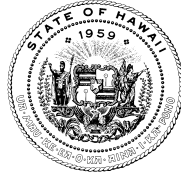


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## Meeting Notes

‘Ualapu‘e Kuleana Homestead Project  
Beneficiary Meeting #1 (virtual)  
October 14, 2021 – 6:00 PM – 7:00 PM

For more information, please contact:

Email: [dhhl.planning@hawaii.gov](mailto:dhhl.planning@hawaii.gov)

Website: <https://dhhl.hawaii.gov/po/molokai/ualapue-kuleana-homestead-project/>



# CONFERENCE REPORT

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<b>TO:</b>	Department of Hawaiian Home Lands (DHHL)		
<b>FROM:</b>	G70		
<b>DATE:</b>	October 14, 2021	<b>LOCATION:</b>	Virtual
<b>PROJECT:</b>	DHHL 'Ualapu'e Settlement Plan	<b>PROJECT NO:</b>	221047-01

<b>SUBJECT:</b>	'Ualapu'e Informational Beneficiary Meeting #1	<b>NO. OF PAGES:</b>	6
<b>THOSE PRESENT:</b>	(G70) Kawika McKeague, Barbara Natale, Ryan Char, Pi'ilani Smith  (DHHL) Andrew Choy, Gigi Cairel, Cedric Duarte, Mona Kapaku, Paula Aila, Juan Garcia, Sara Okuda, Atina Soh, Shelly Carreira, Commissioner Zachary Helm	<b>Participants:</b> 75	

## SUMMARY:

Cedric Duarte started the meeting. Aunty Iwalani Kadowaki led the pule.

Cedric introduced Kawika McKeague, who introduced the G70 team. Cedric went over zoom housekeeping, chat and raise hand functions. He then honored Prince Jonah Kūhiō Kalaniana'ole and reminded us of the vision to bring people back on to the land.

Andrew Choy then discussed the DHHL planning system process. Gigi Cairel reviewed the Moloka'i Island Plan (2005) and Moloka'i Regional Plan (2019-2020). 'Ualapu'e residential homesteading was identified as a high priority project in the Moloka'i Island Plan. This residential project has been on hold due to high costs to put in the infrastructure. The Moloka'i Regional Plan was updated and approved by Hawaiian Homes Commission (HHC) on February 18, 2020. The 'Ualapu'e Kuleana Homestead Project was proposed by beneficiaries then identified as a regional plan priority project. The Ahonui Homestead Association stepped up and volunteered to be the community partner for this project and thus is listed as the community champion for this project. The Regional Plan underwent beneficiary consultation for 15 months (beginning November 2018).

Kawika opened a conversation with a discussion on kuleana (right, privilege, concern, responsibility) and ho'okuleana (to entitle, give a responsibility). He shared the Moloka'i waitlist demographics:

- Agriculture (1,100)
- Residential (837)
- Pastoral (207)

Kawika covered what the kuleana homestead entails, and the responsibilities of DHHL. HHC determines which waitlist to use to make kuleana awards, and the department is required to provide metes and bounds descriptions of lots, and an unpaved right of way to the awarded lots. Gigi compared the kuleana and conventional leases. Kuleana is faster process to get people on the land, but comes with limited infrastructure (i.e. road and metes and bounds) with more responsibility on the lessee. A conventional lease takes much longer, as the department needs to develop the infrastructure.

Barbara covered the role of G70 in the process. G70 will help facilitate discussions between DHHL and interested applicants in order to develop the 'Ualapu'e Settlement Plan. Hawai'i Administrative Rules (HAR) §10-3-30 outlines the contents of the Settlement Plan. Barbara also covered the Hawaii Revised Statutes (HRS) Chapter 343 Environmental Assessment (EA) and its components, including subconsultant work currently being done. Consultant studies include cultural/resource management, water/roads, and erosion. She shared the 'Ualapu'e timetable,

then conducted a poll. Barbara then shared the results of the poll (50 of 77 participants responded):

1. **Are you a beneficiary?**
    - a. Yes: 78%
    - b. No: 22%
  2. **Which waitlist are you on? (Some respondents on multiple waitlists)**
    - a. Residential: 40%
    - b. Agriculture: 60%
    - c. Pastoral: 10%
    - d. I don't know: 6%
    - e. None: 26%
  3. **Approximately how long have you been on the waitlist?**
    - a. 0-10 years: 34%\*
    - b. 10-20 years: 18%
    - c. 20-30 years: 28%
    - d. 30-40 years: 12%
    - e. 40-50 years: 4%
    - f. 50-60 years: 0%
    - g. 60+ years: 4%
- \*There was no "None" option for those who indicated they were not on the waitlist, so they may have selected this option
4. **Is 'Ualapu'e a place that you see as one for you and your family to be homesteaders?**
    - a. Yes: 50%
  5. **Is Kuleana homesteading something you would be interested in?**
    - a. Yes: 42%
    - b. Need more info: 26%

Cedric discussed general updates on other DHHL Lot Development Projects. The Department is moving forward with the planning phase, HRS 343 EA and subdividing process for 58 lots in the Nā'iwa Agriculture Subdivision; and planning phase and HRS 343 EA for the Kalama'ula agriculture lots. These developments are for the existing lessees. DHHL is. Moving forward with the planning phase and HRS 343 EA for Ho'olehua agriculture lots, which will be offered to agriculture applicants.

Cedric provided the email ([dhhl.planning@hawaii.gov](mailto:dhhl.planning@hawaii.gov)) and website (<https://dhhl.hawaii.gov/po/molokai/ualapue-kuleana-homestead-project/>) to contact DHHL.

Cedric then opened the zoom for questions and discussion.

**Chat/Questions/Comments/Discussion:**

- **--: Is there any way that you would be "removed" from the land/lease?? If you not doing your kuleana, if you not using your land?**
  - Cedric: Yes. Each lessee will sign a homestead lease that will have conditions. If lessee is out of compliance with the lease, it constitutes a lease violation. Non-use of land is a major lease violation.
- **Leila Kealoha: Will DHHL eventually put in infrastructure?**
  - Gigi: No. Per the rules, DHHL is only obligated to put in un-paved road access to the homestead area. Through the planning process, infrastructure options will be discussed further.
- **Mahina and La'a Poepoe: This would potentially be the largest subdivision development in the history of Mana'e with resulting impacts to the lives of all who live here. I would recommend an EIS?**
  - Kawika: There's a long reason why we're not doing an EIS, but short reason, significance criteria. In our experience on the past two Kuleana Homesteading

planning processes, the EA versus an EIS was a good threshold to engage the investigation and, of course, as you start that investigation, if things come up that then warrant a more thorough detailed analysis, because you have something of substance where the project is going to have a irreparable impact, it then does require us to go into an impact statement. It's also driven by the definition of the project which here the project is being defined as the homesteading settlement plan which is defining the metes and bounds of the homesteading.

- **Andrew Fries: Are those photos available for us to see?**
  - Gigi: DHHL will work with our consultants on this and see if we can post on the DHHL website/'Ualapu'e project page.
- **Mahina and La'a Poepoe: How will the impacts to the wider community be assessed?**
  - Kawika: The EA looks at cumulative impacts as well.
- **Mahina and La'a Poepoe: For 'Ualapu'e, can you expand on the water and sewage options that you will offer considering no infrastructure provision?**
  - Gigi: We are just starting the planning phase. No options yet. There will be technical studies to be done, and we've been receiving comments/ideas from beneficiaries themselves. Such options will be listed in the Kuleana Settlement Plan which beneficiaries have opportunity to review and comment on before it goes to Commission approval.
- **Walter Ritte: County has their water well on your land, you need to get water to the beneficiaries. Water is one of the most important needs.**
  - Andrew: We will be looking at potential water options. We are well aware of the potential to collaborate with the county and potentially bring water from the County's source to help to provide water to the homestay community, but we need to do further study and have further communication with the County on collaborating with them. The County Department of Water Supply has initiated its update of its Water Use and Development Plan, and if you can share similar sentiments in that planning process, it would help to guide the company's policy and how it allocates its financial resources to developing infrastructure that might help to support the Department's mission.
- **Mahina and La'a Poepoe: Have Kuleana leases been awarded, such that infrastructures like water, sewer, and electrical have not been provided?**
  - Blossom Feiteira: Yes. Kahikinui on Maui was the first Kuleana homestead. The Department will not invest funds into lands that are too costly to develop. The kuleana program was designed to get beneficiaries on the land faster, and for those who want to live off grid. This means an unimproved lot, no water, power, or sewer. You get to develop a plan that you're comfortable with, but if you decide to take one of these lots, you are on your own. You can't access a conventional mortgage loan because it's not a county approved subdivision, and you won't have the basic infrastructure. In Kahikinui, broadband and telephone was provided through an agreement with Sandwich Isles Communication. Kuleana homesteading was an idea that came from kūpuna who wanted to go home to Kahikinui. The younger generation worked closely with the department to establish the kuleana homestead. One year after returning to Kahikinui, those kūpuna passed.
- **iPhone: So basically going have 800+ families camping?**
- **Mahina and La'a Poepoe: The natural grade of the mountain is steep, how will erosion runoff be managed and contained considering heavy grading will likely be required?**

- Gigi: This will be explored as part of the Planning Process, through our consultants and the technical studies.
- **Mahina and La'a Poepoe: Seems like a hands off approach by DHHL, how does DHHL maintain oversight and compliance of development activities?**
  - Cedric: It would be through the DHHL homestead lease terms and conditions. That would be DHHL's primary tool. But I do want to highlight that DHHL didn't get here alone. We got here through the regional planning process with the community over about a year and a half and several meetings.
- **K. Hirata: As a cultural claimant/descendant of Ualapu'e and a Kuleana Landowner descendant in East Molokai, an EIS needs to be done, not just an EA.**
  - Andrew: Our mission is to return native Hawaiians to the land, and we want to make sure that we are also good stewards of the land. If you can tell us about particular resources or impacts that you are concerned about that you'd like us to take a look at and address, that would be very helpful to our process.
- **Mahina and La'a Poepoe: The well that services the entire district is in the immediate area and is a wellhead protection area, how will you ensure that the wellhead will not be contaminated by agricultural inputs, potential sewage, and other contaminants?**
  - Gigi: GREAT questions. I'll refer to DHHL consultants to see how we can address this.
- **Leila Kealoha: There was a statement made about how the Kuleana lessees would create their own association. Does this mean DHHL will recognize the association and back them in their endeavors? This is not the case in other homestead associations across the state. How will DHHL recognize and support the association?**
  - Gigi: The Administrative Rules do identify that a kuleana homestead association will exist for any kuleana homestead. So, for example, Kahikinui has an association that has a specific purpose - it is to manage the homestead and the common areas, and all awarded lessees are automatic members of the association. The Department will be assisting and helping to set that up initially, however we won't know who the lessees are for at least a few years from now, until the lessee has signed the lease.

The associations are private nonprofit organizations, so they're not affiliated with the department at all. I'm not real sure about the other part of the question of, is the department going to back them up. DHHL really doesn't have that kind of relationship with the associations.
  - Blossom: I can just tell you this after years of working with the Department and homestead communities, your relationship with the Department of Hawaiian Home Lands and the Hawaiian Homes Commission is your relationship and how you build that is up to you. It isn't a matter of the department recognizing you, it's about you recognizing yourself as a community of beneficiaries, and that establishes your relationship with the Department and the Commission.
- **Earl Kawa'a: Is G70 studying the place names to better understand and inform the EA process? There needs to be literature surveys and in-person interviews. You need to talk to the people who's genealogy is there at that place and have community meetings with those people first. Do the research well so that it's there for the next generation.**
  - Kawika: G70 works with Keala Pono Archaeological Consulting who has folks on Moloka'i that will be doing that research. We're just starting, so we have not yet done the research. But we realize the importance of looking at place names, rain names, wind names and how that informs the spatial and time element of not just

our ancestor's interpretation of place but informing us in terms of traditional ecological knowledge that we can utilize to understand this place a little bit better.

- **Fries Ohana: What is the total usable land? How many acres - is that information available?**
  - Andrew: At this point we don't have that number. We need to study the land to see where it is appropriate to put homestead, and where it is not appropriate to put homestead.
- **Walter Ritte: One of the things that this kind of homesteading is going to need is access mauka to makai. Mauka get food and makai get food. There's a State fishpond - 'Ualapu'e fishpond - that nobody has a lease to; the Department might want to try and organize some kind of right-of-way with the State of Hawai'i so there is access to the ocean.**
- **Earl Kawa'a: There is an ala hele that goes from mauka to makai that you folks have to find out where it is. The only way to do that is probably through mele, probably through ole and probably the older generation going to know that.**
- **Keani Rawlins-Fernandez: If someone on the waitlist receives a Kuleana Lot lease, is that person removed from the waitlist to get a residential lot and/or ag lot?**
  - Cedric Duarte: So, as we go through this process, the first thing that the Department is going to need to do is work with the Hawaiian Homes Commission to determine which waiting list we'll be using. So if it's determined that this is, for example, all subsistence agriculture lots where you have the option to put a dwelling, that would then remove that beneficiary for both an agricultural list and the residential list. But we're still a little early in the process. When it comes time to determining the waiting list, we will be having this conversation with the community, so that we can take a recommendation to the Hawaiian Homes Commission on which waiting list we would be addressing with this particular project. In Kahikinui for the pilot project, that was the Maui island pastoral list.

CORRECTION: If Commission approves using the Agriculture waitlist, and Kuleana Agriculture leases are offered in 'Ualapu'e, then your application on the Agriculture waitlist will be cancelled. If you are also on a residential waitlist, your application will remain on the residential waitlist. Further, if you do sign a Kuleana Ag lease, and build a dwelling on your Kuleana Ag lot, that then becomes your primary residence. In this case, your application will be cancelled from the residential waitlist.

- **Earl Kawa'a: I made a sort of joke about the ala hele with regards to the night marchers, but you don't want to build on that path. We don't want our families to be in that line and get hurt.**
  - Kawika: Understood - we'll take that into account and even visual relationships, triangulation relationships, and space relationships in between. We anticipate there to be a lot of important sites.
- **Kawehi Soares: This is for the supposed Na'iwa subdivision coming up. The name "Na'iwa" subdivision by Pu'u Kanaio should be replaced with Ho'olehua. It's not in Na'iwa but in the Ho'olehua (2) Ahupua'a. The name on the map is incorrect.**
  - Cedric: Yes, we've heard that and, as we proceed forward with the development of that area and we start to get the infrastructure put in with the lessees, I think there may be an opportunity to correct the naming there.
- **Fries Ohana: I just wanted to be really clear. So, for instance, if somebody was awarded, they would have just the land and whatever resources, and would basically have to use their own resources to build a house. And if somebody wanted utilities, they would have to fund that completely or is it not even possible.**

- Cedric: Correct, you'd have to fund all of the building completely. If you do choose to build a dwelling, health and safety codes apply. As for utilities, that would require individual solar panels, water catchment, water tank, septic tank, etc. - those would be responsibilities of the lessee. The Settlement Plan will provide possible building and utility options that the lessees can use.
- **Fries Ohana: So it's not set in stone that you would even live there in some of these places, some of these might just be strictly agriculture and you couldn't actually build a dwelling.**
  - Cedric: Part of this planning process is to identify appropriate areas for dwellings and agriculture. We have to understand what the land looks like and what's possible before those decisions can be made.
- **Keani Rawlins-Fernandez: If a beneficiary is awarded a kuleana lot lease, would their successors then inherit that lease?**
  - Cedric/Gigi: Yes! As long as the successor(s) are listed. Often times, lessees forget to name the successor(s).
- **Keani Rawlins-Fernandez: These kuleana lot leases would be treated the same as residential/ag/pastoral leases as to successorship and other designation?**
  - Gigi: YES! Same. 99 year lease, successor designation, etc.
- **Mahina and La'a Poepoe: I would caution everyone to understand what you're getting yourselves into at 'Ualapu'e. It's steep. There's one straight direct road. If you drive on that road today, you would slide all the way down. Caution what you're getting into. Touch the soil of the place. This is just a precaution for those who have never touched the soil of 'Ualapu'e.**
  - Cedric: That's a really good comment, and at least in the beginning the department can make some of those photos available for those who have not seen the area to get a somewhat better understanding of what you're sharing. Then as we move forward with more understanding of the place that the lessees really need to understand what they're getting themselves into.

The meeting ended approximately at 8:01pm.