

HAWAIIAN HOMES COMMISSION

Minutes of October 18, 2021, via Interactive Conferencing Technology (ICT)

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 8:30 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)
Russell K. Ka‘upu, O‘ahu Commissioner (9:01 a.m., via ICT)
Michael L. Kaleikini, East Hawai‘i 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 Ryan Kanakaole, 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 8:41 a.m. eight (8) members were present via ICT at roll call.

Pursuant to the Governor’s emergency proclamation, related to COVID-19 Emergency, Hawai‘i Revised Statutes (“HRS”) Chapter 92 regarding public agency meetings and records are currently suspended through November 30, 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 reminded Commissioners that although Act 220 does not take effect until January 2022, meetings via interactive conference technology have specific rules. Commissioners must say who else is present for open meetings if anyone is in the room with you. Cameras must be kept “on” unless you are excusing yourself from the meeting. A quorum of Commissioners must be visible during the meeting. In the executive session, no one can be in the room with you or

hear the conversation. You will need to confirm this with the Chairman. You don't need to be visible during the executive session, and cameras can be turned off.

Chair Ailā stated Item D-8 will be taken after the executive session.

APPROVAL OF AGENDA

MOTION/ACTION

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

APPROVAL OF MINUTES FOR SEPTEMBER 15, 2021, AND SEPTEMBER 20 & 21, 2021

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the September 15, 2021 Minutes. Motion carried unanimously.

MOTION/ACTION

Moved by Commissioner Neves seconded by Commissioner Helm to approve the September 20 & 21, 2021 Minutes, as amended. Motion carried unanimously.

Commissioner Kaleikini had a correction on the spelling of Liz Masaoka instead of Masuoka. Regarding the short-term timeline, Commissioner Teruya added “to the perpetrators” on page 6, paragraph 3.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Blossom Feiteira - Various Items

B. Feiteira testified on Homestead Services Division items. She asked that Items D-7 and D-8 include the date of application. She supports the approval of Item D-9 and Item F-3. She stated two Kahikinui ROEs were not listed; the Hale Pili site and the Fog Drip project. She requested an informational briefing for Item C-2 and asked when decision-making might be expected. She also requested informational briefings for the beneficiaries on Maui for Items G-1, G-2, and G-3. She offered support of Item G-5.

Chair Ailā stated the original dates are listed in the Consent Agenda. K. Albinio stated he would check on the two ROEs for Kahikinui and get back to Commissioners and Ms. Feiteira.

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-4** **Approval of Streamline Refinance of Loans (see exhibit)**
- ITEM D-5** **Approval of Homestead Application Transfers / Cancellations (see exhibit)**

- ITEM D-6** **Commission Designation of Successors to Application Rights – Public Notice 2016, & 2020 (see exhibit)**
- ITEM D-7** **Approval to Certify Applications of Qualified Applicants with Application Dates from July 2, 2021 thru August 5, 2021 (see exhibit)**
- ITEM D-8** **Approval to Cancel Applications of Non-Qualified Applicants (see exhibit)**
- ITEM D-9** **Reinstatement of Cancelled Application – ROBERT K. KAIWI**
- ITEM D-10** **Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)**
- ITEM D-11** **Approval of Assignment of Leasehold Interest (see exhibit)**
- ITEM D-12** **Approval of Amendment of Leasehold Interest (see exhibit)**
- ITEM D-13** **Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)**
- ITEM D-14** **Commission Designation of Successor – CHRISTOPHER K. AIKALA, Residential Lease No. 9979, Lot No. 174, PKE, O`ahu**

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
 Motion to approve the Consent Agenda items listed for the Commission’s consideration minus Item D-8.

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Teruya to approve the Consent Agenda minus Item D-8.						
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			
Commissioner Teruya		X	X			
Chairman Ailā			X			
TOTAL VOTE COUNT			8			1
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- eight (8) Yes votes.						

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

- ITEM C-1** **Approval of Lease Award Ka`uluokaha`i Residential Subdivision Vacant Lot Kapolei, O`ahu. Approval of Lease Award Ka`uluokaha`i Residential Subdivision Turnkey Home Kapolei, O`ahu. Approval of Lease Award Kakaina Residential Subdivision Vacant Lot Waimanalo, Oahu (see exhibit)**

RECOMMENDED MOTION/ACTION

Acting Contact and Awards Division Administrator Paula Ailā presented the following:

Motion that the Hawaiian Homes Commission approve the applicants listed on the submittal for 99 years leases.

MOTION/ACTION

Moved by Commissioner Teruya seconded by Commissioner Helm, to approve the motion as stated in the submittal.						
Commissioner	1	2	YEA (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			
Commissioner Teruya	X		X			
Chairman Ailā			X			
TOTAL VOTE COUNT			8			1
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- eight (8) Yes votes.						

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to Annual Renewal of Right-of-Entry Permits, Kaua'i Island (see exhibit)

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 the Island of Kaua'i

MOTION

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

DISCUSSION

Commissioner Teruya asked why the rent portion of the Kaua'i ROE was not listed. K. Albinio stated the rent portion is in the exhibit.

Commissioner Neves asked why this item was not provided in the August meeting. K. Albinio stated it was missed. Commissioner Neves stated if something is missed that the staff advise the Commission as soon as possible, and that the beneficiaries will know that it will come up at a later time. He talked about ROEs that are not in compliance for issues besides fees. He asked if the Department is prepared for the revocable permit process or will it continue to be delayed. Will the program be in place.

Note: Commissioner Ka'upu joined the meeting at 9:04 a.m.

Chair Ailā stated the Department is prepared to achieve that goal dependent upon having the positions funded and recruited. Chair Ailā stated with COVID and the Legislature convening in two months; he cannot make any commitments.

Commissioner Neves asked who approved the temporary approvals on September 1, 2021. K. Albinio stated it was a carryover from the previous right-of-entry period. Commissioner Neves asked who authorized the carryover. K. Albinio stated there was no authority given. Chair Ailā stated that by the practice of law, the Department kept the same conditions in place, by not accepting the carryover; everyone would have to vacate. The Department is coming back to make it right. Commissioner Neves stated the procedure needs to be fixed.

Commissioner Neves brought up the matter of tenants in arrears. He talked of one that has a rent of \$10,000 and is in arrears of \$13,000. He asked if there had been any communication as they had been in arrears for over a year. It doesn't take much to send a form letter noting the amounts and months in arrears.

Commissioner Neves mentioned the recommendation that the rates be left at the current level; he stated he read the Colliers' report, and it only stated where things are at in the country, but there is nothing that says what properties cost or what the rents are. He stated the Department could get rates from the real estate online. He stated he knows the President of the Real Estate Board on Kaua'i and will ask if she has a report the could be used to generate the numbers needed.

Commissioner Neves asked about Kaua'i Farm Fuels being in arrears and what their status is. Land Agent Kaipō Duncan stated Kaua'i Farm Fuels vacated the property, and the Department is keeping the security deposit which is 1-month rent, or \$10,000. Commissioner Neves asked if the property was secured. K. Duncan stated it is fenced.

Commissioner Neves asked about the status of the Wallace Rita and the Clyde Oda companies stating they are back about \$2300? K. Duncan stated he would follow up and report back. They are still using the site.

Commissioner Awo stated that if the Commission approves the orange or delinquent ROEs, it contradicts what is contained in the request to approve. Those in compliance are issued a temporary approval. If delinquencies keep occurring and the Commission rubber-stamping the approvals, he doesn't think it conveys the right message.

Commissioner Helm asked if the tenants are informed in writing of their delinquencies and do the letters have a deadline to satisfy their delinquency. K. Albinio stated there is no time frame. As soon as the Division gets the invoices, they can see if a party is delinquent, then the land agents would prepare the notices and send them out.

Commissioner Ka'apu asked how the Commission learns about other delinquencies. If they are not in compliance with their Right-of-Entry, how does the Department know that. It should be highlighted, so they can come into the compliance. He agreed with Commissioner Neves that the Department needs a better handle on market rates for the different types of properties. A non-beneficiary pays \$1200 per year for 20-acres, but a beneficiary pays \$1500 per year for 11-acres. Another non-beneficiary is paying \$240 per year for 18-acres. He does not understand methodology. K. Albinio stated they were old revocable permits converted into right-of-entries, and if they were in compliance, the rents would not be touched and left as is.

Commissioner Ka'apu stated that it makes no sense to him. Converting it from a revocable to an ROE allows the Department to look at the property's value to understand that it is short-term and pay close to market rent. For the solar people, it was determined that the agricultural land price was \$200 per acre. A common ground for a basis is needed. He would like to see consistency. He is willing to go and find out what the rates are on the Big Island and send a sample of that to the Department. At least the Department would have an idea and a basis of what the rates are. Maybe the other Commissioners can do that on their island.

Commissioner Neves stated he agreed with what Commissioner Awo mentioned about the delinquent ROEs and will work with the real estate board on Kaua'i.

Commissioner Kaleikini also agreed with what Commissioner Awo expressed about the delinquencies. He also asked when the revocable program would be starting. K. Albinio stated he cannot make any commitment now, but he is working to find what path to procure the appropriate entity to assist the Land Management. Commissioner Kaleikini stated it would be good to keep the Commission updated. His understanding about the annual renewal is that it is not supposed to exceed August 31, 2022.

Commissioner Ka'apu apologized for being late due to the change in the start time of the meeting. He asked if there was a possibility of putting a committee of Commissioners together to work with K. Albinio regularly and report to the Commission. He is willing to research rates on O'ahu.

Chair Ailā stated a working group could be created. Commissioners Ka'apu, Neves, and Ka'upu volunteered. DAG Kanaka'ole stated the max is four, more than two less than a quorum. Commissioner Teruya volunteered to join the group. Chair Ailā stepped down to allow Commissioner Teruya to be part of the committee. Commissioner Ka'apu will be heading the group.

Commissioner Helm requested a spreadsheet of the ROEs for the island of Moloka'i to be emailed to him. K. Albinio stated yes, he could send an email to Commissioner Helm.

Commissioner Ka'upu asked that K. Albinio put together an organizational chart of his staff and their kuleana. Chair Ailā stated they would get it to all the Commissioners serving on the interactive group.

Chair Ailā stated the items, not in compliance being removed are Nos. 541, 542, and 562. Commissioner Neves stated No. 553 should also be removed for non-compliance.

AMENDED MOTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to amend the motion to remove those not in compliance.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the motion as stated in the friendly amendment, with the removal of Nos. 541, 542, 553 and 562						
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: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- nine (9) Yes votes.						

ITEM F-2 Approval to Annual Renewal of Right-of-Entry Permits, Hawai`i Island (see exhibit)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:
Motion that the Hawaiian Homes Commission approve the Annual Renewal of Right-of-Entry Permits for the Ease, Central and South of Hawai`i Island

MOTION

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

DISCUSSION

Commissioner Ka`apu asked K. Albinio what the status was for No. 692, the Church in the industrial area. Commissioner Ka`apu stated there is a note that an industrial offering is forthcoming, but wanted a timeframe. K. Albinio stated he thinks maybe the first or second quarter of next year. Commissioner Ka`apu asked if they are making any efforts to establish a Church somewhere else. K. Albinio stated he has not communicated with them recently. Commissioner Ka`apu stated the Department should give them notice that they need to go and find something.

Commissioner Kaleikini asked if the permittees in Ka`ū submit regular reports. He requested updates of those reports. K. Albinio stated that he would ask the permittees for updated reports bi-annually. Chair Ailā asked Commissioner Kaleikini if he was referring to reports about fire prevention. Commissioner Kaleikini stated he thinks the fire prevention reports should be included with what they are doing in general.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Ka`apu, 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	X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Aila			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-3 Approval to Annual Renewal of Right-of-Entry Permits, Maui, and Lanai Islands (see exhibit)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:
Motion that the Hawaiian Homes Commission approve the Annual Renewal of Right-of-Entry Permits for Maui, and Lanai Islands

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Ka`apu, 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	X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves			X			
Commissioner Teruya	X		X			
Chairman Aila			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 Renewal of Right-of-Entry Permit No. 685, U.S. Department of the Interior, Nanakuli, Lualualei, and Waianae, O`ahu, Various TMKs

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the Renewal of Right-of-Entry Permit No. 685, U.S. Department of the Interior, Nanakuli, Lualualei, and Waianae, O`ahu, Various TMKs to complete its series of land surveys and field activities which includes traverse location surveys, data collection, and boundary survey monumentation.

Commissioner Ka`apu stated the area noted, the Honokoa Watershed, is in error and should be taken out; it is located on page 2.

MOTION

Moved by Commissioner Helm, seconded by Commissioner Namu`o, to approve the motion stated in the submittal.

K. Albinio introduced Lisa Oshiro and Todd Lang of the Department of Interior, who were available to answer questions.

Chair Ailā stated the Department of Interior had the funds to survey original lands.

L. Oshiro of the Department of the Interior Office of Native Hawaiian Relations stated she has a brief presentation because the last time they presented was in 2018. She introduced Cadastral Surveyor of the Department of Interior Bureau of Land Management Todd Lang.

L. Oshiro stated the request to survey came from the DHHL to survey the boundaries of Hawaiian Home Lands. The Right-of-Entry was authorized by the Hawaiian Homes Commission in December 2018. They prepared in March 2020 to start surveying, but because of the COVID pandemic, they were delayed due to the Governor's Stay at Home Proclamation.

L. Oshiro stated she provided staff with a copy of the detailed presentation. In the F-4 submittals are the maps of boundaries where the surveys were conducted. Control Point Surveying is the local company doing the surveying. The Right-of-Entry was renewed, but surveying has not been resumed because the positivity rate in the 96792 area has remained high. L. Oshiro checked the COVID numbers for today, October 18, 2021, and the positivity rate is down to 4.8%, with new cases still over 100. Control Point has verified that all of their service crews are vaccinated.

L. Oshiro stated they would be requesting Right-of-Entry into the individual homestead lots. They will be sending out notifications and coordinating with the homestead lessees.

After the surveys are conducted, there will be a filing by the Bureau of Land Management and publishing a Federal Register Notice. After the publication, there will be a 30-day period where someone could contest the filed information. After all the survey data has been collected and compiled, they would like to return to the Commission to present the information gathered.

DISCUSSION

Commissioner Teruya asked what surveyors do when they enter the homestead lots. A cadastral survey is a boundary survey. It looks at the exterior boundaries of the Hawaiian home land and any issues with the boundary, such as encumbrances of a fence, a wall, or the boundary line.

Commissioner Teruya asked if they would be receiving federal funding through the survey. T. Lang stated there is a possibility of funding. Once the boundaries are assured at the federal level, and that boundary is defensible. Then they might be able to help and possibly fund environmental services or community services for that specific area.

Commissioner Teruya asked about the Lualualei area if they will be surveying the Naval area and whether it is Hawaiian home land. L. Oshiro stated she understands that it is not included, and they are only surveying the lands presently in the Trust.

Chair Ailā asked L. Oshiro if they have requested additional funding. L. Oshiro stated they had identified it as an ongoing project, and it is up to the Administration’s budget to address that. She stated they appreciate the Commission’s support for the project.

ACTION

Moved by Commissioner Helm, 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			
Commissioner Helm	X		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-5 Approval to Issuance of a Right-of-Entry Permit to U.S. Department of Interior, Waimanalo, O`ahu, Various TMKs

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve issuing a Right-of-Entry Permit to the U.S. Department of Interior, Waimanalo, O`ahu, Various TMKs to complete its series of land surveys and field activities which includes traverse location surveys, data collection, and boundary survey monumentation.

MOTION

Moved by Commissioner Helm, seconded by Commissioner Namu`o, to approve the motion stated in the submittal.

K. Albinio again introduced Lisa Oshiro and Todd Lang to answer questions. From Power Pack Solutions Diane Powers Steigle; from Red Plains Surveying Mick Powers, and from Dudek Hawai`i is Ben Hochart.

L. Oshiro stated they have funding for field survey activities, and Waimanalo was identified as a priority. She shared her presentation of the Waimanalo Federal Authority Survey Project. DOI is using Certified Federal Surveyors (CFEDS) in the Waimanalo Project. There are no CFEDS located in Hawai'i and Red Plains Surveying that have experience surveying native Trust lands.

L. Oshiro stated they have the overview maps of the Waimanalo parcels, broken down into eight different areas in which the survey will be conducted. The first four areas do not touch any residential homesteads. Instead of entering multiple residential lots, the surveyors can enter through adjacent lots under DLNR and ag lots under DOA management. There will still be notification and coordination with the individual homestead lessees and businesses, so they know the surveyors.

DISCUSSION

Commissioner Neves asked if the Department is communicating with the Department of Interior to move towards those things that would affect Act 14. Chair Ailā stated that DHHL has communicated with DOI regarding the remaining items that need to be resolved.

Commissioner Teruya asked if the surveys would provide DHHL with information to determine if it could build more homes. L. Oshiro stated it serves what the Department currently has. She reiterated the possibility of funding once assured that the boundaries are defensible, it opens access to services at the community level. With the federal data, there is a tool for the federal agencies to verify the boundary status.

Commissioner Teruya asked if the beach parks adjacent to Waimanalo are DHHL lands. L. Oshiro stated she understands that the beach parks were transferred to DHHL pursuant to the Act 14 Settlement, and Bellows is still under federal use. K. Albinio stated the City has a license for the operation and maintenance of the beach parks. L. Oshiro stated there are properties that they claim ownership of that are DHHL's. This project aims to update everyone's information with the data and justification that the DOI will provide.

Chair Ailā stated it appears that the mauka side is going to be surveyed. Is there a reason why the makai side is not going to be surveyed? S. Hochart stated they would be surveying the boundary between the mauka and the makai side of that line, and they would be entering through the mauka side. Chair Ailā stated he does not see the dotted blue lines on the makai side; he sees it just on the mauka portion. L. Oshiro stated there are no survey lines along the coastal area, the beach park parcels. The survey lines are only along the highway. S. Hochart stated the makai side is defined by the highwater mark.

Chair Ailā stated that if these are original lands, he does not believe that the Department of Land and Natural Resources has any claim on the DHHL original lands once surveyed. That is why it is important to understand where the makai boundaries are because if the original boundaries, as defined by the Hawaiian Homes Commission Act, actually go into submerged lands, he believes that we cannot alienate those lands. Therefore, those submerged lands will still be in the DHHL inventory. L. Oshiro stated they would need to look at the specific conveyance. From their research, it appears that those park parcels were transferred to DHHL pursuant to the Act 14 Settlement. They would look at the conveyances to see exactly how the lands were described.

Chair Ailā asked that if there are any original lands in the future, if they are going to be surveyed, make sure that they are surveyed completely, especially on the makai side. That will be an interesting situation to understand, especially when you start looking at the Keaukaha side and some of the other original lands. L. Oshiro stated that is an issue they are encountering in the

research phase, specifically in Kawaihae, where there is no survey of those coastal properties. No one seems to have any records. She was told the acreage for that parcel is just a calculated remainder. It was never surveyed. She appreciated that the lands designated for Hawaiian Home Lands are not cut off at the coast.

Commissioner Awo stated the original boundaries are important for the Department's inventory even due to coastal erosion; we do not lose claim to those original boundaries that are now submerged lands.

Commissioner Neves asked about the beachfront areas that are Hawaiian Home Lands, but the County is taking care of it; the DOI is not surveying those beachfront areas? Chair Ailā stated because it is Act 14, Settlement lands. He stated they would have to look at the details to see if they have the same category as the original lands. For now, because they are Act 14 Settlement lands, they come to DHHL with some boundaries, and they are not being surveyed in this case.

Commissioner Ka'upu asked about the Waimanalo Beach Park property; in theory, the Department could build homes there. Chair Ailā stated that if the Department took it back from the County, it would have to be mindful of rising sea levels.

Acting Planning Manager Andrew Choy commented that he would like the DOI to double-check the Park's status. He does not believe the Department may have acquired it under Act 14, and it is inconsistent with the types of parcels that the Department acquired under Act 14. Under Act 14, the Department looked at more suitable parcels for homesteading or revenue generation purposes. He believes the Park was original Hawaiian Home Lands,

Chair Ailā stated if there is any information that supports that claim, then we should provide it.

Commissioner Ka'upu stated that if the original lands contained submerged land, the Department could lease those lands out for aquaculture. Does the Department have an opinion on that from anyone? Chair Ailā stated not yet, and the Department hasn't asked for one, but we could. Commissioner Ka'upu stated we should because it would open up different alternatives and opportunities for our beneficiaries to utilize those submerged lands.

Commissioner Awo stated Hawaiians are restoring the fish ponds at Kaiona Beach. Are those submerged land formally with DHHL, and if so, it would create the possibility of the Department exercising some control over that and supporting the young native Hawaiians, especially from the Waimanalo area, to continue the kind of work like restoring the fish ponds. Chair Ailā also added in limu restoration too. Homesteaders were also great aquaculture and fishermen too.

Commissioner Neves stated they found evidence of fish ponds in a bay. Whatever surveys are done in Kaua'i, he would like that area to be investigated.

Commissioner Teruya asked about sea-level rise relating to the homes on the makai side. In 2017 the County moved the sea level lines up past the Fire Station. When DOI does the surveys, do they look at the sea level rise lines that were moved further up from the homesteads? When the sea level rises, what happens to the homesteaders on the makai side?

Chair Ailā stated the Department is already facing that on Moloka'i. Chair Ailā asked if she meant the Tsunami inundation zone? The Department would have to contract someone to see where the sea level is going to be after the rise.

ACTION

Moved by Commissioner Helm, 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			
Commissioner Helm	X		X			
Commissioner Ka`apu			X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o		X	X			
Commissioner Neves			X			
Commissioner Teruya			X			
Chairman Aila			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

10:41 AM

RECONVENED

10:58 AM

HOMESTEAD SERVICES DIVISION

ITEM D-8 Approval to Cancel Applications of Non-Qualified Applicants (see exhibit)

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion that the Hawaiian Homes Commission approve the cancellation of applications from the applications waiting list due to the Native Hawaiian qualification. The Department has been unable to verify the applicant's Native Hawaiian blood quantum requirements per the Hawaiian Homes Commission Act as Amended.

MOTION

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

Applications Program Supervisor Nicole Bell stated she prepared a detailed analysis for the Commission. She stated if there is anything that needs to be discussed, the Commission will need to go into an executive session.

MOTION

Moved by Commissioner Helm, seconded by Commissioner Kaapu to convene in an executive session pursuant to Section 92-J-1, HRS, relating to government records maintained by the Department of Hawaiian Home Lands that are not required to be publicly disclosed.

EXECUTIVE SESSION IN

11:02 AM

The Commission anticipates convening an executive meeting pursuant to Section 92-J-1, HRS, relating to government records maintained by the Department of Hawaiian Home Lands that are not required to be publicly disclosed.

- 1. Discussion on Cancellation of Applications of Non-Qualified Applicants

EXECUTIVE SESSION OUT

11:41 AM

RECESS

11:41 AM

RECONVENED

11:42 AM

ACTION

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

ITEMS FOR INFORMATION/DISCUSSION

GENERAL AGENDA

HOMESTEAD SERVICES DIVISION

ITEM D-1 HSD Status Reports

- A. Homestead Lease and Application Totals and Monthly Activity Reports**
- B. Delinquency Reports**
- C. DHHL Guarantees for FHA Construction Loans**

DISCUSSION

None.

MOTION

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 and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities.

EXECUTIVE SESSION IN

11:45 AM

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

1. Discussion on Lease Successor Designation Claims

EXECUTIVE SESSION OUT

3:15 PM

WORKSHOPS

OFFICE OF THE CHAIRMAN

ITEM C-2 For Information Only – Report of the Public Hearing for Administrative Rules for Supplemental Dwelling Units

RECOMMENDED MOTION/ACTION

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

H. Lindsey stated a virtual Public Hearing was held on June 30, 2021, with 14-15 participants and 11 participants giving oral testimony. There is support for the SDUs, but concerns about the implementing details of having to go through the counties and the difficulties for lessees to navigate the process, the cost of an SDU, and the cost to own and maintain the SDU in relation to income and property taxes. There were also enforcement concerns.

H. Lindsey stated they solicited comments from the counties and received supportive comments from Hawai`i County, Maui County, and Kaua`i County. Maui County had some concerns and detailed misunderstandings existing between the County and the Department. DHHL staff is working things out to discuss with Maui County.

H. Lindsey stated they are aiming for decision-making in the November meeting.

DISCUSSION

Commissioner Neves asked if she has seen any need to be made to the adjustments made to the SDUs that were approved. H. Lindsey stated a couple of administrative recommendations due to the comments and suggestions, but she would have to double-check with DAGs. Some typos needed correction.

Commissioner Ka’apu asked when it is presented to the Commission next month, and assuming it is approved, how does it roll out? H. Lindsey stated the process goes to the Governor for his signature, then the Department’s Divisions will figure out who will do what. Commissioner Ka’apu asked if there is a county that the Department will start with or it will go statewide. H. Lindsey stated the Rules allow the Department to go statewide. H. Lindsey stated the Kaua`i

County's Planning Department is open to helping DHHL make the process as easy a possible. It had not been discussed if the Department would roll out one by one or go all out.

Commissioner Neves asked if the process would be to send a request to the island supervisor to start the process. H. Lindsey stated yes, the first step is to apply to the department and then move to the County.

LAND DEVELOPMENT DIVISION

ITEM E-1 For Information Only – Status Update on Plan Implementation on the Island of Maui to the Hawaiian Homes Commission

RECOMMENDED MOTION/ACTION

None. For information only. Acting Land Development Division Administrator Stewart Matsunaga presented the following:

S. Matsunaga and LDD Engineer Brian Toda did the presentations for Item E-1 on the Maui projects update. Reports were made on:

- Honokowawi – Villages of Leiali'i
- Pu'unani Homestead Subdivision
- Pulehunui Regional Infrastructure Master Plan
- Kula – Waiohuli – Keokea Development
- Kahikinui Road Improvements

Note: Slide presentation attached

DISCUSSION

Commissioner Helm asked how long is the road going to be. S. Matsunaga stated the current improvements are 2,000 linear feet. It depends on the condition of the existing road, and there are gulches and drainage through this area, with the road condition getting worse as it goes higher up the hill. The first phase of the road was 2300 linear feet, the second phase of the road was 1600 linear feet.

Commissioner Awo asked if the Honokowai Water System was a stand-alone project or the Department was working with the County. S. Matsunaga stated it is tied in with the County system. The intent is to develop the well and the transmission and turn it over to the County for maintenance and operations.

Commissioner Awo asked when is this going to become operational. S. Matsunaga stated two-three years, and it can get Leiali'i in construction and occupied. Commissioner Awo asked about the water situation in Pu'unani and the completion date. S. Matsunaga stated they had a completion date, but resolving the water source issue and the water storage issue will be more challenging due to new requirements.

Chair Ailā stated the water source and water storage was not planned but was given to the Department recently, and so the Department is scrambling to look for water source and water storage. The Mayor of Maui took the allocation for the Na Wai Eha and is holding it for someplace else. The Department will meet with the Mayor of Maui and hopefully get that cleared. S. Matsunaga is exploring water storage alternatives.

PLANNING OFFICE

ITEM G-1 For Information Only – Status Update on Plan Implementation on the Island of Maui to the Hawaiian Home Commission

ITEM G-2 For Information Only – Maui Water Issues Update

Chair Ailā stated Items G-1 and G-2 would be covered in the Community Meeting at 6:30 pm.

ITEM G-3 For Information Only – Status Report on Kalaupapa Beneficiary Engagement Process, Kalawao County, Island of Moloka`i

RECOMMENDED MOTION/ACTION

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

Planner Nancy McPherson gave the update on the Kalaupapa Beneficiary Engagement Process. The principal purposes of the Park are:

- To preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations
- To provide a well-maintained community in which the Kalaupapa leprosy patients are guaranteed that they may remain at Kaupapa as long as they wish; to protect the current lifestyle of these patients and their privacy; to research, preserve, and maintain the present character of the community; to research, preserve, and maintain important historic structures, traditional Hawaiian sites, cultural values, and natural features; and to provide for limited visitation by the general public; and
- To provide that the preservation and interpretation of the settlement be managed and performed by the patient and Native Hawaiians to the extent practical and that training opportunities be provided such person in management and interpretation of the settlement's culture, historical, educational and scenic resources.

In 1993, DHHL and NPS entered a 50-year term General Lease, No. 231, which commenced on July 15, 1991.

N. McPherson stated they had their first meeting, and there are lots of issues besides what is in the Moloka`i Island Plan and what the NPS has been covering. There are larger, longer-term issues. The beneficiaries feel they need a greater voice and what's happening in Kalaupapa, and DHHL needs to advocate for it to happen.

DISCUSSION

Commissioner Helm asked how soon the Department would meet with the community? N. McPherson stated they are using a smaller group to articulate and refine the big issues that beneficiaries feel are most important. She stated they want to get through the first six meetings and have a product to bring back to the Commission and engage with the Moloka`i community. N. McPherson stated maybe in the spring of April or May.

RECESS

4:15 PM

HAWAIIAN HOMES COMMISSION
Minutes of October 19, 2021 via ICT
DHHL Main Office, Hale Pono`i, Kapolei, O`ahu, Hawai`i

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 (arrived 2:05 pm)
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 9:35 a.m. eight (8) members were present via ICT at roll call.

Pursuant to the Governor’s emergency proclamation, related to COVID-19 Emergency, Hawai`i Revised Statutes (“HRS”) Chapter 92 regarding public agency meetings and records are currently suspended through November 30, 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.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

Chair Ailā stated there was no one signed up for public testimony on agendized items.

ITEMS FOR INFORMATION/DISCUSSION

GENERAL AGENDA

REQUESTS TO ADDRESS THE COMMISSION

ITEM J-1 Jeremie Makepa – Anahola Fire Station

J. Makepa is the Kaua'i Fire Captain in charge of the Prevention Bureau. He shared a slide presentation and updated the Commission on the Anahola Hazard Mitigation Project.

- The project started in April
- Update on the Anahola Fire Station
- Clearing of abandoned vehicles on the land and beach area using drones to plot out the areas needing to be cleared
- Clearing of land and creation of fire breaks
- DOT initial workers to help clear land, then the County joined in; created 3 miles of fire breaks
- DOWFA sent a dozer to help and created a transfer station
- Fire Department will be doing Planned Burning for about a year
- 501 c3 Non-profit, `Aina Alliance an instrument to maintain what has been cleared and cleaned. Under that same management of people helping to do the work with Jeremie Makepa as the President, and his neighbor Mr. Cummings as the Vice-President.
 - Missed the Wildland Urban Interface (\$300k)
 - Missed the Kukulu Ola Program (\$100k)
 - Aloha `Aina Program (\$100k)
 - Kaiaulu Hookipa
- Modern Ahapua`a system
- Ho`keolapono Trades Academy – the workforce development
- Bring in controlled grazing and make a sustainable living, recycle materials

Commissioner Teruya asked if he had an existing ROE with the Department? J. Makepa stated he does not have an existing ROE with the Department, but he calls Kaipo so they can go into work. Commissioner Teruya stated she is looking to see that request come through the Commission. She stated that the DCCA rejected their 501 c3 application, which they applied for. J. Makepa stated he isn't sure about being rejected and needed to check on that.

ITEM J-3 Malia Greaney – Ho`olehua Water System Improvement Project

M. Greaney testified about her homestead in Ho`olehua regarding taking down part of her infrastructure and ranching pens. With all the requests she put in, there has not been any response regarding the contractors or DHHL helping to rebuild her infrastructure. Promises were made to her which have not been delivered. She also asked that her water meter be moved and the brush cleared. The water system project has had an impact on her pastoral land. She checked if her water meter was moved and saw that the onsite crew continued with the paving without discussing the matter with her. She stood at the entrance of her property, and upon leaving, the crew stated they weren't going to stop the next time. They told her there was an easement on the land. It is her land, and the easement does not remove the person's property ownership or leasehold. There has been an agreement to halt until the matter can be figured out.

Chair Ailā stated he could do that and all the community beneficiary consultations before the project. M. Greaney stated there were no formal meetings for the homesteaders of Ho`olehua. The Department's staff did speak with M. Greaney on numerous occasions and provided her with lots of written information reports.

Commissioner Helm asked if the contractor was disturbing the makahiki grounds in any way. She stated the main ground was not impacted. Commissioner Helm asked if she is in support or

against the Ho`olehua water system improvement. She stated she has always been in support of clean drinking water.

Commissioner Awo stated he isn't clear about the issue and does not know what remedy M. Greaney is seeking. M. Greaney asked that DHHL make it a priority to meet the improvements she was told would happen to her homestead; moving the meter and having the brushes cleared, which she declared she received in writing. She also asked that the community have a meeting, be informed, and have input related to the project planning. She stated she is looking for pre-consultation.

ITEM J-2 Velma Mariano – Paukukalo Park

V. Mariano is the Director for the Paukukalo Hawaiian Homes Community Association. Their proposal is for 6-months of maintenance for their Paukukalo Park with the consideration of hiring Clarence Solomon as Maintenance Manager for \$14,999.00. The request is also for the Department to pay for the liability insurance, water, and sewer costs for the 6-months; the water bills from 2018 to the current, the contract cost between Kalima O Maui and DHHL from 2018 to current. They are putting in a budget request for next year and were asked to create a budget in the November hearing.

Commissioner Awo stated Paukukalo is the oldest homestead on Maui. The Paukukalo Park was formally under the County, but with the loss of the County's responsibility, the community has been trying to restore the Park's service.

ITEM J-4 Homelani Schaedel – Malu Ohai Community Safety – Traffic Calming

H. Schaedel stated she submitted pictures of accidents that happened in 2019. A radar speed limit sign was installed on Kaiiau Avenue. Currently, their board is exploring putting in crosswalks and speed bumps in key intersections. They are aware that the Department intends to transfer infrastructure responsibilities to the City and County of Honolulu. There have been seven accidents since 2008; if it weren't for the trees, the cars could have gone into the homes because the space between the fencing and the homes is less than 10 feet. A car did go through the fence in the last accident.

Commissioner Teruya stated she supports having speed bumps and crosswalks for Maluohai.

Commissioner Awo asked what is expected from the Department to mitigate this issue. H. Schaedel stated the ability to work with the Department to address these issues in the Maluohai homestead. Commissioner Awo asked if the speed humps were the focused priority. H. Schaedel stated the board focused on crosswalks first, thinking it would slow people down if they saw a crosswalk. Ultimately, she stated the goal is to put in three passive speed humps. Commissioner Awo asked if the hope is for the Department will help to seek funding? H. Schaedel stated that is hope.

Commissioner Helm asked if the City and County were doing maintenance of the road. H. Schaedel stated the Department is responsible for the sidewalks, the roads, trimming the trees, the street lights, and above and below-ground infrastructure. She also noted cracking on the road on Kaiiau Avenue. Commissioner Helm asked if they have signage placed around the community. H. Schaedel stated they are talking about putting friendly signs along Kaiiau Avenue as the current signs are faded. They do have 25-mile speed limit signs.

Commissioner Teruya asked if the funding KCDC gets from the beneficiary benefits could be used. H. Schaedel stated they have used the Maluohai Association funds and stated the benefits package is an option.

ITEM J-5 Blossom Feiteira - Various

B. Feiteira testified about the conversation in September about the J-Agenda, how it used to be scheduled during the community meetings, providing the Department more time during the decision-making part, allowing deeper discussions with staff. Bringing the J-Agenda back to the community meetings may give the Commission more time for deliberation and decision-making.

B. Feiteira stated they received notice of launching the grants program for capacity building and the regional priority grant. Homesteaders have to be a 501(c)3 or have a fiscal sponsor with a 501(c)3 designation to be eligible for the grants. As a result, 17 homestead communities are ineligible for the regional priority and capacity-building grants unless they find a fiscal sponsor who charges a fee. She was referring to associations with the DCCRs and under the jurisdiction of the 421-J statute that recognizes these communities as domestic non-profits. She asked the Commission to reconsider the criteria of only having 510(c)3 organizations and expand it to include domestic non-profits and that the Department consider upping the amounts.

B. Feiteira stated she had a call from Cora Schnackenberg to thank the Commission for the Ualapu`e project.

B. Feiteira brought up increasing the presence of the homesteads in the Kahikinui. They have been proactive in getting people from the waitlist to come up for community work days for Kahikinui. She understands that the Kahikinui awards were deferred due to issues but asked that they be prioritized.

Chair Ailā stated he believes the deferral for Kahikinui was for this year and there are still plans to do it next year.

Commissioner Awo asked about the 32 unawarded lots in Kahikinui. Chair Ailā stated the awards team is working on Piilanimaikekai in the first quarter and then after that. Commissioner Awo advocated that a decision be rendered by early next year.

Commissioner Teruya asked about the \$1 million. Grants Specialist Gigi Cairel answered that the eligibility for a non-profit requires the 501(c)3 for the Department's protection and is a charitable designation by the IRS as a standard practice. Fiscal sponsors charge fees that have been minimal or donated to the homestead. G. Cairel stated she agrees with B. Feiteira regarding the amounts for capacity building, and the costs for training and strategic planning have gone up. She also agreed with Commissioner Teruya that you have to be compliant with Hawai'i Compliant Express.

B. Feiteira stated unlike other stated agencies that use 501(c)3 that are using state funds, the Department's grant program is being funded by Trust funds. The DCCR communities are not 501(c)3 but have established other community-based non-profits; i.e., Maluohai has KCDC. The communities that do not have the 501(c)3 are not eligible for many of the federal, state, and government funds. The DCCR communities established by the Department and approved by the Commission are restricted in their ability to access Trust funds by the criteria. She asks the Commission to allow these communities to have the same abilities and capacities as other non-profits.

G. Cairel stated she would like to check with DAGs as there may be things to consider regarding designations by law.

ITEM J-6 Kekoa Enomoto – Pa`upena CDC

K. Enomoto stated in their meeting last night the Department is asking for a water reservation of 11 mgd for upcountry Waiohuli-Keokea. Water will be needed for the 5,000 acres in the Waiohuli-Keokea tract, which has been vacated by the Sakugawa Ranch. According to Dr. Jonathan Scheuer, the Commission on Water Management Resource (CWRM) considers the Department's request. K.Enomoto asked if the homesteads on Maui should be advocating before the CWRM to approve the 11 mgd reservation.

K. Enomoto stated the S. Matsunaga indicated that the monies appropriated by the Legislature for the extension of the non-potable ag water line to Waiohuli-Keokea were stalled. The Department of Agriculture stated there is transmission but no water source. K. Enomoto asked if the 11 mgd constituted source. She asked if the homesteaders have to advocate with the DOA to utilize the water source, their right as native Hawaiians under the state water code.

Chair Ailā responded that the reservation places the Department on the waitlist and protects the Department. Suppose the total usage including the reservation is reached. In that case, the Department's rights are protected, and there is not enough water; somebody has to give up their water, which is usually commercial and industrial, and then go through the process.

K. Enomoto stated that 11 homesteaders were recipients of aquaponics systems through the assistance of the Hawaiian Homes grants program. Ke Kula Nui O Waimanalo brought the systems up to the homesteaders. E. Enomoto shared a live feed of the aquaponics system via her camera with the Commissioners.

Chair Ailā stated the BLNR might consider passing a water license procedure. Unfortunately, it does not meet the Department's needs. The emphasis BLNR is putting on the importance of the license results in reducing the water license fee that comes to the Department and goes directly into the rehabilitation fund.

K. Enomoto asked for B. Feiteira if Dr. Jonathan Scheuer could give workshops to the beneficiaries on water rights. Chair Ailā stated Andrew said yes and will seek a way to set that up.

RECESS

12:01 PM

RECONVENED

12:14 PM

MOTION

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

EXECUTIVE SESSION IN

12:15 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 issues related to Telecommunications and Broadband services on Hawaiian Home Lands;
2. Discussion on *In re Paniolo Cable Company, LLC*. Case No. 18-01319 (RJF) before the U.S. Bankruptcy Court, District of Hawai'i; and
3. Discussion on *United States of America vs. Sandwich Isles Communications, Inc., et al.*, Case No. 18-00145 (JMS-RT) before the U.S. District Court for the District of Hawai'i

EXECUTIVE SESSION OUT

1:36 PM

REQUESTS TO ADDRESS THE COMMISSION

ITEM J-7 Donna Sterling – Kahikinui

D. Sterling stated she has three issues. One is communication, and she acknowledged Cedric of DHHL as a link to disseminate information to the proper staff at DHHL. Secondly, the communication between DHHL, KOOK and KHHA, is based on Sandwich Isles Communication and the Hawaiian Telcom issue. She knows Al Hee is presenting at the end of the J-Agenda and hopes some of the issues will be brought up. Third, there was a medical emergency, and it took an hour and a half for Station 13 to get to the caller in the upper lot. The request is for the Commission to make sure that Sandwich Isles and Hawaiian Telcom plan to take care of the lessees in Kahikinui. She asked that the Commission's Attorneys opine on lessees not having voting rights to the Board of Directors under KOOK. What can be done to rectify the voting issue? She stated they were not going to let the election go without everybody voting.

Commissioner Helm asked how many beneficiaries the road extension that Goodfellow worked on served. D. Sterling stated maybe 30 lots would be accessing that road. She requested that the Commission look at infrastructure before putting more people on unimproved lots.

Commissioner Awo asked if the road improvements help mitigate the concern of the 32 lots. D. Sterling stated no; the roads in the present condition cannot support 30 or more lots; for public safety, no.

ITEM J-9 Kai MacDonald – Waitlist

K. MacDonald stated she is testifying on Item G-1. She has been 18 years on the Hawaiian Homes waitlist. She stated their mission is to end the waitlist. Their vision is to close the generational gap through credit literacy; build credit-worthy communities, and work with one family at a time. She explained credit edge. The request is the Department's awards division to support efforts to guide beneficiaries in steps of access to capital, partnership with community grants projects, and access to resources. She asked that the Department be open to creating more engagements for the beneficiaries to prepare themselves better to get off the list and on the land.

Commissioner Helm asked if the 525 average credit score she mentioned allows the beneficiaries to qualify for a loan? K. MacDonald stated, not really.

Commissioner Awo stated she used the words, close the wealth gap? K. MacDonald stated wealth in America is a big house and plenty of money, but generational wealth is taking the land in perpetuity from generation to generation. Commissioner Awo stated this is a new model, and he would like to learn more and continue this discussion at another time.

ITEM J-10 Malama Solomon – Renewable Energy

M. Solomon asked the Commission to consider becoming a founding partner in a business venture to create a sustainable renewable energy future in Hawai`i to provide an opportunity to Hawaiian homestead programs to become a viable beneficiary of these sovereign assets Geothermal Energy and the Hawai`i Deep Water Cable. Both assets would increase energy self-sufficiency to satisfy half the total electrical requirement for the State of Hawai`i. Kawehi Correa stated geothermal comes from the steam of the volcano (Tutu Pele). Geothermal is affordable for Hawai`i and is critical. K. Correa stated there is an alignment in demand and a merging timing, creating a window of opportunity. The following is how geothermal and the submarine cable aligns:

- Geothermal & the Submarine Cable provides a solution to meet Hawai`i's US DoD Indo-Pacific Command's National Security Critical Energy Priorities
- Aligns with the Biden Administration's commitment to the Paris Agreement Accord
- Aligns with the latest US Climate Control Energy Mandate Requirement of 100% Sustainable Energy by 2035
- Aligns meeting the State of Hawai`i's 100% Renewable Energy Law by 2045

Commissioner Kaleikini stated that he is employed by a geothermal company and is looking forward to the next steps.

Commissioner Ka'upu asked what the specific ask of the Department is. Is it a land base? K. Correa stated it would be seeing how the partnership would work, the funding aspect, and the land. M. Solomon stated the ask is to put in some venture entity together. They want the Department of Hawaiian Home Lands to be one of the founding partners to meet their energy needs and create a funding resource into perpetuity. Commissioner Ka'upu stated he favors developing opportunities for renewable energy and bringing our talented, smart opio home.

Chair Ailā asked what kind of investment on the total scale the project will need and what other funding sources do she envision the founders having to put in. K. Correa stated there are different phases in the development plan, and they are talking with commercial partners that have the \$1 billion capability to invest. It is estimated at \$1 billion with the submarine cables. Chair Ailā stated that if the Commission, after more due diligence, decides it may put in a little bit of money, what other assets could the Department put in to allow it to have leverage in this economic development. K. Correa stated land is number one and economics is number two.

Chair Ailā asked what has the response in Washington D.C. for a project like this been so far. M. Solomon stated they are seeking seed money to put the presentation together to present to Washington D.C.

Commissioner Namu`o stated she would be in support of the opportunity to be involved.

M. Solomon stated they submitted a white paper for the Commission to review.

Commissioner Awo stated he supports taking a deeper dive to see where the Commission might end up on the request. He asked how it is similar or different from the existing Puna Geothermal Venture facility. K. Correa stated it comes down to baseload and the capacity of the geothermal plant was developed to make. The resource's power is not enough to power the State and the

Department of Defense with sufficient firm power from that specific plant. They would have to develop a second plant and the submarine cables.

Chair Ailā asked the Department of Defense appears to be a big customer in this presentation. Do we know how much electricity is forecasted to be used in 10-years, 20-years, and is that enough to provide a return on capital or sell some power to Hawaiian Electric and the rest of the State? K. Correa stated the primary revenue would be coming from the military base. George Horveth was not able to join the meeting. The government's energy from the last estimation was 100 to 250 megawatts, depending on their readiness and preparedness. She stated they would provide enough energy to supply them with that energy and the relationship with HECO and the Honolulu City and County. The rate of return is consistent because the cost remains the same after the initial investment. The military would provide everything needed in return, and HECO and the other parts would provide a way to go over and above that means. The Department could have its own transmission company as well.

Chair Ailā stated his biggest concern is crossing the Alenuihaha Channel, which is deep. M. Solomon stated they discussed that 20-years ago and stated that is not the only route. The submarine line could also pick up on the other renewables, wave energy, solar energy, but the submarine cable could create a one energy grid for the State of Hawai`i. K. Correa stated there are submarine cables that are 500 times the length already available globally, and what is from Hawai`i to O`ahu is on a micro-scale. The technology is throughout Europe and Southeast Asia, and they are optimizing their channel forms, and we can cross that path.

Commissioner Kaleikini stated the potential benefits of developing geothermal on Hawaiian home lands. Act 97 provided all revenues generated on Hawaiian home lands go to the Department of Hawaiian Home Lands. PGV pays royalties of 50% go to the State, 30% to the County, and 20% goes to the Office of Hawaiian Affairs. If a project were developed on Hawaiian Home Lands, all of the revenue would go to Hawaiian Home Lands in addition to lease agreements, payments, and those things. Chair Ailā stated that it was encouraging, and the Commission would be in touch to get more information.

ITEM J-11 Al Hee – Sandwich Isles Communication

A. Hee commented on the previous presentation and wished them great success, and stated it was very interesting to hear.

A. Hee spoke about the past 50 years ago about telephones and how Hawaiians on Hawaiian home lands were being denied telephone service. He stated Hawaiian Telephone used \$400 million of government funds to build infrastructure in Saipan but refused to build on Hawaiian home lands.

A. Hee spoke of the road work in Kahikinui, stating that while the road was being built, Goodfellow broke the Sandwich Isles infrastructure in five places and refused to fix it the way the law provides it to be fixed. He stated because of this; Sandwich Isles will have trouble providing service to the 30 additional lots. A. Hee stated if it had been fixed, they would be installing fiber in the existing and fiber to the projected 30 lots.

A. Hee stated when Hawaiian Home Lands gave him the lease for Kahikinui, and it did not have any community benefits. He sat with LDD and discussed that they need to put community benefits on the lease, which became DHHL's standard lease. The Department depends on

Commissioner Ka'upu stated he was in a shared setting and had to sign off.

Note: Commissioner Ka'upu was excused at 3:17 p.m.

ITEM G-5 For Information Only – Boys and Girls Club of Maui Paukukalo Clubhouse Draft Environmental Assessment, Paukukalo, Wailuku, Maui TMK (2) 3-30058:086 (por.) and 087 (por.)

RECOMMENDED MOTION/ACTION

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

A. Choy introduced Consultant Brian Esmeralda with Munekiyo Hiraga and Kelly Pearson of the Boys and Girls Club, who were available for the Draft Environmental Assessment questions.

Commissioner Awo stated he was glad the DEA was completed and presented for review. He feels the center is important to the Paukukalo community and for the keiki.

Commissioner Helm asked what the membership for the Boys and Girls Club was. K. Pearson stated pre-pandemic the average every year about 350 registered members. The average daily at Paukukalo was from 120 to 140 a day. Commissioner Helm asked out of those numbers how many are native Hawaiians? K. Pearson stated about 207, 129 homestead children: 45 from Paukukalo and 76 from the Wailuku-Waihee homestead, and about 12 from Kula.

Commissioner Awo stated the Paukukalo Association Leadership supports the Boys and Girls Club's presence in the community.

B. Esmeralda stated they are hoping to wrap up the EA and publish some time next month.

ANNOUNCEMENTS AND ADJOURNMENT

A. Ka'u Community Meeting, October 24, 2021, 4:30 p.m., (ICT) Zoom. See below

NEXT MEETING

The next meeting will be held on November 15 & 16, 2021, (ICT) Zoom

MOTION/ACTION

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

ADJOURNMENT

3:20 PM

Respectfully submitted:



William J. Ailā Jr., Chairman
Hawaiian Homes Commission

Prepared by:

Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

Attachments:

- 1) Public Testimony
- 2) Slide Presentation
- 3) Slide Presentation
- 4) J Agenda Testimony