

HAWAIIAN HOMES COMMISSION

Minutes of March 21, 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) (10:45 a.m.)
Zachary Z. Helm, Moloka‘i Commissioner (via ICT)
David B. Ka‘apu, West Hawai‘i Commissioner (via ICT)
Michael L. Kaleikini, East Hawai‘i Commissioner (via ICT) (10:06 a.m.)
Russell K. Ka‘upu, O‘ahu Commissioner (via ICT)
Dennis L. Neves, Kauai Commissioner (via ICT)
Pauline N. Namu‘o, O‘ahu Commissioner (via ICT)
Patricia A. Teruya, O‘ahu Commissioner (via ICT)

COUNSEL Ryan Kanaka‘ole, Deputy AG

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 9:38 a.m. seven (7) members were present via in-person and ICT at roll call.

Pursuant to the Governor’s emergency proclamation related to the 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 reviewed the provisions of Act 220.

Chair Ailā announced that Commissioner Pauline Namu`o’s confirmation is set for a Senate vote tomorrow. He does not see any issues with her confirmation.

Item C-5 would be deferred to later. The Commission will recess for about 30-minutes for lunch, then convene in an executive session around noon. There are possibly two people signed up for Public Testimony.

APPROVAL OF AGENDA

MOTION/ACTION

Moved by Commissioner Ka`apu, seconded by Commissioner Neves, to approve the agenda. Motion carried unanimously.

APPROVAL OF MINUTES FOR FEBRUARY 22 & 23, 2022

Chair Ailā asked if there were any changes to the Minutes. There were none.

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve the February 22 & 23, 2022 Minutes. Motion carried unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

P-1 Asulu Labon Item D-13

A. Labon, along with her sister Charene, testified that the Hawaiian Home Lands put in a recommendation document that she and Charene were the successors of their aunt and mom's home. She stated the letter showed all their past testimonies and issues brought up but felt that one more thing was important to mention to help the decision, the delay that caused their situation. They thanked the Department and the Commission for their time and for reviewing their case.

ITEMS FOR DECISION MAKING

CONSENT AGENDA

Chair Ailā asked if the Commissioners had any items to pull from the Consent Agenda for discussion separately.

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 Approval of Homestead Application Transfers / Cancellations (see exhibit)**
- ITEM D-5 Commission Designation of Successors to Application Rights – Public Notice 2018 & 2020 (see exhibit)**
- ITEM D-6 Approval to Certify Applications of Qualified Applicants for the Month of February 2022 (see exhibit)**
- ITEM D-8 Reinstatement of Deferred Application – FRANCIS K.P. PALEA**
- 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-14 Approval for Request for Withdrawal of a Portion of Lot – BRETT B.K. YAMADA, Agricultural Lease No. 3571, Lot No. 184, Panaewa, 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.

DISCUSSION

Commissioner Teruya asked for clarification on Items D-10 and D-11. For Item D-10, page 2, item 4, a lot in Nanakuli is being sold. J. Garcia stated Theodore Awai received the lease by way of transfer and is taking his interest and conveying it with a lease transfer and a sale attached to it to another qualified native Hawaiian. The Department is asking the Commission to approve that transfer request.

Commissioner Teruya asked that Item D-11 be explained to her about updating the property description for the same party on page 2. J. Garcia stated the property Theodore Awai is holding and wishing to transfer, there was a condition in contention by the previous transferee, which was an easement. The easement is being removed from the lease, and therefore there is an amendment to the lease.

Commissioner Ka'upu asked if the lease was being assigned as amended. J. Garcia stated that is correct, and the Commission will be approving the transfer as well as the amendment, which will be incorporated in the Assignment of the Lease document. Commissioner Ka'upu asked if the amendment would be done first. J. Garcia stated it would happen simultaneously so that the transferee would be accepting the transfer of the lease and agreeing to the change in the lot description.

Commissioner Helm asked if this type of transaction is legal. J. Garcia stated this type of transaction is not uncommon. Chair Ailā stated the Department follows the statutes and the rules, and it is lawful. Suppose the Department decides it wants to change the rules. In that case, it needs the guidance of the Commission to go out for Beneficiary Consultation, which happened several years ago with the results of 50% saying it should be allowed and 50% saying it should not be allowed. The Department is open to taking it back out again if that is the Commission's desire.

Commissioner Helm felt there should be a limit. He doesn't think some beneficiaries should make a profit on Hawaiian home lands.

Commissioner Teruya stated the Commission should look at this. This individual has been doing this for a long time in Nānākuli. Using trust lands for this is not pono, especially when there are wait listers who cannot afford and cannot get onto a property. A person should not be making a profit on Hawaiian Home lands from another native Hawaiian.

Commissioner Neves thinks it is a discussion the Commission needs to have. It also provides a resource because there are a lot of abandoned homes, and he is providing a service to rebuild those homes and put it on the market to other native Hawaiian. It is about the haves, and the have nots. There needs to be a discussion on what is fair and what makes sense.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the Consent Agenda. Motion unanimously passed.

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve the Consent Agenda with the removal of Item D-15.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo						X late
Commissioner Helm		X	X			
Commissioner Ka`apu			X			
Commissioner Kaleikini						X late
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			7			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes.						

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-4 Approval of Lease Awards for Ka’uluokaha’i Residential Subdivision – Turnkey Homes and Vacant Lot O’ahu Increment B, Kapolei, O’ahu; Kakaina Residential Subdivision-Vacant Lots, Waimanalo, O’ahu; and Residential Subdivision-Hawai’i Community College Home, Keaukaha, Hawai’i Island (see exhibit)

RECOMMENDED MOTION/ACTION

Acting Contact and Awards Division Administrator Paula Ailā presented the following: Motion that the Hawaiian Homes Commission approved a 99-year lease for seven lots in different areas: Kapolei, Waimanalo, and Keaukaha, Hilo.

MOTION

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

DISCUSSION

Commissioner Helm asked if the scattered lots on Moloka’i would be awarded soon. P. Ailā stated all the awards inventory had been offered. She is not sure what scattered lots Commissioner Helm is speaking of. P. Ailā stated four pre-owned lots were turned over to Awards and offered.

Commissioner Ka`upu asked what makes a lot available. P. Ailā stated inventory sits with three different divisions; Land Development Division and Homestead Services Division which is typically a cancellation due to default or no successor. When those lots are prepared and offered ready, eligible for financing, and infrastructure to the lot, it is transferred to Contact and Awards.

For the Community College, it is one home per year. Commissioner Ka`upu asked if the Department holds lots to satisfy obligations. Chair Ailā stated the Department has lots available for the Hilo program. There are more lots in Keaukaha once the Department can get through issues such as the flood regulations from the federal government, the FAA noise attenuation, and the requirement where sewers have been put in for connection.

Commissioner Helm asked how the pilot projects are determined if they are low income or not. P. Ailā stated the one in Hilo is based on the appraisal value. It was based on financing that the Department provided for the project on Maui. The selling price is \$250,000.

Commissioner Neves asked who the person to talk to so Kaua`i could have the same type of program that is going on in Hilo is. Chair Ailā stated that the Department reached out to the various community colleges, and they can contact Paula.

Note: Commissioner Kaleikini joined the Commission at 9:50 a.m.

ACTION

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

HOMESTEAD SERVICES DIVISION

- ITEM D-7 Approval to Cancel Applications of Non-Qualified Applicants (see exhibit)**
- ITEM D-13 Commission Designation of Successor – MARIAN I. KAHALE, Residential Lease No. 4051, Lot No. 64, Waimanalo, O`ahu**

Chair Ailā stated that the items would be deferred till after lunch for the executive session.

LAND DEVELOPMENT DIVISION

- ITEM E-1 Approval to Increase Construction Budgets for DHHL-USDA RD Water Improvement Projects at Anahola Farm Lots Water System and Ho`olehua Water System Using NAHASDA Funds.**

RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Stewart Matsunaga presented the following:

Motion that the Hawaiian Homes Commission approve:

1. To increase the construction budget for the DHHL USDA RD Anahola Farm Lots Water System, the Island of Kaua`i, Water Improvement Projects by \$1.2 million from the NAHASDA Funds to cover additional construction expenses, and
2. To increase the construction budget for the DHHL USDA RD Ho`olehua Water System on the Island of Moloka`i Water Improvement Project by \$3.3 million from the NAHASDA Funds to cover additional construction expenses.

MOTION

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

DISCUSSION

Commissioner Ka`apu asked why so much money was in a project contingency instead of real work. S. Matsunaga stated both projects are in progress. The Anahola Farm Lots have approximately \$600,000 in true expenses, and the Water System project has \$1.3 million in true project shortages. The contingencies will be held as Anahola is about 60%-70% completed. The request is to provide authorization should something come up; they can attend to it quickly.

The Ho`olehua Water System is about \$1.2 million short for construction and about 50% completed.

Commissioner Ka`apu asked, because it is coming from NAHASDA, does it impact the Department if it is not needed, or does the Department give it back. S. Matsunaga stated the Department does not encumber the NAHASDA funds that are not needed, but it will encumber what it needs now.

NAHASDA Manager Lehua Kinilau-Cano stated there are other contracts with NAHASDA. She stated when they encumber, they obligate those funds, and if the funds are not used, they unencumber those funds.

Commissioner Helm asked if the \$3.3 million only includes packages 1 & 2 for Ho`olehua. S. Matsunaga stated it could affect the other packages because they struggle with the equipment.

Commissioner Neves asked about the solar to run the pumps and battery storage if the Department will disengage from HECO or still use them as a backup if there are any problems. S. Matsunaga stated the original proposal was to construct the solar with battery backup and disengage completely from the HECO depot system. While that may provide the most savings, it could compromise or destabilize the grid. Both water systems have been going through shutdowns to connect to the new improvements.

Commissioner Ka`upu asked about the contingency percentages and where the Department ended up in the budget for Anahola and Ho`olehua. Chair Ailā suggested deferring the item till later to give Stewart time to work on the percentages

Commissioner Kaleikini asked about the energy requirements for the systems in terms of power. S. Matsunaga stated he would get back to Commissioner Kaleikini.

Commissioner Helm asked about the additional fire hydrants he requested installed in Kalamaula. S. Matsunaga stated the engineers are looking into whether the lines can sustain additional

hydrants. Commissioner Helm asked about the status of the storage tank that the Department would construct by the aquifer. It used to be a concrete tank, but it has to be a steel bolted tank to be adequate. S. Matsunaga stated they are waiting on the delivery of the materials.

RECESS

10:54 AM

RECONVENED

11:09 AM

Note: Commissioner Awo joined the meeting at 10:45 AM.

PLANNING OFFICE

ITEM G-1 Adoption of the Kapolei Regional Plan Update (2022) and Authorization to Disseminate the Regional Plan Update

RECOMMENDED MOTION/ACTION

Acting Planning Manager Andrew Choy and Planner Pearlyn Fukuba presented the following: Motion that the Hawaiian Homes Commission approve the Kapolei Regional Plan update 2022; and authorize the dissemination of the Plan update.

P. Fukuba introduced the Representative from Townscape Lillie Makaiwa and Principal Planner for Townscape Cherry Hiraoka, who was not present.

Kapolei Planning Area Map – 1,047 acres of land in the Kapolei Region - Existing Land Uses:

- Residential – 205 acres; 177 acres set aside for future building
- Community Use – 35 acres
- Commercial – 80 acres
- Industrial – revenue-generating lands

Results of the Beneficiary Consultation – Guiding Principles:

- Natural, Cultural, and Agricultural Resources
- Wahi Pana
- Kupuna
- Keiki
- Self-sufficiency

Priority Projects:

- Provide more options for telecommunications service to homesteads
- Create more open spaces, park spaces, and recreation spaces to support the homestead communities
- Create a kupuna living community
- Support the Heritage Center and Community Commercial Development
- Support the development of a Hawaiian-Focus School/Hawaiian Immersion School

MOTION

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

DISCUSSION

Commissioner Helm asked if all the lots would be turn-key or vacant lots as well. A. Choy stated the Department does not know what the mixed product is. The numbers given by Pearlyn are projections of what can be developed.

Commissioner Teruya stated the Kapolei Community Development Corporation (KCDC) does not only serve Kapolei but serves other homestead communities too. Kapolei has a unique Regional Plan. She will be supporting this to move forward.

Commissioner Ka`upu asked when the Department started managing its lands through Regional Plans. A. Choy stated Regional Plans began around 2005. The Administration’s priority was to work with individual communities to help organize the Department’s resources by breaking it up into 22 regions helping to communicate the priorities and issues of each community. It helps the Department and the Commission identify what is important in each area. The current Regional Plans identify who is responsible and who is the project champion, but at times the projects fall out of the scope of what the Department can do with its resources.

Regional Plans are re-visited once every 10-years. Commissioner Teruya stated that the County should know what the Department’s Regional Plans are.

Commissioner Ka`apu stated that the Regional Plan does not include the waitlist community. He thinks it is important that the Commission looks at that.

Chair Ailā asked if the Department sends the same notices out to folks on the area's waitlist. P. Fukuba stated they do. The Chair stated the experience is that the lessees are the ones to show up at the meetings; the people on the waitlist were invited.

Commissioner Ka`apu stated he knows they have been invited, but it would be helpful to become a part of the Regional Plan where they get to input their thoughts. The Regional Plans address the lessees, and it does not address the wait listers.

Note: Slide presentation attached.

ACTION

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

ADMINISTRATIVE SERVICES OFFICE

ITEM H-1 Transfer of Hawaiian Home Receipts Fund at the End of the Third Quarter, FY 2022

RECOMMENDED MOTION/ACTION

Administrative Services Officer Rodney Lau presented the following:
Motion that the Hawaiian Homes Commission approve the transfer of entire receipts deposited in the Hawaiian Homes Receipts Fund as of March 31, 2022, to the Hawaiian Homes General Loan fund.

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Kaapu, 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			
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			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

OFFICE OF THE CHAIRMAN

ITEM C-1 For Information Only – Legislative Updates 2022

RECOMMENDED MOTION/ACTION

None. For Information Only. Legislative Analyst Lehua Kinilau-Cano presented the following:

L. Kinilau-Cano read through the submittal on the Legislative Proposals, the Bills, their descriptions, and progress.

She briefed the Commissioners on the submittal of the State Budget for DHHL’s “Sufficient Funds” & Executive Supplemental Budget for FY 2023 – CIP and DHHL’s “Sufficient Funds” & Executive Supplemental Budget for FY 2023 – Operating.

DISCUSSION

Commissioner Awo stated the current bill on enforcement and compliance moving through the Legislature is difficult to understand. He asked Lehua to summarize the Resolution submitted by Senator Kanuha. L. Kinilau-Cano stated SCR46 / SR41 is requesting the Hawaiian Homes

Commission conduct a feasibility study on creating an Enforcement Division for the Department of Hawaiian Home Lands.

Commissioner Awo stated he would like the Resolution to retain language that stipulates that the Commission works in concert with the Department to achieve the right outcome. The Department has been resistant to creating an Enforcement and Compliance Unit within the Department, so he is not comfortable leaving it solely to the Department to drive that outcome.

Commissioner Teruya asked if HB2511 regarding the \$600 million has moved over to the Senate. L. Kinilau-Cano stated the Senate Hawaiian Committee heard the Bill and passed it with amendments, and it goes to Ways and Means next.

Commissioner Teruya asked what happened to the Pilot Program for the \$1.5 million passed in December 2020, for wait listers.

Administrative Rules Officer Hokulei Lindsey stated the Department began procurement on the project to get consultant advice on the program's structure. They were advised that it would be better procured through the Attorney General's office. Commissioner Teruya asked what the timeline was. H. Lindsey stated she requested another update from the Attorney General's office.

Commissioner Teruya asked if the program is similar to House Bill 2511. L. Kinilau-Cano stated it is similar. Chair Luke of the House Finance Committee wants the Bill to be a resource for people on the waitlist who are not current homeowners. Coming out of the House, the Bill read a priority or preference would be given to applicants on the waitlist who currently do not own a home or their qualified relative who will take their down payment assistance on their behalf that they did not own a home. She understands that about half of the wait listers have homes.

Commissioner Kaleikini asked the Department provided testimony on HB2024, Mauna Kea Management Authority. Chair Ailā stated the location of this bill's discussion is for lands above 6,000 feet in that area. Commissioner Kaleikini stated it mentions Hawaiian Home Lands, and to him, it is important to track it in the event of any potential adverse results to DHHL. Chair stated the Department would continue to monitor that.

Commissioner Neves asked about the language in SB2623, stating excluding someone from the waitlist should they transfer or sell; it does not say anything about someone off the waitlist who can go back and get Hawaiian Homes. He asked if that language had changed or has there had been any amendments. L. Kinilua-Cano stated it is pretty much the same, and they have been communicating to the Legislature that the change is not going to prevent a practice from occurring. There is a concern about people who are transferring and getting back on the waitlist. She stated the Department did a study showing very few people do that, mostly with family. Commissioner Neves asked that the Commission be provided with that study. L. Kinilau-Cano stated it is on the website.

MOTION

Moved by Commissioner Ka`apu, seconded by Commissioner Helm, 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.

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

12:16 PM

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.

1. Discussion on Lease Successorship Claim for Marian Kahale (Deceased), Lease No. 4051, Lot No. 64, Waimanalo, O`ahu

The Commission anticipates convening 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 OUT

2:16 PM

ITEMS FOR DECISION MAKING

REGULAR AGENDA

HOMESTEAD SERVICES DIVISION

ITEM D-7 Approval to Cancel Applications of Non-Qualified Applicants

MOTION TO BIFURCATE

Moved by Commissioner Teruya, seconded by Commissioner Neves, to approve the motion to bifurcate.

Commissioner Ka`apu recused himself from this matter because Renee Martin is a former client. He left the room.

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Neves, to cancel the application of Renee L. Martin.						
Commissioner	1	2	`AE (YES)	A`OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka`apu						Recused
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Commissioner Teruya	X		X			
Chairman Ailā			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED Motion passed - Eight (8) Yes votes.						

Note: Commissioner Ka`apu rejoined the meeting.

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Neves, to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka`apu			X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Commissioner Teruya	X		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 D-13 Commission Designation of Successor – MARIAN I. KAHALE, Residential Lease No. 4051, Lot No. 64, Waimanalo, O`ahu

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion that the Hawaiian Homes Commission approve the Designation of Successor – Marian I. Kahale, Residential Lease No. 4051, Lot No. 64, Waimanalo, Oahu

MOTION/ACTION

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			
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			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

HOMESTEAD SERVICES DIVISION

ITEM D-1 HSD Status Reports

- A. Homestead Lease and Application Totals and Monthly Activity Reports**
- B. Delinquency Reports**

DISCUSSION

None

ITEMS FOR DECISION MAKING

REGULAR AGENDA

ITEM E-1 Approval to Increase Construction Budgets for DHHL-USDA RD Water Improvement Projects at Anahola Farm Lots Water System and Ho`olehua Water System Using NAHASDA Funds.

DISCUSSION CONTINUED

S Matsunaga responded to the question about the contingency budget. For Anahola, it showed the project with a total of \$12.9 million with a contingency budget of \$1.5 million, representing 12%. The increase in the motion to \$1.2 million would result in a total contingency of \$2.7 million, representing 21%.

The Ho`olehua total project cost is \$31.3 million, the original Letter of Condition budget, with a contingency of \$4.8 million representing 15%. With a \$3.3 million increase, the contingency would be \$8.1 million representing 26%. This is still under the 30% that the USDA staff recommended. This is the result of improvements, construction changes, and escalation costs.

He responded to the question regarding the energy cost for Anahola and Ho`olehua. The 2018 study shows Anahola spent \$20,000 per year on electricity with a diesel backup. Ho`olehua's cost of energy was \$400,000 per year. He stated the Department will continue to pursue energy savings through a power purchase agreement, if feasible, and will most likely use up the authorized funds.

Regarding the fire hydrants in Kalamaula. Because Kalamaula is in a rural area, the standard distance between fire hydrants is 500 feet. According to the Akinaka study done about 6-7 years ago, there are hydrants within 500 feet that may not be on the street but on existing cross streets or behind the property. The consultants have looked around the lots 12A, 1A and 2A. He stated they would have a field to ensure physical hydrants near those properties.

Commissioner Helm asked if the 500 feet was a Fire Department Standard. S. Matsunaga stated it is a Fire Department standard. In Urban areas, the standard is 350 feet.

Commissioner Helm stated he did his own inspection and stated there are homes where it would take a longer time to access the hydrant.

MOTION/ACTION

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

Commissioner Ka`upu stated he does not understand the contingency for Ho`olehua. Why do they need more contingency? They should ask for more budget because contingency is not meant to be a fluff budget. If you keep asking for a contingency, they will look for a way to spend it. He feels that the contingencies seem excessive and contingency should go down mid-stream of the project.

S. Matsunaga stated Ho`olehua is about 60% completed and has spent about \$17 million of the \$31 million. Part of the work is 2/3-1/2 million-gallon tanks that are being drained and have no idea of the condition inside of the tank. He stated they are also building a new warehouse for the Moloka`i District Office.

Chair Ailā asked Commissioner Ka`upu what time frame or monthly update on change orders or additional costs would make him comfortable. Commissioner Ka`upu stated he does not need the update.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the motion stated in the submittal for Ho`olehua.						
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.						

ITEMS FOR INFORMATION/DISCUSSION

REGULAR AGENDA

LAND DEVELOPMENT DIVISION

ITEM E-2 For Information Only – Waimanalo Projects Update

RECOMMENDED MOTION/ACTION

None. For Information Only. Acting Land Development Division Administrator Stewart Matsunaga and Project Manager Darrell Ing presented the following:

D. Ing stated a Finding of No Significant Impact (FONSI) was done for the Waikupanaha Agricultural Lots. After talking with the engineers and their recommendation, the project was terminated due to the soil not being good for agriculture and the costs being almost \$600,000 per lot.

The project's funds were left, so the engineer's contract was modified to the former Wong farm for residential and subsistence agricultural lots. The plan is for 250 residential lots and 56 half-acre agricultural lots. It is 104.5 acres conveyed to DHHL by the Department of Land and Natural Resources (DLNR) in 2018. The DLNR General Lease expires in 2029. D. Ing stated he would be back in a year with the environmental assessment.

S. Matsunaga stated they are trying to appropriate funds for calming traffic measures on Oluolu Street, Waimanalo. Traffic Calming will be done on Nakini and Huli Streets. Six-speed bumps will be put in, three on Nakini Street and three on Huli Street. Construction will be in the summer of 2022. Funds have been released by the Legislature, \$800,000.

Kehaulani Quartero presented the slides on the Waiokeola Stream and Drainage Channel Improvements. The improvement is to install rip rap in various areas, fencing, and a dirt drainage channel to mitigate flooding. Construction started in the Fall of 2021 and is still in progress. S. Matsunaga stated the construction required a new maintenance road adjacent to the homestead properties.

DISCUSSION

Commissioner Teruya asked if Stewart talked with the beneficiaries regarding their concern. S. Matsunaga stated he did not speak with them himself, but the staff was there.

Chair Ailā stated he communicated her email with Pono and told him he would look at his proposal. What Pono proposed does not align with the project. Part of the concern is that they have been using the property behind their homestead for many years. In the last 2-3 years, the Department needed to construct the maintenance road to make sure it could maintain the drainage in response to the flooding. Hence, the Department cannot accommodate concerns and proposals by two of the lessees who requested a review.

Commissioner Teruya stated she has reached out to the beneficiaries and the Department, but she gets no response. She stated she does not know the policy or the procedures, but none of her emails to the Department received a response.

Chair Ailā stated it takes a while to consider the proposals and then make the determination.

Commissioner Teruya stated she needed to respond to the beneficiaries. Chair Aila added that sometimes it is not the communication because the staff has communicated with the beneficiaries on-site; it is the dissatisfaction with the answer received.

Sarah Okuda presented the Waimanalo Wastewater System Improvement. They will repair sewer deficiencies, upgrade existing DHHL sewers to the current City standards for the ownership to transfer to the City, and convert cesspools as required by Act 125.

Commissioner Neves asked if the wastewater improvements in Waimanalo were for the individual systems. S. Matsunaga stated they are for the sewer lines.

Commissioner Teruya asked who oversees and regulates the Waimanalo Community Center by Nakini Street. Chair Ailā stated the Community Center is on a general lease to the Waimanalo Homestead Association. Regarding the accusations passed on by the anonymous informant, K. Albinio sent an inquiry to the President and has not received a response.

**ITEM E-3 For Information Only – Draft Environmental Assessment (DEA)
Ma`ili Residential Development, Waianae, O`ahu (Former Voice of America
Site), and Anticipated Finding of No Significant Impact (AFONSI), TMK
Nos. (1) 8-7-010: 030 and 031**

RECOMMENDED MOTION/ACTION

None. For Information Only. Acting Land Development Division Administrator Stewart Matsunaga and Project Manager Darrell Ing presented the following:

Ma`ili Residential Development.

- Total acreage is a little over 90 acres, and the development site is 40 acres

Other Developments

- Ulu Ke Kukui – general lease expired in 2019
 - Development agreement awarded to Hawaiian Community Development Board to renovate the apartment units and rent them to DHHL beneficiaries
- Ho`omalua O Na Kamali`i
 - Emergency receiving home for children operated by the Department of Human Services
 - The general lease expires in 2028
- Kamehameha Schools Community Learning Center at Maili
 - 40-acres general leased to Bishop Estate
- Alternative 1 is for 200 single-family lots
- Alternative 2 is for a combination of single and multi-family / 145 single-family lots and 136 multi-family units (preferred alternative)

DISCUSSION

Commissioner Teruya asked if the environmental assessment is open to the public. D. Ing stated it is for the Commission and will be published on April 8, 2022. Then it will be open to the public. For the Voice of America project, because of the increase in traffic and no sidewalks, they are going to open up Kalau Uku Street to Kaukamana Street to Farrington Hwy. D. Ing responded that is a possibility. Commissioner Teruya asked that he keep that in mind.

Commissioner Ka`apu asked if there was a backup plan because they had difficulty getting the financing. Will they be able to pull that through? Chair Ailā stated the backup plan was to waste the building and add it to this project. D. Ing said he thinks the deadline is at the end of the year, 2022. He stated the office facilities and the kitchen could be used as a community center as it is cinder block and in fair condition.

Commissioner Teruya stated that it was good because they could use a certified kitchen in Hawaiian home lands. She asked if there was funding for the Voice of America project. D. Ing stated there is past funding for about \$800,000, but nothing earmarked for the rest of the design and construction. Chair Ailā said it would need additional funding.

OFFICE OF THE CHAIRMAN

ITEM C-2 For Information Only – Draft Native Hawaiian Housing Block Grant Annual Housing Plan 2022-2023

RECOMMENDED MOTION/ACTION

None. For Information Only. NAHASDA Manager Lehua Kinilau-Cano presented the following:

DHHL is required to bring the annual housing plan to HUD in April, and the draft housing plan is brought before the Commission in March for approval in April. Most of the plan's provisions last year continue to be in the plan this year. There is an additional \$22 million in funding anticipated to be received due to expanded areas. The areas that they want to be expanded are:

- DHHL Kupuna rental assistance for those 62 years of age or older who have been on DHHL's waiting list the longest
 - Those who have been on the waitlist since December 1975 and earlier
 - The thought process is they have received multiple offers but were unable to receive any award
 - Once they receive an award, the rental assistance would go away
- Rental assistance for those who are disabled
 - Between 18 years old and not yet 62 years of age. Age 62 would fall into the kupuna bracket whether disabled or not
 - Those who are on a fixed income and have been on the waitlist the longest
- Down payment assistance and closing cost assistance.
- Land acquisition

The objective is to expend all of the NAHASDA funds received.

DISCUSSION

Commissioner Teruya asked if a kupuna is on the waitlist and receiving Section 8, will they be accommodated under HUD. L. Kinilau-Cano stated Section 8 might be a challenge. NAHASDA will probably not be able to assist. They have been deploying Covid assistance, and it is a Section 8 requirement that if you receive Section 8, your share has to be paid by you, and you cannot get subsidized.

Commissioner Ka`apu asked about the down payment with closing cost, the steps for implementation, and the timing. L. Kinilau-Cano stated they are in conversation with HUD to work out the details. A lot of the mechanics are contingent upon not triggering Davis Bacon.

Commissioner Ka'apu asked if NAHASDA would be available to acquire existing multi-family dwelling buildings. That would give it a way around Davis Bacon because there is an existing building. It would be possible to spend the money to make an award for a condominium for a beneficiary. She stated that NAHASDA could be used. It can be land or unit acquisition. He asked if it would be available for Ulu Ke Kukui. She stated one of the challenges with Ulu Ke Kukui is it was constructed under the Governor's Emergency Proclamation at that time, and no environmental (indiscernible) was done.

ITEM C-3 Appointment of Investigative Committee Pursuant to HRS section 92-2.5 and HAR section 10-2-16(b)(1) to Investigate, Review, Discuss, Vet, and Recommend Courses of Action to Address or Resolve the Outstanding Items from Act 14 (1995)

RECOMMENDED MOTION/ACTION

None. For Information Only. Administrative Rules Officer Hokulei Lindsey presented the following:

H. Lindsey stated this is a follow-up from last month for the recommendation of the Investigative Committee to identify Counsel for Act 14. They recommended another committee be formed to expedite the Act 14 matters.

Chair Ailā stated for the record that the committee members for the Permitted Interactive Group are David Ka'apu, Pauline Namu'o, Dennis Neves, and (himself) William Ailā.

DISCUSSION

None.

PLANNING OFFICE 6:13:53

ITEM G-2 For Information Only – Draft DHHL South Moloka'i Shoreline Erosion Management Plan (SM-SEMP)

RECOMMENDED MOTION/ACTION

None. For information only. Acting Planning Manager Andrew Choy and Lead Staff of project Nancy McPherson presented the following:

N. McPherson stated the South Moloka'i Shoreline Erosion Management Plan is brought before the Commission for their review. She hopes to get beneficiary feedback now to April and then bring the final to the Commission at the Moloka'i meeting. She introduced the Consultants John Summers and Thorn Abbott.

J. Summers presented the Draft South Moloka'i Shoreline Erosion Management Plan slides. The Topics are:

- Project purpose
 - Provide a roadmap to enable DHHL to plan for and manage shoreline erosion proactively
- Planning goals and principles
 - Work with the beneficiary community to create a shoreline erosion management plan that is informed by Native Hawaiian knowledge and values, respectful of the projects area's unique communities, and leads to a healthier and more resilient shoreline for generations of homesteaders and the broader community
- Planning process – done in 5 phases

- Planning context
- Shoreline erosion management options
- SM-SEMP recommendations

DISCUSSION

Commissioner Helm asked about the mangrove in the South Shore area that should be replaced by other vegetation. N. McPherson stated that the mangrove creates a noxious condition and is not native. She stated the idea is to get the mangrove out and allow the area to be flushed and circulated.

Commissioner Kaleikini asked if it was approved and what is the next step. N. McPherson stated they want to put everything they have learned into the National Coastal Resilience Pipeline. If done right, they will be eligible for implementation funds.

Note: Slide presentation attached

ITEM G-3 For Information Only – The Importance of Land Stewardship in the Face of Climate Change in Hawai`i

RECOMMENDED MOTION/ACTION

None. For information only. Lead Staff of project Nancy McPherson introduced the Director of Water Resources Research Center, the University of Hawai`i at Manoa, Thomas Giambelluca, who presented the following:

The Importance of Land Stewardship in the Face of Climate Change in Hawai`i

- Changing Climate: Global Temperature is increasing
- Human influence has warmed the climate at an unprecedented rate
- The increase in temperature in the last 172 years is extreme
- Scientists recommend limiting the global average temperature increase to 1.5 degrees or less
- Climate Change in Hawai`i
 - The temperature increased by a little less than 1 degree (research by student)
 - Over 100 years, the rate of change indicates about a 2-degree increase change (research by student)
 - By the end of the century, temperature changes will be around 3 degrees everywhere
- Rainfall change
 - Lower average rainfall likely in some areas – more frequent droughts
 - Higher extreme rainfall likely – more frequent flooding
 - Drier areas, more fire
 - Changing vegetation
- Changing Ecosystems and climate change
- Land Stewardship
 - Preventing expansion of non-native species into native ecosystems
 - Controlling/eradicating invasive species
 - Maintain clear stream channels
- Agricultural lands – promote sustainable agricultural practices

DISCUSSION

Trees use more water than grass. Commissioner Helm asked what types of trees would bring in more rainfall. T. Giambelluca stated the main area would be in the cloud forest areas. He does not see evidence of trees that would bring in more rainfall. Deforestation could have considerable influence on the cloud zone and maybe on the rainfall.

Commissioner Helm asked if lesser rainfall and more prolonged droughts would affect the amount of water in the aquifers. T. Giambelluca stated they are uncertain of how rainfall will change in the future.

Note: Slide presentation attached.

ITEM G-4 For Information Only – Status Update on Plan Implementation in the Waimanalo Region

RECOMMENDED MOTION/ACTION

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

A. Choy stated they would be presenting the report to the Waimanalo community later in the evening.

DISCUSSION

None.

RECESS

4:30 PM

HAWAIIAN HOMES COMMISSION
Minutes of March 22, 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
Zachary Z. Helm, Moloka`i Commissioner (via ICT)
David B. Ka`apu, West Hawai`i Commissioner (11:20 a.m.)
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 Ryan Kanaka`ole, Deputy AG

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

ORDER OF BUSINESS

CALL TO ORDER

Chair Ailā called the meeting to order at 9:35 a.m. seven (7) members were present in person and 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 Aila reviewed the provisions of Act 220, and noted that Item F-1 will be deferred as there are further follow ups before bring it back to the Commission.

The Commission will recess around noon for lunch and will convene in an executive session for about 30-minutes.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Blossom Feiteira – decided to incorporate her testimony with her J-Agenda presentation.

ITEMS FOR INFORMATION/DISCUSSION
GENERAL AGENDA

REQUEST TO ADDRESS THE COMMISSION

ITEM J-1 Kuhio Lewis – Council for Native Hawaiian Advancement Rental and Mortgage

K. Lewis stated he asked to provide an update on the business program that the Council for Native Hawaiian Advancement (CNHA) is administering on behalf of the Department.

CNHA's kuleana is to enhance the cultural, economic, political, and community development of Native Hawaiians. CNHA is a 501(c)3 non-profit organization and just celebrated its 20-years anniversary.

Programs and Services and Community Impact

- Mortgage, Rent and Utility Assistance Program
 - Over \$150 million in contracts
 - \$90 million in aid disbursed
 -

The Department of Hawaiian Home Lands and the administration of their programs has been recognized by the United States Treasury as top performing in the nation.

- KuHana Business Program – business development and planning
 - \$150+ businesses supported
 - Over \$600,000 of capital acquired
- CNHA loan fund – Community Development Financial Institution
 - Over \$13 million in loans
- Hawaiian Trades Academy – kickstarting careers in the trade industry
 - 6 trades
 - 300+ graduates
- Pop-Up Makeke – online marketplace for small businesses
 - 400+ businesses supported
 - 180,000+ products sold
 - \$3 million in sales
- Policy Center – advocating for Native Hawaiians
- Community Organizing – Annual Convention & Cultural Education
- Empowering `Oiwī Leadership
- Hawaiian Way Fund – Financial support for community organizations
- CNHA Membership – a network of Native Hawaiians

The programs that CNHA administers on behalf of DHHL Rent & Mortgage Assistance Overview

- Available Assistance - \$24,600,000 (combined)
 - Mortgage assistance - \$5,440,000
 - Disbursed - \$1,968,779
 - Remaining - \$3,471,221
 - Breakdown – 184 households supported
 - Average award \$10,700; average applicant behind 8 months
 - Rental Support - \$19,160,000

- Disbursed - \$12,245,699
- Remaining - \$12,354,301
- Does not include administrative fees

Mortgage Relief Island Breakdown:

- \$42 thousand to Kaua`i
- \$1.35 million to O`ahu
- \$221 thousand to Moloka`i and Maui
- \$231 thousand to Hawai`i

Rental Assistance for DHHL Beneficiaries

- Available Assistance - \$19,160,000 (combination of resources)
- Disbursed - \$10,276,919
- Remaining - \$8,8983,081
- Breakdown – 812 households supported
- Average award \$12,656; average applicant behind 5 months

Commissioner Awo thanked K. Lewis and CNHA for all their good work.

Commissioner Helm asked if there were programs for new mortgages. K. Lewis stated they don't have a loan lending program, but they help people connect with lending institutions. CNHA works to get beneficiaries creditworthy.

Commissioner Teruya commended the capacity of CNHA and its programs.

Commissioner Kaleikini asked how receiving, and disbursements of the monies work. K. Lewis stated due to the pandemic, the federal government monies to various state and county agencies like DHHL. The US Department of Treasury gave DHHL money to provide rental assistance but has since expanded. The monies from NAHASDA also supplemented these programs. None of the funds are coming out of the Trust Fund; it is all federal or NAHASDA monies.

Commissioner Neves asked if their trades programs are extended out to outer islands. K. Lewis stated they do have programs on Kaua`i, and now that travel restrictions are being lifted, he is comfortable sending his staff to engage the communities.

Chair Aila reminded Commissioners that the Department was the first to offer rental assistance in 2020. The Commission took action and declared a moratorium on evictions of homesteaders impacted by Covid, and HUD followed. He reminded the Commissioners that they were at the forefront of the relief during the pandemic. He thanked CNHA for exceeding the expectations of the Department, the Counties, and the State agencies. He personally thanked K. Lewis for CNHA having obtained the institutional ability to help native Hawaiians, beneficiaries, and non-beneficiaries. K. Lewis stated this is what a partnership looks like.

ITEM J-2 Allen Cardines – Nanakuli Neighborhood Security Watch

A. Cardines stated they partnered with other neighborhood watches, and there are two homes in the Kanehili area that they will be looking at. He sent the information to Juan Garcia of DHHL and will send the information to Chair Aila.

Regarding one of the problematic homes on Keaulana Avenue, he met someone whose grandparents were the original homeowners. The person's family attempted to talk to a current household member, but they were met with fierce and hostile resistance. A. Cardines stated they would be having a ho'oponopono with the families and the neighbors, and it would be good if DHHL and the Police could be there.

Chair Aila stated a contested case hearing is imminent, but the person referred to is not a party in the contested case. The Department has to be careful of ex parte communication and may not be able to speak with him because of the contested case process.

A. Cardines stated they were moving forward with the meetings on a community level and asked if it would be possible to get DHHL representation to listen if it does not jeopardize the case. Chair Aila stated he would ask Counsel and get back to him.

R. Malaki asked if the Department had any updates on 89-1137 Nani Ahiahi Place. Chair Aila stated he does not have any updates, but he will have Juan Garcia reach out to him. R. Malaki talked of the overgrown grass and foliage. He stated the City and County asked who owned the property, and R. Malaki told them the lessee had passed away. The City and County will start fining the owner because of the overgrowth over the sidewalk. The rats and mice are getting into the neighbor's homes because of the overgrown grass and foliage.

He also asked that the Department expedite the speed tables on Nanakuli Avenue.

Chair Aila got word that the home on 89-1137 Nani Ahiahi Place is scheduled for demolition, and the lot is scheduled to be cleared. They are working with a contractor.

Regarding Nanakuli and Haleakala Avenues, engineers were on-site. The Department is working with the Stated Department of Transportation and hopes to get the raised crosswalks and speed tables in place before graduation. He thanked Ed Sniffen of the Department of Transportation for his assistance.

ITEM J-4 Blossom Feiteira - Various

B. Feiteira asked to acknowledge her Public Testimony and incorporate it into her J-agenda. On Item D-13 on successorship transfer, she thinks it is a good idea to have a workshop on the process to have a better idea of the Department and beneficiary side to move the process faster. The average wait for the Maui beneficiaries has been over a year.

She was disappointed with Item C-1 regarding the Compliance and Enforcement Draft that was pulled out with the idea that it would be incorporated with another Legislative Bill, SB3139. She believes the Department should have its own Compliance and Enforcement Division. She asked the Chair to consider a Resolution and have something on the agenda next month to move the idea forward.

She congratulated L. Kinilau-Cano on Item C-2 for working with Senator Schutz's office and getting \$22 million NAHASDA dollars to meet the needs of our kupuna on the waitlist. She also supported the NAHASDA Housing Plan and commended Lehua on an excellent job.

Regarding Climate Change, she encouraged the Commission to move forward with the idea of assembling the practitioners of old and gathering their mana`o to create a traditional stewardship program.

She asked the Commission to keep King's Landing at the top of their priority list and move the undivided interest list forward.

Commissioner Neves requested a Permitted Interactive Group (PIG) for the Compliance and Enforcement feasibility study.

ITEM J-6 Christie Keliikoa – Honokowai Project

C. Keliikoa stated she had taken an interest in the Honokowai Project. She is looking forward to the Department's efforts in actualizing the project. She supports the Department in creating housing opportunities in West Maui. C. Keliikoa is the Executive Assistance for Councilwoman Tamara Paltin.

ITEM J-8 Ainaaloha Ioane – King's Landing

A. Ioane shared the Malama Ka `Aina Hana Ka `Aina (MAHA) King's Landing Community Association's Website.

Commissioner Ka`apu stated he is looking forward to meeting with MAHA next week Monday at King's Landing and at the office. He is hopeful that a lot of the questions will be answered.

ITEM J-3 Bo Kahui – La`i `Opua (unavailable)

ITEM J-5 Velma Mariano – Paukukalo Park (unavailable)

ITEM J-7 Richard Malaki – Nanakuli Neighborhood Security Watch (unavailable)

ITEMS FOR DECISION MAKING

REGULAR AGENDA

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to Issuance of Non-Exclusive License as Easement for Access
Deferred **(Ingress & Egress) purposes from a portion of Hawaiian home lands identified by TMK No. (3) 6-4-008:024**

ITEM F-2 Approval to Issue First Amendment to Right of Entry No. 701, Hawaiian Telecom, Maku`u, Island of Hawai`i, TMKs (3) 1-5-119:051; (3) 1-5-118:048; (3) 1-5-120:036; and (3) 1-5-121:046.

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve to issue First Amendment to Right-of-Entry No. 701, Hawaiian Telecom, Maku`u, Island of Hawai`i, TMKs (3) 1-5-119:051; (3) 1-5-118:048; (3) 1-5-120:036; and (3) 1-5-121:046.

K. Albinio stated the term is subject to the following conditions:

The ten conditions are stated in the attached submittal.

Executive Assistant Jobie Masagatani stated representatives from Hawaiian Telcom are also available. Dan Matsutomi deals with the boots on the ground installations, concerns, and issues, and Steve Golden is in charge of government relations.

She stated that Maku`u is a community that pre-dates 1995, and Hawaiian Telcom wants to upgrade the fiber optics in that community. The Department issued a Right-of-Entry to replace that with a long-term license.

MOTION

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

DISCUSSION

Commissioner Kaleikini asked about the timeframe. D. Matsutomi stated that since the Right-of-Entry award, Hawaiian Telcom had placed fiber in every resident of the Maku`u Farm Lots, with about 30% penetration of customers receiving high-speed internet. He stated it also includes the Maku`u Farm Lots Marketplace. Chair Aila stated it also increased the opportunities for the vendors for commerce.

Commissioner Kaleikini asked what is required before the Commission can discuss a long-term agreement. J. Masagatani stated they are looking at a license document that can go to Hawaiian Telcom with each of the communities included as an addendum. A draft was sent to Hawaiian Telcom, and they responded. The Department needs to get back to them with the specifics within the document. This is a new license framework for the Department. She stated one of the more complex issues for the Department was the determination of the fee.

Commissioner Ka`apu asked what is the occupancy of Maku`u as far as lessees. J. Masagatani stated maybe 30-40 5-acre agricultural lots. He commented that 30% is almost everybody, which may be encouraging for others who have farm lots.

Commissioner Neves asked for clarification that the Department uses a consultant to develop a rate. J. Masagatani responded yes.

ACTION

Moved by Commissioner Awo, seconded by Commissioner Ka`apu, 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			
Commissioner Ka`apu		X	X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o						X
Commissioner Neves			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.						

RECESS
RECONVENED

11:30 AM
11:40 AM

MOTION

Moved by Commissioner Teruya, seconded by Commissioner Helm, 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

11:41 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 the following 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

12:21 PM

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING

The next HHC meeting will be held on April 18 & 19, 2022, Lanikeha, Moloka'i, Hawai'i.

MOTION/ACTION

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

ADJOURNMENT

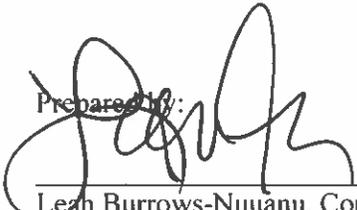
12:22 PM

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