

## **HAWAIIAN HOMES COMMISSION**

Minutes of April 19, 2021 via Interactive Conferencing Technology (ICT)-Zoom  
DHHL Main Office, Hale Ponoī, Kapolei, O‘ahu, Hawai‘i

Pursuant to proper call, the meeting of the Hawaiian Homes Commission was held via teleconference, moderated by Chairman William Ailā Jr., from Hale Ponoī, 91-5420 Kapolei Parkway, Kapolei, O‘ahu, Hawai‘i, beginning at 9:30 a.m.

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

**COUNSEL** Katie Lambert, Deputy AG (via ICT)

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

### **ORDER OF BUSINESS**

#### **CALL TO ORDER**

Chair Ailā called the meeting to order at 9:36 a.m. nine (9) members were present via videoconference at roll call.

Pursuant to the Governor’s 19th Proclamation, related to COVID-19 Emergency, Hawai‘i Revised Statutes (“HRS”) Chapter 92 regarding public agency meetings and records are currently suspended through 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.

Chair Ailā congratulated Commissioners Ka‘apu, Kaleikini, and Neves for getting through the confirmation process successfully at the State Legislature and thanked them for their service to the beneficiaries of the Hawaiian Trust.

Chair Ailā announced that the Department would hold a Community Meeting tonight at 6:30 p.m. highlighting Moloka‘i’s concerns. Participants who want to join can click on the link on the DHHL Website.

Today's Executive Session and lunch break will be held today at noon.

## **APPROVAL OF AGENDA**

### MOTION/ACTION

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

## **APPROVAL OF MINUTES FOR MARCH 15 & 16, 2021 – Regular, and MARCH 23, 2021 – Special**

Commissioner Teruya had a question on page 3, paragraph 4, J. Garcia stated he preferred to discuss this in the executive session. Commissioner Teruya was waiting for a follow up this item. Chair Ailā stated he recalled not having that question in the executive session. Commissioner Teruya asked for that to be followed up on. On page 26, staff Cachola stated that the Beneficiary Consultation would be scheduled in April 2021; Commissioner Teruya asked for the dates. Chair Ailā stated they will follow up as they are still waiting on the Developer's information and the specifics. As soon as that is done, the Department will schedule the appropriate Beneficiary Consultation meetings. Commissioner Teruya stated the last question is on page 27, paragraph 2, she requested the meeting to be scheduled openly at the Ranch and follow up on the Department of Health to agree if the Beneficiary Consultations could be openly done. Chair Ailā stated once the Department scheduled the Beneficiary Consultations, the DOH would review whatever tier and conditions the State was in and provide an answer prior to the time.

### MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Namu'o, to approve the March 15 & 16, 2021 Minutes. Motion carried unanimously.

## **APPROVAL OF MINUTES FOR the MARCH 23, 2021 – Special Meeting Minutes**

### MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the March 23, 2021, Special Meeting Minutes. Motion carried unanimously.

## **PUBLIC TESTIMONY ON AGENDIZED ITEMS**

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

Chair Ailā stated there was one public testimony submitted by Jojo Tanimoto regarding the ROE to the Kawaihae Community and the Kohala Center which she opposes and cited under 343 – Maintenance.

Note: Testimonies are attached.

## **ITEMS FOR DECISION MAKING**

### **CONSENT AGENDA**

### **HOMESTEAD SERVICES DIVISION**

- ITEM D-2 Approval of Consent to Mortgage (see exhibit)
- ITEM D-3 Approval of Refinance of Loans (see exhibit)
- ITEM D-6 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- ITEM D-7 Commission Designation of Successors to Application Rights – 2013, 2014, 2015, 2016, 2017, 2018 & 2019 (see exhibit)
- ITEM D-8 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- ITEM D-9 Approval of Assignment of Leasehold Interest (see exhibit)
- ITEM D-10 Approval of Amendment of Leasehold Interest (see exhibit)
- ITEM D-11 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees
- ITEM D-12 Cancellation of Lease – No Qualified Successor – OSEAS K. BALOYOT, Residential Lease No. 5612, Lot No. 80, Lualualei, O’ahu
- ITEM D-13 Commission Designation of Successor – LARRY E. MEHAU, Pastoral Lease No. 3391, Lot No. 10, Kamoku, Hawai’i

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following: Motion to approve the Consent Agenda’s 13 action items listed for the Commission’s consideration.

Chair Ailā asked if there was any request to pull items out of the Consent Agenda.

Commissioner Neves had a question regarding subdivision on agricultural lots, which he understands is any size lot over 2-acres. J. Garcia stated an agricultural lot would be more than 1-acre. Commissioner Neves asked if a 4-acre lot subdivided into 4/1-acre lots, would those 1-acre lots still be considered ag lots? J. Garcia stated the original lease is an agricultural lease, so any portions of that lot would hold the designation of an agricultural lot. Commissioner Neves asked it would require a 2/3 cultivation? J. Garcia stated that is what the rules currently require.

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Awo, to approve the 13 action items listed. Motion unanimously passed.						
Commissioner	1	2	‘AE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSE
Commissioner Awo		X	X			
Commissioner Helm	X		X			
Commissioner Ka’apu			X			
Commissioner Kaleikini			X			
Commissioner Ka’upu			X			
Commissioner Namu’o			X			
Commissioner Neves			X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED Motion passed unanimously- nine (9) Yes votes.						

## REGULAR AGENDA

### OFFICE OF THE CHAIRMAN

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

#### RECOMMENDED MOTION/ACTION

Acting Contact and Awards Division Administrator Paula Ailā presented the following: Motion that the Hawaiian Homes Commission approve the authorization of seven (7) lots in the Kanehili subdivision located in Kapolei, O'ahu, into the payment Telecommunication Infrastructure Program provided by the Department of Hawaiian Home Lands.

#### MOTION

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

P. Ailā stated they started awarding lots in Kanehili in 2016 and were informed in 2018 that Sandwich Isles Communications could no longer pay for the trenching and installation of the lines. Before that, SIC provided collateral to the beneficiaries at the orientation meetings, telling them that they would pick up the cost for the trenching and installation. In 2017, the Commission approved the Telecommunications Infrastructure Program to assist the unanticipated costs. Some beneficiaries were near completion of building their homes, and some just starting to build. The Commission approved a budget of \$1 million for the subdivisions that the Contact and Awards Division were working on. The list is in the submittal provided, totaling 188 lots.

P. Ailā stated the ask is to add the seven (7) lots because they fall into the same category as the 188 lots, bringing the total to 195 lots.

#### DISCUSSION

Commissioner Teruya asked what telecommunications provider does the Department have because CNHA did not have internet for about a week. P. Ailā stated Sandwich Isles Communications.

Commissioner Helm asked if the seven lots were already awarded. P. Ailā stated no, but some are mid-stream and some in the loan process. The checks are cut directly to the beneficiaries.

Commissioner Ka'apu stated he understands the funding is so the infrastructure can be put in so the beneficiaries can still connect with SIC. Chair Ailā added or any successor to SIC in the future.

Commissioner Ka'apu stated if the beneficiaries aren't getting the service, it seems like the Department is spending lots of money for service that's not going to be working. He stated he would hate to be spending money for SIC if they cannot provide the services. He would rather spend the money on infrastructure that will be usable by the beneficiaries once in their home. Commissioner Ka'apu asked how is the Department addressing it.

Chair Ailā stated the infrastructure going in can be used by beneficiaries regardless of who the carrier may be. The primary purpose was to ensure that the new homes had service via SIC or its partner, Spectrum until the Department resolved the issue with SIC.

Commissioner Neves asked if the beneficiaries know that this is to get the lines to their homes until the SIC problem is resolved? Chair Ailā stated that the awardees are very aware of the limited service. They were informed that there might be other service providers in the future. There may be other providers that will provide those services.

ACTION

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

**LAND MANAGEMENT DIVISION**

**ITEM F-1 Approval to Amendment of General Lease No. 290, Kapolei Community Development Corp. (KCDC), East Kapolei, O'ahu, TMK (1) 91151002**

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the amendment of General Lease No. 290, Kapolei Community Development Corp. (KCDC), East Kapolei, O'ahu TMK (1) 91151002.

K. Albinio read the amendments listed in the submittal. One of the amendments was to change 11 years to 12 years.

KCDC Attorney David Lau asked to extend the timeline for another year, as shown in the amendment.

Chair Ailā stated the project was delayed due to the Department of Transportation (DOT) negotiations on the ingress and egress to the project regarding the length of the turn lane and things like that. The extension is necessary to allow the Developer KZ to move forward with its financing relative to the delays.

## MOTION

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

## DISCUSSION

Commissioner Kaleikini asked if the project is now in year 11-15 for the rents or at the ending of 1-10. K. Albinio stated he believes it's in the years of 11-15.

KCDC President Scott Abrego stated they are still in the permit period of the lease term. Collection of rent will start when the project starts, which will probably be a year or a year and a half. DHHL gets 20% net of the rents collected.

Commissioner Kaleikini stated no rent collection from 2011 to the present, so there is no revenue to DHHL but the upfront payments from the Developer KZ to KCDC per the sublease agreement.

Commissioner Ka'apu' asked why there are no milestones or timeframes when things are supposed to be happening or done. What is happening or going to be happening in the next 12-years? He understands they are still working with DOT but doesn't know or see where it falls in the criteria.

Commissioner Teruya stated the proposal looks incomplete, that there would be traffic plans from DOT for the concerns like the one-way entrance. She asked if the Developer is paying rent right now. K. Albinio said not yet.

S. Abrego stated the Lease is between KCDC and the Department. Commissioner Teruya asked if the project is filled with vendors. S. Abrego stated they have three anchor tenants, and they are ready for construction. Commissioner Teruya asked what the monthly rents will be and if they will be renting out to beneficiaries. S. Abrego stated it is between the Developer and the tenants. They are looking at the container park for beneficiaries and are considering a space in the 1200 sq. ft. eleemosynary.

S. Abrego stated the extension is asking for more time to finish the project. DOT is the last speed bump and awaiting a Letter of Condition from DOT, which would trigger KCDC to trigger HECO and their designs and prepare to start construction at the end of summer. The extension would allow for these to happen and then the completion at the end of 2022.

Commissioner Ka'apu' stated the additional year would help complete criteria 1 through 7 and finalize the construction by 2022.

D. Lau stated the original draft would have run till about 2018. The second extension added a year where they hoped to have completed items 1 – 7. The proposed extension allows the Developer to finish what is listed in #7. The amendment would run until 2023, and conditions 1-7 would be completed by that period.

Chair Ailā asked what would happen if the motion and the amendment were not granted today. D. Lau stated KCDC would need to speak with the Developer and see what they can do to get everything done by the end of the progress evaluation period as drafted in 2022. He deferred the answer to S. Abrego because of the issues with DOT.

Chair Ailā asked what would be the impact of not having the amendment approved. S. Abrego stated they feel confident to move forward in the summer of 2021, but based on the 11-years, it

will be tight to complete that project by that time. Extending it out 12-years would give them the time needed.

Commissioner Neves asked if the Developer is doing the infrastructure for Longs and the stores coming in, or are the stores doing their own. The Developer is doing the backbone, infrastructure, roads, access, common areas, and a pad. The Developer is building the Longs building, Chick-Filet, 7-11, and the container park will be coming up on their own.

Commissioner Ka'apu asked if there is more incentive for the sublessee to get this done if it's left the way it is and then return if needed at the end of 2022. Is there going to be hard money being paid by the Developer at some point? He suggested it might be a better play because the Commission can grant the extension, but there is still no obligation on the sublessee to make payments. If the Commission grants it, and then the sublessee asks for another extension, money is not going into anybody's pocket.

S. Abrego stated the sublease between KZ and KCDC is incentive-related. If KCDC can complete the permit period it's currently in, KCDC gets a payment of \$12,000 or \$12,500. When KCDC enters into the delivery period, backbone infrastructure, start construction and delivery of the project, there's a payment of \$125,000, and it's all pre-rent payments. For KCDC, it's about keeping the project on track and schedule. With every milestone, payments are made. A large part of the permit period is the DOT access.

D. Lau stated the driving force in asking for the extension is the progress evaluation period under the Lease. Suppose items 1-7 are not done by the end of the progress evaluation period. In that case, the Department has the right to cancel the Lease, making the Developer very uneasy because of all the time and money put into the project. They want assurance that they can continue without the Lease being pulled. If it is not approved, then they may have to reconsider moving forward with the project. They are incentivized under the sublease to get everything done on time. There is a finite date when the rent needs to start, so it can't keep getting pushed off because it's tied to a certain date. The Developer will have to start paying rent by a certain time.

Chair Ailā stated KCDC was asked to submit different designs which were rejected by DOT. He believes that DOT has KCDC correct mistakes that DOT made on the 6-lane highway. KCDC submitted many designs, which cost them a lot of money.

Commissioner Ka'upu asked for the rent commencement date for the subtenant, and KCDC. D. Lau stated he believed it to be June 2023. S. Abrego stated when KCDC starts collecting, which aligns with June 2023.

Commissioner Ka'upu asked staff to fix the rent summary in the submittal. Commissioner Neves stated the document needs to be corrected, and he isn't sure that he wants to vote on it. Chair Ailā stated he understands the skittishness of the Developer, but he recommended moving forward with the amendment and do better the next time when they come with an amendment. Commissioner Neves stated the document has too many errors as is.

Chair Ailā stated the item would be deferred to next month and come back with a better document. Commissioner Ka'upu asked if can be done by tomorrow. Chair Ailā deferred the item to tomorrow.

Commissioner Ka'upu stated the corrections he pointed out were to K. Albinio's write up not the amendment, as he thinks the amendment is fine. He doesn't want to push it back another month.

Commissioner Teruya asked about the Kualakai entrance. S. Abrego stated that is the negotiation with DOT. Kualakai is a State highway, and KCDC is requesting an access point off Kualakai into the project.

Commissioner Ka'apu asked about the provision in the write-up giving authority to the Chairman of the Hawaiian Homes Commission to extend the progress evaluation period for a good cause and whether it was a new addition. Does the Commission want this to come back to the Commission or grant that authority to the Chairman as it is unknown if Chair Ailā will be Chair at that time? Commissioners Kaleikini and Neves preferred bringing it back to the Commission.

Chair Ailā stated he has no problem with that language being removed.

Commissioner Teruya recommended that the Commission approve the 1-year extension to allow the permit process to move forward and not delay it. Chair Ailā stated the item was deferred to tomorrow. He asked Commissioners to email K. Albinio their changes.

Commissioner Ka'apu asked that a copy of General Lease 290 be sent to the Commissioners. Commissioner Ka'apu stated it would be helpful to send the submittal in Word format.

## **ITEM F-2 Approval to Annual Renewal of Right of Entry Permit(s), Moloka'i Island**

### RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the annual renewal of the Right of Entry Permit(s) for Moloka'i Island and the actions listed in the submittal under A, B, & C.

### MOTION

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

### DISCUSSION

Commissioner Helm asked about the office on the map if it was the old Catholic Church and how the space for industrial and commercial use was progressing? K. Albinio stated the office is in Lanikeha, and the commercial space is a matter of identification and preparation. It would have to be presented to the Commission for approval/authorization as a general lease.

Commissioner Ka'apu asked if the 9,370 acres for the Moloka'i Homestead Livestock Association is correct ("Livestock Association"). K. Albinio stated it is a community pasture.

Commissioner Neves asked if the community pasture program was in alignment with administrative rules? K. Albinio stated he would need to check into it as it's been in business since the 1990s. Commissioner Neves stated the administrative rules are pretty extensive. He asked Commissioner Helm that maybe he could get information on what rules the community pasture operates on. Commissioner Helm asked Commissioner Neves to provide his request in writing as he knows the person who operates the program.

Commissioner Neves asked about the status of the revocable permit program. K. Albinio stated he is working to procure the appropriate assistance.



Commissioner Ka'apu asked for clarification on the Livestock Association because his understanding is they act as a cooperative and membership is limited. They also have to meet certain criteria and that they have revenue from selling the cattle. He highlighted the disparity of fees collected where one beneficiary pays \$2400 per year for 78 acres, another pays \$1 per year for the ag land, and the Livestock Association pays \$240 per year for 10,000 acres. He asked if the Department knows what the Livestock Association's revenue is. Suppose they are making a ton of money. In that case, their rent should reflect it, especially when the 78-acres pay ten times more than the Association. K. Albinio stated he could get the information for Commissioners.

Chair Ailā asked if Commissioners prefer deferring decision-making until tomorrow. Commissioners agreed.

Commissioner Neves stated the value for the parcels, be it ag or pastoral, for each island would be different. He doesn't think what the Department is using is appropriate to establish a price. He would like something more comprehensive for the locations.

Chair Ailā deferred the item till the next day.

**ITEM F-3      Approval to Amend Right of Entry No. 683, The Kohala Center (TKC) for fence project and watershed management, Kawaihae, Hawai'i, TMK (3) 61003003, 016**

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve to Amend Right of Entry No. 683 to the Kohala Center for fence project and watershed management, Kawaihae, Hawai'i, TMK (3) 61003003, 016.

Land Agent Kualii Camara presented that the premises are used to construct and install the proposed fence management and watershed management activities, including removing feral goats.

DISCUSSION

Commissioner Ka'apu stated the problem leading to the sedimentation into the ocean is the goats. He asked when they are getting rid of the goats. K. Camara stated they hadn't done the work on DHHL's role in the process, and they haven't talked with the Kailāpa community about the social issues relating to animal control.

Acting Planning Manager Andrew Choy stated a beneficiary consultation has to be conducted on the best way to manage the ungulates in Kawaihae. Staff is looking at mid-May or the end of May to have the conversation with Kawaihae lessees about what is appropriate for managing the ungulate population.

Commissioner Ka'apu stated the Kailāpa community showed them a video of thousands of goats coming over the hill. From an environmental perspective, there is no discussion about whether or not the goats present a problem for the environment; it's clear that the goats do. He's okay with the Association herding them, but he isn't okay with just letting the goats increase and damage to what Kailāpa protects, the ocean, and the assets.

A. Choy stated there could be strong feedback from the community when eradication is considered because the source can be used as food. The Department wants to make sure it talks

with the beneficiaries and takes their mana`o into account. Commissioner Ka`apu asked what the extension is for other than completing the fence. There are enough goats to feed the State.

Chair Ailā stated that because goats are game mammals, they are regulated by the Department of Land and Natural Resources. Until the Department can talk with the community and think about it being a sustainable food opportunity, the Department has to agree with the DLNR on dealing with the goat situation. If someone should buy the goats and resell them, the Department of Ag steps in because dealing with game mammals is tricky.

Commissioner Ka`apu asked if state law prohibits the Department from escorting the goats off the property. Chair Ailā stated it depends if the Department is escorting the goats onto somebody else's property, introducing liability. How the goats are escorted could be problematic as DLNR got sued for using aircraft.

Commissioner Awo stated he supports the proposal's intent to erect the fence to keep out ungulates and restore the watershed. What role do the goats have to prevent the Department from achieving the goal of restoring the watershed and reforestation?

Commissioner Kaleikini stated he supports Commissioners Ka`apu and Awo's comments. Does the plan for Humu`ula include a similar plan for the goats? The communities benefit from the pipi, so that program model could be considered to address the goats. K. Camara stated it is something that could be considered for Kawaihae as well.

Commissioner Neves focused on the Josephine Tanimoto letter regarding Kawaihae issues. He preferred having a Beneficiary Consultation before the Commission looks to extend the fence.

Chair Ailā stated the purposes of the 343 exemption about fencing game is viewed as maintenance and not viewed as if a new structure or a new road being built. The idea is to get assistance from the Kohala Center to put up a fence that they have the funding to make the Department's lands better to manage. There are cultural sites scattered throughout the area, and the area has been ranched for probably 100 years. The Department is trying to replace a fence where there used to be a fence to establish an enclosure. Once the enclosure is almost completed, the plan is to herd the goats out and replant the area. Chair Ailā asked for clarification for the enclosure. K. Camara read the exemption, Class No. 2, replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site. The wiring is upgraded and will last for another 30-50 years.

A. Choy stated that the Department is not exempting it from Chapter 343, which state lands or state funds trigger.

Commissioner Ka`apu stated the whole Kohala slope was dry land cultivation. He said he disagreed with if the goats will be kept in the area, they will have a big impact on the land, and he doesn't think the Department can get around that with an exemption letter. He stated he would not support an exemption letter that stated it would have minimal or no significant impact on the environment. The Department needs to take care of the ungulates that are causing that.

Chair Ailā asked Commissioner Ka`apu if he felt comfortable if there was a commitment to developing a plan to remove the goats in the potential area to be enclosed? Commissioner Ka`apu stated it would be better to do it in steps and in stages to give the Department time to address what to do. He thinks it's the Department's kuleana. He appreciates what TKC has done and does not want to denigrate that effort.

K. Camara stated the action for exemption is complete for Chapter 343.

Commissioner Awo asked how long it will take to complete the fence. K. Camara stated 12 miles of fence is complete, and there's a possibility to create a small area of 20 acres adjacent to TKC fee simple property to restore native plants. Commissioner Awo asked if it would be equally beneficial to herd the animals into the 20-acre area and use that site to do meat distribution as an experiment? Doing it in stages would be costly for more fencing. K. Camara stated there are areas for trapping the goats; it's a matter of moving forward. The 20-acre area mauka would not be suitable for that.

Field Supervisor Jake Merkle stated that the vegetation is coming back along with non-native pasture grass on one side of the fence line. The other side is barren rock and soil and too many goats. Through the TKC funding, they are supposed to remove at least 2,000 goats from the DHHL property once the fencing is complete. It is in everyone's best interest to remove the goats as soon as possible. There is a trap site near the Kailāpa community, which is the best because of its location. There is a fence surrounding the Kailāpa community that keeps the goats from getting into the people's yards.

Chair Ailā asked how many goats would he be able to remove if approved. J. Merkle stated that if he doesn't think they would have any problem removing at least 200-300 goats in 2-months. Chair Ailā asked if J. Merkle was required to work with DLNR? J. Merkle stated he hasn't worked with DLNR and doesn't think they have been required to. He stated he used to be a DLNR employee, and the wildlife people out of Lalamilo do not want anything to do with the goats. They have enough on their hands with the wildlife.

Commissioner Awo asked if there's information on the size and population of the goats in the area? J. Merkle stated the only estimate of the population was done a few years back by the Kohala Watershed Partnership Coordinator, Cody Dwight, who did a fly over the area and estimated the goats' population be 5-6 thousand on the DHHL property.

Commissioner Awo asked if there were discussions of a survey to know the minimum requirement of goats to be removed monthly to bring back the forest? (indiscernable)

Chair Ailā stated the Department could do those things. There is an environmental problem in Kawaihae. He would like to hear other Commissioners' mana'o if everyone is willing to move forward with for removal plan or management plan.

Commissioner Helm stated he thinks there should be more community involvement to help plan the removal of the ungulates. He also asked about the 8,000 acres fenced; if it's private land, are they vacant? K. Albinio stated he believes it is private land. Commissioner Ka'upu stated there are rich people and several subdivisions on the Kohala Ranch side with homes well over a million dollars.

Commissioner Ka'upu agreed with Commissioner Awo to protect the aina and take the criticism and deal with it. He asked who the opposing groups are. Chair Ailā stated mostly hunters, from those that want the benefits to go to the associations. In his experience, to take care of the watershed and reforestation, a fence is needed, and there can be no ungulates. The Commission may get criticized, but the Department will take the brunt for any action. Commissioner Ka'upu supported taking bold action, facing criticism, and passing a clean slate to the future Commission.

Commissioners Kaleikini, Teruya, and Namu’o supported the bold move forward.

MOTION/ACTION

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

**ITEM F-4 Approval to Issue a Right of Entry, Moloka’i Hunting Club, Ho’olehua, Moloka’i, TMKs (2) 52002029, 053, 054; (2) 52005019; (2) 52011004**

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the issuance of a Right of Entry to the Moloka’i Hunting Club for the purpose of conducting axis deer management. The approval is subject but not limited to the conditions listed in the submittal from A – G.

DISCUSSION

Chair Ailā stated the drought situation on Moloka’i resulted in deer dying on homesteads and near the roads and behaving in ways that could cause motor vehicle accidents. The Governor passed the emergency proclamation as part of a solution to the overpopulation of deer on Moloka’i. The Moloka’i Hunting Club (“Club”) asked for funding to remove deer from DHHL lands currently not leased. The Club can partner with lessees but would have to obtain permission from the Department. They asked for a more permanent ROE for the Hunting Club to continue their operations.

Commissioner Helm stated he supports the issue of the Right of Entry to complete the project, and he encouraged the Commissioners to extend the Right of Entry for another 2-months.

Commissioner Awo asked if the money was part of Maui’s \$900,000 grant to be divvied up by the various islands for ungulate management control. K. Albinio stated the grant was awarded to the Moloka’i Humane Society for the Moloka’i Hunting Club for \$197,800.

President of the Moloka’i Hunting Club Justin Luafalemana stated they are working on the DHHL unencumbered lands in Ho’olehua and Palaa. Eighty members are volunteers, and no fees are charged. All the meat is distributed back to the community for free.

J. Luafalemāna stated the grant itself does not cover ammunition. The Maui County’s grant went back to the community, the hunters, the club members, compensating them for their time, their equipment, their vehicles, and set aside technology to provide each landowner with aerial coverage to know where they are removing the animal(s). He stated the information is provided to the landowners monthly. They are scheduled to do one coordinated hunt per week per landowner and are currently working with seven landowners, including DHHL.

Chair Ailā asked if everyone had to be a licensed hunter by the State of Hawai`i. J. Luafalemana stated they follow all Hawai`i Hunting Rules and Regulations. It is required to have a Hawai`i State Hunting License to do any type of hunting.

Commissioner Awo asked if anyone did a survey on the number of deer on the island. J. Luafalemana stated the only survey was done by a private owner, Puu O Hoku Ranch, on their properties. On 11,000 acres, there were 7,000 deer in 2 days. Commissioner Awo asked if his group only removes the sick and emaciated deer or more than that. J. Luafalemana stated the deer population is healthy, but they were skinny. Hunters want their deer healthy, and the incentive is to feed the community and their families. It took four hours to get nine deer, about 240 lbs. of meat was distributed to four families.

Commissioner Helm asked if the Club preferred to remove the doe or the buck. J. Luafalemana stated on Moloka`i the hunters want to hunt bucks, and the population of the doe surpasses the bucks. He stated the doe meat is softer and better.

Commissioner Kaleikini stated perhaps the Moloka`i Hunting Club’s plan could be considered for other places like Kailāpa and Kahikinui.

Chair Ailā stated the hunting on Maui and Moloka`i is due to the Governor’s Proclamation.

MOTION/ACTION

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

**RECESS**  
**RECONVENED**

**10:49 AM** (10 min break)  
**10:53 AM**

## ITEMS FOR INFORMATION/DISCUSSION

### GENERAL AGENDA

#### REQUESTS TO ADDRESS THE COMMISSION

##### **ITEM J-1 Bo Kahui – West Hawai'i Housing Issues**

B. Kahui updated the Commission about the Habitat for Humanity's build-in Kawaihae, requesting an update of the five homes. They intend to build 10-15 homes.

He also discussed the interim agreement for the Holualoa Water Development. They wanted to present it to the Commission for consideration. The estimated cost for the project is \$15 million.

He discussed the Regional Park Development and DHHL's stake in it due to Villages 11, 12, and 10 abutting the 200-acre Regional Park. A meeting is being held with the County of Hawai'i and its consultant on April 23, 2021, at 1:00 p.m.

Kawaihae and Kaumana applied to the FCC for broadband communications licenses, but the Department contested it, and Kawaihae and Kaumana were denied. He asked the Department to engage in a plan for the broadband initiative because they have not seen any action from the Department.

Chair Ailā stated the Department has already hired a consultant, and the consultant is in the due diligence phase to have an inventory of existing broadband components. Once that is done, and the Department knows how to meet the license requirements, it will be presented to the Commission and likely be held in an open meeting so all beneficiaries will be able to see what the plan is to licensed areas.

##### **ITEM J-2 Steven Kauai – Malama Anahola**

S. Kauai is the President of Malama Anahola of Kaua'i. They listed many projects which will be sent to the Department in writing. Their request is a Right of Entry Permit to Green Energy for the one-time removal and clean-up of albizia. Malama Anahola wants to start the process for funding and grants and request from the Department for a Right of Entry Permit for 3-years to be part of the albizia removal process.

Commissioner Neves asked where the workforce is coming from. S. Kauai stated they preferred the workforce to come from the beneficiaries in Anahola. S. Kauai stated Green Energy might complete its task by September of 2021.

Chair Ailā asked S. Kauai to submit a proposal in writing with more specifics of who the principles are, where the funding source will come from, what type of technology is being applied. The Department can vet the proposal and present it to the Commission.

##### **ITEM J-3 Matthew Kakalia – Lease cancelation**

M. Kakalia is the son of a deceased lessee. He was not aware of his father's affairs with the Department and found out that his dad's lease was canceled. He is looking to see if there is an

opportunity to clear his father's debt to the Department and keep the family home. He and his family are currently living in the home.

Chair Ailā stated he believes there are legal issues that need to be discussed and asked that those discussions be done in executive session. Chair Ailā stated then he could respond. He or someone designated from the Department will be in contact with M. Kakalia.

**ITEM J-4 Kekoa Enomoto – Maui/Lani Moku-puni Council and Paupena CDC**

K. Enomoto updated the Commission on the Maui waitlist, specifically of families that are dying on the waitlist and have no successors. The beneficiary expressed her gratefulness for the Kuhio Awards and the Zoom Beneficiary Consultations. The Kuhio Awards will give the families a chance to have a home.

Norman Abihai is the President of Paupena CDC, asked why Kanaolo Ranch is still on the 5000-acre land. They are trespassing and have breached their contract. What is the Department doing about it? He also asked why does Paupena have to submit another application.

Chair Ailā stated the Commission just approved a new process on requests for land. The Department is still getting information. Chair Ailā stated his understanding is that the Ranch was told to leave, and there should not be any cattle on the land. Once the Department gets more information and clarification, it can move forward. Chair Ailā stated the Department is not ready to lease 5,000-acres to anyone yet.

**ITEM J-5 Blossom Feiteira – Various Maui Concerns**

B. Feiteira briefed the Commission on the opportunities, concerns, and compliance and enforcement issues in the different areas of Maui. Her written testimony was included in the packets.

**ITEM J-6 Liko Wallace – Nā'iwa Homestead Association**

L. Wallace advocated for the Nā'iwa Subdivision in Ho'olehua, Moloka'i. She noted the \$9.5 million budget for Sufficient Sums approved by the Governor for Nā'iwa. She asked that the Commission's support to keep the funds for Nā'iwa flowing.

**RECESS  
RECONVENED**

**12:33 PM** (10 minutes break then to exec.)  
**12:47 PM**

**MOTION/ACTION**

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

Note: Commissioner Ka'apu was excused from 2:30 p.m.

**EXECUTIVE SESSION IN 2:35 PM**

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

1. Update on *Richard Nelson III et al., v. Hawaiian Homes Commission*, Civ. No. 07-1-1663

## **EXECUTIVE SESSION OUT**

**3:44 PM**

Note: Commissioner Kaleikini was excused at 3:32 p.m.

## **WORKSHOPS**

### **OFFICE OF THE CHAIRMAN**

#### **ITEM C-3 For Information Only – Update on Activities for the Centennial of the Hawaiian Homes Commission Act of 1920, as amended**

##### RECOMMENDED MOTION/ACTION

None. For information only. Special Projects Assistant Niniau Kawaihae presented the following:

##### DISCUSSION

N. Kawaihae provided an overview of the changes to the centennial activities originally approved by the Commission. Information and Community Relations Officer Cedric Duarte stated changes were made due to budget restraints and the use of social media platforms integrated.

N. Kawaihae stated that they tried to get Legislature support for the Centennial, but the Resolution is unsigned. She also stated that the late Mayor Kenoi's widow is asking for a copy of the Resolution and if the Commission would be open to providing digital signatures to be sent out.

Chair Ailā asked the Commissioners if there were any opposition to having digital signatures on the documents. There was no opposition from the Commissioners for the digital signatures.

## **HOMESTEAD SERVICES DIVISION**

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

##### RECOMMENDED MOTION/ACTION

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

##### DISCUSSION

J. Garcia stated the item is to provide the Commission with information on applicants on the waitlist, but it has been determined that the applicants are not 50% Hawaiian. Therefore, the applicants are ineligible to receive a lease pursuant to Section 207 of the Hawaiian Homes Commission Act as amended. J. Garcia introduced Applications Supervisor Nicole Bell, who joined the Department in April 2020, to give the presentation.

N. Bell presented a PowerPoint of the History of Practices for Determining Quantum Eligibility.



- Section 208 states in part:
  - “The Department is authorized to lease to native Hawaiians the right to the use and occupancy of a tract or tracts of Hawaiian home lands...”
- Section 201 defines native Hawaiian as:
  - “any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778

It does not guide on what historic documents were used to make the determination.

In the February 1953 HHC Policy Manual, the Commission accepts the applicant’s statement of blood qualification submitted under oath as it was on the application lease form, which was sworn under oath. If there was any doubt, the applicant had to furnish proof of blood qualification, and any doubt was raised before the Commission in writing. This process continued into the early 1970s.

On April 11, 1974, the DHHL Procedural Manual stated that an applicant did not have to prove more than 50% Hawaiian. Still, additional proof of a greater percentage of Hawaiian blood may benefit the heirs. The evidence of proof is the responsibility of the applicant and must be persuasive and convincing. A list of evidence to establish Hawaiian blood percentage is listed in the PowerPoint. The listed documents were not kept on file, and only document numbers were kept on the pedigree chart or the Kumu Ohana.

In the 1980s, there was an attempt at a systematic approach towards quantum certification, and copies of all verifying documents were required and kept in the applicant’s file. An established genealogy methodology ensured that prospective beneficiaries were evaluated for quantum qualification by the same set of standards. From 2004 through 2009, certification codes for audits were established: Y = verified to be at least 50% native Hawaiian; P = verification is pending, more info needed; and N = applicant is non-qualified; documents have been exhausted.

N. Bell stated HSD wants to start preparing “N” applicants for the Commission’s approval to cancel. The file review checklist was created to confirm the information is accurate and complete, evidence that the applicant is aware of his/her NHQ status, evidence that the applicant was provided to submit additional documentation, confirm the Notice of Cancellation Letter was sent to the applicant and a chronology of events.

The tentative plan of action is:

- Non-qualified applicants “N”
- Request HHC approval to accept existing “Y” applicants
- Pending applicants by island; Lanai, Moloka`i, Kaula`i, Maui, Hawai`i, O`ahu

Commissioner Teruya asked if the Department goes to the waitlist when they build a home. She noted a lot of young people moving into the homes, so she is wondering about the waitlist.

J. Garcia stated anytime there is an award offer; the Department goes to an area priority list first. Then they use application dates for the island-wide list. Commissioner Teruya asked if the Department has a tracking system; maybe someone doesn’t want Kapolei but wants Waimanalo. J. Garcia stated if they don’t select it, they remain on the list they are on, either the area waitlist or the island-wide waitlist. If the applicant does not select the offering, they will remain on the waitlist with their application date.

Chair Ailā commented on the younger folds receiving awards and stated that the parent or the grandparent received the award and transferred it to a younger member of the family. N. Bell stated the applicant might have succeeded the parent or the grandparent.

Commissioner Awo asked how is it fair that in 1953 an applicant gets qualified based on the existing rules, and decades later, that same person who has been in the home for decades is now told that he has to get out of the house because he is not qualified?

Chair Ailā stated that it would be added to tomorrow's executive session agenda.

Commissioner Neves asked if physical appearance is still used, as stated in the 1974 Procedural Manual. N. Bell stated the Certified Records issued by the Department of Health is still used and the Certificate of Hawaiian Births. However, the Department does not accept affidavits anymore, and she does not believe the Department uses physical appearance.

## **PLANNING OFFICE**

### **ITEM G-2 For Information Only – Moloka'i Water Projects and Issues Update**

#### RECOMMENDED MOTION/ACTION

None. Acting Planning Program Manager Andrew Choy and water consultant Dr. Jonathan Scheuer presented the following:

Note: Slide presentation attached.

- I. USGS Study
- II. DHHL's Kualapu'u WUPA
- III. Maui County's Ualapu'e WUPA
- IV. Seeking Additional "Water Reservations" for groundwater on Moloka'i

#### DISCUSSION

Commissioner Helm asked what will be discussed at the May 5<sup>th</sup> beneficiary consultation meeting? J. Scheuer stated that he and the Department's Planning staff would present proposals seeking groundwater reservations; what is an appropriate amount, what is sufficient, should the Department seek more, and if the basis for this is understood. The results of the beneficiary consultation will be taken to the Commission before making a formal request to the Commission on Water Management. Commissioner Helm asked if the brochure went out? A. Choy stated it should be going out this week.

Commissioner Helm asked if beneficiaries mentioned access to the MIS (Moloka'i Irrigation System) Reservoir. Water is abundant in the MIS, and it is not fully distributed. Maybe the Department could work with the MIS and take the pressure off our system. J. Scheuer stated one of the ways that may be addressed is through the County's update to the Water Use and Development Plan for Moloka'i.

Planner Gigi Cairel stated the Water Policy Plan has an item related to the MIS water system. It would be best for the Department to take a look at the feasibility of managing that system in the future.

### **ITEM G-1 For Information Only – Status Update on Plan Implementation on Moloka'i**

### **ITEM E-1 For Information Only – Moloka'i Island Capital Improvement Project Updates**

### RECOMMENDED MOTION/ACTION

None. Acting Planning Program Manager Andrew Choy and Planner Gigi Cairel presented the following:

Note: Slide presentation is attached.

#### Priorities

##### Tier 2 – Moloka'i Island Plan

- Nā'iwa Agricultural Homestead
- Ualapu'e Homestead
- Kapa'akea, Kamiloloa, Makakupa`Iia Residential

##### Tier 3 – Moloka'i Island Plan

- Ualapue Kuleana Homestead Project
- Ho'olehua Hale Improvements
- Water Rates Assessment
- Shared Farm Equipment
- Road Improvements

Acting Land Development Division Administrator Stewart Matsunaga presented the PowerPoint for Item E-1 for the Moloka'i Island Capital Improvement Project Updates. There are seven improvement areas.

S. Matsunaga stated the Nā'iwa project is currently in Chapter 343 environmental documentation. The engineering report includes the Moloka'i Irrigation System because the Department intends to provide irrigation water to the Na'iwa subdivision. There is an MIS irrigation line along Palaau Avenue.

For the Lanikeha Sewer System, there were issues with some of the wastewater lines. The intent is to repair the waste-lines for the kitchen and the restroom lines, which he thinks is from the school.

### DISCUSSION

Commissioner Helm asked when the work on the Lanikeha system is going to begin. S. Matsunaga stated the procurement would probably start in the summer. They are trying to get the procurement in the queue as there is a myriad of projects. It hasn't been maintained for 20-years.

Commissioner Helm asked if there is any additional work for the Ho'olehua Baseyard. S. Matsunaga stated he would check and report back.

### **ITEM G-3 For Information Only – Status Update on South Moloka'i Shoreline Erosion Management Plan**

### RECOMMENDED MOTION/ACTION

None. Acting Planning Program Manager Andrew Choy and Planner Nancy McPherson presented the following:

N. McPherson stated the project purpose:

- 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
- Educate the community as to the causes of shoreline erosion and appropriate management responses.

#### DISCUSSION

Commissioner Helm stated during the heavy rains, Kapaakea experienced flooding. There were two run-offs, but the smaller one was deep, and debris got into people's yards. It was about 3' deep and about 8-10' wide. The Department is aware of it. With the sea-level rise, the water has nowhere to go. It's been a long-standing issue. N. McPherson stated Kapaakea was once a wetland.

Chair Ailā stated Items C-2, C-4, F-1, and F-2 would be moved to the Tuesday agenda.

**RECESS**

**5:26 PM**

## HAWAIIAN HOMES COMMISSION

Minutes of April 20, 2021, via Interactive Conferencing Technology (ICT)  
DHHL Main Office, Hale Pono'i, Kapolei, O'ahu, Hawai'i

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

**PRESENT** William J. Ailā Jr., Chairman  
Randy K. Awo, Maui Commissioner (via ICT)  
Zachary Z. Helm, Moloka'i Commissioner (via ICT)  
David B. Ka'apu, West Hawai'i Commissioner (10:18 a.m.)  
Russell K. Ka'upu, O'ahu Commissioner (via ICT)  
Pauline N. Namu'o, O'ahu Commissioner (via ICT)  
Dennis L. Neves, Kauai Commissioner (via ICT)  
Patricia A. Teruya, O'ahu Commissioner (via ICT)

**EXCUSED:** Michael L. Kaleikini, East Hawai'i Commissioner

**COUNSEL** Ryan Kanakaole & Craig Iha, Deputy AGs (via ICT)

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

### **ORDER OF BUSINESS**

#### **CALL TO ORDER**

Chair Ailā called the meeting to order at 9:39 a.m. seven (7) members were present via Zoom at roll call.

Pursuant to the Governor's 19th Proclamation, related to COVID-19 Emergency, Hawai'i Revised Statutes ("HRS") Chapter 92 regarding public agency meetings and records are currently suspended through 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.

Chair Ailā noted the carry-over from yesterday's meeting Items C-2, C-4, F-1, and F-2. Item F-1 was mailed this morning, and he thanked the Commissioners for their input on the language. DAG Ryan Kanaka'ole is Counsel for the meeting, and DAG Craig Iha will sit in as Counsel for the executive session discussion.

## **APPROVAL OF AGENDA**

### MOTION/ACTION

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

## **PUBLIC TESTIMONY ON AGENDIZED ITEMS**

Chair Ailā stated there were no testimonies received.

## **ITEMS FOR INFORMATION/DISCUSSION**

### **WORKSHOPS**

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

#### **ITEM C-2 For Information Only – Draft Native Hawaiian Housing Block Grant Annual Housing Plan for 2021-2022**

#### RECOMMENDED MOTION/ACTION

Legislative Analyst Lehua Kinilau-Cano presented the following:

L. Kinilau-Cano submitted a draft for the Native Hawaiian Housing Block Grant Annual Housing Plan for July 1, 2021, and June 30, 2022. She stated that the draft goes to the Commission for approval and is then forwarded to HUD (U.S. Department of Housing and Urban Development) for review. If accepted by HUD, funding starts July 1, 2021, through June 30, 2022.

The Housing Plan is ambitious as it started with eight program activities to now having twelve. One of the requests is homeowner's assistance, so the Housing Plan includes a homeowner's assistance, mortgage, or utility relief program.

Housing conversion is another area that has been expanded. Land Management Division has former officer's quarters adjacent to other shelters in Kalaeloa, which is being looked at to being converted into transitional housing for the beneficiaries.

Another activity added into the Housing Plan is Property and Land Acquisition. They are investigating the feasibility of utilizing NAHASDA for land acquisition.

The last activity added is Crime Prevention for Safety, Security and Law Enforcement, which is new for NAHASDA, so it will be looking to the Department for guidance on deploying that activity.

L. Kinilau-Cano stated page 14 of the submittal lays out the plans for the activities. She asked the Commission to keep in mind that whenever NAHASDA is used, prevailing wages are used, which causes a rise in costs. She stated even though the people are getting assistance, the cost goes up for materials and shipping.

#### DISCUSSION

Commissioner Teruya asked if the \$2.4 million was dispersed to 246 recipients on the CNHA program and if a final invoice means the program is ready to end. L. Kinilau-Cano stated they

aren't going to end the program because they have rental vouchers in the current housing plan. The Department will enter into a new contract with CNHA using NAHASDA funds, and the families have up to 12-months of assistance if they are still income eligible. L. Kinilau-Cano also stated that the American Rescue Plan has \$5 million for rental assistance. Preliminary guidance from HUD is that they want the \$5 million to be utilized for all native Hawaiians.

Commissioner Teruya asked if there was no cap on the original CNHA grant per recipient? L. Kinilau-Cano stated the \$2.4 million had to last up to December 31, 2020. The position taken was to launch the program and help as many people as could, and once the \$2.4 million was exhausted, which it was, the NAHASDA funds would be used to assist the families up to 12-months.

Commissioner Teruya asked if the tenants in the Kalaeloa officer's quarters were out of the building and who would oversee the program. L. Kinilau-Cano stated two businesses are a month-to-month right of entry. L. Kinilau-Cano stated they would probably put out an RFP (request for proposal) for the program. They are doing the due diligence and the phase 1 environmental assessment and identifying how many individuals are homeless.

Commissioner Teruya asked who would be responsible for the repairs because she understood that the water system was not adequate for bathing or drinking. The electrical wiring was going to be a considerable cost for repairing the building. L. Kinilau-Cano stated it would be the vendor with the lowest bid who would be responsible. However, because NAHASDA funds are used, there will be requirements regarding the environment, and Davis-Bacon still applies, so all of those factors are in play when utilizing NAHASDA funds.

Commissioner Neves asked about the 80% AMI (area median income) qualification requirement because kupuna requested indoor ramps. He asked if there is information for lessees with homes that need repairs. L. Kinilau-Cano stated the policy for the program identifies the older homesteads as a priority because they need more repair than the newly constructed homes. She recommended using and exhausting all other resources before going to NAHASDA.

Commissioner Neves asked if there are housing options for beneficiaries on Kaua'i evicted from the beach in Anahola. Some are native Hawaiians that may be on the waitlist. L. Kinilau-Cano stated she does not see it in the current housing plan as the plan has been expanded as far as it is.

#### **ITEM C-4 For Information Only – Update on Moloka'i NAHASDA projects**

##### RECOMMENDED MOTION/ACTION

Legislative Analyst Lehua Kinilau-Cano presented the following:

Note Slide presentation in packets.

The first slide showed a table with over \$8 million expended and nearly \$2 million needed. If the annual allocation from HUD is \$2 million, it covers the island of Moloka'i.

Requirements when NAHASDA funds are used:

- 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.

### DISCUSSION

Commissioner Helm was concerned that the increase in materials and shipping would impact the build on Moloka'i. L. Kinilua-Cano stated the homes are still coming under appraisal, so they are still moving forward. She stated the Department would have to work closely with the families if they have to absorb a little bit more. She stated they try to keep the cost affordable for the families.

Commissioner Neves asked if the recapture is on the lease agreement if they don't meet the 80% AMI. L. Kinilau-Cano stated NAHASDA assisted homes have a lease addendum that lays out the term for NAHASDA financing, and depending on the amount, the term could be 30-years. Commissioner Neves stated his concern is that it could affect the successor who does not meet the 80% AMI. The successor would have to refinance to pay off the recapture. L. Kinilau-Cano stated HUD has said that DHHL has some discretion in terms of successorship in the area of successorship.

Commissioner Neves asked if there is a set percentage for the contractor under the Davis-Bacon Act. L. Kinilau-Cano stated it is low; the number she has in mind is 2000.

## ITEMS FOR DECISION MAKING

### **REGULAR AGENDA**

#### **LAND MANAGEMENT DIVISION**

**ITEM F-1      Approval to Amendment of General Lease No. 290, Kapolei Community Development Corp. (KCDC), East Kapolei, O'ahu, TMK (1) 91151002**

#### RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the Revised Amendment of General Lease No. 290, Kapolei Community Development Corp. (KCDC), East Kapolei, O'ahu, TMK (1) 91151002

K. Albinio stated the revised version was emailed to the Commissioners in the morning. He walked through the revisions with the Commissioners.

Chair Ailā asked for a motion to consider the revised submittal for Item F-1.

#### MOTION

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

#### DISCUSSION

Commissioner Neves had a question about the numbering of sections.

D. Lau had a question for K. Albinio regarding the 12-years out. Commissioner Ka'apu stated the idea was to put in a timeframe because it was confusing when the 11 years ran and when the 12<sup>th</sup>



year ran. The corrected date can be inserted. D. Lau stated if the 12 years are approved, the date should be May 17, 2023, instead of 2022. Commissioner Ka‘apustated he is fine with it if that is the correct date.

Commissioner Helm confirmed that the main concern is the DOT’s delay? S. Abrego confirmed. Commissioner Neves asked to be notified when the letter from the DOT is received.

**ACTION**

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

**ITEM F-2 Approval to Annual Renewal of Right of Entry Permit(s), Moloka‘i Island**

**RECOMMENDED MOTION/ACTION**

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the Annual Renewal of the Right of Entry Permits for Moloka‘i Island.

K. Albinio stated that the Commission had questions regarding the Moloka‘i Livestock Association, so Ron Davis, a member of the Association, is on the call to answer questions from Commissioners.

**MOTION**

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

**DISCUSSION**

Chair Ailā stated there were concerns about profits from the sale of the cattle and those proceeds. R. Davis stated they charge each member a \$10 per head per month pasture fee and monthly dues of \$12. There are pro-rated costs for conducting roundups and administering medication. The money is used to purchase equipment for the roundup area and to pay for water. Most members that sell their cattle hold off on paying those fees in case of drought situations when they have to buy hay for the cattle. The member keeps any leftover money from the sale. The sale of cattle that belongs to the Association stays in the Association to help pay for expenses. Some members opt not to sell their cattle but use it for home use.

Commissioner Ka'apu asked if the Association is organized as a Cooperative? Usually, the Co-op makes the product's sales, and then they divide it among the membership. Here Association members sell the cattle and keep the money. R. Davis stated because of the limited amount of pastureland and grass, and they have to maintain a herd size of 350. They try to have controlled breeding where they rent bulls and keep them in the pasture for 3-months. For every calf that drops, the owner gets charged \$10 for a breeding fee that goes to the bulls' owners.

Commissioner Ka'apu asked how many members there are. R. Davis stated there are 35 members, and each member gets up to 10 animals. When the calves drop, there are about 200 calves. When they ween out, they get rid of the steers. The market price determines the prices at the time of the sale. The average sale differs from roundup to roundup.

Commissioner Ka'apu asked if there a waiting list for anybody who wants to join the co-op? R. Davis state there used to be 50 members, but some of them passed on. He stated some people want to get involved, but they stop showing up after seeing how things work. There is no waiting list because not too many people want to join.

Commissioner Helm asked if the Association has issues with the deer population. R. Davis stated they do, and he is talking with Moloka'i Hunting Club to do controlled hunting.

Commissioner Ka'apu mentioned the difference of fees between one ROE with 78 acres, paying \$2400 per year compared to the Association, which pays \$240 per year for 9,370 acres. The Department is trying to balance what the Department should collect from the ROEs. He asked if the Co-op can afford to pay more than \$240 per year. R. Davis stated he doesn't think so because they pay about \$8000 per year for insurance.

Commissioner Neves asked what percentage of the 9,370 acres is useable. R. Davis stated almost half, almost 12 acres per head. Commissioner Ka'apustated it looks like they aren't making a lot of money with an \$8000 insurance and the expenses; they are barely breaking even.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the motion as stated in the submittal.						
Commissioner	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			8			1
MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED Motion passed unanimously – nine [ 9 ] Yes votes.						

## ITEMS FOR INFORMATION/DISCUSSION

### WORKSHOPS

#### HOMESTEAD SERVICES DIVISION

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

#### DISCUSSION

None.

#### PLANNING OFFICE

- ITEM G-4 For Information Only – DHHL Grant Program Quarterly Status Update**

#### RECOMMENDED MOTION/ACTION

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

G. Cairel stated there are 66 active grants, and 33 are completed. The Department is servicing 25 non-profit organizations. Some grantees have multiple grants from the Department.

The COVID 19 Relief Projects Grants are being processed, and the two projects start on May 1, 2021. All Regional Grants have been approved, signed, and are waiting on DAGS to certify them.

#### DISCUSSION

Commissioner Helm asked if the Kiowea Park grant was split in half and the plan for the grant regarding alternative energy. G. Cairel stated they are still researching options for the best technology. Commissioner Helm stated they need to discuss with Maui Electric. G. Cairel stated she could check on it.

Commissioner Teruya asked about Kanehili Community Association's EA for the public park. G. Cairel stated the grant was to conduct the EA for the park. The EA was completed for the entire subdivision, and the park was initially identified in the EA. The EA that the Department did was determined to be sufficient. They are planning Phase 2 of the park, and it's conceptual.

Commissioner Teruya asked if KCDC carries a General Lease or an ROE. Who carries the lease on the other building that used to be Hawai'i Maoli. Chair Ailā stated it is a combination of Maoli and the Civic Clubs, and they are trying to work out a single responsible party, but they are not under KCDC. Commissioner Teruya asked what the rental that CNHA occupies the building for is? Chair Ailā stated he would have to check with K. Albinio.

Commissioner Teruya asked if the island-wide grant funds available for native Hawaiians only, qualified beneficiaries, or are open to everyone? G. Cairel stated the Trust Fund Grants are strictly for beneficiaries. Commissioner Teruya asked about the CNHA grant, and G. Cairel stated she was not familiar with CNHA's grant.

Chair Air stated that an RFP was done with the Department expending the federal funds. Commissioner Teruya stated Helping Hands applied for additional grant funds to provide COVID Rental Assistance. She wanted to know where the funds were coming from. Chair Ailā stated the Department's money came from the federal government, which was the allocation before the American Rescue Plan. He was not sure who the target audience is. Commissioner Teruya stated Helping Hands has a COVID 19 financial assistance for rent and asked if it was for native Hawaiians or opened to everyone.

G. Cairel stated the grant that the Department made to Helping Hands, on page 5, is from the Native Hawaiian Rehabilitation Funds (NHRF). Per the DHHL Administrative Rules, any project funded by NHRF must serve the beneficiaries. Any project under this grant can only serve native Hawaiian beneficiaries.

Commissioner Namu'o asked about grants for Papakolea. G. Cairel stated they didn't want it. Chair Ailā suggested G. Cairel send the email from Papakolea to Commissioner Namuo.

Commissioner Awo asked for an update about Ka Ohana Kahikinui's fog drip system. G. Cairel stated they are working on a preliminary engineering design and waiting for the engineer to do a site visit and submit a project description to the Department. Once that is received, the Department staff will work on the EA.

**ITEM 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**

RECOMMENDED MOTION/ACTION

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

Note: Slide presentation attached.

DISCUSSION

Commissioner Ka'upu asked about the ag lots in Waimanalo if they were standard ag lots or kuleana ag lots? Chair Ailā stated it hadn't been decided, but the Department has been considering standard ag lots or subsistence ag lots. There is a demand for the Waimanalo area.

A. Choy stated that he does not think the kuleana program would be successful on O'ahu. It is better suited to the neighbor islands where beneficiaries are accustomed to a rural lifestyle.

Commissioner Awo expressed the need to be cautious with expanding the Kuleana program. A beneficiary may find that what they thought they wanted may be much more than they can do on their own. He thinks the Department should be cautious and assess.

**RECESS  
RECONVENED**

**12:30 PM  
12:37 PM**

MOTION/ACTION

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

**EXECUTIVE SESSION IN**

**12:37 PM**

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

1. 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-18-000071
6. Discussion on *Kalima, et al. v. State of Hawai'i*, Civil No. 99-4771-12

**EXECUTIVE SESSION OUT**

**4:21 PM**

**ANNOUNCEMENTS AND ADJOURNMENT**

**NEXT MEETING**

The next meeting will be held on May 17 & 18, 2021, Interactive Conference Technology

MOTION/ACTION

Moved by Commissioner Ka'apu, seconded by Commissioner Teruya, to adjourn the meeting.  
Motion carried unanimously.

**ADJOURNMENT**

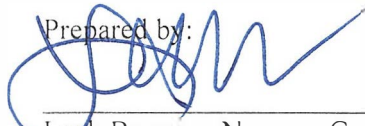
**4:22 PM**

Respectfully submitted:



William J. Ailā Jr., Chairman  
Hawaiian Homes Commission

Prepared by:



Leah Burrows-Nuuanu, Commission Secretary  
Hawaiian Homes Commission

Attachments:

1. Slide Presentation Items D-6 Presentation on Non-Qualified Applicants
2. Public Testimony – Jojo Tanimoto
3. Item F-1 Amendment to GL No. 290, KCDC Revised at the table

Ms. Jojo Tanimoto  
P.O. Box 44337  
Kawaihae, Hawaii 96743  
Email: [guavaland622@gmail.com](mailto:guavaland622@gmail.com)

April 16, 2021

Hawaiian Homes Commission  
91-5420 Kapolei Parkway  
Oahu, Hawaii

Re: **OPPOSITION** to Approve a Right of Entry (ROE) to Kohala Center.  
TMK: 6-1-003:003, 016  
Land Management Division, Item F-3

Aloha

My name is Jojo Tanimoto and I live in the Kawaihae Residential Homestead since before this subdivision had any infrastructure. Mahalo for the opportunity to share my concerns and issues regarding this Proposal; because I have no confidence that DHHL staff wants to resolve the issues that myself and my neighbors have expressed regarding the current ROE since last July; and is proposing to continue-as is.

I will be **OPPOSING** the (3) requests in this Proposal:

- 1) Request to exempt Chapter 343.
- 2) Request to utilize Hawaiian Home Lands to install check dams and plant forest seedlings; until the watershed boundary for TMK: 6-1-003:016 is identified as Hawaiian Homes Lands.
- 3) Most PRIMARY is the ACCESS sites for Kohala Center; especially should not include through the "No Trespassing" area.

1. The Bishop Museum did a community "talk story" with the Kupuna of this community when the Kawaihae Road from Waimea to the Kawaihae Harbor was being proposed. These families had lived here for generations. The Website: Pacific Worlds.com. In this document, there are testimonies from these families about historic sites, burial sites, cultural traditions, etc.

Back in about 1985 when we beneficiaries were awarded our leases, Mr. Sonny Kaniho-long time Parker Ranch cowboy and activist (Aged Hawaiians vs DHHL), requested the Commissioners at the celebration gathering at the makai Kawaihae subdivision, to find his families' cemetery in the mauka areas. He said he was born there and all the children from there rode buck board wagons to school at Waiki'i. There are other historic sites-like the Missionary Church site he thought was important.

If this Proposal is approved by the Commissioners, what responsibilities to the DHHL General Plan and the generations to come, will this action affect this community of a place where King Kamehameha once resided? **Please do not exempt the Chapter 343.**

2. A few years ago, the Kohala Center had a great Proposal to fence in the properties of the Pelekane Watershed to keep goats in. Apparently, this Watershed does not include Hawaiian Homes, but it is hard to determine since this area is not fenced. This Proposal plans to repair the damages this Program failed. What differences will be made is not included in this Proposal.

Parker Ranch was leasing the adjacent areas of Queen Emma Trust where the numbers of goats grew into the thousands. Nobody knew what to do about this problem. Some were shipped out in shipping containers, some were shot from helicopters; which brought an uproar in this community because there was a law shooting from the air; and the rest escaped so we see them everywhere. How does this ROE plan to maintain the population of goats that are within the 7,600 acres on DHHL? Repeat: the fence line between Queen Emma Trust and DHHL is not there.

This Proposal seeks to allow Kohala Center to try again to install check dams and plant forest seedlings. A great benefit to the community, I think. The last effort resulted in everything going into the ocean. The streams overflowed and Kawaihae Road needed to be closed; redirecting traffic almost 30 miles detour. The ROE does not address what is going to be different?

**2-The Proposal does not include where the access---to get to---the fenced areas in the Kawaihae homestead and at Pelekane Watershed will be.** This information is critical and a major part of Kawaihae's problems. The historic sites are across the Harbor. Where and when will the access be moved from the Water Tank Road?

3. Kailapa Water Reservoir Road.

Since July 2020, this problem of anyone trespassing on this road, has become a culmination of **YEARS** of reporting to DHHL. It is the potable water resource for this portion of the subdivision. It is clearly posted "No Trespassing".

Last year during COVID, children were out of school. We noticed All Terrain Vehicles (ATV) going up and down this cemented KAPU road. There are still vehicles that go up and down this road at all hours, every day AND NIGHT. I reported this week, somebody parked behind the Water Reservoir nine o'clock at night. Elementary school Children still go up and down and play their radios loud and laughing. This is a steep incline. Who is responsible for if they have an accident? **THIS IS NOT INCLUDED** in this Proposal.

Last year, a helicopter was reported to the FAA that the helicopter was landing and taking off behind my house. DHHL staff didn't know anything about it.

We had a fire in the gulch next to our homes, the water tank and the ROE. The Fire Department couldn't access this "trespassing" road. All the ATV's, children and adults were blocking the whole road.

Last year we were told by Mr. Albinio that procurement had begun to address our complaint--- A Gate and Fencing would be installed. The entry gate at the top of this road to this ROE would be moved. That was August 2020.

In summary, my neighbors and I hope you will not approve this ROE, at this time so an updated version will incorporate our concerns. We also hope you can find out why nothing was done and move quickly on blocking the No Trespassing Road to everyone except DHHL staff and the Water Company staff. Don't forget to move the entrance gate to the ROE. Thank you for your patience and understanding.

Sincerely,

Jojo Tanimoto





# HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

## **D-6**

# **Non-qualified Applicants**

April 19-20 2021



# History of Practices for Determining Quantum Eligibility



# Hawaiian Homes Commission Act of 1920, as amended

Section 208 states in part:

“The Department is authorized to lease to native Hawaiians the right to the use and occupancy of a tract or tracts of Hawaiian home lands...”

Section 201 defines native Hawaiian as:

“any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.



# February 1953 HHC Policy Manual

“The Commission will accept the applicant’s statement as to blood qualification when it is submitted under oath, as on the application for lease form which is sworn to under oath. In case of doubt, the applicant shall furnish proof of blood qualification. Such doubt shall be raised before the Commission in writing.”



# April 11, 1974 DHHL Procedural Manual

“An applicant shall not be compelled to prove more than 50% Hawaiian blood. However, he must be informed that additional proof of a greater percentage of Hawaiian blood may be of benefit to his heirs.”

“The burden of proof shall rest with the applicant and the evidence must be persuasive and convincing.”



# April 11, 1974 DHHL Procedural Manual

Types of evidences to establish Hawaiian blood percentage are:

- Certified records issued by the Department of Health
- Certificate of Hawaiian Birth
- Affidavits
- Family Court Records for Adopted Applicants
- Physical appearance
- Obituaries or vital statistics news clippings
- Old departmental Kumu Ohana records which have been verified
- Physician's report and/or verification



# Establishing a Methodology

- Indications in certain files and Department memos suggest attempts at a systematic approach to quantum certification in the 1980s
- Copies of all verifying documents were required and kept in the applicant's file.
- Adherence to an established genealogy methodology helps to ensure that all prospective beneficiaries are evaluated for quantum qualification by the same set of standards. Methodology provides a logical framework for determining percentage using available genealogical resources.



# Establishing a Methodology

## Refining the Process

**Non-  
Hawaiian  
surnames**

**How far  
back**

**No father  
listed on  
birth  
record**





## Certification Codes

Y = verified to be at least 50% native Hawaiian	P = verification is pending, more information is needed	N = applicant is non-qualified, documents have been exhausted
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# Non-qualified “N’d” Applicants

Data as of April 16, 2021

## 65 Non-qualified Applicants

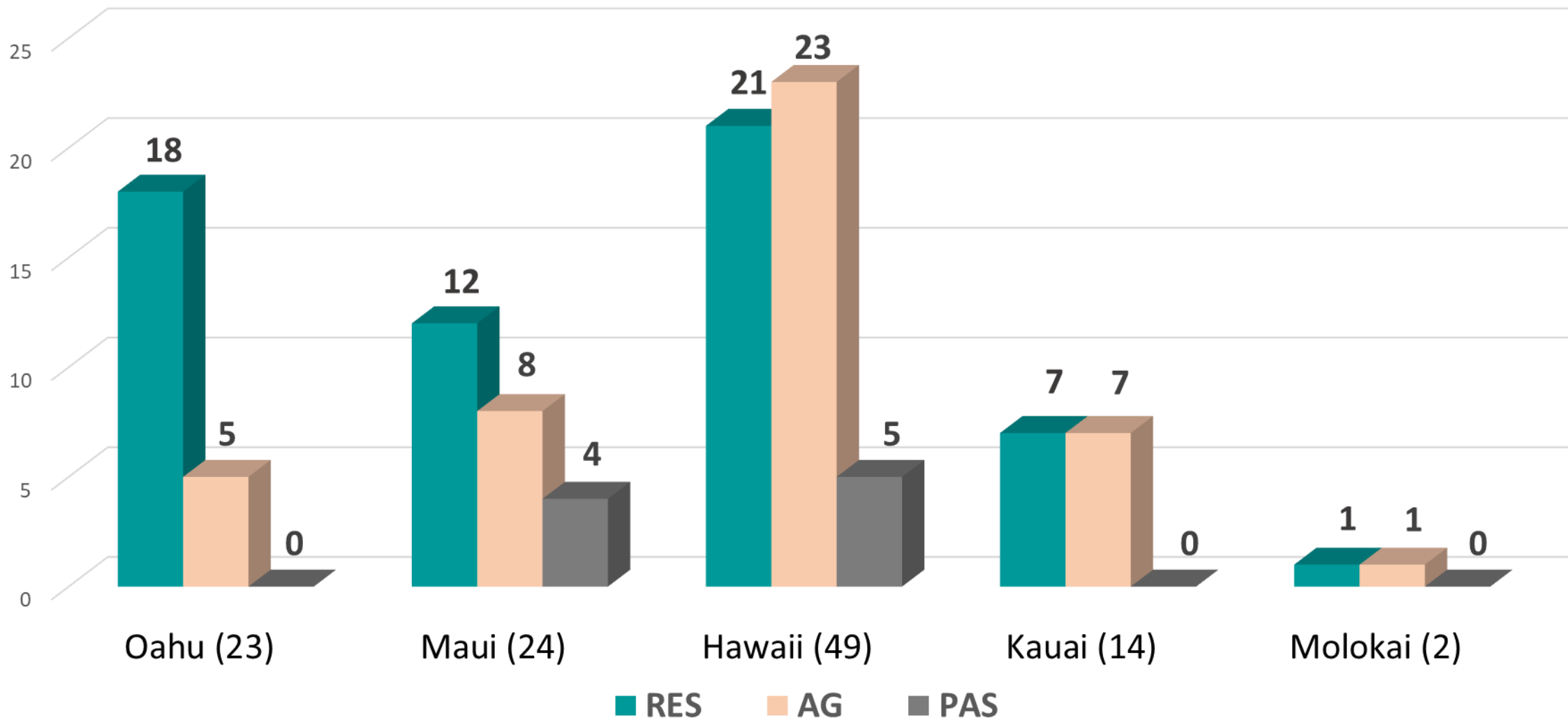
112  
applications

6 invalid  
addresses

1 deceased  
applicant

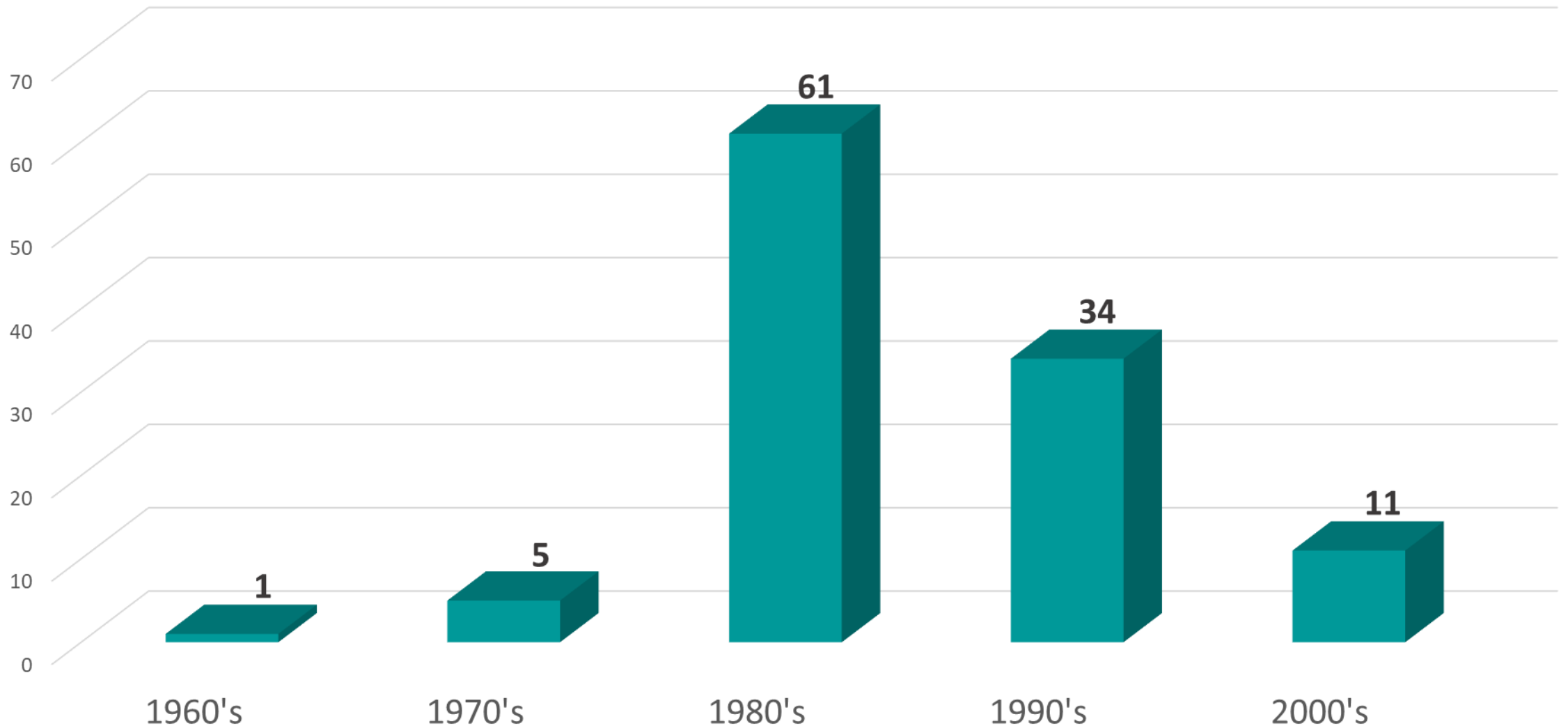


# Distribution of 112 Applications





# Application Dates





# File Review Checklist

- ✓ Review/confirm information on KO is accurate and complete
- ✓ Evidence that the applicant is aware of NHQ status
  - Official letters from the Department
  - Notes of telephone conversations
  - Notes of in-person meetings
- ✓ Evidence that the applicant was provided the opportunity to submit additional documentation
- ✓ Confirm “Notice of Cancellation Letter” was sent to the applicant
- ✓ Chronology of events



# Tentative Plan of Action

- Non-qualified Applicants
- Request HHC approval to accept existing “Y” applicants
- Pending Applicants by Island
  - Lanai
  - Molokai
  - Kauai
  - Maui
  - Hawaii
  - Oahu



# Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS


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

**REVISED**

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. By virtue of this Fourth Amendment, this time frame is extended to December 31, 2022. Failure to meet any milestone or an otherwise negative evaluation of LESSEE’S project may be grounds for 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, wastewater 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".

3. The Chairman of the Hawaiian Homes Commission may set forth other terms and conditions deemed prudent and necessary; however, any request for further extensions of time shall require approval from the Hawaiian Homes Commission.
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 Kapolei Community Development Corp. (KCDC) 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
- Annual Rent: Yrs. 1 – 10 – 5/17/2023 – 5/16/2033 = \$104,000  
 Yrs. 11 – 15 – 5/17/2033 – 5/16/2038 = \$114,400  
 Yrs. 16 – 20 – 5/17/2038 – 5/16/2043 = \$138,440  
 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 the 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.

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:]~~ This Amendment shall be subject to the review and approval of the State of Hawaii Department of Attorney General.

~~["(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."]~~

4) ]~~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.

*[Signatures appear on the following page]*

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"

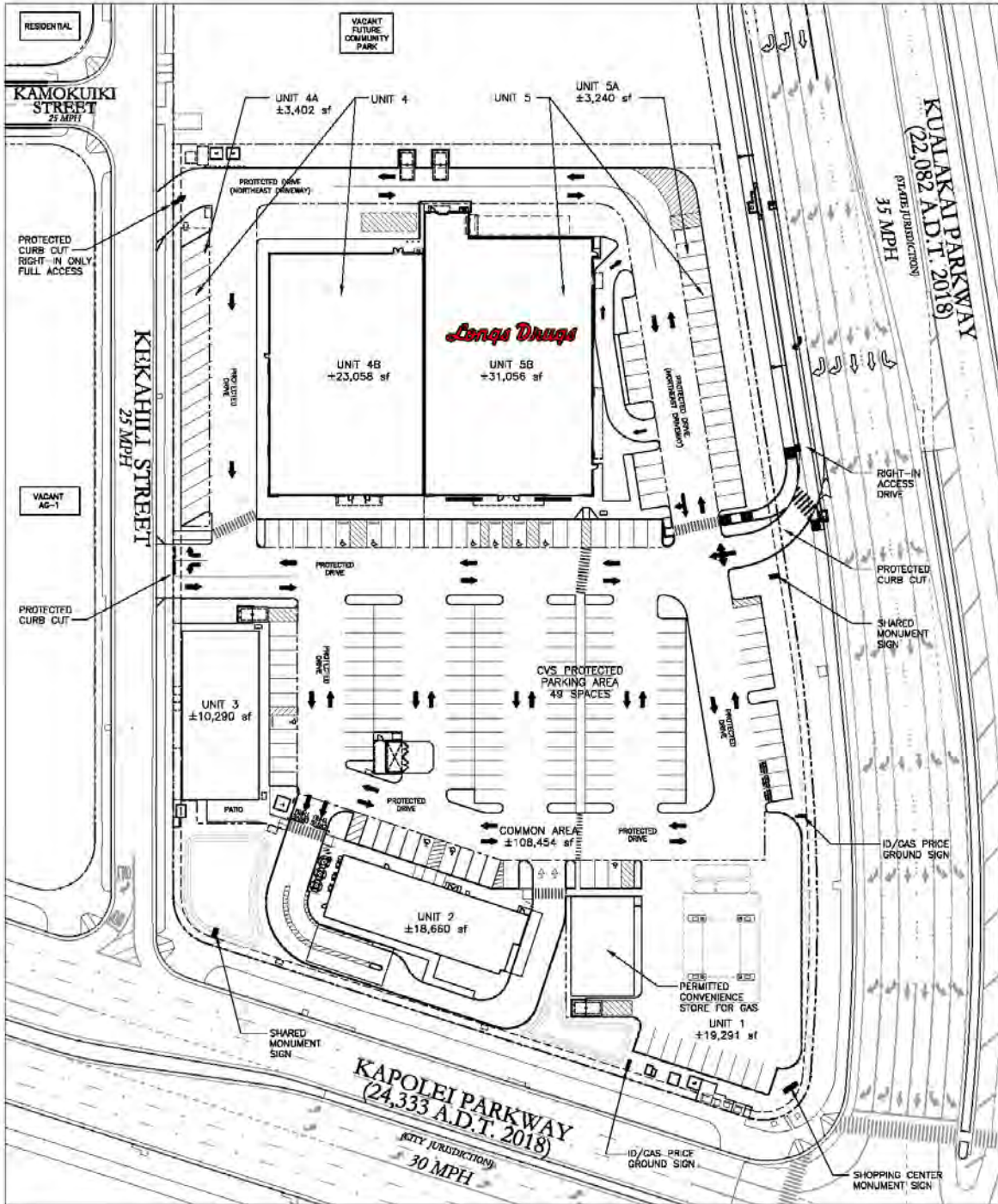


Exhibit "A"

**EXHIBIT "B"**

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII

JOSH GREEN  
LT. GOVERNOR  
STATE OF HAWAII



WILLIAM J. AILA, 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](mailto: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](mailto: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](mailto:mz@kzcompanies.com))  
Corey Schmidt (Corey.schmidt@usbureauveritas.com)

**EXHIBIT "B"**

**EXHIBIT "B"**



DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**  
 850 SOUTH KING STREET \* HONOLULU, HAWAII 96813  
 Phone: (808) 768-8220 \* Fax: (808) 768-6111

**BUILDING PERMIT APPLICATION**

**A2019-11-0023** (Third Party Review) **077078814-002**

LOCATION

Contact Info: Valerio Ogawa-722.8858; Corey Schmidt-590.2844

Zone	Section	Plat	Parcel
9	1	151	002

217,452 Sq. Ft.

**REVISED PRINT**

Site Address (if other than primary):

PROJECT: [TMK: 91151002] \*\*\*Temp Address\*\*\* // Ho'omaka Marketplace - Sitework Including (but not limited to) New Parking, Signage Structures, Electric Work, Landscaping, Grading & Driveways [THIRD PARTY REVIEW]

Proposed Use: **Sitework** Floor Level: Estimated Value of Work: \$450,000.00

**APPLICANT**

Permit Processors Hawaii  
 Contact Info: (808) 722-8858

**OWNER:**

HO'OMAKA MARKETPLACE, LP  
 Contact Info: (949) 476-2700

**PLAN MAKER**

**BRIZEE, William A.**  
 Contact Info: (808) 523-9636  
 Lic. No.: AR7896  
**LEE BENEDICT**  
 Contact Info: None  
 Lic. No.: LA5818  
**CHARLES A CARLSON**  
 Contact Info: None  
 Lic. No.: ES254, PE10929  
**KEVIN T GOTO**  
 Contact Info: None  
 Lic. No.: PE14778

**GENERAL CONTRACTOR**

**ELECTRICAL CONTRACTOR**

**PLUMBING CONTRACTOR**

NONE  
 Contact Info: None  
 Lic. No.:

**TYPE OF WORK**

Electrical Work Y Other Sitework  
 Electrical Phases: Plumbing Phases: None

**RIGHT OF WAY WORK**

Driveway: New: X Existing: Private:  
 Sidewalk Types: Curbing Types: Driveway Types: Concrete  
 Linear Ft. of Sidewalk: Linear Ft. of Curbing: Linear Ft. of Driveway:  
 Please notify this office at least 24 hours before starting work. Phone: 768-8127

**SEWAGE**

Sewage Disposal Type: Sewage Disposal Method:

**RETROFIT**

Showers to be replaced: Faucets to be Replaced: Urinals to be Replaced: Toilets to be Replaced:  
 Major 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:	Exempt: Complied:	New: Total:

Require Special Inspection: C.D. Required: WORK WILL ADD DELETE  
 Require Called Inspection: Restrictive Covenant required: Residential Units 0  
 Affidavit required: Hotel Rooms

Remarks: 2013/ADV-610(LUO exempt); Ord 02-82; \*\*\*ACR Required\*\*\*

**ZONING AND LUO DATA**

TMK: 9-1-151: 002  
 Development Plan Areas: EWA  
 Flood Zones: X - Beyond 900 Year Flood Plain  
 Height Limit: 25'  
 Historic Site Register: None  
 Lot Restriction: One Dwelling Per Lot Per Park Dedication  
 Site Area: None  
 SMA / Shoreline: Not in SMA  
 Special Districts: Not in Special District  
 State Land Use: Urban District  
 Street Setback: NONE  
 Zoning (LUC): AG-1 Restricted Agricultural District

**NOTES**

**APPROVALS REQUIRED FROM: BWS Engineering Traffic SWQR**

Other Agencies:  
 State - Hawaiian Home Lands

Approved by: Date: 11/13/19

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.

APPLICATION NO.: **A2019-11-0023** JobID: 77090463 ExternalID: **077078814-002**

**EXHIBIT "B"**

**EXHIBIT "B"**



DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**  
650 SOUTH KING STREET \* HONOLULU, HAWAII 96813  
Phone: (808) 768-8220 \* Fax: (808) 768-6111

**BUILDING PERMIT APPLICATION**

**A2019-11-0023**

(Third Party Review)

**077078814-002**

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 448 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: 11/01/2019

FMB

Staff Assignment: **Third Party Reviewer**

APPLICATION NO.: **A2019-11-0023**

JobID: 77090453

ExternalID: **077078814-002**

Initial Print Date: Tuesday November 5, 2019 10:12 am

Page 2 of 2



**EXHIBIT "B"**

**EXHIBIT "B"**



DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**  
 650 SOUTH KING STREET \* HONOLULU, HAWAII 96813  
 Phone: (808) 768-8220 \* Fax: (808) 768-6111

**BUILDING PERMIT APPLICATION**

**A2019-11-0450** (Third Party Review) **077220064-002**

LOCATION Contact Info: Valerie Ogawa-722.8858; Corey Schmidt-690-2844

Zone	Section	Plat	Parcel
9	1	151	002

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]

Proposed Use: **Store** Floor Level: Estimated Value of Work: \$2,600,000.00

APPLICANT	OWNER	PLAN MAKER
Permit Processors Hawaii Contact Info: (808) 722-8858	KZ DEVCO, LP Contact Info: (808) 722-8858	BRIZEE, William A. Contact Info: (808) 523-8636 Lic. No.: AR7896 MACHIDA, KEVIN M. Contact Info: (808) 358-2447 Lic. No.: PE8065 CHARLES A CARLSON Contact Info: None Lic. No.: ES254, PE10929 Murdock, Brian C Contact Info: (808) 533-2210 Lic. No.: PE11206 KEVIN T GOTO Contact Info: None Lic. No.: PE14778

GENERAL CONTRACTOR ELECTRICAL CONTRACTOR PLUMBING CONTRACTOR

TYPE OF WORK	ELECTRICAL CONTRACTOR	PLUMBING CONTRACTOR
Air Conditioning Y Fire Sprinkler Y Electrical Phases:	Electrical Work Y New Building Y Plumbing Phases:	Fire Alarm Y Plumbing Work Y

RIGHT OF WAY WORK	Driveway:	Existing: X	Private:
Sidewalk Types: Linear Ft. of Sidewalk:	New: Curbing Types: Linear Ft. of Curbing:		Driveway Types: 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:  
 Major Occupancy Group: Commercial: Hotel: Industrial: Residential:

Type of Construction	No. of Stories	Flood Hazard Dist.	Floor Area (Sq. Ft.)
Minimum: Actual:	Existing: Final:	N/A Exempt: Complied:	Existing: New: Total:

Require Special Inspection:	C.O. Required:	WORK WILL	ADD	DELETE
Require Called Inspection: Affidavit required:	Restrictive Covenant required:	Residential Units Hotel Rooms	0	

Remarks: 2013/ADV-610; Ord 02-52; 2005/SUB-317

ZONING AND LUO DATA

TMK: 9-1-151: 002
Development Plan Area: EWA
Flood Zone: X - Beyond 500 Year Flood Plain
Height Limit: 25'
Historic Site Register: None
Lot Restriction: One Dwelling Per Lot Per Park Dedication
Side Area: None
SMA / Shoreline: Not in SMA
Special Districts: Not in Special District
State Land Use: Urban District
Street Setback: NONE
Zoning (LUO): AG-1 Restricted Agricultural District

NOTES

APPROVALS REQUIRED FROM: BWS Engineering Traffic Wastewater SWQR

Other Agencies: State-Health (A/C Ventilation) State - Hawaiian Home Lands Approved by: Date: 11/13/19

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 a related organization prior to the commencement of construction.

APPLICATION NO.: **A2019-11-0450** JobID: 77230728 ExternalID: **077220064-002**

**EXHIBIT "B"**

**EXHIBIT "B"**



DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**  
650 SOUTH KING STREET \* HONOLULU, HAWAII 96813  
Phone: (808) 768-8220 \* Fax: (808) 768-6111

**BUILDING PERMIT APPLICATION**

**A2019-11-0450**

(Third Party Review)

**077220064-002**

REQUIREMENT OF APPROVAL DOES NOT REPRESENT A GUARANTEE OF THE SATISFACTION OF THE APPLICANT.

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 448 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: 11/07/2019

FMB

Staff Assignment: **Third Party Reviewer**

APPLICATION NO.: **A2019-11-0450**

JobID: 77230728

ExternalID: **077220064-002**

Initial Print Date: Friday November 8, 2019 9:47 am

Page 2 of 2

**EXHIBIT "B"**

**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 L. GOMES  
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879  
HONOLULU, HAWAII 96805

June 1, 2020

Via Electronic Mail: [president@kapoleiheritage.org](mailto: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

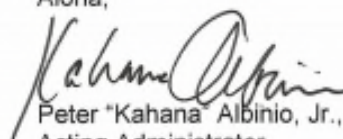
The Department of Hawaiian Home Lands (DHHL) is pleased to inform you that it acknowledges receipt and review of the subject new plan improvement as submitted by respective tenant. Enclosed herewith are the respective Building Permit Applications signed by DHHL on May 29, 2020 and approved by the Chairman 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](mailto: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](mailto:mz@kzcompanies.com))

**EXHIBIT "B"**



DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**  
 650 SOUTH KING STREET \* HONOLULU, HAWAII 96813  
 Phone: (808) 768-8220 \* Fax: (808) 768-6111

*SWQR*  
*1/2*

**BUILDING PERMIT APPLICATION**

**A2020-03-0773 / 0838** (Third Party Review) **080264345-002**

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 - NEW BLDG - 1 STORY RESTAURANT [MULTI APP A2020-03-0773 / 0838] [THIRD PARTY REVIEW]

Proposed Use: RESTAURANT Floor Level: Estimated Value of Work: \$1,800,000.00

<b>APPLICANT</b> Permit Processors Hawaii Contact Info: (808) 722-8858	<b>OWNER:</b> Chick-fil-A Contact Info:	<b>PLAN MAKER</b> GILBERTSON, MATTHEW W. Contact Info: Lic. No.: AR8014 TANAKA ROSS R Contact Info: Lic. No.: PE9301 TIMOTHY G S GOSHI Contact Info: Lic. No.: PE16073
--	---	---

*Hawaiian Home Lands*

<b>GENERAL CONTRACTOR</b>	<b>ELECTRICAL CONTRACTOR</b>	<b>PLUMBING CONTRACTOR</b>
---------------------------	------------------------------	----------------------------

<b>TYPE OF WORK</b> Air Conditioning Y Fire Sprinkler Y Electrical Phases:	Electrical Work Y New Building Y Plumbing Phases:	Fire Alarm Y Plumbing Work Y
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<b>RIGHT OF WAY WORK</b> Sidewalk Types: Linear Ft. of Sidewalk:	Driveway: New: Existing: Private: Curbing Types: Linear Ft. of Curbing:	Driveway Types: Linear Ft. of Driveway:
--	---	--

<b>SEWAGE</b> Sewage Disposal Type:	Sewage Disposal Method:
-------------------------------------	-------------------------

<b>RETROFIT</b> Showers to be replaced: Major Occupancy Group: Commercial: Hotel: Industrial: Residential:	Faucets to be Replaced:	Urinals to be Replaced:	Toilets to be Replaced:
---	-------------------------	-------------------------	-------------------------

<b>Type of Construction</b> Minimum: Actual:	<b>No. of Stories</b> Existing: Final:	<b>Flood Hazard Dist.</b> N/A Exempt: Completed:	<b>Floor Area (Sq. Ft.)</b> Existing: New: Total:
--	--	---	--

Require Special Inspection: Require Called Inspection: Affidavit required:	C.O. Required: Restrictive Covenant required:	WORK WILL Residential Units Hotel Rooms	<b>ADD</b> 0	<b>DELETE</b>
--	--	---	-----------------	---------------

Remarks: 2013/ADV-810(LUO exempt); Ord 02-52; \*\*\*ACR Required\*\*\*

<b>ZONING AND LUO DATA</b>	TMK: 9-1-151: 002 Development Plan Area: EWA Flood Zones: X - Beyond 500 Year Flood Plain Height Limit: 25' Historic Site Register: None Lot Restriction: One Dwelling Per Lot Per Park Dedication Slide Area: None SMA / Shoreline: Not in SMA Special Districts: Not in Special District State Land Use: Urban District Street Setback: NONE Zoning (LUO): AG-1 Restricted Agricultural District
----------------------------	---

**NOTES**

<b>APPROVALS REQUIRED FROM:</b> BWS Wastewater Zoning Fire SWQR		
Other Agencies: State-Health (A/C Ventilation) State-Health (Sanitation) State - Hawaiian Home Lands	Approved by: <i>[Signature]</i>	Date: 3/29/20

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 448 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.

APPLICATION NO.: **A2020-03-0773** JobID: 80267975 ExternalID: **080264345-002**

**EXHIBIT "B"**



DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**  
650 SOUTH KING STREET \* HONOLULU, HAWAII 96813  
Phone: (808) 768-8220 \* Fax: (808) 768-6111

**BUILDING PERMIT APPLICATION**

**A2020-03-0773**

(Third Party Review)

**080264345-002**

DATE CREATED: 03/17/2020

FWD

Staff Assignment: Third Party Reviewer

APPLICATION NO.: **A2020-03-0773**

JobID: 80267975

ExternalID: **080264345-002**

Initial Print Date: Wednesday March 18, 2020 1:19 pm

Page 2 of 2



**EXHIBIT "B"**

**EXHIBIT "B"**



DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**  
 650 SOUTH KING STREET \* HONOLULU, HAWAII 96813  
 Phone: (808) 768-6220 \* Fax: (808) 768-6111

**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	Plat	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: **SITWORK** Floor Level: Estimated Value of Work: **\$200,000.00**

APPLICANT	OWNER	PLAN MAKER
Permit Processors Hawaii Contact Info: (808) 722-8858	Chick-fil-A Contact Info:	GILBERTSON, MATTHEW W. Contact Info: Lic. No.: AR8014 TANAKA ROSS R Contact Info: Lic. No.: PE8301 TIMOTHY G S GOSHI Contact Info: Lic. No.: PE16073

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	Driveway:	New:	Existing:	Private:	Driveway Types:
Sidewalk Types: Linear Ft. of Sidewalk:	Curbing Types: Linear Ft. of Curbing:				Linear Ft. of Driveway:

SEWAGE	Sewage Disposal Type:	Sewage Disposal Method:
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RETROFIT	Showers to be Replaced:	Faucets to be Replaced:	Urinals to be Replaced:	Toilets to be Replaced:
Major 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:	Exempt: Complied:	New: Total:

Require Special Inspection:	C.O. Required:	WORK WILL	ADD	DELETE
Require Called Inspection:	Restrictive Covenant required:	Residential Units	0	
Affidavit required:		Hotel Rooms		

Remarks: 2013/ADV-610(LUO exempt); Ord 82-62; \*\*\*ACR Required\*\*\*

ZONING AND LUO DATA

TMK: B-1-151: 002

Development Plan Area: EWA  
 Flood Zones: X - Beyond 500 Year Flood Plain  
 Height Limit: 20'  
 Historic Site Register: None  
 Lot Restriction: One Dwelling Per Lot Per Park Dedication  
 Side Area: None  
 SMA / Shoreline: Not in SMA  
 Special Districts: Not in Special District  
 State Land Use: Urban District  
 Street Setback: NONE  
 Zoning (LUC): AG-1 Restricted Agricultural District

NOTES

APPROVALS REQUIRED FROM: **BWS Wastewater Zoning SWQR**

Other Agencies: State - Hawaiian Home Lands  
 Approved by: *[Signature]* Date: **3/25/20**

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** FMB Staff Assignment: **Third Party Reviewer**

APPLICATION NO.: **A2020-03-0838** JobID: 80297892 ExternalID: **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](mailto: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](mailto: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](mailto:jonn@palekanapermits.com))  
Mark Zimmerman (via email: [mz@kzcompanies.com](mailto:mz@kzcompanies.com))

**EXHIBIT "B"**



DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**  
 650 SOUTH KING STREET \* HONOLULU, HAWAII 96813  
 Phone: (808) 768-8220 \* Fax: (808) 768-6111

**BUILDING PERMIT APPLICATION**

**A2020-09-0130** (Third Party Review) **084559174-002**

LOCATION Contact Info **Jonn Serikawa 722-7386**

Zone	Section	Plot	Parcel
9	1	151	002

**217,452 Sq. Ft.**

Site Address (If other than primary):

**PROJECT: [TMK: 91151002] \*\*\*Temp Address\*\*\* // 7-Eleven Store No. 54297 @ Ho'omaka Marketplace Pad 1 - New Retail Building [THIRD PARTY REVIEW]**

Proposed Use: **Store** Floor Level: Estimated Value of Work: **\$1,100,000.00**

<b>APPLICANT</b> PALEKANA PERMITS JONN SERIKAWA Contact Info: (808) 941-0322	<b>OWNER</b> 7 ELEVEN (HAWAII) INC. Contact Info: None	<b>PLAN MAKER</b> Murayama, Randolph Contact Info: (808) 591-9362, (808) 593-9366, Lic. No. <b>PE09092-0000 CAL. 162</b> <b>UYEHARA BRYCE E.</b> Contact Info: (808) 947-9764 Lic. No. <b>AR5841</b> <b>YOQI JASON</b> Contact Info: (808) 522-1868 Lic. No. <b>PE9062</b> <b>TIMOTHY G S GOSHI</b> Contact Info: (808) 366-4900 Lic. No. <b>PE16073</b>
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<b>GENERAL CONTRACTOR</b>	<b>ELECTRICAL CONTRACTOR</b>	<b>PLUMBING CONTRACTOR</b>
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<b>TYPE OF WORK</b> Air Conditioning Y Plumbing Work Y	<b>Electrical Work Y</b>	<b>New Building Y</b>
Electrical Phases:	Plumbing Phases:	

<b>RIGHT OF WAY WORK</b> Sidewalk Types: Linear Ft. of Sidewalk:	Driveway: New: Existing: X Private: Curbing Types: Linear Ft. of Curbing:	Driveway Types: Linear Ft. of Driveway:
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<b>SEWAGE</b> Sewage Disposal Type:	Sewage Disposal Method:
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<b>RETROFIT</b> Showers to be Replaced: Major Occupancy Group: Commercial: Hotel: Industrial: Residential:	Faucets to be Replaced:	Urinals to be Replaced:	Toilets to be Replaced:
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<b>Type of Construction</b> Minimum: Actual:	<b>No. of Stories</b> Existing: Final:	<b>Flood Hazard Dist.</b> N/A Exempt: Complied:	<b>Floor Area (Sq. Ft.)</b> Existing: New: Total:
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Require Special Inspection:	C.O. Required:	WORK WILL	<b>ADD</b>	<b>DELETE</b>
Require Called Inspection:	Restrictive Covenant required:	Residential Unit	0	
Affidavit required:		Hotel Room		

**ZONING AND LUO DATA**

TMK: 9-1-151:002
Development Plan Area: EWA
Flood Zones: X - Beyond 500 Year Flood Plain
Height Limit: 25'
Historic Site Register: None
Lot Restriction: One Dwelling Per Lot Per Park Dedication
Side Area: None
SMA / Shoreline: Not in SMA
Special Districts: Not in Special District
State Land Use: Urban District
Street Setback: NONE
Zoning (LUO): AG-1 Restricted Agricultural District

**NOTES**

**APPROVALS REQUIRED FROM: BWS Wastewater Zoning SWQR**

Other Agencies:	Approved by:	Date
State-Health (A/C Ventilation)		11/24/20
State-Health (Sanitation)		
State - Hawaiian Home Lands		

Please visit DPP's website at: <http://dppweb.honolulu.gov> for permit information and status

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APPLICATION NO.: **A2020-09-0130** JobID: **94585418** ExternalID: **084559174-002**

**EXHIBIT "B"**



DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**  
850 SOUTH KING STREET \* HONOLULU, HAWAII 96813  
Phone: (808) 768-6220 \* Fax: (808) 768-6111

**BUILDING PERMIT APPLICATION**

**A2020-09-0130** (Third Party Review) **084559174-002**

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restrictions administered and enforced by your Homeowners Association.  
Electrical and Plumbing work to be done by licensed persons and required under Chapter 448 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.

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DATE CREATED 09/02/2020 FMB Staff Assignment: **Third Party Reviewer**

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APPLICATION NO.: **A2020-09-0130**

JobID: 84585418

ExternalID: **084559174-002**

Initial Print Date: Wednesday, September 02, 2020 10:2

Page 2 of 2

**EXHIBIT "B"**

Document comparison by Workshare 10.0 on Monday, April 19, 2021 11:11:56 AM

Input:	
Document 1 ID	iManage://IMANAGE3/iManage/963905/2
Description	#963905v2<iManage> - KZ_Hoomaka_ State DHHL FOURTH Amendment to General Lease No. 290 (KZ 3.2.21)
Document 2 ID	iManage://IMANAGE3/iManage/963905/3
Description	#963905v3<iManage> - KZ_Hoomaka_ State DHHL FOURTH Amendment to General Lease No. 290 (Revised per HHC Comments)
Rendering set	Real Estate

Legend:	
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<del>[Deletion]</del>	
<del>Moved from</del>	
<a href="#">Moved to</a>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	7
Deletions	9
Moved from	0
Moved to	0
Style change	0
Format changed	0

Total changes	16
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