

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 16 – 17, 2022

To: Chairman and Members, Hawaiian Homes Commission
From: Peter “Kahana” Albinio, Jr., Acting Administrator
Land Management Division *PA*
Subject: Approval to Issue Temporary Right of Entry Permit to Ka’u Hawaiian Homelands Association, Waiohinu, Island of Hawaii, TMK No.: (3) 9.5.005:003(por.)

APPLICANT:

KA’U HAWAIIAN HOMELANDS ASSOCIATION “KHHA”

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) authorize the issuance of a Right of Entry Permit, to “KHHA” covering the subject area identified by Tax Map Key No. (3) 9.5.005:003(por.) delineated more specifically on Exhibits “A-1” & “A-2” attached hereto consisting of approximately five (5)-acres or 217,800 square feet, more or less, of Hawaiian home lands situated at Waiohinu, Island of Hawaii for the purposes of establishing the Waiohinu Ahupua’a Agricultural Project program to educate our KHHA members and beneficiaries on creating a garden to grow kalo, uala, olena, maia, and other crops for subsistence farming. PERMITEE will prepare the aina and utilize the mahina cycle for guidance in planting, weeding, and fertilizing until crops are ready to harvest.

Approval and issuance of this Right of Entry Permit (ROE) shall be subject to the following conditions:

1. Authorize the issuance of a Right-of-Entry permit to “KHHA” covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. The premises shall be utilized strictly for agricultural purposes as proposed and described above ONLY and for no other purposes whatsoever; and
 - C. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interests of the Hawaiian Home Lands Trust;

May 2022

2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR this project will probably have minimal or no significant effect on the environment.

LOCATION:

Hawaiian Home Lands situated at Waiohinu, Island of Hawaii, identified as TMK No.: (3) 9-5-005:003 (por.)

AREA:

Containing approximately five (5)-acres/217,800 square feet, more or less

DISCUSSION:

KHHA submitted a request to use a five (5)-acres portion of DHHL land identified by TMK No.: (3)-9-5-005:003, as identified in their 2016 written request see Exhibits “A-1 and A-2”, for its Waiohinu Ahupua’a Agricultural project purposes. KHHA expressed that the ROE would provide its members and beneficiaries an educational tool for subsistence farm living.

KHHA agrees and understands the following: 1) The Ag farm area will not exceed five (5)-acres with a base monthly rental rate established at TWENTY AND NO/DOLLARS (\$20.00); 2) will provide Liability Insurance naming DHHL additionally insured if requested; and 3) will provide bi-annual (2x’s/yr) progress updates on its program.

PLANNING AREA:

Ka’u, Island of Hawaii

LAND USE DESIGNATION:

Subsistence Agricultural Use, Hawaii Island Plan (July, 2014), Figure 7 – South Hawaii – Hawaii Land Inventory

CURRENT STATUS:

Vacant

CHARACTER OF USE:

Subsistence Agricultural Use

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

In accordance with Hawaii Administrative Rule Sections 11-200.1 and the revised Exemption List for the Department of Hawaiian Home Lands reviewed and concurred by the Environmental Council on April 6, 2021, (See Exhibit “B”) the subject request is exempt from the preparation of an environmental assessment pursuant to **General Exemption Type 1**, Operations, repairs, or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

1. Fertilizing, sprinkling, mowing, weeding, trimming, brush cutting, clearing, grubbing, aerating, road cleaning and patching, sweeping, removal of debris, and other routine maintenance of the following agency maintained lands and facilities:
 - a. Ditches, channels, and common areas
 - b. Streets, roads, highways, bike paths, pedestrian ways, trails, parking lots and appurtenances
 - c. Flood control, erosion control, and drainage facilities
 - d. Parks
 - e. Landscaped areas

Applicant also confirms that if any ko`oloa`ula plants are discovered by its botanist, they would not disturb or remove the plants.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

The recommended disposition is consistent with the following General Plan goals and objectives:

Land and Resource Management

Goals:

- Be responsible, long-term stewards of the Trust’s lands and the natural, historic and community resources located on these lands.

Objectives:

- Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.

Ka’u Regional Plan (2012)

The site is designated for Subsistence Agricultural Use consistent with the Ka’u Regional Plan (May 2012)

AUTHORIZATION / LEGAL REFERENCE:

§171-55, Hawaii Revised Statutes, as amended, a “permit on a month-to-month basis may continue for a period not to exceed one year from the date of issuance; provided that the commission may allow the permit to continue on a month-to-month basis for additional one-year periods.”

RECOMMENDATION:

Land Management Division respectfully requests approval of the motion as stated.

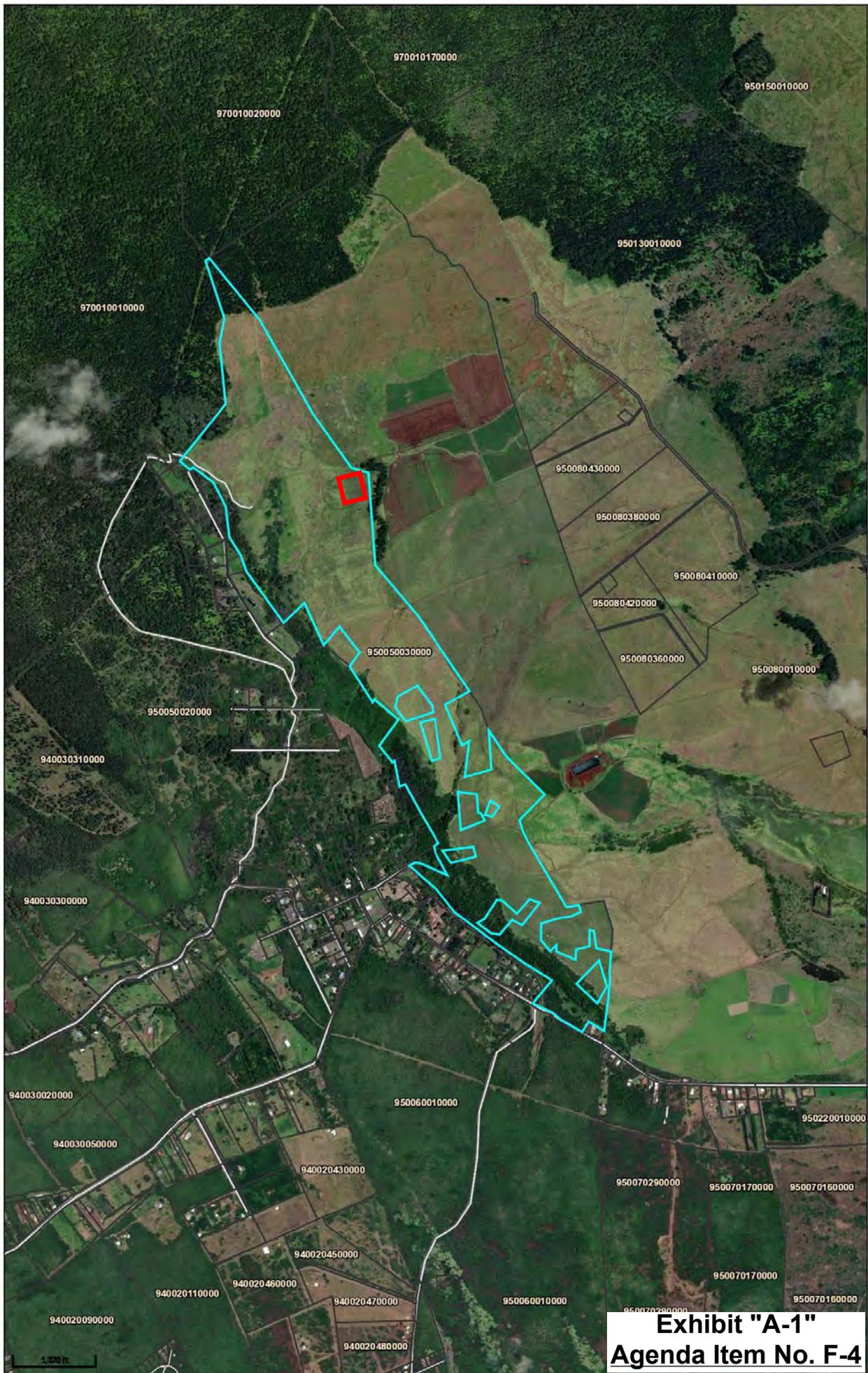


Exhibit "A-1"
Agenda Item No. F-4

Ka'u Hawaiian Home Lands Association

Waiohinu Ahupua'a Ag Project Proposal

August 16, 2016

**Exhibit "A-2" Agenda
Item No. F-4**

Ka'u Hawaiian Home Lands Association was organized and formed in 2011 by a group of people who felt the need to represent the interests of the beneficiaries and lessees of the Department of Hawaiian Home Lands in Ka'u and the Ka'u community at large. We hope to improve and enhance the lives of our Native Hawaiians, other communities on Hawaii Island and in the State of Hawaii. KHHLA members consist of more than 80% beneficiary applicants and lessees.

Our association will work with DHHL to uphold the HHCA which in turn will help our beneficiaries to become homesteaders. Prince Jonah Kuhio Kalaniana'ole and the HHCA avowed purpose is to rehabilitate native Hawaiians and return them to the land in order to fully support self-sufficiency by pursuing strategies to enhance economic self-sufficiency.

Agricultural leases are one of the priority projects of the 2012 DHHL Ka'u Regional Plan that DHHL beneficiaries and the Ka'u Community were involved in. Another priority project in the DHHL Ka'u Regional Plan, which was combined to agriculture homestead leases at Waiohinu, is to create a partnership with DLNR for Hawaiian Homesteading.

Currently in Ka'u there is only one major grocery store in Ocean View which is 13 miles away from Naalehu and 26 miles from Pahala. There is a need to grow our own fresh fruits and vegetables. The Ka'u CDP Section 6.3 also supports local farms and strengthening local agriculture. By KHHLA members pursuing strategies in sustainability and having access to healthy food, they will not only feed their ohana, but it will connect them educationally, culturally, assist them economically and nurture their ohana.

Ka'u HHLA would like to move forward in obtaining land on DHHL inventory in the Waiohinu Ahupua'a for a non-homesteading Ag project at a 2 year timeline with a possible extension. The "Waiohinu Ahupua'a Ag Project" will create subsistence farming opportunities for our members and the community. It will benefit the Trust and beneficiaries to work towards sustainability. At our June 22, 2016 Annual membership meeting, 15 members present agreed to be participants of this proposal. Paul Makuakane who is a member of KHHLA will serve as the Ag Project Manager. He has over 20 years of experience in farm related work. He has been employed as a laborer/landscaper, worked with herbicides and pesticides, previously owned a 5 acre coffee farm and propagated, planted and maintained a 2 acre taro and sweet potato farm.

Our other land interests, with help from DHHL, are to secure lands inventoried under DLNR for beneficiary agriculture opportunities. TMK: 3rd/9-5-05 portion 3.

Ka'u Hawaiian Home Lands Association and The Waiohinu Ahupua'a Ag Project, with the assistance of the Dept. of Hawaiian Home Lands, will educate our youth and instill in them the pride and historic significance of Ka'u so they may promote and preserve our Hawaiian culture and natural resources for future generations.

**Ka'u Hawaiian Home Lands Association
Directors and Officers**

President/Director: Jeffrey Kekoa
P. O. Box 785
Pahala, HI. 96777

Vice-President/Director: Elizabeth Kuluwaimaka
P. O. Box 6808
Ocean View, HI. 96737

Treasurer/Director: Stephanie Tabbada
P. O. Box 194
Naalehu, HI. 96772

Secretary/Director: Janice Javar
P. O. Box 524
Naalehu, HI. 96772

Board Members: William Kekoa
Melvin Davis

**Ka'u Hawaiian Homelands Association
List of Members as of June 22, 2016**

*Jeffrey Kekoa
Donna Kekoa
*Adrienne Kekoa-Davis
Gary Davis
*Daniel Davis
*Jolie Burgos
*Kristi Kekoa
*Beatrice Kailiawa
*Anna Cariaga
Jaime Kawauchi

*Paul Makuakane
*Winona Makuakane
#*William Kekoa
Lani Kekoa
*Bernadette Kailiawa
*Kathy Hashimoto
#*Louis Hao
*Leifi Hao
*Darlene Vierra

*DHHL Beneficiaries
#DHHL Lessee

"Waiohinu Ahupua'a Ag Project"
Ka'u Hawaiian Home Lands Association Ag Proposal

Organization:

Ka'u Hawaiian Home Lands Association is a 501c3 corporation established in May 2014 whose principal office is located at P. O. Box 153, Pahala, HI. 96777.

President/Director: Jeffrey Kekoa
96-1322 Ilima St.
Pahala, HI. 96777
(808)928-0320

Project Manager: Paul Makuakane
94-6538 Ahi Road
Waiohinu, HI. 96777
(808)929-7558

Description of Project:

Waiohinu Ahupua'a Ag Project is a program for KHHLA members to create a garden to grow kalo, uala, olena, maia, and other crops for subsistence farming. Members will prepare the aina and use the mahina cycle for guidance in planting, weeding, and fertilizing until crops are ready to harvest.

Goal:

Our main goal of this project is to assist KHHLA members in becoming self-sufficient and sustainable.

Benefits:

Members will be able to uphold the HHCA by returning to the land to fully support themselves by being self-sufficient and sustainable thus promoting and preserving our Hawaiian culture and natural resources for future generations.

Location Requested:

Requesting a minimum of 5 acres with right of entry to locate suitable aina within the 262 acres that DHHL holds in trust lands in the Waiohinu Ahupua'a. Other land interests are inventoried under DLNR TMK: 3rd/9-5-05 portion 3.

Minimum land request of 5 acres which will be divided upon all interested members with a month to month revocable permit or lease.

Water:

Water from the County of Hawaii Dept. Of Water Supply with a 10,000 gallon water tank.

Infrastructure:

A farm shed would be needed to store tools and equipment.

Agricultural Training:

Potential training from University of Hawaii CTAHR program or assistance from DHHL.

Equipment Needed:

Equipment requested would be a mower and tiller, hand tools for farming (shovels, hoes, rakes, shifters, sickles, weed eater, wheel barrow etc.) plants and fertilizer.

Cost:

Estimated cost of \$5,000.

Potential Partnerships / Collaborations:

UH Hilo

Dept. Of Hawaiian Home Lands

U.S. Dept. Of Agriculture

Dept. Of Land and Natural Resources

Pacific Quest

GHA

KSBE

Paul Makuakane 2 acre taro and sweet potato farm.







Harvested sweet potato used in many different ways of cooking.



Harvested taro for poi and taro chips.



DCCA State of Hawaii

Downloaded on May 9, 2022.

The information provided below is not a certification of good standing and does not constitute any other certification by the State.

Website URL: <http://hbe.ehawaii.gov/documents>

Business Information

MASTER NAME	KA`U HAWAIIAN HOME LANDS ASSOCIATION
BUSINESS TYPE	Domestic Nonprofit Corporation
FILE NUMBER	243171 D2
STATUS	Active
PURPOSE	TO IMPROVE LIVES AND PROMOTE THE PERSONAL EXCELLENCE OF OUR NATIVE HAWAIIAN AND OTHER COMMUNITIES IN THE STATE OF HAWAII AND ON HAWAII ISLAND...PLEASE SEE ARTICLES FOR FURTHER INFORMATION
PLACE INCORPORATED	Hawaii UNITED STATES
INCORPORATION DATE	May 13, 2014
MAILING ADDRESS	PO BOX 153 NAALEHU, Hawaii 96772 UNITED STATES
TERM	PER
AGENT NAME	JEFFREY KEKOA
AGENT ADDRESS	96-1322 ILIMA ST PAHALA, Hawaii 96777 UNITED STATES

Annual Filings

FILING YEAR	DATE RECEIVED	STATUS
2022		Not Filed
2021	May 28, 2021	Processed
2020	May 18, 2020	Processed
2019	May 14, 2019	Processed
2018	May 24, 2018	Processed
2017	May 22, 2017	Processed
2016	Apr 26, 2016	Processed
2015	May 18, 2015	Processed

Officers

NAME	OFFICE	DATE
KEKOA,JEFFREY	P/D	Apr 1, 2015
HASHIMOTO,KATHERINE	V/D	Apr 1, 2017
JAVAR,JANICE	S/D	Apr 1, 2017
BAJI,CYNTHIA	T/D	Apr 1, 2017

DEPARTMENT OF HAWAIIAN HOME LANDS
Planning Office
May 4, 2022

TO: William J. Ailā, Jr., Chairman
Hawaiian Homes Commission PO-22-123

FROM: Andrew H. Choy, Planning Program Manager

SUBJECT: LMD Grant of Right-of-Entry Permit to the Ka‘ū Hawaiian Home Lands Association (KHHLA) on TMK (3) 9-5-005:003 (por.) for KHHLA Agriculture Education Program Exemption from HRS Chapter 343 Environmental Assessment Preparation for De Minimis Action

Recommended Action

That the Chairman exempt LMD Grant of Right of Entry Permit to KHHLA on TMK (3) 9-5-005:003 (por.) for KHHLA Agriculture Education Program, a de minimis action from preparation of an environmental assessment per HRS Chapter 343.

Discussion

To ensure that all activities on DHHL lands are in compliance with Federal, State and County regulations, Planning Office offers the following recommendation to the Chairman on whether or not to exempt the proposed projects on DHHL lands from HRS Chapter 343. Per the statute, certain projects are exemptible from the environmental review process if the projects meet certain requirements as stated in Hawaii Administrative Rules (HAR) Section 11--200.1-8 subchapter 8 "Exempt Actions, List and Notice Requirements." HAR Section 11-200.1 also states that State and County agencies can prepare their own Chapter 343 exemption list. Activities on agency exemption lists must be consistent with Section 11-200.1 HAR exemption requirements and be approved by the state Environmental Council. In addition, Pursuant to HAR §11-200.1-16, DHHL considers activities listed in Part I of the approved exemption list to be de minimis, that by their nature do not have the potential to individually or cumulatively adversely affect the environment more than negligibly.

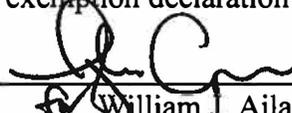
The proposed action meets the criteria for the following de minimis activity:

Type 4 Minor alternation in the conditions of land, water, or vegetation

Item #2 Removal of gravel, rocks, trees (non-endangered species) and/or other materials necessary to make agricultural lands more productive and useful for grazing, farming and other related agricultural purposes.

Based upon HAR Section 11-200.1 exemption criteria and DHHL's approved exemption list, the Planning Office concluded that the LMD Grant of the Ka‘ū Hawaiian Home Lands Association (KHHLA) on TMK (3) 9-5-005:003 (por.) for KHHLA Agriculture Education Program on is a de minimis action eligible for exemption from the environmental assessment process and an exemption declaration is not required.

Concur



William J. Aila, Jr., Chairman
Hawaiian Homes Commission

Exhibit "B"
Agenda Item No. F-4