfully,

Steven Kauli
President-Malama Anahola

From: dhhl.icro1@hawaii.gov
Sent: Tuesday, March 30, 2021 12:18 PM
To:
Subject: New submission from Submit Testimony (J-Agenda and Agendized Items)

Name

Matthew Kakalia

Email

mattkakalia02@gmail.com

Subject

Request to be on the J-Agenda

Message

To the Commissioners of the Department of Hawaiian Homelands;

Aloha and mahalo for this opportunity to address the Commission. My name is Matthew Kakalia and I live in Kealakehe, Kona. My father Derek Kakalia had a DHHL lease prior to passing away. He was very ill over the past several years to the point of hospitalization. His heart, kidneys and lungs shut down on him at Queens Hospital on January 31, 2021. I was not aware of the full scope of my father's affairs with the department and didn't realize that an eviction was in progress. I was advised by West Hawai'i District Manager, James Dupont, to communicate with Oahu regarding this matter because it is no longer in his control. Not knowing who to contact I reached out to Mr. Gilbert Fernandez who in turn directed me to the Commission as my father's lease had been terminated. As I mentioned, my father was very ill during the time that he would have been advocating to keep our family home. He struggled through severe diabetes and kidney issues. He also suffered 6 strokes which affected his brain function during this time. I am certain that if he was well we would not be in this situation. I understand that this may be an out of the ordinary issue, but I am asking for an opportunity to clear my father's debt with the department and keep our family home.

My father was orphaned since the age of 3 and raised by his family on homestead land in Waimanalo. My parents raised my sister and I on my grandmother's homestead lot in Pana'ewa before we moved to La'iohua. I always looked forward to raising my children in our family home where my sister and I grew up. My sister (who is in her last trimester of pregnancy), my daughter and her mother currently live in the home. I am at the house every day to mālama various kuleana on the property as the responsible party.

According to Mr. Dupont eviction procedures may be enforced anywhere from 2-6 months since the time we spoke in March. I am here to ask for the Commission's help in seeking options to keeping our family home where I can continue to provide a foundation of support for the well-being and future of our keiki.

Me ka ha'aha'a,
Matthew Kakalia

From: Kekoa <kenomoto1@hawaii.rr.com>
Sent: Friday, April 02, 2021 5:22 AM
To:
Cc:
Subject: Request two weeks in advance to address the Hawaiian Homes Commission - April 19, 2021

Aloha mai e Leah,

On behalf the Maui/Lana`i Mokupuni Council and Pa`upena CDC, I would like to RSVP to advocate live via Zoom at/after 11 a.m. at the Monday 4/19/21 Hawaiian Homes Commission meeting.

I will be addressing the Kahana Albinio statement via Toni Eaton 4/1/21 that a beneficiary organization (in contrast to nonbeneficiary entities) must apply for a land-use permit to homelands acreage through an unspecified DHHL land-use-request process to be announced at an unspecified time. The latter scenario reflects gate-keeping policies that contradict the five-page, 2002-22 DHHL General Plan (1) mission to deliver lands to native Hawaiians and (2) goals and objectives to

- . Provide agricultural and pastoral commercial leasing opportunities for beneficiaries.
- . Allow native Hawaiian use of natural resources on trust lands for traditional [ag] and cultural purposes.
- . Provide economic opportunities for beneficiaries within areas designated for their use.
- . Empower the homestead associations to manage and govern their communities.
- . Establish and implement a planning system that increases beneficiary participation in the development and use of Hawaiian home lands, and improves communications between DHHL and the beneficiary community.

Mahalo,

-`Anake Kekoa Enomoto
chairwoman of the board,

Pa`upena Community Development Corporation (www.paupena.org); 2019-23 president, SCHHA Maui/Lana`i Mokupuni Council, a consortium of 17 Hawaiian homelands entities;
2019-23 secretary, SCHHA Executive Council.

cell/text (808) 276-2713

Sovereign Council of Hawaiian Homestead Associations: Founded in 1987, SCHHA is the oldest and largest coalition of HHCA beneficiary homestead associations and leaders exercising sovereignty on the trust lands established under the federal Hawaiian Homes Commission Act (HHCA) of 1920.

Blossom Feiteira
Beneficiary Advocate/Applicant
P.O. Box 2963
Wailuku, Maui, Hawaii 96793
Via email: blossom96708@yahoo.com

J-5

April 13, 2021

Mr. William J. Aila, Jr.
Chairperson, Hawaiian Homes Commission

RE: TESTIMONY FOR ITEM J ON COMMISSION AGENDA
HAWAIIAN HOMES COMMISSION MEETING APRIL 19-20, 2021

Aloha Chairperson Aila and members of the Hawaiian Homes Commission;

Mahalo for the opportunity to once again sit before you to speak to several opportunities for the continuation of developing new relationships with beneficiaries of the Trust.

It has been a long 12 months without continued dialog with our Commission so I wanted to extend my appreciation to ICRO officer Cedric Duarte for making this happen!!

I also want to extend my sincere appreciation to you Mr. Chair and to the commitment of your amazing staff here at the department to stay the course. While things have been delayed due to the impact of COVID, the department continues in their efforts to serve our beneficiaries in all matters, and so for that mahalo for continuing to move our homestead projects forward.

NEW OPPORTUNITIES

For the past eight months, I have had the privilege of working with beneficiary leaders in Hana, Maui in addressing their desire to see homesteading opportunities in Wakiu. I have also had the privilege of speaking to beneficiary leaders in Keanae-Wailuanui on the same desires and seek opportunities for homesteading in their community.

I am happy to be able to inform you that Wakiu Community Development Corporation ("Wakiu CDC") has been formed as a Domestic Charitable Organization under the State of Hawaii, and its application for 501c3 status is currently under review with the IRS.

Na Moku Aupuni O Ko`olau Hui has had a long standing relationship with the Keanae-Wailuanui community and has spent the last two years in conducting surveys and meetings around Hawaiian Home Lands in their community. The result of their surveys has now led the community to begin their dialog directly with the department as their next step.

Malama Anahola is a community-based beneficiary organization formed on Kaua`i that sprung up as a result of community meetings with the department regarding the establishment of Kuleana

Homesteading opportunities. They are registered with both the State of Hawaii and with the IRS and is led by both applicants and lessees in Anahola. They have been working on a strategic plan with partnerships and programs that will provide opportunities to beneficiaries on the Kaua'i island residential and agricultural wait list.

Our efforts in Honokowai to establish an agricultural training center continues along with the establishment of a beneficiary driven commercial development in Pulehunui. We await the opportunity to pursue the necessary Right-Of Entry permit for these and for Wakiu CDC when the time is right.

I have had several conversations with both Planning Manager Andrew Choy and Julie-Ann Cachola on these opportunities and I believe we are ready to move forward to formalizing any relationships with the three organizations, and having more conversations on the Right of Entry requests.

CURRENT CONSIDERATIONS AND CONCERNS

Since 2018, I have advocated for the rescission of current vacant lot awards that have not been utilized by awarded lessees, particularly in Kahikinui and Keokea. As of late, the same concerns have been brought forth by Robin Newhouse in relation to the current status of those agricultural lots that have also been sitting empty and neglected by lessees who received their awards in 1986, and had access to their lots since 1999. With over 4,000 beneficiaries on the Maui Agricultural Wait list, and over 600 beneficiaries on the pastoral wait list, it seems wasteful to have these lots ready but not being utilized.

I understand the Commission's unwillingness to initiate lease cancellation hearings at anytime for any reason, however, I would say that to have the privilege of having a parcel of land available and not utilizing it in today's world is and should be unacceptable. With our current housing crisis and food sustainability challenges, these lots could and can play a role in addressing the needs of our beneficiaries as envisioned by Prince Kuhio. I would ask the Commission and the Chair to initiate proceedings that will put these lots in the hands of beneficiaries that would be able to use them.

COMPLIANCE AND ENFORCEMENT

Over the past few years, there have been issues and challenges being faced by our homestead communities. Primarily criminal activities that result in both physical and emotional harm to our lessees and their families. Continued notifications to the department has resulted in little to no acknowledgment or results, in large part to the inability of the department to take action via compliance and enforcement methods.

As I am told over the course of the years, "Why should I say anything to the department, they don't do anything", it has become the mantra of community members and leadership that has led to an even more concerning apathetic response, and an unwillingness to continue to document and file complaints.

Once particular instance occurred on Maui that resulted in the theft of over \$60,000 in materials and equipment that has had a severe economic impact in Keokea.

Keokea Hawaiian Homes Farmlot Community Association established the Keokea Marketplace. Through their efforts, they were able to raise the revenue needed to acquire and construct a meeting area, an area for tents and tables, a stage area to provide music, lectures and cultural talk story opportunities.

They also acquired equipment necessary for maintenance of area, including gas powered lawnmowers and weed eaters along with the necessary supplies.

The Association created a place where beneficiaries from the Keokea-Waiohuli communities could bring their produce and value added products to market. In addition, they also provided for workshops on farming, farming businesses and opportunities for keiki to learn more about farming. When the pandemic caused the shutdown of all businesses, Keokea put their equipment away in their container on property. When the shut down was lifted to a certain degree, they sought to re-open the marketplace. Their entire inventory of materials and equipment was stolen. Without any revenue from the marketplace, they are unable to replace the necessary items to re-open, impacting their ability to restore economic activities for the beneficiaries and the organization. In order for them to replace the tents, canopies, frames, tables and chairs that was stolen, in today's prices, 65,000 would be needed to purchase the necessary supplies and equipment taken. If there is any way the department can assist this community with accessing funding to replace what was stolen, this community could get back on their feet and begin to generate much needed revenue and increased opportunities.

A police report was generated, however follow up has been intermittent and only done when the Association makes the request.

As we seek more and more opportunities for homestead developments, it is of the utmost importance that the Commission and department seek ways to invest in the development of a robust Compliance and Enforcement Division and begin to address the issues impacting our homestead communities. It will be a long and expensive undertaking, but we need to start the process. Without that, we will see an increase in these illegal and criminal activities that will ultimately result in physical harm and property damage, along with communities that will no longer be communities.

RESOURCE MANAGEMENT ACTIVITIES

The vast trust resources under the Department of Hawaiian Homelands contain some of the most enriched shorelines in the state. Our forests contain some of the rarest flora and fauna that cannot be found anywhere in the world. The focus of the Department has been solely on homestead developments, but the Hawaiian Homes Commission Act provides for much more opportunities than just that.

Through proper resource management techniques blended with ancient wisdom and traditional philosophies, homestead communities, particularly those outside of the urban core, can host economic, conservation, agricultural, pastoral and aquacultural activities that can enhance and strengthen our resources.

While I know that funding sources for this kind of activity is currently outside of the Department's ability to address, I would ask the Commission and the department to begin to invest time with your beneficiary practitioners to begin developing a plan that can provide for opportunities that begin to malama our honua and create a place for the next generation to learn and benefit from. I speak about the need to remove and maintain the ungulate presence that has been decimating our forests and the aggressive fishing and taking along our shoreline areas. A short-term resolution needs to be implemented as quickly as possible to secure our mauka areas. A long-term resource management plan would be the next step in the preservation of these important areas and can play a crucial role in

restoring our watersheds and estuaries necessary to establishing self-sufficient and fully functioning communities.

Once again, Mr. Chair, mahalo for this opportunity to once again sit before the Commission and to speak on the many issues and opportunities.

Aloha,

Blossom Feiteira
Beneficiary Advocate

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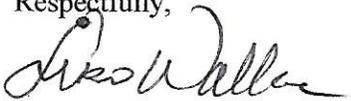
Aloha DHHL Commissioners,

Mahalo for this opportunity to provide testimony on behalf of the Nā'īwa Homestead Association. I would first like to express our gratitude for your help. DHHL staff has been very helpful in ensuring that this overdue project is moving forward and keeping our Association updated along the way.

While we recognize that the pandemic has put the State in desperate financial straits, and there is no doubt that this will have an impact to DHHL's budget, we know that the the mandate to fulfill the State's obligation to the Homestead Act to put Hawaiians back on our land doesn't go away. We urge the Commission and the Department to see that this project doesn't get delayed any longer and to please ensure necessary funding will be allocated to continue forward movement.

Please let us know how we can support this. Mahalo for your service to our people!

Respectfully,



Liko Wallace
President, Nā'īwa Homestead Association