

## **HAWAIIAN HOMES COMMISSION**

Minutes of July 18, 2022

Hale Pono`i, 91-5420 Kapolei Parkway, Kapolei, HI,  
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 12:15 pm)  
Zachary Z. Helm, Moloka`i Commissioner  
Michael L. Kaleikini, East Hawai`i Commissioner  
Russell K. Ka`upu, O`ahu Commissioner  
Pauline N. Namu`o, O`ahu Commissioner (via ICT)  
Dennis L. Neves, Kauai Commissioner (arr 10:47 am)  
Patricia A. Teruya, O`ahu Commissioner  
Vacant, West Hawai`i Commissioner

### **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  
Juan Garcia, Homestead Services Division Administrator  
Cedric Duarte, Information & Community Relations Officer  
Stewart Matsunaga, Acting Land Development Division Administrator  
Paula Ailā, Acting Contact and Awards Division Administrator  
Jamilia Pacheco, Information Specialist  
Michael Lowe, Information Specialist

### **ORDER OF BUSINESS**

#### **CALL TO ORDER**

Chair Ailā called the meeting to order at 9:39 a.m. six (6) members were present at roll call, establishing a quorum. Five (5) in person and one (1) via ICT.

Chair Aila stated public testimony on any item relevant to this agenda might be given at this time, or a testifier may wait to testify when the agenda item is called for discussion. Public testifiers must sign up 24 hours before the meeting via the DHHL website to receive the link. Public testifiers are limited to 3-minutes per person. Pursuant to section 92-3, Hawai`i Revised Statutes, and section 10-2-11(c), Hawai`i Administrative Rules, the Chair of the Commission has the authority to impose reasonable conditions to ensure an orderly and efficient meeting.

Chair Aila stated agenda Items F-5, C-6 and C-3 were uploaded and distributed over the weekend. The Commission will recess around noon for 30-minutes for lunch, then convene in an executive session for 30-minutes. Tonight`s Community meeting is held at Stevenson Middle School Cafeteria at 6:30 p.m.

Pursuant to Act 220, Commissioners Teruya, Helm, Ka`upu, and Kaleikini, are present, along with two more Commissioners joining the meeting in person. Commissioner Namu`o is on via ICT. The Board shall be visible and audible to members and the public. No other participants are required to be visible during the meeting. All votes shall be unanimous unless the Commission goes to roll call.

For those participants online, starting with this Commission meeting, public testimony can occur at the beginning of the agenda or at the time the item is being discussed.

## **APPROVAL OF AGENDA**

### MOTION/ACTION

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

## **APPROVAL OF MINUTES JUNE 20 & 21, 2022, REGULAR MEETING**

### MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Helm, to approve the June 20 & 21, 2022 Minutes. Motion carried unanimously.

## **PUBLIC TESTIMONY ON AGENDIZED ITEMS**

### **PT-1 Tiare Swann and Holi Morrisita – Item D-8**

H. Morrisita requested the Commission hold off the approval of the assignment of the lease to Kaimana Swann-Merritt till tomorrow as they will be addressing the Commission on the designation of successorship for the same property. They will be presenting their testimony on the J-Agenda.

Commissioner Teruya asked what property it was. T. Swann stated it was Lot 11, Keaulana Avenue in Nanakuli.

### **PT-2 Blossom Feiteira – Various Items**

B. Feiteira asked that the Commission support the acquisition of the lands in Kaupea, Item E-1. She testified in support of Item E-2 for the Draft Environmental Assessment for Pu`unani Homestead Subdivision. Support Item F-2, particularly Items F-4 and F-5 relating to Hawaiian Telcom needing the Right of Entry and the licenses to continue the wiring for the communities. Support Items G-1 and G-2.

### **PT-3 Teresa Healey-Mortensen – Item G-2**

T. Healey-Mortensen testified in support of Item G-2 for the Keokea Homestead Farm Lots Association Community Center's Finding of No Significant Impact. She announced that Pa`upena Community Development Corporation hired her as a Project Manager for the OHA-funded Project Mahiai. She also testified in support of Item E-2, the Pu`unani Homestead Subdivision Water System Storage Improvements in Waikapu.

**PT-4 Kekoa Enomoto – Item G-1**

K. Enomoto testified in favor of Item G-1, the Malama Cultural Park Special Area Plan in Kaunakakai, Moloka`i. She endorsed the Sovereign Council of Hawaiian Homestead Associations (SCHHA) as the Cultural Park manager. She testified that Pa`upena Community Development Corporation seeks to manage the 5,057 acres Waiohuli/Keokea tract. She testified that Aina Archaeology would provide a Draft Archaeological Survey to fulfill Pa`upena’s 2-year due diligence right of entry on 127 acres of the 5,057 acres. The Pa`upena Board requested the Department’s Land Management Division be transparent in their discussion of land use matters, the dividing and leasing of the 5,057 acres. She also stated their support in the beneficiary management of all the Hawaiian Homes Commission Act federal trust lands.

**PT-5 Kapolei Keali`i – Various Items**

K. Keali`i supported undivided interest lessee designations. Regarding Item C-3, Act 279, she is hopeful it will help move her up on the waitlist from 3,096 to a homestead. Regarding Item E-2 Draft Environmental Assessment and the Anticipated (FONSI) for the Pu`unani Homestead Subdivision Water System Storage Improvements in Waikapu, she welcomes forward movement.

**PT-6 Debbie Mahuna – Item E-2**

D. Mahuna testified in support of Item E-2. Despite the delays, the Pu`unani Hawaiian Homestead Association thanked Stewart Matsunaga, his staff, and Darin Okimoto of the Dowling Company

**ITEMS FOR DECISION MAKING**

**CONSENT AGENDA**

**HOMESTEAD SERVICES DIVISION**

- ITEM D-2 Approval of Consent to Mortgage (see exhibit)**
- ITEM D-3 Approval of Streamline Refinance of Loans (see exhibit)**
- ITEM D-4 Approval of Homestead Application Transfers / Cancellations (see exhibits)**
- ITEM D-5 Commission Destination of Successors to Application Rights – Public Notice 2014 & 20221 (see exhibit)**
- ITEM D-6 Approval to Certify Applications of Qualified Applicants for the Month of June 2022 (see exhibit)**
- ITEM D-7 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)**
- ITEM D-8 Approval of Assignment of Leasehold Interest (see exhibit)**
- ITEM D-9 Approval of Amendment of Leasehold Interest (see exhibit)**
- ITEM D-10 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)**

**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 Aila noted the removal of Item D-8, No. 12, to be taken up following the J Agenda.

Note: Commissioner Helm recused himself from voting.

MOTION

Moved by Commissioner Kaleikini, seconded by Commissioner Kaupu, to approve the Consent Agenda, minus Item D-8, No. 12.

DISCUSSION

Commission Teruya asked about Item D-8, No. 19. J. Garcia stated Mr. Scheidt asked to transfer the lease to his mother. He explained that a beneficiary could hold a residential lease and be on an agricultural or pastoral waitlist.

Acting Homestead District Supervisor Ross Kana`i Kapeliela stated that the Island of O`ahu, due to land constraints, is the only island one can have an ag or a residential award, but one cannot have both. If one has a residential lease and comes up for an ag award, that person has to choose one. On the other islands, a lessee can simultaneously hold a residential and an ag or pastoral lease. A beneficiary cannot have two residential units, for example, a house on a residential lot and one on an agricultural lot at the same time.

Commissioner Helm asked if one has a residential lease on O`ahu and applied for an ag lease on another island, is it acceptable. K. Kapeliela stated the rule mandates that the ag or pastoral has to be on the same island as the residence is.

Commissioner Ka`upu asked if beneficiaries are passing on their leasehold interest and if they automatically go back on the list. J. Garcia stated not automatically; they would have to reapply and go through the process and go to the bottom of the list. Commissioner Ka`upu asked that this be in the workshop.

ACTION

Moved by Commissioner Kaleikini, seconded by Commissioner Ka`upu, to approve the Consent Agenda minus Item D-8, No. 12.						
Commissioner	1	2	`AE (YES)	A`OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo						X late
Commissioner Helm					Recused	
Commissioner Kaleikini	X		X			
Commissioner Ka`upu		X	X			
Commissioner Namu`o			X			
Commissioner Neves						X late
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			5		1	2
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Five (5) Yes votes, one (1) recusal						

**REGULAR AGENDA**

**LAND DEVELOPMENT DIVISION**

**ITEM E-1 Approval of Memorandum of Understanding between Hawai`i Housing and Finance Development Corporation (HHFDC) and Department of Hawaiian Home Lands for the Acquisition of Property within the Villages of Kapolei Village 8, identified as Tax Map Key No. (1) 9-1-140:159**

RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Stewart Matsunaga presented the following: Motion that the Hawaiian Homes Commission approve the Memorandum of Understanding between Hawai`i Housing and Finance Development Corporation and the Department of Hawaiian Home Lands for the Acquisition of Property within the Villages of Kapolei Village 8, identified as Tax Map Key No. (1) 9-1-140:159

MOTION

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

DISCUSSION

Chair Aila stated the Kaupea Board supported the Memorandum of Understanding to make the purchase and testified in support at the HHFDC Board meeting.

Commissioner Ka`upu asked about the expected development fee of \$9 million. S. Matsunaga stated it would be for the acquisition of the land. HHFDC originally offered \$9 million, but the Department was able to reduce that to \$8.25 million.

Commissioner Teruya asked if there was going to be a park. S. Matsunaga stated there was a park proposed under the original HHFDC plans. However, HHFDC and the Villages of the Kapolei Association (VOKA) worked out that the improvements at the VOKA Center were adequate for the region. The primary purpose is to homestead that area to the maximum extent possible.

ACTION

Moved by Commissioner Kaleikini, seconded by Commissioner Ka`upu, 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 Kaleikini	X		X			
Commissioner Ka`upu		X	X			
Commissioner Namu`o			X			
Commissioner Neves						X late
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			6			2
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Six (6) Yes votes.						

**LAND MANAGEMENT DIVISION**

**ITEM F-1 Approval to Issue a Right of Entry, Prometheus Construction, Puowaina, Punchbowl, O`ahu, TMK: (1) 2-2005:035 (por.)**

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio and Land Agent Shelly Carreira presented the following:

Motion that the Hawaiian Homes Commission approve the Issuance of a Right of Entry to Prometheus Construction, Puowaina, Punchbowl, O`ahu, TMK (1) 2-2005:035 (por.)

S. Carreira stated Prometheus Construction is using it as a base yard during their construction period. K. Albinio stated it is for a year with an additional 4-months extension if necessary.

MOTION /ACTION

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

Moved by Commissioner Kaleikini, seconded by Commissioner Ka`upu, 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 Kaleikini	X		X			
Commissioner Ka`upu		X	X			
Commissioner Namu`o			X			
Commissioner Neves						X late
Commissioner Teruya			X			
Chairman Aila			X			
<b>TOTAL VOTE COUNT</b>			<b>6</b>			<b>2</b>
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Six (6) Yes votes.						

**ITEM F-2 Approval to First Amendment to License Agreement No. 559, Papakolea Community Development Corporation (PCDC), Papakolea, O`ahu, TMK: (1) 2-2- 015:025**

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio and Land Agent Shelly Carreira presented the following:

Motion that the Hawaiian Homes Commission approve the First Amendment to License Agreement No. 559, Papakolea Community Development Corporation (PCDC), Papakolea, O`ahu TMK (1) 2-2015:025

MOTION

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

S. Carreira stated that PCDC requests an extension for 20 years commencing July 23, 2022, and terminating on July 22, 2042.

DISCUSSION

Lilia Kapuniaia, PCDC Executive Director, stated the Association’s support for Puowaina and thanked the Commission for the Right of Entry. Regarding License Agreement No. 559, the kupuna has desired to keep the Center within the community.

Commissioner Teruya asked if PCDC received GIA for their 2021 program. L. Kapuniaia stated they did not but have been blessed with receiving federal dollars.

Commissioner Ka`upu commented and commended Shelly on all the letters from partners, vendors, and sports teams attached to the submittal.

Commissioner Namu`o expressed her strong support for this recommendation.

Note: Commissioner Neves arrived at 10:47 a.m.

ACTION

Moved by Commissioner Helm, seconded by Commissioner Ka`upu, 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		X			
Commissioner Kaleikini			X			
Commissioner Ka`upu		X	X			
Commissioner Namu`o			X			
Commissioner Neves			X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			7			1
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes.						

**ITEM F-3 Approval to Request Surrender of General Lease No. 152, Aloha Veterinary Center, Inc., A Hawai`i Corporation, Kaei Hana Industrial Subdivision, South Hilo Island of Hawai`i, TMK (3) 2-2-060:045**

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio and Land Agent Mark Yim presented the following:

Motion that the Hawaiian Homes Commission approve the Request Surrender of General Lease No. 152, Aloha Veterinary Center, Inc., A Hawai`i Corporation, Kaei Hana Industrial Subdivision, South Hilo Island of Hawai`i, TMK (3) 2-2-060:045.

MOTION

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

DISCUSSION

M. Yim stated the general lease is set to expire in 2024. The lessee vacated the building over a year ago but has been paying the ground rent. The lessee has moved forward and decided to surrender the property to the Department.

Commissioner Kaleikini asked what the Department’s plan for this location was. M. Yim stated the Department was just notified within the last 60-days. Currently, the Department does not have a disposition in place but processing to bring it back into inventory. He stated the structure on the land is dilapidated, and the Department is looking into the best course, to try and rehabilitate the existing structure, which was built in 1969 or demolish it and offer it as a vacant parcel.

ACTION

Moved by Commissioner Teruya, 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 late
Commissioner Helm			X			
Commissioner Kaleikini		X	X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves			X			
Commissioner Teruya	X		X			
Chairman Aila			X			
TOTAL VOTE COUNT			7			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes.						

**ITEM F-4 Approval to Second Amendment to Right of Entry No. 704, Hawaiian Telcom, Inc., Portions of Various Tax Map Keys, Islands of Kaua`i, O`ahu, Moloka`i, Maui, Hawai`i, State of Hawai`i**

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio and Land Agent Shelly Carreira presented the following:

Motion that the Hawaiian Homes Commission approve the Second Amendment to Right of Entry No. 704, Hawaiian Telcom, Inc., Portions of Various Tax Map Keys, Islands of Kaua`i, O`ahu, Moloka`i, Maui, Hawai`i, State of Hawai`i

S. Carreira stated the purpose is to amend the term and extend it for an additional 12-month period commencing on September 3, 2022, and termination depends on the license negotiations.

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 late
Commissioner Helm		X	X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves			X			
Commissioner Teruya	X		X			
Chairman Aila			X			
TOTAL VOTE COUNT			7			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes.						

Chair Aila deferred Item F-5 to after the executive session.

**RECESS** **10:57 AM**  
**RECONVENED** **11:16 AM**

**PLANNING OFFICE**

**ITEM G-1 Approval of the Malama Cultural Park Special Area Plan, Kaunakakai, Moloka`i**

RECOMMENDED MOTION/ACTION

Acting Planning Manager Andrew Choy and Planner Pearlyn Fukuba presented the following: Motion that the Hawaiian Homes Commission approve the Malama Cultural Park Special Area Plan, Kaunakakai, Moloka`i, 2022 as exhibit A, then authorize dissemination of the plan.

MOTION

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

P. Fukuba introduced Kawika McCabe of Group 70. She stated the draft plan was presented to the Commission in April. K. McCabe presented the PowerPoint of the Malama Cultural Park Final Special Area Plan.

- Focus is on wahi pana (ancestral place, the rhythm, the pulse) of the community because of the unique cultural and natural resources present within the area
- The plan will guide the issuance of land dispositions for non-homesteading uses
- Identify opportunities to leverage resources and long-term collaborations
- Develop goals and strategies based upon beneficiary consultation
- Align with DHHL Moloka`i Island Plan and Regional Plan and other applicable Beneficiary Consultation Key Outcomes:
- No concerns with the overall management goals and strategies as shown in the Draft SAP
- Verification of management structure as discussed in Draft SAP

- Concern with the organizational capacity to manage the park space. Entities may not have the necessary expertise in park management and maintenance. An option to hire a 3<sup>rd</sup> party vendor for routine maintenance should be considered
- Future meetings with beneficiaries should be held as part of the disposition process
- Four zones, the canoe zone, the wetlands, Malama Platform, and the community zone Five Management Goals
- Maintain the park to serve as a special place for the community and across generations
- Protect, restore, and maintain habitat for native plants and animals
- Protect and perpetuate cultural knowledge resources and practices
- Generate opportunities for community economic development
- Provide opportunities for place-based educational programs

## DISCUSSION

Commissioner Neves asked if there were any environmental issues and who was the culprit of the issues. K. McCabe stated there is exposure to the park seepage relevant to Chevron, who is working with the Department of Health (DOH) through their process. They are working on an agreed methodology to determine the extent of the contamination in the park. Group 70 has had meetings with the Department of Health, who assured DHHL that it is safe to access the park and do passive activities that do not involve disturbing ground activities. However, any ground disturbing activities may require; (1) communication and coordination with DHHL and the DOH and (2) the development of a construction environmental hazard management plan. K. McCabe stated that it is safe for surface-level activities as he understands it from the Department of Health.

Commissioner Neves stated his concern is once you dig in the ground near any fueling facility, that is some expensive remediation. His concern is possible health hazards without remediation. He would like to see the report a little cleaner. The Department must ensure that Chevron is committed to the clean-up if there is a problem.

Commissioner Teruya asked if Chevron had some kind of leakage that went to the proposed property. P. Fukuba stated there was leakage in the pipes and how the drainage runs; a portion of the park experienced some contamination. Commissioner Teruya asked how far away Chevron was from the park and how many years Chevron was there. P. Fukuba stated the leakage occurred 50 years or more ago. The Department talked with Chevron and DOH, who have done recent testing on the proposed area and did not find anything significant. Chevron is still active.

Chair Aila stated Chevron provides the fuel for the power plant that provides the electricity, so it is a major necessity.

Commissioner Neves stated that whoever is going to do the study must dig deep wells because the plumes can rise easily. Chair Aila stated his understanding is that the Department of Health is working with Chevron to identify the extent of the plume. They are monitoring, and once they identify the extent of the plume, it becomes how to mitigate it. The Department should continue to advocate for regular reports on the monitoring. It should be part of the plan to make sure that the Department is included in any discussions going forward with DOH and Chevron.

Commissioner Helm stated the park is open, and people are using it. He stated they were aware of the contamination and wanted to protect. He does not think the plan was to develop any more than what it is now.

Commissioner Ka`upu asked if it is approved, who will it be shared with? A. Choy stated when the Commission approves the plan, the Department can post the plan on the DHHL website as the final plan. Commissioner Ka`upu stated you got to have one chief regarding the management. Somebody has to be able to resolve the cross usage or how they affect each other; otherwise, it will just come back to the Department.

Commissioner Teruya stated the parks taken over by the City are not maintained well. What is the cost of the maintenance of a park to the Department? She looks forward to furthering the discussion.

**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 late
Commissioner Helm		X	X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves			X			
Commissioner Teruya	X		X			
Chairman Aila			X			
TOTAL VOTE COUNT			7			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes.						

**ITEMS FOR INFORMATION/DISCUSSION**

**GENERAL AGENDA**

**OFFICE OF THE CHAIRMAN**

**ITEM C-1 For Information Only – Draft 2022 Annual Performance Report (APR) – Native Hawaiian Housing Block Grant**

**RECOMMENDED MOTION/ACTION**

None. For Information Only. NAHASDA Manager Lehua Kinilau-Cano presented the following: What she presented to the Commission was the Draft Annual Performance Report covering July 1, 2021, to June 30, 2022. There was one difference between what was submitted to the actual. The chart shows the Department is about where it has been for the last three fiscal years. Still, there will be an abbreviated annual performance report for the \$5 million for the Rescue Funds used for rental assistance and the \$5 million in the State Funds. A \$15,028 expenditure in Planning and Administration should be in this fiscal year, not the last fiscal year. NAHASDA has met or exceeded its budget expectations.

**DISCUSSION**

Commissioner Neves asked about the Housing Conversion if it is a single house or multiple units. L. Kinilau-Cano stated it is multiple units in Kalaeloa that were used by the military. She stated

the Department would not do anything to the outside to make it livable. She stated they would be going out for consultation this next month. He asked how many units. She thinks it is about 20 units.

Commissioner Helm asked how a beneficiary can apply for home replacement assistance. She stated they go through NAHASDA. The initial step is to determine income eligibility because if they are over the income limit, NAHASDA cannot assist them. If they qualify, they are walked through the next step. If it is a home repair, they can qualify for up to \$100,000. She stated it is for the older homesteads.

Commissioner Ka`upu asked if the Department could put together a brochure or website with the specific programs the beneficiaries might be interested in and information to call and ask whether they qualify. He wondered if it was a concern that the Department would get run over if advertised. L. Kinilau-Cano stated that is part of the concern because the Commission's preference has been for applicants. Lessees have had the opportunity of a homestead, and now the Department is giving them resources for home repair or replacement. How much is the kuleana of the lessee to maintain their home?

Commissioner Teruya stated she sees homes where the roofs are tarped. How can they comply or have insurance coverage? Chair Aila stated that insurance is required as part of the mortgage. Once the loan is paid off, there is no requirement for insurance.

Commissioner Awo arrived around noon.

Commissioner Awo asked L. Kinilau-Cano what it might look like relating to a feasibility study for enforcement. She stated she had a brief conversation with B. Feiteira addressing the criminal activities and not wanting to incarcerate its beneficiaries but looking into crime diversion programs. The feasibility study is looking to utilize the Division of Conservation and Resources Enforcement's (DOCARE) authority. He stated that DOCARE's mission is tied to DLNR lands. He would like to have discussions with the Sheriff's Department as he sees this as being a Sheriff driven initiative. He would like to see how they might help the Department create a more effective unit to address the unique situations within DLNR.

## **PUBLIC TESTIMONY**

### **ITEM PT-2 BLOSSOM FEITEIRA continued on ITEM C-1**

B. Feiteira asked if NAHASDA would be able to deploy funding for the development of a feasibility study relating to compliance and enforcement. Identifying the unique needs of various communities is as important as having an authorized statutory body within the Department of Hawaiian Home Lands. The Sheriff and the Police Department may have a role in assisting our beneficiaries on the homesteads. Still, she believes the Department and its beneficiaries deserve a law enforcement entity that can cater to and address its unique needs on the homestead lands. She believes NAHASDA can play a significant role in defining that and that the Department should try again to submit a Legislative proposal to establish a compliance and enforcement division within the Department of Hawaiian Home Lands. She stated she is in support of Item C-1.

L. Kinilau-Cano stated she would look closely at the Violence Against Women Act to see what areas of domestic violence NAHASDA can potentially improve.

MOTION

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

**EXECUTIVE SESSION IN**

**12:23 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. Motion carried unanimously.

1. Update on issues related to Telecommunications and Broadband services on Hawaiian Home Lands

**EXECUTIVE SESSION OUT**

**1:36 pm**

**ITEMS FOR DECISION MAKING**

**REGULAR AGENDA**

**LAND MANAGEMENT DIVISION**

**ITEM F-5      Approval to Issue a Right of Entry to Hawaiian Telcom, Inc., Portions of Various Tax Map Keys, Islands of Lanai, Moloka`i, O`ahu, Hawai`i, Maui, State of Hawai`i**

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 Hawaiian Telcom, Inc., Portions of Various Tax Map Keys, Islands of Lanai, Moloka`i, O`ahu, Hawai`i, Maui, State of Hawai`i

MOTION

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

Executive Assistant Jobie Masagatani introduced Dan Nasutomi of Hawaiian Telcom. She stated a couple of highlights on the recommended motion:

1. The authorization to the Chairman to establish the fee. The fiber will bring opportunities to homestead communities via gratis or a nominal price.
2. Delegate authority to the Chairman to finalize the list of properties to be included as an exhibit to this ROE and to amend the ROE exhibits from time to time to include other DHHL subdivisions that may be added as Fioptric expansion opportunities become available statewide.

DISCUSSION

Commissioner Neves stated he supports a nominal fee and agrees to leave the decision to the Chairman. He stated the Commission needs to ensure it stays responsible to the Trust.

Commissioner Kaleikini agreed with Commissioner Neves that Hawaiian Telcom is providing a benefit to the beneficiaries, but also, the beneficiaries will have to pay for services.

Commissioner Awo supports what both Commissioners Neves and Kaleikini said. There is a benefit to Hawaiian Telcom as a business venture that should be reflected in what the Department charges them to support our beneficiaries.

J. Masagatani asked D. Nasutomi about other properties like Hilo or Waimea and the plans for those jurisdictions. He stated Hawaiian Telcom is on an aggressive fiber build over the next 5-years, and the areas that are not hit today, Hawaiian Telcom will be hitting in the next 5-years. In 3 years, Hawaiian Telcom will be in 70% of the addresses in Hawai'i, and at 99% of the addresses in 5 years with fiber.

ACTION

Moved by Commissioner Neves, 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 Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Eight (8) Yes votes.						

**PLANNING OFFICE**

**ITEM G-2      Declare a Finding of No Significant Impact (FONSI) for the Keokea Homestead Farm Lots Association Community Center Final Environmental Assessment, TMK (2) 2-2-032:067 & 068, Keokea Ahupua`a, Makawao, Maui**

RECOMMENDED MOTION/ACTION

Planning Manager Andrew Choy presented the following:  
Motion that the Hawaiian Homes Commission declares a Finding of No Significant Impact (FONSI) for the Keokea Homestead Farm Lots Association (KHFLA) Community Center Final Environmental Assessment, TMK (2) 2-2-032:067 & 068, Keokea Ahupua`a, Makawao, Maui

A. Choy introduced Alike Akana from KHFLA and Vincent Shigekuna of PBR, who did the environmental assessment. The draft assessment was presented to the Commission in April and is before the Commission today for approval.

A. Akana stated there are about 70 acres in the Keokea farm lots that are unsuitable for farming. Kiewit flattened the area and has used it as their base yard there. In 2010 he and his wife received the ROE and put together a plan inclusive of education, kupuna care, a health center, and a community association gathering place.

V. Shigekuna briefed the Commission on the PowerPoint for Proposed Keokea Homestead Farm Lots Association Mater Plan. Final HRS 343 Environmental Assessment (EA) Presentation to the Hawaiian Homes Commission, July 14, 2022.

- Located in Keokea adjoining Kula Highway
- Kaahumanu Street separates the two parcels which comprise the project site
- The designation of land use is agriculture
- In 2013 KHFLA was granted a Right of Entry permit for 69 acres to be used for agricultural, pastoral, limited commercial, and stewardship.
- In 2016, KHFLA submitted a land use request to the Department for a long-term License and their 10-Year Vision Plan for the 69-acre site (the Keokea Master Plan 10-Year)
- Beneficiaries were surveyed in 2020-2021 to confirm if any aspects of the Plan needed to be updated
- KHFLA developed a website (StoryMap) and surveyed again in 2022
- Technical studies were prepared to support the Master Plan and the EA: Archaeological Literature review and field inspection, Cultural Impact Assessment, Preliminary Engineering and Drainage Report, Traffic Impact Analysis Report, and a ROM Cost Estimate.

A. Choy stated that ten comments were received from agencies and private individuals during the 30-day comment period. The Draft Environment Assessment lacks information regarding the project’s water demand, clarification on the water source, and DHHL’s rights/approvals to water needed. The potable water needs will be serviced by the County System. Non-potable demands will be serviced by rain catchments and rain barrels.

MOTION/ACTION

Moved by Commissioner Neves, 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 Kaleikini		X	X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Eight (8) Yes votes.						

## ITEMS FOR INFORMATION/DISCUSSION

### GENERAL AGENDA

#### OFFICE OF THE CHAIRMAN

#### ITEM C-2 For Information Only – Legislative Proposals for 2023

##### RECOMMENDED MOTION/ACTION

None. For Information Only. Legislative Analyst Lehua Kinilau-Cano and NAHASDA Government Relations Program Specialist Oriana Leao presented the following:

O. Leao stated suggestions will be collected until August 1, 2022. Requests for Legislative action would be through the form attached. The information and form will be posted on the DHHL website.

##### DISCUSSION

Commissioner Ka`upu asked if there would be carryovers or will we be starting from scratch. L. Kinilau-Cano stated this is a new biennium, and with the elections, many seats are open; this is an opportunity to look at everything. He asked if older items needed to be brought back by filling in the form for something that is a good idea and wants back. She stated they usually go back and look at past packages and see if there is support. Chair Aila stated he has a suggestion that they can start working on; the addition of the 1-year to the 2-year plan for the \$600 million. She stated that she was on a call with a Senator, and the Senator's feedback was the Department not come back with that until 2024. His reason is that the Chairman and the Deputy for Hawaiian Homes must be confirmed, and he would rather defend that position and bring up the additional year in 2024. She stated they are considering his suggestion.

Chair Aila asked when does the draft come before the Commission. She stated August and approval in September. Chair Aila stated he will still be the Chairman.

Commissioner Helm asked about pushing for an enforcement team and if it is something she can push even without the support he thinks there should be. She stated it was already submitted as she took Blossom Feitera's suggestion for the record.

Commissioner Neves suggested getting that enforcement request in and having all the Commissioners sign it to inform the Governor that this is really important. Chair Aila stated that if that is the Commission's feeling, we should move forward.

Commissioner Awo reiterated why an enforcement unit specific to the Department's unique mission is necessary. Commissioner Helm stated it would eliminate a lot of contested cases.

Commissioner Namu`o stated she supports the requests for the law enforcement arm. She also stated the Commission needs a voice on the Water Commission. She asked that it be passed on the Oriana or sent her the form. Chair Aila stated he thinks there will be a new Chairman at the Department of Land and Natural Resources. L. Kinilau-Cano stated they usually work closely with Andrew and Jonathan on the water issues as they are the experts.

## **HOMESTEAD SERVICES DIVISION**

### **ITEM D-1 HSD Status Reports**

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

### DISCUSSION

None.

## **OFFICE OF THE CHAIRMAN**

### **ITEM C-3 Report of the Act 279 (f.k.a. “Waitlist Reduction Act” HB2511 HD2 SD2 CD1) Permitted Interaction Group**

### RECOMMENDED MOTION/ACTION

None. For Information Only. Executive Assistant Jobie Masagatani presented the following: J. Masagatani stated what was formally known as HB2511 HD2 SD2 CD1, the Waitlist Reduction Act is now Act 279, the \$600 million Permitted Interaction Group. The report is from the Permitted Interaction Group.

A. Choy gave the Commissioners an overview of the strategic approach to how the group will implement Act 279. He stated that based on information collected during the 2020 applicant survey, respondents identified two primary areas, which were (1) homeownership opportunities and (2) rental opportunities. The majority of the applicants wanted homeownership opportunities. The PIG crafted several policy considerations to guide the allocation of the number of resources given to the Department by the Legislature. The policy points are to keep the Department grounded and framed. The Policy Considerations begin on page 3 of the submittal:

1. The majority of resources provided under Act 279 should go to homeownership activities rather than rental activities
2. Resources provided for homeownership activities should prioritize new homestead lot development
3. Prioritization of homestead lot development projects should be based upon: (1) timing/position in DHHL “production pipeline,” (2) Priority areas for new homestead development identified in DHHL Island Plans; (3) Waitlist demand on each island.

#### Homeownership Opportunities

1. New lot development – identified by County
2. Real estate acquisition – identified by County
3. Homeownership individual assistance program preliminary considerations – statewide initiatives and organized by program type

The Preliminary Strategic Approach to Implement Act 279 of 2022, July 2022, can be found on the DHHL website’s Commission Minutes.

### DISCUSSION

Commissioner Teruya asked about the Maili Development, and the Ewa Beach 600-lots. A. Choy referenced the Voice of America project and the Pacific Tsunami Warning Center. The Department completed the transaction with the federal government to receive the lots; the 600 lots is a preliminary estimate.

Commissioner Awo asked if the down payment assistance for fee simple is being considered. J. Masagatani stated it is looking more to support beneficiaries trying to get on to the homelands.

#### MOTION

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

#### **EXECUTIVE SESSION IN**

**2:45 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. Motion carried unanimously.

1. Update on issues related to Telecommunications and Broadband services on Hawaiian Home Lands

#### **EXECUTIVE SESSION OUT**

**3:50 PM**

#### **PUBLIC TESTIMONY**

##### **PT-2 Blossom Feiteira, Item C-3**

B. Feiteira stated that she is one of the founders of Hawai'i Community Assets. One of the barriers they have faced is the inability to contact the beneficiaries on the waitlist. The Department has stated that contact information for the applicants is confidential, and it is up to them to do it on their own. When the Department contacts and contracts with vendors who assist beneficiaries on the waitlist who are anticipating an award, if the Department can make it a condition of the contract and provide the vendor with access to the beneficiaries' contact information. Also, loan funds for construction are rare in Hawai'i, and if there is an opportunity for the Department to set aside a portion of the funds and establish a construction loan program. She stated a more efficient way to help beneficiaries become successful is to utilize existing tools in the lending industry. One way she mentioned is to buy down the interest rate. She stated rentals on Hawaiian home lands should be done in the transitional process from rental to homeownership.

#### **LAND DEVELOPMENT DIVISION**

##### **ITEM E-2 For Information Only – Draft Environmental Assessment and Anticipated Finding of No Significant Impact Determination for the Pu'unani Homestead Subdivision Water System Storage Improvements Waikapu, District of Wailuku, Maui Island TMK (2) 3-5-002:003 (por.)**

#### RECOMMENDED MOTION/ACTION

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

S. Matsunaga presented a PowerPoint on the Pu'unani Homestead Water System Storage Draft Environmental Assessment to update the Commission.

- Currently under design

- Half million-gallon concrete water storage water tank
- Not anticipated to have a significant impact on the surrounding environment
- The next step is to publish the Draft Environment Assessment
- Secure the FONSI
- Anticipated timeline (subject to change)
- Dedicated back to the County

#### DISCUSSION

Commissioner Awo understood that it would be dedicated to the County. Would the tank be sufficient for additional homes? S. Matsunaga stated that is correct. The primary action is up to 500,000 gallons which is more than adequate for the 161 lots.

#### **ITEM E-3 For Information Only – Papakolea and Isenberg Project Updates**

##### RECOMMENDED MOTION/ACTION

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

S. Matsunaga, Kehaulani Quartero, and Darrell Ing presented the PowerPoint for the Papakolea and Isenberg Project Updates. S. Matsunaga stated they would share the slide presentation at the Community meeting in Papakolea.

- Upgrade the sewer improvements to comply with the City and County standards so it can have the ownership and maintenance of the sewer system. Act 227 transfers the obligation over to the City and County.
- Phase 1 is completed, and the total cost was \$13 million
- Phase 2 proposal is estimated to cost \$45 million

Chair Aila asked Kehaulani if the contractor could provide how they would put the soil nails in and get that to Commissioner Ka`upu.

D. Ing presented the update on the Isenberg project.

- The developer is Stanford Carr
- Construction begins in late 2022
- Construction should be completed in 2024
- 3-6 months before the end of the construction, the offer of the rental units to the beneficiaries

## **WORKSHOPS**

### **PLANNING OFFICE**

#### **ITEM G-3 For Information Only – DHHL General Plan Update Draft Plan**

##### RECOMMENDED MOTION/ACTION

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

He introduced Jarrett Chang from SSFM, the Lead Consultant who helped with the DHHL General Plan.

- The beneficiary review draft of the General Plan is now available
- The comment period is open from now until September 21, 2022

- The beneficiary consultation meeting is planned for August General Plan Update
- Set the Vision and Policies to guide the Hawaiian Home Lands Trust and DHHL programs, policies, and plans for the next 20 years
- Meet the minimum requirements established in the Hawai`i Administrative Rules 10-4-55
- Create an innovative and pragmatic plan that will be used by DHHL staff, Hawaiian Homes Commissioners, beneficiaries, and decision-makers
- Identify the measures of success to assess progress toward the Vision and Goals Beneficiary Consultations
- Two rounds of virtual meetings
- Online open house for each round
- Meeting recordings are available online

### DISCUSSION

Commissioner Awo emphasized that the General Plan is foundational and still evolving.

Commissioner Ka`upu asked if the acknowledgment of the two former Chairs on pages 1-i was intentional. A. Choy stated they talked to former Chair Soon and former Chair Nahale`a. He asked about the land use designation on page 23. He thought the commercial was split in two, the one that generates revenue versus the one that is a community in nature where opportunities are opened to the beneficiaries. A. Choy stated that was a subject that a lot of time was spent on. It was left, at this time, in the community use because the community use area was inclusive of their use like Kapolei Community Development Corporation. Areas where communities articulate what they want to do on these parcels. Commissioner Ka`upu stated he thinks it should be beneficiary commercial and beneficiary industrial. A. Choy stated they did not address individual opportunities for individual beneficiaries for economical use of DHHL lands. That is something to discuss further during comments on the draft plan.

Commissioner Helm stated it was important to add climate change as part of the General Plan along with Water Management Resource and the mandate for removing cesspools and having a different type of waste management for their homestead.

Chair Aila stated Items G-4 and G-5 and Item D-8 No. 12 would be deferred to tomorrow.

**RECESS**

**5:16 PM**

**HAWAIIAN HOMES COMMISSION**  
Minutes of July 19, 2022  
Hale Pono`i, 91-5420 Kapolei Parkway, Kapolei, HI,  
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  
Zachary Z. Helm, Moloka`i Commissioner  
Michael L. Kaleikini, East Hawai`i Commissioner  
Russell K. Ka`upu, O`ahu Commissioner  
Pauline N. Namu`o, O`ahu Commissioner (via ICT)  
Dennis L. Neves, Kauai Commissioner  
Patricia A. Teruya, O`ahu Commissioner  
Vacant Seat, West Hawai`i Commissioner

**COUNSEL** Katie Lambert, Deputy AG (via ICT)

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

**ORDER OF BUSINESS**

**CALL TO ORDER**

Chair Ailā called the meeting to order at 9:34 a.m. nine (9) members were present at roll call.

For those participants online, starting with this Commission meeting, public testimony can occur at the beginning of the agenda or at the time the item is being discussed. Virtual public testifiers must sign up 24 hours before the meeting via the DHHL website to receive the link. Public testimony must be on an agenda item and is limited to 3-minutes per person.

**APPROVAL OF MINUTES JUNE 14, 2022, BUDGET WORKSHOP MINUTES**

**MOTION/ACTION**

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve the June 14, 2022 Minutes. Motion carried unanimously.

Chair Aila noted that Item D-8 No. 12 and Items G-4 and G-5 were carried over from yesterday's Agenda.

## **PUBLIC TESTIMONY ON AGENDIZED ITEMS**

### **PT-1 Kona Jugoz – Item J-4**

K. Jugoz, President of the Princess Kahanu Association, asked the Department to help get speed humps. There is a severe problem of people speeding. They've been asking since 2016 for speed humps.

Donnie Holokai showed pictures of his home, which a drunk driver hit at 2:00 a.m. one morning. His home and his car were damaged. What does it take for Hawaiian Homes to do something?

Chair Aila stated the other communities that are in the process of implementing traffic calming measures have gone to the Legislature or have had their Legislators appropriate the money for the traffic calming devices. He has not spoken with either K. Jugoz or D. Holokai, so he advised them to get their Legislators to add money to the Department's budget. The Department would have to work with the County and build the humps to the County standards.

Acting Land Development Division Administrator Stewart Matsunaga stated they have a design contract for the Princess Kahanu Estate, and he will follow up on that. Chair Aila asked if the Department had the money for the construction. S. Matsunaga stated that DHHL exhausted the funding that the Legislature provided. Additional funds should be sought from the Legislature. Chair Aila stated the Department could let the Association know who their elected official will be so the Association can start contacting them.

Commissioner Teruya stated that they work directly with the Senators and Legislature in submitting their Capital Improvement Program (CIP) requests. They will meet at 7:00 pm in Kapolei Hale, where elected officials will attend and hear the beneficiaries. She stated it would be helpful if K. Jugoz attended the meeting and voiced what he spoke of so they could hear it at the meeting. She suggested she could put it in at the Board level to put in the suggestions for PKEA to have speed humps and traffic calming.

Chair Aila suggested they reach out to the Councilwoman for the area because the Department would have to get cooperation from the County to implement this.

Commissioner Ka`upu asked if the Department built the requirements for the developers to do traffic calming measures. S. Matsunaga stated yes, and it varies from county to county. Commissioner Ka`upu stated the Department should be adding its requirements beyond the county requirements for the newer developments.

Chair Aila stated he thinks Commissioner Ka`upu is suggesting that the Department include traffic calming in the design and construction of new subdivisions. Still, it has to be to the County's standard so it can be turned over to the County.

K. Jugoz stated that Staceylyn Eli wrote to them and said the money was approved, but they haven't seen anything. Chair Aila stated she might have referred to the money written for Nanakuli. S. Matsunaga stated the funding was approved and allotted, but Land Development Division used that funding for the design work for Princess Kahanu. Commissioner Teruya stated they would have to push and work for construction funds.

## **ITEMS FOR INFORMATION/DISCUSSION**

### **GENERAL AGENDA**

#### **REQUEST TO ADDRESS THE COMMISSION**

##### **ITEM J-1 Harold Vidinha – Kekaha Hawaiian Homestead Association**

H. Vidinha stated he is the President of the Kekaha Hawaiian Homestead Association on Kaua`i. He stated the Hanapepe Hawaiian Homestead has no representation. 85% of the Hawaiians are from Niihau, and they are different. They are humble and grateful for what they have, even if it is substandard. The homesteaders built the kids a little playground, and Hawaiian Homes came and took it down. The kids need a place to play. Hanapepe Homestead is now a part of the Kekaha Hawaiian Homestead Association. He is asking that the Department let the Association know what is planned when anyone comes to the West side. They have the right to know and be in the meetings from the beginning to completion.

Chair Aila stated there were lots of advanced notice regarding the clearing made there and that the clearing was made as a fire break and to allow the surveyors to come in. The residents at Hanapepe looked at their lots, which were long and skinny looking, and asked for additional acreage to be added to their lots. There is a second phase of development occurring, and Stewart will explain. The purpose is to do the survey, change the leases, and increase the acreage per lot.

S. Matsunaga stated there are 47 lots which are about 6,000 sq. ft. One of the actions is to increase the size of the lots. The Commission approved expanding the lots with the additional 350 acres that used to be under cane production. The surveyors will do the survey, locate the existing pins, and put the subdivision plan together. It will increase the lots to 7500 sq. ft. and the rear of the lots by about 30 feet. The engineers are in the design for the development of 80 lots that will be adjacent to the Phase 1 lots along Moi Road.

Chair Aila asked S. Matsunaga if he could get all the planning and PowerPoints to Mr. Vidinha. He also thought it disturbing that some Hanapepe residents were talking to Mr. Vidinha and saying that the Department was not talking to them. This has been in discussion for a long time, and the Department put a lot of effort into talking with all the residents in Hanapepe and being in West Kaua`i to talk about Phase 2 and the 80 lots. He stated he would be happy to update everyone one more time, and the Department can now provide information to the Hanapepe folks via the Kekaha Hawaiian Homestead Association.

Commissioner Neves stated that in the Beneficiary Consultation process, his concern is the Department needs to make sure they are talking to beneficiaries and not somebody from down the road or part of another organization that is commenting and has nothing to do with the community. The Niihauans are a special group of people.

H. Vidinha stated that the Niihau Hawaiians are afraid of authority and will not talk to the Commissioners.

Commissioner Ka`upu asked if another association was back when the homestead was built. There is no other association that will say they are the original association. H. Vidinha stated there is another association called the Westside Hawaiian Homestead Association. Will there be a DCCR/Association for the new Phase 2? S. Matsunaga stated no, they could do that on their own. H. Vidinha stated he told the Hanapepe Homesteaders to come in with their association, learn the

bylaws and all there is to become a 501 (c)3, and when comfortable, they can go on their own. They were willing to come in, and they are on the Board.

**ITEM J-3 Jimmie L. Swann Jr. Selena Swann and Morrisita Holi Arrington.–  
Successorship**

S. Swann testified regarding the designation of successorship of Lot No. 11 Lease 561. On May 26, 2006, Dannette Rayford, her mother-in-law, submitted new successorship papers. On June 22, 2006, a letter asking for birth certificates of Jimmy Swann and Gale Salis for the designation of successorship was received from Terri Lou. At the time, Ms. Rayford was in at-home Hospice care with stage 4 cancer, and S. Swann was unaware of the request for the required birth certificates. She read from a December 16, 2010 letter stating that the Department never received the original and required documents. She stated a letter or a phone call should have been sent to the family asking for the documents. Her mother-in-law passed in January 2007. On March 21, 2011, Robert Swann was approved as the lessee based on the original successorship papers.

M. Arrington stated that since her Uncle R. Swann took over the lease, things started going downhill. Structures were built that were not to DHHL standards, and cars were being stored on the property like it was a junkyard. The damage was not only to the land but to the family; also, the bills were not being paid. Before R. Swann could make any good changes after talking with his family, he passed away. The family came together, cleaned out the land, and cleared out the red flags pointed out by the Department. She noted that Kaimana Swann-Merritt did not lift a finger or spend a penny to help the family. She noted that the distributed packet also shows past bills that were not taken care of; a water bill of \$8,000, an electric bill of \$13,000, and a land tax of \$2,400. The family is taking care of the bills. The signed successorship document is an instrument of her grandma's hope and change before she passed away. She stated it is sad that DHHL is not considering that document because of the required documents. She stated the Department could have reached out, but only one letter was sent. The family would have made sure the Department received the required documents.

T. Swann stated Kaimana Swann is selling the house and sending letters that everyone will be evicted in 45-days. The house has been in the family for almost a century, which is not what her mother-in-law wanted. She is asking the Department to keep the house in the family and honor her mother-in-law's wishes. Allowing Kaimana to sell the house is like losing her mother-in-law again. All that was needed was the birth certificate to be turned in, as stated in the one letter in 2006.

M. Arrington stated they had the land for 89 years. Kaimana becomes the lessee because R. Swann failed to name a lessee. She stated the family never knew that.

Chair Aila stated that the J-Agenda is to present concerns to the Commission, and there has been no decision made, so they will not get an answer from the Commission now. He stated the Department would look at it and if it needed additional insight from the Attorney General's office. The Department will get back to the family, but there will be no answer today. The Commission does hear the pain, the anguish, and the frustration.

M. Arrington asked if the decision had been held off until they got an answer. Chair Aila stated his recommendation would be to go into an executive session and discuss what to do on Item D-8, subsection 12.

Commissioner Ka`upu asked before Dannette's passing, and she intended to put both sons, not just one of them. The family was unaware of the letter requesting the required birth certificate documents. S. Swann stated yes; it says so on the paper, and she sent it in.

**MOTION**

Moved by Commissioner Ka`upu, seconded by Commissioner Teruya 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 carried unanimously.

**EXECUTIVE SESSION IN 10:55 AM**

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

ITEM D-8 No. 12 Approval of Assignment of Leasehold Interest

**EXECUTIVE SESSION OUT 12:15 PM**

**ITEMS FOR DECISION MAKING**

**HOMESTEAD SERVICES DIVISION**

**ITEM D-8 Approval of Assignment of Leasehold Interest No. 12, Lease 561, Lot No. 11**

**RECOMMENDED MOTION/ACTION**

Homestead Services Administrator Juan Garcia presented the following:  
Motion that the Hawaiian Homes Commissioner approve the assignment of Leasehold Interest for Lease 561, Lot No. 11.

**MOTION/ACTION**

Moved by Commissioner Neves, 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 Kaleikini			X			
Commissioner Ka`upu				X		
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Commissioner Teruya					X	
Chairman Aila			X			
TOTAL VOTE COUNT			6	1	1	
MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED Motion passed unanimously. Six (6) Yes votes. One (1) No vote. One (1) Abstention						

## ITEMS FOR INFORMATION/DISCUSSION

### WORKSHOPS

#### PLANNING OFFICE

#### ITEM G-4 For Information Only – FY 2023 DHHL Grant Solicitation

#### RECOMMENDED MOTION/ACTION

None. For Information Only. Acting Planning Manager Andrew Choy presented the following: Grants Specialists Gigi Cairel presented the PowerPoint slides to the Commission.

She thanked the Commission for approving \$8.5 million to the Department’s grant budget for FY 2023. \$7.5 million is for the General Funds, and \$1 million is for the Native Hawaiian Rehabilitation Funds.

DHHL SOLICITATION NOTICES – FY 2023 ONLY		
RFP ID Number	Funding Availability	Types of Proposed Projects
23-HHL-001	\$1 mil max per application \$3 mil available statewide Source: State General Funds One-time-only funding	Imprvmt to existing facilities serving existing homesteads and located on HHL New facility projects not eligible
23-HHL-002	\$500k max per application \$4.5 mil available statewide Source: State General Funds One-time-only funding	Existing programs and services serving existing homesteads (lessees) New facility projects are not eligible
23-HHL-003	\$100k max per application \$700k available statewide Source: NHRF	Any project assisting and benefiting HHCA beneficiaries – lessees and applicants, including new facilities
23-HHL-004	\$15k max per application \$300k available statewide Source: NHRF	Capacity building (partial list) Board training Strategic planning
The \$8.5 million is not from the \$600 million		

#### DISCUSSION

Commissioner Teruya asked if you don’t have to be a 501 (C)3, does one need to comply with the State to be on the RFP? G. Cairel stated it is a requirement as compliant express applies to everything. The RFPs will be out soon as they go through some final reviews. They are looking at 2-4 years grant periods, and the details will be in the RFP. The information is required to be posted on the State Procurement Office website and the DHHL website. A news release is put out and notified via email to all the associations whether they have a grant with the Department or not. Pre-proposal orientations are held and are optional.

## WORKSHOPS

### LAND MANAGEMENT DIVISION

#### ITEM F-6 For Information Only – Status and Mid-Term Plan for Moanalua Kai (Mapunapuna/Shafter Flats)

##### RECOMMENDED MOTION/ACTION

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

K. Albinio did a slide presentation on the Status and Mid-Term Plan for Moanalua Kai (Mapunapuna/Shafter Flats).

- 20 DHHL lots
- Ditch area overflows and floods tenants
- Update on the leases and when expiring
- Twelve leases are expiring, and the printout shows the Lease No., Lessee, Annual Rent, Expiration date, and the TMK.
- Lands were not original HHL lands but were compensations and have been in the DHHL inventory since 1986

Options:

- Status Quo
- Mid-Term Redevelopment Path
- Land Exchange

Recommendation

- Mid-Term Redevelopment Path Consideration
- 10-year lease extensions for current/good standing leases – retaining strong tenants
- Craft RFP for redevelopment partners

##### DISCUSSION

Commissioner Helm asked how many parcels were in good condition. K. Albinio stated of the 12, 11 of the leases are in good standing, and one is delinquent. The structures are older.

Commissioner Teruya asked how the Department inherited Shafter Flats. She asked how many native Hawaiian tenants were in the rentals. K. Albinio stated, to his knowledge, none. J. Masagatani stated the leases came into the Department's inventory due to the Hilo Airport's extensions in 1986. The Mapunapuna leases were compensation for that extension. She would have to verify that, but that is what she heard from conversations with the East Hawai'i beneficiaries.

Commissioner Neves stated if the Department is looking at an RFP, it will be looking at a series of core drilling engineering, which can get very expensive. He would look at getting an exchange, get away from the sea level, and get away from the airport and those restrictions. He asked if the Department was looking at any improvements to the 10-year extension. K. Albinio stated that it was not the Department; the lessee would do it.

Commissioner Ka`upu stated the redevelopment proposal was more to the Department being the ground lessor and finding a third party to do the due diligence. The Department is not suited to be developers.

Commissioner Kaleikini asked if there were any flooding with the recent high surf. K. Albinio always stated with the king tides and heavy rains. He asked if there was a value estimate for the 13 leases. J. Masagatani stated not yet as an appraisal is needed to be done. He asked if Hilo received any compensation and asked that that be checked on. J. Masagatani stated staff could follow up and see if there was any direct benefit to Hawai'i when that land exchange happened.

Commissioner Ka'upu asked about insurance coverage for state buildings; how does that work? Chair Aila stated the State is self-insured.

Commissioner Ka'upu asked if there was a state fund the Department could go after for repair rehabilitation. K. Albinio stated he would ask Rodney Lau if a risk management team could assess the damage and if a form must be filled. Chair Aila stated he does not believe the Department can file against itself.

Chair Aila cautioned the Commission about placing too much emphasis on a particular area benefiting. This is a statewide Trust, and the proceeds/revenues go to statewide projects. Airports are a statewide system.

J. Masagatani stated that K. Albinio would bring an action to the Commission for authorization to extend the leases and to proceed with the redevelopment.

## **PLANNING OFFICE**

### **ITEM G-5 For Information Only – Status Update on Plan Implementation in the Kona Moku, Island of O`ahu**

#### RECOMMENDED MOTION/ACTION

None. For Information Only. Planning Manager Andrew Choy and Planner Pearlyn Fukuba presented the following:

A. Choy stated the presentation was given at the community meeting last evening in Papakolea. He asked if the Commissioners had any questions about the report.

**ITEM J-5 Blossom Feiteira – Various Concerns**

**ITEM J-4 Kona Jugoz and Dawne Keli'iholokai – Traffic Calming PKEA**

**ITEM J-2 Vernetta Lee – Lease Cancellation (not available)**

## **ANNOUNCEMENTS AND ADJOURNMENT**

Community Meeting Monday, July 18, 2022, 6:30 p.m. Stevenson Middle School, 1202 Prospect Street, Honolulu, Hawai'i 96822

## **NEXT MEETING**

The next HHC meeting will be held on August 15 & 16, 2022, Monday & Tuesday, Hilton Garden Inn, Kuhio Room, 3-5920 Kuhio Highway, Kapa`a, Kaua`i, 96746

#### MOTION/ACTION

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

**ADJOURNMENT**

**1:10 PM**

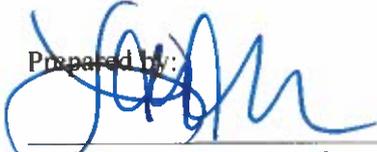
Respectfully submitted:



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William J. Ailā I., Chairman  
Hawaiian Homes Commission

Prepared by:



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Leah Burrows-Nuuanu, Commission Secretary  
Hawaiian Homes Commission

Attachments: