

HAWAIIAN HOMES COMMISSION

Minutes of February 22, 2022, 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 9:30 a.m.

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

EXCUSED Pauline N. Namu‘o, O‘ahu Commissioner

COUNSEL Katie Lambert, Deputy Attorney General

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 9:30 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 February 28, 2022, 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 stated to comply with Act 220; Commissioners are asked to identify anyone in the room with them. Commissioners are to keep their cameras on unless they are excusing themselves from the meeting. A quorum of Commissioners must be visible during the meeting. Unless unanimous, all votes must be conducted by roll call. In executive sessions, the Commissioners are asked to confirm that no unauthorized person is in the room or can hear them. Chair Ailā will ask ICRO to confirm that no unauthorized persons have access to the meeting, as

indicated on the control panel. Commissioners may turn off their cameras during the executive session.

Chair Ailā deferred Item F-1 to next month's agenda. Items C-1, F-3, and F-4 were uploaded to Dropbox and on the DHHL Website on Thursday; eight people signed up for Public Testimony. The Commission will recess around noon for 30 minutes for lunch convene into executive session for an additional 30 minutes.

APPROVAL OF AGENDA

MOTION/ACTION

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

APPROVAL OF MINUTES FOR JANUARY 18 & 19, 2022

Chair Ailā asked if there were any changes to the Minutes.

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve the January 18 & 29, 2022 Minutes. Motion carried unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

P-1 Kapua Lauifi – Item G-2

K. Lauifi testified in support of all the recommended proposals for Moloka'i and its beneficiaries. As Executive Director for the Hoopili Farmers Association, whose mission is to help the farmers and ranchers get through the droughts, and the Kalamaula Homestead Association President, they are looking to get the roads done and paved.

P-2 Deisha Lei Hemuli – Item G-2

D. Hemuli testified she is the newly elected President for the Hoopili Farmers Association and Board, who supports the recommended grant proposals.

P-3 Brent Nakihei – Item G-2

B. Nakihei testified he is the Vice-President for the Kalamaula Homestead Association, and they support the Hawaiian Homes Commissioners for all grants for Moloka'i to help beneficiaries.

P-4 Blossom Feiteira – Various Items

B. Feiteira testified first on Item C-1 and reiterated the concern on the recommendation that homesteading may not be a possibility and the due diligence process may require them to relocate. She asked the Commissioners to support the recommendations so King's Landing and their efforts could move forward.

Item D-8; she stated there was a directive by the Commission to ensure that written notice was provided to the applicants with an option for a contested case. She asked for an update if the

letters went out, if any were returned requesting a contested case hearing, and if a deadline was included for when they will make that request.

Item E-1; the model home project in Hilo was a success; people are being trained in the trades, and kupuna is getting homes renovated or brand new. She asked when can replicate that project model on the other islands.

Item G-1; she stated they participated in the Commission for Water Resource and Management's (CWRM) hearing to design surface and groundwater management for the Lahaina sector and realized the designations assure that Section 221 would be fulfilled in the reservation process. She asked that the Commission support Item G-1.

Item G-2; she congratulated the awardees and asked the Commission to approve the list. She recommended that they know how many applications were submitted, denied, and approved. She asked for an annual grant training workshop, not just on Hawaiian homelands but also in general. For the Regional Priority Projects, \$100,000 may not be sufficient for what they want to do. She mentioned before that the Capacity Building grant at \$5,000 is a great start, but it does not go very far without a significant contribution. She asked that the Capacity Building grant be increased to \$15,000, giving associations a little more leeway in their planning effort.

Regarding the grants, she asked that the Commission allow for the expansion of the criteria to include State recognized domestic non-profits that would afford the DCCR communities who cannot get a 501c3 to utilize grants.

Regarding the grant review process, she thinks it would be beneficial that community leaders be a part of the grant review committee and asked that the Department's Land Management Division be a part of the committee so the land use disposition can be addressed before the award is deployed.

Commission Awo asked about the collaborative agreement with the Correctional Facility on Maui; he thought it started. Chair Ailā stated it did get started, and one home is getting ready to be built; there were issues with COVID and the labor from the Maui Correctional Center, which appears to be worked out. He hopes it can be expanded like the Hilo Community College program.

P-5 Ainaaloha Ioane – Item C-1

A. Ioane testified that the overall language in the recommendation continues to be disheartening. There was no discussion of parks or conservation in the beneficiary consultation between the two organizations. The Chair assured her during the phone conference with Kahana Albinio. Her dad of four things: (1) to begin the process of kuleana land designation, including the due process of the Hawai'i Island waitlist, (2) implementing a new land disposition to Malama ka Aina Hana Ka`aina's (MAHA) to caretake the lands at King's Landing, (3) the enforcement of non-beneficiaries off the `aina, and (4) to offer undivided interest to honor the 14 kupuna beneficiaries who passed away while waiting on the waitlist, to ensure that it does not happen again.

She stated it took them off guard when Jobie Masagatani asked her and her father if they ever noticed the effects of climate change and sea level rising on their subsistence living. She stated it is disheartening that there is a pre-determined wanting for possible other land designations. She testified in support of the proposal before the Commission. She asked that the appropriate changes be made to respectfully represent the King's Landing beneficiaries and remove the land

designation of park and conservation. MAHA's request for homesteading is also supported by the East Hawai'i Hawaiian Homestead Associations. She stated she would collect written reports and submit them for the March meeting agenda for historical record-keeping and support.

Chair Ailā stated that the land designation was considered only in the due diligence process. He stated the Department would work with the King's Landing folks, as was discussed. The Commission has been paying attention to climate change, not just in King's Landing, but in all of the Hawaiian home lands, especially the low-lying lands. It is prudent in due diligence to have that designation added.

P-6 Pinky Gaspar & Casey – Item G-2

Casey testified on behalf of Ahupua`a o Moloka`i (AOM) and Napua Lei; they support G-2 for Hoopili and Kalamaula.

P-7 Skippy Ioane – Item C-1

S. Ioane testified when the great white father wanted indigenous lands, he relocated the indigenous people, like the Cherokee. When the 50th State needed an airport, they relocated the Keaukaha Hawaiians to Panaewa. He is concerned about his village because he heard that staff are thinking about relocating them; he stated they are not going.

He stated his father died on the waiting list, and he does not want more Keli`i Ioane's dying on the waiting list. An economic mass genocide migration of people from Hawai`i to Las Vegas. The waiting list will not change unless the thinking of the Commission change. The Department cannot keep thinking about half-million-dollar homes that Hawaiians cannot afford. The State of Hawai`i's economics does not do well for medium or low-income kanaka. He hopes the Commission thinks of designating King's Landing kuleana.

Chair Ailā stated the rumor going on in Hilo about relocation, in relationship to the airport, comes from a federal report that considers all of the options for the mitigation of the newer, bigger planes flying into Hilo. He assured S. Ioane that the Department had already talked to the State Airports Division and told them it was not going to be an idea to be supported by the Department and the Commission.

P-8 Alan Murakami – Item C-1

A. Murakami stated his appreciation to the Commission and the Investigative Committee for its work with the people of King's Landing towards kuleana homesteading. His main points are to push as soon as can towards kuleana homesteading through the due diligence and other processes, and that it leads immediately to the award of an undivided interest homestead lease to the founders of Malama ka Aina Hana Ka``aina (MAHA), and move towards the execution of a Right-of-Entry.

ITEMS FOR DECISION MAKING

CONSENT AGENDA

HOMESTEAD SERVICES DIVISION

ITEM D-2 Approval of Consent to Mortgage (see exhibit)

- ITEM D-3** Approval of Streamline Refinance of Loans (see exhibit)
- ITEM D-4** Ratification of Loan Approvals (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 2013 & 2015 (see exhibit)
- ITEM D-7** Approval to Certify Applications of Qualified Applicants for January 2022 (see exhibit)
- ITEM D-9** Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- ITEM D-10** Approval of Assignment of Leasehold Interest (see exhibit)
- ITEM D-11** Approval of Amendment of Leasehold Interest (see exhibit)
- ITEM D-12** Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- ITEM D-13** Cancellation of Lease – WALTER Y. LEE, Residential Lease No. 12743, Lot No. 13745, Maluohai, O`ahu
- ITEM D-14** Amendment to Lease- SIERRA K. AVILLA, Residential Lease No. 4397, Lot No. 75, Nanakuli, O`ahu
- ITEM D-16** Commission Designation of Successor – SYBIL K. HUIHUI, Residential Lease No. 775, Lot No. 23, Papakolea, O`ahu
- ITEM D-17** Request to Surrender Agricultural Lease No. 7445, Lot No. 1, Keokea, Maui – JEAN K. LUKA
- ITEM D-18** Commission Designation of Successor – ROLAND K. POAIPUNI, Residential Lease No. 10295, Lot No. 219, Waiohuli, Maui
- ITEM D-19** Commission Designation of Successor – DARRYL K. AIWOHI, Residential Lease No. 4151, Lot No. 21, Paukukalo, Maui
- ITEM D-20** Commission Designation of Successor – SALLY KUULEI HAINA, Residential Lease No. 09051, Lot No. 1, Pu`ukapu, Hawai`i

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.

Chair Ailā asked if there were any items the Commissioners would like to remove from the Consent Agenda. Commissioner Ka‘apuasked to remove Item D-15.

MOTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve the Consent Agenda to remove Item D-15. Motion unanimously passed.

DISCUSSION

Commissioner Teruya asked how long is the timeline for transfers. J. Garcia stated 2-4 months for the transfers of leases. The length of the transferee’s Native Hawaiian Quantum (NHQ) research can take a while. Legal adoption requires additional research to confirm the parents listed on the birth record include the biological parents.

Commissioner Teruya asked if the Department notifies the parties if the process takes more than 2-4 months and that they understand there are delays like the DOH. J. Garcia stated staff is clear in providing that information at the beginning of the request.

She asked how long it takes to be accepted once an application is submitted. Applications Supervisor Nicole Bell stated it takes three months to process; it has to go through the whole

DOH process to verify the NHQ. Since establishing the blood quantum policy, the Commission has to approve every application, which causes delays in getting out the letter to the applicant confirming that their application is complete, processed, and on the waitlist. She stated that it takes upward to 6 months for the applicant to receive the final letter lately.

Commissioner Teruya asked if the applicant gets notified of the status. N. Bell stated that the initial letter confirms that the Department received their application, notifying them it is being processed and of the three months delay, and the final letter informs them that everything is completed, they are on the waitlist notes the date of their application.

J. Garcia stated upon approval of the lease document, the next step is to draft the lease document. Once the lease is drafted, it goes to the AG for review. The entire process takes about 2-4 weeks.

Commissioner Ka'upu asked if the 2-4 weeks are included in the 2-4 months period. J. Garcia stated it is on top of the 2-4-month period.

Commissioner Ka'upu stated maybe the Department could put together a cheat sheet or some sort of communication to the process quicker. Chair Ailā stated the Department could do that to the extent that the Department is not divulging private information.

Commissioner Neves asked if a person is on the approved waitlist and becomes a successor, do they still have to go through a birth record check. J. Garcia stated the information is in-house.

Note: The Commission recessed to determine if Commissioner Neves had a conflict of interest with Mr. Lenchanko on consent agenda items.

RECESS

10:46 AM

RECONVENED

11:00 AM

Chair Ailā stated that Mr. Lenchanko is not on the amended agenda and asked that Commissioner Neves withdraw his request to pull Item D-4 from the Consent Agenda. Commissioner Neves withdrew his request.

ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve the Consent Agenda to remove Item D-15.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm	X		X			
Commissioner Ka'upu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o						X
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			8			
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.						

ITEM D-15 Commission Designation of Successor –HAZEL W. PU, Residential Lease No. 5518, Lot No. 117, Lualualei, O`ahu

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion to approve the Consent Agenda Item D-15 listed for the Commission's consideration.

MOTION

Moved by Commissioner Teruya, seconded by Commissioner Awo, to approve agenda Item D-15. Motion unanimously passed.

DISCUSSION

Commissioner Ka'apu stated this was approved in November 2021 for Christopher and Kathleen to accept it. The submittal states that the rights of Christopher and Kathleen do not vest until it is signed. The submittal also states that Christopher died last year, and the Department has not received his Death Certificate. Further in the discussion, the successorship claim for Hazel Pu was received after the Department had published it in the newspaper in 2019. It did not note when the successorship claims came in, but the lease for Christopher, if he had put in his claim in 2019 and it was not brought forward until 2021 of November when it was approved, that is a couple of years. Had it come forward sooner, then maybe his heirs would be entitled to successorship or his interest. The Department asks that the Commission accept, but it cannot be signed because Christopher is dead. He is not sure what the Department is asking the Commission.

J. Garcia stated he did not realize Christopher was deceased. The information he received, the only difference here compared to the action approved by the Commission previously; he stated that when the Department came before the Commission last year, there was no information provided to an outstanding loan. In proceeding with the completion of the transaction in drafting the document, the Department discovered there was an outstanding loan. The Department affirmed that there is an existing loan and that the successors are accepting lease subject to the outstanding loan.

Commissioner Ka'apu stated he does not know what is trying to be accomplished because he is dead and has no interest.

Chair Ailā deferred Item D-15 till this afternoon or tomorrow for further clarification.

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-1 Adoption of the recommendations of the Investigative Committee on King's Landing

RECOMMENDED MOTION/ACTION

Executive Assistant Jobie Masagatani presented the following:
Motion that the Hawaiian Homes Commission adopt the recommendations of the King's Landing Committee as outlined below:

- (1) Conduct the necessary due diligence to identify if homesteading is a viable option considering the sea-level rise and other environmental concerns and the anticipated length of land occupancy by homestead lessees, which is 199 years with an approved lease extension.
 - a. As part of the due diligence process, staff should render a recommendation to the Commission as to whether King's Landing should be set aside for award as kuleana homestead lots, consistent with section 10-3-30, Hawai'i Administrative Rules. In developing a recommendation, staff should consider the following:
 - i. Physical and environmental characteristics of the land;
 - ii. Excessive cost to develop the tract for any reason, including the physical characteristics of the land, the distance of the lands from existing electrical, water, wastewater disposal, communications, and other utility systems;
 - iii. Department land management plans and programs;
 - iv. Applicant interest or proposals identifying tracts of land; and
 - v. Suitability for use by lessees who wish immediate access to the land for subsistence uses and who are willing to live on the land and accept an unimproved lot.
- (2) Begin discussions with the current ROE holder, M.A.H.A., regarding a new short-term land disposition that will replace ROE 274 and will allow for continued permitted use of King's Landing and presence on these relatively remote Hawaiian home lands during the transition period between today and future long-term use of King's Landing.
 - a. This short-term land disposition will have a definite end date, which will transition into homestead leases (e.g., kuleana homestead leases) or another land use that respects the environmental constraints preventing homesteading and residential occupancy (e.g., park use, conservation, etc.)
- (3) The committee further recommends that the Commission place as one condition of the new land disposition that M.A.H.A. is aware that transition is highly likely and that they participate in the development and implementation of any transition plan that may be necessary. For example,
 - a. If the Commission selects kuleana homestead lots as the future path, the settlement plan may require a different configuration or a different location to mitigate the impact of sea-level rise or other environmental concerns. This may require the relocation of existing occupants.
 - b. The award process will need to consider those waiting for a homestead lease on Hawai'i island. There is no guarantee that the current occupants of King's Landing will end up with a lease to their current location at King's Landing or even a kuleana homestead lot at King's Landing. Under both scenarios, relocation will be necessary.
 - c. If residential occupancy is not a sustainable land use, then the existing occupants will require transition out of King's Landing.

MOTION

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

DISCUSSION

J. Masagatani stated there is no ulterior motive by the staff to establish this as a park.

Commissioner Ka‘upu asked if the Department is trying to pull it back from residential or other state agencies may tell the Department that it can no longer do residential, so the Department has to build in this flexibility.

Commissioner Ka‘apu stated King’s Landing is full of alkaline ponds along the shoreline. He raised the concern of whether or not certain areas in King’s Landing would be sufficient for homesteading. Depending on the environmental studies, the shape of King’s Landing may change; one lot may be too close to the ocean or a sensitive area, and that boundary would have to move up. It is not to do away with the homesteading but to make sure that the homestead fits the allowable environmental footprints. Currently, they have cesspools, and the Department of Health is trying to get rid of the cesspools.

Commissioner Neves stated it depends on environmental constraints. They think the Department is going to turn it into a park, and they will kick us out. He thinks the part of the park should have been left out. Environmental, safety, wastewater is all that was needed to say; adding the park just stirred up anxiety.

ACTION

Moved by Commissioner Awo, seconded by Commissioner Helm, to approve the motion stated in the submittal.						
Commissioner	1	2	‘AE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo	X		X			
Commissioner Helm		X	X			
Commissioner Ka‘apu			X			
Commissioner Kaleikini			X			
Commissioner Ka‘upu			X			
Commissioner Namu‘o						X
Commissioner Neves			X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			8			
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.						

HOMESTEAD SERVICES DIVISION

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

MOTION

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

EXECUTIVE SESSION IN

11:28 AM

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

ITEM D-8 Approval to Cancel Applications of Non-Qualified Applicants

EXECUTIVE SESSION OUT

12:03 PM

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion that the Hawaiian Homes Commission approve to Cancel Applications of Non-Qualified Applicants

MOTION OF AMENDMENT

Moved by Commissioner Ka'apu, seconded by Commissioner Neves, to amend the motion to cancel Items listed in D-8, except for No. 4, September D.K. Brandt, and No. 5, Anita L. Smith. Motion unanimously carried.

AMENDED MOTION/ACTION

Moved by Commissioner Ka'apu, seconded by Commissioner Neves to cancel Items listed in D-8, except No. 4, September D.K. Brandt and No. 5, Anita L. Stith						
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			8			
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 DEVELOPMENT DIVISION

ITEM E-1 Approval to Authorize the Chairman to enter into a new 5-Year Agreement with Hawai'i Community College for its DHHL Model Home Project

RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Stewart Matsunaga presented the following:
Motion that the Hawaiian Homes Commission Authorize the Chairman to enter into a new 5-year agreement with the University of Hawai'i (UH) to construct houses on Hawaiian Home Lands using the Hawai'i Community College (HCC) Model Home Program, subject to the availability of improved vacant lots.

MOTION/ACTION

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

DISCUSSION

S. Matsunaga stated Chancellor Dr. Rachel Solemsaas is available for any questions. Land Development Division Homestead Housing Specialist Solan Rosa-Tutop is also available and was involved in the prior agreement and the construction of the houses along with Atina Soh.

Commissioner Kaleikini expressed his appreciation for the program and its hard work.

Commissioner Neves asked how many students are in the program; we need more houses built. S. Matsunaga stated he does not know the actual number of students, and it changes every year. Since the program’s inception, 4,000 students have participated in the program in areas including drafting, carpentry, agriculture, and welding

Commissioner Neves asked if it covers repairing existing homes or new homes. S. Matsunaga state it is for a new model home every year.

Commissioner Helm asked if Moloka`i was part of the program since there is a sister Hawai`i Community College on Moloka`i. He just wanted to make sure Moloka`i is included. Chair Ailā stated it is not currently, but if they are interested, the Department is willing.

Commissioner Neves asked if the costs come out of the Department’s budget. S. Matsunaga stated the Department does pay for the interim construction, but it is returned when the loan is closed. Each year in the developing budget, the Commission approves the funding for the next home in the next fiscal year.

Commissioner Ka’apu stated if S. Matsunaga has a chance, look at the model homes that have been built in Hilo. There is a significant difference between the workmanship for those houses and the workmanship next door that the contractors built. It is a shame that all of them cannot be to the same standard.

ACTION

Moved by Commissioner Kaleikini, seconded by Commissioner Teruya, 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 Ailā			X			
TOTAL VOTE COUNT			8			
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 Deferred

Approval to Issuance of Non-Exclusive License for Access (Ingress & Egress) from a portion of Hawaiian home lands identified by TMK No. (3) 6-4-008:024 (more commonly known as Kahili Road) to Jason K. & Melita A. Deluz (Fee owners by Entirety of TMK No. (3) 6-4-001:004), Pu`ukapu, Island of Hawai`i

ITEM F-2 Approval to Issue a Right of Entry to Frank V. Coluccio Construction Company, Inc., Puowaina, Honolulu, O`ahu, TMK: (1) 2-2-005:035 (por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio and Land Agent Shelly Carreira presented the following:
 Motion that the Hawaiian Homes Commission approve to Issue a Right-of-Entry to Frank V. Coluccio Construction Company, Inc., Puowaina, Honolulu, O`ahu, TMK: (1) 2-2-005:035 (por.)

DISCUSSION

K. Albinio introduced Coluccio Construction’s Representative Jordan Bleesdell to answer any questions.

Commissioner Teruya asked what they were leasing the land for. K. Albinio stated that the area is being used for staging and storing construction equipment and materials related to the City & County Board of Water Supply infrastructure improvements and the Kalawahine Water Tank Project.

MOTION/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 Ailā			X			
TOTAL VOTE COUNT			8			
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.						

ITEM F-3 Approval to Issue Right of Entry Permit to Aina Alliance, Anahola, Island of Kaua`i, TMK Nos. (4) 4-8-003:018, :019, :021, :026; 4-8-014:003; and 4-7-004:003, :004, :007

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio and Land Agent Kaipo Duncan presented the following:

Motion that the Hawaiian Homes Commission approve to Issue a Right-of-Entry Permit to `Aina Alliance, Anahola, Island of Kaua`i, TMK Nos. (4) 4-8-003:018, :019, :021, :026; 4-8-014:003; and 4-7-004:003, :004, :007

MOTION/ACTION

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

K. Albinio introduced Fire Captain of the Kaua`i Fire Department and the President of `Aina Alliance Jeremy Makepa, who shared a PowerPoint slide with the Commission.

Anahola Hazard Mitigation Project – Fire/Health Hazard

- Toxic Smoke
- Frequency
- Response Time
- Access Problems
- Damage to Vehicles
- Community Health
- Keep Down Criminal Activity
- Get the Police Department through `Aina Alliance to arrest and cite people

Commissioner Neves stated he is opposed to TMK 019. He stated the Department needs to measure Kukulū Kumuhana O Anahola's (KKOA) area and delete that from the project. He asked with `Aina Alliance under a Right-of-Entry (ROE) can they request Police or the Department.

Chair Ailā stated `Aina Alliance should be able to request Police because they are considered as having a disposition.

Commissioner Ka'upu asked what percentage of violators are beneficiaries. J. Makepa stated it is hard to tell, and he would not know the percentage.

Commissioner Ka'upu asked if the perpetrator was a homesteader, does it affect their lease. Chair Ailā stated, to date, he does not think the Department has concrete evidence that it is the lessee that is involved. The Department could look at what is in the lease and take some action based upon what the lease looks like.

Commissioner Teruya asked if Aina Alliance is under the umbrella of Kukulū Kumuhana O Anahola and if they got their final approval for their 501c3? J. Makepa stated they did not get the final determination, but it is still in process and that KKOA has helped them with the clean-ups. He stated the State Non-profit is in, and the DCCA Compliance is in, and the insurance for the TMK's are drafted, then once approved, they can move forward.

Commissioner Ka'upu asked if the Right of Entry process requires a 501c3. K. Albinio stated it does not specifically require it. Commissioner Ka'upu stated the only issue he has is some of the

goals for Aina Alliance is to have community living, which is inconsistent with an ROE disposition. Community living is not permitted with an ROE.

J. Makepa stated it was just put in there, and they will be working with Regional Planning on what they can work out. He said they were thinking of developing an educational training area for kuleana lands to educate people on what it would take to run kuleana lots. He stated they are not looking at people to live there. For this ROE, they want to be a presence there to deter illegal activities.

Commissioner Helm asked if there were any signages indicating no dumping. J. Makepa stated yes, Kaipo has put up signs which were taken down, and the Department put them back up. There are signs at every gate and in other areas. Commissioner Helm asked where they recycle the abandoned vehicles. J. Makepa stated they have not been able to remove any currently. He believes Kaipo is working on a contract. They created a staging area so that it would be easier for the towing companies to tow the vehicles when the contract is approved. J. Makepa stated they do have a recycling center.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Kaleikini, to approve the motion to remove TMK 019.						
Commissioner	1	2	`AE (YES)	A`OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka`apu			X			
Commissioner Kaleikini		X	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- Eight (8) Yes votes.						

ITEM F-4 Approval to Issue Right of Entry Permit to Hosea Lovell Foundation, Ko`olau Limu Project, Anahola, Island of Kaua`i, TMK Nos. (4) 4-8-012:001, 010; 4-8-013:009, :012 and 4-8-018:028, :029

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve Right of Entry Permit to Hosea Lovell Foundation, Ko`olau Limu Project, Anahola, Island of Kaua`i, TMK Nos. (4) 4-8-012:001, 010; 4-8-013:009, :012 and 4-8-018:028, :029

MOTION/ACTION

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

K. Albinio introduced Nalani Kaneakua and Peter Morimoto, who presented a video. N. Kaneakua is from Kaua'i and the Koolau Lumu project Director. The project was started 20 years ago by her father. After their dad passed away, her sister took over the project as a school project, and they are now in their 7th year. In 2022 Governor Ige signed a Proclamation proclaiming 2022 a year of the Limu and the State Limu is limu kala.

N. Kaneakua stated the site is overgrown and has become a dump for green waste. They would like to clean and take care of the site, which is good for their limu project.

P. Morimoto project applications cover several TMKs; however, the project will happen only in a very small area. He hopes that the Commission considers shrinking the size of the permit to match the location of the activity. He stated if they accept the permit for all the parcels, they become liable for occurrences on those parcels. They are a small non-profit and do not have the capabilities of staffing to maintain or monitor the 4-acres.

N. Kaneakua shared a 3-minute video with the Commission.

Commissioner Neves stated he is in support. TMK 480001 is the TMK they are looking for, and the other TMKs should be left out of the project.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Kaleikini, to approve the motion with the exception to TMK 480001						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka'apu			X			
Commissioner Kaleikini		X	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- Eight (8) Yes votes.						

RECESS **1:00 PM**
RECONVENED **1:18 PM**

ITEMS FOR INFORMATION/DISCUSSION

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-3 For Information Only – Presentation on Activities Submitted for the National Telecommunications & Information Administration Tribal Broadband Connectivity Program

RECOMMENDED MOTION/ACTION

None. For information only. Special Assistant to the Chairman Niniau Kawaihae, along with Geoffrey Blackwell, Irene Flannery from AMERIND Critical Infrastructure, and Xlab, Sascha Meinrath, presented the following:

Geoffrey Blackwell is the Chief Strategy Officer and General Counsel at AMERIND Risk. He introduced his colleagues Irene Flannery, the Director of AMERIND Critical Infrastructure, Sascha Meinrath, the Palmer Chair of the Telecommunications Act of Penn State University, and the Director of Xlab.

N. Kawaihae began the TBCP Grant Application Overview PowerPoint:

- The Consolidated Appropriations Act of 2021 was signed by President Trump in December 2020
- In it was a set aside of no less than 2% under the National Telecommunications & Information Administration (NTIA) for the Tribal Broadband Connectivity Program to award to the Department of Hawaiian Home Lands
- \$30 million, and the Notice of Funding Opportunity was released at the beginning of June 2021; the Department of Hawaiian Home Land's application was submitted on August 31, 2021
- In the written submittal, the Infrastructure Investment and Jobs Act's passing set aside another no less than 2%, which totaled \$60 million, that will go to DHHL in a separate NTIA grant application.

Use and Adoption – total request \$18,163,021 – Six Projects

- Broadband Equipment to Hawaiian Charter Schools
- Pu`uhonua o Waianae Community Network
- Community Networks & Broadband Mapping
- Nanakuli Public Library Project
- Telehealth
- One Year of Prepaid Consumer Internet

I. Flannery presented the Infrastructure Deployment – total request \$49,614,000 for Four Inter-related Architectures

- Inter-island fiber transit (complete with local internet exchange point)
- Intra-island transit (where localized fiber assets exist)
- Inter-Home Land point-to-point wireless (when needed to interconnect remote locations where fiber is not feasible)
- Intra-Home Land point-to-multipoint wireless (where fiber-to-home is not feasible)

There are two parts of the application sent to NTIA, Broadband Use and Adoption and Infrastructure Deployment. The application was not developed as an industry plan with an industry perspective but based on Hawaiian values and human needs such as distance learning, educational needs, health care, public safety, and other entities mentioned.

G. Blackwell stated they have been working with the Land Management Division on mapping getting a feel of the types of vegetation from Waimanalo to Waianae. There is a lot of lava, and the plan envisions fiber in the ground and aerial fiber. They are culminating their inventory timing of the project terms of site planning more of the technology in deployment planning. They looked at tower sites. He stated the design is built on community needs and not corporate values.

A. Meinrath stated he has been building community networks for over 20-years, and the first generations of devices were known as WiFi when it came out. He and his team built a three-state-wide emergency network after Hurricane Katrina in three weeks which was useful from the Federal Emergency Management Agency (FEMA) to the American Red Cross and many other places. He stated this project is an opportunity for something that has never been built before, which is a statewide infrastructure where the architecting of the system and the network's goals are community-driven. He stated DHHL would be the steward of the next-generation network.

G. Blackwell stated the next step is the design, then the engineering where the network is measured at a particular speed and power level to be constructed and regulated. No good system can be built unless there is on the ground verification of the design and engineering types that occur in desktops.

G. Blackwell announced that AMERIND Critical Infrastructure announced with Google and the National Digital Inclusion Alliance a new partnership and will launch a Native Digital Inclusion Nationwide Project. They will place digital navigators in native communities across the United States by region. They will go region to region, community to community, to help the community members learn how to utilize broadband to maximize its usage.

N. Kawaihae stated that DHHL had been told that it needs to apply again for the \$60 million, and she hopes that DHHL will receive the \$30 million sooner than later.

Chair Ailā stated the Commission had gotten a conceptual configuration of looking at Hawaiian Home Lands across the State and are now moving into a phase, with the help of Sasha, of measuring what the Department needs in terms of signal towers, where fiber needs to go to come up with the comprehensive broadband plan, correct. S. Meinrath stated what has been developed given the current existing assets. When designing a network of this scale, he stated they want it to meet the community needs, make sure the local communities understand what they are doing, and agree with the siting of things, which is key. They will do additional due diligence in terms of available assets, like who owns what towers.

Chair Ailā stated the Department looks forward to the grant coming through.

DISCUSSION

Commissioner Neves stated it is wireless, wireline, and looking at pre-existing fiber assets. He stated the Department would need to figure out who owns the fiber assets and find out if the Department has access. He asked if the Department does not have access, is the plan to go around that assets and put in its fiber. G. Blackwell stated yes.

Commissioner Helm asked if they were planning on going back to Moloka`i soon. G. Blackwell stated they do not have plans currently. Commissioner Helm asked what the projection is down the road, 2-3 years. G. Blackwell stated it unfortunate the federal delays and stated he thinks they have a 2-year deadline. I. Flannery stated there is a 1-year deadline that can be extended for the infrastructure.

Commissioner Teruya asked why Waianae and Kapolei were excluded on the page 4 chart, which notes the City and County of Honolulu. N. Kawaihae stated that the NTIA's map on broadband needs identifies the number of households on trust land areas with fixed broadband speeds below 25, percentages without internet, and those without devices. Commissioner Teruya asked if it means from the Waianae moku to the Kapolei homesteads the broadband does not show any decrease. N. Kawaihae stated yes, it means they have good broadband. Commissioner Teruya asked this is not open to only beneficiaries. N. Kawaihae state on page 6 mentions the four classes, which are lessees. These applicants could be applicants but did not apply, NAHASDA, which is any Hawaiian, Hawaiians homeless and not on trust land.

Commissioner Awo stated there are lots of good information. He stated that 20 to 30 years ago, Sandwich Isles offered the same opportunity and hopes that some of the pitfalls that led to the current situation could be avoided. The recently acquired Spectrum assets he read in the submittal would benefit AMERIND's ability to deploy. If so, he asked for an explanation because it is still in litigation, and there are still last-mile challenges that affect service to the homesteads.

Chair Ailā stated he believes that is referencing the 2.5 GHz Spectrum data that the Department received. It is all-inclusive, the implementation of the 2.5 GHz and now with the opportunity to have more funding to do a statewide broadband system for the Department's homesteads. It is all-inclusive.

G. Blackwell concurred that the 2.5 GHz assets are licensed to the Department. Flannery stated the tremendous advantage is that those licenses were obtained at no cost through the Federal Communications Commission Tribal Priority Window.

Commissioner Awo asked as a result of the Spectrum assets acquired. The Department is experiencing with Sandwich Isles does not enter AMERIND's ability to deploy as planned. Chair Ailā stated that it is a separate issue, separate technology.

Commissioner Neves stated his concern is about a contractor putting in a system and another contractor maintaining the system. Will AMERIND provide the maintenance or contract someone to do that?

G. Blackwell stated that one of the premise of this network design is an open architecture, ease of management, and high operational quality, but a very available type of system. AMERIND needs to work with the local grassroots community to identify who the leaders are in the community that can be trained and positioned to be the community network operators and managers. He stated there would be training online and in-person meetings with the expenses covered for community representatives to get trained. The element of management upkeep has to be local in Hawai'i. DHHL will be the landlord and may contract out certain elements of the operation of a network, and it is an economic driver.

S. Meinrath stated that the architecting that AMERIND is doing is about ensuring extensibility, interoperability, modularity of different proprietary components, and avoiding pitfalls that have happened time and time again in a prior era. He stated they are building a network that will be around for decades.

Commissioner Neves asked which Department would oversee this entire project. Chair Ailā stated it is now being kept in the Office of the Chair (OCHChair Ailā commented it is being thought about, and if there is no capacity, the Department can hire out while capacity is being

built. The Department needs to build maximum flexibility as we build out because technology changes quickly.

Commissioner Awo asked what the Department could expect to see in 2 years or 3 years in the Hawaiian Homes due to the deployment. S. Meinrath stated the goal is to provide most homes with 125 megabit per second speed, which is more than baseline and future proof for at least one generation. He stated they want a basic structure that will allow them to add additional capacity and keep up with the times; that is why they are using fiber. They want something to provide a better experience for native Hawaiian households.

S. Meinrath stated they are talking about multiple Hi-Definition streams simultaneously happening. He stated the goal is near 100%, and that is what they told NTIA the plan is.

Commissioner Ka'apu asked a beneficiary who has been in it for three years, and something breaks within your system, who they call, and who fixes it to get it back up and running 24/7. S. Meinrath stated they would have a network to identify problems as they come up. As far as who is doing the truck roll at 3 am to get the system back on, that will be the decision of the Department as the landlord and the owner and operator of the system. If a shoddy vendor provides that, it will be because the Department decided to bring that vendor in. He stated their role is to provide the Department with the pros and cons to help facilitate and execute.

Commissioner Ka'apu asked if they could provide the information on a basic level to share it with the different communities. What information is needed so that the Department can build the grassroot level support and get people thinking about the different opportunities? G. Blackwell stated they could provide that. He stated the federal funding timing is unpredictable, and he stated what they are planning has to be well planned from the beginning.

PLANNING OFFICE

ITEM G-4 For Information Only – Options for Wastewater Management Alternatives

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Manager Andrew Choy and Lead for the Wastewater Management Alternatives Nancy McPherson presented the following:

N. McPherson presented the PowerPoint for the Options for Wastewater Management Alternatives. She stated there are guests from the Wastewater Alternative & Innovations (WAI) and the Institute for Transformative Technology / Tiger Biofilter (ITT/TBF)

- The Commission was provided with the September 2021: E-2, Joint LDD, and PO Info Submittal, Wastewater Disposal on Hawaiian Home Lands; Focus on Cesspools
- Submittals focus on the use of cesspools, environmental concerns, statutory requirements, collaborative activities, community surveys, assessments, and potential funding resources.

Presentations by:

- Wastewater Alternatives & Innovations (WAI), Work-4-Water Initiative
- Presenters for WAI are Stuart Coleman, Joachim Schneider, and Christina Comfort

N. McPherson stated this would be brought to the homestead lessees starting with O`ahu and then to the outer islands to look at projects and implement some technologies.

DISCUSSION

Commissioner Helm asked if there is funding for septic tanks to replace cesspools for native Hawaiians or Native Americans. S. Coleman stated they have been working with Senator Schatz's office in the Indian Affairs Committee, and he thinks there is a strong chance to get funding. He stated they applied for an ETA grant to help native Hawaiians with the conversions, but with the workforce development. There are some big grants and an earmark approved by Senator Hirono's office. He stated By-Partisan Infrastructure Law is the largest amount of money the government has granted for wastewater infrastructure issues. He thinks there are specific fundings and wants to work with the Department to ensure they get that for DHHL.

Commissioner Helm asked N. McPherson if there is funding for septic tanks; he would like to see local native Hawaiian businesses install the septic tanks and be the beneficiaries of this opportunity.

Chair Ailā asked S. Coleman the anticipated cost of the worm treatment for an average house; the projected cost. N. El-Ghobashy stated they are looking at keeping the cost below the \$5000 mark which they are not there yet. She said they might be able to do that with a couple of changes to the design system. There will be an operating cost, some electricity cost, and if it is a utility model deployed, there will be a monthly subscription cost. She states they are looking to significantly be below a septic tank conversion, ranging from \$10,000 to \$25,000 per house.

Commissioner Ka'apu asked if there was anything that killed the worms. R. Sathre stated the worms are robust, and a few things can harm them, like acid-base cleaners and toilet cleaners. Clorox in limited quantities is fine for the worms. Worms are easy to grow and can easily be recharged. Commissioner Ka'apu asked on each island, you would have a worm growing facility that would be utilized to bring to the households. R. Sathre stated that whether they have one large wormery or several small ones, they would work out logistics over time. N. El-Ghobashy stated some schools are already growing the worms. Commissioner Ka'apu stated that the septic tanks are running \$30,000 to \$40,000 per household on Hawai'i Island.

N. McPherson stated that one of the septic system's concerns is that it will also begin to fail with sea-level rise. Above-ground solutions would probably be the best.

Commissioner Ka'upu asked if they are looking at the individual home system, a package community system, or a mix. He also asked if you pass the worm system and have effluent going into the plant bed, are there certain plants that work and those that cannot be used.

Acting Planning Manager Andrew Choy stated for the communal systems, one of the challenges for the Department is how it will operate those communal facilities over time. Individual systems are more feasible for the Department at this time.

S. Coleman stated they are working with technology, the cluster systems that are not vulnerable to sea-level rise. Instead of sewerage, they are working with a system that can use a 2-inch PVC pipe and take it from a modified septic tank that pumps it out to a larger street pipe that does not have to be trenched deep and is resilient to earthquakes, erosion, and sea-level rise. S. Coleman stated it is much more affordable and more resilient.

R. Sathre responded to Commissioner Ka'upu's question about the plants stating any plants suitable to the local climate can be grown in the plant bed filters. He stated they are using a

variety of native Hawaiian plants in their latest systems, and in other systems, they use water-loving plants. He does not recommend growing food crops.

Commissioner Kaleikini asked the Department's position on assisting the less than 3,000 beneficiaries with cesspools to convert to septic by 2050.

Chair Ailā stated if the Department had a source of income, it would look to help the lessees, but if there is no source of income, the responsibility falls on the lessees. It is their house, and it is their kuleana. If there is an opportunity to obtain funding, the Department can help. Still, it is not looking to create any other program other than what is being discussed at the Legislature, participating and supporting revolving fund programs other agencies are looking into.

Chair Ailā stated that the Department is involved in partnering to get these programs certified by the Hawai'i Department of Health to become an option for everybody in the State of Hawai'i.

Note: Slide presentation attached

ITEMS FOR DECISION MAKING

REGULAR AGENDA

PLANNING OFFICE

ITEM G-1 Approval to Support Groundwater Management Area Designation of Wai`anae, O`ahu Aquifers

RECOMMENDED MOTION/ACTION

Acting Planning Manager Andrew Choy presented the following:

Motion that the Hawaiian Homes Commission approve to Support Groundwater Management Area Designation of Waianae, O`ahu Aquifers; and

1. Acknowledge the legal benefits and protections that accrue to the Department of Hawaiian Home Lands (DHHL) and its beneficiaries' water reservations and uses in designated Water Management Areas; and
2. Formally support the proposed designation of the Wai`anae Aquifer Sector Area as a Ground Water Management Area, as being proposed by the Honolulu Board of Water Supply; and
3. Authorize the Chairman to take actions as necessary to effectuate this.

MOTION

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

Dr. Jonathan Likeke Scheuer and Barry Usugawa of the Board of Water Supply presented the PowerPoint slide. The Board of Water Supply is petitioning the Commission on Water Resource Management. He stated it was a request from Commissioner Kahanamoku to come back with a proposal for DHHL to support the Water Supply's Petition to designate Wai`anae as a Ground Water Management Area.

Overview

1. A brief review of the December submittal on the same issue
 - a. 60% of all the DHHL lands on O`ahu are in the Wai`anae Ground Water Aquifer area
 - b. Smallest of all the sustainable yields of all the aquifers on the island of O`ahu
 - c. The sustainable use of the island is 393.5 mgd and only 13 mgd available a day from the four aquifers that make up the Wai`anae system
2. Implications of Possible “Designation” of a Ground Water Management Area
 - a. All of O`ahu is protected as a Ground Water Management Area
 - b. All groundwater on Moloka`i is protected
 - c. The Iao Aquifer is designated as a Ground Water Management Area
 - d. The Board of Water Supply is seeking for the remainder of O`ahu that is not groundwater designated
3. Review of possible action

Wai`anae Moku Regions Homesteads, and Acreage

DHHL Planning Region	Homestead Communities in Region	Other Areas	Acreage
Wai`anae	Kaupuni Wai`anae Wai`anae Kai Lualualei	Ma`ili`	2,472
Nanakuli	Nanakuli Princess Kahanu Estates		2,311

By Administrative Rule, the Commission reserves 1.724 mgd of groundwater from stated lands in the Waipahu-Waiawa aquifer system for use in the Papakolea, Nanakuli, and Wai`anae -Lualualei Hawaiian homestead areas. The amount is in excess of the existing water used on Hawaiian home lands as of the rule's effective date. (Eff. Feb. 18, 1994)

The Board of Water Supply is submitting a petition to designate the Wai`anae Moku as a Ground Water Management Area. The Nanakuli Board is in favor of the designation.

Dr. Scheuer stated there are three main ways that DHHL’s rights are enhanced in Water Management Areas compared to non-water management areas:

1. The ability to secure enforceable water reservations by administrative rule.
2. The ability to comment on, object to, and request contested cases on the proposed water uses of other parties.
3. Water Use Permits are conditioned on DHHL uses.

DISCUSSION

Commissioner Teruya urged the Commissioners to support the designation.

B. Usugawa stated the Board of Water Supply is doing this for three main reasons:

1. It is a critical need to have Enhanced Water Resource Management, especially in Wai`anae
2. Looking for a sustainable water supply
3. Equity

ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the motion stated in the submittal.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o						X
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			8			
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.						

ITEM G-2 Approval of Recommendations for Regional Plan Priority Project and Capacity Building Grant Awards

RECOMMENDED MOTION/ACTION

Acting Planning Manager Andrew Choy and Grants Specialist Gigi Cairel presented the following: Motion that the Hawaiian Homes Commission approve:

DISCUSSION

1. An \$859,375 allocation from the Native Hawai'i Rehabilitation Fund (NHRF) to fund the following organizations for the Regional Plan Priority Project grants and Capacity Building grants.
2. We are carrying over to the 2022-2023 fiscal year any approved allocated funds that cannot be encumbered by contract by June 30, 2022.

MOTION/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			8			
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.						

ITEM G-3 Approval to Authorize the Chairman to Submit to U.S. Department of Agriculture Rural Development an Application for Federal Funds for the Construction of the Ka`uluokaha`i Water and Wastewater Project, Kapolei, O`ahu

RECOMMENDED MOTION/ACTION

Acting Planning Manager Andrew Choy and Grants Specialist Gigi Cairel presented the following: Motion that the Hawaiian Homes Commission approve to:

1. Authorize the Chairman to submit to U.S. Department of Agriculture Rural Development (USDA RD), Water and Environmental Program (WEP), a funding application in the amount of \$3,701,000 for the construction of the Ka`uluokaha`i water and wastewater project, Kapolei, O`ahu;
2. Authorize the Chairman to negotiate the final terms and conditions of the USDA RD WEP funds.

Chair Ailā stated that this is money being reimbursed to the Department for funding the project.

MOTION/ACTION

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

Moved by Commissioner Ka`apu, seconded by Commissioner Teruya, to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A`OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka`apu			X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o						X
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			8			
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.						

Chair Ailā stated that Item D-1 would be deferred to tomorrow`s agenda.

ITEMS FOR INFORMATION/DISCUSSION

WORKSHOPS

PLANNING OFFICE

ITEM G-5 For Information Only – Status Update on Plan Implementation in the Kapolei Region

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Manager Andrew Choy and Planner Pearlyn Fukuba presented the following:

A. Choy stated the Commissioners have the written report before them, and if there are questions, he and P. Fukuba are happy to answer them. The presentation will be presented at the community meeting tonight.

Note: Slide presentation attached

GENERAL AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-2 For Information Only - Report and Recommendation from the Investigative Committee to Review Selection Criteria, Potential Candidates, and Other Issues Related to the Retention of Private Counsel for Matters Related to Act 14 (1995)

RECOMMENDED MOTION/ACTION

Administrative Rules Officer Hokulei Lindsey presented the following:

R. Lindsey stated that counsel had been retained. The Committee decided to split the potential Act 14 matters into two categories; one category involves negotiation and settlement matters, and the second category involves litigation matters. Counsel has been retained for the negotiation and settlement category, Ashford and Wriston.

She stated the committee has a separate request for independent counsel for the litigation category with the Attorney General's office. She stated that the committee's work is not completed yet as they wait to see how the request for Litigation Counsel pans out.

The recommendation printed in the submittal is not accurate. The Committee recommends that a new committee be formed to continue to work on Act 14 matters to investigate, discuss, review, and recommend courses of action on the outstanding items. Next month the Commission will see the new committee's request is presented.

RECESS

4:20 PM

HAWAIIAN HOMES COMMISSION
Minutes of February 23, 2022 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 arr. 9:45 a.m.)
Zachary Z. Helm, Moloka`i Commissioner (via ICT)
David B. Ka`apu, West Hawai`i Commissioner (via ICT) (9:50 a.m.)
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 9:36 a.m. six (6) 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 March 25, 2022, 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 stated Items D-1 and D-15. The Commission will convene for an executive session around noon.

Chair Ailā reminded Commissioners of Act 220.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

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

ITEMS FOR INFORMATION/DISCUSSION

GENERAL AGENDA

REQUEST TO ADDRESS THE COMMISSION

ITEM J-2 Blossom Feiteira – Various Concerns

B. Feiteira testified of the treatment Val Dean Castillo received from the Department during the contested case hearing process. She asked the Commission to consider establishing a training workshop on the process, so it does not happen again. She asked that the immediate execution of the lease agreement be done and handled directly by the Honolulu office so Ms. Castillo is not forced to deal with the East Hawai'i District Supervisor. She is not sure what the Department's process is when such actions are taken against a beneficiary by a department employee. She asks that a written reprimand be part of their personnel record for the HSD Administrator and the District Supervisor of the Department's East Hawai'i District Office. She stated that they never see a resolution when there is a conflict between the staff and a beneficiary when the staff is in the wrong. There needs to be some protocol in place so that this does not happen again, whether to a lessee or an applicant.

She stated the undivided lease program resolves the issue of insuring kupuna who have been on the wait list a long time that they will be able to secure a lease on behalf of their successors. A large portion of kupuna has children and grandchildren that cannot take their place on the waitlist. The undivided interest lease program resolves that issue on their behalf. She asked the Commission to consider making that a permanent part of the program opportunity.

In the process of transferring, a couple of steps are missing, according to beneficiaries who are going through the process and have gone through the process. Some people have been waiting over a year to complete a designation of a successor agreement. If the lessee passes on, can the transfer process be completed? She asked the Department uses the documents from the Department of Health to verify blood quantum; why is the Department going back to the DOH to re-verify the same documents. It does not make sense.

Commissioner Awo asked if the Commission is allowed to comment on Iopa. Chair Ailā stated the Commission is not allowed.

ITEM J-1 Kekoa Enomoto – Mokupuni Council and Pa`upena CDC

K. Enomoto testified on behalf of the Maui/Lanai Mokupuni Council and the Pa`upena Community Development Corporation to have the Department of Hawaiian Home Lands (DHHL) fill the 50 to 60 open slots on the Maui Undivided Interest List. She also reemphasized her endorsement of a Honokowai Undivided Interest Program.

The Pu`unani Hawaiian Homestead Association held its monthly meeting under their new President Debbie Mahuna. Misty Griffith and Ann Rivila of the Kahului Branch of the Money Store committed to pre-qualifying all 161 perspectives Pu`unani lessees. She asked that Paula Ailā of DHHL's Awards Division make available an updated, numerical undivided interest list with names only and no contact information to begin the pre-qualification process in advance.

She invited the Commissioners to a 2-day Beneficiary Workshop in March on Water Rights Advocacy for the Commission on Water Resource Management (CWRM). Beneficiaries will be supporting an 11 mgd of non-potable water allotment that DHHL had requested for upcountry trust lands. Ka Huli Au, the University of Hawai'i's Law School Affiliate, will teach them how to advocate before CWRM.

ITEM J-3 Bianca-Lyn Ramento – Waianae Lease Concern

B. Ramento and her husband Randy Ramento testified of their 3-years long issue with their neighbor Marie Gouveia. They had to hire an attorney to help deal with their situation. One issue is the neighbor's canopy is causing water damage to their property, and they are being harassed by multiple family members. It is unsafe for her family. She has been trying to reach out to the Department with letters and photographs for the past years, but they disappeared, no emails, letters, or pictures. She stated the previous owners moved out, and now they have been there 5-years and do not want to move from their home. She asked that the Department come to look at their property.

Chair Ailā asked who the wall between the two properties belonged to. R. Ramento stated the wall belongs to them, and they do have a permit. Chair Ailā asked if the tarp was attached to the wall. R. Ramento stated the top of the canopy slopes about 3 feet higher than their wall, and the water runoff would drain into their property. Sometimes there was a vehicle blocking her driveway, and they had to call the police numerous times.

Chair Ailā asked if they kept a list of the calls to the Police and had the report numbers to provide the Police reports and the report numbers to the Department. B. Ramento stated she informed Francis Lum of the Department of Planning and Permitting (DPP). They informed the Ramentos that he could not send a violation out to Marie Gouveia because his supervisor told him it is an area of the Department of Hawaiian Home Lands. She was told by Francis Lum to reach out to her representatives, Andrea Tupola and Maile Shimabukuro. She stated they tried their best but turned to their Attorney Richard Ing.

Chair Aila asked what the current status of the injunction was. B. Ramento stated the injunction is still in order. They will take it back for a modification due to the blocking of the driveway and continuous harassment and ask for another extension of the 3-year.

Commissioner Helm asked whether other neighbors were being harassed by this family. She stated no, just her family. Commissioner Helm asked if it was okay in the beginning when they moved there. She stated in the beginning, it was okay, but slowly the neighbor was throwing things into their yard, but the behavior started when the Ramentos started construction.

Commissioner Ka'upu asked about a statement she made that her letters had disappeared. B. Ramento stated she hand-carried two manila envelopes of letters and photos to the Department.

Chair Ailā stated he would meet with staff and keep the Commission apprised.

ITEM J-4 Noe Asuega-Stark – Pu'unani Homestead Association

N. Asuega-Stark asked for any updates to the Pu'unani Project. She stated they reached out to Stewart via email and phone and left a voicemail but no response. She understands construction is supposed to begin in 2021 winter, but she has not seen any construction that has started as she lives right down the road. She would like an update on the timeline.

Acting Administrator Land Development Division Steward Matsunaga stated they have been working with the county to approve the construction plans. They hit a snag because of a late requirement by the Department of Water to install a water storage tank, so they have been in discussions with the Department of Water. In the last update, construction was projected to be delayed about a year which is still tentative, and it depends a lot on the new plans. The Department would need to acquire some land to construct a new water tank. He will commit to continuing to communicate with the beneficiaries and stated that is probably the best timeline he can give her at this point.

She stated they are seeking a monthly update. Chair Ailā stated the Department could commit to that.

ITEM J-5 Al Hee – Sandwich Isles Communications

A. Hee testified he wanted to talk about his commitment to free service to the homesteaders. He briefly talked about what happened in 2006 with the Federal Communications Commission (FCC) and the Rural Utilities Service (RUS), which ended up getting money from commercial sources.

He stated there are two parts to the order, one saying it cannot be exclusive, and the other part is the FCC cannot tell the Hawaiian Homes Commission what to do with its land.

He stated the license to Waimana will result in free internet and phone service to homesteaders. If Hawaiian Telcom wants a license, it should be the same as his license.

He stated two people on Moloka`i and one in Nanakuli asked him for service. They asked him to foot the bill to build the infrastructure into their property, which he always has done. He stated he does not know if he has the right to do that, and he does not know if he should do that. A kupuna told him that Spectrum would cut her service if he could help her. He told her if he had his way, she would not have to worry about paying for her service, but what is standing between her getting free service is the Department of Hawaiian Home Lands. He stated he was about to write that same letter to every beneficiary.

He stated Hawaiian Telcom has been cutting his locks and denying access to his property, and they continue to do that. He told Hawaiian Telcom to move their building. He stated Condemnation Powers forces the two parties to come to an access agreement based on the market price. The access price that Hawaiian Telcom did was made with the Paniolo Trustee. He sent Hawaiian Telcom a bill based on that market price, which is up to \$6 million. He stated Hawaiian Telcom was told by the Department that they don't need an access agreement, so they are using the land for free.

ITEM J-6 Donna Sterling – Kahikinui

D. Sterling testified that she invited Commissioner Awo to experience the life of a Kahikinui homesteader. He did visit her and Kawika and went with other homesteaders to go on to other places. It was nice to have him. She stated she would be spearheading Kahikinui Hawaiian Homesteaders Association's (KHHA) joint collective kuleana with Ka Ohana O Kahikinui (KOOK) to identify all the projects that they have. She stated through a grant, they will be receiving through the Board of Reclamation in Colorado. They will be delivering potable water to

the homesteaders, 8,000 gallons a week, 4,000 gallons twice a week. She stated this would last for 5-months, which will be the drought months.

Commissioner Awo stated he did enjoy his visit to Kahikinui.

ITEM J-7 Homelani Schaedel – Maluohai

H. Schaedel testified on traffic calming and that there was another traffic incident. She asks who in the Land Management Division (LMD) or Land Development Division (LDD) she needs to address and improve calming traffic measures in Maluohai.

Stewart. S. Matsunaga stated consultants did some preliminary investigations and have some designs that are being drafted to address traffic calming along Kaia`au and Maluohai. There are similar issues in all of the homesteads. The process has been started, and the plans are being prepared. He will get back to her on what that schedule looks like.

She asked the Chairman where is the Department with the Community Compliance Officers Division. Chair Ailā stated they are down to one officer and trying to hire several others. Once they are hired and brought up to speed, discussions can begin on the various methodologies, including looking at the leases and what information is needed in terms of Police reports.

Executive Assistant Jobie Masagatani stated that Budget and Finance (B&F) has been very strict about the Department's ability to hire any exempt employees. All of the new hires have been civil service. The Department is in recruitment for investigative positions.

Commissioner Awo understands there is a bill wanting to take existing state agencies with Police powers and create this new department to collect all things connected to the stated. He stated he had seen those bills before, and it is another ineffective way to address issues. Issues specific to Hawaiian homes require a law enforcement unit with specialized skills specific to the needs of Hawaiian home land beneficiaries that warrant the creation of their law enforcement unit.

J. Masagatani stated the procedures would be the same for the Department, the Administrative Rules, the Hawaiian Homes Commission Act, and the DHHL policies that have been approved by the Commission. There are many things that the Department can do to improve training. Unfortunately, there is not enough staff to move that forward. The most important consideration now is getting the right person who has the basic skill sets, developing good investigations, developing good reports that can be built upon.

H. Schaedel is concerned about not having the right tools for those coming in; they are starting shakily. She is hearing that the Department is going back to the documentation and focusing on compliance. If the lessee is not in compliance, the Commission will need all the information; record-keeping, Police reports, conversations, and pictures. Training is going to be critical.

Commissioner Ka'upu had a question on Item J-4 for the Pu'unani Homestead project stating he does not know the history of the project. Chair Ailā stated there is no homestead yet, so the Department does not recognize the homestead association. No one is selected, and there is no vertical infrastructure. He asked that he be included in the communication to H. Schaedel from S. Matsunaga for the traffic calming.

Commissioner Ka'upu stated he received a letter from Blossom Feiteira on Item J-2. He stated it is a legal question. He stated he would wait for the executive session.

MOTION

Moved by Commissioner Ka'apu, 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 11:25 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.

Item J-2 Blossom Feiteira – Various Concerns - legal question

EXECUTIVE SESSION OUT 1:00 PM

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 1:02 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 the *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 2:17 PM

ITEMS FOR DECISION MAKING

REGULAR AGENDA

HOMESTEAD SERVICES DIVISION

ITEM D-15 Commission Designation of Succ4essor – HAZEL W. PU, Residential Lease No. 5518, Lot No. 117, Lualualei, O`ahu

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion that the Hawaiian Homes Commission:

1. Set aside the Commission’s earlier approval of Department’s Item D-13, Commission designation of a successor – **HAZEL W. PU**, Lease No. 5518, Lot No. 117, Lualualei, O’ahu, at its November 15, 2021, regular meeting (Exhibit A), to be replaced by Item D-15, the same title.
2. Approve the selection of Kathleen C. Rodrigues, Kathleen to succeed to the interest of Hazel W. Pu, as a tenant in severalty, for residential Lease No. 5518 for the remaining term of the lease.
3. To approve and accept the Kathleen is no less than the required 25% Hawaiian ancestry and is, therefore, a qualified successor pursuant to the Act.
4. To stipulate that Kathleen’s rights and interest in the lease do not vest until Kathleen has signed the transfer through successor lease, lease addendum, and such necessary, appropriate instruments. If Kathleen does not sign all such documents on or before April 30, 2022, which is the set deadline, the Commission’s selection of Kathleen as the tenant in severalty successor is automatically revoked.
5. To authorize the Department to extend the deadline up to 60-days for good cause; and
6. To declare that if Kathleen’s selection as the tenant in severalty successor is revoked, then under Section 209-A of the Hawaiian Homes Commission Act, as Amended, the land subject to the lease shall resume its status as unleased Hawaiian home land. The Department is authorized to lease the land to a Native Hawaiian as provided by the Act.

Commissioner Ka’apu stated that the new submittal makes more sense as far as what took place, and Kathleen or her brother did not return certain documents until later.

MOTION/ACTION

Moved by Commissioner Ka’apu, seconded by Commissioner Helm, to approve the recommended motion and action as stated in the revised submittal.

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	X			
Commissioner Ka’apu	X		X			
Commissioner Kaleikini			X			
Commissioner Ka’upu			X			
Commissioner Namu’o			X			
Commissioner Neves			X			
Commissioner Teruya						X
Chairman Ailā			X			
TOTAL VOTE COUNT			8			
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.						

OFFICE OF THE CHAIRMAN

ITEM C-4 Ratification of Expanded Scope of Work for the Memorandum of Agreement with Amerind Critical Infrastructure Related to Tribal Broadband Connectivity Program and 2.5 GHz Licenses and Approval of Additional Expenditures Related to the Expanded Scope of Work

RECOMMENDED MOTION/ACTION

Special Assistant Office of the Chairman Niniau Kawaihae presented the following:
Motion that the Hawaiian Homes Commission ratify the Expanded Scope of Work for the Memorandum of Agreement with Amerind Critical Infrastructure Related to Tribal Broadband Connectivity Program and 2.5 GHz Licenses and Approval of Additional Expenditures Related to the Expanded Scope of Work

N. Kawaihae stated a year ago, the Department entered into a Memorandum of Agreement with Amerind Critical Infrastructure, and now they are on the next step of doing the technical network and implementation sustainability and technical support for broadband funding applications.

MOTION

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

DISCUSSION

Commissioner Ka'apu stated he still is not understanding what the Department got for the first \$800,000. N. Kawaihae stated the first \$800,000 is over 5-years to complete the buildout for the 2.5GHz.

Commissioner Ka'apu looked at Exhibit B, year-1 was \$357,500.00., year-2 was \$357,500.00, and now they ask is for an additional \$125,000. N. Kawaihae stated it is to pay for the services of Sasha and his team at Xlab. Commissioner Ka'apu stated no one could point out anything concrete in year-1 and year-2. N. Kawaihae stated it is in year-1 because the contract started in February 2021, which was one year ago. Commissioner Ka'apu stated the submittal he has says 2020, in Exhibit B. It came to the Commission for approval in February 2020. She stated it is incorrect and believes the contract started one year ago, in 2021. N. Kawaihae stated in year-1, we expended \$278,125 under the current Memorandum of Agreement (MOA).

Commissioner Ka'apu asked what the Department got for the first \$357,500.00. What will the Department get for the next \$357,500.00, and why do we need another \$125,000.00.

N. Kawaihae stated the MOA is for 5-years to complete the buildout of the 2.5GHz. The first year is to set up all the stakeholder engagements to develop the National Telecommunications & Information Administration (NTIA) applications. The release should have happened in February but happened in June. She stated they met with all State, County, Non-profit, and Tele-Health Education partners and developed the activities presented to the Commission yesterday. The beneficiary consultations are coming up in the next 3-4 months.

Commissioner Ka'apu asked that it cost \$357,000.00. Their slides yesterday identified where the homesteads were, slides around the Big Island that started in Waimea and ended up in Kona, but other than the line that was drawn, the difficulty is to understand what the Department is going to get. It is very little for the amount of money that it appears the Department spent. He has not seen

anything concrete like what was done; this is who we met with, and this is what we achieved, but he stated he had not seen that. She stated that they listed all the entities they met within August.

Chair Ailā stated part of it is the additional monies, and the scope has changed. Because of the additional monies, there is an effort on how the Department fits in on the statewide broadband effort to get statewide connectivity, so the Department is not dependent upon Hawaiian Telcom and Spectrum. They have been gathering information on where the towers are and where the existing fiber cables are. He stated there is no physical representation of that.

Commissioner Ka’apu stated the submittal is not clear. Chair Ailā asked Niniau to amend the submittal and take out the amount.

Commissioner Neves stated asking to expand the scope should have been in the original scope. N. Kawaihae stated it is included in the original MOA; there is no totality of the dollar amount because they did not know what was going to be found until they did the stakeholder engagement.

Chair Ailā stated that the \$30 million, the \$60 million, and the scope's growth have changed.

Commissioner Awo stated a lot of this is planning and design, but the deliverables are still elusive. Niniau gave her take on the devices and what she wanted to see.

Chair Ailā stated he would like to see something on paper showing a timeline of when things will be built. Once the monies are released, we will see more reports of how these things are being implemented.

Commissioner Ka’apu asked the budget is still \$805,000. The \$125,000 is included in the \$805,000. N. Kawaihae stated yes. The Department fronts the \$805,000, and it gets reimbursed out of the federal fundings. She responded yes. Commissioner Ka’apu asked if it was a risk. Chair Ailā stated the amounts are guaranteed to our entity, and it is just a matter of it going through the federal expending agency and coming to the Department. There is no risk.

ACTION

Moved by Commissioner Ka`apu, seconded by Commissioner Awo, to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A`OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Helm			X			
Commissioner Ka’apu	X		X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves			X			
Commissioner Teruya						X
Chairman Ailā			X			
TOTAL VOTE COUNT			8			
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.						

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING

The next HHC meeting will be held on March 21 & 22, 2022, Tuesday & Wednesday. (ICT) Zoom

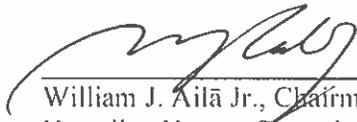
MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Namu'o, to adjourn the meeting.
Motion carried unanimously.

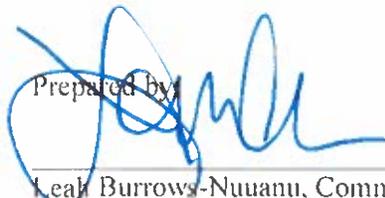
ADJOURNMENT

4:00 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