

## **HAWAIIAN HOMES COMMISSION**

Minutes of June 20, 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 (arrived at 10:30 a.m.)  
David B. Ka`apu, West Hawai`i Commissioner  
Michael L. Kaleikini, East Hawai`i Commissioner  
Russell K. Ka`upu, O`ahu Commissioner  
Dennis L. Neves, Kauai Commissioner  
Pauline N. Namu`o, O`ahu Commissioner  
Patricia A. Teruya, O`ahu Commissioner

**COUNSEL** Ryan Kanakaole, Deputy AG (via ICT)

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

### **ORDER OF BUSINESS**

#### **CALL TO ORDER**

Chair Ailā called the meeting to order at 9:36 a.m. eight (8) members were present at roll call, establishing a quorum.

Chair Ailā noted that Items G-2 and G-3 would be deferred to tomorrow's meeting. The Commission will recess around noon for lunch for 30-minutes and convene in an executive session for an additional 30-minutes. There is no community meeting.

#### **APPROVAL OF AGENDA**

#### **MOTION/ACTION TO AMENDMENT**

Moved by Commissioner Teruya, seconded by Commissioner Awo, to approve the agenda. Motion carried unanimously.

#### **APPROVAL OF MINUTES FOR MAY 16 & 17, 2022**

## MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Teruya, to approve the May 16 & 17, 2022 Minutes. Motion carried unanimously.

Chair Ailā stated all Commissioners are present at this meeting, and Act 220 does not apply.

## **PUBLIC TESTIMONY ON AGENDIZED ITEMS**

### **PT-1 Homelani Schaedel – Item F-1**

H. Schaedel thanked Commissioner Ka`apu and stated he would be missed. She asked for the Commission's support of Item F-1, approval for the Amendment of General Lease 290, the Kapolei Community Development Corporation.

### **PT-2 Kaleo Cullen – Item F-2 and J-1**

K. Cullen testified in support of Item F-2, issuance for the right of entry for Ka Ohana O Kahikinui (KOOK), to remove feral cattle from Kahikinui lands. He testified regarding a parcel in Ulupalakua, which KOOK maintains as a watering hole. On April 10, 2022, Kekoa Enomoto of the Pa`upena Community Development Corporation sought a right of entry to do mercantile at the Ulupalakua parcel. Still, he discovered that they have been doing that since April 2019 without KOOK's knowledge. He asked that KOOK be notified before any decision-making.

Commissioner Awo asked about the significance of the site and its water source. K. Cullen stated it is their water source; now that it is the dry season, it gets scarily dry. Commissioner Awo asked if the water resource serves other communities besides Kahikinui. K. Cullen stated it does help some of the residents in Kanaio who have `aina up in Kahikinui.

### **PT-3 Kani Scheidt – Item F-3**

K. Scheidt testified that he and his wife have been on the waitlist since he was 18. They need work space and are looking for something in the Kapolei or Kalaeloa area. Their business, Kani, Inc., is strong and growing. They were informed that a pilot program had launched, the participants were already screened and selected, and they would have to wait until the pilot program established proof of concept, eligibility, participation, and permanent selection criteria. He would like to provide, for the 17 years they have been in business, financial records, and they are currently drafting a 1-month expansion plan, a 6-month logistic plan, and a 1-year development plan. They were recently notified that they have to move from their current location of 10 years. They have always been current with their rent. They would like to have any lot available.

Commissioner Ka`upu asked if he is limited to the Leeward location or if he would be open to something in town. K. Scheidt stated they are open to options, but he knows that Kalaeloa is a big area.

Commissioner Ka`upu stated that when they were going through the ROE process, the Commission was looking to provide for the wait lister, and K. Scheidt fits the bill. He knows that the Aiwohi Brothers have a couple of acres and are eventually moving. Commissioner Ka`upu stated; that hopefully, they can get the ROE process done and open it up to beneficiaries like you.

Chair Ailā stated that the Department had not been officially notified that the Aiwohi Brothers were leaving.

Commissioner Teruya stated Panui Inc. is delinquent, and according to the spreadsheet, some ROEs will be opening up. Chair Ailā said he agrees with that and the combination of the pilot program.

**PT-4 Jobie Masagatani – Honoring Commissioner David B. Ka`apu**

J. Masagatani testified as a member of the public. She shared “whereas clauses” that did not make the official Resolution Honoring Commissioner David B. Ka`apu.

**PT-5 Blossom Feiteira – Items F-2, F-4 and H-1 (Zoom)**

B. Feiteira testified in support of Item F-2 and Item F-4 for King’s Landing. She thanked Commissioner Ka`apu for keeping it a priority and the Commission for not kicking it to the side. She supports Item H-1, but there was no line item for Repair and Maintenance for the island of Maui. Several Maui projects need fixing at Paukukalo Community Center and Park. She asked to amend the Repair and Maintenance to include those repairs.

Commissioner Awo stated he supports B. Feiteira’s request for Paukukalo as the park has suffered a long time of inadequate water and maintenance. He asked the Department to consider putting them on as that park has served many keiki for decades.

**PT-6 Ainaaloha Ioane – Item F-4**

A. Ioane testified in support of Item F-4, Right of Entry for Malama Ka `Aina Hana Ka `Aina (MAHA). She extended her mahalo to Commissioner Ka`apu for his kako`o in the Permitted Interaction Group and his advocacy for the beneficiaries of King’s Landing. More people are coming into the community since the gates have been opened. S. Ioane sent his mahalo to Commissioner Ka`apu.

Commissioner Ka`apu stated he appreciated that things are moving forward and that there will be a time when they will be actually handing leases to beneficiaries. He sent his mahalo to them and looked forward to this being a success.

Chair Ailā stated although Commissioner Ka`apu may not be a Commissioner, his voice and his direction to staff will keep this alive and moving.

**ITEMS FOR DECISION MAKING**

**CONSENT AGENDA**

**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-6 Commission Destination of Successors to Application Rights – Public Notice 2007 (see exhibit)**

- ITEM D-7 Approval to Certify Applications of Qualified Applicants for the Month of May 2022 (see exhibit)**
- ITEM D-9 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)**
- ITEM D-10 Approval of Assignment of Leasehold Interest (see exhibit)**
- ITEM D-11 Approval of Amendment of Leasehold Interest (see exhibit)**
- ITEM D-12 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)**

The Commission may go into Executive Session pursuant to Section 92J-1(b), Hawai'i Revised Statutes, for the purpose of discussing records made exempt from public disclosure by Section 92J-1(a), Hawai'i Revised Statutes.

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.

MOTION

Moved by Commissioner Ka'apu, seconded by Commissioner Neves, to approve the Consent Agenda. Motion unanimously passed.

Commissioner Ka'apu stated he received a call from Mr. Harris stating that he applied for a solar installation 2-months ago and has not received any word. J. Garcia stated he would follow up.

Commissioner Teruya referred to Item D-10 and asked if that was the house the owner decided to give away. J. Garcia stated this is Theodora Awai, and she desires to transfer the lease to her mother, Robin Awai.

Commissioner Ka'apu stated he just noticed that on No. 3, the lease date is 1930. J. Garcia stated he would check on it.

Commissioner Ka'apu stated that there are two Ka'upu names on Item D-5, so he will recuse himself from voting on Item D-5.

Chair Ailā stated they would remove Item D-5 and vote on it separately

MOTION/ACTION

Moved by Commissioner Ka'apu, seconded by Commissioner Neves, to approve the Consent Agenda minus Item D-5.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm						X late
Commissioner Ka'apu	X		X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Ailā			X			

TOTAL VOTE COUNT			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed unanimously. Eight (8) Yes votes.						

**REGULAR AGENDA**

**HOMESTEAD SERVICES DIVISION**

**ITEM D-5 Approval of Homestead Application Transfers / Cancellations (see exhibit)**

MOTION/ACTION

Moved by Commissioner Ka`apu, seconded by Commissioner Neves, to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A`OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm						X late
Commissioner Ka`apu	X		X			
Commissioner Kaleikini			X			
Commissioner Ka`upu					X	
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			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 D-8 Approval to Cancel Applications of Non-Qualified Applicants (see exhibit)**

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:  
 Motion that the Hawaiian Homes Commission approve the cancellation of applicants from the application wait list. The Department has been unable to verify the following applicant's Native Hawaiian Blood Quantum requirement for the Hawaiian Homes Commission Act 1920, as Amended.

MOTION/ACTION

Moved by Commissioner Ka`apu, 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 10:14 AM**

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

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

**EXECUTIVE SESSION OUT**

**10:22 AM**

**53:45**

**ITEM D-13 Commission Designation of Successor – ELAINE K. KONO, Residential Lease No. 9583, Lot No. 88, Kalawahine, O`ahu**

**NOTE:** Commissioner Helm arrived at 10:30 A.M.

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:

Motion that the Hawaiian Homes Commission approve:

1. Keone and Wendell as tenants in common to residential Lease 958, Lot No. 38, Ka`uluokaha`i, for the remaining term of the lease
2. To approve and accept that Keone and Wendell are no less than the required 50% Hawaiian ancestry and are therefore qualified under the Hawaiian Homes Commission Act
3. To stipulate that Wendell and Keone's successorship rights and interests in the lease do not vest until Keone and Wendell have signed the; (1) Transfer through Successorship Lease, (2) Lease Addendum; and (3) if Wendell and Keone do not sign all of the documents on or before August 31, that the Commission's selection of Keone and Wendell as tenants in common successors is automatically revoked, and (4) to authorize the Department to extend the deadline up to 60-days for a good cause, and (5) to declare that if Keone and Wendell's selection as tenants in common interests, or common successors is revoked, that under Section 209 of the Hawaiian Homes Commission Act, that the lease shall resume as unleased Hawaiian home land and the Department is authorized to lease the land to a native Hawaiian as provided by the Act.

MOTION

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

Commissioner Ka`apu had a question that required the Commission to go back into the executive session.

MOTION/ACTION

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

Motion carried unanimously.

**EXECUTIVE SESSION IN**

**10:26 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-13 Commission Designation of Successor – ELAINE K. KONO, Residential Lease No. 9583, Lot No. 88, Kalawahine, O`ahu

**EXECUTIVE SESSION OUT**

**10:47 AM**

**OFFICE OF THE CHAIRMAN**

**ITEM C-1 Adoption of Resolution No. 306 Honoring David B. Ka`apu for his service to the Hawaiian Homes Commission**

RECOMMENDED MOTION/ACTION

Chair Ailā presented the following:

Motion that the Hawaiian Homes Commission approve Resolution No. 306 Honoring Commissioner David B. Ka`apu for his service to the Hawaiian Homes Commission

MOTION

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

DISCUSSION

Commissioner Helm appreciated his counsel and stated his tenure would be a hard act to follow. Commissioner Awo added that the Commission would flounder without him but would eventually figure things out. Commissioner Namu`o stated she learned so much from Commissioner Kaapu. Commissioner Teruya added Commissioner Kaapu helped explain things in a way she could understand and helped tone her down.

Commissioner Neves was thankful for gaining a good friend and excellent mitigator, and we'll miss you.

Chair Ailā stated that he appreciated that Commissioner Kaapu understands the Trust and the beneficiaries and has demonstrated that every day and stepped up to meet the obligations of Vice-Chair.

Commissioner Ka`apu expressed his gratitude for the support of his wife and his experience as rewarding and, at times, frustrating serving as Commissioner. He thanked the staff, the Commissioners and its Secretary Leah, and the beneficiaries.

ACTION

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

**RECESS**  
**RECONVENED**

**11:08 AM**  
**11:18 AM**

## LAND MANAGEMENT DIVISION

### ITEM F-1 Approval to Amendment of General Lease No. 290, Kapolei Community Development Corporation, East Kapolei, O`ahu, TMK (1) 9-1-151:002

#### RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the amendment of General Lease No. 290, Kapolei Community Development Corporation (KCDC), East Kapolei, O`ahu, TMK (1) 9-1-151:002

K. Albinio introduced Scott Abrego of KCDC to share information on the amendment. A rent table was distributed to replace page 5 of the submittal.

#### MOTION

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

#### DISCUSSION

S. Abrego asked the Commission for their support on their 5<sup>th</sup> Amendment on General Lease No. 290 for the Ho`omaka Marketplace project, which will be located on Kapolei Parkway and Kualakai. The ask is for an extension on the performance schedule. They received their grant of access from DOT, allowing a right turn in from Kualakai. The building permits are in place, they signed their loan last month and closed it on the 17<sup>th</sup>, and groundbreaking is scheduled for the 22<sup>nd</sup>. Construction will begin on Monday, the 27<sup>th</sup>, and Ho`omaka should take 1- year to build. The project is community-driven.

Commissioner Teruya thanked S. Abrego for helping the Wai`anae Coast with storage. She is glad the issue with the DOT has been resolved. She asked if the 7-11 will be selling liquor. S. Abrego stated Longs and 7-11 carry alcohol in their stores. She asked if the annual rent went up because it is a commercial lot. K. Albinio stated the annual rent went up, and there were adjustments, which is a commercial lot. S. Abrego stated the numbers reflect market value.

Commissioner Ka`apu stated the amount of rent lets KCDC do a lot more, and they still have 1200 sq. ft. He commended him on doing a great job.

S. Abrego stated Ho`omaka would help sustain the community's Heritage Center and allow them to start on Phase 2. This resource will bring a lot more kuleana on KCDC to steward, so they are restructuring their Board, ensuring checks and balances in how they do business. They have a year to prepare before realizing the resources from Ho`omaka. He thanked the Commission and the Department for where they are at today.

Commissioner Helm asked if his Board members were business people. S. Abrego stated, anticipating Ho`omaka, that they amended their bylaws and aligned KCDC's Board to their Homestead Associations. Each Homestead Association has a seat on KCDC's Board. The idea is that KCDC cannot run away, and the associations will always be a part of KCDC and will guide KCDC. The second seat is the community seat from the homestead. It is an 8-member board and all homestead volunteers. KCDC collaborates closely with its community.



ACTION

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

**ITEM F-2 Approval to Issue Right of Entry Permit to Ka Ohana O Kahikinui for Feral Cattle Removal from Kahikinui Lands, Kahikinui, Maui, TMKs  
(2) 1-9- 001:007, (2) 12-9-001:003**

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio, Resource Manager Kualii Camra, and Planner Julie Cachola presented the following:

Motion that the Hawaiian Homes Commission approve to issue a Right of Entry Permit to Ka Ohana O Kahikinui for Feral Cattle Removal from Kahikinui Lands, Kahikinui, Maui, TMKs (2) 1-9- 001:007, (2) 12-9-001:003

Purpose:

- Importance of Kahikinui Forest and Watershed
- Ungulate Management Plan – Methods and Timeline
- KOOK’s role in Plan Implementation

Note: Slide presentation attached.

MOTION

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

DISCUSSION

Commissioner Awo stated he liked the methodology that includes all the requirements, especially in Zone 1, where the goal is to restore the forest. He appreciates Chair Ailā’s support of imposing a timeline to get it done.

ACTION

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

Moved by Commissioner Neves, seconded by Commissioner Ka`upu 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**

**12:15 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 implementing settlement in *Honokaia `Ohana, et al. v. Massagatani, et al.*, Civ. No. 09-1-1615-07, before the First Circuit Court of the State of Hawai`i
2. Discussion on *Duncan v. DHHL*, Civ. No. 19-1-0037 JKW, before the Fifth Circuit Court of the State of Hawai`i

**EXECUTIVE SESSION OUT**

**2:45 PM**

**HOMESTEAD SERVICES DIVISION**

**ITEM D-13 Commission Designation of Successor – ELAINE K. KONO, Residential Lease No. 9583, Lot No. 88, Kalawahine, O`ahu**

Note: Continued from the earlier in the morning.

Homestead Services Division Administrator Juan Garcia presented the following:

**MOTION/ACTION**

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

**ITEMS FOR INFORMATION/DISCUSSION**

**HOMESTEAD SERVICES DIVISION**

**ITEM D-1 HSD Status Reports**

- A. Homestead Lease and Application Totals and Monthly Activity Reports
- B. Delinquency Reports
- C. DHHL Guarantees for FHA Construction Loans

**DISCUSSION**

None.

**ITEMS FOR DECISION MAKING**

**REGULAR AGENDA**

**LAND MANAGEMENT DIVISION**

**ITEM F-3 Approval to Issue Annual Renewal of Right of Entry Permit(s), O`ahu Island (see exhibit)**

**RECOMMENDED MOTION/ACTION**

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve to issue Annual Renewal of Right of Entry Permit(s), O`ahu Island (see exhibit)

**MOTION**

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

DISCUSSION

Commissioner Teruya stated ROEs No. 604 and 616 are delinquent. She asked if the Department trying to recover the owed funds? K. Albinio stated the highlighted are delinquent accounts that the Department is collecting or canceling their right of entry permit.

Commissioner Teruya stated Lot 636 has been empty for six years. Who pays for the cleanup? K. Albinio stated the Department pays for cleanup. Chair Ailā stated the Department would seek assistance from the Attorney General’s office to collect cost of cleanup.

Commissioner Ka`apu asked about the ones flagged as delinquent. K. Albinio stated he is going to ask that those be canceled.

Commissioner Ka`upu asked if the Department could check if there is an opportunity for other people to sub a space for a commercial or industrial lot. Chair Ailā stated they would check.

Commissioner Namu`o stated audits in 2020, and 2021 addressed recommendations for general leases and licenses and rights of entries, and staffing of the Land Management Division. It also cites the loss of money that the Department does not get because of the staffing. Is Kahana the only person in Land Management? K. Albinio stated he has 5 Land Management staff 4-here and 1-on Hawai`i island. She commended K. Albinio and his staff on the improved work that has been done.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Ka`apu, to approve the motion as stated in the submittal except for the 3-highlighted.						
Commissioner	1	2	`AE (YES)	A`OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka`apu		X	X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			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 Issue Conditional Right of Entry Permit to Malama Ka Aina Hana Ka Aina Inc., a 501 (c)(3) Non-Profit, Hilo, Hawai`i, TMK No. (3) 2-1-013:001(por.)**

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve to issue Annual Renewal of Right of Entry Permit(s), O`ahu Island (see exhibit)

MOTION /ACTION

Moved by Commissioner Ka`apu, 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			
Commissioner Ka`apu	X		X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			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.						

**PLANNING OFFICE**

**ITEM G-1 Extend the Implementation Period of the Native Hawaiian Development Program Plan (NHDPP)**

RECOMMENDED MOTION/ACTION

Planning Manager Andrew Choy presented the following:

Motion that the Hawaiian Homes Commission Extend the Implementation Period of the native Hawaiian Development Program Plan for 2-years till June 30, 2024.

MOTION

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

Grants Specialist Gigi Cairel presented the recommended motion. The NHDPP covers the Department’s rehabilitation programs. The Planning Office prepares the NHDPP every 2-years for the Commission’s approval.

- .The KCDC project was one of the original projects through the Kulia Ika Nu`u Program, which provides funding and land to the homesteaders
  - Comprehensive building capacity program – provided grants, land, training, and other technical assistance

DISCUSSION

Commissioner Ka`apu asked if the homesteading opportunity assistance is part of the \$1.7 million and if it is continuing. He heard it may or may not get funded. G. Cairel stated the program will continue. Commissioner Ka`apu stated that, in contested cases, the assistance that beneficiaries receive is important and allows someone to talk to and someone helping with the budgeting to remain in compliance.

Contact and Awards Division Administrator Paula Ailā stated the Hale Program is a 1-year program and still in place. It is specific to the lease cancellation only and does not include

homebuyers' education as it did before. The program started in February and goes through the next year February, and she is sure it can be extended.

Chair Ailā stated that in addition, those services are also being provided outside of DHHL by the Office of Hawaiian Affairs (OHA), Hawai'i Community Assets (HCA), and the Council for Native Hawaiian Advancement (CNHA). These three entities provide those same services to homesteaders and non-homesteaders.

Commissioner Ka'apu noticed that the College of Tropical Agriculture & Human Resources (CTAHR) services are provided only to Moloka'i and Hawai'i Island. He asked if the Department has thought to consider Maui and Kaua'i. A. Choy stated they have. In the budget that the Commission will be taking up today, there is additional funding for a new CTAHR agent either on Kaua'i or Maui. The thought is to bring in one agent at a time.

Commissioner Helm asked if CTAHR agents assist the ranchers. A. Choy stated when CTAHR receives questions from beneficiaries on livestock, CTAHR has support staff that helps to answer the questions. The extension agent acts like a liaison between the beneficiaries and the subject matter expert at CTAHR.

Commissioner Teruya stated that Helping Hands Hawai'i's funding ends in 2023, and she asked if the remaining \$39,000 would be used for Covid Awareness again. G. Cairel stated that Helping Hands' scope is referrals to social service agencies. They do counseling for homeownership issues impacted by Covid. They also provide \$500 financial assistance to a homesteader in need impacted by Covid.

**ACTION**

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

**ADMINISTRATIVE SERVICES OFFICE**

## **ITEM H-1      Approval of Fiscal Year 2023 Department of Hawaiian Home Lands Budget**

### RECOMMENDED MOTION/ACTION

Administrative Services Officer Rodney Lau presented the following:

Motion that the Hawaiian Homes Commission:

1. Approve the Fiscal Year 2023 Department of Hawaiian Home Lands Budget and authorize the Chairman to shift funding of expenditures between cost elements and funds as warranted but not to exceed the total budget, and any shift in funding between cost elements by the Chair shall not exceed \$500,000
2. Approve the Fiscal Year 2022 Development budget and allow for amounts not encumbered in FY 2022 to be encumbered in FY 2023. For the Development budget items, allow the Chair's authority to shift funding between cost elements not to exceed \$1,000,000.
3. Approve to transfer of \$22,000,000 from the Hawaiian Home Administration Account to the Hawaiian Home Operating Fund.

### MOTION

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

### DISCUSSION

Commissioner Kaleikini asked how many staff personnel could be added to East Hawai'i. Executive Assistant J. Masagatani stated she could work with Chair Ailā. Next month there can be a more in-depth discussion regarding the Department's organizational chart, the positions that have been funded, and where the Department is.

Commissioner Kaleikini asked if the presentation would include the entire state and what is the actual count of personnel. J. Masagatani stated about 100 to 115 positions. Commissioners Awo and Neves added that they also need positions on their islands filled.

Commissioner Teruya asked to explain Item No. 3. R. Lau stated the revenues deposited into the Administration Account are revenues from available lands. Once the revenues are placed in the Administration Account, the funds are pledged to repay the revenue bonds as it has the first lien because the lands are statutorily inalienable. Once the coverage is met, those monies are returned to the Administration Account. Suppose the monies are in excess of \$3.7 million. In that case, the excess monies may be transferred into the Hawaiian Homes Operating Fund, which is used for the development projects and the water systems.

Commissioner Awo requested to bring back the Maui position. J. Masagatani stated every position is accounted for. The Chairman has the ultimate decision on where the positions go.

### ACTION

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

**ITEM H-2      Transfer of Hawaiian Home Receipts Fund Money at the End of the Fourth Quarter, FY 2022**

RECOMMENDED MOTION/ACTION

Administrative Services Officer Rodney Lau presented the following:

Motion that the Hawaiian Homes Commission approve the transfer of the entire receipts deposited in the Hawaiian home Receipts Fund as of June 30, 2022, to the Hawaiian Home General Loan Fund.

MOTION/ACTION

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

**ITEMS FOR INFORMATION/DISCUSSION**



## OFFICE OF THE CHAIRMAN

### ITEM C-2 Status Report of the Waitlist Reduction Act Permitted Interaction Group

#### RECOMMENDED MOTION/ACTION

Executive Assistance Jobie Masagatani presented the following:

J. Masagatani stated the report still needs to be vetted and discussed with the Attorney General. A substantial portion of the resource is being allotted to lot development, and she wanted to ensure that the Commission was aware of the projects listed in Exhibit B.

S. Matsunaga presented slides of the lot development projects in which the Department has 2-years to encumber the funds. They looked at every island where they could provide homestead opportunities considering the beneficiaries' study and the numbers of applicants on each island.

On Hawai'i Island, the Honomu subsistence Ag Lots, Phase 2 (40 lots)

- Initiating design FY22
- Construction IFB FY24

Future La'i `Opua Residential Development

- Village 1 – RFP Development Agreement FY25
- Approximately 200 lots - primarily for lease
- Village 2 – RFP Development Agreement FY23
- Approximately 200 lots – primarily for lease with some thought to rentals

Hanapepe Residence Lots, Phase 2

- 80 residential homestead lots
- Final EA Oct. 2020 – designs at 90%
- IFB early 2023 – residential leases

Lanai Residence Lots Future Build own

- Offsite infrastructure Planning and Design for 75 new residential lots
- Planning Consultant selection FY23
- Need for Water & Sewer infrastructure

Pu'unani Homestead Subdivision, Wailuku, Maui

- 161 lots, 137 turnkey lots, and 24 vacant lots
- Out to bid before the end of the year – no DCCRs

Central Maui Land Acquisition and Development

- RFP FY23

Keokea-Waiohuli, Maui

- Phase 2B – 61 lots – vacant lot awards
- Designs underway
- IFB FY24

Honokowai Subsistence Ag lots - Phase 1

- 50 Subsistence Ag lots

Villages of Leialii 1B

- Offsite Water Improvements
- Leialii Highway and Access Improvements
- Leialii Phase 1B – up to 250 residential lots, including multi-family
- RFP

Ho'olehua Agricultural Lots – 2 projects

- Scattered lots – minimum 12 new Ag lots – 2 acre lots
- Naiwa Ag Subdivision – 8 unencumbered lots

#### Kaupea, Phase 2

- 9 acres – 60 lots

#### East Kapolei, O`ahu

- The focus is to construct backbone infrastructure to support over 400 future units in terms of priorities, East Kapolei II – E, East Kapolei II – D, and East Kapolei II – F
- Construct backbone infrastructure first – roads, utilities
- Put out development agreements

#### Ma`ili Residential Development

- Approximately 40-acres
- A mixture of single-family lots and multi-family townhouses
- Approximately 250-340 units
- Development agreement basis

### DISCUSSION

Commissioner Ka`upu asked that he break down how many are rentals and how many are leases.

Commissioner Ka`upu stated the Department has not been able to sell all the homes it built in La`i `Opua. He is wondering if the market will support 400 more homes; is there a demand for it so it can be filled, and if it cannot be filled, maybe the Department has to do the rent to own or rent to rent option to provide homes. S. Matsunaga stated they are struggling with the rent-to-own because of the lack of availability of tax credit financing and the high demand, across the state, with Hawai`i Housing Finance & Development Corporation (HHFDC).

Commissioner Ka`upu asked what determines the size of the turnkey house, ex: 3 bedrooms, 2-baths. Does the Department do 1-bedroom and 1-bath? S. Matsunaga stated the project started as a land acquisition agreement, and the developer submitted a proposal inclusive of their menu of houses with options. The demand has been 3-4 bedrooms. They are still contemplating what the mix will be.

Commissioner Teruya asked for an update on the Ma`ili project- former Voice of America. She asked what was happening with the Ulu Ke Kukui Property. Chair Ailā stated he believes that Kali Watson recently received some funding from the County; however, that funding came with the requirement of doing an Environmental Assessment (EA). If the EA is not an issue, he can move forward with the project.

Land Development Agent Darrell Ing stated K. Watson is still having problems with his financing and could not get the Low-Income Housing Tax Credits. He is still trying to get some “Whole Money” from the City, which is contingent on him getting an EA done. The City stated an EA is now required and is not accepting the Department’s exemption. He may turn his back because he cannot get the financing together.

Commissioner Teruya asked if K. Watson could not get the financing and does the Department take it back. D. Ing stated by the development agreement K. Watson does have a timeline to meet, which is the beginning of 2023.

Chair Ailā stated because of the timeframe of the Legislation, supply chain issues, and the increase in construction costs; the Department will continue to ask for flexibility to respond to the influences or impacts.

Commissioner Ka`upu asked for background on two Kaua`i projects, Anahola Kuleana Phase 1, 20 pastoral lots, and Piilani Mai Kekai Phase 3, 41 lots.

S. Matsunaga stated:

Anaholo Kuleana Phase 1,

- EA completed
- Strong demand for pastoral and agricultural kuleana parcels
- G70 Consultants to do surveying and mapping
- 20 pastoral lots

Piilani Mai Kekai Phase 3

- 41 lots - leases
- Continuation of 181 lots
- 51 lots offered and all selected
- Planning completed
- Continue vacant lot awards for this area

Land acquisition of 300 lots

- Kaupea – 60 lots
- Central Maui – 200 lots

Commissioner Teruya asked if part of the \$600 million promised for Voice of America was because Senator Shimabukuro made a strong statement in their community. J. Masagatani stated the language of the legislation was very permissive to the Commission to determine how those resources are to be spent. In the Bill, there is no specific allocation for Voice of America. However, based on where the project is, the Voice of America is being considered because it is close enough to the development process to expedite within the Department's timeframe to spend the monies.

Commissioner Helm stated the Advertiser interviewed other entities regarding the \$600 million and their strategic plan. Chair Ailā stated the article he read was that the Sovereign Council of Hawaiian Homestead Associations (SCHHA) was meeting with homestead associations. The article stated that they would share their strategic plan with the Legislature and not necessarily with the Department.

Commissioner Ka`upu stated Castle & Cooke might be selling parcels of land on the North Shore. The Department does not have a presence on the North Shore regarding holdings, so would it be something of interest. J. Masagatani stated the Department had done preliminary due diligence on those formally owned Castle & Cooke lands when Senator Dela Cruz was interested in some land swaps. Development issues with that property led the Department to pause if it is the same property in the discussion. There were discussions with the University of Hawai`i regarding the Waile`e parcel located further down from Haleiwa, where the research station was. There was interest in providing those properties to DHHL. Chair Ailā stated the Department will always be open to acquiring lands; however, the focus is on lands that are ready to be developed. There is no shortage of people coming forward with land acquisition offers.

Commissioner Teruya asked about the Sheraton property in Makaha Valley. Chair Ailā stated he had inquiries, but the concern is that those parcels come with unilateral agreement responsibilities where the cost could exceed the acquisition. He knows of Makaha and the numerous bankruptcies that occurred. The Department could not afford

the offsite infrastructure required to encumber the land. Sewer improvements must be made from Makaha to the sewage system plant in Waianae. It would be a good deal otherwise.

Chair Ailā stated agenda Items G-2 and G-3 have been deferred to tomorrow's meeting.

**RECESS**

**4:18 PM**

**HAWAIIAN HOMES COMMISSION**  
Minutes of June 21, 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  
David B. Ka`apu, West Hawai`i Commissioner  
Michael L. Kaleikini, East Hawai`i Commissioner  
Russell K. Ka`upu, O`ahu Commissioner  
Pauline N. Namu`o, O`ahu Commissioner  
Dennis L. Neves, Kauai Commissioner  
Patricia A. Teruya, O`ahu Commissioner

**COUNSEL** Ryan Kanaka`ole, Deputy AG (via ICT)

**STAFF** Tyler I. Gomes, Deputy to the Chairman  
Leah Burrows-Nuuanu, Secretary to the Commission  
Andrew Choy, 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 9:33 a.m. nine (9) members were present in person at roll call.

Chair Ailā noted that Items G-2 and G-3 were carried over from yesterday`s meeting.

**PUBLIC TESTIMONY ON AGENDIZED ITEMS**

Technical difficulties. Continued after Item G-3.

## ITEMS FOR INFORMATION/DISCUSSION

### WORKSHOPS

### PLANNING OFFICE

#### **ITEM G-2 For Information Only – Quarterly DHHL Grants Program Update**

##### RECOMMENDED MOTION/ACTION

None. For Information Only. Acting Planning Manager Andrew Choy presented the following: Grants Specialist Gigi Cairel presented the update:

- 47 active grants – a combination of Native Hawaiian Rehabilitation Fund (NHRF), Trust funds, and State Grants in Aid
- 37 Non-profits have these active grants
- Some Associations have multiple grants (Exhibit A)
- All 5 Capacity Building Grants have been executed
- Original Plan Grants awarded on February, 7 of 9 have been fully executed
- 5 Associations are not in compliance with Hawai'i Compliance Express, and the Department cannot make final payment
- Hawai'i Alliance and Non-Profit Organizations, vendor on board to support the grants program to help with monitoring and tracking

##### DISCUSSION

Commissioner Helm asked what organization is Panaewa Community Alliance (PCA)? Gigi stated that PCA is the fiscal sponsor for Panaewa Hawaiian Home Lands. For grants, she only deals with Panaewa Community Alliance. Funding is already appropriated as a GIA and an old grant. They have not asked for additional funds as the project Kamoleau is stalled.

He asked if the Kalamaula Homesteaders Association's \$100,000 fund had been distributed to them. G. Cairel stated they have a balance of \$25,000. When executed, every grant is loaded up, and a check is cut right away.

Commissioner Kaleikini asked what the non-compliance for PCA is? G. Cairel stated the Hawai'i Compliance Express monitors the state tax, federal tax, DCCA, and the Department of Labor. PCA is consistently out of compliance.

Commissioner Ka'apu asked if PCA is not in compliance, is there an opportunity for Panaewa Hawaiian Home Lands Community Association (PHHLCA) to form another fiscal arm to administer the funds. The funds will continue to sit, and nothing is going to happen. Chair Ailā stated that is a question for legal advice.

A. Choy stated the funds were a Grant in Aid that the Legislature gave to the Panaewa Community Alliance. The funds referenced by Chair Ailā are the Memorandum of Understanding (MOU) funds. G. Cairel stated the Department would need legal advice because it is a contract, and they are like any other vendor. We would have to check with the Attorney General if a vendor can be changed. Once the Legislature gives out the funds, it is done.

Commissioner Awo stated he supports the feasibility study for the Waiehu Kou Community Center. G. Cairel stated they are a little behind in their report.

Commissioner Namu`o noticed there were no funds for Papakolea and Waimanalo. G. Cairel stated she had not seen applications for them in recent years. The only one in Waimanalo is Ke Kula Nui O Waimanalo, a statewide project for aquaponics.

Commissioner Helm asked about the “pending time extension” for Sons of Ho`olehua Corporative Sponsor. G. Cairel stated they have a time extension because they have one more site for their project. She gave them the go-ahead to keep continuing.

Commissioner Awo stated the Waichu Kou was not for a Community Center but a Community Garden.

**ITEM G-3 For Information Only – Water Policy Implementation Program Report for FY 2022 and Draft Water Policy Implementation Plan for FY 2023**

RECOMMENDED MOTION/ACTION

None. For Information Only. Planning Manager Andrew Choy and Water Consultant Dr. Jonathan Scheuer presented the following:

The Water Policy Plan (WPP) Implementation Program FY 2022 Report and 2023 Program Dr. Scheuer will cover:

- The HHC Water Policy Plan (WPP) Development and Content
  - a. Development: planning while doing, background research, scoping interviews, 2013 beneficiary meetings, key themes identified, February 2014 draft approved and ten more meetings, June 2014 approval
  - b. Content: vision, mission, values, policies, goals, implementation program  
Implementation program
  - c. Four Priority Goals: Affirmatively communicate, aggressively advocate, water assets inventory, watershed protection
- WPP IP Report FY 2022
  - a. Notable Accomplishments: Kualapu`u Moloka`i Water Use Permit, ongoing beneficiary training, groundwater reservation requests, county policy progress, Maui exemptions, Hawai`i funding, and water leasing advocacy
- WPP IP FY 2023
  - a. Major goals: continued training, NHRF advocacy, seeking reservations and water, monitoring other agencies, Legislative advocacy, and water source development
  - b. Budget: beneficiary training \$200,000; source development \$100,000/ Ka`u System Plan \$100,000; rate study \$200,000; customer education \$100,000; and all WPP IP \$180,000. (Subject to HHC approval of FY 2023 budget)

DHHL Planning System

- A multi-tiered plan

DISCUSSION

Commissioner Helm stated that Moloka`i people want to hook up to water meters. Is it safe to say with the Ho`olehua water system that these people can eventually hook up their water meters? Dr. Scheuer stated the Water Commission issued an increased water usage permit to the Department for Ho`olehua. The Department installed flow meters at the water pumps, showing a higher level of pumping than the Department was accustomed to. That was a concern. There should be some urgency in issuing water meters for residential purposes. The Department and the Commission have never had a consistent water allocation policy.

Commissioner Awo asked about Councilmember Kiani Rawlins' advocacy for water distribution with the Council and what it means for the beneficiaries. The change in County Ordinance eliminates the need for the Department of Water Supply to deny the delivery of water they have available in their system to the project, specifically Pu'unani. Dr. Scheuer stated it would require continued work with the Department of Water Supply.

Chair Ailā stated when the ordinance took effect the Department became qualified for workforce housing, their equivalent of affordable housing, which made allocation available to the Department from the Water Commission's increase via aquafer.

Commissioner Ka'apu stated it had been eight years since all the progress, and he appreciated Dr. Scheuer and Andrew's efforts. He heard that the County might grab the water from the East Maui water system and asked if there was information about how that would impact the beneficiaries. Dr. Scheuer stated Councilmember Shane Senenci proposed a bill that would put before the Maui County voters an amendment to the County Charter. Initially, it was to create an East Maui Authority as an entity eligible to get a government set aside or take over the water leases that East Maui Irrigation currently controls. The Department was asked to provide technical information and did present but did not take a position for or against the creation of a water authority, but did note the need for water reservation, the rights of the beneficiary for cultural practices, and the revenues.

Commissioner Awo stated he does support creating a public trust resource regarding the water. Have they done a study to know what is required to maintain a hundred-year system? Dr. Scheuer stated the human capital needed, and the cost of maintaining the system has been the reasons for pause from some of the Councilmembers wanting this before the voters. The Charter amendment that he reviewed did not mandate the taking over but empowered the County to be able to do this. Commissioner Awo stated what is required is how to manage a system that is very old, requiring special skill sets and monies.

Commissioner Kaleikini stated there have been initiatives at the Council level on Hawai'i island and asked if anyone reached out. Chair Ailā stated the Councilman reached out to the Department seeking technical expertise, and the Department testified to support having a seat on the Board. It is a non-voting seat. He received a response opposing the idea because he felt that the Department was giving something away; Dr. Scheuer stated the measure died Wednesday in front of the full Council last week, with four votes in favor and five against. Chair Ailā stated that the Department has been trying to get seats on all the water boards.

Dr. Scheuer stated the Commission on Water Resources Management unanimously voted to designate the entirety of West Maui, surface and ground, from Maalaea, Oluwalu to Honokohau, as a surface and groundwater management area. It was initiated by the Commission's staff, who saw certain areas where ground water was pumping over 100% of sustainable yield and the chlorides were rising.

Commissioner Ka'apu asked if it would affect Kahoma Stream and the ditch that flows through Honokowai; the ruling should assist the Department in acquiring additional water in those areas. Dr. Scheuer stated the Department did secure 2 million gallons daily and will work with the Commission to adopt that into rule making. It will enhance and further protect the Department's rights to that water.

Commissioner Helm asked about the Ualapu'e Homestead project and if there is a possibility of addressing the County for access to water. A. Choy stated the Department is going through the



process and intend to reach out to the County to service the new homestead lots. In 2020 the County of Maui Department of Water Supply filed a water use permit application for additional water from their system, about 20,000 additional gallons, to flush the closed-end system to keep the pipes operational. The Department still has to talk story with Maui County. Currently, the Department of Water Supply is updating its water use development plan for the island of Moloka`i.

## **PUBLIC TESTIMONY ON AGENDIZED ITEMS**

### **PT-1 Napua Hueau – Item F-2**

N. Hueau testified in opposition to the Right of Entry to Ka Ohana O Kahikinui for animal eradication from Kahikinui. She pointed out the scientific errors and lack of credibility in the presentation given yesterday by Kualii Camara and Julie Cachola.

- The presentation noted that cattle are the most destructive
  - False, a thesis was done by Emily Jean Felding and cited at Aha Alii.com/Kahikinui, goats are more destructive (goats, pigs, deer than cattle)
- J. Cachola mentioned the 1995 Forest Management Plan
  - Failed to include key aspects and historical plans
- “Management of the forest must come from an organization independent from other community development entities” to ensure the care of the forest could never be compromised.
- Kualii Camara is not from the island of Maui, conflicting that Kualii is the brother-in-law of Jacob Muse
- What happened to the Kahikinui Temporary Investigative Group (TIG) formed by the Commission in 2019, and did the Commissioner produce a report from the TIG.

### **PT-2 Faith Chase – Item F-2**

F. Chase testified that she is confused about why the ROE for Kahikinui was granted, and how the staff at DHHL can support the organization under scrutiny. The executive committee re-elected themselves and did not reach out to the beneficiaries. She stated she warned the Commission before and advised that they might need to seek extra insurance. She does see positive things happening in Kahikinui. Ka Ohana O Kahikinui (KOOK) is under investigation, and Kahikinui Hawaiian Homestead Association (KHHA) is not a bona fide non-profit yet. The two Associations do not have the bandwidth to decide on 44,000 acres of homesteads. She warned the Commission to slow its roll and talk to experts in the field. F. Chase stated she is a full-time Kahikinui homesteader.

**RECESS**  
**RECONVENED**

**10:57 AM**  
**11:24 AM**

## **GENERAL AGENDA**

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

#### **ITEM J-6 Dayne Kahau – Papakolea Lease**

**1:53:37 audio back on**

D. Kahau presented the Commission with a chronology of his father's lease situation. The material was distributed to Commissioners at the table. The lot in Papakolea on Moreira Street is still a 1-acre parcel. Property taxes were not paid for 14 years.

Chair Ailā asked if the family was trying to present new evidence and requested the Commission reconsider the decision.

Chair Ailā summarized for the Commission that a contested case was held, and neither party in the family prevailed. Currently, there is a succession issue with the 7,732 sq. ft. acre, and in doing so, the family is claiming that it is not supposed to be 7,732 sq. ft.; it is supposed to be 1 acre. This is the first time he has seen the copy for the 1-acre. He is trying to understand what their request is.

She stated the property had been abandoned because the nephew, the lessee, lives in Las Vegas. She showed J. Masagatani that it was abandoned.

Commissioner Ka'apu stated all they need to do is ask for a reconsideration. This is the J-Agenda. If the request is for a contested case, please submit it in writing, and the Commission will process it based on new evidence.

#### **ITEM J-7 Allen Cardines – Nanakuli Neighborhood Security Watch Updates**

A. Cardines shared that if there is one rotten apple in the family, it does not mean the whole family is bad. He stated that Uncle Alma Ayau and his two sisters are alive, wonderful, caring, compassionate, God-fearing people, even the children, and grandchildren. He wanted that on the record. No reflection on the one individual responsible for all the problems out there for the last 18-plus years.

Chair Ailā thanked Pastor Cardines and stated that once the legal process is done, the Commission can make that information available. He publicly acknowledged the Department of Transportation, Deputy Director Ed Sniffen, for helping to move the traffic calming project along.

#### **ITEM J-8 Ainaaloha Ioane & Keli Ioane – Kings Landing**

S. Ioane stated the kuleana lease to him is creative progress. He talked to Maile Shimabukuro to be able to live in a tent and get your lease because the lease is not for the lumber or electricity but the body, him. The lease has lost the priority of the kanaka body. He stated the body gets the 99-year lease, not the tent. The people living in the tents have no hope. He asked the Commission to get in there and get them out and to creatively understand that in tent cities for the people who only can afford tents, their na'au will not be scared living on the beach and having the stigma of 'poor thing'. He stated DHHL always behind the curb because it reacts. He stated there should be tent city leases. He wants to create a Hawaiian homestead that applies to economics.

Commissioner Ka'apu stated the people say just give us the land, and we know what to do. He understands what S. Ioane is saying. The problem is the Department has done that in the past, and

they turn around and sue the Department because they say no more road, no more water, no more sewer, all those things.

Chair Ailā asked those on the J-Agenda to wait a little longer as the Commission breaks for an executive session.

MOTION/Action

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.

**EXECUTIVE SESSION IN**

**12:09 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

**EXECUTIVE SESSION OUT**

**1:46 PM**

**ITEMS FOR DECISION MAKING**

**REGULAR AGENDA**

Chair Ailā stated the Commission was doing Item F-3 for one of the Rights of Entry Renewals cancellations yesterday. He asked DAG Ryan Kanaka`ole if the Commission could revisit a cancellation done on the agenda yesterday on a Right of Entry.

Commissioner Ka`upu stated yesterday Acting Land Management Administrator Kahana Albinio presented a list of ROEs for annual renewal noting three in default. The action taken by the Commission was to approve the renewal of the list except for those three in default. One of the cancellations is requesting to be renewed for a good reason.

DAG Kanaka`ole stated Robert's Rules would suggest a motion to reconsider. The motion would have to reconsider the entire agenda item. The Commission then can reconsider the item

**ITEM F-3      Approval to Issue Annual Renewal of Right of Entry Permit(s), O`ahu island (see exhibit)**

MOTION TO RECONSIDER

Moved by Commissioner Neves, seconded by Commissioner Ka`upu, to reconsider Agenda Item F-3.

DISCUSSION

Chair Ailā stated there had been communication with one of the ROE holders who has been delinquent. There is the possibility of that ROE holder bringing his arrears up and having a sub-lessee. That sub-lessee would be the gentleman who presented during the public testimony looking for land for his trucks.

K. Albinio stated the lease allows the lessee to sub-lease a portion of his parcel, subject to the Chairman’s approval. Commission Awo asked if it would be built into the right of entry. K. Albinio stated it is already in the right of entry. It is a clause and listed as one of the conditions.

Commissioner Ka`apu stated that when the Commission implements the ROE Program, this person has to go back into the pool of all applicants. K. Albinio stated that if he wants a separate parcel by himself, he has to go back into the pool of applicants. Once the ROE Program is implemented, every single ROE will be new. It will be open season for the ROE Program.

Commissioner Neves stated if there is going to be sub-leasing, it should come back to the Commission, not just the Department. Chair Ailā stated they have that condition under the right of entry because the revocable permits had that ability. All the revocable permits were turned into rights of entries. K. Albinio stated he stands correct as the clause states, “no other use shall be permitted without the express written approval of the permitted, who is DHHL. Commissioner Neves asked if the new permits would be revocable, right. K. Albinio stated that is correct. It is under the same HRS Statute 171.55. The department can cancel a Right of Entry Permit with proper notice.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Ka`upu, to approve the motion to Reconsider Item F-3.						
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		X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- Nine (9) Yes votes.						

DAG stated now it is the reconsideration of the motion as it was passed. The wording as it was passed from yesterday is now on the floor.

MOTION TO AMEND

Moved by Commissioner Neves, seconded by Commissioner Ka`apu to amend the motion to include ROE 363 with the conditions specified and stated in the submittal, minus the 2-highlighted delinquent lots.						
Commissioner	1	2	`AE (YES)	A`OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka`apu		X	X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			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.						

DISCUSSION

DAG Kanaka`ole stated the motion is now amended. The ROE excluded yesterday is now included, subject to three conditions. To correct the record, typically, ROEs do not allow sub-tenant assignment, so this ROE would be conditioned on the potential of allowing sub-tenancy.

Chair Ailā asked DAG Kanaka`ole if that clause is okay with just one. DAG Kanaka`ole stated he was referring to template language that he had seen regarding no assignment or sub-lease. In transactions, these conditions can be taken out and included, and the prohibition in this situation is being amended and changed. The amended motion is before the Commission, and there needs to be a final vote to approve the amended motion.

K. Albinio confirmed the following conditions: (1) the tenant becomes current in his delinquency, (2) the sub-tenant pay their rent directly to DHHL, (3) the clean up of the property will be done by the sub-tenant.

AMENDED MOTION

Moved by Commissioner Ka`upu, seconded by Commissioner Kaleikini to approve the amended motion with the following conditions: (1) the tenant becomes current in his delinquency, (2) the sub-tenant pay their rent directly to DHHL, (3) the cleanup of the property will be done by the sub-tenant.

DISCUSSION

Commissioner Awo asked DAG Kanaka`ole if this is typically not allowed in a Right of Entry, is there anything the Commission should be concerned about or thinking about with the latest motion.

DAG Kanaka`ole stated regarding concerns he asked that they discuss it in executive session because that concern regards liabilities.

MOTION

Moved by Commissioner Awo, 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.

**EXECUTIVE SESSION IN 2:12 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:

ITEM F-3 Approval to Issue Annual Renewal of Right of Entry Permit(s), O`ahu island

**EXECUTIVE SESSION OUT 2:25 PM**

DAG Kanaka`ole stated the motion on the floor is to approve the amended motion to renew the ROEs as listed inclusive of ROE 636, except the 2 that were excluded, subject to three conditions.

ACTION

Moved by Commissioner Ka`upu, seconded by Commissioner Kaleikini to approve the amended motion to renew the ROEs as listed inclusive of ROE 636, except the 2 that were excluded, subject to the following conditions: (1) the tenant becomes current in his delinquency, (2) the sub-tenant pay their rent directly to DHHL, (3) the cleanup of the property will be done by the sub-tenant.						
Commissioner	1	2	`AE (YES)	A`OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm			X			
Commissioner Ka`apu			X			
Commissioner Kaleikini		X	X			
Commissioner Ka`upu	X		X			
Commissioner Namu`o			X			
Commissioner Neves			X			
Commissioner Teruya			X			
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously- Nine (9) Yes votes.						

**ITEM J-9 Blossom Feiteira – Various**

B. Feiteira recommended applying mortgage subsidies as a one-time deal so there is no doubt when those subsidies run out, for Item C-2.

Item H-1, she requested re-instating the homestead position on Maui. Since the removal of that position, the level of service has decreased dramatically.

Item D-8, empty leases. She requested the Department take the leases back from the people that do not want the leases. There are people on the waitlist that want the lease.

Item G-1, there are entities that affect the beneficiaries from moving forward with the Department and Hawai`i Community Assets (HCA) is trying to help the beneficiaries with getting through the

mortgage process. HCA helps to identify what the barriers are for the beneficiaries, and how to move forward.

**ITEM J-11 Lilian Kaeha – the original PPHLCA**

L. Kaeha stated she is the President of the original Panaewa Hawaiian Home Lands Community Association (PPHLCA). She had two requests, (1) for the Commission to end the moratorium and to re-instate the original PPHLCA. They have tried to resolve the issue with Kauai Almeida, but she did not agree. (2) regarding Kamoleao, requested an update on Kamoleao. Chair Ailā stated the Department can give her an update in about a week. She asked if the Department allowed sub-leasing to Kauai Almeida's illegal organization on Kamoleao as she heard they were building two imu. Chair Ailā stated the Department will respond in writing.

**ITEM J-12 Kaulani Almeida – PPHLCA**

K. Almeida she stated they put up a 20-foot by 40-foot tent at Kamoleao as a gathering place called Hale Halawai. They are in the process of establishing a non-profit called Panaewa Homestead Community Development Corporation (PHCDC). They registered with the Department of Interior as a recognized HBA homestead association. The Association voted in January that all WCI \$30,000 annual restricted funds go towards the Kupuna Legacy Kamoleao project as intended. Their immediate need and request is for a DHHL grant, or to have access to the Waiakea Community Benefit Contribution that is in account of \$150,000. A request for \$40,000 was also made for fees and work to be done and the imu project.

She has called Land Management Division and Planning Office but has not received any response. Chair Ailā stated the Kamoleao plan has two licensees to that property and both licensees should have a discussion amongst themselves and come to an agreement and present to the Commission for approval. For the purposes of managing the property, the two associations must co-manage that property. She asked the Department to stop interfering in the sovereignty of their association. Chair Ailā stated the Department is not interfering. She stated that she received an email from K. Albinio that pretty much said he accepted a claim and that PCA is nothing else except a fiscal sponsor. Chair Ails stated they are co-lessee. She responded right. She stated at the last meeting she asked for the Department's assistance.

Commissioner Kaleikini stated there two licensees at Kamoleao, PCA and PPHLCA, and from the Department's perspective, it has certificates of good standing with PPHLCA. Because there are two licensees for Kamoleao, those two licensees have to work something out. There is an ask from the Commission's attorneys on how to work this out. Chair Ailā stated for the past funding in the GIA and for the Community Benefits package the Department is waiting on legal advice. PPHLCA is eligible to apply for the grants coming up in November. Chair Ailā stated they can go ahead and establish their own, however, there were legal contracts made with PCA, for the two sources of funding, the Grant in Aid (GIA), and the Community Benefits package. The Department cannot move on them until it gets legal advice.

**ITEM J-14 Emmitt Freitas – Kahikinui**

E. Freitas presented a slide of the Kahikinui Freitas Family Farm & Ranch DBA Zenuru Ho'olako. The Farm Ranch Success are as follows:

- Water Delivery for Homesteaders
- Animal Husbandry, Rotational Grazing, Soil Remediation for Fire Mitigation
- Farming, Food Security

- Homestead House Building Support
- Watershed Grant Work
- Subsistence Living

Chair Ailā asked E. Freitas to summarize his ask to the Commission. He is asking for funding. Chair Ailā asked that he put his request in writing and prepare for the next grant cycle.

**ITEM J-15      Kekoa Enomoto – Maui/Lanai Moku-puni Council**

K. Enomoto stated she is advocating for (1) undivided interest lesseeship, (2) for a Maui project manager, and (3) Pa`upena’s 2-years due diligence right of entry to an upcountry lot.

Commissioner Awo asked if she would like to advocate for filling all 5 positions on Maui. K. Enomoto responded absolutely.

**ITEM J-17      Annette and Mathew Kailihou – Lease**

M. Kailihou is a resident of the Paukukalo Homestead. He asked for the Commission’s help for funding as the foundation of his home is unsafe and uninhabitable. The house is termite infested. If there are any resources that he can access.

Chair Ailā stated he will ask Lehua Kinilau-Cano or a staff member to reach out to him. He was told that the NAHADA staff has reached out to him and waiting for him to provide them with information. M. Kailihou stated they have not received anything yet. Chair Ailā asked him to provide an email address and a mailing address off line, photographs of the damages he described would also be beneficial.

Commissioner Helm asked if he is asking for a remodel of his home or to rebuild. M. Kailihou stated it is beyond remodeling, he has to rebuild a new home.

Commissioner Awo asked that the Commission explore all viable opportunities. He also asked M. Kailihou to consider what are the requirements for making a loan. M. Kailihou would like to get a timeline so he knows.

The following items were unavailable.

- ITEM J-1      Kaleo Cullen – Kahikinui Parcel**
- ITEM J-2      Al Hee - Telecommunications**
- ITEM J-3      Alfred Spinney – Application Waitlist**
- ITEM J-4      Malia Greaney – Moloka`i Water System Improvements**
- ITEM J-5      Bo Kahui – La`i`Opua**
- ITEM J-10     Homelani Schaedel - Maluohai**
- ITEM J-13     Kealii Kahaapea – Project Kamoleao**
- ITEM J-16     Robin Kealiinohomoku – Cancellation of Hawaiian Homes Application**



**ANNOUNCEMENTS AND ADJOURNMENT**

**NEXT MEETING**

The next HHC meeting will be held on July 18 & 19, 2022, Monday & Tuesday, Kapolei, Oahu

**MOTION/ACTION**

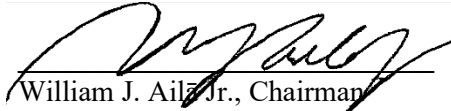
Moved by Commissioner Helm, seconded by Commissioner Kaleikini, to adjourn the meeting.

Motion carried unanimously.

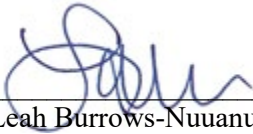
**ADJOURNMENT**

**3:26 PM**

Respectfully submitted:

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

Prepared by:

  
\_\_\_\_\_  
Leah Burrows-Nuuanu, Commission Secretary  
Hawaiian Homes Commission

Attachments: