

HAWAIIAN HOMES COMMISSION

Minutes of April 18, 2022

Kulana Oiwi Halau, 600 Maunaloa Highway, Kalama'ula, Moloka'i,
and Interactive Conferencing Technology (ICT)

Pursuant to proper call, the meeting of the Hawaiian Homes Commission was held both in-person and via interactive conferencing technology, beginning at 9:30 a.m.

PRESENT

William J. Ailā Jr., Chairman
Randy K. Awo, Maui Commissioner (Arr 10:28 a.m.)
Zachary Z. Helm, Moloka'i Commissioner
David B. Ka'apu, West Hawai'i Commissione
Michael L. Kaleikini, East Hawai'i Commissioner
Russell K. Ka'upu, O'ahu Commissioner (via ICT)
Dennis L. Neves, Kauai Commissioner
Pauline N. Namu'o, O'ahu Commissioner (via ICT) (left at 3:30 p.m.)
Patricia A. Teruya, O'ahu Commissioner (via ICT)

COUNSEL

Ryan Kanakaole, Deputy AG (via ICT until 10:28 a.m.)
Katie Lambert, Deputy AG (Arr 10:28 a.m.)

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 (via ICT)
Juan Garcia, Homestead Services Division Administrator
Cedric Duarte, Information & Community Relations Officer
Stewart Matsunaga, Acting Land Development Division Administrator

ORDER OF BUSINESS

CALL TO ORDER

Chair Ailā called the meeting to order at 9:45 a.m. five (5) members were present in person and three (3) members via ICT at roll call.

Chair Aila reviewed the provisions of Act 220 relating to virtual meetings. 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.

The names and titles of authorized participants must be announced in the executive session. The Commissioners and participants are asked to confirm that no one unauthorized is in the room with them or can hear them. Chair Aila will ask ICRO to verify 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 Aila noted a typo on Item J-5, which should read Ahonui Homestead Association and not Ualapu'e Homestead Association. The Commission will recess around noon for lunch and convene in executive session for about 30-minutes.

APPROVAL OF AGENDA

MOTION/ACTION

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

APPROVAL OF MINUTES FOR MARCH 21 & 22, 2022

Chair Aila asked if there were any amendments to the Minutes.

Commissioner Teruya had corrections on page 10 to add, "passed in December for wait listers." On page 16, she noted a reminder to have staff provide her the update requested; and, on page 17: it should be Voice of America rather than Ulu Ke Kukui because Voice of America received the \$800,000.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the March 21 & 22, 2022 Minutes as amended. Motion carried unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Godfrey Akaka

G. Akaka testified that his son has a homestead and is trying to build his house, but the map is too old, and they cannot get a building permit because there are no map coordinates on the lease. His son got the lease 3-years ago. J. Garcia stated the old lease has no coordinates and that he would follow up.

G. Akaka stated due to the delay and the higher prices, they were told that they had to pay for the surveyors. He requested if the Department could help them out with this and if someone could follow up.

J. Garcia stated they would work with Land Development Division and do further research so there would be no further delays for G. Akaka's son. The loan for the construction is being held up because of the permit, as a plot map with the coordinates is required.

Commissioner Helm asked if the Department could help with the survey. J. Garcia made no promises, but he said they would see what they could do to assist Mr. Akaka.

Chair Aila asked how old the lot was. J. Garcia stated he does not know. G. Akaka responded it was passed over to his son.

Commissioner Ka`apu suggested checking with the neighbors as they may have some information.

G. Akaka stated they get their water bill every 3-months and are billed in tiers. He stated it does not look like it is resetting as far as the tiers and asked if it could be reset every month. Chair Aila stated the work is ongoing to make improvements to the system. He asked him to let the Department make the improvements and figure out how to bill monthly to make things easier. The Department is not there yet, but it will be much easier once the smart meters are in.

PT-2 Cora Schnackenberg – Various

C. Schnackenberg testified on Item E-2 regarding Naiwa, stating that she would like to see their settlement plan. For Item E-3 regarding capital for projects, she expressed thanks for the funds allocated for the Ho`olehua Water System, the Veterans Center, and the new lots in Ho`olehua. She supported the renewal of all the ROEs on Moloka`i and expressed her support for the Churches. She stated Hale Pomaikai in Ualapu`e is still in the Environmental Assessment (EA) process. For Item G-1, she thanked the Department and Dr. Jonathan Scheuer for sharing his mana`o. For Item G-2, in 2018, there were 26 projects on the Regional Plan. Only five were picked. For Item G-4 on Kalaupapa, she supports it for the wait listers.

PT-3 Judy Caparida – Items G-1 and G-2

J. Caparida testified the land is for generations to come, and the water and the land are for the people. Get the people on the land. The land is cheap, \$1 per year, but the house has to be put on it, and the people cannot afford it. Regarding Items G-1 and G-2, she stated they are still waiting.

Iwalani Kadowaki testified she received her homestead 3-years ago. She testified that she supports what has been done so far.

PT-4 Fay Pacheco

Mrs. Pacheco testified on behalf of her son, who lives on the mainland and has no desire to return to Hilo, where the homestead is. She is waiting for the Department to sign the lease over to the transferee. She called the Hilo office and left messages but never received a response. She wants to get this moving because she does not live there, but she is paying the mortgage. She has an interested party that wants to take over the lease. She heard her son's transfer would be on the agenda, but the person who would buy the place reneged because it took too long. She does have another interested party and would like to have this finalized.

Commissioner Helm asked for an update. J. Garcia stated he would work with her.

PT-5 Halona Kaopuiki

H. Kaopuiki testified about water, and if the water is not paid or the bill is high, the Department would send them a warning, and if the bill is still not paid, he thinks by the third warning, the Department will shut off the water. It is not right, and if they came to his place, he would break bones. He stated that Moloka`i Airport has an 8-inch potable water pipe, and they don't pay for water.

He felt that lessees on each island should pick their Commissioner because they know the background of their people. Regarding the amendments, before Statehood in 1959, it was the Act of 1920. When it changed to Statehood, everything changed in 1963, and there have been over 100 amendments.

Chair Aila asked H. Kaopuiki if he has one example of an amendment he is opposed to, or if he opposed the amendments to the Commission Act or other State agencies. H. Kaopuiki stated he opposes all the amendments. Rules and regulations do not apply to lessees because they are not employees.

Chair Aila stated the Airport is paying their water bill, the schools are paying, and all the non-beneficiaries are paying their water bills.

PT-6 Paul Riley – Item F-3

P. Riel testified he is a homesteader and a Jehovah's Witness. His request is for a Right of Entry for the area behind the Kingdom Hall to be used as a staging area to store materials and equipment while they do renovations to rearrange the room sizes. All work is volunteer work.

Commissioner Teruya asked if the fee for using the additional storage was \$20 per month with \$1000 general liability insurance. P. Riel stated that was the fee recommended. Chair Aila stated it appears that is what is in the submittal.

Commissioner Teruya asked how long the renovation would be. P. Riel stated it is for next week through August.

PT-7 Dickenson Stone – Item G-1

D. Stone testified that he supports the Ualapu'e project. He asked if there was a plan for a water system. He suggested putting pipes into the homes.

Chair Aila stated at the moment, there was no funding dedicated to water infrastructure in Ualapu'e, but that does not mean that the Legislature would not put funding into this in one or two years.

Planner Gigi Cairel stated the water system for the Ualapu'e project belongs to the County. The Department's water system does not service that area.

PT-8 Robert Alcain

B. Alcain asked why he is restricted from moving forward with the USDA program without signing the lease addendum. Chair Aila stated from a legal standpoint that this is an addendum to the lease, so if you do not sign the addendum, you are not signing the lease, and you do not have a lease. B. Alcain asked, so his lease is nullified?

Chair Aila stated it is an addition to the existing lease so that the neighbors are protected in terms of using their property with quiet enjoyment. B. Alcain stated he understands there are legal issues. He asked if everybody had the addendum. Chair Aila stated everyone that is going through a transfer or a successorship; the addendum is being added to their lease. He stated he is not going through a transfer or successorship. The Department is hindering him from moving forward.

J. Garcia stated in addition to lease transactions, with the documents to be executed, the Department includes the lease addendum. Statewide, lessees coming in for service, or non-transactional service, are asked to sign the addendum as part of the lease terms and conditions.

Commissioner Neves asked to move into executive session for the advice of Counsel.

Chair Aila conferred with Counsel Katie Lambert. Chair Aila stated this is not an agenda item, and it is being brought up in Public Testimony. Commissioner Neves stated he understands, but this is a surprise to the Commission on the new guidelines that have just been presented.

B. Alcain stated this is a timely matter, or he would be back on another fiscal project. Chair Aila hoped to have an answer for him tomorrow. B. Alcain asked to be notified in writing.

Chair Aila stated the in-house testimonies are done. Now the testimonies will be virtual.

PT-9 Mahina Poepoe (ICT) – Ualapu’e

M. Poepoe testified about opposition from the generational families in the area to the Ualapu’e project. She encouraged the Commission to view the meeting of last week. She stated the DHHL site is covered with cultural and sacred sites, there is no water, and there are numerous impacts of placing a new community on top of an existing Hawaiian community. She questioned when will a risk analysis be completed to make a responsible decision to make sure the Department is using its monies wisely. She stated they are ready to contest the Environmental Assessment (EA) and push for an Environmental Impact Statement (EIS).

As for the water, she stated it is clear that DHHL does not provide infrastructure.

PT-10 Shane Pale (ICT) – Ualapu’e

S. Pale testified regarding the Ualapu’e Project and stated he supports what Mahina mentioned. He suggested that the Commission view the meeting that Mahina mentioned. He mentioned one of the concerns was kuleana lands in the Ualapu’e area. The rights for kuleana land owners pre-existed in the State and pre-existed the Hawaiian Homes Commission Act, 1920. The kuleana laws were part of the Kingdom laws. He heard the Department’s planners constantly saying it has an obligation to its beneficiaries. He stated that when the staff says something like that, he hears the Department is doing the project whether you like it or not. Nine million gallons of water for usage is concerning. There is an obligation to respect kuleana land owners and community input instead of input from an association that does not exist yet.

Commissioner Ka’apu asked about the general concerns that the kuleana land owners voiced, besides the water. S. Pale stated the concern is it was specific to a group of people who supports the project, but there is a larger community, and the idea is to get the larger community’s input.

Chair Aila stated there is due diligence that has to be done first, and then decisions can be made about how many and if any. It is recognized how many cultural sites there are in the area.

PT-11 Lori Buchanan – Various items

L. Buchanan testified in support of Item F-3, the Right of Entry for the Jehovah’s Witnesses; support of Item E-2 for the Draft Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Naiwa agricultural subdivision; and supports the written testimony from Lilianna Napoleon, President of the Naiwa Homestead Association regarding renewable energy. She is in support of Items G-1 through G-5. She encouraged the Department to hold separate community meetings outside of the Commission meetings.

PT-12 Blossom Feiteira – Various

B. Feiteira testified on Item C-2, stating it is good news that the NAHASDA funding has been increased to \$22 million. She asked that the Commission supports the plan. Item E-1, for the Bowl-O-Drome, she is happy that it is moving forward with the design and construction. Regarding Item G-4 for Kalaupapa, she thanked Nancy McPherson for bringing the working

group together to identify issues and resolutions. Item G-7, the Keokea Environmental Assessment (EA), she thanked Chair Aila for moving that item forward. For Items D-8 and D-9, she provided testimony and further recommended that in the process of disqualifying applicants due to insufficient quantum, she thinks the Department could look at creating a definitive time frame for applications that come in incomplete. The time frame should provide an opportunity to approve or deny the application. They should not be put on the waitlist unless they have met all the criteria and are approved by the Commission.

PT-13 Albert Hee – Sandwich Isles Communication (SIC)

A. Hee testified that he has two issues, and one was to be on the J-Agenda for tomorrow's meeting. He stated he requested to be on the J-Agenda 12-days before the meeting and asked how early he had to request to get on the J-Agenda. Chair Aila apologized that A. Hee did not make the deadline, and the website lists the deadlines for each month.

A. Hee stated there is a misconception on the condition of Sandwich Isles having more debts than assets that the Department's Attorney is promoting heavily in his filings. He stated that it is normal for a business, and there are times, even for large companies, that the debts exceed the assets. It all comes down to the ability to pay. It is like buying a house where you are not worth the house's value, but you do have the ability to pay.

PT-14 Kelii Conway – Item F-3

K. Conway testified in support of Item F-3 that the Jehovah's Witnesses requested the Right of Entry Permit.

PT-15 Healani Sonoda Pale – Ualapu'e Development on Moloka'i

H. Pale testified if the Department looks at their Regional Plan, Priority 1 is the Ualapu'e homestead which will be right next to the Ualapu'e Well. She stated a request had been submitted for 900,000 gallons of water per day which is three times more than what the whole East side uses. The resources on the East side are limited. There are 70 kuleana land parcels within the ahupua'a, and with each parcel, there are rights attached to the parcels, the kuleana land owners, and their descendants. The requests have been put in on the Regional Plan Ualapu'e is priority one, but has the Department talked to the people about what they want.

PT-16 Phillip Stevens – Items F-2 and F-3

P. Stevens testified about Item F-2, Right of Entry, that three are not Hawaiians. For Item F-3, he represented the Kalamaula Mauka Homestead Association. He testified that they want to support the Jehovah's Witnesses and ask that the Association wants to ask for a Right of Entry (ROE) for the property that the Jehovah's Witnesses want to use. The Kalamaula Homestead Mauka Association is looking for a long-term ROE to put in a number of buildings that will house beneficiaries to help themselves.

Commissioner Ka'upu asked about the three non-beneficiary ROE holders. Acting Land Management Division Administrator Kahana Albinio stated the three non-beneficiary ROEs are Monsanto Hawaii, Partners in Development Foundation, and the Moloka'i Humane Society.

PT-17 Raymond Leimana Naki

R. Naki testified he and others had Land Commission Awards from King Kamehameha III, around 1840 to 1850. There was an executive order for Ualapu'e in 1994, in which Ualapu'e was called Mana'e. He stated the East End Policy was created in 1981 and came out of the 1978 Constitutional Convention (ConCon). At that time, there were 200 to 300 people. For any project to move, the Department needs to come before the community with its proposals on the East end. He stated there are Statutes and Ordinances and the East End Policy.

PT-18 Robert Mokuau- Grace Episcopal Church

R. Mokuau testified about the extension request and what is going on as there has been no response from all the Churches until now. It has been almost 5-years. Is there a problem with extending the lease, or what is the process? They have been calling but have not received a response, no reaction, no letter. Chair Aila stated he would talk with staff to determine the situation and get back to him. R. Mokuau stated the letter was submitted on April 23, 2018, to extend the lease.

Chair Aila asked that Kahana get the information and talk with Mr. Mokuau.

RECESS 11:50 AM
RECONVENED 12:15 PM

ITEMS FOR DECISION MAKING

CONSENT AGENDA

Chair Aila stated there was a request to move Items D-11 and D-12 to the executive session. These will be deferred, and the discussion will be done in an executive session. Items D-8 and D-9 will be taken up in the executive session also. If there is an agreement, the Commission will come out and vote in an open session.

HOMESTEAD SERVICES DIVISION

- ITEM D-2** Approval of Consent to Mortgage (see exhibit)
- ITEM D-3** Ratification of Loan Approvals (see exhibit)
- ITEM D-4** Approval of Streamline Refinance of Loans (see exhibit)
- ITEM D-5** Approval of Homestead Application Transfers / Cancellations (see exhibit)
- ITEM D-6** Commission Designation of Successors to Application Rights – Public Notice 2019 (see exhibit)
- ITEM D-7** Approval to Certify Applications of Qualified Applicants for the Month of March 2022 (see exhibit)
- ITEM D-10** Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- ITEM D-13** Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- ITEM D-14** Commission Designation of Successor – MAXINE C.M. OLAGUERA, Residential Lease No. 1780, Lot No. 89, Nanakuli, Oahu

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 asked for a motion to approve the Consent Agenda absent Items D-8, D-11, and D-12.

MOTION / ACTION

| Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the amended Consent Agenda absent Items D-8, D-11, and D-12. | | | | | | |
|---|---|---|-------------|---------------|--------------------|---------|
| 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 Aila | | | X | | | |
| TOTAL VOTE COUNT | | | 9 | | | |
| MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Nine (9) Yes votes. | | | | | | |

MOTION

Moved by Commissioner Helm, seconded by Commissioner Teruya 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; and

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. Motion passed unanimously.

EXECUTIVE SESSION IN

12:18 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. Item D-8 Approval to Cancel Applications of Non-Qualified Applicants (see exhibit)
2. Item D-9 For Information Only – Review Kumu Ohana of Pending Applicants
3. Item D-11 Approval of Assignment of Leasehold Interest (see exhibit)
4. Item D-12 Approval of Amendment of Leasehold Interest (see exhibit)
5. Consideration of next steps regarding TMK (3) 7-5-014-001 (por.) owned by Cannery Commercial, LLC for water development in the District of North Kona, Island of Hawai'i, including the potential use of provisions of §221 (c) of the Hawaiian Homes Commission Act.

EXECUTIVE SESSION OUT

2:16 PM

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

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
 Motion to approve the motion as stated in the Agenda items listed for the Commission’s consideration.

MOTION/ACTION

| Moved by Commissioner Teruya, 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 | | | |
| Commissioner Kaleikini | | | X | | | |
| Commissioner Ka`upu | | | X | | | |
| Commissioner Namu`o | | | X | | | |
| Commissioner Neves | | | X | | | |
| Commissioner Teruya | X | | X | | | |
| Chairman Aila | | | X | | | |
| TOTAL VOTE COUNT | | | 9 | | | |
| MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Nine (9) Yes votes. | | | | | | |

ITEM D-11 Approval of Assignment of Leasehold Interest

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
 Motion to approve the motion as stated in the Agenda items listed for the Commission’s consideration.

MOTION/ACTION

| Moved by Commissioner Teruya, seconded by Commissioner Helm, 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 | | | |
| Commissioner Teruya | X | | X | | | |
| Chairman Aila | | | X | | | |
| TOTAL VOTE COUNT | | | 9 | | | |
| MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Nine (9) Yes votes. | | | | | | |

ITEM D-12 Approval of Amendment of Leasehold Interest

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion to approve the motion as stated in the submittal.

MOTION/ACTION

| Moved by Commissioner Teruya, seconded by Commissioner Namu`o, to approve the motion as stated in the submittal. | | | | | | |
|---|---|---|-------------|---------------|--------------------|---------|
| Commissioner | 1 | 2 | AE (YES) | A`OLE (NO) | KANALUA ABSTAIN | EXCUSED |
| Commissioner Awo | | | | | | X late |
| Commissioner Helm | | | X | | | |
| Commissioner Ka`apu | | | X | | | |
| Commissioner Kaleikini | | | X | | | |
| Commissioner Ka`upu | | | X | | | |
| Commissioner Namu`o | | X | X | | | |
| Commissioner Neves | | | X | | | |
| Commissioner Teruya | X | | X | | | |
| Chairman Aila | | | X | | | |
| TOTAL VOTE COUNT | | | 9 | | | |
| MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Nine (9) Yes votes. | | | | | | |

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-2 Acceptance of 2022-2023 Native Hawaiian Housing Block Grant Annual Housing Plan

RECOMMENDED MOTION/ACTION

NAHASDA Manager Lehua Kinilau-Cano presented the following:
Motion that the Hawaiian Homes Commission accept the 2022-2023 Native Hawaiian Housing Block Grant Annual Housing Plan.

L. Kinilau-Cano stated there were two substantive changes since the draft was presented to the Commission:

1. The DHHL Disability Rental Program which they wanted launched next year but there is more requirements with the disability, so they will just set up the Program and focus on the Kupuna Rental Assistance.
2. Property Acquisition. Originally the focus was on O`ahu, however, with the water situation on O`ahu they are reluctant to focus on land and looking to purchase existing units for rental units. She stated it does not preclude them from considering land because they can amend the housing plan. With the recent developments with water, they thought this was the better approach.

MOTION

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

DISCUSSION

Commissioner Teruya asked what was meant by existing units. L. Kinilau-Cano stated it is buildings for sale that can potentially be used for rental units. Commissioner Teruya asked if there were any areas for West O’ahu developments that would be questioned in the future. L. Kinilua-Cano stated the interest of demand and priority is on Windward O’ahu, the primary Urban core and the Ewa area.

ACTION

| Moved by Commissioner Helm, 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 | | | |
| Commissioner Kaleikini | | | X | | | |
| Commissioner Ka'upu | | | X | | | |
| Commissioner Namu'o | | | X | | | |
| Commissioner Neves | | X | X | | | |
| Commissioner Teruya | | | X | | | |
| Chairman Aila | | | X | | | |
| TOTAL VOTE COUNT | | | 9 | | | |
| MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- Nine (9) Yes votes. | | | | | | |

ITEM C-1 Approval of Lease Award Wai'anae Kai Subdivision Unit 1 Lualualei, Wai'anae , O'ahu (see exhibit)

RECOMMENDED MOTION/ACTION

Acting Contact and Awards Division Administrator Paula Aila presented the following: Motion that the Hawaiian Homes Commission approve awards for residential lot leases to applicants for 99-years.

MOTION

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

DISCUSSION

Commissioner Teruya asked if the subdivision in Wai'anae Kai is an existing house. P. Aila stated it is a pre-owned house.

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 Aila | | | X | | | |
| TOTAL VOTE COUNT | | | 9 | | | |
| MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- Nine (9) Yes votes. | | | | | | |

LAND DEVELOPMENT DIVISION

ITEM E-1 Approve a Finding of No Significant Impact (FONSI) for Redevelopment of the 820 Isenberg Street Property Final Environmental Assessment, Mo`ili`ili, Waikiki District, O`ahu, TMK Nos. (1) 2-7-008: 018 and 020, the former Stadium Bowl-O-Drome parcel.

RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Stewart Matsunaga presented the following: Motion that the Hawaiian Homes Commission approve a Finding of No Significant Impact on the Final Environmental Assessment for the redevelopment of the 820 Isenberg Street Property formerly known as the Stadium Bowl-O-Drome, Waikiki District, O`ahu, TMK Nos. (1) 2-7-008: 018 and 020.

He introduced Project Manager Darrell Ing and Kaloa Robinson of Stanford Carr Developer. He noted that the Draft EA brought to the Commission was published in December 2021.

MOTION

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

EA Completion

- Obtain Hawaiian Homes Commission approval for FEA and declaration of FONSI
- Publish FEA in the state Environmental Notice Bulletin May 8, 2022
- 30-day challenge period of the FEA ends June 7, 2022

Overall Project Implementation

- Permitting and entitlements now through December 2022
- Construction begins: Late Q4 2022 thru late Q1 2023
- Construction Ends: Late Q2 2024 thru late Q3 2024
- Offer of rental units to beneficiaries: 3-6 months prior to end of construction

Future DHHL Beneficiary Information Meetings

- Offer process to beneficiaries
- Income eligibility requirements
- Orientation for prospective renters

DISCUSSION

Commissioner Teruya asked if a beneficiary rents a unit and if he has to be removed from the wait list. D. Ing stated the Program's primary purpose is to prepare them for homeownership.

Commissioner Teruya asked what the rent was for a studio and 1&2-bedroom. K. Robinson stated it depends on the person's income level; a studio will rent between \$550 - \$1100 per month, based on the 2021 area median income. As the area median income increases over time, so do the rental rates. The rents are capped and calculated at 30% of the gross income to ensure the tenants have an opportunity to save for homeownership.

Commissioner Teruya asked if utilities were included. K. Robinson stated the rent rates include allowance for various utilities, so if electricity is metered separately and charged separately, that amount is deducted from the quoted rent rates. The City and County of Honolulu derive the numbers, and every county creates its utility allowances. Water will be included as part of the rent for Isenberg, but electricity will be sub-metered and billed individually. She asked how many parking stalls were for each tenant. He stated there is one parking stall for each tenant.

She asked if Sanford Carr had received notice from the Board of Water Supply. He responded they did. She asked if it would hold up the project or can they move forward. He stated that the question is best answered by the Board of Water Supply. He stated that water availability is a risk factor for every development on O'ahu between Halawa and Hawai'i Kai. The Board of Water Supply has given them a fair amount of confidence that the project will receive water when asked for it.

Commissioner Ka'upu asked if the renting process to work off the island-wide list and go to a statewide list. Can a 50 percenter pass the rental on to a 25% child? Chair Aila stated that the process starts with the O'ahu island-wide list and that it is not possible to pass on a rental.

Commissioner Ka'upu asked what happens when you go through the O'ahu wide list and don't have enough takers. Do you go to the statewide list and just keep working down the list. Chair Aila answered yes.

Commissioner Ka'upu stated that the Department ignored the Department of Transportation's (DOT) comments. The DOT talked about off-site parking and bikes, and the Department blew them off and said it does not apply. He thinks it does apply and is concerned that the Department is not addressing it. He thinks there will be off-site parking problems. S. Matsunaga stated that as the project moves forward, he will talk with them about what is possible. He does not know how to respond to that and will have to look at that. K. Robinson stated DOT's comments were interesting on a tax credit rental project. They have to make 115% of a month's income on the permanent mortgage payment, which is the absolute amount they can afford to build based on what they can afford to pay per month. Parking is a rare and precious commodity at the cost of \$40,000 per stall to construct and deliver. As developers, they cannot afford to build many more stalls than planned at \$40,000 per stall. It makes the project infeasible and increases the scale much more than what would be appropriate for the area.

Regarding accommodating alternative modes of transport, he thinks they've done that. They are taking a balanced approach in their priority as a stakeholder and everybody else's. Commissioner Ka'apu asked if there would be a possibility for additional stalls to be rented to tenants and/or the general public. K. Robinson stated that if you rent a stall, you cannot count that stall as an eligible basis and cannot get tax credits. The tax credits they apply for from the State account for between 35-45% of the capital. The tax credits on a \$40,000 stall are about \$20,000, give or take. K. Robinson stated it is about 40% too low in revenue. Commissioner Ka'apu asked whether it would pay for itself and whether NAHASDA would work.

Commissioner Helm asked if there would be charging stations for electric cars. K. Robinson stated they are.

Commissioner Kaleikini asked if there would be parking for mopeds. K. Robinson stated they did not allocate bikes or mopeds.

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 Aila | | | X | | | |
| TOTAL VOTE COUNT | | | 9 | | | |
| MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- Nine (9) Yes votes. | | | | | | |

LAND MANAGEMENT DIVISION

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

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the issuance of a Non-Exclusive License as an easement for access purposes from a portion of Hawaiian home lands identified by TMK No. (3) 6-4-008:024 (more commonly known as Kahilu 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

MOTION

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

DISCUSSION

Commissioner Ka'apu stated he still does not see a dollar amount associated with the easement. K. Albinio stated once they get the Commission's approval before they can issue the license. They can conduct a fair market value assessment by an independent, disinterested third party. Once they get that number, it will be the charge for the easement. Commissioner Ka'apu was still not in favor of the easement because it significantly increased the value of a fee simple parcel for a non-beneficiary with no benefit that can be seen other than there will be a market value associated with that. He does not know how one associates a market value with access. You are giving them access that will allow them to sub-divide their property into four or five lots that they would not otherwise be able to do. He stated he had a problem with this submittal the last time. They are persistent because it is coming back to the Commission again. He will not vote to approve this because he does not think the Department is getting any benefit out of this. The only one getting a benefit is a private fee simple owner that will sell these properties for millions of dollars.

Chair Aila asked who would be able to calculate a value like that for the Department. Commissioner Ka'apu stated the problem is the Kahilu Road that runs to Kuhio Village. On the Kohala side are all these fee simple people using Kahilu Road since it got paved for access. If the Department is going to allow people access, it has to be looked at from a more comprehensive standpoint. He stated all along that road, everybody is going in and sub-dividing. These are 20-acre lots that run from Mamalahoa Highway back to Kahilu Road. He thinks everybody should be treated the same way, and it should not be a one-time contribution because they will be using the road. They should pay more money to the Department so it can do more for its beneficiaries. He does not like that the people keep coming back when the Commission has said there is a concern.

Commissioner Neves stated he would not be in favor of voting on this item. Commissioner Ka'apu stated he thinks the Department has an agreement with the County because they paved the road and put in the speed bumps. It is still not a public road, and he thinks it was in exchange for the farm lots being opened to the public. Kahana stated the road had not been dedicated to the County yet, and it still belongs to Hawaiian Home Lands' inventory.

Chair Aila stated he hears a strong opposition and deferred Item F-1 if there is no objection from the Commissioners.

ACTION

Deferred.

ITEM F-2 Annual Renewal of Right-of-Entry Permit(s), Moloka'i Island

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the Annual Renewal of the Right of Entry Permit(s) for the Island of Moloka'i.

He stated the Department had procured a Consultant with Solutions Pacific, LLC, who will be helping with the new Revocable Pilot Program. They are still in discussions.

He stated there is eight Right of Entries, with three being non-beneficiaries. Monsanto's revocable permit was issued in 2005. Their parcel was close to a parcel used for illegal dumping, and they kept an eye on it. The Moloka'i Humane Society is the only Humane Society on the island with veterinary services. Partners in Development is a pre-school which is valuable to the community.

MOTION

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

DISCUSSION

Commissioner Ka'apu asked what Monsanto does with the 30-acres and whether they were planting anything. K. Albinio stated they watch the area for illegal dumping, and the land is agricultural, too.

Chair Aila asked if it was confirmed that they had anything planted. Commissioner Ka'apu stated Monsanto does a lot of seed corn, and the rent they are paying for 30-acres is about \$80 per acre per year, which is cheap for 30-acres that are in use. If they are planting, they are marketing that seed corn. He noticed that the submittal stated that the property is unsuitable for any other use or the infrastructure is not there. If there is seed corn there, they're watering it.

Gigi Cairel stated they have corn. They had to drive through the property to get to the water system, and she remembers seeing corn.

Chair Aila recommended deferring the item. Commissioner Ka'apu asked what would keep the Department from creating a lease.

Commissioner Neves stated he thinks the Department needs more information to decide. He stated the comments note that it is designated a special district, but it seems they are using it for farming. Chair Aila stated the Department initially had them in a caretaker position, but it seems they are farming, and the \$80 per acre may not be appropriate, and there is a concern if there is water, the Department should be leasing it out to a lessee and not giving it to a Right of Entry.

Chair Aila stated the Monsanto Right of Entry is being deferred.

Commissioner Teruya asked the rent for Partners in Development to be \$7,478, the acreage is 0.36, and the other ROEs are low. Is that the charge for a non-profit's community use? There are ROEs for community use that don't pay this much rent. K. Albinio stated the numbers were from the beginning since their inception. They had a revocable permit and converted it to right of entry in 2013.

Commissioner Kaleikini asked Chair Aila that the Department is getting someone to do fair market values. So once these are approved, they will remain for a year, and then the Department will redo it? Chair Aila stated that is correct.

Chair asked for a motion to approve everything except No. 499.

ACTION

| Moved by Commissioner Helm, seconded by Commissioner Neves, to approve everything in the submittal except No. 499. | | | | | | |
|---|---|---|-----------|------------|-----------------|---------|
| 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 Aila | | | X | | | |
| TOTAL VOTE COUNT | | | 9 | | | |
| MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- Nine (9) Yes votes. | | | | | | |

ITEM F-3 Approval to Issue A Right of Entry to Moloka'i Congregation of Jehovah's Witnesses, Kalama'ula, Moloka'i, TMK No. (2) 5-2-032:069(p)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve to issue a Right-of-Entry to Moloka'i Congregation of Jehovah's Witnesses, Kalama'ula, Moloka'i, TMK No. (2) 5-2-032:069(p)

K. Albinio stated the license is subject to the conditions listed on the submittal.

MOTION/ACTION

| Moved by Commissioner Teruya, seconded by Commissioner Helm, 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 | | | |
| Commissioner Teruya | X | | X | | | |
| Chairman Aila | | | X | | | |
| TOTAL VOTE COUNT | | | 9 | | | |
| MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- Nine (9) Yes votes. | | | | | | |

ITEM F-4 Approval to Issuance of a Right of Entry Permit, Keakai Kuai, Inc., CrossFit Kaua`i, Anahola, Island of Kaua`i, TMK Nos. (4) 4-8-008:016 and 050

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve issuing a Right-of-Entry Permit, Keakai Kuai, Inc., CrossFit Kaua`i, Anahola, Island of Kaua`i, TMK Nos. (4) 4-8-008:016 and 050

Note on Item F-2, No. 499, and Chair Aila noted that Monsanto uses the Moloka`i Irrigation System (MIS) and stated the Commission should consider that and follow up on that.

RECESS 4:45 PM
RECONVENED 4:47 PM

MOTION

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

Land Agent Kaipō Duncan introduced the President of Keakai Kaua`i, CrossFit Anahola Bronson Lovell, and his wife, Kaiulani Lovell, who presented a PowerPoint presentation.

K. Lovel stated they are a 501 (c)3. Its mission is to build healthy communities that support the youth of Hawai`i. To provide protection, preservation, and management for Kaua`i's significant cultural sites.

Every child deserves to grow up in a healthy environment.

Challenges in the Community

- Substance abuse in youth and adults
- Homelessness
- Suicide rates

Solution Approach / Impact

- Youth attendance, family connection
- Mental, Physical, Cognitive, Emotional whole body
- Native Hawaiian Cultural Enhancement Team

What is Next

- Community Involvement
- Classes for the youth

DISCUSSION

Chair Aila synthesized that the right of entry is to do some due diligence and serve as specifications for future development based upon the due diligence. In due diligence, you are proposing to clean the property and remove vehicles and the trash on the property. Is that correct? B. Lovell stated it is like a homeless camp, and he went back there and cleaned out those guys.

Commissioner Neves stated he thinks the Department needs to finance the clean-up, and B. Lovell will work with the Department. They would move things out, and the Department will have to pick up the expense and have enforcement for the people living out there. Their idea is to get a permanent home and take care of the next generation. He supports this 100% and asked for

an indication of the time it would take for a license or lease could be clarified. The submittal notes it is exempt from an environmental assessment (EA), but on page 2, No. 9, it notes if an EA is required, then B. Lovell would be required to do the EA, but currently, an EA is not required. He stated that the biggest thing is to make sure the Department is helping with the clean-up. The original application was for the Good Faith location that needs to be cleaned up. He asked that Kaipo Duncan work with Bronson to clean it up. He thinks it is important to get something permanent down the road.

Chair Aila asked for clarity with staff that it is exempt from an EA. In the future, if there is a building constructed down the road, that is when the potential EA would kick in.

Commissioner Ka`apu stated he was confused by the submittal because it looked like a long-term disposition, but the title was a right of entry. He requested that the right of entry be subject to the submittal of their documentation that they are in good standing with the DCCA and filed their 990s with the IRS. K. Duncan stated he would work with them on that.

Commissioner Teruya asked if they planned to charge a fee and whether the Program is for beneficiaries or open to everyone. B. Lovell stated he has been running the Program for 4-years and never collected a penny from his people. K. Lovell stated it is not just for beneficiaries because the school has beneficiaries and keiki from the outside community. Kids that meet the criteria at the school attend his Program.

Commissioner Teruya asked if they were on the property. K. Lovell stated they live adjacent to the property and train out of his house.

Commissioner Teruya asked that the rental fee is \$20 per month. K. Duncan stated it is. She asked if the right of entry for 5-years 10-years. Chair Aila stated it is only good for 1-year to do the due diligence, and they can request another year as it progresses.

Commissioner Teruya asked if the clean-up was on their own and not from DHHL funds. Chair Aila stated the clean-up is being proposed, and there is a request by the Kaua`i Commissioner that the Department play a role in paying for the large pieces of equipment.

MOTION/ACTION

| Moved by Commissioner Kaapu, seconded by Commissioner Kaleikini, 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 | X | | | |
| Commissioner Ka`upu | | | X | | | |
| Commissioner Namu`o | | | X | | | |
| Commissioner Neves | | | X | | | |
| Commissioner Teruya | | | X | | | |
| Chairman Aila | | | X | | | |
| TOTAL VOTE COUNT | | | 9 | | | |
| MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- Nine (9) Yes votes. | | | | | | |

ITEM F-5 Approval to Issuance of a Right of Entry, Keivin Educational Farm Program, Kekaha, Island of Kaua`i, TMK No. (4) 1-2-002:023(p)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the issuance of a right of entry, Keivin Educational Farm Program, to graze goats to prevent wildfires, Kekaha, Island of Kaua`i, TMK No. (4) 1-2-002:023(p)

MOTION

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

K. Duncan introduced the Keiven Educational Farm Program President, Yvette and Lyle Nakahiki, who presented a PowerPoint to the Commission. (Technical difficulties).

K. Duncan stated Y. Nakahiki works with youth and disabled adults and children. She has been coming to the Department for 3-4 years, requesting a place to graze her goats. She has 100 goats currently on Agribusiness Development Corporation (ADC) lands on the Kekaha plains and was currently asked to relocate. The site in Kekaha on Kokee Road is 2-miles up from the Menehune Market, and almost every year, the area catches fire. He stated they would like to see if grazing the goats there will keep the guinea grass down to prevent future wildfires. He stated they are also looking at this to keep the albizia from growing in Anahola mauka.

DISCUSSION

Commissioner Neves voiced his support.

Chair Aila expressed his concern about a non-profit component; however, the management plan seems to be a for-profit component. He stated if there are 100-goats, there are 100-goats that will be born a year and sold, so he stated he is not sure that the return on the \$20 is sufficient. Chair asked for some feedback.

Y. Nakahiki was have technical difficulties. K. Duncan stated she had a deadline for vacating where she is at. Chair Aila asked the Commission how they felt about doing a 6-month ROE and revisiting this.

Commissioner Ka`apu stated this educational farm program is not registered with the DCCA. He stated he is not sure why, but she did say she is a non-profit. He also stated that several people have no place to put their animals and want to use DHHL lands, and the Department's response is to put in a request. So, if they come and we give them only 6-months, he is concerned about the precedence of creating an ROE for someone to store their animals. Chair Aila stated it was for the fire break.

K. Albinio corrected the name and stated Keiven Farm Educational Program and not Keiven Educational Farm Program. He stated they are current with the DCCA with Yvette Nakahiki as the President.

MOTION TO AMEND

Moved by Chair Aila, seconded by Commissioner Ka`upu, to amend the original motion to no longer than 6-months to utilize the goats for fire control hazard litigation.

K. Duncan stated they would make sure Yvette is set up properly so she can formally address the Commission in the next meeting. K. Albinio addressed Commissioner Teruya that Keiven Farm Educational Program is State compliant.

Note: Commissioner Namuo was excused from the meeting at 3:30 p.m.

ACTION

| Moved by Chair Aila, seconded by Commissioner Ka`upu, to amend the original motion to no longer than 6-months to utilize the goats for fire control hazard litigation. | | | | | | |
|--|---|---|-----------|------------|-----------------|---------|
| 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 | X | | | |
| Commissioner Namu`o | | | | | | X |
| Commissioner Neves | | | X | | | |
| Commissioner Teruya | | | | X | | |
| Chairman Aila | X | | X | | | |
| TOTAL VOTE COUNT | | | 6 | 2 | | |
| MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- Six (6) Yes votes. Two (2) No votes. | | | | | | |

AMENDED MOTION/ACTION

| Moved by Chair Aila, seconded by Commissioner Ka`upu, to approve the amended motion to no longer than 6-months to utilize the goats for fire control litigation. | | | | | | |
|--|---|---|-----------|------------|-----------------|---------|
| 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 | X | | | |
| Commissioner Namu`o | | | | | | X |
| Commissioner Neves | | | X | | | |
| Commissioner Teruya | | | | X | | |
| Chairman Aila | X | | X | | | |
| TOTAL VOTE COUNT | | | 6 | 2 | | |
| MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- Six (6) Yes votes. Two (2) No votes. | | | | | | |

Chair Aila stated the intent is to break around 5:45 p.m., so those who need to check into their rooms may do so and then come back for the community meeting. He stated the Commission would do Item G-5, and all the other items will be deferred to tomorrow.

ITEMS FOR INFORMATION/DISCUSSION

WORKSHOPS

PLANNING OFFICE

ITEM G-5 For Information Only – Draft DHHL Malama Park Special Area Management Plan

RECOMMENDED MOTION/ACTION

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

A. Choy stated in 2011, 4.5 acres of Malama Cultural Park on Moloka`i was transferred from the State Department of Land and Natural Resources to the Department of Hawaiian Home Lands. The remaining 7 acres of the Park are under the jurisdiction of the County of Maui.

Kawika presented the PowerPoint slide.

Special Area Plan

- Focus on wahi pana that are important to DHHL and its beneficiaries because of the unique cultural and natural resources present within the area

The Malama Cultural Park, Special Area Plan, will:

- Guide issuance of land disposition for non-homesteading uses
- Identify opportunities to leverage resources and long-term strategies
- Develop goals and strategies based on beneficiary consultation
- Align with DHHL Moloka`i Island Plan and Regional Plan and other applicable plans

Five Main Management Goals

1. Maintain the Park to Serve as a Special Place for the community and across generations
2. Protect, restore, and maintain habitat for native plants and animals
3. Protect and perpetuate cultural knowledge resources and practices
4. Generate opportunities for community economic development
5. Provide opportunities for place-based educational programs

With the above five goals, they came up with 15 action items.

DISCUSSION

Commissioner Helm asked what the next steps were. Kawika stated there is Beneficiary Consultation #4 scheduled for May 26. When that is done, they will finalize the Cultural Plan Draft, issue that out for a 30-day review, and present it for the Commission's approval at the July Hawaiian Homes Commission meeting.

Note: Slide presentation attached.

REGULAR AGENDA

LAND DEVELOPMENT DIVISION

ITEM E-2 For Information Only – In Progress Draft Environmental Assessment and Anticipated Finding of No Significant Impact Determination for the Na`iwa Agricultural Subdivision Ho`olehua, Moloka`i Island, Hawai`i Tax Map Keys (2) 5-2-003:001 and (2) 5-2-004:001, 002, 004, 007, 046

RECOMMENDED MOTION/ACTION

None. For Information Only. Acting Land Development Division Administrator Steward Matsunaga presented the following:

S. Matsunaga stated that the Land Development Division (LDD) is not satisfied with the submittal. After he talked with the Moloka'i District Office and the community, it was determined that much more work was needed. He stated the drainage issues in this subdivision are critical and can make or break this subdivision. There are several blanks and flaws in the submittal, and he does not want to present information that is not accurate. He committed to having additional discussions with the community and the lessees and doing a better job.

DISCUSSION

Commissioner Helm asked what more was needed and how long will it take to move to the next step process. S. Matsunaga stated the next step is to have the topographic study done. He thinks it can be completed in the summer of this year. Discussions are still going on with the Department of Agriculture regarding the irrigation system, but he stated they are not really there to understand it. The good news is potable water in the subdivision that the Department constructed years ago.

RECESS

6:10 PM

HAWAIIAN HOMES COMMISSION

Minutes of April 19, 2022

Kulana Oiwi Halau, 600 Maunaloa Highway, Kalama`ula, Moloka`i,
and Interactive Conferencing Technology (ICT)

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

COUNSEL Katie Lambert, 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 (via ICT)
Juan Garcia, Homestead Services Division Administrator
Cedric Duarte, Information & Community Relations Officer
Stewart Matsunaga, Acting Land Development Division Administrator

ORDER OF BUSINESS

CALL TO ORDER

Chair Ailā called the meeting to order at 9:35 a.m. There were nine members total. Six (6) members were present in person and three(3) via ICT at roll call.

Chair Aila announced that the Commission would recess around noon and return to convene in executive session for an additional 30-minutes.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Malia Greaney - Ho`olehua Water System

M. Greaney testified the construction team entered her homestead without prior notice. She asked that the work on the project be put in writing and there should be communication with the homesteaders. She stated she met with Chair Aila, and things were promised regarding the meter and the brush cuttings, as well as other things. She was told to put the request in writing. She stated it was in November/December and has not received a response.

Chair Aila stated that the delays are because there are differences of opinion about what the lease says. The Department is doing the additional due diligence that she requested for some things to occur. The Department is in the final stage of drafting, and several people are looking over the draft response. Her attorney told them not to waste his time with the letter. He stated the Department is planning to send her the letter, and she and her attorney will have to figure out the next step. She asked what the disagreement that was holding things up was. Chair Aila stated that

would be made clear in the letter. He cannot divulge it as her attorney stated that he would file a lawsuit. Chair Aila stated the Department is in the final stages of the letter, and she will get it. She can meet with her attorney and decide to proceed with any legal action or accept what the Department proposes as a reasonable solution. M. Greaney stated she has not decided to file any legal action, and that is why she is present again to avoid that. Chair Aila stated they could get the letter out in the next week. She asked if she did not receive the letter to get the things that were told to her. Chair Aila stated that the things that were agreed to and cannot be agreed to would be in the letter.

PT-2 Leimana Naki

R. Naki testified when he was little that he did the pledge of allegiance. He stated that the foundation brought to these islands and 1893 is the injustice of that pledge of allegiance. As kanaka maoli, what are our ordinances and statute? Chair Aila stated that regarding Naiwa and Ualapu'e, the Department goes through a Chapter 343 analysis. Within that analysis comes further analysis of Kapaakai compliance, compliance with the State Historic Preservation Division (SHPD) rules and regulations, the burial issues, etc. The Department is required to comply with Chapter 343. R. Naki said the East End Policy comes from the community. Chair Aila stated he believes R. Naki refers to an agreement between Maui County and the citizens of East Hawai'i. Chair Aila stated the Department was not aware of that and is now considering that in terms of holding a face-to-face meeting in the community. R. Naki stated the meeting should go to the East End community center.

ITEMS FOR INFORMATION/DISCUSSION

GENERAL AGENDA

PLANNING OFFICE

ITEM G-6 For Information Only – Update on DHHL Statewide Agriculture Program Plan and Pilot Education Program

RECOMMENDED MOTION/ACTION

None. For Information Only. Acting Planning Manager Andrew Choy presented the following:

A. Choy introduced County Extension Agent Glenn Teves, who has been working with the University of Hawai'i for 40-years on Moloka'i and is also a Ho'olehua homestead farmer.

The Native Hawaiian Beginning Farmers Program's Purpose

- Expedite the award of lots to native Hawaiian families
- Minimal infrastructure costs – roads, etc.
- Impose minimal conditions for occupation. Do not have to qualify for a home loan
- Allow homesteaders to grow their family and their food and also build a home if they so chose

He stated the new direction is anchored in the Hawaiian Homes Act – Purpose and Intent:

- “to enable native Hawaiians to return to their lands to fully support self-sufficiency for native Hawaiians and the self-determination of native Hawaiians and preserve the values, traditions, and culture of native Hawaiians.”

The plan for the Program is Aina Ho'opulapula, and he interprets that as "to increase native Hawaiian family's knowledge in better utilizing their homestead lot for subsistence activities as the first step.

The Program will target the following groups:

- Hawaiian families about to receive lots
- Hawaiian families are on the waiting list to prepare to receive a subsistence homestead
- Existing homestead families with agricultural lots interested in both subsistence and commercial farming

Continuum of Farming Skills – Steps in farming knowledge:

| | |
|-------------------------------------|---|
| Home Gardener Subsistence Grower | Grow to eat and also share with Ohana and Friends |
| Master Gardener Market Gardener | Advanced Gardener; may sell to the market |
| Commercial Farmers | Growing for Sale |

What is needed to farm: Support Services, land, water, transportation, capital, labor/management, market, and education.

Important Subsistence Skills

- Understanding the Act & your Kuleana
- Envisioning and planning your homestead
- Learning to manage land & soil
- Water distribution & catchment
- Alternative energy – wind, photovoltaic, battery
- Gardening – knowledge of growing fruits, vegetables, herbs/medicines, ornamentals
- Basic carpentry – build shed and home
- Waste management – septic/cesspool

Important Next Steps

- Hire HHL Agricultural Specialist to coordinate technical and educational assistance by contracting service providers and submit federal grants to support the education and outreach program
- Create a demonstration site at or near each new community before or when ready to be awarded, i.e., Pulehunui, Honokowai, Waiohinu, Anahola (Kamalaomalo'o)
- Initiate a pilot educational program for Honomu awardees

DISCUSSION

Commissioner Helm asked if he was taking the Program to the high school. He stated they have a Farm to School program. They have a position open, and the individual goes into the schools to help them set up their gardens. They also have educational programs for the kids and work with the high schools. He stated the need to institutionalize agricultural and homesteading in elementary, middle, and high schools.

Commissioner Kaleikini asked if the Department has plans to do an Island Education Program. A. Choy stated they plan to do that and need to work with other divisions to coordinate the timing in working with the new awardees to provide the educational programs. Commissioner Kaleikini asked if the Department was considering a full-time employee or contracting out. A. Choy stated

they have a vacant position for an Agricultural Program Specialist, but there is no funding from the Legislature to fill the position. Chair Aila stated we have access to an Extension Agent in Hilo and an Extension Agent in Moloka'i with the College of Tropical Agriculture and Human Resources (CTAHR). He stated they request \$300k per year for this technical assistance covering one extension agent on an island for two years.

Commissioner Awo asked G. Teves if he knew of resources available on Maui to direct the beneficiaries too. G. Teves stated extension services are available on Maui.

Chair Aila stated the Commission could take a look at increasing the budget. After watching the presentation, Commissioner Awo thinks it would be good because there are important skill sets.

Commissioner Neves stated he and his wife started growing taro last year and had about 3,000 plants. This year they are up about 3,000. They get lots of help from the community, they make poi twice a week and deliver it to the community. It is hard to get the young guys out, but the kids and missionaries come out to help. The poi is delivered to the kupuna and those that need it. They charge \$4.00 per pound, and it is not for commercial but for our families. We need this presentation in Anahola, as well. There are a lot of farm lots that are not being used. He stated his plan is to get the community, through their non-profit, to start that process, and he would like to see G. Teves do a presentation in Anahola.

Commissioner Teruya agreed that the Commission should raise to obtain more budget for the Program as food sustainability is important. She supports this effort.

Commissioner Ka'apu asked if he had grown and raised his replacement. G. Teves stated No because the University System fills the position after retiring. He has asked that they hire now so he can train and groom them. Commissioner Ka'apu asked if Kristen, the CTAHR agent on the Big Island, does demonstrations or if that is out of her expertise. A. Choy stated pre-Covid she did, but she had to rethink her delivery method because of the pandemic. Commissioner Ka'apu stated just G. Teves' knowledge of what it takes to amend the soil and the demonstrations help people understand what they are up against. G. Teves stated demonstration is the most important method used because Hawaiians want to touch and feel, not sit in class and look at pictures. Commissioner Ka'apu asked whether the Big Island community would need to reach out to Kristen. G. Teves stated that needs to be worked out.

ITEM G-7 For Information Only – Anticipated Finding of No Significant Impact for the Keokea Homestead Farm Lot Association Master Plan Draft Environmental Assessment, TMK (2) 2-2032:067 & 068, Keokea Ahupua'a, Makawao, Maui

RECOMMENDED MOTION/ACTION

None. For Information Only. Acting Planning Manager Andrew Choy presented the following: A. Choy stated the purpose of the briefing is to update and provide information to the Commission and allow the Commission to provide comments on the Draft Environmental Assessment (DEA) before publication. He introduced Alikea and Piilani Akana, who represents the Keokea Homestead Farm Lot Association from PBR Hawai'i Vincent Shigekune, who helped prepare the DEA.

The proposed Keokea Homestead Farm Lots Association Master Plan consists of 2 parcels. The DHHL Island Plan use is for general agriculture.

- DHHL granted the Keokea Homestead Farm Lot Association (KHFLA) right of entry permit in 2013
- 69-acre project site
- ROE allows for the use of agricultural, pastoral, limited commercial, and stewardship
- In 2016 KHFLA submitted a land-use request for a long-term License along with their 10-year vision plan for the 69-acre site

Next Steps

- Draft EA will be submitted to the Environmental Review Program for publication in the April 23 issue of the Environmental Notice
- This will start the public review period ending May 23
- Written responses will be sent to all written comments received during the public review period and incorporated into the Final EA
- The Commission will review the final EA

DISCUSSION

Commissioner Helm asked if the water they would access was county water. A. Choy stated that is one of the options available, and as they go through the process, they will have to look at the options.

Chair Aila stated the issue is bringing the lines closer to the homesteads.

Commissioner Awo stated he heard that the cost projections for the various phases are critical and asked if that was in the Commission's documents. He stated the price shown was \$41 million, and funding may come in spurts and depends on which sponsor might want a particular facility to be built first. He asked if it was known what kind of support they'll be getting from the Maui Legislature. V. Shigekune stated he does not know.

REQUEST TO ADDRESS THE COMMISSION

ITEM J-1 Malia Greaney - Ho'olehua Water System

She presented in Public Testimony

ITEM J-2 Harry Purdy – Update Ho'olehua Agriculture Lot

H. Purdy thanked the Commission for approving his request for additional agricultural land. He thanked Commissioner Helm. He thanked Jobie Masagatani for battling for him over the years. He thanked his daughter for helping him through technology and more. He also gave an update regarding 3-acres of land that may have to go back to the Department. Chair Aila stated that Jobie is working on the pump and will get the information from her.

ITEM J-3 Cora Schnackenberg – Ahonui Homestead Association

C. Schnackenberg updated the Commission on the purpose of the Ahonui Homestead Association, starting with kupuna and waiting for listers, and putting people on the land. She took the task of looking where they could put them, and she came up with Ualapu'e, 100-acres. Regarding the water use, she stated the land designation determines how much water is in for reservation. Applying for certain areas no longer exists, so the Ahonui Homestead Association strongly recommends the Commission consider the 2020 and 2021 waitlist submitted by AHA as the list identified for the area of Ualapu'e. Addressing Chair Aila, she stated if in the event

Ualapu'e cannot put anyone up there and the land is not suitable for homesteading, why did DHHL accept the transfer for the inventory as Trust lands.

Chair Aila stated the Department would not know until the due diligence is completed. He stated the water numbers are accurate from the Commission's point of view because the numbers are based on what the Commission instructs the Department to ask for, the maximum amount based upon the usage that the Commission expects.

Commissioner Awo stated they are hearing conflict arising within the community. Chair Aila stated that the meeting was the Department's response to the non-beneficiary members of the committee out there. They requested a face-to-face meeting, and the Department will follow up. Commissioner Awo stated he would look at the recording.

ITEM J-4 Blossom Feiteira – Various

B. Feiteira introduced Aina Momona O Lele, a beneficiary-driven organization working from the West side of Maui, to develop a plan for an agricultural training center in advance of the lot award. What G. Teves talked about dovetails into what the organization wants to do.

She stated that things are moving forward with MAHA and thanked the Commission. Regarding Honokowai, she emphasized the need for the reinstatement of undivided interest. Undivided interest allows for successorship rights. The main concern for the kupuna is who gets their place on the waitlist because their children and grandchildren are no longer eligible.

She stated her son reported a significant amount of firearms discharged in Keokea. It is a concern for the health and safety of that community. She talked to Robin Newhouse, who confirmed numerous complaints made to the Police Department with no follow-up.

B. Feiteira stated there are about 100 leases in Keokea and Kahikinui that were given out 20-years ago, and the lots are unused and vacant. She is asking the Commission to initiate contested case hearings because if the people don't want to use the lots, thousands of people on the Maui Island waitlist would be happy to take ownership of those lots.

She stated repairs need to be done at the Paukukalo Center due to the longer than necessary closure during the pandemic. She asked the Chair to look into what could be done to have the community center repaired and opened to the community.

For House Bill 2511, she stated they appointed their committee members and hoped the bill would become law.

ITEM J-5 Rosie Davis – Moloka'i Homestead Farmers Alliance & Moloka'i Veterans Caring for Veterans Program

President of the Moloka'i Homestead Farmers Alliance Faith Tuipulotu and Secretary Sherry Kaahanui presented an update and the status of their organization. She stated the proposal for the Lanikeha Community Center is to:

- Repair and upgrade kitchen facilities, roof, windows, electrical, and equipment
- DHHL, application to manage the lease

They have

- Applied for a GIA grant

- Applied for tax market credits
- MHFA became a non-profit
- Renewable energy solar panels were installed
- Free internet to homesteaders
- Farmers market

NRCS (National Resource Conservation Service) helps farmers with their farming practices. They need help with the property taxes and the water bills. Chair Aila stated the property tax is between the homesteaders and the County. If there are applicants to the Program that have issues regarding the recording of the water bills, bring it to the office's attention so their grants do not get held up. If it is a legitimate past due owed, that is the lessee's responsibility.

John Dudoit testified that he was a member of the Moloka'i Veterans Program. In 2017, they had a project to build a Veterans Center for homesteaders in Laniakea. He asked for an update. What happened to their money from 2017? They haven't received anything and don't know what is happening.

S. Matsunaga stated the Department has a contract with DD Construction, and the project started as assembling portable facilities. That changed, and now the Department is in the permitting stage with the County of Maui. They expect to get the permit soon, and then they can start the construction of the building. He stated he would get a set of plans for them. J. Dudoit stated the original plans are not being used. S. Matsunaga stated they made a second bid because the cost of the portable exceeded the budget of \$4 million. The permits are in with the County of Maui for review. The project received the Department of Health's approval for the septic and the kitchen facility. J. Dudoit asked if the septic would be separate and not with Laniakea. S. Matsunaga stated that is correct.

Commissioner Kaleikini asked how long it would take to build once the permits were received. S. Matsunaga said the \$4 million had been encumbered, but he does not know how long it will take to receive the materials because it has been taking much longer than usual.

ITEM J-6 Bo Kahui – La'i `Opua

B. Kahui testified as a lessee of La'i `Opua. He is a Board Advisor for Habitat for Humanity. He is speaking on the water project in Kona. He stated they reached a Water Development Agreement and are trying to get the owners of the private land to execute a Memorandum of Agreement. Within the agreement, the Department identified lands the water would serve. Phase 1 would have included a test well, which if proved successful, Phase 2 would be to improve the test well for potable water.

Chair Aila updated everyone that Canary LLC, in the last 2-months, has gone silent. He asked B. Kahui, if he spoke with Canary LLC, the Department would be interested, but right now, the Department is not proceeding and waiting for them to communicate.

B. Kahui stated up until February 2022, they do have an agreement. If they decide to pull the plug on this project, the Department has several options:

- Option 1 – they are in the process of selling this land, and under the sale, he encourages the Department to purchase the land (a) to provide potable water for the development of homes in Kona (b) if purchased, the Department could provide significant opportunities for agriculture in the region

- Option 2 – seek eminent domain

B. Kahui stated they had been advised that it could be done with or without them. He would find other ways to get water for the community through USDA.

He echoed B. Feiteira that the Undivided Interest Award program needs to continue.

ITEM J-7 Abner Nakihei – Honokowai Hawaiian Homestead Association

A. Nakihei stated he advocates for using non-homesteading lands in the Honokowai Master Plan and favors undivided interest for Honokowai and Leiali'i 1B lessees. He wants the Association to submit a land use application, then organizes the prospective lessees to envision plans for using the trust lands. He is happy there are commercial parcels on Hawaiian home lands. He had seen what the Indians did, and he thought Hawaiians can do it too.

Commissioner Awo stated that when A. Nakihei identifies himself as the President of the Honokowai Hawaiian Homestead Association, other lessees and beneficiaries ask how that is possible when awards have not been issued, and lessees have not yet been identified. The term Association is a form of self-governance, and that self-governance does not occur until the lessee receives the award and moves into the neighborhood. They determine how they want to govern their neighborhood and association. A. Nakihei stated he thought that too, but he was told, let's do it and start it now, and when the land becomes available, they can start and vote for a new President. Commissioner Awo expressed that A. Nakihei knows that the lessees will determine the outcome.

ITEM J-8 Kau'ilani Almeida – Panaewa Hawaiian Home Lands Community Association

K. Almeida stated she is checking in as the Panaewa Hawaiian Home Lands Community Association president. In March, Jimbo Kaili, a homesteader, asked if he could do an imu project explained in the Association's April newsletter. He wants to build two imus, one for the community and one solo. They looked at Kamoleao because having an imu is part of the Master Plan. They got an excavator who agreed to volunteer and clear less than half-acre of the Kamoleao project. They only have to pay for his gasoline which a donor will pay for two days of work costing \$2500. She stated there were two obstacles and asked for the Department's help; (1) the operator has to come to the Commission because he cannot just take his machine onto the land without any repercussion. Does the Department need that letter of assurance even though the Association is the co-licensee?

Chair Aila answered the first question stating a simple solution would be to write a letter to the other co-lessee letting them know of your intent and ask if they have any objection. If the letter comes back and they have no objection, the two co-lessees are okay with the activity.

Chair Aila stated the Associations must provide insurance to the Department, which should be sufficient for a temporary 2-days project. He does not believe the Department can guarantee that the other co-licensee will not take adverse action. The Commission/Department does not want to get between co-lessees. If there are no objections, the two co-lessees should already have a current insurance policy with the Department.

She stated the other co-lessee is the financial arm, and they received the MOA money that has been provided for the insurance since 2013. They now owe that kuleana. Chair Aila stated he

would ask Kahana to ask for a copy of the other co-lessees insurance policy, and it should name you as a co-insured because you are a co-lessee, which should be sufficient. K. Albinio noted that the license states that both co-licensees should have the liability insurance in place on file. She stated she was under the impression that the other co-lessee was the financial arm. She understands that the insurance has been taken care of by the other co-lessee because they had the \$30,000 MOA money. PHHLCA does not have that money.

Chair Aila asked K. Albinio if the lease is written that way and that each co-lessee is supposed to provide the Department with an individual insurance policy. K. Albinio stated the license does provide that. Chair added, naming DHHL as an additional insured. Kahana stated correct.

K. Almeida requested the Commission Chair, the East Hawai'i Commissioner, Kahana. Any Commissioner who wants to be invited to the meeting to talk about the legal DHHL MOA, 2013 and 2015 Amended, which has gotten PHHLCA in the position of having two licensees that (1) PHHLCA is a membership organization. The money is given to the other party, which is supposed to be the financial arm. The Board of that organization controls a non-membership organization and the money. She stated the Department in the MOA had given the authority/control for the \$30,000 to the other co-lessee. She stated the Department took \$70,000 in 2012 and gave it to six other Associations.

Chair Aila set the record straight and stated the Department did not want to be in the middle of this. She stated the officers of PHHLCA wanted control over the money, so they created a non-membership organization to accept the money. It was the Association at the time that requested this action.

Chair Aila will ask Kahana for a copy of the agreement and ask the Deputy Attorney to look at it to make a legal determination of what is required of the Commission; not to make a determination of the two parties who entered into this agreement because she does not advise the two parties, she advises the Commission. Then we can have the meeting. K. Almeida asked Kahana for the palapala that states how the other co-lessee became the financial arm.

Commissioner Kaleikini shared that this has been a long-drawn-out. He is pleased that Chair Aila acknowledged having a meeting and would like to participate.

ITEM J-11 Kawika McKeague – Kukulu Kumuhana O Anahola

K. McKeague, Consultant for Group 70, gave a courtesy update on the Ulupono Anahola project. He stated the project is making progress and on schedule with the environmental assessment preparation. He hopes to have a rough draft ready for the Commission's review hopefully in the next month or two and present it to the Commission as early as June and July. There are no issues with resources. However, they are still working on some technical details. He stated all was well.

ITEM J-9 Kuulei Punua – Kukulu Kumuhana O Anahola (unavailable)

ITEM J-10 Rae Nam – Kukulu Kumuhana O Anahola (unavailable)

Chair Aila asked to defer Items D-1, G-3, and G-4 to the next Commission meeting.

MOTION

Moved by Commissioner Kaapu, 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

12:45 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 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

2:03 PM

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING

The next HHC meeting will be held on May 16 & 17, 2022, Monday & Tuesday, Kona, Hawai'i

MOTION/ACTION

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

ADJOURNMENT

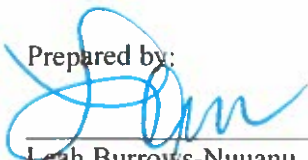
2:03 PM

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