

HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA

Minutes of August 10, 2021 via Interactive Conferencing Technology-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) (not present at roll call)
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)

EXCUSED Patricia A. Teruya, O'ahu Commissioner

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 9:35 a.m. seven (7) members were present via videoconference at roll call.

Pursuant to the Governor's Proclamations related to the COVID-19 Emergency, Hawai'i Revised Statutes ("HRS") Chapter 92 regarding public agency meetings and records are currently suspended through October 6, 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 Aila noted Commissioners received a cheat sheet relating to Act 220 which was passed by the Legislature this year. It is relating to remote meetings by Interactive Conference Technology. Commissioners must keep cameras on unless excusing yourselves from the meeting. A quorum of Commissioners must be visible during the meeting. In executive session, no one can be in the room with you or be able to hear the conversation. Commissioners don't need to be visible during executive session.

Continent and in Alaska, all other entities in the United States had to pay for their licenses. J. Blackwell stated they are looking at other types of license opportunities on O'ahu.

The building or Enhancing Wireless Infrastructure: method of connecting organizations for services:

- Point to Point with Backhaul link
 - ISP Internet Service Provider
 - Internet Backbone
- Point to Multi-Point
 - Network Base Connecting
 - Schools, Colleges
 - Government
 - Health Services
 - Emergency Services
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 - Gyms, Community Centers
- Leasing of Spectrum
 - Monies earned by leasing Spectrum

J. Blackwell stated that it comes with the requirement that the sub-lessor build-out and meet the license's obligations.

I. Flannery presented the Tribal Broadband Connectivity Grant Program presentation:

- Created as part of the Consolidated Appropriations Act of 2021
- Administered by the National Telecommunications and Information Administration (NTIA), part of the U.S. Department of Commerce
- NTIA released a Notice of Funding Opportunity (NOFO) on June 3, 2021
- The application deadline is September 1, 2021

Purpose:

- To improve quality of life
- Spur economic development and commercial activity
- Create opportunities for remote employment and online entrepreneurship, remote learning, and telehealth
- All by expanding broadband access and providing digital training and inclusion programs to Native American and Native Hawaiian communities

Funding:

- Up to \$980 million
- No less than 3% of the funds, or not less than \$30 million, is set aside for the benefit of Native Hawaiians
- Funding ranges by type of project
 - Broadband infrastructure Deployment projects: \$1 M to \$50 M
 - Broadband Adoption and Use projects: \$50,000 to \$2.5 M
- Time frame to complete projects
 - One year, with extensions possible for Broadband Infrastructure Deployment projects

J. Blackwell stated the Senate passed an infrastructure bill worth \$1 trillion. With hundreds of proposed amendments, the agreement was to do few amendments. It ended up with \$65 billion for broadband, and in that, the original figure was \$2 billion to add to the Tribal Connectivity

Chair Aila stated we might be building a bus, but somebody else is financing it, and they have strict deadlines. The Department is under extreme scrutiny to make sure it can pull these projects off. It will determine if additional future monies come to the Department for the next 20 or 30 years.

N. Kawaihae stated the tower near Waiehu Kou is with AT&T under First Net. First Net came to the Governor's Interstate Indian Council about six years ago to connect first responders.

Commissioner Awo asked if Sandwich Isles Communication is an all-fiber optic system and how much fiber optic could be utilized as a part of the broadband build-out. Chair Aila stated partially, but there are copper lines in the system as well. Commissioner Awo Chair Aila stated it is being considered, but the Department has to see how the litigation unfolds.

Commissioner Kaleikini asked about the NOFO if the Department has an application ready for submittal. Chair Aila stated he doesn't believe so, but the Department is completing the application. N. Kawaihae stated that the Resolution is necessary from the Commission to consent to DHHL applying for the NTIA monies. It will be on the regular agenda next week.

Commissioner Kaleikini asked what number the Department was considering. J. Blackwell stated they are going to be applying for more than \$30 million.

Commissioner Kaleikini asked if the Department has towers and infrastructure on Hawaiian home lands. Chair Aila stated there is infrastructure by other providers on some of the Hawaiian home lands. That is part of the information gathered to see what exists now, so when a plan is brought forward, the Department is not paying for additional towers or things not necessary.

Commissioner Kaleikini asked if there is 5G technology. Deputy Gomes stated some of the infrastructures on Hawaiian home lands might include 5G, but the primary focus being deployed is not 5G technology. Commissioner Kaleikini stated it would be good to know where 5G is located, relating to Commissioner Awo's concern.

Commissioner Helm stated his concern is the health and safety of the beneficiaries. He asked if they were optimistic about Congress supporting and passing the Senate bill for infrastructure and broadband. J. Blackwell stated he is optimistic and had a conversation with Congressman Tom Cole, who believed there would be an agreement in the House of Representatives, and it has a very good chance.

Deputy Gomes stated it might be helpful to distinguish between the 5G and the 2.5 GHz licenses. 5G stands for the 5th Generation of LTE and operates in the 3.5 GHz range up to the 10 GHz range. The licenses being discussed are the 2.5 GHz, like the router in your house or your microwave. These are the scales in which wireless occurs. When talking about towers, they are not synonymous with putting a 5G broadcaster on them. A tower can have a 2.5GHz wireless broadcaster on it as well.

J. Blackwell stated there could be harmful emissions at any level, and there is a truth about people getting sick and irradiated. There are lower levels that are safer than being out in the sunlight. He stated that they would be vigilant and transparent for whatever spectrum is utilized. The idea is not to deploy the 5th Generation with a 2.5 GHz spectrum. It is put in the right place, and that the emission levels are compliant and calibrated properly.

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PUBLIC TESTIMONY ON AGENDIZED ITEMS

Chair Aila noted there were no public testimonies received for the meeting.

APPROVAL OF AGENDA

MOTION/ACTION

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

ITEMS FOR INFORMATION/DISCUSSION

WORKSHOPS

ITEM II-A For Information Only – Workshop discussion on Broadband Basics and Review of Notice of Funding Opportunity of the National Telecommunications and Information Administration's (NTIA) Tribal Broadband Connectivity Program

Special Assistant to the Chairman Niniau Kawaihae introduced Amerind Critical Infrastructure Consultants Jeff Blackwell and Irene Flannery.

N. Kawaihae stated the presentation is an overview of what broadband is, the notice of funding opportunities detailing the eligible activities, and the requirements for the Department's application for the funding under the NTIA.

Amerind Critical Infrastructure Director Irene Flannery stated that she and General Counsel - Chief Strategy Officer Jeff Blackwell worked at the Federal Communications Commission (FCC) and have been involved in indigenous broadband development projects at the federal and private level for about 20 years.

The presentation is the basics, and it's also to reassure the Commission about the progress, opportunity, and importance of the timing for indigenous communities in the United States.

Key Concepts used in the industry:

- Networks are a powerful tool to serve Native Hawaiian Communities and support development, education, healthcare, or public safety and potentially provide revenue as an internet service provider
 - Last-mile connectivity brings internet service, or broadband, to a home or business
 - Middle mile connectivity brings broadband from an internet backbone to a connection point in a city or town
 - Backhaul or transport is the side of the network that connects to the global internet
 - Broadband technologies include fiber, cable, wireless, fixed wireless, and satelliteSatellite LEO low earth orbit

J. Blackwell stated DHHL has an advantage because it is a licensee of the FCC for the 2.5 GHz license, which is at no cost to DHHL. DHHL, Tribal Governments, Tribal Entities on the

Continent and in Alaska, all other entities in the United States had to pay for their licenses. J. Blackwell stated they are looking at other types of license opportunities on O'ahu.

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Program. There is an additional \$2 billion in the Senate version going to NTIA for the Tribal Broadband Connectivity Program. The Rule was already created in the Consolidated Appropriations Act so that DHHL will be applying for more than \$30 million.

J. Blackwell stated there is additional money going to a program at the FCC, the Emergency Broadband Benefit Program. The Senate version is at \$3.2 billion. To his knowledge, no known carrier applied. It looks as though the Senate has extended the construction timeframes considering the crush on materials and construction times.

DISCUSSION

Commissioner Awo stated concerns raised by the Waiehu Kou beneficiaries objecting to a tower that went up in the middle of their neighborhood complex. He asked if broadband will be utilizing 5G technology. J. Blackwell stated there is a possibility of utilizing 5G, but it is more the point to multi-point model than the 5G LTE.

Commissioner Awo noted for the record that the Waiehu Kou Community was very concerned about the tower being in the middle of the homestead. A petition was signed by 200 people, mostly from Waiehu Kou 1-3. Several community members attended a County of Maui Planning meeting where they felt the project folks were dismissive, arrogant, and not open to hearing from the beneficiaries. The federal government makes it very difficult for the community to object to the perceived dangers that 5G brings to their community. The perceived danger is the 5G signals traveling a shorter distance than 4G signals. Allegedly the cell boxes are being put on homes and in office buildings. The concern is the radiofrequency radiation that may cause harm to people. Beneficiaries who have tried to address this health concern have been accused of fear-mongering despite publications that support their concern.

One publication comes from Scientific American, which is a publication that has been around since 1845, and they are raising the alarm about the dangers of 5G technology and radiofrequency radiation and what it means to live organisms, including Hawaiians. Hawaiians in Waiehu are concerned because they already have a propensity for cancer and other health challenges. There may not be an answer, but it remains an unresolved concern for beneficiaries that came to him seeking support.

Chair Aila clarified that the tower is on private property and not in the homestead. Just so everybody understands that the Department did not approve the site, but it was the County with the Provider, whoever that is. It's very close, but the tower is not on DHHL land. Commissioner Awo stated the tower is not on DHHL but very close to the highway, making it close to our homesteads.

Commissioner Neves stated he supports Commissioner Awo's concerns. He asked for an explanation about one of the diagrams and what stage is DHHL at. J. Blackwell stated DHHL is creating the bus, not only driving it. It may and may likely be an extension of purchasing the backhaul from somebody else in some other places.

J. Blackwell addressed the 5G concern and stated they are looking at a community ideology rather than corporate. He committed to reaching out to his colleagues at the FCC who are responsible for the Radio Frequency Emission Regulations, for not just 5G but also for 2.5 GHz. He stated they would make sure those emissions are compliant and that they don't over-build. The priority is to get unconnected unserved communities connected. The second priority is not to over-build or double-build or double-down.

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Commissioner Neves stated he is all for moving this forward.

Commissioner Awo appreciated the follow-up to address the health concerns of the Department's beneficiaries. The more he talks, the more knowledgeable, and he appreciates it.

RECESS
RECONVENED

10:55 AM
11:05 AM

ITEM II-B For Information Only – Appointment of Investment Committee Permitted Interaction Group Pursuant to Hawai'i Revised Statutes Section 92-2.5, and Hawai'i Administrative Rules Section 10-2-16(B)(1).

Executive Assistant Jobie Masagatani stated the item is an establishment of an Investment Committee Permitted Interaction Group. The members of the Committee are Commissioners David Ka'apu, Russell Ka'apu, Pauline Namu'o, and Chair Aila.

The Committee's intent and purpose are to research and recommend a course of action to effectively implement the Investment Policy adopted by the Commission in August 2018. The first meeting is scheduled for September 2nd at 3:00 p.m. The Committee will keep the Commission abreast and is hopeful of completing its work by the end of the calendar year with any actions and recommendations that may be needed. The target date to present to the Commission is January 2022.

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING

The next meeting will be held on August 16 & 17, 2021, Interactive Conference Technology

MOTION/ACTION

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

ADJOURNMENT

11:12 AM

Respectfully submitted:



William Ailā Jr., Chairman
Hawaiian Homes Commission

Prepared by:



Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission